

**Final Agenda
City Council Meeting
June 1, 2004**

A meeting of the Fayetteville City Council will be held on June 1, 2004 at 6:00 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:** Approval of the May 18, 2004 meeting minutes.

PULLED FROM CONSENT AGENDA.

2. **Landscape Forms Contract:** A resolution to approve a purchase order with Landscape Forms, Inc. for 15 benches and 50 litter receptacles for the amount of \$46,256.95 and to approve a budget adjustment of \$35,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 81-04.

3. **Crossland Construction Library CO #15:** A resolution to approve Change Order #15 in the amount of \$100,000.00 to fund signage (interior and exterior) in the Crossland Construction Company, Inc. contract to build the Fayetteville Public Library.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 82-04.

4. **2004 Community Development Block Grant:** A resolution to accept the 2004 Community Development Block Grant in the amount of \$761,000.00, to approve the 2004 Funding Agreement and to approve the 2004 Consolidated Action Plan.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 83-04.

5. **Scott Construction Excavator Purchase:** A resolution to approve the purchase of a Gradall Excavator from Scott Construction Company for the low bid of \$260,470.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 84-04.

6. **Teeco Safety, Inc. Taser Purchase:** A resolution to award a bid in the amount of \$34,830.06 to purchase twenty tasers from Teeco Safety, Inc.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 85-04.

B. OLD BUSINESS:

1. **Water Service Agreement with Springdale:** A resolution to approve an amendment to the water service agreement with Springdale to move the water service boundary so that

180 acres now with the Fayetteville Water Service Area can be moved into the Springdale Water Service Area. *This resolution was tabled at the May 18, 2004 City Council meeting until the June 1, 2004 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 86-04.

2. **ANX 04-06.00 (Leigh Taylor Properties):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112 containing approximately 29.86 acres. *The ordinance was left on the first reading at the May 18, 2004 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

3. **VAC 04-10.00 Right of Way (Paul Dunn):** An ordinance approving VAC 04-10.00 to vacate and abandon a 25' portion of the platted right of way for Rebecca Street east of Vinson Avenue along the north boundary of Lot 8 of the Vinson Subdivision, retaining a utility easement within subject property as depicted on the attached map and legal description. *The ordinance was left on the second reading at the May 18, 2004 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4578.

C. NEW BUSINESS:

1. **R-PZD 04-06.00 (John Nock):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-06.00 located on Ruppel Road south of Wedington Drive containing approximately 41.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

THIS ITEM WAS LEFT ON THE SECOND READING.

2. **Ruppel Row Money in Lieu of Land:** A resolution to accept the recommendation of the Parks and Recreation Advisory Board to accept \$7,482.75 in lieu of a portion of the parkland dedication requirements of Ruppel Row Subdivision.

THIS ITEM WAS TABLED TO THE JUNE 15, 2004 MEETING.

3. **Annex Islands Containing 180.979 Acres:** A resolution to purpose an ordinance calling for the annexation of a large parcel of land completely surrounded by the incorporated limits of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 87-04.

4. **Annex Islands Containing 449.509 Acres:** A resolution to purpose an ordinance calling for the annexation of several parcels of land completely surrounded by the incorporated limits of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 88-04.

5. **Annex Islands Containing 704.84 Acres:** A resolution to purpose an ordinance calling for the annexation of University of Arkansas land completely surrounded by the incorporated limits of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 89-04.

6. **Raze and Removal 800 S College:** A resolution to approve an order to raze and remove a dilapidated and unsafe structure located at 800 S College Avenue, Fayetteville.

THIS ITEM WAS TABLED TO THE AUGUST 3, 2004 MEETING.

7. **Amend §171.01 of the Unified Development Code Residential Gates for Subdivisions:** An ordinance to amend §171.01 of the Unified Development Code to add new subsection (D) restricting the installation of gates for residential subdivisions.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4579.

8. **Repeal Resolution No. 156-01 Staffing Freeze:** A resolution to repeal Resolution 156-01 which established a staffing freeze for the City of Fayetteville on November 20, 2001.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 90-04.

D. INFORMATIONAL:

Memorial Day Holiday May 31, 2004.

No Council Tour due to Holiday

Meeting adjourned at 7:55 p.m.

Meeting Adjourned at
7:55 pm

Subject:	Roll				
Motion To:					
Motion By: Seconded:					
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	absent	during roll call only		
	Davis	✓			
	Lucas	✓			
	Mayor Coody	✓			

Subject:	Consent				
Motion To:		approve			
Motion By: Seconded:		Jordan Davis			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

Minutes
pulled
from
Consent

Approve
with
minutes
pulled
81-04
to 85-04

Fayetteville City Council Meeting of June 1, 2004

Subject:	Water Service Agreement				
Motion To:		Approve Amendment	Approve resolution as amended		
Motion By:		Cook	Jordan		
Seconded:		Reynolds	Davis		
Old Business #1 Passed 86-04	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Davis	✓	✓		
	Lucas	✓	✓		
	Mayor Coody				

Subject:	ANX 04-6.00 Leigh Taylor				
Motion To:		Table Ind.			
Motion By:		Jordan			
Seconded:		Davis			
Old Business #2 Tabled Indef.	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

Fayetteville City Council Meeting of June 1, 2004

Subject:	VAC 04-10.00 Right of Way (Paul Dunn)				
Motion To:		3rd read	Pass		
Motion By:		Davis			
Seconded:		Reynolds			
Old Business #3 Passed 4578	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Davis	✓	✓		
	Lucas	✓	✓		
	Mayor Coody				

Subject:	R-PZD 04-6.00 (John Nock)				
Motion To:		2nd read			
Motion By:		Davis			
Seconded:		Lucas			
New Business #1 Left on the Second reading	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

Fayetteville City Council Meeting of June 1, 2004

Subject:	Repple Row Money in Lieu of Land				
Motion To:		Table until the next meeting			
Motion By: Seconded:		Marr Jordan			
New Business #2 Tabled until the next meeting	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

Subject:	Annex Islands Containing 180.979 Acres				
Motion To:		Approve			
Motion By: Seconded:		Jordan Lucas			
New Business #3 Passed 87-04	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

Fayetteville City Council Meeting of June 1, 2004

Subject:	Annex Islands (180.979) Acres				
Motion To:					
Motion By: Seconded:		Jordan Lucas			
#4 New Business passed 88-04	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

Subject:	Annex Islands (449.509) Acres				
Motion To:					
Motion By: Seconded:					
#5 New Business passed 89-04	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

Fayetteville City Council Meeting of June 1, 2004

Subject:	Raze & Renewal 800 S. College				
Motion To:		Table until the first meeting in August			
Motion By:		Thiel			
Seconded:		Jordan			
#6 New Business Tabled until the first meeting in August	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Mayor Coody				

August 3, 2004 City Council Meeting

Subject:	Amend 171.01 of the UDC Residential Gates for Subdivisions				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Marr	Marr		
Seconded:		Jordan	Jordan		
#7 New Business Passed 4579	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				

Fayetteville City Council Meeting of June 1, 2004

Subject:	Repeal Resolution #156-01 Staffing Freeze				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Marr			
# 8 New Business Passed 6/2 90-04	Jordan	✓			
	Reynolds	N			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	N			
	Lucas	✓			
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Davis				
	Lucas				
	Mayor Coody				

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D. INFORMATIONAL:

Memorial Day Holiday May 31, 2004.

No Council Tour due to Holiday

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Telephone: 501-575-8206

ENGINEERING DESIGN SERVICES DIVISION CORRESPONDENCE

A. 2.
Landscape
Jenn

TO: Tim Conklin, CPES Director
FROM: Ron Petrie, Engineering Design Services Manager *RP*
DATE: May 26, 2004
SUBJECT: Dickson Street Enhancement Project

The following is a summary of the remaining funds in the Dickson Street Enhancement Project:

CONTRACT PLUS CONTINGENCY AMOUNT - \$3,264,167.20

AMOUNT INVOICED AS OF 5/26/04 - \$3,203,623.32

REMAINING FUNDS AS OF 5/26/04 - \$ 60,543.88

*ANTICIPATED ADDITIONAL INVOICES - \$ 20,000.00

*ANTICIPATED FINAL REMAINING FUNDS - \$ 40,543.88

*The Contractor for the project, Township Builders, Inc., has not provided the City with the final invoice for the project. The official final project costs can be provided as soon as the invoice has been received and approved by the City.

A. 4.
CDBG 2004

City of Fayetteville
Community Development Block Grant 2004

ADMIN		141,334
(Funding cap of 20%)		
HOUSING PROGRAM		
REHAB	381,795	
HOMEOWNERSHIP	10,000	
HABITAT	8,000	
		399,795
PUBLIC SERVICES		
7 HILLS	25,000	
TAXI PROGRAM	40,000	
TRANSPORTATION	10,000	
BOYS AND GIRLS CLUB	30,000	
(Funding cap of 15%)		105,000
REDEVELOPMENT PROGRAM		
CODE COMPLIANCE	65,415	
LAND ACQUISITION	49,456	
		<u>114,871</u>
TOTAL GRANT AMOUNT		<u><u>\$ 761,000</u></u>

A.5.
Excavator Purchase

City of Fayetteville, Arkansas Request for Expansion/Replacement Equipment

Division: Transportation Program: Street Drainage Date of Request: 5/12/2004
Accl. # Currently Charged: _____ Accl. # to be Charged: 2100-4130
Expansion X or Replacement _____ Date Required: ASAP
Unit # for Vehicle being Replaced: _____ Unit # for Expansion/Replacement: _____
Purchase Price of Exp./Replace Vehicle: 260,470.00 CIP Budget / Project # 4470.9470.5802 4006
Monthly Motor Pool Charges for Current and/or Replacement Vehicle/Equipment:
Replacement: _____ Maintenance: _____ Overhead: _____
of Months Budgeted: _____ Total Budgeted: 71,328 ~~0.00~~ (5331.00)
Expansion/Replacement Monthly Motor Pool Charges for New Vehicle/Equipment:
Replacement: 2,996.00 Maintenance: 350.00 Overhead: 241.00
of Months to be in Service for Current Year: 5.00 Current Year Expense, New: 17,935.00
Current Year Expense, Old: _____
Total Current Year Expense: 17,935.00

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)
Gradall Excavator model XL4100II

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

A truck mounted excavator provides rapid mobility from job to job and allows one operator to dig and continuously move along the project.

Approval Signatures:

Ray S. Rudy
Division Head

5/13/04
Date

Steph Davis
Finance & Internal Services Dir.

5-25-04
Date

2001 RBZ
Fleet Operations Superintendent

5/13/04
Date

Mugl Savant
Chief Administrative Officer

5-25-04
Date

Barbara Bell
Budget Manager

5/20/04
Date

Mayor

Date

B.1.
Springdale Water
Service Agreement

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AMENDMENT TO THE WATER SERVICE AGREEMENT WITH SPRINGDALE TO MOVE THE WATER SERVICE BOUNDARY SO THAT 180 ACRES NOW WITH THE FAYETTEVILLE WATER SERVICE AREA BE MOVED INTO THE SPRINGDALE WATER SERVICE AREA AS SOON AS SPRINGDALE ACCEPTS THE TRANSFER

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

Section 1: Upon request of the property owner, agreement of the Springdale Water and Sewer Commission, and in light of the existing infrastructure available to the 180 acre parcel identified in Exhibit A, the City Council of Fayetteville hereby finds it is proper to adjust the water service boundary line between Fayetteville and Springdale so that this 180 acre parcel is moved into the Springdale water service area as soon as Springdale and its Water and Sewer Commission agree to accept this transfer.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

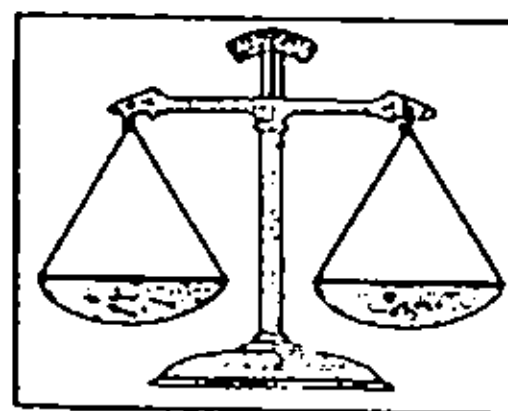
ATTEST:

By: _____
SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: City Council

FROM: Kit Williams, City Attorney

DATE: May 24, 2004

RE: Water Service Boundary transfer of 180 acres to Springdale

Attached is the proposed Amended Resolution to make the change in water service boundary dependent upon Springdale's agreement to accept the 180 acres as proposed by the owners of this land.

If acceptable, an alderman will need to move to amend the initial Resolution to conform with the wording in this amended version.

C3, C4, C5
Annex Islands

Annexation of Islands
Informational Meeting
Summary of Discussion
May 20, 2004

Introduction and background information was presented to the public by Tim Conklin, Director of Community and Engineering Services. Members of City Staff were present to answer particular questions in regard to their divisions. These members included Greg Boettcher (Administration), Chris Bosch (Fire Dept.), Terry Gulley (Transportation), Carrol Hill and Brian Pugh (Solid Waste), Frank Johnson (Police), and Dawn Warrick (Planning). After Tim Conklin presented the public with the background information a question and answer session followed.

Ralph and Geneva Cook of 410 Cunningham Ln. stated that they were happy being in the County and that they had no desire to come into the City of Fayetteville. A question arose to why they were notified and their neighbors were not. Staff later concluded that all of the adjoining owners to the Cooks are already located within the City of Fayetteville.

Mary Ray, owner of Ray-Mo Small Engine 3815 E. Huntsville Rd, stated that her property was located in a floodplain and it was her understanding that State Law would not permit a municipality from annexing property located in a flood plain. In a telephone conversation earlier in the day she asked the same question of Staff and was directed to speak to Kit Williams the City's Attorney. Mrs. Ray was also concerned with having a commercial business being brought into the City with a residential zoning classification. If they were to lose their business in a flood would they be able to continue operating commercially?

Bill Wilson of 2431 N. Salem road had a question of operating his welding business in a proposed residential zone. Mr. Wilson stated that he would not have a problem being annexed, however, he would like to come in with a light industrial zoning classification.

Stan Thomas of 4050 Mt Comfort Rd. inquired about the City extending sewer service to his property. Currently the property surrounding Mr. Thomas is being developed into subdivisions and he requested information on tying into the sewer line. Apparently Mr. Thomas had his lateral lines damaged as a result of development on the adjoining property. The Thomas's also have a horse barn and pasture that they currently use to board horses. The Thomas's feel that if horses were not allowed due to being zoned residential that they would lose property value. They requested to be zoned R-A.

Other general questions that were asked dealt primarily with residents' ability to maintain their current agricultural uses once their land is annexed and re-zoned residential.

C.G. Raze &
Removal

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN ORDER TO RAZE AND REMOVE A DILAPIDATED AND UNSAFE STRUCTURE LOCATED AT 800 S. COLLEGE AVENUE, FAYETTEVILLE

WHEREAS, by certified mail, the owner of the dilapidated and unsafe building was notified on September 4, 2003 that because the building was dilapidated, unsafe, unsanitary or detrimental to the public welfare, the owner must repair or demolish the building; and

WHEREAS, the owners have not obtained the required permits, nor performed satisfactory repairs, nor demolished the building; and

WHEREAS, §95.04 of the Code of Fayetteville in compliance with state law grants the City Council the power to order the razing and removal of such building after a public hearing upon proof that such building is dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, after a public hearing on this issue, hereby finds that the building at 800 S. College Avenue, Fayetteville has been shown to be and is dilapidated, unsafe, unsanitary, or detrimental to the public welfare to such an extent that an order for the building's razing and removal should be and hereby is issued.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby directs that a lien in the reasonable cost of the razing and removal of the structure be placed on this property until such lien amount, plus any allowed interest, is paid in full.

PASSED and APPROVED this the 1st day of June, 2004.

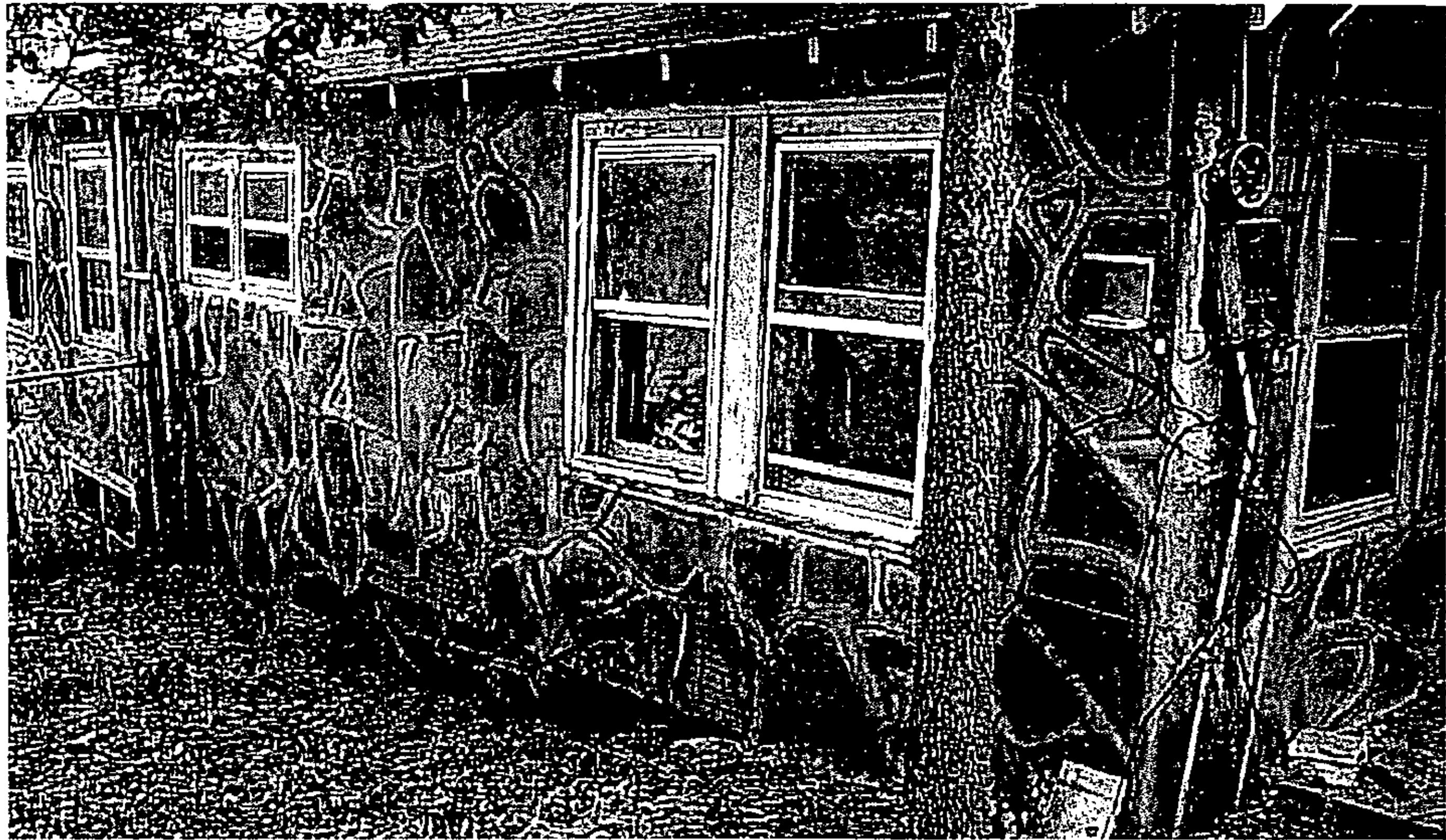
APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



