

**Aldermen**

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Final Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
March 15, 2005**

A meeting of the Fayetteville City Council will be held on March 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Moment of Silence for Brandon Smith**

**Burns McDonnell Report: Voted to add to agenda and approved**

**Nominating Committee Report: Approved**

**A. CONSENT:**

1. **Approval of the Minutes:** Approval of the March 1, 2005 City Council meeting minutes.

**APPROVED.**

2. **Geological Survey:** A resolution approving a joint funding agreement in the amount of \$16,235.00 with the United States Geological Survey for three (3) Urban Stream Gauging Stations in Fayetteville for the year 2005.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 46-05.**

3. **Purchase Four Skid Steer Loaders:** A resolution approving the purchase of four (4) Skid Steer Loaders with two (2) hydraulic breaker attachments, one (1) planer attachment, one (1) utility bucket with digging teeth, and two (2) forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 47-05.**

4. **Williams Tractor Co. Backhoe Purchase:** A resolution approving the purchase of Five (5) medium four-wheel-drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by the Water and Sewer, and Transportation Divisions.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 48-05.**

5. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of one (1) half-ton extended cab 4x4 pickup truck from Bale Chevrolet at a cost of \$17,868.00 for use by the Water & Sewer Division.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 49-05**

6. **Beaver Lake Concrete Bid Approval:** A resolution awarding Bid #05-09 and approving the purchase of Ready-Mix Concrete from Beaver Lake Concrete in the amount of \$350,000.00 to be used by various divisions of the City of Fayetteville.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 50-05.**

7. **Construction Materials and Services Bid Approval:** A resolution awarding bids for and approving the purchase of bulk materials and services utilized by various divisions of the City of Fayetteville in the amount of \$1,156,000.00.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 51-05.**

8. **McClelland Engineers Agreement Kings Drive Improvements:** A resolution to approve an engineering services contract with McClelland Consulting Engineers, Inc. in the amount of \$26,479.50 plus a contingency in the amount of \$4,000.50 for a study of options for the Kings Drive Improvement Project and to approve a budget adjustment in the amount of \$35,000.00.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 52-05.**

## **B. PUBLIC HEARINGS:**

1. **Raze and Removal of 1101 Indian Trail:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mohsen and Rhonda Khodabandeh located at 1101 Indian Trail in the City of Fayetteville, Arkansas.

**PASSED AND SHALL BE RECORDED AS RESOLUTION 53-05.**

2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment No. 1:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan Amendment No. 1 for the Highway 71 East Square Redevelopment District Number One.



## THE CITY COUNCIL TOOK PUBLIC COMMENTS.

3. **Highway 71 East Square Redevelopment District Additional Redevelopment Projects:** A resolution to express the City Council's commitment that after the bonds for the initial Project Plan have been paid the City Council will not propose additional Redevelopment Projects in the Highway 71 East Square Redevelopment District without the consent of the Fayetteville School District, Washington County, Fayetteville Public Library and Police and Fire Pension Boards.

**This Resolution was added to the Agenda at the City Council Meeting.**

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 54-05.**

### C. UNFINISHED BUSINESS:

1. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. *This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting. This ordinance was tabled at the March 1, 2005 to the March 15, 2005 City Council Meeting.*

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4683. *The emergency clause failed.***

### D. NEW BUSINESS:

1. **John Nock and Richard Alexander TIF Contract:** A resolution to approve a contract with John Nock and Richard Alexander for their purchase of property to be obtained by TIF funding for \$300,000.00 and for other matters.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 55-05.**

2. **Highway 71 East Square TIF Bond Issue:** An ordinance approving the issuance of bonds to be paid by tax increment financing to obtain necessary funding to achieve the Project Plan for the Highway 71 East Square Redevelopment District No. 1.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4684. *The emergency clause passed.***

3. **Highway 71 East Square Bond Purchase Agreement:** No information at this time.

**THIS ITEM WAS COMBINED AND INCLUDED IN ITEM D.2. NO VOTE WAS TAKEN ON THIS ISSUE.**

4. **CCG Systems; Fleet Management Software Purchase:** A resolution approving the purchase of Faster Fleet Management software from CCG Systems in the amount of \$96,174.00; and approving a Budget Adjustment in the amount of \$25,565.00.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 56-05.**

5. **Dynamic Information Solutions Company, Inc. Sales Agreement:** A resolution approving a sales agreement in the amount of \$284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System; and approving a budget adjustment in the amount of \$200,000.00.

**PASSED WITH AMENDMENT AND SHALL BE RECORDED AS RESOLUTION NO. 57-05.**

6. **Data-Base Administrator Position:** A resolution authorizing the hiring of one (1) full-time employee (Data-Base Administrator) by the Information Technology Division; and approving a budget adjustment in the amount of \$41,847.00 to fund the position for the final eight months of 2005.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 58-05.**

7. **Archer Western Construction, LTD Construction Contract:** A resolution to approve a construction contract with Archer Western Construction, LTD. in the amount of \$14,644,000.00 for improvements to the Noland Wastewater Treatment Plant and approving a contingency of \$292,880.00.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 59-05.**

8. **Nock Investments, LLC Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a Cost-Share Agreement with Nock Investments, LLC in an amount not to exceed \$119,998.86 for improvements to the intersection of Persimmon Street and Ruppel Road.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4685.**

9. **ANX 05-1365 (Wilkins):** An ordinance annexing that property described in annexation petition ANX 05-1365 annexing to the City of Fayetteville, Arkansas, certain property located east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres.

**THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.**

10. **RZN 05-1366 (Wilkins):** An ordinance rezoning that property described in rezoning petition RZN 05-1366 for property east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.**

- 11. RZN 05-1372 (Mailco USA, Inc.):** An ordinance rezoning that property described in rezoning petition RZN 05-1372 for property east of S. School Avenue, north of Whillock Street, containing approximately 2.536 acres from RSF-4, Residential Single Family, Four Units per Acre, to C-2, Thoroughfare Commercial.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4686.**

- 12. RZN 05-1374 (Cornerstone/Futrell):** An ordinance rezoning that property described in rezoning petition RZN 05-1374 for property located at 1144 Futrell Drive containing approximately 0.53 acres from RSF-4, Residential Single Family, Four Units per Acre, to R-O, Residential Office.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4687.**

- 13. ANX 05-1370 (Hall):** An ordinance annexing that property described in annexation petition ANX 05-1370 annexing to the City of Fayetteville, Arkansas, certain property located at 2577, 2216, 2844, 2822 Dead Horse Mountain Road, containing approximately 235.38 acres.

**THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.**

- 14. RZN 05-1371 (Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1371 for property located at 2577 Dead Horse Mountain Road, containing approximately 125.179 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.**

- 15. RZN 05-1378 (Goff/Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1378 for property located at the south side of Highway 16 East and west of Dead Horse Mountain Road, containing approximately 15.12 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.**

**E. INFORMATIONAL:**

**Council Tour: March 14, 2005 – 4:30 p.m.**

**MEETING ADJOURNED AT 11:10 P.M.**

Meeting Adjourned  
at. 11:10

|            |             |        |  |  |    |
|------------|-------------|--------|--|--|----|
| Subject:   | Roll        |        |  |  |    |
| Motion To: |             |        |  |  | pm |
| Motion By: |             |        |  |  |    |
| Seconded:  |             |        |  |  |    |
|            | Marr        | ✓      |  |  |    |
|            | Rhoads      | absent |  |  |    |
|            | Ferrell     | ✓      |  |  |    |
|            | Lucas       | ✓      |  |  |    |
|            | Jordan      | ✓      |  |  |    |
|            | Reynolds    | ✓      |  |  |    |
|            | Thiel       | ✓      |  |  |    |
|            | Cook        | ✓      |  |  |    |
|            | Mayor Coody | ✓      |  |  |    |

|            |                                  |                  |  |  |            |
|------------|----------------------------------|------------------|--|--|------------|
| Subject:   | Add Report of Burns McDonnell to |                  |  |  |            |
| Motion To: |                                  | Add to<br>Agenda |  |  | the Agenda |
| Motion By: |                                  | Jordan           |  |  |            |
| Seconded:  |                                  | Marr             |  |  |            |
|            | Marr                             | ✓                |  |  |            |
|            | Rhoads                           | absent           |  |  |            |
|            | Ferrell                          | ✓                |  |  |            |
|            | Lucas                            | ✓                |  |  |            |
|            | Jordan                           | ✓                |  |  |            |
|            | Reynolds                         | ✓                |  |  |            |
|            | Thiel                            | ✓                |  |  |            |
|            | Cook                             | ✓                |  |  |            |
|            | Mayor Coody                      |                  |  |  |            |

Alderman  
Rhoads  
Arrived  
at 6:10  
pm.

|            |                           |         |  |  |  |
|------------|---------------------------|---------|--|--|--|
| Subject:   | Nonamity Committee Report |         |  |  |  |
| Motion To: |                           | Approve |  |  |  |
| Motion By: |                           | Lucas   |  |  |  |
| Seconded:  |                           | Thiel   |  |  |  |
|            | Marr                      | ✓       |  |  |  |
|            | Rhoads                    | ✓       |  |  |  |
|            | Ferrell                   | ✓       |  |  |  |
|            | Lucas                     | ✓       |  |  |  |
|            | Jordan                    | ✓       |  |  |  |
|            | Reynolds                  | ✓       |  |  |  |
|            | Thiel                     | ✓       |  |  |  |
|            | Cook                      | ✓       |  |  |  |
|            | Mayor Coody               |         |  |  |  |

Approved

|            |             |          |  |  |  |
|------------|-------------|----------|--|--|--|
| Subject:   | Consent     |          |  |  |  |
| Motion To: |             | Approve  |  |  |  |
| Motion By: |             | Jordan   |  |  |  |
| Seconded:  |             | Reynolds |  |  |  |
|            | Marr        | ✓        |  |  |  |
|            | Rhoads      | ✓        |  |  |  |
|            | Ferrell     | ✓        |  |  |  |
|            | Lucas       | ✓        |  |  |  |
|            | Jordan      | ✓        |  |  |  |
|            | Reynolds    | ✓        |  |  |  |
|            | Thiel       | ✓        |  |  |  |
|            | Cook        | ✓        |  |  |  |
|            | Mayor Coody |          |  |  |  |

Passed  
Res.  
46-05  
to  
52-05

|            |                                  |   |                   |  |
|------------|----------------------------------|---|-------------------|--|
| Subject:   | Public Hearing Raze & Removal of |   |                   |  |
| Motion To: | Approve                          |   | 1101 Indian Trail |  |
| Motion By: | Jordan                           |   |                   |  |
| Seconded:  | Reynolds                         |   |                   |  |
|            | Marr                             | ✓ |                   |  |
|            | Rhoads                           | ✓ |                   |  |
|            | Ferrell                          | ✓ |                   |  |
|            | Lucas                            | ✓ |                   |  |
|            | Jordan                           | ✓ |                   |  |
|            | Reynolds                         | ✓ |                   |  |
|            | Thiel                            | ✓ |                   |  |
|            | Cook                             | ✓ |                   |  |
|            | Mayor Coody                      |   |                   |  |

Passed  
53-05

|            |                                                                    |    |                           |  |
|------------|--------------------------------------------------------------------|----|---------------------------|--|
| Subject:   | Public Hearing Highway 71 East Square<br>Redevelopment District #1 |    |                           |  |
| Motion To: | Approve Amendment #1                                               |    | Project Plan Amendment #1 |  |
| Motion By: | Rhoads                                                             | #1 |                           |  |
| Seconded:  | Marr                                                               |    |                           |  |
|            | Marr                                                               | ✓  |                           |  |
|            | Rhoads                                                             | ✓  |                           |  |
|            | Ferrell                                                            | ✓  |                           |  |
|            | Lucas                                                              | ✓  |                           |  |
|            | Jordan                                                             | ✓  |                           |  |
|            | Reynolds                                                           | ✓  |                           |  |
|            | Thiel                                                              | ✓  |                           |  |
|            | Cook                                                               | ✓  |                           |  |
|            | Mayor Coody                                                        |    |                           |  |

Passed  
Approve  
Amendment  
#1  
Only

|                                         |                        |                              |                              |  |
|-----------------------------------------|------------------------|------------------------------|------------------------------|--|
| Subject:                                | Highway 71 East Square |                              |                              |  |
| Motion To:                              |                        | Add Resolution to the agenda | Add Resolution to the agenda |  |
| Motion By:                              |                        | Jordan                       |                              |  |
| Seconded:                               |                        | Rhoads                       |                              |  |
| Need a copy of the resolution from Kit. | Marr                   | ✓                            |                              |  |
|                                         | Rhoads                 | ✓                            |                              |  |
|                                         | Ferrell                | ✓                            |                              |  |
|                                         | Lucas                  | ✓                            |                              |  |
|                                         | Jordan                 | ✓                            |                              |  |
|                                         | Reynolds               | ✓                            |                              |  |
|                                         | Thiel                  | ✓                            |                              |  |
|                                         | Cook                   | ✓                            |                              |  |
|                                         | Mayor Coody            |                              |                              |  |

|                  |                                                                 |                |                                         |  |
|------------------|-----------------------------------------------------------------|----------------|-----------------------------------------|--|
| Subject:         | Amended to add Library and Police & Fire Highway 71 East Square |                |                                         |  |
| Motion To:       |                                                                 | Pension Board. | <del>2000</del> City Council Commitment |  |
| Motion By:       |                                                                 | Ferrell        |                                         |  |
| Seconded:        |                                                                 | Reynolds       |                                         |  |
| Amendment passed | Marr                                                            | ✓              |                                         |  |
|                  | Rhoads                                                          | ✓              |                                         |  |
|                  | Ferrell                                                         | ✓              |                                         |  |
|                  | Lucas                                                           | ✓              |                                         |  |
|                  | Jordan                                                          | ✓              |                                         |  |
|                  | Reynolds                                                        | ✓              |                                         |  |
|                  | Thiel                                                           | ✓              |                                         |  |
|                  | Cook                                                            | ✓              |                                         |  |
|                  | Mayor Coody                                                     |                |                                         |  |

Added to Agenda

|                 |                                                 |        |  |                       |
|-----------------|-------------------------------------------------|--------|--|-----------------------|
| Subject:        | City Councils Commitment Highway 71 East Square |        |  |                       |
| Motion To:      |                                                 | Pass   |  |                       |
| Motion By:      |                                                 | Jordan |  | <u>New Resolution</u> |
| Seconded:       |                                                 | Marr   |  |                       |
| Passed<br>54-05 | Marr                                            | ✓      |  |                       |
|                 | Rhoads                                          | ✓      |  |                       |
|                 | Ferrell                                         | ✓      |  |                       |
|                 | Lucas                                           | ✓      |  |                       |
|                 | Jordan                                          | ✓      |  |                       |
|                 | Reynolds                                        | ✓      |  |                       |
|                 | Thiel                                           | ✓      |  |                       |
|                 | Cook                                            | ✓      |  |                       |
|                 | Mayor Coody                                     |        |  |                       |

|                                                 |                                                                         |      |  |  |
|-------------------------------------------------|-------------------------------------------------------------------------|------|--|--|
| Subject:                                        | Highway 71 East Square Redevelopment District #1 Project Plan Amendment |      |  |  |
| Motion To:                                      |                                                                         | Pass |  |  |
| Motion By:                                      |                                                                         |      |  |  |
| Seconded:                                       |                                                                         |      |  |  |
| C.I.<br>Unfinished<br>Business<br>Passed<br>7-1 | Marr                                                                    | ✓    |  |  |
|                                                 | Rhoads                                                                  | ✓    |  |  |
|                                                 | Ferrell                                                                 | ✓    |  |  |
|                                                 | Lucas                                                                   | ✓    |  |  |
|                                                 | Jordan                                                                  | ✓    |  |  |
|                                                 | Reynolds                                                                | ✓    |  |  |
|                                                 | Thiel                                                                   | ✓    |  |  |
|                                                 | Cook                                                                    | ✓    |  |  |
|                                                 | Mayor Coody                                                             |      |  |  |

NO Emergency Clause needed 4683



|            |                  |     |  |  |  |
|------------|------------------|-----|--|--|--|
| Subject:   | Emergency Clause |     |  |  |  |
| Motion To: |                  |     |  |  |  |
| Motion By: |                  |     |  |  |  |
| Seconded:  |                  |     |  |  |  |
|            | Marr             | yes |  |  |  |
|            | Rhoads           | NO  |  |  |  |
|            | Ferrell          | NO  |  |  |  |
|            | Lucas            | NO  |  |  |  |
|            | Jordan           | yes |  |  |  |
|            | Reynolds         | NO  |  |  |  |
|            | Thiel            | yes |  |  |  |
|            | Cook             | yes |  |  |  |
|            | Mayor Coody      |     |  |  |  |

C.I.  
Unfinished  
Business  
4-4  
failed

|            |                               |        |  |     |          |
|------------|-------------------------------|--------|--|-----|----------|
| Subject:   | John Nock & Richard Alexander |        |  |     |          |
| Motion To: |                               | Pass   |  | TIF | Contract |
| Motion By: |                               | Jordan |  |     |          |
| Seconded:  |                               | Cook   |  |     |          |
|            | Marr                          | ✓      |  |     |          |
|            | Rhoads                        | ✓      |  |     |          |
|            | Ferrell                       | N      |  |     |          |
|            | Lucas                         | ✓      |  |     |          |
|            | Jordan                        | ✓      |  |     |          |
|            | Reynolds                      | ✓      |  |     |          |
|            | Thiel                         | ✓      |  |     |          |
|            | Cook                          | ✓      |  |     |          |
|            | Mayor Coody                   |        |  |     |          |

D.I.  
New  
Business  
7-1  
Passed  
55-05

|            |                                 |                        |          |      |       |
|------------|---------------------------------|------------------------|----------|------|-------|
| Subject:   | Highway 71 East Square TIF Bond |                        |          |      |       |
| Motion To: |                                 | 2nd <del>rd</del> read | 3rd read | Pass | Issue |
| Motion By: |                                 | Marr                   | Marr     |      |       |
| Seconded:  |                                 | Jordan                 | Jordan   |      |       |
|            | Marr                            | ✓                      | ✓        | ✓    |       |
|            | Rhoads                          | ✓                      | ✓        | ✓    |       |
|            | Ferrell                         | ✓                      | ✓        | N    |       |
|            | Lucas                           | ✓                      | ✓        | ✓    |       |
|            | Jordan                          | ✓                      | ✓        | ✓    |       |
|            | Reynolds                        | ✓                      | ✓        | ✓    |       |
|            | Thiel                           | ✓                      | ✓        | ✓    |       |
|            | Cook                            | ✓                      | ✓        | ✓    |       |
|            | Mayor Coody                     |                        |          |      |       |

P. 2.  
New  
Business  
passed  
7-1  
4654

|            |                           |        |  |  |       |
|------------|---------------------------|--------|--|--|-------|
| Subject:   | Emergency Clause TIF Bond |        |  |  |       |
| Motion To: |                           | Pass   |  |  | Issue |
| Motion By: |                           | Jordan |  |  |       |
| Seconded:  |                           | Marr   |  |  |       |
|            | Marr                      | ✓      |  |  |       |
|            | Rhoads                    | ✓      |  |  |       |
|            | Ferrell                   | ✓      |  |  |       |
|            | Lucas                     | ✓      |  |  |       |
|            | Jordan                    | ✓      |  |  |       |
|            | Reynolds                  | ✓      |  |  |       |
|            | Thiel                     | ✓      |  |  |       |
|            | Cook                      | ✓      |  |  |       |
|            | Mayor Coody               |        |  |  |       |

P. 2  
New  
Business  
passed

|            |                         |                      |  |  |
|------------|-------------------------|----------------------|--|--|
| Subject:   | Band Purchase Agreement |                      |  |  |
| Motion To: |                         |                      |  |  |
| Motion By: |                         |                      |  |  |
| Seconded:  |                         |                      |  |  |
|            | Marr                    | This was included in |  |  |
|            | Rhoads                  |                      |  |  |
|            | Ferrell                 | Item # D.2. NO Vote  |  |  |
|            | Lucas                   |                      |  |  |
|            | Jordan                  | on this issue.       |  |  |
|            | Reynolds                |                      |  |  |
|            | Thiel                   |                      |  |  |
|            | Cook                    |                      |  |  |
|            | Mayor Coody             |                      |  |  |

D.3.  
New  
Business

|            |                               |          |  |  |
|------------|-------------------------------|----------|--|--|
| Subject:   | CCG Systems; Fleet Management |          |  |  |
| Motion To: |                               | Pass     |  |  |
| Motion By: |                               | Jordan   |  |  |
| Seconded:  |                               | Reynolds |  |  |
|            | Marr                          | ✓        |  |  |
|            | Rhoads                        | ✓        |  |  |
|            | Ferrell                       | ✓        |  |  |
|            | Lucas                         | ✓        |  |  |
|            | Jordan                        | ✓        |  |  |
|            | Reynolds                      | ✓        |  |  |
|            | Thiel                         | ✓        |  |  |
|            | Cook                          | ✓        |  |  |
|            | Mayor Coody                   |          |  |  |

D.4.  
New Business  
Passed  
56-05

|                                              |                               |                  |  |  |
|----------------------------------------------|-------------------------------|------------------|--|--|
| Subject:                                     | Dynamic Information Solutions |                  |  |  |
| Motion To:                                   |                               | Amend Resolution |  |  |
| Motion By:                                   |                               | Reynolds         |  |  |
| Seconded:                                    |                               | Marr             |  |  |
| D.S.<br>New<br>Business<br>pass<br>Amendment | Marr                          | ✓                |  |  |
|                                              | Rhoads                        | ✓                |  |  |
|                                              | Ferrell                       | ✓                |  |  |
|                                              | Lucas                         | ✓                |  |  |
|                                              | Jordan                        | ✓                |  |  |
|                                              | Reynolds                      | ✓                |  |  |
|                                              | Thiel                         | ✓                |  |  |
|                                              | Cook                          | ✓                |  |  |
|                                              | Mayor Coody                   |                  |  |  |

|                                  |                         |          |  |  |
|----------------------------------|-------------------------|----------|--|--|
| Subject:                         | Dynamic Info. Solutions |          |  |  |
| Motion To:                       |                         | Approve  |  |  |
| Motion By:                       |                         | Jordan   |  |  |
| Seconded:                        |                         | Reynolds |  |  |
| D.S.<br>New<br>Business<br>57-05 | Marr                    | ✓        |  |  |
|                                  | Rhoads                  | ✓        |  |  |
|                                  | Ferrell                 | ✓        |  |  |
|                                  | Lucas                   | ✓        |  |  |
|                                  | Jordan                  | ✓        |  |  |
|                                  | Reynolds                | ✓        |  |  |
|                                  | Thiel                   | ✓        |  |  |
|                                  | Cook                    | ✓        |  |  |
|                                  | Mayor Coody             |          |  |  |

|            |                                     |          |  |  |  |
|------------|-------------------------------------|----------|--|--|--|
| Subject:   | Data - Base Administrator Position. |          |  |  |  |
| Motion To: |                                     | Pass     |  |  |  |
| Motion By: |                                     | Reynolds |  |  |  |
| Seconded:  |                                     | Cook     |  |  |  |
|            | Marr                                | ✓        |  |  |  |
|            | Rhoads                              | ✓        |  |  |  |
|            | Ferrell                             | ✓        |  |  |  |
|            | Lucas                               | ✓        |  |  |  |
|            | Jordan                              | ✓        |  |  |  |
|            | Reynolds                            | ✓        |  |  |  |
|            | Thiel                               | ✓        |  |  |  |
|            | Cook                                | ✓        |  |  |  |
|            | Mayor Coody                         |          |  |  |  |

P. 6.  
New  
Business  
Passed  
58-05

|            |                       |         |  |  |  |
|------------|-----------------------|---------|--|--|--|
| Subject:   | Archer Western Const. |         |  |  |  |
| Motion To: |                       | Approve |  |  |  |
| Motion By: |                       | Jordan  |  |  |  |
| Seconded:  |                       | Cook    |  |  |  |
|            | Marr                  | ✓       |  |  |  |
|            | Rhoads                | ✓       |  |  |  |
|            | Ferrell               | ✓       |  |  |  |
|            | Lucas                 | ✓       |  |  |  |
|            | Jordan                | ✓       |  |  |  |
|            | Reynolds              | ✓       |  |  |  |
|            | Thiel                 | ✓       |  |  |  |
|            | Cook                  | ✓       |  |  |  |
|            | Mayor Coody           |         |  |  |  |

D. 7.  
New  
Business  
Passed  
59-05

|                                            |                            |          |          |      |           |
|--------------------------------------------|----------------------------|----------|----------|------|-----------|
| Subject:                                   | Neck Investments, LLC Cost |          |          |      |           |
| Motion To:                                 |                            | 2nd read | 3rd read | Pass | Share     |
| Motion By:                                 |                            | Ferrell  | Jordan   |      | Agreement |
| Seconded:                                  |                            | Reynolds | Reynolds |      |           |
| D. 8.<br>New<br>Business<br>Passed<br>4685 | Marr                       |          |          | ✓    |           |
|                                            | Rhoads                     | ✓        | ✓        | ✓    |           |
|                                            | Ferrell                    | ✓        | ✓        | ✓    |           |
|                                            | Lucas                      | ✓        | ✓        | ✓    |           |
|                                            | Jordan                     | ✓        | ✓        | ✓    |           |
|                                            | Reynolds                   | ✓        | ✓        | ✓    |           |
|                                            | Thiel                      | ✓        | ✓        | ✓    |           |
|                                            | Cook                       | ✓        | ✓        | ✓    |           |
|                                            | Mayor Coody                |          |          |      |           |

|                                                          |                       |          |  |  |  |
|----------------------------------------------------------|-----------------------|----------|--|--|--|
| Subject:                                                 | ANX 05-1365 (Wilkins) |          |  |  |  |
| Motion To:                                               |                       | 2nd read |  |  |  |
| Motion By:                                               |                       | Jordan   |  |  |  |
| Seconded:                                                |                       | Reynolds |  |  |  |
| D. 9.<br>New<br>Business<br>Left on<br>Second<br>Reading | Marr                  | ✓        |  |  |  |
|                                                          | Rhoads                | ✓        |  |  |  |
|                                                          | Ferrell               | ✓        |  |  |  |
|                                                          | Lucas                 | ✓        |  |  |  |
|                                                          | Jordan                | ✓        |  |  |  |
|                                                          | Reynolds              | ✓        |  |  |  |
|                                                          | Thiel                 | ✓        |  |  |  |
|                                                          | Cook                  | ✓        |  |  |  |
|                                                          | Mayor Coody           |          |  |  |  |

|                                                           |                       |                      |  |  |  |
|-----------------------------------------------------------|-----------------------|----------------------|--|--|--|
| Subject:                                                  | R2N 05-1366 (Wilkins) |                      |  |  |  |
| Motion To:                                                |                       | 2 <sup>nd</sup> read |  |  |  |
| Motion By:                                                |                       | Jordan               |  |  |  |
| Seconded:                                                 |                       |                      |  |  |  |
| D. 10.<br>New<br>Business<br>Left on<br>Second<br>Reading | Marr                  | ✓                    |  |  |  |
|                                                           | Rhoads                | ✓                    |  |  |  |
|                                                           | Ferrell               | ✓                    |  |  |  |
|                                                           | Lucas                 | ✓                    |  |  |  |
|                                                           | Jordan                | ✓                    |  |  |  |
|                                                           | Reynolds              | ✓                    |  |  |  |
|                                                           | Thiel                 | ✓                    |  |  |  |
|                                                           | Cook                  | ✓                    |  |  |  |
|                                                           | Mayor Coody           |                      |  |  |  |

|                                             |                                |                      |                      |      |  |
|---------------------------------------------|--------------------------------|----------------------|----------------------|------|--|
| Subject:                                    | R2N 05-1372 (Mailco USA, Inc.) |                      |                      |      |  |
| Motion To:                                  |                                | 2 <sup>nd</sup> Read | 3 <sup>rd</sup> read | Pass |  |
| Motion By:                                  |                                | Thiel                | Ferrell              |      |  |
| Seconded:                                   |                                | Reynolds             | Thiel                |      |  |
| D. 11.<br>New<br>Business<br>Passed<br>4686 | Marr                           | ✓                    | ✓                    | ✓    |  |
|                                             | Rhoads                         | ✓                    | ✓                    | ✓    |  |
|                                             | Ferrell                        | ✓                    | ✓                    | ✓    |  |
|                                             | Lucas                          | ✓                    | ✓                    | ✓    |  |
|                                             | Jordan                         | ✓                    | ✓                    | ✓    |  |
|                                             | Reynolds                       | ✓                    | ✓                    | ✓    |  |
|                                             | Thiel                          | ✓                    | ✓                    | ✓    |  |
|                                             | Cook                           | ✓                    | ✓                    | ✓    |  |
|                                             | Mayor Coody                    |                      |                      |      |  |

|                                          |                                 |          |          |      |  |
|------------------------------------------|---------------------------------|----------|----------|------|--|
| Subject:                                 | R2N 05-1374 Cornerstone/Futrell |          |          |      |  |
| Motion To:                               |                                 | 2nd read | 3rd read | Pass |  |
| Motion By:                               |                                 | Jordan   | Jordan   |      |  |
| Seconded:                                |                                 | Ferrell  | Reynolds |      |  |
| D. 12.<br>New Business<br>Passed<br>4687 | Marr                            | ✓        | ✓        | ✓    |  |
|                                          | Rhoads                          | ✓        | ✓        | ✓    |  |
|                                          | Ferrell                         | ✓        | ✓        | ✓    |  |
|                                          | Lucas                           | ✓        | ✓        | ✓    |  |
|                                          | Jordan                          | ✓        | ✓        | ✓    |  |
|                                          | Reynolds                        | ✓        | ✓        | ✓    |  |
|                                          | Thiel                           | ✓        | ✓        | ✓    |  |
|                                          | Cook                            | ✓        | ✓        | ✓    |  |
|                                          | Mayor Coody                     |          |          |      |  |

|                                                         |                            |          |  |  |                        |
|---------------------------------------------------------|----------------------------|----------|--|--|------------------------|
| Subject:                                                | ANX- 05-1370 (Hall) Bayers |          |  |  |                        |
| Motion To:                                              |                            | 2nd read |  |  | Butch <del>Coody</del> |
| Motion By:                                              | <del>Coody</del>           | Thiel    |  |  | ask Mayor              |
| Seconded:                                               | r                          | Reynolds |  |  | Coody                  |
| D. 13.<br>New Business<br>Left on the<br>Second Reading | Marr                       | N        |  |  |                        |
|                                                         | Rhoads                     | ✓        |  |  |                        |
|                                                         | Ferrell                    | ✓        |  |  |                        |
|                                                         | Lucas                      | ✓        |  |  |                        |
|                                                         | Jordan                     | ✓        |  |  |                        |
|                                                         | Reynolds                   | ✓        |  |  |                        |
|                                                         | Thiel                      | ✓        |  |  |                        |
|                                                         | Cook                       | ✓        |  |  |                        |
|                                                         | Mayor Coody                |          |  |  |                        |



|                                                                |                    |          |  |  |  |
|----------------------------------------------------------------|--------------------|----------|--|--|--|
| Subject:                                                       | RZN 05-1371 (Hall) |          |  |  |  |
| Motion To:                                                     |                    | 2nd read |  |  |  |
| Motion By:                                                     |                    | Reynolds |  |  |  |
| Seconded:                                                      |                    | Jordan   |  |  |  |
| D.14<br>New<br>Business<br>Left<br>on the<br>Second<br>Reading | Marr               | ✓        |  |  |  |
|                                                                | Rhoads             | ✓        |  |  |  |
|                                                                | Ferrell            | ✓        |  |  |  |
|                                                                | Lucas              | ✓        |  |  |  |
|                                                                | Jordan             | ✓        |  |  |  |
|                                                                | Reynolds           | ✓        |  |  |  |
|                                                                | Thiel              | ✓        |  |  |  |
|                                                                | Cook               | ✓        |  |  |  |
|                                                                | Mayor Coody        |          |  |  |  |

|                                                              |                         |          |  |  |  |
|--------------------------------------------------------------|-------------------------|----------|--|--|--|
| Subject:                                                     | RZN - 05-1378 Goff/Hall |          |  |  |  |
| Motion To:                                                   |                         | 2nd read |  |  |  |
| Motion By:                                                   |                         | Reynolds |  |  |  |
| Seconded:                                                    |                         | Ferrell  |  |  |  |
| D.15.<br>New<br>Business<br>Left on<br>the Second<br>Reading | Marr                    | ✓        |  |  |  |
|                                                              | Rhoads                  | ✓        |  |  |  |
|                                                              | Ferrell                 | ✓        |  |  |  |
|                                                              | Lucas                   | ✓        |  |  |  |
|                                                              | Jordan                  | ✓        |  |  |  |
|                                                              | Reynolds                | ✓        |  |  |  |
|                                                              | Thiel                   | ✓        |  |  |  |
|                                                              | Cook                    | ✓        |  |  |  |
|                                                              | Mayor Coody             |          |  |  |  |

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



**Aldermen**

Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Final Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
March 15, 2005**

A meeting of the Fayetteville City Council will be held on March 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Moment of Silence for Brandon Smith**

**A. CONSENT:**

1. **Approval of the Minutes:** Approval of the March 1, 2005 City Council meeting minutes.
2. **Geological Survey:** A resolution approving a joint funding agreement in the amount of \$16,235.00 with the United States Geological Survey for three (3) Urban Stream Gauging Stations in Fayetteville for the year 2005.
3. **Purchase Four Skid Steer Loaders:** A resolution approving the purchase of four (4) Skid Steer Loaders with two (2) hydraulic breaker attachments, one (1) planer attachment, one (1) utility bucket with digging teeth, and two (2) forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00.
4. **Williams Tractor Co. Backhoe Purchase:** A resolution approving the purchase of Five (5) medium four-wheel-drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by the Water and Sewer, and Transportation Divisions.

5. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of one (1) half-ton extended cab 4x4 pickup truck from Bale Chevrolet at a cost of \$17,868.00 for use by the Water & Sewer Division.
6. **Beaver Lake Concrete Bid Approval:** A resolution awarding Bid #05-09 and approving the purchase of Ready-Mix Concrete from Beaver Lake Concrete in the amount of \$350,000.00 to be used by various divisions of the City of Fayetteville.
7. **Construction Materials and Services Bid Approval:** A resolution awarding bids for and approving the purchase of bulk materials and services utilized by various divisions of the City of Fayetteville in the amount of \$1,156,000.00.
8. **McClelland Engineers Agreement Kings Drive Improvements:** A resolution to approve an engineering services contract with McClelland Consulting Engineers, Inc. in the amount of \$26,479.50 plus a contingency in the amount of \$4,000.50 for a study of options for the Kings Drive Improvement Project and to approve a budget adjustment in the amount of \$35,000.00.

**B. PUBLIC HEARINGS:**

1. **Raze and Removal of 1101 Indian Trail:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mohsen and Rhonda Khodabandeh located at 1101 Indian Trail in the City of Fayetteville, Arkansas.
2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment No. 1:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan Amendment No. 1 for the Highway 71 East Square Redevelopment District Number One.

**C. UNFINISHED BUSINESS:**

1. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. *This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting. This ordinance was tabled at the March 1, 2005 to the March 15, 2005 City Council Meeting.*

**D. NEW BUSINESS:**

1. **John Nock and Richard Alexander TIF Contract:** A resolution to approve a contract with John Nock and Richard Alexander for their purchase of property to be obtained by TIF funding for \$300,000.00 and for other matters.

2. **Highway 71 East Square TIF Bond Issue:** An ordinance approving the issuance of bonds to be paid by tax increment financing to obtain necessary funding to achieve the Project Plan for the Highway 71 East Square Redevelopment District No. 1. *Financing Plan is attached.*
3. **Highway 71 East Square Bond Purchase Agreement:** No information at this time.
4. **CCG Systems; Fleet Management Software Purchase:** A resolution approving the purchase of Faster Fleet Management software from CCG Systems in the amount of \$96,174.00; and approving a Budget Adjustment in the amount of \$25,565.00.
5. **Dynamic Information Solutions Company, Inc. Sales Agreement:** A resolution approving a sales agreement in the amount of \$284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System; and approving a budget adjustment in the amount of \$200,000.00.
6. **Data-Base Administrator Position:** A resolution authorizing the hiring of one (1) full-time employee (Data-Base Administrator) by the Information Technology Division; and approving a budget adjustment in the amount of \$41,847.00 to fund the position for the final eight months of 2005.
7. **Archer Western Construction, LTD Construction Contract:** A resolution to approve a construction contract with Archer Western Construction, LTD. in the amount of \$14,644,000.00 for improvements to the Noland Wastewater Treatment Plant and approving a contingency of \$292,880.00.
8. **Nock Investments, LLC Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a Cost-Share Agreement with Nock Investments, LLC in an amount not to exceed \$119,998.86 for improvements to the intersection of Persimmon Street and Ruple Road.
9. **ANX 05-1365 (Wilkins):** An ordinance annexing that property described in annexation petition ANX 05-1365 annexing to the City of Fayetteville, Arkansas, certain property located east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres.
10. **RZN 05-1366 (Wilkins):** An ordinance rezoning that property described in rezoning petition RZN 05-1366 for property east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.
11. **RZN 05-1372 (Mailco USA, Inc.):** An ordinance rezoning that property described in rezoning petition RZN 05-1372 for property east of S. School Avenue, north of Whillock Street, containing approximately 2.536 acres from RSF-4, Residential Single Family, Four Units per Acre, to C-2, Thoroughfare Commercial.
12. **RZN 05-1374 (Cornerstone/Futtrall):** An ordinance rezoning that property described in rezoning petition RZN 05-1374 for property located at 1144 Futtrall Drive containing approximately 0.53 acres from RSF-4, Residential Single Family, Four Units per Acre, to R-O, Residential Office.

**13. ANX 05-1370 (Hall):** An ordinance annexing that property described in annexation petition ANX 05-1370 annexing to the City of Fayetteville, Arkansas, certain property located at 2577, 2216, 2844, 2822 Dead Horse Mountain Road, containing approximately 235.38 acres.

**14. RZN 05-1371 (Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1371 for property located at 2577 Dead Horse Mountain Road, containing approximately 125.179 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**15. RZN 05-1378 (Goff/Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1378 for property located at the south side of Highway 16 East and west of Dead Horse Mountain Road, containing approximately 15.12 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**E. INFORMATIONAL:**

**Council Tour: March 14, 2005 – 4:30 pm**

**Aldermen**

Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



**City Council  
Meeting Minutes  
March 1, 2005**

A meeting of the Fayetteville City Council was held on March 1, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Mayor Coody called the meeting to order.**

**PRESENT:** Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

**Pledge of Allegiance**

**Mayor Coody introduced Bob Davis as the new Water and Wastewater Director for the City.**

**CONSENT:**

**Approval of the Minutes:** Approval of the January 25, February 7 and the February 15, 2005 City Council meeting minutes.

**Premier Home Services Bid Award:** A resolution awarding a bid in the amount of \$14,274.00 to Premier Home Services for the rehabilitation of the residence at 443 West North Street; and approving a contingency in the amount of \$1,000.00.

***Resolution 35-05 as Recorded in the Office of the City Clerk.***

**Arkansans For Drug Free Youth Grant:** A resolution authorizing the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of \$20,000 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving a Budget Adjustment recognizing the grant revenue.

*Resolution 36-05 as Recorded in the Office of the City Clerk.*

**Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately \$200,000.00 to upgrade the computer aided dispatch system and procure additional training equipment.

*Resolution 37-05 as Recorded in the Office of the City Clerk.*

**Garver Engineers, LLC Contract:** A resolution approving a letter contract in the amount of \$19,300.00 with Garver Engineers, LLC for professional surveying services for the Township Street Widening Project.

*Resolution 38-05 as Recorded in the Office of the City Clerk.*

**Rotochopper, Inc. Compost/Mulch Bagger:** A resolution approving the purchase of one (1) Go-Bagger 250 portable automatic bag filler and bags from Rotochopper, Inc. in the amount of \$39,971.00 for use by Solid Waste and Recycling Division; and approving a Budget Adjustment in the amount of \$48,000.00.

*Resolution 39-05 as Recorded in the Office of the City Clerk.*

Alderman Jordan moved to approve the Consent Agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

#### **UNFINISHED BUSINESS:**

**Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. *This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting.*

**Tim Conklin, Director of Planning & Development Management:** Staff is recommending that you table this to the March 15, 2005 meeting.

**Alderman Rhoads:** Are there notice provisions for this March 15<sup>th</sup> meeting?

**Tim Conklin:** Yes we have re-notified the school districts, school board and the taxing entities. The publication in the newspaper occurred last Sunday and will occur again this coming Sunday. We have met the notification requirements for the Project Plan amendment.

**Alderman Marr:** Will the request be to go through all readings in one meeting?

**Tim Conklin:** Yes it will be. We are trying to meet the deadlines for the financial institutions that are participating in this project. It is critical that we move this project forward. Looking at the contractual obligations for the purchase of the property we have set the calendar for a March 15<sup>th</sup> approval process in order to meet those deadlines.

**Kit Williams:** We have read the Project Plan ordinance for three times, it will just have to be approved as amended with the amended Project Plan. The bond ordinance is the one that we will ask to go through all three readings and approve. I appreciate the fact that the Niblock Family and Firm have agreed to give us more time. Should the City Council approve the bond ordinance and the bond purchase agreement, the bonds themselves will have a closing date of April 19<sup>th</sup> and the property will be purchased April 20<sup>th</sup>. It is my understanding that all the property owners have agreed to extend the time. The City of Fayetteville is appreciative of them being willing to work with us.

**Alderman Marr:** The reason that I asked the question is not that I am opposed to that at all. I think that we have been through this for so long that I want to make it clear to the citizens that this is a request that we look at this in one reading so if they have any comments they have between now and the 15<sup>th</sup> to get it to us.

**Mayor Coody:** The staff has worked tirelessly on this; the developers and the City Council have kept working on this. This is going to be a project when all is said and done it will very much have been worth it.

**John Nock:** Thanked the Council, staff and the property owners. He also thanked Kit Williams for his work on this project.

We continue with the architecture design, we have done some modifications to allow some more flexibility on the parking so the people on Center Street will have more parking opportunities. We also have gone ahead, to save some time on the timeline; we have engaged and are paying out of pocket the environmental studies that will be required so that once the property changes hands from the current owners to the City those tests will have already been put into place. The process required for demolition can be the very next step rather than waiting that additional time. I don't think we have lost as much time as some have anticipated; a lot has been going on behind the scenes. I encourage citizens if they want to come out and talk, this will be a good time to do it. Bank of Fayetteville has been extremely patient and I think that we are going to meet their needs so there is no recapture on the tax credits that they have allocated towards the project. We have a little bit longer but together we will get there.

**Alderman Marr moved to table the ordinance until the March 15, 2005 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.**



**NEW BUSINESS:**

**Shake's Property Offer:** A resolution to accept an offer from Stephen L. Davis to purchase the remainder of the former Shake's property and building for \$178,555.00.

**Stephen L. Davis, Purchaser:** Thank you very much for your consideration and particularly for your patience in getting to this point.

**Alderman Jordan moved to approve the Resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed unanimously.**

*Resolution 40-05 as Recorded in the Office of the City Clerk.*

**SBC Communications Project Approval:** A resolution approving a project with SBC Communications in the amount of \$61,227.86 to provide for the implementation of redundant wired data link to all of the City's remote sites.

**Scott Huddleston, IT:** We have close to 100 users out there at remote sites that are currently connecting back with wireless connects. There are some single points of failure that if they go down then all 100 people are without the ability to connect back to the City to do their computer work. It is a huge down time loss when they go down. This will load balance our existing network plus provide for outages if they occur in the future.

**Alderman Jordan moved to approve the Resolution. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.**

*Resolution 41-05 as Recorded in the Office of the City Clerk.*

**IFWorld Maintenance Approval:** An ordinance waiving the requirements of formal competitive bidding and approving payments not to exceed \$20,000.00 to IFWorld for maintenance and enhancement of the City website's Content Management System.

*Mr. Williams read the ordinance.*

**Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.**

*Mr. Williams read the ordinance.*

**Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.**

*Mr. Williams read the ordinance.*

**Alderman Cook:** I have had citizens sometimes comment that they find it difficult to navigate the website. What is the protocol or how do we access that?

**Scott Huddleston:** We do get comments back to the webmaster. We have an in-house website committee that looks at these things. The basic process is to send your comments to the webmaster or to the website committee.

**Alderman Cook:** How often do you evaluate?

**Scott Huddleston:** The website committee meets once a month. The members have different parts of the website that they look at and evaluate. There are certain pieces that we need to do that only IFWorld can do. That is kind of what this proposal is for.

**Mayor Coody:** I have experienced the same thing myself sometimes. It is a very complex and data loaded site. There is so much information that sometimes it is hard to find what you are looking for. If there is a way that we can work to streamline this and to make it more simple for people like myself and others let's see if we can't do that.

**Scott Huddleston:** That's where we are heading.

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

*Ordinance 4681 as Recorded in the Office of the City Clerk.*

**Reappropriate Capital Improvement Funds:** A resolution approving a Budget Adjustment to reappropriate \$130,334,454.00 in order to retain current fiscal year project funding for identified and scheduled capital improvements.

**Alderman Thiel:** This proposal is strictly the capital improvements. Is there going to be a reauthorization of the operational funding?

**Kevin Springer, Budget and Research:** Currently there are no operational funds that have to be re-budgeted. We have sufficient funding in 2005 to maintain all the needs without having to go back to last year's funding and grab it.

**Alderman Jordan:** Kevin, for the people at home can you explain to them what we are doing here?

**Kevin Springer:** This is a routine house keeping item that we have to bring forward every year. At the end of every fiscal year which is December 31<sup>st</sup> our funding will lapse. We have the City Council reappropriate the budget and move it forward to 2005. All we are doing is asking for reapproval of the same project money again. Most of it you will see another time or two when you are presented with contracts.

**Alderman Marr:** The Mission and Maple signalization; has that study been started?

**Gary Dumas, Operations Director:** It was denied last year because of traffic. We have looked at other alternatives to solving the problem at that intersection, there has been quite a bit of neighborhood discussion about what the solutions might be. I don't know if there is consensus in the neighborhood on what change would be most appropriate there. The traffic has not changed there. We can continue with

that traffic evaluation and see if it could meet some warrant for a traffic signal. I don't know of a solution that is not going to generate significant neighborhood disagreement.

**Alderman Marr:** We are holding that money there for whatever solution there might be. It is not necessarily dedicated to this signalization.

**Gary Dumas:** It can be used for whatever the solution is, if there is a solution that will solve the problem. That solution might be re-designation of Highway 45 to some alternative route, which we are looking at also.

**Alderman Rhoads moved to approve the Resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed unanimously.**

*Resolution 42-05 as Recorded in the Office of the City Clerk.*

**Ford Motor Company General Release and Waiver:** A resolution to approve the General Release and Waiver from Ford Motor Company and to authorize the Mayor to sign the General Release and Waiver.

**Mayor Coody:** Kit you are relatively comfortable with the waiver?

**Kit Williams:** I certainly haven't changed my position from what I originally said. I don't really like under cutting the Attorney General on this. However it is certainly a policy issue for the City Council to determine. The Police Department is in need of new police cars. I don't generally like to have a waiver of liability in order to purchase a product but this might be an exceptional circumstance. It is really for the City Council to determine. The waiver is entitled a General Release and Waiver and is supposed to be restricted. There is some restrictive language within it that hopefully we can rely on but there is other broader language in it. It was drafted by Ford so it would be interpreted against Ford so hopefully the restrictive language would be the controlling language.

**Mayor Coody:** I called Attorney General Beebe and asked him if we would be under minding him if we approved this. He said not at all if we need to do it go ahead. This doesn't slow him down one bit; he is going to be okay with it.

**Captain Greg Tabor, Police Department:** Obviously the last thing I want to try to convince you to do is to go against the advice of the City Attorney. The Police Department basically has been using the Ford Police Crown Interceptor exclusively since 1990, prior to that we did have some Chevrolet Impalas. Most police departments in this area also use the police interceptor from Ford a few of them have tried various things like the Dodge Intrepid and the Chevrolet Impala but they have quickly moved back to the Crown as their vehicle of choice. Washington County did a cost analysis and they determined that the Impala and the Intrepid cost about \$4.00 a day more to operate than the Ford Crown Vic did. We have identified two alternative vehicles if this waiver is not signed one of which we believe is not a very viable option that is the Chevrolet Impala. It is a smaller vehicle on the inside and that creates a lot of problems for us. We have computer laptops in the cars that sit in the passenger side of the vehicle which creates a problem when we are riding two officers in the vehicle. The size of the interior is a definite problem for us. The Impala is also a six cylinder vehicle which is front wheel drive, we see some problems having a mixed fleet with some vehicles being front wheel drive and some being rear wheel drive. In a pursuit the officer will have to remember which vehicle he is driving because of

the handling characteristics of the car. The second one we identified is the Chevrolet Tahoe; in 2005 they came out with a true police package Tahoe. It is a two wheel drive vehicle and would meet our needs for space. The fuel economy is approximately the same as the Ford that we are driving now. The problem with the Tahoe is that it is about \$8,000 more per unit than the Crown Vic. In 2005 there are 13 new vehicles budgeted so if we go with the Tahoe, Fleet would need about another \$100,000 to \$110,000 to purchase Tahoe's instead of Crown Vic's.

**Alderman Ferrell:** At budget time we added these patrolmen if we have budgeted the money I would move that we go ahead and approve the resolution.

**Alderman Reynolds:** Our fleet management practice has improved. We went from running police cars from 65,000 to 120,000 miles and that saved us money. We didn't replace cars in 2004; we are at the point that we have to have cars this year, they are three short for implementing the plan in 2005. I will support this; we certainly need to order these cars.

**Alderman Marr:** After reading the City Attorney's memo I was uncomfortable supporting this. Having had the discussion at agenda session about risk versus our decision I do think it is prudent to move forward. This is currently an investigation and not an actual case. I think our City Attorney will be able to adequately defend us based on the information that we have at this point I think our risk is fairly small. I will vote for the resolution.

**Alderman Ferrell moved to approve the Resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.**

*Resolution 43-05 as Recorded in the Office of the City Clerk.*

**Fayetteville Downtown Partners Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services with Fayetteville Downtown Partners in the amount of \$150,000.00 to assist in the implementation of the Downtown Master Plan.

*Mr. Williams read the ordinance.*

**Alderman Rhoads:** I serve on the Board of this organization at the request of the City I think I will recuse my voting on this.

**Tim Conklin, Planning:** This is a contract and bid waiver ordinance for services with Downtown Partners. This organization was formerly known as the Downtown Dickson Street Enhancement Project and reorganized with its primary mission to assist the City in implementing the Downtown Master Plan. This organization also represents the area that is included in the Downtown Master Plan. Last September we adopted the Downtown Master Plan and it recommended working with this type of organization and looking at how to create an organization that is self supporting. Within the contract the main focus is for this organization to look at developing funding mechanisms to become self supporting over the next three years. In the contract it also talks about identifying the feasibility of a business improvement district and based on that feasibility implementing a business improvement district within this area of the Downtown Master Plan.

Mr. Conklin explained some of the scope of services that are outlined in their contract.

**Alderman Lucas:** What if there is another area in the City that needs improvement, can they come to the City and ask for funds for a Director to improve their area? Are we setting precedence with this?

**Tim Conklin:** Those discussions took place in the fall with regard to non-profit funding and who you wanted to fund and what projects. This contract allows them over the next three years to become self-sufficient. I think this is somewhat unique, it is the heart of the City and I think this organization is different than other organizations.

**Alderman Lucas:** They want to be an economic development center and I am concerned with that. The City, Chamber of Commerce and the University got together and formed a position and I thought that position was going to be the central place for people to go for economic development.

**Tim Conklin:** It would probably be best to hear from their interim director with regard to what they are trying to achieve with this development resource center. They have a close working relationship with FEDC and the Chamber of Commerce and other organizations in the downtown area.

**Alderman Ferrell:** Will the funding during the next three years for this non-profit come before the Council as a budget item to be approved each year?

**Tim Conklin:** That is correct; this contract is just for 2005.

**Alderman Ferrell:** Will the business improvement district have eminent domain condemnation authority?

**Kit Williams:** I would have to look at that to see. The Downtown Partners surely would not have that. If they were to re-incorporate into some other type of improvement district they might sometimes, some improvement districts do have that right.

**Daniel Hintz, Interim Administrator Fayetteville Downtown Partners:** The development resource center is going to be focused specifically on downtown and the needs of our downtown businesses as well as acting as a resource for those companies that want to come in and invest in the downtown area. We meet on a regular basis with the economic development director as well as the Chamber. This is part of a team effort, we are also partnering with the university in order to develop a number of these recourses as well. There will be coordination on all levels.

**Alderman Lucas:** You talked about the funding gradually going down and in three years you will be self-sufficient. That concerns me, that is what we where being told in 2003 when funds were requested for this organization. I know they have changed names; I want to make sure this is going to come to an end eventually.

**Daniel Hintz:** Certainly. When you look at the challenges as well as the successes of the Downtown Dickson Enhancement Project we look at those things and say how do we continue with the enhancements as well as not repeat some of the challenges. Our relationship to funding is one of those challenges that we would like to reinvent. When we looked at this contract of services we made very sure that there was an accountability factor written into this contract that you as a Council could look at and know that we are moving on the right track. You will know if the money that you are providing this organization is actually worth something.

**Alderman Lucas:** I see the City mainly working in this area to clean up our zonings and \$150,000 would help us with a Planner. I know we need more staff in Planning. I am really in a quandary as to whether this is going to help us that much or would we be better spending our money in the Planning Department. That is what I am struggling with.

**Daniel Hintz:** We are going to be a resource to the City in helping them with some of the codes and ordinances for downtown. That \$150,000 is also purchasing a wide variety of services that we are going to be able to provide. So when you look at the \$150,000 and the bang for the dollar, we are going to be able to have a wide variety of deliverables that you can look at at the end of 2005. There are a number of components that we are going to be able to provide that City staff may not currently be able to provide at the level that our downtown community may need. That \$150,000 is looking at a full scope of services that will show the strength of the downtown community as a whole.

**Alderman Reynolds:** I am glad that DDEP is done. Dickson Street merchants have struggled for four years of construction. I hope Dickson Street is complete is that right?

**Daniel Hintz:** As of the plan through Downtown Dickson Enhancement Project, yes.

**Alderman Reynolds:** Are you talking about everything south of Dickson up to Center Street from West to Block Street? What area are you talking about re-generating?

**Daniel Hintz:** The scope of the Downtown Master Plan. We are looking at that entire acreage. The reason why we are called Downtown Fayetteville Partners is because we take that partners component very seriously. We take our cues from our partners. We are in conversations on a variety of levels with a variety of different people. What this contract of services indicates is it gives this organization focus for 2005 and shows the City Council some of the arenas that we are going to be focusing on. The Downtown Master Plan is huge in scope, it is not a one or two or three year project, and it is going to take a lot of conservations and a lot of different team members.

**Alderman Reynolds:** I just think that area has gone through a lot of shock in the last four years and I am not sure they are ready for another project right a way.

**Daniel Hintz:** Certainly. We have been supporting the growth of the merchants association which can allow that direct feedback to us and open up really efficient lines of communication between downtown merchants. There is a vital option for those folks to be able to respond directly to the entity that may be implementing some of these projects. That line of communication is very important to make sure that we are actually doing what the folks on Dickson and other merchants throughout the downtown district really want to do.

**Alderman Reynolds:** Are most of those merchants property owners?

**Daniel Hintz:** A variety of those merchants are property owners. When you look at property owners in the downtown area the percentage is not as high as perhaps we may like to see. That's a challenge that we have heard from some merchants and that is certainly something that we will take a look at over the next several years as well as the growth and sustainability of our downtown community.

**Alderman Ferrell:** When I first started reading about this I didn't think this was a very prudent expenditure by the City but I started visiting with people and asking questions and I thoroughly read

your proposal. We certainly want Fayetteville to remain the cultural and arts center of Northwest Arkansas. I think you should focus on watching the master plan and focus on the culture center and the arts. I thought you were not focused enough, you were too broad but after visiting with people I think you certainly deserve a year's funding to try.

**Cyrus Young:** To answer your question, business improvement districts can condemn land. They can condemn someone's property and turn around and sell it to another business owner to run it. The sole discretion in deciding that is pretty much in the hands of the commissioners of the improvement district. Eminent domain is not an option when you form it, it comes by State law.

**Alderman Cook:** I support what Downtown Partners is doing. I want to make it clear that I do not want the Downtown Master Plan in any way, the codes, policy issues or implementation in any way to fall in the hands of the Downtown Partners. That is an issue that belongs with the Planning Department and this governing body. I support what they want to do, we need a partner with a vision of the Downtown Master Plan but the ultimate authority of that lies with the City.

**Alderman Marr:** Abstaining on a vote should be based on financial impact or financial gain. We are asked to serve on other committees and when we had the Downtown Dickson Enhancement Group I brought up a lot of questions concerning the service agreement. I didn't think it had tangible and measurable items in it and one of the things that came up with that request was that we have representation from this Council on that board. I want to make sure I am not misunderstanding something. I want to know exactly the requirement for when we should abstain.

**Kit Williams:** Our rules of order and procedure when it talks about financial interest states *no member of the City Council with a direct or indirect financial interest in any items before the City Council shall participate in the discussion of or voting on such matter.* I did speak with Alderman Rhoads earlier today even though I realize the board members don't get paid this is a situation where the board of the Downtown Partners is asking the City for \$150,000 in money. A lot of conflict of interest issues are perception as well as absolute reality. My advice to Alderman Rhoads was as a board member of an organization that is seeking \$150,000 from the City that recusal was probably the proper thing for him to do.

**Alderman Marr:** Based on that advice I will recuse. I don't think it is appropriate in the future that Aldermen that represent an area who look at a contract and are asked to participate in a committee be asked to recuse from votes in the future. I would not have accepted that appointment and at this point will resign from the board because I think it is more important to represent my Ward and the area then it is to serve on that board. I will reserve the comments that I had related to this contract.

**Alderman Reynolds:** Kit do I need to recuse on this?

**Kit Williams:** You are not on the board are you?

**Alderman Reynolds:** I am a property owner.

**Kit Williams:** Just as when we had the smoking ordinance and your property could have been affected at that point in time as a class as opposed to being a member on the board I don't think that as a being affected as a member of a class in this type being a property owner that you are directly affected enough that you would have a conflict of interest. When you are a member of a governing body as a board is

that is when you rise to a level that is slightly higher in the conflict of interest situation. To avoid the appearance of impropriety I think the board members should not vote on this but property owners I don't see a problem with that.

**Alderman Reynolds:** Thanks for your opinion.

**Alderman Rhoads:** Although I do not plan on voting, I do plan on speaking in support of the organization. We are asked to serve on this board at the request of the City and did so to put an extra set of eyes and ears into the organization.

**Kit Williams:** Could I read this financial interest section one more time before you start discussing this issue?

**Alderman Rhoads:** Yes.

**Kit Williams:** It says *no member of the City Council with a direct or indirect financial interest in any items before the City Council shall participate in the discussion of or voting on such matter.* So generally if there is any sort of recusal you will not discuss or vote on the issue. That is what our rules say and I did not want you to step beyond what our rules state.

**Alderman Rhoads:** I do remember you reading that before on another occasion so I should have remembered that. Had I realized that I probably would not have agreed because I do believe this is an area that is fairly gray. I get no financial benefit from serving on that board but I am in favor of some of the things that this City and various organizations are trying to do for this City.

**Alderman Thiel:** I think one of the important things this organization will do is to relieve our Planning staff and help facilitate public meetings that will be necessary for zoning changes. They will not be doing the job of our Planning Department but that is one thing they can bring to the table and help our staff. I think that is a real important aspect of what they are going to do. The other thing they offer is the festival coordination. They seem to have board people that are organized; they have a strong commitment to become self sustaining. I feel a firmer commitment from his group.

**Alderman Reynolds:** I drew the challenge to get a police substation on Dickson Street. I think this year would be a good year to put \$150,000 towards that police substation. I think we need to give the merchants a rest from construction.

**Mayor Coody:** I don't think we have any major construction plans down there. I don't believe this is geared toward any major construction project. This will be developing some things other than construction for the downtown area.

**Daniel Hintz:** Regarding the police substation the research that we have done regarding a business improvement district the two consistencies are clean-up and security on any business improvement district. When we look at the feasibility of an implementation of a business improvement district we might be able to work with the merchants regarding their security needs and how can they work with the local police.

**Mayor Coody:** It is not just the businesses that need security but all the neighborhoods need it.



I know Robert and Don are recusing but I appreciate you being on this board. I am sorry this turned out this way. We appreciate you being on the board to help steer this organization. This is better because of your input and I want to say thanks.

**Alderman Ferrell:** If this should go to a business improvement district will the City have any input on that?

**Kit Williams:** Normally when you have a business improvement district you have to get an agreement with at least half of the property owners within the district to go forward and be able to form the business improvement district. A lot of times the City does have some input on that.

**Bob Kohler, Fayetteville Downtown Partners Board Member:** I am heading up our BID effort and we are in the process of hiring a consultant to guide us through the process. My understanding is two thirds of evaluation of the property within the district has to vote in favor of establishing a BID. That is a bench mark to hit and in order to do that there is a public education process that has to happen.

**Kit Williams:** If in fact Alderman Marr has actually resigned from the board of directors effective immediately then he would no longer have a financial or indirect financial interest and therefore it would be improper for him to recuse at this point in time because he would have no grounds for recusal. I am not sure he actually did resign or plans to make it a permanent resignation.

**Alderman Marr:** I am considering.

**Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Marr and Rhoads recused.**

*Mr. Williams read the ordinance.*

**Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-0. Alderman Marr and Rhoads recused.**

*Mr. Williams read the ordinance.*

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Cook, Ferrell, Jordan and Thiel voting yes. Alderman Lucas and Reynolds voting no. Alderman Marr and Rhoads recused. Mayor Coody voted yes thus passing the ordinance.**

*Ordinance 4682 as Recorded in the Office of the City Clerk*

#### **PUBLIC HEARINGS:**

**Brinkley's Limo Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for the operation of five (5) limousines within the City of Fayetteville, Arkansas.

**Captain Brown, Police Department:** We have received his application, financial statement and proof of insurance.

You have already approved 15 limousines and 14 taxicabs.

**Mayor Coody:** How do we ascertain what a necessary number of limousines are for our town?

**Alderman Marr:** The market will prevail.

**Alderman Jordan moved to approve the Resolution. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.**

*Resolution 44-05 as Recorded in the Office of the City Clerk.*

**Jones Transportation Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Jones Transportation Service for the operation of four (4) Limousines within the City of Fayetteville, Arkansas.

**Captain Brown:** We have received his application, financial statement and proof of insurance. He is asking for two Lincoln Town cars and two buses to be permitted.

**Alderman Jordan moved to approve the Resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.**

*Resolution 45-05 as Recorded in the Office of the City Clerk.*

**Mayor Coody:** Are all the operators of taxis and limos in Fayetteville currently with proof of insurance?

**Captain Brown:** I have proof of insurance on the ones that you have approved for the certificates.

**Captain Tabor:** You approved Tony C's contingent upon him providing proof of insurance. To my knowledge he has never done that. I believe he is operating a taxicab in the City of Fayetteville and he has been issued at least one ticket. We currently do not have any taxicabs operating according to the ordinance in the city.

**Mayor Coody:** We don't have any taxis within the confines of the ordinance within the City?

**Captain Tabor:** That is correct. Cardinal was approved but they went out of business. The only other taxi company was Tony C's and he has yet to provide us with any proof of insurance or to have his taxis inspected. Community Planning issues vouchers for taxicabs about 1,500 per month, we have told them that none of them are operating legally in the City and they have suspended giving out those vouchers.

**Alderman Marr:** They have begun issuing vouchers for the Ozark Transit Bus system; they do have that as an option.

**Alderman Reynolds:** Are we working on something else as far as Tony C's?

**Kit Williams:** There is a State statue that says if a taxicab owner chooses to he can get an indemnity bond instead of just a policy of insurance and that stands in the place of a policy of insurance. That has

been pointed out to Mr. Tony C's attorney however my understanding is that he wished to do a letter of credit instead of an indemnity bond and I told him that was not part of the State statute and not part of the ordinance and did not comply with the law the way I saw it. I told him if he wished to change the law he would need to come before this body and ask you to change the ordinance to allow a letter of credit instead of an indemnity bond. I have not heard anything further.

**Alderman Reynolds:** I understand that Mr. Jones was running a bus on Dickson Street and he got ticketed and at the same time Tony C's cab went by and his cab did not get a ticket.

**Captain Tabor:** We have only been issuing tickets if we see the taxi actually pick someone up.

**Alderman Reynolds:** Was there a reason why Jones was told to keep his buses off of Dickson Street?

**Captain Tabor:** I don't know the answer to that. I will check on that.

**Meeting Adjourned at 7:25 PM.**

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**Dan Coody, Mayor**

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**Sondra Smith, City Clerk**

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Operations Director

**From:** Gary Coover, Staff Engineer *JAC*

**Date:** February 23, 2005

**Subject:** Resolution to continue the joint funding agreement with the United States Geological Survey (USGS) for \$16,235 (City's share) for three urban stream gauging stations in Fayetteville for the year 2005.

### **RECOMMENDATION**

The staff recommends that the City Council approve the joint funding agreement and cost share payment of \$16,235 to the USGS for three urban stream gauging stations in Fayetteville for the year 2005.

### **BACKGROUND**

Since 1998, the City of Fayetteville has participated in a joint funding agreement with the USGS for three urban stream gauging stations. This agreement consists of a cost-share for maintenance and data collection for rainfall and runoff recording stations located at:

- Mud Creek Tributary at Township (in Gulley Park)
- Town Branch at State Highway 62
- Town Branch at State Highway 16 (in Walker Park)

The attached agreement is for the 2005 calendar year, and requires payment of \$16,235 by the City and \$7,705 by the USGS.

### **DISCUSSION**

The USGS collects rainfall and runoff data at these three sites, and provides this information to the City. We are currently investigating the possibility of updating these stream stations to provide real-time data via an internet portal, and also the possibility of adding water quality monitoring capabilities. In addition to providing urban rainfall and streamflow data for future drainage studies, these gauges will also provide valuable information for the EPA Phase 2 NPDES stormwater monitoring requirements.

### **BUDGET IMPACT**

This \$16,235 expenditure has been budgeted in the 2005 CIP as part of Project #02097 (Drainage Study/Phase II Stormwater Mgt.)

# # #



United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
Water Resources Division  
Arkansas District  
401 Hardin Road  
Little Rock, Arkansas 72211

RECEIVED  
JAN 06 2005  
ENGINEERING DIV.

January 4, 2005

Mr. Gary Coover, City Engineer  
City of Fayetteville  
113 West Mountain  
Fayetteville, Arkansas 72701

Dear Mr. Coover:

Attached is a Joint Funding Agreement for operation and maintenance of 3 rainfall-runoff stations located at Town Branch at Business Route 62, Town Branch Tributary at Highway 16, and Mud Creek at Township Street in the City of Fayetteville for the 2005 calendar year. Please sign this agreement and return the original to us.

Work performed with funds from this agreement will be conducted on a fixed-price basis and billed annually. The results of all work under this agreement will be available for publication by the U.S. Geological Survey.

We look forward to continuing to work with you in these hydrologic data-collection efforts. If you have any questions, please contact Jaysson Funkhouser at (501) 228-3663,

Sincerely,

W. Reed Green  
Assistant District Chief

Enclosure

CSB:rkc

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR

TIN: 71-6018462

Water Resources Investigations

THIS AGREEMENT is entered into as of the 1st day of January 2005 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF FAYETTEVILLE, the party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation **rainfall-runoff data collection at 3 sites**, hereinafter called the program.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program.
  - (a) \$07,705 by the party of the first part during the period  
January 1, 2005 to December 31, 2005
  - (b) \$16,235 by the party of the second part during the period  
January 1, 2005 to December 31, 2005
  - (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. Billing for this agreement will be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983.).  
**CITY OF FAYETTEVILLE**

U.S. GEOLOGICAL SURVEY  
UNITED STATES  
DEPARTMENT OF THE INTERIOR

By John E. Terry  
(SIGNATURE TITLE)  
John E. Terry, District Chief

By \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

(USE REVERSE SIDE IF ADDITIONAL SIGNATURES ARE REQUIRED)

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

A RESOLUTION APPROVING A JOINT FUNDING AGREEMENT  
IN THE AMOUNT OF \$16,235.00 WITH THE UNITED STATES  
GEOLOGICAL SURVEY FOR THREE (3) URBAN STREAM  
GAUGING STATIONS IN FAYETTEVILLE FOR THE YEAR 2005.

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 Joint Funding Agreement in the amount of \$16,235.00 with the United States Geological Survey for three (3) Urban Stream Gauging Stations in Fayetteville for the year 2005. A copy of the Joint Funding Agreement marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 1<sup>st</sup> day of March 2005.

APPROVED:

By \_\_\_\_\_

DAN COODY, Mayor

ATTEST:

By \_\_\_\_\_

SONDRA SMITH, City Clerk

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

March 15, 2005

~~N/A - Mayor's Signature Only~~  
City Council Meeting Date

Gary R. Coover

Submitted By

Engineering

Division

Operations

Department

Action Required:

Approval of the joint funding agreement with the USGS for \$16,235 (City's share) for three urban stream gauging stations in Fayetteville for the year 2005.

\$16,235.00

Cost of this request

4470.9470.5314.00

Account Number

02097

Project Number

\$ 200,000.00

Category/Project Budget

\$ -

Funds Used to Date

\$ 200,000.00

Remaining Balance

Drainage Study

Program Category / Project Name

Bridge and Drainage

Program / Project Category Name

Sales Tax

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

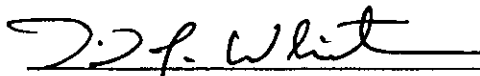
  
Department Director

2-11-05  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

  
City Attorney

2/11/05

Received in City Clerk's Office

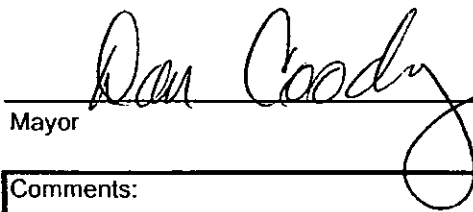
Received in Mayor's Office

2/11/05 P.H.



  
Finance and Internal Service Director

2-13-05  
Date

  
Mayor

2/11/05  
Date

Comments:





A. 3  
Purchase Four Skid Steer Loaders  
Page 1 of 10

**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

### Interdepartmental Correspondence

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**To:** Mayor/City Council

**Thru:** Gary Dumas, Director of Operations 

**From:** David Bragg, Fleet Operations Superintendent 

**Date:** February 24, 2005

**Subject:** Purchase of four skid steer loaders with attachments

**RECOMMENDATION:** That City Council approve the purchase of four skid steer loaders with attachments from Williams Tractor Co. for the total bid price of \$123,112.71.

**BACKGROUND:** Bid 05-17 was opened February 8, 2005. The lowest bid from Williams Tractor meets all specifications. These units are for: **one** Expansion for Transportation as authorized in the 2005 budget for the asphalt crew; **one** replacement of unit 975 for Transportation (975 is used regularly with a hydraulic pavement breaker and is requiring extensive maintenance due to severe service); **one** replacement of unit 979 for Solid Waste (979 has 3350 hours and is used daily to handle recycled materials); and **one** replacement of unit 526 for Parks (526 is a 1990 tractor that is uneconomically repairable and was sold at auction in Nov. 2004.)

Funds are available for the purchase of these skid steer loaders and attachments in Project 02080 – Other Vehicles and Equipment.

The Equipment Committee approved these purchases at the meeting of February 22, 2005. There have been two changes to the information the Equipment Committee approved. An error on the bid for the Utility Bucket was discovered – it actually costs \$822, rather than \$2124.80. A cab has been added to the unit for Solid Waste as well as factory installed fittings for a future sweeper attachment which increased the price by \$2211.99.

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

A RESOLUTION APPROVING THE PURCHASE OF FOUR (4) SKID STEER LOADERS WITH TWO (2) HYDRAULIC BREAKER ATTACHMENTS, ONE (1) PLANER ATTACHMENT, ONE (1) UTILITY BUCKET WITH DIGGING TEETH, AND TWO (2) FORKLIFT ATTACHMENTS FROM WILLIAMS TRACTOR CO. AT A TOTAL COST OF \$123,113.00.

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 four (4) skid steer loaders with two (2) hydraulic breaker attachments, one (1) planer attachment, one (1) utility bucket with digging teeth, and two (2) forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00.

PASSED and APPROVED this 15<sup>th</sup> day of March 2005:

APPROVED:

By: \_\_\_\_\_

DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_

SONDRA SMITH, City Clerk



**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

**Equipment Committee Correspondence**

**TO:** City of Fayetteville, Equipment Committee  
Robert Reynolds, Chairman      Lioneld Jordan  
Kyle Cook      Don Marr  
Bobby Ferrell      Billy Sweetser

**FROM:** David Bragg, Fleet Operations Supt

**DATE:** February 15, 2005

**SUBJECT:** Award of Equipment Bids

Bid #05-16 was opened on February 8, 2005 for five medium four wheel drive loader backhoes for use by Water and Sewer Division (4) and Transportation Division (1). Five bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Williams Tractor Co. of Fayetteville meets all specifications.

|   |                             |      |             |
|---|-----------------------------|------|-------------|
| 5 | Tractor/loader/backhoe      | Each | \$52,999.00 |
| 5 | Backhoe bucket quick change | Each | \$ 649.00   |

I recommend acceptance of the bid from Williams Tractor Co. in the amount of \$268,240.00.

These are replacements for unit # 633, 634, 635, 636, 637, all 1997 Ford backhoes with an average of 3,300 hours each. While still serviceable, these machines have reached an age that daily dependability is questionable and maintenance cost is rising. With an anticipated resale return of \$15-20,000 each, the timing is appropriate to replace these machines.

Funds for this purchase are available in 2004 and 2005 Fleet Replacement Project Account 02076 – Backhoe/Loaders.

APPROVED  
2-22-5  
2988

**Bid #05-17** was opened on February 8, 2005 for four skid steer loaders for use by Transportation Division (2), Parks Division (1), and Solid Waste Division (1). Four bid responses were received. A detailed tabulation sheet is attached.

A. 3

Purchase of Skid Steer Loaders

Page 4 of 10

The lowest bid from Williams Tractor Co. of Fayetteville meets all specifications.

I recommend acceptance of the bid from Williams Tractor Co. in the amount of \$122,203.52.

**Transportation:** Replace unit 975, a 1996 New Holland skid steer loader with 2050 hours. This unit is used regularly with a hydraulic pavement breaker in the sidewalk division and is requiring extensive maintenance due to severe service.  
**Solid Waste:** One Expansion unit authorized in the 2005 budget for the asphalt prep crew. Replace unit 979, a 1997 New Holland skid steer loader with 3350 hours. This unit is used daily to handle recycled materials.  
**Parks:** Replace unit 526, a 1990 Ford tractor with 2300 hours that is uneconomically repairable and was sold at auction November 2004.

Funds for this purchase are available in 2004 and 2005 Fleet Replacement Project Account 02080 – Other vehicles and equipment.

Cc:  
Gary Dumas

APPROVED  
2-22-5  
JMB

# BID TABULATION

BID NO. 05-17

A. 3  
Purchase Four Skid Steer Loaders  
Page 5 of 10

|                    | BIDDER<br>Williams Tractor | BIDDER<br>Scott Const. Equip. | BIDDER<br>Diamond Rentals | BIDDER<br>Riggs Tractor |
|--------------------|----------------------------|-------------------------------|---------------------------|-------------------------|
| Delivery Days      | 60                         | 90                            | 60                        |                         |
| Delivery Specified | 90                         | 90                            | 90                        | 90                      |

## ITEM 1 Skid Steer Loader

Solid Waste

|          |                                       |             |             |        |
|----------|---------------------------------------|-------------|-------------|--------|
| QUANTITY | 1                                     |             |             |        |
| BRAND    | Bobcat                                | Case        | Mustang     |        |
| MODEL    | S205                                  | 430         | 2066        | No Bid |
| BID AMT. | <del>\$23,326.21</del><br>\$25,538.20 | \$28,190.00 | \$29,065.05 |        |

## ITEM 2 Skid Steer Loader

Parks

|          |             |             |             |        |
|----------|-------------|-------------|-------------|--------|
| QUANTITY | 1           |             |             |        |
| BRAND    | Bobcat      | Case        | Mustang     |        |
| MODEL    | S205        | 430         | 2076        | No Bid |
| BID AMT. | \$25,251.52 | \$29,713.00 | \$30,693.47 |        |

## ITEM 3 Skid Steer Loader

Transportation

|          |             |             |             |        |
|----------|-------------|-------------|-------------|--------|
| QUANTITY | 2           |             |             |        |
| BRAND    | Bobcat      | Case        | Mustang     |        |
| MODEL    | S205        | 430         | 2076        | No Bid |
| BID AMT. | \$24,193.41 | \$30,618.00 | \$32,419.03 |        |

## ITEM 4 Planer Attachment

Transportation

|          |             |             |                    |        |
|----------|-------------|-------------|--------------------|--------|
| QUANTITY | 1           |             |                    |        |
| BRAND    | Bobcat      | Case/Alitec | Coneqtec/Universal |        |
| MODEL    | 24" Hi-Flo  | CX24ATD     | AP600              | No Bid |
| BID AMT. | \$10,719.83 | \$13,210.00 | \$10,844.68        |        |

## ITEM 5 Hydraulic Breaker Attachment

Transportation

|          |            |               |            |        |
|----------|------------|---------------|------------|--------|
| QUANTITY | 2          |               |            |        |
| BRAND    | Bobcat     | Allied/Rammer | Stanley    |        |
| MODEL    | B950       | S-23          | HB35       | No Bid |
| BID AMT. | \$5,678.23 | \$8,195.00    | \$7,820.65 |        |

## ITEM 6 Fork Lift Attachment

Transportation, Solid Waste

|          |            |          |            |        |
|----------|------------|----------|------------|--------|
| QUANTITY | 2          |          |            |        |
| BRAND    | Bobcat     | Case     | Gehl       |        |
| MODEL    | Pallet 42" | C42P     | Rail style | No Bid |
| BID AMT. | \$518.94   | \$715.00 | \$507.53   |        |

## ITEM 7 Utility Bucket w/Digging Teeth

Transportation

|          |                                             |            |                |        |
|----------|---------------------------------------------|------------|----------------|--------|
| QUANTITY | 1                                           |            |                |        |
| BRAND    | Bobcat                                      | Case       | Gehl           |        |
| MODEL    | <del>\$822.00</del><br>\$2,124.80<br>Error. | C72        | 72" with teeth | No Bid |
| BID AMT. |                                             | \$1,507.00 | \$1,054.40     |        |

|           |              |              |              |        |
|-----------|--------------|--------------|--------------|--------|
| TOTAL BID | \$123,112.71 | \$151,676.00 | \$153,152.02 | \$0.00 |
|-----------|--------------|--------------|--------------|--------|

**City Of Fayetteville**  
(Not a Purchase Order)

Page 1

|                         |           |
|-------------------------|-----------|
| Requisition No.         | Date:     |
| P.O Number              | 2/25/2005 |
| Expected Delivery Date: |           |

|          |       |              |                  |
|----------|-------|--------------|------------------|
| Vendor # | 11133 | Vendor Name: | WILLIAMS TRACTOR |
| Address: |       | Fob Point:   |                  |
| City:    |       | State:       |                  |

|                 |                                                            |                        |      |                        |                                                                       |
|-----------------|------------------------------------------------------------|------------------------|------|------------------------|-----------------------------------------------------------------------|
| Requester       | BARBARA OLSEN                                              | Requester's Employee # | 1940 | Extension:             | 495                                                                   |
| Zip Code        | 050                                                        | Ship to code:          | 050  | Division Head Approval | Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/> |
| Quotes Attached | Yes: <input type="checkbox"/> No: <input type="checkbox"/> |                        |      |                        |                                                                       |

| Item                  | Description                            | Quantity | Unit of Issue | Unit Cost           | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|-----------------------|----------------------------------------|----------|---------------|---------------------|---------------|-------------------|----------------------|-------------|---------------|
| 1                     | Bobcat S205 Skid Steer loader, dsl,    | 1        | EA            | \$24,712.35         | \$24,712.35   | 9700.1920.5802.00 | 02080.1              |             |               |
| 2                     | remote front hydraulics, air cond,cab, |          | EA            |                     | \$0.00        |                   |                      |             |               |
| 3                     | fork lift attachment, to be #658,      |          | EA            |                     | \$0.00        |                   |                      |             |               |
| 4                     | F.A. #700658, for Transportation       |          | EA            |                     | \$0.00        |                   |                      |             |               |
| 5                     | Bobcat S205 Skid Steer loader, dsl,    | 1        | EA            | \$25,015.41         | \$25,015.41   | 9700.1920.5802.00 | 02080.1              |             |               |
| 6                     | remote front hydraulics, air cond,cab, |          | EA            |                     | \$0.00        |                   |                      |             |               |
| 7                     | utility bucket with digging teeth, to  |          | EA            |                     | \$0.00        |                   |                      |             |               |
| 8                     | be #659, F.A. #700659, Transportation  |          | EA            |                     | \$0.00        |                   |                      |             |               |
| 9                     | Bobcat S205 Skid Steer loader, dsl,    | 1        | EA            | \$26,057.14         | \$26,057.14   | 9700.1920.5802.00 | 02080.1              |             |               |
| 10                    | solid tires, Air cond. Cab, forklift   |          | EA            |                     | \$0.00        |                   |                      |             |               |
|                       | attachment, factory installed fittings |          | Lot           |                     | \$0.00        |                   |                      |             |               |
| Special Instructions: |                                        |          |               | Subtotal: 75,784.90 |               |                   |                      |             |               |

|                                       |  |
|---------------------------------------|--|
| Approvals:                            |  |
| Mayor:                                |  |
| Finance & Internal Services Director: |  |
| Dispatch Manager:                     |  |

|                      |  |
|----------------------|--|
| Department Director: |  |
| Budget Manager:      |  |
| Utilities Manager:   |  |
| Purchasing Manager:  |  |
| IT Manager:          |  |

**City Of Fayetteville** **Page 2**  
(Not a Purchase Order)

Vendor # **11133** Vendor Name: **WILLIAMS TRACTOR**

Address: **11133** Fob Point: **050** Taxable Yes: ☒ No: ☐

City: **BARBARA OLSEN** State: **1940** Zip Code: **050** Ship to code: **2005** Division Head Approval: **Yes: ☒ No: ☐**

Requester: **BARBARA OLSEN** Requester's Employee #: **1940** Extension: **495** Project/Subproject #: **Inventory #** Fixed Asset #

| Item | Description                          | Quantity | Unit of Issue | Unit Cost   | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|------|--------------------------------------|----------|---------------|-------------|---------------|-------------------|----------------------|-------------|---------------|
| 1    | for future sweeper attachment        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 2    | Unit #660, F.A. #700660, Solid Waste |          | EA            |             | \$0.00        |                   |                      |             |               |
| 3    | Bobcat S205 Skid Steer Loader, dsl., | 1        | EA            | \$25,251.52 | \$25,251.52   | 9700.1920.5802.00 | 02080.1              |             |               |
| 4    | remote front hydraulics and rear     |          | EA            |             | \$0.00        |                   |                      |             |               |
| 5    | outriggers, unit #661, Fixed Asset   |          | EA            |             | \$0.00        |                   |                      |             |               |
| 6    | #700661, for Parks Division          |          | EA            |             | \$0.00        |                   |                      |             |               |
| 7    | Bobcat 24" Hi-Flo Planer Attachment  | 1        | EA            | \$10,719.83 | \$10,719.83   | 9700.1920.5802.00 | 02080.1              |             |               |
| 8    | Unit #662, for Transportation        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 9    | Bobcat B950 Hydraulic Breaker        | 1        | EA            | \$5,678.23  | \$5,678.23    | 9700.1920.5802.00 | 02080.1              |             |               |
| 10   | Attachment, to be used on unit 658   |          | EA            |             | \$0.00        |                   |                      |             |               |
|      | Unit #663, Fixed Asset #700663       |          | Lot           |             | \$0.00        |                   |                      |             |               |

Special Instructions:

Subtotal: **41,649.58**

Tax: **41,649.58**

Total:

Approvals:

Mayor: \_\_\_\_\_

Department Director: \_\_\_\_\_

Purchasing Manager: \_\_\_\_\_

Finance & Internal Services Director: \_\_\_\_\_

Budget Manager: \_\_\_\_\_

IT Manager: \_\_\_\_\_

Dispatch Manager: \_\_\_\_\_

Utilities Manager: \_\_\_\_\_

City Of Fayetteville  
(Not a Purchase Order)

Page 3

Requisition No. \_\_\_\_\_ Date: 2/25/2005  
P.O Number \_\_\_\_\_ Expected Delivery Date: \_\_\_\_\_

Vendor # 11133 Vendor Name: WILLIAMS TRACTOR

Address: \_\_\_\_\_ Fob Point: \_\_\_\_\_ Taxable Yes: XX No: XX

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code 050 Ship to code: \_\_\_\_\_ Division Head Approval: \_\_\_\_\_ Quotes Attached Yes: No: \_\_\_\_\_

Requester: BARBARA OLSEN Requester's Employee # 1940 Extension: 495

| Item | Description                         | Quantity | Unit of Issue | Unit Cost   | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|------|-------------------------------------|----------|---------------|-------------|---------------|-------------------|----------------------|-------------|---------------|
| 1    | Bobcat B950 Hydraulic Breaker       | 1        | EA            | \$5,678.23  | \$5,678.23    | 9700.1920.5802.00 | 02080.1              |             |               |
| 2    | Attachment, to be used on unit #659 |          | EA            |             | \$0.00        |                   |                      |             |               |
| 3    | Unit #664, Fixed Asset #700664      |          | EA            |             | \$0.00        |                   |                      |             |               |
| 4    | These breakers have been given      |          | EA            |             | \$0.00        |                   |                      |             |               |
| 5    | separate unit numbers to allow for  |          | EA            |             | \$0.00        |                   |                      |             |               |
| 6    | tracking maintenance on these       |          | EA            |             | \$0.00        |                   |                      |             |               |
| 7    | attachments,                        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 8    |                                     |          | EA            |             | \$0.00        |                   |                      |             |               |
| 9    | Subtotal from Page 1                | 1        | EA            | \$75,784.90 | \$75,784.90   |                   |                      |             |               |
| 10   | Subtotal from Page 2                | 1        | EA            | \$41,649.58 | \$41,649.58   |                   |                      |             |               |
|      | Shipping/Handling                   |          | Lot           |             | \$0.00        |                   |                      |             |               |

Special Instructions:

Subtotal: 123,112.71

Tax: EXEMPT

Total: 123,112.71

Approvals:

Mayor: \_\_\_\_\_

Department Director: \_\_\_\_\_

Purchasing Manager: \_\_\_\_\_

Finance & Internal Services Director: \_\_\_\_\_

Budget Manager: \_\_\_\_\_

IT Manager: \_\_\_\_\_

Dispatch Manager: \_\_\_\_\_

Utilities Manager: \_\_\_\_\_



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

15-Mar-05

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

Action Required: Approval of purchase of four skid steer loaders with two hydraulic breaker attachments, one planer attachment, one utility bucket with digging teeth, and two forklift attachments from Williams Tractor for a total of \$123,112.71.

\$123,113.00

Cost of this request

9700.1920.5802.00

Account Number

02080.1

Project Number

\$ 293,000.00

Category/Project Budget

\$ 6,927.00

Funds Used to Date

\$ 286,073.00

Remaining Balance

Other Vehicles and Equipment

Program Category / Project Name

Vehicles and Equipment

Program / Project Category Name

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

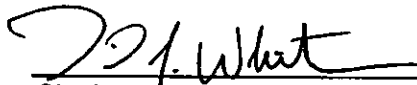
  
Department Director

2-25-05  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

  
City Attorney

2/25/05

  
Finance and Internal Service Director

2/25/05  
Date

Received in City Clerk's Office



Received in Mayor's Office

2/25/05

Mayor

Date

Comments:





**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

**Interdepartmental Correspondence**

---

**To:** Mayor/City Council  
**Thru:** Gary Dumas, Director of Operations *(C)*  
**From:** David Bragg, Fleet Operations Superintendent *[Signature]*  
**Date:** February 24, 2005  
**Subject:** Purchase of five four wheel drive loader backhoes

**RECOMMENDATION:** That City Council approve the purchase of five medium four wheel drive loader backhoes from Williams Tractor Co. for the bid price of \$53,648 each, for a total of \$268,240.

**BACKGROUND:** Bid 05-16 was opened February 8, 2005. The lowest bid from Williams Tractor meets all specifications. These units are to replace four units for Water and Sewer Division (Unit #s 633, 634, 635, and 636) and one unit for Transportation (Unit #637). These are all 1997 Ford Backhoes with an average of 3,300 hours each. While still serviceable, these machines have reached an age that daily dependability is questionable and maintenance costs are rising. With an anticipated resale return of \$15,000 to \$20,000 each, the timing is appropriate to replace these machines.

Funds are available for the purchase of these backhoes in Project 02076 -- Backhoes/Loaders.

The Equipment Committee approved this purchase at the meeting of February 22, 2005.

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

A RESOLUTION APPROVING THE PURCHASE OF FIVE (5) MEDIUM FOUR-WHEEL-DRIVE LOADER BACKHOES FROM WILLIAMS TRACTOR CO. AT A TOTAL COST OF \$268,240.00 FOR USE BY THE WATER & SEWER, AND TRANSPORTATION DIVISIONS.

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 five (5) medium four-wheel-drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by the Water & Sewer, and Transportation Divisions.

PASSED and APPROVED this 15<sup>th</sup> day of March 2005.

APPROVED.

By \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By \_\_\_\_\_  
SONDRA SMITH, City Clerk

# **BID TABULATION** **BID NO. 05-16**

| BIDDER             |    |
|--------------------|----|
| Williams Tractor   |    |
| Delivery Days      | 90 |
| Delivery Specified | 90 |

## **ITEM 1 BACKHOE**

|          |             |
|----------|-------------|
| QUANTITY | 5           |
| BRAND    | New Holland |
| MODEL    | LB75B       |
| BID AMT. | \$52,999.00 |

## **ITEM 2 QUICK ATTACH**

|          |             |
|----------|-------------|
| QUANTITY | 5           |
| BRAND    | New Holland |
| MODEL    | 90A1396-DW  |
| BID AMT. | \$649.00    |

|           |              |
|-----------|--------------|
| TOTAL BID | \$268,240.00 |
|-----------|--------------|

| BIDDER          |    |
|-----------------|----|
| H & E Equipment |    |
|                 | 90 |

|                    |    |
|--------------------|----|
| Delivery Days      | 90 |
| Delivery Specified | 90 |

| BIDDER      |    |
|-------------|----|
| Hugg & Hall |    |
|             | 90 |

|                    |    |
|--------------------|----|
| Delivery Days      | 90 |
| Delivery Specified | 90 |

| BIDDER              |    |
|---------------------|----|
| Scott Const. Equip. |    |
|                     | 90 |

|                    |    |
|--------------------|----|
| Delivery Days      | 90 |
| Delivery Specified | 90 |

| BIDDER        |    |
|---------------|----|
| Riggs Tractor |    |
|               | 90 |

|                    |    |
|--------------------|----|
| Delivery Days      | 90 |
| Delivery Specified | 90 |

|          |             |
|----------|-------------|
| QUANTITY | 5           |
| BRAND    | Komatsu     |
| MODEL    | WB140-2     |
| BID AMT. | \$52,469.00 |

|           |              |
|-----------|--------------|
| TOTAL BID | \$279,320.00 |
|-----------|--------------|

|          |            |
|----------|------------|
| QUANTITY | 5          |
| BRAND    | Volvo      |
| MODEL    | BL70       |
| BID AMT. | \$3,395.00 |

|           |              |
|-----------|--------------|
| TOTAL BID | \$298,900.00 |
|-----------|--------------|

|          |                 |
|----------|-----------------|
| QUANTITY | 5               |
| BRAND    | Case            |
| MODEL    | 580 Super M - 2 |
| BID AMT. | \$1,785.00      |

|           |              |
|-----------|--------------|
| TOTAL BID | \$336,465.00 |
|-----------|--------------|

|          |                |
|----------|----------------|
| QUANTITY | 5              |
| BRAND    | Standard Equip |
| MODEL    | BL70           |
| BID AMT. | \$0.00         |

|           |        |
|-----------|--------|
| TOTAL BID | \$0.00 |
|-----------|--------|



**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

**Equipment Committee Correspondence**

**TO:** City of Fayetteville, Equipment Committee  
Robert Reynolds, Chairman      Lioneld Jordan  
Kyle Cook      Don Marr  
Bobby Ferrell      Billy Sweetser

**FROM:** David Bragg, Fleet Operations Supt

**DATE:** February 15, 2005

**SUBJECT:** Award of Equipment Bids

Bid #05-16 was opened on February 8, 2005 for five medium four wheel drive loader backhoes for use by Water and Sewer Division (4) and Transportation Division (1). Five bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Williams Tractor Co. of Fayetteville meets all specifications.

|   |                             |      |             |
|---|-----------------------------|------|-------------|
| 5 | Tractor/loader/backhoe      | Each | \$52,999.00 |
| 5 | Backhoe bucket quick change | Each | \$ 649.00   |

I recommend acceptance of the bid from Williams Tractor Co. in the amount of \$268,240.00.

These are **replacements** for unit # 633, 634, 635, 636, 637, all 1997 Ford backhoes with an average of 3,300 hours each. While still serviceable, these machines have reached an age that daily dependability is questionable and maintenance cost is rising. With an anticipated resale return of \$15-20,000 each, the timing is appropriate to replace these machines.

Funds for this purchase are available in 2004 and 2005 Fleet Replacement Project Account 02076 – Backhoe/Loaders.

APPROVED  
2-22-5  
[Signature]

**Bid #05-17** was opened on February 8, 2005 for four skid steer loaders for use by Transportation Division (2), Parks Division (1), and Solid Waste Division (1). Four bid responses were received. A detailed tabulation sheet is attached.

A. 4

Page 5 of 8

The lowest bid from Williams Tractor Co. of Fayetteville meets all specifications.

I recommend acceptance of the bid from Williams Tractor Co. in the amount of \$122,203.52.

**Transportation:** Replace unit 975, a 1996 New Holland skid steer loader with 2050 hours. This unit is used regularly with a hydraulic pavement breaker in the sidewalk division and is requiring extensive maintenance due to severe service.  
**One Expansion** unit authorized in the 2005 budget for the asphalt prep crew.

**Solid Waste:** Replace unit 979, a 1997 New Holland skid steer loader with 3350 hours. This unit is used daily to handle recycled materials.

**Parks:** Replace unit 526, a 1990 Ford tractor with 2300 hours that is uneconomically repairable and was sold at auction November 2004.

Funds for this purchase are available in 2004 and 2005 Fleet Replacement Project Account 02080 – Other vehicles and equipment.

Cc:  
Gary Dumas

APPROVED  
2-22-5  
JMS

# City Of Fayetteville

(Not a Purchase Order)

Requisition No. \_\_\_\_\_ Date: **2/24/2005**  
P.O Number \_\_\_\_\_ Expected Delivery Date: \_\_\_\_\_

Vendor # **11133** Vendor Name: **WILLIAMS TRACTOR**

Address: \_\_\_\_\_ Fob Point: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_ Ship to code: \_\_\_\_\_

Requester's Employee # **1940** Extension: **495** Division Head Approval **[Signature]** Quotes Attached Yes: \_\_\_\_\_ No: \_\_\_\_\_

Requester **BARBARA OLSEN**

| Item | Description                      | Quantity | Unit of Issue | Unit Cost   | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|------|----------------------------------|----------|---------------|-------------|---------------|-------------------|----------------------|-------------|---------------|
| 1    | New Holland LB75B Backhoes per   | 5        | EA            | \$52,999.00 | \$264,995.00  | 9700.1920.5802.00 | 02076.1              |             |               |
| 2    | specifications on bid 05-16      |          | EA            |             | \$0.00        |                   |                      |             |               |
| 3    | New Holland Quick attach, bucket | 5        | EA            | \$649.00    | \$3,245.00    | 9700.1920.5802.00 | 02076.1              |             |               |
| 4    | attachment                       |          | EA            |             | \$0.00        |                   |                      |             |               |
| 5    | To be units:                     |          | EA            |             | \$0.00        |                   |                      |             |               |
| 6    | 653, Fixed Asset #700653         |          | EA            |             | \$0.00        |                   |                      |             |               |
| 7    | 654, Fixed Asset #700654         |          | EA            |             | \$0.00        |                   |                      |             |               |
| 8    | 655, Fixed Asset #700655         |          | EA            |             | \$0.00        |                   |                      |             |               |
| 9    | 656, Fixed Asset #700656         |          | EA            |             | \$0.00        |                   |                      |             |               |
| 10   | 657, Fixed Asset #700657         |          | EA            |             | \$0.00        |                   |                      |             |               |
|      | Shipping/Handling                |          | Lot           |             | \$0.00        |                   |                      |             |               |

Special Instructions:

Subtotal: **266,240.00**

Tax: **EXEMPT**

Total: **\$266,240.00**

Approvals:

Mayor: \_\_\_\_\_ Department Director: \_\_\_\_\_

Finance & Internal Services Director: \_\_\_\_\_ Budget Manager: \_\_\_\_\_

Dispatch Manager: \_\_\_\_\_ Utilities Manager: \_\_\_\_\_

Purchasing Manager: \_\_\_\_\_

IT Manager: \_\_\_\_\_



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

15-Mar-05  
City Council Meeting Date

David Bragg Submitted By Fleet Operations Division Operations Department

Action Required:

Action Required: Approval of purchase of five medium four wheel drive loader backhoes from Williams Tractor, for the bid price of \$52,999 each plus \$649 for each bucket quick change, for a total of \$268,240.

|                      |                         |                                 |
|----------------------|-------------------------|---------------------------------|
| \$268,240.00         | \$ 444,970.00           | Backhoe/Loaders                 |
| Cost of this request | Category/Project Budget | Program Category / Project Name |
| 9700.1920.5802.00    | \$ -                    | Vehicles and Equipment          |
| Account Number       | Funds Used to Date      | Program / Project Category Name |
| 02076                | \$ 444,970.00           | Shop Fund                       |
| Project Number       | Remaining Balance       | Fund Name                       |

Budgeted Item ☒ Budget Adjustment Attached ☐

Department Director 2-25-05 Previous Ordinance or Resolution #  
Date

City Attorney 2/25/05 Original Contract Date:  
Original Contract Number:

Finance and Internal Service Director 2-25-05  
Date

Mayor Date

Comments:

Received [Redacted] k's Office  
2/25/05  
Received in [Redacted] Office  
2/25/05





A. 5  
Bale Chevrolet Vehicle Purchase  
Page 1 of 6

**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

### Interdepartmental Correspondence

---

**To:** Mayor/City Council

**Thru:** Gary Dumas, Director of Operations

**From:** David Bragg, Fleet Operations Superintendent *DB*

**Date:** February 25, 2005

**Subject:** Purchase of truck from State Contract

**RECOMMENDATION:** That City Council approve the purchase of one ½ ton Extended Cab 4x4 Chevrolet Silverado pickup from Bale Chevrolet from the State Contract.

**BACKGROUND:** This truck is to replace unit #219, a 1994 Ford F350 1 ton extended cab utility body truck with 80,000 miles that is in need of substantial repairs and is not dependable for daily use. This unit was budgeted to be replaced with a similar unit, however, Water and Sewer Division has been able to reassign several utility body trucks and has requested that unit #219 be replaced with a ½ ton Extended cab pickup.

The requested truck is identical to an expansion unit previously approved for purchase from the State of Arkansas vehicle purchase contract. The cost of this truck is less than one half the most recent cost of a 1 Ton Utility body truck.

Funds are available for this purchase in Project 02078 – Light/Medium Utility Vehicles.

This purchase was approved by the Equipment Committee on February 22, 2005.

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

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) HALF-TON EXTENDED CAB 4x4 PICKUP TRUCK FROM BALE CHEVROLET AT A COST OF \$17,868.00 FOR USE BY THE WATER & SEWER DIVISION.

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 the purchase of one (1) half-ton extended cab 4x4 pickup truck from Bale Chevrolet at a total cost of \$17,868.00 for use by the Water & Sewer Division.

PASSED and APPROVED this 15<sup>th</sup> day of March 2005.

APPROVED:

By: \_\_\_\_\_

DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_

SONDRA SMITH, City Clerk



**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

**Equipment Committee Correspondence**

**TO:** City of Fayetteville, Equipment Committee  
Robert Reynolds, Chairman      Lioneld Jordan  
Kyle Cook      Don Marr  
Bobby Ferrell      Billy Sweetser

**FROM:** David Bragg, Fleet Operations Supt

**DATE:** February 15, 2005

**SUBJECT:** Truck Purchase from State Contract

Unit #219, a 1994 Ford F-350 4x4 extended cab utility body truck (1Ton) with 80,000 miles is in need of substantial repairs and is not dependable for daily use. This unit was budgeted to be replaced with a like unit, however, Water and Sewer Division has been able to reassign several utility body trucks and has requested that unit #219 be replaced with a 1/2T 4x4 extended cab pickup truck.

The requested truck is identical to an expansion unit previously approved for purchase from the State of Arkansas vehicle purchase contract. The cost of this truck is less than one half the most recent cost of a 1T utility body truck.

I recommend purchase of the following vehicle from the State of Arkansas contract:

| Vehicle Type         | Qty. | Make/Model     | Vendor    | Price Each  | Total       |
|----------------------|------|----------------|-----------|-------------|-------------|
| 1/2T Ext. Cab 4X4 PU | 1    | Chevrolet Silv | Bale Chev | \$17,867.60 | \$17,867.60 |

Funds for this purchase are available in 2005 Fleet Replacement Project Account 02078 – Light/Medium Utility Vehicles.

**Cc:**  
Gary Dumas

*APPROVED*  
*2005*  
*2/22/05*

# City Of Fayetteville

(Not a Purchase Order)

Requisition No. \_\_\_\_\_ Date: **2/25/2005**  
P.O. Number \_\_\_\_\_ Expected Delivery Date: \_\_\_\_\_

Vendor # **13292** Vendor Name: **BALE CHEVROLET**

Address: \_\_\_\_\_ Fob Point: \_\_\_\_\_ Taxable Yes: XX No: XX

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_ Ship to code: **050** Division Head Approval Yes: XX No: XX

Requester **BARBARA OLSEN** Requester's Employee # **1940** Extension: **495**

| Item | Description                            | Quantity | Unit of Issue | Unit Cost   | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|------|----------------------------------------|----------|---------------|-------------|---------------|-------------------|----------------------|-------------|---------------|
| 1    | 1/2 Ton Extended cab 4x4 Chevrolet     | 1        | EA            | \$17,867.60 | \$17,867.60   | 9700.1920.5802.00 | 02078                |             |               |
| 2    | Silverado, per state contract          |          | EA            |             | \$0.00        |                   |                      |             |               |
| 3    | White Exterior, Dark Charcoal Interior |          | EA            |             | \$0.00        |                   |                      |             |               |
| 4    | to be Unit #2084, Fixed Asset #702084  |          | EA            |             | \$0.00        |                   |                      |             |               |
| 5    |                                        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 6    |                                        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 7    |                                        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 8    |                                        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 9    |                                        |          | EA            |             | \$0.00        |                   |                      |             |               |
| 10   |                                        |          | EA            |             | \$0.00        |                   |                      |             |               |
|      | Shipping/Handling                      |          | Lot           |             | \$0.00        |                   |                      |             |               |

Special Instructions:

Subtotal: **17,867.60**  
Tax: **1,608.08**  
Total: **19,475.68**

Approvals: \_\_\_\_\_  
Mayor: \_\_\_\_\_ Department Director: \_\_\_\_\_ Purchasing Manager: \_\_\_\_\_  
Finance & Internal Services Director: \_\_\_\_\_ Budget Manager: \_\_\_\_\_ IT Manager: \_\_\_\_\_  
Dispatch Manager: \_\_\_\_\_ Utilities Manager: \_\_\_\_\_

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

15-Mar-05

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

Approval of purchase of one 1/2 ton Extended cab 4x4 Pickup at State contract price from Bale Chevrolet for Water and Sewer Division

|                      |
|----------------------|
|                      |
| \$17,868.00          |
| Cost of this request |
|                      |
| 9700.1920.5802.00    |
| Account Number       |
|                      |
| 02078                |
| Project Number       |

|                         |
|-------------------------|
|                         |
| \$ 242,892.00           |
| Category/Project Budget |
|                         |
| \$ 130,986.00           |
| Funds Used to Date      |
|                         |
| \$ 111,906.00           |
| Remaining Balance       |

|                                 |
|---------------------------------|
|                                 |
| Light/Medium Utility Vehicles   |
| Program Category / Project Name |
|                                 |
| Vehicles and Equipment          |
| Program / Project Category Name |
|                                 |
| Shop Fund                       |
| Fund Name                       |

Budgeted Item

☒

Budget Adjustment Attached

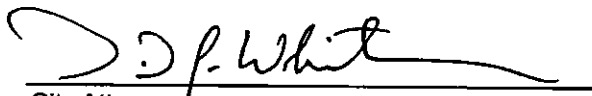
  
Department Director

2-25-05  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

  
City Attorney

2/28/05  
Date

  
Finance and Internal Service Director

3-1-05  
Date

Received in City Clerk's Office



  
Mayor

2/28/05  
Date

Received in Mayor's Office

2/28/05 P.H.

Comments:







## **City Council Agenda Item**

---

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: *TGG*  
Terry Gulley, Transportation Manager

Date: February 25, 2005

Subject: A resolution approving Bid 05-09 for the purchase of ready-mix concrete to be utilized by various divisions of the City of Fayetteville.

---

**Recommendation:** Transportation Division staff recommends a resolution approving Bid 05-09 for the purchase of ready-mix concrete in the amount of Three Hundred Fifty Thousand Dollars (\$350,000.00).

**Background:** The purchase of ready-mix concrete is necessary to maintain current infrastructure and implement the capital improvements projects outlined in the annual 2005 Budget & Work Program.

**Discussion:** Sealed formal bids for ready-mix concrete were publicly read and the results are attached to this memo. Staff recommends awarding the concrete bid to Beaver Lake Concrete.

**Budget Impact:** Funds needed for the acquisition of these materials have been budgeted city-wide and sufficient funds are available for the 2005 purchases.

Attached: Bid 05-09 Concrete

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

A RESOLUTION AWARDDING BID #05-09 AND APPROVING THE PURCHASE OF READY-MIX CONCRETE FROM BEAVER LAKE CONCRETE IN THE AMOUNT OF \$350,000.00 TO BE USED BY VARIOUS DIVISIONS OF THE CITY OF FAYETTEVILLE.

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 awards bid #05-09 and approving the purchase of ready-mix concrete from Beaver Lake Concrete in the amount of \$350,000.00 to be used by various divisions of the City of Fayetteville.

PASSED and APPROVED this 15<sup>th</sup> day of March 2005.

APPROVED:

By \_\_\_\_\_

DAN COODY, Mayor

ATTEST:

By \_\_\_\_\_

SONDRA SMITH, City Clerk

BID: 05-09  
 DATE: 2/2/2005  
 TIME: 2:00 PM  
 CITY OF FAYETTEVILLE



CONCRETE

| ITEM                  | BIDDERS            |                      |                  |               |
|-----------------------|--------------------|----------------------|------------------|---------------|
|                       | BASIC CONSTRUCTION | BEAVER LAKE CONCRETE | CENTRAL REDI-MIX | TUNE CONCRETE |
| 1                     | No Bid             | \$51.20              | \$53.00          | \$51.80       |
| 2                     | No Bid             | \$52.70              | \$55.00          | \$53.80       |
| 3                     | No Bid             | \$54.50              | \$57.00          | \$55.80       |
| 4                     | No Bid             | \$56.50              | \$61.00          | \$61.80       |
| 5                     | No Bid             | \$2.00               | \$2.00           | \$2.00        |
| 6                     | No Bid             | \$4.00               | \$4.00           | \$4.00        |
| 7                     | No Bid             | N/C                  | \$2.00           | \$1.00        |
| 8                     | No Bid             | \$2.00               | \$2.00           | \$2.50        |
| 9                     | No Bid             | \$1.00               | \$2.00           | \$2.00        |
| 10                    | No Bid             | \$9.50               | \$6.00           | \$10.00       |
| 11                    | No Bid             | \$48.50              | \$50.00          | \$43.00       |
| 12                    | No Bid             | \$76.00              | \$71.00          | \$25.00       |
| 13                    | \$24.50            | \$14.00              | \$20.00          | \$17.00       |
| 14                    | \$24.50            | \$17.00              | \$25.00          | \$17.00       |
| Minimum Billed Amount | 3 CU/YD            | \$200.00             | 2 CU/YD          |               |

CERTIFIED: \_\_\_\_\_ P. VICE PURCH MGR \_\_\_\_\_ WITNESS \_\_\_\_\_ DATE \_\_\_\_\_

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

March 15, 2005

City Council Meeting Date

Terry Gullley  
Submitted By

Transportation  
Division

Operations  
Department

Action Required:

A resolution approving Bid 05-09 for the purchase of ready-mix concrete to be utilized by various divisions of the City of Fayetteville.

|    |            |                                 |                       |                                 |                           |                   |
|----|------------|---------------------------------|-----------------------|---------------------------------|---------------------------|-------------------|
| \$ | 350,000.00 | Cost of this request            | 4470.9470.5814.00     | Account Number                  | 02053 / 1                 | Project Number    |
| \$ | 720,588.18 | Category/Project Budget         | 237,614.98            | Funds Used to Date              | 482,973.20                | Remaining Balance |
| \$ | 237,614.98 | Program Category / Project Name | Sidewalk Improvements | Program / Project Category Name | Capital Improvement Const | Fund Name         |

Budgeted Item ☒

Budget Adjustment Attached ☐

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Department Director

*[Signature]*  
2-25-05

City Attorney

*[Signature]*  
2/28/05

Mayor

*[Signature]*  
2/28/05

Received in Mayor's Office

2/28/05 PA

Received in City Clerk's Office



Comments:



## **City Council Agenda Item**

---

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From:  Terry Gulley, Transportation Manager

Date: February 25, 2005

Subject: A resolution approving the 2005 bids for construction materials and services utilized by various divisions of the City of Fayetteville.

**Recommendation:** Transportation Division staff recommends a resolution approving the 2005 bids for the purchase of various bulk materials and services in the amount of One Million One Hundred Fifty-Six Thousand Dollars (\$1,156,000.00).

**Background:** The purchase of various bulk materials and services is necessary to maintain current infrastructure and implement the capital improvement projects outlined in the annual 2005 Budget & Work Program.

**Discussion:** Sealed formal bids for asphalt and aggregate materials, curb and gutter, street repair, hillside gravel, reflectorized paint marking, thermal striping, and topsoil were publicly read and results are attached to this memo. Staff recommends awarding the asphalt bid to Gilbert Central, the aggregate bid to NWA Quarries, the curb and gutter bid to Sweetser Construction, Inc., the hillside gravel bid to Sweetser Construction, Inc., the reflectorized paint marking bid to Time Striping, Inc., the thermal striping bid to Time Striping, Inc., and the topsoil bid to Central Redi-Mix.

**Budget Impact:** Funds for the acquisition of these materials and services have been budgeted city-wide and sufficient funds are available for the 2005 purchases.

Attached: Bid 05-10 Curb and Gutter  
Bid 05-11 Hillside Gravel  
Bid 05-12 Thermal Striping  
Bid 05-13 Asphalt and Aggregate Materials  
Bid 05-14 Topsoil  
Bid 05-15 Reflectorized Paint Markings  
Advanced Warnings Request to Decline Partial Award of Bid 05-15

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

A RESOLUTION AWARDDING BIDS FOR AND APPROVING THE PURCHASE OF BULK MATERIALS AND SERVICES UTILIZED BY VARIOUS DIVISIONS OF THE CITY OF FAYETTEVILLE IN THE AMOUNT OF \$1,156,000.00.

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 awards bids for and approves the purchase of bulk materials and services utilized by various divisions of the City of Fayetteville in the amount of \$1,156,000.00.

PASSED and APPROVED this 15<sup>th</sup> day of March 2005

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

BID: 05-10  
DATE: 2/2/2005  
TIME: 2:00 PM  
CITY OF FAYETTEVILLE

CURB AND GUTTER

| BIDDERS                       | ITEM 1 | ITEM 2 | ITEM 3 | ITEM 4 | ITEM 5 |
|-------------------------------|--------|--------|--------|--------|--------|
| 1. SWEETSER CONSTRUCTION INC. | \$8.25 | \$7.75 | \$4.10 | \$5.00 | \$6.00 |

2. BOWMAN CONCRETE CURBING INC. NO BID BOND

CERTIFIED: \_\_\_\_\_ P. VICE PURCH MGR \_\_\_\_\_ WITNESS \_\_\_\_\_ DATE \_\_\_\_\_

BID: 05-11  
 DATE: 2/2/2005  
 TIME: 2:00 PM  
 CITY OF FAYETTEVILLE

HILLSIDE GRAVEL

| BIDDERS | ITEM 1<br>(HILLSIDE GRAVEL) (DELIVERY PRICE) | ITEM 2<br>(HILLSIDE GRAVEL) (DELIVERY PRICE) | ONSITE EQUIPMENT LOADING CHARGE |
|---------|----------------------------------------------|----------------------------------------------|---------------------------------|
|---------|----------------------------------------------|----------------------------------------------|---------------------------------|

|                               |        |        |     |    |
|-------------------------------|--------|--------|-----|----|
| 1. LES RODGERS INC.           | \$1.25 | \$2.95 | YES | NO |
| 2. BASIC CONSTRUCTION         | \$2.50 | \$5.00 | YES | NO |
| 3. CENTRAL RED-MIX            | \$1.41 | \$3.25 | YES | NO |
| 4. SWEETSER CONSTRUCTION INC. | \$1.50 | \$2.50 | YES | NO |

CERTIFIED: \_\_\_\_\_ P. VICE PURCH MGR \_\_\_\_\_ WITNESS \_\_\_\_\_ DATE \_\_\_\_\_



BID: 05-12  
DATE: 2/2/2005  
TIME: 2:00 PM  
CITY OF FAYETTEVILLE

THERMAL STRIPING

BIDDERS

TIME STRIPING INC.

|   |          |     |
|---|----------|-----|
| 1 | \$0.034  |     |
| 2 | \$100.00 |     |
| 3 | \$125.00 |     |
| 4 | \$750.00 |     |
| 5 | \$100.00 |     |
| 6 | \$0.50   | 24" |
| 7 | \$12.00  | 12" |
|   | \$6.00   |     |

CERTIFIED: \_\_\_\_\_ P. VICE PURCH MGR \_\_\_\_\_ WITNESS \_\_\_\_\_ DATE \_\_\_\_\_

| Cost of Goods for 2005 Based Off 2004 Totals |                 |              |              |              |                 |                |              |
|----------------------------------------------|-----------------|--------------|--------------|--------------|-----------------|----------------|--------------|
|                                              | Hindsville      | Sharps       | West Fork    | NWA Quarries | Gilbert Central | Covington Inc. | Rogers Group |
| Abrasives                                    | \$1,111.00      | \$1,111.00   | N/A          | \$909.00     | No Bid          | No Bid         | \$1,181.70   |
| 1 1/4" Concrete Aggregate                    | \$1,196.25      | \$1,196.25   | N/A          | \$1,072.50   | No Bid          | No Bid         | \$1,130.25   |
| 3/4" Concrete Aggregate                      | \$2,377.50      | \$2,377.50   | N/A          | \$2,139.75   | No Bid          | No Bid         | \$2,456.75   |
| Class 7 Base (SB-2)                          | \$54,804.75     | \$57,414.50  | N/A          | \$52,195.00  | No Bid          | No Bid         | \$60,024.25  |
| Superpave Surface                            | N/A             | \$107,175.75 | \$111,604.50 | No Bid       | \$88,575.00     | No Bid         | No Bid       |
| TY-2 HM Surf-LS                              | N/A             | \$244,725.00 | \$264,303.00 | No Bid       | \$232,488.75    | \$266,750.25   | No Bid       |
| TY-3 HM Surf-LS                              | N/A             | \$176,375.00 | \$190,485.00 | No Bid       | \$167,556.25    | \$192,248.75   | No Bid       |
| Premix Course                                | N/A             | \$13,877.50  | \$14,105.00  | No Bid       | No Bid          | No Bid         | No Bid       |
| TY -2 HM Binder                              | N/A             | \$11,250.00  | \$11,250.00  | No Bid       | \$11,250.00     | \$13,125.00    | No Bid       |
| Totals                                       | \$634,674.63    | \$615,502.50 | \$652,541.88 | \$570,291.25 | \$570,291.25    | \$662,692.45   | \$662,626.45 |
| Avg. \$634,239.67                            |                 |              |              |              |                 |                |              |
| Materials Purchased Based on 2004 Tonnage    |                 |              |              |              |                 |                |              |
| Abrasives                                    | 202             |              |              |              |                 |                |              |
| 1 1/4" Concrete Aggregate                    | 165             |              |              |              |                 |                |              |
| 3/4" Concrete Aggregate                      | 317             |              |              |              |                 |                |              |
| Class 7 Base (SB-2)                          | 10439           |              |              |              |                 |                |              |
| Superpave Surface                            | 3543            |              |              |              |                 |                |              |
| TY-2 HM Surf-LS                              | 9789            |              |              |              |                 |                |              |
| TY-3 HM Surf-LS                              | 7055            |              |              |              |                 |                |              |
| Premix Course                                | 455             |              |              |              |                 |                |              |
| TY -2 HM Binder                              | 500             |              |              |              |                 |                |              |
| Total Tonnage                                | 32,465.00       |              |              |              |                 |                |              |
| Contract Hauling Price Per Ton               |                 |              |              |              |                 |                |              |
|                                              |                 |              |              | Asphalt      |                 | Aggregate      |              |
|                                              | Hindsville Avg. |              |              | \$3.60       |                 | \$3.83         |              |
|                                              | Sharps Avg.     |              |              | \$3.45       |                 | \$3.30         |              |
|                                              | West Fork Avg.  |              |              |              |                 |                |              |
|                                              | NWA Quarries    |              |              | \$3.75       |                 | \$3.25         |              |
|                                              | Gilbert Central |              |              | \$3.50       |                 |                |              |
|                                              | Covington Inc.  |              |              |              |                 |                |              |
|                                              | Rogers Group    |              |              |              |                 | \$3.00         |              |

### COMPLETE COST TO CITY INCLUDING TRANSPORTATION

|                  | Cost Of Goods | Cost of City Transportation | Cost of Contract Hauling | Total        |
|------------------|---------------|-----------------------------|--------------------------|--------------|
| MCCLINTON ANCHOR | \$634,239.67  | \$84,313.81                 | \$19,944.17              | \$738,497.65 |
| NWA QUARRIES     | \$570,291.25  | \$70,862.55                 | \$18,284.50              | \$659,438.30 |
| GILBERT CENTRAL  | \$570,291.25  | \$70,862.55                 | \$21,097.50              | \$662,251.30 |
| COVINGTON INC.   | \$662,692.45  | \$93,499.20                 | \$19,691.00              | \$775,882.65 |
| ROGERS GROUP     | \$662,626.45  | \$85,625.58                 | \$16,878.00              | \$765,130.03 |

| CITY OF FAYETTEVILLE COST TO HAUL BULK MATERIALS |                   |                                    |              |
|--------------------------------------------------|-------------------|------------------------------------|--------------|
| Number of Hauls Made by City                     |                   | Cost of Vehicle Operation Per Hour | \$ 17.07     |
| Total Tons of Material                           | 32,465.00         | Cost of Labor Per Hour             | \$ 17.49     |
| Average Tons Per Load                            | 19                |                                    |              |
| Trips Made                                       | 1,708.68          | Total Cost Per Hour                | \$ 34.56     |
| <b>McClinton Anchor (Sharps Plan)</b>            |                   |                                    |              |
| Average Trip Time (Minutes)                      | 52                | Number of Trips                    | 569.56       |
| Average Wait Time (Minutes)                      | 30                | Trip Time                          | 1.37         |
| Total Time (Hours)                               | 1.37              | Total Transport Cost               | \$26,901.52  |
| <b>McClinton Anchor (West Fork Plant)</b>        |                   |                                    |              |
| Average Trip Time (Minutes)                      | 49                | Number of Trips                    | 569.56       |
| Average Wait Time (Minutes)                      | 30                | Trip Time                          | 1.32         |
| Total Time (Hours)                               | 1.32              | Total Transport Cost               | \$ 25,917.32 |
| <b>McClinton Anchor (Hindsville Plant)</b>       |                   |                                    |              |
| Average Trip Time (Minutes)                      | 66                | Number of Trips                    | 569.56       |
| Average Wait Time (Minutes)                      | 30                | Trip Time                          | 1.60         |
| Total Time (Hours)                               | 1.60              | Total Transport Cost               | \$ 31,494.47 |
| Total Cost McClinton Anchor Plants               |                   |                                    | \$84,313.31  |
| <b>NWA Quarries LLC.</b>                         |                   |                                    |              |
| Average Trip Time (Minutes)                      | 60                | Number of Trips                    | 1,708.68     |
| Average Wait Time (Minutes)                      | 12                | Trip Time                          | 1.20         |
| Total Time (Hours)                               | 1.20              | Total Transport Cost               | \$70,862.55  |
| <b>Gilbert Central</b>                           |                   |                                    |              |
| Average Trip Time (Minutes)                      | 60                | Number of Trips                    | 1,708.68     |
| Average Wait Time (Minutes)                      | 12                | Trip Time                          | 1.20         |
| Total Time (Hours)                               | 1.20              | Total Transport Cost               | \$70,862.55  |
| <b>Rogers Group Plant</b>                        |                   |                                    |              |
| Average Trip Time (Minutes)                      | 72                | Number of Trips                    | 1,708.68     |
| Average Wait Time (Minutes)                      | 15                | Trip Time                          | 1.45         |
| Total Time (Hours)                               | 1.45              | Total Transport Cost               | \$ 85,625.58 |
| <b>Covington Enterprises Inc.</b>                |                   |                                    |              |
| Average Trip Time (Minutes)                      | 80                | Number of Trips                    | 1,708.68     |
| Average Wait Time (Minutes)                      | 15                | Trip Time                          | 1.58         |
| Total Time (Hours)                               | 1.58              | Total Transport Cost               | \$ 93,499.20 |
| CONTRACT HAULING PRICE COMPARISON                |                   |                                    |              |
|                                                  | Tons to Be Hauled | MULTIPLIER                         | Total Price  |
| McClinton Anchor (All Plants)                    | 5,626.00          | \$3.55                             | \$19,944.17  |
| NWA Quarries LLC.                                | 5,626.00          | \$3.25                             | \$18,284.50  |
| Gilbert Central                                  | 5,626.00          | \$3.75                             | \$21,097.50  |
| Rogers Group Plant                               | 5,626.00          | \$3.00                             | \$16,878.00  |
| Covington Enterprises Inc.                       | 5,626.00          | \$3.50                             | \$19,691.00  |

BID: 05-14  
DATE: 2/2/2005  
TIME: 2:00 PM  
CITY OF FAYETTEVILLE

TOPSOIL

| Item | BIDDERS |
|------|---------|
|------|---------|

BASIC CONSTRUCTION      CENTRAL REDI-MIX

|   |        |          |
|---|--------|----------|
| 1 | \$9.37 | \$9.0625 |
|---|--------|----------|

CERTIFIED: \_\_\_\_\_ P. VICE PURCH MGR      \_\_\_\_\_ WITNESS      \_\_\_\_\_ DATE

BID: 05-15  
 DATE: 2/2/2005  
 TIME: 2:00 PM  
 CITY OF FAYETTEVILLE

REFLECTORIZED PAINT MARKINGS

| Item | BIDDERS           |                    |
|------|-------------------|--------------------|
|      | ADVANCED WARNINGS | TIME STRIPING INC. |
|      | (Base Bid)        | Alternate 1        |
| 1    | \$0.06            | \$0.05             |
| 2    | \$0.06            | \$0.05             |
| 3    | \$45.00           | \$90.00            |
| 4    | \$65.00           | \$125.00           |
| 5    | \$85.00           | \$125.00           |
| 6    | \$0.75            | \$0.80             |

CERTIFIED: \_\_\_\_\_  
 P. VICE PURCH MGR \_\_\_\_\_  
 WITNESS \_\_\_\_\_  
 DATE \_\_\_\_\_

**From:** "Alma McIntosh" <amcintosh@aw-inc.com>  
**To:** <pfranklin@cl.fayetteville.ar.us>  
**Date:** 2/25/05 11:36AM  
**Subject:** Bid Number 05-15 Bid Date 02-02-2005

Mr. Franklin:

Thank you for providing the bid tab information for the ReflectORIZED Paint Marking bid. As discussed with Brad Bickle, our estimator, based on our bid prices, we are not in a position to perform only the pavement markings requiring hand-work. However, we will be more than happy to supply all markings, including the long-line markings, at the prices submitted in our bid. You will be extremely impressed with our work should you choose to award the entire bid to Advanced Warnings

Thank you for your consideration.

Alma McIntosh  
 Advanced Warnings  
 P 918/682-0039 F 918/682-5436  
 amcintosh@aw-inc.com

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

March 15, 2005  
City Council Meeting Date

Terry Gulley  
Submitted By

Transportation  
Division

Operations  
Department

Action Required:

A resolution approving the 2005 bids for construction materials and services utilized by various divisions of the City of Fayetteville.

\$ 1,156,000.00

Cost of this request

\$ 1,603,804.82

Category/Project Budget

In-House Pavement Improvements

Program Category / Project Name

4470.9470.5417.00

Account Number

\$ 187,600.73

Funds Used to Date

In-House Pavement Improvements

Program / Project Category Name

02052 / 1

Project Number

\$ 1,416,204.09

Remaining Balance

Capital Improvement Const

Fund Name

Budgeted Item ☒

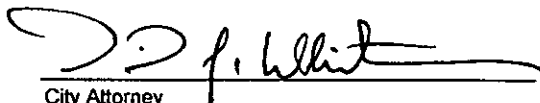
Budget Adjustment Attached ☐

 2-25-05  
Department Director Date

Previous Ordinance or Resolution # \_\_\_\_\_

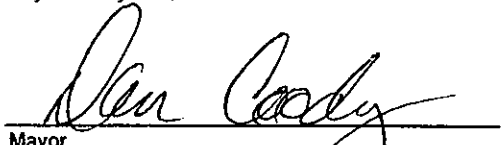
Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

 2/28/05  
City Attorney Date

Received in City Clerk's Office



 2/28/05  
Mayor Date

Received in Mayor's Office

2/28/05 P.H.

Comments:





A.8

McClelland Eng.  
Agreement

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

A RESOLUTION TO APPROVE AN ENGINEERING SERVICES CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$26,679.50 PLUS A CONTINGENCY IN THE AMOUNT OF \$4,000.50 FOR A STUDY OF OPTIONS FOR THE KINGS DRIVE IMPROVEMENT PROJECT AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$35,000.00

**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 Engineering Services contract with McClelland Consulting Engineers, Inc. in the amount of \$26,679.50 plus a contingency in the amount of \$4,000.50 for a study of options for the Kings Drive Improvement Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$35,000.00.

**PASSED and APPROVED** this 8<sup>th</sup> day of March, 2005.

APPROVED:

**DRAFT**

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
SONDRA SMITH, City Clerk

Consent. A.8.

City Council Meeting of March 15, 2005

Added at Agenda  
Session 3/8/05

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Ron Petrie, City Engineer *VR*

**Date:** March 7, 2005

**Subject:** 1. Approval of a resolution to approve an agreement for engineering services with McClelland Consulting Engineers, Inc. in the amount of \$26,679.50 plus a 15% project contingency in the amount of \$4,000.50 for a study of options for the Kings Drive Improvement Project. 2. Approval of a budget adjustment in the amount of \$35,000.00.

### **RECOMMENDATION**

Staff recommends approval of the budget adjustment and resolution to approve the engineering services agreement with McClelland Consulting Engineers, Incorporated.

### **BACKGROUND**

In 2001, the City contracted with Grubbs, Hoskyn, Barton & Wyatt to perform a geotechnical investigation of the Kings Drive area and provide recommendations. The study recommended a complex set of concrete piers and a hybrid retaining wall/pinning system. At the time, the preliminary cost for these improvements was estimated to be in excess of \$1,000,000.00 and the project was determined to be unfeasible. On May 18, 2004 the City approved a contract with the geotechnical firm of Terracon, Inc. to study flood damages caused by April rainfall events. A portion of the contract was to again study Kings Drive that was damaged during the April flooding. The study prepared by Terracon recommended installing a drilled pier retaining wall system on the downhill side of the road. The cost for these recommended improvements was estimated to be \$325,000 plus the cost to rebuild the street.

### **DISCUSSION**

In order to proceed to the design stage of the improvements, the City has selected McClelland Consulting Engineering firm to perform the following tasks:

- Review previous geotechnical reports.
- Perform any necessary additional geotechnical testing of the site.
- Analyze the existing traffic patterns.

- Provide options & recommendations for street improvements and possible street reconfigurations.
- Provide cost estimates of the various options.
- Present options to the Street Committee and City Council.

The cost for these tasks are summarized below:

|                                      |                           |
|--------------------------------------|---------------------------|
| <b>Preliminary Engineering Study</b> | <b>\$ 26,679.50</b>       |
| <b>10% Contingency</b>               | <b><u>\$ 4,000.50</u></b> |
| <b>TOTAL</b>                         | <b>\$ 30,680.00</b>       |

**BUDGET IMPACT**

A budget adjustment is requested in the amount of \$35,000.00 to create a budget for this project. These funds were obtained from the remaining 2004 street funds.

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

A RESOLUTION TO APPROVE AN ENGINEERING SERVICES CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$26,679.50 PLUS A CONTINGENCY IN THE AMOUNT OF \$4,000.50 FOR A STUDY OF OPTIONS FOR THE KINGS DRIVE IMPROVEMENT PROJECT AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$35,000.00

**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 Engineering Services contract with McClelland Consulting Engineers, Inc. in the amount of \$26,679.50 plus a contingency in the amount of \$4,000.50 for a study of options for the Kings Drive Improvement Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$35,000.00.

**PASSED and APPROVED** this 8<sup>th</sup> day of March, 2005.

APPROVED:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

ATTEST:

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

|                            |                                                                     |                                   |                   |
|----------------------------|---------------------------------------------------------------------|-----------------------------------|-------------------|
| Budget Year<br><b>2005</b> | Department: Sales Tax Capital Improvements<br>Division:<br>Program: | Date Requested<br><b>3/8/2005</b> | Adjustment Number |
|----------------------------|---------------------------------------------------------------------|-----------------------------------|-------------------|

Project or Item Added/Increased:  
\$35,000 is requested in the Kings Drive Improvements capital project.

Project or Item Deleted/Reduced:  
\$35,000 from the Use of Fund Balance account.

Justification of this Increase:  
The funding is needed for a Geo-Technical Engineering study to be performed by McClelland Engineering for the improvements of Kings Drive.

Justification of this Decrease:  
There is sufficient funding remaining in fund balance to comply with City Policy

**Increase Expense Budget (Decrease Revenue Budget)**

| Account Name          | Account Number |      |      |    | Amount | Project Number |   |
|-----------------------|----------------|------|------|----|--------|----------------|---|
| Professional services | 4470           | 9470 | 5314 | 00 | 35,000 | 05030          | 1 |

**Decrease Expense Budget (Increase Revenue Budget)**

| Account Name        | Account Number |      |      |    | Amount | Project Number |  |
|---------------------|----------------|------|------|----|--------|----------------|--|
| Use of fund balance | 4470           | 0947 | 4999 | 99 | 35,000 |                |  |

**Approval Signatures**

**Budget Office Use Only**

  
Requested By 3/7/05  
Date

Type:    A        B        C        D        E

Budget Manager \_\_\_\_\_ Date

Date of Approval

Initial        Date

  
Department Director 3-7-05  
Date

Posted to General Ledger

Initial        Date

  
Finance & Internal Services Director 3-8-05  
Date

Posted to Project Accounting

Initial        Date

Mayor \_\_\_\_\_ Date

Entered in Category Log

Initial        Date

**AGREEMENT**  
**For**  
**PROFESSIONAL ENGINEERING SERVICES**  
**Between**  
**CITY OF FAYETTEVILLE, ARKANSAS**  
**And**  
**MCCLELLAND CONSULTING ENGINEERS, INC.**  
**FAYETTEVILLE, ARKANSAS**

THIS AGREEMENT is made as of \_\_\_\_\_, 2005, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and McClelland Consulting Engineers, Inc. with offices located in Fayetteville, Arkansas (hereinafter called McClelland).

CITY OF FAYETTEVILLE requires professional engineering services in connection with the study and analysis of street and slope failure along Kings Drive, on Mount Sequoyah. Therefore, CITY OF FAYETTEVILLE and McClelland in consideration of their mutual covenants agree as follows:

McClelland 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 McClelland'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 McClelland.
- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of McClelland.
- 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 MCCLELLAND**

### **2.1 General**

**2.1.1 Perform professional investigative/study services in connection with the Project as hereinafter stated, which shall include normal civil and geotechnical engineering services.**

**2.1.1.1 The Scope of Services to be furnished by McClelland during the Investigative/Study Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.**

**2.1.1.2 The Scope of Services to be furnished by McClelland during the Design Phase, if any, will be finalized and contained in an amendment to this Agreement after the Investigative/Study phase has been completed.**

**2.1.1.3 The Scope of Services to be furnished by McClelland during the Bidding Phase, if any, will be finalized and contained in an amendment to this Agreement after Design is completed.**

**2.1.1.4 The Scope of Services to be furnished by McClelland during the Construction Phase, if any, will be finalized and contained in an amendment to this Agreement after Design is completed.**

**2.1.1.5 The Scope of Services to be furnished by McClelland for Resident Services during Construction, if any, will be finalized and contained in an amendment to this Agreement after Design is completed.**

### **2.2 Investigative/Study Phase**

**2.2.1 The Investigative/Study Phase will consist of an engineering study on the repair strategy for the damaged portions of Kings Drive, the evaluation of alternatives (including a revision to current lane widths and/or traffic patterns), and the development of a preliminary project cost estimate.**

### **2.3 Design Phase**

**2.3.1 Prepare for incorporation in the Contract Documents detailed drawings to show the character and scope of the Work to be performed by contractors on the Project (hereinafter called the "Contract Drawings"), and Invitation to Bid, Instructions to Bidders, Bid Form, Agreement**

and Bond forms, General Conditions, and Specifications (all of which, together with the Contract Drawings, are hereinafter called the "Bid Documents") for review and approval by CITY OF FAYETTEVILLE, its legal counsel, and other advisors as appropriate, and assist CITY OF FAYETTEVILLE in the preparation of other related documents.

- 2.3.1.1 Bid documents shall be based on Construction Specifications Institute (CSI) Master Format and Section Format and shall incorporate CITY OF FAYETTEVILLE's standard general conditions and forms. Text documents shall be provided to CITY OF FAYETTEVILLE in Microsoft® Word software. Contract drawings shall be prepared using standard borders, sheet sizes, title blocks and CADD standards provided by CITY OF FAYETTEVILLE. McClelland may use their normal software for the preparation of drawings but the final product shall be provided to CITY OF FAYETTEVILLE in Autodesk AutoCAD version 2002.
- 2.3.1.2 Develop for approval by CITY OF FAYETTEVILLE, a project design schedule in which McClelland shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by McClelland in the completion of design. This Schedule shall include reasonable allowances for review and approval times required by CITY OF FAYETTEVILLE, and review and approval times required by public authorities having jurisdiction over the Project. This schedule shall be equitably adjusted as the Project progresses, allowing for changes in scope, character or size of the Project requested by CITY OF FAYETTEVILLE, or for delays or other causes beyond McClelland's reasonable control. Nonconformance with this schedule by McClelland and its subconsultants may result in the assessment of damages payable by McClelland to the CITY OF FAYETTEVILLE for costs and damages incurred. The maximum cost liability of McClelland shall be limited to the total gross amount payable to or through the Consultant authorized under this agreement, including amendments thereto.
- 2.3.1.3 When requested by the CITY OF FAYETTEVILLE prepare for and attend up to two City Council meetings to provide periodic updates on the progress of the design.
- 2.3.1.4 If the plans and specifications for the project require bids on alternates in addition to a base bid, there shall be no more than three (3) alternates, and the alternates shall be developed and described in accordance with Title 22, Article 9-203 of the Arkansas Code.



- 2.3.2 Prepare technical criteria, written descriptions, design data, and applications necessary for filing applications for permits from or approvals of the following applicable governmental authorities having jurisdiction to review or approve the final design of the Project and assist in securing approvals. Actual Filing and Permit Fees will be paid by the CITY OF FAYETTEVILLE. Assist CITY OF FAYETTEVILLE in consultations with appropriate authorities.
- 2.3.2.1 Arkansas Department of Health (ADH)
- 2.3.3 Advise CITY OF FAYETTEVILLE of adjustments in excess of five percent of the cost opinion for the Project caused by changes in scope, design requirements, or construction costs and furnish a revised cost opinion for the Project based on the final Bid Documents.
- 2.3.4 Advise CITY OF FAYETTEVILLE of final Opinion of Probable Project Costs, including, but not limited to, construction, inspection, testing and close out.
- 2.3.5 Furnish CITY OF FAYETTEVILLE with 5 copies of the final Bid Documents.
- 2.3.6 Determine land and easement requirements and provide consultation and assistance on property procurement and easement preparation as related to professional engineering services being performed.
- 2.3.7 Provide appropriate professional interpretations of data, geotechnical investigations, core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests, and inspections of samples, materials and equipment obtained through subcontract services for authorized Project services including property, boundary, easement, right-of-way, topographic, and utility surveys; noting zoning and deed restrictions.
- 2.3.8 Fully disclose all subcontract agreements including the name and address of the subconsultant, the scope of services to be provided and the value of the subcontract
- 2.4 Bidding Phase
- 2.4.1 McClelland will follow City of Fayetteville's bidding protocol for capital improvement projects.
- 2.4.2 Arrange for bidding notices to be sent to contractors publishing services and direct mailing to contractors of record. Notices shall comply with requirements of CITY OF FAYETTEVILLE. The legal notice to be placed in legal notices section of a local

newspaper(s) of countywide and statewide circulation and shall be coordinated with CITY OF FAYETTEVILLE purchasing agent and an affidavit of publication secured.

- 2.4.3 Prepare addenda for drawings and Bid Documents as required and submit to CITY OF FAYETTEVILLE in timely manner such that addenda can be issued by McClelland in accordance with Construction Contract General Conditions. All bidding protocols shall conform to statutory requirements with all addenda being approved by CITY OF FAYETTEVILLE prior to issuance.
- 2.4.4 Secure updated applicable wage rate decisions and incorporate into the Bid Documents. Update wage rate decision by addendum if necessary.
- 2.4.4.1 Assist CITY OF FAYETTEVILLE by issuing and tracking Bid Documents, addenda and communications during bidding and maintain list of plan holders. Print and distribute copies of plans and specifications for all prospective bidders and plan rooms. Collect from prospective bidders an appropriate non-refundable fee to offset cost of reproducing and distributing Bidding Documents.
- 2.4.5 Assist CITY OF FAYETTEVILLE in obtaining and evaluating bids and preparing construction contracts. McClelland shall prepare and submit bid certification documents to CITY OF FAYETTEVILLE for review.
- 2.4.6 Consult with and advise CITY OF FAYETTEVILLE as to the acceptability of subcontractors and other persons and organizations proposed by the prime construction contractor(s), hereinafter called "Contractor(s)," for those portions of the work as to which such acceptability is required by the Bid Documents.
- 2.4.7 Make recommendations regarding award of construction contracts.
- 2.4.8 Attend Streets Committee meeting and the ensuing City Council meeting to recommend action by the respective bodies. Prepare and present a recommendation complete with such supporting information as necessary for the bodies to make an informed decision on the action recommended.
- 2.4.9 Develop a bidding services schedule in which McClelland shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by McClelland in the completion of the bidding services.

**2.5 Construction Phase**

**2.5.1 The scope of Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.**

**2.6 Post-Construction Phase**

**2.6.1 The scope of Post-Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.**

**2.7 Resident Services During Construction**

**2.7.1 The scope of Resident Services During Construction, if any, will be negotiated following completion of Design Phase Services.**

**SECTION 3 - ADDITIONAL SERVICES OF MCCLELLAND**

**3.1 General**

If authorized in writing by the CITY OF FAYETTEVILLE Mayor and the City Council and agreed to in writing by McClelland, McClelland shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services. The scope of Additional Services may include:

**3.1.1 Grant and Loan Assistance**

Prepare applications and supporting documents for governmental grants, loans, or advances.

**3.1.2 Financial Consultation**

Consult with CITY OF FAYETTEVILLE's fiscal agents and bond attorneys and provide such engineering data as required for any bond prospectus or other financing requirements.

**3.1.3 Administrative Assistance**

Provide Contract and Project administration to the degree authorized by CITY OF FAYETTEVILLE.

**3.1.4 Furnishing renderings or models of the Project for CITY OF FAYETTEVILLE's use.**

### **3.1.5 Miscellaneous Studies**

Investigations involving detailed consideration of operations, maintenance, and overhead expenses, and the preparation of rate schedules, earnings, and expense statements; feasibility studies; appraisals and valuations; detailed quantity surveys of material, equipment, and labor; and audits or inventories required in connection with construction performed by CITY OF FAYETTEVILLE.

**3.1.6** Preparing to serve or serving as a witness for CITY OF FAYETTEVILLE in any litigation or other proceeding involving the Project.

### **3.1.7 Extra Services**

**3.1.7.1** Services not specifically defined heretofore that may be authorized by CITY OF FAYETTEVILLE.

### **3.2 Contingent Additional Services**

**3.2.1** If services described under Contingent Additional Services in Paragraph 3.2 are required due to circumstances beyond McClelland's control, McClelland shall notify CITY OF FAYETTEVILLE and request a formal contract amendment approved by the Mayor and the City Council prior to commencing such services. If CITY OF FAYETTEVILLE deems that such services described in 3.2 are not required, CITY OF FAYETTEVILLE shall give prompt written notice to McClelland. If CITY OF FAYETTEVILLE indicates in writing that all or parts of such Contingent Additional Services are not required, McClelland shall have no obligation to provide those services.

**3.2.2** Making revisions in Drawings, Specifications, or other documents when such revisions are:

**3.2.2.1** Required because of inconsistent approvals or instructions previously given by CITY OF FAYETTEVILLE, including revisions made necessary by adjustments in CITY OF FAYETTEVILLE's program or Project Budget.

**3.2.2.2** Required by the enactment or revision of codes, laws, or regulations subsequent to the preparation of such documents.

#### **SECTION 4 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE**

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of McClelland.

- 4.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
- 4.2 Assist McClelland by placing at McClelland's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
- 4.3 Guarantee access to and make all provisions for McClelland to enter upon public and private property as required for McClelland to perform his services under this Agreement.
- 4.4 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by McClelland and render in writing decisions pertaining thereto.
- 4.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 4.6 Designate in writing a person to act as CITY OF FAYETTEVILLE's representative with respect to the services to be performed under this Agreement. Such person 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.
- 4.7 Give prompt written notice to McClelland whenever CITY OF FAYETTEVILLE observes or otherwise becomes aware of any defect in the Project.
- 4.8 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project. Pay directly to the governmental authorities the actual filing and permit fees.
- 4.9 Pay for placement of legal notices and advertisements in newspapers or other publications required.
- 4.10 Furnish, or direct McClelland to provide, necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.

- 4.11 If CITY OF FAYETTEVILLE's standard bidding requirements, Agreement forms and General Conditions are to be used, CITY OF FAYETTEVILLE shall provide copies of such documents for McClelland's use in coordinating the Contract Drawings and Specifications.
- 4.12 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to McClelland in a timely manner.

#### **SECTION 5 - PERIOD OF SERVICE**

- 5.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.
- 5.2 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. McClelland 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.

#### **SECTION 6 - PAYMENTS TO MCCLELLAND**

- 6.1 Compensation
- 6.1.1 Investigative/Study Phase

For the Scope of Services during the Investigative/Study Phase described herein, CITY OF FAYETTEVILLE authorizes an amount estimated to be \$26,680, but not to exceed \$29,350.00 as compensation for the scope of work set forth in Appendix A. Engineer will be compensated based upon his standard hourly rate schedule, the current rates being attached to and made a part of this agreement (Appendix B). The hourly rates for compensation include all costs, including labor, overhead, direct expenses, subcontracts and fees.

- 6.1.1.1 Subject to the City Council approval, adjustment of the contract amount may be made should McClelland establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall not be allowed without formal contract amendment

approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

6.1.1.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for services consistent with McClelland'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 McClelland and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project design schedule as the basis for determining the value earned as the work is accomplished. Final payment for services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Investigative/Study phase.

6.1.2 Design Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Investigative/Study phase Services.

6.1.3 Bidding Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Design Phase Services.

6.1.4 Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Design Phase Services.

6.1.5 Post-Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Construction Phase Services.

6.1.6 Resident Services During Construction

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Design Phase Services.

#### **6.1.7 Additional Services**

For authorized Additional engineering services under Section 3, "Additional Services", compensation to McClelland shall be negotiated at the time Additional services are authorized.

#### **6.2 Statements**

Statements and updated progress schedule for each calendar month will be submitted to CITY OF FAYETTEVILLE by signed original document. Statements will be based on McClelland's actual costs incurred and justified by hours expended, hourly rates and other applicable costs in accordance with Attachment B.

#### **6.3 Payments**

All statements are payable upon receipt and due within thirty (30) days. If a portion of McClelland'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 McClelland 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.

#### **6.4 Final Payment**

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, McClelland 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 McClelland 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 McClelland or his sureties under this Agreement or applicable performance and payment bonds, if any.

### **SECTION 7 - GENERAL CONSIDERATIONS**

#### **7.1 Insurance**

7.1.1 During the course of performance of these services, McClelland will maintain (in United States Dollars) the following minimum insurance coverages:



| <u>Type of Coverage</u>                                              | <u>Limits of Liability</u>           |
|----------------------------------------------------------------------|--------------------------------------|
| Workers' Compensation<br>Employers' Liability                        | Statutory<br>\$500,000 Each Accident |
| Commercial General Liability<br>Bodily Injury and<br>Property Damage | \$1,000,000 Combined Single Limit    |
| Automobile Liability:<br>Bodily Injury and<br>Property Damage        | \$1,000,000 Combined Single Limit    |
| Professional Liability Insurance                                     | \$1,000,000 Each Claim               |

McClelland 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.

- 7.1.2 Construction Contractors shall be required to provide (or CITY OF FAYETTEVILLE may provide) Owner's Protective Liability Insurance naming CITY OF FAYETTEVILLE as a Named Insured and McClelland as additional insureds, or, to endorse CITY OF FAYETTEVILLE, and McClelland as additional insureds on construction Contractor's liability insurance policies covering claims for personal injuries and property damage. Construction Contractors shall be required to provide certificates evidencing such insurance to CITY OF FAYETTEVILLE, and McClelland. All contract insurance carriers shall be required to list CITY OF FAYETTEVILLE as certificate holder, furnishing copies of the contractor's insurance certificate to each party
- 7.1.3 CITY OF FAYETTEVILLE and McClelland 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 McClelland's services. If the services result in a Construction Phase, a provision similar to this shall be incorporated into all Construction Contracts entered into by CITY OF FAYETTEVILLE, and all construction Contractors shall be required to provide waivers of subrogation in favor of CITY OF FAYETTEVILLE and McClelland for damage or liability covered by any construction Contractor's policy of insurance.
- 7.2 Professional Responsibility
- 7.2.1 McClelland will exercise reasonable skill, care, and diligence in the performance of McClelland's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly

report to McClelland any defects or suspected defects in McClelland's services of which CITY OF FAYETTEVILLE becomes aware, so that McClelland can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE and McClelland further agree to impose a similar notification requirement on all construction contractors in the Bid Documents and shall require all subcontracts at any level to contain a like requirement. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of McClelland.

- 7.2.2 In addition McClelland will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered by McClelland's Commercial General Liability and Automobile Liability Insurance policies as specified in Paragraph 7.1.1.

### 7.3 Cost Opinions and Projections

Cost opinions and projections prepared by McClelland relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on McClelland's experience, qualifications, and judgment as a design professional. Since McClelland 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, McClelland does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by McClelland.

### 7.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of McClelland'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 President of McClelland.

### 7.5 Termination

- 7.5.1 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:

- 7.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
- 7.5.1.2 An opportunity for consultation with the terminating party prior to termination.
- 7.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that McClelland is given:
  - 7.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
  - 7.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 7.5.3 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
  - 7.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
  - 7.5.3.2 Any payment due to McClelland at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of McClelland's default.
- 7.5.4 If termination for default is effected by McClelland, 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 McClelland for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by McClelland relating to commitments which had become firm prior to the termination.
- 7.5.5 Upon receipt of a termination action under Paragraphs 7.5.1 or 7.5.2 above, McClelland shall:
  - 7.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
  - 7.5.5.2 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 McClelland in performing this Agreement, whether completed or in process.

7.5.6 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.

7.5.7 If, after termination for failure of McClelland to fulfill contractual obligations, it is determined that McClelland 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.

#### 7.6 Delays

In the event the services of McClelland are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond McClelland's reasonable control, McClelland shall be entitled to additional compensation and time for reasonable costs incurred by McClelland in temporarily closing down or delaying the Project.

#### 7.7 Rights and Benefits

McClelland's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

#### 7.8 Dispute Resolution

7.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and McClelland 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 McClelland in the performance of this Agreement, and disputes concerning payment.

7.8.2 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.

**7.8.3 Notice of Dispute**

**7.8.3.1** 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;

**7.8.3.2** For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give McClelland 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.

**7.8.4** Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and McClelland 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 McClelland 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.

**7.9** CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to McClelland for services rendered by McClelland.

**7.10 Publications**

Recognizing the importance of professional development on the part of McClelland's employees and the importance of McClelland's public relations, McClelland may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to McClelland'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 McClelland. 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 McClelland's activities pertaining to any such publication shall be for McClelland's account.

**7.11 Indemnification**

**7.11.1 CITY OF FAYETTEVILLE** agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE, and McClelland 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.

**7.12 Computer Models**

McClelland may use or modify McClelland's proprietary computer models in service of CITY OF FAYETTEVILLE under this Agreement, or McClelland may develop computer models during McClelland's service to CITY OF FAYETTEVILLE under this Agreement. Such use, modification, or development by McClelland does not constitute a license to CITY OF FAYETTEVILLE to use or modify McClelland's computer models. Said proprietary computer models shall remain the sole property of the McClelland. CITY OF FAYETTEVILLE and McClelland will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use McClelland's computer models.

**7.13 Ownership of Documents**

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. McClelland may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications prepared by McClelland as part of the Services shall become the property of CITY OF FAYETTEVILLE when McClelland has been compensated for all Services rendered, provided, however, that McClelland shall have the unrestricted right to their use. McClelland 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 McClelland.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. McClelland 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.

**7.14 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:

City of Fayetteville

113 W. Mountain

Fayetteville, AR 72701

McClelland's address:

McClelland Consulting Engineers, Inc.

P.O. Box 1229/1810 N. College

Fayetteville, AR 72702

**7.15 Successor and Assigns**

CITY OF FAYETTEVILLE and McClelland 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 McClelland shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

**7.16 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.

**7.17 Entire Agreement**

This Agreement represents the entire Agreement between McClelland 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 McClelland a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by McClelland, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

## **SECTION 8- SPECIAL CONDITIONS**

### **8.1 Additional Responsibilities of McClelland:**

- 8.1.1** CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve McClelland of responsibility for the technical adequacy of the work. 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.
- 8.1.2** McClelland shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by McClelland'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.
- 8.1.3** McClelland's obligations under this clause are in addition to McClelland'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 McClelland for faulty materials, equipment, or work.

### **8.2 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 McClelland arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

### **8.3 Audit: Access to Records**

- 8.3.1** McClelland 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. McClelland shall also maintain the financial information and data used by McClelland 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 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. McClelland will provide proper facilities for such access and inspection.

8.3.2 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.

8.3.3 This right of access clause (with respect to financial records) applies to:

8.3.3.1 Negotiated prime agreements:

8.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

8.3.3.3 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:

8.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of McClelland;

8.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

8.3.3.3.3 If the subagreement is terminated for default or for convenience.

#### 8.4 Covenant Against Contingent Fees

McClelland 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 McClelland 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.

**8.5            Gratuities**

**8.5.1        If CITY OF FAYETTEVILLE finds after a notice and hearing that McClelland or any of McClelland'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, or the State 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 McClelland 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.**

**8.5.2        In the event this Agreement is terminated as provided in Paragraph 8.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against McClelland as it could pursue in the event of a breach of the Agreement by McClelland. 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 McClelland incurs in providing any such gratuities to any such officer or employee.**

**8.6            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, McClelland 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.

**8.7            Debarment And Suspension**

I certify that to the best of my knowledge and belief that the company that I represent and its principals:

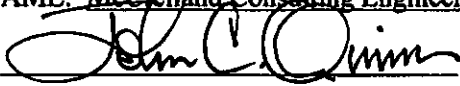
- (a)    Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both. I further certify that I will obtain a similar certification for each subcontract awarded in excess of \$25,000.

**DEBARMENT CERTIFICATION  
AUTHORIZED REPRESENTATIVE**

COMPANY NAME: McClelland Consulting Engineers, Inc.

SIGNATURE:  DATE: 3/3/05

PRINTED NAME: John C. Quinn, P.E.

TITLE: President

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and McClelland, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
City Clerk

McClelland Consulting Engineers, Inc.

By: John C. Quinn

Title: President

Changes, modifications or amendments in scope, price or fees to this Contract shall not be allowed without formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

# APPENDIX A

FEE ESTIMATE  
KINGS DRIVE INVESTIGATION AND REPORT  
FAYETTEVILLE, ARKANSAS  
MARCH 3, 2005

## ESTIMATE OF HOURS REQUIRED FOR VARIOUS TASKS

| TASK NO.      | TASK DESCRIPTION                     | DISCIPLINE > HOURLY RATE | PROJECT DIRECTOR \$120.00 | GEOTECH MANAGER \$120.00 | GEOTECH CONSULTANT \$75.00 | GEOTECH STUDENT \$18.00 | DRAFTING & CLERICAL \$35.00 | DIRECT EXPENSE     | EXTENDED TOTAL     |
|---------------|--------------------------------------|--------------------------|---------------------------|--------------------------|----------------------------|-------------------------|-----------------------------|--------------------|--------------------|
| 1             | REVIEW OF PREVIOUS REPORTS           |                          | 1.5                       | 2                        | 1.5                        |                         |                             | \$15.00            | \$547.50           |
| 2             | DEVELOP WORK PLAN / COORD. W/CITY    |                          | 1                         | 6                        | 3                          |                         |                             |                    | \$1,065.00         |
| 3             | PURCHASE SOFTWARE                    |                          |                           |                          | 1                          |                         |                             | \$3,200.00         | \$3,275.00         |
| 4             | DIRECT CITY'S SITE PREPARATION       |                          |                           | 2                        | 1                          |                         |                             |                    | \$315.00           |
| 5             | EXPLORATORY DRILLING DOWNHILL        |                          |                           | 6                        |                            |                         |                             | \$1,200.00         | \$1,920.00         |
| 6             | INSTALL INCLINOMETERS                |                          |                           | 4                        | 16                         | 16                      |                             | \$3,500.00         | \$5,468.00         |
| 7             | WEEKLY MONITORING FOR 12 WEEKS       |                          | 2                         | 6                        | 36                         | 36                      | 2                           | \$25.00            | \$4,403.00         |
| 8             | LAB TESTING OF SELECT STRATA         |                          |                           | 2                        | 5                          | 30                      |                             | \$20.00            | \$1,175.00         |
| 9             | DRAINED SHEAR TESTING: 6 EACH        |                          |                           |                          | 2                          |                         |                             | \$3,000.00         | \$3,150.00         |
| 10            | ANALYSIS OF TRAFFIC PATTERNS         |                          | 1                         | 6                        |                            |                         | 6                           |                    | \$1,050.00         |
| 11            | ANALYSIS OF MONITORING AND REPORT    |                          | 0.5                       | 4                        | 15                         |                         | 10                          | \$15.00            | \$2,030.00         |
| 12            | CONSTRUCTION COST ESTIMATES          |                          | 0.5                       | 6                        | 2                          |                         | 1                           |                    | \$965.00           |
| 13            | ORAL PRESENTATION TO CITY            |                          |                           | 4                        | 4                          |                         | 2                           | \$15.00            | \$865.00           |
| 14            | REVISIONS AND REPRODUCTION OF REPORT |                          | 0.5                       | 1                        | 2                          | 2                       | 1                           | \$50.00            | \$451.00           |
| <b>TOTALS</b> |                                      |                          | <b>7</b>                  | <b>49</b>                | <b>88.5</b>                | <b>84</b>               | <b>22</b>                   | <b>\$11,040.00</b> | <b>\$26,679.50</b> |

\*\* NOTE: Task No. 3 includes the purchase of software at approx. \$3,200. Software is to remain the property of the City at the completion of the project.

"Appendix B"

**2005 BILLING RATES**

| <b><u>CATEGORY</u></b>               | <b><u>*HOURLY<br/>RATE</u></b> |
|--------------------------------------|--------------------------------|
| Principal Engineer/Project Manager   | \$ 120.00                      |
| Project Engineer II                  | \$ 85.00                       |
| Project Engineer I                   | \$ 75.00                       |
| Electrical Engineer                  | \$ 95.00                       |
| Mechanical Engineer                  | \$ 95.00                       |
| Structural Engineer                  | \$ 95.00                       |
| Geotechnical Consultant              | \$ 75.00                       |
| Engineering Technician II            | \$ 65.00                       |
| Engineering Technician I             | \$ 35.00                       |
| Construction Observer II             | \$ 65.00                       |
| Construction Observer I              | \$ 38.00                       |
| Geotechnical Student                 | \$18.00                        |
| Chief Draftsman                      | \$ 60.00                       |
| Draftsman                            | \$ 50.00                       |
| Computer Technician                  | \$ 55.00                       |
| Registered Land Surveyor             | \$ 75.00                       |
| Survey Crew (2-Man or 1-Man/Robotic) | \$ 100.00                      |
| Party Chief                          | \$ 45.00                       |
| Soils Lab Supervisor                 | \$ 52.00                       |
| Soils Lab Technician                 | \$ 35.00                       |
| Water Lab Supervisor                 | \$ 50.00                       |
| Water Lab Technician                 | \$ 35.00                       |
| Clerk/Typist                         | \$ 40.00                       |
| Mileage                              | \$ 0.36                        |

\* Subject to adjustment annually, on/about July 1

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
or  
Contracts

Handed out at  
Agenda Session  
3/8/05

15-Mar-05

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

1. Approval of a resolution to approve an agreement for engineering services with McClelland Consulting Engineers, Inc. in the amount of \$26,679.50 plus a 15% project contingency in the amount of \$4,000.50 for a study of options for the Kings Drive Improvement Project and approval of a budget adjustment in the amount of \$35,000.00.

\$30,680.00

Cost of this request

\$0.00

Category/Project Budget

Kings Drive Improvements

Program Category / Project Name

4470-9470-5314

Account Number

\$0.00

Funds Used to Date

Professional Services

Program / Project Category Name

05030

Project Number

\$0.00

Remaining Balance

Sales Tax

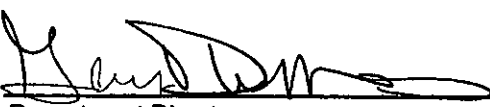
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

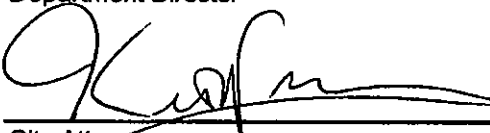
X

 3-7-05  
Department Director Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

 3-8-05  
City Attorney Date

 3-8-05  
Finance and Internal Service Director Date

Mayor

Date

Received in City Clerk's Office



Received in Mayor's Office



Comments:

1101 W. Indian Tr. 03-07-05, South side

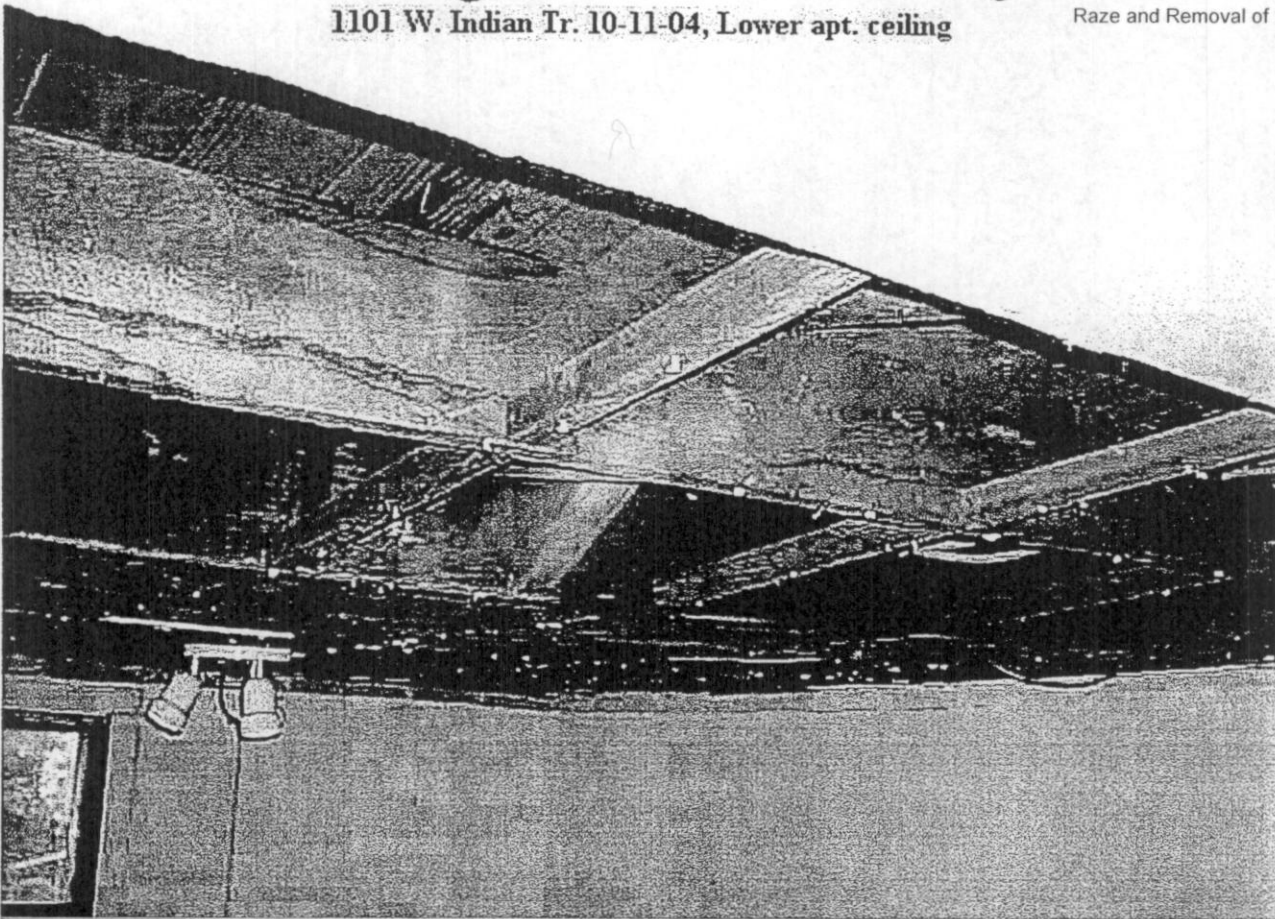
Rapid Removal 1101 W. Indian Tr.

B.1  
Hauled  
out at  
Agenda  
Session  
3/8/05

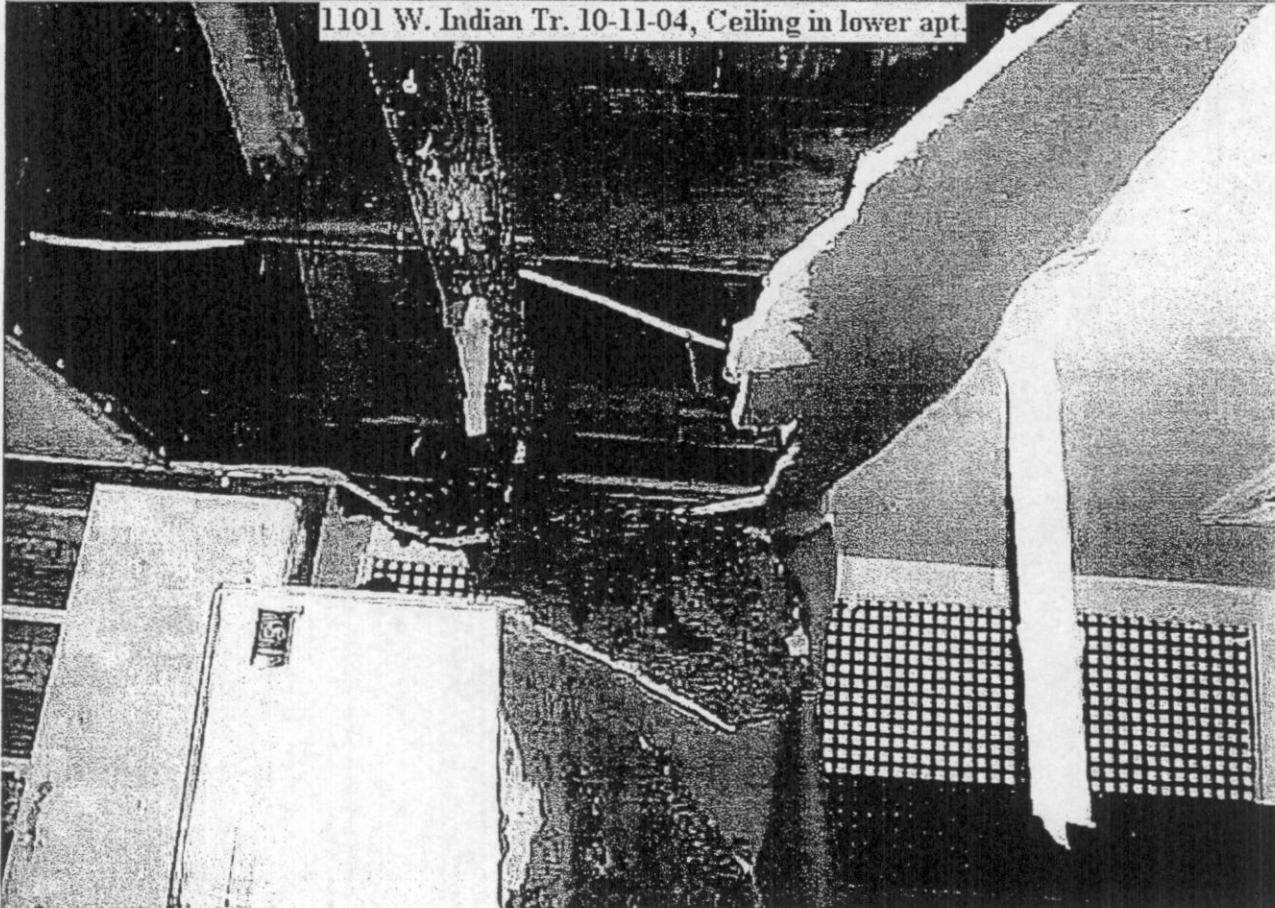


1101 W. Indian Tr. 03-07-05, Upstairs apt. from opening above door

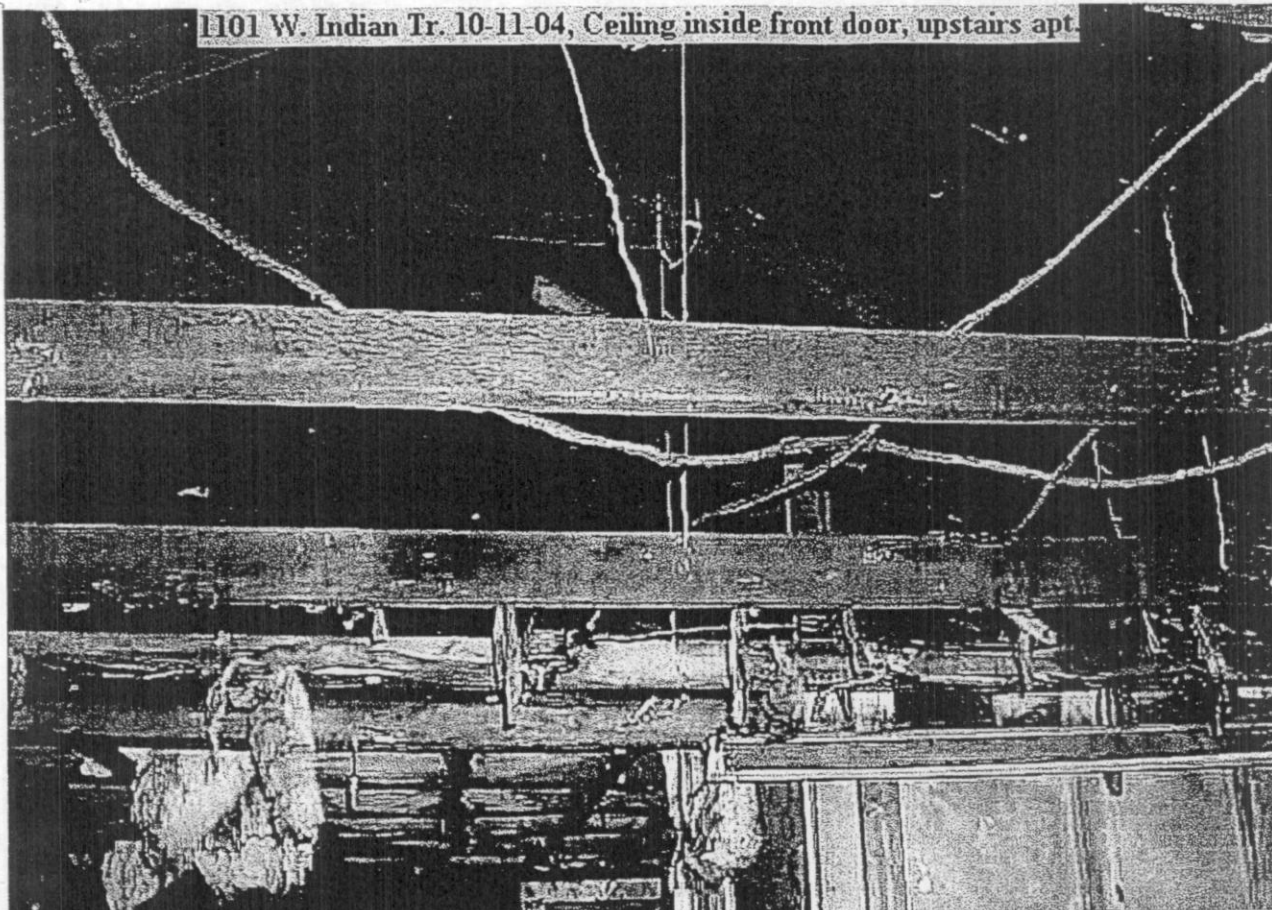




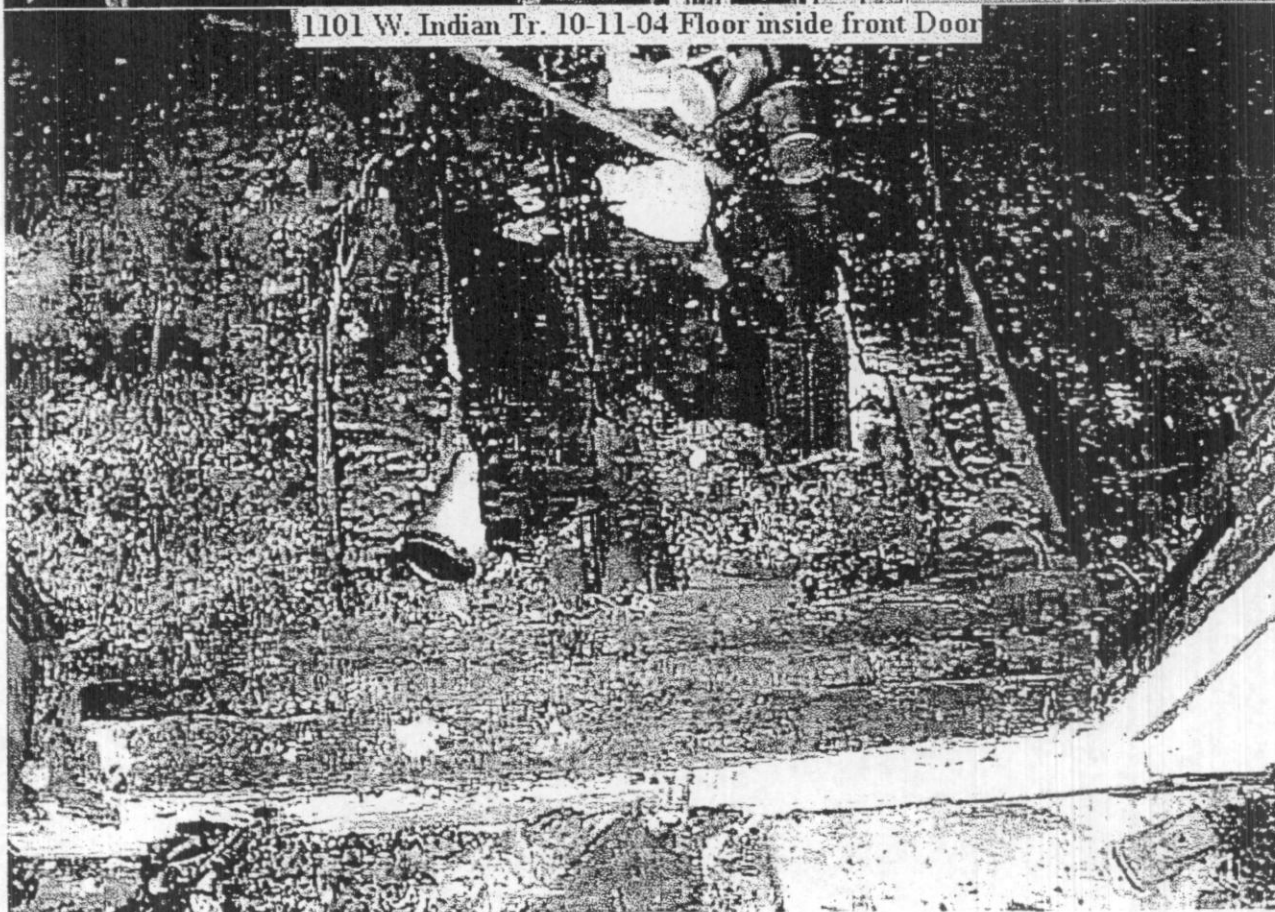
1101 W. Indian Tr. 10-11-04, Ceiling in lower apt.



1101 W. Indian Tr. 10-11-04, Ceiling inside front door, upstairs apt.



1101 W. Indian Tr. 10-11-04 Floor inside front Door







**City of Fayetteville, Arkansas**

**HIGHWAY 71 EAST SQUARE  
REDEVELOPMENT DISTRICT NO. 1**

**PROJECT PLAN**

**As Amended by  
AMENDMENT No. 1**



**March 2005**

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**CITY OF FAYETTEVILLE, ARKANSAS  
HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT**

**PROJECT PLAN  
AMENDMENT NO. 1**

**BACKGROUND**

In light of the probable reduction in the amount of millage that can be included for the incremental financing of the original Project Plan, the plan has been amended so that only Phase I of the original Project Plan can go forward and be financed at this time. The original Phase II, of the project plan, has been deleted. A new project has been added to repair, replace, and connect sidewalks and construct a pedestrian crossing. This additional project can be funded from the sale proceeds from the property the redevelopment district will sell to redevelop the Mountain Inn site.

The original boundary for the Highway 71 East Square Redevelopment District was adopted by the Fayetteville City Council on August 17, 2004 and again on December 28, 2004 due to required additional notification (see Exhibit No. 1).

The City Council, on January 25, 2005, modified the existing boundaries of the Highway 71 East Square Redevelopment District No. 1 by Ordinance No. 4673 to include additional areas that are located within the Downtown Master Plan (see Exhibit No. 2).

The project plan was first adopted at the December 7, 2004 City Council Meeting and readopted at the December 28, 2004 Special City Council Meeting due to additional notification requirements ( see Exhibit No. 3).

The Project Plan is specifically designed to benefit the redevelopment district in the removal of designated blight coupled with the reinvestment in infrastructure to benefit the redevelopment district area and the City of Fayetteville as a whole. The geographical boundaries of the Highway 71 East Square Redevelopment District, as amended, are illustrated on the next page:





City of Fayetteville, Arkansas  
**HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE**  
**PROJECT PLAN AS AMENDED BY AMENDMENT NUMBER ONE**

The Highway 71 East Square Redevelopment District Project Plan outlines the public purposes and investments in infrastructure that are targeted for the redevelopment district. The purpose of the district is to encourage the commercial and residential redevelopment of real property, thereby preventing the spread of blighted, deteriorated and deteriorating areas, and discouraging the loss of commerce, industry and employment.

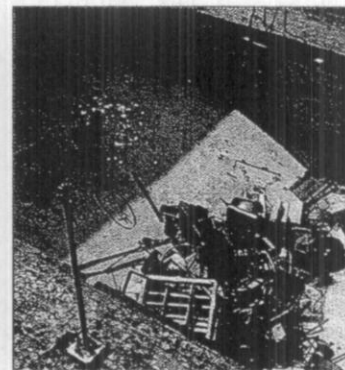
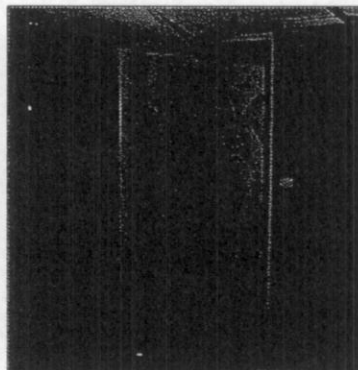
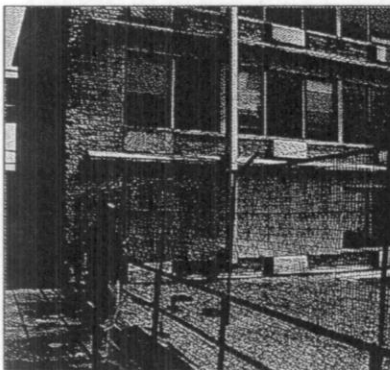
The Project Plan, once adopted, may be amended over time by the Fayetteville City Council in order to ensure that the return to the public is invested in a manner that will ensure economic vitality in the district, as well as the district's impact on the City of Fayetteville.

The project plan contains two projects and includes proposed financing for both projects:

- **Project No. 1 - Process Of Removing Blight In The Former Mountain Inn Area -Catalyst Project (Funding: Bond Financing)**
- **Project No. 2. -City Sidewalk And Pedestrian Improvements – Repair And Replacement Of Existing Sidewalks, Pedestrian Crossing, And New Sidewalks To Fill In Missing Segments (Funding: Property Sale Proceeds)**

#### **PROJECT NO. 1 - REDEVELOPMENT OF THE BLIGHTED MOUNTAIN INN AREA**

The “catalyst” project in the district is the redevelopment of the blighted Mountain Inn area (see Section One). East Square, LLC, (The Developer) is proposing a \$ 22.5 million investment into a destination hotel/meeting space/condominium project. Approximately \$19 million of the proposed redevelopment is from private investments. An additional \$3.5 million for the public purpose of eliminating the existing blight will be secured by Tax Increment Bonds issued by the redevelopment district. No TIF proceeds will be used for the construction of the buildings of the proposed project but will be limited strictly to public purposes allowed under the law for redevelopment districts.





The Fayetteville City Council has adopted the Dover Kohl Downtown Master Plan (see Exhibit No. 13) which focuses on improvements in much of the area included in the approved TIF District. The adopted Downtown Master Plan identified as a clear priority the removal of the "eyesore" of the denigrated Mountain Inn.

### **PROJECT NO. 1 - REMOVAL OF BLIGHT**

The project plan (the area identified as the Mountain Inn Project) for the Highway 71 East Square Redevelopment District targets the removal of blight as defined in Arkansas Statute 14-168-301. It reads as follows:

- (3)(A) "Blighted area" means an area in which the structures, buildings, or improvements, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for access, ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property, are detrimental to the public health, safety, morals, or welfare.
- (B) "Blighted area" includes any area which, by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax on special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, or any area which is predominantly open and which because of lack of accessibility, obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community.

