

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, August 19, 2025

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1

Council Member Dr. D'Andre Jones Ward 1

Council Member Sarah Moore Ward 2

Council Member Mike Wiederkehr Ward 2

Council Member Scott Berna Ward 3

Council Member Sarah Bunch Ward 3

Council Member Teresa Turk Ward 4

Council Member Min. Monique Jones Ward 4

Mayor Molly Rawn

City Attorney Kit Williams

City Clerk Treasurer Kara Paxton

Meeting Information:

1. Webinar ID: 827 0677 3988
[Public Registration Link: https://us06web.zoom.us/join/82706773988](https://us06web.zoom.us/join/82706773988)
AgendaItemComment@Fayetteville-AR.GOV

Call to Order**Roll Call****Pledge of Allegiance****Mayor' s Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items**

1. Sales Tax & Monthly Financial Report - Chief Financial Officer

Proposed Agenda Additions**A. Consent**

- A.1.** Approval of the August 5, 2025 City Council Meeting Minutes
- A.2.** A resolution to approve an agreement with Waste Management for the hauling and disposal of solid waste in the City of Fayetteville for a period of 2 years with automatic renewals for two additional 2 year terms. (2025-1360)
- A.3.** A resolution to approve an agreement with Hogbox for the hauling and disposal of solid waste in the City of Fayetteville for a period of 2 years with automatic renewals for two additional 2 year terms. (2025-1361)
- A.4.** A resolution to approve a budget adjustment in the amount of \$30,296.00 recognizing 2025 Community Development Block Grant Program income received from a housing lien payoff. (2025-1364)
- A.5.** A resolution to approve the 2025 Community Development Block Grant Action Plan, to authorize Mayor Rawn to execute the CDBG and Home Investment Partnerships Grant agreements for 2025 when received in the total amount of \$1,270,869.67, and to approve a budget adjustment. (2025-1373)

- A.6.** A resolution to authorize Mayor Rawn to convey a 1,930 square foot right of way and easement to Southwestern Electric Power Company for utility relocations associated with the Buddy Hayes Park Improvement Project. (2025-1375)
- A.7.** A resolution to approve a one-year contract with Kutak Rock, LLP pursuant to RFQ 25-06 for bond counsel services as needed with four one-year renewal options. (2025-1282)
- A.8.** A resolution to authorize a grant agreement with the Northwest Arkansas Regional Planning Commission for funding in the amount of \$203,317.25 to support transit stop improvements, and to approve a budget adjustment recognizing the grant funds and matching funds from Ozark Regional Transit and Razorback Transit. (2025-1320)
- A.9.** A resolution to authorize an agreement with Crafton Tull and Associates, Inc. for design phase services for the Gregg Avenue Safe Streets and Roads for All project in an amount not to exceed \$227,860.00, and to approve a budget adjustment. (2025-1412)

B. Unfinished Business

- B.1.** An ordinance to improve communications and advice from Fayetteville residential renters by creating a Residential Renters' Committee. (Formerly seen as: An ordinance to establish the Fayetteville Renters' Council) (2025-840)

For additional agenda item history from June 17, 2025 to July 15, 2025 please contact the Office of the City Clerk Treasurer.

At the August 5, 2025 City Council meeting, this ordinance was amended, left on the second reading and tabled to the August 19, 2025 City Council meeting.

- B.2.** A resolution to express the City Council's intent to provide \$70,000.00 in matching funds to the Salvation Army for an emergency solutions grant from the US Department of Housing and Urban Development, contingent upon the award of that grant. (2025-1422)

At the August 5, 2025 City Council meeting, this resolution was tabled to the August 19, 2025 City Council meeting.

C. New Business

- C.1.** An ordinance to establish the City of Fayetteville firefighter's Bill of Rights that provides basic protections for firefighters regarding personnel disciplinary and promotional actions. (2025-1411)

- C.2.** An ordinance to approve VAC-25-15 for property located at East Martin Luther King, Jr. Boulevard and South College Avenue in Ward 1 to vacate approximately 0.04 acres of right-of-way. (2025-1355)
- C.3.** An ordinance to rezone the property described in Rezoning Petition RZN 2025-25 for approximately 180.84 acres of City park properties located in all four wards from various zoning districts to P-1, Institutional. (2025-1392)
- C.4.** An ordinance to approve a Residential Planned Zoning District entitled PZD-2025-002 for approximately 66.78 acres located southeast of North Double Springs Road and West Dot Tipton Road in Ward 4. (2025-1354)
- C.5.** A resolution to grant the appeal of Council Members Sarah Moore, Teresa Turk, and Mike Wiederkehr and deny Conditional Use Permit CUP 2025-025 for a type 2 short-term rental at 421 West Ila Street in Ward 2. (2025-1356)
- C.6.** A resolution to grant the appeal of Council Members Sarah Bunch, Sarah Moore, Teresa Turk, and Mike Wiederkehr and deny Conditional Use Permit CUP 2025-026 for a type 2 short-term rental at 463 West Ila Street in Ward 2. (2025-1359)
- C.7.** A resolution to request the prompt updating of the Trash and Recycling Master Plan of 2017 to analyze the advisability of transitioning to single stream recycling. (2025-1515)
- C.8.** A resolution to approve the purchase of six Peterbilt recycling trucks from Arkansas Municipal Equipment in the total amount of \$2,510,052.00, plus any applicable surcharges, freight charges, and delivery fees, pursuant to a Sourcewell Cooperative Purchasing Contract, and to approve a budget adjustment. (2025-1344)

D. City Council Tour

E. Announcements

E.1. Board, Committee, Commission Vacancies Advertisement:

The Office of the City Clerk Treasurer is currently accepting applications for board, committee, and commission vacancies. Applications must be submitted by 5:00 p.m. on Friday, August 22, 2025.

F. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment. When the Mayor or Chair recognizes you, please start your public comment by giving your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn to speak for discussion of an agenda item.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda Additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If a Council Member wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Unfinished Business and New Business:

Overview Period: Agenda items at a City Council meeting shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, appellant from a final decision of the Planning Commission or City Staff, etc.) may present its proposal only during this presentation period but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time.

Public Comments: Public comment at a City Council meeting shall be allowed on all items of unfinished and new business and subjects of public hearings. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item or amendment being considered by the City Council. The City Council may allow a speaker additional time by unanimous consent or majority vote. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their three (3) minutes presentation period concerning the agenda item being considered by the City Council.

Courtesy and Respect: All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. Any

member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Cell Phones and Pagers: Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

Smoking Prohibited: There will be no smoking allowed in the City Council Chambers during City Council meetings.

Interpreters or Telecommunications Devices for the Deaf (TDD), for hearing impaired are available for all City Council meetings, a 72-hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available on our website at www.fayetteville-ar.gov or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Peter Nierengarten, Environmental Director
FROM: Daryl Brigman, Financial Analyst - RTC
SUBJECT: **A resolution to approve an agreement between the City of Fayetteville, Arkansas and Waste Management to haul and dispose of solid waste in the City of Fayetteville**

RECOMMENDATION:

Staff recommends City Council approve an agreement with Waste Management for the hauling and disposal of solid waste in the City of Fayetteville.

BACKGROUND:

City Code 50. 29 - Private Collectors; Contract with City Required

No person, except a duly authorized agent or employee of the city, shall empty garbage or trash receptacles, or convey or transport garbage or trash on the streets or public thoroughfares of the city, without a written contract with the city. (Code 1965, § 10- 46; Ord. No. 1194, 4- 6- 59; Code 1991, § 50. 29)

In accordance with this City Code, Waste Management has submitted a request for a contract to haul solid waste within the city limits of Fayetteville.

There are currently 22 approved franchise haulers operating in the city of Fayetteville.

DISCUSSION:

The hauling contract will permit Waste Management to collect and haul Class 1 and Class 4 solid waste using open-top roll-off style containers with capacities of 12 cubic yards or greater, or roll-off style compactors with capacities of 12 cubic yards or greater. No unseparated recyclables, with the exception of construction/demolition waste, shall be hauled from any customer within the corporate limits of the City of Fayetteville.

The agreement requires Waste Management to pay a monthly fee to the City of Fayetteville of 10% of the gross revenue received for providing solid waste hauling services.

The term of the agreement will be 2 years with automatic renewals for 2 additional 2- year terms. Staff proposes approval for Waste Management to haul and dispose of solid waste within the City of Fayetteville per the terms of the attached agreement.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS: 3. Staff Review Form, 4. Waste Management Agreement

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1360

A RESOLUTION TO APPROVE AN AGREEMENT WITH WASTE MANAGEMENT FOR THE HAULING AND DISPOSAL OF SOLID WASTE IN THE CITY OF FAYETTEVILLE FOR A PERIOD OF 2 YEARS WITH AUTOMATIC RENEWALS FOR TWO ADDITIONAL 2 YEAR TERMS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with Waste Management, a copy of which is attached to this Resolution, for the hauling and disposal of solid waste in the City of Fayetteville for a period of 2 years with automatic renewals for two additional 2 year terms.

City of Fayetteville Staff Review Form

2025-1360

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Daryl Brigman

7/29/2025

RECYCLING/TRASH COLLECTION (750)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve an agreement between the City of Fayetteville, Arkansas and Waste Management to haul and dispose of solid waste in the City of Fayetteville

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

AGREEMENT TO HAUL AND DISPOSE OF SOLID WASTE IN THE CITY OF FAYETTEVILLE

This Agreement (the "Agreement"), is entered into on this 7 day of July 2025, between the City of Fayetteville, Arkansas, a municipal corporation (the "City"), and WM Springfield, MO (the "Hauler"), and shall be in full force and effect on the date first written above, City and Hauler agree as follows:

1. The term of this Agreement shall be for two (2) years, with automatic renewals for two (2) additional two (2) year terms, unless otherwise terminated pursuant to the terms hereof. Notice of non-renewal by either City or Hauler shall be given at least thirty days prior to the end of the current term.
2. Hauler agrees that from and after the original date of this Agreement, all customer service Agreements for facilities within the corporate limits of the City, excluding residential areas, entered into before or after the effective date of this Agreement, or renewed shall have terms of no more than one (1) year and any subsequent extensions shall be for terms of no more than one (1) year. No customer service Agreement shall extend the terms of this Agreement.
3. Hauler agrees and understands that it may only collect and haul Class 1 and Class 4 Solid Waste and/or Recyclables using the type equipment commonly referred to as open-top roll-off style containers with capacities of twelve (12) cubic yards or greater, or roll-off style compactor containers with capacities of twelve (12) cubic yards or greater, containing waste generated from industrial, large commercial or construction/demolition activities, or which is classified as Special Waste, Hazardous Waste, grease or any other type Solid Waste which requires special handling or disposal. Hauler shall not collect any Class 1 or Class 4 material in other containers. No unseparated recyclables, with the exception of construction/demolition waste, shall be hauled from any customer within the corporate limits of the City of Fayetteville. All hauled waste and/or recyclables shall be suitably enclosed or covered as to prevent roadside littering.
4. In consideration of the right to provide the hauling of solid waste and/or recyclables described in Item #3 above, Hauler agrees and understands that it shall be required to pay a monthly fee of: ten (10%) percent (the "Solid Waste Fee") of the gross revenue received for providing solid waste hauling services and five (5%) percent (the "Recycling Fee") of the gross revenue received for providing the hauling of recyclables or construction/demolition waste to a permitted construction and demolition waste sorting facility. Any construction/demolition waste that is not hauled to and accepted by a permitted construction and demolition waste sorting facility or any recyclables not accepted by a recycling facility or recycling broker shall be subject to the 10% Solid Waste Fee.
5. Hauler agrees and understands that it shall deliver all Class 1 waste to a properly licensed landfill facility and all Class 4 waste to a properly licensed landfill facility or a properly licensed construction and demolition waste sorting facility. Hauler shall pay all tip fees to the construction and demolition waste sorting facility operator, transfer station fees to the transfer station operator and all landfill fees to the landfill operator, as they may be established and amended, from time to time.
6. Hauler shall pay all fees due hereunder, along with submitting "Attachment A: Solid Waste Documentation", or page 1 of Attachment A in conjunction with an agreed upon vendor generated report, on or before the 15th of each calendar month for the immediately preceding calendar month.

Payments of fees received after the due date shall be assessed a 10% penalty per month. If Hauler fails to pay the fees within forty-five (45) days of the due date, the City may terminate this Agreement upon delivery of one (1) written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) Hauler's worksheet calculating the fees remitted; (ii) a list of payments received from customers within the City; (iii) such list shall clearly indicate whether each payment was from a permanent or temporary customer, and (iv) the fee shall be based upon all activity from each customer account within the City, and shall include the normal billing charges for all free or discounted services (including those for non-profit organizations) including but not limited to delivery, pull charges, disposal charges, transportation charges, final pull charges, and return charges. With payment remittance, the City will review and obtain certain trade secret information, including rates, frequency of service, customer lists, and other customer information ("Confidential Information"). The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if disclosed would give advantage to competitors."

7. Hauler shall pay all fees due hereunder, along with submitting "Attachment B: Recycling Documentation", on or before the 15th of each calendar month for the immediately preceding calendar month. Payments of fees received after the due date shall be assessed a 10% penalty per month. If Hauler fails to pay the fees within forty-five (45) days of the due date, the City may terminate this Agreement upon delivery of one (1) written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) volumes of recycling collected, in tons, by commodity, with disposition by destination market, for all recycling; (ii) volumes of construction and demolition waste delivered to permitted construction and demolition waste sorting facility and percentage of material recovered. (iii) Hauler's worksheet calculating the fees remitted; (iv) a list of payments received and locations from customers within the City; (v) such list shall clearly indicate whether each payment was from a permanent or temporary customer, and (vi) the fee shall be based upon all activity from each customer account within the City, and shall include the normal billing charges for all free or discounted services (including those for non-profit organizations) including but not limited to delivery, pull charges, disposal charges, transportation charges, final pull charges, and return charges. With payment remittance, the City will review and obtain certain trade secret information, including rates, frequency of service, customer lists, other customer information, and contracts with recyclers and processing mills ("Confidential Information"). The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if disclosed would give advantage to competitors."
8. The City shall have the right to conduct an audit of Hauler's customer files and records for all customers located within the City, provided that such audit privilege shall be limited to once per calendar quarter. The audit may be conducted by City staff or by a third-party external auditor chosen by the City. If such audit reveals the Hauler should have paid at least 5% more than reported, the cost of the audit shall be paid by the Hauler to the City. During such audit, the City may review and obtain certain trade secret information, including rates, frequency of service, customer lists, and other customer information ("Confidential Information"). This information shall not be divulged to any third party (not including any third-party external auditor) by the City, its employees, officers, or elected officials without the express written consent of the Hauler, or as otherwise required by law. The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if

disclosed would give advantage to competitors." Any Confidential Information provided by Hauler to the City or the third-party external auditor will only be reviewed by City financial staff and will not be made available to City solid waste staff.

9. The City will advise Hauler of any request for information which the City, at the City's sole discretion, determines to be non-disclosable or otherwise subject to an exemption from disclosure under the Arkansas Freedom of Information Act. If a court of competent jurisdiction determines that said requested information is disclosable or otherwise is not exempt from disclosure under the Arkansas Freedom of Information Act, the City will comply with said finding and notify Hauler. Discovery requests made to the City during the course of any litigation, or any other subpoena or court order issued to the City for information or records related to Hauler and this Agreement, shall be promptly made known to Hauler.
10. Hauler agrees and understands that it shall submit to the City by June 30th on an annual basis: (i) a list of all commercial vehicles used to provide services in the City; (ii) proof of appropriate vehicle registration; (iii) and proof of the insurance required in the Agreement.
11. Hauler agrees and understands that it shall provide by June 30th on an annual basis: (i) a list of vehicle operators collecting and hauling waste in the City of Fayetteville; (ii) proof of their valid and appropriate commercial drivers' licenses; (iii) and the provision, maintenance, and implementation of a plan to ensure that the vehicle operators maintain their commercial driver's licenses in accordance with applicable federal and state laws.
12. Hauler agrees that it shall provide by June 30th on an annual basis copies of valid and current hauling and disposal permits from the Arkansas Department of Environmental Quality, the Solid Waste District with jurisdiction, and any local permitting agency.
13. Hauler agrees that it shall comply with all federal, state and local laws applicable to the safety, environmental and transportation matters related to providing solid waste collection services under this Agreement. Hauler agrees that all open-top roll-off style containers will be properly covered during transit on streets and highways within Fayetteville.
14. The City reserves the right to inspect all vehicles and containers to ensure that the vehicles are safe and well-maintained and that all containers are well-maintained and water tight, if necessary.
15. If Hauler utilizes the City's transfer station, Hauler agrees and understands that it shall be required to establish an individual credit or service relationship with the City of Fayetteville transfer station operator. Hauler agrees that it shall comply with all practices, policies and procedures as established by the transfer station operator from time to time. Any tipping fee deposits required by the transfer station or landfill operators shall be refunded, less any unpaid tipping fees, when the Hauler ceases hauling activities governed by this Agreement.
16. This Agreement has been entered into freely and voluntarily by Hauler which agrees to abide by all of the terms and conditions as a matter of contractual obligation pursuant to applicable City ordinances. This is a contractual Agreement and is not intended to be part of or relate in any way to any license or ordinance created pursuant to A.C.A. §26-77-102.
17. Neither this Agreement, nor any rights or obligations hereunder may be assigned or transferred to any third part or affiliate.

18. For the purpose of this contract, the Point of Contact for the City of Fayetteville shall be the City's Environmental Director. The Point of Contact for the Hauler shall be Tomic Vernon. Communications pertaining to day-to-day aspects of this contract shall be through these individuals. Either party may change its designated Point of Contact upon ten (10) days prior written notice to the other party.
19. Hauler agrees to protect, indemnify, defend and save harmless the City, its officials, officers, employees, agents, subcontractors, representatives and assigns from any loss, claim, liability, penalty, fine, forfeiture, demand cause of action, suit and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), to the extent caused by (i) Hauler's breach of any term, condition, covenant or warranty contained in this Agreement, or (ii) Hauler's negligent act or omission or willful misconduct related to the delivery of waste to the City transfer station or a properly licensed landfill facility.
20. Insurance: Hauler shall maintain the following insurance coverage during the term of this Agreement:
- a) Hauler shall provide and maintain, during the term of this Agreement, comprehensive general liability insurance, to protect against all claims arising out of the performance of its services hereunder that result in bodily injury, death or property damage. The policy or policies shall contain a clause that the insurer will not cancel or decrease the insurance coverage without first giving the City sixty (60) days notice in writing.
 - b) Upon written request, Hauler shall furnish the City with evidence that the insurance required of it is in force.
 - c) City will be added as an additional insured on General Liability and Auto Liability policies.
 - d) The types of coverage and limits of liability of all insurance required herein shall be as follows:

COVERAGE	LIMITS OF LIABILITY
Worker's Compensation	Statutory
Employer's Liability	\$500,000
Bodily Injury Liability except Automobile	\$1,000,000 each occurrence
Property Damage Liability Except Automobile	\$1,000,000 each aggregate
Automobile Bodily Injury	\$1,000,000 each person
Comprehensive General Liability	\$1,000,000 each occurrence
Automobile Property Damage Liability	\$1,000,000 each occurrence
Excess Umbrella Liability	\$1,000,000 each occurrence

21. Termination:

- a) Except as otherwise provided herein, if Hauler breaches this Agreement or defaults in the performance of any of the requirement or conditions contained herein, and such breach continues for fifteen (15) days after the City has given the Hauler written notice of such breach or default, the City may: (i) terminate this Agreement no sooner than thirty (30) days after the date of written notice of such breach or default; (ii) cure the breach or default at the expense of the Hauler; and/or (iii) exercise any right or remedy to which it may be entitled by law.
 - b) The City may terminate this Agreement upon written notice to the Hauler if the Hauler makes an assignment for the benefit of creditors, or files a voluntary petition in bankruptcy, receivership or insolvency, or files an answer in any involuntary proceeding of that nature admitting the material allegations of the petition, or if a proceeding in bankruptcy, receivership or insolvency shall be instituted and such proceeding is not dismissed within sixty (60) days.
 - c) In the event that this Agreement is terminated for any reason, any amounts payable to the City by Hauler for services rendered for any reason whatsoever shall become immediately due and payable as of the date of such termination.
22. All notices required or permitted under this contract shall be submitted in writing to the other party of this contract by electronic mail, return receipt requested, and by U.S. Mail, which notice shall be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville
Environmental Director
113 West Mountain Street
Fayetteville, AR 72701

W M Springdale Hauling
Attn: *Tamie Vernon*
1241 Arbor Acres Rd
Springdale, AR 72762

23. Hauler agrees and understands that this Agreement and documents submitted to the City pursuant hereto are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville requesting such non-exempt documents, such non-exempt documents shall be provided in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (Ark. Code Ann. § 25-19-101 et seq.). Only legally authorized photocopying costs may be assessed for this compliance.
24. This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas. Capitalized terms herein shall have the same meaning as set forth in ADEQ Reg. No. 22.
25. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of either party's right to seek appropriate remedies for any other breaches by either party.
26. Each paragraph of the Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.
27. This contract constitutes the entire understanding of the parties and no Notification or variation of the terms of this contract shall be valid unless made in writing and signed by the duly authorized agents of the City of Fayetteville and the Hauler.

28. Each of the undersigned warrants that he or she has the full right, power, and authority to execute this contract on behalf of the party indicated for the purposes herein contained.
29. To the extent a definition or a specific term is not provided herein but is nonetheless required by the context, it is the intention of the parties to incorporate herein the definitions contained in applicable law and regulation in effect as the date hereof, except to the extent subsequent law or regulation shall expressly or implicitly mandate a revised definition.
30. The obligations of the parties to this Agreement, which by their nature would continue beyond the termination, cancellation or expiration of this Agreement, shall survive the termination (for any reason), cancellation or expiration of this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

CITY OF FAYETTEVILLE

WM Springdale Housing

By: _____
MOLLY RAWN, Mayor

By: Trent Parker District Manager
NAME, Title

ATTEST:

WITNESS:

By: _____
KARA PAXTON, City Clerk/Treasurer

By: _____



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Peter Nierengarten, Environmental Director
FROM: Daryl Brigman, Financial Analyst - RTC
SUBJECT: **A resolution to approve an agreement between the City of Fayetteville, Arkansas and Hogbox to haul and dispose of solid waste in the City of Fayetteville**

RECOMMENDATION:

Staff recommends City Council approval of a resolution with Hogbox for the hauling and disposal of solid waste in the City of Fayetteville.

BACKGROUND:

City Code 50. 29 - Private Collectors; Contract with City Required

No person, except a duly authorized agent or employee of the city, shall empty garbage or trash receptacles, or convey or transport garbage or trash on the streets or public thoroughfares of the city, without a written contract with the city. (Code 1965, § 10- 46; Ord. No. 1194, 4- 6- 59; Code 1991, § 50. 29)

In accordance with this City Code, Hogbox has submitted a request for a contract to haul solid waste within the city limits of Fayetteville.

There are currently 22 approved franchise haulers operating in the city of Fayetteville.

DISCUSSION:

The hauling contract will permit Hogbox to collect and haul Class 1 and Class 4 solid waste using open-top roll-off style containers with capacities of 12 cubic yards or greater, or roll-off style compactors with capacities of 12 cubic yards or greater. No unseparated recyclables, with the exception of construction/demolition waste, shall be hauled from any customer within the corporate limits of the City of Fayetteville.

The agreement requires Hogbox to pay a monthly fee to the City of Fayetteville of 10% of the gross revenue received for providing solid waste hauling services.

The term of the agreement will be 2 years with automatic renewals for 2 additional 2- year terms. Staff proposes approval for Hogbox to haul and dispose of solid waste within the City of Fayetteville per the terms of the attached agreement.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS: 3. Staff Review Form, 4. Hogbox Agreement

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1361

A RESOLUTION TO APPROVE AN AGREEMENT WITH HOGBOX FOR THE HAULING AND DISPOSAL OF SOLID WASTE IN THE CITY OF FAYETTEVILLE FOR A PERIOD OF 2 YEARS WITH AUTOMATIC RENEWALS FOR TWO ADDITIONAL 2 YEAR TERMS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with Hogbox, a copy of which is attached to this Resolution, for the hauling and disposal of solid waste in the City of Fayetteville for a period of 2 years with automatic renewals for two additional 2 year terms.

City of Fayetteville Staff Review Form

2025-1361

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Daryl Brigman

7/29/2025

RECYCLING/TRASH COLLECTION (750)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve an agreement between the City of Fayetteville, Arkansas and Hogbox to haul and dispose of solid waste in the City of Fayetteville

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

AGREEMENT TO HAUL AND DISPOSE OF SOLID WASTE IN THE CITY OF FAYETTEVILLE

This Agreement (the "Agreement"), is entered into on this 15th day of July 2025, between the **City of Fayetteville, Arkansas**, a municipal corporation (the "City"), and Hogge Manufacturing (the "Hauler"), and shall be in full force and effect on the date first written above, City and Hauler agree as follows:

1. The term of this Agreement shall be for two (2) years, with automatic renewals for two (2) additional two (2) year terms, unless otherwise terminated pursuant to the terms hereof. Notice of non-renewal by either City or Hauler shall be given at least thirty days prior to the end of the current term.
2. Hauler agrees that from and after the original date of this Agreement, all customer service Agreements for facilities within the corporate limits of the City, excluding residential areas, entered into before or after the effective date of this Agreement, or renewed shall have terms of no more than one (1) year and any subsequent extensions shall be for terms of no more than one (1) year. No customer service Agreement shall extend the terms of this Agreement.
3. Hauler agrees and understands that it may only collect and haul Class 1 and Class 4 Solid Waste and/or Recyclables using the type equipment commonly referred to as open-top roll-off style containers with capacities of twelve (12) cubic yards or greater, or roll-off style compactor containers with capacities of twelve (12) cubic yards or greater, containing waste generated from industrial, large commercial or construction/demolition activities, or which is classified as Special Waste, Hazardous Waste, grease or any other type Solid Waste which requires special handling or disposal. Hauler shall not collect any Class 1 or Class 4 material in other containers. No unseparated recyclables, with the exception of construction/demolition waste, shall be hauled from any customer within the corporate limits of the City of Fayetteville. All hauled waste and/or recyclables shall be suitably enclosed or covered as to prevent roadside littering.
4. In consideration of the right to provide the hauling of solid waste and/or recyclables described in Item #3 above, Hauler agrees and understands that it shall be required to pay a monthly fee of: ten (10%) percent (the "Solid Waste Fee") of the gross revenue received for providing solid waste hauling services and five (5%) percent (the "Recycling Fee") of the gross revenue received for providing the hauling of recyclables or construction/demolition waste to a permitted construction and demolition waste sorting facility. Any construction/demolition waste that is not hauled to and accepted by a permitted construction and demolition waste sorting facility or any recyclables not accepted by a recycling facility or recycling broker shall be subject to the 10% Solid Waste Fee.
5. Hauler agrees and understands that it shall deliver all Class 1 waste to a properly licensed landfill facility and all Class 4 waste to a properly licensed landfill facility or a properly licensed construction and demolition waste sorting facility. Hauler shall pay all tip fees to the construction and demolition waste sorting facility operator, transfer station fees to the transfer station operator and all landfill fees to the landfill operator, as they may be established and amended, from time to time.
6. Hauler shall pay all fees due hereunder, along with submitting "Attachment A: Solid Waste Documentation", or page 1 of Attachment A in conjunction with an agreed upon vendor generated report, on or before the 15th of each calendar month for the immediately preceding calendar month.

Payments of fees received after the due date shall be assessed a 10% penalty per month. If Hauler fails to pay the fees within forty-five (45) days of the due date, the City may terminate this Agreement upon delivery of one (1) written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) Hauler's worksheet calculating the fees remitted; (ii) a list of payments received from customers within the City; (iii) such list shall clearly indicate whether each payment was from a permanent or temporary customer, and (iv) the fee shall be based upon all activity from each customer account within the City, and shall include the normal billing charges for all free or discounted services (including those for non-profit organizations) including but not limited to delivery, pull charges, disposal charges, transportation charges, final pull charges, and return charges. With payment remittance, the City will review and obtain certain trade secret information, including rates, frequency of service, customer lists, and other customer information ("Confidential Information"). The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if disclosed would give advantage to competitors."

7. Hauler shall pay all fees due hereunder, along with submitting "Attachment B: Recycling Documentation", on or before the 15th of each calendar month for the immediately preceding calendar month. Payments of fees received after the due date shall be assessed a 10% penalty per month. If Hauler fails to pay the fees within forty-five (45) days of the due date, the City may terminate this Agreement upon delivery of one (1) written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) volumes of recycling collected, in tons, by commodity, with disposition by destination market, for all recycling; (ii) volumes of construction and demolition waste delivered to permitted construction and demolition waste sorting facility and percentage of material recovered. (iii) Hauler's worksheet calculating the fees remitted; (iv) a list of payments received and locations from customers within the City; (v) such list shall clearly indicate whether each payment was from a permanent or temporary customer, and (vi) the fee shall be based upon all activity from each customer account within the City, and shall include the normal billing charges for all free or discounted services (including those for non-profit organizations) including but not limited to delivery, pull charges, disposal charges, transportation charges, final pull charges, and return charges. With payment remittance, the City will review and obtain certain trade secret information, including rates, frequency of service, customer lists, other customer information, and contracts with recyclers and processing mills ("Confidential Information"). The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if disclosed would give advantage to competitors."
8. The City shall have the right to conduct an audit of Hauler's customer files and records for all customers located within the City, provided that such audit privilege shall be limited to once per calendar quarter. The audit may be conducted by City staff or by a third-party external auditor chosen by the City. If such audit reveals the Hauler should have paid at least 5% more than reported, the cost of the audit shall be paid by the Hauler to the City. During such audit, the City may review and obtain certain trade secret information, including rates, frequency of service, customer lists, and other customer information ("Confidential Information"). This information shall not be divulged to any third party (not including any third-party external auditor) by the City, its employees, officers, or elected officials without the express written consent of the Hauler, or as otherwise required by law. The City asserts this information is exempt from disclosure under the Arkansas Freedom of Information Act as the information meets the exemption for records that "if

disclosed would give advantage to competitors." Any Confidential Information provided by Hauler to the City or the third-party external auditor will only be reviewed by City financial staff and will not be made available to City solid waste staff.

9. The City will advise Hauler of any request for information which the City, at the City's sole discretion, determines to be non-disclosable or otherwise subject to an exemption from disclosure under the Arkansas Freedom of Information Act. If a court of competent jurisdiction determines that said requested information is disclosable or otherwise is not exempt from disclosure under the Arkansas Freedom of Information Act, the City will comply with said finding and notify Hauler. Discovery requests made to the City during the course of any litigation, or any other subpoena or court order issued to the City for information or records related to Hauler and this Agreement, shall be promptly made known to Hauler.
10. Hauler agrees and understands that it shall submit to the City by June 30th on an annual basis: (i) a list of all commercial vehicles used to provide services in the City; (ii) proof of appropriate vehicle registration; (iii) and proof of the insurance required in the Agreement.
11. Hauler agrees and understands that it shall provide by June 30th on an annual basis: (i) a list of vehicle operators collecting and hauling waste in the City of Fayetteville; (ii) proof of their valid and appropriate commercial drivers' licenses; (iii) and the provision, maintenance, and implementation of a plan to ensure that the vehicle operators maintain their commercial driver's licenses in accordance with applicable federal and state laws.
12. Hauler agrees that it shall provide by June 30th on an annual basis copies of valid and current hauling and disposal permits from the Arkansas Department of Environmental Quality, the Solid Waste District with jurisdiction, and any local permitting agency.
13. Hauler agrees that it shall comply with all federal, state and local laws applicable to the safety, environmental and transportation matters related to providing solid waste collection services under this Agreement. Hauler agrees that all open-top roll-off style containers will be properly covered during transit on streets and highways within Fayetteville.
14. The City reserves the right to inspect all vehicles and containers to ensure that the vehicles are safe and well-maintained and that all containers are well-maintained and water tight, if necessary.
15. If Hauler utilizes the City's transfer station, Hauler agrees and understands that it shall be required to establish an individual credit or service relationship with the City of Fayetteville transfer station operator. Hauler agrees that it shall comply with all practices, policies and procedures as established by the transfer station operator from time to time. Any tipping fee deposits required by the transfer station or landfill operators shall be refunded, less any unpaid tipping fees, when the Hauler ceases hauling activities governed by this Agreement.
16. This Agreement has been entered into freely and voluntarily by Hauler which agrees to abide by all of the terms and conditions as a matter of contractual obligation pursuant to applicable City ordinances. This is a contractual Agreement and is not intended to be part of or relate in any way to any license or ordinance created pursuant to A.C.A. §26-77-102.
17. Neither this Agreement, nor any rights or obligations hereunder may be assigned or transferred to any third part or affiliate.

18. For the purpose of this contract, the Point of Contact for the City of Fayetteville shall be the City's Environmental Director. The Point of Contact for the Hauler shall be Becky Peterson. Communications pertaining to day-to-day aspects of this contract shall be through these individuals. Either party may change its designated Point of Contact upon ten (10) days prior written notice to the other party.
19. Hauler agrees to protect, indemnify, defend and save harmless the City, its officials, officers, employees, agents, subcontractors, representatives and assigns from any loss, claim, liability, penalty, fine, forfeiture, demand cause of action, suit and costs and expenses incidental thereto (including costs of defense, settlement and reasonable attorneys' fees), to the extent caused by (i) Hauler's breach of any term, condition, covenant or warranty contained in this Agreement, or (ii) Hauler's negligent act or omission or willful misconduct related to the delivery of waste to the City transfer station or a properly licensed landfill facility.
20. Insurance: Hauler shall maintain the following insurance coverage during the term of this Agreement:
- a) Hauler shall provide and maintain, during the term of this Agreement, comprehensive general liability insurance, to protect against all claims arising out of the performance of its services hereunder that result in bodily injury, death or property damage. The policy or policies shall contain a clause that the insurer will not cancel or decrease the insurance coverage without first giving the City sixty (60) days notice in writing.
 - b) Upon written request, Hauler shall furnish the City with evidence that the insurance required of it is in force.
 - c) City will be added as an additional insured on General Liability and Auto Liability policies.
 - d) The types of coverage and limits of liability of all insurance required herein shall be as follows:

COVERAGE	LIMITS OF LIABILITY
Worker's Compensation	Statutory
Employer's Liability	\$500,000
Bodily Injury Liability except Automobile	\$1,000,000 each occurrence
Property Damage Liability Except Automobile	\$1,000,000 each aggregate
Automobile Bodily Injury	\$1,000,000 each person
Comprehensive General Liability	\$1,000,000 each occurrence
Automobile Property Damage Liability	\$1,000,000 each occurrence
Excess Umbrella Liability	\$1,000,000 each occurrence

21. Termination:

- a) Except as otherwise provided herein, if Hauler breaches this Agreement or defaults in the performance of any of the requirement or conditions contained herein, and such breach continues for fifteen (15) days after the City has given the Hauler written notice of such breach or default, the City may: (i) terminate this Agreement no sooner than thirty (30) days after the date of written notice of such breach or default; (ii) cure the breach or default at the expense of the Hauler; and/or (iii) exercise any right or remedy to which it may be entitled by law.
- b) The City may terminate this Agreement upon written notice to the Hauler if the Hauler makes an assignment for the benefit of creditors, or files a voluntary petition in bankruptcy, receivership or insolvency, or files an answer in any involuntary proceeding of that nature admitting the material allegations of the petition, or if a proceeding in bankruptcy, receivership or insolvency shall be instituted and such proceeding is not dismissed within sixty (60) days.
- c) In the event that this Agreement is terminated for any reason, any amounts payable to the City by Hauler for services rendered for any reason whatsoever shall become immediately due and payable as of the date of such termination.
22. All notices required or permitted under this contract shall be submitted in writing to the other party of this contract by electronic mail, return receipt requested, and by U.S. Mail, which notice shall be effective three (3) days after deposit therein addressed to the following:
- | | |
|--|---|
| City of Fayetteville
Environmental Director
113 West Mountain Street
Fayetteville, AR 72701 | <u>Hogeye MFG CO INC</u>
Attn: <u>Becky Peterson</u>
<u>2900 S City Lake Rd</u>
<u>Fayetteville AR 72701</u> |
|--|---|
23. Hauler agrees and understands that this Agreement and documents submitted to the City pursuant hereto are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville requesting such non-exempt documents, such non-exempt documents shall be provided in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (Ark. Code Ann. § 25-19-101 et seq.). Only legally authorized photocopying costs may be assessed for this compliance.
24. This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas. Capitalized terms herein shall have the same meaning as set forth in ADEQ Reg. No. 22.
25. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of either party's right to seek appropriate remedies for any other breaches by either party.
26. Each paragraph of the Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.
27. This contract constitutes the entire understanding of the parties and no Notification or variation of the terms of this contract shall be valid unless made in writing and signed by the duly authorized agents of the City of Fayetteville and the Hauler.

28. Each of the undersigned warrants that he or she has the full right, power, and authority to execute this contract on behalf of the party indicated for the purposes herein contained.
29. To the extent a definition or a specific term is not provided herein but is nonetheless required by the context, it is the intention of the parties to incorporate herein the definitions contained in applicable law and regulation in effect as the date hereof, except to the extent subsequent law or regulation shall expressly or implicitly mandate a revised definition.
30. The obligations of the parties to this Agreement, which by their nature would continue beyond the termination, cancellation or expiration of this Agreement, shall survive the termination (for any reason), cancellation or expiration of this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

CITY OF FAYETTEVILLE

Hogeye Manufacturing

By: _____
MOLLY RAWN, Mayor

By: Becky Peterson, Bookkeeping
NAME, Title Specialist

ATTEST:

WITNESS:

By: _____
KARA PAXTON, City Clerk/Treasurer

By: _____



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Keith Macedo, Chief of Staff
FROM: Kelly Colebar, Community Resources Admin
SUBJECT: **Approval of a Budget Adjustment for the Community Resources Department**

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize and budget 2025 CDBG Program Income totaling \$30,296.

BACKGROUND:

Community Resources would like to recognize program income from one lien payoff.

DISCUSSION:

The Program Income (PI) being recognized consists of a housing rehabilitation lien payoff of \$30,296 for one property located at 1411 Oakcliff.

BUDGET/STAFF IMPACT:

Increase Housing Contract Services by \$30,296.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1364

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$30,296.00
RECOGNIZING 2025 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
INCOME RECEIVED FROM A HOUSING LIEN PAYOFF**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the amount of \$30,296.00 recognizing 2025 Community Development Block Grant Program income received from a housing lien payoff.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

City of Fayetteville Staff Review Form

2025-1364

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Kelly Colebar

7/29/2025

COMMUNITY RESOURCES (642)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a budget adjustment to recognize and budget 2025 CDBG Program Income totaling \$30,296.

Budget Impact:

2180.642.4940-5315.00

Community Development

Account Number

Fund

NA

NA

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 343,783.00

Expenses (Actual+Encum)

\$ 162,920.68

Available Budget

\$ 180,862.32

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 30,296.00

Remaining Budget

\$ 211,158.32

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2025	COMMUNITY RESOURCES (642)	
	/Org2	
	Requestor: Kelly Colebar	

Staff recommends approval of a budget adjustment to recognize and budget 2025 CDBG Program Income totaling \$30,296.

COUNCIL DATE:	8/19/2025
ITEM ID#:	2025-1364
Holly Black	
7/30/2025 7:25 AM	
Budget Division	Date
TYPE:	D - (City Council)
JOURNAL #:	
GLDATE:	
CHKD/POSTED:	/

RESOLUTION/ORDINANCE

[illegible]



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Keith Macedo, Chief of Staff
FROM: Kelly Colebar, Community Resources Admin
SUBJECT: **Mayor's Signature Authority – 2025 CDBG & HOME**

RECOMMENDATION:

Staff recommends approval of the Mayor's signature authority to execute the 2025 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Agreements when issued by HUD. Staff also recommends approval of a budget adjustment to recognize and budget additional 2025 CDBG funding.

BACKGROUND:

Fayetteville has been a CDBG Entitlement City since 1975. Fayetteville became a Participating Jurisdiction (PJ) and began receiving HOME funds in 2023. Funding is based on the HUD formula allocation process that takes into account such factors as population, percent of low/moderate income persons, and number of housing units. This formula allocation process awards CDBG and HOME funding to the City of Fayetteville. Each year, the Community Resources Department submits an Action Plan to the U.S. Department of Housing and Urban Development (HUD) outlining the proposed uses of CDBG and HOME funding. The Community Development and Assistance Programs (CDAP) Advisory Board voted on December 20, 2024, and recommended the following nonprofit subrecipients be included in the 2025 Action Plan: CASA of NWA, Magdalene Serenity House, OneCommunity and WelcomeHealth. If HUD approves the 2025 Action Plan, a CDBG Agreement and HOME Agreement will be issued by HUD. These agreements must be executed, returned to the HUD Field Office in Little Rock, and then sent to HUD in Washington D.C. for the release of funds.

DISCUSSION:

Grant amounts vary each year based upon the funding levels authorized by Congress through the annual federal budget process. The awards for 2025 are CDBG \$834,927 and HOME \$435,942.67. The grant funding detail submitted to HUD in the 2025 Action Plan is as follows:

Community Development Block Grant (CDBG)

ADMINISTRATION	\$ 131,291
HOUSING	\$ 541,633
REDEVELOPMENT	\$ 97,003

CASA of NWA - PS	\$ 10,000
Magdalene Serenity House - PS	\$ 7,668
OneCommunity – PS	\$ 2,332
WelcomeHealth - PS	\$ 20,000
SAFE Program - PS	\$ 25,000
CDBG Total	\$ 834,927

HOME Investment Partnership Program (HOME) **\$ 435,942.67**

GRAND TOTAL **\$ 1,270,869.67**

Approving the Mayor’s authority to execute the 2025 CDBG and HOME Agreements when issued by HUD will reduce the waiting time for HUD to release the funds. This will allow for a faster start to both internal and external programs which assist low-and-moderate income residents in Fayetteville.

On December 4, 2024, City Council approved the 2025 budget including \$753,000 for CDBG. The HUD CDBG award for 2025 is \$834,927 a funding increase of \$81,927. Approval of the budget adjustment will recognize the increase.

BUDGET/STAFF IMPACT:
2025 CDBG budget increase \$81,927

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment, 5. GY2025 Action Plan



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1373

A RESOLUTION TO APPROVE THE 2025 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN, TO AUTHORIZE MAYOR RAWN TO EXECUTE THE CDBG AND HOME INVESTMENT PARTNERSHIPS GRANT AGREEMENTS FOR 2025 WHEN RECEIVED IN THE TOTAL AMOUNT OF \$1,270,869.67, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the 2025 Community Development Block Grant Action Plan and authorizes Mayor Rawn to execute the 2025 Community Development Block Grant Agreement in the total amount of \$834,927.00 when received to provide funding for the following:

Administration	\$131,291.00
Housing	\$541,633.00
Redevelopment	\$ 97,003.00
CASA of NWA - PS	\$ 10,000.00
Magdalene Serenity House - PS	\$ 7,668.00
One Community – PS	\$ 2,332.00
Welcome Health - PS	\$ 20,000.00
SAFE Program – PS	\$ 25,000.00

Total	\$ 834,927.00
-------	---------------------

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves Mayor Rawn to execute the 2025 HOME Investment Partnerships Program Agreement in the total amount of \$435,942.67.00 when received.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2025-1373

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Kelly Colebar

7/30/2025

COMMUNITY RESOURCES (642)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the Mayor's signature authority to execute the 2025 Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) Agreements when issued by HUD. Staff also recommends approval of a budget adjustment to recognize and budget additional 2025 CDBG funding.

Budget Impact:

2180.642.4940-5315.00

Community Resources

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 343,783.00

Expenses (Actual+Encum)

\$ 162,920.68

Available Budget

\$ 180,862.32

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 81,927.00

Remaining Budget

\$ 262,789.32

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

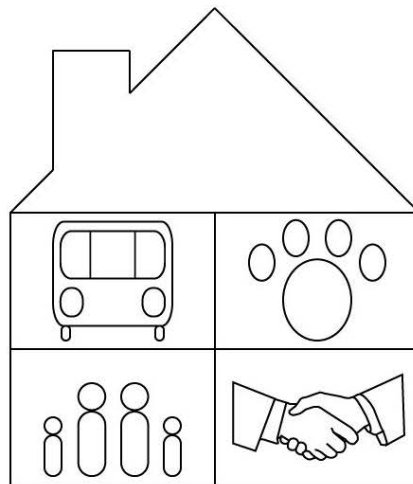
Budget Year	Division	Adjustment Number
2025	COMMUNITY RESOURCES (642)	
	Requestor: Kelly Colebar	

Staff recommends approval of a budget adjustment to recognize and budget additional 2025 CDBG funding.

	COUNCIL DATE:	8/19/2025
	ITEM ID#:	2025-1373
	Holly Black	
	7/31/2025 7:46 AM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
GLDATE:		
CHKD/POSTED:	/	
RESOLUTION/ORDINANCE		

v.2025721

City of Fayetteville



**CDBG
HOME**

Year 5 Action Plan (GY2025)

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Annual Action Plan (AAP) is one of the requirements for the City of Fayetteville to receive funds through the Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program for entitlement cities and for the HOME Investment Partnership Program (HOME).

This AAP was developed from the 2021-2025 Consolidated Plan (Con Plan) needs assessment for low- and moderate-income residents. While the needs identified in the Con Plan exceed the funding available to address all of them; the City of Fayetteville addresses the identified needs as fully as possible. The 2025 AAP will detail how the City of Fayetteville plans to address the identified needs during the current grant year.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The 2021-2025 ConPlan documents the needs assessment, market analysis, consultation with community stakeholders, and past performance that were all utilized to develop the priority needs for the City of Fayetteville.

The priority needs for CDBG are housing, redevelopment, public services, and public facilities. Housing will focus on maintaining the affordable housing stock/preventing homelessness through rehabilitation and repair of LMI owner-occupied homes. Redevelopment provides code compliance assistance for LMI homeowners who are financially and/or physically unable to correct code violations. Public services and public facilities are funded through a competitive grant process with the Community Development and Assistance Programs (CDAP) Advisory Board recommending which projects will be included in the annual action plan if requests exceed available funding.

The priority needs for the HOME funds will be to expand the availability of affordable housing.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Each year, the City is required to submit a Consolidated Annual Performance Evaluation Report (CAPER) to HUD, reporting on the activities that were funded with CDBG and HOME, the amount spent, and the beneficiaries assisted. The City submits the required reports annually and HUD has accepted the reports each year. In addition to meeting HUD requirements, the CAPER provides the City with an opportunity to review past performance and utilize the information as a component of determining future needs.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The City of Fayetteville CDBG and HOME activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff and special purpose committees; input from community stakeholders is sought and integrated into designating action priorities. In addition, a Community Development Outreach Quarterly publication serves to inform the community of current and future program projects and services. The Outreach Quarterly is distributed electronically to those who sign up. We recognize that even in our connected age not everyone has access to the internet; therefore, the Outreach Quarterly is also distributed in printed form to more than 50 locations throughout our community. The Outreach Quarterly also provides the community with program contact information so that community members can get more information as well as provide feedback/input. We host and participate in community events to both provide information about the programs we offer and to receive input from citizens regarding our programs and community needs.

A summary of the Action Plan and Budget was published, in conjunction with announcing the public comment period and public hearings, in the *Northwest Arkansas Democrat Gazette* on June 1 and June 8, 2025. It was also published in the June 11th issue of *La Prensa Libre* (Spanish language weekly). Finally, the information was posted to the City's website at <https://www.fayetteville-ar.gov/648/Community-Development-Block-Grant-CDBG> throughout the public comment period. The public comment period ran from June 2, 2025 to July 1, 2025. Two public hearings were held on June 25, 2025, one at 3:00 pm and the other at 5:30 pm. A draft of the Year 5 Action Plan was made available to the public online at <https://www.fayetteville-ar.gov/648/Community-Development-Block-Grant-CDBG>, in the Community Resources office, and emailed by request throughout the public comment period.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

A public comment period for the GY2025 Action Plan was held from June 2, 2025 to July 1, 2025. Two Public Hearings were held on Wednesday June 25, 2025. One hearing was at 3:00 pm and the second was at 5:30 pm. There were no public comment(s) received.

6. Summary of comments or views not accepted and the reasons for not accepting them

There were no comments or views submitted that were not accepted.

7. Summary

The City of Fayetteville has completed the 2025 Action Plan according to HUD requirements. The funding decisions have been guided by the ConPlan needs assessment, market analysis, census data, consultation and partnership with service providers, public input, and past performance data as detailed in the 2021-2025 Con Plan and the 2024 CAPER.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	FAYETTEVILLE	Community Resources Department
HOME Administrator	FAYETTEVILLE	Economic Development Department

Table 1 – Responsible Agencies

Narrative (optional)

The City of Fayetteville is the Lead Agency for the City of Fayetteville CDBG Entitlement and HOME funds. The Community Resources Department is the administrator of the CDBG funds, and the Economic Development Department is the administrator of HOME funds for the City of Fayetteville.

Consolidated Plan Public Contact Information

Kelly Colebar, Community Resources Administrator, can receive inquiries/comments regarding the Consolidated Plan. She can be reached by: Email - kcolebar@fayetteville-ar.gov, Phone - 479.575.8235, or Mail - City of Fayetteville, Community Resources Department, Attn: Kelly Colebar, 113 W Mountain St, Fayetteville AR 72701. [Yolanda Fields was the previous point of contact]

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Fayetteville strives to connect with all entities in our community, especially those that work with the LMI population. Community Resources recognizes that it takes input from throughout the community to identify community needs and determine areas where services can be enhanced. While the City currently uses a variety of methods to reach out to the community, such as the outreach quarterly, community events, outreach activities, and participation in area boards/committees, we also continue to explore new ways of increasing participation with individuals, organizations, and businesses.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The City of Fayetteville Community Resources Department uses a variety of methods/activities to enhance coordination.

Community Resources organizes community events throughout the year to both provide information about our programs and receive feedback from the community. One example is the annual CDBG in the Park event which brings together community members, local agencies and the City's CDBG programs. We encourage local service providers to participate in these events, which are free of charge to them and thus an effective way to reach out to the community. Community Resources also participates in community events put on by other organizations. Community events serve multiple purposes including enhancing coordination between agencies, getting information out to the community, and providing the community opportunities to ask questions and provide input on community needs.

All Community Resources staff and members of the Community Development and Assistance Programs (CDAP) Advisory Board work to engage with the community and raise awareness of our programs. We have designated a staff member as a Community Ambassador who, in addition to their other duties, seeks out opportunities weekly to attend events, and meetings of local groups to provide information about our programs and share ways they can support our efforts.

Outreach presentations are another way to enhance coordination and Community Resources does presentations at a variety of organizations and is always looking to expand to new locations. We do presentations to organization staff, clientele, or both, depending upon the needs of the organization. These presentations ensure that local organizations and/or the organization's clients know the resources that are offered through CDBG and provide an opportunity for organizations/individuals to share what their needs are.

The subrecipient grant process brings many of the local service providers to the table through the grant workshop and subsequent grant application process. Discussion at the grant workshop and the grant applications provide information on what the current needs of various providers in the community are. Technical assistance is provided throughout the year to current and potential subrecipients and is another method of finding out what the needs of the community are.

In GY2025, the Economic Development Department will release a Request for Proposals (RFP) to solicit project proposals from community housing development organizations (CHDOs) and other community partners for HOME-eligible activities benefiting low-income residents, including owner-occupied housing rehabilitation, homebuyer assistance programs, rental housing development, and/or tenant-based rental assistance.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Fayetteville is an active member of the Northwest Arkansas Continuum of Care (NWA CoC). We attend CoC board meetings, membership meetings, and participate with the other members in local efforts to address the needs of the homeless and potential homeless in our community and Northwest Arkansas as a whole. We participate in the CoC led annual Point-In-Time and Homeless Inventory counts. The NWA CoC is the lead agency for the NWA application for HUD Continuum of Care funds which the City of Fayetteville receives for the Hearth Program. The Hearth Program provides Permanent Supportive Housing to the homeless and chronically homeless in Fayetteville. We also consult with the CoC and member agencies, whenever requested, to address specific community needs. Community Resources staff participate in the weekly CoC Case Conferencing meetings and monthly Coordinated Entry meetings.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Fayetteville provides input to the NWA Continuum of Care (CoC) at CoC meetings. We attend board meetings, membership meetings, and participate in subcommittees where decisions are made regarding the development and implementation of performance standards, policies and procedures, and other areas related to addressing the needs of homeless persons in NWA. Our involvement includes participation in the development of the NWA CoC strategic plan. We also have a seat on the Statewide HMIS Steering Committee.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Arts Live Theatre
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Arts Live Theatre (ALT) through their participation in the CDBG Public Facility Lease Program, the Subrecipient Grant process and involvement in community activities/events.
2	Agency/Group/Organization	Arkansas Dept. of Health - Office of Minority Health
	Agency/Group/Organization Type	Health Agency Other government - State
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Diversity, Equity, and Inclusion
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with AR Dept. of Health - Office of Minority Health through community work groups.
3	Agency/Group/Organization	Big Brothers Big Sisters of Northwest Arkansas, Inc.
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with BBBS of NWA through their participation in the Subrecipient Grant process and through involvement in community activities/events.
4	Agency/Group/Organization	CASA of Northwest Arkansas
	Agency/Group/Organization Type	Services-Children Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with CASA of Northwest Arkansas through their participation in the Subrecipient Grant process and through involvement in community activities/events.
5	Agency/Group/Organization	Central United Methodist Church
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Central United Methodist Church (Genesis Church) through their participation in the NWA CoC, NWA CoC Case Conferencing, Subrecipient Grant process and through involvement in community activities/events.

6	Agency/Group/Organization	Community Clinic NWA
	Agency/Group/Organization Type	Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Community Clinic NWA through their participation in the Subrecipient Grant process and through involvement in community activities/events.
7	Agency/Group/Organization	Credit Counseling of Arkansas, Inc
	Agency/Group/Organization Type	Services - Housing Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Housing & Credit Counseling Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with CCOA through their participation in the Subrecipient Grant process and through involvement in community activities/events.
8	Agency/Group/Organization	Donald W Reynolds Boys & Girls Club of Fayetteville
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Boys & Girls Club through their participation in the Subrecipient Grant process and through involvement in community activities/events.
9	Agency/Group/Organization	Elizabeth Richardson Center
	Agency/Group/Organization Type	Services-Children Services-Persons with Disabilities Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Elizabeth Richardson Center (ERC) through their participation in the CDBG Public Facility Lease Program, the Subrecipient Grant process and involvement in community activities/events.
10	Agency/Group/Organization	EngageNWA
	Agency/Group/Organization Type	Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Diversity, Equity, and Inclusion
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the EngageNWA through participation in meetings and their diversity, equity, and inclusion work.

11	Agency/Group/Organization	Economic Opportunity Agency of Washington County (EOAWC)
	Agency/Group/Organization Type	Services-Children Services-Education Community Action Agency - LIHEAP
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with EOA through their participation in the CDBG Public Facility Lease Program (Ellen Smith Head Start), the Subrecipient Grant process and involvement in community activities/events.
12	Agency/Group/Organization	Fayetteville Fire Department
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Fayetteville Fire Department is active in the community and a source of information regarding community needs.
13	Agency/Group/Organization	Fayetteville Housing Authority
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Public Housing Needs Homelessness Needs - Veterans

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the Fayetteville Housing Authority through the consulting/sharing of their 5-year annual plans; as well as, their participation in the NWA CoC, the Subrecipient Grant process and involvement in community activities/events.
14	Agency/Group/Organization	Fayetteville Planning Division
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Fayetteville Planning Division is involved with the community and a source of information regarding community needs.
15	Agency/Group/Organization	Fayetteville Police Department
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Fayetteville Police Department is active in the community and a source of information regarding community needs. Fayetteville PD has also created a Crisis Intervention Response Team (CIRT) that utilizes Social Services Advocates and non-uniform police to respond to those facing crisis in the community and connect them with community resources. The CIRT has collaborated with our department and are an additional source of information regarding community needs.
16	Agency/Group/Organization	Fayetteville Senior Activity and Wellness Center
	Agency/Group/Organization Type	Services-Elderly Persons

	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Senior Activity & Wellness Center through their participation in the Subrecipient Grant process and through involvement in community activities/events.
17	Agency/Group/Organization	Fayetteville Veterans Affairs
	Agency/Group/Organization Type	Other government - Federal
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the VA through participation in the NWA Continuum of Care and through involvement in community activities/events.
18	Agency/Group/Organization	Habitat for Humanity of Washington County
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Habitat for Humanity through their participation in the Subrecipient Grant process and through involvement in community activities/events.

19	Agency/Group/Organization	Hark at Excellerate Foundation
	Agency/Group/Organization Type	Services - Housing Services-homeless Foundation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Hark through partnership, involvement with housing and homelessness, participation in the NWA CoC, and through involvement in community activities/events.
20	Agency/Group/Organization	Havenwood Transitional Housing Facility
	Agency/Group/Organization Type	Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Havenwood through participation in the NWA Continuum of Care, NWA CoC case conferencing/coordinated entry meetings, and through involvement in community activities/events

21	Agency/Group/Organization	LifeSource International
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Health Services-Education
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with LifeSource through their participation in the CDBG Public Facility Lease Program, the Subrecipient Grant process and through involvement in community activities/events.
22	Agency/Group/Organization	Magdalene Serenity House
	Agency/Group/Organization Type	Services - Housing Services - Trauma, Additions, & incarceration
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Magdalene Serenity House through their participation in the Subrecipient Grant process and through involvement in community activities/events.
23	Agency/Group/Organization	NWA Continuum of Care
	Agency/Group/Organization Type	Regional organization

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The NWA Continuum of Care (CoC) is consulted through participation as a member of the group, having a seat on the board, partnerships & interactions with other member agencies and through involvement in community activities/events.
24	Agency/Group/Organization	OneCommunity
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with OneCommunity through their participation in the Subrecipient Grant process and through involvement in community activities/events.
25	Agency/Group/Organization	Ozark Guidance
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Ozark Guidance through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
26	Agency/Group/Organization	Peace at Home Family Shelter
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Peace at Home through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
27	Agency/Group/Organization	St James Baptist Church
	Agency/Group/Organization Type	Services - Food Insecurity
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with St. James Missionary Baptist Church through their participation in the Subrecipient Grant process and through involvement in community activities/events.

28	Agency/Group/Organization	The Salvation Army-Fayetteville
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with The Salvation Army through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
29	Agency/Group/Organization	Seeds that Feed
	Agency/Group/Organization Type	Services - Food Insecurity
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Seeds that Feed through their participation in the Subrecipient Grant process and through involvement in community activities/events.
30	Agency/Group/Organization	7hills Homeless Center
	Agency/Group/Organization Type	Services - Housing Services-homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with 7hills Homeless Center through participation in the NWA Continuum of Care, their participation in the Subrecipient Grant process and through involvement in community activities/events.
31	Agency/Group/Organization	Sources
	Agency/Group/Organization Type	Housing Services-Persons with Disabilities Services-Employment
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with Sources for Independent Living through their eligibility to participate in the Subrecipient Grant process and through involvement in community activities/events.
32	Agency/Group/Organization	UAMS NW Regional Campus
	Agency/Group/Organization Type	Health Agency
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with UAMS through their participation in the Subrecipient Grant process and through involvement in community activities/events.
33	Agency/Group/Organization	Washington County Health Unit - Fayetteville
	Agency/Group/Organization Type	Services-Persons with HIV/AIDS Services-Health Health Agency Other government - State
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with the Washington County Health Unit as needed and through involvement in community activities/events.
34	Agency/Group/Organization	Welcome Health
	Agency/Group/Organization Type	Services-Health Services-Education Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Non-Housing Community LMI Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with WelcomeHealth through their participation in the Subrecipient Grant process and through involvement in community activities/events.
35	Agency/Group/Organization	Yvonne Richardson Community Center - YRCC
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Non-Housing Community LMI Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	We consult with YRCC through their participation in the Subrecipient Grant process and through involvement in community activities/events.

Identify any Agency Types not consulted and provide rationale for not consulting

There are no agency types that we are aware of in our community that were not consulted.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	NWA Continuum of Care	The City of Fayetteville Community Resources Department takes needs identified by the NWA CoC into account as part of the development of the Consolidated Plan.
Fayetteville Housing Authority Plan	Fayetteville Housing Authority	The goal overlap can vary from year to year. The City of Fayetteville receives a copy of the FHA plan annually to ensure consistency with the City's Consolidated Plan.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

We work with all departments/divisions of the City; however, there are three that work closely with us in regard to the Consolidated Plan. The Fayetteville Police Department, Fayetteville Fire Department and the Planning Division are three city areas that are out in the community and interact with citizens on a regular basis, allowing them to see and hear the needs of the community. The information that they provide is taken into account when developing the Consolidated Plan.

At the state level we work closely with our HUD Little Rock Field Office. We utilize the expertise and technical assistance available as needed. The good relationship we have with the Field Office led to the City taking on the Fayetteville CoC grants in 2016 when a local non-profit determined that they were no longer able to do so. We use CDBG as match for the CoC funds that are being utilized to provide housing to the homeless and chronically homeless in Fayetteville.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Fayetteville CDBG activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, city staff, and special purpose committees; input from community stakeholders is sought and integrated into designating action priorities. In addition, a Community Development Outreach Quarterly publication serves to inform the community of current and future program projects, and services. The Outreach Quarterly is emailed to those who sign up and is available on the City website. We recognize that, even in our connected age, not everyone has access to the internet; therefore, the Outreach Quarterly is also distributed in printed form to more than 50 locations throughout our community. The Outreach Quarterly provides the community with program contact information so they can provide feedback/input. We implement and participate in community events to both provide information about the programs we offer and to receive input from citizens about our programs and community needs.

A summary of the Action Plan and Budget was published in conjunction with, announcing the public comment period and public hearings for the Consolidated Plan, in the *Northwest Arkansas Democrat Gazette* on June 1, 2025 and June 8, 2025. It was also published in the June 11th issue of the weekly publication *La Prensa Libre* (Spanish language newspaper). It was also announced on City social media. Finally, the information was posted to the City's website at <http://www.fayetteville-ar.gov> throughout the public comment period. The public comment period ran from June 2, 2025 to July 1, 2025. Two public hearings were held on June 25, 2025, one at 3:00 pm and the other at 5:30 pm. A draft of the Year 5 Action Plan was made available to the public on the City website and was available by request throughout the public comment period.

Community Resources reviews our citizen participation process regularly and seeks opportunities to expand community access and increase citizen participation.

Organizations in the community seeking funding assistance receive technical support throughout the Subrecipient Grant Process. This begins in October with a mandatory grant workshop for all entities seeking funding for the upcoming year. The grant workshop provides all organizations that want to apply for a subrecipient grant with a step-by-step guide through the grant application and an opportunity to ask questions and provide input. Those applicants included in the Action Plan receive technical support throughout the grant year to answer any questions and provide support/assistance throughout the entire time they are receiving CDBG funds. Technical assistance is also offered November -

September to current and potential applicants that want to learn more about the subrecipient grant program. Technical assistance is not offered in October during the grant application process timeframe.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Newspaper Ad	Non-English Speaking - Specify other language: Spanish (La Prensa Libre weekly paper) Non-targeted/broad community	There isn't a method to track how many people see the ads.	Comments received are summarized in the public hearing section below.	There were no comments provided that were not accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Internet Outreach	Non-targeted/broad community	We utilize the City of Fayetteville website, social media, and the Community Resources Department Facebook page (Ranger's Pantry Pet Food Bank) to announce public comment periods and public hearing dates. We also utilize the City of Fayetteville website to post copies of the current Action Plan and CAPER making them accessible to the community for review and comment.	Comments received are summarized in the public hearing section below.	There were no comments provided that were not accepted.	https://www.fayetteville-ar.gov/ and https://www.fayetteville-ar.gov/648/Community-Development-Block-Grant-CDBG

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Hearing	Non-targeted/broad community	Two public hearings were held on Wednesday June 25, 2025 at 3:00 and 5:30 pm. The hearings were attended by one person. We have tried a variety of means to increase participation and continue to explore new ways to generate interest. The City has excellent response & attendance at our community events and continues working toward better response to our public hearings.	There were no comments received by the deadline on the Year 5 Action Plan. The comment period summary is in the attachments.	There were no comments provided that were not accepted.	

4	Outreach Quarterly (newsletter)	Minorities Non-targeted/broad community Residents of Public and Assisted Housing Homeless, Senior Citizens	The Community Resources Outreach Quarterly includes information on any upcoming activities, including the Consolidated Plan, Action Plan, and CAPER public comment periods. There is no method of tracking how many people provide responses due to the Outreach Quarterly. The 50+ locations where print copies of the newsletter are distributed reach segments of the population that may not have easy access to the internet or the local paper.	Comments received are summarized in the public hearing section above.	There were no comments provided that were not accepted.	
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Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Fayetteville recognizes that there are fluctuations in the annual allocation of CDBG and HOME funds and in the amount of program income taken in annually. We prepared our initial (estimated) annual budget with the knowledge that there would be adjustments made when notification of the actual allocation is received. The information below is based on the actual 2025 annual allocations.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	834,927.00	0.00	0.00	834,927.00	0.00	Actual funding for 2025 (Year 5) is shown on the Annual Allocation line. The Remainder of the Con Plan is 0 because 2025 is the final year of the current ConPlan.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	435,942.67	0.00	0.00	435,942.67	0.00	HOME funding was not received until Year 3 (2023) of the current ConPlan. Actual funding for 2025 (Year 5) is shown on the Annual Allocation line. The Remainder of the Con Plan is 0 because 2025 is the final year of the current ConPlan.

Table 4 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The CDBG program does not have a match requirement. There are times when subrecipients can utilize their CDBG award to leverage additional funding into their programs. The Hearth Program case managers are funded through CDBG which is used as match for the CoC grants that provide housing assistance to the formerly homeless.

HOME is in the developmental stage for Fayetteville and does not require an ongoing match. The City provided the funding to meet the HOME year one threshold requirement. As the Fayetteville HOME program evolves there may be instances when CHDOs are able to utilize their HOME funding allocation to leverage additional funding into their project.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Fayetteville has four properties that were purchased with CDBG funds and are utilized in our CDBG Public Facility Lease Program. When one of the four buildings becomes available, it is offered through a competitive application process to local non-profits that benefit exclusively or primarily LMI residents of Fayetteville. Applicants must show that their utilization of the property fits within HUD Guidelines and will benefit the LMI population. Upon being awarded a CDBG Public Facility Lease the non-profit signs an agreement leasing the property for \$1/year with the understanding that they are responsible for utilities, insurance, and routine maintenance/upkeep on the property.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Administration and Planning	2021	2025	Administration and Planning		Administration and Planning	CDBG: \$131,291.00	
2	Housing	2021	2025	Affordable Housing		Housing	CDBG: \$541,633.00	Homeowner Housing Rehabilitated: 10 Household Housing Unit
3	Redevelopment	2021	2025	Affordable Housing		Redevelopment	CDBG: \$97,003.00	Housing Code Enforcement/Foreclosed Property Care: 5 Household Housing Unit
4	Public Services	2021	2025	Homeless Non-Homeless Special Needs Non-Housing Community Development		Public Services	CDBG: \$65,000.00	Public service activities other than Low/Moderate Income Housing Benefit: 408 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Public Facilities	2021	2025	Public Housing Homeless Non-Homeless Special Needs Non-Housing Community Development		Public Facilities	CDBG: \$.00	
6	Affordable Housing	2023	2025	Affordable Housing		Affordable Housing	HOME: \$435,942.67	Homeowner Housing Added: 3 Household Housing Unit

Table 5 – Goals Summary

Goal Descriptions

1	Goal Name	Administration and Planning
	Goal Description	Administration and Planning funds are used for a portion of the salary and benefits of the Community Resources Director, administrative staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. CDBG funds allocated - \$131,291. Location: 100 W Rock Street Suite 160, Fayetteville, Arkansas 72701.

2	Goal Name	Housing
	Goal Description	The Housing Program provides housing rehabilitation and repairs to low- and moderate-income people in owner-occupied housing. The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, alleviate deferred maintenance conditions, provide safety devices and/or replace principal fixtures and components. CDBG funds allocated - \$541,633 which includes salary and program delivery costs for management and oversight of all housing programs, including the Hearth Program case managers. Ten households to be served with rehabilitation/repair of owner-occupied homes. Location: Citywide, when there is a waiting list, applicants are prioritized according to established criteria to give highest priority to those most in need of services. Priority criteria include very low income, elderly, disabled, single-parent household, and lead-based paint hazards in home.
3	Goal Name	Redevelopment
	Goal Description	Redevelopment Program activities conducted throughout Fayetteville include code compliance, clearance and demolition, and when funds are available land acquisition for attainable housing. Five households to be served. CDBG funds allocated - \$97,003 which includes salary and program delivery costs for management and oversight of all goal-related activities. Location: Throughout the City of Fayetteville.
4	Goal Name	Public Services
	Goal Description	Providing public services to LMI residents through internal programming and the Subrecipient Grant Program for non-profits providing services to Fayetteville residents. In the 2025 (Year 5) Action Plan there will be one (1) internal project and four (4) external subrecipients funded for a total of \$65,000. The internal project is the SAFE Program - \$25,000 and the subrecipients in 2025 (Year 5) are: CASA of NWA - \$10,000; Magdalene Serenity House - \$7,668; OneCommunity - \$2,332; and WelcomeHealth - \$20,000. Public services allocations were made taking the funding cap into consideration.

5	Goal Name	Public Facilities
	Goal Description	Public facility projects assist with renovation and development of facilities utilized by local non-profit organizations to provide services to LMI Fayetteville residents. The GY2025 (Year 5) plan does not have any public facility projects at this time.
6	Goal Name	Affordable Housing
	Goal Description	Expand the availability of affordable housing through an open Request for Proposals process, which invites CHDOs and other eligible community organizations to submit project proposals for all eligible activities, including owner-occupied housing rehabilitation, homebuyer assistance programs, rental housing development, and tenant-based rental assistance. Three households to be served. HOME funds allocated - \$435,942.67. Location: Citywide

Projects

AP-35 Projects – 91.220(d)

Introduction

The City of Fayetteville Priority Needs and the Subrecipient Grant Process determined the internal and subrecipient projects to be included in the Annual Action Plan for GY2025 (Year 5). The projects listed below are the City of Fayetteville and Subrecipient projects that will be undertaken in GY2025.

Projects

#	Project Name
1	Administration and Planning 2025
2	Housing Program 2025
3	Redevelopment Program 2025
4	SAFE Program PS 2025
5	CASA of NWA PS 2025
6	Magdalene Serenity House PS 2025
7	OneCommunity PS 2025
8	WelcomeHealth PS 2025
9	Affordable Housing 2025

Table 6 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

This AAP was developed from the 2021-2025 Consolidated Plan (Con Plan) needs assessment for low- and moderate-income residents. The priority needs for CDBG are housing, redevelopment, public services, and public facilities. The priority needs for the HOME funds are to expand the availability of affordable housing. While the needs identified exceed the funding available to address all of them, the City of Fayetteville addresses the identified needs as fully as possible.

AP-38 Project Summary
Project Summary Information

1	Project Name	Administration and Planning 2025
	Target Area	
	Goals Supported	Administration and Planning
	Needs Addressed	Administration and Planning
	Funding	CDBG: \$131,291.00
	Description	Administration and Planning funds are used for a portion of the salary and benefits of the Community Resources Director, administrative staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities.
	Target Date	12/31/2025
	Estimate the number and type of families that will benefit from the proposed activities	Funding for administration and planning costs of the grant are allowed for CDBG. CDBG rules do not require that beneficiaries be reported for administration and planning activities; therefore, there is not a goal outcome indicator selected.
	Location Description	Administration and planning activities occur at the Community Resources office located at 100 W Rock Street Suite 160, Fayetteville AR 72701.
	Planned Activities	Administration and planning activities necessary to provide program oversight, implementation, and planning.
2	Project Name	Housing Program 2025
	Target Area	
	Goals Supported	Housing
	Needs Addressed	Housing
	Funding	CDBG: \$541,633.00
	Description	The Housing Program does rehabilitation and repair to bring low- and moderate- income owner-occupied residences in Fayetteville up to city code, increase energy efficiency, and address lead-based paint issues.
	Target Date	12/31/2025
	Estimate the number and type of families that will benefit from the proposed activities	We estimate that 10 housing rehabilitation/repair projects will be completed on LMI owner-occupied homes.

	Location Description	Citywide, when there is a waiting list, applicants are prioritized according to established criteria to give highest priority to those most in need of services. Priority criteria include very low income, elderly, disabled, single-parent household, and lead-based paint hazards in the home.
	Planned Activities	The Housing Program will provide housing rehabilitation/repair to qualified applicants. The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, alleviate deferred maintenance conditions, provide safety devices, and/or replace principal fixtures and components.
3	Project Name	Redevelopment Program 2025
	Target Area	
	Goals Supported	Redevelopment
	Needs Addressed	Redevelopment
	Funding	CDBG: \$97,003.00
	Description	Code compliance assistance provided to low- and moderate- income owner-occupied properties in the City of Fayetteville.
	Target Date	12/31/2025
	Estimate the number and type of families that will benefit from the proposed activities	We estimate providing redevelopment to 5 LMI owner-occupied households.
	Location Description	Citywide
	Planned Activities	The Redevelopment Program will provide code compliance assistance to qualified applicants. The program provides labor, project management, and other associated costs to bring a property into compliance with City codes.
4	Project Name	SAFE Program PS 2025
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$25,000.00

	Description	The SAFE (Shelter Assistance From Extreme Weather) Program will provide sheltering services for the Fayetteville unsheltered community during times of extreme weather. The SAFE Program is implemented in collaboration with local homeless service providers.
	Target Date	12/31/2025
	Estimate the number and type of families that will benefit from the proposed activities	We estimate the SAFE Program will assist 200 unsheltered individuals in Fayetteville during periods of extreme weather.
	Location Description	Services will be provided in Southeast Fayetteville where local homeless service providers are located.
	Planned Activities	The SAFE Program will provide extra emergency sheltering for people who are homeless during periods of weather that threaten the health and safety of homeless individuals and families in our community when there is not sufficient emergency sheltering capacity. The program is designed to fund time-limited, temporary sheltering. It will not provide funding for sheltering outside of weather-related emergencies.
5	Project Name	CASA of NWA PS 2025
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$10,000.00
	Description	The CASA (Court Appointed Special Advocates) of Northwest Arkansas program will be provided with a portion of the costs to provide advocacy to foster children in Fayetteville. Children in this program have experienced potentially life-threatening abuse or neglect which led to removal from the home and placement into foster care.
	Target Date	12/31/2025
	Estimate the number and type of families that will benefit from the proposed activities	CASA of NWA projects serving 25 foster children in Fayetteville.
	Location Description	Citywide; the child is visited at the foster home they have been placed in. Foster homes are located throughout the community.

	Planned Activities	Each child will be visited in their foster home at least once per month. In addition, each child will receive 5-10 hours of advocacy each month to ensure the child is safe, happy, and receiving the appropriate medical, psychological, and educational services. This advocacy also reduces the number of placements (and subsequent trauma) a foster child experiences prior to finding a permanent home.
6	Project Name	Magdalene Serenity House PS 2025
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$7,668.00
	Description	Magdalene Serenity House will utilize CDBG funds to cover a portion of the salary of the Senior Operations Director and Volunteer Coordinator.
	Target Date	12/31/2025
	Estimate the number and type of families that will benefit from the proposed activities	Magdalene Serenity House projects providing services to 24 women who have experienced trauma, sexual exploitation, addiction, and incarceration.
	Location Description	Services will be provided at Magdalene Serenity House in Fayetteville AR.
	Planned Activities	Current residents and program graduates will receive assistance with transportation, crisis intervention, and connection with community resources.
7	Project Name	OneCommunity PS 2025
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$2,332.00
	Description	OneCommunity will provide a family literacy program Feed Your Brain/Alimenta Tu Cerebro that promotes reading through fun, interactive reading experiences and encourages parents to be involved in their children's reading and education.
	Target Date	

	Estimate the number and type of families that will benefit from the proposed activities	OneCommunity estimates that 70 children (30 households) will participate in the family literacy program.
	Location Description	The Feed Your Brain/Alimenta Tu Cerebro summer reading program will be offered at Willow Heights, Morgan Manor, Lewis Plaza, and Grandview Apartments.
	Planned Activities	OneCommunity will implement a family literacy program that promotes reading through fun, interactive reading experiences and encourages parents to be involved in their children's reading and education. The program involves a weekly curriculum. The sessions focus on literacy themes and strategies to teach parents how to read to their children at home. The program incorporates music, dance and singing to encourage participation. There are also take-home activities to encourage parents and children to interact.
8	Project Name	WelcomeHealth PS 2025
	Target Area	
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$20,000.00
	Description	WelcomeHealth will provide access to free medical and dental care to uninsured or underinsured low-income families.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	WelcomeHealth estimates that 89 LMI uninsured or underinsured individuals will be assisted.
	Location Description	Medical and dental care will be provided at WelcomeHealth located at 1100 N Woolsey Avenue, Fayetteville AR.
	Planned Activities	WelcomeHealth will provide access to free medical and dental care to uninsured or underinsured low-income families in Fayetteville. Medical services will include (but not be limited to) primary care, health promotion, disease prevention, patient education, mental health counseling and some specialty care. Dental care will include dental exams, x-rays, fillings or extractions, dental hygiene cleanings and education, fluoride treatments and sealants.

9	Project Name	Affordable Housing 2025
	Target Area	
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$435,942.67
	Description	Expand the availability of affordable housing through an open Request for Proposals process, which invites CHDOs and other eligible community organizations to submit project proposals for all eligible activities, including owner-occupied housing rehabilitation, homebuyer assistance programs, rental housing development, and tenant-based rental assistance.
	Target Date	12/31/2025
	Estimate the number and type of families that will benefit from the proposed activities	We estimate three LMI households will be served.
	Location Description	Citywide - actual location(s) tbd.
	Planned Activities	The Economic Development Department will release a HOME Policies and Procedures document in 2025 to provide an ongoing governance structure through which the Economic Development Department solicits, reviews, and selects projects through a broad-based RFP process. Staff intend to commit funds to a project or projects no later than August 2025.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Funding for all projects is citywide as the LMI population of Fayetteville can be found throughout the city.

Rationale for the priorities for allocating investments geographically

The City of Fayetteville feels that it is important to reach as much of the LMI population as possible through the projects funded with CDBG funds. Allocations to projects that are available to all LMI residents meet this goal.

The basis for allocating investments geographically utilizing HOME funds will be determined as the program is developed.

Discussion

There have been projects in the past that have targeted specific areas of the community and could be again in the future. The current needs of the community are best met by the projects included in the Action Plan and they are available to LMI residents throughout the city.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

As detailed in the ConPlan maintaining the affordable housing stock/preventing homelessness is a priority for the City of Fayetteville. This is accomplished through housing rehabilitation/repair to LMI owner-occupied homes. Emphasis is placed on bringing homes into compliance with State and City Codes, improving energy efficiency, alleviating deferred maintenance conditions, providing safety devices, and when needed addressing lead-based paint issues.

The addition of HOME funds in 2023 will expand the City's efforts to address affordable housing as the HOME program is developed and implemented. Economic Development staff intend to commit allocations of HOME dollars to date no later than August 2025 through an open Request for Proposals process.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	13
Special-Needs	0
Total	13

Table 7 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	3
Rehab of Existing Units	10
Acquisition of Existing Units	0
Total	13

Table 8 - One Year Goals for Affordable Housing by Support Type

Discussion

The one-year goal for households (10) to be provided through CDBG housing rehabilitation/repair was determined by the ConPlan and looking at prior years' project numbers.

Based on the amended ConPlan we anticipate supporting 3 households with HOME funds. However, since HOME is a new program for the City, the support type and number of low-income households served may vary based on what projects are ultimately funded by the City through the 2025 HOME RFP process.

AP-60 Public Housing – 91.220(h)

Introduction

The Fayetteville Housing Authority is the public housing provider in Fayetteville. The Fayetteville Housing Authority has the following programs: Public Housing, Project Based Rental Assistance, Housing Choice Vouchers (Section 8), and HUD/VASH.

Actions planned during the next year to address the needs to public housing

The City of Fayetteville Annual Plan does not have actions specific to public housing in GY2025. The actions planned by the Fayetteville Housing Authority are delineated in the Public Housing sections of the ConPlan.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The City of Fayetteville CDBG is not directly involved with these activities; however, through consultation with the Fayetteville Housing Authority and access to their 5-year plan we are aware of activities designed to increase resident involvement. Hillcrest Tower (elderly and disabled) has an active Resident Council that meets regularly. CDBG staff provides periodic presentations to this council to provide information about programs we provide and to give residents an opportunity to share information/thoughts/needs with us. The two family complexes (Willow Heights and Lewis Plaza) have implemented neighborhood watch programs in cooperation with the Fayetteville Police Department which will increase resident involvement in keeping their complexes safe.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

The Fayetteville Housing Authority (FHA) has been designated as troubled. CDBG has been working closely with the Interim Director to provide support and technical assistance as FHA works to remedy the concerns that led to the status change.

Discussion

The Fayetteville Housing Authority is an important component of meeting the housing needs of Fayetteville. The City of Fayetteville will continue to support and work with the Fayetteville Housing Authority, including FHA having the option to apply for assistance through the competitive Subrecipient Grant Application process.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Fayetteville recognizes the need for homeless and other special needs activities in our community. Participation in the NWA Continuum of Care, consultation/partnership with local service providers, and hosting/participating in community events keep us apprised of the needs in our community. The Subrecipient Grant Program and the provision of staff for the Hearth Program are the primary ways the City addresses homelessness and other special needs activities with CDBG funds.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City's active participation in the NWA Continuum of Care (membership, board, committees, coordinated entry, and case conferencing) and ongoing consultation/partnership with local service providers are our primary methods of reaching out to homeless persons and assessing their needs. Hosting and participating in community events are another method utilized to reach the homeless. For example, our annual CDBG in the Park event is widely attended by homeless persons, who in addition to receiving lunch, have an opportunity to learn more about our programs and programs offered by other organizations/agencies in our community. When Fayetteville Animal Services offers vaccination/microchip clinics for the homeless, Community Resources staff attends to provide information about Ranger's Pantry Pet Food Bank. Community Resources has a presence at local events for the homeless when opportunities arise to provide information about our programs. These community events and activities provide homeless persons the opportunity to share with us what their needs are.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Subrecipient Grant Program which provides funds for public services and public facilities has been the primary method that the City has to address emergency and transitional housing needs in our community using CDBG funds.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to

permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The Subrecipient Grant Program, which provides funds for public services and public facilities is one method that the City has to help homeless persons. The internal SAFE Program will provide assistance to the unsheltered community during periods of extreme (heat or cold) weather. The City of Fayetteville will, during the period of this action plan, help homeless persons make the transition to permanent supportive housing through the provision of CDBG funded staff to provide oversight and case management for the City of Fayetteville Hearth Program. In addition, the City partners with local service providers and participates in the NWA Continuum of Care to address the issues homeless persons face.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The Subrecipient Grant Program, which provides funds for public services and public facilities, is the method that the City has to help low-income individuals and families receive assistance from other agencies. This action plan includes funding for programming that will address LMI youth needs in our community. A youth centered program will be offered by CASA of NWA (advocacy for abused and neglected children). OneCommunity also offers youth centered programming through a family literacy program. Magdalene Serenity House provides safe housing for women who have been incarcerated, a history of drug/alcohol addiction, and a history of trauma along with providing holistic services. Uninsured and underinsured individuals will be able to receive medical/dental services from WelcomeHealth. In addition, the City partners with local service providers and participates in the NWA Continuum of Care to address the issues those at risk of homelessness face.

Discussion

The City of Fayetteville through the processes described throughout the ConPlan strives to identify and provide support for those in our community who need it most. Funding levels do not allow all the organizations/agencies that address homeless and special needs activities to receive support in a given year, we utilize the assessment tools available to us to determine the best projects to implement annually.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

In February of 2016 an Analysis of Impediments to Fair Housing Choice (AI) was completed by J-Quad Planning Group, LLC for the City of Fayetteville. A public policy review was a component of the AI. The AI determined that the City of Fayetteville's land development codes and zoning regulations address affordable housing and offer the provision of making allowances through the code to allow the construction of a variety of types of housing including single family and multifamily housing. Regulations allow unrelated persons to reside in a single-family structure and have adequate provisions for group homes and special needs populations.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The AI did not identify any public policy barriers to affordable housing.

Discussion:

Community Resources is cognizant of the importance of being aware of and responding to any proposed public policy changes that could create a barrier to affordable housing.

AP-85 Other Actions – 91.220(k)

Introduction:

The areas listed below are explored in greater detail in other sections of the ConPlan, this section broadly describes the actions planned to address the various areas.

Actions planned to address obstacles to meeting underserved needs

The City of Fayetteville will continue to consult with local organizations/agencies, seek public input, and participate in the NWA Continuum of Care to stay aware of the needs of the community, identify obstacles to meeting underserved needs and provide assistance in addressing them.

Actions planned to foster and maintain affordable housing

Maintaining the affordable housing stock is a priority for the City of Fayetteville. This is accomplished through housing rehabilitation/repair to LMI owner-occupied homes. Emphasis is placed on bringing homes into compliance with State and City Codes, improving energy efficiency, alleviating deferred maintenance conditions, providing safety devices, and when needed addressing lead-based paint issues.

The City's development of a plan for the HOME funds received beginning in 2023 will further the City's efforts to foster affordable housing. Economic Development Department staff are working cross-divisionally to develop a HOME Policies and Procedures document as well as a HOME Request for Proposals process to be released in Summer 2025.

Actions planned to reduce lead-based paint hazards

All housing rehabilitation/repair projects the City does adhere to HUD's lead-based paint regulations. Lead-based paint testing is done as required, determined by the age of the home and type/cost of work being performed. When lead-based paint is found, lead-based paint hazards are remediated, as appropriate, according to the LBP regulations. In all rehabilitation projects, lead safe work practices are always used when lead is present.

Actions planned to reduce the number of poverty-level families

The City of Fayetteville partners with local agencies and participates in the NWA Continuum of Care in local efforts to develop goals, programs and policies for reducing the number of poverty-level families.

The City of Fayetteville allocates CDBG funds to activities that assist poverty level families in Fayetteville. Specific activities are identified in each year's Action Plan. Examples of activities we have funded that assist poverty level families include the City's transportation programs, taxi for elderly/disabled LMI individuals, On Demand transit for LMI individuals, and public service activities that support abused

children, family literacy, formerly incarcerated women, and medical/dental needs.

Actions planned to develop institutional structure

The Community Resources Department (CR) of the City of Fayetteville oversees the CDBG programming for our community. CR administers the internal housing, redevelopment, transportation, and SAFE programs that are funded through CDBG. CR also administers and monitors the CDBG funds allocated to public services and public facilities in our community. We ensure that internal and external programs follow HUD guidelines and benefit the LMI population.

The City has not identified any gaps in the institutional delivery system.

The City of Fayetteville will continue to consult with local organizations/agencies, seek public input, and participate in the NWA Continuum of Care to stay aware of the needs of the community and provide assistance in addressing them. The Subrecipient Grant Program will remain the primary way that we will provide assistance to organizations/agencies in the community that benefit LMI Fayetteville residents.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Fayetteville will continue to partner and consult with local organizations/agencies, seek public input, and participate in the NWA Continuum of Care to stay aware of the needs of the community and provide assistance in addressing them.

Discussion:

The City recognizes the importance of collaboration/partnership as well as combining the information available from others in our community with the information we have internally to develop actions that will benefit Fayetteville.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Fayetteville will not use other forms of investment beyond those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Overarching Recapture Requirements

Recapture Restrictions

Should a HOME Program beneficiary fail to adhere to all applicable affordability requirements, the City of Fayetteville will use the following recapture provisions to ensure the intent of the activity is accomplished or that the un-forgiven portion of the HOME funds are recaptured and used for other activities in the community which are eligible under the HOME program.

Recapture Option

- A. Recapture that portion of HOME Program funding that is unforgiven by the elapsed affordability period or recapture the maximum net proceeds from sale of property (whether recapture is affected through foreclosure or no foreclosure action).

Recapture that portion of HOME Program funding that is unforgiven by the elapsed affordability period or recapture the original HOME Program funding invested into a project as outlined within the project's respective HOME Program Funding Project Agreement developed by the City Attorney's office.

- B. Net proceeds recovered will be used to:

- Reimburse the HOME Program (Approved Activity) for the outstanding balance of HOME funds not repaid or forgiven during the applicable affordability at the time of recapture.
- Reimburse the HOME Program (Administration) for "holding costs" or other costs associated with the recapture action (legal fees, insurance, taxes, realtor fees, appraisal, etc.) If net proceeds recaptured are less than the outstanding balance of HOME funds invested in the property (for all approved activities and holding costs incurred), the loss will be absorbed by the HOME Program and all HOME Program requirements would be considered to have been

satisfied. If net proceeds recaptured are greater than the outstanding balance of HOME funds invested in the property (for all approved activities and holding costs incurred), the balance of net proceeds would be distributed to the homeowner (or his/her estate). If the recapture of proceeds is effectuated through a completed foreclosure action, and the property is legally owned by City of Fayetteville, the balance of net proceeds recaptured will inure to the City of Fayetteville.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Duration of Affordability Restrictions

The housing being constructed, purchased, or rehabilitated will qualify as affordable housing pursuant to the requirements of 24 CFR 92.254, for the “Affordability Period” and after the completion of the project, covenants and restrictions in the deed restriction would terminate without any further action required by the owner or the City.

Homeownership assistance HOME amount per-unit	Minimum period of affordability in years
Under \$15,000	5
\$15,000 to \$40,000	10
Over \$40,000	15

Termination of Affordability Restrictions

The affordability restrictions will terminate due to foreclosure or a transfer of the property in lieu of a foreclosure; however, if the owner obtains an ownership interest in the property before the foreclosure or deed in lieu of foreclosure, during the original affordability period, the affordability restrictions shall be reviewed.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG. The City does not intend to use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds. In addition, the funds will not be used to refinance multifamily loans made or insured by any federal program. The City is aware that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.

5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

The City is not currently planning any HOME TBRA activity.

6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).

The City is not currently planning any HOME TBRA activity.

7. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

N/A

Discussion

The City strives to meet all program specific requirements as detailed in the enabling legislation and program guidelines. City staff work with subgrantees to ensure that these requirements are met and oversees internal operations towards the same goal.

Attachments

Citizen Participation Comments

Form 41.05



Account #: NW1510957

Company: CITY OF FVILLIE-PRE PAY ACCT

113 W Mountain

Fayetteville, AR 72701

Ad number #: 511581

PO #:

Matter of: GY2025 Action Plan

AFFIDAVIT • STATE OF ARKANSAS

I, Maria Hernandez-Lopez, do solemnly swear that I am the Legal Clerk of the **NWA Democrat Gazette**, a daily newspaper printed and published in WASHINGTON/BENTON county, State of ARKANSAS; that I was so related to this publication at and during the publication of the annexed legal advertisement in the matter of:

GY2025 Action Plan

Pending in the court, in said County, and at the dates of the several publications of said advertisement stated below; and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County, that said newspaper had been regularly printed and published in said county, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

And that there is due or has been paid the **NWA Democrat Gazette** for publication the sum of \$957.60.
(Includes \$0.00 Affidavit Charge).

NWA Democrat Gazette 06/01/25, 06/08/25


Legal Clerk

State of ARKANSAS, County of Sebastian

Subscribed and sworn to before me on this 9th day of June, 2025


NOTARY PUBLIC



6/10/25, 5:33 AM

City: Little Sugar Creek to flow free again.

ntially
pleas-
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Creek, as well as creating a new public park along the creek to be named Sugar Creek Park. Visit nwaonline.com/photo for today's photo gallery.
(NWA Democrat-Gazette/Spencer Tirney)

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PUBLIC NOTICE

Notice of Public Comment Period & Hearing

GY2025 Action Plan

The U.S. Department of Housing and Urban Development provides funding to the City of Fayetteville through the Community Development Block Grant (CDBG) Program to develop projects and activities to improve housing, public and community facilities and to provide public services principally for low- and moderate-income residents in the City of Fayetteville. HUD also provides funding to the city through the HOME Investment Partnership Program (HOME) as a Participating Jurisdiction (PJ). On or about Thursday July 10, 2025, the Community Development office will submit to HUD the GY2025 Action Plan for the CDBG and HOME Programs. The Plan will be available online at <https://www.fayetteville-ar.gov/648/Community-Development-Block-Grant-CDBG> or request a copy by phone 479-575-8260 or email community_resources@fayetteville-ar.gov.

A Summary of the GY2025 Action Plan and the Budget is presented below:

Community Development Block Grant (CDBG)

ADMINISTRATION	\$ 131,291
HOUSING	\$ 541,835
REDEVELOPMENT	\$ 97,305
PUBLIC SERVICES	\$ 65,000
CASA of NWA	\$ 10,000
Margalene Serenity House	\$ 7,668
OneCommunity	\$ 2,332
WelcomeHealth	\$ 20,000
SAFE Program	\$ 25,000

CDBG TOTAL \$ 834,927

HOME Investment Partnership Program (HOME) \$ 435,943

GRAND TOTAL \$1,270,870

The Public comment period will be June 2, 2025 – July 1, 2025. Two public hearings will be held in the Rock Street Public Meeting Room on Wednesday June 25, 2025, at 3:00 p.m. and Wednesday June 25, 2025, at 5:30 p.m. All interested parties are invited to attend.

Comments may be made in writing, via email, or by phone. Comments may be sent to: Yolanda FIELDS, Community Resources Director, 113 W Mountain St, Fayetteville AR 72701; Email yfields@fayetteville-ar.gov; Phone (479)575-8260.



Account #: NW1510957
 Company: CITY OF FAYETTE-PRE PAY ACCT
 113 W Mountain
 Fayetteville, AR 72701
 Ad number #: 511577
 PO #:
 Matter of: GY2025 Action Plan

AFFIDAVIT • STATE OF ARKANSAS

I, Maria Hernandez-Lopez, do solemnly swear that I am the Legal Clerk of the La Prensa Libre, a daily newspaper printed and published in WASHINGTON county, State of ARKANSAS; that I was so related to this publication at and during the publication of the annexed legal advertisement in the matter of:

GY2025 Action Plan

Pending in the court in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County, that said newspaper had been regularly printed and published in said county, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

And that there is due or has been paid the La Prensa Libre for publication the sum of \$105.00. (Includes \$0.00 Affidavit Charge).

NWA La Prensa Libre 06/11/25


 Legal Clerk

State of ARKANSAS, County of Sebastian
 Subscribed and sworn to before me on this 11th day of June, 2025


 NOTARY PUBLIC



Semana del 11 de junio de 2025

La Prensa Libre • 5A

COMUNIDAD

EparaTodos, asesoría gratuita para emprendedores

Por Juan Diego Córdoba
LA PRENSA LIBRE

NOROESTE DE ARKANSAS — Lanzar un emprendimiento o hacer crecer tu negocio en Estados Unidos puede ser mucho más sencillo si se tienen los conocimientos adecuados del mercado.

Es por eso que la organización EparaTodos ha abierto las inscripciones para su programa de mentoría personal

alizada para emprendedores hispanos en el Noroeste de Arkansas.

El programa es gratuito y en línea. Pueden aprender cómo crear un negocio desde casa, así como aspectos muy importantes para captar clientes y formar una comunidad de apoyo.

Las clases inician el 15 de septiembre. Para más información pueden escribir a ana.ortiz@eparatodos.org o llamar al 833.336.7255, ext. 7047.

Consulado móvil colombiano, aquí por segunda vez

Por Juan Diego Córdoba
LA PRENSA LIBRE

RAYETTEVILLE — Por segunda ocasión en la historia un consulado móvil de la República de Colombia llegó al Noroeste de Arkansas para facilitar trámites consulares a los ciudadanos colombianos de este estado, Misuri, Oklahoma y Kansas.

Decenas de cufiteros llegaron a la Universidad de Arkansas, sede temporal del consulado, el sábado 31 de mayo y domingo 1.º de junio, para aprovechar la presencia de la misión diplomática colombiana y evitar tener que viajar hasta Houston para realizar sus gestiones.

A la encabezada por la vicescudul de Colombia en Houston, Tatiana Molina, quien expresó la importancia de las aproximaciones de los consulados cafeceros a regiones como la nuestra que están lejos de las sedes oficiales.

"En el consulado reconocemos que el esfuerzo que ustedes hacen al migrar no es un proceso fácil. Ustedes dejaron en Colombia todo, familia y amigos. Quiero decirles que no están solos, en lo que podamos ayudar estamos ahí para ustedes. No solamente se hacen los documentos, sino también tratar las inquietudes que ustedes puedan tener", manifestó Molina.

ArkCCL, la asociación de colombianos que ayudó a organizar la visita consular, manifestó que decenas de conacionales de Misuri, Oklahoma y Kansas viajaron al Noroeste de Arkansas para aprovechar la presencia del consulado móvil.

"Es un momento muy especial para nosotros los colombianos. Somos una comunidad pequeña que está creciendo. Hace 12 años cuando llegó acá

Vea Consulado
en la página 6A

Una cita de 30 minutos podría salvarle la vida.

UBICACIONES EN RAYETTEVILLE, HAMILTON SPRINGDALE Y SULLYVILLE.

- Citas para mamografías de 30 minutos
- Mamografías de 3D
- Los resultados son analizados por radiólogos expertos capacitados en línea
- Se recomiendan mamografías de detección anuales para mujeres a partir de los 40 años.



Llámenos para programar su mamografía anual: (479)442-6268

Acelerador de Negocios
OTOÑO 2025

¿Quiere crecer su negocio o Quiere emprender?

APLIQUE GRATIS



Las clases comienzan
el 15 de septiembre del 2025

Para más información:
ana.ortiz@eparatodos.org
833.336.7255 x 7047

Fecha límite:
10 de junio del 2025



AVISO PÚBLICO

Aviso de Período de Comentarios Públicos y Audiencia
Plan de Acción GY2025

El U.S. Department of Housing and Urban Development (HUD) invita a los interesados a comentar sobre el Draft del Plan de Acción GY2025 para el desarrollo de la vivienda en Rayetteville, Misuri, y en las localidades de Hamilton Springdale y Sullyville, Arkansas. El HUD invita a los interesados a comentar sobre el Draft del Plan de Acción GY2025 para el desarrollo de la vivienda en Rayetteville, Misuri, y en las localidades de Hamilton Springdale y Sullyville, Arkansas. El HUD invita a los interesados a comentar sobre el Draft del Plan de Acción GY2025 para el desarrollo de la vivienda en Rayetteville, Misuri, y en las localidades de Hamilton Springdale y Sullyville, Arkansas.

El período de comentarios públicos será del 2 de junio al 11 de julio 2025. Se llevará a cabo una audiencia pública el 11 de julio 2025.

Subsidio Community Development Block Grant (CDBG)

ALUMINUM	\$ 1,01,000
ALUMINUM	\$ 54,000
ALUMINUM	\$ 97,000
SEPARACIÓN DE PISO	\$ 45,000
GRASA Y OIL	\$ 10,000
Waste and Sanitary Holes	\$ 7,500
Remediation	\$ 12,500
Water and Sewer	\$ 20,000
Programa SGA	\$ 20,000

CDBG TOTAL \$ 304,000

HOME Investment Partnership Program (HOME)

TOTAL \$ 435,943

\$1,270,870

El período de comentarios públicos será del 2 de junio al 11 de julio 2025. Se llevará a cabo una audiencia pública el 11 de julio 2025.

Los comentarios se aceptarán por escrito, por correo electrónico o por teléfono. Los comentarios pueden enviarse al: Vicerrector, Oficina de Relaciones Comunitarias, 115 W. Main St., Rayetteville, AR 72701, o correo electrónico: publiccomment@hud.gov, teléfono: (202) 401-2000.

CDBG & HOME GY2025 Action Plan - Public Comment Hearing
June 25, 2025
3:00 PM

Name	Organization (if applicable)	Address	Email
Ryad Horn	KNWA	609 W. Dickson St.	bhorn@knwa.com
Kelly Colebar	City of Fayetteville Community Resources		
Marlee Stark	City of Fayetteville Economic Development		
Jessie Tagliani	" "		

CDBG & HOME GY2025 Action Plan - Public Comment Hearing
June 25, 2025
5:30 PM

Name	Organization (if applicable)	Address	Email
Kelly Colebar	City of Fayetteville Community Resources		
Marlee Stark	City of Fayetteville Economic Development		
Jessie Tagliani	" "		

GY2025 (Year 5) Action Plan Public Comment Summary

A public comment period for the GY2025 Action Plan was held from June 2, 2025 to July 1, 2025. A Public Hearing was held at 3:00 p.m. on Wednesday June 25, 2025. A second Public Hearing was held at 5:30 p.m. on Wednesday June 25, 2025. There were no public comments received by the deadline.

OMB Number: 4040-0044 Expiration Date: 11/30/2025	
Application for Federal Assistance SF-424	
*1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application	*2. Type of Application: ☒ New ☐ Continuation ☐ Revision
*3. Date Received: 07/11/25	
4. Applicant Identifier: B-25-NC-05-0001	
5a. Federal Entity Identifier:	5b. Federal Award Identifier:
State Use Only:	
6. JACS Received by State:	7. State Application Identifier:
8. APPLICANT INFORMATION:	
*a. Legal Name: City of Fayetteville	
*b. Employer/Employee Identification Number (EIN): 51-2018467	*c. JE: K12TX0003K7
d. Address:	
*Street: 11 W Mountain St	
Street2:	
*City: Fayetteville	
County/Parish:	
*State: AR: Arkansas	
Province:	
*Country: USA: United States	
*ZIP/Postal Code: 72701-0001	
e. Organizational Unit:	
*Organizational Name: Community Development	Division Name: Community Development
f. Name and contact information of person to be contacted on matters involving this application:	
Prefix:	*First Name: Kelly
Middle Name:	*Last Name:
Suffix:	*Title: Community Development Director
Organizational Affiliation:	
*Telephone Number: 479 375 8124 Fax Number:	
*Email: kelly@cityof-fayetteville.com	

Application for Federal Assistance SF-424	
* 9. Type of Applicant 1: Select Applicant Type: City or Township Government	
Type of Applicant 2: Select Applicant Type: 	
Type of Applicant 3: Select Applicant Type: 	
* Other (Specify): 	
* 10. Name of Federal Agency: Department of Housing and Urban Development	
11. Catalog of Federal Domestic Assistance Number: 14.216	
CFA Title: Community Development Block Grant with Related Grants	
* 12. Funding Opportunity Number: 	
Title: 	
13. Competition Identification Number: 	
Title: 	
14. Areas Affected by Project (Cities, Counties, States, etc.): Add Attachment Delete Attachment View Attachment	
* 15. Descriptive Title of Applicant's Project: City of Evansville Community Development Block Grant with Related Grants	
Attach supporting documents as specified in agency instructions. Add Attachments Delete Attachments View Attachments	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: 52-003	* b. Program-Project: A1-003
Attach a sequential list of Program-Project Congressional Districts if needed. Add Attachment Delete Attachment View Attachment	
17. Proposed Project:	
* a. Start Date: 01/01/2020	* b. End Date: 07/31/2021
18. Estimated Funding (\$):	
* a. Federal	834,427.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	834,427.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process? ☒ a. This application was made available to the State under the Executive Order 12372 Process for review on 01/13/2020 . ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review. ☐ c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.) ☐ Yes ☒ No If "Yes", provide explanation and attach Add Attachment Delete Attachment View Attachment	
21. "By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001) ☒ I AGREE ** The list of certifications and assurances, or an internal site where you may obtain this is, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	* First Name: Molly
Middle Name:	
* Last Name: Rawn	
Suffix:	
* Title: Mayor	
* Telephone Number: 915-275-0010	* Fax Number:
* Email: molly.rawn@mayorcityofel Paso.org	
* Signature of Authorized Representative: 	* Date Signed: 7-11-25

**Applicant and Recipient
Assurances and Certifications**

U.S. Department of Housing
and Urban Development

OMB Number: 2506-0044
Expiration Date: 2/28/2027

Instructions for the HUD 424-B Assurances and Certifications

As part of your application for HUD funding, you, as the official authorized to sign on behalf of your organization or as an individual, must provide the following assurances and certifications. The Responsible Civil Rights Official has specified this form for use for purposes of general compliance with 24 CFR §§ 1.5, 3.115, 9.50, and 143.25, as applicable. The Responsible Civil Rights Official may require specific civil rights assurances to be furnished consistent with those authorities and will specify the form on which such assurances must be made. A failure to furnish or comply with the civil rights assurances contained in this form may result in the procedures to effect compliance at 24 CFR §§ 1.6, 3.116, 9.51, or 143.38.

By submitting this form, you are stating that all assertions made in this form are true, accurate, and correct.

As the duly representative of the applicant, I certify that the applicant: Insert below the Name and title of the Authorized Representative, name of Organization and the date of signature:

*Authorized Representative Name:

*Title:

*Applicant/Recipient Organization:

1. Has the legal authority to apply for Federal assistance, has the institutional, managerial and financial capability (including funds to pay the non-Federal share of program costs) to plan, manage and complete the program as described in the application, and the governing body has duly authorized the submission of the application, including these assurances and certifications, and authorized me as the official representative of the application to act in connection with the applicant and to provide any additional information as may be required.