800 S College Ave



ALDERMAN AGENDA REQUEST FORM

C. T. Gates

FOR: COUNCIL MEETING OF JUNE 1, 2004

FROM:

ALDERMAN DON MARR and ALDERMAN LIONELD JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §171.01 Of The Unified Development Code To Add New Subsection(D) Restricting The Installation Of Gates For Residential Subdivisions

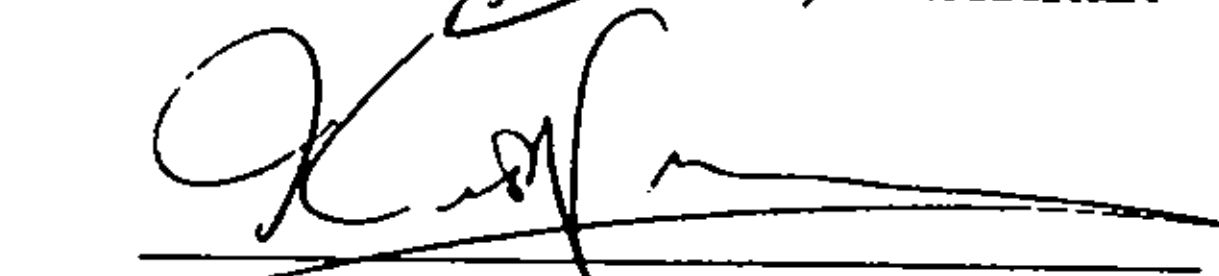
APPROVED FOR AGENDA:


DON MARR, Alderman

5/25/04
Date


LIONELD JORDAN, Alderman

5/25/04
Date


City Attorney (as to form)

May 25, 04
Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §171.01 OF THE UNIFIED
DEVELOPMENT CODE TO ADD NEW SUBSECTION (D)
RESTRICTING THE INSTALLATION OF GATES FOR
RESIDENTIAL SUBDIVISIONS

WHEREAS, the 2020 Plan recommended by the Planning Commission and adopted by the City Council after numerous lengthy public hearings and debate recommends against walled and gated residential subdivisions; and

WHEREAS, except for rare circumstances such as a gated retirement facility, there is no security justification for residential neighborhoods and new residential subdivisions to be gated; and

WHEREAS, the 2020 Plan encourages connectivity between residential subdivisions to foster the feeling of community and trust throughout Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §171.01 **Miscellaneous Provisions of Chapter 171: Streets and Sidewalks** by adding new subsection (D) as shown below:

“(D) Gated streets not allowed in most residential subdivisions

“No residential subdivision or apartment complex shall be constructed with a gate across a street without prior express approval by resolution of the City Council that finds that security considerations favoring a gate outweigh aesthetic considerations and the city’s policies in favor of connectivity, openness and neighborliness.”

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED

DRAFT

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

ALDERMAN AGENDA REQUEST FORM

C. 8.
Staffing
Freeze

FOR: COUNCIL MEETING OF JUNE 1, 2004

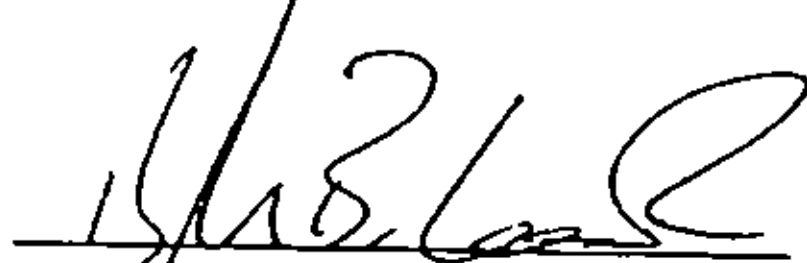
FROM:

ALDERMAN KYLE COOK

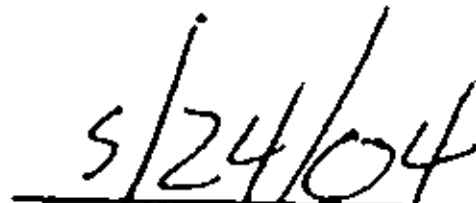
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

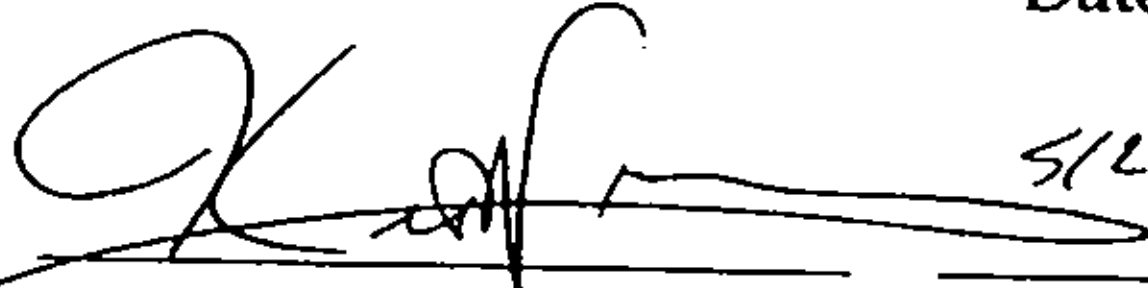
A Resolution To Repeal Resolution No. 156-01 Which Established A Staffing Freeze For The City Of Fayetteville On November 20, 2001

APPROVED FOR AGENDA:



Alderman


Date



5/24/04

City Attorney (as to form)

Date

RESOLUTION NO. _____

A RESOLUTION TO REPEAL RESOLUTION NO. 156-01
WHICH ESTABLISHED A STAFFING FREEZE FOR THE
CITY OF FAYETTEVILLE ON NOVEMBER 20, 2001

WHEREAS, the City of Fayetteville has continued its rapid population growth into the Twenty First Century; and

WHEREAS, new City programs to curb litter, beautify the City, enforce code compliance, implement impact fees, implement new planning documents like the BWR Traffic Study, Downtown Master Plan, manage storm water runoff, provide increased fire and police protection, process development requests, perform zero based budgeting, pave more road and sidewalk miles each year, and perform the myriad government support functions, all place additional requirements upon city employees' time and efforts.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Resolution No. 156-01 so that the administration can plan to include vitally needed additional staff in the 2005 Budget. The City Council realizes that the budget constraints are not over and so will closely examine the justification for and necessity of any additional staff positions that may be proposed by the administration.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

DRAFT

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

**Tentative Agenda
City Council Meeting
June 1, 2004**

A meeting of the Fayetteville City Council will be held on June 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Agenda Session: OMI Annual Report

Proposed Jail Closing Presentation by Chief Hoyt

Discussion of Mediation Process by Sidney H. McCollum

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the May 18, 2004 meeting minutes.
2. **Ripple Row Money in Lieu of Land:** A resolution to accept the recommendation of the Parks and Recreation Advisory Board to accept \$7,482.75 in lieu of a portion of the parkland dedication requirements of Ripple Row Subdivision.
3. **Landscape Forms Contract:** A resolution to approve a purchase order with Landscape Forms, Inc. for 15 benches and 50 litter receptacles for the amount of \$46,256.95 and to approve a budget adjustment of \$35,000.00.

B. OLD BUSINESS:

1. **Water Service Agreement with Springdale:** A resolution to approve an amendment to the water service agreement with Springdale to move the water service boundary so that 180 acres now with the Fayetteville Water Service Area can be moved into the Springdale Water Service Area. *This resolution was tabled at the May 18, 2004 City Council meeting until the June 1, 2004 City Council meeting.*
2. **ANX 04-06.00 (Leigh Taylor Properties):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112 containing approximately 29.86 acres. *The ordinance was left on the first reading at the May 18, 2004 City Council meeting.*
3. **VAC 04-10.00 Right of Way (Paul Dunn):** An ordinance approving VAC 04-10.00 to vacate and abandon a 25' portion of the platted right of way for Rebecca Street east of Vinson Avenue along the north boundary of Lot 8 of the Vinson Subdivision, retaining a utility easement within subject property as depicted on the attached map and legal description. *The ordinance was left on the second reading at the May 18, 2004 City Council meeting.*

C. NEW BUSINESS:

1. **Crossland Construction Library CO #15:** A resolution to approve Change Order #15 in the amount of \$100,000.00 to fund signage (interior and exterior) in the Crossland Construction Company, Inc. contract to build the Fayetteville Public Library.
2. **2004 Community Development Block Grant:** A resolution to accept the 2004 Community Development Block Grant in the amount of \$761,000.00, to approve the 2004 Funding Agreement and to approve the 2004 Consolidated Action Plan.
3. **Scott Construction Excavator Purchase:** A resolution to approve the purchase of a Gradall Excavator from Scott Construction Company for the low bid of \$260,470.00.
4. **Teeco Safety, Inc. Taser Purchase:** A resolution to award a bid in the amount of \$34,830.06 to purchase twenty tasers from Teeco Safety, Inc.
5. **R-PZD 04-06.00 (John Nock):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-06.00 located on Ruple Road south of Wedington Drive containing approximately 41.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
6. **Annex Islands Containing 180.979 Acres:** A resolution to purpose an ordinance calling for the annexation of a large parcel of land completely surrounded by the incorporated limits of Fayetteville.
7. **Annex Islands Containing 449.509 Acres:** A resolution to purpose an ordinance calling for the annexation of several parcels of land completely surrounded by the incorporated limits of Fayetteville.
8. **Annex Islands Containing 704.84 Acres:** A resolution to purpose an ordinance calling for the annexation of University of Arkansas land completely surrounded by the incorporated limits of Fayetteville.
9. **Raze and Removal 800 E College:** A resolution to approve an order to raze and remove a dilapidated and unsafe structure located at 800 E College Avenue, Fayetteville.
10. **Sale of Shake's Building:** A resolution of intent to sell municipally owned property at the corner of Sang Avenue and Sixth Street (A portion of the former Shake's Frozen Custard lot and building).

D. INFORMATIONAL:

Memorial Day Holiday May 31, 2004.

CITY COUNCIL AGENDA MEMO

To: Mayor Coody and City Council

Thru: Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director

From: Rebecca Ohman, Park Planner *RO*.

Date: May 10, 2004

Subject: Resolution to accept the Parks and Recreation Advisory Board recommendation to accept a combination of money and land for Ripple Row PZD

RECOMMENDATION

Parks and Recreation Staff recommends accepting the Parks and Recreation Advisory Board recommendation to accept a combination of money and land for Ripple Row PZD.

BACKGROUND

In October 2001, WHM Investments, Inc. developed the Meadowlands Subdivision. To satisfy their park land dedication requirements, they dedicated 3.08 acres to the City. In addition, WHM Investments, Inc banked 5.37 acres to meet future park land dedication requirements by the developer in the southwest park quadrant. These dedications were used to create the playing fields and trail at the Boys and Girls Club.

Nock Investments, LLC purchased Tract 7 of the WHM Investments, Inc land or 41.70 acres and the development rights of the banked 5.37 acres.

DISCUSSION

Nock Investments proposes Ripple Row Subdivision, a residential subdivision with 182 single family and 39 two-family (78 units). The park land dedication for the development exceeds the amount of dedication land banked (5.37 acres), therefore a park land dedication or money-in-lieu is required, prior to issuance of the final plat. In addition, the Park Land Dedication Ordinance states if a subdivision is over 40 acres or 100 units, the requirement is land.

"...How ever, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks and Recreation Advisory Board with instructions or further study." (Unified Development Ordinance No. 166.03K)

The Parks and Recreation Advisory Board reviewed this project on May 3, 2004. PRAB recommends a money-in-lieu dedication in the amount of \$7,482.75 to satisfy the remaining requirements.

BUDGET IMPACT

A park land dedication of \$7,482.75 will be paid to the southwest park quadrant for park development and acquisition.

Attachments:

PRAB Meeting Minutes
Ripple Row Proximity Map
Ripple Row Plans
Ripple Row Letter

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT THE RECOMMENDATION OF
THE PARKS AND RECREATION ADVISORY BOARD TO
ACCEPT \$7,482.75 IN LIEU OF A PORTION OF THE
PARKLAND DEDICATION REQUIREMENTS OF RUPPLE
ROW SUBDIVISION

WHEREAS, after using 5.37 acres of banked park land for a portion of its park
land dedication requirements, Nock Investments, LLC desires to pay \$7,482.75 in lieu of
the remainder of its park land dedication requirements for Ripple Row Subdivision; and

WHEREAS, the Fayetteville Parks and Recreation Advisory Board determined
that a neighborhood park is not feasible or advisable and recommended accepting this
\$7,482.75 in lieu of additional park land dedication.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby
accepts the recommendation of the Parks and Recreation Advisory Board to accept
\$7,482.75 in lieu of the remainder of park land dedication not fulfilled by banked park
land.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

SONDRA SMITH, City Clerk

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
May 3, 2004

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:36 p.m. on May 3, 2004 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Chairman Colwell.

Present:

Parks and Recreation Advisory Board members Colwell, Bailey, Eads, Hill, Marley, and Mauritson, Pawlik Holmes; City staff Coles, Ohman, Wright, Weber, Hatfield, Edmonston; and Audience.

1. Approval of April 5, 2004 Minutes

Bailey clarified his statement in the last PRAB meeting to read:

Bailey stated this is a great way for the public to have better access to connect by a private property.

MOTION:

Hill moved to approve the Parks and Recreation Advisory Board May 5, 2004 meeting minutes as corrected.

Mauritson seconded the motion.

The motion was approved 7-0-0 with Colwell, Bailey, Eads, Hill, Marley, Pawlik Holmes, and Mauritson voting 'yes' with Shoulders absent for the vote.

2. Park Land Dedication

Development Name:	Ripple Row
Engineer:	Chris Brackett, Jorgensen
Owner:	John Nock
Location:	West of the Boys and Girls Club along Ripple Road and South of the Meadowlands Subdivision.

Park District:	South West
Units:	182 Single Family, 78 Multi Family
Total Acres:	41.70
Land Dedication Requirement:	5.7 acres
Money in Lieu Requirement:	\$131,664
Existing Parks:	Fayetteville Boys and Girls Club within ½ mile and Red Oak and Davis Park within a mile.
Staff Recommendation:	Money in Lieu

Justification:

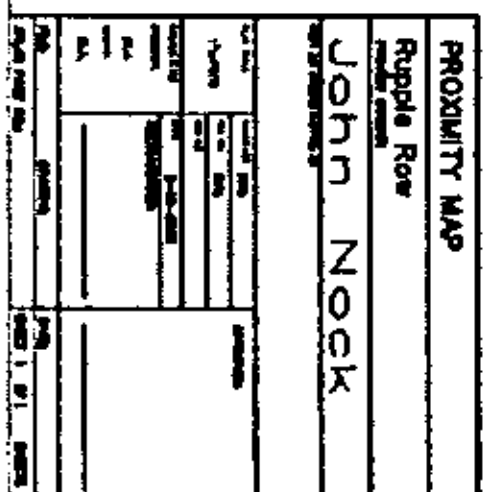
In October 2001, as part of the development of the Meadowlands Subdivision and Fayetteville Boys' and Girls' Club, WHM, Inc banked Tract 5, consisting of 5.37 acres, toward future development in the SW quadrant. Developer wishes to apply the 5.37 acres to the Park Land Dedication Requirement, leaving parks fees of **\$7,482.75** or a land dedication of **0.33 acres**. Due to the development's location adjacent to the Boys and Girls Club and future trail connections, Parks and Recreation Staff recommends accepting money in lieu.

MOTION:

Hill moved to accept Money in Lieu of a land dedication to satisfy the Park Land Dedication Ordinance for the proposed development.

Mauritson seconded the motion.

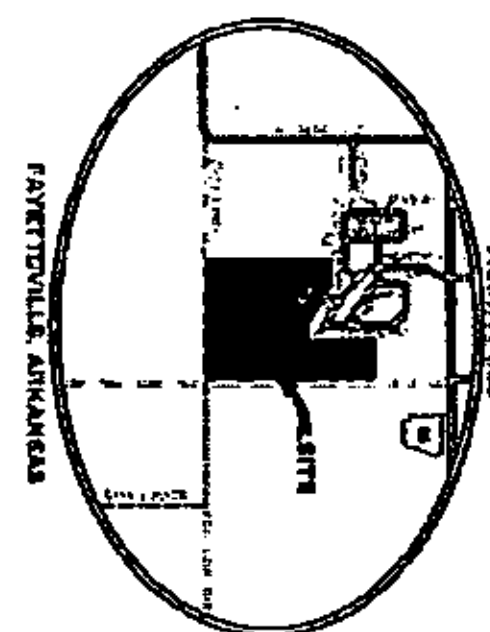
Upon roll call, the motion was approved 7-0-0 with Colwell, Bailey, Eads, Hill, Marley, Pawlik Holmes, and Mauritson voting 'yes' and Shoulders absent for the vote.

[illegible]



[illegible]

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(b) (5) DPP, (b) (5) ACP

INVESTMENT
ANALYSTS & ASSOCIATES
 Capital Investment, Inc.
 100 WEST SHOREWAY, SUITE 300
 FORT MYERS, FL 33901
 813-941-0017

FINANCE
 JACOBS INVESTMENTS, LLC
 ONE EIGHT FOURTH STREET, SUITE 200
 FORT MYERS, FL 33901
 813-941-0100

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

SCALE: 1" = 40'	DATE REVISED:	CHECKED BY:	DRAWN BY:
DATE:			
RUPPLE ROW SUBDIVISION			
PRELIMINARY PLAT			



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

April 26, 2004

DAVID L. JORGENSEN, P.E., P.L.S.
CHRISTOPHER B. BRACKETT, P.E.

City of Fayetteville
Parks & Recreation Division
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Rebecca Ohman
Re: Ripple Row Subdivision

Dear Rebecca:

Please place the above mentioned project on the agenda for the Parks Meeting on May 3rd. The owner is requesting the money in lieu of option for the parks' requirement for this development. The following is the developer's name, billing address and phone number.

Nock Investments, LLC
John Nock
One East Center Street, #301
Fayetteville, AR. 72701
(479) 444-9700

Please call concerning any questions you may have.

Thank you.

Sincerely,


Christopher Brackett, P.E.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

X AGENDA REQUEST

For the Fayetteville City Council Meeting of: June 1, 2004.

FROM:

Rebecca Ohman

Parks and Recreation

Operations

Name

Division

Department

ACTION REQUIRED: Resolution accepting the Parks and Recreation Advisory Board recommendation to accept a combination of money and land for Ripple Row PZD.

SUMMARY EXPLANATION: See attached

STAFF RECOMMENDATION:

Connie Edmonson
Division Head

5-13-04
Date

Received in Mayor's Office

5/17/04
Date P.H.