The recently adopted "Downtown Master Plan" contemplates specific key projects necessary for a fully revitalized downtown area. The Mountain Inn was identified as #3 in the list of immediate projects. The Downtown Master Plan states: "A key opportunity for infill development is the redevelopment of the Mountain Inn. The hotel, fronting College Avenue, has been vacant for a number of years. The existing structure is an eyesore...the location of the Mountain Inn among several other Downtown landmarks and historic

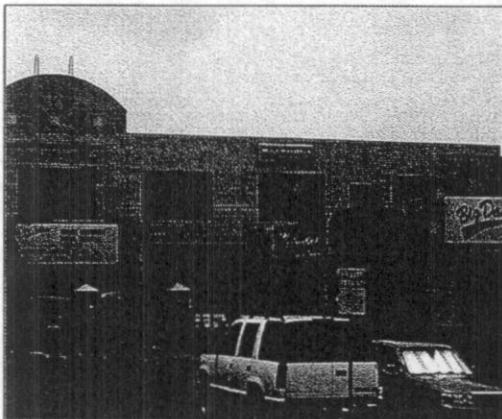


structures offers the opportunity to create a taller building - a new landmark-which signals the revival of downtown". For many years the remnants of the once premier lodging facility formerly known as the Mountain Inn have been decaying with little hope for a change in its blighted condition. In its day, the hotel was considered the destination of choice for travelers in the Fayetteville area as well as the hosting of other community traditions including Sunday brunch, regular business meetings, club events and wedding parties.



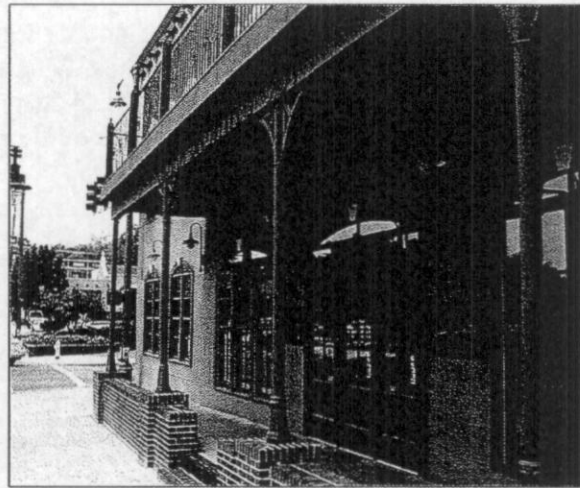
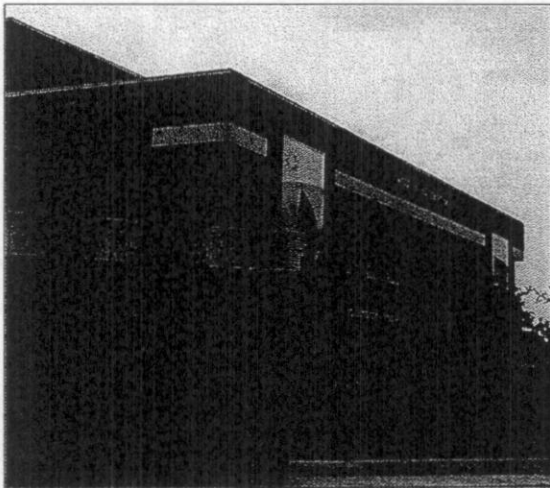
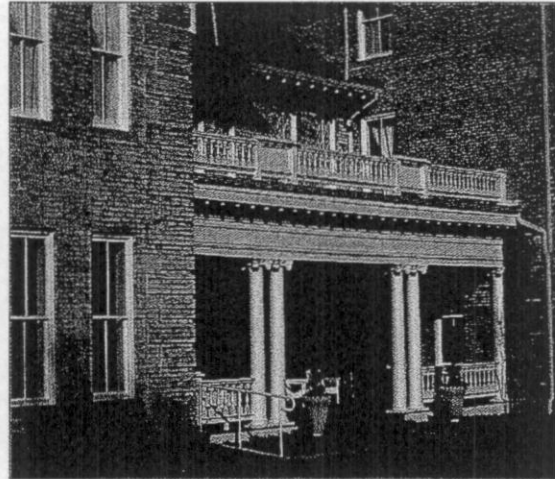
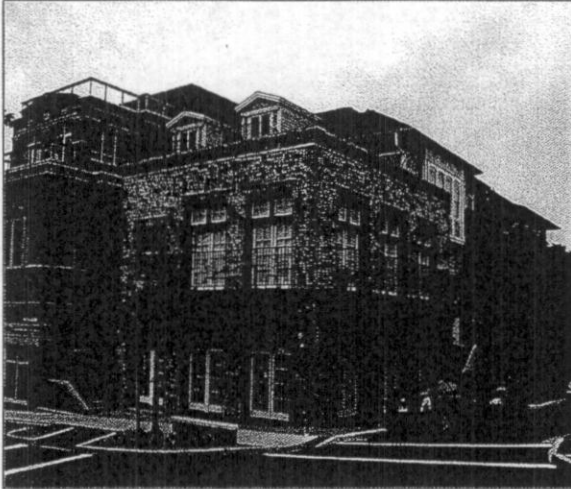
Unfortunately, the hotel through a series of unsuccessful ventures became an inconsistent host and ultimately an outdated lodging facility. During the same period that the Mountain Inn lost its luster the Fayetteville downtown area went into a period of degradation and many business operators, vendors and customers left the area. After years of wasting away, concerned citizens, local government leaders and developers came together to revitalize the historic Fayetteville downtown square as well as neighboring Dickson Street. This rebirth has been ongoing for the past fifteen years with the vast majority of the significant building in the Downtown/Dickson Street area being revived to support the business, cultural and entertainment center it has become.

In recent years multiple redevelopment projects have transformed parts of the downtown/Dickson Street area into a hub of culture, commerce and entertainment for northwest Arkansas. New construction and redevelopment projects of note that have emerged include: The Campbell Bell Building, The Ozark Theatre Building, The Three Sisters, UARK Bowl, The Bank Of Fayetteville Building, The Walton Arts Center, The Ozark Brew Pub, Carnall Hall, The Ice Plant Building, Rollston Building, Cooper House, Pyeatt Building, Campbell Terrace, Laundry Building, Bakery Building, Collier's Drug, The Old Post Office Building, The Town Center and the recently completed new Fayetteville Public Library. Some of the redevelopments are pictured below and on the next page:



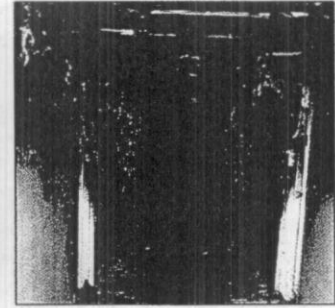
City of Fayetteville, Arkansas  
HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE  
PROJECT PLAN AS AMENDED BY AMENDMENT NUMBER ONE





City of Fayetteville, Arkansas  
HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE  
PROJECT PLAN AS AMENDED BY AMENDMENT NUMBER ONE

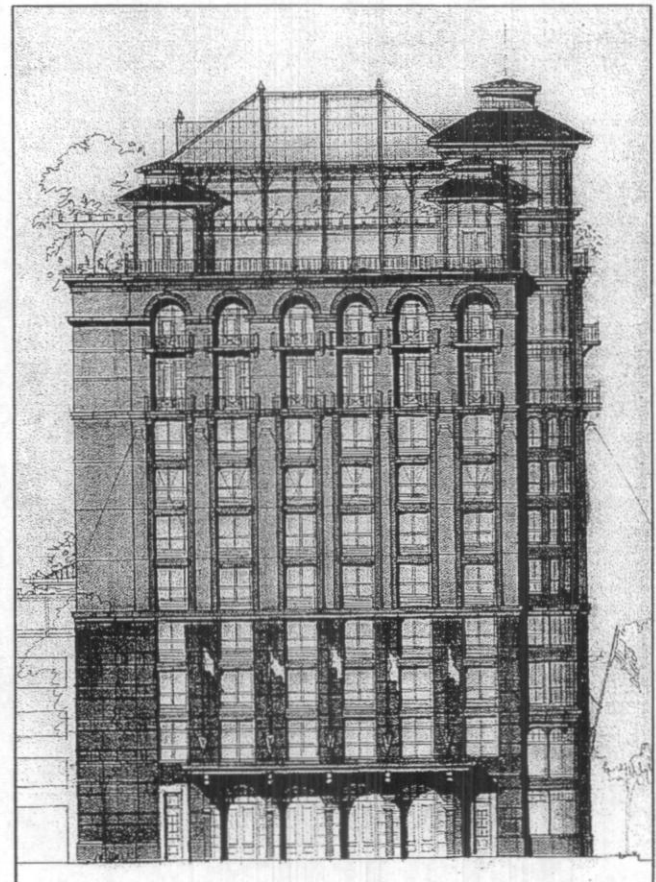
Noticeably absent from this regenerative trend has been the Mountain Inn with its broken windows and boarded-up doorways sitting on its prominent position at the crest of Archibald Yell/College Avenue. Unfortunately, now, the once bustling hotel's only visitors consist of vandals, transients and the local police force.



Now with its neighbors alive with activity, the former Mountain Inn and other participating spaces will be transformed into a destination facility that will be unsurpassed in the Fayetteville market.

The planned development project will incorporate a 144 room full-service hotel, 18 condominiums, 12,500 sq. ft. conference/meeting space, three restaurants, a day spa, exercise center, boutique shops, a 300 space multi-story parking garage and a rooftop botanical garden with observation deck. The project in its entirety is known as the East Square Redevelopment Project.

The project's centerpiece is a planned full service national flagship hotel. The hotel will serve the mid-to-high end of the business traveler, short duration vacationer and meeting/event attendees. With a thoroughly defined design concept, the stylish hotel will offer the highest level of comfort and service along with the intrigue of its inviting amenities. The twelve-story main structure of the new hotel will be built on the existing site of the 1960's addition to the historic Mountain Inn. Condominiums will be built on the upper floors of the new structure.



The architecturally pleasing section of the historic inn's arcade which faces Center Street will be preserved to accommodate pedestrian accessible boutique shops along the north/south lower level arcade and will house the day spa and function space on the upper floors. Banquet and conference facilities will be arranged in the northeast section of the complex with a multi-purpose ballroom and multiple flexible "break-out" meeting

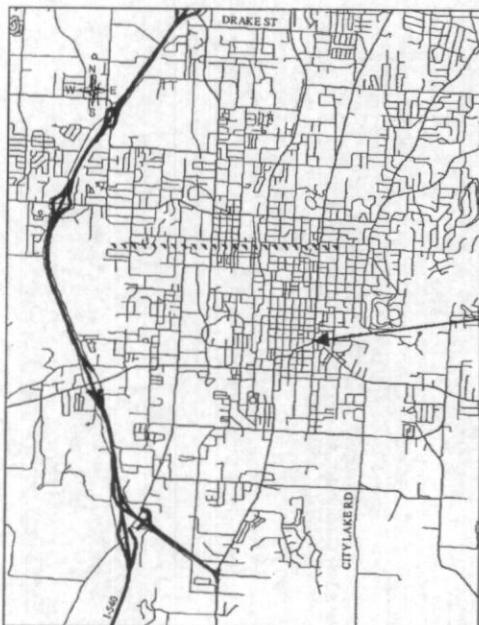


spaces. The planned botanical garden will be the crown jewel of the facility positioned on the rooftop of the main hotel building.

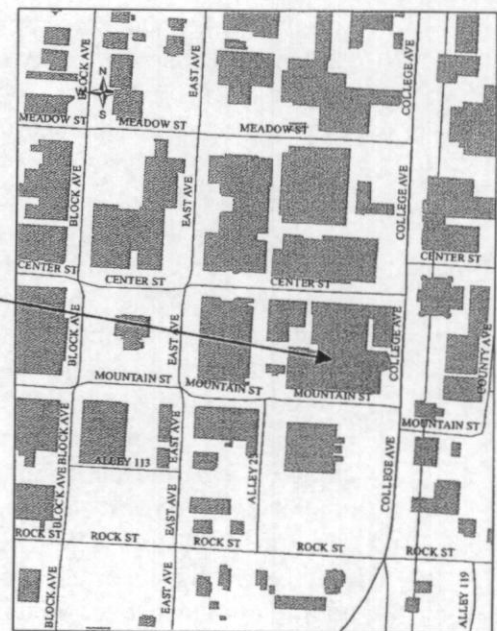
The project will combine complementary architecture, functional access, technological amenities and comfortable furnishings of subtle ambience to satisfy visitors with the facility.

The proposed subject property is anticipated to be complete and operational in or near the Winter of 2006. No rezoning is required for the project.

The project is located one block east of the heart of the downtown business district. It is conveniently located less than five minutes from the University of Arkansas, a short walk to the Fayetteville Town Center, within walking distance of the Dickson Street entertainment district, the University of Arkansas, the Walton Arts Center and approximately ten minutes from the I-540 north/south corridor. The following maps illustrates the development's location:



Mountain Inn Project Site



**PROJECT NO. 1 - REAL PROPERTY ASSEMBLY, DEMOLITION AND SITE PREPARATION**

The Tax Increment Bonds to be issued by the Highway 71 East Square Redevelopment District will finance certain allowable public purposes as outlined by the enabling legislation Arkansas Code Annotated 14-168-301 through 14-168-323, Redevelopment District, Chapter 168, Community Redevelopment Generally, Subchapter 3, Community redevelopment — Creation and procedures. Specifically as described in 14-168-301(13A-E):

“(13)(A) "Redevelopment project" means an undertaking for eliminating or preventing the development or spread of slums or deteriorated, deteriorating, or blighted areas, for discouraging the loss of commerce, industry, or employment, or for increasing employment, or any combination thereof.

(B) A redevelopment project may include one (1) or more of the following:

(i) The acquisition of land and improvements, if any, within the redevelopment district and clearance of the land so acquired; or

(ii) The development, redevelopment, revitalization, or conservation of the project area whenever necessary to provide land for needed public facilities, public housing, or industrial or commercial development or revitalization, to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration; or

(C) The financial or other assistance in the relocation of persons and organizations displaced as a result of carrying out the redevelopment project and other improvements necessary for carrying out the project plan, together with such site improvements as are necessary for the preparation of any sites and making any land or improvements acquired in the project area available, by sale or by lease, for public housing or for development, redevelopment, or rehabilitation by private enterprise for commercial or industrial uses in accordance with the plan;

(D) The construction of capital improvements within a redevelopment district designed to alleviate deteriorating conditions or a blighted area or designed to increase or enhance the development of commerce, industry, or housing within the redevelopment district; or

(E) Any other projects the local governing body deems appropriate to carry out the purposes of this subchapter;”

In particular the public purposes of the improvements financed by Tax Increment Financing include acquisition costs, asbestos remediation, demolition expenses, reclamation expenditures, waste recycling and site work on the site of the former Mountain Inn area.

The Redevelopment District shall pay not more than \$2,613,000 for real property assembly costs and \$887,000.00 for demolition and site preparation work for a total of \$3,500,000 as shown below. If this work does not require the full \$887,000.00, the remainder shall be used to pay debt service on the TIF bonds.

After demolition of the properties purchased by the Redevelopment District pursuant to the Project Plan, the property cleared by the City shall be sold to the developers for Three Hundred Thousand Dollars (\$300,000.00) of which \$120,000 shall be used to pay the interest and reduce the debt of the bonds. The remaining \$180,000 shall fund the Sidewalk Project No. 2.

The expenditures are as follows:

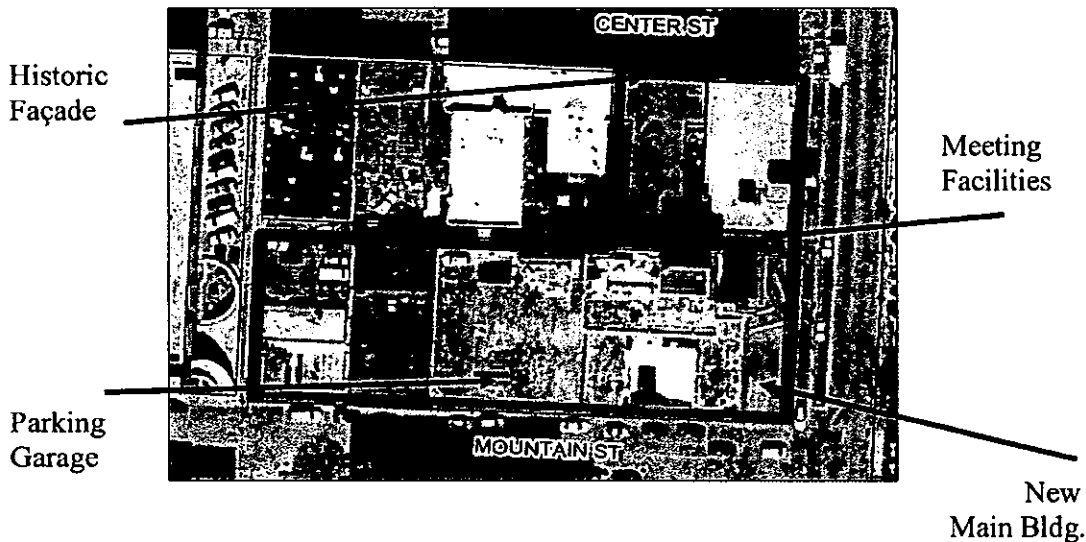
| Expenditures                                  |    |              |                     |
|-----------------------------------------------|----|--------------|---------------------|
| <b>1 *Real Property Assembly costs:</b>       |    | <b>\$</b>    | <b>2,613,000.00</b> |
| 765-01940-000,765-01930-000                   | \$ | 1,200,000.00 |                     |
| 765-01938-000                                 | \$ | 500,000.00   |                     |
| 765-01939-000                                 | \$ | 500,000.00   |                     |
| 765-01929-000                                 | \$ | 413,000.00   |                     |
| <b>2 **Demolition &amp; Site Preparation:</b> |    | <b>\$</b>    | <b>887,000.00</b>   |
|                                               |    | <b>\$</b>    | <b>3,500,000.00</b> |

\* No Condemnation procedures will be utilized for the Mountain Inn Project

\*\* Demolition and Site Preparation expenditures include the following:

- A. Resolution of access issues
- B. Resolution of utilities as needed
- C. Water/sewer system upgrades as required
- D. Layout & engineering
- E. Asbestos and other environmental remediation

The following aerial photograph delineates the Mountain Inn Project site:



**PROJECT NO. 2 CITY SIDEWALK AND PEDESTRIAN IMPROVEMENTS –  
REPAIR AND REPLACEMENT OF EXISTING  
SIDEWALKS, PEDESTRIAN CROSSING, AND NEW  
SIDEWALKS TO FILL IN MISSING SEGMENTS**

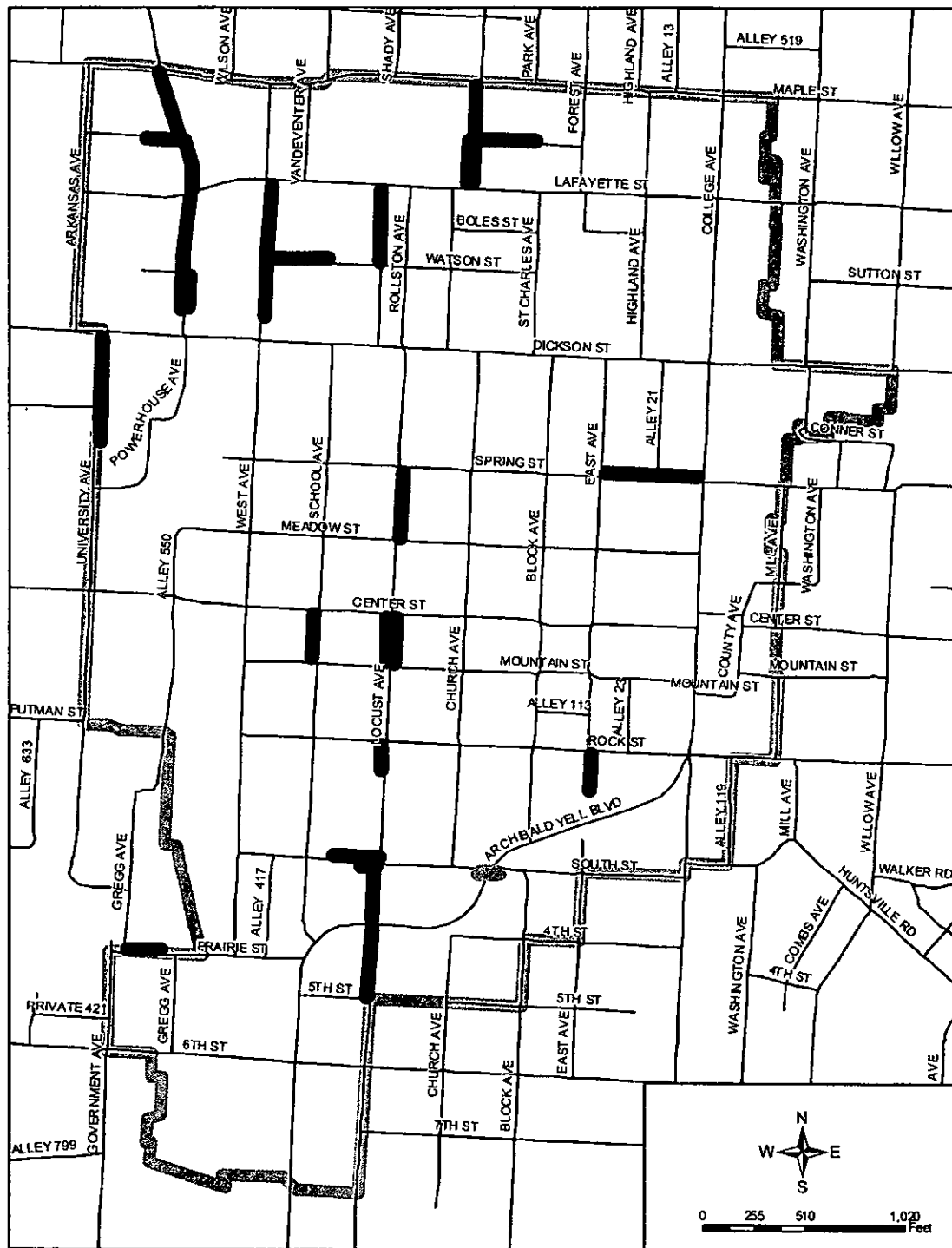
The second project that will be funded by the Redevelopment District is to repair, replace, connect sidewalks together where gaps occur, and to install a pedestrian crossing at the intersection of South Street and Archibald Yell similar to the one constructed at the Frisco Trail where it crosses Center Street. This pedestrian crossing must be approved by the Arkansas Highway and Transportation Department (AHTD) and may be moved to a nearby location if required by AHTD. This project will be funded from \$180,000 of the sale proceeds from the acquired property by the Redevelopment District to the developers of the Mountain Inn.

A total of 7,275 linear feet of sidewalk is proposed to be repaired, replaced, and constructed. This work would be completed by the City's Transportation Department over a 3 to 5 year period. A detailed listing and maps of specific streets, length, side of street, and estimated costs are shown on the next two pages. Detailed maps showing the location of the proposed improvements can be found in Exhibit No. 5.



| Street                                                                                | Between or Near       | Side of Street | Length<br>Feet         | Estimated Cost<br>\$16/Linear Foot<br>4 Foot Wide* |
|---------------------------------------------------------------------------------------|-----------------------|----------------|------------------------|----------------------------------------------------|
| Prairie Street                                                                        | East of Gregg         | Northside      | 170                    | \$2,720                                            |
| Locust Ave.                                                                           | Archibald to South    | Westside       | 280                    | \$4,480                                            |
| South Street                                                                          | West of Locust        | Southside      | 80                     | \$1,280                                            |
| South Street                                                                          | West of Locust        | Northside      | 230                    | \$3,680                                            |
| Locust Avenue                                                                         | 5th to Archibald      | Westside       | 340                    | \$5,440                                            |
| Locust Avenue                                                                         | South of Rock         | Westside       | 135                    | \$2,160                                            |
| East Avenue                                                                           | South of Rock         | Eastside       | 190                    | \$3,040                                            |
| School Avenue                                                                         | Center to Mountain    | Westside       | 230                    | \$3,680                                            |
| Locust Avenue                                                                         | Center to Mountain    | Westside       | 230                    | \$3,680                                            |
| Locust Avenue                                                                         | Center to Mountain    | Eastside       | 230                    | \$3,680                                            |
| Locust Avenue                                                                         | Meadow to Spring      | Eastside       | 330                    | \$5,280                                            |
| West Avenue                                                                           | Lafayette to Watson   | Eastside       | 360                    | \$5,760                                            |
| West Avenue                                                                           | Watson to Dickson     | Eastside       | 280                    | \$4,480                                            |
| Watson Street                                                                         | West of West Ave.     | Northside      | 320                    | \$5,120                                            |
| Campbell Ave.                                                                         | Lafayette to Watson   | Westside       | 360                    | \$5,760                                            |
| Spring Street                                                                         | East to College       | Northside      | 470                    | \$7,520                                            |
| Mock Avenue                                                                           | Maple to Mt. Nord     | Eastside       | 270                    | \$4,320                                            |
| Mock Avenue                                                                           | Mt. Nord to Lafayette | Eastside       | 200                    | \$3,200                                            |
| Mock Avenue                                                                           | Mt. Nord to Lafayette | Westside       | 215                    | \$3,440                                            |
| Mt. Nord Street                                                                       | East of Mock          | Northside      | 320                    | \$5,120                                            |
| Gregg Avenue                                                                          | Maple to Reagan       | Westside       | 330                    | \$5,280                                            |
| Gregg Avenue                                                                          | Reagan to Lafayette   | Westside       | 255                    | \$4,080                                            |
| Reagan Street                                                                         | West of Gregg         | Southside      | 200                    | \$3,200                                            |
| Gregg Avenue                                                                          | South of Lafayette    | Westside       | 560                    | \$8,960                                            |
| Gregg Avenue                                                                          | North of Dickson      | Eastside       | 160                    | \$2,560                                            |
| University Ave.                                                                       | South of Dickson      | Eastside       | 530                    | \$8,480                                            |
| <b>Total Feet</b>                                                                     |                       |                | <b>7275</b>            | <b>\$116,400</b>                                   |
| <b>South Street and Archibald Yell Pedestrian Crossing</b>                            |                       |                |                        | <b>\$20,000</b>                                    |
| <b>Curb and Gutter Replacement, Driveway Approaches, Storm Drainage</b>               |                       |                |                        | <b>\$20,650</b>                                    |
| <b>Total</b>                                                                          |                       |                |                        | <b>\$157,050</b>                                   |
| <b>* Note: \$4.00/ Square Foot includes removal and disposal of existing sidewalk</b> |                       |                | <b>Contingency 15%</b> | <b>\$22,950</b>                                    |
|                                                                                       |                       |                |                        | <b>\$180,000</b>                                   |

**City of Fayetteville, Arkansas**  
**HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE**  
**PROJECT PLAN AS AMENDED BY AMENDMENT NUMBER ONE**



■ Proposed Sidewalk Locations  
 - - - Pedestrian Crossing

City of Fayetteville, Arkansas  
 HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE  
 PROJECT PLAN AS AMENDED BY AMENDMENT NUMBER ONE

## **AUTHORIZATION OF INJUNCTIVE OR DECLARATORY JUDGMENT SUIT VERSUS WASHINGTON COUNTY ASSESSOR**

Passage of the ordinance to adopt this Amended Project Plan necessitates an injunction or declaratory judgment suit be filed requesting that the Circuit Court determine the proper division of increment millage in the Assessor's certification of the "debt service ad valorem" rate and the "applicable ad valorem rate" for the enlarged district in accordance with Constitutional mandates. Therefore, passage of this Amended Project Plan and the TIF trust indentures requires that the City Attorney to file such declaratory judgment or injunctive suit so the statutory and constitutional issues regarding appropriate ad valorem rates can be decided by the Court.

## **FINANCING METHODS**

The methods of financing all estimated project costs for the real property assembly, demolition and site preparation shall be by the issuance of TIF bonds or notes. The TIF bonds (secured by a pledge of all TIF revenues of which at least 3.16 are of unchallenged legality) shall be made as soon as possible in order to secure sufficient financing to purchase all the property by April 20, 2005. The repair and replacement of existing sidewalks, pedestrian crossing, and new sidewalks to fill in missing segments shall be funded from \$180,000 of the \$300,000 that is paid to the Redevelopment District when the property is sold. The remaining \$120,000 shall go towards paying off the bonds issued for the real property assembly, demolition and site preparation project.

## **ZONING ORDINANCES AND OTHER PROJECT COSTS**

The project does not require or propose any changes of zoning ordinances. The Downtown Master Plan calls for the removal of the Mountain Inn blighted area as a top priority. Apart from economic analysis, bond counsel and underwriting costs and because of lack of sufficient TIF revenue, no other "non-project costs" are anticipated to be paid by TIF financing.

## **NO RELOCATIONS REQUIRED**

No persons should have to be relocated as all buildings sought to be demolished are vacant.

## **TOTAL INDEBTEDNESS**

The total principal amount of indebtedness to be incurred is approximately \$4.2 million which includes the cost of issuing the bonds and establishing a reserve fund. If the principal is not paid off until 2029, the total accumulated interest amount will approximate 17 million. The total tax increment for the 25 year life of this project is

**City of Fayetteville, Arkansas**  
**HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE**  
**PROJECT PLAN AS AMENDED BY AMENDMENT NUMBER ONE**

based upon 3.16 mills. Additional detailed financing information is available in Exhibit No. 11. No other revenues are anticipated to be used to secure the tax incremental financing.

### **FUTURE OPTIONS**

If tax incremental financing revenues exceeds the projections because more millage is or becomes legally available to the Redevelopment District or property valuation growth exceeds the economic forecast, a project in the western part of the district such as the extension of the Frisco Trail to the Scull Creek Trail or additional sidewalk and pedestrian crossing improvements may be undertaken by the City Council then serving.

### **PROFESSIONAL SERVICES**

The District may engage as may be necessary professional advisors, consultants, attorneys and other TIF specialists to carry out the project plan and related financings.

### **APPLICATION OF DISTRICT REVENUES**

All tax increment collected will be used to cover district indebtedness and/or other direct district expenses including initial bonded debt and additional bonds that may be issued as district revenues permit. All revenues shall be pledged to retire the district's indebtedness for the initial TIF bonds in accordance with bond covenants and obligations until fully paid.

### **INTEREST EARNINGS**

All interest earnings will be used towards debt service obligations on issued Tax Increment Financing bonds/notes. Earnings may be applied to the payment of interest and any prepayment of debt obligations as may be permitted.

### **DIRECT ECONOMIC IMPACTS**

- Approximately 125 new jobs will be created in connection with the catalyst project
- Construction jobs estimated at 55
- Increase in demand in consumer goods during construction period
- Improved Property Values upon removal of blight
- Tourism attraction drawing tourist dollars to Fayetteville
- Adjunct to convention/meeting space for attracting additional conventions, etc.
- Creates a catalyst for additional redevelopment along College/Archibald Yell
- Promotes additional downtown living, thereby adding vitality to Fayetteville's

**City of Fayetteville, Arkansas**

**HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE  
PROJECT PLAN AS AMENDED BY AMENDMENT NUMBER ONE**

downtown economy

-New tax revenues (estimated on catalyst project only):

- 1) Sales tax of approximately \$153,750 annually
- 2) HMR tax collections of approximately \$60,000 annually

**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.1**

**Ordinance No. 4608 and 4662 Creating the District**

**ORDINANCE NO. 4608**

**MICROFILMED**

**AN ORDINANCE FORMING THE HIGHWAY 71 EAST  
SQUARE REDEVELOPMENT DISTRICT NUMBER ONE  
PURSUANT TO AMENDMENT 78 OF THE ARKANSAS  
CONSTITUTION AND AUTHORIZING THE PREPARATION  
OF A PROJECT PLAN**

**WHEREAS**, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed creation of the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas and its proposed boundaries; and

**WHEREAS**, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas; and

**WHEREAS**, the City Council has designated the boundaries of the proposed Highway 71 East Square Redevelopment District Number One, of Fayetteville, Arkansas.

**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 establishes the boundaries of the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas as set forth on the map attached hereto as Exhibit "A" and incorporated herein.

**Section 2:** That the City Council of the City of Fayetteville, Arkansas hereby names the District the following name for identification purposes: Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas.

**Section 3:** That the City Council of the City of Fayetteville, Arkansas hereby creates the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas as of September 20, 2004.

**Section 4:** That the City Council hereby finds that the real property within the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas, will be benefited by the redevelopment project by eliminating or preventing the



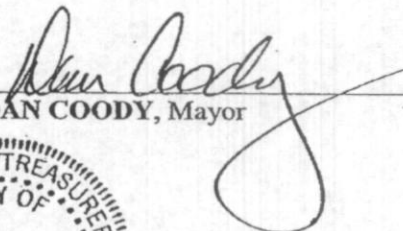
development or spread of blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, or employment, or increasing employment, or any combination thereof.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby creates a separate and special fund into which shall be deposited all tax increment revenues, and all other revenues designated by the City for the benefit of the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas. All project costs shall be paid from this fund. This fund shall be known as the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas.

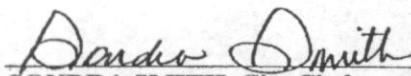
Section 6: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the preparation of a Redevelopment Project.

**PASSED and APPROVED** this 17<sup>th</sup> day of August, 2004.

APPROVED:

By:   
DAN COODY, Mayor

ATTEST:

By:   
SONDRA SMITH, City Clerk







**ORDINANCE NO. 4662**

**MICROFILMED**

AN ORDINANCE FORMING THE HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE PURSUANT TO AMENDMENT 78 OF THE ARKANSAS CONSTITUTION, AUTHORIZING THE PREPARATION OF A PROJECT PLAN, REPEALING ORDINANCE NO. 4608 AND DECLARING AN EMERGENCY

**WHEREAS**, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed creation of the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas and its proposed boundaries; and

**WHEREAS**, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas; and

**WHEREAS**, the City Council has designated the boundaries of the proposed Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas.

**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 establishes the boundaries of the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas as set forth on the map attached hereto as Exhibit "A" and incorporated herein.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby names the District the following name for identification purposes: Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby creates the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas, as of December 28, 2004.

Section 4: That the City Council hereby finds that the real property within the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas, will be benefited by the redevelopment project by eliminating or preventing the





development or spread of blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, or employment, or increasing employment, or any combination thereof.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby creates a separate and special fund into which shall be deposited all tax increment revenues, and all other revenues designated by the City for the benefit of the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas. All project costs shall be paid from this fund. This fund shall be known as the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the preparation of a Redevelopment Project Plan.

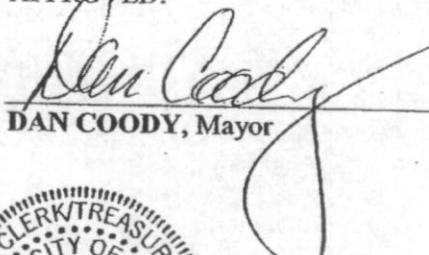
Section 7: That upon the effective date of this ordinance, Ordinance No. 4608 originally creating this Redevelopment District is hereby repealed.

Section 8: Emergency Clause. If this ordinance is not immediately effective, the goal of the Redevelopment District and its Project Plan to remove a dangerous, dilapidated firetrap could fail due to lack of time-sensitive funding. The City Council, therefore, determines and declares an emergency exists which would imperil the public peace, health or safety, and consequently this ordinance shall be in full force and effect from the date of its passage and approval.

**PASSED and APPROVED** this 28<sup>th</sup> day of December, 2004.

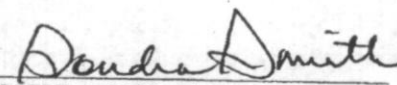
APPROVED:

By:

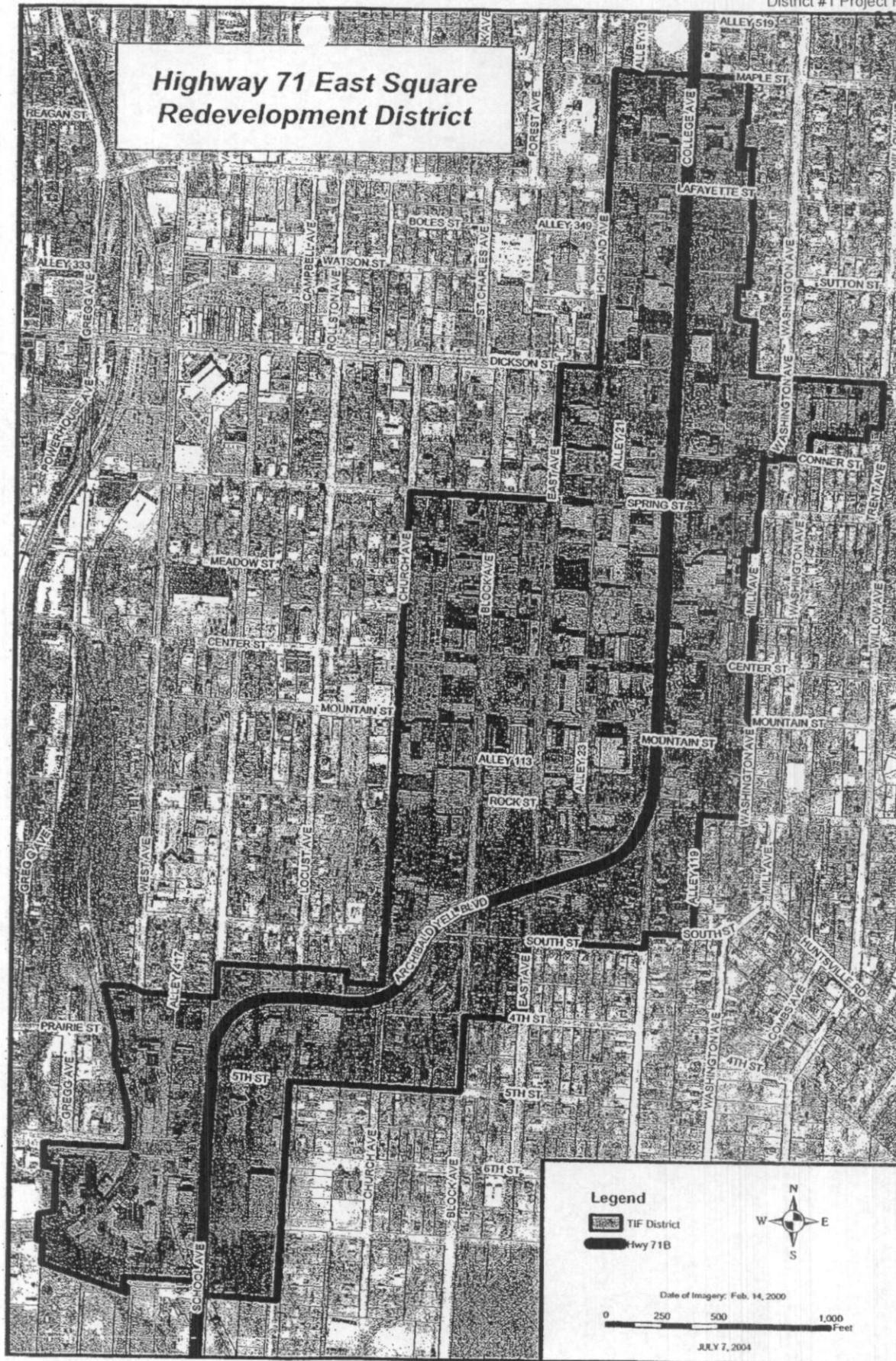
  
DAN COODY, Mayor

ATTEST:

By:

  
SONDRA SMITH, City Clerk





**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.2**

**Ordinance No. 4673 Modification of the District Boundary**



ORDINANCE NO. 4673

AN ORDINANCE MODIFYING THE BOUNDARIES OF  
THE HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NUMBER ONE PURSUANT TO A.C.A. §14-168-305 (f)  
AND A.C.A. §14-168-307 (c) AND DECLARING AN EMERGENCY

WHEREAS, several public hearings were held concerning the boundaries of the Highway 71 East Square Redevelopment District Number One (which was created and its boundaries adopted by Ordinance No. 4662, December 28, 2004); and

WHEREAS, a public hearing was also held concerning the possible formation of a redevelopment district of the remainder of the Downtown Master Plan study area, but such creation has been indefinitely tabled in light of budgetary concerns when the Attorney General's Opinion removed the 25 mills authorized by Amendment 74 from tax incremental financing districts; and

WHEREAS, to adequately finance a reduced project plan to remove the blighted area of an surrounding the Mountain Inn and to finance important transportation improvements on the western side of the Downtown Master Planning area, the boundaries of the Highway 71 East Square Redevelopment District No. One should be expanded to include the entire Downtown Master Planning Area as permitted in A.C.A. § 14-168-305 (f).

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 modifies the boundaries of the Highway 71 East Square Redevelopment District No. One of Fayetteville, Arkansas to expand this district to the west to include the area of the Downtown Master Plan as shown on the map attached as "Exhibit A".

Section 2: That the City Council hereby finds that the real property within the modified boundaries of the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas, will be benefited by the redevelopment project by eliminating or preventing the development or spread of blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, or employment, or increasing employment, or any combination thereof.



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Recorded: 02/01/2005 at 02:20:07 PM  
Fee Amt: \$11.00 Page 1 of 3  
Washington County, AR  
Bette Stamps Circuit Clerk  
File 2005-00004799

Section 3: Emergency Clause. If this ordinance is not immediately effective, the goal of the Redevelopment District and its Project Plan to remove a dangerous, dilapidated firetrap could fail due to lack of time-sensitive funding. The City Council, therefore, determines and declares an emergency exists which would imperil the public peace, health or safety, and consequently this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this 25<sup>th</sup> day of January, 2005.



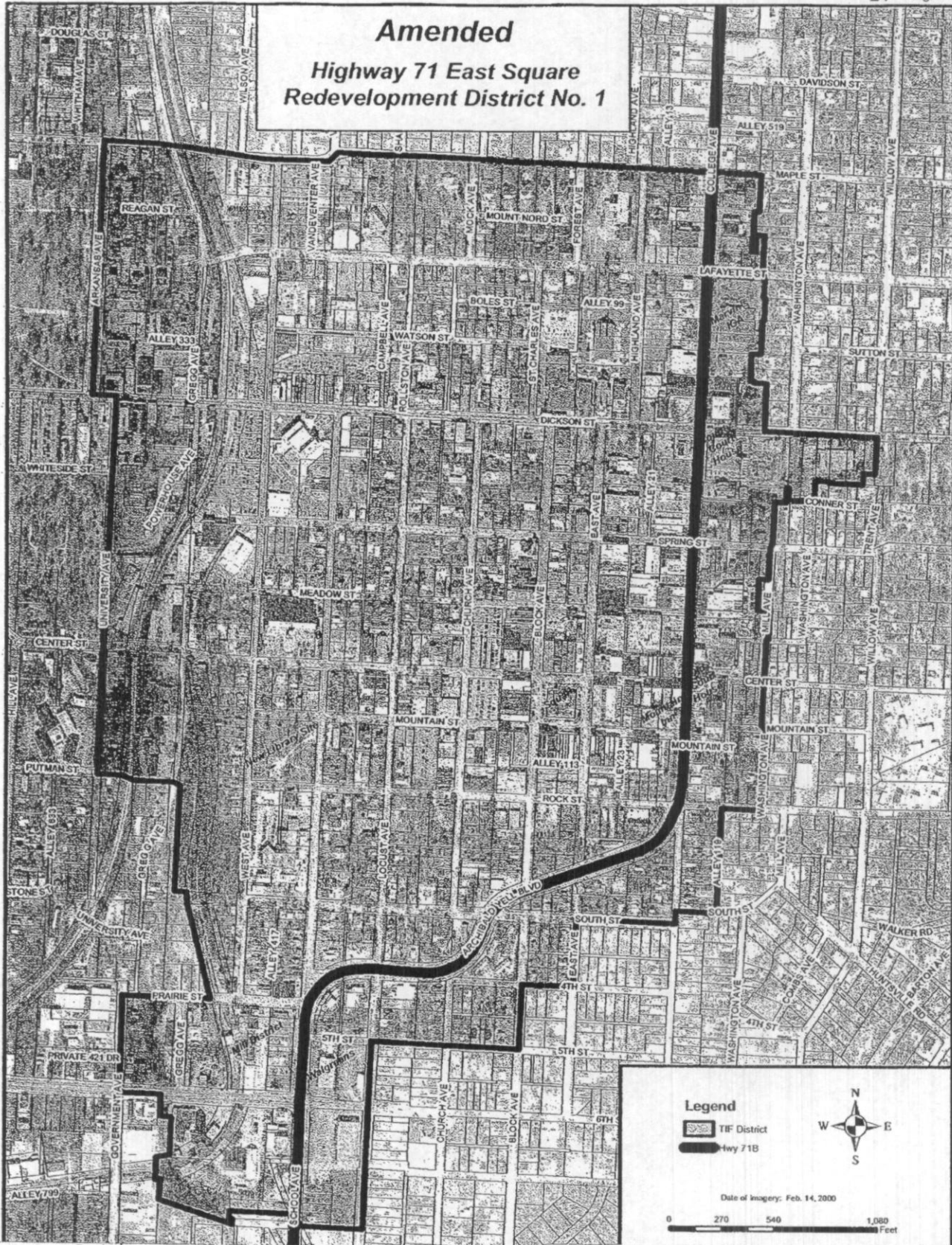
ATTEST:

By: Sondra Smith  
SONDRA SMITH, City Clerk

APPROVED:

By: Dan Coody  
DAN COODY, Mayor

**Amended**  
**Highway 71 East Square**  
**Redevelopment District No. 1**



Ordinance # 4673 Exhibit A

Final Amended Map Approved 01/25/05



**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.3**

**Ordinance No. 4646 and 4663 Adopting the Project Plan**

ORDINANCE NO. 4646

**MICROFILMED**

AN ORDINANCE ADOPTING THE PROJECT PLAN FOR THE HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT, FINDING THE PLAN IS ECONOMICALLY FEASIBLE AND AUTHORIZING THE ISSUANCE OF TAX INCREMENT FINANCING BONDS TO FUND THE IMPROVEMENTS OUTLINED IN THE PLAN

WHEREAS, on July 27, 2004, the Fayetteville City Council held a Public Hearing concerning the creation of the Highway 71 East Square Redevelopment District; and

WHEREAS, on August 17, 2004, the City Council passed Ordinance No. 4608 creating the Highway 71 East Square Redevelopment District and authorized preparation of a Redevelopment Project Plan; and

WHEREAS, the City with input from the proposed redevelopers of a Twenty-Two Million Dollar hotel project to be constructed after removal of the blighted Mountain Inn has prepared a proposed Project Plan attached as Exhibit "A"; and

WHEREAS, the Project Plan includes:

- (a) The kind, number and location of all public works or improvements within the district including the acquisition of real property, demolition of blighted/vacant buildings, and sale of the cleared land to the redevelopers;
- (b) an economic feasibility study;
- (c) a detailed list of estimated project costs;
- (d) a description of financing including tax increment bonds;
- (e) a certification of the county tax assessor of the base value, ad valorem rate, debt service ad valorem rate, and ad valorem rate for the redevelopment district;
- (f) no other funds are expected to be deposited into the special funds;
- (g) a map showing existing uses and conditions of real property in the district;
- (h) a map of proposed improvements and uses in the district;
- (i) no zoning changes are anticipated;
- (j) reference to the Downtown Master Plan;



- (k) non-project costs include financial advice, bond costs, economic forecasting;
- (l) no persons are anticipated to be displaced;
- (m) the amount of TIF indebtedness;
- (n) the amount of tax increment estimated to be generated by the project;
- (o) no other revenues are anticipated to be used to secure the tax increment financing.

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

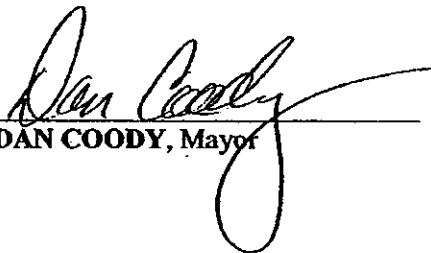
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby finds that the Project Plan for the Highway 71 East Square Redevelopment District (attached as Exhibit A) is economically feasible.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Project Plan for the Highway 71 East Square Redevelopment District and determines it has complied with all requirements set forth in A.C.A. §14-168-306.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves and authorizes the issuance of the tax increment financing bonds as outlined in the Project Plan in the amount, interest rates, duration, etc. stated within the Project Plan.

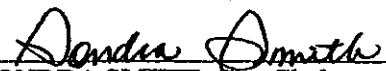
**PASSED and APPROVED** this 7<sup>th</sup> day of December, 2004.

**APPROVED:**

By:   
**DAN COODY, Mayor**

**ATTEST:**



By:   
**SONDRA SMITH, City Clerk**

**ORDINANCE NO. 4663**

**MICROFILMED**

**AN ORDINANCE ADOPTING THE PROJECT PLAN  
FOR THE HIGHWAY 71 EAST SQUARE  
REDEVELOPMENT DISTRICT NUMBER ONE,  
FINDING THE PLAN IS ECONOMICALLY FEASIBLE,  
REPEALING ORDINANCE 4646 AND DECLARING  
AN EMERGENCY**

**WHEREAS, on July 27, 2004, the Fayetteville City Council held a Public Hearing concerning the creation of the Highway 71 East Square Redevelopment District; and**

**WHEREAS, on August 17, 2004, the City Council passed Ordinance No. 4608 creating the Highway 71 East Square Redevelopment District and authorized preparation of a Redevelopment Project Plan; and**

**WHEREAS, the City with input from the proposed redevelopers of a Twenty-Two Million Dollar hotel project to be constructed after removal of the blighted Mountain Inn has prepared a proposed Project Plan attached as Exhibit "A"; and**

**WHEREAS, on November 30, 2004, the City held a Public Hearing on the Project Plan proposed for the Redevelopment District; and**

**WHEREAS, on December 7, 2004, the City had a further public hearing on the Project Plan and passed Ordinance 4646 adopting the Project Plan; and**

**WHEREAS, because of a minor, technical notification discrepancy, the City determined the need to renotify all statutorily required officials and republish notice of the public hearings for the Redevelopment District.**

**WHEREAS, the City Council after 15 day published notice has held another public hearing at which all interested parties were given the opportunity to express their views on the proposed adoption of the Project Plan for the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas; and**

**WHEREAS, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas; and**

**WHEREAS, the Project Plan includes:**



- of real property, demolition of blighted/vacant buildings, and sale of the cleared land to the redevelopers;
- (b) an economic feasibility study;
  - (c) a detailed list of estimated project costs;
  - (d) a description of financing including tax increment bonds;
  - (e) a certification of the county tax assessor of the base value, ad valorem rate, debt service ad valorem rate, and ad valorem rate for the redevelopment district;
  - (f) no other funds are expected to be deposited into the special funds;
  - (g) a map showing existing uses and conditions of real property in the district;
  - (h) a map of proposed improvements and uses in the district;
  - (i) no zoning changes are anticipated;
  - (j) reference to the Downtown Master Plan;
  - (k) non-project costs include financial advice, bond costs, economic forecasting;
  - (l) no persons are anticipated to be displaced;
  - (m) the amount of TIF indebtedness;
  - (n) the amount of tax increment estimated to be generated by the project;
  - (o) no other revenues are anticipated to be used to secure the tax increment financing.

**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 finds that the Project Plan for the Highway 71 East Square Redevelopment District (attached as Exhibit A) is economically feasible.

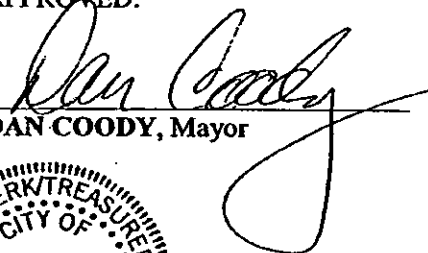
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Project Plan for the Highway 71 East Square Redevelopment District and determines it has complied with all requirements set forth in A.C.A. §14-168-306.

**Section 3:** That upon the effective date of this ordinance, Ordinance No. 4646 originally adopting the Project Plan for this Redevelopment District is hereby repealed.

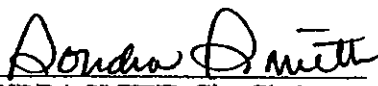
**Section 4: Emergency Clause.** If this ordinance is not immediately effective, the goal of the Redevelopment District and its Project Plan to remove a dangerous, dilapidated firetrap could fail due to lack of time-sensitive funding. The City Council, therefore, determines and declares an emergency exists which would imperil the public peace, health or safety, and consequently this ordinance shall be in full force and effect from the date of its passage and approval.

**PASSED and APPROVED** this 28<sup>th</sup> day of December, 2004.

APPROVED:

By:   
DAN COODY, Mayor

ATTEST:

By:   
SONDRA SMITH, City Clerk



**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.4**

**Resolution No. 19-05 Authorizing Preparation of Bond  
Documents**

**RESOLUTION NO. 19-05**

A RESOLUTION AUTHORIZING THE PREPARATION OF CERTAIN DOCUMENTATION FOR THE SUBSEQUENT APPROVAL OF THE CITY COUNCIL RELATED TO THE PROPOSED ISSUANCE BY THE CITY OF FAYETTEVILLE TAX INCREMENT BONDS (HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT PROJECT), SERIES 2005, IN A FORM AND AMOUNT TO PROVIDE A PROJECT FUND OF \$3,500,000.00 (THE "BONDS") FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUISITION AND DEMOLITION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE DISTRICT; AND PRESCRIBING OTHER MATTERS RELATING THERETO

**WHEREAS**, in order to alleviate blight and encourage development within the Highway 71 East Square Redevelopment District (the "District") created pursuant to Ordinance No.4673 adopted on January 25, 2005, the City intends (i) to acquire certain real property and demolish certain existing structures thereon (the "Project"), which property is located within the District and consists primarily of the former Mountain Inn property, former Niblock Law Offices, former Red Bird Restaurant and the former Washington County Courts Building, and (ii) upon the satisfaction of certain conditions, to sell such cleared property to a private developer for the purpose of constructing a hotel, meeting and associated parking facilities thereon; and

**WHEREAS**, it has been determined that the most advantageous method of financing the costs of the Project is through the issuance by the City of its Tax Increment Bonds (the "Bonds") pursuant to Amendment 78 to the Arkansas Constitution ("Amendment 78") and Arkansas Code Annotated (2003 Supp.) Sections 14-168-301 *et seq.* (the "Act"); and

**WHEREAS**, the City has determined to consider the issuance of the Bonds, subject to the final approval of terms of the Bonds by ordinance of the City Council, and to authorize the Underwriters and Bond Counsel, hereinafter designated in Sections 2 and 3, respectively, with the advice and assistance of the Mayor, City Attorney and City staff, to take certain actions in preparation for the issuance and sale of the Bonds;

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

**Section 1:** The Bond Counsel, as hereinafter defined, with the advice and assistance of the Mayor, City Attorney and City staff, is hereby authorized to prepare documents relating to the issuance and sale of the Bonds, provided, however, the City Council shall first adopt an approving ordinance before any such documents are binding upon the City.

**Section 2:** The firm of Kutak Rock LLP is hereby designated as bond counsel ("Bond Counsel") in connection with the issuance and sale of the Bonds.

**Section 3:** The firm of Crews & Associates, Inc. is hereby designated as underwriter (the "Underwriter") for the purpose of marketing the Bonds and advising the City concerning the





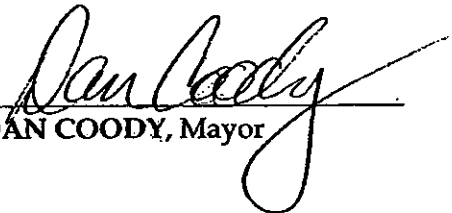
financing of the Project. The sale of the Bonds to the Underwriter will be accomplished pursuant to the terms of a bond purchase agreement to be presented for the approval of the City Council.

Section 4: The provisions of this resolution are hereby declared to be separable and if a section, phrase or provision shall be declared to be invalid, such declaration shall not affect the validity of the remainder of the resolution.

Section 5: All resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

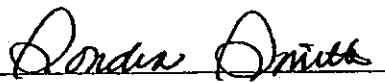
PASSED and APPROVED this 1st day of February, 2005.

APPROVED:

By:   
DAN COODY, Mayor



ATTEST:

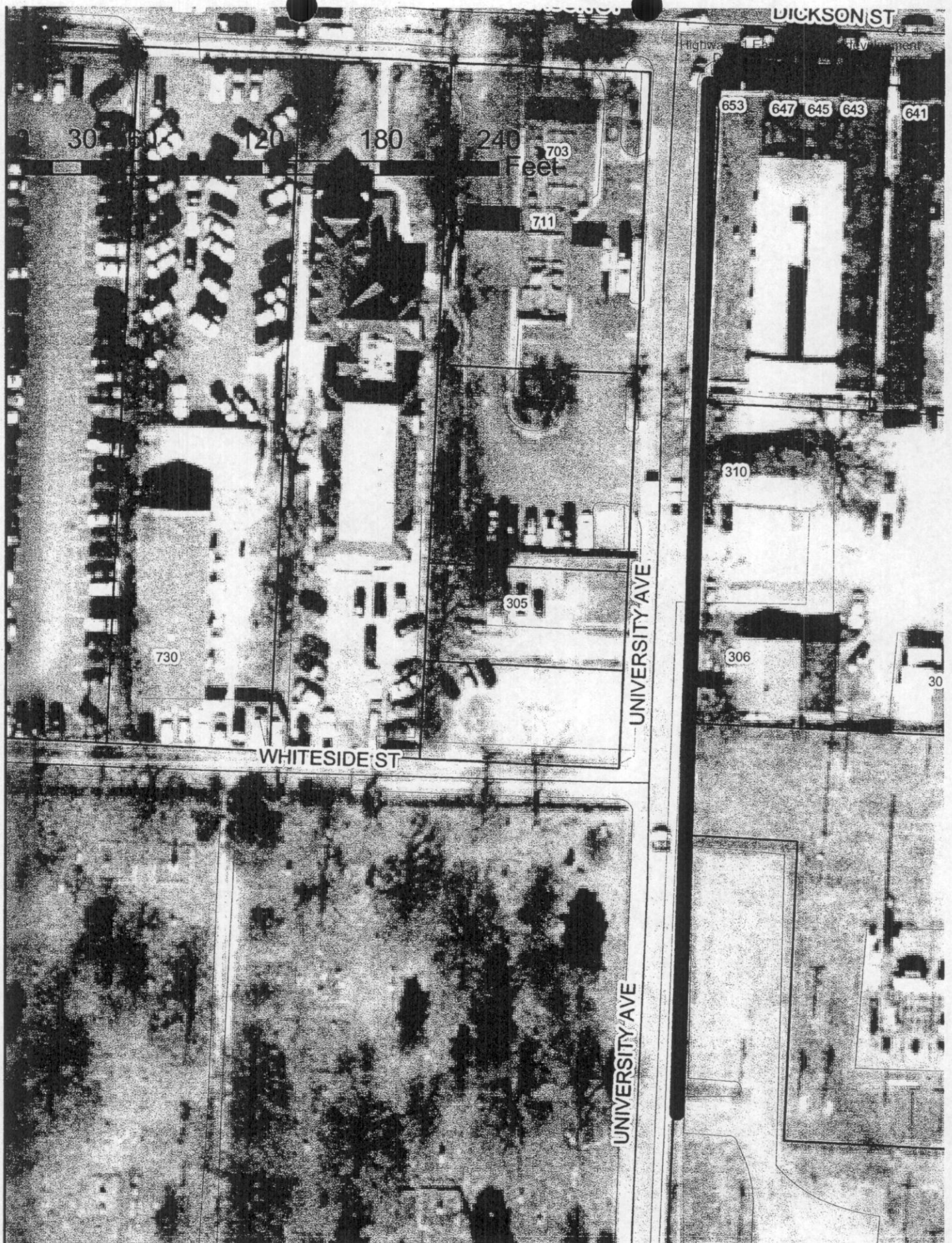
By:   
SONDRA SMITH, City Clerk

**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**

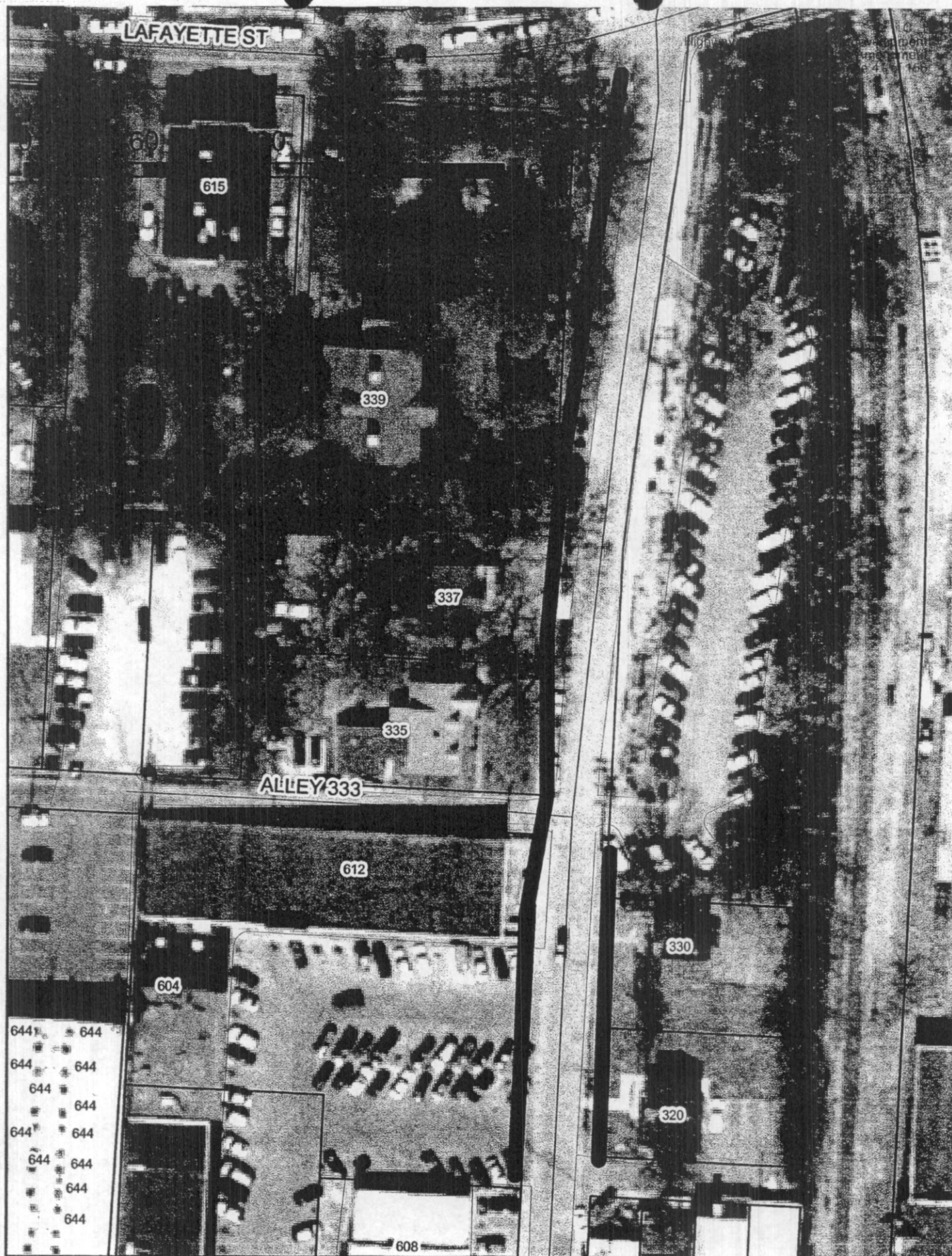


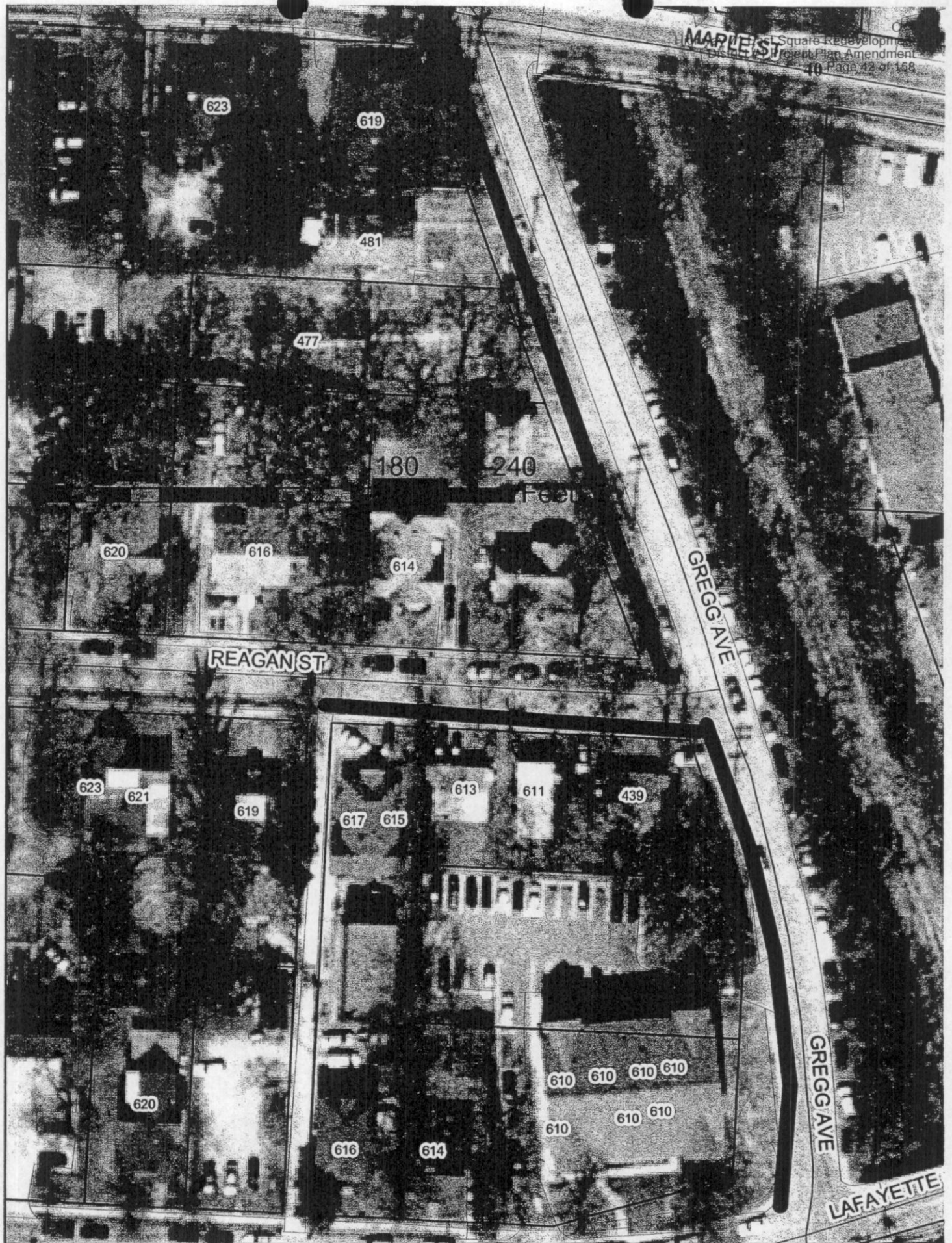
**EXHIBIT No.5**

**Detailed Locations of Sidewalks and Pedestrian Crossing**



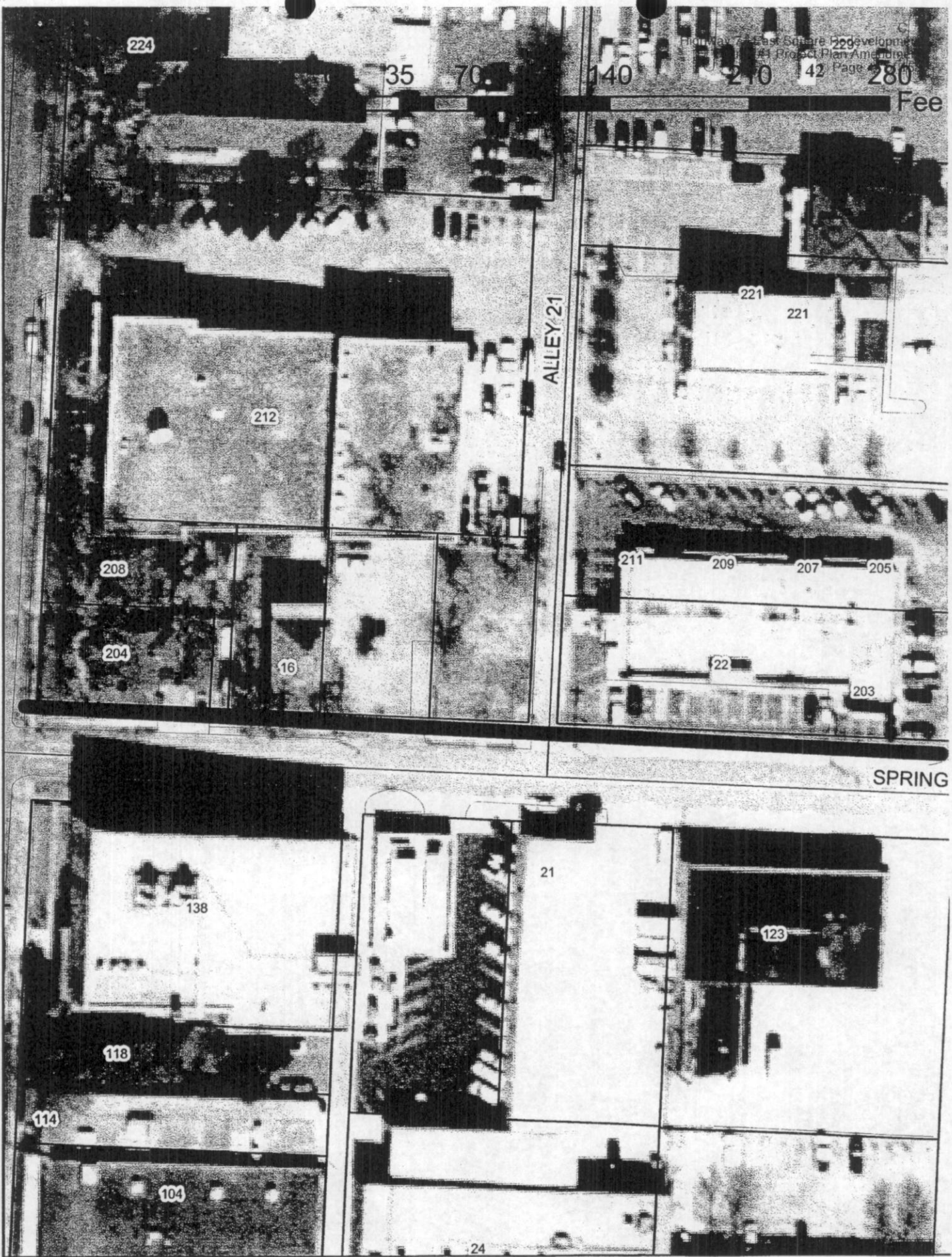








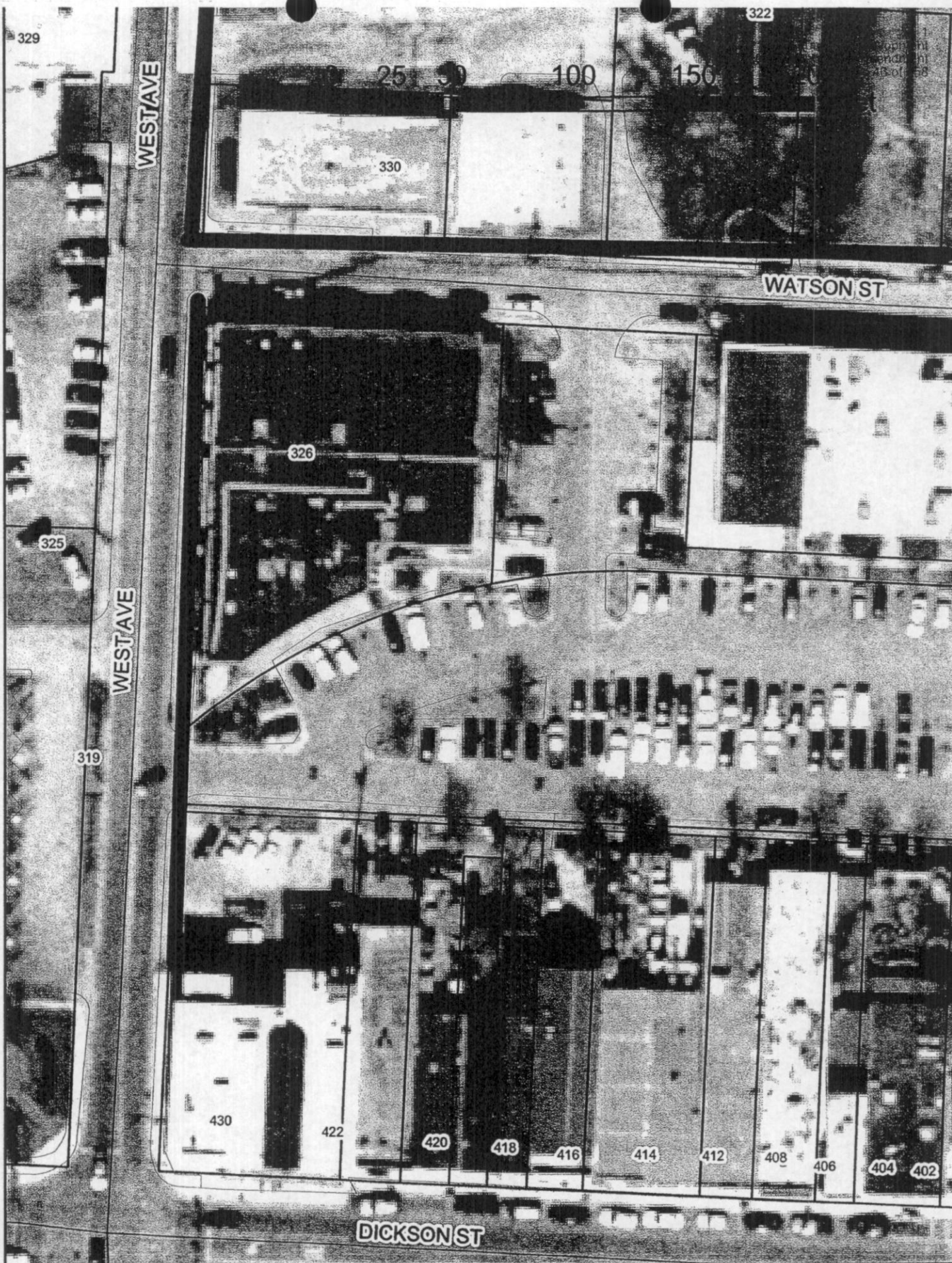






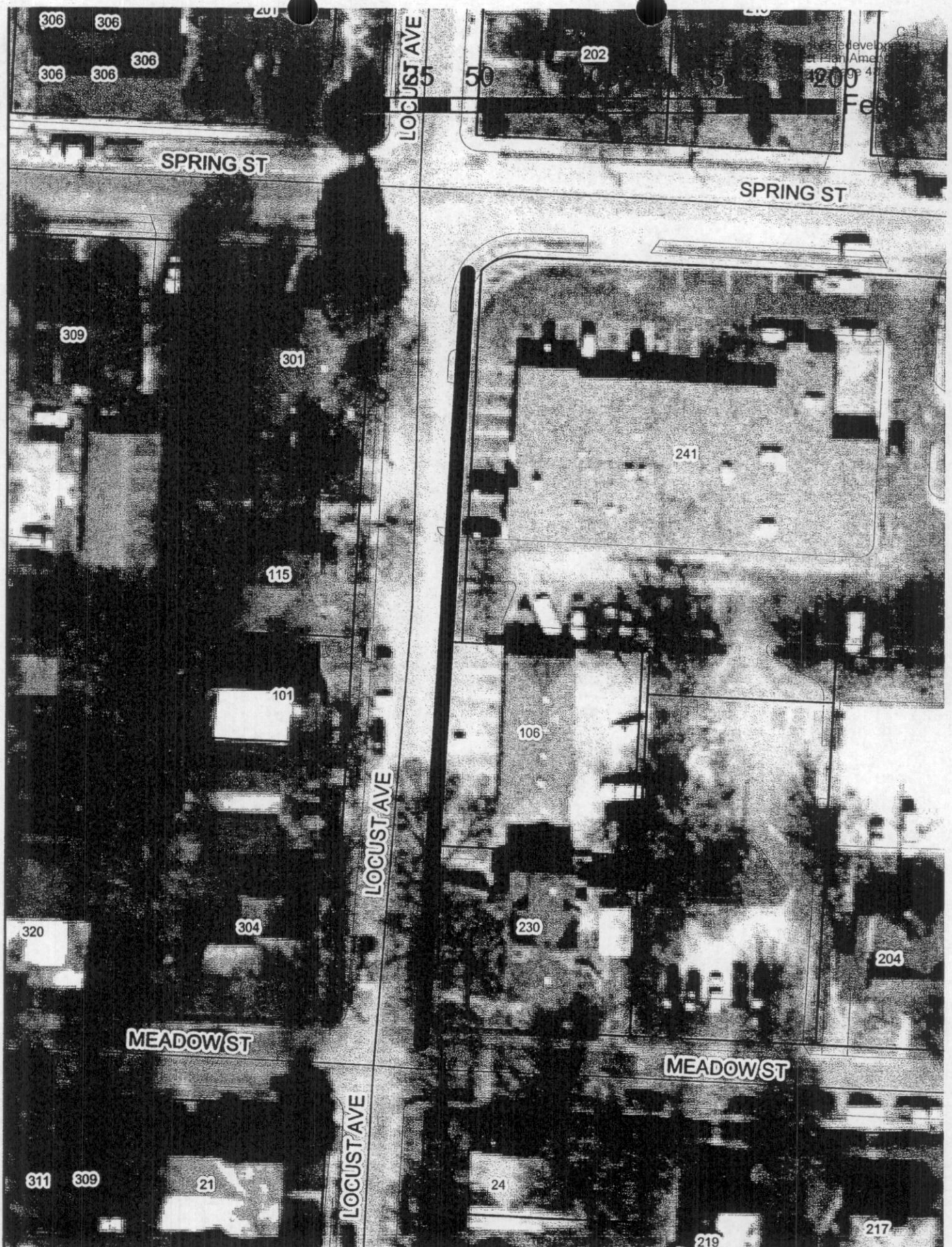












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LOCUST AVE

50

50

202

200

Fe

SPRING ST

SPRING ST

309

301

115

101

LOCUST AVE

320

304

MEADOW ST

311

309

21

LOCUST AVE

106

230

MEADOW ST

204

24

219

217

Way 71 East Square R  
District #1 Project Plan

25

150

42

310

LOCUST AVE

230

CENTER ST

CENTER ST

303

LOCUST AVE

207

15

310

300

288

298 296 294 292

252

250

248

246

286 284 282 254

244

242

MOUNTAIN ST

MOUNTAIN ST

311

LOCUST AVE

241

231



Highway 24 East Corridor Redevelopment  
Project EIR Page 114 of 138  
150 200 Feet

SCHOOL AVE

0 25 50

CENTER ST

CENTER ST

415

413

7

SCHOOL AVE

414

9

321

319

50

320

MOUNTAIN ST

MOUNTAIN ST

SCHOOL AVE

315









230

231

280  
addition  
53 of 158

258

220

234

348

237

SOUTH ST

SOUTH ST

302

333

329

301

221

304

308

307

318

308

324

ARCHIBALD YELL BLVD

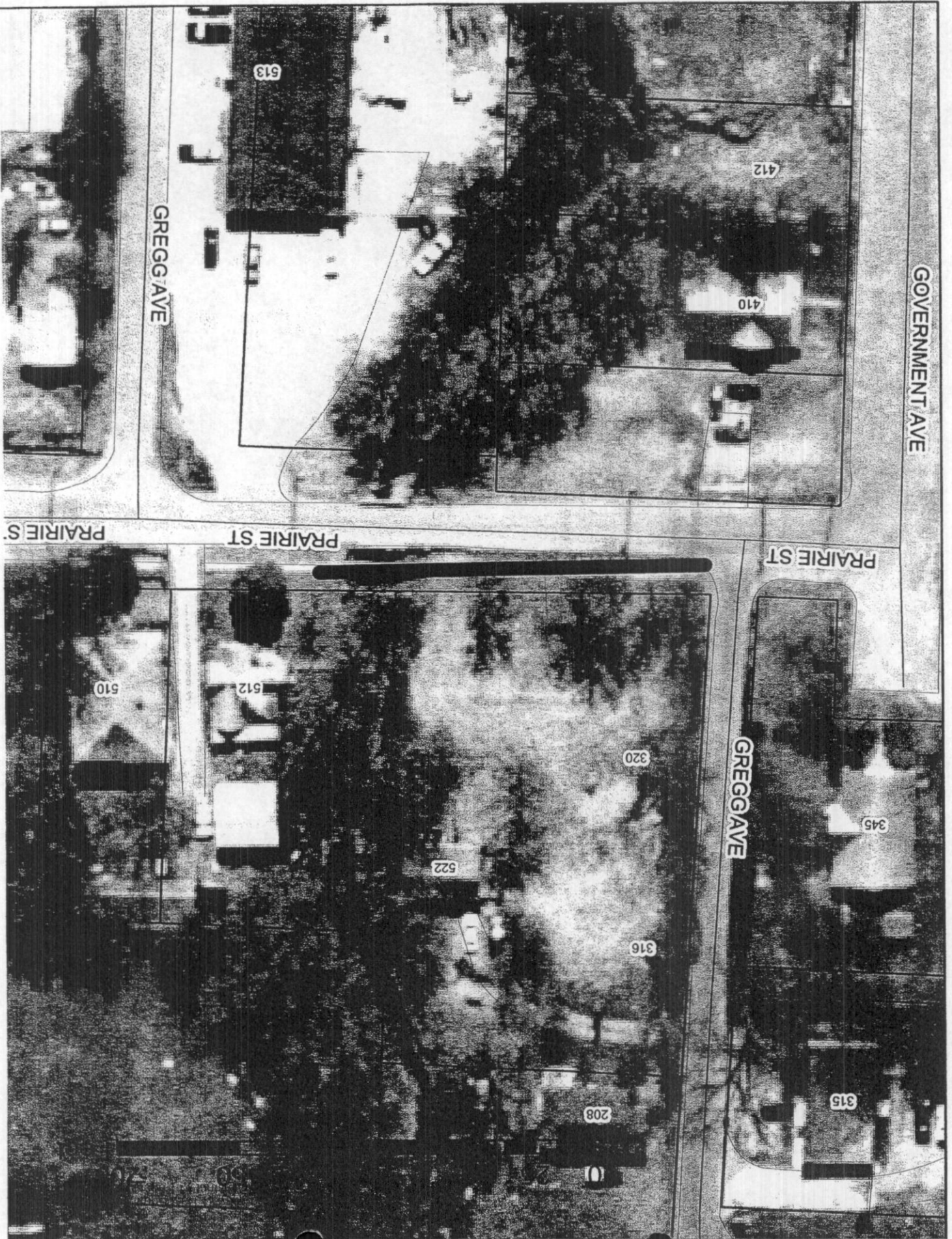
ARCHIBALD YELL BLVD

LOCUST AVE

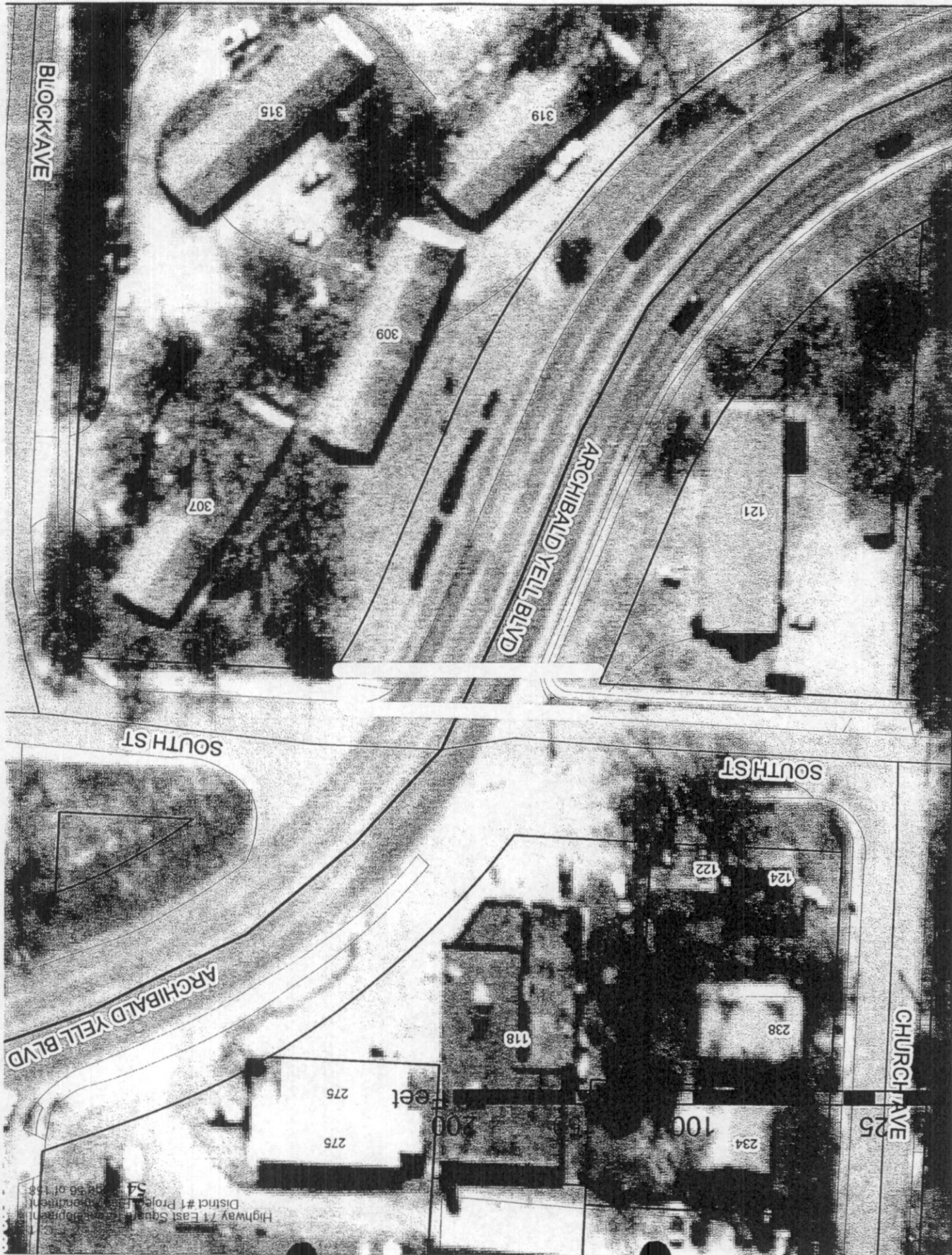
LOCUST AVE











Highway 71 East Square  
District #1 Project  
S4  
58' 56" of 158'

**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.6**

**Washington County Assessor's Certification**



LEE ANN KIZZAR  
COUNTY ASSESSOR

WASHINGTON COUNTY  
STATE OF ARKANSAS  
Washington County Courthouse  
280 North College - Suite 250  
Fayetteville, Arkansas 72701

C. 1  
Highway 71 East Square Redevelopment  
District #1 Project Plan Amendment  
56 Page 58 of 158

TELEPHONE  
479/444-1500

January 29, 2005

Mr. Steve Davis  
City of Fayetteville  
113 West Mountain  
Fayetteville AR 72701

Dear Mr. Davis,

Please accept this letter and its attachments as the assessor's certification required by ACA 14-168-306(b)(5) for the approval of the Amended Highway 71 East Square Redevelopment District No. 1 Project Plan.

The assessed value of all real property within the amended redevelopment district subject to ad valorem taxation, also known as the **Base Value** as defined in ACA 14-168-301 as of January 1, 2004, is:

31,446,555.

The total of the local millage rates of Washington County, the Fayetteville School District, and the City of Fayetteville, also known as the **Total Ad Valorem Rate** as defined in ACA 14-168-301, is:

26.86.

The portion of the total ad valorem rate that was, at January 1, 2001, pledged to the payment of debt service by the Fayetteville School District, certified to me by the Fayetteville School District, also known as the **Debt Service Ad Valorem Rate** as defined in ACA 14-168-301, is:

23.7.

The total local ad valorem rate less the debt service ad valorem rate for property located in the Fayetteville School District, also known as the **Applicable Ad Valorem Rate** as defined in A.C.A. 14-168-301, is:

3.16.

Attached are the certifications from the Fayetteville School District of the debt service ad valorem rate, a copy of the most recent millage ordinance detailing levied ad valorem millage rates for all taxing entities in Washington County, and a report from the assessor's database detailing the appraised and assessed value of each parcel in the redevelopment district along with totals for the entire district.

Sincerely,

A handwritten signature in cursive script, reading "Lee Ann Kizzar".

Lee Ann Kizzar

ORDINANCE NO. 2004-68

FILED  
04 DEC 13 PM 2 48  
KAREN COMBS PRITCHARD  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

APPROPRIATION ORDINANCE:

BE IT ENACTED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND  
SCHOOL DISTRICT TAXES FOR THE YEAR 2004.

WHEREAS, Article 7, Section 30, of the Constitution of the State of  
Arkansas requires the Justices of the Peace of each county to "sit with and assist the  
County Judge in levying the county taxes"; and,

WHEREAS, A.C.A. 14-14-904 provides that "The Quorum Court, at its  
regular meeting in November of each year, shall levy the county, municipal, and school  
taxes for the current year."

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT  
OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. The following taxes are hereby levied for the Year 2004  
for Washington County, Arkansas:

REAL ESTATE/  
PERSONAL PROPERTY

- |                    |            |
|--------------------|------------|
| (A) County General | 4.75 mills |
| (B) County Road    | 1.11 mills |
| (C) County Library | 1.0 mills* |

\* To be collected throughout the County except for property  
within the City Limits of Fayetteville.

ARTICLE 2. The following taxes are hereby levied for the Year 2004.  
for the respective municipalities within Washington County, Arkansas:

REAL ESTATE/  
PERSONAL PROPERTY

- |                  |             |
|------------------|-------------|
| (A) Fayetteville | 1.8 mills** |
| (B) Springdale   | 5.6 mills   |
| (C) Elkins       | 5.0 mills   |
| (D) Greenland    | 2.9 mills   |
| (E) West Fork    | 5.0 mills   |

ORDINANCE NO. 2004-68  
PAGE 2

|                   |           |
|-------------------|-----------|
| (F) Winslow       | 3.0 mills |
| (G) Farmington    | 4.9 mills |
| (H) Tontitown     | 2.0 mills |
| (I) Elm Springs   | 5.0 mills |
| (J) Johnson       | 4.8 mills |
| (K) Prairie Grove | 9.4 mills |
| (L) Lincoln       | 6.5 mills |
| (M) Goshen        | 0.0 mills |

\*\* 1.0 mill is a library millage and is to be collected only inside the City Limits of Fayetteville; .8 mill is for all other legal purposes.

ARTICLE 3. The following taxes are hereby levied for the Year 2004 for the respective school districts within Washington County, Arkansas:

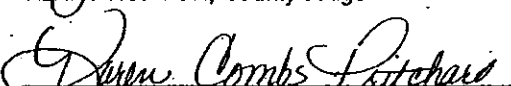
REAL ESTATE/  
PERSONAL PROPERTY

|                        | <u>Debt</u> | <u>M &amp; O</u> | <u>Total</u> |
|------------------------|-------------|------------------|--------------|
| (A) Fayetteville, #1   | 19.2 mills  | 25.0 mills       | 44.2 mills   |
| (B) Farmington, #6     | 15.7 mills  | 25.0 mills       | 40.7 mills   |
| (C) Elkins, #10        | 15.2 mills  | 25.0 mills       | 40.2 mills   |
| (D) Winslow, #20       | 8.0 mills   | 25.0 mills       | 33.0 mills   |
| (E) Prairie Grove, #23 | 12.9 mills  | 25.0 mills       | 37.9 mills   |
| (F) Lincoln, #48       | 14.8 mills  | 25.0 mills       | 39.8 mills   |
| (G) Springdale, #50    | 14.5 mills  | 25.0 mills       | 39.5 mills   |
| (H) Greenland, #95     | 12.9 mills  | 25.0 mills       | 37.9 mills   |
| (I) West Fork, #141    | 14.0 mills  | 25.0 mills       | 39.0 mills   |
| (J) Benton County, #21 | 15.0 mills  | 25.0 mills       | 40.0 mills   |

ARTICLE 4. The levy of taxes for 2004 is in accordance with State law.

  
JERRY HUTTON, County Judge

12-13-04  
DATE

  
KAREN COMBS PRITCHARD, County Clerk

Sponsor: Kurt Anderson  
Date of Passage: December 9, 2004  
Votes For: 12 Votes Against: 0  
Abstentions: 0 Absent: 1





CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

September 21, 2004

Ms. Lee Ann Kizzar  
County Assessor  
Washington County Courthouse  
280 North College - Suite 360  
Fayetteville, AR 72701

Dear Ms. Kizzar:

Please be informed that the Fayetteville School Districts millage structure at January 1, 2001 was as follows:

19.3 mills General Maintenance & Operation  
23.7 mills Debt Service  
1.0 mill Capital Outlay  
44.0 mills

I have attached the school ballot from that election for your reference. Please call me if you have any questions.

Thank you,

*Lisa Z. Morstad*  
Lisa Z. Morstad

# ANNUAL SCHOOL ELECTION BALLOT

C. 1  
Highway 71 East Square Redevelopment  
District #1 Project Plan Amendment  
60 Page 62 of 158

| A FAYETTEVILLE SCHOOL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | B WASHINGTON COUNTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | C SEPTEMBER 19, 2000 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <p><b>DISTRICT NO. 1</b></p> <p><b>INSTRUCTIONS TO VOTER</b></p> <p>1. To vote you must blacken the Oval ( <input type="radio"/> ) completely next to the candidate of your choice.</p> <p>2. Use only the pencil provided.</p> <p>3. After voting, deposit ballot in ballot box.</p> <hr/> <p>School Board Director. - 3yr.<br/>Pos 2</p> <hr/> <p><input type="radio"/> Howard Hamilton<br/>(Unopposed)</p> <hr/> <p>School Board Director. - 3yr.<br/>Pos 6</p> <hr/> <p><input type="radio"/> Pam Grondin<br/>(Unopposed)</p> | <p><b>School Tax</b><br/>44.0 Mills</p> <p>The total rate proposed above includes the uniform rate of 25.0 mills (the Statewide Uniform Rate) to be collected on all taxable property in the State and remitted to the State Treasurer pursuant to Amendment No. 74 to the Arkansas Constitution to be used solely for maintenance and operation of schools in the State. As provided in Amendment No. 74, the Statewide Uniform Rate replaces a portion of the existing rate of tax levied by this school District and available for maintenance and operation of the schools in this District. The total proposed school tax levy of 44.0 mills includes 19.3 mills for general maintenance and operation, 1.0 mill for current expenditures/dedicated maintenance and operation expenditures dedicated specifically for the purposes of purchasing school buses, purchasing furniture and equipment, purchasing computer software and renovating and repairing existing facilities and 23.7 mills for debt service as a continuing levy pledged for the retirement of existing bonded indebtedness. The 23.7 debt service mills are allocated as follows; 3.0 mills is a continuing levy dedicated exclusively to the retirement of the District's Bonds dated November 1, 1997 and May 1, 1998, and 20.7 mills is a continuing levy pledged for the retirement of all other existing bonded indebtedness. The surplus revenues produced by the 20.7 debt service mills may be used by the District for other school purposes.</p> <p>If the proposed school tax levy is approved by the electors, then the total school tax rate shall be 44.0 mills (this being the effect of such approval notwithstanding the results of the litigation referred to below). If the proposed school tax levy is not approved by the electors, then the total school tax rate shall be a lower rate determined in accordance with pending litigation in the Circuit Court of Washington County, Arkansas (the "Court") involving the rollback provisions of Amendment No. 59 to the Arkansas Constitution, in which the Court has ruled that the rollback provisions of Amendment No. 59 have been triggered (the "Rollback Millage Rate"). The total proposed tax levy of 44.0 mills represents an increase in total mills equal to the difference between the proposed levy of the 44.0 mills and the lower Rollback Millage Rate.</p> <hr/> <p><input type="radio"/> FOR TAX</p> <p><input type="radio"/> AGAINST TAX</p> |                      |

| <u>Parcel ID</u> | <u>Tax District</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> |
|------------------|---------------------|-------------|------------------------|-----------------------|
| 765-01638-000    | 011                 | CI          | 136,600                | 26,488                |
| 765-01639-000    | 011                 | CI          | 125,800                | 20,020                |
| 765-01640-000    | 011                 | RI          | 141,850                | 22,719                |
| 765-01641-000    | 011                 | CV          | 43,700                 | 6,435                 |
| 765-01642-000    | 011                 | CM          | 64,100                 | 9,724                 |
| 765-01643-000    | 011                 | CI          | 696,850                | 125,070               |
| 765-01644-000    | 011                 | CI          | 1,358,600              | 182,559               |
| 765-01645-000    | 011                 | ET          | 0                      | 0                     |
| 765-01646-000    | 011                 | CI          | 210,950                | 35,905                |
| 765-01647-000    | 011                 | CI          | 275,950                | 49,207                |
| 765-01648-000    | 011                 | EX          | 0                      | 0                     |
| 765-01649-000    | 011                 | EX          | 0                      | 0                     |
| 765-01650-000    | 011                 | CI          | 379,000                | 71,258                |
| 765-01651-000    | 011                 | CI          | 576,450                | 98,927                |
| 765-01652-000    | 011                 | CV          | 86,000                 | 16,819                |
| 765-01653-000    | 011                 | CM          | 186,850                | 25,926                |
| 765-01654-000    | 011                 | CI          | 995,300                | 148,334               |
| 765-01655-000    | 011                 | CI          | 249,300                | 42,743                |
| 765-01656-000    | 011                 | CI          | 194,000                | 32,895                |
| 765-01657-000    | 011                 | CI          | 230,400                | 30,778                |
| 765-01658-000    | 011                 | CI          | 170,100                | 30,602                |
| 765-01659-000    | 011                 | CI          | 202,350                | 32,340                |
| 765-01660-000    | 011                 | CI          | 124,050                | 16,701                |
| 765-01661-000    | 011                 | CI          | 210,900                | 38,988                |
| 765-01663-000    | 011                 | CM          | 80,150                 | 10,687                |
| 765-01663-000    | 011                 | CM          | 80,150                 | 10,687                |
| 765-01664-000    | 011                 | CI          | 130,200                | 10,802                |
| 765-01664-000    | 011                 | CI          | 130,200                | 10,802                |
| 765-01665-000    | 011                 | CI          | 128,450                | 19,734                |
| 765-01665-000    | 011                 | CI          | 128,450                | 19,734                |
| 765-01666-000    | 011                 | CI          | 251,450                | 27,199                |
| 765-01666-001    | 011                 | CB          | 29,300                 | 5,860                 |
| 765-01667-000    | 011                 | CV          | 130,000                | 25,080                |
| 765-01668-000    | 011                 | CM          | 168,750                | 24,138                |
| 765-01669-000    | 011                 | CI          | 338,850                | 52,124                |
| 765-01670-000    | 011                 | RI          | 165,250                | 27,367                |
| 765-01671-000    | 011                 | CI          | 114,100                | 18,690                |
| 765-01672-000    | 011                 | CV          | 27,200                 | 4,400                 |
| 765-01673-000    | 011                 | RI          | 131,500                | 18,682                |
| 765-01674-000    | 011                 | CR          | 155,050                | 27,311                |
| 765-01675-000    | 011                 | RI          | 89,450                 | 10,090                |
| 765-01676-000    | 011                 | CI          | 74,900                 | 7,794                 |
| 765-01677-000    | 011                 | CV          | 160,000                | 11,440                |
| 765-01678-000    | 011                 | RI          | 85,950                 | 14,459                |
| 765-01679-000    | 011                 | CV          | 80,000                 | 10,450                |
| 765-01680-000    | 011                 | CI          | 182,000                | 30,007                |
| 765-01681-000    | 011                 | CV          | 180,000                | 29,700                |
| 765-01682-000    | 011                 | RI          | 158,650                | 24,151                |
| 765-01683-000    | 011                 | CI          | 138,800                | 25,333                |
| 765-01684-000    | 011                 | CI          | 296,550                | 27,957                |
| 765-01685-000    | 011                 | CI          | 254,200                | 49,477                |
| 765-01686-000    | 011                 | CV          | 116,150                | 7,951                 |
| 765-01687-000    | 011                 | CV          | 21,100                 | 1,444                 |
| 765-01688-000    | 011                 | CI          | 337,950                | 44,200                |
| 765-01690-000    | 011                 | CV          | 58,000                 | 6,163                 |
| 765-01691-000    | 011                 | RI          | 112,250                | 17,760                |
| 765-01692-000    | 011                 | RI          | 157,050                | 27,317                |
| 765-01693-000    | 011                 | RI          | 122,450                | 14,813                |
| 765-01694-000    | 011                 | RI          | 87,150                 | 13,900                |
| 765-01695-000    | 011                 | CI          | 476,400                | 69,155                |
| 765-01696-000    | 011                 | RI          | 134,650                | 15,044                |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed |
|---------------|--------------|------|-----------------|----------------|
| 765-01697-000 | 011          | RI   | 65,850          | 10,053         |
| 765-01698-000 | 011          | RI   | 57,050          | 7,402          |
| 765-01699-000 | 011          | RI   | 86,650          | 12,740         |
| 765-01700-000 | 011          | CR   | 102,400         | 12,601         |
| 765-01701-000 | 011          | RI   | 76,950          | 12,572         |
| 765-01702-000 | 011          | CR   | 287,950         | 52,426         |
| 765-01703-000 | 011          | CM   | 90,150          | 11,341         |
| 765-01704-000 | 011          | CR   | 239,500         | 36,594         |
| 765-01705-000 | 011          | CI   | 207,750         | 26,984         |
| 765-01706-000 | 011          | CI   | 458,650         | 74,419         |
| 765-01707-000 | 011          | CI   | 634,200         | 92,444         |
| 765-01708-000 | 011          | CM   | 71,800          | 12,177         |
| 765-01709-000 | 011          | CI   | 270,550         | 24,574         |
| 765-01710-000 | 011          | CT   | 69,000          | 7,445          |
| 765-01711-000 | 011          | CV   | 50,400          | 8,129          |
| 765-01712-000 | 011          | RI   | 78,800          | 9,621          |
| 765-01713-000 | 011          | EX   | 0               | 0              |
| 765-01714-000 | 011          | RI   | 92,550          | 13,566         |
| 765-01715-000 | 011          | RI   | 163,750         | 20,203         |
| 765-01716-000 | 011          | EX   | 0               | 0              |
| 765-01717-000 | 011          | CR   | 134,600         | 16,130         |
| 765-01718-000 | 011          | RI   | 56,250          | 8,850          |
| 765-01719-000 | 011          | RI   | 199,550         | 31,021         |
| 765-01721-000 | 011          | RI   | 169,450         | 28,940         |
| 765-01726-000 | 011          | EX   | 0               | 0              |
| 765-01733-000 | 011          | EX   | 0               | 0              |
| 765-01736-000 | 011          | CI   | 805,300         | 127,523        |
| 765-01739-000 | 011          | EX   | 0               | 0              |
| 765-01740-000 | 011          | EX   | 0               | 0              |
| 765-01741-000 | 011          | CI   | 504,900         | 55,567         |
| 765-01742-000 | 011          | EX   | 0               | 0              |
| 765-01743-000 | 011          | CI   | 1,356,950       | 231,535        |
| 765-01743-002 | 011          | EX   | 0               | 0              |
| 765-01743-003 | 011          | EX   | 0               | 0              |
| 765-01744-000 | 011          | ET   | 0               | 0              |
| 765-01745-000 | 011          | PS   | 0               | 0              |
| 765-01745-001 | 011          | EX   | 0               | 0              |
| 765-01745-002 | 011          | EX   | 0               | 0              |
| 765-01746-000 | 011          | EX   | 0               | 0              |
| 765-01747-000 | 011          | CR   | 213,300         | 38,223         |
| 765-01748-000 | 011          | RI   | 155,950         | 16,052         |
| 765-01749-000 | 011          | RI   | 87,700          | 16,403         |
| 765-01750-000 | 011          | ET   | 0               | 0              |
| 765-01751-000 | 011          | ET   | 0               | 0              |
| 765-01752-000 | 011          | ET   | 0               | 0              |
| 765-01753-000 | 011          | EX   | 0               | 0              |
| 765-01754-000 | 011          | RI   | 133,500         | 20,861         |
| 765-01755-000 | 011          | CI   | 146,000         | 23,724         |
| 765-01756-000 | 011          | CR   | 351,850         | 29,284         |
| 765-01757-000 | 011          | CR   | 95,600          | 13,327         |
| 765-01758-000 | 011          | RI   | 128,400         | 19,900         |
| 765-01759-000 | 011          | RI   | 87,150          | 15,530         |
| 765-01760-000 | 011          | CI   | 93,350          | 12,999         |
| 765-01761-000 | 011          | CR   | 197,600         | 39,520         |
| 765-01762-000 | 011          | CI   | 179,650         | 24,123         |
| 765-01763-000 | 011          | RI   | 116,100         | 14,629         |
| 765-01764-000 | 011          | CI   | 153,700         | 28,754         |
| 765-01765-000 | 011          | CI   | 151,800         | 27,092         |
| 765-01766-000 | 011          | RI   | 259,400         | 47,498         |
| 765-01767-000 | 011          | CR   | 269,800         | 48,671         |
| 765-01768-000 | 011          | RI   | 107,700         | 15,101         |
| 765-01769-000 | 011          | RV   | 20,000          | 2,816          |
| 765-01770-000 | 011          | RI   | 90,650          | 8,990          |
| 765-01771-000 | 011          | RI   | 74,650          | 10,167         |

C. 1  
 City 71 East Square Redevelopment  
 District #1 Project Plan Amendment  
 62 Page 64 of 158

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed |
|---------------|--------------|------|-----------------|----------------|
| 765-01772-000 | 011          | CR   | 174,550         | 32,742         |
| 765-01773-000 | 011          | RI   | 71,300          | 9,796          |
| 765-01774-000 | 011          | CI   | 671,000         | 134,200        |
| 765-01774-001 | 011          | CM   | 63,500          | 12,111         |
| 765-01775-000 | 011          | CI   | 139,050         | 27,137         |
| 765-01776-000 | 011          | RI   | 192,300         | 22,618         |
| 765-01777-000 | 011          | CV   | 18,150          | 2,189          |
| 765-01777-001 | 011          | RI   | 90,900          | 14,257         |
| 765-01778-000 | 011          | CR   | 286,400         | 41,598         |
| 765-01779-000 | 011          | CI   | 100,050         | 17,646         |
| 765-01780-000 | 011          | EX   | 0               | 0              |
| 765-01781-000 | 011          | CI   | 282,450         | 44,165         |
| 765-01782-000 | 011          | CI   | 268,800         | 45,133         |
| 765-01783-000 | 011          | CI   | 188,650         | 31,812         |
| 765-01784-000 | 011          | CI   | 70,900          | 12,999         |
| 765-01785-000 | 011          | CM   | 61,450          | 8,514          |
| 765-01786-000 | 011          | CI   | 284,600         | 23,995         |
| 765-01787-000 | 011          | RI   | 136,300         | 17,604         |
| 765-01788-000 | 011          | CI   | 223,100         | 24,004         |
| 765-01789-000 | 011          | CI   | 263,050         | 34,738         |
| 765-01790-000 | 011          | RI   | 68,200          | 9,295          |
| 765-01791-000 | 011          | RI   | 90,200          | 9,020          |
| 765-01792-000 | 011          | CI   | 92,950          | 15,656         |
| 765-01793-000 | 011          | RI   | 73,000          | 10,704         |
| 765-01794-000 | 011          | ET   | 0               | 0              |
| 765-01795-000 | 011          | ET   | 0               | 0              |
| 765-01796-000 | 011          | CI   | 144,100         | 21,912         |
| 765-01797-000 | 011          | CI   | 146,300         | 19,005         |
| 765-01798-000 | 011          | CI   | 168,950         | 25,267         |
| 765-01799-000 | 011          | CI   | 193,000         | 31,257         |
| 765-01800-000 | 011          | ET   | 0               | 0              |
| 765-01801-000 | 011          | ET   | 0               | 0              |
| 765-01802-000 | 011          | CI   | 226,500         | 37,180         |
| 765-01803-000 | 011          | CI   | 184,200         | 26,312         |
| 765-01804-000 | 011          | CI   | 339,000         | 48,532         |
| 765-01806-000 | 011          | CI   | 173,850         | 33,297         |
| 765-01807-000 | 011          | PS   | 5,211,350       | 1,042,270      |
| 765-01808-000 | 011          | CI   | 168,350         | 28,882         |
| 765-01809-000 | 011          | PS   | 144,750         | 28,950         |
| 765-01810-000 | 011          | CI   | 1,077,000       | 152,757        |
| 765-01811-000 | 011          | CI   | 1,296,200       | 206,492        |
| 765-01812-000 | 011          | CI   | 290,300         | 58,060         |
| 765-01813-000 | 011          | CM   | 47,850          | 6,710          |
| 765-01814-000 | 011          | CI   | 380,200         | 73,871         |
| 765-01815-000 | 011          | CM   | 55,600          | 10,978         |
| 765-01816-000 | 011          | CI   | 409,400         | 80,993         |
| 765-01817-000 | 011          | ET   | 0               | 0              |
| 765-01820-000 | 011          | CI   | 6,400,000       | 1,280,000      |
| 765-01821-000 | 011          | CI   | 6,190,100       | 1,086,591      |
| 765-01827-000 | 011          | CI   | 171,100         | 32,990         |
| 765-01828-000 | 011          | CI   | 199,850         | 38,338         |
| 765-01829-000 | 011          | CI   | 141,800         | 26,712         |
| 765-01830-000 | 011          | CI   | 580,000         | 67,696         |
| 765-01831-000 | 011          | CI   | 240,300         | 44,573         |
| 765-01832-000 | 011          | CI   | 169,100         | 31,746         |
| 765-01832-001 | 011          | CI   | 100,100         | 18,633         |
| 765-01833-000 | 011          | CI   | 163,700         | 22,537         |
| 765-01834-000 | 011          | CI   | 405,400         | 64,106         |
| 765-01835-000 | 011          | CV   | 396,900         | 75,533         |
| 765-01835-001 | 011          | CB   | 1,953,100       | 299,207        |
| 765-01836-000 | 011          | CI   | 4,000,000       | 770,000        |
| 765-01837-000 | 011          | CV   | 64,850          | 11,231         |
| 765-01838-000 | 011          | CI   | 455,400         | 84,885         |
| 765-01839-000 | 011          | CI   | 982,300         | 122,694        |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed |
|---------------|--------------|------|-----------------|----------------|
| 765-01840-000 | 011          | CM   | 89,000          | 17,270         |
| 765-01841-000 | 011          | CI   | 68,150          | 12,112         |
| 765-01842-000 | 011          | EX   | 0               | 0              |
| 765-01843-000 | 011          | CI   | 85,250          | 14,143         |
| 765-01844-000 | 011          | CI   | 67,100          | 11,168         |
| 765-01844-001 | 011          | CI   | 67,000          | 11,140         |
| 765-01845-000 | 011          | CI   | 275,950         | 52,573         |
| 765-01846-000 | 011          | CI   | 722,150         | 127,470        |
| 765-01847-000 | 011          | CI   | 702,950         | 140,590        |
| 765-01848-000 | 011          | CI   | 2,500,000       | 461,627        |
| 765-01849-000 | 011          | ET   | 0               | 0              |
| 765-01850-000 | 011          | ET   | 0               | 0              |
| 765-01851-000 | 011          | ET   | 0               | 0              |
| 765-01852-000 | 011          | ET   | 0               | 0              |
| 765-01853-000 | 011          | EX   | 0               | 0              |
| 765-01854-000 | 011          | ET   | 0               | 0              |
| 765-01855-000 | 011          | ET   | 0               | 0              |
| 765-01856-000 | 011          | CI   | 412,450         | 68,990         |
| 765-01857-000 | 011          | CI   | 161,850         | 26,727         |
| 765-01858-000 | 011          | RI   | 187,750         | 27,955         |
| 765-01859-000 | 011          | CI   | 118,200         | 15,378         |
| 765-01860-000 | 011          | RI   | 73,100          | 12,197         |
| 765-01861-000 | 011          | RI   | 64,400          | 6,030          |
| 765-01862-000 | 011          | CM   | 76,550          | 12,325         |
| 765-01863-000 | 011          | RI   | 171,850         | 25,333         |
| 765-01864-000 | 011          | CM   | 66,550          | 11,484         |
| 765-01865-000 | 011          | CI   | 482,350         | 49,325         |
| 765-01866-000 | 011          | CI   | 290,200         | 49,940         |
| 765-01867-000 | 011          | CI   | 123,500         | 12,727         |
| 765-01868-000 | 011          | RI   | 154,700         | 23,924         |
| 765-01869-000 | 011          | ET   | 0               | 0              |
| 765-01870-000 | 011          | ET   | 0               | 0              |
| 765-01871-000 | 011          | ET   | 0               | 0              |
| 765-01872-000 | 011          | ET   | 0               | 0              |
| 765-01873-000 | 011          | EX   | 0               | 0              |
| 765-01874-000 | 011          | CI   | 46,050          | 7,865          |
| 765-01875-000 | 011          | CI   | 41,650          | 7,021          |
| 765-01876-000 | 011          | RI   | 78,550          | 13,695         |
| 765-01877-000 | 011          | RI   | 437,050         | 85,102         |
| 765-01878-000 | 011          | CI   | 106,850         | 19,118         |
| 765-01879-000 | 011          | EX   | 0               | 0              |
| 765-01880-000 | 011          | RI   | 112,000         | 16,103         |
| 765-01881-000 | 011          | RI   | 163,450         | 17,139         |
| 765-01882-000 | 011          | CR   | 276,150         | 45,624         |
| 765-01882-001 | 011          | CI   | 445,900         | 89,180         |
| 765-01883-000 | 011          | CR   | 231,000         | 46,200         |
| 765-01884-000 | 011          | RI   | 75,350          | 12,735         |
| 765-01885-000 | 011          | RV   | 500             | 100            |
| 765-01886-000 | 011          | CI   | 75,700          | 9,482          |
| 765-01887-000 | 011          | CI   | 88,050          | 7,894          |
| 765-01887-002 | 011          | EX   | 0               | 0              |
| 765-01888-000 | 011          | RI   | 54,950          | 9,324          |
| 765-01889-000 | 011          | RI   | 62,650          | 8,451          |
| 765-01890-000 | 011          | RI   | 47,050          | 7,536          |
| 765-01891-000 | 011          | RI   | 86,500          | 14,850         |
| 765-01892-000 | 011          | RI   | 107,000         | 17,586         |
| 765-01893-000 | 011          | RI   | 100,500         | 13,002         |
| 765-01894-000 | 011          | RI   | 86,000          | 15,389         |
| 765-01895-000 | 011          | CM   | 135,200         | 12,598         |
| 765-01896-000 | 011          | RI   | 100,950         | 15,766         |
| 765-01897-000 | 011          | RI   | 137,550         | 18,690         |
| 765-01898-000 | 011          | RI   | 137,350         | 17,593         |
| 765-01899-000 | 011          | RI   | 79,750          | 7,899          |
| 765-01900-000 | 011          | CV   | 58,400          | 3,080          |

| <u>Parcel ID</u> | <u>Tax District</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> | C. 1<br>Highway 71 East Square Redevelopment<br>District #1 Project Plan Amendment<br>Page 67 of 158 |
|------------------|---------------------|-------------|------------------------|-----------------------|------------------------------------------------------------------------------------------------------|
| 765-01901-000    | 011                 | CI          | 55,450                 | 6,907                 |                                                                                                      |
| 765-01902-000    | 011                 | RI          | 65,450                 | 9,162                 |                                                                                                      |
| 765-01903-000    | 011                 | CI          | 209,500                | 28,929                |                                                                                                      |
| 765-01904-000    | 011                 | RI          | 436,350                | 55,159                |                                                                                                      |
| 765-01905-000    | 011                 | CR          | 246,900                | 27,478                |                                                                                                      |
| 765-01906-000    | 011                 | CR          | 228,650                | 22,765                |                                                                                                      |
| 765-01907-000    | 011                 | RI          | 174,150                | 31,856                |                                                                                                      |
| 765-01908-000    | 011                 | RI          | 125,650                | 17,576                |                                                                                                      |
| 765-01909-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01910-000    | 011                 | RI          | 55,350                 | 7,136                 |                                                                                                      |
| 765-01911-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01912-000    | 011                 | RI          | 52,750                 | 10,550                |                                                                                                      |
| 765-01913-000    | 011                 | CI          | 112,650                | 12,627                |                                                                                                      |
| 765-01914-000    | 011                 | ET          | 0                      | 0                     |                                                                                                      |
| 765-01915-000    | 011                 | CI          | 95,400                 | 17,578                |                                                                                                      |
| 765-01916-000    | 011                 | CI          | 362,450                | 37,752                |                                                                                                      |
| 765-01917-000    | 011                 | CI          | 435,500                | 60,380                |                                                                                                      |
| 765-01918-000    | 011                 | CI          | 1,975,950              | 377,706               |                                                                                                      |
| 765-01919-000    | 011                 | CI          | 244,900                | 34,120                |                                                                                                      |
| 765-01920-000    | 011                 | CI          | 238,800                | 45,485                |                                                                                                      |
| 765-01924-000    | 011                 | CI          | 236,850                | 47,370                |                                                                                                      |
| 765-01925-000    | 011                 | CI          | 481,400                | 79,671                |                                                                                                      |
| 765-01926-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01927-000    | 011                 | CI          | 717,700                | 129,031               |                                                                                                      |
| 765-01928-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01929-000    | 011                 | ET          | 0                      | 0                     |                                                                                                      |
| 765-01930-000    | 011                 | CI          | 389,750                | 77,950                |                                                                                                      |
| 765-01932-000    | 011                 | CI          | 527,600                | 59,068                |                                                                                                      |
| 765-01933-000    | 011                 | CI          | 432,400                | 72,758                |                                                                                                      |
| 765-01935-000    | 011                 | CI          | 4,380,500              | 849,736               |                                                                                                      |
| 765-01938-000    | 011                 | CI          | 167,550                | 30,488                |                                                                                                      |
| 765-01939-000    | 011                 | CI          | 334,850                | 62,062                |                                                                                                      |
| 765-01940-000    | 011                 | CI          | 668,400                | 119,577               |                                                                                                      |
| 765-01940-001    | 011                 | CI          | 230,800                | 45,485                |                                                                                                      |
| 765-01941-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01942-000    | 011                 | CI          | 341,350                | 68,266                |                                                                                                      |
| 765-01943-000    | 011                 | CI          | 470,250                | 90,167                |                                                                                                      |
| 765-01944-000    | 011                 | CI          | 109,650                | 14,715                |                                                                                                      |
| 765-01945-000    | 011                 | CI          | 175,450                | 23,695                |                                                                                                      |
| 765-01946-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01947-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01948-000    | 011                 | CI          | 332,700                | 61,576                |                                                                                                      |
| 765-01949-000    | 011                 | CI          | 239,150                | 44,959                |                                                                                                      |
| 765-01950-000    | 011                 | CI          | 260,950                | 52,190                |                                                                                                      |
| 765-01952-000    | 011                 | ET          | 0                      | 0                     |                                                                                                      |
| 765-01953-000    | 011                 | ET          | 0                      | 0                     |                                                                                                      |
| 765-01954-000    | 011                 | CI          | 151,150                | 26,609                |                                                                                                      |
| 765-01955-000    | 011                 | RV          | 22,500                 | 3,168                 |                                                                                                      |
| 765-01956-000    | 011                 | RI          | 72,550                 | 12,913                |                                                                                                      |
| 765-01958-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01959-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01960-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01961-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01962-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01963-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01964-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01965-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-01966-000    | 011                 | CI          | 396,000                | 79,200                |                                                                                                      |
| 765-01967-000    | 011                 | CI          | 98,200                 | 10,496                |                                                                                                      |
| 765-01968-000    | 011                 | CV          | 69,000                 | 13,365                |                                                                                                      |
| 765-01969-000    | 011                 | CV          | 34,500                 | 6,688                 |                                                                                                      |
| 765-01970-000    | 011                 | CV          | 34,500                 | 6,688                 |                                                                                                      |
| 765-01971-000    | 011                 | CV          | 23,000                 | 4,455                 |                                                                                                      |
| 765-01972-000    | 011                 | CI          | 1,294,050              | 130,545               |                                                                                                      |



| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed | C. 1<br>Highway 71 East Square Redevelopment<br>District #1 Project Plan Amendment<br>Page 68 of 158 |
|---------------|--------------|------|-----------------|----------------|------------------------------------------------------------------------------------------------------|
| 765-01975-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01976-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01977-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01978-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01979-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01980-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01981-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01982-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01983-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01984-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01985-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01985-001 | 011          | CI   | 1,219,550       | 225,577        |                                                                                                      |
| 765-01986-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01987-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01988-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01989-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01990-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01991-000 | 011          | CI   | 392,300         | 69,398         |                                                                                                      |
| 765-01992-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01993-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-01994-000 | 011          | CI   | 294,300         | 52,613         |                                                                                                      |
| 765-01995-000 | 011          | CI   | 218,100         | 29,835         |                                                                                                      |
| 765-01996-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01997-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01998-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-01999-000 | 011          | CI   | 208,650         | 41,173         |                                                                                                      |
| 765-01999-001 | 011          | CI   | 141,000         | 20,933         |                                                                                                      |
| 765-02000-000 | 011          | CI   | 340,350         | 47,018         |                                                                                                      |
| 765-02001-000 | 011          | CI   | 285,650         | 40,865         |                                                                                                      |
| 765-02002-000 | 011          | RI   | 471,650         | 78,977         |                                                                                                      |
| 765-02003-000 | 011          | CI   | 341,350         | 56,049         |                                                                                                      |
| 765-02004-000 | 011          | CI   | 334,350         | 39,344         |                                                                                                      |
| 765-02005-000 | 011          | CI   | 324,800         | 60,665         |                                                                                                      |
| 765-02006-000 | 011          | RI   | 72,500          | 7,305          |                                                                                                      |
| 765-02007-000 | 011          | CR   | 185,600         | 37,120         |                                                                                                      |
| 765-02008-000 | 011          | RI   | 67,700          | 10,978         |                                                                                                      |
| 765-02010-000 | 011          | CT   | 146,050         | 26,950         |                                                                                                      |
| 765-02020-000 | 011          | RI   | 98,700          | 10,915         |                                                                                                      |
| 765-02021-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02022-000 | 011          | RI   | 49,400          | 4,730          |                                                                                                      |
| 765-02023-000 | 011          | RI   | 79,850          | 10,608         |                                                                                                      |
| 765-02024-000 | 011          | RI   | 65,550          | 7,635          |                                                                                                      |
| 765-02025-000 | 011          | RI   | 80,500          | 15,149         |                                                                                                      |
| 765-02026-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02027-000 | 011          | RI   | 46,550          | 7,908          |                                                                                                      |
| 765-02028-000 | 011          | RI   | 46,600          | 7,207          |                                                                                                      |
| 765-02029-000 | 011          | RI   | 96,650          | 15,133         |                                                                                                      |
| 765-02030-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02031-000 | 011          | RI   | 82,150          | 8,735          |                                                                                                      |
| 765-02032-000 | 011          | RI   | 44,000          | 8,393          |                                                                                                      |
| 765-02033-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02034-000 | 011          | RM   | 22,300          | 4,460          |                                                                                                      |
| 765-02035-000 | 011          | RV   | 50,500          | 8,666          |                                                                                                      |
| 765-02036-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02037-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02038-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02039-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02040-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02041-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02041-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02042-000 | 011          | EX   | 0               | 0              |                                                                                                      |
| 765-02043-000 | 011          | CI   | 222,950         | 30,901         |                                                                                                      |
| 765-02044-000 | 011          | RI   | 91,800          | 10,011         |                                                                                                      |
| 765-02045-000 | 011          | RI   | 78,550          | 9,515          |                                                                                                      |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed |
|---------------|--------------|------|-----------------|----------------|
| 765-02046-000 | 011          | CI   | 160,650         | 25,464         |
| 765-02047-000 | 011          | CR   | 216,050         | 34,939         |
| 765-02048-000 | 011          | RI   | 111,700         | 17,606         |
| 765-02049-000 | 011          | RI   | 68,600          | 7,401          |
| 765-02050-000 | 011          | RI   | 66,250          | 7,052          |
| 765-02051-000 | 011          | RI   | 86,150          | 10,925         |
| 765-02052-000 | 011          | RI   | 77,350          | 8,827          |
| 765-02053-000 | 011          | CI   | 299,400         | 42,056         |
| 765-02054-000 | 011          | RI   | 79,450          | 7,624          |
| 765-02055-000 | 011          | RI   | 75,350          | 6,100          |
| 765-02056-000 | 011          | RI   | 65,650          | 7,317          |
| 765-02057-000 | 011          | RI   | 50,850          | 6,635          |
| 765-02058-000 | 011          | RI   | 65,950          | 8,041          |
| 765-02059-000 | 011          | RI   | 52,200          | 6,364          |
| 765-02060-000 | 011          | RI   | 54,000          | 6,635          |
| 765-02061-000 | 011          | RI   | 76,100          | 7,362          |
| 765-02062-000 | 011          | RI   | 104,900         | 13,033         |
| 765-02063-000 | 011          | RI   | 68,100          | 9,462          |
| 765-02064-000 | 011          | CI   | 183,050         | 26,933         |
| 765-02064-001 | 011          | RI   | 86,150          | 7,744          |
| 765-02065-000 | 011          | RI   | 112,900         | 11,182         |
| 765-02066-000 | 011          | RI   | 111,300         | 9,560          |
| 765-02067-000 | 011          | RI   | 58,100          | 5,952          |
| 765-02068-000 | 011          | RI   | 56,050          | 5,630          |
| 765-02069-000 | 011          | CI   | 160,350         | 26,169         |
| 765-02070-000 | 011          | CR   | 359,500         | 52,773         |
| 765-02071-000 | 011          | PS   | 1,750           | 350            |
| 765-02072-000 | 011          | EX   | 0               | 0              |
| 765-02073-000 | 011          | EX   | 0               | 0              |
| 765-02074-000 | 011          | RI   | 50,900          | 5,808          |
| 765-02075-000 | 011          | RV   | 22,500          | 2,860          |
| 765-02076-000 | 011          | RI   | 66,250          | 10,427         |
| 765-02077-000 | 011          | RI   | 132,800         | 16,352         |
| 765-02078-000 | 011          | RI   | 61,650          | 7,765          |
| 765-02080-000 | 011          | RI   | 35,650          | 6,303          |
| 765-02081-000 | 011          | RI   | 47,950          | 7,222          |
| 765-02082-000 | 011          | CI   | 153,200         | 24,915         |
| 765-02083-000 | 011          | RI   | 51,800          | 7,444          |
| 765-02084-000 | 011          | RI   | 35,850          | 5,477          |
| 765-02085-000 | 011          | RI   | 57,050          | 8,065          |
| 765-02086-000 | 011          | CV   | 26,500          | 3,795          |
| 765-02087-000 | 011          | CV   | 43,700          | 5,754          |
| 765-02088-000 | 011          | CI   | 160,250         | 21,607         |
| 765-02088-001 | 011          | CI   | 34,950          | 4,791          |
| 765-02092-000 | 011          | RV   | 100             | 20             |
| 765-02093-000 | 011          | RV   | 500             | 100            |
| 765-02093-001 | 011          | RI   | 61,100          | 6,901          |
| 765-02094-000 | 011          | CI   | 79,250          | 13,607         |
| 765-02095-000 | 011          | RV   | 17,500          | 2,464          |
| 765-02096-000 | 011          | RI   | 51,200          | 9,812          |
| 765-02097-000 | 011          | CV   | 23,500          | 4,312          |
| 765-02098-000 | 011          | CV   | 80,050          | 14,674         |
| 765-02099-000 | 011          | CV   | 52,150          | 9,559          |
| 765-02100-000 | 011          | RI   | 46,000          | 7,951          |
| 765-02102-000 | 011          | RV   | 15,000          | 2,059          |
| 765-02103-000 | 011          | RV   | 17,500          | 2,402          |
| 765-02104-000 | 011          | EX   | 0               | 0              |
| 765-02106-000 | 011          | RI   | 49,650          | 7,072          |
| 765-02108-000 | 011          | CI   | 44,850          | 6,787          |
| 765-02112-000 | 011          | RI   | 58,100          | 7,579          |
| 765-02113-000 | 011          | RV   | 20,000          | 2,231          |
| 765-02114-000 | 011          | RV   | 6,250           | 1,250          |
| 765-02115-000 | 011          | RM   | 19,350          | 3,069          |
| 765-02116-000 | 011          | CI   | 231,950         | 41,599         |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed | C. 1<br>Highway 71 East Square Redevelopment<br>District #1 Project Plan Amendment<br>Page 70 of 158 |
|---------------|--------------|------|-----------------|----------------|------------------------------------------------------------------------------------------------------|
| 765-02118-000 | 011          | RV   | 10,000          | 1,408          |                                                                                                      |
| 765-02119-000 | 011          | RI   | 68,250          | 7,424          |                                                                                                      |
| 765-02120-000 | 011          | RI   | 54,000          | 6,499          |                                                                                                      |
| 765-02121-000 | 011          | RI   | 67,950          | 10,013         |                                                                                                      |
| 765-02123-000 | 011          | RV   | 26,250          | 5,250          |                                                                                                      |
| 765-02124-000 | 011          | CI   | 98,900          | 15,473         |                                                                                                      |
| 765-02127-000 | 011          | RV   | 31,250          | 2,603          |                                                                                                      |
| 765-02128-000 | 011          | RI   | 66,850          | 8,309          |                                                                                                      |
| 765-02129-000 | 011          | RV   | 33,750          | 4,752          |                                                                                                      |
| 765-02130-000 | 011          | CI   | 324,750         | 64,146         |                                                                                                      |
| 765-02133-000 | 011          | CV   | 34,250          | 5,445          |                                                                                                      |
| 765-02134-000 | 011          | CI   | 131,300         | 18,733         |                                                                                                      |
| 765-02135-000 | 011          | RI   | 112,800         | 16,574         |                                                                                                      |
| 765-02137-000 | 011          | RI   | 66,100          | 6,195          |                                                                                                      |
| 765-02138-000 | 011          | CM   | 18,550          | 3,663          |                                                                                                      |
| 765-02139-000 | 011          | RI   | 110,750         | 8,900          |                                                                                                      |
| 765-02140-000 | 011          | RI   | 83,600          | 9,708          |                                                                                                      |
| 765-02980-000 | 011          | RI   | 44,050          | 6,119          |                                                                                                      |
| 765-02981-000 | 011          | CI   | 73,250          | 12,474         |                                                                                                      |
| 765-02982-000 | 011          | RI   | 43,450          | 6,363          |                                                                                                      |
| 765-02983-000 | 011          | RM   | 10,500          | 1,485          |                                                                                                      |
| 765-02984-000 | 011          | RI   | 22,250          | 2,922          |                                                                                                      |
| 765-02985-000 | 011          | RI   | 36,250          | 6,450          |                                                                                                      |
| 765-02986-000 | 011          | RI   | 37,500          | 4,936          |                                                                                                      |
| 765-02987-000 | 011          | RI   | 33,850          | 5,048          |                                                                                                      |
| 765-02988-000 | 011          | RI   | 72,950          | 10,221         |                                                                                                      |
| 765-02989-000 | 011          | RI   | 26,250          | 4,147          |                                                                                                      |
| 765-02990-000 | 011          | RM   | 10,300          | 1,496          |                                                                                                      |
| 765-02991-000 | 011          | RI   | 23,600          | 4,276          |                                                                                                      |
| 765-04310-000 | 011          | CI   | 98,250          | 19,437         |                                                                                                      |
| 765-04312-000 | 011          | RI   | 165,500         | 23,568         |                                                                                                      |
| 765-04313-000 | 011          | RI   | 157,400         | 18,559         |                                                                                                      |
| 765-04314-000 | 011          | RI   | 61,100          | 8,910          |                                                                                                      |
| 765-04315-000 | 011          | CI   | 173,900         | 34,780         |                                                                                                      |
| 765-04316-000 | 011          | RI   | 167,650         | 24,518         |                                                                                                      |
| 765-04317-000 | 011          | RI   | 149,050         | 21,411         |                                                                                                      |
| 765-04318-000 | 011          | CI   | 240,250         | 46,689         |                                                                                                      |
| 765-04319-000 | 011          | CI   | 113,200         | 22,418         |                                                                                                      |
| 765-04320-000 | 011          | CI   | 499,050         | 60,117         |                                                                                                      |
| 765-04321-000 | 011          | CI   | 342,150         | 65,670         |                                                                                                      |
| 765-04322-000 | 011          | CM   | 97,850          | 16,632         |                                                                                                      |
| 765-04323-000 | 011          | CM   | 40,350          | 6,765          |                                                                                                      |
| 765-04324-000 | 011          | CM   | 52,200          | 6,428          |                                                                                                      |
| 765-04325-000 | 011          | CM   | 58,300          | 7,309          |                                                                                                      |
| 765-04326-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04327-000 | 011          | RV   | 23,400          | 2,860          |                                                                                                      |
| 765-04328-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04329-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04330-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04331-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04332-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04333-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04334-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04334-100 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04335-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04336-000 | 011          | ET   | 0               | 0              |                                                                                                      |
| 765-04337-000 | 011          | RI   | 152,350         | 19,625         |                                                                                                      |
| 765-04338-000 | 011          | RV   | 20,650          | 2,640          |                                                                                                      |
| 765-04339-000 | 011          | RI   | 99,700          | 14,300         |                                                                                                      |
| 765-04340-000 | 011          | RI   | 93,650          | 10,642         |                                                                                                      |
| 765-04341-000 | 011          | RI   | 133,500         | 20,270         |                                                                                                      |
| 765-04342-000 | 011          | RI   | 186,100         | 22,803         |                                                                                                      |
| 765-04343-000 | 011          | RI   | 70,200          | 14,040         |                                                                                                      |
| 765-04344-000 | 011          | CI   | 53,750          | 10,750         |                                                                                                      |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed |
|---------------|--------------|------|-----------------|----------------|
| 765-04345-000 | 011          | RI   | 30,150          | 4,114          |
| 765-04346-000 | 011          | ET   | 0               | 0              |
| 765-04347-000 | 011          | RI   | 58,300          | 10,410         |
| 765-04348-000 | 011          | RI   | 68,550          | 10,054         |
| 765-04349-000 | 011          | RI   | 78,250          | 11,682         |
| 765-04350-000 | 011          | CI   | 301,850         | 50,736         |
| 765-04350-001 | 011          | CI   | 223,400         | 39,556         |
| 765-04351-000 | 011          | ET   | 0               | 0              |
| 765-04352-000 | 011          | ET   | 0               | 0              |
| 765-04353-000 | 011          | ET   | 0               | 0              |
| 765-04354-000 | 011          | ET   | 0               | 0              |
| 765-04355-000 | 011          | RI   | 55,250          | 7,465          |
| 765-04356-000 | 011          | RI   | 56,650          | 7,679          |
| 765-04357-000 | 011          | CR   | 119,750         | 14,915         |
| 765-04357-100 | 011          | EX   | 0               | 0              |
| 765-04358-000 | 011          | CI   | 54,000          | 10,800         |
| 765-04359-000 | 011          | CI   | 81,350          | 14,377         |
| 765-04360-000 | 011          | CI   | 70,350          | 12,033         |
| 765-04361-000 | 011          | CI   | 1,072,400       | 185,001        |
| 765-04362-000 | 011          | CI   | 393,700         | 64,625         |
| 765-04362-001 | 011          | EX   | 0               | 0              |
| 765-04363-000 | 011          | CM   | 168,900         | 5,420          |
| 765-04363-001 | 011          | EX   | 0               | 0              |
| 765-04364-000 | 011          | CI   | 1,225,100       | 177,117        |
| 765-04365-000 | 011          | CI   | 265,350         | 42,400         |
| 765-04366-000 | 011          | CI   | 85,550          | 11,703         |
| 765-04367-000 | 011          | CI   | 110,200         | 9,626          |
| 765-04368-000 | 011          | CI   | 97,650          | 11,005         |
| 765-04369-000 | 011          | CI   | 242,500         | 39,039         |
| 765-04370-000 | 011          | CI   | 257,850         | 26,183         |
| 765-04371-000 | 011          | CI   | 134,500         | 18,805         |
| 765-04372-000 | 011          | CI   | 152,400         | 20,878         |
| 765-04373-000 | 011          | CI   | 247,550         | 22,542         |
| 765-04374-000 | 011          | CM   | 106,450         | 16,145         |
| 765-04375-000 | 011          | CI   | 830,250         | 105,770        |
| 765-04376-000 | 011          | CI   | 255,000         | 37,336         |
| 765-04376-000 | 011          | CI   | 255,000         | 37,336         |
| 765-04378-000 | 011          | VP   | 0               | 0              |
| 765-04378-001 | 011          | CI   | 280,300         | 43,618         |
| 765-04379-000 | 011          | CI   | 510,150         | 57,537         |
| 765-04380-000 | 011          | ET   | 0               | 0              |
| 765-04381-000 | 011          | ET   | 0               | 0              |
| 765-04382-000 | 011          | ET   | 0               | 0              |
| 765-04384-000 | 011          | ET   | 0               | 0              |
| 765-04385-000 | 011          | ET   | 0               | 0              |
| 765-04388-000 | 011          | ET   | 0               | 0              |
| 765-04389-000 | 011          | ET   | 0               | 0              |
| 765-04390-000 | 011          | ET   | 0               | 0              |
| 765-04391-000 | 011          | CI   | 341,500         | 68,300         |
| 765-04392-000 | 011          | RI   | 58,400          | 8,525          |
| 765-04393-000 | 011          | RI   | 57,650          | 9,648          |
| 765-04394-000 | 011          | RI   | 114,450         | 14,297         |
| 765-04395-000 | 011          | RI   | 83,800          | 10,534         |
| 765-04396-000 | 011          | RI   | 97,550          | 15,021         |
| 765-04397-000 | 011          | CV   | 54,000          | 9,900          |
| 765-04398-000 | 011          | CI   | 926,000         | 185,200        |
| 765-04399-000 | 011          | CI   | 547,650         | 93,093         |
| 765-04400-000 | 011          | CI   | 167,600         | 20,578         |
| 765-04401-000 | 011          | CI   | 304,650         | 26,984         |
| 765-04402-000 | 011          | CI   | 210,850         | 19,133         |
| 765-04403-000 | 011          | RI   | 78,100          | 14,626         |
| 765-04404-000 | 011          | RI   | 41,400          | 8,280          |
| 765-04405-000 | 011          | RI   | 85,550          | 12,793         |
| 765-04406-000 | 011          | CR   | 84,500          | 14,784         |

| <u>Parcel ID</u> | <u>Tax District</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> | C. 1<br>Highway 71 East Square Redevelopment<br>District #1 Project Plan Amendment<br>Page 72 of 158 |
|------------------|---------------------|-------------|------------------------|-----------------------|------------------------------------------------------------------------------------------------------|
| 765-04407-000    | 011                 | RI          | 43,250                 | 8,650                 |                                                                                                      |
| 765-04408-000    | 011                 | RI          | 59,100                 | 9,109                 |                                                                                                      |
| 765-04409-000    | 011                 | CR          | 145,100                | 18,620                |                                                                                                      |
| 765-04410-000    | 011                 | RI          | 88,300                 | 10,455                |                                                                                                      |
| 765-04411-000    | 011                 | RI          | 69,150                 | 11,087                |                                                                                                      |
| 765-04412-000    | 011                 | RI          | 119,400                | 23,880                |                                                                                                      |
| 765-04413-000    | 011                 | RI          | 86,650                 | 9,298                 |                                                                                                      |
| 765-04414-000    | 011                 | RI          | 75,350                 | 15,070                |                                                                                                      |
| 765-04415-000    | 011                 | RI          | 120,200                | 14,012                |                                                                                                      |
| 765-04416-000    | 011                 | RI          | 129,400                | 16,881                |                                                                                                      |
| 765-04417-000    | 011                 | RI          | 112,100                | 16,228                |                                                                                                      |
| 765-04418-000    | 011                 | RI          | 129,100                | 13,490                |                                                                                                      |
| 765-04419-000    | 011                 | RI          | 99,700                 | 9,596                 |                                                                                                      |
| 765-04421-000    | 011                 | RI          | 194,050                | 28,820                |                                                                                                      |
| 765-04424-000    | 011                 | RM          | 25,950                 | 5,190                 |                                                                                                      |
| 765-04427-000    | 011                 | RI          | 52,600                 | 5,639                 |                                                                                                      |
| 765-04428-000    | 011                 | RI          | 53,750                 | 6,364                 |                                                                                                      |
| 765-04430-000    | 011                 | RI          | 54,150                 | 6,964                 |                                                                                                      |
| 765-04431-000    | 011                 | CV          | 100,000                | 14,300                |                                                                                                      |
| 765-04432-000    | 011                 | RI          | 388,550                | 39,674                |                                                                                                      |
| 765-04433-000    | 011                 | CM          | 45,100                 | 9,020                 |                                                                                                      |
| 765-04434-000    | 011                 | CI          | 643,250                | 104,621               |                                                                                                      |
| 765-04435-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04436-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04437-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04438-000    | 011                 | RI          | 143,700                | 22,583                |                                                                                                      |
| 765-04439-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04440-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04441-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04442-000    | 011                 | CM          | 207,100                | 41,420                |                                                                                                      |
| 765-04443-000    | 011                 | CI          | 2,092,250              | 274,283               |                                                                                                      |
| 765-04444-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04445-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04446-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04447-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04448-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04449-000    | 011                 | CI          | 134,350                | 26,345                |                                                                                                      |
| 765-04450-000    | 011                 | CI          | 334,600                | 64,162                |                                                                                                      |
| 765-04451-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04452-000    | 011                 | CI          | 261,200                | 44,602                |                                                                                                      |
| 765-04453-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04454-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04455-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04456-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04457-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04458-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04459-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04461-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04462-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04463-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04464-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04465-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04466-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04467-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-04513-000    | 011                 | RI          | 96,900                 | 14,144                |                                                                                                      |
| 765-04514-000    | 011                 | RI          | 88,150                 | 15,279                |                                                                                                      |
| 765-04515-000    | 011                 | RI          | 99,250                 | 17,003                |                                                                                                      |
| 765-04516-000    | 011                 | RI          | 97,050                 | 14,359                |                                                                                                      |
| 765-04517-000    | 011                 | CI          | 782,150                | 136,798               |                                                                                                      |
| 765-04518-000    | 011                 | CV          | 165,250                | 12,584                |                                                                                                      |
| 765-05441-000    | 011                 | CI          | 1,300,650              | 159,654               |                                                                                                      |
| 765-05441-001    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-05442-000    | 011                 | RI          | 69,500                 | 13,288                |                                                                                                      |
| 765-05442-001    | 011                 | RV          | 26,400                 | 4,543                 |                                                                                                      |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed | C. 1                                 |
|---------------|--------------|------|-----------------|----------------|--------------------------------------|
| 765-05443-000 | 011          | RV   | 14,400          | 2,475          | Highway 71 East Square Redevelopment |
| 765-05444-000 | 011          | RI   | 56,700          | 10,780         | District #1 Project Plan Amendment   |
| 765-05445-000 | 011          | RI   | 55,750          | 10,582         | Page 73 of 158                       |
| 765-05446-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05447-000 | 011          | CV   | 273,950         | 23,298         |                                      |
| 765-05448-000 | 011          | CI   | 230,650         | 46,130         |                                      |
| 765-05448-001 | 011          | EX   | 0               | 0              |                                      |
| 765-05449-000 | 011          | CI   | 77,200          | 12,864         |                                      |
| 765-05450-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05451-000 | 011          | CR   | 107,300         | 18,336         |                                      |
| 765-05452-000 | 011          | RM   | 22,500          | 3,900          |                                      |
| 765-05453-000 | 011          | RI   | 41,150          | 7,689          |                                      |
| 765-05454-000 | 011          | CR   | 76,250          | 8,965          |                                      |
| 765-05455-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05456-000 | 011          | CV   | 5,800           | 825            |                                      |
| 765-05457-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05458-000 | 011          | CI   | 73,600          | 12,758         |                                      |
| 765-05459-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05460-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05461-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05462-000 | 011          | RI   | 24,300          | 4,179          |                                      |
| 765-05462-001 | 011          | CR   | 87,850          | 16,643         |                                      |
| 765-05463-000 | 011          | RV   | 16,000          | 3,200          |                                      |
| 765-05465-000 | 011          | CI   | 107,850         | 17,827         |                                      |
| 765-05466-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05467-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05468-000 | 011          | CI   | 250,850         | 46,884         |                                      |
| 765-05469-000 | 011          | RI   | 51,400          | 9,285          |                                      |
| 765-05470-000 | 011          | RI   | 46,900          | 7,570          |                                      |
| 765-05471-000 | 011          | RI   | 59,600          | 10,982         |                                      |
| 765-05472-000 | 011          | RI   | 135,150         | 20,678         |                                      |
| 765-05473-000 | 011          | RI   | 42,200          | 5,020          |                                      |
| 765-05474-000 | 011          | RI   | 37,700          | 6,678          |                                      |
| 765-05475-000 | 011          | RI   | 55,850          | 8,561          |                                      |
| 765-05476-000 | 011          | RI   | 55,300          | 7,993          |                                      |
| 765-05477-000 | 011          | RI   | 52,700          | 9,744          |                                      |
| 765-05478-000 | 011          | RI   | 44,250          | 7,036          |                                      |
| 765-05479-000 | 011          | CI   | 205,000         | 31,163         |                                      |
| 765-05481-000 | 011          | CM   | 16,350          | 2,563          |                                      |
| 765-05482-000 | 011          | RI   | 67,750          | 10,854         |                                      |
| 765-05483-000 | 011          | RI   | 43,350          | 8,173          |                                      |
| 765-05484-000 | 011          | RI   | 51,050          | 8,723          |                                      |
| 765-05485-000 | 011          | RI   | 31,450          | 5,786          |                                      |
| 765-05486-000 | 011          | RI   | 62,650          | 12,497         |                                      |
| 765-05487-000 | 011          | CI   | 93,500          | 15,928         |                                      |
| 765-05492-001 | 011          | EX   | 0               | 0              |                                      |
| 765-05498-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05499-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05500-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05501-000 | 011          | CI   | 110,700         | 14,542         |                                      |
| 765-05501-001 | 011          | EX   | 0               | 0              |                                      |
| 765-05502-000 | 011          | CV   | 42,550          | 4,455          |                                      |
| 765-05504-000 | 011          | ET   | 0               | 0              |                                      |
| 765-05505-000 | 011          | EX   | 0               | 0              |                                      |
| 765-05506-001 | 011          | EX   | 0               | 0              |                                      |
| 765-05506-002 | 011          | EX   | 0               | 0              |                                      |
| 765-05507-000 | 011          | IV   | 45,750          | 8,852          |                                      |
| 765-05508-000 | 011          | CI   | 28,700          | 4,994          |                                      |
| 765-05509-000 | 011          | II   | 418,350         | 80,553         |                                      |
| 765-05510-000 | 011          | CI   | 103,350         | 16,541         |                                      |
| 765-05511-000 | 011          | CI   | 83,300          | 16,613         |                                      |
| 765-05520-000 | 011          | CI   | 74,500          | 11,561         |                                      |
| 765-05520-000 | 011          | CI   | 74,500          | 11,561         |                                      |
| 765-05521-000 | 011          | CI   | 120,050         | 19,524         |                                      |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed |
|---------------|--------------|------|-----------------|----------------|
| 765-05521-001 | 011          | EX   | 0               | 0              |
| 765-05522-000 | 011          | IV   | 36,550          | 4,378          |
| 765-05523-000 | 011          | II   | 366,850         | 73,370         |
| 765-05523-001 | 011          | EX   | 0               | 0              |
| 765-05524-000 | 011          | CI   | 40,100          | 5,764          |
| 765-05524-001 | 011          | EX   | 0               | 0              |
| 765-05525-000 | 011          | EX   | 0               | 0              |
| 765-05525-001 | 011          | CV   | 17,800          | 2,640          |
| 765-05526-000 | 011          | RI   | 34,150          | 6,314          |
| 765-05527-000 | 011          | RI   | 37,050          | 6,875          |
| 765-05528-000 | 011          | CI   | 14,550          | 2,910          |
| 765-05529-000 | 011          | RI   | 54,450          | 9,938          |
| 765-05530-000 | 011          | RI   | 31,700          | 5,660          |
| 765-05531-000 | 011          | CI   | 69,850          | 13,970         |
| 765-05532-000 | 011          | RI   | 42,150          | 6,291          |
| 765-05533-000 | 011          | CI   | 253,600         | 45,912         |
| 765-05534-000 | 011          | CV   | 15,000          | 2,233          |
| 765-05535-000 | 011          | RI   | 37,200          | 6,897          |
| 765-05536-000 | 011          | RV   | 15,200          | 2,618          |
| 765-05537-000 | 011          | RV   | 25,600          | 2,860          |
| 765-05538-000 | 011          | RI   | 42,100          | 7,493          |
| 765-05539-000 | 011          | RV   | 6,400           | 1,100          |
| 765-05539-001 | 011          | EX   | 0               | 0              |
| 765-05540-000 | 011          | II   | 72,850          | 13,274         |
| 765-05541-000 | 011          | CI   | 42,950          | 5,205          |
| 765-05541-001 | 011          | EX   | 0               | 0              |
| 765-05572-010 | 011          | CI   | 338,350         | 58,344         |
| 765-05573-000 | 011          | ET   | 0               | 0              |
| 765-05574-000 | 011          | ET   | 0               | 0              |
| 765-05575-000 | 011          | ET   | 0               | 0              |
| 765-05576-000 | 011          | ET   | 0               | 0              |
| 765-05577-000 | 011          | ET   | 0               | 0              |
| 765-05578-000 | 011          | RI   | 59,850          | 9,416          |
| 765-05579-000 | 011          | ET   | 0               | 0              |
| 765-05580-000 | 011          | ET   | 0               | 0              |
| 765-05581-000 | 011          | ET   | 0               | 0              |
| 765-05582-000 | 011          | ET   | 0               | 0              |
| 765-05583-000 | 011          | ET   | 0               | 0              |
| 765-05584-000 | 011          | RI   | 60,600          | 9,395          |
| 765-05585-000 | 011          | ET   | 0               | 0              |
| 765-05586-000 | 011          | ET   | 0               | 0              |
| 765-05587-000 | 011          | ET   | 0               | 0              |
| 765-05588-000 | 011          | ET   | 0               | 0              |
| 765-05589-000 | 011          | ET   | 0               | 0              |
| 765-06024-000 | 011          | RI   | 124,450         | 22,825         |
| 765-06025-000 | 011          | CV   | 52,850          | 9,009          |
| 765-06026-000 | 011          | RI   | 218,500         | 41,635         |
| 765-06027-000 | 011          | CI   | 748,650         | 147,180        |
| 765-06028-000 | 011          | RI   | 80,800          | 12,999         |
| 765-06029-000 | 011          | RI   | 64,500          | 11,968         |
| 765-06030-000 | 011          | RI   | 254,000         | 48,710         |
| 765-06031-000 | 011          | RI   | 271,650         | 51,939         |
| 765-06032-000 | 011          | RI   | 347,150         | 54,271         |
| 765-06033-000 | 011          | RI   | 92,700          | 17,910         |
| 765-06034-000 | 011          | RM   | 24,600          | 3,818          |
| 765-06035-000 | 011          | RI   | 125,200         | 23,892         |
| 765-06036-000 | 011          | CI   | 185,400         | 28,328         |
| 765-06037-000 | 011          | EX   | 0               | 0              |
| 765-06038-000 | 011          | EX   | 0               | 0              |
| 765-06039-000 | 011          | RI   | 329,900         | 41,400         |
| 765-06040-000 | 011          | CI   | 291,100         | 49,478         |
| 765-06380-000 | 011          | RI   | 62,100          | 11,571         |
| 765-06381-000 | 011          | RV   | 12,600          | 1,683          |
| 765-06382-000 | 011          | RI   | 49,850          | 9,515          |



| <u>Parcel ID</u> | <u>Tax District</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> | C. 1<br>Highway 71 East Square Redevelopment<br>District #1 Project Plan Amendment<br>Page 75 of 158 |
|------------------|---------------------|-------------|------------------------|-----------------------|------------------------------------------------------------------------------------------------------|
| 765-07060-000    | 011                 | CI          | 69,850                 | 11,825                |                                                                                                      |
| 765-07061-000    | 011                 | RI          | 20,650                 | 2,898                 |                                                                                                      |
| 765-07062-000    | 011                 | RI          | 86,900                 | 12,396                |                                                                                                      |
| 765-07063-000    | 011                 | RI          | 33,150                 | 5,577                 |                                                                                                      |
| 765-07064-000    | 011                 | RV          | 15,000                 | 1,760                 |                                                                                                      |
| 765-07065-000    | 011                 | RI          | 45,150                 | 5,218                 |                                                                                                      |
| 765-07066-000    | 011                 | RI          | 33,700                 | 5,302                 |                                                                                                      |
| 765-07067-000    | 011                 | RV          | 10,500                 | 1,232                 |                                                                                                      |
| 765-07068-000    | 011                 | RV          | 10,500                 | 1,232                 |                                                                                                      |
| 765-07069-000    | 011                 | RI          | 40,900                 | 6,886                 |                                                                                                      |
| 765-07070-000    | 011                 | RI          | 32,750                 | 5,005                 |                                                                                                      |
| 765-07087-000    | 011                 | CI          | 267,550                | 43,987                |                                                                                                      |
| 765-07088-000    | 011                 | CI          | 116,550                | 22,156                |                                                                                                      |
| 765-07089-000    | 011                 | RM          | 14,250                 | 1,749                 |                                                                                                      |
| 765-07090-000    | 011                 | RI          | 36,400                 | 4,950                 |                                                                                                      |
| 765-07091-000    | 011                 | RI          | 66,450                 | 9,195                 |                                                                                                      |
| 765-07092-000    | 011                 | RI          | 50,400                 | 6,835                 |                                                                                                      |
| 765-07093-000    | 011                 | RI          | 41,000                 | 4,460                 |                                                                                                      |
| 765-07094-000    | 011                 | RI          | 57,450                 | 9,639                 |                                                                                                      |
| 765-07095-000    | 011                 | RI          | 29,500                 | 3,861                 |                                                                                                      |
| 765-07096-000    | 011                 | RV          | 100                    | 20                    |                                                                                                      |
| 765-07097-000    | 011                 | RI          | 41,800                 | 6,842                 |                                                                                                      |
| 765-07098-000    | 011                 | RI          | 37,450                 | 5,657                 |                                                                                                      |
| 765-07099-000    | 011                 | RI          | 49,500                 | 6,992                 |                                                                                                      |
| 765-07100-000    | 011                 | RI          | 57,700                 | 8,036                 |                                                                                                      |
| 765-07123-000    | 011                 | RI          | 72,450                 | 6,100                 |                                                                                                      |
| 765-07124-000    | 011                 | RI          | 50,500                 | 8,492                 |                                                                                                      |
| 765-07125-000    | 011                 | CV          | 10,500                 | 1,650                 |                                                                                                      |
| 765-07126-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-07128-000    | 011                 | RI          | 13,250                 | 2,650                 |                                                                                                      |
| 765-07129-000    | 011                 | RI          | 59,000                 | 7,770                 |                                                                                                      |
| 765-07130-000    | 011                 | RV          | 18,750                 | 2,200                 |                                                                                                      |
| 765-07131-000    | 011                 | RI          | 56,500                 | 7,030                 |                                                                                                      |
| 765-07969-000    | 011                 | RI          | 107,250                | 18,260                |                                                                                                      |
| 765-07972-000    | 011                 | RI          | 110,350                | 17,241                |                                                                                                      |
| 765-07973-000    | 011                 | CI          | 187,850                | 37,445                |                                                                                                      |
| 765-07975-000    | 011                 | CI          | 308,200                | 55,873                |                                                                                                      |
| 765-07976-000    | 011                 | CI          | 100,350                | 20,070                |                                                                                                      |
| 765-07978-000    | 011                 | CR          | 205,000                | 38,885                |                                                                                                      |
| 765-07979-000    | 011                 | CI          | 246,350                | 47,539                |                                                                                                      |
| 765-07980-000    | 011                 | CI          | 163,250                | 31,635                |                                                                                                      |
| 765-07984-000    | 011                 | RI          | 111,250                | 19,360                |                                                                                                      |
| 765-07987-000    | 011                 | CI          | 1,007,700              | 196,118               |                                                                                                      |
| 765-07988-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-08077-000    | 011                 | CI          | 2,059,200              | 411,840               |                                                                                                      |
| 765-08078-000    | 011                 | PS          | 30,400                 | 6,080                 |                                                                                                      |
| 765-08082-000    | 011                 | CV          | 92,450                 | 10,824                |                                                                                                      |
| 765-08083-000    | 011                 | CI          | 525,300                | 92,398                |                                                                                                      |
| 765-08084-000    | 011                 | CV          | 77,050                 | 9,020                 |                                                                                                      |
| 765-08088-000    | 011                 | CV          | 16,900                 | 1,130                 |                                                                                                      |
| 765-08089-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-08239-000    | 011                 | RI          | 54,850                 | 9,174                 |                                                                                                      |
| 765-08240-000    | 011                 | RI          | 60,100                 | 8,565                 |                                                                                                      |
| 765-08241-000    | 011                 | RV          | 8,750                  | 1,375                 |                                                                                                      |
| 765-08242-000    | 011                 | RI          | 64,000                 | 8,633                 |                                                                                                      |
| 765-08243-000    | 011                 | RI          | 82,900                 | 11,568                |                                                                                                      |
| 765-08245-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-08247-000    | 011                 | EX          | 0                      | 0                     |                                                                                                      |
| 765-08248-000    | 011                 | CI          | 189,500                | 37,900                |                                                                                                      |
| 765-08249-000    | 011                 | RI          | 106,300                | 13,388                |                                                                                                      |
| 765-08249-001    | 011                 | CV          | 18,900                 | 2,970                 |                                                                                                      |
| 765-08250-000    | 011                 | RI          | 55,000                 | 5,941                 |                                                                                                      |
| 765-08539-000    | 011                 | RI          | 691,000                | 80,600                |                                                                                                      |
| 765-08540-000    | 011                 | RI          | 635,000                | 78,741                |                                                                                                      |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed | C. 1                                 |
|---------------|--------------|------|-----------------|----------------|--------------------------------------|
| 765-08541-000 | 011          | RI   | 481,500         | 60,091         | Highway 71 East Square Redevelopment |
| 765-08542-000 | 011          | RI   | 357,000         | 44,459         | District #1 Project Plan Amendment   |
| 765-08543-000 | 011          | RI   | 376,600         | 54,926         | 74 Page 76 of 158                    |
| 765-08544-000 | 011          | RI   | 749,700         | 93,626         |                                      |
| 765-08545-000 | 011          | RV   | 52,500          | 3,432          |                                      |
| 765-08546-000 | 011          | RI   | 263,600         | 28,432         |                                      |
| 765-08547-000 | 011          | RI   | 354,950         | 37,040         |                                      |
| 765-08548-000 | 011          | RI   | 122,700         | 14,443         |                                      |
| 765-08549-000 | 011          | RI   | 218,450         | 32,604         |                                      |
| 765-08550-000 | 011          | RI   | 315,100         | 36,124         |                                      |
| 765-08551-000 | 011          | RI   | 299,450         | 36,261         |                                      |
| 765-08552-000 | 011          | RI   | 113,250         | 11,101         |                                      |
| 765-08553-000 | 011          | RV   | 100,000         | 5,577          |                                      |
| 765-08554-000 | 011          | RI   | 120,550         | 13,542         |                                      |
| 765-08555-000 | 011          | RI   | 109,100         | 12,037         |                                      |
| 765-08556-000 | 011          | RI   | 298,350         | 34,172         |                                      |
| 765-09759-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09760-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09761-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09762-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09763-000 | 011          | CR   | 126,450         | 25,290         |                                      |
| 765-09764-000 | 011          | RV   | 27,500          | 3,300          |                                      |
| 765-09765-000 | 011          | RV   | 27,500          | 3,300          |                                      |
| 765-09766-000 | 011          | PS   | 1,500           | 300            |                                      |
| 765-09767-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09768-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09769-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09770-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09914-000 | 011          | CI   | 357,650         | 54,726         |                                      |
| 765-09915-000 | 011          | CI   | 406,650         | 59,000         |                                      |
| 765-09917-000 | 011          | CI   | 318,100         | 51,022         |                                      |
| 765-09918-000 | 011          | ET   | 0               | 0              |                                      |
| 765-09919-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09920-000 | 011          | CI   | 767,550         | 99,843         |                                      |
| 765-09921-000 | 011          | RI   | 169,950         | 30,308         |                                      |
| 765-09922-000 | 011          | RI   | 127,150         | 24,588         |                                      |
| 765-09923-000 | 011          | RV   | 22,000          | 3,300          |                                      |
| 765-09924-000 | 011          | RV   | 22,000          | 3,300          |                                      |
| 765-09925-000 | 011          | EX   | 0               | 0              |                                      |
| 765-09926-000 | 011          | EX   | 0               | 0              |                                      |
| 765-11664-000 | 011          | RI   | 139,450         | 14,041         |                                      |
| 765-11723-000 | 011          | EX   | 0               | 0              |                                      |
| 765-11724-000 | 011          | EX   | 0               | 0              |                                      |
| 765-11724-001 | 011          | EX   | 0               | 0              |                                      |
| 765-11731-000 | 011          | EX   | 0               | 0              |                                      |
| 765-11731-001 | 011          | CM   | 60,200          | 10,353         |                                      |
| 765-11731-010 | 011          | EX   | 0               | 0              |                                      |
| 765-11917-000 | 011          | RI   | 151,850         | 20,455         |                                      |
| 765-11918-000 | 011          | RI   | 387,650         | 77,530         |                                      |
| 765-11919-000 | 011          | CR   | 74,250          | 12,935         |                                      |
| 765-11920-000 | 011          | RI   | 107,750         | 19,763         |                                      |
| 765-11921-000 | 011          | RI   | 70,250          | 9,650          |                                      |
| 765-11922-000 | 011          | RI   | 52,300          | 8,505          |                                      |
| 765-11923-000 | 011          | RI   | 82,050          | 16,410         |                                      |
| 765-11924-000 | 011          | RI   | 60,550          | 10,362         |                                      |
| 765-11925-000 | 011          | RI   | 77,250          | 11,579         |                                      |
| 765-11926-000 | 011          | RI   | 67,750          | 11,364         |                                      |
| 765-11927-000 | 011          | RI   | 100,300         | 16,491         |                                      |
| 765-11928-000 | 011          | RI   | 94,300          | 17,951         |                                      |
| 765-11929-000 | 011          | RI   | 61,550          | 12,310         |                                      |
| 765-11930-000 | 011          | RI   | 61,500          | 10,141         |                                      |
| 765-11931-000 | 011          | RI   | 74,600          | 13,101         |                                      |
| 765-11932-000 | 011          | RI   | 77,300          | 11,410         |                                      |
| 765-11933-000 | 011          | RI   | 122,800         | 20,108         |                                      |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed | C. 1                                                                                        |
|---------------|--------------|------|-----------------|----------------|---------------------------------------------------------------------------------------------|
| 765-11934-000 | 011          | RI   | 81,550          | 14,970         | Way 71 East Square Redevelopment<br>District #1 Project Plan Amendment<br>75 Page 77 of 158 |
| 765-11935-000 | 011          | RI   | 90,850          | 10,774         |                                                                                             |
| 765-11936-000 | 011          | RI   | 86,150          | 13,924         |                                                                                             |
| 765-12671-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12672-000 | 011          | CI   | 133,600         | 26,068         |                                                                                             |
| 765-12673-000 | 011          | CI   | 266,600         | 50,850         |                                                                                             |
| 765-12674-000 | 011          | RI   | 71,350          | 12,455         |                                                                                             |
| 765-12675-000 | 011          | CM   | 27,500          | 5,500          |                                                                                             |
| 765-12676-000 | 011          | RI   | 98,350          | 18,150         |                                                                                             |
| 765-12681-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12682-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12684-000 | 011          | EX   | 0               | 0              |                                                                                             |
| 765-12686-000 | 011          | CI   | 493,100         | 94,373         |                                                                                             |
| 765-12687-000 | 011          | RV   | 23,000          | 3,575          |                                                                                             |
| 765-12688-000 | 011          | RI   | 128,350         | 14,286         |                                                                                             |
| 765-12689-000 | 011          | EX   | 0               | 0              |                                                                                             |
| 765-12689-001 | 011          | RV   | 1,000           | 200            |                                                                                             |
| 765-12691-000 | 011          | EX   | 0               | 0              |                                                                                             |
| 765-12709-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12710-001 | 011          | CI   | 320,142         | 50,912         |                                                                                             |
| 765-12710-002 | 011          | CI   | 194,534         | 30,943         |                                                                                             |
| 765-12710-003 | 011          | CI   | 146,175         | 23,243         |                                                                                             |
| 765-12710-004 | 011          | CI   | 170,293         | 27,080         |                                                                                             |
| 765-12710-005 | 011          | CI   | 199,308         | 31,702         |                                                                                             |
| 765-12710-006 | 011          | CI   | 68,680          | 10,929         |                                                                                             |
| 765-12710-007 | 011          | CI   | 26,076          | 4,145          |                                                                                             |
| 765-12710-009 | 011          | CI   | 65,008          | 10,340         |                                                                                             |
| 765-12710-010 | 011          | CI   | 22,648          | 3,603          |                                                                                             |
| 765-12710-011 | 011          | CI   | 11,386          | 1,815          |                                                                                             |
| 765-12711-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12712-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12713-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12714-000 | 011          | ET   | 0               | 0              |                                                                                             |
| 765-12715-000 | 011          | CI   | 1,724,950       | 247,592        |                                                                                             |
| 765-12716-000 | 011          | EX   | 0               | 0              |                                                                                             |
| 765-12718-000 | 011          | CV   | 12,800          | 1,188          |                                                                                             |
| 765-12720-000 | 011          | CV   | 19,200          | 1,782          |                                                                                             |
| 765-12721-000 | 011          | CV   | 14,700          | 1,364          |                                                                                             |
| 765-12722-000 | 011          | CM   | 26,000          | 2,552          |                                                                                             |
| 765-12764-000 | 011          | EX   | 0               | 0              |                                                                                             |
| 765-12764-001 | 011          | CI   | 307,800         | 25,454         |                                                                                             |
| 765-12764-002 | 011          | CI   | 436,250         | 80,680         |                                                                                             |
| 765-12765-000 | 011          | RV   | 14,400          | 2,288          |                                                                                             |
| 765-12766-000 | 011          | RV   | 14,400          | 2,288          |                                                                                             |
| 765-12767-000 | 011          | RV   | 16,000          | 2,574          |                                                                                             |
| 765-12768-000 | 011          | RV   | 16,000          | 2,574          |                                                                                             |
| 765-12781-000 | 011          | CR   | 49,900          | 8,723          |                                                                                             |
| 765-12782-000 | 011          | CI   | 74,150          | 11,268         |                                                                                             |
| 765-12783-000 | 011          | CM   | 17,150          | 2,013          |                                                                                             |
| 765-12785-000 | 011          | CI   | 467,700         | 88,717         |                                                                                             |
| 765-12789-000 | 011          | CV   | 28,350          | 4,455          |                                                                                             |
| 765-12791-000 | 011          | CM   | 36,150          | 5,786          |                                                                                             |
| 765-12792-000 | 011          | RI   | 111,600         | 21,043         |                                                                                             |
| 765-12793-000 | 011          | RI   | 47,650          | 8,148          |                                                                                             |
| 765-12794-000 | 011          | RV   | 19,200          | 3,300          |                                                                                             |
| 765-12795-000 | 011          | RV   | 13,600          | 2,145          |                                                                                             |
| 765-12796-000 | 011          | RV   | 8,000           | 1,375          |                                                                                             |
| 765-12797-000 | 011          | RI   | 58,000          | 8,050          |                                                                                             |
| 765-12811-000 | 011          | RI   | 24,800          | 4,290          |                                                                                             |
| 765-12867-000 | 011          | CV   | 180,000         | 18,036         |                                                                                             |
| 765-12868-000 | 011          | CI   | 675,500         | 83,484         |                                                                                             |
| 765-12868-001 | 011          | CI   | 216,250         | 27,196         |                                                                                             |
| 765-12869-000 | 011          | RI   | 114,250         | 15,909         |                                                                                             |
| 765-12870-000 | 011          | RI   | 110,350         | 14,863         |                                                                                             |

| Parcel ID     | Tax District | Type | Total Appraised | Total Assessed | C. 1                                 |
|---------------|--------------|------|-----------------|----------------|--------------------------------------|
| 765-12871-000 | 011          | CI   | 132,150         | 18,964         | Highway 71 East Square Redevelopment |
| 765-12872-000 | 011          | CI   | 89,300          | 12,141         | District #1 Project Plan Amendment   |
| 765-12873-000 | 011          | CI   | 93,450          | 12,012         | 76 Page 78 of 158                    |
| 765-12874-000 | 011          | CI   | 122,050         | 15,315         |                                      |
| 765-12875-000 | 011          | CM   | 76,950          | 11,782         |                                      |
| 765-12875-001 | 011          | CB   | 42,550          | 8,510          |                                      |
| 765-12875-002 | 011          | CB   | 9,100           | 1,820          |                                      |
| 765-12875-003 | 011          | EX   | 0               | 0              |                                      |
| 765-12875-004 | 011          | CB   | 187,950         | 36,113         |                                      |
| 765-12875-010 | 011          | PS   | 0               | 0              |                                      |
| 765-12876-000 | 011          | CV   | 117,900         | 13,599         |                                      |
| 765-12877-000 | 011          | CI   | 82,050          | 9,209          |                                      |
| 765-12878-000 | 011          | EX   | 0               | 0              |                                      |
| 765-12879-000 | 011          | RI   | 87,750          | 12,799         |                                      |
| 765-12880-000 | 011          | RI   | 109,900         | 18,090         |                                      |
| 765-12881-000 | 011          | EX   | 0               | 0              |                                      |
| 765-12882-000 | 011          | RI   | 216,750         | 33,176         |                                      |
| 765-12883-000 | 011          | RI   | 139,300         | 15,094         |                                      |
| 765-12884-000 | 011          | RV   | 22,000          | 3,520          |                                      |
| 765-12885-000 | 011          | RI   | 281,300         | 46,404         |                                      |
| 765-12886-000 | 011          | EX   | 0               | 0              |                                      |
| 765-12888-000 | 011          | RI   | 86,150          | 11,197         |                                      |
| 765-12889-000 | 011          | RI   | 130,550         | 23,109         |                                      |
| 765-12890-000 | 011          | PS   | 0               | 0              |                                      |
| 765-12893-000 | 011          | PS   | 0               | 0              |                                      |
| 765-12894-000 | 011          | CI   | 524,350         | 49,464         |                                      |
| 765-12899-000 | 011          | CV   | 142,000         | 8,237          |                                      |
| 765-12900-000 | 011          | RI   | 174,000         | 20,778         |                                      |
| 765-12901-000 | 011          | CV   | 50,000          | 2,959          |                                      |
| 765-12904-000 | 011          | CI   | 776,450         | 74,474         |                                      |
| 765-12905-000 | 011          | CI   | 636,600         | 102,828        |                                      |
| 765-12906-000 | 011          | CM   | 259,900         | 37,166         |                                      |
| 765-12907-000 | 011          | CI   | 333,000         | 42,843         |                                      |
| 765-12908-000 | 011          | CI   | 337,850         | 37,199         |                                      |
| 765-12932-000 | 011          | PS   | 940,650         | 188,130        |                                      |
| 765-12932-001 | 011          | CI   | 585,650         | 74,143         |                                      |
| 765-12933-000 | 011          | EX   | 0               | 0              |                                      |
| 765-12934-000 | 011          | CI   | 190,650         | 29,172         |                                      |
| 765-12935-000 | 011          | CV   | 46,550          | 8,536          |                                      |
| 765-12944-000 | 011          | CI   | 224,950         | 33,173         |                                      |
| 765-12945-000 | 011          | RI   | 69,600          | 7,645          |                                      |
| 765-12946-000 | 011          | CR   | 680,400         | 109,340        |                                      |
| 765-12954-000 | 011          | CI   | 238,550         | 45,934         |                                      |
| 765-12957-000 | 011          | RI   | 50,000          | 6,035          |                                      |
| 765-12958-000 | 011          | RI   | 91,600          | 14,421         |                                      |
| 765-12959-000 | 011          | RI   | 60,850          | 5,750          |                                      |
| 765-12960-000 | 011          | RI   | 52,450          | 7,136          |                                      |
| 765-12961-000 | 011          | CI   | 221,500         | 44,300         |                                      |
| 765-12962-000 | 011          | RI   | 46,500          | 6,793          |                                      |
| 765-13020-000 | 011          | CI   | 44,300          | 5,749          |                                      |
| 765-13020-001 | 011          | EX   | 0               | 0              |                                      |
| 765-17377-000 | 011          | EX   | 0               | 0              |                                      |
| 765-20935-010 | 011          | CI   | 1,436,854       | 273,665        |                                      |
| 765-20935-020 | 011          | CI   | 371,646         | 70,528         |                                      |
| 765-22032-000 | 011          | RI   | 420,119         | 78,887         |                                      |
| 765-22033-000 | 011          | RI   | 359,032         | 64,170         |                                      |
| 765-22034-000 | 011          | RI   | 384,607         | 72,188         |                                      |
| 765-22035-000 | 011          | RI   | 465,242         | 93,048         |                                      |
| 765-22036-000 | 011          | CI   | 315,192         | 49,280         |                                      |
| 765-22037-000 | 011          | CI   | 145,374         | 24,640         |                                      |
| 765-22038-000 | 011          | CI   | 859,361         | 141,680        |                                      |
| 765-22039-000 | 011          | CI   | 293,367         | 49,280         |                                      |
| 765-22040-000 | 011          | CI   | 252,856         | 43,120         |                                      |
| 765-22041-000 | 011          | CI   | 304,296         | 60,819         |                                      |

| <u>Parcel ID</u> | <u>Tax District</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> |
|------------------|---------------------|-------------|------------------------|-----------------------|
| 765-22042-000    | 011                 | CI          | 616,394                | 123,208               |
| 765-22043-000    | 011                 | CI          | 366,715                | 73,293                |
| 765-22044-000    | 011                 | CI          | 312,098                | 62,381                |
| 765-22045-000    | 011                 | CI          | 397,925                | 79,552                |
| 765-22046-000    | 011                 | CI          | 827,060                | 165,319               |
| 765-22047-000    | 011                 | CI          | 795,850                | 159,093               |
| 765-22048-000    | 011                 | CI          | 226,271                | 45,221                |
| 765-22049-000    | 011                 | CI          | 210,666                | 42,119                |
| 765-22050-000    | 011                 | RI          | 148,247                | 29,645                |
| 765-22051-000    | 011                 | RI          | 124,839                | 24,959                |
| 765-22052-000    | 011                 | RI          | 124,839                | 23,825                |
| 765-22053-000    | 011                 | RI          | 132,642                | 26,521                |
| 765-22054-000    | 011                 | RI          | 132,642                | 26,521                |
| 765-22055-000    | 011                 | RI          | 288,691                | 57,695                |
| 765-22056-000    | 011                 | RI          | 202,864                | 40,557                |
| 765-22057-000    | 011                 | RI          | 413,530                | 82,676                |
| 765-22058-000    | 011                 | RI          | 234,074                | 46,783                |
| 765-22059-000    | 011                 | RI          | 163,851                | 32,747                |
| 765-22060-000    | 011                 | RI          | 163,851                | 32,747                |
| 765-22061-000    | 011                 | RI          | 273,086                | 52,112                |
| 765-22062-000    | 011                 | CI          | 109,234                | 21,824                |
| 765-22063-000    | 011                 | CI          | 444,740                | 88,902                |
| 765-22064-000    | 011                 | CI          | 249,678                | 49,907                |
| 765-22065-000    | 011                 | CI          | 187,259                | 37,433                |
| 765-22066-000    | 011                 | CI          | 117,037                | 23,397                |
| 765-22067-000    | 011                 | CI          | 117,037                | 23,397                |
| 765-22068-000    | 011                 | CI          | 117,037                | 23,397                |
| 765-22367-000    | 011                 | RI          | 206,100                | 40,370                |
| 765-22368-000    | 011                 | RI          | 208,950                | 40,370                |
| 765-22369-000    | 011                 | RI          | 208,350                | 38,535                |
| 765-22370-000    | 011                 | RI          | 224,450                | 44,000                |
| 765-22371-000    | 011                 | RI          | 209,950                | 40,370                |
| 765-22372-000    | 011                 | RI          | 225,400                | 44,000                |
| 765-22373-000    | 011                 | RI          | 208,350                | 40,370                |
| 765-22374-000    | 011                 | RI          | 225,050                | 42,000                |
| 765-22375-000    | 011                 | RI          | 209,950                | 40,370                |
| 765-22376-000    | 011                 | RI          | 225,050                | 44,000                |
| 765-22377-000    | 011                 | RI          | 208,350                | 38,535                |
| 765-22378-000    | 011                 | RI          | 224,050                | 44,000                |
| 765-22379-000    | 011                 | RI          | 308,300                | 60,500                |
| 765-22380-000    | 011                 | RI          | 322,800                | 59,850                |
| 765-22381-000    | 011                 | CI          | 206,200                | 41,240                |
| 765-22382-000    | 011                 | CI          | 135,050                | 27,010                |
| 765-22383-000    | 011                 | CI          | 963,750                | 192,750               |
| 765-22384-000    | 011                 | CI          | 0                      | 0                     |
| 765-22536-000    | 011                 | CI          | 339,500                | 67,900                |
| 765-22537-000    | 011                 | CI          | 394,850                | 78,970                |
| 765-22538-000    | 011                 | CI          | 457,600                | 91,520                |
| 765-22539-000    | 011                 | CI          | 476,000                | 95,200                |
| 765-22540-000    | 011                 | RI          | 239,850                | 47,970                |
| 765-22541-000    | 011                 | RI          | 228,800                | 45,760                |
| 765-22542-000    | 011                 | RI          | 184,500                | 36,900                |
| 765-22543-000    | 011                 | RI          | 114,400                | 22,880                |
| 765-22544-000    | 011                 | RI          | 114,400                | 22,880                |
| 765-22545-000    | 011                 | RI          | 147,650                | 29,530                |
| 765-22546-000    | 011                 | CI          | 553,550                | 110,710               |
| 765-22547-000    | 011                 | CI          | 439,150                | 87,830                |
| 765-22548-000    | 011                 | CI          | 0                      | 0                     |
| 765-22549-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22550-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22551-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22552-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22553-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22554-000    | 011                 | CI          | 97,400                 | 9,009                 |

C. 1  
 Highway 71 East Square Redevelopment  
 District #1 Project Plan Amendment  
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| <u>Parcel ID</u> | <u>Tax District</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> |
|------------------|---------------------|-------------|------------------------|-----------------------|
| 765-22555-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22556-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22557-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22558-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22559-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22560-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22561-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22562-000    | 011                 | CI          | 97,400                 | 9,009                 |
| 765-22563-000    | 011                 | CI          | 0                      | 0                     |
| 765-22564-000    | 011                 | CI          | 274,147                | 50,204                |
| 765-22565-000    | 011                 | CI          | 273,053                | 49,995                |
| 765-22566-000    | 011                 | CI          | 0                      | 0                     |
| 765-23362-000    | 011                 | RI          | 234,000                | 46,800                |
| 765-23363-000    | 011                 | RI          | 214,600                | 42,920                |
| 765-23364-000    | 011                 | RI          | 225,900                | 45,180                |
| 765-23365-000    | 011                 | RI          | 306,600                | 61,320                |
| 765-23366-000    | 011                 | RI          | 337,250                | 67,450                |
| 765-23367-000    | 011                 | RI          | 321,650                | 64,330                |
| 765-23368-000    | 011                 | CI          | 0                      | 0                     |
| 765-23413-000    | 011                 | RI          | 85,450                 | 17,090                |
| 765-23414-000    | 011                 | RI          | 65,100                 | 13,020                |
| 765-23415-000    | 011                 | RI          | 76,900                 | 15,380                |
| 765-23416-000    | 011                 | RI          | 134,950                | 26,990                |
| 765-23417-000    | 011                 | RI          | 81,700                 | 16,340                |
| 765-23418-000    | 011                 | RI          | 303,700                | 60,740                |
| 765-23419-000    | 011                 | CR          | 0                      | 0                     |
|                  |                     |             | <b>191,120,753</b>     | <b>31,446,555</b>     |
|                  |                     |             | <b>191,120,753</b>     | <b>31,446,555</b>     |

C. 1  
 Highway 71 East Square Redevelopment  
 District #1 Project Plan Amendment  
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**City of Fayetteville, Arkansas**

**EXHIBITS 7 THROUGH 13**

**HIGHWAY 71 EAST SQUARE  
REDEVELOPMENT DISTRICT NO. 1**

**PROJECT PLAN**

**As Amended by  
AMENDMENT No. 1**



**March 2005**



**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.7**

**Arkansas Code Annotated 14-168-301 through 14-168-323**

## **EXHIBIT No.7**

### **Arkansas Code Annotated 14-168-301 through 14-168-323**

#### **Redevelopment District**

#### **Chapter 168**

#### **Community Redevelopment Generally**

#### **Subchapter 3**

#### **Community redevelopment — Creation and procedures**

#### **14-168-301. Definitions.**

As used in this act subchapter, unless the context otherwise requires:

- (1) "Applicable ad valorem rate" means the total ad valorem rate less the debt service ad valorem rate;
- (2) "Base value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment preceding the formation of the redevelopment district;
- (3)(A) "Blighted area" means an area in which the structures, buildings, or improvements, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for access, ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property, are detrimental to the public health, safety, morals, or welfare.
- (B) "Blighted area" includes any area which, by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax on special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, or any area which is predominantly open and which because of lack of accessibility, obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community;
- (4) "Current value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment after the formation of the redevelopment district;
- (5) "Debt service ad valorem rate" means that portion of the total ad valorem rate that has been, at January 1, 2001, pledged to the payment of debt service on bonds issued by any taxing unit in which all or any part of the redevelopment district is located;
- (6)(A) "Incremental value", for any redevelopment district, means the difference between the base value and the current value.