2. Will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and implementing regulations (24 CFR part 1), which provide that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives Federal financial assistance OR if the applicant is a Federally recognized Indian tribe or is a tribal designated housing entity, is subject to the Indian Civil Rights Act (25 U.S.C. 1301-1305).

3. Will administer the grant in compliance with Section 504 of the Rehabilitation Act of 1973 (28 U.S.C. 794), as amended, and implementing regulations at 24 CFR part 9, the Americans with Disabilities Act (42 U.S.C. §§ 12101 et seq.) and implementing regulations at 28 CFR part 35 or 36, as applicable, and the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) as amended, and implementing regulations at 24 CFR part 148 which together provide that no person in the United States shall, on the grounds of disability or age, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives Federal financial assistance; except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

4. Will comply with the Fair Housing Act (42 U.S.C. 8801-13), as amended, and the Fair Housing Regulations at 24 CFR part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin and will affirmatively further fair housing; except an applicant which is an Indian tribe or is a tribal designated housing entity which is excluded from coverage does not make this certification; and further except if the grant program authorizes or limits participation to designated populations, then the applicant

will comply with the nondiscrimination requirements within the designated population.

5. Will comply with all applicable Federal nondiscrimination requirements, including those listed at 24 CFR §§ 5.105(a) and 1.106 as applicable.

6. Will not use Federal funding to promote diversity, equity, and inclusion (DEI) activities, policies, programs, or activities that violate any applicable Federal anti-discrimination laws.

7. Will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR part 24 and, as applicable, Section 104(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 6304(d)) and implementing regulations at 24 CFR part 42, subpart A.

8. Will comply with the environmental requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and related Federal authorities prior to the commitment or expenditure of funds for property.

9. That no Federal appropriated funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of the Federal grant or its extension, renewal, amendment or modification. If funds other than Federal appropriated funds have or will be paid for influencing or attempting to influence the persons listed above, shall complete and submit Standard Form-L.L. Disclosure Form to Report (copying 1) certify that shall receive all subgrants at all times (including subgrants and contracts) to similarly certify and disclose accordingly. Federally recognized Indian Tribes and tribally designated housing entities (TDHEs) established by Federally-recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage by the Byrd Amendment but State-recognized Indian tribes and TDHEs established under State law are not excluded from the statute's coverage.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true, accurate, and correct. **WARNING:** Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802; 24 CFR §28.10(b)(1)(iii)).

*Signature:

*Date: (mm/dd/yyyy):

7/11/2005

Form HUD 424-B (12/2020)

Application for Federal Assistance SF-424		
* 1. Type of Submission: ☐ Pre-solicitation ☒ Application ☐ Changed/Corrected Application		* 2. Type of Assistance: * If Rows on select appropriate letter(s): ☒ New ☐ Continuation ☐ Revision * Other (Specify):
* 3. Date Received: 07/11/25		4. Applicant Identifier: H25M0050201
5a. Federal Entity Identifier: [Empty]		5b. Federal Award Identifier: [Empty]
State Use Only: 6. Date Received by State: [Empty] 7. State Application Identifier: [Empty]		
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Fayetteville		
* b. Employer/ taxpayer identification number (EIN/TIN): 12-6018400		* c. JE: 347000000007
d. Address:		
* Street: 113 E. Main Street, Jr		
* Suite: [Empty]		
* City: Fayetteville		
* County/Parish: [Empty]		
* State: AR: Arkansas		
* Country: USA: UNITED STATES		
* Zip/Postal Code: 72701-5063		
e. Organizational Unit:		
Department Name: Community Resources		Division Name: Community Development
f. Name and contact information of person to be contacted on matters involving this application:		
* First Name: Kelly		* Last Name: [Empty]
* Middle Name: [Empty]		* Legal Name: [Empty]
* Title: Community Resources Administrator		* Email: [Empty]
* Telephone Number: 479-375-3200 * Fax Number: [Empty]		
* Email: Kelly.Kelly@cityoffayetteville.gov		

Application for Federal Assistance SF-424	
*9. Type of Applicant 1: Select Applicant Type: City of Knoxville Government	
Type of Applicant 2: Select Applicant Type: 	
Type of Applicant 3: Select Applicant Type: 	
* Other locality: 	
* 10. Name of Federal Agency: Department of Housing and Urban Development	
11. Catalog of Federal Domestic Assistance Number: 14.279	
CFDA Title: HOME Investment Partnerships Program	
* 12. Funding Opportunity Number: 	
* Title: 	
13. Competition Identification Number: 	
Title: 	
14. Areas Affected by Project (Cities, Counties, States, etc.): Add Attachment Delete Attachment View Attachment	
* 15. Descriptive Title of Applicant's Project: City of Knoxville 2024 Investment Partnership Program	
Attach supporting documents as specified in agency instructions: Add Attachments Search Attachments View Attachments	

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: AB-C03	* b. Program/Project: A1-033
Attach an additional list of Program/Project Congressional Districts if needed. Add Attachment Delete Attachment View Attachment	
17. Proposed Project:	
* c. Start Date: 01/01/2021	* d. End Date: 12/31/2025
18. Estimated Funding (\$):	
* e. Federal	15,012,000
* f. Applicant	
* g. State	
* h. Local	
* i. Other	
* j. Program Income	
* k. TOTAL	15,012,000
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process? ☒ a. The application was made available to the State under the Executive Order 12372 Process for review on 01/01/2021 ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review. ☐ c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.) ☐ Yes ☒ No If "Yes", provide explanation and attach: Add Attachment Delete Attachment View Attachment	
21. "By signing this application, I certify (1) to the statements contained in the list of certifications" and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurance" and agree to comply with any resulting terms if I accept an award. I understand that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001) ☒ ** I AGREE * The list of certifications and assurance, in an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Print:	* Print Name: Nelly
Middle Name:	
* Last Name: Rawn	
Suffix:	
* Title: Mayor	
* Telephone Number: 478-375-8300	Fax Number:
* Email: nellyc.rawn@cityofabbeville.com	
* Signature of Authorized Representative: 	* Date Signed: 7/11/25

**Applicant and Recipient
Assurances and Certifications**

U.S. Department of Housing
and Urban Development

OMB Number 2506-0117
Expiration Date: 02/28/2023

Instructions for the HUD 424-B Assurances and Certifications

As part of your application for HUD funding, you, as the official authorized to sign on behalf of your organization or as an individual, must provide the following assurances and certifications. The Responsible Civil Rights Official has specified the form for use for purposes of general compliance with 24 CFR §§ 1.6, 3.115, 8.10, and 146.25, as applicable. The Responsible Civil Rights Official may require specific civil rights assurance(s) to be furnished consistent with these authorities and will specify the form on which such assurances must be made. A failure to furnish or comply with the civil rights assurances contained in this form may result in the procedures to effect compliance at 24 CFR §§ 1.6, 3.115, 8.57, and 146.38.

By submitting this form, you are stating that all assertions made in this form are true, accurate, and correct.

As the duly representative of the applicant, I certify that the applicant: (Insert below the Name and Title of the Authorized Representative, Name of Organization and the date of signing.)
*Authorized Representative Name:
*Title: _____
*Applicant/Recipient Organization:

*City/State: _____
*Zip: _____

I, as the duly authorized representative of the applicant, hereby certify that:

1. Has the legal authority to apply for Federal assistance, has the institutional managerial and financial capability (including funds to pay the non-Federal share or program costs) to plan, manage and complete the program as described in the application and the governing body has duly authorized the submission of the application including these assurances and certifications, and authorized me as the official representative of the applicant to act in connection with the application and to provide any additional information as may be required.

2. Will administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000c(d)) and implementing regulations (24 CFR part 1), which provide that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity that receives Federal financial assistance OR if the applicant is a Federally recognized Indian tribe or its legally designated successor entity, is subject to the Indian Civil Rights Act (25 U.S.C. 1301-1303).

3. Will administer the grant in compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, and implementing regulations at 24 CFR part 8, the American Disabilities Act (42 U.S.C. §§ 12101 et seq.), and implementing regulations at 28 CFR part 35 or 36, as applicable, and the Age Discrimination Act of 1975 (42 U.S.C. 6101-617) as amended, and implementing regulations at 24 CFR part 148 which together provide that no person in the United States shall, on the grounds of disability or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives Federal financial assistance, except if the grant program authorizes or limits participation to designated populations, then the applicant will comply with the nondiscrimination requirements within the designated population.

4. Will comply with the Fair Housing Act (42 U.S.C. 3601-13), as amended, and the implementing regulations at 24 CFR part 100, which prohibit discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin and will strictly follow further fair housing, except an applicant which is an Indian tribe or its legally entity which is excluded by statute from coverage does not make this certification; and further except if the grant program authorizes or limits participation to designated populations, then the applicant

will comply with the nondiscrimination requirements within the designated population.

5. Will comply with all applicable Federal nondiscrimination requirements, including those listed at 24 CFR §§ 5.105(a) and 5.106 as applicable.

6. Will not use Federal funding to promote diversity, equity, and inclusion (DEI) mandates, policies, programs, or activities that violate any applicable Federal anti-discrimination laws.

7. Will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601) and implementing regulations at 49 CFR part 24.001, as applicable, Section 104(j) of the Housing and Community Development Act of 1974 (42 U.S.C. 5504(j)); and implementing regulations at 24 CFR part 42, subpart A.

8. Will comply with the environmental requirements of the National Environmental Policy Act (42 U.S.C. 4371 et seq.) and release Federal authorities prior to the commitment or expenditure of funds for property.

9. That no Federal appointment funds have been paid, or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of this Federal grant or its extension, renewal, amendment, or modification. If funds over their Federal appointment times have or will be paid for influencing or attempting to influence the persons listed above, I shall complete and submit Standard Form - 11, "Disclosure Form to Report Lobbying." I certify that I shall require all subgrantees at all levels (including sub-grants and contracts) to similarly certify and disclose accordingly. Federally recognized Indian Tribes and Indian designated housing entities (IDHEs) established by Federally recognized Indian tribes as a result of the exercise of the tribe's sovereign powers are excluded from coverage by the Buy American, but State-recognized Indian tribes and TDI Es established under State law are not excluded from the statute's coverage.

Under penalty of perjury, I, the undersigned, certify that the information provided above is true, accurate, and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §§ 229, 3002; 24 CFR § 28.10(b)(1)(iii)).

*Signature:

*Date: (mm/dd/yyyy):

7/11/2005

Form HUD-424-B (7/20/2023)

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

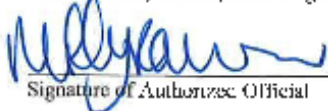
Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontractors, subgrantees, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701) and implementing regulations at 24 CFR Part 75.


Signature of Authorized Official

7/11/2025
Date

Mayor
Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program years) 2025 (a period specified by the grantee of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

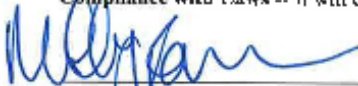
Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws – The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, I, K and R.

Compliance with Laws -- It will comply with applicable laws.



Signature of Authorized Official

7/11/2025

Date

Mayor _____
Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance – If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

Eligible Activities and Costs – It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Subsidy layering -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;



Signature of Authorized Official

7/11/2025

Date

Mayan
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Steven Dotson, Chief Financial Officer
FROM: Waylon Abernathy, Bond Projects & Construction Dir
SUBJECT: **Utility Easement Buddy Hayes Park**

RECOMMENDATION:

Approval of Utility Easement to allow for SWEPCO and Communications lines to be moved to below grade on the west side of Buddy Hayes Park.

BACKGROUND:

Resolution 85-25 authorized the change order to Moser Construction Contract for the streamside restoration and Buddy Hayes Park Improvements to include stage, walkways, sidewalks, and parking.

DISCUSSION:

This is a 10' easement to allow for moving the power and communications underground on the west side of Buddy Hayes Park.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. AR250046 - City of Fayetteville - Buddy Hayes Park



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1375

A RESOLUTION TO AUTHORIZE MAYOR RAWN TO CONVEY A 1,930 SQUARE FOOT RIGHT OF WAY AND EASEMENT TO SOUTHWESTERN ELECTRIC POWER COMPANY FOR UTILITY RELOCATIONS ASSOCIATED WITH THE BUDDY HAYES PARK IMPROVEMENT PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to convey a 1,930 square foot right of way and easement to Southwestern Electric Power Company for utility relocations associated with the Buddy Hayes Park Improvements project.

City of Fayetteville Staff Review Form

2025-1374

Item ID

August 19 2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Wade Abernathy

7/24/2025

CHIEF FINANCIAL OFFICER (110)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Utility Easement to allow for SWEPCO and Communications lines to be moved to below grade on the West Side of Buddy Hayes Park.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? N/A

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? N/A

Item Cost

\$ -

Is a Budget Adjustment attached? N/A

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 85-25

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

RIGHT OF WAY AND EASEMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

GRANTORS: CITY OF FAYETTEVILLE
113 W MOUNTAIN ST
FAYETTEVILLE, AR 72701

In consideration of one dollar, paid, and other good and valuable considerations, receipt of which is acknowledged, have and by these presents do grant and convey unto GRANTEE, SOUTHWESTERN ELECTRIC POWER COMPANY, a Delaware corporation, whose address is 428 Travis St, P.O. Box 21106, Shreveport, LA 71156, its associated and allied companies and their respective successors and assigns, herein referred to as GRANTEE, a perpetual right of way and easement over and through a part of the following described property:

Parcel #s 765-02963-000
765-02964-000
765-02964-000

(See legal description on "Exhibit A")

An Easement and Right of Way Ten (10) feet in width and One Hundred Ninety-Three (193) feet in length as shown on

"Attached Exhibit A"

With the right to construct, reconstruct, repair, replace, change the size and capacity of, modify, operate, maintain, inspect, remove, a line or lines of underground and/or overhead facilities, including, but not limited to, poles, structures, wires, cables, conduits, guys, anchors, and other fixtures and equipment as the GRANTEE may from time to time require for the distribution of electric current, and other forms of energy, and for the transmission or communication of data, audio and video information. Together with the right of ingress and egress to said right of way and easement at all times with equipment and personnel across GRANTOR'S lands for the purpose of constructing, operating and maintaining said lines and related facilities and making all necessary repairs, alterations or removal of any of its property placed thereon, provided that GRANTEE shall repair, replace, or pay for actual damages which may be the result of construction, maintenance and operation of its facilities. GRANTOR shall not construct nor permit to be constructed, any structure or building of any type or nature, including swimming pools, on or adjacent to the said easement right of way that would prevent the use or endanger the said facilities or that would cause a violation of the National Electric Safety Code. In addition, the GRANTEE may trim, treat, cut down, or remove any trees, growth and vegetation without incurring damages (within the right of way or which could grow into the right of way) which may interfere with GRANTEE'S lines and other facilities
To have and hold the above described easement and rights unto the GRANTEE, its successors and assigns, forever or until said right of way and easement is finally abandoned.

SIGNED AND DATED, this _____ day of _____, 2025.

City of Fayetteville Representative

Title

Acknowledgement

THE STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this the _____ day of _____, 2025, before me, a Notary Public, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged that he/she/they executed the same for the purposes herein set forth.

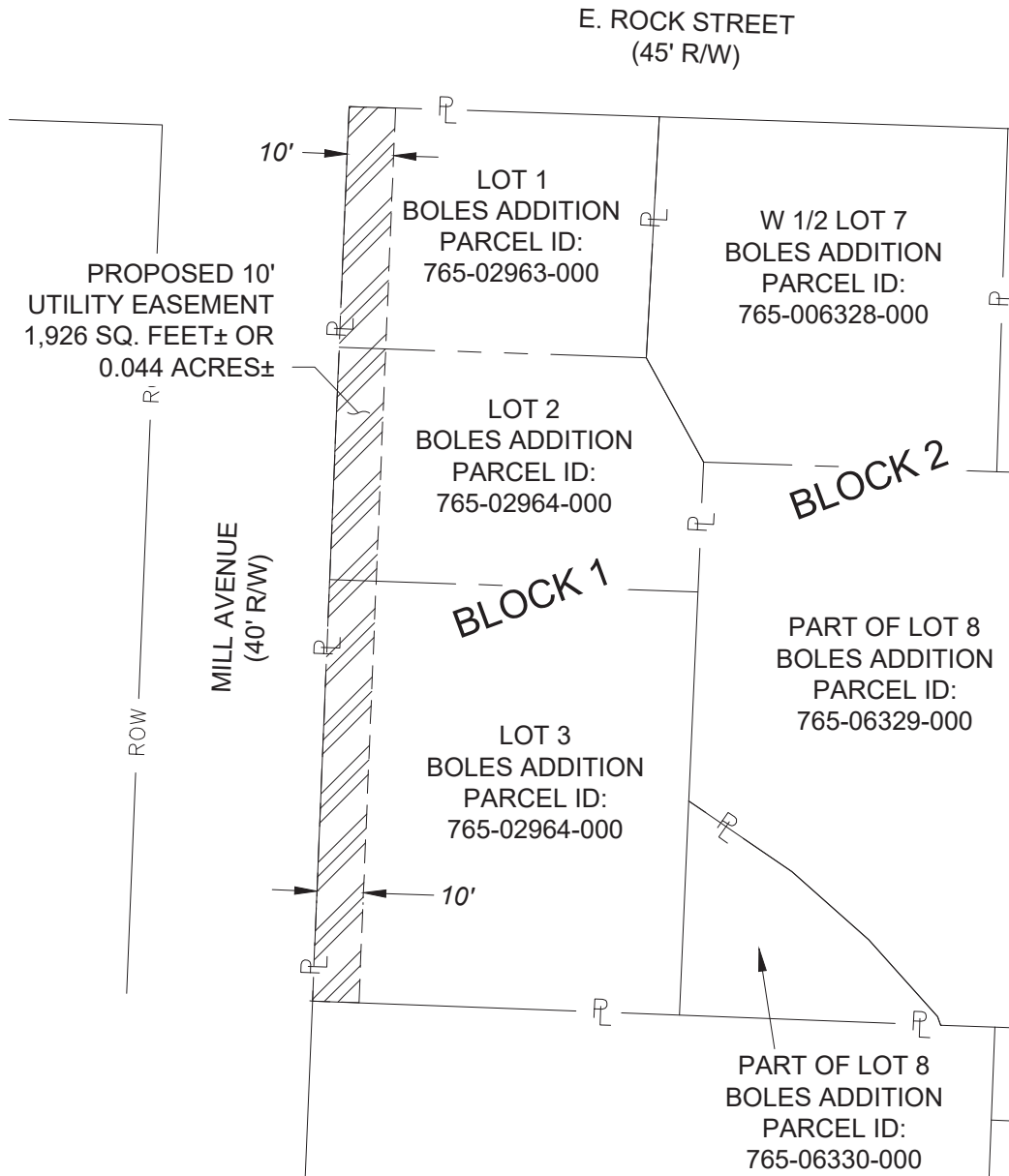
In witness whereof I hereunto set my hand and official seal.

Notary Public

SWEPCO Right-of-Way
101 W Township
Fayetteville, AR 72703

Proposed 10' Utility Easement Description

The west 10 feet of Lots 1, 2 & 3, Block 1 of Boles Addition containing 1,926 square feet or 0.044 acres more or less.



THIS SKETCH IS NOT A BOUNDARY SURVEY. IT IS INTENDED TO SHOW THE CONFIGURATION OF A PROPOSED EASEMENT. IT SHOULD NOT BE USED TO LOCATE PROPERTY LINES AND DOES NOT MEET THE STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SHEET 1 OF 1

PROJECT NO: 022-06146

DRAWN BY: SBR

DATE: 06.05.2025

Buddy Hays Park

Proposed SWEPCO
Easement Exhibit

olsson

3537 North Steele Boulevard
Suite 310
Fayetteville, AR 72703

olsson.com
TEL 479.443.3404
Olsson - Survey
Arkansas COA #1010

EXHIBIT

A



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Steven Dotson, Chief Financial Officer
FROM: Amanda Beilfuss, Procurement Director
SUBJECT: **Approval of a Contract for Bond Counsel Services**

RECOMMENDATION:

Staff recommends approval of a five-year contract with Kutak Rock LLP, through RFQ 25-06, to provide bond counsel services as needed for the City during the bond issuance process.

BACKGROUND:

The City issues bonds to provide funding for City Council-approved projects. Due to the complexity and nature of bond issues, the City has a need to acquire third-party legal services in connection with the bond issuance process.

DISCUSSION:

The City advertised RFQ 25-06, Bond Counsel on March 30, 2025. A total of three (3) firms responded. After meeting on May 27, 2025, the selection committee voted Kutak Rock LLP as the top-ranking firm according to the selection criteria presented in the request for qualifications. The City presents the engagement letter provided by Kutak Rock LLP for consideration.

BUDGET/STAFF IMPACT:

The cost of bond counsel services is payable from the proceeds of the successful sale of the City's bonds.

ATTACHMENTS: 3. Staff Review Form, 4. Fayetteville Bond Counsel 2025-29 Engagement Letter, 5. RFQ 25-06, Appendix A - City Issued RFQ, 6. RFQ 25-06, Appendix B - Kutak Rock's Submittal



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1282

A RESOLUTION TO APPROVE A ONE-YEAR CONTRACT WITH KUTAK ROCK, LLP PURSUANT TO RFQ 25-06 FOR BOND COUNSEL SERVICES AS NEEDED WITH FOUR ONE-YEAR RENEWAL OPTIONS

WHEREAS, Kutak Rock, LLP has provided excellent bond counsel services for various bonds issued by the City of Fayetteville for the last several years; and

WHEREAS, a City selection committee reviewed applications from three potential bond counsel firms prior to selecting Kutak Rock, LLP as bond counsel subject to City Council approval.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the selection of Kutak Rock, LLP as the City's Bond Counsel pursuant to RFQ 25-06 and authorizes Mayor Rawn to sign a one year contract with Kutak Rock, LLP to serve as the City's Bond Counsel with four one year renewal options.

City of Fayetteville Staff Review Form

2025-1282

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Amanda Beilfuss

7/23/2025

PURCHASING (160)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a five-year contract with Kutak Rock LLP, through RFQ 25-06, to provide bond counsel services as needed for the City during the bond issuance process.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

July 15, 2025

Honorable Molly Rawn
City of Fayetteville, Arkansas
113 W. Mountain
Fayetteville, AR 72701

Re: City of Fayetteville, Arkansas – 2025-26 Bond Counsel Services

Dear Mayor Rawn:

The purpose of this engagement letter is to set forth certain matters concerning the services we would expect to perform as bond counsel to the City of Fayetteville, Arkansas (the “City”) in connection with its financings and refinancings of various capital improvements and equipment purchases during the calendar years 2025 and 2026 (the “Projects”). We understand that the Projects may be financed utilizing various structures and revenue sources, including, but not limited to, general obligation bonds and notes, utility or other special revenue bonds and notes, sales and use tax bonds, advertising and promotion tax bonds, loans from State of Arkansas revolving loan funds, and lease/purchase arrangements.

SCOPE OF ENGAGEMENT

(a) Where the issuance of the City’s bonds or notes (“Bonds”) occurs in connection with this engagement, we would serve as bond counsel (“Bond Counsel”) to the City and would expect to perform the following duties for each such issuance:

(1) Subject to the completion of proceedings to our satisfaction, render our legal opinion (the “Bond Opinion”) regarding the validity and binding effect of the Bonds, the source of payment and security for the Bonds, and the excludability of interest on the Bonds from gross income for federal and Arkansas income tax purposes, where appropriate;

(2) Prepare and review resolutions, ordinances, documents and certificates necessary or appropriate to the authorization, issuance and delivery of the Bonds, coordinate the authorization and execution of such resolutions, ordinances, documents and certificates, and review enabling legislation;

(3) Assist the City and any underwriter of the Bonds in seeking from other governmental authorities such approvals, permissions and exemptions as we determine are

KUTAKROCK

Honorable Molly Rawn
July 15, 2025
Page 2

necessary or appropriate in connection with the authorization, issuance and delivery of the Bonds;

- (4) Review legal issues relating to the structure of the Bond issue;
- (5) Review certified proceedings;
- (6) Undertake such additional duties as are necessary to render our Bond Opinion;
- (7) Assist the City in presenting information to bond rating organizations and providers of credit enhancement relating to legal issues affecting the issuance of the Bonds; and
- (8) Draft the continuing disclosure undertaking of the City.

In addition to the customary duties of Bond Counsel set forth above, we understand that we may additionally be asked to (i) draft the Bond Purchase Agreement between the City and the underwriter(s) with respect to the Bonds and (ii) assist the City in preparing the official statement or other offering document (the “Official Statement”) with respect to the Bonds, and, subject to the satisfactory completion of our review, provide to the City written advice that, in the course of our participation, no information has come to our attention which leads us to believe that the Official Statement, as of its date (except for the financial statements, other statistical data, feasibility reports and statements of trends and forecasts, and information concerning any credit enhancer and The Depository Trust Company, contained in the Official Statement and its appendices, as to which we will express no belief), contains any untrue statement of material fact or omits to state any material fact necessary to make the statements in the Official Statement, in light of the circumstances under which they were, not misleading. Although it is permissible for Bond Counsel to undertake the activities described in this paragraph, they are often performed by counsel to the underwriter.

Each Bond Opinion will be addressed to the City and will be delivered by us on the date that an issue of Bonds is exchanged for the purchase price thereof (the “Closing”).

Each Bond Opinion will be based on facts and law existing as of its date. In rendering our Bond Opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us and we will assume continuing compliance by the City with applicable laws relating to the Bonds. During the course of this engagement, we will rely on the City to provide us with complete and timely information on all developments pertaining to any aspect of each issue of Bonds and their security.

KUTAKROCK

Honorable Molly Rawn
July 15, 2025
Page 3

(b) Where a Project is to be financed through a lease/purchase agreement (“Lease/Purchase Agreement”), we would serve as Bond Counsel to the City in connection with each such Lease/Purchase Agreement and would expect to perform the same or similar duties as those set forth above in connection with the issuance of Bonds, modified as necessary to meet the requirements of the particular leasing program; and

(c) Where a Project is to be financed with the proceeds of any sales and use tax or an advertising and promotion tax, whether or not in connection with the issuance of Bonds, we would serve as special counsel to the City with respect to election matters, and would expect to prepare or assist in the preparation of all resolutions, ordinances, ballots and other materials for such election and, upon request, to attend all public meetings relating to such election.

Our duties in this engagement are limited to those expressly set forth above. Among other things, our duties will not include, unless otherwise specifically engaged for such purpose:

- (I) Preparing requests for tax rulings from the Internal Revenue Service, or no action letters from the Securities and Exchange Commission;
- (II) Drafting state constitutional or legislative amendments;
- (III) Pursuing test cases or other litigation;
- (IV) Making any investigation or expressing any view as to the creditworthiness of the City or the Bonds;
- (V) Representing the City in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations; or
- (VI) Except as set forth in (c) above, addressing any other matter not specifically set forth above that is not required to render our Bond Opinion.

ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this engagement letter, the City will be our client and an attorney-client relationship will exist between us. We assume that all other parties in connection with the issuance of any Bonds or the entry into any Lease/Purchase Agreements will understand that in those transactions we represent only the City, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services as counsel to the City are limited to those contracted for herein, and the City’s execution of this engagement letter will constitute an acknowledgment of those limitations. Our representation of the City will not affect, however, our responsibility to render objective Bond Opinions where required in connection with this engagement.

Honorable Molly Rawn
July 15, 2025
Page 4

CONFLICTS

During the course of any Bond and lease/purchase financings referenced above, our firm will likely be representing the underwriter(s) of the Bonds or the lessor(s) under Lease/Purchase Agreements in separate unrelated matters. We do not believe such representations, if they occur, will adversely affect our ability to represent you as provided in this letter because such matters will be sufficiently different from the issuance of the Bonds or the entry into the Lease/Purchase Agreement so as to make such representations not adverse to our representation of you. Execution of this letter will signify the City's consent to our representation of said underwriter(s) and lessor(s) consistent with the circumstances described in this paragraph.

FEEES

(a) In connection with each issue of Bonds as described above, we propose Bond Counsel fees as set forth in the following table:

<u>Principal Amount</u>	<u>Bond Counsel Fee</u>
Up to \$5,000,000	\$35,000
\$5,000,001 – \$10,000,000	\$40,000
\$10,000,001 - \$15,000,000	\$50,000
\$15,000,001 - \$20,000,000	\$60,000
\$20,000,001 - \$30,000,000	\$70,000
\$30,000,001 and above	\$80,000

In the event we are asked to undertake additional duties traditionally performed by underwriter's counsel (including the preparation of the Bond Purchase Agreement and Official Statement), we propose an additional fee of \$10,000 in connection with each such issue under \$30,000,000 in principal amount and \$20,000 in connection with each such issue over \$30,000,000 in principal amount.

(b) In connection with each Lease/Purchase Agreement as described above, we propose Bond Counsel fees as set forth in the following table:

<u>Principal Amount</u>	<u>Bond Counsel Fee</u>
Up to \$5,000,000	\$17,500
\$5,000,001 – \$10,000,000	\$20,000
\$10,000,001 - \$15,000,000	\$22,500
\$15,000,001 - \$20,000,000	\$25,000
\$20,000,001 - \$30,000,000	\$30,000
\$30,000,001 and above	\$35,000

KUTAKROCK

Honorable Molly Rawn

July 15, 2025

Page 5

(c) For serving the City as special counsel with respect to election matters as described above, we propose a fee based upon a flat hourly rate of \$300 per hour for all attorneys of the firm who perform legal services in connection with such engagement.

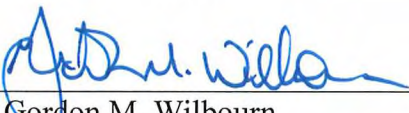
In addition, with respect to each representation of the City described above, we will expect to be reimbursed for certain out-of-pocket client charges made or incurred on your behalf, such as travel costs, photocopying, deliveries, filing fees, computer-assisted research and other out-of-pocket expenses.

We understand and agree that our fees with respect to Bonds and Lease/Purchase Agreements will be paid at the time of Closing of each such financing. If the financing is not consummated, we understand that we will not be paid for time expended on your behalf but will be reimbursed for client charges made or incurred on your behalf.

Our fees with respect to election matters will be billed on a monthly basis and are payable irrespective of the submission of questions to the voters or the ultimate approval of questions submitted.

If the foregoing terms are acceptable to you, please so indicate by returning the enclosed copy of this engagement letter signed by an appropriate officer, retaining the original for your files. We look forward to working with you.

KUTAK ROCK LLP

By: 
Gordon M. Wilbourn

Accepted and Approved:

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

Title: Molly Rawn, Mayor

Dated: _____



CITY OF
FAYETTEVILLE
ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8256

TDD (Telecommunication Device for the Deaf): 479.521.1316

RFQ (REQUEST FOR QUALIFICATIONS)

RFQ 25-06, Bond Counsel

DEADLINE: Thursday, April 25, 2025 before 2:00 PM, local time

PROCUREMENT DIRECTOR: Amanda Beilfuss, abeilfuss@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: 03/30/2025

REQUEST FOR QUALIFICATION

RFQ 25-06, Bond Counsel

Late qualifications will not be accepted. RFQ's shall be submitted through the City's third-party electronic bidding platform or by submitting a sealed physical proposal to the City of Fayetteville, Purchasing Division at the below location.

City of Fayetteville
Purchasing Division – Room 306
113 West Mountain Street
Fayetteville, AR 72701

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Procurement Director.

City of Fayetteville, Arkansas
Request for Statements of Qualification
RFQ 25-06, Bond Counsel

The City of Fayetteville is accepting statements of qualifications from firms capable of providing bond counsel legal services for one (1) year with four (4) one-year renewal options, giving a possible contract term of five (5) years.

To be considered, statements of qualification shall be received electronically through the City of Fayetteville, Purchasing Division's online bidding platform by **Thursday, April 24, 2025 before 2:00 PM, local time.**

The solicitation RFQ & addendums can be downloaded from the City's web site at <http://fayetteville-ar.gov/bids>. All questions regarding the RFQ process should be directed to Amanda Beilfuss at abeilfuss@fayetteville-ar.gov or (479) 575-8220.

Firms submitting a statement of qualification shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located. Proposers shall have a current, valid registration with the Arkansas Secretary of State at time of RFQ deadline OR be able to provide proof of registration before recommendation of award to Fayetteville City Council.

The City of Fayetteville reserves the right to reject any or all statements of qualifications and to waive irregularities therein, and all Proposers shall agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any Proposer because of such rejections, nor shall the Proposers seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Proposal in response to this invitation shall constitute an agreement of the Proposer to these conditions.

City of Fayetteville

By: Amanda Beilfuss, Procurement Director

P: 479.575.8220 abeilfuss@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

Date of advertisement: 03/30/2025

This publication was paid for by the Purchasing Division of the City of Fayetteville, Arkansas.

Amount paid: \$150.72

1. SUBMISSION OF A STATEMENT OF QUALIFICATION SHALL INCLUDE:

Each proposal shall contain the following at a minimum. Proposer must also address detailed requirements as specified in the Scope of Work.

- a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFQ. The term Proposer shall be in reference to a firm or individual responding to this solicitation. The term proposal is used in these documents as equal to statement of qualification.
- b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFQ. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFQ.
- c. Statement should be no more than twenty-five (25) pages; single sided, standard, readable, print on standard 8.5x11 documents. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the twenty-five-page limitation; appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.
 - i. **Submitting and responding to this RFQ:** Proposals shall be prepared simply and economically, providing a straightforward, concise description of its ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content. All documents physically submitted should be typewritten on standard 8 1/2" x 11" white pages and bound in one volume. Exceptions would be schematics, exhibits, one-page resumes, and City required forms. Limit proposal to twenty-five (25) pages or less, excluding one-page team resumes, references, and forms required by the City for completion. All proposals shall be sealed upon delivery to the City of Fayetteville.
 1. Option 1 –Electronic Submittal (***strongly encouraged***): Proposers can go to www.fayetteville-ar.gov/bids and follow the prompts to submit a proposal within the electronic bidding platform. If a proposal is submitted electronically, a physical submission is not necessary. All Proposers must register in order to be able to submit. There is no fee for registration.
 2. Option 2 – Physical Submittal: All Proposers shall submit one (1) original copy of their proposal as well as one (1) electronic copy on a properly labeled USB or other electronic media device. The electronic copy submitted shall be contained into one single electronic file and shall be identical to the hard copies provided. The use of Adobe PDF documents is strongly recommended. Files contained on an USB or electronic media shall not be restricted against saving or printing. Electronic copies shall not be submitted via e-mail to City employees by the Proposer and shall be provided to the City in a sealed manner. FedEx,

UPS, USPS, or other packages should be clearly marked with the RFQ number on the outside of the mailing package.

- d. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. Only the names of Proposer's will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.
- e. Proposers shall submit a statement of qualification based on documentation published by the Fayetteville Purchasing Division.
- f. Proposals must follow the format of the RFQ. Proposers should structure their responses to follow the sequence of the RFQ, if provided.
- g. Proposers shall have experience in work of the same or similar nature and must provide references that will satisfy the City of Fayetteville. Proposer shall furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.
- h. Proposer is advised that exceptions to any of the terms contained in this RFQ or the attached service agreement must be identified in its response to the RFQ. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- i. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Documents shall be received before the deadline time as shown by the atomic clock located in the Purchasing Division Office or electronic clock located in the City's third-party bidding software.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this proposal must be sent in writing via e-mail to the Purchasing Department. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed RFQ made or given prior to the award of the contract.

3. RIGHTS OF CITY OF FAYETTEVILLE IN REQUEST FOR PROPOSAL PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the right to the following:

- a. The City of Fayetteville reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.
- b. The City of Fayetteville reserves the right to select the proposal it believes will serve the best interest of the City.
- c. The City of Fayetteville reserves the right to accept or reject any or all proposals.

- d. The City of Fayetteville reserves the right to cancel the entire request for proposal.
- e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for proposal or in proposals submitted.
- f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information or proposal data without changing the terms of the proposal.
- g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

4. EVALUATION CRITERIA:

The evaluation criterion defines the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFQ. Proposers are not guaranteed to be ranked.

5. COSTS INCURRED BY PROPOSERS:

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith, shall be borne solely by the Proposer(s). No payment will be made for any responses received, or for any other effort required of, or made by, the Proposer(s) prior to contract commencement.

6. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

7. CONFLICT OF INTEREST:

- a. The Proposer represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Limited Authority of City Employee to Provide Services to the City".
- b. The Proposer shall promptly notify Amanda Beilfuss, City Procurement Director, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the Proposer's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the Proposer may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

8. WITHDRAWAL OF PROPOSAL:

A proposal may be withdrawn prior to the time set for the proposal submittal based on a written request from an authorized representative of the firm; however, a proposal shall not be withdrawn after the time set for the proposal.

9. LATE PROPOSAL OR MODIFICATIONS:

- a. Proposal and modifications received after the time set for the proposal submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Proposers refer to their submission status in the online bidding portal or call the Purchasing Division at (479) 575-8220 to ensure receipt of their submittal documents prior to opening time and date listed.
- b. The time set for the deadline shall be local time for Fayetteville, AR on the date listed. All proposals shall be received in the Purchasing Division BEFORE the deadline stated.

10. CONSTITUTIONAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

The laws of the State of Arkansas apply to any purchase made under this request for proposal. Proposers shall comply with all constitutional, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "Proposer certifies that their proposal is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICTION:

- a. The City of Fayetteville reserves the privilege of auditing a Contractor's records as such records related to purchases between the City and said Contractor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the services or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for proposal apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by Proposers prior to submitting a proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), no later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. CERTIFICATE OF INSURANCE:

The successful bidder shall provide a Certificate of Insurance in accordance with the following guidelines, prior to commencement of any work: \$1,000,000 Commercial Liability, Statutory Worker's Compensation, and General Automotive, if applicable. SUCH CERTIFICATE SHALL LIST THE CITY OF FAYETTEVILLE AS AN ADDITIONAL INSURED. LISTING THE CITY OF FAYETTEVILLE AS A CERTIFICATE HOLDER ONLY IS NOT AN ACCEPTABLE SUBSTITUTE. CERTIFICATE OF INSURANCE MUST INCLUDE THE ENDORSEMENT SHOWING THE CITY OF FAYETTEVILLE LISTED AS AN ADDITIONAL INSURED. Insurance shall remain valid, when applicable, throughout project/contract completion.

17. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFQ. Further, the successful Proposer is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original RFQ. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or penalty for untimely payments. **Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the Contractor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFQ.

- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first.

20. NON-EXCLUSIVE CONTRACT:

Award of this RFQ shall impose no obligation on the City to utilize the Contractor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other law firms for similar work if it deems such an action to be in the City's best interest. In the case of multiple-phase contracts, this provision shall apply separately to each item.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is **strictly prohibited** either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

22. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this RFQ from the Proposer. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

23. SERVICES AGREEMENT:

A written agreement, in substantially the form attached, incorporating the RFQ and the successful proposal will be prepared by the City, signed by the successful Proposer and presented to the City of Fayetteville for approval and signature of the Mayor.

24. INTEGRITY OF REQUEST FOR QUALIFICATION (RFQ) DOCUMENTS:

Proposers shall use the original RFQ form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Proposers may use an attachment as an addendum to the RFQ form(s) if sufficient space is not available on the original form for the Proposer to enter a complete response. **Any modifications or alterations to the original RFQ documents by the Proposer, whether intentional or otherwise, will constitute grounds for rejection of such RFQ response.** Any such modifications or alterations a Proposer wishes to propose shall be clearly stated in the Proposer's RFQ response and presented in the form of an addendum to the original RFQ documents.

25. OTHER GENERAL CONDITIONS:

- a. Proposers must provide the City with their proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.
- b. The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.
- c. This solicitation is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the City to pay for any costs incurred by Proposer in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- d. If products, components, or services other than those described in this bid document are proposed, the Proposer must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- e. **Any uncertainties shall be brought to the attention to Amanda Beilfuss immediately via telephone (479.575.8220) or e-mail (abeilfuss@fayetteville-ar.gov).** It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all Proposers to be on equal terms.
- f. No oral interpretation or clarifications will be given as to the meaning of any part of this request for qualification. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- g. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.
- h. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFQ. The RFQ is designed to provide qualified Proposers with sufficient, basic information to submit proposals meeting minimum specifications and/or test requirements but is not intended to limit a RFQ's content or to exclude any relevant or essential data.
- i. Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- j. The successful Proposer shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that it is agreed that the right of the assignee in

and to any monies due or to become due to the successful Proposer shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.

- k. The successful Proposer's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful Proposer shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to the City of Fayetteville.

Appendix A
RFQ 25-06, Bond Counsel
City Issued RFQ

CONTINUES ON NEXT PAGE

1. COMMUNITY OVERVIEW:

The City of Fayetteville, Arkansas, County Seat of Washington County is located in the northwest corner of Arkansas. It is a city of the first class in the State of Arkansas with an approximate population of 100,000 citizens and a regional population base of over 550,000. Fayetteville is home to the principal campus of the University of Arkansas, which has contributed to higher education in the area for over 100 years.

2. CAPITAL FINANCIAL PLANNING:

The northwest Arkansas region has witnessed explosive growth and development over the past twenty-five (25) years. This growth has heavily taxed infrastructure capacity of Fayetteville and its neighboring communities. The City of Fayetteville develops on a biennial basis a Five-Year Capital Improvements Program (CIP). The City's philosophy concerning the use of the CIP is that it should be considered as a financial planning tool that lists the City's capital improvement projects, places the projects in a priority order, and schedules the projects for funding and implementation. The City has historically funded the CIP primarily on a pay-as-you-go basis. However, for major construction projects such as water and sewer system improvements, road projects, trail projects and building projects, Sales and Use Tax bonds and revenue bonds have been issued. The City has also issued Amendment 78 bonds for short term obligations.

3. CURRENT BOND ISSUES:

In 2019, a referendum was passed by the voters of Fayetteville that authorized the issuance of \$226 million of Sales and Use Tax Capital Bonds. In the ordinance passed by the City Council for these bonds, Kutak Rock, LLP was engaged as bond counsel and Stephens, Inc. was engaged as underwriter for the issue.

4. FUTURE BOND ISSUES:

The City is currently evaluating a potential future bond issue.

5. INTENT:

All submitted proposals received will be maintained on file through the end of 2026. The City intends to select a primary counsel for the entire term of the request and reserves the right to select other firms if specialized qualifications are needed.

6. SCOPE OF WORK:

In serving as bond counsel to the City, the selected firm will be expected to perform said scope of services. Also, all statements shall indicate compliance with the following requested **Scope of Work:**

- a. Communicate with members of City staff as necessary to assist in planning the financing and structuring of the designated bond issuance.
- b. Opine that the issuer is duly created and validly existing as the body of the State of Arkansas with authority to adopt legislation relating to the issuance of bonds and has the legal authority to issue bonds.

- c. Review documents prepared by other counsels that may be involved in the financing team and express an opinion on said bonds as requested.
- d. Prepare trust indentures, bond ordinances and/or resolutions, arbitrage certificate, notices of sale, tax certificates, and other related legal documents.
- e. Assist in various aspects of preparing the preliminary and final Official Statements or any other related disclosure documents to be distributed in connection with the sale of bonds.
- f. Issue interim and final approving opinions, as required, concerning matters of legality and tax exemption under federal and state securities laws.
- g. Advise and assist in planning the procedures and documentation necessary for utilizing the bond proceeds for the proposed project(s).
- h. Advise and assist in planning for the sale of bonds.
- i. Attend City Council meetings to answer questions and provide presentations and updates on matters of concern to the legislative body.
- j. Supervise the printing and delivery of the bonds.
- k. Prepare any required legal research, correspondence, and preparation of memoranda or other documents related to the issuance of the bonds or the planning and construction of the project as required.

7. OTHER WORK IF NEEDED:

- a. Prepare documentation necessary to allow for local interim financing pending issuance of the definitive bonds, if required due to market conditions.
- b. Assist with and prepare for rating agency hearings including attendance at meetings and follow-up on any detailed information requested.

8. STATEMENT OF QUALIFICATION SUBMITTAL:

Statements of qualification shall **not include** any pricing information. **Price will be negotiated with the firm recommended most qualified by the selection committee and shall not be included in any firm's response or statement of qualification.** In responding to this request for statement of qualifications, firms should include the following information in addition to other requested information and pertinent company information related to the selection criteria:

- a. Statements should be prepared simply and economically, providing a straightforward, concise description its ability to meet the requirements for the project. Fancy bindings, colored displays, and promotional material are not required. Emphasis should be on completeness and clarity of content. All documents should be typewritten on standard 8 ½" x 11" white pages and bound in one volume. Exceptions would be schematics, exhibits, or other information necessary to facilitate the City of

Fayetteville's ability to accurately evaluate the proposal. Limit proposal to twenty-five (25) pages or less, excluding one-page team resumes and City required forms and requested items.

- b. Resumes of all key persons from the firm who are expected to be involved in the scope of work as outlined above. Resumes should be limited to one (1) page.
 - i. Experience with different municipal debt structure types and amounts of debt;
 - ii. Knowledge of federal and state tax and disclosure laws and regulations as they pertain to municipal debt;
 - iii. Experience in drafting legal documents relating to municipal debt issuance;
 - iv. Position title, company tenure, experience, other relative information
- c. A client reference list for which similar work has been performed within the past five (5) years.
- d. Include any other information that might be helpful to assist the City in understanding the firm's unique qualifications to perform bond counsel services for the City of Fayetteville.
- e. Company:
 - i. **Experience:** Proposer shall provide a detailed description of similar city and/or county projects or contracts that currently use the proposed system, completed and/or presently provided during the past five (5) years. Provide complete contact information, name, address, phone and emails for all references.
 - ii. **Company Principals:** Provide a brief biographic overview of the Company's key principals.
 - iii. **Capabilities:** Proposer shall provide a description of limitations relative to facilities, staff personnel, on-going projects/ contracts, etc. Specifically, provide statement of qualification what priority will be placed on this project.
 - iv. **Company Organization:**
 - 1. **Primary Business:** Proposers shall describe company's primary business interest and/or operations including organization and affiliations. Include the magnitude of your operation as it relates to this project.
 - 2. **Company History:** Provide pertinent company historical information that will demonstrate your capability to successfully accomplish this project.

9. CONTRACT FORMATION:

If the negotiation produces mutual agreement, the draft contract as a part of this package will be constructed and forwarded to the Fayetteville City Council for approval. If negotiations with the highest-ranking Proposer fail, negotiations shall be initiated with the next highest-ranking Proposer until an agreement is reached. The City reserves the right to reject all offers and end the process without executing a contract.

10. TERM OF CONTRACT:

The initial term of the contract shall be for a period of one (1) year, starting with the date approved by the Fayetteville City Council. The contract shall be renewable by mutual consent, at a mutually agreed fee for work assigned on an annual basis thereafter for four (4) additional years, for a total contract term of five (5) years. In the event of termination, claims for compensation owed the consultant by the City shall be limited to verifiable services rendered. The City reserves the right not to use the "primary" contract solely. The City reserves the right to contract with any firm responding to this request, based on specific project needs and experience needed.

11. DEMONSTRATION & ORAL PRESENTATION:

- a. Following the evaluation of the proposals, the Selection Committee may request that the top-ranking firms make an oral presentation or be interviewed. If presentations are necessary, they will take place in Fayetteville, Arkansas. Notices will be sent by the Purchasing Division.
- b. A demonstration of the system may be required before a final decision is made. The Purchasing Division will schedule all demonstrations.

12. SELECTION CRITERIA: The evaluation criterion below defines the factors which will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. The evaluation factors are as follows:

- **30 Points** – Specialized experience and technical competence of the firm with respect to the type of professional services required.
- **25 Points** – Capacity and capability of the firm to perform the work in question including specialized services, within the time limitations fixed for the completion of the project.
- **25 Points** – Past record of performance of the firm with respect to such factors as quality of work and ability to meet schedules and deadlines.
- **20 Points** – Firm's proximity to and familiarity with the area in which the project is located.

******NOTE: Fees shall NOT be included with any statement of qualification.** Price shall not be a considered a factor used to select a vendor. Price and fees will not be considered until the negotiating process and will not be a factor in the award of any proposed contract. In the event the City is not able to negotiate a successful contract with the selected vendor, the City reserves the right to cease negotiations with such selected vendor and proceed on to the next selected vendor.

1. DISCLOSURE INFORMATION

- a. Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.
- i. If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

_____ 1) NO KNOWN RELATIONSHIP EXISTS

_____ 2) RELATIONSHIP EXISTS (Please explain): _____

- b. I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.
- c. Proposer agrees that they shall have a current, valid registration with the Arkansas Secretary of State at time of RFQ deadline OR be able to provide proof of registration before recommendation of award to Fayetteville City Council.
- d. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.
- e. Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: _____

Primary Contact: _____ Title of Primary Contact: _____

Phone#1 (cell preferred): _____ Phone#2: _____

E-Mail Address: _____

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFQ documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject Contractor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. DEBARMENT CERTIFICATION:

- As an interested party on this project, you are required to provide debarment/suspension certification indicating compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
- Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
- Signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

5. SIGNATURE SUBMITTAL

NAME OF COMPANY: _____

PHYSICAL ADDRESS: _____

MAILING ADDRESS: _____

TAX ID #: _____ AR. SECRETARY OF STATE FILING #: _____

PHONE: _____ FAX: _____

E-MAIL: _____

By submitting your response, you certify that you are authorized to represent and bind your company :

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____ DATE: _____

Appendix A
RFQ 25-06, Bond Counsel
City Issued RFQ

END OF RFQ DOCUMENT



CITY OF
FAYETTEVILLE
ARKANSAS

RFQ 25-06

Kutak Rock LLP

Supplier Response

Event Information

Number: RFQ 25-06
Title: Bond Counsel
Type: Request for Qualifications
Issue Date: 3/30/2025
Deadline: 4/24/2025 02:00 PM (CT)
Notes: The City of Fayetteville is accepting statements of qualifications from firms capable of providing bond counsel legal services for one (1) year with four (4) one-year renewal options, giving a possible contract term of five (5) years. Any questions regarding this RFP shall be directed to Amanda Beilfuss, City of Fayetteville Procurement Director at abeilfuss@fayetteville-ar.gov or (479) 575-8220.

Contact Information

Contact: Amanda Beilfuss
Address: Purchasing
Room 306
City Hall
113 West Mountain Street - Room 306
Fayetteville, AR 72701
Email: abeilfuss@fayetteville-ar.gov

Kutak Rock LLP Information

Address: 124 West Capitol Avenue
Suite 2000
Little Rock, AR 72201
Phone: (501) 975-3000

By submitting your response, you certify that you are authorized to represent and bind your company.

Lauren Rucker

Signature

Submitted at 4/24/2025 10:48:43 AM (CT)

lauren.rucker@kutakrock.com

Email

Requested Attachments

RFQ 25-06, Bond Counsel

Kutak Rock Responds to City of Fayetteville RFQ 25-06.pdf

Please attach the signed and completed RFQ form, located in the 'Attachments' tab, along with statement of qualifications.

Bid Attributes

1 Check Yes or No:

Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.

☒ Yes, I agree

☐ No, I don't agree

2 Check Yes or No:

Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

☒ Yes, I agree

☐ No, I don't agree

3 Addendum Acknowledgement

By selecting "I agree", you acknowledge that you have read all addendum(s) that have been issued for this solicitation, if applicable.

☒ I agree

KUTAKROCK

Appendix B
RFQ 25-06, Bond Counsel
Kutak Rock's Submittal

Qualifications to Provide
Bond Counsel Services

City of Fayetteville

April 24, 2025
kutakrock.com

April 24, 2025

Via Portal

Amanda Beilfuss
Procurement Director
City of Fayetteville
113 West Mountain Street, Room 306
Fayetteville, Arkansas 72701
abeilfuss@fayetteville-ar.gov

Re: Qualifications to Provide Bond Counsel Services

Dear Ms. Beilfuss,

Kutak Rock is pleased to submit the enclosed statement of qualifications to the City of Fayetteville (the "City") to provide bond counsel services to the City for one (1) year with four (4) one-year renewal options, giving a possible contract term of five (5) years. We have attempted to provide sufficient detail in our proposal to enable you to evaluate our qualifications for engagement.

Kutak Rock is a national law firm that specializes in state and local government financing. Widely recognized for creativity, the firm has been recognized as one of the most active bond counsel firms in the nation, based on dollar volume of financings, in annual industry rankings in every year since such statistics became available in the mid-1980s. **For 2024, Kutak Rock was again ranked the number one bond counsel in the nation, based on number of financings completed in the role.** Our extraordinary dedication to client service has often caused us to seek out innovative approaches in the tax and bond structuring arenas in order to achieve the financing goals of our clients. As a result of our willingness to look at new and different ways to satisfy client needs, the firm has often participated in transactions selected by *Institutional Investor* and *The Bond Buyer* as their "Deals of the Year."

As our qualifications statement explains, Kutak Rock has substantial experience providing legal services to Arkansas governmental entities in a variety of bond financings. In recent years the firm has provided bond counsel services to the City of Fayetteville in connection with water and sewer, streets, trails, public safety, public parking, library and parks improvements and other capital improvement projects. We have also served as bond counsel to such entities as the Arkansas Development Finance Authority, the City of Little Rock, the City of North Little Rock, the City of Conway, the Pulaski County Public Facilities Board, Board, the City of Siloam Springs Public Facilities Board, the City of Mountain Home, the City of Clarksville, the City of Pine Bluff, the City of Pine Bluff, Arkansas Convention Center and Hotel Public Facilities Board, the City of Texarkana, North Arkansas College, Southeast Arkansas College, Washington County, Baxter County, Boone County, Johnson County, Phillips County, Saline County and Van Buren County, among others.

Kutak Rock also has substantial experience serving as bond counsel to municipal governments outside Arkansas. For example, we currently serve as bond counsel to the City and County of Denver, the City of Los

Angeles, the City of Omaha, the City of Boulder and Boulder County, Colorado, among a number of others. In some of these engagements we handle all financings for the governmental entity, and in others we serve for only discrete programs. These engagements have provided the firm with a vast store of experience to draw on when acting as bond counsel to cities and counties.

Providing outstanding service to clients is our firm's paramount objective. Our commitment to service results from our core attitudes and culture and from our experience and expertise. We understand and emphasize the importance of being available, responsive and efficient, and we are extremely proud of our efforts in assisting our clients in achieving their goals and objectives, particularly when such efforts require the creation of innovative financing techniques.

Thank you for the opportunity to present the firm's qualifications. If you should have any questions about our proposal or about the firm, please contact me at 501.975.3101 or gordon.wilbourn@kutakrock.com.

Sincerely,



Gordon M. Wilbourn

Enclosure

Appendix B
RFQ 25-06, Bond Counsel
Kutak Rock's Submittal

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Introduction

Kutak Rock LLP is a national firm of more than 550 lawyers with offices in Atlanta, Chicago, Denver, Fayetteville, Irvine, Kansas City, Los Angeles, Little Rock, Minneapolis, Omaha, Philadelphia, Richmond, Rogers, Scottsdale, Spokane, Springfield, Tallahassee, Washington, D.C. and Wichita. The firm serves local, regional and national clients in a multidisciplinary practice. We encourage our attorneys to take advantage of the national resources and broad range of expertise the firm offers in order to provide the best legal services possible to our clients.

Founded as a three-lawyer practice in 1965, the firm has risen to prominence through its dedication to service and its ability to create innovative solutions to satisfy clients' needs. Kutak Rock's expansion to cities across the country, paralleling the firm's growth in reputation, demonstrates the entrepreneurial spirit that is the firm's hallmark.

The firm has represented hundreds of state and local governmental units, every major investment banking firm in the United States, a substantial number of Fortune 500 corporations, major European, Asian and domestic money center banks, insurance companies, national real estate investors and developers, major national franchising enterprises and numerous other financial institutions and businesses.

Providing outstanding service to clients is Kutak Rock's paramount objective. The firm is committed to establishing and maintaining mutually beneficial professional relationships by providing timely, innovative, high-quality legal services responsive to the needs of its clients.

This proposal, submitted in response to a Request for Qualifications from the City of Fayetteville (the "City"), contains Kutak Rock's qualifications to provide bond counsel services to the City for one (1) year with four (4) one-year renewal options, giving a possible contract term of five (5) years. The proposal addresses each of the City's information requests in sequence.

Executive Summary

Kutak Rock is pleased to have this opportunity to submit our qualifications to serve as bond counsel to the City of Fayetteville. The attached proposal contains our credentials for serving as bond counsel for various types of financings and identifies attorneys in the firm who are qualified to provide the requested services.

Kutak Rock is a nationally recognized public finance law firm with offices in 19 cities, including offices in Little Rock, Fayetteville and Rogers, Arkansas. Attorneys based in the Little Rock office would be responsible for providing most of the bond counsel services to the City.

In Arkansas, the firm has served as bond counsel, special tax counsel, underwriter's counsel, disclosure counsel and credit enhancer's counsel in financings for a wide variety of municipal and state projects. Firm records show that Kutak Rock has provided services in more than 600 Arkansas bond issues with an aggregate principal amount exceeding \$20 billion. Kutak Rock served as bond counsel in more than 340 of such financings aggregating more than \$9.5 billion.

In recent years the firm has served as bond counsel to a number of Arkansas municipal entities in connection with their public financings. Such issuers include the City of Fayetteville, the City of Little Rock, the City of North Little Rock, the City of Conway, the City of Clarksville, the City of Pine Bluff, the City of Texarkana, the City of Mountain Home, the City of Lowell, the City of Rison and the City of Tontitown, among many others.

We have been pleased to serve as bond counsel to the City since 2000. In connection with the City's Sales and Use Tax Capital Improvement Bond program, the firm has served as bond counsel to the City for nine new-money issues and two refundings aggregating \$279.7 million and \$196.4 million, respectively. In addition, we note that Gordon Wilbourn, the partner proposed to serve as the lead attorney for the City's financings, has served as lead bond counsel to the City for a total of 27 issues since 1999 with an aggregate principal amount exceeding \$660 million.

Kutak Rock has participated in more than 375 tax-backed revenue bond issues having a total principal amount of more than \$18 billion, having served as bond counsel for sales tax revenue bond issues of the Cities of Fayetteville, Conway and Clarksville, Arkansas, the Los Angeles County Metropolitan Transportation Authority, the State of Illinois, the Cities of Boulder and Colorado Springs, Colorado and the Cities of Wichita and Overland Park, Kansas, among many others.

The firm has also accrued significant experience providing legal services to municipal issuers of debt to finance water and sewer system projects. In the last five years alone, Kutak Rock has provided legal services in more than 230 bond issues for water and sewer facilities having an aggregate principal amount exceeding \$7.9 billion for issuers large and small—for states and major metropolitan areas as well as townships and villages.

Kutak Rock has taken part as bond counsel, underwriter's counsel or special tax counsel or in miscellaneous other roles in more than 600 financings involving tax anticipation notes (TANs), tax and revenue anticipation notes (TRANs), commercial paper and similar short-term financing instruments. These transactions, completed for state and local governments in 38 states and the District of Columbia, have an aggregate principal amount in excess of \$60.9 billion. We have been gratified to serve as bond counsel to the City and to various other

Arkansas cities and counties in connection with numerous short-term general obligation (Amendment 78) and special revenue (Amendment 65) financings.

The attorneys we propose to provide services to the City are highly experienced lawyers with expertise in Arkansas state law and in sales and use tax and revenue bond financings, water and wastewater finance and general obligation bonds, as well as financings with industrial development or economic development authorities, community development authorities and regional jail authorities. Gordon Wilbourn, who would coordinate matters with the City, has many years' experience as bond counsel to Arkansas municipalities. Our local Arkansas lawyers are backed up by a group of more than 130 public finance lawyers nationwide whose expertise is readily available to assist with any unusual issue that may arise in connection with a City financing.

The firm has a nine-member Internal Revenue Code Section 103 (tax-exempt public finance) Tax Department that works as a well-coordinated unit, sharing viewpoints on tax issues and coming to a consensus on difficult questions. Matters related to arbitrage are a major area of their expertise. The firm maintains a separate subsidiary that prepares arbitrage rebate calculations for scores of issuer clients.

We respectfully submit our widely ranging experience in governmental finance, our thorough understanding of federal and state securities laws and our overall expertise in tax-exempt bond finance as Kutak Rock's primary qualifications to serve as bond counsel to the City.

Appendix B
RFQ 25-06, Bond Counsel
Kutak Rock's Submittal

Statement of Qualifications

B. Résumés of Key Personnel

Resumes of all key persons from the firm who are expected to be involved in the scope of work as outlined above. Resumes should be limited to one (1) page.

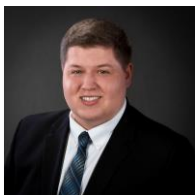
- i. Experience with different municipal debt structure types and amounts of debt;*
- ii. Knowledge of federal and state tax and disclosure laws and regulations as they pertain to municipal debt;*
- iii. Experience in drafting legal documents relating to municipal debt issuance;*
- iv. Position title, company tenure, experience, other relative information*

Should Kutak Rock be appointed bond counsel to the City, the firm would assign **Gordon M. Wilbourn, Jacob B. Hill** and **Larry L. Carlile** to the engagement with the City. Mr. Wilbourn would serve as the lead attorney for the engagement, coordinate the participation of other members of the working group and act as the principal contact person at the firm for City officials. Mr. Hill would assist Mr. Wilbourn with legal research and document preparation. Mr. Carlile, one of the firm's public finance tax practitioners, would conduct the tax analysis and prepare all necessary tax opinions. Brief résumés of members of this group follow.



Gordon M. Wilbourn, a partner of Kutak Rock, practices in the firm's Little Rock office. Until early 1998 Mr. Wilbourn was a partner in the Rose Law Firm in Little Rock, conducting a transactional practice in the areas of public finance and corporate finance. He has more than 35 years of experience serving as bond counsel and underwriter's counsel in a variety of public finance transactions that include water and sewer, general obligation, utility revenue, sales and use tax, tax increment, special assessment, hospital, higher education, multifamily, exempt facility and industrial development issues. Mr. Wilbourn has significant experience in all phases of the financing process, from providing legal advice on financing structures and techniques through the final preparation of bond transaction documents. He has led the firm's bond counsel representation of the City of Fayetteville since 1999. In addition, he has served as disclosure counsel to multiple Arkansas municipalities and counties. In addition to Fayetteville, Mr. Wilbourn has served as bond counsel on numerous financings for such issuers as the Cities of Little Rock, Conway, Texarkana, Clarksville, Lowell and Mountain Home, among others. In addition, he has participated as bond counsel or underwriter's counsel for various types of bonds issued by the Arkansas Development Finance Authority.

Mr. Wilbourn earned a B.S.B.A. in accounting from the University of Arkansas at Fayetteville in 1983, an M.B.A. from Southern Methodist University in 1984 and a J.D. from the University of Arkansas School of Law in 1987. He is admitted to practice in Arkansas and is a member of the National Association of Bond Lawyers.



Jacob B. Hill is a public finance associate in the firm's Little Rock office. He assists clients in a variety of public finance matters. Mr. Hill received a B.B.A from the University of Arkansas in 2019 and a J.D. from the University of Arkansas, Little Rock School of Law in 2023. He is admitted to practice in Arkansas.



Larry L. Carlile, a partner in the firm's Denver office, concentrates his practice in Section 103 tax issues and has particular expertise in matters related to arbitrage and refundings. Mr. Carlile has more than 45 years' experience in computer-based financial analysis and the legal structuring of numerous types of public financings, including major infrastructure projects; water utility issues; single-family and multifamily housing issues; higher education financings; public electric power issues; hospital financings; industrial development and pollution control issues; equipment and other asset pool financings; and a wide variety of other municipal facilities financings. He has provided the tax analysis for numerous Arkansas bond issues. In addition, he has been an active participant in numerous seminars and lecture programs in public finance and tax. Mr. Carlile is a former Chairman of the Task Force on Arbitrage Rebate Rules for the Tax-Exempt Financing Committee of the ABA Section of Taxation and a former Chairman of the Arbitrage/Tax Seminar of the National Association of Bond Lawyers. He is a former vice chair of NABL's General Tax Committee and a former chair of the Housing Finance Task Force within the ABA Tax Section, Committee on Tax-exempt Finance, and in the latter position was responsible for preparing recommendations to the IRS for regulatory changes affecting housing finance.

Mr. Carlile received a B.S., with highest honors, from the University of Kansas in 1970 and a J.D. in 1975 from the University of Chicago. He joined Kutak Rock in 1975 and is admitted to practice in Colorado.

C. Client References

A client reference list for which similar work has been performed within the past five (5) years.

Following is a representative list of cities, counties and municipal financing authorities for which Kutak Rock serves as bond counsel in either an ongoing capacity or in discrete transactions.

- City of Fayetteville, Arkansas
- City of Conway, Arkansas
- City of Little Rock, Arkansas
- City of Mountain Home, Arkansas
- City of Clarksville, Arkansas
- City of Pine Bluff, Arkansas
- City of Blytheville, Arkansas
- City of Rison, Arkansas
- The Industrial Development Authority of the County of Maricopa, Arizona
- City of Bakersfield, California
- City and County of San Francisco, California
- City of Long Beach, California
- City of Los Angeles, California
- Department of Airports of the City of Los Angeles
- Los Angeles County Metropolitan Transportation Authority
- Los Angeles Harbor Department
- Port of Long Beach, California
- San Diego County Regional Airport Authority
- City of Aurora, Colorado
- City of Boulder, Colorado
- City of Colorado Springs, Colorado

- City and County of Denver, Colorado
- County of Boulder, Colorado
- Pueblo County, Colorado
- Urban Residential Finance Authority of the City of Atlanta, Georgia
- Bloomington-Normal Airport Authority of McLean County, Illinois
- City of Chicago, Illinois
- Cook County, Illinois
- City of Gardner, Kansas
- City of Lenexa, Kansas
- City of Overland Park, Kansas
- City of Shawnee, Kansas
- City of Spring Hill, Kansas
- Johnson County, Kansas
- Pottawatomie County, Kansas
- Water District No. 1 of Johnson County, Kansas
- Public Energy Authority of Kentucky
- Housing Opportunities Commission of Montgomery County, Maryland
- Minneapolis-St. Paul Metropolitan Airports Commission
- City of Kansas City, Missouri
- Airport Authority of the City of Omaha
- City of Lincoln, Nebraska
- City of Omaha, Nebraska
- City of Tecumseh, Nebraska
- City of Valley, Nebraska
- Washington County, Nebraska
- Omaha Public Power District
- Hamilton County, Tennessee
- City of Hampton, Virginia
- City of Virginia Beach, Virginia
- City of Spokane, Washington
- City of Janesville, Wisconsin
- City of Madison, Wisconsin

D. Other Information

Include any other information that might be helpful to assist the City in understanding the firm's unique qualifications to perform bond counsel services for the City of Fayetteville.

Information about Kutak Rock's public finance practice, including its tax and disclosure expertise, is included in our response to section E below. Following is further information about various firm practice areas which are peripheral to a traditional bond counsel practice. While a number of these specialties may be inapplicable to the City's immediate contemplated financings, others may be particularly relevant.

Arbitrage Rebate. In order to assist trustees and issuers to comply with arbitrage rebate requirements, Kutak Rock and its affiliate, Kutak Rock Arbitrage Consulting LLC, have assembled a team of tax attorneys, accountants, financial analysts and other professionals to prepare rebate calculations and deliver opinions. From a mechanical standpoint, Kutak Rock Arbitrage Consulting LLC's rebate determination involves a demanding accounting process. From monthly statements provided by the trustee or issuer, the firm will

establish the consolidated investment activity for a particular tax-exempt issue. This process requires a complete understanding of the financial aspects of the transaction and comprehensive review of the underlying legal documents. The process may be reviewed by bond counsel or special tax counsel other than Kutak Rock. Any underpayment of arbitrage rebate adversely impacts not only the taxability of the issuer's bonds but also the issuer's future cash flow. The federal government has revised the rebate rules no fewer than five times since 1986. Taking advantage of benefits permitted by arcane rules in such calculations can often save issuers hundreds of thousands of dollars.

Our arbitrage rebate professionals regularly review rebate calculations performed by others on behalf of our issuer clients, often resulting in significant reductions in the rebate obligations calculated by such other professionals.

This group also has the capacity to perform standard yield calculations and is often called upon to do so in complex transactions such as advance refundings, where complex transferred-proceeds algorithms are dictated by the federal tax laws.

Audits. Kutak Rock has extensive experience in compliance with tax, disclosure and document matters. The firm is regularly retained to represent issuers—and other parties—in tax audits, including bond audits. A Kutak Rock partner in the Washington, D.C. office was formerly an IRS enforcement agent, and the firm regularly calls on his expertise in IRS procedural matters to resolve issues on a quick procedural basis to avoid time-consuming (and costly) resolutions on the merits.

Blue Sky. An important adjunct to the public finance practice is the firm's national Blue Sky Department. Blue Sky regulations exist in each of the 50 states, and compliance with these widely varying laws is an essential component to virtually every transaction involving the registration, offering and sale of securities. Although preempted by federal legislation in many instances, in some cases notice filings and payment of filing fees may still be required by certain states, depending on the type of security being issued.

Real Estate. Kutak Rock also draws on its expertise in related areas of finance when acting as bond counsel. For instance, the firm's national real estate practice has more than 65 lawyers actively engaged in the practice of commercial real estate lending, real estate and related aspects of bankruptcy and commercial law. Attorneys practicing in these areas provide service for a full spectrum of commercial activities in all 50 states. Clients of this practice area represent all segments of the real estate lending and development industry, including banks, insurance companies, pension funds, credit enhancers, construction contractors, developers, financial institutions, investors, investment advisors, investment bankers, lenders, lessors and lessees, mortgage conduits, property managers, publicly owned real estate funds and real estate investment trusts (REITs). This extensive experience can be most useful when our clients are developing new multifamily housing programs or need to address real estate issues that arise from time to time.

SEC Regulatory Practice. In the disclosure/SEC area the firm has an extensive technical and litigation practice. On the technical side, the firm regularly deals with questions involving disclosure and SEC-related matters; in fact, over the last 20 years the firm has acted as underwriter's counsel on more municipal bond financings than any other law firm in the country. Moreover, the firm has an active SEC underwriter/issuer litigation defense practice, headed by attorneys who previously worked for the SEC. As part of its proactive practice, the firm

also prepared and distributed to its municipal issuer clients a summary of the SEC's position and several suggested simple procedures an issuer can implement to address the SEC's concerns.

Securitization. The firm's vast experience in both the municipal bond and taxable securitization areas gives it a unique perspective on the national bond and structured finance/securitization markets. This is underscored by the firm's extensive practice of working with underwriters, particularly on new products. For example, the firm was counsel on the first floating rate bonds, the first floaters/inverse floaters and the first floaters issued without a liquidity provider.

Securities Laws. The firm is nationally recognized for its experience in bond-related federal securities laws, as well as federal and state tax laws. In the last 35 years the firm has been in the forefront of determining the interplay between federal securities laws, particularly the registration provisions thereof and the new Rule 15c2-12 matters, and municipal bonds. For example, the firm obtained the initial SEC no-action letters on municipal bond insurance, on municipal bond participations, on market rate (80-20) multifamily financings and on FDIC/FSLIC-backed multifamily bonds. The firm was also intimately involved in the rule-making process for Rule 15c2-12 and has advised numerous clients on its application.

E. Qualifications of Firm

i. Experience

Proposer shall provide a detailed description of similar city and/or county projects or contracts that currently use the proposed system, completed and/or presently provided during the past five (5) years. Provide complete contact information, name, address, phone and emails for all references.

Public Finance Practice

More than 130 Kutak Rock lawyers devote all or a major portion of their practice to the field of public finance and related aspects of law. The firm has served as bond counsel in more than 20,000 municipal bond issues in all 50 states, the District of Columbia, the Virgin Islands, Guam and Puerto Rico. No opinion of the firm with respect to the tax-exempt status of a bond issue has ever been the subject of any court action.

The firm's national prominence is attributable in part to the large number of subspecialties it maintains within the public finance field. These subspecialties run the gamut of tax-backed and revenue bond debt, including traditional general obligation bond issues, tax and revenue anticipation notes, municipal commercial paper, infrastructure financings (including water, sewer and electric bonds), clean water and drinking water revolving funds, higher education, health care and other 501(c)(3) conduit financings, special district and tax increment bonds, arena and convention center bonds, solid waste project financings, transportation financings (including airport, mass transit, port and toll road bonds), lease financings (including certificates of participation), single-family and multifamily housing bonds, student loan financings and a wide variety of municipal derivative products.

To complement this expertise, Kutak Rock has a nine-member Section 103 Tax Department (including a former IRS official) specializing in federal tax exemption matters and a number of nationally recognized authorities in the application of the federal securities laws to public finance. The Tax

Department attorneys meet weekly via conference call to discuss current tax issues and developments as well as to share information obtained from regular interactions with Department of Treasury and IRS personnel. These tax attorneys also regularly handle IRS bond audits—over 300 to date.

The National Public Finance Department is purposefully organized to match this breadth of expertise with the needs of a diverse client base. Consequently, the firm does not limit its practice focus to one particular role. The firm routinely serves as bond counsel, special tax counsel, issuer's counsel, disclosure counsel, underwriter's counsel, placement agent's counsel, counsel to municipal bond insurance companies and to letter of credit banks and as borrower's counsel in conduit financings.

Kutak Rock attorneys also take pride in their willingness to work with our clients to develop new and inventive approaches to satisfy the needs of our clients. Rather than only being able to replicate what other firms have done before, the firm has gained a reputation for undertaking sophisticated transactions that involve the application of creative approaches to difficult financing problems. In the past 30 years the firm has provided legal services in many financings that *Institutional Investor* magazine and *The Bond Buyer* have recognized as public finance "Deals of the Year." Most recently, the firm served as bond and underwriter's counsel for the 2020 P3 Financings of the Year. Kutak Rock also served as bond counsel for the "ESG/Green Financing" of 2018-19, a large "green bond" financing of the Los Angeles County Metropolitan Transportation Authority.

In addition to its highly active National Public Finance Department, the firm has a strong contingent of lawyers who work in real estate, bankruptcy, banking, securities laws, litigation and other areas. These practitioners are available to support public finance clients of the firm as needed.

Leaders in Bond Counsel. Kutak Rock has been listed among the most active bond counsel firms in the nation in annual industry rankings since such statistics were first made available. Following are national rankings for the firm for recent years as compiled by LSEG Data & Analytics (formerly Refinitiv), the statistician for the public finance industry (rankings based on number of deals):

National Bond Counsel Rankings			
Year	Rank	Number of Issues	Dollar Total
2024	1	492	\$28.81 billion
2023	1	386	\$19.89 billion
2022	1	406	\$19.19 billion
2021	2	523	\$25.43 billion
2020	4	499	\$17.24 billion

Issuers for which the firm has served as bond counsel include traditional political bodies such as states, counties, cities and school districts, as well as numerous special-purpose financing authorities such as public power districts, institutions of higher education, state housing finance agencies and student loan agencies.

Underwriter's Counsel Experience. Kutak Rock has acted as underwriter's counsel for every major national and most regional investment banking firms. With respect to the variety and quantity of financings, in recent years the firm's experience in the role of underwriter's counsel has been

unmatched by any law firm. In fact, statistics show that for the period 1992 through 2023 (cumulatively over the term) *Kutak Rock served as underwriter's counsel in a larger number of public finance issues than any other firm in the country.* Following are LSEG Data & Analytics' national rankings (based on deal total) for Kutak Rock as underwriter's counsel for recent years:

National Underwriter's Counsel Rankings			
Year	Rank	Number of Issues	Dollar Total
2024	2	212	\$16.73 billion
2023	1	180	\$12.40 billion
2022	1	215	\$9.27 billion
2021	1	300	\$14.21 billion
2020	1	293	\$14.28 billion

Tax Expertise. An excellent indicator of the firm's tax expertise is the number and quality of the bond structures developed by the firm's tax lawyers. Kutak Rock developed the current floating rate tender bond program, convinced the IRS that a swap contract should be integrated with a floating rate bond issue with a resulting fixed "yield," developed a contingent interest structure in which the contractor for a major toll road received contingent interest, and developed numerous refunding techniques replicated by many bond counsel firms.

Members of the Public Finance Tax Department frequently address client questions with regard to private use of bond-financed facilities. The depth and breadth of the group's experience is an important resource for clients who face unpredictable challenges in attempting to make the best use possible of their facilities within the bounds of applicable tax law. The firm's tax lawyers have obtained a number of positive rulings from the IRS on private use matters. Following are the rankings for Kutak Rock (based on deal total):

National Special Tax Counsel Rankings			
Year	Rank	Number of Issues	Dollar Total
2024	2	18	\$1.27 billion
2023	5	8	\$242 million
2022	6	3	\$389 million
2021	10	2	\$79 million
2020	8	8	\$166 million

Every week the members of the Kutak Rock Public Finance Tax Department convene by conference call to discuss current financings in which the firm is involved. Members of the department use this forum to raise unusual or difficult questions concerning the tax implications of ongoing transactions and to solicit the counsel of their colleagues. By concentrating the expertise of all the firm's tax lawyers in this way, the essential elements of a transaction are more likely to become clarified, and a resolution of the issue is more likely to emerge. The firm's use of a group dynamic has been a highly successful approach to resolve what often appear to be intractable problems.

The group approach also serves to keep the firm's tax attorneys fully coordinated with respect to the firm's articulated positions on tax questions that arise repeatedly.

Nationally Renowned Disclosure Counsel. The firm's public finance attorneys have also developed an extraordinary expertise in analyzing the SEC's initiatives, such as the MCDC Initiative, the municipal advisor rules and Rules 15Ga-1 and 15Ga-2, the conduct of due diligence investigations, the evaluation of information for materiality, the preparation of disclosure documents and the development of disclosure policies and procedures as highly recommended (and effectively required) by the SEC. Following are the firm's national disclosure counsel rankings (based on total number of deals) for recent years as compiled by LSEG Data & Analytics:

National Disclosure Counsel Rankings			
Year	Rank	Number of Issues	Dollar Total
2024	6	95	\$6.17 billion
2023	5	91	\$6.30 billion
2022	5	105	\$9.09 billion
2021	5	140	\$11.02 billion
2020	7	140	\$5.05 billion

As one of the nation's most active firms in the municipal disclosure arena (as evidenced by the firm's consistently high national ranking as disclosure counsel, noted above), Kutak Rock's public finance attorneys have developed an ongoing familiarity with market and regulatory expectations and developments, expertise in the conduct of due diligence investigations, and experience in the evaluation of information for materiality and the SEC-recommended development of disclosure-related procedures and staff training. The firm regularly advises government officials concerning the preparation of disclosure documents for primary offerings and secondary market continuing disclosure filings, as well as the making of public and private statements relevant to disclosure during press conferences and presentations. Kutak Rock has a concrete, firmwide system in place to monitor and keep abreast of regulatory requirements so that our attorneys and our clients stay informed of regulatory disclosure requirements. Our broad market knowledge and penetration ensures that we can assist our clients to understand regulatory trends, learn quickly of specific developments and be aware of practical developments as they occur across the country.

Clients include a few states where the firm has been specifically appointed as special disclosure counsel for their bond issues, other additional states where our role as bond counsel includes disclosure advice, numerous state agencies, counties, major metropolitan cities, small cities and towns, and numerous special districts.

Kutak Rock regularly submits comments to the SEC and others regarding proposed rules and regulations affecting the municipal market. The firm has closely monitored the guidance of the SEC regarding municipal disclosure and has kept up to date with the SEC's program of heightened scrutiny of municipal issuers. Most recently, the firm identified various issues, and outlined policy and procedural implementation suggestions, in response to the August 20, 2018 release of the amendments to Rule 15c2-12, which added two reportable events effective February 27, 2019. The

proposed amendments were in response to complaints by investors and analysts concerning the lack of information about private borrowings by issuers (such as bank lines of credit and leases) and about modifications of the terms or provisions of any type of financial obligation of an issuer. Based on our extensive experience with issuers of all sizes, we knew that the amendments, as proposed, would be very difficult for most issuers to comply with, and (we believed) were much broader than investors and analysts really required (for example, a lease of any size, even for an office copy machine, would have had to be reported). Kutak Rock submitted extensive comments to the SEC, and when the Final Amendments were published, they were curtailed in many respects. (Our firm's comments were cited in 14 footnotes to the accompanying SEC commentary, far more than any other commenting law firm.) We then prepared written advice for our clients on both the steps they should follow to implement the new Amendments, as well as technical advice on the terms and nuances of the new Amendments.

Kutak Rock was also intimately involved in the SEC's preceding program, the MDC Self-Reporting Initiative, assisting many issuers in analyzing whether—and how—to respond, and then representing seven (of the unlucky 72 selected issuers) in negotiating consent orders with the SEC. By virtue of these negotiations, the firm gained valuable insights about the SEC's analysis of the disclosure rules—and both the important, and unimportant, issues.

The role of disclosure counsel in an individual transaction versus an ongoing period of time comprised of related transactions is substantively different. In all transactions, whether the former or the latter, disclosure counsel assists the issuer in complying with securities laws and regulations. However, the role of disclosure counsel in an ongoing relationship extends beyond the transaction to assisting the issuer in implementing procedures, fulfilling secondary market continuing disclosure obligations and assuring itself that at all times, even between transactions, it is in compliance with applicable laws and regulations. In a transactional engagement, the role is akin to analyzing a snapshot of the issuer's disclosure. In an ongoing relationship, the role is like watching a movie of the issuer's disclosure with continuous footage.

The role of disclosure counsel is especially important at a time when the SEC is expanding its scrutiny of municipal disclosure, as illustrated by recent enforcement actions and inquiries regarding pension disclosure, federal legislation, including the Dodd-Frank Act, rulemaking, such as the expansion of Rule 15c2-12, and statements by SEC staff in various forums to the effect that the SEC is expanding its authority over the municipal markets. While much of the existing authority the SEC and Municipal Securities Rulemaking Board ("MSRB") have over the municipal market runs to underwriters and market participants other than bond issuers, it is important for bond issuers to keep abreast of such regulatory requirements, as they significantly impact bond issuance, and some regulatory requirements are, of course, passed on to bond issuers through contractual mechanisms in bond purchase contracts and elsewhere. Recent SEC actions against municipal officials and their financial advisors underscore the SEC's intentions.

Financing Examples

As requested, we have chosen a few recent municipal issues for which we have served as bond counsel to discuss in detail.

- *\$38,785,000 City of Conway, Arkansas Restaurant Gross Receipts Tax Capital Improvement and Refunding Bonds, Series 2022 (firm's role: bond counsel)*

The bonds captioned above (the "Series 2022 Bonds") were issued by the City of Conway, Arkansas for the purpose of (i) refunding the City's outstanding Restaurant Gross Receipts Tax Refunding Bonds, Series 2017, (ii) financing a community center and soccer fields, (iii) purchasing a municipal bond insurance policy, and (iv)) paying certain expenses in connection with the issuance of the Series 2022 Bonds. Gordon Wilbourn served as bond counsel. The refunded Series 2017 Bonds (on which Mr. Wilbourn also served as bond counsel) refinanced certain parks and trail improvements within the City of Conway.

Contact: Mr. Tyler Winningham
Finance Director
City of Conway
1111 Main Street
Conway, AR 72032
501-450-6101
tyler.winningham@conwayarkansas.gov

- *\$12,715,000 City of Clarksville, Arkansas Sales and Use Tax Capital Improvement and Refunding Bonds, Series 2021 (firm's role: bond counsel)*

The Series 2021 Bonds captioned above (the "Bonds") refunded two series of prior bonds and financed the costs of various parks and recreation facilities and improvements. The Bonds pay interest semiannually and mature in the years 2022 through 2031. The Bonds are special obligations of the City payable from collections of separate three-quarters of one percent (0.75%) and one-quarter of one percent (0.25%) city sales and use taxes in accordance with Amendment 62 to the Constitution of the State of Arkansas and the Local Government Bond Act of 1985 (A.C.A. Sections 14-164-301 et seq.). Kutak Rock served as bond counsel for this financing, with Gordon Wilbourn acting as lead attorney.

Contact: Mayor David Rieder
City of Clarksville
205 Walnut Street
Clarksville, AR 72830
479-754-6486
drieder@clarksvillear.gov

- *\$10,000,000 City of Mountain Home, Arkansas Water and Sewer Revenue Improvement Bonds, Series 2022 (firm's role: bond counsel)*

The Series 2022 Bonds captioned above (the "Bonds") financed various improvements to the City's wastewater system. The Bonds pay interest semiannually and mature in the years 2030 through 2042. The Bonds are special obligations of the City payable from utility revenue

collections. Kutak Rock served as bond counsel for this financing, with Gordon Wilbourn acting as lead attorney.

Contact: Mayor Hillrey Adams
City of Mountain Home
720 South Hickory
Mountain Home, AR 72653
870-425-5116
mayor@cityofmountainhome.com

- *Not to exceed \$18,000,000 City of Pine Bluff, Arkansas Convention Center and Hotel Public Facilities Board Advancing Promissory Note, Series 2025 (firm's role: bond counsel)*

The Advancing Promissory Note captioned above (the "Note") financed a portion of the costs of the construction and equipping of a hotel facility adjacent to the City of Pine Bluff Convention Center. The Note pays interest monthly and matures in the years 2025 through 2052. The Bond is a special obligation of the Public Facilities Board payable from hotel revenue collections. Kutak Rock served as bond counsel for this financing, with Gordon Wilbourn acting as lead attorney.

Contact: Letrece Harris, Chair
City of Pine Bluff, Arkansas Convention Center
and Hotel Public Facilities Board
One Convention Center Plaza
Pine Bluff, AR 71601
870-717-7109
letreceharris@wholeroll.com

- *\$72,355,000 City of Madison, Wisconsin General Obligation Promissory Notes, Series 2022-A; \$20,160,000 City of Madison, Wisconsin Taxable General Obligation Promissory Notes, Series 2022-B; and \$22,035,000 City of Madison, Wisconsin General Obligation Refunding Bonds, Series, 2022-C (firm's role: bond counsel)*

Kutak Rock serves on an ongoing basis as bond counsel to the City of Madison, Wisconsin. In September 2022 we served as bond counsel to the City in connection with three contemporaneous general obligation issues. Proceeds of the Series 2022-A Promissory Notes will be used to finance capital projects for various City Departments. Proceeds of the Series 2022-B Promissory Notes will be used to finance various economic development and tax increment projects within the City. Proceeds of the Series 2022-C Bonds, along with other available funds of the City, will be used to refund (i) the January 1, 2023 through January 1, 2033 maturities of the City's Water Utility Revenue Bonds, Series 2012, dated December 19, 2012 and (ii) the January 1, 2023 through January 1, 2034 maturities of the City's Water Utility Revenue Bonds, Series 2013, dated December 18, 2013. Kutak Rock helped the City work through the issues that arise when taxable and tax-exempt bonds are issued contemporaneously.

Contact: Mr. Matt Robles
Assistant City Attorney
City of Madison
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mrobles@cityofmadison.com

- *\$89,235,000 City of Omaha, Nebraska Various Purpose Bonds Series 2022 (firm's role: bond counsel)*

\$96,350,000 City of Omaha, Nebraska Various Purpose and Refunding Bonds Series 2021 (firm's role: bond counsel)

\$57,790,000 City of Omaha, Nebraska Various Purpose and Refunding Bonds Tax-Exempt Series 2020A and \$69,830,000 City of Omaha, Nebraska General Obligation and Refunding Bonds Taxable Series 2020B (firm's role: bond counsel)

Kutak Rock has served as bond counsel to the City of Omaha, Nebraska since 1984. Proceeds of the Series 2022 bonds will be used to pay the costs of acquiring equipment and constructing improvements relating to streets and highways, public safety, public facilities, sewers, parks and recreation facilities and street improvements of the City. Proceeds of the Series 2021 bonds will be used to pay the costs of acquiring equipment and constructing improvements relating to streets and highways, public safety, public facilities, sewers, parks and recreation facilities and street improvements of the City and to currently refund certain outstanding indebtedness assumed by the City as a result of its annexations of three Douglas County, Nebraska sanitary and improvement districts.

Proceeds of the Series 2020A bonds will be used to pay the costs of acquiring equipment and constructing improvements relating to streets and highways, public safety, public facilities, sewers, parks and recreation facilities and street improvements of the City and to currently refund certain outstanding indebtedness assumed by the City as a result of its annexations of fourteen Douglas County, Nebraska sanitary and improvement districts and certain outstanding general obligation debt previously issued by the City. Proceeds of the Series 2020B bonds will be used to (i) advance refund on a taxable basis certain outstanding indebtedness assumed by the City as a result of its annexations of twenty Douglas County, Nebraska sanitary and improvement districts and certain outstanding general obligation debt previously issued by the City and (ii) pay for certain costs associated with the installation of street and highway improvements at certain sites located within the City.

Contact: Mr. Stephen Curtiss
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City of Omaha Finance Department
Suite 1004

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- *\$72,200,000 The City of Lincoln, Nebraska Lincoln Electric System Revenue Bonds Series 2020A (firm's role: bond counsel)*

\$185,150,000 The City of Lincoln, Nebraska Lincoln Electric System Revenue Refunding Bonds Taxable Series 2020B (firm's role: bond counsel)

The Lincoln Electric System ("LES") was formed in 1966. The LES service area covers approximately 200 square miles, of which approximately 94 square miles are within the limits of the City of Lincoln, Nebraska. LES serves approximately 125,504 residential customers and 17,114 commercial and industrial customers. The proceeds of the Series 2020B Bonds were used to fund a debt service reserve fund and to refund certain outstanding bonds.

Kutak Rock participated as underwriter's counsel for LES's \$277,315,000 Revenue and Refunding Bonds, Series 2012, an issue that refunded various outstanding bond issues and commercial paper notes. The firm subsequently assumed the role of bond counsel for LES's subsequent \$75,525,000 Revenue and Refunding Bonds, Series 2013, \$167,800,000 Revenue and Refunding Bonds, Series 2015A, \$116,645,000 Revenue and Refunding Bonds, Series 2016, \$121,205,000 Lincoln Electric System Revenue Bonds, Series 2018, \$72,200,000 Revenue Bonds Series 2020A, and \$185,150,000 Revenue Refunding Bonds Taxable Series 2020B. The Series 2013 Bonds, Series 2015A Bonds, Series 2016 Bonds, Series 2018 Bonds and Series 2020B Bonds all refunded previous outstanding bonds and commercial paper notes. The Series 2018 Bonds and Series 2020A Bonds reimbursed prior capital expenditures.

Contact: Ms. Emily Koenig
Vice President and Chief Financial Officer
Lincoln Electric System
9445 Rokeby Road
Lincoln, NE 68526
402-473-3315
ekoenig@les.com

- *\$6,000,000 City of Conway, Arkansas Electric Revenue Improvement Bonds, Tax-Exempt Series 2025 (firm's role: bond counsel)*

The Series 2025 Bonds captioned above were issued by the City of Conway, Arkansas (the "City") primarily to finance certain improvements to the City's electric utility system. The Series 2025 Bonds are special obligations of the City payable from and secured by a pledge of the revenues of the City's electric system. Gordon Wilbourn served as bond counsel.

Contact: Mr. Bret Carroll
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Conway, AR 72034
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Arkansas Public Finance Experience

Kutak Rock has played a significant role in the public finance industry in Arkansas for many years. The firm has provided legal services as bond counsel, special tax counsel, underwriter's counsel, disclosure counsel and credit enhancer's counsel in financings for a wide variety of projects on the local and state levels. In its history the firm has provided services in over 600 Arkansas bond issues having an aggregate principal amount exceeding \$20 billion. We served as bond counsel in more than 340 of such financings aggregating more than \$9.5 billion.

Kutak Rock has served as bond counsel to a number of Arkansas governmental entities in connection with their public financings. Such issuers include the City of Fayetteville, the City of Little Rock, the City of North Little Rock, the City of Conway, the City of Clarksville, the City of Texarkana, the City of Mountain Home, the City of Lowell, the City of Pine Bluff, the City of Pine Bluff, Arkansas Convention Center and Hotel Public Facilities Board, the City of Tontitown, the Arkansas Development Finance Authority, the University of Arkansas, the Pulaski County Public Facilities Board, the Bentonville Housing Authority, North Arkansas College, Southeast Arkansas College, the Public Facilities Board of Benton County, the Saline County Public Facilities Board, the City of Siloam Springs Public Facilities Board, the City of Rogers Residential Housing Facilities Board, the Forrest City Public Health Facilities Board, Phillips County, Baxter County, Boone County, Saline County, Van Buren County and Washington County, among many others. The firm has also provided legal services as underwriter's counsel, placement agent's counsel or disclosure counsel in significant financings of the City of Little Rock, the City of North Little Rock, the Arkansas Student Loan Authority, Arkansas Children's Hospital, Baptist Health, Conway Regional Medical Center, Central Arkansas Water, White River Medical Center, Washington Regional Medical Center and the Northwest Arkansas Regional Airport Authority. Bond issues for these entities provided financing for water, sewer and electric systems, streets and trails, higher education facilities, industrial development projects, airports, solid waste disposal facilities, government buildings, hospitals, a stadium, a residential care center and single-family and multifamily housing projects, among other types of facilities.

The firm has served as bond counsel to the Cities of Fayetteville and Conway in connection with several short-term general obligation (Amendment 78) and special revenue (Amendment 65) financings. In addition, the firm has served as counsel to North Arkansas Regional Medical Center (a facility owned by Boone County) in connection with a number of short-term tax-exempt lease-purchase financings issued through the Arkansas Development Finance Authority. Kutak Rock has also served as bond counsel in an Amendment 78 financing completed for the City of Little Rock and as bond purchaser's counsel for an Amendment 78 financing completed for the City of Hot Springs.

Experience With the City

We note that Kutak Rock has served as bond counsel to the City since 2000. With respect to the City's Sales and Use Tax Capital Improvement Bond program, the firm has served as bond counsel in nine such new money issuances aggregating \$279.7 million. In addition, the firm has served as bond counsel in two refundings aggregating \$196.4 million for the same project. All told, Gordon Wilbourn, the partner proposed to serve as the lead attorney for the City's financings, has served as bond counsel to the City for a total of 27 issues since 2000 aggregating more than \$660 million in principal amount.

Kutak Rock's long association with the City in connection with these transactions has given the firm a familiarity with the City's procedures and goals that has proven beneficial when arranging its financings. As members of the City's staff can attest, there have been a number of substantial and complex challenges over the last several years in the structuring and timing of the City's bond issues so as to most efficiently achieve the City's financing needs. We believe we have made valuable contributions as a member of the City's financing team in this process. In addition, we have been responsive when post-issuance questions have arisen regarding arbitrage, rebate and other tax matters, bond trustee duties, document provisions, continuing disclosures issues, etc. The firm's tax expertise, as noted above, has been critical in providing the correct response to many of these questions in as quick and efficient a manner as possible.

ii. Company Principals

Provide a brief biographic overview of the Company's key principals.

Following are brief biographical sketches of the Chair and Vice Chair of Kutak Rock:

John L. Petr is Kutak Rock's Chair. Mr. Petr practices in the Omaha Public Finance Department and has represented issuers, credit enhancers, lenders and underwriters in connection with taxable and tax-exempt financings in the housing, military housing, higher education, electric energy and project finance sectors. He has worked as a member and leader of Kutak Rock attorney teams to address structuring and operational issues touching on a broad range of legal disciplines, including tax, real estate, securities regulation, bankruptcy, government contracting and environmental law.

Mr. Petr received a bachelor's degree, *summa cum laude*, from Washington University in St. Louis in 1984 and a law degree from the University of California at Berkeley School of Law in 1987. He is admitted to practice in Nebraska.

Hilary A. Jackler serves as Vice Chair of Kutak Rock. Ms. Jackler advises federal agencies, state and local governments, and private entities on structuring, implementing, and financing public-private partnership (P3) projects, military base realignment and closure (BRAC) matters, and programmatic and regulatory development. She has supported federal, state, and local governmental clients to solicit, negotiate, implement, and terminate more than 25 P3 projects. By assisting clients to navigate the BRAC processes and negotiate and implement economic development conveyances and public benefit conveyances, Ms. Jackler has assisted governors' offices, mayors' offices, and other local redevelopment authorities to enable the redevelopment of over 5,000 acres at closed military installations. On behalf of P3 and BRAC clients, she has drafted RFPs, participated in selection

processes, and negotiated leases, concession agreements, development agreements, and other transaction documents.

Ms. Jackler received a bachelor's degree, *cum laude*, from the University of Maryland in 2003 and a law degree, *magna cum laude*, from the University of Maryland School of Law in 2006. She is admitted to practice in Maryland and the District of Columbia.

iii. Capabilities

Proposer shall provide a description of limitations relative to facilities, staff personnel, on-going projects/ contracts, etc. Specifically, provide statement of qualification what priority will be placed on this project.

Kutak Rock established a presence in Arkansas in 1989 when it opened its Little Rock office primarily to develop its public finance practice in the State. Over the years that office has grown to house 28 attorneys who conduct practices in public finance, corporate, real estate, healthcare, employment law and litigation.

In addition, in 2001 the firm opened an office in Fayetteville to serve clients in northwest Arkansas. The Fayetteville office has also experienced significant growth and now has 15 lawyers who concentrate in corporate, healthcare, banking, real estate and litigation matters. Most recently, in February 2016 the firm opened an office in Rogers to facilitate services to a major corporate client. Kutak Rock's offices in central and northwest Arkansas, offering the services of 59 attorneys, attest to the strong presence the firm has achieved in the State.

The key to Kutak Rock's success has been the firm's persistent efforts to attract to the firm the most qualified and accomplished lawyers available. Over many years the firm has assembled a roster of attorneys who have the expertise the firm's clients need in order to operate their organizations most successfully. Public finance clients of Kutak Rock often discover that the firm's multidisciplinary character is invaluable to them when the need arises for legal services in areas other than traditional municipal finance. The services of specialists in areas such as real estate, bankruptcy, tax credits and general corporate law, for example, are available quickly through a communications lifeline that connects all attorneys of the firm—a highly sophisticated computer network that features universal document accessibility and e-mail. Using e-mail, for example, a Kutak Rock lawyer can simultaneously pose a question on an esoteric point of law to a select group, or all, of his or her colleagues across the country and receive feedback from attorneys who have encountered the question before. A client who engages the firm's Little Rock office in effect engages the full apparatus of Kutak Rock's national practice.

While Kutak Rock brings national expertise to public finance engagements, the attorneys in the three Arkansas offices bring the added complement of first-hand working knowledge of Arkansas state laws and local practices, particularly those pertaining to bond financing. Moreover, our Arkansas lawyers are committed to Arkansas. Most of them attended law school in Arkansas and have lived in the state for their entire law careers. They are active in state and local causes, have intimate knowledge of the state legislative process, and have contacts within many agencies in the State's executive branch. This

local knowledge, combined with a national expertise no other Arkansas firm can contribute, makes Kutak Rock the best-qualified public finance counsel firm in the State.

Capacity to Provide Services. Kutak Rock's Public Finance Department is organized on a national level to coordinate delivery of the best expertise to individual clients on a cost-effective basis and to ensure that the firm's professional standards are maintained firmwide. The firm's technology systems permit lawyers separated by significant distance to keep in close touch via telephone and e-mail and to access and share documents from any computer with an Internet connection.

All engagements that Kutak Rock accepts are carried through to completion on terms acceptable to and approved by the firm's clients. The City has the firm's assurance that Gordon Wilbourn, the proposed lead attorney, would arrange his schedule to accommodate City officials as necessary. He would be available for consultation with City officials as required and would adhere to any timetable to which he would commit. We note that Mr. Wilbourn has provided bond counsel services to the City since 1999 and thus is accustomed to working with City officials and staff members.

Our team concept ensures that there would be no disruption in accommodating the City's schedule even if the City undertakes more than one financing simultaneously. Kutak Rock has the resources for extremely quick preparation of first drafts and efficient turnaround time. The firm's depth of attorney ranks, large support staff and in-house support systems enable the firm to handle several matters at once with no diminution in the quality of services rendered. In addition, the availability of experienced colleagues to assist the responsible attorney on an emergency basis permits Kutak Rock to guarantee prompt service to clients.

Kutak Rock built its reputation on the outstanding service it provides to clients, whether they are located across the street or across the country. Kutak Rock expects each attorney engaged in a client matter, including the lead partner, to be available at all times to the client. Attorneys take calls from clients directly and return missed calls as soon as practicable on the same business day.

Most attorneys are available by smart phone and e-mail both during and after normal business hours. Attorneys also make an effort to be available as needed during vacations or other times they are not in the office or to provide sufficient and appropriate backup attorney support.

We make a special effort to be responsive and accommodating in the event of rush or urgent situations. Callbacks on these types of requests will be made as soon as possible and generally within one hour.

Technological Capabilities. A major factor in Kutak Rock's success in the public finance industry has been the level of service the firm has traditionally afforded to clients. Firm lawyers strive to deliver services in accordance with the desires and needs of the client. Kutak Rock has the resources for extremely quick responsiveness to client requests and efficient turnaround time for legal document preparation. The firm's depth of attorney ranks, large support staff and in-house support systems enable the firm to handle several matters at once with no diminution in the quality of services rendered.

Most of the firm's attorneys travel with cell phones and tablets that afford access to office email. Such electronic devices permit clients access to attorneys at almost any time.

Kutak Rock uses a web-based document management system that affords every member of the firm access to all unsecured documents in the firm's document library. In addition, the document library is accessible to any firm member from any computer with an Internet connection. This system facilitates document sharing between offices and document transmission to and from clients, primarily through email attachment. The firm has also established extranets for many clients to provide for the secure exchange of information over the Internet as well as for case management purposes.

Kutak Rock has on-site ability to prepare CD-ROM transcripts (sometimes in lieu of paper transcripts and sometimes in addition to them). The CDs can be made fully searchable and printable and, according to the manufacturer, are built to last 100 years.

All computer support for the firm is provided by Kutak Rock's in-house Information Technology Department. The IT Department has the ability to interface electronically with almost any computer system of a client or other outside party.

Clients of the firm have access to ShareSpace to provide document access; extranets for document sharing; and use of an application that permits all conference call participants to view the same document. Kutak Rock has a document library containing thousands of document templates and examples that can be adapted for use for new matters.

iv. Company Organization

1. Primary Business

Proposers shall describe company's primary business interest and/or operations including organization and affiliations. Include the magnitude of your operation as it relates to this project.

Kutak Rock is a national law firm established on the principles of fairness and integrity, an unwavering commitment to our communities and dedication to an inclusive and engaged workplace. Founded in Omaha in 1965, the firm has grown to 19 offices in 14 states and the District of Columbia, providing broad nationwide coverage and relentless attention to client service.

Kutak Rock's offices are in Atlanta, Chicago, Denver, Fayetteville, Irvine, Kansas City, Los Angeles, Little Rock, Minneapolis, Omaha, Philadelphia, Richmond, Rogers, Scottsdale, Spokane, Springfield, Tallahassee, Washington, D.C. and Wichita. Our national footprint allows us to serve our clients wherever their legal needs arise, and our local market presence helps us understand their places in the business and civic communities we share.

The firm is a limited liability partnership organized under the laws of the State of Nebraska. At present the firm has 347 partners who share ownership of the firm. The partners invest capital in the partnership at varying levels proportionate to their partnership interest.

Kutak Rock is organized into a number of Regional Offices, some of which include several smaller offices. A 14-member Executive Committee composed of senior partners is responsible for the day-to-day operation of the law firm. Each Regional Office elects its own advisory committee to manage itself.

With 550+ attorneys, admitted to practice in 43 states and the District of Columbia, we work seamlessly across geography and time zones to provide the best and most responsive legal services possible to local, regional, and national clients in a multidisciplinary practice. Many of our attorneys are recognized industry leaders in their practices, allowing us to serve our clients across a panoply of subject-matter areas. From Fortune 500 corporations to state and local governmental units to financial institutions and businesses, our attorneys assist clients with virtually any legal matter or project, regardless of scope or scale. Kutak Rock also strongly believes in providing pro bono legal services and has committed firm resources to the representation of organizations and individuals in various areas of law for decades. We often partner with clients on pro bono efforts and strive to practice mindful communication with each.

Kutak Rock has earned a reputation across the U.S. for providing excellent legal services in a practical, cost-conscious manner. Clients benefit from our collaborative approach, which allows attorneys located in high market cities to handle local representation, such as hearings, court appearances, and trials, while partnering with skilled and experienced attorneys in Middle America where rates are lower for time-intensive, tactical tasks. This model provides an ideal combination of rates and experience and delivers high-quality representation at a fair price.

The firm strives to maintain the highest professional ethics in all its engagements. Robert Kutak, a founder of the firm, was in the forefront of the development of professional ethics for lawyers and in the 1980s was the driving force behind the development of the new Model Rules of Professional Conduct, which substantially rewrote the ethical provisions that had been in place for decades. In fact, the ABA Commission that authored the new ethics rules was referred to as the "Kutak Commission."

Kutak Rock's website at kutakrock.com contains information on every area of law in which the firm conducts a practice as well as a profile and e-mail link for each attorney in the firm.

2. Company History

Provide pertinent company historical information that will demonstrate your capability to successfully accomplish this project.