[Signature]
City Attorney

5-14-04
Date

[Signature]
Department Director

5-14-04
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

5-14-04
Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

5-16-04
Date

Orig. Contract Date:

[Signature]
Mayor

5/18/04
Date

Orig. Contract Number: 166.03 K

New Item:

Yes

No



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Gary Dumas, Director of Operations

Date: May 4, 2004

Subject: Award of Purchase Order to Landscape Forms, Inc. for Benches and Litter Receptacles in the Amount of \$46,243.85

RECOMMENDATION

Approve purchase order with Landscape Forms, Inc. for benches and litter receptacle in the amount of \$46,243.85 from the GSA contract pricing.

BACKGROUND

The Dickson Street Improvement Project is nearing completion with only minor punch list items remaining. Early discussions removed street furniture from the initial project in anticipation of uses any funds remaining after project closeout for street furniture. Additionally the Dickson Street Improvement District has agreed to purchase 15 benches and asked the City to provide litter receptacles. The cost to the Dickson Street Improvement District will be approximately \$14,552. Fifty litter receptacles are proposed to be purchased for the Dickson Street Area and the Square and its environs for approximately \$31,691.85. Any funds remaining in the Dickson Street Improvement Project, after project closeout will be used to reduce the City's unbudgeted expense.

DISCUSSION

Bench locations have been mapped by DDEP, each bench will be accompanied by litter container. In order to begin to create some continuity between Dickson St. and the Downtown Area, similar litter containers will be placed strategically on and near the Square, removing the mix of multiple styles of containers now in place. Currently on Square and the surrounding area are 32 different litter containers in three different styles. This proposal will begin to create a uniform image linking the Downtown/Dickson area.

BUDGET IMPACT

Cost to be reimbursed from Dickson Street Improvement District, approximately \$14,552.
Costs to the City approximately \$31,691.85.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A PURCHASE ORDER WITH
LANDSCAPE FORMS, INC. FOR 15 BENCHES AND 50 LITTER
RECEPTACLES FOR THE AMOUNT OF \$46,256.95 AND
TO APPROVE A BUDGET ADJUSTMENT OF \$35,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby
approves a purchase order with Landscape Forms, Inc. for 15 benches and 50 litter
receptacles for the amount of \$46,256.95 and approves a budget adjustment of
\$35,000.00.

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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

A. 3
Landscape Forms Contract
Page 3 of 8

Budget Year 2004	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 6/1/2004	Adjustment Number
----------------------------	---	-----------------------------------	-------------------

Project or Item Requested:
\$35,000 is requested in the Dickson/Downtown Landscaping/Litter Improvements capital project.

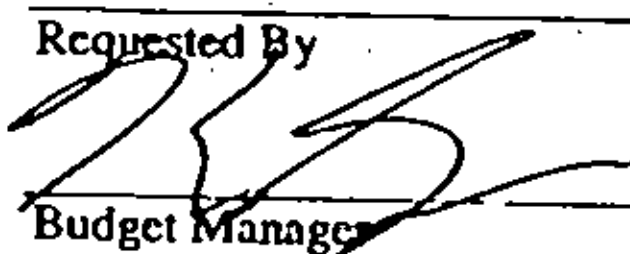
Project or Item Deleted:
To recognize \$35,000 from the Interest - Investments revenue account.

Justification of this Increase:
The budget is needed to purchase 50 litter receptacles for the Downtown Dickson Street area.

Justification of this Decrease:
Currently, the City has collected \$158,000 additional revenue than budgeted YTD in Interest.

Increase Budget (Decrease Revenue)							
Account Name	Account Number				Amount	Project Number	
Minor equipment	4470	9470	5210	00	35,000	04035	1

Decrease Budget (Increase Revenue)							
Account Name	Account Number				Amount	Project Number	
Interest-investments	4470	0947	4708	00	35,000		

Approval Signatures	
Requested By 	Date 5/13/04
Budget Manager	Date
Department Director	Date
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only			
Type:	A	B	C <u>D</u> E
Date of Approval		Initial	Date
Posted to General Ledger		Initial	Date
Posted to Project Accounting		Initial	Date
Entered in Category Log		Initial	Date

City Of Fayetteville

(Not a Purchase Order)

Vendor #:

13786

Vendor Name:

Landscapiforms

Address:

431 Lawndale Ave

City:

Kalamazoo

State:

MI

Zip Code:

49048

Ship to code:

149

Requester:

Paul Turner

Requester's Employee #:

4770.9470.6210.00

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 Scarborough

50

667.32

\$28,366.00

4770.9470.6210.00

4036

2 Litter Receptacle w/liner

\$0.00

3 26" dia x 33" h

\$0.00

4 Top opening vertical strip side pan

\$0.00

5 Scarborough Bench Backed 72" length horizontal strap seat

15

768.06

\$11,520.90

6

\$0.00

7

\$0.00

8 RAL Color Charge #6012

1

\$600.00

9

\$0.00

10 Shipping/Handling

Lot

est.

\$3,500.00

Partial By Dickson St.

Special Instructions:

Bought on Federal GSA contract (GSA #27-F-0016L)

Approvals:

Sperry Lee Council

Mayor:

Department Director:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Utilities Manager:

Other:

Subtotal: \$43,986.90
Tax: \$2,266.96
Total: \$46,243.86

RECEIVED

MAY 4 8 2004

PURCHASING

landscapeforms quote

To:	Gary Dumas	Date:	May 5, 2004
Company:	City of Fayetteville	From:	Kelli Palmer
Fax:	(479) 444-3490	Company:	Landscape Forms, Inc.
Phone:	(479) 575-8330	Phone:	(800) 441-1945x265
Project:	Dickson St	Pages:	3

Good morning, Gary. Per Diane, attached is a revised quotation for your review.

Remember, the following unit prices are NET and reflect current GSA contract pricing. Freight is FOB Kalamazoo, Michigan with an estimate listed toward the end of the quotation. Actual freight charges will be prepaid and added to the final invoice when we ship the order. To split the order out into benches and receptacles, the freight estimate for the benches would be \$1800 and for the 50 receptacles, \$1700. And remember, if an RAL finish is selected, the \$600 upcharge applies per order.

Lead-time is 6 weeks from receipt of a written order, subject to credit approval.

Please carefully review this quotation and feel free to contact Diane via any method listed below, or myself at the number above or via email at kellip@landscapeforms.com with any questions or concerns.

Thank you!

Your Sales Representative:

Diane Collier

Toll-free (888) 667-1145 Local (214) 343-1145

Email: dianec@landscapeforms.com

P.S. Download CAD details, CSI specs, Assembly Instructions at www.landscapeforms.com

fc: Diane Collier

landscapeforms

P 800.521.2546 F 269.381.3455

431 Lawndale Avenue, Kalamazoo, MI 49006 USA
www.landscapeforms.com

QUOTATION

Date: 5/5/2004
 Reference:
 LF Quote#: 10337
 Project: DICKSON STREET - FAYETTEVILLE, AR

landscapeforms
 431 Lawndale Avenue
 Kalamazoo, MI 49048-9543
 PH: 800/521-2546
 FX: 269/381-3455
 Federal I.D.# 38-1897577

Bill To: CITY OF FAYETTEVILLE
 ATTN: GARY DUMAS
 113 WEST MOUNTAIN
 SQUARE GARDENS DIVISION
 FAYETTEVILLE, AR 72701

Ship To: CITY OF FAYETTEVILLE
 ATTN: GARY DUMAS
 113 WEST MOUNTAIN
 SQUARE GARDENS DIVISION
 FAYETTEVILLE, AR 72701

Ship Via: COMMON CARRIER

Qty:

Unit Price: Total Price:

GSA Contract # GS-27F-0016L

15	SCARBOROUGH BENCH: backed, 72" length. Horizontal strap seat. Freestanding/surface mount. Powdercoat color: To Be Advised.	\$ 768.08	\$ 11,520.90
50	SCARBOROUGH LITTER RECEPTACLE: w/liner 25" dia. x 33" h. top opening. Vertical strap side panel. Freestanding/surface mount. Powdercoat color: To Be Advised.	\$ 567.32	\$ 28,366.00

Terms: LFI credit terms are Net30. Terms are subject to change due to company payment history and/or D&B Information. Acknowledgement of this order, fabrication, or shipment of any part will constitute acceptance by purchaser of all terms and conditions.

- *** Landscape Forms does not supply anchoring hardware. It is the purchaser or installer's responsibility to provide this component.
- *** We will do our best to meet your needs, with the information provided. However, the customer is responsible for confirming order, options, materials, quantities etc., for completeness and conformity to their plans and specifications.
- *** We are a supplier only and not subject to subcontractor contracts. We ship by common carrier; customer must be responsible for unloading and installing.
- *** All taxes: Federal, State or local, of whatever name or nature accruing to or on this transaction not able to be collected by the seller shall be payable by the purchaser.
- *** Purchaser shall pay all costs and expenses paid or incurred by Seller in collecting any amounts due for goods purchased by Purchaser, including without limitation, reasonable attorneys' fees and costs. Balances on invoices not paid within thirty (30) days of date of invoice or within an alternate period of time as determined and indicated by Seller, shall incur interest at a rate of eighteen percent (18%) per annum. No cash discounts shall be allowed.
- *** Price held for 60 days.
- *** Prices based on quantities shown. Changes in quantity may affect price.
- *** Sales tax will be charged unless sales tax exemption or resale certificate is provided. Final tax rate determined by ship-to location and may change from quotation to actual invoice amount. Final freight charge will affect tax rate for some locations.
- *** All orders ship immediately upon completion of fabrication. Customer delays to this shipping schedule will receive a one-week grace period after which a storage fee of \$75 per day will apply.
- *** ABOVE PRICING INCLUDES SELECTION OF STANDARD LFI POWDER COAT COLORS. OPTIONAL RAL COLORS ADD \$600.00 NET PER COLOR. CUSTOM COLOR MATCHES ADD \$2500.00 NET AND WILL EXTEND LEAD TIME.

*** SEND TAX EXEMPTION CERTIFICATE WITH ORDER

Item Total: \$39,886.90

Page: 1

FOR OFFICE USE:

Cust #: 98988
 CSR: KJP
 Schl. Ship:
 Sales: DRG

This Agreement contains the entire understanding between the parties. All prior communications are merged into this Agreement. The terms of this Agreement shall control any conflict between documents.

This Agreement may be signed by the parties separately and by facsimile, and together they shall be deemed one binding original Agreement.

Purchaser

Kelli Palmer

Seller

QUOTATION

Date: 5/5/2004
 Reference:
 LF Quote#: 10337
 Project: DICKSON STREET - FAYETTEVILLE, AR

landscapeforms

431 Lawndale Avenue
 Kalamazoo, MI 49048-9543
 PH: 800/521-2546
 FX: 269/381-3455
 Federal I.D.# 38-1897577

Bill To: CITY OF FAYETTEVILLE
 ATTN: GARY DUMAS
 113 WEST MOUNTAIN
 SQUARE GARDENS DIVISION
 FAYETTEVILLE, AR 72701

Ship To: CITY OF FAYETTEVILLE
 ATTN: GARY DUMAS
 113 WEST MOUNTAIN
 SQUARE GARDENS DIVISION
 FAYETTEVILLE, AR 72701

Ship Via: COMMON CARRIER

Qty:

Unit Price:	Total Price:
Estimated Freight:	\$3,200.00
Subtotal:	43,086.90
Sales tax @ 9.250 %:	\$2,666.52
Document Total:	\$45,753.42

F.O.B. Kalamazoo, MI
 Freight pre-paid and added to invoice

If the buyers credit becomes impaired, the seller may require payment in advance or cancel the order. No merchandise can be returned and no order or part of an order may be cancelled without authorization from LF. When allowed, returns or cancellations are subject to substantial penalty charges of 30% or more.

Freight 3.500
 RAL 600
 Item 39.086.90
 Subtotal 43.986.90
 Use Tax 2256.95
 Total \$46.243.85

Page: 2

FOR OFFICE USE:

Cust #: 98988
 CSR: KJP
 L Ship:
 Job: DRB

This Agreement contains the entire understanding between the parties. All prior communications are merged into this Agreement. The terms of this Agreement shall control any conflict between documents.

This Agreement may be signed by the parties separately and by facsimile, and together they shall be deemed one binding original Agreement.

Purchaser

Keri Palmer

TOTAL

P.03

STAFF REVIEW FORM - FINANCIAL OBLIGATION

A. 3
Landscape Forms Contract
Page 8 of 8

XXXX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

June 1

May 18, 2004

For the Fayetteville City Council Meeting of:

FROM:

Gary Dumas

Name

Division

Operations

Department

ACTION REQUIRED: Resolution Authorizing the Mayor to Execute a Purchase Contract with Landscape Forms for 50 litter receptacles and 15 benches in the amount of ~~\$48,054~~ and budget adjustment 46,243.85

COST TO CITY:

\$71,691.85

est \$33502

Cost of this request

\$

Category/Project Budget

Dickson/Downtown Landscape Improvement

Program Category / Project Name

4770 9470 5210 00

Account Number

\$

Funds Used to Date

Other Capital

Program / Project Category Name

04035

Project Number

\$

Remaining Balance

Sales Tax Capital

Fund Name

BUDGET REVIEW:

Budgeted Item

XXXX

Budget Adjustment Attached

[Signature]
 Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

[Signature]
 Accounting Manager

5/18/04
Date

[Signature]
 Internal Auditor

5/18/04
Date

[Signature]
 City Attorney

5-18/04
Date

Purchasing Manager

Date

STAFF RECOMMENDATION:

Division Head

Date

[Signature]
 Department Director

5-19-04
Date

Received in Mayor's Office

5/19/04
Date PA

Cross Reference:

Previous Ord/Res#:

Finance & Internal Services Dir.

Date

[Signature]
 Chief Administrative Officer

5-19-04
Date

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No

Mayor

[Signature]
 Mayor

5/19/04
Date

CITY COUNCIL AGENDA MEMO

To: MAYOR AND CITY COUNCIL

From: Greg Boettcher *Greg Boettcher*
Water/Wastewater Director

Thru: Hugh Earnest
Chief Administrative Officer

Date: April 30, 2004

Subject: Resolution approving modification of the exclusive water service line between Fayetteville and Springdale transferring 180 acres into Springdale's exclusive water service area.

RECOMMENDATION

Fayetteville City Administration recommends approval of a resolution transferring 180 acres from Fayetteville's exclusive water service area to Springdale's exclusive water service area at the request of the property owner, Mr. Tom Terminella.

BACKGROUND

On June 15, 1967, concurrent with the implementation Beaver Water District's improvement project, the cities of Bentonville, Fayetteville, Rogers and Springdale agreed upon exclusive water service areas. As a part of this intermunicipal agreement, the cities retained the right to alter their exclusive water service areas by mutual agreement. On March 30, 2004, the Fayetteville Water and Sewer Committee reviewed a request by Mr. Tom Terminella for a modification of the exclusive water service area between Fayetteville and Springdale. The request before the committee involved the transfer of 180 acres northeast of Fayetteville (growth area) from the Fayetteville to the Springdale exclusive water service area. Details of the request, location drawings for the subject property and other supporting information is attached. The Fayetteville Water and Sewer Committee unanimously supported the change in water service area.

DISCUSSION

The exclusive water service areas developed over 35 years ago continue to provide a basis for long range infrastructure planning and eliminates redundancy in municipal facilities. The final decision on service must be based upon each respective water supply's current capacity availability and ability to provide services to a particular area. Factors that influence the release of the 180 acres include the following:

- * Subject property in growth area and contiguous to Springdale
- * Subject property abutts tracts being served by Springdale water/sewer
- * Subject property not contiguous to Fayetteville
- * Subject property not near Fayetteville water/sewer facilities

BUDGET IMPACT

The change in exclusive water service area has no budget impact.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AMENDMENT TO THE
WATER SERVICE AGREEMENT WITH SPRINGDALE TO
MOVE THE WATER SERVICE BOUNDARY SO THAT 180
ACRES NOW WITH THE FAYETTEVILLE WATER SERVICE
AREA BE MOVED INTO THE SPRINGDALE WATER
SERVICE AREA

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

Section 1: Upon request of the property owner and in light of the existing
infrastructure available to the 180 acre parcel identified in Exhibit A, the City Council of
Fayetteville hereby finds it is proper to adjust the water service boundary line between
Fayetteville and Springdale so that this 180 acre parcel is moved into the Springdale
water service area.

PASSED and APPROVED this the 18th day of May, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

SONDRA SMITH, City Clerk

Engineering Services, Inc.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282

Phone: 479-751-8733 • Fax: 479-751-8746

RECEIVED

MAR 29 2004

**CITY OF FAYETTEVILLE
MAYOR'S OFFICE**

March 29, 2004

Mr. Greg Boettcher, P.E.
Water and Wastewater Director
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Water Service Territory Amendment
Washington County, Arkansas

Dear Mr. Boettcher:

ESI previously requested that approximately one hundred twenty acres be removed from the Fayetteville Water Service Territory. This letter is to request that an additional sixty acres be removed from the Fayetteville Water Service Territory, bringing the total amount of land to be removed to one hundred eighty acres. The drawings enclosed with this letter illustrate these properties and how they are situated in relation to several ongoing projects and Springdale and Fayetteville city limits. As shown, all the property in consideration lies within the Fayetteville Planning District, in Washington County.

The rationale for removing these lands from the Fayetteville Water Service Territory is the same as outlined in our letter to your office dated March 17 of this year.

Please note that the sewer for this parcel of land will gravity flow to the Grand Valley Subdivision master lift station.

Please contact this office if you have any questions or if any additional information is needed prior to the meeting. Thank you for your continued attention to this matter.

Sincerely,



Brian J. Moore, P.E.
Secretary/Treasurer



Consulting Engineers and Surveyors

Jerry W. Martin, P.E.
President

E. Walt LeFevre, P.E.
Senior Vice President

Philip C. Humbard, P.E., P.L.S.
Vice President

Brian J. Moore, P.E.
Secretary / Treasurer

at the intersection with Butterfield Coach Road.

The drawing submitted with this letter illustrates the location of the property requested to be removed from the Fayetteville Water Service Area and Grand Valley Subdivision.

We plan to attend the Water and Sewer Committee on March 30.

Please contact this office if you have any questions or if any additional information is needed prior to the meeting.

Sincerely,



Brian J. Moore, P.E.

Secretary/Treasurer



Consulting Engineers and Surveyors

Jerry W. Martin, P.E.
President

E. Walt LeFevre, P.E.
Senior Vice President

Philip C. Humbard, P.E.
Vice President

Brian J. Moore, P.E.
Secretary / Treasurer

Engineering Services, Inc.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282

Phone: 479-751-8733 • Fax: 479-751-8746

RECEIVED

MAR 18 2004

**CITY OF FAYETTEVILLE
MAYOR'S OFFICE**

March 17, 2004

Mr. Greg Boettcher, P.E.
Water and Wastewater Director
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Water Service Territory Amendment
Washington County, Arkansas

Dear Mr. Boettcher:

This is in response to your letter dated March 4, 2004, requesting more information regarding the relative capabilities of the Springdale and Fayetteville water systems to provide water to the proposed development.

The nearest existing lines in the Fayetteville water system to the area in consideration are insufficient to serve the proposed subdivision. There is currently a 3" P.V.C. water line running along Guy Terry Road (WC 92) approximately 2,640 feet south of the project. Approximately 1,320 feet east of the project, along Butterfield Coach Road, there is presently a 2" P.V.C. water line. Neither of these lines are large enough to serve the proposed development.