(B) The incremental value will be positive if the current value exceeds the base value, and the incremental value will be negative if the current value is less than the base value;

(7) "Local governing body" means the city council, city board of directors, county quorum court, or any other

legislative body governing a local government in the State of Arkansas;

(8) "Local government" means any city or county in the State of Arkansas;

(9)(A) "Project costs" means expenditures made in preparation of the project plan and made, or estimated to be made, or monetary obligations incurred, or estimated to be incurred, by the local government, which are listed in the project plan as costs of public works or improvements within a redevelopment project district, plus any costs incidental thereto.

(B) Project costs include, but are not limited to:

(i) Capital costs, including, but not limited to, the actual costs of the construction of public works or improvements, new buildings, structures, and fixtures, the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures, environmental remediation, parking and landscaping, the acquisition of equipment, and site clearing, grading, and preparation;

(ii) Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs, all costs of issuance, and any redemption premiums, credit enhancement, or other related costs;

(iii) Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the local government of real or personal property within a redevelopment district for consideration which is less than its cost to the local government;

(iv) Professional service costs, including, but not limited to, those costs incurred for architectural, planning, engineering, and legal advice and services;

(v) Imputed administrative costs, including, but not limited to, reasonable charges for the time spent by local government employees in connection with the implementation of a project plan;

(vi) Relocation costs, including, but not limited to, those relocation payments made following condemnation and job training and retraining;

(vii) Organizational costs, including, but not limited to, the costs of conducting environmental impact and other studies, and the costs of informing the public with respect to the creation of redevelopment project areas and the implementation of project plans;

(viii) The amount of any contributions made in connection with the implementation of the project plan;

(ix) Payments made, in the discretion of the local governing body, which are found to be necessary or convenient to the creation of redevelopment areas or the implementation of project plans; and

(x) That portion of costs related to the construction of environmental protection devices, storm or sanitary sewer lines, water lines, or amenities or streets or the rebuilding or expansion of streets, the construction, alteration, rebuilding, or expansion of which is necessitated by the project plan for a district, whether or not the construction, alteration, rebuilding, or expansion is within the area;

(10) "Project plan" means the plan which shall be adopted by a local governing body for a redevelopment project as described in § 14-168-308;

(11) "Real property" means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest, and right, legal or equitable, in them, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by the liens;

(12) "Redevelopment district" means a contiguous geographic area within a city or county in which a redevelopment

project will be undertaken, as defined and created by ordinance of the local governing body;

(13)(A) "Redevelopment project" means an undertaking for eliminating or preventing the development or spread of slums or deteriorated, deteriorating, or blighted areas, for discouraging the loss of commerce, industry, or employment, or for increasing employment, or any combination thereof.

(B) A redevelopment project may include one (1) or more of the following:

(i) The acquisition of land and improvements, if any, within the redevelopment district and clearance of the land so acquired; or

(ii) The development, redevelopment, revitalization, or conservation of the project area whenever necessary to provide land for needed public facilities, public housing, or industrial or commercial development or revitalization, to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration; or

(C) The financial or other assistance in the relocation of persons and organizations displaced as a result of carrying out the redevelopment project and other improvements necessary for carrying out the project plan, together with such site improvements as are necessary for the preparation of any sites and making any land or improvements acquired in the project area available, by sale or by lease, for public housing or for development, redevelopment, or rehabilitation by private enterprise for commercial or industrial uses in accordance with the plan;

(D) The construction of capital improvements within a redevelopment district designed to alleviate deteriorating conditions or a blighted area or designed to increase or enhance the development of commerce, industry, or housing within the redevelopment district; or

(E) Any other projects the local governing body deems appropriate to carry out the purposes of this subchapter;

(14) "Special fund" means a separate fund for a redevelopment district established by the local government into which all tax increment revenues and other pledged revenues are deposited and from which all project costs are paid;

(15) "Tax increment" means the incremental value of a redevelopment district multiplied by the applicable ad valorem rate;

(16) "Taxing unit" means any city, county, school district, or community college district; and

(17) "Total ad valorem rate" means the total millage rate of all county, city, school, or other local general property taxes levied on all taxable property within a redevelopment district in a year. History. Acts 2001, No. 1197, § 2.

#### **14-168-302. Construction.**

The General Assembly declares that this subchapter is necessary for the welfare of this state and its inhabitants, and it is the intent of the General Assembly that it is to be broadly construed to effect its purpose. History. Acts 2001, No. 1197, § 3.

#### **14-168-303. Powers supplemental.**

The powers conferred by this subchapter are in addition and supplemental to the powers conferred upon local governments and improvement districts by the General Assembly relating to the issuance of bonds. History. Acts 2001, No. 1197, § 4.

#### **14-168-304. Powers generally.**

In addition to any other powers conferred by law, a local government may exercise any powers necessary and

convenient to carry out the purpose of this subchapter, including the power to:

- (1) Create redevelopment districts and to define the boundaries of redevelopment districts;
- (2) Cause project plans to be prepared, to approve the project plans, and to implement the provisions and effectuate the purposes of the project plans;
- (3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them;
- (4) Deposit moneys into the special fund for any redevelopment project district;
- (5) Enter into any contracts or agreements, including agreements with bondholders, determined by the local governing body to be necessary or convenient to implement the provisions and effectuate the purposes of project plans;
- (6) Receive from the federal government or the state loans and grants for, or in aid of, a redevelopment project and to receive contributions from any other source to defray project costs;
- (7)(A) Exercise the right of eminent domain to condemn property for the purposes of implementing the project plan.  
(B) The rules and procedures set forth in §§ 18-15-301 - 18-15-307 shall govern all condemnation proceedings authorized in this subchapter;
- (8) Make relocation payments to such persons, businesses, or organizations as may be displaced as a result of carrying out the redevelopment project;
- (9) Clear and improve property acquired by it pursuant to the project plan and construct public facilities on it or contract for the construction, development, redevelopment, rehabilitation, remodeling, alteration, or repair of the property;

- (10) Cause parks, playgrounds, or water, sewer, or drainage facilities, or any other public improvements, including, but not limited to, fire stations, community centers, and other public buildings, which it is otherwise authorized to undertake, to be laid out, constructed, or furnished in connection with the redevelopment project;
- (11) Lay out and construct, alter, relocate, change the grade of, make specific repairs upon, or discontinue public ways and construct sidewalks in, or adjacent to, the redevelopment project;
- (12) Cause private ways, sidewalks, ways for vehicular travel, playgrounds, or water, sewer, or drainage facilities and similar improvements to be constructed within the redevelopment project for the particular use of the redevelopment district or those dwelling or working in it;
- (13) Construct any capital improvements of a public nature, as such term is defined in § 14-164-303(a)(2), as now or hereafter amended;
- (14) Construct capital improvements to be leased or sold to private entities in connection with the goals of the redevelopment project;
- (15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter;
- (16) Adopt ordinances or bylaws or repeal or modify such ordinances or bylaws or establish exceptions to existing ordinances and bylaws regulating the design, construction, and use of buildings within the redevelopment district;
- (17) Sell, mortgage, lease, transfer, or dispose of any property, or interest therein, acquired by it pursuant to the project plan for development, redevelopment, or rehabilitation in accordance with the project plan;
- (18) Invest project revenues as provided in this subchapter; and
- (19) Do all things necessary or convenient to carry out the powers granted in this subchapter. History. Acts 2001, No. 1197, § 5.

#### **14-168-305. Creation of district.**

- (a) The local governing body, upon its own initiative or upon request of affected property owners or upon request of the city or county planning commission, may designate the boundaries of a proposed redevelopment district.
- (b)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a redevelopment district and its proposed boundaries.
- (2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.
- (B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.
- (c) The local governing body shall adopt an ordinance which:

(1) Describes the boundaries of a redevelopment district sufficiently definite to identify with ordinary and reasonable certainty the territory included in, which boundaries may create a contiguous or noncontiguous district;

(2) Creates the redevelopment district as of a date provided in it;

(3)(A) Assigns a name to the redevelopment district for identification purposes.

(B) The name may include a geographic or other designation, shall identify the city or county authorizing the district, and shall be assigned a number, beginning with the number one (1).

(C) Each subsequently created district shall be assigned the next consecutive number; and

(4) Contains findings that the real property within the redevelopment district will be benefitted by eliminating or preventing the development or spread of slums or blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, industry, or employment, or increasing employment, or any combination thereof.

(d)(1) No county shall establish a redevelopment district, any portion of which is within the boundaries of a city.

(2) Provided, however, that one (1) or more local governments through interlocal agreement may join in the creation of a district, the boundaries of which lie in one (1) or more local governments.

(e)(1) The ordinance shall establish a special fund as a separate fund into which all tax increment revenues and other revenues designated by the local government for the benefit of the redevelopment district shall be deposited, and from which all project costs shall be paid.

(2) Such special fund may be assigned to and held by a trustee for the benefit of bondholders if tax increment financing is used.

(f)(1) The boundaries of the redevelopment district may be modified from time to time by ordinance of the local government.

(2) Provided, however, that in the event any bonds, notes or other obligations are outstanding with respect to the redevelopment district, any change in the boundaries shall not reduce the amount of tax increment available to secure

such tax increment financing. History. Acts 2001, No. 1197, § 6.

#### **14-168-306. Project plan - Approval.**

(a)(1) Upon the creation of the redevelopment district, the local governing body shall cause the preparation of a project plan for each redevelopment district, and such project plan shall be adopted by ordinance of the local governing body.

(2) This process shall conform to the procedures set forth in this section.

(b) Each project plan shall include:

(1) A statement listing the kind, number, and location of all proposed public works or improvements within the district or, to the extent provided, outside the district;

- (2) An economic feasibility study;
  - (3) A detailed list of estimated project costs;
  - (4) A description of the methods of financing all estimated project costs, including the issuance of tax increment bonds, and the time when the costs or monetary obligations related thereto are to be incurred;
  - (5) A certification by the county tax assessor of the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district;
  - (6) The type and amount of any other revenues that are expected to be deposited to the special fund of the redevelopment district;
  - (7) A map showing existing uses and conditions of real property in the district;
  - (8) A map of proposed improvements and uses in the district;
  - (9) Proposed changes of zoning ordinances;
  - (10) Appropriate cross-references to any master plan, map, building codes, and city ordinances affected by the project plan;
  - (11) A list of estimated nonproject costs; and
  - (12) A statement of the proposed method for the relocation of any persons to be displaced.
- (c) If the project plan is to include tax increment financing, the tax increment financing portion of the plan shall set forth:
- (1) The amount of indebtedness to be incurred pursuant to this subchapter;
  - (2) An estimate of the tax increment to be generated as a result of the project;
  - (3) The method for calculating the tax increment, which shall be in conformance with the provisions of this subchapter, together with any provision for adjustment of the method of calculation;
  - (4) Any other revenues, such as payment-in-lieu-of-taxes revenues, to be used to secure the tax increment financing; and
  - (5) Any other provisions as may be deemed necessary in order to carry out any tax increment financing to be used for the redevelopment project.
- (d) If less than all of the tax increment is to be used to fund a redevelopment project or to pay project costs or retire tax increment financing, the project plan shall set forth the portion of the tax increment to be deposited in the special fund of the redevelopment district, and provide for the distribution of the remaining portion of the tax increment to the taxing units in which the district lies.
- (e)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed project plan.
- (2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.



(B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.

(3) The hearing may be held in conjunction with the hearing set forth in § 14-168-305(b)(1).

(4) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed redevelopment district.

(f)(1) Approval by the local governing body of a project plan must be within one (1) year after the date of the county assessor's certification required by subdivision (b)(5) of this section.

(2) The approval shall be by ordinance which contains a finding that the plan is economically feasible. History. Acts 2001, No. 1197, § 7.

#### **14-168-307. Project plan - Amendment.**

(a) The local governing body may adopt by ordinance an amendment to a project plan.

(b)(1) Adoption of an amendment to a project plan shall be preceded by a public hearing held by the local governing body as provided in § 14-168-306(e)(1), at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county once a week for two (2) consecutive weeks. The first such publication shall be fifteen (15) days prior to the hearing.

(B) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district.

(c)(1) One (1) or more existing redevelopment districts may be combined pursuant to lawfully adopted amendments to the original plans for each district.

(2) Provided that the local governing body finds that the combination of the districts will not impair the security for any bonds previously issued pursuant to this subchapter. History. Acts 2001, No. 1197, § 8.

#### **14-168-308. Termination of districts.**

(a) No redevelopment district may be in existence for a period longer than twenty-five (25) years, unless, pursuant to amendment of the redevelopment plan, additional bonds have been issued and would not be fully paid until after the date which is twenty-five (25) years from the date of creation of the district.

(b) The local governing body may set a shorter period for the existence of the district, and may also provide that no bonds shall have a final maturity on a date later than the termination date of the district.

(c) Upon termination of the district, no further ad valorem tax revenues shall be distributed to the special fund of the district.

(d)(1) The local governing body shall adopt, upon the expiration of the time periods set forth in this section, an ordinance terminating the redevelopment district.

(2) Provided, however, that no district shall be terminated so long as bonds with respect to the district remain outstanding. History. Acts 2001, No. 1197, § 9.

#### **14-168-309. Costs of formation.**

(a) The local government may pay, but shall have no obligation to pay, the costs of preparing the project plan or forming the redevelopment district.

(b) If the local government elects not to incur those costs, they shall be made project costs of the district and reimbursed from bond proceeds or other financing, or may be paid by developers, property owners, or other persons interested in the success of the redevelopment project. History. Acts 2001, No. 1197, § 10.

#### **14-168-310. Overlapping districts.**

The boundaries of any redevelopment districts shall not overlap with any other redevelopment district. History. Acts 2001, No. 1197, § 11.

#### **14-168-311. Valuation of real property.**

(a)(1) Upon and after the effective date of the creation of a redevelopment project district, the county assessor of the county in which the district is located shall transmit to the county clerk, upon the request of the local governing body, the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district and shall certify to it.

(2)(A) The assessor shall undertake, upon request of the local governing body, an investigation, examination, and inspection of the taxable real property in the district and shall reaffirm or revalue the base value for assessment of the property in accordance with the findings of the investigation, examination, and inspection.

(B) The assessor shall determine, according to his or her best judgment from all sources available to him or her, the full aggregate value of the taxable property in the district, which aggregate valuation, upon certification thereof by the assessor to the clerk, constitutes the base value of the area.

(b)(1)(A)(i) The assessor shall give notice annually to the designated finance officer of each taxing unit having the

power to levy taxes on property within each district of the current value and the incremental value of the property in the redevelopment district.

(ii) The assessor shall also determine the tax increment by applying the applicable ad valorem rate to the incremental value.

(B) The notice shall also explain that the entire amount of the tax increment allocable to property within the redevelopment district will be paid to the special fund of the redevelopment district.

(2) The assessor shall identify upon the assessment roll those parcels of property which are within each existing district specifying on it the name of each district. History. Acts 2001, No. 1197, § 12.

**14-168-312. Division of ad valorem real property tax revenue.**

(a) For so long as the redevelopment district exists, the tax assessor shall divide the ad valorem tax revenue collected, with respect to taxable property in the district, as follows:

(1) The assessor shall determine for each tax year:

(A) The amount of total ad valorem tax revenue which should be generated by multiplying the total ad valorem rate times the current value;

(B) The amount of ad valorem tax revenue which should be generated by multiplying the applicable ad valorem rate times the base value;

(C) The amount of ad valorem tax revenue which should be generated by multiplying the debt service ad valorem rate times the current value; and

(D) The amount of ad valorem revenue which should be generated by multiplying the applicable ad valorem rate times the incremental value;

(2) The assessor shall determine from the calculations set forth in subdivision (a)(1) of this section the percentage share of total ad valorem revenue for each according to subdivisions (a)(1)(B) - (D) of this section, by dividing each of such amounts by the total ad valorem revenue figure determined by the calculation in subdivision (a)(1)(A) of this section; and

(3) On each date on which ad valorem tax revenue is to be distributed to taxing units, such revenue shall be distributed by:

(A) Applying the percentage share determined according to subdivision (a)(1)(B) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution pursuant to current law;

(B) Applying the percentage share determined according to subdivision (a)(1)(C) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution by reason of having bonds outstanding; and

(C) Applying the percentage share determined according to subdivision (a)(1)(D) of this section to the revenues received and distributing such share to the special fund of the redevelopment district.

(b) In each year for which there is a positive tax increment, the county treasurer shall remit to the special fund of the redevelopment district that portion of the ad valorem taxes that consists of the tax increment.

(c) Any additional moneys appropriated to the redevelopment district pursuant to an appropriation by the local

governing body and any additional moneys dedicated to the fund from other sources shall be deposited to the redevelopment district fund by the treasurer of the local government.

(d) Any funds so deposited into the special fund of the redevelopment district may be used to pay project costs, principal and interest on bonds, and to pay for any other improvements of the redevelopment district deemed proper by the local governing body.

(e) Unless otherwise directed pursuant to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other municipal funds.

(f) If less than all of the tax increment is to be used for project costs or pledged to secure tax increment financing as provided in the plan for the redevelopment project, the assessor shall account for such fact in distributing the ad valorem tax revenues. History. Acts 2001, No. 1197, § 13.

#### **14-168-313. Payments in lieu of taxes and other revenues.**

(a) The local governing body may elect to deposit in the special fund of the redevelopment district all or any portion of the local government's share of payments in lieu of taxes on property within the redevelopment district.

(b) Other revenues to be derived from the redevelopment project may also be deposited in the special fund at the direction of the local governing body. History. Acts 2001, No. 1197, § 14.

#### **14-168-314. Bonds generally.**

(a)(1) Bonds may be issued for project costs which may include interest prior to and during the carrying out of a project and for a reasonable time thereafter, with such reserves as may be required by any agreement securing the bonds and all other expenses incidental to planning, carrying out, and financing the project.

(2) The proceeds of bonds may also be used to reimburse the costs of any interim financing entered on behalf of the redevelopment district.

(b) Bonds issued under this subchapter shall be payable solely from the tax increment or other revenues deposited to the credit of the special fund of the redevelopment district and shall not be deemed to be a pledge of the faith and credit of the local government.

(c) Every bond issued under this subchapter shall recite on its face that it is a special obligation bond payable solely from the tax increment and other revenues pledged for its repayment. History. Acts 2001, No. 1197, § 15.

#### **14-168-315. Redevelopment bonds or notes - Authority to issue.**

For the purpose of paying project costs or of refunding notes issued under this subchapter for the purpose of paying project costs, the local governing body may issue redevelopment bonds or notes payable out of positive tax increments and other revenues deposited to the special fund of the redevelopment district. History. Acts 2001, No. 1197, § 16.

#### **14-168-316. Redevelopment bonds or notes - Authorizing resolution.**

(a) Redevelopment bonds and notes shall be authorized by ordinance of the local governing body.

(b)(1) The ordinance shall state the name of the redevelopment project district, the amount of bonds or notes authorized, and the interest rate to be borne by the bonds or notes.

(2) The ordinance may prescribe the terms, form, and content of the bonds or notes and such other matters as the local governing body deems useful, or it may include by reference the terms and conditions set forth in a trust indenture or other document securing the redevelopment bonds. History. Acts 2001, No. 1197, § 17.

**14-168-317. Redevelopment bonds or notes - Terms, conditions, etc.**

(a)(1) Redevelopment bonds or notes may not be issued in an amount exceeding the estimated aggregate project costs, including all costs of issuance of the bonds or notes.

(2) The redevelopment bonds and notes shall not be included in the computation of the constitutional debt limitation of a local government.

(b)(1) The bonds or notes shall mature over a period not exceeding twenty-five (25) years from their date of issuance or a period terminating with the date of termination of the redevelopment district, whichever period terminates earlier.

(2) The bonds or notes may contain a provision authorizing their redemption, in whole or in part, at stipulated prices, at the option of the local government on any interest payment date and, if so, shall provide the method of selecting the bonds or notes to be redeemed.

(3) The principal and interest on the bonds and notes may be payable at any place set forth in the resolution, trust indenture, or other document governing the bonds.

(4) The bonds or notes shall be issued in registered form.

(5) The bonds or notes may be in any denominations.

(6) Each such bond or note is declared to be a negotiable instrument.

(c) The bonds or notes may be sold at public or private sale.

(d) Insofar as they are consistent with subdivision (a)(1) and subsections (b) and (c) of this section, the provisions of §§ 14-169-220 and 14-169-221 relating to procedures for issuance, form, contents, execution, negotiation, and registration of municipal bonds and notes are incorporated by reference therein.

(e)(1) The bonds may be refunded or refinanced and refunding bonds may be issued in any principal amount.

(2) Provided, that the last maturity of the refunding bonds shall not be later than the last maturity of the bonds being refunded. History. Acts 2001, No. 1197, § 18.

**14-168-318. Redevelopment bonds or notes - Security - Marketability.**

To increase the security and marketability of redevelopment bonds or notes, the local government may:

(1) Create a lien for the benefit of the bondholders upon any public improvements or public works financed by the bonds; or

(2) Make such covenants and do any and all such actions, not inconsistent with the Arkansas Constitution, which may be necessary or convenient or desirable in order to additionally secure the bonds or notes, or which tend to make

the bonds or notes more marketable according to the best judgment of the local governing body. History. Acts 2001, No. 1197, § 19.

**14-168-319. Redevelopment bonds or notes - Special fund for repayment.**

(a) Redevelopment bonds and notes are payable out of the special fund created for each redevelopment district under this subchapter.

(b)(1) The local governing body shall irrevocably pledge all or part of the special fund to the payment of the bonds or notes.

(2) The special fund, or the designated part thereof, may thereafter be used only for the payment of the bonds or notes and their interest until they have been fully paid.

(c) A holder of the bonds or notes shall have a lien against the special fund for payment of the bonds or notes and interest on them and may bring suit, either at law or in equity, to enforce the lien. History. Acts 2001, No. 1197, § 20.

**14-168-320. Redevelopment bonds or notes - Tax exemption.**

Bonds and notes issued under this subchapter, together with the interest and income therefrom, shall be exempt from all state, county, and municipal income taxes. History. Acts 2001, No. 1197, § 21.

**14-168-321. Excess funds.**

(a) Moneys received in the special fund of the district in excess of amounts needed to pay project costs may be used by the local governing body for other purposes of the district or for any other lawful purpose of the local governing body.

(b) Upon termination of the district, all amounts in the special fund of the district may be used by the local governing body for any lawful purpose. History. Acts 2001, No. 1197, § 22.

**14-168-322. Impact reports.**

The Assessment Coordination Department, in cooperation with other state agencies and local governments, shall make a comprehensive impact report to the Governor and to the General Assembly at the beginning of each biennium as to the economic, social, and financial effect and impact of community redevelopment financing projects. History. Acts 2001, No. 1197, § 23.

**14-168-323. Value of assessed property in a redevelopment district.**

(a) If state funding to a school district is calculated with regard to the value of assessed property located in the school district, the incremental value of real property within a redevelopment district shall not be included in the assessed value of the real property within the school district for purposes of computing school district funding if the real property is located within the redevelopment district and within the school district and the assessed value of the real property increases above the base value.

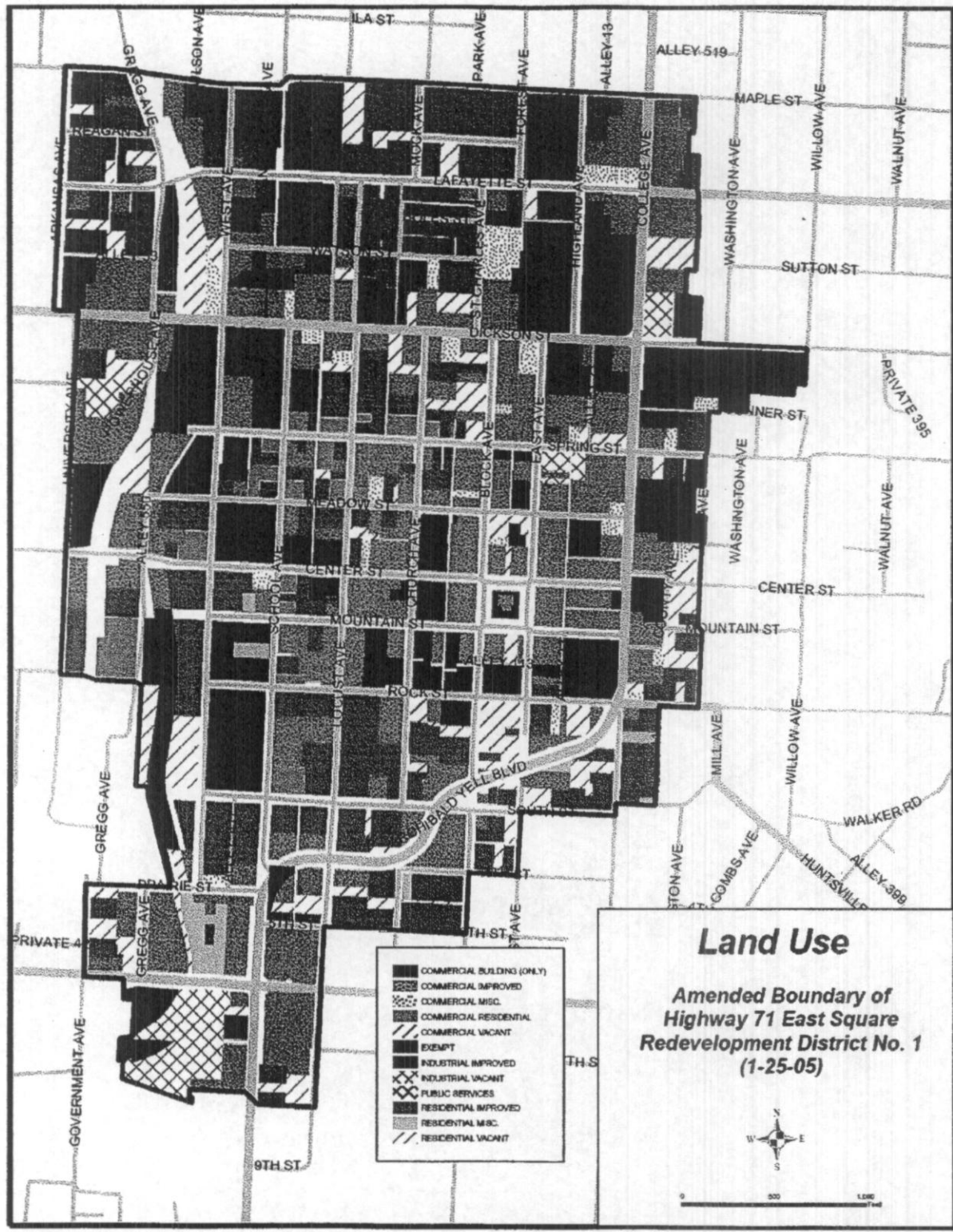
(b) Subsection (a) of this section shall apply for each school year during which the tax increment for real property within the redevelopment district is distributed pursuant to § 14-168-312. History. Acts 2003 (2nd Ex. Sess.), No. 43, § 1.

**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.8**

**Existing Conditions / Land Use District Map**



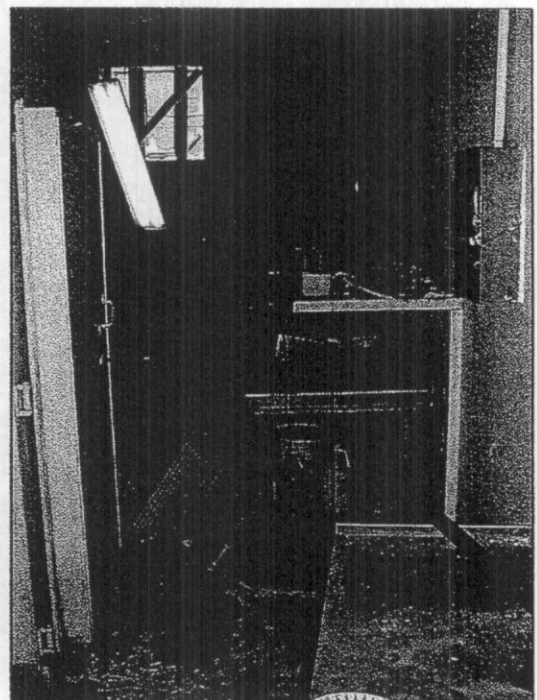
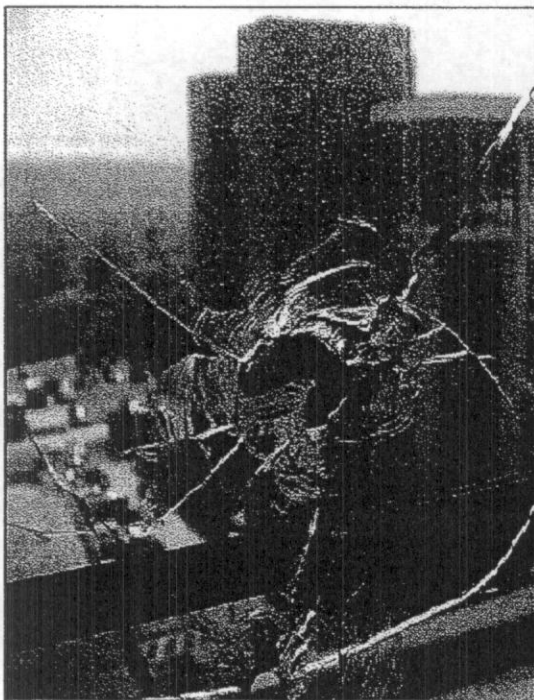
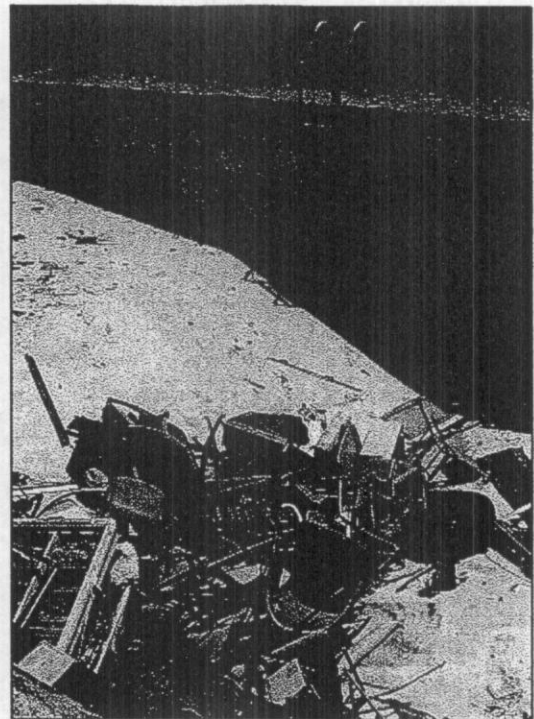
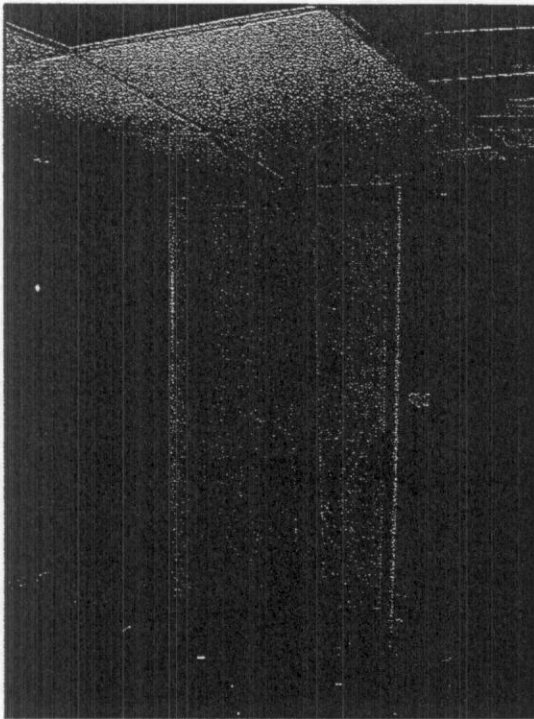


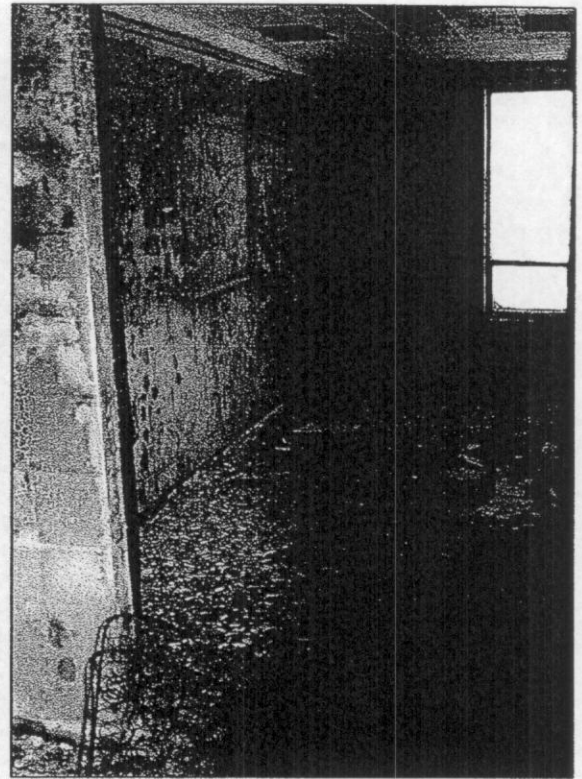
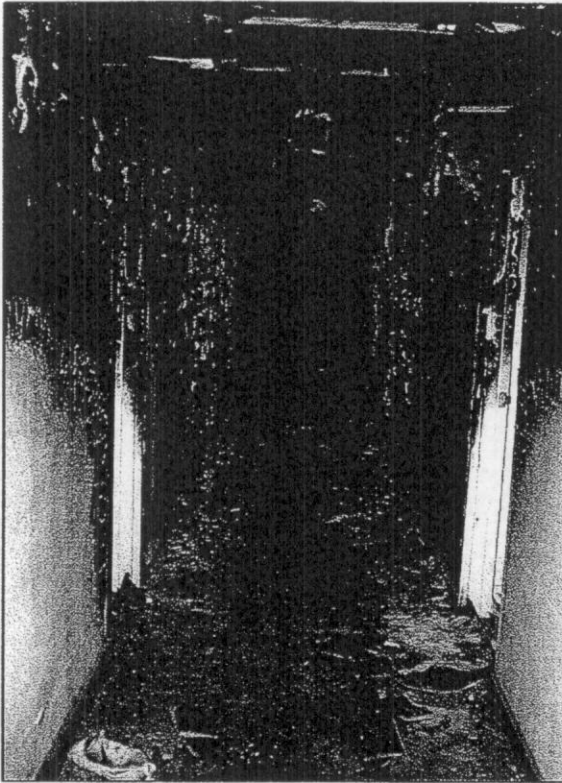
**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



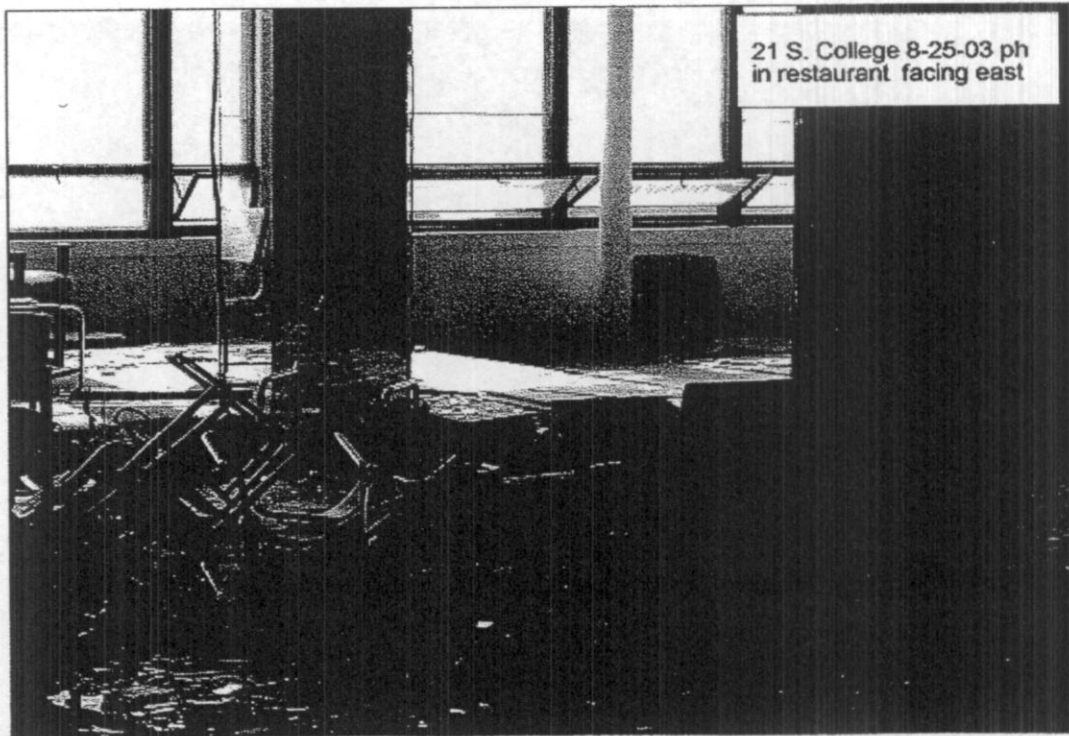
**EXHIBIT No.9**

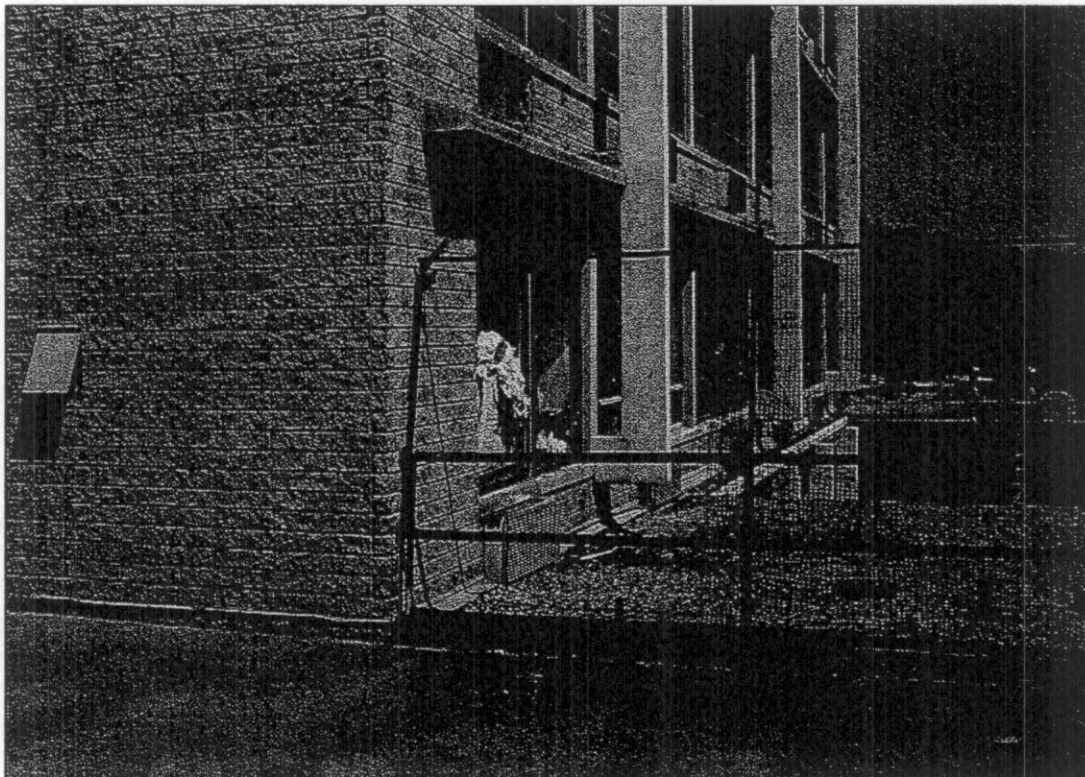
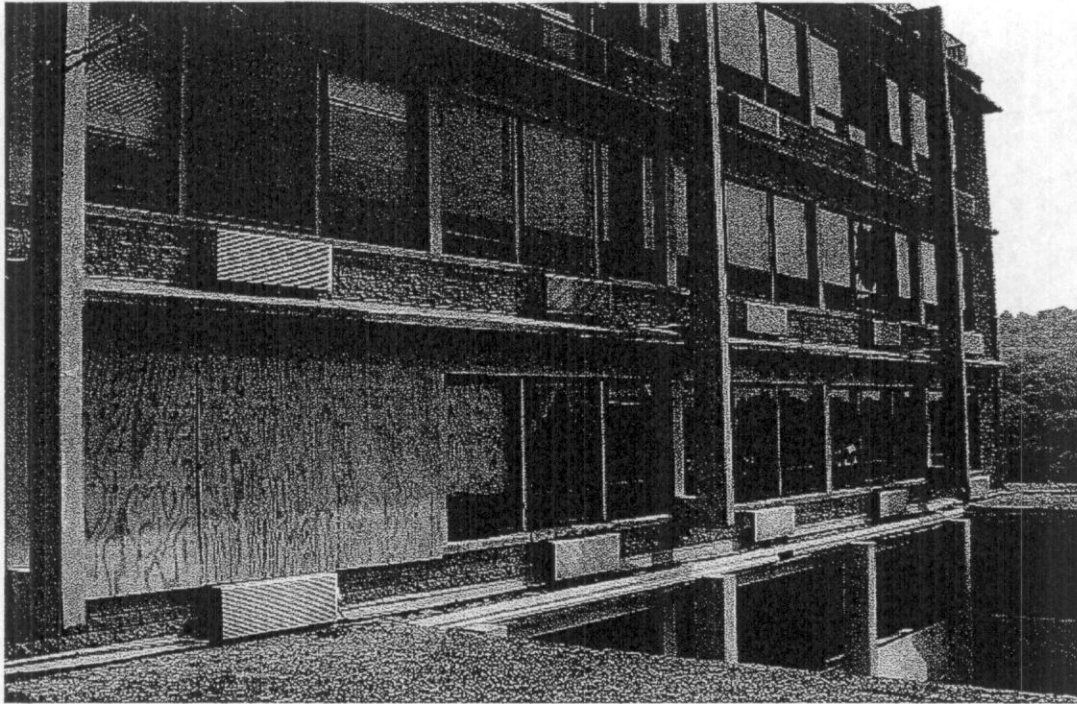
**Existing Conditions of Blight**



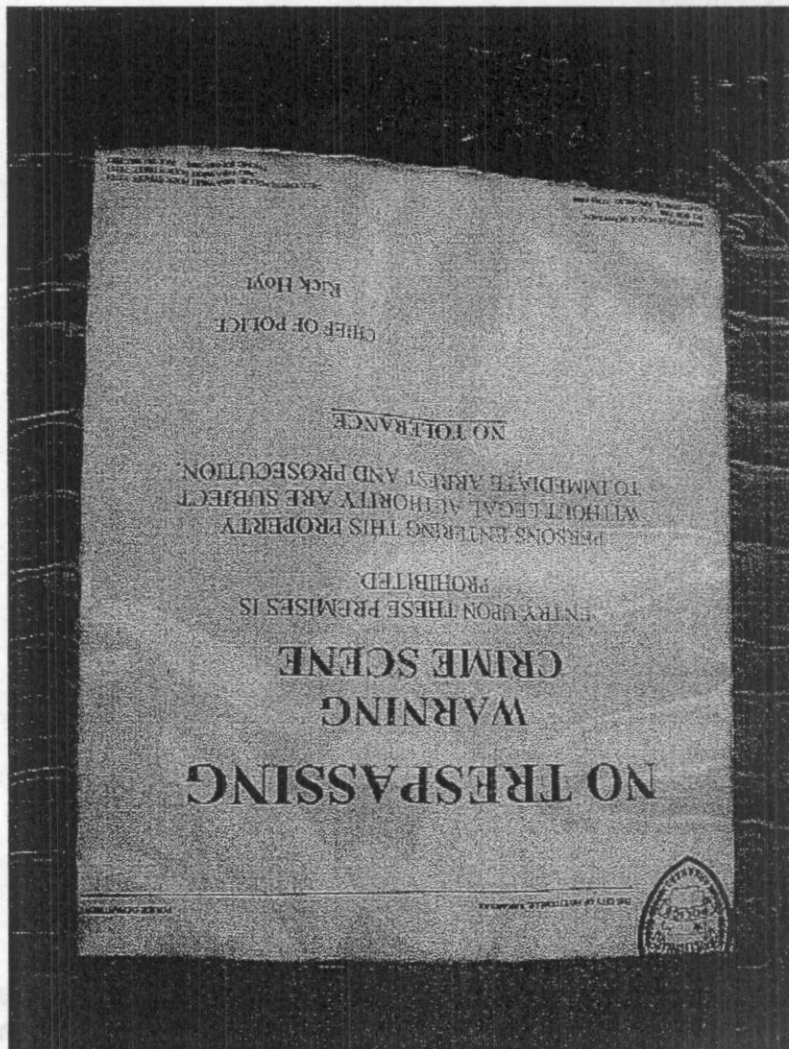
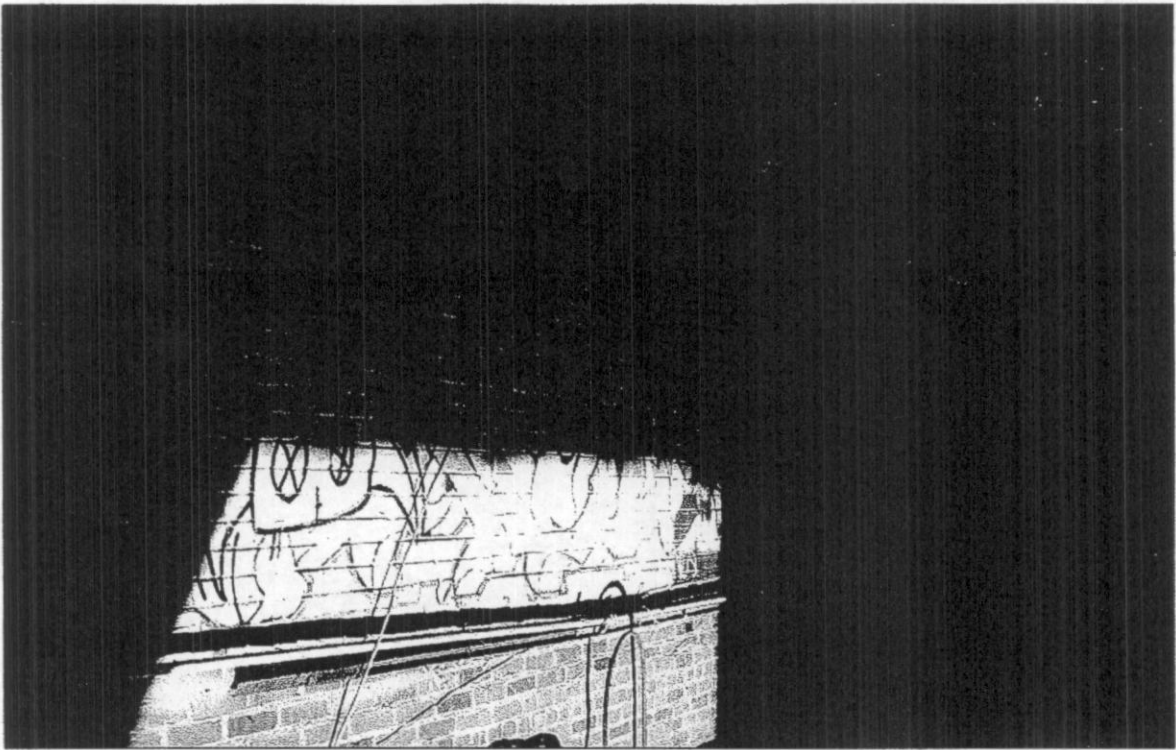




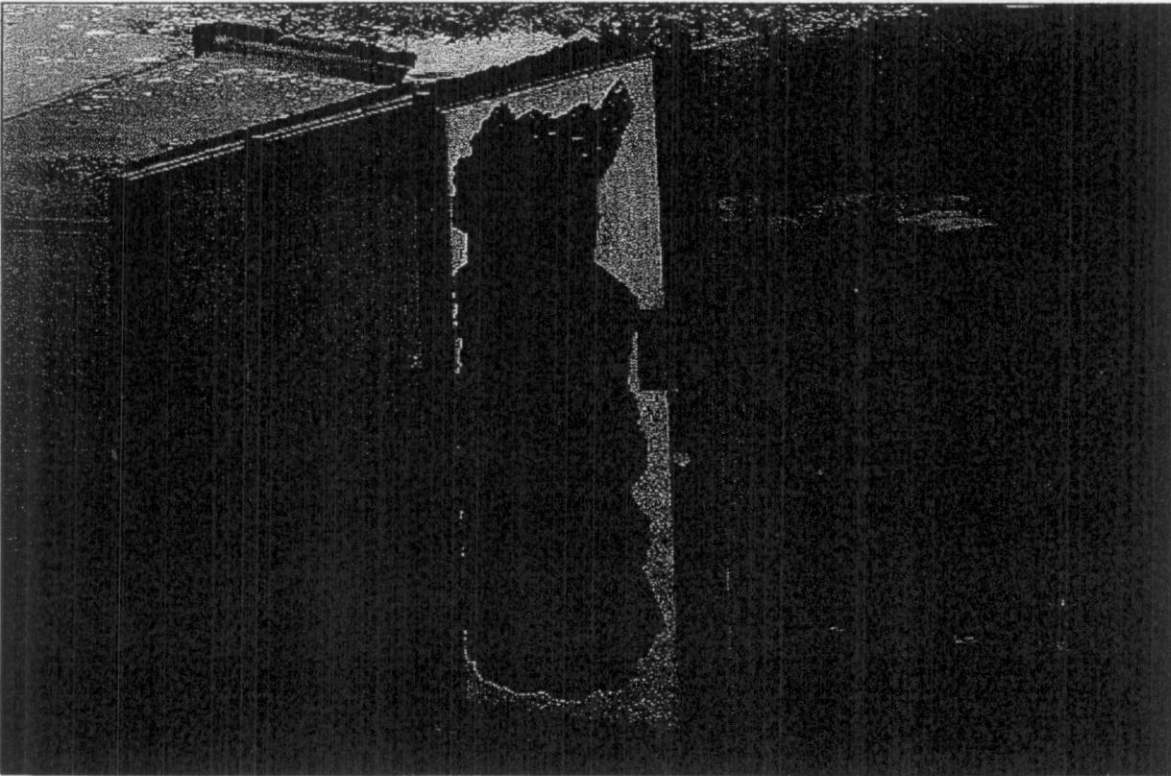








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**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



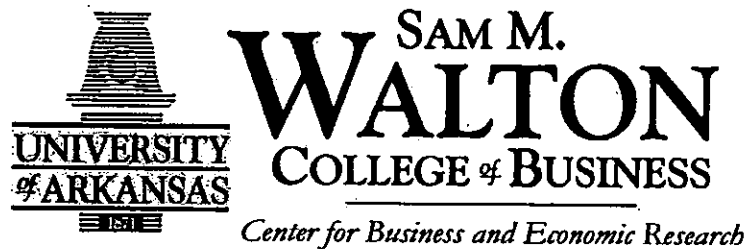
**EXHIBIT No.10**

**Financial Feasibility Study**



## **An Extension of the Feasibility Study of the Highway 71 East Square Redevelopment District #1**

*Produced for the City of Fayetteville, Arkansas*



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Contact: Dr. Jeffery T. Collins, Director  
February 2005

## Summary

The City of Fayetteville approached the staff at the Center for Business and Economic Research with new assumptions about the values of assessed properties that would be coming on the tax rolls during the lifetime of the East Square Highway 71/Downtown TIF district. Growth in the assessed value of the district can result from three avenues. First, the caps imposed by Amendment 79 cause there to be an ever-expanding difference between taxable and assessed value. Recapturing taxable revenues is expected to generate growth for the next five to ten years. Second, there is "normal" growth in existing property values due to the functioning of the market. In Fayetteville from 2001 through 2004, existing commercial improved properties' assessed values grew at 7.8 percent while existing residential improved properties' assessed values grew at 7.9 percent. The third path to growth in total assessment values is the introduction of newly constructed improvements onto the tax rolls. When new construction is taken into consideration, the 2001-2004 average commercial improved category growth rate increases to 9.7 percent and the residential improved category growth rate increases to 15.5 percent.

The calculations in this report do not make any adjustments for recapturing lost taxable revenues due to Amendment 79. The estimates are, however, dependent on the amount of growth in existing property values and on the amount of newly assessed construction. Tables 1 and 2 include the new projections of cash flows that will accrue to the district, depending on whether 3.16 mills or 7.66 mills are available.

The growth rate values for years 2005 through 2009 are calculated differently than those in the remaining years of the TIF district's life. In 2005 through 2009, the assessed values of the commercial improved properties and the residential improved properties are first multiplied by the historical growth rates that do not include any new improvements being added to those categories. This rate is a "same parcel" rate that is analogous to the "same store sales" concept that retailers use when they report sales growth rates. On top of this reduced growth rate are added in the new assessments (in their estimated year of being added to the tax rolls) from the "Potential New Developments Table" provided by the City of Fayetteville to CBER staff. These new assessments take the place of the portion of the growth rate that had been due to new improvements coming on the tax rolls.

For years 2010 through 2029, the growth rates applied by property taxation classification are the averages from 2001-2004 that include growth due to new construction. No change in assessment values due to specific improvements is included for these years, but rather, recent history is used as a guide.

Table 3 shows the differences in growth rates by property classification that are due to the change in the value of properties that are already on the tax rolls and the total change in the value of all properties in a class, including those that result from new construction.

*Address:* College Ave from Mountain & Center Streets

*Scope of Project:* 150+ room full service Hotel, 18 Condominiums, 350 Parking Spaces, 13,000 sq ft conf facilities.

|                                    |                  |      |      |
|------------------------------------|------------------|------|------|
| <i>Additional Appraised Value:</i> | \$ 25,500,000.00 | 2006 | 2007 |
|------------------------------------|------------------|------|------|

VI. Fulbright Building (Library Building) Developers: Alexander, Merry-Ship & Nock

*Address:* Dickson Street

*Scope of Project:* Redevelopment Project - Class "A" Office Space

|                                    |                 |      |      |
|------------------------------------|-----------------|------|------|
| <i>Additional Appraised Value:</i> | \$ 5,500,000.00 | 2005 | 2006 |
|------------------------------------|-----------------|------|------|

VII. "Schulertown" Developer: Barber Group

*Address:* 401 W. Watson

*Scope of Project:* New construction of 28 residential condominiums and parking garage 36 spaces

Table 2: Projected Cash Flows with 7.66 Available Mills

| Combined Mountain Inn & Downtown Master Plan District  |             |             |             |             |             |               |
|--------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|---------------|
| Weighted Estimates by Property Taxation Classification |             |             |             |             |             |               |
| 7.66 Mills Available                                   |             |             |             |             |             |               |
| See Appendix for Assumptions                           |             |             |             |             |             |               |
| Total Available Increment.....                         |             |             |             |             |             | 5,311,645,994 |
| Total Available Yield.....                             |             |             |             |             |             | 40,687,208    |
| Net Present Value of Available Yield.....              |             |             |             |             |             | 23,531,839    |
| Tax Rate.....                                          |             |             |             |             |             | 0.766%        |
| Present Value Rate.....                                |             |             |             |             |             | 3.00%         |
| Year                                                   | **2005**    | **2006**    | **2007**    | **2008**    | **2009**    |               |
| Frozen Assessment                                      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |               |
| Total Assessment                                       | 35,046,385  | 42,118,605  | 57,387,152  | 67,738,453  | 77,510,478  |               |
| Assessment Growth Rate                                 | 10.54%      | 20.18%      | 36.25%      | 18.04%      | 14.43%      |               |
| Increment                                              | 3,342,546   | 10,414,766  | 25,683,313  | 36,034,614  | 45,806,639  |               |
| Available Yield                                        | 25,604      | 79,777      | 196,734     | 276,025     | 350,879     |               |
| PV of Available Yield                                  | 24,858      | 75,198      | 180,040     | 245,245     | 302,671     |               |
| Year                                                   | 2010        | 2011        | 2012        | 2013        | 2014        |               |
| Frozen Assessment                                      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |               |
| Total Assessment                                       | 85,988,396  | 95,446,587  | 106,004,848 | 117,798,429 | 130,980,125 |               |
| Assessment Growth Rate                                 | 10.94%      | 11.00%      | 11.06%      | 11.13%      | 11.19%      |               |
| Increment                                              | 54,284,557  | 63,742,748  | 74,301,009  | 86,094,590  | 99,276,286  |               |
| Available Yield                                        | 415,820     | 488,269     | 569,146     | 659,485     | 760,456     |               |
| PV of Available Yield                                  | 348,242     | 397,008     | 449,289     | 505,440     | 565,851     |               |
| Year                                                   | 2015        | 2016        | 2017        | 2018        | 2019        |               |
| Frozen Assessment                                      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |               |
| Total Assessment                                       | 145,722,656 | 162,221,395 | 180,697,478 | 201,401,353 | 224,616,842 |               |
| Assessment Growth Rate                                 | 11.26%      | 11.32%      | 11.39%      | 11.46%      | 11.53%      |               |
| Increment                                              | 114,018,817 | 130,517,556 | 148,993,639 | 169,697,514 | 192,913,003 |               |
| Available Yield                                        | 873,384     | 999,764     | 1,141,291   | 1,299,883   | 1,477,714   |               |
| PV of Available Yield                                  | 630,951     | 701,215     | 777,164     | 859,376     | 948,488     |               |
| Year                                                   | 2020        | 2021        | 2022        | 2023        | 2024        |               |
| Frozen Assessment                                      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |               |
| Total Assessment                                       | 250,665,780 | 279,913,330 | 312,774,051 | 349,718,858 | 391,282,982 |               |
| Assessment Growth Rate                                 | 11.60%      | 11.67%      | 11.74%      | 11.81%      | 11.89%      |               |
| Increment                                              | 218,961,941 | 248,209,491 | 281,070,212 | 318,015,019 | 359,579,143 |               |
| Available Yield                                        | 1,677,248   | 1,901,285   | 2,152,998   | 2,435,995   | 2,754,376   |               |
| PV of Available Yield                                  | 1,045,206   | 1,150,309   | 1,264,659   | 1,389,214   | 1,525,031   |               |
| Year                                                   | 2025        | 2026        | 2027        | 2028        | 2029        |               |
| Frozen Assessment                                      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |               |
| Total Assessment                                       | 438,075,095 | 490,787,763 | 550,209,426 | 617,238,145 | 692,897,356 |               |
| Assessment Growth Rate                                 | 11.96%      | 12.03%      | 12.11%      | 12.18%      | 12.26%      |               |
| Increment                                              | 406,371,256 | 459,083,924 | 518,505,587 | 585,534,306 | 661,193,517 |               |
| Available Yield                                        | 3,112,804   | 3,516,583   | 3,971,753   | 4,485,193   | 5,064,742   |               |
| PV of Available Yield                                  | 1,673,285   | 1,835,278   | 2,012,454   | 2,206,418   | 2,418,949   |               |

*Additional Appraised Value:*

|    |               |      |      |
|----|---------------|------|------|
| \$ | 14,250,000.00 | 2006 | 2007 |
|----|---------------|------|------|

III. West Dickson Development Phase 2:

Developers: Alexander, Merry-Ship & Nock

*Address:*

Dickson & Powerhouse Avenue

*Scope of Project:*

Mixed-use Development Total 100,000 sq ft, 325 parking spaces

*Additional Appraised Value:*

|    |               |      |      |
|----|---------------|------|------|
| \$ | 16,500,000.00 | 2008 | 2009 |
|----|---------------|------|------|

IV. Terminella Office Building

Developers: Tom Terminella

*Address:*

College Avenue

*Scope of Project:*

New Office Complex

*Additional Appraised Value:*

|    |              |      |      |
|----|--------------|------|------|
| \$ | 3,500,000.00 | 2005 | 2006 |
|----|--------------|------|------|

V. Redevelopment of Mtn Inn

Developers: Nock & Alexander

# Appendix A: New Development Assumptions

| Highway 71 East Square Redevelopment District #1 Project Plan Amendment |  | Predicted Project Completion | Predicted Initial Year-on Tax Roll |
|-------------------------------------------------------------------------|--|------------------------------|------------------------------------|
| Potential New Development Projects                                      |  |                              |                                    |

## I. Bank Of America Building:

Developers: Alexander, Merry-Ship & Nock

*Address:*

One East Center Street

*Scope of Project:*

Improvements to existing building and new construction of 6 residential condominiums

*Additional Appraised Value:*

\$ 3,000,000.00

2006

2007

## II. West Dickson Development Phase 1:

Developers: Alexander, Merry-Ship & Nock

*Address:*

Dickson & Powerhouse Avenue

*Scope of Project:*

Mixed use Development Total 86200 sq ft, 302 parking spaces, 3,000 retail

X. St Charles Development

Developer: Greg House

Address:

St. Charles Street

Scope of Project:

Mixed-use redevelopment project

Additional Appraised Value:

\$

6,500,000.00

2005

2006

XI. 31 East Center Redevelopment

Developers: Alexander, Merry-Ship &  
 Nock

Address:

31 East Center

Scope of Project:

Redevelopment Project

Additional Appraised Value:

\$

2,750,000.00

2007

2008

XII. McRoy McNair Condo Conversion

Developers: Alexander, Merry-Ship &  
 Nock

Address:

Center Street



*Address:* College Ave from Mountain & Center Streets

*Scope of Project:* 150+ room full service Hotel, 18 Condominiums, 350 Parking Spaces, 13,000 sq ft conf facilities.

|                                    |                  |      |      |
|------------------------------------|------------------|------|------|
| <i>Additional Appraised Value:</i> | \$ 25,500,000.00 | 2006 | 2007 |
|------------------------------------|------------------|------|------|

VI. Fulbright Building (Library Building) Developers: Alexander, Merry-Ship & Nock

*Address:* Dickson Street

*Scope of Project:* Redevelopment Project - Class "A" Office Space

|                                    |                 |      |      |
|------------------------------------|-----------------|------|------|
| <i>Additional Appraised Value:</i> | \$ 5,500,000.00 | 2005 | 2006 |
|------------------------------------|-----------------|------|------|

VII. "Schulertown" Developer: Barber Group

*Address:* 401 W. Watson

*Scope of Project:* New construction of 28 residential condominiums and parking garage 36 spaces

*Scope of Project:* Redevelopment of 15,600 sq ft into residential condos

*Additional Appraised Value:*

|    |              |
|----|--------------|
| \$ | 1,400,000.00 |
|----|--------------|

2007                      2008

XIII. Train Depot Redevelopment                      Developer: Greg House

*Address:*                      Dickson Street

*Scope of Project:*                      200,000 sq ft mixed use development

*Additional Appraised Value:*

|    |               |
|----|---------------|
| \$ | 25,000,000.00 |
|----|---------------|

2007                      2008

**HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT**  
**Built New Development Projects (Not Yet Assessed)**

XIV. Walgreens                      6th and School Streets

*Address:*

X. St Charles Development

Developer: Greg House

Address:

St. Charles Street

Scope of Project:

Mixed-use redevelopment project

Additional Appraised Value:

\$ 6,500,000.00

2005

2006

XI. 31 East Center Redevelopment

Developers: Alexander, Merry-Ship & Nock

Address:

31 East Center

Scope of Project:

Redevelopment Project

Additional Appraised Value:

\$ 2,750,000.00

2007

2008

XII. McRoy McNair Condo Conversion

Developers: Alexander, Merry-Ship & Nock

Address:

Center Street

|                                               |                                                       |           |
|-----------------------------------------------|-------------------------------------------------------|-----------|
| <i>Scope of Project:</i>                      | Redevelopment of 15,600 sq ft into residential condos |           |
| <i>Additional Appraised Value:</i>            | <div> <div>\$</div> <div>1,400,000.00</div> </div>    | 2007 2008 |
| <b>XIII. <u>Train Depot Redevelopment</u></b> | Developer: Greg House                                 |           |
| <i>Address:</i>                               | Dickson Street                                        |           |
| <i>Scope of Project:</i>                      | 200,000 sq ft mixed use development                   |           |
| <i>Additional Appraised Value:</i>            | <div> <div>\$</div> <div>25,000,000.00</div> </div>   | 2007 2008 |

HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT

Built New Development Projects (Not Yet Assessed)

|                              |                                        |  |
|------------------------------|----------------------------------------|--|
| <b>XIV. <u>Walgreens</u></b> | <i>Address:</i> 6th and School Streets |  |
|------------------------------|----------------------------------------|--|

*Scope of Project:* New Facility

|    |              |      |      |
|----|--------------|------|------|
| \$ | 3,000,000.00 | 2004 | 2005 |
|----|--------------|------|------|

*Additional Appraised Value:*

XV. Heritage House

*Address:* East Street

*Scope of Project:* Condo Development

|    |              |      |      |
|----|--------------|------|------|
| \$ | 1,250,000.00 | 2004 | 2005 |
|----|--------------|------|------|

*Additional Appraised Value:*

XVI. Woolverton Residence

*Address:* 221 S. East Avenue

*Scope of Project:* Residential

|    |            |      |      |
|----|------------|------|------|
| \$ | 700,000.00 | 2005 | 2006 |
|----|------------|------|------|

*Additional Appraised Value:*

XVII. Jacoway Duplex

*Address:* 214 S. Block Street

*Scope of Project:* Residential

*Additional Appraised Value:*

\$ 375,000.00

2005 2006

XVIII. Bordino's

*Address:* Dickson Street

*Scope of Project:* Commercial

*Additional Appraised Value:*

\$ 1,256,648.00

2005 2006

XVIII. Triplex

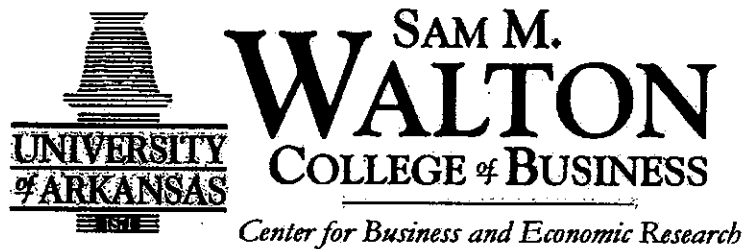
*Address:* 35 W. Rock

*Scope of Project:* Residential

|                                    | 2005 | 2006                  |
|------------------------------------|------|-----------------------|
| <i>Additional Appraised Value:</i> | \$   | 750,000.00            |
| <i>Projected Totals:</i>           | \$   | <u>128,231,648.00</u> |

## **A Feasibility Study of the Highway 71 East Square Redevelopment District #1**

*Produced for the City of Fayetteville, Arkansas*



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(479) 575-4151  
Contact: Dr. Jeffery T. Collins, Director  
January 2005



## Introduction

This report includes the results of the financial feasibility study of the Highway 71 East Square Redevelopment District #1 (East Square district) requested by the City of Fayetteville from researchers at the Center for Business and Economic Research (CBER) in the Sam M. Walton College of Business at the University of Arkansas. As of publication time, there are various scenarios being considered for financing the redevelopment of the East Square area together with differing assumptions about the availability of funding. Because of the lingering uncertainties about the inputs to the model, a series of 12 different estimations is presented. As policies become more concrete, decision-makers can use the tables that best represent reality to help in their processes.

The projections included in this report are based on assessment values from 2001 to 2004. Although some assessment data are available for years prior to 2001, changes in the property tax laws and in the appraisal process make comparisons invalid. The authors of this study acknowledge that the use of only four years of data to make projections for the next twenty-five years is a considerable limitation. However, the authors of this report also believe that good decisions are the results of good information and the data from 2001-2004 are of sufficient quality to make reasonable predictions about the future. More importantly, no reasonable alternative methodology for predicting the growth in assessment values exists.

The University and CBER are unable to guarantee any outcome, result, or investment decision of the City, the project developers, legal and underwriting professionals involved in the preparation of the bond documents, or individual bond investors, and expressly decline to make any such guarantee. Naturally, economic feasibility studies are subject to and affected by ever-changing local, state, national, and international economic and political forces and other economic assumptions. With respect to any investment decision, therefore, decision-makers must exercise their discretion and best judgment based upon the best available information, but no assurances or outcomes can be guaranteed.

It must be clear to all who read this financial feasibility report that the predictions made by CBER researchers are based upon historical data, and to the extent that the future differs from the past, the projections will be more or less accurate. Market forces, local, state, national, and international events, acts of nature, and many other variables affect the assessed property values in Fayetteville and its districts and cause deviations from the projected values. CBER researchers and the University cannot be held responsible for any differences between predictions about the future and actual outcomes.

## Methodology

The purpose of this report is to estimate the revenue stream that can be expected to result from the levying of property taxes on the incremental change in assessed real estate value in the East Square district. Additionally, projections of the revenue stream resulting from the levying of property taxes in the East Square district and a set of parcels from downtown Fayetteville are estimated.

The first step in the estimating these revenues involved data gathering. Staff from the City of Fayetteville provided CBER researchers the list of parcels that would be included in the East Square district and in a proposed Downtown TIF district. CBER analysts then obtained parcel assessment data for the years 2001 through 2004 from the Washington County Assessor's office. The 2004 data represent a snapshot of the Washington County Assessor's records as of December 31, 2004.

The property use type of each of the parcels was identified and average annual assessment growth rates were calculated by type for the years 2001 to 2004 for the East Square district set of parcels, the East Square district plus the Downtown parcels, and for all Fayetteville parcels. Then twenty-five year baseline projections for each district were produced. These projections assume that each property will grow at its parcel type's average annual growth rate from 2001-2004 for the next twenty-five years. This baseline scenario shows how property values in the districts are likely to change absent any infrastructure improvement.

Arkansas Amendment 79 caps the growth of assessed values of existing properties at 5 percent for owner-occupied houses, at 0 percent for homeowners over the age of 65 and for disabled people, and at 10 percent for other properties. However, when new improvements are made, the full appraised value of these properties is assessed in their first year and then in subsequent years, these properties become subject to the Amendment 79 caps on growth in assessed value. Thus, it is possible for the annual growth rate of a particular category of properties to exceed the Amendment 79 capped amount. Using the average annual growth rates by parcel type as the basis of the projections means that these newly assessed properties are included in the estimate.

After the baseline projections, assuming no extraordinary infrastructure improvements, were calculated, two alternative scenarios were presented. The first includes the addition to the tax rolls of two projects in 2007. The "Terminella Project" is one of the developments while the other is the redevelopment of the old library building. The Terminella project is assumed to have an appraised value of \$2.6 million, which translates into \$520,000 of additional assessed value. The redevelopment of the old library building is assumed to add \$4 million in appraised value to the district, resulting in \$800,000 of additional assessed value. The assessed values of these properties then grow at the Commercial Improved rate for the duration of the twenty-five year period.

The second scenario presented includes the addition of the Terminella Project and the redevelopment of the old library along with the redevelopment of the Mountain Inn property. The Mountain Inn is assumed to come on the tax rolls in 2007 with an appraised value of \$20 million, which equates to an assessed value of \$4 million.

Once the projections of total assessed value in each district and for each scenario were made, the available increment in each year was calculated. To calculate the annual yield of the TIF district, it is necessary to apply the appropriate millage rate to the available increment. At the request of the City of Fayetteville, two millage scenarios are presented. The first assumes that of the 51.86 mills that are assessed in the district, 7.66 will be available for tax increment financing. These 7.66 mills are the sum of the Washington County millage, the roads millage, the City of Fayetteville millage, and the library millage. The second rate is 3.16. This amount is the remainder from 51.86 when the 25 state-mandated public school mills and the 23.7 Fayetteville Public School debt millage as of January 1, 2001 are subtracted.

## Results

The results of the various permutations of scenarios are presented in Tables 1 through 12. The first three tables present the results using only the parcels in the original East Square district, along with a 7.66 millage rate. Tables 4 through 6 present the results using only the parcels in the original East Square district along with a 3.16 millage rate. Tables 7 through 12 replicate these results using the parcels in both the East Square district and the Downtown districts.

Table 13 presents a summarized version of the twenty-five year total yields from each of the alternatives presented in the first twelve tables. Under the scenario where parcels from both the East Square district and the Downtown district are included and when 7.66 mills are available to the TIF district, the Terminella project and the old library redevelopment add \$775,268 to the total twenty-five year yield. In the same case, the addition of the Mountain Inn redevelopment adds \$2,329,296 to the twenty-five year yield. These are the upper bounds for the scenarios considered for the impacts of these projects.

Included in Tables 14 through 17 are summary statistics about the data and about the millage rates considered. Table 14 contains the distribution of parcels by type for the East Square district, the East Square district and the Downtown district, and for the entire City of Fayetteville. The East Square district is more heavily weighted Commercial Improved than the whole city and less heavily weighted toward Residential Improved. Adding the Downtown district parcels alleviates this somewhat, but Fayetteville is still much more residential than the districts considered. The information contained in Table 15 bears this out further. A full 79.2 percent of the assessed valuation in the East Square district is Commercial Improved, 66.0 percent of the assessed valuation in the East Square plus Downtown district is Commercial Improved and only 32.4 percent of the assessed valuation in the whole City of Fayetteville is Commercial Improved.

Therefore, the growth rate applied to the Commercial Improved properties will have a disproportionate effect in the East Square district. Table 16 shows the average annual growth rates in assessed values by parcel type for the East Square district, the East Square plus Downtown district, and the City of Fayetteville. For the East Square Commercial Improved properties, the average annual growth rate from 2001 to 2004 was 8.1 percent. In Fayetteville as a whole and in the East Square plus Downtown district, the growth rate was higher, at 9.7 percent.

Finally, Table 17 presents the breakdown of the millage rate assumptions used in this study. Obviously, there is a significant revenue difference under every scenario depending on whether the higher or lower millage rate is applied to the available increment.

## Conclusion

This study uses historical growth rates in assessed value to project out the revenue stream that will be available for use in the East Square TIF district in the City of Fayetteville. Three model specifications are considered: a baseline where no extraordinary infrastructure investment is made, an alternative where the Terminella project and the old library redevelopment are considered, and an alternative where the redevelopment of the Mountain Inn is additionally considered. Also, projections are included for a district that would include both the East Square and the Downtown districts. Under the most liberal scenario, the available yield for the TIF district is \$30,668,484. The difference between this scenario and its baseline is \$3,104,564. This difference is the amount that should be attributable to specific investments, rather than the normal progression of the market.

**Table 1: East Square Baseline Scenario with Available TIF millage of 7.66**

| Weighted Estimates by Property Taxation Classification  |              |               |               |               |               |
|---------------------------------------------------------|--------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,007,514,922              |              |               |               |               |               |
| Total Available Yield: \$7,717,564                      |              |               |               |               |               |
| Net Present Value of Total Available Yield: \$4,496,471 |              |               |               |               |               |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$17,983,461 | \$19,463,936  | \$21,072,067  | \$22,819,434  | \$24,718,735  |
| Assessment Growth Rate                                  | 8.20%        | 8.23%         | 8.26%         | 8.29%         | 8.32%         |
| Increment                                               | \$1,363,383  | \$2,843,858   | \$4,451,989   | \$6,199,356   | \$8,098,657   |
| Available Yield                                         | \$10,444     | \$21,784      | \$34,102      | \$47,487      | \$62,036      |
| PV of Available Yield                                   | \$10,139     | \$20,533      | \$31,208      | \$42,192      | \$53,513      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$26,783,908 | \$29,030,259  | \$31,474,607  | \$34,135,448  | \$37,033,139  |
| Assessment Growth Rate                                  | 8.35%        | 8.39%         | 8.42%         | 8.45%         | 8.49%         |
| Increment                                               | \$10,163,830 | \$12,410,181  | \$14,854,529  | \$17,515,370  | \$20,413,061  |
| Available Yield                                         | \$77,855     | \$95,062      | \$113,786     | \$134,168     | \$156,364     |
| PV of Available Yield                                   | \$65,202     | \$77,294      | \$89,823      | \$102,828     | \$116,350     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$40,190,101 | \$43,631,044  | \$47,383,230  | \$51,476,755  | \$55,944,875  |
| Assessment Growth Rate                                  | 8.52%        | 8.56%         | 8.60%         | 8.64%         | 8.68%         |
| Increment                                               | \$23,570,023 | \$27,010,966  | \$30,763,152  | \$34,856,677  | \$39,324,797  |
| Available Yield                                         | \$180,546    | \$206,904     | \$235,646     | \$267,002     | \$301,228     |
| PV of Available Yield                                   | \$130,431    | \$145,118     | \$160,463     | \$176,520     | \$193,347     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$60,824,371 | \$66,155,958  | \$71,984,747  | \$78,360,770  | \$85,339,567  |
| Assessment Growth Rate                                  | 8.72%        | 8.77%         | 8.81%         | 8.86%         | 8.91%         |
| Increment                                               | \$44,204,293 | \$49,535,880  | \$55,364,669  | \$61,740,692  | \$68,719,489  |
| Available Yield                                         | \$338,605    | \$379,445     | \$424,093     | \$472,934     | \$526,391     |
| PV of Available Yield                                   | \$211,007    | \$229,570     | \$249,110     | \$269,707     | \$291,450     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$92,982,856 | \$101,359,291 | \$110,545,315 | \$120,626,141 | \$131,696,854 |
| Assessment Growth Rate                                  | 8.96%        | 9.01%         | 9.06%         | 9.12%         | 9.18%         |
| Increment                                               | \$76,362,778 | \$84,739,213  | \$93,925,237  | \$104,006,063 | \$115,076,776 |
| Available Yield                                         | \$584,939    | \$649,102     | \$719,467     | \$796,686     | \$881,488     |
| PV of Available Yield                                   | \$314,433    | \$338,762     | \$364,548     | \$391,917     | \$421,004     |

**Table 2: East Square Scenario Including the Terminella Project and the Library Renovation with Available TIF millage of 7.66**

| Weighted Estimates by Property Taxation Classification  |              |               |               |               |               |
|---------------------------------------------------------|--------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,089,070,271              |              |               |               |               |               |
| Total Available Yield: \$8,342,278                      |              |               |               |               |               |
| Net Present Value of Total Available Yield: \$4,877,993 |              |               |               |               |               |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$17,983,461 | \$19,463,936  | \$22,392,067  | \$24,246,489  | \$26,261,528  |
| Assessment Growth Rate                                  | 8.20%        | 8.23%         | 15.04%        | 8.28%         | 8.31%         |
| Increment                                               | \$1,363,383  | \$2,843,858   | \$5,771,989   | \$7,626,411   | \$9,641,450   |
| Available Yield                                         | \$10,444     | \$21,784      | \$44,213      | \$58,418      | \$73,854      |
| PV of Available Yield                                   | \$10,139     | \$20,533      | \$40,462      | \$51,904      | \$63,707      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$28,451,825 | \$30,833,447  | \$33,424,037  | \$36,242,982  | \$39,311,599  |
| Assessment Growth Rate                                  | 8.34%        | 8.37%         | 8.40%         | 8.43%         | 8.47%         |
| Increment                                               | \$11,831,747 | \$14,213,369  | \$16,803,959  | \$19,622,904  | \$22,691,521  |
| Available Yield                                         | \$90,631     | \$108,874     | \$128,718     | \$150,311     | \$173,817     |
| PV of Available Yield                                   | \$75,902     | \$88,525      | \$101,611     | \$115,201     | \$129,336     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$42,653,349 | \$46,294,068  | \$50,262,231  | \$54,589,249  | \$59,309,800  |
| Assessment Growth Rate                                  | 8.50%        | 8.54%         | 8.57%         | 8.61%         | 8.65%         |
| Increment                                               | \$26,033,271 | \$29,673,990  | \$33,642,153  | \$37,969,171  | \$42,689,722  |
| Available Yield                                         | \$199,415    | \$227,303     | \$257,699     | \$290,844     | \$327,003     |
| PV of Available Yield                                   | \$144,062    | \$159,426     | \$175,480     | \$192,282     | \$209,891     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$64,462,199 | \$70,088,822  | \$76,236,576  | \$82,957,432  | \$90,309,028  |
| Assessment Growth Rate                                  | 8.69%        | 8.73%         | 8.77%         | 8.82%         | 8.86%         |
| Increment                                               | \$47,842,121 | \$53,468,744  | \$59,616,498  | \$66,337,354  | \$73,688,950  |
| Available Yield                                         | \$366,471    | \$409,571     | \$456,662     | \$508,144     | \$564,457     |
| PV of Available Yield                                   | \$228,372    | \$247,797     | \$268,241     | \$289,787     | \$312,526     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$98,355,352 | \$107,167,508 | \$116,824,592 | \$127,414,682 | \$139,035,961 |
| Assessment Growth Rate                                  | 8.91%        | 8.96%         | 9.01%         | 9.06%         | 9.12%         |
| Increment                                               | \$81,735,274 | \$90,547,430  | \$100,204,514 | \$110,794,604 | \$122,415,883 |
| Available Yield                                         | \$626,092    | \$693,593     | \$767,567     | \$848,687     | \$937,706     |
| PV of Available Yield                                   | \$336,555    | \$361,981     | \$388,920     | \$417,498     | \$447,853     |

**Table 3: East Square Scenario with the Mountain Inn, Terminella Project, and Library Renovation with available TIF millage of 7.66**

| Weighted Estimates by Property Taxation Classification  |               |               |               |               |               |
|---------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,336,207,692              |               |               |               |               |               |
| Total Available Yield: \$10,235,531                     |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$6,034,119 |               |               |               |               |               |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$17,983,461  | \$19,463,936  | \$26,392,067  | \$28,570,898  | \$30,936,656  |
| Assessment Growth Rate                                  | 8.20%         | 8.23%         | 35.59%        | 8.26%         | 8.28%         |
| Increment                                               | \$1,363,383   | \$2,843,858   | \$9,771,989   | \$11,950,820  | \$14,316,578  |
| Available Yield                                         | \$10,444      | \$21,784      | \$74,853      | \$91,543      | \$109,665     |
| PV of Available Yield                                   | \$10,139      | \$20,533      | \$68,501      | \$81,335      | \$94,598      |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$33,506,117  | \$36,297,654  | \$39,331,404  | \$42,629,450  | \$46,216,024  |
| Assessment Growth Rate                                  | 8.31%         | 8.33%         | 8.36%         | 8.39%         | 8.41%         |
| Increment                                               | \$16,886,039  | \$19,677,576  | \$22,711,326  | \$26,009,372  | \$29,595,946  |
| Available Yield                                         | \$129,347     | \$150,730     | \$173,969     | \$199,232     | \$226,705     |
| PV of Available Yield                                   | \$108,326     | \$122,557     | \$137,333     | \$152,695     | \$168,690     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$50,117,738  | \$54,363,836  | \$58,986,476  | \$64,021,050  | \$69,506,541  |
| Assessment Growth Rate                                  | 8.44%         | 8.47%         | 8.50%         | 8.54%         | 8.57%         |
| Increment                                               | \$33,497,660  | \$37,743,758  | \$42,366,398  | \$47,400,972  | \$52,886,463  |
| Available Yield                                         | \$256,592     | \$289,117     | \$324,527     | \$363,091     | \$405,110     |
| PV of Available Yield                                   | \$185,368     | \$202,781     | \$220,987     | \$240,046     | \$260,025     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$75,485,920  | \$82,006,592  | \$89,120,904  | \$96,886,708  | \$105,368,001 |
| Assessment Growth Rate                                  | 8.60%         | 8.64%         | 8.68%         | 8.71%         | 8.75%         |
| Increment                                               | \$58,865,842  | \$65,386,514  | \$72,500,826  | \$80,266,630  | \$88,747,923  |
| Available Yield                                         | \$450,912     | \$500,861     | \$555,356     | \$614,842     | \$679,809     |
| PV of Available Yield                                   | \$280,994     | \$303,029     | \$326,213     | \$350,636     | \$376,394     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$114,635,642 | \$124,768,166 | \$135,852,704 | \$147,986,017 | \$161,275,679 |
| Assessment Growth Rate                                  | 8.80%         | 8.84%         | 8.88%         | 8.93%         | 8.98%         |
| Increment                                               | \$98,015,564  | \$108,148,088 | \$119,232,626 | \$131,365,939 | \$144,655,601 |
| Available Yield                                         | \$750,799     | \$828,414     | \$913,322     | \$1,006,263   | \$1,108,062   |
| PV of Available Yield                                   | \$403,592     | \$432,343     | \$462,773     | \$495,015     | \$529,217     |

**Table 4: East Square Baseline Scenario with Available TIF millage of 3.16**

| Weighted Estimates by Property Taxation Classification  |              |               |               |               |               |
|---------------------------------------------------------|--------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,007,514,922              |              |               |               |               |               |
| Total Available Yield: \$3,183,747                      |              |               |               |               |               |
| Net Present Value of Total Available Yield: \$1,854,941 |              |               |               |               |               |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$17,983,461 | \$19,463,936  | \$21,072,067  | \$22,819,434  | \$24,718,735  |
| Assessment Growth Rate                                  | 8.20%        | 8.23%         | 8.26%         | 8.29%         | 8.32%         |
| Increment                                               | \$1,363,383  | \$2,843,858   | \$4,451,989   | \$6,199,356   | \$8,098,657   |
| Available Yield                                         | \$4,308      | \$8,987       | \$14,068      | \$19,590      | \$25,592      |
| PV of Available Yield                                   | \$4,183      | \$8,471       | \$12,874      | \$17,405      | \$22,076      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$26,783,908 | \$29,030,259  | \$31,474,607  | \$34,135,448  | \$37,033,139  |
| Assessment Growth Rate                                  | 8.35%        | 8.39%         | 8.42%         | 8.45%         | 8.49%         |
| Increment                                               | \$10,163,830 | \$12,410,181  | \$14,854,529  | \$17,515,370  | \$20,413,061  |
| Available Yield                                         | \$32,118     | \$39,216      | \$46,940      | \$55,349      | \$64,505      |
| PV of Available Yield                                   | \$26,898     | \$31,886      | \$37,055      | \$42,420      | \$47,998      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$40,190,101 | \$43,631,044  | \$47,383,230  | \$51,476,755  | \$55,944,875  |
| Assessment Growth Rate                                  | 8.52%        | 8.56%         | 8.60%         | 8.64%         | 8.68%         |
| Increment                                               | \$23,570,023 | \$27,010,966  | \$30,763,152  | \$34,856,677  | \$39,324,797  |
| Available Yield                                         | \$74,481     | \$85,355      | \$97,212      | \$110,147     | \$124,266     |
| PV of Available Yield                                   | \$53,807     | \$59,866      | \$66,196      | \$72,820      | \$79,762      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$60,824,371 | \$66,155,958  | \$71,984,747  | \$78,360,770  | \$85,339,567  |
| Assessment Growth Rate                                  | 8.72%        | 8.77%         | 8.81%         | 8.86%         | 8.91%         |
| Increment                                               | \$44,204,293 | \$49,535,880  | \$55,364,669  | \$61,740,692  | \$68,719,489  |
| Available Yield                                         | \$139,686    | \$156,533     | \$174,952     | \$195,101     | \$217,154     |
| PV of Available Yield                                   | \$87,047     | \$94,705      | \$102,766     | \$111,263     | \$120,233     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$92,982,856 | \$101,359,291 | \$110,545,315 | \$120,626,141 | \$131,696,854 |
| Assessment Growth Rate                                  | 8.96%        | 9.01%         | 9.06%         | 9.12%         | 9.18%         |
| Increment                                               | \$76,362,778 | \$84,739,213  | \$93,925,237  | \$104,006,063 | \$115,076,776 |
| Available Yield                                         | \$241,306    | \$267,776     | \$296,804     | \$328,659     | \$363,643     |
| PV of Available Yield                                   | \$129,714    | \$139,750     | \$150,388     | \$161,679     | \$173,678     |



**Table 5: East Square Scenario Including the Terminella Project and the Library Renovation with Available TIF millage of 3.16**

| Weighted Estimates by Property Taxation Classification  |              |               |               |               |               |
|---------------------------------------------------------|--------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,089,070,271              |              |               |               |               |               |
| Total Available Yield: \$3,441,462                      |              |               |               |               |               |
| Net Present Value of Total Available Yield: \$2,012,331 |              |               |               |               |               |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$17,983,461 | \$19,463,936  | \$22,392,067  | \$24,246,489  | \$26,261,528  |
| Assessment Growth Rate                                  | 8.20%        | 8.23%         | 15.04%        | 8.28%         | 8.31%         |
| Increment                                               | \$1,363,383  | \$2,843,858   | \$5,771,989   | \$7,626,411   | \$9,641,450   |
| Available Yield                                         | \$4,308      | \$8,987       | \$18,239      | \$24,099      | \$30,467      |
| PV of Available Yield                                   | \$4,183      | \$8,471       | \$16,692      | \$21,412      | \$26,281      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$28,451,825 | \$30,833,447  | \$33,424,037  | \$36,242,982  | \$39,311,599  |
| Assessment Growth Rate                                  | 8.34%        | 8.37%         | 8.40%         | 8.43%         | 8.47%         |
| Increment                                               | \$11,831,747 | \$14,213,369  | \$16,803,959  | \$19,622,904  | \$22,691,521  |
| Available Yield                                         | \$37,388     | \$44,914      | \$53,101      | \$62,008      | \$71,705      |
| PV of Available Yield                                   | \$31,312     | \$36,519      | \$41,918      | \$47,524      | \$53,355      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$42,653,349 | \$46,294,068  | \$50,262,231  | \$54,589,249  | \$59,309,800  |
| Assessment Growth Rate                                  | 8.50%        | 8.54%         | 8.57%         | 8.61%         | 8.65%         |
| Increment                                               | \$26,033,271 | \$29,673,990  | \$33,642,153  | \$37,969,171  | \$42,689,722  |
| Available Yield                                         | \$82,265     | \$93,770      | \$106,309     | \$119,983     | \$134,900     |
| PV of Available Yield                                   | \$59,430     | \$65,768      | \$72,391      | \$79,323      | \$86,587      |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$64,462,199 | \$70,088,822  | \$76,236,576  | \$82,957,432  | \$90,309,028  |
| Assessment Growth Rate                                  | 8.69%        | 8.73%         | 8.77%         | 8.82%         | 8.86%         |
| Increment                                               | \$47,842,121 | \$53,468,744  | \$59,616,498  | \$66,337,354  | \$73,688,950  |
| Available Yield                                         | \$151,181    | \$168,961     | \$188,388     | \$209,626     | \$232,857     |
| PV of Available Yield                                   | \$94,211     | \$102,224     | \$110,658     | \$119,547     | \$128,927     |
|                                                         |              |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078 | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$98,355,352 | \$107,167,508 | \$116,824,592 | \$127,414,682 | \$139,035,961 |
| Assessment Growth Rate                                  | 8.91%        | 8.96%         | 9.01%         | 9.06%         | 9.12%         |
| Increment                                               | \$81,735,274 | \$90,547,430  | \$100,204,514 | \$110,794,604 | \$122,415,883 |
| Available Yield                                         | \$258,283    | \$286,130     | \$316,646     | \$350,111     | \$386,834     |
| PV of Available Yield                                   | \$138,840    | \$149,329     | \$160,442     | \$172,231     | \$184,754     |

**Table 6: East Square Scenario with the Mountain Inn, Terminella Project, and Library Renovation with available TIF millage of 3.16**

| Weighted Estimates by Property Taxation Classification  |               |               |               |               |               |
|---------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,336,207,692              |               |               |               |               |               |
| Total Available Yield: \$4,222,416                      |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$2,489,271 |               |               |               |               |               |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$17,983,461  | \$19,463,936  | \$26,392,067  | \$28,570,898  | \$30,936,656  |
| Assessment Growth Rate                                  | 8.20%         | 8.23%         | 35.59%        | 8.26%         | 8.28%         |
| Increment                                               | \$1,363,383   | \$2,843,858   | \$9,771,989   | \$11,950,820  | \$14,316,578  |
| Available Yield                                         | \$4,308       | \$8,987       | \$30,879      | \$37,765      | \$45,240      |
| PV of Available Yield                                   | \$4,183       | \$8,471       | \$28,259      | \$33,553      | \$39,025      |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$33,506,117  | \$36,297,654  | \$39,331,404  | \$42,629,450  | \$46,216,024  |
| Assessment Growth Rate                                  | 8.31%         | 8.33%         | 8.36%         | 8.39%         | 8.41%         |
| Increment                                               | \$16,886,039  | \$19,677,576  | \$22,711,326  | \$26,009,372  | \$29,595,946  |
| Available Yield                                         | \$53,360      | \$62,181      | \$71,768      | \$82,190      | \$93,523      |
| PV of Available Yield                                   | \$44,688      | \$50,559      | \$56,654      | \$62,991      | \$69,590      |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$50,117,738  | \$54,363,836  | \$58,986,476  | \$64,021,050  | \$69,506,541  |
| Assessment Growth Rate                                  | 8.44%         | 8.47%         | 8.50%         | 8.54%         | 8.57%         |
| Increment                                               | \$33,497,660  | \$37,743,758  | \$42,366,398  | \$47,400,972  | \$52,886,463  |
| Available Yield                                         | \$105,853     | \$119,270     | \$133,878     | \$149,787     | \$167,121     |
| PV of Available Yield                                   | \$76,470      | \$83,654      | \$91,164      | \$99,027      | \$107,269     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$75,485,920  | \$82,006,592  | \$89,120,904  | \$96,886,708  | \$105,368,001 |
| Assessment Growth Rate                                  | 8.60%         | 8.64%         | 8.68%         | 8.71%         | 8.75%         |
| Increment                                               | \$58,865,842  | \$65,386,514  | \$72,500,826  | \$80,266,630  | \$88,747,923  |
| Available Yield                                         | \$186,016     | \$206,621     | \$229,103     | \$253,643     | \$280,443     |
| PV of Available Yield                                   | \$115,919     | \$125,009     | \$134,574     | \$144,649     | \$155,275     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  | \$16,620,078  |
| Total Assessment                                        | \$114,635,642 | \$124,768,166 | \$135,852,704 | \$147,986,017 | \$161,275,679 |
| Assessment Growth Rate                                  | 8.80%         | 8.84%         | 8.88%         | 8.93%         | 8.98%         |
| Increment                                               | \$98,015,564  | \$108,148,088 | \$119,232,626 | \$131,365,939 | \$144,655,601 |
| Available Yield                                         | \$309,729     | \$341,748     | \$376,775     | \$415,116     | \$457,112     |
| PV of Available Yield                                   | \$166,495     | \$178,356     | \$190,909     | \$204,210     | \$218,319     |

**Table 7: East Square and Downtown Baseline Scenario with Available TIF millage of 7.66**

| Weighted Estimates by Property Taxation Classification   |               |               |               |               |               |
|----------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$3,598,422,952               |               |               |               |               |               |
| Total Available Yield: \$27,563,920                      |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$15,744,504 |               |               |               |               |               |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$35,135,825  | \$38,964,278  | \$43,237,746  | \$48,011,059  | \$53,346,178  |
| Assessment Growth Rate                                   | 10.83%        | 10.90%        | 10.97%        | 11.04%        | 11.11%        |
| Increment                                                | \$3,431,986   | \$7,260,439   | \$11,533,907  | \$16,307,220  | \$21,642,339  |
| Available Yield                                          | \$26,289      | \$55,615      | \$88,350      | \$124,913     | \$165,780     |
| PV of Available Yield                                    | \$25,523      | \$52,422      | \$80,853      | \$110,984     | \$143,004     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$59,313,167  | \$65,991,305  | \$73,470,353  | \$81,852,005  | \$91,251,540  |
| Assessment Growth Rate                                   | 11.19%        | 11.26%        | 11.33%        | 11.41%        | 11.48%        |
| Increment                                                | \$27,609,328  | \$34,287,466  | \$41,766,514  | \$50,148,166  | \$59,547,701  |
| Available Yield                                          | \$211,487     | \$262,642     | \$319,932     | \$384,135     | \$456,135     |
| PV of Available Yield                                    | \$177,117     | \$213,552     | \$252,557     | \$294,407     | \$339,408     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$101,799,717 | \$113,644,944 | \$126,955,756 | \$141,923,652 | \$158,766,349 |
| Assessment Growth Rate                                   | 11.56%        | 11.64%        | 11.71%        | 11.79%        | 11.87%        |
| Increment                                                | \$70,095,878  | \$81,941,105  | \$95,251,917  | \$110,219,813 | \$127,062,510 |
| Available Yield                                          | \$536,934     | \$627,669     | \$729,630     | \$844,284     | \$973,299     |
| PV of Available Yield                                    | \$387,893     | \$440,234     | \$496,842     | \$558,171     | \$624,723     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$177,731,504 | \$199,100,989 | \$223,195,775 | \$250,381,555 | \$281,075,178 |
| Assessment Growth Rate                                   | 11.95%        | 12.02%        | 12.10%        | 12.18%        | 12.26%        |
| Increment                                                | \$146,027,665 | \$167,397,150 | \$191,491,936 | \$218,677,716 | \$249,371,339 |
| Available Yield                                          | \$1,118,572   | \$1,282,262   | \$1,466,828   | \$1,675,071   | \$1,910,184   |
| PV of Available Yield                                    | \$697,057     | \$775,790     | \$861,607     | \$955,270     | \$1,057,623   |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$315,752,037 | \$354,954,549 | \$399,301,895 | \$449,501,199 | \$506,360,371 |
| Assessment Growth Rate                                   | 12.34%        | 12.42%        | 12.49%        | 12.57%        | 12.65%        |
| Increment                                                | \$284,048,198 | \$323,250,710 | \$367,598,056 | \$417,797,360 | \$474,656,532 |
| Available Yield                                          | \$2,175,809   | \$2,476,100   | \$2,815,801   | \$3,200,328   | \$3,635,869   |
| PV of Available Yield                                    | \$1,169,605   | \$1,292,258   | \$1,426,743   | \$1,574,349   | \$1,736,511   |

**Table 8: East Square and Downtown Scenario Including the Terminella Project and the Library Renovation with Available TIF Millage of 7.66**

| Weighted Estimates by Property Taxation Classification   |               |               |               |               |               |
|----------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$3,699,632,858               |               |               |               |               |               |
| Total Available Yield: \$28,339,188                      |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$16,209,996 |               |               |               |               |               |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$35,135,825  | \$38,964,278  | \$44,557,746  | \$49,459,472  | \$54,935,495  |
| Assessment Growth Rate                                   | 10.83%        | 10.90%        | 14.36%        | 11.00%        | 11.07%        |
| Increment                                                | \$3,431,986   | \$7,260,439   | \$12,853,907  | \$17,755,633  | \$23,231,656  |
| Available Yield                                          | \$26,289      | \$55,615      | \$98,461      | \$136,008     | \$177,954     |
| PV of Available Yield                                    | \$25,523      | \$52,422      | \$90,106      | \$120,841     | \$153,505     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$61,057,095  | \$67,904,886  | \$75,570,092  | \$84,156,011  | \$93,779,683  |
| Assessment Growth Rate                                   | 11.14%        | 11.22%        | 11.29%        | 11.36%        | 11.44%        |
| Increment                                                | \$29,353,256  | \$36,201,047  | \$43,866,253  | \$52,452,172  | \$62,075,844  |
| Available Yield                                          | \$224,846     | \$277,300     | \$336,015     | \$401,784     | \$475,501     |
| PV of Available Yield                                    | \$188,305     | \$225,470     | \$265,254     | \$307,934     | \$353,817     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$104,573,804 | \$116,688,900 | \$130,295,833 | \$145,588,658 | \$162,787,894 |
| Assessment Growth Rate                                   | 11.51%        | 11.59%        | 11.66%        | 11.74%        | 11.81%        |
| Increment                                                | \$72,869,965  | \$84,985,061  | \$98,591,994  | \$113,884,819 | \$131,084,055 |
| Available Yield                                          | \$558,184     | \$650,986     | \$755,215     | \$872,358     | \$1,004,104   |
| PV of Available Yield                                    | \$403,244     | \$456,588     | \$514,264     | \$576,731     | \$644,496     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$182,144,274 | \$203,943,041 | \$228,508,872 | \$256,211,522 | \$287,472,295 |
| Assessment Growth Rate                                   | 11.89%        | 11.97%        | 12.05%        | 12.12%        | 12.20%        |
| Increment                                                | \$150,440,435 | \$172,239,202 | \$196,805,033 | \$224,507,683 | \$255,768,456 |
| Available Yield                                          | \$1,152,374   | \$1,319,352   | \$1,507,527   | \$1,719,729   | \$1,959,186   |
| PV of Available Yield                                    | \$718,121     | \$798,230     | \$885,513     | \$980,737     | \$1,084,754   |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$322,771,478 | \$362,656,856 | \$407,753,498 | \$458,774,990 | \$516,536,336 |
| Assessment Growth Rate                                   | 12.28%        | 12.36%        | 12.44%        | 12.51%        | 12.59%        |
| Increment                                                | \$291,067,639 | \$330,953,017 | \$376,049,659 | \$427,071,151 | \$484,832,497 |
| Available Yield                                          | \$2,229,578   | \$2,535,100   | \$2,880,540   | \$3,271,365   | \$3,713,817   |
| PV of Available Yield                                    | \$1,198,508   | \$1,323,050   | \$1,459,546   | \$1,609,295   | \$1,773,740   |

**Table 9: East Square and Downtown Scenario with the Mountain Inn, Terminella Project, and Library Renovation with available TIF Millage of 7.66**

| Weighted Estimates by Property Taxation Classification   |               |               |               |               |               |
|----------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$4,006,329,540               |               |               |               |               |               |
| Total Available Yield: \$30,668,484                      |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$17,620,577 |               |               |               |               |               |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$35,135,825  | \$38,964,278  | \$48,557,746  | \$53,848,600  | \$59,751,606  |
| Assessment Growth Rate                                   | 10.83%        | 10.90%        | 24.62%        | 10.90%        | 10.96%        |
| Increment                                                | \$3,431,986   | \$7,260,439   | \$16,853,907  | \$22,144,761  | \$28,047,767  |
| Available Yield                                          | \$26,289      | \$55,615      | \$129,101     | \$169,629     | \$214,846     |
| PV of Available Yield                                    | \$25,523      | \$52,422      | \$118,146     | \$150,713     | \$185,328     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$66,341,727  | \$73,703,618  | \$81,932,936  | \$91,137,845  | \$101,440,724 |
| Assessment Growth Rate                                   | 11.03%        | 11.10%        | 11.17%        | 11.23%        | 11.30%        |
| Increment                                                | \$34,637,888  | \$41,999,779  | \$50,229,097  | \$59,434,006  | \$69,736,885  |
| Available Yield                                          | \$265,326     | \$321,718     | \$384,755     | \$455,264     | \$534,185     |
| PV of Available Yield                                    | \$222,207     | \$261,586     | \$303,729     | \$348,922     | \$397,483     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$112,980,126 | \$125,913,006 | \$140,417,279 | \$156,694,739 | \$174,974,396 |
| Assessment Growth Rate                                   | 11.38%        | 11.45%        | 11.52%        | 11.59%        | 11.67%        |
| Increment                                                | \$81,276,287  | \$94,209,167  | \$108,713,440 | \$124,990,900 | \$143,270,557 |
| Available Yield                                          | \$622,576     | \$721,642     | \$832,745     | \$957,430     | \$1,097,452   |
| PV of Available Yield                                    | \$449,762     | \$506,145     | \$567,059     | \$632,974     | \$704,413     |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$195,516,304 | \$218,615,928 | \$244,609,167 | \$273,878,086 | \$306,857,498 |
| Assessment Growth Rate                                   | 11.74%        | 11.81%        | 11.89%        | 11.97%        | 12.04%        |
| Increment                                                | \$163,812,465 | \$186,912,089 | \$212,905,328 | \$242,174,247 | \$275,153,659 |
| Available Yield                                          | \$1,254,803   | \$1,431,747   | \$1,630,855   | \$1,855,055   | \$2,107,677   |
| PV of Available Yield                                    | \$781,952     | \$866,230     | \$957,955     | \$1,057,912   | \$1,166,970   |
|                                                          |               |               |               |               |               |
| Frozen Assessment                                        | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                         | \$344,042,512 | \$385,997,178 | \$433,364,414 | \$486,877,387 | \$547,372,590 |
| Assessment Growth Rate                                   | 12.12%        | 12.19%        | 12.27%        | 12.35%        | 12.43%        |
| Increment                                                | \$312,338,673 | \$354,293,339 | \$401,660,575 | \$455,173,548 | \$515,668,751 |
| Available Yield                                          | \$2,392,514   | \$2,713,887   | \$3,076,720   | \$3,486,629   | \$3,950,023   |
| PV of Available Yield                                    | \$1,286,094   | \$1,416,357   | \$1,558,949   | \$1,715,191   | \$1,886,553   |

**Table 10: East Square and Downtown Baseline Scenario with Available TIF millage of 3.16**

| Weighted Estimates by Property Taxation Classification  |               |               |               |               |               |
|---------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$3,598,422,952              |               |               |               |               |               |
| Total Available Yield: \$11,371,017                     |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$6,495,122 |               |               |               |               |               |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$35,135,825  | \$38,964,278  | \$43,237,746  | \$48,011,059  | \$53,346,178  |
| Assessment Growth Rate                                  | 10.83%        | 10.90%        | 10.97%        | 11.04%        | 11.11%        |
| Increment                                               | \$3,431,986   | \$7,260,439   | \$11,533,907  | \$16,307,220  | \$21,642,339  |
| Available Yield                                         | \$10,845      | \$22,943      | \$36,447      | \$51,531      | \$68,390      |
| PV of Available Yield                                   | \$10,529      | \$21,626      | \$33,354      | \$45,784      | \$58,994      |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$59,313,167  | \$65,991,305  | \$73,470,353  | \$81,852,005  | \$91,251,540  |
| Assessment Growth Rate                                  | 11.19%        | 11.26%        | 11.33%        | 11.41%        | 11.48%        |
| Increment                                               | \$27,609,328  | \$34,287,466  | \$41,766,514  | \$50,148,166  | \$59,547,701  |
| Available Yield                                         | \$87,245      | \$108,348     | \$131,982     | \$158,468     | \$188,171     |
| PV of Available Yield                                   | \$73,067      | \$88,097      | \$104,188     | \$121,453     | \$140,017     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$101,799,717 | \$113,644,944 | \$126,955,756 | \$141,923,652 | \$158,766,349 |
| Assessment Growth Rate                                  | 11.56%        | 11.64%        | 11.71%        | 11.79%        | 11.87%        |
| Increment                                               | \$70,095,878  | \$81,941,105  | \$95,251,917  | \$110,219,813 | \$127,062,510 |
| Available Yield                                         | \$221,503     | \$258,934     | \$300,996     | \$348,295     | \$401,518     |
| PV of Available Yield                                   | \$160,018     | \$181,611     | \$204,964     | \$230,264     | \$257,719     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$177,731,504 | \$199,100,989 | \$223,195,775 | \$250,381,555 | \$281,075,178 |
| Assessment Growth Rate                                  | 11.95%        | 12.02%        | 12.10%        | 12.18%        | 12.26%        |
| Increment                                               | \$146,027,665 | \$167,397,150 | \$191,491,936 | \$218,677,716 | \$249,371,339 |
| Available Yield                                         | \$461,447     | \$528,975     | \$605,115     | \$691,022     | \$788,013     |
| PV of Available Yield                                   | \$287,559     | \$320,039     | \$355,441     | \$394,080     | \$436,304     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$315,752,037 | \$354,954,549 | \$399,301,895 | \$449,501,199 | \$506,360,371 |
| Assessment Growth Rate                                  | 12.34%        | 12.42%        | 12.49%        | 12.57%        | 12.65%        |
| Increment                                               | \$284,048,198 | \$323,250,710 | \$367,598,056 | \$417,797,360 | \$474,656,532 |
| Available Yield                                         | \$897,592     | \$1,021,472   | \$1,161,610   | \$1,320,240   | \$1,499,915   |
| PV of Available Yield                                   | \$482,500     | \$533,099     | \$588,578     | \$649,470     | \$716,368     |

**Table 11: East Square and Downtown Scenario Including the Terminella Project and the Library Renovation with Available TIF millage of 3.16**

| Weighted Estimates by Property Taxation Classification  |               |               |               |               |               |
|---------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$3,699,632,858              |               |               |               |               |               |
| Total Available Yield: \$11,690,840                     |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$6,687,152 |               |               |               |               |               |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$35,135,825  | \$38,964,278  | \$43,917,746  | \$48,757,211  | \$54,164,917  |
| Assessment Growth Rate                                  | 10.83%        | 10.90%        | 12.71%        | 11.02%        | 11.09%        |
| Increment                                               | \$3,431,986   | \$7,260,439   | \$12,213,907  | \$17,053,372  | \$22,461,078  |
| Available Yield                                         | \$10,845      | \$22,943      | \$40,618      | \$56,108      | \$73,412      |
| PV of Available Yield                                   | \$10,529      | \$21,626      | \$37,172      | \$49,851      | \$63,326      |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$60,211,554  | \$66,977,089  | \$74,552,037  | \$83,038,917  | \$92,553,917  |
| Assessment Growth Rate                                  | 11.16%        | 11.24%        | 11.31%        | 11.38%        | 11.46%        |
| Increment                                               | \$28,507,715  | \$35,273,250  | \$42,848,198  | \$51,335,078  | \$60,850,078  |
| Available Yield                                         | \$92,756      | \$114,395     | \$138,617     | \$165,749     | \$196,160     |
| PV of Available Yield                                   | \$77,682      | \$93,014      | \$109,426     | \$127,033     | \$145,961     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$103,228,792 | \$115,213,043 | \$128,676,402 | \$143,811,686 | \$160,838,054 |
| Assessment Growth Rate                                  | 11.53%        | 11.61%        | 11.69%        | 11.76%        | 11.84%        |
| Increment                                               | \$71,524,953  | \$83,509,204  | \$96,972,563  | \$112,107,847 | \$129,134,215 |
| Available Yield                                         | \$230,269     | \$268,553     | \$311,551     | \$359,876     | \$414,226     |
| PV of Available Yield                                   | \$166,351     | \$188,358     | \$212,151     | \$237,920     | \$265,876     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$180,004,749 | \$201,595,379 | \$225,932,825 | \$253,384,871 | \$284,370,663 |
| Assessment Growth Rate                                  | 11.92%        | 11.99%        | 12.07%        | 12.15%        | 12.23%        |
| Increment                                               | \$148,300,910 | \$169,891,540 | \$194,228,986 | \$221,681,032 | \$252,666,824 |
| Available Yield                                         | \$475,392     | \$544,276     | \$621,904     | \$709,444     | \$808,228     |
| PV of Available Yield                                   | \$292,035     | \$324,807     | \$360,521     | \$399,492     | \$442,070     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$319,368,113 | \$358,922,404 | \$403,655,751 | \$454,278,606 | \$511,602,535 |
| Assessment Growth Rate                                  | 12.31%        | 12.39%        | 12.46%        | 12.54%        | 12.62%        |
| Increment                                               | \$287,664,274 | \$327,218,565 | \$371,951,912 | \$422,574,767 | \$479,898,696 |
| Available Yield                                         | \$919,774     | \$1,045,812   | \$1,188,317   | \$1,349,545   | \$1,532,071   |
| PV of Available Yield                                   | \$494,424     | \$545,801     | \$602,110     | \$663,887     | \$731,725     |

**Table 12: East Square and Downtown Scenario with the Mountain Inn, Terminella Project, and Library Renovation with available TIF millage of 3.16**

| Weighted Estimates by Property Taxation Classification  |               |               |               |               |               |
|---------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$4,006,329,540              |               |               |               |               |               |
| Total Available Yield: \$12,660,001                     |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$7,269,063 |               |               |               |               |               |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$35,135,825  | \$38,964,278  | \$47,917,746  | \$53,146,339  | \$58,981,028  |
| Assessment Growth Rate                                  | 10.83%        | 10.90%        | 22.98%        | 10.91%        | 10.98%        |
| Increment                                               | \$3,431,986   | \$7,260,439   | \$16,213,907  | \$21,442,500  | \$27,277,189  |
| Available Yield                                         | \$10,845      | \$22,943      | \$53,258      | \$69,977      | \$88,631      |
| PV of Available Yield                                   | \$10,529      | \$21,626      | \$48,739      | \$62,174      | \$76,454      |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$65,496,186  | \$72,775,821  | \$80,914,881  | \$90,020,751  | \$100,214,958 |
| Assessment Growth Rate                                  | 11.05%        | 11.11%        | 11.18%        | 11.25%        | 11.32%        |
| Increment                                               | \$33,792,347  | \$41,071,982  | \$49,211,042  | \$58,316,912  | \$68,511,119  |
| Available Yield                                         | \$109,456     | \$132,719     | \$158,724     | \$187,811     | \$220,369     |
| PV of Available Yield                                   | \$91,667      | \$107,913     | \$125,298     | \$143,942     | \$163,975     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$111,635,114 | \$124,437,149 | \$138,797,848 | \$154,917,766 | \$173,024,556 |
| Assessment Growth Rate                                  | 11.40%        | 11.47%        | 11.54%        | 11.61%        | 11.69%        |
| Increment                                               | \$79,931,275  | \$92,733,310  | \$107,094,009 | \$123,213,927 | \$141,320,717 |
| Available Yield                                         | \$256,833     | \$297,701     | \$343,534     | \$394,971     | \$452,735     |
| PV of Available Yield                                   | \$185,542     | \$208,801     | \$233,930     | \$261,123     | \$290,593     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$193,376,779 | \$216,268,267 | \$242,033,120 | \$271,051,435 | \$303,755,866 |
| Assessment Growth Rate                                  | 11.76%        | 11.84%        | 11.91%        | 11.99%        | 12.07%        |
| Increment                                               | \$161,672,940 | \$184,564,428 | \$210,329,281 | \$239,347,596 | \$272,052,027 |
| Available Yield                                         | \$517,647     | \$590,642     | \$672,781     | \$765,271     | \$869,486     |
| PV of Available Yield                                   | \$322,581     | \$357,348     | \$395,188     | \$436,423     | \$481,413     |
|                                                         |               |               |               |               |               |
| Frozen Assessment                                       | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  | \$31,703,839  |
| Total Assessment                                        | \$340,639,147 | \$382,262,727 | \$429,266,667 | \$482,381,004 | \$542,438,790 |
| Assessment Growth Rate                                  | 12.14%        | 12.22%        | 12.30%        | 12.37%        | 12.45%        |
| Increment                                               | \$308,935,308 | \$350,558,888 | \$397,562,828 | \$450,677,165 | \$510,734,951 |
| Available Yield                                         | \$986,990     | \$1,119,567   | \$1,269,247   | \$1,438,348   | \$1,629,513   |
| PV of Available Yield                                   | \$530,556     | \$584,294     | \$643,117     | \$707,572     | \$778,265     |



**Table 13: Summary of Yields under Alternative Scenarios**

| Baseline Scenario                                                 | \$7,717,564  | \$3,183,747 | \$27,563,920 | \$11,371,017 |
|-------------------------------------------------------------------|--------------|-------------|--------------|--------------|
| TIF with Terminella Project and Library Renovation                | \$8,342,278  | \$3,441,462 | \$28,339,188 | \$11,690,840 |
| TIF with Mountain Inn, Terminella Project, and Library Renovation | \$10,235,531 | \$4,222,416 | \$30,668,484 | \$12,660,001 |

**Table 14: 2004 Count and Percentage of Total Parcels by Type**

|                                  |                |                |                   |
|----------------------------------|----------------|----------------|-------------------|
| Agricultural Improved            | 0<br>(0.0%)    | 0<br>(0.0%)    | 135<br>(0.6%)     |
| Agricultural Miscellaneous       | 0<br>(0.0%)    | 0<br>(0.0%)    | 30<br>(0.1%)      |
| Agricultural Vacant              | 0<br>(0.0%)    | 0<br>(0.0%)    | 244<br>(1.1%)     |
| Commercial Agricultural          | 0<br>(0.0%)    | 0<br>(0.0%)    | 2<br>(0.0%)       |
| Commercial Building              | 1<br>(0.2%)    | 1<br>(0.0%)    | 18<br>(0.0%)      |
| Commercial Agricultural Improved | 0<br>(0.0%)    | 0<br>(0.0%)    | 5<br>(0.0%)       |
| Commercial Improved              | 156<br>(34.0%) | 329<br>(29.0%) | 1,473<br>(6.5%)   |
| Commercial Miscellaneous         | 16<br>(3.5%)   | 32<br>(2.8%)   | 77<br>(0.3%)      |
| Mobile Home Park                 | 0<br>(0.0%)    | 0<br>(0.0%)    | 12<br>(0.0%)      |
| Commercial Residential           | 5<br>(1.1%)    | 31<br>(2.7%)   | 107<br>(0.5%)     |
| Commercial Transportation        | 0<br>(0.0%)    | 2<br>(0.2%)    | 70<br>(0.3%)      |
| Commercial Vacant                | 27<br>(5.9%)   | 49<br>(4.3%)   | 489<br>(2.2%)     |
| Exempt HUD                       | 0<br>(0.0%)    | 0<br>(0.0%)    | 1<br>(0.0%)       |
| Exempt Temporary                 | 36<br>(7.8%)   | 83<br>(7.3%)   | 302<br>(1.3%)     |
| Exempt                           | 80<br>(17.4%)  | 150<br>(13.3%) | 1,470<br>(6.5%)   |
| Industrial Improved              | 2<br>(0.4%)    | 2<br>(0.2%)    | 72<br>(0.3%)      |
| Industrial Vacant                | 2<br>(0.4%)    | 2<br>(0.2%)    | 55<br>(0.2%)      |
| Mobile Home                      | 0<br>(0.0%)    | 0<br>(0.0%)    | 470<br>(2.1%)     |
| Public Service                   | 4<br>(0.9%)    | 7<br>(0.6%)    | 69<br>(0.3%)      |
| Residential Building             | 0<br>(0.0%)    | 0<br>(0.0%)    | 3<br>(0.0%)       |
| Residential Improved             | 95<br>(20.7%)  | 381<br>(33.7%) | 14,726<br>(65.5%) |
| Residential Miscellaneous        | 5<br>(1.1%)    | 8<br>(0.7%)    | 137<br>(0.6%)     |
| Residential Vacant               | 30<br>(6.5%)   | 54<br>(40.9%)  | 2,149<br>(9.6%)   |
| Void Parcel                      | 0<br>(0.0%)    | 1<br>(0.0%)    | 352<br>(1.6%)     |
| Total                            | 459            | 1,132          | 22,468            |

**Table 15: 2004 Assessed Values and Percentage of Total by Parcel Type**

|                                  |                         |                         |                          |
|----------------------------------|-------------------------|-------------------------|--------------------------|
| Agricultural Improved            | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$3,680,341<br>(0.6%)    |
| Agricultural Miscellaneous       | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$140,078<br>(0.0%)      |
| Agricultural Vacant              | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$153,153<br>(0.0%)      |
| Commercial Agricultural          | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$39,435<br>(0.0%)       |
| Commercial Building              | \$299,207<br>(1.8%)     | \$299,207<br>(0.9%)     | \$1,336,240<br>(0.2%)    |
| Commercial Agricultural Improved | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$376,753<br>(0.1%)      |
| Commercial Improved              | \$13,164,920<br>(79.2%) | \$20,923,872<br>(66.0%) | \$197,054,767<br>(32.4%) |
| Commercial Miscellaneous         | \$122,760<br>(0.7%)     | \$387,187<br>(1.2%)     | \$1,185,043<br>(0.2%)    |
| Mobile Home Park                 | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$569,856<br>(0.1%)      |
| Commercial Residential           | \$127,682<br>(0.8%)     | \$942,762<br>(3.0%)     | \$7,495,564<br>(1.2%)    |
| Commercial Transportation        | \$0<br>(0.0%)           | \$34,395<br>(0.1%)      | \$1,805,719<br>(0.3%)    |
| Commercial Vacant                | \$250,354<br>(1.5%)     | \$462,281<br>(1.5%)     | \$10,195,942<br>(1.7%)   |
| Exempt HUD                       | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$18,018<br>(0.0%)       |
| Exempt Temporary                 | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$0<br>(0.0%)            |
| Exempt                           | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$0<br>(0.0%)            |
| Industrial Improved              | \$153,923<br>(0.9%)     | \$153,923<br>(0.5%)     | \$19,966,044<br>(3.3%)   |
| Industrial Vacant                | \$13,230<br>(0.1%)      | \$13,230<br>(0.0%)      | \$938,415<br>(0.2%)      |
| Mobile Home                      | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$610,918<br>(0.1%)      |
| Public Service                   | \$1,077,650<br>(6.5%)   | \$1,266,080<br>(4.0%)   | \$4,246,660<br>(0.7%)    |
| Residential Building             | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$87,769<br>(0.0%)       |
| Residential Improved             | \$1,332,622<br>(8.0%)   | \$7,064,039<br>(22.3%)  | \$348,309,600<br>(57.4%) |
| Residential Miscellaneous        | \$11,699<br>(0.1%)      | \$25,167<br>(0.1%)      | \$565,200<br>(0.1%)      |
| Residential Vacant               | \$66,031<br>(0.4%)      | \$131,696<br>(0.4%)     | \$8,416,970<br>(1.4%)    |
| Void Parcel                      | \$0<br>(0.0%)           | \$0<br>(0.0%)           | \$124,586<br>(0.0%)      |
| <b>Total</b>                     | <b>\$16,620,0782</b>    | <b>\$31,703,839</b>     | <b>\$607,317,071</b>     |

**Table 16: 2001-2004 Average Annual Assessed Value Growth Rates by Parcel Type**

|                                  |       |       |        |
|----------------------------------|-------|-------|--------|
| Agricultural Improved            |       |       | 6.1%   |
| Agricultural Miscellaneous       |       |       | 1.6%   |
| Agricultural Vacant              |       |       | -18.5% |
| Commercial Agricultural          |       |       | 3.2%   |
| Commercial Building              | 3.3%  | 3.3%  | 6.2%   |
| Commercial Agricultural Improved |       |       | -10.5% |
| Commercial Improved              | 8.1%  | 9.7%  | 9.7%   |
| Commercial Miscellaneous         | 5.6%  | 6.4%  | -6.6%  |
| Mobile Home Park                 |       |       | 1.0%   |
| Commercial Residential           | 17.4% | 8.3%  | 23.4%  |
| Commercial Transportation        |       | 4.9%* | 14.7%  |
| Commercial Vacant                | 6.1%  | 6.0%  | 4.1%   |
| Exempt HUD                       |       |       | 4.0%   |
| Exempt Temporary                 |       |       |        |
| Exempt                           |       |       |        |
| Industrial Improved              | 4.0%  | 4.0%  | 5.2%   |
| Industrial Vacant                | 7.0%  | 7.0%  | 1.9%   |
| Mobile Home                      |       |       | 2.6%   |
| Public Service                   | 6.5%  | 11.9% | 11.7%  |
| Residential Building             |       |       | 3.3%   |
| Residential Improved             | 12.3% | 15.5% | 7.0%   |
| Residential Miscellaneous        | 4.5%  | 0.0%  | 2.4%   |
| Residential Vacant               | 0.1%  | 0.2%  | 8.6%   |
| Void Parcel                      |       | 0.0%  | -63.3% |
| Total                            | 7.0%  | 9.9%  | 7.4%   |

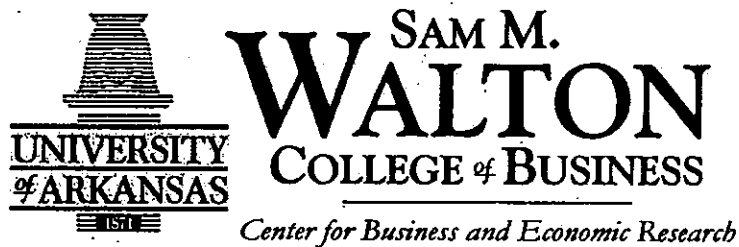
\*This value is the growth rate from 2002-2004, as 2001 was a significant outlier which greatly affected subsequent analysis.

**Table 17: Alternative Millage Breakdown Scenarios**

|                                            |       |       |
|--------------------------------------------|-------|-------|
| Washington County                          | 4.75  |       |
| Washington County Roads                    | 1.11  |       |
| City of Fayetteville                       | 0.80  |       |
| Library                                    | 1.00  |       |
| Fayetteville Public Schools (Debt Service) | 19.20 | 23.70 |
| Fayetteville Public Schools (State)        | 25.00 | 25.00 |
| Total                                      | 51.86 | 51.86 |

## **An Economic Forecast of Assessment Values in the Highway 71 East Square Redevelopment District**

*To be produced for the City of Fayetteville, Arkansas*



Center for Business and Economic Research  
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September 2004

The purpose of this study is to estimate the cash flows that will accrue to the Highway 71 East Square Redevelopment Tax District (ESRD) in Fayetteville, Arkansas as a result of the tax increment financing project that has the redevelopment of the Mountain Inn as its centerpiece. The ESRD encompasses 443 parcels in the central part of Fayetteville, running along US Highway 71B from Maple Street to south of the Mill District. The ESRD centers on the Fayetteville Square, the Mountain Inn, and the Old Courthouse. The desired renovation of the Mountain Inn spurred the formation of the ESRD, as private developers were unwilling under the current economic environment to attempt the project. Further, the redevelopment is seen as key to improving local property values and fostering economic activity in the central corridor of the city. Tax increment financing (TIF) was chosen as the appropriate tool for this private/public partnership.

Researchers at the Center for Business and Economic Research (CBER) in the Sam M. Walton College of Business at the University of Arkansas were asked to project the revenues that tax increment financing will provide for the ESRD. The methodology employed was as follows. First, a copy of the property ownership report for the East Square Redevelopment District was obtained from City of Fayetteville staff. This report included the identification of and 2003 assessed valuation numbers for the 459 parcels included in the Highway 71 East Square Redevelopment District. Supplementing this information, CBER researchers used the Washington County Assessor's online property search database to obtain the 2004 assessment values for the same 459 parcels. CBER researchers then gathered historical data on assessment value growth rates in other parts of Fayetteville for comparison purposes. Research was conducted on the growth in property values in TIF districts in Tulsa, Oklahoma to assist in the determination of reasonable expectations for growth rates.

The collected data show that 148 of the parcels in the ESRD are classified as Commercial Improved, 95 of the parcels are classified as Residential Improved, 116 of the parcels are exempt from property taxes (either as local or federal government properties or churches), and the remaining 100 parcels are a mix of commercial and residential vacant properties, public services, and miscellaneous usages. A total of 342 of the identified parcels had non-zero assessment values in 2004.

In 2003, the total assessed value of the parcels in the ESRD was \$14,818,139. In 2004, the year-on-year growth rate of the assessed value was 12.9%, while the median assessment growth rate was 10 percent. Of the relevant 342 parcels, 49 parcels had assessment growth rates of less than 10 percent, 208 had assessed values that grew at 10 percent, and 85 parcels had assessment growth rates of more than 10 percent. Only 6 parcels in the ESRD had lower assessments in 2004 than in 2003.

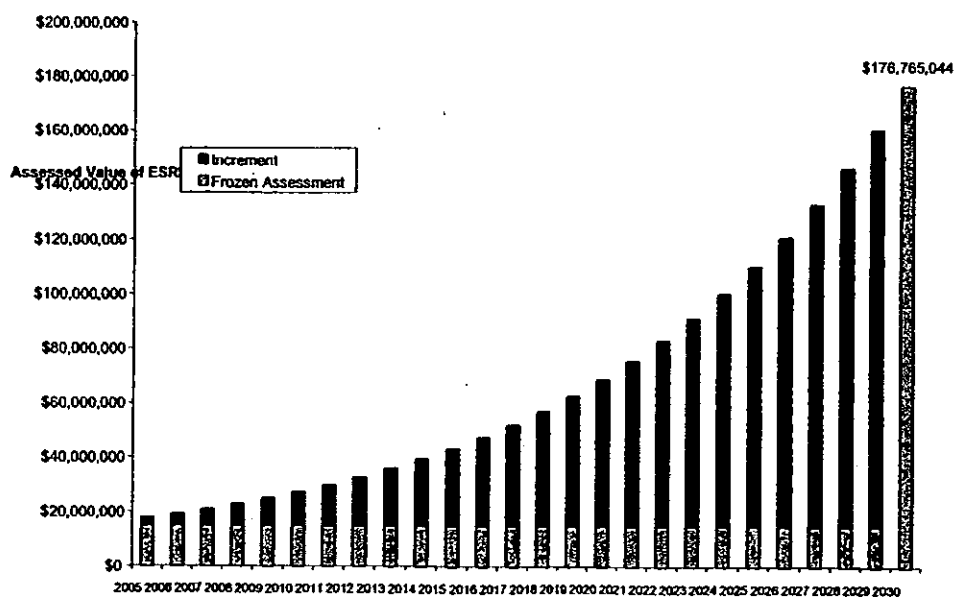
In order to form a basis of comparison, the parcels that have addresses along Dickson Street in Fayetteville were examined. A substantial amount of private and public investment has gone into the redevelopment of Dickson Street in recent years and examining recent annual assessment increases might provide a fair indication of what assessment values might do in the ESRD after investments have been made. According to data from the Washington County Assessor's Office, in 2004 the average growth rate in assessed value on Dickson Street was 12.8

percent. The median growth rate was 10 percent. In 2003 the median growth rate of the assessed value of parcels on Dickson Street was 8.3 percent, while in 2002 and 2001 the median growth rates were 9.1 and 10.0 percent respectively.

In Tulsa, Oklahoma, tax increment financing has been used in five districts. Oklahoma's TIF legislation differs from that of Arkansas in that both property and sales tax increments are available for revenues for the districts. The successes of the TIF districts in Tulsa have varied. Those that have been most successful have attracted a large retail anchor to the district or have been tied to a specific redevelopment project. Most Tulsa TIF districts have been unable to meet their projected increases in property tax and sales tax. This experience demonstrates that planners should use conservative estimates in their calculations for projected revenue.

Based on all of the previous information, CBER researchers have developed a plausible revenue scenario for the ESRD. This scenario takes into consideration that owner-occupied residential property assessment growth is capped at 5 percent, that properties owned and occupied by residents over the age of 65 have frozen property assessments, and that all other property assessment growth is capped at 10 percent. Only new construction is assessed at its full value. In order to provide a conservative estimate of the revenue that will be generated in the TIF district, the following assumptions are made. In 2005 and 2006, assessed property values will grow at 8 percent, unless they are frozen or capped at 5 percent. From 2007-2029, property values grow at 10 percent, unless they are frozen or capped at 5 percent. These revenue estimates do not capture the growth in assessments that will result from new construction, and as such, likely underestimate the true revenues that are likely to accrue to the TIF district.

Table 1 presents the revenue estimates by year that are derived from the listed assumptions. Figure 1 illustrates the growth path of the increment and the full assessment that is estimated for 2030.



**Weighted Estimates by Property Taxation Classification**

Total Available Increment: \$1,259,980,326

Total Available Yield: \$36,867,024

Net Present Value of Total Available Yield: \$21,483,655

|                        |                |                |                |                |                |
|------------------------|----------------|----------------|----------------|----------------|----------------|
|                        |                |                |                |                |                |
| Frozen Assessment      | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  |
| Total Assessment       | \$ 17,964,708  | \$ 19,294,581  | \$ 21,084,090  | \$ 23,051,530  | \$ 25,214,645  |
| Assessment Growth Rate | 7.4%           | 7.4%           | 9.3%           | 9.3%           | 9.4%           |
| Increment              | \$ 3,146,569   | \$ 4,476,442   | \$ 6,265,951   | \$ 8,233,391   | \$ 10,396,506  |
| Available Yield        | \$ 92,069      | \$ 130,981     | \$ 183,342     | \$ 240,909     | \$ 304,202     |
| PV of Available Yield  | \$ 89,387      | \$ 123,462     | \$ 167,784     | \$ 214,045     | \$ 262,407     |
|                        |                |                |                |                |                |
| Frozen Assessment      | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  |
| Total Assessment       | \$ 27,592,949  | \$ 30,207,904  | \$ 33,083,116  | \$ 36,244,550  | \$ 39,720,762  |
| Assessment Growth Rate | 9.4%           | 9.5%           | 9.5%           | 9.6%           | 9.6%           |
| Increment              | \$ 12,774,810  | \$ 15,389,765  | \$ 18,264,977  | \$ 21,426,411  | \$ 24,902,623  |
| Available Yield        | \$ 373,791     | \$ 450,305     | \$ 534,433     | \$ 626,937     | \$ 728,651     |
| PV of Available Yield  | \$ 313,044     | \$ 366,139     | \$ 421,887     | \$ 480,495     | \$ 542,185     |
|                        |                |                |                |                |                |
| Frozen Assessment      | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  |
| Total Assessment       | \$ 43,543,162  | \$ 47,746,297  | \$ 52,368,166  | \$ 57,450,562  | \$ 63,039,456  |
| Assessment Growth Rate | 9.6%           | 9.7%           | 9.7%           | 9.7%           | 9.7%           |
| Increment              | \$ 28,725,023  | \$ 32,928,158  | \$ 37,550,027  | \$ 42,632,423  | \$ 48,221,317  |
| Available Yield        | \$ 840,494     | \$ 963,478     | \$ 1,098,714   | \$ 1,247,425   | \$ 1,410,956   |
| PV of Available Yield  | \$ 607,191     | \$ 675,764     | \$ 748,171     | \$ 824,695     | \$ 905,639     |
|                        |                |                |                |                |                |
| Frozen Assessment      | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  |
| Total Assessment       | \$ 69,185,410  | \$ 75,944,039  | \$ 83,376,514  | \$ 91,550,119  | \$ 100,538,861 |
| Assessment Growth Rate | 9.7%           | 9.8%           | 9.8%           | 9.8%           | 9.8%           |
| Increment              | \$ 54,367,271  | \$ 61,125,900  | \$ 68,558,375  | \$ 76,731,980  | \$ 85,720,722  |
| Available Yield        | \$ 1,590,786   | \$ 1,788,544   | \$ 2,006,018   | \$ 2,245,178   | \$ 2,508,188   |
| PV of Available Yield  | \$ 991,325     | \$ 1,082,098   | \$ 1,178,324   | \$ 1,280,393   | \$ 1,388,723   |
|                        |                |                |                |                |                |
| Frozen Assessment      | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  | \$ 14,818,139  |
| Total Assessment       | \$ 110,424,142 | \$ 121,295,501 | \$ 133,251,421 | \$ 146,400,231 | \$ 160,861,085 |
| Assessment Growth Rate | 9.8%           | 9.8%           | 9.9%           | 9.9%           | 9.9%           |
| Increment              | \$ 95,606,003  | \$ 106,477,362 | \$ 118,433,282 | \$ 131,582,092 | \$ 146,042,946 |
| Available Yield        | \$ 2,797,432   | \$ 3,115,528   | \$ 3,465,358   | \$ 3,850,092   | \$ 4,273,217   |
| PV of Available Yield  | \$ 1,503,757   | \$ 1,625,970   | \$ 1,755,868   | \$ 1,893,990   | \$ 2,040,912   |



**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.11**

**TIF Financing Strategies and Bond Structure**

## **TIF Financing Strategies**

### **General Tax Increment Financing Information**

Tax increment finance ("TIF") is a type of public finance that the Arkansas General Assembly added to the powers of municipalities and counties by Amendment 78 to the Arkansas Constitution. Amendment 78 empowers municipalities and counties to create "redevelopment districts" that can issue bonds the repayment of which is secured by ad valorem tax payments made by owners of taxable real property in the district.

The real property within the district receives an increased assessed value due to the public improvements and private reinvestment. Public improvements are financed by the proceeds of the bonds issued and sold by the district. The district pledges to the payment of its bonds that portion of the ad valorem tax that is otherwise levied by the city or county that formed the district (the amount of which is increased by the value of the public and private improvements within the district). That is, the district pledges the tax on the increment in value of the real property within its boundaries before and after the improvements. TIF bonds are secured by the existing municipal and county tax levied against the increase in assessed value. There is no new tax levied.

TIF's are generally used as a tool for economic development available to municipalities to promote industry and redevelopment of real property, and to eliminate blight. Projects are funded by using taxes collected in the district itself, without raising the taxes of residents outside the district. This concept is referred to as "redevelopment from within." A TIF financing raises funds for redevelopment and acts to stimulate revitalization without using general revenues of a municipality.

TIF uses tax-exempt financing to encourage growth and redevelopment within the district, which in turn stimulates economic growth outside the district. TIF captures, during its life, the increased tax revenue that results when private investment is stimulated. These tax receipts are called the "tax increment." As private investment adds to the tax base within the district, the increment is directed back to pay for the public investment projects. When the bonds are paid off, the tax receipts generated by the tax increment goes back into the general tax revenues or can be dedicated to additional projects within the district.

### **Financing Methods**

The methods of financing all estimated project costs for the real property assembly, demolition and site preparation shall be by the issuance of TIF bonds or notes. The TIF bonds (secured by a pledge of all TIF revenues of which at least 3.16 are of unchallenged legality) shall be made as soon as possible in order to secure sufficient financing to purchase all the property by April 20, 2005. The repair and replacement of existing sidewalks, pedestrian crossing, and new sidewalks to fill in missing segments shall be funded from \$180,000 of the \$300,000 that is paid to the Redevelopment District when the property is sold. The remaining \$120,000 shall go towards paying off the bonds issued for the real property assembly, demolition and site preparation project.

### **Total Indebtedness**

The total principal amount of indebtedness to be incurred is approximately \$4.2 million which includes the cost of issuing the bonds and establishing a reserve fund. If the principal is not paid off until 2029, the total accumulated interest amount will approximate 17 million. The total tax increment for the 25 year life of this project is based upon 3.16 mills. No other revenues are anticipated to be used to secure the tax incremental financing.

### **Application Of District Revenues**

All tax increment collected will be used to cover district indebtedness and/or other direct district expenses including initial bonded debt and additional bonds that may be issued as district revenues permit. All revenues shall be pledged to retire the district's indebtedness for the initial TIF bonds in accordance with bond covenants and obligations until fully paid.

### **Interest Earnings**

All interest earnings will be used towards debt service obligations on issued Tax Increment Financing bonds/notes. Earnings may be applied to the payment of interest and any prepayment of debt obligations as may be permitted.

### **Other Costs**

Other costs relating to the issuance of bonds may include, among other things, reserve funds, capitalized interest, feasibility studies, accounting, financial advisory, legal and underwriting fees. Any initial bonds and subsequent financings will be subject to allowable financing parameters as determined by bond underwriting requirements, debt service coverage ratios, projections of incremental growth in assessed values, interest rates and other requirements of the capital markets.

### **Professional Services**

In accordance with Arkansas Code Annotated 14-168-304 (see Exhibit No. 7). Powers Generally, a district may "(3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them; (15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter; and (19) Do all things necessary or convenient to carry out the powers granted in this subchapter". The district may engage as may be necessary professional advisors, consultants, attorneys and other TIF specialists to carry out the project plan and related financings. The Mayor of the City of Fayetteville or others as may be assigned by the Mayor may engage professionals to specifically meet the desired results of the Project Plan.

### **Application of District Revenues**

All tax increment collected for the established twenty-five year period will be used to cover district indebtedness including initial bonded debt and additional bonds that may be issued as district revenues permit. Excess revenues shall retire the district's indebtedness or fund additional projects as may be approved by the City Council in accordance with bond covenants and obligations.

**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.12**

**Local Demographics**

## **Local Demographics Summary**

Economic strength continues to be the mainstay of the Northwest Arkansas MSA. Recently named as the top ranking MSA in the country by the Milken Institute, NWA is now gathering much attention for its regional economy. Fayetteville continues to experience robust growth along with the rest of Northwest Arkansas. Fayetteville is still considered the city of choice for living mainly because of its reputation for offering a superb quality of life. One highlight Fayetteville offers are the attractions associated with the University of Arkansas including sporting events and cultural activities. Fayetteville also is known in the region for its entertainment district located primarily along Dickson Street which connects the historic areas of town and the university campus. There has been a tremendous surge in demand for downtown/urban style living in Fayetteville near the heartbeat of culture for northwest Arkansas.

Economic impact from the University of Arkansas in Fayetteville continues to be a major factor. Beginning in 1871 when the University of Arkansas was created with a major land-grant under the Morrill Land-Grant College Act the campus population has been ever increasing. On April 11, 2002 the University of Arkansas announced that it had been the recipient of the largest gift in the history of American public higher education. The Walton Family Charitable Support Foundation of Bentonville, AR committed \$300 million to establish and endow an undergraduate honors college and endow the graduate school. \$177 million will be targeted towards students, \$82 million towards faculty, and \$41 million towards library, technology, and other support areas. At the time, the University was in the midst of a six-year campaign targeting to raise \$500 million. As a result of the Walton's gift, the University decided to revise its parameters, upping the goal to raising \$900 million by June 2005. As of Fall, 2003 the campaign had raised \$770 million. Chancellor John White said in his annual State of the University address in September 2002 that over the next decade the University would spend \$642 million on building construction and improvement. Many of these facilities and projects are necessary to the University's vision, as they have stated a goal of having 22,500 students by the year 2010. Current enrollment is just over 16,000.

The Fayetteville-Springdale-Rogers corridor gained notoriety when the 2000 Census indicated that the area was the sixth fastest growing MSA in the country over the last 10 years. The population jumped from approximately 211,000 to 311,000. Most notably during that time Wal-Mart Stores, whose headquarters are in Bentonville, a sister city and north of Fayetteville, increased their sales from \$26 billion to \$191 billion. Besides Wal-Mart, two other corporate giants call Northwest Arkansas home. Tyson Foods, which had been a \$7 billion sales giant, increased to \$23 billion in sales in 2002 with the takeover of IBP. JB Hunt Trucking, also headquartered in the MSA, has annual sales in the \$2-2.5 billion range. All three of these companies had phenomenal success during the 1990s and are significant factor in the growth of the area. This bustling corner of the state's saga has not escaped the media's attention as it has received write-ups in several national publications thus aiding growth in yet another way.

## **Economic Overview of the Fayetteville-Springdale-Rogers MSA**

### **Overview**

The two-county area of Northwest Arkansas has experienced unprecedented economic and population growth since the 1990's. A dominant driver behind the growth has been the success of Wal-Mart, as it grew to become the world's largest retailer. Along the way, Wal-Mart has encouraged its vendors to be accessible to the company which directly translated into the opening of offices within Benton or Washington County for Fortune 500 and other companies. The resulting high quality job creation has spawned a boom in the commercial real estate market, as the demand for office space has increased and as the population growth has created the need for more retail shops, restaurants, entertainment facilities and service providers. A corresponding escalation has occurred in the construction of residential housing.

Wal-Mart has not been the only driver of growth in Northwest Arkansas. Tyson Foods has also grown rapidly during the same period, becoming the world's largest "protein" company. The Northwest Arkansas area has long been the home base of several large trucking companies. JB Hunt has become one of the largest providers of logistics services in North America and Willis Shaw Express is a major provider of transportation of refrigerated and frozen food products.

Fayetteville is also home to the University of Arkansas, a major research university, which is steadily improving its national rankings. Some academic areas have reached the top tier nationally. In 2002, the University of Arkansas was the recipient of a \$300 million challenge grant from the Wal-Mart Foundation, the largest grant ever given to a public university in the U.S. The university has accelerated its quest for excellence and at the same time is pursuing a goal of increasing its enrollment, to a total of 22,500 students by 2010.

The following pages provide some economic highlights of the Fayetteville-Springdale-Rogers MSA.

### **National Perspective**

In November of 2004, the Milken Institute released an update of its "Best Performing Cities" rankings, which is intended to rank U.S. cities on two counts: leading the nation in economic performance overall and in job creation. The components of the index include job, wage and salary and technology growth. Using these criteria, the Fayetteville-Springdale-Rogers MSA ranked as the 7th regional economy in the United States.

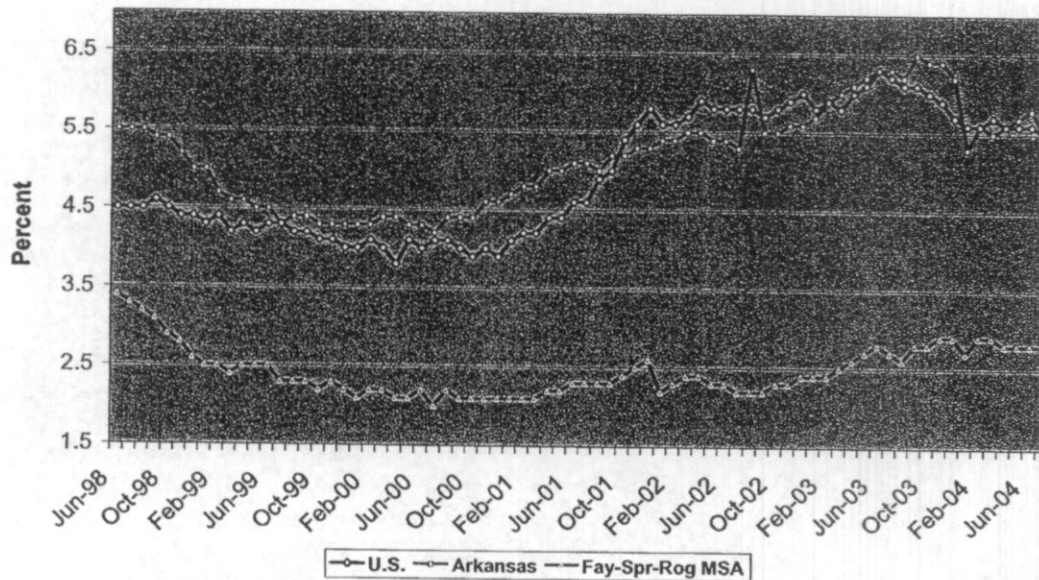
1. Fort Myers-Cape Coral, FL (3)
2. Las Vegas, NV (2)
3. Phoenix-Mesa, AZ (43)
4. West Palm Beach-Boca Raton, FL (4)
5. Daytona Beach, FL (116)
6. Sarasota-Bradenton, FL (41)
7. **Fayetteville-Springdale-Rogers, Ark. (1)**
8. Riverside-San Bernardino, CA (20)
9. Fort Lauderdale, FL (29)
10. Monmouth-Ocean, NJ (10)



### Unemployment Rate

The unemployment rates for the U.S. and for the state of Arkansas have followed the same general trend and the levels have been fairly close. The unemployment rate for the Fayetteville-Springdale-Rogers MSA has consistently been significantly lower than both. It has been at the three percent or under level since the second half of 1998.

**Unemployment Rates, Seasonally Adjusted**

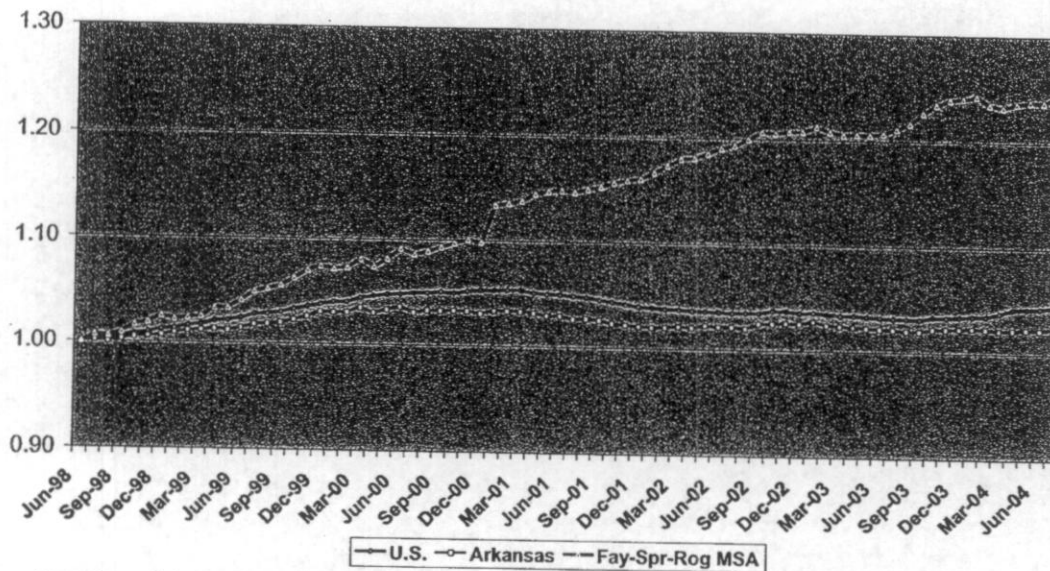


Source: Bureau of Labor Statistics, Seasonal Adjustment By  
UA Center for Business and Economic Research

## Non-Farm Employment

The monthly establishment-based employment survey conducted by the Bureau of Labor Statistics shows that, on a seasonally adjusted basis, total non-farm employment in both the U.S. and Arkansas are at levels about 105 percent of the level in June of 1998. The Fayetteville-Springdale-Rogers MSA has experienced a noticeably larger increase in employment. Currently, the level is just about 125 percent of the level of June 1998.

**Non-Farm Employment Relative to June 1998**  
 Seasonally Adjusted

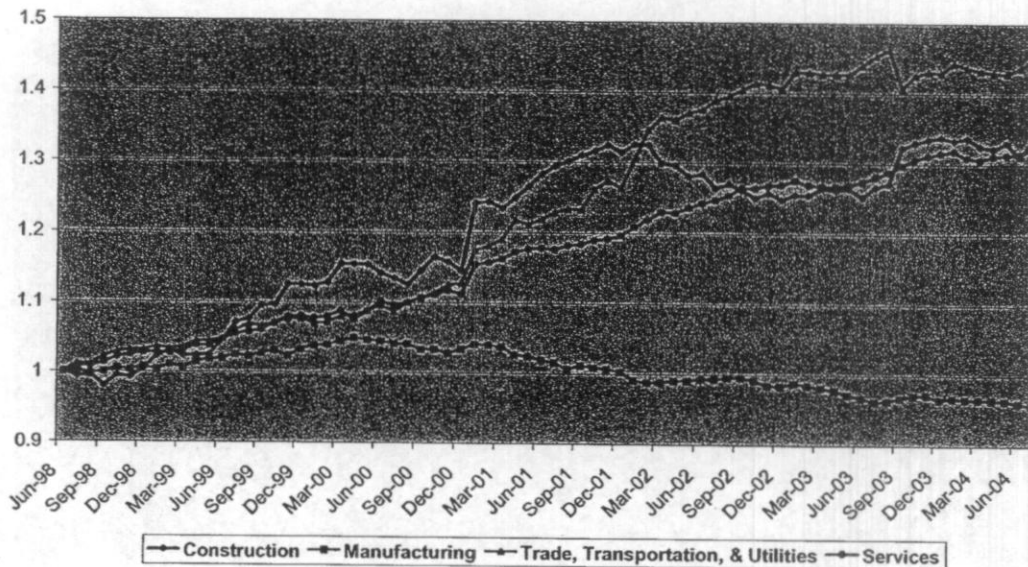


Source: Bureau of Labor Statistics, Seasonal Adjustment by  
 UA Center for Business and Economic Research

### Sector Employment

Sector employment in the region has shown varying trends. Manufacturing employment has declined since 1998, but by a lesser amount than nationally or in the state. Construction, trade-transportation-utilities and services have shown significant gains in the past six years.

Fayetteville-Springdale-Rogers MSA Sector Employment Relative to June 1998,  
Seasonally Adjusted

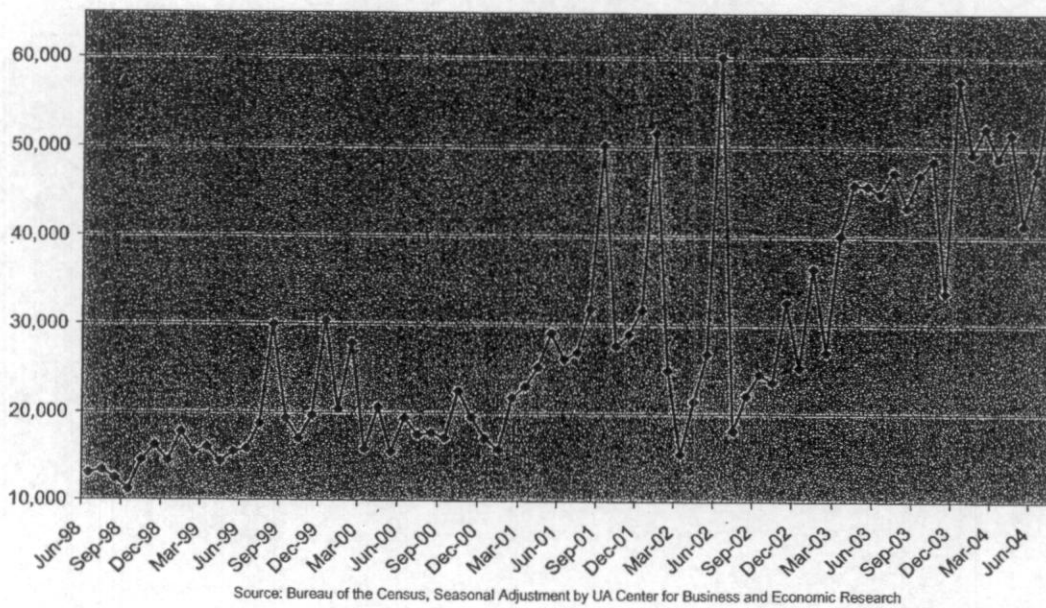


Source: Bureau of Labor Statistics, Seasonal Adjustment by UA Center for Business and Economic Research

### **Building Permits**

While there is some monthly volatility in the monthly data compiled by the United States Census Bureau, the strong upward trend in the value of building permits in Northwest Arkansas since the Fall of 1998 is evident. Over the last two years, this growth trend has accelerated. In fact, the value of residential building permits in the area has equaled or exceeded the value of those in the Little Rock metropolitan area, an area that currently has a population almost double that of the Fayetteville-Springdale-Rogers MSA.

**Fayetteville-Springdale-Rogers MSA Residential Building Permits, Seasonally  
Adjusted Value in \$ Millions,**

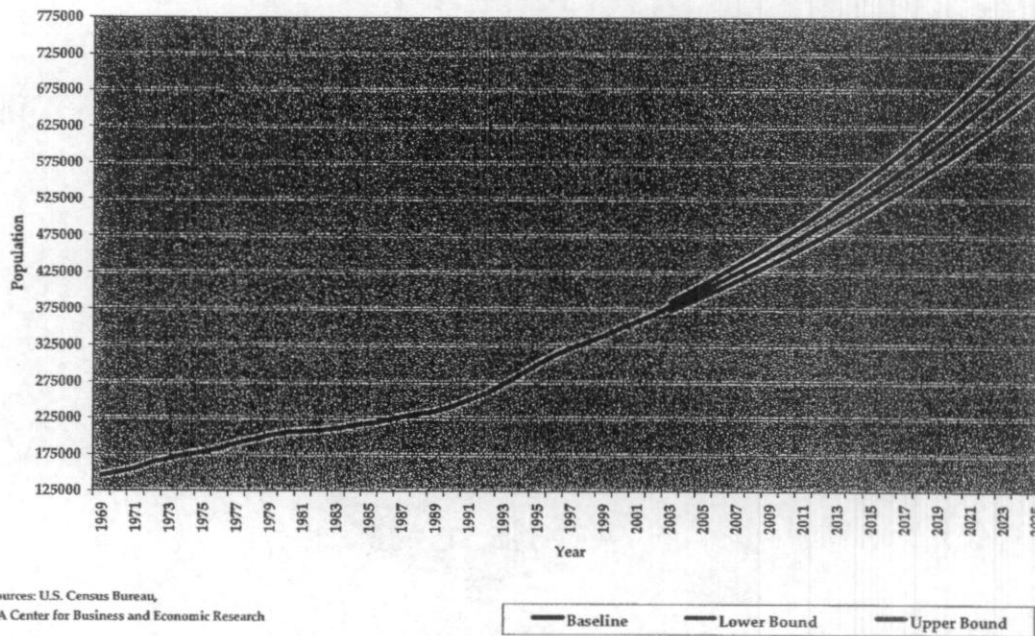




### Population Projections

In June of 2003, the Center for Business and Economic Research released updated population projections for Arkansas, its counties and its metropolitan areas. The Fayetteville-Springdale-Rogers MSA is projected to experience a doubling of its population by the year 2025.

