

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL MAY 1, 2001

A meeting of the Fayetteville City Council will be held on May 1, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located 113 W. Mountain, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF MINUTES:** Approval of the April 17, 2001 City Council minutes.
2. **AIRPORT HANGARS:** A resolution approving a grant application to the Arkansas Department of Aeronautics for the rehabilitation of airport hangars. The terms of the grant are a 50/50 split of project costs.
3. **CMN BUSINESS PARK:** A resolution for AD 01-18.00 to adopt the hydrologic and hydraulic study for CMN Business Park II, prepared by Garver Engineers.
4. **DOUBLE SPRINGS ROAD:** A resolution authoring the City Attorney to seek court ordered possession for the fee simple acquisition of 0.46 acres and the acquisition of 0.168 acre of temporary construction easement in two parcels from Gary Tipton and Sarah Tipton, HW, and Conley Worley and Virginia Worley, holders of a life estate in conjunction with the Arkansas State Highway and Transportation Department replacement of Double Springs Road Bridge.
5. **CHILDREN'S HOUSE:** A resolution approving a long term lease with the Economic Opportunity Agency of Washington Co. for Children's House and Sage House.

B. OLD BUSINESS

1. **PHYSICAL ALTERATION OF LAND:** An ordinance amending Section 169.03 of the Code of Fayetteville, Physical Alteration of Land. The ordinance was left on the first reading at the April 17, 2001 meeting.

2. **STORMWATER AND DRAINAGE:** An ordinance amending Section 170.03 of the Code of Fayetteville, Stormwater Management, Drainage and Erosion Control. The ordinance was left on the first reading at the April 17, 2001 meeting.
3. **RZA 01-1.00:** An ordinance approving annexation request RZA 01-1.00 as submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex subject property into the City of Fayetteville. The ordinance was left on the first reading at the April 17, 2001 meeting.
4. **RZ 01-6.00:** An ordinance approving rezoning request RZ 01-6.00 submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural, and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the April 17, 2001 meeting.

C. NEW BUSINESS

1. **AD 01-8.00:** An ordinance amending Chapter 171 "Streets and Sidewalks", Section 171.12 "Property Owner to Construct Sidewalk Upon Receipt of Notice" of the Unified Development Ordinance to adopt a replacement Section 171.12 to include a change that would allow the City Sidewalk Administrator to accept money in lieu of construction and enlargement of properties affected (lot splits, renovations, conditional use).
2. **RZ 01-7.00:** An ordinance approving rezoning request RZ 01-7.00 submitted by Stephen Mansfield of Mansfield Property Management, LLC for property located at 932 N. Garland Avenue and 1003 Hughes Street. The property is zoned R-3, High Density Residential and contains approximately 0.26 acres. The request is to rezone to R-O, Residential Office.
3. **ADDITIONAL PERSONNEL:** A resolution authorizing additional personnel for the Mayor's Administration Division, the Parks and Recreation Division, the Inspections Division, the Urban Development Department. Also, approval of an attached budget adjustment is also requested to cover the City's 2001 cost of \$115,128.
4. **IMPACT FEE STUDY:** A resolution accepting two reports prepared by Duncan and Associates in association with Cooper Consulting Company titled Impact Fee Study: Policy Directions Memorandum and Development Fee Survey. City Council direction on Phase Two of the impact fee study project is also requested.

5. **SPECIAL ELECTION:** An ordinance calling and setting a date for a special election on the question of advising the City Council whether or not to raise two mills general property tax to be utilized to help finance the new Fayetteville Boys and Girls Club.
6. **TREE PROTECTION AND PRESERVATION:** An ordinance amending the Tree Protection and Preservation Ordinance to allow for a waiver, reduction or alteration in the requirements of the Tree Preservation Ordinance.

Meeting of May 1, 2001

<u>Roll:</u>	<u>late</u>		<u>Consent</u>		
REYNOLDS	absent		✓		
THIEL	✓		✓		
YOUNG	✓		✓		
ZURCHER	✓		✓		
TRUMBO	✓		✓		
DAVIS	✓		✓		
SANTOS	✓		✓		
JORDAN	✓		✓		
COODY	✓				

<u>CHILD HOUSE</u>	<u>CY to table</u>				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY					

Meeting of May 1, 2001

<i>PTM 1st and 2nd</i>	<i>cu 2nd</i>		<i>Stallman 2nd</i>	<i>cu 2nd</i>	<i>BT - to Amend 170: #4</i>
REYNOLDS	✓		✓		✓
THIEL	✓		✓		✓
YOUNG	✓		✓		✓
ZURCHER	✓		✓		✓
TRUMBO	✓		✓		✓
DAVIS	✓		✓		✓
SANTOS	✓		✓		✓
JORDAN	✓		✓		✓
COODY					

genuinely filling.

<i>RZA 01-1.00</i>	<i>BT 2nd</i>	<i>BD 3rd</i>	<i>LA 3rd</i>	<i>PASS</i>	
REYNOLDS	✓	✓	✓	✓	
THIEL	✓	✓	✓	✓	
YOUNG	✓	✓	✓	✓	
ZURCHER	✓	✓	✓	✓	
TRUMBO	✓	✓	✓	✓	
DAVIS	✓	✓	✓	✓	
SANTOS	✓	✓	✓	✓	
JORDAN	✓	✓	✓	✓	
COODY					
				<i>6-2-0</i>	

Meeting of May 1, 2001

12201-6.00	CL 2ND LG	BD KS. 3RD	PASS		
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
ZURCHER	✓	✓	✓		
TRUMBO	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
COODY					
			6-2-0.		

AD1-8.00	BT AMEND PZ.	BD 2ND PZ.	KS 3RD LG	PASS	
REYNOLDS	✓	✓	✓	✓	*
THIEL	✓	✓	✓	✓	*
YOUNG	✓	✓	✓	✓	
ZURCHER	✓	✓	✓	✓	
TRUMBO	✓	✓	✓	✓	
DAVIS	✓	✓	✓	✓	
SANTOS	✓	✓	✓	✓	
JORDAN	✓	✓	✓	✓	
COODY					

Meeting of May 1, 2001

PZ 01-7.	BD PZ. ^{2nd}	LD BD. ^{3rd}	PZ 02 ^{4th}		
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓	*	
YOUNG	✓	✓	✓		
ZURCHER	✓	✓	✓		
TRUMBO	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
COODY					

ADD. PERSONNEL	VS PZ.				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY					

Meeting of May 1, 2001

Impact fees *BT* *to accept reports.* *KS* *DDT* *PPK* *LAND FOR COM* *Pre*

	<i>BT</i>	<i>DDT</i>			
REYNOLDS	<i>N</i>	<i>x</i>			
THIEL	✓	✓			
YOUNG	✓	✓			
ZURCHER	✓	✓			
TRUMBO	✓	✓			
DAVIS	✓	✓			
SANTOS	✓	✓			
JORDAN	✓	✓			
COODY					
	<i>7-1.</i>	<i>7-1</i>			

Sp. Election *withdrawn.* *DD* *to work w/* *DDG* *to become a utility support for Center.*

REYNOLDS					
THIEL					
YOUNG					
ZURCHER					
TRUMBO					
DAVIS					
SANTOS					
JORDAN					
COODY					

Meeting of May 1, 2001

<i>All present</i>					
REYNOLDS					
THIEL					
YOUNG					
ZURCHER					
TRUMBO					
DAVIS	<i>[Handwritten initials]</i>				
SANTOS					
JORDAN					
COODY					

REYNOLDS					
THIEL					
YOUNG					
ZURCHER					
TRUMBO					
DAVIS					
SANTOS					
JORDAN					
COODY					

*adjourned
11:00 PM.*

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL MAY 1, 2001

A meeting of the Fayetteville City Council will be held on May 1, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located 113 W. Mountain, Fayetteville, Arkansas.

A. CONSENT

- Remove from consent.*
57-01
1. ✓ **APPROVAL OF MINUTES:** Approval of the April 17, 2001 City Council minutes.
 2. ✓ **AIRPORT HANGARS:** A resolution approving a grant application to the Arkansas Department of Aeronautics for the rehabilitation of airport hangars. The terms of the grant are a 50/50 split of project costs.
 3. ✓ **CMN BUSINESS PARK:** A resolution for AD 01-18.00 to adopt the hydrologic and hydraulic study for CMN Business Park II, prepared by Garver Engineers.
58-01
 4. ✓ **DOUBLE SPRINGS ROAD:** A resolution authoring the City Attorney to seek court ordered possession for the fee simple acquisition of 0.46 acres and the acquisition of 0.168 acre of temporary construction easement in two parcels from Gary Tipton and Sarah Tipton, HW, and Conley Worley and Virginia Worley, holders of a life estate in conjunction with the Arkansas State Highway and Transportation Department replacement of Double Springs Road Bridge.
59-01.
 5. ✓ **CHILDREN'S HOUSE:** A resolution approving a long term lease with the Economic Opportunity Agency of Washington Co. for Children's House and Sage House.
7 ABLED.

B.

OLD BUSINESS

- left in 2nd*
1. ✓ **PHYSICAL ALTERATION OF LAND:** An ordinance amending Section 169.03 of the Code of Fayetteville, Physical Alteration of Land. The ordinance was left on the first reading at the April 17, 2001 meeting.

2. ✓✓

left
m 2000

STORMWATER AND DRAINAGE: An ordinance amending Section 170.03 of the Code of Fayetteville, Stormwater Management, Drainage and Erosion Control. The ordinance was left on the first reading at the April 17, 2001 meeting.

NEED NEW DEFINITION FOR NEXT MEETING (SEE KIT)

3. ✓✓

pass
4309

RZA 01-1.00: An ordinance approving annexation request RZA 01-1.00 as submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex subject property into the City of Fayetteville. The ordinance was left on the first reading at the April 17, 2001 meeting.

4. ✓✓✓

pass
4310

RZ 01-6.00: An ordinance approving rezoning request RZ 01-6.00 submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural, and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the April 17, 2001 meeting.

C. NEW BUSINESS

1. ✓✓

pass
4311

AD 01-8.00: An ordinance amending Chapter 171 "Streets and Sidewalks", Section 171.12 "Property Owner to Construct Sidewalk Upon Receipt of Notice" of the Unified Development Ordinance to adopt a replacement Section 171.12 to include a change that would allow the City Sidewalk Administrator to accept money in lieu of construction and enlargement of properties affected (lot splits, renovations, conditional use).

2. ✓✓✓

pass
4312

RZ 01-7.00: An ordinance approving rezoning request RZ 01-7.00 submitted by Stephen Mansfield of Mansfield Property Management, LLC for property located at 932 N. Garland Avenue and 1003 Hughes Street. The property is zoned R-3, High Density Residential and contains approximately 0.26 acres. The request is to rezone to R-O, Residential Office.

3. ✓

pass
60-01

ADDITIONAL PERSONNEL: A resolution authorizing additional personnel for the Mayor's Administration Division, the Parks and Recreation Division, the Inspections Division, the Urban Development Department. Also, approval of an attached budget adjustment is also requested to cover the City's 2001 cost of \$115,128.

4. ✓

pass
61-01

IMPACT FEE STUDY: A resolution accepting two reports prepared by Duncan and Associates in association with Cooper Consulting Company titled Impact Fee Study: Policy Directions Memorandum and Development Fee Survey. City Council direction on Phase Two of the impact fee study project is also requested.

62-01

5-1-01

*Duncan & Associates
Impact Fee Study*

Withdrawn

5. **SPECIAL ELECTION:** An ordinance calling and setting a date for a special election on the question of advising the City Council whether or not to raise two mils general property tax to be utilized to help finance the new Fayetteville Boys and Girls Club.

*Left
on 1st
ready.*

6. ✓ **TREE PROTECTION AND PRESERVATION:** An ordinance amending the Tree Protection and Preservation Ordinance to allow for a waiver, reduction or alteration in the requirements of the Tree Preservation Ordinance.

*Adopted
11:00pm.*

STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of May 1, 2001

FROM:

Ed Connell EDA Engineering Public Works
 Name Division Department

ACTION REQUIRED: Passage of an resolution authorizing City Attorney to seek court approval for the fee simple acquisition of ~~0.26~~ acre and the acquisition of 0.168 acre of temporary construction easement in two parcels from Gary E. Tipton and Sarah L. Tipton, H/W, and Conley E. Worley & Virginia Worley, holders of a life estate in conjunction with the Arkansas State Highway and Transportation Department replacement of Double Springs Road Bridge (AHTD Job No. 04152), said lands being located in the SE-SE-10-16-31, Fayetteville, Washington County Arkansas.

COST TO CITY:

\$ AHTD pmt.	\$ 201237	Double Springs Rd. Replacem't.
Cost of this Request	Category/Project Budget	Category/Project Name
4470	\$ 201237	
470-9470-5817.00	Funds Used To Date	Program Name
Account Number		
98036	\$	Fund
Project Number	Remaining Balance	

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

SLA 4-17-2001 Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maisha Farthing 4/17/01
 Accounting Manager Date
[Signature] 4/17/01
 City Attorney Date
P. Wise 4/17/01
 Purchasing Officer Date

Nancy Smith 4/17/01
 Internal Auditor Date
 _____ Date
 ADA Coordinator

STAFF RECOMMENDATION: Staff recommends approval of resolution to seek condemnation by City Attorney.

[Signature] 04/17/01
 Division Head Date
[Signature] 4/18/01
 Department Director Date
[Signature] 4/19/01
 Administrative Services Director Date
[Signature] 4/20/01
 Mayor Date

Cross Reference

New Item: Yes _____ No _____

Prev Ord/Res #: _____

Orig Contract Date: _____

STAFF REVIEW FORM

Description Tipton/Worley condemnation of ROW & TCE for Owl Creek Bridge Project

Meeting Date 05-01-2001

Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Reference Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: April 12, 2001

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
John Maguire, Administrative Services Director
Don Bunn, Assistant Public Works Director
Jim Beavers, City Engineer *Jim Beavers*

FROM: Ed Connell, Land Agent *EDC*

RE: Owl Creek Bridge Replacement
Tract # 2, Worley & Tipton Property
Right of Way Condemnation
AHTD Job No. 040152

Gary and Sarah L. Tipton (H/W) are owners of a 37.52 acre tract of land in the SE-SE-10-16-31. Conley and Virginia Worley are life estate holders of this property. A portion of this land is required for road right of way in conjunction with the Arkansas State Highway and Transportation Department (AHTD) improvement and replacement of the subject bridge project. The total fee simple acquisition, in two locations, from this tract of land is 0.408 acres (see illustration attached). Additionally, two temporary easements (0.168 ac) associated with the road work are also required by the AHTD. These are illustrated in the attached diagram.

Mr. and Mrs. Worley and Mr. and Mrs. Tipton all signed the "Contract to Sell" for the amount of \$10,475. As is normal with all AHTD acquisitions, the department confirms the ownership and proceeds with a deed and easement closing at a date agreeable to all parties. When it came time to set a closing on this acquisition, Mrs. Tipton refused to sign any documentation pending the outcome of a divorce action with Mr. Tipton.

Since the AHTD has already advertized for this project, it is imperative that possession of this tract of land and the associated easements be obtained as quickly as possible. The contract for this project is scheduled to be let on May 16, 2001.

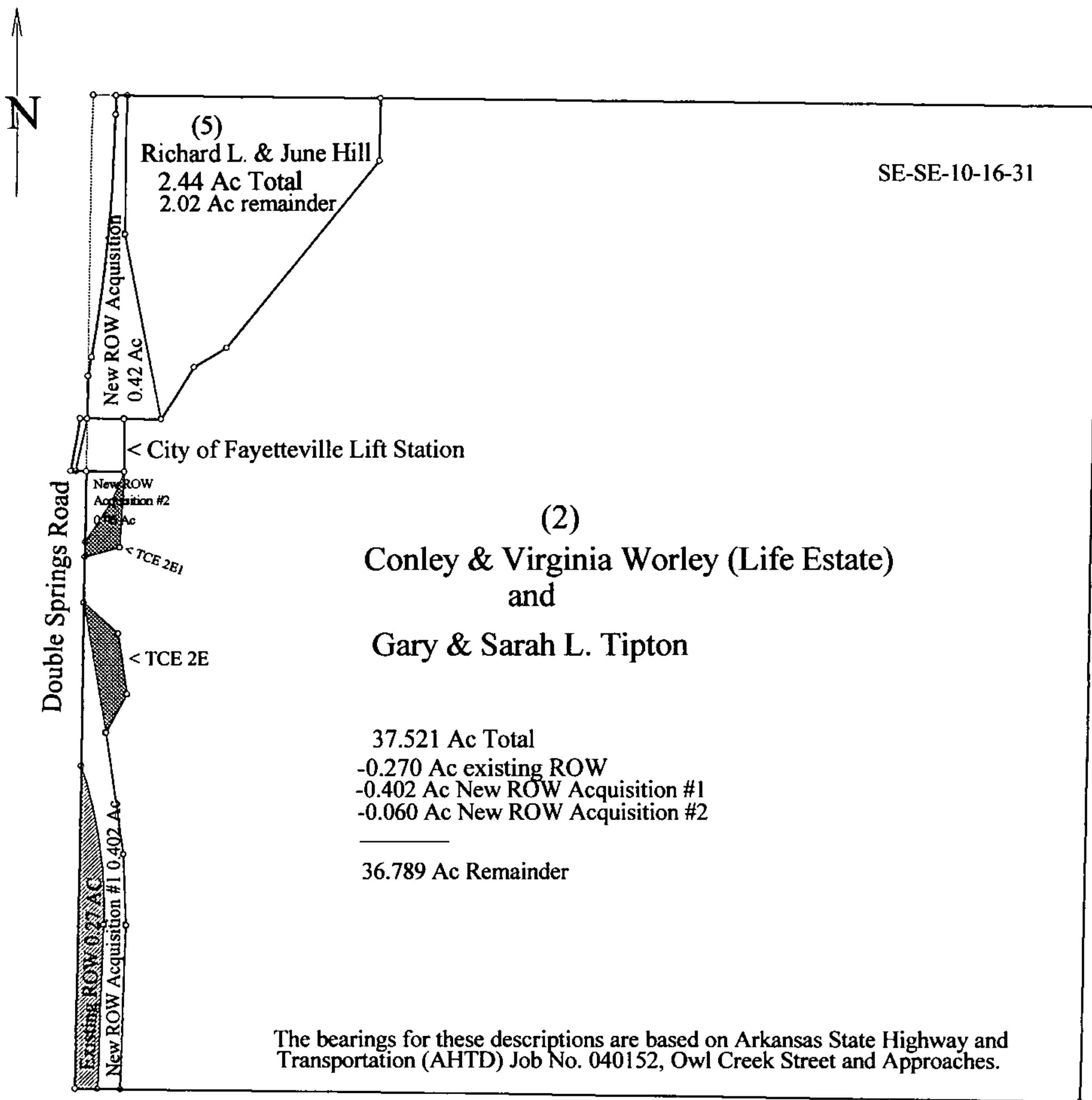
All parties have agreed to the amount of compensation \$10,475.00. Since legal action is pending between the Grantor parties, depositing the proceeds and obtaining possession of the land can best be done through the courts. The AHTD has asked us to approve and obtain this possession as quickly as possible.

Land Owners: Book 2000 , Page 69949

Gary E. Tipton, a married man (Sarah Tipton, spouse)
Conley Eugene Worley & Virginia L. Worley, H/W as Life Estate holders

Address (Conley Eugene & Virginia L. Worley)
6316 Wedington Dr.
Fayetteville, AR 72704 Phone: 442-6962

Attached are descriptions of the easements and land to be acquired in fee simple.



Title: Worley/Tipton Property

Date: 04-16-2001

Scale: 1 inch = 200 feet

File: owlcrk.worley.des

Data and Deed Call Listing of File: owlcrk.worley.des

Tract 1: 40.214 Acres: 1751725 Sq Feet: Closure = s30.2400w 0.00 Feet: Precision >1/999999: Perimeter = 5294 Feet
Tract 2: 2.441 Acres: 106332 Sq Feet: Closure = s80.2845e 0.01 Feet: Precision =1/217075: Perimeter = 1413 Feet
Tract 3: 0.419 Acres: 18272 Sq Feet: Closure = s08.4911w 0.01 Feet: Precision =1/124799: Perimeter = 978 Feet
Tract 4: 0.103 Acres: 4500 Sq Feet: Closure = s48.0033e 0.00 Feet: Precision =1/63878: Perimeter = 270 Feet
Tract 5: 0.013 Acres: 570 Sq Feet: Closure = n37.3715e 0.00 Feet: Precision =1/32457: Perimeter = 159 Feet
Tract 6: 37.521 Acres: 1634407 Sq Feet: Closure = n13.3837w 0.01 Feet: Precision =1/374984: Perimeter = 5119 Feet
Tract 7: 0.402 Acres: 17512 Sq Feet: Closure = s27.0210e 0.01 Feet: Precision =1/159272: Perimeter = 1335 Feet
Tract 8: 0.060 Acres: 2592 Sq Feet: Closure = n25.5952w 0.00 Feet: Precision =1/108411: Perimeter = 251 Feet
Tract 9: 0.270 Acres: 11775 Sq Feet: Closure = n59.3442e 0.00 Feet: Precision =1/188661: Perimeter = 895 Feet
Tract 10: 0.109 Acres: 4754 Sq Feet: Closure = n58.5829w 0.00 Feet: Precision >1/999999: Perimeter = 378 Feet
Tract 11: 0.059 Acres: 2550 Sq Feet: Closure = s55.1727w 0.00 Feet: Precision =1/82343: Perimeter = 276 Feet

001=s89.1125e 1326.40	047=s89.1526e 48.69
002=s01.0924w 1319.73	048=n31.5210e 82.54
003=n89.1930w 1325.21	049=n59.0656e 49.90
004=n01.0615e 1322.84	050=n39.1933e 319.57
005=@1 Hill - before	051=n01.0615e 82.50
006=/s89.1125e 30	052=s89.1125e 947.01
007=s01.0504w 25.19	053=s01.0908w 1319.73
008: Rt, R=1998.50, Arc=323.04	054=n89.1930w 1325.41
009=s10.2044w 25.97	055=n01.0615e 823.25
010=s01.0615w 57.27	056=s89.1526e 50.0
011=s89.1526e 48.53	057=n00.0545w 70.0
012=s89.1526e 48.69	058=@3 Worley r/w taking #1
013=n31.5210e 82.54	059=/n89.1930w 1265.24
014=n59.0656e 49.90	060=n89.1930w 30.01
015=n39.1933e 319.57	061=n01.5839e 220.06
016=n01.0615e 82.50	062: Lt, R=620.55, Arc=213.95
017=n89.1125w 349.39	063=n01.0615e 218.05
018=@1 Hill r/w taking	064=s09.2345e 176.54
019=/s89.1125e 30	065=s07.5901e 162.42
020=s01.0504w 25.19	066=s02.1229e 94.96
021: Rt, R=1998.50, Arc=323.04	067=s01.5839w 219.38
022=s10.2044w 25.97	068=@3 Worley r/w taking #2
023=s01.0615w 57.27	069=/n89.1930w 1325.21
024=s89.1526e 48.53	070=/n01.0615e 729.11
025=s89.1526e 48.69	071=n01.0615e 94.14
026=n10.4040w 251.04	072=s89.1526e 50.0
027=n00.5602e 183.46	073=s23.0918w 43.93
028=n89.1125w 15.31	074=s33.0246w 63.33
029=@1 lift station	075=@3 Worley existing r/w
030=/s01.0615w 429.59	076=/n89.1930w 1295.25
031=s89.1526e 48.53	077=n01.5839e 220.06
032=s00.0545e 70.0	078: Lt, R=620.55, Arc=213.95
033=n89.1526w 50.0	079=s01.0615w 430.53
034=n89.1526w 20.73	080=s89.1930e 29.96
035=n10.2044e 70.99	081=@65 Temp Esmt 2E
036=s89.1526e 9.33	082=n09.2345w 176.54
037=@2 City r/w easement	083=s47.1657e 61.46
038=/n89.1125w 1326.40	084=s08.0249e 81.94
039=/s01.0615w 429.59	085=s28.2609w 58.39
040=s12.1348w 71.43	086=@71 Temp Esmt 2E1
041=n89.1526w 6.95	087=n33.0246e 63.33
042=n10.2044e 70.99	088=n23.0918e 43.93
043=s89.1526e 9.33	089=s03.2255w 101.13
044=@1 Worley	090=s75.1057w 47.81
045=/s01.0615w 429.59	091=n01.0615e 19.71
046=/s89.1526e 48.53	

file #: 2000-069949 Image 1

QUITCLAIM DEED FILED FOR RECORD

KNOW ALL MEN BY THESE PRESENTS:

'00 AUG 22 AM 11 21

WASHINGTON CO AR

That we, Conley Eugene Worley and Virginia Lee Worley, husband and wife, hereinafter called Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, while retaining a life estate, do hereby transfer grant, sell, and quitclaim unto Gary E. Tipton, hereinafter called Grantee, and Grantee's heirs and assigns a remainder interest subject to our joint life estates in and to the following described lands situate in Washington County, State of Arkansas, to-wit:

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Ten (10), Township Sixteen (16) North, Range Thirty-one (31) West, described as follows, to-wit: Beginning at the Southwest corner of said 40 acre tract and running thence East 80 rods; thence North 80 rods; thence West 57 rods; thence South 5 rods to bank of creek; thence Southwest with said creek 26 rods; thence West 10 rods; thence South 54 rods to place of beginning, containing 37 acres, more or less. LESS AND EXCEPT a part of the SE1/4 of the SE1/4 of Section 10, Township 16 North, Range 31 West in Washington County, Arkansas, more particularly described as follows: beginning at a point 429.0 feet South of the NW corner of the above-described 40 acre tract and running thence East 50 feet; thence South 70 feet; thence West 50 feet; thence North 70 feet to the point of beginning, containing 0.08 acres, more or less.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's heirs and assigns, subject to our joint life estates.

Witness my hand and seal on this 22nd day of August, 2000.

Conley Eugene Worley
CONLEY EUGENE WORLEY

Virginia Lee Worley
VIRGINIA LEE WORLEY

2000069949

Original

JOB NO. 040152

TRACT NO. 2

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

THAT I/We Conley E. & Virginia Worley for and in consideration of and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, grant, bargain, sell and convey and warrant to the City of Fayetteville, Arkansas, its successors and assigns forever an exclusive right of way and easement for highway purposes on Double Springs Road, Job 040152, across, through and over the following lands situated in the County of Washington, State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1265.24 feet to a point on the Easterly proposed right of way line of Double Springs Road for the point of beginning; thence continue North 89° 19' 30" West along said South line and proposed right of way line a distance of 30.01 feet to a point on the Easterly existing right of way line of Double Springs Road; thence North 01° 58' 39" East along said existing right of way line a distance of 220.06 feet to a point; thence in a Northwesterly direction along said existing right of way line on a curve to the left having a radius of 620.55 feet a distance of 213.95 feet to a point on the West line of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along said West line a distance of 218.05 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 09° 23' 45" East along said proposed right of way line a distance of 176.54 feet to a point; thence South 07° 59' 01" East along said proposed right of way line a distance of 162.42 feet to a point; thence South 02° 12' 29" East along said proposed right of way line a distance of 94.96 feet to a point; thence South 01° 58' 39" West along said proposed right of way line a distance of 219.38 feet to the point of beginning and containing 0.40 acre or 17,511 square feet more or less.

AND ALSO:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1325.21 feet to a point on the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along the West line thereof a distance of 729.11 feet to the point of beginning; thence continue North 01° 06' 15" East along said West line a distance of 94.14 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 89° 15' 26" East along said proposed right of way line a distance of 50.00 feet to a point; thence South 23° 09' 18" West along said proposed right of way line a distance of 43.93 feet to a point; thence South 33° 02' 46" West along said proposed right of way line a distance of 63.33 feet to the point of beginning and containing 0.06 acre or 2,592 square feet more or less.

Total area to acquire containing 0.46 acre or 20,103 square feet more or less.

DM/II

4m 2/15/01

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPT.
RECEIVED

MAR 07 2001

Page 1 of 2

LEGAL DIVISION

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPT.

RECEIVED

FEB 14 2001

ADMINISTRATIVE SECTION
RIGHT OF WAY DIVISION

JOB 040152 - TRACT 2 - Page 2 of 2

5/5/00

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the right herein granted.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns forever.

AND I/We hereby covenant with the said City of Fayetteville, Arkansas that I/We will forever warrant and defend the title to said lands and property against the lawful claims of any and all persons whomsoever.

AND I/We, do hereby release and relinquish unto the said grantee all my right of dower or curtesy and homestead in and to said lands.

Witness signature on this 31st day of January, 2001

✓ Lonley Worley (SIGNATURE)

✓ Virginia Worley (SIGNATURE)

✓ Gary Lipton (Signature)

✓ Janet L Lipton (Signature)

R/W 2/14/92

TCE 400
Gravel Dam 5000

PAYMENT DUE-----\$10,075.00

(Appraised value offered by the City for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The City shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said City shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a Easement Deed when presented by the City and receive payment of the stated "Payment Due" from the said City, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said City shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the City of Fayetteville.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The City of Fayetteville is hereby authorized and directed to make payment of the purchase funds for the conveyance to Conley E. & Virginia Worley

Dated this 31st day of January, 2001.

✓ Conley E. Worley
Signature
SS# 429-32-7510

✓ Virginia Worley
Signature
SS# _____

✓ Gary Tipton
Signature
SS# 430-08-7514

✓ Jack Tipton
Signature
SS# 467-19-9597

JOB NO. 040152
TRACT NO. 2

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT I/We Conley Worley and Virginia Worley H/W and Gary Tipton and Sarah L. Tipton H/W for and in consideration of Ten Thousand Seventy-Five Dollars, (\$ 10,075.00), and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, grant, bargain, sell and convey and warrant to the City of Fayetteville, Arkansas, its successors and assigns forever an exclusive right of way and easement for highway purposes on Double Springs Road, Job 040152, across, through and over the following lands situated in the County of Washington , State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1265.24 feet to a point on the Easterly proposed right of way line of Double Springs Road for the point of beginning; thence continue North 89° 19' 30" West along said South line and proposed right of way line a distance of 30.01 feet to a point on the Easterly existing right of way line of Double Springs Road; thence North 01° 58' 39" East along said existing right of way line a distance of 220.06 feet to a point; thence in a Northwesterly direction along said existing right of way line on a curve to the left having a radius of 620.55 feet a distance of 213.95 feet to a point on the West line of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along said West line a distance of 218.05 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 09° 23' 45" East along said proposed right of way line a distance of 176.54 feet to a point; thence South 07° 59' 01" East along said proposed right of way line a distance of 162.42 feet to a point; thence South 02° 12' 29" East along said proposed right of way line a distance of 94.96 feet to a point; thence South 01° 58' 39" West along said proposed right of way line a distance of 219.38 feet to the point of beginning and containing 0.40 acre or 17,511 square feet more or less.

AND ALSO:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1325.21 feet to a point on the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along the West line thereof a distance of 729.11 feet to the point of beginning; thence continue North 01° 06' 15" East along said West line a distance of 94.14 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 89° 15' 26" East along said proposed right of way line a distance of 50.00 feet to a point; thence South 23° 09' 18" West along said proposed right of way line a distance of 43.93 feet to a point; thence South 33° 02' 46" West along said proposed right of way line a distance of 63.33 feet to the point of beginning and containing 0.06 acre or 2,592 square feet more or less.

Total area to acquire containing 0.46 acre or 20,103 square feet more or less.

DM/II

JOB 040152 - TRACT 2 - Page 2 of 2

5/5/00

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the right herein granted.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns forever.

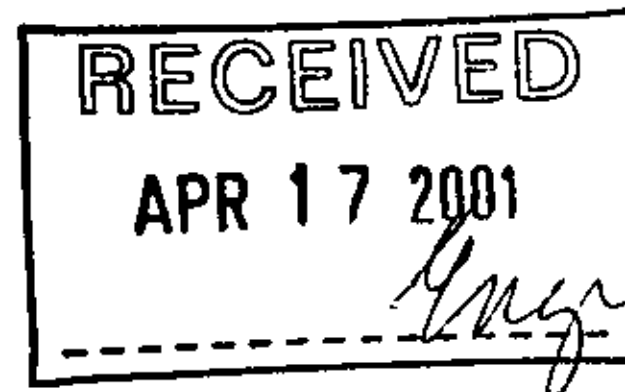
AND I/We hereby covenant with the said City of Fayetteville, Arkansas that I/We will forever warrant and defend the title to said lands and property against the lawful claims of any and all persons whomsoever.

AND I/We, do hereby release and relinquish unto the said grantee all my right of dower or curtesy and homestead in and to said lands.

Witness signature on this day of ,19 .

_____(SIGNATURE)

_____(SIGNATURE)



JOB
TRACT 2E, 2E1

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

C. W. 2-14-01
Four hundred
THAT Conley E. & Virginia Worley for and in consideration of ~~Two hundred fifty~~ dollars, (\$250.00), and other valuable considerations, to cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, its successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040152, and designated as Tract No. 2E situated in the County of, State of Arkansas.

AND 2E1 *WASHINGTON*
This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this *16th* day of *January*, *2001*

Conley Worley
(SIGNATURE)

Gary Lipton
Signature

Virginia Worley
(SIGNATURE)

Snack L Lipton
Signature

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPT.
RECEIVED

MAR 07 2001

LEGAL DIVISION

Post-it® Fax Note	7671	Date	1-17-01	# of pages	4
To	Ed Connell	From	Randy Lewis		
Co./Dept.	City of Fayetteville	Co.	AHTD		
Phone #	501-444-3415	Phone #	501-569-2310		
Fax #	501-575-8202	Fax #	501-569-2018		

JOB NO. 040152
TRACT NO. 2E

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Conley Worley and Virginia Worley h/w and Gary Tipton and Sarah L. Tipton h/w for and in consideration of Two Hundred Fifty Dollars (\$250.00), and other valuable considerations, to us cash in hand paid by the City of Fayetteville , Arkansas, the receipt of which is hereby acknowledged does hereby give and grant to the City of Fayetteville, Arkansas, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway Construction, Job No. , together with free ingress and egress, to, across, through and over the following lands situated in the County of Washington, State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:

Beginning at a point on the Easterly proposed right of way line of Double Springs Road, said point being 75.22 feet right of and on a radial line to Construction Centerline Station 37+98.32; thence North 09° 23' 45" West along said proposed right of way line a distance of 176.54 feet to a point; thence South 47° 16' 57" East a distance of 61.46 feet to a point; thence South 08° 02' 49" East a distance of 81.94 feet to a point; thence South 28° 26' 09" West a distance of 58.39 feet to the point of beginning and containing 0.11 acre or 4,754 square feet more or less.

GA/II
4/12/01

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary easement as conditioned above shall terminate when Job No. 040052 has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature on this day of , .

(SIGNATURE)

(SIGNATURE)

JOB NO. 040152
TRACT NO. 2E1

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Conley Worley and Virginia Worley h/w and Gary Tipton and Sarah L. Tipton h/w for and in consideration of One Hundred Fifty Dollars (\$150.00), and other valuable considerations, to us cash in hand paid by the City of Fayetteville , Arkansas, the receipt of which is hereby acknowledged does hereby give and grant to the City of Fayetteville, Arkansas, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway Construction, Job No. , together with free ingress and egress, to, across, through and over the following lands situated in the County of Washington, State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Rnge 31 West, Washington County, Arkansas, more particularly described as follows:

Beginning at a point on the Easterly proposed right of way line of Double Springs Road, said point being 68.33 feet right of and on a radial line to Construction Centerline Station 40+70.00; thence North 01° 06' 15" East along said proposed right of way line a distance of 19.71 feet to a point; thence North 33° 02' 46" East along said proposed right of way line a distance of 63.33 feet to a point; thence North 23° 09' 18" East along said proposed right of way line a distance of 43.93 feet to a point; thence South 03° 22' 55" West a distance of 101.13 feet to a point; thence South 75° 10' 57" West a distance of 47.81 feet to the point of beginning and containing 0.06 acre or 2,550 square feet more or less.

GA/ll
4/12/01

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary easement as conditioned above shall terminate when Job No. 040052 has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature on this day of , .

(SIGNATURE)

(SIGNATURE)



ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
ENGINEERING SECTION, RIGHT OF WAY DIVISION

JOB NUMBER: 040152
JOB NAME: OWL CREEK STRS. & APPRS.
(FAYETTEVILLE)

CERTIFICATE OF TITLE

OWNER(S) OF RECORD: GARY E. TIPTON
TYPE OF INSTRUMENT: QUITCLAIM DEED
DATE OF INSTRUMENT: 08-22-2000 DATE FILED: 08-22-2000
RECORDED AT BOOK (INSTRUMENT): #2000- PAGE: 69949
CONSIDERATION: \$1 OGVC REVENUE STAMPS: \$ NONE
GRANTOR(S): CONLEY EUGENE WORLEY & VIRGINIA LEE WORLEY H/W

SEE PAGE TWO FOR CHAIN OF TITLE

MORTGAGES, JUDGMENTS AND ALL OTHER LIENS AFFECTING SAID LAND NOT RELEASED:

NATURE OF LIEN: NONE
HOLDER :

BOOK (INSTRUMENT) PAGE DATE FILED

NATURE OF LIEN:
HOLDER:

BOOK (INSTRUMENT) PAGE DATE FILED

NATURE OF LIEN:
HOLDER:

BOOK (INSTRUMENT) PAGE DATE FILED

NATURE OF LIEN:
HOLDER:

BOOK (INSTRUMENT) PAGE DATE FILED

TAXES AND ASSESSMENTS FOR THE YEAR 2001 ARE IN THE NAME OF:

GARY E. TIPTON PARCEL NUMBER: 765-16157-000

TAXES FOR 1999 ARE PAID ☒ \$54.58, UNPAID ☐, AMOUNT DUE \$

TAXES FOR 2000 ARE PAID ☐ \$, DUE ☒ \$56.37

CERTIFIED TO BE CORRECT (AS SHOWN OF RECORD) THIS 12th DAY OF JANUARY, 2001

A handwritten signature in cursive script, appearing to read 'Tim Robertson', is written over a horizontal line.

TIM ROBERTSON, ABTRACTOR

APPRAISAL REPORT
For
ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

JOB: 040152 PROJECT: BRN-9142(1) COUNTY: Washington TRACT: Ct 2, Ct 2E
 LOCATION: Owl Creek Str. & Apprs.

FEE OWNER(S): Conley E. and Virginia WorleyH/W
 ADDRESS: 6316 Wedington, Fayetteville, AR 72704
 PHONE: 501-442-6962

AREA OF WHOLE: 37.25± acres PERMANENT EASEMENT(S):
 AREA OF REMAINDER: 36.79± acres TEMPORARY EASEMENT(S): 0.17± acre
 AREA OF ACQUISITION: 0.46± acre

ESTIMATED FAIR MARKET VALUE OF THE PROPERTY

Before			
Land	37.25 acres @ \$11,000/acre =	\$	409,750.00
Improvements		\$	1,000.00
Total		\$	410,750.00
After			
Land	36.79 acres @ \$11,000/acre = Rnd	\$	404,675.00
Improvements		\$	1,000.00
Total		\$	405,675.00
FAIR MARKET VALUE OF ACQUISITION			\$ 5,075.00
Temporary Construction Easement(s) 0.17 acre at rental value		\$	400.00
Cost to Cure Gravel drive		\$	<5,000.00>
TOTAL COMPENSATION AS OF October 25, 2000		\$	10,475.00

CERTIFICATE OF APPRAISER

I hereby certify:

That I have personally inspected the property herein appraised, that I have made a personal field inspection of the comparable sales relied upon in making said appraisal.