The existing Fayetteville water lines which are large enough to serve the proposed development are not located near enough to feasibly serve it. There is an 18" water main to the south of the project, running along Gulley Road (WC 81). At its closest point to the proposed development (the intersection of Gulley Road and Howard Porter Road (WC539)) this water line is approximately one mile from the area to be served.

The developer will be extending water and sewer lines through Grand Valley Subdivision large enough to serve the proposed development. Grand Valley Subdivision is approximately 260 acres in size, and is immediately to the north of and adjacent to the property to be removed from the Fayetteville water service territory. The water lines within Grand Valley Subdivision will be connected to a Springdale 16" water main running along John Johnson Road and ending



Consulting Engineers and Surveyors

Jerry W. Martin, P.E.
President

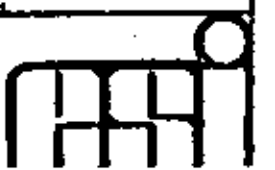
E. Walt LeFevre, P.E.
Senior Vice President

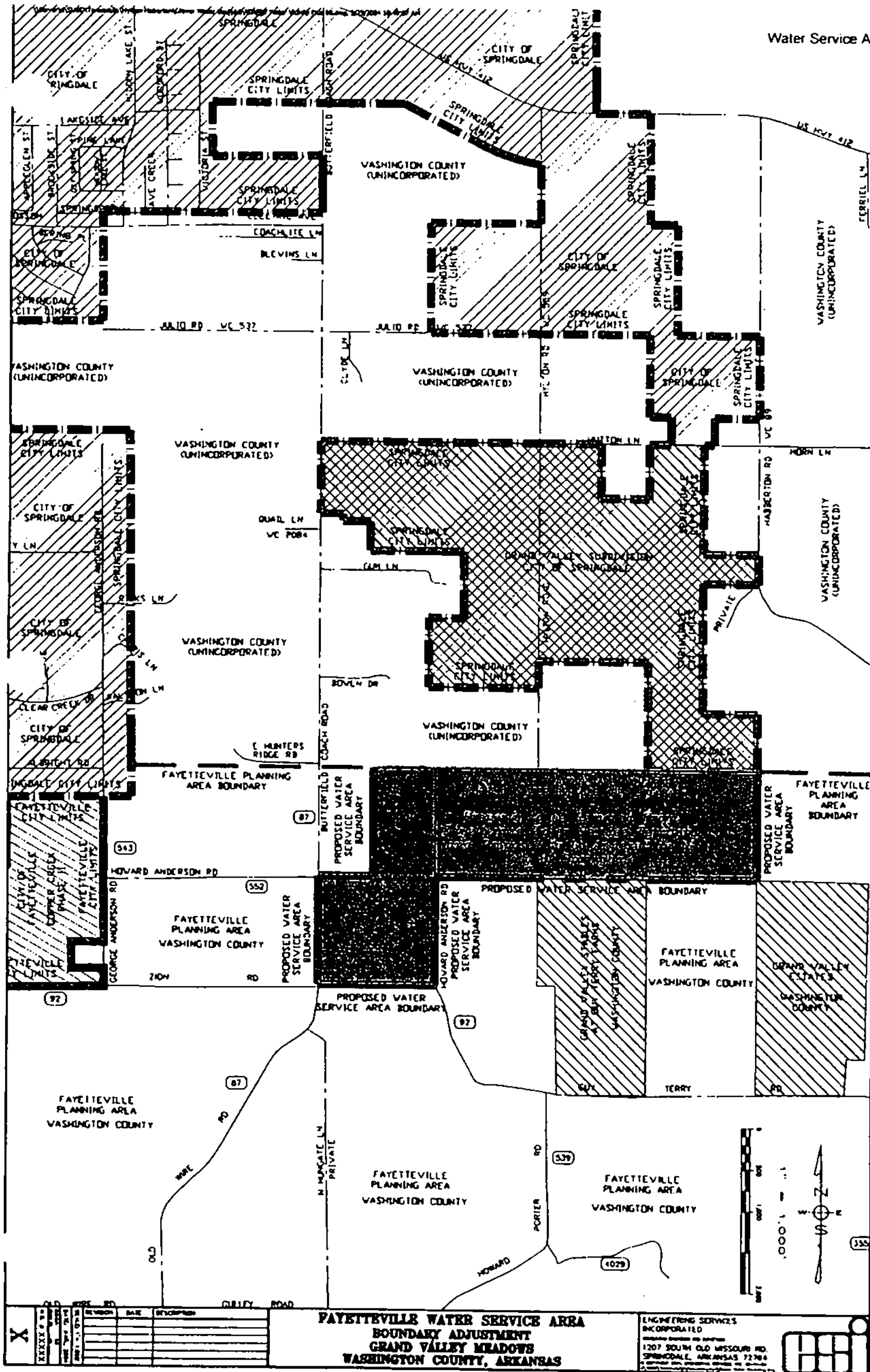
Philip C. Humbard, P.E., P.L.S.
Vice President

Brian J. Moore, P.E.
Secretary / Treasurer



**ENGINEERING SERVICES
INCORPORATED**
1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72784
501-221-1111





**FAYETTEVILLE WATER SERVICE AREA
BOUNDARY ADJUSTMENT
GRAND VALLEY MEADOWS
WASHINGTON COUNTY, ARKANSAS**

ENGINEERING SERVICES
INCORPORATED
1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72764

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

B.1
Water Service Agreement with Springdale
Page 8 of 8X AGENDA REQUESTFor the Fayetteville City Council Meeting of: May 18, 2004

FROM:

Greg BoettcherAdministrationWater and Wastewater

Name

Division

Department

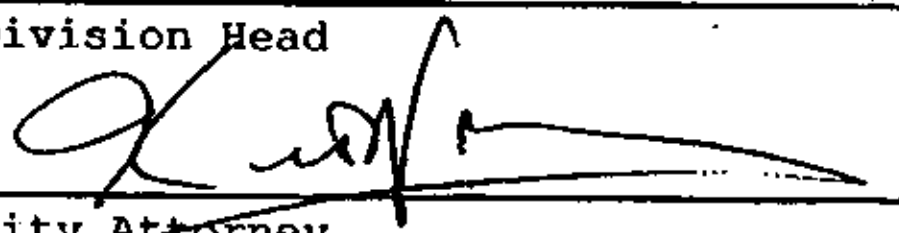
ACTION REQUIRED: Resolution approving modification of the exclusive water service line between Fayetteville and Springdale, transferring 180 acres into Springdale's exclusive water service area.

SUMMARY EXPLANATION: In accordance with the June 15, 1967, agreement between the cities served by the Beaver Water District, exclusive water service areas have been defined that may be altered only by mutual agreement between the affected cities. The property owner has requested that his 180 acres be moved to the Springdale exclusive water service area since the tract is contiguous with Springdale and Springdale water and sewer infrastructure is available, adequate and accessible.

STAFF RECOMMENDATION:

Division Head

Date

4-30-04

City Attorney

Date

4-30-04

Department Director

Date

5-3-04

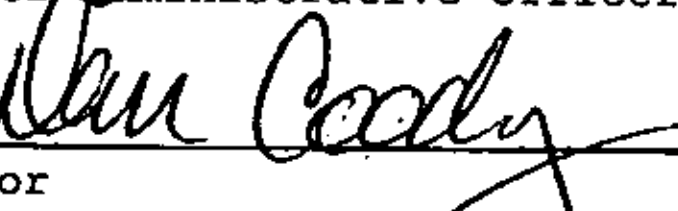
Finance & Internal Services Dir.

Date

5-3-04

Chief Administrative Officer

Date

5/4/04

Mayor

Date

Received in Mayor's Office

5/3/04
Date P.H.

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: April 30, 2004

Subject: Annexation for Leigh Taylor Properties (ANX 04-06.00)

RECOMMENDATION

Planning Staff recommends approval of the requested annexation for Leigh Taylor Properties. This action will incorporate a 29.86 acre tract of land contiguous with the city limits to the south into the City of Fayetteville. The request is to annex the subject property into the City of Fayetteville.

BACKGROUND

The subject property is 29.86 acres and located in north Fayetteville, north and east of Highway 112. The subject property is a part of a larger 40 acre tract under common ownership. The southern 10 acres is already within the City of Fayetteville and zoned R-A, Residential Agricultural. The property is adjacent to Forest Hills Estates within the Planning Area to the north. To the east is a portion of one intervening property from the Planning Area boundary. This tract of land is within an area proposed to be annexed by the City of Johnson and will be voted on by the citizens of Johnson and affected property owners on May 11, 2004. Staff believes the applicant submitted a petition for annexation to the County prior to the Johnson's call for election. The applicant submitted an accompanying rezoning request for the entire 40 acre tract. That request was tabled by the Planning Commission to allow for further consideration and discussion regarding public concerns of traffic volume and safety, density, and possible development plans.

Proposal: The applicant requests annexation into the City of Fayetteville.

DISCUSSION

On April 26, 2004, the Planning Commission voted 6-0-0 to forward this item to the City Council with a recommendation for approval. The accompanying rezoning request was tabled.

BUDGET IMPACT

None.



Left on 1st reading

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO
THE CITY OF FAYETTEVILLE, ARKANSAS, OF CERTAIN
PROPERTY OWNED BY LEIGH TAYLOR PROPERTIES, LLC
FOR PROPERTY LOCATED AT 2470 HWY. 112
CONTAINING APPROXIMATELY 29.86 ACRES.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. The official map of the City of Fayetteville, Arkansas, is hereby amended to reflect the change provided in Section 1 above.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Four.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 04-06.00

THE SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 30 WEST, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT, SAID POINT OF BEGINNING BEING A SET COTTON SPINDLE; THENCE NORTH $00^{\circ}09'01''$ WEST 1312.76 FEET TO A SET COTTON SPINDLE; THENCE ALONG THE SOUTH LINE OF FOREST HILLS SUBDIVISION, NORTH $89^{\circ}59'52''$ EAST 1320.33 FEET TO A FOUND PINCHED IRON PIPE; THENCE SOUTH $00^{\circ}15'33''$ EAST 1287.92 FEET TO A SET IRON PIN; THENCE CONTINUING SOUTH $00^{\circ}15'33''$ EAST 26.60 FEET TO THE SOUTHEAST CORNER OF SAID SW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$; THENCE NORTH $89^{\circ}55'34''$ WEST 1322.84 FEET TO THE POINT OF BEGINNING, CONTAINING 39.855 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SAID TRACT SUBJECT TO THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY NO. 112 ON THE SOUTH SIDE OF THE WEST SIDE THEREOF.

IN ACCORDANCE WITH A SURVEY BY DOUGLAS HEMINGWAY DATED NOVEMBER 4, 2003.

LESS AND EXCEPT THE SOUTH 330' OF SAID PROPERTY.

THE ACREAGE INCLUDED IN THE PROPERTY TO BE ANNEXED IS 29.86 ACRES, MORE OR LESS.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

04 FEB 17 PM 2 00

In re:

ANNEXATION OF PROPERTY CONTIGUOUS
TO THE CITY OF FAYETTEVILLE, ARKANSAS

KAREN COMBS PRITCHARD
CO. & PROBATE CLERK

WASHINGTON CO. ARK.
Case No. 004-3

PETITION FOR THE ANNEXATION OF PROPERTY
CONTIGUOUS TO THE CITY OF FAYETTEVILLE, ARKANSAS

Comes now the Petitioner, Cleve Branson, owner of certain real property located in Washington County, Arkansas, and petitions the Court as follows:

1. That the Petitioner, Cleve Branson, is the sole owner of certain real property located in Washington County, Arkansas, described as follows:

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 17 North, Range 30 West, described as beginning at the Southwest corner of said 40 acre tract, said Point of Beginning being a set cotton spindle; thence North $00^{\circ}09'01''$ West 1312.76 feet to a set cotton spindle; thence along the South line of Forest Hills Subdivision, North $89^{\circ}59'52''$ East 1320.33 feet to a found pinched iron pipe; thence South $00^{\circ}15'33''$ East 1287.92 feet to a set iron pin; thence continuing South $00^{\circ}15'33''$ East 26.60 feet to the Southeast corner of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence North $89^{\circ}53'34''$ West 1322.84 feet to the Point of Beginning, containing 39.855 acres, more or less, Washington County, Arkansas. Said tract subject to the right-of-way of Arkansas State Highway No. 112 on the South side of the West side thereof.

In accordance with a survey by Douglas Hemingway dated November 4, 2003.

Less and Except the South 330' of said property.

The acreage included in the property to be annexed is 29.86 acres more or less.

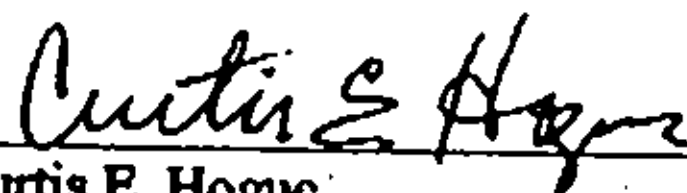
2. That all of said property is contiguous to and adjoins the City of Fayetteville, Arkansas.

3. That Petitioner respectfully requests that said property be annexed to, added to, and included within the boundaries of the City of Fayetteville, Arkansas.

4. That Petitioner respectfully requests that this Court set a date certain for a hearing of the Petition.

WHEREFORE premises considered, the Petitioner prays that this Court set a date certain for its hearing of this Petition; that the Court grant its Petition for Annexation to the City of Fayetteville, Arkansas; and for all other reasonable and proper relief to which this Court deems it entitled.

Respectfully submitted,



Curtis E. Hogue

**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**

One East Center Street, Suite 315

Fayetteville, AR 72701-5388

Telephone (479) 973-5200

Facsimile (479) 973-0520

**ATTORNEYS FOR PETITIONER,
CLEVE BRANSON**

418661.1:224275:01820

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

In re:

ANNEXATION OF PROPERTY CONTIGUOUS
TO THE CITY OF FAYETTEVILLE, ARKANSAS

ORDER OF ANNEXATION

Now on this 19th day of March, 2004, the Petition for Annexation of Property contiguous to the City of Fayetteville, filed by Cleve Branson, comes on for hearing and the same is submitted to the Court upon said Petition, proof of publication of notice, testimony before the Court, and other evidence presented, from all of which the Court finds:

1. That the Petition for Annexation of Property Contiguous to the City of Fayetteville was duly filed in the office of the County Clerk of Washington County, Arkansas; and that an Order was made fixing the time and place for a hearing on said Petition at this date and time in the County Court of Washington County, Arkansas.
2. That legal notice of the hearing was given as required by law and such notice of the hearing was published once a week for three consecutive weeks in the Arkansas Democrat-Gazette/Norwest Arkansas Times, a newspaper published in Washington County, Arkansas. Proof of publication has been made and filed with the Clerk of this Court.
3. That the Petitioner is the owner of the property to be annexed.
4. That the owner of the proposed annexed area shall derive substantial benefit from the annexation.
5. That the area to be annexed is part of the growth area of Fayetteville, Arkansas and the extension of the corporate boundaries is a realization of the natural growth of the City of Fayetteville.
6. That the lands to be annexed are contiguous to and adjoin the City of Fayetteville.

RECEIVED

MAR 18 2004

FILED
04 MAR 22 PM 9 23
Case No. 2004-3
KAREN COMBS PRITCHARD
CO. CLERK
WASHINGTON CO. ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

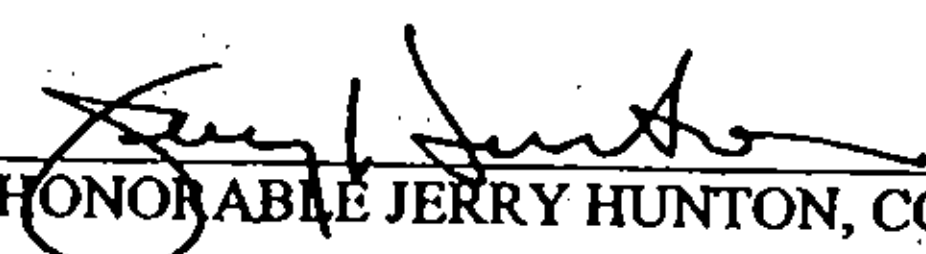
FILED
04 FEB 17 PM 2 22

In re:

ANNEXATION OF PROPERTY CONTIGUOUS
TO THE CITY OF FAYETTEVILLE, ARKANSAS
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK
Case No. 2004-3

ORDER FOR HEARING

Now on this 17th day of February, 2004, is presented the Petition of Cleve Branson for annexation of certain lands more particularly described therein to the City of Fayetteville, Arkansas, and this Court does hereby set the Petition for hearing on the 19th day of March, 2004 at 10:00 A.m., in the office of the County Judge, 280 N. College, Fayetteville, Arkansas; and notice of said hearing shall be given as provided by law.


HONORABLE JERRY HUNTON, COUNTY JUDGE

418661.1:224275:01820

V2-979

Cleve Branson
December 19, 2003
HWEI Job No. 03277A

**LEGAL DESCRIPTION NO. 3
PROPERTY TO BE ANNEXED TO
THE CITY OF FAYETTEVILLE**

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28, Township 17 North, Range 30 West, described as beginning at the Southwest corner of said 40 acre tract, said Point of Beginning being a set cotton spindle; thence North $00^{\circ}09'01''$ West 1312.76 feet to a set cotton spindle; thence along the South line of Forest Hills Subdivision, North $89^{\circ}59'52''$ East 1320.33 feet to a found pinched iron pipe; thence South $00^{\circ}15'33''$ East 1287.92 feet to a set iron pin; thence continuing South $00^{\circ}15'33''$ East 26.60 feet to the Southeast corner of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence North $89^{\circ}55'34''$ West 1322.84 feet to the Point of Beginning, containing 39.855 acres, more or less, Washington County, Arkansas. Said tract subject to the right-of-way of Arkansas State Highway No. 112 on the South side of the West side thereof.

In accordance with a survey by Douglas Hemingway dated November 4, 2003.

Less and Except the South 330' of said property.

The acreage included in the property to be annexed is 29.86 acres more or less.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of April 26, 2004

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: April 20, 2004

ANX 04-06.00: Annexation (Leigh Taylor Properties, pp 169) was submitted by R. Chad White on behalf of Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112. The property is currently in the Planning Area and contains approximately 29.86 acres. The request is to annex the subject property into the City of Fayetteville. Planner: Suzanne Morgan

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date: <u>April 26, 2004</u>		
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date: <u>May 18, 2004</u>		

BACKGROUND:

Property description: The subject property contains approximately 29.86 acres of vacant property located north of Highway 112/Howard Nickell Rd and east of Highway 112. The property is adjacent to the city limits along its southern boundary where it abuts property owned by the applicant. Hills Estate subdivision is located to the north of this site and Lynn-Leigh Hill Estates is south of Hwy 112.

Proposal: The applicant proposes the annexation of property into the City of Fayetteville. A rezoning request for this property in conjunction with the property to the south has been submitted for this property.

Request: The request is to annex the subject property into the City of Fayetteville.

Related Issues: When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 29.86 acres, plus an additional 10 acres to the south, to RSF-4, Residential Single Family, 4 Units per Acre. The rezoning request, RZN 04-12.00, is an accompanying item to this annexation request.