Population Projections for Fayetteville-Springdale-Rogers MSA



**HIGHWAY 71 EAST SQUARE REDEVELOPMENT  
DISTRICT NO. 1  
PROJECT PLAN**



**EXHIBIT No.13**

**Downtown Master Plan**

*Handed out  
at Agenda  
Session  
3/8/05*

# Highway 71 East Square Redevelopment District #1

## Proposed Financing Structure and "Stress-Test" Scenarios

March 8, 2005

**\$4,145,000**  
**Combined Downtown Master Plan & Mountain Inn TIF District**  
**(3.16 Mils with multiple projects / with Mtn Inn)**  
**Senior Bonds**

## **Sources & Uses**

**Dated 04/19/2005 | Delivered 04/19/2005**

### **Sources Of Funds**

|                            |                       |
|----------------------------|-----------------------|
| <b>Par Amount of Bonds</b> | <b>\$4,145,000.00</b> |
| <b>Total Sources</b>       | <b>\$4,145,000.00</b> |

### **Uses Of Funds**

|                                                    |                       |
|----------------------------------------------------|-----------------------|
| <b>Deposit to Project Construction Fund</b>        | <b>3,500,000.00</b>   |
| <b>Deposit to Debt Service Reserve Fund (DSRF)</b> | <b>414,229.84</b>     |
| <b>Total Underwriter's Discount (3.500%)</b>       | <b>144,980.44</b>     |
| <b>Costs of Issuance</b>                           | <b>83,000.00</b>      |
| <b>Rounding Amount</b>                             | <b>2789.72</b>        |
| <b>Total Uses</b>                                  | <b>\$4,145,000.00</b> |



# Debt Service Schedule

| Date         | Principal             | Coupon   | Interest               | Total P+I              |
|--------------|-----------------------|----------|------------------------|------------------------|
| 08/01/2005   | -                     | -        | -                      | -                      |
| 08/01/2006   | -                     | -        | -                      | -                      |
| 08/01/2007   | -                     | -        | -                      | -                      |
| ...          |                       |          |                        |                        |
| 08/01/2027   | -                     | -        | -                      | -                      |
| 08/01/2028   | -                     | -        | -                      | -                      |
| 08/01/2029   | 4,145,000.00          | 6.850%   | 17,117,701.60          | 21,260,000.00          |
| <b>Total</b> | <b>\$4,145,000.00</b> | <b>-</b> | <b>\$17,117,701.60</b> | <b>\$21,260,000.00</b> |

## Yield Statistics

|                                          |                     |
|------------------------------------------|---------------------|
| <b>Bond Year Dollars</b>                 | <b>\$100,588.81</b> |
| <b>Average Life</b>                      | <b>24.283 Years</b> |
| <b>True Interest Cost (TIC)</b>          | <b>7.0018802%</b>   |
| <b>Bond Yield for Arbitrage Purposes</b> | <b>6.8500849%</b>   |
| <b>All Inclusive Cost (AIC)</b>          | <b>7.0913316%</b>   |

# Cashflow Scenarios with 3.16 Mills

- “Best-Case” Scenario
  - UofA Projected Revenues
    - \$14.82 million available revenues through 2/29
    - Bonds pay off in 2027
    - Remaining Revenues: \$4.235 million
- “Conservative” Anticipated Scenario
  - 2000-2004 Median Growth Rate of 8.91%
    - \$10.76 million available revenues through 2/29
    - Bonds remaining of \$220,000
    - Accrued Interest remaining of \$913,060
    - Revenues to be collected that year: \$1,250,000
- “Worst-Case” Scenario
  - 1996-2004 Median Growth Rate of 6.52%
    - \$7.885 million available revenues through 2/29
    - Bonds remaining of \$1,040,000
    - Accrued Interest remaining of \$4,316,284
    - Revenues to be collected that year: \$766,162

# Cashflow Scenarios with 5.16 Mils

- “Best-Case” Scenario
  - UofA Projected Revenues
    - \$24.12 million available revenues through 2/29
    - Bonds pay off in 2022
    - Remaining Revenues: \$15.93 million
- “Conservative” Anticipated Scenario
  - 2000-2004 Median Growth Rate of 8.91%
    - \$17.49 million available revenues through 2/29
    - Bonds pay off in 2024
    - Remaining Revenues: \$8.85 million
- “Worst-Case” Scenario
  - 1996-2004 Median Growth Rate of 6.52%
    - \$12.8 million available revenues through 2/29
    - Bonds pay off in 2027
    - Remaining Revenues: \$3.37 million



# Highway 71 East Square Redevelopment District #1

(Mountain Inn Project)

## *Cashflow Projections*

# **Combined Mountain Inn & Downtown Master Plan District**

D. 2  
Highway 71 East Square TIF Bond Issue  
Page 8 of 20

**Based on 3.16 Mils / UofA Projected Assessment Growth Rate**

**(18 Projects Planned Over Next 5 Years / \$128 Million Appraised Value)**

|                                           |               |
|-------------------------------------------|---------------|
| Total Available Increment.....            | 5,312,852,450 |
| Total Available Yield.....                | 16,788,614    |
| Net Present Value of Available Yield..... | 9,709,769     |
| Tax Rate.....                             | 0.316%        |
| Present Value Rate.....                   | 3.00%         |

| Year                   | 2005       | 2006       | 2007       | 2008       | 2009       |
|------------------------|------------|------------|------------|------------|------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 |
| Total Assessment       | 35,046,385 | 42,118,745 | 57,386,791 | 67,739,368 | 77,514,159 |
| Assessment Growth Rate | 10.54%     | 20.18%     | 36.25%     | 18.04%     | 14.43%     |
| Increment              | 3,342,546  | 10,414,906 | 25,682,952 | 36,035,529 | 45,810,320 |
| Available Yield        | 10,562     | 32,911     | 81,158     | 113,872    | 144,761    |
| PV of Available Yield  | 10,255     | 31,022     | 74,271     | 101,174    | 124,872    |

| Year                   | 2010       | 2011       | 2012        | 2013        | 2014        |
|------------------------|------------|------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 85,994,207 | 95,453,570 | 106,010,735 | 117,809,730 | 130,992,639 |
| Assessment Growth Rate | 10.94%     | 11.00%     | 11.06%      | 11.13%      | 11.19%      |
| Increment              | 54,290,368 | 63,749,731 | 74,306,896  | 86,105,891  | 99,288,800  |
| Available Yield        | 171,558    | 201,449    | 234,810     | 272,095     | 313,753     |
| PV of Available Yield  | 143,677    | 163,797    | 185,361     | 208,538     | 233,461     |

| Year                   | 2015        | 2016        | 2017        | 2018        | 2019        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 145,742,410 | 162,240,451 | 180,719,638 | 201,430,109 | 224,655,000 |
| Assessment Growth Rate | 11.26%      | 11.32%      | 11.39%      | 11.46%      | 11.53%      |
| Increment              | 114,038,571 | 130,536,612 | 149,015,799 | 169,726,270 | 192,951,161 |
| Available Yield        | 360,362     | 412,496     | 470,890     | 536,335     | 609,726     |
| PV of Available Yield  | 260,333     | 289,316     | 320,653     | 354,581     | 391,360     |

| Year                   | 2020        | 2021        | 2022        | 2023        | 2024        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 250,714,980 | 279,973,418 | 312,842,298 | 349,788,973 | 391,378,882 |
| Assessment Growth Rate | 11.60%      | 11.67%      | 11.74%      | 11.81%      | 11.89%      |
| Increment              | 219,011,141 | 248,269,579 | 281,138,459 | 318,085,134 | 359,675,043 |
| Available Yield        | 692,075     | 784,532     | 888,398     | 1,005,149   | 1,136,573   |
| PV of Available Yield  | 431,278     | 474,655     | 521,840     | 573,222     | 629,293     |

| Year                   | 2025        | 2026        | 2027        | 2028        | 2029        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 438,187,796 | 490,901,788 | 550,349,995 | 617,382,624 | 693,073,734 |
| Assessment Growth Rate | 11.96%      | 12.03%      | 12.11%      | 12.18%      | 12.26%      |
| Increment              | 406,483,957 | 459,197,949 | 518,646,156 | 585,678,785 | 661,369,895 |
| Available Yield        | 1,284,489   | 1,451,066   | 1,638,922   | 1,850,745   | 2,089,929   |
| PV of Available Yield  | 690,476     | 757,300     | 830,428     | 910,444     | 998,162     |

# Mountain Inn / Dickson Street Redevelopment District

D. 2  
Highway 71 East Square TIF Bond Issue  
Page 9 of 20

## Based on UofA Projected Revenues

Par Amount 4,145,000.00  
Interest Rate 6.85%  
DSRF 414,500.00  
Interest Earnings Rate 3.00%

| Date         | Revenue              | DSRF Earnings     | Total Revenues | Bonds Called        | Accrued Interest    | Total Principal & Interest | Excess Cash Balance |
|--------------|----------------------|-------------------|----------------|---------------------|---------------------|----------------------------|---------------------|
| 4/1/2005     | -                    | -                 | -              | -                   | -                   | -                          | -                   |
| 2/1/2006     | 130,562.00           | 10,362.50         | 140,924.50     | 130,000.00          | 7,522.50            | 137,522.50                 | 3,402.00            |
| 2/1/2007     | 32,911.00            | 12,435.00         | 48,748.00      | 40,000.00           | 5,262.80            | 45,262.80                  | 3,485.20            |
| 2/1/2008     | 81,158.00            | 12,435.00         | 97,078.20      | 80,000.00           | 16,832.80           | 96,832.80                  | 245.39              |
| 2/1/2009     | 113,872.00           | 12,435.00         | 126,552.39     | 95,000.00           | 28,000.59           | 123,000.59                 | 3,551.81            |
| 2/1/2010     | 144,761.00           | 12,435.00         | 160,747.81     | 115,000.00          | 44,269.45           | 159,269.45                 | 1,478.36            |
| 2/1/2011     | 171,558.00           | 12,435.00         | 185,471.36     | 125,000.00          | 60,180.70           | 185,180.70                 | 290.66              |
| 2/1/2012     | 201,449.00           | 12,435.00         | 214,174.66     | 135,000.00          | 78,929.43           | 213,929.43                 | 245.23              |
| 2/1/2013     | 234,810.00           | 12,435.00         | 247,490.23     | 145,000.00          | 100,785.25          | 245,785.25                 | 1,704.98            |
| 2/1/2014     | 272,095.00           | 12,435.00         | 286,234.98     | 155,000.00          | 126,041.58          | 281,041.58                 | 5,193.41            |
| 2/1/2015     | 313,753.00           | 12,435.00         | 331,381.41     | 170,000.00          | 159,715.11          | 329,715.11                 | 1,666.29            |
| 2/1/2016     | 360,362.00           | 12,435.00         | 374,463.29     | 180,000.00          | 193,433.69          | 373,433.69                 | 1,029.60            |
| 2/1/2017     | 412,496.00           | 12,435.00         | 425,960.60     | 190,000.00          | 231,643.74          | 421,643.74                 | 4,316.86            |
| 2/1/2018     | 470,890.00           | 12,435.00         | 487,641.86     | 205,000.00          | 281,627.86          | 486,627.86                 | 1,014.00            |
| 2/1/2019     | 536,335.00           | 12,435.00         | 549,784.00     | 215,000.00          | 330,924.56          | 545,924.56                 | 3,859.44            |
| 2/1/2020     | 609,726.00           | 12,435.00         | 626,020.44     | 230,000.00          | 394,702.24          | 624,702.24                 | 1,318.20            |
| 2/1/2021     | 692,075.00           | 12,435.00         | 705,828.20     | 240,000.00          | 457,280.52          | 697,280.52                 | 8,547.68            |
| 2/1/2022     | 784,532.00           | 12,435.00         | 805,514.68     | 255,000.00          | 537,478.57          | 792,478.57                 | 13,036.10           |
| 2/1/2023     | 888,398.00           | 12,435.00         | 913,869.10     | 270,000.00          | 627,557.28          | 897,557.28                 | 16,311.83           |
| 2/1/2024     | 1,005,149.00         | 12,435.00         | 1,033,895.83   | 290,000.00          | 741,210.83          | 1,031,210.83               | 2,685.00            |
| 2/1/2025     | 1,136,573.00         | 12,435.00         | 1,151,693.00   | 300,000.00          | 841,094.94          | 1,141,094.94               | 10,598.06           |
| 2/1/2026     | 1,284,489.00         | 12,435.00         | 1,307,522.06   | 320,000.00          | 981,971.76          | 1,301,971.76               | 5,550.30            |
| 2/1/2027     | 1,451,066.00         | 420,717.50        | 1,877,333.80   | 260,000.00          | 871,555.84          | 1,131,555.84               | 745,777.95          |
| 2/1/2028     | 1,638,922.00         | -                 | 2,384,699.95   | -                   | -                   | -                          | 2,384,699.95        |
| 2/1/2029     | 1,850,745.00         | -                 | 4,235,444.95   | -                   | -                   | -                          | 4,235,444.95        |
| 8/1/2029     | -                    | -                 | 4,235,444.95   | -                   | -                   | -                          | 4,235,444.95        |
| <b>Total</b> | <b>14,818,687.00</b> | <b>679,780.00</b> |                | <b>4,145,000.00</b> | <b>7,118,022.05</b> | <b>11,263,022.05</b>       |                     |

**Combined Mountain Inn & Downtown Master Plan District****Based on 3.16 Mills / 2000-2004 Median Growth Rate of 8.91%****(18 Projects Planned Over Next 5 Years / \$128 Million Appraised Value)**

|                                           |               |
|-------------------------------------------|---------------|
| Total Available Increment.....            | 3,762,802,081 |
| Total Available Yield.....                | 11,890,455    |
| Net Present Value of Available Yield..... | 7,046,470     |
| Tax Rate.....                             | 0.32%         |
| Present Value Rate.....                   | 3.00%         |

| Year                   | 2005       | 2006       | 2007       | 2008       | 2009       |
|------------------------|------------|------------|------------|------------|------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 |
| Total Assessment       | 35,046,385 | 42,118,745 | 57,386,791 | 67,739,368 | 77,514,159 |
| Assessment Growth Rate | 10.54%     | 20.18%     | 36.25%     | 18.04%     | 14.43%     |
| Increment              | 3,342,546  | 10,414,906 | 25,682,952 | 36,035,529 | 45,810,320 |
| Available Yield        | 10,562     | 32,911     | 81,158     | 113,872    | 144,761    |
| PV of Available Yield  | 10,255     | 31,022     | 74,271     | 101,174    | 124,872    |

| Year                   | 2010       | 2011       | 2012        | 2013        | 2014        |
|------------------------|------------|------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 84,420,670 | 91,942,552 | 100,134,633 | 109,056,629 | 118,773,575 |
| Assessment Growth Rate | 8.91%      | 8.91%      | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 52,716,831 | 60,238,713 | 68,430,794  | 77,352,790  | 87,069,736  |
| Available Yield        | 166,585    | 190,354    | 216,241     | 244,435     | 275,140     |
| PV of Available Yield  | 139,512    | 154,775    | 170,703     | 187,339     | 204,730     |

| Year                   | 2015        | 2016        | 2017        | 2018        | 2019        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 129,356,300 | 140,881,946 | 153,434,528 | 167,105,544 | 181,994,648 |
| Assessment Growth Rate | 8.91%       | 8.91%       | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 97,652,461  | 109,178,107 | 121,730,689 | 135,401,705 | 150,290,809 |
| Available Yield        | 308,582     | 345,003     | 384,669     | 427,869     | 474,919     |
| PV of Available Yield  | 222,926     | 241,978     | 261,941     | 282,872     | 304,832     |

| Year                   | 2020        | 2021        | 2022        | 2023        | 2024        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 198,210,371 | 215,870,916 | 235,105,014 | 256,052,871 | 278,867,182 |
| Assessment Growth Rate | 8.91%       | 8.91%       | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 166,506,532 | 184,167,077 | 203,401,175 | 224,349,032 | 247,163,343 |
| Available Yield        | 526,161     | 581,968     | 642,748     | 708,943     | 781,036     |
| PV of Available Yield  | 327,886     | 352,100     | 377,547     | 404,300     | 432,441     |

| Year                   | 2025        | 2026        | 2027        | 2028        | 2029        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 303,714,248 | 330,775,187 | 360,247,256 | 392,345,287 | 427,303,252 |
| Assessment Growth Rate | 8.91%       | 8.91%       | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 272,010,409 | 299,071,348 | 328,543,417 | 360,641,448 | 395,599,413 |
| Available Yield        | 859,553     | 945,065     | 1,038,197   | 1,139,627   | 1,250,094   |
| PV of Available Yield  | 462,052     | 493,223     | 526,046     | 560,621     | 597,052     |



## Mountain Inn / Dickson Street Redevelopment District

**Based on 2000-2004 Median Growth Rate of 8.91%**

Par Amount 4,145,000.00  
Interest Rate 6.85%  
DSRF 414,500.00  
Interest Earnings Rate 3.00%

| Date         | Revenue              | DSRF Earnings     | Total Revenues | Bonds Called        | Accrued Interest    | Total Principal & Interest | Excess Cash Balance |
|--------------|----------------------|-------------------|----------------|---------------------|---------------------|----------------------------|---------------------|
| 4/1/2005     | -                    | -                 | -              | -                   | -                   | -                          | -                   |
| 2/1/2006     | 130,562.00           | 10,362.50         | 140,924.50     | 130,000.00          | 7,522.50            | 137,522.50                 | 3,402.00            |
| 2/1/2007     | 32,911.00            | 12,435.00         | 48,748.00      | 40,000.00           | 5,262.80            | 45,262.80                  | 3,485.20            |
| 2/1/2008     | 81,158.00            | 12,435.00         | 97,078.20      | 80,000.00           | 16,832.80           | 96,832.80                  | 245.39              |
| 2/1/2009     | 113,872.00           | 12,435.00         | 126,552.39     | 95,000.00           | 28,000.59           | 123,000.59                 | 3,551.81            |
| 2/1/2010     | 144,761.00           | 12,435.00         | 160,747.81     | 115,000.00          | 44,269.45           | 159,269.45                 | 1,478.36            |
| 2/1/2011     | 166,585.00           | 12,435.00         | 180,498.36     | 120,000.00          | 57,773.47           | 177,773.47                 | 2,724.89            |
| 2/1/2012     | 190,354.00           | 12,435.00         | 205,513.89     | 125,000.00          | 73,082.80           | 198,082.80                 | 7,431.09            |
| 2/1/2013     | 216,241.00           | 12,435.00         | 236,107.09     | 135,000.00          | 93,834.54           | 228,834.54                 | 7,272.54            |
| 2/1/2014     | 244,435.00           | 12,435.00         | 264,142.54     | 145,000.00          | 117,909.86          | 262,909.86                 | 1,232.68            |
| 2/1/2015     | 275,140.00           | 12,435.00         | 288,807.68     | 145,000.00          | 136,227.60          | 281,227.60                 | 7,580.08            |
| 2/1/2016     | 308,582.00           | 12,435.00         | 328,597.08     | 155,000.00          | 166,567.90          | 321,567.90                 | 7,029.18            |
| 2/1/2017     | 345,003.00           | 12,435.00         | 364,467.18     | 160,000.00          | 195,068.41          | 355,068.41                 | 9,398.77            |
| 2/1/2018     | 384,669.00           | 12,435.00         | 406,502.77     | 170,000.00          | 233,545.06          | 403,545.06                 | 2,957.71            |
| 2/1/2019     | 427,869.00           | 12,435.00         | 443,261.71     | 170,000.00          | 261,661.28          | 431,661.28                 | 11,600.43           |
| 2/1/2020     | 474,919.00           | 12,435.00         | 498,954.43     | 180,000.00          | 308,897.41          | 488,897.41                 | 10,057.03           |
| 2/1/2021     | 526,161.00           | 12,435.00         | 548,653.03     | 185,000.00          | 352,487.07          | 537,487.07                 | 11,165.96           |
| 2/1/2022     | 581,968.00           | 12,435.00         | 605,568.96     | 190,000.00          | 400,474.23          | 590,474.23                 | 15,094.73           |
| 2/1/2023     | 642,748.00           | 12,435.00         | 670,277.73     | 200,000.00          | 464,857.24          | 664,857.24                 | 5,420.49            |
| 2/1/2024     | 708,943.00           | 12,435.00         | 726,798.49     | 200,000.00          | 511,179.88          | 711,179.88                 | 15,618.60           |
| 2/1/2025     | 781,036.00           | 12,435.00         | 809,089.60     | 210,000.00          | 588,766.46          | 798,766.46                 | 10,323.14           |
| 2/1/2026     | 859,553.00           | 12,435.00         | 882,311.14     | 215,000.00          | 659,762.27          | 874,762.27                 | 7,548.87            |
| 2/1/2027     | 945,065.00           | 12,435.00         | 965,048.87     | 220,000.00          | 737,470.33          | 957,470.33                 | 7,578.54            |
| 2/1/2028     | 1,038,197.00         | 12,435.00         | 1,058,210.54   | 225,000.00          | 822,457.04          | 1,047,457.04               | 10,753.50           |
| 2/1/2029     | 1,139,627.00         | 426,935.00        | 1,577,315.50   | 315,000.00          | 1,253,611.22        | 1,568,611.22               | 8,704.28            |
| 8/1/2029     | -                    | -                 | 8,704.28       | 220,000.00          | 913,060.17          | 1,133,060.17               | (1,124,355.89)      |
| <b>Total</b> | <b>10,760,359.00</b> | <b>710,867.50</b> |                | <b>4,145,000.00</b> | <b>8,450,582.39</b> | <b>12,595,582.39</b>       |                     |

# **Combined Mountain Inn & Downtown Master Plan District**

Highway 71 East Square TIF Bond Issue  
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**Based on 3.16 Mils / 1996-2004 Median Growth Rate of 6.52%**

**(18 Projects Planned Over Next 5 Years / \$128 Million Appraised Value)**

|                                           |               |
|-------------------------------------------|---------------|
| Total Available Increment.....            | 2,699,896,867 |
| Total Available Yield.....                | 8,531,674     |
| Net Present Value of Available Yield..... | 5,183,210     |
| Tax Rate.....                             | 0.32%         |
| Present Value Rate.....                   | 3.00%         |

| Year                   | 2005       | 2006       | 2007       | 2008       | 2009       |
|------------------------|------------|------------|------------|------------|------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 |
| Total Assessment       | 35,046,385 | 42,118,745 | 57,386,791 | 67,739,368 | 77,514,159 |
| Assessment Growth Rate | 10.54%     | 20.18%     | 36.25%     | 18.04%     | 14.43%     |
| Increment              | 3,342,546  | 10,414,906 | 25,682,952 | 36,035,529 | 45,810,320 |
| Available Yield        | 10,562     | 32,911     | 81,158     | 113,872    | 144,761    |
| PV of Available Yield  | 10,255     | 31,022     | 74,271     | 101,174    | 124,872    |

| Year                   | 2010       | 2011       | 2012       | 2013       | 2014        |
|------------------------|------------|------------|------------|------------|-------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839  |
| Total Assessment       | 82,568,082 | 87,951,521 | 93,685,960 | 99,794,284 | 106,300,872 |
| Assessment Growth Rate | 6.52%      | 6.52%      | 6.52%      | 6.52%      | 6.52%       |
| Increment              | 50,864,243 | 56,247,682 | 61,982,121 | 68,090,445 | 74,597,033  |
| Available Yield        | 160,731    | 177,743    | 195,864    | 215,166    | 235,727     |
| PV of Available Yield  | 134,610    | 144,521    | 154,616    | 164,907    | 175,403     |

| Year                   | 2015        | 2016        | 2017        | 2018        | 2019        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 113,231,689 | 120,614,395 | 128,478,453 | 136,855,248 | 145,778,210 |
| Assessment Growth Rate | 6.52%       | 6.52%       | 6.52%       | 6.52%       | 6.52%       |
| Increment              | 81,527,850  | 88,910,556  | 96,774,614  | 105,151,409 | 114,074,371 |
| Available Yield        | 257,628     | 280,957     | 305,808     | 332,278     | 360,475     |
| PV of Available Yield  | 186,116     | 197,058     | 208,240     | 219,675     | 231,375     |

| Year                   | 2020        | 2021        | 2022        | 2023        | 2024        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 155,282,950 | 165,407,398 | 176,191,960 | 187,679,676 | 199,916,391 |
| Assessment Growth Rate | 6.52%       | 6.52%       | 6.52%       | 6.52%       | 6.52%       |
| Increment              | 123,579,111 | 133,703,559 | 144,488,121 | 155,975,837 | 168,212,552 |
| Available Yield        | 390,510     | 422,503     | 456,582     | 492,884     | 531,552     |
| PV of Available Yield  | 243,353     | 255,621     | 268,194     | 281,085     | 294,307     |

| Year                   | 2025        | 2026        | 2027        | 2028        | 2029        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 212,950,940 | 226,835,341 | 241,625,005 | 257,378,956 | 274,160,064 |
| Assessment Growth Rate | 6.52%       | 6.52%       | 6.52%       | 6.52%       | 6.52%       |
| Increment              | 181,247,101 | 195,131,502 | 209,921,166 | 225,675,117 | 242,456,225 |
| Available Yield        | 572,741     | 616,616     | 663,351     | 713,133     | 766,162     |
| PV of Available Yield  | 307,876     | 321,807     | 336,114     | 350,814     | 365,923     |

# Mountain Inn / Dickson Street Redevelopment District

D. 2  
Highway 71 East Square TIF Bond Issue  
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## Based on 1996-2004 Median Growth Rate of 6.52%

Par Amount 4,145,000.00  
Interest Rate 6.85%  
DSRF 414,500.00  
Interest Earnings Rate 3.00%

| Date         | Revenue             | DSRF Earnings     | Total Revenues | Bonds Called        | Accrued Interest    | Total Principal & Interest | Excess Cash Balance |
|--------------|---------------------|-------------------|----------------|---------------------|---------------------|----------------------------|---------------------|
| 4/1/2005     | -                   | -                 | -              | -                   | -                   | -                          | -                   |
| 2/1/2006     | 130,562.00          | 10,362.50         | 140,924.50     | 130,000.00          | 7,522.50            | 137,522.50                 | 3,402.00            |
| 2/1/2007     | 32,911.00           | 12,435.00         | 48,748.00      | 40,000.00           | 5,262.80            | 45,262.80                  | 3,485.20            |
| 2/1/2008     | 81,158.00           | 12,435.00         | 97,078.20      | 80,000.00           | 16,832.80           | 96,832.80                  | 245.39              |
| 2/1/2009     | 113,872.00          | 12,435.00         | 126,552.39     | 95,000.00           | 28,000.59           | 123,000.59                 | 3,551.81            |
| 2/1/2010     | 144,761.00          | 12,435.00         | 160,747.81     | 115,000.00          | 44,269.45           | 159,269.45                 | 1,478.36            |
| 2/1/2011     | 160,731.00          | 12,435.00         | 174,644.36     | 115,000.00          | 55,366.24           | 170,366.24                 | 4,278.12            |
| 2/1/2012     | 177,743.00          | 12,435.00         | 194,456.12     | 120,000.00          | 70,159.49           | 190,159.49                 | 4,296.63            |
| 2/1/2013     | 195,864.00          | 12,435.00         | 212,595.63     | 125,000.00          | 86,883.84           | 211,883.84                 | 711.79              |
| 2/1/2014     | 215,166.00          | 12,435.00         | 228,312.79     | 125,000.00          | 101,646.43          | 226,646.43                 | 1,666.36            |
| 2/1/2015     | 235,727.00          | 12,435.00         | 249,828.36     | 125,000.00          | 117,437.58          | 242,437.58                 | 7,390.77            |
| 2/1/2016     | 257,628.00          | 12,435.00         | 277,453.77     | 130,000.00          | 139,702.11          | 269,702.11                 | 7,751.66            |
| 2/1/2017     | 280,957.00          | 12,435.00         | 301,143.66     | 135,000.00          | 164,588.97          | 299,588.97                 | 1,554.69            |
| 2/1/2018     | 305,808.00          | 12,435.00         | 319,797.69     | 130,000.00          | 178,593.28          | 308,593.28                 | 11,204.41           |
| 2/1/2019     | 332,278.00          | 12,435.00         | 355,917.41     | 140,000.00          | 215,485.76          | 355,485.76                 | 431.65              |
| 2/1/2020     | 360,475.00          | 12,435.00         | 373,341.65     | 135,000.00          | 231,673.06          | 366,673.06                 | 6,668.59            |
| 2/1/2021     | 390,510.00          | 12,435.00         | 409,613.59     | 140,000.00          | 266,746.97          | 406,746.97                 | 2,866.63            |
| 2/1/2022     | 422,503.00          | 12,435.00         | 437,804.63     | 140,000.00          | 295,086.28          | 435,086.28                 | 2,718.35            |
| 2/1/2023     | 456,582.00          | 12,435.00         | 471,735.35     | 140,000.00          | 325,400.07          | 465,400.07                 | 6,335.28            |
| 2/1/2024     | 492,884.00          | 12,435.00         | 511,654.28     | 140,000.00          | 357,825.92          | 497,825.92                 | 13,828.36           |
| 2/1/2025     | 531,552.00          | 12,435.00         | 557,815.36     | 145,000.00          | 406,529.22          | 551,529.22                 | 6,286.14            |
| 2/1/2026     | 572,741.00          | 12,435.00         | 591,462.14     | 145,000.00          | 444,955.95          | 589,955.95                 | 1,506.19            |
| 2/1/2027     | 616,616.00          | 12,435.00         | 630,557.19     | 140,000.00          | 469,299.30          | 609,299.30                 | 21,257.89           |
| 2/1/2028     | 663,351.00          | 12,435.00         | 697,043.89     | 145,000.00          | 530,027.87          | 675,027.87                 | 22,016.02           |
| 2/1/2029     | 713,133.00          | 426,935.00        | 1,162,084.02   | 230,000.00          | 915,335.17          | 1,145,335.17               | 16,748.84           |
| 8/1/2029     | -                   | -                 | 16,748.84      | 1,040,000.00        | 4,316,284.44        | 5,356,284.44               | (5,339,535.60)      |
| <b>Total</b> | <b>7,885,513.00</b> | <b>710,867.50</b> |                | <b>4,145,000.00</b> | <b>9,790,916.10</b> | <b>13,935,916.10</b>       |                     |

D. 2  
Highway 71 East Square TIF Bond Issue  
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**Combined Mountain Inn & Downtown Master Plan District**  
**Based on 5.16 Mills / UofA Projected Assessment Growth Rate**  
**(18 Projects Planned Over Next 5 Years / \$128 Million Appraised Value)**

|                                           |               |
|-------------------------------------------|---------------|
| Total Available Increment.....            | 5,312,852,450 |
| Total Available Yield.....                | 27,414,319    |
| Net Present Value of Available Yield..... | 15,855,192    |
| Tax Rate.....                             | 0.516%        |
| Present Value Rate.....                   | 3.00%         |

| Year                   | 2005       | 2006       | 2007       | 2008       | 2009       |
|------------------------|------------|------------|------------|------------|------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 |
| Total Assessment       | 35,046,385 | 42,118,745 | 57,386,791 | 67,739,368 | 77,514,159 |
| Assessment Growth Rate | 10.54%     | 20.18%     | 36.25%     | 18.04%     | 14.43%     |
| Increment              | 3,342,546  | 10,414,906 | 25,682,952 | 36,035,529 | 45,810,320 |
| Available Yield        | 17,248     | 53,741     | 132,524    | 185,943    | 236,381    |
| PV of Available Yield  | 16,745     | 50,656     | 121,278    | 165,208    | 203,905    |

| Year                   | 2010       | 2011       | 2012        | 2013        | 2014        |
|------------------------|------------|------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 85,994,207 | 95,453,570 | 106,010,735 | 117,809,730 | 130,992,639 |
| Assessment Growth Rate | 10.94%     | 11.00%     | 11.06%      | 11.13%      | 11.19%      |
| Increment              | 54,290,368 | 63,749,731 | 74,306,896  | 86,105,891  | 99,288,800  |
| Available Yield        | 280,138    | 328,949    | 383,424     | 444,306     | 512,330     |
| PV of Available Yield  | 234,611    | 267,465    | 302,678     | 340,524     | 381,222     |

| Year                   | 2015        | 2016        | 2017        | 2018        | 2019        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 145,742,410 | 162,240,451 | 180,719,638 | 201,430,109 | 224,655,000 |
| Assessment Growth Rate | 11.26%      | 11.32%      | 11.39%      | 11.46%      | 11.53%      |
| Increment              | 114,038,571 | 130,536,612 | 149,015,799 | 169,726,270 | 192,951,161 |
| Available Yield        | 588,439     | 673,569     | 768,922     | 875,788     | 995,628     |
| PV of Available Yield  | 425,101     | 472,428     | 523,598     | 578,999     | 639,056     |

| Year                   | 2020        | 2021        | 2022        | 2023        | 2024        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 250,714,980 | 279,973,418 | 312,842,298 | 349,788,973 | 391,378,882 |
| Assessment Growth Rate | 11.60%      | 11.67%      | 11.74%      | 11.81%      | 11.89%      |
| Increment              | 219,011,141 | 248,269,579 | 281,138,459 | 318,085,134 | 359,675,043 |
| Available Yield        | 1,130,097   | 1,281,071   | 1,450,674   | 1,641,319   | 1,855,923   |
| PV of Available Yield  | 704,239     | 775,069     | 852,118     | 936,021     | 1,027,580   |

| Year                   | 2025        | 2026        | 2027        | 2028        | 2029        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 438,187,796 | 490,901,788 | 550,349,995 | 617,382,624 | 693,073,734 |
| Assessment Growth Rate | 11.96%      | 12.03%      | 12.11%      | 12.18%      | 12.26%      |
| Increment              | 406,483,957 | 459,197,949 | 518,646,156 | 585,678,785 | 661,369,895 |
| Available Yield        | 2,097,457   | 2,369,461   | 2,676,214   | 3,022,103   | 3,412,669   |
| PV of Available Yield  | 1,127,487   | 1,236,604   | 1,356,016   | 1,486,674   | 1,629,910   |

# Mountain Inn / Dickson Street Redevelopment District

D. 2  
Highway 71 East Square TIF Bond Issue  
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## Based on UofA Projected Revenues at 5.16 Mills

Par Amount 4,145,000.00  
Interest Rate 6.85%  
DSRF 414,500.00  
Interest Earnings Rate 3.00%

| Date         | Revenue              | DSRF Earnings     | Total Revenues | Bonds Called        | Accrued Interest    | Total Principal & Interest | Excess Cash Balance |
|--------------|----------------------|-------------------|----------------|---------------------|---------------------|----------------------------|---------------------|
| 4/1/2005     | -                    | -                 | -              | -                   | -                   | -                          | -                   |
| 2/1/2006     | 137,248.00           | 10,362.50         | 147,610.50     | 135,000.00          | 7,811.83            | 142,811.83                 | 4,798.67            |
| 2/1/2007     | 53,741.00            | 12,435.00         | 70,974.67      | 60,000.00           | 7,894.21            | 67,894.21                  | 3,080.47            |
| 2/1/2008     | 132,524.00           | 12,435.00         | 148,039.47     | 120,000.00          | 25,249.21           | 145,249.21                 | 2,790.26            |
| 2/1/2009     | 185,943.00           | 12,435.00         | 201,168.26     | 155,000.00          | 45,685.17           | 200,685.17                 | 483.09              |
| 2/1/2010     | 236,381.00           | 12,435.00         | 249,299.09     | 180,000.00          | 69,291.31           | 249,291.31                 | 7.78                |
| 2/1/2011     | 280,138.00           | 12,435.00         | 292,580.78     | 195,000.00          | 93,881.89           | 288,881.89                 | 3,698.90            |
| 2/1/2012     | 328,949.00           | 12,435.00         | 345,082.90     | 215,000.00          | 125,702.42          | 340,702.42                 | 4,380.48            |
| 2/1/2013     | 383,424.00           | 12,435.00         | 400,239.48     | 235,000.00          | 163,341.61          | 398,341.61                 | 1,897.86            |
| 2/1/2014     | 444,306.00           | 12,435.00         | 458,638.86     | 250,000.00          | 203,292.87          | 453,292.87                 | 5,346.00            |
| 2/1/2015     | 512,330.00           | 12,435.00         | 530,111.00     | 270,000.00          | 253,665.18          | 523,665.18                 | 6,445.82            |
| 2/1/2016     | 588,439.00           | 12,435.00         | 607,319.82     | 290,000.00          | 311,643.17          | 601,643.17                 | 5,676.64            |
| 2/1/2017     | 673,569.00           | 12,435.00         | 691,680.64     | 310,000.00          | 377,945.04          | 687,945.04                 | 3,735.60            |
| 2/1/2018     | 768,922.00           | 12,435.00         | 785,092.60     | 330,000.00          | 453,352.17          | 783,352.17                 | 1,740.43            |
| 2/1/2019     | 875,788.00           | 12,435.00         | 889,963.43     | 350,000.00          | 538,714.40          | 888,714.40                 | 1,249.03            |
| 2/1/2020     | 995,628.00           | 12,435.00         | 1,009,312.03   | 370,000.00          | 634,955.78          | 1,004,955.78               | 4,356.25            |
| 2/1/2021     | 1,130,097.00         | 12,435.00         | 1,146,888.25   | 390,000.00          | 743,080.84          | 1,133,080.84               | 13,807.40           |
| 2/1/2022     | 1,281,071.00         | 426,935.00        | 1,721,813.40   | 290,000.00          | 611,250.14          | 901,250.14                 | 820,563.26          |
| 2/1/2023     | 1,450,674.00         | -                 | 2,271,237.26   | -                   | -                   | -                          | 2,271,237.26        |
| 2/1/2024     | 1,641,319.00         | -                 | 3,912,556.26   | -                   | -                   | -                          | 3,912,556.26        |
| 2/1/2025     | 1,855,923.00         | -                 | 5,768,479.26   | -                   | -                   | -                          | 5,768,479.26        |
| 2/1/2026     | 2,097,457.00         | -                 | 7,865,936.26   | -                   | -                   | -                          | 7,865,936.26        |
| 2/1/2027     | 2,369,461.00         | -                 | 10,235,397.26  | -                   | -                   | -                          | 10,235,397.26       |
| 2/1/2028     | 2,676,214.00         | -                 | 12,911,611.26  | -                   | -                   | -                          | 12,911,611.26       |
| 2/1/2029     | 3,022,103.00         | -                 | 15,933,714.26  | -                   | -                   | -                          | 15,933,714.26       |
| 8/1/2029     | -                    | -                 | 15,933,714.26  | -                   | -                   | -                          | 15,933,714.26       |
| <b>Total</b> | <b>24,121,649.00</b> | <b>623,822.50</b> |                | <b>4,145,000.00</b> | <b>4,666,757.24</b> | <b>8,811,757.24</b>        |                     |

# **Combined Mountain Inn & Downtown Master Plan District**

Highway 71 East Square TIF Bond Issue  
Page 16 of 20

**Based on 5.16 Mills / 2000-2004 Median Growth Rate of 8.91%**

**(18 Projects Planned Over Next 5 Years / \$128 Million Appraised Value)**

|                                           |               |
|-------------------------------------------|---------------|
| Total Available Increment.....            | 3,762,802,081 |
| Total Available Yield.....                | 19,416,059    |
| Net Present Value of Available Yield..... | 11,506,262    |
| Tax Rate.....                             | 0.516%        |
| Present Value Rate.....                   | 3.00%         |

| Year                   | 2005       | 2006       | 2007       | 2008       | 2009       |
|------------------------|------------|------------|------------|------------|------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 |
| Total Assessment       | 35,046,385 | 42,118,745 | 57,386,791 | 67,739,368 | 77,514,159 |
| Assessment Growth Rate | 10.54%     | 20.18%     | 36.25%     | 18.04%     | 14.43%     |
| Increment              | 3,342,546  | 10,414,906 | 25,682,952 | 36,035,529 | 45,810,320 |
| Available Yield        | 17,248     | 53,741     | 132,524    | 185,943    | 236,381    |
| PV of Available Yield  | 16,745     | 50,656     | 121,278    | 165,208    | 203,905    |

| Year                   | 2010       | 2011       | 2012        | 2013        | 2014        |
|------------------------|------------|------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 84,420,670 | 91,942,552 | 100,134,633 | 109,056,629 | 118,773,575 |
| Assessment Growth Rate | 8.91%      | 8.91%      | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 52,716,831 | 60,238,713 | 68,430,794  | 77,352,790  | 87,069,736  |
| Available Yield        | 272,019    | 310,832    | 353,103     | 399,140     | 449,280     |
| PV of Available Yield  | 227,812    | 252,735    | 278,743     | 305,908     | 334,306     |

| Year                   | 2015        | 2016        | 2017        | 2018        | 2019        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 129,356,300 | 140,881,946 | 153,434,528 | 167,105,544 | 181,994,648 |
| Assessment Growth Rate | 8.91%       | 8.91%       | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 97,652,461  | 109,178,107 | 121,730,689 | 135,401,705 | 150,290,809 |
| Available Yield        | 503,887     | 563,359     | 628,130     | 698,673     | 775,501     |
| PV of Available Yield  | 364,018     | 395,129     | 427,726     | 461,905     | 497,764     |

| Year                   | 2020        | 2021        | 2022        | 2023        | 2024        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 198,210,371 | 215,870,916 | 235,105,014 | 256,052,871 | 278,867,182 |
| Assessment Growth Rate | 8.91%       | 8.91%       | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 166,506,532 | 184,167,077 | 203,401,175 | 224,349,032 | 247,163,343 |
| Available Yield        | 859,174     | 950,302     | 1,049,550   | 1,157,641   | 1,275,363   |
| PV of Available Yield  | 535,409     | 574,948     | 616,500     | 660,186     | 706,137     |

| Year                   | 2025        | 2026        | 2027        | 2028        | 2029        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 303,714,248 | 330,775,187 | 360,247,256 | 392,345,287 | 427,303,252 |
| Assessment Growth Rate | 8.91%       | 8.91%       | 8.91%       | 8.91%       | 8.91%       |
| Increment              | 272,010,409 | 299,071,348 | 328,543,417 | 360,641,448 | 395,599,413 |
| Available Yield        | 1,403,574   | 1,543,208   | 1,695,284   | 1,860,910   | 2,041,293   |
| PV of Available Yield  | 754,490     | 805,389     | 858,986     | 915,444     | 974,933     |

# Mountain Inn / Dickson Street Redevelopment District

D. 2  
Highway 71 East Square TIF Bond Issue  
Page 17 of 20

**Based on 2000-2004 Median Growth Rate of 8.91@ at 5.16 Mils**

Par Amount 4,145,000.00  
Interest Rate 6.85%  
DSRF 414,500.00  
Interest Earnings Rate 3.00%

| Date         | Revenue              | DSRF Earnings     | Total Revenues | Bonds Called        | Accrued Interest    | Total Principal & Interest | Excess Cash Balance |
|--------------|----------------------|-------------------|----------------|---------------------|---------------------|----------------------------|---------------------|
| 4/1/2005     | -                    | -                 | -              | -                   | -                   | -                          | -                   |
| 2/1/2006     | 137,248.00           | 10,362.50         | 147,610.50     | 135,000.00          | 7,811.83            | 142,811.83                 | 4,798.67            |
| 2/1/2007     | 53,741.00            | 12,435.00         | 70,974.67      | 60,000.00           | 7,894.21            | 67,894.21                  | 3,080.47            |
| 2/1/2008     | 132,524.00           | 12,435.00         | 148,039.47     | 120,000.00          | 25,249.21           | 145,249.21                 | 2,790.26            |
| 2/1/2009     | 185,943.00           | 12,435.00         | 201,168.26     | 155,000.00          | 45,685.17           | 200,685.17                 | 483.09              |
| 2/1/2010     | 236,381.00           | 12,435.00         | 249,299.09     | 180,000.00          | 69,291.31           | 249,291.31                 | 7.78                |
| 2/1/2011     | 272,019.00           | 12,435.00         | 284,461.78     | 190,000.00          | 91,474.66           | 281,474.66                 | 2,987.12            |
| 2/1/2012     | 310,832.00           | 12,435.00         | 326,254.12     | 205,000.00          | 119,855.79          | 324,855.79                 | 1,398.33            |
| 2/1/2013     | 353,103.00           | 12,435.00         | 366,936.33     | 215,000.00          | 149,440.20          | 364,440.20                 | 2,496.13            |
| 2/1/2014     | 399,140.00           | 12,435.00         | 414,071.13     | 225,000.00          | 182,963.58          | 407,963.58                 | 6,107.55            |
| 2/1/2015     | 449,280.00           | 12,435.00         | 467,822.55     | 240,000.00          | 225,480.16          | 465,480.16                 | 2,342.39            |
| 2/1/2016     | 503,887.00           | 12,435.00         | 518,664.39     | 250,000.00          | 268,657.91          | 518,657.91                 | 6.48                |
| 2/1/2017     | 563,359.00           | 12,435.00         | 575,800.48     | 255,000.00          | 310,890.28          | 565,890.28                 | 9,910.20            |
| 2/1/2018     | 628,130.00           | 12,435.00         | 650,475.20     | 270,000.00          | 370,924.50          | 640,924.50                 | 9,550.70            |
| 2/1/2019     | 698,673.00           | 12,435.00         | 720,658.70     | 280,000.00          | 430,971.52          | 710,971.52                 | 9,687.18            |
| 2/1/2020     | 775,501.00           | 12,435.00         | 797,623.18     | 290,000.00          | 497,668.05          | 787,668.05                 | 9,955.13            |
| 2/1/2021     | 859,174.00           | 12,435.00         | 881,564.13     | 300,000.00          | 571,600.65          | 871,600.65                 | 9,963.49            |
| 2/1/2022     | 950,302.00           | 12,435.00         | 972,700.49     | 310,000.00          | 653,405.33          | 963,405.33                 | 9,295.16            |
| 2/1/2023     | 1,049,550.00         | 12,435.00         | 1,071,280.16   | 320,000.00          | 743,771.59          | 1,063,771.59               | 7,508.57            |
| 2/1/2024     | 1,157,641.00         | 426,935.00        | 1,592,084.57   | 145,000.00          | 370,605.41          | 515,605.41                 | 1,076,479.16        |
| 2/1/2025     | 1,275,363.00         | -                 | 2,351,842.16   | -                   | -                   | -                          | 2,351,842.16        |
| 2/1/2026     | 1,403,574.00         | -                 | 3,755,416.16   | -                   | -                   | -                          | 3,755,416.16        |
| 2/1/2027     | 1,543,208.00         | -                 | 5,298,624.16   | -                   | -                   | -                          | 5,298,624.16        |
| 2/1/2028     | 1,695,284.00         | -                 | 6,993,908.16   | -                   | -                   | -                          | 6,993,908.16        |
| 2/1/2029     | 1,860,910.00         | -                 | 8,854,818.16   | -                   | -                   | -                          | 8,854,818.16        |
| 8/1/2029     | -                    | -                 | 8,854,818.16   | -                   | -                   | -                          | 8,854,818.16        |
| <b>Total</b> | <b>17,494,767.00</b> | <b>648,692.50</b> |                | <b>4,145,000.00</b> | <b>5,143,641.34</b> | <b>9,288,641.34</b>        |                     |

# **Combined Mountain Inn & Downtown Master Plan District**

**Based on 5.16 Mills / 1996-2004 Median Growth Rate of 6.52%**

**(18 Projects Planned Over Next 5 Years / \$128 Million Appraised Value)**

|                                           |               |
|-------------------------------------------|---------------|
| Total Available Increment.....            | 2,699,896,867 |
| Total Available Yield.....                | 13,931,468    |
| Net Present Value of Available Yield..... | 8,463,723     |
| Tax Rate.....                             | 0.516%        |
| Present Value Rate.....                   | 3.00%         |

| Year                   | 2005       | 2006       | 2007       | 2008       | 2009       |
|------------------------|------------|------------|------------|------------|------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 |
| Total Assessment       | 35,046,385 | 42,118,745 | 57,386,791 | 67,739,368 | 77,514,159 |
| Assessment Growth Rate | 10.54%     | 20.18%     | 36.25%     | 18.04%     | 14.43%     |
| Increment              | 3,342,546  | 10,414,906 | 25,682,952 | 36,035,529 | 45,810,320 |
| Available Yield        | 17,248     | 53,741     | 132,524    | 185,943    | 236,381    |
| PV of Available Yield  | 16,745     | 50,656     | 121,278    | 165,208    | 203,905    |

| Year                   | 2010       | 2011       | 2012       | 2013       | 2014        |
|------------------------|------------|------------|------------|------------|-------------|
| Frozen Assessment      | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839 | 31,703,839  |
| Total Assessment       | 82,568,082 | 87,951,521 | 93,685,960 | 99,794,284 | 106,300,872 |
| Assessment Growth Rate | 6.52%      | 6.52%      | 6.52%      | 6.52%      | 6.52%       |
| Increment              | 50,864,243 | 56,247,682 | 61,982,121 | 68,090,445 | 74,597,033  |
| Available Yield        | 262,459    | 290,238    | 319,828    | 351,347    | 384,921     |
| PV of Available Yield  | 219,806    | 235,990    | 252,475    | 269,278    | 286,417     |

| Year                   | 2015        | 2016        | 2017        | 2018        | 2019        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 113,231,689 | 120,614,395 | 128,478,453 | 136,855,248 | 145,778,210 |
| Assessment Growth Rate | 6.52%       | 6.52%       | 6.52%       | 6.52%       | 6.52%       |
| Increment              | 81,527,850  | 88,910,556  | 96,774,614  | 105,151,409 | 114,074,371 |
| Available Yield        | 420,684     | 458,778     | 499,357     | 542,581     | 588,624     |
| PV of Available Yield  | 303,911     | 321,778     | 340,038     | 358,710     | 377,815     |

| Year                   | 2020        | 2021        | 2022        | 2023        | 2024        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 155,282,950 | 165,407,398 | 176,191,960 | 187,679,676 | 199,916,391 |
| Assessment Growth Rate | 6.52%       | 6.52%       | 6.52%       | 6.52%       | 6.52%       |
| Increment              | 123,579,111 | 133,703,559 | 144,488,121 | 155,975,837 | 168,212,552 |
| Available Yield        | 637,668     | 689,910     | 745,559     | 804,835     | 867,977     |
| PV of Available Yield  | 397,374     | 417,407     | 437,937     | 458,986     | 480,578     |

| Year                   | 2025        | 2026        | 2027        | 2028        | 2029        |
|------------------------|-------------|-------------|-------------|-------------|-------------|
| Frozen Assessment      | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  | 31,703,839  |
| Total Assessment       | 212,950,940 | 226,835,341 | 241,625,005 | 257,378,956 | 274,160,064 |
| Assessment Growth Rate | 6.52%       | 6.52%       | 6.52%       | 6.52%       | 6.52%       |
| Increment              | 181,247,101 | 195,131,502 | 209,921,166 | 225,675,117 | 242,456,225 |
| Available Yield        | 935,235     | 1,006,879   | 1,083,193   | 1,164,484   | 1,251,074   |
| PV of Available Yield  | 502,735     | 525,482     | 548,845     | 572,849     | 597,520     |



# Mountain Inn / Dickson Street Redevelopment District

D. 2  
Highway 71 East Square TIF Bond Issue  
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**Based on 1996-2004 Median Growth Rate of 6.52% at 5.16 Mills**

Par Amount 4,145,000.00  
Interest Rate 6.85%  
DSRF 414,500.00  
Interest Earnings Rate 3.00%

| Date         | Revenue              | DSRF Earnings     | Total Revenues | Bonds Called        | Accrued Interest    | Total Principal & Interest | Excess Cash Balance |
|--------------|----------------------|-------------------|----------------|---------------------|---------------------|----------------------------|---------------------|
| 4/1/2005     | -                    | -                 | -              | -                   | -                   | -                          | -                   |
| 2/1/2006     | 137,248.00           | 10,362.50         | 147,610.50     | 135,000.00          | 7,811.83            | 142,811.83                 | 4,798.67            |
| 2/1/2007     | 53,741.00            | 12,435.00         | 70,974.67      | 60,000.00           | 7,894.21            | 67,894.21                  | 3,080.47            |
| 2/1/2008     | 132,524.00           | 12,435.00         | 148,039.47     | 120,000.00          | 25,249.21           | 145,249.21                 | 2,790.26            |
| 2/1/2009     | 185,943.00           | 12,435.00         | 201,168.26     | 155,000.00          | 45,685.17           | 200,685.17                 | 483.09              |
| 2/1/2010     | 236,381.00           | 12,435.00         | 249,299.09     | 180,000.00          | 69,291.31           | 249,291.31                 | 7.78                |
| 2/1/2011     | 262,459.00           | 12,435.00         | 274,901.78     | 185,000.00          | 89,067.43           | 274,067.43                 | 834.35              |
| 2/1/2012     | 290,238.00           | 12,435.00         | 303,507.35     | 190,000.00          | 111,085.86          | 301,085.86                 | 2,421.49            |
| 2/1/2013     | 319,828.00           | 12,435.00         | 334,684.49     | 195,000.00          | 135,538.79          | 330,538.79                 | 4,145.71            |
| 2/1/2014     | 351,347.00           | 12,435.00         | 367,927.71     | 200,000.00          | 162,634.29          | 362,634.29                 | 5,293.41            |
| 2/1/2015     | 384,921.00           | 12,435.00         | 402,649.41     | 205,000.00          | 192,597.64          | 397,597.64                 | 5,051.78            |
| 2/1/2016     | 420,684.00           | 12,435.00         | 438,170.78     | 210,000.00          | 225,672.64          | 435,672.64                 | 2,498.14            |
| 2/1/2017     | 458,778.00           | 12,435.00         | 473,711.14     | 210,000.00          | 256,027.29          | 466,027.29                 | 7,683.85            |
| 2/1/2018     | 499,357.00           | 12,435.00         | 519,475.85     | 215,000.00          | 295,365.81          | 510,365.81                 | 9,110.04            |
| 2/1/2019     | 542,581.00           | 12,435.00         | 564,126.04     | 220,000.00          | 338,620.48          | 558,620.48                 | 5,505.56            |
| 2/1/2020     | 588,624.00           | 12,435.00         | 606,564.56     | 220,000.00          | 377,541.28          | 597,541.28                 | 9,023.28            |
| 2/1/2021     | 637,668.00           | 12,435.00         | 659,126.28     | 225,000.00          | 428,700.49          | 653,700.49                 | 5,425.80            |
| 2/1/2022     | 689,910.00           | 12,435.00         | 707,770.80     | 225,000.00          | 474,245.80          | 699,245.80                 | 8,525.00            |
| 2/1/2023     | 745,559.00           | 12,435.00         | 766,519.00     | 230,000.00          | 534,585.83          | 764,585.83                 | 1,933.17            |
| 2/1/2024     | 804,835.00           | 12,435.00         | 819,203.17     | 230,000.00          | 587,856.86          | 817,856.86                 | 1,346.30            |
| 2/1/2025     | 867,977.00           | 12,435.00         | 881,758.30     | 230,000.00          | 644,839.46          | 874,839.46                 | 6,918.85            |
| 2/1/2026     | 935,235.00           | 12,435.00         | 954,588.85     | 230,000.00          | 705,792.20          | 935,792.20                 | 18,796.65           |
| 2/1/2027     | 1,006,879.00         | 426,935.00        | 1,452,610.65   | 75,000.00           | 251,410.34          | 326,410.34                 | 1,126,200.31        |
| 2/1/2028     | 1,083,193.00         | -                 | 2,209,393.31   | -                   | -                   | -                          | 2,209,393.31        |
| 2/1/2029     | 1,164,484.00         | -                 | 3,373,877.31   | -                   | -                   | -                          | 3,373,877.31        |
| 8/1/2029     | -                    | -                 | 3,373,877.31   | -                   | -                   | -                          | 3,373,877.31        |
| <b>Total</b> | <b>12,800,394.00</b> | <b>685,997.50</b> |                | <b>4,145,000.00</b> | <b>5,967,514.19</b> | <b>10,112,514.19</b>       |                     |



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

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONSTRUCTION, LTD. IN THE AMOUNT OF \$14,644,000.00 FOR IMPROVEMENTS TO THE NOLAND WASTEWATER TREATMENT PLANT AND APPROVING A CONTINGENCY OF \$292,880.00

**WHEREAS**, bids for the construction of numerous improvements to the Noland Wastewater Treatment Plan as part of the Wastewater System Improvement Project were solicited by the City; and

**WHEREAS** Archer Western Construction, Ltd. was the lowest qualified bidder and submitted a bid about \$2.6 million below the engineer's estimate and about \$2.5 million below the next lowest bid; and

**WHEREAS**, this bid has been reviewed by Black and Veatch, Engineers for this project, who recommend acceptance.

**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 construction contract (attached as Exhibit A) with Archer Western Construction, Ltd. in the amount of \$14,644,000.00, plus a contingency of \$292,880.00 for improvements to the Nolan Wastewater Treatment Plant and authorizes Mayor Coody to sign this contract.

**PASSED and APPROVED** this 15<sup>th</sup> day of March, 2005.

APPROVED:

By: \_\_\_\_\_  
**DAN COODY, Mayor**

**DRAFT**

ATTEST:

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**



**MINUTES OF A MEETING OF THE  
PLANNING COMMISSION**

A regular meeting of the Fayetteville Planning Commission was held in Room 219 of the City Administration Building at 5:30 p.m. on February 14, 2005.

**Items Discussed**

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**Action Taken**

Forwarded to City Council

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**Members Present**

Candy Clark  
Jill Anthes  
Loren Shackelford  
Alan Ostner  
Nancy Allen  
Sean Trumbo  
James Graves  
Christian Vaught  
Christine Myres

**Staff Present**

Jeremy Pate  
Renee Thomas  
Suzanne Morgan  
Brent O'Neal

**Members Absent**

**Staff Absent**

**ANX 05-1370: (HALL, 644,645,684):** Submitted by MEL MILHOLLAND for property located at 2577,2216,2844,2822 DEADHORSE MTN. ROAD. The property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

Ostner: Our next item is ANX 05-1370 for Hall. If we could have the staff report please.

Pate: There were a couple of handouts, one was passed out by the applicant, staff has not had time to review what that is. The other is a graphic that the Planning Commission asked for, hopefully it has most of the information of the request here tonight. The next three items are kind of in concert. We are obviously dealing with each one individually. One is an annexation request and two are rezoning requests. One of which, is part of the land up for annexation and part of which is already zoned R-A to the east. This property is located on several addresses on Dead Horse Mountain Road. The property is currently in the Planning Area and contains 235.38 acres. West of the property is the West Fork of the White River. That basically comprises the annexation boundary to the west. It is southwest of Goff Farm Road. The property is almost completely bordered by property that is already within the city limits based on some rough calculations, approximately 78% to 80% of the property is entirely surrounded by city limits currently. The only exception being the south boundary that is adjacent to the Planning Area about 1,450'. The 235 acres consists of four tracts owned by separate individuals. The attached Exhibit "A" on page 9.18 was prepared by the applicant in an Order signed by Judge Hunton best represents the tracts in question, as well as this graphic, which I did pass out which references each one of these tracts A through M, all of which are under discussion tonight. The property is currently agricultural in nature with several single family homes located. Surrounding property is zoned R-A, Residential Agricultural, with the exception of the property to the west which is zoned I-2, that is the Industrial Park. There is a portion of that Industrial Park area which is zoned R-A as well, that is the Combs Park area. As you are well aware, the subject request for annexation is very unique and has been the point of discussion for staff and the applicant since early 2004. Initially, the applicant approached staff regarding a proposal for a much smaller tract, that which is to be developed in the future. Staff advised the applicant on more than one occasion to approach the remaining land owners within this almost surrounded area in the county in order to bring the entire area into the city limits at one time. This would thereby create a more reasonable city limits boundary in this location. The applicant subsequently did approach many of the land owners with offers to petition and request to annex the property. Several of the land owners have joined this petition to annex. However, unfortunately, all were not willing to do so at this time.

As a result, the request to annex the subject property will create two islands of country property that are completely surrounded by the Fayetteville City Limits. I have identified these two islands as the west island and the east island. The west island is a remnant tract of property who's ownership, unless Mr. Milholland has new information, ownership is relatively unknown. The last origination goes back to a patent issued by President Martin Van Buren in 1838 and future assigns or heirs we have not been able to locate at this time. That is the portion of property located here, most of which is in the floodway of the West Fork of the White River. The east island is made up of nine separate parcels, most of which are occupied and lived upon. Several of the owners of these parcels were willing to join the petition, however, based on state law I believe Judge Hunton ruled that several of these could not join this particular petition. It is within this island that at least two property owners were approached and who would not join the petition. It is staff's intent to follow through with the city's adopted policy of annexing islands in this process, much as all of the other islands were annexed into the city this past summer. Staff does not intend to establish a pattern of recommendations to annex islands as stated in the adopted Annexation Policy. However, the subject request does present a unique situation that we find pertinent and real in relationship to the findings within the staff report. With regard to those annexation guiding policies by which we recommend or do not recommend annexation requests, staff finds that, of course, as I mentioned, the requested annexation will create two islands of unincorporated property. The property is almost completely surrounded by city limits. Public service providers and emergency personnel are currently required to access portions of the city by traveling through the county in this area, much as was the case with several of the islands that were in the city previously. As I mentioned, not all property owners were willing to annex voluntarily at this time. Though the applicant did prepare surveys for all of the parcels in question and approached the land owners on multiple occasions. The proposed annexation area is adjacent to the city limits along the north, south, east and west boundaries. The request does not extend the city limit boundary any further south than the current limits already do reach. This area does not divide neighborhoods. The property follows the river to the west and incorporates primarily agricultural and undeveloped land. Current conditions result in a response time of approximately seven minutes for fire protection from the existing Fire Station #5 and the future potential Fire Station #3 on Huntsville Road. The property does have access to water along Dead Horse Mountain Road. It does not have access to sewer at this time. Sewer would need to be extended to serve the development on this property if it is within the city limits annexed. Obviously, floodplain and floodway are associated with the West Fork of the White River located along the western boundary of this property. This environmentally sensitive area would be best protected



by city's ordinances in staff's opinion, which is only required if this property is annexed. Development may not occur in the floodway. Therefore, it is our finding that the maximum potential development could not occur on this property were it to be rezoned all RSF-4 for instance. Staff is recommending this annexation request. At the time that the owner desires to subdivide the property there will be obviously, submittals required for review for proposed subdivisions. This would include assessments potentially for the current bridge on Dead Horse Mountain Road that is in disrepair and a proportionate assessment would be made of this developer. An assessment area has been identified and maps have been created and located within the Planning Division identifying areas potentially, like we saw earlier this evening, Ruppel Road bridges for potential impact to that area. The access to this property is either to the north through Dead Horse Mountain Road that accesses directly to Hwy. 16 or to the south as we traveled on the agenda tour last Thursday, you could go south out into the county and then back into the city through the industrial park area. Adjoining neighbors have been identified of the annexation request on many different occasions including legal ads and display ads submitted with local newspapers prior to Planning Commission. Staff's finding is that the annexation of this property ultimately will create a much more acceptable boundary for the City of Fayetteville allowing for an area almost completely surrounded by incorporated city limits to become part of the city. Again, the request does not extend the city limit boundary further south than the current limits already do reach.

Ostner: Thank you Mr. Pate. At this point, would the applicant like to make a presentation? If you could please introduce yourself.

Milholland: I am Melvin Milholland with Milholland Engineering representing the applicant. As Jeremy stated and provided plenty of documents, we have been working on this project, city staff and my clients and several people with the neighbors, for about nine or ten months since we started. We tried to have the best advice we could get to make this properly for everyone. He stated that my client spent 2 ½ to 3 ½ months working with the people in the neighborhood to make this annexation a uniform one. We also talked to Kit Williams, the City Attorney, several times on some of the issues that are listed in your report. We feel like this is a great addition to the City of Fayetteville. It actually lays just to the west of Stone Bridge Golf Course. It is a good area for a neighborhood to develop and people to live close to town. It is a major highway, it is a beautiful site. We respectfully request that you annex this in and rezone it. If you have any questions, I will be happy to answer them.

Ostner: Thank you Mr. Milholland. At this point I would like to open it up to the public. If anyone would like to speak to this issue please come forward, introduce yourself. We try to get people to sign in.

Smith: My name is Tim Smith, this is my wife Elizabeth Smith. Just for a matter of record, she was only contacted one time in regard to the annexation. There is a great concern, our property is a part of this whole area and she has only been talked to once. We live at 2640, it would be northeast of the property right there at the curve as Dead Horse curves. This has not been an on going conversation with the people in the actual area. Her concern is the property she is on because she is not in favor of annexation.

Smith, E.: My name is Elizabeth Smith, I'm a property owner at 2640 Dead Horse Mountain Road across from the area that they plan to subdivide. My concern is the traffic and the noise in the area, what it is going to do to that and what is going to happen to those of us that will be an island and not annexed in.

Ostner: Thank you. We will try to address those comments. Is there any further public comment?

Baltz: My name is Carol Baltz, we are in the island. Probably the reason we are in the island is we couldn't get any answers. You have asked more questions here tonight and got answers to them than we did. We asked what are you going to build on the property, how are you going to handle the traffic, if you go out there between 6:00 and 8:30 in the morning you can't get on the beautiful Huntsville Road from Dead Horse Mountain Road or Stonebridge Road. It needs a stop light there more than we need to be annexed in. I dearly love Jeannie Hall and I understand what she is doing. We are neither for nor against but we would like to have some questions answered. We were called and we were tried to be intimidated. We asked questions and got answers like "We don't know." We want answers just like you want answers. I'm neither for nor against. I don't want to be an island. I would like to have sewage. I asked will we get some services? They said "I don't know." When you can tell me then it is ok but we just asked questions that we got no answers to and just like the lady behind me, we were more cohered than we were talked to and tried to be encouraged and shown the good and the bad. I would like to be in the city, I would like to be a part of you because I would like to make some decisions. Thank you.

Rogers-Verser: I'm Deborah Rogers-Verser and I don't think anyone has been in the valley longer than me except for the Halls. I am not opposed to Jeannie selling her land. I'm not opposed to that part of the valley being annexed into the city. What I'm opposed to is that there are others of us in

that area, and I haven't been talked to either. I am south and east of Jeannie Hall and I am bordering Dash-Goff. I have on the north side of me the golf course inching in closer and closer and now I have 10 or 15 acres on the corner south of the Halls that may be on the next agenda, it is between the two "S" curves. Our concern is after 50 years you are looking across this beautiful valley and it is no more. My concern is that the farm across from us, the Oliver's farm, they are unable to physically get here because he can't go without a walker and his wife is not in real good health. Their daughter is here but they are the property owners. We don't want to be in the city. We want to stay in the country. We want to stay in the county. We have a lot of land, we have a lot of taxes and we would have a great tax increase if we were annexed into the city. That is not on the agenda tonight but the concern is that it might be soon. My concern also is that when people come before you and say they have talked to the neighbors, I feel misrepresented, because no one has come to us and asked us how we felt about it except the Halls. That has nothing to do with us if she wants to sell her land. That is fine, I understand that. If they want to annex that land into the city that is fine, that doesn't concern me. What does concern me is that we are being pushed and pushed and pushed. My eighty acres that sits on the little rocky hill across from the 100+ acres that belongs to the Olivers is gradually being threatened. We are concerned at what point do we have a say so anymore. We don't want to be annexed into the city. That's my concern.

Hall: Hello, my name is Jerry Hall. I have lived on the farm there for 48 years. To me this is just another example of excellent agricultural land being lost to urban sprawl. In more progressive cities such as Portland, Oregon and Boulder, Colorado, there are urban growth boundaries with some sort of limits to the sprawl. Developers have more incentive to infill and revitalize on the interior of the city. This need has been addressed recently by the Downtown Master Plan, which I was involved with a little bit. With no limits to Large Scale Developments in rural areas resources are constantly being sucked into new growth areas trying to build new infrastructure to catch up with the sprawl. Problems with Large Scale Development at Dead Horse Meadows is the access, there are a number of problems, the north slope of Dead Horse Mountain is steep and that is the main access to Hwy. 16 East. When it snows or ices it is very treacherous. Two of my kids totaled their cars on that slope last winter. The bridge, which has already been mentioned, needs to be rebuilt. All of the road there has no shoulders and people are constantly sliding off into the ditches and sometimes miss the bridge all together and go into the river. I've driven by there and seen the back end of a car sticking up out of the river. The alternate accesses are through two residential neighborhoods so if anything is ever done to that road or that bridge everybody is going to be driving through River Meadows and Roberts Road. The other way

through the industrial park is about a three mile detour. Already at Hwy. 16 East there is a major bottle neck with the intersection. Actually, people back up there for about a mile every morning. I have to take kids to school every morning and the only way I get on the highway is somebody lets me into the line. It backs up for people trying to get into that intersection on Hwy. 265 and it jams up from on past where I get on at Stone Bridge Road all the way to Hwy. 71B. I see more subdivisions being built all the time out in that area that aren't finished yet. If this all goes through and there is a Large Scale Development on our farm then that is going to be more traffic to be dealt with. Along with the agricultural land that will be lost to development there. There are a lot of wetland areas and wildlife areas. There is a herd of deer, there is a beaver colony, ducks, geese, lots of different kinds of fish. There is a swamp area on the farm that has spring peepers, like so many, you can hear them from about a half mile away in the spring and summer time. I am assuming all of this is to be filled in and covered over, obliterated, for a subdivision. There are three springs on the farm and many seep spring areas along a spring line that parallels the river. There is also issues about this area has a lot of archaeological significance. We find artifacts in our gardens and things that I have dated back to 5000 b.c., grinding stones, hoes, stone tools. In more historic times, there was a main road that crossed there in the times before there was any bridges. You can still see where it went down by the river. My great grandmother told me there was a boarding house down there. Nobody has ever checked into these things or it has never been brought to the attention of any agencies. The history of the area must be recorded and the historic sites mapped before any changes are authorized. The wetlands must be delineated and plans for it's protection must be made before anything is built. My daughter made a point, there is already a River Meadows and not all of the houses are even sold. People pollute the river thinking it is their dumpster and it won't have the beautiful color of water that it has now. All of the people will fish in the pond and all of the fish will be gone. I put some pictures on a website, can I pass out the web address for the website?

Ostner: Sure. Is there further public comment?

Hall: Thank you Jerry Gene. I'm Jeannie Hall, I own the large portion of the land that we are talking about tonight. My family, of course, at least a part of them, as well as myself, are concerned and feel sad and what have you as far as moving ahead into the future but I am for annexation into the city.

Ostner: Are you part of the petitioner tonight? This is your property?

Hall: This property, the main part of it is mine, yes.

Ostner: Ok, if you could just hold on. We are trying to hear from people who aren't petitioners.

Hall: Who oppose?

Ostner: They might not. Just not you. We will get to you.

Hall: I'm for it.

Ostner: I promise we will get right to you if you will just hold on. You are going to have the floor in a minute. If anyone else from the public would like to speak.

Erf: Good evening, my name is Jeff Erf, I live at 2711 Woodcliff Road. I just wanted to make a couple of points. I frequently ride my bicycle in that valley on Dead Horse Mountain Road and so I have some attachment to it. It is sad to me to see that whole area begin to be developed because it is a nice rural character and the city is losing that at a great pace. That is too bad. Riding my bicycle, I notice that before and after the bridge there is a sign that says Road Closed when Under Water. I don't know if you are aware of it or not. Jeremy Pate mentioned something earlier about the bridge. There have been some issues previously with that bridge and with the road. This may not be the appropriate time to bring it up but I would strongly encourage you all, I guess maybe it is going to be at the Subdivision Committee level, or a Preliminary Plat I guess comes before you, cost sharing make sure that you put aside some money from the developer to pay for improvements to that bridge and road if necessary. Just one statement that Police Department had some comments on the project. This annexation will increase our response time to calls for service because this property is on the outer fringe of our current service area. I think that is a nice way of calling the project sprawl. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response. That is an issue. The city, I think, a lot of times ends up subsidizing a lot of this kind of development on the outskirts of town and it would be nice to make the developers pay for some of it. I have a little bit of concern about the islands that are being created, although they may or may not be significant. Last July or June the City Council may have had some public hearings and they annexed a bunch of islands at that time. I am not sure how this all fits in with the annexation task force but it would be nice to see a review of how it compares to the report. I guess City Council has it. I guess that is all that I have to say. Thank you very much.

Ostner: Thank you Mr. Erf.

- Smith: Tim Smith again, I wanted to make very clear that I have no issue with the private property owner's rights, that individual's rights to sell that property. Our main concern is annexation into the city. If she wants to sell as a county property and subdivide it and so on and so forth, that is fine. We are very concerned about county property. What she wants to do with her land, that is her private property, that is her business. Thank you.
- Leach: Robert Leach, I live directly across from 2577, my mother owns the property. We are against the annexation. Her right is her right and everything that Jerry Hall said about the bridge that has been under water three times in three and a half years. The roads, heavy equipment will not work. It does take 15 minutes to get out on the highway, that is only if somebody lets you out. That is between 6:00 in the morning and 8:30 in the morning, and I have even been stuck for 15 minutes during church time. We are against it.
- Ostner: Thank you Mr. Leach. Is there any further public comment? At this point I am going to close it to the public and bring it back to the Commission. If the applicant would like to speak you are free to now. Thank you for waiting.
- Hall: Thank you very much. As I was saying a while ago, the main part of this property belongs to me as far as the Hall's property. I understand my son's concerns. Mine are likewise. But I also feel like it would be nice to see Southeast Fayetteville enhanced, developed, a lot of things to be done there, and this could be an opening for that as far as this particular area. I know there would be traffic problems as we have everywhere nearly within this city. I also know that the bridge will have to be at some time or other dealt with. I feel like that also is something that will fall into place. As far as I'm concerned, I'm for annexation and I am asking that you consider it very seriously. Thank you very much.
- Milholland: Mr. Chairman and Commissioners, I heard some statements of concern from several and I would like to say a couple of things. Number one, there is not anyone in the annexation route that we were dealing with that had 80 acres. I don't know where that 80 acres is unless it is on down south of this property. We didn't try to contact them. It wasn't planned to do that. The only ones that we were trying to plan to contact were the ones that were immediately across the street from Ms. Hall's property. I think there are about eight or nine tracts in there or something like that. We are very familiar, my client and I and the applicant, are very familiar with the things that were brought up. Sewer and water extension or improvements, is always something that you have to contend with at the Preliminary Plat stage and design stage. We understand that. We have already addressed it. From our standpoint as engineers we know we can handle that. We have

talked to the city on some of that. Also, we always, usually every time you have a Preliminary Plat come through that is not a Preliminary Plat we have to address the issues of traffic and we feel that the expansion and infrastructure and so forth. In the case of this bridge, we understand that it is there and we understand that we will be addressing it during the Preliminary Plat review. The one thing about it as far as access onto Hwy. 16, it is just like Hwy. 62 was towards Farmington at one time. Hwy. 16 West, which at one time was much worse and Hwy. 265 going north. But if you don't have a demand money will not be spent nor appropriated for such improvements. This should be a plus as far as some assistance at some time in the near future to help that bridge be improved. I hope the neighborhood understands that. It has been sitting there for a long time with nothing done to it, even with the golf course there. This should help bring about a thought process on how to handle that situation. I appreciate your time. Thank you.

Allen: I had a question of staff. Since this annexation would create islands and the policy of the City of Fayetteville is not to create islands. I wish you could explain, I guess I'm just not clear on what set of circumstances makes this situation unique enough to go against our own policy.

Pate: Page 9.9 in your staff report includes items 11.6(a) through (t) which are all annexation guiding policies. We take all of these into consideration and make findings based on all of those guiding policies that are set forth in our General Plan 2020. The General Plan 2020 will be revised this year. It is time to update that and we anticipate some of these policies probably will change based on what we have seen and heard from both the Planning Commission and the City Council in the last few years. In which direction, I'm not sure what that will go if we will get more details with regard to what policies we look for. This is what staff works off of in looking at any annexation request. As you mentioned, Item A, annex existing islands and peninsulas and do not annex areas that would create an island or a peninsula. As you know, staff put a whole bunch of work and time into getting rid of all of the islands that the city has created in past decisions. Mr. Williams, I don't if you remember, I believe there were thirteen islands that were annexed this last year as part of that request.

Williams: There were four separate ordinances and many, many separate parcels as you remember.

Pate: That is not a situation that we would ever like to get into again. That was over a long period of time. As I mentioned, our first reaction was to the applicant, No. Go back to all of the other property owners that are within this area and contact them and try to get them into the annexation request

as well. We find that fulfilling that goal of annexing this overall 80% surrounded by city property is within the best interest of the city. Again, the city does travel outside of the city limits to access other properties that are within the city limits, much like the islands. One of which is under consideration tonight, the R-A piece. The property directly adjacent to this is developing as you know with the Preliminary Plats that you have seen with the Stone Bridge Meadows Golf Course. The golf course is very near to this area. The west island is something that property ownership is very difficult to determine at this time and by law, this applicant could not request for that to even be annexed. The eastern ones are trickier, as I mentioned at agenda session. There are individual property owners, we know those property owners. It was unfortunate to hear that at least one of the applicants had only been contacted once, that was unfortunate to hear tonight, but I know that this applicant has been working, has come back to us on several different occasions, provided us with surveys of those properties and petitions to annex for each one of these to attempt to get them all into the City of Fayetteville. We feel that this area should be within the City of Fayetteville limits. Again, it does not extend those limits any further south than the City of Fayetteville limits already go and Ms. Allen, I entirely agree, it is not a situation that we will set a precedent. Staff's recommendation will not be to create islands like this in the future. I think that there has been significant effort however, on the part of this property owner and other property owners, at least two others that we are aware of, to not create that island and we find at this time that circumstances are unique and that we are willing to support that.

Allen: I guess I wonder if significant effort means that that exception should be made. Just because the significant effort was made. I still am not real clear, I'm sorry to be slow about this, but I'm not clear why this is an exception, why it is alright to make an island here and not there.

Pate: In most cases when staff is approached with a request that would create an island we have the same exact response. You need to incorporate that other property that is between you and the city for instance. In most cases those are successful. In all cases actually, that I've dealt with, we've been successful. This is the first island in the two years that I've been here that I'm aware that the city has created. I am not sure how long before that that there was another. Again, we go off of these policies as a guide book. I don't think any one of these is the essential most important one. It is obviously stressed because they do create areas and pockets that you would pass through. City services could not respond to that area. County services potentially would and there is that question. That is why our intent is to follow this up with a request to go to the City Council for these islands to be annexed subsequent to this property should it be annexed by the City Council.



Allen: Thank you Jeremy. I will relinquish the floor to other people who have questions.

Clark: Why wasn't this annexed with the islands? It has city on three sides.

Pate: The 1,500 feet is the factor that would not allow it to be annexed with the islands. It technically has to be completely surrounded to become an island. That is staff's findings, this very much functions like an island, it just has 1,500 feet or so between the river and the property that is not within the city limits and therefore, would not qualify for that island.

Clark: How many families are we talking about who do not want to be annexed into the city?

Pate: I believe the applicant would be better versed in answering that question.

Milholland: I think including Ms. Hall there was nine. The others across, you should have a map with those, one of them that wanted to come in could not come in because the state law requires you to be adjacent to the existing city limits to be annexed in. After this goes through we will go back and bring them in. I understand that there is another owner that has said that they would like to come in also so there is thirteen and some of those parcels are owned by the same person. My client could probably tell you more about it. H and I are owned by the same person and J and K are by the same person. That is where some of that is at. I know that we did a petition, researched all of the title documents along with Mr. McDonald and another firm that made efforts to cover and talk to each one of these folks. A lot of them signed the petition. We did a petition first at the recommendation of the city to try to get others to come in. We weren't really trying to bring in all of Ms. Hall's property in. We were just going to bring in the part that he wanted to develop, which would have left rural land all the way around the property we are developing, it would not have left the islands technically. Staff recommended that we try to talk to these folks and see how many would come in since it is kind of a bottle neck that everybody is in. That is what we did and spent several months trying that. Those that were not contacted, there was definitely an effort made to contact them. I know that personally. Mr. McDonald is here and Ms. Hall and I'm sure that they can speak to the same. I am sorry that the other gentleman is not here that worked on this. I hope that answered your question. There was a lot of effort that went into it. Nobody had 80 acres that we contacted, so they must be on down south because they weren't part of this unique where it is a bottle neck there that they are boxed in.

Vaught: When I look at this there are a few things. First, these are guiding policies they are not ordinances and I think we have to look at them in total not one specific item to kill the annexation. One of the main things to me is the fact that we are not extending the line south and are kind of flattening the line off for the city. I think that is something important. The city is already servicing small sections south and parallel with this property, the other, which goes to a number of concerns that we have heard over environmental concerns. Currently the land is in the county and a number of these areas with these unique features, I feel that that would be better served for that to be in the city. That is in the staff report as well. We have much more stringent guidelines, grading ordinances and rules on where you can build and where you can't build because there is a lot more review process. I do think that that would aid in protecting some of those areas that are sensitive. Of course I have concerns about Dead Horse Mountain Road and those are all things that we will look at down the line with the subdivision. Not just adjacent to this property but on north of this property with the bridge and also the Hwy. 16 intersection, which are all items that we will address in the future.

Pate: If I may respond to at least a couple of concerns that I wrote down. Mr. Vaught is correct, if this were developed, and we anticipate it would be whether it was in the city or not, it would be by septic along side this river. We would be looking at either a treatment package type plant or an individual septic system type of system. That is a big concern both environmentally and with regard to development should this in the future in ten years or fifteen years become a part of the city as annexed then there is the problem with, as we have seen in the past, properties that are on septic systems that are directly adjacent to sewer systems. Floodway and environmentally sensitive lands to the west, part of that developed property could not be developed because it is within the floodway of the river there. Then the areas that are within the floodplain are best regulated, or at least our ordinances are enforced within the city, through the city's ordinances. Outside in the county we have very little with regard to regulations for that area. As Mr. Erf mentioned, staff feels it is very important for the applicant to know that assessments and/or road improvements to Dead Horse Mountain Road and the bridge there will be forthcoming with any development on this subject property. To go back to something Mr. Milholland spoke to, with regard to the original application. There was originally, not a formal application, but the applicant did approach staff with a parcel of land that is not located within any of the legal descriptions here now that would not create islands. It would essentially be a portion of the omitted of this overall area that would not create any of the islands that we have been speaking of that I'm aware of tonight. We felt that getting more of this property within the city limits and not having this part of Section 26, just leaving that out because

it is not developable, that would be a situation where if it weren't an island and it is never going to be developed, it is not likely going to come within the city limits. We felt it was more important to have those lands annexed whether they are going to be developed or not. That is part of impotence Ms. Allen was speaking of. When we came about with the original request we felt it was more important to get to a place where staff was more comfortable recommending this application as opposed to creating a legal description that would be developed but that would really not solve any problems that we have in this area.

Graves: I would add that this was also an area that the annexation task force looked at and requested be annexed into the city in their report. For a number of reasons, because it is an area that is being developed and because it is in the general vicinity of where the new treatment plant will be and for the reason that Mr. Pate already stated, that we have emergency services that are crossing out of the city into the county and back into the city in order to service this area already and we are providing services in that area. For that reason, this is an area that we felt should be annexed.

Shackelford: I am going to concur with what Commissioner Graves and Commissioner Vaught have said. I too served on the annexation subcommittee and this is an area that we looked at. Quite honestly, this was just a technicality away in my opinion from being included in what the City Council did last year. I think that it makes a lot of sense given the expansion. There is no expansion of the city limits outside of where the boundaries already are and the fact that this property is already 80% surrounded by city limits for this annexation to go through. I understand the concerns and complaints. This is the same type of growth pains that we have had on Hwy. 265, Hwy. 45, Hwy. 16 and all of the other directions that the city has grown. A lot of that growth has been in the six years that I've been on this Commission. I can say for sure, that this development although it seems difficult at this time, will lead to infrastructure improvement that needs to happen in this location. A prime example is there was very little road to Ruppel Road and Salem Road and those areas when I started on this Commission but obviously, we are all pretty proud of the development that has happened in that area out there to this point. With all of that being said, with the fact that staff I feel has made their point, I understand the concerns about the overall guidelines and not creating islands, the island to the west is somewhat of a technicality. The island to the east is a concern but this property in my opinion is going to develop. As somebody who has built and lived in these boundary areas on basically all sides of these growth areas, I concur that the development options for this property to develop within the city limits are much nicer than the options for county development given the environmental concerns of the property, given the location of the property. There were many areas, just in the boundary

areas, that we have seen development on county property that has enraged local home owners for development that wouldn't be allowed there if it was within the city limits. I think it makes a lot of sense. I quite honestly, would have liked to have seen this peninsula addressed a year ago but I understand why it wasn't and think we have an opportunity to do so now. I am going to go ahead and put on the floor a motion that we recommend approval of ANX 05-1370 based on all of staff's comments.

Vaught: I will second. I have one question. This graphic that was just handed to us, tract M is included in the annexation, is that correct? It is on our maps.

Pate: That is correct.

Anthes: I was trying to reconcile the graphics on page 9.31 of our staff report with the graphics that we were handed. I just wanted to be clear that we are looking at tracts A, C, D, and M for annexation and we are omitting B and E through L, that is the island, is that true?

Pate: That is correct. Officially on page 9.18 is the map that is referenced by the Order from Judge Hunton which includes A, C, D and M and excludes all others that are lettered there.

Anthes: A second question is that we do have a direction within our General Plan 2020 to annex environmentally sensitive areas. I'm looking at the map 9.30 that indicates floodplain, floodway and river. That seems to be, the portion of land that is shaded as Section 26, is that true?

Pate: If you reference page 9.30, these maps we don't have digitally unfortunately. We don't have that detailed survey information. This is a map that has been superimposed on our parcel maps here. The river there is noted as a floodway, which is part of Parcel 26 in the floodplain of course. Probably the following item number, that is the best way to reference that. The subject property on page 10.15 shows the same map with a little bit different delineation showing the next request, which is a rezoning of the property. Essentially, west of that line would be floodway, some floodplain and the river.

Anthes: I guess my question is, and I might be getting ahead into the rezoning portion of this request, but they are sort of together in my mind. It looks like they are requesting annexation in Section 26 and 25 but only the rezoning to RSF-4 in Section 25.

Pate: That is correct.

Anthes: Because a substantial amount of this property is in floodway, which is undevelopable, and floodplain which is environmentally sensitive. I am wondering if Tract A was drawn in such a way that it doesn't take into account the characteristics of the entire property and as a convenient way to get higher density in that area and not deal with the sensitivity of the other piece of the property. To me it looks like this is one parcel. I am confused. If we were looking at 25 and 26, which I guess is A and M and we were looking at development rights on that property and we are looking at rezoning, a large portion of that property would be unable to be developed to an RSF-4 so we would maybe be looking at a different zoning designation that would be appropriate for this entire piece of property. When I am looking at just looking at A as if it is somehow not part of it then we are allowing a higher amount of density to be built on that. I don't understand how that split is occurring because I don't believe that split occurs in the land.

Pate: I think you are entirely right. The rezoning request is based on a legal description as defined in likely a deed that follows the section lines. The overall annexation request, should this entire 235 acres be under request for rezoning as well, would obviously, with RSF-4 yield many more units although if you take out the floodplain and floodway, it would probably reduce some of those units. The request right now is to leave that Section 26 as R-A, Section M as R-A and only Tract A be rezoned to RSF-4 so that would be the only potential really for that type of development. If we are looking at a subdivision we would only look at the legal description that has been created there. Density numbers will be on the Section A that is within Section 25 as opposed to the entire 235 acres. Is that where you are going? I'm not sure if I answered your question.

Anthes: It does. It also makes me question the rezoning request and that's because I'm looking at development pressure and compatibility with surrounding uses and that sliver of A being a much higher density than the adjoining parcel seems to be problematic to me. While I agree that we, as a city, would like to check development in the environmentally sensitive area and that we do have sort of a strange boundary to our city limits, therefore, I'm inclined to support the annexation. I'm having a real problem with the rezoning request to that density.

Vaught: On R-2, what's the minimum lot size? We have RSF-4 and then RSF-2.

Pate: RSF-2 requires a 100' lot width minimum, 21,780 sq.ft. of lot area minimum.

Vaught: It requires basically, just under half acre lots?

Pate: That is correct.

Vaught: Typically when you calculate zoning, even though it is at a lower zoning, you could do the whole site as RSF-2 with a lower density. We have honestly never seen a proposal come through with anything other than RSF-4, that is why I was asking. Typically you could still load all of your density on ½ of your project. Density is calculated for the whole site though.

Ostner: It is the lot size.

Vaught: We have never seen that.

Clark: What we are making is just a recommendation to the Council so this is going to the Council regardless. I am troubled by this annexation. Although, on one hand I see the benefits of bringing land into the city to be rezoned and follow city zoning as it is developed as being a good thing, I am troubled by the fact that we are violating our own guidelines. Yes, I know they are only guidelines but since April I've been told we do not want islands, we do not want peninsulas. As a matter of fact, we just took care of all of the islands with a great assurance we wouldn't face this issue again. Now we are creating this issue and I realize that the word unique is a very interesting word and it means a lot of different things to a lot of different people. I am going to vote against this annexation for the simple reason that I want the City Council to make a policy. I want them to make a choice. If they decide to do it that is great. It is their policy making prerogative and that is their duty. I feel like if I vote for this annexation I am violating a policy that says you don't create islands and you don't create peninsulas, although exasperating peninsulas is a fine thing. I don't understand that either. I will be voting against this annexation and I hope that the Council will at least discuss the policies of the guidelines and when we are redoing the 2020 Plan, maybe you could give us more clear guidelines to lead us as we face the annexation. I also would encourage the Council to look at the annexation task force report and make some recommendations on it. If we are going to annex to our boundaries great, we know that and we can proceed accordingly. I don't know that that is a good thing or if that is a bad thing, we haven't discussed it, but I think that it is time that we do and get some clear cut leadership and guidance. For that reason, I'm going to respectfully vote against this annexation simply because I think it violates our procedures and I'm not buying into the use of the word "unique" on this one.

Ostner: Thank you Commissioner Clark. Is there further discussion?

Graves: I would just add that with respect to the guidelines the reason that those are not ordinances and are guidelines, is to be flexible. That has been stated time and again in these discussions about annexation. I would also point out that if you review each of these guiding policies I believe every one of them are met with the exception of A. With respect to A, it says that we are to annex existing peninsulas, which is what this is.

Ostner: Thank you Mr. Graves.

Myres: I call the question.

Ostner: I will second. Call the roll please.

**Roll Call:** Upon the completion of roll call the motion to recommend approval of ANX 05-1370 was approved by a vote of 7-2-0 with Commissioners Allen and Clark voting no.

Thomas: The motion carries.

**RZN 05-1371: (HALL, 645,684):** Submitted by MEL MILHOLLAND for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item on our agenda is RZN 05-1371, the tandem request.

Pate: As I mentioned, this request is in tandem with the annexation request. It contains approximately 125.5 acres of the preceding annexation request. It is probably best visualized on page 10.16 and the maps that staff has created for you. It is a rectangular piece that fronts onto Dead Horse Mountain Road currently. The property to the north is zoned R-A and to the east is also R-A as well as properties within the county. Zoning districts within this one mile radius, one mile from this property, include I-2, the industrial park, R-A and RSF-4 as well as land in the planning area to the south. The property is currently agricultural in nature as I mentioned with a few existing single family homes. Nearby development, just to the northeast and east include the Stone Bridge Meadows subdivision and golf course and the city's industrial park across the river to the west. The applicant, staff anticipates, intends to develop this property for single family residential use. The applicant, therefore, is requesting that the property be rezoned from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre as noted. The RSF-4 allows for a range of residential density from zero to four units per acre and a development pattern that is compatible with much of the residential development within the City of Fayetteville. Staff is recommending approval of this rezoning request. We feel that future changes or additional development on this site will be best regulated by the city allowing for a uniform and consistent development pattern. As I mentioned, currently the site does have access to Dead Horse Mountain Road, which is a minor arterial. That street will need to be improved with any future development. Additionally, development on the subject property has a high likelihood of accessing the substandard bridge on Dead Horse Mountain Road north of the property as it's primary means of access towards the center of the city. While staff recognizes that there is another means of access into the city, this is likely the primary means to get there. Specific street improvements and other offsite improvements will be evaluated based on the development proposed and the ordinance requirements. It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter population density and thereby, undesirably increase the load on police services. Actual travel time, again, does not increase beyond which is already served. Basically, this is due to the fact that city property already exists in this area and there are developments in the ground or being constructed in this area. The



response time is approximately seven minutes to this property from Fire Station #5 and potentially the future Fire Station #3. Staff finds that the zoning for RSF-4 is compatible with adjacent and nearby single family residential use. However, the R-A obviously, that is not developed currently, would essentially be incompatible were it to never be developed. Staff feels that this land is under pressure for development and is developing at a rapid place as the Planning Commission sees routinely with subdivision developments. Development at this density adequately supports and is served by extended city infrastructure at the cost of the developer. As we mentioned, and as some of the public comments before noted, sewer, water line, street improvements and bridge assessments, that is the responsibility and cost of the developer should future development occur on this property. The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure as well as that infrastructure that is extended. The same water lines and the same sewer lines, the same size of lines would support four units per acre or two units per acre, or seven units per acre every one is supported essentially by the same type of development and infrastructure improvements in that area. Obviously, street improvements and bridge assessments, things of that nature, are based upon the actual development proposed and the number of traffic generated. Traffic will, of course, increase on all adjacent streets in this area, as we are seeing with development. Dead Horse Mountain Road is a primary means of access into the city either north to Huntsville or south to Black Oak Road and Armstrong Avenue. I too, ride my bicycle quite a bit in this area, I was out there on Sunday and I will likely miss the agricultural nature of it as well. However, in staff's findings we found that this property is developing and it should with a consistent pattern that we see with the surrounding areas. Currently the streets are improved with paved roadways and shoulders to county standards. The Fayetteville Police Department does find that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion. However, they do recommend street improvements, which again, is what staff would likely recommend with any development on this property. With those findings, staff is available for any questions.

Ostner: If the applicant would introduce yourself and tell us about this project.

Milholland: Mel Milholland with Milholland Engineering. We concur with the staff report and feel that this property is situated in such an area that it would make a nice residential neighborhood. All of the things that were in the report we concur with and respectfully request that the Commission forward this to the City Council tonight.

Ostner: Thank you Mr. Milholland. At this point I am going to open it up to the public again. If anyone would like to speak to this rezoning request please share your comments now. Seeing none, I am going to close it to the public and bring it back to the Commission.

Anthes: As I am looking at orderly and consistent development patterns I'm looking at a situation where we have park property, we have a river, we have adjacent floodway and floodplain, which are obviously, going to stay in a more rural pattern. We have the county that is a rural pattern. We have developed properties, the island properties, that are a rural development pattern. When I look at orderly and consistency I see where is the transition zone between the rural transect if you will, and the higher density developments that are happening around the golf course. To me I find that the transition zone occurs on this property. Therefore, it looks to me like an RSF-4 zoning is too high. I also think that it was convenient to leave out the western part of the property so that that would not be factored into the calculations and give us an effective RSF-2 zoning, as Commissioner Vaught pointed out, an RSF-2 zoning over the property by leaving that out. Therefore, I think that I'm content to leave it R-A or look at a lower zoning but I will not support an RSF-4 in this area.

Vaught: In response to that, if the whole site was RSF-4 they could actually go a little greater than RSF-4 on this piece if they were rezoning it all. What I was thinking that if you did RSF-2 across the whole site they could've tried to load all of their density on one side, which I feel would be more dishonest than including just the part that they want to develop. An 8,000 sq.ft. minimum lot size in RSF-4 you could fit more than four lots on an acre.

Shackelford: I would also like to point out that I disagree with the statement about conveniently leaving out the other part. This property is actually split on a county section line, which is probably the most logical split of a property legal description that we've seen. I think that probably this goes back for many years and that there hasn't been, I don't think, surveyed out with this property different. It goes back to the original legal description that is on the section line. I think that is an unfair statement to say they conveniently left out part. I think it is a different legal description.

Anthes: I thought I saw a hand drawn line that is not in line with the property line. I could be mistaken.

Shackelford: Let's ask the applicant. The section that is rezoning the western boundary, is that the section line?

Milholland: If I understand your question, is the request for rezoning the west boundary, is it the section line? Yes it is.

Shackelford: Thank you.

Anthes: I was reading the map on page 10.15 a little incorrectly then because I was looking at that hand drawn line and then the parallel line to the east of it and was reading that as the section line. I appreciate you pointing that out. I still think that section lines though are hard lines drawn by people in landscape and that they don't necessarily reflect what's happening in the ground and in the topography. To line up a row of houses along that hard edge and not provide the transition to the more rural area does not seem to me like an orderly and consistent development. Thanks.

Ostner: I would tend to agree that if the western boundary were different and acknowledged the floodplain, which is pretty well noted, if you drive out there it is pretty clear where the edge is and all of our maps show where it is. It seems unfortunate to me that a random line on a map would be the boundary of our rezoning request. I am puzzled and it doesn't seem like an orderly system. It is too orderly on the earth that is not quite so perfect.

Vaught: I feel like we are going into things that we really shouldn't. For one we don't know what will come through with the Preliminary Plat. For all we know the developer could be buying all of this land and isn't trying to rezone the floodway because they don't want to mess with it. They know they are not going to develop it. To me the best use for that would be some kind of conservation easement. We don't know the developer's intent and I feel like in some of our comments we are trying to get to that without even talking to them and I don't feel like that's fair. I don't know what the developer's intent is or if they even have comments on that yet. To me it makes more sense not to include the floodway in a rezoning request to RSF-4 because it can't be built. That makes less sense to me than only doing the portion that could be rezoned. That is what I look at it as. The floodway and the floodplain encroach on the area that we are rezoning to RSF-4 so obviously there can't be a hard line of houses on that boundary. There could be some in there, I don't know. We don't have that before us. To me I like only zoning the part that is going to be developed to RSF-4 and leaving the rest R-A since it is unbuildable anyway basically. When I am looking at these lines on the map I'm sure if they could they would line up their zoning with the floodplain probably but you can't just draw a random line. You have to use your property boundaries. If that is what the developer is buying that is what they can rezone, they can't rezone the rest.

Ostner: Yes, but it is our duty to look at rezoning requests and if it seems compatible. That includes the edges and the parts that were left out, which it is very clear that they are leaving out the floodplain, which is logical. I'm not saying that's wrong. I'm just saying the edge of the developed area, if it followed the land instead of a compass shooting straight north it would develop differently. It goes back to the old discussion, people come here from out of town and say gee, your subdivisions are straight lines that way and straight lines that way. They don't do that in other towns. They curve it around topography and our rules don't exactly dictate when that will come into the process. Tonight is one example where it starts to create straight lines. I'm probably in favor of this rezoning. I'm not excited about it being developed on due north south lines on the compass.

Vaught: I understand. My point is I don't think it can be, because the floodplain, which is un-developable, does encroach into this property so there is some topography that is going to limit development on this site. They can't line their houses up with that west boundary line, it is floodplain. That was my point. The fact that they left that piece off makes sense to me and I don't know that it is necessarily my concern since whoever owns that piece isn't asking for it, I'm only looking at this one piece. That was my point. I do understand and I agree, straight lines on a map aren't necessarily the best thing.

Milholland: I believe I understand that the conversation is why we used a straight line and didn't follow the 100-year floodplain. That map is not correct, it is about as flat as carpet out there, there may be a little bit of a grade out there but we have to go out and take the Corp. of Engineers or the Floodplain Map and find the actual 100-year floodplain, and I assure you it won't follow that curved line that smooth. As a matter of fact, we have already got a good portion of it located and it doesn't follow that. The reason that we asked for annexation along that line which does not include, there are four things on your floodplain map. You have the river, the tributary, then you've got the floodway, which no one can get in unless the Corp. of Engineers allows you to, and then you have the floodplain, which there are some ordinances that allow you, and also some regulations by FEMA which will allow you to straighten up the back of the lots and you can fill a little bit to straighten out some lines. It is called a LOMR, (Letter of Map Revision) you resurvey it, you turn it into FEMA, they see it and it goes before the Corp. and the city and it is just for the purpose of straightening the line out behind some houses. It is done pretty commonly. As far as this line right here, it does not depict anything very accurately as far as accuracy. We like to have something we can work with and know we aren't going to be out there restricted to measuring off a black line on a 1,000 to 2,000 scale when you can't really find it in here. If you look real close, I think that you will find that there is as much dark

land left on this farm, as there is white area. You have the river, you have the floodway, the floodplain and then you have the area that is going to be developed. You are going to have close to 50% of this property untouched. If it is rezoned it still won't be touched unless it could be done very efficiently and cost effectively.

Ostner: Thank you Mr. Milholland.

Anthes: At the risk of repeating myself, I just want to clarify, it is not really the straight line that I have an issue with and I'm certainly not thinking that they have a development plan in front of us that shows us that at this point. What I'm worried about is the jump from the park land to the undevelopable parcel and this parcel's adjacency to that and then to the large, rural tracts to the south that have had people speak to those tonight and whether it is right to jump immediately to RSF-4 at this land or provide a transition zone. To me this looks like a transition zone and that is what my main comments are geared towards.

Ostner: That is where RSF-2 might seem more logical.

**MOTION:**

Shackelford: Obviously, I'm in support of the RSF-4 zoning in this area. If you look on the one mile radius map to the northeast of this property we have seen in the last 12 to 18 months some significant development of RSF-4 property and I personally have seen a very high demand for this type of development in this area. I think that you are going to see over time most of this area develop in an RSF-4 nature which is kind of a standardized development scheme for our growth areas in the City of Fayetteville. Two things, first of all, if you develop less dense I think it is going to cause even more urban sprawl because more people are going to want bigger places and are going to move further and further out. The second thing, as we have seen in the other areas that I mentioned earlier, when we talked about rezoning this in the Salem area on Wedington and some of the other areas where we wound up developing into the County, the RSF-4 zoning worked in those areas and the development kind of caught up in that area. Plus, we are going to be asking the developers in this area to pay through assessments for the infrastructure improvements and quite honestly, you need the density of the development to pay for the infrastructure improvements that will be needed in this area. Given that, and the fact that there is a lot of natural green space in this area, given the floodplain, the floodway, the golf course and everything else that is not going to develop in the near term out there I think that even an RSF-4 zoning in this area is not going to fill as dense given the overall green space if you look at the picture in whole. I think based on those facts, the assessments

and the development that is going to occur, the fact that we need to probably be somewhat dense in our development so we don't continue to sprawl and the fact that there is a substantial amount of green space in that area that will offset any density in this area I am going to make a motion that we recommend approval of RZN 05-1371 to the City Council with an RSF-4.

Graves: Second.

Ostner: There is a motion by Commissioner Shackelford and a second by Commissioner Graves. Is there any further discussion?

Vaught: I would also like to point out that this area is also increasingly close to our Fayetteville Industrial Park, which is always an interesting transition from that to residential. That is something to consider as well, for me it is at least, as well as the rest of Commissioner Shackelford's comments.

Ostner: Thank you Mr. Vaught. Is there further discussion? Will you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1371 to the City Council was approved by a vote of 5-4-0 with Commissioners Clark, Allen, Anthes and Ostner voting no.

Thomas: The motion carries.

**RZN 05-1378: (GOFF/HALL, 644):** Submitted by MEL MILHOLLAND for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item is RZN 05-1378 for Goff/Hall. If we could have the staff report please.

Pate: This is in relatively the same area if you look on your maps on page 11.16 or even on the graphic that was presented, it is the blue area just to the west in the "S" curve as one of the citizens mentioned earlier. This property is within the City of Fayetteville. It is currently vacant. It is currently zoned R-A, Residential Agricultural. The applicant is requesting a RSF-4 zoning district. The property to the northeast is developed as the Stonebridge Meadows Golf Course, probably best seen on page 11.18, the private open space designation. It is directly northeast of that property. Properties to the north are developed with single family homes and to west and south are primarily vacant with some single family homes on larger lots. Staff is recommending approval of this rezoning. It consists of 15 acres. The Master Street Plan street, Dead Horse Mountain Road, does go through this property which will require quite a bit of right of way dedication per our Master Street Plan in order to develop this property. Staff finds that this proposed RSF-4 is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use which is compatible with the proposed RSF-4 zoning. Development at this density adequately supports and is served by existing and extended city infrastructure at the cost of the developer. With that, I'm available for any other questions.

Ostner: Thank you Mr. Pate. Is the applicant present? If you could introduce yourself and tell us about your project.

Milholland: Melvin Milholland, Milholland Engineering. This tract of land is adjacent to the Hall property, which you all just acted upon at the southeast corner and to the east is a small tract of about 15 acres that is already in the city limits. My client has also, and we plan to make those two tracts together. RSF-4 sounds good, I assure you it is hard to get four lots per acre out of the land by the time that you take the streets out and the dedication of some of the things that the city requires and existing roads along side it you don't end up with four lots an acre out of it. It has to be real, real small lots and most everyone now is building, I've been here 32 years plus and I remember when the average home was 1600 to 1800 sq.ft. for the average consumer. Now the average consumer is between 2000 and 2400 and it is hard to put four of those per acre I assure you. Very few of the

lots are ever 70' or 8,000 sq.ft. Most of your developers, with the price of land and price of construction, you are going to end up with around three at the most, probably less than that, 2.75. Thank you.

Ostner: At this point I am going to open it up to the audience. Would anyone like to speak to this issue? Seeing none, I am going to close it to the public and bring it back to the Commission.

Pate: I did want to mention something. The Stonebridge Meadows subdivision there is developed right around 2.3 units per acre just in comparison. Mr. Milholland is correct, with most of our RSF-4 zoning we are seeing between 1.8 and 2.6 dwelling units per acre developed. That is sort of a typical development density that we are seeing.

Anthes: What the developer and staff just said seems to support that we need an RSF-1 rezoning. If we are developing an effective development of RSF-2 on those properties then maybe that's what we should be asking for. I again have the problem with the transition as stated in the previous application and feel like this is a comparable piece of property and will vote the same way. Thanks.

Shackelford: I too see very little difference in this property and the property that we just recommended rezoning on other than I feel the exact opposite as she does and I do support the RSF-4 in this location. I think that that is the appropriate zoning given the type of growth that is going on in this area and what I anticipate will grow out there in the future as well. The same song, second verse. I'm not going to make the same argument I made last time. All of the statements and comments that I made apply to this property as well as the other property. Given that, I am going to make a motion that we recommend RZN 05-1378 at an RSF-4 designation.

Vaught: I will second and I will say that the problem with RSF-2 is the minimum lot size. With that size you are probably not going to get two units per acre, it might be 1.5 or less per acre.

Anthes: It is a transition.

Allen: I will vote the same way again, no again. Part of the reason is I think that this is something that the council needs to see that there is a difference of opinion on the Planning Commission, they need to look at that and give us some direction.

Ostner: Thank you. Is there further comment? We have a motion and a second. Could you call the roll?



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**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1378 to the City Council was approved by a vote of 5-4-0 with Commissioners Clark, Allen, Anthes and Ostner voting no.

**Thomas:** The motion carries.

## MINUTES OF A MEETING OF THE PLANNING COMMISSION

A regular meeting of the Fayetteville Planning Commission was held in Room 219 of the City Administration Building at 5:30 p.m. on February 14, 2005.

### Items Discussed

### Action Taken

|                                                               |                           |
|---------------------------------------------------------------|---------------------------|
| ADM 05-1400: Southern View PZD<br>Consent                     | Approved                  |
| ADM 05-1375: O'Charley's Sign Appeal<br>Page 5                | Approved                  |
| PPL 05-1368: University Village Center<br>Page 11             | Approved                  |
| PPL 05-1377: Hancock Estates<br>Page 13                       | Approved                  |
| CUP 05-1364: Childers, pp 323<br>Page 15                      | Approved                  |
| CUP 05-1369: North Street Church of Christ, pp 362<br>Page 18 | Approved                  |
| ANX 05-1365: Wilkins, pp 245                                  | Forwarded to City Council |
| RZN 05-1366: Wilkins, pp 245<br>Page 25                       | Forwarded to City Council |
| ANX 05-1370: Hall, pp 644,645,684<br>Page 29                  | Forwarded to City Council |
| RZN 05-1371: Hall, pp 645,684<br>Page 46                      | Forwarded to City Council |
| RZN 05-1378: Goff/Hall, pp 644<br>Page 53                     | Forwarded to City Council |
| RZN 05-1372: Mailco USA, pp 678,717<br>Page 56                | Forwarded to City Council |
| RZN 05-1374: Cornerstone/Futtrall, pp 402<br>Page 64          | Forwarded to City Council |

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**Members Present**

Candy Clark

Jill Anthes

Loren Shackelford

Alan Ostner

Nancy Allen

Sean Trumbo

James Graves

Christian Vaught

Christine Myres

**Staff Present**

Jeremy Pate

Renee Thomas

Suzanne Morgan

Brent O'Neal

**Members Absent**

**Staff Absent**

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Ostner: Welcome to the Monday, February 14<sup>th</sup> meeting of the Fayetteville Planning Commission. Happy Valentine's Day. We are going to take the roll

**Roll Call:** Upon the completion of roll call there were nine Commissioners present.

Ostner: Thank you. The first issue is the approval of minutes from the November 24<sup>th</sup>, January 13<sup>th</sup> and January 24<sup>th</sup> meetings. Do I have a motion?

Shackelford: I will make a motion that we approve the minutes as stated.

Allen: I second.

Ostner: There is a motion and a second. Is there any discussion? Could you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

Thomas: The motion carries.

**ADM 05-1400: Southern View PZD** was submitted by Crafton, Tull & Associates for property located at the northeast side of West Sixth Street and the I-540 corridor. The request is to approve an extension of the approved Southern View II PZD project.

Ostner: The first item on our agenda is ADM 05-1400 for Southern View II PZD. It is an administrative item. If we could have the staff report please.

Allen: It is on consent.

Ostner: On the consent agenda is the item previously stated, do we have a motion for approval of the consent agenda?

Anthes: I will move for approval of the consent agenda.

Ostner: Would anyone like to speak to this issue before we vote on it? Seeing no one, I will bring it back to the Commission.

Shackelford: I will second.

Ostner: We have a motion and a second for the consent agenda. Is there discussion? Could you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve the Consent Agenda was approved by a vote of 9-0-0.

Thomas: The motion carries.

**ADM 05-1375: O'Charley's Sign Appeal, pp 212** was submitted by Ryan Kring for property located at 8467 N. Shiloh Drive. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.26 acres. The request is to approve additional wall signage and an additional band of LED lighting.

Ostner: The next item is under old business, ADM 05-1375 for O'Charley's Sign Appeal. We do have a report for this.

Morgan: O'Charley's restaurant is located at the corner of Steele Blvd. and Shiloh Drive. It was approved by the Planning Commission on May 12, 2003 and at this time it has been constructed and a Certificate of Occupancy for this restaurant has been issued. The location of this restaurant is near the I-540 and 71B bypass and is therefore, located in the Design Overlay District. Within this Design Overlay District there are certain requirements for signage. The development is allowed a maximum of two wall signs, one per street frontage and one monument sign. The applicant at this time is requesting approval for a third wall sign on the northern elevation in lieu of placing a monument sign on the property. The applicant is also requesting approval for additional green LED lighting on each wall of the structure. With regard to the wall signage, the Design Overlay District does restrict the number of wall signs placed on this structure to two wall signs maximum. This property is located at a very visible intersection and staff finds that because this structure is so very visible from the north the applicant has requested therefore, to approve, requested approval of another wall sign on this northern elevation. A monument sign could be placed at this northwest corner of the property to give equal visibility as a wall sign would do. However, due to existing utility easements along this north and west property line location of a monument sign in this location is not possible. Staff finds that the proposed wall sign does meet the ordinance, or the spirit of the ordinance. With regard to the accent lighting, the amount of the LED lighting was discussed at length during the Subdivision Committee and Planning Commission consideration for approval of this restaurant, it was staff's recommendation that the LED lighting be wrapped around the entire structure. The location of this restaurant is very visible and staff finds that there are no unique circumstances to the location of this structure which would cause for the additional lighting. Therefore, staff recommends approval to allow placement of three wall signs on the structure as proposed by the applicant in lieu of placement of a monument sign on the property and staff recommends denial of the additional band of green LED lighting on the structure. We find that the additional lighting serves no additional purpose on this well lit structure.

Ostner: Thank you Ms. Morgan. Is the applicant present? If you could introduce yourself and give us your presentation please.

Krink:

My name is Ryan Krink, I'm with Site Enhancement Services. I'm the national sign agent on behalf of O'Charley's. As has already been pointed out here, we are talking about the O'Charley's on 3467 N. Shiloh Drive. This property is located on a hard corner of North Shiloh Drive and Steele Blvd and it also has an access drive behind the north elevation of the property, which our customers can locate the property with that and access it directly to our parking lot. I don't know if you have enough copies of the color renderings, but if you look at the handout provided you can see that this property currently only has two wall signs, as was pointed out, and our third wall sign is the same square footage and the same orientation as the current existing two wall signs. The additional band of LED is going to be similar to the one that is already existing. It is simply going to go below the letters to highlight the O'Charley's. I realize that you must make your decision based on some criteria. The first one being that special conditions and special circumstances exist which are peculiar to the land, structure or building involved which is not applicable to other land, structures or property. As mentioned before, this property is located on a hard corner with an access drive which provides direct entry to O'Charley's parking lot. Due to it's position on these major thoroughfares and the fact that we can't have an existing freestanding sign because of utility easements, we are asking for your approval of an additional wall sign in lieu of that. The second criteria is that literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the same terms of the ordinance. For the wall sign, I think we pretty much know what the situation is with that. You can't put a freestanding sign there because of a utility easement. With regards to the bands of neon, currently, Logan's Roadhouse, which is along the heavily used trade corridor of North Shiloh Drive currently has the same lighting that we are asking for. They have a band of actual neon, then their sign and then another band of neon. We are proposing something similar to that except we do not use neon, we use LED, which is a new technology in signs that has only recently been used. Approval of our proposal would give us two bands of LED and three signs total. Currently on the existing Logan's Roadhouse they have two bands of LED and three signs total. We are just asking for the same opportunity that they have been given. The third criteria is that special conditions or circumstances do not result from the actions of the applicant. These conditions are in no way the result of the applicant. When O'Charley's chose this location they based it on the fact that they could have high visibility and they could have adequate signage to provide a way finding pool for their customers to locate to their property. If you look at the site plan on the last page of the art renderings you will notice that as motorists are traveling along Steele Blvd., there is not enough visibility for them to make safe maneuvers to access the access drive and enter the parking lot. This forces the drivers to go all the way up Shiloh Drive and to negotiate through a heavy intersection. Our proposal

will eliminate that. The fourth criteria is that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures or buildings in the same district. Granting this variance will not confer any special privilege to O'Charley's. As we have already mentioned, other properties are currently allowed three signs and two bands of LED or neon. We are simply asking for the same criteria that they have been given. The fifth criteria is that the reasons set forth in the application justify the granting of the variances and the variance is the minimum amount of relief to make reasonable use of the land, buildings or structure. Approval of this variance is the minimum amount of relief O'Charley's requires for this property to meet it's matching zoning potential. Standard throughout the country we use two bands of LED and some type of orientation of three signs or four signs, depending on how many major thoroughfares we are fronting. This is just to help us stay consistent with our other properties throughout the country. Approval of our additional band of LED banding and wall signs will complete the sign program for this location. The final criteria is that granting the variance will be in harmony with the general purpose and intent of the Design Overlay District and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. We have already spoke about how the additional wall sign will help in traffic safety. It will promote good traffic safety by reducing the amount of time that drivers have to spend on the road and reduce the amount of maneuvers that they may have to execute such as U turns, double backs or having to navigate through busy intersections. Approval for the wall sign will allow us to use the access road and the motorists will not have to go up to that forward intersection of Steele and Shiloh and negotiate through that. O'Charley's utilizes two bands of LED as a majority, when I say majority I mean 90%+ of their properties. These bands do not blink, flash, scroll, have any animation or they are not using for an attention getting device at all. They are simply architectural details of the building which tie in our signs to our sign program. Tonight we have demonstrated justifications and satisfied all of the criteria for approval of this proposal. This property is located on a hard corner with exposure to two major thoroughfares as well as an access drive to the north of their property. Without adequate exposure to motorists traveling along Steele Blvd. they cannot safely locate the property. This not only robs the business of increased revenue but robs the community of the increased valuable tax revenue. Tonight we respectfully ask for your approval. Thank you very much.

Ostner:

At this point I will open it up to the public for any additional comment. Would anyone like to speak to this issue? Seeing none, I am going to close it to the public and bring it back to the Commission for questions or comments.



Shackelford: You mentioned that your requested second band would underline the O'Charley's name, would that band encompass the entire building or would it only be on one or two sides?

Krink: It would be like the existing band. It goes all the way around. It actually doesn't go under the word O'Charley's because the light it would kind of reflect back and forth so we have stopped it on either end where the O'Charley's signs meet. It really, they are not bright. They are not detrimental to the public. They are the same thing as what Logan's has. Actually, at the Logan's property along with the additional bands of neon, they have what looks like fluorescent lights to highlight that on top of that. We are just asking for this small relief to stay consistent. It would mimic exactly what the drawings show.

Clark: As I'm looking through my information I note that when this was first proposed O'Charley's did not want to even run one band around the whole building but it was staff who interjected that that would be more consistent. Why was that omission made when this proposal first came before the Commission?

Krink: If you look down where it says on the first page building style, prototype 5. O'Charley's is really experimenting with different prototypes based on different situations. It is based on what shopping plaza they are in, what speed limit of the road is, how many roads they are fronting. They build different building designs based on that. When they first submitted these designs they had prototype 5 and they submitted them like that but they didn't realize how important that additional band of LED would be to accent the property. It really looks like almost a bare wall. It doesn't really tie any of our signs into the whole program. I think they realized that mistake after they submitted. This was the original prototype 5. The majority that we use are prototype 1 and 2, that is where the corner of the building is actually the entrance, not the front façade. Based on that, we put two signs on the front there. Prototype 5 is the flat front entrance design. That is something that O'Charley's has just started doing. I think it was an error on their part but they are realizing and they are asking for your relief tonight.

Vaught: Do you currently have any photos? We have some photos of the existing structure, do you have any photos with the second band?

Krink: No, because the second band is not on yet.

Vaught: In any of the locations. Just so we could see visually what it looks like at night.

Krink: No I do not.

Shackelford: A question of staff. As I drove home the other night thinking about this I kind of looked at the other restaurants in this area as I envisioned them from I-540. You notice a pretty significant amount of neon on Fire Mountain, what used to be the Ryan's building, on Logan's and even on Dixie Café. I assume that all of these properties are in the same Design Overlay District and were built after the Design Overlay District was put in place. Can you shed any light on those approval processes? Was there any sign issues or any sort of waivers that had to be made on any of those developments that were built in this same district?

Pate: Most of those developments, you are correct, are within the Design Overlay District in the Steele Crossing Development. You may remember that the Fire Mountain Hot Off the Grill restaurant did come through with some signage requests and waivers in that area for certain things. I believe it was more about monument sign location. The other developments, as per the Design Overlay District requirements, are required to come through the Planning Commission as a condition of being within the Design Overlay District and the Planning Commission makes the determination of whether the sign packages presented with those developments are conducive to what our standards call for. Probably the most evident sign or lighting in this corridor is the Logan's. As the applicant stated, they do have two bands of LED or neon lighting surrounding that. In hind sight, had staff known exactly what that would've looked like, we do not feel that is necessarily appropriate for the Design Overlay District. In looking at our findings, it is one of those things where when you look at the elevations you have to make a judgment call based on what you see on a piece of paper as opposed to what it looks like in reality. We feel that this is a very visible location. In counting the lighting on the south portion of the structure, the primary entrance, there are at least fourteen lights already that light either awnings or features on that structure. We find that additional lighting requested doesn't really serve a purpose and meets the Design Overlay District criteria.

Anthes: Just to elaborate on that for Commissioner Shackelford, we did have quite a lengthy discussion at Subdivision Committee about the Fire Mountain location and felt that some additional lighting was warranted there just because of the unique placement of that property on sort of a dead end road that when they built the structure was supposed to go through on the Master Street Plan and then was removed from the Master Street Plan and that we made it clear at that time that we believed we were setting no precedent with that approval.

Allen: I drove by the site last night and I find it personally very visible. I think it is appropriate that you have the sign but I don't think one error necessitates another error so I will move for approval of ADM 05-1375.

Ostner: I have a motion.

Shackelford: Clarification on that motion. As stated, your motion would approve the placement of a third wall sign in lieu of a monument sign on the property but would disallow the second line of LED, is that correct?

Allen: That is exactly right.

Shackelford: I will second the motion.

Ostner: There is a motion and a second. Is there further discussion? Could you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to approve ADM 05-1375 as recommended by staff was approved by a vote of 9-0-0.

Thomas: The motion carries.

**PPL 05-1368: University Village Center, pp 599** was submitted by Steven Beam of Crafton, Tull & Associates for property located at the southeast corner of 15<sup>th</sup> Street and Beechwood Avenue. The property is zoned C-2, Thoroughfare Commercial, and contains approximately 7.45 acres. The request is to approve a Preliminary Plat for a commercial development with three lots proposed and one lot to be used as detention.

Ostner: The next item is PPL 05-1368 for University Village Center. If we could have the staff report please.

Pate: This subdivision is a commercial subdivision request. The subject property contains approximately 7.45 acres located at the southeast corner of Beechwood and 15<sup>th</sup> Street in South Fayetteville. Adjacent developments include the Crowne apartments to the south and the Tyson Indoor Track Center and Baum Stadium to the north. The applicant proposes to create a four lot commercial subdivision for future development within the existing C-2 zoning district. The site is currently vacant, a large field primarily, with access on 15<sup>th</sup> Street and Beechwood. A tributary to the Town Branch Creek is the eastern boundary of the property and the location of most of the existing tree canopy, floodway and of course, floodplain. As part of this Preliminary Plat water and sewer lines will need to be extended to serve each of the lots. Right of way has been dedicated in this area. It used to be a state highway and more right of way was taken at that time than was required by our Master Street Plan. We will essentially go off the right of way that is existing. There are no interior streets or drives proposed at this time and connectivity to adjacent properties will be evaluated at the time of specific development. Just as a side note, staff does expect along with the Crowne Development Large Scale that the development will need to connect south into Crowne Drive to provide that connectivity. Staff is recommending approval of PPL 05-1368 with fifteen conditions of approval. Item one, Planning Commission does need to make a determination of appropriate street improvements tonight. Staff is recommending improvements of Beechwood and 15<sup>th</sup> Street 18' from centerline with pavement, curb and gutter, 6' sidewalks and appropriate storm drainage prior to signing the Final Plat. That would match the improvements that the Crowne Development did put in with their Large Scale. Item number two, assessments shall be made as each of the proposed tracts develop for the cost of the future traffic signal at Razorback and 15<sup>th</sup> Street. These assessments will be based upon the use proposed and the traffic generated once development does occur. Direct access to Beechwood and 15<sup>th</sup> Street, those are both collector streets, shall be limited to the two entrance drives proposed along with the future indirect access to the south through Crowne Drive. This is to help with access management along this collector street. I believe most of the conditions are self explanatory but if you have any questions feel free to ask.

Ostner: Thank you. Is the applicant present? If you could introduce yourself and give us your presentation.

Beam: My name is Steven Beam, I am with Crafton, Tull & Associates here representing South Fayetteville Investments. University Village Center, as Jeremy said, is 7.45 acres. Four lots, three of which will be developed at a future time and one of which would be reserved for detention. If you all have any questions about the particulars I would be happy to answer them.

Ostner: Thank you Mr. Beam. Would anyone from the public like to speak to this Preliminary Plat? Seeing none, I will close it to the public and bring it back to the Commission for questions or motions.

Vaught: Staff, do we have signed conditions of approval?

Pate: We do not at this time.

Vaught: Is the applicant in agreement with all the conditions?

Beam: Yes.

Shackelford: As we looked at this at Subdivision level it looks like it is a pretty straight forward development. This is an area of town that is very exciting to see all of the growth that is happening. Not very many people thought ten or fifteen years ago that we would be seeing a development this wonderful in this area. With that being said, and the fact that these lots, we will look at them again as a Final Plat and again as they develop as Large Scale Developments, I will make a motion that we approve PPL 05-1368.

Trumbo: I will second.

Ostner: There is a motion by Commissioner Shackelford and a second by Commissioner Trumbo. Is there further discussion? Could you call the roll?

**Roll Call:** Upon the completion of roll call the motion to approve PPL 05-1368 was approved by a vote of 9-0-0.

Thomas: The motion carries.

**PPL 05-1377: Hancock Estates, pp 323** was submitted by Art Scott for property located at Salem Road and Ruppel Road, north of Mount Comfort Road. The property is zoned RSF-4, Residential Single Family, four units per acre and contains approximately 15.20 acres. The request is to approve a residential subdivision with 47 single family lots proposed.

Ostner: The next item is PPL 05-1377 for Hancock Estates. If we could have the staff report please.

Morgan: The subject property contains approximately 15.2 acres. It is located between Ruppel Road and Salem Road. Clabber Creek Phase I is located to the west of the property and Salem Heights subdivision, which is currently under construction, is located to the north of this subject property. The applicant is proposing to create 48 lots with 47 single family homes. The property was recently annexed into the City of Fayetteville in August, 2004 when all islands were incorporated into the city and was zoned RSF-1 at that time. Subsequently, the applicant processed a rezoning to rezone the property RSF-4. The adjacent Master Street Plan streets are Salem Road, a collector, to the east and Ruppel Road, a minor arterial, to the west. The applicant is providing connectivity to adjacent streets as well as adjacent vacant property to the south. Staff is recommending approval of this PPL 05-1377 with fifteen conditions of approval. Of which, condition number one, Planning Commission determination of street improvements. At this time staff is recommending widening Salem Road to 14' from centerline including storm drains, curb and gutter, pavement and sidewalks. Ruppel Road improvements along the property boundary have been installed at this time with the exception of a 6' sidewalk. Staff recommends the construction of sidewalks at the right of way with the grade to be approved by the city. In regards to condition number two, Planning Commission determination of off site assessments. There are several improvements that are being done in this area with regard to street improvements as well as future bridge construction and water line extension. Staff is recommending an assessment for those improvements. The exact numbers, which are mentioned in your staff report, have been changed or modified somewhat and a new memo has been passed out for you. I will defer to the Engineering Division with regard to any questions in regard to these assessments.

Ostner: Thank you Ms. Morgan.

O'Neal: The point of clarification on the assessment is for a bridge south of Mt. Comfort on Ruppel Road. There is an error in the report with 50% it says Ruppel north and it should be Ruppel south.

Ostner: The amounts are the same, it was just the delineation?

- O'Neal: That is correct.
- Ostner: Is the applicant present? If you could introduce yourself and give us your presentation.
- Scott: My name is Art Scott, I am with Project Design Consultants here to represent Mr. Hancock on this project. The applicant is in agreement with all of the conditions of approval and they do understand the changes that were made. We were made aware of that before this meeting and so they are in agreement with all of those and we are just here to answer any questions you all may have.
- Ostner: Thank you Mr. Scott. Is there anyone from the public who would like to speak to this Preliminary Plat? Seeing none, I will close it to the public and bring it back to the Commission.
- Anthes: I want to thank the applicant for adding the requested connection to the west to meet our street connectivity requirements and other than that, if you are in agreement with the conditions of approval, I would move for approval of PPL 05-1377.
- Clark: I will second.
- Ostner: Is that motion including the specific determinations included in the first and second conditions?
- Anthes: Yes, per staff's recommendations.
- Shackelford: Tree mitigation, are you anticipating planting trees in this location or paying the fee in lieu? Have you guys thought about that?
- Scott: A combination thereof. We are going to work that out with the Landscape Administrator. We are going to plant some street trees and pay some fees.
- Ostner: Is there further discussion? Could you call the roll please?
- Roll Call:** Upon the completion of roll call the motion to approve PPL 05-1377 was approved by a vote of 9-0-0.

**CUP 05-1364: Childers, 524** was submitted by Barbara Childers for property located at 480 Huntsville Road. The property is zoned RMF-24, Multi Family, 24 units per acre and contains approximately .27 acres. The request is to approve a tandem lot.

Ostner: The next item is CUP 05-1364 for Childers.

Morgan: The subject property is located north of Huntsville Road within the Norwood's Second Addition. Two parcels being parts of Lots 10 and 11 under common ownership combine to create the .27 acres of property located within the RMF-24 zoning district. This property is adjacent to two streets, Kinsor Street and Wood Avenue. However, neither of these streets have been constructed at this time. The property is accessible by way of an alley along the south of the property running east and west between Wood Avenue and Barton Avenue. For a lot to be developed as a single family residence within the RMF-24 zoning district the lot shall have 6,000 sq.ft. of lot area and 60' of lot frontage. This lot, as it is, does not meet this criteria because it does not have any lot frontage on an approved public street. As such, this lot may be approved as a tandem lot defined in the Unified Development Code as a lot which does not have the required frontage on a public street and which is located behind a lot or a portion of a lot, which does have frontage on a public street. Staff is in support of granting a Conditional Use for the development of a tandem lot located on Wood Avenue and Kinsor Street. The result of this action will be that this property will be developed as an additional single family lot within an already existing residential neighborhood. With regard to findings, staff finds that granting the requested Conditional Use will not adversely affect the public interest. It will allow the subject property to be developed in harmony with the adjacent surrounding properties. The amount of traffic and noise proposed with this request will not significantly increase, as it will only allow the addition of one single family home to this neighborhood. This property was platted with the intent for single family use and development. However, streets were not constructed in this area and have limited future development of this property. Access to the property will be provided for the required parking spaces. Two off street parking spaces are required for a sidewalk coordinator has reviewed this request for a Conditional Use and has recommended a fee in lieu of construction of sidewalk in this location due to the lack of existing street frontage. The applicant also will coordinate with the Solid Waste Division for appropriate Solid Waste pick up. Therefore, staff does recommend approval of the Conditional Use subject to a total of eight conditions. The applicant has, at this time, reviewed these conditions and has signed the conditions of approval.

Ostner: Thank you Ms. Morgan. Is the applicant present? If you could introduce yourself and tell us about your project.



Childers: I'm Barbara Childers, I'm the property owner. What I'm proposing to build back there is a 767 sq.ft. log cabin house nestled inside the trees back there to use for rental property. I agree with all of the conditions of the city. I don't know exactly what you want me to say about it. I would just like to have a nice little home back there. I have deer that come back there. I don't want to disturb them. I don't want to cut down anymore trees than I have to. Moving it back further off the road is to accommodate the conditions of having the lot moved back and combining the two lots together I think is an even better idea.

Ostner: Thank you. At this point I will open it up to the public. Would anyone like to speak to this CUP 05-1364? Seeing none, I will close it to the public and bring it back to the Commission. Staff, have you heard from any neighbors in the area?

Morgan: We have responses from three neighbors, two of which are in favor of this request. One of which had several concerns with regard to traffic and has submitted a letter, which is included in your staff report.

Clark: How many home owners are back there?

Morgan: At present there is one home, Ms. Childers' home, located to the south of the lot and there are no homes located to the north.

Clark: How many folks did you notify as immediate property owners?

Morgan: Four.

Clark: Ok, I'm just trying to get it in perspective.

Ostner: My question about the neighbors was going to this neighbor who was worried about traffic. Does staff feel that traffic is going to be a safe situation if the Conditional Use is processed?

Pate: Yes. Our findings indicate that the alley and street sections that we still use today, the alley is essentially for vehicular access. This lot in effect, does not have frontage because the street in front of it has never been connected. For instance, the homes that do front onto Huntsville Avenue all use this alley for access. I believe Solid Waste also utilizes this alley to serve the residents there fronting on Huntsville Road as well. I know from another application that was processed in a nearby vicinity, the Planning Commission did tour through this alley with the bus and it was quite safe in my opinion driving the bus.

Shackelford: I'm a little confused on condition of approval number three, a new access drive shall be paved a minimum 25' in length, is that length or width?

- Morgan: That would be length. We would assure that the width of the private drive to the home would satisfy any emergency vehicle requirements in order to provide emergency service to this area.
- Shackelford: It has to be built from the intersection of the drive to the intersecting right of way. It is rare that we put a minimum length figure in there when we are trying to build a road between two destination points so I was a little confused by that.
- Pate: That is actually part of the findings, part of the requirements for a Conditional Use for a tandem lot so that a standard driveway will be constructed even though it does not have frontage onto a street. That is part of the standard findings within the packet.
- Shackelford: I find everything to be in line with staff's findings. I will make a motion that we approve CUP 05-1364 subject to all stated conditions of approval.
- Allen: Second.
- Ostner: Is there further comment or discussion?
- Anthes: Because we have a lengthy report in here that talks about cars blocking drives and that sort of thing, can you state for the record and for anyone watching, what the recourse people have if that is happening in their drive lanes.
- Pate: I believe part of the recourse has already been taken. No parking signs have been posted in this alley so that traffic trying to move along this alley would not be impeded by parked traffic. The best way would be to call the Police Department to report it if a vehicle was impeding traffic in that location.
- Ostner: Thank you. Is there further discussion? Could you call the roll please?
- Roll Call:** Upon the completion of roll call the motion to approve CUP 05-1364 was approved by a vote of 9-0-0.
- Thomas: The motion carries.

**CUP 05-1369: North Street Church of Christ, pp 362** was submitted by Hight-Jackson Assoc., PA, for property located at Mount Comfort Road, west of I-540. the property is zoned RSF-4, Residential Single Family, four units per acre and contains approximately 16 acres. The request is to approve the use of a church (Use Unit four) in a RSF-4 zoning district.

Ostner: Our next item is another Conditional Use, CUP 05-1369 for the North Street Church of Christ. If we could have the staff report please.

Shackelford: At this point I would like to recuse from this item.

Ostner: Thank you.

Pate: This property is located at 3225 W. Mt. Comfort Road west of I-540. The property is zoned RSF-4, Residential Single Family, four units per acre and contains approximately 16 acres. The applicant is requesting a use which is a Conditional Use, Use Unit Four, Cultural and Recreational Facilities, for a church within the RSF-4 district. As I mentioned, this 16 acre site is located east of the future Salem Road on the Master Street Plan and south of Mt. Comfort Road. The site is situated between Mt. Comfort Road on the north and Hamestring Creek on the south. It is currently occupied by farm land with single family homes along Mt. Comfort Road. The proposed site for this church is actually comprised of two separate tracts under different ownership. The eastern tract, as shown on your site plans, is owned by Middleton, that is about eight acres and was created as a tandem lot in 1988. As such, this tract is restricted to one single family dwelling unit unless combined with another tract with adequate access and street frontage. The applicant has proposed to combine this with another tract that does have frontage on Mt. Comfort Road. This tract of land to the west is approximately 8.15 acres, owned by the Dockery's. Based on staff's research, this tract was created prior to 1985 without city approval. The current property owners also own an adjacent parcel of land with 120' of frontage onto Mt. Comfort Road. Based on city ordinances, if two lots with continuous frontage and single ownership, each do not meet the requirements for lot widths and area, lands involved shall be considered to be an undivided parcel. Part one of staff's conditions for this project is that an additional 20' of frontage be gained for this project to be processed as a Large Scale Development. As I mentioned, the applicant is requesting approval for the use of a church in the RSF-4 district, which does require a Conditional Use Permit. The actual design of the structure has not yet occurred, though a conceptual site plan has been submitted for general review. The applicant is proposing a church, as stated in some of their correspondence and their site plan, to serve approximately 600-800 vehicle at full build out. This program calls for an auditorium, administrative offices, educational classrooms and multi-purpose facilities. Also submitted are anticipated hours of operation, which is a seven day

schedule with evening and morning services as typical of most churches today. Detention is also shown to control storm water runoff from the development and is anticipated. Again, that has not really been designed, it is more for your information as a general area. All parking for this development will be required to be provided on site. The reason I'm going into some more detailed information, is although it is a Conditional Use and we are not actually looking at the development, we do want to ensure for the applicant's benefit that this project could work on the site. As I mentioned, all parking is to be provided on site. As it is currently submitted the amount of use would not be supported by the amount of parking required. Therefore, the amount of use for this particular project will have to be decreased. Access to the site is proposed in two locations on Mt. Comfort Road. Based on the traffic generated from the church two points of ingress and egress that meet city codes are required. These points of access are to be evaluated for site distance, conformance to city specifications, design standards and location at the time of development. Staff is recommending approval of the use of a church in this RSF-4 zoning district. There are a number of findings. I will go over a couple of those for you. As I mentioned, the frontage issue does play a part in this as part of the Large Scale Development there will need to be a minimum 70' of frontage before this project could be processed through our LSD review. Also, offsite street improvements will be necessary on Mt. Comfort Road based on the amount of traffic impact imposed by the use. It is anticipated, depending upon the timing of the development, that staff will recommend typical street improvements to be in the form of an assessment for this development. We are seeing, the street committee currently is working on prioritization of Mt. Comfort Road and Ruppel Road as part of our overall comprehensive street improvement plans and you will likely see many projects along Mt. Comfort be recommending assessments, much as we saw the project before so that a comprehensive plan can be put together and done all at the same time. As I mentioned again, off street parking areas, as proposed in the concept plan, do not currently meet the city's minimum requirement and at the time of development staff will be recommending at this time, approval of the church use with the condition that the amount of square feet proposed be adequately served with appropriate parking as determined by city code. Staff does find that the proposed church is compatible with adjacent residential properties and other properties in the district and will serve the surrounding residential properties. Granting this Conditional Use will not adversely affect the public interest. Surrounding properties are in large part being developed for residential use. The addition of a church in this area will be able to serve and be surrounded by the future population of the surrounding areas. Staff is recommending approval of the requested church use in the RSF-4 zoning district subject to ten conditions of approval. I have gone over some of those. Item number one, Conditional Use approval shall not be construed to guarantee Large Scale

Development approval. This project, of course, will have to come back through the Large Scale Development process. Item five deals with exterior lighting which is always an issue with non-residential development adjacent to residential development. Staff has placed conditions on that to limit excessively bright or glaring light that would be injurious to pedestrians, vehicles or adjacent property owners. Item number eight, a detailed landscape plan shall be provided at the time of Large Scale Development. Staff finds that this being a non-residential use adjacent to residential uses, a buffer is required a minimum of 12' wide surrounding the development to screen access drives, parking areas, detention areas, buildings, etc. There is more information in your packet as well. With that, I'm open for any questions.

Ostner: Thank you Mr. Pate. Is the applicant present? If you could introduce yourself and give us your presentation.

Jackson: My name is Gary Jackson, I'm with Hight-Jackson & Associates, the architects that have been engaged by the church. We have seen the comments for the Planning Commission and I have a couple of items that I would like to address. There are probably 20 some church members in the audience tonight indicating perhaps the urgency and why this request is coming to you as it is. We are asking for the Conditional Use Permit as is presented to you, for the eventual relocation of North Street Church of Christ. This relocation will probably most likely occur in phases beginning with a multi use building and then the additional phases to follow. The anticipated relocation will take several years to occur as you might suspect. The size of the auditorium as in your report, and the staff's report, I'm sure was taken from one of those phase colors indicating 34,000 feet in the auditorium. There will not be nearly that much square footage when it comes through Large Scale Development. There are a lot of auxiliary use spaces around that. The auditorium will seat at the initial phase 600 with probably a mezzanine at this time that would be unfinished, that might seat another 200. The maximum seating capacity for this church would be 800 people in it's final finished out stage. That should require in normal church planning guidelines, we have looked at it both from your city ordinances, and we will comply with your city ordinances, the most restrictive, but that should require somewhere between 350 and 500 parking spaces depending on what that actual square footage turns out to be. We anticipate the actual square footage of the auditorium to be no more than 18,000 to 20,000 sq.ft. It could be as low as 14,000 sq.ft. The design has not been done. The other thing that is of course, of concern to the church is the lot that has been purchased depending on your approval of the Conditional Use has a 50' access and we have heard and listened to the city's requirements of 70'. I don't know the owner's position, they are here tonight, somebody will speak to that if you would like to have them do so. Mark Mahaffey is probably the one

that will address you in that area. Obviously, that does not lend itself for an easy purchase if you are under that kind of requirement going into the negotiations for sale. That concerns us. The third thing that concerns us is the lack of a sign of any kind out on Mt. Comfort Road. We believe that can be handled at a variance hearing at the appropriate time. A small monument sign would be very advantageous for that drive and what we refer to as a flag lot that goes back into the main 16 acres. Other than those concerns we have read the other conditions and will comply with all of those. I will answer any questions that you may have.

Ostner: Thank you. We will probably have some questions in a minute. We are going to open it up to the public at this point. If anyone who is not part of the presentation would like to speak at this time we will hear your comments. Seeing none, I will close it to the public and bring it back to the Commission for questions or comments.

Vaught: The drawing that we have in our packet shows two drives and I just want clarification on exactly what we are looking at. I know our maps have one drive and the drawing that we have is two drives.

Myres: It is an access easement.

Pate: Based on our county assessor maps there is 50' of frontage for the western tract.

Vaught: Which is the 48.6'?

Pate: Correct. To the east they are showing an access easement to access Mt. Comfort as well. This eastern tract was created with an access easement as a tandem lot to allow a single family development, one single family home on this lot. Again, once combined with another tract of land that does have adequate frontage, that requirement is not necessarily so. At that point we are looking at the minimum 70' of frontage. The applicant does have the option to apply for a variance to the Board of Adjustment. At this point staff is recommending that 70' be located with this property given that there are requirements for screening and buffering from adjacent property owners along this drive as well.

Vaught: So you are looking for another 20' in the 50' area?

Pate: That is correct. At this time the home owner to the east there, which I believe the applicant mentioned is here, also owns this western tract with the 50' of frontage. For the purposes of development our code requires us to look at these two tracts as tracts in combination.

- Ostner: Just as a reminder, this is not a Large Scale Development. We are really talking about usage and how it adapts to it.
- Trumbo: Staff, have we had any comments from the neighbors?
- Pate: Our staff did call some of the adjoining neighbors to see if there were any comments, we have not received any. Primarily due to the fact that it was a large use on this property. There was some initial curiosity about what was going on but to my knowledge there has not been any vocal opposition to this project.
- Anthes: I generally feel like a church is well suited in a residential area. The one question I have though is about condition of approval number five, regarding your lighting for the project. That is the thing that tends to create bad neighbors between large uses and large parking areas and adjacent residences. Can you just tell us a little bit about what we can expect to see?
- Jackson: Yes. In recent years we have done St. Joseph's Catholic out on Starr Road and we are very familiar with that ordinance and the down light and the over spill. Our proposal here would follow those guidelines. I believe we will have electrical engineers that will be involved with the project and we will be concerned about spillover and see that that is kept to the very bare minimum. I believe we can meet your ordinance based on our experience with the other project, for sure we were able to meet it there. That was a large concern of the neighbors. To my knowledge I have not heard any complaints that we did not comply.
- Vaught: Staff, condition number ten does not mention anything about a variance being processed. Is a variance available to allow for a small monument sign in the RSF-4?
- Pate: It is not.
- Vaught: Basically, there can be no sign except for wall signage?
- Pate: That is correct. In the RSF-4 district signage is extremely limited and it is essentially a limit of one on site wall sign not to exceed 16 sq.ft. of display surface area that is permitted. Under our current sign ordinance there is not the ability to process a variance through the Board of Sign Appeals or even the Zoning & Development Administrator.
- Vaught: That is my main concern is the ability for people to find this site being it is flagpole site and you can't put signs by the street. I do feel that it is appropriate for the area but this piece of land is a little difficult.

Ostner: Does this Board have the ability to grant that?

Pate: It does not.

Jackson: That concerned me obviously and I may need to be informed. There are some monument signs just east that I believe are in the same zoning. One of them happens to be for a church.

Vaught: It is set up on the street isn't it?

Jackson: Yes, the church does sit there. There is a monument sign in front of that church.

Vaught: I believe it is zoned P-1 correct?

Pate: That is correct.

Vaught: It is not RSF-4 which is a Conditional Use.

Pate: That is our institutional zoning district that does allow for additional signage requirements. A church is allowed by right in the P-1 zoning district.

Ostner: Which would be an option to ask for completely rezoning this piece of property to P-1.

Williams: There is one other option. In the sign ordinance it reads "In districts where signs are not otherwise permitted non-commercial signs are allowed to the same extent as a real estate sign." I think that is where you have a fairly small sign, you could reproduce what you normally see a for sale sign up, we have allowed in our statute for commercial signs not to have any preference over non-commercial signs and of course, a church sign is not commercial. You would be allowed one sign that would be not bigger than a standard real estate sign as stated within the code, which I think is only 8 sq.ft. non-illuminated.

Jackson: This would be a private drive, would a street sign be allowed identifying the name of a private drive?

Ostner: That is a good question for staff. I'm not sure.

Pate: I'm not sure how our 911 Coordinator would address that. Again, this Conditional Use does not limit the signage anymore so than what is currently required by ordinance. I guess if the concern is that with approval of this Conditional Use tonight that it is going to limit anything to a signage by the conditions written here, this is just straight out of our



ordinance books as currently shown. There are a couple of exemptions, most of them are non-permanent. They would include bulletin boards like Mr. Williams noted, real estate area type signs, are things permitted in these types of zoning districts as well. Those are typically not your monument type signs however.

Clark: Why didn't you request rezoning to P-1 where you could have the monument sign? I have no problem with the Conditional Use, I'm prepared to vote for it but it just seems like you are not going to get your monument sign and I don't think you want a sign that looks like the church is for sale sitting out there. A monument sign is definitely what you need so it would seem like a P-1 rezoning would accomplish everything.

Jackson: I think in this particular situation time was the determining factor because there is an option that is fixing to expire and the feeling was at the time that going through the rezoning process would be a more timely matter.

Anthes: We have looked at P-1 zonings and they haven't always been successful because of the other uses that a P-1 zoning would allow.

Jackson: I would not like the signage issue to hang this thing up. We need to move forward.

Vaught: I don't think any of us are necessarily opposed to the Conditional Use, it was more let's get the information out there so you understand what you are getting into.

**MOTION:**

Trumbo: I would like to make a motion that we approve CUP 05-1369.

Anthes: I will second.

Ostner: Is there further discussion? Call the roll please.

**Roll Call:** Upon the completion of roll call the motion to approve CUP 05-1369 was approved by a vote of 8-0-1 with Commissioner Shackelford recusing.

Thomas: The motion carries.

**ANX 05-1365: (WILKINS, 245):** Submitted by MEL MILHOLLAND for property located at THE ADJACENT NORTH BOUNDARY OF CRYSTAL SPRINGS, PHASE I. The property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville.

**RZN 05-1366: (WILKINS, 245):** Submitted by MEL MILHOLLAND for property located at EAST OF SALEM ROAD, NORTH OF CRYSTAL SPRINGS SUBDIVISION. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 10.00 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: Our next item is an annexation request, ANX 05-1365.

Morgan: The subject property contains one ten acre parcel. It is located south of Kinwood Hills Subdivision and north of Crystal Springs Subdivision Phase I, which is located in northwest Fayetteville. At this time the property is currently vacant and located within the Planning Area. The applicant does propose annexation of this property into the City of Fayetteville. Currently this site does have access to Salem Road. It does not have access to public water or sanitary sewer however. The location of this property is approximately 2.7 miles from Fire Station #7 with a seven minute response time. As for police findings, they have found that this annexation will not substantially alter the population density. With regard to our findings, staff finds that the annexation of this property staff finds that the annexation of this property will not create an island of unincorporated property and will not exasperate problems created by the extension of peninsulas. The property does not consist nor define subdivisions nor neighborhoods. However, future plans do include residential development of this property. Development regulations within the city will ensure appropriate development of this property. Annexations are automatically zoned R-A, Residential Agricultural. The property owner has requested rezoning of this property from R-A to RSF-4, which is the next item on the agenda. With regard to findings for rezoning of this property, staff finds that the proposed RSF-4 zoning for a single family residential use is compatible with adjacent and nearby single family residential land use. The General Plan does designate this area for a residential use and the proposed RSF-4 zoning is compatible with this. There is also sufficient infrastructure as well as Master Street Plan streets located in this area to support density of a RSF-4 neighborhood. The Fayetteville Police Department also finds that the zoning of this property will not result in the appreciable increase in the level of traffic danger and congestion in the area. Therefore, staff recommends approval of the requested annexation as well as the rezoning to RSF-4 of this property.

Ostner: Thank you Ms. Morgan. Is the applicant present? If you could please introduce yourself and give us your presentation.

Milholland: Melvin Milholland, Milholland Engineering representing the developers of this site and the owner also. I think staff has covered it very well. This is adjacent to the city limits. This is in the growing area, the northwest part of town and it fits the long range planning of the city there. We respectfully request this Commission to approve the annexation and rezoning both. If you have any questions I will be happy to answer them.

Ostner: At this point I am going to open it up to the audience if anyone would like to speak to the Annexation or Rezoning.

Bailey: My name is Jeff Bailey, I live on Gypsum Drive, which is adjacent to this property. I am representing the Home Owners' Association in Crystal Springs and we are in favor of this annexation.

Ostner: Thank you Mr. Bailey. Is there anymore public comment? If you could please come to the microphone and give us your name.

Orioles: I am the Home Owner's President of Crystal Springs, my name is Kate Orioles, we are in favor of annexation but we would like to maintain a working relationship with the land owner so that we are apprised of everything that is going on. That would be great.

Ostner: Thank you. Is there anymore public comment? I am going to close it to the public and bring it back to the Commission. We have had a presentation on the annexation and rezoning. We are going to vote on them separate. First up is the annexation.

**MOTION:**

Shackelford: I concur with all of staff's comments and am pleased that the property owner's association is also in support of this. I will make a motion that we recommend approval of ANX 05-1365 as stated.

Trumbo: I will second.

Ostner: Is there further discussion?

Clark: I have some questions for staff. In the annexation guideline policies it has stated since I began on the Commission that when you annex you cannot create an island or a peninsula yet I'm being told that extending a peninsula is not a bad thing. We are not exasperating anything. That seems like a qualitative argument. If the peninsula is there we keep building on to it, when does it become a problem?

- Pate: I think it becomes a problem, not to get ahead of myself, but in a situation like in items later tonight when you have a piece of property that is almost entirely surrounded by city property and you are essentially moving through county property to access other parts of the city with emergency service response having problems with those types of situations. We feel because the property to the north is developed as a single family subdivision, the property to the south is developed within the city as a single family subdivision, that this does not create a problem in that regard.
- Clark: So it is just consistency with surrounding developments? I am really struggling with this, I guess I am looking a little further ahead, I'm not struggling so much with this annexation but we have formed an annexation task force that I still haven't seen a report from, do we know when that is coming?
- Ostner: Not yet.
- Clark: I am still asking the same questions I was asking before the task force was formed. Another question about this one, I am noticing that there is no sewer or water that will need to be extended when development occurs. Will capacity for those lift stations still be fine given development?
- O'Neal: Water is adequate in the area. The sewer is just going to be, this development is just north of the main trunk line when it comes through that is going to open up quite a bit of the capacity. Right now in that area I don't believe there is a capacity issue.
- Clark: That satisfies my questions on this annexation.
- Pate: I would like to add to that for your information. The Subdivision Committee will be seeing the Wastewater Treatment Plant Large Scale Development at our next Subdivision Committee meeting this Thursday. It is obviously, in process. I wanted to let everyone know as far as the timing goes on that.
- Anthes: I have a question for staff that pertains to emergency response times and how this piece of property might be served. In looking at this property I'm wondering if it is going to be feasible for us to ask for a connection to Kindrel Drive when it comes through development, would that actually help response times? The reason I'm wondering is if this long sliver doesn't come in and we haven't provided for any connections, there is really only access to Salem Road.

Pate: Just in looking at that, Kindrel Drive is platted as a cul-de-sac there. As part of that lot it would take the property owner here purchasing a part of that property owner's lot to allow a connection to the north. We do anticipate Raven Lane, this applicant has met with the Ward on a number of occasions speaking about projects in this area. Raven Lane, if you look at page 7.10 is a master street plan collector street that would connect north and south in this general area.

Anthes: Thank you.

Vaught: I would like to make a comment on the annexation taskforce. I believe they have submitted a report to City Council and the ball is in their court. I believe this is an area that they targeted for annexation on the taskforce if I'm not mistaken.

Ostner: Thank you. Is there further discussion? We have a motion and a second. Would you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to recommend approval of ANX 05-1365 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries.

Ostner: The next item is RZN 05-1366, the tandem item. We have already heard the presentation from staff. Would the applicant like to add anything for the rezoning part of his presentation?

Milholland: I'm just here for questions.

Ostner: I will open it up to the public again if anyone would like to speak to the rezoning we can hear you now. Seeing none, I will close it and bring it back to the Commission.

Shackelford: As stated earlier, with the proposed annexation that comes in as R-A, obviously, in my opinion and staff's, RSF-4 is much more in line with the other development in this area so I will go ahead and make a motion that we recommend RZN 05-1366 for RSF-4 on this property.

Myres: Second.

Ostner: There is a motion and a second. Is there further discussion? Could you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1366 to the City Council was approved by a vote of 9-0-0.

**ANX 05-1370: (HALL, 644,645,684):** Submitted by MEL MILHOLLAND for property located at 2577,2216,2844,2822 DEADHORSE MTN. ROAD. The property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

Ostner: Our next item is ANX 05-1370 for Hall. If we could have the staff report please.

Pate: There were a couple of handouts, one was passed out by the applicant, staff has not had time to review what that is. The other is a graphic that the Planning Commission asked for, hopefully it has most of the information of the request here tonight. The next three items are kind of in concert. We are obviously dealing with each one individually. One is an annexation request and two are rezoning requests. One of which, is part of the land up for annexation and part of which is already zoned R-A to the east. This property is located on several addresses on Dead Horse Mountain Road. The property is currently in the Planning Area and contains 235.38 acres. West of the property is the West Fork of the White River. That basically comprises the annexation boundary to the west. It is southwest of Goff Farm Road. The property is almost completely bordered by property that is already within the city limits based on some rough calculations, approximately 78% to 80% of the property is entirely surrounded by city limits currently. The only exception being the south boundary that is adjacent to the Planning Area about 1,450'. The 235 acres consists of four tracts owned by separate individuals. The attached Exhibit "A" on page 9.18 was prepared by the applicant in an Order signed by Judge Hunton best represents the tracts in question, as well as this graphic, which I did pass out which references each one of these tracts A through M, all of which are under discussion tonight. The property is currently agricultural in nature with several single family homes located. Surrounding property is zoned R-A, Residential Agricultural, with the exception of the property to the west which is zoned I-2, that is the Industrial Park. There is a portion of that Industrial Park area which is zoned R-A as well, that is the Combs Park area. As you are well aware, the subject request for annexation is very unique and has been the point of discussion for staff and the applicant since early 2004. Initially, the applicant approached staff regarding a proposal for a much smaller tract, that which is to be developed in the future. Staff advised the applicant on more than one occasion to approach the remaining land owners within this almost surrounded area in the county in order to bring the entire area into the city limits at one time. This would thereby create a more reasonable city limits boundary in this location. The applicant subsequently did approach many of the land owners with offers to petition and request to annex the property. Several of the land owners have joined this petition to annex. However, unfortunately, all were not willing to do so at this time. As a result, the request to annex the subject property will create two

islands of country property that are completely surrounded by the Fayetteville City Limits. I have identified these two islands as the west island and the east island. The west island is a remnant tract of property whose ownership, unless Mr. Milholland has new information, ownership is relatively unknown. The last origination goes back to a patent issued by President Martin Van Buren in 1838 and future assigns or heirs we have not been able to locate at this time. That is the portion of property located here, most of which is in the floodway of the West Fork of the White River. The east island is made up of nine separate parcels, most of which are occupied and lived upon. Several of the owners of these parcels were willing to join the petition, however, based on state law I believe Judge Hunton ruled that several of these could not join this particular petition. It is within this island that at least two property owners were approached and who would not join the petition. It is staff's intent to follow through with the city's adopted policy of annexing islands in this process, much as all of the other islands were annexed into the city this past summer. Staff does not intend to establish a pattern of recommendations to annex islands as stated in the adopted Annexation Policy. However, the subject request does present a unique situation that we find pertinent and real in relationship to the findings within the staff report. With regard to those annexation guiding policies by which we recommend or do not recommend annexation requests, staff finds that, of course, as I mentioned, the requested annexation will create two islands of unincorporated property. The property is almost completely surrounded by city limits. Public service providers and emergency personnel are currently required to access portions of the city by traveling through the county in this area, much as was the case with several of the islands that were in the city previously. As I mentioned, not all property owners were willing to annex voluntarily at this time. Though the applicant did prepare surveys for all of the parcels in question and approached the land owners on multiple occasions. The proposed annexation area is adjacent to the city limits along the north, south, east and west boundaries. The request does not extend the city limit boundary any further south than the current limits already do reach. This area does not divide neighborhoods. The property follows the river to the west and incorporates primarily agricultural and undeveloped land. Current conditions result in a response time of approximately seven minutes for fire protection from the existing Fire Station #5 and the future potential Fire Station #3 on Huntsville Road. The property does have access to water along Dead Horse Mountain Road. It does not have access to sewer at this time. Sewer would need to be extended to serve the development on this property if it is within the city limits annexed. Obviously, floodplain and floodway are associated with the West Fork of the White River located along the western boundary of this property. This environmentally sensitive area would be best protected by city's ordinances in staff's opinion, which is only required if this property is annexed. Development may not occur in the floodway.

Therefore, it is our finding that the maximum potential development could not occur on this property were it to be rezoned all RSF-4 for instance. Staff is recommending this annexation request. At the time that the owner desires to subdivide the property there will be obviously, submittals required for review for proposed subdivisions. This would include assessments potentially for the current bridge on Dead Horse Mountain Road that is in disrepair and a proportionate assessment would be made of this developer. An assessment area has been identified and maps have been created and located within the Planning Division identifying areas potentially, like we saw earlier this evening, Ruppel Road bridges for potential impact to that area. The access to this property is either to the north through Dead Horse Mountain Road that accesses directly to Hwy. 16 or to the south as we traveled on the agenda tour last Thursday, you could go south out into the county and then back into the city through the industrial park area. Adjoining neighbors have been identified of the annexation request on many different occasions including legal ads and display ads submitted with local newspapers prior to Planning Commission. Staff's finding is that the annexation of this property ultimately will create a much more acceptable boundary for the City of Fayetteville allowing for an area almost completely surrounded by incorporated city limits to become part of the city. Again, the request does not extend the city limit boundary further south than the current limits already do reach.

Ostner: Thank you Mr. Pate. At this point, would the applicant like to make a presentation? If you could please introduce yourself.

Milholland: I am Melvin Milholland with Milholland Engineering representing the applicant. As Jeremy stated and provided plenty of documents, we have been working on this project, city staff and my clients and several people with the neighbors, for about nine or ten months since we started. We tried to have the best advice we could get to make this properly for everyone. He stated that my client spent 2 ½ to 3 ½ months working with the people in the neighborhood to make this annexation a uniform one. We also talked to Kit Williams, the City Attorney, several times on some of the issues that are listed in your report. We feel like this is a great addition to the City of Fayetteville. It actually lays just to the west of Stone Bridge Golf Course. It is a good area for a neighborhood to develop and people to live close to town. It is a major highway, it is a beautiful site. We respectfully request that you annex this in and rezone it. If you have any questions, I will be happy to answer them.

Ostner: Thank you Mr. Milholland. At this point I would like to open it up to the public. If anyone would like to speak to this issue please come forward, introduce yourself. We try to get people to sign in.



Smith: My name is Tim Smith, this is my wife Elizabeth Smith. Just for a matter of record, she was only contacted one time in regard to the annexation. There is a great concern, our property is a part of this whole area and she has only been talked to once. We live at 2640, it would be northeast of the property right there at the curve as Dead Horse curves. This has not been an on going conversation with the people in the actual area. Her concern is the property she is on because she is not in favor of annexation.

Smith, E.: My name is Elizabeth Smith, I'm a property owner at 2640 Dead Horse Mountain Road across from the area that they plan to subdivide. My concern is the traffic and the noise in the area, what it is going to do to that and what is going to happen to those of us that will be an island and not annexed in.

Ostner: Thank you. We will try to address those comments. Is there any further public comment?

Baltz: My name is Carol Baltz, we are in the island. Probably the reason we are in the island is we couldn't get any answers. You have asked more questions here tonight and got answers to them than we did. We asked what are you going to build on the property, how are you going to handle the traffic, if you go out there between 6:00 and 8:30 in the morning you can't get on the beautiful Huntsville Road from Dead Horse Mountain Road or Stonebridge Road. It needs a stop light there more than we need to be annexed in. I dearly love Jeannie Hall and I understand what she is doing. We are neither for nor against but we would like to have some questions answered. We were called and we were tried to be intimidated. We asked questions and got answers like "We don't know." We want answers just like you want answers. I'm neither for nor against. I don't want to be an island. I would like to have sewage. I asked will we get some services? They said "I don't know." When you can tell me then it is ok but we just asked questions that we got no answers to and just like the lady behind me, we were more cohered than we were talked to and tried to be encouraged and shown the good and the bad. I would like to be in the city, I would like to be a part of you because I would like to make some decisions. Thank you.

Rogers-Verser: I'm Deborah Rogers-Verser and I don't think anyone has been in the valley longer than me except for the Halls. I am not opposed to Jeannie selling her land. I'm not opposed to that part of the valley being annexed into the city. What I'm opposed to is that there are others of us in that area, and I haven't been talked to either. I am south and east of Jeannie Hall and I am bordering Dash-Goff. I have on the north side of me the golf course inching in closer and closer and now I have 10 or 15 acres on the corner south of the Halls that may be on the next agenda, it is between the two "S" curves. Our concern is after 50 years you are looking

across this beautiful valley and it is no more. My concern is that the farm across from us, the Oliver's farm, they are unable to physically get here because he can't go without a walker and his wife is not in real good health. Their daughter is here but they are the property owners. We don't want to be in the city. We want to stay in the country. We want to stay in the county. We have a lot of land, we have a lot of taxes and we would have a great tax increase if we were annexed into the city. That is not on the agenda tonight but the concern is that it might be soon. My concern also is that when people come before you and say they have talked to the neighbors, I feel misrepresented, because no one has come to us and asked us how we felt about it except the Halls. That has nothing to do with us if she wants to sell her land. That is fine, I understand that. If they want to annex that land into the city that is fine, that doesn't concern me. What does concern me is that we are being pushed and pushed and pushed. My eighty acres that sits on the little rocky hill across from the 100+ acres that belongs to the Olivers is gradually being threatened. We are concerned at what point do we have a say so anymore. We don't want to be annexed into the city. That's my concern.

Hall:

Hello, my name is Jerry Hall. I have lived on the farm there for 48 years. To me this is just another example of excellent agricultural land being lost to urban sprawl. In more progressive cities such as Portland, Oregon and Boulder, Colorado, there are urban growth boundaries with some sort of limits to the sprawl. Developers have more incentive to infill and revitalize on the interior of the city. This need has been addressed recently by the Downtown Master Plan, which I was involved with a little bit. With no limits to Large Scale Developments in rural areas resources are constantly being sucked into new growth areas trying to build new infrastructure to catch up with the sprawl. Problems with Large Scale Development at Dead Horse Meadows is the access, there are a number of problems, the north slope of Dead Horse Mountain is steep and that is the main access to Hwy. 16 East. When it snows or ices it is very treacherous. Two of my kids totaled their cars on that slope last winter. The bridge, which has already been mentioned, needs to be rebuilt. All of the road there has no shoulders and people are constantly sliding off into the ditches and sometimes miss the bridge all together and go into the river. I've driven by there and seen the back end of a car sticking up out of the river. The alternate accesses are through two residential neighborhoods so if anything is ever done to that road or that bridge everybody is going to be driving through River Meadows and Roberts Road. The other way through the industrial park is about a three mile detour. Already at Hwy. 16 East there is a major bottle neck with the intersection. Actually, people back up there for about a mile every morning. I have to take kids to school every morning and the only way I get on the highway is somebody lets me into the line. It backs up for people trying to get into that intersection on Hwy. 265 and it jams up from on past where I get on at

Stone Bridge Road all the way to Hwy. 71B. I see more subdivisions being built all the time out in that area that aren't finished yet. If this all goes through and there is a Large Scale Development on our farm then that is going to be more traffic to be dealt with. Along with the agricultural land that will be lost to development there. There are a lot of wetland areas and wildlife areas. There is a herd of deer, there is a beaver colony, ducks, geese, lots of different kinds of fish. There is a swamp area on the farm that has spring peepers, like so many, you can hear them from about a half mile away in the spring and summer time. I am assuming all of this is to be filled in and covered over, obliterated, for a subdivision. There are three springs on the farm and many seep spring areas along a spring line that parallels the river. There is also issues about this area has a lot of archaeological significance. We find artifacts in our gardens and things that I have dated back to 5000 b.c., grinding stones, hoes, stone tools. In more historic times, there was a main road that crossed there in the times before there was any bridges. You can still see where it went down by the river. My great grandmother told me there was a boarding house down there. Nobody has ever checked into these things or it has never been brought to the attention of any agencies. The history of the area must be recorded and the historic sites mapped before any changes are authorized. The wetlands must be delineated and plans for it's protection must be made before anything is built. My daughter made a point, there is already a River Meadows and not all of the houses are even sold. People pollute the river thinking it is their dumpster and it won't have the beautiful color of water that it has now. All of the people will fish in the pond and all of the fish will be gone. I put some pictures on a website, can I pass out the web address for the website?

Ostner: Sure. Is there further public comment?

Hall: Thank you Jerry Gene. I'm Jeannie Hall, I own the large portion of the land that we are talking about tonight. My family, of course, at least a part of them, as well as myself, are concerned and feel sad and what have you as far as moving ahead into the future but I am for annexation into the city.

Ostner: Are you part of the petitioner tonight? This is your property?

Hall: This property, the main part of it is mine, yes.

Ostner: Ok, if you could just hold on. We are trying to hear from people who aren't petitioners.

Hall: Who oppose?

Ostner: They might not. Just not you. We will get to you.

Hall: I'm for it.

Ostner: I promise we will get right to you if you will just hold on. You are going to have the floor in a minute. If anyone else from the public would like to speak.

Erf: Good evening, my name is Jeff Erf, I live at 2711 Woodcliff Road. I just wanted to make a couple of points. I frequently ride my bicycle in that valley on Dead Horse Mountain Road and so I have some attachment to it. It is sad to me to see that whole area begin to be developed because it is a nice rural character and the city is losing that at a great pace. That is too bad. Riding my bicycle, I notice that before and after the bridge there is a sign that says Road Closed when Under Water. I don't know if you are aware of it or not. Jeremy Pate mentioned something earlier about the bridge. There have been some issues previously with that bridge and with the road. This may not be the appropriate time to bring it up but I would strongly encourage you all, I guess maybe it is going to be at the Subdivision Committee level, or a Preliminary Plat I guess comes before you, cost sharing make sure that you put aside some money from the developer to pay for improvements to that bridge and road if necessary. Just one statement that Police Department had some comments on the project. This annexation will increase our response time to calls for service because this property is on the outer fringe of our current service area. I think that is a nice way of calling the project sprawl. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response. That is an issue. The city, I think, a lot of times ends up subsidizing a lot of this kind of development on the outskirts of town and it would be nice to make the developers pay for some of it. I have a little bit of concern about the islands that are being created, although they may or may not be significant. Last July or June the City Council may have had some public hearings and they annexed a bunch of islands at that time. I am not sure how this all fits in with the annexation task force but it would be nice to see a review of how it compares to the report. I guess City Council has it. I guess that is all that I have to say. Thank you very much.

Ostner: Thank you Mr. Erf.

Smith: Tim Smith again, I wanted to make very clear that I have no issue with the private property owner's rights, that individual's rights to sell that property. Our main concern is annexation into the city. If she wants to sell as a county property and subdivide it and so on and so forth, that is fine. We are very concerned about county property. What she wants to do with her land, that is her private property, that is her business. Thank you.

Leach: Robert Leach, I live directly across from 2577, my mother owns the property. We are against the annexation. Her right is her right and everything that Jerry Hall said about the bridge that has been under water three times in three and a half years. The roads, heavy equipment will not work. It does take 15 minutes to get out on the highway, that is only if somebody lets you out. That is between 6:00 in the morning and 8:30 in the morning, and I have even been stuck for 15 minutes during church time. We are against it.

Ostner: Thank you Mr. Leach. Is there any further public comment? At this point I am going to close it to the public and bring it back to the Commission. If the applicant would like to speak you are free to now. Thank you for waiting.

Hall: Thank you very much. As I was saying a while ago, the main part of this property belongs to me as far as the Hall's property. I understand my son's concerns. Mine are likewise. But I also feel like it would be nice to see Southeast Fayetteville enhanced, developed, a lot of things to be done there, and this could be an opening for that as far as this particular area. I know there would be traffic problems as we have everywhere nearly within this city. I also know that the bridge will have to be at some time or other dealt with. I feel like that also is something that will fall into place. As far as I'm concerned, I'm for annexation and I am asking that you consider it very seriously. Thank you very much.

Milholland: Mr. Chairman and Commissioners, I heard some statements of concern from several and I would like to say a couple of things. Number one, there is not anyone in the annexation route that we were dealing with that had 80 acres. I don't know where that 80 acres is unless it is on down south of this property. We didn't try to contact them. It wasn't planned to do that. The only ones that we were trying to plan to contact were the ones that were immediately across the street from Ms. Hall's property. I think there are about eight or nine tracts in there or something like that. We are very familiar, my client and I and the applicant, are very familiar with the things that were brought up. Sewer and water extension or improvements, is always something that you have to contend with at the Preliminary Plat stage and design stage. We understand that. We have already addressed it. From our standpoint as engineers we know we can handle that. We have talked to the city on some of that. Also, we always, usually every time you have a Preliminary Plat come through that is not a Preliminary Plat we have to address the issues of traffic and we feel that the expansion and infrastructure and so forth. In the case of this bridge, we understand that it is there and we understand that we will be addressing it during the Preliminary Plat review. The one thing about it as far as access onto Hwy. 16, it is just like Hwy. 62 was towards Farmington at one time. Hwy. 16 West, which at one time was much worse and Hwy. 265 going north. But

if you don't have a demand money will not be spent nor appropriated for such improvements. This should be a plus as far as some assistance at some time in the near future to help that bridge be improved. I hope the neighborhood understands that. It has been sitting there for a long time with nothing done to it, even with the golf course there. This should help bring about a thought process on how to handle that situation. I appreciate your time. Thank you.

Allen: I had a question of staff. Since this annexation would create islands and the policy of the City of Fayetteville is not to create islands. I wish you could explain, I guess I'm just not clear on what set of circumstances makes this situation unique enough to go against our own policy.

Pate: Page 9.9 in your staff report includes items 11.6(a) through (t) which are all annexation guiding policies. We take all of these into consideration and make findings based on all of those guiding policies that are set forth in our General Plan 2020. The General Plan 2020 will be revised this year. It is time to update that and we anticipate some of these policies probably will change based on what we have seen and heard from both the Planning Commission and the City Council in the last few years. In which direction, I'm not sure what that will go if we will get more details with regard to what policies we look for. This is what staff works off of in looking at any annexation request. As you mentioned, Item A, annex existing islands and peninsulas and do not annex areas that would create an island or a peninsula. As you know, staff put a whole bunch of work and time into getting rid of all of the islands that the city has created in past decisions. Mr. Williams, I don't if you remember, I believe there were thirteen islands that were annexed this last year as part of that request.

Williams: There were four separate ordinances and many, many separate parcels as you remember.

Pate: That is not a situation that we would ever like to get into again. That was over a long period of time. As I mentioned, our first reaction was to the applicant, No. Go back to all of the other property owners that are within this area and contact them and try to get them into the annexation request as well. We find that fulfilling that goal of annexing this overall 80% surrounded by city property is within the best interest of the city. Again, the city does travel outside of the city limits to access other properties that are within the city limits, much like the islands. One of which is under consideration tonight, the R-A piece. The property directly adjacent to this is developing as you know with the Preliminary Plats that you have seen with the Stone Bridge Meadows Golf Course. The golf course is very near to this area. The west island is something that property ownership is very difficult to determine at this time and by law, this applicant could not

request for that to even be annexed. The eastern ones are trickier, as I mentioned at agenda session. There are individual property owners, we know those property owners. It was unfortunate to hear that at least one of the applicants had only been contacted once, that was unfortunate to hear tonight, but I know that this applicant has been working, has come back to us on several different occasions, provided us with surveys of those properties and petitions to annex for each one of these to attempt to get them all into the City of Fayetteville. We feel that this area should be within the City of Fayetteville limits. Again, it does not extend those limits any further south than the City of Fayetteville limits already go and Ms. Allen, I entirely agree, it is not a situation that we will set a precedent. Staff's recommendation will not be to create islands like this in the future. I think that there has been significant effort however, on the part of this property owner and other property owners, at least two others that we are aware of, to not create that island and we find at this time that circumstances are unique and that we are willing to support that.

Allen: I guess I wonder if significant effort means that that exception should be made. Just because the significant effort was made. I still am not real clear, I'm sorry to be slow about this, but I'm not clear why this is an exception, why it is alright to make an island here and not there.

Pate: In most cases when staff is approached with a request that would create an island we have the same exact response. You need to incorporate that other property that is between you and the city for instance. In most cases those are successful. In all cases actually, that I've dealt with, we've been successful. This is the first island in the two years that I've been here that I'm aware that the city has created. I am not sure how long before that that there was another. Again, we go off of these policies as a guide book. I don't think any one of these is the essential most important one. It is obviously stressed because they do create areas and pockets that you would pass through. City services could not respond to that area. County services potentially would and there is that question. That is why our intent is to follow this up with a request to go to the City Council for these islands to be annexed subsequent to this property should it be annexed by the City Council.

Allen: Thank you Jeremy. I will relinquish the floor to other people who have questions.

Clark: Why wasn't this annexed with the islands? It has city on three sides.

Pate: The 1,500 feet is the factor that would not allow it to be annexed with the islands. It technically has to be completely surrounded to become an island. That is staff's findings, this very much functions like an island, it

just has 1,500 feet or so between the river and the property that is not within the city limits and therefore, would not qualify for that island.

Clark: How many families are we talking about who do not want to be annexed into the city?

Pate: I believe the applicant would be better versed in answering that question.

Milholland: I think including Ms. Hall there was nine. The others across, you should have a map with those, one of them that wanted to come in could not come in because the state law requires you to be adjacent to the existing city limits to be annexed in. After this goes through we will go back and bring them in. I understand that there is another owner that has said that they would like to come in also so there is thirteen and some of those parcels are owned by the same person. My client could probably tell you more about it. H and I are owned by the same person and J and K are by the same person. That is where some of that is at. I know that we did a petition, researched all of the title documents along with Mr. McDonald and another firm that made efforts to cover and talk to each one of these folks. A lot of them signed the petition. We did a petition first at the recommendation of the city to try to get others to come in. We weren't really trying to bring in all of Ms. Hall's property in. We were just going to bring in the part that he wanted to develop, which would have left rural land all the way around the property we are developing, it would not have left the islands technically. Staff recommended that we try to talk to these folks and see how many would come in since it is kind of a bottle neck that everybody is in. That is what we did and spent several months trying that. Those that were not contacted, there was definitely an effort made to contact them. I know that personally. Mr. McDonald is here and Ms. Hall and I'm sure that they can speak to the same. I am sorry that the other gentleman is not here that worked on this. I hope that answered your question. There was a lot of effort that went into it. Nobody had 80 acres that we contacted, so they must be on down south because they weren't part of this unique where it is a bottle neck there that they are boxed in.

Vaught: When I look at this there are a few things. First, these are guiding policies they are not ordinances and I think we have to look at them in total not one specific item to kill the annexation. One of the main things to me is the fact that we are not extending the line south and are kind of flattening the line off for the city. I think that is something important. The city is already servicing small sections south and parallel with this property, the other, which goes to a number of concerns that we have heard over environmental concerns. Currently the land is in the county and a number of these areas with these unique features, I feel that that would be better served for that to be in the city. That is in the staff report as well. We have much more stringent guidelines, grading ordinances and rules on



where you can build and where you can't build because there is a lot more review process. I do think that that would aid in protecting some of those areas that are sensitive. Of course I have concerns about Dead Horse Mountain Road and those are all things that we will look at down the line with the subdivision. Not just adjacent to this property but on north of this property with the bridge and also the Hwy. 16 intersection, which are all items that we will address in the future.

Pate: If I may respond to at least a couple of concerns that I wrote down. Mr. Vaught is correct, if this were developed, and we anticipate it would be whether it was in the city or not, it would be by septic along side this river. We would be looking at either a treatment package type plant or an individual septic system type of system. That is a big concern both environmentally and with regard to development should this in the future in ten years or fifteen years become a part of the city as annexed then there is the problem with, as we have seen in the past, properties that are on septic systems that are directly adjacent to sewer systems. Floodway and environmentally sensitive lands to the west, part of that developed property could not be developed because it is within the floodway of the river there. Then the areas that are within the floodplain are best regulated, or at least our ordinances are enforced within the city, through the city's ordinances. Outside in the county we have very little with regard to regulations for that area. As Mr. Erf mentioned, staff feels it is very important for the applicant to know that assessments and/or road improvements to Dead Horse Mountain Road and the bridge there will be forthcoming with any development on this subject property. To go back to something Mr. Milholland spoke to, with regard to the original application. There was originally, not a formal application, but the applicant did approach staff with a parcel of land that is not located within any of the legal descriptions here now that would not create islands. It would essentially be a portion of the omitted of this overall area that would not create any of the islands that we have been speaking of that I'm aware of tonight. We felt that getting more of this property within the city limits and not having this part of Section 26, just leaving that out because it is not developable, that would be a situation where if it weren't an island and it is never going to be developed, it is not likely going to come within the city limits. We felt it was more important to have those lands annexed whether they are going to be developed or not. That is part of impotence Ms. Allen was speaking of. When we came about with the original request we felt it was more important to get to a place where staff was more comfortable recommending this application as opposed to creating a legal description that would be developed but that would really not solve any problems that we have in this area.

Graves: I would add that this was also an area that the annexation task force looked at and requested be annexed into the city in their report. For a number of

reasons, because it is an area that is being developed and because it is in the general vicinity of where the new treatment plant will be and for the reason that Mr. Pate already stated, that we have emergency services that are crossing out of the city into the county and back into the city in order to service this area already and we are providing services in that area. For that reason, this is an area that we felt should be annexed.

Shackelford: I am going to concur with what Commissioner Graves and Commissioner Vaught have said. I too served on the annexation subcommittee and this is an area that we looked at. Quite honestly, this was just a technicality away in my opinion from being included in what the City Council did last year. I think that it makes a lot of sense given the expansion. There is no expansion of the city limits outside of where the boundaries already are and the fact that this property is already 80% surrounded by city limits for this annexation to go through. I understand the concerns and complaints. This is the same type of growth pains that we have had on Hwy. 265, Hwy. 45, Hwy. 16 and all of the other directions that the city has grown. A lot of that growth has been in the six years that I've been on this Commission. I can say for sure, that this development although it seems difficult at this time, will lead to infrastructure improvement that needs to happen in this location. A prime example is there was very little road to Ruppel Road and Salem Road and those areas when I started on this Commission but obviously, we are all pretty proud of the development that has happened in that area out there to this point. With all of that being said, with the fact that staff I feel has made their point, I understand the concerns about the overall guidelines and not creating islands, the island to the west is somewhat of a technicality. The island to the east is a concern but this property in my opinion is going to develop. As somebody who has built and lived in these boundary areas on basically all sides of these growth areas, I concur that the development options for this property to develop within the city limits are much nicer than the options for county development given the environmental concerns of the property, given the location of the property. There were many areas, just in the boundary areas, that we have seen development on county property that has enraged local home owners for development that wouldn't be allowed there if it was within the city limits. I think it makes a lot of sense. I quite honestly, would have liked to have seen this peninsula addressed a year ago but I understand why it wasn't and think we have an opportunity to do so now. I am going to go ahead and put on the floor a motion that we recommend approval of ANX 05-1370 based on all of staff's comments.

Vaught: I will second. I have one question. This graphic that was just handed to us, tract M is included in the annexation, is that correct? It is on our maps.

Pate: That is correct.

Anthes: I was trying to reconcile the graphics on page 9.31 of our staff report with the graphics that we were handed. I just wanted to be clear that we are looking at tracts A, C, D, and M for annexation and we are omitting B and E through L, that is the island, is that true?

Pate: That is correct. Officially on page 9.18 is the map that is referenced by the Order from Judge Hunton which includes A, C, D and M and excludes all others that are lettered there.

Anthes: A second question is that we do have a direction within our General Plan 2020 to annex environmentally sensitive areas. I'm looking at the map 9.30 that indicates floodplain, floodway and river. That seems to be, the portion of land that is shaded as Section 26, is that true?

Pate: If you reference page 9.30, these maps we don't have digitally unfortunately. We don't have that detailed survey information. This is a map that has been superimposed on our parcel maps here. The river there is noted as a floodway, which is part of Parcel 26 in the floodplain of course. Probably the following item number, that is the best way to reference that. The subject property on page 10.15 shows the same map with a little bit different delineation showing the next request, which is a rezoning of the property. Essentially, west of that line would be floodway, some floodplain and the river.

Anthes: I guess my question is, and I might be getting ahead into the rezoning portion of this request, but they are sort of together in my mind. It looks like they are requesting annexation in Section 26 and 25 but only the rezoning to RSF-4 in Section 25.

Pate: That is correct.

Anthes: Because a substantial amount of this property is in floodway, which is undevelopable, and floodplain which is environmentally sensitive. I am wondering if Tract A was drawn in such a way that it doesn't take into account the characteristics of the entire property and as a convenient way to get higher density in that area and not deal with the sensitivity of the other piece of the property. To me it looks like this is one parcel. I am confused. If we were looking at 25 and 26, which I guess is A and M and we were looking at development rights on that property and we are looking at rezoning, a large portion of that property would be unable to be developed to an RSF-4 so we would maybe be looking at a different zoning designation that would be appropriate for this entire piece of property. When I am looking at just looking at A as if it is somehow not part of it then we are allowing a higher amount of density to be built on that. I don't understand how that split is occurring because I don't believe that split occurs in the land.

- Pate: I think you are entirely right. The rezoning request is based on a legal description as defined in likely a deed that follows the section lines. The overall annexation request, should this entire 235 acres be under request for rezoning as well, would obviously, with RSF-4 yield many more units although if you take out the floodplain and floodway, it would probably reduce some of those units. The request right now is to leave that Section 26 as R-A, Section M as R-A and only Tract A be rezoned to RSF-4 so that would be the only potential really for that type of development. If we are looking at a subdivision we would only look at the legal description that has been created there. Density numbers will be on the Section A that is within Section 25 as opposed to the entire 235 acres. Is that where you are going? I'm not sure if I answered your question.
- Anthes: It does. It also makes me question the rezoning request and that's because I'm looking at development pressure and compatibility with surrounding uses and that sliver of A being a much higher density than the adjoining parcel seems to be problematic to me. While I agree that we, as a city, would like to check development in the environmentally sensitive area and that we do have sort of a strange boundary to our city limits, therefore, I'm inclined to support the annexation. I'm having a real problem with the rezoning request to that density.
- Vaught: On R-2, what's the minimum lot size? We have RSF-4 and then RSF-2.
- Pate: RSF-2 requires a 100' lot width minimum, 21,780 sq.ft. of lot area minimum.
- Vaught: It requires basically, just under half acre lots?
- Pate: That is correct.
- Vaught: Typically when you calculate zoning, even though it is at a lower zoning, you could do the whole site as RSF-2 with a lower density. We have honestly never seen a proposal come through with anything other than RSF-4, that is why I was asking. Typically you could still load all of your density on ½ of your project. Density is calculated for the whole site though.
- Ostner: It is the lot size.
- Vaught: We have never seen that.
- Clark: What we are making is just a recommendation to the Council so this is going to the Council regardless. I am troubled by this annexation. Although, on one hand I see the benefits of bringing land into the city to

be rezoned and follow city zoning as it is developed as being a good thing, I am troubled by the fact that we are violating our own guidelines. Yes, I know they are only guidelines but since April I've been told we do not want islands, we do not want peninsulas. As a matter of fact, we just took care of all of the islands with a great assurance we wouldn't face this issue again. Now we are creating this issue and I realize that the word unique is a very interesting word and it means a lot of different things to a lot of different people. I am going to vote against this annexation for the simple reason that I want the City Council to make a policy. I want them to make a choice. If they decide to do it that is great. It is their policy making prerogative and that is their duty. I feel like if I vote for this annexation I am violating a policy that says you don't create islands and you don't create peninsulas, although exasperating peninsulas is a fine thing. I don't understand that either. I will be voting against this annexation and I hope that the Council will at least discuss the policies of the guidelines and when we are redoing the 2020 Plan, maybe you could give us more clear guidelines to lead us as we face the annexation. I also would encourage the Council to look at the annexation task force report and make some recommendations on it. If we are going to annex to our boundaries great, we know that and we can proceed accordingly. I don't know that that is a good thing or if that is a bad thing, we haven't discussed it, but I think that it is time that we do and get some clear cut leadership and guidance. For that reason, I'm going to respectfully vote against this annexation simply because I think it violates our procedures and I'm not buying into the use of the word "unique" on this one.

Ostner: Thank you Commissioner Clark. Is there further discussion?

Graves: I would just add that with respect to the guidelines the reason that those are not ordinances and are guidelines, is to be flexible. That has been stated time and again in these discussions about annexation. I would also point out that if you review each of these guiding policies I believe every one of them are met with the exception of A. With respect to A, it says that we are to annex existing peninsulas, which is what this is.

Ostner: Thank you Mr. Graves.

Myres: I call the question.

Ostner: I will second. Call the roll please.

**Roll Call:** Upon the completion of roll call the motion to recommend approval of ANX 05-1370 was approved by a vote of 7-2-0 with Commissioners Allen and Clark voting no.

Thomas: The motion carries.

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**RZN 05-1371: (HALL, 645,684):** Submitted by MEL MILHOLLAND for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item on our agenda is RZN 05-1371, the tandem request.

Pate: As I mentioned, this request is in tandem with the annexation request. It contains approximately 125.5 acres of the preceding annexation request. It is probably best visualized on page 10.16 and the maps that staff has created for you. It is a rectangular piece that fronts onto Dead Horse Mountain Road currently. The property to the north is zoned R-A and to the east is also R-A as well as properties within the county. Zoning districts within this one mile radius, one mile from this property, include I-2, the industrial park, R-A and RSF-4 as well as land in the planning area to the south. The property is currently agricultural in nature as I mentioned with a few existing single family homes. Nearby development, just to the northeast and east include the Stone Bridge Meadows subdivision and golf course and the city's industrial park across the river to the west. The applicant, staff anticipates, intends to develop this property for single family residential use. The applicant, therefore, is requesting that the property be rezoned from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre as noted. The RSF-4 allows for a range of residential density from zero to four units per acre and a development pattern that is compatible with much of the residential development within the City of Fayetteville. Staff is recommending approval of this rezoning request. We feel that future changes or additional development on this site will be best regulated by the city allowing for a uniform and consistent development pattern. As I mentioned, currently the site does have access to Dead Horse Mountain Road, which is a minor arterial. That street will need to be improved with any future development. Additionally, development on the subject property has a high likelihood of accessing the substandard bridge on Dead Horse Mountain Road north of the property as it's primary means of access towards the center of the city. While staff recognizes that there is another means of access into the city, this is likely the primary means to get there. Specific street improvements and other offsite improvements will be evaluated based on the development proposed and the ordinance requirements. It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter population density and thereby, undesirably increase the load on police services. Actual travel time, again, does not increase beyond which is already served. Basically, this is due to the fact that city property already exists in this area and there are developments in the ground or being constructed in this area. The response time is approximately seven minutes to this property from Fire

Station #5 and potentially the future Fire Station #3. Staff finds that the zoning for RSF-4 is compatible with adjacent and nearby single family residential use. However, the R-A obviously, that is not developed currently, would essentially be incompatible were it to never be developed. Staff feels that this land is under pressure for development and is developing at a rapid place as the Planning Commission sees routinely with subdivision developments. Development at this density adequately supports and is served by extended city infrastructure at the cost of the developer. As we mentioned, and as some of the public comments before noted, sewer, water line, street improvements and bridge assessments, that is the responsibility and cost of the developer should future development occur on this property. The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure as well as that infrastructure that is extended. The same water lines and the same sewer lines, the same size of lines would support four units per acre or two units per acre, or seven units per acre every one is supported essentially by the same type of development and infrastructure improvements in that area. Obviously, street improvements and bridge assessments, things of that nature, are based upon the actual development proposed and the number of traffic generated. Traffic will, of course, increase on all adjacent streets in this area, as we are seeing with development. Dead Horse Mountain Road is a primary means of access into the city either north to Huntsville or south to Black Oak Road and Armstrong Avenue. I too, ride my bicycle quite a bit in this area, I was out there on Sunday and I will likely miss the agricultural nature of it as well. However, in staff's findings we found that this property is developing and it should with a consistent pattern that we see with the surrounding areas. Currently the streets are improved with paved roadways and shoulders to county standards. The Fayetteville Police Department does find that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion. However, they do recommend street improvements, which again, is what staff would likely recommend with any development on this property. With those findings, staff is available for any questions.

Ostner: If the applicant would introduce yourself and tell us about this project.

Milholland: Mel Milholland with Milholland Engineering. We concur with the staff report and feel that this property is situated in such an area that it would make a nice residential neighborhood. All of the things that were in the report we concur with and respectfully request that the Commission forward this to the City Council tonight.

Ostner: Thank you Mr. Milholland. At this point I am going to open it up to the public again. If anyone would like to speak to this rezoning request please



share your comments now. Seeing none, I am going to close it to the public and bring it back to the Commission.

Anthes: As I am looking at orderly and consistent development patterns I'm looking at a situation where we have park property, we have a river, we have adjacent floodway and floodplain, which are obviously, going to stay in a more rural pattern. We have the county that is a rural pattern. We have developed properties, the island properties, that are a rural development pattern. When I look at orderly and consistency I see where is the transition zone between the rural transect if you will, and the higher density developments that are happening around the golf course. To me I find that the transition zone occurs on this property. Therefore, it looks to me like an RSF-4 zoning is too high. I also think that it was convenient to leave out the western part of the property so that that would not be factored into the calculations and give us an effective RSF-2 zoning, as Commissioner Vaught pointed out, an RSF-2 zoning over the property by leaving that out. Therefore, I think that I'm content to leave it R-A or look at a lower zoning but I will not support an RSF-4 in this area.

Vaught: In response to that, if the whole site was RSF-4 they could actually go a little greater than RSF-4 on this piece if they were rezoning it all. What I was thinking that if you did RSF-2 across the whole site they could've tried to load all of their density on one side, which I feel would be more dishonest than including just the part that they want to develop. An 8,000 sq.ft. minimum lot size in RSF-4 you could fit more than four lots on an acre.

Shackelford: I would also like to point out that I disagree with the statement about conveniently leaving out the other part. This property is actually split on a county section line, which is probably the most logical split of a property legal description that we've seen. I think that probably this goes back for many years and that there hasn't been, I don't think, surveyed out with this property different. It goes back to the original legal description that is on the section line. I think that is an unfair statement to say they conveniently left out part. I think it is a different legal description.

Anthes: I thought I saw a hand drawn line that is not in line with the property line. I could be mistaken.

Shackelford: Let's ask the applicant. The section that is rezoning the western boundary, is that the section line?

Milholland: If I understand your question, is the request for rezoning the west boundary, is it the section line? Yes it is.

Shackelford: Thank you.

Anthes: I was reading the map on page 10.15 a little incorrectly then because I was looking at that hand drawn line and then the parallel line to the east of it and was reading that as the section line. I appreciate you pointing that out. I still think that section lines though are hard lines drawn by people in landscape and that they don't necessarily reflect what's happening in the ground and in the topography. To line up a row of houses along that hard edge and not provide the transition to the more rural area does not seem to me like an orderly and consistent development. Thanks.

Ostner: I would tend to agree that if the western boundary were different and acknowledged the floodplain, which is pretty well noted, if you drive out there it is pretty clear where the edge is and all of our maps show where it is. It seems unfortunate to me that a random line on a map would be the boundary of our rezoning request. I am puzzled and it doesn't seem like an orderly system. It is too orderly on the earth that is not quite so perfect.

Vaught: I feel like we are going into things that we really shouldn't. For one we don't know what will come through with the Preliminary Plat. For all we know the developer could be buying all of this land and isn't trying to rezone the floodway because they don't want to mess with it. They know they are not going to develop it. To me the best use for that would be some kind of conservation easement. We don't know the developer's intent and I feel like in some of our comments we are trying to get to that without even talking to them and I don't feel like that's fair. I don't know what the developer's intent is or if they even have comments on that yet. To me it makes more sense not to include the floodway in a rezoning request to RSF-4 because it can't be built. That makes less sense to me than only doing the portion that could be rezoned. That is what I look at it as. The floodway and the floodplain encroach on the area that we are rezoning to RSF-4 so obviously there can't be a hard line of houses on that boundary. There could be some in there, I don't know. We don't have that before us. To me I like only zoning the part that is going to be developed to RSF-4 and leaving the rest R-A since it is unbuildable anyway basically. When I am looking at these lines on the map I'm sure if they could they would line up their zoning with the floodplain probably but you can't just draw a random line. You have to use your property boundaries. If that is what the developer is buying that is what they can rezone, they can't rezone the rest.

Ostner: Yes, but it is our duty to look at rezoning requests and if it seems compatible. That includes the edges and the parts that were left out, which it is very clear that they are leaving out the floodplain, which is logical. I'm not saying that's wrong. I'm just saying the edge of the developed area, if it followed the land instead of a compass shooting straight north it would develop differently. It goes back to the old discussion, people come

here from out of town and say gee, your subdivisions are straight lines that way and straight lines that way. They don't do that in other towns. They curve it around topography and our rules don't exactly dictate when that will come into the process. Tonight is one example where it starts to create straight lines. I'm probably in favor of this rezoning. I'm not excited about it being developed on due north south lines on the compass.

Vaught: I understand. My point is I don't think it can be, because the floodplain, which is un-developable, does encroach into this property so there is some topography that is going to limit development on this site. They can't line their houses up with that west boundary line, it is floodplain. That was my point. The fact that they left that piece off makes sense to me and I don't know that it is necessarily my concern since whoever owns that piece isn't asking for it, I'm only looking at this one piece. That was my point. I do understand and I agree, straight lines on a map aren't necessarily the best thing.

Milholland: I believe I understand that the conversation is why we used a straight line and didn't follow the 100-year floodplain. That map is not correct, it is about as flat as carpet out there, there may be a little bit of a grade out there but we have to go out and take the Corp. of Engineers or the Floodplain Map and find the actual 100-year floodplain, and I assure you it won't follow that curved line that smooth. As a matter of fact, we have already got a good portion of it located and it doesn't follow that. The reason that we asked for annexation along that line which does not include, there are four things on your floodplain map. You have the river, the tributary, then you've got the floodway, which no one can get in unless the Corp. of Engineers allows you to, and then you have the floodplain, which there are some ordinances that allow you, and also some regulations by FEMA which will allow you to straighten up the back of the lots and you can fill a little bit to straighten out some lines. It is called a LOMR, (Letter of Map Revision) you resurvey it, you turn it into FEMA, they see it and it goes before the Corp. and the city and it is just for the purpose of straightening the line out behind some houses. It is done pretty commonly. As far as this line right here, it does not depict anything very accurately as far as accuracy. We like to have something we can work with and know we aren't going to be out there restricted to measuring off a black line on a 1,000 to 2,000 scale when you can't really find it in here. If you look real close, I think that you will find that there is as much dark land left on this farm, as there is white area. You have the river, you have the floodway, the floodplain and then you have the area that is going to be developed. You are going to have close to 50% of this property untouched. If it is rezoned it still won't be touched unless it could be done very efficiently and cost effectively.

Ostner: Thank you Mr. Milholland.

Anthes: At the risk of repeating myself, I just want to clarify, it is not really the straight line that I have an issue with and I'm certainly not thinking that they have a development plan in front of us that shows us that at this point. What I'm worried about is the jump from the park land to the undevelopable parcel and this parcel's adjacency to that and then to the large, rural tracts to the south that have had people speak to those tonight and whether it is right to jump immediately to RSF-4 at this land or provide a transition zone. To me this looks like a transition zone and that is what my main comments are geared towards.

Ostner: That is where RSF-2 might seem more logical.

**MOTION:**

Shackelford: Obviously, I'm in support of the RSF-4 zoning in this area. If you look on the one mile radius map to the northeast of this property we have seen in the last 12 to 18 months some significant development of RSF-4 property and I personally have seen a very high demand for this type of development in this area. I think that you are going to see over time most of this area develop in an RSF-4 nature which is kind of a standardized development scheme for our growth areas in the City of Fayetteville. Two things, first of all, if you develop less dense I think it is going to cause even more urban sprawl because more people are going to want bigger places and are going to move further and further out. The second thing, as we have seen in the other areas that I mentioned earlier, when we talked about rezoning this in the Salem area on Wedington and some of the other areas where we wound up developing into the County, the RSF-4 zoning worked in those areas and the development kind of caught up in that area. Plus, we are going to be asking the developers in this area to pay through assessments for the infrastructure improvements and quite honestly, you need the density of the development to pay for the infrastructure improvements that will be needed in this area. Given that, and the fact that there is a lot of natural green space in this area, given the floodplain, the floodway, the golf course and everything else that is not going to develop in the near term out there I think that even an RSF-4 zoning in this area is not going to fill as dense given the overall green space if you look at the picture in whole. I think based on those facts, the assessments and the development that is going to occur, the fact that we need to probably be somewhat dense in our development so we don't continue to sprawl and the fact that there is a substantial amount of green space in that area that will offset any density in this area I am going to make a motion that we recommend approval of RZN 05-1371 to the City Council with an RSF-4.

Graves: Second.

Ostner: There is a motion by Commissioner Shackelford and a second by Commissioner Graves. Is there any further discussion?

Vaught: I would also like to point out that this area is also increasingly close to our Fayetteville Industrial Park, which is always an interesting transition from that to residential. That is something to consider as well, for me it is at least, as well as the rest of Commissioner Shackelford's comments.

Ostner: Thank you Mr. Vaught. Is there further discussion? Will you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1371 to the City Council was approved by a vote of 5-4-0 with Commissioners Clark, Allen, Anthes and Ostner voting no.

Thomas: The motion carries.

**RZN 05-1378: (GOFF/HALL, 644):** Submitted by MEL MILHOLLAND for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item is RZN 05-1378 for Goff/Hall. If we could have the staff report please.

Pate: This is in relatively the same area if you look on your maps on page 11.16 or even on the graphic that was presented, it is the blue area just to the west in the "S" curve as one of the citizens mentioned earlier. This property is within the City of Fayetteville. It is currently vacant. It is currently zoned R-A, Residential Agricultural. The applicant is requesting a RSF-4 zoning district. The property to the northeast is developed as the Stonebridge Meadows Golf Course, probably best seen on page 11.18, the private open space designation. It is directly northeast of that property. Properties to the north are developed with single family homes and to west and south are primarily vacant with some single family homes on larger lots. Staff is recommending approval of this rezoning. It consists of 15 acres. The Master Street Plan street, Dead Horse Mountain Road, does go through this property which will require quite a bit of right of way dedication per our Master Street Plan in order to develop this property. Staff finds that this proposed RSF-4 is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use which is compatible with the proposed RSF-4 zoning. Development at this density adequately supports and is served by existing and extended city infrastructure at the cost of the developer. With that, I'm available for any other questions.

Ostner: Thank you Mr. Pate. Is the applicant present? If you could introduce yourself and tell us about your project.

Milholland: Melvin Milholland, Milholland Engineering. This tract of land is adjacent to the Hall property, which you all just acted upon at the southeast corner and to the east is a small tract of about 15 acres that is already in the city limits. My client has also, and we plan to make those two tracts together. RSF-4 sounds good, I assure you it is hard to get four lots per acre out of the land by the time that you take the streets out and the dedication of some of the things that the city requires and existing roads along side it you don't end up with four lots an acre out of it. It has to be real, real small lots and most everyone now is building, I've been here 32 years plus and I remember when the average home was 1600 to 1800 sq.ft. for the average consumer. Now the average consumer is between 2000 and 2400 and it is hard to put four of those per acre I assure you. Very few of the lots are ever 70' or 8,000 sq.ft. Most of your developers, with the price of

land and price of construction, you are going to end up with around three at the most, probably less than that, 2.75. Thank you.

Ostner: At this point I am going to open it up to the audience. Would anyone like to speak to this issue? Seeing none, I am going to close it to the public and bring it back to the Commission.

Pate: I did want to mention something. The Stonebridge Meadows subdivision there is developed right around 2.3 units per acre just in comparison. Mr. Milholland is correct, with most of our RSF-4 zoning we are seeing between 1.8 and 2.6 dwelling units per acre developed. That is sort of a typical development density that we are seeing.

Anthes: What the developer and staff just said seems to support that we need an RSF-1 rezoning. If we are developing an effective development of RSF-2 on those properties then maybe that's what we should be asking for. I again have the problem with the transition as stated in the previous application and feel like this is a comparable piece of property and will vote the same way. Thanks.

Shackelford: I too see very little difference in this property and the property that we just recommended rezoning on other than I feel the exact opposite as she does and I do support the RSF-4 in this location. I think that that is the appropriate zoning given the type of growth that is going on in this area and what I anticipate will grow out there in the future as well. The same song, second verse. I'm not going to make the same argument I made last time. All of the statements and comments that I made apply to this property as well as the other property. Given that, I am going to make a motion that we recommend RZN 05-1378 at an RSF-4 designation.

Vaught: I will second and I will say that the problem with RSF-2 is the minimum lot size. With that size you are probably not going to get two units per acre, it might be 1.5 or less per acre.

Anthes: It is a transition.

Allen: I will vote the same way again, no again. Part of the reason is I think that this is something that the council needs to see that there is a difference of opinion on the Planning Commission, they need to look at that and give us some direction.

Ostner: Thank you. Is there further comment? We have a motion and a second. Could you call the roll?

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**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1378 to the City Council was approved by a vote of 5-4-0 with Commissioners Clark, Allen, Anthes and Ostner voting no.

Thomas: The motion carries.



**RZN 05-1372: (MAILCO USA INC., 678-717):** Submitted by STEVE CLARK for property located at S. SCHOOL AVENUE, E OF HWY. 71 AND N OF WHILLOCK STREET. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Ostner: The next item is RZN 05-1372 for Mailco.

Morgan: The subject property contains approximately 2.536 acres. It is located along School Avenue, east of School Avenue, south of the on ramp to Fulbright Expressway. This property is a bit unique. There is quite a bit of floodway and floodplain associated with a creek along the northern property line. It is also zoned both C-2, Thoroughfare Commercial adjacent to School Avenue and RSF-4, Residential Single Family, four units per acre to the east of that portion zoned C-2. The portion zoned C-2 is designated on our Future Land Use Plan as mixed use and the portion zoned RSF-4 is designated residential use on this plan. Staff has met with the owners of this property in the past to discuss development of this property and at that time informed the property owner of this split in zoning. A Large Scale Development was subsequently processed and when staff reviewed these plans we discovered that a portion of the development was within the RSF-4, Residential Single Family, four units per acre, zoning district. The applicant was informed of this and advised to look at the possibility of aligning all of the development within the C-2 portion of the property. Soon after discussions the applicant did submit this rezoning request to rezone the RSF-4 portion of the property to C-2. The applicant does intend to develop the property for commercial use. With regard to findings, staff found that the proposed C-2 zoning for the subject property is not consistent with the Land Use Plan and planning objectives as well as policies set forth in the General Plan 2020. The property requested to be rezoned is designated residential and is also surrounded by property zoned RSF-4 to the north, east and south, as well as developed for this purpose at this time. Staff finds that extending the C-2 zoning east is inconsistent with the development and use of this property. We also find that it is appropriate for commercial use to be located adjacent to School Avenue. This is a major thoroughfare along which these types of compatible businesses already exists. Extending these development rights into a residential area may create a new sense and is not consistent with the guiding policies for residential areas as stated in the General Plan. Staff finds that there is sufficient property available to develop a use allowed within the C-2 zoning district and to enlarge this zoning district on this property is not justified nor appropriate in this area. The property is accessible with regard to access to this property, it is accessible to School Avenue and this is a major arterial street. Traffic generated by commercial uses is typically substantially greater than that resulting from development of single family residential

units. Therefore, rezoning the property to C-2 may increase the traffic on School Avenue. The Fayetteville Police Department determined that the rezoning would not substantially alter population density in this area. Also included in the staff report are further descriptions of available infrastructure and police comments and fire response times. Staff is recommending denial of this rezoning request based on these findings.