That to the best of my knowledge and belief the statements contained in the appraisal herein set forth are true, and the information upon which the opinions expressed therein are based is correct; subject to the limiting conditions therein set forth.

That the existence of potentially hazardous material used in the construction or maintenance of any structures, and/or the existence of hazardous materials or hazardous waste, which may or may not be present on the property, was not observed by me; nor do I have any knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The existence of hazardous materials or potentially hazardous waste material may have an effect on the value of the property.

That I understand that such appraisal may be used in connection with the acquisition of right-of-way for a project to be constructed by the State of Arkansas with the assistance of Federal-aid highway funds, or other federal funds.

That such appraisal has been made in conformity with the appropriate State laws, regulations and policies and procedures applicable to appraisal of right-of-way for such purposes; that in appraising the value before acquisition, no consideration has been given to increases or decreases in Fair Market Value caused by the public improvement; and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State.

That neither my employment nor my compensation for making this appraisal and report are in any way contingent upon the values reported herein.

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the State Highway and Transportation Department of said State or officials of the Federal Highway Administration, and I will not do so until so authorized by said State Officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That in my opinion the just compensation for the acquisition as of October 25, 2000 is \$10,475.00 based upon my independent appraisal and the exercise of my professional judgment.

Inspection Date(s): October 25, 2000

Date: April 13, 2001

Susan Maddox
 Witness to Signature

George Hohnbaum
 Appraiser: George Hohnbaum

APPROVED FOR COURT PURPOSES: For Court

DATE: 4-13-01

Job: 040152

Tract: Ct 2, Ct2E

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the State Highway and Transportation Department of said State or officials of the Federal Highway Administration, and I will not do so until so authorized by said State Officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That in my opinion the just compensation for the acquisition as of October 25, 2000 is \$10,475.00 based upon my independent appraisal and the exercise of my professional judgment.

Inspection Date(s): October 25, 2000

Date: April 13, 2001

Susan Maddox
Witness to Signature

George Hohnbaum
Appraiser: George Hohnbaum

APPROVED FOR COURT PURPOSES:

For Court

DATE:

4-13-01

Job: 040152

Tract: Ct 2, Ct2E

[Return to List](#)
[Return to Search](#)
[Parcel Map/Plat](#)

Record 1 of 1

Parcel Number: 765-16157-000**Type:** AM**Location Address:** 0**Owner name:** TIPTON, GARY E.; WORLEY, CONLEY EUGENE & VIRGINIA LEE ***Mailing Address:** 6316 WEDINGTON DR FAYETTEVILLE AR 72701**Lot:****Block:****S-T-R:** 10-16-31**Addition:** 10-16-31 FAYETTEVILLE OUTLOTS**School District:** FARMINGTON SCHOOLS**City:** FAYETTEVILLE**Legal:** PT SE SE 36.92 A**Current Year:** 1995**Appraised value****Assessed value****Land**

4,250

850

Improvement

2,650

530

Total

6,900

1,380

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01			0	0	0	0

Structure Sketch

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
08/22/00	2000	69949	TIPTON, GARY E.; WORLEY, CONLEY	EUGENE & VIRGINIA LEE *	QC	0	0.00
JEB 2000-69949 QC NO REV WORLEY'S RETAIN LIFE ESTATE							
01/01/85	949	242	WORLEY, CONELY E. & VIRGINIA L.		WD	0	0.00

0.02 AC TO CITY OFFM, #001, NO VALUE CHANGE; 8/4/09 CAME
BEFORE EQB-NO CHANGE.

[Return to List](#)[Return to Search](#)[Parcel Map/Plat](#)

For the Fayetteville City Council meeting of May 1, 2001

FROM:

<u>Alett Little</u>	<u>Airport</u>	<u>Economic Development</u>
Name	Division	Department

ACTION REQUIRED:

Review and approval of a grant application to the Arkansas Department of Aeronautics for the rehabilitation of airport hangars. The terms of the grant are a 50%/50% split of project costs. The estimated cost of the project is \$162,015 with 15% contingency added (\$24,302) making the entire cost of the project \$186,317. Approval of an attached Budget Adjustment is also requested to cover the City's matching share of \$93,159.

COST TO CITY:

\$186,317 (Expense)	0.00	Hangar
\$(93,158) (Revenue)		Rehabilitation
Cost of this Request	Category/Project Budget	Category/Project Name
5550-3960-5400-00	0.00	Airport Capital Exp
Account Number	Funds Used To Date	Program Name
01037-1	0.00	Airport
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

BUDGET REVIEW:		Budgeted Item	X	Budget Adjustment	Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: Ark. Dept. of Aeronautics

<u>Masha Farthing</u>	<u>4/12/01</u>	<u>Danny Smith</u>	<u>4/13/01</u>
Accounting Manager	Date	Internal Auditor	Date
<u>by: D.J. Whitel</u>	<u>4/12/01</u>	_____	_____
City Attorney	Date	ADA Coordinator	Date
<u>P. Vice</u>	<u>4/12/01</u>	_____	_____
Purchasing Officer	Date	Grant Coordinator	Date

STAFF RECOMMENDATION:

Airport staff recommends approval of grant application and attached budget adjustment.

Division Head

Date _____

Cross Reference

Department Director

Date _____

New Item: **Yes** **No**

Administrative Services Director

Date _____

Prev Ord/Res #: _____

Mayor

Date _____

Orig Contract Date:_____

Orig Contract Number:

STAFF REVIEW FORM - Page 2

Description Airport Hangar Rehabilitation Grant Meeting Date May 1, 2001

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
FROM: Alett Little, Airport Manager / Economic Development Coordinator ✓
THRU: Staff Review Committee
DATE: April 2, 2001
SUBJECT: Grant Application and Budget Adjustment

Background: The Arkansas Department of Aeronautics recently added a new classification of grant funding for Terminal Buildings, T-hangars, and Hangars construction or renovation. Terms of the grant are a 50/50% split of project costs.

Purpose: Airport administration is interested in pursuing this new funding opportunity in order to refurbish the exteriors of two large old hangars which are currently in deteriorated condition. Also, we propose to bring interior lighting up to standard at the *Arkansas Aviation Technology Center*. Exterior parking area lighting on each of the three buildings, is also included in the project.

The interior lighting work is concentrated in the *Arkansas Aviation Technology Center* school for aircraft repair and maintenance. A recent FAA FAR 147 inspection cited the lighting problem as an area of concern. A letter from the *AATC* concerning the matter is included for your interest. *AATC* currently leases the two buildings at 4248 S School Ave and 4240 S School Ave. (A map is attached for your information).

Renovation of the two aging hangars North of 4248 S School, will coincide with the construction of a new hangar to the North, which is being developed for a corporate tenant. The exteriors of the old hangars are in poor condition. The siding has rusted through along the bottom edges, and some structural members have begun to be affected by corrosion. The siding has been patched in a number of areas, which is both unsightly and prone to leaking. The roofs on both hangars leak. Hangar doors are un-insulated, and tenants have complained of exceptionally high heating and cooling costs, \$1,000/month and higher in some cases. The proposed renovation work on the existing hangars will extend their usable life for at least 25 years, increase energy efficiency, and provide a uniform and pleasing appearance for *all* the hangars situated in the area.

Budget Considerations: A budget adjustment is needed to carry out this project. The attached budget adjustment includes a 15% project contingency amount.

Staff Recommendation: Airport staff recommends review of the application for funding, and approval of a budget adjustment.

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 2001	Department: Economic Development Division: Airport Program: Capital Expenditures	Date Requested March 30, 2001	Adjustment #
---------------------	--	----------------------------------	--------------

Project or Item Requested: \$186,317 is requested in the Building & Grounds Maintenance account for the cost of the Airport Hangar Rehabilitation capital project.	Project or Item Deleted: To recognize \$93,158 in State Grant Revenue, \$30,000 from the T-Hangar Unit capital project, \$50,000 from the Pavement Maintenance capital project, and to use \$13,159 in the Airport Use of Fund Balance.
--	---

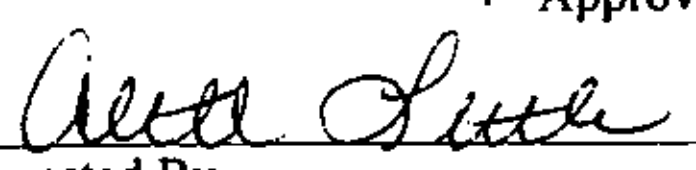
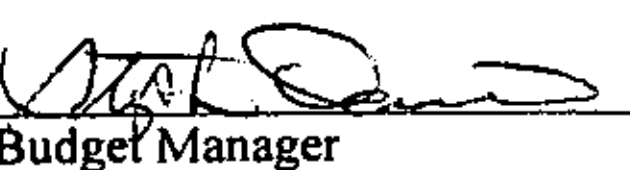
Justification of this Increase: This grant project will provide for the maintenance and rehabilitation of airport hangars.	Justification of this Decrease: The Arkansas Department of Aeronautics is providing 50% of the project cost as a grant. Sufficient funding remains in projects to meet 2001 objectives. Sufficient funding remains to comply with City Policy.
--	--

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number	
Building & Grounds Maint.	186,317	5550	3960	5400	00	01037	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number	
State Grants	93,158	5550	0955	6805	00	01037	1
Building Costs	30,000	5550	3960	5804	00	98056	1
Bld & Grounds Maint.	50,000	5550	3960	5400	00	95047	1
Use of Fund Balance	13,159	5550	0955	4999	99		

Approval Signatures  4-13-01  4-13-01 _____ Date _____ Date _____ Date _____ Date		Budget Office Use Only Type: A B C D E Date of Approval _____ Posted to General Ledger _____ Posted to Project Accounting _____ Entered in Category Log _____
---	--	--

ARKANSAS DEPARTMENT OF AERONAUTICS

APPLICATION FOR STATE AIRPORT AID

The City/County of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing project for the development of a municipal airport located in the City of Fayetteville Arkansas, Washington County.

Date of Request: March 29, 2001

Name of Airport: Fayetteville Municipal Airport / Drake Field

Name and address of City/County Commission sponsoring request:

<u>City of Fayetteville</u>	Person to Contact about project:
<u>113 West Mountain St</u>	<u>James Nicholson, Financial Coord</u>
<u>Fayetteville, AR 72701</u>	<u>4500 S School Ave, Suite F</u>

Phone/Fax Number: _____	Phone/Fax Number: <u>501-718-7643</u> <u>501-718-7646</u>
-------------------------	--

Name and address of Engineering Firm (If Applicable):

_____ Contact Person: _____

_____ Phone/Fax Number: _____

Describe the work to be accomplished: Renovation / rehabilitation of two
existing commercial hangars, including; interior lighting, siding, roofing, insulation,
entry, masonry, painting, and other repairs as required

State and Local Project Costs:
Please indicate: XX 50-50% Match
_____ 75-25% Match
_____ 90-10% Match

Federal AIP Projects:

Total Cost of Project	<u>\$162,015</u>
Local Share/Funds	<u>81,007</u>
Local Share/In-kind	_____
State Share	<u>81,007</u>

Total Cost of Project	_____
Federal Share (90%)	_____
Local Share (5%)	_____
State Share	_____

State Airport Aid Application
Page Two

Provide the information listed below as it applies to your project:

Funds:

Source of Funds Local funding: Municipal funds

State funding: Arkansas Department of Aeronautics

Source of In-Kind Services

Estimate starting date of project: May 2001

Estimate completion date of project: August, 2001

Project will be for: New Airport Existing Airport xx

Is land to be leased or purchased? No

Description of land and cost per acre:

Provide the Federal AIP Grant Number (AIP Projects Only)

N/A

State Representatives for your area:

State Senator David Malone

State Representative Bill Pritchard - District 8

State Airport Aid Application
Page Three

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480.1, Notice of Landing Area Proposal, must be approved by FAA before review for grant can be made by the state.

No land purchased with State Grant Funds may be sold or disposed of without State Commission approval. All requests for sale or disposal of property will be considered on an individual case basis.

No airport accepting State Grant funding may issue an Exclusive Rights Lease.

All applications for navigational aids (such as NDB & ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA application.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County and City Laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued. All grant applicants must submit with their applications a completed Contract and Grant Disclosure and Certification Form. (Form F-1 - Pages 1 & 2)

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void.

It is also agreed that this project, except FAA funded projects, shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project. (See Instruction page)

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 29th day of March,
~~XX~~ 2001

City of Fayetteville, Arkansas

Name of Sponsor

Alett Little

Authorized Signature

Alett Little, Airport Manager

Title

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

F-2

Airport Hangars
A. 2. Page 9

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this contract. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the agency.

As an additional condition of obtaining or renewing a contract with a state agency I agree as follows:

1. Prior to entering into any agreement with any subcontractor, prior or subsequent to the contract date, I will require the subcontractor to complete a CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM. Subcontractor shall mean any person or entity with performance required of me under the terms of my contract with the state agency.
2. I will include the following language as a part of any agreement with a subcontractor:

Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that Order, shall be a material breach of the terms of this subcontract. The party who fails to make the required disclosure or who violates any rule, regulation, or policy shall be subject to all legal remedies available to the contractor.
3. No later than ten (10) days after entering into any agreement with a subcontractor, whether prior or subsequent to the contract date, I will mail a copy of the CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM completed by the subcontractor and a statement containing the dollar amount of the subcontract to the state agency.

I certify under penalty of perjury, to the best of my knowledge and belief, all of the above information is true and correct and that I agree to the subcontractor disclosure conditions stated herein.

Signature Alett Little

Title Alett Little, Airport Manager

Date 3/30/2001

Entity Contact Person James Nicholson

Title Financial Coordinator

Phone No. 501-718-7643

AGENCY USE ONLY

Agency Number

Agency Name

Agency Contact Person

Contact Phone No.

Contract or Grant No.

FORMS AVAILABLE FROM OFFICE OF DISCLOSURE AND REVIEW (501) 682-5407

*NOTE: PLEASE LIST ADDITIONAL DISCLOSURES ON SEPARATE SHEET OF PAPER IF MORE SPACE IS NEEDED

CONTRACT AND GRANT DISCLOSURE AND CERTIFICATION FORM

F-1

Failure to complete all of the following information may result in a delay in obtaining a contract, lease, purchase agreement, or grant award with any Arkansas State Agency.

SOCIAL SECURITY NUMBER: TAXPAYER ID #: OR 71-601462 SUBCONTRACTOR: SUBCONTRACTOR NAME:

TAXPAYER ID NAME: City of Fayetteville IS THIS FOR: ☐ Goods? ☐ Services? ☒ Both?

YOUR LAST NAME: Nicholson FIRST NAME: James MI: L

ADDRESS: 4500 S School Ave., Suite F

CITY: Fayetteville STATE: AR ZIP CODE: 72701 - COUNTRY: USA

AS A CONDITION OF RENEWING OR OBTAINING A CONTRACT, LEASE, PURCHASE AGREEMENT, OR GRANT AWARD WITH ANY ARKANSAS STATE AGENCY, THE FOLLOWING INFORMATION MUST BE DISCLOSED:

FOR INDIVIDUALS *

Indicate below if: you, your spouse or the brother, sister, parent, or child of you or your spouse is a current or former: member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee:

Position Held	Mark (✓)		Name of Position of Job Held (Senator, representative, name of board/commission, date only, etc.)	For How Long?		What is the person(s) name and how are they related to you? (i.e., Jane Q. Public, spouse, John Q. Public, Jr., child, etc.)	Person's Name(s)	Relation
	Current	Former		From MM/YY	To MM/YY			
General Assembly	(1)	(2)						
Constitutional Officer	(3)	(4)						
State Board or Commission Member	(5)	(6)						
State Employee	(7)	(8)						

☒ (9) None of the above applies

FOR AN ENTITY (BUSINESS) *

Indicate below if any of the following persons, current or former, hold any position of control or hold any ownership interest of 10% or greater in the entity: member of the General Assembly, Constitutional Officer, State Board or Commission Member, State Employee, or the spouse, brother, sister, parent, or child of a member of the General Assembly, Constitutional Officer, State Board or Commission Member, or State Employee. Position of control means the power to direct the purchasing policies or influence the management of the entity.

Position Held	Mark (✓)		Name of Position of Job Held (Senator, representative, name of board/commission, date only, etc.)	For How Long?		What is the person(s) name and how are they related to you? Is his/her position of control?	Ownership Interest (%)	Position of Control
	Current	Former		From MM/YY	To MM/YY			
General Assembly	(A)	(B)						
Constitutional Officer	(C)	(D)						
State Board or Commission Member	(E)	(F)						
State Employee	(G)	(H)						

☒ (I) None of the above applies

*NOTE: PLEASE LIST ADDITIONAL DISCLOSURES ON SEPARATE SHEET OF PAPER IF MORE SPACE IS NEEDED



Mark Simmons,
Chairman

Dennis Anderson,
Vice Chairman

Buddy Philpot,
Secretary

Ken Pummill,
Treasurer

Directors:

Richard Daniel

Burton Elliott

David Hansam

Date: 28 March, 2001

To: Alett Little
Fayetteville Municipal Airport
4500 South School Avenue, Suite F
Fayetteville, AR 72701

From: Michael D. Kratchmer, Technical Director
Arkansas Aviation Technologies Center
4248 South School Avenue
Fayetteville, Arkansas 72701

Dear Alett:

We have been working together to get the lighting problem in our spaces corrected and we are pleased with the progress thus far. However, on 15 and 16 March the FAA visited our school for our 2nd annual FAR 147 inspection and noted the deficient lighting in the facility.

In the out-briefing after the inspection the FAA inspector cited the lighting problem as an "area of concern". This means that a formal "Letter of Findings" will include facility lighting as something that must be corrected. It will also include a time frame for deficiency resolution (usually 30 days from receipt of the letter).

As of today that letter has not been received. When it is I will forward a copy to you immediately. Thank you for your help in this matter.

Respectfully,

Gregory McCoy,
Executive Director

Dean Schanz
Marketing Director

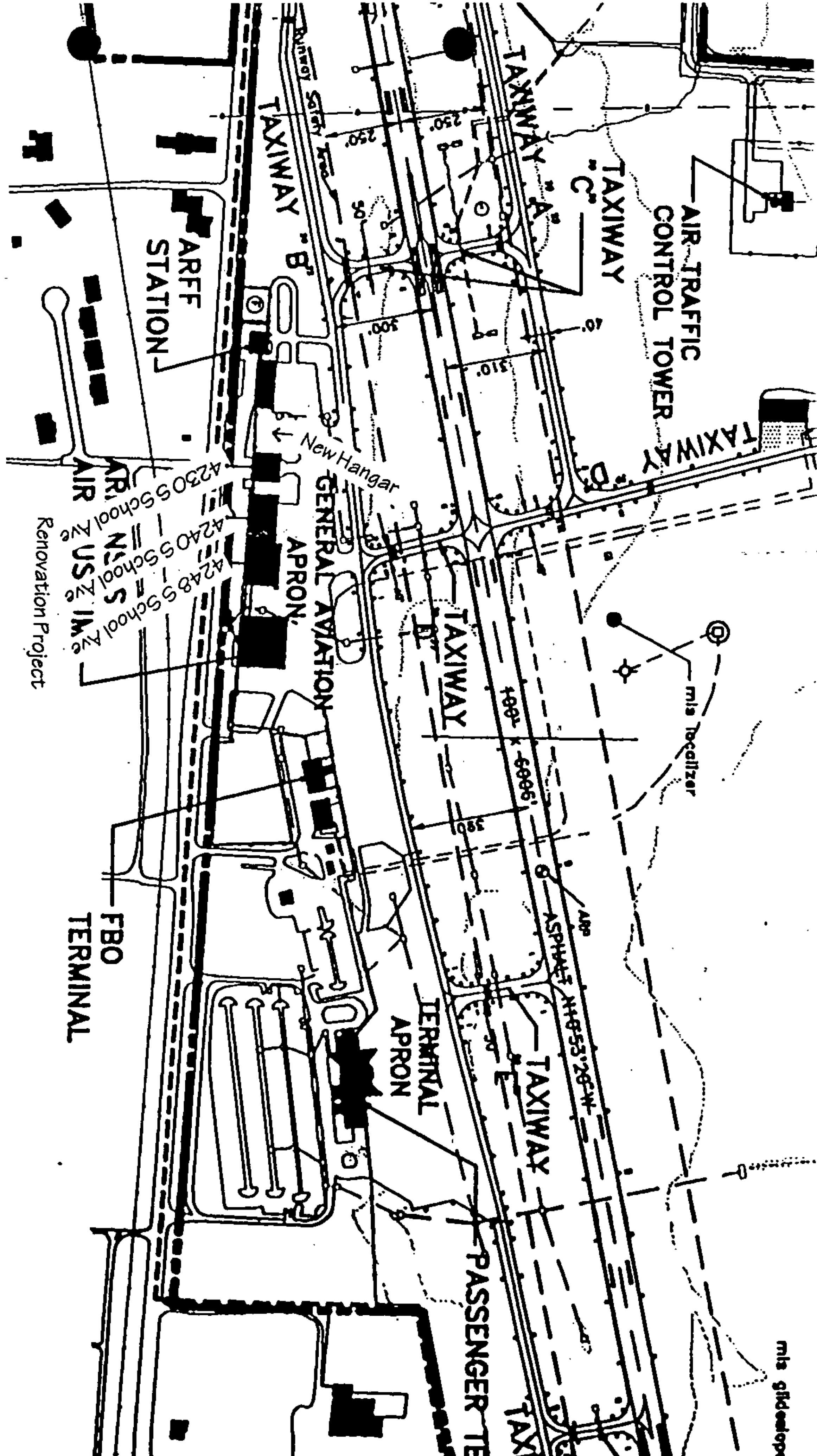
Mike Kratchmer,
Technical Director


Michael D. Kratchmer
Technical Director

Cc: Greg McCoy

4248 S. School - Fayetteville, AR 72701
Phone: (501) 443-2283 - Fax (501) 443-2266

The Arkansas Aviation Technologies Center is an equal opportunity / affirmative action organization



STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of May 1, 2001.

FROM:

Tim Conklin Planning Public Works
Name Division Department

ACTION REQUIRED: To approve a resolution for AD 01-18.00 to adopt the hydrologic and hydraulic study for CMN Business Park II, prepared by Garver Engineers.

COST TO CITY:

\$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW: _____ GRANTING AGENCY: _____

Accounting Manager _____	Date _____	Internal Auditor _____	Date _____
<u>by: D. P. Whitat</u>	<u>4/17/01</u>	_____	_____
City Attorney _____	Date _____	ADA Coordinator _____	Date _____
Purchasing Officer _____	Date _____		

STAFF RECOMMENDATION: Staff recommends approval.

<u>[Signature]</u>	<u>4-16-01</u>
Division Head	Date
<u>[Signature]</u>	<u>4/18/01</u>
Department Director	Date
<u>[Signature]</u>	<u>4/18/01</u>
Administrative Services Director	Date
<u>[Signature]</u>	<u>4/20/01</u>
Mayor	Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

PREPARED FOR _____

**NANCHAR, INC. & Marjorie S. Brooks
Fayetteville, Arkansas**

PROJECT _____

**CMN BUSINESS PARK II
HYDROLOGIC AND HYDRAULIC STUDY
For the Design and Analysis
Of
Steele Boulevard and Mall Avenue Bridges
And Associated Features**

PREPARED BY:

GARVER ENGINEERS

Garver, Inc. Engineers

1010 Battery Street
P.O. Box 50
Little Rock, Arkansas 72203-0050

501-376-3633
FAX 501-372-8042

Garver, Inc.
Engineers

1010 Battery Street
P.O. Box 50
Little Rock, Arkansas 72203-0050

501-376-3633
FAX 501-372-8042

www.garverinc.com

GARVER ENGINEERS

August 4, 1999

Mr. Tim Conklin
Planning Director
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Re: Proposed CMN Business Park II
Steele Boulevard and Mall Avenue Bridges
Fayetteville, Arkansas

Dear Mr. Conklin:

We are submitting for your records, one copy of the Hydrologic and Hydraulic Report for the proposed bridges across Mud Creek associated with the CMN Business Park II Development. Garver Engineers performed the hydraulic analyses and prepared the subsequent report and supporting documents. Those analyses were performed in coordination with the Little Rock District Corps of Engineers and their ongoing re-study of Mud Creek and other streams in the City of Fayetteville. The results of our analyses indicate the following:

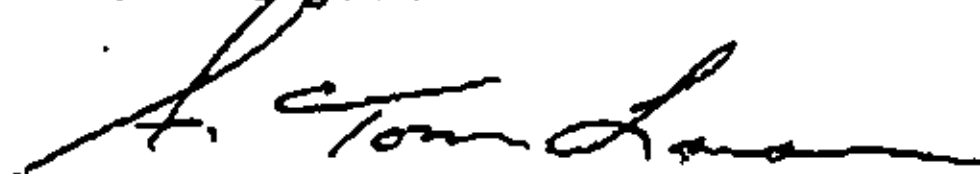
The construction of the proposed Steele Boulevard and Mall Avenue bridges across Mud Creek within the CMN Business Park II will not increase the 100-year flood height nor extend the 100-year flood boundary beyond that reported for the 100-year flood discharge in the 1991 Flood Insurance Study for Washington County, Arkansas and Incorporated Areas.

As a part of our study, the effects of proposed low-water crossings immediately upstream of the two proposed bridges were evaluated. The low-water crossings are to be removed following the completion of the Steele Boulevard and Mall Avenue bridges and prior to the filling of the flood plain up to the proposed floodway. Our evaluation indicated the following:

Any temporary increase in the flooding potential along the reach of Mud Creek through the CMN Business Park II resulting from the construction of the temporary low-water crossings to facilitate the construction of the Steele Boulevard and Mall Avenue bridges will be confined to the CMN property and will not adversely impact adjacent property.

Respectfully submitted,

Garver Engineers



A. Tom Larson, PE 4021
Associate

Enclosures
(99-2000)

cc: file, CMN, Glynn Fulmer

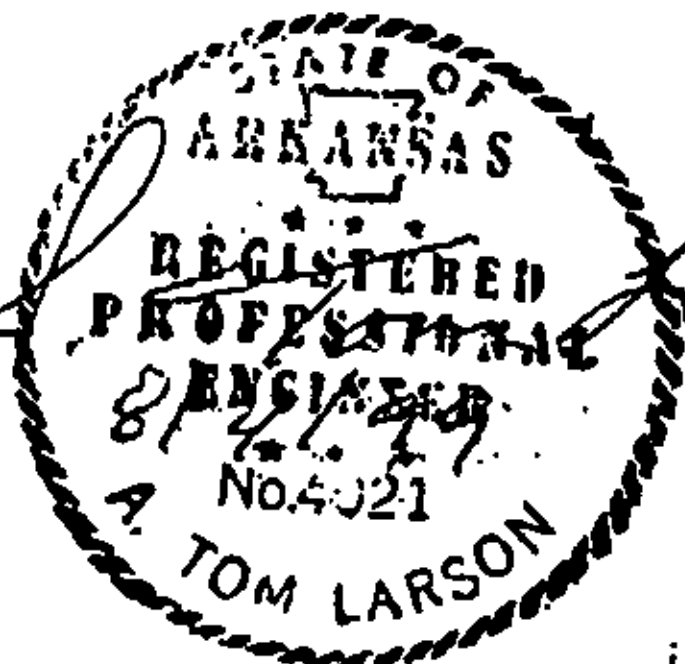


TABLE OF CONTENTS

SECTION	TITLE	PAGE
	TABLE OF CONTENTS	i
I.	INTRODUCTION	1
II.	STUDY SUMMARY	1
III.	STUDY DETAILS	2
	HYDROLOGIC ANALYSIS	2
	HYDRAULIC ANALYSES	5

TABLE	TITLE	PAGE
TABLE 1	ORIGINAL FLOOD INSURANCE DATA	3
TABLE 2	CURRENT AND EFFECTIVE CONDITIONS ANALYSIS	7
TABLE 3	LOW WATER CROSSING ANALYSIS	8
TABLE 4	FLOODWAY ANALYSIS	9

APPENDICES	TITLE
APPENDIX A	CMN BUSINESS PARK II BRIDGE DESIGN
APPENDIX B	PLAN: MUD CREEK – Original FIS
APPENDIX C	PLAN: MUD CREEK – Revised FIS w/norm.dp
APPENDIX D	PLAN: MUD CR – Rev. FIS/Steele&Mall brdgs (Effective Existing Conditions Model)
APPENDIX E	PLAN: MUD CREEK w/Steele-210-Mall-180.REV/LWC (Low Water Crossing Model)
APPENDIX F	PLAN: LVEFLDWY-steele-210-mall-180-REV. (Floodway Analysis)
APPENDIX G	MUD CREEK PROJECT FILES

HYDROLOGIC AND HYDRAULIC STUDY

For the Design and Analysis Of Proposed Steele Boulevard and Mall Avenue Bridges And Associated Features

I. INTRODUCTION

The proposed CMN Business Park II is located in the northern portion of the City of Fayetteville, Washington County, Arkansas. This development will require the construction of two bridges across Mud Creek in the City of Fayetteville. A Vicinity Map is included to show the reach of Mud Creek evaluated in these analyses. The downstream crossing is proposed at what will be Steele Boulevard and the upstream crossing is proposed at what will be Mall Avenue. The following is a summary of the hydrologic and hydraulic evaluations that have been performed to develop the hydraulic design of those bridges. In addition, a proposed revised floodway was developed in coordination with an on-going re-study of the Mud Creek floodplain by the Little Rock District, Corps of Engineers. The effects of proposed temporary low water crossings above each bridge were also evaluated.

II. STUDY SUMMARY

The following bridge openings were developed based on the analyses of this study:

Steele Boulevard

The proposed bridge at Steele Boulevard is a three span continuous composite W-beam unit, 212' long. Channel improvements for this site will consist of a 70' flat bottom channel with 2:1 side slopes. A transition from the natural channel to the 70' bottom channel section will begin approximately 440' upstream of the Steele Boulevard bridge and match the improved section approximately 290' above the bridge. The transition from the improved channel section to the natural channel section will begin approximately 175' downstream of the Steele Boulevard bridge and match the natural channel section approximately 285' downstream of the bridge. A drawing of the Steele Boulevard Bridge is presented in Appendix A.

Mall Avenue

The proposed bridge at Mall Avenue is a two span continuous composite W-beam unit, 162' long. No improved channel section is planned at this site. However channel and overbank clearing and cleaning is planned. A drawing of the Mall Avenue Bridge is presented in Appendix A.

Low Water Crossings are proposed to be constructed upstream of each bridge for the construction purposes. The crossings are proposed to be composed of 4- 60" CMP Culverts with approximately 3 feet of cover. The evaluation of the proposed crossings indicate a rise of the computed 100-year flood profile near the crossings of approximately 3 feet. The increase flooding potential, however, should not threaten property other than that owned by CMN Properties. The increase flooding potential rapidly diminishes above each crossing. These temporary crossings should be removed prior to any significant filling of the floodplain outside of the computed floodway limits.

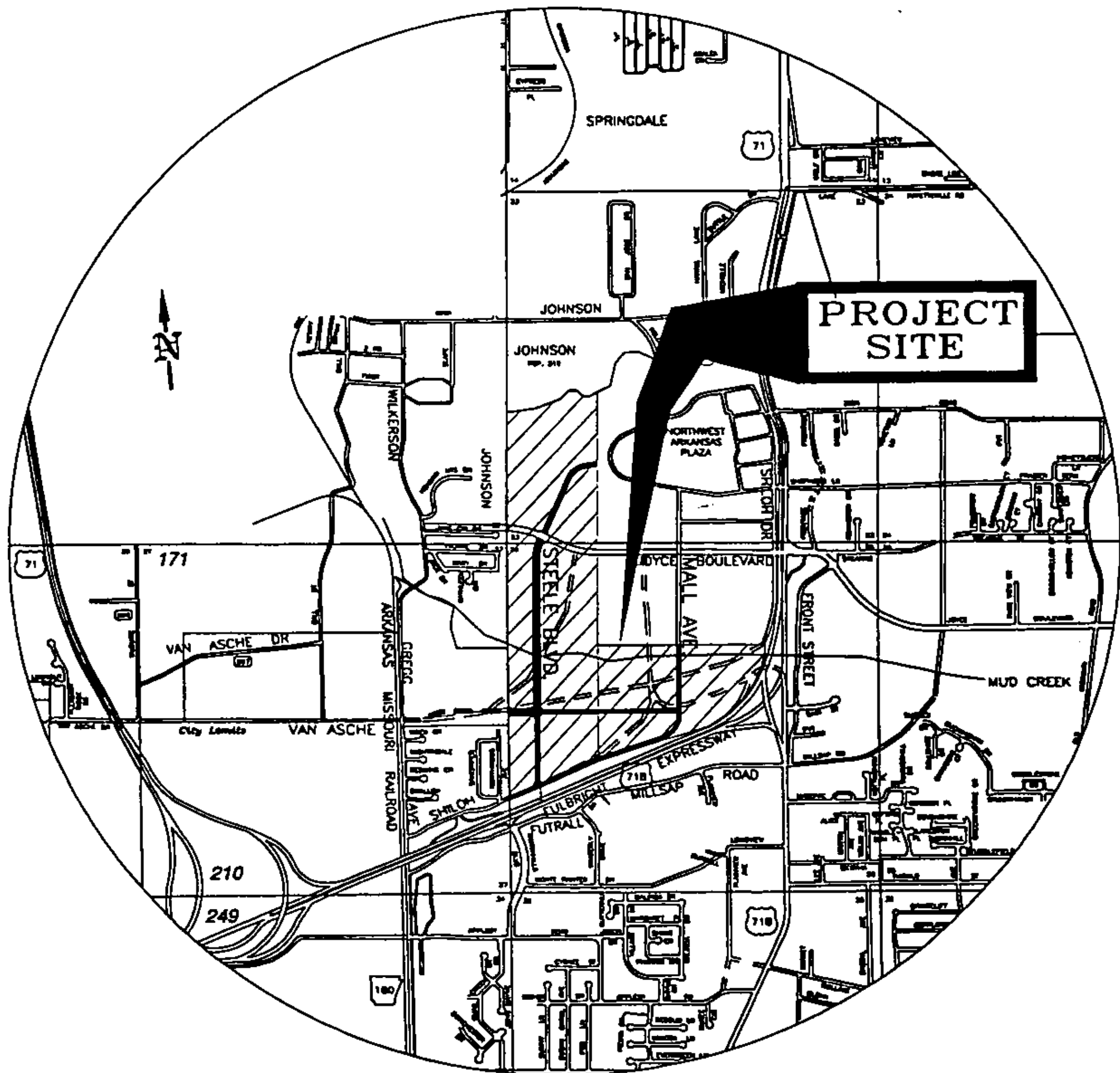
Using the Effective Existing Conditions model of Mud Creek, which included the bridges described above, floodways were computed with widths ranging from 500 feet at the west boundary of the project site to 260 feet approaching Steele Boulevard. It continues at 260 feet wide to just below Mall Avenue where it reduces to 240 feet. A 240-foot floodway is required to approximately 470 feet below the downstream bridge at U.S. Highway 71 where it reduces to 160 feet. More detail information is provided in the floodway analysis discussion in the Study Details and shown on the Floodway Layout drawing included in Appendix F. Floodway widths are tentative and may be modified upon the review and final modeling by the Little Rock District, Corps of Engineers.

III. STUDY DETAILS

This reach of Mud Creek is included in a detailed Flood Insurance Study (FIS) for Washington County and Incorporated Areas and has an existing floodway defined on the Rate Maps issued for that study. The original Flood Insurance Study data is presented in Table 1. The approximate floodway line is shown on a Floodway Layout drawing enclosed in Appendix F. The existing FIS boundary was drawn by personnel of Milholland Engineers from the appropriate Rate Map. The proposed floodway boundary will be discussed later in this report. Currently, Mud Creek is part of a re-study being performed by the Little Rock District Corps of Engineers. Close coordination with the Corps has been maintained to minimize conflicts with their findings as they complete their work. The progress of their study, however, was such that only limited information was available for these analyses.

HYDROLOGIC ANALYSIS

Personnel of the Little Rock District, Corps of Engineers have completed their hydrologic analyses of the watershed of Mud Creek and provided revised discharges applicable to this reach of Mud Creek. A comparison is shown below between the original FIS discharges and the revised discharges resulting from a more detailed hydrologic analysis of the watershed.



VICINITY MAP

TABLE 1 – ORIGINAL FLOOD INSURANCE DATA

SECTION	STATION	DISTANCE (FEET)	FIS STREAM PROFILE ELEVATION	FIS 100-YEAR FLOOD ELEVATION	ORIGINAL FIS FLOODWAY ELEVATION	INCREASE OVER 100-YEAR	ORIGINAL FLOODWAY WIDTH
A(FIS)	0.460		1165.4	1181.10	1181.20	0.10	340
(SURVEYED)	0.742	1489	1169.7	1184.50	1185.00	0.50	
STEELE D.S.	0.817	394	1170.9	1184.88	1185.43	0.55	
(SURVEYED)	0.829	66	1171.0	1184.93	1185.49	0.55	
STEELE U.S.	0.842	66	1171.2	1184.98	1185.54	0.56	
Low Water	0.843	4	1171.3	1184.99	1185.55	0.56	
Crossing	0.853	56	1171.4	1185.03	1185.60	0.57	
B(FIS)	0.950	512	1172.9	1187.00	1187.80	0.80	340
(SURVEYED)	1.011	322	1173.8	1187.67	1188.46	0.78	
	1.019	40	1174.0	1187.76	1188.54	0.78	
EXISTING 8"	1.020	1	1174.0	1187.76	1188.54	0.78	
SEWER	1.020	3	1174.0	1187.77	1188.55	0.78	
	1.021	1	1174.0	1187.77	1188.55	0.78	
MALL D.S.	1.246	1180	1177.5	1190.24	1190.95	0.71	
(SURVEYED)	1.257	56	1177.6	1190.35	1191.07	0.71	
MALL U.S.	1.268	56	1177.8	1190.47	1191.18	0.71	
Low Water	1.269	4	1177.8	1190.48	1191.19	0.71	
Crossing	1.279	56	1178.0	1190.60	1191.30	0.71	
(SURVEYED)	1.448	894	1180.6	1192.47	1193.12	0.66	
(SURVEYED)	1.545	500	1182.1	1193.51	1194.14	0.63	
(CORPS SURVEY	1.617	380	1183.2	1194.31	1194.92	0.61	
	1.630	86	1183.4	1194.49	1195.09	0.60	
HWY 71 C(FIS)	1.640	53	1183.6	1194.60	1195.20	0.60	240
	1.650	51	1183.8				

Flood Insurance Data shown in **BOLD**. Other data shown is interpolated from FIS data

MUD CREEK DISCHARGE COMPARISON

ORIGINAL FLOOD INSURANCE DISCHARGES (CFS)

REVISED FLOOD INSURANCE DISCHARGES (CFS)

FROM WEST BOUNDARY TO LINE "B" (See attached Floodway Layout drawing)

10-YEAR - 9500	9738
50-YEAR - 12000	13605
100-YEAR - 13000	15544
500-YEAR - 15300	21165

FROM UPSTREAM OF LINE "B" TO HIGHWAY 71

10-YEAR - 9500	9080
50-YEAR - 12000	12707
100-YEAR - 13000	14526
500-YEAR - 15300	19688

HYDRAULIC ANALYSES

No existing hydraulic model was available from the original Flood Insurance Study. For the hydraulic evaluation of the impact of the proposed bridges on the flood elevations in this reach of Mud Creek, a new model was developed using HEC-RAS. Field surveys were performed by Milholland Engineers. Cross sections were obtained at each proposed crossing and several additional locations along the flood plain. The location of those cross-sections are shown on the Floodway Layout drawing, enclosed in Appendix F, and labeled Line "A" through Line "E". An additional section was surveyed near the West Boundary of the development. The field surveys were tied to a FIS Reference Mark at Highway 71 to insure compatibility to FIS datum. Survey information was obtained from the Corps of Engineers at the Highway 71 bridge near the eastern edge of the proposed CMN Business Park II and was incorporated into the HEC-RAS model. Personnel from Garver Engineers performed a field and photographic survey of the flood plain of Mud Creek within the CMN Development, as well as reaches above and below the development. Site information provided by Milholland Engineers was used by Garver Engineers to develop the necessary hydraulic models to evaluate the proposed bridges and associated features. Since a Flood Insurance Study is currently in effect for this site and a current re-study is being performed, the existing floodplain was evaluated for the original FIS discharges and the proposed revised discharges developed by the Corps.