Property that is developed and/or subdivided in the Planning Area of the City of Fayetteville, outside of the city limits, does not allow for the enforcement of many regulations required within the City, thereby allowing for a uniform and consistent standard of development. When property that is consistent with the General Plan 2020 and the City's guiding policy of annexation is incorporated into the city and developed, it allows for the following:

- Compatibility in land use and development standards
- Ability to plan future capital improvements
- Ability to require the same level of infrastructure improvements required for new development within these areas as required within the City
- Less confusion for public safety – police and fire – who responds
- Police Protection
- Fire Protection
- Trash Service
- Sewer service
- Water service
- Street standards (curb and gutter) and construction specifications
- Sidewalks, based on the Master Street Plan
- Street lights
- Grading and Drainage review
- Detention
- Zoning Regulations (setbacks, bulk and area requirements, land use)
- Code enforcement
- Tree Preservation
- Parks land dedication

Without appropriate annexation, developers of property in the Planning Area are offered water service from the City of Fayetteville, but have none of the other regulatory responsibilities for development. Many of the public services offered to citizens of Fayetteville in adjacent properties are not offered to those beyond the city limit boundary. In some cases, new subdivisions adjacent to one another have very different street construction, creating problems with transition and the establishment of an efficient network of infrastructure. Property that develops directly adjacent to the city limits are typically required to develop within City specifications for street construction. However, other requirements such as parks, detention, grading and drainage, zoning/land use, tree preservation, etc. are not within the City's ability to control.

Recommendation: Staff recommends approval of the proposed annexation. The subject property is adjacent to the City of Fayetteville and will create an appropriate city boundary. Future changes or additional development on this site will be regulated by the city allowing for more uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single-family (Forest Hills Estates)	Planning Area
South	Vacant	R-A, Residential Agricultural
East	Single-family	Planning Area
West	Single-family	Planning Area

INFRASTRUCTURE:

Streets: Highway 112, a state highway, is located to the south and west of this property. Improvements to infrastructure will be assessed at the time of development.

Surrounding Master Street Plan Streets:

North: Forest View Rd (local street)

South: Highway 112 & Howard Nickell Rd (principal arterial)

East: Cris Hollow Rd. (local street)

West: Highway 112 (principal arterial)

Water: The property currently has access to a 6" water line along Highway 112. An extension of the water main will be required to provide water supply within any development on this property.

Sewer: Sewer will need to be extended to serve this site. The nearest sewer main is located to the east at Van Asche Drive. The developers engineer will need to provide calculations to show that there is adequate capacity in the Highway 112 lift station. Upgrades to this station and/or force main may be required.

Fire: The subject property is located 3.6 miles from the Fire Station #2. Normal driving time is 5 min. 56 seconds.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services.

The access to this development is a concern. The intersections of Hwy 112 and Howard Nickle Road as well as Hwy 112 and Deane Solomon are dangerous. There is a hillcrest, which makes pulling out from Deane Solomon hazardous. The curve at the intersection with Howard Nickle has been a factor in many accidents. These two intersections have had 31 accidents in just over three years. The police department recommends the access to this area should be placed as far from these two intersections as possible. Access into future development shall be reviewed for safety at the time a development proposal is submitted to the city.

LAND USE PLAN: General Plan 2020 designates this site as **Residential**.

FINDINGS:

**11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation will extend an existing peninsula to the north. The extension will, however create an appropriate boundary due to the area and configuration of the parcel. No island will be created by annexing the subject property.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the City Limits to the south for approximately 1290 feet.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not consist of defined subdivisions or neighborhoods; however, future development plans may include the extension of the surrounding subdivisions.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of just less than 6 minute for fire protection from the Fire Station #2. Any development in this area would necessitate installation of hydrants to provide for fire protection. Sewer will need to be extended to serve this site. The nearest sewer main is located to the east at Van Asche Drive. In addition, calculations shall be provided to show that there is adequate capacity in the Highway 112 lift station. Upgrades to this station and/or force main may be required. Sewer will need to be extended with development.

ENVIRONMENTALLY SENSITIVE AREAS

- 11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: N/A

EMERGENCY AND PUBLIC SERVICES

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: The police department reports that current levels of service would not be compromised and that coverage in this area can be provided. Location of access to the property to ensure the safety of the public shall be considered at the time of development. Sewer will need to be extended to serve this site. The nearest sewer main is located to the east at Van Asche Drive.

- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: Fire and police service shall be provided to this area with the same level of response and service as other developments in this area. Sewer improvements to the area will be provided for with the development of approved preliminary plats.

- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

- 11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in this area.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City. This tract of land is within an area proposed to be annexed by the City of Johnson and will be voted on by the citizens of Johnson and affected property owners on May 11, 2004.

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: Annexation of this property will adjoin Fayetteville city limits with Johnson city limits at the northeastern most corner of the subject property.

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The applicant is requesting to rezone to RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with the Residential classification of the area on the City's adopted Future Land Use Plan.

11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request.

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: Conceptual development proposals for this property have been submitted to the Planning Division; however, no application for development has been received. At the time the applicant desires to develop the property, the applicant will be required to submit project plans for review and approval by the Planning Commission.

11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: This annexation includes 29.86 acres owned by Leigh Taylor Properties, Inc. and represented by Art Scott of Project Design. The combined requests create a reasonable boundary avoiding the creation of unusual boundary lines.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: N/A

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.

Apr 21 04 10:30a

Danny Farrar

(501) 444-3447

ANN 04-06.00 (Leigh Taylor Properties)
Page 17 of 36



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

From: Fire Prevention Bureau

To: Planning Division

Date 4/20/04

REZONING XX ANNEXATION XX

REZONING # 04-12.00 OWNER Leigh Taylor Prop.
ANNEXATION # 04-06.00 OWNER Leigh Taylor Prop.

LOCATION OF
PROPERTY 2470 Hwy. 112

NEAREST FIRE STATION AND
LOCATION Station #2, 708 N. Garland

RESPONSE TIME FROM FIRE STATION # 2 TO
LOCATION OF
PROPERTY 5 MINUTES 56 SECONDS.
TRAVEL MILES FROM FIRE STATION # 2 TO LOCATION OF
PROPERTY 3.6 miles
COMMENTS ON FIRE DEPT.
ACCESS/ROADWAYS

EXISTING FIRE HYDRANTS? IF SO
LOCATION Hwy. 112 at Deane Solomon

WATER SUPPLY WITH HYDRANTS
NEEDED? Yes

ADDITIONAL
COMMENTS

IN OFFICE
SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

SUBSTATION
N.W. MALL
(501) 575-8271
FAX (501) 575-8272



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

ANX 04-06.00 (Leigh Taylor Properties)
Page 18 of 36

RECEIVED
APR 20 2004
PLANNING DIV.

POLICE DEPARTMENT

April 19, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed ANX 04-06.00 Annexation (Leigh Taylor Properties, pp 169) and RZN 04-12.00 Rezoning (Leigh Taylor Properties, pp 169) submitted by Chad White on behalf of Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112 would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services.

The access to this development is a concern. The intersections of Hwy 112 and Howard Nickle Road as well as Hwy 112 and Deane Solomon are dangerous. There is a hillcrest, which makes pulling out from Deane Solomon hazardous. The curve at the intersection with Howard Nickle has been a factor in many accidents. In fact, these two intersections have had 31 accidents in just over three years. The access to this area should be places as far from these two intersections as possible.

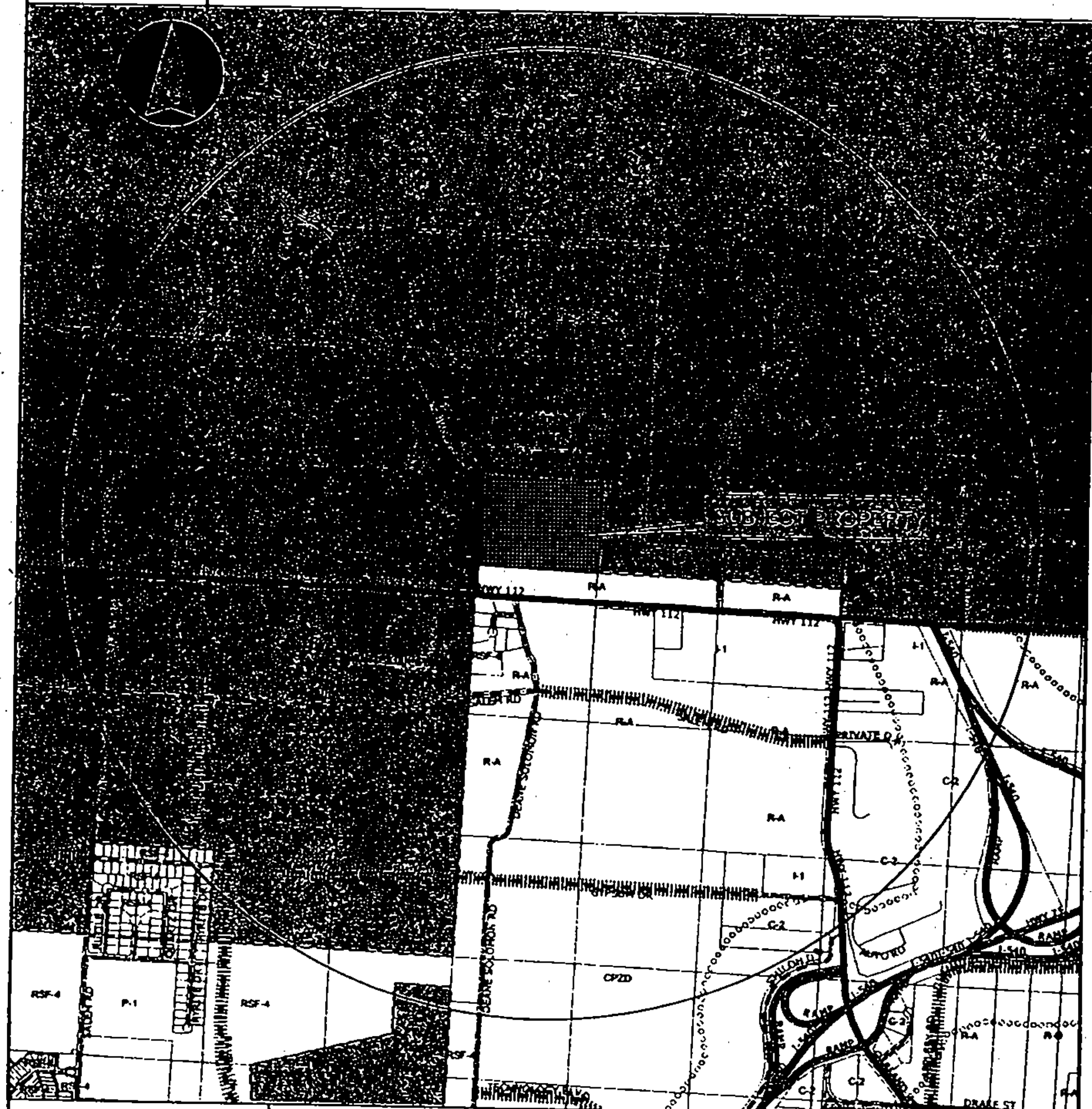
Sincerely,

A handwritten signature in black ink, appearing to read "William Brown".
Lieutenant William Brown
Fayetteville Police Department

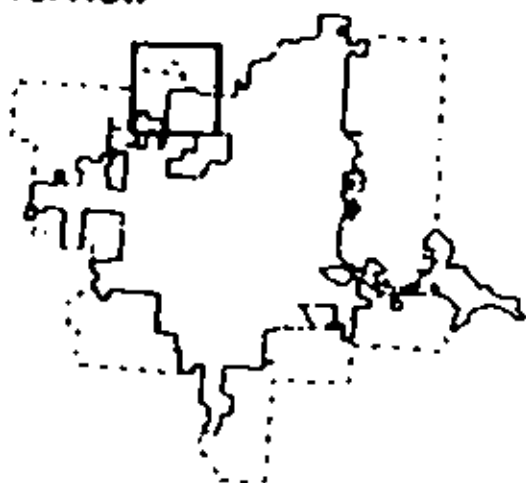
ANX04-06.00

One Mile View

LEIGH TAYLOR PROPERTIES



Overview



Legend

Subject Property

ANX04-06.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

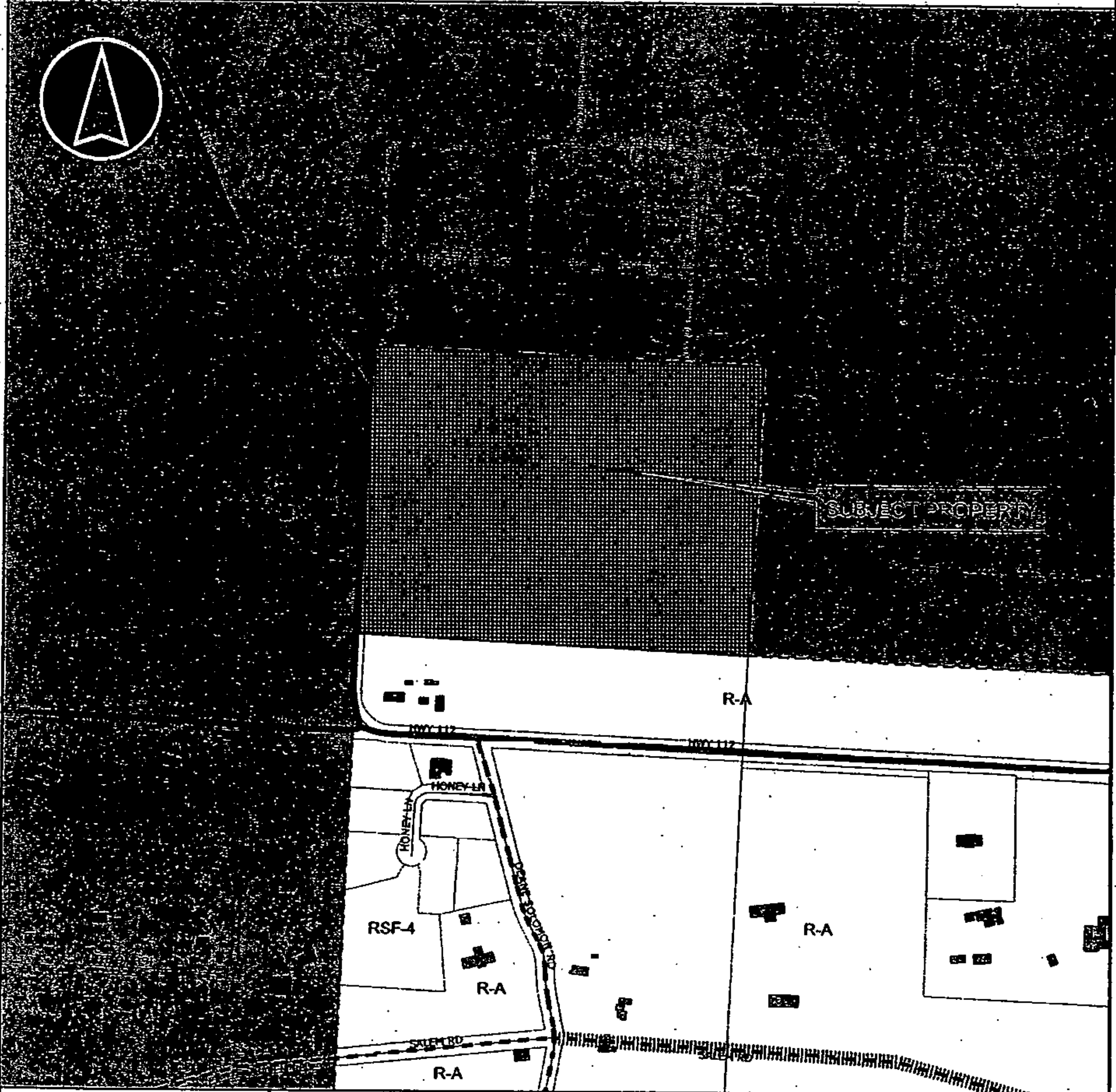
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

ANX04-06.00

Close Up View

LEIGH TAYLOR PROPERTIES



Overview

Legend

- | | | |
|------------------------|--------------------|------------------|
| ooooo Overlay District | Principal Arterial | FLOODWAY |
| Master Street Plan | Minor Arterial | 100 YEAR |
| Master Street Plan | Collector | 500 YEAR |
| Freeway/Expressway | Historic Collector | LIMIT OF STUDY |
| | City Limits | BaseLine Profile |
| | Outside City | ANX04-06.00 |



Planning Commission
April 26, 2004

ANX 04-06.00: Annexation (Leigh Taylor Properties, pp 169) was submitted by R. Chad White on behalf of Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112. The property is currently in the Planning Area and contains approximately 29.86 acres. The request is to annex the subject property into the City of Fayetteville.

RZN 04-12.00: Rezoning (Leigh Taylor Properties, pp 169) was submitted by R. Chad White on behalf of Leigh Taylor Properties, LLC. The property is currently zoned R-A, Residential Agricultural, and contains approximately 39.86 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item on our agenda is another annexation, it is ANX 04-06.00 for Leigh Taylor Properties. If we could have the staff report please.

Morgan: This request was submitted by Chad White on behalf of Leigh Taylor Properties for property located at 2470 Hwy. 112. The request is to annex approximately 29.86 acres into the City of Fayetteville. If you look on page 10.12 that identifies the approximately 30 acre tract that is requested to be annexed into the city. The accompanying rezoning for Leigh Taylor Properties is a request to rezone this 30 acre tract as well as the 10 acre tract of land just north of Hwy. 112 to RSF-4. The annexation is 30 acres and the rezoning is for approximately 40 acres. Fire and Police have reviewed this item. It is approximately 5 minutes 56 seconds from Fire Station 2 and Police have reported that this annexation will not substantially alter the population density. However, they did comment that access to this site would be of concern due to the intersection of Hwy. 112 and Howard Nickle as well as Hwy. 112 and Deane Solomon. Access into future development will be reviewed for safety at the time of development when there is a development proposal submitted to the city. Improvements to street systems will be reviewed also at the time of development and staff finds that this is an appropriate location for annexation into the city. As I mentioned earlier, they are requesting a rezoning of this 30 acre tract as well as the additional 10 acres to the south. Staff finds that this proposed zoning for single family residential is compatible with the land use to the north and the south. There are two subdivisions in either direction. Property to the south within the city limits is zoned RSF-4 at this time as well as R-A. Staff finds that the zoning is consistent with the future land use map and existing development within this area. Public comment has been received regarding this proposal with regard to density, lot size and traffic volume. However, staff finds that in accordance with findings from other divisions such as Engineering, Fire and Police, staff is recommending approval of ANX 04-06.00 and RZN 04-12.00.

Ostner: Thank you. Is the applicant here?

Planning Commission
April 26, 2004

Hogue: Good evening, my name is Curtis Hogue. I'm an attorney in Fayetteville here on behalf of the applicant. I actually represented the applicant through the annexation process of the county. In reading the recommendation from staff and in looking at the findings made and the recommendations made and there was reference made to extenuating circumstances on this particular annexation. I'm not sure in particular what those are although I think that there are a number that apply here. In particular, as noted by the staff recommendation of this parcel 10 acres are within the city. We are asking to annex the entire parcel to bring it all into the city and then allow the total rezoning. I know that there are a couple of specific issues that were addressed in this. With me is Art Scott who is handling the engineering on behalf of the applicant and I'm sure can address some of those particular issues that were brought up in the report.