Ostner: Thank you Ms. Morgan. Is the applicant present? If you would introduce yourself and tell us about your project.

Clark: My name is Steve Clark with Clark Consulting and I'm representing Mailco on this project. Ken Shireman is also here and he is the project architect and he has a presentation that he's going to present to you. I will turn it over to him.

Shireman: I am Ken Shireman, the Project Architect for Mailco USA. I couldn't help but while I was sitting through this meeting look at the City of Fayetteville goals for 2008 and the guiding principles. We want a strong, diverse, local economy. We want planned and managed growth, a natural beautiful city, our mountains, our hills, our open green spaces. A diverse growing local economy. Revitalize South Fayetteville. I think that we are contributing to all of these factors. If this C-2 zone were large enough to do what we wanted to do I wouldn't be here tonight. I wouldn't be wasting my time and your time either. It is absolutely not large enough to do what we want to do on this site. If we can't extend this zoning we can't give any assurances that Mailco can grow on this site. We could cram the development, the initial phase, Phase I, on this C-2 zone on the front part of the site. But we could not plan for anticipated growth on this site. That is really why we are here. I want each of you before you vote tonight to ask yourself what is the future of South Fayetteville. We are talking about revitalizing South Fayetteville. It has started. We have got Walgreen's out there, we have got the University, we've got the Mill District. It is happening. We want to be a part of that and we can be a part of that, we just have to have some help from this Commission tonight. I see everybody got the packet that we brought in today. Mailco is a presort bureau. What they do is they meter and barcode outgoing mail for the U.S. Post Office and they price this mail for about 350 commercial accounts in North Arkansas. They bring in money from all of North Arkansas into the economy of Fayetteville and they can do this here in Fayetteville. Mailco is owned and operated by a Fayetteville family and have been performing this service for 16 and a half years and their business has grown until they are literally busting at the seams and becoming almost an indispensable part of the U.S. Postal system. The current C-2 site that is designated is not large enough to accommodate this facility. Aerial photos that we have looked at at the previous facility there, there was something on that site, I'm not sure what, but the C-2 zone that

is shown on the front part of this site did not accommodate the previous use. It may have been a junk yard, I don't know what it was. When Mailco bought this site, I understand, I didn't find out until later that the previous property owner was under citation to have the site cleaned up. I contracted with two separate contractors and we cleaned that site up and we spent over \$13,000 on this site hauling junk, trash, debris. We have destroyed the building slabs, foundations and I've gotten people in there with track hoes. We have had people walking down that creek with garbage bags picking up that thing. We paid for the disposal of over 80 tires. We hauled off approximately 50 truckloads of debris off of this site. Part of the reason that they bought this site was because the natural environment that the rear part of this property offers. It is relatively untouched. It is in a wooded state and they want to keep that rear portion of the property in that state for use by the employees. We want a picnic area out there, a place for outdoor cooking, volleyball, a place to play basketball, for use by the employees. They want the creek left in a natural state for the natural barrier there. We had to destroy a lot more vegetation than we wanted to clean it up. We did not destroy any trees. I just think that this is the future of South Fayetteville. This is a quite business, it is a quality business that benefits all of us. In that packet you will notice that I have a letter from Charlotte Smith, a neighbor of their current facility. It is basically tell us how great of a neighbor they are. I have personally talked with Wanda Easterling and Eric Coleman and on that map it shows that another owner owns a portion of that property, they have since sold that property to Eric Coleman, I've talked to him. Neither of these people objected to this rezoning and I don't see either of these people here tonight so obviously, if they objected they would be here. I have personally talked to them. I can't personally find any objections to the rezoning on this site. I understand that staff's report states that extending the C-2 zoning may constitute a nuisance to the adjacent property owners but I can't find anybody objecting to it and with us wanting to leave what amounts to the back 174' of this site in it's natural state I fail to see a nuisance factor coming up here. The biggest problem that we have on the site in needing this is the expansion that Mailco plans. If the anticipated needs arrive in North Arkansas than they think, we will be processing more mail here than they process in Little Rock. This Commission can approve this rezoning based on the fact that this rear portion of this site, if Mailco develops the front part, is totally land locked. The only access to this site is through Hwy. 71B. There is no other access. It is cut off on the north with a creek and it is surrounded by woods on the east side and houses on the south side. There are no other abutting streets and no way for streets to get to this site. This rear portion of the site is totally landlocked. It will be an island of property back there that Mailco wants to preserve in it's natural state for use by their employees and wants it to be a green space. They control the only access to this site and frankly, I don't think that anybody here in this room seriously believes that anybody is going to

come in here and want to build houses on this site. I don't think it is going to happen folks. It is certainly not going to happen as long as Mailco owns it. I think you are going to be proud of this project if you will allow us to grow and I respectfully request that this Commission grant this rezoning. I would be happy to answer any questions that you might have about Mailco. Obviously, if you approve this you will be seeing a Large Scale Development plan a little bit later. We have just put that on hold because we don't want to proceed on this site until we can give Mailco assurances that it allows them the expansion that they have to have.

Ostner: Thank you. At this point I will open it up to the public if anyone here would like to speak to this issue please do so now. Seeing none, I will close it to the public and bring it back to the Commission.

Clark: My business is located right over the hill and I've seen the cleanup that the proprietors have done on this site and it is commendable. It was in a state of total disarray and very embarrassing because 540 empties right out across from it. I didn't know who did it but I thank you for doing it because I think it has improved the whole area. To me this is an absolute. I don't understand staff's recommendation. I respect it but don't understand it. To me this is a no brainer. I think Mailco would be a wonderful neighbor to have along that strip of Hwy. 71. Right across the street you have Elkhart Products, right over the hill you have Standard Register, Cooper Power, which is about to go out of business. You have CK Tires, you have a lot of commercial structures right along that strip and they live compatibly with the neighbors that surround them. I know Mailco has been a good neighbor in the area that they currently reside at but it is time for them to grow. They are landlocked so I don't see a problem with the rezoning simply because I don't think that we are going to have any development go in right on the other side of the creek and I'm trusting that they are going to be good guardians of that environment. Unless staff has really got something that I'm missing here, I am going to support this motion for rezoning.

Pate: Just a little bit of history on this. We have been working with this applicant for quite a while. It took some education and some research to allow this use here as a commercial use. It is very much on the line between a Light Industrial and a Commercial use. Through our research, we have determined that the uses that are proposed on this property are commercial in nature. Staff is not at all against Mailco going on this site. We very much support the development that they are proposing. As the applicant mentioned, they did submit a Large Scale Development and the expanse of their development extended over the C-2 zoning district. Administratively, the Zoning and Development Administrator can extend those zoning rights within at least 50'. That is something that we discussed in the past to help enable them to get their development on the

subject property. Within the existing zoning district is C-2 and within the General Plan Land Use Plan designation for this area is a mixed use area. The property to the east is wooded, it has floodplain and floodway on it as well with the creek that flows along the north property line. The applicant mentioned leaving 174' undisturbed. One of the things that we talked about initially in this process as well as the potential for a PZD on this site because it is adjacent to single family residential properties on large lots. It is also adjacent to commercial properties, some of which are in use, some of which are vacant. Those different types of uses tend to, especially when you are developing commercially, tend to need more of a transition zone. Especially when you are directly adjacent to single family residents and on the other side a very large commercial operation. Just to reiterate, staff is not at all opposed to the Mailco development. What we are looking at is more of a longevity of uses allowed in the C-2 zoning district adjacent to single family residences which include all of the uses you see in the C-2 zoning district on page 12.5 in your packet. The green space for use by the applicants can also be utilized if it is RSF-4. Essentially what can be put back there are parking lots and more buildings in that area. Again, I just want to reiterate that staff is definitely not opposed to this commercial development going in in this area, we have been working with them to meet commercial design standards and going through the process of Large Scale Development and look forward to their being there if that is possible.

Vaught: Obviously, if Large Scale has been applied for a lot of engineering has been done, is that correct?

Clark: That is correct.

Vaught: Why didn't you guys pursue a PZD?

Clark: My biggest objection to the PZD is once you get under construction, once you have your plan approved, the smallest little change brings you back before the Planning Commission and back before the City Council. You can't make changes to it once you have got it approved. That is the limitation over it. It provides some flexibility but it also creates some limitations and even though we may not be going to change anything in the first phase of this, if we come back with the second phase then we've got to go back through everything again and if there are any issues. It creates another hardship, another wrinkle for us.

Vaught: Jeremy, what is the state of the new PZD ordinance?

Pate: The last I was aware it was at Ordinance Review Committee. I'm not sure it has progressed beyond that. As far as amendments, we treat PZDs much like we treat LSDs. If it is a minor modification, if it is minor

enough as determined by the Director that can be modified administratively. If it is a major modification the Planning Commission or Subdivision Committee has actually seen major modifications to those as well. I think an entirely new phase would precipitate a Large Scale Development at least. This is within the Design Overlay District anyway so it is going to require a Large Scale Development regardless of how much you expand.

Shackelford: What do you anticipate the timing difference to be between Phase I and Phase II of the development of this property.

Shireman: I don't know. We think that this Phase I would accommodate their needs for a few years, at least a few years but not long term. It may be 5-7 years or it may be 10 years before they need Phase II. Ultimately they will need Phase II. What we don't know right now, the limiting factor is the technology with the bar-coding equipment. It is a very large piece of equipment, a very expensive piece of equipment. Right now they have one. When they have to add a second barcode machine they must have the additional. Right now we have where the bar-coding is done in our design right now as an 80'x80', 6400 sq.ft., and it will take another 80'x80' addition to the building. We are going to build all of the administrative space, all of the handling facilities that they need except the additional bar-coding, mail sorting room. They will need another 6,400 sq.ft. addition and that is why we need to push it back in order to accommodate that. I think it is going to be a few years though.

**MOTION:**

Shackelford: I want to concur with Commissioner Clark's comments earlier with one minor exception. I do understand staff's determination given our guidelines that they are following, the 2020 Plan, existing zoning and the abundance of undeveloped C-2 property in this quadrant. With that being said, I would like to also state in my mind that Jeremy is doing his job with that recommendation, but I think one of the major reasons that the Planning Commission was formed to hear variances from those guidelines. I think this is such an occasion. I think this is one of the primary reasons that we as a Planning Commission exist. In my mind first of all, the property is in substantially better shape than it has been in many, many years and I think the applicant is to be recognized and appreciated for what they have done in that area. The second thing, we have to remember there is existing C-2 on this property. We are just basically being asked to expand the C-2 section to allow this owner to develop this property and have the ability to develop in the future. The RSF-4 as it exists now is land locked and quite honestly, it is in an area that I don't see ever developing as an RSF-4 given the location, given ingress/egress, given the fact of the topography, the floodplain and that sort of thing. One of the

comments that we heard was this is somewhat of a Light Industrial/Heavy Commercial Use, I think this is a great area for that as well. Last, but certainly not least, I think this would be another great piece to revitalizing South Fayetteville with a new development and new jobs, which I think is a very, very admirable thing as well. With all that being said, I am going to recommend RZN 05-1372 as C-2 to the City Council for the property in question based on those comments.

Clark: Second.

Ostner: Is there further discussion?

Anthes: I have a question for staff. I just heard you say something tonight Jeremy that I hadn't heard us say before and I wondered if you would clarify it. The Zoning & Development Administrator has the lead way to allow something within 50'?

Pate: Yes, it is something that is not utilized very often. By ordinance, with the interpretation of boundaries, the Zoning & Development Administrator does have the administrative right to extend, if it is on one parcel owned by the same person, development rights of either one of these zoning districts up to 50' to accommodate that type of development.

Anthes: The most eastern end of the Phase II building, how far out do you think we are from the zoning line just for grins?

Pate: On the graphic line that was provided to you, that zoning line extends down south, that is about 50' where the existing zoning is. The jog is about 50'. In research, I believe that is what occurred on this property in the past for the parcel to the north.

Anthes: That is interesting. I concur with a lot of what Commissioner Clark and Shackelford said just now. The only thing I would say is that we would want to look carefully at the drainage and grading ordinances when looking at the parking lots and the Large Scale to go forward because we do have a sensitive area there. We are so close to the highway off ramp and looking at the compatible uses along that corridor, I don't have any problem with it.

Allen: I'm a big advocate of revitalizing South Fayetteville and I think this is a very good fit. I do think that we need to think about the fact that we are talking about land use and we don't know that Mailco will always be there and the kinds of rights and the way the land can be used. However, I think that maybe this could be used as a precedent and this kind of development is what is going to be in South Fayetteville so I will vote for that use.

*Planning Commission*

*February 14, 2005*

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Ostner: Thank you. Is there further discussion? We have a motion and a second.  
Could you call the roll?

**Roll Call:** Upon the completion of roll all the motion to recommend approval of  
RZN 05-1372 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries.



**RZN 05-1374: (CORNERSTONE/FUTRALL, 402):** Submitted by KIM FUGITT for property located at 1144 FUTRALL DRIVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.53 acres. The request is to rezone the subject property to R-O, Residential Office.

Ostner: Our last item is RZN 05-1374 for Cornerstone and Futrall.

Pate: This property is located at 1144 Futrall Drive. The property is currently zoned RSF-4, Residential Single Family, four units per acre and contains approximately a half an acre. The request is to rezone the subject property to R-O, Residential Office. Primary use established in the overall area is commercial, office and multi-family residential in nature. Cornerstone Apartments exists directly to the north. The applicant would like to develop this single family home as an office for that overall development. As I mentioned, to the north is RMF-24, to the south is R-O, Residential Office, east is RMF-24, west is C-1, Neighborhood Commercial. Staff finds those uses are compatible with the requested rezoning and recommends approval of this rezoning.

Ostner: Is the applicant present? Would you come forward and give your presentation please?

Fugitt: My name is Kim Fugitt, I am here tonight representing Lindy Lindsey for Cornerstone. I would like to thank you for spending Valentine's Day with me and fulfilling your civic duty. The property was purchased recently to potentially house a manage office for the Cornerstone Apartments. The property has commercial zoning to the west, R-O to the south and Multi-Family to the east and north. That is the intent of the purchase. Right now the management office is one of the apartments at Cornerstone and this property came up for sale and Lindy took the opportunity to purchase that for that reason. I have no multi-family to wrestle with you tonight or no box like structures to repel you and I would suggest that we have a fast and speedy acceptance of this so we can all go home and spend the rest of Valentine's Day with our loved ones. What do you think?

Ostner: If you could make a motion, I think you just did. At this point I will go ahead and open it up to the public. Seeing none, I will close it to the public and bring it back to the Commission.

Shackelford: First, I would like to congratulate the applicant on being the last item on Valentine's and our condolences to your wife. With that being said, I am in agreement with staff's comments on this. I think that this is a viable rezoning so I am going to recommend RZN 05-1374 as an R-O to the City Council.

Allen: I will second.

Ostner: I would just like to add that I'm in favor of this. It is a half acre, it is adjacent to RMF-24 on two sides, R-O on the third. It seems to be a good fit. Is there further comment? Could you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1374 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries.

*Announcements*

**Meeting adjourned: 8:36 p.m.**

**MINUTES OF A MEETING OF THE  
PLANNING COMMISSION**

A regular meeting of the Fayetteville Planning Commission was held in Room 219 of the City Administration Building at 5:30 p.m. on February 14, 2005.

**Items Discussed**

**Action Taken**

ANX 05-1370: Hall, pp 644,645,684  
Page 3

Forwarded to City Council

RZN 05-1371: Hall, pp 645,684  
Page 20

Forwarded to City Council

RZN 05-1378: Goff/Hall, pp 644  
Page 27

Forwarded to City Council

**Members Present**

Candy Clark  
Jill Anthes  
Loren Shackelford  
Alan Ostner  
Nancy Allen  
Sean Trumbo  
James Graves  
Christian Vaught  
Christine Myres

**Staff Present**

Jeremy Pate  
Renee Thomas  
Suzanne Morgan  
Brent O'Neal

**Members Absent**

**Staff Absent**

**ANX 05-1370: (HALL, 644,645,684):** Submitted by MEL MILHOLLAND for property located at 2577,2216,2844,2822 DEADHORSE MTN. ROAD. The property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

Ostner: Our next item is ANX 05-1370 for Hall. If we could have the staff report please.

Pate: There were a couple of handouts, one was passed out by the applicant, staff has not had time to review what that is. The other is a graphic that the Planning Commission asked for, hopefully it has most of the information of the request here tonight. The next three items are kind of in concert. We are obviously dealing with each one individually. One is an annexation request and two are rezoning requests. One of which, is part of the land up for annexation and part of which is already zoned R-A to the east. This property is located on several addresses on Dead Horse Mountain Road. The property is currently in the Planning Area and contains 235.38 acres. West of the property is the West Fork of the White River. That basically comprises the annexation boundary to the west. It is southwest of Goff Farm Road. The property is almost completely bordered by property that is already within the city limits based on some rough calculations, approximately 78% to 80% of the property is entirely surrounded by city limits currently. The only exception being the south boundary that is adjacent to the Planning Area about 1,450'. The 235 acres consists of four tracts owned by separate individuals. The attached Exhibit "A" on page 9.18 was prepared by the applicant in an Order signed by Judge Hunton best represents the tracts in question, as well as this graphic, which I did pass out which references each one of these tracts A through M, all of which are under discussion tonight. The property is currently agricultural in nature with several single family homes located. Surrounding property is zoned R-A, Residential Agricultural, with the exception of the property to the west which is zoned I-2, that is the Industrial Park. There is a portion of that Industrial Park area which is zoned R-A as well, that is the Combs Park area. As you are well aware, the subject request for annexation is very unique and has been the point of discussion for staff and the applicant since early 2004. Initially, the applicant approached staff regarding a proposal for a much smaller tract, that which is to be developed in the future. Staff advised the applicant on more than one occasion to approach the remaining land owners within this almost surrounded area in the county in order to bring the entire area into the city limits at one time. This would thereby create a more reasonable city limits boundary in this location. The applicant subsequently did approach many of the land owners with offers to petition and request to annex the property. Several of the land owners have joined this petition to annex. However, unfortunately, all were not willing to do so at this time.

As a result, the request to annex the subject property will create two islands of country property that are completely surrounded by the Fayetteville City Limits. I have identified these two islands as the west island and the east island. The west island is a remnant tract of property whose ownership, unless Mr. Milholland has new information, ownership is relatively unknown. The last origination goes back to a patent issued by President Martin Van Buren in 1838 and future assigns or heirs we have not been able to locate at this time. That is the portion of property located here, most of which is in the floodway of the West Fork of the White River. The east island is made up of nine separate parcels, most of which are occupied and lived upon. Several of the owners of these parcels were willing to join the petition, however, based on state law I believe Judge Hunton ruled that several of these could not join this particular petition. It is within this island that at least two property owners were approached and who would not join the petition. It is staff's intent to follow through with the city's adopted policy of annexing islands in this process, much as all of the other islands were annexed into the city this past summer. Staff does not intend to establish a pattern of recommendations to annex islands as stated in the adopted Annexation Policy. However, the subject request does present a unique situation that we find pertinent and real in relationship to the findings within the staff report. With regard to those annexation guiding policies by which we recommend or do not recommend annexation requests, staff finds that, of course, as I mentioned, the requested annexation will create two islands of unincorporated property. The property is almost completely surrounded by city limits. Public service providers and emergency personnel are currently required to access portions of the city by traveling through the county in this area, much as was the case with several of the islands that were in the city previously. As I mentioned, not all property owners were willing to annex voluntarily at this time. Though the applicant did prepare surveys for all of the parcels in question and approached the land owners on multiple occasions. The proposed annexation area is adjacent to the city limits along the north, south, east and west boundaries. The request does not extend the city limit boundary any further south than the current limits already do reach. This area does not divide neighborhoods. The property follows the river to the west and incorporates primarily agricultural and undeveloped land. Current conditions result in a response time of approximately seven minutes for fire protection from the existing Fire Station #5 and the future potential Fire Station #3 on Huntsville Road. The property does have access to water along Dead Horse Mountain Road. It does not have access to sewer at this time. Sewer would need to be extended to serve the development on this property if it is within the city limits annexed. Obviously, floodplain and floodway are associated with the West Fork of the White River located along the western boundary of this property. This environmentally sensitive area would be best protected

by city's ordinances in staff's opinion, which is only required if this property is annexed. Development may not occur in the floodway. Therefore, it is our finding that the maximum potential development could not occur on this property were it to be rezoned all RSF-4 for instance. Staff is recommending this annexation request. At the time that the owner desires to subdivide the property there will be obviously, submittals required for review for proposed subdivisions. This would include assessments potentially for the current bridge on Dead Horse Mountain Road that is in disrepair and a proportionate assessment would be made of this developer. An assessment area has been identified and maps have been created and located within the Planning Division identifying areas potentially, like we saw earlier this evening, Ruppel Road bridges for potential impact to that area. The access to this property is either to the north through Dead Horse Mountain Road that accesses directly to Hwy. 16 or to the south as we traveled on the agenda tour last Thursday, you could go south out into the county and then back into the city through the industrial park area. Adjoining neighbors have been identified of the annexation request on many different occasions including legal ads and display ads submitted with local newspapers prior to Planning Commission. Staff's finding is that the annexation of this property ultimately will create a much more acceptable boundary for the City of Fayetteville allowing for an area almost completely surrounded by incorporated city limits to become part of the city. Again, the request does not extend the city limit boundary further south than the current limits already do reach.

Ostner: Thank you Mr. Pate. At this point, would the applicant like to make a presentation? If you could please introduce yourself.

Milholland: I am Melvin Milholland with Milholland Engineering representing the applicant. As Jeremy stated and provided plenty of documents, we have been working on this project, city staff and my clients and several people with the neighbors, for about nine or ten months since we started. We tried to have the best advice we could get to make this properly for everyone. He stated that my client spent 2 ½ to 3 ½ months working with the people in the neighborhood to make this annexation a uniform one. We also talked to Kit Williams, the City Attorney, several times on some of the issues that are listed in your report. We feel like this is a great addition to the City of Fayetteville. It actually lays just to the west of Stone Bridge Golf Course. It is a good area for a neighborhood to develop and people to live close to town. It is a major highway, it is a beautiful site. We respectfully request that you annex this in and rezone it. If you have any questions, I will be happy to answer them.

Ostner: Thank you Mr. Milholland. At this point I would like to open it up to the public. If anyone would like to speak to this issue please come forward, introduce yourself. We try to get people to sign in.

Smith: My name is Tim Smith, this is my wife Elizabeth Smith. Just for a matter of record, she was only contacted one time in regard to the annexation. There is a great concern, our property is a part of this whole area and she has only been talked to once. We live at 2640, it would be northeast of the property right there at the curve as Dead Horse curves. This has not been an on going conversation with the people in the actual area. Her concern is the property she is on because she is not in favor of annexation.

Smith, E.: My name is Elizabeth Smith, I'm a property owner at 2640 Dead Horse Mountain Road across from the area that they plan to subdivide. My concern is the traffic and the noise in the area, what it is going to do to that and what is going to happen to those of us that will be an island and not annexed in.

Ostner: Thank you. We will try to address those comments. Is there any further public comment?

Baltz: My name is Carol Baltz, we are in the island. Probably the reason we are in the island is we couldn't get any answers. You have asked more questions here tonight and got answers to them than we did. We asked what are you going to build on the property, how are you going to handle the traffic, if you go out there between 6:00 and 8:30 in the morning you can't get on the beautiful Huntsville Road from Dead Horse Mountain Road or Stonebridge Road. It needs a stop light there more than we need to be annexed in. I dearly love Jeannie Hall and I understand what she is doing. We are neither for nor against but we would like to have some questions answered. We were called and we were tried to be intimidated. We asked questions and got answers like "We don't know." We want answers just like you want answers. I'm neither for nor against. I don't want to be an island. I would like to have sewage. I asked will we get some services? They said "I don't know." When you can tell me then it is ok but we just asked questions that we got no answers to and just like the lady behind me, we were more cohered than we were talked to and tried to be encouraged and shown the good and the bad. I would like to be in the city, I would like to be a part of you because I would like to make some decisions. Thank you.

Rogers-Verser: I'm Deborah Rogers-Verser and I don't think anyone has been in the valley longer than me except for the Halls. I am not opposed to Jeannie selling her land. I'm not opposed to that part of the valley being annexed into the city. What I'm opposed to is that there are others of us in



that area, and I haven't been talked to either. I am south and east of Jeannie Hall and I am bordering Dash-Goff. I have on the north side of me the golf course inching in closer and closer and now I have 10 or 15 acres on the corner south of the Halls that may be on the next agenda, it is between the two "S" curves. Our concern is after 50 years you are looking across this beautiful valley and it is no more. My concern is that the farm across from us, the Oliver's farm, they are unable to physically get here because he can't go without a walker and his wife is not in real good health. Their daughter is here but they are the property owners. We don't want to be in the city. We want to stay in the country. We want to stay in the county. We have a lot of land, we have a lot of taxes and we would have a great tax increase if we were annexed into the city. That is not on the agenda tonight but the concern is that it might be soon. My concern also is that when people come before you and say they have talked to the neighbors, I feel misrepresented, because no one has come to us and asked us how we felt about it except the Halls. That has nothing to do with us if she wants to sell her land. That is fine, I understand that. If they want to annex that land into the city that is fine, that doesn't concern me. What does concern me is that we are being pushed and pushed and pushed. My eighty acres that sits on the little rocky hill across from the 100+ acres that belongs to the Olivers is gradually being threatened. We are concerned at what point do we have a say so anymore. We don't want to be annexed into the city. That's my concern.

Hall: Hello, my name is Jerry Hall. I have lived on the farm there for 48 years. To me this is just another example of excellent agricultural land being lost to urban sprawl. In more progressive cities such as Portland, Oregon and Boulder, Colorado, there are urban growth boundaries with some sort of limits to the sprawl. Developers have more incentive to infill and revitalize on the interior of the city. This need has been addressed recently by the Downtown Master Plan, which I was involved with a little bit. With no limits to Large Scale Developments in rural areas resources are constantly being sucked into new growth areas trying to build new infrastructure to catch up with the sprawl. Problems with Large Scale Development at Dead Horse Meadows is the access, there are a number of problems, the north slope of Dead Horse Mountain is steep and that is the main access to Hwy. 16 East. When it snows or ices it is very treacherous. Two of my kids totaled their cars on that slope last winter. The bridge, which has already been mentioned, needs to be rebuilt. All of the road there has no shoulders and people are constantly sliding off into the ditches and sometimes miss the bridge all together and go into the river. I've driven by there and seen the back end of a car sticking up out of the river. The alternate accesses are through two residential neighborhoods so if anything is ever done to that road or that bridge everybody is going to be driving through River Meadows and Roberts Road. The other way

through the industrial park is about a three mile detour. Already at Hwy. 16 East there is a major bottle neck with the intersection. Actually, people back up there for about a mile every morning. I have to take kids to school every morning and the only way I get on the highway is somebody lets me into the line. It backs up for people trying to get into that intersection on Hwy. 265 and it jams up from on past where I get on at Stone Bridge Road all the way to Hwy. 71B. I see more subdivisions being built all the time out in that area that aren't finished yet. If this all goes through and there is a Large Scale Development on our farm then that is going to be more traffic to be dealt with. Along with the agricultural land that will be lost to development there. There are a lot of wetland areas and wildlife areas. There is a herd of deer, there is a beaver colony, ducks, geese, lots of different kinds of fish. There is a swamp area on the farm that has spring peepers, like so many, you can hear them from about a half mile away in the spring and summer time. I am assuming all of this is to be filled in and covered over, obliterated, for a subdivision. There are three springs on the farm and many seep spring areas along a spring line that parallels the river. There is also issues about this area has a lot of archaeological significance. We find artifacts in our gardens and things that I have dated back to 5000 b.c., grinding stones, hoes, stone tools. In more historic times, there was a main road that crossed there in the times before there was any bridges. You can still see where it went down by the river. My great grandmother told me there was a boarding house down there. Nobody has ever checked into these things or it has never been brought to the attention of any agencies. The history of the area must be recorded and the historic sites mapped before any changes are authorized. The wetlands must be delineated and plans for it's protection must be made before anything is built. My daughter made a point, there is already a River Meadows and not all of the houses are even sold. People pollute the river thinking it is their dumpster and it won't have the beautiful color of water that it has now. All of the people will fish in the pond and all of the fish will be gone. I put some pictures on a website, can I pass out the web address for the website?

Ostner: Sure. Is there further public comment?

Hall: Thank you Jerry Gene. I'm Jeannie Hall, I own the large portion of the land that we are talking about tonight. My family, of course, at least a part of them, as well as myself, are concerned and feel sad and what have you as far as moving ahead into the future but I am for annexation into the city.

Ostner: Are you part of the petitioner tonight? This is your property?

Hall: This property, the main part of it is mine, yes.

Ostner: Ok, if you could just hold on. We are trying to hear from people who aren't petitioners.

Hall: Who oppose?

Ostner: They might not. Just not you. We will get to you.

Hall: I'm for it.

Ostner: I promise we will get right to you if you will just hold on. You are going to have the floor in a minute. If anyone else from the public would like to speak.

Erf: Good evening, my name is Jeff Erf, I live at 2711 Woodcliff Road. I just wanted to make a couple of points. I frequently ride my bicycle in that valley on Dead Horse Mountain Road and so I have some attachment to it. It is sad to me to see that whole area begin to be developed because it is a nice rural character and the city is losing that at a great pace. That is too bad. Riding my bicycle, I notice that before and after the bridge there is a sign that says Road Closed when Under Water. I don't know if you are aware of it or not. Jeremy Pate mentioned something earlier about the bridge. There have been some issues previously with that bridge and with the road. This may not be the appropriate time to bring it up but I would strongly encourage you all, I guess maybe it is going to be at the Subdivision Committee level, or a Preliminary Plat I guess comes before you, cost sharing make sure that you put aside some money from the developer to pay for improvements to that bridge and road if necessary. Just one statement that Police Department had some comments on the project. This annexation will increase our response time to calls for service because this property is on the outer fringe of our current service area. I think that is a nice way of calling the project sprawl. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response. That is an issue. The city, I think, a lot of times ends up subsidizing a lot of this kind of development on the outskirts of town and it would be nice to make the developers pay for some of it. I have a little bit of concern about the islands that are being created, although they may or may not be significant. Last July or June the City Council may have had some public hearings and they annexed a bunch of islands at that time. I am not sure how this all fits in with the annexation task force but it would be nice to see a review of how it compares to the report. I guess City Council has it. I guess that is all that I have to say. Thank you very much.

Ostner: Thank you Mr. Erf.

- Smith: Tim Smith again, I wanted to make very clear that I have no issue with the private property owner's rights, that individual's rights to sell that property. Our main concern is annexation into the city. If she wants to sell as a county property and subdivide it and so on and so forth, that is fine. We are very concerned about county property. What she wants to do with her land, that is her private property, that is her business. Thank you.
- Leach: Robert Leach, I live directly across from 2577, my mother owns the property. We are against the annexation. Her right is her right and everything that Jerry Hall said about the bridge that has been under water three times in three and a half years. The roads, heavy equipment will not work. It does take 15 minutes to get out on the highway, that is only if somebody lets you out. That is between 6:00 in the morning and 8:30 in the morning, and I have even been stuck for 15 minutes during church time. We are against it.
- Ostner: Thank you Mr. Leach. Is there any further public comment? At this point I am going to close it to the public and bring it back to the Commission. If the applicant would like to speak you are free to now. Thank you for waiting.
- Hall: Thank you very much. As I was saying a while ago, the main part of this property belongs to me as far as the Hall's property. I understand my son's concerns. Mine are likewise. But I also feel like it would be nice to see Southeast Fayetteville enhanced, developed, a lot of things to be done there, and this could be an opening for that as far as this particular area. I know there would be traffic problems as we have everywhere nearly within this city. I also know that the bridge will have to be at some time or other dealt with. I feel like that also is something that will fall into place. As far as I'm concerned, I'm for annexation and I am asking that you consider it very seriously. Thank you very much.
- Milholland: Mr. Chairman and Commissioners, I heard some statements of concern from several and I would like to say a couple of things. Number one, there is not anyone in the annexation route that we were dealing with that had 80 acres. I don't know where that 80 acres is unless it is on down south of this property. We didn't try to contact them. It wasn't planned to do that. The only ones that we were trying to plan to contact were the ones that were immediately across the street from Ms. Hall's property. I think there are about eight or nine tracts in there or something like that. We are very familiar, my client and I and the applicant, are very familiar with the things that were brought up. Sewer and water extension or improvements, is always something that you have to contend with at the Preliminary Plat stage and design stage. We understand that. We have already addressed it. From our standpoint as engineers we know we can handle that. We have

talked to the city on some of that. Also, we always, usually every time you have a Preliminary Plat come through that is not a Preliminary Plat we have to address the issues of traffic and we feel that the expansion and infrastructure and so forth. In the case of this bridge, we understand that it is there and we understand that we will be addressing it during the Preliminary Plat review. The one thing about it as far as access onto Hwy. 16, it is just like Hwy. 62 was towards Farmington at one time. Hwy. 16 West, which at one time was much worse and Hwy. 265 going north. But if you don't have a demand money will not be spent nor appropriated for such improvements. This should be a plus as far as some assistance at some time in the near future to help that bridge be improved. I hope the neighborhood understands that. It has been sitting there for a long time with nothing done to it, even with the golf course there. This should help bring about a thought process on how to handle that situation. I appreciate your time. Thank you.

Allen: I had a question of staff. Since this annexation would create islands and the policy of the City of Fayetteville is not to create islands. I wish you could explain, I guess I'm just not clear on what set of circumstances makes this situation unique enough to go against our own policy.

Pate: Page 9.9 in your staff report includes items 11.6(a) through (t) which are all annexation guiding policies. We take all of these into consideration and make findings based on all of those guiding policies that are set forth in our General Plan 2020. The General Plan 2020 will be revised this year. It is time to update that and we anticipate some of these policies probably will change based on what we have seen and heard from both the Planning Commission and the City Council in the last few years. In which direction, I'm not sure what that will go if we will get more details with regard to what policies we look for. This is what staff works off of in looking at any annexation request. As you mentioned, Item A, annex existing islands and peninsulas and do not annex areas that would create an island or a peninsula. As you know, staff put a whole bunch of work and time into getting rid of all of the islands that the city has created in past decisions. Mr. Williams, I don't if you remember, I believe there were thirteen islands that were annexed this last year as part of that request.

Williams: There were four separate ordinances and many, many separate parcels as you remember.

Pate: That is not a situation that we would ever like to get into again. That was over a long period of time. As I mentioned, our first reaction was to the applicant, No. Go back to all of the other property owners that are within this area and contact them and try to get them into the annexation request

as well. We find that fulfilling that goal of annexing this overall 80% surrounded by city property is within the best interest of the city. Again, the city does travel outside of the city limits to access other properties that are within the city limits, much like the islands. One of which is under consideration tonight, the R-A piece. The property directly adjacent to this is developing as you know with the Preliminary Plats that you have seen with the Stone Bridge Meadows Golf Course. The golf course is very near to this area. The west island is something that property ownership is very difficult to determine at this time and by law, this applicant could not request for that to even be annexed. The eastern ones are trickier, as I mentioned at agenda session. There are individual property owners, we know those property owners. It was unfortunate to hear that at least one of the applicants had only been contacted once, that was unfortunate to hear tonight, but I know that this applicant has been working, has come back to us on several different occasions, provided us with surveys of those properties and petitions to annex for each one of these to attempt to get them all into the City of Fayetteville. We feel that this area should be within the City of Fayetteville limits. Again, it does not extend those limits any further south than the City of Fayetteville limits already go and Ms. Allen, I entirely agree, it is not a situation that we will set a precedent. Staff's recommendation will not be to create islands like this in the future. I think that there has been significant effort however, on the part of this property owner and other property owners, at least two others that we are aware of, to not create that island and we find at this time that circumstances are unique and that we are willing to support that.

Allen: I guess I wonder if significant effort means that that exception should be made. Just because the significant effort was made. I still am not real clear, I'm sorry to be slow about this, but I'm not clear why this is an exception, why it is alright to make an island here and not there.

Pate: In most cases when staff is approached with a request that would create an island we have the same exact response. You need to incorporate that other property that is between you and the city for instance. In most cases those are successful. In all cases actually, that I've dealt with, we've been successful. This is the first island in the two years that I've been here that I'm aware that the city has created. I am not sure how long before that that there was another. Again, we go off of these policies as a guide book. I don't think any one of these is the essential most important one. It is obviously stressed because they do create areas and pockets that you would pass through. City services could not respond to that area. County services potentially would and there is that question. That is why our intent is to follow this up with a request to go to the City Council for these islands to be annexed subsequent to this property should it be annexed by the City Council.

Allen: Thank you Jeremy. I will relinquish the floor to other people who have questions.

Clark: Why wasn't this annexed with the islands? It has city on three sides.

Pate: The 1,500 feet is the factor that would not allow it to be annexed with the islands. It technically has to be completely surrounded to become an island. That is staff's findings, this very much functions like an island, it just has 1,500 feet or so between the river and the property that is not within the city limits and therefore, would not qualify for that island.

Clark: How many families are we talking about who do not want to be annexed into the city?

Pate: I believe the applicant would be better versed in answering that question.

Milholland: I think including Ms. Hall there was nine. The others across, you should have a map with those, one of them that wanted to come in could not come in because the state law requires you to be adjacent to the existing city limits to be annexed in. After this goes through we will go back and bring them in. I understand that there is another owner that has said that they would like to come in also so there is thirteen and some of those parcels are owned by the same person. My client could probably tell you more about it. H and I are owned by the same person and J and K are by the same person. That is where some of that is at. I know that we did a petition, researched all of the title documents along with Mr. McDonald and another firm that made efforts to cover and talk to each one of these folks. A lot of them signed the petition. We did a petition first at the recommendation of the city to try to get others to come in. We weren't really trying to bring in all of Ms. Hall's property in. We were just going to bring in the part that he wanted to develop, which would have left rural land all the way around the property we are developing, it would not have left the islands technically. Staff recommended that we try to talk to these folks and see how many would come in since it is kind of a bottle neck that everybody is in. That is what we did and spent several months trying that. Those that were not contacted, there was definitely an effort made to contact them. I know that personally. Mr. McDonald is here and Ms. Hall and I'm sure that they can speak to the same. I am sorry that the other gentleman is not here that worked on this. I hope that answered your question. There was a lot of effort that went into it. Nobody had 80 acres that we contacted, so they must be on down south because they weren't part of this unique where it is a bottle neck there that they are boxed in.

Vaught: When I look at this there are a few things. First, these are guiding policies they are not ordinances and I think we have to look at them in total not one specific item to kill the annexation. One of the main things to me is the fact that we are not extending the line south and are kind of flattening the line off for the city. I think that is something important. The city is already servicing small sections south and parallel with this property, the other, which goes to a number of concerns that we have heard over environmental concerns. Currently the land is in the county and a number of these areas with these unique features, I feel that that would be better served for that to be in the city. That is in the staff report as well. We have much more stringent guidelines, grading ordinances and rules on where you can build and where you can't build because there is a lot more review process. I do think that that would aid in protecting some of those areas that are sensitive. Of course I have concerns about Dead Horse Mountain Road and those are all things that we will look at down the line with the subdivision. Not just adjacent to this property but on north of this property with the bridge and also the Hwy. 16 intersection, which are all items that we will address in the future.

Pate: If I may respond to at least a couple of concerns that I wrote down. Mr. Vaught is correct, if this were developed, and we anticipate it would be whether it was in the city or not, it would be by septic along side this river. We would be looking at either a treatment package type plant or an individual septic system type of system. That is a big concern both environmentally and with regard to development should this in the future in ten years or fifteen years become a part of the city as annexed then there is the problem with, as we have seen in the past, properties that are on septic systems that are directly adjacent to sewer systems. Floodway and environmentally sensitive lands to the west, part of that developed property could not be developed because it is within the floodway of the river there. Then the areas that are within the floodplain are best regulated, or at least our ordinances are enforced within the city, through the city's ordinances. Outside in the county we have very little with regard to regulations for that area. As Mr. Erf mentioned, staff feels it is very important for the applicant to know that assessments and/or road improvements to Dead Horse Mountain Road and the bridge there will be forthcoming with any development on this subject property. To go back to something Mr. Milholland spoke to, with regard to the original application. There was originally, not a formal application, but the applicant did approach staff with a parcel of land that is not located within any of the legal descriptions here now that would not create islands. It would essentially be a portion of the omitted of this overall area that would not create any of the islands that we have been speaking of that I'm aware of tonight. We felt that getting more of this property within the city limits and not having this part of Section 26, just leaving that out because



it is not developable, that would be a situation where if it weren't an island and it is never going to be developed, it is not likely going to come within the city limits. We felt it was more important to have those lands annexed whether they are going to be developed or not. That is part of impotence Ms. Allen was speaking of. When we came about with the original request we felt it was more important to get to a place where staff was more comfortable recommending this application as opposed to creating a legal description that would be developed but that would really not solve any problems that we have in this area.

Graves: I would add that this was also an area that the annexation task force looked at and requested be annexed into the city in their report. For a number of reasons, because it is an area that is being developed and because it is in the general vicinity of where the new treatment plant will be and for the reason that Mr. Pate already stated, that we have emergency services that are crossing out of the city into the county and back into the city in order to service this area already and we are providing services in that area. For that reason, this is an area that we felt should be annexed.

Shackelford: I am going to concur with what Commissioner Graves and Commissioner Vaught have said. I too served on the annexation subcommittee and this is an area that we looked at. Quite honestly, this was just a technicality away in my opinion from being included in what the City Council did last year. I think that it makes a lot of sense given the expansion. There is no expansion of the city limits outside of where the boundaries already are and the fact that this property is already 80% surrounded by city limits for this annexation to go through. I understand the concerns and complaints. This is the same type of growth pains that we have had on Hwy. 265, Hwy. 45, Hwy. 16 and all of the other directions that the city has grown. A lot of that growth has been in the six years that I've been on this Commission. I can say for sure, that this development although it seems difficult at this time, will lead to infrastructure improvement that needs to happen in this location. A prime example is there was very little road to Ruppel Road and Salem Road and those areas when I started on this Commission but obviously, we are all pretty proud of the development that has happened in that area out there to this point. With all of that being said, with the fact that staff I feel has made their point, I understand the concerns about the overall guidelines and not creating islands, the island to the west is somewhat of a technicality. The island to the east is a concern but this property in my opinion is going to develop. As somebody who has built and lived in these boundary areas on basically all sides of these growth areas, I concur that the development options for this property to develop within the city limits are much nicer than the options for county development given the environmental concerns of the property, given the location of the property. There were many areas, just in the boundary

areas, that we have seen development on county property that has enraged local home owners for development that wouldn't be allowed there if it was within the city limits. I think it makes a lot of sense. I quite honestly, would have liked to have seen this peninsula addressed a year ago but I understand why it wasn't and think we have an opportunity to do so now. I am going to go ahead and put on the floor a motion that we recommend approval of ANX 05-1370 based on all of staff's comments.

Vaught: I will second. I have one question. This graphic that was just handed to us, tract M is included in the annexation, is that correct? It is on our maps.

Pate: That is correct.

Anthes: I was trying to reconcile the graphics on page 9.31 of our staff report with the graphics that we were handed. I just wanted to be clear that we are looking at tracts A, C, D, and M for annexation and we are omitting B and E through L, that is the island, is that true?

Pate: That is correct. Officially on page 9.18 is the map that is referenced by the Order from Judge Hunton which includes A, C, D and M and excludes all others that are lettered there.

Anthes: A second question is that we do have a direction within our General Plan 2020 to annex environmentally sensitive areas. I'm looking at the map 9.30 that indicates floodplain, floodway and river. That seems to be, the portion of land that is shaded as Section 26, is that true?

Pate: If you reference page 9.30, these maps we don't have digitally unfortunately. We don't have that detailed survey information. This is a map that has been superimposed on our parcel maps here. The river there is noted as a floodway, which is part of Parcel 26 in the floodplain of course. Probably the following item number, that is the best way to reference that. The subject property on page 10.15 shows the same map with a little bit different delineation showing the next request, which is a rezoning of the property. Essentially, west of that line would be floodway, some floodplain and the river.

Anthes: I guess my question is, and I might be getting ahead into the rezoning portion of this request, but they are sort of together in my mind. It looks like they are requesting annexation in Section 26 and 25 but only the rezoning to RSF-4 in Section 25.

Pate: That is correct.

Anthes: Because a substantial amount of this property is in floodway, which is undevelopable, and floodplain which is environmentally sensitive. I am wondering if Tract A was drawn in such a way that it doesn't take into account the characteristics of the entire property and as a convenient way to get higher density in that area and not deal with the sensitivity of the other piece of the property. To me it looks like this is one parcel. I am confused. If we were looking at 25 and 26, which I guess is A and M and we were looking at development rights on that property and we are looking at rezoning, a large portion of that property would be unable to be developed to an RSF-4 so we would maybe be looking at a different zoning designation that would be appropriate for this entire piece of property. When I am looking at just looking at A as if it is somehow not part of it then we are allowing a higher amount of density to be built on that. I don't understand how that split is occurring because I don't believe that split occurs in the land.

Pate: I think you are entirely right. The rezoning request is based on a legal description as defined in likely a deed that follows the section lines. The overall annexation request, should this entire 235 acres be under request for rezoning as well, would obviously, with RSF-4 yield many more units although if you take out the floodplain and floodway, it would probably reduce some of those units. The request right now is to leave that Section 26 as R-A, Section M as R-A and only Tract A be rezoned to RSF-4 so that would be the only potential really for that type of development. If we are looking at a subdivision we would only look at the legal description that has been created there. Density numbers will be on the Section A that is within Section 25 as opposed to the entire 235 acres. Is that where you are going? I'm not sure if I answered your question.

Anthes: It does. It also makes me question the rezoning request and that's because I'm looking at development pressure and compatibility with surrounding uses and that sliver of A being a much higher density than the adjoining parcel seems to be problematic to me. While I agree that we, as a city, would like to check development in the environmentally sensitive area and that we do have sort of a strange boundary to our city limits, therefore, I'm inclined to support the annexation. I'm having a real problem with the rezoning request to that density.

Vaught: On R-2, what's the minimum lot size? We have RSF-4 and then RSF-2.

Pate: RSF-2 requires a 100' lot width minimum, 21,780 sq.ft. of lot area minimum.

Vaught: It requires basically, just under half acre lots?

Pate: That is correct.

Vaught: Typically when you calculate zoning, even though it is at a lower zoning, you could do the whole site as RSF-2 with a lower density. We have honestly never seen a proposal come through with anything other than RSF-4, that is why I was asking. Typically you could still load all of your density on ½ of your project. Density is calculated for the whole site though.

Ostner: It is the lot size.

Vaught: We have never seen that.

Clark: What we are making is just a recommendation to the Council so this is going to the Council regardless. I am troubled by this annexation. Although, on one hand I see the benefits of bringing land into the city to be rezoned and follow city zoning as it is developed as being a good thing, I am troubled by the fact that we are violating our own guidelines. Yes, I know they are only guidelines but since April I've been told we do not want islands, we do not want peninsulas. As a matter of fact, we just took care of all of the islands with a great assurance we wouldn't face this issue again. Now we are creating this issue and I realize that the word unique is a very interesting word and it means a lot of different things to a lot of different people. I am going to vote against this annexation for the simple reason that I want the City Council to make a policy. I want them to make a choice. If they decide to do it that is great. It is their policy making prerogative and that is their duty. I feel like if I vote for this annexation I am violating a policy that says you don't create islands and you don't create peninsulas, although exasperating peninsulas is a fine thing. I don't understand that either. I will be voting against this annexation and I hope that the Council will at least discuss the policies of the guidelines and when we are redoing the 2020 Plan, maybe you could give us more clear guidelines to lead us as we face the annexation. I also would encourage the Council to look at the annexation task force report and make some recommendations on it. If we are going to annex to our boundaries great, we know that and we can proceed accordingly. I don't know that that is a good thing or if that is a bad thing, we haven't discussed it, but I think that it is time that we do and get some clear cut leadership and guidance. For that reason, I'm going to respectfully vote against this annexation simply because I think it violates our procedures and I'm not buying into the use of the word "unique" on this one.

Ostner: Thank you Commissioner Clark. Is there further discussion?

Graves: I would just add that with respect to the guidelines the reason that those are not ordinances and are guidelines, is to be flexible. That has been stated time and again in these discussions about annexation. I would also point out that if you review each of these guiding policies I believe every one of them are met with the exception of A. With respect to A, it says that we are to annex existing peninsulas, which is what this is.

Ostner: Thank you Mr. Graves.

Myres: I call the question.

Ostner: I will second. Call the roll please.

**Roll Call:** Upon the completion of roll call the motion to recommend approval of ANX 05-1370 was approved by a vote of 7-2-0 with Commissioners Allen and Clark voting no.

Thomas: The motion carries.

**RZN 05-1371: (HALL, 645,684):** Submitted by MEL MILHOLLAND for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item on our agenda is RZN 05-1371, the tandem request.

Pate: As I mentioned, this request is in tandem with the annexation request. It contains approximately 125.5 acres of the preceding annexation request. It is probably best visualized on page 10.16 and the maps that staff has created for you. It is a rectangular piece that fronts onto Dead Horse Mountain Road currently. The property to the north is zoned R-A and to the east is also R-A as well as properties within the county. Zoning districts within this one mile radius, one mile from this property, include I-2, the industrial park, R-A and RSF-4 as well as land in the planning area to the south. The property is currently agricultural in nature as I mentioned with a few existing single family homes. Nearby development, just to the northeast and east include the Stone Bridge Meadows subdivision and golf course and the city's industrial park across the river to the west. The applicant, staff anticipates, intends to develop this property for single family residential use. The applicant, therefore, is requesting that the property be rezoned from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre as noted. The RSF-4 allows for a range of residential density from zero to four units per acre and a development pattern that is compatible with much of the residential development within the City of Fayetteville. Staff is recommending approval of this rezoning request. We feel that future changes or additional development on this site will be best regulated by the city allowing for a uniform and consistent development pattern. As I mentioned, currently the site does have access to Dead Horse Mountain Road, which is a minor arterial. That street will need to be improved with any future development. Additionally, development on the subject property has a high likelihood of accessing the substandard bridge on Dead Horse Mountain Road north of the property as it's primary means of access towards the center of the city. While staff recognizes that there is another means of access into the city, this is likely the primary means to get there. Specific street improvements and other offsite improvements will be evaluated based on the development proposed and the ordinance requirements. It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter population density and thereby, undesirably increase the load on police services. Actual travel time, again, does not increase beyond which is already served. Basically, this is due to the fact that city property already exists in this area and there are developments in the ground or being constructed in this area. The

response time is approximately seven minutes to this property from Fire Station #5 and potentially the future Fire Station #3. Staff finds that the zoning for RSF-4 is compatible with adjacent and nearby single family residential use. However, the R-A obviously, that is not developed currently, would essentially be incompatible were it to never be developed. Staff feels that this land is under pressure for development and is developing at a rapid place as the Planning Commission sees routinely with subdivision developments. Development at this density adequately supports and is served by extended city infrastructure at the cost of the developer. As we mentioned, and as some of the public comments before noted, sewer, water line, street improvements and bridge assessments, that is the responsibility and cost of the developer should future development occur on this property. The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure as well as that infrastructure that is extended. The same water lines and the same sewer lines, the same size of lines would support four units per acre or two units per acre, or seven units per acre every one is supported essentially by the same type of development and infrastructure improvements in that area. Obviously, street improvements and bridge assessments, things of that nature, are based upon the actual development proposed and the number of traffic generated. Traffic will, of course, increase on all adjacent streets in this area, as we are seeing with development. Dead Horse Mountain Road is a primary means of access into the city either north to Huntsville or south to Black Oak Road and Armstrong Avenue. I too, ride my bicycle quite a bit in this area, I was out there on Sunday and I will likely miss the agricultural nature of it as well. However, in staff's findings we found that this property is developing and it should with a consistent pattern that we see with the surrounding areas. Currently the streets are improved with paved roadways and shoulders to county standards. The Fayetteville Police Department does find that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion. However, they do recommend street improvements, which again, is what staff would likely recommend with any development on this property. With those findings, staff is available for any questions.

Ostner: If the applicant would introduce yourself and tell us about this project.

Milholland: Mel Milholland with Milholland Engineering. We concur with the staff report and feel that this property is situated in such an area that it would make a nice residential neighborhood. All of the things that were in the report we concur with and respectfully request that the Commission forward this to the City Council tonight.

- Ostner: Thank you Mr. Milholland. At this point I am going to open it up to the public again. If anyone would like to speak to this rezoning request please share your comments now. Seeing none, I am going to close it to the public and bring it back to the Commission.
- Anthes: As I am looking at orderly and consistent development patterns I'm looking at a situation where we have park property, we have a river, we have adjacent floodway and floodplain, which are obviously, going to stay in a more rural pattern. We have the county that is a rural pattern. We have developed properties, the island properties, that are a rural development pattern. When I look at orderly and consistency I see where is the transition zone between the rural transect if you will, and the higher density developments that are happening around the golf course. To me I find that the transition zone occurs on this property. Therefore, it looks to me like an RSF-4 zoning is too high. I also think that it was convenient to leave out the western part of the property so that that would not be factored into the calculations and give us an effective RSF-2 zoning, as Commissioner Vaught pointed out, an RSF-2 zoning over the property by leaving that out. Therefore, I think that I'm content to leave it R-A or look at a lower zoning but I will not support an RSF-4 in this area.
- Vaught: In response to that, if the whole site was RSF-4 they could actually go a little greater than RSF-4 on this piece if they were rezoning it all. What I was thinking that if you did RSF-2 across the whole site they could've tried to load all of their density on one side, which I feel would be more dishonest than including just the part that they want to develop. An 8,000 sq.ft. minimum lot size in RSF-4 you could fit more than four lots on an acre.
- Shackelford: I would also like to point out that I disagree with the statement about conveniently leaving out the other part. This property is actually split on a county section line, which is probably the most logical split of a property legal description that we've seen. I think that probably this goes back for many years and that there hasn't been, I don't think, surveyed out with this property different. It goes back to the original legal description that is on the section line. I think that is an unfair statement to say they conveniently left out part. I think it is a different legal description.
- Anthes: I thought I saw a hand drawn line that is not in line with the property line. I could be mistaken.
- Shackelford: Let's ask the applicant. The section that is rezoning the western boundary, is that the section line?



Milholland: If I understand your question, is the request for rezoning the west boundary, is it the section line? Yes it is.

Shackelford: Thank you.

Anthes: I was reading the map on page 10.15 a little incorrectly then because I was looking at that hand drawn line and then the parallel line to the east of it and was reading that as the section line. I appreciate you pointing that out. I still think that section lines though are hard lines drawn by people in landscape and that they don't necessarily reflect what's happening in the ground and in the topography. To line up a row of houses along that hard edge and not provide the transition to the more rural area does not seem to me like an orderly and consistent development. Thanks.

Ostner: I would tend to agree that if the western boundary were different and acknowledged the floodplain, which is pretty well noted, if you drive out there it is pretty clear where the edge is and all of our maps show where it is. It seems unfortunate to me that a random line on a map would be the boundary of our rezoning request. I am puzzled and it doesn't seem like an orderly system. It is too orderly on the earth that is not quite so perfect.

Vaught: I feel like we are going into things that we really shouldn't. For one we don't know what will come through with the Preliminary Plat. For all we know the developer could be buying all of this land and isn't trying to rezone the floodway because they don't want to mess with it. They know they are not going to develop it. To me the best use for that would be some kind of conservation easement. We don't know the developer's intent and I feel like in some of our comments we are trying to get to that without even talking to them and I don't feel like that's fair. I don't know what the developer's intent is or if they even have comments on that yet. To me it makes more sense not to include the floodway in a rezoning request to RSF-4 because it can't be built. That makes less sense to me than only doing the portion that could be rezoned. That is what I look at it as. The floodway and the floodplain encroach on the area that we are rezoning to RSF-4 so obviously there can't be a hard line of houses on that boundary. There could be some in there, I don't know. We don't have that before us. To me I like only zoning the part that is going to be developed to RSF-4 and leaving the rest R-A since it is unbuildable anyway basically. When I am looking at these lines on the map I'm sure if they could they would line up their zoning with the floodplain probably but you can't just draw a random line. You have to use your property boundaries. If that is what the developer is buying that is what they can rezone, they can't rezone the rest.

Ostner: Yes, but it is our duty to look at rezoning requests and if it seems compatible. That includes the edges and the parts that were left out, which it is very clear that they are leaving out the floodplain, which is logical. I'm not saying that's wrong. I'm just saying the edge of the developed area, if it followed the land instead of a compass shooting straight north it would develop differently. It goes back to the old discussion, people come here from out of town and say gee, your subdivisions are straight lines that way and straight lines that way. They don't do that in other towns. They curve it around topography and our rules don't exactly dictate when that will come into the process. Tonight is one example where it starts to create straight lines. I'm probably in favor of this rezoning. I'm not excited about it being developed on due north south lines on the compass.

Vaught: I understand. My point is I don't think it can be, because the floodplain, which is un-developable, does encroach into this property so there is some topography that is going to limit development on this site. They can't line their houses up with that west boundary line, it is floodplain. That was my point. The fact that they left that piece off makes sense to me and I don't know that it is necessarily my concern since whoever owns that piece isn't asking for it, I'm only looking at this one piece. That was my point. I do understand and I agree, straight lines on a map aren't necessarily the best thing.

Milholland: I believe I understand that the conversation is why we used a straight line and didn't follow the 100-year floodplain. That map is not correct, it is about as flat as carpet out there, there may be a little bit of a grade out there but we have to go out and take the Corp. of Engineers or the Floodplain Map and find the actual 100-year floodplain, and I assure you it won't follow that curved line that smooth. As a matter of fact, we have already got a good portion of it located and it doesn't follow that. The reason that we asked for annexation along that line which does not include, there are four things on your floodplain map. You have the river, the tributary, then you've got the floodway, which no one can get in unless the Corp. of Engineers allows you to, and then you have the floodplain, which there are some ordinances that allow you, and also some regulations by FEMA which will allow you to straighten up the back of the lots and you can fill a little bit to straighten out some lines. It is called a LOMR, (Letter of Map Revision) you resurvey it, you turn it into FEMA, they see it and it goes before the Corp. and the city and it is just for the purpose of straightening the line out behind some houses. It is done pretty commonly. As far as this line right here, it does not depict anything very accurately as far as accuracy. We like to have something we can work with and know we aren't going to be out there restricted to measuring off a black line on a 1,000 to 2,000 scale when you can't really find it in here. If you look real close, I think that you will find that there is as much dark

land left on this farm, as there is white area. You have the river, you have the floodway, the floodplain and then you have the area that is going to be developed. You are going to have close to 50% of this property untouched. If it is rezoned it still won't be touched unless it could be done very efficiently and cost effectively.

Ostner: Thank you Mr. Milholland.

Anthes: At the risk of repeating myself, I just want to clarify, it is not really the straight line that I have an issue with and I'm certainly not thinking that they have a development plan in front of us that shows us that at this point. What I'm worried about is the jump from the park land to the undevelopable parcel and this parcel's adjacency to that and then to the large, rural tracts to the south that have had people speak to those tonight and whether it is right to jump immediately to RSF-4 at this land or provide a transition zone. To me this looks like a transition zone and that is what my main comments are geared towards.

Ostner: That is where RSF-2 might seem more logical.

**MOTION:**

Shackelford: Obviously, I'm in support of the RSF-4 zoning in this area. If you look on the one mile radius map to the northeast of this property we have seen in the last 12 to 18 months some significant development of RSF-4 property and I personally have seen a very high demand for this type of development in this area. I think that you are going to see over time most of this area develop in an RSF-4 nature which is kind of a standardized development scheme for our growth areas in the City of Fayetteville. Two things, first of all, if you develop less dense I think it is going to cause even more urban sprawl because more people are going to want bigger places and are going to move further and further out. The second thing, as we have seen in the other areas that I mentioned earlier, when we talked about rezoning this in the Salem area on Wedington and some of the other areas where we wound up developing into the County, the RSF-4 zoning worked in those areas and the development kind of caught up in that area. Plus, we are going to be asking the developers in this area to pay through assessments for the infrastructure improvements and quite honestly, you need the density of the development to pay for the infrastructure improvements that will be needed in this area. Given that, and the fact that there is a lot of natural green space in this area, given the floodplain, the floodway, the golf course and everything else that is not going to develop in the near term out there I think that even an RSF-4 zoning in this area is not going to fill as dense given the overall green space if you look at the picture in whole. I think based on those facts, the assessments

and the development that is going to occur, the fact that we need to probably be somewhat dense in our development so we don't continue to sprawl and the fact that there is a substantial amount of green space in that area that will offset any density in this area I am going to make a motion that we recommend approval of RZN 05-1371 to the City Council with an RSF-4.

Graves: Second.

Ostner: There is a motion by Commissioner Shackelford and a second by Commissioner Graves. Is there any further discussion?

Vaught: I would also like to point out that this area is also increasingly close to our Fayetteville Industrial Park, which is always an interesting transition from that to residential. That is something to consider as well, for me it is at least, as well as the rest of Commissioner Shackelford's comments.

Ostner: Thank you Mr. Vaught. Is there further discussion? Will you call the roll please?

**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1371 to the City Council was approved by a vote of 5-4-0 with Commissioners Clark, Allen, Anthes and Ostner voting no.

Thomas: The motion carries.

**RZN 05-1378: (GOFF/HALL, 644):** Submitted by MEL MILHOLLAND for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item is RZN 05-1378 for Goff/Hall. If we could have the staff report please.

Pate: This is in relatively the same area if you look on your maps on page 11.16 or even on the graphic that was presented, it is the blue area just to the west in the "S" curve as one of the citizens mentioned earlier. This property is within the City of Fayetteville. It is currently vacant. It is currently zoned R-A, Residential Agricultural. The applicant is requesting a RSF-4 zoning district. The property to the northeast is developed as the Stonebridge Meadows Golf Course, probably best seen on page 11.18, the private open space designation. It is directly northeast of that property. Properties to the north are developed with single family homes and to west and south are primarily vacant with some single family homes on larger lots. Staff is recommending approval of this rezoning. It consists of 15 acres. The Master Street Plan street, Dead Horse Mountain Road, does go through this property which will require quite a bit of right of way dedication per our Master Street Plan in order to develop this property. Staff finds that this proposed RSF-4 is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use which is compatible with the proposed RSF-4 zoning. Development at this density adequately supports and is served by existing and extended city infrastructure at the cost of the developer. With that, I'm available for any other questions.

Ostner: Thank you Mr. Pate. Is the applicant present? If you could introduce yourself and tell us about your project.

Milholland: Melvin Milholland, Milholland Engineering. This tract of land is adjacent to the Hall property, which you all just acted upon at the southeast corner and to the east is a small tract of about 15 acres that is already in the city limits. My client has also, and we plan to make those two tracts together. RSF-4 sounds good, I assure you it is hard to get four lots per acre out of the land by the time that you take the streets out and the dedication of some of the things that the city requires and existing roads along side it you don't end up with four lots an acre out of it. It has to be real, real small lots and most everyone now is building, I've been here 32 years plus and I remember when the average home was 1600 to 1800 sq.ft. for the average consumer. Now the average consumer is between 2000 and 2400 and it is hard to put four of those per acre I assure you. Very few of the

lots are ever 70' or 8,000 sq.ft. Most of your developers, with the price of land and price of construction, you are going to end up with around three at the most, probably less than that, 2.75. Thank you.

Ostner: At this point I am going to open it up to the audience. Would anyone like to speak to this issue? Seeing none, I am going to close it to the public and bring it back to the Commission.

Pate: I did want to mention something. The Stonebridge Meadows subdivision there is developed right around 2.3 units per acre just in comparison. Mr. Milholland is correct, with most of our RSF-4 zoning we are seeing between 1.8 and 2.6 dwelling units per acre developed. That is sort of a typical development density that we are seeing.

Anthes: What the developer and staff just said seems to support that we need an RSF-1 rezoning. If we are developing an effective development of RSF-2 on those properties then maybe that's what we should be asking for. I again have the problem with the transition as stated in the previous application and feel like this is a comparable piece of property and will vote the same way. Thanks.

Shackelford: I too see very little difference in this property and the property that we just recommended rezoning on other than I feel the exact opposite as she does and I do support the RSF-4 in this location. I think that that is the appropriate zoning given the type of growth that is going on in this area and what I anticipate will grow out there in the future as well. The same song, second verse. I'm not going to make the same argument I made last time. All of the statements and comments that I made apply to this property as well as the other property. Given that, I am going to make a motion that we recommend RZN 05-1378 at an RSF-4 designation.

Vaught: I will second and I will say that the problem with RSF-2 is the minimum lot size. With that size you are probably not going to get two units per acre, it might be 1.5 or less per acre.

Anthes: It is a transition.

Allen: I will vote the same way again, no again. Part of the reason is I think that this is something that the council needs to see that there is a difference of opinion on the Planning Commission, they need to look at that and give us some direction.

Ostner: Thank you. Is there further comment? We have a motion and a second. Could you call the roll?

**Roll Call:** Upon the completion of roll call the motion to recommend approval of RZN 05-1378 to the City Council was approved by a vote of 5-4-0 with Commissioners Clark, Allen, Anthes and Ostner voting no.

Thomas: The motion carries.

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



**Aldermen**

Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Tentative Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
March 15, 2005**

A meeting of the Fayetteville City Council will be held on March 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order  
Roll Call  
Pledge of Allegiance**

**Presentation Agenda Session Only: Hwy 71 East Square Redevelopment District #1 by Gordon Wilburn and Bob Wright Per Tim Conklin on 3-1-05**

**A. CONSENT:**

1. **Approval of the Minutes:** Approval of the March 1, 2005 City Council meeting minutes.
2. **Geological Survey:** A resolution approving a joint funding agreement in the amount of \$16,235.00 with the United States Geological Survey for three (3) Urban Stream Gauging Stations in Fayetteville for the year 2005.
3. **Purchase Four Skid Steer Loaders:** A resolution approving the purchase of four (4) Skid Steer Loaders with two (2) hydraulic breaker attachments, one (1) planer attachment, one (1) utility bucket with digging teeth, and two (2) forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00.
4. **Williams Tractor Co. Backhoe Purchase:** A resolution approving the purchase of Five (5) medium four-wheel-drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by the Water and Sewer, and Transportation Divisions.



5. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of one (1) half-to extended cab 4x4 pickup truck from Bale Chevrolet at a cost of \$17,868.00 for use by the Water & Sewer Division.
6. **Beaver Lake Concrete Bid Approval:** A resolution awarding Bid #05-09 and approving the purchase of Ready-Mix Concrete from Beaver Lake Concrete in the amount of \$350,000.00 to be used by various divisions of the City of Fayetteville.
7. **Construction Materials and Services Bid Approval:** A resolution awarding bids for and approving the purchase of bulk materials and services utilized by various divisions of the City of Fayetteville in the amount of \$1,156,000.00.

**B. PUBLIC HEARINGS:**

1. **Raze and Removal of 1101 Indian Trail:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mohsen and Rhonda Khodabandeh located at 1101 Indian Trail in the City of Fayetteville, Arkansas.
2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment No. 1:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan Amendment No. 1 for the Highway 71 East Square Redevelopment District Number One.

**C. UNFINISHED BUSINESS:**

1. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. *This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting. This ordinance was tabled at the March 1, 2005 to the March 15, 2005 City Council Meeting.*

**D. NEW BUSINESS:**

1. **John Nock and Richard Alexander TIF Contract:** A resolution to approve a contract with John Nock and Richard Alexander for their purchase of property to be obtained by TIF funding for \$300,000.00 and for other matters.
2. **Highway 71 East Square TIF Bond Issue:** An ordinance approving the issuance of bonds to be paid by tax increment financing to obtain necessary funding to achieve the Project Plan for the Highway 71 East Square Redevelopment District No. 1. *Financing Plan is attached.*
3. **Highway 71 East Square Bond Purchase Agreement:** *No information is available at this time.*

4. **CCG Systems; Fleet Management Software Purchase:** A resolution approving the purchase of Faster Fleet Management software from CCG Systems in the amount of \$96,174.00; and approving a Budget Adjustment in the amount of \$25,565.00.
5. **Dynamic Information Solutions Company, Inc. Sales Agreement:** A resolution approving a sales agreement in the amount of \$284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System; and approving a budget adjustment in the amount of \$200,000.00.
6. **Data-Base Administrator Position:** A resolution authorizing the hiring of one (1) full-time employee (Data-Base Administrator) by the Information Technology Division; and approving a budget adjustment in the amount of \$41,847.00 to fund the position for the final eight months of 2005.
7. **Archer Western Construction, LTD Construction Contract:** A resolution to approve a construction contract with Archer Western Construction, LTD. in the amount of \$14,644,000.00 for improvements to the Noland Wastewater Treatment Plant and approving a contingency of \$292,880.00.
8. **Nock Investments, LLC Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a Cost-Share Agreement with Nock Investments, LLC in an amount not to exceed \$119,998.86 for improvements to the intersection of Persimmon Street and Ruppel Road.
9. **ANX 05-1365 (Wilkins):** An ordinance annexing that property described in annexation petition ANX 05-1365 annexing to the City of Fayetteville, Arkansas, certain property located east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres.
10. **RZN 05-1366 (Wilkins):** An ordinance rezoning that property described in rezoning petition RZN 05-1366 for property east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.
11. **RZN 05-1372 (Mailco USA, Inc.):** An ordinance rezoning that property described in rezoning petition RZN 05-1372 for property east of S. School Avenue, north of Whillock Street, containing approximately 2.536 acres from RSF-4, Residential Single Family, Four Units per Acre, to C-2, Thoroughfare Commercial.
12. **RZN 05-1374 (Cornerstone/Futrell):** An ordinance rezoning that property described in rezoning petition RZN 05-1374 for property located at 1144 Futrell Drive containing approximately 0.53 acres from RSF-4, Residential Single Family, Four Units per Acre, to R-O, Residential Office.
13. **ANX 05-1370 (Hall):** An ordinance annexing that property described in annexation petition ANX 05-1370 annexing to the City of Fayetteville, Arkansas, certain property located at 2577, 2216, 2844, 2822 Dead Horse Mountain Road, containing approximately 235.38 acres.

**14. RZN 05-1371 (Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1371 for property located at 2577 Dead Horse Mountain Road, containing approximately 125.179 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**15. RZN 05-1378 (Goff/Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1378 for property located at the south side of Highway 16 East and west of Dead Horse Mountain Road, containing approximately 15.12 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**E. INFORMATIONAL:**

**Council Tour: March 14, 2005 – 4:30 pm**

## **CITY COUNCIL AGENDA MEMO**

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**To:** Mayor and City Council  
**Thru:** Gary Dumas, Director of Operations  
**From:** Yolanda Fields, CREC Director  
**Date:** February 18, 2005  
**Subject:** Raze & Removal of structure on 1101 Indian Trail

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### **RECOMMENDATION**

Staff recommends a resolution to order the raze and removal of the structure.

### **BACKGROUND**

Service Request #15980, Case #2817: The Fire Marshal's office contacted Code Compliance about a possible unsafe building on the property owned by Mohsen and Rhonda Khodabandeh. The property is located at 1101 Indian Trail. On October 10, 2004, the Fayetteville Fire Department responded to structure fire at 1101 Indian Trail. The next day, the Fire Marshal's office sent us a Property Assessment stating that the fire damage coupled with the structure's deterioration has made the structure unsafe. The Building Safety Director has also inspected the site and determined the structure is unsafe to occupy.

An Unsafe Buildings Notice of Violation was sent to the owners on October 12, 2004, but was returned unclaimed. The Police Department delivered the Notice of Violation on December 16, 2004. The notice was signed by Mohsen Khodabandeh. By ordinance the owners were given until January 17, 2005 to acquire a permit and make repairs or to demolish and remove the buildings.

### **DISCUSSION**

This parcel contains a multi-level structure with heavy fire damage. The building is secure but has deteriorated to a point where it is no longer safe. There is not a current building permit on this structure.

### **BUDGET IMPACT**

Contracting the raze and removal of the property would cost approximately \$6,000.00. The cost would be billed to the property owners. If payment is not received, the city will place a lien on the property for the amount of the raze and removal.

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

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY MOHSEN AND RHONDA KHODABANDEH LOCATED AT 1101 INDIAN TRAIL IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, Mohsen and Rhonda Khodabandeh are the record owners of the real property situated at 1101 Indian Trail, City of Fayetteville, Washington County, Arkansas, more particularly described as follows

Part of Lot 1 & Part of Lot 2, Block 3, Rochier Heights Addition (WC Parcel Number 765-10089-000); and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Mohsen and Rhonda Khodabandeh, having been properly served with a Violation Notice in hand by the Fayetteville Police Department, and given thirty (30) days to correct said violation, have refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Mohsen and Rhonda Khodabandeh are hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if, Mohsen and Rhonda Khodabandeh do not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and APPROVED this 15<sup>th</sup> day of March 2005.

ATTEST:

By \_\_\_\_\_  
SONDRA SMITH, City Clerk

APPROVED  
By \_\_\_\_\_  
DAN COODY, Mayor



THE CITY OF FAYETTEVILLE, ARKANSAS

February 8, 2005

Mohsen & Rhonda Khodabandeh  
2862 E Hyland Park  
Fayetteville, AR 72701

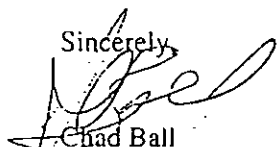
RE: Enforcement of Ordinance 173.08  
Arkansas Code Ann. '14-56-203

#### NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. '14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 1101 W Indian Trail (Parcel #765-10089-000), should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting – probably on March 15, 2005 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as April 5, 2005 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing.

Sincerely,

  
Chad Ball  
Code Compliance Administrator

Cc: file

113 WEST MOUNTAIN ST 72701 479-575-8260  
FAX 479-444-3445



003 0500 0003 3458 5137

|                                                                                                |  |
|------------------------------------------------------------------------------------------------|--|
| U.S. Postal Service <sup>™</sup>                                                               |  |
| <b>CERTIFIED MAIL<sup>™</sup> RECEIPT</b>                                                      |  |
| (Domestic Mail Only: No Insurance Coverage Provided)                                           |  |
| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> . |  |
| <b>OFFICIAL USE</b>                                                                            |  |
| 101 In Pag                                                                                     |  |
| Postage and Removal of 101 In                                                                  |  |
| Certified Fee                                                                                  |  |
| Return Receipt Fee (document required)                                                         |  |
| Restricted Delivery Fee (document required)                                                    |  |
| Total Postage & Fees                                                                           |  |
| \$                                                                                             |  |
| Postmark Here                                                                                  |  |
| mailed 2-9-05                                                                                  |  |
| Sent to: Mohsen & Rhonda Khodabandeh                                                           |  |
| Street Address: 2862 E. Hyland Park                                                            |  |
| City, State, ZIP: Fayetteville, AR 72701                                                       |  |
| PS Form 3800, June 2002                                                                        |  |
| See Reverse for Instructions                                                                   |  |

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                                                                                    |  | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                |                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> |  | <p>A. Signature<br/> <i>X Mo Khodabandeh</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>                                                                                                                                                                    |                            |
| <p>1. Article Addressed to:<br/> <i>Madison &amp; Rhonda Khodabandeh</i><br/> <i>2862 E. Hyland Park</i><br/> <i>Fayetteville, AR 72701</i></p>                                                                                                                                                                                  |  | <p>B. Received by (Printed Name)</p>                                                                                                                                                                                                                                                             | <p>C. Date of Delivery</p> |
|                                                                                                                                                                                                                                                                                                                                  |  | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>         If YES, enter delivery address below: <input type="checkbox"/> No</p>                                                                                                                                 |                            |
|                                                                                                                                                                                                                                                                                                                                  |  | <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> |                            |
|                                                                                                                                                                                                                                                                                                                                  |  | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>                                                                                                                                                                                                                          |                            |
| <p>2. Article Number<br/>         (Transfer from service label)</p>                                                                                                                                                                                                                                                              |  | <p>7003 0500 0003 3458 5137</p>                                                                                                                                                                                                                                                                  |                            |

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

RECEIVED

FEB 16 2005

CRCC

**VIOLATION NOTICE**

November 03, 2004

Owner MOHSEN & RHONDA KHODABANDEH  
2862 E. HYLAND PARK

FAYETTEVILLE, AR 72701

RE: Property @ 1101 W INDIAN TRL, Fayetteville, AR

WC Parcel # 765-10089-000

Case # 2817

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. If you need clarification of this notice or advice on how to correct the problem, please call our office at (479) 575-8237.

**Suspected Violation That Needs Correction:**

§ 173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

**How This Violation Can Be Voluntarily Corrected:**

Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

**Potential Penalties:**

If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8260.

Sincerely,



PRESTON HAMMONS  
Code Compliance Officer

Cc: file



# CITY OF FAYETTEVILLE

## CODE COMPLIANCE

### OFFICER DELIVERY REQUEST

Officer delivery is required for the attached document. Notice: Violation of City Ordinances

# 173.08 Unsafe Buildings

Re: 1101 W. Indian Trail

Delivery Address: Mohsen & Rhonda Khodabandeh  
2862 E. Hyland Park  
Fayetteville, AR 72701

RECEIVED  
DEC 17 2004  
CRCC

Owner/Occupant's Signature: Mohsen Khodabandeh

### Return of Service

I, Jason P. Gilbert, of the Fayetteville Police Department  
(Officer name - print)

certify that I provided a true copy of the document described above to;

Mohsen Khodabandeh at the following address;  
(name of recipient)

2862 E. Hyland Park

Delivery Date 12/16/04 Time 5:16 pm

Officer Signature [Signature]

# FAYETTEVILLE

City of Fayetteville, Arkansas  
113 WEST MOUNTAIN  
FAYETTEVILLE, AR 72701-6083

RETURN SERVICE REQUESTED

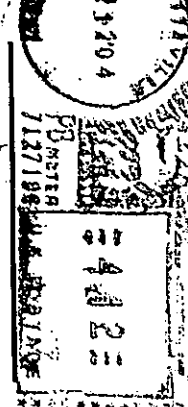
UNCLAIMED

Mohsen & Rhonda Khodabandeh  
2862 E. Hyland Park  
Fayetteville, AR 72701

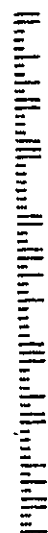
7003 1680 0005 1580 8729



CERTIFIED MAIL™



72701+3817 10



**FAYETTEVILLE**  
**FIRE DEPARTMENT**  
**OFFICE of the FIRE MARSHAL**

---

To: Chad Ball  
Code enforcement

Date: 10-11-04

Ref: Property Assessment  
1101 Indian Trail

Report: CE-74-04

Officer: Dennis Ledbetter   
Evidence Technician

On Sunday the 10<sup>th</sup> of October the Fayetteville Fire Department responded to a reported structure fire at 1101 Indian Trail. Firefighters arrived on the scene and found a working fire. Firefighters brought the fire under control and confined the fire to the upstairs apartment. The fire caused extensive damage to the upstairs apartment and water damage to the downstairs apartment. The upstairs apartment was occupied and the downstairs apartment was vacant. The electric meter and gas meters were removed for safety purposes.

An examination of the interior and exterior showed that the structure's deterioration and fire damage has made the structure unsafe. The owner should assess the property and consider cost of repair verses removed before any repairs are made to the structure. The electric and gas meter should not be returned back to this structure until a master plumber and electrician examine the structure. The owner should obtain proper permits before any repairs are made to this structure.



The City of Fayetteville, Arkansas

## BUILDING SAFETY DIVISION

### **DEPARTMENTAL CORRESPONDENCE**

---

TO: Chad Ball, Code Compliance Officer  
FROM: Steve Cattaneo, Building Safety Director  
DATE: February 17, 2005  
RE: 1101 W. Indian Trail

---

A handwritten signature in black ink, appearing to read "Steve Cattaneo", is written over the printed name.

I have inspected the structure at this address and have found it unsafe to occupy.

Record 1 of 1 Last Updated 02/15/05

Parcel Number: **765-10089-000** Prev. Parcel Number: **143368-000-00** Type: **RI**  
 Location: **1101 PARIS**  
 Owner Name: **KHODABANDEH, MOHSEN & RHONDA**  
 Mailing Address: **2862 E. HYLAND PARK FAYETTEVILLE AR 72701**  
 Lot: **001** Block: **003** S-T-R: **20-16-30**  
 Addition: **ROCHIER HEIGHTS ADD**  
 School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**  
 City: **FAYETTEVILLE**  
 Legal: **PT LOT 1, PT LOT 2 BLOCK 3**  
 Current Year A79 Credit Status:  
 Last Appraised: **2004**

|             | Appraised Value | Taxable Value |
|-------------|-----------------|---------------|
| Land        | 16,500          | 3,225         |
| Improvement | 10,950          | 2,190         |
| Total       | 27,450          | 5,415         |

## Tax History

| Year | Taxable Value | Ad Valorem Tax | Imp. Dist. Tax | Timber Tax | Voluntary Tax | A79 Credit | A79 Status | Net Total Tax | Total Tax Paid | Payment Status |
|------|---------------|----------------|----------------|------------|---------------|------------|------------|---------------|----------------|----------------|
| 2003 | 4,480         | \$237.26       | \$0.00         | \$0.00     | \$0.00        |            |            | \$237.26      | \$237.26       | PAID           |
| 2002 | 4,480         | \$232.78       | \$0.00         | \$0.00     | \$0.00        |            |            | \$232.78      | \$232.78       | PAID           |
| 2001 | 4,224         | \$219.48       | \$0.00         | \$0.00     | \$0.00        |            |            | \$219.48      | \$219.48       | PAID           |
| 2000 | 3,840         | \$201.60       | \$0.00         | \$0.00     | \$0.00        |            |            | \$201.60      | \$201.60       | PAID           |
| 1999 | 3,840         | \$196.61       | \$0.00         | \$0.00     | \$0.00        |            |            | \$196.61      | \$196.61       | PAID           |
| 1998 | 3,840         | \$196.99       | \$0.00         | \$0.00     | \$0.00        |            |            | \$196.99      | \$196.99       | PAID           |
| 1997 | 3,840         | \$196.99       | \$0.00         | \$0.00     | \$0.00        |            |            | \$196.99      | \$196.99       | PAID           |
| 1996 | 3,840         | \$0.00         | \$0.00         | \$0.00     | \$0.00        |            |            | \$0.00        | \$0.00         | PAID           |
| 1995 | 3,840         | \$0.00         | \$0.00         | \$0.00     | \$0.00        |            |            | \$0.00        | \$0.00         | PAID           |

## Available Tax Payment Receipt(s)

| Year | Receipt # | Payment Date | Ad Valorem Tax | Imp. Dist. Tax | Timber Tax | Voluntary Tax | Penalty Tax | Payment  |
|------|-----------|--------------|----------------|----------------|------------|---------------|-------------|----------|
| 2003 | 68268     | 9/16/2004    | \$237.26       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$237.26 |
| 2002 | 72980     | 9/16/2003    | \$232.78       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$232.78 |
| 2001 | 77670     | 10/3/2002    | \$219.48       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$219.48 |
| 2000 | 10601     | 9/19/2001    | \$201.60       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$201.60 |
| 1999 | 10674     | 9/25/2000    | \$196.61       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$196.61 |

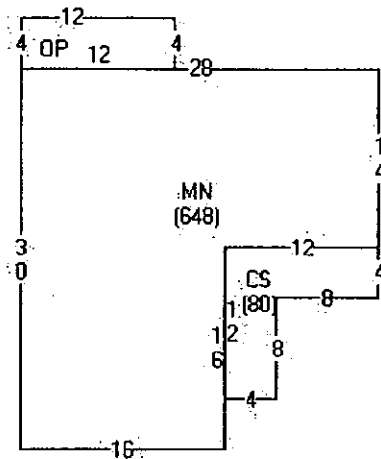
## Deed History

| Date                                                                                                                                  | Book | Page  | Grantee1                           | Grantee2 | Deed Type | Sale Amount | Revenue Amount |
|---------------------------------------------------------------------------------------------------------------------------------------|------|-------|------------------------------------|----------|-----------|-------------|----------------|
| 10/13/1992                                                                                                                            | 92   | 53386 | KHODABANDEH,<br>MOHSEN &<br>RHONDA |          | WD        | 19,000      | 41.80          |
| FOR 1995: PT LOTS 1 & 2 FROM 10090. PT LOTS 1 & 2 TO 10090.<br>92/53387-53388 AFF OF POSSESSION. 94-55648 WD, NO REV FILED<br>9/13/94 |      |       |                                    |          |           |             |                |
| 1/1/1985                                                                                                                              | 1110 | 007   | EVANS, MARSHALL                    |          |           | 0           | 0.00           |

## DALE

| Structure Number | Occupancy Type | Construction Type | First Floor Living Area | Total Living Area | Age or Year Constructed | Basement Area |
|------------------|----------------|-------------------|-------------------------|-------------------|-------------------------|---------------|
| 1                | SF             | FS                | 648                     | 1128              | 68                      |               |

Sketch:



[Next Item](#) | [Previous Item](#) | [Ledger Card](#) | [Prev. Ledger Card](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)

FILED FOR RECORD

94 SEP 13 PM 2 03

WASHINGTON CO AR  
A. KOLLMEYER

10089-  
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT CY CARNEY TRUST, CY CARNEY, JR. TRUSTEE, GRANTOR, for and in consideration of the sum of one Dollar (\$1.00), and other good and valuable consideration paid by MOHSEN KHODABANDEH and RHONDA KHODABANDEH, husband and wife, GRANTEES, the receipt of which is hereby acknowledged, does hereby grant, bargain, and sell unto the said Grantees, and unto their heirs and assigns forever, the following described lands situated in the County of Washington, State of Arkansas:

from 10089  
10090  
Part of Lot Numbered One (1) and Part of Lot Numbered Two (2) of Block Three (3) of Rochier Heights Addition to the City of Fayetteville, Arkansas, further described as beginning at the Northeast corner of Block Three (3) and running thence West 75 feet; thence South 75 feet, thence East 75 feet; thence North 75 feet, to the point of beginning.

To have and to hold the same unto the said Grantees, and unto their heirs and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And I hereby covenant with said Grantees that I will forever warrant and defend the title to said lands against all lawful claims whatsoever.

WITNESS my hand and seal this 1st day of September, 1994.

Cy Carney, Jr. (Seal)  
CY CARNEY TRUST  
CY CARNEY, JR., Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS )  
COUNTY OF WASHINGTON ) ss.

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, CY CARNEY TRUST, by CY CARNEY, JR., TRUSTEE, to me well known as the Signor in the foregoing Deed, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal this 1st day of September, 1994

My Commission Expires:  
October 18, 2001

This Instrument Prepared By:  
Truman E. Yancey  
Attorney at Law  
105 South Church Avenue  
Fayetteville, Arkansas 72701

I certify under penalty of false swearing that at least the legally correct amount of document stamps have been placed on this instrument  
Grantee M. R. Khodabandeh  
Address 1101 Indian TRL, Fayetteville  
AR 72701

94055648

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That ~~we~~ we, Marshall Dale Evans and Lynda J. Browne,  
~~formerly Lynda J. Jackson,~~  
~~known to me~~ hereinafter called Grantor, for and in consideration  
of the sum of One Dollar (\$1.00) and other good and valuable  
consideration to me in hand paid by Mohsen Khodabandeh and  
Rhonda Khodabandeh, husband and wife,

hereinafter called Grantee, do hereby grant, bargain and sell unto the  
said Grantee and Grantee's heirs and assigns, the following described  
land, situate in

Washington County, State of Arkansas, to-wit:

Lot Numbered 1, Block Numbered 3, Rochier Heights Addition to the  
City of Fayetteville, Arkansas, as per plat on file in the office  
of the Circuit Clerk and Ex-Officio Recorder of Washington County,  
Arkansas, except a strip of land described as follows: Beginning  
at a point 60' South of the NE corner of said Lot 1 as the place of  
beginning, running thence West 50', more or less, to the West line  
of said Lot 1; thence South with the West line of said Lot 1, 20';  
thence East to the East line of Lot 1, thence North 20' to the  
place of beginning.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's  
heirs and assigns, forever. And I, the said Grantor, hereby covenant that I am lawfully seized of said land and premises,  
that the same is unincumbered, and that I will forever warrant and defend the title to the said lands against all legal claims  
whatever.

WITNESS my hand and seal on this 13th day of October, 19 92.  
THIS INSTRUMENT PREPARED BY: Sheila Evans (Seal)  
Marshall Dale Evans (Seal)  
Lynda J. Browne (Seal)  
Reginald L. Browne (Seal)  
PEARSON, EVANS & CHADWICK  
14 EAST CENTER STREET  
FAYETTEVILLE, ARKANSAS 72701

### ACKNOWLEDGMENT

STATE OF ARKANSAS  
County of Washington ss.

Marshall Dale Evans & Lynda J. Browne On this the 13th day of October, 19 92, before me, a notary public, personally appeared  
Marshall Dale Evans & Lynda J. Browne formerly Lynda J. Jackson, known to me (or satisfactorily proven) to be the person whose name is subscribed  
to the foregoing instrument and acknowledged that he/she had executed the same for the purposes therein set forth.

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

My Commission Expires 8-15-94

Charles L. Browne  
Notary Public

92 53386



FILED FOR RECORD  
'92 OCT 16 PM 2.10

WASHINGTON CO AR  
J. MEYER

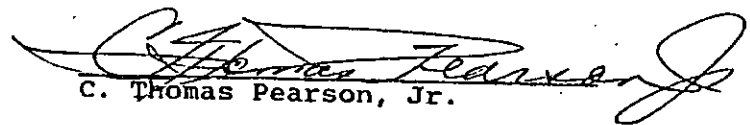
AFFIDAVIT OF ADVERSE POSSESSION

I, C. Thomas Pearson, Jr., do know that Marshall Dale Evans and Lynda Jackson, now Brown, have owned the property located at 1101 Indian Trail, more particularly described as follows:

Lot Numbered 1, Block Numbered 3, Rochier Heights Addition to the City of Fayetteville, Arkansas, as per plat on file in the office of the Circuit Clerk.

That they have possessed the entire lot of Block 3 openly, notoriously, adversely and continuously for the past ten years and that they have exercised exclusive control and use over the entire lot irrespective of any exception contained in any legal description of said lot.

Further, affiant saith naught.

  
C. Thomas Pearson, Jr.

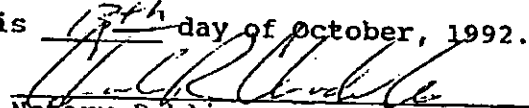
ACKNOWLEDGMENT

STATE OF ARKANSAS     )  
                                  )SS  
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this date, before me, a Notary Public, within and for Washington County, Arkansas, duly commissioned and acting, personally appeared C. Thomas Pearson, Jr., to me well known as the person who signed and executed the foregoing Affidavit of Adverse Possession, and further that the said C. Thomas Pearson, Jr., stated that the above affidavit was executed for the purposes therein mentioned and set forth.

WITNESS my hand and seal on this 13<sup>th</sup> day of October, 1992.

My Commission Expires:

  
Notary Public

(Thomas Pearson, Jr.)

92 53387

FILED FOR RECORD

'92 OCT 16 PM 2 10

WASHINGTON CO AR  
A. KOLLMEYER

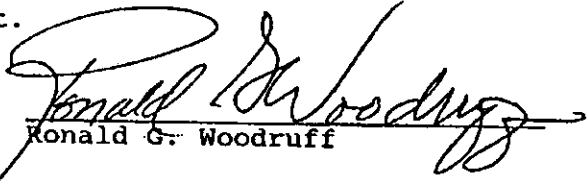
AFFIDAVIT OF ADVERSE POSSESSION

I, Ronald G. Woodruff, do know that Marshall Dale Evans and Lynda Jackson, now Brown, have owned the property located at 1101 Indian Trail, more particularly described as follows:

Lot Numbered 1, Block Numbered 3, Rochier Heights Addition to the City of Fayetteville, Arkansas, as per plat on file in the office of the Circuit Clerk.

That they have possessed the entire lot of Block 3 openly, notoriously, adversely and continuously for the past ten years and that they have exercised exclusive control and use over the entire lot irrespective of any exception contained in any legal description of said lot.

Further, affiant saith naught.

  
Ronald G. Woodruff

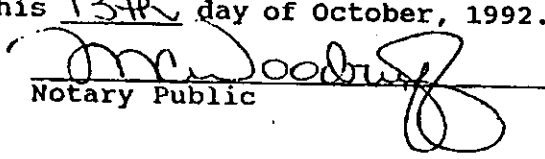
ACKNOWLEDGMENT

STATE OF ARKANSAS     )  
                                  )SS  
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this date, before me, a Notary Public, within and for Washington County, Arkansas, duly commissioned and acting, personally appeared Ronald G. Woodruff, to me well known as the person who signed and executed the foregoing Affidavit of Adverse Possession, and further that the said Ronald G. Woodruff stated that the above affidavit was executed for the purposes therein mentioned and set forth.

WITNESS my hand and seal on this 13th day of October, 1992.



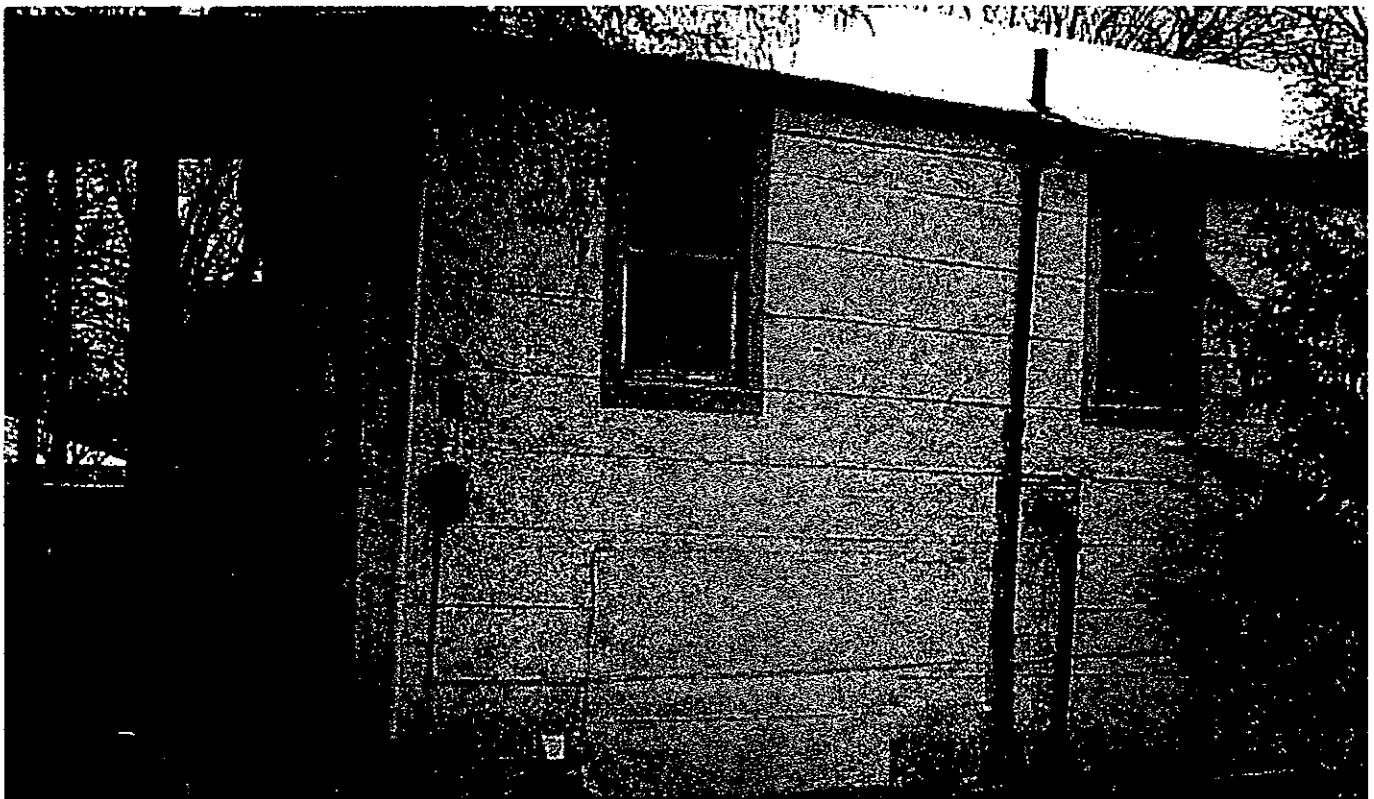
  
Notary Public

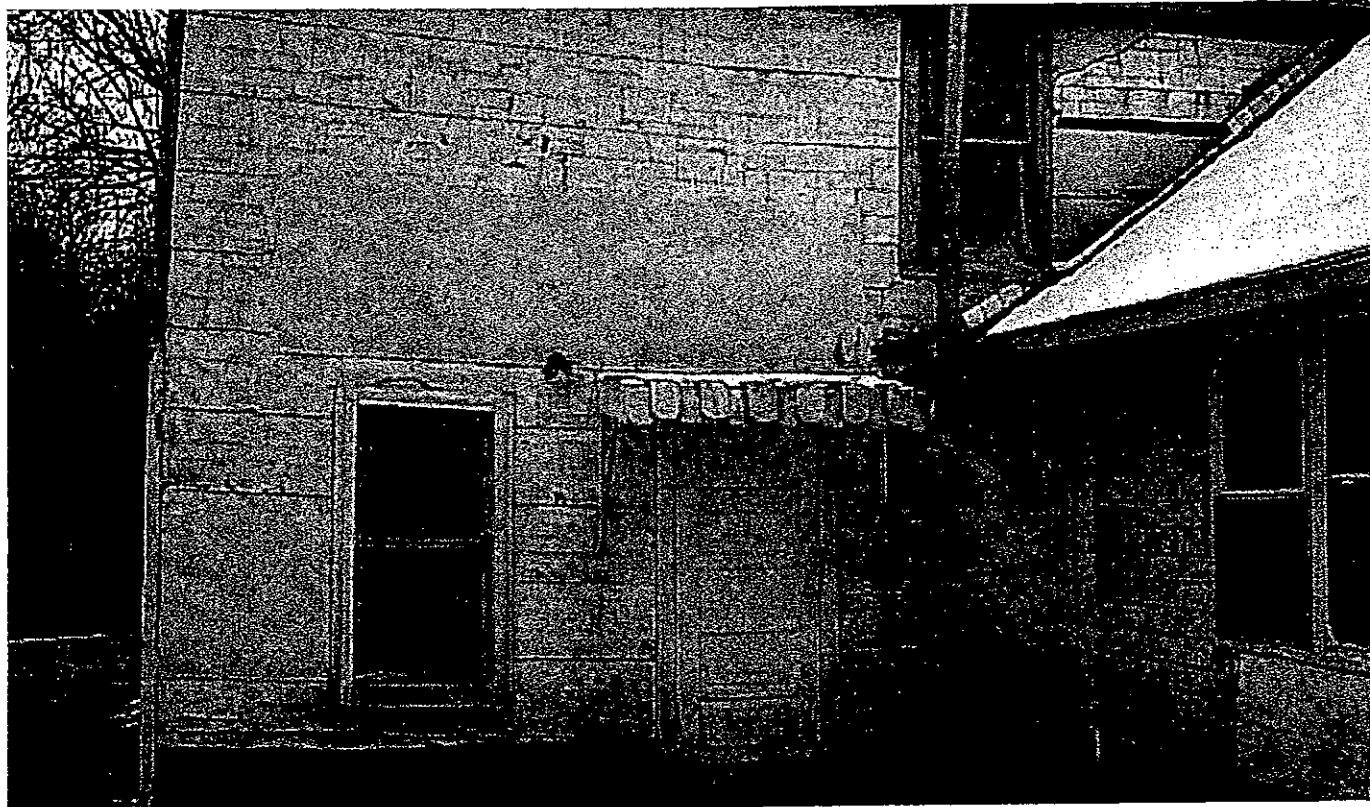
92 53388



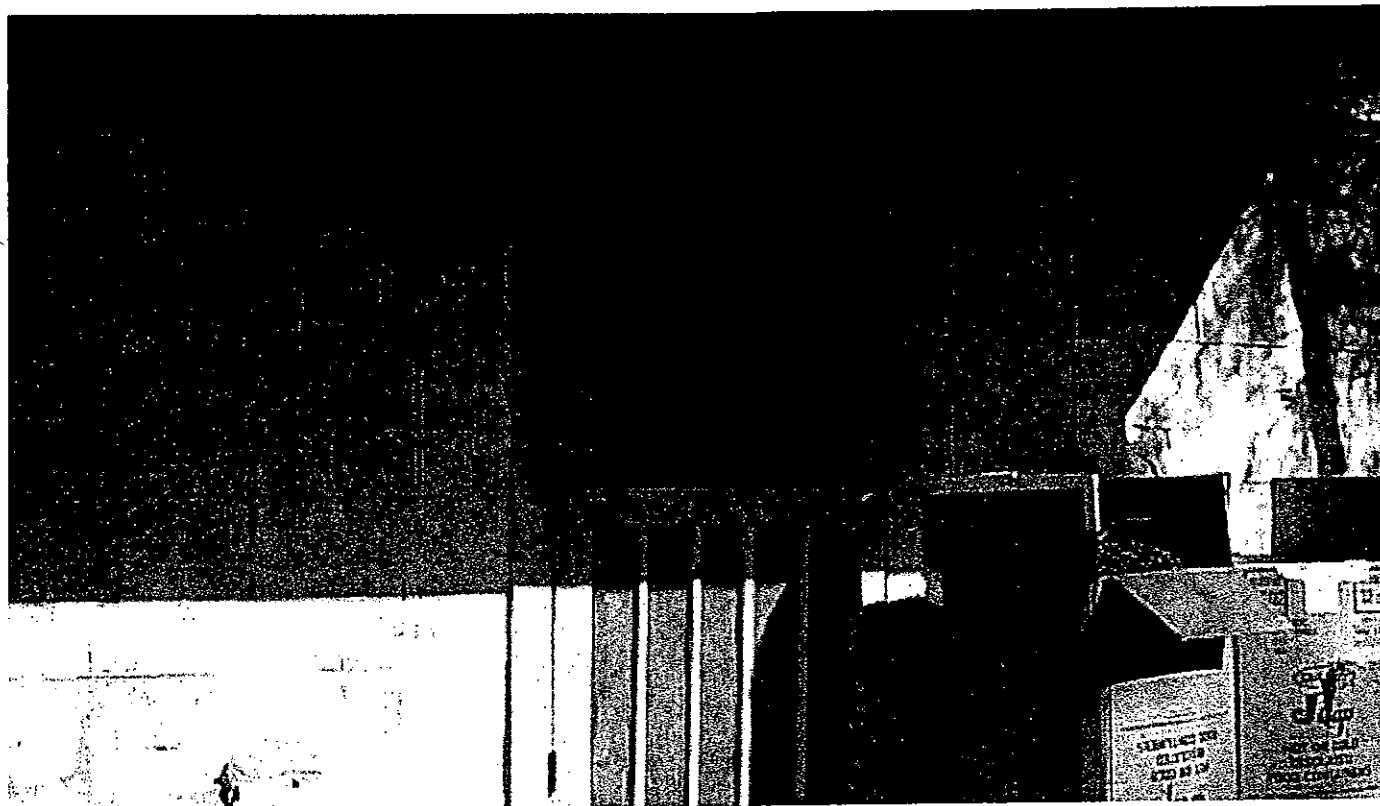


1101 Indian Trail (2/2/05)





1101 Indian Trail (2/2/05)





City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

15-Mar-05  
City Council Meeting Date

Yolanda Fields  
Submitted By

Comm Res & Code Com  
Division

Operations  
Department

Action Required:

Public Hearing and Resolution to order the Raze and Removal of the dilapidated structure located at 1101 Indian Trail, Fayetteville, AR 72701

|                                     |                                         |                                                      |
|-------------------------------------|-----------------------------------------|------------------------------------------------------|
| \$6,000.00<br>Cost of this request  | \$ 25,000.00<br>Category/Project Budget | <br>Program Category / Project Name                  |
| 1010-6420-5315.00<br>Account Number | \$ 3,000.00<br>Funds Used to Date       | Contract Services<br>Program / Project Category Name |
| <br>Project Number                  | \$ 22,000.00<br>Remaining Balance       | General Fund<br>Fund Name                            |

Budgeted Item ☒ Budget Adjustment Attached ☐

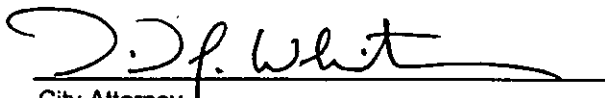
  
Department Director

2-18-05  
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

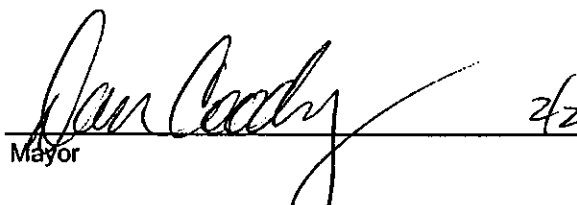
Original Contract Number: n/a

  
City Attorney

2/18/05  
Date

Received in City Clerk's Office



  
Mayor

2/22/05  
Date

Received in Mayor's Office

2/18/05 P.A.

See Attached Memo

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

AN ORDINANCE AMENDING THE PROJECT PLAN  
FOR THE HIGHWAY 71 EAST SQUARE  
REDEVELOPMENT DISTRICT NUMBER ONE,  
FINDING THE PLAN IS ECONOMICALLY FEASIBLE,  
AND DECLARING AN EMERGENCY

**WHEREAS**, on July 27, 2004, the Fayetteville City Council held a Public Hearing concerning the creation of the Highway 71 East Square Redevelopment District; and

**WHEREAS**, on August 17, 2004, the City Council passed Ordinance No. 4608 creating the Highway 71 East Square Redevelopment District and authorized preparation of a Redevelopment Project Plan; and

**WHEREAS**, the City with input from the proposed redevelopers of a Twenty-Two Million Dollar hotel project to be constructed after removal of the blighted Mountain Inn has prepared a proposed Project Plan; and

**WHEREAS**, on November 30, 2004, the City held a Public Hearing on this initial Project Plan proposed for the Redevelopment District; and

**WHEREAS**, on December 7, 2004, the City had a further public hearing on this Project Plan and passed Ordinance 4646 adopting the Project Plan; and

**WHEREAS**, because of a minor, technical notification discrepancy, the City determined the need to renotify all statutorily required officials and republish notice of the public hearings for the Redevelopment District; and

**WHEREAS**, the City Council after 15 day published notice held another public hearing on December 28, 2004 at which all interested parties were given the opportunity to express their views on the proposed adoption of the Project Plan for the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas; and

**WHEREAS**, the City Council adopted this Project Plan on December 28, 2004 by Ordinance No. 4663; and

**WHEREAS**, the Arkansas Attorney General in January 2005 has opined that the 25 mills required by Amendment 74 to be sent to the State may not be used for tax incremental financing; and

**WHEREAS**, removing the 25 mills from the tax increment requires amendment of the Project Plan; and

*Tabled to MAR. 15, 2005 mtg  
Tabled to 3/1/05 on 2/15/05  
Left on the 2nd reading 2/1/05  
LEFT on the 1st reading 1/25/05*



**WHEREAS**, the required fifteen day statutory notification of taxing entities and two publications of notice of the intent to amend the Project Plan have been accomplished prior to the public hearing for the Amendment to the Project Plan on January 25, 2005; and

**WHEREAS**, the Amendment to the Project Plan complies with all statutory requirements of A.C.A. §14-168-306 and 307.

**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 finds that the Amended Project Plan for the Highway 71 East Square Redevelopment District (attached as Exhibit A) is economically feasible.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Amended Project Plan for the Highway 71 East Square Redevelopment District and determines it has complied with all requirements set forth in A.C.A. §14-168-306.

Section 3: Emergency Clause. If this ordinance is not immediately effective, the goal of the Redevelopment District and its Amended Project Plan to remove a dangerous, dilapidated firetrap could fail due to lack of time-sensitive funding. The City Council, therefore, determines and declares an emergency exists which would imperil the public peace, health or safety, and consequently this ordinance shall be in full force and effect from the date of its passage and approval.

**PASSED and APPROVED** this 25<sup>th</sup> day of January, 2005.

APPROVED:

By: \_\_\_\_\_

**DAN COODY, Mayor**

ATTEST:

By: \_\_\_\_\_

**SONDRA SMITH, City Clerk**

**DRAFT**

**PROJECT PLAN AMENDMENT NO. 1  
OF  
THE HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT  
NO. ONE OF FAYETTEVILLE, ARKANSAS**

**(January 25, 2005)**

**REMOVAL OF PHASE II**

In light of the probable reduction in the amount of millage that can be included for incremental financing of the Project Plan envisioned for the Highway 71 East Square Redevelopment District, that plan must be amended so that only Phase One of the Project Plan can go forward and be financed at this time. Therefore, the Project Plan is hereby amended to delete pages 11, 12, 13, and 14 and all references to Phase II within the Project Plan. Furthermore, the map of the district's boundaries on page 3 is amended to reflect the borders approved by the City Council on January 25, 2005, reflecting the entire Downtown Master Planning Area. (See attached map as Exhibit "A")

**ECONOMIC FEASIBILITY STUDY**

Exhibit No. 1 (Economic Feasibility Study) is to be amended and replaced by an updated Economic Feasibility Study by the U of A Center for Business and Economic Research dated January 25, 2005. (Attached as Exhibit "B")

## **USES AND CONDITIONS OF PROPERTY**

Exhibit No. 2 is to be supplemented by the Exhibit to the proposed Downtown Master Plan Redevelopment District Existing Uses and Conditions Map, which are now combined as Exhibit "C".

## **ORDINANCE AMENDING BOUNDARIES OF DISTRICT**

Exhibit No. 3 is to be deleted and replaced with the ordinance passed January 25, 2005 (Exhibit "D") amending the borders of the Redevelopment District as shown on Exhibit "A".

## **CERTIFICATION OF COUNTY ASSESSOR**

Exhibit No. 4 is to be amended to reflect the Arkansas Attorney General's Opinion that the 25 mills required by Amendment 74 shall not be included in the total ad valorem rate so that the applicable ad valorem rate available for TIF financing shown on Exhibit 4 is reduced by those 25 mills. However, the debt service ad valorem rate shall be adjusted so that the tax increment from the increase in property valuation (not including the 25 mills) shall be paid (if not securing debt) only to the TIF district and not transferred to another taxing entity. This should yield at least 7.66 mills as the "applicable ad valorem rate" if all of the school mills above the 25 state mandated mills are exempted from inclusion into TIF millage "by reason of having bonds outstanding." A.C.A. §14-168-312 (a)(3)(B). Thus, the debt

service ad valorem rate should be no more than 19.2 mills for debt pursuant to County Ordinance No. 2004-68 (Exhibit "E") levying such millage.

Exhibit No. 4 is also supplemented by the Washington County Assessor's Certification by letter dated November 20, 2004 (Exhibit "F") for the proposed Downtown Master Plan Redevelopment District including Washington County Ordinance No. 2004-68 the letter of September 21, 2004 from Lisa Z. Morstad of the Fayetteville Public School System (Exhibit "G"), copy of ballot (Exhibit "H"), and parcel appraisals (Exhibit "I"). Again the County Assessor's Certification for Debt Service Ad Valorem Rate should be no more than 19.2 mills and the Applicable Ad Valorem Rate should be at least 7.66 mills.

**AUTHORIZATION OF  
INJUNCTIVE OR DECLARATORY JUDGMENT SUIT  
VERSUS WASHINGTON COUNTY ASSESSOR**

Passage of the ordinance to adopt this Amended Project Plan necessitates a suit be filed requesting that the Circuit Court require the Assessor to issue a Certification of the "debt service ad valorem" rate and the "applicable ad valorem rate" for the enlarged district in accordance with Constitutional mandates. Therefore passage of this Amended Project Plan authorizes the City Attorney to file such declaratory judgment or injunctive

suit so the statutory and constitutional issues regarding appropriate ad valorem rates can be decided by the Court.

### **FINANCING METHODS**

The methods of financing all estimated project costs shall be by the issuance of two types of TIF bonds or notes. The **"marketable bonds"** (secured by a pledge of all TIF revenues of which at least 3.16 are of unchallenged legality) shall be made as soon as possible in order to secure sufficient financing to purchase all the property by February 28, 2005. The other, **"subordinate bonds or notes"** shall be secured, (subordinately to the other TIF bonds) all of the tax increment legally available to pay tax incremental financing bonds within the district after after full payment of the **"marketable bonds."** As these TIF bonds may not be "marketable" until the Courts resolve the issue of what are the proper debt service and applicable ad valorem rates, the developers have agreed to purchase these bonds at their risk so that if there are not sufficient tax increment financing revenues within the 25 year life of this district, they will not receive full payment and have no recourse against the City or TIF district. The **"subordinate bonds or notes"** must be sold with revenues received by the City prior to the City's sale of its **"marketable bonds."**

## PROJECT COST CLARIFICATIONS

The City shall pay not more than \$887,000.00 for demolition and site preparation work as shown on page 9. If this work does not require the full \$887,000.00, the remainder shall be used to pay debt service on the primary TIF bonds.

After demolition of the properties purchased by the TIF district pursuant to the Project Plan, the property cleared by the City shall be sold to the developers for Three Hundred Thousand Dollars (\$300,000.00) which shall be used to pay the interest and reduce the debt of the primary, **"marketable bonds"**.

The developers have agreed to purchase and the City shall issue sufficient bonds or notes above the amount of marketable bonds so that the City through TIF bonds and notes **will receive \$3.5 million net so as to be able to finance the Project.**

## ZONING ORDINANCES AND OTHER PROJECT COSTS

The project does not require or propose any changes of zoning ordinances. The Downtown Master Plan calls for the removal of the Mountain Inn blighted area as a top priority. Apart from economic analysis, bond counsel and underwriting costs and because of lack of sufficient TIF

revenue, no other "non-project costs" are anticipated to be paid by TIF financing.

### **NO RELOCATIONS REQUIRED**

No persons should have to be relocated as all buildings sought to be demolished are vacant.

### **TOTAL INDEBTEDNESS**

The total amount of indebtedness to be incurred is \$3.5 million, plus the costs of issuance and any capitalized interest payments. The total tax increment for the 25 year life of this project based upon 7.66 mills is estimated to be \$20,351,684.00. The method for calculating this increment was using the economic forecast by Crews and Associates of 8.3% property value growth until 2009 and 6% thereafter and applying 7.66 mills to this valuation growth.

No other revenues are anticipated to be used to secure the tax incremental financing.

### **FUTURE OPTIONS**

If tax incremental financing revenues exceeds the projections because more millage is or becomes legally available to the Redevelopment District or property valuation growth exceeds the economic forecast, a project in the western part of the district such as the extension of the Frisco Trail to the

Scull Creek Trail or a cooperative parking deck may be undertaken by the City Council then serving.

### **PROFESSIONAL SERVICES**

The District may engage as may be necessary professional advisors, consultants, attorneys and other TIF specialists to carry out the project plan and related financings.

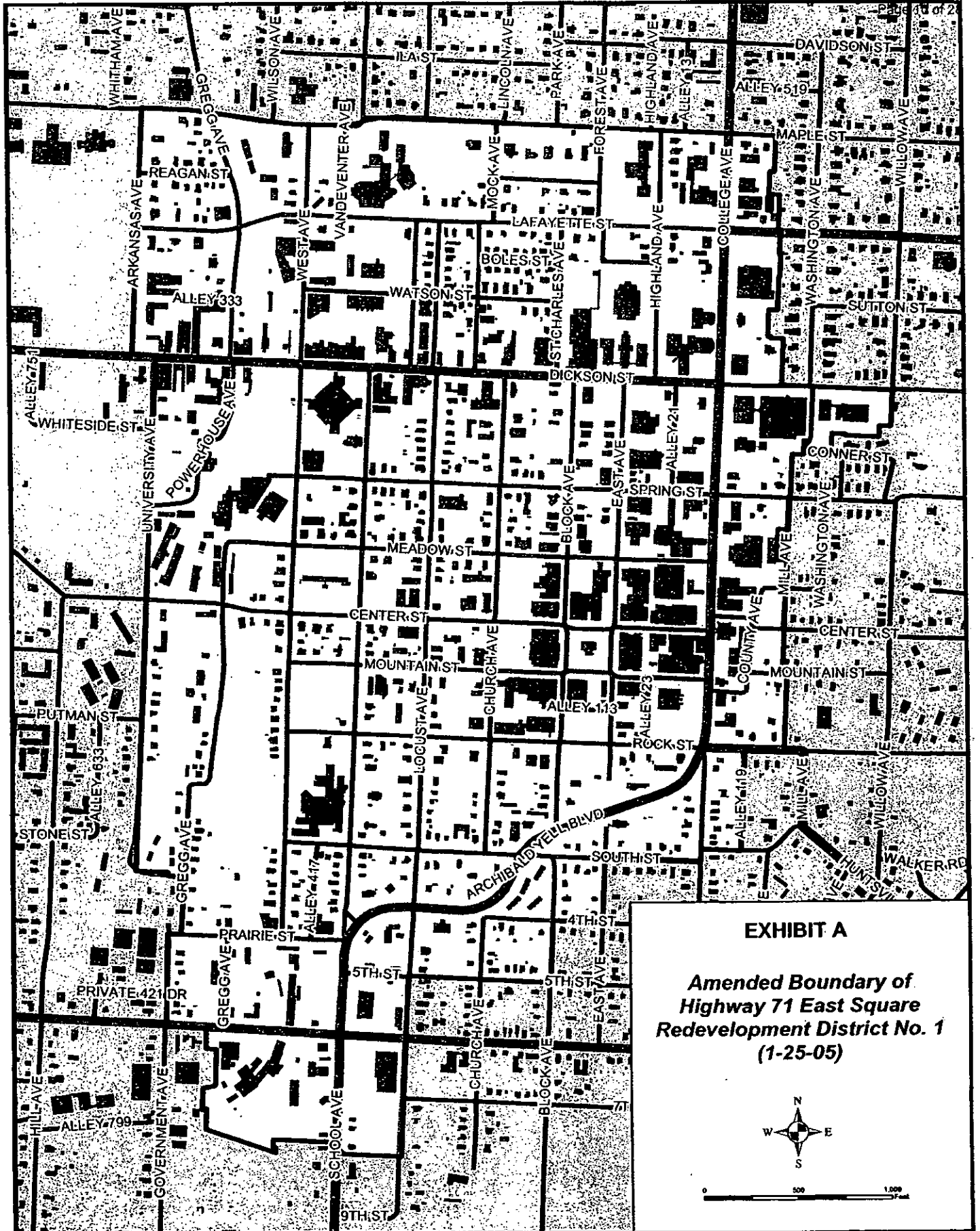
### **APPLICATION OF DISTRICT REVENUES**

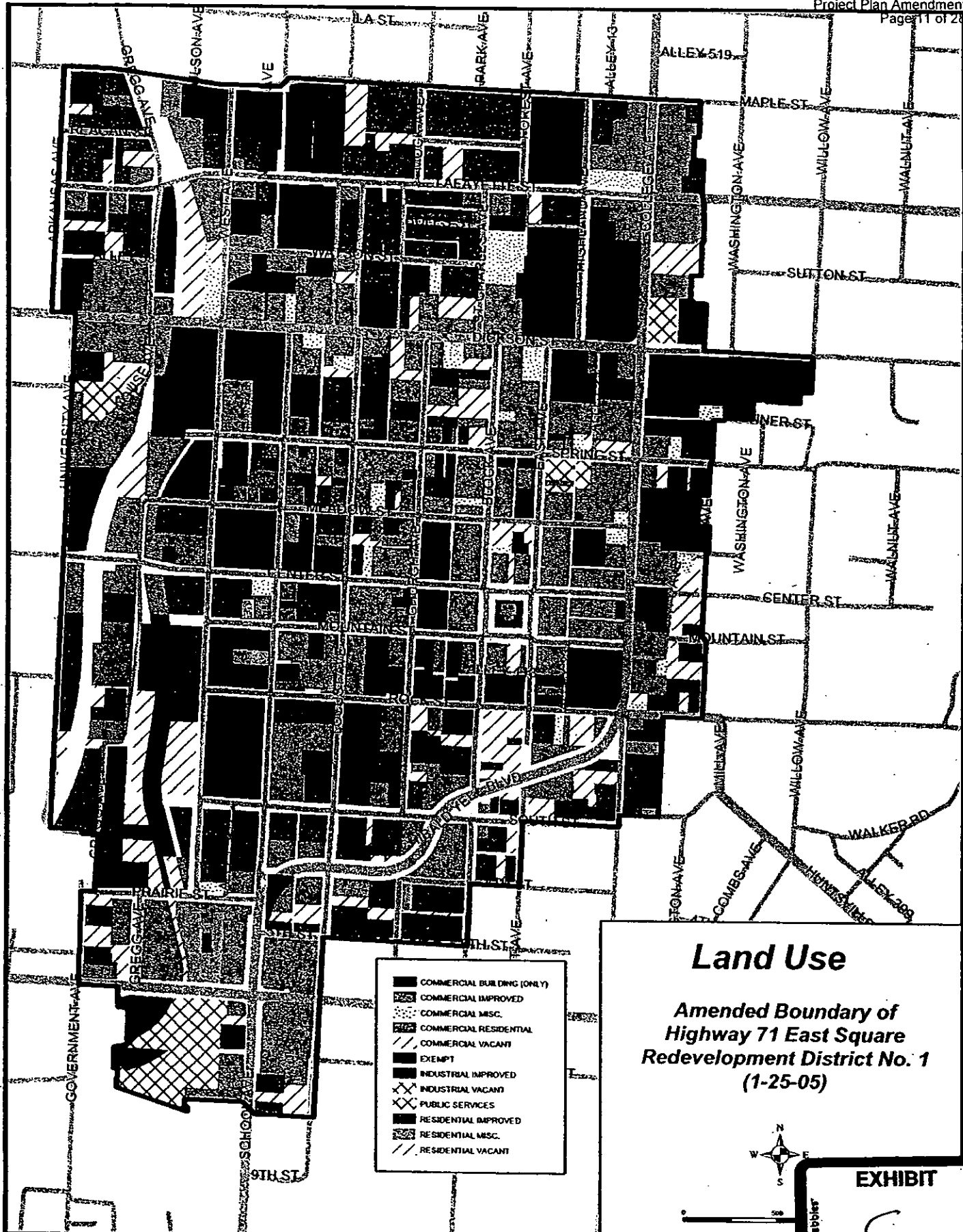
All tax increment collected for the established twenty-five year period will be used to cover district indebtedness and/or other direct district expenses including initial bonded debt and additional bonds that may be issued as district revenues permit. Excess revenues shall retire the district's indebtedness or fund additional projects as may be approved by the City Council in accordance with bond covenants and obligations.

### **INTEREST EARNINGS**

All interest earnings will be used towards debt service obligations on issued Tax Increment Financing bonds/notes. Earnings may be applied to the payment of Capitalized Interest and any prepayment of debt obligations as may be permitted.







ORDINANCE NO. 2004-68

APPROPRIATION ORDINANCE:

BE IT ENACTED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:

KAREN COMBS PRITCHARD  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

04 DEC 13 PM 2 48

FILED

AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND  
SCHOOL DISTRICT TAXES FOR THE YEAR 2004.

WHEREAS, Article 7, Section 30, of the Constitution of the State of Arkansas requires the Justices of the Peace of each county to "sit with and assist the County Judge in levying the county taxes"; and,

WHEREAS, A.C.A. 14-14-904 provides that "The Quorum Court, at its regular meeting in November of each year, shall levy the county, municipal, and school taxes for the current year."

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT  
OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. The following taxes are hereby levied for the Year 2004 for Washington County, Arkansas:

|                    | <u>REAL ESTATE/<br/>PERSONAL PROPERTY</u> |
|--------------------|-------------------------------------------|
| (A) County General | 4.75 mills                                |
| (B) County Road    | 1.11 mills                                |
| (C) County Library | 1.0 mills*                                |

\* To be collected throughout the County except for property within the City Limits of Fayetteville.

ARTICLE 2. The following taxes are hereby levied for the Year 2004 for the respective municipalities within Washington County, Arkansas:

|                  | <u>REAL ESTATE/<br/>PERSONAL PROPERTY</u> |
|------------------|-------------------------------------------|
| (A) Fayetteville | 1.8 mills**                               |
| (B) Springdale   | 5.6 mills                                 |
| (C) Elkins       | 5.0 mills                                 |
| (D) Greenland    | 2.9 mills                                 |
| (E) West Fork    | 5.0 mills                                 |



ORDINANCE NO. 2004-68  
PAGE 2

|                   |           |
|-------------------|-----------|
| (F) Winslow       | 3.0 mills |
| (G) Farmington    | 4.9 mills |
| (H) Tontitown     | 2.0 mills |
| (I) Elm Springs   | 5.0 mills |
| (J) Johnson       | 4.8 mills |
| (K) Prairie Grove | 9.4 mills |
| (L) Lincoln       | 6.5 mills |
| (M) Goshen        | 0.0 mills |

\*\* 1.0 mill is a library millage and is to be collected only inside the City Limits of Fayetteville; .8 mill is for all other legal purposes.

ARTICLE 3. The following taxes are hereby levied for the Year 2004 for the respective school districts within Washington County, Arkansas:

REAL ESTATE/  
PERSONAL PROPERTY

|                        | <u>Debt</u> | <u>M &amp; O</u> | <u>Total</u> |
|------------------------|-------------|------------------|--------------|
| (A) Fayetteville, #1   | 19.2 mills  | 25.0 mills       | 44.2 mills   |
| (B) Farmington, #6     | 15.7 mills  | 25.0 mills       | 40.7 mills   |
| (C) Elkins, #10        | 15.2 mills  | 25.0 mills       | 40.2 mills   |
| (D) Winslow, #20       | 8.0 mills   | 25.0 mills       | 33.0 mills   |
| (E) Prairie Grove, #23 | 12.9 mills  | 25.0 mills       | 37.9 mills   |
| (F) Lincoln, #48       | 14.8 mills  | 25.0 mills       | 39.8 mills   |
| (G) Springdale, #50    | 14.5 mills  | 25.0 mills       | 39.5 mills   |
| (H) Greenland, #95     | 12.9 mills  | 25.0 mills       | 37.9 mills   |
| (I) West Fork, #141    | 14.0 mills  | 25.0 mills       | 39.0 mills   |
| (J) Benton County, #21 | 15.0 mills  | 25.0 mills       | 40.0 mills   |

ARTICLE 4. The levy of taxes for 2004 is in accordance with State law.

  
JERRY HUTTON, County Judge

12-13-04  
DATE

  
KAREN COMBS PRITCHARD, County Clerk

Sponsor: Kurt Anderson  
Date of Passage: December 9, 2004  
Votes For: 12 Votes Against: 0  
Abstentions: 0 Absent: 1



LEE ANN KIZZAR  
COUNTY ASSESSOR

WASHINGTON COUNTY  
STATE OF ARKANSAS  
Washington County Courthouse  
280 North College - Suite 250  
Fayetteville, Arkansas 72701

TELEPHONE  
479/444-1500

November 20, 2004

Mr. Hugh Earnest  
City of Fayetteville  
113 W. Mountain  
Fayetteville AR 72701

Dear Mr. Earnest,

Please accept this letter and its attachments as the assessor's certification required by ACA 14-168-306(b)(5) for the approval of the Downtown Master Plan Redevelopment District Project Plan.

The assessed value of all real property within the redevelopment district subject to ad valorem taxation, also known as the Base Value as of January 1, 2004, is:  
15,083,761.

The rolled back total millage rate of Washington County, the Fayetteville School District, and the City of Fayetteville, also known as the Total Ad Valorem Rate, is:  
51.91.

The portion of the total ad valorem rate that was, at January 1, 2001, pledged to the payment of debt service by the Fayetteville School District, also known as the Debt Service Ad Valorem Rate, is:  
23.7.

The total rolled back ad valorem rate less the debt service ad valorem rate, also known as the Applicable Ad Valorem Rate, is:  
28.21.

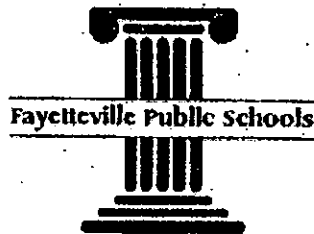
Attached is the certification from the Fayetteville School District of the debt service ad valorem rate, a copy of the most recent millage ordinance detailing levied ad valorem millage rates for all taxing entities in Washington County with the pertinent items marked with an asterisk, and a report from the assessor's database detailing the appraised and assessed value of each parcel in the redevelopment district along with totals for the entire district. Also included is a copy of the rollback forms for Washington County and the Fayetteville School District to show the rolled back millages.

Sincerely,

  
Lee Ann Kizzar



City of Fayetteville  
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT  
PROJECT PLAN



CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

September 21, 2004

Ms. Lee Ann Kizzar  
County Assessor  
Washington County Courthouse  
280 North College - Suite 360  
Fayetteville, AR 72701

Dear Ms. Kizzar:

Please be informed that the Fayetteville School Districts millage structure at January 1, 2001 was as follows:

19.3 mills General Maintenance & Operation  
23.7 mills Debt Service  
1.0 mill Capital Outlay  
44.0 mills

I have attached the school ballot from that election for your reference. Please call me if you have any questions.

Thank you,

*Lisa Z. Morland*  
Lisa Z. Morland



1000 WEST STONE STREET

PO BOX 849

FAYETTEVILLE, ARKANSAS 72702

(501) 444-3000

City of Fayetteville  
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT  
PROJECT PLAN

ANNUAL SCHOOL ELECTION BALLOT

| A                                                                                                                                                                                                                                                                                     | B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | C                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| FAYETTEVILLE SCHOOL                                                                                                                                                                                                                                                                   | WASHINGTON COUNTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | SEPTEMBER 19, 2000 |
| <p><b>DISTRICT NO. 1</b></p> <p><b>INSTRUCTIONS TO VOTER</b></p> <p>1. To vote you must blacken the Oval ( <input type="radio"/> ) completely next to the candidate of your choice.</p> <p>2. Use only the pencil provided.</p> <p>3. After voting, deposit ballot in ballot box.</p> | <p><b>School Tax</b><br/>44.0 Mills</p> <p>The total rate proposed above includes the uniform rate of 25.0 mills (the Statute Uniform Rate) to be collected on all taxable property in the State and remitted to the State Treasurer pursuant to Amendment No. 74 to the Arkansas Constitution to be used solely for maintenance and operation of schools in the State. As provided in Amendment No. 74, the Statewide Uniform Rate replaces a portion of the existing rate of tax levied by this school District and available for maintenance and operation of the schools in this District. The total proposed school tax levy of 44.0 mills includes 13.3 mills for general maintenance and operation, 1.0 mill for current expenditures/dedicated maintenance and operation expenditures dedicated specifically for the purposes of purchasing school buses, purchasing furniture and equipment, purchasing computer software and renovating and repairing existing facilities, and 29.7 mills for debt service as a continuing levy pledged for the retirement of existing bonded indebtedness. The 29.7 debt service mills are allocated as follows: 3.0 mills is a continuing levy dedicated exclusively to the retirement of the Clamette Bonds dated November 1, 1987 and May 1, 1988, and 26.7 mills is a continuing levy pledged for the retirement of all other existing bonded indebtedness. The surplus revenues produced by the 29.7 debt service mills may be used by the District for other school purposes.</p> <p>If the proposed school tax levy is approved by the electors, then the total school tax rate shall be 44.0 mills (this being the effect of such approval not withstanding the result of the litigation referred to below). If the proposed school tax levy is not approved by the electors, then the total school tax rate shall be a lower rate determined in accordance with pending litigation in the Circuit Court of Washington County, Arkansas (the "Court") involving the rollback provisions of Amendment No. 29 to the Arkansas Constitution, in which the Court has ruled that the rollback provisions of Amendment No. 29 have been triggered (the "Rollback Mitigation Ruling"). The total proposed tax levy of 44.0 mills represents an increase in total mills equal to the difference between the proposed levy of the 44.0 mills and the lower Rollback Mitigation Rate.</p> |                    |
| <p><b>School Board Director. - 3yr.</b><br/>Pos 2</p> <p><input type="radio"/> Howard Hamilton<br/>(Unopposed)</p>                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |
| <p><b>School Board Director. - 3yr.</b><br/>Pos 6</p> <p><input type="radio"/> Pam Grondin<br/>(Unopposed)</p>                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                    |
|                                                                                                                                                                                                                                                                                       | <p><input type="radio"/> FOR TAX</p> <p><input type="radio"/> AGAINST TAX</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |

EXHIBIT  
 H



Fayetteville Downtown Master Plan TIF district

| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-01853-000 | CM   | 186,850         | 25,926         |
| 765-01854-000 | CI   | 995,300         | 148,334        |
| 765-01877-000 | CV   | 160,000         | 11,440         |
| 765-01878-000 | RI   | 85,950          | 14,459         |
| 765-01879-000 | CV   | 80,000          | 10,450         |
| 765-01880-000 | CI   | 182,000         | 30,007         |
| 765-01881-000 | CV   | 180,000         | 29,700         |
| 765-01882-000 | RI   | 158,650         | 24,151         |
| 765-01883-000 | CI   | 138,800         | 25,333         |
| 765-01884-000 | CI   | 296,550         | 27,957         |
| 765-01885-000 | CI   | 254,200         | 49,477         |
| 765-01886-000 | CV   | 116,150         | 7,951          |
| 765-01887-000 | CV   | 21,100          | 1,444          |
| 765-01888-000 | CI   | 337,950         | 44,200         |
| 765-01890-000 | CV   | 58,000          | 6,163          |
| 765-01891-000 | RI   | 112,250         | 17,760         |
| 765-01892-000 | RI   | 157,050         | 27,317         |
| 765-01893-000 | RI   | 122,450         | 14,813         |
| 765-01894-000 | RI   | 87,150          | 13,900         |
| 765-01895-000 | CI   | 476,400         | 69,155         |
| 765-01896-000 | RI   | 134,650         | 16,044         |
| 765-01897-000 | RI   | 65,850          | 10,053         |
| 765-01898-000 | RI   | 57,050          | 7,402          |
| 765-01899-000 | RI   | 86,650          | 12,740         |
| 765-01700-000 | CR   | 102,400         | 12,601         |
| 765-01701-000 | RI   | 76,950          | 12,572         |
| 765-01702-000 | CR   | 287,950         | 52,426         |
| 765-01703-000 | CM   | 90,150          | 11,341         |
| 765-01704-000 | CR   | 239,500         | 36,594         |
| 765-01705-000 | CI   | 207,750         | 28,984         |
| 765-01706-000 | CI   | 458,650         | 74,419         |
| 765-01707-000 | CI   | 634,200         | 92,444         |
| 765-01708-000 | CM   | 71,800          | 12,177         |
| 765-01709-000 | CI   | 270,550         | 24,574         |
| 765-01710-000 | CT   | 69,000          | 7,445          |
| 765-01711-000 | CV   | 50,400          | 8,129          |
| 765-01712-000 | RI   | 78,800          | 9,621          |
| 765-01713-000 | EX   | 0               | 0              |
| 765-01714-000 | RI   | 92,550          | 13,666         |
| 765-01715-000 | RI   | 163,750         | 20,203         |
| 765-01716-000 | EX   | 0               | 0              |
| 765-01717-000 | CR   | 134,600         | 16,130         |
| 765-01718-000 | RI   | 56,250          | 8,850          |
| 765-01719-000 | RI   | 199,560         | 31,021         |
| 765-01721-000 | RI   | 169,450         | 28,940         |
| 765-01726-000 | EX   | 0               | 0              |
| 765-01733-000 | EX   | 0               | 0              |
| 765-01738-000 | CI   | 805,300         | 127,523        |
| 765-01739-000 | EX   | 0               | 0              |
| 765-01740-000 | EX   | 0               | 0              |
| 765-01741-000 | CI   | 504,900         | 55,567         |
| 765-01742-000 | EX   | 0               | 0              |
| 765-01743-000 | CI   | 1,356,950       | 231,535        |
| 765-01743-002 | EX   | 0               | 0              |
| 765-01743-003 | EX   | 0               | 0              |
| 765-01744-000 | ET   | 0               | 0              |
| 765-01745-000 | PS   | 0               | 0              |
| 765-01745-001 | EX   | 0               | 0              |
| 765-01745-002 | EX   | 0               | 0              |

11/20/2004



| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-01746-000 | EX   | 0               | 0              |
| 765-01747-000 | CR   | 213,300         | 38,223         |
| 765-01748-000 | RI   | 155,950         | 16,052         |
| 765-01749-000 | RI   | 87,700          | 16,403         |
| 765-01750-000 | ET   | 0               | 0              |
| 765-01751-000 | ET   | 0               | 0              |
| 765-01752-000 | ET   | 0               | 0              |
| 765-01753-000 | EX   | 0               | 0              |
| 765-01754-000 | RI   | 133,500         | 20,861         |
| 765-01755-000 | CI   | 146,000         | 23,724         |
| 765-01756-000 | CR   | 351,850         | 29,284         |
| 765-01757-000 | CR   | 95,600          | 13,327         |
| 765-01758-000 | RI   | 128,400         | 19,900         |
| 765-01759-000 | RI   | 87,150          | 15,530         |
| 765-01760-000 | CI   | 93,350          | 12,999         |
| 765-01761-000 | CR   | 197,600         | 39,520         |
| 765-01762-000 | CI   | 179,650         | 24,123         |
| 765-01763-000 | RI   | 116,100         | 14,629         |
| 765-01764-000 | CI   | 153,700         | 28,754         |
| 765-01765-000 | CI   | 151,800         | 27,092         |
| 765-01766-000 | RI   | 259,400         | 47,498         |
| 765-01767-000 | CR   | 269,800         | 48,671         |
| 765-01768-000 | RI   | 107,700         | 15,101         |
| 765-01769-000 | RV   | 20,000          | 2,816          |
| 765-01770-000 | RI   | 90,650          | 8,990          |
| 765-01771-000 | RI   | 74,650          | 10,167         |
| 765-01772-000 | CR   | 174,650         | 32,742         |
| 765-01773-000 | RI   | 71,300          | 9,796          |
| 765-01774-000 | CI   | 671,000         | 134,200        |
| 765-01774-001 | CM   | 63,500          | 12,111         |
| 765-01775-000 | CI   | 139,050         | 27,137         |
| 765-01776-000 | RI   | 192,300         | 22,618         |
| 765-01777-000 | CV   | 18,150          | 2,189          |
| 765-01777-001 | RI   | 90,900          | 14,257         |
| 765-01778-000 | CR   | 288,400         | 41,598         |
| 765-01779-000 | CI   | 100,050         | 17,646         |
| 765-01856-000 | CI   | 412,450         | 68,990         |
| 765-01857-000 | CI   | 161,850         | 26,727         |
| 765-01858-000 | RI   | 187,750         | 27,955         |
| 765-01859-000 | CI   | 118,200         | 15,378         |
| 765-01860-000 | RI   | 73,100          | 12,197         |
| 765-01881-000 | RI   | 64,400          | 6,030          |
| 765-01862-000 | CM   | 76,550          | 12,325         |
| 765-01863-000 | RI   | 171,850         | 25,333         |
| 765-01864-000 | CM   | 66,550          | 11,484         |
| 765-01865-000 | CI   | 482,350         | 49,325         |
| 765-01866-000 | CI   | 290,200         | 49,940         |
| 765-01867-000 | CI   | 123,500         | 12,727         |
| 765-01868-000 | RI   | 154,700         | 23,924         |
| 765-01869-000 | ET   | 0               | 0              |
| 765-01870-000 | ET   | 0               | 0              |
| 765-01871-000 | ET   | 0               | 0              |
| 765-01872-000 | ET   | 0               | 0              |
| 765-01873-000 | EX   | 0               | 0              |
| 765-01874-000 | CI   | 46,050          | 7,865          |
| 765-01875-000 | CI   | 41,850          | 7,021          |
| 765-01876-000 | RI   | 78,550          | 13,695         |
| 765-01877-000 | RI   | 437,050         | 85,102         |
| 765-01878-000 | CI   | 106,850         | 19,118         |
| 765-01879-000 | EX   | 0               | 0              |
| 765-01880-000 | RI   | 112,000         | 16,103         |
| 765-01881-000 | RI   | 163,450         | 17,139         |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-01882-000 | CR   | 276,160         | 45,824         |
| 765-01882-001 | CI   | 445,900         | 89,180         |
| 765-01883-000 | CR   | 231,000         | 46,200         |
| 765-01884-000 | RI   | 75,350          | 12,735         |
| 765-01885-000 | RV   | 500             | 100            |
| 765-01886-000 | CI   | 75,700          | 9,482          |
| 765-01887-000 | CI   | 88,050          | 7,894          |
| 765-01888-000 | RI   | 54,950          | 9,324          |
| 765-01889-000 | RI   | 62,650          | 8,451          |
| 765-01890-000 | RI   | 47,050          | 7,536          |
| 765-01891-000 | RI   | 88,500          | 14,850         |
| 765-01892-000 | RI   | 107,000         | 17,586         |
| 765-01893-000 | RI   | 100,500         | 13,002         |
| 765-01894-000 | RI   | 88,000          | 15,389         |
| 765-01895-000 | CM   | 135,200         | 12,598         |
| 765-01896-000 | RI   | 100,950         | 15,766         |
| 765-01897-000 | RI   | 137,550         | 18,690         |
| 765-01898-000 | RI   | 137,350         | 17,593         |
| 765-01899-000 | RI   | 79,750          | 7,899          |
| 765-01900-000 | CV   | 58,400          | 3,080          |
| 765-01901-000 | CI   | 55,450          | 8,907          |
| 765-01902-000 | RI   | 65,450          | 9,162          |
| 765-01903-000 | CI   | 209,500         | 28,929         |
| 765-01904-000 | RI   | 436,350         | 55,159         |
| 765-01905-000 | CR   | 246,900         | 27,478         |
| 765-01906-000 | CR   | 228,650         | 22,765         |
| 765-01907-000 | RI   | 174,150         | 31,856         |
| 765-01908-000 | RI   | 125,650         | 17,576         |
| 765-01909-000 | EX   | 0               | 0              |
| 765-01910-000 | RI   | 55,350          | 7,136          |
| 765-01911-000 | EX   | 0               | 0              |
| 765-01912-000 | RI   | 52,750          | 10,550         |
| 765-01913-000 | CI   | 112,650         | 12,627         |
| 765-01914-000 | ET   | 0               | 0              |
| 765-01915-000 | CI   | 96,400          | 17,678         |
| 765-01916-000 | CI   | 362,450         | 37,752         |
| 765-01917-000 | CI   | 435,500         | 60,380         |
| 765-01994-000 | CI   | 294,300         | 52,613         |
| 765-01995-000 | CI   | 218,100         | 29,835         |
| 765-01996-000 | EX   | 0               | 0              |
| 765-01997-000 | EX   | 0               | 0              |
| 765-01998-000 | EX   | 0               | 0              |
| 765-01999-000 | CI   | 208,650         | 41,173         |
| 765-01999-001 | CI   | 141,000         | 20,933         |
| 765-02000-000 | CI   | 340,350         | 47,018         |
| 765-02001-000 | CI   | 286,650         | 40,866         |
| 765-02002-000 | RI   | 471,650         | 78,977         |
| 765-02003-000 | CI   | 341,350         | 56,049         |
| 765-02004-000 | CI   | 334,350         | 39,344         |
| 765-02005-000 | CI   | 324,800         | 60,665         |
| 765-02006-000 | RI   | 72,500          | 7,305          |
| 765-02007-000 | CR   | 185,600         | 37,120         |
| 765-02008-000 | RI   | 67,700          | 10,978         |
| 765-02010-000 | CT   | 148,050         | 26,950         |
| 765-02020-000 | RI   | 98,700          | 10,915         |
| 765-02021-000 | EX   | 0               | 0              |
| 765-02022-000 | RI   | 49,400          | 4,730          |
| 765-02023-000 | RI   | 79,850          | 10,608         |
| 765-02024-000 | RI   | 65,550          | 7,635          |
| 765-02025-000 | RI   | 80,500          | 15,149         |
| 765-02026-000 | EX   | 0               | 0              |
| 765-02027-000 | RI   | 46,550          | 7,908          |

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| <u>Parcel ID</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> |
|------------------|-------------|------------------------|-----------------------|
| 765-02028-000    | RI          | 46,600                 | 7,207                 |
| 765-02029-000    | RI          | 96,650                 | 15,133                |
| 765-02030-000    | EX          | 0                      | 0                     |
| 765-02031-000    | RI          | 82,150                 | 8,735                 |
| 765-02032-000    | RI          | 44,000                 | 8,393                 |
| 765-02033-000    | EX          | 0                      | 0                     |
| 765-02034-000    | RM          | 22,300                 | 4,460                 |
| 765-02035-000    | RV          | 50,500                 | 8,666                 |
| 765-02036-000    | EX          | 0                      | 0                     |
| 765-02037-000    | EX          | 0                      | 0                     |
| 765-02038-000    | EX          | 0                      | 0                     |
| 765-02039-000    | EX          | 0                      | 0                     |
| 765-02040-000    | EX          | 0                      | 0                     |
| 765-02041-000    | EX          | 0                      | 0                     |
| 765-02041-000    | EX          | 0                      | 0                     |
| 765-02042-000    | EX          | 0                      | 0                     |
| 765-02043-000    | CI          | 222,950                | 30,901                |
| 765-02044-000    | RI          | 91,800                 | 10,011                |
| 765-02045-000    | RI          | 78,550                 | 9,515                 |
| 765-02046-000    | CI          | 160,650                | 25,464                |
| 765-02047-000    | CR          | 216,050                | 34,939                |
| 765-02048-000    | RI          | 111,700                | 17,606                |
| 765-02049-000    | RI          | 68,600                 | 7,401                 |
| 765-02050-000    | RI          | 66,250                 | 7,052                 |
| 765-02051-000    | RI          | 88,150                 | 10,925                |
| 765-02052-000    | RI          | 77,350                 | 8,827                 |
| 765-02053-000    | CI          | 299,400                | 42,056                |
| 765-02054-000    | RI          | 79,450                 | 7,624                 |
| 765-02055-000    | RI          | 75,350                 | 6,100                 |
| 765-02056-000    | RI          | 65,650                 | 7,317                 |
| 765-02057-000    | RI          | 50,850                 | 6,635                 |
| 765-02058-000    | RI          | 65,950                 | 8,041                 |
| 765-02059-000    | RI          | 52,200                 | 6,364                 |
| 765-02060-000    | RI          | 54,000                 | 6,635                 |
| 765-02061-000    | RI          | 76,100                 | 7,362                 |
| 765-02062-000    | RI          | 104,900                | 13,033                |
| 765-02063-000    | RI          | 68,100                 | 9,462                 |
| 765-02064-000    | CI          | 183,050                | 26,833                |
| 765-02064-001    | RI          | 88,150                 | 7,744                 |
| 765-02065-000    | RI          | 112,900                | 11,182                |
| 765-02066-000    | RI          | 111,300                | 9,580                 |
| 765-02067-000    | RI          | 58,100                 | 5,952                 |
| 765-02068-000    | RI          | 58,050                 | 5,630                 |
| 765-02069-000    | CI          | 160,350                | 26,169                |
| 765-04326-000    | ET          | 0                      | 0                     |
| 765-04327-000    | RV          | 23,400                 | 2,880                 |
| 765-04328-000    | ET          | 0                      | 0                     |
| 765-04329-000    | ET          | 0                      | 0                     |
| 765-04330-000    | ET          | 0                      | 0                     |
| 765-04332-000    | ET          | 0                      | 0                     |
| 765-04333-000    | ET          | 0                      | 0                     |
| 765-04334-000    | ET          | 0                      | 0                     |
| 765-04335-000    | ET          | 0                      | 0                     |
| 765-04336-000    | ET          | 0                      | 0                     |
| 765-04337-000    | RI          | 152,350                | 19,825                |
| 765-04338-000    | RV          | 20,650                 | 2,840                 |
| 765-04339-000    | RI          | 99,700                 | 14,300                |
| 765-04340-000    | RI          | 93,650                 | 10,842                |
| 765-04341-000    | RI          | 133,500                | 20,270                |
| 765-04342-000    | RI          | 186,100                | 22,803                |
| 765-04343-000    | RI          | 70,200                 | 14,040                |
| 765-04344-000    | CI          | 53,750                 | 10,750                |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-04345-000 | RI   | 30,150          | 4,114          |
| 765-04346-000 | ET   | 0               | 0              |
| 765-04347-000 | RI   | 58,300          | 10,410         |
| 765-04348-000 | RI   | 68,550          | 10,054         |
| 765-04349-000 | RI   | 78,250          | 11,682         |
| 765-04350-000 | CI   | 301,850         | 50,736         |
| 765-04350-001 | CI   | 223,400         | 39,556         |
| 765-04351-000 | ET   | 0               | 0              |
| 765-04352-000 | ET   | 0               | 0              |
| 765-04353-000 | ET   | 0               | 0              |
| 765-04354-000 | ET   | 0               | 0              |
| 765-04355-000 | RI   | 55,250          | 7,485          |
| 765-04356-000 | RI   | 56,650          | 7,679          |
| 765-04357-000 | CR   | 119,750         | 14,915         |
| 765-04357-100 | EX   | 0               | 0              |
| 765-04358-000 | CI   | 54,000          | 10,800         |
| 765-04359-000 | CI   | 81,350          | 14,377         |
| 765-04360-000 | CI   | 70,350          | 12,033         |
| 765-04361-000 | CI   | 1,072,400       | 185,001        |
| 765-04362-000 | CI   | 393,700         | 64,625         |
| 765-04362-001 | EX   | 0               | 0              |
| 765-04363-000 | CM   | 188,900         | 5,420          |
| 765-04363-001 | EX   | 0               | 0              |
| 765-04364-000 | CI   | 1,225,100       | 177,117        |
| 765-04365-000 | CI   | 265,350         | 42,400         |
| 765-04366-000 | CI   | 85,550          | 11,703         |
| 765-04367-000 | CI   | 110,200         | 9,626          |
| 765-04368-000 | CI   | 97,650          | 11,005         |
| 765-04369-000 | CI   | 242,500         | 39,039         |
| 765-04370-000 | CI   | 257,850         | 26,183         |
| 765-04371-000 | CI   | 134,500         | 18,805         |
| 765-04372-000 | CI   | 152,400         | 20,878         |
| 765-04373-000 | CI   | 247,550         | 22,542         |
| 765-04374-000 | CM   | 106,450         | 16,145         |
| 765-04375-000 | CI   | 830,250         | 105,770        |
| 765-04376-000 | CI   | 255,000         | 37,336         |
| 765-04376-000 | CI   | 255,000         | 37,336         |
| 765-04378-000 | VP   | 0               | 0              |
| 765-04378-001 | CI   | 280,300         | 43,618         |
| 765-04379-000 | CI   | 510,150         | 57,537         |
| 765-04380-000 | ET   | 0               | 0              |
| 765-04381-000 | ET   | 0               | 0              |
| 765-04382-000 | ET   | 0               | 0              |
| 765-04384-000 | ET   | 0               | 0              |
| 765-04385-000 | ET   | 0               | 0              |
| 765-04388-000 | ET   | 0               | 0              |
| 765-04389-000 | ET   | 0               | 0              |
| 765-04390-000 | ET   | 0               | 0              |
| 765-04391-000 | CI   | 341,500         | 68,300         |
| 765-04392-000 | RI   | 58,400          | 8,525          |
| 765-04393-000 | RI   | 57,650          | 9,848          |
| 765-04394-000 | RI   | 114,450         | 14,297         |
| 765-04395-000 | RI   | 83,800          | 10,534         |
| 765-04396-000 | RI   | 97,550          | 15,021         |
| 765-04397-000 | CV   | 54,000          | 9,900          |
| 765-04398-000 | CI   | 926,000         | 185,200        |
| 765-04399-000 | CI   | 547,650         | 93,093         |
| 765-04400-000 | CI   | 167,800         | 20,578         |
| 765-04401-000 | CI   | 304,650         | 28,984         |
| 765-04402-000 | CI   | 210,850         | 19,133         |
| 765-04403-000 | RI   | 78,100          | 14,626         |
| 765-04404-000 | RI   | 41,400          | 8,280          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-04405-000 | RI   | 85,550          | 12,793         |
| 765-04406-000 | CR   | 84,500          | 14,784         |
| 765-04407-000 | RI   | 43,250          | 8,650          |
| 765-04408-000 | RI   | 59,100          | 9,109          |
| 765-04409-000 | CR   | 145,100         | 18,620         |
| 765-04410-000 | RI   | 88,300          | 10,455         |
| 765-04411-000 | RI   | 69,150          | 11,087         |
| 765-04412-000 | RI   | 119,400         | 23,880         |
| 765-04413-000 | RI   | 86,650          | 9,298          |
| 765-04414-000 | RI   | 75,350          | 15,070         |
| 765-04415-000 | RI   | 120,200         | 14,012         |
| 765-04416-000 | RI   | 129,400         | 16,881         |
| 765-04417-000 | RI   | 112,100         | 16,228         |
| 765-04418-000 | RI   | 129,100         | 13,480         |
| 765-04419-000 | RI   | 99,700          | 9,506          |
| 765-04421-000 | RI   | 194,050         | 28,820         |
| 765-04424-000 | RM   | 25,950          | 5,190          |
| 765-04427-000 | RI   | 52,600          | 5,639          |
| 765-04428-000 | RI   | 53,750          | 6,364          |
| 765-04430-000 | RI   | 54,150          | 6,964          |
| 765-04431-000 | CV   | 100,000         | 14,300         |
| 765-04432-000 | RI   | 388,560         | 39,674         |
| 765-04433-000 | CM   | 45,100          | 9,020          |
| 765-04434-000 | CI   | 643,250         | 104,621        |
| 765-04435-000 | EX   | 0               | 0              |
| 765-04436-000 | EX   | 0               | 0              |
| 765-04437-000 | EX   | 0               | 0              |
| 765-04438-000 | RI   | 143,700         | 22,583         |
| 765-04439-000 | EX   | 0               | 0              |
| 765-04440-000 | EX   | 0               | 0              |
| 765-04441-000 | EX   | 0               | 0              |
| 765-04442-000 | CM   | 207,100         | 41,420         |
| 765-04443-000 | CI   | 2,092,250       | 274,283        |
| 765-04444-000 | EX   | 0               | 0              |
| 765-04445-000 | EX   | 0               | 0              |
| 765-04446-000 | EX   | 0               | 0              |
| 765-04447-000 | EX   | 0               | 0              |
| 765-04513-000 | RI   | 96,900          | 14,144         |
| 765-04514-000 | RI   | 88,150          | 15,279         |
| 765-04515-000 | RI   | 99,250          | 17,003         |
| 765-04516-000 | RI   | 97,050          | 14,359         |
| 765-04517-000 | CI   | 782,150         | 136,798        |
| 765-04518-000 | CV   | 155,250         | 12,584         |
| 765-05462-000 | RI   | 24,300          | 4,179          |
| 765-05462-001 | CR   | 87,850          | 16,843         |
| 765-05463-000 | RV   | 16,000          | 3,200          |
| 765-05469-000 | RI   | 51,400          | 9,285          |
| 765-05470-000 | RI   | 46,900          | 7,570          |
| 765-05471-000 | RI   | 59,600          | 10,882         |
| 765-05472-000 | RI   | 135,150         | 20,678         |
| 765-05473-000 | RI   | 42,200          | 5,020          |
| 765-05474-000 | RI   | 37,700          | 6,878          |
| 765-05476-000 | RI   | 55,650          | 8,561          |
| 765-05478-000 | RI   | 55,300          | 7,993          |
| 765-05477-000 | RI   | 52,700          | 9,744          |
| 765-05483-000 | RI   | 43,350          | 8,173          |
| 765-05484-000 | RI   | 51,050          | 8,723          |
| 765-05485-000 | RI   | 31,450          | 5,786          |
| 765-05486-000 | RI   | 62,650          | 12,497         |
| 765-05506-002 | EX   | 0               | 0              |
| 765-05520-000 | CI   | 74,500          | 11,561         |
| 765-05520-000 | CI   | 74,500          | 11,561         |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-05521-000 | CI   | 120,050         | 19,524         |
| 765-05524-000 | CI   | 40,100          | 5,764          |
| 765-05525-000 | EX   | 0               | 0              |
| 765-05526-000 | RI   | 34,150          | 6,314          |
| 765-05527-000 | RI   | 37,050          | 6,875          |
| 765-05529-000 | RI   | 54,450          | 9,938          |
| 765-05530-000 | RI   | 31,700          | 5,660          |
| 765-05532-000 | RI   | 42,130          | 6,291          |
| 765-05533-000 | CI   | 253,600         | 45,912         |
| 765-05534-000 | CV   | 15,000          | 2,233          |
| 765-05535-000 | RI   | 37,200          | 8,897          |
| 765-05536-000 | RV   | 15,200          | 2,818          |
| 765-05537-000 | RV   | 25,600          | 2,880          |
| 765-05538-000 | RI   | 42,100          | 7,483          |
| 765-05539-000 | RV   | 8,400           | 1,100          |
| 765-05541-000 | CI   | 42,950          | 6,205          |
| 765-05541-001 | EX   | 0               | 0              |
| 765-05572-010 | CI   | 338,350         | 58,344         |
| 765-05573-000 | ET   | 0               | 0              |
| 765-05574-000 | ET   | 0               | 0              |
| 765-05575-000 | ET   | 0               | 0              |
| 765-05576-000 | ET   | 0               | 0              |
| 765-05577-000 | ET   | 0               | 0              |
| 765-05578-000 | RI   | 59,850          | 9,416          |
| 765-05579-000 | ET   | 0               | 0              |
| 765-05580-000 | ET   | 0               | 0              |
| 765-05581-000 | ET   | 0               | 0              |
| 765-05582-000 | ET   | 0               | 0              |
| 765-05583-000 | ET   | 0               | 0              |
| 765-05584-000 | RI   | 60,600          | 9,395          |
| 765-05585-000 | ET   | 0               | 0              |
| 765-05586-000 | ET   | 0               | 0              |
| 765-05587-000 | ET   | 0               | 0              |
| 765-05588-000 | ET   | 0               | 0              |
| 765-05589-000 | ET   | 0               | 0              |
| 765-06024-000 | RI   | 124,450         | 22,825         |
| 765-06025-000 | CV   | 52,850          | 9,009          |
| 765-06026-000 | RI   | 218,500         | 41,835         |
| 765-06027-000 | CI   | 748,650         | 147,180        |
| 765-06028-000 | RI   | 80,800          | 12,999         |
| 765-06029-000 | RI   | 64,500          | 11,063         |
| 765-06030-000 | RI   | 254,000         | 48,710         |
| 765-06031-000 | RI   | 271,650         | 51,939         |
| 765-06032-000 | RI   | 347,160         | 54,271         |
| 765-06033-000 | RI   | 92,700          | 17,910         |
| 765-06034-000 | RM   | 24,600          | 3,818          |
| 765-06035-000 | RI   | 125,200         | 23,892         |
| 765-06036-000 | CI   | 185,400         | 28,328         |
| 765-06037-000 | EX   | 0               | 0              |
| 765-06038-000 | EX   | 0               | 0              |
| 765-06039-000 | RI   | 329,900         | 41,400         |
| 765-06040-000 | CI   | 291,100         | 49,478         |
| 765-06139-000 | RI   | 50,600          | 8,714          |
| 765-06140-000 | RI   | 48,750          | 7,508          |
| 765-06141-000 | RJ   | 40,300          | 7,040          |
| 765-06142-000 | EX   | 0               | 0              |
| 765-06143-000 | CV   | 18,300          | 2,508          |
| 765-06144-000 | RI   | 71,450          | 11,755         |
| 765-06145-000 | RI   | 49,500          | 7,921          |
| 765-06147-000 | RI   | 227,450         | 45,490         |
| 765-07123-000 | RI   | 72,450          | 8,100          |
| 765-07124-000 | RI   | 50,500          | 8,492          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-08241-000 | RV   | 8,750           | 1,375          |
| 765-08242-000 | RI   | 64,000          | 8,633          |
| 765-08243-000 | RI   | 82,900          | 12,119         |
| 765-08539-000 | RI   | 691,000         | 80,600         |
| 765-08540-000 | RI   | 636,000         | 78,741         |
| 765-08541-000 | RJ   | 481,500         | 60,091         |
| 765-08542-000 | RI   | 357,000         | 44,459         |
| 765-08543-000 | RI   | 376,600         | 54,926         |
| 765-08544-000 | RI   | 749,700         | 93,626         |
| 765-08545-000 | RV   | 52,500          | 3,432          |
| 765-08546-000 | RI   | 263,600         | 28,432         |
| 765-08547-000 | RI   | 354,950         | 37,040         |
| 765-08548-000 | RI   | 122,700         | 14,443         |
| 765-08549-000 | RI   | 218,450         | 32,604         |
| 765-08550-000 | RI   | 315,100         | 38,124         |
| 765-08551-000 | RI   | 299,450         | 36,261         |
| 765-08552-000 | RI   | 113,250         | 11,101         |
| 765-08553-000 | RV   | 100,000         | 5,577          |
| 765-08554-000 | RI   | 120,550         | 13,542         |
| 765-08555-000 | RI   | 109,100         | 12,037         |
| 765-08556-000 | RI   | 298,350         | 34,172         |
| 765-09759-000 | EX   | 0               | 0              |
| 765-09760-000 | EX   | 0               | 0              |
| 765-09761-000 | EX   | 0               | 0              |
| 765-09762-000 | EX   | 0               | 0              |
| 765-09763-000 | CR   | 126,450         | 25,290         |
| 765-09764-000 | RV   | 27,500          | 3,300          |
| 765-09765-000 | RV   | 27,500          | 3,300          |
| 765-09766-000 | PS   | 1,500           | 300            |
| 765-09767-000 | EX   | 0               | 0              |
| 765-09768-000 | EX   | 0               | 0              |
| 765-09769-000 | EX   | 0               | 0              |
| 765-09770-000 | EX   | 0               | 0              |
| 765-09914-000 | CI   | 357,650         | 54,726         |
| 765-09915-000 | CI   | 406,650         | 59,000         |
| 765-09917-000 | CI   | 318,100         | 51,022         |
| 765-09918-000 | ET   | 0               | 0              |
| 765-09919-000 | EX   | 0               | 0              |
| 765-09920-000 | CI   | 767,550         | 99,843         |
| 765-09921-000 | RI   | 169,950         | 30,308         |
| 765-09922-000 | RI   | 127,150         | 24,588         |
| 765-09923-000 | RV   | 22,000          | 3,300          |
| 765-09924-000 | RV   | 22,000          | 3,300          |
| 765-09925-000 | EX   | 0               | 0              |
| 765-09926-000 | EX   | 0               | 0              |
| 765-11917-000 | RI   | 151,850         | 20,455         |
| 765-11918-000 | RI   | 387,650         | 77,530         |
| 765-11919-000 | CR   | 74,250          | 12,936         |
| 765-11920-000 | RI   | 107,750         | 19,763         |
| 765-11921-000 | RI   | 70,250          | 9,650          |
| 765-11922-000 | RI   | 52,300          | 8,505          |
| 765-11923-000 | RI   | 82,050          | 16,410         |
| 765-11924-000 | RI   | 60,550          | 10,362         |
| 765-11925-000 | RI   | 77,250          | 11,579         |
| 765-11926-000 | RI   | 67,750          | 11,364         |
| 765-11927-000 | RI   | 100,300         | 16,491         |
| 765-11928-000 | RI   | 94,300          | 17,951         |
| 765-11929-000 | RI   | 61,550          | 12,310         |
| 765-11930-000 | RI   | 61,600          | 10,141         |
| 765-11931-000 | RI   | 74,600          | 13,101         |
| 765-11932-000 | RI   | 77,300          | 11,410         |
| 765-11933-000 | RI   | 122,800         | 20,108         |

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| <u>Parcel ID</u> | <u>Type</u> | <u>Total Appraised</u> | <u>Total Assessed</u> |
|------------------|-------------|------------------------|-----------------------|
| 765-11934-000    | RI          | 81,550                 | 14,873                |
| 765-11935-000    | RI          | 90,850                 | 10,774                |
| 765-11936-000    | RI          | 86,150                 | 13,924                |
| 765-12867-000    | CV          | 180,000                | 18,036                |
| 765-12868-000    | CI          | 675,500                | 83,484                |
| 765-12868-001    | CI          | 216,250                | 27,196                |
| 765-12869-000    | RI          | 114,250                | 15,909                |
| 765-12870-000    | RI          | 110,350                | 14,863                |
| 765-12871-000    | CI          | 132,150                | 18,994                |
| 765-12872-000    | CI          | 89,300                 | 12,141                |
| 765-12873-000    | CI          | 93,450                 | 12,012                |
| 765-12874-000    | CI          | 122,050                | 15,315                |
| 765-12875-000    | CM          | 76,950                 | 11,782                |
| 765-12875-003    | EX          | 0                      | 0                     |
| 765-12876-000    | CV          | 117,900                | 13,599                |
| 765-12877-000    | CI          | 82,050                 | 9,209                 |
| 765-12878-000    | EX          | 0                      | 0                     |
| 765-12879-000    | RI          | 87,750                 | 12,799                |
| 765-12880-000    | RI          | 109,900                | 18,090                |
| 765-12881-000    | EX          | 0                      | 0                     |
| 765-12882-000    | RI          | 216,750                | 33,176                |
| 765-12883-000    | RI          | 139,300                | 15,094                |
| 765-12884-000    | RV          | 22,000                 | 3,520                 |
| 765-12885-000    | RI          | 281,300                | 46,404                |
| 765-12886-000    | EX          | 0                      | 0                     |
| 765-12887-000    | EX          | 0                      | 0                     |
| 765-12888-000    | RI          | 86,150                 | 11,197                |
| 765-12889-000    | RI          | 130,650                | 23,109                |
| 765-12894-000    | CI          | 524,350                | 49,464                |
| 765-12899-000    | CV          | 142,000                | 8,237                 |
| 765-12900-000    | RI          | 174,000                | 20,778                |
| 765-12901-000    | CV          | 50,000                 | 2,959                 |
| 765-12904-000    | CI          | 776,450                | 74,474                |
| 765-12905-000    | CI          | 636,600                | 102,828               |
| 765-12906-000    | CM          | 259,900                | 37,168                |
| 765-12907-000    | CI          | 333,000                | 42,843                |
| 765-12908-000    | CI          | 337,850                | 37,199                |
| 765-12932-000    | PS          | 940,650                | 188,130               |
| 765-12932-001    | CI          | 586,650                | 74,143                |
| 765-12933-000    | EX          | 0                      | 0                     |
| 765-12934-000    | CI          | 190,650                | 29,172                |
| 765-12935-000    | CV          | 48,650                 | 8,536                 |
| 765-12936-000    | RV          | 11,000                 | 772                   |
| 765-12937-000    | RV          | 16,500                 | 2,640                 |
| 765-12938-000    | RI          | 47,600                 | 7,046                 |
| 765-12939-000    | RI          | 84,900                 | 15,029                |
| 765-12940-000    | RV          | 13,200                 | 2,420                 |
| 765-12941-000    | RI          | 32,000                 | 5,071                 |
| 765-12942-000    | RV          | 15,400                 | 2,464                 |
| 765-12943-000    | CI          | 420,650                | 66,584                |
| 765-12944-000    | CI          | 224,950                | 33,173                |
| 765-12945-000    | RI          | 69,600                 | 7,645                 |
| 765-12946-000    | CR          | 680,400                | 109,340               |
| 765-12947-000    | RV          | 15,400                 | 2,145                 |
| 765-12948-000    | RI          | 49,600                 | 8,037                 |
| 765-12949-000    | RI          | 49,850                 | 6,635                 |
| 765-12950-000    | RI          | 88,650                 | 8,984                 |
| 765-12951-000    | RI          | 55,900                 | 6,955                 |
| 765-12952-000    | RV          | 4,000                  | 660                   |
| 765-12953-000    | RV          | 3,000                  | 800                   |
| 765-12954-000    | CI          | 238,550                | 45,934                |
| 765-12955-000    | RI          | 45,950                 | 5,324                 |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-12956-000 | RI   | 60,650          | 7,965          |
| 765-12957-000 | RI   | 50,000          | 6,035          |
| 765-12958-000 | RI   | 91,600          | 14,421         |
| 765-12959-000 | RI   | 60,860          | 5,760          |
| 765-12960-000 | RI   | 52,450          | 7,136          |
| 765-12961-000 | CI   | 221,500         | 44,300         |
| 765-12962-000 | RI   | 46,500          | 6,793          |
| 765-12964-000 | RI   | 49,850          | 5,131          |
| 765-12967-000 | RI   | 338,800         | 55,088         |
| 765-12970-000 | RI   | 66,200          | 6,163          |
| 765-12971-000 | RI   | 51,500          | 5,928          |
| 765-12972-000 | RI   | 87,050          | 8,637          |
| 765-12973-000 | RI   | 55,600          | 8,107          |
| 765-13020-000 | CI   | 44,300          | 5,749          |
| 765-13020-001 | EX   | 0               | 0              |
| 765-22041-000 | CI   | 304,296         | 60,819         |
| 765-22042-000 | CI   | 616,394         | 123,200        |
| 765-22043-000 | CI   | 366,715         | 73,293         |
| 765-22044-000 | CI   | 312,098         | 62,381         |
| 765-22045-000 | CI   | 397,925         | 79,552         |
| 765-22046-000 | CI   | 827,080         | 165,319        |
| 765-22047-000 | CI   | 795,850         | 159,093        |
| 765-22048-000 | CI   | 226,271         | 45,221         |
| 765-22049-000 | CI   | 210,666         | 42,119         |
| 765-22050-000 | RI   | 148,247         | 29,845         |
| 765-22051-000 | RI   | 124,839         | 24,959         |
| 765-22052-000 | RI   | 124,839         | 23,826         |
| 765-22053-000 | RI   | 132,642         | 28,521         |
| 765-22054-000 | RI   | 132,642         | 28,521         |
| 765-22055-000 | RI   | 288,891         | 57,695         |
| 765-22056-000 | RI   | 202,864         | 40,567         |
| 765-22057-000 | RI   | 413,530         | 82,878         |
| 765-22058-000 | RI   | 234,074         | 48,783         |
| 765-22059-000 | RI   | 163,851         | 32,747         |
| 765-22060-000 | RI   | 163,851         | 32,747         |
| 765-22061-000 | RI   | 273,086         | 52,112         |
| 765-22062-000 | CI   | 109,234         | 21,824         |
| 765-22063-000 | CI   | 444,740         | 88,902         |
| 765-22064-000 | CI   | 249,678         | 49,907         |
| 765-22065-000 | CI   | 187,259         | 37,433         |
| 765-22066-000 | CI   | 117,037         | 23,397         |
| 765-22067-000 | CI   | 117,037         | 23,397         |
| 765-22068-000 | CI   | 117,037         | 23,397         |
| 765-22367-000 | RI   | 208,100         | 40,370         |
| 765-22368-000 | RI   | 208,950         | 40,370         |
| 765-22369-000 | RI   | 208,350         | 38,536         |
| 765-22370-000 | RI   | 224,450         | 44,000         |
| 765-22371-000 | RI   | 209,950         | 40,370         |
| 765-22372-000 | RI   | 225,400         | 44,000         |
| 765-22373-000 | RI   | 208,350         | 40,370         |
| 765-22374-000 | RI   | 225,050         | 42,000         |
| 765-22375-000 | RI   | 209,950         | 40,370         |
| 765-22376-000 | RI   | 225,050         | 44,000         |
| 765-22377-000 | RI   | 208,350         | 38,536         |
| 765-22378-000 | RI   | 224,050         | 44,000         |
| 765-22379-000 | RI   | 308,300         | 60,500         |
| 765-22380-000 | RI   | 322,800         | 59,650         |
| 765-22381-000 | CI   | 208,200         | 41,240         |
| 765-22382-000 | CI   | 135,050         | 27,010         |
| 765-22383-000 | CI   | 963,750         | 192,750        |
| 765-22384-000 | CI   | 0               | 0              |
| 765-22549-000 | CI   | 97,400          | 9,009          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-22550-000 | CI   | 97,400          | 9,009          |
| 765-22551-000 | CI   | 97,400          | 9,009          |
| 765-22552-000 | CI   | 97,400          | 9,009          |
| 765-22553-000 | CI   | 97,400          | 9,009          |
| 765-22554-000 | CI   | 97,400          | 9,009          |
| 765-22555-000 | CI   | 97,400          | 9,009          |
| 765-22556-000 | CI   | 97,400          | 9,009          |
| 765-22557-000 | CI   | 97,400          | 9,009          |
| 765-22558-000 | CI   | 97,400          | 9,009          |
| 765-22559-000 | CI   | 97,400          | 9,009          |
| 765-22560-000 | CI   | 97,400          | 9,009          |
| 765-22561-000 | CI   | 97,400          | 9,009          |
| 765-22562-000 | CI   | 97,400          | 9,009          |
| 765-22563-000 | CI   | 0               | 0              |
| 765-22564-000 | CI   | 274,147         | 50,204         |
| 765-22565-000 | CI   | 273,053         | 49,995         |
| 765-22566-000 | CI   | 0               | 0              |
| 765-01887-002 | EX   | 0               | 0              |
| 765-23362-000 | RI   | 234,000         | 46,800         |
| 765-23363-000 | RI   | 214,600         | 42,920         |
| 765-23364-000 | RI   | 225,900         | 45,180         |
| 765-23365-000 | RI   | 306,600         | 61,320         |
| 765-23366-000 | RI   | 337,250         | 67,450         |
| 765-23367-000 | RI   | 321,650         | 64,330         |
| 765-23368-000 | CI   | 0               | 0              |
| 765-23413-000 | RI   | 86,450          | 17,090         |
| 765-23414-000 | RI   | 85,100          | 13,020         |
| 765-23415-000 | RI   | 76,900          | 15,380         |
| 765-23416-000 | RI   | 134,950         | 26,990         |
| 765-23417-000 | RI   | 81,700          | 16,340         |
| 765-23418-000 | RI   | 303,700         | 60,740         |
| 765-23419-000 | CR   | 0               | 0              |
| 765-01655-000 | CI   | 249,300         | 42,743         |
| 765-01656-000 | CI   | 194,000         | 32,895         |
| 765-01657-000 | CI   | 230,400         | 30,778         |
| 765-01658-000 | CI   | 170,100         | 30,602         |
| 765-01659-000 | CI   | 202,350         | 32,340         |
| 765-01660-000 | CI   | 124,050         | 16,701         |
| 765-01661-000 | CI   | 210,900         | 38,988         |
| 765-01663-000 | CM   | 80,150          | 10,687         |
| 765-01664-000 | CM   | 80,150          | 10,687         |
| 765-01664-000 | CI   | 130,200         | 10,802         |
| 765-01664-000 | CI   | 130,200         | 10,802         |
| 765-01665-000 | CI   | 128,450         | 19,734         |
| 765-01665-000 | CI   | 128,450         | 19,734         |
| 765-01666-000 | CI   | 251,450         | 27,199         |
| 765-01667-000 | CV   | 130,000         | 25,080         |
| 765-01668-000 | CM   | 168,750         | 24,138         |
| 765-01669-000 | CI   | 338,850         | 52,124         |
| 765-01670-000 | RI   | 165,250         | 27,367         |
| 765-01671-000 | CI   | 114,100         | 18,590         |
| 765-01672-000 | CV   | 27,200          | 4,400          |
| 765-01673-000 | RI   | 131,500         | 18,682         |
| 765-01674-000 | CR   | 155,050         | 27,311         |
| 765-01675-000 | RI   | 89,450          | 10,090         |
| 765-01676-000 | CI   | 74,900          | 7,794          |

97,820,053

15,083,761

11/20/2004

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## CITY ATTORNEY AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 15, 2005

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FROM:  
KIT WILLIAMS, CITY ATTORNEY

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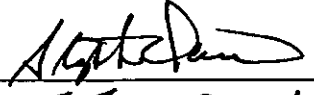
### ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Resolution To Approve A Contract With John Nock And Richard Alexander For Their Purchase Of Property To Be Obtained By Tif Funding For \$300,000.00 And For Other Matters

---

### APPROVED FOR AGENDA:

  
\_\_\_\_\_  
City Attorney                      3-2-05  
Date

  
\_\_\_\_\_  
Mayor FES Director              3-2-05  
Date

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

A RESOLUTION TO APPROVE A CONTRACT WITH JOHN NOCK  
AND RICHARD ALEXANDER FOR THEIR PURCHASE OF  
PROPERTY TO BE OBTAINED BY TIF FUNDING FOR  
\$300,000.00 AND FOR OTHER MATTERS

**WHEREAS**, the City of Fayetteville has created the Highway 71 East Square  
Redevelopment District No. 1 and adopted a Project Plan that requires the City to purchase four  
parcels of land, demolish the vacant and blighted structures thereon, and sell the raw land to the  
developers, John Nock and Richard Alexander to be used to develop a \$20 million dollar hotel,  
condominium, parking deck and convention facility; and

**WHEREAS**, the procedures mandated by Fayetteville Code §34.27 **Sale of municipally  
owned property** were waived by Ordinance No. 4651, passed on December 7, 2004 because  
such procedures would cause such delays as to render this adopted Project Plan unfeasible; and

**WHEREAS** the developers, John Nock and Richard Alexander, have offered to purchase  
the raw land after demolition for \$300,000.00 (which is more than its appraised value); and

**WHEREAS**, the contract with John Nock and Richard Alexander attached as Exhibit A  
should be approved.

**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 contract attached as Exhibit A to sell to John Nock and Richard Alexander the four parcels  
purchased with TIF proceeds for \$300,000.00 and specifying other matters.

**PASSED and APPROVED** this 15<sup>th</sup> day of March, 2005.

APPROVED:

**DRAFT**

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
SONDRA SMITH, City Clerk



The City of Fayetteville, Arkansas

## City Council Agenda Memo

**City Council Meeting Date:** March 15, 2005

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**To:** Mayor Coody and Fayetteville City Council  
**From:** Stephen Davis, Finance & Internal Services Director   
**Date:** March 3, 2005  
**Subject:** HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT PROJECT #1

---

### Recommendation:

Staff recommends City Council approve a bond ordinance and authorize the Mayor and City Clerk to sign tax increment financing bond documents (trust indenture, bond purchase agreement and other related documents) authorized under Amendment 78 and required to establish a project fund for the purchase and demolition of properties identified in the corresponding 71 EAST SQUARE REDEVELOPMENT DISTRICT PROJECT #1 Project Plan.

### Background:

The City has been actively working to establish a TIF District for the purpose of removing blighted properties along Mountain Street and to transfer the cleared property to private developers for a \$20+ million improvement. During this process numerous public hearings have been conducted and City Council has authorized bond counsel, bond underwriters and other professional to assist the City in developing the appropriate bond documents and a financing plan to accomplish removal of the blight.

### Discussion:

A formal presentation of the financing plan will be presented at the March 8, 2005 City Council Agenda Session. The financing plan that will be presented establishes a project fund of \$3.5 million relies on historical real property assessment growth rates and utilizes currently available millages to fund debt service on this issue. The most likely, conservative approach relies on 3.16 mils and the median real property assessment growth rate of 8.91% results in a short fall (approximately \$150,000) in the later years of the bond issue. Adjusting this financing scenario

by adding 2 mills of property millage and reducing the real property assessment growth rate to 6.52% provides a substantial cushion.

**Budget Impact:**

All of the costs associated with transaction are expected to be funded from the Project Fund and it is not expected to create a financial obligation for any other operating fund of the City.



CCG Systems; Fleet Management Software Purchase D. 4  
Page 1 of 8  
**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

### **Interdepartmental Correspondence**

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**To:** Mayor/City Council  
**Thru:** Gary Dumas, Director of Operations   
**From:** David Bragg, Fleet Operations Superintendent   
**Date:** February 9, 2005  
**Subject:** Purchase of Fleet Management Software from CCG Systems

**RECOMMENDATION:** That City Council approve the purchase of Faster Fleet Management Software from CCG Systems for the total price of \$96,174 and approve a Budget Adjustment in the amount of \$25,565.

**BACKGROUND:** For complete background information, please see the following letter and attachments as submitted to the Equipment Committee for their consideration at the January 31<sup>st</sup>, 2005 meeting.

\$70,609 is available for the purchase of the Fleet Management Software in 9700.1920.5802.00, Special Project #01025. Funds are available and a budget adjustment is attached to transfer the balance of the funds for purchase and taxes from Contract Services 9700.1910.5315.00 to the Project.

The purchase of this software was approved by the Equipment Committee at the meeting of January 31, 2005.



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

A RESOLUTION APPROVING THE PURCHASE OF FASTER FLEET MANAGEMENT SOFTWARE FROM CCG SYSTEMS IN THE AMOUNT OF \$96,174.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$25,565.00.

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 FASTER Fleet Management Software from CCG Systems in the amount of \$96,174.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$25,565.00.