We are known for our ability to assist our clients in understanding the unique federal, state and local laws and policies and tax issues that must be addressed to balance governmental and private sector needs into a successful transaction. Several of the firm's transactions have been recognized as "Deals of the Year" by *Institutional Investor* and *The Bond Buyer*. In addition, Kutak Rock offers:

- ***A range of experience spanning the nation.*** Consistently ranked among the top 10 bond counsel firms in the United States, Kutak Rock has substantial experience providing services across the country in virtually every type of public financing and debt instrument in use in municipal financing. Kutak Rock's broad exposure to the national public finance marketplace in a wide variety of capacities keeps us up to date with all innovations (and problems) in the industry when they occur. That range of experience gives us the expertise and depth to respond to the City's legal needs when and as requested.
- ***Bond expertise 130+ deep.*** Although we believe it serves the client best to concentrate the activity related to any one client in one or two attorneys to ensure they can have a thorough background on client activity, we regularly involve other public finance attorneys in the firm on matters for which they may have a particular expertise. There are over 130 public finance attorneys in the firm to assist with the City's bond issues and provide support.
- ***Resources beyond bond lawyers.*** The firm's multidisciplinary practice provides our public finance clients with a range of expertise in many areas that frequently relate to bond issues. Kutak Rock attorneys have expertise in securities law, tax credits, banking, bankruptcy, environmental law, employee benefits and pension plan law, litigation and real estate, to name a few, which all interface with public finance on occasion.
- ***Nationally recognized tax expertise.*** We have a nationally recognized group of nine public finance tax lawyers (including a former IRS official) who collaborate to arrive at a consensus on difficult tax issues.
- ***Responsiveness.*** Kutak Rock has built its reputation on the extraordinary responsiveness of its attorneys. We place an emphasis on accessibility to our lawyers and open communications. Through frequent telephone contact, email messages and personal meetings, we are in constant touch with our clients, proactively identifying issues and opportunities that could affect our municipal clients.
- ***Flexibility.*** Kutak Rock is flexible and routinely adapts its engagements to best serve our clients' needs. The firm remains willing and capable of modifying its billing structures, reporting mechanisms, staffing arrangements and other procedures to meet your specific needs. We have tailored our billing, reporting and case management systems for many of our clients, and would work with the City to produce a successful and long-term relationship in the same manner.
- ***Technology.*** The firm's commitment to maintaining state-of-the-art technology and our own in-house Information Technology Department enhances each attorney's ability to communicate with clients and protect proprietary information. The firm's web-based document management system can also function as an extranet to provide clients with access to designated documents.

- ***Client education.*** Kutak Rock has substantial experience conducting client seminars, roundtable discussions and workshops. The firm's training opportunities for clients are unmatched by other law firms. We have provided hands-on and interactive programs for firm clients that have received high praise for their effectiveness. We expect to provide the same experience to the City.

Appendix B
RFQ 25-06, Bond Counsel
Kutak Rock's Submittal

Appendix A:
Signature Submittal

Appendix B
RFQ 25-06, Bond Counsel
Kutak Rock's Submittal

1. DISCLOSURE INFORMATION

- a. Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.
- i. If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

- X 1) NO KNOWN RELATIONSHIP EXISTS
- 2) RELATIONSHIP EXISTS (Please explain): _____
- _____
- _____

- b. I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.
- c. Proposer agrees that they shall have a current, valid registration with the Arkansas Secretary of State at time of RFQ deadline OR be able to provide proof of registration before recommendation of award to Fayetteville City Council.
- d. Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.
- e. Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.

2. PRIMARY CONTACT INFORMATION

At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Corporate Name of Firm: Kutak Rock LLP

Primary Contact: Gordon M. Wilbourn Title of Primary Contact: Partner

Phone#1 (cell preferred): 501.975.3101 Phone#2: 501.975.3000

E-Mail Address: gordon.wilbourn@kutakrock.com

3. ACKNOWLEDGEMENT OF ADDENDA

Acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFQ documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject Contractor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. DEBARMENT CERTIFICATION:

- As an interested party on this project, you are required to provide debarment/suspension certification indicating compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
- Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
- Signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

5. SIGNATURE SUBMITTAL

NAME OF COMPANY: Kutak Rock LLP

PHYSICAL ADDRESS: 124 West Capitol Avenue, Suite 2000, Little Rock, Arkansas 72201-3740

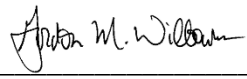
MAILING ADDRESS: 124 West Capitol Avenue, Suite 2000, Little Rock, Arkansas 72201-3740

TAX ID #: 47-0597598 AR. SECRETARY OF STATE FILING #: 100178200

PHONE: 501.975.3000 FAX: 501.975.3001

E-MAIL: gordon.wilbourn@kutakrock.com

By submitting your response, you certify that you are authorized to represent and bind your company :

SIGNATURE: 

PRINTED NAME: Gordon M. Wilbourn

TITLE: Partner DATE: April 24, 2025

Appendix B
RFQ 25-06, Bond Counsel
Kutak Rock's Submittal

END OF RFQ DOCUMENT



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Chris Brown, Public Works Director
Keith Macedo, Chief of Staff
FROM: Dane Eifling, Mobility Coordinator
SUBJECT: **Transit Stop Improvements Grant Award**

RECOMMENDATION:

Staff recommends approval of a grant agreement with the Northwest Arkansas Regional Planning Commission and recognition of revenue in the amount of \$203,317.25. Additionally, staff recommends recognizing revenue from letters of commitment in the amount of \$50,829.31 each from Ozark Regional Transit and Razorback Transit to support transit stop improvements. Approval of a corresponding budget adjustment is also recommended.

BACKGROUND:

Earlier this year, the Northwest Arkansas Regional Planning Commission (NWARPC) announced a 1:1 matching grant opportunity to support transit stop enhancements in the region.

In June 2025, Mayor Rawn signed a letter committing the City of Fayetteville to collaborate with Ozark Regional Transit and Razorback Transit to provide the matching funds required to secure the grant.

In July, NWARPC issued a grant agreement awarding the City of Fayetteville \$203,317.25. To fulfill the required 1:1 match, Ozark Regional Transit and Razorback Transit have each committed \$50,829.31, for a combined contribution of \$101,658.62. The City will match the remaining \$101,658.63.

Funding Summary	
NWARPC Grant	\$ 203,317.25
City of Fayetteville	\$ 101,658.63
Ozark Regional Transit	\$ 50,829.31
Razorback Transit	\$ 50,829.31
Total	\$ 406,634.50

DISCUSSION:

The grant requires that at least 17 transit stops be improved by September 30, 2026. The total project budget of \$406,634.50 is expected to be sufficient to improve approximately 30 stops. Planned enhancements include shelters, seating, ADA-accessible loading platforms, and connections to existing sidewalks.

BUDGET/STAFF IMPACT:

The City's 2026 budget includes \$80,000 allocated for transit stop improvements. These funds may be supplemented with cost-share contributions to fulfill the City's matching grant obligation of \$101,658.63.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment, 5. NWARPC - Fayetteville Bus Stop Improvement Grant Agreement, 6. ORT Fayetteville Letter of Commitment, 7. UA Razorback Commitment Letter, 8. NWARPC Resolution #2023-22_WFF Bus Stop Enhancement Plan_2023-12-06, 9. NWARPC Letter - Signed by Mayor Rawn 6-9-25

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1320

A RESOLUTION TO AUTHORIZE A GRANT AGREEMENT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION FOR FUNDING IN THE AMOUNT OF \$203,317.25 TO SUPPORT TRANSIT STOP IMPROVEMENTS, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING THE GRANT FUNDS AND MATCHING FUNDS FROM OZARK REGIONAL TRANSIT AND RAZORBACK TRANSIT

WHEREAS, earlier this year, the Northwest Arkansas Regional Planning Commission (NWARPC) announced a 1:1 matching grant opportunity to support transit stop enhancements in the region.

WHEREAS, in June 2025, Mayor Rawn signed a letter committing the City to collaborate with Ozark Regional Transit and Razorback Transit to provide the matching funds required to secure the grant; and

WHEREAS, in July, NWARPC notified the City that the grant was being awarded in the amount of \$203,317.25 with the matching funds provided by Ozark Regional Transit in the amount of \$50,829.31, Razorback Transit in the amount of \$50,829.31, and the City of Fayetteville in the amount of \$101,658.63.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to sign a grant agreement with the Northwest Arkansas Regional Planning Commission, a copy of which is attached to this Resolution, to receive grant funds in the amount of \$203,317.25 for a project to support transit stop improvements.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, recognizing the grant revenue from NWARPC and matching funds from Ozark Regional Transit and Razorback Transit.

City of Fayetteville Staff Review Form

2025-1320

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Dane Eifling

7/30/2025

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a grant agreement with the Northwest Arkansas Regional Planning Commission and recognition of revenue in the amount of \$203,317.25. Additionally, staff recommends recognizing revenue from letters of commitment in the amount of \$50,829.31 each from Ozark Regional Transit and Razorback Transit to support transit stop improvements. Approval of a corresponding budget adjustment is also recommended.

Budget Impact:

4470.800.8820-5809.00

Sales Tax Capital Improvements

Account Number

Fund

25004.2501

Transit Stop Infrastructure - NWARPC Grant

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 406,637.00

Remaining Budget

\$ 406,637.00

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2025	ENGINEERING (621)	
	Requestor: Dane Eifling	

Staff recommends approval of a grant agreement with the Northwest Arkansas Regional Planning Commission and recognition of revenue in the amount of \$203,317.25. Additionally, staff recommends recognizing revenue from letters of commitment in the amount of \$50,829.31 each from Ozark Regional Transit and Razorback Transit to support transit stop improvements. Approval of a corresponding budget adjustment is also recommended.

COUNCIL DATE:	8/19/2025
ITEM ID#:	2025-1320
Holly Black	
7/29/2025 3:31 PM	
Budget Division	Date
TYPE:	D - (City Council)
JOURNAL #:	
GLDATE:	
CHKD/POSTED:	/

[illegible]

Grant Agreement Between the Northwest Arkansas Regional Planning Commission and the City of Fayetteville for the Purchase and Installation of Bus Stop Improvements

This Grant Agreement (“Agreement”) is made and entered into this ____ day of _____ 2025, by and between the Northwest Arkansas Regional Planning Commission (NWARPC), a governmental entity organized under Arkansas law with its principal office located at 1311 Clayton St, Springdale, Arkansas 72762, and the City of Fayetteville, Arkansas, a municipal corporation organized under Arkansas law, with its principal office located at 113 W. Mountain Street, Fayetteville, Arkansas 72701 (the “City”).

I. Purpose

The purpose of this Agreement is to set forth the terms and conditions under which NWARPC shall provide grant funding to the City in the amount of Two Hundred Three Thousand, Three Hundred Seventeen Dollars and Twenty-Five Cents (\$203,317.25) for the implementation of bus stop improvements within the City of Fayetteville, as further defined in this Agreement and Appendix A.

II. Grant Award and Matching Requirement

NWARPC shall reimburse the City for eligible project costs up to a maximum amount of \$203,317.25, provided the City contributes an equal amount of matching funds to the project on a 1:1 basis. The total project cost shall not be less than \$406,634.50.

III. Scope of Work

The grant funds shall be used solely for bus stop improvements at a minimum of 17 of the locations and in the manner described in Appendix A, attached hereto and incorporated herein by reference. There shall be no less than 17 bus stops improved. Eligible improvements include:

A. Infrastructure Improvements

- Installation or replacement of bus shelters
- Installation or replacement of benches
- Installation of concrete boarding pads
- Construction of curb bump-outs

B. Accessibility and Safety Enhancements

- Installation of ADA-compliant ramps
- Installation of lighting and solar panels

- Sidewalk improvements to connect stops to immediately adjacent infrastructure (within approximately 20 feet)

C. Passenger Amenities

- Installation of wayfinding signage
- Installation or replacement of bike racks
- Landscaping or planters to improve stop aesthetics

VII. Project Completion Deadline

All improvements funded by this grant shall be installed no later than September 30, 2026.

VIII. Reimbursement Procedure

NWARPC shall reimburse the City 50% of their expenditures upon:

- Completion of the improvements for a minimum of 17 bus stops as described in Appendix A, and
- Submission of documentation evidencing completion and payment of eligible expenses, including invoices, before and after photos of installed improvements, and a project completion report to include the location of the bus stops improved and improvements completed at each bus stop.

Reimbursement shall be processed within 30 days of NWARPC's approval of the final documentation.

IX. Reporting and Oversight

The City agrees to:

- Notify NWARPC of any substantial changes in project scope or timeline
- Maintain adequate records of all expenditures and improvements
- Allow NWARPC or its designee to inspect the project sites upon reasonable notice

X. Termination

NWARPC reserves the right to terminate this Agreement and withhold or recover funds if the City:

- Fails to complete the improvements by the deadline.
- Misuses grant funds or fails to provide the required match.
- Fails to comply with the terms of this Agreement.

XI. Amendments

Any amendment to this Agreement must be in writing and signed by both parties.

XII. Miscellaneous

This Agreement represents the entire understanding of the parties with respect to the subject matter herein and supersedes all prior agreements or understandings. It shall be governed by the laws of the State of Arkansas.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

Name: Tim Conklin

Title: Executive Director

Date: 7-29-2025

Signature: 

CITY OF FAYETTEVILLE, ARKANSAS

Name: Molly Rawn

Title: Mayor

Date: _____

Signature: _____

Appendix A

Bus Stop Improvement Locations and Description of Improvements

Stop Name	Agency	Improvements Planned	Est. Cost
Appleby Apartments (Outbound)	Razorback	Bench - Ready	\$ 750.00
Appleby Apartments (Inbound)	Razorback	Bench -Ready	\$ 750.00
Leverett & Sycamore (Outbound)	Razorback	8'x5' Shelter - Shelter-Ready	\$ 10,250.00
Colonial Arms (Outbound)	Razorback	8'x5' Shelter - Shelter-Ready	\$ 10,250.00
Chestnut Apartments (South)	Razorback	8'x5' Shelter - Shelter-Ready	\$ 10,250.00
Chestnut Apartments (North)	Razorback	8'x5' Shelter - Shelter-Ready	\$ 10,250.00
Dean At Templeton Place	Razorback	8'x5' Shelter - Shelter Ready	\$ 10,250.00
Deane & Evening Shade	Razorback	8'x5' Shelter - Shelter Ready	\$ 10,250.00
Porter & Deane	Razorback	12'x5' Shelter - Shelter Ready	\$ 10,250.00
WRMC ER (outbound)	Razorback	12'x5' Shelter - Shelter Ready	\$ 12,250.00
M.L.K & Sang	Razorback	8'x5' Shelter - Shelter-Ready	\$ 10,250.00
Vantage Drive and Mud Creek Trail	Razorback	12'x5' Shelter - Shelter Ready (Two)	\$ 20,500.00
Wedington & Sang (Outbound)	Razorback	Bench - Ready	\$ 750.00
Garland & Holly (Inbound)	Razorback	12'x5' Shelter -Shelter Ready	\$ 24,375.00
Lott 222 (Inbound)	Razorback	12'x5' Shelter - Shelter Ready	\$ 12,250.00
Lot 222 (Outbound)	Razorback	Bench - Ready	\$ 1,000.00
School and 15th East	ORT	Relocate Stop 140 feet North 8'x5' Shelter - Shelter-Ready	\$ 10,250.00
FHS	Razorback	Relocate to East at Stairs, Combination loading platform/ Shelter Pad Approx. 26' x 10' Install Shelter, Custom Color?	\$ 19,850.00
N College & Masonic (Whole Foods)	ORT	Combination loading platform and shelter pad, 12'x5' shelter	\$ 17,375.00
N College & Township (West) "Arvest"	ORT	Relocate to the Noth. Combination loading platform and shelter pad, 12'x5'	\$ 19,850.00
N College & Township (East) "CVS"		Relocate Stop to in front of CVS to be far side. Combination Loading and shelter	\$ 19,850.00
N College and Appleby (West) "Goodw	ORT	Relocate to far side of Rolling Hills Intersection, Big Biscuit. Ramps/Crosswalk at Appleby, Spot Sidewalk repairs	\$ 27,500.00
N College and Rolling Hills	ORT	Relocate to Noth In front of TJ's Combination Loading Platform and	\$ 16,500.00
School at Grandview Apts	ORT	Locate in front of Tire Shop	\$ 18,750.00
Hillcrest Towers	ORT/RT	Locate on School Ave, move 2 shelters, re	\$ 26,500.00
N College & Dickson (East)	ORT	Pad and 8'x5' Shelter, repair Sidewalk	\$ 15,000.00
N College & Longview (West)	ORT	Relocate in front of KJ Sushi	\$ 21,250.00
School & 19th	ORT	Relocate in front of Scooter's Coffee	\$ 19,750.00
College at Senior Center (West)	ORT	Add Bench on W Side	\$ 2,800.00
M.L.K Blvd & Willow (South)	ORT	12'x5' Shelter on e side of Willow, Crosswalk Ramps	\$ 23,250.00
Happy Hollow and Fairlane	ORT	Move to North, ADOT Permit	\$ 16,750.00
Morningside and Fairlane	ORT	8'x5' Shelter	\$ 12,750.00



2423 East Robinson Avenue, Springdale, Arkansas 72764

To: Molly Rawn
Mayor of Fayetteville

From: Joel Gardner
Executive Director, Ozark Regional Transit

Re: Letter of Commitment Matching Funds NWARPC Grant

Date: July 24, 2025

This letter is to serve as commitment from Ozark Regional Transit Authority to participate in the grant program from Northwest Arkansas Regional Planning Commission for installation of transit shelters and bus stop improvements within the City of Fayetteville.

Ozark Regional Transit Authority is committed provide up to \$50,829.30 to the project in matching funds and direct payment for vendors for shelters. The commitment provides for; Infrastructure Improvements, Accessibility and Safety Enhancements, and Passenger Amenities as described in the grant agreement between the Northwest Arkansas Regional Planning Commission and the City of Fayetteville.

A handwritten signature in blue ink, appearing to read "Joel Gardner", with a long horizontal line extending to the right.

Joel Gardner
Executive Director
Ozark Regional Transit Authority



To: Molly Rawn
Mayor of Fayetteville

Re: Letter of Commitment Matching Funds NWARPC Grant

Date: July 25, 2025

Dear Mayor Rawn,

This letter is to serve as commitment from UA/Razorback Transit to participate in the grant program from Northwest Arkansas Regional Planning Commission for installation of transit shelters and bus stop improvements on Razorback Transit stops within the City of Fayetteville. The improvements will be distributed equitably between stops on the University campus and within the City.

UA/Razorback Transit is committed to providing up to \$50,829.30 for the project in matching funds and direct payment to vendors for shelters. The commitment provides for: Infrastructure Improvements, Accessibility and Safety Enhancements, and Passenger Amenities as described in the grant agreement between the Northwest Arkansas Regional Planning Commission and the City of Fayetteville.

UA/Razorback Transit recognizes the importance of these improvements in enhancing the rider experience, increasing safety and accessibility for all passengers, and supporting the overall efficiency of the regional transit system. We look forward to collaborating with the City of Fayetteville and the Northwest Arkansas Regional Planning Commission to successfully implement these upgrades in a timely and effective manner.

Should you require any additional documentation or clarification regarding this commitment, please feel free to contact me at claytonh@uark.edu.

Sincerely,

Clayton Hamilton
Senior Associate Vice Chancellor for Campus Services

RESOLUTION #2023-22

**A RESOLUTION ACCEPTING THE WALTON FAMILY FOUNDATION GRANT
FOR THE RAZORBACK TRANSIT BUS STOP ENHANCEMENT PLAN & MATCHING GRANT PROGRAM
FOR THE ENHANCING EQUITABLE TRANSIT CONNECTIONS IN NWA PROJECT**

WHEREAS, the Northwest Arkansas Regional Commission (NWARPC) adopted a ten-year Transit Development Plan (TDP), Connect Northwest Arkansas, on October 28, 2020 to serve as a “blueprint” for improving and expanding transit systems in the Fayetteville-Springdale-Rogers, AR-MO urbanized area; and

WHEREAS, NWARPC is the designated recipient for Federal Transit Administration (FTA) urban grant funding programs and is responsible for transit planning and programming in the NWARPC Metropolitan Planning Area (MPA); and

WHEREAS, the NWARPC was awarded \$180,000 (90%) Areas of Persistent Poverty (AoPP) Grant by the FTA for the Enhancing Equitable Transit Connections in NWA Project, including design, engineering, and environmental work, with the \$20,000 (10%) local match being split by Ozark Regional Transit (ORT) and Razorback Transit; and

WHEREAS, a Bus Stop Enhancement Plan was completed in 2022 for Ozark Regional Transit (ORT); and

WHEREAS, the Walton Family Foundation awarded NWARPC \$108,800 (80%) to complete a Bus Stop Enhancement Plan for Razorback Transit, with the local match of \$27,200 (20%) being provide by the City of Fayetteville and Razorback Transit; and

WHEREAS, the Bus Stop Enhancement Plan for Razorback Transit will be used alongside the ORT Bus Stop Enhancement Plan as a tool to guide selection of bus stops to be improved with the AoPP grant funding; and

WHEREAS, the Walton Family Foundation awarded NWARPC a one-to-one matching grant of up to \$200,000 (50%) towards the Enhancing Equitable Transit Connections in NWA Project, to be matched at the option of local communities.

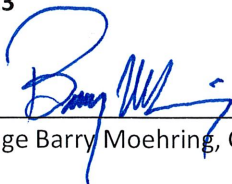
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION:

SECTION 1. That the NWARPC hereby accepts the Walton Family Foundation’s grant funding for the Razorback Transit Bus Stop Enhancement Plan as well as the one-to-one matching grant for the Enhancing Equitable Transit Connections in NWA Project.

SECTION 2. That the Director is hereby authorized to act on behalf of the NWARPC in matters concerning these grants and projects, including: (1) the execution of the grant agreement(s) and/or agreements of understanding with the Walton Family Foundation; and (2) carrying out all necessary actions to administer this grants and projects in accordance with the approved application, and with all applicable requirements and procedures.

PASSED AND APPROVED BY THIS 6TH DAY OF DECEMBER, 2023

ATTEST:



Judge Barry Moehring, Chair, NWARPC



OFFICE OF THE MAYOR
Molly Rawn

June 4th, 2025

Tim Conklin
Executive Director
Northwest Arkansas Regional Planning Commission
1311 Clayton Street
Springdale, AR 72762

Dear Mr. Conklin,

The City of Fayetteville is committed to ongoing efforts to improve transit stops throughout our community, with the goal of installing bus shelters at all stops within the next three years. With this in mind, I am pleased to learn about the opportunity to receive 1:1 matching funds through the Northwest Arkansas Regional Planning Commission (NWARPC) to support these improvements.

The City of Fayetteville in collaboration with our transit agencies commits to MATCHING 1:1 all funds from NWARPC, up to \$228,797.00 to improve a minimum of 20 transit stops by October 2026. These matching funds will be collected through partnerships with Razorback Transit and Ozark Regional Transit and through City Council appropriation of existing and 2026 capital funds.

These improvements will include the construction of concrete shelter pads, loading platforms, ADA-accessible ramps, sidewalk connections, lighting, bicycle parking, and the assembly and installation of shelters, benches, and wayfinding signage.

Thank you for your continued support of regional transit initiatives.

Sincerely,

A handwritten signature in blue ink that reads "Molly Rawn". The signature is fluid and cursive, with the first name "Molly" and last name "Rawn" clearly distinguishable.

Molly Rawn

Mayor
City of Fayetteville, Arkansas
113 W Mountain Street
Fayetteville, AR 72701



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council

THRU: Chris Brown, Public Works Director
Keith Macedo, Chief of Staff

FROM: Kenneth Patterson, Federal Aid Project Manager

SUBJECT: **N. Gregg Ave. Improvements (North St. to W. Township) - Design Phase Contract**

RECOMMENDATION:

Staff recommends approval of the agreement with Crafton Tull and Associates, Inc. in the amount of \$218,960 for design phase services plus \$8,900 in estimated reimbursable expenses for the Gregg Avenue (North to Township) Safe Streets and Roads for All Project, and approval of a budget adjustment.

BACKGROUND:

N. Gregg Ave. is a central north-south corridor that is identified on *three* (automobile, pedestrian and bicycle) High Injury Network (HIN) maps. From 2017 to 2021, on the 1.3-mile section of N. Gregg Ave. from W. North St. to W. Township St., there were 443 total crashes, including ten crashes in which persons were killed or seriously injured (KSI). N. Gregg Ave. serves as a Razorback Transit route and has heavy vehicle usage (ADT 17K) for accessing Interstate 49. Due to its wide multi-lane design and very poor sidewalks, N. Gregg Ave. is a hostile environment for people walking, biking and rolling.

N. Gregg Ave. currently has four continuous travel lanes, substandard sidewalks and no crosswalks. N. Gregg Ave. was identified in Fayetteville's 2018 Mobility Plan as a candidate for a road diet. Detailed planning, traffic studies, engineering work and public outreach will be needed to implement a road diet or lane reconfiguration. Key desired outcomes of the lane reconfiguration will be reduction in KSI crashes and improved functionality for all roadway users. Changes are likely to include a reduction in the width and/or number of travel lanes, dedicated turning lanes, on-street parking, crosswalks, and a reduction in turning radii.

On December 4, 2024, Resolution 301-24 was approved to accept federal aid funding in the amount of \$25,000,000 from the U.S. Department of Transportation's Federal Highway Administration through the Safe Streets and Roads for All (SS4A) Program. This funding supports five construction projects with a focus on safety, and this project is among them.

A Request for Qualifications (RFQ #25-01, Selection 7) was advertised in early 2025, and three submittals were received. On April 11, 2025, a selection committee composed of City of Fayetteville staff selected Crafton Tull and Associates, Inc., for design phase services for this segment of N. Gregg Ave.

DISCUSSION:

Crafton Tull will complete the design of Gregg Ave. from W. North St. to W. Township St. The design is to include improvements to the existing corridor to better align the roadway section with a typical Neighborhood Link section per the City's Master Street Plan. They will also provide a topographic survey along N. Gregg Ave.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

from W. North St. to W. Township St. and will establish the apparent right-of-way of N. Gregg Ave., the railroad right-of-way, and 22+/- parcel boundaries in/around the W. Sycamore St. and W. Poplar St. intersections with N. Gregg Ave., to support the engineering design for the roadway improvements project. In addition, Crafton Tull will facilitate the Categorical Exclusion submission process to complete all environmental approval requirements, including associated Section 404 permitting and cultural resource surveys for the full length of road within the project. The proposed design services will be delivered in two phases. Phase 1 will include Environmental Fieldwork, a Traffic and Safety Analysis, and facilitation of public input. After these steps are completed and the design concept is reviewed and approved by the City, Crafton Tull will begin Phase 2, which includes the topographic survey and conceptual design development.

BUDGET/STAFF IMPACT:

The City has been awarded federal funding for this project through the Safe Streets and Roads for All (SS4A) Program, as approved by Resolution 301-24. The proposed cost for design phase services for Improvements to N. Gregg Ave. is \$218,960 plus \$8,900 for reimbursable expenses. Funding for this contract amount is as follows:

Federal funds from the SS4A Program: \$170,044.79

Transportation Bond Program: \$57,815.21

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment, 5. CTA Design Contract for N. Gregg Ave Improvements

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1412

A RESOLUTION TO AUTHORIZE AN AGREEMENT WITH CRAFTON TULL AND ASSOCIATES, INC. FOR DESIGN PHASE SERVICES FOR THE GREGG AVENUE SAFE STREETS AND ROADS FOR ALL PROJECT IN AN AMOUNT NOT TO EXCEED \$227,860.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, North Gregg Avenue is a central north-south corridor that is identified on three High Injury Network maps and serves as a Razorback Transit route and has heavy vehicle usage for accessing Interstate 49; and

WHEREAS, on December 4, 2024, City Council approved Resolution 301-24 to accept federal aid funding in the amount of \$25,000,000.00 from the U.S. Department of Transportation's Federal Highway Administration through the Safe Streets and Roads for All Program to fund improvements to these corridors; and

WHEREAS, the proposed design services will be delivered in two phases that include Environmental Fieldwork, a Traffic and Safety Analysis, and facilitation of public input during Phase 1 and topographic survey and conceptual design development during Phase 2.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Rawn to sign an agreement with Crafton Tull and Associates, Inc. for design phase services for the Gregg Avenue Safe Streets and Roads for All Project in the amount of \$218,960.00 pursuant to RFQ 25-01, Selection 7 and further approves the reimbursement of expenses in the estimated amount of \$8,900.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2025-1412

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Kenneth Patterson

7/31/2025

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the agreement with Crafton Tull in the amount of \$218,960 for design phase services plus \$8,900 in estimated reimbursable expenses for the Gregg Avenue (North to Township) Safe Streets and Roads for All Project, and approval of a budget adjustment.

Budget Impact:

2235.900.9225-5860.02

4702.860.7235-5860.02

Account Number

32401.9225

46020.7235.9225

Project Number

Safe Streets & Roads Grant

Streets Project (2019/2022/2024 Bonds)

Fund

Safe Streets & Roads Grant - N Gregg Ave

Street Bonds - Safe Streets & Roads - N Gregg Ave

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 34,500,000.00

Expenses (Actual+Encum)

\$ 11,364,380.97

Available Budget

\$ 23,135,619.03

Does item have a direct cost? Yes

Item Cost

\$ 227,860.00

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ -

Remaining Budget

\$ 22,907,759.03

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 301-24

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	ENGINEERING (621)	Adjustment Number
2025	/Org2		
	Requestor:	Kenneth Patterson	

Staff recommends approval of the agreement with Crafton Tull in the amount of \$218,960 for design phase services plus \$8,900 in estimated reimbursable expenses for the Gregg Avenue (North to Township) Safe Streets and Roads for All Project, and approval of a budget adjustment.

	COUNCIL DATE:	8/19/2025
	ITEM ID#:	2025-1412
	Holly Black	
	7/31/2025 11:59 AM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
CRAFTON, TULL & ASSOCIATES, INC.

THIS AGREEMENT is made as of _____, 2025, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and Crafton, Tull & Associates, Inc. with offices located in Arkansas (hereinafter called ENGINEER).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the evaluation, design, and/or construction supervision of the Gregg Avenue Improvements (North Street to Township Street) (The "Project"). Therefore, CITY OF FAYETTEVILLE and ENGINEER in consideration of their mutual covenants agree as follows:

ENGINEER shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of ENGINEER's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of ENGINEER.
- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of ENGINEER.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF ENGINEER

- 2.1 Perform professional design services in connection with the Project as hereinafter stated, which shall include normal civil engineering and survey services.
 - 2.1.1 The Scope of Services to be furnished by ENGINEER during the Project is included in Appendices A1, A2, & A3 attached hereto and made part of this Agreement.
 - 2.1.2 ENGINEER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. ENGINEER and CITY OF FAYETTEVILLE agree that ENGINEER has full responsibility for the engineering services.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of the ENGINEER:
 - 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
 - 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
 - 3.1.3 Guarantee access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform his services under this Agreement.
 - 3.1.4 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
 - 3.1.5 The City Engineer is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The City Engineer shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
 - 3.1.6 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

- 4.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 4.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. ENGINEER will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed. The anticipated schedule for this project is included as 'E.

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 The CITY OF FAYETTEVILLE shall compensate the ENGINEER based on an hourly NTE basis described in Exhibit B.
- 5.1.1 The maximum not-to-exceed amount authorized for all Architectural and Civil design for as described in Exhibits A1, A2, & A3 of this Agreement is \$218,960, not including reimbursable expenses. Compensation for reimbursable expenses is estimated to be \$8,900. Payment for a specific phase shall not exceed the scheduled amount prior to completion of that phase. Underruns in one phase may be used to offset overruns in another phase as long as the contract amount is not exceeded.

5.2 Statements

- 5.2.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for professional services consistent with ENGINEER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by ENGINEER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule as the basis for determining the value earned as the work is accomplished. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Design phase for the Project.

5.3 Payments

- 5.3.1 All statements are payable upon receipt and due within thirty (30) days. If a portion of ENGINEER's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise ENGINEER in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

5.4 Final Payment

- 5.4.1 Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, ENGINEER shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by ENGINEER to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against ENGINEER or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

- 6.1.1 During the course of performance of these services, ENGINEER will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation	Statutory
Employers' Liability	\$500,000 Each Accident
Commercial General Liability	
Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability:	
Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

ENGINEER will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

- 6.1.2 CITY OF FAYETTEVILLE and ENGINEER waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of ENGINEER's services.

6.2 Professional Responsibility

ENGINEER will exercise reasonable skill, care, and diligence in the performance of ENGINEER's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. ENGINEER agrees not to seek or accept any compensation or reimbursements from the City of Fayetteville for engineering work it performs to correct any errors, omissions or other deficiencies caused by ENGINEER's failure to meet customarily accepted professional engineering practices. CITY OF FAYETTEVILLE retains all other remedies to recover for its damages caused by any negligence of ENGINEER.

6.3 Cost Opinions and Projections

Cost opinions and projections prepared by ENGINEER relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on ENGINEER's experience, qualifications, and judgment as a design professional. Since ENGINEER has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic

conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, ENGINEER does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by ENGINEER.

6.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of ENGINEER's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the duly authorized officer of ENGINEER.

6.5 Termination

6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

6.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.1.2 An opportunity for consultation with the terminating party prior to termination.

6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that ENGINEER is given:

6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

6.5.2.2 An opportunity for consultation with the terminating party prior to termination.

6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but

6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,

6.5.3.2 Any payment due to ENGINEER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of ENGINEER's default.

6.5.4 If termination for default is effected by ENGINEER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by ENGINEER relating to commitments which had become firm prior to the termination.

6.5.5 Upon receipt of a termination action under Paragraphs 7.5.1 or 7.5.2 above, ENGINEER shall:

6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),

6.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by ENGINEER in performing this Agreement, whether completed or in process.

6.5.6 Upon termination under Paragraphs 7.5.1 or 7.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.

6.5.7 If, after termination for failure of ENGINEER to fulfill contractual obligations, it is determined that ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 7.5.4 of this clause.

6.6 Delays

In the event the services of ENGINEER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond ENGINEER's reasonable control, ENGINEER shall be entitled to additional compensation and time for reasonable costs incurred by ENGINEER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

ENGINEER's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

6.8 Dispute Resolution

6.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and ENGINEER which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or ENGINEER in the performance of this Agreement, and disputes concerning payment.

6.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 7.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 7.8.3 and 7.8.4 have been complied with.

6.8.3 Notice of Dispute

6.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give ENGINEER written Notice at the address listed in Paragraph 7.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

6.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and ENGINEER shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of ENGINEER and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

6.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to ENGINEER for services rendered by ENGINEER.

6.10 Publications

Recognizing the importance of professional development on the part of ENGINEER's employees and the importance of ENGINEER's public relations, ENGINEER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to ENGINEER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to ENGINEER. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of ENGINEER's activities pertaining to any such publication shall be for ENGINEER's account.

6.11 Indemnification

CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE and ENGINEER from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

6.12 Ownership of Documents

6.12.1 All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. ENGINEER may retain reproduced copies of drawings and copies of other documents.

6.12.2 Engineering documents, computer models, drawings, specifications and other hard copy or electronic media prepared by ENGINEER as part of the Services shall become the property of CITY OF FAYETTEVILLE when ENGINEER has been compensated for all Services rendered, provided, however, that ENGINEER shall have the unrestricted right to their use. ENGINEER shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property

developed, utilized, or modified in the performance of the Services shall remain the property of ENGINEER

- 6.12.3 Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. ENGINEER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.13 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:
113 West Mountain Street
Fayetteville, Arkansas 72701

ENGINEER's address:
300 North College, Suite 317
Fayetteville, Arkansas 72701

6.14 Successor and Assigns

CITY OF FAYETTEVILLE and ENGINEER each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor ENGINEER shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

6.15 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

6.16 Entire Agreement

This Agreement represents the entire Agreement between ENGINEER and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to ENGINEER a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by ENGINEER, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of ENGINEER:

- 7.1.1 CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve ENGINEER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- 7.1.2 ENGINEER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by ENGINEER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.
- 7.1.3 ENGINEER's obligations under this clause are in addition to ENGINEER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against ENGINEER for faulty materials, equipment, or work.

7.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

- 7.3.1 ENGINEER shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. ENGINEER shall also maintain the financial information and data used by ENGINEER in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. ENGINEER will provide proper facilities for such access and inspection.
- 7.3.2 Records under Paragraph 8.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

- 7.3.3 This right of access clause (with respect to financial records) applies to:
 - 7.3.3.1 Negotiated prime agreements:
 - 7.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:
 - 7.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:
 - 7.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of ENGINEER;
 - 7.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;
 - 7.3.3.3.3 If the subagreement is terminated for default or for convenience.

7.4 Covenant Against Contingent Fees

ENGINEER warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ENGINEER for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7.5 Gratuities

- 7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that ENGINEER or any of ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, the State or EPA in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to ENGINEER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.
- 7.5.2 In the event this Agreement is terminated as provided in Paragraph 8.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against ENGINEER as it could pursue in the event of a breach of the Agreement by ENGINEER. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs ENGINEER incurs in providing any such gratuities to any such officer or employee.

7.6 Arkansas Freedom of Information Act

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, ENGINEER will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

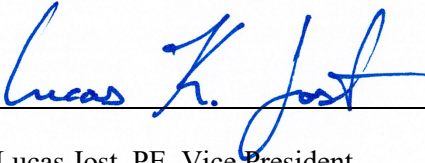
IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and ENGINEER, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

ENGINEER

By: _____

Molly Rawn, Mayor

By:  _____

Lucas Jost, PE, Vice President

ATTEST:

By: _____

City Clerk

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

Exhibit “A”

Scope of Basic Services for:

Project:	Gregg Avenue Improvements (North Street to Township Street)	
Client:	City of Fayetteville, AR	
Location of Project:	W. North St. to W. Drake St., Fayetteville, AR	
Discipline:	<i>Surveying</i>	
Discipline Manager:	James W. Montgomery, PLS	
Project Manager:	Luke Jost, P.E.	
Proposal Date:	July 29, 2025	
Billing Type:	Hourly Fee to a max, PLUS reimbursable expenses for title research, utility locates, etc. (\$6,250±)	
Fee:	Control, Design, and Parcel Surveys	\$46,250
Description of the Construction Project:	Provide a strip topographic survey (i.e. 7,000± L.F. or 1.3± miles) along N. Gregg Ave. that generally falls within the apparent roadway right-of-way from W. North St. to W. Township St. and will include establishing the apparent right-of-way of Gregg Ave., the RR right-of-way, and 22± parcel boundaries in/around the W. Sycamore St. & W. Poplar St. Intersection(s) with N. Gregg Ave., all as defined on the attached Exhibit C, to support the engineering design for the roadway improvements project.	

The Services to be Provided by the Surveyor are as Outlined Below:

Control/Design/Parcel Surveys:

- A title company will be employed to provide a title search on 22± parcels to be surveyed. The title search will include record plats (including adjoining plats), deeds (including adjoining deeds) and easement documents. The title company fee will be a reimbursable expense to the client.
- A representative from our survey department will mark the survey areas, and we will submit a request to the local utility 1-Call System to mark all underground utilities within the survey areas.
- Set/establish a minimum of four (4) semi-permanent survey control monuments along the route along the route. The control monuments will be tied to the city state plane coordinates and elevation datum to which all survey data for this project will be referenced.
- The strip topographic survey will include intersecting streets, driveways, sufficient ground elevation shots for the creation of 1'-contours, etc., all defined in Exhibit C.
- We will locate all visible utility lines and those marked by the utility 1-Call System. All flow lines of drainage inlets and pipes will be measured, and the invert elevation of sanitary sewer manholes will be recorded as defined in Exhibit C. All pipe sizes will be measured and shown on the topographic survey.
- We will prepare an AutoCAD base survey drawing of the topographic design survey of the site, which will be used for engineering design purposes. This base survey drawing will include the apparent right-of-way(s) and property boundary lines, where applicable.
- We will prepare legal descriptions with exhibits, estimated five (5), for easement documents to support the proposed r/w acquisition for the roadway improvements.

Scope of Basic Services does NOT Include the Following:

- Preparation of a boundary survey plat, tract or lot split plats, tract or lot combination plats, or similar type plats as may be required by the governing agency for approval of this project, only a working document for the preparation of easements and/or right-of-way acquisitions.
- Surveys and plats of the property for financing, sales, or other purposes such as an ALTA or as-built survey.
- Surveys of offsite utility, street, or drainage improvements not within the survey area.
- Surveys for environmental studies, including wetland delineation.

- Surveys for flood data or studies for Corps of Engineer, FEMA or other special government agency permitting.
- Surveys for location of geotechnical soil borings or pits.
- Surveying related to construction services or construction staking.
- Surveys for location of trees.
- Surveys for right-of-way monuments set post acquisitions.

Note: Services listed can be provided for additional fee.

Client Shall Provide:

- Access for our survey crew personnel to enter private properties within the work area to conduct the surveys.

This is the scope of services for the Project. Should there be additions to this scope of services, those services shall be compensated for an additional fee.

Exhibit “A²” Scope of Environmental Services For:

Project:	Gregg Avenue Improvements (North Street to Township Street)
Client:	City of Fayetteville
Location of Project:	Gregg Avenue, Fayetteville, AR
Discipline:	Environmental
Discipline Manager:	David Rupe
Project Manager:	Luke Jost, PE
Proposal Date:	July 29, 2025
Billing Type:	Hourly with a Maximum/Reimbursable Expenses
Estimate:	\$20,800 (Hourly NTE) \$ 9,600 (Cultural Resources Subconsultant) <u>\$ 1,150</u> (Estimated Reimbursables) \$31,550 Total
Description of the Construction Project:	Categorical Exclusion, including associated Section 404 permitting and cultural resource survey for approximately 2-mile improvement on Gregg Ave.

The services to be provided by the Engineer:

- Preparation and submittal to Arkansas Department of Transportation (ARDOT) and Federal Highway Administration (FHWA) National Environmental Policy Act (NEPA) documentation (assuming documentation will be at the Categorical Exclusion level) that meets ARDOT/FHWA standards
- Organize a Public Involvement meeting for the proposed project, if required
- Subcontract the completion of a Phase I Cultural Resources Survey to a qualified sub-consultant
- Waters of the U.S. Delineation and Report
- U.S. Army Corps of Engineers (USACE) Nationwide Permit Application and Coordination (if required)
- Threatened and Endangered Species Field Assessment and Desktop Review

Scope of Basic Services does NOT Include the Following:

- USACE Jurisdictional Determination Request and Coordination
- USACE Standard Permit Application and/or Coordination
- Tree Survey, Tree Inventory Report, and/or Tree Preservation Plan
- Phase 1 Environmental Site Assessment
- Biological and/or Habitat Assessments/Field Surveys
- Geotechnical Investigation
- Construction oversight and due diligence
- Wetland and/or Stream Compensatory Mitigation Fees or Services
- ADEQ Short-Term Activity Authorization (STAA) Permit Application and Coordination

Note: Services listed can be provided for additional fee.

Items to be provided by Owner:

- Site access

This is the scope of services for the Project. Should there be additions to this scope of services, those services shall be compensated for additional fee.

Exhibit “A³” Civil Scope of Basic Services for:

Project:	Gregg Avenue Improvements (North Street to Township Street)		
Client:	City of Fayetteville		
Location of Project:	Gregg Avenue, Fayetteville, AR		
Discipline:	Civil Engineering		
Discipline Manager:	Luke Jost, P.E.		
Project Manager:	Luke Jost, P.E.		
Proposal Date:	July 29, 2025		
Billing Type:	Hourly with a Maximum/Reimbursable Expenses		
Fee/Estimate:	Civil Design		\$76,360
	Pedestrian Safety Assessment (Laneshift)		\$25,000
	Traffic Subconsultant (TEC)		\$40,950
	Reimbursable Expenses (Estimated)		\$1,500
	TOTAL:		\$143,810
Description of the Construction Project:	Design of approximately 1.8 miles Gregg Ave from North Street to Drake Street. Design to include road diet street improvements and intersection improvements within that corridor (see anticipated alignment Exhibit C).		

Project scope:

Preliminary Study and Design of approximately 6,900 linear feet (1.3 miles) of Gregg Ave from North Street to Township Street. The design is to include improvements to the existing corridor to better align the roadway section with the Neighborhood Link typical section per the City’s Master Street Plan. Improvements are expected to be concentrated on the east side of the corridor (largely holding the west curb line) and adding a wider sidewalk where feasible to the east side of the road. Turn lanes or parking lanes will be added as necessary. Special consideration will be given to the intersections with Sycamore Street and Poplar Street that are listed on the City’s High Injury Network (HIN).

The following design aspects will also be included:

- A traffic model will be developed to assess how proposed improvements affect level of service along the corridor.
- Lighting improvements along the corridor.
- Landscape improvements along the corridor (street trees).
- Bus stops in accordance with latest ORT and Razorback Transit route plans.
- A pedestrian safety study of the corridor including:
 - o Analysis of non-motorist crash data along the corridor
 - o Identification of gaps in existing infrastructure that could hinder pedestrian safety & connectivity
 - o Identification of known & potential pedestrian safety issues
 - o Analysis of AADT along the corridor to support redesign objectives

Detailed services to be provided by the Engineer:

Preliminary Design Phase (30%):

- Prepare Preliminary Plans (Title, Typical Section, Plan & Profile Sheets, Cross Sections)
- Meet with City and stakeholders to review corridor improvements
- Utility coordination
- Prepare a preliminary cost estimate
- Submit plans to owner for review
- Represent project to the Transportation Advisory Committee.

Items Provided by City:

- Site access
- Construction materials testing
- Acquisition of Right of Way and Easements

END SCOPE OF SERVICES THIS CONTRACT This is the scope of services for the Project. Should there be additions to this scope of services, those services shall be compensated for additional fee.

Additional Items that can be provided by CTA under amendment or separate contract:

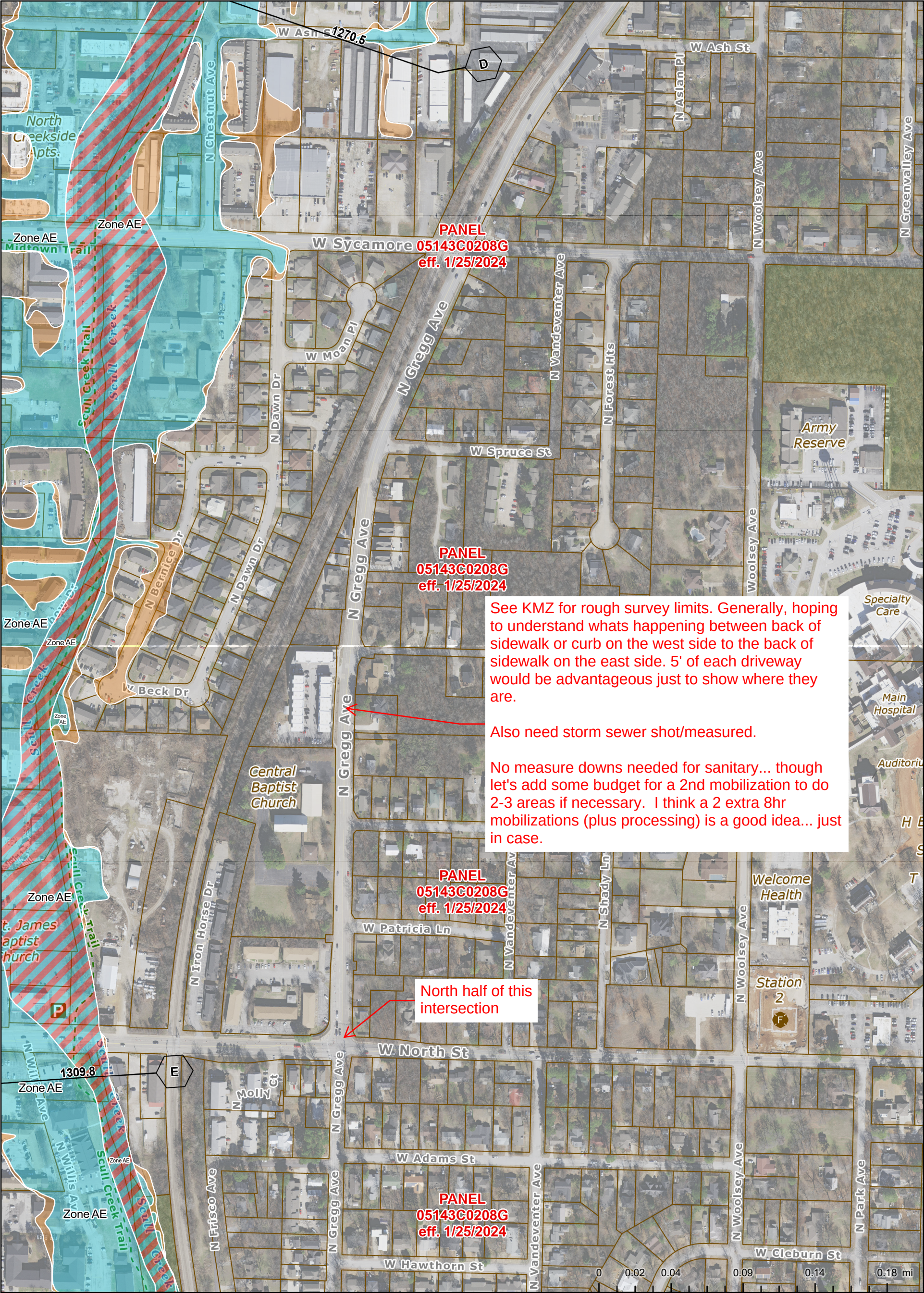
- 60% design phase, 90% design phase, Final Plans, and Bidding assistance
- Construction Administration/Construction Observation
- ROW/Easement Acquisition Services
- Railroad Crossing design
- Retaining wall design (not anticipated)
- Structural/Bridge Designs
- FEMA applications/Coordination including CLOMR/LOMR process



Exhibit "B"
Standard Hourly Rate Schedule
Effective January 1, 2025

Category	Hourly Rate
CIVIL ENGINEERING	
ENGINEERING PRINCIPAL	\$ 260
SR. ENGINEERING MANAGER	\$ 230
ENGINEERING MANAGER	\$ 195
SR. PROJECT ENGINEER	\$ 170
PROJECT ENGINEER	\$ 155
ENGINEER INTERN III	\$ 140
ENGINEER INTERN II	\$ 130
ENGINEER INTERN I	\$ 120
SR. ENGINEERING DESIGNER	\$ 165
ENGINEERING DESIGNER III	\$ 130
ENGINEERING DESIGNER II	\$ 110
ENGINEERING DESIGNER I	\$ 100
ENGINEERING CAD TECHNICIAN III	\$ 90
ENGINEERING CAD TECHNICIAN II	\$ 80
ENGINEERING CAD TECHNICIAN I	\$ 70
ENVIRONMENTAL	
ENVIRONMENTAL MANAGER	\$ 210
SR. ENVIRONMENTAL SCIENTIST	\$ 150
PROJECT ENVIRONMENTAL SCIENTIST	\$ 120
ENVIRONMENTAL SCIENTIST II	\$ 100
ENVIRONMENTAL SCIENTIST I	\$ 80
ENVIRONMENTAL FIELD TECHNICIAN	\$ 65
INSPECTION	
SR. INSPECTOR	\$ 115
INSPECTOR II	\$ 100
INSPECTOR I	\$ 80
LANDSCAPE ARCHITECTURE	
LANDSCAPE ARCHITECTURE MANAGER	\$ 190
SR. LANDSCAPE ARCHITECT	\$ 170
PROJECT LANDSCAPE ARCHITECT	\$ 130
LANDSCAPE DESIGNER II	\$ 110
LANDSCAPE DESIGNER I	\$ 95
LANDSCAPE DESIGN INTERN	\$ 85
ADMINISTRATIVE	
ADMINISTRATIVE PRINCIPAL	\$ 225
ADMINISTRATIVE MANAGER	\$ 170
ADMINISTRATIVE IV	\$ 115
ADMINISTRATIVE III	\$ 90
ADMINISTRATIVE II	\$ 70
ADMINISTRATIVE I	\$ 55

Category	Hourly Rate
PLANNING	
SR. PLANNING MANAGER	\$ 220
PLANNING MANAGER	\$ 210
SR. PLANNER	\$ 190
PROJECT PLANNER	\$ 130
PLANNER III	\$ 120
PLANNER II	\$ 110
PLANNER I	\$ 100
SURVEYING	
SURVEYING PRINCIPAL	\$ 240
SR. SURVEYING MANAGER	\$ 205
SURVEYING MANAGER	\$ 180
SR. PROJECT SURVEYOR	\$ 160
PROJECT SURVEYOR	\$ 140
SURVEYOR INTERN II	\$ 125
SURVEYOR INTERN I	\$ 110
SURVEY COORDINATOR	\$ 120
CREW CHIEF II	\$ 110
CREW CHIEF I	\$ 95
FIELD SURVEYOR III	\$ 85
FIELD SURVEYOR II	\$ 75
FIELD SURVEYOR I	\$ 65
SURVEY CAD TECHNICIAN III	\$ 105
SURVEY CAD TECHNICIAN II	\$ 85
SURVEY CAD TECHNICIAN I	\$ 75
UAV SERVICES	
UAV TEAM LEAD	\$ 125
UAV PILOT	\$ 85
GEOGRAPHIC INFORMATION SYSTEMS	
SR. GIS MANAGER	\$ 175
GIS MANAGER	\$ 140
GIS ANALYST	\$ 105
GIS TECHNICIAN II	\$ 80
GIS TECHNICIAN I	\$ 55
REIMBURSABLE EXPENSES	
GPS Equipment.....	\$35/Hour
Robotic Survey Equipment.....	\$20/Hour
LiDAR Scanning Equipment	\$35/Hour
UAV	\$1000/Unit
Job Related Mileage.....	\$0.70/Mile
Per Diem for Out of Town Crews.....	Per GSA Allowable
Airfare and other travel related expenses.....	At Cost
Black and white 8.5"x11" Copies	\$0.15/sheet
Color 8.5"x11" Copies	\$1.50/sheet
Photo Paper Color Plan Sheet Copies	\$0.75/sq. ft.
Reproducible Plan Copies (Vellum)	\$1.50/sq. ft.
Reproducible Plan Copies (Bond)	\$0.35/sq. ft.
All rates are subject to change without notice.	



See KMZ for rough survey limits. Generally, hoping to understand whats happening between back of sidewalk or curb on the west side to the back of sidewalk on the east side. 5' of each driveway would be advantageous just to show where they are.

Also need storm sewer shot/measured.

No measure downs needed for sanitary... though let's add some budget for a 2nd mobilization to do 2-3 areas if necessary. I think a 2 extra 8hr mobilizations (plus processing) is a good idea... just in case.

North half of this intersection

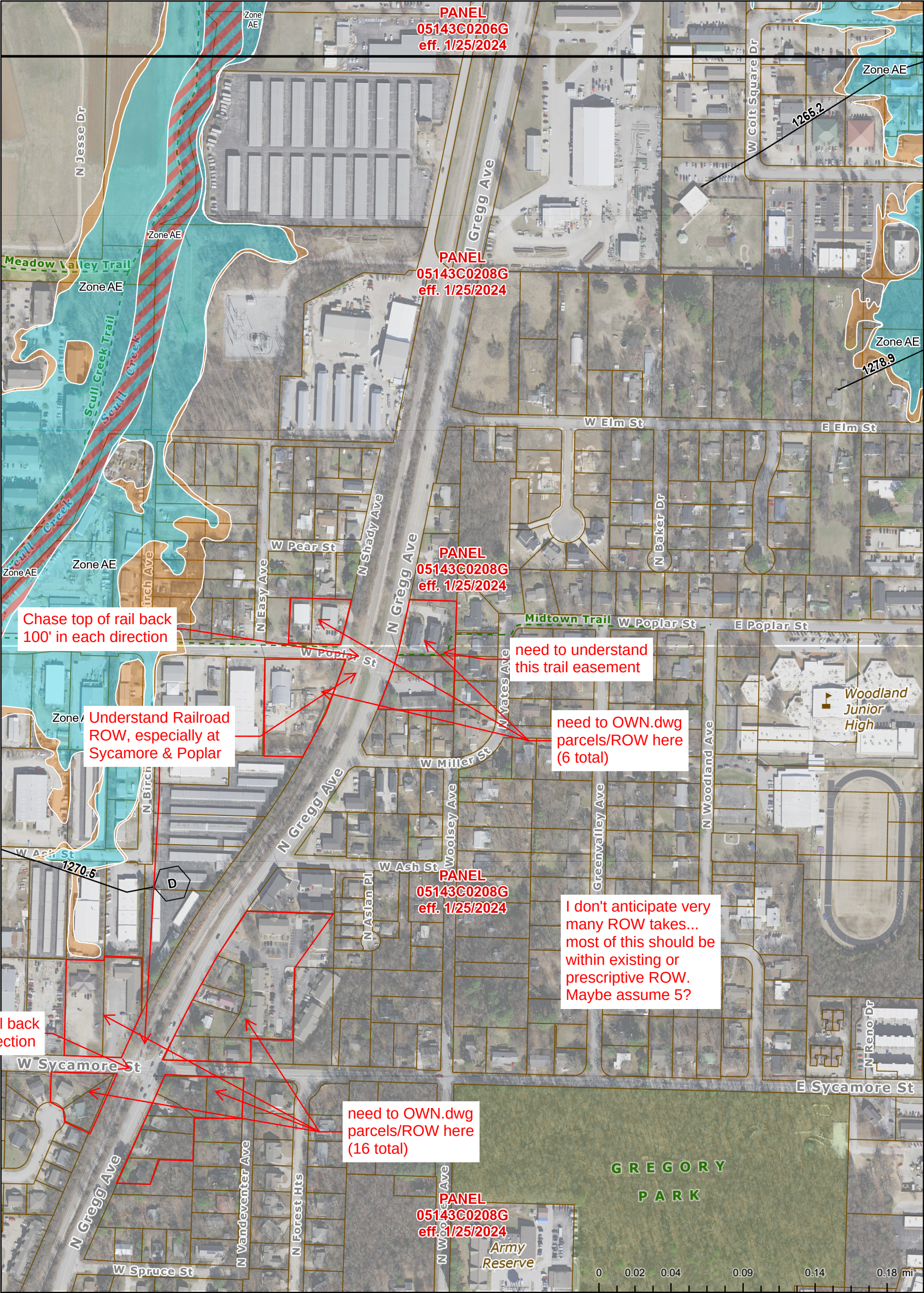
- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard
- SFHA / Flood Zone Boundary
- Cross-Sections
- FIRM Panels

Exhibit

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 5/21/2025
Credits: City of Fayetteville, AR, 2024 Imagery | EagleView Technologies | Surdex Corporation



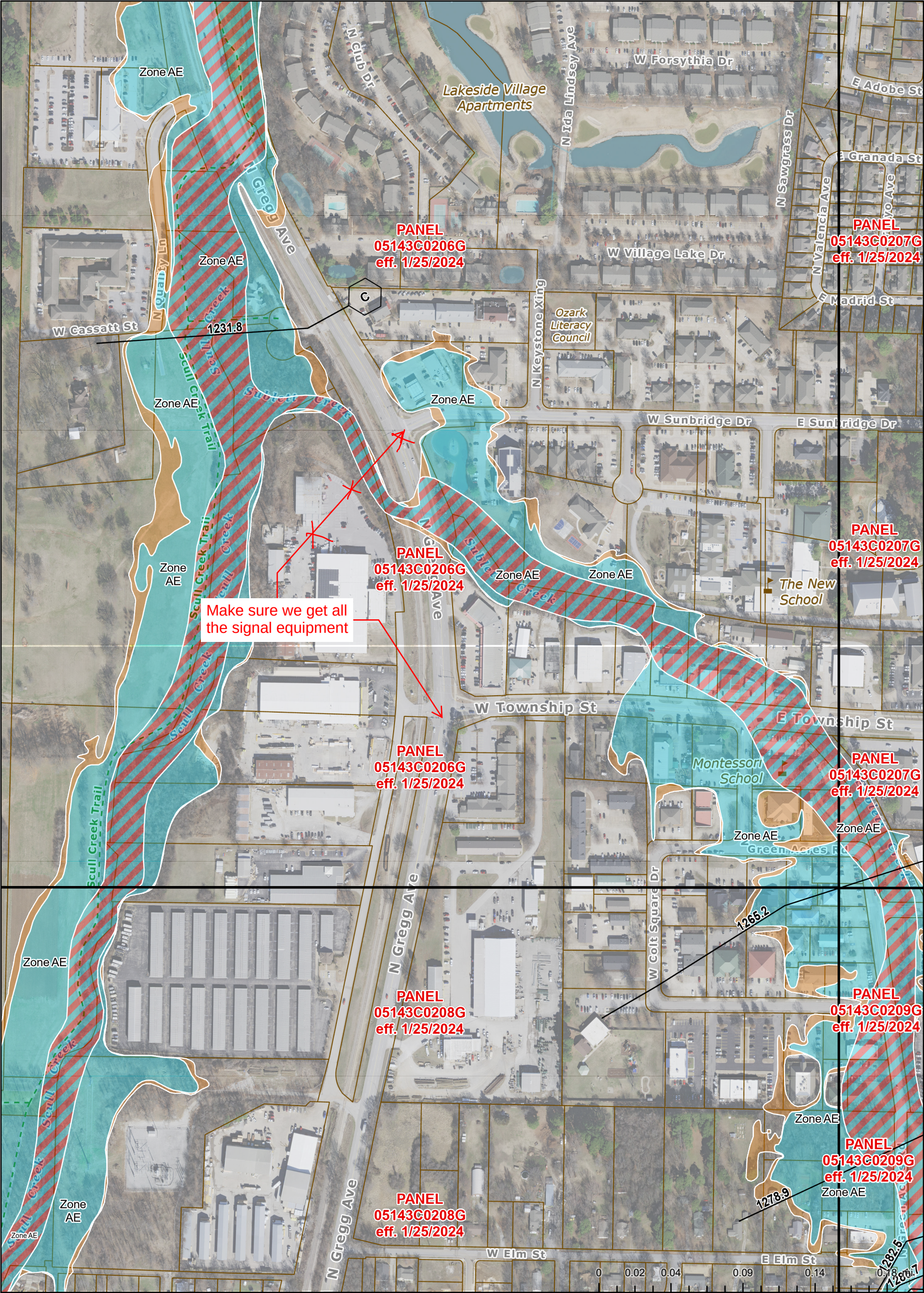
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Created: 5/21/2025
Credits: City of Fayetteville, AR, 2024 Imagery | EagleView Technologies | Surdex Corporation



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Created: 5/21/2025
Credits: City of Fayetteville, AR, 2024 Imagery | EagleView Technologies | Surdex Corporation

Appendix "D"
MANHOUR ESTIMATE
Gregg Avenue Improvements
FAYETTEVILLE, ARKANSAS



Proposal

Item No.	Description	ADMN	SR.PRO	LA	SR.	ENGR	PROJ	PROJ	PRINC	Estimated Cost
		ASST	SUR	INTERN	LA	DSNR	ENGR	MGR	ENGR	
		\$80	\$150	\$85	\$145	\$110	\$155	\$230	\$260	
	Other Disciplines									
	Environmental (CTA)									\$30,400
	Survey (CTA)									\$46,250
	Traffic (TEC)									\$40,950
	Multimodal/Safety Assessement (Laneshift/CTA)									\$25,000
1.0	30% Plans									
1.1	Roadway Design					80	80	40		\$30,400
1.2	Title Sheet					2				\$220
1.3	Typical Section					8	8	2		\$2,580
1.4	P&Ps					80	40	40		\$24,200
1.5	Cross Sections					8	8			\$2,120
1.6	Estimate					4	8	2		\$2,140
1.7	QC Review					40	28	8	4	\$11,620
1.8	Review with City						8	8		\$3,080
	Subtotal									\$76,360
	Total	0	0	0	0	222	180	100	4	\$218,960

Exhibit “E” Anticipated Design Schedule

- **Notice to Proceed: August 2025**
 - Phase 1:**
 - o **Environmental Fieldwork: September & October 2025 (8 weeks)**
 - o **Traffic & Safety Analysis: September & October 2025 (8 weeks)**
 - o **Public Input: November & December (8 weeks)**
 - Phase 2:**
 - o **Field Survey: January & February 2026 (8 weeks)**
 - o **30% Plans: March & April 2026 (8 weeks)**



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Kit Williams, City Attorney
FROM: D'Andre Jones, Ward 1, Position 2
SUBJECT: N/A

RECOMMENDATION:

That the City Council enacts Article XXXIII the Fayetteville Renters' Council in Chapter 33

BACKGROUND:

DISCUSSION:

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Jones Request and Approval, 4. Additional Information - Proposed Ordinance Amendments, City Attorney Memo & Proposed Amendments (Amendment Approved), Council Member Dr. Jones - Proposed Resolution Language Revision (1) (Language Not Approved)



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-840

An Ordinance to improve communications and advice from Fayetteville residential renters by creating a residential renters' committee

WHEREAS, long term residential renters compose the majority of households in Fayetteville and most available affordable housing in Fayetteville is long term residential rental housing; and

WHEREAS, long term residential renters have some unique and important needs and concerns about their rental housing options about which the City Council needs to be better informed; and

WHEREAS, a Residential Renters' Committee composed primarily of current long term residential renters could provide insights and advice to the City Council about long term residential renters' needs for affordability, safety, and expansion of long term residential renters' housing options.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts **Article XXXIII Residential Renters' Committee** into Chapter 33 **DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES** of the *Fayetteville Code* as follows:

“Article XXXIII Residential Renters’ Committee

33.450 Establishment.

There is hereby established the Residential Renters' Committee to provide advice and recommendations to the City Council concerning issues and policies of importance to Fayetteville's long term residential renters including increased availability and affordability of new long-term residential rentals and preservation of existing affordable residential rental dwellings.

33.451 Membership

The Residential Renters' Committee shall be composed of nine (9) members. Appointments should be made in an attempt to ensure that varied renter perspectives are represented from major rental groups including students, single long term nonstudent renters, and long term residential rental families.

Committee members should include both low income long term residential renters and renters receiving rent assistance payments as well as long term residential renters in the market rent category.

Residential renters who have experienced homelessness and those who are currently homeless may also be appointed. Up to three members of groups serving the needs of low-income renters and/or the

unhoused may also be appointed even if not currently residing in a long term residential rental. The members shall be selected by the Mayor and the Chief Housing Officer and confirmed by motion of the City Council.

33.452 Appointment and term

The first three appointments shall be for one year. The second three appointments shall be for two years. The third three appointments and all termed out future appointments shall be for three years.

33.453 Purposes and Duties

The purposes and duties of the Residential Renters' Committee include the provision of information, advice, and counsel to the City Council concerning issues and policies affecting long term residential renters, including long term rental housing availability and affordability, preservation of affordable long term residential rental housing, transportation needs, long term residential renter protections, and the public health and safety of long term residential renters and rental properties.”

AGENDA REQUEST FORM

FOR: Council Meeting of June 17, 2025

FROM: Council Member D'Andre Jones

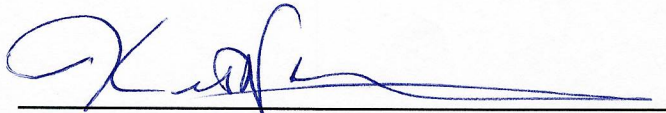
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO ESTABLISH THE CITY OF FAYETTEVILLE RENTERS' COUNCIL THAT WILL REPRESENT THE INTERESTS OF RENTERS LOCATED WITHIN THE CITY OF FAYETTEVILLE, TO ADVISE AND MAKE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL ON PUBLIC POLICY MATTERS OF IMPORTANCE TO RENTERS CITYWIDE IN CHAPTER 33 OF THE *FAYETTEVILLE CITY CODE*

APPROVED FOR AGENDA:

Approved via email
Council Member D'Andre Jones

5/30/25
Date


Kit Williams
Approved as to form
Not Approved as legal complaint

May 30, 2025
Date


Mayor Molly Rawn
Acknowledgement

May 30, 2025
Date

** acknowledging
however I do
get ~~very~~ ready for
I've seen this;
not believe it is
council.*

Williams, Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Thursday, May 29, 2025 3:13 PM
To: Williams, Kit
Cc: Paxton, Kara; makefayettevilleliveable@gmail.com; Rawn, Molly; Barnes, Stacy
Subject: Re: Final edits and language tweaks for the Renters Council Ordinance

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Yes, please do.

On Thu, May 29, 2025 at 2:55 PM Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

D'Andre,

There are many improper and contradictory to our current *Code of Fayetteville* provisions with this proposed ordinance. I will submit any resolution or ordinance sponsored by a Council Member even I have concluded it contrary to your rules or the Code of Fayetteville and possibly even illegal. However, it will then become my duty to discuss all the issues and problems with your proposal to the City Council.

Do you want me to put this in proper form and enter it into Civic Clerk for the Agenda despite conflict with existing Fayetteville Code sections and possibly other laws and rules?

Kit Williams

Fayetteville City Attorney

479-575-8313

From: D'Andre Jones <dre91732000@gmail.com>

Sent: Thursday, May 29, 2025 12:11 PM

To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>;
makefayettevilleliveable@gmail.com

Subject: Fwd: Final edits and language tweaks for the Renters Council Ordinance

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Barnes, Stacy

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Friday, May 30, 2025 11:44 AM
To: Barnes, Stacy
Cc: Jones, D'Andre; Williams, Kit
Subject: Re: Ordinance

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That's fine

Best Regards,

Dr. D'Andre L. Jones, DHA
Fayetteville City Council Ward 1 Position 2
Leadership is service, not position!

"Everybody can be great ... because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated by love. Dr. Martin Luther King Jr.

On Fri, May 30, 2025 at 10:58 AM Barnes, Stacy <sbarnes@fayetteville-ar.gov> wrote:

Please see that attached Ordinance that I have put in proper form. If this meets your approval, please let me know ASAP so I can put it in Civic Clerk before the deadline today.

Additional Information Received

Date Received: MM/DD/YYYY	08/12/2025
Time: 00:00 (AM/PM)	4:30p.m.
From: Name & Title	City Attorney Kit Williams
To: Name & Title	City Council
Agenda Meeting Date: MM/DD/YYYY	08/12/2025
Agenda Item: Ex. B3, C.4	B.1
Civic Clerk Number: Ex. 2025-994	2025-840

AN ORDINANCE TO IMPROVE COMMUNICATIONS AND ADVICE FROM
FAYETTEVILLE RESIDENTIAL RENTERS AND LANDLORDS BY CREATING A
RESIDENTIAL RENTAL IMPROVEMENT COMMITTEE

WHEREAS, long term residential housing composes the majority of all dwellings in Fayetteville and most of the available affordable housing in Fayetteville; and

WHEREAS, long term residential renters have some unique and important needs and concerns about their rental housing options about which the City Council needs to be better informed; and

WHEREAS, a Residential Rental Improvement Committee composed primarily of current long term residential renters, but also including some landlords, could provide insights and advice to the City Council about how long term residential renters' needs for affordability, safety, and expansion of long term residential renters' housing options could best be accomplished.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts **Article XXXIII Residential Rental Improvement Committee** into Chapter 33 **DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES** of the *Fayetteville Code* as follows:

"Article XXXIII Residential Rental Improvement Committee

33.450 Establishment.

There is hereby established the Residential Rental Improvement Committee to provide advice and recommendations to the City Council concerning issues and policies of importance to Fayetteville's long term residential renters including increased availability and affordability of new long-term residential rentals and preservation of existing affordable residential rental dwellings.

33.451 Membership

The Residential Rental Improvement Committee shall be composed of nine (9) members. Four (4) renter appointments should be made in an attempt to ensure that varied renter perspectives are represented from major rental groups including students, single long term nonstudent renters, and long term residential rental families. Committee members should include both low income long term residential renters and renters receiving rent assistance payments as well as long term residential renters in the market rent category. Residential renters who have experienced homelessness and those who are currently homeless may also be appointed. Three (3) committee members should include a landlord who owns or manages a large apartment building (over 100 rooms), a landlord who owns or manages a smaller apartment building, and a landlord who owns or manages a long term rental house or duplex. Up to two (2) members of groups serving the needs of low-income renters and/or the unhoused may also be appointed even if not currently residing in a long term residential rental. If there are no proper

applicants for either or both of these potential positions, the Mayor and Chief Housing Officer may select long term residential renters for these positions. All initial and replacement members shall be selected by the Mayor and the Chief Housing Officer and confirmed by motion of the City Council.

33.452 Appointment and term

The first three appointments shall have a term of one year. The second three appointments shall have a term of two years. The third three appointments and all termed out future appointments shall have terms of three years. All replacement members for members who have not finished their term shall have the remaining term of the member being replaced.

33.454 Purposes and Duties

The purposes and duties of the Residential Rental Improvement Committee include the provision of information, advice, and counsel to the City Council concerning issues and policies affecting long term residential renters and landlords including long term rental housing availability and affordability, preservation of affordable long term residential rental housing, facilitating the construction of new affordable long term rental housing, renters' transportation needs, long term residential renter and landlord protections, and the public health, safety and welfare of long term residential renters and landlords and their rental properties."



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council

THRU:

FROM: Molly Rawn, Mayor

SUBJECT: **Approve a resolution of intent to provide \$70,000.00 in matching funds to the Salvation Army**

RECOMMENDATION:

Mayor Molly Rawn recommends a resolution of intent to provide \$70,000.00 in matching funds to the Salvation Army, contingent upon its successful award of a \$70,000.00 Emergency Solutions Grant from the U.S. Department of Housing and Urban Development. This funding will support the continued operation of The Salvation Army's shelter and its provision of critical services—including emergency housing, case management, and financial assistance—to individuals and families experiencing homelessness in Fayetteville. The City recognizes the essential role these services play in preventing hardship and supporting housing stability in the community.

BACKGROUND:

City Council passed resolution 165-25 on July 15, 2025 to appropriate funds to support initiatives addressing homelessness. Mayor Rawn and her team have reached out to the community and have identified several projects to support the resolution, including a matching grant opportunity with the local Salvation Army. The Salvation Army has an opportunity to apply for a \$70,000.00 Emergency Solutions Grant through the United States Department of Housing and Urban Development, which requires a 100% match.

DISCUSSION:

The matching grant opportunity for the Salvation Army would allow the city to double its investment to address homelessness.

BUDGET/STAFF IMPACT:

Per resolution 165-25, and pending the Salvation Army's award of the grant, the city's matching funds will come from general fund balance.

ATTACHMENTS: 3. Staff Review Form



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1422

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT TO PROVIDE \$70,000.00 IN MATCHING FUNDS TO THE SALVATION ARMY FOR AN EMERGENCY SOLUTIONS GRANT FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, CONTINGENT UPON THE AWARD OF THAT GRANT

WHEREAS, The Salvation Army currently works to address homelessness and housing instability in Fayetteville, including the operation of a shelter and the provision of targeted case management and housing-focused financial assistance to Fayetteville families facing homelessness; and

WHEREAS, if The Salvation Army could no longer operate its facilities, the large number of homeless residents who depend upon this facility for its services would have great difficulty finding such comparable services elsewhere; and

WHEREAS, the facilities and services provided by The Salvation Army are required to be continued and should be supported by the City in order to prevent our homeless and needy residents from suffering undue hardship and deprivation; and

WHEREAS, The Salvation Army has an opportunity to apply for a \$70,000.00 Emergency Solutions Grant through the United States Department of Housing and Urban Development, which requires a 100% match; and

WHEREAS, the Emergency Solutions Grants Program through the United States Department of Housing and Urban Development was established to provide funding to:

1. Engage homeless individuals and families living on the street;
2. Improve the number and quality of emergency shelters for homeless individuals and families;
3. Help operate these shelters;
4. Provide essential services to shelter residents;
5. Rapidly re-house homeless individuals and families; and
6. Prevent families and individuals from becoming homeless.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to provide \$70,000.00 in matching funds to The Salvation Army for an Emergency Solutions Grant from the US Department of Housing and Urban Development for the operation of its shelter and the provision

of services to homeless and needy Fayetteville residents, contingent upon the award of that grant.

City of Fayetteville Staff Review Form

2025-1422

Item ID

8/5/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mayor Molly Rawn

8/1/2025

MAYORS ADMIN (015)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Mayor Molly Rawn recommends a resolution of intent to provide \$70,000.00 in matching funds to the Salvation Army, contingent upon its successful award of a \$70,000.00 Emergency Solutions Grant from the U.S. Department of Housing and Urban Development.

Budget Impact:

1010.090.6600-5718.02

General

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget
Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

Is a Budget Adjustment attached? No

Budget Adjustment

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU:
FROM: Molly Rawn, Mayor
SUBJECT: **Approval of an Ordinance for Firefighter Bill of Rights**

RECOMMENDATION:

Mayor Rawn is sponsoring an ordinance to adopt the Firefighter Bill of Rights.

BACKGROUND:

The Arkansas Legislature adopted ACT 626 to recommend a basic Bill of Rights for firefighters of municipalities in Arkansas. A municipality may adopt a local ordinance establishing any or all of the procedures under this ACT as a guide for negotiating personnel issues with its firefighters.

DISCUSSION:

The purpose of this ordinance is to formally establish a firefighter bill of rights. The bill of rights provides basic protections for the firefighters regarding personnel disciplinary and promotional actions.

BUDGET/STAFF IMPACT:

There is no budget impact related to this ordinance.

ATTACHMENTS: 3. Staff Review Form, 4. Firefighters Bill of Rights - Exhibit A, 5. Act 686



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1411

AN ORDINANCE TO ENACT § 33.052 FIREFIGHTER BILL OF RIGHTS IN THE FAYETTEVILLE CITY CODE

WHEREAS, this year the Arkansas General Assembly adopted Act 686 of 2025, which recommends a basic bill of rights for firefighters of municipalities in Arkansas; and

WHEREAS, the Act authorizes the City to adopt a local ordinance establishing any or all of the procedures under the Act as a guide for negotiating personnel issues with firefighters.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 33.052 **Firefighter Bill of Rights** as shown in Exhibit A attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2025-1411

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Mayor Rawn

7/31/2025

MAYORS ADMIN (015)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Mayor Rawn is sponsoring an ordinance to adopt the Firefighter Bill of Rights.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Exhibit A

33.052 Firefighter Bill of Rights

(A) Purpose. The purpose of this ordinance is to formally establish a firefighter bill of rights. The bill of rights provides basic protections for the firefighters regarding personnel disciplinary and promotional actions.

(B) Definitions. As used in this ordinance:

- (1) "Firefighter" means a public servant vested by law with the primary duty of fighting fires and providing fire protection services to a municipality;
- (2) "Formal proceeding" means a proceeding heard before any officer, committee, or other body of municipal government with the authority to take disciplinary action against a firefighter; and
- (3) "Official departmental charges" means a written document from the fire chief or other lawful authority notifying the accused firefighter that charges of misconduct have been made and setting forth the specifics of the alleged misconduct.
- (4) "Pre-disciplinary Hearing" is a brief, formal meeting where the firefighter has an opportunity to respond to proposed disciplinary action before it is finalized.

(C) Disciplinary proceedings. When a firefighter is under investigation for alleged improper conduct with a possible result of termination, demotion, or other disciplinary action causing loss of pay or status, the following minimum standards may apply:

- (1) Adverse inference shall not be drawn and no punitive action shall be taken from a refusal of the firefighter being investigated to participate in the investigation or be interrogated other than when the firefighter is on duty or is otherwise fully compensated for the time spent in accordance with municipal and departmental overtime policy, state law, and federal law.
- (2) An interrogation of a firefighter shall take place at:
 - (a) The office of those conducting the investigation;
 - (b) The place where the firefighter reports for duty; or
 - (c) Another reasonable place as the investigator may determine.
- (3) The firefighter being investigated shall be informed at the commencement of his or her interrogation of:
 - (a) The nature of the investigation;
 - (b) The identity and authority of the person or persons conducting the investigation; and
 - (c) The identity of all persons present during the interrogation;
- (4) During the interrogation of the firefighter, questions will be posed by or through only one (1) interrogator at a time.

- (5) An interrogation of a firefighter in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of the firefighter.
- (6) No threat, harassment, promise, or reward shall be made to a firefighter in connection with an investigation in order to induce the answering of any questions that the firefighter has a legal right to refrain from answering, but immunity from prosecution may be offered to induce such a response.
- (7) Interrogations
 - (a) An interrogation of a firefighter in connection with an investigation against him or her shall be recorded in full.
 - (b) The firefighter may make his or her own independent recording of the interrogation and have one (1) witness of his or her choosing present who shall be:
 - (i) An attorney; or
 - (ii) A member of the fire department who is not related in any way to the matter under investigation;
- (8) A formal proceeding with the authority to administer disciplinary action against a firefighter shall not be held unless official departmental charges are brought;
- (9) Notice of charges.
 - (a) Official departmental charges shall contain the:
 - (i) Specific conduct that is alleged to be improper;
 - (ii) Date and the approximate time of the alleged misconduct;
 - (iii) Witnesses whose information provided the basis for the charges; and
 - (iv) Specific rules, regulations, orders, or laws alleged to have been violated.
 - (b) If additional potential violations or witnesses emerge during the investigation, a supplemental notice of charges shall be issued to the firefighter as soon as practicable.
- (10) Predisciplinary hearings
 - (a) A firefighter under official departmental charges is entitled to a pre-disciplinary hearing before the fire chief, if a disciplinary action is being considered.
 - (b) The firefighter may have one (1) witness of his or her choosing present at the hearing; the witness shall be:
 - (i) An attorney; or
 - (ii) A member of the fire department who is not related in any way to the matter under investigation;
 - (c) The pre-disciplinary hearing occurs following the conclusion of the investigation

- (i) The department makes a tentative disciplinary recommendation.
 - (ii) The firefighter receives notice and attends the pre-disciplinary hearing.
 - (d) The pre-disciplinary hearing provides an opportunity to:
 - (i) Notify the employee of proposed discipline.
 - (ii) Outline the circumstances or findings that support disciplinary action.
 - (iii) Allow the firefighter to explain, present mitigating facts, or dispute the findings.
 - (e) After the pre-disciplinary hearing, the department finalizes its decision and administers the disciplinary action.
 - (f) Notification of personnel action. Except under exigent circumstances, a firefighter shall be notified of the pending action by written official departmental charges a reasonable time before the action is taken when a personnel action may result in a loss of:
 - (i) Pay;
 - (ii) Benefits; or
 - (iii) Status.
- (11) A formal proceeding under which a firefighter may be penalized shall not be brought except upon charges signed by the person making those charges.

(D) Disclosure not required for promotion or assignment. A firefighter shall not be required to disclose any of the following information as it relates to the firefighter or a member of the firefighter's household for the purpose of promotion or assignment:

- (1) An item of his or her property;
- (2) Income;
- (3) Assets;
- (4) Debts; or
- (5) Expenditures.

(E) Participation in political activities. Except when on duty or acting in his or her official capacity, a firefighter of a municipality shall not be:

- (1) Prohibited from engaging in political activity; or
- (2) Denied the right to refrain from engaging in the political activity.

(F) No retaliation for exercise of rights; Other legal remedies.

- (1) A firefighter shall not be penalized or threatened with a penalty for exercising his or her rights under this subchapter.
- (2) This subchapter is not an exclusive legal remedy for a firefighter with

respect to any rights a firefighter has under this subchapter.

- (3) Retaliation against an employee who, in good faith, reports a concern, participates in an investigation, or cooperates in any inquiry or proceedings is strictly prohibited.

State of Arkansas *As Engrossed: H3/20/25 S4/7/25*

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1808

By: Representatives A. Collins, *Andrews*

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL FIRE
DEPARTMENTS; TO CREATE THE BILL OF RIGHTS FOR
FIREFIGHTERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING MUNICIPAL
FIRE DEPARTMENTS; AND TO CREATE THE BILL
OF RIGHTS FOR FIREFIGHTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 14, Chapter 53, is amended to add an
additional subchapter to read as follows:

Subchapter 2 — Bill of Rights for Firefighters

14-53-201. Purpose.

(a) The purpose of this subchapter is to recommend a basic Bill of
Rights for firefighters of municipalities in Arkansas.

(b) A municipality may adopt a local ordinance establishing any or all
of the procedures under this subchapter as a guide for negotiating personnel
issues with its firefighters.

14-53-202. Definitions.

As used in this subchapter:

(1) "Firefighter" means a public servant vested by law with the
primary duty of fighting fires and providing fire protection services to a
municipality;



1 (2) "Formal proceeding" means a proceeding heard before any
2 officer, committee, or other body of municipal government with the authority
3 to take disciplinary action against a firefighter; and

4 (3) "Official departmental charges" means a written document
5 from the fire chief or other lawful authority notifying the accused
6 firefighter that charges of misconduct have been made and setting forth the
7 specifics of the alleged misconduct.

8
9 14-53-203. Disciplinary proceedings.

10 When a firefighter is under investigation for alleged improper conduct
11 with a possible result of termination, demotion, or other disciplinary action
12 causing loss of pay or status, the following minimum standards may apply:

13 (1) Adverse inference shall not be drawn and no punitive action
14 shall be taken from a refusal of the firefighter being investigated to
15 participate in the investigation or be interrogated other than when the
16 firefighter is on duty or is otherwise fully compensated for the time spent
17 in accordance with municipal and departmental overtime policy, state law, and
18 federal law;

19 (2) An interrogation of a firefighter shall take place at:

20 (A) The office of those conducting the investigation;

21 (B) The place where the firefighter reports for duty; or

22 (C) Another reasonable place as the investigator may
23 determine;

24 (3) The firefighter being investigated shall be informed at the
25 commencement of his or her interrogation of:

26 (A) The nature of the investigation;

27 (B) The identity and authority of the person or persons
28 conducting the investigation; and

29 (C) The identity of all persons present during the
30 interrogation;

31 (4) During the interrogation of the firefighter, questions will
32 be posed by or through only one (1) interrogator at a time;

33 (5) An interrogation of a firefighter in connection with an
34 investigation shall be for a reasonable period of time and shall allow for
35 reasonable periods for the rest and personal necessities of the firefighter;

36 (6) No threat, harassment, promise, or reward shall be made to a

1 firefighter in connection with an investigation in order to induce the
2 answering of any questions that the firefighter has a legal right to refrain
3 from answering, but immunity from prosecution may be offered to induce such a
4 response;

5 (7)(A) An interrogation of a firefighter in connection with an
6 investigation against him or her shall be recorded in full.

7 (B) The firefighter may make his or her own independent
8 recording of the interrogation and have one (1) witness of his or her
9 choosing present who shall be:

10 (i) An attorney; or

11 (ii) A member of the fire department who is not
12 related in any way to the matter under investigation;

13 (8) A formal proceeding with the authority to administer
14 disciplinary action against a firefighter shall not be held unless official
15 departmental charges are brought;

16 (9) Official departmental charges shall contain the:

17 (A) Specific conduct that is alleged to be improper;

18 (B) Date and the time of the alleged misconduct;

19 (C) Witnesses whose information provided the basis for the
20 charges; and

21 (D) Specific rules, regulations, orders, or laws alleged
22 to have been violated;

23 (10)(A) A firefighter under official departmental charges is
24 entitled to a predisciplinary hearing before the fire chief, if the
25 disciplinary action is being considered.

26 (B) The firefighter may select a person of his or her
27 choosing to be present at the hearing; and

28 (11) A formal proceeding under which a firefighter may be
29 penalized shall not be brought except upon charges signed by the person
30 making those charges.

31
32 14-53-204. Disclosure not required for promotion or assignment.

33 A firefighter shall not be required to disclose any of the following
34 information as it relates to the firefighter or a member of the firefighter's
35 household for the purpose of promotion or assignment:

36 (1) An item of his or her property;

- 1 (2) Income;
2 (3) Assets;
3 (4) Debts; or
4 (5) Expenditures.

5
6 14-53-205. Notification of personnel action.

7 Except under exigent circumstances, a firefighter shall be notified of
8 the pending action by written official departmental charges a reasonable time
9 before the action is taken when a personnel action may result in a loss of:

- 10 (1) Pay;
11 (2) Benefits; or
12 (3) Status.

13
14 14-53-206. Participation in political activities.

15 Except when on duty or acting in his or her official capacity, a
16 firefighter of a municipality shall not be:

- 17 (1) Prohibited from engaging in political activity; or
18 (2) Denied the right to refrain from engaging in the political
19 activity.

20
21 14-53-207. No retaliation for exercise of rights — Other legal
22 remedies.

23 (a) A firefighter shall not be penalized or threatened with a penalty
24 for exercising his or her rights under this subchapter.

25 (b) This subchapter is not an exclusive legal remedy for a firefighter
26 with respect to any rights a firefighter has under this subchapter.

27
28 */s/A. Collins*

29
30
31 **APPROVED: 4/16/25**



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Wesley Frank, Planner

SUBJECT: **VAC-2025-0015 (E. MARTIN LUTHER KING BLVD/S. COLLEGE AVE./3V QOZB LLC, 523): Submitted by COMMUNITY BY DESIGN for property located at E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE in WARD 1. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.30 acres. The request is to vacate 0.04 acres of right-of-way.**

RECOMMENDATION:

Staff and the Planning Commission recommend approval of **VAC-2025-0015**, the vacation of the right-of-way as shown in the attached Exhibit 'C', with the following conditions:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense.

BACKGROUND:

The subject property is located in central Fayetteville at the northeast corner of the intersection of E. Martin Luther King Jr. Blvd and S. College Avenue. The property lies in the Walker Park Neighborhood Master Plan area, and received its current zoning designation of DG, Downtown General, in 2023 (Ordinance No. 6650). The property with the right-of-way in question contains 0.30 acres and is undeveloped; a site improvement plan (SIP-2025-0001) has been submitted for the development of 11 residential units and a commercial development on the overall 0.50 of an acre (3 combined lots). The right-of-way only intersects the applicant's property.

Request: The applicant proposes to vacate a portion of undeveloped alley right-of-way totaling 0.04 acres that was originally platted in 1890 as part of the Jennings Addition. A portion of two buildings in the associated development proposal encroach into this right-of-way.

DISCUSSION:

City of Fayetteville staff supports the applicant's request to vacate the subject right-of-way. Staff recognizes that there are several major barriers to the right-of-way's development. First, approximately 450 feet of the platted but unimproved alley's length is within floodplain associated with the Spout Spring Branch. Second, a comparable portion of the alley right-of-way is almost 20-foot narrower than the remainder, impacting the alley's potential functionality. Lastly, while vacating the right-of-way could impact future property access and connectivity, the issues and the overall area's established street grid compensate.

As an additional consideration, vacating the unimproved alley right-of-way may not support the City Plan 2040 goals of ensuring an interconnected development pattern throughout the city (Goal 3). An alternative does exist as the developer could jog the alley to the north of the subject property to ensure that the interconnection is maintained. However, should a connection between South East Avenue and South College Avenue be required, developing the street to the north of the subject alley – East 5th Street – would be more feasible as it meets the Master Street Plan width requirements and is currently largely developed. This alternative would serve the community at a larger scale as it would allow for more use of this street, ensuring interconnectedness. Given the variety of factors and low-to-no impact on the community, staff supports the applicant's request to vacate the subject right-of-way.

At the July 28, 2025, Planning Commission meeting, this item was unanimously forwarded to City Council with a recommendation of approval with a vote of 9-0-0. No public comment was provided during the public meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Staff Report



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1355

AN ORDINANCE TO APPROVE VAC-25-15 FOR PROPERTY LOCATED AT EAST MARTIN LUTHER KING, JR. BOULEVARD AND SOUTH COLLEGE AVENUE IN WARD 1 TO VACATE APPROXIMATELY 0.04 ACRES OF RIGHT-OF-WAY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of right-of-way is not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of right-of-way as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the condition that any damage or relocation of any existing facilities will be at the property owner's expense.

City of Fayetteville Staff Review Form

2025-1355

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

8/1/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2025-0015: Vacation (E. MARTIN LUTHER KING BLVD/S. COLLEGE AVE./3V QOZB LLC, 523): Submitted by COMMUNITY BY DESIGN for property located at E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE in WARD 1. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.30 acres. The request is to vacate 0.04 acres of right-of-way.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

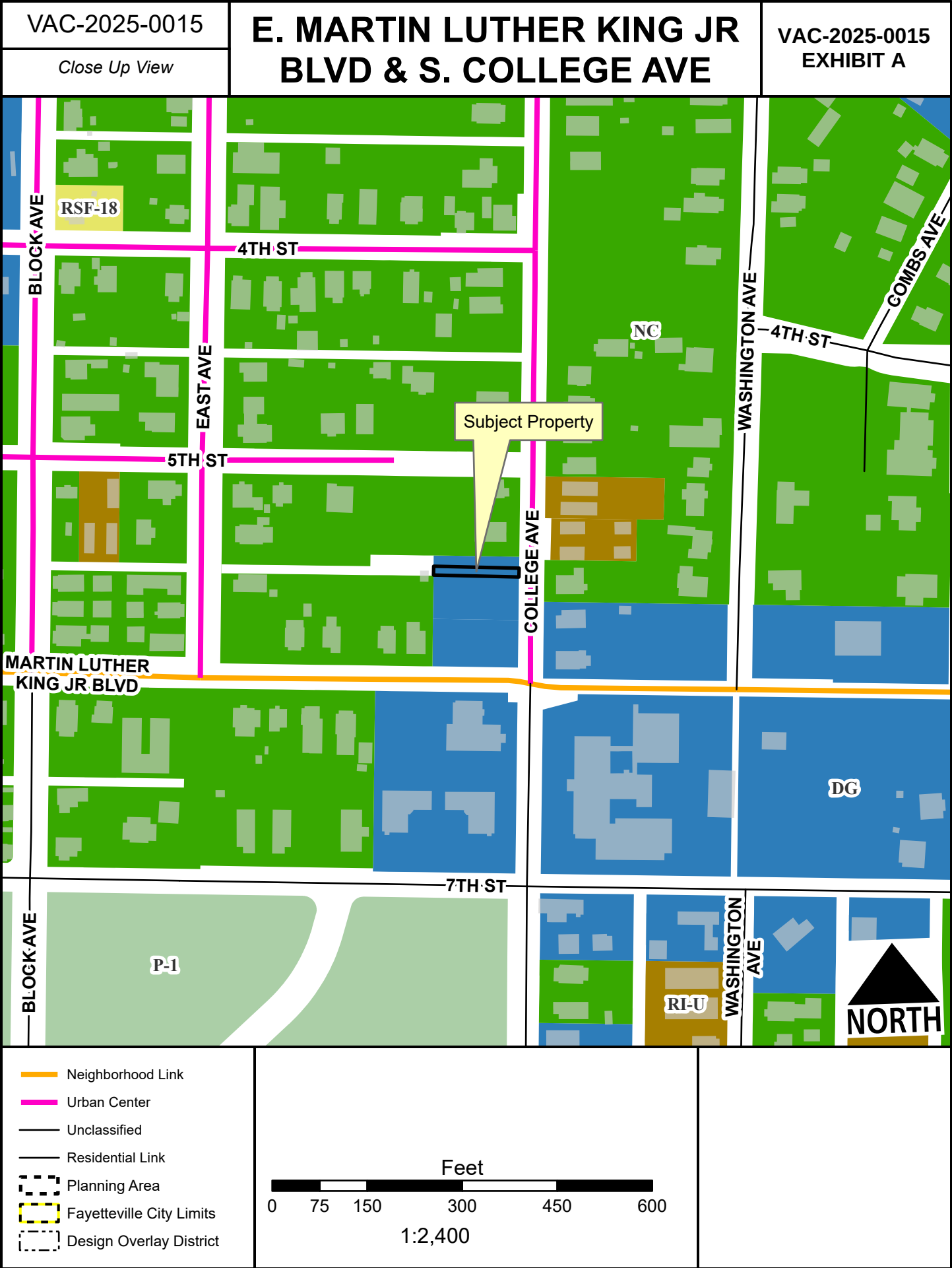
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:





VAC-2025-0015
EXHIBIT B

LEGAL DESCRIPTION FOR ALLEY VACATION:

A 14 FOOT WIDE PLATTED ALLEY AS SHOWN ON THE FINAL PLAT OF JENNING'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID ALLEY RUNNING PARALLEL AND ADJACENT TO THE SOUTH LINE OF LOTS 8, 9 AND 10, BLOCK 5, AND RUNNING PARALLEL AND ADJACENT TO THE NORTH LINE OF LOTS 8, 9, 10, BLOCK 6 OF SAID JENNING'S ADDITION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°50'34"E 75.00' AND N02°47'27"E 68.00' FROM AN EXISTING MAG NAIL MARKING THE SOUTHEAST CORNER OF LOT 10 OF SAID BLOCK 6 OF JENNING'S ADDITION AND RUNNING THENCE N86°35'50"W 134.96', THENCE N02°49'00"E 14.00', THENCE S86°35'50"E 134.95', THENCE S02°47'27"W 14.00' TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 28, 2025 **Updated w/ PC meeting results**

SUBJECT: **VAC-2025-0015: Vacation (E. MARTIN LUTHER KING BLVD/S. COLLEGE AVE./3V QOZB LLC, 523):** Submitted by COMMUNITY BY DESIGN for property located at E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.30 acres. The request is to vacate 0.04 acres of right-of-way.

RECOMMENDATION: Staff recommends forwarding **VAC-2025-0015** to City Council with a recommendation of approval with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2025-0015** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is located in central Fayetteville with the overall project lying on East Martin Luther King Boulevard; the vacation in question is on South College Avenue. The property lies in the Walker Park Neighborhood Master Plan area, and received its current zoning designation of DG, Downtown General, in 2023 (Ordinance No. 6650). The property subject to the vacation contains a third of an acre and is undeveloped; a site improvement plan (SIP-2025-0001) has been submitted for the development of 11 residential units and a commercial development on the overall 0.50 of an acre (3 combined lots). No surrounding properties are subject to this right-of-way vacation, but the right-of-way does intersect the applicant's property. Surrounding land uses and zoning are further depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	NC, Neighborhood Conservation
South	Religious Institution – Rooted Church	DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation, DG, Downtown General
West	Single-Family Residential	NC, Neighborhood Conservation

Proposal: The applicant proposes to vacate a portion of undeveloped alley right-of-way totaling 0.04 acres that was originally platted in 1890 as part of the Jennings Addition. A portion of two buildings in the associated development proposal encroach into this right-of-way.

DISCUSSION:

Staff supports the applicant's request to vacate the subject right-of-way. Staff recognizes that there are several major barriers to the right-of-way's development. First, approximately 450 feet of the platted but unimproved alley's length is within floodplain associated with the Spout Spring Branch. Second, a comparable portion of the alley right-of-way is almost 20-foot narrower than the remainder, impacting the alley's potential functionality. Lastly, while vacating the right-of-way could impact future property access and secondary connectivity, the issues and the overall area's established street grid compensate.

As an additional consideration, vacating the unimproved alley right-of-way may not support the City Plan 2040 goals of ensuring interconnected development pattern throughout the city (Goal 3). An alternative does exist as the developer could jog the alley to the north of the subject property to ensure that the interconnection is maintained. However, should a connection between South East Avenue and South College Avenue be required, developing the street to the north of the subject alley – East 5th Street – would be more feasible as it meets the Master Street Plan width requirements and is currently largely developed. This alternative would serve the community at a larger scale as it would allow for more use of this street, ensuring interconnectedness. Given the variety of factors and low-to-no impact on the community, staff supports the applicant's request to vacate the subject right-of-way.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses. The applicant also submitted the required adjacent property approval form with no objections.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided any damage or relocation will be at the builder's expense.
AEP/SWEPCO	No objections and no comments.
Black Hills Energy	No objections and no comments.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

Public Comment: To date, staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends approval of **VAC-2025-0015**. Should the Planning Commission choose to forward it to the City Council, staff recommends the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense.

PLANNING COMMISSION ACTION: Required YES

Date: July 28, 2025

☐ Tabled

☒ Forwarded

☐ Denied

Motion: Werner

Second: Cabe

Vote: 9-0-0

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be Vacated
- One Mile Map
- Close-Up Map
- Current Land Use Map

June 18, 2025
Via EnerGov

Ms. Jessica Masters
Zoning and Development Administrator
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: Alley Right-Of-Way Vacate Request

Ms. Masters,

The owner of property on Washington County Parcel 765-07042-000 is requesting to vacate the existing alley right-of-way which runs east / west through the property. This portion of alley does not appear on City of Fayetteville GIS Maps however the attached survey shows that the alley right-of-way still exists. The alley right-of-way has never been used for its intended purpose. Spout Spring Branch runs diagonally through the block making future build out of the alleyway unlikely.

The property owner has acquired the 3 parcels on the northwest corner of the College Ave. / Martin Luther King Jr. Blvd. intersection (Washington County Parcels 765-07042-000, 765-07050-000, and 765-07051-000) and has prepared development plans that include a driveway that traverses the 3 parcels. Some of the proposed buildings are located in the existing alley right-of-way and therefore the request is being made to vacate said right-of-way.

The application includes the following supporting documents attached to this letter:

- One (1) copy of a written submittal letter describing the request
- One (1) copy of a consent of owner form
- One (1) copy of metes and bounds legal description of the area to be vacated
- One (1) copy of a survey
- One (1) copy of the parcel map
- One (1) copy of the draft petition to vacate
- One (1) copy of the utility approvals

Thank you for your consideration of this request. Please let me know if you have any questions or if you need additional information.

Sincerely,



Brian Teague
Community By Design

PETITION TO VACATE 14' ALLEY RIGHT-OF-WAY LOCATED IN LOTS 8, 9, 10, BLOCK 6 OF SAID JENNING'S ADDITION CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the 14' Alley Right-Of-Way herinafter sought to be abandoned and vacated, lying in Lots 8, 9, 10, Block 6 of said Jennings Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate 14' Alley Right-Of-Way which is described as follows:

A 14 FOOT WIDE PLATTED ALLEY AS SHOWN ON THE FINAL PLAT OF JENNING'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID ALLEY RUNNING PARALLEL AND ADJACENT TO THE SOUTH LINE OF LOTS 8, 9 AND 10, BLOCK 5, AND RUNNING PARALLEL AND ADJACENT TO THE NORTH LINE OF LOTS 8, 9, 10, BLOCK 6 OF SAID JENNING'S ADDITION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°50'34"E 75.00' AND N02°47'27"E 68.00' FROM AN EXISTING MAG NAIL MARKING THE SOUTHEAST CORNER OF LOT 10 OF SAID BLOCK 6 OF JENNING'S ADDITION AND RUNNING THENCE N86°35'50"W 134.96', THENCE N02°49'00"E 14.00', THENCE S86°35'50"E 134.95', THENCE S02°47'27"W 14.00' TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

That the abutting real estate affected by said abandonment of the alley are Lots 8, 9, 10, Block 6 of said Jennings Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare will not be adversely affected by the abandonment of the portion of the above described 14' Alley Right-Of-Way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this ____ day of 7/19/25, 20____.