As can be noticed from the comparison shown above, the original FIS utilized a single set of discharges for the total reach studied. It is apparent from a review of the data tables and plotted materials relative to Mud Creek in the FIS that only limited cross sections were utilized in the backwater analysis of Mud Creek. The availability of survey information in this reach of Mud Creek allowed a very good hydraulic model of the flood plain located in the proposed CMN Business Park II. A current conditions model was produced for this reach in HEC-RAS, the current modeling tool used to perform backwater analyses for various stream situations. The current conditions model developed was used to evaluate the 10-, 50-, 100-, and 500-year flood events using both the original FIS discharges (**Plan: MUD CREEK – Original FIS**) and the revised discharges (**Plan: MUD CREEK – Revised FIS w/norm. dp**). For the original FIS discharges, starting water surface elevations were interpolated from the information provided in the FIS. For the revised discharges, starting water surface elevations were developed for "normal depth" at a slope of 0.003. This was in agreement with CORPS personnel involved in the current re-study.

Using the Current Conditions model, the hydraulic designs of the proposed bridges were performed through several iterations of HEC-RAS analyses of various bridge configurations. The final bridge configurations were modeled with the proposed revised discharges to produce an Effective Existing Conditions model (**PLAN: MUD CR – Rev. FIS/Steele&Mall brdgs**). Since the proposed bridges would essentially be in place prior to the completion of the Corps' study of this reach, it was agreed with Corps personnel that the Effective Existing Conditions Model would include the Steele Boulevard and Mall Avenue bridges. The summary results of an HEC-RAS analysis of that plan are included in Table 2. A comparison is presented between the 100-year water surface profile resulting from the HEC-RAS analysis of the Effective Existing Conditions model, with the Steele Boulevard and Mall Avenue bridges in place and both the original 100-year FIS water surface profile and the current conditions 100-year water surface profile, without the bridges.

During the course of this study, low water crossings were proposed above each bridge for construction purposes. The construction of such crossings would produce additional backwater effects on the water surface elevations for the flood events on Mud Creek within the study reach. Therefore, a HEC-RAS plan (**PLAN: MUD CR w/Steele-210mall-180.REV/LWC**) was developed to evaluate the effects of the proposed crossings. Since the proposed low water crossings are temporary and would be removed prior to floodplain filling to the proposed floodway limits, the crossings were evaluated with the Effective Conditions Model. The summary results of that analysis are presented in Table 3. A detailed output table and plotted water surface profiles are included in Appendix E as well as a table and plotted profiles showing the 100-year Low Water Crossing profile versus the Effective Existing Conditions 100-year profile. A review of the analysis reveals a significant increase in the 100-year water surface elevation immediately upstream of the bridges. However, the resulting 100-year flood elevation only poses an increased flooding potential to the CMN properties and does not extend to other property. Plotted cross sections are provided in Appendix E that show the computed 100-year water surface produced by the low water crossings and shows the location of the CMN property boundary.

TABLE 2 – CURRENT AND EFFECTIVE EXISTING CONDITIONS ANALYSIS

STATION	WITH BRIDGES					
	NO BRIDGES			STEELE BLVD. - 210' W/IMP. 70' BW CHANNEL MALL AVENUE - 160' W/CHANNEL CLEARING		
		100-YEAR FLOOD ELEVATION	INCREASE OVER ORIG 100-YEAR FLOOD	100-YEAR FLOOD ELEVATION	INCREASE OVER REV. 100-YEAR FLOOD	INCREASE OVER ORIG. 100-YEAR FLOODWAY
A(FIS)	0.46					
(SURVEYED)	0.742	1181.71	-2.79	1181.71	0.00	-3.29
STEELE D.S.	0.817	1182.39	-2.49	1182.08	-0.31	-3.35
(SURVEYED)	0.829					
STEELE U.S.	0.842	1182.91	-2.07	1183.08	0.17	-2.46
Low Water	0.843	1183.09	-1.90			
Crossing	0.853	1183.29	-1.74			
B(FIS)	0.95					
(SURVEYED)	1.011	1186.39	-1.28	1184.59	-1.80	-3.87
	1.019	1186.62	-1.14	1186.6	-0.02	-1.94
EXISTING 8" SEWER	1.02					
	1.02					
	1.021	1186.84	-0.93	1186.82	-0.02	-1.73
MALL D.S.	1.246	1188.70	-1.54	1188.71	0.01	-2.24
(SURVEYED)	1.257				0.00	
MALL U.S.	1.268	1188.79	-1.68	1189.41	0.62	-1.77
Low Water	1.269	1188.96	-1.52			
Crossing	1.279	1189.03	-1.57			
(SURVEYED)	1.448	1190.92	-1.55	1191.54	0.62	-1.58
(SURVEYED)	1.545	1191.44	-2.07	1191.93	0.49	-2.21
(CORPS SURVEY)	1.617	1193.44	-0.87	1193.3	-0.14	-1.62
	1.63	1193.78	-0.71	1193.31	-0.47	-1.78
HWY 71 C(FIS)	1.64					

Flood Insurance Study Data shown in **BOLD**. Other data is interpolated or computed.

Using the Effective Existing Conditions Model, several HEC-RAS Method 4 and Method 1 analyses were run to develop encroachment stations for a proposed floodway with the bridges in place. A Floodway Model (PLAN: LVEFLDWY-steele-210-mall-180-REV) was developed with the proposed floodway modeled as levees along the floodplain. Summary results of that analysis are presented in Table 4, including the proposed revised floodway widths. Detailed output tables and plotted water surface profiles are included in Appendix F showing the computed water surface profiles for the 10-, 50-, 100-, and 500-year flood events with the proposed encroachments and a comparison of the 100-year Effective Existing Conditions plan and the Floodway plan. The proposed floodway is also shown on the Floodway Layout map enclosed in Appendix F.

TABLE 4 – FLOODWAY ANALYSIS

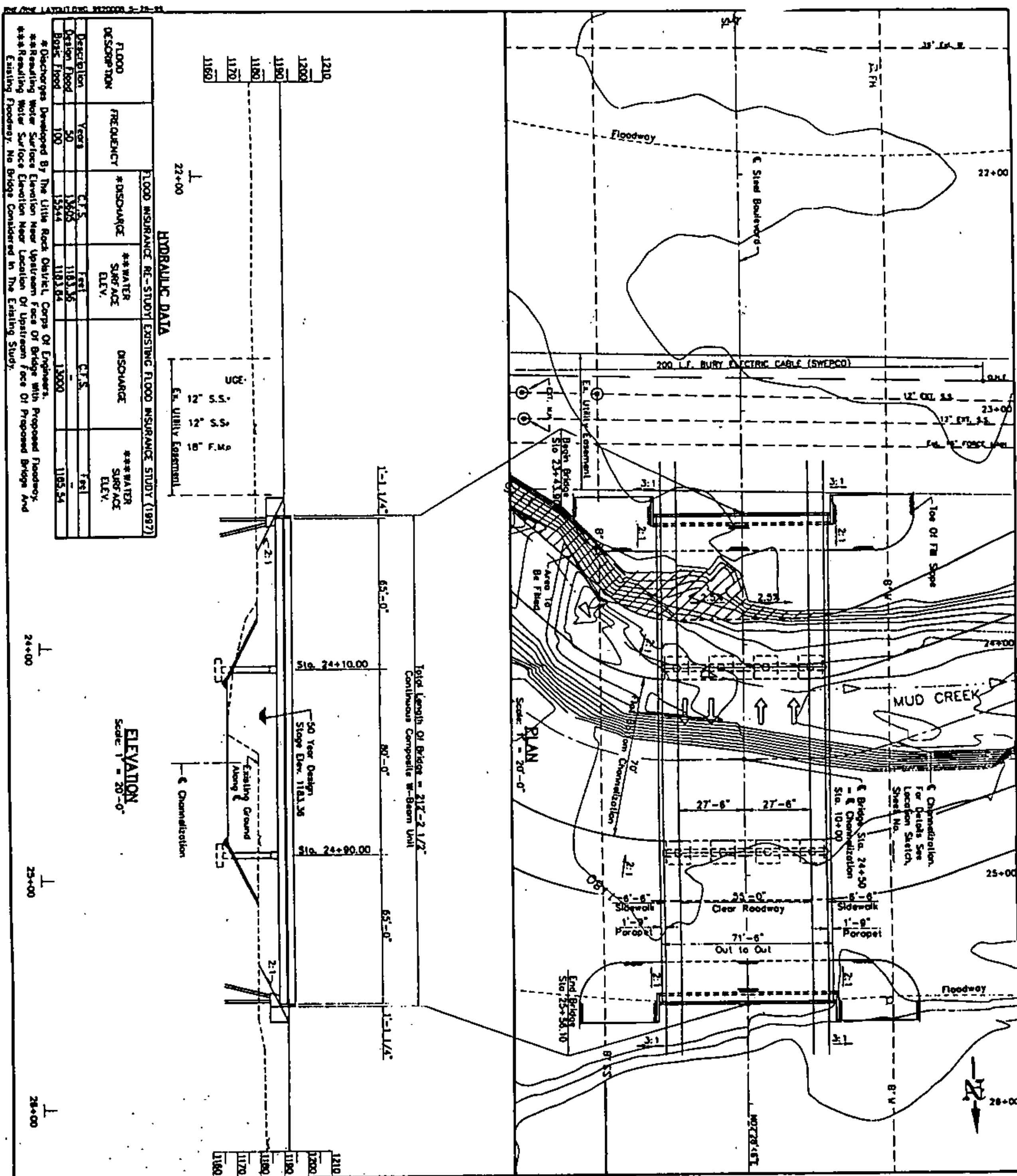
WITH BRIDGES AND FLOODWAY AS LEVEES					
STATION	100-YEAR FLOODWAY ELEVATION	INCREASE OVER 100-YEAR FLOOD W/ BRIDGES	INCREASE OVER 100-YEAR FLOOD W/O BRIDGES	INCREASE OVER FIS 100-YEAR FLOODWAY ELEVATION	PROPOSED FLOODWAY WIDTH
0.46					
0.742	1182.51	0.80	0.80	-2.49	500
0.817	1182.98	0.90	0.59	-2.45	260
0.829					
0.842	1183.84	0.76	0.93	-1.70	260
0.843					
0.853					
0.95					
1.011	1185.16	0.57	-1.23	-3.30	260
1.019	1186.48	-0.12	-0.14	-2.06	260
1.02					
1.02					
1.021	1186.82	0.00	-0.02	-1.73	260
1.246	1189.69	0.98	0.99	-1.26	240
1.257					
1.268	1190.18	0.77	1.39	-1.00	240
1.269					
1.279					
1.448	1191.83	0.29	0.91	-1.29	240
1.545	1192.6	0.67	1.16	-1.54	240
1.617	1194.3	1.00	0.86	-0.62	160
1.63	1193.77	0.46	-0.01	-1.32	160
1.64					

Study Data shown in **BOLD**. Other data is interpolated or computed.

APPENDIX A

CMN BUSINESS PARK II BRIDGE DESIGN

- **Steele Boulevard Bridge**
- **Mall Avenue Bridge**



STEEL BOULEVARD

Sheet
X-000

CMN BUSINESS PARK 4, PHASE I
STEEL BLVD. OVER MUD CREEK

GENERAL LAYOUT

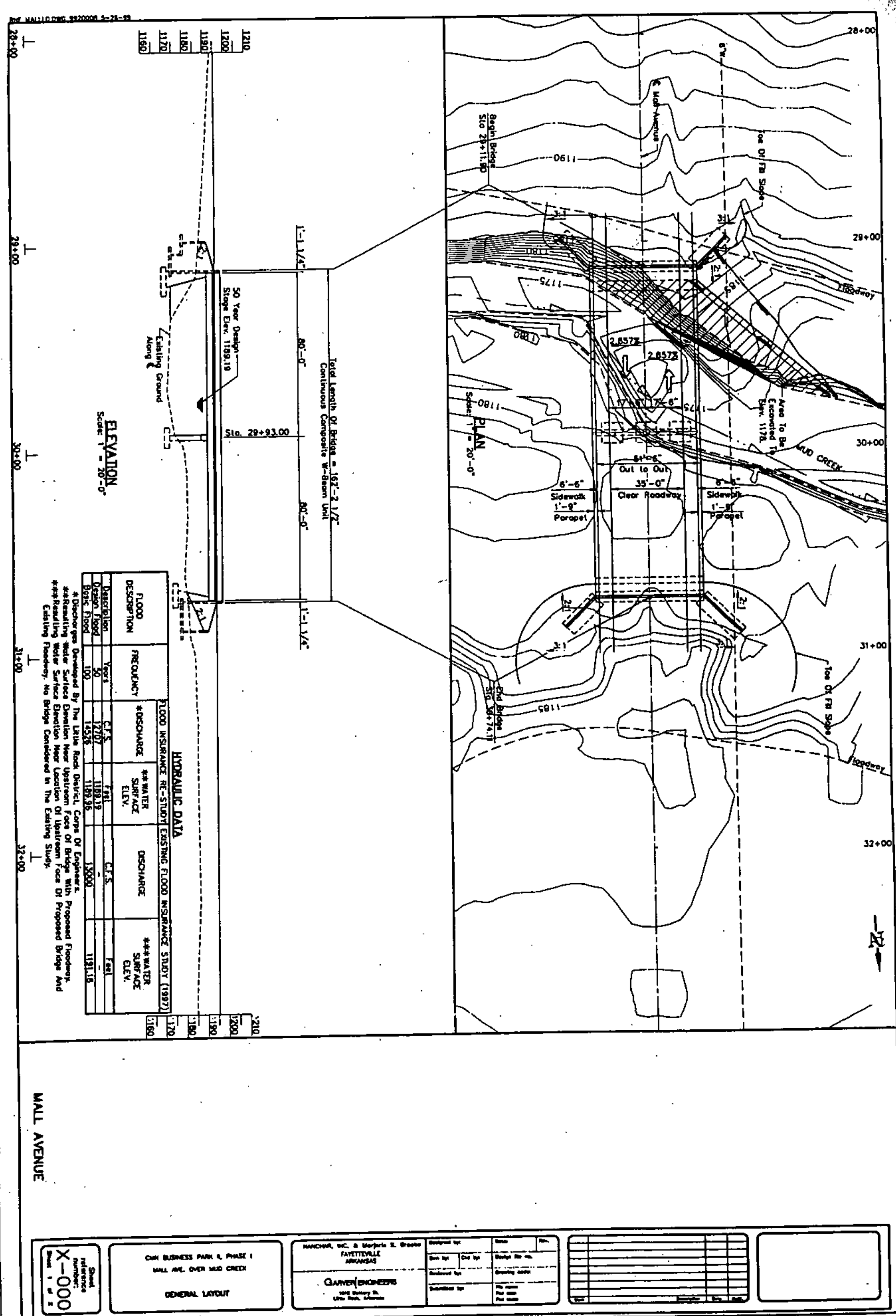
INCHES, INC. & Marjorie E. Smith
FAYETTEVILLE
ARKANSAS

CLAYTON ENGINEERS
400 Battery St.
Little Rock, Arkansas

Designed by	Checked by
Drawn by	Reviewed by
Estimated by	Approved by

DATE	BY	REVISION
11/11/11	CL	1
11/11/11	CL	2
11/11/11	CL	3

DATE	BY	REVISION
11/11/11	CL	1
11/11/11	CL	2
11/11/11	CL	3



APPENDIX B

PLAN: MUD CREEK – Original FIS

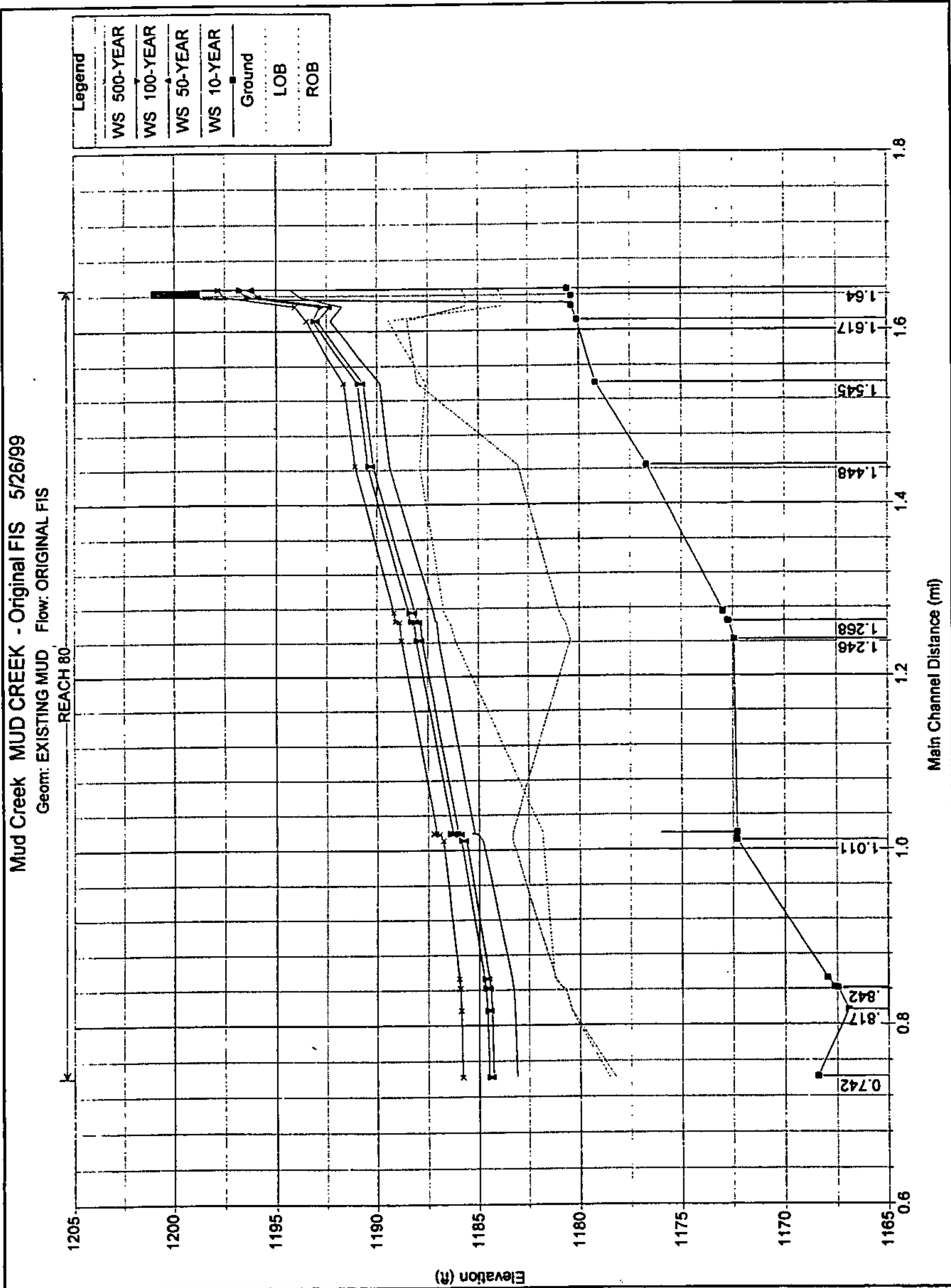
(Current Conditions Model w/Original FIS Discharges)

- **HEC-RAS Output table**
- **HEC-RAS Plotted Profiles**

[illegible]

[illegible]

REACH	REACH50	REACH100	REACH150	MOSPHERE	WISER	CHNWS	PERFEK	SIG-SPR	VEGETAT	ARROWAY	POB WTH	FOLDER
(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)
REACH30	1630	500 YEAR		1180.38	1194.10	1194.10	1198.21	0.009041	18.68	1138.98	133.19	0.92
Bridge												
REACH30	1650	10 YEAR		1180.58	1194.27	1191.25	1195.86	0.003524	11.64	1134.55	133.13	0.58
REACH30	1650	50 YEAR		1180.58	1196.16	1192.53	1197.84	0.003176	12.12	1389.41	136.22	0.56
REACH30	1650	100 YEAR		1180.58	1198.75	1193.03	1198.50	0.003176	12.45	1469.81	137.18	0.56
REACH30	1650	150 YEAR		1180.58	1197.81	1194.25	1199.81	0.003355	13.38	1615.93	138.61	0.58



APPENDIX C

PLAN: MUD CREEK – Revised FIS w/norm.dp
(Current Conditions Model w/Revised Discharges)

- **HEC-RAS Output table**
- **HEC-RAS Plotted Profiles**

HEC-RAS Plan: MUDnmdr River: MUD CREEK Reach: REACH 80

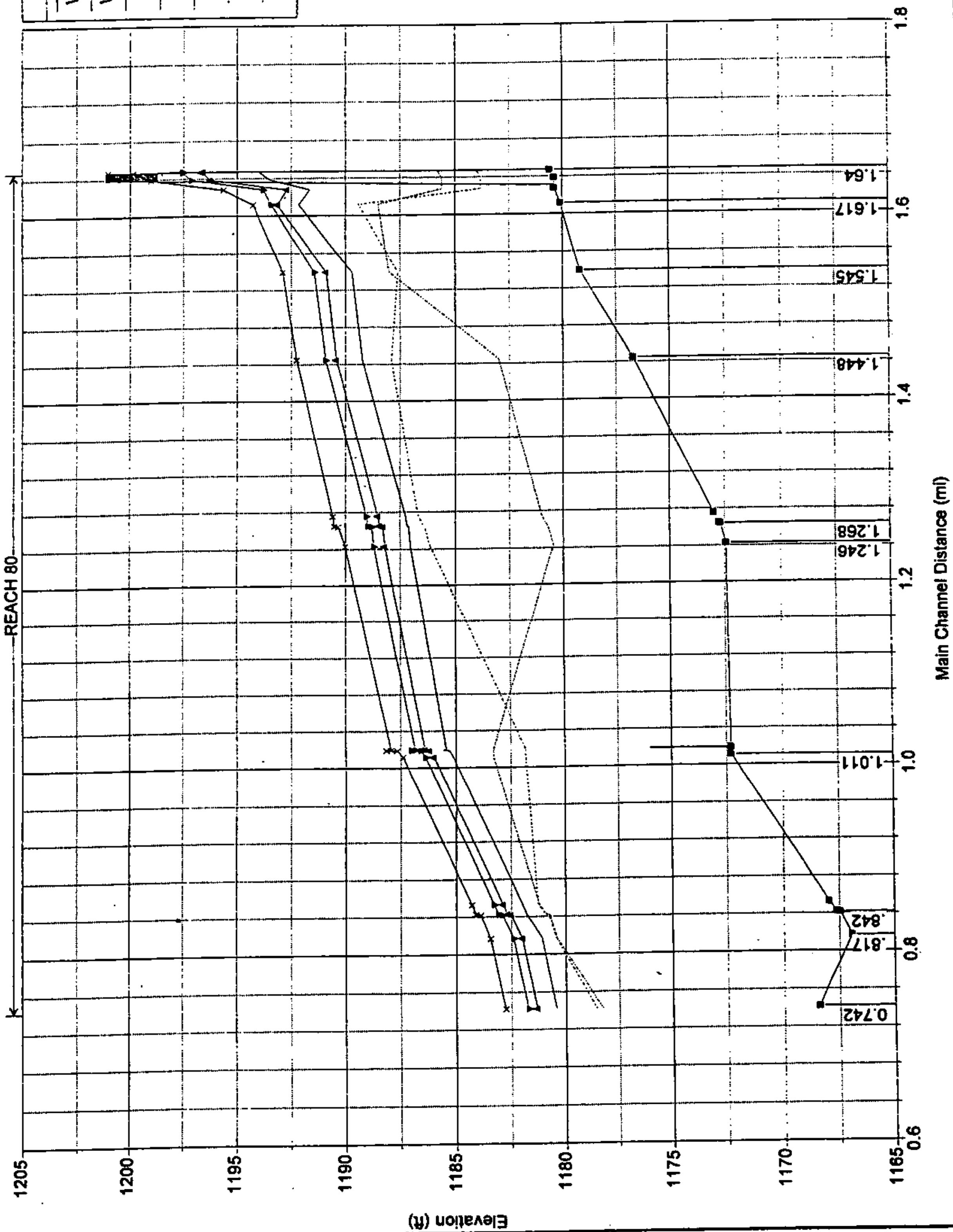
REACH	Station	Profile	Water Surface Elevation (ft)	Channel Bottom Elevation (ft)	Flow Area (sq ft)	Velocity (ft/s)	Discharge (cfs)	Energy Head (ft)	Hydraulic Radius (ft)	Friction Factor	Shear Stress (lb/ft²)	Scour Rate (ft/yr)	Scour Depth (ft)	Scour Volume (cu ft)	Scour Rate (ft/yr)
REACH 80	0+72	100 Year	9738.00	1168.42	1180.43	1179.35	0.003001	6.75	2527.32	797.58	0.47				
REACH 80	0+72	50 Year	13605.00	1168.42	1181.31	1179.89	0.003000	7.35	3252.04	845.02	0.48				
REACH 80	0+72	100 Year	15544.00	1168.42	1181.71	1180.14	0.003001	7.62	3601.37	880.98	0.48				
REACH 80	0+72	500 Year	21165.00	1168.42	1182.76	1180.81	0.003000	8.28	4588.65	1003.87	0.49				
REACH 80	0+72	100 Year	9738.00	1166.94	1181.08	1180.98	0.003149	10.26	1880.14	753.67	0.64				
REACH 80	0+72	50 Year	13605.00	1166.94	1181.98	1181.71	0.003062	10.88	2578.03	806.27	0.65				
REACH 80	0+72	100 Year	15544.00	1166.94	1182.39	1181.93	0.003007	11.12	2918.85	844.50	0.65				
REACH 80	0+72	500 Year	21165.00	1166.94	1183.46	1182.71	0.002834	11.61	3867.61	930.40	0.64				
REACH 80	0+72	100 Year	9738.00	1167.46	1181.76		0.002353	9.12	2156.80	767.21	0.56				
REACH 80	0+72	50 Year	13605.00	1167.46	1182.52		0.002848	10.26	2752.95	827.14	0.60				
REACH 80	0+72	100 Year	15544.00	1167.46	1182.91		0.002651	10.57	3085.25	862.11	0.61				
REACH 80	0+72	500 Year	21165.00	1167.46	1183.90		0.002647	11.29	3978.08	938.21	0.62				
REACH 80	0+72	100 Year	9738.00	1167.61	1181.78		0.004321	9.17	2052.36	762.17	0.57				
REACH 80	0+72	50 Year	13605.00	1167.61	1182.67		0.004252	9.76	2758.62	827.74	0.57				
REACH 80	0+72	100 Year	15544.00	1167.61	1183.09		0.004170	9.96	3109.08	884.58	0.57				
REACH 80	0+72	500 Year	21165.00	1167.61	1184.11		0.004024	10.48	4037.20	942.26	0.57				
REACH 80	0+72	100 Year	9738.00	1167.96	1181.98		0.004909	9.65	1938.42	756.64	0.60				
REACH 80	0+72	50 Year	13605.00	1167.96	1182.88		0.004714	10.16	2640.70	814.98	0.60				
REACH 80	0+72	100 Year	15544.00	1167.96	1183.29		0.004605	10.36	2983.48	851.55	0.60				
REACH 80	0+72	500 Year	21165.00	1167.96	1184.31		0.004416	10.87	3894.62	932.45	0.60				
REACH 80	0+72	100 Year	9738.00	1172.30	1185.13		0.002646	7.72	2007.22	565.31	0.47				
REACH 80	0+72	50 Year	13605.00	1172.30	1186.01		0.003067	8.88	2514.47	592.03	0.51				
REACH 80	0+72	100 Year	15544.00	1172.30	1186.39		0.003247	9.39	2742.72	606.13	0.53				
REACH 80	0+72	500 Year	21165.00	1172.30	1187.39		0.003611	10.57	3376.37	656.67	0.57				
REACH 80	0+72	100 Year	9738.00	1172.30	1185.31		0.002375	7.42	2106.22	570.62	0.45				
REACH 80	0+72	50 Year	13605.00	1172.30	1186.22		0.002725	8.50	2641.20	598.52	0.49				
REACH 80	0+72	100 Year	15544.00	1172.30	1186.62		0.002876	8.98	2883.18	618.38	0.50				
REACH 80	0+72	500 Year	21165.00	1172.30	1187.66		0.003178	10.08	3554.30	669.59	0.54				
REACH 80	0+72	100 Year	9738.00	1172.30	1185.45	1183.77	0.002174	7.18	2189.08	575.03	0.43				

[illegible]

[illegible]

Mud Creek Final MUD CREEK - Revised FIS w/norm. dp 5/20/99

Geom: EXISTING MUD Flow: REVISED FIS-normal depth 0.003



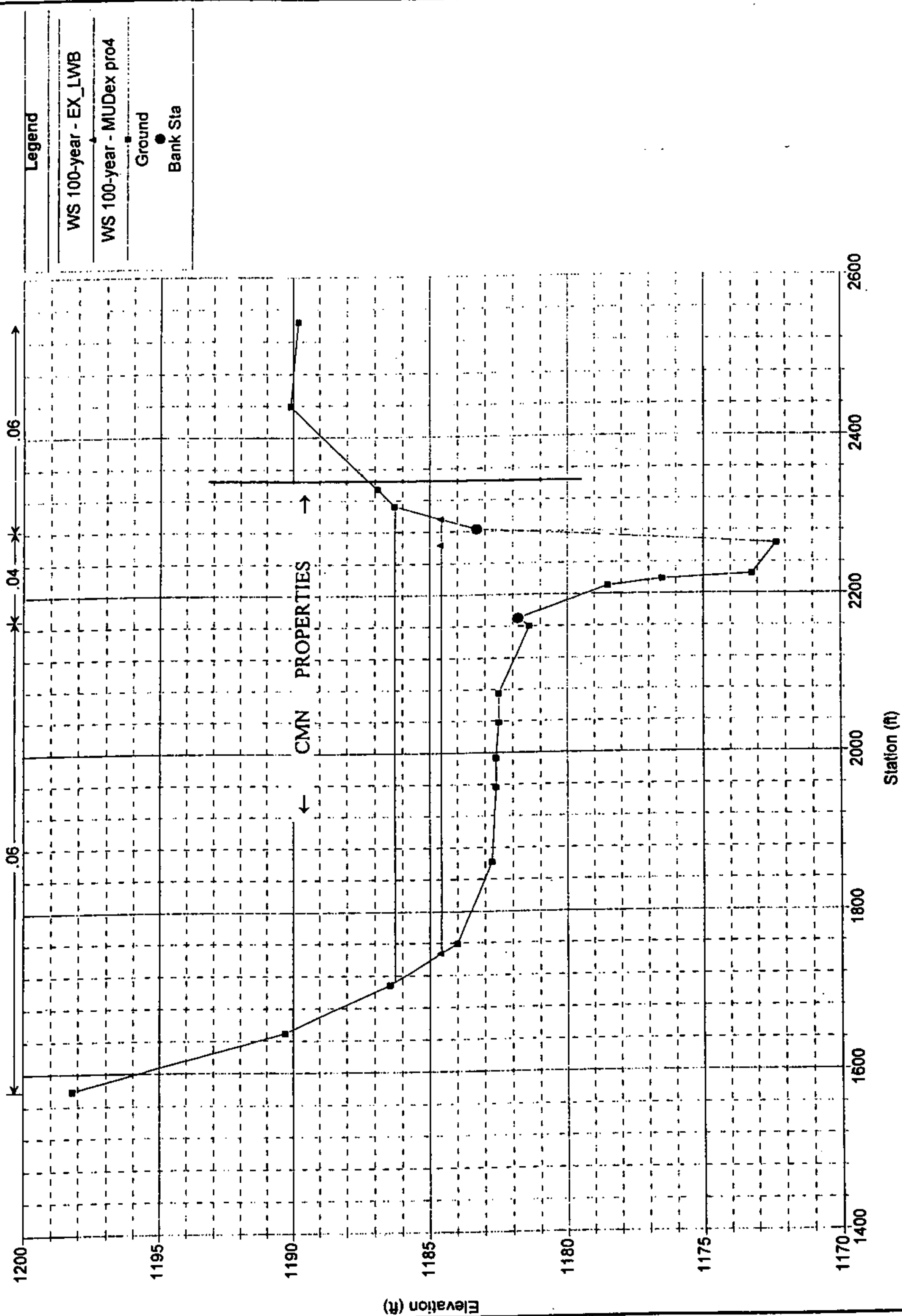
APPENDIX D

PLAN: MUD CR – Rev. FIS/Steele&Mall brdgs

(Effective Existing Conditions Model)

- **HEC-RAS Output table**
- **HEC-RAS Plotted Profile**

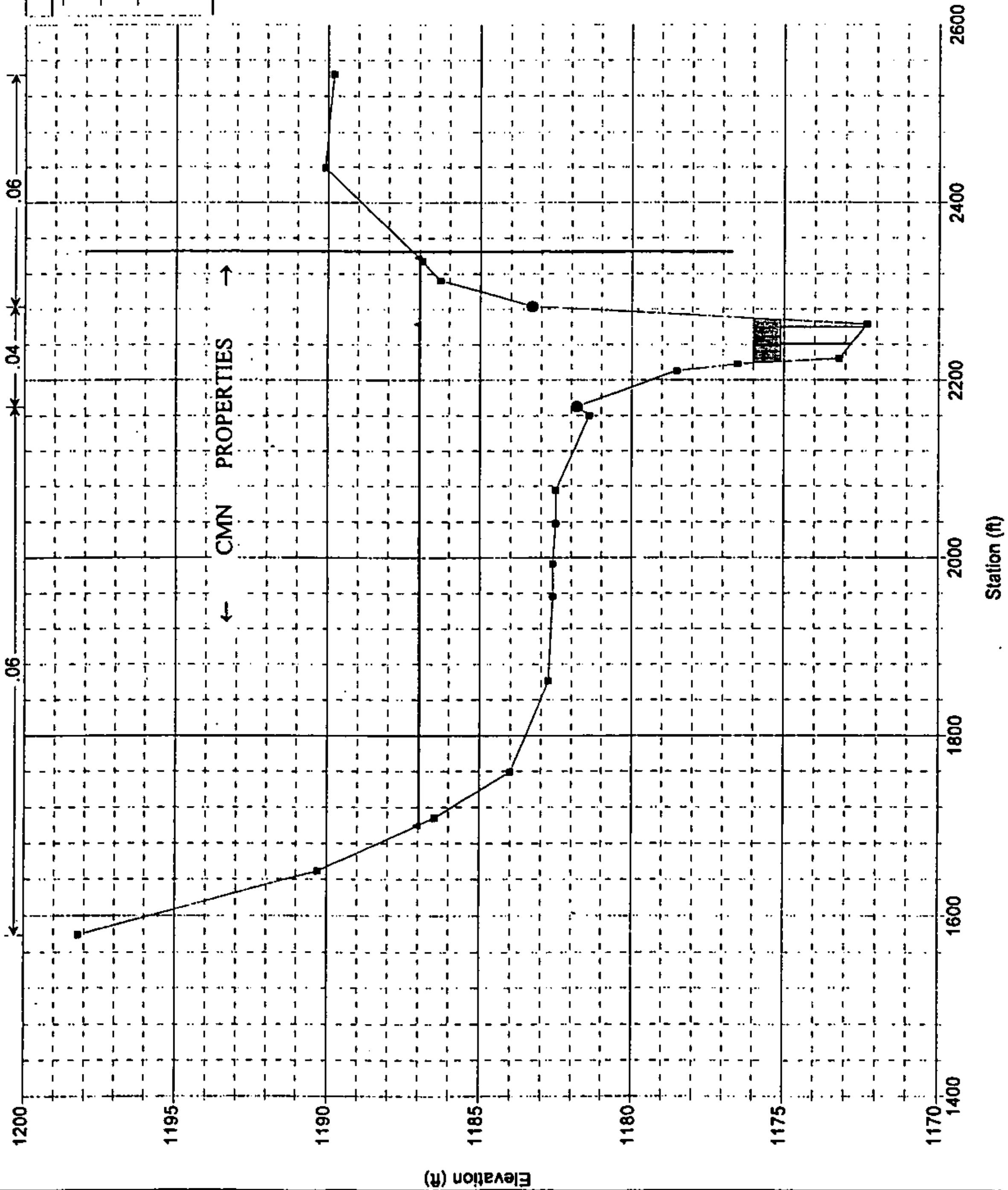
Mud Creek Final 1) EX_LWB 5/20/99 2) MUDex pro4 5/20/99
Geom: MUD EXIST W/PRO Steele /Mail/2/LWB Flow: REVISED FIS
Line B - Upstream of Steele Blvd. RS = 1.011