Scott: I think there were a number of pretty good concerns. First of all, if it was my property next door I would want to know what the density was too. The RSF-4 does allow for four units per acre. This developer is intending to build an upscale sized sort of premium lot in that zoning. It is a minimum of 80', which the zoning allows for 70' and then the normal depths are 130' to 140', which is another 30' or 40' larger in the rear than would be allowed by the typical zoning. The entire 40 acres would end up with their intention is around 108 to 110 units which is 2/3 of the maximum density. There will be a 2,400 minimum square foot home. The access and the proximity to that corner where Hwy. 112 makes that 90° corner would be a concern. We have on the south side very good visibility in both directions from where we intend to apply only one access point on the south and we only intend to have one access point on the west side on Hwy. 112 also with a stub out for connectivity to the north and to the east and both of those have 1/4 mile along Hwy. 112 with very good visibility in both directions for access. Also, one other concern was drainage and that is always a concern when the development of 40 acres takes place. We will have to abide by all the city codes and detain any water before it leaves the site and keep it to a pre-development level so that shouldn't be a concern for the future and for the downstream properties. I will answer any questions you might have.

Ostner: At this point I will move it to the public comment period. Are there people who would like to comment on this item?

Futral: My name is Charlie Futral and I have property adjoining this property. I'm on the north side. I sit on one acre of land. I'm in the Forest Hills subdivision which is to the north here. I've lived here for nine years. We have a very established neighborhood. The houses surrounding this property are very established. My neighbors directly to the north of me sit on 1 1/2 to 2 acres. My neighbors directly to the west of me who adjoin this have approximately 2 acres. His neighbor who adjoins this property

Planning Commission
April 26, 2004

has approximately 3 1/2 to 4 acres I believe. Throughout our neighborhood we are not equal to what they are designing here. You are talking about 80' lots here, we sit on one acre plots. Yes there are some properties in there that are less than one acre but not many. Most of them have multiple acres, up to 8 acres within our particular subdivision. Across the street to the west you have approved zoning for 2 acre lots. We had 4 acres and then you all came back with 2 acre lots. That is nowhere near this kind of density and there is nothing in our neighborhood that has this kind of density going on. The density is one of the primary concerns that we have as it relates to this property. We have several concerns that relate to density. One is property values as it relates to us and it relates to the whole neighborhood, not just our particular subdivision but in each direction from us. As we look at this we don't see that this is enhancing our property values out in the area where we are at. The concerns that relate to the density is the safety issue. What he just addressed on this curve, this is a curve where we have had two fatalities in the last nine years that I've lived here. There have been two fatalities, that is adjoining this property that is immediately on the southwest corner of this property. That doesn't include, I don't know the number of wrecks that have occurred along this stretch of road. It is a dangerous piece of road. It is a dangerous piece of road because it is narrow, because it doesn't have good visibility and because of the speed and the direction that cars come into. Mainly it is a narrow piece of road. It is a state highway that the City of Fayetteville is not going to come in and rebuild and neither is the developer. With all good intentions, everyone is trying to manage growth as it goes out into the community and one of the things that was talked about here this evening was the appropriateness of what is RSF-4. My concern and what I would like to suggest is that this be a RSF-1, one house per acre as the density issue. It raises the property values on the thing, it doesn't inculcate 250 or more cars into this dangerous situation of where fatalities are already occurring, they are on the record. We had a runner just down the street on Hwy. 112 as you come around the curve to the drive in theater along that stretch, we had a runner who was hit and killed a few years ago. You may remember that. There is the third fatality in less than 9 years. As we look at this the density is a real issue. One of the things that was mentioned here as we were listening closely to what was being said is that RSF-4 on a flat plain makes sense that you can see where you are going. It spreads it out. This is a rolling hill country that you are coming into. Another one of the big issues and concerns on this is that when you look at this plat, this is obviously not approved. It is the one that you all have probably all seen and had across your desk as you look at this approach.

Ostner: No.

Futral: May I bring it up?

Planning Commission
April 26, 2004

Ostner: Sure.

Futral: For what it is worth, you need to see what is about to go in here. This is the plat that they have presented as an informal plat. Here is the dangerous curve, here is our subdivision. These are all one acre lots and more coming through here and if you watch this these are tree lines. These are all just trees but what you are seeing here, this area and this whole 1/3 of the property is a low area. These are trees in water. Their idea is that they are going to put a ditch as lots back up to each other and they are going to carry the water through here. This water is coming off of all this slope, all of this basin back over here which includes the development from Clear Creek. Clear Creek now is flowing water through our neighborhood which is an issue for me and for other neighbors there. It goes immediately into this neighborhood here at the north end of this and they think that they are going to handle it down here with an engineered detention pond. I don't think so. Especially after what we just saw this week as it goes through here. This is also a boggy area down through here. Now we are going to put density into a boggy area, not a flat area and not a nice dry area. We are going to go in and we are going to completely cut the trees and we are going to reshape this land to insert this kind of density. In a neighborhood where you have one acre lots, modest in many cases, not so modest in other cases. We have homes out in our area that would approach close to a million dollars and we have land that have been platted across the street that are 2 acre lots, 4 acre lots, that are not scheduled to carry this size of a home on it. What is going to happen to that gentlemen's property values as he goes along? I think density is the culprit here and it is the concern that we all have. Some of the reasons and things that are attached to it are safety on the roads. This is a very real issue out there. We already have proof of it with the fatalities that have occurred and the wrecks that occur. We also have land that is a rolling hill country. In this particular location and what I'm showing you here with these tree lines where the water flows, these are dry creek beds. Think of it like a bowl and what you are doing is our neighborhood is sloping into that bowl, the west is coming into that bowl and the east is flowing around and into that bowl. Their property, roughly 1/3, 25% to 30% of it is the bottom of the bowl as the water flows through it. One other thing, I would like to ask that the number of people that are here that are concerned about this raise their hands so that we have some sense of the neighborhood that has come to see you this evening. There are many neighbors here and some of which have lived here for 30 years, some of which have been here for 2 years and many of us that have been here for several years. Ron has been here since 1962 on this property so we are really very established and appreciate your concern and consideration with this.

*Planning Commission
April 26, 2004*

Approximately 25 people raised hands

McWhorter: My name is Rick McWhorter, I have property that is adjacent to the north side of this property right across the street from Charlie Futral. I don't know if you are aware but to go along with the density issue we received a report that came across from the Educator. It is a news letter from the Fayetteville Public Schools. One of the things that came out was a map showing large areas of development. In this blue area is exactly the property that we are looking at, or at least it is within that. If you were to count up and this map is not very good to be able to identify the actual number of homes, but if you were to count up the number of homes that are in these developed areas that are already either approved or in the process then we are looking at anywhere from around 600 new homes to around roughly 1,200 give or take. The school system figures one child per three lots is what their formula is. This would add a tremendous overflow to the school system, in particular the elementary school district that this serves. Holcomb Elementary School District is already in the process of having to build six new kindergarten classrooms to service a school system that is almost at full capacity already without even considering this development. When you start adding onto this you are adding a problem that is not just traffic, not just safety, not just drainage, but we are adding an issue that deals with public education here within the City of Fayetteville. As you are aware with the vision 2010 that is posted right behind you. You look at point 11, Quality and you start adding more and more student possibility in this area to an overflowing school then that is even creating more of a problem. I would like for you to consider that because I think Charlie was very eloquent in what he said. My other concern is the road through or at least the way we have seen the layout of the road through that would tie into Woodside Drive. The concern is the traffic flow through there and the service vehicles that would go through there and those kinds of concerns that we do not have at this point in time that I would hope you would consider keeping us from having that. We appreciate your time and we appreciate your concern. I think Charlie was very good at pointing out that drainage and density are major issues. Thank you.

Myers: I'm William Myers, I also live just to the north of the area. I'm certainly not going to go into as much detail but I would like to reinforce what Charlie has said. Particularly our concern is the population density and the traffic safety. For whatever it means I was born in Fayetteville in 1934 so I remember when the first traffic lights were put in in Fayetteville and you can't imagine the fuss that caused. I did some mental arithmetic and depending on however many children you expect people to have that is going to be a population density out there between 6,000 and 8,000 per square mile. I don't know what to compare that to but you guys can do that. The other thing I would express my concern about is the traffic. I

Planning Commission
April 26, 2004

drive from my home out there to the University of Arkansas every morning and have done so for the past 18 years. The traffic is getting worse and worse and worse. If you look at the small development immediately to the south across Hwy. 112 from this corner the fencing company has a pretty good business of repairing the fence there where cars go a little bit too fast, miss the curve and go through the fence. Hwy. 112 which used to be an unpaved road that I hiked on as a boy scout, has become a very dangerous place to drive on. I hope you will not make it more dangerous. Thank you very much.

Ostner: Thank you Sir.

Clark: Good evening, my name is John Clark. I do think Charlie covered most bases. I would just simply add that RSF-4 is too dense for this area. I really can't add much more than what has already been said except to say that even though the visibility is good on those entrances, it is a dangerous venture to pull out on Hwy. 112 under the best circumstances. We would ask the Commission to do the right thing and consider a less dense rezoning there. The annexation, I think most of us welcome the annexation. Thank you.

Forbes: I am Bill Forbes. I live right across the street from John Clark. We have a 3" water main, what is going to happen to our water pressure from Fayetteville?

Casey: If this property is to be annexed and rezoned and if we see a development proposal on this property at that time we will look at the public infrastructure, water and sewer, and make sure that there is adequate capacity to serve the development. If the capacity does not exist it will be up to the developer to provide the capacity for the area.

Forbes: We are already developed.

Casey: The developer of this property would have to supply the infrastructure to make sure there was adequate capacity to serve their property and also make sure there is no negative impact on the existing customers.

Forbes: Thank you. We have 26 houses on over 40 acres. As Charlie said just very few of them are on one acre or $\frac{3}{4}$ acre plots. Whoever was here before, we also have deer, quail, dove, they will be gone forever. The water detention, it appears on the plat like it is one lot, 100'x40', is that correct?

Scott: This is still in the preliminary stages.

Planning Commission
April 26, 2004

- Ostner: Excuse me Sir, you need to address us and we will ask him and that will keep things moving.
- Forbes: If it fills up where does the water go? 26 of those lots that they have platted there are right on Hwy. 112. Instead of getting a fence knocked out you are going to have a home knocked out. Today I walked down there and they were surveying on the flat area while we were cutting yards and everybody doing fine, they were stuck in the mud down there with the surveyors. They were stuck in the mud down there Thursday before the big rains came. They are walking around out there in the flattest part with long boots on and doing a pretty good job. We have been a good friend to Fayetteville. We live about 400' out of the city limits. We have paid you guys for our fire insurance and the price got dearer and dearer. We have called you two times in 30 years. As far as calling the police I don't think we ever have and we sure don't need this right next to us. Thank you.
- Kemp: Hello, my name is Jeff Kemp, I'm involved with the development near this subject property so I'm somewhat familiar with it and the area. I just once again, want to reinforce the problem that I think this density will pose as far as traffic. Not only do you have the 90° turn on Hwy. 112 on the southwest corner of the property. You also have Cris Hollow Road on the east side just as you top a hill Cris Hollow pulls out and I know from experience it is kind of a take your chances and pull out on. I just can't imagine the density of RSF-4 traffic in that area.
- Ostner: If I could I would like to remind everyone to keep your comments short and if someone has already said what you are going to say just agree with them.
- Wheeler: My name is Joan Wheeler, my late husband bought 40 acres south of this property in about 1968 and the back of my house faces Hwy. 112. It is my fence that they come through on a regular basis. The traffic is so bad out there I can't even imagine how dangerous it would be with that many houses added to that area. I hope that you won't consider the RSF-4.
- Butcher: I'm Betty Butcher and this is my husband Perry. We live south, we are a neighbor of Joan's and we live south on Deane Solomon three houses down. People have come up and talked about the traffic. Most of the neighbors here are going north around the curve up to their homes there. I have to stop and turn south on Deane Solomon, which is approximately where they would put the opening of that subdivision. I cannot even explain to you how dangerous that is. You cannot see when you are looking at the Howard Nickle Road you cannot see what is coming, it is a blind spot and it is just right there. To have people coming out and turning left towards town on there with the amount of traffic going over there would just be suicide. It is a terrible idea. Thank you.

Planning Commission
April 26, 2004

Ostner: Are there any other comments?

Riser: Hello, my name is Randall Riser and I'm a neighbor of everyone here that you have heard from already and I concur with everything that they have said. It is true beyond what you can even imagine if you haven't ever lived out there. One other thing that I would like to bring up is that the development that they are trying to put in here does not even fit the landscape of this area. This is a development you would see in downtown Dallas or some place like that. This should be planned better for the City of Fayetteville in my opinion. Thank you very much.

Ostner: Is there anyone else?

Futral: I know you all are really tired. I'm Anna Futral. In line with what he just said, there is not a TOPO map reflected with this plat and I think that the lay of the land is an issue.

Ostner: Thank you. Are there any other comments from the public?

Baird: I'm Laurie Baird and our property would be the one directly north to where this development is proposed. We have got five kids and we come out of that neighborhood and just coming here this evening I had to sit there forever trying to get out of the neighborhood and turning left. I have a true concern with all my kids going to the school there with all those houses how are we even going to get in and out of the neighborhood safely? I know I don't let my kids go on Hwy. 112 at all but just the cars and the traffic, I've assisted in some of those accidents. My husband has directed traffic as I've held bodies until the EMS unit can get there. I am really concerned about the density of all these houses that are going to be in there. Our square footage is about 4,000 sq.ft. in our home and we have an acre and a half and it isn't adding up right to having four houses per acre right next door to us with that much traffic too. I would like for you to consider that. Thank you.

Moore: I'm Benny Moore, we live at the northwest corner across the road from this development. We just got through building a new home and hopefully the development will compare with our house and look similar to it is what we were hoping. The north of us all of the homes are larger homes. I think Tyson has a minimum of 3,200 sq.ft. The 2 1/2 acre blocks south of us have 3,200 sq.ft. minimum. Hopefully we won't get into this compacted settlement there. As far as safety, we have lived there about 20 years on the property and there have been deaths in that area and lots of wrecks. It is not a safe corner. Thank you.

Planning Commission
April 26, 2004

- Ostner: Do we have anymore comments from the public? Seeing none, I will close it to the public and bring it back to the Commission for discussion. Once again, we are discussing them together and we will vote on them separately.
- Vaught: I think we need to discuss them separately in one respect with the fact that the annexation, I know this property is also being looked at by Johnson to be annexed. To me that adds a little bit more priority if we want control of what happens on this acreage we need to look at the annexation more seriously. If Johnson annexes it in, I don't know how the timing works. I know that they have a vote coming up but apparently I think Dawn was telling us since we had ours filed first it would take precedence, is that correct?
- Morgan: We believe that is correct at this time. Their vote will be I believe May 11th to vote on the area and whether it will be annexed into Johnson.
- Vaught: This is where I would like Kit to be here to answer questions about if we postpone this. If we turn this down then obviously they will be able to annex it in and then they will have control over what happens here. I think they are somewhat two separate. We could pass one and table the other or pass one and not pass the other. I think that is something to keep in mind as we talk about it but just for everyone to understand.
- Anthes: I have a question for follow up on what Commissioner Vaught is talking about. One of the things that we look at is development pressure and we don't really have development pressure here so much as we have annexation pressure. We have got a situation where we've got another municipality that is looking at this piece of property which if it was annexed by that municipality, would subdivide this particular owners property into two parcels. That is troublesome I'm sure for them and for us in terms of how to look at how this owner would develop this property if it was in two different municipalities. That is one thing that I'm looking at. I would like to comment that it is interesting, the neighbors, there are a lot of them here and a lot of them have spoken about density but I only believe that one even mentioned the annexation at all. Obviously, the density is the thing that is the largest concern to those neighbors. I guess as far as the circumstances about that split, can staff tell us about what this would mean if this 40 acres ended up in two different municipalities and development came forward?
- Pate: Essentially if that were to occur and the Johnson city limit moves south along the Fayetteville city limit our Planning boundary line also would move to where that line is. If a subdivision did occur on that piece of property, the portion in the City of Fayetteville would be reviewed by the City of Fayetteville and the portion in the City of Johnson would be

Planning Commission
April 26, 2004

—reviewed by the City of Johnson. Technically they would have no jurisdiction over our city municipal boundary and vice versa as well. It is a concern of staff and we believe that this petition was filed and released by the county prior to the election being called. I understand timing is definitely an issue with the applicant on this piece of property. As far as development regulations I believe we do have some subdivisions that have been phased, developed with one portion in Springdale and one portion in Fayetteville. It has been the subject of a lot of problems with regard to infrastructure improvements. Street standards are not the same with different cities. Additionally, the overall infrastructure with regard to water and sewer I would refer to our Engineering Division with regard to what types of infrastructure, public improvements if he has any knowledge of what Johnson does and how that would loop the system.

Casey: The water situation I would have to do some research on to see how the water service area boundary would change with the city limits change or if it would change at all. We would certainly have the ability to serve with water if that were allowed by the contract between the two cities. Sewer, on the other hand, would only be allowed for the small portion to the south of the site that is already in the City of Fayetteville. We cannot provide sewer service outside the city limits of Fayetteville unless it is specifically approved by the City Council.

Pate: Additionally, with regard to other findings we have made tonight, the confusion with regard to who responds to what calls comes up. I believe a citizen mentioned that they pay the City of Fayetteville Fire Department to serve their residents. That is how that works in areas outside the city limits but there is always some confusion with regard to emergency response calls about who actually works that call.

Anthes: While we are on the issue of water, our staff report does indicate that the property has an access to a 6" water line across Hwy. 112, is that indeed true based on an earlier comment?

Casey: I believe that to be the case. I don't have that on the maps here in front of me but I am the one who wrote that so I believe I consulted the maps before writing that so I would say yes, that is true.

Allen: If we annex this area it would come in as R-A. I would welcome these people into the City of Fayetteville in terms of an annexation but I do not see the RSF-4 as being compatible with the area and wouldn't be able to support that. I do think a good planner takes a long step backwards and looks at the whole picture and I don't think that's good planning.

Ostner: I would like to agree. We welcome this area to adjoin our city but I don't think RSF-4 is appropriate. I believe RSF-1 might be. I understand that

Planning Commission
April 26, 2004

there is another area of RSF-4 nearby but this piece of land the context that it is in, is clearly less dense than RSF-4 on top of the safety issue. It is a very dangerous intersection and with the difference between RSF-4 and RSF-1 I believe is night and day.

Hogue: Can I make one comment? It is on the issue of annexation. I think if I understand the discussion, that there may not be a strong opposition on the annexation. You all asked some legitimate questions of staff about where are we if we are splitting this up and what is going on with the City of Johnson. When I spoke initially about extenuating circumstances, that is one of our concerns. In trying to sort out if this scenario what happens with Johnson. The only way that I can determine, and I don't know all of the answers because there is a whole lot going on up in that area with other municipalities, the only way that I was able to determine that we could solve a lot of those problems is if Fayetteville would allow the annexation and then we don't worry about all of those other problems that you asked questions about. Just simply addressing the annexation, there are some time constraints and that is certainly something that we would like to accomplish. From the concerned neighbors I didn't hear any direct objections to the annexation. I know there are other issues, a lot of greater issues, but that is certainly an issue to us tonight.