Zara Niederman, Managing Member, Cinquefoil LLC

Printed Name

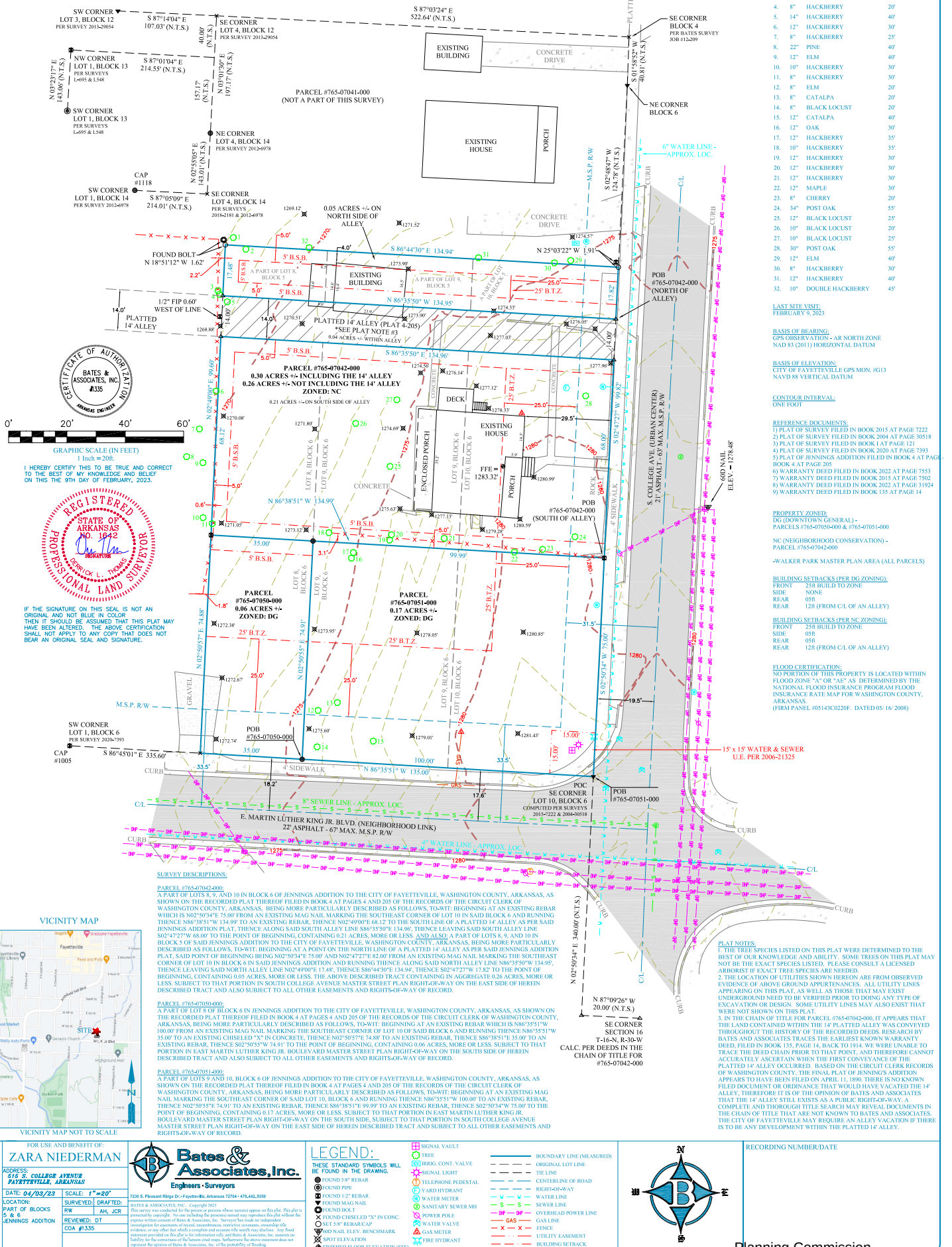
Signature

Printed Name

Signature

:

BOUNDARY, TOPOGRAPHIC & TREE LOCATION SURVEY



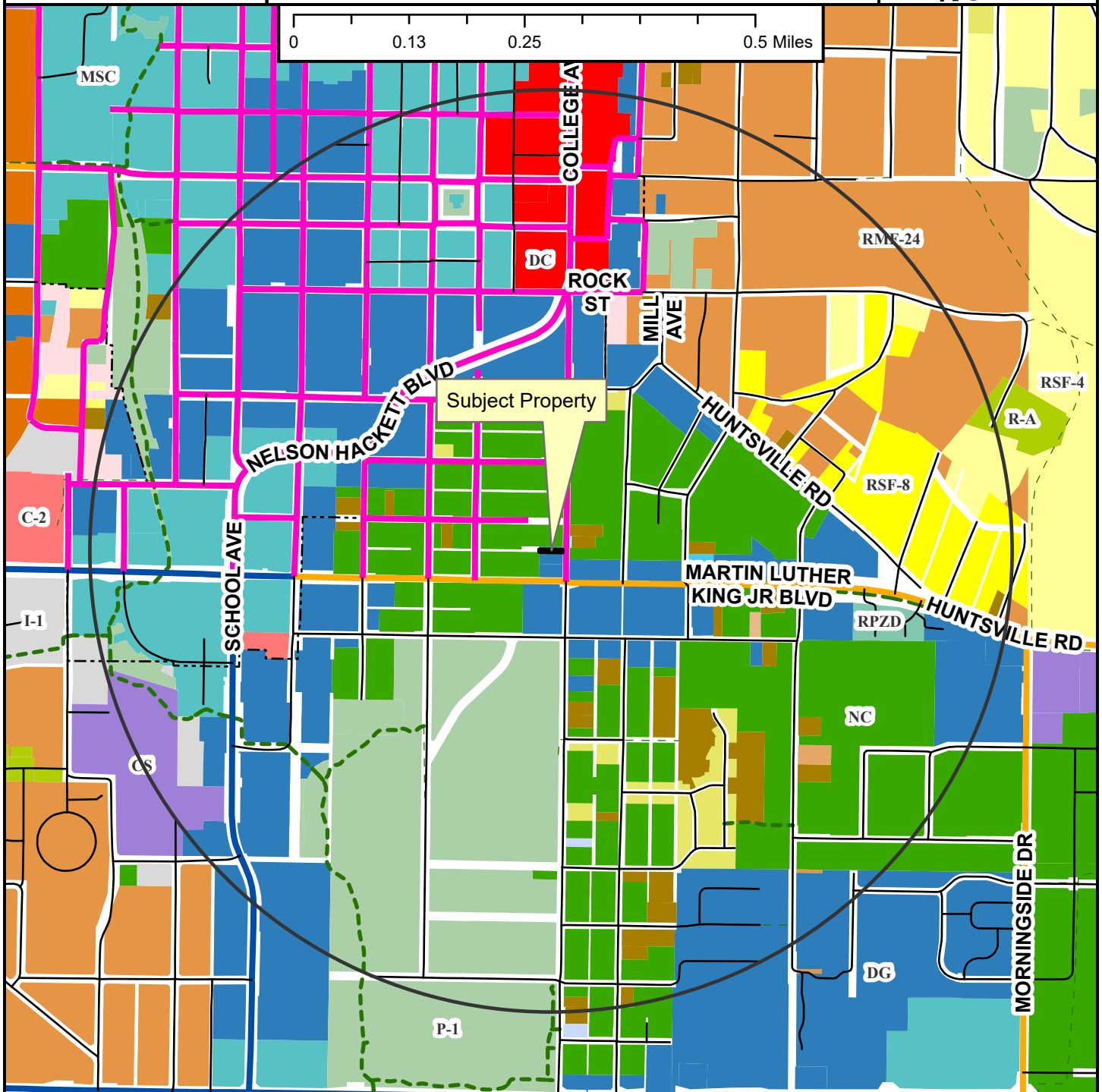
VAC-2025-0015

One Mile View

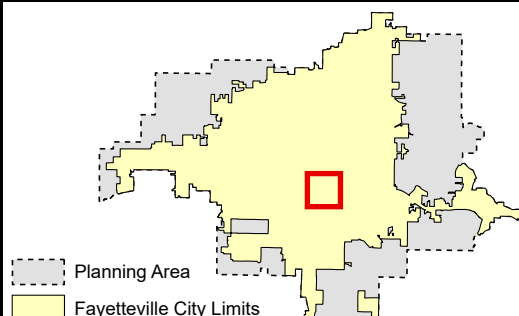
E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE

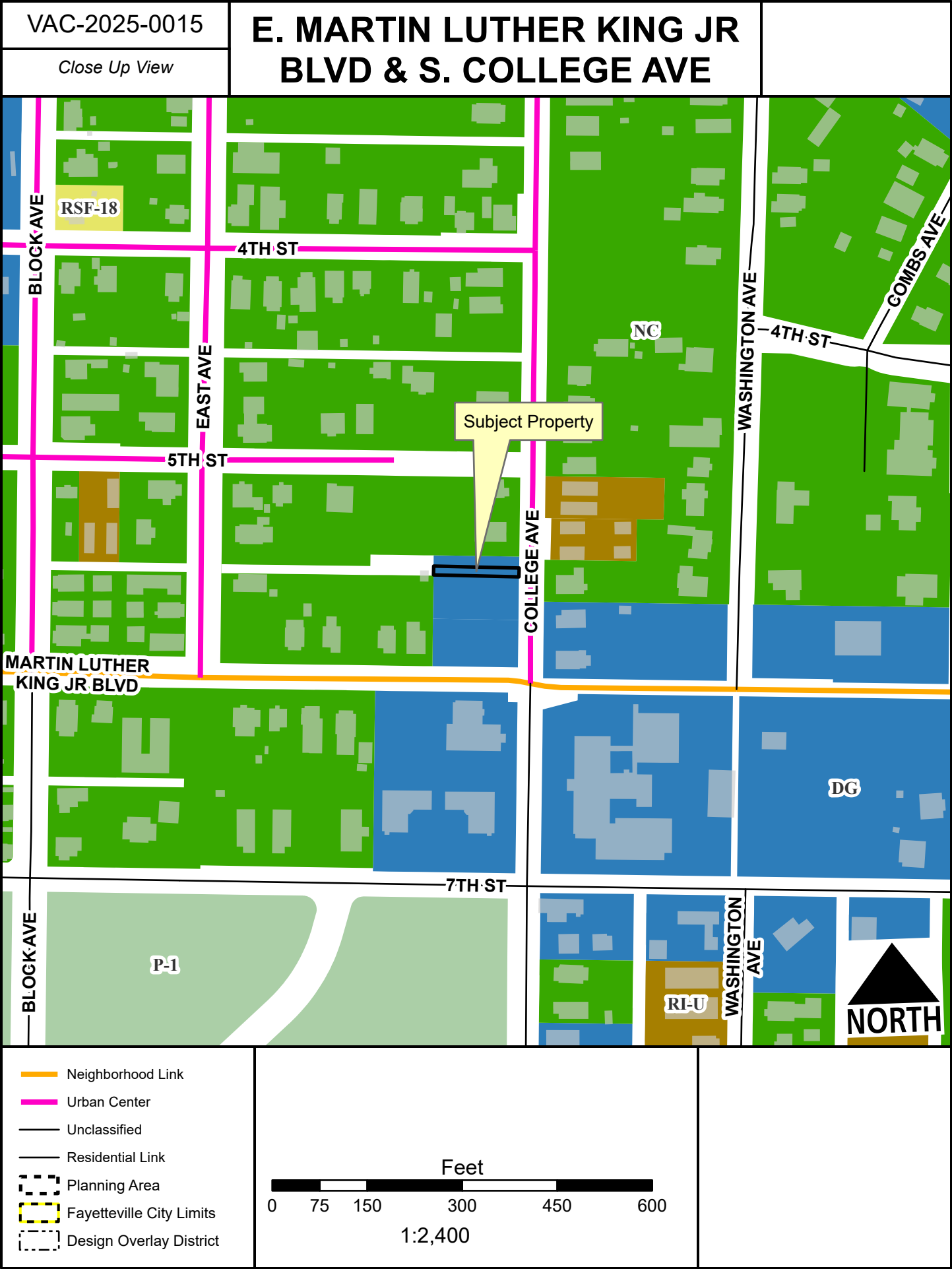


0 0.13 0.25 0.5 Miles



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

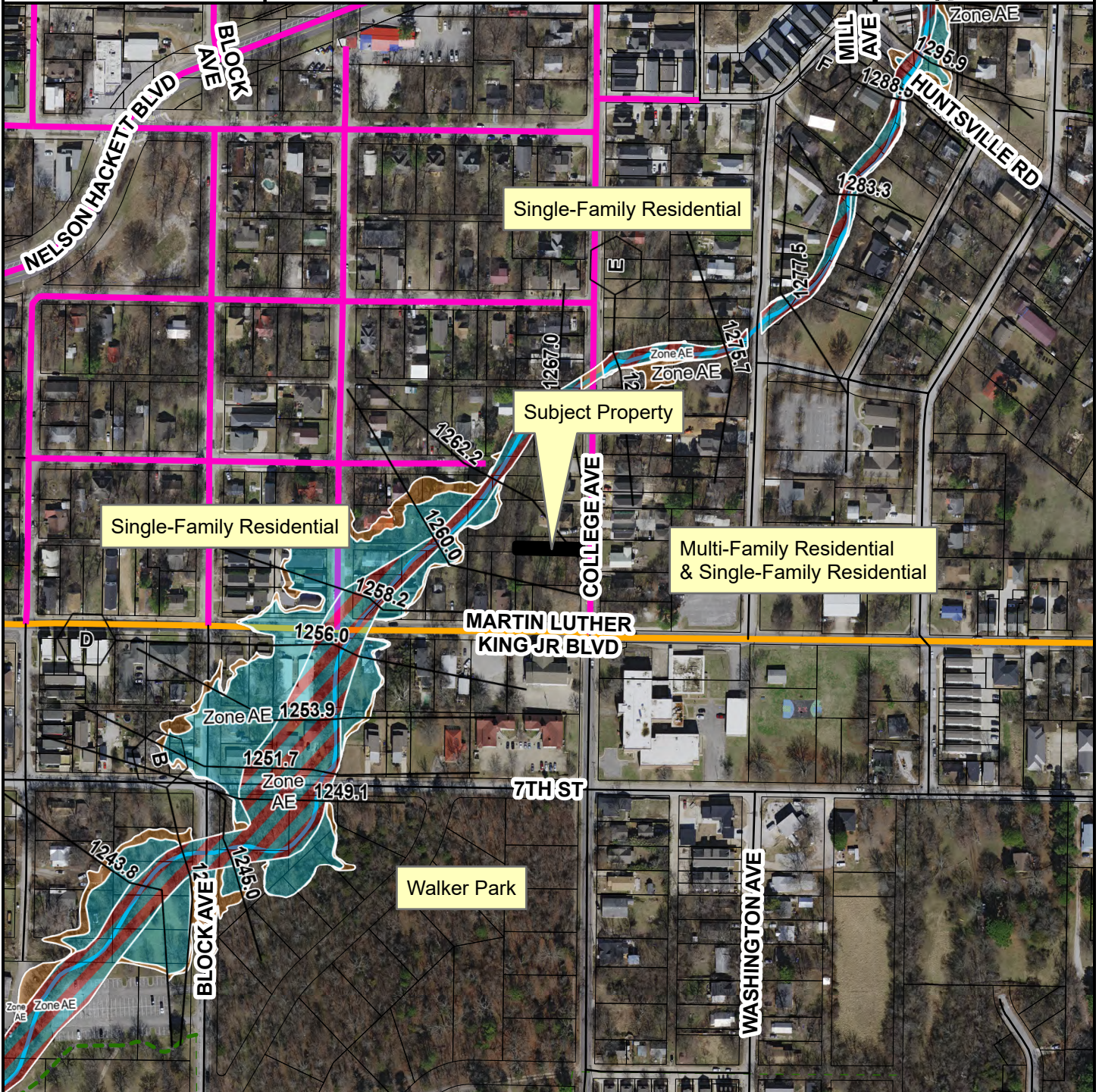




VAC-2025-0015

Current Land Use

E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Planning Director

SUBJECT: **RZN-2025-0025: Rezoning (VARIOUS PARK PROPERTIES/ FAYETTEVILLE PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS): Submitted by CITY OF FAYETTEVILLE STAFF for VARIOUS PARK PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE in VARIOUS WARDS. The properties are in VARIOUS ZONING DISTRICTS and total approximately 180.84 acres. The request is to rezone the properties to P-1, INSTITUTIONAL.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject properties are owned by the City of Fayetteville and managed by the City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs. A wide-ranging collection of properties encompassing approximately 180.84 acres of City-owned land, the properties vary in size, scale, and level of development. They range from small, undeveloped neighborhood parks and green spaces that have been acquired through parkland dedication, to parks that are developed with larger, regional Fayetteville attractions. While non-conforming properties can continue to exist and be maintained, code prohibits the expansion or reconstruction of those facilities if they are not in compliance with current zoning standards. The City also recently adopted the Parks Master Plan in February 2023 (Imagine Tomorrow's Parks), which established guiding principles and goals for the next ten years. The full list of properties under consideration can be found in *Table 1*.

Request: City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs requests to rezone the subject properties from their current zoning designations (various) to P-1, Institutional. This rezoning request is intended to align Parks-owned properties with the correct zoning designation.

Public Comment: Staff have received many inquiries from the public about the proposal, but not many direct comments in opposition or support of the request. Rather, most members of the public that staff spoke to were satisfied upon learning that the effort was to make sure that Parks properties were zoned correctly. Members of the public did ask questions regarding any planned development on the heels of this rezoning, and were directed to the Parks department directly for feedback on future development and master planning processes. Further, the Parks department held a neighborhood meeting with the Rocky Branch neighborhood to discuss the proposal and hear feedback; some residents in that neighborhood were concerned about certain properties becoming parkland, and issued comments to that effect at the July 28 Planning Commission meeting as well.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Land Use Compatibility: Staff finds that the proposed zoning change is compatible with surrounding land uses. The properties are already being used as parks facilities and trails, though with different classifications associated with them. The Parks Department uses 8 different classifications of parks: Regional Parks, Community Parks, Neighborhood Parks, Non-City Parks, Special Use, Natural Area, Undeveloped Parks, and Trail Corridors and Greenways. Each designation has a specific set of criteria, and staff finds those criteria can be met with a rezoning to the P-1 zoning district, especially with the consideration for the adoption of new standards to apply to that district.

The Regional Parks are meant to have a regional draw and have direct access from arterial streets and access to regional trail systems. Zoning these locations as P-1 would allow for the continuation of the existing uses, such as lakes, trails, and the redevelopment of ball and playfields. The Neighborhood Parks under consideration are typically 2 to 10 acres in size and are meant to provide leisure opportunities (including playfields, and shaded areas for gathering) within walking distance of individual neighborhoods. The uses, setbacks, and allowances in P-1 would allow for the continuation of these neighborhood needs to be met, by allowing for Use Unit 4 by-right, where many of those neighborhood parks are currently zoned for residential uses. Many of the parks under consideration with this request are currently “Undeveloped.” Undeveloped parks differ from “Natural Areas” in that they are not necessarily intended to remain undeveloped but have perhaps not yet been improved in accordance with long-term plans. Many of the parks in this classification have only been acquired within the last decade through parkland dedication with associated residential developments.

Land Use Plan Analysis: The proposed zoning to P-1, Institutional is compatible with the Future Land Use Map, which in most instances (though not all) identify the areas in question as Civic and Private Open Space. By rezoning to P-1, these parks can be redeveloped to help meet future goals and needs to meet the neighborhoods and immediate communities that they serve. If they are to stay in their existing zoning districts (such as RSF-1, NC, or I-1), the City would have a more difficult time implementing the 2023 Parks Master Plan, and would involve a more piecemeal approach to rezoning these properties. Staff finds that taking this broader approach saves City resources and time instead of rezoning at the time of a specific development proposal or funding opportunity.

DISCUSSION:

At the July 28, 2025 Planning Commission meeting, the Planning Commission voted to forward the item with a recommendation of approval with a vote of 8-1-0 (Commissioner Payne was opposed, though offered no comment on the opposition). Most members of the Commission were in favor, finding that the item appeared to be in line with the City’s long-term land use plans for parkland. Three members of the public spoke at the meeting, and their concerns are addressed above.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Planning Commission Staff Report

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1392

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-25 FOR APPROXIMATELY 180.84 ACRES OF CITY PARK PROPERTIES LOCATED IN ALL FOUR WARDS FROM VARIOUS ZONING DISTRICTS TO P-1, INSTITUTIONAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the City of Fayetteville park properties shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from various zoning districts to P-1, Institutional.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2025-1392

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

8/1/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2025-0025: Rezoning (VARIOUS PARK PROPERTIES/ FAYETTEVILLE PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS): Submitted by CITY OF FAYETTEVILLE STAFF for VARIOUS PARK PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE in VARIOUS WARDS. The properties are in VARIOUS ZONING DISTRICTS and total approximately 180.84 acres. The request is to rezone the properties to P-1, INSTITUTIONAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

EXHIBIT A

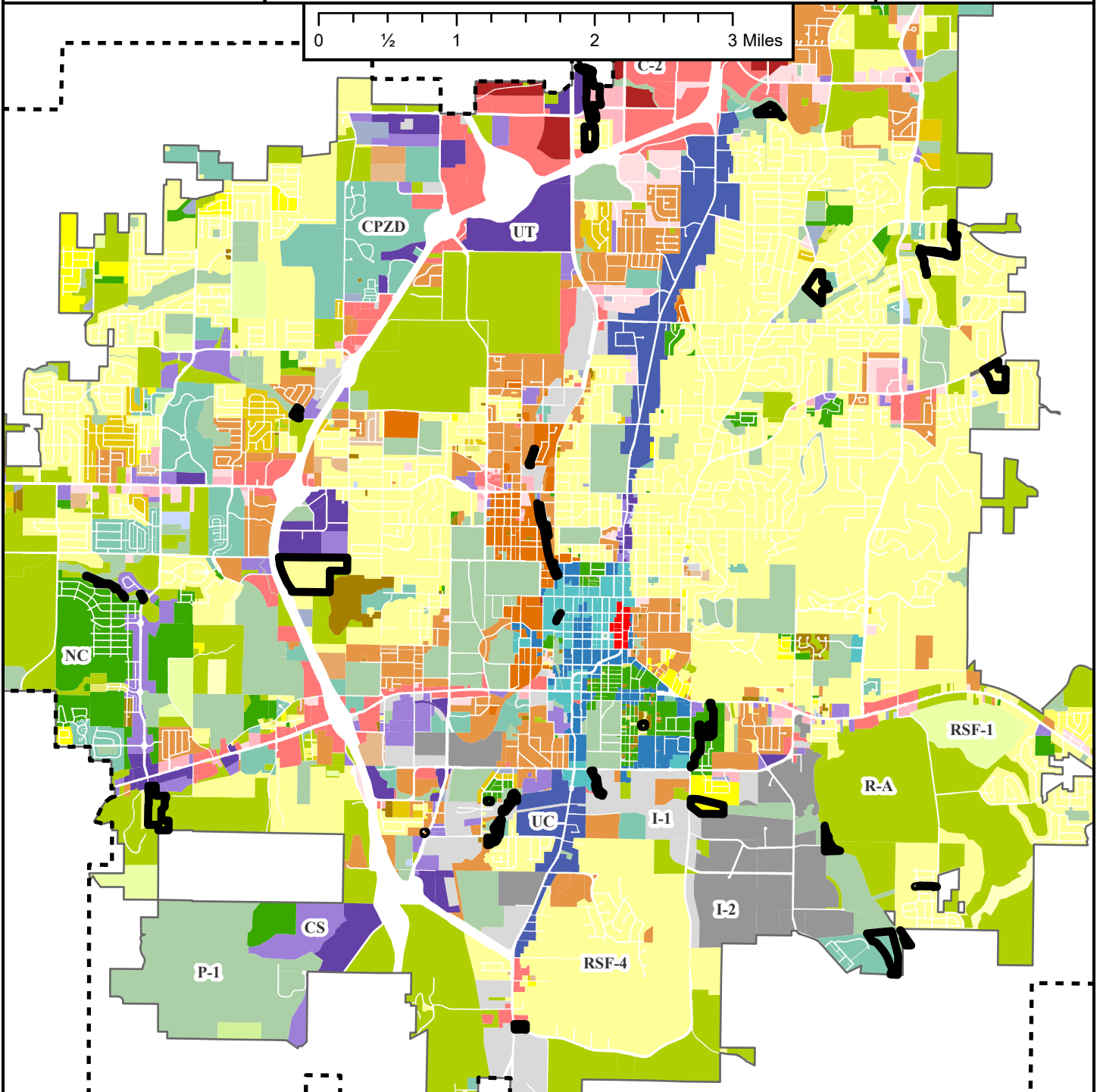
RZN-2025-0025

Various City Parks

Current Zoning



0 1/2 1 2 3 Miles



Fayetteville City Limits
 Planning Area

Planning Area
 Fayetteville City Limits

- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-5 Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - COMMERCIAL**
 - Commercial-Office
 - C-1
 - C-2
 - C-3
 - FORM BASED DISTRICTS**
 - Downtown Core
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services - Ltd.
 - Neighborhood Services - Gen.
 - Neighborhood Conservation
 - Urban Corridor
 - Urban Neighborhood
 - Urban Thoroughfare
 - PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
 - P-1

EXHIBIT B

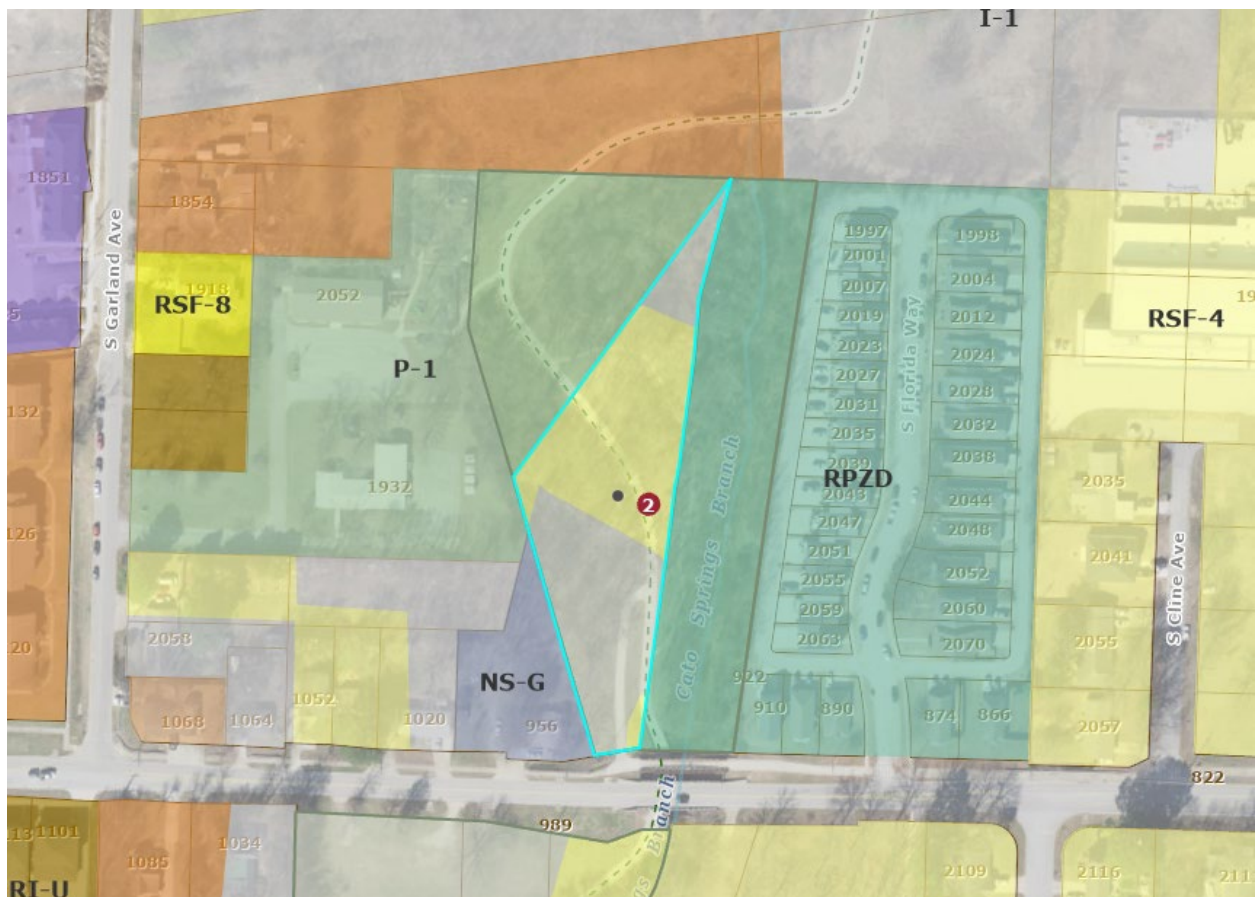
Cato Springs Trail Corridor

Parcel No: 765-15055-001

Book: 95 Page: 29605

Acres: 1.4

Current Zoning: I-1, RSF-4



Legal Description:

A part of the South Half (S½) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 21 in Township 16 North of Range 30 West, Washington County, Arkansas, more particularly described as follows, to-wit: Commencing at the Southwest corner of said Section 21 and running South 87° 13' 26" East along the South line of said Section 21 a distance of 584.55 feet to the Point of Beginning; thence North 09° 16' 40" East a distance of 268.00 feet; thence North 09° 14' 37" East 53.37 feet; thence North 09° 39' 50" East 140.15 feet; thence North 06° 11' 27" East 69.72 feet; thence North 16° 08' 04" East 136.24 feet to the North line of the S½ of the SW¼ of the SW¼ of said Section 21; thence South 37° 53' 18" West 402.77 feet; thence South 15° 19' 24" East 348.44 to the South line of said Section 21; thence South 87° 13' 26" East 34.54 feet to the Point of Beginning, containing 1.46 acres, more or less. The bearings for this description are based on the City of Fayetteville Global Positioning Satellite System, which may vary from the bearing system previously used in describing the subject property.

EXHIBIT B

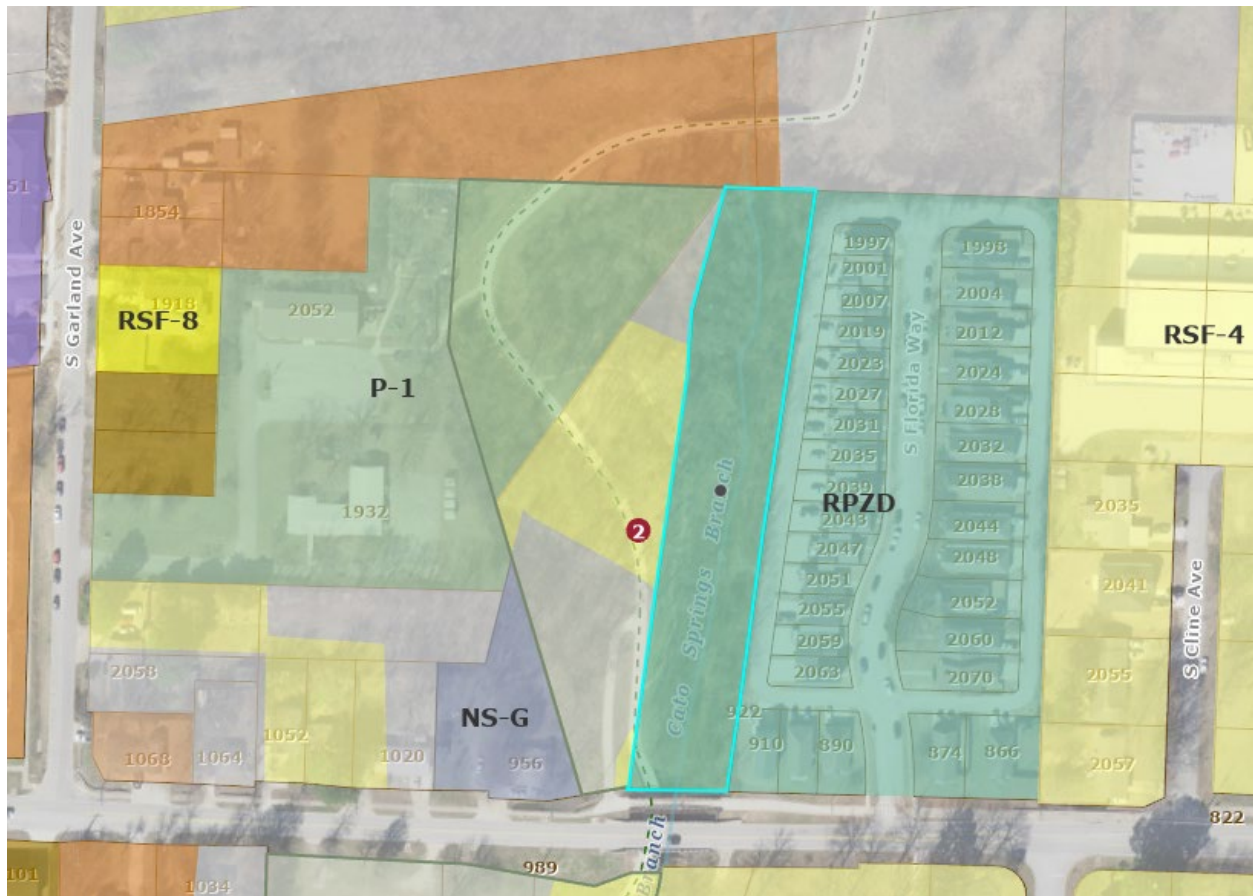
Cato Springs Trail Corridor

Parcel No: 765-28586-000

File No. 2017-00023016

Acres: 1.5

Current Zoning: RPZD



Legal Description:

Lot 32, The Bungalows at Cato Springs, Washington County, Arkansas filed in Plat Book 23 at Page 399 and in Easement Correction Plat in Plat Book 23A at Page 345

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

EXHIBIT B

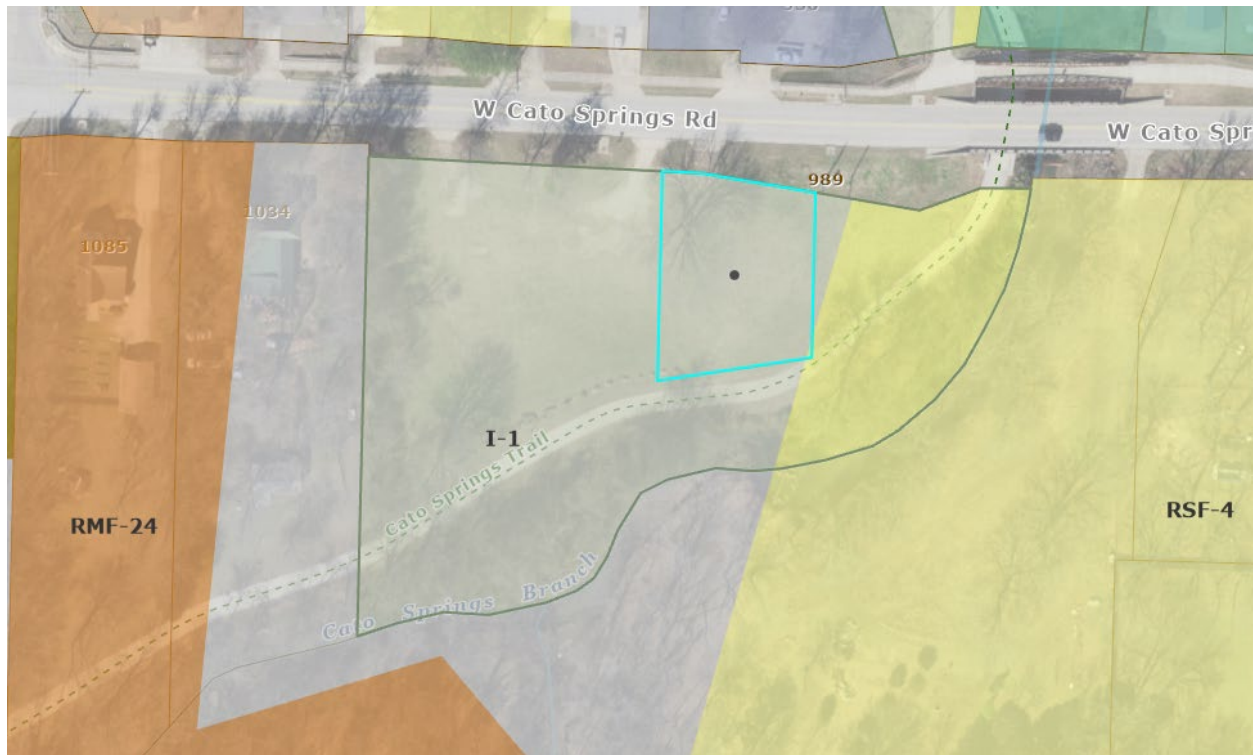
Cato Springs Trail Corridor

Parcel No: 765-15371-000

File No. 2020-00013051

Acres: 0.3

Current Zoning: I-1



Legal Description:

PT NW NW 0.35 AC FURTHER DESCRIBED FROM 2013-17660 AS: PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, IN WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT THAT IS 425 FEET EAST OF THE NORTHWEST CORNER OF THE SAID NW 1/4 OF THE NW 1/4 AND RUNNING THENCE EAST 70 FEET; THENCE SOUTH 211.79 FEET TO THE CENTERLINE OF THE CATO SPRINGS BRANCH; THENCE WITH THE BRANCH CENTERLINE SOUTH 80 DEGREES 08'14" WEST 71.05 FEET; THENCE LEAVING THE SAID BRANCH AND RUNNING THENCE NORTH 223.96 FEET TO THE POINT OF BEGINNING, AND CONTAINING .35 ACRES, MORE OR LESS, LESS AND EXCEPT: THAT PORTION THEREOF LYING IN THE CATO SPRINGS ROAD ALONG THE NORTH SIDE THEREOF.

EXHIBIT B

Cato Springs Trail Corridor

Parcel No: 765-15370-000

File No. 2013-00015915

Acres: 1.7

Current Zoning: I-1, RSF-4

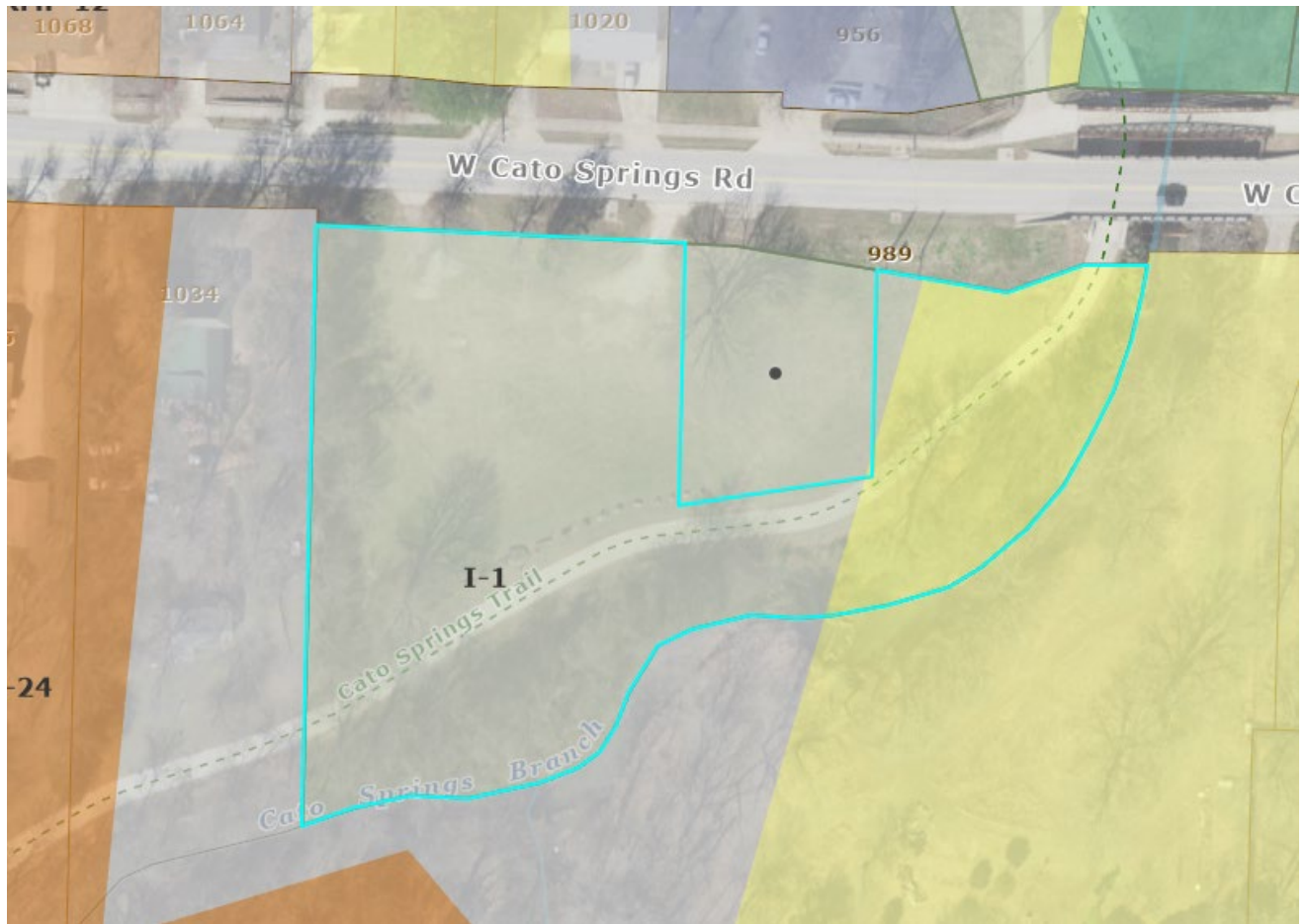


EXHIBIT B

Legal Description:

Part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty-eight (28) in Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows, to-wit: Beginning at a point 215 feet East of the Northwest corner of said forty acre tract and running thence East 332 feet more or less to the centerline of branch, thence in a Southwest direction along center of branch to a point due South of the beginning point, thence North to the point of beginning, less and except that portion on the North side embraced in Cato Springs Road, also less and except part of the Northwest Quarter (NW¼) of Section Twenty-eight (28) in Township Sixteen (16) North, Range Thirty (30) West, described as follows, to-wit: Beginning at a point 425 feet East of the Northwest corner of said forty acre tract, and running thence East 70 feet, more or less, thence South to the centerline of branch, thence in a Southwest direction along the center of branch to a point due South of the beginning point, thence North to the point of beginning.

LESS AND EXCEPT Cato Springs Road right-of-way: A part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty-Eight (28), Township Sixteen (16) North, Range Thirty (30) West in Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest (NW) corner of said forty (40) acre tract; thence along the North line of said tract South 87°13'23" East 215.00 feet to the POINT OF BEGINNING, being the Northwest (NW) corner of a property described in Book 1231, Page 528 as recorded with the Circuit Clerk of said county; thence continuing along said North line South 87°13'23" East 210.00 feet; thence leaving said North line South 02°31'31" West 37.93 feet; thence North 85°18'23" West 148.65 feet; thence North 87°01'38" West 61.45 feet to the West line of said property; thence along said West line North 02°31'31" East 32.74 feet to the Point of Beginning, containing 7,283 square feet, more or less; LESS AND EXCEPT that portion deeded to the City of Fayetteville described in Book 704, Page 170 as recorded with said Circuit Clerk, containing 2,358 square feet, more or less; having a net total of 4,925 square feet, more or less, consisting of 4,140 square feet in existing right-of-way and 785 square feet in new proposed right-of-way. Subject all other easements and rights-of-way of record, if any.

EXHIBIT B

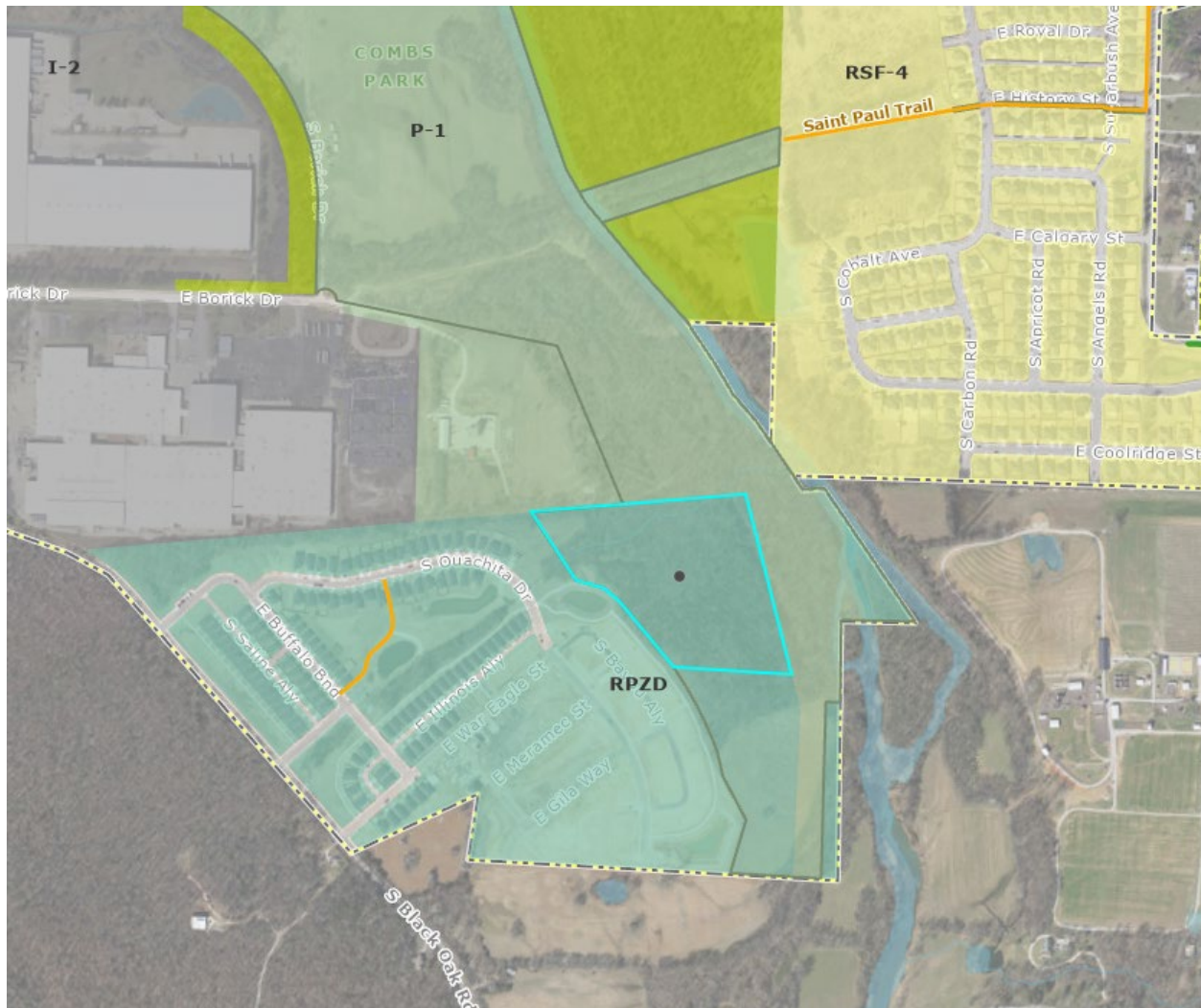
Combs Park

Parcel No: 765-345000-000

Deed No. 2024-00032946

Acres: 13.6

Current Zoning: RPZD



Legal Description:

FURTHER DESCRIBED FROM 2024-32946 AS: ALL OF THAT CERTAIN LOT OR TRACT DENOTED AS "PARK" ACCORDING TO RIVERSIDE VILLAGE SUBDIVISION CONCURRENT PLAT PHASE 1.1 IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS PER THE RECORD THEREOF RECORDED AS REAL ESTATE PLAT FILE NO. 024A-552 AND BEING A PART OF THE SW/4 OF SECTION 25 AND A PART OF THE SE/4 OF SECTION 26 ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST. COMMENCING AT THE CORNER COMMON TO SECTIONS 25, 26, 35 & 36 OF SAID TOWNSHIP AND RANGE, BEING MARKED BY AN EXISTING 3 1/4" ALUMINUM CAP ON 5/8" REBAR; THENCE NORTH 02°40'13" EAST ALONG THE LINE

EXHIBIT B

COMMON TO SAID SECTIONS 25 AND 26, FOR A DISTANCE OF 1124.98 FEET TO THE POINT OF BEGINNING AT THE SOUTH BOUNDARY OF SAID "PARK"; THENCE ALONG SAID SOUTH BOUNDARY NORTH 85°39'56" WEST, CROSSING AN EXISTING 3/4" REBAR AT A DISTANCE OF 125.21 FEET AND CROSSING ANOTHER EXISTING 3/4" REBAR AT AN ADDITIONAL DISTANCE OF 272.26 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 418.56 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304" AT THE SOUTHWEST CORNER OF SAID "PARK"; THENCE ALONG THE WEST BOUNDARY OF SAID "PARK" THE FOLLOWING FIVE (5) CALLS: 1) NORTH 38°01'36" WEST, A DISTANCE OF 362.29 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304"; 2) NORTH 51°12'30" WEST, A DISTANCE OF 91.02 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304"; 3) NORTH 74°00'44" WEST, A DISTANCE OF 118.51 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304"; 4) NORTH 43°17'58" WEST, A DISTANCE OF 14.86 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304"; 5) NORTH 32°17'27" WEST, A DISTANCE OF 345.89 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304" AT THE NORTHWEST CORNER OF SAID "PARK"; THENCE ALONG THE NORTH LINE OF SAID "PARK" NORTH 86°30'10" EAST, A DISTANCE OF 957.85 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304" AT THE NORTHEAST CORNER OF SAID "PARK"; THENCE ALONG THE EAST LINE OF SAID PARK SOUTH 12°59'48" EAST, A DISTANCE OF 797.46 FEET TO THE SOUTHEAST CORNER OF SAID PARK; THENCE ALONG THE AFORESAID SOUTH BOUNDARY OF SAID PARK NORTH 85°39'56" WEST, CROSSING AN EXISTING 1/2" REBAR AT A DISTANCE OF 73.72 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 115.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.68 ACRES MORE OR LESS.

EXHIBIT B

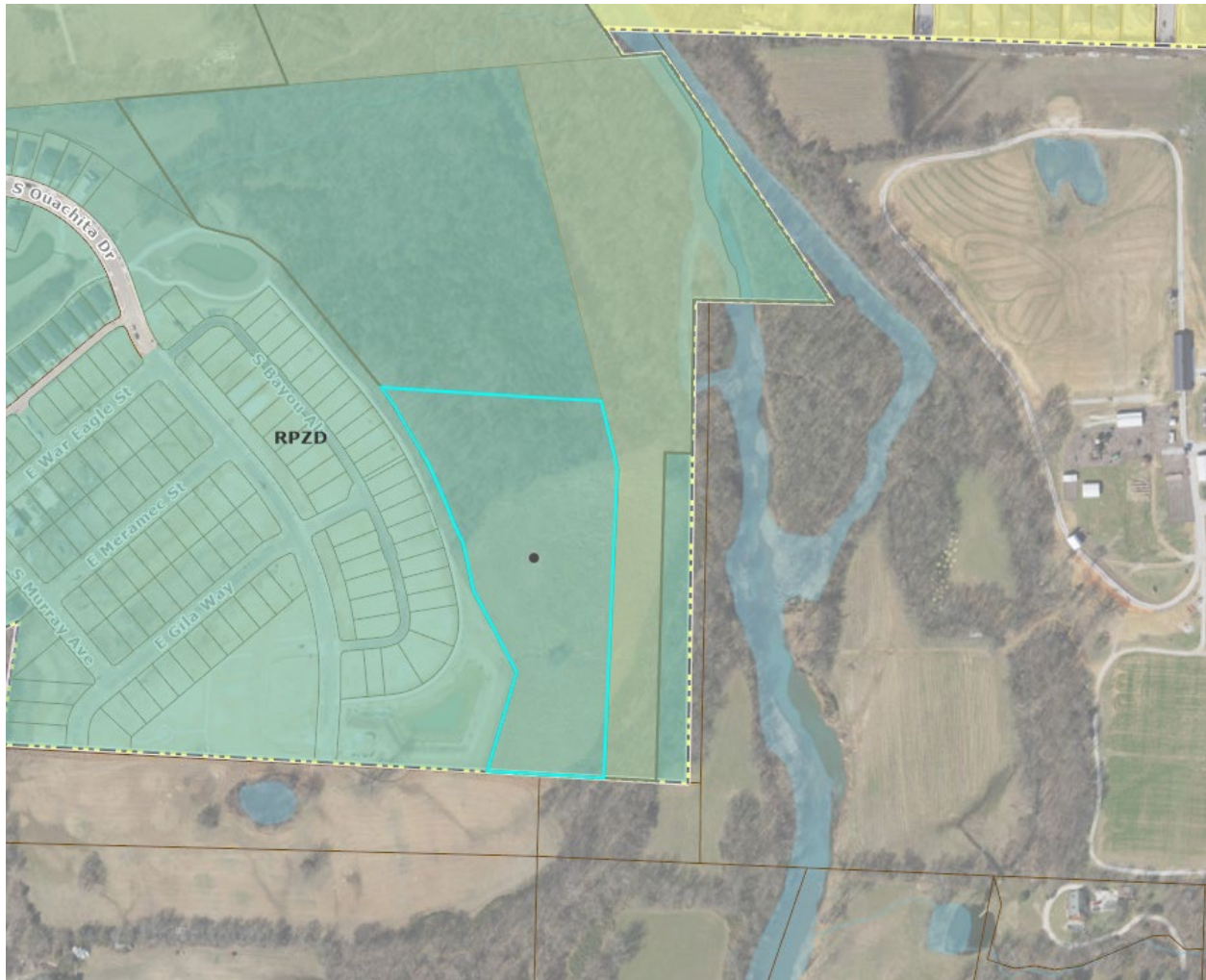
Combs Park

Parcel No: 765-34620-000

File No: 2024-00033369

Acres: 7.4

Current Zoning: RPZD



Legal Description:

PARK FURTHER DESCRIBED IN 2024-33369 AS: ALL OF THAT CERTAIN LOT OR TRACT DENOTED AS "PARK" ACCORDING TO RIVERSIDE VILLAGE SUBDIVISION CONCURRENT PLAT PHASE 1.2 IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS PER THE RECORD THEREOF RECORDED AS REAL ESTATE PLAT FILE NO. 024A-00000584 AND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 25 AND A PART OF THE SOUTHEAST QUARTER OF SECTION 26 ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST. COMMENCING AT THE CORNER COMMON TO SECTIONS 25, 26, 35 & 36 OF SAID TOWNSHIP AND RANGE, BEING MARKED BY AN EXISTING 31/4" ALUMINUM CAP ON 5/8" REBAR; THENCE NORTH 02°40'13" EAST ALONG THE LINE COMMON TO SAID SECTIONS 25 AND 26, FOR A DISTANCE OF 223.18

EXHIBIT B

FEET TO THE POINT OF BEGINNING AT THE SOUTH BOUNDARY OF SAID "PARK"; THENCE ALONG SAID SOUTH BOUNDARY NORTH 85°32'43" WEST, CROSSING AN EXISTING 5/8" REBAR AT A DISTANCE OF 6.01 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 134.82 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1120" AT THE SOUTHWEST CORNER OF SAID "PARK"; THENCE ALONG THE WEST BOUNDARY OF SAID "PARK" THE FOLLOWING SIX (6) CALLS: 1) NORTH 17°46'45" EAST, A DISTANCE OF 243.08 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED 'PS 1120'; 2) NORTH 26°46'57" WEST, A DISTANCE OF 216.89 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED 'PS 1120'; 3) NORTH 11°50'20" WEST, A DISTANCE OF 113.97 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED 'PS 1120'; 4) NORTH 19°47'42" WEST, A DISTANCE OF 45.65 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED 'PS 1120" AT A NON-TANGENT CURVE TO THE LEFT; 5) 373.78 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 1662.51 FEET, A CENTRAL ANGLE OF 12°52'54", AND SUBTENDED BY A CHORD BEARING NORTH 27°10'15" WEST-372.99 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED 'PS 1120" AT A NON-TANGENTIAL POINT; 6) NORTH 38°01'36" WEST, A DISTANCE OF 13.42 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED 'PS 1120" AT THE NORTHWEST CORNER OF SAID "PARK"; THENCE ALONG THE NORTH LINE OF SAID "PARK" SOUTH 85°39'56" EAST, CROSSING A 3/4" REBAR AT A DISTANCE OF 21.09 FEET ALSO CROSSING ANOTHER 3/4" REBAR AT AN ADDITIONAL DISTANCE OF 272.26 FEET ALSO CROSSING A 1/2" REBAR AT AN ADDITIONAL DISTANCE OF 166.85 FEET AND FOR A TOTAL DISTANCE OF 533.92 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1304" AT THE NORTHEAST CORNER OF SAID "PARK"; THENCE ALONG THE EAST BOUNDARY OF SAID PARK FOR THE FOLLOWING THREE (3) CALLS: 1) SOUTH 12°59' 48" EAST, A DISTANCE OF 152.57 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1120"; 2) SOUTH 10°20'22" EAST, A DISTANCE OF 32.61 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1120"; 3) SOUTH 03°47' 46" WEST, A DISTANCE OF 724.58 FEET TO AN EXISTING 5/8" CAPPED REBAR EMBOSSED "PS 1120" AT THE SOUTHEAST CORNER OF SAID PARK; THENCE ALONG THE AFORESAID SOUTH BOUNDARY OF SAID PARK NORTH 85°32'43" WEST, A DISTANCE OF 149.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.308 ACRES MORE OR LESS AND SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORD OR FACT. LESS & EXCEPT THAT PART OF ABOVE DESCRIPTION LOCATED IN SECTION 25 TOWNSHIP 16 NORTH RANGE 30 WEST.

EXHIBIT B

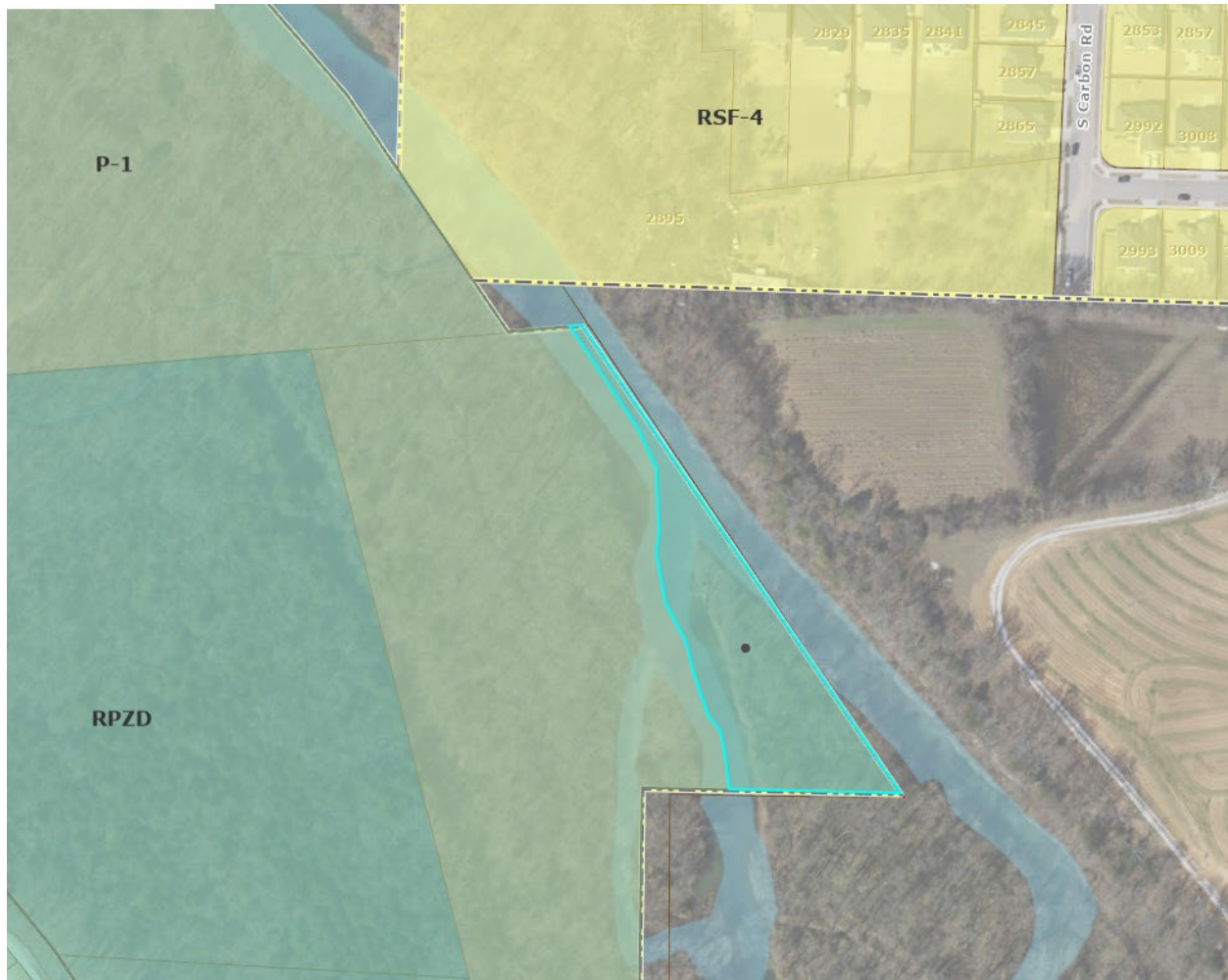
Combs Park

Parcel No: 765-19956-300

File No. 2024-00010976

Acres: 1

Current Zoning: RPZD



Legal Description:

ANNEXED TO CITY OF FAYETTEVILLE FOR 2021 & FOLLOWING YEARS PER ANNEXATION ORD 6510 PT W/2 SW 1.05 AC

EXHIBIT B

Combs Park

Parcel No: 765-19951-000

Book: 464 Page: 283

Acres: 3.9

Current Zoning: P-1, R-A

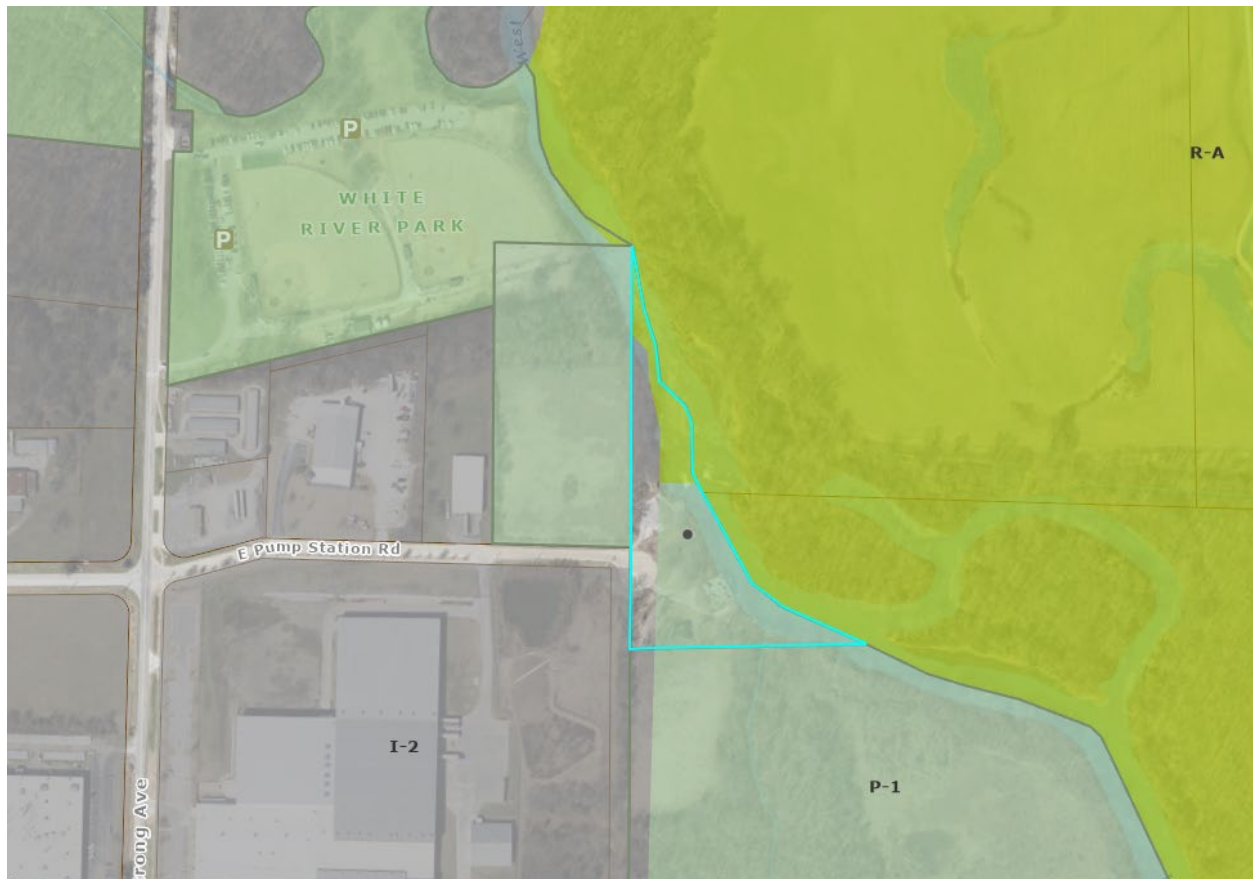


EXHIBIT B

Legal Description:

The South half of the Southwest Quarter (SW $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$), the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-three (23) containing sixty (60) acres; part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-three (23) and part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section twenty-six (26) all being described as follows: Beginning at the Northwest corner of said first mentioned forty acre tract, and running, thence East twenty (20) chains; thence South with the East line of said forty acre tract to the Town Branch; thence with the Town Branch in a Westerly direction to a point which is twelve (12) chains and eighty (80) links North of a point on the South line of said first mentioned forty acre tract which is eighteen (18) chains and fifty (50) links East of the Southwest corner of said Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-three (23); thence South sixteen (16) chains and eighty (80) links to the public road; thence Westerly with the public road eighteen (18) chains and fifty (50) links to the West line of the said Northwest quarter of the Northwest quarter of said Section 26; thence North twenty-four (24) chains to the place of beginning, and containing forty-five and forty-eight hundredths (45.48) acres, more or less, all of the above described lands being in Township sixteen (16) North of Range Thirty (30) West, and containing in the aggregate One hundred five and forty-eight hundredths (105.48) acres, more or less. The grantors herein do hereby cancel, release, waive, and relinquish unto the grantees herein all of grantors title, interest, and water rights contained in one certain Right of Way Grant dated August 19, 1952 and now appearing recorded in Deed Record, Volume 445 at Page 416 thereof in the office of the Circuit Clerk and Ex-Officio Recorder for Washington County, Arkansas.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said City of Fayetteville, Arkansas, a Municipal Corporation, its successors and heirs, and assigns, forever. And we, the said Norman B. Harris and Lila Harris, his wife, hereby covenant that we are lawfully seized of said land and premises; that the same is unincumbered, and we will forever warrant and defend the title to the said lands against all legal claims whatever.

And I, the said Lila Harris wife of Norman B. Harris

in consideration of said sum of money, do hereby release and relinquish unto the said City of Fayetteville, Arkansas, a Municipal Corporation, all my interest, right, title and dower and convey my homestead in and to said lands.

WITNESS our hands and seals on this 8 day of July, 1954.

Norman B. Harris (Seal)

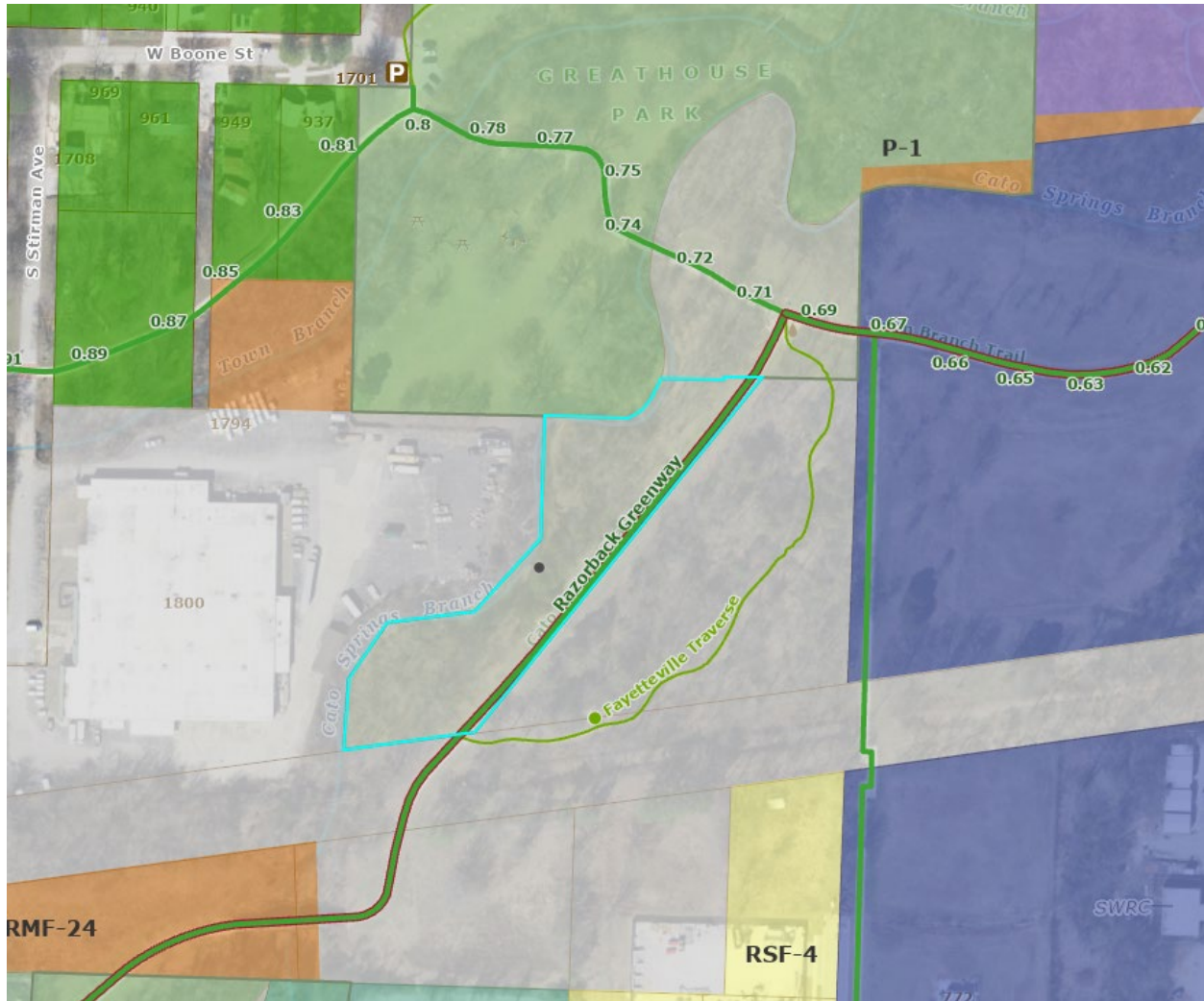
EXHIBIT B

Greathouse Park Parcel No: 765-09650-000

File No: 2016-00024642

Acres: 1.3

Current Zoning: I-1



Legal Description:

PT LOT 5 BLK 7, PT LOTS 2-7 BLK 8, PT LOTS 3-8 BLK 11 (1.32 AC) FURTHER DESCRIBED FROM 2016-24642 AS: All of Lots Number Two (2) and Three (3) of Block Eight (8), part of Lots Number Five (5) and Six (6) of Block Seven (7), part of Lots Number Four (4) through Eight (8) of Block Eight (8) and part of Lots Number Two (2) through Eight (8) of Block Eleven (11) of said Parksdale Addition to the City of Fayetteville, Washington County, Arkansas, being more particularly described as follows: Commencing at a found stone with chiseled "X" for the Southeast Corner of the Northwest Quarter of the Southwest of Section Twenty-one (21). Township Sixteen (16) North, Range Thirty (30) West of the 5th Principal Meridian, Washington County, Arkansas also being in the East line of said Parksdale Addition; thence North 02°57'17" East along said East line 48.87 feet to the Northeast corner of Lot Number Five (5) of Block Seven (7) of said Parksdale Addition; thence North 87°05'08" West along the North

EXHIBIT B

line of said Lot Number Five (5) 110.85 feet to the POINT OF BEGINNING; thence South 40°26'21" West 532.32 feet to the North line of a property described in Instrument Number 2002-116964 as filed with the Circuit Clerk of said county, also being the South line of said Parksdale Addition; thence South 83°22'09" West along the North line of said deed also being the South line of said Parksdale Addition 150.29 feet to the centerline of said Cato Springs Branch; thence along the centerline of said Branch the following courses: North 05°06'56" East 87.25 feet; North 36°40'30" East 78.61 feet; North 83.44'44" East 101.30 feet; North 44°03'39" East 113.33 feet; North 02°58'15" East 144.83 feet to the North line of Lot Number Eight (8) of Block Eight (8) of said Parksdale Addition; thence South 86°59'13" East along the North line of said Lot Number Eight (8) and the North line of Lot Number Four (4) of said Block Eight (8) 75.35 feet to the Southwest corner of Lot Number Three (3) of said Block Eight (8); thence North 57°21'06" East along the West line of Lots Number Two (2) and Three (3) of said Block Eight (8) 54.71 feet; thence North 04°39'40" East along the West line of said Lot Number Two (2) 12.60 feet to the Northwest corner of said Lot Number Two (2); thence South 87°05'08" East 86.41 feet to the Northeast corner of said Lot Number Two (2); thence North 02°56'43" East along the West line of Lot Number Five (5) of Block Seven (7) of said Parksdale Addition 3.97 feet to the Northwest corner of said Lot Number Five (5); thence South 87°05'08" East along the North line of said Lot Number Five (5) 44.05 feet to the point of beginning, containing 1.505 acres more or less.

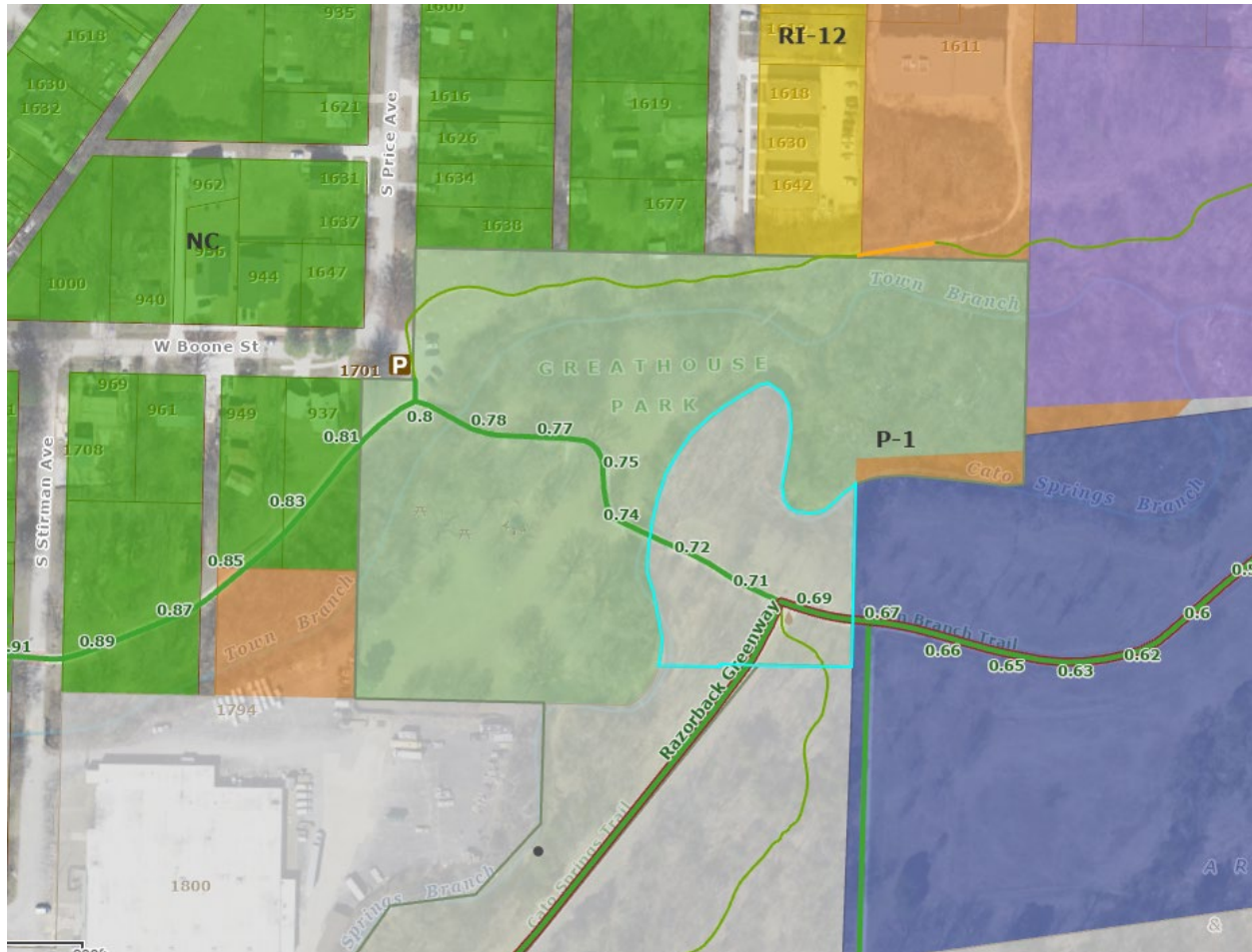
EXHIBIT B

Greathouse Park Parcel No: 765-09650-001

File No: 2013-00028315

Acres: 1.3

Current Zoning: I-1



Legal Description:

LTS 1-4 BLK 7 & LT 1 BLK 8 (1.342 AC) FURTHER DESCRIBED FROM 2013-28315 AS: Lots One (1) through Four (4), inclusive, in Block Seven (7); Lot One (1) in Block Eight (8) in the Parksdale Addition to the City of Fayetteville, Arkansas, as per the plat on record in the office of the Circuit Clerk of Washington County, Arkansas. Being more particularly described as follows: Commencing at a found stone being the Southeast Corner of the Northwest Quarter (1/4), Southwest Quarter (SW 1/4), Section Twenty-one (21), Township Sixteen (16) North, Range Thirty (30) West; thence along the Easterly line of said forty (40) acre tract North 02°58'37" East 48.87 feet to the Southeast corner of said Lot Four (4) in said Block Seven (7) being the POINT OF BEGINNING; thence leaving said Easterly line North 87°05'08" West 154.92 feet; thence South 02°56'43" West 3.97 feet; thence North 87°05'08" West 86.41 feet to the property line of parcel no. 765-15035-000 owned by the City of Fayetteville and being known as Great House Park, said property line being the centerline of the Cato Springs Branch; thence along said centerline the following

EXHIBIT B

courses: North 04°39'40" East 135.52 feet; North 21 °26'27" East 139.64 feet; North 51 °54'46" East 50.45 feet; North 51 °54'46" East 25.97 feet; North 88°15'30" East 55.95 feet; South 12°32'43" West 98.00 feet; South 40°59'55" East 61.63 feet; North 51°47'48" East 70.74 feet to said Easterly line of said forty (40) acre tract; thence along said Easterly line South 02°58'37" West 224.08 feet to the Point of Beginning, having an area of 1.342 acres, more or less. Subject to easements, rights-of-ways, vacations and protective covenants of record, if any.

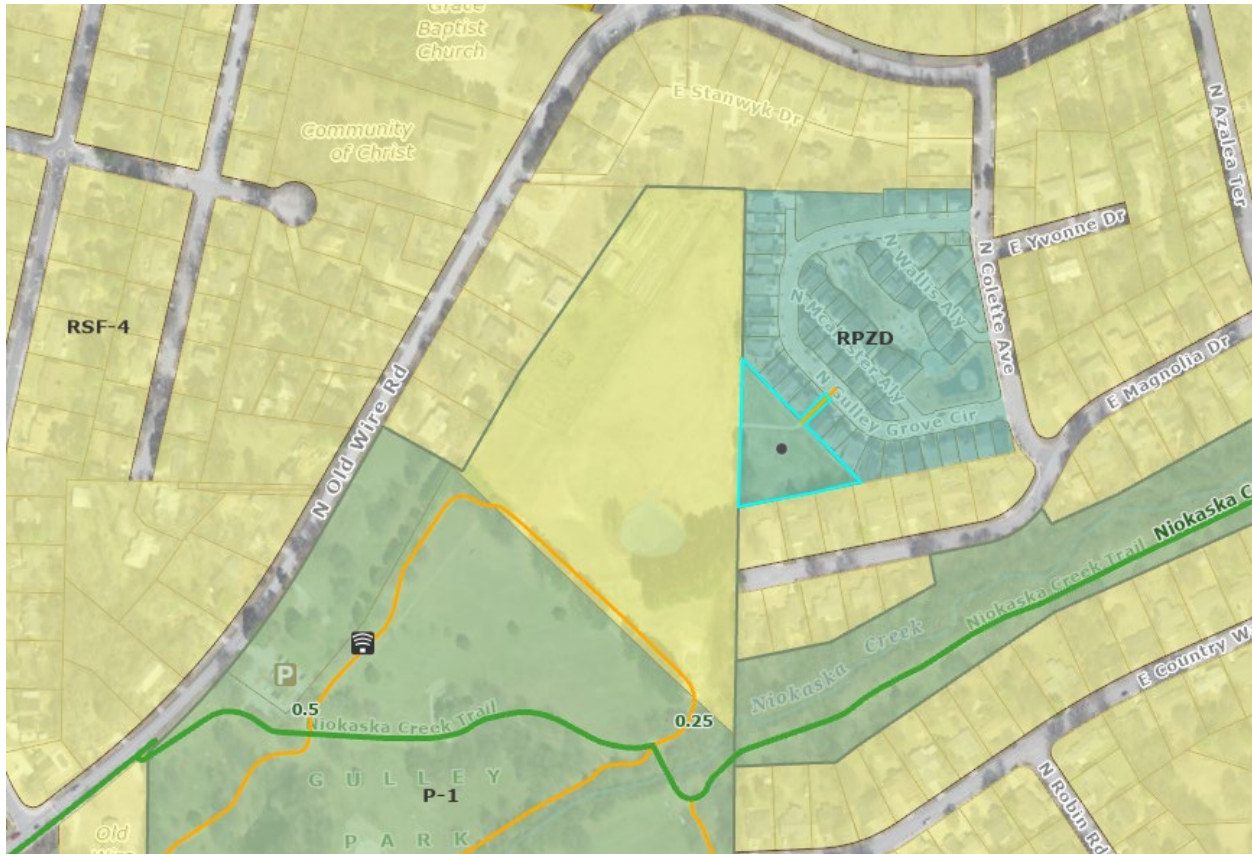
EXHIBIT B

Gulley Park Parcel No: 765-16078-001

File No. 2021-00044817

Acres: 1

Current Zoning: RPZD



Legal Description:

PT W/2 SE 1.02 AC (PARK LAND DEDICATION) FURTHER DESCRIBED IN 2021-44817 AS: PART OF THE W 1/2 OF THE SE 1/4 OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE W 1/2 OF THE NW 1/4 OF THESE 1/4 OF SAID SECTION 36, AS SHOWN IN PLAT RECORD 2018-00005991; THENCE S02°32'53"W 1203.88 FEET; THENCE S79°59'30"W 231.30 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A 5/8" REBAR; THENCE S79°59'30"W 272.60 FEET TO A 1/2" REBAR; THENCE N02°14'09"E 324.00 FEET TO A 5/8" REBAR; THENCE S42°47'14"E 181.51 FEET TO A 5/8" REBAR; THENCE N47°12'46"E 78.00 FEET TO A 5/8" REBAR; THENCE S42°47'14"E 16.00 FEET TO A 5/8" REBAR; THENCE S47°12'46"W 78.00 FEET TO A 5/8" REBAR; THENCE S42°47'14"E 179.08 FEET TO THE POINT OF BEGINNING, CONTAINING 1.02 ACRES, MORE OR LESS.

EXHIBIT B

Gulley Park Parcel No: 765-16080-000

File No. 2014-00026243

Acres: 10

Current Zoning: RSF-4



Legal Description:

PT W/2 SE PT E/2 SW 9.7 A FURTHER DESCRIBED FROM 2014-26243 AS: Part of the Southeast quarter and also part of the Southwest quarter, both in Section 36, Township 17 North, Range 30 West, in the City of Fayetteville, Washington County, Arkansas, said parts being previously described in a deed recorded in Washington County Document 93-19847, and said parts being more particularly described as follows: beginning at a set 1/2 inch rebar and plastic cap which lies East 1,485 feet and North 805 and 113 feet from the southwest corner of the Southeast quarter of the said Southwest quarter of Section 36; thence N02°33'59"E 165.43 feet to a 6 inch concrete monument at the southwest corner of the Azalea Terrace Subdivision as depicted on a plat filed in

EXHIBIT B

Washington County plat book 7, page 80; thence, along the west line of the said Azalea Terrace, N01 °46'56"E 337.08 feet to a 6 inch concrete monument with brass cap at the northwest corner of Azalea Terrace; thence N02°15'07"E 692.71 feet to a 1/2 inch rebar along the south line of the Shadow Hills Subdivision as depicted on a plat filed in Washington County plat book 7, page 4; thence, along the south line of the said Shadow Hills, N87°05'04"W 219.90 feet to a cross tie fence post at the northeast corner of the Phillips tract as recorded in Washington County document 2012-00026046; thence, along the easterly line of the said Phillips tract, S36° 11'27"W 236.94 feet to a 4 inch diameter concrete-filled fence post at the southeasterly corner of the Phillips tract; thence S35°13'03"W 249.07 feet, passing at 148.82 feet a set 1/2 inch rebar and plastic cap, to a set 1/2 inch rebar and plastic cap at the northeasterly corner of the Logue tract first recorded in deed book 534, page 37; thence S30°29'02"W 248.25 feet to a set 1/2 inch rebar and plastic cap at the southeasterly corner of the Shipley tract first recorded in deed book 534, page 179; thence along the southerly line of the said Shipley tract N59°41'44"W 33.84 feet to a wooden fence post; thence S44°57'50"E 867.74 feet to the point of beginning, enclosing 440,780 square feet, or 10.119 acres.

EXHIBIT B

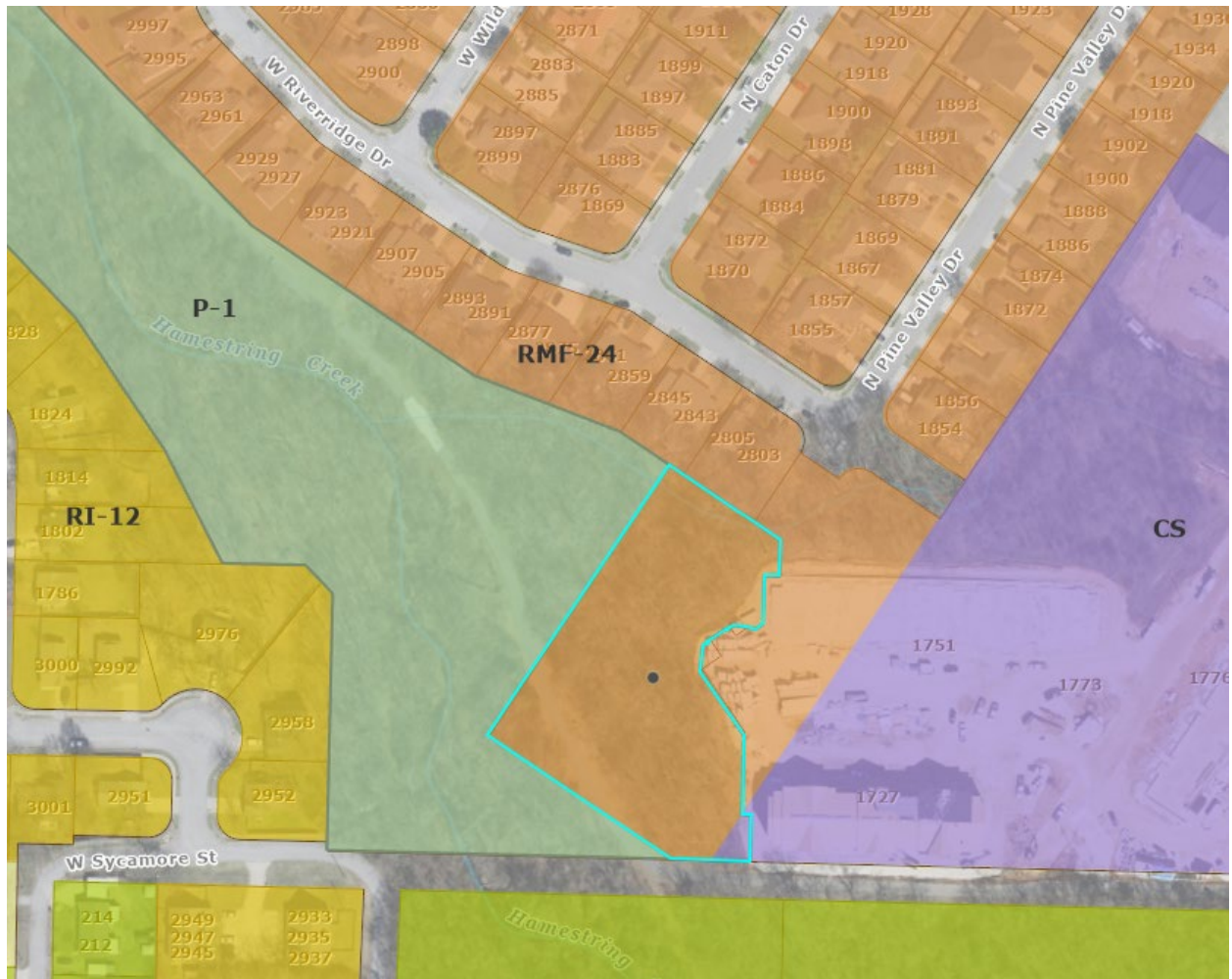
Hamestring Creek Trail Corridor

Parcel No: 765-13637-000

File No. 1e2024-00012055

Acres: 1.7

Current Zoning: RMF-24, CS



Legal Description:

PT SW SE 1.73 AC PARKLAND DEDICATION FURTHER DESCRIBED IN 2024-12055 AS: PART OF TRACT IE, AS PER PLAT RECORD 2022-00018333 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT IE; THENCE ALONG THE WEST LINE THEREOF N35°05'57"E 352.08 FEET TO THE BOUNDARY OF PINE VALLEY PHASE I SUBDIVISION; THENCE ALONG SAID BOUNDARY S54°54'03"E 110.00 FEET; THENCE LEA YING SAID BOUNDARY S54°54'03"E 35.39 FEET; THENCE S02°40'26"W 38.87 FEET; THENCE N87°19'34"W 16.70 FEET; THENCE S02°40'26"W 52.10 FEET; THENCE S57°03'19"W 9.64 FEET; THENCE N78°52'43"W 24.13 FEET; THENCE S57°03'21"W 7.02 FEET; THENCE N32°56'39"W 1.58 FEET; THENCE S57°03'21 "W 26.20FEET; THENCE S32°56'39"E 1.58 FEET; THENCE

EXHIBIT B

S57°03'21 "W 7.39 FEET; THENCE S05°56'35"W 27.16 FEET; THENCE S32°56'41"E 83.51 FEET; THENCE S02°44'40"W 85.02 FEET; THENCE S87°17'43"E 10.00 FEET; THENCE S02°41 '31 "W 70.21 FEET TO THE SOIlfH LINE OF SAID TRACT IE; THENCE ALONG SAID SOUTH LINE N87°19'34"W 55.53 FEET; THENCE ALONG SAID SOUTH LINE N54°47'18"W 274.63 FEET TO THE POINT OF BEGINNING, CONTAINING 1.73 ACRES, MORE OR LESS AND ALL EASEMENTS OF RECORD OR FACT.

EXHIBIT B

Kessler Mountain Regional Park

Parcel No: 765-16301-001

File No.: 2023-00016622

Acres: 12.5

Current Zoning: R-A

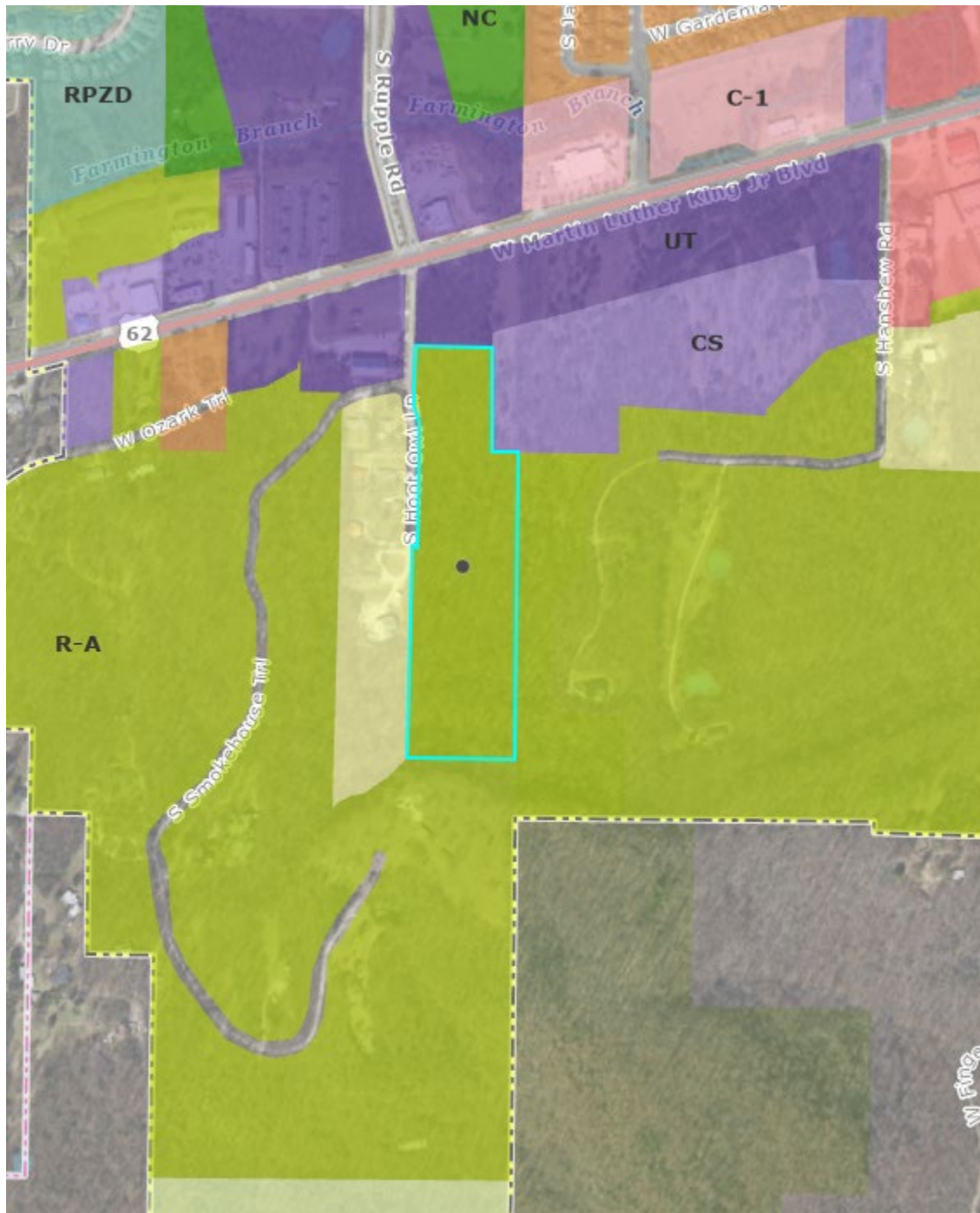


EXHIBIT B

Legal Description:

PT E/2 W/2 SE & PT NW SE & PT SW SE 12.50 AC FURTHER DESCRIBED PER 2022-5434: Tract 2 on Lot Split Survey filed for record January 26, 2022, File# 2022-00002899, being more particularly described as follows: A part of the E/2 of the W/2 of the SE/4 and also being a part of the NW/4 of the SE/4 and a part of the SW/4 of the SE/4 all in Section 24, Township 16 North, Range 31 West, Washington County, Arkansas and said part being more particularly described as follows: Beginning at a found stone, said stone accepted and used as the SE corner of the NW/4 of said SE/4; thence South 01°59'53" West a distance of 1114.44 feet to a found 1/2 inch diameter iron pin; thence North 87°55'57" West a distance of 396.08 feet to a found 1/2 inch diameter iron pin; thence North 02°34'11" East a distance of 1494.63 feet to a set 1/2 diameter iron pin; thence South 88°04'28" East a distance of 284.67 feet to a set 1/2 diameter iron pin; thence South 01°55'33" West a distance of 380.30 feet to a found 5/8 inch diameter iron pin; thence South 87°36'43" East a distance of 96.02 feet to the POINT OF BEGINNING OF TRACT 2, containing 544,353 square feet, or 12.50 acres, more or less. And being subject to the right of way of South Smokehouse Trail and South Hoot Owl Lane along the west boundary thereof. And being subject to any easements, covenants, and restrictions of record.

EXHIBIT B

Kessler Mountain Regional Park

Parcel No: 765-16296-000

File No.: 2023-00016622

Acres: 7.5

Current Zoning: R-A

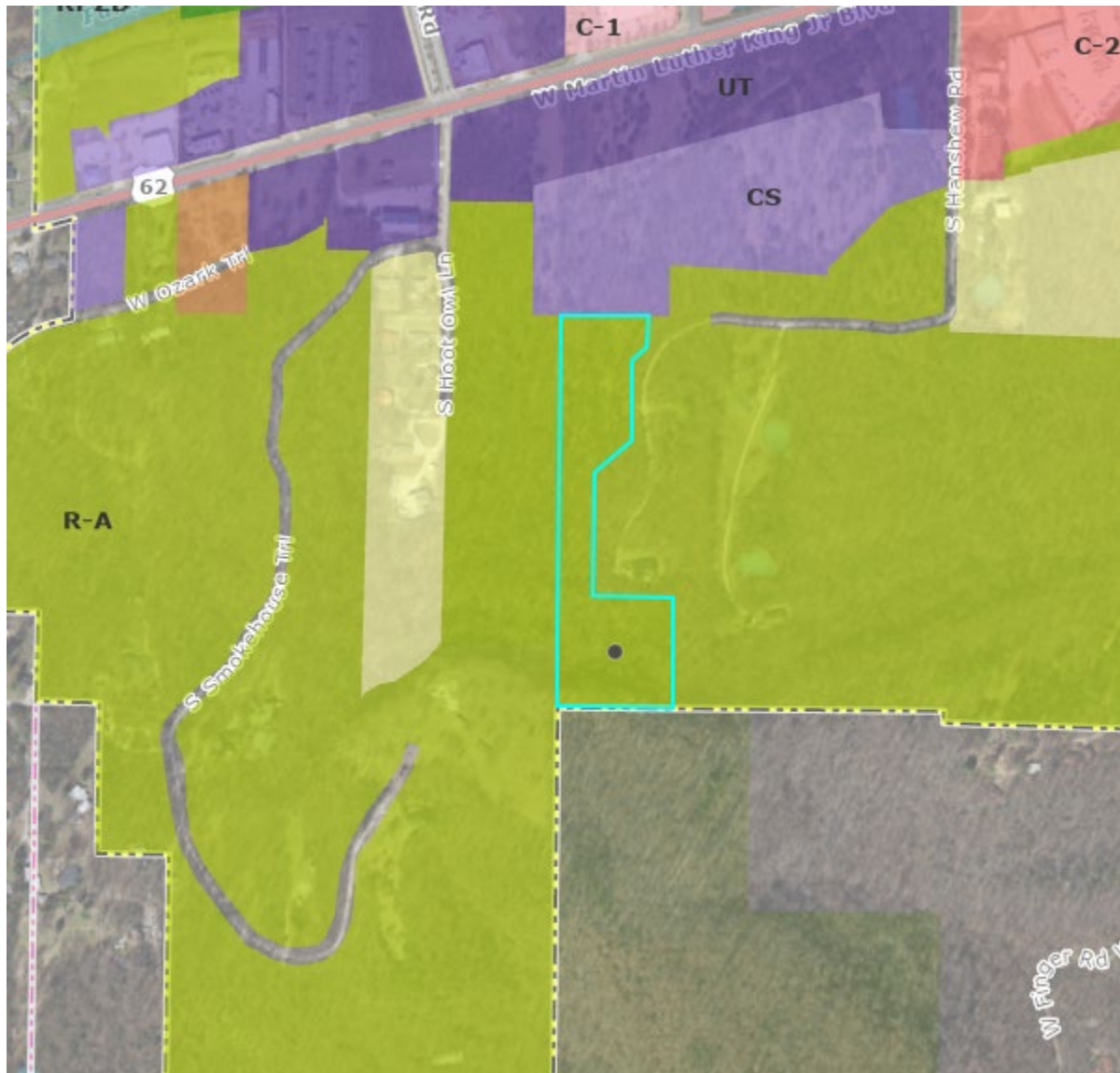


EXHIBIT B

Madison Natural Area Park Parcel No: 765-19174-000

Book: 1197 Page: 217

Acres: 13.5

Current Zoning: RSF-4



EXHIBIT B

Legal Description:

A part of the NW $\frac{1}{4}$, of the SE $\frac{1}{4}$, of Section 1, T-16-N, R-30-W being more particularly described as beginning at a point which is N 00-49-35 E (Record North) 1496.82 feet (Record 1504.50 feet) and S 89-28-53 E (Record N 89-38-00 E) 867.87 feet from the South Quarter Corner of said Section 1, said Point-of-Beginning being a set iron pin in an existing fence line;

Thence leaving said existing fence line N 22-23-25 W 555.66 feet to a set iron pin;

Thence N.36-22-54 W 322.24 feet to a point which is Southerly at a perpendicular distance of 40.00 feet from the centerline tangent of Arkansas Highway No. 45, said point being a set iron pin;

Thence N 62-18-20 E 366.21 feet to a point which is at a perpendicular distance of 40.00 feet from the centerline tangent of said Highway;

Thence N 56-56-53 E 308.80 feet to a point which is at a perpendicular distance of 40.00 feet from the centerline tangent of said Highway, said point being a set iron pin;

Thence S 00-12-29 West 10.50 feet to a point at fence corner post, said point being a Northwest Corner of the Catholic Cemetery;

Thence with an existing fence line on the Westerly Boundary of said cemetery S 00-12-29 W (Record South) 304.56 feet (Record 302.28 feet) to a fence corner post, said point being the Southwest Corner of said cemetery and a set iron pin;

Thence with an existing fence line on the Southerly Boundary of said cemetery N 88-26-56 E (Record East) 282.58 feet (Record 247.50 feet to the East Boundary of said 40 acre tract, said point being a set iron pin;

Thence with the East Boundary of said 40 acre tract S 00-45-31 W 808.56 feet to a set iron pin;

Thence leaving the East Boundary of said 40 acre tract N 89-28-53 W 7.79 feet to a found iron pin at an existing fence corner post; (cont. on back)

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's heirs and assigns, forever. And we, the said Grantors, hereby covenant that we are lawfully seized of said land and premises, that the same is unincumbered, and that we will forever warrant and defend the title to the said lands against all legal claims whatever.

And we, the respective Grantors, hereby release and relinquish unto the said Grantee our respective dower/curtesy and homestead in and to said lands.

WITNESS our hands and seals on this 10th day of October, 19 86.

THIS INSTRUMENT PREPARED BY:

X C. J. Proccand (Seal)

X Allen M. Broccand (Seal)

EXHIBIT B

ACKNOWLEDGMENT

LIBER 1197 PAGE 217

STATE OF ARKANSAS

County of Washington

ss.

On this the 10TH day of October, 1986, before me, a notary public, personally appeared C. H. Broccard and Stella Broccard, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the purposes therein set forth.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires

J. H. Martin, Jr.
Notary Public

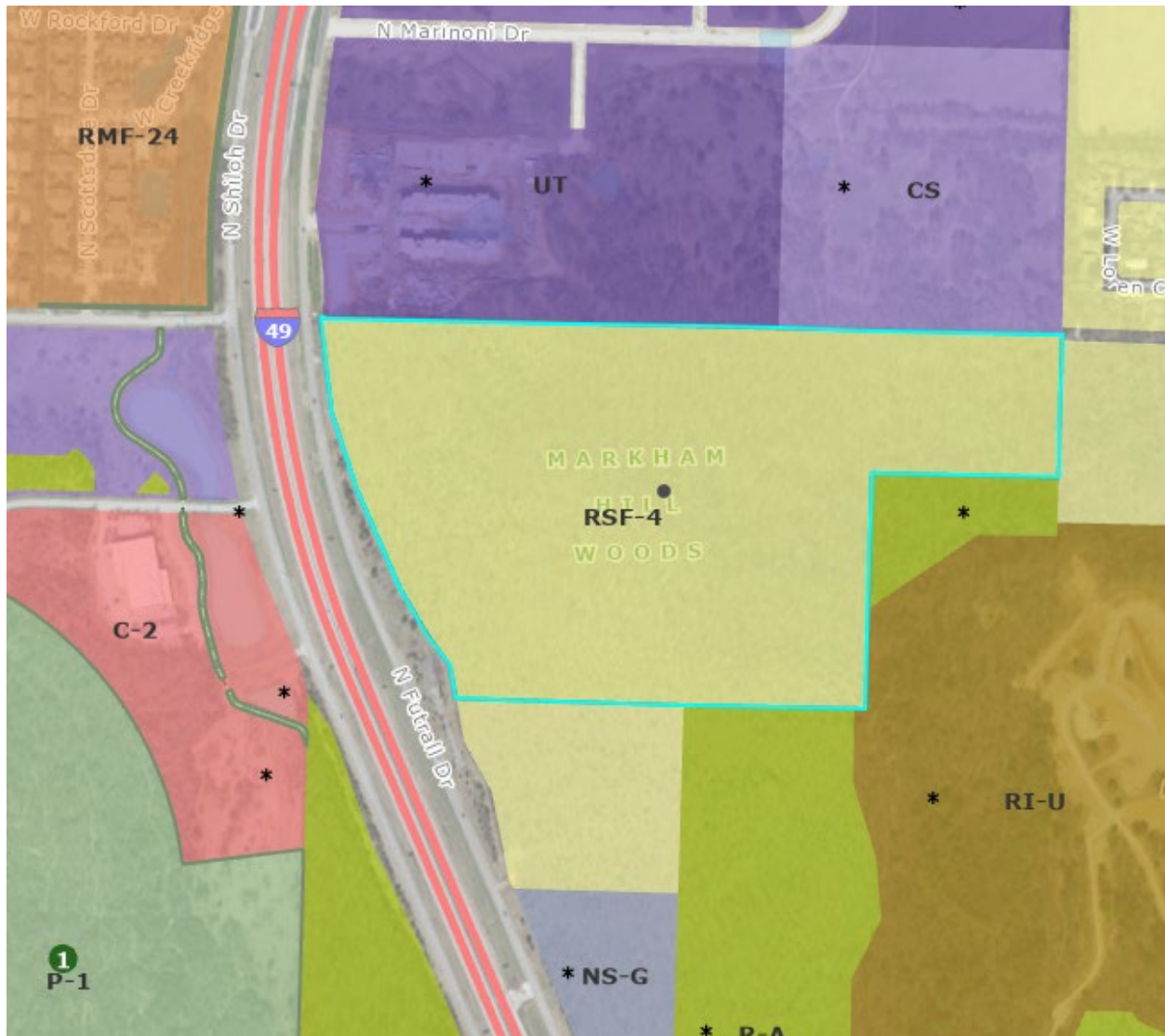
EXHIBIT B

Markham Hill Parcel No: 765-14595-001

File No: 2021-00044789

Acres: 61.2

Current Zoning: RSF-4



Legal Description:

VACANT LAND EAST OF N FUTRALL DR PT N/2 NE 62.40 AC FURTHER DESCRIBED FROM 2021-44789 AS:
The North Half of the NE of Section 18 in Township 16 North of Range 30 West, LESS & EXCEPT: 7.5 acres, more or less, described as beginning at the SE corner of said 80 acre tract, and running thence North 30 rods; thence West 40 rods, thence South 30 rods, thence East 40 rods to the place of beginning, leaving herein 72.5 acres, more or less. LESS AND EXCEPT Beginning at a point on the East right of way line of Highway 71 Bypass which is South 88 degrees 57 minutes West 897.7 feet from the NE corner of the SW

EXHIBIT B

of the NE of said Section, Township and Range, and running along said right of way line North 24 degrees 13 minutes West 498 feet, thence North 22 degrees 05 minutes West 381.6 feet; thence North 09 degrees 19 minutes West 516.4 feet; thence departing said right of way line and running South 0 degrees 25 minutes East 1325.1 feet; thence North 88 degrees 57 minutes East 422.3 feet to the point of beginning, containing 5.091 acres, more or less, and leaving herein 67.409 acres, more or less. ALSO LESS AND EXECPT Beginning at a point which is 30 rods North of the Southeast corner of the North of the NE of the said Section 18, and running thence North 330 feet; thence West 660 feet; thence South 330 feet, thence East 660 feet to the point of beginning, being five acres, more or less. ALSO LESS AND EXCEPT Starting at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 18 said point also being on the Easterly existing right of way line of U.S. Highway #71, thence South 09° 13' East along said existing right of way line a distance of 326.1 feet to a point on the Easterly proposed right of way line of U.S. Highway #71 for the point of beginning, thence South 20°32' East along said proposed right of way line a distance of 286.3 feet to a point; thence South 25°56' East along said proposed right of way line a distance of 377.6 feet to a point, thence South 32° 47' East along said proposed right of way line a distance of 188.0 feet to a point; thence South 38°16' East along said proposed right of way line a distance of 135.9 feet to a point; thence South 12°49' East along said proposed right of way line a distance of 122.7 feet to a point on the South line of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 15; thence South 88°58' West along said South line a distance of 100.1 feet to a point on the Easterly existing right of way line of U.S. Highway #71; thence North 24°11' West along existing right of way line a distance of 482.2 feet to a point; thence North 22° 08' West along said existing right of way line a distance of 402.5 feet to a point; thence North 09° 13' West along said existing right of way a distance of 183.6 feet to the point of beginning and containing 1.40 acres, more or less.