PASSED and APPROVED this 1<sup>st</sup> day of March 2005.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

D. 4  
CCG Systems; Fleet Management Software Purchase  
Page 3 of 8

|                                |                                                                                                            |                                       |                          |
|--------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------|
| <b>Budget Year</b><br><br>2005 | <b>Department:</b> Operations<br><b>Division:</b> Fleet Operations<br><b>Program:</b> Capital Expenditures | <b>Date Requested</b><br><br>2/9/2005 | <b>Adjustment Number</b> |
|--------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------|

|                                                                                                                                     |                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Project or Item Requested:</b><br>\$25,565 is requested in the Fleet Operations Maintenance System Capital Project in Shop Fund. | <b>Project or Item Deleted:</b><br>\$25,565 from the Contract Services category in the Vehicle Maintenance Program in Shop Fund. |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                     |                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>Justification of this Increase:</b><br>The funding is for the balance needed to purchase a new Fleet Management Software System. | <b>Justification of this Decrease:</b><br>There is sufficient funding available to meet City policy and 2005 objectives. |
|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|

| Increase Budget (Decrease Revenue) |                |      |      |    |        |                |    |
|------------------------------------|----------------|------|------|----|--------|----------------|----|
| Account Name                       | Account Number |      |      |    | Amount | Project Number |    |
| Fixed assets                       | 9700           | 1920 | 5801 | 00 | 25,565 | 01025          | .1 |

| Decrease Budget (Increase Revenue) |                |      |      |    |        |                |  |
|------------------------------------|----------------|------|------|----|--------|----------------|--|
| Account Name                       | Account Number |      |      |    | Amount | Project Number |  |
| Contract services                  | 9700           | 1910 | 5315 | 00 | 25,565 |                |  |

| Approval Signatures                                       |                        | Budget Office Use Only       |   |   |              |
|-----------------------------------------------------------|------------------------|------------------------------|---|---|--------------|
| <i>Barbara Olsen</i><br>Requested By                      | <i>2/10/05</i><br>Date | Type:                        | A | B | C            |
| <i>Barbara Tell</i><br>Budget Manager                     | <i>2/10/05</i><br>Date | Date of Approval             |   |   | <u>  D  </u> |
| <i>Yusef W...</i><br>Department Director                  | <i>2/10/05</i><br>Date |                              |   |   |              |
| <i>Steph D...</i><br>Finance & Internal Services Director | <i>2-17-05</i><br>Date | Posted to General Ledger     |   |   |              |
|                                                           |                        |                              |   |   |              |
|                                                           |                        | Posted to Project Accounting |   |   |              |
|                                                           |                        |                              |   |   |              |
|                                                           |                        | Entered in Category Log      |   |   |              |
|                                                           |                        |                              |   |   |              |
| Mayor                                                     | Date                   |                              |   |   |              |



**FLEET OPERATIONS**  
1525 S. Happy Hollow Road  
Fayetteville, AR 72701

## **Equipment Committee Correspondence**

---

**TO:** City of Fayetteville, Equipment Committee  
Robert Reynolds, Chairman  
Kyle Cook  
Lionel Jordan  
Don Marr  
Billy Sweetser

**FROM:** David Bragg, Fleet Operations Supt

**DATE:** January 14, 2005

**SUBJECT:** Purchase of Fleet Management Software

APPROVED  
1/31/05  
JMB

### **Background:**

- Prior to purchase of Hansen Asset Management software the need for specialized fleet management software was established and special project funds of \$70,659 were allocated for the purchase.
- When Hansen software was originally evaluated by Bill Oestreich and fleet staff, they determined that the Hansen fleet management module did not meet their desired qualifications and the fleet software project fund was left in tact.
- Shortly after my appointment as Fleet Operations Superintendent, based on discussions with current fleet staff, direction of my department director, and the above information; I began preparation of RFP specifications for fleet software. I managed a successful fleet software conversion project just prior to Y2K and have used that information and experience in this project.
- Upon submission of the draft RFP for review by the I.T. division, Scott Huddleston requested that I again review the Hansen fleet module. A copy of the review evaluation provided to Scott and Gary Dumas in December, 2003 is attached. (Attch. "A")
- RFP as revised with I. T. division input was released in June, 2004 with an opening date of August 23.

### **RFP Evaluation:**

- An evaluation team was appointed to review submissions. The team members are: Gary Dumas, Director of Operations; Scott Huddleston, I. T. Division Manager; Peggy Vice, Purchasing Manager; Tom Hubbard, Water and Sewer; Kevin Springer, Budget Manager; David Bragg, Fleet Operations Supt.; Jesse Beeks, Fleet Operations Supervisor; Barbara Olsen, Fleet Operations Office Manager.
- An evaluation of five proposals received was completed using an objective point system specified in the RFP. A copy of the point scoring sheet is attached. (Attch. "B")
- The committee selected two finalists for on site demonstrations. Each demonstration consumed approximately four hours of intense scrutiny of product features and operation observed by Dumas, Huddleston, Bragg, Beeks, and Olsen. Tom Hubbard was available for one of the demos.
- Customer service and satisfaction surveys were sent to users of four of the proposed software. The fifth proposal did not provide required customer information.
- The evaluation team has unanimously recommended selection of the software proposal from CCG Systems "FASTER" fleet management software.

### **CCG "FASTER" Advantages:**

- More than three fourths of "FASTER"s 260 customers are local government entities. Most of these are very comparable to Fayetteville in size and fleet composition. (Attch. "C")
- Customer satisfaction according to our written survey is very high (90.5%)
- CCG Staff includes numerous fleet management professionals who direct system functionality in addition to programmers who design the computer code.
- Very active annual user meetings and regional user groups with high municipal fleet participation.
- Track record of substantial annual enhancements driven by fleet user requests.
- Exceptionally good process of vehicle replacement evaluation and lease/replacement cost tracking and billing.
- Most complete package evaluated – Reports and processes are in place requiring the least amount of local development and adaptation.

### **Reevaluation of Hansen Fleet Module:**

- Hansen has provided names of two users of the Hansen fleet management module: City of Las Vegas, NV and City of Monterey, CA. Phone interviews with both fleet managers reveal very low satisfaction with the fleet module and a strong desire to obtain specialized fleet software. Among the Public Works and Utility staff of these cities, satisfaction with Hansen software is high.
- Fleet staff also interviewed the fleet manager with Little Rock Waterworks/Wastewater. This manager also expressed very low satisfaction, high frustration level, and strong desire for specialized fleet software, although the Wastewater Department users are very satisfied with Hansen for management of their non fleet mission. (Attch. "D") All three managers interviewed perceive that the Hansen fleet module is an "afterthought" added to software developed for other purposes with little knowledge or understanding of common fleet management practices.
- Hansen has provided a written cost estimate of \$69,000 to implement the Hansen fleet module. This is 76% of the total proposed contract cost to purchase and implement "FASTER" fleet software. Additionally, the fleet and I. T. staff time to create necessary reports and processes would be substantially greater than with "FASTER" fleet software.
- Though no Hansen user list has been made available, fleet staff has been able to identify eleven cities who are Hansen customers that are also customers of CCG "FASTER" fleet software. Interviews with several fleet managers indicate that Hansen works well and is well accepted among public works and utility departments in their cities, but is not well adapted to fleet operations. (Attch. "E")
- Meetings with Hansen representative indicate that it will be several years before substantial program enhancements will be available to the fleet module, and that fleet representation at user groups will likely never have significant influence. Monterey, CA fleet manager related his attendance at one Hansen user conference was a wasted effort in terms of any discussion or input regarding fleet management issues.

### **Integration:**

- A thorough evaluation of fleet related process and procedures by the RFP evaluation team determined that there is no need for direct data interface between Hansen and the fleet software.
- A data interface between the fleet software and New World Financial system and Gasboy fuel system is included in the recommended "FASTER" proposal.
- I. T. Division Manager, Scott Huddleston, is prepared to implement the "FASTER" software proposal and supports the addition of specialized fleet management software. (Scott has agreed to attend the 1/25 Equipment Committee meeting to provide input and answer questions.)

**Recommendation:**

- Having direct experience with three automated fleet information systems, I am convinced that one of the most important criteria in software selection is choosing a vendor with a strong customer base of similar (local government) fleets and a record of providing ongoing development and support to that industry segment. Given the time and talent, any database can be adapted into an effective fleet management system, however, a smaller individual investment of time and money by a group of professionals together with a specialized software group typically results in a better system and greater sharing of knowledge. One of the fastest growing segments of both our finalists' customer base is university fleets who a few years ago preferred developing their own software in house.
- The RFP evaluation team unanimously recommends acceptance of the "FASTER" fleet management software proposal as submitted by CCG Systems to be implemented as soon as possible.
- Funding is available in the Fleet Operations Maintenance System special project account #01025 (\$70,609) for the software purchase and data conversion. Installation and project management services in the amount of \$20,050 can be funded from 2005 budgeted contract services. Total CCG Systems contract cost is \$90,659.

Cc:  
Gary Dumas

# City Of Fayetteville

(Not a Purchase Order)

Requisition No. \_\_\_\_\_ Date: **2/9/2005**  
P.O Number \_\_\_\_\_ Expected Delivery Date: \_\_\_\_\_

Vendor # \_\_\_\_\_ Vendor Name: **CCG SYSTEMS**

Address: \_\_\_\_\_ Fob Point: \_\_\_\_\_ Mail Yes: \_\_\_ No: XX  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_ Ship to code: 050 Taxable Yes: XX No: \_\_\_\_\_  
Requester: **BARBARA OLSEN** Requester's Employee # **1940** Extension: **495** Project/Subproject # \_\_\_\_\_ Inventory # \_\_\_\_\_ Fixed Asset # \_\_\_\_\_

| Item | Description                 | Quantity | Unit of Issue | Unit Cost   | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|------|-----------------------------|----------|---------------|-------------|---------------|-------------------|----------------------|-------------|---------------|
| 1    | FASTER FLEET MANAGEMENT     | 1        | LOT           | \$90,659.00 | \$90,659.00   | 9700.1920.5802.00 | 01025.1              |             |               |
| 2    | SOFTWARE, INCLUDING CONVER- |          | EA            |             | \$0.00        |                   |                      |             |               |
| 3    | SION, INSTALLATION, PROJECT |          | EA            |             | \$0.00        |                   |                      |             |               |
| 4    | MANAGEMENT SERVICES         |          | EA            |             | \$0.00        |                   |                      |             |               |
| 5    | PER RFP OPENED 8/23/04      |          | EA            |             | \$0.00        |                   |                      |             |               |
| 6    |                             |          | EA            |             | \$0.00        |                   |                      |             |               |
| 7    |                             |          | EA            |             | \$0.00        |                   |                      |             |               |
| 8    |                             |          | EA            |             | \$0.00        |                   |                      |             |               |
| 9    |                             |          | EA            |             | \$0.00        |                   |                      |             |               |
| 10   |                             |          | EA            |             | \$0.00        |                   |                      |             |               |
|      | Shipping/Handling           |          | Lot           |             | \$0.00        |                   |                      |             |               |

Special Instructions:

Approvals:

Subtotal: **90,659.00**  
Tax: **5,514.54**  
Total: **96,173.54**

Mayor: \_\_\_\_\_ Department Director: \_\_\_\_\_ Purchasing Manager: \_\_\_\_\_  
Finance & Internal Services Director: \_\_\_\_\_ Budget Manager: \_\_\_\_\_ IT Manager: \_\_\_\_\_  
Dispatch Manager: \_\_\_\_\_ Utilities Manager: \_\_\_\_\_

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

1-Mar-05  
City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

Action Required: Approval of purchase of Fleet Management Software from CCG Systems for a total price of \$96,174, and approval of Budget Adjustment in the amount \$25,565.

\$96,174.00

Cost of this request

\$ 70,659.00

Category/Project Budget

Fleet Operation Maintenance System

Program Category / Project Name

9700.1920.5801.00

Account Number

\$ 50.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

01025

Project Number

\$ 70,609.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

*David Bragg*

Department Director

2-10-05

Date

*D. F. Whit*

City Attorney

2/11/05

Date

Received in City Clerk's Office



*Don Cook*

Mayor

2/11/05

Date

Received in Mayor's Office

2/11/05 P.H.

Comments:

*[Signature]* 2/17/05



## City of Fayetteville

113 W Mountain  
Fayetteville, AR 72701  
479-575-8320

### **City Council Agenda Meeting**

**To: Mayor and City Council**

**Thru: Steve Davis, Finance and Internal Services Director**

**From: Scott Huddleston, Information Technology Manager**

**Date: February 2, 2005**

**Subject: Dynamic Information Solutions Company, Inc Contract**

---

#### **RECOMMENDATION**

The Information Technology Division recommends for approval a contract with Dynamic Information Solutions Company, Inc for the implementation of an Electronic Document Management System (EDMS).

#### **BACKGROUND**

The City of Fayetteville currently staffs one full time Microfilm Clerk. The Microfilm Clerk maintains archival records, which includes prepping, filming, processing, duplicating, indexing and storing documents for various City departments; and retrieval services for employees and citizens. This position currently provides accurate keeping and proper storage of all necessary records for City business.

In 1996 \$40,000 was budgeted for the EDMS system. In 1997 another \$60,000 was added bringing the budget total to \$100,000. The previous City Clerk has used funds from this account bringing the balance to \$88,000. No cost estimate was ever completed for this project.

#### **DISCUSSION**

Currently between 30,000 to 60,000 documents are microfilmed each month. There is an expectation that adding divisions to the workflow process will increase these numbers dramatically. The primary increase will be in providing electronic storage of some police department records and building plans.



The objective is to implement a system with hardware and software that stores, retrieves, and manages documents to support business processes. The primary purpose of the EDMS system will be to manage documents required to support business processed in all areas of the City. The objectives for this system include:

- Enable staff to improve quality and timeliness of customer services and manage projected increases in customer volumes and services.
- Provide for improved disaster recovery and safety of mission-critical documents through electronic storage.
- Facilitate providing new customer services (e.g., Web-enable imaging and document management).
- Streamline City of Fayetteville processes through imaging, document management, and workflow.
- User friendly storage and retrieval of documents.

The benefits that are expected from the EDMS:

- Integrating document images with other electronic processes, including workflow, enabling the City of Fayetteville to:
  - Streamline business processes. For example, because imaging allows parallel processing, work steps that were sequential will be performed concurrently, thereby saving time to complete a process.
  - Stabilize business processes. Because workflow is rules-based, it will help ensure that processes are performed consistently every time, thereby gaining consistency of results and more efficient processing.
- Streamlined and stable processes will result in:
  - More timely services to customers
  - Increased quality of services to customers
  - Ability for staff to address more critical areas, allowing for more flexibility in responding to changing business needs.
  - Increased ability to manage projected future workloads and provide new services.
- Improves security and disaster recovery capability for the City of Fayetteville documents as well as reduces the likelihood of lost documents and files.
- Allows staff with proper authorization electronic, ready access to paper document files, such as employer files, eliminating wait times for paper files and documents.
- Gives the City of Fayetteville the potential to consolidate access to information-bearing sources, such as paper documents, electronic documents, faxes, voice mail, and E-Mail into one single source. Consolidation of access will result in:
  - Bridging knowledge gaps in a group of individuals by making information readily available to everyone.
  - Less time spent searching for information.
  - Easier access to public documents

- Provides better data-sharing for internal staff and citizens. This will result in:
  - Staff making more informed decisions.
  - Ability of City of Fayetteville to offer citizens direct access to documents, within secured limits.
- Reduces space required for storage and retrieval of City of Fayetteville records.

Current hardware used to microfilm is outdated with a future need for replacement. The equipment used by the City of Fayetteville was manufactured by Bell and Howell which was sold out to Kodak. Kodak does not offer a traditional microfilmer anymore – the products were discontinued in 2004. Replacing the current equipment would require a change in process.

Appendix A covers the cost associated with implementing an Electronic Documents Management System.

Appendix B illustrate the large amount of documents waiting to be filmed. This does not represent all divisions.

**BUDGET IMPACT**

|                            |                   |
|----------------------------|-------------------|
| Software.....              | \$135,594         |
| Hardware.....              | \$ 64,896         |
| Installation/Training..... | \$ 62,000         |
| Tax.....                   | \$ 20,798         |
| <b>Total.....</b>          | <b>\$ 283,288</b> |

A budget adjustment of \$ 200,000 has been requested since no cost estimate was ever completed for this project.

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

A RESOLUTION APPROVING A SALES AGREEMENT IN THE AMOUNT OF \$284,000.00 WITH DYNAMIC INFORMATION SOLUTIONS COMPANY, INC. FOR THE PURCHASE AND IMPLEMENTATION OF AN ELECTRONIC DOCUMENT MANAGEMENT SYSTEM; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$200,000.00.

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 Sales Agreement in the amount of \$284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System. A copy of the Sales Agreement, marked Exhibit "A" is attached hereto and made a part hereof.

Section . That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$200,000.00.

PASSED and APPROVED this 1<sup>st</sup> day of March 2005.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

D. 5  
Dynamic Information Solutions Company, Inc. Sales Agreement  
Page 5 of 30

|                            |                                                                            |                                   |                   |
|----------------------------|----------------------------------------------------------------------------|-----------------------------------|-------------------|
| Budget Year<br><b>2005</b> | Department: <b>Sales Tax Capital Improvements</b><br>Division:<br>Program: | Date Requested<br><b>3/1/2005</b> | Adjustment Number |
|----------------------------|----------------------------------------------------------------------------|-----------------------------------|-------------------|

|                                                                                                             |                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Project or Item Requested:</b><br>\$200,000 is requested in the Document Imaging System capital project. | <b>Project or Item Deleted:</b><br>\$200,000 from the Use of Fund Balance account in the Sales Tax Capital Improvements fund. |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                        |                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Justification of this Increase:</b><br>The funding is needed to approve a contract with Dynamic Information Solutions Company, Inc. | <b>Justification of this Decrease:</b><br>There is sufficient fund balance remaining to comply with City policy and 2005 objectives. |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|

| Increase Budget (Decrease Revenue) |                |      |      |    |         |                |   |
|------------------------------------|----------------|------|------|----|---------|----------------|---|
| Account Name                       | Account Number |      |      |    | Amount  | Project Number |   |
| Fixed assets                       | 4470           | 9470 | 5801 | 00 | 200,000 | 02094          | 1 |

| Decrease Budget (Increase Revenue) |                |      |      |    |         |                |  |
|------------------------------------|----------------|------|------|----|---------|----------------|--|
| Account Name                       | Account Number |      |      |    | Amount  | Project Number |  |
| Use of fund balance                | 4470           | 0947 | 4999 | 99 | 200,000 |                |  |

| Approval Signatures                  |      | Budget Office Use Only       |   |   |   |         |      |
|--------------------------------------|------|------------------------------|---|---|---|---------|------|
| Requested By                         | Date | Type:                        | A | B | C | D       | E    |
| Budget Manager                       | Date | Date of Approval             |   |   |   | Initial | Date |
| Department Director                  | Date | Posted to General Ledger     |   |   |   | Initial | Date |
| Finance & Internal Services Director | Date | Posted to Project Accounting |   |   |   | Initial | Date |
| Mayor                                | Date | Entered in Category Log      |   |   |   | Initial | Date |

Appendix A

# D.I.S.C.



Dynamic Information Solutions Company, Inc.  
15 Shackleford Drive, Suite A Little Rock, AR 72211  
Phone: 501-223-2236 Fax: 501-223-4094 Email: markw@discllc.com

## City of Fayetteville EDM System Software/Hardware/Installation Pricing Overview Amended 02-10-2005

| Item | Price | PMA(1 <sup>st</sup> yr) | PMA(3 yr) |
|------|-------|-------------------------|-----------|
|------|-------|-------------------------|-----------|

### Software

#### \*Documentum AX5

AX = Thick Client, WX = Web Client, ERMX = COLD Client

|                                        |          |         |          |
|----------------------------------------|----------|---------|----------|
| 8 - AX/WX/ERMX Bundle Concurrent Users | \$31,000 | \$6,200 | \$18,600 |
|----------------------------------------|----------|---------|----------|

AX-Document Imaging

WX-Web Access to Imaging/COLD(ERMX)

ERMX- Computer Output Storage ie Print spool files, reports, checks

Includes four additional ScanXtender license for the Canon Scanners

#### See Additional Optional AX/WX pricing at bottom

#### AXIM (AX Integration Module)

|                                          |         |         |         |
|------------------------------------------|---------|---------|---------|
| 8 - AXIM Image Enabling Concurrent Users | \$5,995 | \$1,000 | \$3,000 |
|------------------------------------------|---------|---------|---------|

Integration Module is the out of the box image enabling tool.  
Clicking on a index value( ie P.O. #) in an application outside  
Of AX with execute a search for that document within AX

#### AX OCR Server

|                                       |         |       |         |
|---------------------------------------|---------|-------|---------|
| 10 - Verity Full Text Client Software | \$3,450 | \$698 | \$2,094 |
|---------------------------------------|---------|-------|---------|

|                         |         |       |         |
|-------------------------|---------|-------|---------|
| Verity Full Text Server | \$3,719 | \$719 | \$2,157 |
|-------------------------|---------|-------|---------|

|               |         |       |         |
|---------------|---------|-------|---------|
| AX OCR Server | \$1,859 | \$360 | \$1,080 |
|---------------|---------|-------|---------|

OCR converts printed documents into electronic text. When  
Submitted to the Full Text Server the text is searchable

#### \*\*\* AX ForeMost Records Manager

|                                                          |         |       |         |
|----------------------------------------------------------|---------|-------|---------|
| AX Foremost Concurrent Connections/Administrator-8 users | \$3,100 | \$770 | \$2,310 |
|----------------------------------------------------------|---------|-------|---------|

|                    |         |       |         |
|--------------------|---------|-------|---------|
| AX Foremost Server | \$4,650 | \$900 | \$2,700 |
|--------------------|---------|-------|---------|

|                                   |         |       |         |
|-----------------------------------|---------|-------|---------|
| AX Foremost Application Developer | \$3,348 | \$648 | \$1,944 |
|-----------------------------------|---------|-------|---------|

The Records Management software is designed for records  
retention, management and classification.

**DiskXtender 2000 Data Manager**

|                                                |         |         |         |
|------------------------------------------------|---------|---------|---------|
| DEX 2000 Data Manager for Scanned Images       | \$1,675 | \$335   | \$1005  |
| DEX 2000 RAID/NAS Migration 1TB Capacity-2 ea. | \$9,298 | \$1,860 | \$5,580 |

DiskXtender pricing is for two devices with 1 TB of storage each.  
DiskXtender manages storage devices, is required for disaster  
Backup purposes in the event of system failure-required.

|                             |         |         |         |
|-----------------------------|---------|---------|---------|
| <b><u>ARCGis Module</u></b> | \$6,000 | \$1,200 | \$3,600 |
|-----------------------------|---------|---------|---------|

|                                           |         |         |         |
|-------------------------------------------|---------|---------|---------|
| <b><u>SDK/CDK Development Toolkit</u></b> | \$6,500 | \$1,300 | \$3,900 |
|-------------------------------------------|---------|---------|---------|

|                                               |          |         |          |
|-----------------------------------------------|----------|---------|----------|
| <b>**** <u>Public Access Web Licenses</u></b> | \$40,000 | \$8,000 | \$16,000 |
|-----------------------------------------------|----------|---------|----------|

|                                  |          |         |         |
|----------------------------------|----------|---------|---------|
| Verity Forms Processing Software | \$15,000 | \$3,000 | \$9,000 |
|----------------------------------|----------|---------|---------|

**Hardware**

|                                  |          |         |         |
|----------------------------------|----------|---------|---------|
| Canon DR3080C Scanners-Four each | \$16,832 | \$2,570 | \$7,710 |
|----------------------------------|----------|---------|---------|

|                                                                                        |         |       |         |
|----------------------------------------------------------------------------------------|---------|-------|---------|
| Canon DR5020 Scanner- One each<br>90 Page Per Minute Scanning, Max Doc. Size 11" x 17" | \$6,100 | \$980 | \$2,940 |
|----------------------------------------------------------------------------------------|---------|-------|---------|

|                                                                                                                                                                                                       |          |            |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|--|
| Graphtec Wide Format Scanner- Model300<br>(Model 300 is now available replacing the<br>Discontinued Model 1000 priced in RFP response)<br>All support will be Springfield Blueprint, Springfield, MO. | \$13,500 | \$Included |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|--|

|                             |          |       |         |
|-----------------------------|----------|-------|---------|
| NAS Storage Devices - 2 ea. | \$10,662 | \$500 | \$1,500 |
|-----------------------------|----------|-------|---------|

|              |          |  |  |
|--------------|----------|--|--|
| Installation | \$34,000 |  |  |
|--------------|----------|--|--|

|                         |          |  |  |
|-------------------------|----------|--|--|
| Application Development | \$10,000 |  |  |
|-------------------------|----------|--|--|

|          |          |  |  |
|----------|----------|--|--|
| Training | \$18,000 |  |  |
|----------|----------|--|--|

|                      |                  |                 |                 |
|----------------------|------------------|-----------------|-----------------|
|                      | \$244,688        | \$31,040        | \$85,120        |
| Taxes                | \$20,798         | \$2,638         | \$6,809         |
| <b>System Totals</b> | <b>\$265,486</b> | <b>\$33,678</b> | <b>\$91,929</b> |

**Important Note: Pricing is effective until March 23<sup>rd</sup>. Some of the enclosed pricing  
is special rate pricing and was extended from the RFP submittal date.**

**Additional AX/WX pricing licensing breakpoints(no ERMX). Please add to above totals(includes taxes).**

|                   |                   |                 |
|-------------------|-------------------|-----------------|
| 2-5 seats AX/WX   | \$3,239 each seat | \$648 each seat |
| 6-9 seats AX/WX   | \$2,808 each seat | \$562 each seat |
| 10-24 seats AX/WX | \$2,376 each seat | \$476 each seat |

Note: If additional AX/WX licenses are purchased and the total of the combined AX/WX and  
AX/WX/ERMX exceeds ten seats then the next level up for the AXIMM Image Enabling Module will  
need to be purchased in order to have image enabling for those seats. The pricing for the next level  
up will be \$10,795 for the module and \$2,159 for the support first year. Pricing includes taxes  
Also, the Foremost Records Manager Software will need to include the equivalent number of

additional users in the event AX/WX licenses are added. The cost per seat is \$205 each, plus \$41 support each. Price includes taxes.

**\*ERM/COLD Module Applications:** The RFP did indicate the number or complexity of the COLD application reports to be created. The implementation will include building a limited number of reports. Staff will be trained on how to set up additional COLD/ERM reports on a go forward basis.

**\*\*\*Records Management Module:** Note that it does not include creation of the RM file plan, but does include loading of the file plan. Analysis to create the file plan is incremental and is a function of the organizational goals and structure. Will require five days of Professional services.

**\*\*\*\*Public Access Module:** The Public Access Module is for a server environment with a maximum of two processors. Additional dual processors require additional Public Access Modules to be purchased.

**Note:** SoftwareSupport in this RFP pricing are for toll free support from both D.I.S.C. and Documentum. Additional labor costs for onsite support by D.I.S.C. during a contract year is billed at a charge of \$50 per hour travel costs, and \$125 per hour while onsite. Please see RFP section 10.5 Support Programs and Options. Documentum Professional services onsite rate is \$2,000 a day plus T/E.

**City Of Fayetteville**  
(Not a Purchase Order)

|                  |                         |
|------------------|-------------------------|
| Requisition No.: | Date:                   |
| P.O. Number:     | Expected Delivery Date: |

|           |                 |              |            |           |            |                 |              |                         |        |
|-----------|-----------------|--------------|------------|-----------|------------|-----------------|--------------|-------------------------|--------|
| Vendor #: | 4156            | Vendor Name: | IBM Direct |           |            |                 | Mail Yes:___ | No:___                  |        |
| Address:  | P.O. Box 945684 |              | Fob Point: |           |            | Taxable Yes:___ | No:___       | Quotes Attached Yes:___ | No:___ |
| City:     | Atlanta         | State:       | GA         | Zip Code: | 30394-5684 | Ship to code:   | 30           | Division Head Approval: |        |

| Item # | Description                               | Quantity | Unit of Issue | Unit Cost | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|--------|-------------------------------------------|----------|---------------|-----------|---------------|-------------------|----------------------|-------------|---------------|
| 1      | IBM Xseries 365 Server<br>Part # 88625RX  | 1        | EA            | 11,665.00 | \$11,665.00   | 4479 9470 5801 00 |                      |             |               |
| 2      | 36.4GB 15K U320 HS SCSI<br>Part # 08P5776 | 2        | EA            | 169.00    | \$318.00      | 4479 9470 5801 00 |                      |             |               |
| 3      |                                           |          |               |           |               |                   |                      |             |               |
| 4      | Dynamic Information Software              |          |               |           |               |                   |                      |             |               |
| 5      |                                           |          |               |           |               |                   |                      |             |               |
| 6      |                                           |          |               |           |               |                   |                      |             |               |
| 7      |                                           |          |               |           |               |                   |                      |             |               |
| 8      |                                           |          |               |           |               |                   |                      |             |               |
| 9      |                                           |          |               |           |               |                   |                      |             |               |
| 10     |                                           |          |               |           |               |                   |                      |             |               |
|        | Shipping/Handling                         |          | Lot           |           | \$0.00        |                   |                      |             |               |

|                              |                    |
|------------------------------|--------------------|
| <b>Special Instructions:</b> |                    |
|                              |                    |
| <b>Subtotal:</b>             | <u>\$11,873.00</u> |
| <b>Tax:</b>                  | <u>\$802.92</u>    |
| <b>Total:</b>                | <u>\$12,775.92</u> |
| <b>Approvals:</b>            |                    |



# City Of Fayetteville

(Not a Purchase Order)

Vendor #: 13926 Vendor Name: Software House International

Address: Building 10360 1260 Capital of Texas Hwy Fob Point:

City: Austin State: TX Zip Code: 78748 Ship to code: 30

Requester: Chr# Doughty Requester's Employee #: 306

Extension: 306

Project/Subproject # Inventory # Fixed Asset #

| Item Description                           | Quantity | Unit of Issue | Unit Cost | Extended Cost | Account Numbers   | Expected Delivery Date |
|--------------------------------------------|----------|---------------|-----------|---------------|-------------------|------------------------|
| 1 Windows Server 2003 Ent Part # P72-00122 | 1        | EA            | 1,527.00  | \$1,527.00    | 4479 9470 5801 00 |                        |
| 2 Microsoft SWL Svr Std Part # 228-01064   | 1        | EA            | 3,127.00  | \$3,127.00    | 4479 9470 5801 00 |                        |
| 3                                          |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| 4                                          |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| 5                                          |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| 6                                          |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| 7                                          |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| 8                                          |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| 9                                          |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| 10                                         |          |               |           | \$0.00        | 4479 9470 5801 00 |                        |
| Shipping/Handling                          |          | Lot           |           | \$0.00        |                   |                        |

Special Instructions:

Subtotal: \$4,654.00  
Tax: \$400.06  
Total: \$5,054.06

Approvals: Mayor: Department Director: Finance & Internal Services Director: Budget Manager: Dispatch Manager: Utilities Manager: IT Manager: Other:

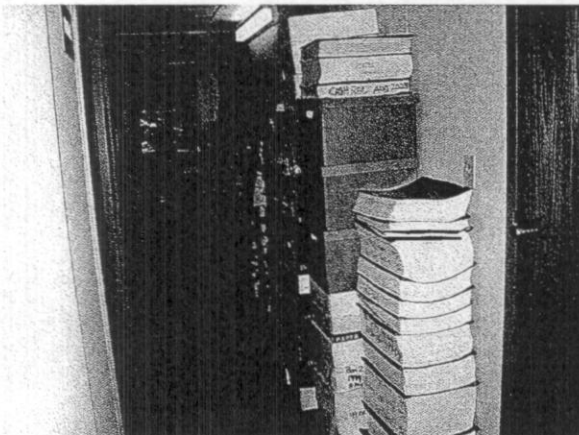
## Appendix B



City Hall  
Microfilm Office



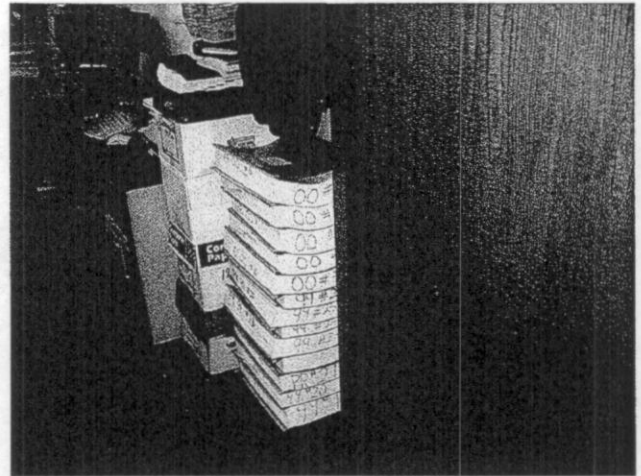
City Hall  
Microfilm Office



City Hall  
Hallway to enter Microfilm Office

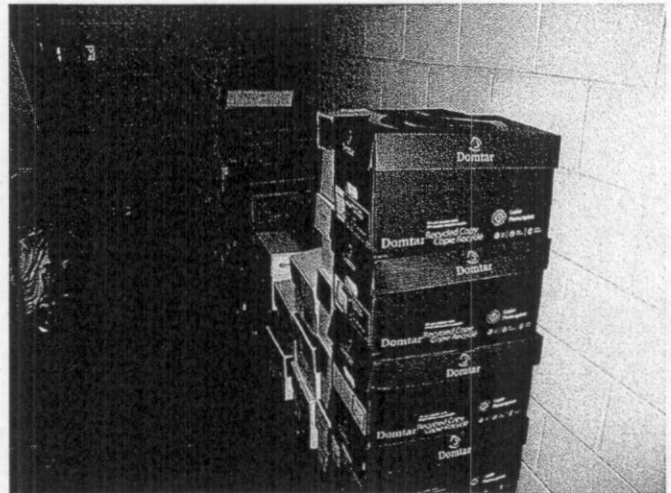
Note: If the EDMS is approved the ledgers lined up would become part of the automated process. Ledgers would not need to be printed anymore they would be generated automatically into the EDMS.

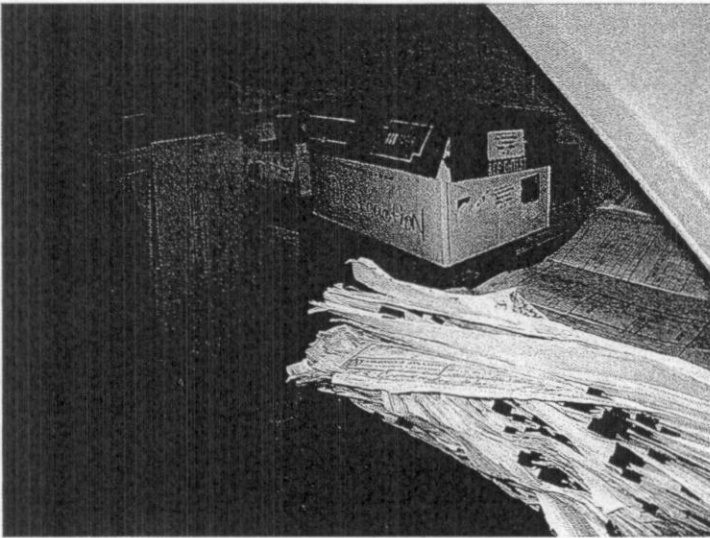
City Hall  
Entrance to Microfilm Office



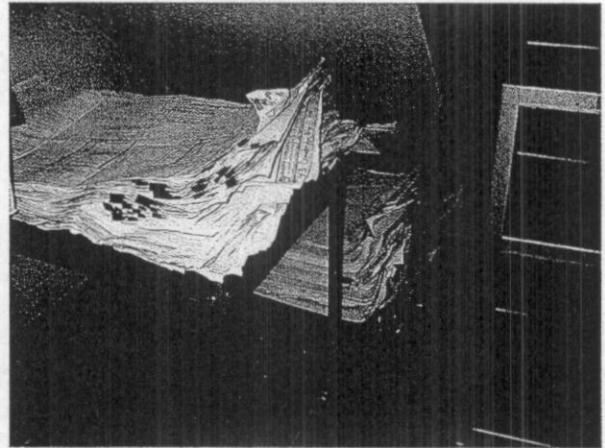
City Hall  
Microfilm Closet

City Hall  
Entry hallway under stairway to  
Microfilm Office

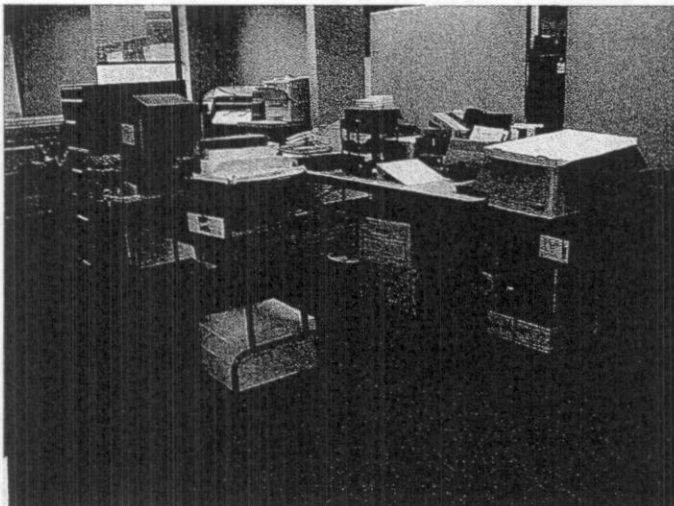




City Hall  
Entry hallway under stairway to  
Microfilm Office



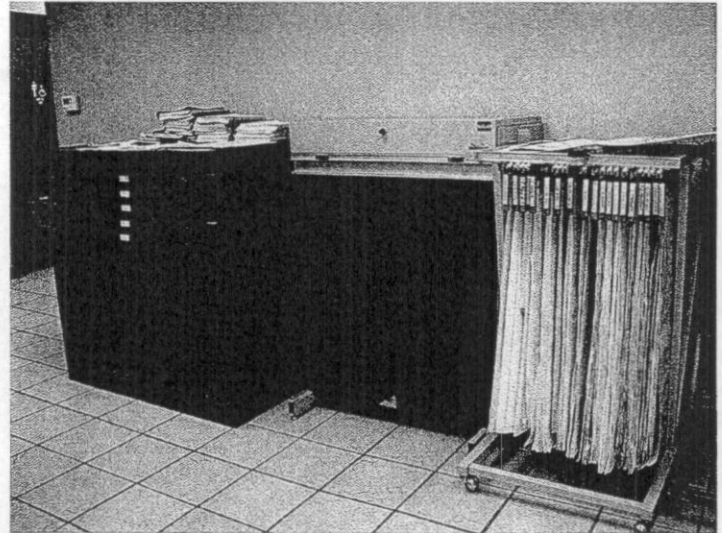
City Hall  
Entry hallway under stairway to  
Microfilm Office



Planning and Engineering

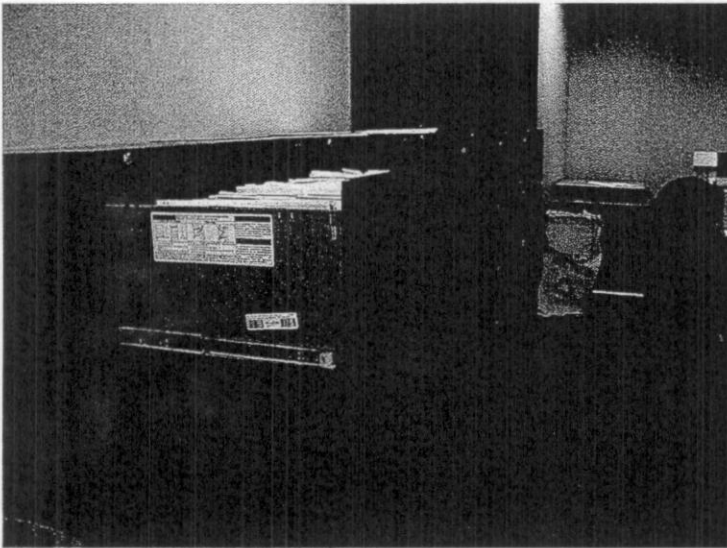


Planning and Engineering



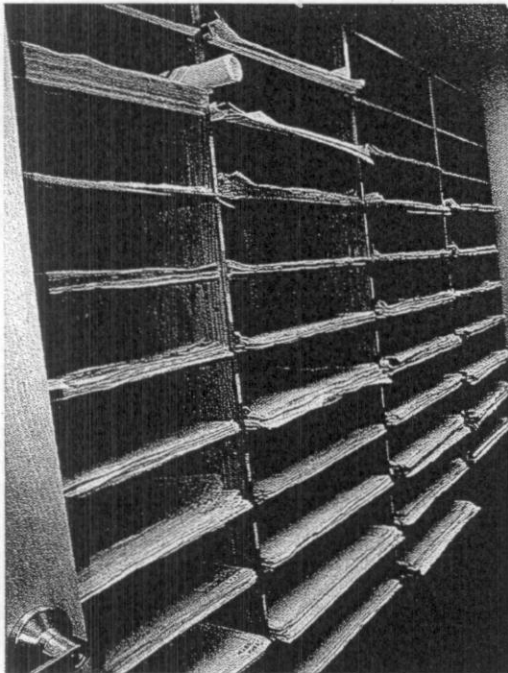
Planning and Engineering

Note: These file cabinets were purchased for storage and are full.



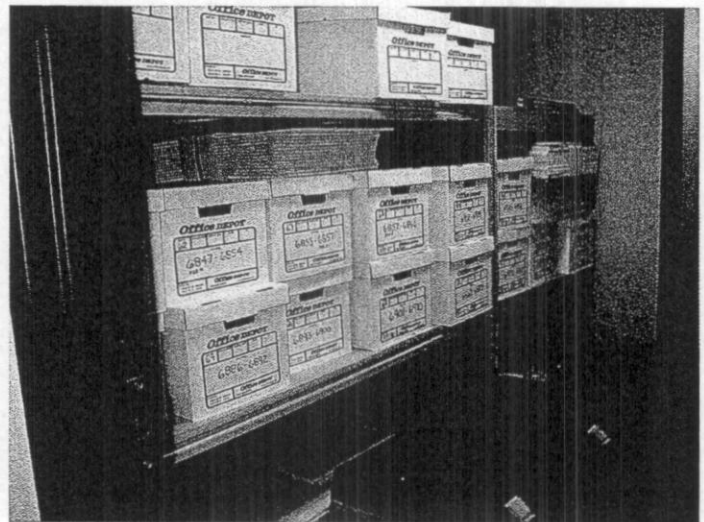
Planning and Engineering

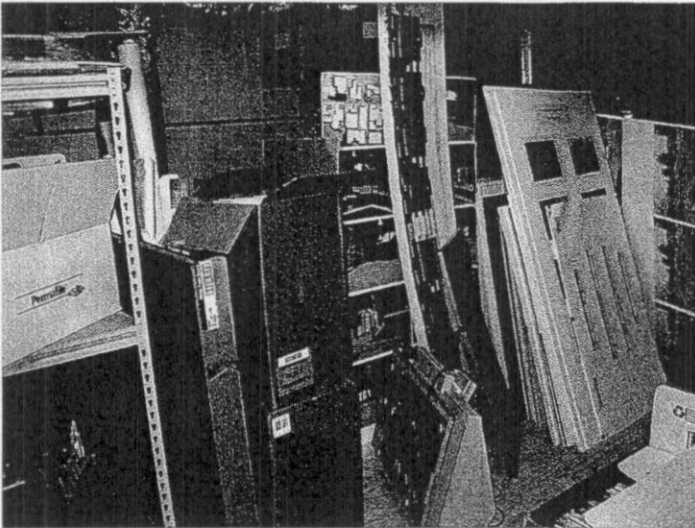




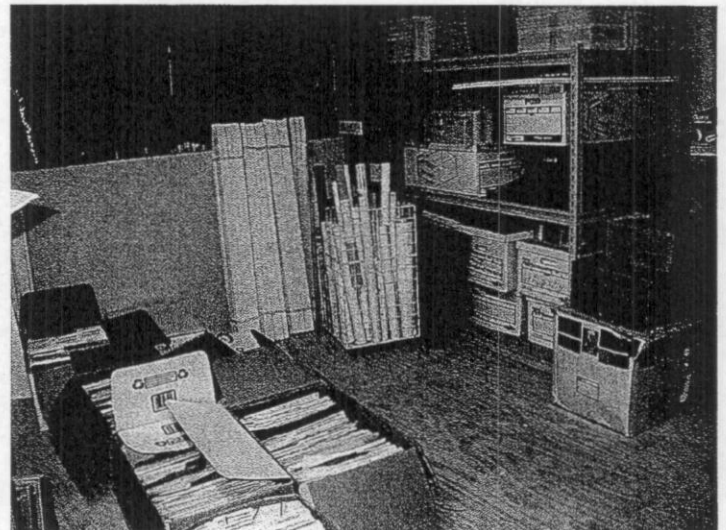
Planning and Engineering

Planning and Engineering  
Storage Closet

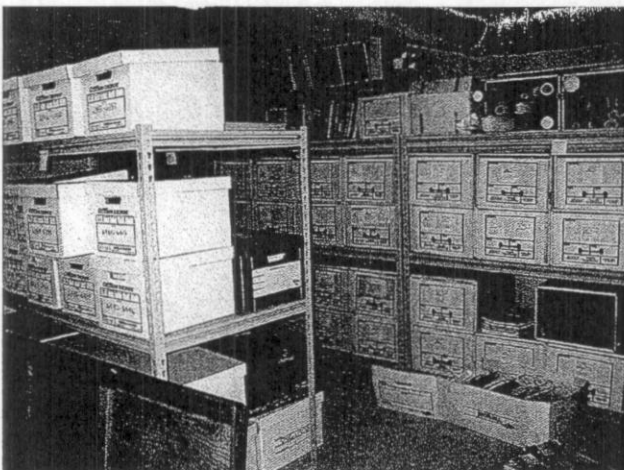




Planning and Engineering  
Attic



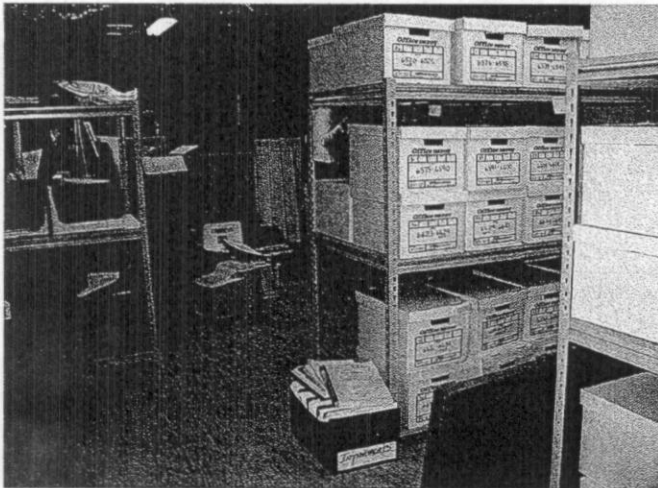
Planning and Engineering  
Attic



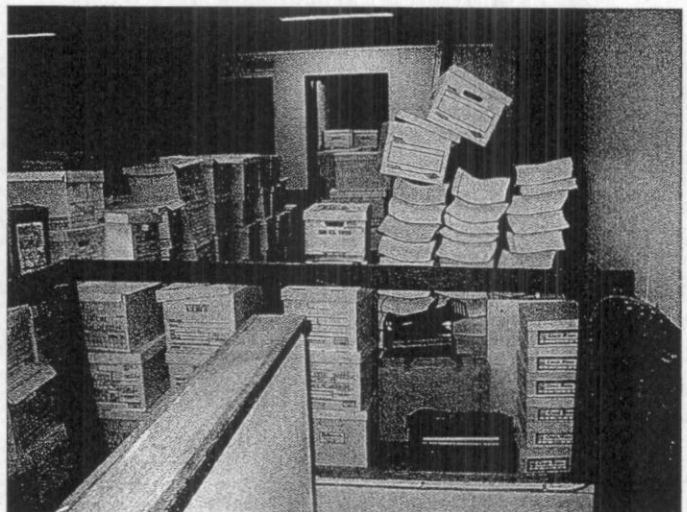
Planning and Engineering  
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Planning and Engineering  
Attic

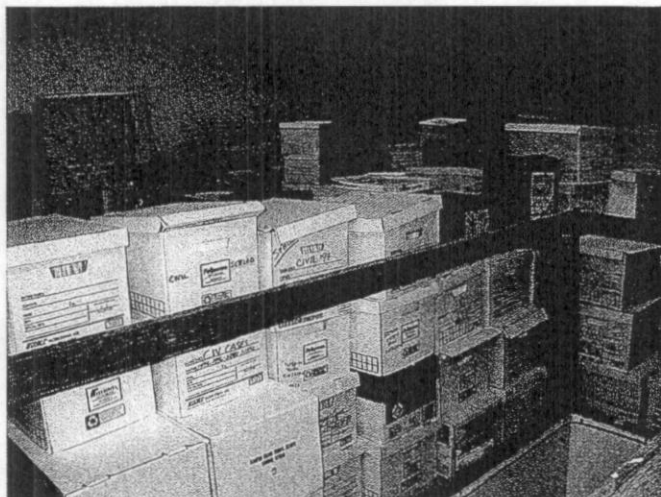


Planning and Engineering  
Attic

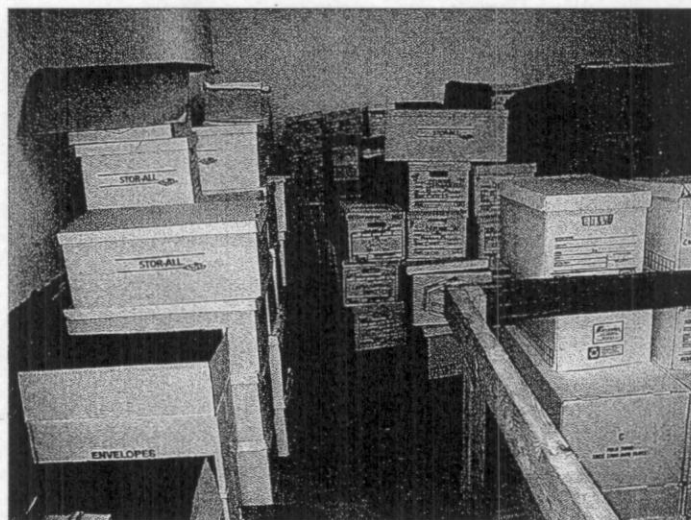


Prosecuting Office  
Attic

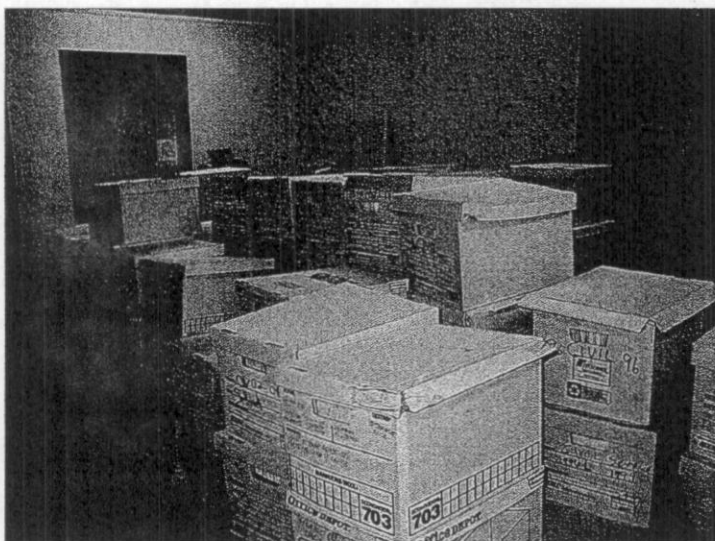




Prosecuting Office  
Attic

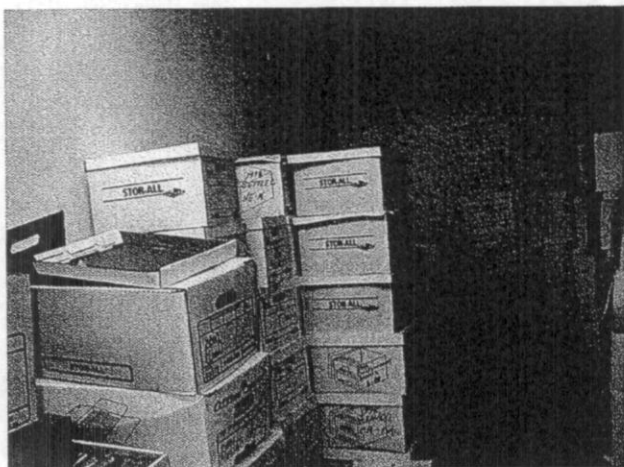


Prosecuting Office  
Attic



Prosecuting Office  
Attic

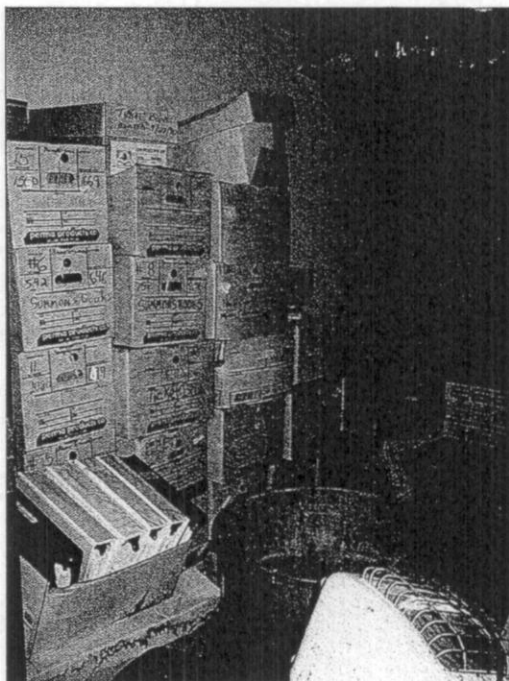
Prosecuting Office  
Attic



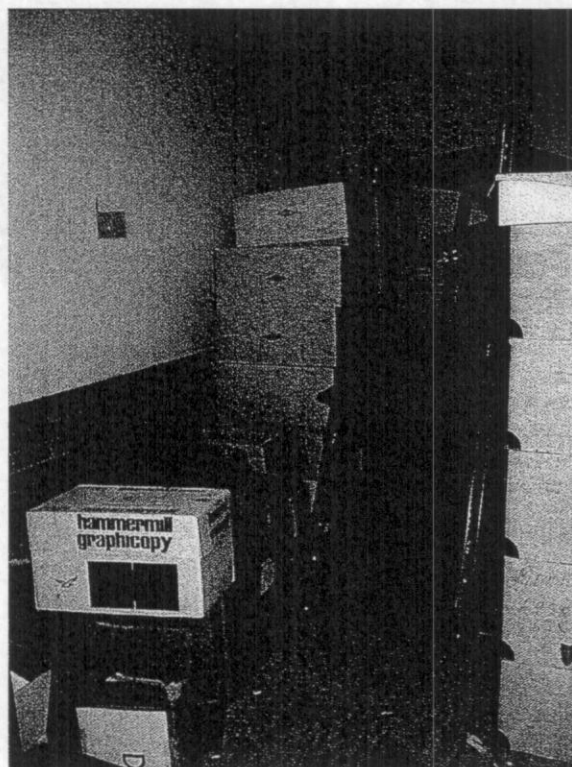
Prosecuting Office  
Attic



Prosecuting Office  
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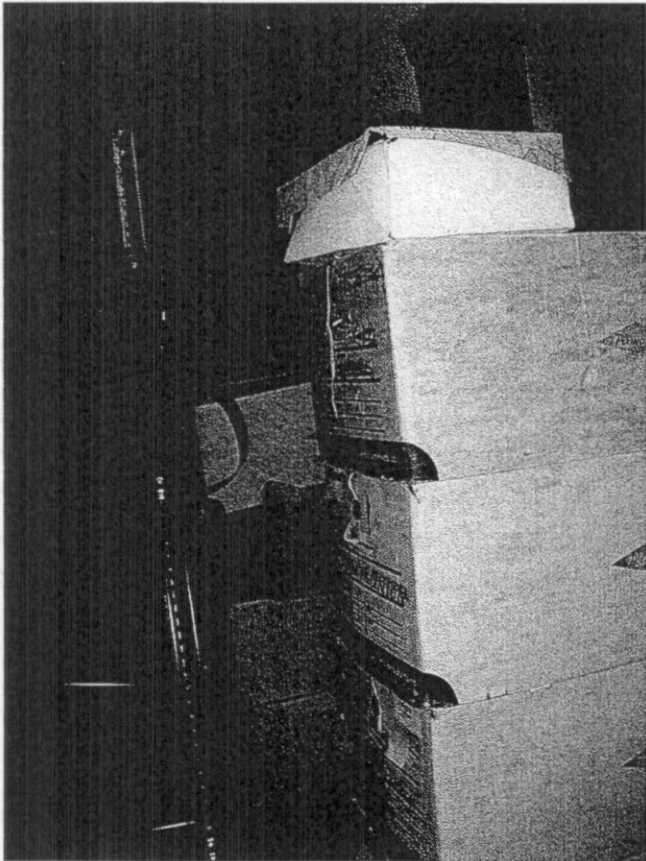


Prosecuting Office  
Attic

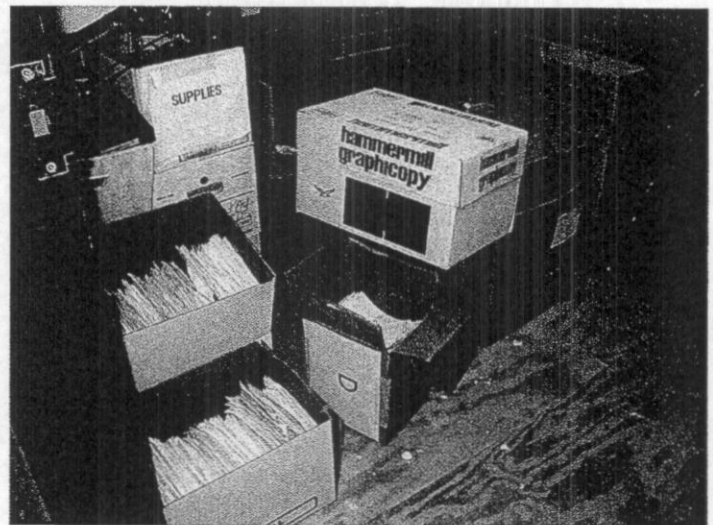


Prosecuting Office  
Attic

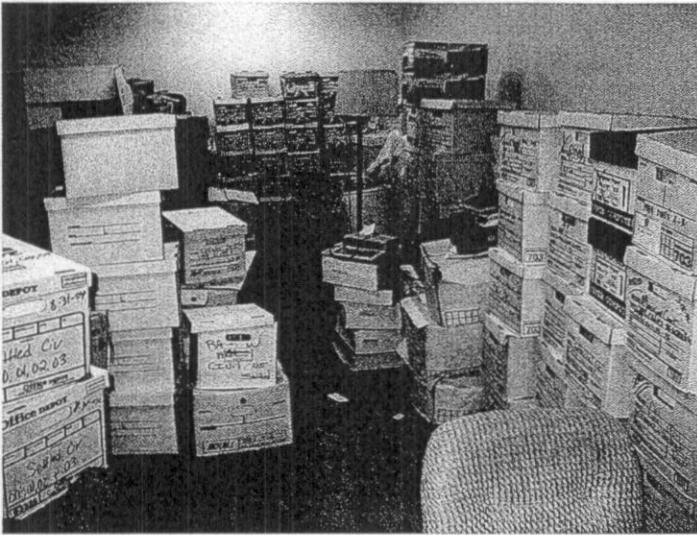




Prosecuting Office  
Attic

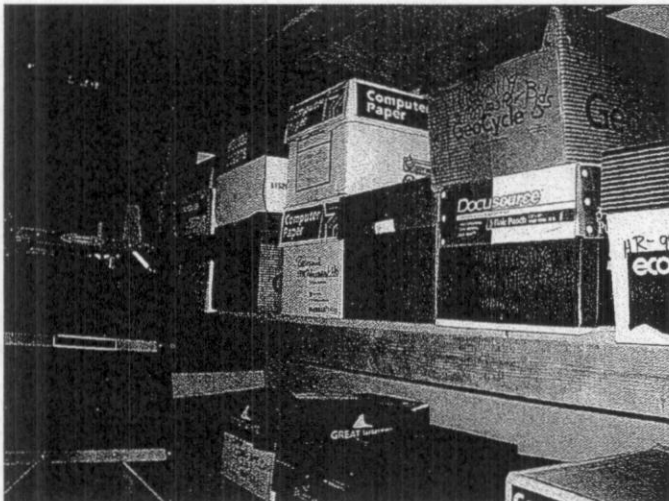
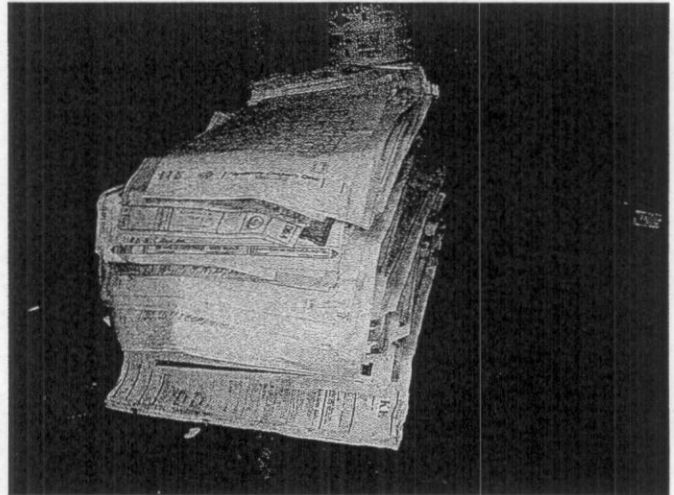


Prosecuting Office  
Attic



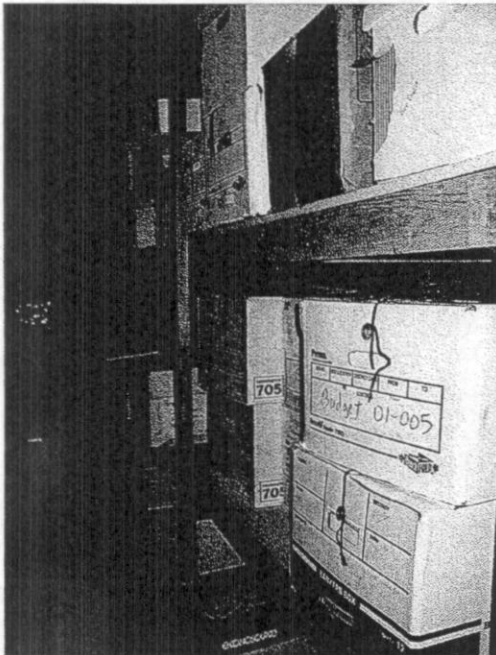
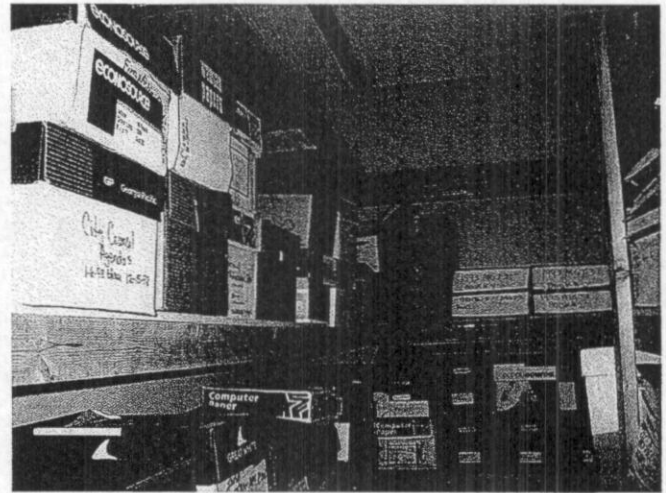
Prosecuting Office  
Attic

Document Storage  
Cable Administration Building  
Basement



Document Storage  
Cable Administration Building  
Basement

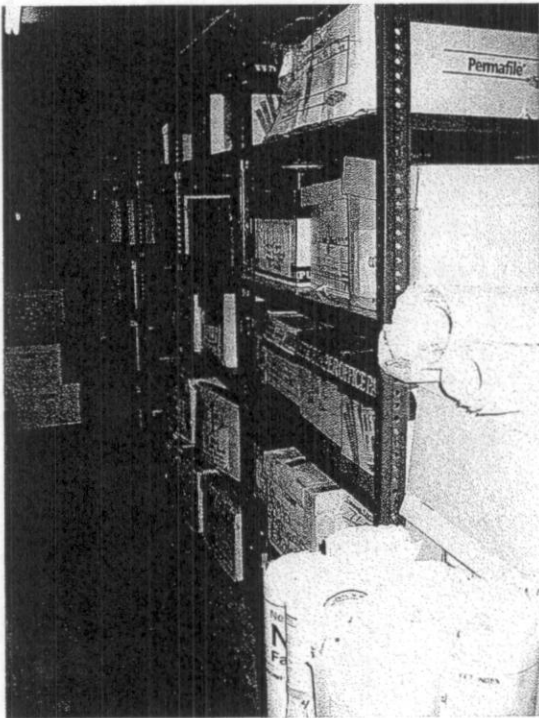
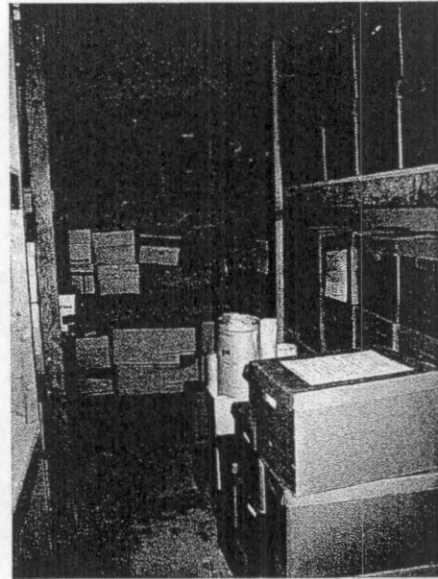
Document Storage  
Cable Administration Building  
Basement



Document Storage  
Cable Administration Building  
Basement

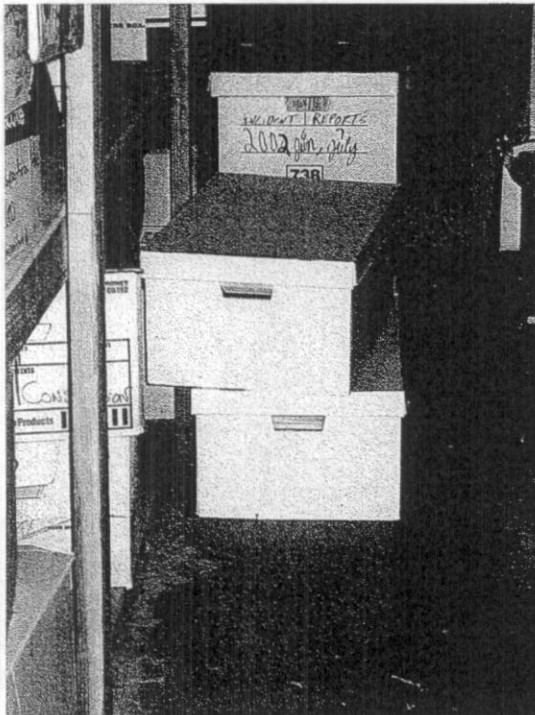


Document Storage  
Cable Administration Building  
Basement



Document Storage  
Cable Administration Building  
Basement

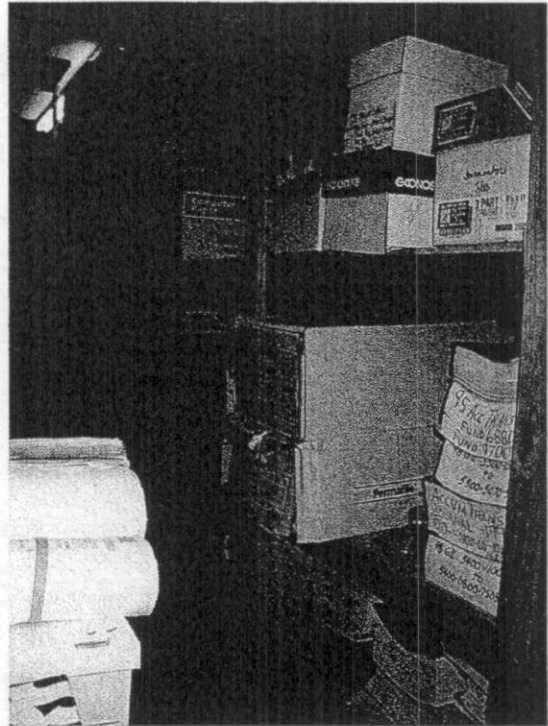
Document Storage  
Cable Administration Building  
Basement



Document Storage  
Cable Administration Building  
Basement



Document Storage  
Cable Administration Building  
Basement





Dynamic Information Solutions Company, Inc.  
(D.I.S.C. Imaging Systems)

## SALES AGREEMENT

This Sales Agreement is made as of the \_\_\_\_\_, by and between Dynamic Information Solutions Company, Inc. ("D.I.S.C."), and The City of Fayetteville ("Fayetteville").

Seller has certain property which Seller desires to sell and Buyer desires to buy, such property being more particularly described as follows: \_\_\_\_\_  
(the "Property"). Seller and Buyer agree to the following terms as a condition of the sale and purchase of the Property between Seller and Buyer:

1. The Property will be tested and installed by D.I.S.C. so that it functions properly and as represented by D.I.S.C. and meets the needs of Fayetteville.
2. Fayetteville will pay for the Property in full within 30 days after acceptance.

Seller will sell the Property to the Buyer and Buyer will purchase the Property from Seller for the amount of \_\_\_\_\_. As long as Seller has performed in accordance with the terms of this Agreement, Buyer agrees to purchase the Property from Seller for the price set forth above.

This Agreement shall be binding upon the Seller and Buyer and their respective successors and assigns. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Arkansas.

In Witness Whereof, the parties hereto have executed this Sales Agreement as the date first above written.

Dynamic Information Solutions Company  
("Seller")

\_\_\_\_\_  
(the "Buyer")

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**D.I.S.C.**  
15 Shackleford Drive, Suite A.  
Little Rock, AR 72211  
501-223-2236



**Dynamic Information Solutions Company, INC  
(D.I.S.C. Imaging Systems)**

**ACKNOWLEDGEMENT OF ACCEPTANCE**

***\_\_\_\_\_ (the "Buyer") hereby acknowledges that Dynamic Information Solutions Company, INC (the "Seller") has performed in accordance with that certain Sales Agreement dated \_\_\_\_\_, 2004, by and between Buyer and Seller, by installing the Property specified in the Sales Agreement and Buyer hereby accepts in the Property and agrees to make payment for the Property in accordance with the terms of the Sales Agreement.***

***Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2004***

***\_\_\_\_\_ By: \_\_\_\_\_  
(the "Buyer") Title: \_\_\_\_\_***

**D.I.S.C.  
15 Shackleford Drive, Suite A.  
Little Rock, AR 72211  
501-223-2236**

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 5  
Dynamic Information Solutions Company, Inc. Sales Agreement  
Page 29 of 30

1-Mar-05

City Council Meeting Date

Lesa Brosch / Sondra Smith  
Submitted By

Information Technology / City Clerk  
Division

Finance and Internal Services  
Department

Action Required:

Approval of contract with Dynamic Information Solutions Company, Inc.

\$ 284,000.00

Cost of this request

4470 9470 5801 00

Account Number

2094

Project Number

\$ 88,188.00

Category/Project Budget

\$ -

Funds Used to Date

\$ 88,188.00

Remaining Balance

Document Imaging System

Program Category / Project Name

Other Capital Improvements

Program / Project Category Name

Sales Tax Capital Improvement

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Sondra Smith  
Department Director

2/14/05  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. F. White  
City Attorney

2/14/05  
Date

Steve Adams  
Finance and Internal Service Director

2/14/05  
Date

Received in City Clerk's Office



Received in Mayor's Office

2/14/05

Dan Cooley  
Mayor

2/14/05  
Date

Comments:



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

## DEPARTMENTAL CORRESPONDENCE

---

TO: Mayor Coody and Fayetteville City Council

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: February 16, 2005

Subject: Approval of a Data-Base Administrator

### Recommendation

Staff recommends approval of a data-base administrator for Information Technologies Division and a budget adjustment to provide funding for the remainder of 2005.

### Background

The City's IT Division over the past eight (8) years has experienced a substantial increase in technical support functions as more fully described in the attached memo from Scott Huddleston, IT Manager.

The table below summarizes growth in IT technical support requirements.

| Software and Hardware Systems  | 1997 | 2005 |
|--------------------------------|------|------|
| Major Software Systems         | 3    | 10   |
| Mainframes                     | 1    | 1    |
| Network Servers                | 1    | 23   |
| PC's                           | 185  | 290  |
| Firewalls                      | 0    | 4    |
| Routers/Switches/Base Stations | 8    | 87   |

|                         |   |   |
|-------------------------|---|---|
| Technical Support Staff | 6 | 6 |
|-------------------------|---|---|

### Discussion

The Technical Support side of the Information Technology (IT) Division has not had an increase in technical support personnel in the past eight years. Currently, the Information Technology division has six full time staff positions dedicated to technical support. The technical positions include Senior Programmer/Analyst, Business Systems Analyst, Network Engineer, Systems Analyst/PC Support, Help Desk Analyst, and IT Manager. These technical support positions support the City Hall AS/400 and all personal computers, servers, peripherals, and software applications, with the exception of the Police Department. Additionally, IT staff supports the City's entire network infrastructure on a 24/7 basis.

The highest priority for IT, during the 2005 Budget cycle was for a GIS Technician. At the time the budget was being developed the additional database acquisitions had not been fully decided. It is now evident that the City will be adding significant database applications during 2005. Each of these database additions is to streamline and update an existing process so that critical government business operations operates in a more stable and predictable environment.

Document Imaging – the current micro-filming equipment is approximately 11 years old and must be replaced. Micro-filming has a significant backlog before addressing the long-term permanent storage requirements for Building Safety and Police. A side benefit of the document imaging project will be to the ability to provide FOI responses in a more organized customer friendly manner.

Fleet Maintenance Software - the benefits to the City from having a software system that captures real-time data on each fleet unit is immeasurable. The data currently exists and can be retrieved only with extensive data analysis utilizing queries from the AS400 and Excel spreadsheet as well as dedicating a financial analyst to the analysis process for several weeks. The software will provide usable data that fleet management and fleet users will be able to assess in an on-demand basis. This will provide management with the capability to make more informed decisions regarding keep/replace on all fleet units.

Two additional database applications are District Court Software upgrade and Pavement Management.

District Court Software - the City's external auditors have noted the City needs to replace the existing software and hardware utilized by Fayetteville District Court. The existing software was developed in the 1980's and operates within a PICK operating system. The nearest PICK expert is in Tulsa. The hardware was constructed in the early 1990's and spare parts are difficult to find. Also, the Police Department has to double enter data so that the Court system and Police System have similar data on Court/Police clients. The new system will be configured to automatically update both the Court system and the Police Department System and eliminate the double entry currently required. The City has budgeted \$100,000 for the software and hardware upgrade and District Court staff is in the process of evaluating two alternatives for this much needed upgrade.

Pavement Management – the City entered into a contract with the University to provide a more scientific method for determining streets to overlay. The pavement management software will capture the data developed by the University and assist Staff in determining the most cost-effective overlay projects. The pavement management system will be an expansion of IT support regardless of which system is ultimately picked (Hansen and Iowa State).

Additional IT staff is a requirement for the City to purchase and implement any of the four software purchases listed above.

#### **Budget Impact**

This position will add approximately \$53,000 in expense for General Fund for a full-year. This request is for a partial year is expected to cost approximately \$42,000.

THE CITY OF FAYETTEVILLE, ARKANSAS

---

To: Stephen Davis, Finance and Internal Services Director

From: Scott Huddleston, Information Technology Manager



Date: February 14, 2005

Subject: **Information Technology Staffing**

The Technical Support side of the Information Technology (IT) Division has not had an increase in technical support personnel in the past eight years. Currently, the Information Technology division has six full time staff positions dedicated to technical support, and six positions dedicated to the Geographic Information System (GIS). The technical positions include Senior Programmer/Analyst, Business Systems Analyst, Network Engineer, Systems Analyst/PC Support, Help Desk Analyst, and IT Manager. These technical support positions support the City Hall AS/400 and all personal computers, servers, peripherals, and software applications, with the exception of the Police Department. Additionally, IT staff supports all of the City's network infrastructure on a 24/7 basis.

During the past eight years, we have had a substantial increase in the technology that the IT division supports. We have gone from a small Engineering, Planning, and Inspections Local Area Network (LAN) with one file server and basic AS/400 communications for financial and utility users, to a city-wide Wide Area Network (WAN) with 20 servers supporting over 450 users at 20 locations. In addition to implementing and maintaining the network infrastructure required to support the technology growth at the City, the IT division also implemented and maintains the City's e-mail systems, Novell file and print servers, Internet access servers, Firewall security devices, Virtual Private Network (VPN), Storage Area Network (SAN), and network backup and recovery systems. It has also implemented and supports new user applications and/or enhancements that includes three major software upgrades for New World Financials and two major software upgrades for New World Utility Billing. Additionally, IT implemented and supports the FayGIS website, accessfayetteville website and content management system, CityNet Intranet, Tele-Works Automated Citizen Information system, on-line utility billing inquiry and payment system, and the Hansen enterprise municipal management system.

IT currently maintains many databases. They primarily relate to three main data functions. All financial, utility account data, and public safety information is stored in the New World system. All asset, building inspection, planning, work order, customer service, and code enforcement data is stored in the Hansen municipal management system. All data with a spatial aspect is either stored in the GIS, or can be joined to data in the GIS. The city purchased the financial/utility billing solutions from New World Systems in 1992 and the public safety solution in 1998. The Hansen system was purchased in 2002 as the result of a multi-year selection process by a



committee comprised of City staff and management. This committee decided that a single vendor solution for an enterprise wide municipal management system was the best solution for the City. The GIS function began at the City in 1998 and continues to compile geographic data and mapping information. Most all future acquisitions of new systems will in some way interface with one or more of these three systems. If new systems utilize databases outside of these three core systems, increased database maintenance and IT staff time will occur.

To date, the IT staff has been able to implement, secure, and maintain all of our systems and databases at a high standard with minimal staffing. IT has merged forward due to standardization of equipment and software and re-structuring of the IT staff organization. IT has a team of dedicated staff working tirelessly towards the same goal. Currently, IT staff are spread thin maintaining existing systems. The City's auditors have, for the past two years, questioned the City's exposure to risk. Due to the thin staffing of IT, the City has some exposure to continued service delivery should a vacancy occur in one of the key positions within the IT division. To address this risk, additional technical staff will need to be added to provide sufficient coverage of IT support services. Any future acquisitions of new systems will require additional IT staff. Hiring additional IT staff must be considered when evaluating new systems and will be required to continue to forge ahead in the coming years.

Attached, you will find a table of the current systems supported by the IT Division compared to the systems supported in 1997. The table demonstrates that IT resources have been reorganized to expand service considerably over the past eight years. IT Staff is currently structured modestly and are not always able to respond to all service requests in the timeframe that we would like.

Below is a listing of known future IT service level demands and new systems that are being considered.

- Document Management System
- Automated Fleet Management Information System
- District Court System migration and implementation
- Pavement Management System
- Hansen software Interfaces including connections to Washington County Land Records, New World Inventory, and New World Utility Billing
- MobileHwy Automated Field Inspections Software
- Expansions to the WAN Infrastructure including wireless handheld devices
- Storm Water Utility Application

Most of these future IT service demands consist of new systems that will require additional IT supported hardware, interfaces with existing systems, database administration, and database maintenance. IT will not be able to implement and maintain these systems with our current level of staffing. In fact, it will be difficult for IT to implement and adequately maintain any one of these new projects without jeopardizing existing systems administration and security levels. IT will need additional technical staff to support the demand for IT services.

The priorities for IT function staffing are as follows:

1. Database Administrator to provide maintenance and ensure integrity of the increasing number of databases supported.
2. Network/Communications Analyst to assist with implementation and maintenance of network systems.
3. Programmer Analyst to provide relief and expansion to the supported applications.
4. Help Desk/PC Support Analyst to help provide quicker response to IT requests for service.

In addition to the listed primary functions above, each of these functions will enable the IT division to better provide redundancy and cross training across all IT supported systems and applications.

Attachment A

| Primary Applications Supported                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                           | Networking and Hardware Supported                                                                      |                                                                                                                                                                                                 | New Systems and Applications since 1997                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1997                                                                                                                                                                                                                                                             | 2005                                                                                                                                                                                                                                                                                                                                                                      | 1997                                                                                                   | 2005                                                                                                                                                                                            | Hansen Municipal Management System including modules for Customer Service, Work Order, Building Permits, Code Enforcement, Pavement Management, Project/Planning, and asset management modules for Water, Sewer, Street, Storm, Parks, Complex, Plant, Building, and Complex. |
| New World Systems Public Administration software including modules for: base Financial Management, Procurement, Budgeting, Utility Billing, Payroll, Accounts Payable, Revenue Accounting, Inventory, Animal Licensing, Vehicle Maintenance, and Parking Tickets | New World Systems Public Administration software including modules for: Financial Management, Procurement, Budgeting, Utility Billing, Human Resources, Accounts Payable, Revenue Accounting, Inventory, Animal Licensing, Vehicle Maintenance, Parking Tickets, Position Control, Management Reporting, Logos NettoGov, Fire Records, and HR, UT, and FM Report Writers. | 1 Novell file/print server<br>3 Token Ring switches<br>5 AS/400 Remote dial-up controllers<br>185 PC's | 20 Servers<br>48 Ethernet Switches<br>1 VPN Concentrator<br>290 PC's<br>1 Terabyte Storage Area Network<br>4 Routers<br>4 Firewalls<br>3 Wireless Base Stations<br>10 Wireless Subscriber Units | Tele-Works Automated Citizen Information System                                                                                                                                                                                                                               |
| Novadyne System with Court Software                                                                                                                                                                                                                              | Novadyne System with Court Software                                                                                                                                                                                                                                                                                                                                       |                                                                                                        | 12 Wireless Access Points<br>10 Wireless Bridges<br>VOIP Router and Call Manager<br>600 e-mail accounts<br>4 Firewalls                                                                          | Geographic Information System                                                                                                                                                                                                                                                 |
| SBCCI Inspections software-The application was supported and maintained by the vendor.                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                        |                                                                                                                                                                                                 | DynamicPORTAL Customer Service Application Interface                                                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                        |                                                                                                                                                                                                 | City-wide Internet and E-mail access                                                                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                        |                                                                                                                                                                                                 | accessFayetteville website                                                                                                                                                                                                                                                    |
|                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                        |                                                                                                                                                                                                 | FayGIS website                                                                                                                                                                                                                                                                |
|                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                        |                                                                                                                                                                                                 | CityNet Intranet website                                                                                                                                                                                                                                                      |

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

A RESOLUTION AUTHORIZING THE HIRING OF ONE (1) FULL-TIME EMPLOYEE (DATABASE ADMINISTRATOR) BY THE INFORMATION TECHNOLOGY DIVISION; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$41,847.00 TO FUND THE POSITION FOR THE FINAL EIGHT (8) MONTHS OF 2005.

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 the hiring of one (1) full-time employee (Database Administrator) by the Information Technology Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$41,847.00 to fund the position for the final eight (8) months of 2005.

PASSED and APPROVED this 15<sup>th</sup> day of March 2005.

APPROVED

By: \_\_\_\_\_

DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_

SONDRA SMITH, City Clerk

**DRAFT**

|                         |                                                                                                                |                                 |                   |
|-------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------|
| Budget Year<br><br>2005 | Department: Finance & Internal Services<br>Division: Information Technology<br>Program: Information Technology | Date Requested<br><br>3/15/2005 | Adjustment Number |
|-------------------------|----------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------|

## Project or Item Added/Increased:

\$41,847 is requested in the Information Technology Division.

## Project or Item Deleted/Reduced:

\$41,847 from the Use of Fund Balance account in General Fund.

## Justification of this Increase:

The additional funding is requested to fund the addition of a Database Administrator position for eight months of 2005.

\$35,847 will be used for Salaries & Benefits, \$5,000 will be used for Office Furniture/Computer, and \$1,000 for various software.

## Justification of this Decrease:

There is sufficient funding available in Fund Balance to comply with 2005 objectives and City Policy.

## Increase Expense Budget (Decrease Revenue Budget)

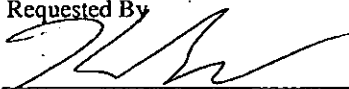
| Account Name       | Account Number |      |      |    | Amount | Project Number |
|--------------------|----------------|------|------|----|--------|----------------|
| Salaries and wages | 1010           | 1710 | 5100 | 00 | 30,045 |                |
| FICA taxes         | 1010           | 1710 | 5105 | 00 | 2,298  |                |
| Life insurance     | 1010           | 1710 | 5107 | 00 | 114    |                |
| Health insurance   | 1010           | 1710 | 5108 | 00 | 3,390  |                |
| Minor equipment    | 1010           | 1710 | 5210 | 00 | 5,000  |                |
| Software           | 1010           | 1710 | 5209 | 00 | 1,000  |                |

## Decrease Expense Budget (Increase Revenue Budget)

| Account Name        | Account Number |      |      |    | Amount | Project Number |
|---------------------|----------------|------|------|----|--------|----------------|
| Use of fund balance | 1010           | 0001 | 4999 | 99 | 41,847 |                |

## Approval Signatures

Requested By



Date

2-16-05

Budget Manager

Date

Department Director

Date



Finance &amp; Internal Services Director

Date

2-16-05

Mayor

Date

## Budget Office Use Only

Type:

A

B

C

D

E

Date of Approval

Initial

Date

Posted to General Ledger

Initial

Date

Posted to Project Accounting

Initial

Date

Entered in Category Log

Initial

Date

**New Personnel Request - (2005 Budget)**

D. 6  
Data-Base Information Solutions Company, Inc. Sales Agreement  
Page 9 of 12

Program Number.....: 1710  
Department.....: Finance & Internal Services  
Division/Program.....: Information Technology / Information Technology  
New Personnel Title...: Database Administrator  
Pay Plan Grade.....: ED13  
Priority.....: 2

**Personnel Information**

Employee Status.....: FT (FT or PT)  
FTE Amount.....: 67% (100=100% & 75=75%)

**Description of New Personnel Request**

The Database Administrator will perform a variety of highly complex professional work in the analysis, design, implementation, maintenance, problem resolution, and technical optimization of system databases and database management software in client-server, and Internet/Intranet environments. Additionally, this position provides technical support for database management systems and related system software in client-server and Internet/Intranet environments, and perform other technical tasks relative to the administration of City databases.

The Database Administrator provides direct support for the design, customization, development, and implementation of database application software from multiple sources, both in-house and vendor-provided. Additionally, this position provides direct support for the integration of data from, and interfaces and data flows between and among multiple applications from multiple sources, both in-house and vendor-provided, on multiple platforms, in multiple locations.

The Database Administrator will have the responsibility for development, administration, maintenance and security of the City's data.

---

**Justification of New Personnel Request**

See Attached

---

**New Personnel Request - Total Cost**

|                                          |               |
|------------------------------------------|---------------|
| Personnel Services Cost.....:            | \$ 35,847     |
| Capital Outlay & Initial Purchases.....: | 6,000         |
| Operation and Maintenance Expense.....:  | 0             |
|                                          | <u>41,847</u> |

# New Personnel Request - (2005 Budget)

D. 6  
Data-Base Information Solutions Company, Inc. Sales Agreement  
Page 10 of 12

Program Number..... 1710  
Department..... Finance & Internal Services  
Division/Program..... Information Technology / Information Technology  
New Personnel Title... Database Administrator  
Pay Plan Grade..... ED13  
Priority..... 2

## Personnel Information

Employee Status..... FT (FT or PT)  
FTE Amount..... 67% (100=100% & 75=75%)

## Personnel Services Cost

Annual Salary..... \$ 45,068  
Salaries & Wages..... \$ 30,045  
Overtime Amount..... 0 (# of Hours)  
FICA..... 2,298  
Life Insurance..... 114  
Health Insurance..... 3,270 F (F or I)  
LTD Insurance..... 108  
AD&D Insurance..... 12  
Retirement..... 0 N (Y, N, LP, LF)  
Worker's Comp..... 0 (Workers Comp Code)  
Total..... \$ 35,847

## Capital Outlay & Initial (One-Time) Purchases

| Account Number    | Description      | Amount Requested |
|-------------------|------------------|------------------|
| 1010 1710 5210 00 | Office Furniture | 3,500            |
| 1010 1710 5210 00 | PC and Monitor   | 1,500            |
| 1010 1710 5209 00 | Software         | 1,000            |
| 1010 1710         |                  |                  |
| 1010 1710         |                  |                  |

## Operation and Maintenance Expense

| Account Number | Description | Amount Requested |
|----------------|-------------|------------------|
| 1010 1710      |             |                  |
| 1010 1710      |             |                  |
| 1010 1710      |             |                  |
| 1010 1710      |             |                  |
| 1010 1710      |             |                  |

**City of Fayetteville**  
**Staff Review Form**  
**City Council Agenda Items**  
**Contracts**

15-Mar-05  
**City Council Meeting Date**

Stephen Davis  
**Submitted By**

FIS Director  
**Division**

Finance & Internal Services  
**Department**

**Action Required:**

City Council is requested to authorize the addition of a full-time data base administrator to the Information Technology Division and approve a budget adjustment to provide funding for the position for eight (8) months.

|                      |
|----------------------|
|                      |
| \$41,847.00          |
| Cost of this request |
|                      |
| See Attachment       |
| Account Number       |
|                      |
|                      |
| Project Number       |

|                         |
|-------------------------|
|                         |
| \$ 744,454.00           |
| Category/Project Budget |
|                         |
| \$ 83,915.00            |
| Funds Used to Date      |
|                         |
| \$ 660,539.00           |
| Remaining Balance       |

|                                 |
|---------------------------------|
|                                 |
| Personnel Services              |
| Program Category / Project Name |
|                                 |
|                                 |
| Program / Project Category Name |
|                                 |
| General Fund                    |
| Fund Name                       |

Budgeted Item ☐

Budget Adjustment Attached ☒

*[Signature]*  
Department Director

2-17-05  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

*[Signature]*  
City Attorney

2/17/05

Received in City Clerk's Office

**ENTERED**  
2/17/05

*[Signature]*  
Finance and Internal Service Director

2-17-05  
Date

Received in Mayor's Office

*[Signature]*  
Mayor

2/16/05  
Date

Comments: This position is requested to meet the technical staffing needs of various database software packages being added during 2005. Fleet Maintenance Software, District Court Software Conversion, Document Imaging, etc.





City Council Meeting of March 15, 2005

**CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**From:** David Jurgens, Interim Water/Wastewater Director 

**Date:** February 23, 2005

**Subject:** Resolution approving the Noland Wastewater Treatment Plant Improvements, Project EP-2, construction contract with Archer Western Construction, Ltd. In the amount of \$14,644,000 for improvements to the headworks, solids handling, and related facilities at the plant site.

Funds for this work are to come from the Wastewater System Improvements Project budget.

---

**RECOMMENDATION**

Fayetteville City Administration recommends approval of the Noland Wastewater Treatment Plant Improvements, Project EP-2, construction contract with Archer Western Construction, Ltd., in the amount of \$14,644,000 for improvements to the headworks, solids handling, and related facilities at the plant site. In addition to the contract amount, it is further recommended that the Council approve an additional \$292,880 (2% of the contract amount) for use as a project contingency. Funds for this work are to come from the Wastewater System Improvements Project budget.

**BACKGROUND**

Bids were accepted and opened on February 15, 2005 for construction of the Noland Wastewater Treatment Plant Improvements, Project EP-2. Three bids were received and Archer Western Construction Ltd. was the low bidder with a bid of \$14,644,000. Black & Veatch reviewed the bid documents and contacted references for five (5) similar recent projects. Each of the references was satisfied with the work performed for them by Archer Western and commented that their communication and adherence to schedules was good.

**DISCUSSION**

This project will require approximately 18-24 months to complete depending on equipment delivery, inclement weather and other factors, so staff suggests approval of this contract as soon as practical to provide as early a completion as possible. The contract documents are those that were fully reviewed by City staff prior to approval for use with this project. The full specification packet is available in the City Clerk's office.

**BUDGET IMPACT**

The bid price is \$2.6M less than the engineer's estimate and is in line with the original project estimate. Award of this project will not adversely impact the Sewer Improvements Project budget or the Wastewater Dept. budget.

**Attachments:** Black and Veatch Recommendation Letter  
Bid Tabulation  
Agreement/Contract w/Contractor Information



## BLACK & VEATCH

8400 Ward Parkway  
P.O. Box 8405  
Kansas City, Missouri 64114 USA  
Tel: (913) 458-2000

Black & Veatch Corporation

City of Fayetteville, Arkansas  
Noland WWTP Improvements  
Headworks and Solids Handling Improvements  
Contract EP-2

B&V Project 135045  
B&V File B-1.1  
February 18, 2005

Mr. David Jurgens  
Interim Director of Water and Wastewater  
113 West Mountain Street  
Fayetteville, Arkansas 72701

Subject: Bid Results and Recommendation

Dear Mr. Jurgens:

Bids were received and opened on February 15, 2005 in the City of Fayetteville City Council Chambers, for the above mentioned project. The following is a list of the contractor lump sum bids in the order in which they were read.

|                                   | <u>Lump Sum Bid</u> |
|-----------------------------------|---------------------|
| Archer Western Construction, Ltd. | \$14,644,000        |
| Branco Enterprises, Inc.          | \$18,000,000        |
| Van Horn Construction, Inc.       | \$17,137,773        |

The low bid was submitted by Archer Western Construction, Ltd. for \$14,644,000. The Engineer's Opinion of Probable Cost was \$17,254,867. A Bid Tabulation is attached.

Archer Western Construction, Ltd. provided information about their firm, their experience and proposed project team.

Archer Western Construction, Ltd. proposes the following project team:

- Joseph Lindeman – Area Manager, 9 years of experience in this role.
- Scott O. Smiley – Program Manager, 9 years of experience in this role.
- Jeffrey J. Polak – Project Manager, 6 years of experience in this role.

At this time a Project Superintendent has not been assigned.

Page 2

Mr. David Jurgens  
City of Fayetteville, Arkansas  
Contract EP-2

B&V Project 135045  
B&V File B-1.1  
February 18, 2005

We have contacted five (5) references from the projected performed by Archer Western. The projects ranged in price from 12.2 million to 43.5 million. The owners interviewed were satisfied with the work that Archer Western Construction, Ltd. had performed and commented that Archer Western Construction, Ltd. maintained their schedule and communicated well.

Certification by the State of Arkansas for Archer Western to conduct business in Arkansas is enclosed. Additionally, a financial statement has been attached for Archer Western.

Archer Western Construction, Ltd. has completed and submitted a "Bidder's Qualification Statement". The form has been included for your information and review.

We recommend that Contract EP-2 be awarded to Archer Western Construction, Ltd for \$14,644,000.

If you have any questions or comments regarding the above information, call me at (913) 458-3429 or Katie Funderburk at (913) 458-3147.

Very Truly Yours,

BLACK & VEATCH CORPORATION



Earl E. Jenkins  
Project Manager

Enclosures: 10 copies of the following

- Bid Tabulation
- Agreement
- Bid Documents
- Performance Bond
- Labor and Material Bond
- Project Team with Resumes
- Plant Experience
- Financial Statement

cc: Jerry Sonderegger, Burns & McDonnell w/ attachments  
Brian Foy, Burns & Mc Donnell w/ attachments  
Matt Taylor, City of Fayetteville w/attachments

**BLACK & VEATCH CORPORATION**

Project No. 135045.400

FOR:

City of Fayetteville  
Noland WWTP Improvements  
Contact EP-2

**B I D T A B U L A T I O N**

**BIDS RECEIVED:**  
Until 1:30 P.M. February 15, 2005  
At 113 West Mountain Street  
Fayetteville, Arkansas 72701

**PROJECT PERSONNEL**  
Project Manager: Earl Jenkins  
Project Engineer: Katie Funderburk  
Page 1 of 1

| NAME OF BIDDER<br>ADDRESS OF BIDDER       | ENGINEER'S OPINION<br>OF PROBABLE<br>CONSTRUCTION COST | ARCHER WESTERN CONTRACTORS, LTD.<br>2121 Avenue J, Suite 103<br>Arlington, Texas 76006 | BRANCO ENTERPRISES, INC.<br>1233 E HWY 86<br>Neesho, Missouri 64150 | VAN HORN CONSTRUCTION, INC.<br>2106 E. 16th Street<br>Russellville, Arkansas 72802 |
|-------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------|---------------------------------------------------------------------|------------------------------------------------------------------------------------|
| BID SIGNED                                |                                                        | Yes                                                                                    | Yes                                                                 | Yes                                                                                |
| BID SECURITY/BID BOND INCLUDED            |                                                        | Yes                                                                                    | Yes                                                                 | Yes                                                                                |
| BIDDERS QUALIFICATIONS STATEMENT          |                                                        | Yes                                                                                    | Yes                                                                 | Yes                                                                                |
| QUESTIONNAIRE                             |                                                        | Yes                                                                                    | Yes                                                                 | Yes                                                                                |
| LIST OF SUBCONTRACTORS                    |                                                        | Yes                                                                                    | Yes                                                                 | Yes                                                                                |
| ADDENDUM ACKNOWLEDGED                     |                                                        |                                                                                        |                                                                     |                                                                                    |
| NO 1                                      |                                                        | Yes                                                                                    | Yes                                                                 | Yes                                                                                |
| 1 Belt Filter Press<br>Installation       | Total Cost                                             | Total Cost                                                                             | Total Cost                                                          | Total Cost                                                                         |
|                                           |                                                        | \$249,429.00                                                                           | \$249,429.00                                                        | \$249,429.00                                                                       |
|                                           |                                                        | \$4,571.00                                                                             | \$30,000.00                                                         | \$10,400.00                                                                        |
| 2 Relocate Existing BFP                   |                                                        | \$6,000.00                                                                             | \$40,000.00                                                         | \$18,600.00                                                                        |
| 3 Bracket Green Equipment<br>Installation |                                                        | \$975,000.00                                                                           | \$990,000.00                                                        | \$470,000.00                                                                       |
|                                           |                                                        | \$7,000.00                                                                             | \$20,000.00                                                         | \$17,600.00                                                                        |
| 4 Erosion Control                         |                                                        | \$7,000.00                                                                             | \$5,000.00                                                          | \$37,000.00                                                                        |
| 5 Trench & Safety Excavation Safety       |                                                        | \$5,000.00                                                                             | \$10,000.00                                                         | \$10,000.00                                                                        |
| 6 All Other Work                          |                                                        | \$13,390,000.00                                                                        | \$16,655,571.00                                                     | \$16,324,744.00                                                                    |
| LUMP SUM BID                              | \$17,254,867.00                                        | \$14,644,000.00                                                                        | \$18,000,000.00                                                     | \$17,137,773.00                                                                    |

**DOCUMENT 00500 – AGREEMENT**

**BETWEEN OWNER AND CONTRACTOR**

Project Name: Wastewater System Improvements Project

Contract Name: Noland WWTP Improvements – Headworks and Solids Handling

Contract No.: EP-2

THIS AGREEMENT is dated as of the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ by and between the City of Fayetteville (hereinafter called Owner) and Archer Western Contractors, Ltd. (hereinafter called Contractor).

**ARTICLE 1 - WORK**

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work under this Contract is generally described as follows:

The construction of a new headworks structure and solids handling building with associated equipment, yard piping, odor control, finish grading and other renovation work throughout the plant site at 1500 N. Foxhunter Road, Fayetteville, Arkansas 72701.

1.02 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

The City of Fayetteville, Arkansas is undertaking a project to redirect sewer flows from portions of the City in the Illinois River drainage basin to a new wastewater treatment plant on the west side of the City and upgrade sewers in the City which are in the White River drainage basin and upgrade the existing wastewater treatment plant on the east side of the City. The project is known as the Wastewater System Improvement Project and includes, but may not be limited to, four areas of improvements as follows:

1. Westside Wastewater Treatment Plant.
2. Westside Collection System Improvements.

**DOCUMENT 00500 – AGREEMENT (continued)**

3. Paul R. Noland Wastewater Treatment Plant Improvements.
4. Eastside Collection System Improvements.

**ARTICLE 2 - ENGINEER AND PROGRAM MANAGER**

- 2.01 The Project has been designed by Black & Veatch Corporation, who is hereinafter called Engineer. The Engineer assumes all duties and responsibilities, and has the rights and authority assigned to Engineer in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.
- 2.02 Burns & McDonnell Engineering Co., Inc. has been retained by the Owner to act as the Owner's representative and shall be hereinafter called Program Manager. The Program Manager assumes all duties and responsibilities, and has the rights and authority assigned to Program Manager in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

**ARTICLE 3 - CONTRACT TIME**

3.01 **TIME OF THE ESSENCE:**

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 **TIME FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:**

- A. The Work shall be substantially completed within 720 consecutive calendar days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions, and completed and ready for final payment within 810 consecutive calendar days in accordance with Paragraph 14.09 of the General Conditions after the date when the Contract Times commence to run.

**DOCUMENT 00500 – AGREEMENT (continued)**

**3.03      LIQUIDATED DAMAGES:**

- A.      Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by Owner if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner One Thousand Five Hundred Dollars (\$1,500) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by Owner, Contractor shall pay Owner Seven Hundred Fifty Dollars (\$750) for each calendar day that expires after the time specified for completion and readiness for final payment.

**ARTICLE 4 - CONTRACT PRICE**

- 4.01      Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs below:

- A.      **LUMP SUM CONTRACT PRICE:** For all Work a Lump Sum of:

Fourteen Million Six Hundred Forty-Four Thousand Dollars  
(\$14,644,000.00).



**DOCUMENT 00500 – AGREEMENT (continued)**

**ARTICLE 5 - PAYMENT PROCEDURES**

**5.01      SUBMITTAL AND PROCESSING OF PAYMENTS:**

- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Program Manager as provided in the GENERAL CONDITIONS.

**5.02      PROGRESS PAYMENTS, RETAINAGE:**

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer through Program Manager, on or about the 15<sup>th</sup> day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS or, in the event there is no schedule of values, as provided in the General Requirements.
  - 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or Owner may withhold, in accordance with the GENERAL CONDITIONS.
    - a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer through Program Manager, and if the character and progress of the Work have been satisfactory to Owner, Engineer and Program Manager, Owner on recommendation of Engineer and Program Manager, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount

**DOCUMENT 00500 – AGREEMENT (continued)**

equal to 100% of the Work Completed less the aggregate of payments previously made; and

- b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to Owner as provided in the GENERAL CONDITIONS.

- 2. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or Owner may withhold, in accordance with the GENERAL CONDITIONS.

**5.03      FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, Owner shall pay the remainder of the Contract Price as recommended by Engineer through Program Manager and as provided in the GENERAL CONDITIONS.

**ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS**

- 6.01**      In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

**DOCUMENT 00500 – AGREEMENT (continued)**

- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
- (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
  - (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that Owner, Program Manager, and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

**DOCUMENT 00500 – AGREEMENT (continued)**

- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer through Program Manager written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer through Program Manager is acceptable to Contractor.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

**ARTICLE 7 - CONTRACT DOCUMENTS**

**7.01 CONTENTS:**

- A. The Contract Documents which comprise the entire Agreement between Owner and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
  - 1. This Agreement.
  - 2. Exhibits to this Agreement (enumerated as follows):
    - a. Notice to Proceed.
    - b. Contractor's Bid.

**DOCUMENT 00500 – AGREEMENT (continued)**

- c. Documentation submitted by Contractor prior to Notice of Award.
- 3. Performance, Payment, and other Bonds.
- 4. Equipment Questionnaire
- 5. List of Subcontractors
- 6. General Conditions.
- 7. Supplementary Conditions.
- 8. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
- 9. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:  
  
Noland WWTP Improvements
- 10. Addenda number 1, inclusive.
- 11. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

**ARTICLE 8 - MISCELLANEOUS**

**8.01      TERMS:**

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

00500-Agreement.doc  
(FAYETTEVILLE, AR )  
(NOLAND WWTP )  
(CONTRACT EP-2/PN 135045 )

00500 – 8

2/17/2005

**DOCUMENT 00500 – AGREEMENT (continued)**

**8.02      ASSIGNMENT OF CONTRACT:**

- A.      No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

**8.03      SUCCESSORS AND ASSIGNS:**

- A.      Owner and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

**8.04      SEVERABILITY:**

- A.      Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**DOCUMENT 00500 – AGREEMENT (continued)**

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in quadruplicate.  
One counterpart each has been delivered to Owner, Contractor, Program Manager, and Engineer.

This Agreement will be effective on \_\_\_\_\_, 20\_\_, which is the  
Effective Date of the Agreement.

CONTRACTOR \_\_\_\_\_ OWNER \_\_\_\_\_

By: \_\_\_\_\_ By: \_\_\_\_\_

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

(SEAL)

(SEAL)

Attest \_\_\_\_\_ Attest \_\_\_\_\_

**DOCUMENT 00500 – AGREEMENT (continued)**

Address for giving notices

Address for giving notices

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

License No. \_\_\_\_\_

(If Owner is a public body, attach  
evidence of authority to  
sign and resolution or other documents  
authorizing execution of Agreement)

Agent for Service of process

\_\_\_\_\_

(If Contractor is a corporation,  
attach evidence of authority to  
sign.)

Approved As to Form:

By: \_\_\_\_\_

Attorney For: \_\_\_\_\_

END OF DOCUMENT 00500



**DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT:**

Project Name: Wastewater System Improvements Project  
Contract Name: Noland WWTP Improvements - Headworks and Solids Handling  
Contract No.: EP-2  
Date: February 15, 2005

**SUBMITTED TO:**

The City of Fayetteville, Arkansas  
113 West Mountain Street  
Fayetteville, Arkansas 72701

**SUBMITTED BY:**

Company Archer Western Contractors, Ltd.  
Name Matthew Walsh  
Address 2121 Ave. 'J', #103, Arlington, TX 76006  
Principal Office 3715 Northside Parkway, NW, Bldg. #100, Suite 550, Atlanta, GA  
30327  
Corporation, partnership, individual, joint  
venture, other Corporation  
Arkansas State General Contractor's License Number  
0157980405

**EXPERIENCE STATEMENT**

1. Bidder has been engaged as a General Contractor in construction for  
21 years and has performed work of the nature and magnitude of this  
Contract for 21 years. Bidder has been in business under its present  
name for 21 years.

**DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (continued)**

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

Travelers Casualty and Surety Company of America

215 Shuman Boulevard

Naperville, IL 60563-8458

Contact: Kevin Nagel

8. Bidder's Workmen's Compensation Experience Modifier Factor is: .88

**FINANCIAL STATEMENT**

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:
  - a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
  - b. Net fixed assets.
  - c. Other assets.
  - d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).
  - e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).
  - f. Name of firm preparing financial statement and date thereof:

License No. 0157980405

State of Arkansas  
**Contractors Licensing Board**

ARCHER-WESTERN CONTRACTORS, LTD.  
2121 AVE J, #103  
ARLINGTON, TX 76006

ARCHER-WESTERN CONTRACTORS, LTD.

**This is to Certify That**

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended  
and is entitled to practice Contracting in the State of Arkansas within the  
following classification:

HEAVY CONSTRUCTION  
HIGHWAY, RAILROAD, AIRPORT  
CONSTRUCTION  
MUNICIPAL & UTILITY  
CONSTRUCTION

with the following suggested bid limit UNLIMITED

from January 28, 2005 until April 30, 2005

when this Certificate expires.

Witness our hands of the Board, dated at North Little Rock, Arkansas:



*Michael H. A.*

CHAIRMAN

*Zoran C. Hapten*

SECRETARY

January 28, 2005

**DOCUMENT 00400 -BID FORM**

Project Name: Wastewater System Improvements Project

Contract Name: Noland WWTP Improvements – Headworks and Solids Handling

Contract No.: EP-2

**BID TO:**

Owner: The City of Fayetteville, Arkansas  
113 West Mountain Street  
Fayetteville, Arkansas 72701

**BID FROM:**

Bidder: Archer Western Contractors, Ltd.  
2121 Avenue 'J', Suite 103  
Arlington, TX 76006

**ARTICLE 1 - BIDDER'S INTENT**

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

**ARTICLE 2 - TERMS AND CONDITIONS**

- 2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

**DOCUMENT 00400 - BID FORM (continued)**

**ARTICLE 3 - BIDDER'S REPRESENTATIONS**

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

- A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

| <u>Number</u>               | <u>Date</u>                 |
|-----------------------------|-----------------------------|
| <u>1</u>                    | <u>2-7-05</u>               |
| <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> |
| <u>                    </u> | <u>                    </u> |

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner, Program Manager, and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

**DOCUMENT 00400 –BID FORM (continued)**

- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.
- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given Engineer through Program Manager written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer through Program Manager is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity

**DOCUMENT 00400 - BID FORM (continued)**

with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 -- Subpart P -- Excavations.

**ARTICLE 4 - BID PRICE**

4.01 Bidder will complete the Work in accordance with the Contract Documents for the following price:

A. Lump Sum Price:

|    |                            |                  |
|----|----------------------------|------------------|
| 1. | Belt Filter Press          | \$ 249,429.00    |
|    | Installation               | \$ 4,571.00      |
| 2. | Relocate Existing BFP      | \$ 6,000.00      |
| 3. | Brackett-Green Equipment   | \$ 975,000.00    |
|    | Installation               | \$ 7,000.00      |
| 4. | Erosion Control            | \$ 7,000.00      |
| 5. | Trench & Excavation Safety | \$ 5,000.00      |
| 6. | All Other Work             | \$ 13,390,000.00 |
|    | LUMP SUM BID               | \$ 14,644,000.00 |

**DOCUMENT 00400 - BID FORM (continued)**

B. Deductive Alternative

DEDUCT

Influent Screening System

1.

Manufacturer

\$ NO BID

**ARTICLE 5 - CONTRACT TIMES**

- 5.01 The Work shall be substantially completed within 720 consecutive calendar days after the date when the Contract Times commence to run as provided in Paragraph 2.03 of the General Conditions, and completed and ready for final payment within 810 consecutive calendar days in accordance with Paragraph 14.09 of the General Conditions after the date when the Contract Times commence to run.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

**ARTICLE 6 - BID CONTENT**

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of a ~~certified or bank cashier's check or a~~ Bid Bond and in the amount of Five Percent of the  
Total Bid Amount Dollars (\$-----5%-----).
  - B. Required Bidder's Qualification Statement with supporting data.
  - C. Equipment Questionnaire.
  - D. Bid Form.
  - E. List of Subcontractors.



**DOCUMENT 00400 -BID FORM (continued)**

**ARTICLE 7 - COMMUNICATIONS**

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Archer Western Contractors, Ltd.

2121 Avenue 'J', Suite 103

Arlington, TX 76006

Phone No. (817) 640-3898

FAX No. (817) 640-8734

**ARTICLE 8 - TERMINOLOGY**

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on February 15, 2005.

Arkansas State Contractor License No. 0157980405

**DOCUMENT 00400 -BID FORM (continued)**

If Bidder is:

**An Individual**

Name (type or printed): \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

(Individual's Signature)

Doing business as: \_\_\_\_\_

Business address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ FAX No.: \_\_\_\_\_

**A Partnership**

Partnership Name: \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): \_\_\_\_\_

Business address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ FAX No.: \_\_\_\_\_

**DOCUMENT 00400 - BID FORM (continued)**

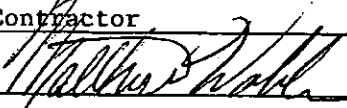
**A Corporation**

Corporation Name: Archer Western Contractors, Ltd.(SEAL)

State of Incorporation: Illinois

Type (General Business, Professional, Service, Limited Liability): \_\_\_\_\_

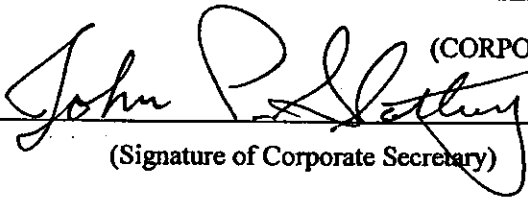
General Contractor

By: 

(Signature -- attach evidence of authority to sign)

Name (type or printed): Matthew Walsh

Title: President

Attest:  (CORPORATE SEAL)  
(Signature of Corporate Secretary)

Business address: 2121 Avenue 'J', Suite 103

Arlington, TX 76006

Phone No.: (817) 640-3898 FAX No.: (817) 640-8734

END OF DOCUMENT 00400



Archer Western  
Contractors

### Corporate Resolution

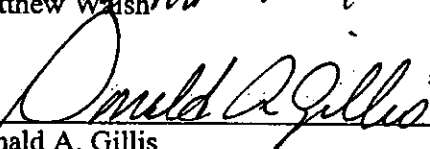
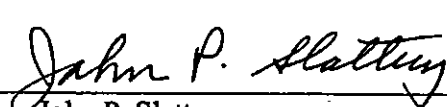
I, the undersigned, do hereby certify, that the following is a complete, true and correct copy of certain resolutions of the Board of Directors of Archer Western Contractors, Ltd., a corporation duly organized and existing under the laws of the State of Illinois, which resolutions were duly adopted at a daily called meeting of said Board, held on April 15<sup>th</sup>, 2004, a quorum being present, and are set forth in the minutes of the said meeting; that I am the keeper of the corporate seal and of the minutes and records of the Corporation; and that the said resolutions have not been rescinded or modified:

Be it resolved, that the following individuals are duly authorized to sign legal documents for the Corporation:

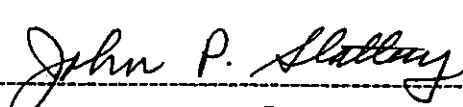
|                  |                |
|------------------|----------------|
| Matthew Walsh    | President      |
| Donald A. Gillis | Vice President |
| John P. Slattery | Secretary      |

Be it further resolved, that each of the foregoing resolutions shall continue in force until express written notice of its recession or modification.

I Further Certify that the following named persons are Officers of said Corporation, duly qualified and not acting as such:

|                |                                                                                                          |
|----------------|----------------------------------------------------------------------------------------------------------|
| President      | <br>Matthew Walsh    |
| Vice President | <br>Donald A. Gillis |
| Secretary      | <br>John P. Slattery |

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of the said Corporation, this 15<sup>th</sup> day of April, A.D. 2004.

  
Secretary

**DOCUMENT 00410 - BID BOND**

Surety shall insert full name and address or legal title of contractor, surety and owner.

KNOW ALL MEN BY THESE PRESENTS: that we

Archer Western Contractors, Ltd.

2121 Avenue 'J', Suite 103

Arlington, TX 76006

as Principal, hereinafter called the Principal, and

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

One Tower Square

Hartford, CT 06183

a corporation duly organized under the laws of the State of CONNECTICUT as Surety,  
hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the sum of Five Percent of the Total  
Bid Amount Dollars (\$ -----5%-----), for the payment of which  
sum, well and truly to be made, Principal and said Surety, bind ourselves, our heirs, executors,  
administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted a Bid for a new headworks structure and solids handling  
building with associated equipment, yard piping, odor control, finished grading and other  
renovation work throughout the plant site.

NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter  
into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or  
Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety  
for the faithful performance of such Contract and for the prompt payment of labor and material

**DOCUMENT 00410 – BID BOND (continued)**

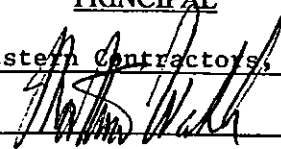
furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 11th day of February 20 05.

**PRINCIPAL**

(CORPORATE SEAL)

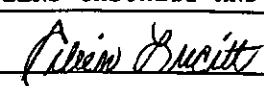
Archer Western Contractors, Ltd.

By 

Matthew Walsh/President

**SURETY**

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA.

By 

EILEEN LUCITT, ATTORNEY-IN-FACT

**ATTORNEY-IN-FACT**

(CORPORATE SEAL)

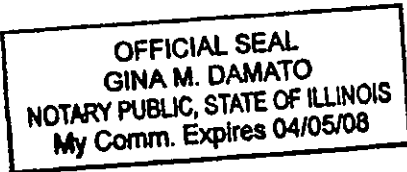
215 Shuman Boulevard

Naperville, IL 60563-8458

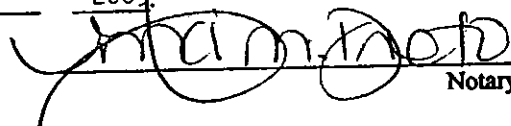
(This Bond shall be accompanied with  
Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

STATE OF ILLINOIS )  
COUNTY OF KENDALL ) SS.



I, GINA M. DAMATO a Notary Public in and for said County and State, do hereby certify that \_\_\_\_\_ Resident Vice President, and \_\_\_\_\_ Resident Assistant Secretary, ETLEEN LUCITT Attorney-in-Fact, of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, who is personally known to me to be the same person \_\_\_\_\_ whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that \_\_\_\_\_ he \_\_\_\_\_ signed, sealed and delivered said instrument, for and on behalf of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, for the uses and purposes therein set forth. Given under my hand and notarial seal, this 11th day of FEBRUARY 2005.

  
Notary Public

**POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT**

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: *Kevin P. Nagel, Eileen Lucitt, of Park Ridge / Crestwood, Illinois*, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, the following instrument(s): by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto, *not limited to a specific amount*, and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile (mechanical or printed) under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.





## **IMPORTANT DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE**

On November 26, 2002, President Bush signed into law the Terrorism Risk Insurance Act of 2002 (the "Act"). The Act establishes a short-term program under which the Federal Government will share in the payment of covered losses caused by certain acts of international terrorism. We are providing you with this notice to inform you of the key features of the Act, and to let you know what effect, if any, the Act will have on your premium.

Under the Act, insurers are required to provide coverage for certain losses caused by international acts of terrorism as defined in the Act. The Act further provides that the Federal Government will pay a share of such losses. Specifically, the Federal Government will pay 90% of the amount of covered losses caused by certain acts of terrorism which is in excess of Travelers' statutorily established deductible for that year. The Act also caps the amount of terrorism-related losses for which the Federal Government or an insurer can be responsible at \$100,000,000,000.00, provided that the insurer has met its deductible.

Please note that passage of the Act does not result in any change in coverage under the attached policy or bond (or the policy or bond being quoted). Please also note that no separate additional premium charge has been made for the terrorism coverage required by the Act. The premium charge that is allocable to such coverage is inseparable from and imbedded in your overall premium, and is no more than one percent of your premium.

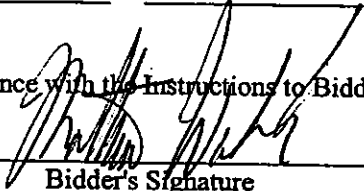
**DOCUMENT 00430 - LIST OF SUBCONTRACTORS**

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for a new headworks structure and solids handling building with associated equipment, yard piping, odor control, finish grading and other renovation work throughout the plant site.

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

| <u>Subcontractor's<br/>Work</u> | <u>Subcontractor's<br/>License Number</u> | <u>\$ Amount of<br/>Work Performed</u> | <u>Subcontractor's<br/>Name &amp; Address</u> |
|---------------------------------|-------------------------------------------|----------------------------------------|-----------------------------------------------|
| Excavation                      | <u>0157980405</u>                         | <u>\$160,000.<sup>00</sup></u>         | <u>ARCHER WESTERN</u>                         |
| Concrete                        | <u>0157980405</u>                         | <u>\$965,000.<sup>00</sup></u>         | <u>ARCHER WESTERN</u>                         |
| Painting                        | <u>0091610405</u>                         | <u>\$341,500.<sup>00</sup></u>         | <u>MIDWEST COATINGS</u>                       |
| Masonry                         | <u>0012310205</u>                         | <u>\$440,000.<sup>00</sup></u>         | <u>C.B. MASONRY, LITTLE ROCK, AR</u>          |
| Mechanical                      | <u>0026300405</u>                         | <u>\$685,000.<sup>00</sup></u>         | <u>HAWKINS COMPANY, FT. SMITH,</u>            |
| Electrical                      | <u>0154081205</u>                         | <u>\$2,000,000.<sup>00</sup></u>       | <u>OIL CAPITAL ELECTRIC, TULSA, OK,</u>       |
| Instrumentation                 | <u>0121680702</u>                         | <u>\$180,000.<sup>00</sup></u>         | <u>BAUMAN INSTRUMENTS TULSA, OK</u>           |
| Plumbing                        | <u>0157980405</u>                         | <u>\$2,200,000.<sup>00</sup></u>       | <u>ARCHER WESTERN</u>                         |
| _____                           | _____                                     | _____                                  | _____                                         |
| _____                           | _____                                     | _____                                  | _____                                         |

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

  
Bidder's Signature

**DOCUMENT 00450 – EQUIPMENT QUESTIONNAIRE**

The Bidder shall enter in the spaces provided the names of the manufacturers of equipment which Bidder proposes to furnish, and shall submit this Equipment Questionnaire with its Bid. Owner will review and evaluate the information before award of the Contract.

Only one manufacturer's name shall be listed for each item of equipment. Upon award of a contract, the named equipment shall be furnished. Substitutions will be permitted only if named equipment does not meet the requirements of the Contract Documents, the manufacturer is unable to meet the delivery requirements of the construction schedule, or the manufacturer is dilatory in complying with the requirements of the Contract Documents. Substitutions shall be in accordance with Section 01631 subject to concurrence of Owner and shall be confirmed by Change Order.

Preliminary acceptance of equipment listed by manufacturer's name shall not in any way constitute a waiver of the specifications covering such equipment; final acceptance will be based on full conformity with the Contract Documents.

Failure to furnish all information requested or entering more than one manufacturer's name for any item in this Equipment Questionnaire may be cause for rejection of the Bid.

| <u>Equipment</u>                                  | <u>Manufacturer</u>       |
|---------------------------------------------------|---------------------------|
| 1. Submersible Pumps                              | <u>KSB</u>                |
| 2. Progressing Cavity Pumps                       | <u>ALLWEILER</u>          |
| 3. Belt Filter Press                              | Andritz                   |
| 4. Influent Screening System                      | Brackett-Green            |
| 5. PLC's <sup>1</sup>                             | <u>ALLAN BRADLEY</u>      |
| 6. Packaged Odor Control Chemical Scrubber System | <u>R.J. ENVIRONMENTAL</u> |
| 7. Engine Generators                              | <u>KOHLER</u>             |
| 8. Grit Separation and Classification Equipment   | <u>WASTE TECH</u>         |
| 9. Decanting Equipment                            | <u>JET TECH</u>           |
| 10. Plug Valves                                   | <u>HENRY PRATT</u>        |

Equipment

Manufacturer

11. Slide Gates

NORTH COAST

Note:

1. The manufacturer of the PLC's shall have a local service representative within 120 miles of the Noland WWTP.

End of Section

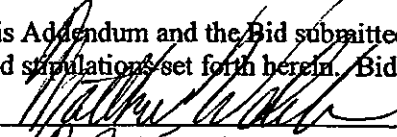
DOCUMENT 00900 - ADDENDUM NO. 1: (continued)

Each Bidder shall acknowledge receipt of this Addendum by affixing his signature below, by noting this Addendum on his Bid Form, and by attaching this Addendum to his Bid.

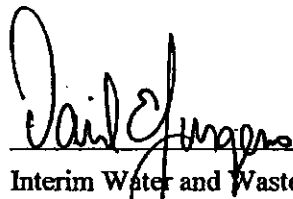
 (Engineer)  
Black & Veatch

ACKNOWLEDGEMENT

The undersigned acknowledges receipt of this Addendum and the Bid submitted is in accordance with information, instructions and stipulations set forth herein. Bidder:

By:   
Date: 2-9-05

ADDENDUM APPROVED BY:

  
Interim Water and Wastewater Director  
City of Fayetteville, Arkansas

END OF DOCUMENT 00900

**DOCUMENT 00610 – PERFORMANCE BOND:**

Surety shall insert full name and address or legal title of contractor and surety.

KNOW ALL MEN BY THESE PRESENTS: that

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as Principal, hereinafter called Contractor, and

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Oblige, hereinafter called Owner, in the amount of \_\_\_\_\_  
Dollars (\$ \_\_\_\_\_), for the payment whereof Contractor and Surety bind themselves,  
their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by  
these presents.

WHEREAS, Contractor has by written Agreement dated \_\_\_\_\_, 20\_\_\_\_, entered into a  
contract with Owner for a new headworks structure and solids handling building with associated  
equipment, yard piping, odor control, finished grading and other renovation work throughout the  
plant site which contract is by reference made a part hereof, and is hereinafter referred to as the  
Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor  
shall promptly and faithfully perform said Contract, then this obligation shall be null and  
void; otherwise it shall remain in full force and effect.

**DOCUMENT 00610 – PERFORMANCE BOND: (continued)**

The Surety hereby waives notice of any alteration or extension of time made by the Owner. Whenever Contractor shall be, and declared by Owner to be in default under the Contract, the Owner having performed Owner's obligations, thereunder, the Surety may promptly remedy the default, or shall promptly:

- A. Complete the Contract in accordance with its terms and conditions, or
- B. Obtain a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by Surety of the lowest responsible bidder, or, if the Owner elects, upon determination by the Owner and the Surety jointly of the lowest responsible bidder, arrange for a contract between such bidder and Owner, and make available as Work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the Contract Price; but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof. The term "balance of the Contract Price," as used in this paragraph, shall mean the total amount payable by Owner to Contractor under the Contract and any amendments thereto, less the amount properly paid by Owner to Contractor.

Any suit under this Bond must be instituted before the expiration of two years from the date on which final payment under the Contract falls due.

No right of action shall accrue on this Bond to or for the use of any person or corporation other than the Owner named herein or the heirs, executors, administrators, or successors of the Owner.

**DOCUMENT 00610 – PERFORMANCE BOND: (continued)**

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

CONTRACTOR

(CORPORATE SEAL)

\_\_\_\_\_  
By \_\_\_\_\_  
\_\_\_\_\_

SURETY

COUNTERSIGNED: Resident Agent

State of Arkansas

\_\_\_\_\_  
By \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By \_\_\_\_\_  
\_\_\_\_\_

ATTORNEY-IN-FACT

(CORPORATE SEAL)

\_\_\_\_\_  
\_\_\_\_\_  
(This Bond shall be accompanied with  
Attorney-in-Fact's authority from Surety)

Approved as to Form:

\_\_\_\_\_  
\_\_\_\_\_  
Attorney for \_\_\_\_\_

END OF DOCUMENT 00610

00610-Performance Bond.doc  
(FAYETTEVILLE, AR )  
(NOLAND WWTP )  
(CONTRACT EP-2/PN 135045 )

00610 – 3

2/17/2005



**DOCUMENT 00611 – LABOR AND MATERIAL PAYMENT BOND:**

This Bond is issued simultaneously with Performance Bond in favor of Owner conditioned on the full and faithful performance of the Contract.

Surety shall insert full name and address or legal title of contractor and surety.

KNOW ALL MEN BY THESE PRESENTS: that

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as Principal, hereinafter called Contractor, and

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the amount

of \_\_\_\_\_ Dollars

(\$ \_\_\_\_\_), for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written Agreement dated \_\_\_\_\_, 20\_\_\_\_, entered into a contract with Owner for a new headworks structure and solids handling building with associated equipment, yard piping, odor control, finished grading and other renovation work throughout the plant site which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

**DOCUMENT 00611 – LABOR AND MATERIAL PAYMENT BOND: (continued)**

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be void; otherwise it shall remain in full force and effect, subject, however, to the following conditions:

- A. A claimant is defined as one having a direct contract with the Contractor or with a Subcontractor of the Contractor for labor, material, or both, used or reasonably required for use in the performance of the Contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service, or rental of equipment directly applicable to the Contract.
- B. The above named Contractor and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of 90 days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this Bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Owner shall not be liable for the payment of any costs or expenses of any such suit.
- C. No suit or action shall be commenced hereunder by any claimant:
  - 1. Unless claimant other than one having a direct contract with Principal, shall have given written notice to any two of the following: the Contractor, the Owner, or the Surety within 90 days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to Contractor, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any

**DOCUMENT 00611 – LABOR AND MATERIAL PAYMENT BOND: (continued)**

manner in which legal process may be served in the state in which the aforesaid Project is located, save that such service need not be made by a public officer.

2. After the expiration of one year following the date on which Contractor ceased Work on the Contract, it being understood, however, that if any limitation embodied in this Bond is prohibited by any Law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such Law.
3. Other than in a state court of competent jurisdiction in and for the county or other political subdivision of the state in which the Project, or any part thereof, is situated, or in the United States District Court for the district in which the Project, or any part thereof, is situated, and not elsewhere.

D. The amount of this Bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this Bond.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

CONTRACTOR

(CORPORATE SEAL)

\_\_\_\_\_  
By \_\_\_\_\_  
\_\_\_\_\_

**DOCUMENT 00611 – LABOR AND MATERIAL PAYMENT BOND: (continued)**

SURETY

COUNTERSIGNED: Resident Agent

State of Arkansas

By \_\_\_\_\_

By \_\_\_\_\_

ATTORNEY-IN-FACT

(CORPORATE SEAL)

(This Bond shall be accompanied with  
Attorney-in-Fact's authority from Surety)

Approved as to Form:

\_\_\_\_\_  
\_\_\_\_\_  
Attorney for \_\_\_\_\_

END OF DOCUMENT 00611

# ***Key Individuals***



***Archer Western Contractors***

**Matthew M. Walsh**  
**Chief Executive Officer**

**Education:** University of Notre Dame, South Bend, Indiana  
Loyola University School of Law, Chicago, Illinois  
Degree of Juris Doctor - June 1972

Licensed to practice Law in State and Federal Courts

**Years of Experience:** 33 Years in the Construction Industry  
33 with Walsh Construction

**Professional Affiliations:** TPAC - Board of Directors  
St. Ignatius College Prep - Life Trustee  
Union League Club Member  
University of Notre Dame - Advisory Board

**1984 to Present Position:** **THE WALSH GROUP - Chicago, Illinois**  
**Chief Executive Officer**  
Responsibilities: Complete responsibility for management and profitability of The Walsh Group, a corporation operating under two divisions from the Chicago corporate headquarters and fourteen regional offices. As an Officer in Charge, Matt Walsh monitors the progress of projects, attends key ownership meetings and is available for consultation with owners.

**1972 - 1984** **WALSH CONSTRUCTION - Chicago, Illinois**

**Senior Project Manager**  
Responsibilities: Complete responsibility for the successful completion of major projects in various categories of construction. This includes all facets of the development, design, construction, administration, construction planning and scheduling, cost control, and personnel management.

**Senior Estimator**  
Responsibilities: Bid estimate preparation related to all phases of construction. Aided Contract Managers and Project Managers during the pre-construction phase and with sub-contractor negotiation during the construction phase; was responsible for evaluating computer estimating and job costing for Building Division. Also led the establishment of productivity-based labor estimating.

**Vice President**  
Responsibilities: Owner Contract negotiations, as well as the management of the estimating and project purchasing departments. Also supervised project start-up and staffing, reviewed management systems of Project Managers, and was solely responsible for satisfying Owner and Architect guidelines and project close-out.

**Donald A. Gillis**  
**Vice President / Business Group Manager**

**Education:** Drexel University, Philadelphia, Pennsylvania  
Bachelor of Science, Commerce and Engineering, 1970

**Years of Experience:** 32 Years in the Construction Industry  
14 with Walsh Construction

**1988 to Present Position:** **ARCHER WESTERN CONTRACTORS – Atlanta, Georgia**  
**Vice President / Business Group Manager**  
Responsibilities: Development of business opportunities through existing and new client contact. Management of estimating department in the preparation of cost proposals. Contract negotiation with owner, design professionals (design-build projects) and subcontractors. Project start-up and staffing along with establishment of management systems. Ultimate responsibility for successful delivery of project to owner.

**Project Experience:**

|                                                                                                                       |                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>Technology Enhanced Learning Center</b><br>Location: Carrollton, Georgia<br>Contract Value: \$15,492,000           | <b>Environmental Sciences and Technology Building</b><br>Location: Atlanta, Georgia<br>Contract Value: \$46,595,000         |
| <b>MARTA Aerial Lines</b><br>Location: Atlanta, Georgia<br>Contract Value: \$17,975,141                               | <b>MARTA North Line Construction</b><br>Location: Atlanta, Georgia<br>Contract Value: \$149,000,000                         |
| <b>I-65 Roadway Segment Improvements</b><br>Location: Indianapolis, Indiana<br>Contract Value: \$33,000,000           | <b>Cumberland Gap Portal Building and Tunnel Finishes</b><br>Location: Harrogate, Tennessee<br>Contract Value: \$51,849,906 |
| <b>East Point Pedestrian Bridge</b><br>Location: East Point, Georgia<br>Contract Value: \$1,887,500                   | <b>RDU Parking Deck No. 4</b><br>Location: Raleigh, North Carolina<br>Contract Value: \$102,800,559                         |
| <b>Georgia World Congress Center Phase IV Expansion</b><br>Location: Atlanta, Georgia<br>Contract Value: \$34,043,282 | <b>International Boulevard Viaduct Extension</b><br>Location: Atlanta, Georgia<br>Contract Value: \$11,800,000              |
| <b>I-20 Bridges</b><br>Location: Atlanta, Georgia<br>Contract Value: \$9,581,185                                      | <b>MARTA Tunnels and Ramps/I-285</b><br>Location: Atlanta, Georgia<br>Contract Value: \$15,419,930                          |
| <b>I-95/Broward Widening</b><br>Location: Broward County, Florida<br>Contract Value: \$69,469,487                     | <b>RL Sutton WRF</b><br>Location: Smyrna, Georgia<br>Contract Value: \$128,613,351                                          |
| <b>Rail Service Facility Storage Yard</b><br>Location: Atlanta, Georgia<br>Contract Value: \$22,423,691               | <b>Decatur Bus Intermodal Facility</b><br>Location: Decatur, Georgia<br>Contract Value: \$3,298,491                         |

**Project Experience:**

**Doraville Parking Deck**  
Location: Atlanta, Georgia  
Contract Value: \$7,635,113

**North Campus Parking Deck**  
Location: Atlanta, Georgia  
Contract Value: \$9,400,000

**South Cobb Reclamation Facility**  
Location: Austell, Georgia  
Contract Value: \$38,929,000

**International Boulevard Viaduct Extension**  
Location: Atlanta, Georgia  
Contract Value: \$11,800,000

**Georgia Dome Finishes Package New Entrances**  
Location: Atlanta, Georgia  
Contract Value: \$1,821,000

**1986 - 1988**  
**Position:**

**PERINI CORPORATION**  
**Project Manager**  
Responsibilities: Eastern Heavy Division

**1984 - 1986**  
**Position:**

**HARRISON-WESTERN CORPORATION**  
**Area Manager**  
Responsibilities: Heavy Construction Group Management and Administration of over \$50 million of subway projects.

**1981 - 1984**  
**Position:**

**GRANITE CONSTRUCTION COMPANY**  
**Project Manager**  
Responsibilities: Heavy Construction Group

**1978 - 1981**  
**Position:**

**HORN/FRUIN-COLNON, JV**  
**Project Engineer through Assistant Project Manager/Project Administrator**

**1974 - 1978**  
**Position:**

**S & M CONTRACTORS**  
**Field Engineer through Project Engineer/Project Administrator**  
Responsibilities: Held above positions on major subway projects in Washington, D.C.

**1972 - 1974**

**GORDON H. BALL, INC.**  
Responsibilities: Held range of positions on subway projects, highways, tunnels, etc.

**MARTA North Springs Station Parking Deck**  
Location: Atlanta, Georgia  
Contract Value: \$45,318,000

**Laredo Bus Maintenance Facility**  
Location: Decatur, Georgia  
Contract Value: \$9,431,620

**Arden Courts**  
Location: Symma, Georgia  
Contract Value: \$1,970,000

**Hemphill Water Treatment Plant**  
Location: Atlanta, Georgia  
Contract Value: \$34,942,000



**Joseph R. Lindeman**  
**Area Manager, Texas Region**

**Education:**

North Dakota State University, Fargo, North Dakota  
Master of Science, Civil Engineering/Construction Management, 1977

North Dakota State University, Fargo, North Dakota  
Bachelor of Science, Civil Engineering, 1972

**Years of Experience:**

32 Years in the Construction Industry  
10 with Walsh Construction

**1994 to Present  
Position:**

**ARCHER WESTERN CONTRACTORS – Arlington, Texas**  
**Area Manager**

Responsibilities: As the Area Manager in charge of all operations in Archer Western's Texas office, Mr. Lindeman has complete responsibility for the successful completion of every project undertaken by that office. This includes all facets of the construction: estimating, scheduling, composing contracts for subcontractors, and material/equipment suppliers. He also chairs weekly owner progress meetings, along with administration and the project management team.

**Project Experience:**

**Dallas Central WWTP – Odor Control**  
Location: Dallas, Texas  
Contract Value: \$3,585,000

**Lake Ray Roberts WTP**  
Location: Aubrey, Texas  
Contract Value: \$35,785,257

**East Side WTP – Ozone Facilities**  
Location: Sunnyvale, Texas  
Contract Value: 36,788,350

**Flower Mound WWTP**  
Location: Flower Mound, Texas  
Contract Value: \$16,222,000

**Forney Pump Station**  
Location: Forney, Texas  
Contract Value: \$4,462,461

**Pecan Creek Water  
Reclamation Plant**  
Location: Denton, Texas  
Contract Value: \$16,930,000

**Southside WWTP**  
Location: Dallas, Texas  
Contract Value: \$7,148,000

**Bastrop Energy Center**  
Location: Cedar Creek, Texas  
Contract Value: \$6,407,500

**Wilson Creek WWTP Expansion**  
Location: Lucas, Texas  
Contract Value: \$38,067,095

**Walnut Creek WWTP**  
Location: Austin, Texas  
Contract Value: \$18,322,000

**Village Creek WWTP Improvements**  
Location: Arlington, Texas  
Contract Value: \$4 Million

**Blue Cross Blue Shield  
Headquarters**  
Location: Richardson, Texas  
Contract Value: \$7,200,000

**Blue Cross Blue Shield Texas Site**  
Location: Wichita Falls, Texas  
Contract Value: \$671,000

**North Building Renovation**  
Location: Richardson, Texas  
Contract Value: \$5,000,000

**Rebar Services-Office & Production  
Facility**  
Location: Kennedale, Texas  
Contract Value: \$1,350,000

**Claims Processing Expansion**  
Location: Richardson, Texas  
Contract Value: \$915,800

**Additional  
Project Experience:**

**Weatherford Utility Wide Scada  
System**

Location: Weatherford, Texas  
Contract Value: \$597,250

**Greenway Waste Treatment Plant**

Location: Peoria, Arizona  
Contract Value: \$26,445,302

**Mohawk Water Treatment Plant**

Location: Tulsa, Oklahoma  
Contract Value: \$16,066,924

**Central Wastewater Treatment Plant**

Location: Dallas, Texas  
Contract Value: \$14,652,212

**East Side Water Treatment Plant  
Improvements – Phase II**

Location: Sunnyvale, Texas  
Contract Value: \$30,170,000

**Paris Water Treatment Plant**

Location: Paris, Texas  
Contract Value: \$4,808,188

**Dallas Central WWTP**

Location: Dallas, Texas  
Contract Value: \$4,532,000

**SH 45 New Freeway**

Location: Austin, Texas  
Contract Value: \$103 Million

**820/183 Interchange**

Location: Fort Worth, Texas  
Contract Value: \$40 Million

**George Bush Turnpike**

Location: Carrollton, Texas  
Contract Value: \$17 Million

**Dallas-Fort Worth Airport Terminal D**

Location: Dallas-Fort Worth Airport  
Contract Value: \$26 Million

**Mainline Toll Plaza and Ramp Toll  
Plazas**

Location: Irving, Texas  
Contract Value: \$7 Million

**DART Bridges and Railway Stations**

Location: Richardson, Texas  
Contract Value: \$38 Million

**Blue Cross Blue Shield Executive  
Work**

Location: Richardson, Texas  
Contract Value: \$1,400,000

**Arlington Ozone Facilities**

Location: Arlington, Texas  
Contract Value: \$19,360,599

**East Side Water Treatment Plant**

Location: Dallas, Texas  
Contract Value: \$6,674,955

**Flower Mound WWTP**

Location: Flower Mound, Texas  
Contract Value: \$7,681,631

**TRA Mosier Valley WTP Expansion**

Location: Euless, Texas  
Contract Value: \$12,752,354

**IH 820 Phase 4**

**Interchange Improvements**  
Location: North Richland Hills, Texas  
Contract Value: \$16 Million

**Dallas North Tollway Express Lanes**

Location: Dallas, Texas  
Contract Value: \$2 Million

**TXDOT Bridge Expansion**

Location: Fort Worth, Texas  
Contract Value: \$32 Million

**US Highway 183**

Location: Austin, Texas  
Contract Value: \$54 Million

**Meacham Boulevard @**

**US Highway 287**  
Location: Fort Worth, Texas  
Contract Value: \$3 Million

**IH 820 @ Rufe Snow**

Location: North Richland Hills, Texas  
Contract Value: \$6 Million

**Dallas-Fort Worth Airport  
InterTerminal Loops**

Location: Dallas-Fort Worth Airport  
Contract Value: \$8 Million

**1977 – 1994**

**Position:** **MARTIN K. EBY CONSTRUCTION COMPANY, INC.**  
**Vice President/Division Manager Texas Area**  
Responsibilities: Acquiring and building work in assigned area. Prepare short and long-term plans. Select and train key staff and field personnel. Ensure all projects are performed in a quality manner; maintain good client relations and management of company assets. Acquired water and wastewater plants, highways, hydro power plants, pipelines, and dam modifications. Projects ranged in size from \$100 thousand to \$105 million. Annual work put in place \$70 million to +\$103 million. Division net profits 0.5 to 4.1% of annual work put in place. Started total quality management in Texas Division in 1992. Increased annual production by +\$50%.

**Position:** **Interim Area Manager for Texas Office**  
Responsibilities: Estimates, bids, selection of subcontractors and suppliers, scheduling, relations with owners and architects and public relations in the area.

**Position:** **Project Manager**  
Responsibilities: estimating and selection of subcontractors and suppliers; scheduling of company personnel and financial management of projects such as Beech Aircraft Call Contracts; two metal buildings at Beech with approximately 50,000 s.f.; several medical buildings in Wichita; First Methodist Church Activity Center; Y.M.C.A Remodel work; 11-story Marriott Hotel; United Beechcraft Remodel work at Midcontinent Airport.

**Position:** **Office Engineer / Field Engineer**  
Responsibilities: Estimating various projects: Hydro generation plants, dams, water and wastewater plants, and fossil fuel power plants.

**Position:** **Superintendent/Night Superintendent**  
Responsibilities: \$41 million Foothills Water Treatment Plant, Denver, Colorado, for the Denver Board of Water Commissioners. Ghent Generating Station, Units 3 & 4, site and substructure work; also coal handling structures for Kentucky Utilities Company.

**Scott O. Smiley**  
**Program Manager**

**Education:** Iowa State University, Ames, Iowa  
Bachelor of Science, Construction Engineering, 1980

**Years of Experience:** 23 Years in the Construction Industry  
9 with Archer Western

**1994 to Present Position:** **ARCHER WESTERN CONTRACTORS – Arlington, Texas**  
**Program Manager**  
Responsibilities: Complete responsibility for the successful completion of the project. This includes all facets of the development, design, construction, administration, construction planning and scheduling, cost control, and personnel management.

**Project Experience:**

|                                                                                                        |                                                                                                                          |
|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>Bachman WTP Ozone Facility</b><br>Location: Dallas, Texas<br>Contract Value: \$23 Million           | <b>Wilson Creek WWTP</b><br>Location: Lucas, Texas<br>Contract Value: \$38 Million                                       |
| <b>Mansfield WTP Expansion</b><br>Location: Mansfield, Texas<br>Contract Value: \$5 Million            | <b>Bachman Water Treatment Plant</b><br>Location: Dallas, Texas<br>Contract Value: \$12 Million                          |
| <b>Village Creek WWTP Modifications</b><br>Location: Arlington, Texas<br>Contract Value: \$5 Million   | <b>Mansfield Water Treatment Plant</b><br>Location: Mansfield, Texas<br>Contract Value: \$4 Million                      |
| <b>Richland Chambers Pump Stations</b><br>Location: Waxahachie, Texas<br>Contract Value: \$17 Million  | <b>Northside Pump Station and Ground Storage Reservoir</b><br>Location: Fort Worth, Texas<br>Contract Value: \$5 Million |
| <b>Central WWTP Improvements</b><br>Location: Dallas, Texas<br>Contract Value: \$10 Million            | <b>Village Creek WWTP</b><br>Location: Arlington, Texas<br>Contract Value: \$33 Million                                  |
| <b>Rolling Hills WTP Phase 3 Filter</b><br>Location: Fort Worth, Texas<br>Contract Value: \$15 Million | <b>North Texas High Service Pump Station</b><br>Location: Wylie, Texas<br>Contract Value: \$1,321,691                    |
| <b>TRA Low Service Booster Pump</b><br>Location: Arlington, Texas<br>Contract Value: \$7 Million       | <b>Joint Pump Station</b><br>Location: Flower Mound, Texas<br>Contract Value: \$3,484,810                                |
| <b>Eastside Water Treatment Plant</b><br>Location: Sunnydale, Texas<br>Contract Value: \$30 Million    | <b>Lake Ray Roberts Water Treatment Plant</b><br>Location: Aubrey, Texas<br>Contract Value: \$35,785,257                 |
| <b>TRA Mosier Valley</b><br>Location: Euless, Texas<br>Contract Value: \$13 Million                    | <b>TRA Central Wastewater Plant</b><br>Location: Grand Prairie, Texas<br>Contract Value: \$1,785,325                     |
| <b>John F. Kubala WTP Expansion</b><br>Location: Arlington, Texas<br>Contract Value: \$15 Million      |                                                                                                                          |

**Project Experience:**

**Southside WWTP Effluent Filter**

**Modifications**

Location: Dallas, Texas  
Contract Value: \$5 Million

**Dallas Central WWTP Pump Station**

Location: Dallas, Texas  
Contract Value: \$5 Million

**Rowlett Creek WRC Improvements**

Location: Garland, Texas  
Contract Value: \$2 Million

**Flower Mound WWTP**

Location: Flower Mound, Texas  
Contract Value: \$16 Million

**Dallas Central WWTP Improvements**

Location: Dallas, Texas  
Contract Value: \$4 Million

**1985 – 1994  
Position:**

**MARTIN K. EBY CONSTRUCTION COMPANY – Wichita, Kansas**

**Superintendent**

Responsibilities: Review contracts, drawings and schedule with the project team. Approve and process all purchase orders and subcontracts in collaboration with the Division Manager. Assure projects compliance with company policies and procedures.

**1982 – 1995  
Position:**

**OLSON CONSTRUCTION COMPANY – Denver, Colorado**

**Superintendent**

**1980 – 1982  
Position:**

**MARTIN K. EBY CONSTRUCTION COMPANY – Wichita, Kansas**

**Field/Office Engineer**

Responsibilities: Review contracts, drawings and schedule with the project team. Prepare and/or approve and process all purchase orders and subcontracts in collaboration with the Division Manager; arrange personnel, construction materials, supplies and equipment to be available in a timely manor for the project; and set up project controls to monitor project progress including an analyzed estimate, a project construction schedule, and a cost report.

**Jeffry J. Polak**  
**Project Manager**

**Education:** University of Nebraska at Lincoln  
Civil Engineering

**Years of Experience:** 18 Years in the Construction Industry  
6 with Archer Western

**1995 to Present Position:** **ARCHER-WESTERN CONTRACTORS, LTD. - Arlington, Texas**  
**Project Manager**  
Responsibilities: Project coordination, cost control, negotiating and purchasing, equipment and manpower selection, subcontractor management.

**Project Experience:**

|                                                                                                                                                                                                                |                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Gaylord Trail - TIF Improvements for Opreyland Texas</b><br>Location: Grapevine, Texas<br>Contract Value: \$6,242,326                                                                                       | <b>Lake Ray Roberts Treatment Plant</b><br>Location: Aubrey, Texas<br>Contract Value: \$35,785,257<br>Architect: Frees-Nichols, Inc.                                                      |
| <b>TXDOT - Meacham Boulevard @ US Highway 287</b><br>Location: Fort Worth, Texas<br>Contract Value: \$3,120,327<br>Owner: Texas Department of Transportation<br>Architect: Texas Department of Transportation. | <b>820 Phase 4</b><br>Location: North Richland Hills, Texas<br>Contract Value: \$16,138,608<br>Owner: Texas Department of Transportation<br>Architect: Texas Department of Transportation |

**Position:** **Superintendent**  
Responsibilities: Completion of all phases of the project, including review of plans, scheduling of work, tracking of job costs, and coordinating with Owner's Engineer to successfully complete work to Owner's satisfaction.

**Project Experience:**

|                                                                                                                                                                                        |                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Flower Mound Wastewater Treatment</b><br>Location: Flower Mound, Texas<br>Contract Value: \$7,391,580<br>Owner: Town of Flower Mound, Texas<br>Architect: Alan Plummer & Associates | <b>Weatherford Utility Wide SCADA System</b><br>Location: Weatherford, Texas<br>Contract Value: \$597,250<br>Owner: City of Weatherford<br>Architect: Chiang, Patel & Yerby |
| <b>Eastside Water Treatment Plant</b><br>Location: Fort Worth, Texas<br>Contract Value: \$30,170,000<br>Owner: Dallas Water Utilities<br>Architect: Chiang, Patel & Yerby              |                                                                                                                                                                             |

**1990 - 1995**

**Position:**

**Assistant Superintendent**

**Responsibilities:** Overseeing entire Project, including review of plans, scheduling work, running crews, and all aspects involved with correct and timely completion of Project.

**Project Experience:**

**Dallas Area Rapid Transit**

Contract Value: \$20,000,000

**Wiley Water Treatment Plant**

Contract Value: \$19,400,000

**Elm Fork Filter Improvements**

Contract Value: \$11,400,000

**Elm Fork Chemical Facilities**

Contract Value: \$ 6,749,500

**Elm Fork High Service Pump Station**

Contract Value: \$7,668,000

**Abrams Road**

Contract Value: \$5,000,000

**Elm Fork Plant Process Improvements**

Contract Value: \$19,580,000

**Elm Fork Clearwell #5**

Contract Value: \$4,261,800

**1985 - 1990**

**Position:**

**Carpenter Foreman**

**Responsibilities:** Running a crew, scheduling work and completing specific phase of the Project from start to finish.

**1983 - 1985**

**Position:**

**Laborer**

**Responsibilities:** Started career in the industry learning all aspects of construction of Project.

# *Relevant Project Experience*



*Archer Western Contractors*



## **TECHNICAL EXPERIENCE**

This section contains detailed technical information about the following water/wastewater treatment plants which are currently under construction or have been completed by Archer Western Contractors, Ltd. and/or The Walsh Group.

- South Cobb Water Reclamation Facility, Cobb County, GA - \$43,475,270
- Mohawk Water Treatment Plant, Tulsa, OK - \$16,066,924
- Des Plaines River Wastewater Treatment Plant, Deerfield, Illinois - \$29,243,555
- Arlington Ozone Facilities, Arlington, Texas - \$19,360,599
- Eastside Water Treatment Plant, Dallas, Texas - \$6,574,955
- Flower Mound Wastewater Treatment Plant, Flower Mound, TX - \$7,381,631
- Paris Water Treatment Plant, Paris, TX - \$4,808,188
- Northside Water Reclamation Plant, Skokie, Illinois - \$6,038,000
- Tarrant County Water Supply Project, Euless, Texas - \$12,531,430
- Central Wastewater Treatment Plant Modifications, Dallas, Texas - \$12,239,254
- Bastrop Energy Center, Austin, Texas - \$6,407,500
- Flower Mound WWTP Phase I Expansion, Flower Mound, Texas - \$16,295,718
- East Side Water Treatment Plant Ozone Facilities, Sunnyvale, Texas - \$41,736,219
- Wilson Creek Wastewater Treatment Plant Expansion, Wylie, Texas - \$38,067,095
- East Side Water Treatment Plant, Sunnyvale, Texas - \$34,718,041
- TRA Low Service Booster Pump Station - \$7,177,765
- Lake Ray Roberts 20 MGD Water Treatment Plant, Aubrey, Texas - \$36,791,883
- Pecan Creek Water Reclamation Plant, Denton, Texas - \$16,930,000
- Southside Wastewater Treatment Plant Effluent Filters, Dallas, Texas - \$5,258,000
- Walnut Creek Wastewater Treatment Plant, Austin, Texas - \$18,300,000

**Archer Western Contractors, Ltd.**

**South Cobb Water Reclamation Facility, Cobb County, GA**

**Contract Amount: \$43,475,270**

This project involved the construction of a complete new process train adjacent to an existing operating plant. The new train increased the plant capacity from 28 MGD to 40 MGD, and included a headworks structure, a screening building, grit removal facilities, primary sedimentation tanks, aeration tanks, a blower building, chemical feed facilities, a secondary clarifier, a reuse water pump station, a chlorine contact tank, a plant electrical/generator building, and other miscellaneous structures. Also, modifications were made to many of the existing plant structures, and yard piping to 78" in diameter was installed to interconnect the process train and tie-in to the existing raw sewage lines. Work also included extensive modifications and additions to the plant electrical and control/instrumentation systems.

Bid Date: December 1, 1994

Bid Amount: \$38,929,000

Start Date: May 22, 1995

Scheduled Completion Date: June 5, 1998 (1110 days)

Actual Completion Date: June 5, 1998 (1110 days)

Final Contract Amount: \$43,475,270

Liquidated Damages: None

Claims/Changes: No claims. Two (2) change orders totaling \$4,180,000 were issued for the addition of a sludge dewatering building. Other change orders totaling \$366,270 were issued for misc scope changes. Necessary time extensions were resolved with the owner. All final punch list items were completed to the Owners satisfaction.

Owner: Cobb County Water System  
680 South Cobb Drive, Atlanta, GA 30060-3113  
Contact: Rich Wittman (770) 419-6310

Engineer: Brown & Caldwell  
53 Perimeter Center East, Atlanta, GA 30346-1905  
Contact: Ed Motley, (770) 394-2997

Construction Manager: O'Brien Kreitsberg  
127 Peachtree St NE, Atlanta, GA 30303  
David Pino (404) 524-5505

A-W Project Manager: Shane Lippert  
A-W Superintendent: Andy Curl

Percent of Labor-Related Work performed by Archer Western: 45%

**Archer Western Contractors, Ltd.**

**Mohawk Water Treatment Plant, Contract #6, Tulsa, Oklahoma**

**Contract Amount: \$16,066,924**

This project involves the construction of several significant portions of a 100 MGD Water Treatment Plant. Facilities constructed under this contract include an 11 million gallon clearwell, a distribution pump station containing four 2,500 hp and three 1,750 hp constant speed vertical turbine pumps, three 250 hp variable speed vertical turbine backwash pumps, yard piping, chemical feed systems, and supporting electrical and control systems.

Bid Date: May 8, 1996

Bid Amount: \$15,674,773

Start Date: June 24, 1996

Scheduled Completion Date: July, 1999

Actual Completion Date: July, 1999

Final Contract Amount: \$16,066,924

Liquidated Damages: None

Claims/changes: No claims. Change orders totaling \$404,000 were issued for owner initiated scope changes. A change order in the amount of \$18,000 and a time extension was issued for delays caused by another contractor at the site. All final punch list items were completed to the Owners satisfaction.

Owner: City of Tulsa  
200 Civic Center  
Tulsa, OK 74103  
Contact: Al Hamlet, (918) 596-9621

Engineer: Montgomery Watson  
4042 East Mohawk Boulevard  
Tulsa, OK 74115  
Contact: Ron Cass (918) 428-0704

Construction Manager: None

A-W Project Manager: Scott Smiley  
A-W Superintendent: Jay Vincent

Percent of Labor-Related Work performed by Archer Western: 50%

**Walsh Construction Company**

**Des Plaines River Wastewater Treatment Plant, Deerfield, Illinois**

**Contract Amount: \$29,243,555**

This project consisted of a three phase modification to the existing wastewater treatment plant. The work included 22 new structures, including new clarifiers, pumping station, grit building, filter building, digesters, blower building, aeration tanks, dechlorination facility, chemical feed facilities, and administration building. Also involved were extensive SCADA control and electrical modifications, 50 acres of sitework, and new process tie-ins and phasing so as not to interfere with the operations of the existing facility.

Bid Date: June 27, 1991

Bid Amount: \$29,000,000

Start Date: August 26, 1991

Scheduled Completion Date: February 28, 1994, (917 days)

Actual Completion Date: January 14, 1994, (872 days)

Final Contract Amount: \$29,243,555

Liquidated Damages: None

Claims/Changes: No Claims, Change orders totaling \$243,555 were issued for owner initiated scope changes. Project finished ahead of schedule. All final punch list items were completed to the Owners satisfaction.

Owner: Lake County Public Works Department  
100 W. Palmer, Northlake, Ill 60164  
Contact: Chuck DeGraves, (708) 562-0940

Engineer: Rust Environmental & Infrastructure  
(formerly Donohue & Associates)  
4738 North 40<sup>th</sup> Street, Sheboygan, WI  
Contact: Dennis Price, (920) 458-8711

Construction Manager: Rust Environmental & Infrastructure

Walsh Project Manager: Rob Ferrino  
Walsh Superintendent: Jan Michaelson

Percent of Labor-Related Work performed by Archer Western: 45%

**Archer Western Contractors, Ltd.**

**Arlington Ozone Facilities, Arlington, Texas**

**Contract Value: \$19,360,599**

This project includes the construction of new pre-ozone and intermediate ozone contactor structures at two separate water treatment plants. Other work includes approximately 30,000 cy of excavation, approximately 10,000 cy of structural concrete, complete rehabilitation of 26 filters, and misc. mechanical and yard piping. Work also included 2200 lf of 48" steel pipe in an existing facility. Over 200 yds of rock was pre-blasted without any interruption to the plant service.

**Bid Date: October 21, 1997**

**Bid Amount: \$19,238,000**

**Start Date: December 8, 1997**

**Scheduled Completion Date: January, 2000**

**Actual Completion Date: January, 2000**

**Final Contract Amount: \$19,360,599**

**Liquidated Damages: None**

**Claims/Changes: No claims. Change orders in the amount of \$121,838 were issued for owner-initiated scope of work changes. All final punch list items were completed to the Owners satisfaction.**

**Owner: City of Arlington  
1901 Lakewood Drive, Arlington, TX 76013  
Contact: Rick McCleery, (817) 654-9769**

**Engineer: Freese-Nichols, Inc.  
40155 International Plaza, Fort Worth, TX 76109  
Contact: Larry Eckerseley, (817) 429-1900**

**Construction Manager: None**

**A-W Project Manager: Scott Smiley  
A-W Superintendent: Steve Baker**

**Percent of Labor-Related Work performed by Archer Western: 65%**

**Archer Western Contractors, Ltd.**

**Eastside Water Treatment Plant, Dallas, Texas**

**Contract Amount: \$6,574,955**

This project included hydraulic and miscellaneous improvements to the existing East Side Water Treatment Plant. The work included structural modifications to the primary flocculation basin influent flume; removal and replacement of the forebay and rapid mix structure; removal and replacement of secondary rapid mixers; construction of a new raw water junction structure; installation of a lagoon irrigation system, and various other modifications to the existing plant structure, piping, and controls. The capacity of the plant after modifications was 550 MGD.

**Bid Date: October 13, 1995**

**Bid Amount: \$6,576,970**

**Start Date: January 22, 1996**

**Scheduled Completion Date: May 21, 1997 (485 days)**

**Actual Completion Date: May 21, 1997 (485 days)**

**Final Contract Amount: \$6,674,955**

**Liquidated Damages: None**

**Claims/Changes:** No claims. One (1) change order totaling -\$2,015 (credit) was issued for a scope of work change. All final punch list items were completed to the Owners satisfaction.

**Owner:** Dallas Water Utilities  
2121 Main Street, Suite 300  
Dallas, TX 75201  
Contact: Randy Edmonson, (214) 948-4572

**Engineer:** Chiang, Patel & Yerby, Inc.  
1820 Regal Row, Suite 200  
Dallas, TX 75235  
Contact: Ed Motley, (214) 638-0500

**Construction Manager:** None

**A-W Project Manager:** Scott Smiley  
**A-W Superintendent:** Jeff Polak

**Percent of Labor-Related Work performed by Archer Western: 55%**

**Archer Western Contractors, Ltd.**

**Flower Mound Wastewater Treatment Plant, Flower Mound, TX**

**Contract Amount: \$7,381,631**

Construction of a new wastewater treatment plant including four nitrification basins, a trickling filter/aeration basin unit, two primary clarifiers, a final clarifier, two U.V. basins, a RAS pump station, a sludge dewatering building, an effluent pump station, a stormwater pump station and other miscellaneous structures. Work also included modifications to the existing primary and final clarifiers, trickling filter, headworks, structural and installation of new blowers. Yard piping was also installed and tie-ins to the existing process were made on this 6 MGD plant.

Bid Date: November 15, 1994

Bid Amount: \$7,291,583

Start Date: January 16, 1995

Scheduled Completion Date: October 11, 1996 (634 days)

Actual Completion Date: October 11, 1996 (634 days)

Final Contract Amount: \$7,681,631

Liquidated Damages: None

Claims/Changes: No Claims. Three (3) change orders totaling \$90,048.34 were issued for scope of work changes. All final punch list items were completed to the Owners satisfaction.

Owner: Town of Flower Mound, Texas  
2121 Cross Timbers Road  
Flower Mound, Texas 75028  
Contact: Ronnie Baker, (214) 539-6006

Engineer: Alan Plummer & Assoc.  
7524 Mosier View Court, Suite 200  
Fort Worth, TX 76118  
Contact: Lee Head, (817) 589-2226

Construction Manager: None

A-W Project Manager: Scott Smiley  
A-W Superintendent: Jeff Polak

Percent of Labor-Related Work performed by Archer Western: 55%

**Archer Western Contractors, Ltd.**

**Paris Water Treatment Plant, Paris, TX**

**Contract Amount: \$4,808,188**

This project included expansion of the existing water treatment facilities from 18 MGD to 36 MGD and included two new sedimentation/flocculation basins, four dual-media filters, a filter gallery, chemical feed facilities, three 5600 GPM treated water transfer pumps, and the rehabilitation of existing sedimentation basins and filters. Also involved were related yard and process piping, sitework, roadways, and other miscellaneous facilities.

**Bid Date: 1994**

**Bid Amount: \$4,783,965**

**Start Date: October 31, 1994**

**Scheduled Completion Date: June 3, 1996 (580 days)**

**Actual Completion Date: May 9, 1996 (555 days)**

**Final Contract Amount: \$4,808,188**

**Liquidated Damages: None**

**Claims/Changes: No Claims. Three (3) change orders totaling \$24,223 were issued for scope of work changes. All final punch list items were completed to the Owners satisfaction.**

**Owner: City of Paris, TX  
PO Box 9037  
Paris, Texas 75461-9037  
Contact: Herb Campbell, (903) 784-2464**

**Engineer: Aburcher, Willis & Ratliff  
3620 Old Bullard Road, Suite 206  
Tyler, TX 75701  
Contact: Kelly Sunderland, (903) 581-7844**

**Construction Manager: None**

**A-W Project Manager: Scott Smiley  
A-W Superintendent: Walter Earthman**

**Percent of Labor-Related Work performed by Archer Western: 55%**



**Walsh Construction Company**

**Northside Water Reclamation Plant, Skokie, Illinois**

**Contract Amount: \$6,038,000**

This project consisted of the renovation of an antiquated grit removal system. Work included demolition, excavation, new concrete grit chambers, a new grit dewatering tank, a new grit dewatering station and conveyor system, and new grit collection/dewatering mechanisms. Appurtenant facilities included process piping, pumps, valves, electrical power wiring and systems, monitoring systems (including computer hardware/software).

**Bid Date: 8/22/95**

**Bid Amount: \$6,038,000**

**Start Date: 11/10/95**

**Scheduled Completion Date: 8/23/98 (1016 days)**

**Actual Completion Date: 8/4/98 (997 days)**

**Final Contract Amount: \$ 6,681,190**

**Liquidated Damages: None**

**Claims/Changes:** No claims, 43 change orders totaling \$643,190 were issued for scope of work changes. Time extensions were resolved with the owner. All final punch list items were completed to the Owners satisfaction.

**Owner:** Metropolitan Water Reclamation District of Chicago  
111 E. Erie Street, Chicago, Ill 60611-2871  
Contact: John C. Farnan, Chief Engineer (312) 751-5600

**Engineer:** Metropolitan Water Reclamation District of Chicago  
111 E. Erie Street, Chicago, Ill 60611-2871  
Contact: Richard D'Ambrosia, Asst Ch. Engineer  
(312) 751-5600

**Construction Manager: None**

**A-W Project Manager: John J. Cornell**  
**A-W Superintendent: Dave Hoener**

**Percent of Labor-Related Work performed by Archer Western: 50%**

**Archer Western Contractors, Ltd.**

**Tarrant County Water Supply Project**  
**Water Treatment Plant Expansion to 72 MGD**  
**Euless, Texas**

**Contract Value: \$12,531,430.10**

Water Treatment Plant Expansion to 72 MGD – 4 additional filters, 3 circular tanks, chemical storage area, chemical scrubbers, tube settlers, chemical feed modifications, pump station, maintenance building, paving, replace valves, and electrical improvements. Upgrade from 57 MGD to 72 MGD plant capacity.

**Bid Date: May 26<sup>th</sup>, 1999**

**Bid Amount: \$12,531,430**

**Start Date: July 9<sup>th</sup>, 1999**

**Actual Completion Date: November 2001**

**Final Contract Amount: \$12,752,354**

**Liquidated Damages: None**

**Claims/Changes:** No claims. Change orders in the amount of \$220,924.76 were issued for owner-initiated scope of work changes. All final punch list items were completed to the Owners satisfaction.

**Owner:** Trinity River Authority  
5300 South Collins, Arlington, TX 76018  
Contact: Thomas Sanders, (817) 467-4343

**Engineer:** Knowlton-English-Flowers, Inc.  
1901 Central Drive, Bedford, TX 76021  
Contact: Bill Flowers, (817) 283-6211

**Construction Manager:** None

**A-W Project Manager:** Scott Smiley  
**A-W Superintendent:** Mark Miller

**Percent of Labor-Related Work performed by Archer Western: 60%**

**Archer Western Contractors, Ltd.**

**Central Wastewater Treatment Plant**  
**Modifications of Existing Wastewater Plant – Grit Removal**  
**Dallas, Texas**

**Contract Value: \$12,239,254**

Modifications to Central Wastewater Treatment Plant. Installation of grit removal modifications, 60" air line replacement, removal of building, and demolition of existing facilities.

**Bid Date: April 16, 1998**

**Bid Amount: \$12,239,254**

**Start Date: July 24, 1998**

**Actual Completion Date: September 30, 2001**

**Final Contract Amount: \$ 14,652,212**

**Liquidated Damages: None**

**Claims/Changes: No claims. Change orders in the amount of \$2,412,959 were issued for owner-initiated scope of work changes.**

**Owner: City of Dallas**  
2121 Main Street, #300, Dallas, TX 75201  
Contact: Jerry Taylor, (214) 948-4564

**Engineer: CH2M Hill**  
5339 Alpha Road, Suite 300, Dallas, TX 75240  
Contact: Chad Simmons, (972) 980-2170

**Construction Manager: None**

**A-W Project Manager: R. Joe Lee**  
**A-W Superintendent: Richard Addleman**

**Percent of Labor-Related Work performed by Archer Western: 55%**

**Archer Western Contractors, Ltd.**

**Bastrop Energy Center Raw Water Supply/Wastewater  
Discharge Improvments**

**Contract Amount: \$6,407,500**

This project consists of the engineering, procurement, construction and commissioning of structures and systems to convey raw water from the Colorado River in Travis County, Texas to a power generation facility (the "Power Plant") located approximately 4.5 miles from the Colorado River in Bastrop County, Texas. The work includes engineering, procurement, construction and commissioning of the structure and systems necessary to discharge water from the Power Plant to the Colorado River as follows:

- Raw water intake structure with T-screens, with gravity pipeline between the intake structure and the pump station as well as auxiliary system piping.
- Raw water pump station, piping, valves, actuators, instruments, air compressors and receivers. The pump station will be provided with slots for three pumps. Initial design will only include procurement and installation of two pumps.
- 24" Raw water transmission main from the Colorado River to the Power Plant.
- Raw water meter station
- 14" Water discharge line and out-fall structure from the Power Plant to the Colorado River.
- All pump station facilities, which shall include a manufactured steel building, security fencing and access steps leading from the pump station to the intake structure.
- Pump station electrical distribution systems, interior lighting, exterior lighting, grounding and convenience electrical circuits.
- Fiber optic communications between the pump station and the Power Plant control building including buried fiber optic cable, splices, modems and all equipment necessary to convey control signals and data between the pump station and the Power Plant Westinghouse Ovation DCS.
- Commissioning activities including pump flow testing, pressure testing of pipelines, calibration of instruments, verification of PLC program by system operation.

**Bid Date: March 5, 2001**

**Bid Amount: \$6,407,500**

**Start Date: April 9, 2001**

**Completion Date: April 30, 2002**

**Final Contract Amount: \$6,411,540**

**Liquidated Damages: None**

Claims/Changes: No claims.

Owner: Bastrop Energy Partners, LP  
1001 Louisiana Street  
Houston, TX 77002  
Contact: Keith Albritton, Phone: 713-420-5799

Engineer: Alan Plummer and Associates, Inc.  
7524 Mosier View Court, Suite 200  
Fort Worth, TX 76118-7122  
Contact: James Altstaetter, Phone: 817-284-2724

Construction Manager: None

A-W Project Manager: Tom Bush  
A-W Superintendent: Matt Hunnicutt

Percent of Labor-Related Work performed by Archer Western: 50%

**Archer Western Contractors, Ltd.**

**Flower Mound Wastewater Treatment Plant**  
**Phase I Expansion**  
**Flower Mound, Texas**

**Contract Value: \$16,295,718**

Construction of new preliminary treatment units, three new sequencing batch reactors, three new effluent filters, two new UV channels, new effluent Pump Station and modifications to the existing Facilities. Construction of approximately 4,500 lineal feet of 24" force main pipeline.

**Bid Date: March 6, 2001**

**Bid Amount: \$16,222,000**

**Start Date: June 4, 2001**

**Actual Completion Date: December 31, 2002**

**Final Contract Amount: \$ 16,295,718**

**Liquidated Damages: None**

**Claims/Changes: No claims. Change orders in the amount of \$73,718 were issued for owner-initiated scope of work changes.**

**Owner:** Town of Flower Mound  
2121 Cross Timbers Road  
Flower Mound, TX 75028  
Contact: Randy Williams (972) 539-6006

**Engineer:** Alan Plummer & Associates, Inc.  
7524 Mosier View Court, #200  
Fort Worth, TX 76118  
Contact: Alan Davis (817) 284-2724

**Construction Manager:** None

**A-W Project Manager:** Scott Smiley  
**A-W Superintendent:** Wayne Pursley

**Percent of Labor-Related Work performed by Archer Western: 60%**

**Archer Western Contractors, Ltd.**

**East Side Water Treatment Plant Phase II, Contract 3, East Side  
WTP Ozone Facilities, Forney Dam Mitigation and Dallas Water  
Utilities Elevator Repairs  
Sunnyvale, Texas**

**Contract Value: \$41,736,219**

The construction of this project consists of the following:

- 1) Eastside WTP Ozone Facilities
- 2) Forney Dam Spillway
- 3) Frasier Dam Modifications
- 4) Bachman Water Treatment Plant Hydraulic Improvements

**Bid Date: January 3, 2002**

**Bid Amount: \$36,788,350**

**Start Date: February 13, 2002**

**Anticipated Completion Date: Change Order Work as requested by Owner has extended original contract completion of February 2004.**

**Current Contract Amount: \$41,736,219**

**Liquidated Damages: None**

**Claims/Changes: No claims. Change orders in the amount of \$4,947,869 were issued for owner-initiated scope of work changes.**

**Owner: City of Dallas  
2121 Main Street, #300, Dallas, TX 75201  
Contact: Randy Edmonson (214) 948-4572**

**Engineer: Chiang, Patel, Yerby, Inc.  
1820 Regal Row, Suite 200  
Dallas, TX 75235  
Contact: Ed Motley (214) 638-0500**

**Construction Manager: None**

**A-W Project Manager: Scott Smiley  
A-W Superintendent: Mark Tepera**

**Percent of Labor-Related Work performed by Archer Western: 55%**

**Archer Western Contractors, Ltd.**

**Wilson Creek Wastewater Treatment Plant Expansion**  
**Wylie, Texas**

**Contract Value: \$38,067,095**

This project consists of the construction of a 16 MGD expansion to the existing Wastewater Treatment Plant. Construction shall include two primary clarifiers, one primary sludge pumping station, two BNR basins, one blower building, two Sec clarifiers, one Sec sludge pump station, four filters, three ultraviolet disinfection basins, chemical feed facility additions, odor control, 60" plant outfall line, solids handling, plant & yard piping, electrical & instrumentation.

**Bid Date: November 9, 2001**

**Bid Amount: \$37,979,095**

**Start Date: January 15, 2002**

**Completion Date: July 2004**

**Current Contract Amount: \$ 38,565,020**

**Liquidated Damages: None**

**Claims/Changes: No claims. Change orders in the amount of \$509,262 were issued for owner-initiated scope of work changes.**

**Owner:** North Texas Municipal Water District  
505 E. Brown Street  
Wylie, TX 75098  
Contact: Jim Kelly (972) 442-5405

**Engineer:** Black & Veatch  
9441 LBJ Freeway, #300  
Dallas, TX 75243  
Contact: Phil Spitzer (214) 570-7000

**Construction Manager:** None

**A-W Project Manager:** Scott Smiley  
**A-W Superintendent:** Curtis Weston

**Percent of Labor-Related Work performed by Archer Western: 60%**



**Archer Western Contractors, Ltd.**

**East Side Water Treatment Plant**  
**Sunnyvale, Texas**

**Contract Value: \$34,718,041**

This project consists of the construction of the new chlorine & ammonia building and systems, plant water improvements, new carbon dioxide system, electrical and SCADA system improvements at the East Side Water Treatment Plant Ozone Facilities, Forney Dm Mitigation, Dallas Water Utilities Elevator Improvements.

**Bid Date: March 8, 2001**

**Bid Amount: \$30,170,000**

**Start Date: July 25, 2001**

**Scheduled Completion Date: Change Order work as requested by Owner has extended original anticipated completion date of January 2004**

**Current Contract Amount: \$ 34,718,041**

**Liquidated Damages: None**

**Claims/Changes: No claims. Change orders in the amount of \$4,548,041 were issued for owner-initiated scope of work changes.**

**Owner:** City of Dallas  
2121 Main Street, #300, Dallas, TX 75201  
Contact: Randy Edmonson (214) 948-4572

**Engineer:** Chiang, Patel & Yerby, Inc.  
1820 Regal Row, #200  
Dallas, TX 75235  
Contact: Ed Motley (214) 263-3960

**Construction Manager:** None

**A-W Project Manager:** Scott Smiley  
**A-W Superintendent:** Mark Tepera

**Percent of Labor-Related Work performed by Archer Western: 55%**

**Archer Western Contractors, Ltd.**

**Tarrant County Water Supply System**  
**Low Service Booster Pump Station**  
**Arlington, Texas**

**Contract Value: \$7,177,765**

The Booster Pump Station is designed to provide a firm capacity of 72 MGD with the ability to expand to 120 MGD. Three pumps are proposed to provide the initial firm capacity of 72 MGD and spaces provided to add two future pumps for an ultimate firm capacity of 120 MGD. The three original pumps will be modified by changing the impellers to meet the future demand.

Chemical storage and feed facilities to reduce taste and odor are included in this project. Site improvements, architectural features, electrical and mechanical arrangement are also included.

**Bid Date: September 29<sup>th</sup>, 2000**

**Bid Amount: \$7,177,765**

**Start Date: November 13, 2000**

**Scheduled Completion Date: October 2001**

**Actual Completion Date: April 2002**

**Final Contract Amount: \$7,365,294.45**

**Liquidated Damages: None**

**Claims/Changes: No claims**

**Owner:** Trinity River Authority  
5300 South Collins, Arlington, TX 76018  
Contact: Richard Postma (817) 467-4343

**Engineer:** HDR Engineering, Inc.  
12700 Hillcrest Road, Dallas, TX 75230-2096  
Contact: Brad Martin (972) 960-4020

**Construction Manager:** None

**A-W Project Manager:** Scott Smiley  
**A-W Superintendent:** Jason Davis

Percent of Labor-Related Work performed by Archer Western: 50%  
**Archer Western Contractors, Ltd.**

**Lake Ray Roberts 20 MGD Water Treatment Plant**  
**Aubrey, Texas**

**Contract Value: \$36,791,883**

New 20 MGD Water Treatment Plant – construction of a raw water pump station, chemical diffusion vault, splitter box, flocculation/sedimentation basins, filters, washwater reclamation basin, sludge lagoons, clearwell, transfer pump station, high service pump station, chemical feed and storage, operations building and all associated sitework.

Bid Date: March 27, 2001

Bid Amount: \$35,785,257

Start Date: May 9, 2001

Substantial Completion Date: May 27, 2003

Current Contract Amount: \$ 36,331,523

Liquidated Damages: None

Claims/Changes: No claims. Change orders in the amount of \$1,006,626 were issued for owner-initiated scope of work changes.

Owner: City of Denton Water Utilities  
901-B Texas Street  
Denton, TX 76209  
Contact: Tom Shaw

Engineer: Freese – Nichols, Inc.  
1701 N. Market Street, Suite 500  
Dallas, TX 75202  
Contact: Trooper Smith (214) 920-2500

Construction Manager: None

A-W Project Manager: Jeff Polak  
A-W Superintendent: Travis Vick

Percent of Labor-Related Work performed by Archer Western: 55%

Archer Western Contractors Ltd.

**SOUTHSIDE WWTP EFFLUENT FILTER MODIFICATIONS**

Contract Amount: \$5,258,000.00

Install air scour piping to filters 13-24 and 18" SS air header from the existing Blower Building. Replacement of valves in Filter Complex #3 with pneumatic actuators. Installation of a new complete air system for the actuators. Additional modifications to the Wastewater Treatment Plant

Bid Date:

Bid Amount: \$5,258,000.00

Start Date: Dec. 1, 2002

Scheduled Completion Date: March 31, 2004

Substantial Completion Date: Working on Punch List

Liquidated Damages: N/A

Claims/Changes: None

Owner: City of Dallas Water Utilities  
2121 Main Street, Suite 300  
Dallas, TX 75201  
Contact: Kevin Bunting  
Phone: (214) 948-4517

Engineer: HDR Engineering  
17111 Preston Road, Suite 200  
Dallas, TX 75248-1229  
Contact: R. Bradley Martin  
Phone: (972) 960-4435

Construction Manager: None

A-W Project Manager: Scott Smiley

Percent of Labor-Related Work performed by Archer Western: 80%

Archer Western Contractors Ltd.

Walnut Creek Wastewater Treatment Plant

**Contract Value: \$18,322,000.00**

Improvements required to re-rate plant capacity to 75 MGD including a new headworks, new influent and effluent distribution structures, new force main, hydraulic improvements to secondary treatment, improvements to RAS pumps and installing chlorine evaporators. New haul waste station, maintenance dewatering station and other miscellaneous improvements.