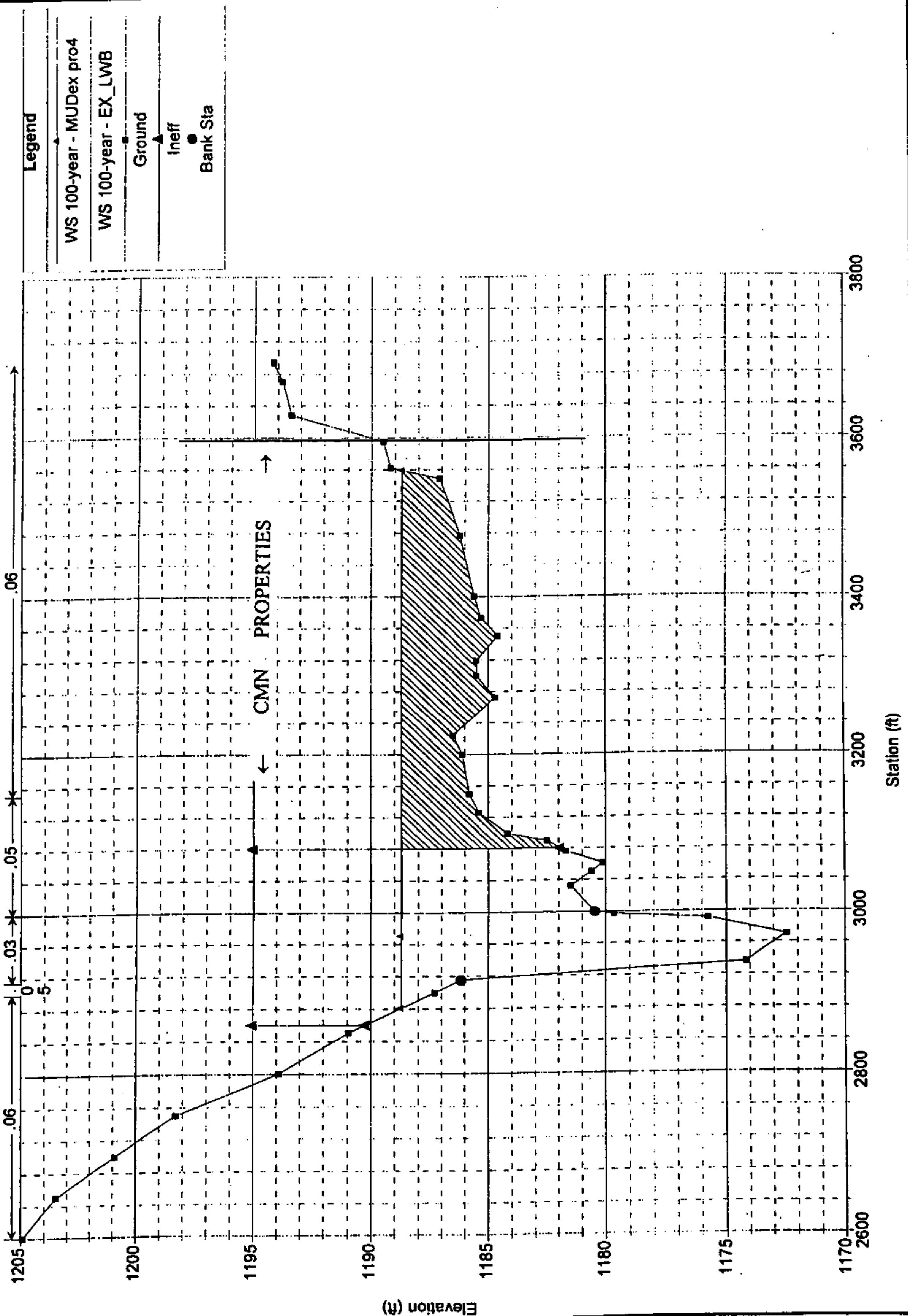
Mud Creek Final 1) EX_LWB 5/20/99 2) MUDex pro4 5/20/99

Geom: MUD EXIST W/PRO Steele /Mail/2/LWB Flow: REVISED FIS

8" sewer crossing. RS = 1.020 BR D



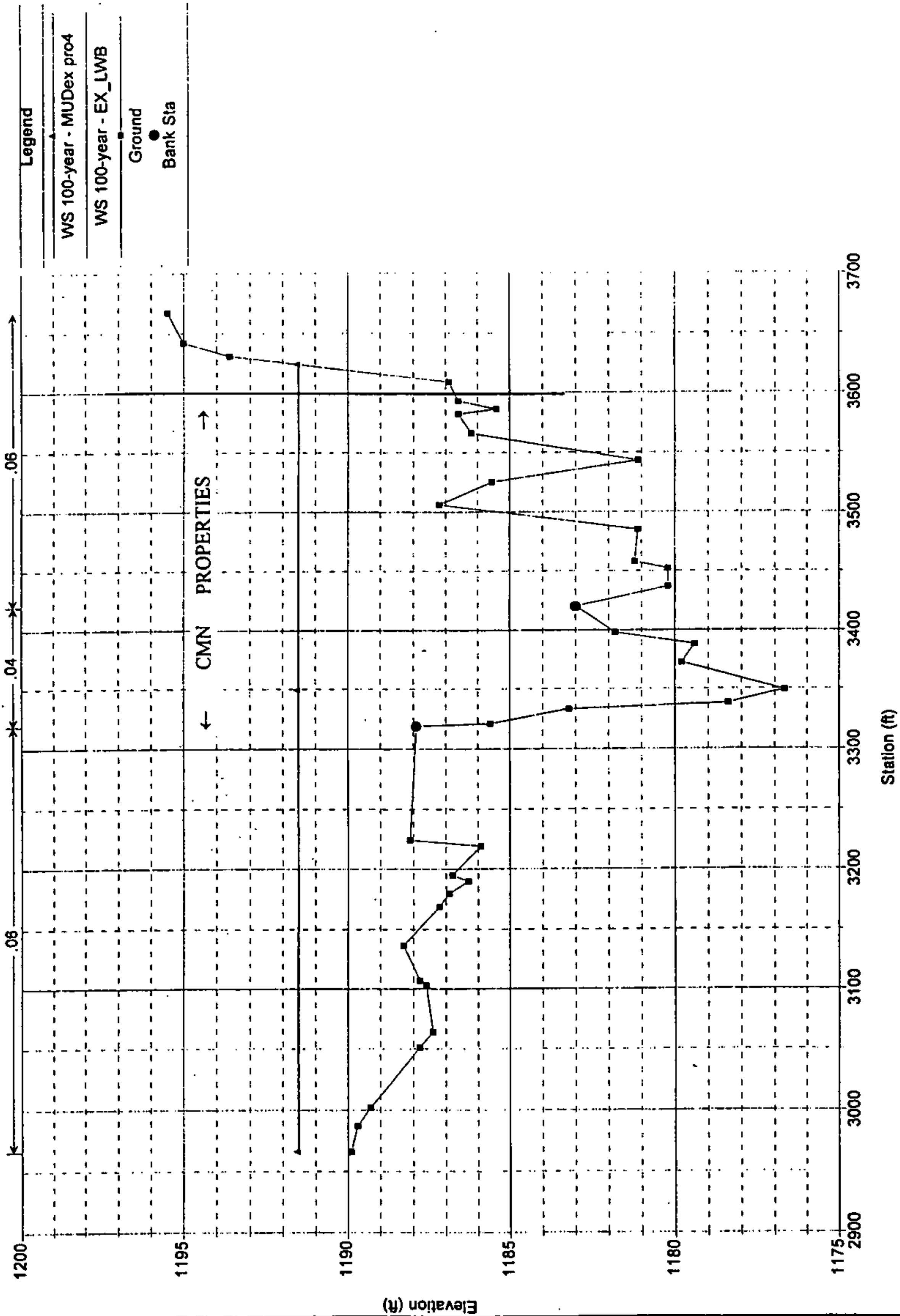
Mud Creek Final 1) EX_LWB 5/20/99 2) MUDex pro4 5/20/99
Geom: MUD EXIST W/PRO Steele /Mail/2/LWB Flow: REVISED FIS
Downstream of Mail Ave. RS = 1.246

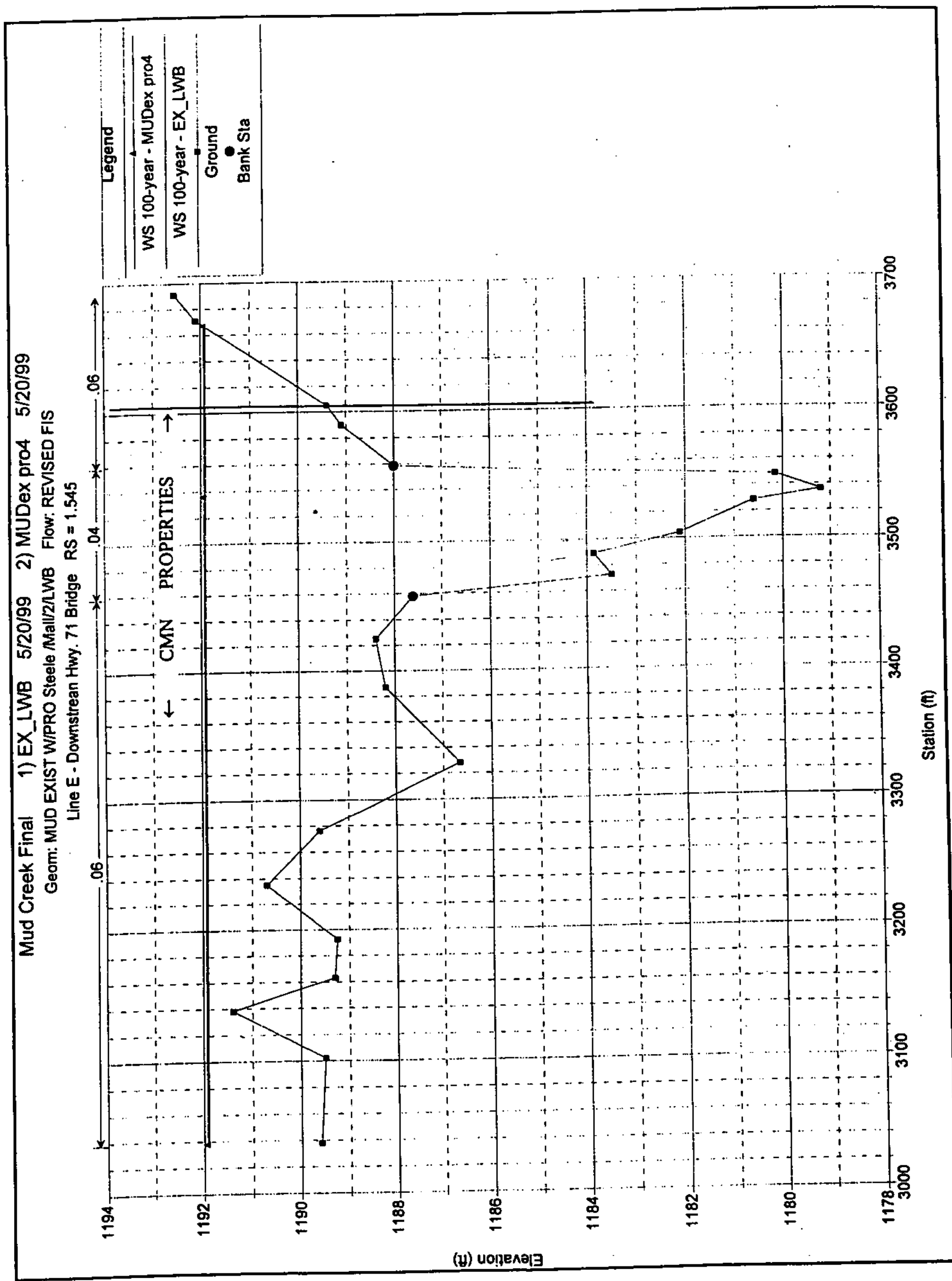


Mud Creek Final 1) EX_LWB 5/20/99 2) MUDex pro4 5/20/99

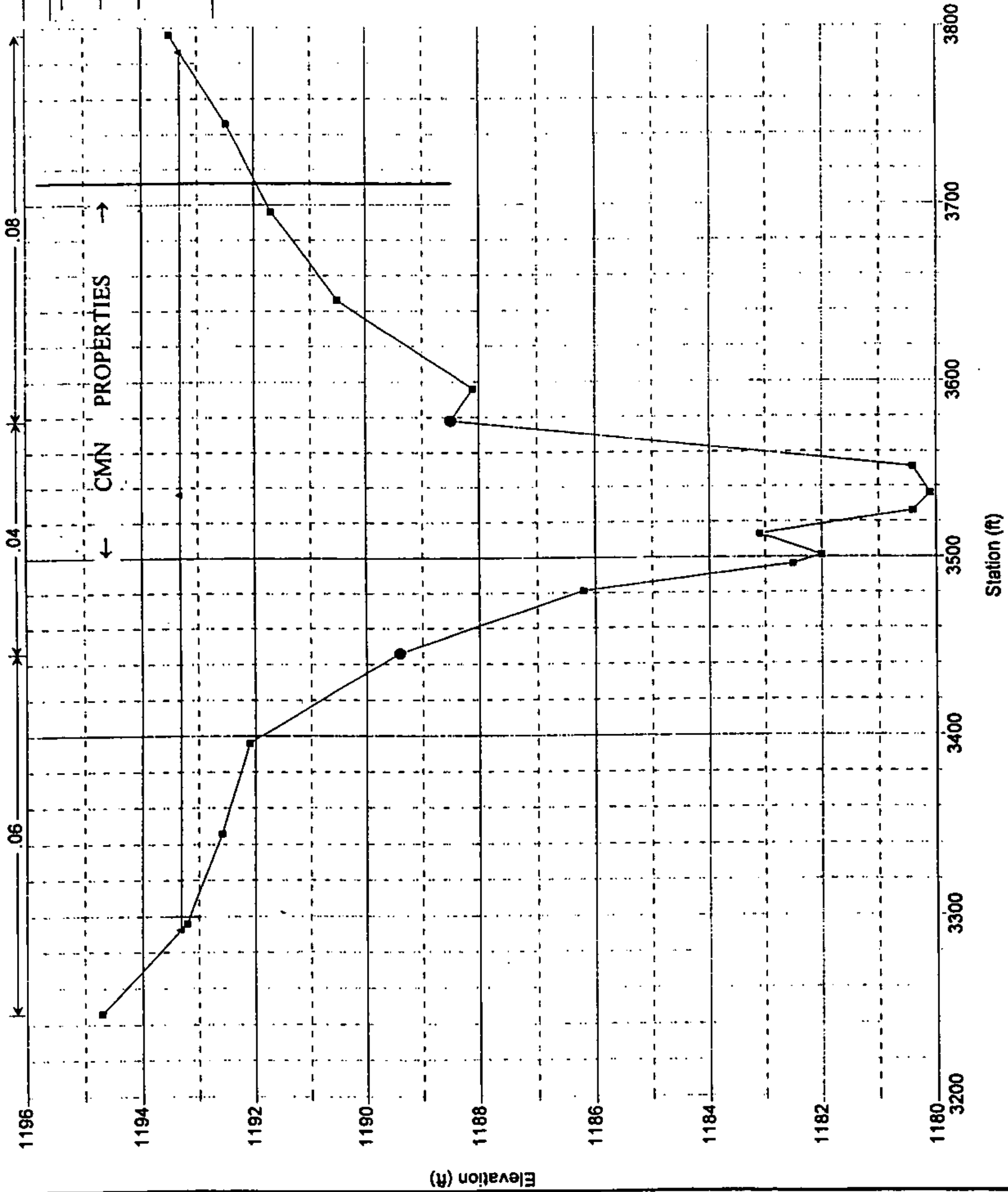
Geom: MUD EXIST W/PRO Steele /Mail/2/LWB Flow: REVISED FIS

Line D - Upstream of Mall Ave. RS = 1.448





Mud Creek Final 1) EX_LWB 5/20/99 2) MUDex pro4 5/20/99
Geom: MUD EXIST W/PRO Steele /Mail/2/LWB Flow: REVISED FIS
100' D.S. OF CL OF D.S. HWY 71 BRIDGE RS = 1.617



APPENDIX F

PLAN: LVEFLDWY-steele-210-mall-180-REV **(Floodway Analysis)**

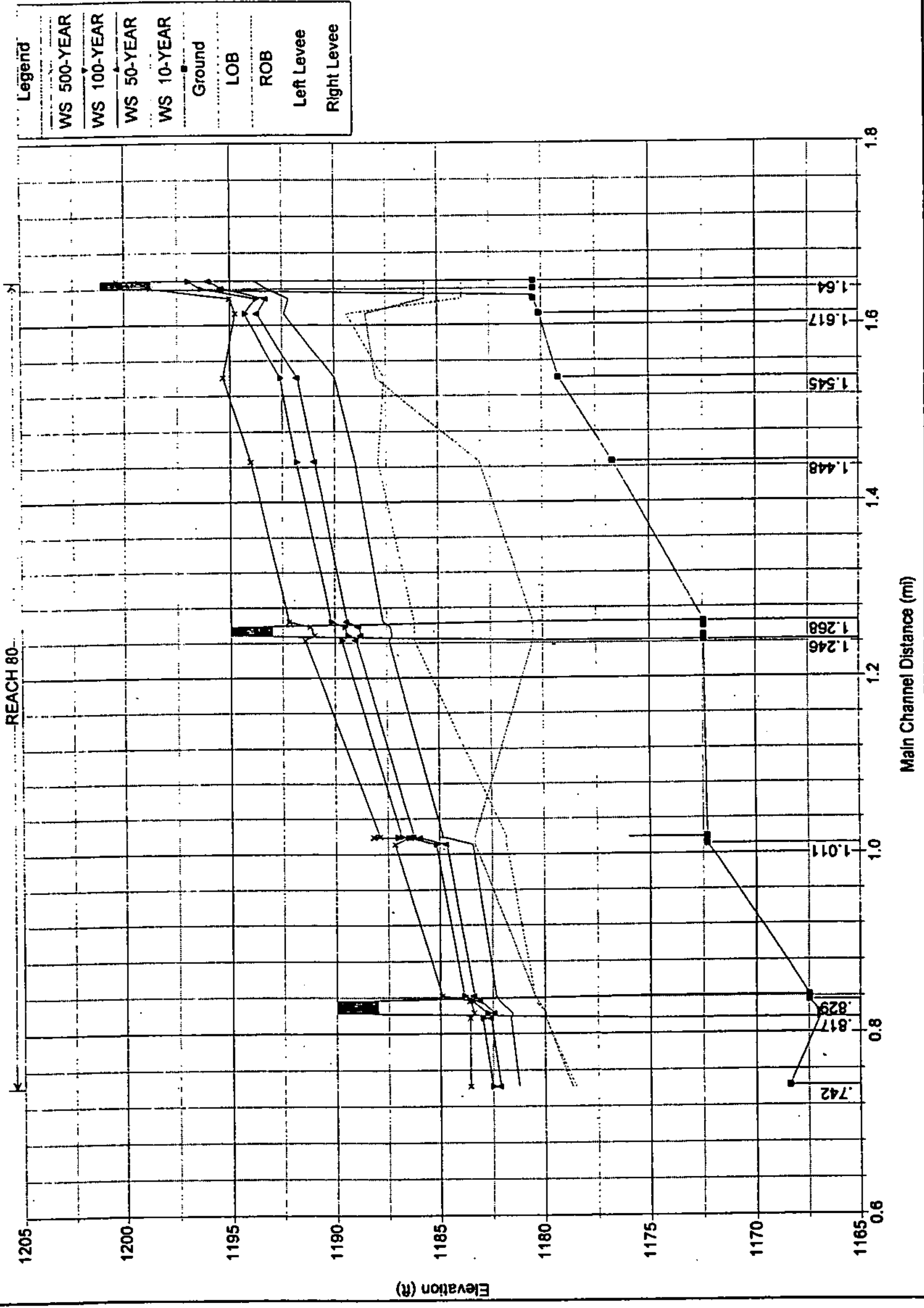
- **HEC-RAS Output table**
- **HEC-RAS Plotted Profile**
- **HEC-RAS Output Comparison table**
Floodway vs. Effective Existing
Conditions
- **HEC-RAS Plotted Profile**
Floodway vs. Effective Existing
Conditions
- **Floodway Layout Drawing**

HEC-RAS Plan: LVEFLOWY River: MUD CREEK Reach: REACH 80

REACH	72P	74P	76P	78P	80P	82P	84P	86P	88P	90P	92P	94P	96P	98P	100P	102P	104P	106P	108P	110P	112P	114P	116P	118P	120P	122P	124P	126P	128P	130P	132P	134P	136P	138P	140P	142P	144P	146P	148P	150P	152P	154P	156P	158P	160P	162P	164P	166P	168P	170P	172P	174P	176P	178P	180P	182P	184P	186P	188P	190P	192P	194P	196P	198P	200P	202P	204P	206P	208P	210P	212P	214P	216P	218P	220P	222P	224P	226P	228P	230P	232P	234P	236P	238P	240P	242P	244P	246P	248P	250P	252P	254P	256P	258P	260P	262P	264P	266P	268P	270P	272P	274P	276P	278P	280P	282P	284P	286P	288P	290P	292P	294P	296P	298P	300P	302P	304P	306P	308P	310P	312P	314P	316P	318P	320P	322P	324P	326P	328P	330P	332P	334P	336P	338P	340P	342P	344P	346P	348P	350P	352P	354P	356P	358P	360P	362P	364P	366P	368P	370P	372P	374P	376P	378P	380P	382P	384P	386P	388P	390P	392P	394P	396P	398P	400P	402P	404P	406P	408P	410P	412P	414P	416P	418P	420P	422P	424P	426P	428P	430P	432P	434P	436P	438P	440P	442P	444P	446P	448P	450P	452P	454P	456P	458P	460P	462P	464P	466P	468P	470P	472P	474P	476P	478P	480P	482P	484P	486P	488P	490P	492P	494P	496P	498P	500P	502P	504P	506P	508P	510P	512P	514P	516P	518P	520P	522P	524P	526P	528P	530P	532P	534P	536P	538P	540P	542P	544P	546P	548P	550P	552P	554P	556P	558P	560P	562P	564P	566P	568P	570P	572P	574P	576P	578P	580P	582P	584P	586P	588P	590P	592P	594P	596P	598P	600P	602P	604P	606P	608P	610P	612P	614P	616P	618P	620P	622P	624P	626P	628P	630P	632P	634P	636P	638P	640P	642P	644P	646P	648P	650P	652P	654P	656P	658P	660P	662P	664P	666P	668P	670P	672P	674P	676P	678P	680P	682P	684P	686P	688P	690P	692P	694P	696P	698P	700P	702P	704P	706P	708P	710P	712P	714P	716P	718P	720P	722P	724P	726P	728P	730P	732P	734P	736P	738P	740P	742P	744P	746P	748P	750P	752P	754P	756P	758P	760P	762P	764P	766P	768P	770P	772P	774P	776P	778P	780P	782P	784P	786P	788P	790P	792P	794P	796P	798P	800P	802P	804P	806P	808P	810P	812P	814P	816P	818P	820P	822P	824P	826P	828P	830P	832P	834P	836P	838P	840P	842P	844P	846P	848P	850P	852P	854P	856P	858P	860P	862P	864P	866P	868P	870P	872P	874P	876P	878P	880P	882P	884P	886P	888P	890P	892P	894P	896P	898P	900P	902P	904P	906P	908P	910P	912P	914P	916P	918P	920P	922P	924P	926P	928P	930P	932P	934P	936P	938P	940P	942P	944P	946P	948P	950P	952P	954P	956P	958P	960P	962P	964P	966P	968P	970P	972P	974P	976P	978P	980P	982P	984P	986P	988P	990P	992P	994P	996P	998P	1000P
REACH80	72P	74P	76P	78P	80P	82P	84P	86P	88P	90P	92P	94P	96P	98P	100P	102P	104P	106P	108P	110P	112P	114P	116P	118P	120P	122P	124P	126P	128P	130P	132P	134P	136P	138P	140P	142P	144P	146P	148P	150P	152P	154P	156P	158P	160P	162P	164P	166P	168P	170P	172P	174P	176P	178P	180P	182P	184P	186P	188P	190P	192P	194P	196P	198P	200P	202P	204P	206P	208P	210P	212P	214P	216P	218P	220P	222P	224P	226P	228P	230P	232P	234P	236P	238P	240P	242P	244P	246P	248P	250P	252P	254P	256P	258P	260P	262P	264P	266P	268P	270P	272P	274P	276P	278P	280P	282P	284P	286P	288P	290P	292P	294P	296P	298P	300P	302P	304P	306P	308P	310P	312P	314P	316P	318P	320P	322P	324P	326P	328P	330P	332P	334P	336P	338P	340P	342P	344P	346P	348P	350P	352P	354P	356P	358P	360P	362P	364P	366P	368P	370P	372P	374P	376P	378P	380P	382P	384P	386P	388P	390P	392P	394P	396P	398P	400P	402P	404P	406P	408P	410P	412P	414P	416P	418P	420P	422P	424P	426P	428P	430P	432P	434P	436P	438P	440P	442P	444P	446P	448P	450P	452P	454P	456P	458P	460P	462P	464P	466P	468P	470P	472P	474P	476P	478P	480P	482P	484P	486P	488P	490P	492P	494P	496P	498P	500P	502P	504P	506P	508P	510P	512P	514P	516P	518P	520P	522P	524P	526P	528P	530P	532P	534P	536P	538P	540P	542P	544P	546P	548P	550P	552P	554P	556P	558P	560P	562P	564P	566P	568P	570P	572P	574P	576P	578P	580P	582P	584P	586P	588P	590P	592P	594P	596P	598P	600P	602P	604P	606P	608P	610P	612P	614P	616P	618P	620P	622P	624P	626P	628P	630P	632P	634P	636P	638P	640P	642P	644P	646P	648P	650P	652P	654P	656P	658P	660P	662P	664P	666P	668P	670P	672P	674P	676P	678P	680P	682P	684P	686P	688P	690P	692P	694P	696P	698P	700P	702P	704P	706P	708P	710P	712P	714P	716P	718P	720P	722P	724P	726P	728P	730P	732P	734P	736P	738P	740P	742P	744P	746P	748P	750P	752P	754P	756P	758P	760P	762P	764P	766P	768P	770P	772P	774P	776P	778P	780P	782P	784P	786P	788P	790P	792P	794P	796P	798P	800P	802P	804P	806P	808P	810P	812P	814P	816P	818P	820P	822P	824P	826P	828P	830P	832P	834P	836P	838P	840P	842P	844P	846P	848P	850P	852P	854P	856P	858P	860P	862P	864P	866P	868P	870P	872P	874P	876P	878P	880P	882P	884P	886P	888P	890P	892P	894P	896P	898P	900P	902P	904P	906P	908P	910P	912P	914P	916P	918P	920P	922P	924P	926P	928P	930P	932P	934P	936P	938P	940P	942P	944P	946P	948P	950P	952P	954P	956P	958P	960P	962P	964P	966P	968P	970P	972P	974P	976P	978P	980P	982P	984P	986P	988P	990P	992P	994P	996P	998P	1000P
REACH80	72P	74P	76P	78P	80P	82P	84P	86P	88P	90P	92P	94P	96P	98P	100P	102P	104P	106P	108P	110P	112P	114P	116P	118P	120P	122P	124P	126P	128P	130P	132P	134P	136P	138P	140P	142P	144P	146P	148P	150P	152P	154P	156P	158P	160P	162P	164P	166P	168P	170P	172P	174P	176P	178P	180P	182P	184P	186P	188P	190P	192P	194P	196P	198P	200P	202P	204P	206P	208P	210P	212P	214P	216P	218P	220P	222P	224P	226P	228P	230P	232P	234P	236P	238P	240P	242P	244P	246P	248P	250P	252P	254P	256P	258P	260P	262P	264P	266P	268P	270P	272P	274P	276P	278P	280P	282P	284P	286P	288P	290P	292P	294P	296P	298P	300P	302P	304P	306P	308P	310P	312P	314P	316P	318P	320P	322P	324P	326P	328P	330P	332P	334P	336P	338P	340P	342P	344P	346P	348P	350P	352P	354P	356P	358P	360P	362P	364P	366P	368P	370P	372P	374P	376P	378P	380P	382P	384P	386P	388P	390P	392P	394P	396P	398P	400P	402P	404P	406P	408P	410P	412P	414P	416P	418P	420P	422P	424P	426P	428P	430P	432P	434P	436P	438P	440P	442P	444P	446P	448P	450P	452P	454P	456P	458P	460P	462P	464P	466P	468P	470P	472P	474P	476P	478P	480P	482P	484P	486P	488P	490P	492P	494P	496P	498P	500P	502P	504P	506P	508P	510P	512P	514P	516P	518P	520P	522P	524P	526P	528P	530P	532P	534P	536P	538P	540P	542P	544P	546P	548P	550P	552P	554P	556P	558P	560P	562P	564P	566P	568P	570P	572P	574P	576P	578P	580P	582P	584P	586P	588P	590P	592P	594P	596P	598P	600P	602P	604P	606P	608P	610P	612P	614P	616P	618P	620P	622P	624P	626P	628P	630P	632P	634P	636P	638P	640P	642P	644P	646P	648P	650P	652P	654P	656P	658P	660P	662P	664P	666P	668P	670P	672P	674P	676P	678P	680P	682P	684P	686P	688P	690P	692P	694P	696P	698P	700P	702P	704P	706P	708P	710P	712P	714P	716P	718P	720P	722P	724P	726P	728P	730P	732P	734P	736P	738P	740P	742P	744P	746P	748P	750P	752P	754P	756P	758P	760P	762P	764P	766P	768P	770P	772P	774P	776P	778P	780P	782P	784P	786P	788P	790P	792P	794P	796P	798P	800P	802P	804P	806P	808P	810P	812P	814P	816P	818P	820P	822P	824P	826P	828P	830P	832P	834P	836P	838P	840P	842P	844P	846P	848P	850P	852P	854P	856P	858P	860P	862P	864P	866P	868P	870P	872P	874P	876P	878P	880P	882P	884P	886P	888P	890P	892P	894P	896P	898P	900P	902P	904P	906P	908P	910P	912P	914P	916P	918P	920P	922P	924P	926P	928P	930P	932P	934P	936P	938P	940P	942P	944P	946P	948P	950P	952P	954P	956P	958P	960P	962P	9																		

Reach	River Sta	Profile	Original (ft)	Minor Elev (ft)	WS Elev (ft)	CRW/S (ft)	100 Year Elev (ft)	(ft)	(ft)	100 Year Width (ft)	Foundation Ch	
REACH180	1288	100 YEAR	9080.00	1172.45	1187.69	1182.98	1188.40	0.000871	7.37	1548.68	231.17	0.38
REACH180	1288	50 YEAR	12707.00	1172.45	1189.41	1184.56	1190.39	0.001010	8.68	1874.25	240.00	0.41
REACH180	1288	100 YEAR	14526.00	1172.45	1190.18	1185.23	1191.28	0.001069	9.26	2020.36	240.00	0.43
REACH180	1288	500 YEAR	19688.00	1172.45	1192.18	1186.82	1193.59	0.001178	10.60	2483.33	781.00	0.46
REACH180	1246	100 YEAR	9080.00	1176.70	1189.01	1185.40	1189.63	0.002294	7.21	1628.20	240.00	0.44
REACH180	1246	50 YEAR	12707.00	1176.70	1190.96	1186.64	1191.69	0.002085	7.89	2095.60	240.00	0.43
REACH180	1246	100 YEAR	14526.00	1176.70	1191.83	1186.80	1192.62	0.002033	8.22	2303.93	240.00	0.43
REACH180	1246	500 YEAR	19688.00	1176.70	1194.03	1188.61	1194.98	0.001965	9.09	2831.74	240.00	0.44
REACH180	1135	100 YEAR	9080.00	1179.20	1189.98	1189.46	1191.75	0.006476	11.13	1005.20	240.00	0.72
REACH180	1135	50 YEAR	12707.00	1179.20	1191.77	1190.69	1193.53	0.005158	11.47	1435.13	240.00	0.67
REACH180	1135	100 YEAR	14526.00	1179.20	1192.60	1191.22	1194.36	0.004732	11.63	1633.80	240.00	0.65
REACH180	1135	500 YEAR	19688.00	1179.20	1195.33	1192.29	1195.84	0.001448	7.55	4589.01	653.00	0.37
REACH180	1117	100 YEAR	9080.00	1180.10	1192.40	1189.30	1193.38	0.002799	8.03	1196.73	160.00	0.49
REACH180	1117	50 YEAR	12707.00	1180.10	1193.70	1190.67	1195.11	0.003337	9.65	1405.68	160.00	0.55
REACH180	1117	100 YEAR	14526.00	1180.10	1194.30	1191.28	1195.92	0.003558	10.37	1500.66	160.00	0.57
REACH180	1117	500 YEAR	19688.00	1180.10	1194.74	1192.79	1197.47	0.005664	13.45	1571.16	160.00	0.72
REACH180	1130	100 YEAR	9080.00	1180.38	1192.17	1190.63	1194.27	0.005555	13.13	889.84	123.03	0.70
REACH180	1130	50 YEAR	12707.00	1180.38	1193.27	1192.42	1196.37	0.007353	16.11	1029.78	130.54	0.82
REACH180	1130	100 YEAR	14526.00	1180.38	1193.77	1193.34	1197.34	0.008116	17.39	1094.82	132.65	0.87
REACH180	1130	500 YEAR	19688.00	1180.38	1195.00	1195.00	1199.86	0.009893	20.45	1258.95	134.66	0.98
REACH180	1132		Bridge									
REACH180	1130	100 YEAR	9080.00	1180.38	1193.63	1190.63	1195.20	0.003099	10.78	1103.45	132.75	0.54
REACH180	1130	500 YEAR	12707.00	1180.38	1195.98	1192.42	1197.62	0.003063	11.92	1391.10	136.26	0.55
REACH180	1130	100 YEAR	14526.00	1180.38	1196.98	1193.34	1198.73	0.003034	12.39	1525.68	137.88	0.55
REACH180	1130	500 YEAR	19688.00	1180.38	1200.36	1195.28	1202.27	0.002614	13.11	2011.53	148.00	0.53

Mud Creek Final LVEFLDWY-steel-210-mall-180-REV 5/26/99
Geom: MUD LVEFLDWY W/PRO Steele Brgd /Mall/2 Flow: REVISED FIS computed SWSEL's

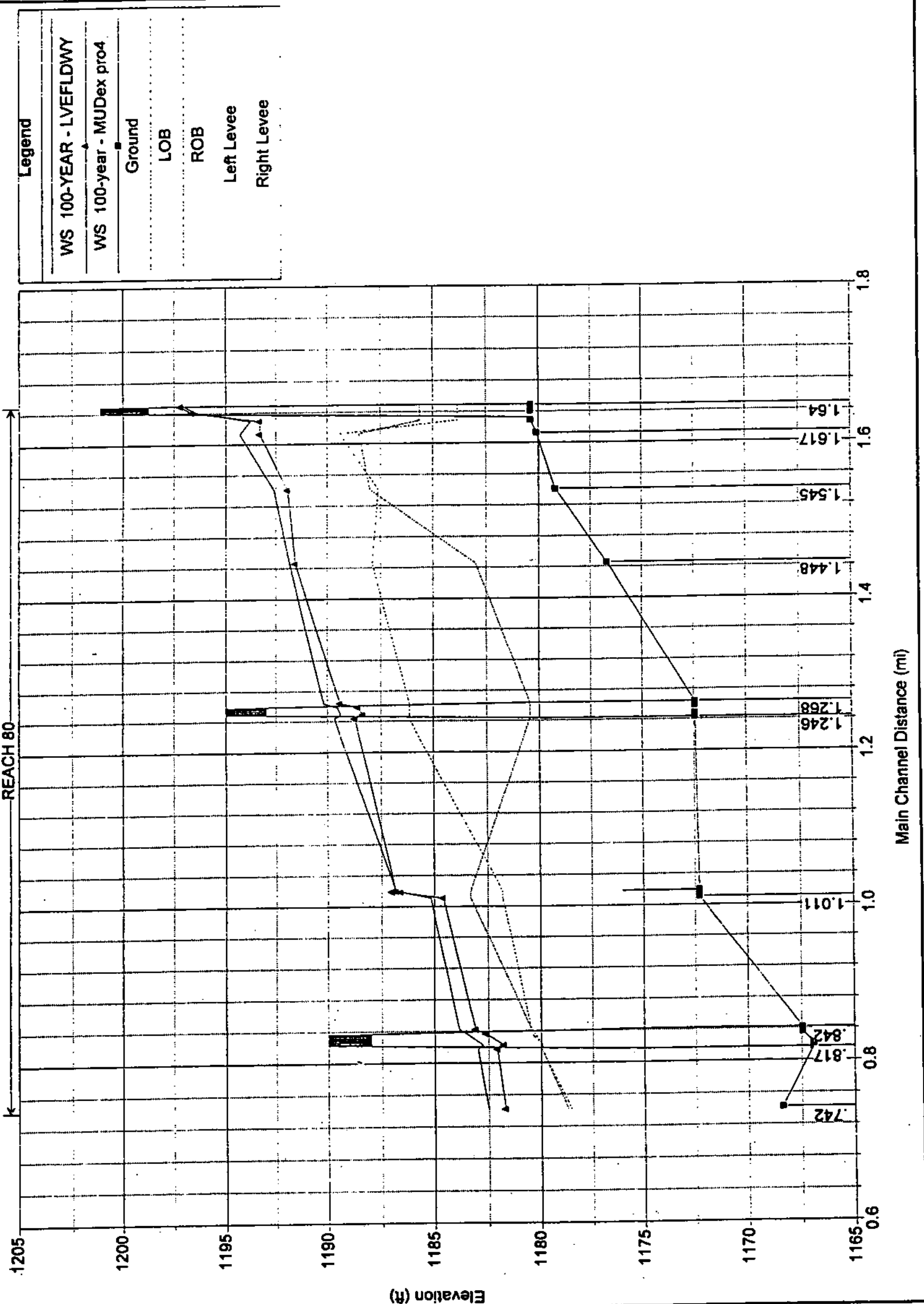


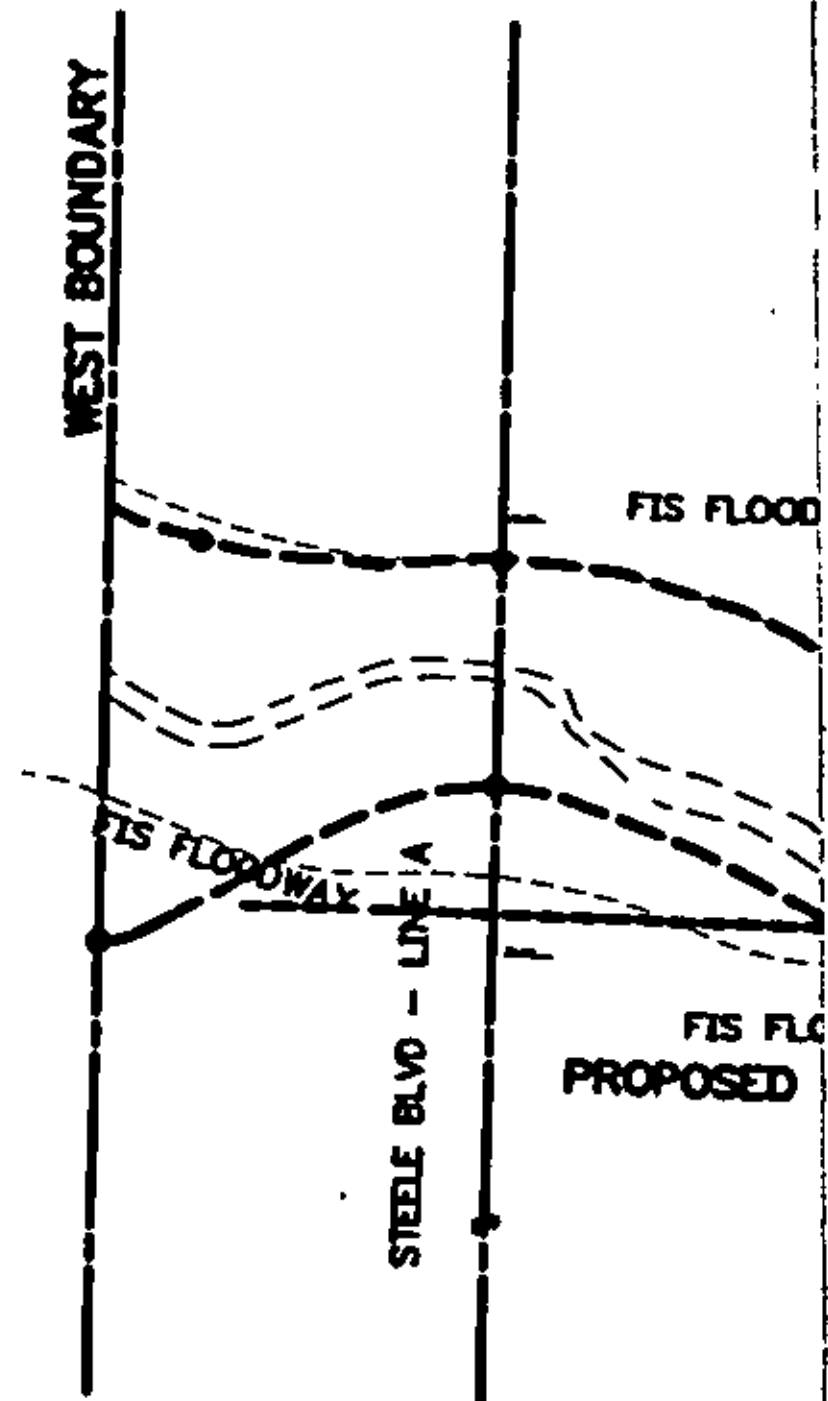
MFC-RAS River, MUD CREEK Reach: REACH 80