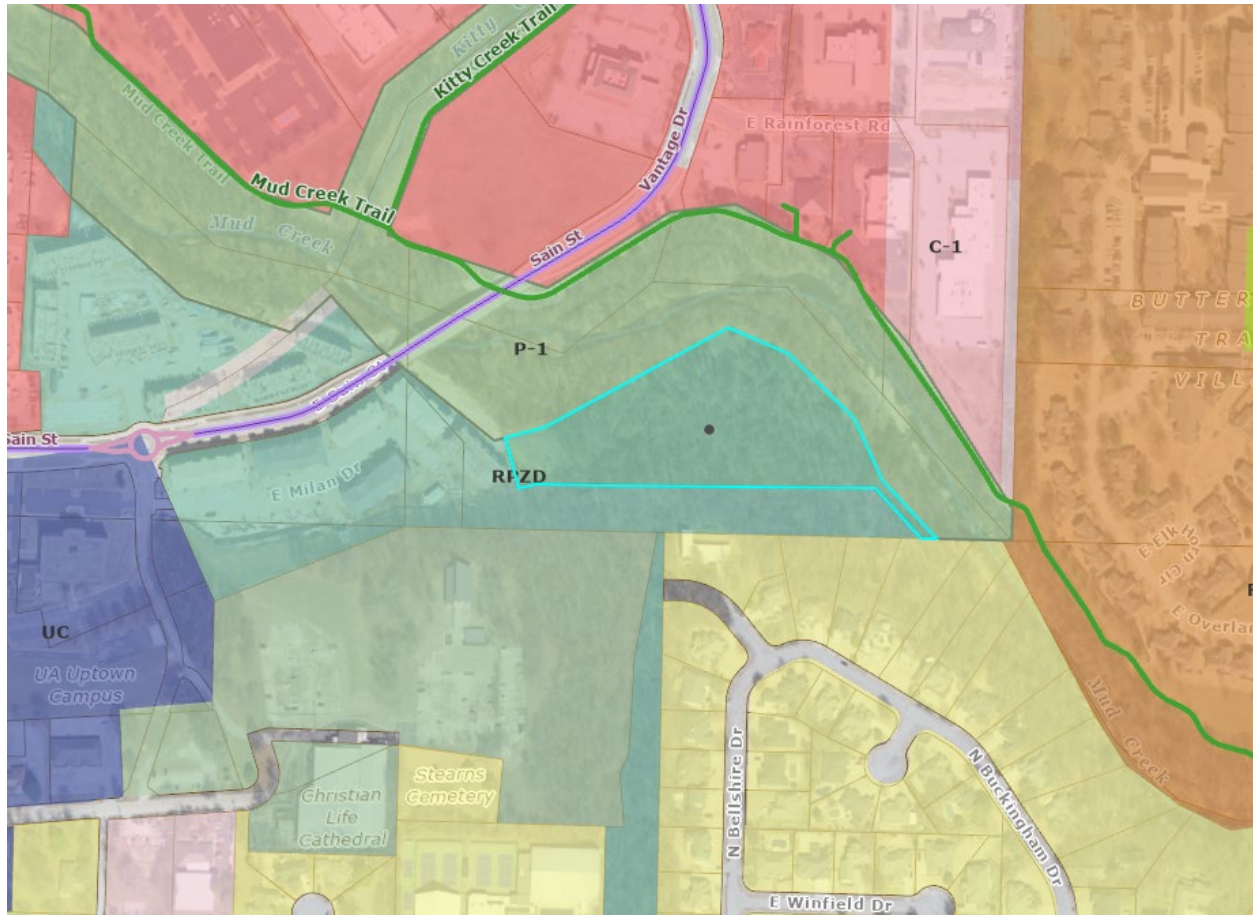
EXHIBIT B

Mud Creek Trail Parcel No: 765-16852-003

File No. 2024-00009240

Acres: 4.8

Current Zoning: CPZD



Legal Description:

PT SW NW 4.79 AC PARKLAND FURTHER DESCRIBED IN 2024-9240 AS: A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN EXISTING CONCRETE MONUMENT FOR THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE S87°23 '08"E 1209.81' TO A SET 1/2" REBAR, THENCE N42°07'59"W 162.49' TO A SET 1/2" REBAR, THENCE N88°03'19"W 605.51' TO A SET 1/2" REBAR, THENCE N88°03'19"W31.09' TO A SET 1/2" REBAR, THENCE N88°03'19"W 148.79' TO A SET 1/2" REBAR, THENCE S77°48'32"W 44.45' TO A SET 1/2" REBAR, THENCE N13°07'31"W 119.95' TO A SET 1/2" REBAR THENCE N76°53'14"E 96.90' TO AN EXISTING 1/2" REBAR, THENCE N62°44'23"E 485.00' TO AN EXISTING 1/2" REBAR, THENCE S65°50'49"E 152.00' TO AN EXISTING 1/2" REBAR, THENCE S43°47'11 "E 218.00' TO AN EXISTING 1/2" REBAR, THENCE S22°32 '07"E 153.00' TO AN EXISTING 1/2" REBAR, THENCE S42°07'59"E

EXHIBIT B

188.00' TO AN EXISTING 1/2" REBAR, THENCE N87°23'08"W 35.20' TO THE POINT OF BEGINNING.
CONTAINING 4.79 ACRES, MORE OR LESS.

EXHIBIT B

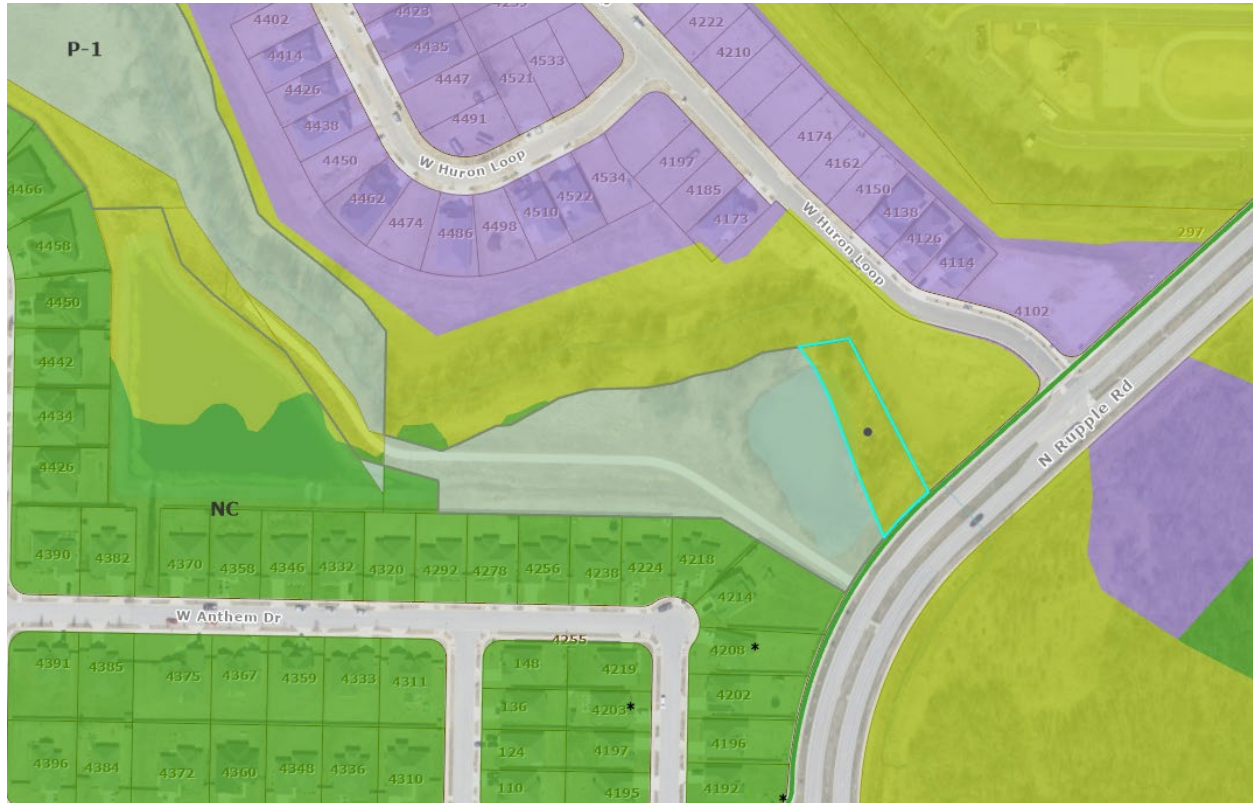
Owl Creek Park

Parcel No: 765-34713-001

File No. 2024-00017680

Acres: 0.4

Current Zoning: RA



Legal Description:

PT LOT 52 .40 AC PARKLAND DEDICATION FURTHER DESCRIBED IN 2024-17680 AS: A PART OF THE SW 1/4 OF THE NE1/4 OF SECTION 13, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, NE1/4, THENCE S02°21'53"W 195.68 FEET, THENCE S86°39'51"E 561.27 FEET TO THE POINT OF BEGINNING, THENCE N82°34'08"E 70.14 FEET, THENCE S26°07'41"E 231.78 FEET TO THE WESTERLY RIGHT-OF-WAY OF RUPPLE ROAD, THENCE ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT 85.61 FEET, SAID CURVE HAVING A RADIUS OF 583.00 FEET AND A CHORD BEARING AND DISTANCE OF S45°09'46"W 85.53 FEET, THENCE LEAVING SAID RIGHT-OF-WAY N21°28'08"W 91.08 FEET, THENCE N18°54'10"W 58.53 FEET, THENCE N20°38'16"W 53.46 FEET, THENCE N24°36'27"W 46.68 FEET, THENCE N37°20'14"W 33.62 FEET TO THE POINT OF BEGINNING: CONTAINING 17,428 S.F., MORE OR LESS,

EXHIBIT B

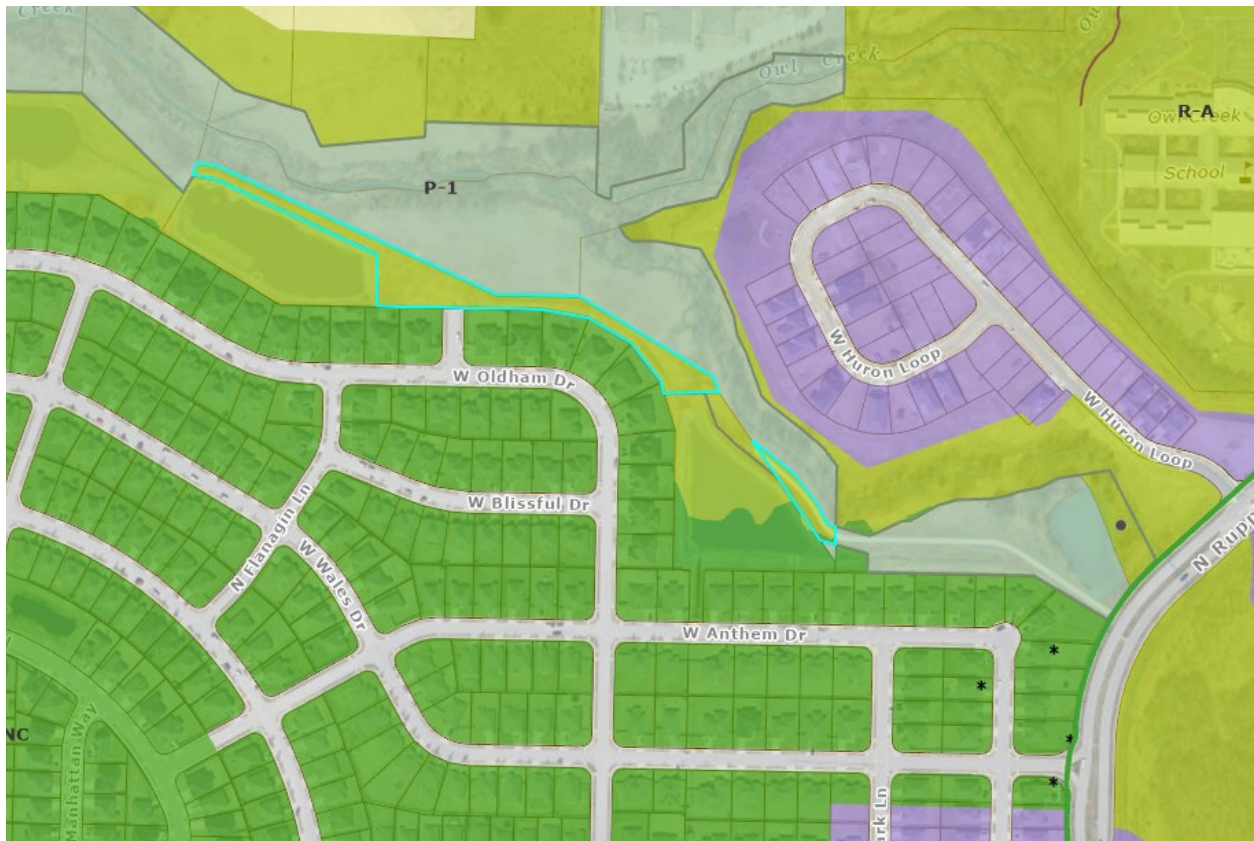
Owl Creek Park

Parcel No: 765-16269-107

File No. 2018-00027962

Acres: 1.6

Current Zoning: RA



Legal Description:

PT SE NW & PT NE NW 1.6374 AC FURTHER DESCRIBED IN 2018-22481 AS: A part of the SE1/4 of the NW1/4 and a part of the NE1/4 of the NW1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SE1/4, NW1/4, thence N87°07'35"W 289.50 feet to the POINT OF BEGINNING, thence S20°02'18"E 36.89 feet, thence West 126.90 feet, thence N16°05'39"W 28.78 feet, thence N36°29'15"W 113.44 thence N57°55'22"W 113.44 feet, thence N78°47'11"W 107.98 feet, thence N87°37'12"W 380.72 feet, thence N00°48'05"E 119.20 feet, thence N63°53'46"W 411.60 feet, thence N79°14'47"W 51.42 feet, thence N16°19'24"E 30.14 feet, thence S79°14'47"E 52.54 feet, thence S63°53'46"E 31.75 feet; thence S63°53'46"E 673.75 feet, thence S87°37'12"E 192.16 feet, thence S57°55'22"E 359.53 feet, thence S20°02'18"E 0.99 feet to the POINT OF BEGINNING: Containing 1.4347 acres more or less and also being a part of the SE1/4 of the NW1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SE1/4, NW /4, thence S02°22'52"W 334.45 feet to the POINT OF BEGINNING; thence S02°22'52"W 41.30 feet, thence N73°11'37"W 35.40 feet, thence N33°20'23"W 277.98 feet,

EXHIBIT B

thence S50°52'59"E 49.76 feet, thence S49°18'18"E 74.96 feet, thence S35°31'10"E 34.19 feet, thence S38°43'52"E 53.41 feet, thence S22°19'07"E 48.68 feet, thence 873°11 '37"E 22.11 feet to the POINT OF BEGINNING; Containing 0.2027 acres more or less subject to easements and right of way of record. Containing 1.6374 acres total.

EXHIBIT B

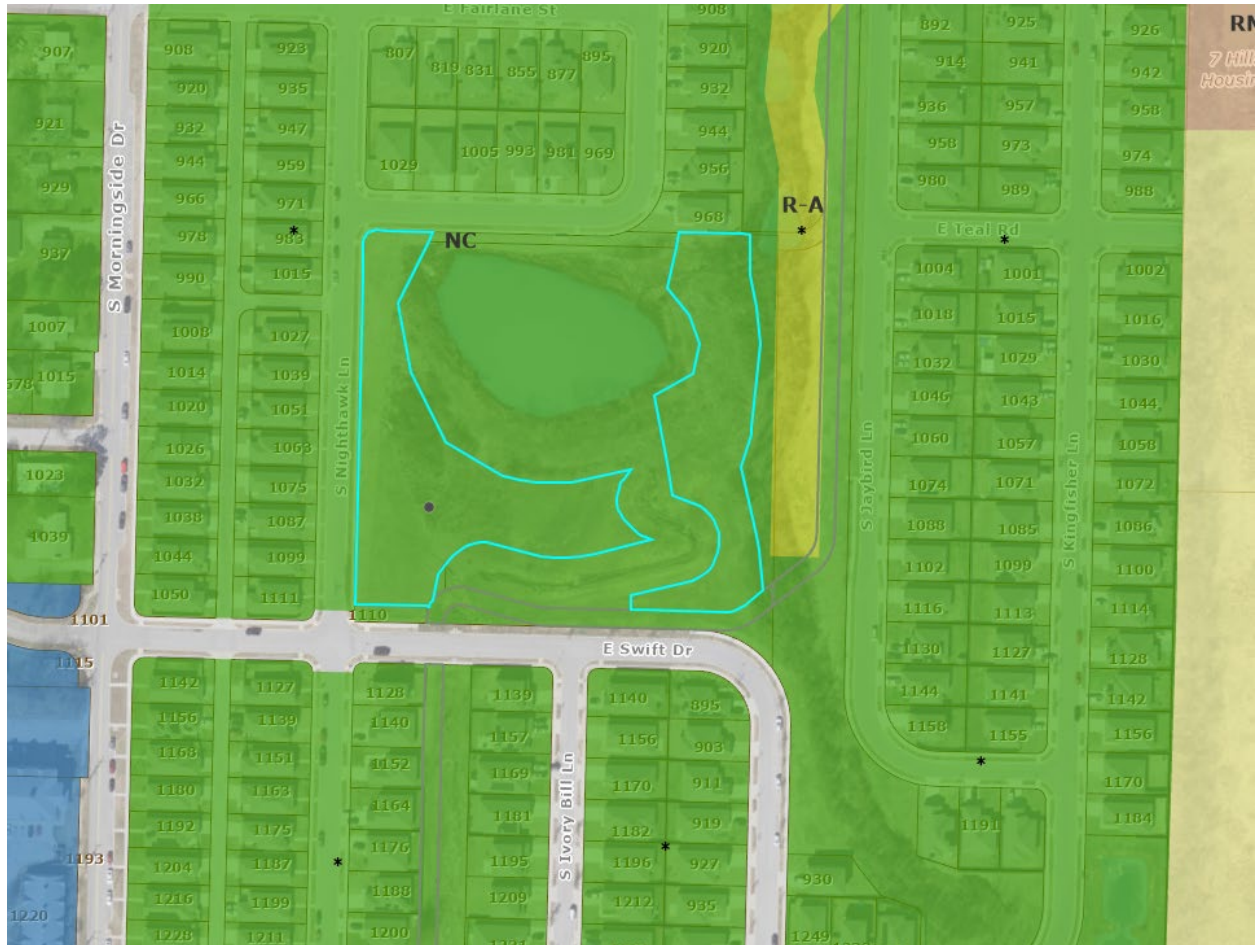
Park Meadows Park Land

Parcel No: 765-31221-001

File No. 2020-00007829

Acres: 2.3

Current Zoning: NC



Legal Description:

PT OUTLOT & PT W/2 NE 22-16-30 2.32 AC (PARK LAND DEDICATION) FURTHER DESCRIBED IN 2020-7829 AS: PART OF THE OUTLOT OF PARK MEADOWS PHASE I, AS PER PLAT RECORD 0024-00000211 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT; THENCE ALONG THE NORTH LINE THEREOF S87°21'17"E 71.34 FEET; THENCE LEAVING SAID NORTH LINE S27°40'38"W 97.39 FEET; THENCE S08°56'04"E 84.68 FEET; THENCE S25°56'26"E 96.16 FEET; THENCE S58°29'14"E 80.82 FEET; THENCE 84.57 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 211.35 FEET AND A LONG CHORD OF S83°20'21"E 84.01 FEET; THENCE N79°54'50"E 74.73 FEET; THENCE S41°35'12"W 13.16 FEET; THENCE 60.19 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40.23 FEET AND A LONG CHORD OF S01°52'30"E 54.73 FEET; THENCE S45°20'12"E 13.66 FEET; THENCE 14.88

EXHIBIT B

FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 40.00 FEET AND A LONG CHORD OF S55°59'45"E 14.80 FEET. THENCE S66°39'17"E 8.69 FEET; THENCE S77°17'30"W 70.37 FEET; THENCE 68.97 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 217.35 FEET AND A LONG CHORD OF S88°41'53"W 68.68 FEET; THENCE N73°07'49"W 61.58 FEET; THENCE 20.83 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 44.90 FEET AND A LONG CHORD OF N89°10'19"W 20.64 FEET; THENCE 59.70 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 82.93 FEET AND A LONG CHORD OF S50°34'02"W 58.42 FEET; THENCE S13°53'51"W 35.19 FEET; THENCE S03°39'27"W 4.87 FEET; THENCE N87°32'18"W 94.56 FEET TO THE WEST LINE OF SAID OUTLOT; THENCE ALONG SAID WEST LINE N02°38'47"E 442.79 FEET; THENCE ALONG SAID WEST LINE 21.70 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 14.00 FEET AND A LONG CHORD OF N48°13'56"E 19.60 FEET TO THE POINT OF BEGINNING, CONTAINING 1.37 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT. ALSO PART OF THE OUTLOT OF PARK MEADOWS PHASE I, AS PER PLAT RECORD 0024-00000211 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT; THENCE ALONG THE NORTH LINE THEREOF N87°21'17"W 34.05 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE S02°38'43"W 19.32 FEET; THENCE S00°07'33"W 30.98 FEET; THENCE S09°52'20"E 39.24 FEET; THENCE S04°09'53"E 44.43 FEET; THENCE S07°26'49"W 103.27 FEET; THENCE S03°09'32"E 7.80 FEET; THENCE S20°02'31"W 41.80 FEET; THENCE S12°18'34"E 85.51 FEET; THENCE S07°26'53"E 18.05 FEET; THENCE S04°49'47"E 50.13 FEET; THENCE S53°19'06"W 29.25 FEET; THENCE 26.76 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 39.00 FEET AND A LONG CHORD OF S72°59'16"W 26.24 FEET; THENCE N87°21'17"W 114.01 FEET; THENCE N02°38'43"E 17.19 FEET; THENCE N77°17'30"E 75.37 FEET; THENCE 115.42 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 50.02 FEET AND A LONG CHORD OF N07°13'32"E 91.46 FEET; THENCE N66°39'17"W 34.93 FEET; THENCE N09°19'08"W 39.81 FEET; THENCE N09°31'54"W 83.82 FEET; THENCE N61°52'07"E 54.31 FEET; THENCE N14°48'17"E 37.17 FEET; THENCE N19°53'32"W 37.33 FEET; THENCE N37°58'12"W 42.44 FEET; THENCE N13°47'45"E 69.66 FEET TO THE NORTH LINE OF SAID OUTLOT; THENCE ALONG SAID NORTH LINE S87°21'17"E 87.41 FEET TO THE POINT OF BEGINNING, CONTAINING 0.95 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

EXHIBIT B

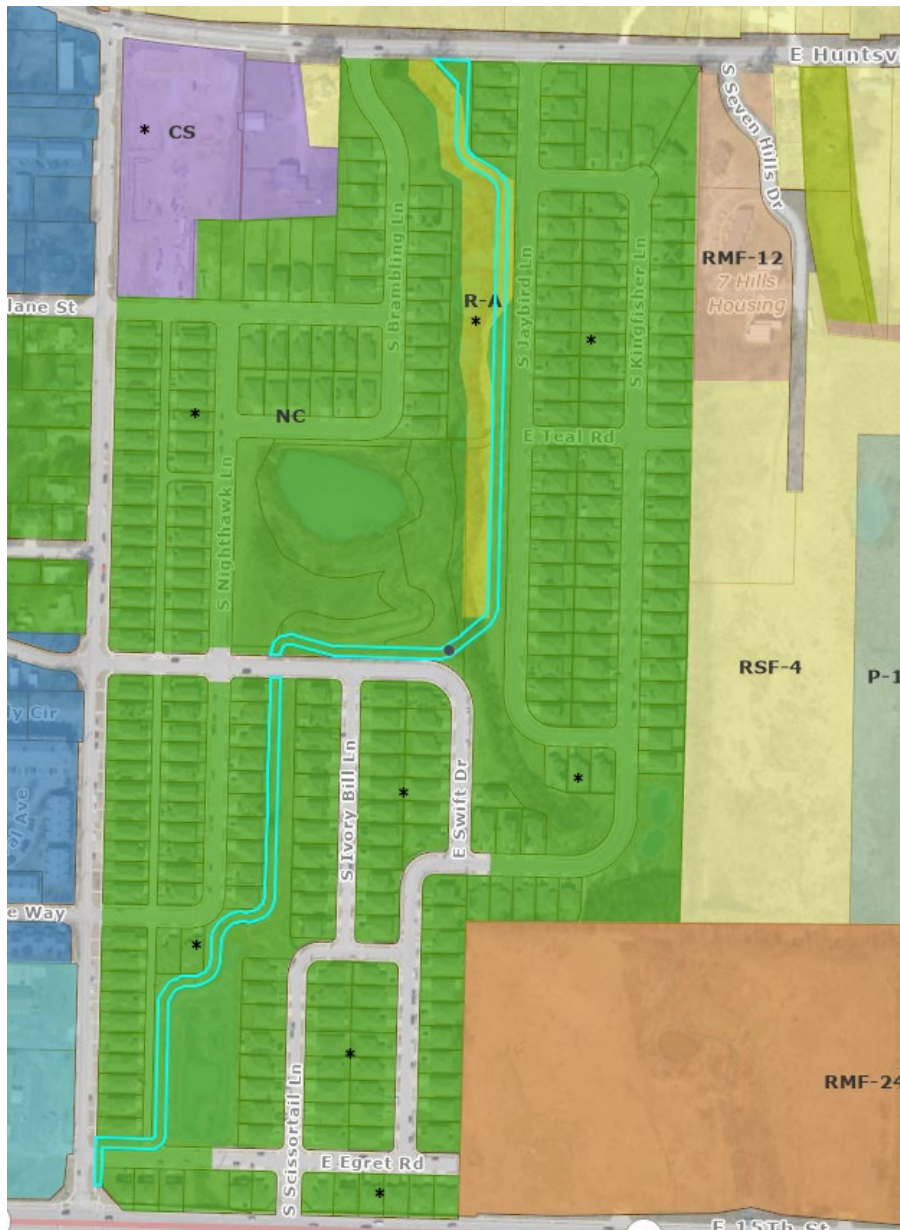
Park Meadows Park Land

Parcel No: 765-15088-006

File No. 2020-00007828

Acres: 1.6

Current Zoning: NC, R-A



Legal Description: FAYETTEVILLE TRAIL LAND DEDICATION PT W/2 NE/4 & PT OF PARK MEADOWS PH I
OUTLOT 1.64 AC FURTHER DESCRIBED IN 2020-7828 AS: PART OF THE W 1/2 OF THE NE 1/4 OF SECTION
22 TOWNSHIP 16 NORTH RANGE 30 WEST WASHINGTON COUNTY ARKANSAS MORE PARTICULARLY
DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE W 1/2 OF THE NE 1/4 OF

EXHIBIT B

SAID SECTION 22; THENCE ALONG THE NORTH LINE THEREOF S87.25'38"E 727.20 FEET; THENCE LEAVING SAID NORTH LINE S02.38'43"W 46.21 FEET TO THE POINT OF BEGINNING SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF EAST HUNTVILLE ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87.27'46"E 74.11 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S02.43'38"W 177.54 FEET; THENCE 40.88 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 39.00 FEET AND A LONG CHORD OF S27°18'08" 39.03 FEET; THENCE S57°19'54"E 51.60 FEET; THENCE 63.85 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 61.00 FEET AND A LONG CHORD OF S27.20'36"E 60.98 FEET; THENCE S02.38'43"W 901.86 FEET; THENCE 53.96 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 61.00 FEET AND A LONG CHORD OF S27°59'17"W 52.22 FEET; THENCE S53.19'51"W 93.19 FEET; THENCE 41.86 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 61.00 FEET AND A LONG CHORD OF S72.59'17"W 41.04 FEET; THENCE N87.21'17"W 220.12 FEET; THENCE 14.72 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 61.00 FEET AND A LONG CHORD OF N80.26'28"W 14.69 FEET; THENCE N73.31'38"W 85.10 FEET; THENCE 36.23 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 19.00 FEET AND A LONG CHORD OF S57°16'08"W 30.98 FEET; THENCE S02°38'43"W 530.48 FEET; THENCE 101.76 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 61.00 FEET AND A LONG CHORD OF S50.26'10"W 90.37 FEET; THENCE 75.09 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 45.00 FEET AND A LONG CHORD OF S50°25'14"W 66.68 FEET; THENCE S02°36'51"W 37.38 FEET; THENCE 100.30 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 61.00 FEET AND A LONG CHORD OF S49.42'38"W 89.38 FEET; THENCE 73.96 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 44.98 FEET AND A LONG CHORD OF S49.44'26"W 65.90 FEET; THENCE S02.35'49"W 283.81 FEET; THENCE 48.72 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 31.00 FEET AND A LONG CHORD OF S47.37'16"W 43.86 FEET; THENCE N87.21'17"W 107.24 FEET; THENCE S02.38'43"W 81.58 FEET; THENCE N87.21'17"W 12.00 FEET; THENCE N02.38'43"E 103.58 FEET; THENCE S87.21'17"E 119.24 FEET; THENCE 14.14 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 9.00 FEET AND A LONG CHORD OF N47°37'16"E 12.73 FEET; THENCE N02°35'49"E 283.83 FEET; THENCE 110.11 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 67.00 FEET AND A LONG CHORD OF N49°44'00"E 98.13 FEET; THENCE 64.13 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 38.98 FEET AND A LONG CHORD OF N49.42'57"E 57.14 FEET; THENCE N02°36'51"E 37.38 FEET; THENCE 111.81 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 67.00 FEET AND A LONG CHORD OF N50.25'14"E 99.28 FEET; THENCE 65.06 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 39.00 FEET AND A LONG CHORD OF N50.26'10"E 57.77 FEET; THENCE N02°38'43"E 530.48 FEET; THENCE 78.18 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 41.00 FEET AND A LONG CHORD OF N57°16'08"E 66.86 FEET; THENCE S73.31'38"E 82.63 FEET; THENCE 9.41 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 39.00 FEET AND A LONG CHORD OF S80.26'28"E 9.39 FEET; THENCE S87°21'17"E 220.53 FEET; THENCE 26.76 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 39.00 FEET AND A LONG CHORD OF N72.59'17"E 26.24 FEET; THENCE N53.19'51"E 93.19 FEET; THENCE 34.50 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 39.00 FEET AND A LONG CHORD OF N27°59'17"E 33.39 FEET; THENCE N02.38'43"E 901.86 FEET; THENCE 40.82 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 39.00 FEET AND A LONG CHORD OF N27.20'36"W 38.99 FEET; THENCE N57°19'54"W 51.60 FEET; THENCE 63.94 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 61.00 FEET AND A LONG CHORD OF N27°18'08"W 61.05 FEET; THENCE N02.43'38"E 125.18 FEET; THENCE N42.16'22"W 73.70 FEET TO THE POINT OF BEGINNING, CONTAINING 1.64 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

EXHIBIT B

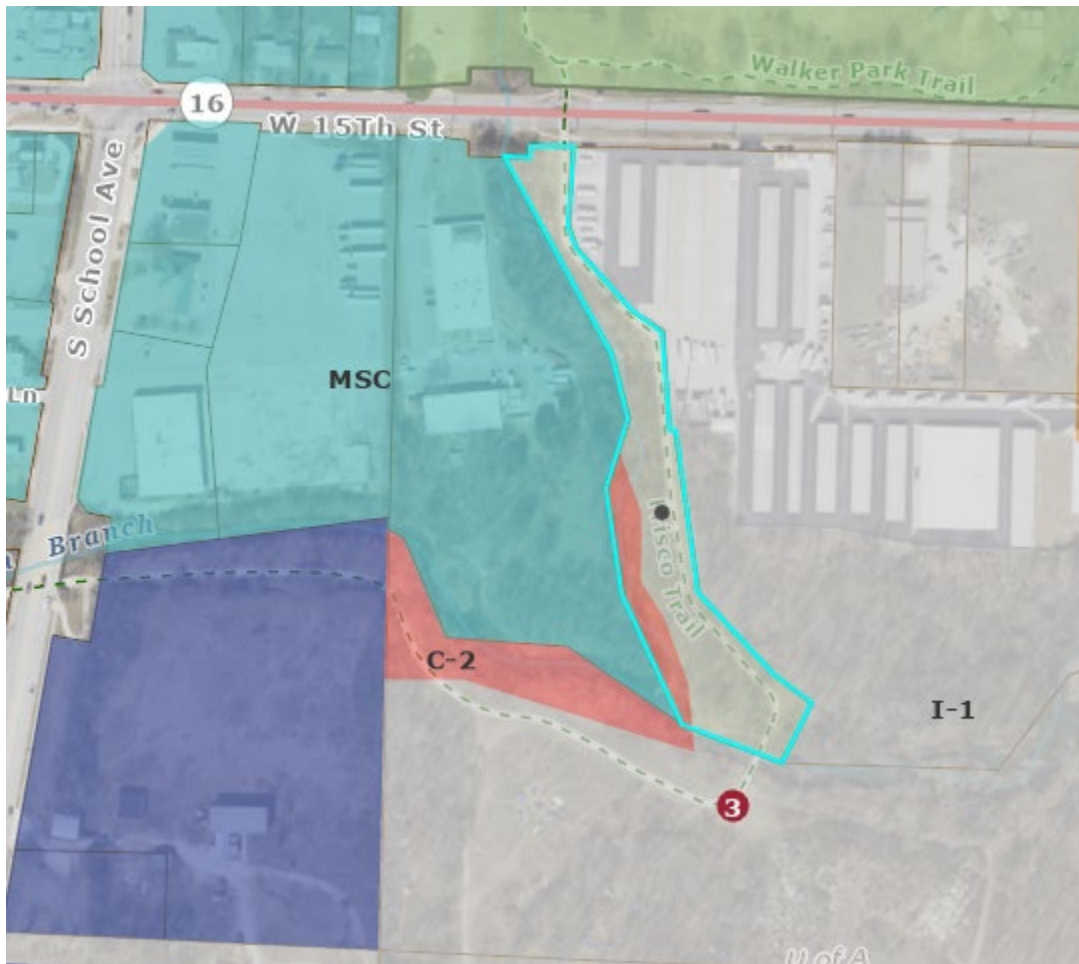
Razorback Greenway Trail Corridor

Parcel No: 765-14984-005

File No. 2015-00019250

Acres: 2.3

Current Zoning: C-2, I-1



Legal Description:

PT NE SE 2.157 AC FURTHER DESCRIBED FROM 2015-19250 AS: A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-ONE (21), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS' FOLLOWS: COMMENCING AT A SET NAIL AND WASHER IN 15TH STREET (AR ST. HWY. 16) BEING THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4); THENCE ALONG THE NORTHERLY LINE OF SAID TRACT SOUTH 86°47'43" EAST 282.23 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 03°12'1" T' WEST 50.39 FEET TO A SET IRON P.IN ON THE SOUTHERLY RIGHT-OF-WAY OF 15TH STREET (AR ST. HWY. 16) AS PER INSTRUMENT NO. 2007-27048 FILED WITH THE CIRCUIT CLERK OF SAID COUNTY, SAID POINT BEING THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY THE FOLLOWING COURSES: SOUTH 04°33'27" WEST 125.97 FEET TO A SET

EXHIBIT B

IRON PIN; SOUTH 18°32'05" 35.86 FEET EAST TO A SET IRON PIN; SOUTH 40°22'53" EAST 134.15 FEET TO A SET IRON PIN; SOUTH 55°21'08" EAST 57.71 FEET TO A SET IRON PIN; SOUTH 02°45'26" EAST 155.78 FEET TO A SET IRON PIN; SOUTH 83°06'06" EAST 8.88 FEET TO A SET IRON PIN; SOUTH 07°03'11" EAST 259.18 FEET TO A SET IRON PIN; SOUTH 41°41'01" EAST 176.23 FEET TO A SET IRON PIN; SOUTH 52°02'23" EAST 74.26 FEET TO A SET IRON PIN; SOUTH 28°52'24" WEST 111.80 FEET TO THE CENTERLINE OF TOWN BRANCH CREEK AS PER INSTRUMENT NO. 99-55780; THENCE ALONG SAID CENTERLINE NORTH 62°31'45" WEST 156.16 FEET TO THE CONFLUENCE OF SAID TOWN BRANCH CREEK WITH THE SPOUT SPRINGS BRANCH (FORMERLY KNOWN AS TIN CUP CREEK) AS PER SAID INSTRUMENT NO. 99-55780; THENCE ALONG THE CENTERLINE OF SAID SPOUT SPRINGS BRANCH THE FOLLOWING COURSES: NORTH 24°12'54" WEST 224.72 FEET; NORTH 08°52'00" WEST 169.79 FEET; NORTH 18°25'35" EAST 118.03 FEET; NORTH 14°38'49" WEST 104.38 FEET; NORTH 28°38'25" WEST 356.28 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF 15TH STREET (AR ST. HWY. 16) AS PER ARKANSAS STATE HIGHWAY COMMISSION JOB NO. 9458; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 86°46'16" EAST 46.08 FEET TO A FOUND IRON PIN (P.S. 1349); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 03°01'06" EAST 19.00 FEET TO A SET IRON PIN ON SAID SOUTHERLY RIGHT-OF-WAY OF 15TH STREET (AR ST. HWY. 16) AS PER SAID 2007-27048; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 87°12'12" EAST 64.15 FEET TO THE POINT OF BEGINNING, CONTAINING 2.157 ACRES, MORE OR LESS.

EXHIBIT B

Razorback Greenway Trail Corridor

Parcel No: 765-12875-020

File No. 2008-00027512

Acres: 0.7

Current Zoning: DG

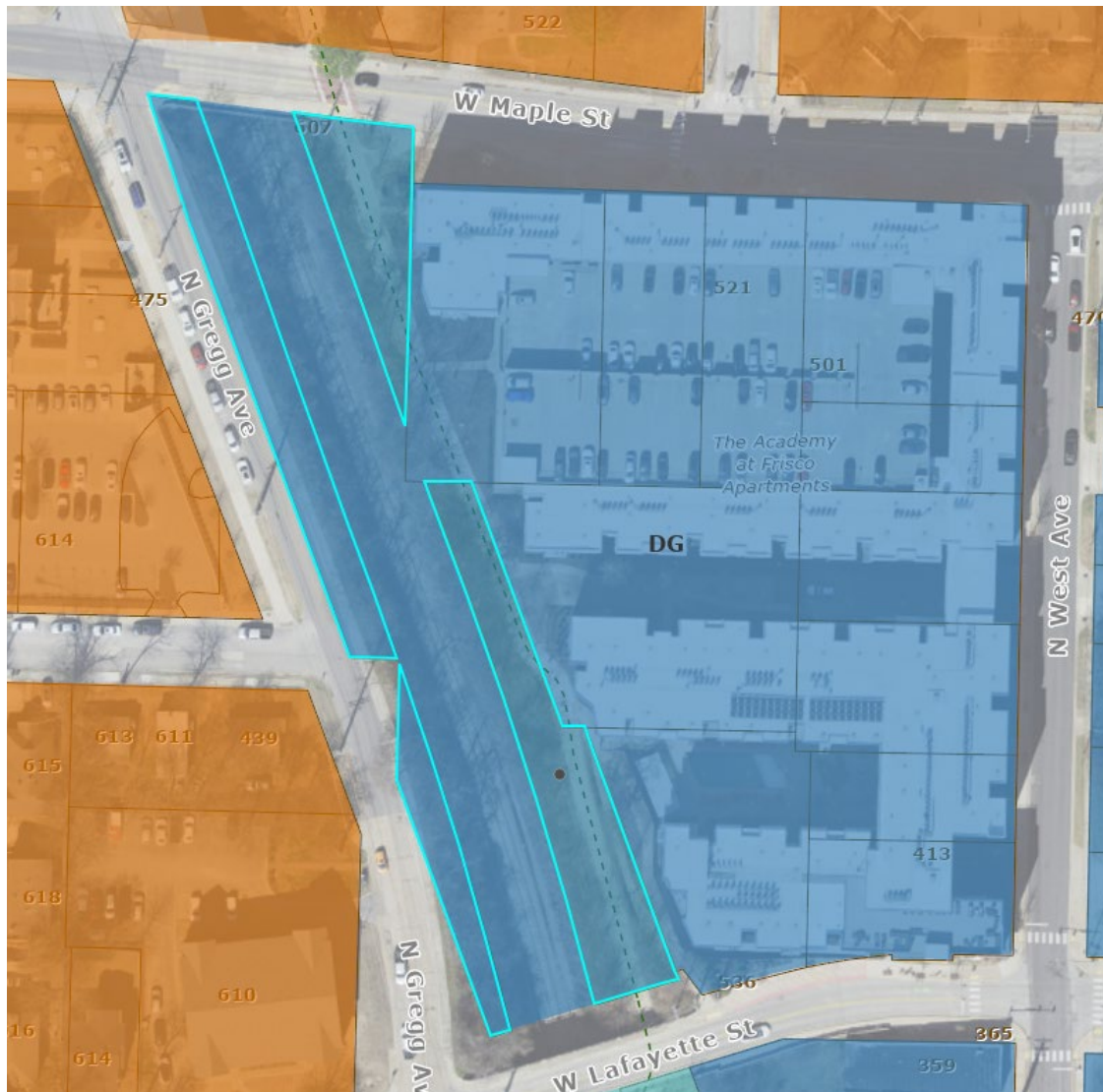


EXHIBIT B

Legal Description:

That portion of the BNSF Railway Company's property (formerly St. Louis-San Francisco Railway Company) in the City of Fayetteville, County of Washington, State of Arkansas, lying in the E1/2SW1/4 of Section 9 and NW1/4NE1/4 and the NE1/4NW1/4 of Section 16, all in Township 16 North, Range 30 West, 5th Principal Meridian, and which also lies adjacent to that certain 50.0 foot wide corridor through the Station Ground property at Fayetteville, Arkansas as said corridor is described in deed dated March 16, 2001 from The Burlington Northern and Santa Fe Railway Company to Arkansas and Missouri Railroad Company (said corridor hereinafter referred to as "50.0 foot wide AMR corridor"), described as follows;

That portion of that certain Parcel No. 1 and that portion of that certain Parcel No. 2 described in deed dated August 19, 1907 from S. T. Fulton to St. Louis and San Francisco Railroad Company, recorded October 23, 1907 in Book 118, Page 100, records of said County which lies Westerly of a line parallel with and distant 25.0 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline, said parallel line being the Westerly boundary of said 50.0 foot wide AMR corridor, **EXCEPTING THEREFROM**, that certain Parcel No. 3 described in deed dated August 7, 1989 from Burlington Northern Railroad Company to Dickson Street Central Business Improvement District No. 1, recorded August 11, 1989 in Book 1329, Page 783, records of said Washington County;

ALSO,

That certain 100 foot wide strip of land described in deed dated February 23, 1881 from M. J. Davenport et al. to Missouri, Arkansas and Southern Railway Company of Arkansas, recorded February 28, 1881 in Book F2, Page 404, records of said county and that certain 100 foot wide strip of land described in deed dated July 18, 1881 from Sarah A. Hanley to Missouri, Arkansas and Southern Railway Company of Arkansas, recorded July 25, 1881 in Book G2, Page 389, records of said County, **EXCEPTING THEREFROM**, that portion of said 50.0 foot wide AMR corridor lying within said 100 foot wide strips, **ALSO EXCEPTING THEREFROM**, that certain parcel of land described in deed dated December 17, 1993 from Burlington Northern Railroad Company to Shuler Development Co., Inc.;

ALSO,

That certain 0.79 acre tract of land described in deed dated February 26, 1881 from John P. Wilson et ux. to Missouri, Arkansas and Southern Railway Company of Arkansas, recorded March 7, 1881 in Book F2, Page 425, records of said County, **EXCEPTING THEREFROM**, that portion of said 50.0 foot wide AMR corridor lying within said 0.79 acre tract;

ALSO,

That portion of that that certain 100.0 foot wide strip of land described in deed dated January 25, 1881 from Isaac Taylor et ux. to St. Louis, Arkansas and Texas Railway Company of Arkansas recorded January 25, 1881 in Book F2, Page 349, records of said County, that portion of that certain tract of land described in deed dated August 17, 1905 from J. C. Mitchell and Mary L. Mitchell to The St. Louis and San Francisco Railroad Company recorded June 13, 1906 in Book 116, Page 22, records of said County, and that portion of that certain tract of land described in deed dated June 15, 1905 from John C. Mitchell and Mary L. Mitchell to The St. Louis and San Francisco Railroad Company recorded June 13, 1906 in Book 116, Page 23, records of said County, more particularly described as follows:

Beginning at the intersection of the South line of said Section 9 with a line parallel with and distant 25.0 feet Easterly from, measured radially to said Railway Company's Main Track centerline, said parallel line being the Easterly boundary of said 50.0 foot wide AMR corridor; thence Northerly along said parallel line, 1,000 feet, more or less, to the Southwesterly corner of that certain tract of land described in deed dated

EXHIBIT B

October 8, 1998 from The Burlington Northern and Santa Fe Railway Company to Glenn Sowder recorded in the records of said Washington County as Document No. 98104233 (hereinafter referred to as "Sowder Property"); thence East, along the Southerly boundary of said Sowder Property, a distance of 76.19 feet to the Southeasterly corner of said Sowder Property; thence North 10°09'26" West (bearing based on last said deed), along said Sowder Property, 210 feet, more or less to the North line of Lot 14, Block 1 in Mitchell's Addition to the City of Fayetteville, as shown on plat recorded with the county recorders office, also being the Northerly boundary of said tract recorded in Book 116, Page 23; thence along the Northerly and Easterly boundaries of said tract recorded in Book 116, Page 23 the following two (2) courses: 1) Easterly, along said North line of Lot 14, a distance of 79 feet, more or less to the Northeast corner of said Lot 14; thence 2) Southerly, along the Easterly lines of Lots 14, 15 and 17 of said Block 1, a distance of 400 feet, more or less, to the Southwest corner of Lot 1 of said Block 1; thence Easterly, along the South line of said Lot 1, a distance of 150 feet to the West line of Gregg Street; thence Southerly, along said West line of Gregg Street, 100 feet, more or less, to the South line of said tract of land described in Book 116, Page 22; thence Westerly along last said South line, 193 feet, more or less, to the easterly boundary of said 100.0 foot wide strip of land described in Book F2, Page 349; thence Southerly along last said Easterly boundary, 700 feet, more or less to the South line of said Section 9; thence West, along said South line, 26 feet, more or less to the Point of Beginning;

ALSO,

That portion of that that certain 100.0 foot wide strip of land, and that portion of that that certain 300.0 foot wide strip of land described in deed dated January 25, 1881 from Isaac Taylor et ux. to St. Louis, Arkansas and Texas Railway Company of Arkansas recorded January 25, 1881 in Book F2, Page 349, records of said County, more particularly described as follows:

Beginning at the intersection of the South line of said Section 9 with a line concentric with and distant 25.0 feet Westerly from, measured radially to said Railway Company's Main Track centerline, said parallel line being the Westerly boundary of said 50.0 foot wide AMR corridor; thence West, along said South line of Section 9, a distance of 26 feet more or less to the Westerly boundary of said 100.0 foot wide strip of land; thence Northerly, along said Westerly boundary, 1185 feet, more or less, to the Southerly boundary of said 300.0 foot wide strip of land; thence Westerly, along said Southerly boundary, 50 feet, to the Southeast corner of that certain 0.44 acre tract of land described in deed dated August 13, 1968 from St. Louis-San Francisco Railway Company to C. Thomas Pearson, Jr.; thence Northerly, along the Easterly boundary of said 0.44 acre tract of land, and its Northerly prolongation, being a line parallel with and distant 100 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline, 408 feet, more or less to a line parallel with and distant 208.5 feet Northerly from, measured at right angles to the North line of the SE1/4SW1/4 of said Section 9; thence West, along last said parallel line 50.81 feet to a line parallel with and distant 150.0 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline; thence Northerly along last said parallel line 700 feet, more or less to Southerly boundary of that certain tract of land described in deed dated November 28, 1988 from Burlington Northern Railroad Company to Glacier Park Company recorded July 28, 1989 in Book 1327, Page 613, records of Washington County, Arkansas; thence along said Southerly boundary the following two (2) courses: Southeasterly, 90.0 feet; thence Easterly, 85 feet to a line parallel with and distant 25.0 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline, last said parallel line being the Westerly boundary of said 50.0 foot wide AMR corridor; thence Southerly, along last said parallel line to the Point of Beginning.

EXHIBIT B

Razorback Greenway Trail Corridor

Parcel No: 765-24557-100

File No. 005-00002535

Acres: 0.1

Current Zoning: MSC



EXHIBIT B

Legal Description:

PT SE NW 0.12 AC RAZORBACK GREENWAY FURTHER DESCRIBED IN 2005-2535 AS: A part of the Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) of Section Sixteen (16), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas, and a part of Block Eight (8) in the Original Town (now City) of Fayetteville, Arkansas, as designated upon the Original Plat of said Town on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and also a part of said Block Eight (8) lying 8.5 feet wide on each side of the Burlington Northern and Santa Fe Railway Company's (formerly O. & C.C.) Main Track, altogether being more particularly described as follows: commencing at the Northeast corner of said Block Eight (8); thence N89°59'13"W along the North line of said Block Eight (8) 83.92 feet to the True Point of Beginning, said point being 8.5 feet East and perpendicular to the centerline of the old O. & C.C. Main Track of the St. Louis-San Francisco Railway Company; thence S29°26'16"W feet parallel with the centerline of said railroad track 240.92 feet to a set 1/2" iron rebar on a 758 foot radius curve which is concave to the East; thence Southwesterly, parallel with the centerline of said railroad track and along said curve 128.19 feet to a set 1/2" iron rebar on the North right-of-way of Meadow Street, the chord for which being S22°22'23"W 128.04 feet; thence S89°49'06"W along the north right-of-way of Meadow Street 12.59 feet to a point which is 3.5 feet West of and concentric with the centerline of said railroad track, said point being on a 770 foot radius curve which is concave to the East; thence leaving the North right-of-way of Meadow Street Northeasterly, parallel with the centerline of said railroad track and along said curve 120.01 feet, the chord for which being N21°42'30"E 119.89 feet to a set 14" iron rebar; thence N63°49'35"W 5.00 feet to a chiseled 'X' which is 8.5 feet West of and concentric with the centerline of said railroad track, said point being on a 775 foot radius curve which is concave to the East; thence Northeasterly, parallel with the centerline of said railroad track and along said curve 14.13 feet to a chiseled 'X', the chord for which being N26°41'45"E 14.13 feet; thence N29°26'16"E along a line which is parallel with the centerline of said railroad track 114.75 feet to a set 1/2" iron rebar; thence S60°49'59"E 2.02 feet to a set W' iron rebar; thence N29°46'16"E 95.27 feet to a set 1/2" iron rebar, said point being on a 16.5 foot radius curve which is concave to the West; thence along said curve 30.92 feet, the chord for which being N39°54'04"E 26.59 feet; thence S89°59'13"E 11.02 feet to the Point of Beginning, containing 0.12 acres (5203.0 square feet), more or less.

EXHIBIT B

Razorback Greenway Trail Corridor

Parcel No: 765-14007-006

File No. 005-00002535

Acres: 0.7

Current Zoning: RMF-24

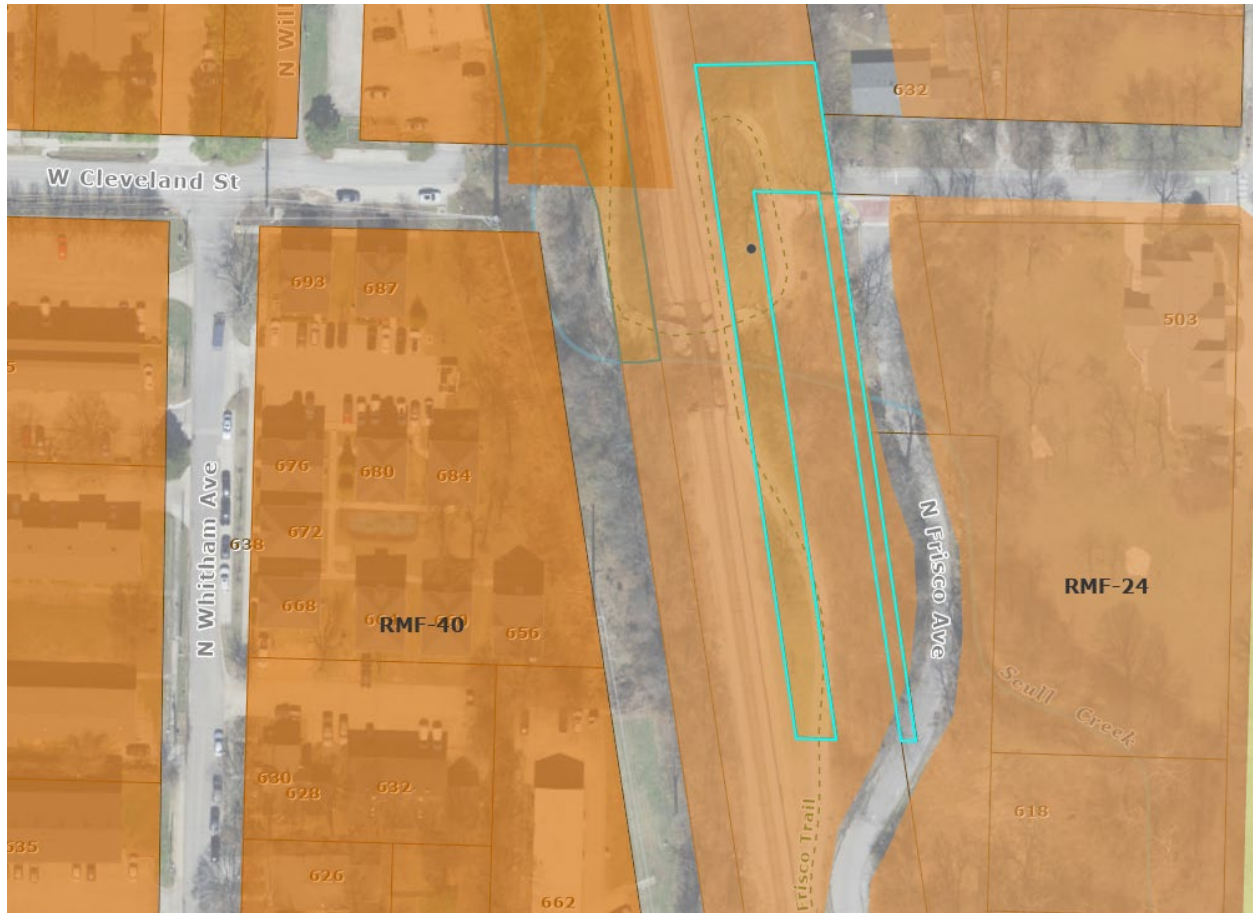


EXHIBIT B

Legal Description:

A part of the East Half (E½) of the Southwest Quarter (SW¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, Washington County Arkansas, being more particularly described as follows: Commencing at the Northeast (NE) Corner of said East Half (E½) of the Southwest Quarter (SW¼); thence North 87° 09' 52" West 519.66 feet; thence South 02°50'04" West 47.15 feet to the Easterly right-of-way of the Arkansas and Missouri Railroad, said right-of-way lies parallel with and twenty-five (25) feet normally distant Easterly from the centerline of the main track; thence South 86°48'58" East 80.12 feet to a point on the Southerly right-of-way of North Street per Instrument recorded in Book 1409 Page 858 with the Circuit Clerk of said county; thence leaving said Southerly right-of-way of North Street South 00°41'05" West 400.94 feet to the beginning of a curve to the left, said curve having a central angle of 03°58'00" and a radius of 3400 feet; thence along said curve an arc length of 235.39 feet and having a chord bearing and distance of South 05°20'18" East 235.34 feet; thence South 07°19'18" East 577.28 feet to the **Point of Beginning**; thence South 07°19'18" East 434.09 feet; thence North 87°09'52" West 76.19 feet to the said Easterly right-of-way of the Arkansas and Missouri Railroad; thence along said Easterly right-of-way of the Arkansas and Missouri Railroad North 07°19'18" West 430.33 feet; thence leaving Easterly right-of-way of the Arkansas and Missouri Railroad South 89°58'22" East 75.62 feet to the Point of Beginning and containing 0.744 acres more or less.

EXHIBIT B

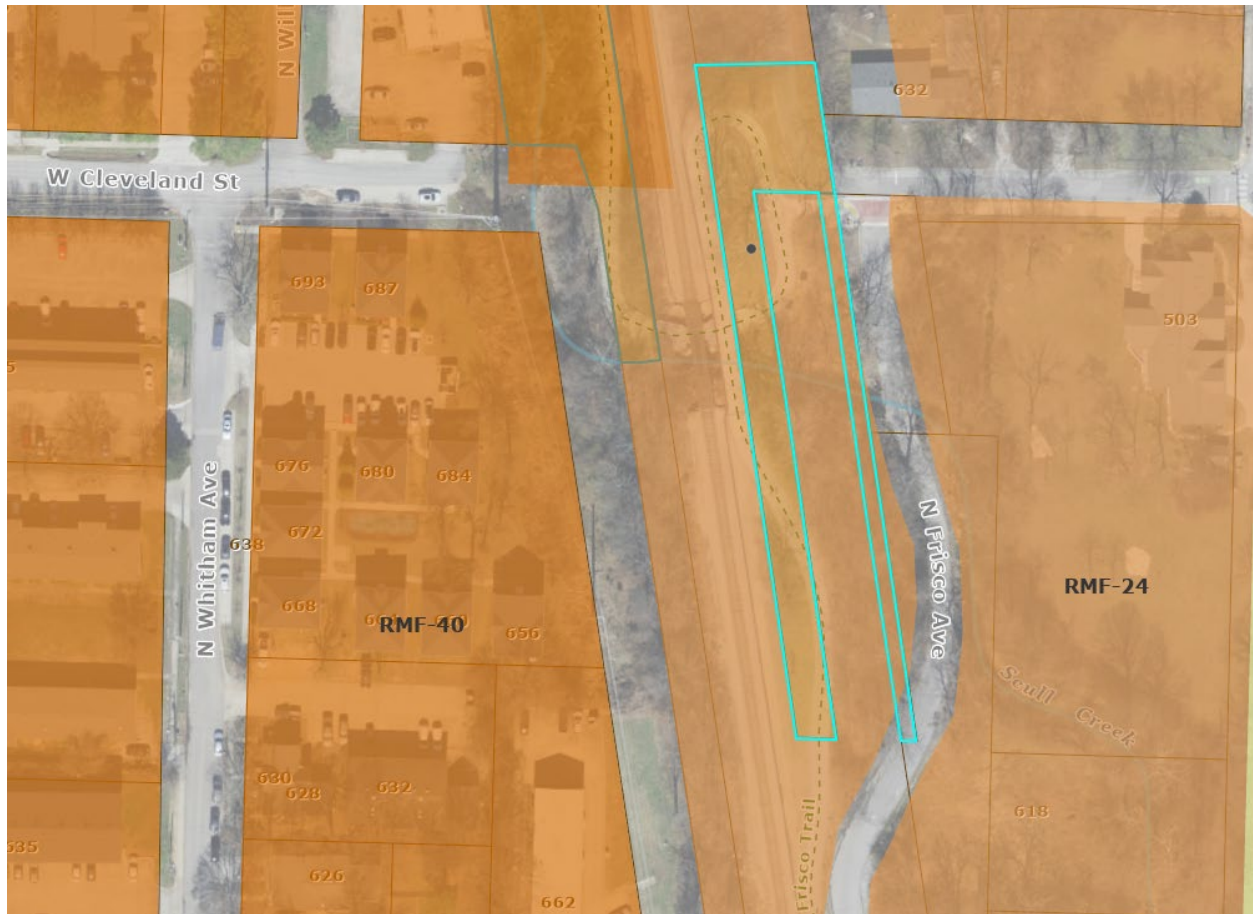


EXHIBIT B

Razorback and Ashwood Entrance

Parcel No:

Book: 1228 Page: 40

Acres: 0.2

Current Zoning: RMF-24



Legal Description:

EXHIBIT B

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, J. W. Eoff and Marie C. Eoff, husband and wife, hereinafter call "GRANTORS" for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations to us cash in hand paid by Eoff & Co., Inc., an Arkansas Corporation, hereinafter referred to as "GRANTEE", the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said Grantee and unto heirs and assigns forever, the following described real property situated in Washington County, Arkansas, to-wit:

Lot Numbered Five (5) in Block Numbered Thirteen (13) in Ferguson's Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Subject to all roadways, easements, and restrictions of record, if any.

A part of Lot No. 4 in Block No. 1 in Norwood's Second Addition to the City of Fayetteville, Arkansas, and being described as follows, to-wit: Beginning at the Southeast corner of said Lot No. 4, and running thence in a North-easterly direction with the West line of Barton Street in said City a distance of 70 feet for a point of beginning, thence running in a Northeasterly direction with the West line of said street 70 feet; thence in a Southwesterly direction with west line of said lot No. 4, 90 feet more or less or to a point due west of the point of beginning, thence East to the point of beginning, situated in City of Fayetteville, Washington County, Arkansas.

An undivided one-half ($\frac{1}{2}$) interest in
A part of the South half of the Southwest quarter of the Northwest quarter of Section 1, Township 17 North, Range 30 West, described as: Beginning at a point 339 feet South of the Northwest corner of said 20-acre tract; thence East 260 feet; thence South 50 feet; thence West 260 feet; thence North 50 feet to the point of beginning, save and except that part that may extend into U.S. Highway 71.

No building shall be erected upon said lands closer than 40 feet from the East line of U.S. Highway 71, or 80 feet from the center of said highway.

FILED
FOR RECORD
'87 JUN 5 PM 2 15
WASHINGTON COUNTY CLERK
ALMA HOLMEYER

EXHIBIT B

swearing that the
correct amount of documentary stamps
have been placed on this instrument.

Grantee

Address

A part of the South half of the Southwest quarter of the Northwest quarter of Section 1, Township 17 North, Range 30 West, described as: Beginning at a point 389 feet South of the Northwest corner of said 40-acre tract and running thence East 260 feet; thence South 100 feet; thence West 260 feet; thence North 100 feet to the place of beginning, save and except that part in U. S. Highway 71.

No building shall be built closer than 40 feet to the property line adjoining Highway 71, which would be 80 feet from the center of the pavement.

A part of the South half (S $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section One (1) in Township Seventeen (17) North of Range Thirty (30) West, described as beginning at a point 489 feet South of the Northwest corner of said twenty (20) acre tract; thence East 260 feet; thence South 141 feet; thence West 260 feet;

LIBER 1228 PAGE 040

EXHIBIT B

Rocky Branch Park Land

Parcel No: 765-19938-010

Book: 96 Page: 2623

Acres: 5.6

Current Zoning: P-1, R-A, RSF-4

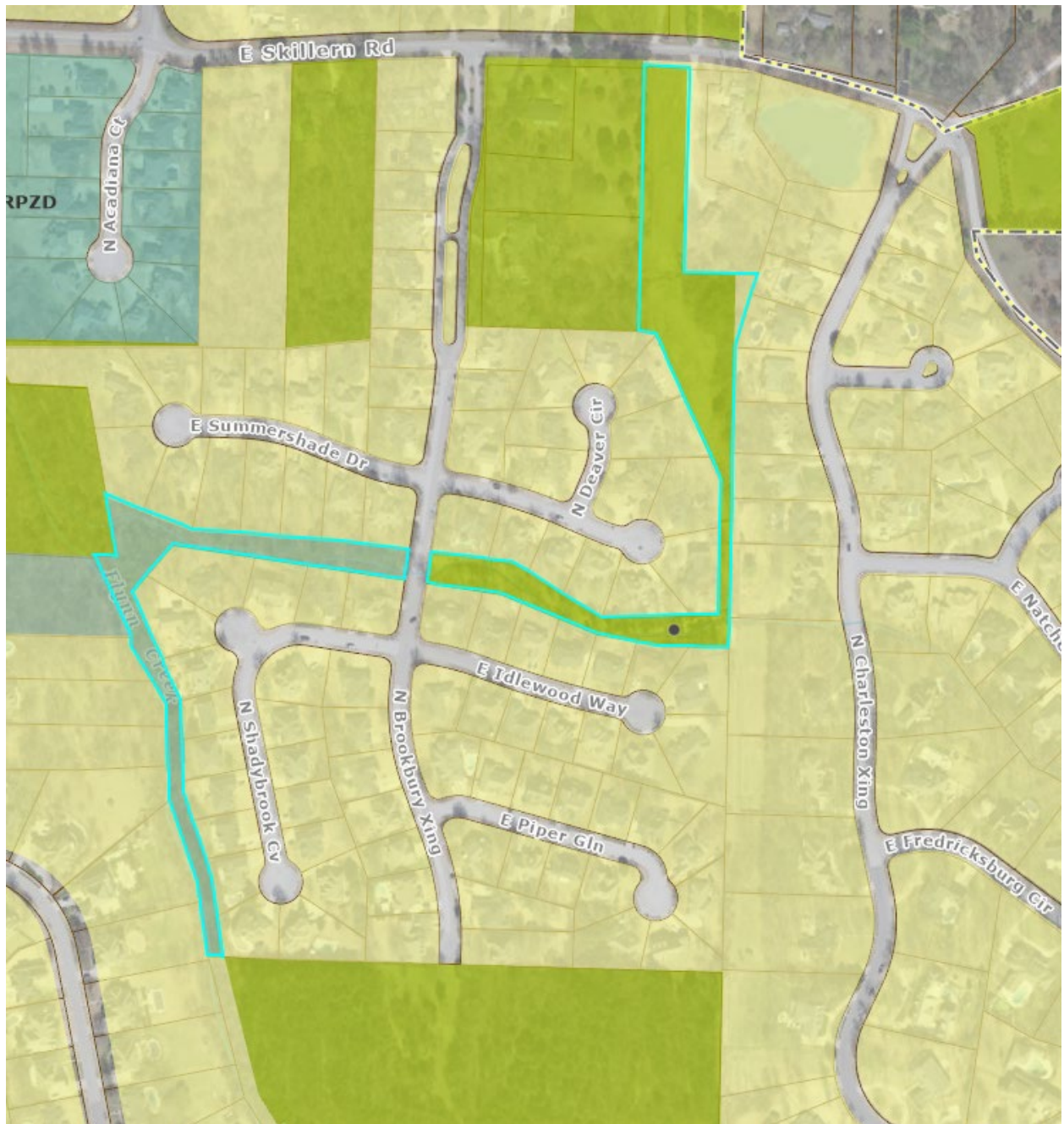


EXHIBIT B

Legal Description:

LEGAL DESCRIPTION (Parks Property)

Part of the NE¼ of the SW¼ and a part of the SE¼ of the NW¼ all in Section 31, T 17 N, R 29 W of the fifth Principal Meridian in Washington County, Arkansas, and being more particularly described as follows, Beginning at the Southeast corner of said SE¼ of the NW¼, thence West 157 24 feet, thence North 81° 03' 59" West 142 41 feet, thence North 69° 05' 20" West 229 48 feet, thence North 83° 10' 40" West 741 37 feet, thence South 39° 04' 09" West 139 49 feet, thence South 25° 37' 53" East 263 59 feet, thence South 03° 35' 00" East 205 00 feet, thence South 20° 30' 00" East 202 00 feet, thence South 10° 00' 00" East 175 00 feet, thence WEST 34 15 feet, thence North 10° 00' 00" West 163 00 feet, thence North 20° 30' 00" West 197 00 feet, thence North 03° 35' 00" West 211 00 feet, thence North 32° 45' 14" West 152 34 feet, thence NORTH 25 00 feet, thence North 27° 21' 06" West 195 30 feet, thence EAST 51 19 feet, thence North 11° 40' 55" West 138 20 feet, thence South 69° 54' 40" East 207 00 feet, thence South 87° 19' 14" East 332 62 feet, thence South 84° 50' 30" East 387 87 feet, thence South 60° 03' 30" East 233 10 feet, thence North 87° 02' 43" East 259 78 feet, thence North 00° 31' 45" West 300 78 feet, thence North 25° 49' 01" West 354 59 feet, thence North 82° 38' 16" West 39 75 feet, thence North 00° 21' 35" West 590 29 feet, thence South 88° 06' 01" East 100 00 feet, thence South 00° 21' 35" East 453 76 feet, thence EAST 162 92 feet, thence along the West boundary of Savanna Estates Phase I as follows, South 15° 16' 32" West 167 26 feet, thence South 00° 31' 45" East 670 00 feet to the Point of Beginning, containing 5 70 acres, more or less, subject to easements and Right of Way of record

EXHIBIT B

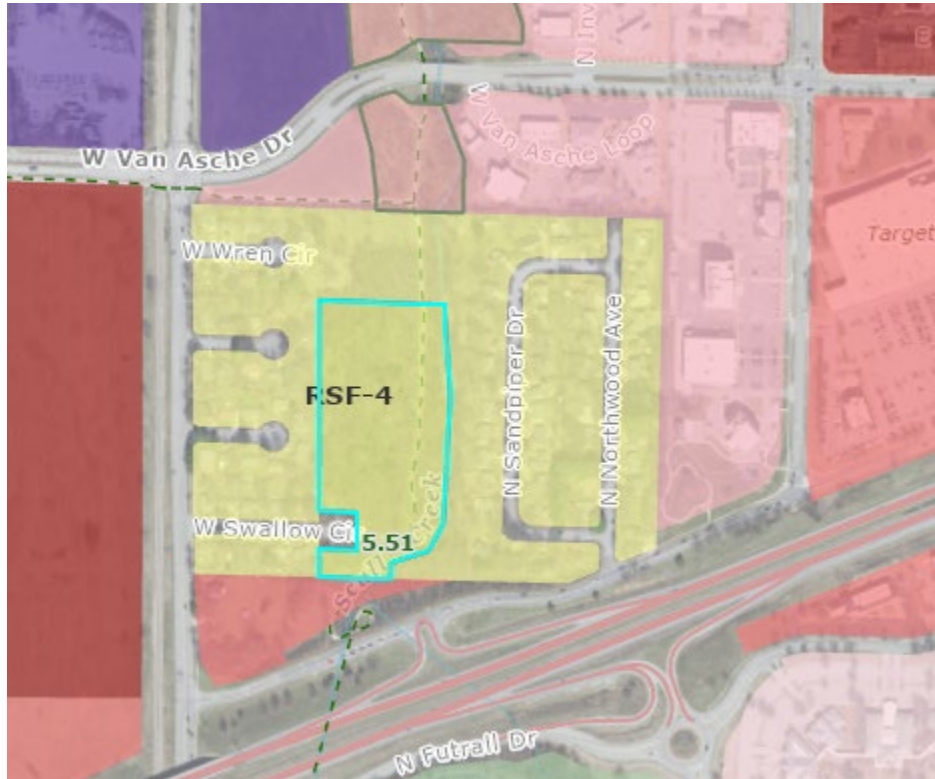
Scull Creek Trail Corridor

Parcel No: 765-07203-000

File No: 2021-00044789

Acres: 7.4

Current Zoning: RSF-4



Legal Description:

Lot 41, Johnson Road Subdivision, to the City of Fayetteville, Arkansas, as shown on plat of record in plat book 6, at page 614, plat records of Washington County, Arkansas. LESS & EXCEPT: 290 feet of equal & uniform width off the North end thereof. Subject to a drainage easement per the plat.

EXHIBIT B

Scull Creek Trail Corridor

Parcel No: 765-18354-001

File No: 2007-00015602

Acres: 0.2

Current Zoning: RMF-40

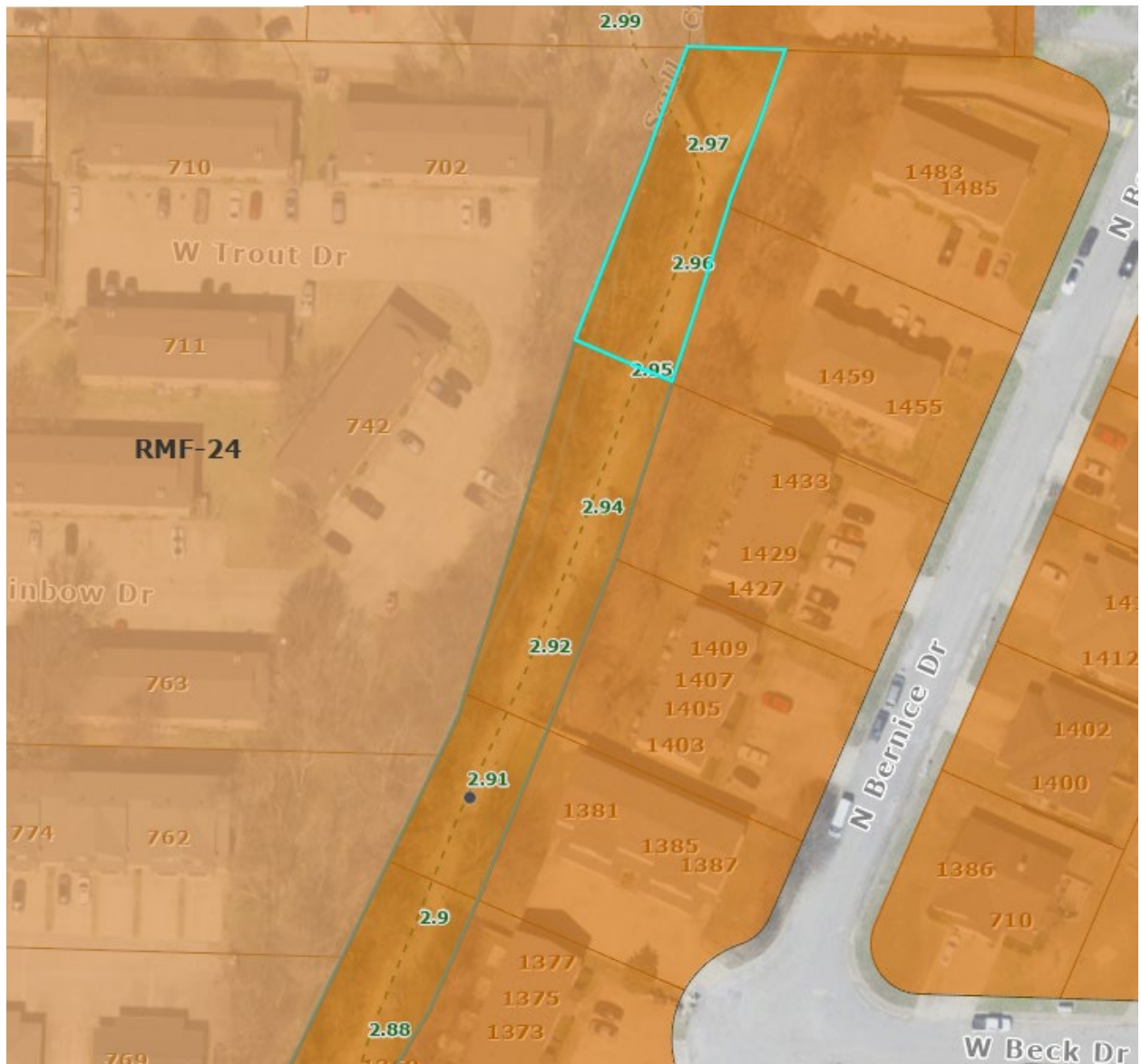


EXHIBIT B

Legal Description:

Scully Creek Trail
Part of Parcel No. 765-18354-000
Part of Parcel No. 765-18355-000

Doc ID: 011082240002 Type: REL
Recorded: 04/25/2007 at 02:47:58 PM
Fee Amt: \$11.00 Page 1 of 2
Washington County, AR
Bette Stamps Circuit Clerk
File **2007-00015602**

WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT **Windy Hill, L.L.C.**, an Arkansas limited liability company, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

A part of Lots 16 and 17, Block 1, Dawn Acres Subdivision, to the City of Fayetteville, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of said Lot 16; thence with the North line South 87° 01' 10" East 48.83 feet; thence leaving said North line South 21° 24' 53" West 42.64 feet; thence South 21° 26' 15" West 37.70 feet; thence South 19° 14' 34" West 63.45 feet; thence South 19° 12' 53" West 32.24 feet, to a point on the South line of said Lot 17; thence with said South line North 65° 06' 39" West 53.23 feet, to the Southwest corner of Lot 17; thence with the West line of Lots 17 and 16, North 22° 34' 12" East 157.32 feet, to the Point of Beginning and containing 8,140 square feet (0.187 acres), more or less.

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantors, hereby covenant that they are lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantors will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this the 23rd day of April, 2007.

Windy Hill, L.L.C.

By:

Kerri Elder
Kerri Elder, member
[Please print or type Name and Title]

ATTEST:

Chris Elder
Chris Elder member
[Please print or type Name and Title]

[SEAL]

ACKNOWLEDGMENT

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Kerri Elder and Chris Elder, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the member and member, respectively, of **Windy Hill, L.L.C.**, an Arkansas limited liability company, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 23 day of April, 2007.

MY COMMISSION EXPIRES:



DEBORAH F. PRICE
Notary Public
WASHINGTON COUNTY
ARKANSAS
My Commission Expires
November 25, 2013

Deborah F. Price
Notary Public

EXHIBIT B

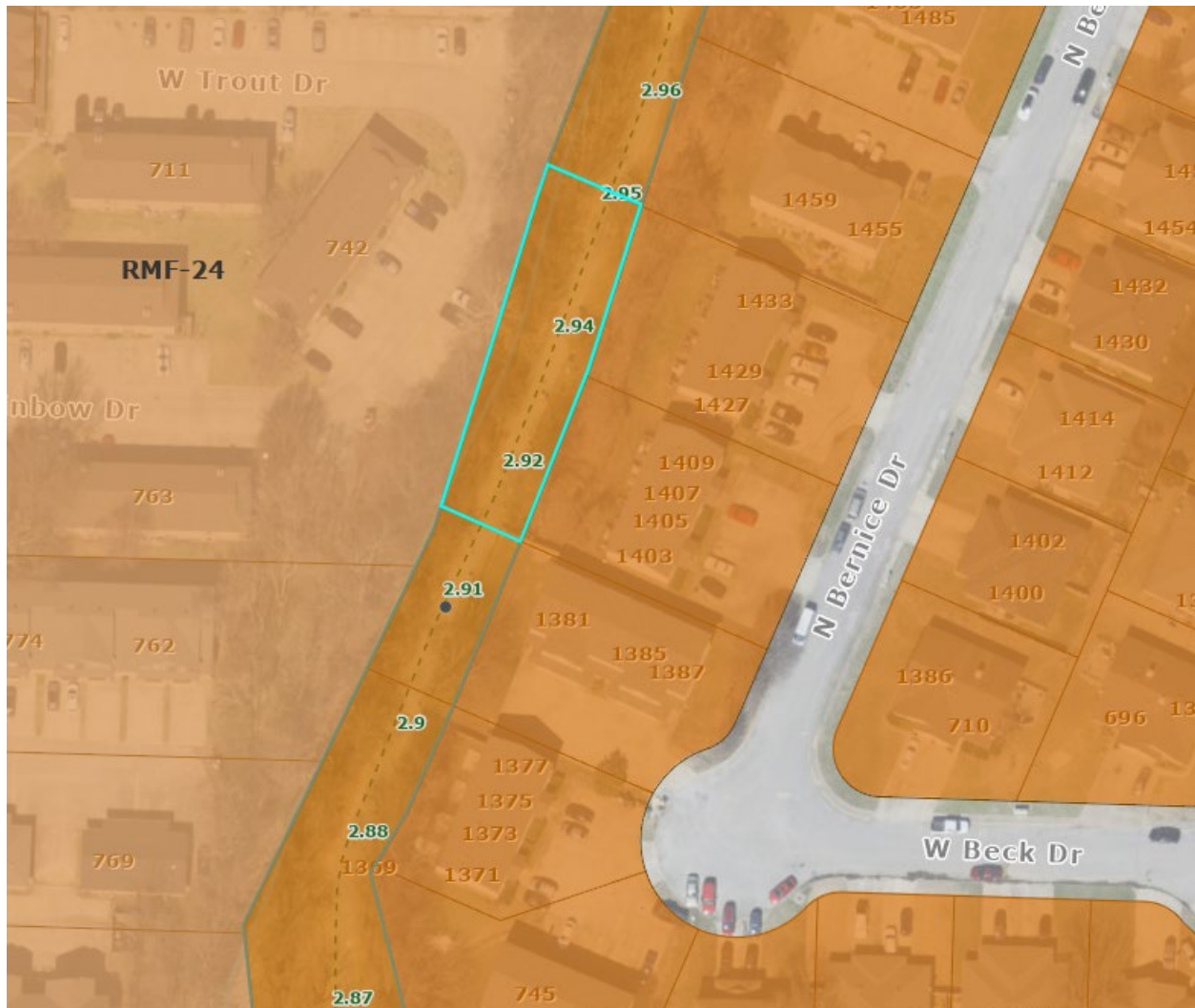
Scully Creek Trail Corridor

Parcel No: 765-18356-001

File No: 2007-00015600

Acres: 0.2

Current Zoning: RMF-40



Legal Description:

A part of Lots 18 and 19, Block 1, Dawn Acres Subdivision, to the City of Fayetteville, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of said Lot 18; thence with the North line of said Lot 18, South 65° 06' 39" East 53.23 feet; thence leaving said North line, South 19° 12' 53" West 90.75 feet; thence South 23° 15' 30" West 93.73 feet, to a point on the South line of said Lot 19; thence with said South line, North 65° 06' 39" West 45.11 feet, to the Southwest corner of said Lot 19; thence with the West lines of Lots 19 and 18, North 18° 45' 35" East 185.06 feet, to the Point of Beginning and containing 9.347 square feet (0.215 acres), more or less.

EXHIBIT B

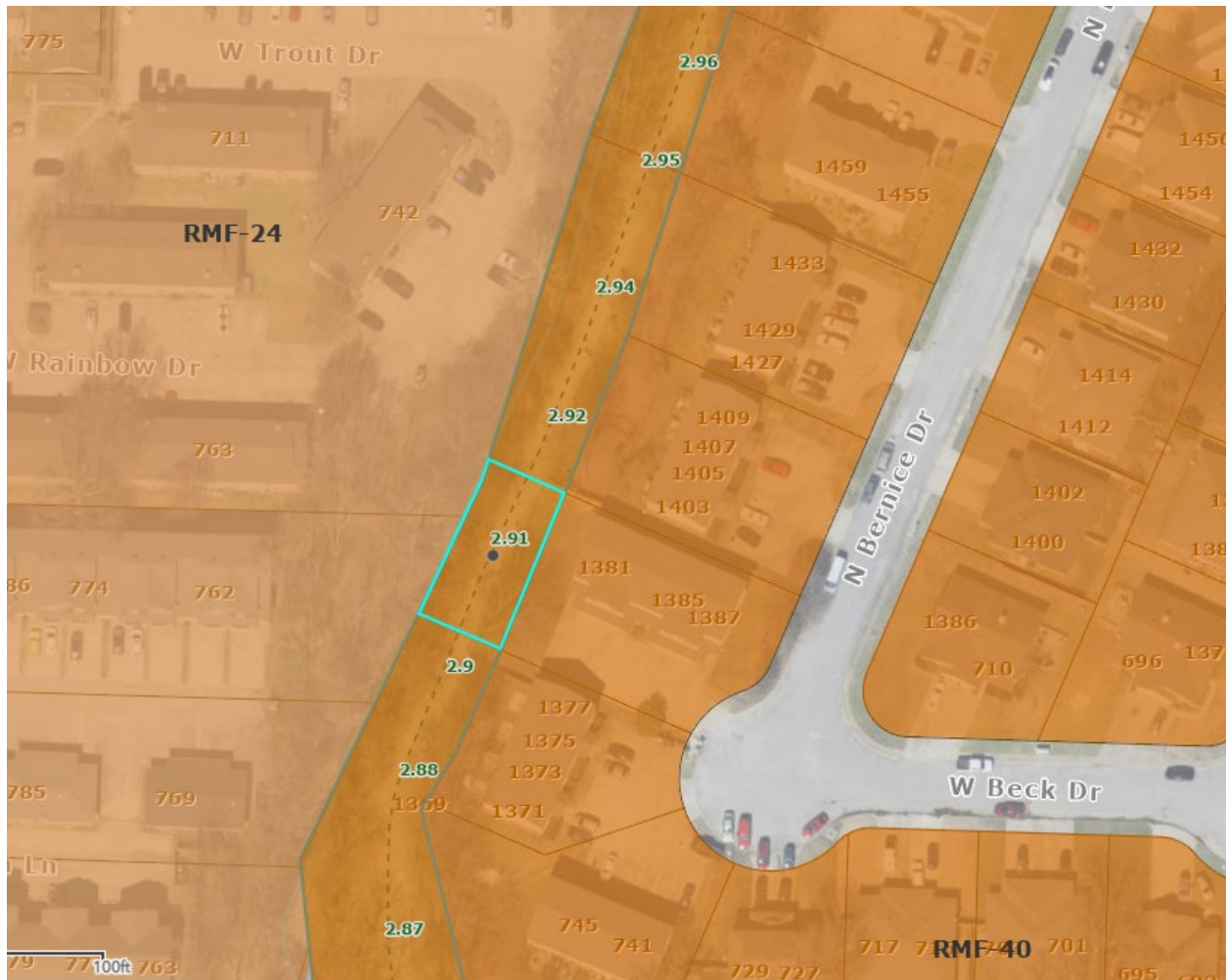
Scully Creek Trail Corridor

Parcel No: 765-18358-001

File No: 2007-00032205

Acres: 0.1

Current Zoning: RMF-40



Legal Description:

A part of Lot 20, Block 1, of Dawn Acres to the City of Fayetteville, Washington County, Arkansas, and being more particularly described as follows: Beginning at the Northwest corner of said Lot 20; thence with the North lot line, South 65° 06' 39" East 33.93 feet; thence leaving said North lot line, South 23° 53' 23" West 46.69 feet; thence South 23° 48' 08" West 45.32 feet, to a point on the South lot line; thence with said South lot line, North 65° 06' 39" West 37.48 feet to the Southwest corner of said Lot 20; thence with the West lot line the following calls: North 27° 11' 35" East 79.70 feet, North 18° 45' 35" East 12.43 feet, to the Point of Beginning and containing 3,210 square feet (0.074 acres), more or less.

EXHIBIT B

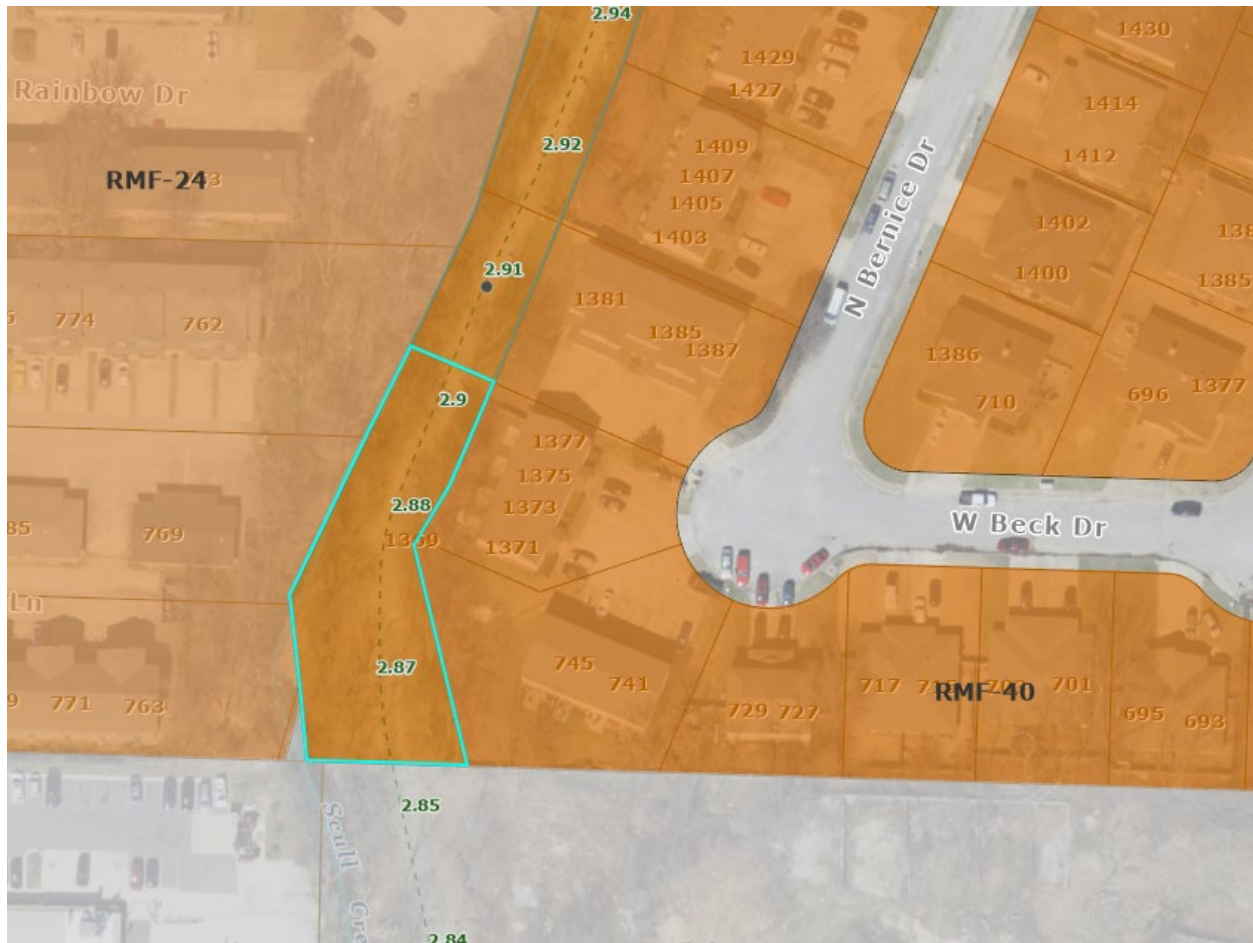
Scull Creek Trail Corridor

Parcel No: 765-18360-001

File No: 2007-00015600

Acres: 0.3

Current Zoning: RMF-40



Legal Description:

A part of Lots 21 and 22, Block 1, Dawn Acres Subdivision, to the City of Fayetteville, Washington County, Arkansas, being more particularly described as follows: Beginning at the Southwest corner of said Lot 22; thence along the west boundary lines of Lots 22 and 21, North 04° 34' 25" West 88.01 feet; thence North 27° 11' 35" East 147.76 feet, to the Northwest corner of said Lot 21; thence along the North line of Lot 21, South 65° 06' 39" East 48.89 feet; thence leaving said North line, South 25° 04' 02" West 60.37 feet; thence South 32° 18' 53" West 36.80 feet; thence South 12° 34' 03" East 119.52 feet, to a point on the South line of said Lot 22; thence along said South line, North 87° 25' 22" West 85.70 feet, to the Point of Beginning and containing 13,994 square feet (0.321 acres), more or less.

EXHIBIT B

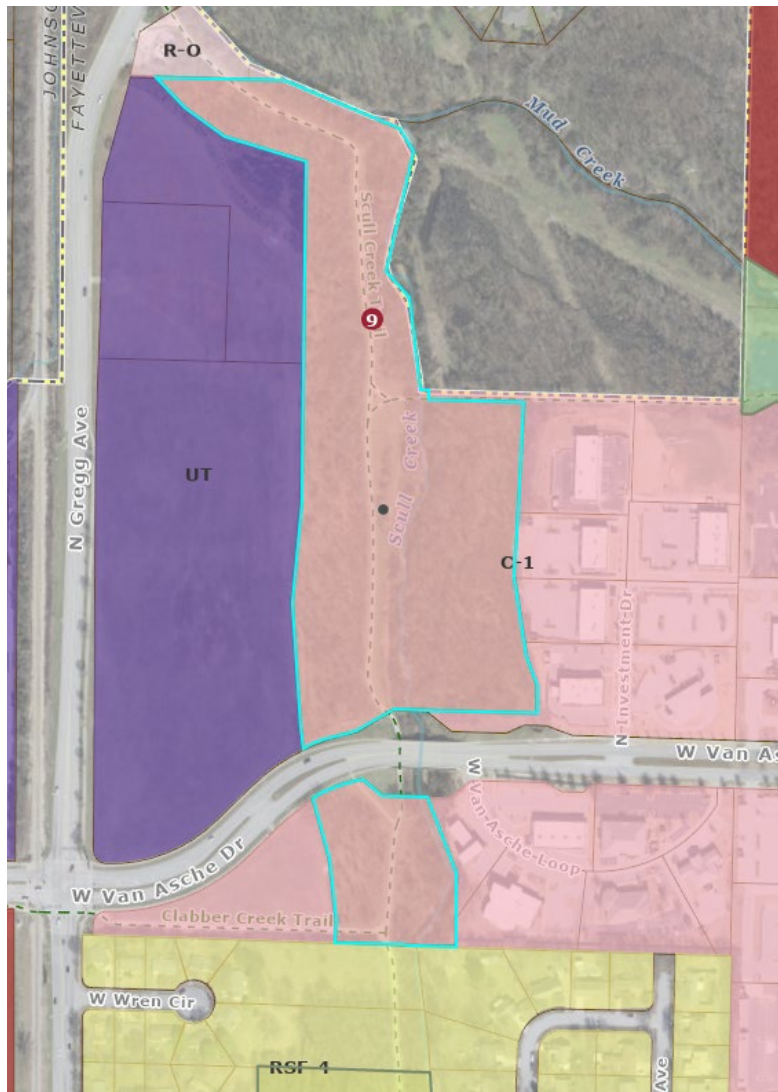
Scull Creek Trail Corridor

Parcel No: 765-28354-000

File No: 2008-00014744

Acres: 15.4

Current Zoning: C-1



Legal Description:

UNBUILDABLE 16.17A LOT 19C PER CONCURRENT PLAT LOT 19 PHIII OF THE CMN BUSINESS PARK II 23-336
(FILED 05/02/2006)

EXHIBIT B

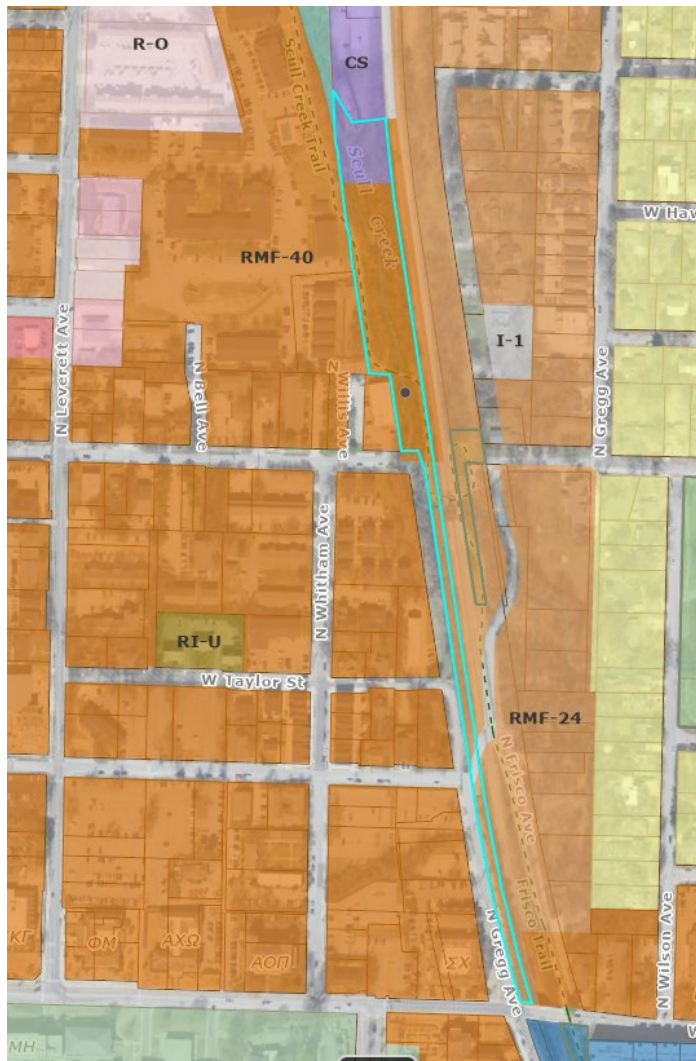
Scull Creek Trail Corridor

Parcel No: 765-14007-007

File No: 2008-00014744

Acres: 3.6

Current Zoning: RMF-40, RMF-24, CS



Legal Description:

EXHIBIT B

SURVEY DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°13'26"W 572.96' AND S02°46'34"W 30.25' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A FOUND IRON PIN AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF NORTH STREET AND THE WEST RIGHT-OF-WAY OF THE ARKANSAS & MISSOURI RAILROAD, THENCE ALONG SAID WEST RIGHT-OF-WAY THE FOLLOWING 2 COURSES: S00°56'25"W 219.82' TO A SET IRON PIN, THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 3668.35', HAVING A CHORD BEARING AND DISTANCE OF S03°12'42"E 407.26' TO A SET IRON PIN, THENCE LEAVING SAID WEST RIGHT-OF-WAY AND RUNNING N87°30'50"W 124.88' TO A FOUND IRON PIN, SAID POINT BEING ON THE WEST BANK OF A CREEK, THENCE ALONG SAID WEST BANK THE FOLLOWING 4 COURSES: N06°23'41"W 105.65' TO A SET IRON PIN, THENCE N12°46'36"W 177.56' TO A SET IRON PIN, THENCE N19°40'38"W 81.51' TO A SET IRON PIN, THENCE N14°00'24"W 117.20' TO A FOUND IRON PIN, THENCE LEAVING SAID WEST BANK AND RUNNING S87°14'48"E 15.75' TO THE CENTERLINE OF SAID CREEK, THENCE ALONG SAID CENTERLINE N11°15'40"W 167.48' TO THE INTERSECTION OF SAID CENTERLINE AND THE SOUTH RIGHT-OF-WAY OF NORTH STREET, THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87°13'26"E 229.65' TO THE POINT OF BEGINNING. CONTAINING 2.44 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

EXHIBIT B

That portion of the BNSF Railway Company's property (formerly St. Louis-San Francisco Railway Company) in the City of Fayetteville, County of Washington, State of Arkansas, lying in the E1/2SW1/4 of Section 9 and NW1/4NE1/4 and the NE1/4NW1/4 of Section 16, all in Township 16 North, Range 30 West, 5th Principal Meridian, and which also lies adjacent to that certain 50.0 foot wide corridor through the Station Ground property at Fayetteville, Arkansas as said corridor is described in deed dated March 16, 2001 from The Burlington Northern and Santa Fe Railway Company to Arkansas and Missouri Railroad Company (said corridor hereinafter referred to as "50.0 foot wide AMR corridor"), described as follows;

That portion of that certain Parcel No. 1 and that portion of that certain Parcel No. 2 described in deed dated August 19, 1907 from S. T. Fulton to St. Louis and San Francisco Railroad Company, recorded October 23, 1907 in Book 118, Page 100, records of said County which lies Westerly of a line parallel with and distant 25.0 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline, said parallel line being the Westerly boundary of said 50.0 foot wide AMR corridor, **EXCEPTING THEREFROM**, that certain Parcel No. 3 described in deed dated August 7, 1989 from Burlington Northern Railroad Company to Dickson Street Central Business Improvement District No. 1, recorded August 11, 1989 in Book 1329, Page 783, records of said Washington County;

ALSO,

That certain 100 foot wide strip of land described in deed dated February 23, 1881 from M. J. Davenport et al. to Missouri, Arkansas and Southern Railway Company of Arkansas, recorded February 28, 1881 in Book F2, Page 404, records of said county and that certain 100 foot wide strip of land described in deed dated July 18, 1881 from Sarah A. Hanley to Missouri, Arkansas and Southern Railway Company of Arkansas, recorded July 25, 1881 in Book G2, Page 389, records of said County, **EXCEPTING THEREFROM**, that portion of said 50.0 foot wide AMR corridor lying within said 100 foot wide strips, **ALSO EXCEPTING THEREFROM**, that certain parcel of land described in deed dated December 17, 1993 from Burlington Northern Railroad Company to Shuler Development Co., Inc.;

ALSO,

That certain 0.79 acre tract of land described in deed dated February 26, 1881 from John P. Wilson et ux. to Missouri, Arkansas and Southern Railway Company of Arkansas, recorded March 7, 1881 in Book F2, Page 425, records of said County, **EXCEPTING THEREFROM**, that portion of said 50.0 foot wide AMR corridor lying within said 0.79 acre tract;

ALSO,

That portion of that that certain 100.0 foot wide strip of land described in deed dated January 25, 1881 from Isaac Taylor et ux. to St. Louis, Arkansas and Texas Railway Company of Arkansas recorded January 25, 1881 in Book F2, Page 349, records of said County, that portion of that certain tract of land described in deed dated August 17, 1905 from J. C. Mitchell and Mary L. Mitchell to The St. Louis and San Francisco Railroad Company recorded June 13, 1906 in Book 116, Page 22, records of said County, and that portion of that certain tract of land described in deed dated June 15, 1905 from John C. Mitchell and Mary L. Mitchell to The St. Louis and San Francisco Railroad Company recorded June 13, 1906 in Book 116, Page 23, records of said County, more particularly described as follows:

Beginning at the intersection of the South line of said Section 9 with a line parallel with and distant 25.0 feet Easterly from, measured radially to said Railway Company's Main Track centerline, said parallel line being the Easterly boundary of said 50.0 foot wide AMR corridor; thence Northerly along said parallel line, 1,000 feet, more or less, to the Southwesterly corner of that certain tract of land described in deed dated

EXHIBIT B

October 8, 1998 from The Burlington Northern and Santa Fe Railway Company to Glenn Sowder recorded in the records of said Washington County as Document No. 98104233 (hereinafter referred to as "Sowder Property"); thence East, along the Southerly boundary of said Sowder Property, a distance of 76.19 feet to the Southeasterly corner of said Sowder Property; thence North 10°09'26" West (bearing based on last said deed), along said Sowder Property, 210 feet, more or less to the North line of Lot 14, Block 1 in Mitchell's Addition to the City of Fayetteville, as shown on plat recorded with the county recorders office, also being the Northerly boundary of said tract recorded in Book 116, Page 23; thence along the Northerly and Easterly boundaries of said tract recorded in Book 116, Page 23 the following two (2) courses: 1) Easterly, along said North line of Lot 14, a distance of 79 feet, more or less to the Northeast corner of said Lot 14; thence 2) Southerly, along the Easterly lines of Lots 14, 15 and 17 of said Block 1, a distance of 400 feet, more or less, to the Southwest corner of Lot 1 of said Block 1; thence Easterly, along the South line of said Lot 1, a distance of 150 feet to the West line of Gregg Street; thence Southerly, along said West line of Gregg Street, 100 feet, more or less, to the South line of said tract of land described in Book 116, Page 22; thence Westerly along last said South line, 193 feet, more or less, to the easterly boundary of said 100.0 foot wide strip of land described in Book F2, Page 349; thence Southerly along last said Easterly boundary, 700 feet, more or less to the South line of said Section 9; thence West, along said South line, 26 feet, more or less to the Point of Beginning;

ALSO,

That portion of that that certain 100.0 foot wide strip of land, and that portion of that that certain 300.0 foot wide strip of land described in deed dated January 25, 1881 from Isaac Taylor et ux. to St. Louis, Arkansas and Texas Railway Company of Arkansas recorded January 25, 1881 in Book F2, Page 349, records of said County, more particularly described as follows:

Beginning at the intersection of the South line of said Section 9 with a line concentric with and distant 25.0 feet Westerly from, measured radially to said Railway Company's Main Track centerline, said parallel line being the Westerly boundary of said 50.0 foot wide AMR corridor; thence West, along said South line of Section 9, a distance of 26 feet more or less to the Westerly boundary of said 100.0 foot wide strip of land; thence Northerly, along said Westerly boundary, 1185 feet, more or less, to the Southerly boundary of said 300.0 foot wide strip of land; thence Westerly, along said Southerly boundary, 50 feet, to the Southeast corner of that certain 0.44 acre tract of land described in deed dated August 13, 1968 from St. Louis-San Francisco Railway Company to C. Thomas Pearson, Jr.; thence Northerly, along the Easterly boundary of said 0.44 acre tract of land, and its Northerly prolongation, being a line parallel with and distant 100 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline, 408 feet, more or less to a line parallel with and distant 208.5 feet Northerly from, measured at right angles to the North line of the SE1/4SW1/4 of said Section 9; thence West, along last said parallel line 50.81 feet to a line parallel with and distant 150.0 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline; thence Northerly along last said parallel line 700 feet, more or less to Southerly boundary of that certain tract of land described in deed dated November 28, 1988 from Burlington Northern Railroad Company to Glacier Park Company recorded July 28, 1989 in Book 1327, Page 613, records of Washington County, Arkansas; thence along said Southerly boundary the following two (2) courses: Southeasterly, 90.0 feet; thence Easterly, 85 feet to a line parallel with and distant 25.0 feet Westerly from, measured at right angles to said Railway Company's Main Track centerline, last said parallel line being the Westerly boundary of said 50.0 foot wide AMR corridor; thence Southerly, along last said parallel line to the Point of Beginning.