**Bid Date:**

**Bid Amount:** \$18,322,000.00

**Start Date:** May 1, 2002

**Substantial Completion Date:** January 31, 2004

**Final Completion Date:** Working on Punch List

**Actual Completion Date:**

**Liquidated Damages:** N/A

**Claims/Changes:**

**Owner:** City of Austin, Texas  
One Texas Center, 505 Barton Springs Road  
Austin, Texas  
Contact: Kathy Hardin  
Phone: (512)-972-1491

**Engineer:** Camp Dresser & McKee  
9111 Jollyville Road, Suite 105  
Austin, Texas 78759  
Contact: Mitt Tidwell  
Phone: (512)346-1100

**Construction Manager:** None

**A-W Project Manager:** Joe Lee

**Percent of Labor-Related Work performed by Archer Western:** 80%

# ***Bonded Projects Under Contract***



***Archer Western Contractors***

**Archer Western Contractors, Ltd.  
Bonded Projects Under Contract**

| Project Name                                                    | Project Description                                                                                                                                                                                                                                                                           | Contract Amount | Completion Date |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| Escambia Bridge Approach Emergency Repair<br>Pensacola, Florida | Reconstruction of four (4) existing bridge approaches damaged during the hurricanes. Work mix includes embankment, rip-rap rubble, paving and sidewalks.                                                                                                                                      | \$231,845       | Apr-8-2005      |
| Escambia I-10 WB WIM / Static Scale<br>Pensacola, Florida       | Construction of a weigh-in motion and a static scale on I-10 westbound in Escambia County, Florida. Work mix includes excavation, roadway drainage, grading and asphalt paving. Contract time is 60 calendar days. Subcontract to Mettler Toledo who is furnishing and installing the scales. | \$300,016       | Apr-8-2005      |
| Escambia I-10 EB WIM Static Scale<br>Pensacola, Florida         | Construction of weigh-in motion and static scale on I-10 eastbound in Escambia County, Florida. Work mix includes excavation, embankment, roadway drainage, utilities, and asphalt paving. Contract time is 60 calendar days.                                                                 | \$2,310,745     | Apr-8-2005      |
| Duval - Super Bowl Temp Barrier Wall<br>Jacksonville, Florida   | Furnish and install new temporary barrier wall for traffic control and security to include trucking, labor, equipment, and other incidentals to set and remove temporary barrier wall.                                                                                                        | \$116,000       | Feb-25-2005     |
| MHJIT Embankment Phase 2<br>Atlanta, Georgia                    | 1,800,000 CY of embankment, retaining walls and utility work for new international terminal at Hartsfield Jackson International Airport.                                                                                                                                                      | \$59,040,560    | Jul-31-2007     |
| RL Sutton Biosolids Handling<br>Smyrna, Georgia                 | A new biosolids handling facility at the existing RL Sutton Waste Water Treatment Plant.                                                                                                                                                                                                      | \$55,669,949    | Dec-31-2007     |
| Escambia Scenic Highway Driveway Repair<br>Pensacola, Florida   | Reconstruction of driveway on scenic highway in Escambia County, Florida to include: clearing and grubbing, excavation, roadway drainage, embankment, concrete paving, erosion control and maintenance of traffic.                                                                            | \$259,535       | Mar-31-2005     |
| River Bend Water Reclamation Plant Phase 2<br>Little Elm, Texas | This project includes construction of a second outfall; modifications to the existing effluent measurement structure; construction of a chemical feed system with bulk storage and related piping; and associated site work modifications.                                                    | \$687,000       | Aug-1-2005      |

**Archer Western Contractors, Ltd.  
Bonded Projects Under Contract**

| Project Name                                                 | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Contract Amount | Completion Date |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| Mount Carmel WTP<br>Clear Well Repairs<br>Waco, Texas        | Repairs include the replacement of existing construction joints; replacement of existing portions of reinforced concrete floor slab; concrete patching of spalling on columns, floor and wall areas; application of polyurea coating to tank and walls; repair of slab cracking by way of injection of hydrophobic urethane; and installation of sluice gates.                                                                                                                                                   | \$497,000       | Mar-31-2005     |
| DART Articulation Shed<br>(FA-2)<br>Dallas, Texas            | 180' x 83' metal building with three rail road tracks inside for manufacturing rail cars.<br><br>PROJECT WAS CANCELLED!!!!!!!!!!!!                                                                                                                                                                                                                                                                                                                                                                               | \$854,346       | Mar-1-2005      |
| Hemet Water Treatment<br>Plant<br>San Diego, California      | The construction of this water treatment plant includes screening building, mechanical building, disinfection basin, finished water pump station, chemical building, electrical building, operations building, finished water meter vault and all electrical, instrumentation, and control systems work.                                                                                                                                                                                                         | \$35,650,000    | Aug-29-2006     |
| Oakley Industrial Grade<br>Separation<br>Union City, Georgia | One half mile of grading, drainage, base and plant mix resurfacing on Oakley Industrial Blvd. and the relocation of Fayetteville Road. The project also includes construction of a bridge and approaches over the CSX Railroad.                                                                                                                                                                                                                                                                                  | \$5,697,339     | Jun-30-2006     |
| Upper Trinity - Electrical<br>Lewisville, Texas              | This project consists of improvements to the existing Regional Water Treatment Plant, including, but not limited to the installation of a 2,000 kw emergency generator and the installation of ozone diffusers and stainless steel piping.                                                                                                                                                                                                                                                                       | \$608,200       | Mar-31-2005     |
| TRA Biosolids<br>Stabilization Phase 1<br>Dallas, Texas      | Work includes addition of a belt filter press and two lime pasteurization trains on concrete slabs with pier and beam foundations at the Central Regional Wastewater System Treatment Plant. Included are conveyors, control systems, electrical equipment, demolition, and modifications to an existing polymer storage facility. Also included is rehabilitation of two 35' diameter concrete blend tanks and mixing equipment, along with miscellaneous site civil, structural and yard piping modifications. | \$6,905,800     | Aug-31-2005     |
| Johns Creek Site<br>Improvements<br>Roswell, Georgia         | Mass earthwork on 48 acre site to prepare for upcoming environmental campus to be bid later in 2004.                                                                                                                                                                                                                                                                                                                                                                                                             | \$495,000       | Feb-1-2005      |
| Mount Carmel Water<br>Treatment Plant<br>Waco, Texas         | Work included replacement of underdrains, media, backwash troughs, piping, instruments, air blower system, control system on existing filters, the construction of a new transfer pump station including four vertical turbine pumps, wetwell, masonry electrical building and associated piping controls, electrical and HVAC; and associated additions to yard piping.                                                                                                                                         | \$14,395,000    | May-31-2006     |



## Archer Western Contractors, Ltd. Bonded Projects Under Contract

| Project Name                                                         | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Contract Amount | Completion Date |
|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| Morris Sheppard Dam Sluice Gate Replacement<br>Graford, Texas        | The contract calls for the removal and replacement of nine (9) existing sluice gates. The new sluice gates are 24" x 24" cast iron. Work also includes additional access opening to the sluice gate wet wells with access ladders and floor grating.                                                                                                                                                                                                                                                                | \$393,600       | Jul-31-2005     |
| IH-35 McLennan County<br>Robinson, Texas                             | This project involves four bridges, 3000,000 CY dirt, and 100,000 CY of concrete paving.                                                                                                                                                                                                                                                                                                                                                                                                                            | \$40,574,513    | Jan-1-2007      |
| JG Beacham WTP Expansion<br>Athens, Georgia                          | This contract calls for the expansion existing Water Treatment Plant for the Athens County and Clarke County governments.                                                                                                                                                                                                                                                                                                                                                                                           | \$40,629,426    | Oct-1-2007      |
| Duval I-95 / I-10 Interchange<br>Jacksonville, Florida               | 17 Bridges and 600,000 CY embankment to rebuild a major interchange between two interstates in Jacksonville.                                                                                                                                                                                                                                                                                                                                                                                                        | \$148,003,197   | Aug-15-2010     |
| TRA West Fork<br>Interceptor WF-1 Phase 1<br>Dallas, Texas           | Construction and installation of approximately 5,910 lineal feet of 108" pipe ranging from 15 to 40 feet in depth. Additional work includes the construction and installation of four junction boxes and crossing beneath IH-30. Some wetland mitigation and irrigation work also included.                                                                                                                                                                                                                         | \$11,385,561    | Nov-15-2005     |
| Central WWTP White Rock Rough Screens & Pump Header<br>Dallas, Texas | Work includes replacement of two existing bar screens with new reciprocating cogwheel type screens, installation of shaftless conveyor system, rehabilitation of the Bar Screen Building (including reuse of existing structural members with replacement of building skin along with the electro-mechanical ventilation and heating equipment), replacement of existing pump header, and replacement of Venturi tubes with common size spool pieces.                                                               | \$1,396,000     | Oct-1-2005      |
| Santee Lakes Campground Expansion<br>San Diego, California           | Development of 101 full utility campsites designed for large recreational vehicles. Associated improvements including earthwork, hiking trails, restroom/shower facility remodel, parking lots, walkways, utilities (sewer, water, electric, communications), landscaping and picnic areas.                                                                                                                                                                                                                         | \$5,904,000     | Jun-15-2005     |
| I-64/CSX RR Bridge,<br>Henrico County<br>Richmond, Virginia          | Construction of two 515-foot mainline bridges on I-64 over the CSX Railroad yard. Project involves demolition of two existing structures, maintaining traffic on mainline I-64, and maintaining active railroad operations in CSX yard. New structures are founded on drilled shafts, with 10" steel piles at the abutments. Substructure is concrete and the superstructure is steel. Also included is associated drainage work, electrical, signage, roadway work, retaining structures, and sound barrier walls. | \$23,095,001    | Feb-15-2007     |

## Archer Western Contractors, Ltd. Bonded Projects Under Contract

| Project Name                                                              | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Contract Amount | Completion Date |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| South River Pump & Valve Replacement<br>Atlanta, Georgia                  | Emergency contract to replace Effluent Pump #1 and associated valves at the South River WRC plant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | \$1,307,200     | Mar-30-2005     |
| Hartsfield Baggage Screening<br>Union City, Georgia                       | This project involves the construction of two structures to house the automated baggage screening system. The concrete superstructure and new road way is constructed in three phases to allow continuous vehicular and pedestrian access to the terminals and parking garages. The construction includes interior fit out of structures, including interior demolition and renovation of the existing baggage area.                                                                                                                                                                                                | \$54,626,000    | Dec-31-2005     |
| Hartsfield Baggage Screening<br>Atlanta, Georgia                          | This project involves the construction of two structures to house the automated baggage screening system. The concrete superstructure and new road way is constructed in three phases to allow continuous vehicular and pedestrian access to the terminals and parking garages. The construction includes interior fit out of structures, including interior demolition and renovation of the existing baggage area.                                                                                                                                                                                                | \$54,626,000    | Dec-31-2005     |
| Southside WWTP<br>Diffused Aeration/Process Improvements<br>Dallas, Texas | Project consists of constructing a new blower building, transformer area and installation of four (4) owner furnished single stage centrifugal air blowers and appurtenances. This project also includes furnishing and installing air conveyance piping and a coarse and fine bubble diffused aeration system, construction of concrete baffle walls in the existing aeration basins, equipment demolition and miscellaneous improvements.                                                                                                                                                                         | \$23,787,803    | Oct-1-2006      |
| Arapaho Road Phase III<br>Addison, Texas                                  | This project involves the construction of paving, storm sewer, water, sanitary sewer, signalization and streetscape improvements for Arapaho Road Phase III from Surveyor Boulevard to Addison Road for the Town of Addison, Texas.                                                                                                                                                                                                                                                                                                                                                                                 | \$16,702,578    | Oct-1-2005      |
| Rancho Penasquitos Hydroelectric Facility<br>San Diego, California        | Construction of a hydroelectric facility. Construction includes approximately 2900 lf of 96-inch CML&D pipe; connections to existing WSP; cathodic protection; a reinforced concrete and masonry building housing three 42-inch diameter control valves, a 4.5 MW hydroelectric generating system, medium voltage power system, facility control and communication system, HVAC system; buried reinforced concrete vaults housing three 84-inch diameter butterfly valves and an ultrasonic flow meter; streetpaving, drainage and utility improvements; revegetation and landscaping; fencing and traffic control. | \$20,948,592    | Feb-28-2006     |
| SR-403 (I-85) Pavement Replacement I-285 to SR-74<br>Union City, Georgia  | This project consists of 6.9 miles (in each direction) of concrete pavement replacement on SR-403 (I-85). It includes 2 lanes northbound and 2 lanes southbound, on I-85 south of the Atlanta Airport.                                                                                                                                                                                                                                                                                                                                                                                                              | \$39,752,676    | Nov-30-2005     |

## Archer Western Contractors, Ltd. Bonded Projects Under Contract

| Project Name                                                     | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Contract Amount | Completion Date |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| SR-403 Pavement Replacement<br>College Park, Georgia             | This project consists of 6.9 miles (in each direction) of concrete pavement replacement, on SR-403 (I-85). 2 lanes northbound and 2 lanes southbound, on I-85 south of the Atlanta Airport.                                                                                                                                                                                                                                                                                  | \$39,752,676    | Nov-30-2005     |
| Gold Canyon WWTP Expansion Phase 3<br>Gold Canyon, Arizona       | This project at Gold Canyon involves a new headworks facility, new influent pump station, modification of the existing DAVCO unit, converting the Aero Mod unit to full aeration basin, two new secondary clarifiers, a new blower facility, new chlorine contact tank, new sludge thickening system, new sludge dewatering system and new administration building.                                                                                                          | \$8,716,932     | Nov-1-2005      |
| North Gateway Pump Station/Force Main<br>Phoenix, Arizona        | This project is the construction phase for the North Gateway Pump Station/Force Main.                                                                                                                                                                                                                                                                                                                                                                                        | \$33,000,000    | Aug-31-2005     |
| Palm Beach I-95 45th to Blue Heron<br>West Palm Beach, Florida   | This project involves grading, paving, reinforced earth walls, and bridge structures of I-94 to Blue Heron.                                                                                                                                                                                                                                                                                                                                                                  | \$74,076,955    | Dec-31-2007     |
| Bartlesville Water System Improvements<br>Bartlesville, Oklahoma | This project involves the construction of a 26 MG Water Treatment Plant. The plant consists of an operations building housing the chemical feed and storage facilities, offices, pilot plant, and maintenance area. Process components include basins, filters, transfer and service pumps.                                                                                                                                                                                  | \$37,539,000    | Jun-30-2006     |
| Norfolk Sound Walls<br>Norfolk, Virginia                         | Work includes the furnishing and installation of one absorptive precast concrete sound wall, founded on drilled shafts, totaling 8600 LF / 190,000 SF of wall. Installation of four bridge mounted metal absorptive sound walls that total 800 LF / 12,000 SF of walls. The project is located along I-64 @ Willoughby Spit, just south of the Hampton Roads sunken tube tunnel.                                                                                             | \$5,287,915     | May-1-2005      |
| Rolling Hills WTP - Phase IV<br>Fort Worth, Texas                | This contract is Phase IV of the Rolling Hills WTP. It involves the construction of a below grade wetwell, a new High Service Pump Station consisting of 4 pumps. Installation of new instrumentation, controls, and electrical equipment is also included. Sitework consists of preparing the site, temp erosion control, grading, and seeding. Switchgear Building includes precast wall panels, FRP doors, drilled piers, void forms, painting, and miscellaneous metals. | \$5,391,000     | Sep-30-2005     |
| Alvarado WTP Expansion - Phase II<br>LaMesa, California          | This water treatment plant expansion project involves the construction of a primary sedimentation structure complete with earthwork and tanks.                                                                                                                                                                                                                                                                                                                               | \$29,105,560    | Nov-30-2007     |

**Archer Western Contractors, Ltd.  
Bonded Projects Under Contract**

| Project Name                                                               | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Contract Amount | Completion Date |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| RSA Battle House Tower<br>Mobile, Alabama                                  | This contract involves the construction of a 35-story office tower. Work includes the core and shell package, a reinforced concrete structure, curtainwall, stone and architectural pre-cast skin, and a structural steel roof with fiberglass spire.                                                                                                                                                                                                                          | \$73,000,000    | Jan-1-2006      |
| Escambia I-110,<br>Maxwell to Airport<br>Pensacola, Florida                | This project consists of the reconstruction and widening of I-110 for 3.7 miles. Work also includes grading, asphalt paving, and bridges.                                                                                                                                                                                                                                                                                                                                      | \$53,910,046    | Feb-1-2008      |
| Blue Plains WWTP<br>Filter Upgrades<br>Washington, District of<br>Columbia | This project consists of the installation of a new underdrain filter system in 40 dual filter tanks. It includes necessary removal of existing filters, rehabilitation of tanks, and the installation of a temporary air backwash system.                                                                                                                                                                                                                                      | \$7,851,684     | Dec-20-2006     |
| Greensboro NCDOT<br>Western Loop<br>Greensboro, North<br>Carolina          | The project is designed to cross eight interior roadways, Interstate 85 and a Norfolk Southern Railway by way of 19 bridges, consisting of 33,519 square meters of reinforced deck slab, 767,000 Kg of rebar and 6,000 cubic meters of concrete. The project also includes the fabrication of 6 box culverts. The roadway on the project will consist of 254,000 square meters of lime treated sub base, 394,200 square meters of concrete and 280,000 metric tons of asphalt. | \$116,470,217   | Jul-1-2007      |
| Bachman WTP Ozone<br>Facility & Chemical<br>Feed<br>Dallas, Texas          | The construction of an ozone facility includes ammonia system, lime system, carbon dioxide system, rapid mix basins, renovations to chlorine system, fluoride system, primary ferric sulfate system, secondary ferric sulfate system, carbon system and polymer feed.                                                                                                                                                                                                          | \$22,755,000    | Aug-31-2005     |
| Chaparral Water<br>Treatment Plant<br>Scottsdale, Arizona                  | Project includes construction of a 30-MGD Water Treatment Plant that entails over 130,000 CY of excavation and over 22,000 CY of concrete.                                                                                                                                                                                                                                                                                                                                     | \$57,153,000    | Feb-1-2006      |
| Duval SR-115 MLK<br>Parkway<br>Jacksonville, Florida                       | Project encompasses bridges, ramps, grading, and paving.                                                                                                                                                                                                                                                                                                                                                                                                                       | \$6,355,545     | Jun-30-2005     |
| Encina Water<br>Reclamation Facility<br>Carlsbad, California               | Construction of effluent flow equalization including two forty two inch diameter hot tap connections, a combined pump station which includes three sets of pumps a concrete block building for electrical and control equipment, a diesel engine standby electric generator system, a below grade rectangular concrete equalization basin (9000 cy) with three recycled water pumps and all related electrical, control, yard piping (5500 lf), grading, paving, and drainage. | \$12,700,000    | Mar-20-2005     |

## Archer Western Contractors, Ltd. Bonded Projects Under Contract

| Project Name                                                      | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Contract Amount | Completion Date |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| Ocoquan River Bridge<br>Woodbridge, Virginia                      | Replace an existing structure with a 1100LF concrete bridge over the Ocoquan River. The superstructure is Precast Bulb Tee Girders, postensioned in place. The foundations are large spread footings on rock, with the channel span on drilled shafts. The project also includes associated roadwork, drainage, utilities, signage, electrical, and bridge demolition.                                                                                                                                                                                                                                                                                                                                                         | \$24,606,406    | May-1-2006      |
| Springfield Interchange<br>Springfield, Virginia                  | This project calls for the final phase of the I-95/I-495/I-395 Interchange completion. The project includes 14 bridges, associated ramp work and mainline interstate construction. The majority of bridges are steel (29,000,000 lbs) and the others are precast bulb tees. Work also includes associated earthwork, drainage, utilities, landscaping, electrical and demolition.                                                                                                                                                                                                                                                                                                                                              | \$99,829,025    | Apr-15-2007     |
| Pt. Loma S1/S2<br>Digester Upgrades<br>San Diego, California      | This project calls for the replacement of an existing structure with a 1,100lf concrete bridge. The superstructure will be precast with rock foundations. Project also includes associated roadwork, drainage and electrical work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$11,488,000    | Aug-1-2005      |
| Albert H. Ulrich WTP -<br>Contract 3<br>Austin, Texas             | Project included raw water pipeline boring and jacking casings, sedimentation basins, settled water improvements, filter clearwell modifications, potable water piping, lime and chlorine handling, chemical feed system, recycle basins and pump station, sludge handling and holding tank, centrifuge dewatering system, sludge thickener and pump station, electrical, instrumentation and controls, HVAC & plumbing, onsite and offsite wastewater, civil site and drainage work, landscaping and related work.                                                                                                                                                                                                            | \$60,852,710    | Jun-30-2006     |
| Village Creek WWTP<br>Up-Rating Modifications<br>Arlington, Texas | Rehabilitation of primary clarifiers and the replacement of the clarifier launder cover and primary clarifier scrubber air system optimization. Renovation to the automatic backwash filters and modifications to the Chlorine Building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$5,344,000     | Mar-1-2005      |
| Albert H. Ulrich Water<br>Treatment Plant<br>Austin, Texas        | This project involves the expansion of a raw water pump and improvements to the discharge header and new raw water meter vault annex. Also included are improvements to 54" and 60" raw water piping, HVAC, electrical, instrumentation and miscellaneous civil site and drainage work.                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$2,226,815     | Jun-30-2005     |
| Richland Chambers<br>Pump Stations<br>Waxahachie, Texas           | The contract includes work at two sites - Ennis & Waxahachie Pump Station. The proposed work represents an overall high capacity expansion of the Richland Chambers Pipeline System for 2005. The two inline booster pump stations will provide for the conveyance of 244 mgd in high capacity mode which will meet year 2020 pumpage requirements. Work to include: sitework, yard piping, septic system, drilled pier foundations, excavation and backfill for structures and piping, grading, seeding, painting and coatings, plumbing systems, concrete substructure and steel frame/precast concrete pump station superstructure, pump room, traveling bridge crane, interior piping, HVAC, electrical & instrumentation. | \$17,647,717    | Mar-31-2005     |

## Archer Western Contractors, Ltd. Bonded Projects Under Contract

| Project Name                                                            | Project Description                                                                                                                                                                                                                                                                                                                | Contract Amount | Completion Date |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| North Gateway Pump Station/Force Main<br>CM@Risk<br>Phoenix, Arizona    | This project calls for design services for a pump station and 98,400 LF of 24" force main pipe.                                                                                                                                                                                                                                    | \$497,000       | Sep-1-2005      |
| Central WWTP<br>Mechanical Improvements<br>Dallas, Texas                | Project involves mechanical improvements at Activated Sludge Complex A. Work includes removal and installation of 12 clarifier units. Installation improvements for the Dallas Plant and Central Plant. Administration Building renovations include new roofing, flooring, ceilings, wall treatments, HVAC and conference room.    | \$10,858,285    | Apr-30-2005     |
| Rolling Hills Water Treatment Plant Phase 3 Filter<br>Fort Worth, Texas | Modifications to 20 existing filters and four sedimentation basins. Work performed includes the construction of a pipeline interconnecting the south and north plant, new blower building, and a new recovery system pump station.                                                                                                 | \$15,204,188    | Nov-1-2005      |
| SH 45 - Williamson County<br>Austin, Texas                              | This project calls for the construction of a new freeway facility consisting of direct connectors, frontage roads, ramps, and toll plaza facilities. The project also includes earthwork, structures, concrete and asphalt paving, storm sewers, electrical work, retaining walls, surveillance communication and control systems. | \$103,017,730   | Sep-30-2006     |
| IH 820 @ Rufe Snow<br>North Richland Hills, Texas                       | This project calls for the widening of a bridge and frontage roads at the intersection of IH 820 and Rufe Snow.                                                                                                                                                                                                                    | \$6,290,574     | Jan-31-2005     |
| Palm Beach SR 80 at Military Trail<br>West Palm Beach, Florida          | This project involves the reconstruction and widening of Southern Boulevard, SR 80, from West of Congress Avenue to West of Waverhill Road. The work also includes two mainline steel plate girder bridges and two bridges over the COE canal #51.                                                                                 | \$46,967,992    | Jul-31-2007     |
| Palm Beach SR 80/ I-95 Interchange<br>West Palm Beach, Florida          | This project involves the widening and reconstruction of Southern Boulevard over I-95. The work also includes grading, paving, and three bridges.                                                                                                                                                                                  | \$34,362,395    | Jul-15-2006     |
| Imperial Valley Biowaste Facility<br>San Diego, California              | The project includes four design-build biowaste facilities that convert dairy waste into electricity.                                                                                                                                                                                                                              | \$50,000,000    | Jul-1-2005      |

**Archer Western Contractors, Ltd.**  
**Bonded Projects Under Contract**

| Project Name                                                   | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Contract Amount | Completion Date |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|
| US Highway 183 - Travis County Austin, Texas                   | This project calls for bridges, dirt and paving on US Highway 183 in Austin, Texas for the Texas Department of Transportation.                                                                                                                                                                                                                                                                                                                                                                        | \$54,531,107    | Apr-1-2006      |
| I-285 Bridge Structures, Design Build College Park, Georgia    | The design-build contract for Atlanta's Hartsfield Airport involves two new bridge structures that will allow the fifth runway and parallel taxiway to span a 10-lane, major metropolitan highway. The two bridge structures span nearly 400 feet of interstate, and represent the longest highway crossing by a runway in the United States. The first structure is approximately 1,200 feet in length and 500 feet wide. The second bridge is over 500 feet long and 220 feet wide.                 | \$159,500,000   | Mar-24-2006     |
| George Bush Turnpike Carrollton, Texas                         | This project includes 400,000 square feet of bridge and 400,000 cubic yards of dirt work for the President George Bush Turnpike/IH 35 East Interchange Phase 2.                                                                                                                                                                                                                                                                                                                                       | \$17,411,580    | Jan-1-2006      |
| Roxboro Road Atlanta, Georgia                                  | This project calls for the construction of a temporary replacement railroad bridge, the removal of the existing bridge, and finally the construction of a new bridge. Work also includes associated grading, paving, utilities, road widening, curb gutter, sidewalk, and related work.                                                                                                                                                                                                               | \$11,497,105    | Jun-30-2005     |
| I-10/I-110/Davis Hwy Interchange Pensacola, Florida            | This project calls for the new construction of an interchange between the I-10 and I-110 Highways north of downtown Pensacola. The project involves the reconstruction of over 5 miles of highway, mass excavation, grading, storm sewer, asphalt paving, structures, sound walls, utility relocations, signing and pavements markings. Also included are the demolition of 5 existing bridge structures and the new construction of 9 replacement structures.                                        | \$71,258,000    | Aug-26-2006     |
| Scott Candler Water Treatment Plant Doraville, Georgia         | The new construction of a 150-MGD water treatment plant which includes water treatment process facilities for pre-ozone, rapid mix, flocculation, sedimentation, intermediate ozonation, filtration, chemical feed, and solids handling facilities utilizing centrifuges. Work performed includes a SCADA system (Supervisory Control and Data Acquisition), an administration building including a full laboratory, plant operation control center, and other support and administrative facilities. | \$152,532,150   | Jul-15-2005     |
| International Boulevard, Upper & Lower Levels Atlanta, Georgia | This contract calls for the demolition and reconstruction of an existing bridge viaduct over railroad tracks adjacent to the World Congress Center and Phillips Arena in Atlanta. The scope of work includes concrete, pre-cast AASHTO beams, structural steel, deep shaft foundations, modifications to existing World Congress Center entry areas.                                                                                                                                                  | \$13,574,272    | Mar-31-2005     |

# ***Financial Statement***



***Archer Western Contractors***



**Archer Western  
Contractors, Ltd.**

**Financial Statements  
and  
Independent Auditor's Report  
For the Year Ended  
December 31, 2003**

**Wolf & Company LLP**  
Certified Public Accountants

INDEPENDENT AUDITOR'S REPORT

Board of Directors  
Archer Western Contractors, Ltd.  
Chicago, Illinois

We have audited the balance sheet of ARCHER WESTERN CONTRACTORS, LTD. as of December 31, 2003, and the related statements of income and retained earnings and cash flows for the year then ended. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Archer Western Contractors, Ltd. as of December 31, 2003, and the results of their operations and their cash flows for the year then ended, in conformity with accounting principles generally accepted in the United States of America.

*Wolf & Company LLP*

Oak Brook, Illinois  
March 12, 2004

ARCHER WESTERN CONTRACTORS, LTD.  
BALANCE SHEET  
December 31, 2003

ASSETS

|                                                                                |                       |
|--------------------------------------------------------------------------------|-----------------------|
| Current assets:                                                                |                       |
| Cash and cash equivalents                                                      | \$ 90,102,111         |
| Accounts receivable:                                                           |                       |
| Contracts (including retainage of \$50,750,740)                                | 121,313,728           |
| Unbilled amounts on completed contracts                                        | 8,217,570             |
| Other                                                                          | 1,777,573             |
| Costs and estimated earnings in excess of billings<br>on uncompleted contracts | 7,414,563             |
| Due from affiliate                                                             | 2,712,631             |
| Total current assets                                                           | <u>231,538,176</u>    |
| Property and equipment, at cost:                                               |                       |
| Machinery and equipment                                                        | 2,559,918             |
| Automobiles and trucks                                                         | 12,068,821            |
| Furniture and fixtures                                                         | 21,542                |
| Land                                                                           | <u>120,820</u>        |
| Less accumulated depreciation                                                  | 14,771,101            |
|                                                                                | <u>6,743,773</u>      |
|                                                                                | <u>8,027,328</u>      |
| Other assets:                                                                  |                       |
| Deferred compensation investments                                              | <u>1,021,958</u>      |
|                                                                                | <u>\$ 240,587,462</u> |

The accompanying notes are an integral part of these financial statements.

**ARCHER WESTERN CONTRACTORS, LTD.**  
**STATEMENT OF INCOME AND RETAINED EARNINGS**  
**For the Year Ended December 31, 2003**

|                                      |                      |
|--------------------------------------|----------------------|
| Contract revenues                    | \$ 628,830,787       |
| Contract costs                       | <u>578,045,683</u>   |
| Gross profit                         | 50,785,104           |
| General and administrative expenses  | <u>17,237,181</u>    |
| Operating income                     | <u>33,547,923</u>    |
| Other income (expense):              |                      |
| Interest income                      | 974,505              |
| Interest expense                     | (6,077)              |
| Contributions                        | (1,500,000)          |
| Other                                | <u>(252,331)</u>     |
|                                      | <u>(783,903)</u>     |
| Net income                           | 32,764,020           |
| Retained earnings, December 31, 2002 | 55,976,898           |
| Distributions                        | <u>(30,484,548)</u>  |
| Retained earnings, December 31, 2003 | <u>\$ 58,256,370</u> |

The accompanying notes are an integral part of these financial statements.

**ARCHER WESTERN CONTRACTORS, LTD.**  
**STATEMENT OF CASH FLOWS**  
**For the Year Ended December 31, 2003**

|                                                                                   |                      |
|-----------------------------------------------------------------------------------|----------------------|
| <b>Cash flows from operating activities:</b>                                      |                      |
| Net income                                                                        | \$ 32,764,020        |
| Adjustments to reconcile net income to net cash provided by operating activities: |                      |
| Depreciation                                                                      | 1,866,796            |
| Loss on disposal of property and equipment                                        | 252,215              |
| (Increase) decrease in:                                                           |                      |
| Accounts receivable - contracts                                                   | (2,675,827)          |
| Unbilled amounts on completed contracts                                           | 2,376,338            |
| Accounts receivable - other                                                       | (1,073,755)          |
| Costs and estimated earnings in excess of billings on uncompleted contracts       | (4,693,458)          |
| Due from affiliate                                                                | (82,788)             |
| Increase (decrease) in:                                                           |                      |
| Accounts payable                                                                  | (11,680,561)         |
| Accrued expenses                                                                  | 10,401,496           |
| Billings in excess of costs and estimated earnings on uncompleted contracts       | 18,506,806           |
| Deferred compensation                                                             | <u>1,579,500</u>     |
| Net cash provided by operating activities                                         | <u>47,540,782</u>    |
| <b>Cash flows from investing activities:</b>                                      |                      |
| Purchases of property and equipment                                               | (4,426,361)          |
| Proceeds from disposal of property and equipment                                  | 159,297              |
| Deferred compensation investments                                                 | <u>(576,725)</u>     |
| Net cash used in investing activities                                             | <u>(4,843,789)</u>   |
| <b>Cash used in financing activities:</b>                                         |                      |
| Distributions to shareholders                                                     | <u>(30,484,548)</u>  |
| Net increase in cash and cash equivalents                                         | 12,212,445           |
| Cash and cash equivalents, December 31, 2002                                      | <u>77,889,666</u>    |
| Cash and cash equivalents, December 31, 2003                                      | <u>\$ 90,102,111</u> |
| <b><u>Supplemental disclosure of cash flow information:</u></b>                   |                      |
| Cash paid during the year for interest                                            | <u>\$ 6,077</u>      |

The accompanying notes are an integral part of these financial statements.

**ARCHER WESTERN CONTRACTORS, LTD.  
NOTES TO FINANCIAL STATEMENTS**

**1. Nature of Operations**

Nature of Operations – Archer Western Contractors, Ltd. (Company) is a national general contractor which operates essentially in the public works sector. The Company is a wholly-owned subsidiary of The Walsh Group, Ltd.

**2. Summary of Significant Accounting Policies**

Contract Receivables – Contract receivables are recorded when invoices are issued and are presented on the balance sheet net of the allowance for doubtful accounts. Contract receivables are written off when they are determined to be uncollectible. The allowance for doubtful accounts is estimated based on the Company's historical losses, the existing economic conditions in the construction industry and the financial stability of its customers. At December 31, 2003, management has determined that no allowance for doubtful accounts is necessary.

Estimates – The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Depreciation of Property and Equipment – For financial reporting purposes, depreciation of property and equipment is provided over the estimated useful lives of the respective assets, using the straight-line methods, as follows:

|                         |           |
|-------------------------|-----------|
| Automobiles and trucks  | 3 years   |
| Furniture and fixtures  | 3-7 years |
| Machinery and equipment | 3-5 years |

Long-term Contracts – For financial statement and income tax reporting purposes, the Company follows the percentage of completion method of accounting, which recognizes as revenue that portion of total estimated revenue that incurred costs to date bear to total estimated costs. Contract costs are recognized as incurred. Provision for losses anticipated on contracts is made when such losses become apparent.

Statement of Cash Flows – For purposes of the statement of cash flows, the Company considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents.

Operating Cycle – In accordance with industry practice, contract related assets and liabilities that are realizable or payable over periods in excess of one year in the course of the normal operating cycle are classified as current assets and liabilities.

Income Taxes – The Company has elected to be taxed as an S corporation for federal income tax purposes. Federal income tax is paid at the shareholder level.

**ARCHER WESTERN CONTRACTORS, LTD.**  
**NOTES TO FINANCIAL STATEMENTS**

**3. Costs and Estimated Earnings on Uncompleted Contracts**

|                                         |                        |
|-----------------------------------------|------------------------|
| Costs incurred on uncompleted contracts | \$ 830,206,125         |
| Estimated earnings                      | <u>33,921,648</u>      |
|                                         | 864,127,773            |
| Less: billings to date                  | <u>937,727,234</u>     |
|                                         | <u>\$ (73,599,461)</u> |

Included in the accompanying balance sheet under the following captions:

|                                                                                |                        |
|--------------------------------------------------------------------------------|------------------------|
| Costs and estimated earnings in excess of billings<br>on uncompleted contracts | \$ 7,414,563           |
| Billings in excess of costs and estimated earnings<br>on uncompleted contracts | <u>(81,014,024)</u>    |
|                                                                                | <u>\$ (73,599,461)</u> |

The asset, "costs and estimated earnings in excess of billings on uncompleted contracts," represents revenues recognized in excess of amounts billed. The liability, "billings in excess of costs and estimated earnings on uncompleted contracts," represents billings in excess of revenues recognized.

**4. Related Party Transactions and Rental Expense**

The Company is charged by related companies for payroll, insurance and equipment rental expenses. The total charges for the year ended December 31, 2003, amounted to \$8,594,823. At December 31, 2003, accounts payable includes \$4,868,010 for those charges.

Due from affiliate represents advances to Walsh Construction Company of Illinois, a wholly-owned subsidiary of The Walsh Group, Ltd.

Contributions represent \$1,500,000 of donations to a foundation established by the parent company's shareholders.

Rent expense for all operating leases aggregated \$26,830,777 for the year ended December 31, 2003.

**5. Concentrations**

The Company routinely maintains balances in financial institutions in excess of federally insured amounts.

## ARCHER WESTERN CONTRACTORS, LTD. NOTES TO FINANCIAL STATEMENTS

### 6. Notes Payable - Bank

The Walsh Group, Ltd. and Subsidiaries has a loan agreement with a bank dated September 1, 2003 which provides for an unsecured line of credit of \$35,000,000. Interest is payable monthly on the utilized portion of this line of credit at the prime rate of interest as established by the bank. Principal is due on demand. The line of credit was not utilized at December 31, 2003. The agreement is subject to certain covenants and expires on September 1, 2004.

### 7. Contingencies

The Company is a defendant in certain litigation which arose in the normal course of operations. Management intends to vigorously defend its position and expects the litigation to be resolved with no material adverse effect on the Company's financial position.

The Company is generally self-insured for losses and liabilities related to worker's compensation, general liability and health claims up to predetermined amounts, above which third party insurance applies. Losses are accrued based upon the Company's estimates of the aggregate liability for claims incurred based on prior experience. At December 31, 2003, accrued costs of approximately \$6,392,726 are included in the financial statements.

### 8. Employee Benefit Plans

**Pension Plan** - The Company sponsors a pension plan covering substantially all employees not covered by a collective bargaining agreement. Benefits are based on years of service and the employee's five highest consecutive compensation years.

The following table sets forth the plan's funded status as of December 31, 2003, as determined under the provisions of FAS No. 87, *Employer's Accounting for Pensions*:

|                                                             |                       |
|-------------------------------------------------------------|-----------------------|
| Benefit obligations                                         | \$ 16,000,300         |
| Fair value of plan assets                                   | <u>8,448,700</u>      |
| Funded status                                               | <u>\$ (7,551,600)</u> |
| Accrued benefit cost recognized in the financial statements | <u>\$ 402,400</u>     |
| Weighted average assumptions:                               |                       |
| Discount rates                                              | 6.4%                  |
| Increase in future compensation                             | 4.0%                  |
| Expected return on plan assets                              | 8.0%                  |
| Benefit cost                                                | <u>\$ 3,381,500</u>   |
| Employer contribution                                       | <u>\$ 2,861,390</u>   |



ARCHER WESTERN CONTRACTORS, LTD.  
NOTES TO FINANCIAL STATEMENTS

8. Employee Benefit Plans (Cont.)

Profit Sharing Plan – The Company also sponsors a profit sharing plan qualified under Section 401(k) of the Internal Revenue Code which covers substantially all employees who meet age and service requirements. Participants are fully vested in voluntary contributions to the plan and the earnings thereon. Employer contributions are discretionary. There were no contributions made by the Company for the year ended December 31, 2003.

Deferred Compensation Plan – The Company has established a non-qualified deferred compensation plan whereby certain key employees, who have satisfied service requirements, are granted shares of participation in the annual earnings of the Company, as defined. Fifty percent of the allocated annual amount is distributed currently as compensation. The remaining amounts constitute deferred compensation, to be paid in annual installments upon satisfaction of age requirements. Plan expense for the year ended December 31, 2003 was \$3,269,232 and is included in the accompanying financial statements.

INDEPENDENT AUDITOR'S REPORT ON ADDITIONAL INFORMATION

Board of Directors  
Archer Western Contractors, Ltd.  
Chicago, Illinois

Our report on our audit of the basic financial statements of Archer Western Contractors, Ltd. for 2003 appears on page 1. That audit was made for the purpose of forming an opinion on the basic financial statements taken as a whole. The information on pages 10 and 11 is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Oak Brook, Illinois  
March 12, 2004

*Wolf & Company LLP*

LIABILITIES AND STOCKHOLDER'S EQUITY

Current liabilities:

|                                                                             |                   |
|-----------------------------------------------------------------------------|-------------------|
| Accounts payable                                                            | \$ 79,163,963     |
| Accrued expenses                                                            | 17,249,647        |
| Billings in excess of costs and estimated earnings on uncompleted contracts | <u>81,014,024</u> |

Total current liabilities

177,427,634

Deferred compensation

2,601,458

Total liabilities

180,029,092

Stockholder's equity:

|                                                                                           |                   |
|-------------------------------------------------------------------------------------------|-------------------|
| Common stock, \$10 par value, authorized 10,000 shares; 200 shares issued and outstanding | 2,000             |
| Additional paid-in capital                                                                | 2,300,000         |
| Retained earnings                                                                         | <u>58,256,370</u> |

Total stockholder's equity

60,558,370

\$ 240,587,462

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 7  
Archer Western Construction, LTD Construction Contract  
Page 99 of 100

15-Mar-05

City Council Meeting Date

David Jurgens

Submitted By

Wastewater Treatment

Division

Water and Wastewater

Department

Action Required:

Resolution approving the Noland Wastewater Treatment Plant Improvements, Project EP-2, construction contract with Archer Western Construction, Ltd. In the amount of \$14,644,000 for improvements to the headworks, solids handling, and related facilities at the plant site; and approving a project contingency of \$292,880 (2% of bid amount).

\$14,936,880.00

Cost of this request

\$ 121,534,980.00

Category/Project Budget

WW System Improvements Project

Program Category / Project Name

4480-9480

Account Number

\$ 8,525,476.00

Funds Used to Date

Use of Fund Reserves

Program / Project Category Name

02133

Project Number

\$ 113,009,504.00

Remaining Balance

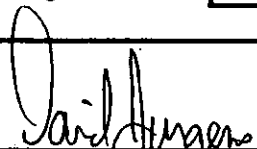
Water and Sewer

Fund Name

Budgeted Item

☒

Budget Adjustment Attached



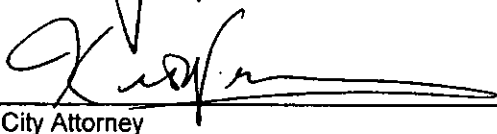
Department Director

23 FEB 05  
Date

Previous Ordinance or Resolution #

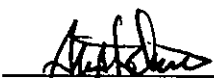
Original Contract Date:

Original Contract Number:



City Attorney

2-25-05  
Date



Finance and Internal Services Director

2/25/05  
Date

Received in Mayor's Office

Received in City Clerk's Office

Mayor

Date

Comments:



## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Operations Director 

**From:** Gary Coover, Staff Engineer 

**Date:** February 23, 2005

**Subject:** Resolution to approve a cost share and bid waiver in the amount of \$119,998.86 with Nock Investments, LLC, for improvements to the intersection of Persimmon Street and Ruppel Road.

---

### **RECOMMENDATION**

The staff recommends approval of the cost share with Nock Investments, LLC, in the amount of \$119,998.86.

### **BACKGROUND**

The originally approved plans for Ruppel Row subdivision allowed for a two-lane roadway section along Persimmon Street at the intersection with Ruppel Road. With subsequent development plans in the area by Terminella and Associates and by the Fayetteville Public School system, the City Council Street Committee on October 28, 2004, determined that Persimmon Street needs to be widened to three lanes and Ruppel Road widened to five lanes at this intersection, including transitional sections and pedestrian crosswalks in compliance with the Master Street Plan.

### **DISCUSSION**

The developer's original cost to improve this intersection is \$130,575.50. The additional cost for the revised and expanded intersection is \$119,998.86 including engineering, surveying, construction and inspection.

### **BUDGET IMPACT**

This \$119,998.86 expenditure will be included in the 2005 CIP budget as part of Project #02116 (Street ROW / Intersection / Cost Sharing). Once the 2004 fund balances are re-budgeted on March 1, the current fund balance in this project will be \$449,448.35.

# # #

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

15-Mar-05  
City Council Meeting Date

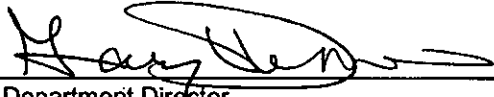
Gary R. Coover                      Engineering                      Operations  
Submitted By                      Division                      Department

Action Required:

Approval of a bid waiver and cost share in the amount of \$119,998.86 with Nock Investments, LLC, for improvements to the intersection of Persimmon Street and Ruppel Road.

|                      |                         |                                        |
|----------------------|-------------------------|----------------------------------------|
| \$119,998.86         | \$ 449,448.35           | Street ROW / Intersection / Cost Share |
| Cost of this request | Category/Project Budget | Program Category / Project Name        |
| 4470.9470.5809.00    | \$ 109,695.43           | Street Improvements                    |
| Account Number       | Funds Used to Date      | Program / Project Category Name        |
| 02116                | \$ 339,752.92           | Sales Tax                              |
| Project Number       | Remaining Balance       | Fund Name                              |

Budgeted Item ☒ Budget Adjustment Attached ☐

 2/25/05  
Department Director                      Date

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Date: \_\_\_\_\_

 2/25/05  
City Attorney                      Date

Original Contract Number: \_\_\_\_\_

 2/25/05  
Finance and Internal Service Director                      Date

Received in City Clerk's Office  


Received in Mayor's Office  
2/25/05

\_\_\_\_\_  
Mayor                      Date

Comments:  
\_\_\_\_\_  
\_\_\_\_\_

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

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH NOCK INVESTMENTS, LLC IN AN AMOUNT NOT TO EXCEED \$119,998.86 FOR IMPROVEMENTS TO THE INTERSECTION OF PERSIMMON STREET AND RUPPLE ROAD.

WHEREAS, entering into a cost-share agreement with Nock Investments, LLC and utilizing their engineer and contractor will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process.

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 finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding to approve a cost-share agreement with Nock Investments, LLC in an amount not to exceed \$119,998.86 for improvements to the intersection of Persimmon Street and Rurple Road.

PASSED AND APPROVED this 15<sup>th</sup> day of March 2005:

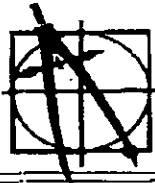
APPROVED:

By: \_\_\_\_\_  
DAN GOODY, Mayor

ATTEST

By: \_\_\_\_\_  
SONDRA SMITH, City Clerk





# JORGENSEN & ASSOCIATES

## CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

CHRISTOPHER B. BRACKETT, P.E.

### RUPPLE ROW SUBDIVISION

Change Order & Cost Share Calculation cont.

### Cost of Revised Improvements

|                                                 |                     |            |               | <u>Change</u> |                                                          | <u>Amount</u>     |                     |               |
|-------------------------------------------------|---------------------|------------|---------------|---------------|----------------------------------------------------------|-------------------|---------------------|---------------|
| <u>Item</u>                                     | <u>New Quantity</u> | <u>Add</u> | <u>Deduct</u> | <u>Unit</u>   | <u>Description</u>                                       | <u>Unit Price</u> | <u>Add</u>          | <u>Deduct</u> |
| <b>Street &amp; Drainage Contract:</b>          |                     |            |               |               |                                                          |                   |                     |               |
| 3.                                              | 13729               | 5418       |               | CY            | Undercut & Install Hillside                              | \$12.00           | \$65,016.00         |               |
| 6.                                              | 6830                | 3418       |               | SY            | 6" SB-2, 3" Binder, 2" HMAc<br>(Persimmon & Meadowlands) | \$16.00           | \$54,688.00         |               |
| 7.                                              | 14153               | 1345       |               | LF            | Curb & Gutter (Excluding<br>Parallel Parking Spaces &    | \$8.75            | \$11,768.75         |               |
| 14.                                             | 1862                | 45         |               | LF            | 18" Arched RCP                                           | \$39.65           | \$1,784.25          |               |
| 23.                                             | 152                 | 152        |               | LF            | 10'x2' Reinforced Concrete<br>Box Culvert                | \$470.00          | \$71,440.00         |               |
| 26.                                             | 23                  | 1          |               | Each          | 5'x5' Curb Inlet                                         | \$2,200.00        | \$2,200.00          |               |
| 51.                                             | 1                   | 1          |               | LS            | Demo and Remove Ruppel Rd                                | \$3,940.00        | \$3,940.00          |               |
| 52.                                             | 1                   | 1          |               | Each          | Concrete Headwall                                        | \$4,000.00        | \$4,000.00          |               |
| 53.                                             | 91                  | 91         |               | LF            | Gross-lined Swale                                        | \$5.00            | \$455.00            |               |
| 54.                                             | 1                   | 1          |               | Each          | 5'x5' Custom Curb Inlet                                  | \$4,400.00        | \$4,400.00          |               |
| 55.                                             | 1                   | 1          |               | Each          | 15'x5' Junction Box                                      | \$7,000.00        | \$7,000.00          |               |
| 56.                                             | 1                   | 1          |               | LS            | Additional Erosion Control                               | \$1,840.00        | \$1,840.00          |               |
| 57.                                             | 570                 | 570        |               | CY            | Undercut for Original<br>Persimmon Alignment             | \$3.50            | \$1,995.00          |               |
| <b>Water &amp; Sewer Contract:</b>              |                     |            |               |               |                                                          |                   |                     |               |
| 10.                                             | 2048                | 128        |               | LF            | 12" Waterline (C-900)                                    | \$32.65           | \$4,179.20          |               |
| 34.                                             | 2                   | 2          |               | Each          | 12"-22.5" Bend                                           | \$490.00          | \$980.00            |               |
| 35.                                             | 2                   | 2          |               | Each          | 12"-11.25" Bend                                          | \$490.00          | \$980.00            |               |
| 36.                                             | 25                  | 25         |               | LF            | 24" Steel Waterline<br>Encasement                        | \$160.00          | \$4,000.00          |               |
| <b>Totals:</b>                                  |                     |            |               |               |                                                          |                   | <b>\$240,666.20</b> | <b>\$0.00</b> |
| <b>Net Deduct/Add:</b>                          |                     |            |               |               |                                                          |                   | <b>\$240,666.20</b> |               |
| <b>Cost of Original Improvements</b>            |                     |            |               |               |                                                          |                   | <b>\$130,575.50</b> |               |
| <b>Additional Cost for Revised Intersection</b> |                     |            |               |               |                                                          |                   | <b>\$110,090.70</b> |               |
| <b>Engineering, Survey and Inspection @ 9%</b>  |                     |            |               |               |                                                          |                   | <b>\$9,908.18</b>   |               |
| <b>TOTAL</b>                                    |                     |            |               |               |                                                          |                   | <b>\$119,998.86</b> |               |



# JORGENSEN & ASSOCIATES

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### RUPPPLE ROW SUBDIVISION

Change Order & Cost Share Calculation

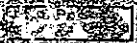
Date: February 3, 2005

### Cost of Original Improvements

| <u>Change</u>               |                     |            |               |             |                                                                                                    | <u>Amount</u>     |            |               |
|-----------------------------|---------------------|------------|---------------|-------------|----------------------------------------------------------------------------------------------------|-------------------|------------|---------------|
| <u>Item</u>                 | <u>New Quantity</u> | <u>Add</u> | <u>Deduct</u> | <u>Unit</u> | <u>Description</u>                                                                                 | <u>Unit Price</u> | <u>Add</u> | <u>Deduct</u> |
| Street & Drainage Contract: |                     |            |               |             |                                                                                                    |                   |            |               |
| 3.                          | 8311                |            | -1889         | CY          | Undercut & Install Hillside                                                                        | \$12.00           |            | -\$20,268.00  |
| 6.                          | 3412                |            | -2000         | SY          | 6" SB-2, 3" Binder, 2" HMA<br>(Persimmon & Meadowlands)                                            | \$16.00           |            | -\$32,000.00  |
| 7.                          | 12808               |            | -1230         | LF          | Curb & Gutter (Excluding<br>Parallel Parking Spaces &<br>10'x2' Reinforced Concrete<br>Box Culvert | \$8.75            |            | -\$10,762.50  |
| 23.                         | 0                   |            | -102          | LF          |                                                                                                    | \$470.00          |            | -\$47,940.00  |
| 28.                         | 0                   |            | -1            | Each        | 5'x15' Curb Inlet                                                                                  | \$8,000.00        |            | -\$8,000.00   |
| 51.                         | 0                   |            | -1            | LS          | Demo and Remove Ruppel Rd                                                                          | \$7,480.00        |            | -\$7,480.00   |
| 52.                         | 0                   |            | -1            | Each        | Concrete Headwall                                                                                  | \$4,000.00        |            | -\$4,000.00   |
| 53.                         | 0                   |            | -25           | LF          | Grass-lined Swale                                                                                  | \$5.00            |            | -\$125.00     |
| Totals:                     |                     |            |               |             |                                                                                                    |                   | \$0.00     | -\$130,575.50 |
| Net Deduct/Add:             |                     |            |               |             |                                                                                                    |                   |            | -\$130,575.50 |

SCALE 1"=100'

### LEGEND

-  PORTION PROPOSED TO BE PAID FOR BY CITY OF FAYETTEVILLE
-  PORTION TO BE PAID FOR BY DEVELOPER OF RUPPLE ROW SUBDIVISION
-  PORTION TO BE PAID FOR BY TERMINELLA AND/OR FAYETTEVILLE PUBLIC SCHOOL SYSTEM

RUPPLE RD

1. FIRST SHARE B

1. FIRST SHARE B

DONALD W. REYNOLDS  
BOYS & GIRLS CLUB

D. 8  
Agreement  
Page 6 of 6

DATE: Oct. 27, 2004  
SCALE: AS SHOWN  
DRAWN BY: JPO  
CHECKED BY:  
FIELD CHECKED: SURVEYED: M/A  
FILE NAME: 679  
DRAWING NO.: 1  
SHEET NO. 1

Rupple Persimmon  
Intersection Improvement

ENGINEERING DESIGN SERVICES DIVISION  
113 W. MOUNTAIN STREET  
FAYETTEVILLE, ARKANSAS  
PHONE NO. (479) 575-8206  
FAX NO. (479) 575-8202

SHEET NO.  
1 of 1  
PROJECT:

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning *JP*

**Date:** February 24, 2005

**Subject:** Annexation for Wilkins (ANX 05-1365)

### **RECOMMENDATION**

Planning Staff recommends approval of the requested annexation for Wilkins, a 10.0 acre tract located north of Crystal Springs Subdivision, Phase I. This action will incorporate the 10.0 acre tract of land contiguous with the city limits into the City of Fayetteville.

### **BACKGROUND**

The subject property contains one 10.0-acre parcel owned by GN Development, LLC. It is located south of Kenwood Hills Subdivision and north of Crystal Springs Subdivision, Phase I in northwest Fayetteville. At this time, the property is currently vacant and located within the Planning Area.

Annexation of the property will not create an island of unincorporated property, and does not exacerbate problems created by the extension of peninsulas. Staff recommended the annexation of this property to ensure development in accordance with City Ordinances. Water and sewer service shall be extended to the property at the time of development. Improvements to the existing infrastructure adjacent to this site and construction of streets in compliance with the Master Street Plan will be required at the time of development. City fire and police currently service the adjoining neighborhoods.

The applicant requested annexation of the property into the City of Fayetteville. A rezoning request has also been submitted, for RSF-4 zoning. The applicant intends to develop the property for residential use within the City of Fayetteville.

Staff recommended approval of the proposed annexation. Public comment was received from the Crystal Springs Subdivision's Property Owner's Association in favor of the requested annexation.

### **DISCUSSION**

This item was heard at the regular Planning Commission on February 14, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommend of approval.

### **BUDGET IMPACT**

None.

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

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 05-1365 ANNEXING TO THE CITY OF FAYETTEVILLE, ARKANSAS, CERTAIN PROPERTY LOCATED EAST OF SALEM ROAD, NORTH OF CRYSTAL SPRINGS SUBDIVISION PHASE I, CONTAINING APPROXIMATELY 10.00 ACRES.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. The official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Four.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

APPROVED:

By: \_\_\_\_\_  
Dan Coody, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

EXHIBIT "A"  
ANX 05-1365

A PARCEL LOCATED IN THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, DESCRIBED AS COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; SAID POINT BEING A FOUND STONE AND THE POINT OF BEGINNING.

THENCE S02°58'27"W 327.84 FEET TO A POINT ON THE EAST BOUNDARY OF SAID 40 ACRE TRACT; SAID POINT BEING THE NORTHEAST CORNER OF CRYSTAL SPRINGS PHASE I, TO THE CITY OF FAYETTEVILLE, ARKANSAS AS FILED IN CIRCUIT CLERKS OFFICE OF WASHINGTON COUNTY, ARKANSAS;  
THENCE ALONG NORTH BOUNDARY OF SAID SUBDIVISION N87°35'16"W 1327.14 FEET TO THE WEST BOUNDARY OF SAID FORTY; THENCE N02°23'44"E 327.82 FEET TO THE NORTHWEST CORNER OF SAID FORTY;  
THENCE S87°35'16"E 1330.45 FEET TO THE POINT OF BEGINNING CONTAINING 10.00 ACRES MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

DRAFT



PC Meeting of February 14, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Suzanne Morgan, Associate Planner  
THRU: Jeremy Pate, Interim Zoning & Development Administrator  
DATE: February 9, 2005

**ANX 05-1365: (WILKINS, 245):** Submitted by MEL MILHOLLAND for property located at THE ADJACENT NORTH BOUNDARY OF CRYSTAL SPRINGS, PHASE I. The property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owner: GN Development, LLC

Planner: Suzanne Morgan

**RECOMMENDATION:**

Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

|                                                                     |                                                                                                           |                              |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                  | Required <u>YES</u><br><input checked="" type="radio"/> Approved<br>Shackelford/Trumbo <sup>2</sup> 9-0-0 | <input type="radio"/> Denied |
| Date: <u>February 14, 2005</u>                                      |                                                                                                           |                              |
| <b>CITY COUNCIL ACTION:</b>                                         | Required <u>YES</u><br><input type="radio"/> Approved                                                     | <input type="radio"/> Denied |
| Date: <u>March 15, 2005 (1<sup>st</sup> reading if recommended)</u> |                                                                                                           |                              |

**BACKGROUND:**

*Property description:* The subject property contains one 10.0-acres parcel owned by GN Development, LLC. It is located south of Kenwood Hills Subdivision and north of Crystal Springs Subdivision, Phase I in northwest Fayetteville. At this time, the property is currently vacant and located within the Planning Area.

*Proposal:* The applicant proposes annexation of 10.0 acres into the City of Fayetteville.

*Recommendation:* Staff recommends approval of the proposed annexation. The subject property is adjacent to the City limits, and future development of the area may be consistent and compatible to surrounding subdivisions should the property be annexed into the City of Fayetteville.

## SURROUNDING LAND USE AND ZONING

| Direction | Land Use                          | Zoning                          |
|-----------|-----------------------------------|---------------------------------|
| North     | Single family homes on large lots | Planning Area                   |
| South     | Single family residential         | RSF-4, Residential Agricultural |
| East      | Vacant/Pasture                    | Planning Area                   |
| West      | Single family homes on large lots | Planning Area                   |

## INFRASTRUCTURE:

**Streets:** Currently the site has access to Salem Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include, right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:

North: W. Salem Rd. (Collector)

South: Gypsum Dr. (Collector)

East: Raven Ln. (Collector – not constructed)

West: Salem Rd. (Collector)

**Water:** The site currently does not have access to public water. The nearest water main is an 8" main to the south in Crystal Springs Phase I. Water service will need to be extended to and within the property at the time of development. Additional connections may be required to complete looped systems.

**Sewer:** The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is an 8" sewer main to the south. A capacity analysis of the sewer lines and/or lift stations downstream of the site shall be conducted prior to development.

**Fire:** The subject property is located approximately 2.7 miles from the Fire Station #7. Response time to the property is approximately 7 minutes.

**Police:** It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

**LAND USE PLAN:** General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.



**FINDINGS:**

**11.6 ANNEXATION GUIDING POLICIES**

**BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

**Finding:** Annexation of the property will not create an island of unincorporated property, and does not exacerbate problems created by the extension of peninsulas.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

**Finding:** The proposed annexation area is adjacent to the City Limits to the south.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

**Finding:** This area is currently vacant at this time and located between Crystal Springs Phase I to the south and Kenwood Hills Subdivision to the north. Structures on the subject property consist of one single family dwelling and accessory structures. The property does not consist of defined subdivisions or neighborhoods; however, future development plans include residential development of the property. Annexation of the property to allow for Planning Commission review of development in accordance with City standards is recommended.

11.6.d Boundaries for annexed areas should follow natural corridors.

**Finding:** Proposed boundaries follow property lines of three existing parcels.

11.6.e Timing of services within annexation areas should be considered.

**Finding:** Current conditions result in a response time of 7 minutes for fire protection from Fire Station #7. Extension of water and sewer lines shall occur at the time of development.

**ENVIRONMENTALLY SENSITIVE AREAS**

11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

**Finding:** The property is mainly cleared pasture land with few trees, mostly located along the fence lines and surrounding an existing pond on the property. Development regulations within the City will ensure appropriate development and preservation of the existing natural features on the property.

### **EMERGENCY AND PUBLIC SERVICES**

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

**Finding:** The police department reports that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

**Finding:** Fire and police service shall be provided to this area with the same level of response and service as other developments in this area.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

**Finding:** These factors were taken into consideration in the responses and recommendations included in this report.

### **INFRASTRUCTURE AND UTILITIES**

11.6.j Areas currently served by utilities and other public services should be annexed.

**Finding:** Water, fire and police protection are currently provided in the surrounding areas.

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

**Finding:** Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

**Finding:** The proposed annexation is not part of a phased annexation initiated by the City.

### **INTERGOVERNMENTAL RELATIONS**

11.6.m Promote long-range planning with adjacent jurisdictions.

**Finding:** N/A

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

**Finding:** N/A

#### **ADMINISTRATION OF ANNEXATIONS**

11.6.o Designate zoning districts for the property during the annexation process.

**Finding:** Annexations are automatically zoned R-A, Residential Agricultural. The property owners request for annexation and request to rezone this property RSF-4, Residential single family - 4 units/acre. This zoning designation is compatible with the Residential classification of the adjacent area on the City's adopted Future Land Use Plan. Staff finds that this zoning designation is compatible with that of the property being developed to the south.

11.6.p An annexation study should be completed on all annexation proposals.

**Finding:** Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.

11.6.q Development proposals require a separate review from the annexation proposals.

**Finding:** Development of this property has not been proposed. At the time the applicant desires to develop the property, the applicant will be required to submit project plans for review and approval by the Planning Commission.

11.6.r Residents should be fully informed of annexation activities.

**Finding:** Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

**Finding:** This annexation consists of 10.0 acres owned by the GN Development, LLC. Although the annexation of this property will extend an existing peninsula approximately 327.82' to the north, it does not exacerbate any problems created by the extension of peninsulas and will result in an acceptable boundary.

11.6.t Conduct a fiscal impact assessments on large annexations.

**Finding:** No fiscal impact assessment was conducted for this annexation of 10.0 acres.

## ***From Fayetteville General Plan 2020 – 2002 Revision***

### **11.6 Annexation Guiding Policies**

#### **Boundaries**

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

#### **Environmentally Sensitive Areas**

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

#### **Emergency and Public Services**

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

#### **Infrastructure and Utilities**

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

#### **Intergovernmental Relations**

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

#### **Administration of Annexations**

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.

Fayetteville Fire Department Service Delivery Impact: Zoning Review February 1, 2005

| Item        | Subdivision | Annexation  | Acres  | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|-------------|-------------|-------------|--------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| ANX 05-1365 | Wilkins     | ANX 05-1365 | 10     | S7                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1366 | Wilkins     |             |        | S7                   | 2.7 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 9                                                         | 4                                                                    | 6                                                             |
| ANX 05-1370 | Hall        | ANX 05-1370 | 235.38 | S5                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1371 | Hall        |             |        | S5                   | 2.9 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 114                                                       | 45                                                                   | 69                                                            |
| RZN 05-1378 | Goff/Hall   |             |        | S5                   | 3.3 Miles                  | 8 minutes                      | 8 Minutes                                                     | 14                                                        | 5                                                                    | 8                                                             |
| RZN 05-1372 | Malico USA  |             | 2.536  | S1                   | 3 Miles                    | 5 minutes                      | 5 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1374 | Comerstone  |             | 0.53   | S7                   | 1.2 Miles                  | 3 minutes                      | 3.5 Minutes                                                   | 0                                                         | 0                                                                    | 0                                                             |



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 9  
ANX 05-1365 (Wilkins)  
Page 11 of 24

POLICE DEPARTMENT

February 7, 2005

Jeremy Pate  
Interim Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

RECEIVED  
FEB 09 2005  
PLANNING DIV.

Dear Director Pate,

★ This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1365: (WILKINNS, 245): and Rezoning RZN 05-1366 (WILKINS, 245) submitted by MEL HOLLAND for property located at the EAST OF SALEM ROAD, NORTH OF THE CRYSTAL SPRINGS, PHASE I. This property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville and to rezone the subject property to RSF-4, Residential Single-family 4 units per acres.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to ANX 05-1370 (HALL 644, 645, 684): Submitted by MEL HOLLAND for the property located at 2577, 2216, 2844, 2822 DEADHORSE MTN. ROAD. This property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1371: (HALL, 645, 684): Submitted by MEL HOLLAND, for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,



Captain William Brown  
Fayetteville Police Department

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: 479-575-8267

## PLANNING DIVISION CORRESPONDENCE

TO: GIS  
FROM: Jan Gambill, Senior Planning Clerk  
DATE:  
SUBJECT: Legal check for planning project

Project Name: ANX 05-1365 Wilkins (BN Dev.) Return by: 1-14-05  
Parcel: 001-16816-000

Plat Page#: 245  
Section: 32  
Township: 17  
Range: 30

Current Zoning: Growth  
Proposed Zoning:

Submittal: 1st

2nd

3rd

Closure error / comments: OK

CR'd & OK'd by CE.  
read shape file  
(see ANX 04 -  
GN DEVELOPMENT)

Has the applicant been contacted with requested revisions:

YES

NO

Checked by: CR

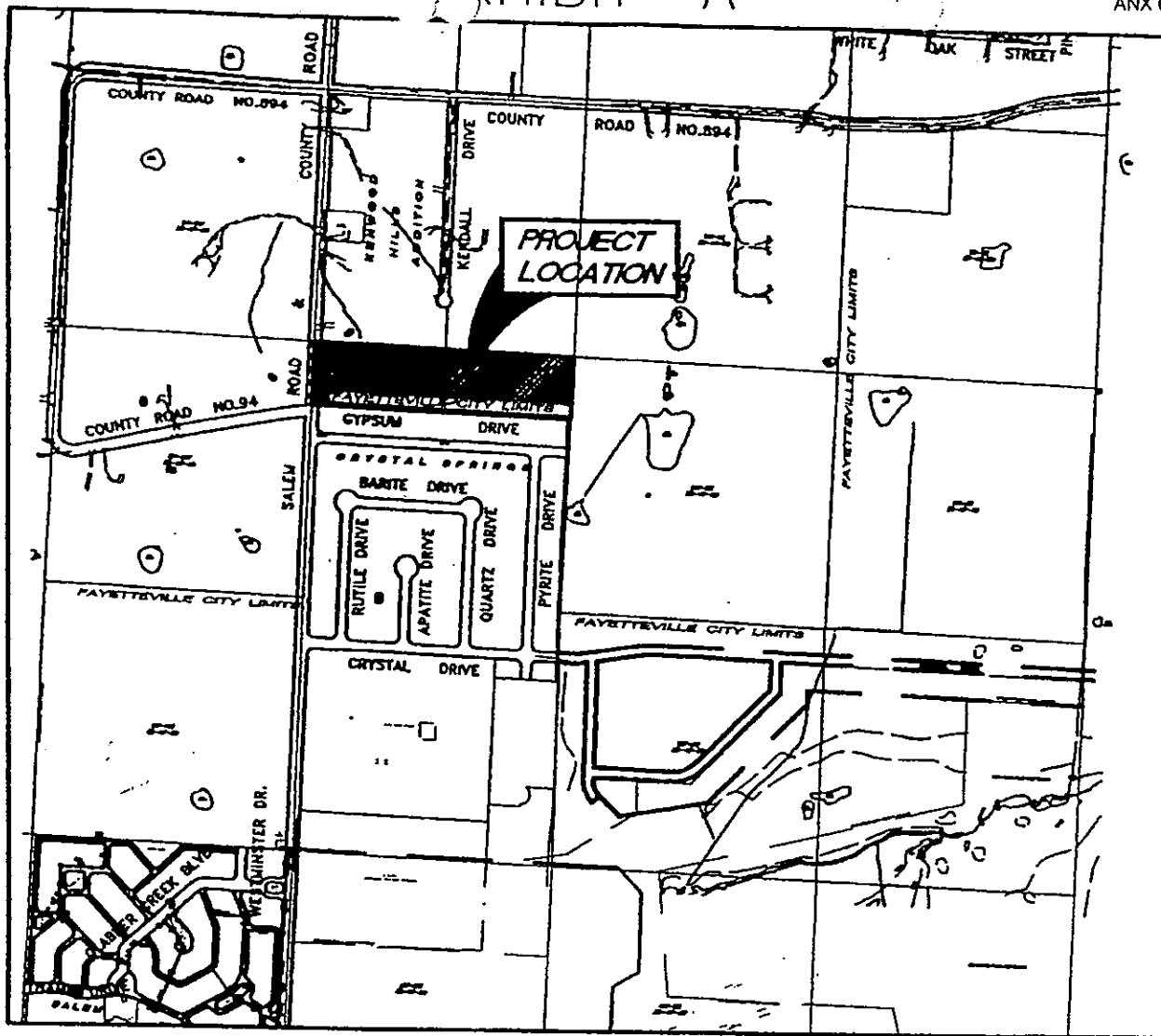
Date shape file was created:

1-6-2005



# EXHIBIT "A"

D.9  
ANX 05-1365 (Wilkins)  
Page 4 of 24



GN DEVELOPMENT, LLC

## VICINITY MAP

E-728

### SURVEY DESCRIPTION: PARCEL # 001-16816-000

A PARCEL LOCATED IN THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, DESCRIBED AS COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; SAID POINT BEING A FOUND STONE AND THE POINT OF BEGINNING.

THENCE S02°58'27"W 327.84 FEET TO A POINT ON THE EAST BOUNDARY OF SAID 40 ACRE TRACT; SAID POINT BEING THE NORTHEAST CORNER OF CRYSTAL SPRINGS PHASE I, TO THE CITY OF FAYETTEVILLE, ARKANSAS AS FILED IN CIRCUIT CLERKS OFFICE OF WASHINGTON COUNTY, ARKANSAS;

THENCE ALONG THE NORTH BOUNDARY OF SAID SUBDIVISION N87°35'16"W 1327.14 FEET TO THE WEST BOUNDARY OF SAID FORTY;

THENCE N02°23'44"E 327.82 FEET TO THE NORTHWEST CORNER OF SAID FORTY;

THENCE S87°35'16"E 1330.45 FEET TO THE POINT OF BEGINNING, CONTAINING 10.00 ACRES, MORE OR LESS, WASHINGTON COUNTY, AR.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF CERTAIN  
PROPERTY TO THE CITY OF FAYETTEVILLE,  
WASHINGTON COUNTY, ARKANSAS

\*04 OCT 21 PM 2 53

KAREN COMBS PRITCHARD  
CO. & PROBATE CLERK

NO.                      WASHINGTON CO. ARK.

**PETITION TO ANNEX TERRITORY TO**  
**THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS**

Comes now the petitioner, G N Development, LLC, an Arkansas limited liability company, and for its Petition to annex certain property into the City of Fayetteville, Washington, County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. states as follows:

1. That petitioner, G N Development, LLC, an Arkansas limited liability company, owns the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof, and said property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas, and is within the City of Fayetteville, School District.
2. That petitioner names its Manager, Ron Wilkins, its engineer of record, Melvin Milholland, and James Atwood, Attorney at Law, P.A. as the persons authorized to act on its behalf with respect to this petition.
3. That the petitioner desires that its property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the property into the City of Fayetteville.
4. That a true and correct presentation of the property and how it is contiguous to the City of Fayetteville, Arkansas is shown on the Plat Map, Exhibit "A", attached hereto.
5. That the petitioner herein desires that the property become part of the City of

Fayetteville, Washington County, Arkansas, and petitioner states that it will do any and all legal acts necessary to accomplish the objective set forth herein.

THEREFORE, petitioner respectfully prays that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above described real property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.

Respectfully submitted this 20 day of October, 2004.

G N Development, LLC

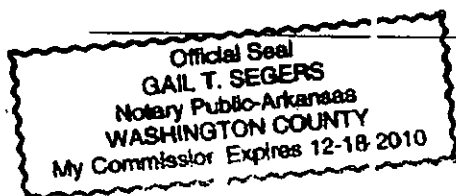
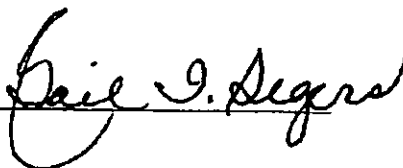


Ron Wilkins, Manager of G N  
Development, LLC

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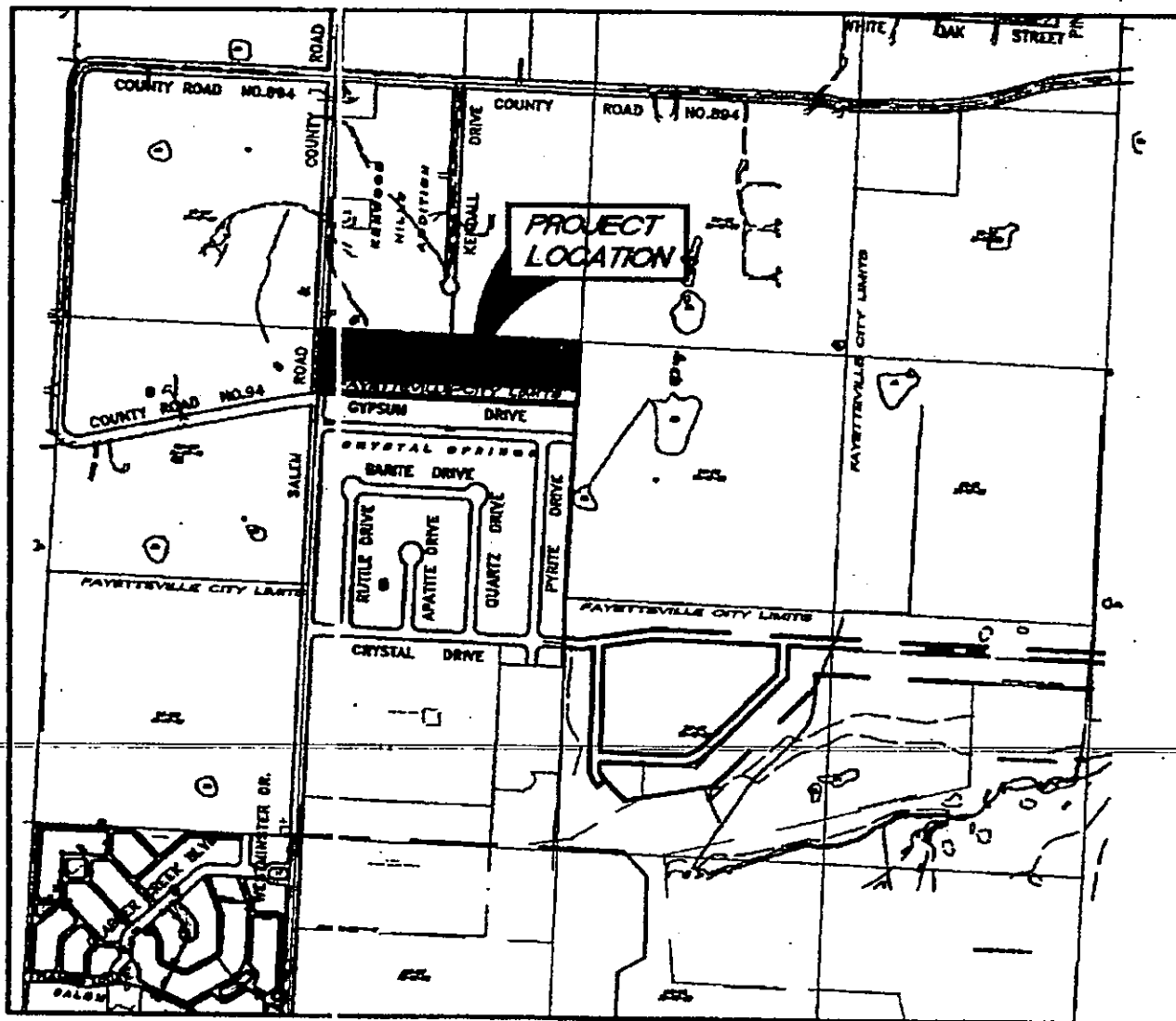
SUBSCRIBED AND SWORN TO before me, a Notary Public,  
on this the 20<sup>th</sup> day of October, 2004.

My Commission Expires:



# EXHIBIT "A"

ANX 05-1365 (Wilkins)  
Page 17 of 24



GN. DEVELOPMENT, LLC

## VICINITY MAP

E-728

### SURVEY DESCRIPTION: PARCEL # 001-16816-000

A PARCEL LOCATED IN THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, DESCRIBED AS COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; SAID POINT BEING A FOUND STONE AND THE POINT OF BEGINNING.

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THENCE S87°35'16"E 1330.45 FEET TO THE POINT OF BEGINNING, CONTAINING 10.00 ACRES, MORE OR LESS, WASHINGTON COUNTY, /R.

IN THE COUNTY COURT OF WASHINGTON COUNTY  
FILED

IN THE MATTER OF:  
ANNEXATION OF CERTAIN LANDS TO THE  
CITY OF FAYETTEVILLE, ARKANSAS

2004 NOV 30 AM 10 05

KAREN COMBS PRITCHARD  
NO. CC 2004-88 & PROBATE CLERK  
WASHINGTON CO. ARK.

ORDER OF ANNEXATION

Now on this 30th day of November, 2004, this cause comes on to be heard, the Petitioner, G N Development, LLC, an Arkansas limited liability company, who is represented by the Engineer of Record, Melvin Milholland and James E Atwood, Attorney at Law, P.A., after announcing the hearing of the cause and there being no protests or objections, whereupon, the matter is submitted to the Court upon the Petition filed herein, and the oral and documentary evidence having been adduced, the Court being well and sufficiently advised finds:

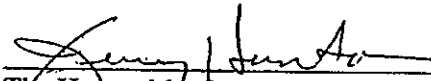
1. The Petition in this cause was filed on the 21<sup>st</sup> day of October, 2004 at which time this Court fixed the 30<sup>th</sup> day of November, 2004, at 10:00 a.m., as the date and time of hearing for said cause, and that a full notice of this hearing was given as required by law and the proof of publication of said notice is now on file with the County Clerk of this Court and the Court has jurisdiction of this cause.
2. The Court is satisfied that the allegations of the Petition are sustained by the proof, that the limits of the territory to be annexed have been properly filed; that the property owner has a freehold interest in the property hereinafter described in the Petition and constitutes the real owner of the area affected.
3. The land proposed to be annexed to the City of Fayetteville, Washington County,

Arkansas, in this cause is described on "Exhibit A" attached hereto.

4. The area is not unusually large and it is contiguous and adjacent to and adjoins the present corporate limits of the City of Fayetteville, and it is adapted for urban purposes and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

**IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED** that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Acct. No. 1 of the Acts of the Legislature of 1875 of the State of Arkansas, and all Acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1953, as codified in *Ark. Code Ann.* § 14-40-601, et seq., and this Order shall be duly recorded by the County Clerk of Washington County.

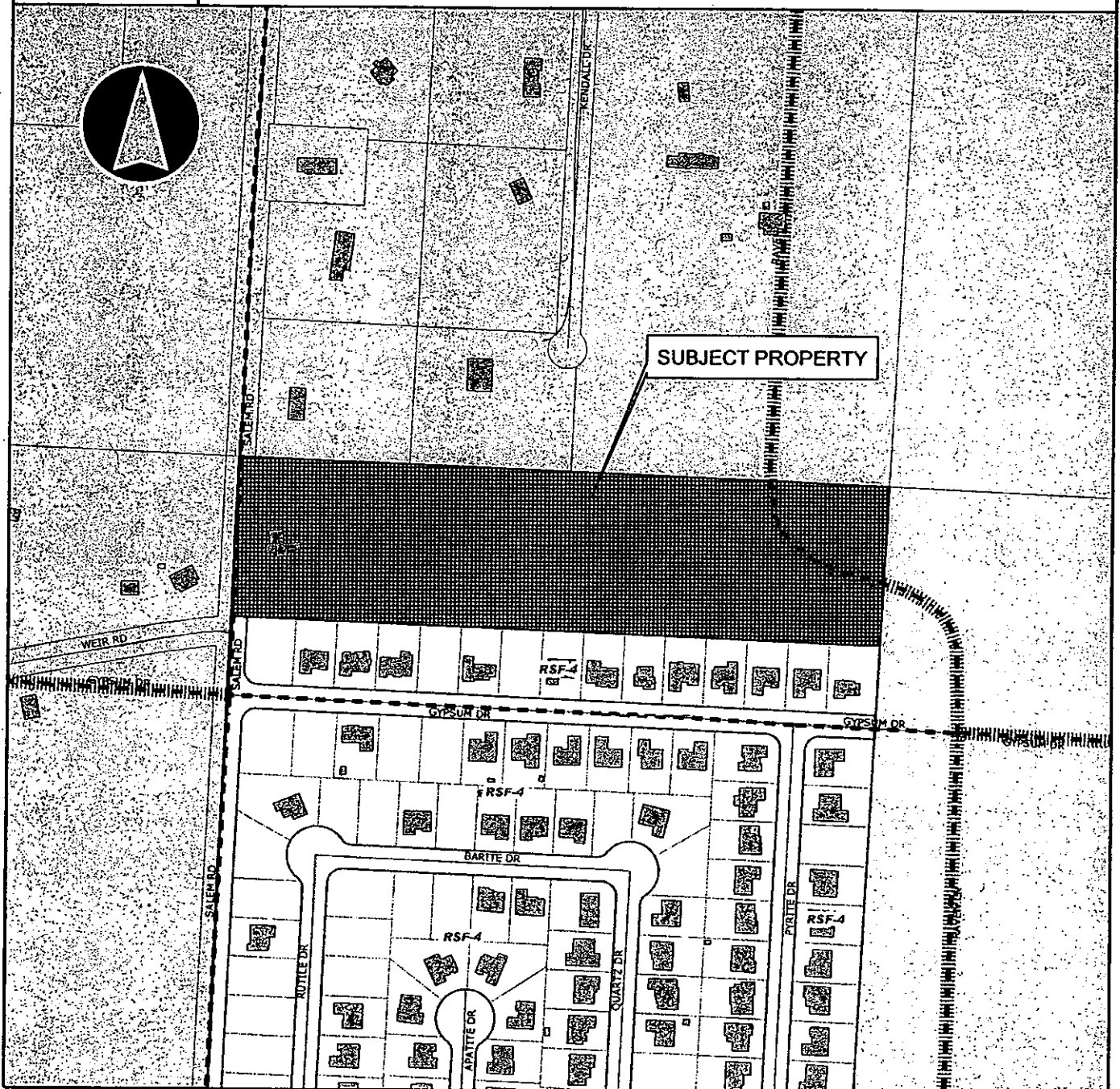
**IT IS SO ORDERED** this 30<sup>th</sup> day of November, 2004.

  
The Honorable Jerry Hunton  
Washington County Judge

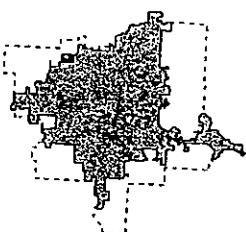
ANX 05-1365

Close Up View

# WILKINS



## Overview



## Legend

ANX 05-1365

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

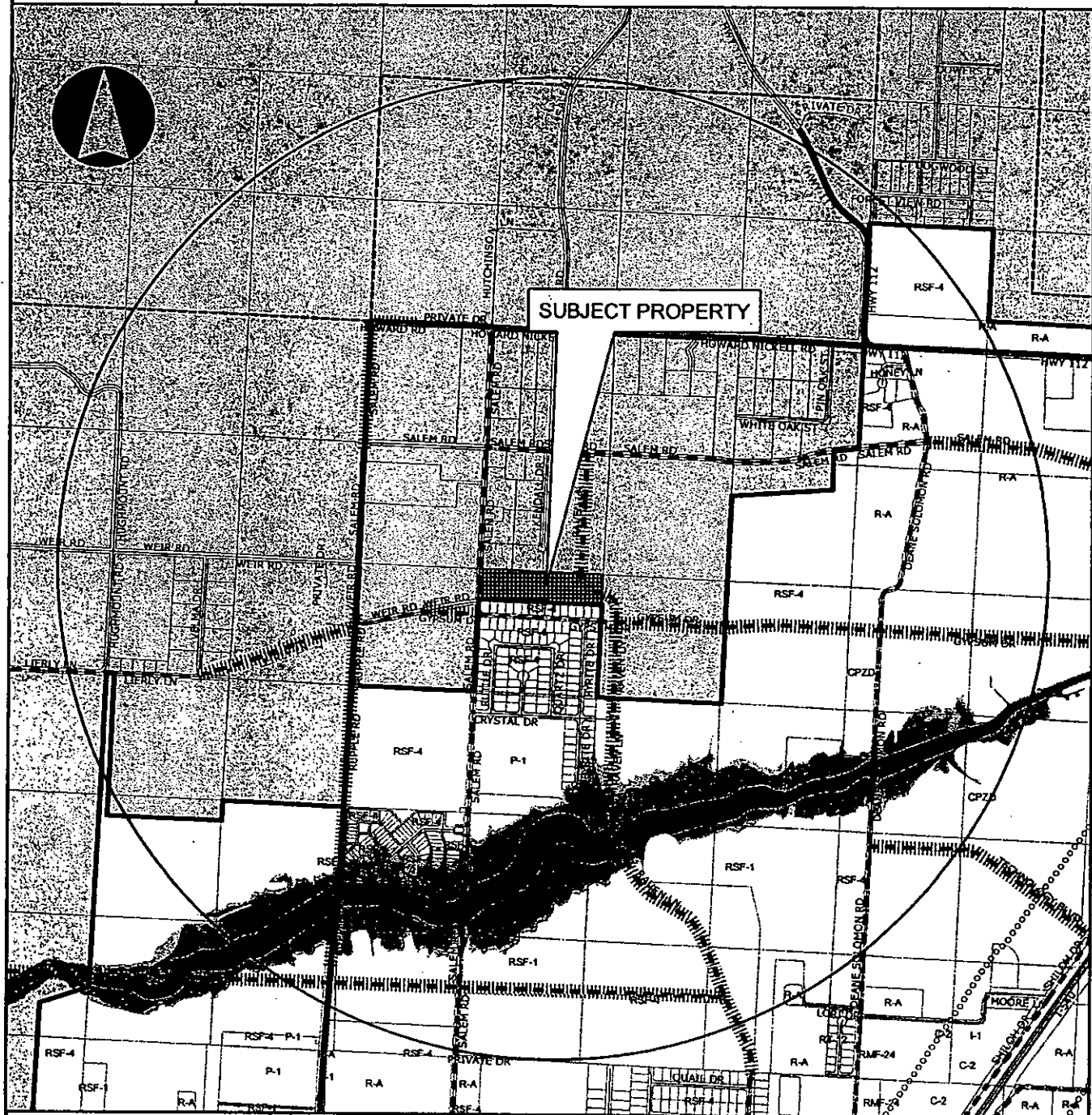
Outside City



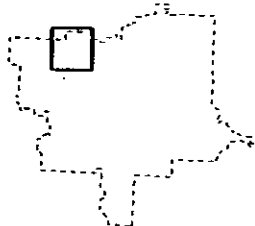
ANX 05-1365

One Mile View

# WILKINS



Overview



Legend

Subject Property

ANX 05-1365

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

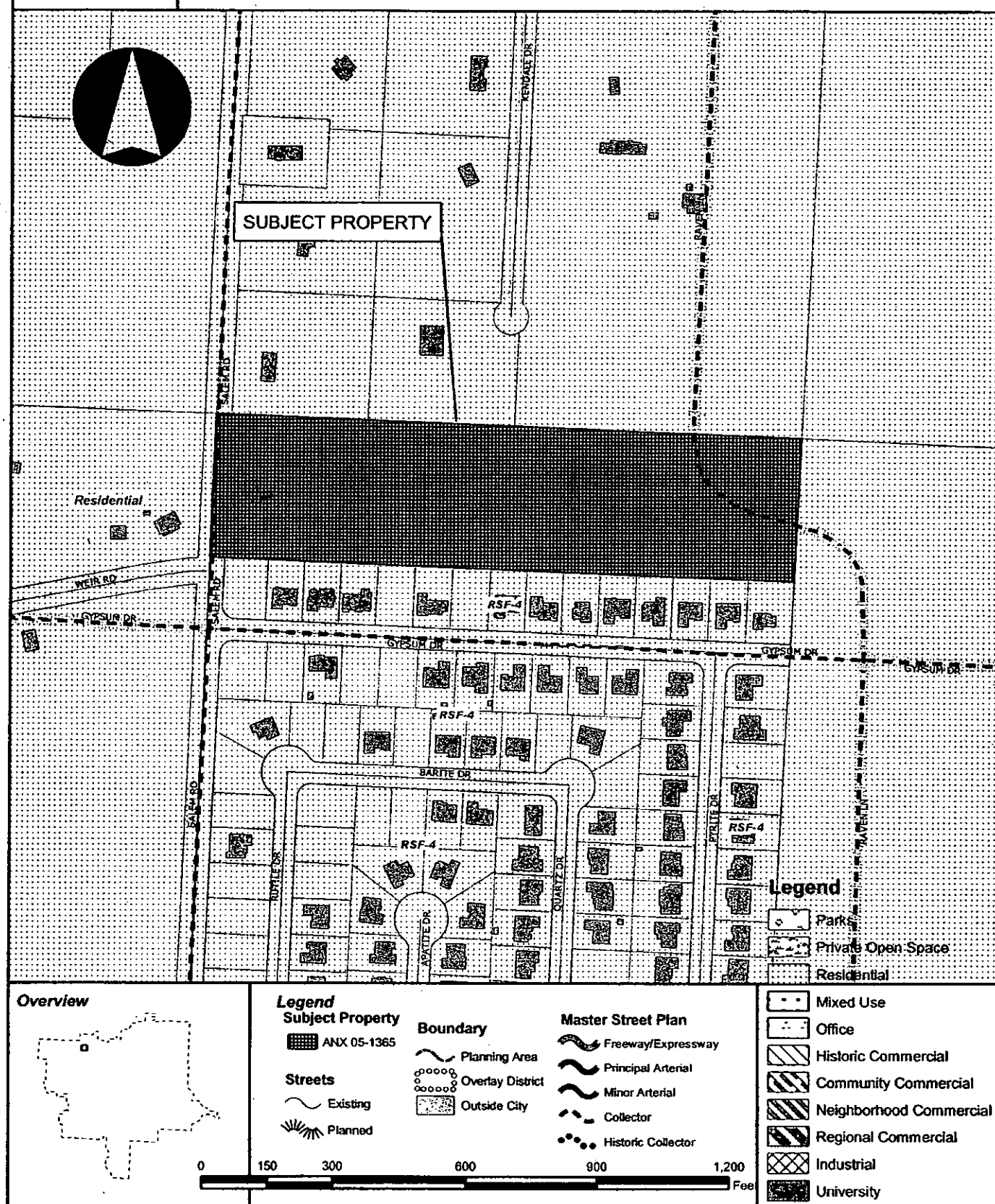
Historic Collector

0.0459.18.27.36

Miles



# WILKINS



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 9  
ANX 05-1365 (Wilkins)  
Page 23 of 24

15-Mar-05

City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

ANX 05-1365: (WILKINS, 245): Submitted by Mel Milholland for property located adjacent to the north boundary of Crystal Springs Subdivision, Phase I. The request is to annex the subject property containing approximately 10.00 acres into the City of Fayetteville.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

2-25-05

City Attorney

Date

2-25-05

Received in City Clerk's Office



Mayor

Date

2/28/05

Received in Mayor's Office

2/28/05 P.H.

Comments:



## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning §

**Date:** February 24, 2005

**Subject:** Rezoning for Wilkins (RZN 05-1366)

---

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 10.0 acres of property from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

### **BACKGROUND**

The subject property contains one 10.0-acres parcel owned by GN Development, LLC. It is located south of Kenwood Hills Subdivision and north of Crystal Springs Subdivision, Phase I in northwest Fayetteville. At this time, the property is currently vacant.

Rezoning this property to allow development of four single family dwellings per acre will not significantly increase the population density in this area. This property is uniquely situated between two established single family subdivisions, with the northern subdivision in the Planning Area and the southern development within the City.

Development of this property for residential use at four units per acre is consistent with the surrounding development. It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density, nor will it create an undesirable increase on police services. Improvements to water and sewer service, as well as construction of infrastructure adjacent to and within this site will be required at the time of development.

The applicant proposed a rezoning of the subject property to facilitate the future development of a residential area at a higher density than that allowed within the R-A zoning district. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

### **DISCUSSION**

This item was heard at the regular Planning Commission on February 14, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommend in favor of the rezoning.

### **BUDGET IMPACT**

None.

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

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1366 FOR PROPERTY EAST OF SALEM ROAD, NORTH OF CRYSTAL SPRINGS SUBDIVISION PHASE I, CONTAINING APPROXIMATELY 10.00 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

**Section 1:** That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre, as shown in Exhibit "A" attached hereto and made a part hereof.

**Section 2.** That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

EXHIBIT "A"  
RZN 05-1366

A PARCEL LOCATED IN THE NE  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, DESCRIBED AS COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; SAID POINT BEING A FOUND STONE AND THE POINT OF BEGINNING.

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DRAFT



PC Meeting of February 14, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Suzanne Morgan, Associate Planner  
THRU: Jeremy Pate, Interim Zoning & Development Administrator  
DATE: February 9, 2005

**RZN 05-1366: (WILKINS, 245):** Submitted by MEL MILHOLLAND for property located at EAST OF SALEM ROAD, NORTH OF CRYSTAL SPRINGS SUBDIVISION. The property is zoned R-A, Residential Agricultural and contains approximately 10.00 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: GN Development, LLC

Planner: Suzanne Morgan

**RECOMMENDATION:**

Staff recommends approval of the requested rezoning based on the findings herein.

|                                                                     |                                                                                                                          |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                  | Required <u>YES</u><br><input checked="" type="radio"/> Approved <input type="radio"/> Denied<br>Shackelford/Myers 9-0-0 |
| Date: <u>February 14, 2005</u>                                      |                                                                                                                          |
| <b>CITY COUNCIL ACTION:</b>                                         | Required <u>YES</u><br><input type="radio"/> Approved <input type="radio"/> Denied                                       |
| Date: <u>March 15, 2005 (1<sup>st</sup> reading if recommended)</u> |                                                                                                                          |

**BACKGROUND:**

**Property description:** The subject property contains one 10.0-acres parcel located south of Kenwood Hills Subdivision and north of Crystal Springs Subdivision, Phase I in northwest Fayetteville. At this time, the subject property is currently vacant and zoned R-A, Residential Agricultural.

**Proposal:** The applicant intends to develop the property for residential use. Therefore, the applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre, should the preceding annexation request be approved (see attached letter from the applicant's representative).

**Related Issues:** When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would

like to rezone the 10.0 acres to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 05-1365, is an accompanying item to this rezoning request.

**Recommendation:** Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a uniform and consistent development pattern.

#### **SURROUNDING LAND USE AND ZONING:**

| <b>Direction</b> | <b>Land Use</b>                   | <b>Zoning</b>                   |
|------------------|-----------------------------------|---------------------------------|
| North            | Single family homes on large lots | Planning Area                   |
| South            | Single family residential         | RSF-4, Residential Agricultural |
| East             | Vacant/Pasture                    | Planning Area                   |
| West             | Single family homes on large lots | Planning Area                   |

#### **INFRASTRUCTURE:**

**Streets:** Currently the site has access to Salem Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include, right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:  
North: W. Salem Rd. (Collector)  
South: Gypsum Dr. (Collector)  
East: Raven Ln. (Collector – not constructed)  
West: Salem Rd. (Collector)

**Water:** The site currently does not have access to public water. The nearest water main is an 8" main to the south in Crystal Springs Phase I. Water service will need to be extended to and within the property at the time of development. Additional connections may be required to complete looped systems.

**Sewer:** The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is an 8" sewer main to the south. A capacity analysis of the sewer lines and/or lift stations downstream of the site shall be conducted prior to development.

**Fire:** The subject property is located approximately 2.7 miles from the Fire Station #7. Response time to the property is approximately 7 minutes, with a projected response time of 8 minutes at full build-out.

**Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load



on police services or create and appreciable increase in traffic danger and congestion in the area.

**LAND USE PLAN:** General Plan 2020 designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

#### **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:** The proposed RSF-4 zoning for a Single family residential use is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

**Finding:** The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A subdivision with density compatible to those surrounding subdivisions within the City could not be developed as it is currently zoned. A higher density than the R-A zoning district is appropriate in this area, and would provide compatibility with adjoining developments that are zoned RSF-4.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

**Finding:** The proposed zoning will provide additional traffic on all adjacent streets. Four streets surrounding the subject property are identified on the Master Street Plan as collector streets. Currently, Gypsum Drive dead-ends to vacant property to the east and Raven Lane is not constructed. However, Salem Rd. and West Salem Road are accessible and will be able to carry high volumes of traffic when improved at the time of development. The Fayetteville Police Department finds that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion in the area.

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:** The proposed zoning would increase population density. Under an R-A, Residential Agricultural designation, the 10.0-acre tract would allow for a maximum of 5 dwelling unit (1 unit / 2 acres). With the proposed RSF-4 designation, 40 dwelling units would be permitted, with a projected total of 88 future residents in this area. Rezoning the property significantly increases the possible number of residential units and population, but is consistent with land use and zoning in the immediate vicinity.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

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

### 161.03 District R-A, Residential-Agricultural

- (A) **Purposes.** The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful 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; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) **Uses.**

(1) **Permitted uses.**

|         |                                          |
|---------|------------------------------------------|
| 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                       |

(2) **Conditional uses.**

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 4  | Cultural and recreational facilities     |
| Unit 20 | Commercial recreation, large sites       |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) **Density.**

|                |          |
|----------------|----------|
| Units per acre | One-half |
|----------------|----------|

(D) **Bulk and area regulations.**

|                            |         |
|----------------------------|---------|
| Lot width minimum          | 200 ft. |
| Lot Area Minimum:          |         |
| Residential:               | 2 acres |
| Nonresidential:            | 2 acres |
| Lot area per dwelling unit | 2 acres |

(E) **Setback requirements.**

|        |        |        |
|--------|--------|--------|
| Front  | Side   | Rear   |
| 35 ft. | 20 ft. | 35 ft. |

- (F) **Height requirements.** There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) **Building area.** None.

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### 161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

- (A) **Purpose.** The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) **Uses.**

(1) **Permitted uses.**

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwelling  |

(2) **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 9  | Two-family dwellings                     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) **Density.**

|                |                         |                      |
|----------------|-------------------------|----------------------|
|                | Single-family dwellings | Two-family dwellings |
| Units per acre | 4 or less               | 7 or less            |

(D) **Bulk and area regulations.**

|                             |                         |                      |
|-----------------------------|-------------------------|----------------------|
|                             | Single-family dwellings | Two-family dwellings |
| Lot minimum width           | 70 ft.                  | 80 ft.               |
| Lot area minimum            | 8,000 sq. ft.           | 12,000 sq. ft.       |
| Land area per dwelling unit | 8,000 sq. ft.           | 6,000 sq. ft.        |

(E) **Setback requirements.**

|        |       |        |
|--------|-------|--------|
| Front  | Side  | Rear   |
| 25 ft. | 8 ft. | 20 ft. |

(F) **Height.** None.

- (G) **Building area.** On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

Fayetteville Fire Department Service Delivery Impact: Zoning Review February 1, 2005

| Item        | Subdivision | Annexation  | Acres  | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|-------------|-------------|-------------|--------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| ANX 05-1365 | Wilkins     | ANX 05-1365 | 10     | S7                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1366 | Wilkins     |             |        | S7                   | 2.7 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 9                                                         | 4                                                                    | 6                                                             |
| ANX 05-1370 | Hall        | ANX 05-1370 | 235.38 | S5                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1371 | Hall        |             |        | S5                   | 2.9 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 114                                                       | 45                                                                   | 69                                                            |
| RZN 05-1378 | Goff/Hall   |             |        | S5                   | 3.3 Miles                  | 8 minutes                      | 8 Minutes                                                     | 14                                                        | 5                                                                    | 8                                                             |
| RZN 05-1372 | Mallico USA |             | 2.536  | S1                   | 3 Miles                    | 5 minutes                      | 5 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1374 | Cornerstone |             | 0.53   | S7                   | 1.2 Miles                  | 3 minutes                      | 3.5 Minutes                                                   | 0                                                         | 0                                                                    | 0                                                             |



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

February 7, 2005

Jeremy Pate  
Interim Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

RECEIVED  
FEB 09 2005  
PLANNING DIV.

Dear Director Pate,

\* This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1365: (WILKINNS, 245): and Rezoning RZN 05-1366 (WILKINS, 245) submitted by MEL HOLLAND for property located at the EAST OF SALEM ROAD, NORTH OF THE CRYSTAL SPRINGS, PHASE I. This property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville and to rezone the subject property to RSF-4, Residential Single-family 4 units per acres.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

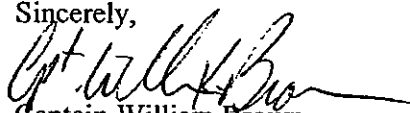
In reference to ANX 05-1370 (HALL 644, 645, 684): Submitted by MEL HOLLAND for the property located at 2577, 2216, 2844, 2822 DEADHORSE MTN. ROAD. This property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1371: (HALL, 645, 684): Submitted by MEL HOLLAND, for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

  
Captain William Brown  
Fayetteville Police Department

## *Milholland Company*

### *Engineering & Surveying*

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

#### REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

December 21, 2004

Project No. E-728

#### FAYETTEVILLE

125 West Mountain

Fayetteville, Arkansas 72701

**ATTN: Planning Division**

**RE: Annexation - Zoning Application**

Application Item #5: Written statements addressing the following:

**5.a. Current ownership information and any proposed or pending property sales:**

The Current ownership is as described on the application, Global Development, LLC.

There are no pending property sales at this time. The property has been purchased for proposed development.

**5.b. Reason (need) for requesting the zoning change:**

The zoning established by annexation does not provide for desired residential development by the Owner/Developer nor comparable with adjoining developed densities. Therefore RSF4 is requested at this time. The developer may request / propose a slightly higher density in presenting future planned development (PZD) for this project site.

**5.c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage:**

Land Use - Single family residences exist within the City limits, adjoining this tract to the south. Planned single family residential development adjoin this tract to the east. To the tract's west and north rural single family homes exist. It is likely that future development to the north will continue with similar residential densities.

Traffic - Development of this property would provide an entrance onto N-S Salem Road. With future planned development for the extension of Raven Road to the north a cross connection through this project site will occur.

Appearance - New home construction will continue to add an improving appearance of community growth. Compatibility of appearance will continue.

Signage - An attractively landscaped entrance is planned along with the protection of much of the existing tree canopy existing along N-S Salem Road.

**5.d. Availability of water and sewer (state size of lines):**

Existing 6" and 8" water, and 8" sanitary sewer mains, and utility easements exist adjacent to the site and have been designed for continued residential development expansion.

## *Miltholland Company*

### *Engineering & Surveying*

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

#### REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

---

Application Item #6: Written statements addressing the following:

**6.a. The degree to which the proposed zoning is consistent with the land use planning objectives, principles, and policies and with land use and zoning plans:**

The proposed single family zoning is in concurrence with the City's long range planning objectives on its 2020 plan. It complies with the City's policies or organized expansion of city facilities and infrastructure, and with the principle of zoning and developing vacant tracts of land in continuity with the Official Land Use Plan. The requested zoning continues the planned residential growth consistent with the City's long range land use and zoning plan.

**6.b. Whether the proposed zoning is justified and/or needed at the time of the request:**

The demand for single family homes in this area of the City of Fayetteville is in high demand.

**6.c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion:**

New development certainly generates increased traffic flow. However, the City of Fayetteville requires the developer to construct new streets through its development and connectivity into the existing or for proposed street systems.

**6.d. Whether the proposed zoning will alter the population density and thereby undesirable increase the load on the public services including schools, water, and sewer facilities:**

New water and sanitary sewer mains will be extended to facilitate the new residents. The effect on public services will be negligible.

**6.e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification:**

The highest and best use of the site is that of single family homes at the requested density of RSF4 or higher.

Respectfully submitted  
**Miltholland Company**



EXHIBIT "A"  
PROPERTY TO BE REZONED  
AS SUBMITTED BY THE APPLICANT

*[Signature]*  
Applicant's Signature

*Sod Jensen*  
11/7/05

RZN 05-1360

OK

SURVEY DESCRIPTION: PARCEL #001-13816-000

A PARCEL LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 32, TOWNSHIP 17 NORTH, RANGE 30 WEST, DESCRIBED AS COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION; SAID POINT BEING A FOUND STONE AND THE POINT OF BEGINNING.

THENCE S 02° 58' 27" W 327.84 FEET TO A POINT ON THE EAST BOUNDARY OF SAID 40 ACRE TRACT; SAID POINT BEING THE NORTHEAST CORNER OF CRYSTAL SPRINGS PHASE I, TO THE CITY OF FAYETTEVILLE, ARKANSAS AS FILED IN CIRCUIT CLERKS OFFICE OF WASHINGTON COUNTY, ARKANSAS;

THENCE ALONG NORTH BOUNDARY SAID SUBDIVISION

N 87° 35' 16" W 1327.14 FEET TO THE WEST BOUNDARY SAID FORTY;

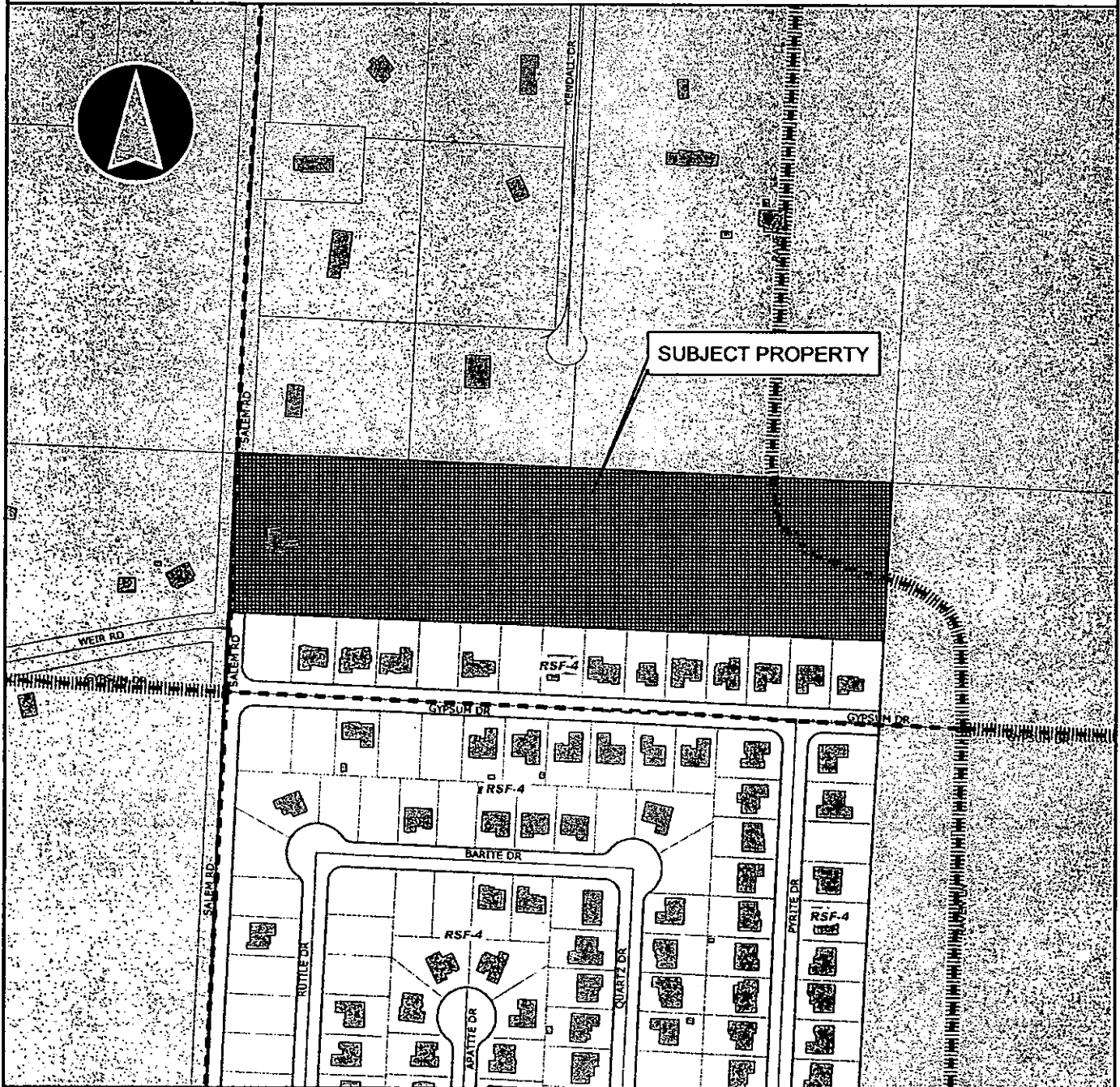
THENCE N 02° 23' 44" E 327.82 FEET TO THE NORTHWEST CORNER SAID FORTY;

THENCE S 87° 35' 16" E 1330.45 FEET TO THE POINT OF BEGINNING CONTAINING 10.00 ACRES MORE OR LESS, WASHINGTON COUNTY, AR.

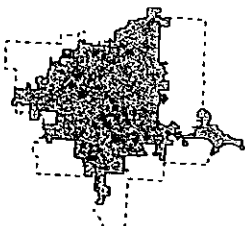
RZN 05-1366

Close Up View

# WILKINS



## Overview



### Legend

- |                    |                    |                    |                  |
|--------------------|--------------------|--------------------|------------------|
| RZN 05-1366        | Overlay District   | Principal Arterial | FLOODWAY         |
| Master Street Plan | Minor Arterial     | Collector          | 500 YEAR         |
| Freeway/Expressway | Historic Collector | 100 YEAR           | BaseLine Profile |

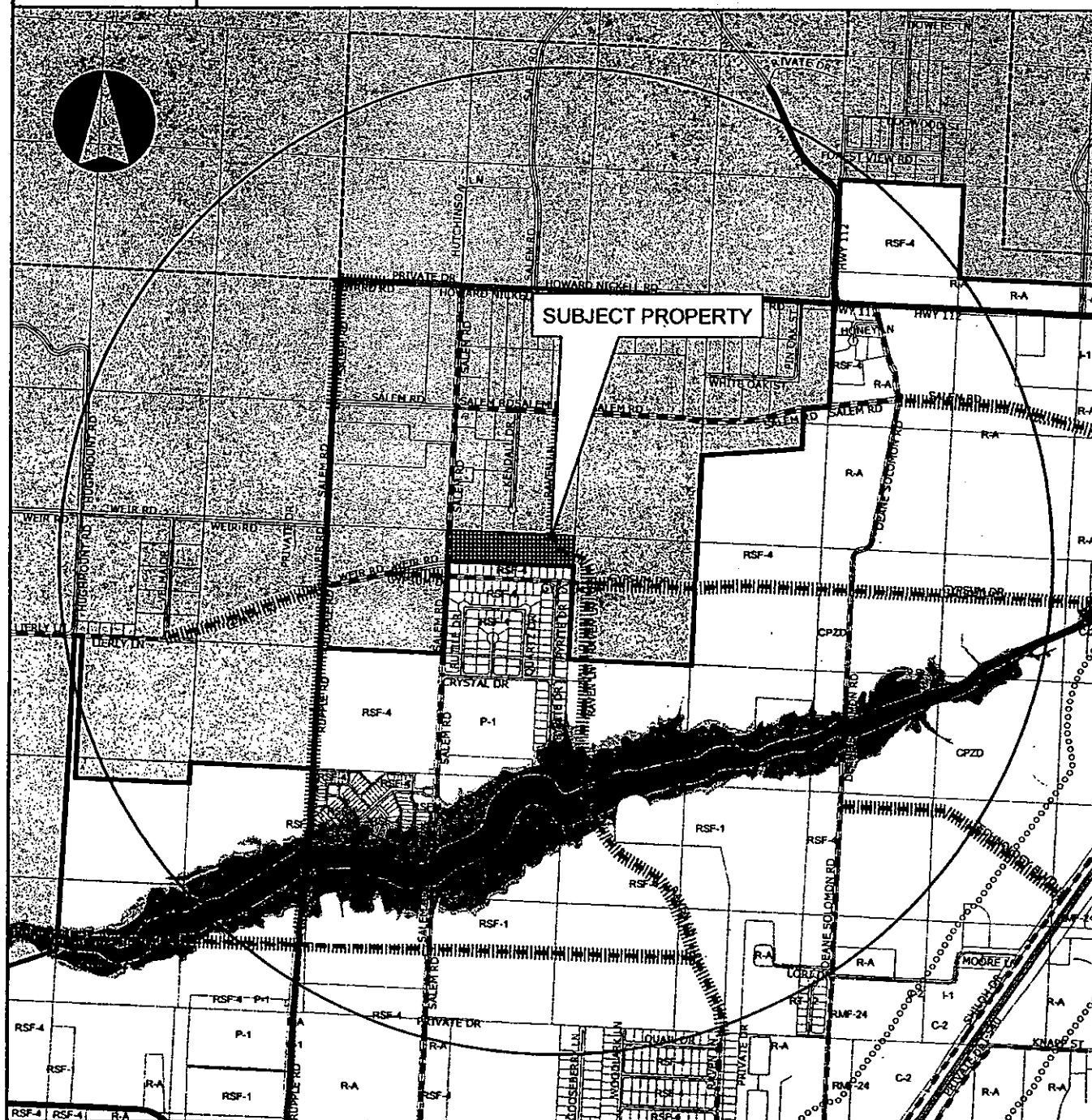
Fayetteville  
 Outside City

0 75 150 300 450 600  
Feet

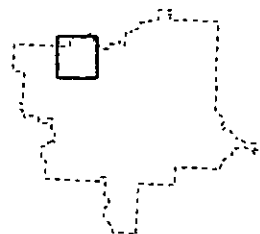
RZN 05-1366

One Mile View

# WILKINS



Overview



Legend

Subject Property

RSF-4 P-1 R-A

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

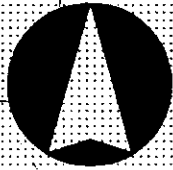
0.051 0.2 0.3 0.4

Miles

RZN 05-1366

Future Land Use

# WILKINS



SUBJECT PROPERTY

Residential

WEIR RD

GYPSON DR

WEIR RD

GYPSON DR

GYPSON DR

GYPSON DR

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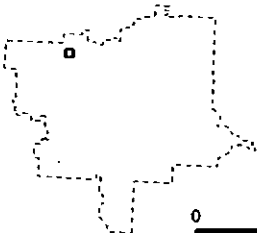
GYPSON DR

## Legend

- Parks
- Private Open Space
- Residential

- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## Overview



## Legend

Subject Property  
RZN 05-1366

## Streets

- Existing
- Planned

## Boundary

- Planning Area
- Overlay District
- Outside City

## Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 150 300 600 900 1,200 Feet

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

15-Mar-05

City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

RZN 05-1366: (Wilkins, 245): Submitted by Mel Milholland for property located East of Salem Road, North of Crystal Springs Subdivision, Phase I. The newly annexed property is zoned R-A, Residential Agricultural, and contains approximately 10.00 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, four units per acre.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

2-25-05

City Attorney

Date

2-25-05

Received in City Clerk's Office

ENTERED  
2/25/05

Mayor

Date

2/28/05

Received in Mayor's Office

2/28/05 P.H.

Comments:

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning

**Date:** February 24, 2005

**Subject:** Rezoning for Mailco USA Inc. (RZN 05-1372)

---

### **RECOMMENDATION**

The Planning Commission voted to recommend the subject rezoning request rezoning approximately 2.536 acres of property from RSF-4, Residential Single Family – 4 units per acre, to C-2, Thoroughfare Commercial. Planning Staff originally recommended denial of the rezoning request.

### **BACKGROUND**

*Property description:* The subject property contains approximately 2.536 acres located east of School Avenue, south of the on-ramp to Fulbright Express Way. A floodway and associated 100-yr floodplain extend along its northern property line. The entire subject property of 4.02 acres is split zoned with C-2 adjacent to School Avenue and RSF-4 to the east. The property for which the rezoning request has been made is currently zoned for residential use.

*Background:* At present, a large scale development for this property has been submitted to the Planning Division. In the process of reviewing the development, it was discovered that a portion of the parking behind the building would encroach within the RSF-4 zoning district. Staff informed the applicant of the situation at Technical Plat Review and encouraged a modification to the development so that the development would be contained within the C-2 zoning district. Soon thereafter, the applicant submitted a request to rezone the entire RSF-4 portion of property to C-2.

### **DISCUSSION**

This item was heard at the regular Planning Commission on February 14, 2005. No public comments were received. The Planning Commission voted 9-0-0 to recommend to the City Council approval of rezoning request to C-2, Thoroughfare Commercial.

### **BUDGET IMPACT**

None.

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

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 05-1372 FOR PROPERTY EAST  
OF S. SCHOOL AVENUE, NORTH OF WHILLOCK STREET,  
CONTAINING APPROXIMATELY 2.536 ACRES FROM RSF-4,  
RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE, TO  
C-2, THOROUGHFARE COMMERCIAL.

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

**Section 1:** That the zone classification of the following described  
property is hereby changed as follows:

From RSF-4, Residential Single Family, four units per acre, to C-2,  
Thoroughfare Commercial, as shown in Exhibit "A" attached hereto and made  
a part hereof.

**Section 2.** That the official zoning map of the City of Fayetteville,  
Arkansas, is hereby amended to reflect the zoning change provided in  
Section 1 above.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**APPROVED:**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Sondra Smith, City Clerk**

EXHIBIT "A"  
RZN 05-1372

PART OF LOTS 3, 4, 5, AND 6 ALL OF BLOCK 2 OF J. W. SKELTON SUBDIVISION,  
CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT S89°59'28"E 204.62 FEET FROM THE SW CORNER OF  
SAID LOT 4; THENCE N00°03'10"E 150.00 FEET; THENCE S89°59'28"E 50.00 FEET;  
THENCE N00°03'10"E 128.32 FEET; THENCE S88°25'51"E 180.28 FEET; THENCE  
N46°14'28"E 109.73 FEET; THENCE N00°12'43"E 44.00 FEET; THENCE S68°06'05"E  
81.32 FEET; THENCE S00°03'10"W 363.00 FEET; THENCE N89°59'28"W 385.00 FEET  
TO THE POINT OF BEGINNING AND CONTAINING 2.536 ACRES, MORE OR LESS  
AND SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, COVENANTS, OR  
RESTRICTIONS OF RECORD OR FACT.

DRAFT





PC Meeting of February 14, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Suzanne Morgan, Associate Planner  
THRU: Jeremy Pate, Interim Zoning & Development Administrator  
DATE: February 9, 2005

**RZN 05-1372: (MAILCO USA INC., 678-717):** Submitted by STEVE CLARK for property located at S. SCHOOL AVENUE, E OF HWY. 71 AND N OF WHILLOCK STREET. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Property Owner: KATHY FERGUSON

Planner: Suzanne Morgan

**RECOMMENDATION:**

Staff recommends denial of the requested rezoning based on the findings herein.

|                                                                     |                                                                                                                                       |
|---------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                  | Required <u>YES</u><br><input checked="" type="radio"/> Approved <input type="radio"/> Denied<br>Shackelford/Clark <sup>2</sup> 9-0-0 |
| Date: <u>February 14, 2005</u>                                      |                                                                                                                                       |
| <b>CITY COUNCIL ACTION:</b>                                         | Required <u>YES</u><br><input type="radio"/> Approved <input type="radio"/> Denied                                                    |
| Date: <u>March 15, 2005 (1<sup>st</sup> reading if recommended)</u> |                                                                                                                                       |

**BACKGROUND:**

**Property description:** The subject property contains approximately 2.536 acres located east of School Avenue, south of the on-ramp to Fulbright Express Way. A floodway and associated 100-yr floodplain extend along its northern property line. The property is zoned C-2, Thoroughfare Commercial, adjacent to School Avenue and RSF-4, Residential Single Family – 4 units per acre, to the east.

**Zoning:** The property consists of all of lots 4 and 5 of J.W. Skelton Addition and part of lots 3, 6 and 7 (see attached). The General Plan designates all of lots 3 and 4 Mixed Use and property to the east of these lots Residential. The portion of this property zoned C-2 is located within the area designated Mixed Use. The remainder of the lot is zoned RSF-4.

**Background:** Several months prior to the application for large scale development, Planning staff

met with the applicant regarding possibilities for development and the approval process (i.e. LSD and PZD). At this time, the applicant was made aware that the property was zoned both commercial and residential, and any development related to or associated with the proposed commercial use must be contained within the property zoned C-2. The property owner subsequently submitted an application for a large scale development to construct a 13,000 s.f. structure for Mail Co. Upon review of the large scale development plans, it was discovered that a portion of the parking behind the building would encroach within the RSF-4 zoning district. Staff informed the applicant of the situation at Technical Plat Review and encouraged a modification to the development so that the development would be contained within the C-2 zoning district. Soon thereafter, the applicant submitted a request to rezone the RSF-4 portion of the property to C-2.

**Proposal:** The applicant intends to develop the property for commercial use. The large scale development is currently tabled pending the resolution of this rezoning request.

**Request:** The applicant is requesting the property be rezoned from RSF-4, Residential Single Family, 4 Dwelling Units per Acre, to C-2, Thoroughfare Commercial.

**Recommendation:** Staff recommends denial of the rezoning request based on findings herein.

#### **SURROUNDING LAND USE AND ZONING:**

| <b>Direction</b> | <b>Land Use</b>           | <b>Zoning</b>                                                            |
|------------------|---------------------------|--------------------------------------------------------------------------|
| North            | Single family residential | RSF-4, Res. Single Family – 4 units/acre                                 |
| South            | Single family residential | RSF-4, Res. Single Family – 4 units/acre<br>C-2, Thoroughfare Commercial |
| East             | Vacant                    | RSF-4, Res. Single Family – 4 units/acre                                 |
| West             | Vacant                    | C-2, Thoroughfare Commercial                                             |

#### **INFRASTRUCTURE:**

**Streets:** Currently the site has access to South School. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include right-of-way dedication, storm drainage and sidewalks.

Surrounding Master Street Plan Streets:

North: Skelton St. (Local)

South: Whillock St (Local)

East: None

West: School Avenue (Principal Arterial)

**Water:** The site currently does have access to public water. The nearest water main is an 8" main on the east side along S. School Avenue. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete looped systems.

- Sewer:** The site currently does have access to sanitary sewer. There is a 6" sewer main to the west.
- Fire:** The subject property is located approximately 3 miles from the Fire Station #1. Response time to the property is approximately 5 minutes.
- Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

**LAND USE PLAN:** General Plan 2020 designates the property **Mixed Use and Residential**. The portion of property adjacent to School Avenue, currently zoned C-2, is designated Mixed Use on the General Plan.

#### **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:** The proposed C-2 zoning for the subject property is not consistent with the land use plan and planning objectives and policies set forth in the General Plan 2020. The property requested to be rezoned is designated Residential and surrounded by property zoned RSF-4 and developed for this purpose. Extending the C-2 zoning east is inconsistent with the development and use of the property. At this time, the property on which the applicant desires to develop is currently vacant. It is appropriate for a commercial use to be located adjacent to School Avenue, a major thoroughfare along which compatible businesses exist. Extending these development rights into a residential area may create a nuisance and is not consistent with the guiding policy for residential areas in the General Plan 2020, which states, "9.8.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances."

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

**Finding:** The property has a total 4.02 acres, of which 2.536 acres is zoned RSF-4. The remaining 1.484 acres is zoned C-2 and may be developed for commercial use. Sufficient property is available to develop a use allowed within the C-2 zoning district. To enlarge the C-2 zoning district as proposed is not justified, nor is it appropriate to expand development rights for these uses further into the existing residential properties.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

**Finding:** The property is only accessible from School Avenue, designated a Major Arterial street. The traffic generated by commercial uses is substantially greater than the amount resulting in the development of single family residential units. Rezoning the property C-2 may increase the traffic on School Ave. Although development of the property for commercial or office type uses may increase the amount of traffic to the site, it will not cause an increase in population. The Fayetteville Police Department has determined that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

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:** The proposed zoning would not increase population density. Under the current RSF-4 zoning district, a maximum 10 dwelling units would be permitted on this property (4 units per acre). Although the proposed rezoning of the property would not increase population, it is not consistent with the land use and zoning in the immediate vicinity.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

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

### 161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwelling  |

(2) *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 9  | Two-family dwellings                     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                | Single-family dwellings | Two-family dwellings |
|----------------|-------------------------|----------------------|
| Units per acre | 4 or less               | 7 or less            |

(D) *Bulk and area regulations.*

|                             | Single-family dwellings | Two-family dwellings |
|-----------------------------|-------------------------|----------------------|
| Lot minimum width           | 70 ft.                  | 80 ft.               |
| Lot area minimum            | 8,000 sq. ft.           | 12,000 sq. ft.       |
| Land area per dwelling unit | 8,000 sq. ft.           | 6,000 sq. ft.        |

(E) *Setback requirements.*

| Front  | Side  | Rear   |
|--------|-------|--------|
| 25 ft. | 8 ft. | 20 ft. |

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

### 161.17 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                                  |
|---------|--------------------------------------------------|
| Unit 1  | City-wide uses by right                          |
| Unit 4  | Cultural and recreational facilities             |
| Unit 12 | Offices, studios and related services            |
| Unit 13 | Eating places                                    |
| Unit 14 | Hotel, motel, and amusement facilities           |
| Unit 15 | Neighborhood shopping goods                      |
| Unit 16 | Shopping goods                                   |
| Unit 17 | Trades and services                              |
| Unit 18 | Gasoline service stations & drive-in restaurants |
| Unit 19 | Commercial recreation, small sites               |
| Unit 20 | Commercial recreation, large sites               |
| Unit 33 | Adult live entertainment club or bar             |
| Unit 34 | Liquor store                                     |

(2) *Conditional uses.*

|         |                                            |
|---------|--------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit   |
| Unit 3  | Public protection and utility facilities   |
| Unit 21 | Warehousing and wholesale                  |
| Unit 28 | Center for collecting recyclable materials |
| Unit 32 | Sexually oriented business                 |
| Unit 35 | Outdoor music establishments               |
| Unit 36 | Wireless communications facilities         |

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

|                                                 |        |
|-------------------------------------------------|--------|
| Front                                           | 50 ft. |
| Side                                            | None   |
| Side, when contiguous to a residential district | 15 ft. |
| Rear                                            | 20 ft. |

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Fayetteville Fire Department Service Delivery Impact: Zoning Review February 1, 2005

| Item        | Subdivision | Annexation  | Acres  | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|-------------|-------------|-------------|--------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| ANX 05-1365 | Wilkins     | ANX 05-1365 | 10     | S7                   | n/a                        | n/a                            | 8 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1366 | Wilkins     |             |        | S7                   | 2.7 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 9                                                         | 4                                                                    | 6                                                             |
| ANX 05-1370 | Hall        | ANX 05-1370 | 235.38 | S5                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1371 | Hall        |             |        | S5                   | 2.9 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 114                                                       | 45                                                                   | 69                                                            |
| RZN 05-1378 | Goff/Hall   |             |        | S5                   | 3.3 Miles                  | 8 minutes                      | 8 Minutes                                                     | 14                                                        | 5                                                                    | 8                                                             |
| RZN 06-1372 | Mailco USA  |             | 2.536  | S1                   | 3 Miles                    | 5 minutes                      | 5 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1374 | Cornerstone |             | 0.53   | S7                   | 1.2 Miles                  | 3 minutes                      | 3.5 Minutes                                                   | 0                                                         | 0                                                                    | 0                                                             |



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 11  
RZN 05-1372 (Mailco USA, Inc.)  
Page 10 of 20

POLICE DEPARTMENT

February 7, 2005

Jeremy Pate  
Interim Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

RECEIVED  
FEB 09 2005  
PLANNING DIV.

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1365: (WILKINNS, 245): and Rezoning RZN 05-1366 (WILKINS, 245) submitted by MEL HOLLAND for property located at the EAST OF SALEM ROAD, NORTH OF THE CRYSTAL SPRINGS, PHASE I. This property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville and to rezone the subject property to RSF-4, Residential Single-family 4 units per acres.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to ANX 05-1370 (HALL 644, 645, 684): Submitted by MEL HOLLAND for the property located at 2577, 2216, 2844, 2822 DEADHORSE MTN. ROAD. This property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1371: (HALL, 645, 684): Submitted by MEL HOLLAND, for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density however it will not create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response.

In reference to RZN 05-1378: (HALL, 644): Submitted by MEL HOLLAND, for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

 In reference to RZN 05-1372 (MAILCO USA INC., 678-717): Submitted by STEVE CLARK for the property located at S. SCHOOL AVENUE, E OF HWY 71 AND N OF WHILLOCK STREET. The property is zoned RSF-4 SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

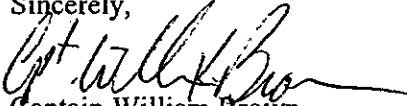
In reference to RSN 05-1374: (CORNERSTONE/FUTRALL, 402): Submitted by KIM FUGITT for property located at 1144 FUTRALL DRIVE. The property is zoned SRF-4, SINGLE FAMILY-4 UNITS/ACRE and contains approximately 0.53 acres. The request is to rezone the subject property to R-O, Residential Office.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.



Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

  
Captain William Brown  
Fayetteville Police Department

## MailCo USA, Inc - Rezoning Request

We are requesting a rezoning of the 4 acre tract located between Whillock Street and Skelton Street along the east right-of-way of Highway 71 Business. The site is currently zoned RSF-4 & C-2 and we are requesting all of the property to be rezoned to C-2.

Mail Co., the current owner of the land, would like to build a facility to receive and sort packages and commercial mailings which are then submitted to the Post Office, UPS or Federal Express for delivery. It has been determined that this business is considered as Personal Help under the Trades and Services heading. This use is allowed in a C-2 zone.

The front portion of the lot is properly zoned for our proposed use. However all of the proposed building and associated parking must be located within the proper zoning district. Therefore the rear part of the lot must be rezoned from RSF-4 to C-2. Since we believe that the highest and best use of the land is commercial we are requesting all of the remaining land be rezoned C-2.

The property was previously developed, however the current owner has had the old buildings demolished and removed from the site. This clean-up has improved the appearance significantly. Additionally the owner is currently planning to remove the old car bodies and other debris from the stream bed.

The proposed building is single story with 13,000 SF. Signage will be located on the building walls building signs and landscaping will conform to City regulations. There are other C-2 properties located to the north and west of this tract so there should be minimal impact to the neighborhood.

Eight inch water and sewer are available along the highway frontage.

The current land use plan proposes that the frontage of this property as a mixed use area. This mixed use is compatible as Commercial or Light Industrial uses. The land use shows that rear property is designated to be used as Residential.

It is necessary to rezone this property to allow the development to be constructed as designed and to allow future expansion of the facility.

The adjoining roads are sufficient carry that anticipated traffic. Highway 71 Business is five lanes wide. Additionally the Fulbright Expressway is immediately north of the tract.

The commercial zoning would decrease the population density from residential zoning.

The only access to the rear portion of this property is off of the highway frontage. This would create an undesirable access through a commercial property if the rear area remains residential in nature.

**MAIL CO.  
LEGAL DESCRIPTION OF PROPERTY  
TO BE REZONED**

**LEGAL DESCRIPTION:**

PART OF LOTS 3, 4, 5, AND 6 ALL OF BLOCK 2 OF J.W. SKELTON SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT S89°59'28"E 204.62 FEET FROM THE SW CORNER OF SAID LOT 4; THENCE N00°03'10"E 150.00 FEET; THENCE S89°59'28"E 50.00 FEET; THENCE N00°03'10"E 128.32 FEET; THENCE S88°25'51"E 180.28 FEET; THENCE N46°14'28"E 109.73 FEET; THENCE N00°12'43"E 44.00 FEET; THENCE S68°06'05"E 81.32 FEET; THENCE S00°03'10"W 363.00 FEET; THENCE N89°59'28"W 385.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.536 ACRES, MORE OR LESS, AND SUBJECT TO ANY RIGHTS-OF-WAY, EASEMENTS, COVENANTS, OR RESTRICTIONS OF RECORD OR FACT.

Submitted as: closes  
RZN 05-1372  
11/13/05  
T8

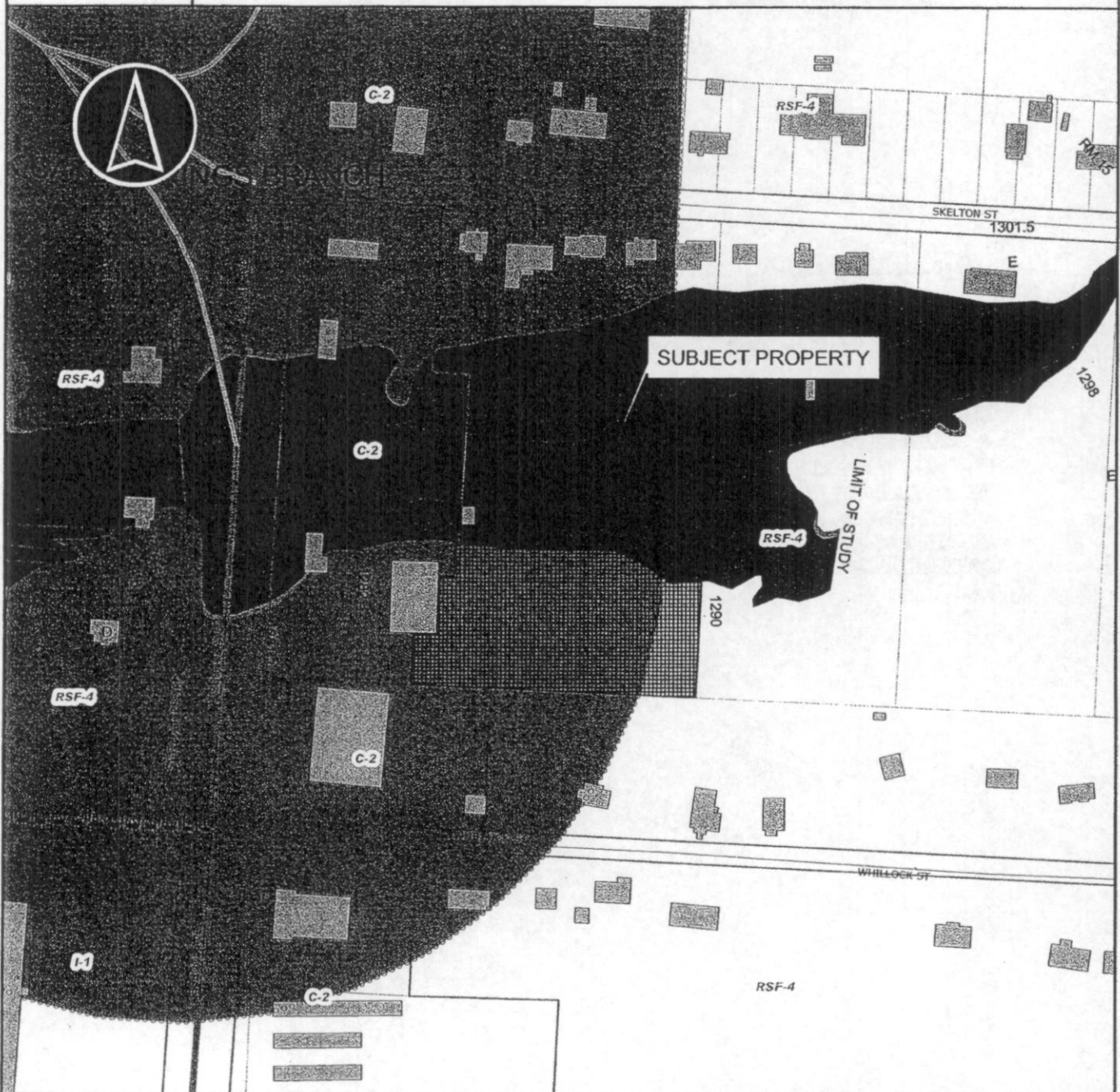
EXHIBIT "A"  
PROPERTY TO BE REZONED  
AS SUBMITTED BY THE APPLICANT

*[Signature]*  
Applicant's Signature

RZN 05-1372

Close Up View

# MAILCO USA INC.



## Overview



## Legend

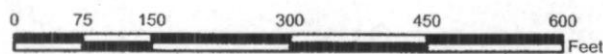
RZN 05-1372

Overlay District  
Master Street Plan  
Master Street Plan  
Freeway/Expressway

Principal Arterial  
Minor Arterial  
Collector  
Historic Collector

FLOODWAY  
100 YEAR

500 YEAR  
LIMIT OF STUDY  
BaseLine Profile  
Fayetteville  
Outside City





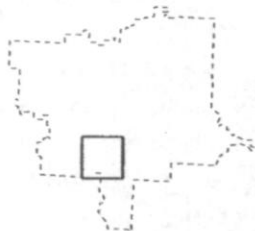
RZN 05-1372

One Mile View

# MAILCO USA INC.



Overview



Legend

Subject Property

RZN 05-1372

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

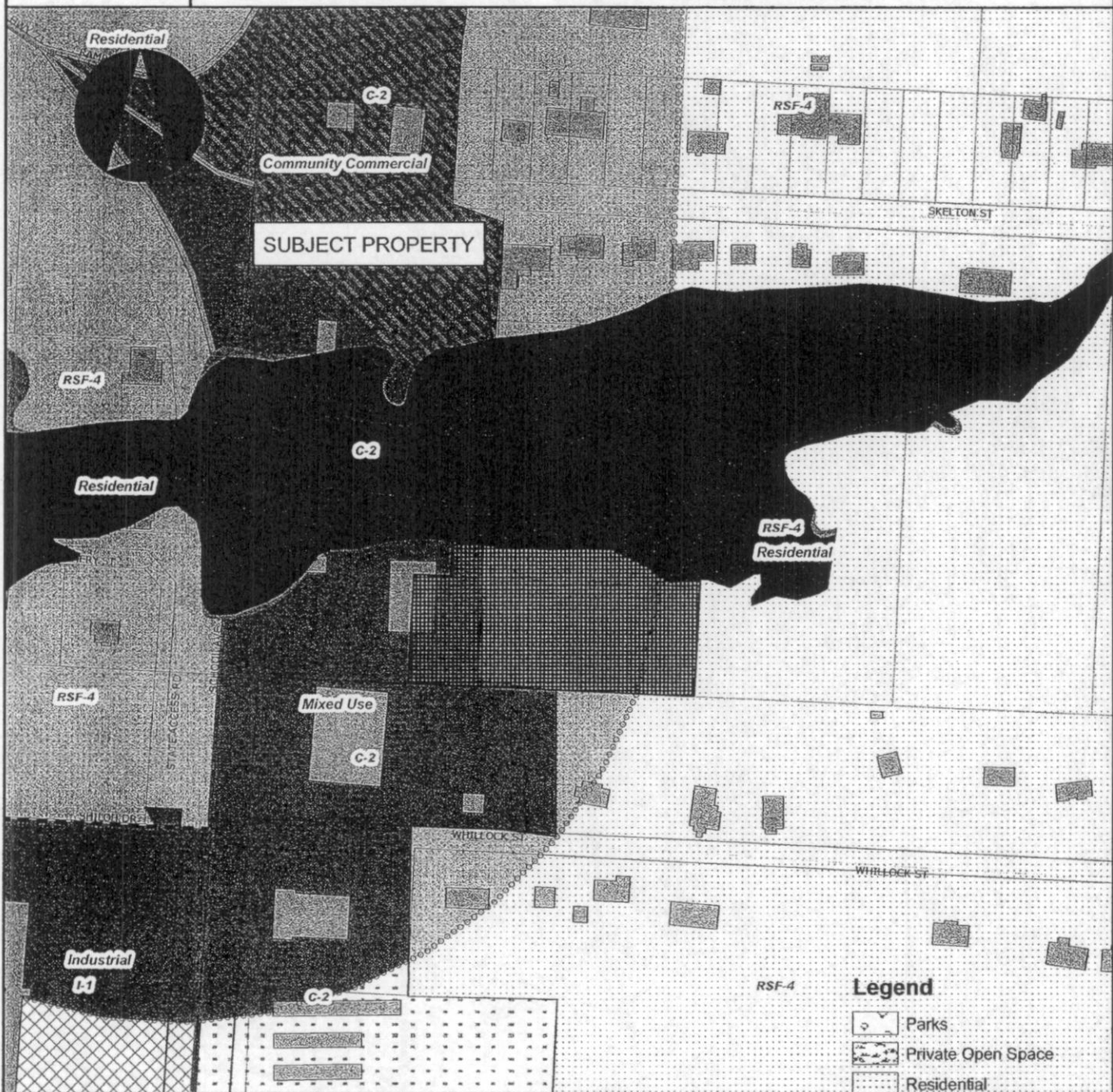
0.05 0.1 0.2 0.3 0.4

Miles

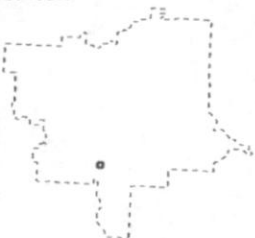
RZN 05-1372

Future Land Use

# MAILCO USA INC.



## Overview



## Legend

**Subject Property**  
RZN 05-1372

### Streets

Existing  
Planned

### Boundary

Planning Area  
Overlay District  
Outside City

### Master Street Plan

Freeway/Expressway  
Principal Arterial  
Minor Arterial  
Collector  
Historic Collector

0 75 150 300 450 600 Feet

## Legend

Parks  
Private Open Space  
Residential  
Mixed Use  
Office  
Historic Commercial  
Community Commercial  
Neighborhood Commercial  
Regional Commercial  
Industrial  
University

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 11  
RZN 05-1372 (Mailco USA, Inc.)  
Page 19 of 20

15-Mar-05  
City Council Meeting Date

Jeremy Pate  
Submitted By

Planning  
Division

Operations  
Department

Action Required:

RZN 05-1372: (Mailco USA, Inc., pp 678&717): Submitted by Steve Clark for property located on S. School Avenue east of Highway 71, north of Whillock Street. The property is zoned RSF-4, Residential Single Family, four units per acre and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

|                                |                                |                                        |
|--------------------------------|--------------------------------|----------------------------------------|
| \$0.00<br>Cost of this request | n/a<br>Category/Project Budget | n/a<br>Program Category / Project Name |
| n/a<br>Account Number          | n/a<br>Funds Used to Date      | n/a<br>Program / Project Category Name |
| n/a<br>Project Number          | n/a<br>Remaining Balance       | n/a<br>Fund Name                       |

Budgeted Item ☐ Budget Adjustment Attached ☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office

ENTERED  
2/25/05

Received in Mayor's Office

2/28/05 p.H.

Comments:





## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning *JP*

**Date:** February 22, 2005

**Subject:** Rezoning for Cornerstone/Futrell (RZN 05-1374)

---

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 0.53 acres of property from RSF-4, Residential Single Family, 4 units per acre to R-O, Residential Office.

### **BACKGROUND**

*Property description:* The subject property is located on Futrell Drive north of Wedington Drive and east of I-540. A single family home is located on the existing lot at the end of Futrell Drive, which in this location is a short street that ends at the Cornerstone Apartment Community. Surrounding properties are zoned R-O, C-2, C-1, and RMF-24, and are developed with a variety of multi-family residential and commercial uses. The primary use established in this area is commercial/office and multi-family residential in nature. Surrounding development includes Hanks Furniture, Marinoni Construction, Karstetter and Glass Auto Body Repair, and the Cornerstone Apartment Community.

*Proposal:* The applicant proposes to renovate the existing home in order to locate a management office on the property for the adjacent Cornerstone Apartment Community, a use allowed in the R-O zoning district, but not within an RSF-4 zoning district.

*Request:* The applicant requests a rezoning of the subject property to R-O, Residential Office, to allow for a management office compatible and similar to the uses that surround the parcel.

### **DISCUSSION**

The Planning Commission voted 9-0-0 on its to forward this item to the City Council with a recommendation for approval at the regular meeting of February 14, 2005.

### **BUDGET IMPACT**

None.

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

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 05-1374 FOR PROPERTY  
LOCATED AT 1144 FUTRALL DRIVE, CONTAINING  
APPROXIMATELY 0.53 ACRES FROM RSF-4, RESIDENTIAL  
SINGLE FAMILY, FOUR UNITS PER ACRE TO R-O,  
RESIDENTIAL OFFICE.

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

**Section 1:** That the zone classification of the following described  
property is hereby changed as follows:

From RSF-4, Residential Single Family, four units per acre, to R-O, Residential  
Office, as shown in Exhibit "A" attached hereto and made a part hereof.

**Section 2.** That the official zoning map of the City of Fayetteville,  
Arkansas, is hereby amended to reflect the zoning change provided in  
Section 1 above.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

**EXHIBIT "A"**  
**RZN 05-1374**

A PART OF THE SOUTHWEST QUARTER (SW  $\frac{1}{4}$ ) OF THE NORTHEAST QUARTER (NE  $\frac{1}{4}$ ) OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT 349 FEET NORTH OF THE SE CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE NORTH 200 FEET; THENCE WEST 234 FEET; THENCE SOUTH 200 FEET; THENCE EAST 234 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PART OF THE SOUTHWEST QUARTER (SW  $\frac{1}{4}$ ) OF THE NORTHEAST QUARTER (NE  $\frac{1}{4}$ ) OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT 349 FEET NORTH OF THE SE CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE NORTH 100 FEET; THENCE WEST 234 FEET; THENCE SOUTH 100 FEET; THENCE EAST 234 FEET TO THE POINT OF BEGINNING.

DRAFT



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of February 14, 2005

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Leif Olson, Associate Planner  
THRU: Jeremy C. Pate, Zoning & Development Administrator  
DATE: February 10, 2005

**RZN 05-1374: Rezoning (Cornerstone/Futrell, 402):** Submitted by KIM FUGITT for property located at 1144 FUTRALL DRIVE. The property is zoned RSF-4, SINGLE FAMILY 4 UNITS/ACRE and contains approximately 0.53 acres. The request is to rezone the subject property TO R-O, Residential Office.

Property Owner: LINDY LINSEY

Planner: LEIF OLSON

**RECOMMENDATION:**

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

|                                    |                          |                                                    |                              |
|------------------------------------|--------------------------|----------------------------------------------------|------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                          | Required                                           | <u>YES</u>                   |
| <b>Date:</b>                       | <u>February 14, 2005</u> | <input checked="" type="radio"/> Approved<br>9-0-0 | <input type="radio"/> Denied |
| <b>CITY COUNCIL ACTION:</b>        |                          | Required                                           | <u>YES</u>                   |
| <b>Date:</b>                       | <u>March 15, 2005</u>    | <input type="radio"/> Approved                     | <input type="radio"/> Denied |

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BACKGROUND:**

**Property description:** The subject property is located on Futrell Drive north of Weddington St. and east of I-540. A single family home is located on the property zoned RSF-4. Surrounding properties are zoned R-O, C-2, C-1, and RMF-24, and are developed with a variety of residential and commercial uses. The primary use established in this area is commercial/office and multi-family residential in nature.

The applicant proposes to renovate the structure in order to locate a management office on the property for the adjacent Cornerstone Apartment Community, a use allowed in R-O zoning district, but not within a RSF-4 zoning district.

**Background:** The subject property lies on the east side of Futrell Dr., which in this location is a short street that ends at the Cornerstone Apartment Community. Surrounding properties are a mix of residential and commercial uses with adjacent businesses including Hanks Furniture, Marinoni Construction, Karstetter and Glass Auto Body Repair, and the Cornerstone Apartment Community.

The intersection of Weddington Dr. Interstate 540 serves as a large commercial node with an assortment of residential, shopping, and assorted convenience commercial uses located in close proximity to each other, serving the surrounding community.

**Proposal:** The applicant proposes a rezoning of the subject property to R-O, Residential Office, to allow for a management office compatible and similar to the uses that surround the parcel.

#### **SURROUNDING LAND USE AND ZONING**

| <b>Direction</b> | <b>Land Use</b>                 | <b>Zoning</b>                |
|------------------|---------------------------------|------------------------------|
| North            | Cornerstone Apartment Community | RMF-24                       |
| South            | Marinoni Construction Office    | R-O, Residential Office      |
| East             | Multi-Family Residential        | RMF-24                       |
| West             | Hanks Furniture                 | C-1, Neighborhood Commercial |

#### **INFRASTRUCTURE:**

**Streets:** Access to the site is provided by Weddington Dr., a principal arterial, and Futrell Dr., a local street, as identified in the Master Street Plan.

**Water:** The property currently has access to an 8" water line located along Futrell Dr. at the front of the property.

**Sewer:** The site currently does not have access to sanitary sewer. An off-site sewer main will be required to serve this development.

**Fire:** The Fayetteville Fire Department has reviewed the request and has estimated that the response time from Fire Station #7 to the site would be approximately 3 minute for a distance of 1.2 miles.

**Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services.

**LAND USE PLAN:** The Future Land Use Plan designates this site for Community Commercial.

Rezoning this property to R-O, Residential Office, is consistent with the land use plan for this area and the proposed use is compatible with surrounding properties that are similarly zoned.

#### **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:** The proposed rezoning is consistent with current land use planning objectives and policies and is compatible with adjacent properties in the same district. Surrounding properties are primarily commercial in nature, and largely function within a commercial district. The property in question is adjacent to parcels zoned R-O, C-1, and RMF-24.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

**Finding:** The proposed zoning is justified in order to promote orderly and consistent development patterns. The General Plan 2020 identifies the Guiding Policies for Community Commercial areas as: "centers that are accessible and compatible with adjacent residential development" and "uses within community commercial areas [that] primarily serve residents of Fayetteville." The proposed office use would be compatible and similar to adjacent land uses.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

**Finding:** Future development with the proposed zoning would not potentially increase traffic accessing onto Mt. Comfort Rd. or Garland Ave.

**Police –** It is the opinion of the Fayetteville Police department that an appreciable increase and traffic danger and congestion will not be created by this rezoning request.

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:** The proposed zoning would not substantially alter the population density in the area. Public service providers have responded accordingly:

**Police –** This rezoning will not substantially alter the population density thereby undesirably increasing the load on police services.

**Fire –** This rezoning is in close proximity to Fire Station #7 and has an adequate response time of 3 minute.

**Engineering -** The property currently has access to an 8" water main located along Futrell Dr. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete looped systems.

The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is an 8" sewer main to the north. A capacity analysis of the sewer lines and/or lift stations downstream of the connection point shall be conducted prior to development.

Currently the site has access to Futrell Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include, right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

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



### 161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwelling  |

(2) *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 9  | Two-family dwellings                     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |                         |                      |
|----------------|-------------------------|----------------------|
|                | Single-family dwellings | Two-family dwellings |
| Units per acre | 4 or less               | 7 or less            |

(D) *Bulk and area regulations.*

|                             |                         |                      |
|-----------------------------|-------------------------|----------------------|
|                             | Single-family dwellings | Two-family dwellings |
| Lot minimum width           | 70 ft.                  | 80 ft.               |
| Lot area minimum            | 8,000 sq. ft.           | 12,000 sq. ft.       |
| Land area per dwelling unit | 8,000 sq. ft.           | 6,000 sq. ft.        |

(E) *Setback requirements.*

|        |       |        |
|--------|-------|--------|
| Front  | Side  | Rear   |
| 25 ft. | 8 ft. | 20 ft. |

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

### 161.15 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                       |
|---------|---------------------------------------|
| Unit 1  | City-wide uses by right               |
| Unit 5  | Government facilities                 |
| Unit 8  | Single-family dwellings               |
| Unit 9  | Two-family dwellings                  |
| Unit 11 | Manufactured home park                |
| Unit 12 | Offices, studios and related services |
| Unit 25 | Professional offices                  |

(2) *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 13 | Eating places                            |
| Unit 24 | Home occupations                         |
| Unit 26 | Multi-family dwellings                   |
| Unit 36 | Wireless communications facilities       |

(C) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

|                                     |         |
|-------------------------------------|---------|
| Manufactured home park              | 100 ft. |
| Lot within a manufactured home park | 50 ft.  |
| Single-family                       | 60 ft.  |
| Two-family                          | 60 ft.  |
| Three or more                       | 90 ft.  |

(2) *Lot area minimum.*

|                                     |                |
|-------------------------------------|----------------|
| Manufactured home park              | 3 acres        |
| Lot within a manufactured home park | 4,200 sq. ft.  |
| Townhouses:                         |                |
| Development                         | 10,000 sq. ft. |
| Individual lot                      | 2,500 sq. ft.  |
| Single-family                       | 6,000 sq. ft.  |
| Two-family                          | 6,500 sq. ft.  |
| Three or more                       | 8,000 sq. ft.  |
| Fraternity or Sorority              | 1 acre         |

(3) *Land area per dwelling unit.*

|                          |               |
|--------------------------|---------------|
| Manufactured home        | 3,000 sq. ft. |
| Townhouses & apartments: |               |
| No bedroom               | 1,000 sq. ft. |
| One bedroom              | 1,000 sq. ft. |

|                        |                          |
|------------------------|--------------------------|
| Two or more bedrooms   | 1,200 sq. ft.            |
| Fraternity or Sorority | 500 sq. ft. per resident |

(D) *Density.*

|                |         |
|----------------|---------|
| Units per acre | 4 to 24 |
|----------------|---------|

(E) *Setback regulations.*

|                                                                        |        |
|------------------------------------------------------------------------|--------|
| Front                                                                  | 30 ft. |
| Front, if parking is allowed between the right-of-way and the building | 50 ft. |
| Side                                                                   | 10 ft. |
| Side, when contiguous to a residential district                        | 15 ft. |
| Rear, without easement or alley                                        | 25 ft. |
| Rear, from center line of public alley                                 | 10 ft. |

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

Fayetteville Fire Department Service Delivery Impact: Zoning Review February 1, 2005

| Item        | Subdivision | Annexation  | Acres  | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Maximum Service at Build Out per year | Projected Fire/Other Calls for Maximum Service at Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|-------------|-------------|-------------|--------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| ANX 05-1365 | Wilkins     | ANX 05-1365 | 10     | S7                   | n/a                        | n/a                            | 8 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1366 | Wilkins     |             |        | S7                   | 2.7 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 9                                                         | 4                                                                    | 6                                                             |
| ANX 05-1370 | Hall        | ANX 05-1370 | 235.38 | S5                   | n/a                        | n/a                            | 8 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1371 | Hall        |             |        | S5                   | 2.9 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 114                                                       | 45                                                                   | 69                                                            |
| RZN 05-1378 | Goff/Hall   |             |        | S5                   | 3.3 Miles                  | 8 minutes                      | 8 Minutes                                                     | 14                                                        | 5                                                                    | 8                                                             |
| RZN 05-1372 | Mallico USA |             | 2.536  | S1                   | 3 Miles                    | 5 minutes                      | 5 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1374 | Cornerstone |             | 0.53   | S7                   | 1.2 Miles                  | 3 minutes                      | 3.5 Minutes                                                   | 0                                                         | 0                                                                    | 0                                                             |



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 12  
RZN 05-1374 (Cornerstone/Futrell)  
Page 12 of 22

POLICE DEPARTMENT

February 7, 2005

Jeremy Pate  
Interim Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

RECEIVED  
FEB 09 2005  
PLANNING DIV.

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1365: (WILKINNS, 245): and Rezoning RZN 05-1366 (WILKINS, 245) submitted by MEL HOLLAND for property located at the EAST OF SALEM ROAD, NORTH OF THE CRYSTAL SPRINGS, PHASE I. This property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville and to rezone the subject property to RSF-4, Residential Single-family 4 units per acres.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to ANX 05-1370 (HALL 644, 645, 684): Submitted by MEL HOLLAND for the property located at 2577, 2216, 2844, 2822 DEADHORSE MTN. ROAD. This property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1371: (HALL, 645, 684): Submitted by MEL HOLLAND, for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density however it will not create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response

In reference to RZN 05-1378: (HALL, 644): Submitted by MEL HOLLAND, for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1372 (MAILCO USA INC., 678-717): Submitted by STEVE CLARK for the property located at S. SCHOOL AVENUE, E OF HWY 71 AND N OF WHILLOCK STREET. The property is zoned RSF-4 SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

✶ In reference to RSN 05-1374: (CORNERSTONE/FUTRALL, 402): Submitted by KIM FUGITT for property located at 1144 FUTRALL DRIVE. The property is zoned SRF-4, SINGLE FAMILY-4 UNITS/ACRE and contains approximately 0.53 acres. The request is to rezone the subject property to R-O, Residential Office.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,



Captain William Brown  
Fayetteville Police Department

FUGITT & ASSOCIATES ARCHITECTS

December 22, 2004

PLANNING DEPARTMENT  
CITY OF FAYETTEVILLE  
113 W. MOUNTAIN  
FAYETTEVILLE, AR. 72701

RE: LYNDY LINDSEY REZONING REQUEST

TO WHOM IT MAY CONCERN,

I AM WRITING ON BEHALF OF MR. LYNDY LINDSEY AND HIS REQUEST TO REZONE PROPERTY LOCATED AT 1144 FUTRALL ROAD IN FAYETTEVILLE, ARKANSAS. PLEASE FIND THE ATTACHED FEE, LEGAL DISCRPTION, MAILING LABELS AND PLAT COPY.

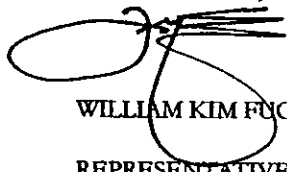
THE APPLICANT CURRENTLY OWNS THE PROPERTY AND NO SALES ARE PENDING. WE REQUEST THE PROPERTY BE REZONED AS THE APPLICANT WISHES TO USE THE EXISTING STRUCTURE AS A MANAGEMENT FACILITY FOR THE ADJACENT CORNERSTONE APARTMENT COMMUNITY THAT THE APPLICANT OWNS AS WELL. THE INTERIOR OF THE EXISTING STRUCTURE ON THE SUBJECT PROPERTY WILL BE RENNOVATED SLIGHTLY TO FUNCTION AS THE MANAGEMENT FACILITY AND THE EXTERIOR WILL BE REFURBISHED TO MATCH THE EXISTING APARTMENT COMMUNITY IN ITS ROOFING, MASONRY AND SIDING MATERIALS AND COLORS. THERE SHOULD BE NO IMPACT ON THE EXISTING TRAFFIC CONDITIONS BY THIS REZONING, AS THE USE WILL BE BY THOSE TENNANTS ALREADY CONSIDERED IN THE CORNERSTONE COMMUNITY. SIGNAGE WILL BE FOR IDENTOFICATION PURPOSES ONLY AND MINIMAL. ALL UTILITIES ARE PRESENT AT THE SITE AND THERE WILL BE NO NEED FOR ADDITIONAL SERVICES DUE TO THIS REZONING REQUEST.

THE PROPOSED ZONING IS CONSISTENT WITH LAND USE PLANNING PRINCIPALS AS THE SUBJECT PROPERTY IS FLANKED ON THE NORTH AND EAST BY MULTI-FAMILY ZONING, ON THE SOUTH BY R-O ZONING AND ON THE WEST BY C-1. AS MENTIONED PREVIOUSLY, THIS REZONING WILL CREATE NO ADVERSE EFFECTS ON TRAFFIC, UTILITIES AND/OR CURRENT SCHOOL SYSTEMS.

FINALLY, WE BELIEVE THIS REZONING REQUEST IS JUSTIFIED AND NECESSARY AT THIS TIME AS IT HAS BECOME IMPRACTICAL FOR THE SUBJECT PROPERTY TO BE USED AS A SINGLE FAMILY HOME AS WAS ITS' INITIAL AND CURRENT USE DUE TO THE PREVIOUSLY APPROVED USES THAT BOARDER THE PROPERTY.

THANK-YOU FOR YOUR CONSIDERATION OF THIS ISSUE.

RESPECTFULLY,



WILLIAM KIM FUGITT, AIA

REPRESENTATIVE



File No.: W04-5186

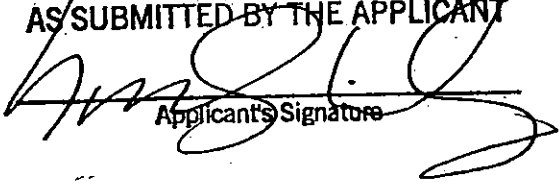
## EXHIBIT A

A part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 7, Township 16 North, Range 30 West, Washington County, Arkansas, described as follows, to-wit: Beginning at a point 349 feet North of the SE corner of said 40 acre tract and running thence North 200 feet; thence West 234 feet; thence South 200 feet; thence East 234 feet to the Point of Beginning.

### LESS and EXCEPT:

A part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 7, Township 16 North, Range 30 West, Washington County, Arkansas, described as follows, to-wit: Beginning at a point 349 feet North of the SE corner of said 40 acre tract and running thence North 100 feet; thence West 234 feet; thence South 100 feet; thence East 234 feet to the Point of Beginning.

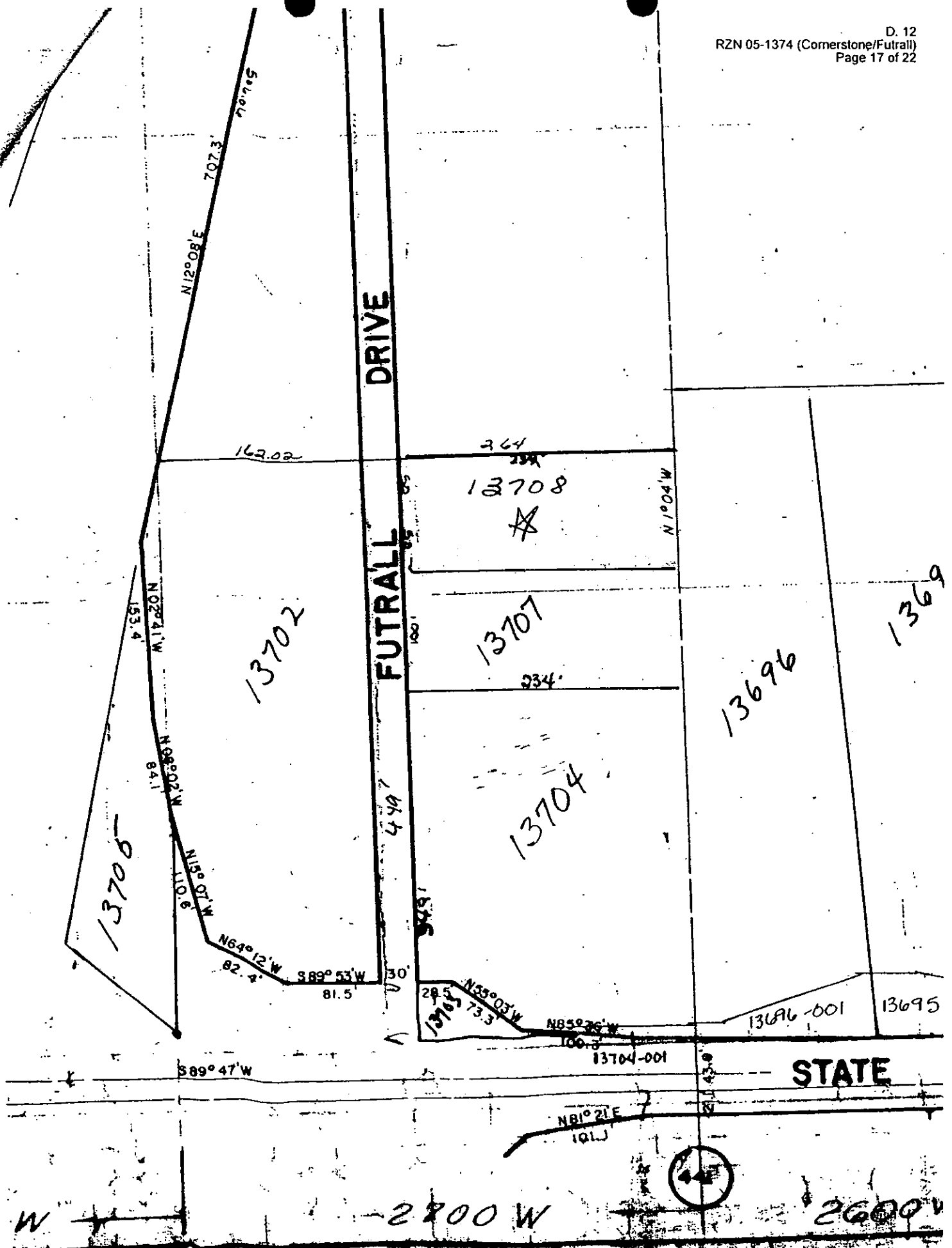
EXHIBIT "A"  
PROPERTY TO BE REZONED  
AS SUBMITTED BY THE APPLICANT

  
Applicant's Signature

RZN 05 - 1374

parcel closes

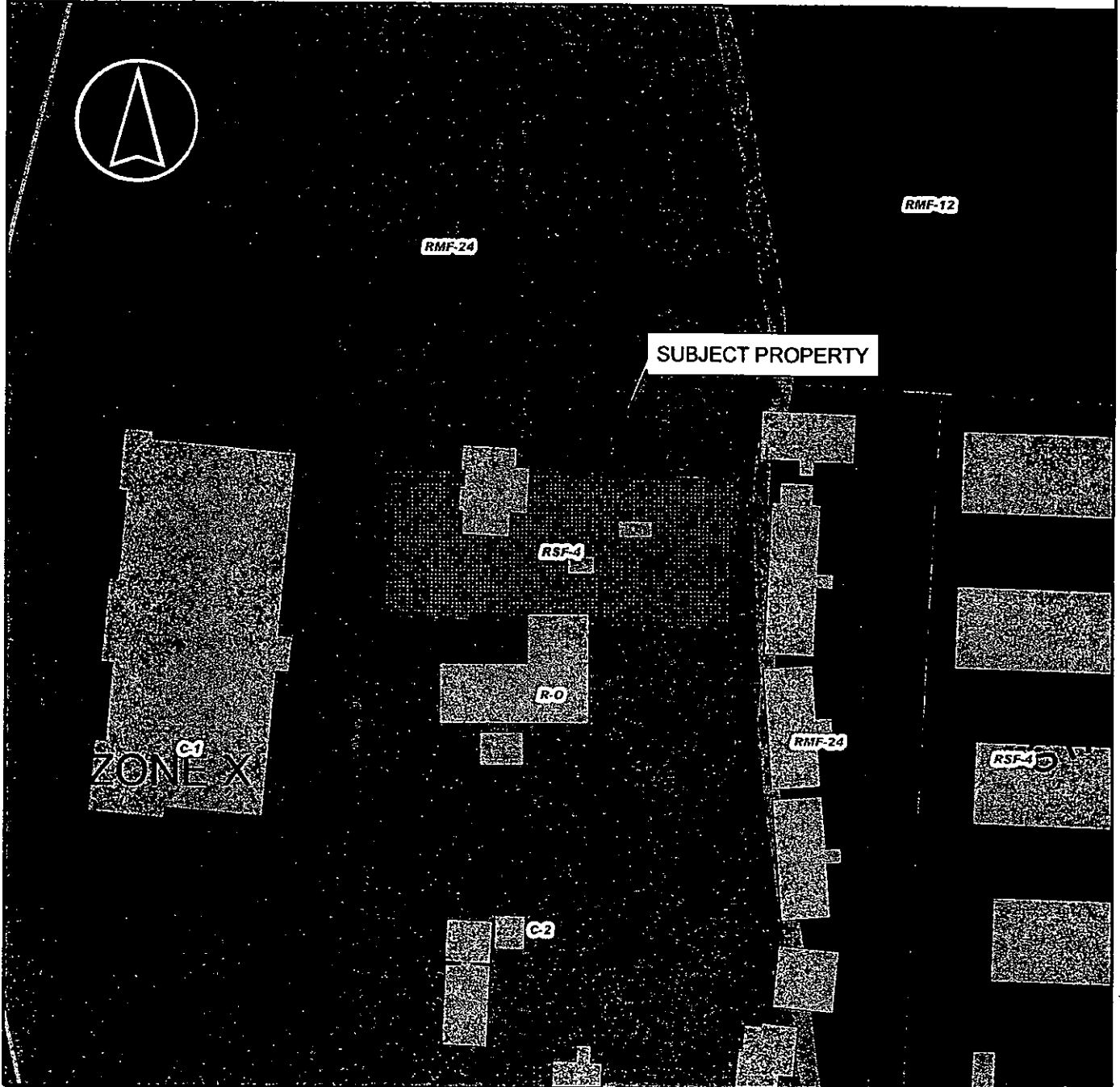
1/13/05 R



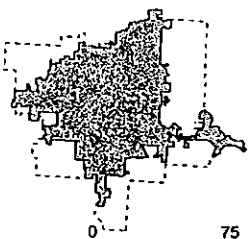
RZN 05-1374

Close Up View

# CORNERSTONE/FUTRALL



## Overview



## Legend

RZN 05-1374

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

BaseLine Profile

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

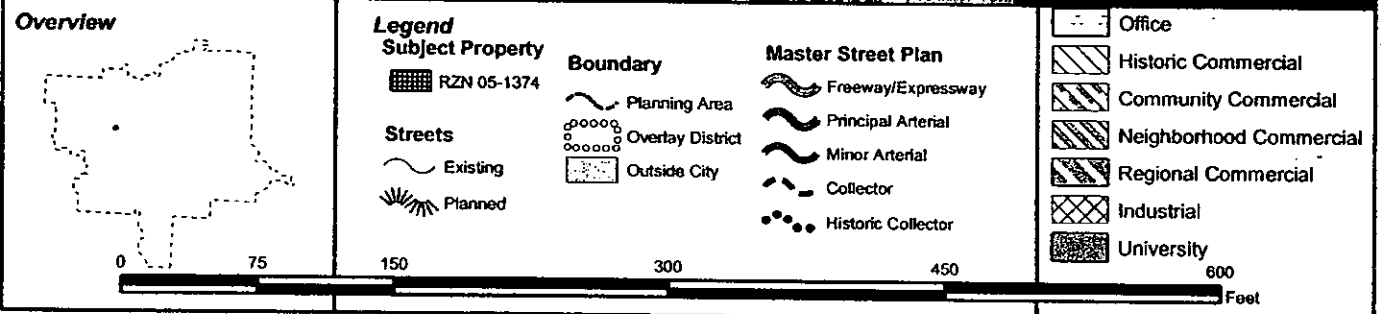
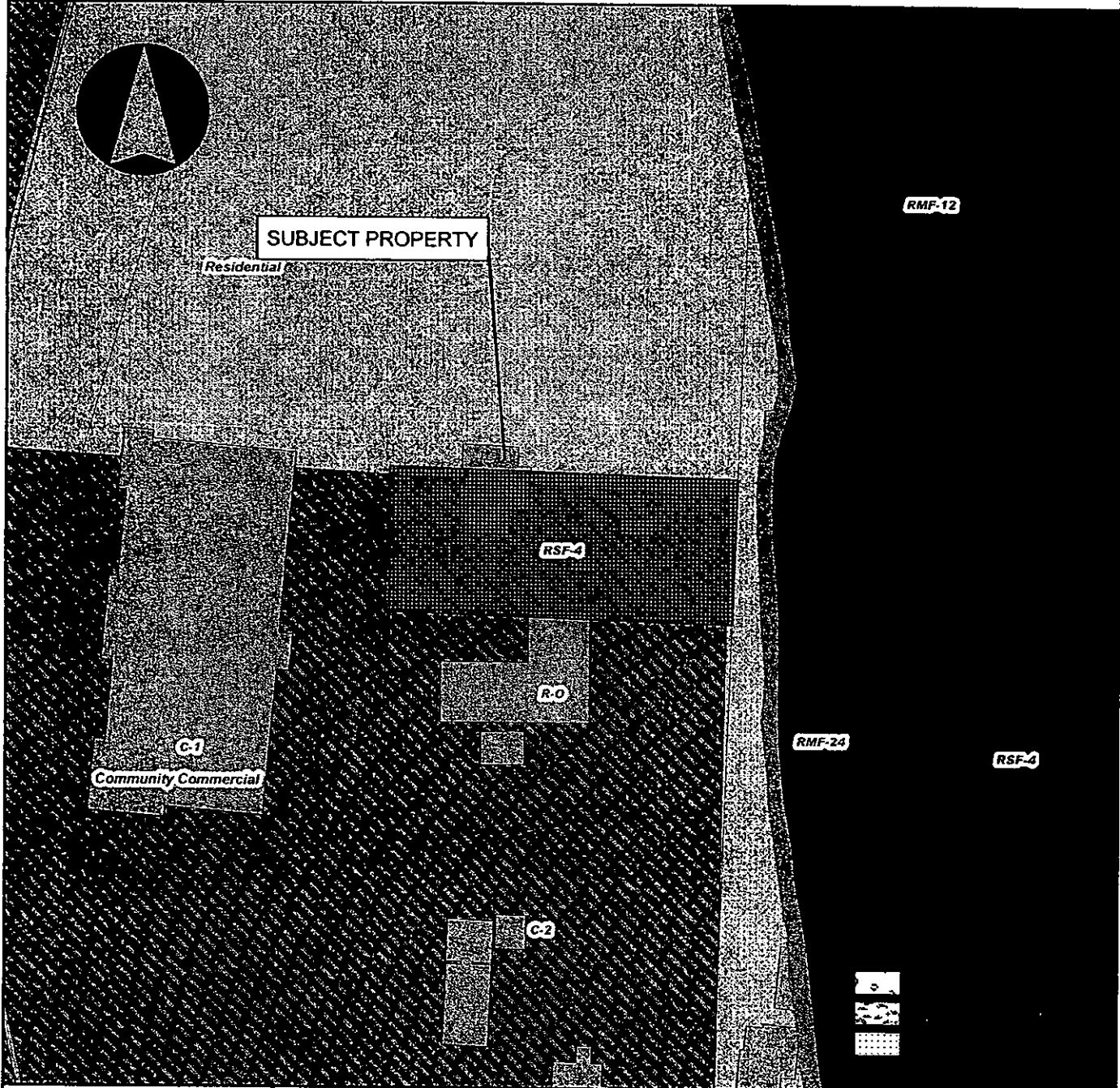
Outside City



RZN 05-1374

Future Land Use

# CORNERSTONE/FUTTRALL



### One Mile View

# CORNERSTONE/FUTRALL



**Subject Property**  
 **RZN 05-1374**

Planning Area  
 Overlay District  
 Outside City

 Freeway/Expressway  
 Principal Arterial  
 Minor Arterial  
 Collector  
 Historic Collector



0 10 20 Miles

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 12  
RZN 05-1374 (Cornerstone/Futrell)  
Page 21 of 22

15-Mar-05  
City Council Meeting Date

Jeremy Pate  
Submitted By

Planning  
Division

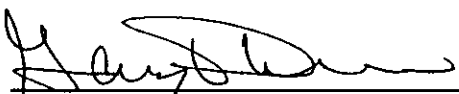
Operations  
Department

Action Required:

RZN 05-1374: (Cornerstone Office, pp 402): Submitted by Kim Fugitt for property located at 1144 Futrell Drive. The property is zoned RSF-4, Residential Single Family, four units per acre and contains approximately 0.53 acres. The request is to rezone the subject property to R-O, Residential Office.

|                                |                                |                                        |
|--------------------------------|--------------------------------|----------------------------------------|
| \$0.00<br>Cost of this request | n/a<br>Category/Project Budget | n/a<br>Program Category / Project Name |
| n/a<br>Account Number          | n/a<br>Funds Used to Date      | n/a<br>Program / Project Category Name |
| n/a<br>Project Number          | n/a<br>Remaining Balance       | n/a<br>Fund Name                       |

Budgeted Item ☐ Budget Adjustment Attached ☐

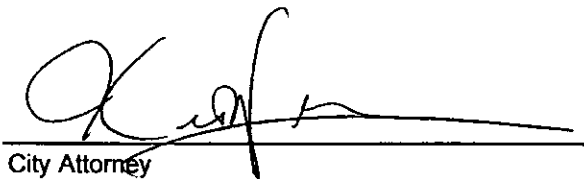
  
Department Director

2-25-05  
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

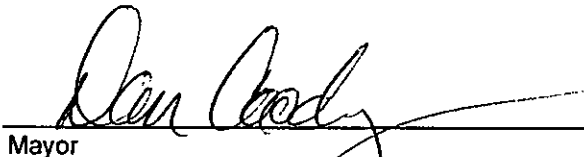
Original Contract Number: n/a

  
City Attorney

2-25-05  
Date

Received in City Clerk's Office

ENTERED  
2/25/05

  
Mayor

2/28/05  
Date

Received in Mayor's Office

2/28/05 P.A.

Comments:



## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning *JP*

**Date:** February 22, 2005

**Subject:** Annexation for Hall (ANX 05-1370)

### **RECOMMENDATION**

Planning Staff recommends approval of the requested annexation for Hall, a 235.38 acre tract located on Dead Horse Mountain Road. This action will incorporate the 235.38-acre tract of land contiguous with the city limits into the City of Fayetteville.

### **BACKGROUND**

*Property description:* The subject properties are located on Dead Horse Mountain Road, east of the West Fork of the White River, southwest of Goff Farm Road. Approximately 80% of the county peninsula in this area is surrounded by existing city limits, with the exception of approximately 1500 feet along the south boundary. The area is a peninsula of county land that extends north a little over ½ mile into and between the current city limit boundaries. The west boundary is the West Fork of the White River, whose floodway and floodplain inhibits development on much of the west side of the property. The 235 acres consists of four tracts owned by separate individuals. The property is currently agricultural in nature, with several single family homes located throughout. Surrounding property is zoned R-A, Residential Agricultural, with the exception of the property to the far south, which is in the Planning Area.

Annexation of the property will create an island of unincorporated property, yet does alleviate some of the problems created by the extension of a county peninsula into the city limits. The annexation, while adding a net total of 235 acres into the city limits, does not extend the city limit boundary any further out than it currently exists. Rather, it creates a much more desirable boundary that will alleviate future problems with development of the area. Staff recommends the annexation of this property to ensure development in accordance with City Ordinances. Water and sewer service shall be extended to the property at the time of development, at the cost of the developer. Significant improvements to the infrastructure adjacent to this site in compliance with the Master Street Plan will be required at the time of development. City fire and police currently service the adjoining neighborhoods.

*Proposal:* The applicant requests annexation of the property into the City of Fayetteville. A rezoning request has also been submitted for a portion of the subject property, for RSF-4 zoning, while the remainder is to become R-A, Residential Agricultural. The applicant intends to develop the property for residential use within the City of Fayetteville.



*Request:* The applicant requests annexation of the 235.38-acre tract into the City of Fayetteville.

**DISCUSSION**

This item was heard at the regular Planning Commission on February 14, 2005. The Planning Commission voted 7-2-0 to recommend in favor of the annexation, with Commissioners Clark and Allen voting no.

Staff recommends approval of the proposed annexation to ensure the future development of single family residential homes is consistent and compatible with adjoining development and is regulated in the same manner as property developing nearby, to achieve the common goals of the city. The annexation recommendation is two-pronged; should the Council vote to approve the subject annexation, staff intends on processing island annexation requests almost immediately to incorporate the remaining small parcels that are created as islands with the subject request. Staff finds it is desirable for this entire area to become incorporated into the city limits, thereby ensuring more cohesive current and long-range planning for the area's future land use and development. Public comment was received from the several adjacent and nearby property owners, both in favor of and against the requested annexation.

**BUDGET IMPACT**

None.

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

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 05-1370 ANNEXING TO THE CITY OF FAYETTEVILLE, ARKANSAS, CERTAIN PROPERTY LOCATED AT 2577, 2216, 2844, 2822 DEADHORSE MOUNTAIN ROAD, CONTAINING APPROXIMATELY 235.38 ACRES.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. The official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. One.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

APPROVED:

By: \_\_\_\_\_  
Dan Coody, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

EXHIBIT "A"  
ANX 05-1370

ALL OF THE NORTHEAST QUARTER OF SECTION TWENTY-SIX (26) LYING AND BEING EAST OF WHITE RIVER, AND A PART OF SECTION TWENTY-FIVE (25), BEING A PART OF THE NORTHWEST QUARTER, AND THE NORTH HALF OF NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE WEST ONE HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; ALL LANDS ARE LOCATED IN T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS AND MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTH QUARTER (N1/4) CORNER OF SAID SECTION 25;

THENCE S02°35'26"W 843.62 FEET; THENCE S74°18'04"W 1046.81 FEET; THENCE S02°40'42"W 1462.55 FEET; THENCE S87°00'36"E 213.20 FEET; THENCE N02°35'26"E 443.00 FEET; THENCE S87°00'36"E 284.50 FEET; THENCE N 02°35'26"E 428.00 FEET; THENCE S87°00'36"E 284.50 FEET; THENCE S02°35'26"W 871.00 FEET; TO THE SOUTH BOUNDARY OF THE NW1/4 OF SECTION 25;

THENCE N87°00'36"W 782.20 FEET; THENCE S02°59'21"W 659.85 FEET; THENCE N87°01'29"W 1658.44 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 25; THENCE N02°49'30"E 660.29 FEET TO THE E1/4 CORNER OF SAID SECTION 26; THENCE N87°03'19"W 374.79 FEET TO THE CENTER OF THE WHITE RIVER; THENCE ALONG THE CENTERLINE OF SAID RIVER N39°45'03"W 862.78 FEET, N13°46'25"W 642.69 FEET, N21°48'22"W 923.85 FEET, N69°23'38"W 367.13 FEET, S86°31'46"W 75.42 FEET, N56°45'52"W 308.00 FEET, N66°28'44"W 226.45 FEET AND N22°08'15"W 237.29 FEET TO A POINT ON THE NORTH LINE OF SECTION 26; THENCE S87°02'55"E 2529.31 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE S87°01'09"E 2645.72 FEET TO THE POINT OF BEGINNING CONTAINING 235.38 ACRES, MORE OR LESS, WASHINGTON COUNTY ARKANSAS.