Anthes: The other thing I'm struggling about with the potential for that split is the issue of Hwy. 112 and that it borders two side of this property. If the property was split controlling access onto and off of Hwy. 112 in a manner that we could find to be acceptably safe would be very complicated.

Ostner: I would like to add at this point that the R-A zoning, which is automatic with coming into the city with an annexation does allow housing. It allows everything, it is simply two acre lots.

MOTION:

Clark: The whole issue of annexation and infrastructure issues concern me but the fact that if we don't annex this, this would be split between municipalities supercedes that concern. I would like to move that we approve ANX 04-06.00.

Allen: Second.

Ostner: I have a motion by Ms. Clark and a second by Ms. Allen. Is there any other discussion on the Annexation? Renee?

Roll Call: Upon the completion of roll call the motion to recommend approval of ANX 04-06.00 by the City Council was approved by a vote of 6-0-0.

Planning Commission
April 26, 2004

- Thomas: The motion carries six to zero.
- Ostner: The tandem issue is RZN 04-12.00. We have already had some discussion.
- Trumbo: As the citizens in that neighborhood have clearly stated, that is a very dangerous stretch of highway. Common sense to me says to add another 108 possible homes compounds the problem out there. I don't see how in good faith I could vote to allow that size of development at that place. I understand for the city to build affordable housing we have to have denser zonings but I don't believe it is appropriate right here considering how dangerous that highway is. I will not vote for this zoning.
- Ostner: Thank you. Can we have that map that we tried to get together just showing us some general location?
- Anthes: We don't have the City Attorney here so can someone tell us if the best way is to move for approval and vote it down or to table? I remember Mr. Williams telling us about the different strategies for that before I don't remember specifically what they were.
- Ostner: I don't either.
- Allen: I think we call for a motion and it fails for lack of one if I recall correctly if no one so moves.
- Hogue: At that point would it then be tabled?
- Ostner: I believe we are bound to vote on this issue. We can vote to table, we can vote to pass.
- Pate: You can make a motion to table and table to a date certain or otherwise vote it up or down.
- Vaught: If the applicant withdraws they start over is what I believe he said. If we vote to table it can come back as soon as the next meeting. What I would like to see is if the applicant has met with the neighbors. Have you met with the neighbors discussing these issues?
- Scott: We have not.
- Vaught: One thing that we typically like to see is that you meet with the neighbors and discuss these issues and see if you can come to a resolution and bring back something more amicable between everybody.

Planning Commission
April 26, 2004

Hogue: That is with the zoning issue tabled?

Vaught: Yes.

Hogue: We will do that.

MOTION:

Vaught: I will make a motion to table RZN 04-12.00.

Trumbo: Second.

Ostner: We have a motion by Commissioner Vaught and a second by Commissioner Trumbo, is there any other discussion?

Anthes: I don't know that I'm not completely comfortable with leaving it as an R-A zoning. We could go ahead and vote tonight to deny the rezoning request and then we would still have an R-A zoning.

Ostner: There is currently a motion on the floor that needs to be voted on up or down. Do we have any further discussion?

Vaught: Since it is currently R-A, I think we should give the developer an opportunity to go speak with the neighboring land owners to see if they can come to some sort of a resolution without stopping the process. It could be a real quick discussion at the next meeting if it comes back and everyone still doesn't like it or we think it is not the right zoning. That would be my comment.

Ostner: Let's not forget that we did not annex it, we have simply forwarded it to the City Council. They have still got a long road before they are annexed. Is there any further discussion? Renee?

Roll Call: Upon the completion of roll call the motion to table RZN 04-12.00 failed by a vote of 2-4 with Commissioners Clark, Allen, Anthes and Ostner voting no.

Thomas: The motion fails two to four.

Ostner: Are there more motions or discussion on this issue? We are still considering the rezoning of this item. The tabling motion failed so we are going to revisit it or do something.

Pate: Mr. Chair, based on the Planning Commission bylaws the way they are stated any Conditional Use or Rezoning request requires a five affirmative vote to carry. It is the applicant's prerogative to be able to table that

Planning Commission
April 26, 2004

motion in order to come back to you with something that could potentially pass. Because we do not have a full Commission there are potentially three commissioners that could vote for this project. Therefore, it is appropriate to table this item if the applicant wishes to do that.

Scott: We do wish to do that.

Clark: Can I make one comment? Tabling it is certainly your prerogative and probably a wise course of action. I have a very extensive list of concerns that the neighbors have voiced that when you bring this back I sincerely hope that you have talked with them and can address some of them because I happen to agree with them.

Scott: We'll do our best.

Allen: I would agree with Commissioner Clark.

Anthes: Kit is not here so Jeremy, does this mean if the applicant still wishes to table we still then need to have a vote on our level to do that or they withdraw it?

Pate: That is a little unclear to me reading the bylaws whether it requires a vote to be tabled or not. Obviously, a vote has failed for that motion.

Clark: That motion was to table at our request, not their request.

Pate: There can be another motion on the floor to table this item I believe.

MOTION:

Ostner: With Mr. Pate's advise, he is not a lawyer, I would be willing to vote for a tabling on this issue. I am going to make a motion that we table it.

Clark: Based on Jeremy's suggestion and interpretation of the rules I guess I will second it.

Ostner: Do we have any further discussion?

Marr: Mr. Chair, I think your requirement is that a person who voted against tabling needs to motion to reconsider. You vote on that and then you can vote to table. Otherwise, your action won't be legal.

MOTION:

Anthes: I move to consider RZN 04-12.00.

Planning Commission
April 26, 2004

Clark: Second.

Ostner: We have a motion and a second, is there any further discussion? Renee?

Roll Call: Upon the completion of roll call the motion to reconsider RZN 04-12.00 was approved by a vote of 6-0-0.

Thomas: The motion carries six to zero.

MOTION:

Anthes: I move to table RZN 04-12.00.

Ostner: I thought we just did.

Anthes: No, we moved to reconsider.

Vaught: I will second.

Ostner: We have a motion and a second. Renee?

Roll Call: Upon the completion of roll call the motion to table RZN 04-12.00 was approved by a vote of 6-0-0.

Thomas: The motion carries six to zero.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

B. 2
ANX 04-06.00 (Leigh Taylor Properties)
Page 36 of 36 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

May 18, 2004

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

ANX 04-06.00: Annexation (Leigh Taylor Properties, pp 169) was submitted by R. Chad White on behalf of Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112. The property is currently in the Planning Area and contains approximately 29.86 acres. The request is to annex the subject property into the City of Fayetteville.

STAFF RECOMMENDATION: Approval.

Dawn Warrick 4/30/04
Division Head Date

Received in Mayor's Office

4-30-04 gm
Date*[Signature]* 4/30/04
City Attorney Date

Department Director Date

[Signature] 5-3-04
Finance & Internal Services Dir. Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

[Signature] 5-3-04
Chief Administrative Officer Date

New Item:

Yes

No

[Signature] 5/3/04
Mayor Date

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: April 29, 2004

Subject: Right of Way Vacation for Paul Dunn (VAC 04-10.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of an existing, platted street adjacent to the subject property.

BACKGROUND

The subject platted right-of-way is a portion of Rebecca Street that lies east of Vinson Avenue. The applicant intends to build a single family dwelling on the lot directly south of Rebecca Street. The applicant proposes to vacate 25 feet of Rebecca Street to provide 75 feet of frontage onto Vinson Avenue for development of the lot. Currently the lot is 50 feet wide, with front setbacks of 25 feet from the right-of-way line on both Vinson Avenue and Rebecca Street, creating a virtually un-buildable situation.

Much of the platted but unconstructed Rebecca Street right-of-way in this location has slopes greater than 25%, which is prohibitive for construction of a roadway. Additionally, much of the area surrounding this street is developed. Utilities are present in the right-of-way, therefore the full width will be retained as a utility easement.

DISCUSSION

Notification was provided to all utility representatives and adjoining property owners. No objections were reported regarding this requested easement vacation.

The Planning Commission voted in favor of this item on its Consent Agenda at the regular meeting of April 26, 2004.

BUDGET IMPACT

None.

Left on 2nd reading



ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 04-10.00 TO VACATE AND ABANDON A 25' PORTION OF THE PLATTED RIGHT OF WAY FOR REBECCA STREET EAST OF VINSON AVENUE ALONG THE NORTH BOUNDARY OF LOT 8 OF THE VINSON SUBDIVISION, RETAINING A UTILITY EASEMENT WITHIN SUBJECT PROPERTY AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described platted right of way is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons the following described right of way, leaving all of its rights together with the rights of the public generally for use as a utility easement:

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

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

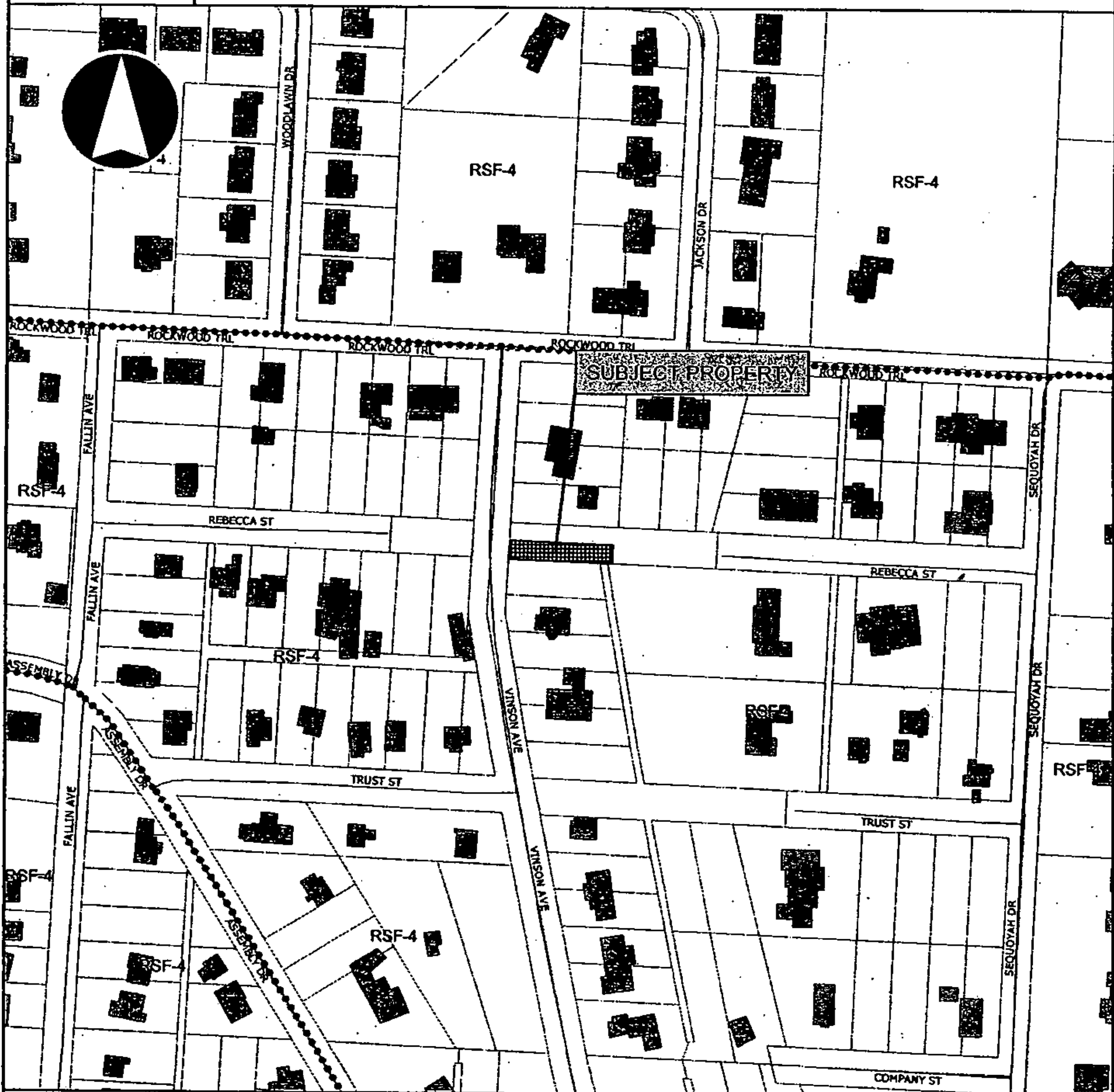
EXHIBIT "A"
VAC 04-10.00

A PARCEL OF LAND BEING A PART OF THE ABANDONED STREET FORMERLY KNOWN AS REBECCA STREET, LYING BETWEEN BLOCKS NUMBERED FIVE (5) AND SIX (6) IN MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF LOT NUMBERED EIGHT (8), IN BLOCK NUMBERED SIX (6) IN MOUNTAIN VIEW ADDITION FOR THE POINT OF BEGINNING; THENCE PROCEED IN A NORTHERLY DIRECTION PARALLEL WITH THE CENTERLINE OF VINSON STREET A DISTANCE OF 25.38 FEET TO A POINT ON THE CENTERLINE OF FORMER REBECCA STREET; THENCE EASTERLY ALONG THE CENTERLINE OF FORMER REBECCA STREET A DISTANCE OF 139.34 FEET, MORE OR LESS, TO A POINT 25.5 FEET NORTH OF THE NORTHEAST CORNER OF SAID LOT NUMBERED EIGHT (8); THENCE SOUTHERLY PARALLEL TO THE CENTERLINE OF VINSON STREET A DISTANCE OF 25.5 FEET TO THE NORTHEAST CORNER OF SAID LOT NUMBERED EIGHT (8); THENCE S89 DEGREES 56' 20" E ALONG THE NORTH LINE OF SAID LOT NUMBERED EIGHT (8) A DISTANCE OF 139.34 FEET TO THE NORTHWEST CORNER OF SAID LOT NUMBERED EIGHT (8), THE POINT OF BEGINNING.

VAC04-09.00

Close Up View

PAUL DUNN



Overview

Legend

- | | | |
|--------------------------|--------------------|------------------|
| ooooo Overlay District | Principal Arterial | FLOODWAY |
| ooooo Master Street Plan | Minor Arterial | 100 YEAR |
| Master Street Plan | Collector | 500 YEAR |
| Freeway/Expressway | Historic Collector | LIMIT OF STUDY |
| | City Limits | BaseLine Profile |
| | Outside City | VAC04-09.00 |

0 75 150 300 450 600 Feet

Exhibit "B"

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of April 26, 2004

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
FROM: Jeremy Pate, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: April 21, 2004

VAC 04-09.00: Vacation (Paul Dunn, pp 447) was submitted by Paul Dunn for property located at Lot 8, Block 4 of the Mt. View Addition. The property is zoned RSF-4, residential single family 4 units per acre. The request is to vacate a portion of Rebecca Street right of way.
Planner: Jeremy Pate

Findings: See the attached maps and legal descriptions for the exact locations of the requested right of way vacation.

Background: A 50' right of way for Rebecca Street was dedicated with the platting of Mt. View Addition. This portion of Rebecca Street has never been constructed. The topography in this area is prohibitive for the construction of a roadway. A large portion of this area has slopes greater than 25%.

Request: The applicant requests to vacate a portion of the existing Rebecca Street right-of-way, to the north of Lot 8, as described and depicted in the attached documents. The vacation request covers approximately 25 feet north of Lot 8, along the length of the northern property boundary. The right-of-way north of centerline (approximately 25 feet in width) will remain as public right-of-way at this time.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

RESPONSE

Ozarks Electric

No Objections

AEP/SWEPCO

No Objections

Arkansas Western Gas

See Conditions of Approval

SW Bell

No Objections

Cox Communications

See Conditions of Approval

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

See Conditions of Approval

Transportation

See Conditions of Approval

Solid Waste

No Objections

Engineering

No Objections

Recommendation: Staff recommends approval of the proposed right of way vacation 04-09.00 subject to the following conditions:

Conditions of Approval:

1. The 50' right of way shall be dedicated as a 50' utility easement.

PLANNING COMMISSION ACTION: yes Required

 Approved Denied

Date: April 26, 2004

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

By _____

Title _____

Date _____

CITY COUNCIL ACTION: yes Required

 Approved Denied

Date: May 18, 2004

**PETITION FOR VACATION OF RIGHT AWAY
LOCATED IN LOT 8, BLOCK 4, MT. VIEW ADDITION, CITY OF
FAYETTEVILLE, ARKANSAS**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

Lot 8, Block 4, Mt. View Addition

I would like to ask the city to vacate property on Lot 8, Block 4, part of Rebecca St., East of Vinson Avenue and West of Sequoyah Drive. This property will not be utilized for a public street. The property is 50 ft wide and does not meet current zoning requirements of the minimum 75 ft. Therefore, allowing me to gain 25 ft for the purpose of providing access to build a single family home on Lot 8.

I acknowledge that all requirements must be in by March 26, 2004. I will have all material by this date.

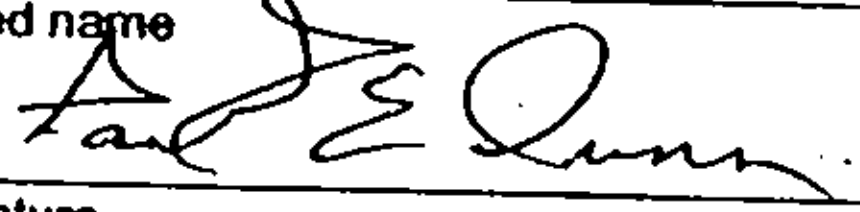
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 18 day of MARCH, 2004.

W. CAL CANFIELD V.P. DHC CORP
printed name


signature

PAUL E DUNN
printed name


signature

Planning Commission
April 26, 2004

VAC 04-10.00: Vacation (Paul Dunn, pp 447) was submitted by Cal Canfield on behalf of Paul Dunn for property located at Lot 8 Block 4 of the Vinson Subdivision on Rebecca Street. The property is zoned RSF-4, Residential Single-family, 4 units per acre, and contains approximately 0.08 acres. The request is to vacate a portion of the dedicated R.O.W. for Rebecca St., east of Vinson Avenue.

Ostner: The next item on our agenda is VAC 04-10.00 for Paul Dunn. Can we have the staff report please?

Pate: This Vacation is submitted by Paul Dunn for property located at Lot 8 Block 4 of the t. View Addition. The property is currently zoned RSF-4. Currently a 50' right of way for Rebecca Street was dedicated with the platting of Mt. View Addition. This portion of Rebecca Street has never been constructed. There are portions to the east and west I believe that have been constructed. However, the topography in this area is prohibitive for the construction of a roadway. A large portion of this area has slopes greater than 25% which do not meet our city ordinances or codes with regard to constructing streets. Additionally, a majority of this area has been developed into a single family type neighborhood and is a cohesive neighborhood. The applicant at this time, owns Lot 8 or is looking to buy Lot 8, and the request to vacate a portion of the existing Rebecca Street right of way which is directly adjacent to this property. If you will look on page 3.8, the property that is shaded there is the subject legal description for the Vacation of right of way. The applicant's property is directly to the south of that. The Vacation request covers approximately 25' north of Lot 8 to the centerline of that existing right of way and then along the length of the northern property boundary to the east from Vincent Avenue. The right of way north of the centerline will remain as public right of way at this time. There have been no objections from adjacent property owners though we have heard a lot from property owners with curiosity to this action. The applicant has submitted required notification forms and staff is recommending approval of the proposed right of way vacation with one condition of approval that that right of way remain as a utility easement.