EXHIBIT B

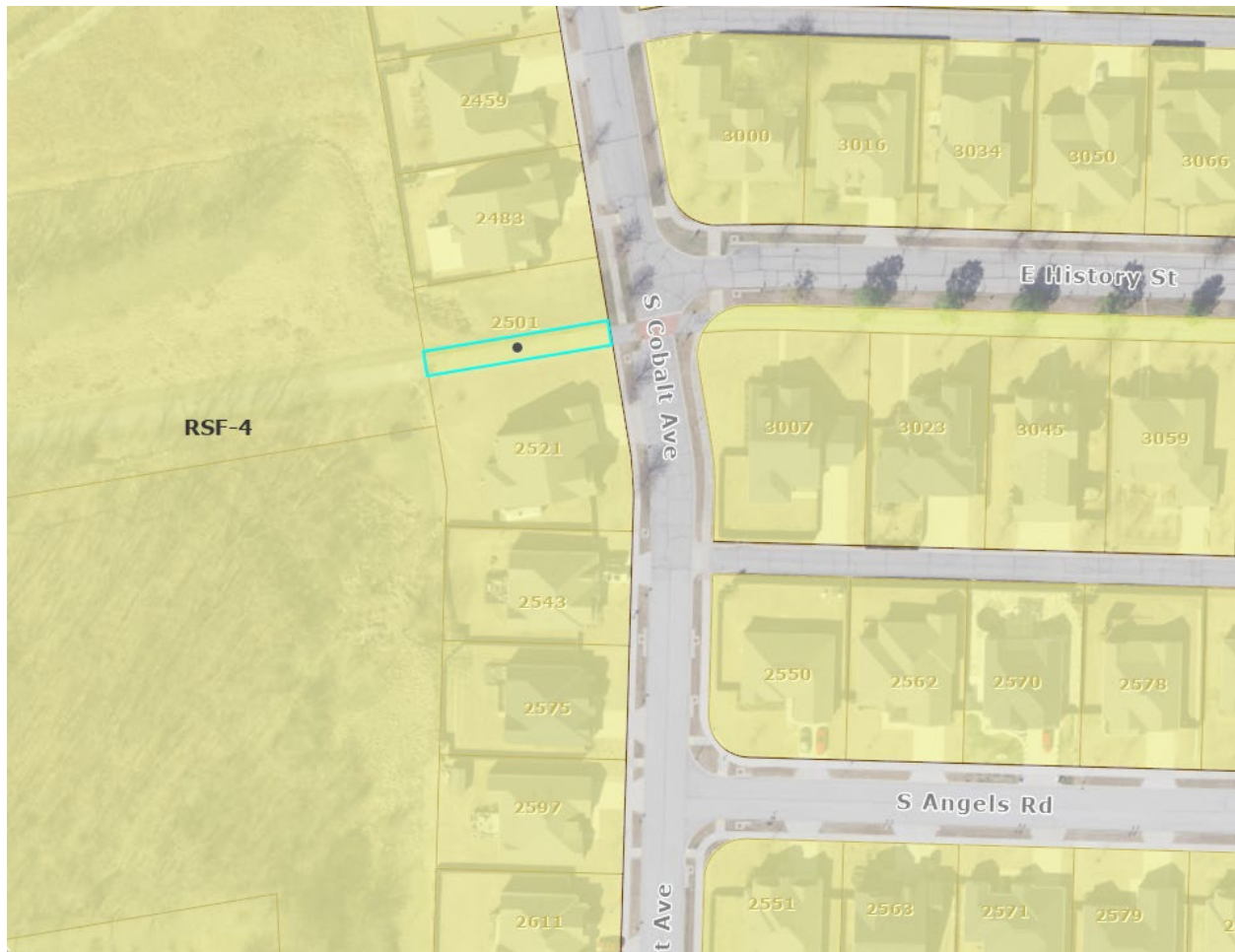
St. Paul Trail Corridor

Parcel No: 765-29414-400

File No.: 2013-00007893

Acres: 0.04

Current Zoning: P-1, R-A, RSF-4



Legal Description:

Lot 60 (2,402 s.f.), Lot 61 (7,786 s.f.) and Lot 62 (1,725 s.f.) as shown on the lot split recorded 2012-00032569 in the office of the Circuit Clerk of Washington County, Arkansas and also as per the final plat attached herewith.

See Attached Ex. "A", "B", "C" & "D"

EXHIBIT B

Ex. 'A'

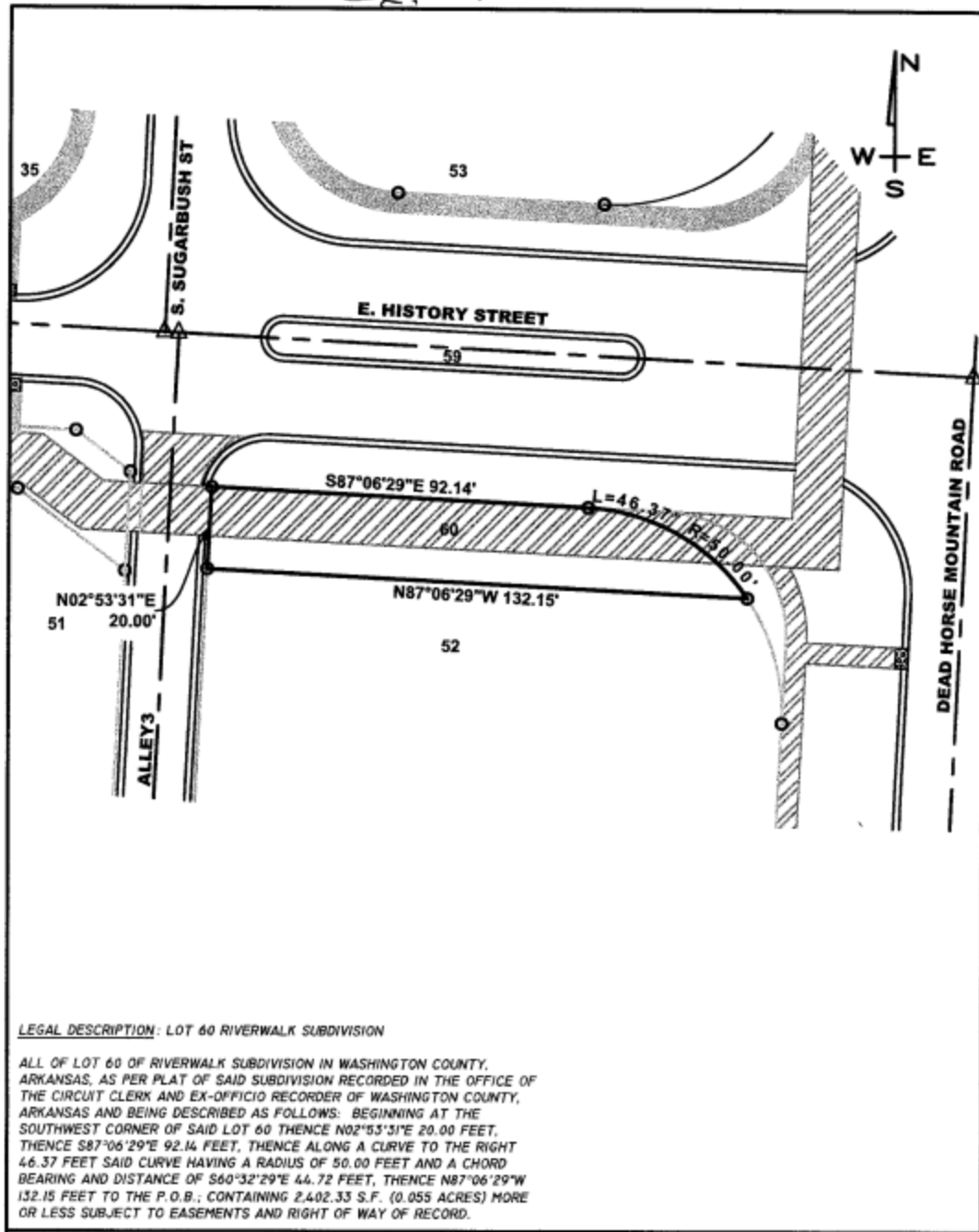


EXHIBIT B

Ex 'B'

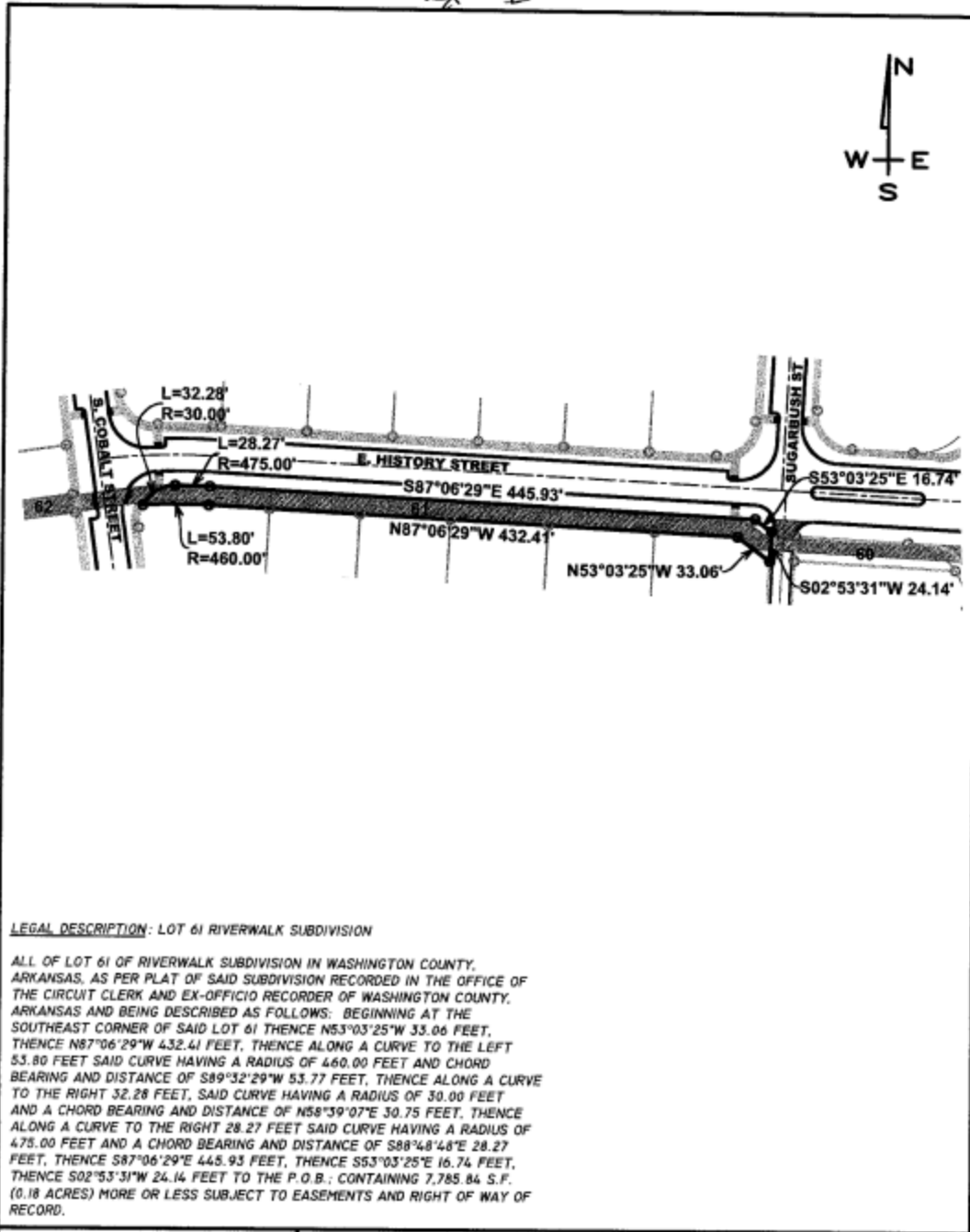


EXHIBIT B

St. Paul Trail Corridor

Parcel No: 765-29414-300

File No.: 2013-00007893

Acres: 0.2

Current Zoning: RSF-4



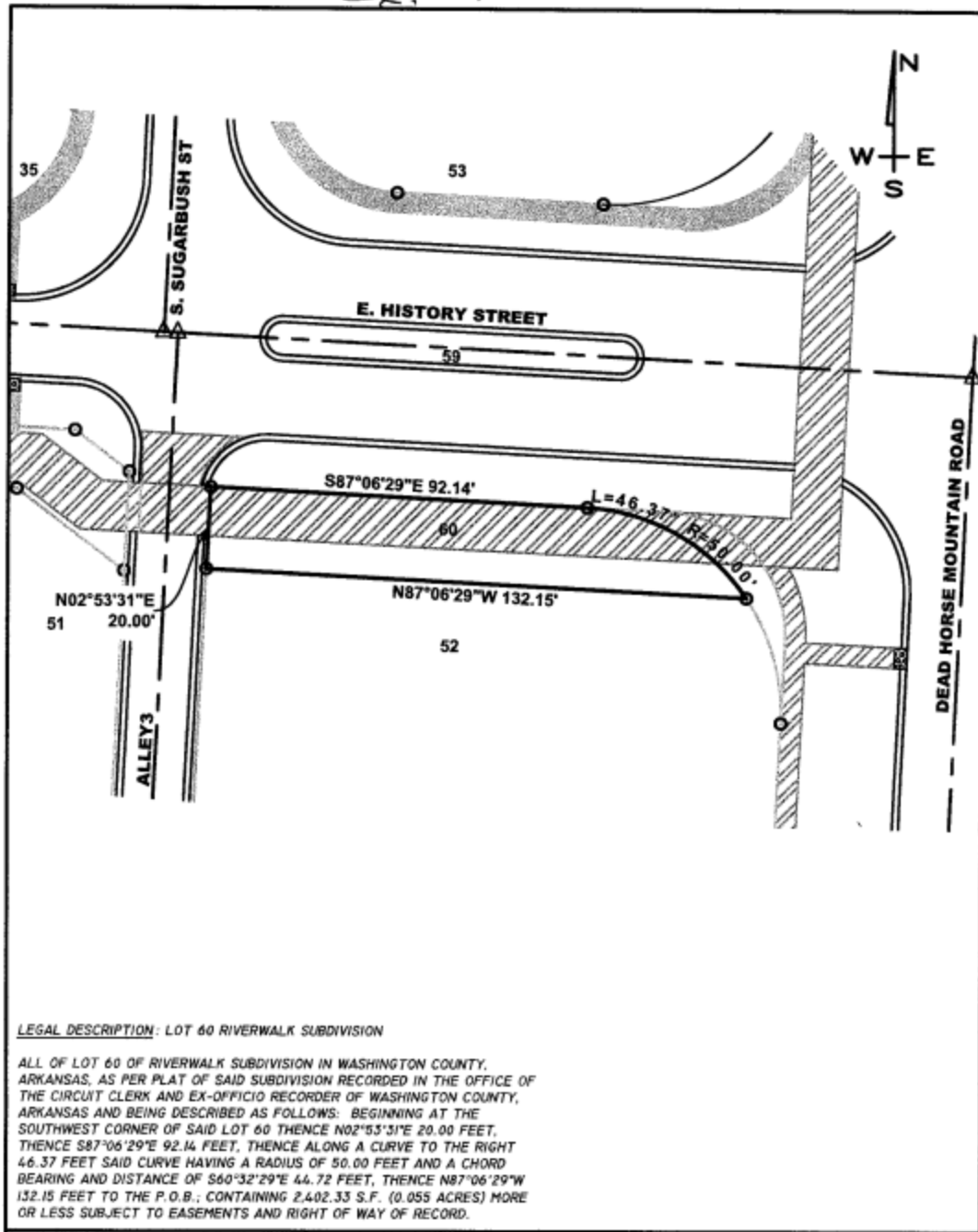
Legal Description:

Lot 60 (2,402 s.f.), Lot 61 (7,786 s.f.) and Lot 62 (1,725 s.f.) as shown on the lot split recorded 2012-00032569 in the office of the Circuit Clerk of Washington County, Arkansas and also as per the final plat attached herewith.

See Attached Ex. "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z"

EXHIBIT B

Ex. 'A'



Ex "B"

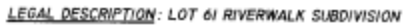


EXHIBIT B

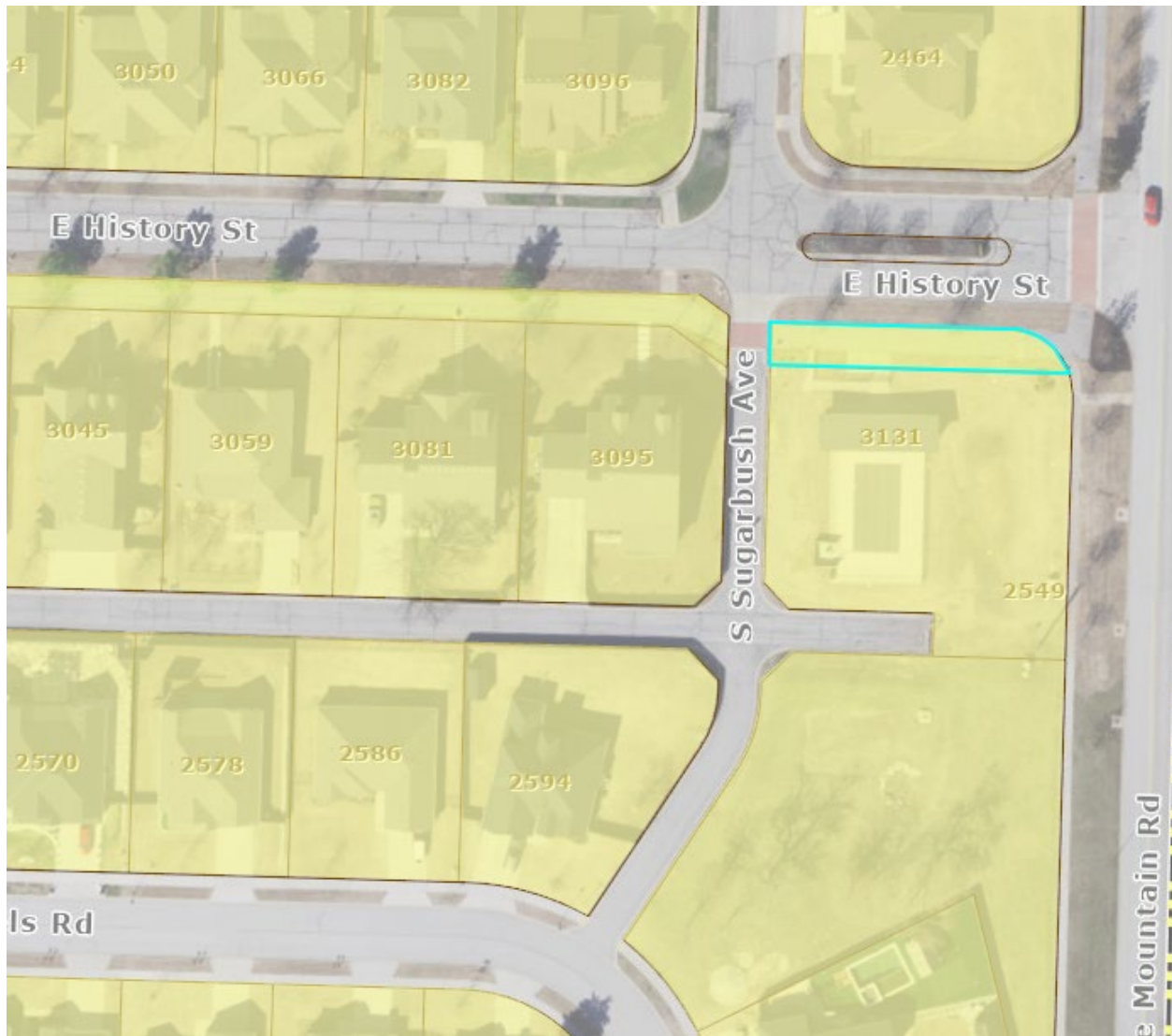
St. Paul Trail Corridor

Parcel No: 765-29414-200

File No.: 2013-00007893

Acres: 0.1

Current Zoning: RSF-4



Legal Description:

Lot 60 (2,402 s.f.), Lot 61 (7,786 s.f.) and Lot 62 (1,725 s.f.) as shown on the lot split recorded 2012-00032569 in the office of the Circuit Clerk of Washington County, Arkansas and also as per the final plat attached herewith.

See Attached Ex. "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z"

EXHIBIT B

Ex. 'A'

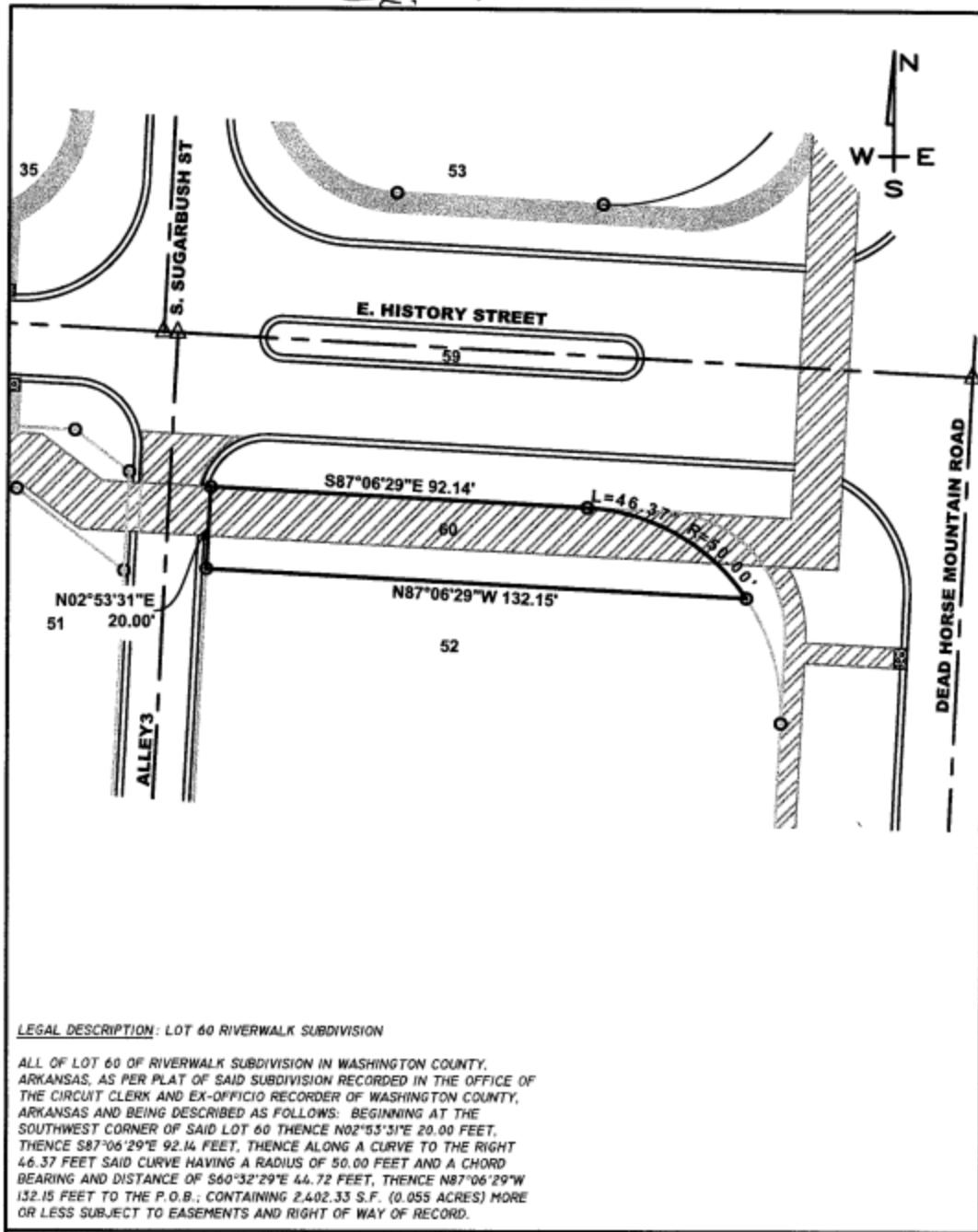


EXHIBIT B

Ex 'B'

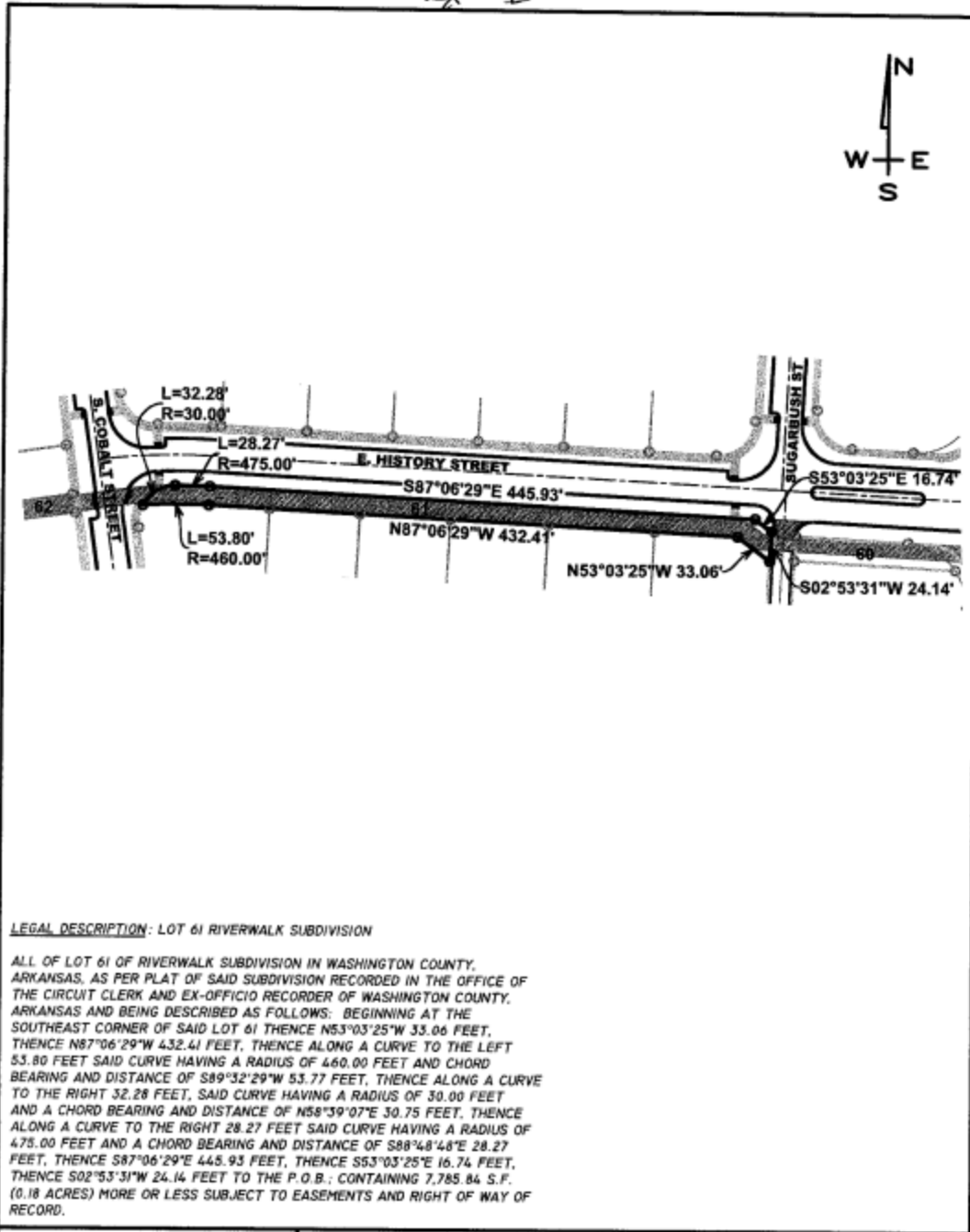


EXHIBIT B

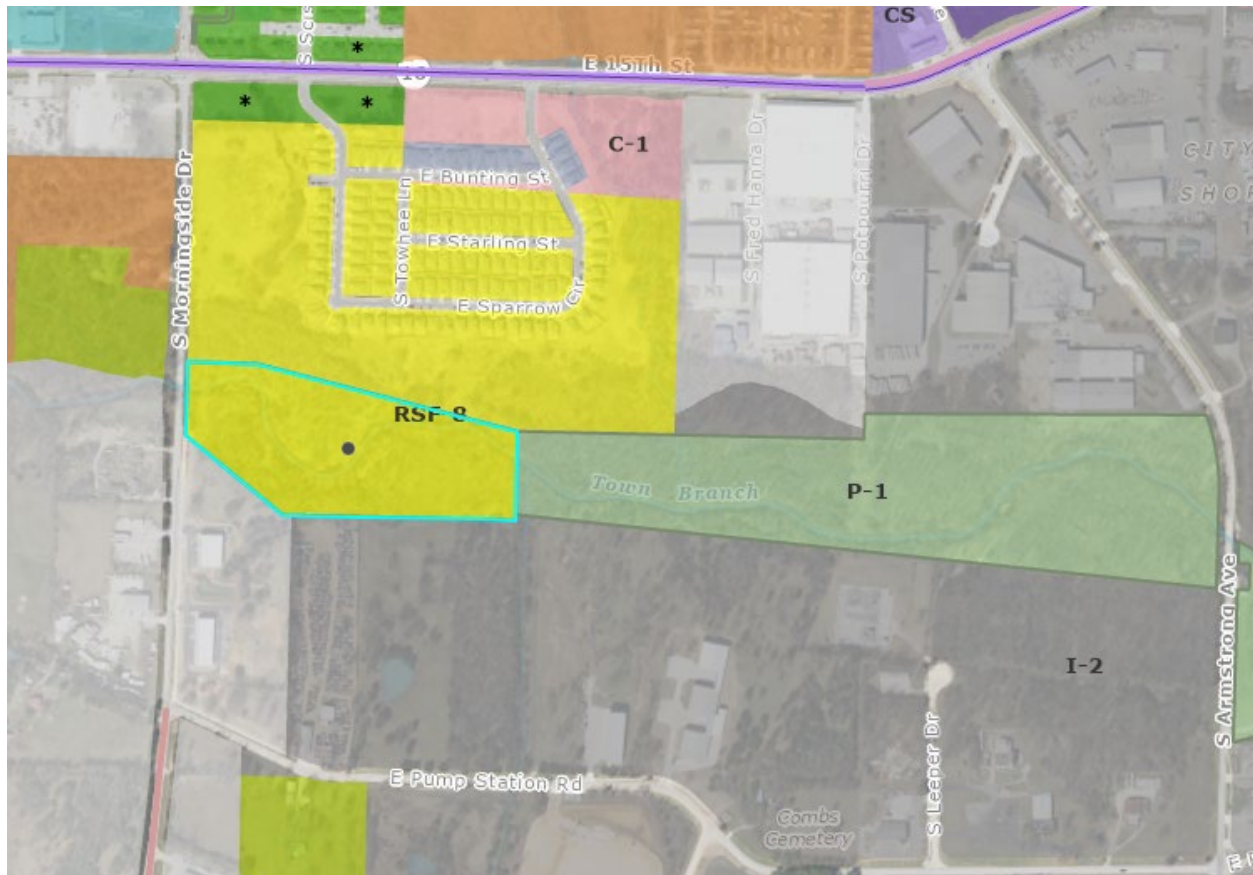
Town Branch Park Land

Parcel No: 765-15145-001

File No. 2021-00031127

Acres: 12.3

Current Zoning: RSF-8



Legal Description:

PT SE SE 12.37 AC FURTHER DESCRIBED PER 2020-4642 AS: Part of the W 1/2 of the SE 1/4 of Section 22, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at the Southwest corner of the NW 1/4 of the SE 114 of said Section 22; thence S49°37'02"E 68.92 feet to the point of beginning, said point being on the proposed East right-of-way of South Morningside Drive; thence along said proposed East right-of-way N03°03'31"E 271.93 feet; thence leaving said proposed East right-of-way S86°49'28"E 267.94 feet; thence S74°17'22"E 1015.54 feet to the Northeast corner of the SW 1/4 of the SE 1/4; thence along the East line thereof S02°36'36"W 333.36 feet; thence leaving said East line N87°14'55"W 882.24 feet; thence N49°37'02"W 476.86 feet to the point of beginning, containing 12.37 acres, more or less

EXHIBIT B

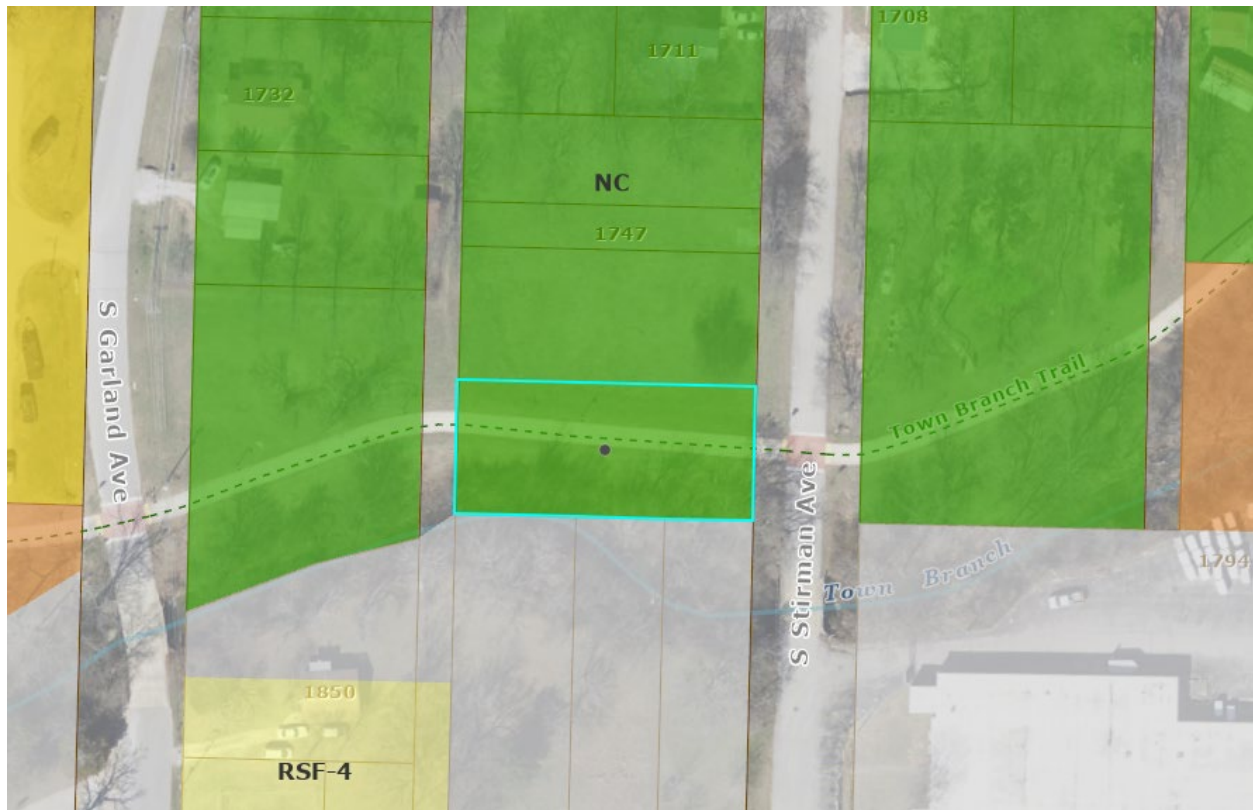
Town Branch Park Land

Parcel No: 765-09660-000

File No. 2015-00019299

Acres: 0.3

Current Zoning: NC



Legal Description:

LOTS 13, 14 & 15 BLOCK 10 FURTHER DESCRIBED IN 2015-19299 AS: Lots Thirteen (13) through Fifteen (15), Block Ten (10) of Parksdale Addition to the City of Fayetteville as recorded by the Circuit Clerk, Washington County, Arkansas, being more particularly described as follows: BEGINNING at a set iron pin at the Northeast corner of said Lot Thirteen (13) being on the Westerly right-of-way of South Stirman Avenue; thence along said right-of-way South 02°02'18" West 75.17 feet to the Southeast corner of said Lot Fifteen (15) from which a found iron pin (P.S. #689 & 1227) bears South 02°02'18" West 0.76 feet; thence along the Southerly line of said Lot Fifteen (15) North 87°07'53" West 159.76 feet to the Southwest corner of said Lot Fifteen (15) from which an iron pin bears North 02°04'25" East 17.32 feet, said Southwest corner being on the Easterly right-of-way of a twenty foot (20') undeveloped alley; thence along said Easterly right-of-way North 02°04'25" East 74.92 feet to a set iron pin at the Northwest Corner of said Lot Thirteen (13); thence along the Northerly line of said Lot Thirteen (13) South 87°13'14" East 159.71 feet to the Point of Beginning, containing 11,986 square feet, more or less.

EXHIBIT B

Willoughby City Entrance

Parcel No: 765-15526-000

Book: 92 Page: 17501

Acres: 1.3

Current Zoning: I-1



EXHIBIT B

Legal Description:

Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-three (33), Township Sixteen (16) North, Range Thirty (30) West, described as follows, to-wit: Beginning at a point 525.3 feet North of the Southwest corner of said 40-acre tract, and running thence North 235 feet; thence East 460 feet; thence South 235 feet; thence West 460 feet to the point of beginning, containing 2.48 acres, more or less, subject to U.S. Highway No. 71 right of way running North and South on the West side and the County Road right of way across the property from the Northwest to the Southeast, LESS AND EXCEPT the following described tract: Beginning at a point on the East line of the right of way of U.S. Highway No. 71, which is 525.3 feet North of the South line of said 40-acre tract; thence North 235 feet; thence East 52 feet to the West line of the County Road; thence in a Southeasterly direction along the West side of said County Road to a point which is 257 feet East of the beginning point; thence West 257 feet to the point of beginning.

EXHIBIT B

Willoughby City Entrance

Parcel No: 765-15527-000

Book: 92 Page: 7815

Acres: 0.7

Current Zoning: I-1

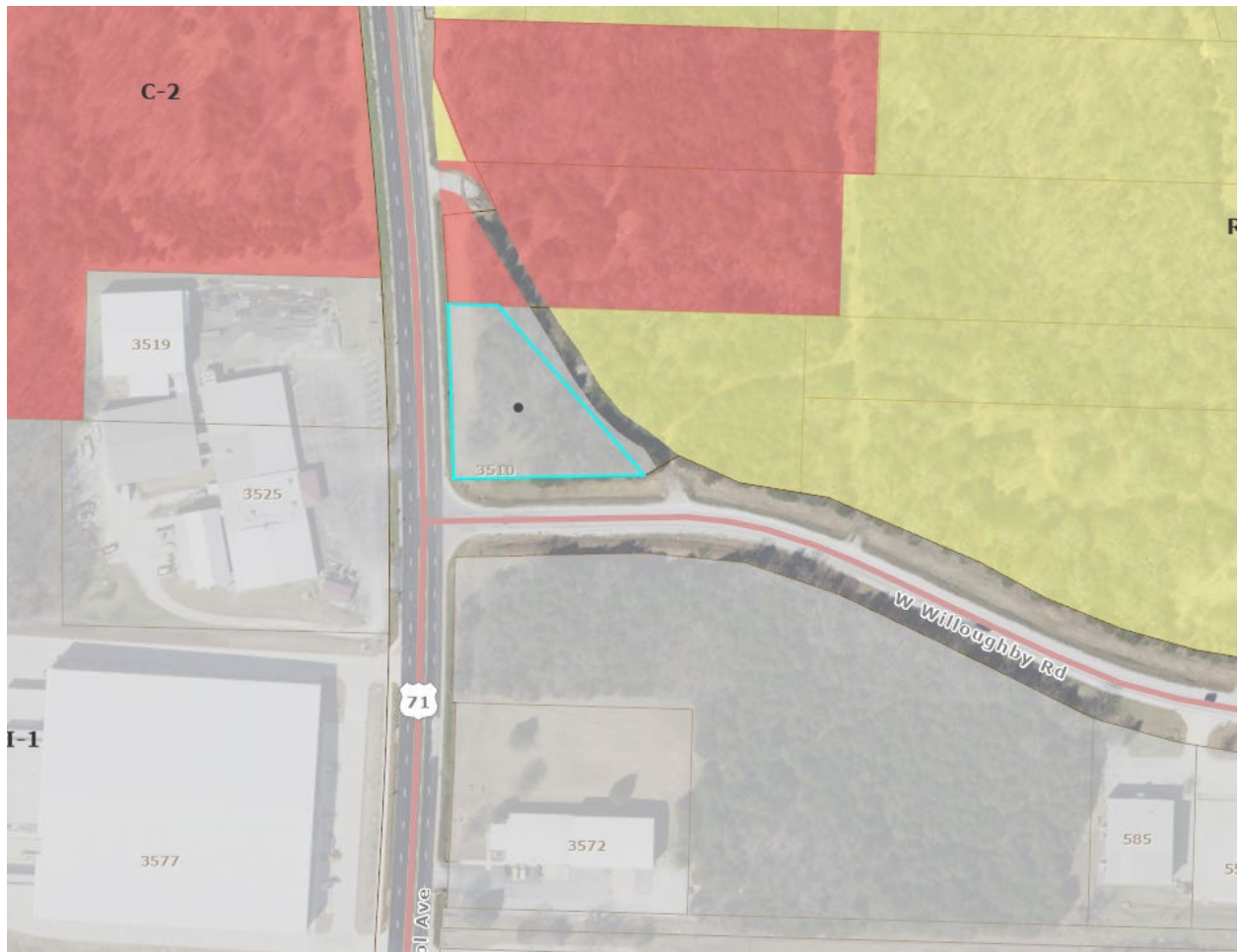


EXHIBIT B

Legal Description:

Part of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-three (33) in Township Sixteen (16) North of Range Thirty (30) West, described as follows, to-wit: Beginning at a point on the East line of the right-of-way of U.S. Highway #71, which is 525.3 feet North of the South line of said forty acre tract, thence North 235 feet, thence East 52 feet to the West line of the County Road, thence in a southeasterly direction along the West side of said County Road to a point which is 257 feet East of the beginning point, thence West 257 feet to the point of beginning.

EXHIBIT B

Willow Bend Park Land

Parcel No: 765-31656-000

File No. 2019-00039203

Acres: 0.4

Current Zoning: RSF-18



Legal Description:

EXHIBIT B

THAT REAL PROPERTY IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING A PORTION OF TAX PARCEL 765-15118-000, DESCRIBED AS: A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT AND RUNNING THENCE N87°22'16"W 80.97', THENCE N02°38'03"E 1.86', THENCE N87°22'28"W 58.02', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 114.00' FOR A CHORD BEARING AND DISTANCE OF N08°08'12"W 9.56', THENCE N11°34'09"W 87.57', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4.50' FOR A CHORD BEARING AND DISTANCE OF N29°45'00"E 5.94', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 114.00' FOR A CHORD BEARING AND DISTANCE OF N69°44'55"E 5.25', THENCE N68°25'49"E 75.84', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 86.00' FOR A CHORD BEARING AND DISTANCE OF N80°31'54"E 36.07', THENCE S87°21'53"E 42.71', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4.50' FOR A CHORD BEARING AND DISTANCE OF S43°00'15"E 6.29', THENCE S01°21'24"W 137.75' TO THE POINT OF BEGINNING, CONTAINING 0.45 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ALSO REFERRED TO AND KNOWN IN THE FUTURE AS "LOT 54" OF THE WILLOW BEND SUBDIVISION.



TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: July 28, 2025 **Updated with results**

SUBJECT: **RZN-2025-0025: Rezoning (VARIOUS PARK PROPERTIES/ FAYETTEVILLE PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS):** Submitted by CITY OF FAYETTEVILLE STAFF for VARIOUS PARK PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are in VARIOUS ZONING DISTRICTS and total approximately 180.84 acres. The request is to rezone the properties to P-1, INSTITUTIONAL.

RECOMMENDATION:

Staff recommends **RZN-2025-0025** be forwarded to the City Council with a recommendation for approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0025** to the City Council with a recommendation for approval."*

BACKGROUND:

The subject properties are owned by the City of Fayetteville and managed by the City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs. A wide-ranging collection of properties encompassing approximately 180.84 acres of City-owned land, the properties vary in size, scale, and level of development. They range from small, undeveloped neighborhood parks and green spaces that have been acquired through parkland dedication, to parks that are developed with larger, regional Fayetteville attractions. While non-conforming properties can continue to exist and be maintained, code prohibits the expansion or reconstruction of those facilities if they are not in compliance with current zoning standards. The City also recently adopted the Parks Master Plan in February 2023 (Imagine Tomorrow's Parks), which established guiding principles and goals for the next ten years. The full list of properties under consideration can be found in *Table 1*.

Request: City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs requests to rezone the subject properties from their current zoning designations (various) to P-1, Institutional. This rezoning request is intended to align Parks-owned properties with the correct zoning designation.

Public Comment: Staff have received many inquiries from the public about the proposal, but no direct comments in opposition or support of the request. Rather, most members of the public that staff spoke to were satisfied upon learning that the effort was to make sure that Parks properties were zoned correctly. Members of the public did ask questions regarding any planned development on the heels of this rezoning, and were directed to the Parks department directly for feedback on future development and master planning processes.

**TABLE 1
PARK PROPERTIES TO BE REZONED**

	Park	Location	Current Zoning	Acreage
1	Cato Springs Trail Corridor	S. Garland Avenue and Cato Springs Road	I-1, Heavy Commercial and Light Industrial, RSF-4, Residential Single-Family, 4 Units per Acre, RPZD	4.9
2	Combs Park	E. Pump Station Road	RPZD	25.9
3	Greathouse Park	SE of W. Boone Street	I-1, Heavy Commercial and Light Industrial	2.8
4	Gulley Park	E of N. Old Wire Road and W. of E. Magnolia Drive	RPZD, RSF-4, Residential Single-Family, 4 Units per Acre	11.1
5	Hamestring Creek Trail Corridor	SW. of W. Riverridge Drive	RMF-24, Residential Multifamily, 24 Units per Acre, CS, Community Services	1.7
6	Kessler Mountain Regional Park	SE of S. Hoot Owl Lane and W. Martin Luther King Jr. Blvd.	R-A, Residential Agricultural	20.0
7	Madison Natural Area	NE of E. Mission Blvd. and N. Starr Drive	RSF-4, Residential Single-Family, 4 Units per Acre	13.5
8	Markham Hill Woods	E. of N. Futtrall Drive	RSF-4, Residential Single-Family, 4 Units per Acre	61.2
9	Mud Creek Trail Corridor	SE of E. Sain Street	RPZD	4.8
10	Owl Creek Park Land	SW of N. Ruppel Road and W. Huron Loop	R-A, Residential Agricultural	2.0
11	Park Meadows Park Land	NE of S. Morningside Drive and E. Swift Lane	NC, Neighborhood Conservation	3.9
12	Razorback Trail Corridor	Various	C-2, Thoroughfare Commercial, I-1, Heavy Commercial and Light Industrial, MSC, Main Street Center, DG, Downtown General, RMF-24, Residential Mutli-Family, 24 Units per Acre	3.0
13	Razorback Road City Entrance	S. Razorback Road and S. Ashwood Ave.	RMF-24, Residential Multi-Family, 24 Units per Acre	0.2
14	Rocky Branch	S. of E. Skillern Road and N. Brookbury Xing	R-A, Residential Agricultural, RSF-4, Residential Single-Family, 4 Units per Acre, P-1, Insitutional	5.6
15	Saint Paul Trail Corridor	SW of Dead Horse Mountain Road and E. History Str	RSF-4, Residential Single-Family, 4 Units per Acre	0.34
16	Town Branch Trail Corridor	E. of S. Garland Avenue	NC, Neighborhood Conservation	0.3

17	White River Park Area	E. of S. Morningside Drive	RSF-8, Residential Single-Family, 8 Units per Acre	12.3
18	Willoughby City Entrance	E. Willoughby and S. School Avenue	RSF-4, Residential Single-Family, 4 Units per Acre, and I-1, Heavy Commercial and Light Industrial	2.0
19	Willow Bend Park Land	E. 10 th Street	RSF-18, Residential Single-Family, 18 Units per Acre	0.4

**Police did not comment on the proposed rezonings. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck. Available infrastructure needs would be evaluated at the time of a development proposal from the Parks Department.*

Tree Preservation: The proposed zoning district of P-1, Institutional requires **25% minimum canopy preservation.**

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:** Staff finds that the proposed zoning change is compatible with surrounding land uses. The properties are already being used as parks facilities and trails, though with different classifications associated with them. The Parks Department uses 8 different classifications of parks: Regional Parks, Community Parks, Neighborhood Parks, Non-City Parks, Special Use, Natural Area, Undeveloped Parks, and Trail Corridors and Greenways. Each designation has a specific set of criteria, and staff finds those criteria can be met with a rezoning to the P-1 zoning district, especially with the consideration for the adoption of new standards to apply to that district.*

The Regional Parks are meant to have a regional draw and have direct access from arterial streets and access to regional trail systems. Zoning these locations as P-1 would allow for the continuation of the existing uses, such as lakes, trails, and the redevelopment of ball and playfields. The Neighborhood Parks under consideration are typically 2 to 10 acres in size and are meant to provide leisure opportunities (including play fields, and shaded areas for gathering) within walking distance of individual neighborhoods. The uses, setbacks, and allowances in P-1 would allow for the continuation of these neighborhood needs to be met, by allowing for Use Unit 4 by-right, where many of those neighborhood parks are currently zoned for residential uses. Many of the parks under consideration with this request are currently “Undeveloped.” Undeveloped parks differ from “Natural Areas” in that they are not necessarily intended to remain undeveloped but have perhaps not yet been improved in accordance with long-term plans. Many of the parks in this classification have only been acquired within the last decade through parkland dedication with associated residential developments.

Land Use Plan Analysis: The proposed zoning to P-1, Institutional is compatible with the Future Land Use Map, which in most instances (though not all) identify the areas in question as Civic and Private Open Space. By rezoning to P-1, these parks can be redeveloped to help meet future goals and needs to meet the neighborhoods and immediate communities that they serve. If they are to stay in their existing zoning districts (such as RSF-1, NC, or I-1), the City would have a more difficult time implementing the 2023 Parks Master Plan, and would involve a more piecemeal approach to rezoning these properties. Staff finds that taking this broader approach saves City resources and time instead of rezoning at the time of a specific development proposal or funding opportunity.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds that the recommended zoning is justified and needed to avoid issues in the future with any expansion of a non-conforming use, and to ensure that city-owned property is zoned accordingly. While this proposed zoning change may not identify all future changing needs of the Parks, Natural Resources, and Cultural Affairs Department, staff finds that zoning the property to the established zoning district for parks and associated cultural and recreational facilities to be an appropriate course of action and protects the public interest.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the properties will not likely increase traffic danger or congestion in a manner that is inconsistent with the way the properties are already used. No redevelopment plans are currently underway, and the properties have already been acquired and used for parks and recreational purposes. With any proposed development, full impact on traffic and congestion would be evaluated at that time.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the properties will not substantially increase the potential population density or load on public services. The proposed rezoning districts are substantially compatible with the existing development patterns and uses that currently exist on each property. The Police and Fire Departments have expressed no objections to the proposal. The Fayetteville School District also expressed no objections to the proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted

under its existing zoning classifications;

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 28, 2025</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Castin</u>	with all conditions as recommended by staff.		
Second: <u>Gulley</u>			
Vote: <u>8-1-0 (Payne opposed)</u>			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.32 District P-1, Institutional
 - Applicant Request Letter
 - Applicant Exhibit
 - Zoning Map
 - Future Land Use Map
-

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

Unit 42	Clean technologies
---------	--------------------

- (C) *Density*. None.
- (D) *Bulk and Area Regulations*. None.
- (E) *Setback Regulations*.

Front	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet
Rear, from center line of public alley	10 feet

- (F) *Height Regulations*. There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.
- (G) *Building Area*. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §8, 1-18-22)



June 17, 2025

City of Fayetteville Planning Department
City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: Letter of Intent for Park Property Rezoning

Property Information: Various, see attached

Current Owner: City of Fayetteville
113 W Mountain St, Fayetteville, Arkansas 72701

Applicant: City of Fayetteville
113 W Mountain St, Fayetteville, Arkansas 72701

This letter serves as a request for rezoning park properties to P-1 Institutional zoning.

Legal Description:

Various, see attached.

Property Description:

Fayetteville Parks, Natural Resources and Cultural Affairs owns over 50 parks and park lands. The majority of these properties are zoned P-1; however several remain that need to be rezoned.

The properties are proposed to be rezoned from various zonings to Institutional Use (P-1). Per City Code, the Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations. This zoning allows cultural and recreational facilities as permitted uses. Additionally, the zoning allows for signage and uses not allowed in many of the existing zonings such as active park facilities including courts, ballfields, etc.

Enclosed please find Attachments "A" and "B". Attachment "A" lists the park properties along with the current zoning(s) and address(es). Attachment "B" illustrates the locations of the proposed park properties for this rezoning request. There are 19 park properties included in this request. Attachment "B"

No adverse affect on adjoining properties is anticipated as all of the properties are existing parks with the exception of Owl Creek Park Land, which was dedicated to become a future park and simply have not been developed yet.

Days and Hours of Operation:

Parks are generally open from daylight until 11pm. Lakes are open from daylight until dusk. Trails identified as transportation corridors on the city's GIS map are open 24/7 and the Upper Ramble is open from daylight until 3am.

Parking:

Parking exists in the parks or will be properly designed when land is developed as a park.

Outdoor Lighting:

Lighting varies throughout the park system depending on use.

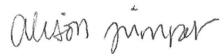
Noise:

Noise from the facility is not expected to change and is typical of park activities.

Trash and refuse service:

Trash is managed by the Parks Maintenance in the Public Works Department.

Sincerely,

**City of Fayetteville**

Alison Jumper

Parks, Natural Resources and Cultural Affairs Director

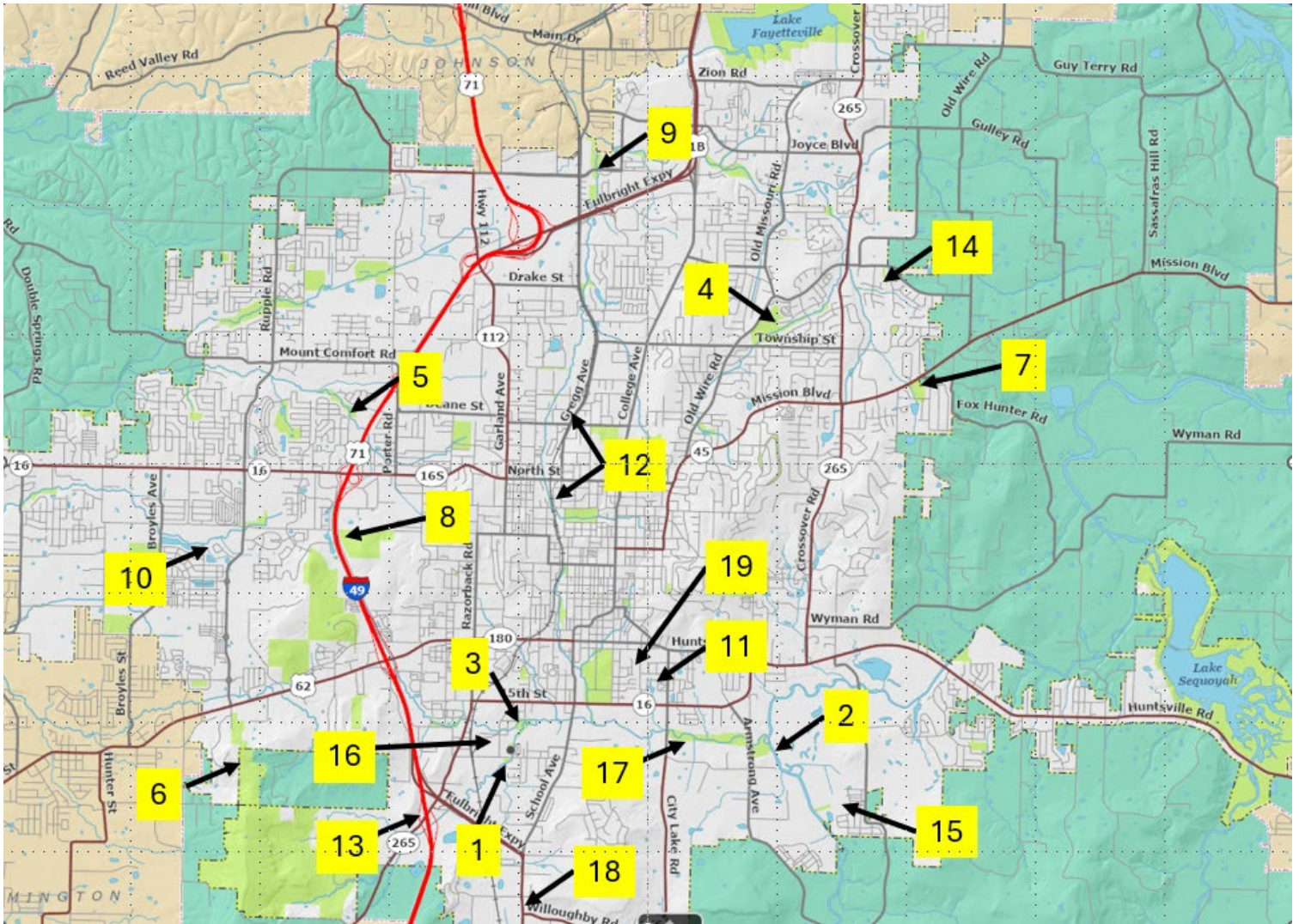
Attachment A

Park Properties to be rezoned:

Portions of or entire properties:

1	Cato Springs Trail Corridor	I-1, RSF-4, RPZD	multiple parcels
2	Combs Park	P-1, R-A, RPZD	2300 E. Borick Drive
3	Greathouse Park	I-1	1710 Price Avenue
4	Gulley Park	RSF-4, RPZD	1850 E. Township Street
5	Hamestring Creek Trail Corridor	RMF-24	multiple parcels
6	Kessler Mountain Regional Park	R-A	2600 W. Judge Cummings Road
7	Madison Natural Area	RSF-4	1930 N. Candleshoe Drive
8	Markham Hill Woods	RSF-5	N. Futtrall Drive
9	Mud Creek Trail Corridor	RPZD	multiple parcels
10	Owl Creek Park Land	R-A	multiple parcels
11	Park Meadows Park Land	NC	S. Nighthawk Ln
12	Razorback Regional Greenway Trail Corridor	C-2,I-1, DG, MSC, RMF-24, RMF-40	multiple parcels
13	Razorback Road City Entrance	RMF-24	Razorback Rd
14	Rocky Branch Park	R-A	3263 E. Skillern Road
15	Saint Paul Trail Corridor	RSF-4	multiple parcels
16	Town Branch Trail Corridor	NC	S. Stirman Ave.
17	White River Park Area	I-1, RSF-4, RPZD	S. Morningside Dr.
18	Willoughby City Entrance	I-1, RSF-4	3510 S. School Avenue
19	Willow Bend Park Land	RSF-18	E. 10th Street

Attachment B



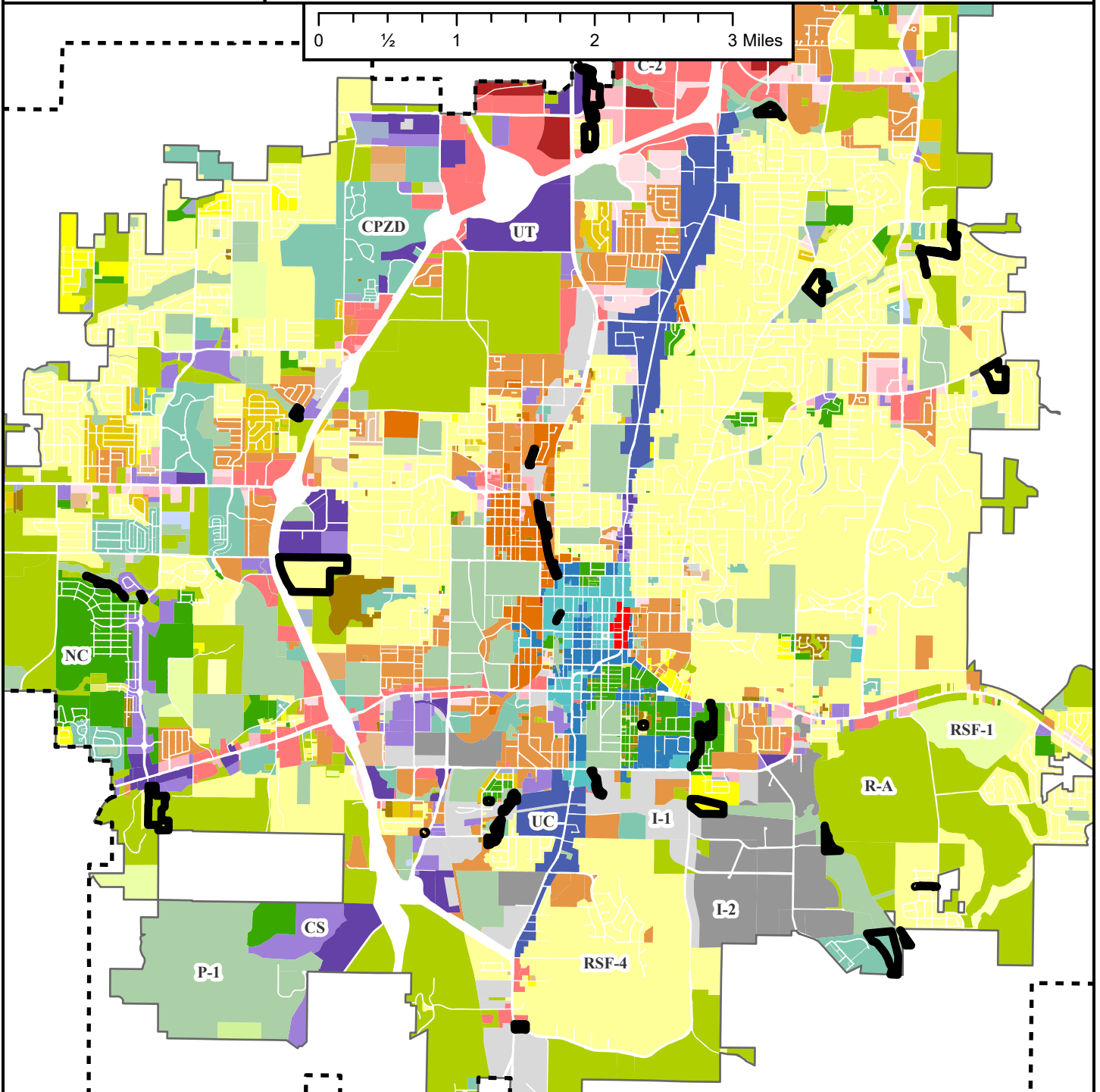
RZN-2025-0025

Current Zoning

Various City Parks

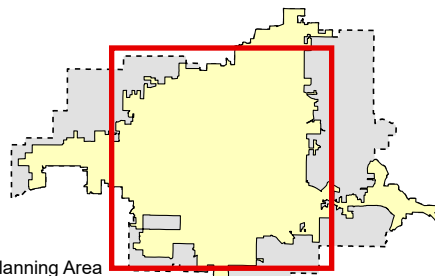


0 1/2 1 2 3 Miles



Fayetteville City Limits
 Planning Area

Planning Area
 Fayetteville City Limits

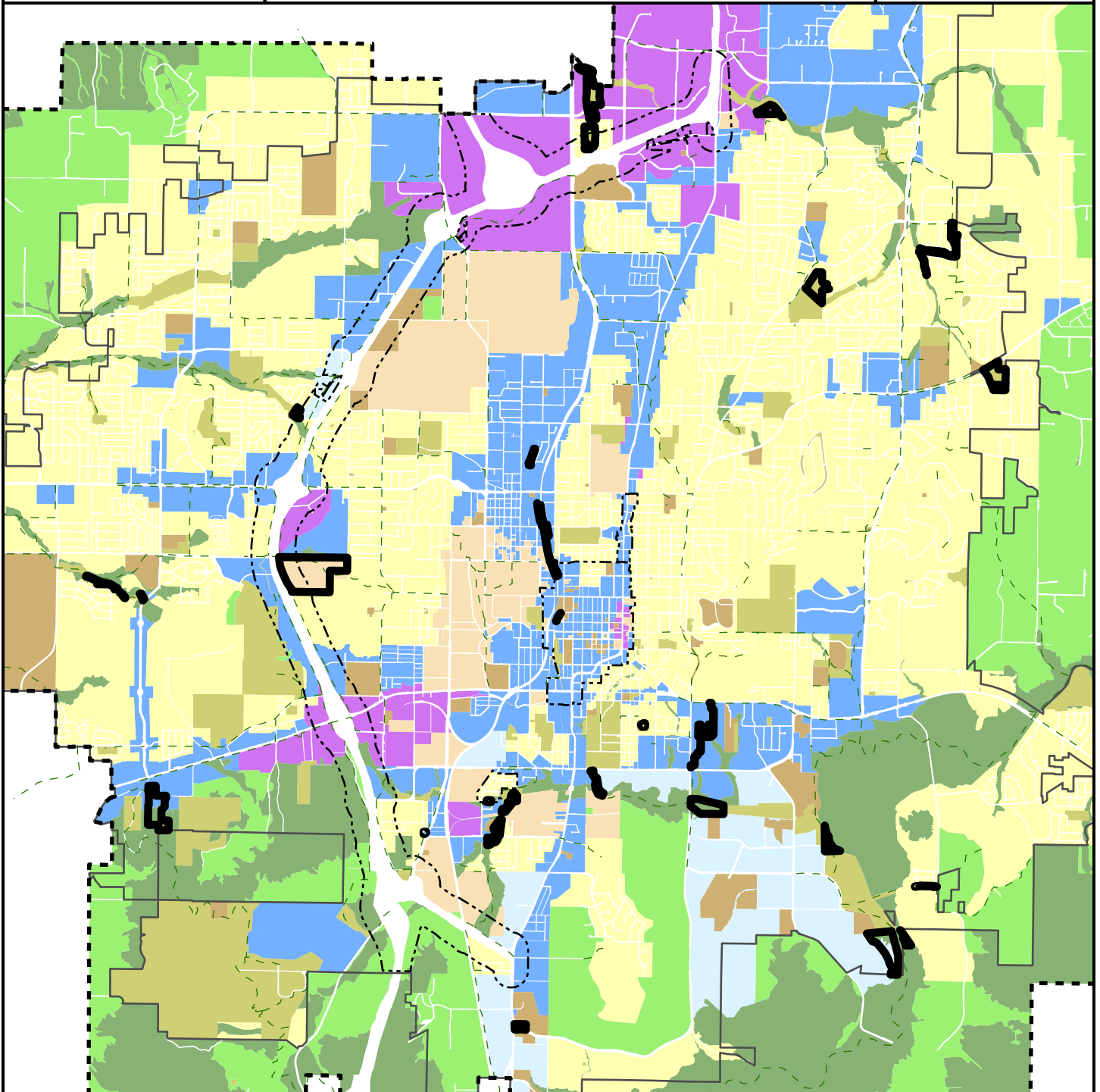


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RI-12
 - RI-U
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
 - FORM BASED DISTRICTS**
 - Downtown Core
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services - Ltd.
 - Neighborhood Services - Gen.
 - Neighborhood Conservation
 - Urban Corridor
 - Urban Neighborhood
 - Urban Thoroughfare
 - PLANNED ZONING DISTRICTS**
 - Commercial Industrial, Residential
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial

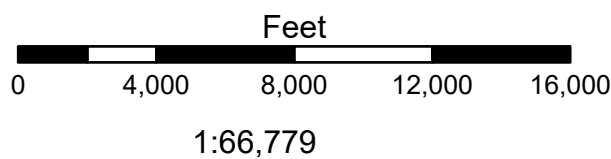
RZN-2025-0025

Various City Parks

Future Land Use



- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



- City Neighborhood
 - Civic Institutional
 - Civic and Private Open Space
 - Industrial
 - Natural
 - Non-Municipal Government
 - Residential Neighborhood
 - Rural Residential
 - Urban Center
- July 28, 2025



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

SUBJECT: **PZD-2025-0002: Planned Zoning District (SE OF N DOUBLE SPRINGS RD AND W DOT TIPTON RD/MONARCH SUMMERS, 474, 475 & 514): Submitted by PRISM DESIGN STUDIO for property located SE OF N DOUBLE SPRINGS RD AND W DOT TIPTON RD in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 66.78 acres. The request is to rezone the property to a planned zoning district.**

RECOMMENDATION:

City Planning staff recommends denial and the Planning Commission recommends approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located in west Fayetteville, just southeast of the intersection of Dot Tipton Road and Double Springs Road within city limits. It's comprised of multiple parcels totaling 66.78 acres, with the northern half of the site zoned R-A, Residential Agricultural, and the southern half zoned RSF-1, Residential Single-Family, One Unit per Acre. The property was annexed into the City of Fayetteville in 2006 and has remained undeveloped since. A portion of the site contains hydric soils.

Several rezoning requests have been submitted for the northern half of the property. In 2008, a planned zoning district (PZD) proposal sought to develop 182 single-family homes across three planning areas, with 3.50 acres of public pedestrian trails and green space. The proposed overall density for that project was 4.55 units per acre. While city staff and the Planning Commission recommended denial, the City Council ultimately approved the request. However, in 2015, following the expiration of the PZD without any development, the City Council reverted the property's zoning back to R-A.

In 2020, another rezoning request was submitted to change the zoning for that area to RSF-4, Residential Single-Family, Four Units per Acre. That request was also recommended for denial by staff and the Planning Commission with concerns raised about the proposed density and the property's location just within city limits. The applicant did not appeal that denial to the City Council. Another rezoning request was received in 2021 which sought to rezone that area to RSF-2, Residential Single-Family, Two Units per Acre. Staff and the Planning Commission again recommended denial, citing concerns regarding suburban sprawl and insufficient infrastructure. That denial was appealed to the City Council but was ultimately upheld during the second reading. In April 2025, another request was received to rezone the entire 66.78 acres to NC, Neighborhood Conservation (RZN-2025-0012). That request was also recommended for denial by staff and the Planning Commission with concerns raised about the proposed density, the property's location near city limits, and

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

existing infrastructure capacity.

Proposal: The applicant requests to rezone the property to a Planned Zoning District with four planning areas, as described below:

- 1. Planning Area 1 (~17.86 acres - Estimated Density of 6.02 Units per Acre):** The intention of this area is to provide attached townhomes (two-family dwellings) with rear entry access.
- 2. Planning Area 2 (~28.28 acres - Estimated Density of 4.92 Units per Acre):** This planning area is intended to provide small single-family dwelling lots.
- 3. Planning Area 3 (~3.79 acres - Estimated Density of 5.24 Units per Acre):** This planning area is intended to provide large single-family dwelling lots.
- 4. Planning Area 4 (~16.76 acres - Zero Units per Acre):** This planning area is intended to protect open and natural areas on the site, trails, parks, utilities, and stormwater management areas.

Public Comment: To date, staff has received two comments in opposition, citing drainage and flooding which impacts both adjacent streets and properties, narrow adjacent streets, impacts from infilling an existing pond, urban sprawl, an inappropriate location for high-density housing and the proximity of townhomes to large existing lots, inadequate infrastructure, creation of a commuter neighborhood with a lack of services, negative impacts to property values, and an increase in the number of rental properties. Staff has also received a letter in support of the request signed by three adjacent neighbors.

Land Use Compatibility: Staff finds the proposed rezoning to be generally incompatible with adjoining land uses. This 67-acre site, located on the far west side of Fayetteville, is currently surrounded by large rural residential lots and agricultural land at very low densities. Properties along Double Springs Road and in adjacent areas are composed of residential lots that are generally a few acres in size. While there are some neighborhoods further north and within Farmington city limits that reflect a slightly higher density, similar to RSF-4 zoning, those remain exceptions in the area.

Staff finds that the proposal would create an exclusively residential subdivision in an area lacking access to public services, nonresidential amenities, and with minimal or inadequate existing infrastructure. The proposal represents a significant departure from the existing development pattern which would be out of character with the surrounding area. While staff could potentially support the creation of a complete, connected neighborhood which incorporates multiple uses, staff finds the existing proposal is both out of scale and likely to contribute to automobile dependence due to the lack of either existing or proposed nonresidential services in the area.

The proposed rezoning to a PZD proposes an aggregate residential density of 4.00 units per acre; however, the overall site plan indicates an overall density of 4.01 units per acre, requiring either an increase in the proposed density or the removal of lot(s). Based on an evaluation of provided number of units in each planning area, individual planning areas range between approximately five to six units per acre. Planning Area 3 lists Use Unit 9: Two-Family Dwellings as both a conditional and by-right use, and Planning Area 4 does not include a minimum buildable street frontage requirement. Staff also notes that there is a notable variation between the stated lot widths listed in the booklet and those shown in the site plan, with the site plan showing lots averaging between 10' and 20' larger than the lot widths indicated in the booklet. Finally, because Planning Areas 1-3 include Use Unit 8: Single Family Dwellings even within areas indicated for two-family dwellings, but do not include either maximum lot sizes or widths, the property could feasibly be developed as a single-family subdivision with identical lot widths throughout the site.

Land Use Plan Analysis: Staff finds that the proposed rezoning does not align with several of the goals outlined in City Plan 2040. The request is not considered infill or revitalization and instead promotes outward growth that conflicts with the City's goal of discouraging suburban sprawl. The site lies at the western edge of city limits in an area with limited access to city services and infrastructure. City Plan 2040 encourages growth and infill near the City's core in order to ensure sustainable land use patterns and infrastructure improvements. The

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subject property currently lacks proximity to non-residential services, employment centers, and alternative modes of transportation, which would likely result in increased automobile dependence. The only nonresidential uses are proposed by right within the PZD are Use Unit 4, Cultural and Recreation Facilities within Planning Area 4, with limited options such as home occupations or government facilities proposed through conditional use permits. This conflicts with the City's goal of building a livable transportation network. The property also only has access to two existing streets, Dot Tipton and Double Springs Roads, which are largely unimproved and are not sufficient to support higher-density development. The proposed site plan only indicates public street access to Dot Tipton Rd., with only an alley shown to connect to Double Springs Rd.

Further, the proposed PZD zoning restricts by-right development to only single-family or two-family homes, but with single-family dwellings allowed by right in all residential planning areas. Discouraging a wider range of housing types undermines the City's goal of promoting attainable housing and conflicts with the property's Future Land Use Map designation as Residential Neighborhood Area. With these considerations in mind, staff finds that the proposed rezoning is not consistent with the City's future land use plans. However, the site may be suitable for more dense zoning and development in the future as infrastructure and other services extend to this part of the city, particularly if a mix of residential and nonresidential services are proposed that could better serve city goals for compact, complete, and connected developments. Such variety would also align with the intent of Planned Zoning Districts generally, which is not currently the case.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **0-3** for this site. The following elements of the matrix contribute to the score:

1. Near Water Main (8-inch main, on site)
2. Near Sewer Main (8-inch main, on site)
3. Near City Park (Harmony Pointe Park)

DISCUSSION:

At the July 28, 2025 Planning Commission meeting, a vote of 7-2-0 forwarded the request to City Council with a recommendation of approval. Commissioner McGetrick made the motion and Commissioner Payne seconded. Commissioner McGetrick moved to remove several recommended conditions, noting the likelihood of site design modification during development entitlement, the difficulty of working with lot maximums, and stating that even a single-family subdivision would address city needs. The applicant highlighted the history of the property, the request by the commission for a Planned Zoning District at a recent meeting in April, and the developer's attempts to address neighborhood concerns. One member of the public spoke at the meeting, expressing opposition to the proposal due to increased traffic danger and congestion on inadequate adjacent roads, drainage and flooding concerns, and incompatible densities. Commissioners requested additional information for plans on how future improvements would be determined, including the need for traffic studies and sewer improvements. Engineering confirmed the applicant has been working with utilities regarding a new utility main extension to an adjacent sewer lift station. Other commissioners in support of the project cited the proximity of adjacent neighborhoods, anticipation of growth in the area and the applicant seeking to address previous comments from the commission. Commissioners in opposition to the request cited the lack of walkable services, creation of a car-dependent subdivision at the edge of town, low infill score, high fire service times, increased city infrastructure costs, and lack of connectivity.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: 3. Staff Review Form, 4. Exhibit A, 5. Exhibit B, 6. Staff Report , 7. Monarch Summers PZD Booklet_2025.08.08 - Origin

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113 W. Mountain Street
Fayetteville, AR 72701

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City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1354

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2025-002 FOR APPROXIMATELY 66.78 ACRES LOCATED SOUTHEAST OF NORTH DOUBLE SPRINGS ROAD AND WEST DOT TIPTON ROAD IN WARD 4

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves PZD-2025-02 as described in Exhibits “A” and “B” attached to the Planning Division’s Agenda Memo and the PZD booklet attached to the Planning Commission Memo which allows the development of approximately 18 acres of attached townhomes with rear entry access, 32 acres of single family dwellings, and 17 acres of open and natural areas on property located southeast of North Double Springs Road and West Dot Tipton Road in Ward 4.

Section 2: This PZD approval is subject to the following conditions:

1. Use Unit 8: Single Family Residential shall be removed from Planning Area 1.
2. Use Unit 9: Two-Family Residential shall be removed from the Conditional Use list in Planning Area 3.
3. Planning Areas 1 and 3 shall have a maximum density of 6 units per acre.
4. Planning Area 2 shall have a maximum density of 5 units per acre.

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning criteria change provided in Section 1 above.

City of Fayetteville Staff Review Form

2025-1354

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth

8/1/2025

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

PZD-2025-0002: Planned Zoning District (SE OF N DOUBLE SPRINGS RD AND W DOT TIPTON RD/MONARCH SUMMERS, 474, 475 & 514): Submitted by PRISM DESIGN STUDIO for property located SE OF N DOUBLE SPRINGS RD AND W DOT TIPTON RD in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 66.78 acres. The request is to rezone the property to a planned zoning district.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Total Amended Budget

\$ -

Expenses (Actual+Encum)

\$ -

Available Budget

\$ -

Does item have a direct cost? No

Item Cost

\$ -

Is a Budget Adjustment attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20221130

Purchase Order Number:

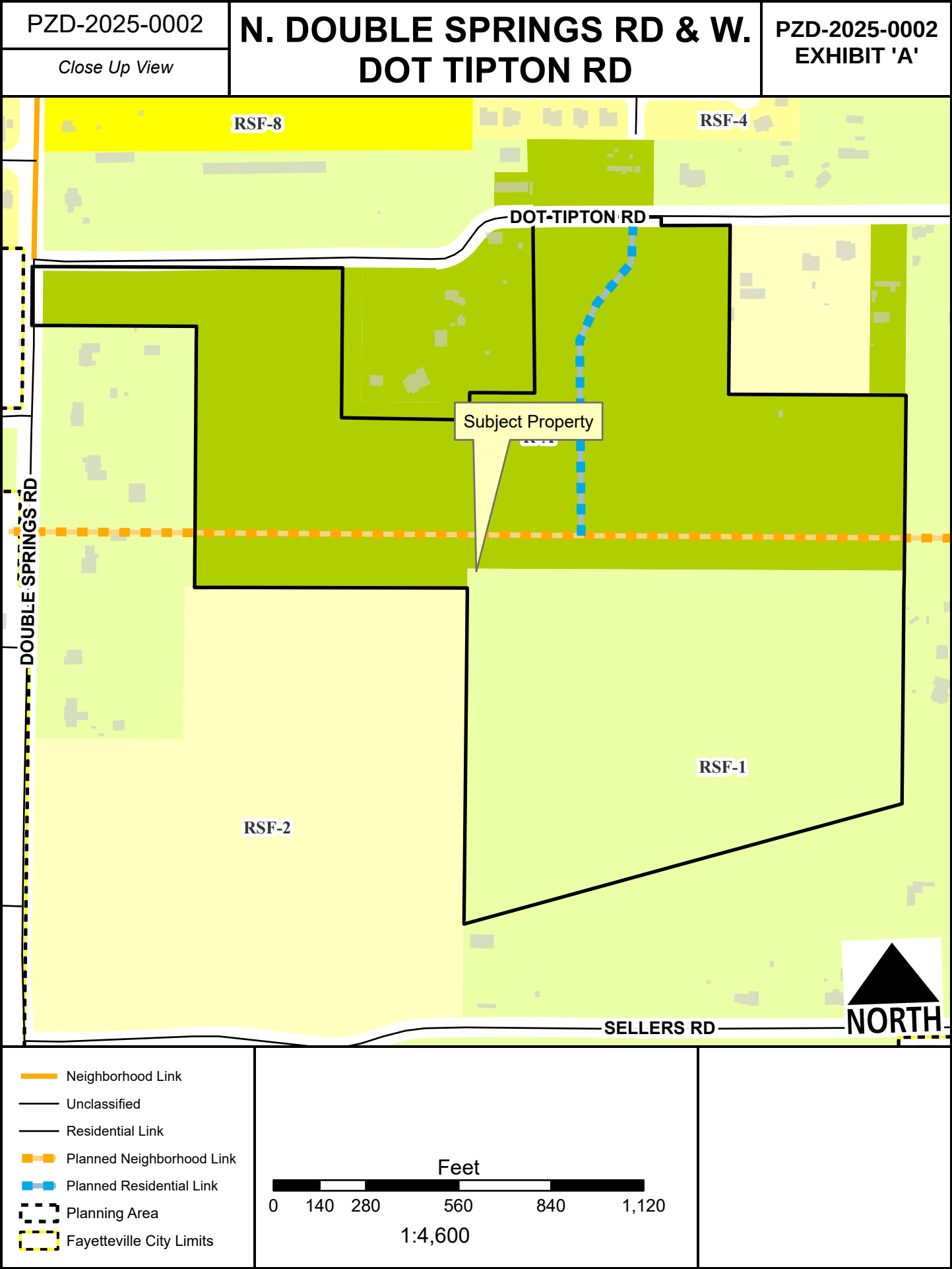
Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



PZD-2025-0002
EXHIBIT B

DESCRIPTION TRACT 1:

TRACT 1 OF PROPERTY LINE ADJUSTMENT FOR JB HAYS, AS PER PLAT RECORD 2018-00011608 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 15, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N87°52'48"W 825.34 FEET;
THENCE N02°24'15"E 790.00 FEET TO THE POINT OF BEGINNING;
THENCE N87°41'55"W 498.00 FEET;
THENCE N02°24'56"E 178.10 FEET;
THENCE S87°46'22"E 497.97 FEET;
THENCE S02°24'15"W 178.75 FEET TO THE POINT OF BEGINNING, CONTAINING 2.04 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF NORTH DOUBLE SPRINGS ROAD AND THE RIGHT-OF-WAY OF WEST DOT TIPTON ROAD AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION TRACT 2:

TRACT 2 OF PROPERTY LINE ADJUSTMENT FOR JB HAYS, AS PER PLAT RECORD 2018-00011608 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 15, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N87°52'48"W 588.52 FEET TO THE POINT OF BEGINNING;
THENCE N87°52'48"W 236.82 FEET;
THENCE N02°24'15"E 968.75 FEET;
THENCE S87°46'22"E 233.32 FEET;
THENCE S02°11'50"W 968.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.23 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF WEST DOT TIPTON ROAD AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION TRACT 3:

TRACT 3 OF PROPERTY LINE ADJUSTMENT FOR JB HAYS, AS PER PLAT RECORD 2018-00011608 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 15, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N87°52'48"W 588.52 FEET;
THENCE N02°11'50"E 968.30 FEET;
THENCE S87°46'22"E 208.15 FEET;
THENCE S02°25'37"W 453.56 FEET;
THENCE S87°01'48"E 386.85 FEET;
THENCE S02°43'07"W 508.65 FEET TO THE POINT OF BEGINNING, CONTAINING 9.11 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF WEST DOT TIPTON ROAD AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION TRACT 4:

TRACT 4 OF PROPERTY LINE ADJUSTMENT FOR JB HAYS, AS PER PLAT RECORD 2018-00011608 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NW 1/4 OF SAID SECTION 14, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N02°43'07"E 55.00 FEET TO THE POINT OF BEGINNING;
THENCE N02°43'07"E 453.65 FEET;
THENCE N02°29'26"E 52.23 FEET;
THENCE N02°41'07"E 30.27 FEET;
THENCE S87°35'25"E 196.57 FEET;
THENCE N01°27'52"E 531.53 FEET;
THENCE S88°12'51"E 388.17 FEET;
THENCE S02°34'33"W 1071.05 FEET;
THENCE N87°40'03"W 575.52 FEET TO THE POINT OF BEGINNING, CONTAINING 11.76 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF WEST DOT TIPTON ROAD AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION TRACT A:

TRACT A OF PROPERTY LINE ADJUSTMENT FOR GOOSE CREEK ADDITION, LLC, AS PER PLAT RECORD 2025-00004377 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE NW 1/4 OF THE SW 1/4 AND PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 14, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N02°43'07"E 55.00 FEET;
THENCE S87°40'03"E 575.52 FEET;
THENCE N02°34'33"E 1045.05 FEET TO THE SOUTH RIGHT-OF-WAY OF DOT TIPTON ROAD AS DEDICATED BY PLAT RECORD 2025-00004377
THENCE ALONG SAID RIGHT-OF-WAY S88°12'51"E 209.00 FEET;
THENCE LEAVING SAID RIGHT-OF-WAY S02°33'00"W 511.21 FEET;
THENCE S87°39'57"E 536.84 FEET;
THENCE S02°35'20"W 535.82 FEET;
THENCE S02°35'20"W 54.90 FEET TO THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 14, SAID POINT BEING A 1/2" IRON PIN;
THENCE ALONG THE EAST LINE THEREOF S02°30'49"W 645.23 FEET;
THENCE LEAVING SAID EAST LINE S76°39'27"W 1374.86 FEET TO THE WEST LINE OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 14;
THENCE ALONG SAID WEST LINE N02°34'09"E 1016.60 FEET TO THE POINT OF BEGINNING, CONTAINING 38.51 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Planner

MEETING: July 28, 2025 (UPDATED WITH MEETING RESULTS)

SUBJECT: **PZD-2025-0002: Planned Zoning District (SE OF N DOUBLE SPRINGS RD AND W DOT TIPTON RD/MONARCH SUMMERS, 474, 475 & 514):** Submitted by PRISM DESIGN STUDIO for property located SE OF N DOUBLE SPRINGS RD AND W DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 66.78 acres. The request is to rezone the property to a planned zoning district.

RECOMMENDATION:

Staff recommends denial of **PZD-2025-0002**.

RECOMMENDED MOTION:

*"I move to forward **PZD-2025-0002** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is located in west Fayetteville, just southeast of the intersection of Dot Tipton Road and Double Springs Road within city limits. It's comprised of multiple parcels totaling 66.78 acres, with the northern half of the site zoned R-A, Residential Agricultural, and the southern half zoned RSF-1, Residential Single-Family, One Unit per Acre. The property was annexed into the City of Fayetteville in 2006 and has remained undeveloped since. A portion of the site contains hydric soils.

Several rezoning requests have been submitted for the northern half of the property. In 2008, a planned zoning district (PZD) proposal sought to develop 182 single-family homes across three planning areas, with 3.50 acres of public pedestrian trails and greenspace. The proposed overall density for that project was 4.55 units per acre. While city staff and the Planning Commission recommended denial, the City Council ultimately approved the request. However, in 2015, following the expiration of the PZD without any development, the City Council reverted the property's zoning back to R-A.

In 2020, another rezoning request was submitted to change the zoning for that area to RSF-4, Residential Single-Family, Four Units per Acre. That request was also recommended for denial by staff and the Planning Commission with concerns raised about the proposed density and the property's location just within city limits. The applicant did not appeal that denial to the City Council. Another rezoning request was received in 2021 which sought to rezone that area to RSF-2, Residential Single-Family, Two Units per Acre. Staff and the Planning Commission again recommended denial, citing concerns regarding suburban sprawl and insufficient infrastructure.

That denial was appealed to the City Council but was ultimately upheld during the second reading. In April 2025, another request was received to rezone the entire 66.78 acres to NC, Neighborhood Conservation (RZN-2025-0012). That request was also recommended for denial by staff and the Planning Commission with concerns raised about the proposed density, the property's location near city limits, and existing infrastructure capacity.

Land uses and zoning surrounding the subject property are depicted below in *Table 1*. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Rural Residential	R-A, Residential-Agricultural; RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre
South	Rural Residential; Undeveloped	RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre
East	Rural Residential	RSF-1, Residential Single-Family, One Unit per Acre
West	Rural Residential	RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre; A-1, Agriculture (City of Farmington)

Proposal: The applicant requests to rezone the property to a Planned Zoning District with four planning areas, as described below:

- **Planning Area 1 (Estimated Density of 6.02 Units per Acre):** The intention of this area is to provide attached townhomes (two-family dwellings) with rear entry access.
- **Planning Area 2 (Estimated Density of 4.92 Units per Acre):** This planning area is intended to provide small single-family dwelling lots.
- **Planning Area 3 (Estimated Density of 5.24 Units per Acre):** This planning area is intended to provide large single-family dwelling lots.
- **Planning Area 4 (Zero Units per Acre):** This planning area is intended to protect open and natural areas on the site, trails, parks, utilities, and stormwater management areas.

Public Comment: To date, staff has received two comments in opposition, citing drainage and flooding which impacts both adjacent streets and properties, narrow adjacent streets, impacts from infilling an existing pond, urban sprawl, an inappropriate location for high-density housing and the proximity of townhomes to large existing lots, inadequate infrastructure, creation of a commuter neighborhood with a lack of services, negative impacts to property values, and an increase in the number of rental properties. Staff has also received a letter in support of the request signed by three adjacent neighbors.

INFRASTRUCTURE:

Streets: The property has frontage along two Residential Link Streets, Double Springs Road and Dot Tipton Road. Both streets are unimproved with asphalt paving. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject area. There is an existing 8-inch water main along the west side of the property on N. Double Springs Rd. and an existing 8-inch on the north side of the property that has been stubbed across Dot Tipton Rd.

Sewer: Sanitary Sewer is not available to the subject area. There is an existing lift station (#44) on the north side of the property that collects sewer from several subdivisions

to the north. However, it is currently at capacity, as is as the next lift station (#22) downstream of it. As such, this development would not be permitted to tie to this series of lift stations. However, the property owner has been in discussions with the City for off-site gravity sewer improvements for the property. This off-site gravity sewer main would drain to the west to an existing lift station (#12) with capacity at the intersection of Double Springs Rd. and Goose Creek Rd. As part of these discussions the city has engaged a consultant to prepare engineering plans for this off-site work. In addition, the city is engaged in the process of acquiring easement for this sewer main. At this time, the Utilities Department has indicated that this will be their contribution for the off-site sewer and the developer would be responsible for all construction costs.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District, streamside protection, or FEMA floodplain; however hydric soils appear to be present on the north and southeast sides of the property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits are issued for the property, a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately three miles from the fire station with an anticipated drive time of approximately five minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck.

In addition to the response times of the fire department, other factors will have to be met for this proposed development.

- Access for this development off of Dot Tipton will have to meet fire code requirements including but not limited to remoteness, width, length, dead-end turnaround requirements.
- Developments of single-or two-family dwellings, where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads that meets the requirements of D107.1
- See AFPC 2021 edition Vol1 for more fire code requirements.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning districts, R-A, Residential-Agricultural and RSF-1, Residential Single-Family, One Unit per Acre, require **25% minimum canopy preservation**. The proposed PZD will require **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **0-3** for this site with a weighted score of **3** at the highest level. The following elements of the matrix contribute to the score:

- Near Water Main (8-inch main, on site)
- Near Sewer Main (8-inch main, on site)
- Near City Park (Harmony Pointe Park)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed rezoning to be generally incompatible with adjoining land uses. This 67-acre site, located on the far west side of Fayetteville, is currently surrounded by large rural residential lots and agricultural land at very low densities. Properties along Double Springs Road and in adjacent areas are composed of residential lots that are generally a few acres in size. While there are some neighborhoods further north and within Farmington city limits that reflect a slightly higher density, similar to RSF-4 zoning, those remain exceptions in the area.

Staff finds that the proposal would create an exclusively residential subdivision in an area lacking access to public services, nonresidential amenities, and with minimal or inadequate existing infrastructure. The proposal represents a significant departure from the existing development pattern which would be out of character with the surrounding area. While staff could potentially support the creation of a complete, connected neighborhood which incorporates multiple uses, staff finds the existing proposal is both out of scale and likely to contribute to automobile dependence due to the lack of either existing or proposed nonresidential services in the area.

Additionally, there are multiple staff comments remaining to be addressed. The proposed rezoning to a PZD proposes an aggregate residential density of 4.00 units per acre; however, the overall site plan indicates an overall density of 4.01 acres, requiring either an increase in the proposed density or the removal of lot(s). Staff has requested additional information on the proposed density within each planning area multiple times in order to fully evaluate the request but has not yet to receive this information. As such, staff completed an estimate of zoning densities based on the number of units

shown on the provided site plan within each planning area. Based on this, individual planning areas range between approximately five to six units per acre. Planning Area 3 lists Use Unit 9: Two-Family Dwellings as both a conditional and by-right use, and Planning Area 4 does not include a minimum buildable street frontage requirement. Staff also notes there is a notable variation between the stated lot widths listed in the booklet and those shown in the site plan, with the site plan showing lots averaging between 10' and 20' larger than the lot widths indicated in the booklet.

Finally, because Planning Areas 1-3 include Use Unit 8: Single Family Dwellings even within areas indicated for two-family dwellings, but do not include either maximum lot sizes or widths, the property could feasibly be developed as a single-family subdivision with identical lot widths throughout the site.

Land Use Plan Analysis: Staff finds that the proposed rezoning does not align with several of the goals outlined in City Plan 2040. The request is not considered infill or revitalization and instead promotes outward growth that conflicts with the City's goal of discouraging suburban sprawl. The site lies at the western edge of city limits in an area with limited access to city services and infrastructure. City Plan 2040 encourages growth and infill near the City's core in order to ensure sustainable land use patterns and infrastructure improvements. The subject property currently lacks proximity to non-residential services, employment centers, and alternative modes of transportation, which would likely result in increased automobile dependence. The only nonresidential uses are proposed by right within the PZD are Use Unit 4, Cultural and Recreation Facilities within Planning Area 4, with limited options such as home occupations or government facilities proposed through conditional use permits. This conflicts with the City's goal of building a livable transportation network. The property also only has access to two existing streets, Dot Tipton and Double Springs Roads, which are largely unimproved and are not sufficient to support higher-density development. The proposed site plan only indicates public street access to Dot Tipton Rd., with only an alley shown to connect to Double Springs Rd.

Further, the proposed PZD zoning restricts by-right development to only single-family or two-family homes, but with single-family dwellings allowed by right in all residential planning areas. Discouraging a wider range of housing types undermines the City's goal of promoting attainable housing and conflicts with the property's Future Land Use Map designation as Residential Neighborhood Area. With these considerations in mind, staff finds that the proposed rezoning is not consistent with the City's future land use plans. However, the site may be suitable for more dense zoning and development in the future as infrastructure and other services extend to this part of the city, particularly if a mix of residential and nonresidential services are proposed that could better serve city goals for compact, complete, and connected developments.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff believes that there is not sufficient justification for rezoning the property to the proposed PZD. Conflicts with the Future Land Use Map and City Plan 2040's goals suggest that a rezoning is not justified or needed at this time.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property from R-A and RSF-1 to the proposed PZD is likely to significantly increase traffic at this location due to the number of vehicle trips associated with increased residential densities. The area lacks a diverse transportation network as there is no sidewalk or trail connectivity and the main routes to and from the property are along streets that are largely unimproved. Double Springs Road, which would likely facilitate most regional traffic, can support volumes up to 6,000 vehicle trips per day according to the Master Street Plan. In 2022, ArDOT recorded approximately 4,900 average daily trips farther north on Double Springs near Owl Creek, and 120 average daily trips on Dot Tipton Road just east of this site. Staff finds that the proposed rezoning would likely result in an increase in traffic congestion, given the increase in density associated with it. While staff acknowledges that future development could contribute to a complete and more connected street network, such benefits do not currently outweigh the challenges posed by this rezoning. The 2040 Master Street Plan also shows planned Neighborhood Link and Residential Link connections through this site, intersecting near the middle of the property. However, staff finds that those future connections do not provide sufficient justification for a rezoning at this time.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property to the proposed PZD would lead to an increased density over the current R-A and RSF-1 zonings. Water and sanitary sewer mains exist on site which would support a residential development, though downstream sewer capacity issues have been identified. The property lies within the Farmington School District. Farmington Schools have not provided comment. In terms of emergency services, the Fire Department has commented that this property is beyond the response time goal for both engines and ladder trucks.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

§ 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: Staff finds the proposed PZD does not meet the criteria in 161.35 for Planning Zoning Districts as proposed. While the site plan indicates ample open space exceeding standard zoning requirements with relatively minimal disruption to existing features, it includes very few permitted uses and the proposed planning areas are nearly identical. Further, without restrictions such as maximum building or lot sizes, staff will have no enforcement mechanism by which to require a builder to limit the size of the proposed residences. As the size of the dwellings is the primary means by which the applicant proposes to provide a variety of housing, staff finds the lack of this provision would permit Planning Areas 2 and 3 to be platted and constructed in an identical manner. Additionally, while lot sizes as small as 30 feet are permitted through the PZD booklet, the site plan generally shows townhome lots as 40 feet in width, “small” single-family residential lots as 50-feet wide and “large” single-family homes at 70 feet wide. In order to meet the stated intent to provide small residential units,

staff recommends that, if approved, the stated lot minimums shall instead be maximums except in the cases of corner lots.

Further, while two-family dwellings are permitted within Planning Areas 1 and 2, single-family residences are as well, and staff has no enforcement mechanism to require the construction of two-family dwellings in a planning area where both uses are permitted by right. Two-family dwellings are listed both as a by-right and a conditional use within Planning Area 3 and it is not clear what the intent is at this time. Use Unit 10: Three- and Four-Family Dwellings are listed as a conditional use permit in Planning Areas 1 and 2, providing potential opportunities for alternative housing types; however, there are no guarantees this housing type would be included as proposed.

Given the lack of nonresidential services in the area, staff also finds the lack of permitted nonresidential uses runs counter to Planned Zoning District's intent to "achieve variety and integration of economic and redevelopment opportunities." If approved, staff recommends that Use Unit 12b General Business shall be permitted within Planning Area 1. Use Unit 12b consists of small-scale establishments offering commercial goods and services within a building containing 8,000 square feet or less, excluding area dedicated to residential uses, such as day cares, salons, bakeries, groceries, retail, and offices that could be a benefit to the surrounding communities.

RECOMMENDATION: Staff recommends denial of **PZD-2025-0002**. If forwarding to City Council, staff recommends the following conditions:

Conditions of Approval:

1. Associated development will be required to provide adequate access for water, sewer, and emergency services; and
2. Where dwellings have access to a public or private alley, driveway access shall be required from that alley.
3. Recreational amenities including an outdoor playground, shade structures, and trail system shall be provided in a substantially similar type and location as shown on the conceptual plans. Installation of amenities shall be required prior to ~~final plat sign-off.~~
issuing the first COO for the development.
4. The following corrections shall be made to the PZD booklet
 - a) Remove Use Unit 8: Single-Family Residential from Planning Area 1.
 - ~~b) Use Unit 12b General Business shall be permitted by right within Planning Area 1.~~
 - c) Remove Use Unit 9: Two-Family Residential from the Conditional Use list in Planning Area 3.
 - ~~d) Planning Area 4 shall have a minimum buildable street frontage requirement of 50%.~~
 - ~~e) Lots within Planning Area 1 shall have a maximum lot width of 30 feet, except in the case of corner lots.~~
 - ~~f) Lots within Planning Area 2 shall have a maximum lot width of 30 feet, except in the case of corner lots.~~
 - ~~g) Lots within Planning Area 3 shall have a maximum lot width of 50 feet, except in the case of corner lots.~~
 - h) Planning Area 1 and 3 shall have a maximum density of 6 units per acre.

- i) Planning Area 2 shall have a maximum density of 5 units per acre.