[illegible]

[illegible]

Mud Creek 1) LVEFLDWY 5/26/99 2) MUDex pro4 5/20/99
Geom: MUD LVEFLDWY WPRO Steele Brgd /Mail/2 Flow: REVISED FIS computed SWSEL's





CHRYSLER CREDIT CORP. 10000
STEELE BLVD., OVERLAND PARK, MO. 66204

FLOORING LAYOUT

Sheet
reference
number:

X-000
Sheet 1 of 2

**ROSCOR, INC. & MARJAN S. BROSCH
FRYETTEVILLE
ARIZONA**

QUINCY ENGINEERS
1810 Gallary St.
Little Rock, Arkansas

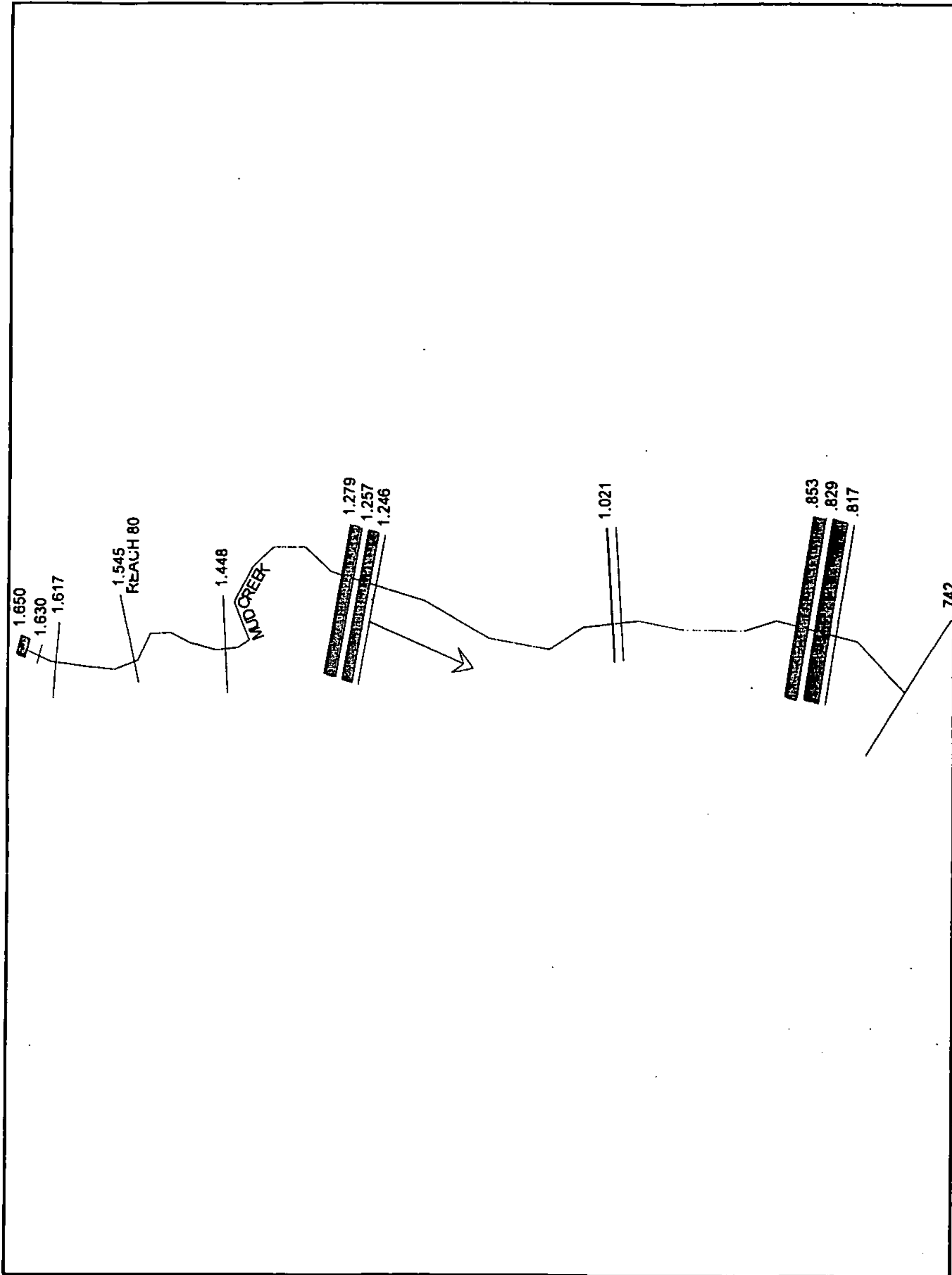
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1001

APPENDIX G

MUD CREEK PROJECT FILES

- **Project Summary**
- **HEC-RAS Project Files (Diskette)**



Project: mud.prj

Project Title: Mud Creek

Project Directory: a:\

Project Plans

Plan : (current)

Title: MUD CREEK - Original FIS

Short ID: mudex

File: a:\mud.p01

Geometry:

Title:EXISTING MUD

File:a:\mud.g07

Flow:

Title:ORIGINAL FIS

File:a:\mud.f02

Plan

Title: LVEFLDWY-steele-210-mall-180-REV

Short ID: LVEFLDWY

File: a:\mud.p15

Geometry:

Title:MUD LVEFLDWY W/PRO Steele Brdg /Mall/2

File:a:\mud.g14

Flow:

Title:REVISED FIS computed SWSEL's

File:a:\mud.f07

Plan

Title: method1-steele-210-mall-180-REV

Short ID: meth 1WB1R

File: a:\mud.p14

Geometry:

Title:EX MUD FLDWY W/PRO Steele Brdg /Mall/2

File:a:\mud.g08

Flow:

Title:METHOD 1 Rev. Q's

File:a:\mud.f12

Plan

Title: method1-steele-210-mall-180

Short ID: meth 1WB1

File: a:\mud.p06

Geometry:

Title:EX MUD FLDWY W/PRO Steele Brdg /Mall/2

File:a:\mud.g08

Flow:

Title:METHOD 1

File:a:\mud.f14

Plan

Title: MUD CREEK - Revised FIS w/norm. dp

Short ID: MUDnmdr

File: a:\mud.p12

Geometry:

Title:EXISTING MUD

File:a:\mud.g07

Flow:

Title:REVISED FIS-normal depth 0.003

File:a:\mud.f08

Plan

Title: Method 1 Floodway w/Bridges

Short ID: meth 1WB

File: a:\mud.p02

Geometry:

Title:EXIST MUD FLDWY W/Steele-Mall Bridges2

File:a:\mud.g10

Flow:

Title:METHOD 1

File:a:\mud.f14

Plan

Title: MUD CR - Rev. FIS/Steele&Mall brdgs

Short ID: MUDex pro4

File: a:\mud.p21

Geometry:

Title:EX MUD W/PRO Steele Brdg /Mall/2

File:a:\mud.g18

Flow:

Title:REVISED FIS

File:a:\mud.f01

Plan

Title: MUD CR w/Steele-210-mall-180-REV/LWC

Short ID: EX_LWB

File: a:\mud.p22

Geometry:

Title:MUD EXIST W/PRO Steele /Mall/2/LWB

File:a:\mud.g17

Flow:

Title:REVISED FIS

File:a:\mud.f01

Current Plan Statistics

Number of:

Cross Sections = 17

User Input XSs = 17

Interpolated = 0

Culverts = 0

Bridges = 2

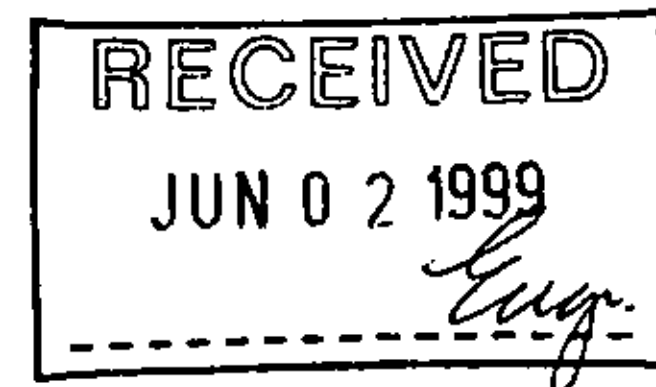
Multitple Openings = 0

Inline Weirs = 0

Miltholland Company
Engineering & Surveying
Melvin L. Miltholland, PE, PLS

REGISTRATIONS:
PE: AR, OK, MO
PLS: AR, OK

May 29, 1999



Mr. Charlie Venable, P.E.
Public Works Director
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Re: Proposed CMN Business Park II
Fayetteville, Arkansas

Dear Mr. Venable:

We are submitting for your records, one copy of the Hydrologic and Hydraulic Report for the proposed bridges across Mud Creek associated with the CMN Business Park II Development. Garver Engineers performed the hydraulic analyses and prepared the subsequent report and supporting documents. Questions regarding the enclosed report should be directed to Mr. Tom Larson of Garver Engineers. His telephone number is (501) 376-3633, Ext. 266 and his e-mail address is atlanson@garverinc.com. This report is also being submitted to the Little Rock District Corps of Engineers for their review.

We are also enclosing a copy of revised layouts for the proposed Steele Boulevard and Mall Avenue bridges. As noted in our letter of May 13, 1999, the contours previously shown on the Mall Avenue layout were two-foot (2') Fayetteville aerial contours. The Mall Avenue bridge layout has been modified to show updated contour information.

The Steele Boulevard layout has been modified to show revised abutment configurations. The abutments were changed from a spread footing to a pile supported abutment due to preliminary geotechnical information obtained. The abutment details for the Steele Boulevard bridge were modified due to the unexpected depth to rock and the cost savings afforded by the change. The abutment change was evaluated by Garver Engineers in the hydraulics model and found to not effect the water surface elevations for the Design and 100-year Flood.

Sincerely yours,

CMN Properties, Inc.


Melvin L. Miltholland, PE/PLS
Consultant

Enclosures

cc: file, CMN, Glynn Fulmer @ Garver Engineers

Engineers

1010 Battery Street
P.O. Box 50
Little Rock, Arkansas 72203-CC50

501-378-3833
FAX 501-378-8042

www.garvernc.com

GARVER ENGINEERS

May 28, 1999

Mr. Mel Milholland, PE/PLS
Milholland Company, Engineering & Surveying
205 West Center Street
Fayetteville, Arkansas 72701

Re: Mud Creek Hydrologic and Hydraulics Report
Proposed CMN Business Park II
Fayetteville, Arkansas

Dear Mel:

We are submitting two copies of revised layouts and the Hydrologic and Hydraulic Report for the proposed bridges across Mud Creek associated with the CMN Business Park II Development. One copy is for your files and one copy is for submittal to Mr. Charlie Venable. Please review and edit as necessary the transmittal letter directed to Charlie Venable sent to you previously via e-mail. Please send us a signed copy of the transmittal letter for our records.

Also please review and edit as necessary the transmittal letter directed to Mr. Ken Lyon of the Regulatory Branch of the Little Rock District, Corps of Engineers sent to you previously via e-mail. Please send the executed letter to us and we will transmit a copy of the referenced report to Mr. Lyon for the Corps' review.

Sincerely yours,
Garver Engineers



Glynn Fulmer, PE
Project Manager

Enclosures

RECEIVED JUN 01 1999

cc: ATL

This is Charlie Venable's copy, City of Fayetteville. It contains a diskette with electronic files that Jim Beavers had requested.
Thanks.

Garver | Engineers

CMN BUSINESS PARK II - STEELE BOULEVARD AND MALL AVENUE BRIDGES OVER MUD CREEK - BID TABULATION

FAYETTEVILLE, ARKANSAS : JULY 6, 1989

PREPARED BY - GARVER ENGINEERS : NANCY INC. & MARJORIE S. BROOKS - OWNER

PAY ITEM NO.	PAY ITEM DESCRIPTION	UNIT	QUANTITY	McCLINTON ANCHOR		MOBLEY CONSTRUCTION		SOUTER CONSTRUCTION	
				UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
I. STEELE BOULEVARD BRIDGE									
1	Site Preparation	LUMP SUM	1	\$ 24,000.00	\$ 24,000.00	\$ 146,035.23	\$ 146,035.23	\$ 65,000.00	\$ 65,000.00
2	Unclassified Excavation	CU. YD.	14,757	\$ 3.55	\$ 52,387.35	\$ 4.36	\$ 64,340.52	\$ 10.00	\$ 147,570.00
3	Bridge Construction Control	LUMP SUM	1	\$ 7,000.00	\$ 7,000.00	\$ 15,121.20	\$ 15,121.20	\$ 17,000.00	\$ 17,000.00
4	Unclassified Excavation for Structures - Bridge	CU. YD.	580	\$ 23.00	\$ 13,340.00	\$ 38.48	\$ 22,318.40	\$ 120.00	\$ 69,600.00
5	Class S Concrete - Bridge	CU. YD.	374	\$ 288.00	\$ 107,712.00	\$ 394.55	\$ 147,561.70	\$ 405.00	\$ 151,470.00
6	Class S(AE) Concrete - Bridge	CU. YD.	490	\$ 325.00	\$ 159,250.00	\$ 343.33	\$ 168,231.70	\$ 390.00	\$ 191,100.00
7	Class 1 Protective Surface Treatment	GALLON	12	\$ 37.00	\$ 444.00	\$ 73.50	\$ 882.00	\$ 30.00	\$ 360.00
8	Reinforcing Steel - Bridge (Grade 60)	LB.	50,000	\$ 0.50	\$ 25,000.00	\$ 0.49	\$ 24,500.00	\$ 0.58	\$ 28,000.00
9	Epoxy Coated Reinforcing Steel (Grade 60)	LB.	111,400	\$ 0.50	\$ 55,700.00	\$ 0.62	\$ 69,068.00	\$ 0.60	\$ 66,840.00
10	Steel Piling (HP 12 x 53)	LIN. FT.	379	\$ 54.00	\$ 20,466.00	\$ 31.98	\$ 12,120.42	\$ 40.00	\$ 15,160.00
11	Structural Steel In Beam Spans (AASHTO M270 Gr. 50W)	LB.	342,600	\$ 0.85	\$ 291,210.00	\$ 0.90	\$ 308,340.00	\$ 1.00	\$ 342,600.00
12	Metal Bridge Railing "Type H"	LIN. FT.	408	\$ 31.00	\$ 12,586.00	\$ 26.48	\$ 10,750.88	\$ 40.00	\$ 16,240.00
13	Elastomeric Bearings	CU. IN.	22,380	\$ 1.80	\$ 40,284.00	\$ 1.84	\$ 41,179.20	\$ 1.05	\$ 23,499.00
14	Closed Cell Joint Filler	LIN. FT.	114	\$ 25.00	\$ 2,850.00	\$ 48.49	\$ 5,527.86	\$ 25.00	\$ 2,850.00
15	Bridge Name Plate (Type C)	EACH	1	\$ 100.00	\$ 100.00	\$ 90.00	\$ 90.00	\$ 175.00	\$ 175.00
16	Filter Blanket	SQ. YD.	6,160	\$ 2.00	\$ 12,320.00	\$ 1.83	\$ 11,272.80	\$ 3.00	\$ 18,480.00
17	Dumped Riprap (Type SP-2)	CU. YD.	3,004	\$ 21.00	\$ 63,084.00	\$ 31.51	\$ 94,656.04	\$ 37.50	\$ 112,650.00
18	Exploratory Holes	LIN. FT.	50	\$ 14.00	\$ 700.00	\$ 17.76	\$ 888.00	\$ 15.00	\$ 750.00
19	Trench And Excavation Safety Systems	LUMP SUM	1	\$ 8,000.00	\$ 8,000.00	\$ 5,133.00	\$ 5,133.00	\$ 10,000.00	\$ 10,000.00
SUBTOTAL STEELE BOULEVARD BRIDGE					\$ 886,433.35		\$ 1,148,016.95		\$ 1,279,344.00
II. MALL AVENUE BRIDGE									
1	Site Preparation	LUMP SUM	1	\$ 19,000.00	\$ 19,000.00	\$ 83,432.00	\$ 83,432.00	\$ 65,000.00	\$ 65,000.00
2	Unclassified Excavation	CU. YD.	695	\$ 8.50	\$ 5,907.50	\$ 7.27	\$ 5,052.65	\$ 20.00	\$ 13,900.00
3	Bridge Construction Control	LUMP SUM	1	\$ 7,000.00	\$ 7,000.00	\$ 16,236.00	\$ 16,236.00	\$ 17,000.00	\$ 17,000.00
4	Unclassified Excavation for Structures - Bridge	CU. YD.	2,950	\$ 11.00	\$ 32,450.00	\$ 20.74	\$ 61,183.00	\$ 30.00	\$ 88,500.00
5	Class S Concrete - Bridge	CU. YD.	957	\$ 242.00	\$ 231,594.00	\$ 314.26	\$ 300,746.82	\$ 405.00	\$ 387,585.00
6	Class S(AE) Concrete - Bridge	CU. YD.	298	\$ 335.00	\$ 99,830.00	\$ 389.96	\$ 116,208.08	\$ 390.00	\$ 116,220.00
7	Class 1 Protective Surface Treatment	GALLON	7	\$ 37.00	\$ 259.00	\$ 108.30	\$ 758.10	\$ 30.00	\$ 210.00
8	Reinforcing Steel - Bridge (Grade 60)	LB.	92,500	\$ 0.47	\$ 43,475.00	\$ 0.51	\$ 47,175.00	\$ 0.58	\$ 51,800.00
9	Epoxy Coated Reinforcing Steel (Grade 60)	LB.	62,400	\$ 0.60	\$ 37,440.00	\$ 0.84	\$ 39,936.00	\$ 0.60	\$ 37,440.00
10	Not Used	LIN. FT.	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11	Structural Steel In Beam Spans (AASHTO M270 Gr. 50W)	LB.	213,400	\$ 0.85	\$ 181,390.00	\$ 0.87	\$ 185,658.00	\$ 1.00	\$ 213,400.00
12	Metal Bridge Railing "Type H"	LIN. FT.	308	\$ 31.00	\$ 9,486.00	\$ 27.06	\$ 8,280.36	\$ 40.00	\$ 12,240.00
13	Elastomeric Bearings	CU. IN.	12,080	\$ 1.85	\$ 22,348.00	\$ 1.99	\$ 24,039.20	\$ 1.05	\$ 12,684.00
14	Closed Cell Joint Filler	LIN. FT.	74	\$ 25.00	\$ 1,850.00	\$ 32.20	\$ 2,382.80	\$ 25.00	\$ 1,850.00
15	Bridge Name Plate (Type C)	EACH	1	\$ 100.00	\$ 100.00	\$ 153.36	\$ 153.36	\$ 175.00	\$ 175.00
16	Filter Blanket	SQ. YD.	424	\$ 2.00	\$ 848.00	\$ 8.62	\$ 3,654.88	\$ 3.00	\$ 1,272.00
17	Dumped Riprap (Type SP-2)	CU. YD.	212	\$ 21.00	\$ 4,452.00	\$ 41.41	\$ 8,778.92	\$ 37.50	\$ 7,950.00
18	Exploratory Holes	LIN. FT.	75	\$ 14.00	\$ 1,050.00	\$ 22.29	\$ 1,671.75	\$ 15.00	\$ 1,125.00
19	Trench And Excavation Safety Systems	LUMP SUM	1	\$ 29,000.00	\$ 29,000.00	\$ 10,988.00	\$ 10,988.00	\$ 15,000.00	\$ 15,000.00
SUBTOTAL MALL AVENUE BRIDGE					\$ 727,479.50		\$ 918,334.92		\$ 1,043,351.00
TOTAL PROJECT					\$ 1,623,912.85		\$ 2,064,351.87		\$ 2,322,695.00
ENGINEER'S OPINION OF PROBABLE COST - TOTAL					\$ 1,831,589.00				

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of May 1, 2001

FROM:

Ed Connell

Name

Engineering

Division

Public Works

Department

ACTION REQUIRED: Passage of an resolution authorizing City Attorney to seek court approval for the fee simple acquisition of ~~0.36~~ acre and the acquisition of 0.168 acre of temporary construction easement in two parcels from Gary E. Tipton and Sarah L. Tipton, H/W, and Conley E. Worley & Virginia Worley, holders of a life estate in conjunction with the Arkansas State Highway and Transportation Department replacement of Double Springs Road Bridge (AHTD Job No. 04152), said lands being located in the SE-SE-10-16-31, Fayetteville, Washington County Arkansas.

COST TO CITY:

\$ AHTD pmt.

Cost of this Request

4470

470-9470-5817.00

Account Number

98036

Project Number

\$

Category/Project Budget

\$

Funds Used To Date

\$

Remaining Balance

Double Springs Rd. Replacem't.
Category/Project Name

Program Name

Fund

BUDGET REVIEW:

☒

Budgeted Item

☐ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Maisha Farthing 4/17/01
Accounting Manager DateNancy Smith 4/17/01
Internal Auditor DateCity Attorney 4/17/01
DateP. Wice 4/17/01
Purchasing Officer Date

ADA Coordinator

Date

STAFF RECOMMENDATION: Staff recommends approval of resolution to seek condemnation by City Attorney.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes ☐ No ☐

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

STAFF REVIEW FORM

Description Tipton/Worley condemnation of ROW & TCE for Owl Creek Bridge Project

Meeting Date 05-01-2001

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor



DEPARTMENTAL CORRESPONDENCE

DATE: April 12, 2001

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
John Maguire, Administrative Services Director
Don Bunn, Assistant Public Works Director
Jim Beavers, City Engineer *Jim Beavers*

FROM: Ed Connell, Land Agent *EDC*

RE: Owl Creek Bridge Replacement
Tract # 2, Worley & Tipton Property
Right of Way Condemnation
AHTD Job No. 040152

Gary and Sarah L. Tipton (H/W) are owners of a 37.52 acre tract of land in the SE-SE-10-16-31. Conley and Virginia Worley are life estate holders of this property. A portion of this land is required for road right of way in conjunction with the Arkansas State Highway and Transportation Department (AHTD) improvement and replacement of the subject bridge project. The total fee simple acquisition, in two locations, from this tract of land is 0.408 acres (see illustration attached). Additionally, two temporary easements (0.168 ac) associated with the road work are also required by the AHTD. These are illustrated in the attached diagram.

Mr. and Mrs. Worley and Mr. and Mrs. Tipton all signed the "Contract to Sell" for the amount of \$10,475. As is normal with all AHTD acquisitions, the department confirms the ownership and proceeds with a deed and easement closing at a date agreeable to all parties. When it came time to set a closing on this acquisition, Mrs. Tipton refused to sign any documentation pending the outcome of a divorce action with Mr. Tipton.

Since the AHTD has already advertized for this project, it is imperative that possession of this tract of land and the associated easements be obtained as quickly as possible. The contract for this project is scheduled to be let on May 16, 2001.

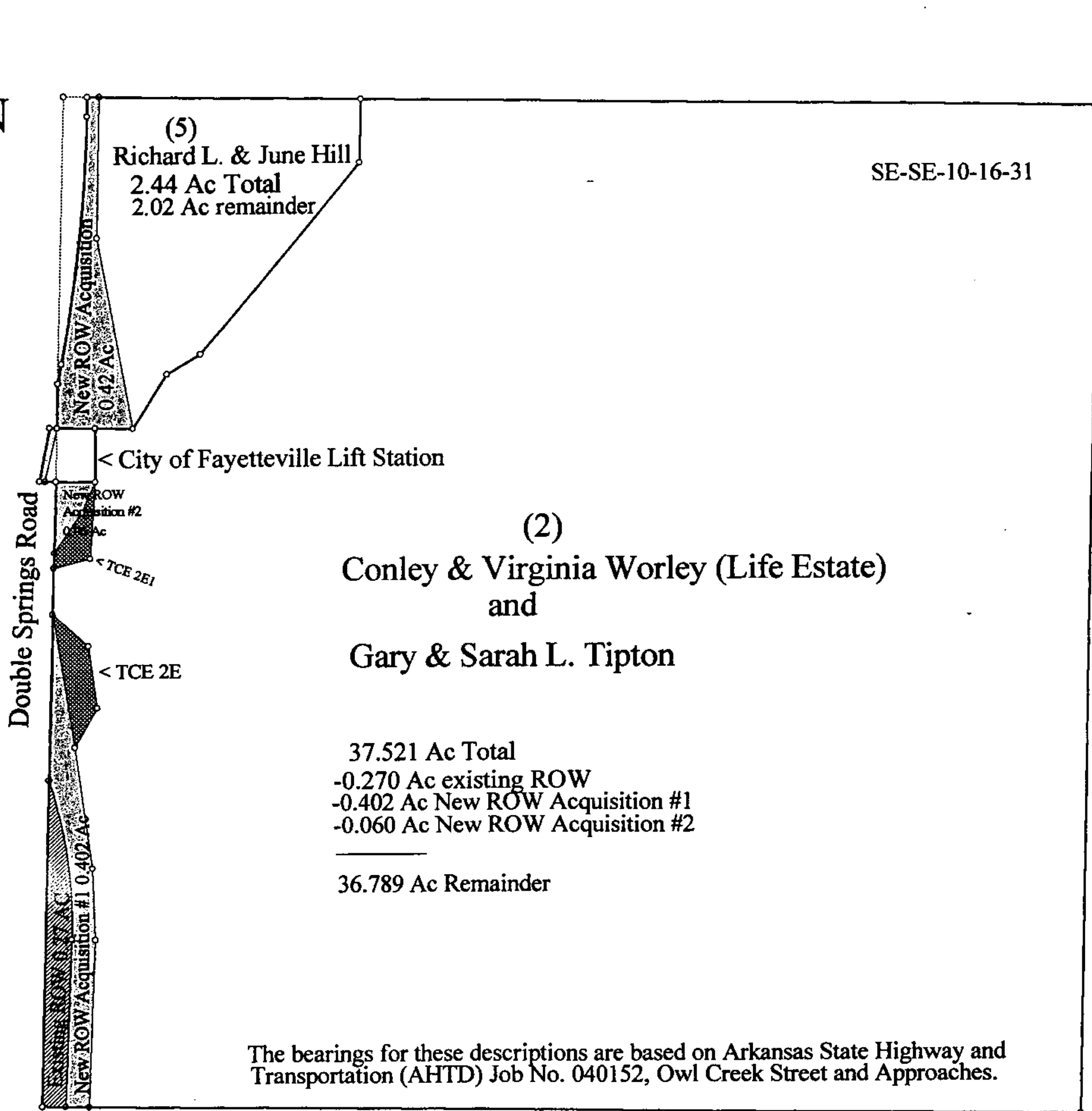
All parties have agreed to the amount of compensation \$10,475.00. Since legal action is pending between the Grantor parties, depositing the proceeds and obtaining possession of the land can best be done through the courts. The AHTD has asked us to approve and obtain this possession as quickly as possible.

Land Owners: Book 2000 , Page 69949

Gary E. Tipton, a married man (Sarah Tipton, spouse)
Conley Eugene Worley & Virginia L. Worley, H/W as Life Estate holders

Address (Conley Eugene & Virginia L. Worley)
6316 Wedington Dr.
Fayetteville, AR 72704 Phone: 442-6962

Attached are descriptions of the easements and land to be acquired in fee simple.



Title: Worley/Tipton Property

Date: 04-16-2001

Scale: 1 inch = 200 feet

File: owlcrk.worley.des

Data and Deed Call Listing of File: wlrk.worley.des

Tract 1: 40.214 Acres: 1751725 Sq Feet: Closure = s30.2400w 0.00 Feet: Precision >1/9999999: Perimeter = 5294 Feet
 Tract 2: 2.441 Acres: 106332 Sq Feet: Closure = s80.2845e 0.01 Feet: Precision =1/217075: Perimeter = 1413 Feet
 Tract 3: 0.419 Acres: 18272 Sq Feet: Closure = s08.4911w 0.01 Feet: Precision =1/124799: Perimeter = 978 Feet
 Tract 4: 0.103 Acres: 4500 Sq Feet: Closure = s48.0033e 0.00 Feet: Precision =1/63878: Perimeter = 270 Feet
 Tract 5: 0.013 Acres: 570 Sq Feet: Closure = n37.3715e 0.00 Feet: Precision =1/32457: Perimeter = 159 Feet
 Tract 6: 37.521 Acres: 1634407 Sq Feet: Closure = n13.3837w 0.01 Feet: Precision =1/374984: Perimeter = 5119 Feet
 Tract 7: 0.402 Acres: 17512 Sq Feet: Closure = s27.0210e 0.01 Feet: Precision =1/159272: Perimeter = 1335 Feet
 Tract 8: 0.060 Acres: 2592 Sq Feet: Closure = n25.5952w 0.00 Feet: Precision =1/108411: Perimeter = 251 Feet
 Tract 9: 0.270 Acres: 11775 Sq Feet: Closure = n59.3442e 0.00 Feet: Precision =1/188661: Perimeter = 895 Feet
 Tract 10: 0.109 Acres: 4754 Sq Feet: Closure = n58.5829w 0.00 Feet: Precision >1/9999999: Perimeter = 378 Feet
 Tract 11: 0.059 Acres: 2550 Sq Feet: Closure = s55.1727w 0.00 Feet: Precision =1/82343: Perimeter = 276 Feet

001=s89.1125e 1326.40	047=s89.1526e 48.69
002=s01.0924w 1319.73	048=n31.5210e 82.54
003=n89.1930w 1325.21	049=n59.0656e 49.90
004=n01.0615e 1322.84	050=n39.1933e 319.57
005=@1 Hill - before	051=n01.0615e 82.50
006=/s89.1125e 30	052=s89.1125e 947.01
007=s01.0504w 25.19	053=s01.0908w 1319.73
008: Rt, R=1998.50, Arc=323.04	054=n89.1930w 1325.41
009=s10.2044w 25.97	055=n01.0615e 823.25
010=s01.0615w 57.27	056=s89.1526e 50.0
011=s89.1526e 48.53	057=n00.0545w 70.0
012=s89.1526e 48.69	058=@3 Worley r/w taking #1
013=n31.5210e 82.54	059=/n89.1930w 1265.24
014=n59.0656e 49.90	060=n89.1930w 30.01
015=n39.1933e 319.57	061=n01.5839e 220.06
016=n01.0615e 82.50	062: Lt, R=620.55, Arc=213.95
017=n89.1125w 349.39	063=n01.0615e 218.05
018=@1 Hill r/w taking	064=s09.2345e 176.54
019=/s89.1125e 30	065=s07.5901e 162.42
020=s01.0504w 25.19	066=s02.1229e 94.96
021: Rt, R=1998.50, Arc=323.04	067=s01.5839w 219.38
022=s10.2044w 25.97	068=@3 Worley r/w taking #2
023=s01.0615w 57.27	069=/n89.1930w 1325.21
024=s89.1526e 48.53	070=/n01.0615e 729.11
025=s89.1526e 48.69	071=n01.0615e 94.14
026=n10.4040w 251.04	072=s89.1526e 50.0
027=n00.5602e 183.46	073=s23.0918w 43.93
028=n89.1125w 15.31	074=s33.0246w 63.33
029=@1 lift station	075=@3 Worley existing r/w
030=/s01.0615w 429.59	076=/n89.1930w 1295.25
031=s89.1526e 48.53	077=n01.5839e 220.06
032=s00.0545e 70.0	078: Lt, R=620.55, Arc=213.95
033=n89.1526w 50.0	079=s01.0615w 430.53
034=n89.1526w 20.73	080=s89.1930e 29.96
035=n10.2044e 70.99	081=@65 Temp Esmt 2E
036=s89.1526e 9.33	082=n09.2345w 176.54
037=@2 City r/w easement	083=s47.1657e 61.46
038=/n89.1125w 1326.40	084=s08.0249e 81.94
039=/s01.0615w 429.59	085=s28.2609w 58.39
040=s12.1348w 71.43	086=@71 Temp Esmt 2E1
041=n89.1526w 6.95	087=n33.0246e 63.33
042=n10.2044e 70.99	088=n23.0918e 43.93
043=s89.1526e 9.33	089=s03.2255w 101.13
044=@1 Worley	090=s75.1057w 47.81
045=/s01.0615w 429.59	091=n01.0615e 19.71
046=/s89.1526e 48.53	

QUITCLAIM DEED FILED FOR RECORD

KNOW ALL MEN BY THESE PRESENTS:

'00 AUG 22 AM 11 21

WASHINGTON CO AR
That we, Conley Eugene Worley and Virginia Lee Worley, husband and wife, hereinafter called Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, while retaining a life estate, do hereby transfer grant, sell, and quitclaim unto Gary E. Tipton, hereinafter called Grantee, and Grantee's heirs and assigns a remainder interest subject to our joint life estates in and to the following described lands situate in Washington County, State of Arkansas, to-wit:

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Ten (10), Township Sixteen (16) North, Range Thirty-one (31) West, described as follows, to-wit: Beginning at the Southwest corner of said 40 acre tract and running thence East 80 rods; thence North 80 rods; thence West 57 rods; thence South 5 rods to bank of creek; thence Southwest with said creek 26 rods; thence West 10 rods; thence South 54 rods to place of beginning, containing 37 acres, more or less. LESS AND EXCEPT a part of the SE1/4 of the SE1/4 of Section 10, Township 16 North, Range 31 West in Washington County, Arkansas, more particularly described as follows: beginning at a point 429.0 feet South of the NW corner of the above-described 40 acre tract and running thence East 50 feet; thence South 70 feet; thence West 50 feet; thence North 70 feet to the point of beginning, containing 0.08 acres, more or less.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's heirs and assigns, subject to our joint life estates.

Witness my hand and seal on this 22nd day of August, 2000.

Conley Eugene Worley
CONLEY EUGENE WORLEY

Virginia Lee Worley
VIRGINIA LEE WORLEY

2000069949

Original

JOB NO. 040152

TRACT NO. 2

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

THAT I/We Conley E. & Virginia Worley for and in consideration of and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, grant, bargain, sell and convey and warrant to the City of Fayetteville, Arkansas, its successors and assigns forever an exclusive right of way and easement for highway purposes on Double Springs Road, Job 040152, across, through and over the following lands situated in the County of Washington, State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1265.24 feet to a point on the Easterly proposed right of way line of Double Springs Road for the point of beginning; thence continue North 89° 19' 30" West along said South line and proposed right of way line a distance of 30.01 feet to a point on the Easterly existing right of way line of Double Springs Road; thence North 01° 58' 39" East along said existing right of way line a distance of 220.06 feet to a point; thence in a Northwesterly direction along said existing right of way line on a curve to the left having a radius of 620.55 feet a distance of 213.95 feet to a point on the West line of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along said West line a distance of 218.05 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 09° 23' 45" East along said proposed right of way line a distance of 176.54 feet to a point; thence South 07° 59' 01" East along said proposed right of way line a distance of 162.42 feet to a point; thence South 02° 12' 29" East along said proposed right of way line a distance of 94.96 feet to a point; thence South 01° 58' 39" West along said proposed right of way line a distance of 219.38 feet to the point of beginning and containing 0.40 acre or 17,511 square feet more or less.

AND ALSO:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1325.21 feet to a point on the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along the West line thereof a distance of 729.11 feet to the point of beginning; thence continue North 01° 06' 15" East along said West line a distance of 94.14 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 89° 15' 26" East along said proposed right of way line a distance of 50.00 feet to a point; thence South 23° 09' 18" West along said proposed right of way line a distance of 43.93 feet to a point; thence South 33° 02' 46" West along said proposed right of way line a distance of 63.33 feet to the point of beginning and containing 0.06 acre or 2,592 square feet more or less.

Total area to acquire containing 0.46 acre or 20,103 square feet more or less.

DM/II

4-2/15/01

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPT.
RECEIVED

MAR 07 2001

Page 1 of 2

LEGAL DIVISION

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPT.

RECEIVED

FEB 14 2001

ADMINISTRATIVE SECTION
RIGHT OF WAY DIVISION

JOB 040152 - TRACT 2 - Page 2 of 2

5/5/00

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the right herein granted.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns forever.

AND I/We hereby covenant with the said City of Fayetteville, Arkansas that I/We will forever warrant and defend the title to said lands and property against the lawful claims of any and all persons whomsoever.

AND I/We, do hereby release and relinquish unto the said grantee all my right of dower or curtesy and homestead in and to said lands.

Witness signature on this 30th day of January, 192001

✓ Lonley Worley (SIGNATURE)

✓ Virginia Worley (SIGNATURE)

✓ Gary Lipton (Signature)

✓ Janet L Lipton (Signature)

R/W 2/14/92

TCE 400
Travel Bait 5000

PAYMENT DUE-----\$10,075.00

(Appraised value offered by the City for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The City shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said City shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a Easement Deed when presented by the City and receive payment of the stated "Payment Due" from the said City, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said City shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the City of Fayetteville.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The City of Fayetteville is hereby authorized and directed to make payment of the purchase funds for the conveyance to Conley E. & Virginia Worley

Dated this 31st day of January, 2001.