PC Meeting of February 14, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

**PLANNING DIVISION CORRESPONDENCE**

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission  
FROM: Jeremy Pate, Interim Planning Director  
DATE: February 09, 2005

**ANX 05-1370: (HALL, 644,645,684):** Submitted by MEL MILHOLLAND for property located at 2577,2216,2844,2822 DEADHORSE MTN. ROAD. The property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

Planner: Jeremy Pate

Property Owner: IMOGENE HALL  
Property Owner: MARILYN JOHNSON HEIFNER  
Property Owner: SCOTT & SYRONA SCOTT  
Property Owner: JOHNNY & MELISA CARPER

**RECOMMENDATION:**

Staff recommends approval of the requested annexation based on the findings included as part of this report.

|                                    |                                                                        |
|------------------------------------|------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> | Required <u>YES</u>                                                    |
| Date: <u>February 14, 2005</u>     | <input checked="" type="radio"/> Approved <input type="radio"/> Denied |
|                                    | 7-2-0 No: Clark, Allen                                                 |
| <b>CITY COUNCIL ACTION:</b>        | Required <u>YES</u>                                                    |
| Date: <u>March 15, 2005</u>        | <input type="radio"/> Approved <input type="radio"/> Denied            |

**BACKGROUND:**

*Property description:* The subject properties are located on Dead Horse Mountain Road, east of the West Fork of the White River, southwest of Goff Farm Road. The property is almost completely bordered by property that is already within the city limits (approximately 80% surrounded), with the exception of approximately 1500 feet along the south boundary. The area is a peninsula of county land that extends north a little over ½ mile into and between the current city limit boundaries. The west boundary is the West Fork of the White River, whose floodway and floodplain inhibits development on much of the west side of the property. The 235 acres consists of four tracts owned by separate individuals. The attached exhibit "A" as prepared by the applicant and ordered by Judge Jerry Hunton best represents the individual tracts in question. The

property is currently agricultural in nature, with several single family homes located throughout. Surrounding property is zoned R-A, Residential Agricultural, with the exception of the property to the far south, which is in the Planning Area.

*Islands:* The subject request for annexation is unique in nature, and has been a point of discussion for staff and the applicant since early 2004. Initially, the applicant approached staff regarding a proposal for a smaller tract, that which is to be developed in the future. The original tract technically would not have created an island of county property, but would create a worse situation than currently exists. Much of the property within this 80% city-surrounded area would not have been annexed, and thereby would create much larger problems in the future with public services. Staff advised the applicant on more than one occasion to approach the remaining landowners within this almost-surrounded area in the County in order to bring the entire area into the city limits at one time, thereby creating a more reasonable city limit boundary in this location. The applicant subsequently approached many of the landowners with offers to purchase, petitions to annex, and requests to annex. Several of the landowners have joined the original applicant in the request, but unfortunately not all were willing to do so at this time. *As a result, the request to annex the subject property will create two islands of county property that are completely surrounded by the Fayetteville City Limits.*

The "west" island is a remnant tract of property whose ownership is unknown. The applicant has traced its origins through abstractors to a U.S. patent issued by President Martin Van Buren on August 20, 1838. The receiver, a Mr. Thomas Standifor, is the last known property owner that has been found up to this point. The property is bound on the west by the river and to the north and east by the Hall property. It is located almost entirely within the floodway of the West Fork of the White River, rendering development for this tract almost impossible. See attached letter regarding ownership of this parcel.

The "east" island is made up of nine parcels with seven different owners, most of which are occupied. Several of the owners of these parcels were willing to join in the petition, however based on the state law for annexation, could not because they lacked adjacency to the city limits. There are property owners within this island that were not willing to join the petition for annexation to complete the boundary.

Staff's recommendation is two-pronged. Should the Council vote to accept this property into the city limits, it is staff's intent to follow through with the City's adopted policy of annexing islands in this process, much as all other islands were annexed into the City this past summer. Staff does not intend to establish a pattern of recommending annexations that create islands, as stated in the adopted annexation policy; however, the subject request presents a unique situation that we find pertinent and real in relation to the findings herein. Staff finds that annexing this entire area that is 80% surrounded by city services and limits is desirable and therefore supports the request for annexation.

*Request:* The request is to annex the subject property into the City of Fayetteville.

*Related Issues:* When property is annexed into the City, it is annexed as R-A, Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would

like to rezone the Hall tract (125.50 acres) to RSF-4, Residential Single Family, 4 Units per Acre and leave the remaining parcels as R-A, Residential Agricultural. The RSF-4 rezoning request, RZN 05-1371, is an accompanying item to this annexation request.

Property that is developed and/or subdivided in the Planning Area of the City of Fayetteville, outside of the city limits, does not allow for the enforcement of many regulations required within the City. When property that is consistent with the General Plan 2020 and the City's guiding policy of annexation is incorporated into the city and developed, a uniform and consistent standard of development includes the following:

- Compatibility in land use and development standards
- Ability to plan future capital improvements
- Ability to require the same level of infrastructure improvements required for new development within these areas as required within the City
- Less confusion for public safety – police and fire – who responds
- Police Protection
- Fire Protection
- Trash Service
- Sewer service
- Water service
- Street standards (curb and gutter) and construction specifications
- Sidewalks, based on the Master Street Plan
- Street lights
- Grading and Drainage review
- Detention
- Zoning Regulations (setbacks, bulk and area requirements, land use)
- Code enforcement
- Tree Preservation
- Parks land dedication

Without appropriate annexation, developers of property in the Planning Area are offered water service from the City of Fayetteville, but have few of the other regulatory responsibilities for development. Many of the public services offered to citizens of Fayetteville in adjacent properties are not offered to those beyond the city limits. In some cases, developments adjacent to one another have very different standards, creating problems with transition and the establishment of an efficient network of infrastructure. Property that develops directly adjacent to the city limits is required to develop within City specifications for street construction. However, other requirements such as parks, detention, grading and drainage, zoning/land use and tree preservation are not within the City's ability to control.

*Recommendation:* Staff recommends approval of the proposed annexation. Should the annexation request be approved, future changes or additional development on this site will be regulated by the city allowing for a more uniform and consistent development pattern. Should the annexation be approved, staff will soon be processing annexations for the islands created in this unique request.

## SURROUNDING LAND USE AND ZONING

| Direction | Land Use                                       | Zoning                                       |
|-----------|------------------------------------------------|----------------------------------------------|
| North     | Agricultural                                   | R-A, Residential Agricultural                |
| South     | Parkland, agricultural                         | R-A, Residential Agricultural, Planning Area |
| East      | Single family homes, golf course, agricultural | R-A, Residential Agricultural                |
| West      | White River, Industrial Park, parkland         | R-A, Residential Agricultural                |

## INFRASTRUCTURE:

**Streets:** Currently the site has access to Dead Horse Mountain Road. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Additionally, development on the subject property has a high likelihood of accessing the substandard bridge on Dead Horse Mountain Road north of the property as its primary means of access toward the center of the city. An assessment for a proportionate share of the cost of this bridge is anticipated at the time of development. Specific street improvements will be evaluated based on the development proposed, to meet ordinance requirements.

**Water:** The site currently does have access to public water. The nearest water main is a 6" main on the east side along Dead Horse Mountain Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete looped systems.

**Sewer:** The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is a 12" sewer main to the west. A capacity analysis of the sewer lines and/or lift stations downstream of the connection point shall be conducted prior to development.

**Fire:** The subject property is located 2.9 miles from Fire Station #5. Normal driving time is 7 minutes. The property is located approximately 3 miles from the future Fire Station #3. Normal driving time is 7 minutes.

**Police:** It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services. It is anticipated that response time will be increased for calls for service because the property is at the limits of the current service area. However, the actual travel time is does not increase beyond that which is already served.

**LAND USE PLAN:** The General Plan 2020 Future Land Use Plan designates this site as Residential.

**FINDINGS:**

**11.6 ANNEXATION GUIDING POLICIES**

**BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

**Finding:** The requested annexation will create two islands of unincorporated property. The property is the majority of a larger peninsula of county land that extends into and is 80% surrounded by Fayetteville city limits. As outlined in the information presented in the staff report, staff supports the request to bring this area into the City Limits. The property is almost completely surrounded by incorporated city limits; public service providers and emergency personnel are currently required to access portions of the city by traveling through the county in this area. Not all property owners were willing to annex voluntarily at this time, though the applicant prepared surveys for all of the properties in question and approached several of the landowners on multiple occasions. It is staff's intent to follow this annexation with a request for island annexation almost immediately, in keeping with the city policy.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

**Finding:** The proposed annexation area is adjacent to the city limits along its north, south east and west boundaries, with approximately 80% of its boundaries adjacent to the city limits. The request does not extend the city limit boundary further south than the current limits reach; rather, it incorporates the majority of a large peninsula of county land that extends north into the city limits.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

**Finding:** This area does not divide neighborhoods. The boundary follows the river to the west, and incorporates primarily agricultural and undeveloped land.

11.6.d Boundaries for annexed areas should follow natural corridors.

**Finding:** Proposed boundaries primarily follow property lines, though the boundary to the west is the natural corridor of the West Fork of the White River. This area inhibits approximately 25% of the property from development, due to its location within the floodway.



11.6.e Timing of services within annexation areas should be considered.

**Finding:** Current conditions result in a response time of 7 minutes for fire protection from Fire Station #5 and from the future Fire Station #3. The property has access to a 6" water main to the east along Dead Horse Mountain Road. An extension of the water main and potential loop will be required to provide adequate water supply and fire protection within any development on this property. Future plans for the old Tyson Complex include a new fire station to serve this area of town, which will add another nearby emergency response team.

Sewer service is not available in the county. Sewer will have to be extended for development in the area at the cost of the developer, likely from the 12" line to the west; the site does not currently have direct access to this service and in order to develop will necessitate the extension of sewer lines to the property in accordance with city ordinance.

#### **ENVIRONMENTALLY SENSITIVE AREAS**

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

**Finding:** Floodplain and floodway associated with the West Fork of the White River is located along the western boundary of the property. Development may not occur in the floodway without federal approval. Development within the floodplain is best regulated by the City's stormwater and floodplain ordinances. The environmentally sensitive areas on the property would be best protected utilizing appropriate city development regulations, which are only required if the property is annexed.

#### **EMERGENCY AND PUBLIC SERVICES**

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

**Finding:** Water and sewer lines are accessible in the vicinity. Sewer does not currently exist on-site, and must be extended from the west. The police department reports that current levels of service would not be compromised and that coverage in this area can be provided for this request, though the impact from a sum total of increase in population density has caused an increase in service call response time. Fire service may also be adequately provided to the site with current and projected fire stations. Public services currently serve areas of the city beyond this request, effectively traveling through this portion of the county to access city limits beyond. The net travel time is thus not increased to serve this property beyond that which is already served in the area.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

**Finding:** Fire and police service are to be provided to this area with the same level of response and service as other city developments in this area. Actual travel time is not increased for police or fire services. Sewer and water improvements to the area in general will be provided for with the development of the property in question, at the cost of the developer.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

**Finding:** These factors were taken into consideration in the responses and recommendations from public service providers included in this report.

### **INFRASTRUCTURE AND UTILITIES**

11.6.j Areas currently served by utilities and other public services should be annexed.

**Finding:** Water, fire and police protection are currently provided in this area. The property is almost completely surrounded by city limits, to which utilities and other public service providers already respond.

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

**Finding:** Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. As it exists currently, annexation of the property would not require the upgrading of utilities, unless and until additional development that increases the demand on public services is proposed. At that time, the developer shall provide the new and/or improved infrastructure necessary to serve the proposed development.

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

**Finding:** The proposed annexation is not part of a phased annexation initiated by the City.

### **INTERGOVERNMENTAL RELATIONS**

11.6.m Promote long-range planning with adjacent jurisdictions.

**Finding:** The only adjacent jurisdiction is Washington County, which has very limited land use regulations.

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

**Finding:** The city currently serves this area with water. Stormwater regulations are not reviewed at the Washington County level, to the best of staff's knowledge. Sewer is not permitted within the county without City Council approval, thus the only option for sewer is individual septic or package/community septic systems to serve future development outside the city.

### ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

**Finding:** Annexations that are approved are automatically zoned R-A, Residential Agricultural. The applicant is requesting to rezone approximately 125 acres of the total 235 acres to RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with nearby developed and developing property and the Residential classification of the area on the City's adopted Future Land Use Plan. The remaining property is requested to be retained as R-A, Residential Agricultural.

11.6.p An annexation study should be completed on all annexation proposals.

**Finding:** Planning staff has asked the Engineering Division, Fire Department and Police Department, along with any other interested city divisions, to study this annexation request to determine if facilities and services are available to serve this property.

11.6.q Development proposals require a separate review from the annexation proposals.

**Finding:** At the time the owner desires to develop or subdivide this property, the applicant will be required to submit a proposal for review and approval by the Planning Commission.

11.6.r Residents should be fully informed of annexation activities.

**Finding:** Adjoining neighbors have been notified of the annexation request on many different occasions. The applicant has asked each of the property owners within the area to sign a petition for annexation in order for an island to not be created. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled. Public comment from adjoining neighbors was received at the Planning Commission meeting, both for and against the annexation proposal.

11.6.w Encourage larger annexations to create acceptable boundaries.

**Finding:** The annexation of this property will create a much more acceptable boundary for the City of Fayetteville city limits, allowing for a peninsula of the county almost completely surrounded by incorporated city limits to become part of the city. The request does not extend the city limit boundary further south than the current limits reach. The undesirable boundary this request creates is the creation of two islands of county property, which staff intends to process as island annexations in order to complete the more uniform boundary.

11.6.t Conduct a fiscal impact assessment on large annexations.

**Finding:** A fiscal impact assessment has not been conducted for this property.

## ***From Fayetteville General Plan 2020 – 2002 Revision***

### **11.6 Annexation Guiding Policies**

#### **Boundaries**

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

#### **Environmentally Sensitive Areas**

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

#### **Emergency and Public Services**

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

#### **Infrastructure and Utilities**

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

#### **Intergovernmental Relations**

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

#### **Administration of Annexations**

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 13  
ANX 05-1370 (Hall)  
Page 15 of 42

POLICE DEPARTMENT

February 7, 2005

Jeremy Pate  
Interim Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

RECEIVED  
FEB 09 2005  
PLANNING DIV.

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1365: (WILKINNS, 245): and Rezoning RZN 05-1366 (WILKINS, 245) submitted by MEL HOLLAND for property located at the EAST OF SALEM ROAD, NORTH OF THE CRYSTAL SPRINGS, PHASE I. This property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville and to rezone the subject property to RSF-4, Residential Single-family 4 units per acres.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

→ In reference to ANX 05-1370 (HALL 644, 645, 684): Submitted by MEL HOLLAND for the property located at 2577, 2216, 2844, 2822 DEADHORSE MTN. ROAD. This property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1371: (HALL, 645, 684): Submitted by MEL HOLLAND, for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density however it will not create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response

In reference to **RZN 05-1378: (HALL, 644)**: Submitted by MEL HOLLAND, for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to **RZN 05-1372 (MAILCO USA INC., 678-717)**: Submitted by STEVE CLARK for the property located at S. SCHOOL AVENUE, E OF HWY 71 AND N OF WHILLOCK STREET. The property is zoned RSF-4 SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

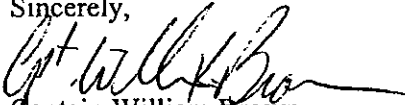
It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to **RSN 05-1374: (CORNERSTONE/FUTRALL, 402)**: Submitted by KIM FUGITT for property located at 1144 FUTRALL DRIVE. The property is zoned SRF-4, SINGLE FAMILY-4 UNITS/ACRE and contains approximately 0.53 acres. The request is to rezone the subject property to R-O, Residential Office.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Capt. William Brown", written over the printed name.

Captain William Brown  
Fayetteville Police Department



Fayetteville Fire Department Service Delivery Impact: Zoning Review February 1, 2005

| Item        | Subdivision | Annexation  | Acres  | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|-------------|-------------|-------------|--------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| ANX 05-1365 | Wilkins     | ANX 05-1365 | 10     | S7                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1366 | Wilkins     |             |        | S7                   | 2.7 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 9                                                         | 4                                                                    | 6                                                             |
| ANX 05-1370 | Hall        | ANX 05-1370 | 235.38 | S5                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1371 | Hall        |             |        | S5                   | 2.9 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 114                                                       | 45                                                                   | 69                                                            |
| RZN 05-1378 | Goff/Hall   |             |        | S5                   | 3.3 Miles                  | 8 minutes                      | 8 Minutes                                                     | 14                                                        | 5                                                                    | 8                                                             |
| RZN 05-1372 | Mallico USA |             | 2.536  | S1                   | 3 Miles                    | 5 minutes                      | 5 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1374 | Cornerstone |             | 0.53   | S7                   | 1.2 Miles                  | 3 minutes                      | 3.5 Minutes                                                   | 0                                                         | 0                                                                    | 0                                                             |

## *Miltholland Company*

### *Engineering & Surveying*

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

#### REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Monday, January 24, 2005

Project No. E-705

#### FAYETTEVILLE

113 West Mountain Street

Fayetteville, Arkansas 72701

#### **RE: Annexation request of Hall property**

**ANX 05-1370 Hall; RZN 05-1371 Hall; RZN 05-1378 Goff/Hall**

Dear Mayor Coody, Planning Commission Members, and Planning Division Staff:

In support of our client, Mr. Clint McDonald, NLC INC, MCO respectfully requests your concurrence and support of the referenced property's Annexation and Zoning into the City of Fayetteville, Arkansas. Considerable effort, planning, and coordination has occurred on behalf of our client, Mr. McDonald, between land owners and with assistance from City Planning, Mr. Tim Conklin and his great staff, City Aldermen Brenda Thiel and Robert Reynolds, City Attorney Kit Williams, and Washington County Attorney George Butler. Their combined efforts and assistance have succeeded in adhering to the reduction of created land islands within the City Limits and to the enforcement of productive community development.

Annexation of the Hall property for proposed future development under City of Fayetteville guidelines, ordinances and standards for services, begin with the Offer and Acceptance to purchase the Hall property by Mr. Clint McDonald on April 20, 2004. Mr. McDonald envisions a mid-income planned community development with quality amenities of utilities, green spaces with vistas beyond the lot next door, pedestrian friendly access to undisturbed natural wooded and open areas. He envisions a development that displays constructed characteristics of stability and unity, a development displaying a landscaped atmosphere of stewardship with the site's natural terrain.

The following day, April 21, 2004, Mr. McDonald contacted MCO to begin preliminary site concept designs. And, shortly there after meet with City Staff of Planning and Engineering, to discuss annexation into the City of Fayetteville, for development of a proposed residential subdivision.

Mr. Miltholland, cognizant of the City's concerns for created land islands within City Limits, met with Tim Conklin and City Planning Staff (Dawn Warrick, Suzanne Morgan, and Jeremy Pate) to determine acceptable methods and with Kit Williams, City Attorney, for interpretation and technical advise for proper annexation. Several scenarios were presented for consideration. Mr. McDonald followed the City's recommendation(s) and expanded his efforts for annexation into the City to include surrounding properties and adjoining neighbors.

## *Miltholland Company*

*Engineering & Surveying*

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

### REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Mr. McDonald has put forth extensive effort throughout much of this past year, 2004, meeting with land owners of the neighborhood presenting them with an outline of benefits and offering at his expense the opportunity to sign a petition expressing interest to be part of a group annexation. While some land owners did not desire to be annexed, several land owners have taken part in this petition, along with that of the 200 acres of Hall property. Mr. McDonald had all properties surveyed and platted. He hand delivered to the land owner expressing interest to be annexed into the City of Fayetteville applications of annexation for their signature.

Each land owner petitioning for annexation into the City of Fayetteville has properly progressed through the process, that includes advertisements and receiving signed decrees from the County Judge, to this point for your approval and acceptance into the City of Fayetteville. Throughout the process, Mr. McDonald's attorney along with the City's attorney, Kit Williams, and the County's attorney, George Butler, worked diligently through the details of compliance with the laws of annexation. It was Mr Butler's interpretation that only those land owners currently adjoining the City Limits could be annexed at this time, which is the petition present before you.

The petition for annexation proposed before you is one of a community of neighboring land owners. These petitioners have been made aware of the annexation process and of the benefits (utilities, police and fire protection, etc.) of becoming apart of the City of Fayetteville.

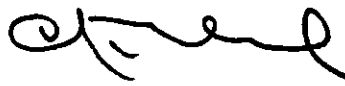
Mr. Clint McDonald, respectively request the City of Fayetteville Planning Commission to recommend to the Fayetteville City Council, to approve this application request for annexation.

Sincerely,  
Miltholland Company



Melvin L. Miltholland, P.E., R.L.S.

NLC, INC



Clint McDonald

# *Milholland Company*

*Engineering & Surveying*

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Monday, February 14, 2005

Project No. E-705

CITY of FAYETTEVILLE  
113 West Mountain Street  
Fayetteville, Arkansas 72701

**RE: Annexation request of Hall property  
ANX 05-1370 Hall**

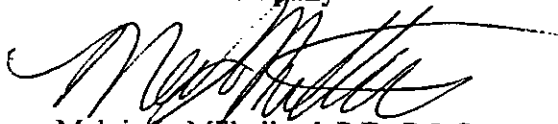
Dear Mayor Coody, Planning Commission Members, and Planning Division Staff:

In regard to the boundary of the Hall Annexation, there is a small triangle shaped parcel of land located in the northeast corner of the Southeast ( SE 1/4 ) of Section 26, lying east of the West Fork of the White River and west of the Hall property in Section 25 and south of the Hall property in the NE 1/4 of section 26, T-16-N, R-30-W, of which the chain of title cannot be located by the city staff nor the project abstractor, after the original patent in the early 1800's. Said property is in the same NE 1/4 of the SE 1/4 of Section 26 along the east boundary of the Fayetteville Industrial Park, but no one has found chain of title to said parcel.

The property is not owned by the Applicant, the Halls, and is therefore not a part of the Application to be Annexed into the City of Fayetteville. Search for the history of annexation of said section did not reveal said triangle parcel to have been annexed into the city.

The applicant , respectively request the City of Fayetteville Planning Commission to recommend to the Fayetteville City Council, to approve this application request for annexation without regard to the said triangle tract of land history nor notification of unknown land owner..

Sincerely,  
Milholland Company



Melvin L. Milholland, P.E., R.L.S.

NLC, INC



Clint McDonald

IN THE COUNTY COURT OF WASHINGTON COUNTY  
FILED

IN THE MATTER OF:  
ANNEXATION OF CERTAIN LANDS TO THE  
CITY OF FAYETTEVILLE, ARKANSAS

2005 JAN 4 AM 10 24

KAREN COMBS PRITCHARD

NO. ~~CC 2004-123~~  
WASHINGTON CO. ARK.

ORDER OF ANNEXATION

Now on this 4<sup>th</sup> day of January, 2005, this cause comes on to be heard, the Petitioners, Imogene M. Hall, as Trustee of the Hall Marital Deduction Trust Effective 12-23-02, Imogene M. Hall, as Trustee of the Hall Bypass Trust Effective 12-23-02, Imogene M. Hall, as Trustee of the Hall Family Trust, Marilyn Johnson Heifner, as Trustee of the Marilyn Johnson Trust, Kenneth D. Scott, Syrona R. Scott, Johnny Lee Carper, and Melisa Lynne Carper, who are represented by the Engineer of Record, Melvin Milholland, Clint McDonald, and James E Atwood, Attorney at Law, P.A., after announcing the hearing of the cause and there being no protests or objections, whereupon, the matter is submitted to the Court upon the Petition filed herein, and the oral and documentary evidence having been adduced, the Court being well and sufficiently advised finds:

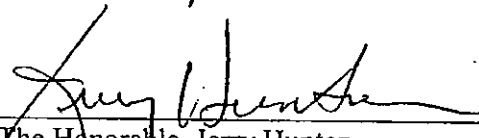
1. The Petition in this cause was filed on the 24<sup>th</sup> day of November, 2004 at which time this Court fixed the 4<sup>th</sup> day of January, 2005, at 10:00 a.m., as the date and time of hearing for said cause, and that a full notice of this hearing was given as required by law and the proof of publication of said notice is now on file with the County Clerk of this Court and the Court has jurisdiction of this cause.
2. The Court is satisfied that the allegations of the Petition are sustained by the proof, that the limits of the territory to be annexed have been properly filed; that the

property owners have freehold interests in the property hereinafter described in the Petition and constitute the real owners of the area affected.

3. The land proposed to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described on "Exhibit A" attached hereto.
4. The area is not unusually large and it is contiguous and adjacent to and adjoins the present corporate limits of the City of Fayetteville, and it is adapted for urban purposes and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

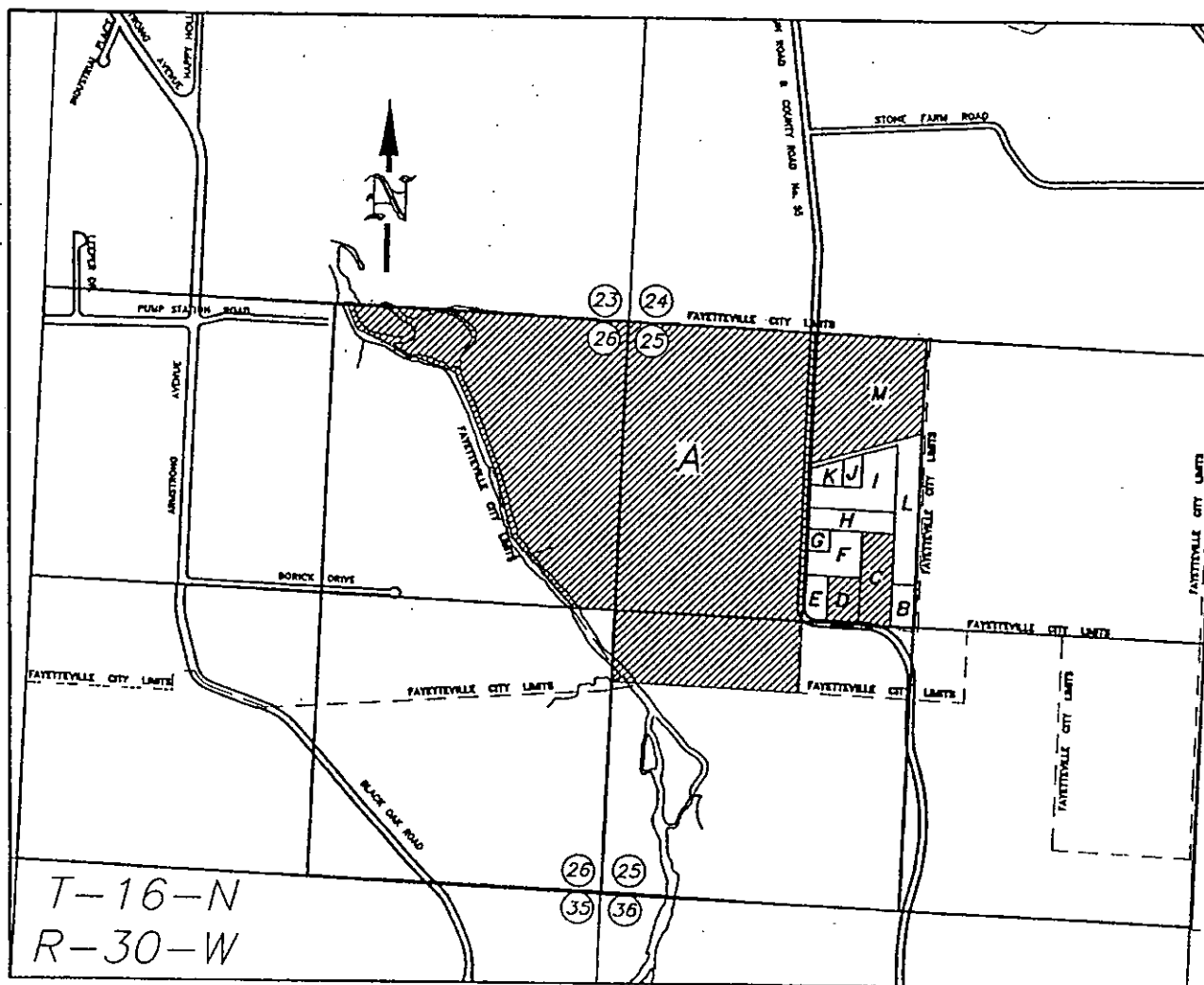
**IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED** that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Acct. No. 1 of the Acts of the Legislature of 1875 of the State of Arkansas, and all Acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1953, as codified in *Ark. Code Ann.* § 14-40-601, et seq., and this Order shall be duly recorded by the County Clerk of Washington County.

IT IS SO ORDERED this 4<sup>th</sup> day of January, 2005.

  
The Honorable Jerry Hunton  
Washington County Judge

# EXHIBIT "A"

D. 13  
ANX 05-1370 (Hall)  
Page 24 of 42



VICINITY MAP

E-705

TRACTS "A, C, D & M": ALL TRACTS ARE TOUCHING EXISTING CITY LIMITS  
WASHINGTON COUNTY FILE #'S: SEE INDIVIDUAL TRACT DESCRIPTIONS  
AND OWNER NAMES: SEE INDIVIDUAL TRACT DESCRIPTIONS

ANNEXATION BOUNDARY:

ALL OF THE NORTHEAST QUARTER OF SECTION TWENTY-SIX (26) LYING AND BEING EAST OF WHITE RIVER, AND A PART OF SECTION TWENTY-FIVE (25), BEING A PART OF THE NORTHWEST QUARTER, AND THE NORTH HALF OF NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE WEST ONE HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; ALL LANDS ARE LOCATED IN T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, AND MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTH QUARTER (N1/4) CORNER OF SAID SECTION 25;  
THENCE S 02° 35' 26" W 843.62 FEET; THENCE S 74° 18' 04" W 1046.81 FEET; THENCE S 02° 40' 42" W 1462.55 FEET;  
THENCE S 87° 00' 36" E 213.20 FEET; THENCE N 02° 35' 26" E 443.00 FEET; THENCE S 87° 00' 36" E 284.50 FEET;  
THENCE N 02° 35' 26" E 428.00 FEET; THENCE S 87° 00' 36" E 284.50 FEET; THENCE S 02° 35' 26" W 871.00 FEET;  
TO THE SOUTH BOUNDARY OF THE NW1/4 OF SECTION 25;  
THENCE N 87° 00' 36" W 782.20 FEET; THENCE S 02° 59' 21" W 659.85 FEET; THENCE N 87° 01' 29" W 1658.44 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 25;  
THENCE N 02° 49' 30" E 660.29 FEET TO THE E1/4 CORNER OF SAID SECTION 26;  
THENCE N 87° 03' 19" W 374.79 FEET TO THE CENTER OF THE WHITE RIVER; THENCE ALONG THE CENTERLINE OF SAID RIVER N 39° 45' 03" W 862.78 FEET, N 13° 46' 25" W 642.69 FEET, N 21° 48' 22" W 923.85 FEET, N 69° 23' 38" W 367.13 FEET, S 86° 31' 46" W 75.42 FEET, N 56° 45' 52" W 308.00 FEET, N 66° 28' 44" W 226.45 FEET AND N 22° 08' 15" W 237.29 FEET TO A POINT ON THE NORTH LINE OF SECTION 26;  
THENCE S 87° 02' 55" E 2529.31 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25;  
THENCE S 87° 01' 09" E 2645.72 FEET TO THE POINT OF BEGINNING  
CONTAINING 235.38 ACRES, MORE OR LESS, WASHINGTON COUNTY ARKANSAS.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS  
IN THE MATTER OF THE PETITION OF CERTAIN  
PROPERTY TO THE CITY OF FAYETTEVILLE,  
WASHINGTON COUNTY, ARKANSAS

NO. CC 2004-72KAREN COMBS PRITCHARD  
CLERK & PROBATE CLERK  
WASHINGTON CO., ARK.

04 NOV 24 PM 2 55

FILED

PETITION TO ANNEX TERRITORY TO  
THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

Come now the petitioners (the "Petitioners"), whose names are set forth in Attachments A through D to this petition with such attachments incorporated into and a part of this petition, to annex certain property into the City of Fayetteville, Washington, County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. states as follows:

1. That Petitioners collectively own the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and the Real Property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas, and is within the City of Fayetteville, School District. The portion of the Real Property set forth in Exhibit A owned by each individual petitioner is set forth in Attachments A through D to this petition.
2. That Petitioners name Melvin Milholland, Clint McDonald, and James Atwood, Attorney at Law, P.A. as the persons authorized to act on their behalf with respect to this petition.
3. That the Petitioners desire that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the property into the City of Fayetteville.
4. That a true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas is shown on the Plat Map, Exhibit "A", attached hereto.



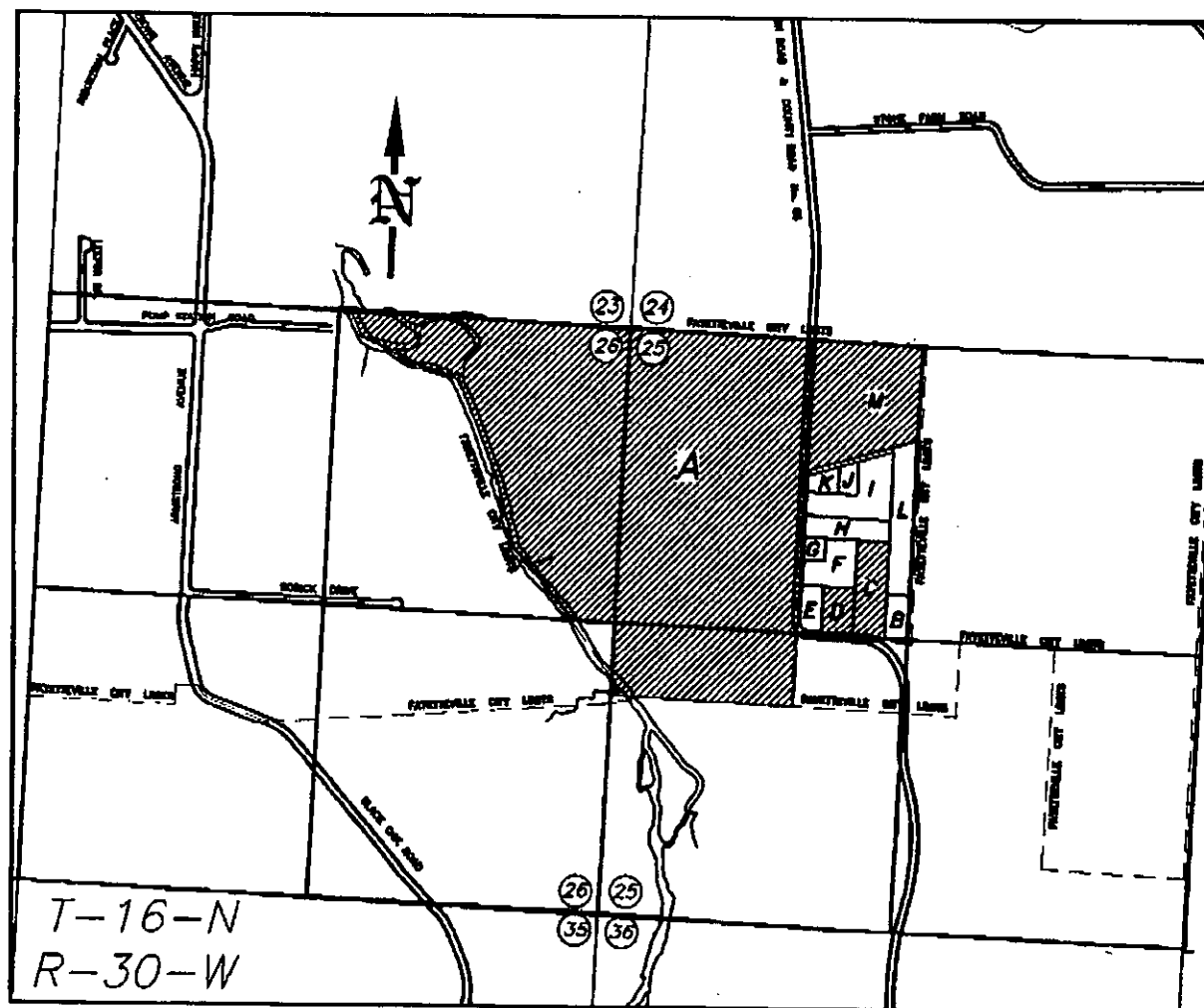
5. That the Petitioners herein desire that the Real Property become part of the City of Fayetteville, Washington County, Arkansas, and Petitioners state that they will do any and all legal acts necessary to accomplish the objective set forth herein.

THEREFORE, Petitioners respectfully pray that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above described Real Property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.

Respectfully submitted this 24 day of November, 2004.

Each of the Petitioners has executed this document in Attachments A through D of this petition.

## EXHIBIT "A"



## VICINITY MAP

E-705

TRACTS "A, C, D & M": ALL TRACTS ARE TOUCHING EXISTING CITY LIMITS  
WASHINGTON COUNTY FILE #'S: SEE INDIVIDUAL TRACT DESCRIPTIONS  
LAND OWNER NAMES: SEE INDIVIDUAL TRACT DESCRIPTIONS

## ANNEXATION BOUNDARY:

ALL OF THE NORTHEAST QUARTER OF SECTION TWENTY-SIX (26) LYING AND BEING EAST OF WHITE RIVER, AND A PART OF SECTION TWENTY-FIVE (25), BEING A PART OF THE NORTHWEST QUARTER, AND THE NORTH HALF OF NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE WEST ONE HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; ALL LANDS ARE LOCATED IN T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, AND MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTH QUARTER (N1/4) CORNER OF SAID SECTION 25;

THENCE S 02° 35' 26" W 843.82 FEET; THENCE S 74° 18' 04" W 1046.81 FEET; THENCE S 02° 40' 42" W 1462.55 FEET; THENCE S 87° 00' 36" E 213.20 FEET; THENCE N 02° 35' 26" E 443.00 FEET; THENCE S 87° 00' 36" E 284.50 FEET; THENCE N 02° 35' 26" E 428.00 FEET; THENCE S 87° 00' 36" E 284.50 FEET; THENCE S 02° 35' 26" W 871.00 FEET; TO THE SOUTH BOUNDARY OF THE NW1/4 OF SECTION 25; THENCE N 87° 00' 36" W 782.20 FEET; THENCE S 02° 59' 21" W 659.85 FEET; THENCE N 87° 01' 29" W 1658.44 FEET TO A POINT ON THE WEST BOUNDARY OF SAID SECTION 25; THENCE N 02° 49' 30" E 660.29 FEET TO THE E1/4 CORNER OF SAID SECTION 26; THENCE N 87° 03' 19" W 374.79 FEET TO THE CENTER OF THE WHITE RIVER; THENCE ALONG THE CENTERLINE OF SAID RIVER N 39° 45' 03" W 862.78 FEET, N 13° 48' 25" W 642.69 FEET, N 21° 48' 22" W 923.85 FEET, N 69° 23' 38" W 367.13 FEET, S 86° 31' 46" W 75.42 FEET, N 56° 45' 52" W 308.00 FEET, N 66° 28' 44" W 226.45 FEET AND N 22° 08' 15" W 237.29 FEET TO A POINT ON THE NORTH LINE OF SECTION 26; THENCE S 87° 02' 55" E 2529.31 FEET TO THE NORTHWEST CORNER OF SAID SECTION 25; THENCE S 87° 01' 09" E 2645.72 FEET TO THE POINT OF BEGINNING CONTAINING 235.38 ACRES, MORE OR LESS, WASHINGTON COUNTY ARKANSAS.

**ATTACHMENT A**

FILE: 95019652

I, IMOGENE M. HALL, as the TRUSTEE OF THE HALL MARITAL DEDUCTION TRUST EFFECTIVE 12-23-02, hereby certify that I hold an undivided 1/11<sup>th</sup> interest in the following described real property in fee simple absolute, and I am executing this Attachment A to be included in the petition to annex all of the Real Property described in Exhibit A to the petition into the City of Fayetteville, Arkansas. Further, I adopt in its entirety the petition to which this attachment is a part.

I, IMOGENE M. HALL, as the TRUSTEE OF THE HALL BYPASS TRUST EFFECTIVE 12-23-02, hereby certify that I hold an undivided 10/11<sup>th</sup> interest in the following described real property in fee simple absolute, and I am executing this Attachment A to be included in the petition to annex all of the Real Property described in Exhibit A to the petition into the City of Fayetteville, Arkansas. Further, I adopt in its entirety the petition to which this attachment is a part.

**ANNEXATION BOUNDARY:**

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY FIVE (25); THE WEST HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY FIVE (25); THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION TWENTY FIVE (25); AND A TRACT OF LAND IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTH WEST QUARTER OF SECTION TWENTY FIVE (25), BEING TWENTY (20) RODS EAST AND WEST AND FORTY (40) RODS NORTH AND SOUTH; ALL OF THE NORTHEAST QUARTER OF SECTION TWENTY SIX (26) LYING AND BEING EAST OF WHITE RIVER; ALL IN TOWNSHIP SIXTEEN (16) NORTH OF RANGE THIRTY (30) WEST AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 25;

THENCE S 87° 01' 09" E 1653.58 FEET;

THENCE S 02° 40' 42" W 2641.43 FEET;

THENCE S 02° 59' 21" W 659.85 FEET;

THENCE N 87° 01' 29" W 1658.44 FEET TO A POINT ON THE WEST

BOUNDARY OF SAID SECTION 25;

THENCE N 02° 49' 30" E 660.29 FEET TO THE E1/4 CORNER OF SECTION

26;

THENCE N 87° 03' 19" W 374.79 FEET TO THE CENTER OF THE WHITE

RIVER;

THENCE ALONG THE CENTERLINE OF SAID RIVER

N 39° 45' 03" W 862.78 FEET,

N 13° 46' 25" W 642.69 FEET,

N 21° 48' 22" W 923.85 FEET,

N 69° 23' 38" W 367.13 FEET,  
S 86° 31' 46" W 75.42 FEET,  
N 56° 45' 52" W 308.00 FEET,  
N 66° 28' 44" W 226.45 FEET AND  
N 22° 08' 15" W 237.29 FEET TO A POINT ON THE NORTH LINE OF  
SECTION 26,  
THENCE S 87° 02' 55" E 2529.31 FEET TO THE POINT OF BEGINNING.  
CONTAINING 203.73 ACRES, MORE OR LESS, WASHINGTON COUNTY,  
ARKANSAS

The petition is hereby executed this 3 day of NOVEMBER, 2004.

**HALL MARITAL DEDUCTION TRUST  
EFFECTIVE 12-23-02**

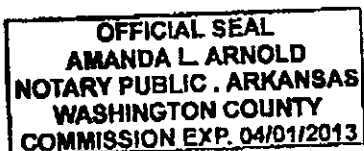
Imogene M. Hall  
IMOGENE M. HALL, as the TRUSTEE OF  
THE HALL MARITAL DEDUCTION  
TRUST EFFECTIVE 12-23-02

SUBSCRIBED AND SWORN TO before me, a Notary Public,

on this the 3 day of November, 2004.

My Commission Expires:

4-1-13 Amanda Arnold



**HALL BYPASS TRUST EFFECTIVE  
12-23-02**

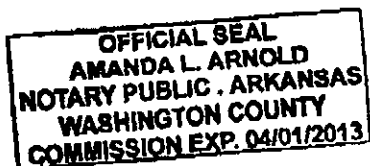
Imogene M. Hall  
IMOGENE M. HALL, as the TRUSTEE OF  
THE HALL BYPASS TRUST EFFECTIVE  
12-23-02

SUBSCRIBED AND SWORN TO before me, a Notary Public,

on this the 3 day of November, 2004.

My Commission Expires:

4-1-13 Amanda Arnold



FROM

(WED) NOV 24 2004 15:14/ST. 15:14/No. 6816796250, p. 13  
Page 30 of 42

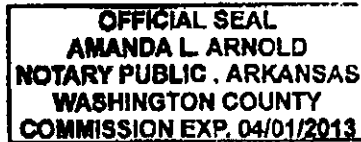
**HALL FAMILY TRUST**

Imogene M. Hall  
IMOGENE M. HALL, trustee of the Hall  
Family Trust

SUBSCRIBED AND SWORN TO before me, a Notary Public,  
on this the 3 day of November, 2004.

My Commission Expires:

4-1-13 Amanda Arnold



ATTACHMENT B

FILE#: BK 1152 PAGE 001

I, MARILYN JOHNSON as TRUSTEE of the MARILYN JOHNSON TRUST, hereby certify that I hold the following described real property as trustee in fee simple absolute, and I am executing this Attachment B to be included in the petition to annex all of the Real Property described in Exhibit A to the petition into the City of Fayetteville, Arkansas. Further, I adopt in its entirety the petition to which this attachment is a part.

ANNEXATION BOUNDARY:

A PART OF THE EAST 3/4 OF THE NW1/4 OF SECTION 25, T-16-N, R-30-W,  
BEGINNING AT THE N 1/4 CORNER OF SAID SECTION;  
THENCE S 02° 35' 26" W 843.62 FEET ALONG THE QUARTER SECTION  
LINE TO IT'S INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF  
THE OLD FRISCO RAILROAD;  
THENCE ALONG SAID RIGHT-OF-WAY S 74° 18' 04" W 1046.81 FEET;  
THENCE N 02° 40' 42" E 1178.88 FEET TO THE NORTH BOUNDARY OF  
SAID SECTION 25;  
THENCE S 87° 01' 09" E 992.15 FEET TO THE POINT OF BEGINNING,  
CONTAINING 23.05 ACRES, MORE OR LESS, WASHINGTON COUNTY,  
ARKANSAS

The petition is hereby executed this 4 day of November, 2004.

MARILYN JOHNSON TRUST

Marilyn J. Johnson  
MARILYN JOHNSON, as trustee of the  
MARILYN JOHNSON TRUST

SUBSCRIBED AND SWORN TO before me, a Notary Public,

on this the 4<sup>th</sup> day of November, 2004.

My Commission Expires: 4-1-2009

Phyllis T. Tucker



ATTACHMENT C

FILE # 2002070933

We, KENNETH D. SCOTT & SYRONA R. SCOTT hereby certify that we hold the following described real property in fee simple absolute, and we are executing this Attachment C to be included in the petition to annex all of the Real Property described in Exhibit A to the petition into the City of Fayetteville, Arkansas. Further, we adopt in its entirety the petition to which this attachment is a part.

## ANNEXATION BOUNDARY:

A PART OF THE EAST 3/4 OF THE NW1/4 OF SECTION 25, T-16-N, R-30-W,  
COMMENCING AT THE CENTER OF SAID SECTION, AND CONTINUING  
THENCE N 87° 00' 36" W 214.00 FEET TO THE POINT OF BEGINNING:

THENCE N 87° 00' 36" W 284.50 FEET;

THENCE N 02° 35' 26" E 871.00 FEET;

THENCE S 87° 00' 36" E 284.50 FEET;

THENCE S 02° 35' 26" W 871.00 FEET TO THE POINT OF BEGINNING,  
CONTAINING 5.69 ACRES, MORE OR LESS, WASHINGTON COUNTY,  
ARKANSAS

The petition is hereby executed this 9 day of November, 2004.

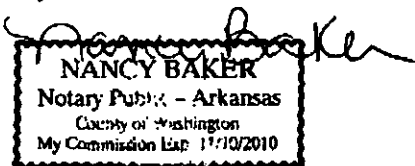
Kenneth D. Scott  
KENNETH D. SCOTT

SUBSCRIBED AND SWORN TO before me, a Notary Public,

on this the 9 day of November 2004.

My Commission Expires:

11-10-2010



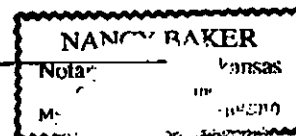
Syrona R. Scott  
SYRONA R. SCOTT

SUBSCRIBED AND SWORN TO before me, a Notary Public,

on this the 9 day of November 2004.

My Commission Expires:

11-10-2010



ATTACHMENT D

FILE # 93-39613

We, JOHNNY LEE CARPER & MELISA LYNNE CARPER hereby certify that we hold the following described real property in fee simple absolute, and we are executing this Attachment D to be included in the petition to annex all of the Real Property described in Exhibit A to the petition into the City of Fayetteville, Arkansas. Further, we adopt in its entirety the petition to which this attachment is a part.

**ANNEXATION BOUNDARY:**

A PART OF THE EAST 3/4 OF THE NW1/4 OF SECTION 25, T-16-N, R-30-W,  
COMMENCING AT THE CENTER OF SAID SECTION, AND CONTINUING  
THENCE N 87° 00' 36" W 498.50 FEET TO THE POINT OF BEGINNING:

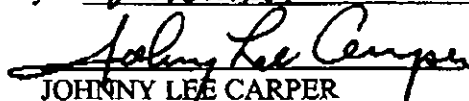
THENCE N 87° 00' 36" W 284.50 FEET;

THENCE N 02° 35' 26" E 443.00 FEET;

THENCE S 87° 00' 36" E 284.50 FEET;

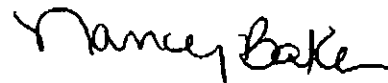
THENCE S 02° 35' 26" W 443.00 FEET TO THE POINT OF BEGINNING,  
CONTAINING 2.89 ACRES, MORE OR LESS, WASHINGTON COUNTY,  
ARKANSAS

The petition is hereby executed this 09 day of November, 2004.

  
JOHNNY LEE CARPER

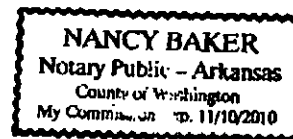
SUBSCRIBED AND SWORN TO before me, a Notary Public,

on this the 9 day of November, 2004.



My Commission Expires:

11-10-2010





FROM

(WED) NOV 24 2004 15:14/ST. 15:14/No. 6816796250 P. 19.13  
ANN 05-1370 (Hall)  
Page 34 of 42

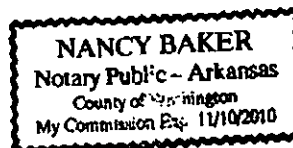
Melissa Lynne Carper  
MELISA LYNNE CARPER

SUBSCRIBED AND SWORN TO before me, a Notary Public,  
on this the 9 day of November, 2004.

My Commission Expires:

11-10-2010

Nancy Baker



To all to whom these Presents shall come Greeting

WHEREAS

has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the REGISTER OF THE LAND

OFFICE at

Thomas Standifer

The Chief Clerk of the said Office has caused to be made a further proceeding for the use of the Public Lands for

NEED

the settlement of the said lands of the South Carolina  
County of the said State of South Carolina  
the said lands of the said County of the said State of South Carolina  
the said lands of the said County of the said State of South Carolina

26-16-30

according to the official plat of the said lands and land referred to the General Land Office by the SURVEYOR

GENERAL

NOW KNOW YE

United State of America, in full faith and in conformity with the several acts of Congress

and the said laws of the said State of South Carolina and the said County of the said State of South Carolina

lands of the said County of the said State of South Carolina and the said County of the said State of South Carolina

lands of the said County of the said State of South Carolina and the said County of the said State of South Carolina

MARTIN VAN BUREN

IN TESTIMONY WHEREOF

PRESIDENT OF THE UNITED STATES OF AMERICA

SEAL OF THE GENERAL LAND OFFICE

UNITED STATES OF AMERICA

INDEPENDENCE OF THE UNITED STATES OF AMERICA

BY THE PRESIDENT

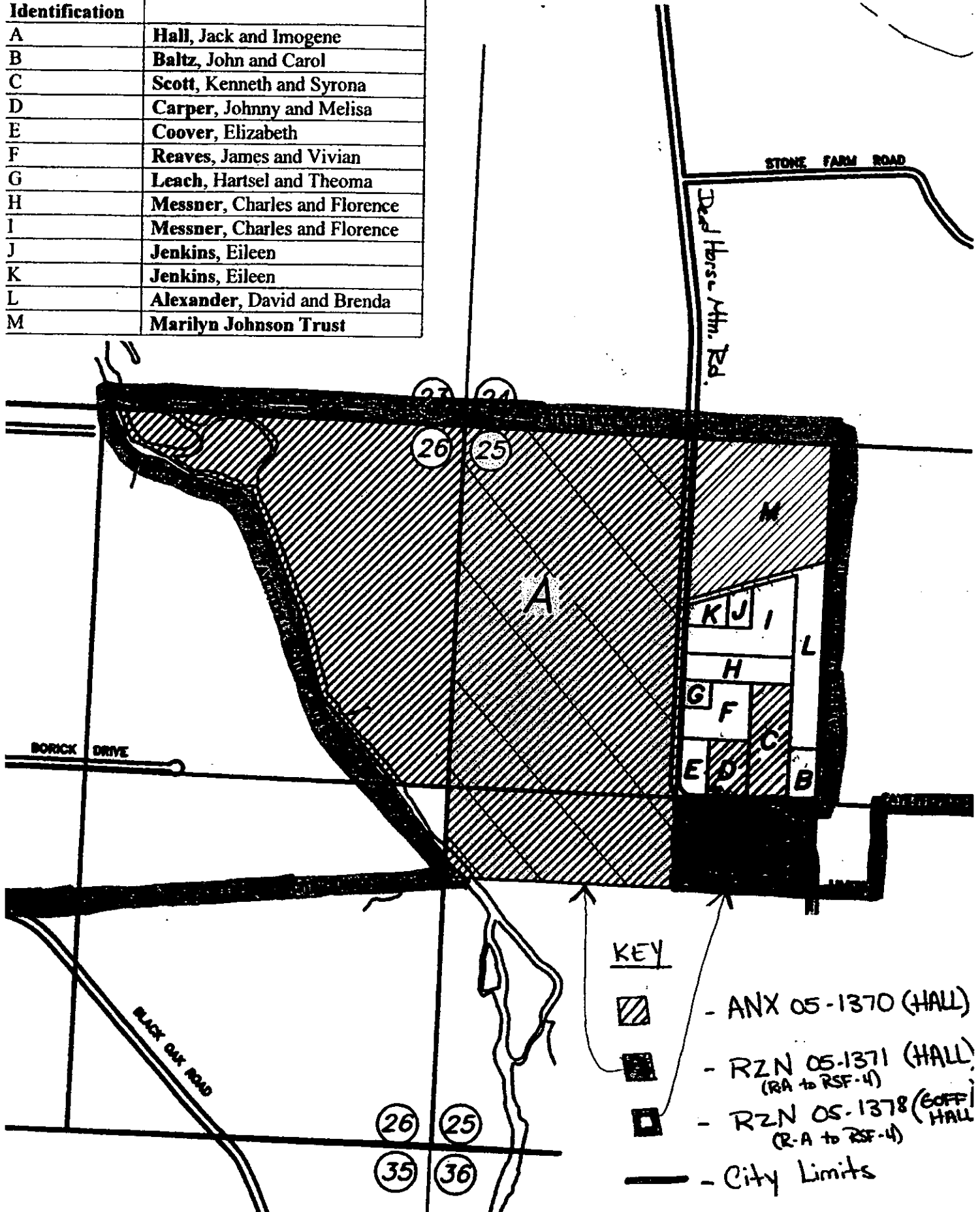
1830

'WEST' ISLAND

# HALL / GOFF ANX & RZN

Page 36 of 42

| Parcel Identification | Owner                         |
|-----------------------|-------------------------------|
| A                     | Hall, Jack and Imogene        |
| B                     | Baltz, John and Carol         |
| C                     | Scott, Kenneth and Syrona     |
| D                     | Carper, Johnny and Melisa     |
| E                     | Coover, Elizabeth             |
| F                     | Reaves, James and Vivian      |
| G                     | Leach, Hartsel and Theoma     |
| H                     | Messner, Charles and Florence |
| I                     | Messner, Charles and Florence |
| J                     | Jenkins, Eileen               |
| K                     | Jenkins, Eileen               |
| L                     | Alexander, David and Brenda   |
| M                     | Marilyn Johnson Trust         |

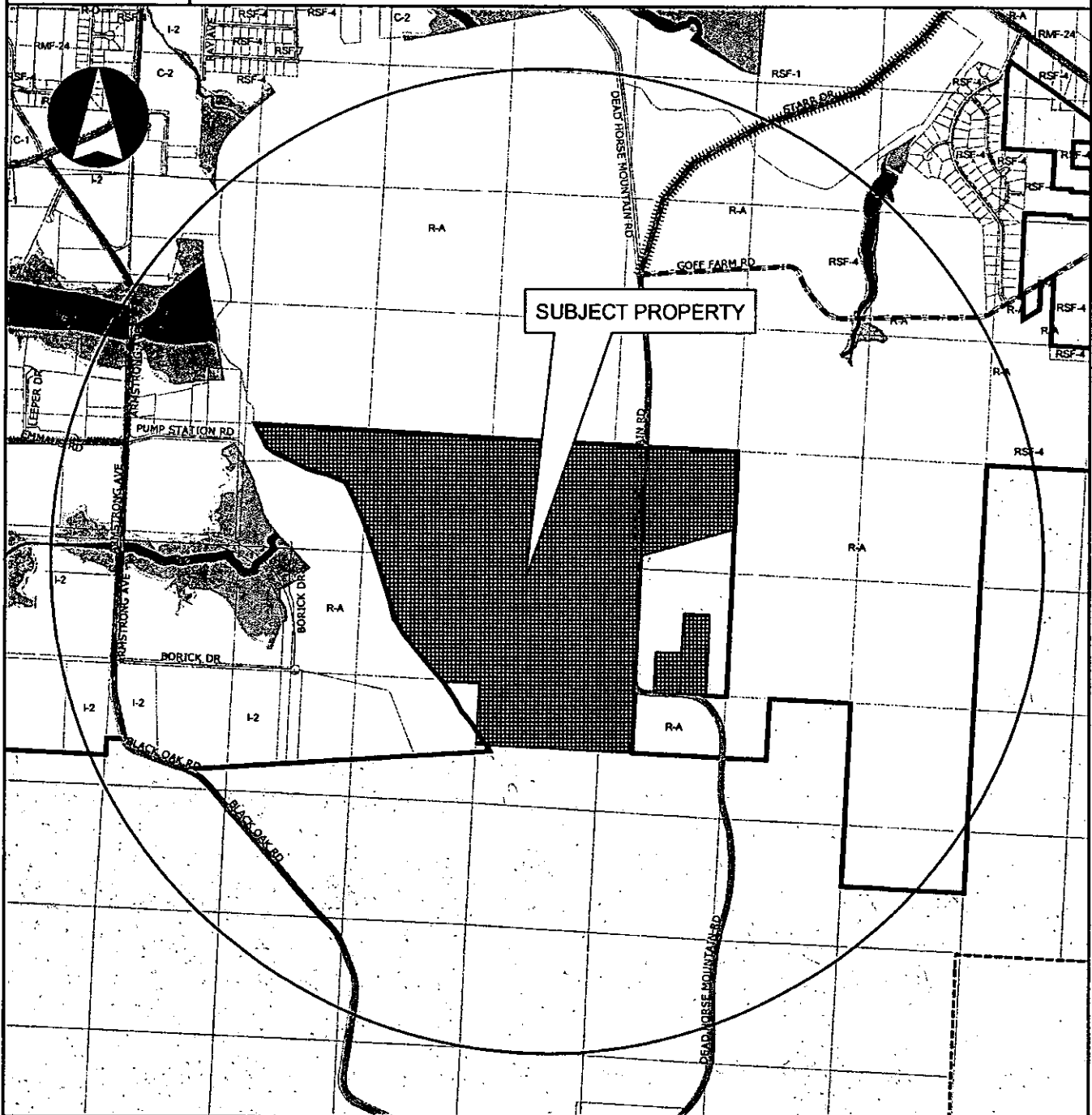




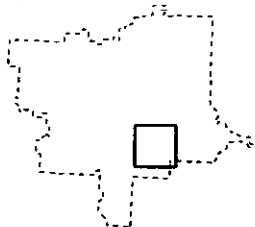
ANX 05-1370

# HALL

One Mile View



Overview



Legend

Subject Property

ANX 05-1370

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

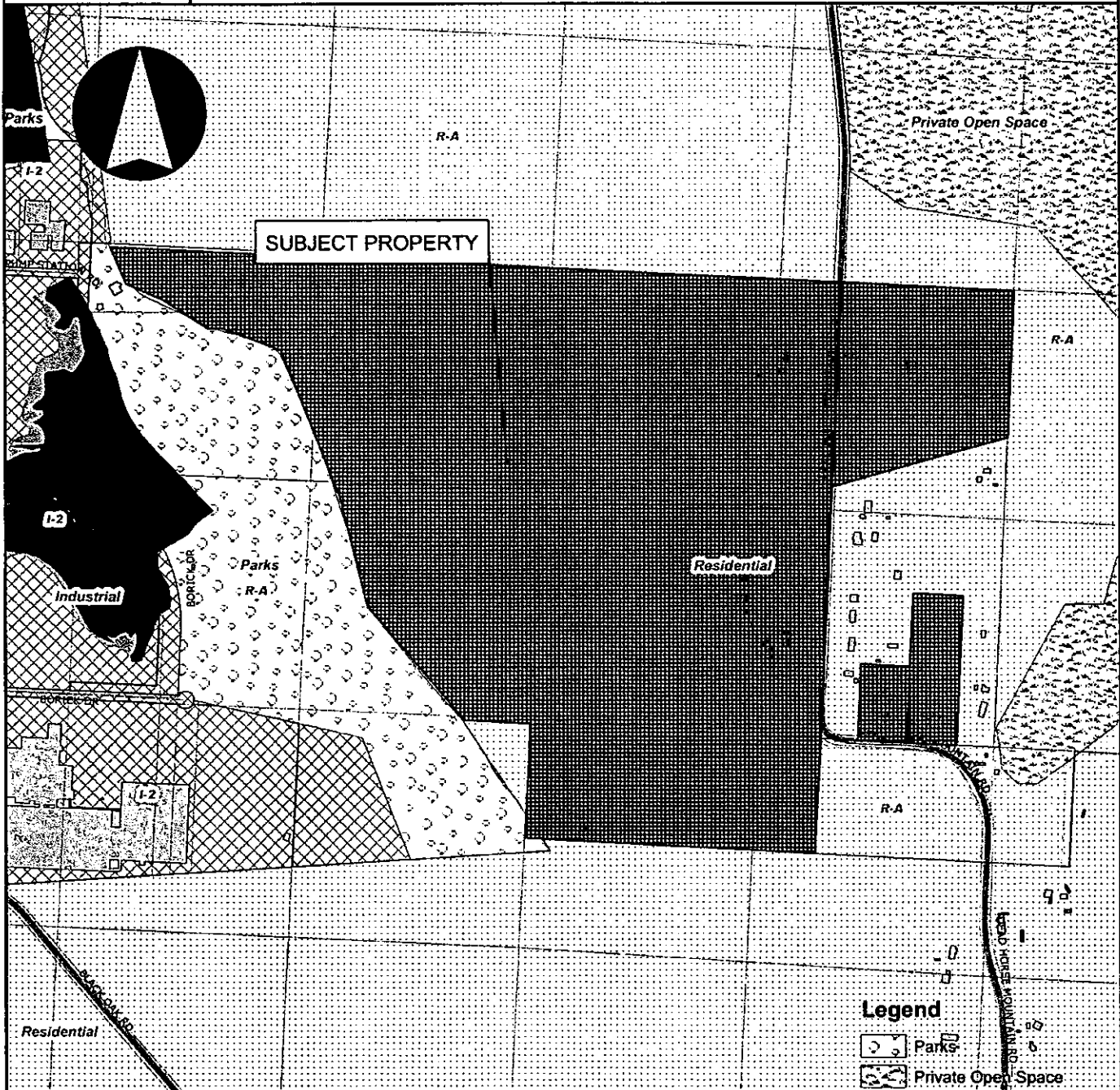
0.1 0.2 0.3 0.4

Miles

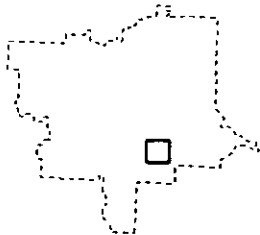
ANX 05-1370

Future Land Use

# HALL



## Overview



## Legend

### Subject Property

ANX 05-1370

### Streets

Existing  
Planned

### Boundary

Planning Area  
Overlay District  
Outside City

### Master Street Plan

Freeway/Expressway  
Principal Arterial  
Minor Arterial  
Collector  
Historic Collector

## Legend

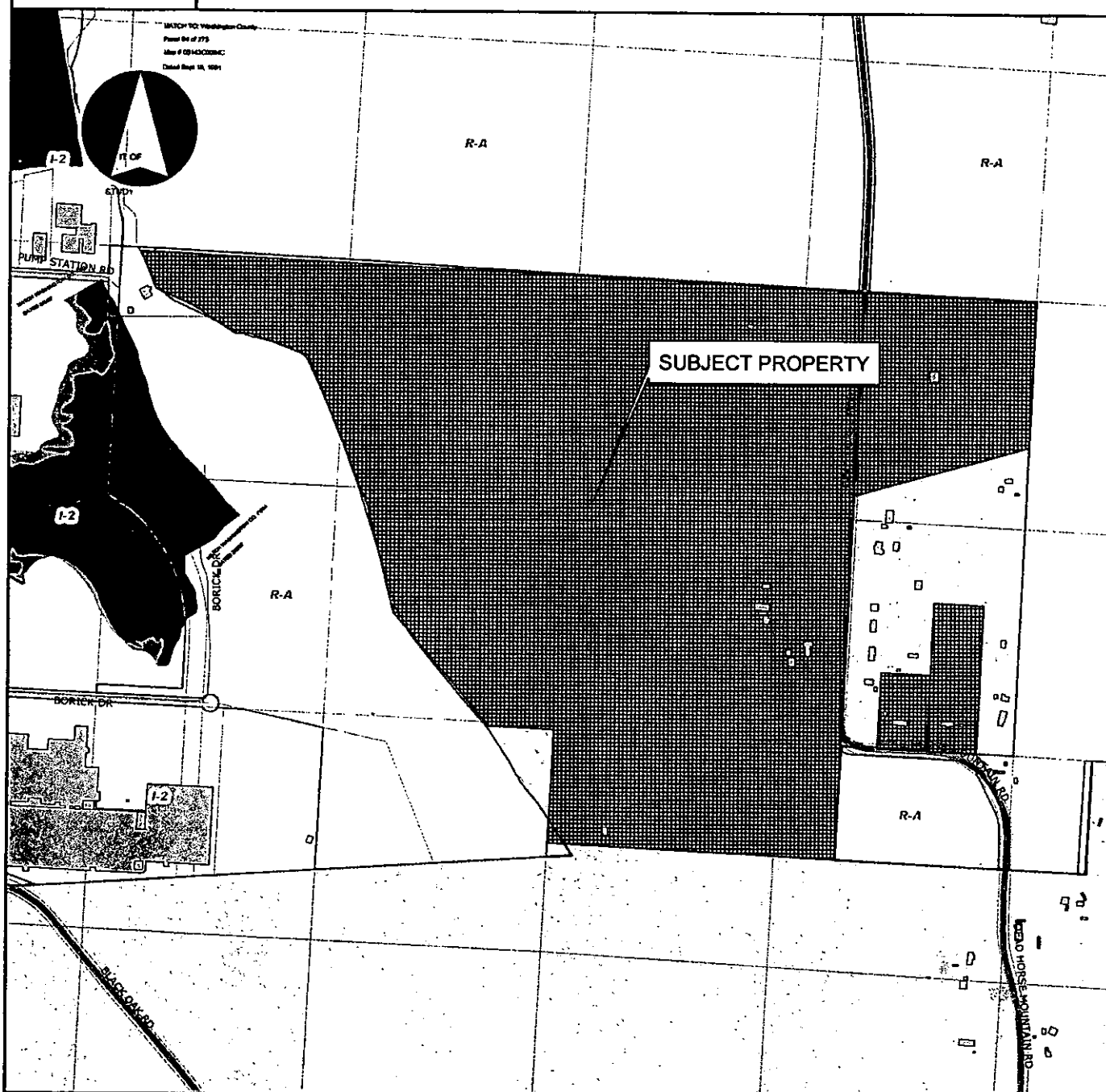
Parks  
Private Open Space  
Residential  
Mixed Use  
Office  
Historic Commercial  
Community Commercial  
Neighborhood Commercial  
Regional Commercial  
Industrial  
University



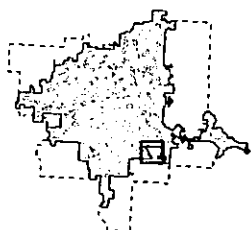
ANX 05-1370

### Close Up View

# HALL



## Overview



### Legend

ANX 05-1370

-  Overlay District  
 Master Street Plan  
 Master Street Plan  
 Freeway/Expressway

-  Principal Arterial  
 Minor Arterial  
 Collector  
 Historic Collector

- FLOODWAY  
— 100 YEAR

- 500 YEAR  
 LIMIT OF STUDY  
 BaseLine Profile  
 Fayetteville  
 Outside City

**07550 300 450 600**

Feet

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 13  
ANX 05-1370 (Hall)  
Page 41 of 42

15-Mar-05  
City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

ANX 05-1370: (HALL, 644,645,684): Submitted by Mel Milholland for property located at 2577, 2216, 2844 and 2822 Deadhorse Mtn. Road. The request is to annex approximately 235.38 acres into the City of Fayetteville.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

2-25-05

City Attorney

Date

2-25-05

Received in City Clerk's Office



Mayor

Date

2/28/05

Received in Mayor's Office

2/28/05 P.H.

Comments:



## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning *JP*

**Date:** February 24, 2005

**Subject:** Rezoning for Hall (RZN 05-1371)

---

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 125.179 acres of property from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

### **BACKGROUND**

*Property description:* The subject property is located on Dead Horse Mountain Road, east of the West Fork of the White River, southwest of Goff Farm Road. It is bounded by floodway and floodplain from the river on the west side, by Dead Horse Mountain Road on the east, and agricultural property to the north and south. Zoning districts within the one-mile radius include I-2 (Industrial Park), R-A, and RSF-4, as well as land in the Planning Area to the south. The property is currently agricultural in nature, with a few existing single family structures. Nearby development includes the Stonebridge Meadows Subdivisions and golf course and the Industrial Park across the river to the west.

*Proposal:* The applicant intends to develop the property for single family residential use. Therefore, the applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre, should the preceding annexation request be approved. RSF-4 allows for a range of residential density from 0 to 4 units per acre in a development pattern that is compatible with much of the residential development within the City of Fayetteville.

*Request:* The applicant requests rezoning the property from R-A to RSF-4.

### **DISCUSSION**

This item was heard at the regular Planning Commission on February 14, 2005. The Planning Commission voted 5-4-0 to forward this item to the City Council with a recommend in favor of the rezoning, with Commissioners Clark, Allen, Anthes and Ostner voting against.

Discussion included change in character of this landscape to residential use from its current agricultural use, surrounding infrastructure improvements, transitioning from the existing low-density R-A zoning to higher density RSF-4 zoning, among other items.

Staff finds that rezoning this property to allow development of four single family dwellings per acre is consistent with land use policies, planning and development currently occurring in the vicinity. West of the subject property is the West Fork of the White River, land which is severely inhibited from dense development due to the floodway and floodplain located on the property, thereby providing a transition out to the Minor Arterial Deadhorse Mountain Road. Development of this property for residential use at four units per acre or less is consistent with surrounding development currently underway at Stonebridge Meadows golf course, and along Goff Farm Road/Roberts Road. It is the opinion of the Fayetteville Police Department that this rezoning will alter the population density, but will not create an undesirable increase on police services. The net response time will not increase beyond the time it takes to respond to calls within the city limits south of the subject property. Improvements to water and sewer service, as well as construction of street infrastructure and assessments for new bridge construction in the nearby area will be required of the developer at the time of development, to benefit both the development proposed and the general public served by these public infrastructure improvements.

**BUDGET IMPACT**

None.

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

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 05-1371 FOR PROPERTY  
LOCATED AT 2577 DEAD HORSE MOUNTAIN ROAD,  
CONTAINING APPROXIMATELY 125.179 ACRES FROM R-A,  
RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL  
SINGLE FAMILY, FOUR UNITS PER ACRE.

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

Section 1: That the zone classification of the following described  
property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single Family, four  
units per acre, as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville,  
Arkansas, is hereby amended to reflect the zoning change provided in  
Section 1 above.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

EXHIBIT "A"  
RZN 05-1371

A PART OF SECTION 25, BEING A PART OF THE NW1/4 AND A PART OF THE N1/4 OF THE SW1/4, ALL LANDS LOCATED IN SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 25;  
THENCE S87°01'09"E 1653.58 FEET TO A POINT ON THE NORTHERN BOUNDARY OF SAID SECTION 25; THENCE S02°40'24"W 2641.43 FEET AND S02°59'21"W 659.85 FEET; THENCE N87°01'29"W 1480.72 FEET TO THE CENTER OF THE WHITE RIVER; THENCE N42°02'08"W 251.95 FEET ALONG THE CENTER OF SAID WHITE RIVER TO A POINT ON THE WESTERN BOUNDARY OF SECTION 25;  
THENCE N02°49'30"E 3123.30 FEET TO THE POINT OF BEGINNING, CONTAINING 125.179 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

DRAFT



PC Meeting of February 14, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Jeremy Pate, Interim Planning Director  
DATE: February 09, 2005

**RZN 05-1371: (HALL, 645,684):** Submitted by MEL MILHOLLAND for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.179 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

Property Owner: IMOGENE HALL

Planner: Jeremy Pate

**RECOMMENDATION:**

**Staff recommends approval of the requested rezoning based on the findings herein.**

|                                                                                   |                                                                                           |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                                | Required <u><b>YES</b></u><br><input type="radio"/> Approved <input type="radio"/> Denied |
| <b>Date:</b> <u><b>February 14, 2005</b></u>                                      |                                                                                           |
| <b>CITY COUNCIL ACTION:</b>                                                       | Required <u><b>YES</b></u><br><input type="radio"/> Approved <input type="radio"/> Denied |
| <b>Date:</b> <u><b>March 15, 2005 (1<sup>st</sup> reading if recommended)</b></u> |                                                                                           |

**BACKGROUND:**

*Property description:* The subject property is located on Dead Horse Mountain Road, east of the West Fork of the White River, southwest of Goff Farm Road. It is bounded by floodway and floodplain from the river on the west side, by Dead Horse Mountain Road on the east, and agricultural property to the north and south. Zoning districts within the one-mile radius include I-2 (Industrial Park), R-A, and RSF-4, as well as land in the Planning Area to the south. The property is currently agricultural in nature, with a few existing single family structures. Nearby development includes the Stonebridge Meadows Subdivisions and golf course and the Industrial Park across the river to the west.

*Proposal:* The applicant intends to develop the property for single family residential use. Therefore, the applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre, should the preceding annexation request be

approved (see attached letter from the applicant's representative). RSF-4 allows for a range of residential density from 0 to 4 units per acre in a development pattern that is compatible with much of the residential development within the City of Fayetteville.

**Related Issues:** When property is annexed into the City, it is annexed as R-A, Residential Agricultural. If the preceding annexation is recommended for approval to City Council, the applicant would like to rezone the approximately 125-acre tract owned by Hall to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 05-1370, is an accompanying item to this rezoning request.

**Recommendation:** Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a uniform and consistent development pattern.

#### **SURROUNDING LAND USE AND ZONING**

| <b>Direction</b> | <b>Land Use</b>                                | <b>Zoning</b>                                |
|------------------|------------------------------------------------|----------------------------------------------|
| North            | Agricultural                                   | R-A, Residential Agricultural                |
| South            | Parkland, agricultural                         | R-A, Residential Agricultural, Planning Area |
| East             | Single family homes, golf course, agricultural | R-A, Residential Agricultural                |
| West             | White River, Industrial Park, parkland         | R-A, Residential Agricultural                |

#### **INFRASTRUCTURE:**

**Streets:** Currently the site has access to Dead Horse Mountain Road, a Minor Arterial on the Master Street Plan. At the time of development, this street will need to be brought up to current standards along the property frontage, at minimum. These improvements may include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Additionally, development on the subject property has a high likelihood of accessing the substandard bridge on Dead Horse Mountain Road north of the property as its primary means of access toward the center of the city. An assessment for a proportionate share of the cost of this bridge is anticipated at the time of development. Specific street improvements and other off-site improvements will be evaluated based on the development proposed, to meet ordinance requirements.

**Water:** The site currently does have access to public water. The nearest water main is a 6" main on the east side along Dead Horse Mountain Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete looped systems.

**Sewer:** The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is a 12" sewer main to the west. A capacity analysis of the sewer lines and/or lift stations downstream of

the connection point shall be conducted prior to development.

**Fire:** The subject property is located 2.9 miles from Fire Station #5. Normal driving time is 7 minutes. The property is located approximately 3 miles from the future Fire Station #3. Normal driving time is 7 minutes.

**Police:** It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services. It is anticipated that response time will be increased for calls for service because the property is at the limits of the current service area. However, the actual travel time is does not increase beyond that which is already served.

**LAND USE PLAN:** General Plan 2020 designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

#### **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:** The proposed RSF-4 zoning for a single family residential use is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning. Development at this density adequately supports and is served by extended city infrastructure, at the cost of the developer.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

**Finding:** The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. The rezoning is also needed for the development of a single family subdivision as proposed by the applicant. A higher density than the R-A zoning district is appropriate in this area, and would provide compatibility with nearby developments that are zoned RSF-4.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

**Finding:** The proposed zoning will provide additional traffic on all adjacent streets. Dead Horse Mountain Road is the primary means of access into the city, either north to Huntsville or south to Black Oak Road and Armstrong

Avenue. These streets are Minor Arterials on the city's Master Street Plan, and once improved, will be able to carry a high volume of traffic. Currently they are improved paved roadways with shoulders, to county standards. The Fayetteville Police Department finds that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion in the area.

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:** The proposed zoning would increase population density above that which is present currently. Under an R-A, Residential Agricultural designation, the 125-acre tract would allow for a maximum of 62 dwelling unit (1 unit / 2 acres). With the proposed RSF-4 designation, 500 dwelling units would be permitted. Rezoning the property significantly increases the possible number of residential units and population, but is consistent with land use patterns and zoning in the district. Additionally, a portion of the property is within the floodway or floodplain, which will likely inhibit the maximum density from being developed.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

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



### 161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful 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; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                          |
|---------|------------------------------------------|
| 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                       |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 4  | Cultural and recreational facilities     |
| Unit 20 | Commercial recreation, large sites       |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |          |
|----------------|----------|
| Units per acre | One-half |
|----------------|----------|

(D) *Bulk and area regulations.*

|                            |         |
|----------------------------|---------|
| Lot width minimum          | 200 ft. |
| Lot Area Minimum:          |         |
| Residential:               | 2 acres |
| Nonresidential:            | 2 acres |
| Lot area per dwelling unit | 2 acres |

(E) *Setback requirements.*

|        |        |        |
|--------|--------|--------|
| Front  | Side   | Rear   |
| 35 ft. | 20 ft. | 35 ft. |

- (F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

K:\Reports\2005\PC Reports\02-14-05\RZN 05-1371 (Hall).doc

### 161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

- (A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwelling  |

(2) *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 9  | Two-family dwellings                     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |                         |                      |
|----------------|-------------------------|----------------------|
|                | Single-family dwellings | Two-family dwellings |
| Units per acre | 4 or less               | 7 or less            |

(D) *Bulk and area regulations.*

|                             |                         |                      |
|-----------------------------|-------------------------|----------------------|
|                             | Single-family dwellings | Two-family dwellings |
| Lot minimum width           | 70 ft.                  | 80 ft.               |
| Lot area minimum            | 8,000 sq. ft.           | 12,000 sq. ft.       |
| Land area per dwelling unit | 8,000 sq. ft.           | 6,000 sq. ft.        |

(E) *Setback requirements.*

|        |       |        |
|--------|-------|--------|
| Front  | Side  | Rear   |
| 25 ft. | 8 ft. | 20 ft. |

(F) *Height.* None.

- (G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 14  
RZN 05-1371 (Hall)  
Page 10 of 24

POLICE DEPARTMENT

February 7, 2005

Jeremy Pate  
Interim Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

RECEIVED  
FEB 09 2005  
PLANNING DIV.

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1365: (WILKINNS, 245): and Rezoning RZN 05-1366 (WILKINS, 245) submitted by MEL HOLLAND for property located at the EAST OF SALEM ROAD, NORTH OF THE CRYSTAL SPRINGS, PHASE I. This property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville and to rezone the subject property to RSF-4, Residential Single-family 4 units per acres.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to ANX 05-1370 (HALL 644, 645, 684): Submitted by MEL HOLLAND for the property located at 2577, 2216, 2844, 2822 DEADHORSE MTN. ROAD. This property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

→ In reference to RZN 05-1371: (HALL, 645, 684): Submitted by MEL HOLLAND, for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density however it will not create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response

In reference to RZN 05-1378: (HALL, 644): Submitted by MEL HOLLAND, for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1372 (MAILCO USA INC., 678-717): Submitted by STEVE CLARK for the property located at S. SCHOOL AVENUE, E OF HWY 71 AND N OF WHILLOCK STREET. The property is zoned RSF-4 SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to RSN 05-1374: (CORNERSTONE/FUTRALL, 402): Submitted by KIM FUGITT for property located at 1144 FUTRALL DRIVE. The property is zoned SRF-4, SINGLE FAMILY-4 UNITS/ACRE and contains approximately 0.53 acres. The request is to rezone the subject property to R-O, Residential Office.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,



Captain William Brown  
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review February 1, 2005

| Item        | Subdivision | Annexation  | Acres  | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|-------------|-------------|-------------|--------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| ANX 05-1365 | Wilkins     | ANX 05-1365 | 10     | S7                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1366 | Wilkins     |             |        | S7                   | 2.7 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 9                                                         | 4                                                                    | 6                                                             |
| ANX 05-1370 | Hall        | ANX 05-1370 | 235.38 | S5                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1371 | Hall        |             |        | S5                   | 2.9 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 114                                                       | 45                                                                   | 69                                                            |
| RZN 05-1378 | Goff/Hall   |             |        | S5                   | 3.3 Miles                  | 8 minutes                      | 8 Minutes                                                     | 14                                                        | 5                                                                    | 8                                                             |
| RZN 05-1372 | Mallico USA |             | 2.536  | S1                   | 3 Miles                    | 5 minutes                      | 5 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1374 | Cornerstone |             | 0.53   | S7                   | 1.2 Miles                  | 3 minutes                      | 3.5 Minutes                                                   | 0                                                         | 0                                                                    | 0                                                             |

## *Miltholland Company*

### *Engineering & Surveying*

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

#### REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Monday, January 24, 2005

Project No. E-705

#### FAYETTEVILLE

113 West Mountain Street

Fayetteville, Arkansas 72701

**RE: Annexation request of Hall property  
ANX 05-1370 Hall; RZN 05-1371 Hall; RZN 05-1378 Goff/Hall**

Dear Mayor Coody, Planning Commission Members, and Planning Division Staff:

In support of our client, Mr. Clint McDonald, NLC INC, MCO respectfully requests your concurrence and support of the referenced property's Annexation and Zoning into the City of Fayetteville, Arkansas. Considerable effort, planning, and coordination has occurred on behalf of our client, Mr. McDonald, between land owners and with assistance from City Planning, Mr. Tim Conklin and his great staff, City Aldermen Brenda Thiel and Robert Reynolds, City Attorney Kit Williams, and Washington County Attorney George Butler. Their combined efforts and assistance have succeeded in adhering to the reduction of created land islands within the City Limits and to the enforcement of productive community development.

Annexation of the Hall property for proposed future development under City of Fayetteville guidelines, ordinances and standards for services, begin with the Offer and Acceptance to purchase the Hall property by Mr. Clint McDonald on April 20, 2004. Mr. McDonald envisions a mid-income planned community development with quality amenities of utilities, green spaces with vistas beyond the lot next door, pedestrian friendly access to undisturbed natural wooded and open areas. He envisions a development that displays constructed characteristics of stability and unity, a development displaying a landscaped atmosphere of stewardship with the site's natural terrain.

The following day, April 21, 2004, Mr. McDonald contacted MCO to begin preliminary site concept designs. And, shortly there after meet with City Staff of Planning and Engineering, to discuss annexation into the City of Fayetteville, for development of a proposed residential subdivision.

Mr. Miltholland, cognizant of the City's concerns for created land islands within City Limits, met with Tim Conklin and City Planning Staff (Dawn Warrick, Suzanne Morgan, and Jeremy Pate) to determine acceptable methods and with Kit Williams, City Attorney, for interpretation and technical advise for proper annexation. Several scenarios were presented for consideration. Mr. McDonald followed the City's recommendation(s) and expanded his efforts for annexation into the City to include surrounding properties and adjoining neighbors.

## *Miltholland Company*

*Engineering & Surveying*

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

### REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Mr. McDonald has put forth extensive effort throughout much of this past year, 2004, meeting with land owners of the neighborhood presenting them with an outline of benefits and offering at his expense the opportunity to sign a petition expressing interest to be part of a group annexation. While some land owners did not desire to be annexed, several land owners have taken part in this petition, along with that of the 200 acres of Hall property. Mr. McDonald had all properties surveyed and platted. He hand delivered to the land owner expressing interest to be annexed into the City of Fayetteville applications of annexation for their signature.

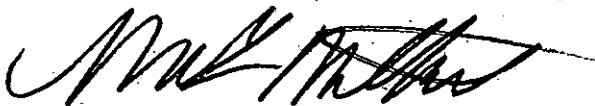
Each land owner petitioning for annexation into the City of Fayetteville has properly progressed through the process, that includes advertisements and receiving signed decrees from the County Judge, to this point for your approval and acceptance into the City of Fayetteville. Throughout the process, Mr. McDonald's attorney along with the City's attorney, Kit Williams, and the County's attorney, George Butler, worked diligently through the details of compliance with the laws of annexation. It was Mr Butler's interpretation that only those land owners currently adjoining the City Limits could be annexed at this time, which is the petition present before you.

The petition for annexation proposed before you is one of a community of neighboring land owners. These petitioners have been made aware of the annexation process and of the benefits (utilities, police and fire protection, etc.) of becoming apart of the City of Fayetteville.

Mr. Clint McDonald, respectively request the City of Fayetteville Planning Commission to recommend to the Fayetteville City Council, to approve this application request for annexation.

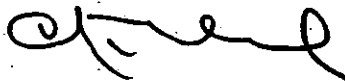
Sincerely,

**Miltholland Company**



Melvin L. Miltholland, P.E., R.L.S.

**NLC, INC**



Clint McDonald

To: City of Fayetteville Planning  
From: Milholland Engineers  
Subject: Rezoning Application

Application Item #5::

- 5.a. Current ownership information and any proposed or pending property sales:  
**RESPONSE:** Existing Owner, Imogene Hall, as the Trustee of the Hall Marital Deduction Trust, effective 12-23-02 - undivided 1/11th interest, has an Offer and Acceptance pending with Client McDonald, a local developer.
- 5.b. Reason ( need ) for requesting the zoning change:  
**RESPONSE:** Existing zoning of RA ( after annexed ) will not provide the demand for residential single family lots with public utilities being requested by local house building contractors.
- 5.c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage:  
**RESPONSE: Existing Land Use:** Rural single family homes adjoining the east boundary, with a pasture adjacent the north, south and west boundaries, and near Stonebridge Golf Course.  
**Traffic:** New single family residential development will add traffic by connection to existing Deadhorse Mtn. Rd. from the north and south, which connects to paved Black Oak Rd. to the south and Arkansas Highway 16 to the north. This connection will allow two traffic connections to Highway 16, directly, and one connection to Arkansas Highway 16 indirectly through the City Industrial Park.  
**Appearance:** New home construction will continue to add an improving appearance to the community that was begun with the new golf course and new residential subdivision adjoining this site to the east.
- 5.d. Availability of water and sewer ( state size of lines ).  
**RESPONSE:** A looped 6 inch water main is constructed up to and along the east boundary of this site being planned for a residential development. Sanitary sewer will be pumped by new pump station for the west boundary of site to Southeast Corner of City Industrial Park and will be received by a 12 inch main.

January 4, 2005

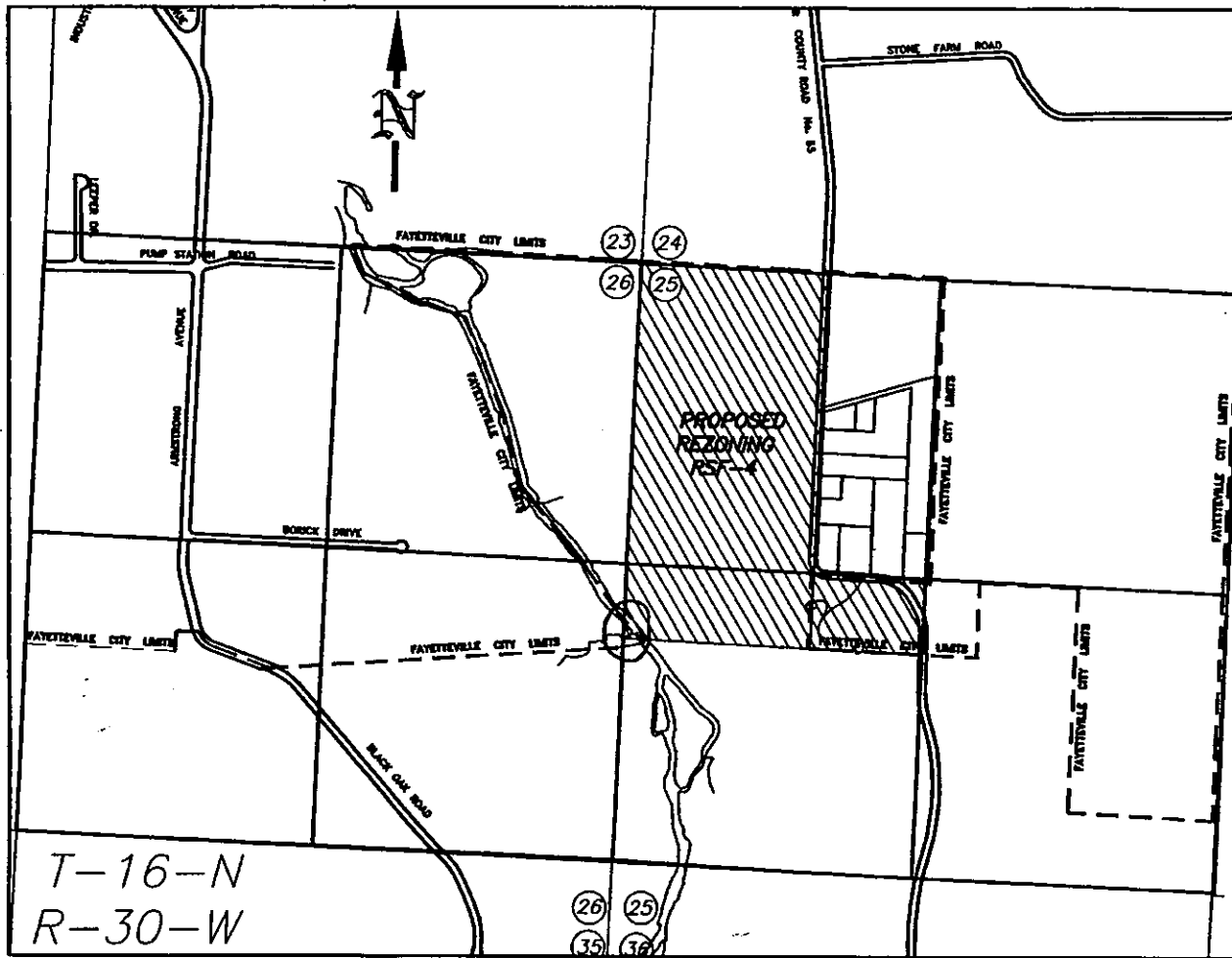


**Application Item # 6: Written statements addressing the following:**

- 6.a. The degree to which the proposed zoning is consistent with the land use planning objectives, principles, and policies and with land use and zoning plans:  
**RESPONSE:** The proposed single family zoning is in concurrence with the city's long range planning objectives in its 2020 plan. It complies with the city's policies of organized expansion of city facilities and infrastructure, and with the principle of zoning and developing vacant tracts of land in continuity with the Official Land Use Plan and at the same time, continue to add to the type of growth within the existing neighborhood. This proposed zoning is consistent with the city's long range land use and zoning plans.
- 6.b. Whether the proposed zoning is justified and/or needed at the time of the request:  
**RESPONSE:** The demand for single family homes in this area of the City of Fayetteville is in high demand.
- 6.c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion:  
**RESPONSE:** Certainly, new homes bring more vehicles, but the City of Fayetteville requires the developer to construct new streets through it's development and connectivity into the existing street system.
- 6.d. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on the public services including schools, water, and sewer facilities:  
**RESPONSE:** New water and sewer mains will be extended to facilitate the new residents. The site is located South of Arkansas 16 Highway, and near Stonebridge Golf Course, and will discharge its sewerage into a collection system that flows into the existing treatment plant.
- 6.e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification:  
**RESPONSE:** The land is presently rural, and will be RA if annexed into the city. The site is too small for farm productivity. The highest and best use of site is single family homes.

January 4, 2005

# EXHIBIT "A"



## REZONING LAND DESCRIPTION:

## REZONING MAP

E-705

A PART OF SECTION 25, BEING A PART OF THE NW $\frac{1}{4}$  AND A PART OF THE N $\frac{1}{2}$  OF THE SW $\frac{1}{4}$ , ALL LANDS LOCATED IN SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE S87°01'09"E 1653.58 FEET TO A POINT ON THE NORTHERN BOUNDARY OF SAID SECTION 25; THENCE S02°44'26"W 3301.28 FEET; THENCE N87°01'29"W 1658.44 FEET TO A POINT ON THE WESTERN BOUNDARY OF SAID SECTION 25; THENCE N02°49'30"E 3301.42 FEET TO THE POINT OF BEGINNING, CONTAINING 125.505 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

OWNER: *Imogene M. Hall*  
IMOGENE HALL

11/18/2005

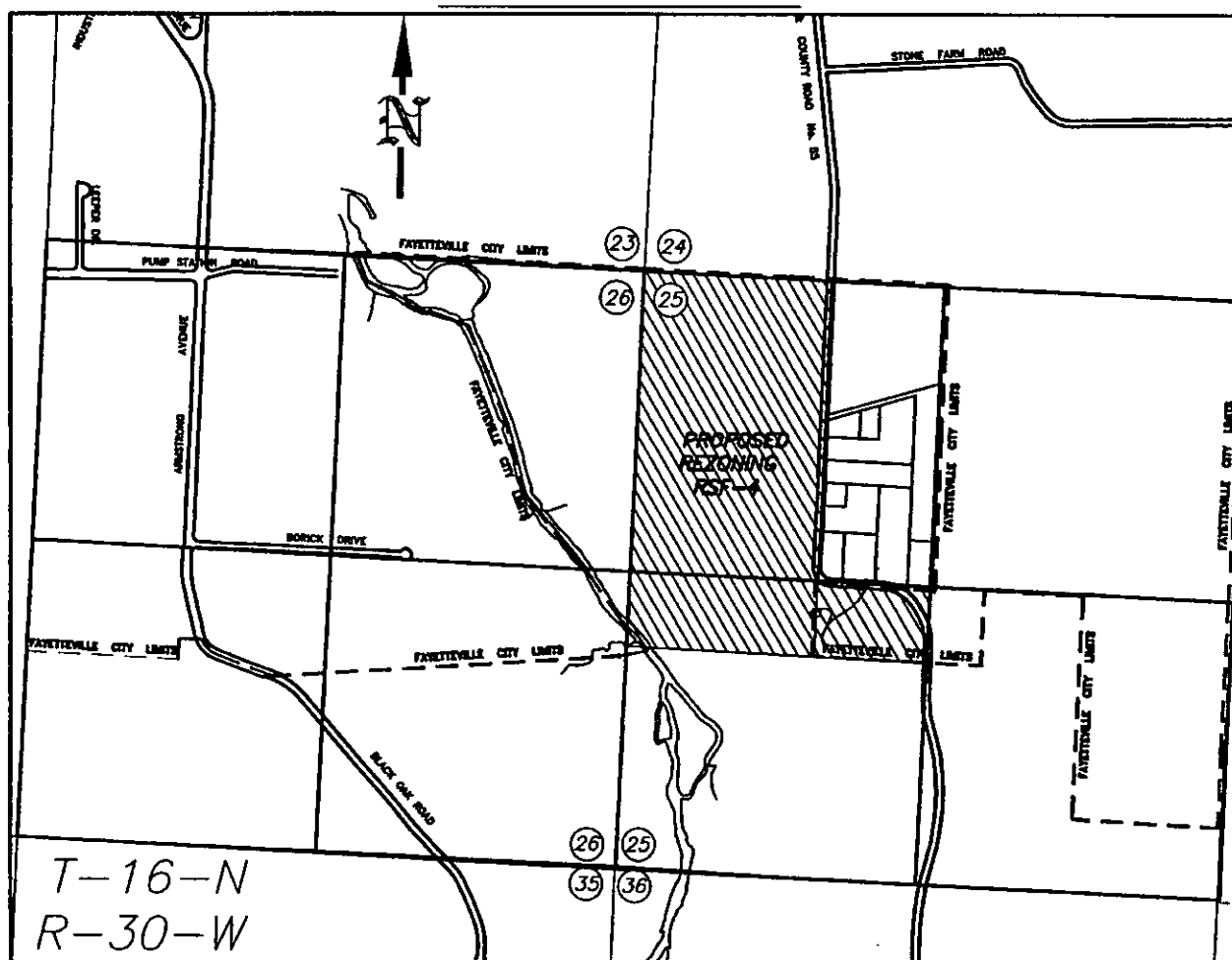
parcels submitted as: RZN05-1371  
RZN05-1378

parcels close *18*

AND ALSO: A PART OF THE NE $\frac{1}{4}$  OF THE SW $\frac{1}{4}$  to include City property. SECTION 25, T-16-N, R-30-W, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE S02°35'26"W 659.61 FEET; THENCE N87°01'29"W 1000.79 FEET; THENCE N02°59'21"E 659.85 FEET; THENCE S87°00'36"E 996.20 FEET TO THE POINT OF BEGINNING, CONTAINING 15.12 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

OWNER: *Dewitt C. Goff*  
DEWITT GOFF

# EXHIBIT "A"



## REZONING LAND DESCRIPTION:

## REZONING MAP

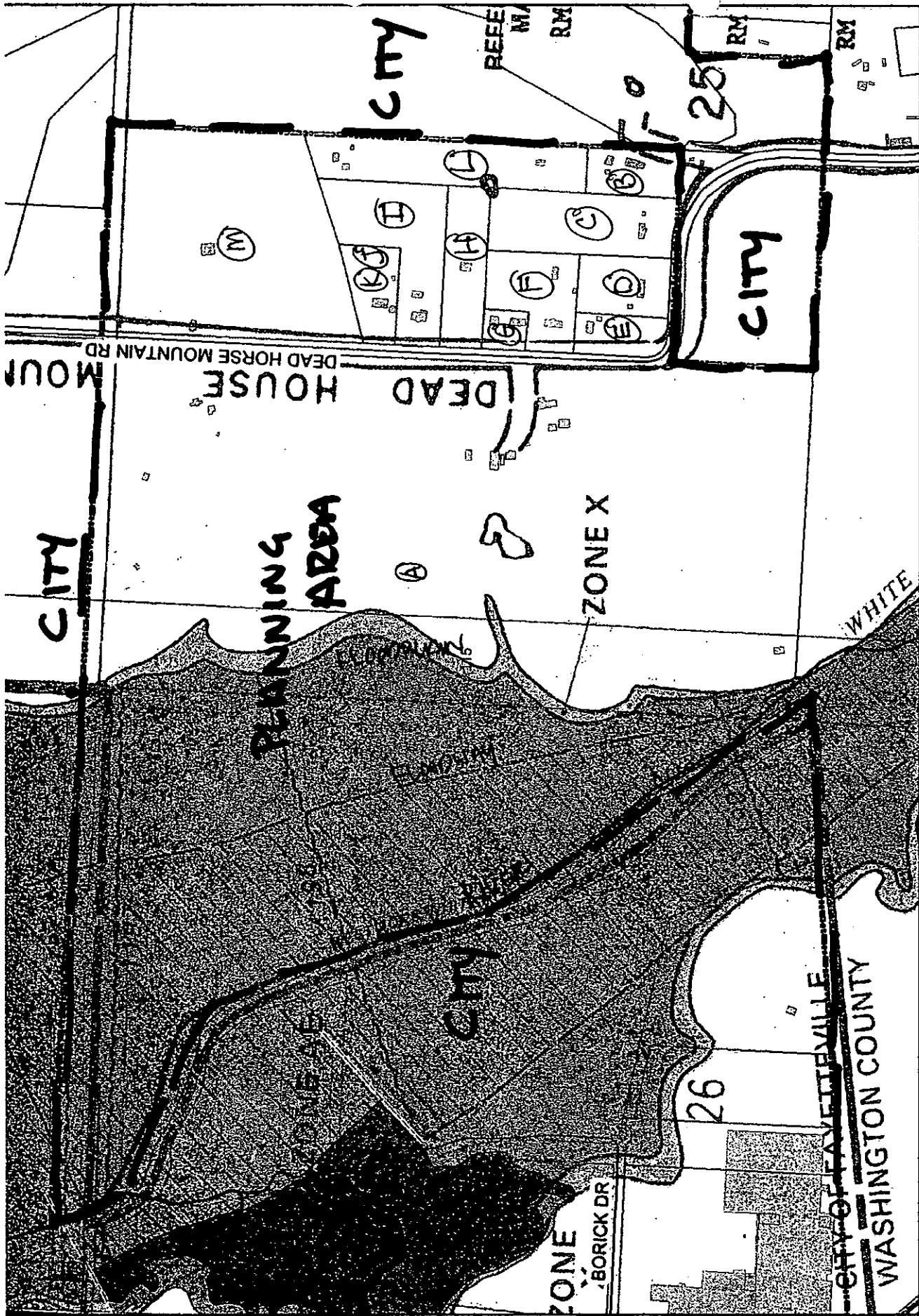
E-705

A PART OF SECTION 25, BEING A PART OF THE NW $\frac{1}{4}$  AND A PART OF THE N $\frac{1}{2}$  OF THE SW $\frac{1}{4}$ , ALL LANDS LOCATED IN SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 25;  
THENCE S87°01'09"E 1653.58 FEET TO A POINT ON THE NORTHERN BOUNDARY OF SAID SECTION 25;  
THENCE S02°40'24"W 2641.43 FEET, AND S02°59'21"W 659.85 FEET;  
THENCE N87°01'29"W 1480.72 FEET TO THE CENTER OF THE WHITE RIVER;  
THENCE N42°02'08"W 251.95 FEET ALONG CENTER OF SAID WHITE RIVER TO A POINT ON THE WESTERN BOUNDARY OF SECTION 25;  
THENCE N02°49'30"E 3123.30 FEET TO THE POINT OF BEGINNING, CONTAINING 125.179 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

OWNER: \_\_\_\_\_  
IMOGENE HALL

AND ALSO: A PART OF THE NE $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , SECTION 25, T-16-N, R-30-W, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT,  
THENCE S02°35'26"W 659.61 FEET;  
THENCE N87°01'29"W 1000.79 FEET;  
THENCE N02°59'21"E 659.85 FEET;  
THENCE S87°00'36"E 996.20 FEET TO THE POINT OF BEGINNING, CONTAINING 15.12 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

OWNER: \_\_\_\_\_  
DEWITT GOFF



FOR ILLUSTRATION ONLY, NOT OFFICIAL FLOOD MAP FOR FLOOD INSURANCE PURPOSES.



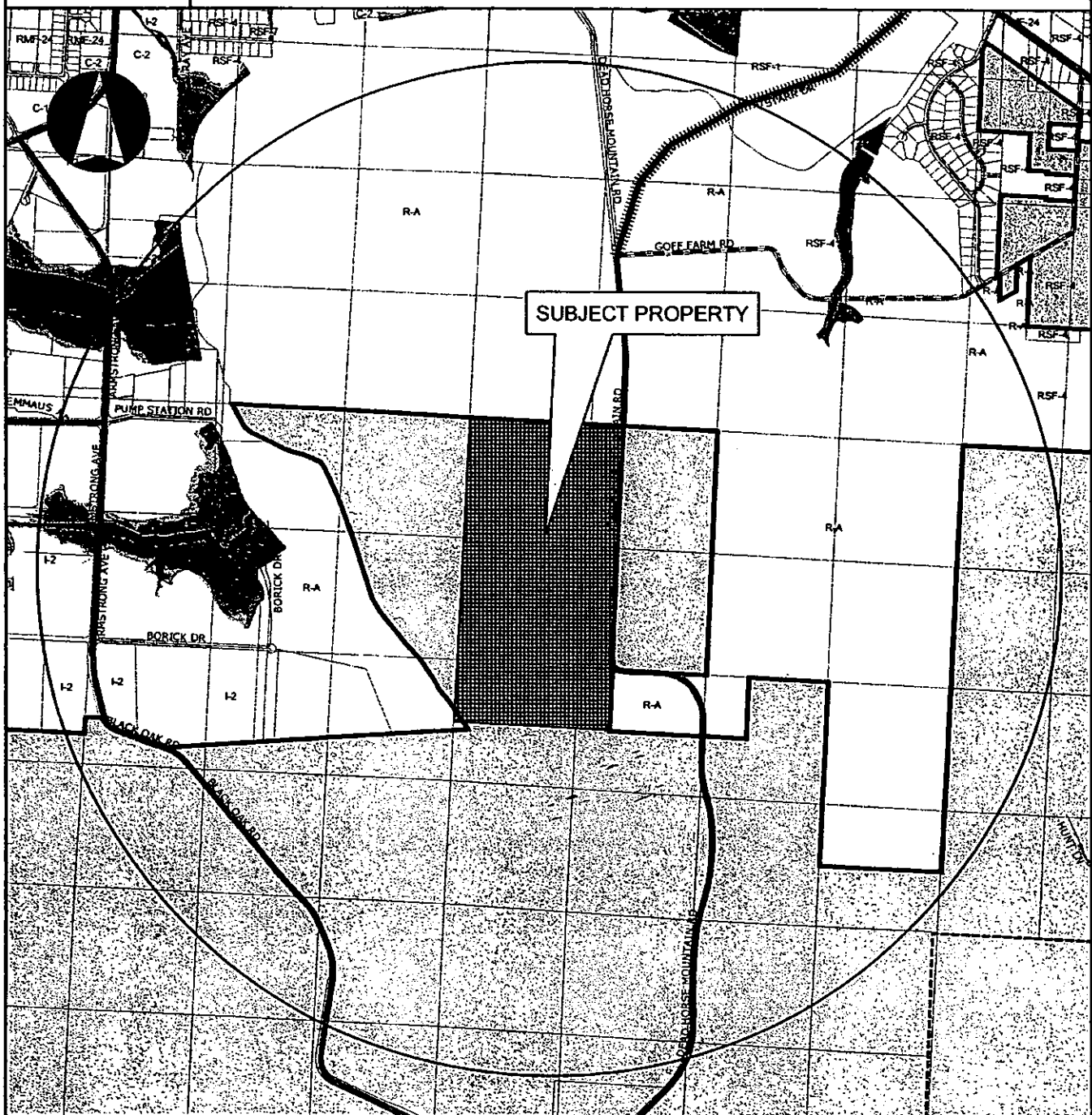
1 inch equals 600 feet



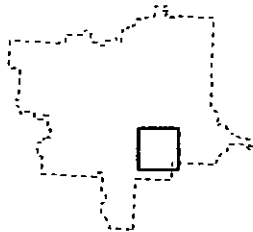
RZN 05-1371

# HALL

One Mile View



Overview



Legend

Subject Property

RZN 05-1371

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

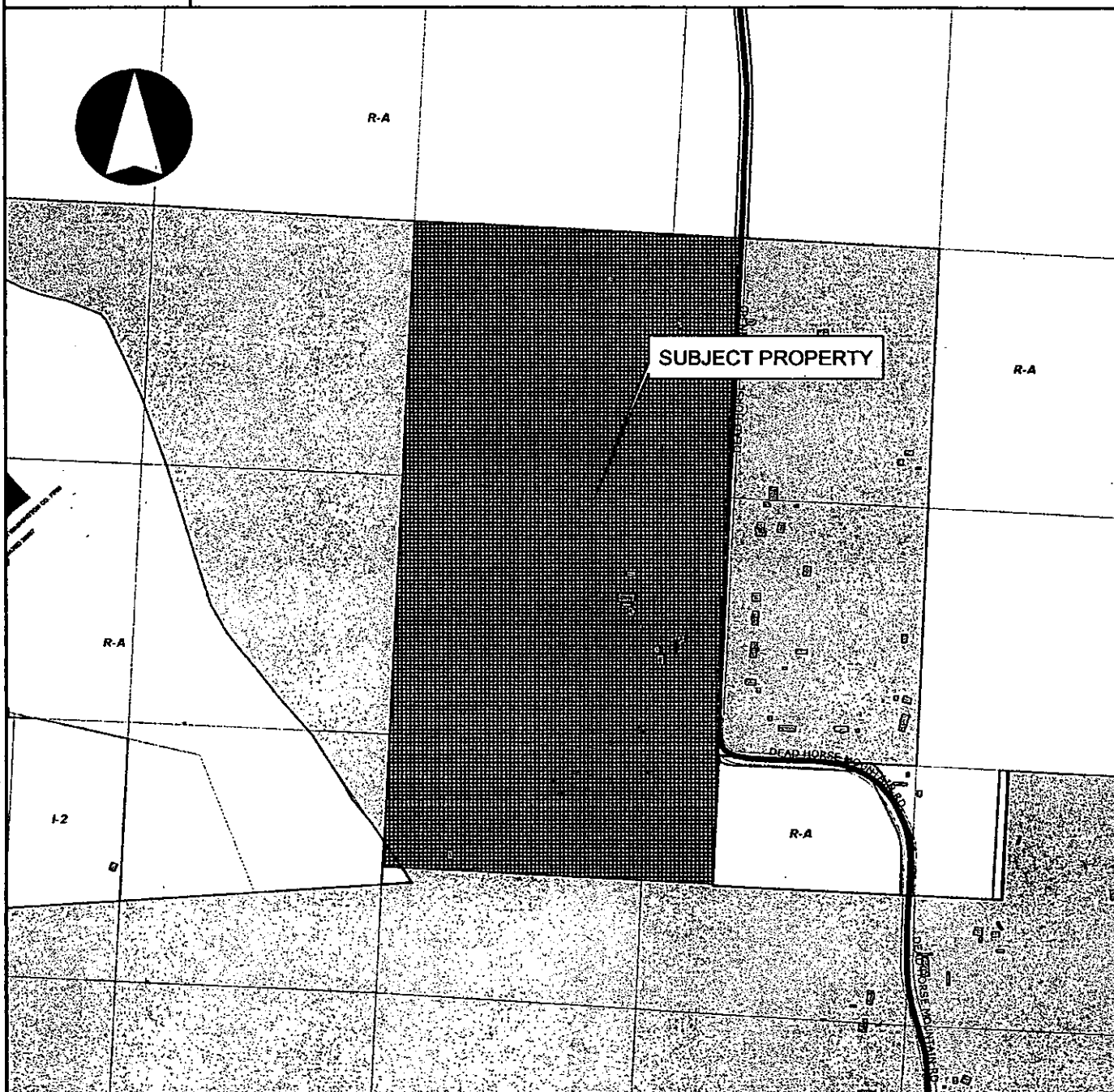
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Miles

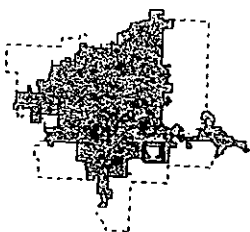
RZN 05-1371

Close Up View

# HALL



## Overview



### Legend

RZN 05-1371

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

LIMIT OF STUDY

BaseLine Profile

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

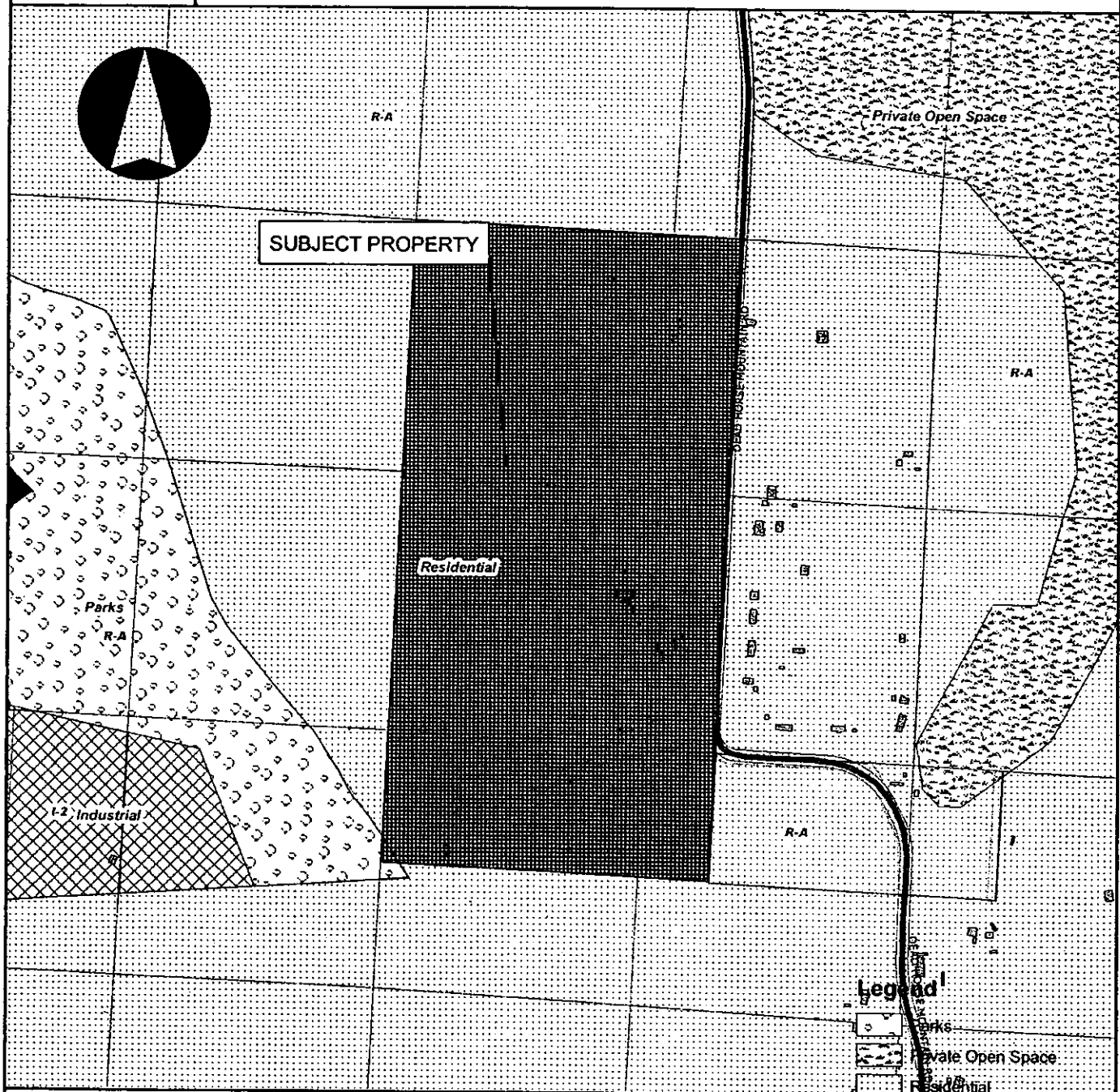
Outside City

0 75 150 300 450 600  
Feet

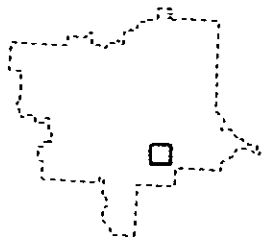
RZN 05-1371

Future Land Use

# HALL



## Overview



### Legend

Subject Property

RZN 05-1371

#### Streets

Existing

Planned

#### Boundary

Planning Area

Overlay District

Outside City

#### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

Mixed Use

Office

Historic Commercial

Community Commercial

Neighborhood Commercial

Regional Commercial

Industrial

University

0 150 300 600 900 1,200 Feet

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 14  
RZN 05-1371 (Hall)  
Page 24 of 24

15-Mar-05

City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

RZN 05-1371: (HALL, 645,684): Submitted by Mel Milholland for property located at 2577 Dead Horse Mtn. Road. The recently annexed property is zoned R-A, Residential Agricultural and contains approximately 125.179 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, four units per acre.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

Budget Adjustment Attached



Department Director

2-25-05

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a



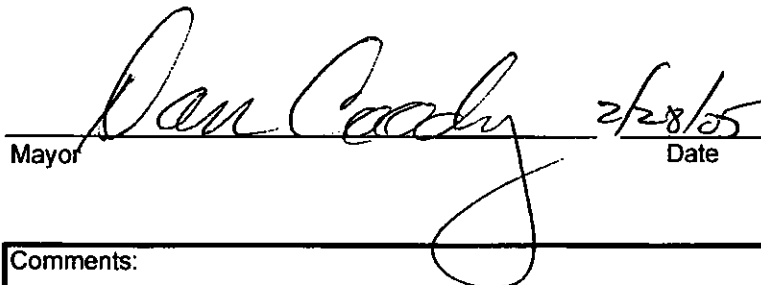
City Attorney

2-25-05

Date

Received in City Clerk's Office





Mayor

2/28/05

Date

Received in Mayor's Office

2/28/05 P.H.

Comments:



## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Director of Current Planning

**Date:** February 24, 2005

**Subject:** Rezoning for Goff/Hall (RZN 05-1378)

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 15.12 acres of property from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

### **BACKGROUND**

*Property description:* The subject property is located on both sides of Dead Horse Mountain Road, east of the West Fork of the White River, south of Goff Farm Road. Property to the northeast is developed as Stonebridge Meadows Golf Course, with various phases of Stonebridge Meadows Subdivision either constructed or in the process of being constructed. Zoning districts within the one-mile radius include I-2 (Industrial Park), R-A, and RSF-4, as well as land in the Planning Area to the south. The property is currently agricultural in nature, and zoned R-A, Residential Agricultural.

*Proposal:* The applicant intends to develop the property for single family residential use in the future. Property line adjustments and lot splits to create tracts to develop have already been submitted. Therefore, the applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre. RSF-4 allows for a range of residential density from 0 to 4 units per acre in a development pattern that is compatible with much of the residential development within the City of Fayetteville.

*Request:* The applicant requests rezoning the property from R-A to RSF-4.

### **DISCUSSION**

This item was heard at the regular Planning Commission on February 14, 2005. The Planning Commission voted 5-4-0 to forward this item to the City Council with a recommend in favor of the rezoning, with Commissioners Clark, Allen, Anthes and Ostner voting against.

Discussion included change in character of this landscape to residential use from its current agricultural/large lot residential use, surrounding infrastructure improvements, transitioning from the existing low-density R-A zoning to higher density RSF-4 zoning, among other items.

Staff finds that rezoning this property to allow development of a maximum of four single family dwellings per acre is consistent with land use policies, planning and development currently occurring in the immediate area.

**BUDGET IMPACT**

None.

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

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1378 FOR PROPERTY LOCATED AT THE SOUTH SIDE OF HWY 16E AND WEST OF DEAD HORSE MOUNTAIN ROAD, CONTAINING APPROXIMATELY 15.12 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

**Section 1:** That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre, as shown in Exhibit "A" attached hereto and made a part hereof.

**Section 2.** That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**APPROVED:**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Sondra Smith, City Clerk**

**EXHIBIT "A"**  
**RZN 05-1378**

A PART OF THE NE1/4 OF THE SW1/4, SECTION 25, T-16-N, R-30-W, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE S02°35'26"W 659.61 FEET; THENCE N87°01'29"W 1000.79 FEET; THENCE N02°59'21"E 659.85 FEET; THENCE S87°00'36"E 996.20 FEET TO THE POINT OF BEGINNING, CONTAINING 15.12 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

DRAFT



PC Meeting of February 14, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Jeremy Pate, Interim Planning Director  
DATE: February 09, 2005

**RZN 05-1378: (GOFF/HALL, 644):** Submitted by MEL MILHOLLAND for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: DEWITT GOFF

Planner: Jeremy Pate

**RECOMMENDATION:**

**Staff recommends approval of the requested rezoning based on the findings herein.**

|                                                                            |                                                                                                                                          |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                         | Required <u>YES</u><br><input checked="" type="radio"/> Approved <input type="radio"/> Denied<br>5-4-0 No: Clark, Allen, Anthony, Schner |
| <b>Date:</b> <u>February 14, 2005</u>                                      |                                                                                                                                          |
| <b>CITY COUNCIL ACTION:</b>                                                | Required <u>YES</u><br><input type="radio"/> Approved <input type="radio"/> Denied                                                       |
| <b>Date:</b> <u>March 15, 2005 (1<sup>st</sup> reading if recommended)</u> |                                                                                                                                          |

**BACKGROUND:**

**Property description:** The subject property is located on both sides of Dead Horse Mountain Road, east of the West Fork of the White River, south of Goff Farm Road. Property to the northeast is developed as Stonebridge Meadows Golf Course, with various phases of Stonebridge Meadows Subdivision either constructed or in the process of being constructed. Zoning districts within the one-mile radius include I-2 (Industrial Park), R-A, and RSF-4, as well as land in the Planning Area to the south. The property is currently agricultural in nature, and zoned R-A, Residential Agricultural.

**Proposal:** Staff anticipates the applicant intends to develop the property for single family residential use. Therefore, the applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre. (see attached letter from the applicant's representative). RSF-4 allows for a range of residential density from 0 to 4 units

per acre in a development pattern that is compatible with much of the residential development within the City of Fayetteville.

*Recommendation:* Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a development pattern that is uniform and consistent with the land use patterns identified on the Future Land Use Plan..

#### **SURROUNDING LAND USE AND ZONING**

| <b>Direction</b> | <b>Land Use</b>                   | <b>Zoning</b>                                            |
|------------------|-----------------------------------|----------------------------------------------------------|
| North            | Single family homes               | Planning Area, current request for R-A                   |
| South            | Agricultural, single family       | Planning Area                                            |
| East             | Golf course, agricultural         | R-A, Residential Agricultural                            |
| West             | Single family homes, agricultural | R-A, Residential Agricultural, current request for RSF-4 |

#### **INFRASTRUCTURE:**

**Streets:** Currently the site has access to Dead Horse Mountain Road, a Minor Arterial on the Master Street Plan. At the time of development, this street will need to be brought up to current standards along the property frontage, at minimum. These improvements may include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Additionally, development on the subject property has a high likelihood of accessing the substandard bridge on Dead Horse Mountain Road north of the property as its primary means of ingress/egress to the center of the city. An assessment for a proportionate share of the cost of this bridge is anticipated at the time of development. Specific street improvements and other off-site improvements will be evaluated based on the development proposed, to meet ordinance requirements.

**Water:** The site currently does have access to public water. The nearest water main is a 6" main on the east side along Dead Horse Mountain Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete looped systems.

**Sewer:** The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is a 12" sewer main to the west. A capacity analysis of the sewer lines and/or lift stations downstream of the connection point shall be conducted prior to development.

**Fire:** The subject property is located 2.9 miles from Fire Station #5. Normal driving time is 7 minutes. The property is located approximately 3 miles from the future Fire Station #3. Normal driving time is 7 minutes.

**Police:** It is the opinion of the Fayetteville Police Department that this annexation will not

substantially alter the population density and thereby undesirably increase the load on police services. It is anticipated that response time will be increased for calls for service because the property is at the limits of the current service area. However, the actual travel time is does not increase beyond that which is already served.

**LAND USE PLAN:** General Plan 2020 designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

#### **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:** The proposed RSF-4 zoning for a single family residential use is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning. Development at this density adequately supports and is served by existing and extended city infrastructure, at the cost of the developer.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

**Finding:** The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A higher density than the R-A zoning district is appropriate in this area, and would provide compatibility with nearby developments that are zoned RSF-4 and developed as residential communities.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

**Finding:** The proposed zoning will provide additional traffic on adjacent streets. Dead Horse Mountain Road is the primary means of access into the city, either north to Huntsville or south to Black Oak Road and Armstrong Avenue. These streets are Minor Arterials on the city's Master Street Plan, and once improved, will be able to carry a high volume of traffic. Currently they are improved paved roadways with shoulders, to county standards. The Fayetteville Police Department finds that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion in the area.

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:** The proposed zoning would increase population density above that which is present currently. Under an R-A, Residential Agricultural designation, the 15-acre tract would allow for a maximum of 7 dwelling unit (1 unit / 2 acres). With the proposed RSF-4 designation, 60 dwelling units would be permitted. Rezoning the property increases the possible number of residential units and population, but is consistent with land use patterns and zoning in the district. Additionally, a the property is bisected by Deadhorse Mountain Road, a Minor Arterial requiring 90 feet of right-of-way which will likely inhibit the maximum density from being developed.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

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



### 161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful 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; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

- (B) *Uses.*

(1) *Permitted uses.*

|         |                                          |
|---------|------------------------------------------|
| 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                       |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 4  | Cultural and recreational facilities     |
| Unit 20 | Commercial recreation, large sites       |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

- (C) *Density.*

|                |          |
|----------------|----------|
| Units per acre | One-half |
|----------------|----------|

- (D) *Bulk and area regulations.*

|                            |         |
|----------------------------|---------|
| Lot width minimum          | 200 ft. |
| Lot Area Minimum:          |         |
| Residential:               | 2 acres |
| Nonresidential:            | 2 acres |
| Lot area per dwelling unit | 2 acres |

- (E) *Setback requirements.*

|        |        |        |
|--------|--------|--------|
| Front  | Side   | Rear   |
| 35 ft. | 20 ft. | 35 ft. |

- (F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

- (G) *Building area.* None.

K:\Reports\2005\PC Reports\02-14-05\RZN 05-1378 (GOFF-HALL).doc

### 161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

- (A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

- (B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwelling  |

(2) *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 9  | Two-family dwellings                     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

- (C) *Density.*

|                |                         |                      |
|----------------|-------------------------|----------------------|
|                | Single-family dwellings | Two-family dwellings |
| Units per acre | 4 or less               | 7 or less            |

- (D) *Bulk and area regulations.*

|                             |                         |                      |
|-----------------------------|-------------------------|----------------------|
|                             | Single-family dwellings | Two-family dwellings |
| Lot minimum width           | 70 ft.                  | 80 ft.               |
| Lot area minimum            | 8,000 sq. ft.           | 12,000 sq. ft.       |
| Land area per dwelling unit | 8,000 sq. ft.           | 6,000 sq. ft.        |

- (E) *Setback requirements.*

|        |       |        |
|--------|-------|--------|
| Front  | Side  | Rear   |
| 25 ft. | 8 ft. | 20 ft. |

- (F) *Height.* None.

- (G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 15  
RZN 05-1378 (Goff/Hall)  
Page 10 of 24

POLICE DEPARTMENT

February 7, 2005

Jeremy Pate  
Interim Zoning and Development Director  
City of Fayetteville  
113 W. Mountain  
Fayetteville, Arkansas 72701

RECEIVED  
FEB 09 2005  
PLANNING DIV.

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1365: (WILKINNS, 245): and Rezoning RZN 05-1366 (WILKINS, 245) submitted by MEL HOLLAND for property located at the EAST OF SALEM ROAD, NORTH OF THE CRYSTAL SPRINGS, PHASE I. This property is in the Planning Area and contains approximately 10.00 acres. The request is to annex the subject property into the City of Fayetteville and to rezone the subject property to RSF-4, Residential Single-family 4 units per acres.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to ANX 05-1370 (HALL 644, 645, 684): Submitted by MEL HOLLAND for the property located at 2577, 2216, 2844, 2822 DEADHORSE MTN. ROAD. This property is in the Planning Area and contains approximately 235.38 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1371: (HALL, 645, 684): Submitted by MEL HOLLAND, for property located at 2577 DEAD HORSE MTN. ROAD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 125.50 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density however it will not create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area. We do recommend that the road system be improved on Dead Horse Mountain Road to accommodate the increased traffic and emergency response

→ In reference to RZN 05-1378: (HALL, 644): Submitted by MEL HOLLAND, for property located at THE S SIDE OF HWY 16E, W OF DEAD HORSE MTN. RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.12 acres. The request is to rezone the subject property RSF-4, Residential Single-family, 4 units per acre.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.

In reference to RZN 05-1372 (MAILCO USA INC., 678-717): Submitted by STEVE CLARK for the property located at S. SCHOOL AVENUE, E OF HWY 71 AND N OF WHILLOCK STREET. The property is zoned RSF-4 SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.536 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

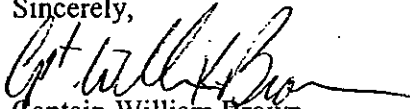
It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

In reference to RSN 05-1374: (CORNERSTONE/FUTRALL, 402): Submitted by KIM FUGITT for property located at 1144 FUTRALL DRIVE. The property is zoned SRF-4, SINGLE FAMILY-4 UNITS/ACRE and contains approximately 0.53 acres. The request is to rezone the subject property to R-O, Residential Office.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion. Without the addition of police patrol personnel, these areas may see a lack of traffic enforcement or may experience situations where officers are delayed in answering many calls for service because of call volume exceeds the number of officers available to respond in a timely manner.

Sincerely,

  
Captain William Brown  
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review February 1, 2005

| Item        | Subdivision | Annexation  | Acres  | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|-------------|-------------|-------------|--------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| ANX 05-1365 | Wilkins     | ANX 05-1365 | 10     | S7                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1366 | Wilkins     |             |        | S7                   | 2.7 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 9                                                         | 4                                                                    | 6                                                             |
| ANX 05-1370 | Hall        | ANX 05-1370 | 235.38 | S5                   | n/a                        | n/a                            |                                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1371 | Hall        |             |        | S5                   | 2.9 Miles                  | 7 Minutes                      | 8 Minutes                                                     | 114                                                       | 45                                                                   | 69                                                            |
| RZN 05-1378 | Goff/Hall   |             |        | S5                   | 3.3 Miles                  | 8 minutes                      | 8 Minutes                                                     | 14                                                        | 5                                                                    | 8                                                             |
| RZN 05-1372 | Mailco USA  |             | 2.536  | S1                   | 3 Miles                    | 5 minutes                      | 5 Minutes                                                     | 0                                                         | 0                                                                    | 0                                                             |
| RZN 05-1374 | Cornerstone |             | 0.53   | S7                   | 1.2 Miles                  | 3 minutes                      | 3.5 Minutes                                                   | 0                                                         | 0                                                                    | 0                                                             |

## *Milholland Company*

### *Engineering & Surveying*

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

#### REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Monday, January 24, 2005

Project No. E-705

#### FAYETTEVILLE

113 West Mountain Street

Fayetteville, Arkansas 72701

**RE: Annexation request of Hall property  
ANX 05-1370 Hall; RZN 05-1371 Hall; RZN 05-1378 Goff/Hall**

Dear Mayor Coody, Planning Commission Members, and Planning Division Staff:

In support of our client, Mr. Clint McDonald, NLC INC, MCO respectfully requests your concurrence and support of the referenced property's Annexation and Zoning into the City of Fayetteville, Arkansas. Considerable effort, planning, and coordination has occurred on behalf of our client, Mr. McDonald, between land owners and with assistance from City Planning, Mr. Tim Conklin and his great staff, City Aldermen Brenda Thiel and Robert Reynolds, City Attorney Kit Williams, and Washington County Attorney George Butler. Their combined efforts and assistance have succeeded in adhering to the reduction of created land islands within the City Limits and to the enforcement of productive community development.

Annexation of the Hall property for proposed future development under City of Fayetteville guidelines, ordinances and standards for services, begin with the Offer and Acceptance to purchase the Hall property by Mr. Clint McDonald on April 20, 2004. Mr. McDonald envisions a mid-income planned community development with quality amenities of utilities, green spaces with vistas beyond the lot next door, pedestrian friendly access to undisturbed natural wooded and open areas. He envisions a development that displays constructed characteristics of stability and unity, a development displaying a landscaped atmosphere of stewardship with the site's natural terrain.

The following day, April 21, 2004, Mr. McDonald contacted MCO to begin preliminary site concept designs. And, shortly there after meet with City Staff of Planning and Engineering, to discuss annexation into the City of Fayetteville, for development of a proposed residential subdivision.

Mr. Milholland, cognizant of the City's concerns for created land islands within City Limits, met with Tim Conklin and City Planning Staff (Dawn Warrick, Suzanne Morgan, and Jeremy Pate) to determine acceptable methods and with Kit Williams, City Attorney, for interpretation and technical advise for proper annexation. Several scenarios were presented for consideration. Mr. McDonald followed the City's recommendation(s) and expanded his efforts for annexation into the City to include surrounding properties and adjoining neighbors.

## *Miltholland Company*

*Engineering & Surveying*

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Mr. McDonald has put forth extensive effort throughout much of this past year, 2004, meeting with land owners of the neighborhood presenting them with an outline of benefits and offering at his expense the opportunity to sign a petition expressing interest to be part of a group annexation. While some land owners did not desire to be annexed, several land owners have taken part in this petition, along with that of the 200 acres of Hall property. Mr. McDonald had all properties surveyed and platted. He hand delivered to the land owner expressing interest to be annexed into the City of Fayetteville applications of annexation for their signature.

Each land owner petitioning for annexation into the City of Fayetteville has properly progressed through the process, that includes advertisements and receiving signed decrees from the County Judge, to this point for your approval and acceptance into the City of Fayetteville. Throughout the process, Mr. McDonald's attorney along with the City's attorney, Kit Williams, and the County's attorney, George Butler, worked diligently through the details of compliance with the laws of annexation. It was Mr Butler's interpretation that only those land owners currently adjoining the City Limits could be annexed at this time, which is the petition present before you.

The petition for annexation proposed before you is one of a community of neighboring land owners. These petitioners have been made aware of the annexation process and of the benefits (utilities, police and fire protection, etc.) of becoming apart of the City of Fayetteville.

Mr. Clint McDonald, respectively request the City of Fayetteville Planning Commission to recommend to the Fayetteville City Council, to approve this application request for annexation.

Sincerely,

**Miltholland Company**



Melvin L. Miltholland, P.E., R.L.S.

**NLC, INC**



Clint McDonald

To: City of Fayetteville Planning  
From: Milholland Engineers  
Subject: Rezoning Application

Application Item #5::

- 5.a. Current ownership information and any proposed or pending property sales:  
**RESPONSE:** Existing Owner, Imogene Hall, as the Trustee of the Hall Marital Deduction Trust, effective 12-23-02 - undivided 1/11th interest, has an Offer and Acceptance pending with Client McDonald, a local developer.
- 5.b. Reason ( need ) for requesting the zoning change:  
**RESPONSE:** Existing zoning of RA ( after annexed ) will not provide the demand for residential single family lots with public utilities being requested by local house building contractors.
- 5.c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage:  
**RESPONSE: Existing Land Use:** Rural single family homes adjoining the east boundary, with a pasture adjacent the north, south and west boundaries, and near Stonebridge Golf Course.  
**Traffic:** New single family residential development will add traffic by connection to existing Deadhorse Mtn. Rd. from the north and south, which connects to paved Black Oak Rd. to the south and Arkansas Highway 16 to the north. This connection will allow two traffic connections to Highway 16, directly, and one connection to Arkansas Highway 16 indirectly through the City Industrial Park.  
**Appearance:** New home construction will continue to add an improving appearance to the community that was begun with the new golf coarse and new residential subdivision adjoining this site to the east.
- 5.d. Availability of water and sewer ( state size of lines ).  
**RESPONSE:** A looped 6 inch water main is constructed up to and along the east boundary of this site being planned for a residential development. Sanitary sewer will be pumped by new pump station for the west boundary of site to Southeast Corner of City Industrial Park and will be received by a 12 inch main.

January 4, 2005

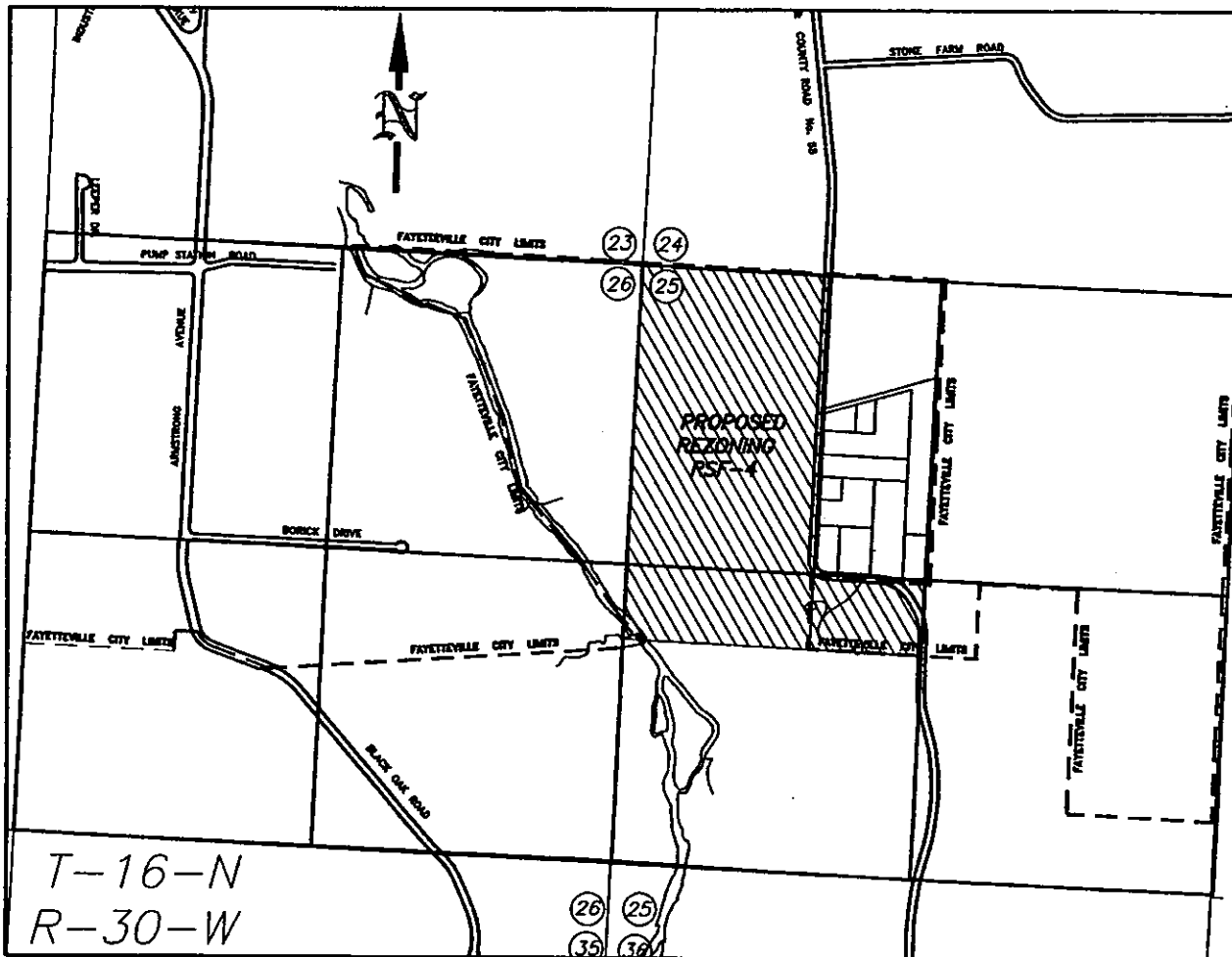


Application Item # 6: Written statements addressing the following:

- 6.a. The degree to which the proposed zoning is consistent with the land use planning objectives, principles, and policies and with land use and zoning plans:  
**RESPONSE:** The proposed single family zoning is in concurrence with the city's long range planning objectives in its 2020 plan. It complies with the city's policies of organized expansion of city facilities and infrastructure, and with the principle of zoning and developing vacant tracts of land in continuity with the Official Land Use Plan and at the same time, continue to add to the type of growth within the existing neighborhood. This proposed zoning is consistent with the city's long range land use and zoning plans.
- 6.b. Whether the proposed zoning is justified and/or needed at the time of the request:  
**RESPONSE:** The demand for single family homes in this area of the City of Fayetteville is in high demand.
- 6.c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion:  
**RESPONSE:** Certainly, new homes bring more vehicles, but the City of Fayetteville requires the developer to construct new streets through it's development and connectivity into the existing street system.
- 6.d. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on the public services including schools, water, and sewer facilities:  
**RESPONSE:** New water and sewer mains will be extended to facilitate the new residents. The site is located South of Arkansas 16 Highway, and near Stonebridge Golf Course, and will discharge its sewerage into a collection system that flows into the existing treatment plant.
- 6.e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification:  
**RESPONSE:** The land is presently rural, and will be RA if annexed into the city. The site is too small for farm productivity. The highest and best use of site is single family homes.

January 4, 2005

# EXHIBIT "A"



T-16-N  
R-30-W

## REZONING LAND DESCRIPTION:

## REZONING MAP

E-705

A PART OF SECTION 25, BEING A PART OF THE NW $\frac{1}{4}$  AND A PART OF THE N $\frac{1}{2}$  OF THE SW $\frac{1}{4}$ , ALL LANDS LOCATED IN SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 25;  
THENCE S87°01'09"E 1653.58 FEET TO A POINT ON THE NORTHERN BOUNDARY OF SAID SECTION 25;  
THENCE S02°44'26"W 3301.28 FEET;  
THENCE N87°01'29"W 1658.44 FEET TO A POINT ON THE WESTERN BOUNDARY OF SAID SECTION 25;  
THENCE N02°49'30"E 3301.42 FEET TO THE POINT OF BEGINNING, CONTAINING 125.505 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

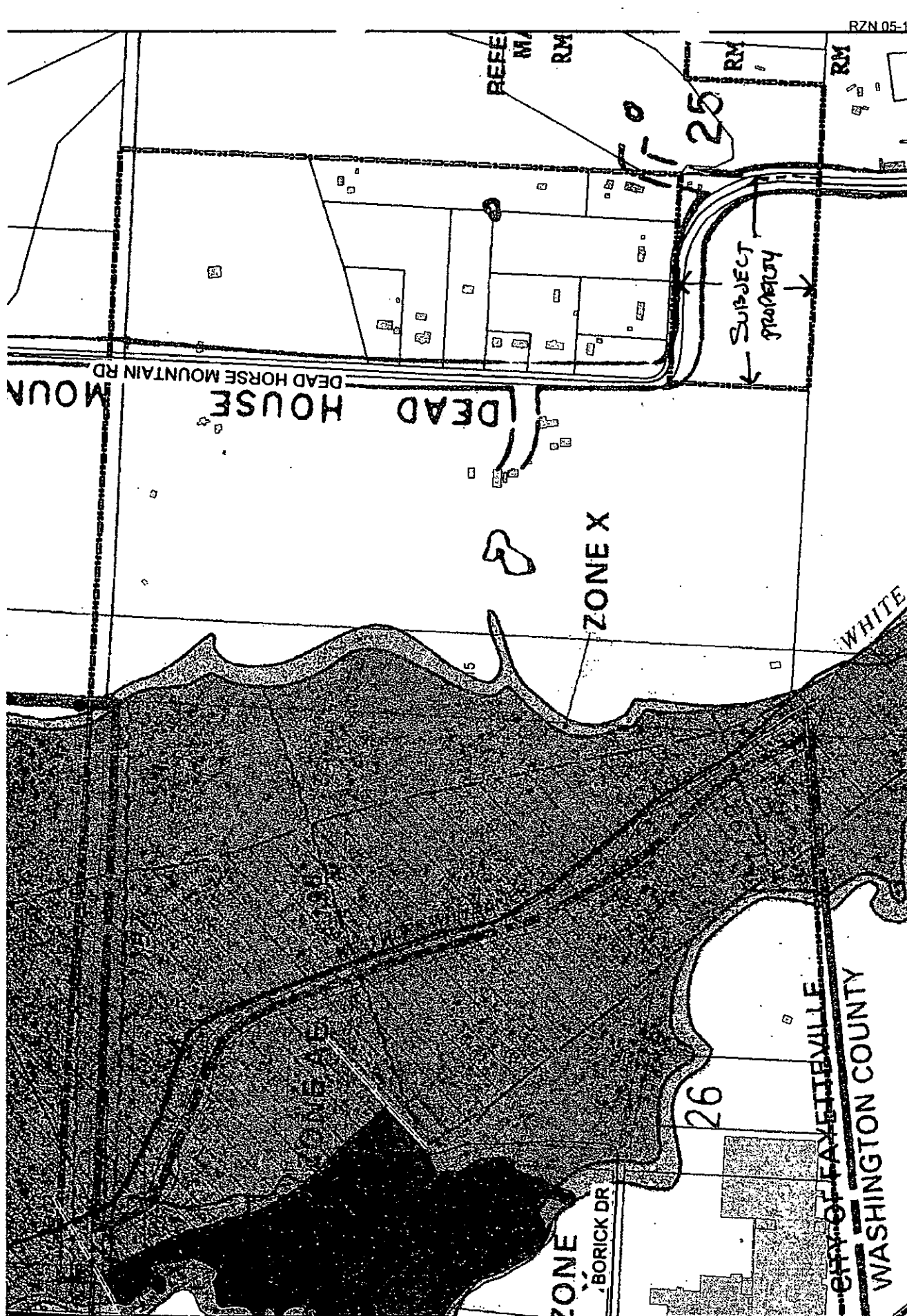
AND ALSO: A PART OF THE NE $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , SECTION 25, T-16-N, R-30-W, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT,  
THENCE S02°35'26"W 659.61 FEET;  
THENCE N87°01'29"W 1000.79 FEET;  
THENCE N02°59'21"E 659.85 FEET;  
THENCE S87°00'36"E 996.20 FEET TO THE POINT OF BEGINNING, CONTAINING 15.12 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

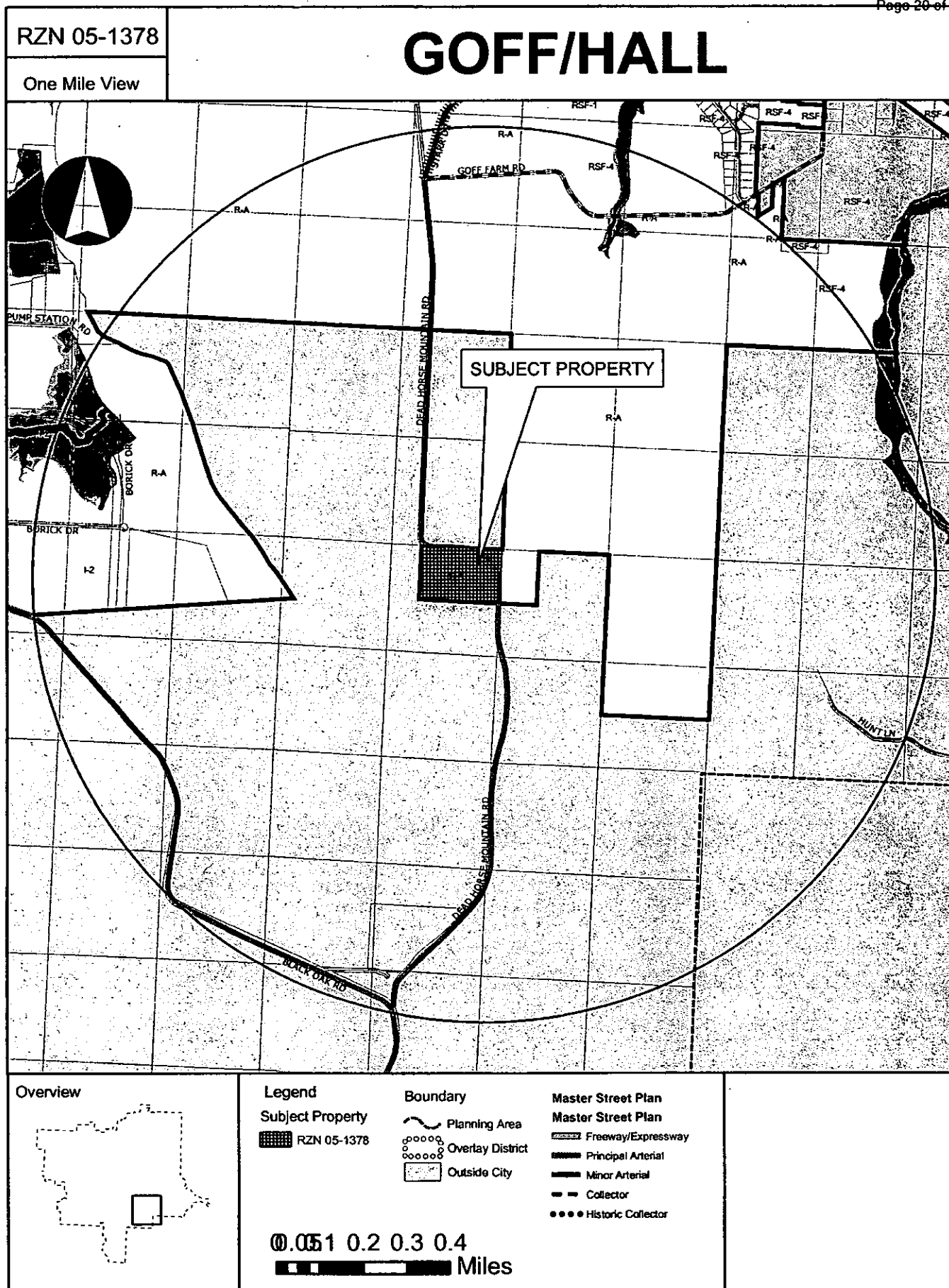
OWNER: Imogene M. Hall  
IMOGENE HALL

11/18/2005  
parcels submitted as: RZN05-1371  
RZN05-1378  
parcels close RT

OWNER: Dewitt C. Goff  
DEWITT GOFF

RZN 05-1378  
RZN 05-1378  
RZN 05-1378

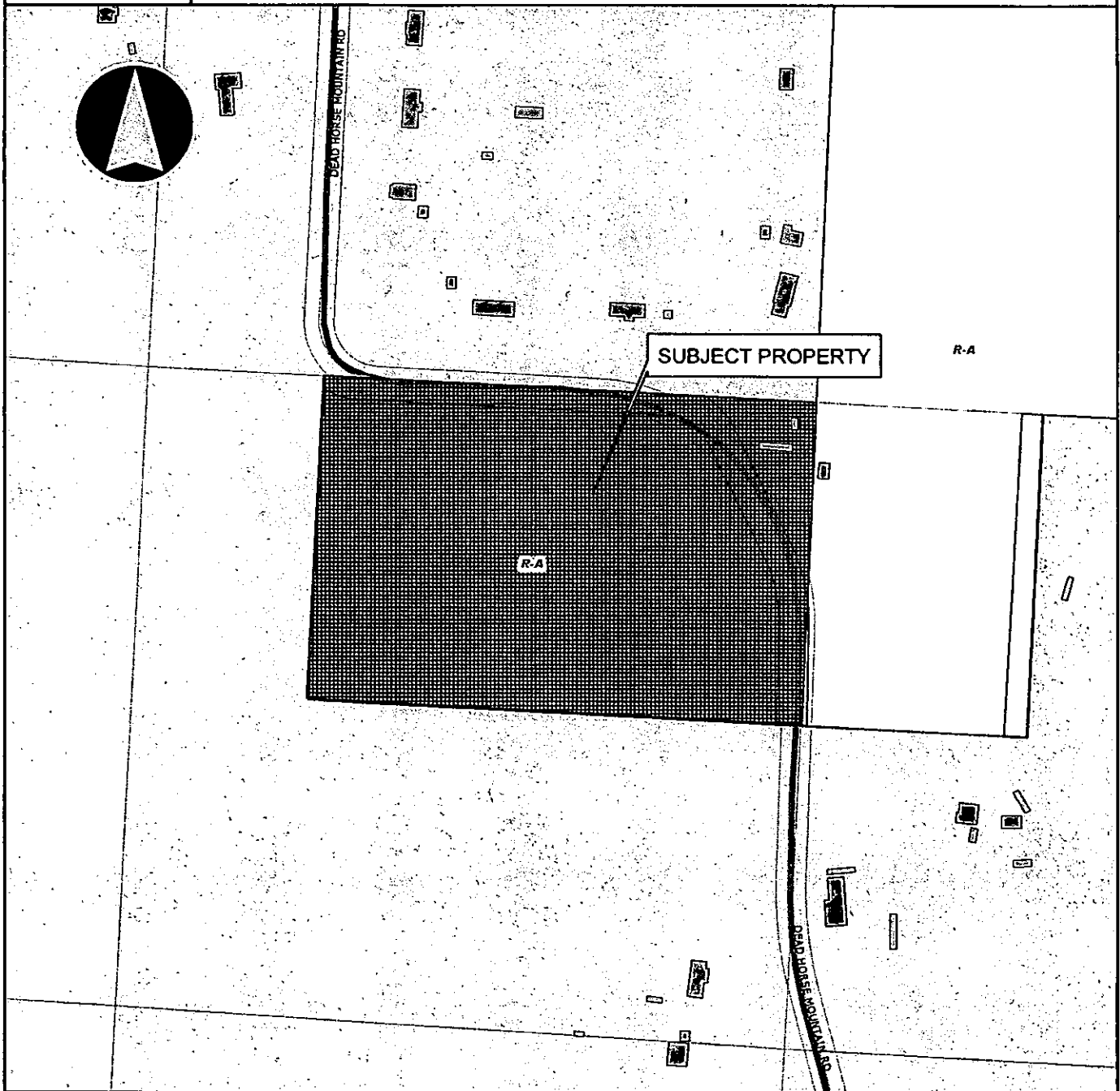




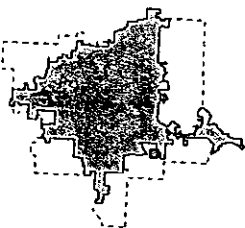
RZN 05-1378

Close Up View

# GOFF/HALL



## Overview



### Legend

RZN 05-1378

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

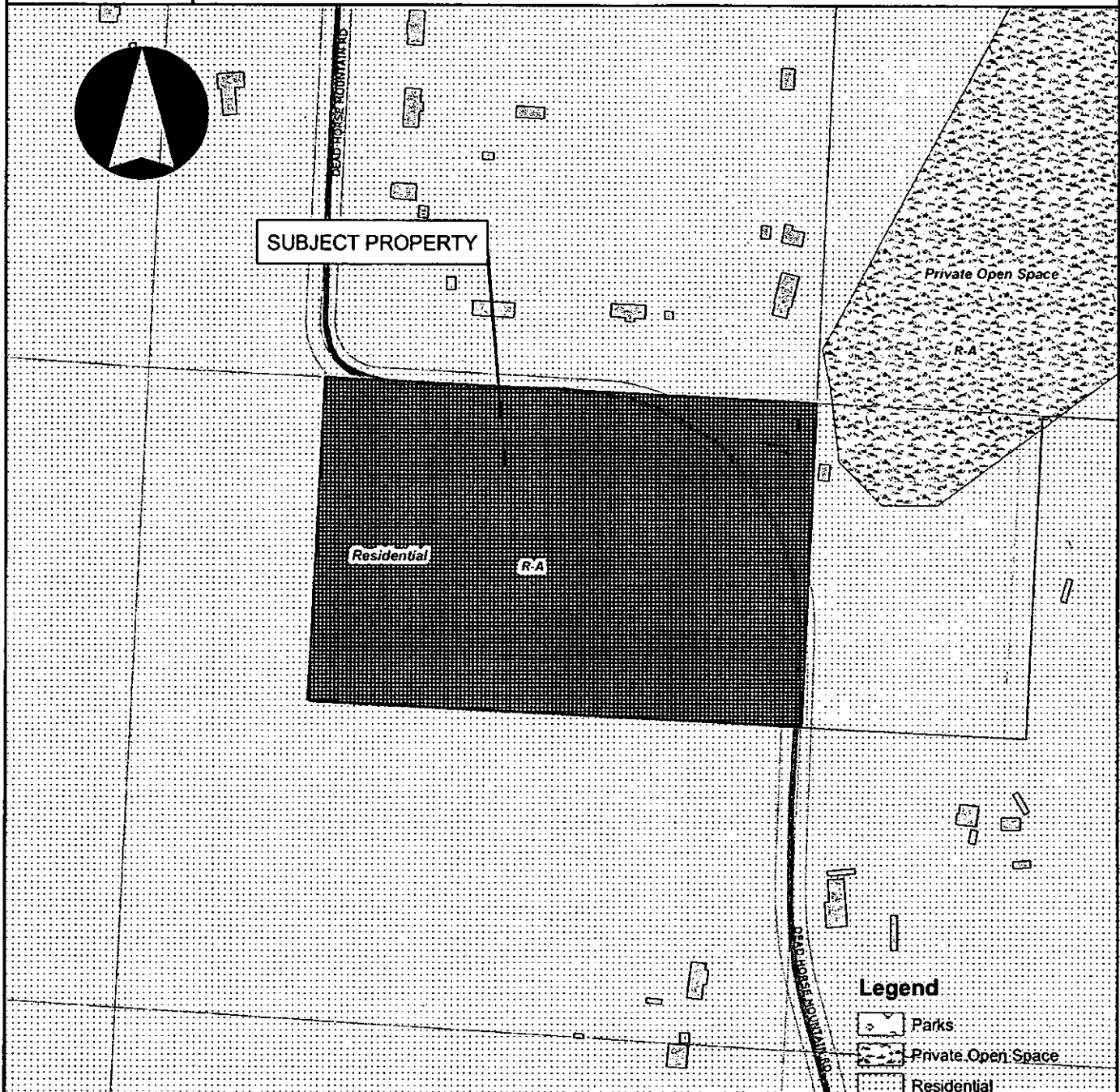
Outside City

0 75 150 300 450 600  
Feet

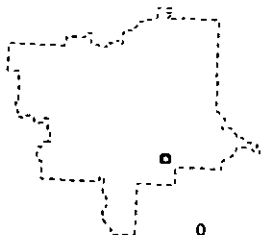
RZN 05-1378

Future Land Use

# GOFF/HALL



## Overview



## Legend

### Subject Property

RZN 05-1378

### Streets

Existing  
Planned

### Boundary

Planning Area  
Overlay District  
Outside City

### Master Street Plan

Freeway/Expressway  
Principal Arterial  
Minor Arterial  
Collector  
Historic Collector

## Legend

Parks  
Private Open Space  
Residential  
Mixed Use  
Office  
Historic Commercial  
Community Commercial  
Neighborhood Commercial  
Regional Commercial  
Industrial  
University

0 150 300 600 900 1,200 Feet

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 15  
RZN 05-1378 (Goff/Hall)  
Page 23 of 24

15-Mar-05

City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

RZN 05-1378: (Goff/ Hall, 644): Submitted by Mel Milholland for property located south of Hwy. 16 East, west of Dead Horse Mtn. Road containing approximately 15.12 acres. The request is to rezone the subject property from R-A, Residential Agricultural to RSF-4, Residential Single-family, four units per acre.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

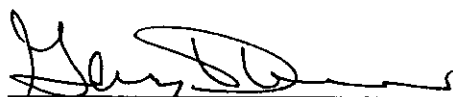
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐



Department Director

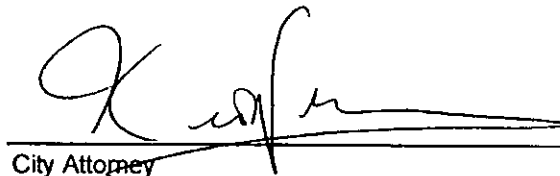
2-25-05

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a



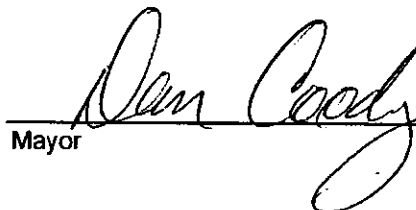
City Attorney

2-25-05

Date

Received in City Clerk's Office





Mayor

2/28/05

Date

Received in Mayor's Office

2/28/05 P.H.

Comments:





*Pre-Agenda  
Meeting 3/2/05*  
Aldermen

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Tentative Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
March 15, 2005**

A meeting of the Fayetteville City Council will be held on March 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order  
Roll Call  
Pledge of Allegiance**

**Presentation Agenda Session Only: Hwy 71 East Square Redevelopment District #1 by  
Gordon Wilburn and Bob Wright Per Tim Conklin on 3-1-05**

**A. CONSENT:**

- 1. Approval of the Minutes:** Approval of the March 1, 2005 City Council meeting minutes.
- 2. Geological Survey:** A resolution approving a joint funding agreement in the amount of \$16,235.00 with the United States Geological Survey for three (3) Urban Stream Gauging Stations in Fayetteville for the year 2005.
- 3. Purchase Four Skid Steer Loaders:** A resolution approving the purchase of four (4) Skid Steer Loaders with two (2) hydraulic breaker attachments, one (1) planer attachment, one (1) utility bucket with digging teeth, and two (2) forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00.
- 4. Williams Tractor Co. Backhoe Purchase:** A resolution approving the purchase of Five (5) medium four-wheel-drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by the Water and Sewer, and Transportation Divisions.

5. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of one (1) half-to extended cab 4x4 pickup truck from Bale Chevrolet at a cost of \$17,868.00 for use by the Water & Sewer Division.
6. **Beaver Lake Concrete Bid Approval:** A resolution awarding Bid #05-09 and approving the purchase of Ready-Mix Concrete from Beaver Lake Concrete in the amount of \$350,000.00 to be used by various divisions of the City of Fayetteville.

*Public Hearings*

**B. UNFINISHED BUSINESS:**

1. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. *This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting. This ordinance was tabled at the March 1, 2005 to the March 15, 2005 City Council Meeting.*

**C. NEW BUSINESS:**

- Consent*
1. **Construction Materials and Services Bid Approval:** A resolution awarding bids for and approving the purchase of bulk materials and services utilized by various divisions of the City of Fayetteville in the amount of \$1,156,000.00.
  2. **CCG Systems; Fleet Management Software Purchase:** A resolution approving the purchase of Faster Fleet Management software from CCG Systems in the amount of \$96,174.00; and approving a Budget Adjustment in the amount of \$25,565.00.
  3. **Dynamic Information Solutions Company, Inc. Sales Agreement:** A resolution approving a sales agreement in the amount of \$284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System; and approving a budget adjustment in the amount of \$200,000.00.
  4. **Data-Base Administrator Position:** A resolution authorizing the hiring of one (1) full-time employee (Data-Base Administrator) by the Information Technology Division; and approving a budget adjustment in the amount of \$41,847.00 to fund the position for the final eight months of 2005.
  5. **Archer Western Construction, LTD Construction Contract:** A resolution to approve a construction contract with Archer Western Construction, LTD. in the amount of \$14,644,000.00 for improvements to the Noland Wastewater Treatment Plant and approving a contingency of \$292,880.00.
  6. **Nock Investments, LLC Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a Cost-Share Agreement with Nock Investments, LLC in an amount not to exceed \$119,998.86 for improvements to the intersection of Persimmon Street and Ruppel Road.

7. **ANX 05-1365 (Wilkins):** An ordinance annexing that property described in annexation petition ANX 05-1365 annexing to the City of Fayetteville, Arkansas, certain property located east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres.

8. **RZN 05-1366 (Wilkins):** An ordinance rezoning that property described in rezoning petition RZN 05-1366 for property east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

9. **ANX 05-1370 (Hall):** An ordinance annexing that property described in annexation petition ANX 05-1370 annexing to the City of Fayetteville, Arkansas, certain property located at 2577, 2216, 2844, 2822 Dead Horse Mountain Road, containing approximately 235.38 acres.

10. **RZN 05-1371 (Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1371 for property located at 2577 Dead Horse Mountain Road, containing approximately 125.179 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

11. **RZN 05-1372 (Mailco USA, Inc.):** An ordinance rezoning that property described in rezoning petition RZN 05-1372 for property east of S. School Avenue, north of Whillock Street, containing approximately 2.536 acres from RSF-4, Residential Single Family, Four Units per Acre, to C-2, Thoroughfare Commercial.

12. **RZN 05-1374 (Cornerstone/Futtrall):** An ordinance rezoning that property described in rezoning petition RZN 05-1374 for property located at 1144 Futtrall Drive containing approximately 0.53 acres from RSF-4, Residential Single Family, Four Units per Acre, to R-O, Residential Office.

13. **RZN 05-1378 (Goff/Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1378 for property located at the south side of Highway 16 East and west of Dead Horse Mountain Road, containing approximately 15.12 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

*Move to Before Unfinished Business*

**D. PUBLIC HEARINGS:**

1. **Raze and Removal of 1101 Indian Trail:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mohsen and Rhonda Khodabandeh located at 1101 Indian Trail in the City of Fayetteville, Arkansas.

2. ~~There will also be a Public Hearing for the TIF District.~~

*Public Hearing Project Plan #1*

**E. INFORMATIONAL:**

**Council Tour: March 14, 2005 – 4:30 pm**

*Band Ordinance Kit*

Aldermen

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

*Brandon Smith*

**Tentative Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
March 15, 2005**

A meeting of the Fayetteville City Council will be held on March 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order  
Roll Call  
Pledge of Allegiance**

**Presentation at Agenda Session Only: Hwy 71 East Square Redevelopment District #1 by Gordon Wilburn and Bob Wright.**

**A. CONSENT:**

**1. Approval of the Minutes:** Approval of the March 1, 2005 City Council meeting minutes.

*Serve - what  
other cities  
participate.*

**2. Geological Survey:** A resolution approving a joint funding agreement in the amount of \$16,235.00 with the United States Geological Survey for three (3) Urban Stream Gauging Stations in Fayetteville for the year 2005.

**3. Purchase Four Skid Steer Loaders:** A resolution approving the purchase of four (4) Skid Steer Loaders with two (2) hydraulic breaker attachments, one (1) planer attachment, one (1) utility bucket with digging teeth, and two (2) forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00.

**4. Williams Tractor Co. Backhoe Purchase:** A resolution approving the purchase of Five (5) medium four-wheel-drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by the Water and Sewer, and Transportation Divisions.

*half ton* **5. Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of one (1) half-to extended cab 4x4 pickup truck from Bale Chevrolet at a cost of \$17,868.00 for use by the Water & Sewer Division.

- ✓ 6. **Beaver Lake Concrete Bid Approval:** A resolution awarding Bid #05-09 and approving the purchase of Ready-Mix Concrete from Beaver Lake Concrete in the amount of \$350,000.00 to be used by various divisions of the City of Fayetteville.
- ✓ 7. **Construction Materials and Services Bid Approval:** A resolution awarding bids for and approving the purchase of bulk materials and services utilized by various divisions of the City of Fayetteville in the amount of \$1,156,000.00.

McClelland  
Engineers Agreement Kings Drive Improvement

**B. PUBLIC HEARINGS:**

- ✓ 1. **Raze and Removal of 1101 Indian Trail:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mohsen and Rhonda Khodabandeh located at 1101 Indian Trail in the City of Fayetteville, Arkansas.
- ✓ 2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment No. 1:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan Amendment No. 1 for the Highway 71 East Square Redevelopment District Number One.

**C. UNFINISHED BUSINESS:**

- ✓ 1. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. *This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting. This ordinance was tabled at the March 1, 2005 to the March 15, 2005 City Council Meeting.*

**D. NEW BUSINESS:**

- ✓ 1. **John Nock and Richard Alexander TIF Contract:** A resolution to approve a contract with John Nock and Richard Alexander for their purchase of property to be obtained by TIF funding for \$300,000.00 and for other matters.
- ✓ 2. **Highway 71 East Square TIF Bond Issue:** An ordinance approving the issuance of bonds to be paid by tax increment financing to obtain necessary funding to achieve the Project Plan for the Highway 71 East Square Redevelopment District No. 1. **Financing Plan is attached.**
- ✓ 3. **Highway 71 East Square Bond Purchase Agreement:** *No information is available at this time.*
- ✓ 4. **CCG Systems; Fleet Management Software Purchase:** A resolution approving the purchase of Faster Fleet Management software from CCG Systems in the amount of \$96,174.00; and approving a Budget Adjustment in the amount of \$25,565.00.

✓5. **Dynamic Information Solutions Company, Inc. Sales Agreement:** A resolution approving a sales agreement in the amount of \$284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System; and approving a budget adjustment in the amount of \$200,000.00.

✓6. **Data-Base Administrator Position:** A resolution authorizing the hiring of one (1) full-time employee (Data-Base Administrator) by the Information Technology Division; and approving a budget adjustment in the amount of \$41,847.00 to fund the position for the final eight months of 2005.

Copy of  
Resolution  
is needed.

✓7. **Archer Western Construction, LTD Construction Contract:** A resolution to approve a construction contract with Archer Western Construction, LTD. in the amount of \$14,644,000.00 for improvements to the Noland Wastewater Treatment Plant and approving a contingency of \$292,880.00.

✓8. **Nock Investments, LLC Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a Cost-Share Agreement with Nock Investments, LLC in an amount not to exceed \$119,998.86 for improvements to the intersection of Persimmon Street and Ruppel Road.

✓9. **ANX 05-1365 (Wilkins):** An ordinance annexing that property described in annexation petition ANX 05-1365 annexing to the City of Fayetteville, Arkansas, certain property located east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres.

✓10. **RZN 05-1366 (Wilkins):** An ordinance rezoning that property described in rezoning petition RZN 05-1366 for property east of Salem Road, north of Crystal Springs Subdivision Phase I, containing approximately 10.00 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

✓11. **RZN 05-1372 (Mailco USA, Inc.):** An ordinance rezoning that property described in rezoning petition RZN 05-1372 for property east of S. School Avenue, north of Whillock Street, containing approximately 2.536 acres from RSF-4, Residential Single Family, Four Units per Acre, to C-2, Thoroughfare Commercial.

✓12. **RZN 05-1374 (Cornerstone/Futrell):** An ordinance rezoning that property described in rezoning petition RZN 05-1374 for property located at 1144 Futrell Drive containing approximately 0.53 acres from RSF-4, Residential Single Family, Four Units per Acre, to R-O, Residential Office.

✓13. **ANX 05-1370 (Hall):** An ordinance annexing that property described in annexation petition ANX 05-1370 annexing to the City of Fayetteville, Arkansas, certain property located at 2577, 2216, 2844, 2822 Dead Horse Mountain Road, containing approximately 235.38 acres.

✓14. **RZN 05-1371 (Hall):** An ordinance rezoning that property described in rezoning petition RZN 05-1371 for property located at 2577 Dead Horse Mountain Road, containing approximately 125.179 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

Planning  
Commission  
Minutes

Planning  
Commission  
Minutes

Rec'd 3/8/05

Planning  
Commission  
Minutes

13. RZN 05-1378 (Golf/Hall): An ordinance rezoning that property described in rezoning petition RZN 05-1378 for property located at the south side of Highway 16 East and west of Dead Horse Mountain Road, containing approximately 15.12 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**E. INFORMATIONAL:**

**Council Tour: March 14, 2005 – 4:30 pm**

**Aldermen**

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
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Ward 4 Position 2 - Lioneld Jordan

**Tentative Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
March 15, 2005**

A meeting of the Fayetteville City Council will be held on March 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order  
Roll Call  
Pledge of Allegiance**

**Presentation Agenda Session Only: Hwy 71 East Square Redevelopment District #1 by Gordon Wilburn and Bob Wright Per Tim Conklin on 3-1-05**

**A. CONSENT:**

- 1. Approval of the Minutes:** Approval of the March 1, 2005 City Council meeting minutes.
- 2. Geological Survey:** A resolution approving a joint funding agreement in the amount of \$16,235.00 with the United States Geological Survey for three (3) Urban Stream Gauging Stations in Fayetteville for the year 2005.
- 3. Purchase Four Skid Steer Loaders:** A resolution approving the purchase of four (4) Skid Steer Loaders with two (2) hydraulic breaker attachments, one (1) planer attachment, one (1) utility bucket with digging teeth, and two (2) forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00.
- 4. Williams Tractor Co. Backhoe Purchase:** A resolution approving the purchase of Five (5) medium four-wheel-drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by the Water and Sewer, and Transportation Divisions.



5. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of one (1) half-ton extended cab 4x4 pickup truck from Bale Chevrolet at a cost of \$17,868.00 for use by the Water & Sewer Division.
6. **Beaver Lake Concrete Bid Approval:** A resolution awarding Bid #05-09 and approving the purchase of Ready-Mix Concrete from Beaver Lake Concrete in the amount of \$350,000.00 to be used by various divisions of the City of Fayetteville.

#### **B. UNFINISHED BUSINESS:**

1. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. *This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting. This ordinance was tabled at the March 1, 2005 to the March 15, 2005 City Council Meeting.*

#### **C. NEW BUSINESS:**

1. **Construction Materials and Services Bid Approval:** A resolution awarding bids for and approving the purchase of bulk materials and services utilized by various divisions of the City of Fayetteville in the amount of \$1,156,000.00.
2. **CCG Systems; Fleet Management Software Purchase:** A resolution approving the purchase of Faster Fleet Management software from CCG Systems in the amount of \$96,174.00; and approving a Budget Adjustment in the amount of \$25,565.00.
3. **Dynamic Information Solutions Company, Inc. Sales Agreement:** A resolution approving a sales agreement in the amount of \$284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System; and approving a budget adjustment in the amount of \$200,000.00.
4. **Data-Base Administrator Position:** A resolution authorizing the hiring of one (1) full-time employee (Data-Base Administrator) by the Information Technology Division; and approving a budget adjustment in the amount of \$41,847.00 to fund the position for the final eight months of 2005.
5. **Archer Western Construction, LTD Construction Contract:** A resolution to approve a construction contract with Archer Western Construction, LTD. in the amount of \$14,644,000.00 for improvements to the Noland Wastewater Treatment Plant and approving a contingency of \$292,880.00.
6. **Nock Investments, LLC Cost-Share Agreement:** An ordinance waiving the requirements of formal competitive bidding and approving a Cost-Share Agreement with Nock Investments, LLC in an amount not to exceed \$119,998.86 for improvements to the intersection of Persimmon Street and Ruppel Road.

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12. **RZN 05-1374 (Cornerstone/Futtrall):** An ordinance rezoning that property described in rezoning petition RZN 05-1374 for property located at 1144 Futtrall Drive containing approximately 0.53 acres from RSF-4, Residential Single Family, Four Units per Acre, to R-O, Residential Office.
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#### **D. PUBLIC HEARINGS:**

1. **Raze and Removal of 1101 Indian Trail:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mohsen and Rhonda Khodabandeh located at 1101 Indian Trail in the City of Fayetteville, Arkansas.
2. **There will also be a Public Hearing for the TIF District.**

#### **E. INFORMATIONAL:**

**Council Tour: March 14, 2005 – 4:30 pm**

NB

(2) ~~1~~ Bond Ordinance on Ordinance approving the

issuance of bonds <sup>to be</sup> paid by the increased funding to

obtain necessary funding for achieve the Project Plan for  
the Hyman 71 East Square  
for Redevelopment District No. 1.

~~1~~

NB

3

Bond Purchase Agree.

Amber -

This goes under  
New business #1

There is no back up  
for New Business  
#2 and #3  
will be handed  
out at Agenda  
Session.

Questions Call

me.



See Steve  
Davis ~~page~~  
before running  
#2 Under  
new business.  
He came in at  
6:20 and said  
he received some  
information.

Thanks!

KIT WILLIAMS, CITY ATTORNEY  
DAVID WHITAKER, ASST. CITY ATTORNEY



**LEGAL DEPARTMENT**

**DEPARTMENTAL CORRESPONDENCE**

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**TO: Dan Coody, Mayor**

**THRU: Sondra Smith, City Clerk**

**FROM: Kit Williams, City Attorney**

A handwritten signature in dark ink, appearing to read 'Kit Williams', written over a horizontal line.

**DATE: March 16, 2005**

**RE: Passed Resolutions and Ordinances from City Council meeting of  
March 15, 2005**

The following Resolutions and Ordinances were passed at last night's regular City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Geological Survey:** Resolution approving joint funding agreement in amount of \$16,235.00 w/U.S. Geological Survey for three Urban Stream Gauging Stations in Fayetteville for 2005;

2. **Purchase of Four Skid Steer Loaders:** Resolution approving purchase of four skid steer loaders w/ two hydraulic breaker attachments, one planer attachment, one utility bucket w/digging teeth, and two forklift attachments from Williams Tractor Co. at a total cost of \$123,113.00;

3. **Backhoe Purchase:** Resolution approving purchase of five medium four-wheel drive loader backhoes from Williams Tractor Co. at a total cost of \$268,240.00 for use by Water & Sewer and Transportation Divisions;

4. **Bale Chevrolet Vehicle Purchase:** Resolution authorizing purchase of one half-ton extended cab 4x4 pickup truck from Bale Chevrolet at a cost of \$17,868.00 for use by Water & Sewer Division;

5. **Beaver Lake Concrete Bid:** Resolution awarding bid and approving purchase of ready-mix concrete from Beaver Lake Concrete in amount of \$350,000.00 to be used by various divisions of City;

6. **Construction Materials and Services Bid:** Resolution awarding bids for and approving purchase of bulk materials and services utilized by various divisions of City in amount of \$1,156,000.00;

7. **McClelland Engineers Agmt. For Kings Drive:** Resolution to approve engineering services contract w/McClellan Consulting Engineers, Inc. in amount of \$26,679.50 plus contingency in amount of \$4,000 for study of options for Kings Drive Improvement Project and approving budget adjustment in amount of \$35,000.00;

8. **Raze & Removal:** Resolution ordering razing and removal of a dilapidated and unsafe structure owned by Mohsen & Rhonda Khodabandeh located at 1101 Indian Trail in City;

9. **City Council's Commitment to Not Propose More Redevelopment Projects:** Resolution expressing City Council's commitment that after bonds for initial Project Plan have been paid the City Council will not propose additional Redevelopment Projects in Highway 71 East Square Redevelopment District without consent of Fayetteville School District, Washington County, Fayetteville Public Library, and Police and Fire Pension Boards;

10. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** Ordinance amending project plan for Highway 71 East Square Redevelopment District Number One and finding the plan is economically feasible;

11. **Highway 71 East Square Redevelopment District #1 Bonds:** Ordinance authorizing issuance and sale of City's \$3,725,000.00 Tax Increment Interest Accretion Bonds (Highway 71 East Square Redevelopment District #1 Project), Series 2005, for purpose of financing certain improvements within the district; authorizing execution and delivery of a Trust Indenture pursuant to which bonds will be issued and secured; authorizing execution and delivery of an Official Statement pursuant to which the bonds will be offered; authorizing execution and delivery of Bond Purchase Agreement providing for sale of bonds; authorizing execution and delivery of Continuing Disclosure Agreement; prescribing other matters relating thereto; and declaring an emergency;

12. **Nock & Alexander TIF Contract:** Resolution approving contract w/John Nock and Richard Alexander for purchase of property to be obtained by TIF funding for \$300,000.00 and for other matters;

13. **CCG Systems; Fleet Mgmt. Software Agmt.:** Resolution approving purchase of Faster Fleet Management Software from CCG Systems in amount of \$96,174.00; and approving budget adjustment in amount of \$25,565.00;

14. **Dynamic Information Solutions Co. Sales Agmt.:** Resolution approving sales agreement in amount of \$255,780.00 w/Dynamic Information Solutions Co., Inc. for purchase and implementation of electronic document management system; and approving budget adjustment in amount of \$200,000.00;

15. **Data-Base Administrator Position:** Resolution authorizing hiring of one full time employee (Database Administrator) by Information Technology Division and approving budget adjustment in amount of \$41,847.00 to fund position for final eight months of 2005;

16. **Archer Construction Contract for Noland Wastewater Project:** Resolution approving construction contract w/Archer Western Construction, LTD., in amount of \$14,644,000.00 for improvements to Noland Wastewater Treatment Plant and approving contingency of \$292,880.00;

17. **Nock Investment Cost-Share Agmt.:** Ordinance waiving requirements of formal competitive bidding and approving cost-share agreement w/Nock Investments, LLC in amount not to exceed \$119,998.86 for improvements to intersection of Persimmon Street and Ruppel Road;

18. **RZN 05-1372:** Ordinance rezoning property described in rezoning petition for property east of S. School Avenue, north of Whillock Street, containing approximately 2.536 acres from RSF-4, Residential Single Family, Four Units Per Acre, to C-2, Thoroughfare Commercial;

19. **RZN 05-1374:** Ordinance rezoning property described in rezoning petition for property located at 1144 Futrall Drive, containing approximately 0.53 acres from RSF-4, Residential Single Family, Four Units Per Acres to R-O, Residential Office.



TIF

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE  
WWW.FAYAR.NET

March 15, 2005

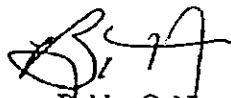
Mayor Dan Coody  
City of Fayetteville  
113 W. Mountain St.  
Fayetteville, AR 72701

Dear Mayor Coody: *DA*

The Fayetteville School District has reviewed the resolution outlining the city council's intent to not propose future redevelopment districts without the consent of Washington County and the Fayetteville School District. Therefore, the Fayetteville School District will support the city's proposal to immediately move forward with plans to sell Tax Increment Financing bonds secured by 3.16 mills for the purpose of the Amended Project Plan Highway 71 East Square Redevelopment District.

We are appreciative of the Mayor and the city council for their willingness to involve the school district in this important project. Their efforts have strengthened the relationship between our two organizations.

Sincerely,

  
Hobby C. New  
Superintendent

BCN/pn