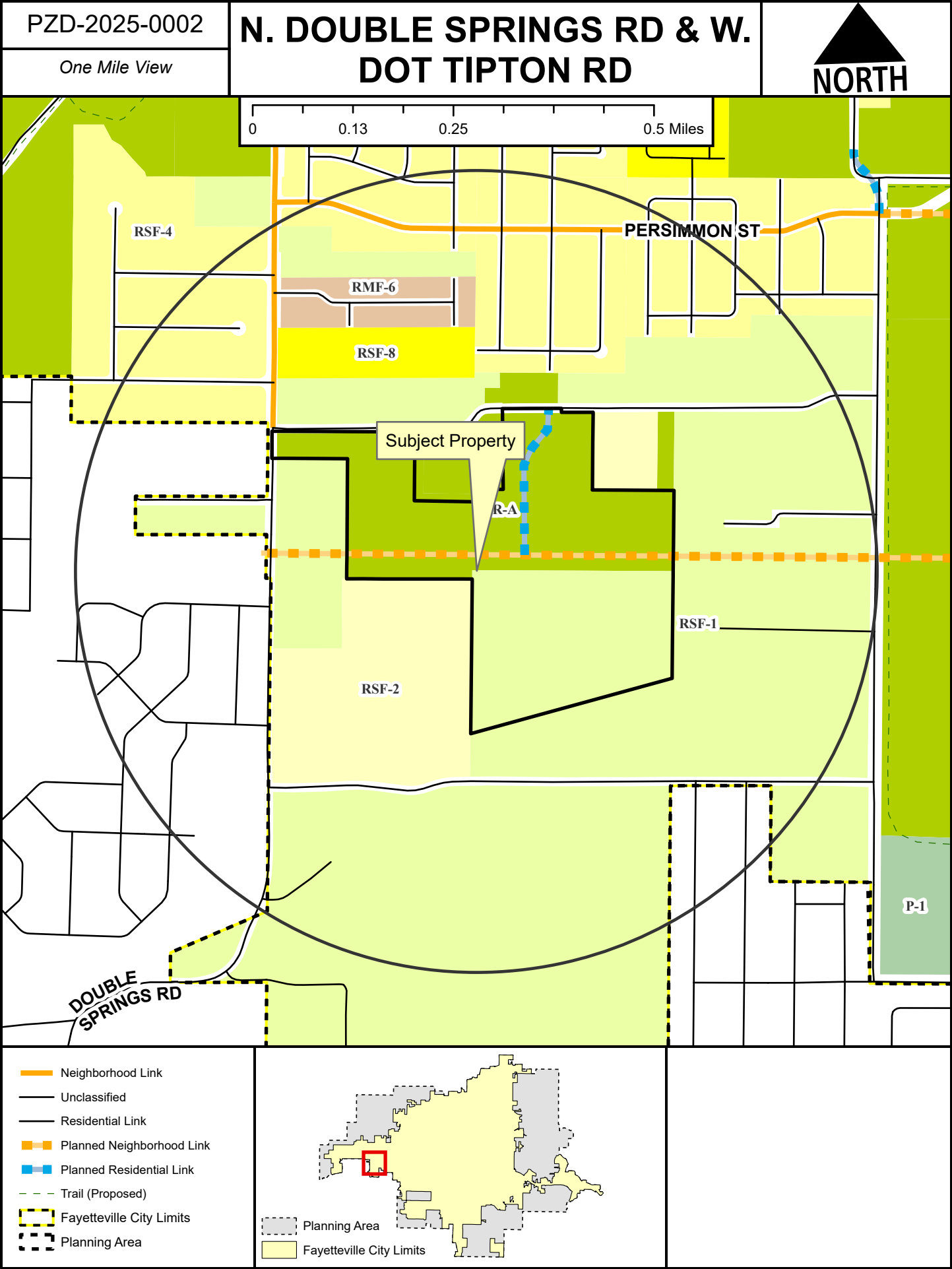
Planning Commission Action:	☒ Forwarded	☐ Tabled	☐ Denied
Meeting Date: <u>July 28, 2025</u>	I move to forward PZD-2025-0002 to City Council with a recommendation of approval and with the following conditions:		
Motion: MCGETRICK	Conditions 1, 2, 4a, 4c, 4h, and 4i as written		
Second: PAYNE	Condition 3 modified to be required prior to the issuance of the first certificate of occupancy for the development.		
Vote: 7-2-0 (GARLOCK, GULLEY OPPOSED)			

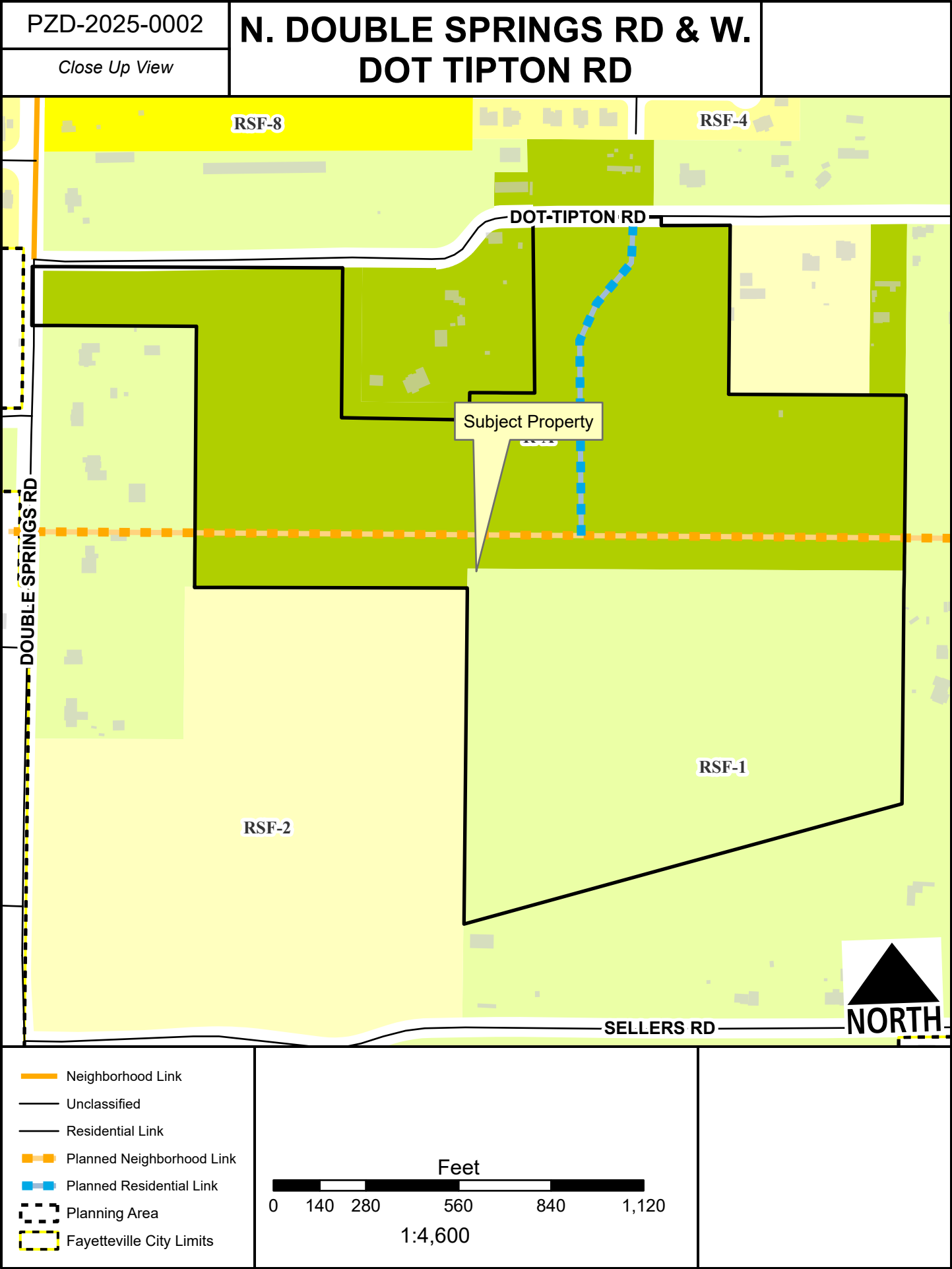
BUDGET/STAFF IMPACT:

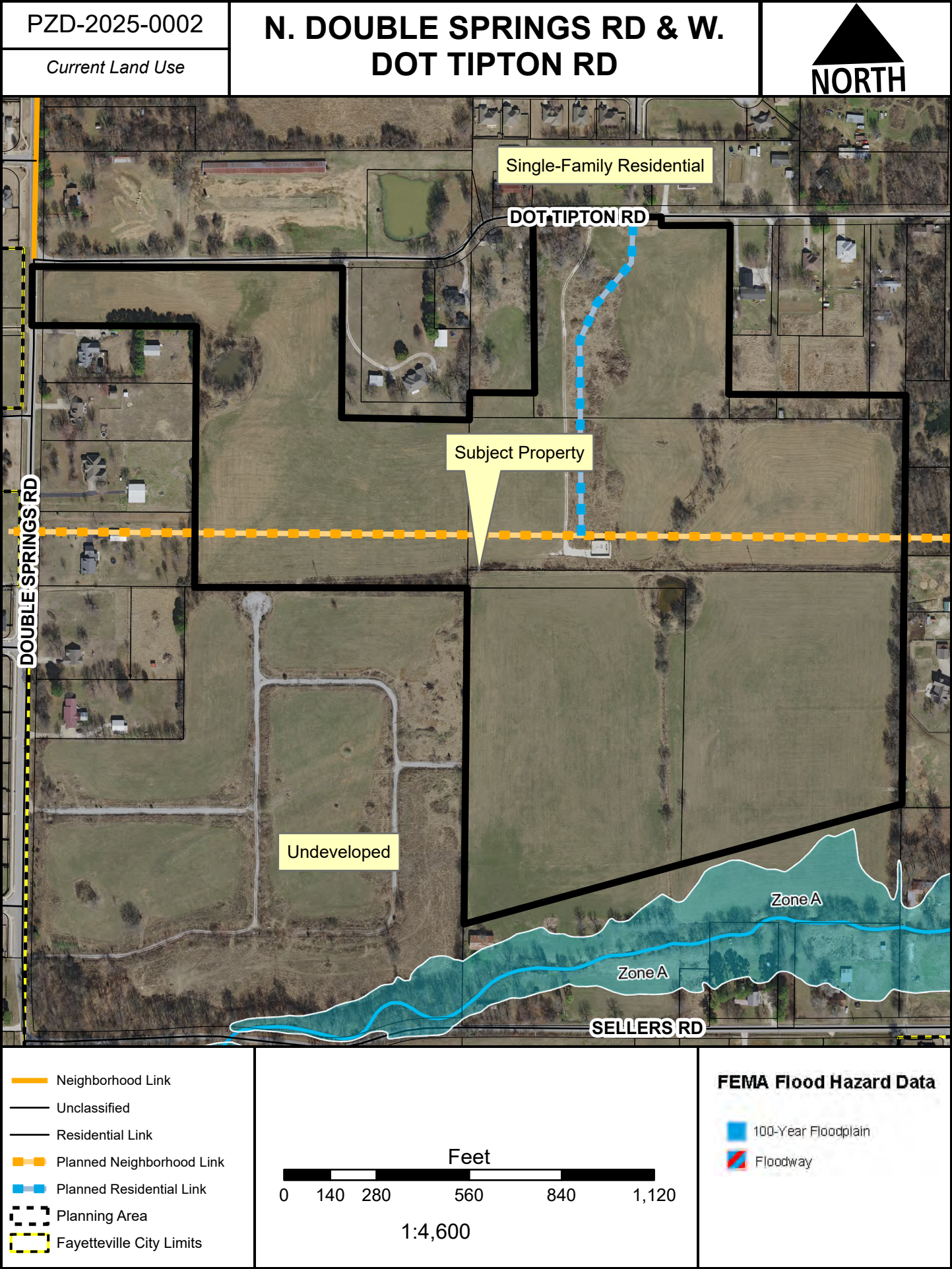
None

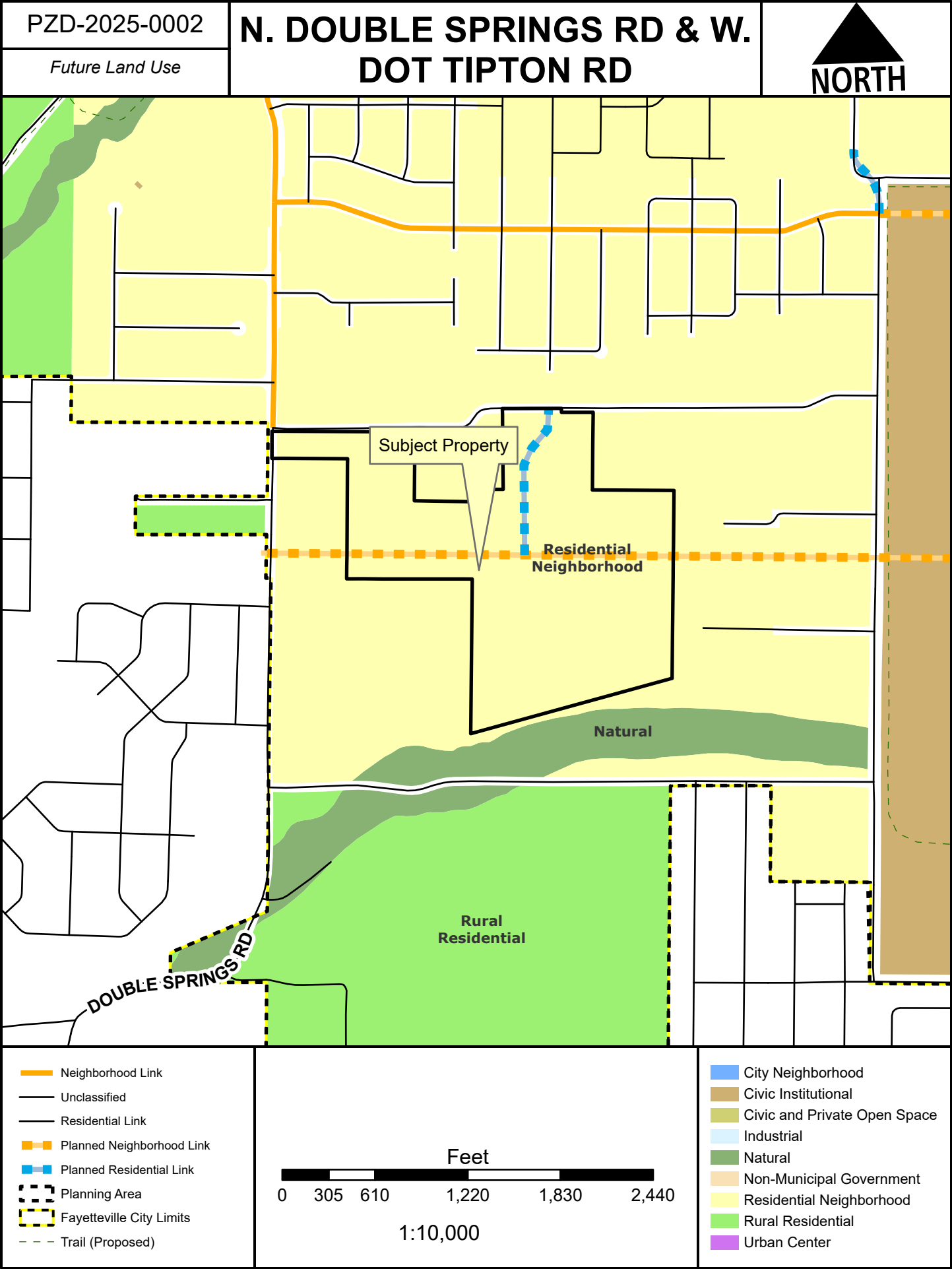
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close Up Map
 - Current Land Use Map
 - Future Land Use Map
- Staff Exhibit:
 - Zoning Comparison Exhibits
- Applicant Exhibits
 - Request Letter
 - Site Plans
 - PZD Booklet
- Public Comment









Existing and Proposed Uses Allowed by Right

Use Unit	Description	R-A (Existing)	RSF-1 (Existing)	Planning Area 1 (Proposed)	Planning Area 2 (Proposed)	Planning Area 3 (Proposed)	Planning Area 4 (Proposed)
1	City-wide uses by right	X	X	X	X	X	X
3	Public protection and utility facilities	X					
4	Cultural and recreational facilities						X
6	Agriculture	X					
7	Animal husbandry	X					
8	Single-family dwellings	X	X	X	X	X	
9	Two-family dwellings	X		X	X	X	
37	Manufactured homes	X					
41	Accessory dwellings	X	X	X	X	X	
43	Animal boarding and training	X					
44	Cluster Housing Development				X		
46	Short-term rentals	X	X	X	X	X	

Existing and Proposed Uses Allowed by Conditional Use Permit

Use Unit	Description	R-A (Existing)	RSF-1 (Existing)	Planning Area 1 (Proposed)	Planning Area 2 (Proposed)	Planning Area 3 (Proposed)	Planning Area 4 (Proposed)
2	City-wide uses by conditional use permit	X	X	X	X	X	X
3	Public protection and utility facilities		X	X	X	X	X
4	Cultural and recreational facilities	X	X	X	X	X	
5	Government facilities	X	X	X	X	X	
9	Two-family dwellings					X	
10	Three (3) and four (4) family dwellings			X	X		
20	Commercial recreation, large sites	X					
24	Home occupation	X	X	X	X	X	
35	Outdoor music establishments	X					
36	Wireless communications facilities	X	X	X	X	X	X
40	Sidewalk Cafes			X	X		
42	Clean technologies	X					
44	Cluster Housing Development		X			X	

Existing and Proposed Uses Allowed by Right

Purpose Statement	Description	R-A (Existing)	RSF-1 (Existing)	Planning Area 1 (Proposed)	Planning Area 2 (Proposed)	Planning Area 3 (Proposed)	Planning Area 4 (Proposed)
	The regulations to the agricultural district are designed to protect agricultural land units and thereby to anchor to urban development has been accomplished; prevent waste by scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base by providing for the maximum use of space; increase scenic attractiveness; and conserve open space.	A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.	Provide an appropriately flexible neighborhood buffer, allowing more density along main street frontages without impacting neighborhood character. Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements within the overall development of the neighborhood. Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long-term maintenance of required infrastructure.	Provide an alternative, smaller lot configurations for additional single-family detached housing, providing flexibility for smaller, efficient, affordable house types to increase user diversity and overall appeal. Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of the life cycle. Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long-term maintenance of required infrastructure.	Provide a buffer to the existing creek that will contribute to the overall neighborhood character. Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of the life cycle. Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long-term maintenance of required infrastructure.	Provide shared open space that contributes to the health and well-being of the neighborhood and its users. Utilize natural spaces for stormwater management, allowing for re-use, filtering, and absorption, rather than collection, piping and quick-conveyance, which has proven to be detrimental to our public watersheds. Utilize existing or proposed public utility easements as activated spaces, rather than a direct, unmitigated area.	
Intent	NA	NA	1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City Standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of the usage; 2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern; 3. Block structure should be compact and connected, lots with alley frontage shall use said alleys for side access to property, with an emphasis on pedestrian pathways creating connectivity throughout the neighborhood; 4. Buildings should address the street appropriately with visible pedestrian entries on the primary facade connected to pedestrian pathways; 5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage; 6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential; 7. Set backs are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestrian. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more functionally sustainable neighborhoods.	1. To preserve and enhance natural features, promoting habitat for wildlife, stream health and environmental stewardship. 2. Allow public and neighborhood access to open spaces, bringing awareness to natural systems and functions. 3. Utilize existing drainage patterns to minimize land disturbance, loss of soil, erosion, and sediment off loading in streams.			
Neighborhood Standards	Residential	Residential	Residential	Residential	Residential	Residential	
Development Allowed to be Approved	No	No	No	No	No	No	
Density of Residential Dwellings per Acre (Max)	0.5 units	1 unit	4 units per acre (larger scale between all planning areas)	4 units per acre (larger scale between all planning areas)	4 units per acre (larger scale between all planning areas)	None	
Lot Width Minimum	200 feet	150 feet	30 feet	30 feet	50 feet	NA	
Lot Area Minimum	Residential & Nonresidential 2 acres	32,720 square feet	NA	NA	NA	NA	
Lot Area per Dwelling Unit	Front: 35' Side: 20' Rear: 35'	Front: 35' Side: 20' Rear: 35'	NA	NA	NA	Front: 10' Side: 5' Rear: 5'	
Setback Requirements (Euclidean)	NA	NA	NA	NA	NA	NA	
Setback Requirements (Urban Form)	NA	NA	Front: 6' 35' R1Z- Side: 5' Rear: 15'	Front: 6' 35' R1Z- Side: 5' Rear: 15'	Front: 6' 35' R1Z- Side: 5' Rear: 15'	2 Stories	
Building Height	There shall be no maximum height limit in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	3 Stories	3 Stories	3 Stories	3 Stories	2 Stories	
Building Area	NA	NA	NA	NA	NA	NA	
Minimum Building Street Frontage	NA	NA	50%	50%	50%	NA	
Tree Preservation	20%	25%	20%	25%	20%	20%	

Rezoning Request Narrative

June 04, 2025

City of Fayetteville
Development Services – Planning
125 W Mountain Street
Fayetteville, AR 72701

RE: Planned Zoning District Rezoning Request

Project Location: Multiple properties near W Dot Tipton Rd., Fayetteville, AR

Parcels: 765-16202-150, 765-16202-450, 765-16202-500, 765-16202-550, 765-16202-600, 765-16202-650, 765-16223-800, 765-16223-900, 765-20489-100

To Whom It May Concern:

We are pleased to submit a request for rezoning to Planned Zoning District (PZD) for a new development in west Fayetteville, Monarch Summers. The residential project includes detached single-family homes, and attached two-family homes (townhomes), totaling 267 units over 66.65 acres. The PZD proposal is based on an aggregate 4 units per acre, but requests smaller lot widths and minimum lot areas. By utilizing smaller lots, existing natural features and drainage patterns can be respected and enhanced. Monarch Summers boasts over 25% open space, including a long central green that doubles as a stormwater park and wildlife viewing area.

As illustrated in the PZD booklet, this project is compatible with the adjacent zoning and will not unreasonably or adversely affect or conflict with surrounding land uses. The proposed zoning district design aligns with City 2040 plan and aims to provide much-needed housing opportunities in a rapidly growing area of Fayetteville. This rezoning will support the City's long-term vision by addressing housing demand and fostering community growth while enhancing the overall quality of life for residents.

Please reach out with any additional questions or concerns regarding this rezoning request to Jenny Burbidge at 479.883.2845 or jenny.burbidge@prismds.co.

Sincerely,



Jenny C. Burbidge, PLA, ASLA
Vice President
Prism Design Studio

MONARCH SUMMERS

DESCRIPTION TRACT 1:
TRACT 1 OF PROPERTY LINE ADJUSTMENT FOR JB HAYS, AS PER PLAT RECORD 2018-00011608 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 15, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N87°52'48"W 825.34 FEET;
THENCE N02°24'15"E 790.00 FEET TO THE POINT OF BEGINNING;
THENCE N87°41'55"W 498.00 FEET;
THENCE N02°24'56"E 178.10 FEET;
THENCE S87°46'22"E 487.97 FEET;
THENCE S02°24'15"W 178.75 FEET TO THE POINT OF BEGINNING, CONTAINING 2.04 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF NORTH DOT TIPTON SPRINGS ROAD AND THE RIGHT-OF-WAY OF WEST DOT TIPTON ROAD AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION TRACT 2:

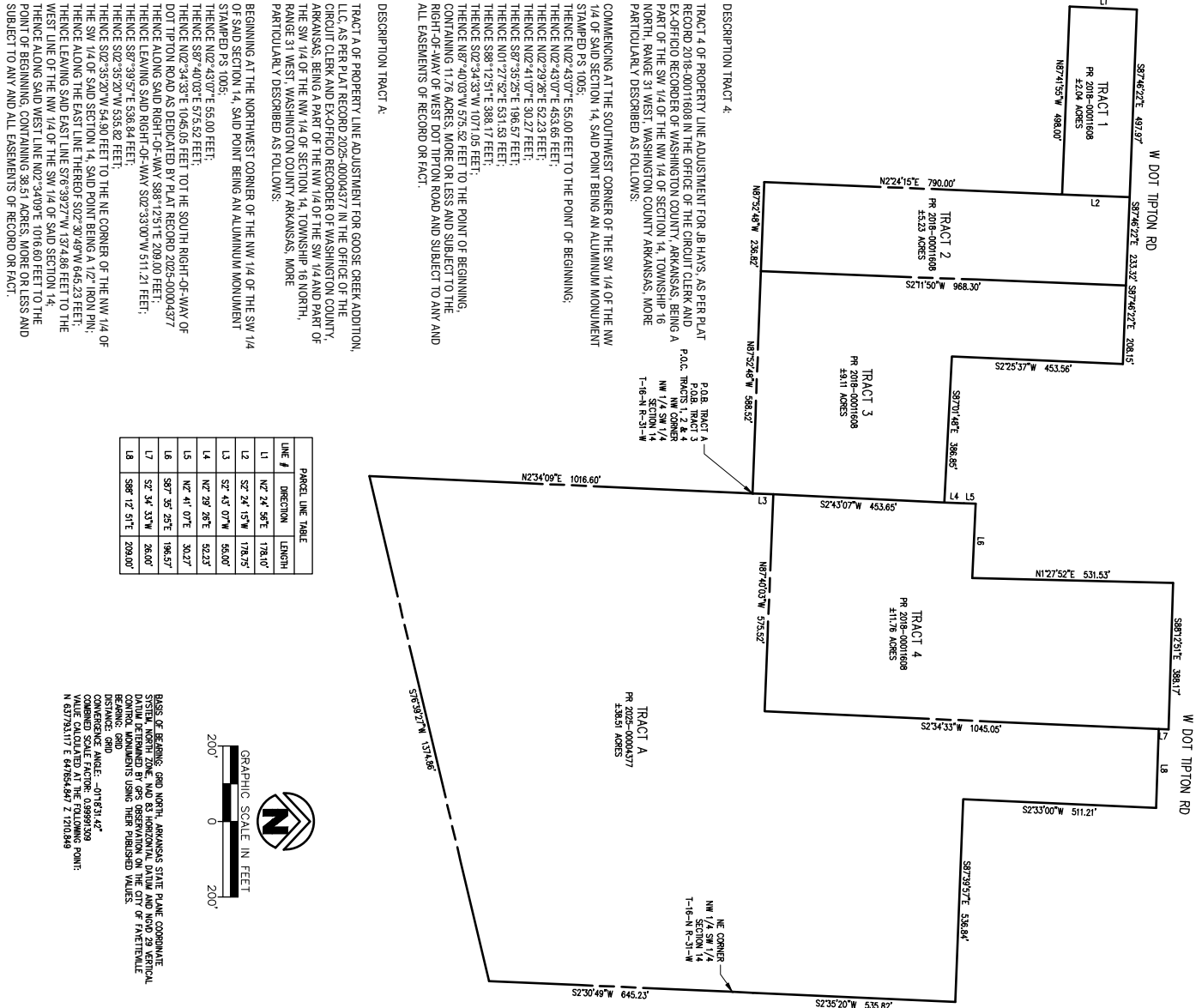
TRACT 2 OF PROPERTY LINE ADJUSTMENT FOR JB HAYS, AS PER PLAT RECORD 2018-00011608 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 15, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N87°52'48"W 588.52 FEET TO THE POINT OF BEGINNING;
THENCE N87°52'48"W 236.82 FEET;
THENCE N02°24'15"E 968.75 FEET;
THENCE S87°46'22"E 233.32 FEET;
THENCE S02°11'50"W 968.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.23 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF WEST DOT TIPTON ROAD AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION TRACT 3:

TRACT 3 OF PROPERTY LINE ADJUSTMENT FOR JB HAYS, AS PER PLAT RECORD 2018-00011608 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 15, SAID POINT BEING AN ALUMINUM MONUMENT STAMPED PS 1005;
THENCE N87°52'48"W 588.52 FEET;
THENCE N02°11'50"E 968.30 FEET;
THENCE S87°46'22"E 208.15 FEET;
THENCE S02°25'37"W 453.56 FEET;
THENCE S87°01'45"E 386.65 FEET;
THENCE S02°43'07"W 508.65 FEET TO THE POINT OF BEGINNING, CONTAINING 9.11 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF WEST DOT TIPTON ROAD AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



LINE #	DIRECTION	LENGTH
11	N2°24'56"E	178.10'
12	S2°24'15"W	178.75'
13	S2°43'07"W	55.00'
14	N2°29'20"E	82.23'
15	N2°41'07"E	30.27'
16	S87°55'25"E	196.57'
17	S2°34'33"W	26.00'
18	S88°12'51"E	209.00'

BEARS OF BEGINNING AND NORTH, ARKANSAS STATE PLANE COORDINATE SYSTEM, NAD 83, ZONE 15N, DATUM 1983, ELLIPSOID, GRS 80, Spheroid, DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF FAYETTEVILLE, ARKANSAS, USING THEIR PUBLISHED VALUES.

CONVERSION ANGLE: -01°13'42"

COMBINED SCALE FACTOR: 0.99991309

VALUE CALCULATED AT THE FOLLOWING POINT: N 63°13'11"E 6745.83' 7120.89'

SEAL

RECORD INFORMATION

Planning Commission
July 28, 2025

PZD-2025-0002 (MONARCH SUMMERS)

Page 18 of 53

PROPERTY EXHIBIT
PART NW 1/4 SW 1/4 AND PART SW 1/4 NW 1/4 SECTION 14
PART SE 1/4 NE 1/4 SECTION 15
T-16-N R-31-W

PREPARED FOR:
GOOSE CREEK ADDITION, LLC

FAYETTEVILLE ARKANSAS



CRAFTON TULL ASSOCIATES, INC.

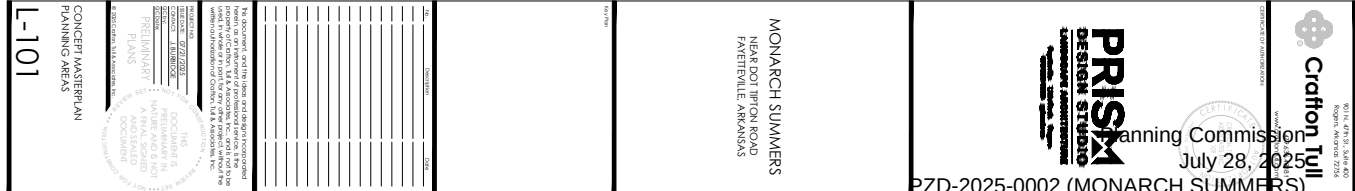


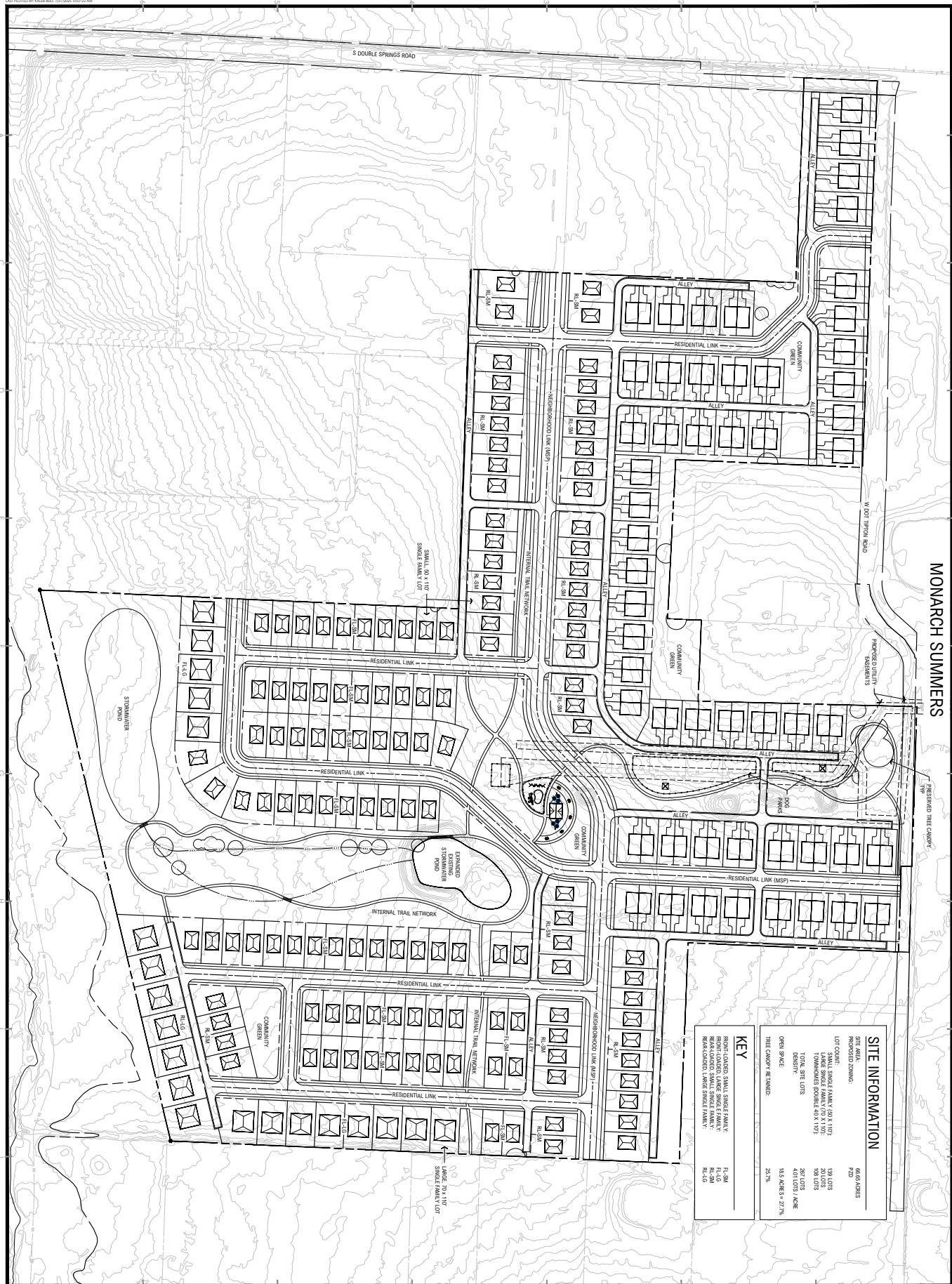
DATE: 06/03/2025

PROJECT NO.: 2400100

CONTRACT: 2400100

SHEET NO.: 1 OF 1





MONARCH SUMMERS

— PRESERVED TREE CANOPY

SITE INFORMATION

SITE AREA:	66.65 ACRES
PROPOSED ZONING:	P20
LOT COUNT:	139 LOTS
SMALL SINGLE FAMILY (50 X 107):	20 LOTS
LARGE SINGLE FAMILY (70 X 107):	108 LOTS
TOWNHOMES (DOUBLE 40 X 107):	
TOTAL SITE LOTS:	287 LOTS
DENSITY:	4.01 LOTS
OPEN SPACE:	16.5 ACRES
TREE CANOPY RETAINED:	25.7%

KEY

FRONT-LOADED, SMALL SINGLE FAMILY;	FL-SM
FRONT-LOADED, LARGE SINGLE FAMILY;	FL-LG
REAR-LOADED, SMALL SINGLE FAMILY;	RL-SM
REAR-LOADED, LARGE SINGLE FAMILY;	RL-LG

MONARCH SUMMERS
NEAR DOT TIPTON ROAD
FAYETTEVILLE, ARKANSAS

 Crafton Tui
on
25

PRISM
DESIGN STUDIO
COMMERCIAL PHOTOGRAPHY
4000 14th Ave. S.
Seattle, WA 98148

Planning Commission
July 28, 2025

PZD-2025-0002 (MONARCH SUMMERS)

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MASTERPLAN

L-102

THE DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL SIGNED AND SEALED DOCUMENT

the document, and the ideas and designs incorporated herein as an instrument of professional service, is the property of Carlson, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Carlson, Tull & Associates, Inc.

Planned Zoning District Booklet for

Monarch Summers Development



Prepared By:
Prism Design Studio

Date:
July 21, 2025

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I. Owner Information

Name: Goose Creed Addition LLC
Address: 60 South 6th Street
Fort Smith, AR 72901

Project Information

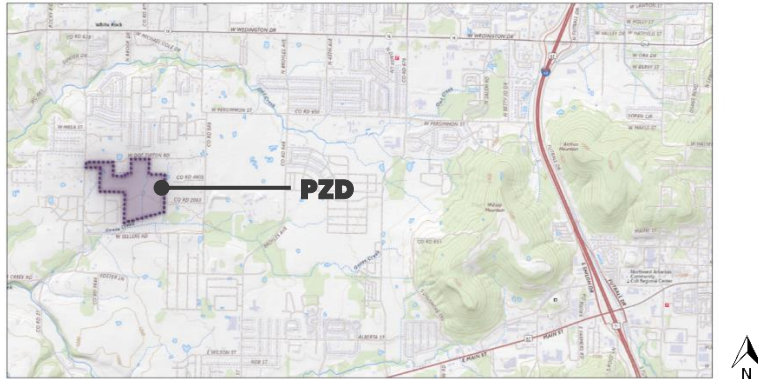
Parcels: 765-16202-150, 765-16202-450, 765-16202-500,
765-16202-550, 765-16202-600, 765-16202-650,
765-16223-800, 765-16223-900, 765-20489-100
Address: Near Dot Tipton Rd., Fayetteville, AR
Acreage: ±66.65 Acres
Existing Zoning: R-A (Residential Agriculture) &
RSF-1 (Residential Single Family- 1 units per acre)
Existing Use: Vacant – hay field
Proposed Zoning: PZD (Planned Zoning District)
Proposed Use: Residential – attached townhomes and detached
Single-family homes
Units: 108 townhomes | 159 Single-family homes
267 total units
Density: 4 units/acre aggregate

Project Narrative

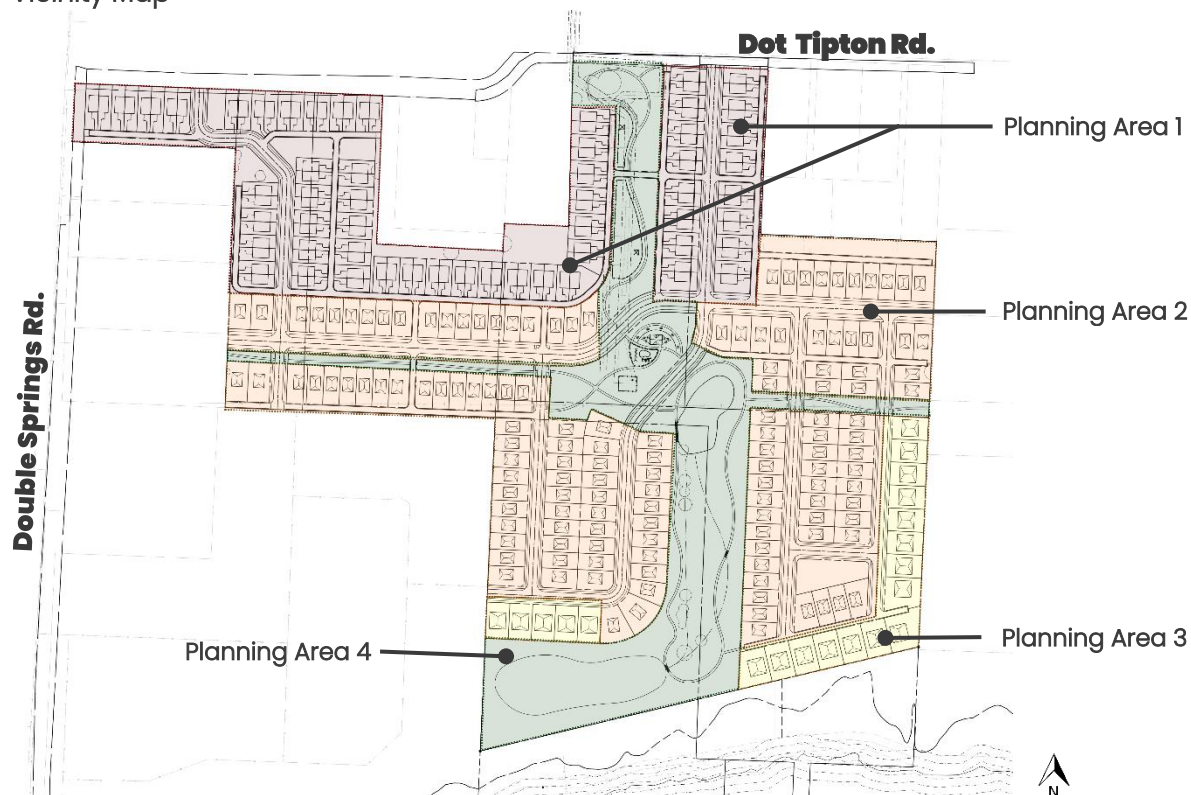
Monarch Summers development is a new housing development along Dot Tipton Road in west Fayetteville. It proposes mixed unit types, including attached townhomes and single-family homes, connected through walkable, compact streets, while maximizing greenspace for recreational use and stormwater management. The neighborhood provides trails around restored wildlife habitat areas, planted with native species such as milkweed, the host plant for Monarch butterfly. Monarch Summers aims to create an active, environmental community that seeks to enhance existing natural features through increasing biodiversity on site. These initiatives include creating connected green spaces preventing habitat fragmentation and connecting to the existing wildlife corridor and ecosystem along Goose Creek.

II. Planned Zoning District & Planning Areas

The proposed Planned Zoning District includes four planning areas. The proposed lot restrictions are the same throughout the development, with permitted uses being the driving difference in the planning areas. This is in efforts to create visual consistency between housing types for the neighborhood.



Vicinity Map



PZD Areas – Enlargement Plan

PZD Area 1: Attached townhomes (duplexes) with rear entry access

PZD Area 2: Detached Single Family – small lots

PZD Area 3: Detached Single Family – large lots

PZD Area 4: Open/Natural space, trails, parks utilities, stormwater management

III. Site Plan



Streets, Lot Layout, and Parking



The project proposes two new access points along Dot Tipton Road and includes approximately 1500 linear feet of street frontage. The eastern access aligns with a planned Residential Link shown on the City's Master Street Plan.

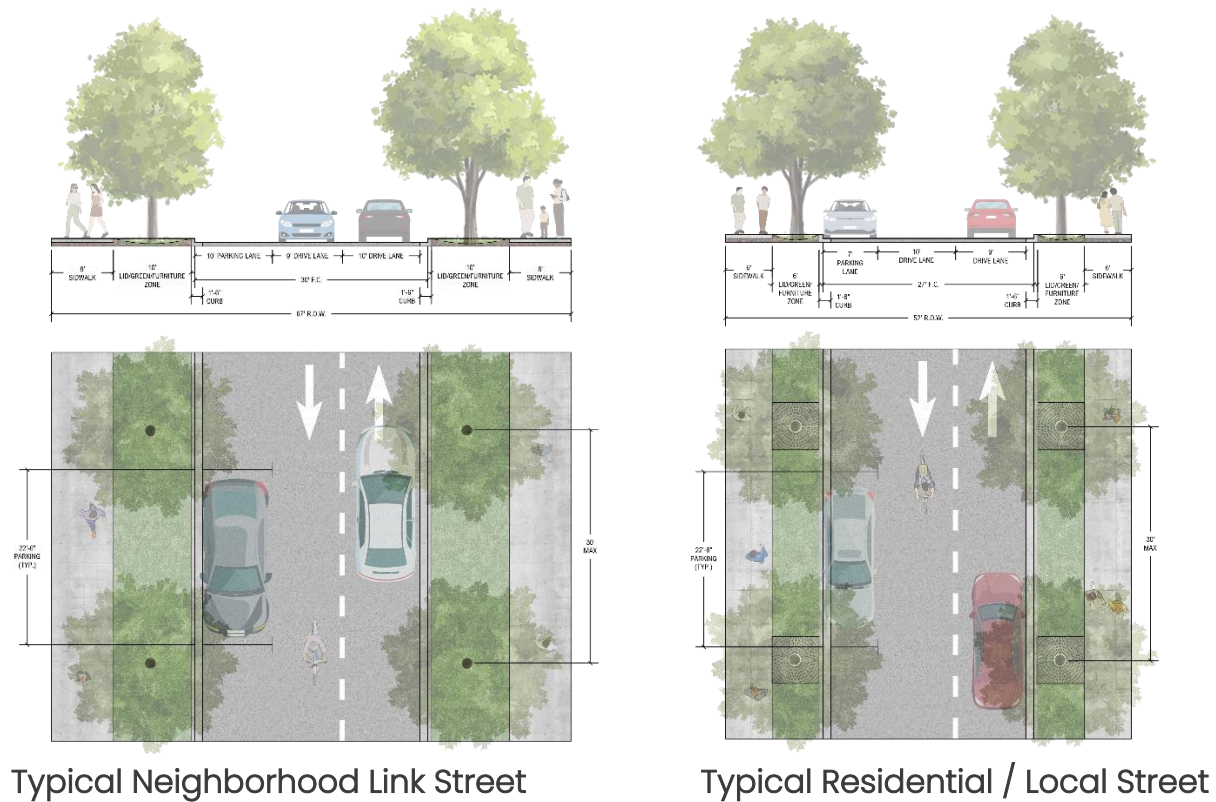
The two new drives lead to the project's "main street", a strong east to west corridor with a street section prioritizing pedestrian safety and maneuverability. This connector is also on the City's Master Street Plan, as a Residential Link. Other local streets spur off this "main street" into sections of the neighborhood, creating a network of streets and alleys focused on connectivity, rather than dead-end cul-de-sacs.

All of the attached townhomes and over 41% of single-family homes are rear-loaded from alleys. This prevents repetitive street cuts and prioritizes pedestrian safety and landscape buffers from vehicular traffic in the more active section of the development. The southern portion of the project is front

loaded, and homes are oriented to overlook restored wildlife areas and stormwater features. All homes having alley frontage shall be required to be rear loaded, as indicated on the Site Plan.

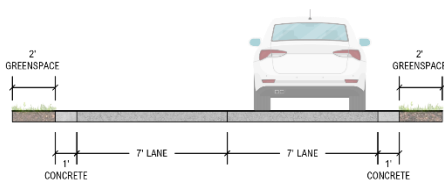
In summary, this project completes two future streets indicated on the City's Master Street Plan, and uses urbanist design principles for tight, safe, walkable streets, through alleys, and the lack of dead-end streets.

The proposed street sections are shown below:



Typical Neighborhood Link Street

Typical Residential / Local Street



Typical Residential Rear Alley – Two -Way

Proposed street sections align with the City of Fayetteville standard street sections.

Up to 300 on-street parking spaces are available along the streets within Monarch Summers, following standard street sections. Full size garages fitting 2 vehicles will be provided for all single-family homes. A minimum of a one-car garage will be provided for attached townhomes. Note that all townhomes are rear-loaded and include space for additional vehicles in the driveway. Guest parking is accommodated fully by the on-street parking facilities. At the time of development, it is recommended that an adequate number of on-street parking be determined, as 300 spaces is excessive where most homes have vehicle accommodations. Rather than maximizing on-street parking, more robust landscape islands between stalls and roughly 200 stalls is more appropriate.

b. Traffic

The development will provide a traffic study concurrently with development plans as part of the preliminary plat process, and required by the City's Municipal Code. Dot Tipton Road is a paved rural road with open swales on both sides, and it varies in width with travel lanes of 7-8', generally. As part of this development, Dot Tipton will be improved from the most eastern drive to the intersection at Double Springs, where the property has street frontage.



Photo of Dot Tipton Rd, near the western new proposed access.

Double Springs Road is improved and supporting other neighborhoods, connecting to Wedington Rd, a Tier 3 City Center. It is in good condition and has been improved by other neighborhoods that front Double Springs Road directly.



Photo near the NW intersection of Double Springs Rd & Dot Tipton Rd.

c. Site Characteristics & View Protection

The site is currently unoccupied with remnant barns from farming operations. The site is currently used for hay harvesting. It's generally covered in grassland, consisting of ryes, Johnson grass and other typical forbs in the region. The property generally slopes from north to south with minimal tree cover. No records of previous hazardous uses or materials have been identified or indicated from previous aerial imagery.



The proposed Planned Zoning District matches the height requirements of RSF-4 zoning districts, in efforts to match surrounding neighborhoods and does not impose additional detriment to any existing views.

d. Stormwater Detention Areas and Drainage

The northeastern section of the site slopes from the north to the southwest, while the remainder flows from the north to the south. An existing central pond and swale collect the surface drainage, and this swale continues south towards Goose Creek. An old farm pond in the NW corner of the property also collects existing surface drainage.

The proposed drainage strategy will incorporate the existing low spots and expand the existing ponds. A new large detention pond will be added on the lower section of the site, to the south. The two major ponds will be connected through a linear swale allowing for stormwater infiltration rather than proposing gray infrastructure (pipes). By utilizing large natural areas in the development for stormwater mitigation, the development can prevent erosion concerns and provide flooding relief for adjacent properties.

There is no floodplain located on the subject property.

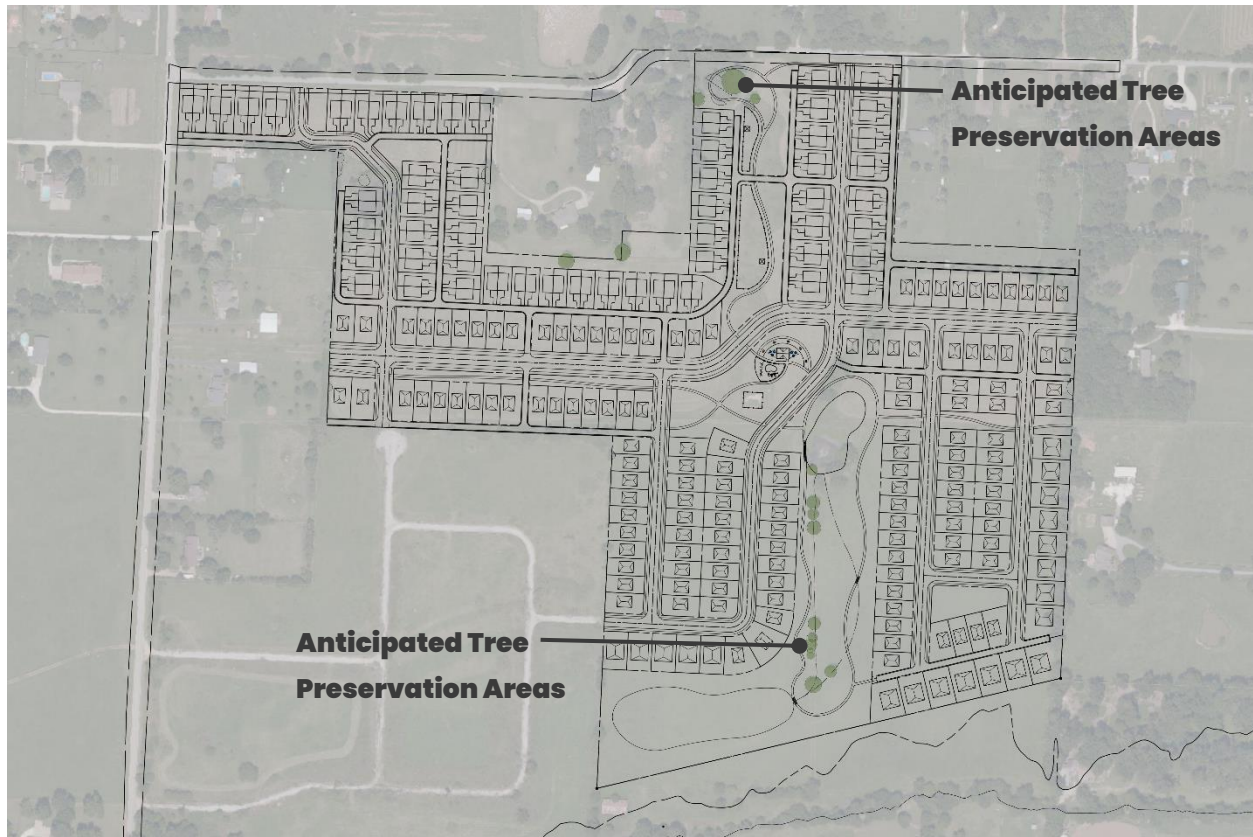
e. Undisturbed Natural Areas

The existing central pond and drainage swale will be utilized and enhanced, as a feature for the neighborhood. Through invasive species removal and planting of native species, like perennial pollinators, and flowering forbs, the integrity of the ecosystem will be a focal point for the development. Mass native species planting with species such as butterfly milkweed, will be a landscape theme carried throughout the property.

In short, the natural drainage area of this property will be respected, expanded and enhanced to minimize impact on the current drainage systems and patterns.

f. Tree Preservation Areas

The property is currently used to harvest hay, and has minimal existing tree coverage. PZD minimum tree preservation percentage is 25%. The anticipated preservation areas are near the existing ponds and swales.



g. Buffer Areas, Perimeter Treatment, Screening and Landscaping

The project will meet all buffer requirements in the Municipal Development Code. Due to compatible uses surrounding the site, no additional buffers are proposed above typical requirements.

The perimeter treatment will vary depending on the access types and building orientation. Where the rear yard faces an adjacent property, a solid fence will be provided. When the front of a unit is facing an adjacent property, a landscape buffer, including shade, ornamental and evergreen trees shall be provided.

Screening and landscaping will be provided as required by the City Municipal Development and Subdivision code. Since all uses surrounding the property, and including the property are low density residential, no screening is planned. Street trees will be planned in accordance with the typical city street sections. Landscape enhancements will be provided in the common areas and in the stormwater park area. The planting palette, including street trees, will be strictly native plant species in support of the enduring green network and nature-based solutions planning initiatives.

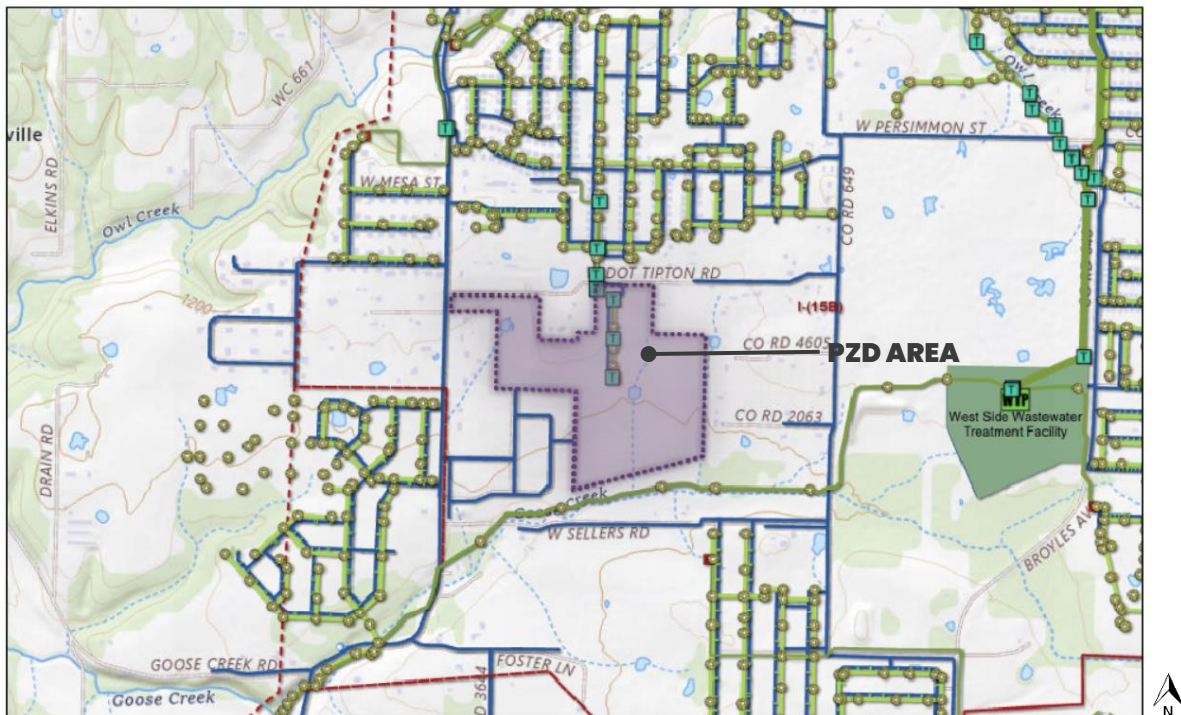
h. Recreational facilities

The neighborhood includes open green spaces interspersed throughout, providing access to quality outdoor space in multiple forms. A series of pocket parks and common greens are used to provide visual interest along strong sight lines and to provide buffer between programmed play areas and private residences. These spaces also act as natural systems enhanced with native plantings, allowing for wildlife migration by being connected, rather than isolated habitats.

An outdoor playground and shade structures are proposed near the center of the property with on-street parking. Lastly, a trail system around the stormwater ponds and habitat area will provide opportunities for walking, running, and wildlife viewing.

i. Existing and Proposed Utility Connections & Extensions

The subject property has access to water and sewer. An existing water main and lift station exist within the property bounds. Per discussions with the Utility Department, the existing lift station (#44) is at capacity, and the next downstream lift station (#22) is also at capacity. Upgrades to these systems would not be approved. The city has completed 100% construction plans (separate from this project or property) for a new gravity mainline along Goose Creek that will connect to lift station #12 and provide adequate capacity for future projects on the subject property. Lift station #44 will be required to be taken offline and routed to the new gravity main to the south, through the subject property. The plans are currently under review with the state Health Department. The property owner has been in discussions with the utility department regarding a cost-share agreement for future off-site gravity mainline improvements. All water improvements and extensions will be typical to provide service for new development. Water pressure and capacity in the area are adequate for the residential services.



Water / Sewer Map

j. Sidewalks & Streetlights

Sidewalks will be proposed in accordance with the street sections included in this packet.

Streetlights will be provided and meet the standard required lighting requirements by the City of Fayetteville Municipal Code, and in coordination with the utility provider. All proposed lighting will also meet the City’s dark sky requirements.

IV. Context

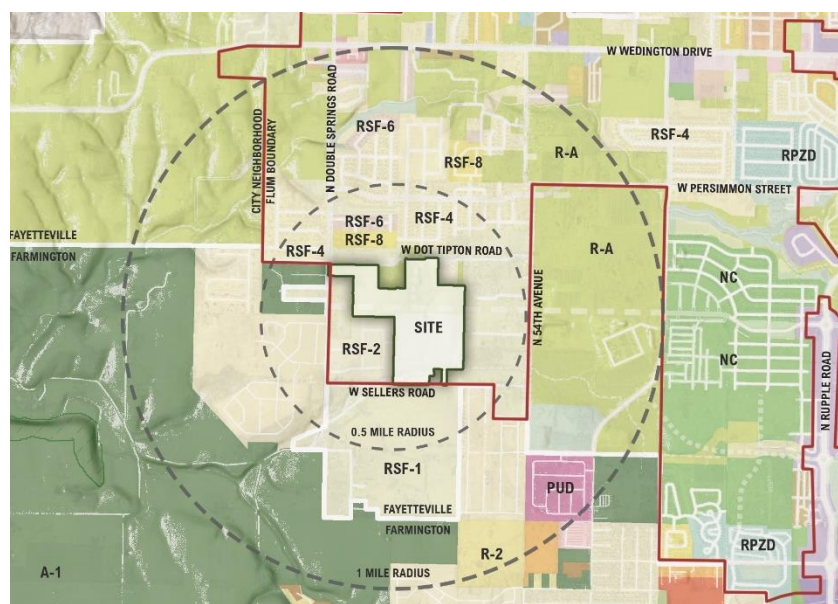
All adjacent properties are residential in use and within residential zoning districts. The following zoning types are located within 0.5 miles of the subject property:

RSF-1	RSF-4	RSF-8	RSF-6	P-1	R-A
City of Farmington (Residential, up to 4 units per acre)					

The additional zoning districts located within 1 mile of the subject property are:

NC	R-O	RI-U	C-2	NS-L	NS-G
RI-12	RPZD				

The proposed aggregate density (units per acre) of this project is similar to the subdivisions in the surrounding areas. Multiple RSF-4 or more dense neighborhoods are within immediate area around this subject property. The development pattern is less intrusive and more efficient with infrastructure investments than low density and rural lot layouts.



V. Development and Architectural Design Standards

The proposed homes will consist of American Traditional architectural style, with nods to Craftsman and Tudor features. There will be some variety in colors and composition to provide each home owner with a custom look to their home. The color palette will be neutrals in general, with architectural accents in bold colors.

A. Primary Materials

Brick *various colors*



Stone *various types and colors*



Lap Siding *various colors and patterns*



Secondary Materials

Aluminum

Steel

Wood

b. Building Elevations- Precedent Imagery

Attached Townhomes



All images are shown for character and architectural style reference and are not images owned by this project or guaranteed final products.

C. Single-Family Homes

Small Single – Family (+/-1,000 sf – 1,750 sf)



Large Single – Family (+/- 1,500 sf – 2,500 sf)



All images are shown for character and architectural style reference and are not images owned by this project or guaranteed final products.

VI. Proposed Signage

Proposed signage will be typical of residential developments and will comply with the City's Municipal Code. Signs are permitted separately from the project development and platting process.

VII. Construction of Nonresidential Facilities

There are no nonresidential facilities or uses associated with this project.

VIII. Covenants, Trusts, Homeowners Association

Monarch Summers will establish a Property Owner Association (POA) to hold responsibility for maintaining shared amenities and spaces, not under private ownership.

VIII. Zoning Standards (Existing)

a. R-A Residential - Agricultural

Uses Allowed By Right	Unit 1	City-wide uses by right
	Unit 3	Public protection and utility facilities
	Unit 6	Agriculture
	Unit 7	Animal husbandry
	Unit 8	Single-family dwellings
	Unit 9	Two-family dwellings
	Unit 37	Manufactured homes
	Unit 41	Accessory dwellings
	Unit 43	Animal boarding and training
	Unit 46	Short-term rentals
Conditional Uses	Unit 2	City-wide uses by conditional use permit
	Unit 4	Cultural and recreational facilities
	Unit 5	Government facilities
	Unit 20	Commercial recreation, large sites
	Unit 24	Home occupations
	Unit 35	Outdoor Music Establishments
	Unit 36	Wireless communications facilities
Density	Unit 42	Clean technologies
	One-half (1/2) unit per acre	
Bulk and Area Regulations	Lot Width Minimum: 200 feet	
	Lot Area Minimum:	
	Residential	2 acres
	Nonresidential	2 acres
	Lot area per dwelling unit: 2 acres	
Setback Requirements	Front:	35 feet
	Side:	20 feet
	Rear:	35 feet
Height Requirements	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	
Building Area	None	

b. **RSF-1** *Residential Single Family – One Unit per Acres*

Uses Allowed By Right	Unit 1	City-wide uses by right
	Unit 8	Single-family dwellings
	Unit 41	Accessory dwellings
	Unit 46	Short-term rentals
Conditional Uses	Unit 2	City-wide uses by conditional use permit
	Unit 3	Public protection and utility facilities
	Unit 4	Cultural and recreational facilities
	Unit 5	Government facilities
	Unit 24	Home occupations
	Unit 36	Wireless communications facilities
	Unit 44	Cluster Housing Development
Density	1 unit per acre	
Bulk and Area Regulations	Lot Width Minimum:	150 feet
	Lot Area Minimum:	
	Residential	35,720 square feet
	Lot area per dwelling unit:	35,720 square feet
Setback Requirements	Front:	35 feet
	Side:	20 feet
	Rear:	35 feet
Height Requirements	3 stories	
Building Area	None	

c. Proposed Zoning Standards (Proposed)

PZD – Planned Area 1

Purpose:

- Provide an appropriately flexible neighborhood buffer, allowing more density along main street frontages without impacting neighborhood character.
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, lots with alley frontage shall use said alleys for sole access to property, with an emphasis on pedestrian pathways creating connectivity throughout the neighborhood;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 1

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 46 Short-term rentals
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 4 Cultural and recreational facilities Unit 5 Government facilities Unit 10 Three (3) and four (4) family dwellings Unit 24 Home occupations Unit 36 Wireless communications facilities Unit 40 Sidewalk cafes Unit 44 Cluster Housing Development
Density	None (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 30 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	50% of the lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 2

Purpose:

- Provide an alternative, smaller lot configurations for traditional single-family detached housing, providing flexibility for smaller, efficient, affordable house types to increase user diversity and overall appeal.
- Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 2

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 44 Cluster Housing Development Unit 46 Short-term rentals
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 4 Cultural and recreational facilities Unit 5 Government facilities Unit 10 Three (3) and four (4) family dwellings Unit 24 Home occupations Unit 40 Sidewalk cafes Unit 36 Wireless communications facilities
Density	None (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 30 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	50% of the lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 3

Purpose:

- Provide larger lots near the existing creek that will contribute to the overall neighborhood character.
- Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 3

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 46 Short-term rentals
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 4 Cultural and recreational facilities Unit 5 Government facilities Unit 9 Two-family dwellings Unit 24 Home occupations Unit 36 Wireless communications facilities Unit 44 Cluster Housing Development
Density	None (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 50 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	40% of lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 4

Purpose:

- Provide shared open space that contributes to the health and well-being of the neighborhood and its users.
- Utilize natural spaces for stormwater management, allowing for re-use, filtering, and absorption, rather than collection, piping and quick conveyance, which has proven to be detrimental to our public waterways.
- Utilize existing or proposed public utility easements as activated spaces, rather than derelict, unmaintained areas.

Intent:

1. To preserve and enhance natural features, promoting habitat for wildlife, stream health and environmental stewardship.
2. Allow public and neighborhood access to open spaces, bringing awareness to natural systems and functions.
3. Utilize existing drainage patterns to minimize land disturbance, loose soil, erosion, and sediment off-loading in streams.

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 4 Cultural and recreational facilities
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 36 Wireless communications facilities
Density	0 No residential density is allowed
Bulk and Area Regulations	Lot Width Minimum: None Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: 10 feet Side: 5 feet Rear: 5 feet
Height Requirements	Maximum 2 stories
Building Area	None

X. Compliance with Future Land Use Plan

The subject property and all adjacent properties are designated as Residential Neighborhood. This designation begins near Goose Creek, south of the property, and extends to Wedington Drive, a regional link 1.5 miles north, encompassing existing neighborhoods with a variety of residential zoning designations. The City's 2040 Plan describes these areas as:

"Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily, and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments, which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood."

This project proposes single-family and townhome development with low to medium aggregate density, similar to RSF-4. The proposed uses and design of this project clearly align with the neighborhood development objectives listed in the City's 2040 Plan.



Figure 3.5 - Suburban Sprawl



Figure 3.6 - Traditional Development

Figures from the City of Fayetteville 2040 Comprehensive Plan

XI. Reason for requesting rezoning

The request for rezoning is to further align with the smart growth initiatives the City has prioritized in the 2040 Comprehensive plan. The property is currently zoned for low density, typical suburban and rural sprawl. Roughly 46 homes are allowed by right, sitting on large, detached lots, providing little benefit to neighborhood connectivity and sense of place. Extending utilities and roads over long distances to serve only a few homes makes development less feasible and fails to maximize infrastructure investments or support their maintenance over time.

This proposal seeks an aggregate density of 4 units per acre (RSF-4) with modifications to standard lot sizes to maximize green space within the property. RSF -4 requires a minimum 70 foot lot width and 8,000 sf lot size, yet homes ranging from 1,000 – 3,000 square feet can be built on narrower lots. As noted throughout this booklet, by reducing the private greenspace, larger community areas can be planned and integrated into environmental programming like stormwater management and habitat development.

RSF-4 zoning allows single-family detached homes being allowed by right, and two-family homes require conditional use approval. In this proposal, single family and two-family dwellings are allowed by right, but limited to an aggregate density of 4 units per acre. This matches the development patterns in the surrounding area and causes no adverse impact to adjacent properties.

In summary, this project is an opportunity to provide a diversity of housing types for families in a walkable neighborhood format that promotes community building while increasing ecological diversity. This smart growth approach to residential development has been recognized by the community and NWA regional planners as necessary in order to meet housing needs while correcting outdated development patterns that no longer serve the growing region.

Wonsower, Donna

From: Planning Shared
Sent: Monday, July 21, 2025 2:52 PM
To: Wonsower, Donna
Subject: FW: Rezoning Request for Monarch Summers Development on Dot Tipton Road for Parcels: 765-16202-150, 765-16202-450, 765-16202-500, 765-16202-550, 765-16202-600, 765-16202-650, 765-16223-800, 765-16223-900, 765-20489-100

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267



CITY OF
FAYETTEVILLE
ARKANSAS

From: Rusty Rumley <rustyrumley@gmail.com>
Sent: Monday, July 21, 2025 2:17 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Rezoning Request for Monarch Summers Development on Dot Tipton Road for Parcels: 765-16202-150, 765-16202-450, 765-16202-500, 765-16202-550, 765-16202-600, 765-16202-650, 765-16223-800, 765-16223-900, 765-20489-100

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

My name is Rusty Rumley, and I live with my family on the west side of the property in question. I greatly appreciate the opportunity to provide comments regarding the proposed zoning change that would significantly tax local infrastructure, uncharacteristically increase residential density in our area, and potentially create drainage issues on my property. This property was last considered earlier in 2025 and the concerns raised by the Planning Commission and city staff during that request for rezoning remain largely unchanged. I am writing to express my opposition to this proposal for the following reasons:

1. Strain on Local Infrastructure

The proposed development would put a considerable burden on our already strained infrastructure. Traffic congestion is a daily challenge during peak hours, and the addition of dozens—or even hundreds—of new housing units will only exacerbate this issue and increase the likelihood of accidents. This new plan addresses concerns about Dot Tipton Rd; however, it does not address the additional traffic on Double Springs Rd. The continued development of the Goose Creek subdivision on

the west side of Double Springs Rd. continues to increase traffic on this road since the last time this property was considered for rezoning, which has only made the issue worse. Land on the north side of Dot Tipton has also been rezoned for development and the additional strain on Double Springs Rd will create long-term traffic and safety issues moving forward. Finally, the property is at the furthest west extent of city limits with little proximity to city services. Fayetteville's long-range plans discourage sprawl by supporting revitalization nearer to the urban center and by limiting growth on the edges of the city. This area lacks non-residential services and employment centers which would likely result in increased automobile dependence, contrary to the plan.

2. Impact on Neighborhood Character

This proposal is inconsistent with the existing character of our community, which is largely composed of single-family homes (although lot sizes do vary). There is no zoning in the area commensurate with the proposed density level due to the townhomes in this plan, which would be more appropriate for redevelopment near the urban center rather than on the outskirts of town which has no retail establishments or public transportation. The proposed substantial increase in residential density would alter the appearance, atmosphere, and quality of life in the neighborhood, and would be contrary to thoughtful, sustainable growth in alignment with the area's long-term planning goals. This plan merely contributes to urban sprawl by creating yet another commuter neighborhood. Fayetteville is suffering a housing shortage that needs to be addressed; however, urban sprawl will create more long-term problems down the road.

3. Environmental Concerns

We are also concerned about the environmental impact of this development. Increased density typically results in more paved surfaces and reduced green space, which contributes to stormwater runoff, a higher risk of flooding, and diminished habitat for local wildlife. There are already existing issues with runoff on this property and replacing pasture with densely packed development would absolutely exacerbate this issue. In the submitted Planned Zoning District Booklet for Monarch Summers Development these issues are allegedly addressed; however, the plans show that the planned Neighborhood link will substantially increase runoff by creating a paved canal to move water down to the entire western side of the proposed development and directly onto my and my neighbor's property.

For all of the above reasons, I respectfully ask that the proposed zoning change be denied. Thank you for your attention.

Rusty W. Rumley
phone: (405) 779-3680
email: rustyrumley@gmail.com

City of Fayetteville
Planning Department
125 W Mountain Street
Fayetteville, AR 72701

RE: Rezone request (PZD:-2025-0002)

Dear Planning Commission and City Council,

Please find this letter in support of the rezone request for multiple properties near 6061 W. Dot Tipton Road in Fayetteville, AR. We understand the properties are currently zoned R-A and RSF-1, and the proposed zoning is a Planned Zoning District (PZD). As neighbors of these properties, we do not believe the new zoning classification will have any adverse effect on our property or the surrounding area.

Please find the names and addresses below of neighbors supporting the request:

Date	Name	Address
7/23/25		35 acres Pointe Green & Laurel Springs
7/24/25		5769 W. Chaloff Dr.
7/25/2025	Dale Carlton	20 Acres on Wayne Sellers corner Dale Carlton

Additional Information Received

Date Received: MM/DD/YYYY	08/08/2025
Time: 00:00 (AM/PM)	8:54 A.M.
From: Name & Title	Donna Wonsower, Planner
To: Name & Title	Courtney Spohn, Deputy Clerk
Agenda Meeting Date: MM/DD/YYYY	08/12/2025
Agenda Item: Ex. B3, C.4	C.4
Civic Clerk Number: Ex. 2025-994	2025-1354

Planned Zoning District Booklet for

Monarch Summers Development



Prepared By:
Prism Design Studio

Date:
August 08, 2025

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I. Owner Information

Name: Goose Creed Addition LLC
Address: 60 South 6th Street
Fort Smith, AR 72901

Project Information

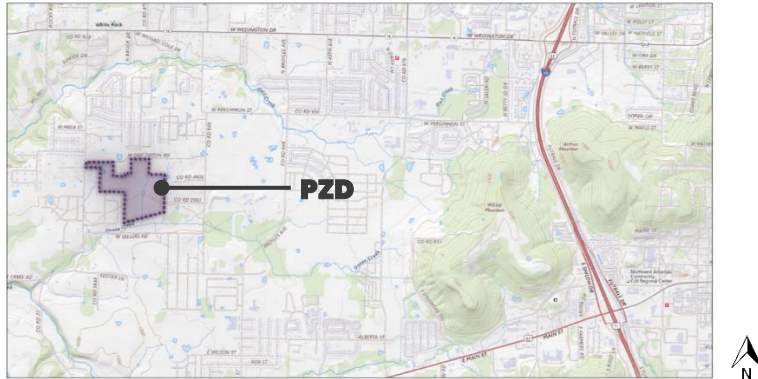
Parcels: 765-16202-150, 765-16202-450, 765-16202-500,
765-16202-550, 765-16202-600, 765-16202-650,
765-16223-800, 765-16223-900, 765-20489-100
Address: Near Dot Tipton Rd., Fayetteville, AR
Acreage: ±66.65 Acres
Existing Zoning: R-A (Residential Agriculture) &
RSF-1 (Residential Single Family- 1 units per acre)
Existing Use: Vacant – hay field
Proposed Zoning: PZD (Planned Zoning District)
Proposed Use: Residential – attached townhomes and detached
Single-family homes
Units: 108 townhomes | 159 Single-family homes
267 total units
Density: 4 units/acre aggregate

Project Narrative

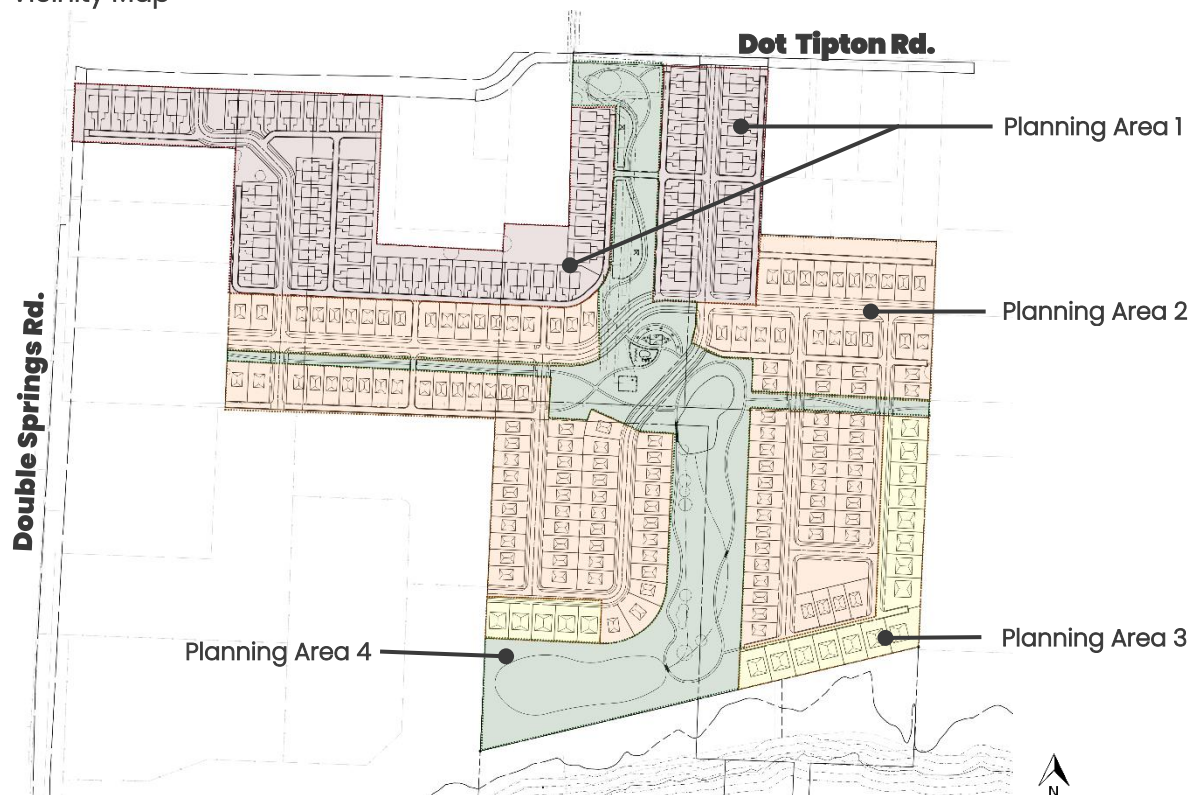
Monarch Summers development is a new housing development along Dot Tipton Road in west Fayetteville. It proposes mixed unit types, including attached townhomes and single-family homes, connected through walkable, compact streets, while maximizing greenspace for recreational use and stormwater management. The neighborhood provides trails around restored wildlife habitat areas, planted with native species such as milkweed, the host plant for Monarch butterfly. Monarch Summers aims to create an active, environmental community that seeks to enhance existing natural features through increasing biodiversity on site. These initiatives include creating connected green spaces preventing habitat fragmentation and connecting to the existing wildlife corridor and ecosystem along Goose Creek.

II. Planned Zoning District & Planning Areas

The proposed Planned Zoning District includes four planning areas. The proposed lot restrictions are the same throughout the development, with permitted uses being the driving difference in the planning areas. This is in efforts to create visual consistency between housing types for the neighborhood.



Vicinity Map



PZD Areas – Enlargement Plan

PZD Area 1: Attached townhomes (duplexes) with rear entry access

PZD Area 2: Detached Single Family – small lots

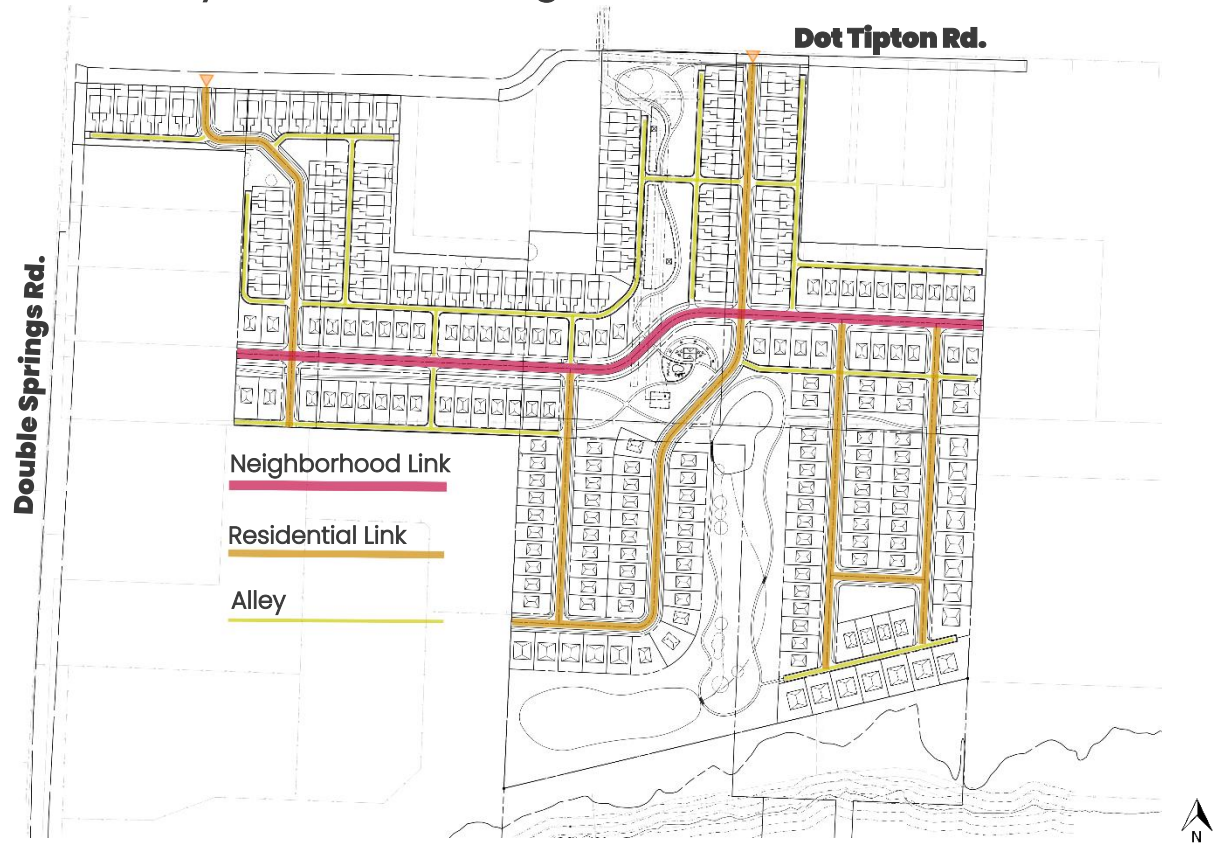
PZD Area 3: Detached Single Family – large lots

PZD Area 4: Open/Natural space, trails, parks utilities, stormwater management

III. Site Plan



Streets, Lot Layout, and Parking



The project proposes two new access points along Dot Tipton Road and includes approximately 1500 linear feet of street frontage. The eastern access aligns with a planned Residential Link shown on the City's Master Street Plan.

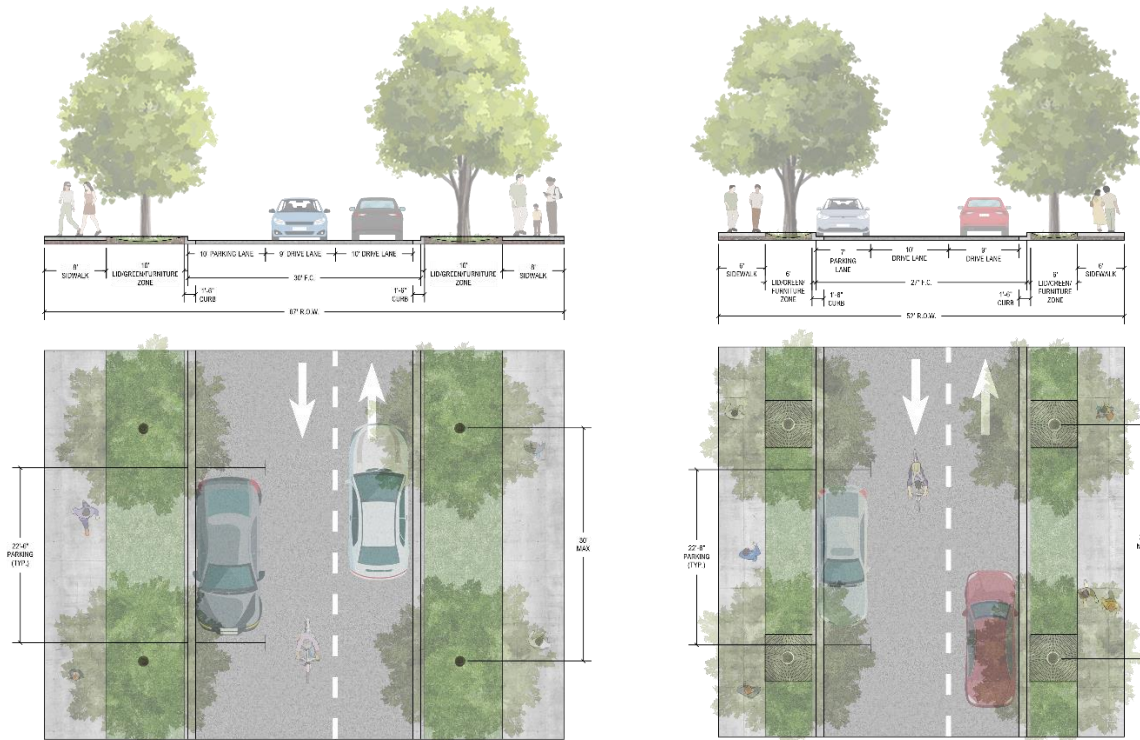
The two new drives lead to the project's "main street", a strong east to west corridor with a street section prioritizing pedestrian safety and maneuverability. This connector is also on the City's Master Street Plan, as a Residential Link. Other local streets spur off this "main street" into sections of the neighborhood, creating a network of streets and alleys focused on connectivity, rather than dead-end cul-de-sacs.

All of the attached townhomes and over 41% of single-family homes are rear-loaded from alleys. This prevents repetitive street cuts and prioritizes pedestrian safety and landscape buffers from vehicular traffic in the more active section of the development. The southern portion of the project is front loaded, and homes are oriented to overlook restored wildlife areas and

stormwater features. All homes having alley frontage shall be required to be rear loaded, as indicated on the Site Plan.

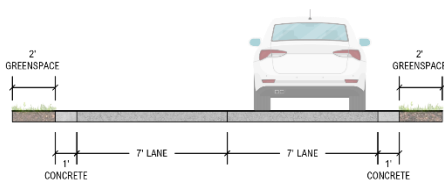
In summary, this project completes two future streets indicated on the City's Master Street Plan, and uses urbanist design principles for tight, safe, walkable streets, through alleys, and the lack of dead-end streets.

The proposed street sections are shown below:



Typical Neighborhood Link Street

Typical Residential / Local Street



Typical Residential Rear Alley – Two -Way

Proposed street sections align with the City of Fayetteville standard street sections.

Up to 300 on-street parking spaces are available along the streets within Monarch Summers, following standard street sections. Full size garages fitting 2 vehicles will be provided for all single-family homes. A minimum of a one-car garage will be provided for attached townhomes. Note that all townhomes are rear-loaded and include space for additional vehicles in the driveway. Guest parking is accommodated fully by the on-street parking facilities. At the time of development, it is recommended that an adequate number of on-street parking be determined, as 300 spaces is excessive where most homes have vehicle accommodations. Rather than maximizing on-street parking, more robust landscape islands between stalls and roughly 200 stalls is more appropriate.

b. Traffic

The development will provide a traffic study concurrently with development plans as part of the preliminary plat process and required by the City's Municipal Code. Dot Tipton Road is a paved rural road with open swales on both sides, and it varies in width with travel lanes. As part of this development, Dot Tipton will be improved from the most eastern drive to the intersection at Double Springs, where the property has street frontage, and in coordination with the City Engineering staff as part of the Preliminary Platting process.



Photo of Dot Tipton Rd, near the western new proposed access.

Double Springs Road is improved and supports other neighborhoods, connecting to Wedington Rd, a Tier 3 City Center. It is in good condition and has been improved by other neighborhoods that front Double Springs Road directly.



Photo near the NW intersection of Double Springs Rd & Dot Tipton Rd.

c. Site Characteristics & View Protection

The site is currently unoccupied with remnant barns from farming operations. The site is currently used for hay harvesting. It's generally covered in grassland, consisting of ryes, Johnson grass and other typical forbs in the region. The property generally slopes from north to south with minimal tree cover. No records of previous hazardous uses or materials have been identified or indicated from previous aerial imagery.



The proposed Planned Zoning District matches the height requirements of RSF-4 zoning districts, in efforts to match surrounding neighborhoods and does not impose additional detriment to any existing views.

d. Stormwater Detention Areas and Drainage

The northeastern section of the site slopes from the north to the southwest, while the remainder flows from the north to the south. An existing central pond and swale collect the surface drainage, and this swale continues south towards Goose Creek. An old farm pond in the NW corner of the property also collects existing surface drainage.

The proposed drainage strategy will incorporate the existing low spots and expand the existing ponds. A new large detention pond will be added on the lower section of the site, to the south. The two major ponds will be connected through a linear swale allowing for stormwater infiltration rather than proposing gray infrastructure (pipes). By utilizing large natural areas in the development for stormwater mitigation, the development can prevent erosion concerns and provide flooding relief for adjacent properties.

There is no floodplain located on the subject property.

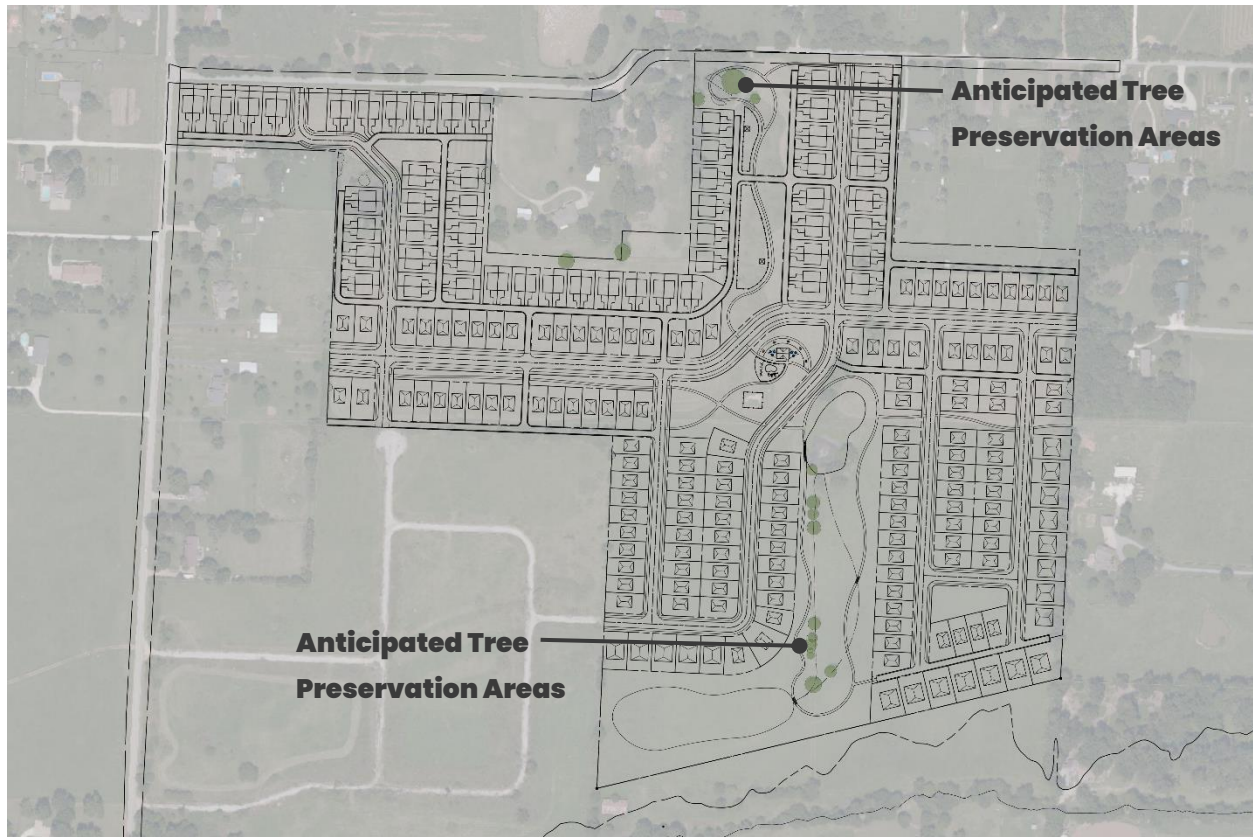
e. Undisturbed Natural Areas

The existing central pond and drainage swale will be utilized and enhanced, as a feature for the neighborhood. Through invasive species removal and planting of native species, like perennial pollinators, and flowering forbs, the integrity of the ecosystem will be a focal point for the development. Mass native species planting with species such as butterfly milkweed, will be a landscape theme carried throughout the property.

In short, the natural drainage area of this property will be respected, expanded and enhanced to minimize impact on the current drainage systems and patterns.

f. Tree Preservation Areas

The property is currently used to harvest hay, and has minimal existing tree coverage. PZD minimum tree preservation percentage is 25%. The anticipated preservation areas are near the existing ponds and swales.



g. Buffer Areas, Perimeter Treatment, Screening and Landscaping

The project will meet all buffer requirements in the Municipal Development Code. Due to compatible uses surrounding the site, no additional buffers are proposed above typical requirements. Screening and landscaping will be provided as required by the City Municipal Development and Subdivision code.

The perimeter treatment will vary depending on the access types and building orientation. Where the rear yard faces an adjacent property, a solid fence will be provided. When the front of a unit is facing an adjacent property, a landscape buffer, including shade, ornamental and evergreen trees shall be provided. Street trees will be planned in accordance with the typical city street sections.

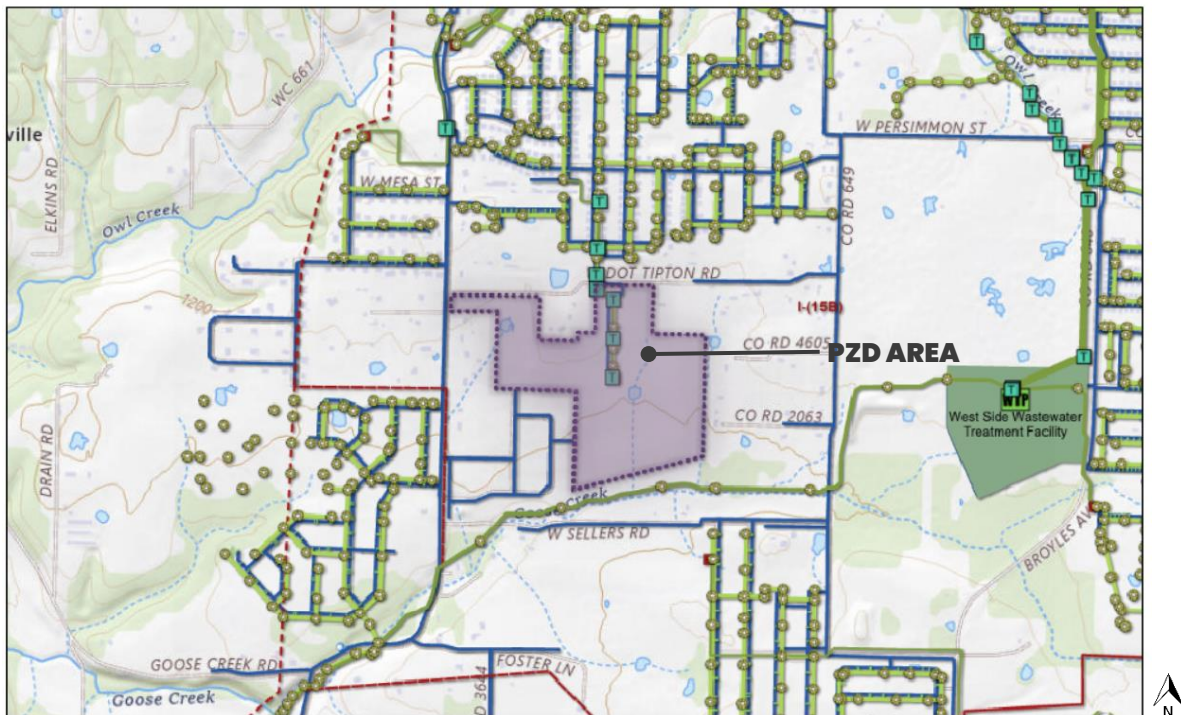
Landscape and habitat enhancements will be provided in the common areas and in the stormwater park area. The planting palette, including street trees, will be strictly native plant species in support of the enduring green network and nature-based solutions planning initiatives. Milkweed species, the host plant for the monarch butterfly will be planted, at a minimum, of 1 acre or as otherwise recommended by a ecological specialist. Dedicated habitat areas will be posted and protected from traditional landscape maintenance areas.

h. Recreational facilities

The neighborhood includes open green spaces interspersed throughout, providing access to quality outdoor space in multiple forms. A series of pocket parks and common greens are used to provide visual interest along strong sight lines and to provide buffer between programmed play areas and private residences. These spaces also act as natural systems enhanced with native plantings, allowing for wildlife migration by being connected, rather than isolated habitats. Dedicated habitat areas shall be established and posted with signage. An outdoor playground and shade structures are proposed near the center of the property with on-street parking. Lastly, a trail system around the stormwater ponds and habitat area will provide opportunities for walking, running, and wildlife viewing.

i. Existing and Proposed Utility Connections & Extensions

The subject property has access to water and sewer. An existing water main and lift station exist within the property bounds. Per discussions with the Utility Department, the existing lift station (#44) is at capacity, and the next downstream lift station (#22) is also at capacity. Upgrades to these systems would not be approved. The city has completed 100% construction plans (separate from this project or property) for a new gravity mainline along Goose Creek that will connect to lift station #12 and provide adequate capacity for future projects on the subject property. Lift station #44 will be required to be taken offline and routed to the new gravity main to the south, through the subject property. The plans are currently under review with the state Health Department. The property owner has been in discussions with the utility department regarding a cost-share agreement for future off-site gravity mainline improvements. All water improvements and extensions will be typical to provide service for new development. Water pressure and capacity in the area are adequate for the residential services.



Water / Sewer Map

j. Sidewalks & Streetlights

Sidewalks will be proposed in accordance with the street sections included in this packet.

Streetlights will be provided and meet the standard required lighting requirements by the City of Fayetteville Municipal Code, and in coordination with the utility provider. All proposed lighting will also meet the City's dark sky requirements.

IV. Context

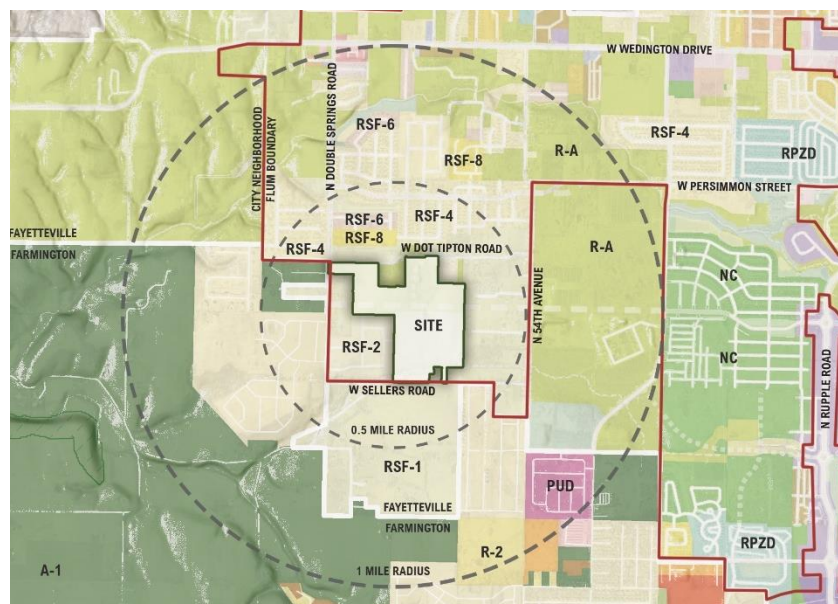
All adjacent properties are residential in use and within residential zoning districts. The following zoning types are located within 0.5 miles of the subject property:

RSF-1	RSF-4	RSF-8	RSF-6	P-1	R-A
City of Farmington (Residential, up to 4 units per acre)					

The additional zoning districts located within 1 mile of the subject property are:

NC	R-O	RI-U	C-2	NS-L	NS-G
RI-12	RPZD				

The proposed aggregate density (units per acre) of this project is similar to the subdivisions in the surrounding areas. Multiple RSF-4 or more dense neighborhoods are within immediate area around this subject property. The development pattern is less intrusive and more efficient with infrastructure investments than low density and rural lot layouts.



V. Development and Architectural Design Standards

The proposed homes will consist of American Traditional architectural style, with nods to Craftsman and Tudor features. There will be some variety in colors and composition to provide each home owner with a custom look to their home. The color palette will be neutrals in general, with architectural accents in bold colors.

A. Primary Materials

Brick *various colors*



Stone *various types and colors*



Lap Siding *various colors and patterns*



Secondary Materials

Aluminum

Steel

Wood

b. Building Elevations- Precedent Imagery

Attached Townhomes



All images are shown for character and architectural style reference and are not images owned by this project or guaranteed final products.

C. Single-Family Homes

Small Single – Family (+/-1,000 sf – 1,750 sf)



Large Single – Family (+/- 1,500 sf – 2,500 sf)



All images are shown for character and architectural style reference and are not images owned by this project or guaranteed final products.

VI. Proposed Signage

Proposed signage will be typical of residential developments and will comply with the City's Municipal Code. Signs are permitted separately from the project development and platting process.

VII. Construction of Nonresidential Facilities

There are no nonresidential facilities or uses associated with this project.

VIII. Covenants, Trusts, Homeowners Association

Monarch Summers will establish a Property Owner Association (POA) to hold responsibility for maintaining shared amenities and spaces, not under private ownership.

VIII. Zoning Standards (Existing)

a. R-A *Residential - Agricultural*

Uses Allowed By Right	Unit 1	City-wide uses by right
	Unit 3	Public protection and utility facilities
	Unit 6	Agriculture
	Unit 7	Animal husbandry
	Unit 8	Single-family dwellings
	Unit 9	Two-family dwellings
	Unit 37	Manufactured homes
	Unit 41	Accessory dwellings
	Unit 43	Animal boarding and training
	Unit 46	Short-term rentals
Conditional Uses	Unit 2	City-wide uses by conditional use permit
	Unit 4	Cultural and recreational facilities
	Unit 5	Government facilities
	Unit 20	Commercial recreation, large sites
	Unit 24	Home occupations
	Unit 35	Outdoor Music Establishments
	Unit 36	Wireless communications facilities
Density	Unit 42	Clean technologies
	One-half (1/2) unit per acre	
Bulk and Area Regulations	Lot Width Minimum: 200 feet	
	Lot Area Minimum:	
	Residential	2 acres
	Nonresidential	2 acres
	Lot area per dwelling unit: 2 acres	
Setback Requirements	Front:	35 feet
	Side:	20 feet
	Rear:	35 feet
Height Requirements	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	
Building Area	None	

b. RSF-1 *Residential Single Family – One Unit per Acres*

Uses Allowed By Right	Unit 1	City-wide uses by right
	Unit 8	Single-family dwellings
	Unit 41	Accessory dwellings
	Unit 46	Short-term rentals
Conditional Uses	Unit 2	City-wide uses by conditional use permit
	Unit 3	Public protection and utility facilities
	Unit 4	Cultural and recreational facilities
	Unit 5	Government facilities
	Unit 24	Home occupations
	Unit 36	Wireless communications facilities
	Unit 44	Cluster Housing Development
Density	1 unit per acre	
Bulk and Area Regulations	Lot Width Minimum:	150 feet
	Lot Area Minimum:	
	Residential	35,720 square feet
	Lot area per dwelling unit:	35,720 square feet
Setback Requirements	Front:	35 feet
	Side:	20 feet
	Rear:	35 feet
Height Requirements	3 stories	
Building Area	None	

c. Proposed Zoning Standards (Proposed)

PZD – Planned Area 1

Purpose:

- Provide an appropriately flexible neighborhood buffer, allowing more density along main street frontages without impacting neighborhood character.
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, lots with alley frontage shall use said alleys for sole access to property, with an emphasis on pedestrian pathways creating connectivity throughout the neighborhood;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 1

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 46 Short-term rentals
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 4 Cultural and recreational facilities Unit 5 Government facilities Unit 10 Three (3) and four (4) family dwellings Unit 24 Home occupations Unit 36 Wireless communications facilities Unit 40 Sidewalk cafes Unit 44 Cluster Housing Development
Density	Maximum 6 units per acre (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 30 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	50% of the lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 2

Purpose:

- Provide an alternative, smaller lot configurations for traditional single-family detached housing, providing flexibility for smaller, efficient, affordable house types to increase user diversity and overall appeal.
- Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 2

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 44 Cluster Housing Development Unit 46 Short-term rentals
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 4 Cultural and recreational facilities Unit 5 Government facilities Unit 10 Three (3) and four (4) family dwellings Unit 24 Home occupations Unit 40 Sidewalk cafes Unit 36 Wireless communications facilities
Density	Maximum 5 units per acre (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 30 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	50% of the lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 3

Purpose:

- Provide larger lots near the existing creek that will contribute to the overall neighborhood character.
- Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 3

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 46 Short-term rentals
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 4 Cultural and recreational facilities Unit 5 Government facilities Unit 24 Home occupations Unit 36 Wireless communications facilities Unit 44 Cluster Housing Development
Density	Maximum 6 units per acre (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 50 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	40% of lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 4

Purpose:

- Provide shared open space that contributes to the health and well-being of the neighborhood and its users.
- Utilize natural spaces for stormwater management, allowing for re-use, filtering, and absorption, rather than collection, piping and quick conveyance, which has proven to be detrimental to our public waterways.
- Utilize existing or proposed public utility easements as activated spaces, rather than derelict, unmaintained areas.

Intent:

1. To preserve and enhance natural features, promoting habitat for wildlife, stream health and environmental stewardship.
2. Allow public and neighborhood access to open spaces, bringing awareness to natural systems and functions.
3. Utilize existing drainage patterns to minimize land disturbance, loose soil, erosion, and sediment off-loading in streams.

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 4 Cultural and recreational facilities
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 36 Wireless communications facilities
Density	0 No residential density is allowed
Bulk and Area Regulations	Lot Width Minimum: None Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: 10 feet Side: 5 feet Rear: 5 feet
Height Requirements	Maximum 2 stories
Building Area	None

X. Compliance with Future Land Use Plan

The subject property and all adjacent properties are designated as Residential Neighborhood. This designation begins near Goose Creek, south of the property, and extends to Wedington Drive, a regional link 1.5 miles north, encompassing existing neighborhoods with a variety of residential zoning designations. The City's 2040 Plan describes these areas as:

"Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily, and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments, which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood."

This project proposes single-family and townhome development with low to medium aggregate density, similar to RSF-4. The proposed uses and design of this project clearly align with the neighborhood development objectives listed in the City's 2040 Plan.



Figure 3.5 - Suburban Sprawl



Figure 3.6 - Traditional Development

Figures from the City of Fayetteville 2040 Comprehensive Plan

XI. Reason for requesting rezoning

The request for rezoning is to further align with the smart growth initiatives the City has prioritized in the 2040 Comprehensive plan. The property is currently zoned for low density, typical suburban and rural sprawl. Roughly 46 homes are allowed by right, sitting on large, detached lots, providing little benefit to neighborhood connectivity and sense of place. Extending utilities and roads over long distances to serve only a few homes makes development less feasible and fails to maximize infrastructure investments or support their maintenance over time.

This proposal seeks an aggregate density of 4 units per acre (RSF-4) with modifications to standard lot sizes to maximize green space within the property. RSF -4 requires a minimum 70 foot lot width and 8,000 sf lot size, yet homes ranging from 1,000 – 3,000 square feet can be built on narrower lots. As noted throughout this booklet, by reducing the private greenspace, larger community areas can be planned and integrated into environmental programming like stormwater management and habitat development.