✓ Conley Worley
Signature
SS# 429-52-7510

✓ Virginia Worley
Signature
SS# _____

✓ Gary Tipton
Signature
SS# 430-08-7514

✓ Jack Tipton
Signature
SS# 467-19-9597

JOB NO. 040152
TRACT NO. 2

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT I/We Conley Worley and Virginia Worley H/W and Gary Tipton and Sarah L. Tipton H/W for and in consideration of Ten Thousand Seventy-Five Dollars, (\$ 10,075.00), and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, grant, bargain, sell and convey and warrant to the City of Fayetteville, Arkansas, its successors and assigns forever an exclusive right of way and easement for highway purposes on Double Springs Road, Job 040152, across, through and over the following lands situated in the County of Washington , State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1265.24 feet to a point on the Easterly proposed right of way line of Double Springs Road for the point of beginning; thence continue North 89° 19' 30" West along said South line and proposed right of way line a distance of 30.01 feet to a point on the Easterly existing right of way line of Double Springs Road; thence North 01° 58' 39" East along said existing right of way line a distance of 220.06 feet to a point; thence in a Northwesterly direction along said existing right of way line on a curve to the left having a radius of 620.55 feet a distance of 213.95 feet to a point on the West line of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along said West line a distance of 218.05 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 09° 23' 45" East along said proposed right of way line a distance of 176.54 feet to a point; thence South 07° 59' 01" East along said proposed right of way line a distance of 162.42 feet to a point; thence South 02° 12' 29" East along said proposed right of way line a distance of 94.96 feet to a point; thence South 01° 58' 39" West along said proposed right of way line a distance of 219.38 feet to the point of beginning and containing 0.40 acre or 17,511 square feet more or less.

AND ALSO:

Starting at the Southeast Corner of Section 10; thence North 89° 19' 30" West along the South line thereof a distance of 1325.21 feet to a point on the Southwest Corner of the Southeast Quarter of the Southeast Quarter of Section 10; thence North 01° 06' 15" East along the West line thereof a distance of 729.11 feet to the point of beginning; thence continue North 01° 06' 15" East along said West line a distance of 94.14 feet to a point on the Easterly proposed right of way line of Double Springs Road; thence South 89° 15' 26" East along said proposed right of way line a distance of 50.00 feet to a point; thence South 23° 09' 18" West along said proposed right of way line a distance of 43.93 feet to a point; thence South 33° 02' 46" West along said proposed right of way line a distance of 63.33 feet to the point of beginning and containing 0.06 acre or 2,592 square feet more or less.

Total area to acquire containing 0.46 acre or 20,103 square feet more or less.

DM/II

JOB 040152 - TRACT 2 - Page 2 of 2

5/5/00

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the right herein granted.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns forever.

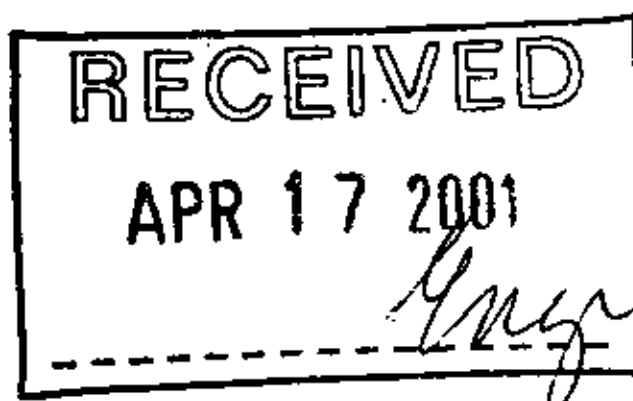
AND I/We hereby covenant with the said City of Fayetteville, Arkansas that I/We will forever warrant and defend the title to said lands and property against the lawful claims of any and all persons whomsoever.

AND I/We, do hereby release and relinquish unto the said grantee all my right of dower or curtesy and homestead in and to said lands.

Witness signature on this day of , 19 .

_____(SIGNATURE)

_____(SIGNATURE)



JOB
TRACT 2E, 2E1

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

C.R. 01
2-14-01
Four hundred
THAT Conley E. & Virginia Worley for and in consideration of ~~Two hundred fifty~~ dollars, (~~\$250.00~~), and other valuable considerations, to cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, its successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040152, and designated as Tract No. 2E situated in the County of *Washington*, State of Arkansas.

AND 2E1
This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this *10th* day of *January*, 19 *2001*

Conley Worley
(SIGNATURE)

Gary Lipton
Signature

Virginia Worley
(SIGNATURE)

Snath L Lipton
Signature

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPT.
RECEIVED

MAR 07 2001

LEGAL DIVISION

Post-it* Fax Note	7671	Date	4-17-01	# of pages	4
To	Ed Connell	From	Randy Lewis		
Co./Dept	City of Fayetteville	Co.	AHTD		
Phone #	501-444-3415	Phone #	501-569-2310		
Fax #	501-575-8202	Fax #	501-569-2018		

JOB NO. 040152
TRACT NO. 2E

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Conley Worley and Virginia Worley h/w and Gary Tipton and Sarah L. Tipton h/w for and in consideration of Two Hundred Fifty Dollars (\$250.00), and other valuable considerations, to us cash in hand paid by the City of Fayetteville , Arkansas, the receipt of which is hereby acknowledged does hereby give and grant to the City of Fayetteville, Arkansas, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway Construction, Job No. , together with free ingress and egress, to, across, through and over the following lands situated in the County of Washington, State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:

Beginning at a point on the Easterly proposed right of way line of Double Springs Road, said point being 75.22 feet right of and on a radial line to Construction Centerline Station 37+98.32; thence North 09° 23' 45" West along said proposed right of way line a distance of 176.54 feet to a point; thence South 47° 16' 57" East a distance of 61.46 feet to a point; thence South 08° 02' 49" East a distance of 81.94 feet to a point; thence South 28° 26' 09" West a distance of 58.39 feet to the point of beginning and containing 0.11 acre or 4,754 square feet more or less.

GA/II
4/12/01

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary easement as conditioned above shall terminate when Job No. 040052 has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature on this day of , .

(SIGNATURE)

(SIGNATURE)

JOB NO. 040152
TRACT NO. 2E1

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Conley Worley and Virginia Worley h/w and Gary Tipton and Sarah L. Tipton h/w for and in consideration of One Hundred Fifty Dollars (\$150.00), and other valuable considerations, to us cash in hand paid by the City of Fayetteville , Arkansas, the receipt of which is hereby acknowledged does hereby give and grant to the City of Fayetteville, Arkansas, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway Construction, Job No. , together with free ingress and egress, to, across, through and over the following lands situated in the County of Washington, State of Arkansas:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 16 North, Rnge 31 West, Washington County, Arkansas, more particularly described as follows:

Beginning at a point on the Easterly proposed right of way line of Double Springs Road, said point being 68.33 feet right of and on a radial line to Construction Centerline Station 40+70.00; thence North 01° 06' 15" East along said proposed right of way line a distance of 19.71 feet to a point; thence North 33° 02' 46" East along said proposed right of way line a distance of 63.33 feet to a point; thence North 23° 09' 18" East along said proposed right of way line a distance of 43.93 feet to a point; thence South 03° 22' 55" West a distance of 101.13 feet to a point; thence South 75° 10' 57" West a distance of 47.81 feet to the point of beginning and containing 0.06 acre or 2,550 square feet more or less.

GA/II
4/12/01

Together with the rights, easements and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary easement as conditioned above shall terminate when Job No. 040052 has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

TO HAVE AND TO HOLD the same unto the said City of Fayetteville, Arkansas, and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature on this day of , .

(SIGNATURE)

(SIGNATURE)

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
ENGINEERING SECTION, RIGHT OF WAY DIVISION

JOB NUMBER: 040152
JOB NAME: OWL CREEK STRS. & APPRS.
(FAYETTEVILLE)

CERTIFICATE OF TITLE

OWNER(S) OF RECORD: GARY E. TIPTON
TYPE OF INSTRUMENT: QUITCLAIM DEED
DATE OF INSTRUMENT: 08-22-2000 DATE FILED: 08-22-2000
RECORDED AT BOOK (INSTRUMENT): #2000- PAGE: 69949
CONSIDERATION: \$ 1 OGVC REVENUE STAMPS: \$ NONE
GRANTOR(S): CONLEY EUGENE WORLEY & VIRGINIA LEE WORLEY H/W

SEE PAGE TWO FOR CHAIN OF TITLE

MORTGAGES, JUDGMENTS AND ALL OTHER LIENS AFFECTING SAID LAND NOT RELEASED:

NATURE OF LIEN: NONE
HOLDER:

BOOK (INSTRUMENT)	PAGE	DATE FILED
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NATURE OF LIEN:
HOLDER:

BOOK (INSTRUMENT)	PAGE	DATE FILED
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NATURE OF LIEN:
HOLDER:

BOOK (INSTRUMENT)	PAGE	DATE FILED
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NATURE OF LIEN:
HOLDER:

BOOK (INSTRUMENT)	PAGE	DATE FILED
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TAXES AND ASSESSMENTS FOR THE YEAR 2001 ARE IN THE NAME OF:
GARY E. TIPTON PARCEL NUMBER: 765-16157-000
TAXES FOR 1999 ARE PAID ☒ \$54.58, UNPAID ☐, AMOUNT DUE \$
TAXES FOR 2000 ARE PAID ☐ \$, DUE ☒ \$56.37

CERTIFIED TO BE CORRECT (AS SHOWN OF RECORD) THIS 12th DAY OF JANUARY, 2001

A handwritten signature in cursive script, appearing to read 'Tim Robertson'.

TIM ROBERTSON, ABTRACTOR

APPRAISAL REPORT

For

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

JOB: 040152 PROJECT: BRN-9142(1) COUNTY: Washington TRACT: Ct 2, Ct 2E
LOCATION: Owl Creek Str. & Appxs.

FEE OWNER(S): Conley E. and Virginia WorleyH/W
ADDRESS: 6316 Wedington, Fayetteville, AR 72704
PHONE: 501-442-6962

AREA OF WHOLE: 37.25± acres PERMANENT EASEMENT(S):
AREA OF REMAINDER: 36.79± acres TEMPORARY EASEMENT(S): 0.17± acre
AREA OF ACQUISITION: 0.46± acre

ESTIMATED FAIR MARKET VALUE OF THE PROPERTY

Before			
Land	37.25 acres @ \$11,000/acre =	\$	409,750.00
Improvements		\$	1,000.00
Total		\$	410,750.00
After			
Land	36.79 acres @ \$11,000/acre = Rnd	\$	404,675.00
Improvements		\$	1,000.00
Total		\$	405,675.00
FAIR MARKET VALUE OF ACQUISITION			\$ 5,075.00
Temporary Construction Easement(s) 0.17 acre at rental value		\$	400.00
Cost to Cure Gravel drive		\$	<5,000.00>
TOTAL COMPENSATION AS OF October 25, 2000		\$	10,475.00

CERTIFICATE OF APPRAISER

I hereby certify:

That I have personally inspected the property herein appraised, that I have made a personal field inspection of the comparable sales relied upon in making said appraisal.

That to the best of my knowledge and belief the statements contained in the appraisal herein set forth are true, and the information upon which the opinions expressed therein are based is correct; subject to the limiting conditions therein set forth.

That the existence of potentially hazardous material used in the construction or maintenance of any structures, and/or the existence of hazardous materials or hazardous waste, which may or may not be present on the property, was not observed by me; nor do I have any knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The existence of hazardous materials or potentially hazardous waste material may have an effect on the value of the property.

That I understand that such appraisal may be used in connection with the acquisition of right-of-way for a project to be constructed by the State of Arkansas with the assistance of Federal-aid highway funds, or other federal funds.

That such appraisal has been made in conformity with the appropriate State laws, regulations and policies and procedures applicable to appraisal of right-of-way for such purposes; that in appraising the value before acquisition, no consideration has been given to increases or decreases in Fair Market Value caused by the public improvement; and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State.

That neither my employment nor my compensation for making this appraisal and report are in any way contingent upon the values reported herein.

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the State Highway and Transportation Department of said State or officials of the Federal Highway Administration, and I will not do so until so authorized by said State Officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That in my opinion the just compensation for the acquisition as of October 25, 2000 is \$10,475.00 based upon my independent appraisal and the exercise of my professional judgment.

Inspection Date(s): October 25, 2000

Date: April 13, 2001

Susan Maddy
Witness Signature

George Kohnbaum
Appraiser: George Kohnbaum

APPROVED FOR COURT PURPOSES: For Court

DATE: 4-13-01

Job: 040152

Tract: Ct 2, Ct2E

That I have no direct or indirect present or contemplated future personal interest in such property or in any benefit from the acquisition of such property appraised.

That I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the State Highway and Transportation Department of said State or officials of the Federal Highway Administration, and I will not do so until so authorized by said State Officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That in my opinion the just compensation for the acquisition as of October 25, 2000 is \$10,475.00 based upon my independent appraisal and the exercise of my professional judgment.

Inspection Date(s): October 25, 2000

Date, April 13, 2001

Susan Maddox
Witness to Signature

George Hohnbaum
Appraiser: George Hohnbaum

APPROVED FOR COURT PURPOSES:

For Court

DATE:

4-13-01

Job: 040152

Tract: Ct 2, Ct2E

[Return to List](#) [Return to Search](#) [Parcel Map/Plat](#)

Record 1 of 1

Parcel Number: 765-16157-000

Type: AM

Location Address: 0

Owner name: TIPTON, GARY E.; WORLEY, CONLEY EUGENE & VIRGINIA LEE *

Mailing Address: 6316 WEDINGTON DR FAYETTEVILLE AR 72701

Lot: **Block:** **S-T-R:** 10-16-31

Addition: 10-16-31 FAYETTEVILLE OUTLOTS

School District: FARMINGTON SCHOOLS

City: FAYETTEVILLE

Legal: PT SE SE 36.92 A

Current Year: 1995	Appraised value	Assessed value
Land	4,250	850
Improvement	2,650	530
Total	6,900	1,380

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
01			0	0	0	0

Structure Sketch

Date	Book	Page	Grantee 1	Grantee 2	Deed Type	Sale Amount	Revenue Amount
08/22/00	2000	69949	TIPTON, GARY E.; WORLEY, CONLEY	EUGENE & VIRGINIA LEE *	QC	0	0.00
JEB 2000-69949 QC NO REV WORLEY'S RETAIN LIFE ESTATE							
01/01/85	949	242	WORLEY, CONELY E. & VIRGINIA L.		WD	0	0.00

0.02 AC TO CITY OFFAY, #001, NO VALUE CHANGE; 8/4/09 CAME
BEFORE EQB-NO CHANGE.

[Return to List](#)

[Return to Search](#)

[Parcel Map/Plat](#)

STAFF REVIEW FORM

Children House
A. 5. Page 1☒ Agenda Request
☐ Contract Review
☐ Grant Review

RECE.

04-12-01
RECEIVED
APR 10 2001
RCVD

APR 10 2001

For the Fayetteville City Council meeting of May 1, 2001. APR 12 2001

ACCTG. DE.

FROM:

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICEJohn MaguireAdministrativeAdministrative Services

Name

Division

Department

ACTION REQUIRED: Approval of long term leases with the Economic Opportunity Agency of Washington Co., Inc. for Children's House & Sage House.**COST TO CITY:**\$ N/A

Cost of this Request

\$

Category/Project Budget

Category/Project Name

Account Number

\$

Funds Used to Date

Program Name

Project Number

\$

Remaining Balance

Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:**GRANTING AGENCY:**Marsha Farthing 4/10/01
Accounting Manager Date

ADA Coordinator

Date

By: J. P. White 4/10/01
City Attorney DateJancy Smith
Internal Auditor4/10/01
DateJ. Vico 4/12/01
Purchasing Officer Date**STAFF RECOMMENDATION:** Approval of the Resolution and Budget Adjustment

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #:

Mayor

Date

Orig Contract Date:

DEPARTMENTAL CORRESPONDENCE

To: Mayor & City Council

From: *John Maguire*
John Maguire, Administrative Services Director

Date: April 9, 2001

Subject: Leases for Children's House & Sage House

The leases with the Economic Opportunity Agency of Washington County, Inc. for the benefit of Children's House and Sage House containing 4.132 acres and 2.715 acres respectively are recommended by Staff. The Council expressed their intent by resolution, dated March 21, 2000.

RESOLUTION NO. 40-00 **MICROFILMED**

A RESOLUTION EXPRESSING THE CITY'S INTENT AND COMMITMENT TO A LONG TERM LEASE AGREEMENT WITH THE ECONOMIC OPPORTUNITY AGENCY OF WASHINGTON COUNTY, INC., FOR THE BENEFIT OF CHILDREN'S HOUSE AND SAGE HOUSE.

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

Section 1. That the City Council hereby expresses its intent and commitment to a long term lease agreement with the Economic Opportunity Agency of Washington County, Inc., for the benefit of Children's House and Sage House. The subject real property located in Washington County is described more particularly as follows:

See Exhibit "A" attached hereto and made a part hereof.

PASSED AND APPROVED this 21st day of March, 2000.

APPROVED:

By: _____

Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: _____

Heather Woodruff
Heather Woodruff, City Clerk



EXHIBIT "A"

A part of the Northwest Quarter (NW¼) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02° 28' 11" West 472.67 feet, to a set iron pin, said pin also being the Point of Beginning; thence South 87° 04' 43" East 332.64 feet along the proposed south right way line of Trucker's Drive, to a PK nail on the existing centerline of Deane Solomon Road; thence with said centerline, South 03° 00' 40" West 319.88 feet; thence continuing with said centerline, South 02° 29' 56" West 673.47 feet, to a PK nail; thence leaving said centerline, North 87° 22' 27" West 329.27 feet along the proposed north right of way of Crystal Springs Drive, to a set iron pin on the West line of said Section 33; thence along said West line, North 02° 28' 11" East 995.06 feet, to the Point of Beginning, containing 7.531 acres, more or less. LESS AND EXCEPT thirty (30) feet of equal and uniform width off the East side of the above described property, containing 0.684 acre, more or less, being within the existing west right of way of Deane Solomon Road. Containing a net acreage of 6.847 acres, more or less.

LEASE AGREEMENT

This Agreement, made and entered into this ____ day of _____, 2001, by and between the City of Fayetteville, Arkansas, hereinafter called "Lessor," and Sage House, hereinafter called "Lessee," Witnesseth:

WHEREAS, Sage House is a nonprofit agency established and dedicated to serve as a rent subsidized transitional housing facility; and,

WHEREAS, providing transitional housing is a valid public purpose; and,

WHEREAS, Sage House will provide such services within the City of Fayetteville.

NOW, THEREFORE, the parties hereto agree as follows:

1. Leased Premises. for and in consideration of the rents, covenants and agreements herein entered into and agreed upon by the Lessee as obligations to the Lessor, the Lessor lets, leases and demises unto Lessee, subject to the terms and conditions contained herein, the following described property situated in Washington County, Arkansas.

A part of the Northwest Quarter (NW1/4) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02°28'11" West 1072.67 feet, to the Point of Beginning; thence leaving said West line of Section 33, South 87°22'27" East 329.47 feet, to a point on the existing centerline of Deane Solomon Road; thence with said centerline, South 02°29'56" West 395.06 feet to a PK nail; thence leaving said centerline, North 87°22'27" West 329.27 feet along the proposed north right of way of Crystal Springs Drive, to a set iron pin on the west line of said Section 33; thence along said West line, North 02°28'11" East 395.06 feet, to the Point of Beginning, containing 2.987 acres, more or less. LESS AND EXCEPT thirty (30) feet of equal and uniform width off the East side of the above described property, containing 0.272 acre, more or less, being within the existing west right of way of Deane Solomon Road. Containing a net acreage of 2.715 acres, more or less.

To have and to hold said premises unto the said Lessee for and during the term herein stated, subject to the covenants, terms and conditions herein contained.

2. Term. This lease shall commence on _____, _____, and shall extend for a term of ninety-nine (99) years, ending at midnight on _____.

3. Rent. In addition to other good and valuable consideration as set forth herein, Lessee agrees to pay to Lessor as rental the sum of One Dollar (\$1.00) to be paid annually, with the first payment due upon execution of this agreement and subsequent payments due on the first day of

each and every year thereafter during the term of this lease.

4. Use. Lessee agrees to use the lease premises for the purpose of constructing, operating and maintaining a rent subsidized transitional housing facility. If at any time the property ceases to be used for this purpose, the lease shall terminate.

5. Improvements. Lessee may make any such improvements as are necessary to carry out the service of providing rent subsidized transitional housing facilities. Design for any such improvements shall be approved by the City of Fayetteville. Upon termination of this lease, all improvements shall become the property of Lessor.

6. Taxes. Lessee shall pay any and all ad valorem taxes and special improvement district taxes levied and assessed against said premises and the improvements located thereon during the term of this lease.

7. Notices. All notices, requests, demands and other communications required by or permitted hereunder shall be in writing and shall be directed to the following:

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Sage House
614 E. Emma Suite M401
Springdale, AR 72764

8. Assignment. Lessee shall not assign this lease or sublet the leased premises without prior written consent of the Lessor. Any such assignment or subletting shall in no way relieve Lessee from liability for the obligation imposed by this lease. Lessee may only be released from liability for the obligation imposed by this lease by a specific written release executed by Lessor.

9. Insurance.

A. Lessee shall be solely responsible for maintaining insurance on its property, including movables, trade fixtures, furniture, furnishings and inventory, as well as improvements to the property.

B. Lessee shall, during the term of this lease, maintain public liability insurance. The limits of such public liability insurance shall not be less than _____ per person and _____ per accident. The policy shall contain a clause that the insurer will not cancel or change the insurance without giving Lessor, ten days prior written notice. A certificate of such insurance shall be delivered to Lessor.

10. Maintenance. Lessee shall be responsible for all maintenance, routine preventative or corrective, on any and all improvements made to the leased property.

11. Compliance with Laws. Lessee agrees not to violate any law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises. This agreement shall be governed by the laws of the State of Arkansas.

12. Waste/Nuisance. Lessee agrees not to commit waste, nor permit waste to result or to be done to or upon the aforesaid premises. Further, Lessee agrees not to operate, nor permit to be operated, nor to exist thereon or therein, any public or private nuisance.

13. Title and Quiet Enjoyment. Lessor covenants and warrants that it is the owner in fee simple absolute of the leased premises and may lease said premises as herein provided. Upon payment by Lessee of the rents herein provided and upon the observance and performance of all the covenants, terms and conditions upon Lessee's part to be observed and performed, Lessee shall peaceably and quietly hold and enjoy the demised premises for the term hereby demised without hindrance or interruption by Lessor or any other person or persons lawfully or equitably claiming by, through or under Lessor, subject to the terms and conditions of this lease.

14. Severability. Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

15. Entire Agreement. This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof.

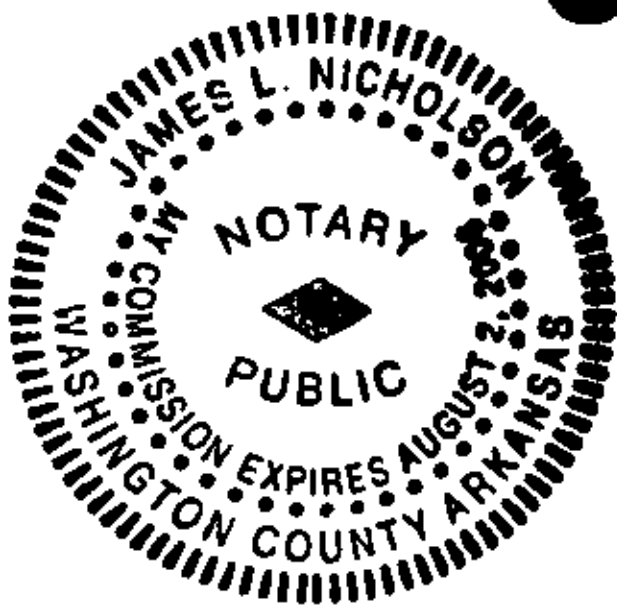
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this ____ day of _____, 2001.

CITY OF FAYETTEVILLE
Lessor

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk



SAGE HOUSE
Lessee

By: Depe Bradbury
Title: Board President

ATTEST:

By: James Nicholson
Title: Commission expires Aug 2, 2006

LEASE AGREEMENT

This Agreement, made and entered into this ____ day of _____, 2001, by and between the City of Fayetteville, Arkansas, hereinafter called "Lessor," and Economic Opportunity Agency of Washington County, hereinafter called "Lessee," Witnesseth:

WHEREAS, Economic Opportunity Agency of Washington County (EOA) is a nonprofit agency established to serve as a day care/treatment center for neglected and abused children; and,

WHEREAS, the care and treatment of neglected and abused children is a valid public purpose; and

WHEREAS, EOA will provide such services to neglected and abused children within the City of Fayetteville.

NOW, THEREFORE, the parties hereto agree as follows:

1. Leased Premises. For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by the Lessee as obligations to the Lessor, the Lessor lets, leases and demises unto Lessee, subject to the terms and conditions contained herein, the following described property situated in Washington County, Arkansas.

A part of the Northwest Quarter (NW1/4) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02°28'11" West 472.67 feet, to a set iron pin, said pin also being the Point of Beginning; thence South 87°04'43" East 332.64 feet along the proposed south right of way line of Trucker's Drive, to a PK nail on the existing centerline of Dean Solomon Road; thence with said centerline, South 03°00'40" West 319.88 feet; thence continuing with said centerline, South 02°29'56" West 278.41 feet, to a point; thence leaving said centerline, North 87°22'27" West 329.47 feet, to a point on the West line of said Section 33; thence along said West line, North 02°28'11" East 600.0 feet, to the Point of Beginning, containing 4.544 acres, more or less. LESS AND EXCEPT thirty (30) feet of equal and uniform width off the East side of the above described property, containing ~~0.004~~ acre, more or less, being within the existing west right of way of Deane Solomon Road. Containing a net acreage of 4.132 acres, more or less.

To have and to hold said premises unto the said Lessee for and during the term herein stated, subject to the covenants, terms and conditions herein contained.

2. Term. This lease shall commence on _____, _____, and shall extend for a term of ninety-nine (99) years, ending at midnight on _____, _____.

3. Rent. In addition to other good and valuable consideration as set forth herein, Lessee agrees to pay to Lessor as rental the sum of One Dollar (\$1.00) to be paid annually, with the first payment due upon execution of this agreement and subsequent payments due on the first day of each and every year thereafter during the term of this lease.

4. Use. Lessee agrees to use the lease premises for the purpose of constructing, operating and maintaining a day care/treatment center for neglected and abused children. If at any time the property ceases to be used for this purpose, the lease shall terminate.

5. Improvements. Lessee may make any such improvements as are necessary to carry out the service of providing a daycare and treatment for neglected and abused children. Design for any such improvements shall be approved by the City of Fayetteville. Upon termination of this lease, all improvements shall become the property of Lessor.

6. Taxes. Lessee shall pay any and all ad valorem taxes and special improvement district taxes levied and assessed against said premises and the improvements located thereon during the term of this lease.

7. Notices. All notices, requests, demands and other communications required by or permitted hereunder shall be in writing and shall be directed to the following:

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Economic Opportunity Agency
614 E. Emma Suite M401
Springdale, AR 72764

8. Assignment. Lessee shall not assign this lease or sublet the leased premises without prior written consent of the Lessor. Any such assignment or subletting shall in no way relieve Lessee from liability for the obligation imposed by this lease. Lessee may only be released from liability for the obligation imposed by this lease by a specific written release executed by Lessor.

9. Insurance.

A. Lessee shall be solely responsible for maintaining insurance on its property, including movables, trade fixtures, furniture, furnishings and inventory, as well as improvements to the property.

B. Lessee shall, during the term of this lease, maintain public liability insurance. The limits of such public liability insurance shall not be less than 500,000 per person and 500,000 per accident. The policy shall contain a clause that the insurer will not cancel or change the insurance without giving Lessor, ten days prior written notice. A certificate of such insurance shall be delivered to Lessor.

10. Maintenance. Lessee shall be responsible for all maintenance, routine preventative and corrective, on any and all improvements made to the leased property.

11. Compliance with Laws. Lessee agrees not to violate any law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises. This agreement shall be governed by the laws of the State of Arkansas.

12. Waste/Nuisance. Lessee agrees not to commit waste, nor permit waste to result or to be done to or upon the aforesaid premises. Further, Lessee agrees not to operate, nor permit to be operated, nor to exist thereon or therein, any public or private nuisance.

13. Title and Quiet Enjoyment. Lessor covenants and warrants that it is the owner in fee simple absolute of the leased premises and may lease said premises as herein provided. Upon payment by Lessee of the rents herein provided and upon the observance and performance of all the covenants, terms and conditions upon Lessee's part to be observed and performed, Lessee shall peaceably and quietly hold and enjoy the demised premises for the term hereby demised without hindrance or interruption by Lessor or any other person or persons lawfully or equitably claiming by, through or under Lessor, subject to the terms and conditions of this lease.

14. Severability. Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

15. Entire Agreement. This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on this ____ day of _____, 2001.

CITY OF FAYETTEVILLE
Lessor

By: _____
Dan Coody, Mayor

ATTEST:

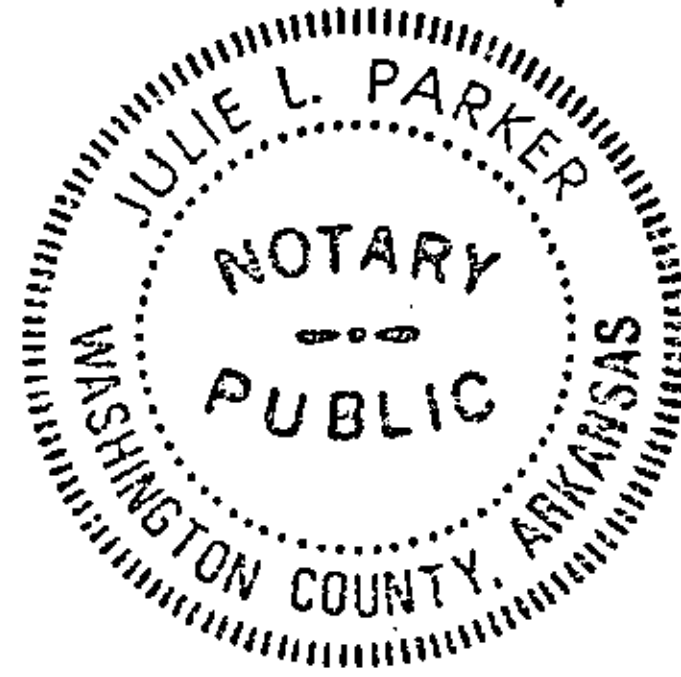
By: _____
Heather Woodruff, City Clerk

Economic Opportunity Agency of
Washington County
Lessee

By: Kathleen Randall
Title: Executive Director

ATTEST:

By: Julie L. Parker
Title: Bookkeeper, Notary Public



January 30, 2001

PRODUCER

Rebsamen Insurance/SPD
4706 S. Thompson, Suite 101
Springdale AR 72764
(501) 756-1400

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

COMPANY

A Philadelphia Insurance Co.

COMPANY

B

COMPANY

C

COMPANY

D

INSURED

Washington County EOA
614 E. Emma St. #M401
Jones Center
Springdale, AR 72764

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
GENERAL LIABILITY	346885	12/15/00	12/15/01	GENERAL AGGREGATE \$ 2,000,000
☒ COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG \$ 2,000,000
☐ CLAIMS MADE ☒ OCCUR				PERSONAL & ADV INJURY \$ 1,000,000
☐ OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 1,000,000
				FIRE DAMAGE (Any one fire) \$
				MED EXP (Any one person) \$ 5,000
AUTOMOBILE LIABILITY	346885	12/15/00	12/15/01	COMBINED SINGLE LIMIT \$ 1,000,000
☒ ANY AUTO				BODILY INJURY (Per person) \$
☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
☐ SCHEDULED AUTOS				PROPERTY DAMAGE \$
☐ HIRED AUTOS				
☐ NON-OWNED AUTOS				
GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
☐ ANY AUTO				OTHER THAN AUTO ONLY: \$
				EACH ACCIDENT \$
				AGGREGATE \$
EXCESS LIABILITY				EACH OCCURRENCE \$
☐ UMBRELLA FORM				AGGREGATE \$
☐ OTHER THAN UMBRELLA FORM				\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	346954	12/15/00	12/15/01	☒ WC STATUTORY LIMITS ☐ OTHER \$
THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: ☐ INCL ☐ EXCL				EL EACH ACCIDENT \$ 500,000
				EL DISEASE-POLICY LIMIT \$ 500,000
				EL DISEASE-EA EMPLOYEE \$ 500,000
OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER

For Verification Purposes Only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Leslie Cross

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of May 1, 2001.

FROM:

Tim Conklin
NamePlanning
DivisionPublic Works
Department

ACTION REQUIRED: To approve a resolution for AD 01-8.00 to amend Chapter 171 "Streets and Sidewalks", Section 171.12 "Property Owner to Construct Sidewalk Upon Receipt of Notice" of the Unified Development Ordinance to adopt a replacement section 171.12 to include a change that would allow the City Sidewalk Administrator to accept money in lieu of construction and enlargement of properties affected (lot splits, renovations, conditional use), submitted by the City of Fayetteville, Planning Division.

COST TO CITY:

\$

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommends approval and Planning Commission voted 9-0-0 to recommend to City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Orig Contract Number: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Planning Commissioners

→ Thru: Tim Conklin, Planning Director

Thru: Chuck Rutherford, Sidewalk Administrator

From: Kit Williams, City Attorney 

Date: March 20, 2001

Re: Sidewalk Ordinance

The City Council Sidewalk and Trails Committee would like the Planning Commission to review and comment upon the proposed change in the Sidewalk Ordinance. (A copy of the proposed Ordinance with changes is enclosed along with the current Sidewalk Ordinance.) The major change would allow the City Sidewalk Administrator to accept money in lieu of the construction of an impractical, isolated sidewalk. As written both the Administrator and property owner would have to agree to the contribution in lieu of construction. The other major change is enlargement of properties affected (lot splits, renovations, conditional uses).

Finally, I request you look at the timing sequence both for notice to construct and when contributions in lieu of construction would have to be made. Please let me know if these permit times need to be adjusted or changed both for the overall permitting process and for when the sidewalks should be constructed in the home/building construction process.

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 171.12
PROPERTY OWNER TO CONSTRUCT SIDEWALK
UPON RECEIPT OF NOTICE, AND ADOPTING
A REPLACEMENT SECTION 171.12

WHEREAS, the current sidewalk ordinance occasionally required the construction of a sidewalk in an isolated and impractical location, and

WHEREAS, it would be beneficial to use the resources that would be wasted building such an impractical, isolated sidewalk to build a needed, useful sidewalk nearby.

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

Section 1. That 171.12 Property Owner to Construct Sidewalk Upon Receipt of Notice; Subsection A. Receipt of Notice; Subsection B. Application of Provisions of the Code of Fayetteville shall be deleted and the following inserted in its stead:

171.12 Property Owner to Construct Sidewalk or Contribute Cost of Sidewalk

A. Requirement

The owner of any property abutting a public street or highway for which a sidewalk is required by City's Master Street Plan shall construct a sidewalk along said street or highway upon receipt of notice issued at the time a building or parking lot permit is issued or a lot split is approved.

1. The property owner shall construct the sidewalk in accordance with section 171.13 Sidewalk and Driveway Specifications.
2. If the City's Sidewalk Administrator determines that construction of the sidewalk would be unfeasible, impracticable, or otherwise unsuitable at the property's location, then the owner has the option to construct the sidewalk anyway or contribute money in lieu of construction as set forth below:
 - A. A cash contribution in lieu of construction shall be at the rate of Three Dollars (\$3.00) per square foot of the sidewalk that normally would have been required.
 - B. Contribution in lieu of construction of sidewalks shall be paid or construction of the sidewalks shall be completed before

receiving final plat approval, filing of a lot split, or issuance of a Certificate of Occupancy.

C. Contributions must be expended within three (3) years within the quadrant of the City in which the unbuilt sidewalks are located.

D. Contributions shall be used to construct sidewalk projects selected by the Sidewalk Administrator.

E. APPLICATION OF PROVISIONS

The provisions of this section shall only apply to the following property:

1. **New Structure.** On which a new structure is being built.
2. **Existing Residential Structure.** On which an existing residential structure is being modified so as to increase the number of dwelling units located therein or to change the use to a nonresidential use.
3. **Parking Lot/Garage.** On which a parking lot or parking garage, having a minimum capacity of five automobiles, is constructed or enlarged.
4. **Lot Splits.** Division of land into two or more pieces of property, regardless of size.
5. **Additions.** Additions of 2,500 square feet or larger.
6. **Conditional Use.** Any development which requires conditional use approval.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

hereunder when he/she finds:

1. That the plans have been approved.
2. That the work shall be done according to the specifications contained herein.
3. That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress to and egress from the property affected and adjacent properties.
4. That the health, welfare, and safety of the public will not be unreasonably impaired.

B. Any permit issued shall expire three months from the date of issue and may be renewed upon application.

(Code 1991, §98.64; Code 1965, §18-29, Ord. No. 1790, 3-15-71)

§171.11 INSPECTION OF WORK; REPLACEMENT OF REJECTED WORK.

A. The city official shall make all necessary inspections before, during and after the construction of all sidewalks, curbing and guttering to insure the work is being done in accordance with the plans and specifications. In the event any or part of any work is not done in a satisfactory manner or not in conformity with the plans and specifications, the city official shall notify the contractor and owner in writing of his non-acceptance of the work. All such rejected work shall be removed and replaced within 30 days of this notification.

B. Advance notification must be given the city official for inspections under this section.

(Code 1991, 98.65; Code 1965, §18-30; Ord. No. 1790, 3-15-71)

§171.12 PROPERTY OWNER TO CONSTRUCT SIDEWALK UPON RECEIPT OF NOTICE.

A. Receipt of Notice. The owner of any property abutting a public street or highway for which a sidewalk is shown on the City's Master Sidewalk Plan shall construct a sidewalk along said street or highway within three months from receipt of notice from the mayor or his designee. Said notice shall be issued at the time a building permit for the property is issued.

B. Application of Provisions. The provisions of this section shall only apply to the following property:

1. New Structure. On which a new structure is being built;

2. Existing Residential Structure. On which an existing residential structure is being modified so as to increase the number of dwelling units located therein or to change the use to a nonresidential use.

3. Parking Lot/Garage. On which a parking lot or parking garage, having a minimum capacity of seven automobiles, is constructed or enlarged.

(Code 1991, §98.66; Code 1965, 18-31; Ord. No. 2653, 8-5-80; Ord. No. 2780, 11-17-81; Ord. No. 2917, 5-3-83; Ord. No. 3113, 9-3-85)

Planning Commission
April 9, 2001
Page 15

New Business:

AD 01-8.00: Administrative Item (Sidewalk Escrow Fund) request to amend chapter 171, Streets and Sidewalks of the Unified Development Ordinance to provide for an escrow account for making a cash contribution in lieu of sidewalk construction for certain projects.

Estes: The next item of business is our first item of new business. It was originally on our agenda as item number 11 at the agenda session. It is administrative item 01-8.00, sidewalk escrow fund to amend chapter 171, Streets and Sidewalks of the Unified Development Ordinance to provide for an escrow account for making a cash contribution in lieu of sidewalk construction for certain projects. The reason that this item that this item has been moved forward on the agenda is that staff has asked that Mr. Chuck Rutherford, who is our Sidewalk and Trails Administrator, make a presentation to us and he is now at the podium. Chuck, why do we have this before us and what is this all about?