RSF-4 zoning allows single-family detached homes being allowed by right, and two-family homes require conditional use approval. In this proposal, single family and two-family dwellings are allowed by right, but limited to an aggregate density of 4 units per acre. This matches the development patterns in the surrounding area and causes no adverse impact to adjacent properties.

In summary, this project is an opportunity to provide a diversity of housing types for families in a walkable neighborhood format that promotes community building while increasing ecological diversity. This smart growth approach to residential development has been recognized by the community and NWA regional planners as necessary in order to meet housing needs while correcting outdated development patterns that no longer serve the growing region.



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Wesley Frank, Planner

SUBJECT: **APPEAL: CUP-2025-0025 (421 W. ILA ST./MARSH, 445): Submitted by MICHAEL MARSH for property located at 421 W. ILA ST in WARD 2. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.14 acres. The request is for a short-term rental.**

RECOMMENDATION:

Staff recommended approval and Planning Commission approved CUP-2025-0025 as shown in the attached Exhibits A and B, and with the following conditions of approval:

1. Planning Commission determination of compatibility. Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report;
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.
3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.
6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
7. All trash receptacles shall be screened from view of the right-of-way.
8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.
9. Any signage shall meet the requirements as outlined in §174, Signage.
10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

The item's approval is being appealed by Councilmembers Moore, Turk, and Wiederkehr on behalf of a nearby resident.

BACKGROUND:

The subject property is located south of Wilson Park on West Ila Street, about halfway between North Wilson Avenue and North Vandeventer Avenue. The applicant was also applying for a conditional use permit (CUP-2025-0026) for a short-term rental license for a property that shares a driveway with the subject property. The

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

property is zoned RMF-40, and totals approximately 0.14 acres. According to Washington County records, the property is developed with a single-family dwelling that was originally built in 1952. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% citywide, to 475 total. This report reflects those new changes for consideration.

Request: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

DISCUSSION:

On the balance of considerations, staff recommends approval of the applicant's conditional use permit for a short-term rental. Staff finds that the subject property and proposed use was conforming to nearby properties and uses, although short-term rentals are counted to City goals.

At the Planning Commission meeting on July 14, 2025, the item was approved following a motion by Commissioner Payne and a second by Commissioner Werner with a vote 6-2-0. Commissioners Garlock and Madden both dissented, citing the property's small size, use in proximity to other dwellings, and the proximity to other short-term rentals in the area. Commissioners in favor cited the proximity to the nearby sororities and compatible use of the area.

Two members of the public spoke against the conditional use permit. Concerns centered on the safety of the street due to its narrow width and lack of compatibility in the area.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Council Member Bunch Verification, 4. Council Member Moore Verification, 5. Council Member Wiederkehr Verification, 6. Council Member Turk Verification, 7. Exhibit A, 8. Exhibit B, 9. Staff Report



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1356

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SARAH MOORE, TERESA TURK, AND MIKE WIEDERKEHR AND DENY CONDITIONAL USE PERMIT CUP 2025-025 FOR A TYPE 2 SHORT-TERM RENTAL AT 421 WEST ILA STREET IN WARD 2

WHEREAS, on July 14, 2025, the Planning Commission voted 6-2-0 to approve a conditional use permit for a Type 2 short-term rental at 421 West Ila Street; and

WHEREAS, Council Members Sarah Moore, Teresa Turk, and Mike Wiederkehr have properly appealed the decision of the Planning Commission pursuant to §155.05(A)(3) of the *Unified Development Code*, based on incompatibility of the proposed short-term rental with the neighborhood, parking issues, and the high concentration of nearby licensed Type 2 short-term rentals.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Council Members Sarah Moore, Teresa Turk, and Mike Wiederkehr and denies Conditional Use Permit CUP 2025-025 for the reasons stated above.

From: [Paxton, Kara](#)
To: [CityClerk](#)
Subject: FW: Appeal CUP-2025-0025 and CUP-2025-0026
Date: Thursday, July 24, 2025 10:58:52 AM
Attachments: [image001.png](#)

Good morning,

I received the below email from Council Member Bunch. Please record her response below as verification that she will co-sponsor the appeal.

Thank you,

Kara Paxton
MSISM, MMC, CAMC, CMO
City Clerk Treasurer
City of Fayetteville, Arkansas
479-575-8323
fayetteville-ar.gov



From: Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>
Sent: Thursday, July 24, 2025 10:41 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>
Subject: Fwd: Appeal CUP-2025-0025 and CUP-2025-0026

Yes, I will co-sponsor this for the reasons stated. Thank you.

Sarah Bunch

Sent from my iPad

Begin forwarded message:

From: MARK KINION <mkinion@cox.net>
Date: July 23, 2025 at 1:19:44 AM CDT
To: "Wiederkehr, Mike" <mike.wiederkehr@fayetteville-ar.gov>, "Bunch, Sarah" <sarah.bunch@fayetteville-ar.gov>, "Turk, Teresa" <teresa.turk@fayetteville-ar.gov>, "Stafford, Bob" <bob.stafford@fayetteville-ar.gov>, "Williams, Kit" <kwilliams@fayetteville-ar.gov>
Subject: Appeal CUP-2025-0025 and CUP-2025-0026

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mike, Sarah, Teresa and Bob,
Thank you for co-sponsoring the appeal of the conditional use variance approving Short Term Rentals at 421 W Ila Street and 463 W Ila Street. Please copy, paste and send an e-mail to City Clerk and City Attorney. These e-mails must reach the City Clerk by or before Monday July 28th.

E-Mail Suggestion

To: Fayetteville City Clerk, Fayetteville City Attorney

From: [Your Name]

Date: [Insert Date]

Subject: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

Dear City Clerk, City Attorney

I respectfully request that the City Council reconsider and repeal the Planning Commission's approval of Conditional Use Permit CUP-2025-0025 for 421 W Ila Street and adjoining property CUP-2025-0026 for 463 W Ila Street

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

1. **Procedural Error:** The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC166.25, UDC 30-5.a.3
2. **Incompatibility:** The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC161.01(G), 166.25, 164.11,
3. **Infrastructure Deficiency:** The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25

I urge the City Council to review this matter and consider revoking the CUP-2025-0025 for 421 W Ila Street and CUP-2025-0026 for 463 W Ila Street in the interest of public welfare, Safety and code compliance.

Sincerely,

[Your Name]

{Your Position}

[Your Contact Info]

Brief outline

I am putting together a small packet of information regarding each UDC item listed that should be considered in this discussion. More in-depth data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements. Be expecting an in depth summary in the next couple of days.

Outline I am working on.

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

1. **Procedural Error: The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC166.25, UDC 30-5.a.3**
2. **Incompatibility: The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC161.01(G), 166.25, 164.11,**
3. **Infrastructure Deficiency: The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25**

More data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements such as off-street parking standards. Be expecting an in depth summary in the next couple of days.

General Grounds for Appeal and UDC

Procedural Error

The approval did not comply with provisions outlined in Fayetteville's Unified Development Code (UDC), specifically:

- §163.02 (Conditional Use Criteria)
- §163.03 (STR Licensing & Compliance)
- §166.25 (Design Standards & Emergency Access)
- §30-5.A.3 (Parking Space Dimensions)
- **Compatibility Neighborhood Character**

The proposed use is inconsistent with surrounding single-family residential zoning and undermines the stability of long-term occupancy. Applicable sections include:

- §163.02
- §161.01(G)
- §166.25
- §164.11(C)

Infrastructure Deficiency

Both properties lack compliant off-street parking, adequate turning radius, and emergency access per fire code and UDC standards:

- §166.25
- §30-5.A.3
- §164.11(C)

From: [Moore, Sarah](#)
To: [Williams, Kit](#); [CityClerk](#); [Pennington, Blake](#)
Subject: Re: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street
Date: Thursday, July 24, 2025 1:25:06 PM
Attachments: [image001.png](#)

I will sponsor this appeal based on the information that Mark Kinion lays out in his email below.

Thank you

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629



Report a concern with SeeClickFix:

<https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix>

Speak up on City projects:

<https://speakup.fayetteville-ar.gov/>

Voice your feedback to the entire Council and Mayor by emailing:

agendaitemcomment@fayetteville-ar.gov

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Date: Thursday, July 24, 2025 at 9:21 AM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: RE: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

Sarah,

You may certainly use the problems asserted by Mark in his email. Please remember that this is yours and the other cosponsors appeal, not Mark's. However, once the appeal has been properly requested by three Council Members and is before the City Council, the three Council Members may allow Mike to use the applicants' presentation time if you do not prefer to present and explain the reasons for the appeal yourselves.

Kit Williams
Fayetteville City Attorney
479-575-8313

From: MARK KINION <mkinion@cox.net>
Sent: Wednesday, July 23, 2025 7:27 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sarah,

A pleasure talking with you today. Thanks for cosponsoring. Your take on concentration of STRs in this area is so appreciated.

Regards,

Mark

Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

Here is a template of request for appeal to send to City Clerk and City Attorney on or before Monday July 28th. Sooner the better.

Dear City Clerk, City Attorney

I respectfully request that the City Council reconsider and repeal the Planning Commission's approval of Conditional Use Permit CUP-2025-0025 for 421 W Ila Street and adjoining property CUP-2025-0026 for 463 W Ila Street

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

Procedural Error: The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC 166.25, UDC 30-5.a.3

Incompatibility: The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC 161.01(G), 166.25, 164.11,

Infrastructure Deficiency: The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25

I urge the City Council to review this matter and consider revoking the CUP-2025-0025 for 421 W Ila Street and CUP-2025-0026 for 463 W Ila Street in the interest of public welfare, Safety and code compliance.

Sincerely,

[Your Name]

{Your Position}

[Your Contact Info]

Brief outline

I am putting together a small packet of information regarding each UDC item listed that should be considered in this discussion. More in-depth data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements. Be expecting an in depth summary in the next couple of days.

Outline I am working on.

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

1. **Procedural Error: The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC166.25, UDC 30-5.a.3**
2. **Incompatibility: The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC161.01(G), 166.25, 164.11,**
3. **Infrastructure Deficiency: The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25**

More data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements such as off-street parking standards. Be expecting an in depth summary in the next couple of days.

General Grounds for Appeal and UDC

Procedural Error

The approval did not comply with provisions outlined in Fayetteville's Unified Development Code (UDC), specifically:

- §163.02 (Conditional Use Criteria)
- §163.03 (STR Licensing & Compliance)
- §166.25 (Design Standards & Emergency Access)
- §30-5.A.3 (Parking Space Dimensions)
- **Compatibility Neighborhood Character**

The proposed use is inconsistent with surrounding single-family residential zoning and undermines the stability of long-term occupancy. Applicable sections include:

- §163.02
- §161.01(G)
- §166.25
- §164.11(C)

Infrastructure Deficiency

Both properties lack compliant off-street parking, adequate turning radius, and emergency access per fire code and UDC standards:

- §166.25
- §30-5.A.3
- §164.11(C)

From: [Wiederkehr, Mike](#)
To: [CityClerk](#)
Cc: [Williams, Kit](#); [Paxton, Kara](#); [Mark Kinion](#)
Subject: Appeal of CUP-2025-0025 and CUP-2025-0026 on West ILA Street
Date: Thursday, July 24, 2025 7:46:36 AM

Dear City Clerk & City Attorney,

My understanding is that resident, Mark Kinion, has submitted a proper appeal of 2 CUPs on ILA Street, and is in need of 3 City Council members who will sponsor his appeal so it may be heard. With no commitment to approve this dual appeal, I am writing to you to affirm that I am willing to be one of his three needed Council sponsors.

The appeal is for the following:
CUP-2025-0025 at 421 W Ila Street, and
CUP-2025-0026 at 463 W Ila Street

Sincerely,
Mike Wiederkehr

From: [Turk, Teresa](#)
To: [CityClerk](#)
Subject: Sponsor the Appeal of CUP 2025-0025 and CUP 2025-2026
Date: Thursday, July 24, 2025 1:53:16 PM

City Clerk Paxton,

I would like to sponsor the Appeal of CUP-2025-0025 and CUP 2025-2026 for the following reasons:

1. Lack of adequate and sufficient parking.
2. Incompatibility with the surrounding dwellings and neighborhood.

Please let me know if have any questions and thanks for your time!

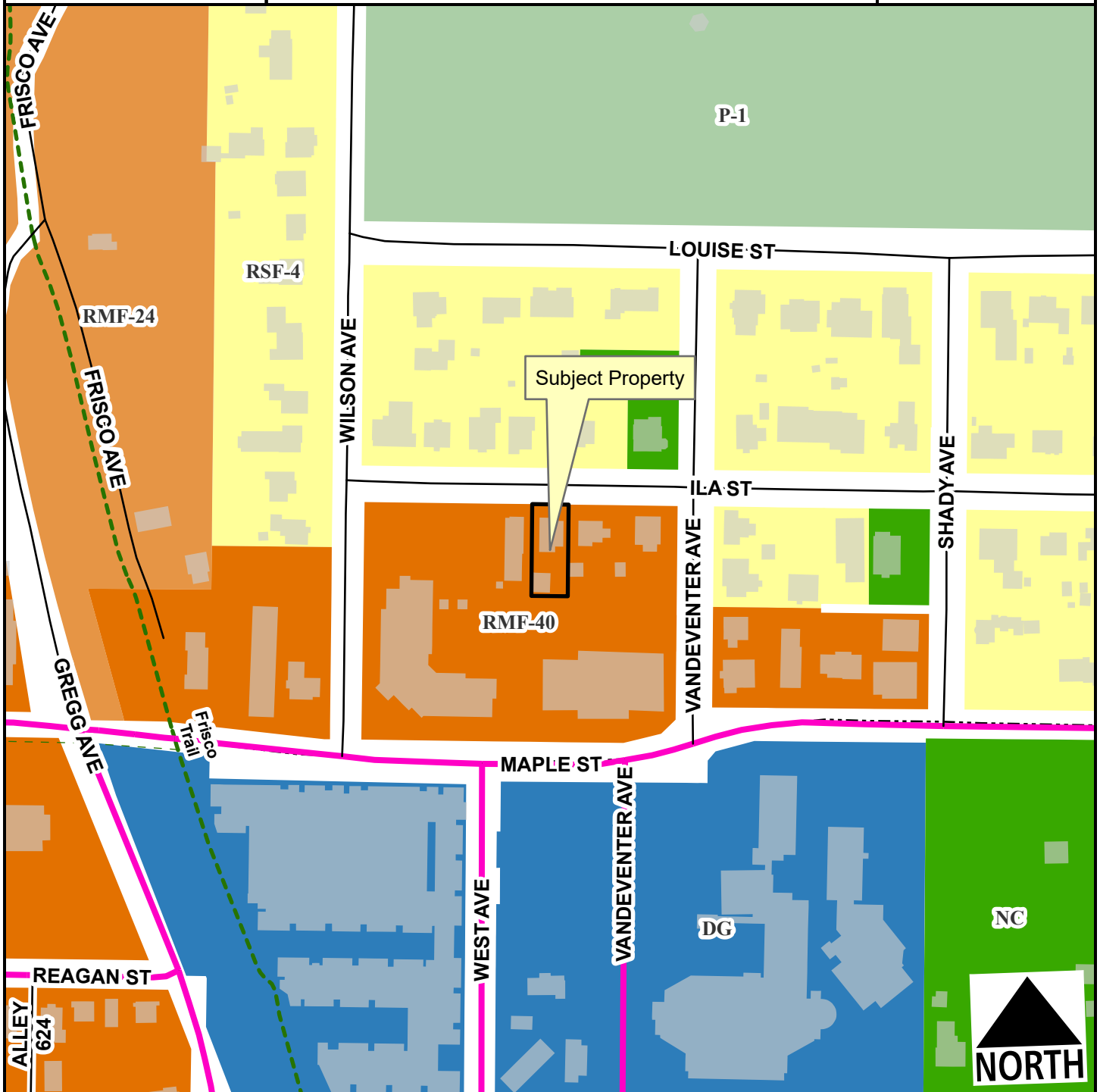
Teresa Turk
City Council Member
Ward 4 Position 1
Fayetteville, AR 72701
ward4_pos1@fayetteville-ar.gov
206.713.2265

CUP-2025-0025

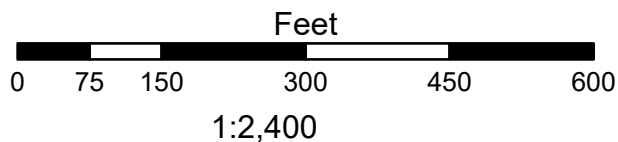
421 W. ILA ST

CUP-2025-0025
EXHIBIT A

Close Up View



- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



Legal Description

One Hundred Twenty-six (126) feet of e qual and uniform width off the North end of Lot Numbered Two (2) in Block Numbered One (1) of Wilson's First Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. ST



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 14, 2025 **Updated w/ 7/14/2025 PC Meeting Results**

SUBJECT: **CUP-2025-0025: Conditional Use (421 W. ILA ST./ MARSH, 445):**
Submitted by MICHAEL MARSH for property located at 421 W. ILA ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.14 acres. The request is for a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0025**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0025** with conditions, determining:*

- In favor of compatibility with adjacent properties;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located south of Wilson Park on West Ila Street, about halfway between North Wilson Avenue and North Vandeventer Avenue. The applicant is also applying for a conditional use permit (CUP-2025-0026) for a short-term rental license for a property that shares a driveway with the subject property. The property is zoned RMF-40, and totals approximately 0.14 acres. According to Washington County records, the property is developed with a single-family dwelling that was originally built in 1952. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Fraternity & Sorority	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Single-family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Single-family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre

City Plan 2040 Future Land Use Designation: **Residential Neighborhood**

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Staff has received one public comment regarding this request. The commenter stated that they were in opposition to this permit as it would increase the STR density in the area.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0025**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report;*
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.
3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.
6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
7. All trash receptacles shall be screened from view of the right-of-way.
8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.
9. Any signage shall meet the requirements as outlined in §174, Signage.
10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>July 14, 2025</u>	☐ Tabled	☒ Approved	☐ Denied	
Motion:	Payne				
Second:	Werner				
Vote:	6-2-0 (Madden and Garlock dissented)				

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-40 zoning district.**

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: **The applicant has paid the required filing fee.**

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in

the application to grant the conditional use; and

Finding: The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Staff finds that granting the requested conditional use is unlikely to negatively affect the public interest, given the applicable business license requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

A. Residential Zoning Districts. Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: The request is to operate a Type 2 Short-Term Rental, Use Unit 46, in RMF-40 zoning which requires a conditional use permit.

B. Occupancy. Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: Occupancy is limited as described in UDC §163.18(A)(16). Occupancy limitations are confirmed by the applicant during licensing. The maximum allowed per the bedroom count (2) will be 6 guests.

C. Parking. Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: Staff recommends parking is limited as described in UDC §163.18(C). For single-family structures, parking is required to be 2 spaces per unit with a maximum of 4 vehicles. According to the applicant the structure has three bedrooms and a driveway that can accommodate three parking spaces for this property. The neighboring property (463 West 11a Street – CUP-2025-0026) has its own separate parking accommodations.

- D. Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.

- E. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: The application is for use of the property at 421 West 11a Street. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

- F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of July 8, 2025, the City had issued 467 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license but does not guarantee its approval.

No special exceptions are being requested.

- G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.

- H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals;
4. Prior zoning or code violations; and
5. Proximity to public or private K-12 schools when the proposed property is within 1,000 feet of the school boundary line.

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental on the applicant's submittal. Three off-street parking spaces are available on site and a maximum of six guests would be permitted. City records indicate that fourteen other units within a quarter-

mile radius of the property have a business license to operate as a Type-2 short-term rental. Currently, none of the nearby fourteen short-term rental units accesses the same street as the applicant's property; two are close by (521 North Shady Avenue, Unit 4, and 607 North Wilson Avenue). There are two cluster points of neighboring STR's; however, they are some distance away from the proposed property to the south and south west respectively. No prior or active zoning or code violations have been reported on the property. The property is not located within 1,000 feet from either a public or private school.

The applicant has also requested a conditional use permit for a short-term rental for 463 West Ila Street, a property that shares the driveway with the subject property. If both requests are approved, the total number short-term rentals within ¼ mile would be 16. Should both requests be permitted, the neighborhood area would be 1.8%, below the 2% cap of the houses-to-short-term rental ratio. Staff finds that approving both would be compatible to the area.

§163.02. AUTHORITY; CONDITIONS; PROCEDURES. (continued)

- (2.)** That satisfactory provisions and arrangements have been made concerning the following, where applicable:

 - (a.)** Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: A driveway access onto West Ila Street is available to accommodate vehicular ingress and egress to the subject property. West Ila Street does have sidewalks to facilitate pedestrian access. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 6 guests, which would not be out of character with use of the property for residential purposes.

- (b.)** Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: Three on-site parking spaces are available. The short-term rental ordinance limits the number of guest vehicles per single-family dwellings to the maximum number of four vehicles as allowed by the underlying zoning district.

- (c.)** Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.

(f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Any proposed signage will be subject to Unified Development Code section 174 – Signs, and all the regulations therein.

(g.) Required yards and other open space; and

Finding: Based on the applicant’s submittal, the structure is meeting relevant setbacks.

(h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds the use to be compatible with the surrounding properties. The residences along West 11a Street are all detached single-family dwellings. The property also abuts or is near several sorority houses to the rear, highlighting an area with high density and visitors. The property appears to have adequate parking to accommodate overnight guests, trash containers must be screened, and minimal disruptions are expected for neighbors. Given the proximity to downtown, the University, and the trail and park with other amenities, Staff finds that the overall number of licensed Type-2 STRs in the area is not too concentrated to negatively contribute to the neighborhood.

(i.) General compatibility with the goals and intent of the city’s adopted land-use, transportation, and other strategic plans.

Finding: Staff finds the proposed use to be somewhat incompatible with the City’s adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a

citywide density cap of 475 units and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - § 161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within ¼ Mile Map
- Applicant Exhibits
 - Applicant Request Letter
 - Site Plan
 - Building Elevations
 - Building Floor Plan
- Public Comment

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

- (A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

- 1) R-A
- 2) RSF-.5
- 3) RSF-1
- 4) RSF-2
- 5) RSF-4
- 6) RSF-7
- 7) RSF-8
- 8) RSF-18
- 9) RI-12
- 10) RI-U
- 11) RMF-6
- 12) RMF-12
- 13) RMF-18
- 14) RMF-24
- 15) RMF-40
- 16) NC

Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
- 1) Adequate parking infrastructure;
 - 2) Adequate adjoining or nearby streets for on-street parking;
 - 3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
 - 4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

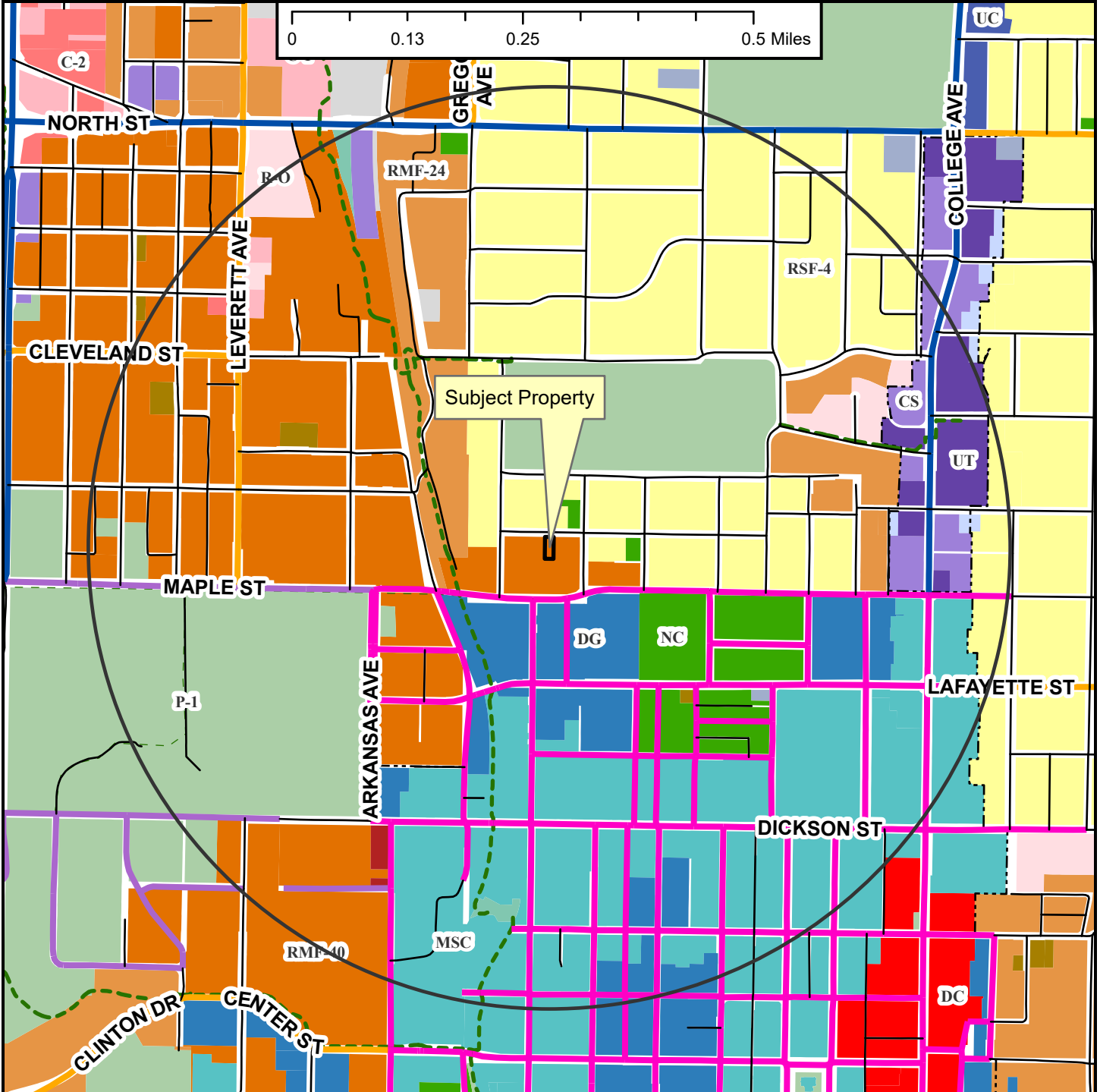
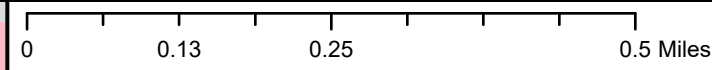
(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

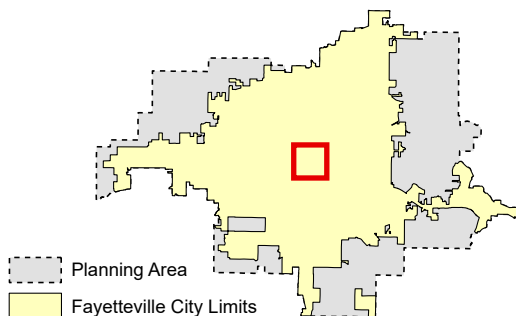
CUP-2025-0025

421 W. ILA ST

One Mile View



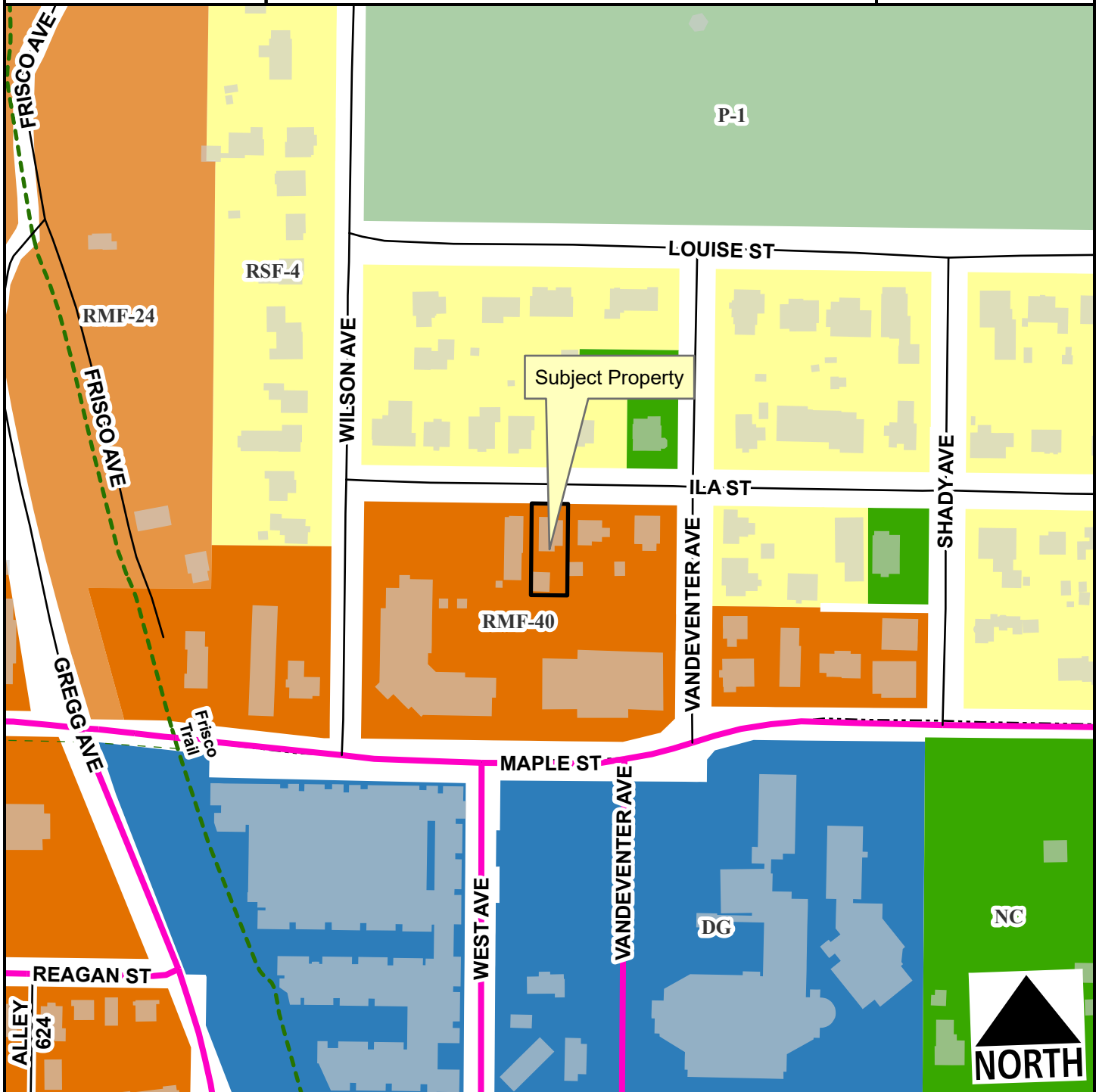
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
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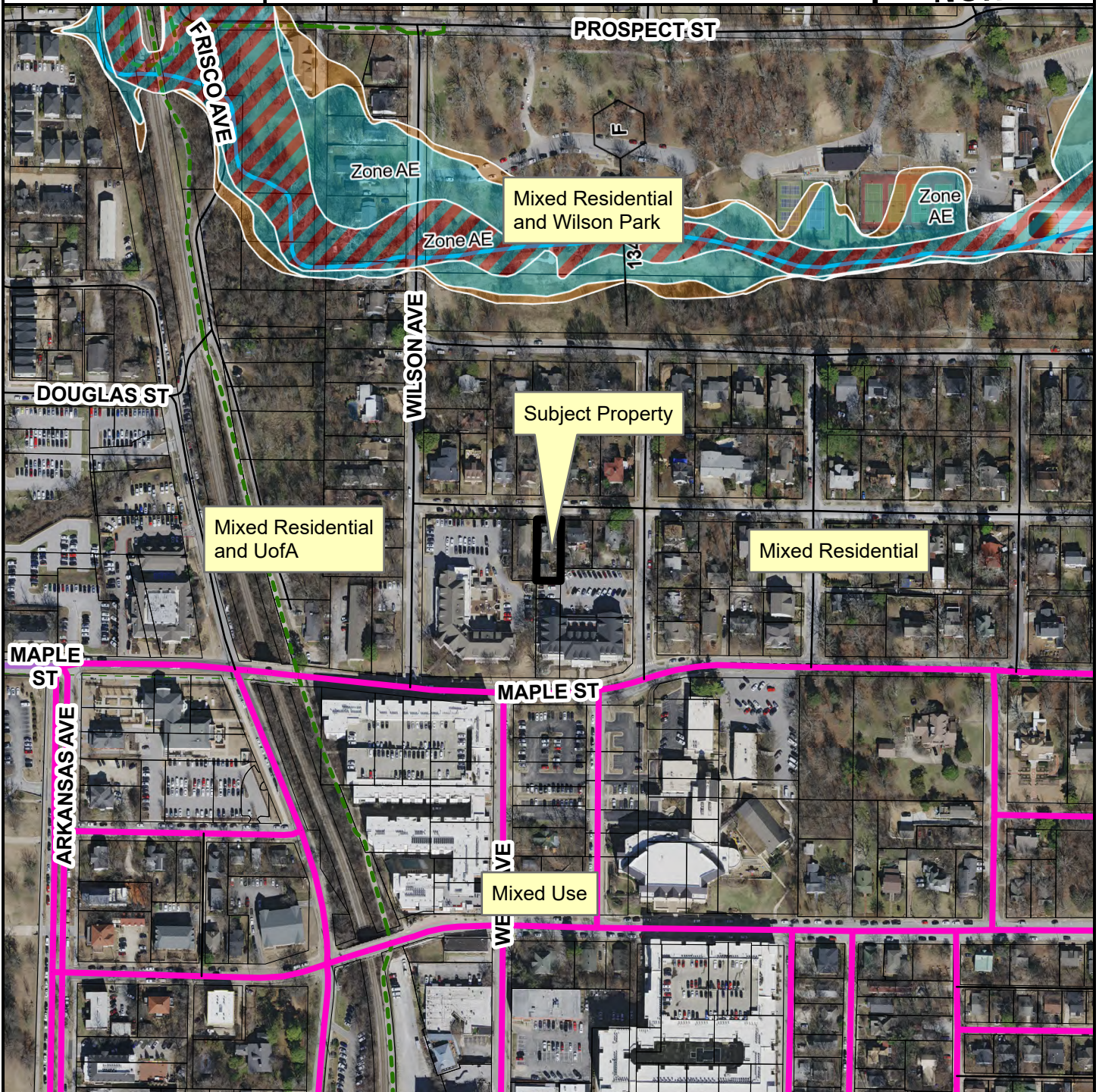
Close Up View



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Current Land Use



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- Fayetteville City Limits
- Design Overlay District

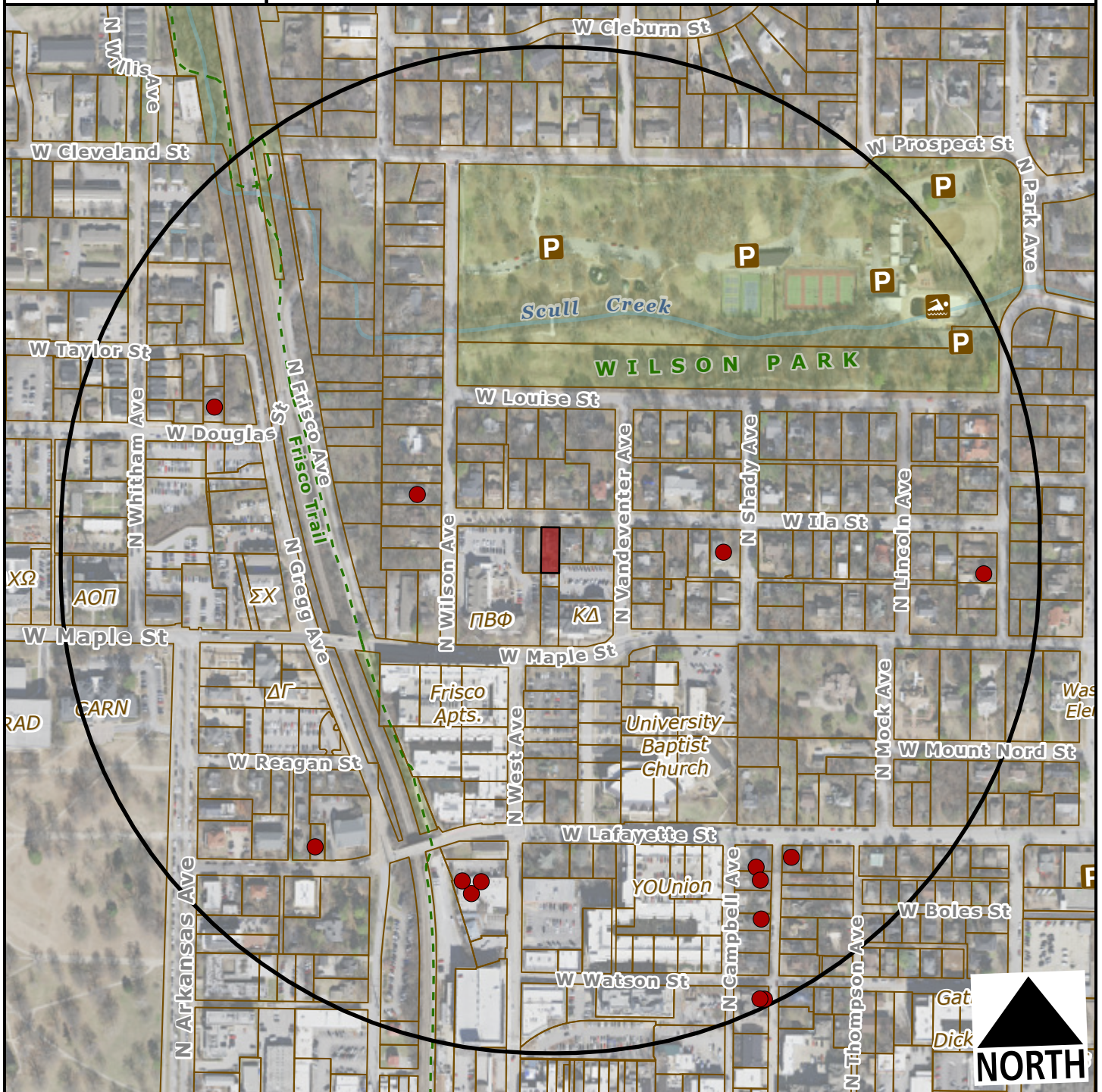
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2025-0025

421 W. ILA ST

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 14

Occupiable
Residential
Addresses
(Estimated
Housing Units): 852

Michael & Kayla Marsh
18 Abington Court
Little Rock, AR 72223

Conditional Use Permit Request Letter

Short term rental at 421 W Ila Street, Fayetteville, AR 72701

Total living area: 1,075 sq/ft

Off street parking: 3 parking spots

Hours of operation: all times; 24 hours x 7 days per week

Number of employees: 2 for Marsh Properties, LLC

Outdoor lighting: Yes

Noise: N/A

Screening from other properties: Yes, wooden fence in good repair

There will be no change to the property, as it will be a short-term rental property.

Survey/legal description:

421 W Ila Street SURVEY

One Hundred Twenty-six (126) feet of equal and uniform width off the North end of Lot Numbered Two (2) in Block Numbered One (1) of Wilson's First Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.
ST

SURVEY DESCRIPTION

NOTE: This property does not lie in ZONE 'A/AE' (Special Flood Hazard Areas inundated 100 year flood) as determined from the FIRM Map of Washington County, Arkansas, and Incorporated Areas, Map Number 05143C0092 C, effective date September 18, 1991.

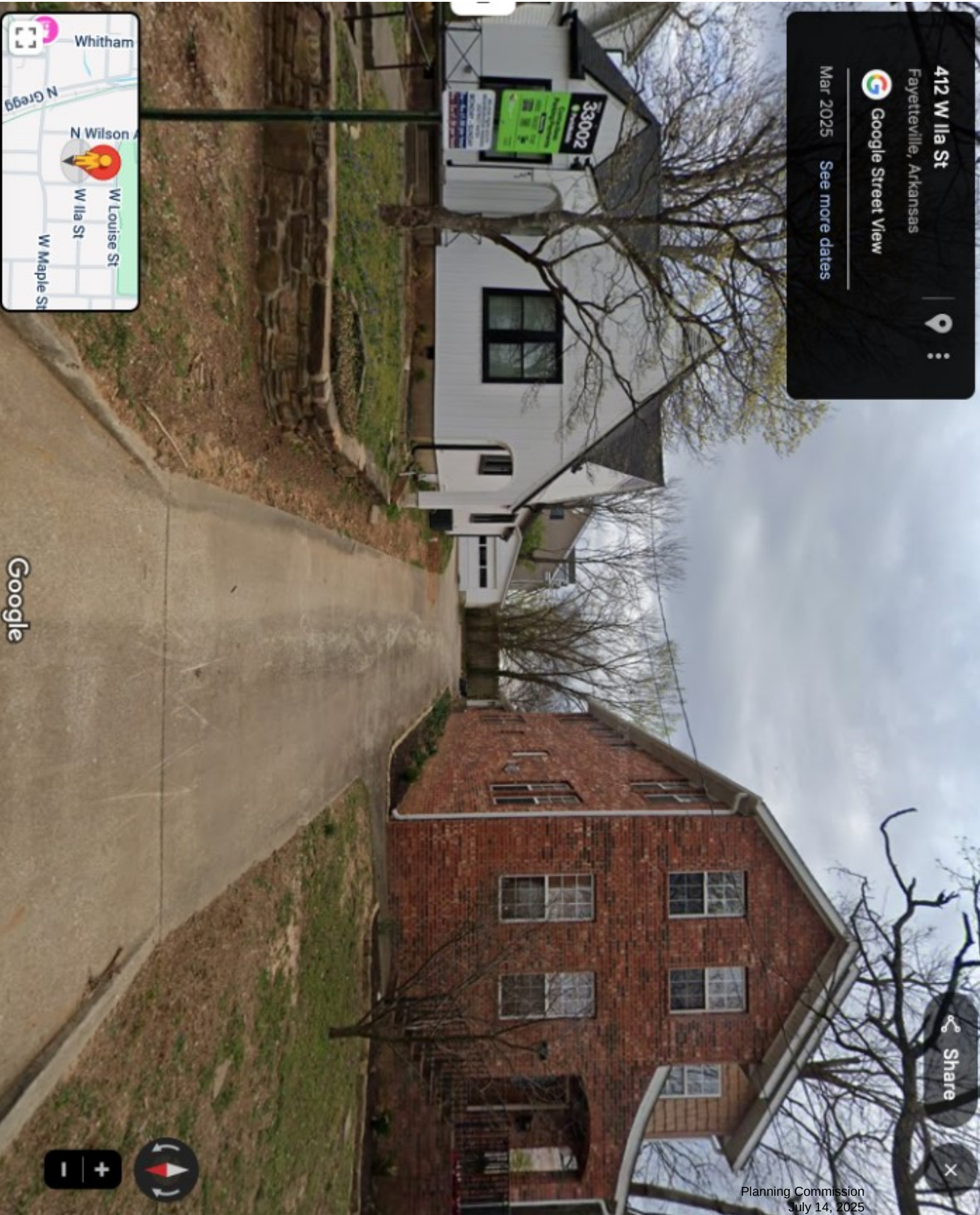






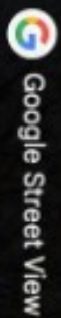






412 W Ila St

Fayetteville, Arkansas



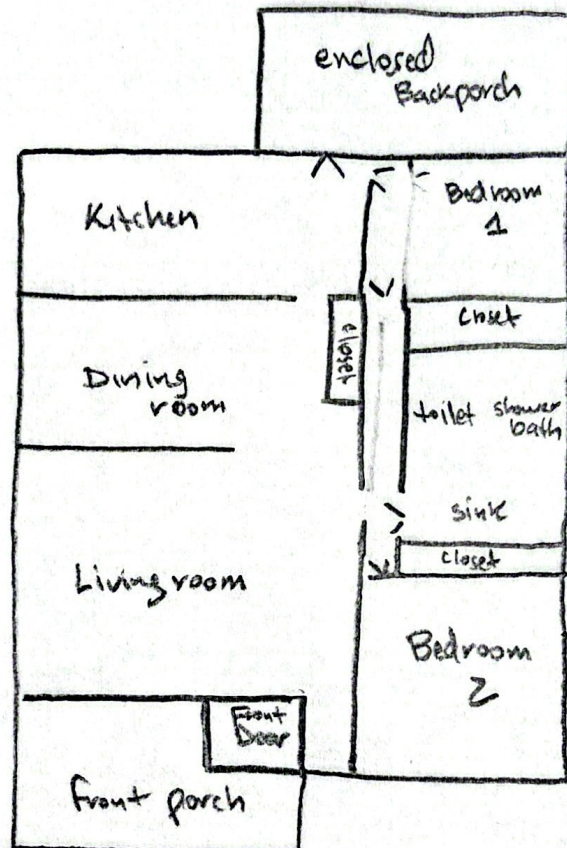
Mar 2025 See more dates



Share



421 W ILA ST



Single story

2 bedroom
1 bathroom

Frank, Wes

From: Planning Shared
Sent: Wednesday, June 18, 2025 8:23 AM
To: Frank, Wes
Subject: FW: Property 400block Ila St

For you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

-----Original Message-----

From: Albert Baker <ambaker1954@gmail.com>
Sent: Tuesday, June 17, 2025 3:51 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Property 400block Ila St

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please let this email serve as our opposition to the 2 houses in the 400 block of Ila Street being requested for Airbnb zoning. There are already 3 or more short term rental properties within a half block from us and this neighborhood does not need anymore Airbnb rentals.

Thank you

Jaber
632 N Vandeventer Ave
Sent from my iPhone



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council

THRU: Keith Macedo, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Planning Director

FROM: Wesley Frank, Planner

SUBJECT: **APPEAL: CUP-2025-0026 (463 W. ILA ST./MARSH, 445): Submitted by MICHAEL MARSH for property located at 463 W. ILA ST in WARD 2. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.14 acres. The request is for a short-term rental.**

RECOMMENDATION:

Staff recommended approval and Planning Commission approved CUP-2025-0026 as shown in the attached Exhibits A and B, and with the following conditions of approval:

1. Planning Commission determination of compatibility. Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report;
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.
3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.
6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
7. All trash receptacles shall be screened from view of the right-of-way.
8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.
9. Any signage shall meet the requirements as outlined in §174, Signage.
10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

The item's approval is being appealed by Councilmembers Bunch, Moore, Turk, and Wiederkehr.

BACKGROUND:

The subject property is located south of Wilson Park on West Ila Street, about halfway between North Wilson Avenue and North Vandeventer Avenue. The applicant was also applying for a conditional use permit (CUP-2025-0025) for a short-term rental license for a property that shares a driveway with the subject property. The

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

property is zoned RMF-40, and totals approximately 0.14 acres. According to Washington County records, the property is developed with a single-family dwelling that was originally built in 2006. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% citywide, to 475 total. This report reflects those new changes for consideration.

Request: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

DISCUSSION:

On the balance of considerations, staff recommends approval of the applicant's conditional use permit for a short-term rental. Staff finds that the subject property and proposed use was conforming to nearby properties and uses, although short-term rentals are often counter to City goals.

At the Planning Commission meeting on July 14, 2025, the item was approved following a motion by Commissioner Payne and a second by Commissioner Werner with a vote 6-2-0. Commissioners Garlock and Madden both dissented, citing the property's small size, use in proximity to other dwellings, and the proximity to other short-term rentals in the area. Commissioners in favor cited the proximity to the nearby sororities and compatible use of the area.

Two members of the public spoke against the conditional use permit. Concerns centered on the safety of the street due to its narrow width and lack of compatibility in the area.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Council Member Turk Verification, 4. Council Member Bunch Verification, 5. Council Member Moore Verification, 6. Council Member Wiederkehr Verification, 7. Exhibit A, 8. Exhibit B, 9. Staff Report



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1359

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SARAH BUNCH, SARAH MOORE, TERESA TURK, AND MIKE WIEDERKEHR AND DENY CONDITIONAL USE PERMIT CUP 2025-026 FOR A TYPE 2 SHORT-TERM RENTAL AT 463 WEST ILA STREET IN WARD 2

WHEREAS, on July 14, 2025, the Planning Commission voted 6-2-0 to approve a conditional use permit for a Type 2 short-term rental at 463 West Ila Street; and

WHEREAS, Council Members Sarah Moore, Teresa Turk, and Mike Wiederkehr have properly appealed the decision of the Planning Commission pursuant to §155.05(A)(3) of the *Unified Development Code*, based on incompatibility of the proposed short-term rental with the neighborhood, parking issues, and the high concentration of nearby licensed Type 2 short-term rentals.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Council Members Sarah Bunch, Sarah Moore, Teresa Turk, and Mike Wiederkehr and denies Conditional Use Permit CUP 2025-026 for the reasons stated above.

From: [Turk, Teresa](#)
To: [CityClerk](#)
Subject: Sponsor the Appeal of CUP 2025-0025 and CUP 2025-2026
Date: Thursday, July 24, 2025 1:53:16 PM

City Clerk Paxton,

I would like to sponsor the Appeal of CUP-2025-0025 and CUP 2025-2026 for the following reasons:

1. Lack of adequate and sufficient parking.
2. Incompatibility with the surrounding dwellings and neighborhood.

Please let me know if have any questions and thanks for your time!

Teresa Turk
City Council Member
Ward 4 Position 1
Fayetteville, AR 72701
ward4_pos1@fayetteville-ar.gov
206.713.2265

From: [Paxton, Kara](#)
To: [CityClerk](#)
Subject: FW: Appeal CUP-2025-0025 and CUP-2025-0026
Date: Thursday, July 24, 2025 10:58:52 AM
Attachments: [image001.png](#)

Good morning,

I received the below email from Council Member Bunch. Please record her response below as verification that she will co-sponsor the appeal.

Thank you,

Kara Paxton
MSISM, MMC, CAMC, CMO
City Clerk Treasurer
City of Fayetteville, Arkansas
479-575-8323
fayetteville-ar.gov



From: Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>
Sent: Thursday, July 24, 2025 10:41 AM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>
Subject: Fwd: Appeal CUP-2025-0025 and CUP-2025-0026

Yes, I will co-sponsor this for the reasons stated. Thank you.

Sarah Bunch

Sent from my iPad

Begin forwarded message:

From: MARK KINION <mkinion@cox.net>
Date: July 23, 2025 at 1:19:44 AM CDT
To: "Wiederkehr, Mike" <mike.wiederkehr@fayetteville-ar.gov>, "Bunch, Sarah" <sarah.bunch@fayetteville-ar.gov>, "Turk, Teresa" <teresa.turk@fayetteville-ar.gov>, "Stafford, Bob" <bob.stafford@fayetteville-ar.gov>, "Williams, Kit" <kwilliams@fayetteville-ar.gov>
Subject: Appeal CUP-2025-0025 and CUP-2025-0026

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mike, Sarah, Teresa and Bob,
Thank you for co-sponsoring the appeal of the conditional use variance approving Short Term Rentals at 421 W Ila Street and 463 W Ila Street. Please copy, paste and send an e-mail to City Clerk and City Attorney. These e-mails must reach the City Clerk by or before Monday July 28th.

E-Mail Suggestion

To: Fayetteville City Clerk, Fayetteville City Attorney

From: [Your Name]

Date: [Insert Date]

Subject: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

Dear City Clerk, City Attorney

I respectfully request that the City Council reconsider and repeal the Planning Commission's approval of Conditional Use Permit CUP-2025-0025 for 421 W Ila Street and adjoining property CUP-2025-0026 for 463 W Ila Street

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

1. **Procedural Error:** The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC166.25, UDC 30-5.a.3
2. **Incompatibility:** The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC161.01(G), 166.25, 164.11,
3. **Infrastructure Deficiency:** The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25

I urge the City Council to review this matter and consider revoking the CUP-2025-0025 for 421 W Ila Street and CUP-2025-0026 for 463 W Ila Street in the interest of public welfare, Safety and code compliance.

Sincerely,

[Your Name]

{Your Position}

[Your Contact Info]

Brief outline

I am putting together a small packet of information regarding each UDC item listed that should be considered in this discussion. More in-depth data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements. Be expecting an in depth summary in the next couple of days.

Outline I am working on.

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

1. **Procedural Error: The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC166.25, UDC 30-5.a.3**
2. **Incompatibility: The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC161.01(G), 166.25, 164.11,**
3. **Infrastructure Deficiency: The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25**

More data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements such as off-street parking standards. Be expecting an in depth summary in the next couple of days.

General Grounds for Appeal and UDC

Procedural Error

The approval did not comply with provisions outlined in Fayetteville's Unified Development Code (UDC), specifically:

- §163.02 (Conditional Use Criteria)
- §163.03 (STR Licensing & Compliance)
- §166.25 (Design Standards & Emergency Access)
- §30-5.A.3 (Parking Space Dimensions)
- **Compatibility Neighborhood Character**

The proposed use is inconsistent with surrounding single-family residential zoning and undermines the stability of long-term occupancy. Applicable sections include:

- §163.02
- §161.01(G)
- §166.25
- §164.11(C)

Infrastructure Deficiency

Both properties lack compliant off-street parking, adequate turning radius, and emergency access per fire code and UDC standards:

- §166.25
- §30-5.A.3
- §164.11(C)

From: [Moore, Sarah](#)
To: [Williams, Kit](#); [CityClerk](#); [Pennington, Blake](#)
Subject: Re: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street
Date: Thursday, July 24, 2025 1:25:06 PM
Attachments: [image001.png](#)

I will sponsor this appeal based on the information that Mark Kinion lays out in his email below.

Thank you

Sarah Moore
Fayetteville City Council, Ward 2
sarah.moore@fayetteville-ar.gov
479.263.6629



Report a concern with SeeClickFix:

<https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix>

Speak up on City projects:

<https://speakup.fayetteville-ar.gov/>

Voice your feedback to the entire Council and Mayor by emailing:

agendaitemcomment@fayetteville-ar.gov

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Date: Thursday, July 24, 2025 at 9:21 AM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: RE: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

Sarah,

You may certainly use the problems asserted by Mark in his email. Please remember that this is yours and the other cosponsors appeal, not Mark's. However, once the appeal has been properly requested by three Council Members and is before the City Council, the three Council Members may allow Mike to use the applicants' presentation time if you do not prefer to present and explain the reasons for the appeal yourselves.

Kit Williams
Fayetteville City Attorney
479-575-8313

From: MARK KINION <mkinion@cox.net>
Sent: Wednesday, July 23, 2025 7:27 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>
Subject: Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sarah,

A pleasure talking with you today. Thanks for cosponsoring. Your take on concentration of STRs in this area is so appreciated.

Regards,

Mark

Appeal of Conditional Use Permit – 421 W Ila Street and 463 W Ila Street

Here is a template of request for appeal to send to City Clerk and City Attorney on or before Monday July 28th. Sooner the better.

Dear City Clerk, City Attorney

I respectfully request that the City Council reconsider and repeal the Planning Commission's approval of Conditional Use Permit CUP-2025-0025 for 421 W Ila Street and adjoining property CUP-2025-0026 for 463 W Ila Street

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

Procedural Error: The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC 166.25, UDC 30-5.a.3

Incompatibility: The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC 161.01(G), 166.25, 164.11,

Infrastructure Deficiency: The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25

I urge the City Council to review this matter and consider revoking the CUP-2025-0025 for 421 W Ila Street and CUP-2025-0026 for 463 W Ila Street in the interest of public welfare, Safety and code compliance.

Sincerely,

[Your Name]

{Your Position}

[Your Contact Info]

Brief outline

I am putting together a small packet of information regarding each UDC item listed that should be considered in this discussion. More in-depth data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements. Be expecting an in depth summary in the next couple of days.

Outline I am working on.

Grounds for Appeal: CUP-2025-0026, CUP- 2025-0025

1. **Procedural Error: The approval did not comply with UDC specifically regarding parking UDC 163.02, UDC 163.03, UDC166.25, UDC 30-5.a.3**
2. **Incompatibility: The proposed use is inconsistent with surrounding land uses and will negatively impact neighborhood character. UDC 163.02, UDC161.01(G), 166.25, 164.11,**
3. **Infrastructure Deficiency: The property lacks adequate off-street parking and emergency access, violating UDC 166.25, UDC 30-5.a.3, UDC 164.1, UDC 166.25**

More data will be available regarding police reports related to STRs, street width, off-street parking requirements, Dwelling counts, more,more more. I did a deep dive into all applicable UDC items and found some seldom mentioned code requirements such as off-street parking standards. Be expecting an in depth summary in the next couple of days.

General Grounds for Appeal and UDC

Procedural Error

The approval did not comply with provisions outlined in Fayetteville's Unified Development Code (UDC), specifically:

- §163.02 (Conditional Use Criteria)
- §163.03 (STR Licensing & Compliance)
- §166.25 (Design Standards & Emergency Access)
- §30-5.A.3 (Parking Space Dimensions)
- **Compatibility Neighborhood Character**

The proposed use is inconsistent with surrounding single-family residential zoning and undermines the stability of long-term occupancy. Applicable sections include:

- §163.02
- §161.01(G)
- §166.25
- §164.11(C)

Infrastructure Deficiency

Both properties lack compliant off-street parking, adequate turning radius, and emergency access per fire code and UDC standards:

- §166.25
- §30-5.A.3
- §164.11(C)

From: [Wiederkehr, Mike](#)
To: [CityClerk](#)
Cc: [Williams, Kit](#); [Paxton, Kara](#); [Mark Kinion](#)
Subject: Appeal of CUP-2025-0025 and CUP-2025-0026 on West ILA Street
Date: Thursday, July 24, 2025 7:46:36 AM

Dear City Clerk & City Attorney,

My understanding is that resident, Mark Kinion, has submitted a proper appeal of 2 CUPs on ILA Street, and is in need of 3 City Council members who will sponsor his appeal so it may be heard. With no commitment to approve this dual appeal, I am writing to you to affirm that I am willing to be one of his three needed Council sponsors.

The appeal is for the following:
CUP-2025-0025 at 421 W Ila Street, and
CUP-2025-0026 at 463 W Ila Street

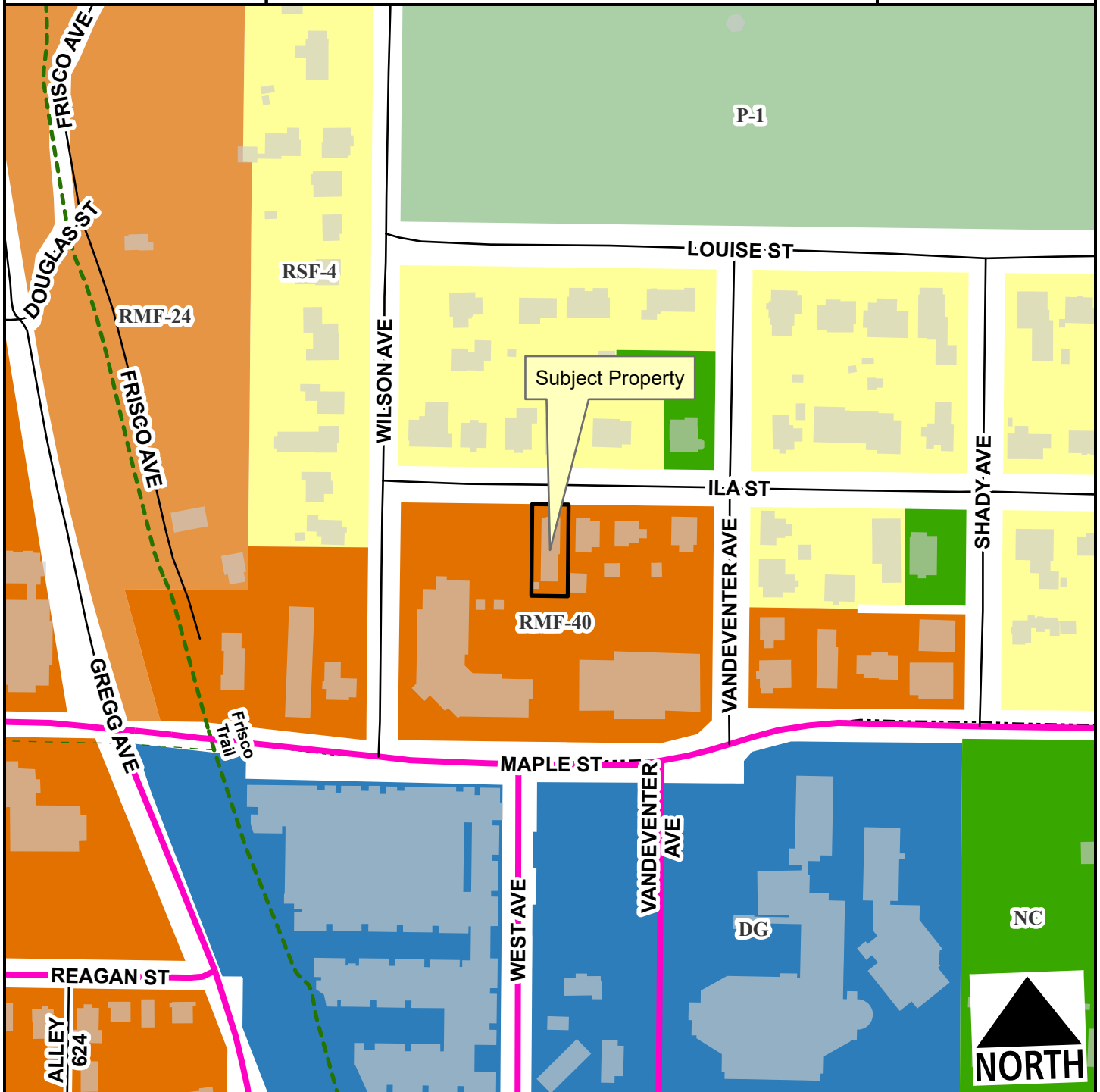
Sincerely,
Mike Wiederkehr

CUP-2025-0026

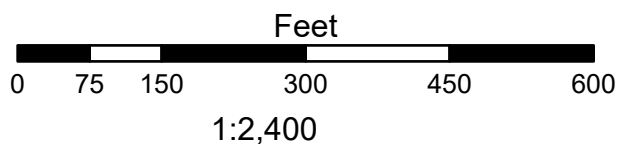
463 W. ILA ST

CUP-2025-0026
EXHIBIT A

Close Up View



- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



Legal Description

One Hundred Twenty-six (126) feet of equal and uniform width off the North end of Lot Numbered One (1) in Block Numbered One (1) of Wilson's First Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 14, 2025 **Updated w/ 7/14/2025 PC Meeting Results**

SUBJECT: **CUP-2025-0026: Conditional Use (463 W. ILA ST./ MARSH, 445):**
Submitted by MICHAEL MARSH for property located at 421 W. ILA ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.14 acres. The request is for a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0026**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0026** with conditions, determining:*

- In favor of compatibility with adjacent properties;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located south of Wilson Park on West Ila Street, about halfway between North Wilson Avenue and North Vandeventer Avenue. The applicant is also applying for a conditional use permit (CUP-2025-0025) for a short-term rental license for a property that shares a driveway with the subject property. The property is zoned RMF-40, and totals approximately 0.14 acres. According to Washington County records, the property is developed with a single-family dwelling that was originally built in 2006. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Fraternity & Sorority	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Fraternity	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Single-family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre

City Plan 2040 Future Land Use Designation: **Residential Neighborhood**

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Staff has received one public comment regarding this request. The commenter stated that they were in opposition to this permit as it would increase the STR density in the area.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0026**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report;*
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.
3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.
6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
7. All trash receptacles shall be screened from view of the right-of-way.
8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.
9. Any signage shall meet the requirements as outlined in §174, Signage.
10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>July 14, 2025</u>	☐ Tabled	☒ Approved	☐ Denied	
Motion:	Payne				
Second:	Werner				
Vote:	6-2-0 (Madden and Garlock dissented)				

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-40 zoning district.**

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: **The applicant has paid the required filing fee.**

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in

the application to grant the conditional use; and

Finding: The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Staff finds that granting the requested conditional use is unlikely to negatively affect the public interest, given the applicable business license requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

A. Residential Zoning Districts. Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: The request is to operate a Type 2 Short-Term Rental, Use Unit 46, in RMF-40 zoning which requires a conditional use permit.

B. Occupancy. Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: Occupancy is limited as described in UDC §163.18(A)(16). Occupancy limitations are confirmed by the applicant during licensing. The maximum allowed per the bedroom count (3) will be 8 guests.

C. Parking. Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: Staff recommends parking is limited as described in UDC §163.18(C). For single-family structures, parking is required to be 2 spaces per unit with a maximum of 4 vehicles. According to the applicant the structure has three bedrooms and a driveway that can accommodate three parking spaces on the subject property. The neighboring property (421 West Ila Street – CUP-2025-0025) has its own separate parking accommodations.

- D. Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.

- E. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: The application is for use of the property at 463 West 11a Street. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

- F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of July 8, 2025, the City had issued 466 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license but does not guarantee its approval.

No special exceptions are being requested.

- G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.

- H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals;
4. Prior zoning or code violations; and
5. Proximity to public or private K-12 schools when the proposed property is within 1,000 feet of the school boundary line.

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental on the applicant's submittal. Three off-street parking spaces on the subject property are available on site and a maximum of eight guests would be permitted. City records indicate that fourteen other

units within a quarter-mile radius of the property have a business license to operate as a Type-2 short-term rental. Currently, none of the nearby fourteen short-term rental units accesses the same street as the applicant's property; two are close by (521 North Shady Avenue, Unit 4, and 607 North Wilson Avenue). There are two cluster points of neighboring STR's; however, they are some distance away from the proposed property to the south and south west respectively. No prior or active zoning or code violations have been reported on the property. The property is not located within 1,000 feet from either a public or private school.

The applicant has also requested a conditional use permit for a short-term rental for 421 West Ila Street, a property that shares the driveway with the subject property. If both requests are approved, the total number short-term rentals within $\frac{1}{4}$ mile would be 16. Should both requests be permitted, the neighborhood area would be 1.8%, below the 2% cap of the houses-to-short-term rental ratio. Staff finds that approving both would be compatible to the area.

§163.02. AUTHORITY; CONDITIONS; PROCEDURES. (continued)

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: A driveway access onto West Ila Street is available to accommodate vehicular ingress and egress to the subject property. West Ila Street does have sidewalks to facilitate pedestrian access. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 8 guests, which would not be out of character with use of the property for residential purposes.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: Three on-site parking spaces are available. The short-term rental ordinance limits the number of guest vehicles per single-family dwellings to the maximum number of four vehicles as allowed by the underlying zoning district.

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.

(f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Any proposed signage will be subject to Unified Development Code section 174 – Signs, and all the regulations therein.

(g.) Required yards and other open space; and

Finding: Based on the applicant’s submittal, the structure is meeting relevant setbacks.

(h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds the use to be compatible with the surrounding properties. The residences along West 11a Street are all detached single-family dwellings. The property also abuts or is near several sorority houses to the rear, highlighting an area with high density and visitors. The property appears to have adequate parking to accommodate overnight guests, trash containers must be screened, and minimal disruptions are expected for neighbors. Given the proximity to downtown, the University, and the trail and park with other amenities, Staff finds that the overall number of licensed Type-2 STRs in the area is not too concentrated to negatively contribute to the neighborhood.

(i.) General compatibility with the goals and intent of the city’s adopted land-use, transportation, and other strategic plans.

Finding: Staff finds the proposed use to be somewhat incompatible with the City’s adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a

citywide density cap of 475 units and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - § 161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within ¼ Mile Map
- Applicant Exhibits
 - Applicant Request Letter
 - Site Plan
 - Building Elevations
 - Building Floor Plan
- Public Comment

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

- (A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

- 1) R-A
- 2) RSF-.5
- 3) RSF-1
- 4) RSF-2
- 5) RSF-4
- 6) RSF-7
- 7) RSF-8
- 8) RSF-18
- 9) RI-12
- 10) RI-U
- 11) RMF-6
- 12) RMF-12
- 13) RMF-18
- 14) RMF-24
- 15) RMF-40
- 16) NC

Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
- 1) Adequate parking infrastructure;
 - 2) Adequate adjoining or nearby streets for on-street parking;
 - 3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
 - 4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

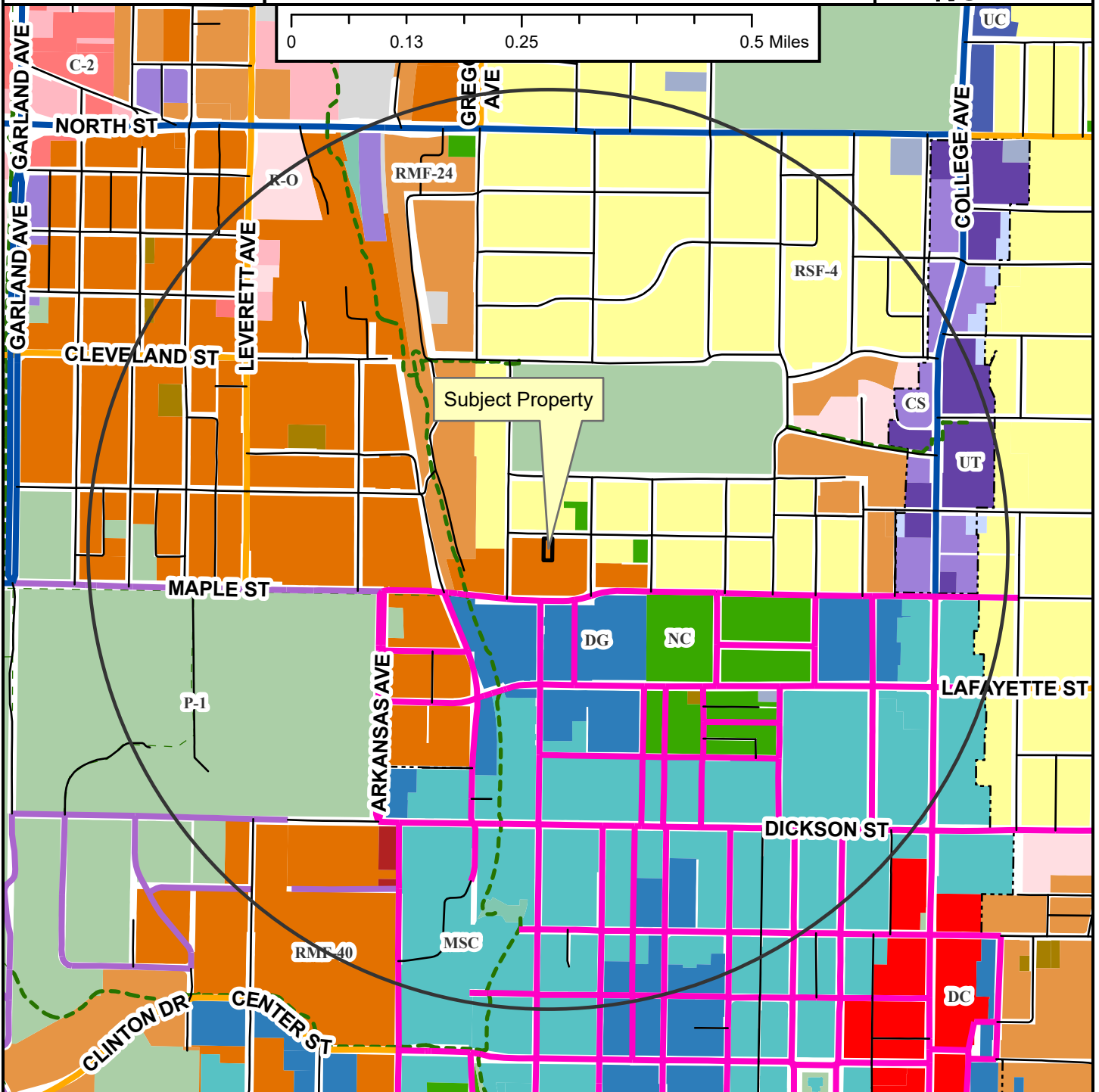
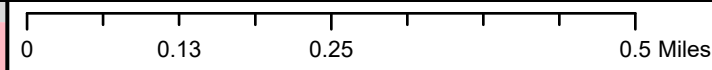
(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §7(Exh. F), 5-2-23)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

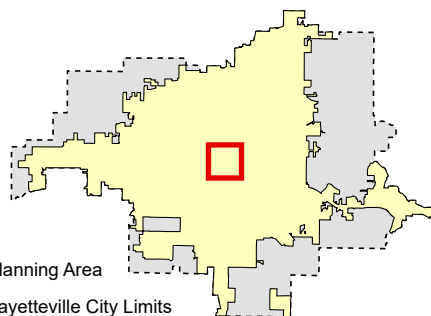
CUP-2025-0026

463 W. ILA ST

One Mile View



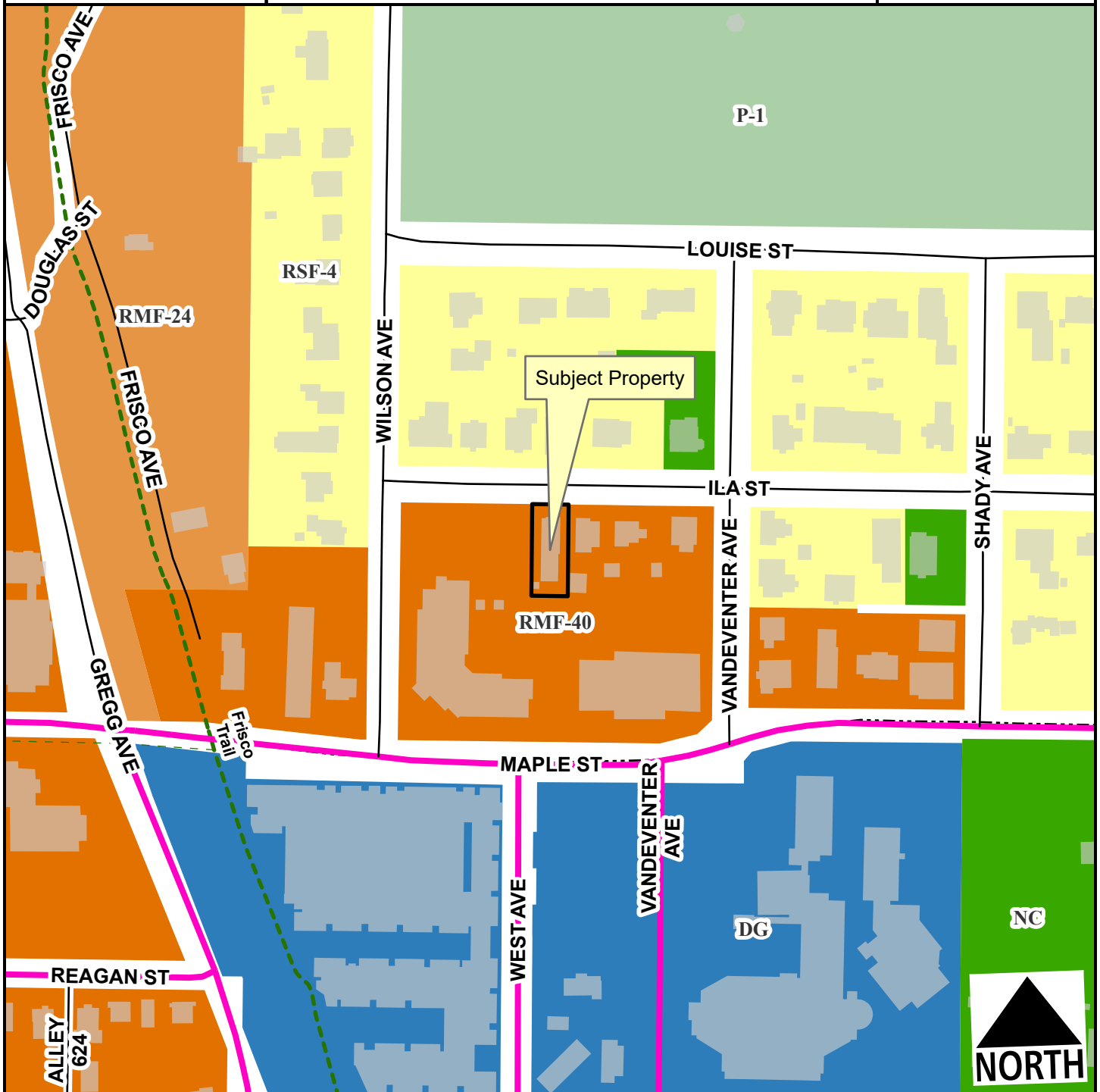
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



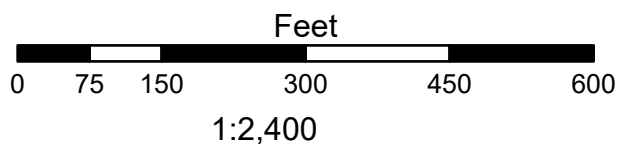
CUP-2025-0026

463 W. ILA ST

Close Up View



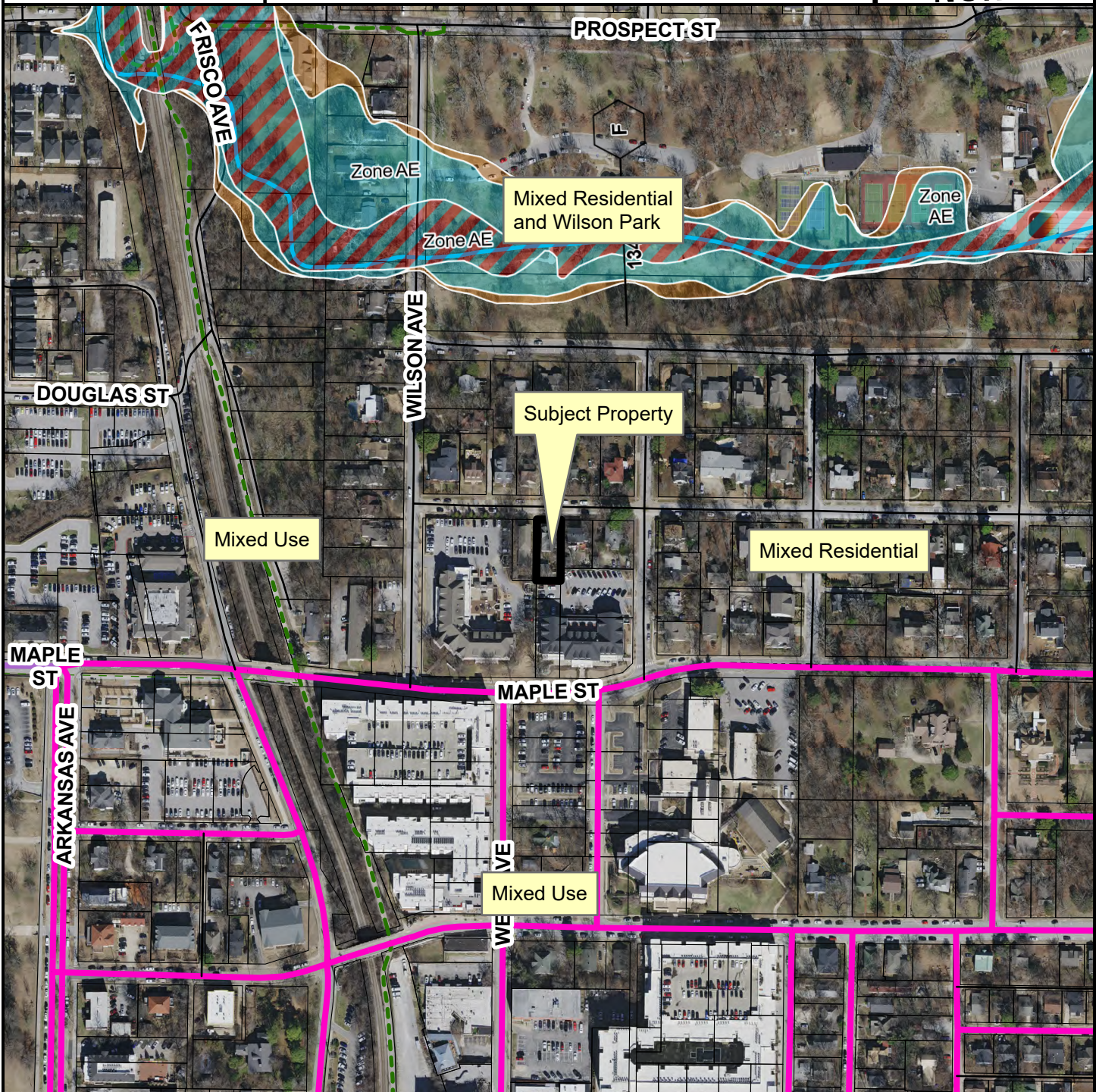
- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



CUP-2025-0025

421 W. ILA ST

Current Land Use



- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

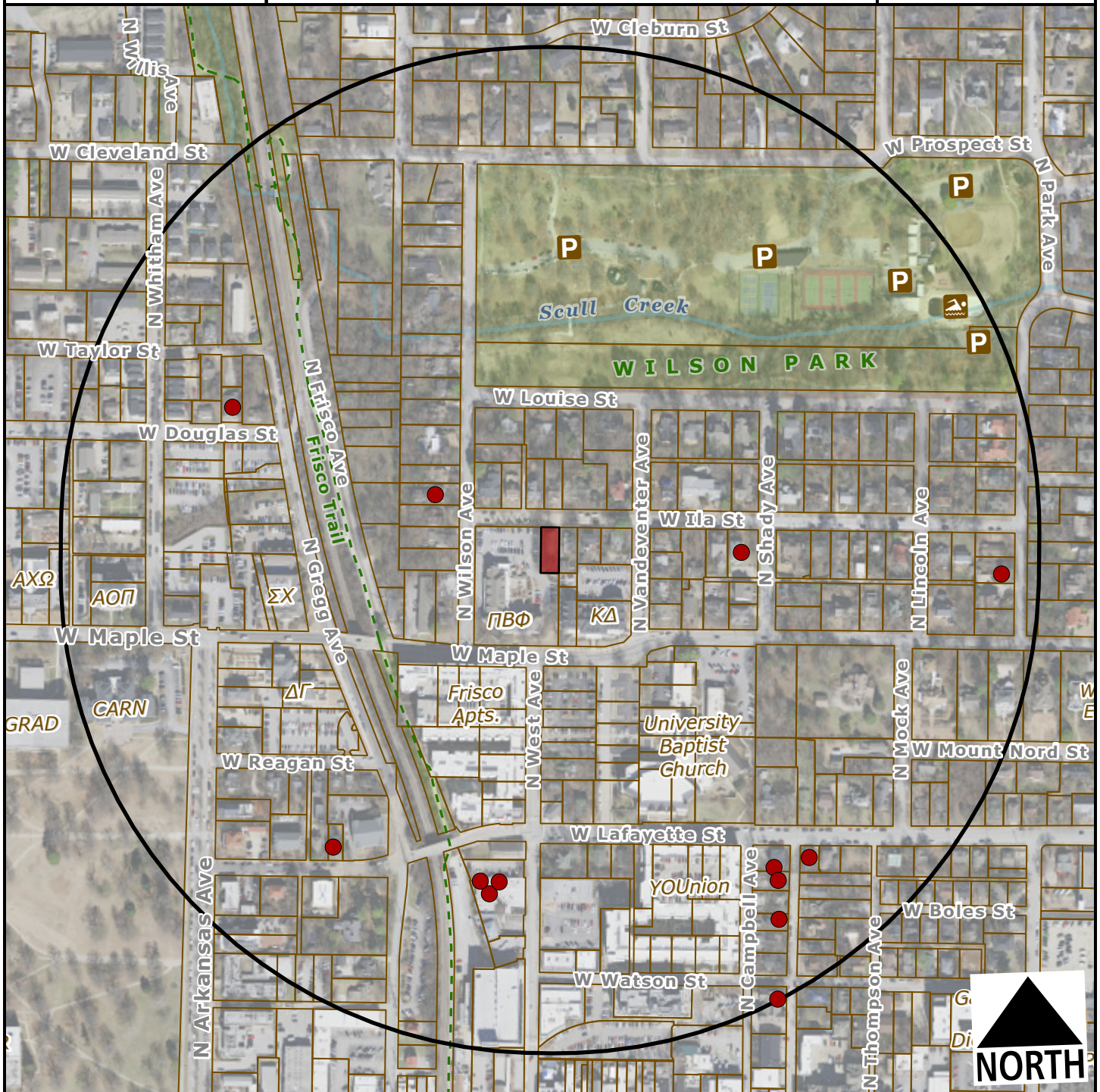
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2025-0026

463 W. ILA ST

STRs Within 1/4 Mile



- Subject Property
- Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 13

Occupiable
Residential
Addresses
(Estimated
Housing Units): 858

Michael & Kayla Marsh
18 Abington Court
Little Rock, AR 72223

Conditional Use Permit Request Letter

Short term rental at 463 W Ila Street, Fayetteville, AR 72701

Total living area: 2,487 sq/ft

Off street parking: 3 parking spots

Hours of operation: all times; 24 hours x 7 days per week

Number of employees: 2 for Marsh Properties, LLC

Outdoor lighting: Yes

Noise: N/A

Screening from other properties: Yes, wooden fence in good repair

There will be no change to the property, as it will be a short-term rental property.

Survey of 463 W Ila Street

One Hundred Twenty-six (126) feet of equal and uniform width off the North end of Lot Numbered One (1) in Block Numbered One (1) of Wilson's First Addition to the City of Fayetteville, Arkansas, as per plat of said Addition. on file in the office of the Circuit

7' Conc. Drive -

Block I

50

SURVEY DESCRIPTION

NOTE: This property does not lie in ZONE A/AE' (Special Flood Hazard Areas inundated by 100 year flood) as determined from the FIRM Map of Washington County, Arkansas, and Incorporated Areas, Map Number 05143C0092 C, effective date September 18, 1991.



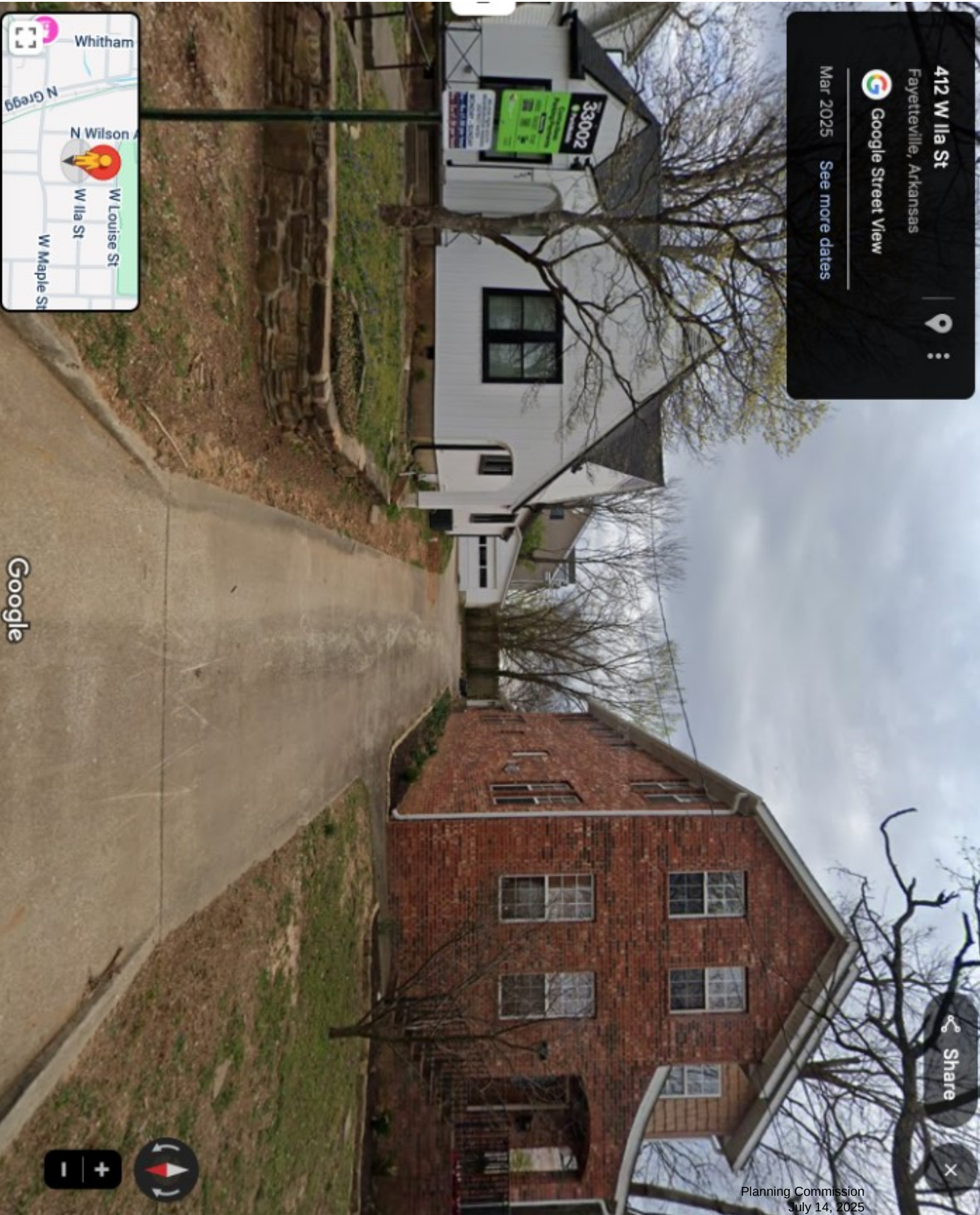






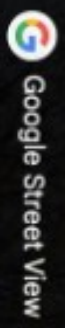






412 W Ila St

Fayetteville, Arkansas



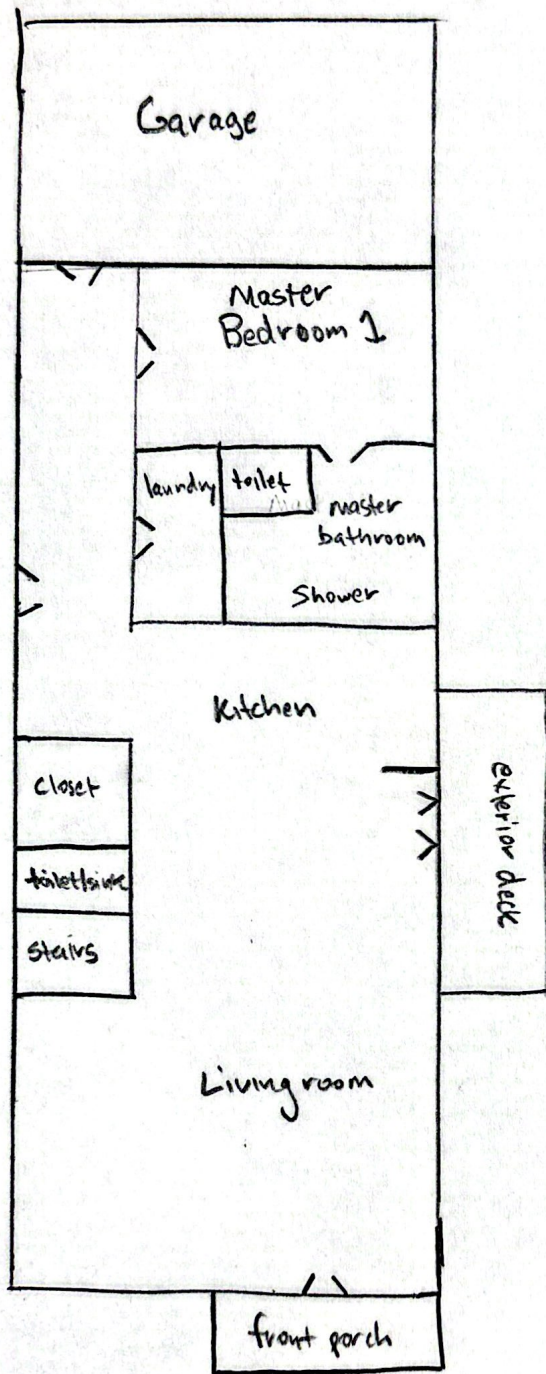
Mar 2025 See more dates



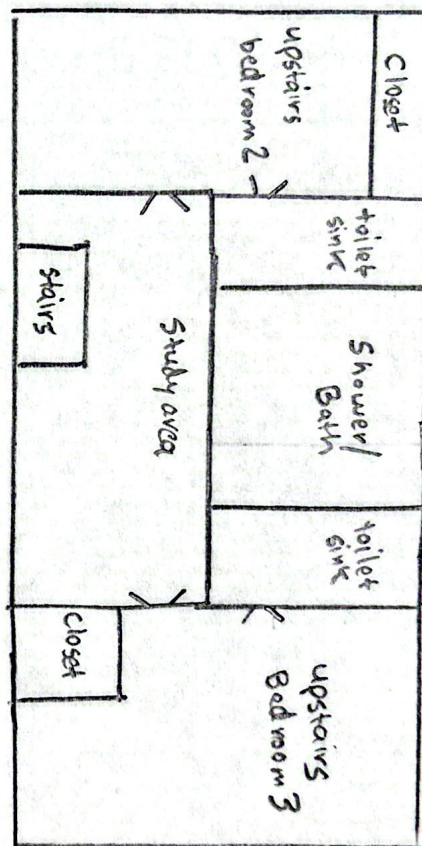
Share



463 WILA ST



1st floor



2nd floor

Total
3 bedrooms
2 1/2 bathrooms

Frank, Wes

From: Planning Shared
Sent: Wednesday, June 18, 2025 8:23 AM
To: Frank, Wes
Subject: FW: Property 400block Ila St

For you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

-----Original Message-----

From: Albert Baker <ambaker1954@gmail.com>
Sent: Tuesday, June 17, 2025 3:51 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Property 400block Ila St

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please let this email serve as our opposition to the 2 houses in the 400 block of Ila Street being requested for Airbnb zoning. There are already 3 or more short term rental properties within a half block from us and this neighborhood does not need anymore Airbnb rentals.

Thank you

Jaber
632 N Vandeventer Ave
Sent from my iPhone



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Kit Williams, City Attorney
FROM: Teresa Turk, Ward 4, Position 1
SUBJECT: **A Resolution to request the prompt updating of the Trash and Recycling Master Plan of 2017 to analyze the advisability of transitioning to single stream recycling**

RECOMMENDATION:

Approve a Resolution to request the prompt updating of the Trash and Recycling Master Plan of 2017 to analyze the advisability of transitioning to single stream recycling

BACKGROUND:

The City of Fayetteville has successfully used a curb-sort recycling process for over 20 years with less than 1% contamination. The last Trash and Recycling Master Plan was completed in 2017 and should be updated to analyze the advisability of transitioning to single stream recycling.

DISCUSSION:

When the City of Fayetteville undertakes significant modifications or amendments to fundamental city-wide programs, numerous public meetings should be held for review and discussion of the costs, benefits, and downsides of proposed changes prior to making a substantial change. Prior to the adoption of significant modifications or amendments to important city-wide programs such as trash and recycling, an existing master plan should be updated or a new master plan should be produced that contains important details such as analytical methods, calculations, assumptions and references to support the conclusion and recommendations of the updated or new master plan.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: 3. Council Member Turk Agenda Request, Additional Info - C.7 Agenda Session Walk-on



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1515

A Resolution to request the prompt updating of the Trash and Recycling Master Plan of 2017 to analyze the advisability of transitioning to single stream recycling

WHEREAS, the City of Fayetteville has successfully used a curb-sort recycling process for over 20 years with less than 1% contamination; and

WHEREAS, the last Trash and Recycling Master Plan was completed in 2017 and should be updated to analyze the advisability of transitioning to single stream recycling; and

WHEREAS, when the City of Fayetteville undertakes significant modifications or amendments to fundamental city-wide programs, numerous public meetings should be held for review and discussion of the costs, benefits, and downsides of proposed changes prior to making a substantial change; and

WHEREAS, prior to the adoption of significant modifications or amendments to important city-wide programs such as trash and recycling, an existing master plan should be updated or a new master plan should be produced that contains important details such as analytical methods, calculations, assumptions and references to support the conclusion and recommendations of the updated or new master plan.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes a request for proposals for updating the 2017 Trash and Recycling Master Plan or creating a new 2025 Trash and Recycling Master Plan.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines not to appropriate or obligate funds or outside grants toward any new trash and recycling containers, vehicles or any other expenditure to implement a single stream recycling program prior to the completion, publication and adoption of an updated or new Trash and Recycling Master Plan.

AGENDA REQUEST FORM

FOR: Council Meeting of August 12, 2025

FROM: Council Member Teresa Turk

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO REQUEST THE PROMPT UPDATING OF THE TRASH AND RECYCLING MASTER PLAN OF 2017 TO ANALYZE THE ADVISABILITY OF TRANSITIONING TO SINGLE STREAM RECYCLING

APPROVED FOR AGENDA:

Approved via email

Council Member Teresa Turk

8/12/25

Date



Kit Williams
Approved as to form

8/12/25

Date

Mayor Molly Rawn
Acknowledgement

Date

Williams, Kit

From: Turk, Teresa
Sent: Tuesday, August 12, 2025 10:54 AM
To: Barnes, Stacy
Cc: Williams, Kit
Subject: Re: Resolution

Thank you both. The revisions make for a much better resolution. Please share with the Council and Mayor.

Teresa
Sent from my iPhone

On Aug 12, 2025, at 9:57 AM, Barnes, Stacy <sbarnes@fayetteville-ar.gov> wrote:

Teresa,
Attached, please find a draft of the Resolution you are wanting to walk on tonight. Please let me know if this meets your approval or if you want any changes.

<image001.gif>

Stacy Barnes

City Attorney Paralegal
City of Fayetteville, Arkansas
113 W Mountain St., Suite 302
Fayetteville, AR 72701
T 479.575.8313 |

fayetteville-ar.gov

<image002.png>

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<RES - Update the Trash and Recycling Master Plan.docx>



MEETING OF AUGUST 19, 2025

TO: Mayor Rawn and City Council
THRU: Terry Gulley, Asst Public Works Director - Ops
FROM: Ross Jackson, Jr., Fleet Operations Superintendent
SUBJECT: **RECYCLE TRUCK REPLACEMENT AND UPGRADES TO AUTOMATED SIDE LOADERS - ARKANSAS MUNICIPAL EQUIPMENT**

RECOMMENDATION:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF (6) PETERBILT 520 REFUSE TRUCKS FROM ARKANSAS MUNICIPAL EQUIPMENT IN THE AMOUNT OF \$2,510,052 PLUS ANY ADDITIONAL, SURCHARGES, FREIGHT CHARGES AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (112014-NWY), AND TO APPROVE A BUDGET ADJUSTMENT.

BACKGROUND:

The existing Curb-sort Recycling Program faces numerous challenges that stand in the way of achieving the goal of a 40% diversion rate from the landfill by 2027 that was adopted in the 2024 Climate Action Plan and the 2017 Solid Waste Reduction Diversion and Recycling Master Plan. These challenges include adequate waste diversion, employee retention, on-the-job injuries, collection efficiency, messaging, and meeting future growth needs.

Recommendations from the 2025 Recycling and Trash Collections rate study include implementing cart-based recycling as a replacement to the current program. In order to implement cart-based recycling, changes to the number and type of trucks are proposed.

DISCUSSION:

Upon approval of Recycling and Trash Collection's transition to an automated, cart-based recycling program, (6) new automated side-loader recycling trucks will be purchased to replace (12) of the current curb-sort "Fayetteville model" recycling trucks. The current trucks are equipped with two small compactors and five open bins for loose materials. The new trucks will offer a significant capacity upgrade, with a 24-yard body and a single large compactor blade. Recycling and Trash Collections would like to retain two of the remaining (14) curb-sort trucks for dedicated glass pickup operations.

Reducing the number of refuse trucks by half for recycling will result in lower transportation emissions, supporting Climate Action Plan goals, and will also generate savings in daily fuel consumption.

Maintenance savings will also be found in these new automated side loaders when compared to our current automated side loaders. These (6) new trucks will have a single rear axle instead of tandem axles, improving the turning radius and reducing costs related to tires, axles, and related general maintenance of our larger residential trucks. We will also see idle time reduction and faster pickup times compared to the current curb-

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

sort operations. Any idle reduction increases the life of the powertrain and emissions components. Additionally, this purchase supports fleet standardization with more automated side-arm bodies.

Fleet Operations recommends the purchase of these trucks. If approved, delivery is currently expected by the end of this year or in the first quarter of 2026. This will depend on tariffs and the possible supply line changes they could bring.

BUDGET/STAFF IMPACT:

Fleet Operations will contribute \$2,091,301.81, which is replacement charges collected to date for the 12 recycle trucks (\$1,970,857.61) plus surplus replacement charges for two recycle trucks sold at auction (\$120,444.20). RTC will provide the remaining amount needed from fund balance, as is fleet policy for vehicle upgrades.

ATTACHMENTS: 3. Staff Review Form, 4. Budget Adjustment, 5. 6 Total Fayetteville 26PB 24YD ASL 61925 (003)



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2025-1344

A RESOLUTION TO APPROVE THE PURCHASE OF SIX PETERBILT RECYCLING TRUCKS FROM ARKANSAS MUNICIPAL EQUIPMENT IN THE TOTAL AMOUNT OF \$2,510,052.00, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the existing Curb-sort Recycling Program faces numerous challenges that stand in the way of achieving the goal of a 40% diversion rate from the landfill by 2027 that was adopted in the 2024 Climate Action Plan and the 2017 Solid Waste Reduction Diversion and Recycling Master Plan; and

WHEREAS, recommendations from the 2025 Recycling and Trash Collections rate study, which was accepted and adopted by the City Council on July 15, 2025 by the passage of Resolution 164-25, include implementing cart-based recycling as a replacement to the current program; and

WHEREAS, reducing the number of trucks by half for recycling will result in lower transportation emissions, supporting Climate Action Plan goals, and will also generate savings in daily fuel consumption.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of six Peterbilt 520 recycling trucks from Arkansas Municipal Equipment in the total amount of \$2,510,052.00, plus any applicable surcharges, freight charges, and delivery fees, pursuant to a Sourcewell cooperative purchasing contract.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2025-1344

Item ID

8/19/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Ross Jackson

7/28/2025

FLEET OPERATIONS (770)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF (6) PETERBILT 520 REFUSE TRUCKS FROM ARKANSAS MUNICIPAL LEAGUE IN THE AMOUNT OF \$2,510,052, PLUS ANY ADDITIONAL, SURCHARGES, FREIGHT CHARGES AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (112014-NWY), AND TO APPROVE A BUDGET ADJUSTMENT.

Budget Impact:

9700.770.1920-5802.00

Shop

Account Number

Fund

97001.5500.750

Fleet Replacement Vehicles

Project Number

Project Title

Budgeted Item? Yes

Total Amended Budget

\$ 238,129.00

Expenses (Actual+Encum)

\$ 48,156.05

Available Budget

\$ 189,972.95

Does item have a direct cost? Yes

Item Cost

\$ 2,510,052.00

Is a Budget Adjustment attached? Yes

Budget Adjustment

\$ 2,591,301.00

Remaining Budget

\$ 271,221.95

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

Budget Year	Division	Adjustment Number
2025	FLEET OPERATIONS (770)	
	Requestor: Ross Jackson	

A RESOLUTION TO AUTHORIZE THE PURCHASE OF (6) PETERBILT 520 REFUSE TRUCKS FROM ARKANSAS MUNICIPAL EQUIPMENT IN THE AMOUNT OF \$2,510,052, PLUS ANY ADDITIONAL, SURCHARGES, FREIGHT CHARGES AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (112014-NWY), AND TO APPROVE A BUDGET ADJUSTMENT.

	COUNCIL DATE:	7/25/2025
	ITEM ID#:	2025-1344
	Holly Black	
	7/31/2025 3:49 PM	
	Budget Division	Date
	TYPE:	D - (City Council)
	JOURNAL #:	
	GLDATE:	
	CHKD/POSTED:	/
RESOLUTION/ORDINANCE		

v.2025721

Quote

Arkansas Municipal Equipment

14263 Highway 270 west
Poyen, Arkansas 72128
501 425 1567 ** daniel ellison@yahoo.com **

To: City of Fayetteville Arkansas

Invoice#: FAYAR24ydASLx4

Date: 6/18/2025

AR Dealer # M 8116

Sourcewell Contract # 112014-NWY

Qty	Description	Each	Total
6.00	2026 Peterbilt 520RH	\$ 205,948.00	\$ 1,235,688.00
6.00	New Way 24YD Sidewinder	\$ 195,589.00	\$ 1,173,534.00
6.00	Shipping	\$ 3,790.00	\$ 22,740.00
6.00	Manuals and Training	\$ 750.00	\$ 4,500.00
		\$ -	\$ -
6.00	Sourcewell Discount	\$ (7,599.00)	\$ (45,594.00)
		\$ -	\$ -
			\$ -
6.00	3Yr Cylinder warranty	\$ 3,939.00	\$ 23,634.00
6.00	5yr Body warranty	\$ 7,832.00	\$ 46,992.00
6.00	2Yr Arm Warranty	\$ 3,289.00	\$ 19,734.00
6.00	3Yr hydraulic warranty	\$ 4,804.00	\$ 28,824.00
		\$ -	\$ -
			\$ -
			\$ -
			\$ -

Subtotal	\$ 2,510,052.00
Sales tax	
Freight	
Total	\$ 2,510,052.00

Daniel Ellison
Phone: 501 425 1567
Email: daniel ellison@yahoo.com
www.ametrucks.com