Rutherford: You have a letter in your packet that explains what this is all about. The City of Fayetteville requires sidewalks to be constructed in accordance to the Master Street Plan at the time of the building permit, parking lot permit or lot split approval. Sometimes it is just not feasible to construct a sidewalk due to the amount of changes that will be required because of the existing elevation. Also, sidewalks are required that can be an isolated sidewalk. When the above situation happens, money in lieu is an option and this will allow the funds to be used for sidewalks where they can better serve the citizens of Fayetteville.

PUBLIC COMMENT:

Estes: Is there any member of the audience which would like to comment on Administrative Item 01-8.00, Sidewalk Escrow Fund?

COMMISSION DISCUSSION:

Estes: Seeing none, I'll bring the item back to the Commission for discussion, motions, comments.

Williams: Pursuant to our agenda session, of course item number five had been slightly amended and it hasn't been amended in this but I think it was the agreement of the Planning Commission at the agenda session that we would be amending Additions. "Additions of 2,500 square feet or larger", would be how that reads. I just wanted to make sure that was correct before you all made a recommendation to City Council.

Planning Commission
April 9, 2001
Page 16

Estes: Mr. Williams the note that I made at agenda was under subpart B, Application of Provisions, item number five to read "Exterior additions of 2,500 square feet or larger", is that correct?

Williams: That would be fine. I don't think you necessarily need exterior in there if you have an addition but if you want to have it we will certainly leave it in there.

Estes: Are you okay with that?

Williams: I'm fine.

Estes: Commissioners, any other discussion?

Hoffman: I'm in favor of the amendment because we had an excellent example of that placed on 15th Street.

Rutherford: The one just recently on 6th Street, yes.

Hoffman: I think most of the Commission will remember that. We had an existing condition, a sidewalk and right-of-way dedication requirement that just didn't make sense in that location and could have been better utilized in other places. I agree with the amendment proposed by Chairman Estes with keeping the word exterior... Let me think about this. You can make an addition inside the building and add more square footage if you added a mezzanine, so let's just take the word exterior out if we could. "Additions in excess of 2,500 square feet".

Estes: I don't think anybody seconded my motion, if you want to go ahead and make that motion.

MOTION:

Hoffman: I'll go ahead and make a motion "additions exceeding 2,500 square feet".

Estes: How do you want that to read, Commissioner Hoffman?

Hoffman: I missed that part, I don't have the rest of the sentence.

Williams: How about "additions of 2,500 square feet or larger"?

Planning Commission
April 9, 2001
Page 17

Hoffman: That's my motion.

Ward: I'll second.

Estes: We have a motion to approve administrative item 01-8.00 with the amendment and a second. Is there any other discussion or comments? Seeing none, Sheri, will you call the roll please?

ROLL CALL:

Upon roll call AD 01-8.00 is approved by a unanimous vote of 9-0-0.

STAFF REVIEW FORM

X Agenda Request
 _____ Contract Review
 _____ Grant Review

For the Fayetteville City Council meeting of May 1, 2001.

FROM:

Tim Conklin

Planning

Public Works

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZ 01-7.00 submitted by Stephen Mansfield of Mansfield Property Management, LLC for property located at 932 N. Garland Avenue and 1003 Hughes Street. The property is zoned R-3, High Density Residential and contains approximately 0.26 acres. The request is to rezone to R-0, Residential Office.

COST TO CITY:

\$0

Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

by: D. P. Whitaker
 City Attorney

4/17/01
 Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 9-0-0 to recommend and forward the rezoning to the City Council.

Division Head

4-16-01
 Date

Department Director

4/18/01
 Date

Administrative Services
 Director

4/19/01
 Date

Mayor

4/20/01
 Date

Cross Reference

New Item: Yes No

Prev Ord/Res#: _____

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZ01-7.00 FOR A PARCEL
CONTAINING APPROXIMATELY 0.26 ACRES LOCATED
AT 932 N. GARLAND AVENUE AND 1003 HUGHES STREET
AS SUBMITTED BY STEPHEN MANSFIELD OF MANSFIELD
PROPERTY MANAGEMENT, LLC

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-3, High Density Residential to R-0, Residential Office described 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 _____, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZ01-7.00

PART OF LOTS NUMBERED ELEVEN (11) AND TWELVE (12), IN BLOCK NUMBERED FIVE (5) IN ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT ELEVEN (11), SAID POINT BEING A SET IRON; THENCE N89°14'02"W ALONG THE SOUTH LINE OF SAID LOT ELEVEN (11) 124.98 FEET TO A SET IRON ON THE EAST RIGHT-OF-WAY GARLAND AVENUE (ARKANSAS HIGHWAY #112); THENCE N10°21'25"E ALONG SAID RIGHT-OF-WAY 101.09 FEET TO A SET IRON ON THE NORTH LINE OF SAID LOT TWELVE (12); THENCE S89°11'20"E 106.85 FEET TO A SET IRON AT THE NORTHEAST CORNER OF SAID LOT TWELVE (12); THENCE S00°01'32"W 99.61 FEET TO THE POINT OF BEGINNING, CONTAINING 0.265 ACRES (11,549.5 SQUARE FEET) MORE OR LESS. THE ABOVE DESCRIBED TRACT BEING SUBJECT TO A PRIVATE SEWER LINE RUNNING ACROSS THE SOUTHEAST CORNER OF SAID LOT ELEVEN (11).

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: April 2, 2001

RZ 01-7.00: Rezoning (Mansfield, pp 444) was submitted by Stephen Mansfield of Mansfield Property Management, LLC for property located at 932 N. Garland Avenue and 1003 Hughes Street. The property is zoned R-3, High Density Residential and contains approximately 0.26 acres. The request is to rezone to R-O, Residential Office.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: April 9, 2001

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: May 1, 2001 (first reading if recommended by PC)

Comments: _____

BACKGROUND:

The subject property is located at the southeast corner of Hughes Street and Garland Ave. There are two structures on the site, both are currently used as residential rental units. An alley runs along the east side of the property providing access off of Hughes Street. Adjacent properties include a commercial center containing Domino's Pizza and others to the north. Residential dwellings are located on lots to the south and east. And the new Hopkin's retail center, which is being developed is to the west at the southwest corner of North/Wedington and Garland.

This portion of Garland Ave. is included in current AHTD plans for improvement (Garland Ave. between North and Cleveland). This Highway Dept. project will impact this property as well as those around it.

The applicant owns a property management company and proposes to locate his office in one of the existing structures on this site. In the future the office activity may expand into the second structure, however at this time it is expected to remain a rental unit.

The structures on the site are non-conforming with regard to required building setbacks. Any variances necessary for renovation to allow the proposed use of this property must be considered by the Board of Adjustment.

SURROUNDING LAND USE AND ZONING

North:	Commercial center, C-2
South:	Residential, R-3
East:	Residential, R-3
West:	Commercial center, C-1 / Vacant, R-O

INFRASTRUCTURE:

Access to this property is from Hughes Street and Garland Ave. Garland Ave. is classified as a principal arterial on the Master Street Plan and is a state highway in this location. It is on an active project list for improvements by the AHTD and construction is expected to begin this calendar year.

Water and sewer are both available to the site and are serving the existing structures.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-O, Residential Office 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: Residential Office zoning allows for single family and two family dwellings as well as for professional offices. This zoning will allow a mix of residential and office uses and is consistent with the land use plan.

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 that it is consistent with the General Plan 2020 and that it would provide an appropriate buffer between the existing commercial uses at the intersection of North and Garland and the adjacent residential properties. In the future, the property immediately west of the site is zoned to be developed as professional offices also.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The proposed zoning would not create or appreciably increase traffic danger and congestion. Staff is working with the applicant to provide parking for the proposed office in accordance with City ordinance and with specific attention to existing trees as well as safe access from Hughes Street and that alley east of the site.

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 alter the population density in a manner which would undesirably increase the load on public services including schools, water, and sewer facilities.

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

§161.12 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. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.

(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.

	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses: Development	10,000 sq. ft.
	Individual Lot	2500 sq. ft.
	Single Family	6000 sq. ft.
	Two Family	6500 sq. ft.
	Three or More	8000 sq. ft.
	Fraternity or Sorority	1 acres
Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses & Apartments: Two or More Bedrooms	1200 sq. ft.
	One Bedroom	1000 sq. ft.
	No Bedroom	1000 sq. ft.
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks.
Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
From Center Line of Public Alley	10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

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 from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

Rezoning Application
Parcel # 765-10345-000

a. Current Ownership & Proposed or Pending Property Sales

The property is currently owned by Anderson Heating & Air, Inc. and is under contract for sale to Mansfield Property Management, LLC ("MPM").

b. Reason for Requesting the Zoning Change

Mansfield Property Management, LLC intends to renovate each of the existing structures on the parcel and use the property at 932 N. Garland Avenue as a property management office. The structure at 1003 Hughes Street will remain as a residential rental property for the time being, however, as MPM's business grows this property may be converted to an office use. In order to comply with the current zoning laws for these uses a rezoning is required from R-3 to R/O.

c. Statement of how the property will relate to the surrounding properties in terms of land use, traffic, appearance and signage.

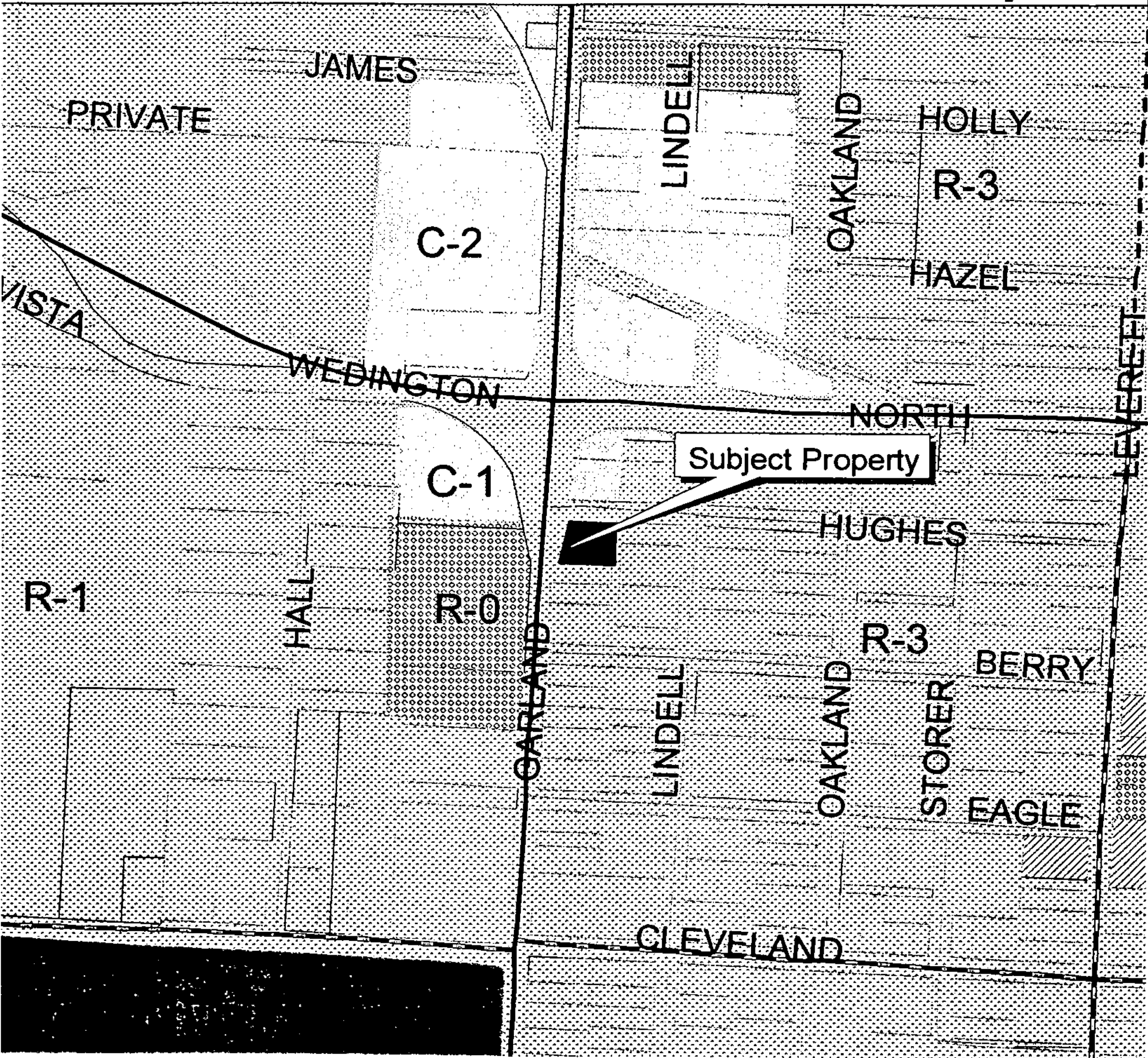
The improvements on the property are existing residential structures that relate well to the surrounding properties. To the south and east is a residential neighborhood comprised mostly of single family homes and small multifamily properties. All of these properties are zoned R-3. To the north of the subject is a commercial retail strip center and office property and to the northwest is a commercial retail strip center under construction. To the west and southwest, across Garland, is an undeveloped parcel zoned R/O. Therefore, this parcel if rezoned R/O will act as a buffer between more intensive commercial uses to the north and west and residential uses to the south and east. With regard to traffic issues, the intended use will not cause significant increases in traffic near or around the site.

With regard to appearance, MPM intends to renovate the interior and exterior of both structures, which have been neglected and are an eyesore on the neighborhood. The exterior facades will remain generally as is structurally, to maintain their residential look. MPM intends to install an attractive monument sign in accordance with current sign ordinances in an R/O district.

d. Describe availability of water and sewer.

Both water and sewer lines exist at the property. The water line is 1 ½ inches and the sewer line is 8 inches.

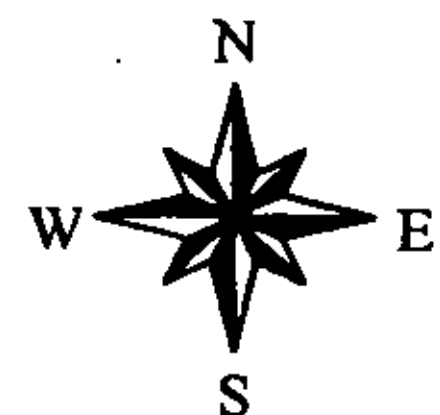
RZ01-7 Mansfield Close



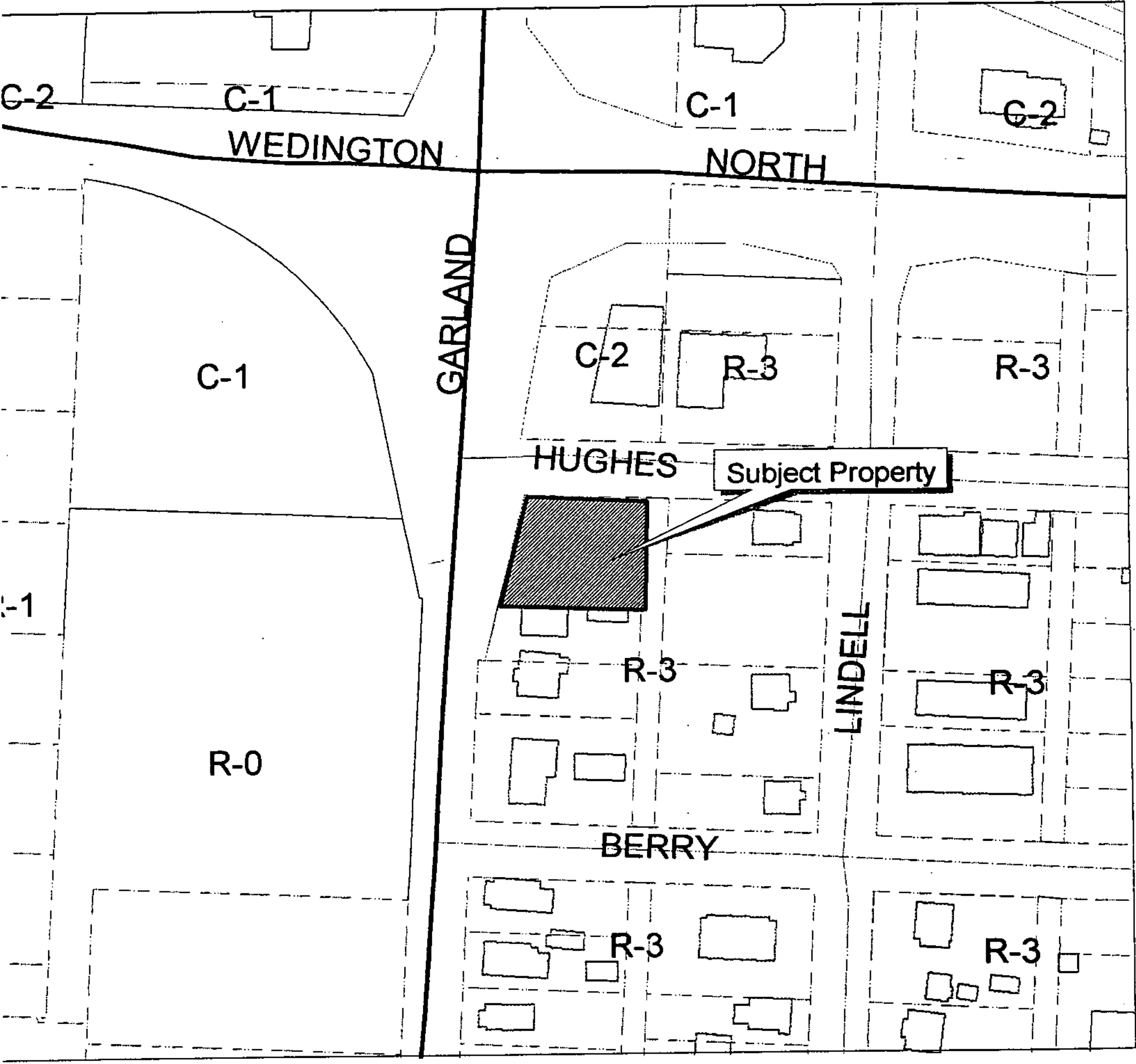
- Landuse**
- Community Commercial
 - Historic Commercial
 - Industrial
 - Mixed Use
 - Neighborhood Commercial
 - Office
 - Parks
 - Private Open Space
 - Regional Commercial
 - Residential
 - University

- Master Street Plan**
- Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historical Collector

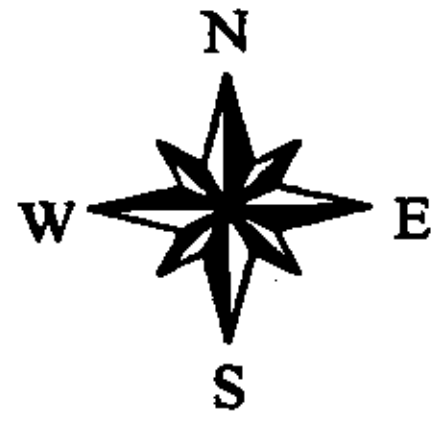
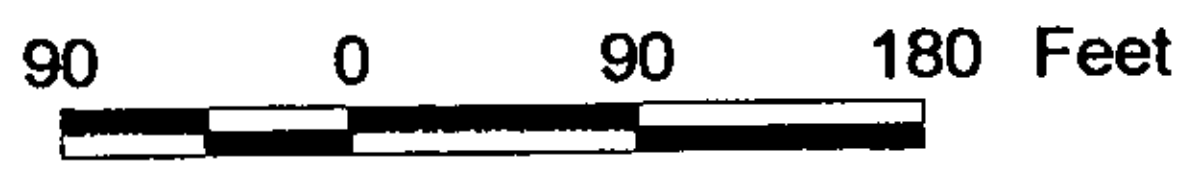
200 0 200 400 Feet



RZ01-7 Mansfield Close Up

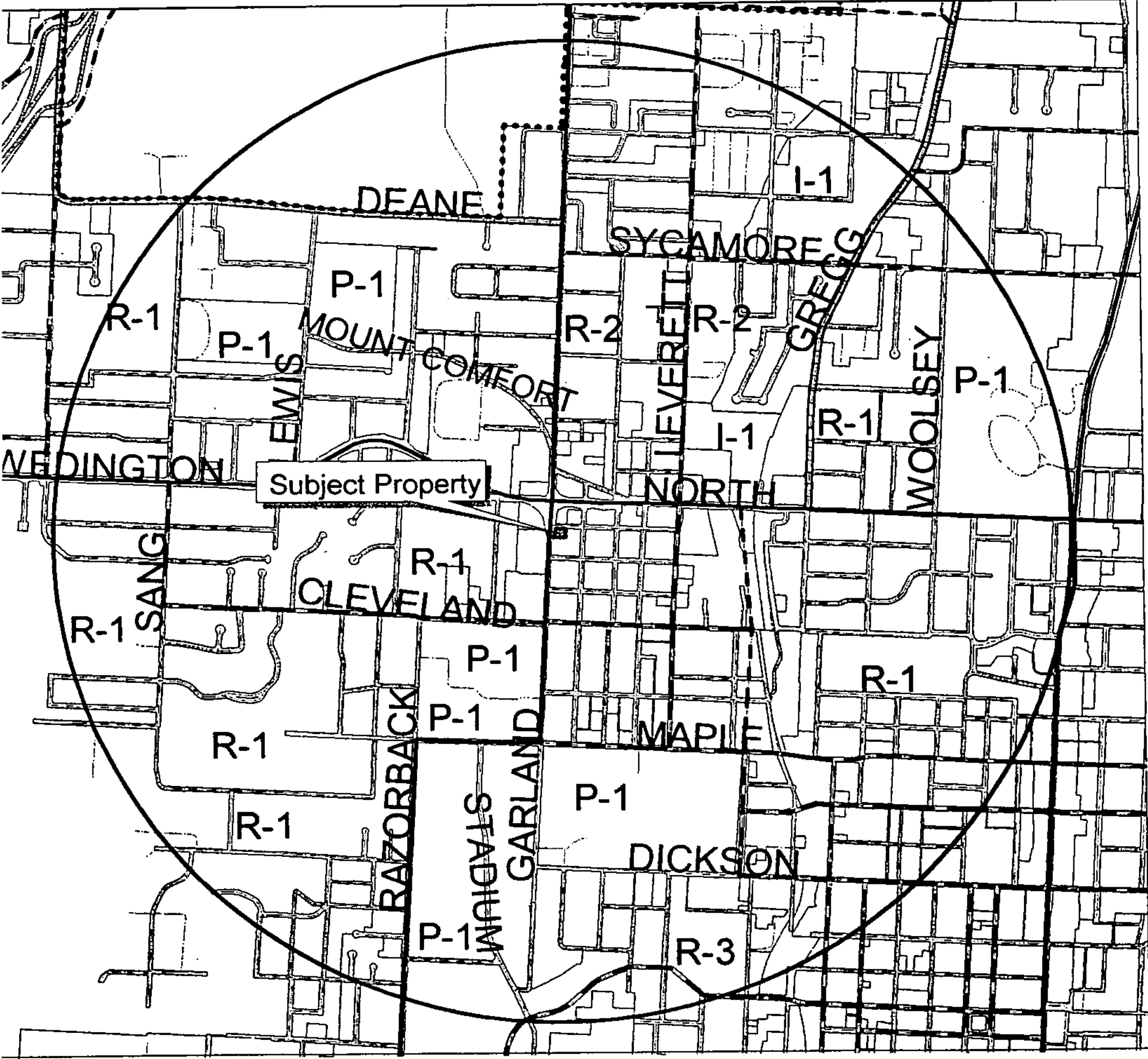


- Master Street Plan
- Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historical Collector
 - Structures (1998)

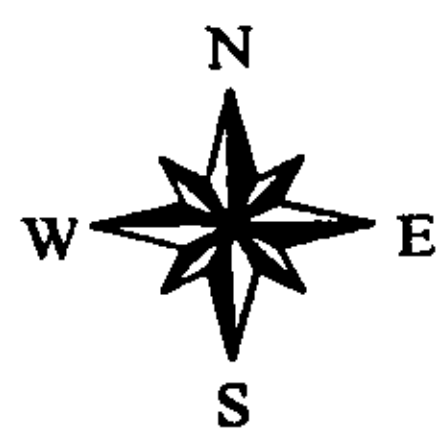
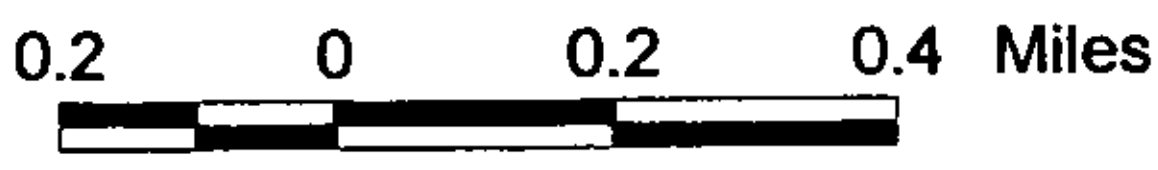


RZ01-7 Mansfield One Mile Radius

RZ 01-7.00
C. 2. Page 13



- Master Street Plan
- Freeway/Expressway
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Historical Collector
 - Fayetteville City Limits



Planning Commission
April 9, 2001
Page 100

RZ 01-7.00: Rezoning (Mansfield, pp 444) was submitted by Stephen Mansfield of Mansfield Property Management, LLC for property located at 932 N. Garland Avenue and 1003 Hughes Street. The property is zoned R-3, High Density Residential and contains approximately 0.26 acres. The request is to rezone to R-O, Residential Office.

Estes: The next item on our agenda is item number ten, rezoning request 01-7.00 submitted by Stephen Mansfield of Mansfield Property Management, LLC for property located at 932 N. Garland Avenue and 1003 Hughes Street. The property is zoned R-3, High Density Residential and contains approximately 0.26 acres. The request is to rezone to R-O, Residential Office. Staff recommends approval of the requested zoning based on the findings that are included in your packet. Is the applicant present? Do you have any presentation for us?

Mansfield: My name is Steve Mansfield, I live at 2665 Deer Path Drive here in Fayetteville. The purpose of the rezoning request is, our intent is to renovate these two older structures on the property and use the one on Garland to be a property management office, basically a residential real estate type office and renovate the one on Hughes Street, at least for the time being keep it as a rental home. I would be happy to answer any questions that you have.

PUBLIC COMMENT:

Estes: Commissioners, are there any questions? is there any member of the audience that would like to provide comment on this rezoning request 01-7.00?

COMMISSION DISCUSSION:

Estes: Seeing none, I will close the floor to public comment and bring the matter back to the Commission for discussion, motions.

MOTION:

Marr: Based on, I believe in this area, that this zoning would be needed at the time and it is in compliance with the 2020 Plan, I'll move for approval of RZ 01-7.00.

Hoffman: Second.

Estes: There is a motion by Commissioner Marr and second by Commissioner Hoffman. Is there any discussion regarding the motion? Sheri, would you call the roll please?

Planning Commission
April 9, 2001
Page 101

ROLL CALL:

Upon roll call RZ 01-7.00 is approved by a unanimous vote of 9-0-0.

STAFF REVIEW FORM

Add. Personnel
C. 3. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of May 1, 2001

FROM:

Dan Coody Mayor's Administration General Government
 Name Division Department

ACTION REQUIRED:

A resolution authorizing additional personnel for the Mayor's Administration Division, the Parks & Recreation Division, the Inspections Division, and the Urban Development Department. Also, approval of an attached Budget Adjustment is also requested to cover the City's 2001 cost of \$115,128.

COST TO CITY:

<u>\$115,128.00</u>	<u>0.00</u>	
Cost of this Request	Category/Project Budget	Category/Project Name
<u>Various</u>	<u>0.00</u>	<u>Various</u>
Account Number	Funds Used To Date	Program Name
	<u>0.00</u>	<u>General/Parks Dev.</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW: Budgeted Item X Budget Adjustment Attached

[Signature]
 Budget Manager

[Signature]
 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY

<u>[Signature]</u> Accounting Manager	<u>4/16/01</u> Date	<u>[Signature]</u> Internal Auditor	<u>4/17/01</u> Date
<u>[Signature]</u> City Attorney	<u>4/17/01</u> Date	<u> </u> ADA Coordinator	<u> </u> Date
<u>[Signature]</u> Purchasing Officer	<u>4/17/01</u> Date	<u> </u> Grant Coordinator	<u> </u> Date

STAFF RECOMMENDATION: Staff recommends approval of resolution and attached budget adjustment.

 Division Head

 Date

Cross Reference

 Department Director

 Date

New Item: **Yes** **No**

[Signature]
 Administrative Services Director

4/16/01
 Date

Prev Ord/Res #:

[Signature]
 Mayor

4/11/01
 Date

Orig Contract Date:

Orig Contract Number:

Description Additional Personnel Requests Meeting Date May 1, 2001

Comments:
Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

FROM: Dan Coody, Mayor

DATE: April 11, 2001

SUBJECT: **Approval of a Trails Administrator, a Grant Writer, an Information Desk Clerk, an Urban Development Secretary, a full-time upgrade of Property Inspector, and Several Position Realignment.**

Approval is requested from City Council to add four and one-half positions and a budget adjustment for the 2001 budget year. The additional cost to the City for the remainder of 2001 will be \$115,128.

New Position Additions:

The Trails Administrator position will be funded in the Parks Development Fund and will be located in the Parks & Recreation Division. This position will takeover the trail design/construction duties of the Sidewalk/Trails Coordinator to allow for greater emphasis to be placed on the separate areas which will result in increased productivity. The projected 2001 cost for this position is \$24,127 with an annualized 2002 cost estimated to be \$42,597.

The Grant Writer position will be funded in General Fund and will be located in the Mayor's Administration Division. This position will concentrate on attaining new grants for the City which will hopefully reduce the amount of current expenditures by expediting the use of grant money. The projected 2001 cost for this position is \$24,127 with an annualized 2002 cost estimated to be \$42,597.

The Information Desk Clerk position will be funded in General Fund and will be located in the Mayor's Administration Division. This position will be stationed at the information desk located in the front of the City Administration Building and will be responsible for assisting citizens as they come in the building. This position will also answer the City's main switchboard phone and will coordinate with the Public Affairs' staff in dealing with citizen requests. The projected 2001 cost for this position is \$13,004 with an annualized 2002 cost estimated to be \$23,305.

The Urban Development Secretary position will be funded in General Fund and will be located in the Urban Development Department. This position will be responsible for assisting the Urban Development Director and the Mayor's staff. The projected 2001 cost for this position is \$17,010 with an annualized 2002 cost estimated to be \$28,128.

The Property and Sign Inspector position is requested to be upgraded from part-time to full-time status. The upgrade will be funded in General Fund and is currently located in the Inspection Division. The duties of the two Property and Sign Inspector positions after the upgrade will be separated into two separate positions allowing for equal enforcement of signs and property. This position being upgraded will be responsible for enforcing property inspections due to increased demand.

Current Staff Position Realignment:

In addition to the four and one-half positions listed above, a budget adjustment is requested to fund the newly created position of Urban Development Director. This position will be funded in General Fund and will replace the Assistant to the Mayor position. The Urban Development Director will be responsible for the management of the Parks & Recreation, Planning, Community Development, Cable Administration, and Public Lands Maintenance Divisions. The projected 2001 cost of \$42,766 for this position will be offset by \$22,651 for the elimination of the Assistant to the Mayor position for a total cost of \$20,115. The additional 2002 cost over what is currently budgeted is estimated to be \$27,385.

Also, two Staff Assistant positions have been added to work in the Public Affairs Office. These positions will be funded in General Fund and will be budgeted in the Mayor's Administration Division. They will be replacing the Economic Development Analyst and Economic Development Secretary positions. The two positions will concentrate their efforts on Neighborhood Groups and citizen questions and requests. The projected 2001 cost of \$52,186 for these two positions will be offset by \$55,601 for the elimination of the two Economic Development positions. The additional 2002 cost over what is currently budgeted is estimated to be a cost savings of \$3,415.

Cost Summary:

The table below highlights the 2001 partial year expense for each individual position and compares it to the estimated 2002 full year expense. For 2002, the total cost to the City for adding and realigning current positions will be \$179,671.

Position Title	2001 Partial Expense	2002 Full Year Expense
Trails Administrator	\$ 24,127	\$ 42,597
Grant Writer	24,127	42,597
Information Desk Clerk	13,004	23,305
Urban Development Director	42,766	76,359
Urban Development Secretary	17,010	28,128
Property Inspector (Full Time)	33,353	33,353
Staff Assistant	26,093	31,478

Position Title	2001 Partial Expense	2002 Full Year Expense
Staff Assistant	26,093	31,478
Assistant to the Mayor	(22,651)	(48,974)
Economic Development Analyst	(23,144)	(35,000)
Economic Development Secretary	(32,457)	(32,457)
Property & Sign Inspector (Part Time)	(13,193)	(13,193)
Total	\$ 115,128	\$ 179,671

Budget Year 2001	Department: Various Division: Various Program: Various	Date Requested May 1, 2001	Adjustment #
---------------------	--	-------------------------------	--------------

Project or Item Requested: \$115,128 to various accounts for the addition of four positions. Additional funding is also required for the Urban Development Director position which will take the place of the Assistant to the Mayor position.	Project or Item Deleted: \$91,001 from the General Fund Use of Fund Balance Account and accounts in the Economic Development Program. \$24,127 from the Gary Hampton Softball Complex capital project.
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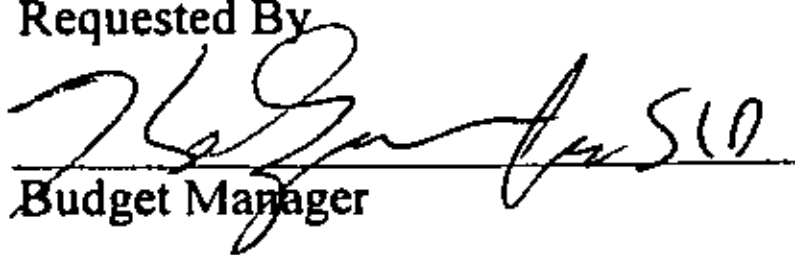
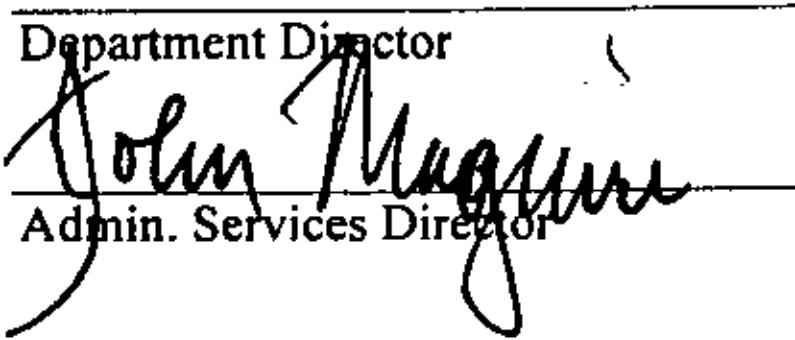
Justification of this Increase: The positions are needed to make the City Administration run more efficiently.	Justification of this Decrease: Sufficient funding remains to comply with City Policy. Sufficient funding remains in project to finish the parking lot and drainage requirements.
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Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
See Attached Schedule			

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
See Attached Schedule			

Approval Signatures		Budget Office Use Only					
Requested By 	Date 4-16-2001	Type:	A	B	C	D	E
Budget Manager	Date	Date of Approval					
Department Director 	Date 4/16/2001	Posted to General Ledger					
Admin. Services Director	Date	Posted to Project Accounting					
Mayor	Date	Entered in Category Log					

2001 Full Time Equivalent (FTE) Employee Additions:

Fund - Program Grade Classification Projected Hire Date	Trails Administrator	Grant Writer	Information Desk Clerk	Urban		Property Inspector (FT)	Staff Assistant	Staff Assistant	Total Cost
				Development Director	Development Secretary				
2250-9250 ER 12 05/29/2001	2250-9250 ER 12 05/29/2001	1010-0150 ER 12 05/29/2001	1010-0150 NA 6 05/29/2001	1010-0550 05/29/2001	1010-0550 NA 8 05/29/2001	1010-6400 NB 9 05/29/2001	1010-0150 ER 10 02/26/2001	1010-0150 ER 10 02/26/2001	
Salaries & Wages \$	32,000 \$	32,000 \$	16,000 \$	60,000 \$	20,000 \$	24,500	24,500 \$	24,500	233,500
FICA	2,448	2,448	1,224	4,590	1,530	1,911	1,874	1,874	17,899
Life Insurance	150	150	75	281	94	115	115	115	1,095
Health Insurance	3,994	3,994	3,994	3,994	3,994	3,756	1,918	1,918	27,562
LTD Insurance	147	147	74	276	92	113	113	113	1,075
AD&D Insurance	18	18	18	18	18	18	18	18	144
Retirement	3,840	3,840	1,920	7,200	2,400	2,940	2,940	2,940	28,020
Total	42,597	42,597	23,305	76,359	28,128	33,353	31,478	31,478	309,295

Annual Salary & Benefits Cost:

Prorated Salary & Benefits Cost: (Based on Hire Date)

Salaries & Wages	18,462	18,462	9,231	34,615	11,538	24,500	18,846	18,846	154,500
FICA	1,412	1,412	706	2,648	883	1,911	1,442	1,442	11,856
Life Insurance	86	86	43	162	54	115	88	88	722
Health Insurance	1,664	1,664	1,664	1,664	1,664	3,756	2,663	2,663	17,402
LTD Insurance	85	85	42	159	53	113	87	87	711
AD&D Insurance	18	18	18	18	18	18	18	18	144
Retirement	0	0	0	0	0	2,940	0	0	2,940
Total	21,727	21,727	11,704	39,266	14,210	33,353	23,144	23,144	188,275

Equipment and Supplies Cost:

Desk & Chair	1,100	1,100	0	0	1,100	0	1,330	1,330	5,960
Computer Equipment	1,200	1,200	1,200	0	1,200	0	1,419	1,419	7,638
Office Supplies	100	100	100	0	500	0	200	200	1,200
Services & Charges	0	0	0	3,500	0	0	0	0	3,500
Total	2,400	2,400	1,300	3,500	2,800	0	2,949	2,949	18,298
Total Funding Required \$	24,127 \$	24,127 \$	13,004 \$	42,766 \$	17,010 \$	33,353	26,093 \$	26,093	206,573

2001 Full Time Equivalent (FTE) Employee Additions: (continued)

Fund - Program Grade Classification Projected Hire Date	Assistant To The Mayor	Econ. Dev. Analyst	Econ. Dev. Secretary	Property & Sign Inspector (PT)	Total Savings	Net Cost
1010-0150 ER 12 Eliminated	1010-0500 ER 10 Eliminated	1010-0500 NA 8 Eliminated	1010-6400 NB 9 Eliminated			
<u>Annual Salary & Benefits Cost:</u>						
Salaries & Wages \$	(39,000)	(27,415)\$	(23,756)\$	(12,250)	(102,421)	131,079
FICA	(3,003)	(2,112)	(1,856)	(943)	(7,914)	9,985
Life Insurance	(183)	(128)	(111)	0	(422)	673
Health Insurance	(1,911)	(1,911)	(3,756)	0	(7,578)	19,984
LTD Insurance	(179)	(126)	(109)	0	(414)	661
AD&D Insurance	(18)	(18)	(18)	0	(54)	90
Retirement	(4,680)	(3,290)	(2,851)	0	(10,821)	17,199
Total	(48,974)	(35,000)	(32,457)	(13,193)	(129,624)	179,671

<u>Prorated Salary & Benefits Cost: (Based on Hire Date)</u>						
Salaries & Wages	(17,636)	(18,846)	(23,756)	(12,250)	(72,488)	82,012
FICA	(1,375)	(1,442)	(1,856)	(943)	(5,616)	6,240
Life Insurance	(122)	(88)	(111)	0	(321)	401
Health Insurance	(1,271)	(2,663)	(3,756)	0	(7,690)	9,712
LTD Insurance	(119)	(87)	(109)	0	(315)	396
AD&D Insurance	(12)	(18)	(18)	0	(48)	96
Retirement	(2,116)	0	(2,851)	0	(4,967)	(2,027)
Total	(22,651)	(23,144)	(32,457)	(13,193)	(91,445)	96,830

<u>Equipment and Supplies Cost:</u>						
Desk & Chair	0	0	0	0	0	5,960
Computer Equipment	0	0	0	0	0	7,638
Office Supplies	0	0	0	0	0	1,200
Services & Charges	0	0	0	0	0	3,500
Total	0	0	0	0	0	18,298
Total Funding Required \$	(22,651)	(23,144)\$	(32,457)\$	(13,193)	(91,445)	115,128

STAFF REVIEW FORM

Impact Fee
C. 4. Page 1

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of May 1, 2001

FROM:

Tim Conklin
Stephen Davis
Name

Planning
Budget & Research
Division

Public Works
Administrative Services
Department

ACTION REQUIRED: Acceptance of two reports prepared by Duncan & Associates in association with Cooper Consulting Company titled Impact Fee Study: Policy Directions Memorandum and Development Fee Survey. City Council direction on Phase Two of the impact fee study project is also requested.

COST TO CITY:

<u>\$None at this time</u>	<u>99,721.00</u>	<u>Impact Fee Study - City Wide</u>
Cost of this Request	Category/Project Budget	Category/Project Name
	<u>30,020.00</u>	
Account Number	Funds Used To Date	Program Name
<u>00008</u>	<u>69,701.00</u>	<u>Sales Tax Capital Imp.</u>
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

XX Budgeted Item _____ Budget Adjustment Attached

[Signature]
Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

<u>Accounting Manager</u>	<u> Date </u>	<u>Internal Auditor</u>	<u> Date </u>
<u>City Attorney</u>	<u> Date </u>	<u>ADA Coordinator</u>	<u> Date </u>
<u>Purchasing Officer</u>	<u> Date </u>	<u>Grant Coordinator</u>	<u> Date </u>

STAFF RECOMMENDATION:

<u>Division Head</u>	<u> Date </u>	<u>Cross Reference</u>
<u>Department Director</u>	<u> Date </u>	New Item: Yes No
<u>Administrative Services Director</u>	<u> Date </u>	Prev Ord/Res #: _____
<u>Mayor</u>	<u> Date </u>	Orig Contract Date: _____
		Orig Contract Number: _____

STAFF REVIEW FORM - Page 2

Description Impact Fee Report to City Council Meeting Date May 1, 2001

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grants Coordinator

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Don Bunn, Assistant Public Works Director
John Maguire, Administrative Services Director

FROM: Tim Conklin, City Planner
Stephen Davis, Budget Manager 

DATE: April 19, 2001

SUBJECT: Acceptance of two reports prepared by Duncan & Associates in association with Cooper Consulting Company titled Impact Fee Study: Policy Directions Memorandum and Development Fee Survey. City Council direction on Phase Two of the impact fee study project is also requested.

The City contracted with Duncan & Associates to perform a development impact fee study. The contract consisted of two phases: Phase One: Policy Directions and Phase Two: Implementation.

City Council is presented the two reports prepared by Duncan & Associates in association with Cooper Consulting Company (Duncan & Associates), titled Impact Fee Study: Policy Directions Memorandum and Development Fee Survey in completion of Phase One of the Impact Fee Study project.

Duncan & Associates presented the accompanying reports to City Council at a meeting held on Thursday April 12. The conclusion of the reports was that the City could consider development impact fees for essentially four infrastructure areas or types. The consultants arrived at their conclusion after reviewing Arkansas law and court case findings.

The four infrastructure areas identified in the consultant's report are:

- Water impact fee,
- Wastewater impact fee,
- Land dedication for community facilities or fee in lieu of land dedication, and
- Street/Road land dedication or fee in lieu of land dedication.

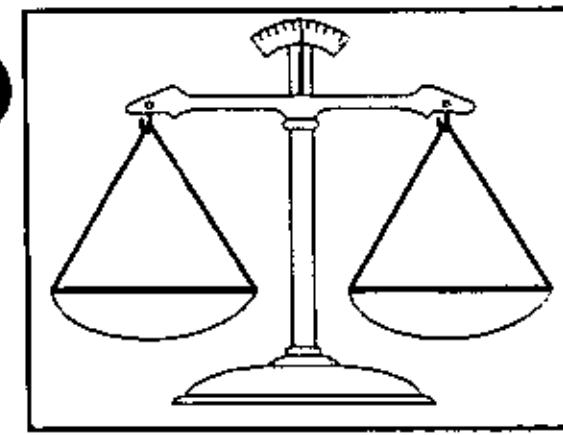
The consultant did note in the summary section of their report that the first three impact fees are on firm ground and that the street/road fee would be on less firm ground.

Staff requests direction from City Council on whether or not to proceed with Phase Two and if Council decides to proceed with Phase Two which fee areas to study. Phase Two will include impact fee studies for the infrastructure area selected by City Council for study as well as development of the implementing ordinances and public participation. The consultants recommend a stakeholder advisory committee be established for any work to be undertaken in Phase Two.

If City Council elects to proceed with Phase Two, staff will need to negotiate an agreement with the consultant and submit the agreement for City Council approval at a future Council meeting.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS



KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council Members

FROM: Kit Williams

DATE: May 1, 2001

RE: Constitutional problems with City tax money provided to independent, non-profit, charitable groups

The City of Fayetteville last year passed a Resolution expressing its intent to partially fund the construction of the proposed new Boys and Girls Club by paying over to the Boys and Girls Club, Inc. two mills of property tax on the citizens of Fayetteville for two years. This would total around \$2.3 million. The Boys and Girls Club, Inc. is an independent, non-profit, charitable corporation. Its Board of Directors is not appointed by the City of Fayetteville.

I assumed that the City of Fayetteville must have had the legal and constitutional authority to pay that tax money to assist in the construction of the proposed Boys and Girls Club when that Resolution was passed and signed by the Mayor. When the issue of submitting the millage to a vote of our citizens arose, I researched this question. I now have grave doubts as to the constitutionality of donating 2.3 million dollars in tax money to this independent corporation.

Article 12, §5 of the Arkansas Constitution states:

✓
“No county, city, town, or other municipal corporation shall ... obtain or appropriate money for ... any corporation, association, institution or individual.”

Some early cases in the Arkansas Supreme Court seemed to permit donating city tax money to charitable groups. In Bourland v. Pollock, 157 Ark. 538, 249 S.W. 360 (1923), a divided Supreme Court upheld a lower court's decision allowing the City of Fort Smith to donate \$125.00 per month to Fort Smith Federated Welfare Association, a voluntary, unincorporated committee composed of the Mayor, County Judge and others. The majority of the Supreme Court decided this group was not a “corporation, association (or) institution” and so the city was not barred constitutionally from donating tax dollars to it.

“The answer alleged, and the demurrer admits, and the proof shows, that the Welfare Association ‘is not an association, institution, or corporation,’ but it is a mere committee of officers and charitably disposed citizens who undertake to carry on the work above mentioned in behalf of the sick and afflicted children, wayward girls, and worthy or indigent families who are undernourished and poorly clothed and fed.

“It will be observed, therefore, that the so-called ‘Welfare Association’ does not in fact come within the inhibitory words of the Constitution.”
249 S.W. at 362

The Supreme Court also noted this group was closely associated with the city government.

“It will be observed that the Welfare Association had in its membership a majority of the commissioners charged with the city government

of the City of Fort Smith. Thus the city, through its officers as members of the Welfare Association, does have a large voice in the distribution of the fund contributed by it to the benevolences mentioned.
249 S.W. at 363

The Chief Justice and Justice Hart issued a strong dissent in Bourland.

"HART, J. (dissenting). The Chief Justice and myself are of the opinion that the ordinance appropriating money to the Fort Smith Federated Welfare Association violates Art. 12 §5, of the Constitution of 1874.

...

"It is true the association is devoted to a charitable purposes, but it is nevertheless a voluntary association, and is not under the legal control of the city.

...

"The ordinance under consideration by its terms made a donation for the support and maintenance of the Fort Smith Federated Association, and by the terms of the section of the Constitution above quoted such donation was prohibited." Id. 249 S.W. at 364

It is important to remember here that the Boys and Girls Club is also an independent corporation, not under the legal control of the City of Fayetteville.

Justice Hart and the Chief Justice summed up their dissent as follows:

“Municipal corporations hold their money for their inhabitants to be expended for legitimate corporate purposes. The right of taxation by such corporations extends only to raising money for public purposes and uses. There is no definition of a public purpose or use which can include the maintenance and support a private charitable institution by the donation of money levied and collected by taxation. It is one thing for a city to provide itself with a hospital or the like institution to care for the poor and the sick, and quite another to make gifts to a private institution for that purpose. The former is a public purpose, and is not prohibited by the Constitution; the latter is a private purpose, and falls within the ban of the clause of the Constitution of 1874 quoted above.” Id. 249 S.W. at 366.

Another taxpayer challenged the City of Paris for furnishing financial support to a street improvement district. The Supreme Court held:

“We think a street improvement district is not a company, association or corporation within the meaning of Sec. 5, Art. 12 of the Constitution. A street improvement district is not a private enterprise, or a business corporation or association, but it is rather the municipality acting through an **agency of its own creation.**” City of Paris v. Street Improvement District #2, 175 S.W. 199, 200 (1943). (emphasis added).

As opposed to the divided Supreme Court in Bourland, this unanimous decision held the city funding was constitutional because the street improvement district was “an agency of (the city’s) own creation.”

Despite the strong dissents by the Chief Justice and Justice Hart, Bourland remained the leading authority for many years. Indeed, it was cited approvingly when the Supreme Court affirmed a dismissal of a suit seeking to enjoin the City of Little Rock from paying \$5,000.00 to the Community Chest of Greater Little Rock. Neel v. City of Little Rock, 204 Ark. 568, 153 S.W. 2d 525 (1942).

Decided on the same day was City of Little Rock v. Community Chest of Greater Little Rock, 204 Ark. 562, 163 S.W. 2d 522 (1942). In that case, the City was found to be without constitutional power to make a donation from its waterworks account. That was decided on a constitutional impairment of contract issue.

The first direct questioning of the validity of the Bourland case came in 1950 in Gordon v. Woodruff County, 232 S.W. 2d 832 (1950).

"A strong dissenting opinion by Mr. Justice Hart was concurred in by Chief Justice McCulloch. They took the position that the money appropriated by the city was a gift for purposes the city had a right to engage in, but that in adopting the association as its agent (as expressed by the majority) the city lost control to such an extent that its duty of supervision was abdicated. It was also the view of the dissenting justices that the so-called "association" came within the terms of Article 12, Sec. 5.

"But should we agree with Judges Hart and McCulloch to the extent of impairing the majority holding that the Association was within the constitution's prohibitory language, that alone would not sustain the position of appellant and intervener. It would be necessary to go further and say that the appropriation by Woodruff County was to the Fair Association, a contribution or gift over which the County lost its property rights and surrendered all

control. Pro● does not support this conclusion." Id. 232 S.W. 2d at 833.

Because the County actually owned the land and the buildings and allowed the Fair Association to only use them annually for a week or so, the money appropriated by the County to assist the Fair Association to build permanent fair buildings was constitutional. This is similar to the tax money Fayetteville is using to help construct the new Senior Citizen Center on city owned land in Walker Park. The Boys and Girls Club, however, is to be built on land owned by the Boys and Girls Club, not by the City.

The Arkansas Supreme Court continued to undermine the Bourland decision in Halbert v. Helena - West Helena Indus. Develop. Corp. 291 S.W. 2d 802 (1956). In that case, the Arkansas Supreme Court held a portion of a state statute unconstitutional because it would allow a city or county to appropriate money for a local industrial development corporation (a private, non-profit corporation).

"We conclude that this section offends against our Constitution and its Amendments. Article 12, §5 of the Constitution provides:

"No county, city, town or other municipal corporation shall become a stockholder in any company, association or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual." Id. 291 S.W. 2d at 806

In finding Section 20 of the Act unconstitutional, the Arkansas Supreme Court rejected the constitutionality of a city providing financial aid to a **private**, non-profit corporation.

"Under Section 20 of the Act 404, a city, town or county is allowed to "purchase membership" in a local industrial development corporation.

It would be doing indirectly what the Constitution forbids to be done directly, if a county or municipality were allowed to purchase a membership in the corporation, because such purchase of "membership" would certainly be granting financial aid to the said local corporation. When the Arkansas Legislature allowed the creation of local development corporations as private non-profit corporations, it could not at the same time allow counties or municipalities to grant financial aid to such corporations." Id.

The Arkansas Supreme Court did not mention Bourland, but did reject further reliance on Neel v. City of Little Rock which had been decided solely on the precedent of the Bourland case.

"At all events, Neel v. City of Little Rock is a borderline case; and we refuse to extend the effect of its holding." Id.

In 1990 the Arkansas Supreme Court reversed a Chancellor's decision to disperse municipal taxpayer's funds to various charities.

("The Court) ordered \$700,000.00 of taxpayers' funds be given to assorted charities."

...

"The Arkansas Constitution forbids county or municipal funds to be given to any corporation, association, institution, or individual. Ark. Const. art. 12 §5; Halvert v. Helena -- West Helena Ind. Dev. Corp., 226 Ark. 620, 625, 291 S.W. 2d 802, 806 (1956). The record reveals, however, that fifteen or more corporations were awarded \$355,000.00 in the distribution order." City of Jacksonville v. Venhaus, 302 Ark. 204, 788 S.W. 2d 478, 481 (1990).

Thus, the Supreme Court has come full circle on city funding non-profit charitable groups. I believe that the City of Fayetteville lacks the clear constitutional right to appropriate \$2.3 million of taxpayer funds for the private, non-profit corporation or association of the Boys and Girls Club.

Can the City of Fayetteville choose to appropriate money to help in the very worthy goal of matching the \$9.3 million grant from the Donald W. Reynolds Foundation to build the proposed new Boys and Girls Club? Yes, if the Board of the Boys and Girls Club decides to do one of two different options.

First, the Boys and Girls Club, Inc. could become an agency or arm of the City of Fayetteville with its Board appointed by the City. It would then be like the Multipurpose Civic Center Facility Board of Pulaski County which could constitutionally receive funding.

"Likewise, facilities boards are not the type of company, association, or corporation contemplated by Article 12, Section 5. Rather, facilities boards are agencies created by the counties to carry out various county activities."

McCutchen v. Huckabee, 328 Ark. 202, 943 S.W. 2d 225, 230 (1997).

The second option would be for the City of Fayetteville to own the land (and therefore the buildings) upon which the Boys and Girls Club would be built. Like the County Fair Buildings from the Gordon v. Woodruff County case and the now under construction Fayetteville Senior Citizen Center (which will be operated under lease by the Council on Aging, Inc.), Fayetteville could constitutionally help pay for its own buildings.

The City would also need to ensure that this facility would be for "public recreation and playgrounds". A.C.A. §14-54-1301. If the Boys and Girls Club rejoined the City Structure, then we could

constitutionally and statutorily delegate the operation of the public recreation program at the Boys and Girls Club to that Board.

"14-54-1301. Authority to operate.

- (a) Any city or town, or any board thereof, may:
 - (1) Operate a program of public recreation and playgrounds;
 - (2) Acquire, equip, and maintain land, buildings or other recreational facilities; and
 - (3) Expend funds for the operation of the program pursuant to the provisions of this subchapter." (emphasis added).

We must keep in mind that the Supreme Court has held: "The law is almost uniform that a "public purpose" contemplates that the use must be common to all and not to a particular group." Holiday Island Improvement District No. 1 v. Williams, 295 Ark. 442, 445, 749 S.W. 2d 314, 316 (1988).

The bottom line is that I believe it would be too risky to attempt to fund the private Board of the Boys and Girls Club to build a project on their own land to the tune of more than 2.3 million taxpayer dollars. This could very well be determined to be an illegal exaction, and I would anticipate litigation that could well be successful.

Even though the City certainly desires to help construct the proposed new Boys and Girls Club, we must obey constitutional restrictions and appropriate tax money only for legally authorized expenditures. It is now up to the independent Board of Directors of the

Boys and Girls Club to take the necessary steps so that the City of Fayetteville can constitutionally help fund this project.

Although my staff and I carefully researched the law on this issue, we would welcome any input which could constitutionally justify spending taxpayers' money for this project.

KIT WILLIAMS

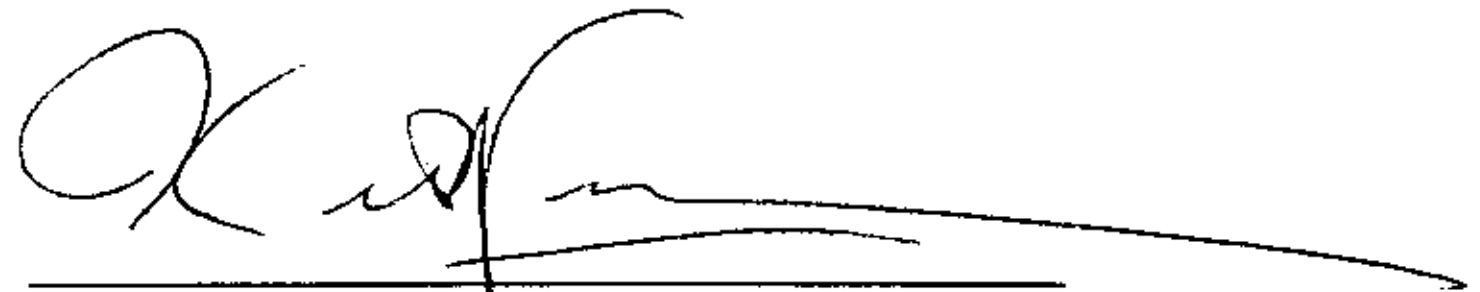
Fayetteville City Attorney

P.S. We consulted with an attorney with the Arkansas Municipal League who basically agreed with our analysis. When we researched the Attorney General Opinions, we found one issued March 9, 2000 to the Prosecuting Attorney of the Second Judicial District (Jonesboro). The most relevant part of the opinion is quoted below:

"Specifically addressing your second request, in light of the foregoing authorities, it is my opinion that the statutory provision to give charitable funds to "the Girls' Club and Boys' Club or similar non-profit charitable organizations providing recreational youth services" is unconstitutional. In my opinion, such organizations clearly fall within the contemplation of article 12, §5, particularly if they are, as I assume, private non-profit corporations." Opinion #1999-408

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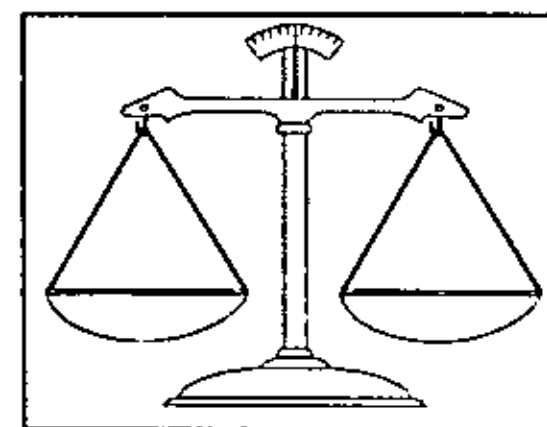
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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS



KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council Members

FROM: Kit Williams

A handwritten signature in dark ink, appearing to read "Kit Williams", followed by a horizontal line.

DATE: April 27, 2001

RE: Proposed special elections concerning the millage for the Boys and Girls Club and the expanded definition of food and beverage suppliers required to collect and pay the Hotel/Motel and Restaurant Tax (both for the A & P Commission and the Parks)

On February 3, 1988, the Board of Directors of the City of Fayetteville passed Ordinance # 3325 "CALLING AND SETTING A DATE FOR A SPECIAL ELECTION ON THE QUESTION OF CONSTRUCTING A 150 TON PER DAY MASS BURN INCINERATOR TO DISPOSE OF SOLID WASTE."

This was an advisory vote only and referred to the voters because "the residents of the city should have input on the question of whether said facility should be constructed" (Section 6) However, my review of the Arkansas Constitution (specifically Amendment 7) and State Law (A.C.A. § 14-55-301) do not give legal authority for such a purely advisory vote.

- “(a) The City Council or governing body of any municipality, by a majority vote of its members, may refer any proposed ordinance to the people for **adoption or rejection**.
- “(b) The City Council, or governing body, may at the time of, or within thirty (30) days of, the adoption of any ordinance refer the ordinance to the electors for their **acceptance or rejection** by a two-thirds (2/3) vote of the members of the council.
- “(c) The action of the City Council shall constitute a referral to the people, and from that point the procedure shall be that as required by Arkansas Constitution, Amendment 7. (emphasis added)

As you see, the statute allows for a referendum of proposed or adopted ordinances for their **adoption, acceptance or rejection** (not advice). This statute provides no authority for a merely advisory election even though the City of Fayetteville conducted such an advisory vote of the people on the incinerator in 1988.

Amendment 7 to the Arkansas Constitution governs Initiatives and Referendums.

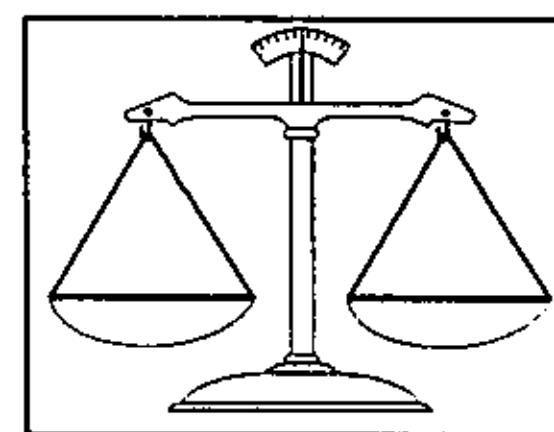
“Fifteen percent of the legal voters of any municipality or county may order the referendum In municipalities, the number of signatures required upon any petition shall be computed upon the total vote cast for the office of mayor at the last preceding general election”

“(R)efereendum petitions may be referred to the people at special elections to be called by the proper official”

“(T)he time for filing ... a referendum petition (shall not be fixed) at less than thirty days nor more than ninety days after the passage of such measure by a municipal council ”

Accordingly, I believe it would not be statutorily nor constitutionally authorized to conduct a **purely advisory vote** as was previously done on the incinerator issue. If that is correct, we could be questioned as to why the City Council would be spending tax money (\$15,000.00?) without legal authority.

Of course, it would be proper to actually submit real ordinances for final decision by the voters. If this was done, the proposed or adopted ordinances would be adopted, accepted or rejected during the special election. A two-thirds vote of all the elected Aldermen would be required to repeal or amend such ordinance that has been submitted to the citizens' vote. As noted earlier, the Mayor would have no vote on this issue.



KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
City Council Members

FROM: Kit Williams

A handwritten signature, likely of Kit Williams, consisting of stylized initials and a surname.

DATE: April 24, 2001

RE: Litigation Against the City

As I have attended Planning Commission meetings, I have observed the lawyers (who sued the City over its decision to approve the Planning Commission's decision concerning the Tree Ordinance on the Argus Property) make statements and ask questions that indicate to me the strong possibility of future litigation against the City over the Tree Ordinance. As City Attorney, I believe I need to offer the City Council ways to avoid threatened or possible litigation.

The City's Landscape Administrator, Kim Hesse, has now apparently changed her original interpretation of §167.03 -- Successors In Interest section of the Tree Preservation and Protection Act. For many years, I believe Beth Sandeen and later Kim Hesse (Fayetteville's first and second Landscape Administrators) interpreted the Successors in Interest section to mean that if a developer had submitted a Tree Preservation Plan and then sold his whole development to another person, that buyer remained bound by the original Tree Preservation Plan. Usually though, the original Tree Preservation Plan covering the whole development would NOT bind a buyer of a single lot in the development who would "start from scratch" to prepare his own Tree Preservation Plan. Thus, a lot developer could cut down or remove trees originally saved on the whole development's Tree Preservation Plan as long as the lot developer's own Tree Preservation Plan complied with the

ordinance.

Landscape Administrator Kim Hesse has now publicly informed the Planning Commission that she interprets the Successor In Interest section to mean that once a Tree Preservation Plan has been approved for a large commercial development, all purchasers including single lot purchasers are bound by that original plan (and so they must preserve all the trees on their lots which were to be saved on the original Tree Preservation Plan. If the City deviates from this current interpretation, we could be successfully sued for not following our ordinance.

On the other hand, if we strictly enforce this "new" interpretation, there are three or so lots in the CMN Business Park which were developed under the "old" interpretation so that the identified saved trees are located where development of these lots may be rendered practically or commercially unfeasible. If we have "changed the rules" after a developer has invested millions building infrastructure (roads, utilities, sidewalks, etc.) and placing lot lines in reliance upon our past practice and interpretation, we could get sued in an effort to force us to buy these "unbuildable lots". These would be extremely expensive lots to purchase.

Therefore I was concerned that we had painted ourselves into a corner. The proposed new section of the current Tree Protection and Preservation Ordinance is designed to provide an escape hatch if the City Council decided "a waiver, reduction or alteration is necessary to avoid unfair, unforeseen or impracticable application of the Tree Preservation Plan.

I do not anticipate that this Waiver Section will be needed beyond the development of CMN Business Park, nor will it be needed for the new Tree Preservation Ordinance. It is only because the interpretation of the current Tree Ordinance appears to have changed significantly DURING the development of the CMN Business Park (and after millions have been spent by the developer for roads, bridges, drainage, etc.) that this Waiver is probably necessary.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TREE PROTECTION
AND PRESERVATION ORDINANCE (§167.01 OF THE
FAYETTEVILLE CITY CODE)

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

Section 1: That the City Council hereby amends Ordinance No. 167.01
of the Fayetteville City Code by adding § 167.09 as follows:

"§ 167.09 - Waiver

An alderman, on behalf of and with the consent of an owner or developer
of a parcel, subdivision or development, can present a proposed waiver,
reduction or alteration in the requirements of the Tree Protection and
Preservation Ordinance to the City Council. If the City Council votes to consider
such a proposed waiver, reduction or alteration, a public hearing before the City
Council will be held and such a waiver, reduction or alteration may be granted
by the City Council if it determines such waiver, reduction or alteration is
necessary to avoid unfair, unforeseen, or impractical application of the Tree
Protection and Preservation Ordinance upon this particular parcel of land. The
City Landscape Administrator shall then administer the Tree Preservation Plan
pursuant to § 167.05."

PASSED AND APPROVED this ____ day of _____, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

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PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DRAFT

April 24, 2001

**AGENDA SESSION
CITY COUNCIL
MAY 1, 2001**

NEW ITEMS:

1. **SPECIAL ELECTION:** An ordinance calling and setting a date for a special election on the question of advising the City Council whether or not to raise two mils General Property Tax to be utilized to help finance the new Fayetteville Boys and Girls Club.
2. **TREE PROTECTION AND PRESERVATION ORDINANCE:** An ordinance amending the Tree Protection and Preservation Ordinance.

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA CITY COUNCIL MAY 1, 2001

A meeting of the Fayetteville City Council will be held on May 1, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located 113 W. Mountain, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF MINUTES:** Approval of the April 17, 2001 City Council minutes.
2. **AIRPORT HANGARS:** A resolution approving a grant application to the Arkansas Department of Aeronautics for the rehabilitation of airport hangars. The terms of the grant are a 50/50 split of project costs.
3. **CMN BUSINESS PARK:** A resolution for AD 01-18.00 to adopt the hydrologic and hydraulic study for CMN Business Park II, prepared by Garver Engineers.
4. **DOUBLE SPRING ROAD:** A resolution authoring the City Attorney to seek court ordered possession for the fee simple acquisition of 0.46 acres and the acquisition of 0.168 acre of temporary construction easement in two parcels from Gary Tipton and Sarah Tipton, HW, and Conley Worley and Virginia Worley, holders of a life estate in conjunction with the Arkansas State Highway and Transportation Department replacement of Double Springs Road Bridge.
5. **CHILDREN'S HOUSE:** A resolution approving a long term lease with the Economic Opportunity Agency of Washington Co. for Children's House and Sage House.

B. OLD BUSINESS

1. **PHYSICAL ALTERATION OF LAND:** An ordinance amending Section 169.03 of the Code of Fayetteville, Physical Alteration of Land. The ordinance was left on the first reading at the April 17, 2001 meeting.

2. **STORMWATER AND DRAINAGE:** An ordinance amending Section 170.03 of the Code of Fayetteville, Stormwater Management, Drainage and Erosion Control. The ordinance was left on the first reading at the April 17, 2001 meeting.
3. **RZA 01-1.00:** An ordinance approving annexation request RZA 01-1.00 as submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex subject property into the City of Fayetteville. The ordinance was left on the first reading at the April 17, 2001 meeting.
4. **RZ 01-6.00:** An ordinance approving rezoning request RZ 01-6.00 submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural, and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the April 17, 2001 meeting.

C. **NEW BUSINESS**

1. **AD 01-8.00:** An ordinance amending Chapter 171 "Streets and Sidewalks", Section 171.12 "Property Owner to Construct Sidewalk Upon Receipt of Notice" of the Unified Development Ordinance to adopt a replacement Section 171.12 to include a change that would allow the City Sidewalk Administrator to accept money in lieu of construction and enlargement of properties affected (lot splits, renovations, conditional use).
2. **RZ 01-7.00:** An ordinance approving rezoning request RZ 01-7.00 submitted by Stephen Mansfield of Mansfield Property Management, LLC for property located at 932 N. Garland Avenue and 1003 Hughes Street. The property is zoned R-3, High Density Residential and contains approximately 0.26 acres. The request is to rezone to R-O, Residential Office.
3. **ADDITIONAL PERSONNEL:** A resolution authorizing additional personnel for the Mayor's Administration Division, the Parks and Recreation Division, the Inspections Division, the Urban Development Department. Also, approval of an attached budget adjustment is also requested to cover the City's 2001 cost of \$115,128.
4. **IMPACT FEE STUDY:** A resolution accepting two reports prepared by Duncan and Associates in association with Cooper Consulting Company titled Impact Fee Study: Policy Directions Memorandum and Development Fee Survey. City Council direction on Phase Two of the impact fee study project is also requested.

May 1, 2001

Mayor Dan Coody &
Aldermen of the Fayetteville City Council
113 West Mountain St.
Fayetteville, AR 72703

Dear Mayor Coody and Aldermen,

I probably will not be at the council meeting tonight before you have discussed and voted on the amended grading and drainage ordinances. I teach a class at the university, which doesn't finish until 6:45. Ms. Gaston will not be able to attend, either. I had requested that the ordinance be left on its second reading so that we could be present for the final vote, but I don't think that is necessary. We did what we promised to do last January, which was to present the council with an alternative to the ad hoc committee's recommendation. We probably could and, perhaps, should have stepped out of the debate after that. At this point, it's the council's decision to do what it thinks best.

It's interesting that this issue, which caused so much uproar last summer, has come down to language. As I said at the last council meeting, I think either "shall" or "may" could work. Ultimately, a stop-work order becomes an administrative decision anyway. "Shall" is obviously stronger, and I do believe there is still discretion in the word. For example, if an engineer calls on the 29th or 30th day and requests a few extra days, I find it hard to believe that engineering or the public works director would deny the request, unless the city plans to strictly enforce this deadline like it does no other. There are always exceptions, and the stop-work order has its "excuse" clause for extenuating circumstances.

"May" could also work if "may" is understood to mean "probably will". My problem with "may" is that it sounds too much like "maybe" or "perhaps" or "if you like", which is how I am afraid it will be interpreted, not by our engineers but by those in the private sector. A few days extension under "shall" could become a couple of weeks under "may". I agree with Alderman Davis that our engineers are the best judges of how close a drainage permit is to being approved, but the whole point of the deadlines is that they are *supposed* to be close by the second submittal. We are, after all, asking for general compliance, not for every "T" to be crossed and every "I" dotted. I'm also concerned that the city might open itself up to accusations of not applying the deadline equally to everyone if the stop work order is a maybe, or worse, never be applied at all if the deadline is not respected.

I think it is important to keep in mind that phased permitting is and always has been an exception to the rule, the rule being that no grading begins until both permits are approved, which is the city's policy almost 90% of the time. Despite assumptions last summer that some of us on the ad hoc committee were there to get rid of phased permitting, there was almost unanimous agreement among the committee members that phased permitting makes sense for some situations as long as it poses no risk to the environment and *if* it is administered properly. The problem begins when the privilege is used as a means to get the client's project started earlier without taking the same care with drainage calculations that would be expected if both

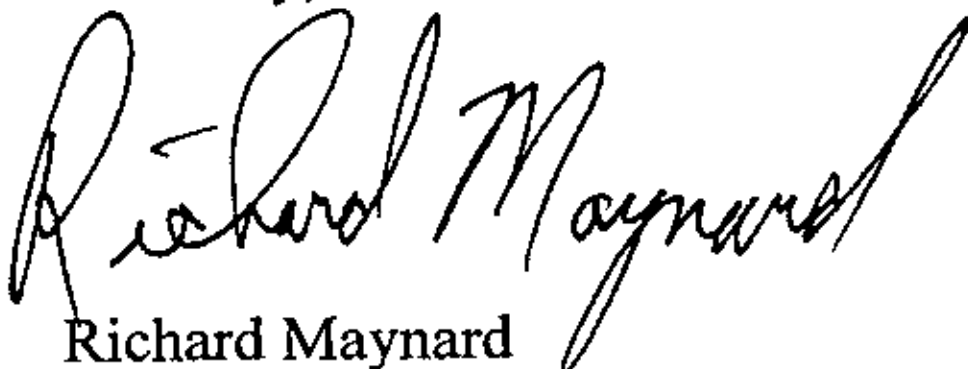
permits needed city approval before any work began. We heard from Mr. Beavers in an ORC meeting that some engineers have actually asked for their grading permit before they had even begun their drainage calculations, a request that Mr. Beavers wisely refused. Without phased permitting, the deadline is evident and not imposed by the city. No work can begin until both permits are in order. Phased permitting is different. Without some restriction on the number of submittals, there is less incentive for accurate drainage calculations once the work has started.

I want to take this opportunity to clear up a couple of things that were said at the last council meeting. First of all, nothing – not the number of submittals, not the number of weeks, not even the “shall” or “may” – was put into this revision without first running it by our engineers. I appreciate that Mr. Beavers and Mr. Petrie do not want to get caught in the middle of this discussion and I understand why. Still, if anything about the deadline was unreasonable or unworkable, I’m sure they would have told me so. Likewise, it is not our intention to tell anyone how to “run their business”. But this is city business, which should be the concern of all of us since the citizens are footing the bill. It doesn’t take a professional to realize how difficult it is for our professionals to get permits approved in a timely manner when they are constantly having to re-review applications, whether for a phased permit or not. Every time calculations are resubmitted, someone has to review them, which means someone else’s permit is *not* being reviewed and their projects are delayed. How that benefits business is beyond me.

No matter what you decide tonight, the city is still left with the problem of multiple submittals for projects not granted phased permitting. According to our engineers, applications are resubmitted for city approval for a third, fourth, or even fifth review over 30% of the time. Nothing in this ordinance – or any ordinance – will address this problem. It’s an administrative one, and one that continues to create a headache for our professionals. I think they deserve better. I have a couple of suggestions that might improve this situation, which I will give to the mayor and the engineers. They are only suggestions. They can do with them what they want.

It’s my hope that these revisions will benefit not only the city and the environment but also development. However, that can happen only if these restrictions to phased permitting become the first step towards facilitating the entire permitting process. That has been my intent from the beginning. And my only intent. This present policy of allowing a limitless number of submittals serves no one.

Sincerely,

A handwritten signature in cursive script, reading "Richard Maynard". The signature is written in dark ink and is positioned above the printed name.

Richard Maynard

1717 N. Sang Ave.
Fayetteville, AR 72703

**DRAFT TENTATIVE AGENDA
CITY COUNCIL
MAY 15, 2001**

A meeting of the Fayetteville City Council will be held on May 15, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES

- 2. OFFER AND ACCEPTANCE:** A resolution approving the offer and acceptance for the transfer of vacant property located at 897 N. Crossover Road from the City of Fayetteville to the William E. House Trust.

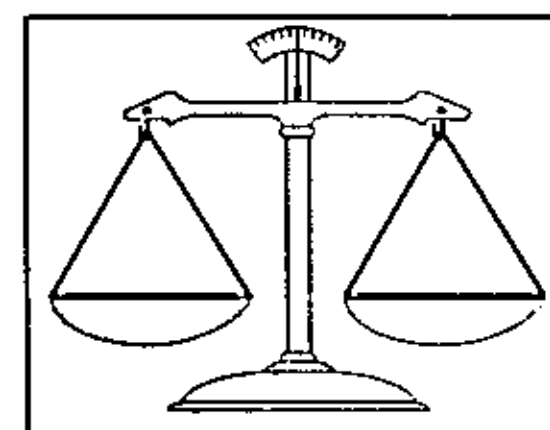
B. OLD BUSINESS

C. NEW BUSINESS

- 1. RZ 01-8.00:** An ordinance approving rezoning request RZ 01-8.00 as submitted by Deborah Sexton on behalf of WHM Land Investments, Inc. for lots 76-83 located in Meadowlands Subdivision Phase I and II. The property is zoned R-1.5 Moderate Density Residential and contains approximately 1.79 acres. The request is to rezone to R-1, Low Density Residential.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS



KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Heather Woodruff, City Clerk

FROM: Kit Williams, City Attorney *KW*

DATE: May 2, 2001

RE: Ordinances passed at May 1st City Council Meeting

Enclosed are the Ordinances that were passed at last night's City Council meeting. They are:

- 1) Ordinance Repealing Section 171.12 Property Owner To Construct Sidewalk Upon Receipt Of Notice, And Adopting A Replacement Section 171.12
- 2) Ordinance Rezoning That Property Described In Rezoning Petition RZ01-6.00 For A Parcel Containing Approximately 40 Acres Located East Of Sunshine Road And North Of Highway 16 As Submitted By Michele A. Harrington On Behalf Of TMC & Associates
- 3) Ordinance Annexing That Property Described In Annexation Petition RZA01-1.00 For A Parcel Containing Approximately 40 Acres Located East Of Sunshine Road And North Of Highway 16 As Submitted By Michele A. Harrington On Behalf Of TMC & Associates

- (4) Ordinance Rezoning That Property Described In Rezoning Petition RZ01-7.00 For A Parcel Containing Approximately 0.26 Acres Located At 932 N. Garland Avenue and 1003 Hughes Street As Submitted By Stephen Mansfield Of Mansfield Property Management, LLC

As soon as we have the Resolutions all written and printed, you will be getting them.