Ostner: Thank you. Is the applicant present? Would you come forward and introduce yourself and if you have a presentation.

Dunn: I am Paul Dunn. Actually, everything looks fine to me as long as I can build right up to the easement I am fine.

Ostner: We will take public comment and then get back to you. Is there anyone from the public who would like to comment on this issue? This is VAC 04-10.00. Ok, I'm going to close it to the public and bring it back to the Commission for comments and motions.

MOTION:

Allen: I move for approval of VAC 04-10.00.

Ostner: We have a motion by Ms. Allen and a second by Ms. Clark. Is there any further discussion? I would just like to say that this is a completely developed area and with this Vacation it would enable a lot that is probably un-buildable to be built upon. It is infill and it seems to be a good project to add a building in an area that is already filled with city services, roads, sewers and everything is already in place.

Allen: I forgot to add subject to the one condition of approval with this remaining a utility easement in my motion.

Ostner: Thank you. I have a question for staff. The condition of approval reads that the 50' right of way shall be dedicated as a 50' utility easement. I thought we were giving away half of that and making it a 25' utility easement?

Pate: Essentially the right of way Vacation request and the legal description that is attached thereto and that goes forward from here to the City Council is just the 25'. The remainder 25' north is actually right of way with utilities in it. We could modify the condition if necessary before it gets to City Council.

Ostner: We are changing the name of this 25' chunk from right of way to utility easement?

Pate: That is correct.

Ostner: Thank you. Is there any further discussion? Renec?

Roll Call: Upon the completion of roll call the motion to forward VAC 04-10.00 to the City Council was approved by a vote of 6-0-0.

Thomas: The motion carries six to zero.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

B. 3
VAC 04-10.00 Right of Way (Paul Dunn)
Page 10 of 10 x AGENDA REQUESTFor the Fayetteville City Council Meeting of: May 18, 2004

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

VAC 04-10.00: Vacation (Paul Dunn, pp 447) was submitted by Cal Canfield on behalf of Paul Dunn for property located at Lot 8 Block 4 of the Vinson Subdivision on Rebecca Street. The property is zoned RSF-4, Residential Single-family, 4 units per acre, and contains approximately 0.08 acres. The request is to vacate a portion of the dedicated R.O.W. for Rebecca St., east of Vinson Avenue.

STAFF RECOMMENDATION: Approval.

Dawn J. Warrick
Division Head4/30/04
Date

Received in Mayor's Office

4-30-04 gm
Date[Signature]
City Attorney4/30/04
DateCross Reference:

Department Director

Date

Previous Ord/Res#:

[Signature]
Finance & Internal Services Dir.5-3-04
Date

Orig. Contract Date:

[Signature]
Chief Administrative Officer5-3-04
Date

Orig. Contract Number:

[Signature]
Mayor5/3/04
Date

New Item:

Yes

No

City Council Meeting of June 1, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Louise Schaper, Executive Director, Library

Date: May 4, 2004

Subject: Change Order #15 to Crossland Construction Contract

RECOMMENDATION

This is a contract to award a change order to the Crossland contract to add a \$100,000 signage allowance.

The signage budget is funded in the Sales Tax Capital Improvement Fund.

BACKGROUND

) This project continues to be on budget and on schedule. The library staff, owner's representative, and design and construction teams are working very hard to finish the project on time and with all planned amenities.

DISCUSSION

The way-finding requirements are very complex in a building of this type. Over 2000 citizens will use the facility on a daily basis. The signage package will provide code-required room identification and clarity in circulation flows and will reflect the overall design of the project. There are over 500 interior and exterior signs. This includes the entry signage, 1 Blair Library sign, signs for each of the four service desks, 110 room ID signs, 270 stack end signs, 9 parking garage signs, 18 informational signs, 40+ donor signs, 5 miscellaneous signs, 10 directional signs, 24 main area ID signs, 1-3 stand alone signs, 1-2 electronic displays, 13 sub-area ID signs, and other signs to be defined. All signs comply with ADA requirements. This work will be completed prior to the opening of the library.

BUDGET IMPACT

The signage budget is funded in the Sales Tax Capital Improvement Fund.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE CHANGE ORDER #15
IN THE AMOUNT OF \$100,000.00 TO FUND SIGNAGE
(INTERIOR AND EXTERIOR) IN THE CROSSLAND
CONSTRUCTION COMPANY, INC. CONTRACT TO
BUILD THE FAYETTEVILLE PUBLIC LIBRARY

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order #15 (attached as Exhibit A) to the Crossland Construction Company, Inc. contract to build the Fayetteville Public Library. This change order allocates \$100,000.00 for interior and exterior signage at the new library.

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

SONDRA SMITH, City Clerk

AIA DOCUMENT G701-2000

Change Order

(Instructions on reverse side)

PROJECT:
(Name and address)FAYETTEVILLE PUBLIC LIBRARY
401 WEST MOUNTAIN STREET
FAYETTEVILLE ARKANSAS 72701TO CONTRACTOR:
(Name and address)CROSSLAND CONSTRUCTION COMPANY INC
ATTENTION: JOHN PRIEST - PROJECT MANAGER
2510 WEST HUDSON ROAD
ROGERS ARKANSAS 72756

CHANGE ORDER NUMBER: 15

DATE:

05 May, 2004

ARCHITECT'S PROJECT NUMBER:

2000073-00

CONTRACT DATE:

21 MAY 2002

CONTRACT FOR:

GENERAL CONSTRUCTION

OWNER ☐ARCHITECT ☐CONTRACTOR ☐FIELD ☐OTHER ☐

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)

Provide a signage allowance in the amount of \$100,000 to cover all aspects of interior and exterior signage.

The original (Contract Sum) (~~Guaranteed Maximum Price~~) was \$ 17,633,931.00The net change by previously authorized Change Orders \$ 1,426,361.70The (Contract Sum) (~~Guaranteed Maximum Price~~) prior to this Change Order was \$ 19,060,292.70The (Contract Sum) (~~Guaranteed Maximum Price~~) will be (increased) (~~decreased~~)(~~unchanged~~) by this Change Order in the amount of \$ 100,000.00The new (Contract Sum) (~~Guaranteed Maximum Price~~) including this Change Order will be \$ 19,160,292.70The Contract Time will be (~~increased~~) (~~decreased~~) (unchanged) by 0 days.The date of Substantial Completion as of the date of this Change Order therefore is 31 JULY 2004

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive for which the cost or time are in dispute as described in Subparagraph 7.3.8 of AIA Document A201.

Not valid until signed by the Architect, Contractor and Owner.

AFHJ ARCHITECTS
PO BOX 790
FAYETTEVILLE, AR 72702ARCHITECT (Typed name)
Associate Architect

(Signature)

JAMES FOSTER

BY

DATE

5 MAY 04

CROSSLAND CONST. CO. INC.
PO BOX 907
ROGERS, AR 72756

CONTRACTOR (Typed name)

(Signature)

JOHN PRIEST

BY

DATE

5/5/04

CITY OF FAYETTEVILLE
113 WEST MOUNTAIN ST
FAYETTEVILLE, AR 72701

OWNER (Typed name)

(Signature)

MAYOR DAN COODY

BY

DATE

© 2000 AIA®
AIA DOCUMENT G701-2000
CHANGE ORDER

Description _____ Meeting Date June 1, 2004

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

*You might read your Background
section*

Purchasing Manager

Internal Auditor

Finance & Internal Services Director

Chief Administrative Officer

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701

DEPARTMENTAL CORRESPONDENCE

DATE: May 13, 2004

TO: Mayor and Council

FROM: Hugh Earnest 
Chief Administrative Officer

SUBJECT: Community Development Block Grant (CDBG) 2004 Funding Agreement

Recommendation

The staff recommends approval of this resolution.

Background

Fayetteville has been a Community Development Block Grant (CDBG) Entitlement City since 1975. The grants are based on a formula allocation that takes into account such as factors as population, percent of low/moderate income persons and the number of housing units. Each year the Community Resources Division submits an annual "Action Plan" and funding request to the U.S. Department of Housing & Urban Development (HUD) for CDBG funding. The plan is published for a 30 day public comment period and submitted to HUD for approval.

The City of Fayetteville's Consolidated Action Plan (CAP) has been approved for fiscal year 2004. Grant amounts vary each year dependent on funding levels authorized by Congress through the annual federal budget process. At this time, the City of Fayetteville CDBG program has been approved for funding in the amount of \$761,000.00. We have attached a copy of the current city Consolidated Plan (CP) that lists the programs submitted by the city for funding that have now been approved for this fiscal year.

Current Status

The Council is being asked to approve the grant agreement for the 2004 fiscal year.

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT THE 2004 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$761,000.00, TO APPROVE THE 2004 FUNDING AGREEMENT AND TO APPROVE THE 2004 CONSOLIDATED ACTION PLAN

WHEREAS, the City of Fayetteville's Consolidated Action Plan was developed by the Community Resources Division and approved by Mayor Dan Coody after a public hearing; and

WHEREAS, the United States Department of Housing and Urban Development approved this Consolidated Action Plan and approved funding for the programs therein in the amount of \$761,000.00.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the 2004 Funding Agreement, accepts the 2004 Community Development Block Grant of \$761,000.00 from the Department of Housing and Development, and approves the 2004 Consolidated Action Plan which includes street overlay and repair, residential rehabilitation, assistance to Habitat for Humanity and redevelopment programs within the Community Development Target Area; as well as assistance to the Seven Hills Homeless Shelter, Elderly Taxicab Program, Low Income Transportation Program, Fayetteville Boys and Girls Club Targeted Program and administrative costs.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

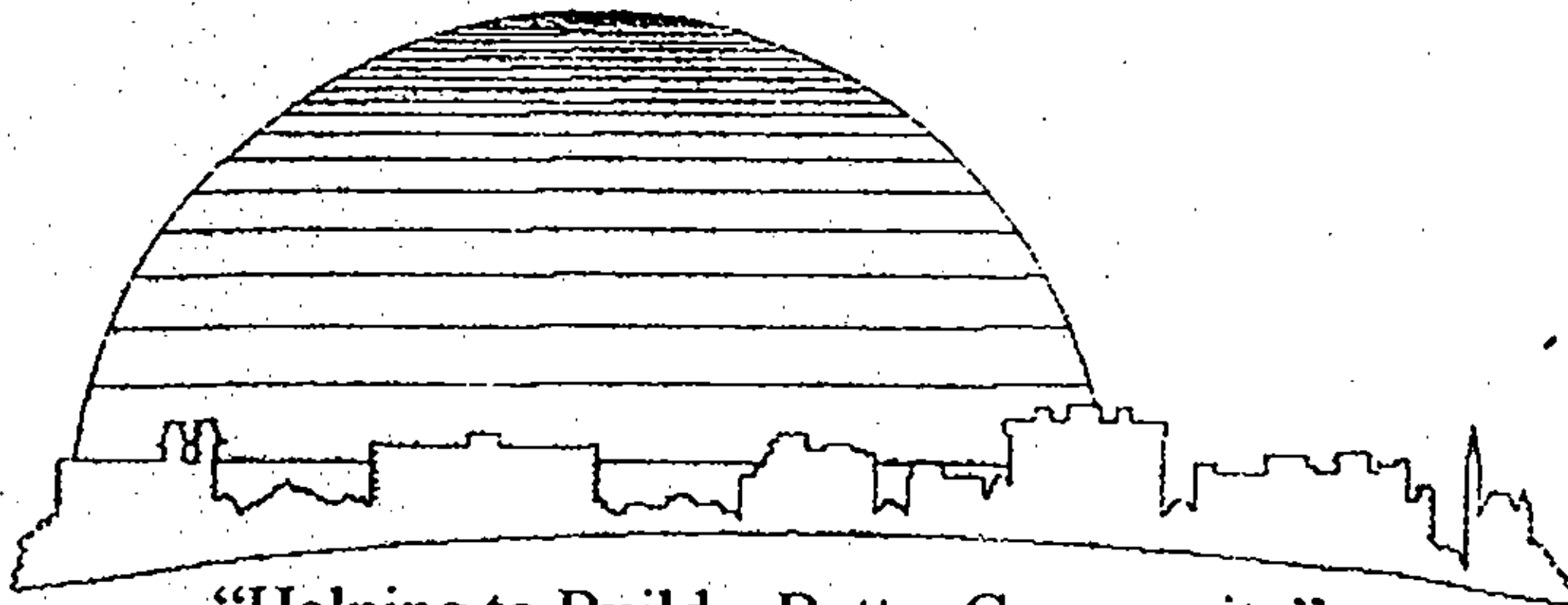
ATTEST:

By: _____

SONDRA SMITH, City Clerk

City of Fayetteville
COMMUNITY RESOURCES DIVISION

Community Development Block Grant
2004 Consolidated Action Plan



"Helping to Build a Better Community"
Community Resources Division

Prepared for Submission to:
The United States Department of
Housing and Urban Development

November 14, 2003



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONSOLIDATED ACTION PLAN – 2004

COMMUNITY PROFILE

The City of Fayetteville, county seat of Washington County, is located in the northwestern part of Arkansas and is regarded as the business and cultural center of the Metropolitan Statistical Area for Benton and Washington Counties, which has an estimated population of approximately 311,000. Fayetteville is situated near the tallest of the mountains in the Ozark Mountain Range and is the fourth largest city in the state. It is located approximately 185 miles northwest of Little Rock, Arkansas, 125 miles east of Tulsa, Oklahoma, 350 miles northeast of Dallas, Texas, and 210 miles south of Kansas City, Missouri. Fayetteville and Northwest Arkansas region have gained a national reputation as one of best places in the country to live and raise a family. The City and the region are experiencing rapid population growth and an increasing number of visitors. Fayetteville's population has increased from approximately 20,000 in 1960 to 58,047 according to the 2000 census.

The City was settled in 1828 and was incorporated on August 23, 1870. The City operates under a Mayor-Council form of government, in which a Mayor, City Attorney, City Clerk/Treasurer, Municipal Judge, and eight Aldermen are elected. Based on the population thresholds in Arkansas law, City Council adopted an ordinance that provides for staggered aldermanic terms. Beginning with the 2000 election, all terms for elected officials are four years.

INTRODUCTION

The City of Fayetteville is a participant in the Community Development Block Grant (CDBG) Entitlement Cities Program and is awarded funds annually to carry out eligible activities in pursuit of these statutory goals:

- **Provide Decent housing** - - which includes:
assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increase the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.
- **Provide a suitable living environment** - - which includes:
improving the safety and livability of neighborhoods; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural, or aesthetic value; and conservation of energy resources.
- **Expand economic opportunities** - - which includes:
job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; and empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

Community Development Focus in 2004

Public Access and Participation: CDBG Activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff, and special purpose committees, input from community stakeholders and resources holders are integrated to designate action priorities.

Two formal public hearing was held to present and discuss proposed CDBG activities for fiscal year 2004. Non-profit agency representatives and others attended the meetings. Community Development staff has been active in the presentation of program information. Information was provided during National Community Development Week. Community Development program information is presented at local agency meetings including Mortgage Brokers Association, a University of Arkansas Political Science class and other non-profit agencies. Program literature in Spanish is also available in the office. City of Fayetteville program information and forms have been translated into Spanish. Staff continues to be very active in the Northwest Arkansas Housing Coalition and the newly created Community Development Directors Association of Arkansas. This is also working on the creation of a community group to work towards Attainable Housing. The hope is that the group will build a strong foundation as it works towards the ultimate goal of Attainable Housing.

In accordance with Fayetteville's Citizen Participation Plan, the 2004 Consolidated Action Plan is submitted for a 30 day citizen review period. Citizen comments on the plan are encouraged and may be submitted to:

Yolanda Fields, Director
City of Fayetteville Community Resource Division
113 West Mountain Street
Fayetteville, AR 72701

Citizen Comments:

Comments were received from the South Fayetteville Community Development Corporation (SFCDC):

It is with deep regret that the City of Fayetteville is not supporting some of the activities to construct new affordable homes with Habitat for Humanity and a resident led group in the target area as listed in the 2000-2004 Consolidated Plan. The city has provided very little support to Habitat to Humanity and none to the SFCDC.

South Fayetteville Community Development Corporation (SFCDC) was awarded \$80,000.00 in Community Development Block Grant funds to construct four affordable homes. A twelve month sub-recipient agreement was signed on August 21, 2001. SFCDC requested an extension until December 31, 2002, which was granted. A second extension was requested until June 31, 2003, this request was also granted. A third extension was granted until December 31, 2003. To date the group has built two homes one has been sold the other is up for sale. Two lots are currently held by the group. Construction on these lots is still pending. The City of Fayetteville has provided these extensions in an effort to support the affordable housing goal.

Comments were received from Habitat for Humanity:

We appreciate the continued support of the Community Development Block Grant funds over the years. It has been the difference of not being able to house very low income families or being able to.

Housing Housing rehabilitation and housing issues are a primary focus of Community Development activities. The City is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 1999, the City has focused on developing of community partnerships with outstanding local entities with expertise in specialized housing activities. This cooperation will further the Attainable Housing effort in the City of Fayetteville. Attainable housing has become a topic of great concern for this division. Housing costs in Northwest Arkansas have increase at a considerable rate throughout the past 10 years according to the latest round of information from the 2000 Census. The cost of the median mortgage payment in the City of Fayetteville remains the highest in Northwest Arkansas at \$916, an increase of 45 percent. It is the highest median mortgage payment of any city in Northwest Arkansas and 24 percent higher than the state median of \$737. The City of Fayetteville, Community Development program will work on the development of a plan to bring Attainable housing to the City of Fayetteville. This office is working with the Northwest Arkansas Housing Coalition (NAHC) and the committees of the organization to build a relationship with the local Public Housing Office. The HUD provided Technical Assistance will be a very important component in reaching the Attainable Housing goal.

Analysis of Impediments to Fair Housing The city is in the process of updating its "Analysis of Impediments to Fair Housing" (AI). CDBG Program regulations require recipient jurisdictions to "affirmatively further fair housing," which flows from HUD's obligation under Section 808 of the Fair Housing Act.

The AI is conceived as an effort to affirmatively further fair housing choice by identifying all impediments to fair housing choice which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the process of developing the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit, and private sectors, thereby promoting relationship-building and consensus on fair housing issues. The AI process will help describe a clearer picture of housing conditions for LMI households in Fayetteville, and aid us in defining current and future housing directions.

Public Services Utilization of CDBG funds for the provision of public services, particularly those which serve LMI groups, has been, and continues to be a focus of the Community Development Program. The Taxi Voucher program provides subsidized cab fare for our city's elder citizens, allowing an inexpensive transportation choice for many who would not have transportation available otherwise. This simple, cost effective program receives unwavering support from those who use it to go shopping, to the doctor, post office, church, out to eat, or any number of other destinations. The program is hugely successful in providing our elders opportunity to participate in community life and to live independently.

Public Facilities - Community Needs CDBG has historically supported community services facilities projects in Fayetteville. Through the last decade, CDBG dollars have assisted construction, renovation or development of facilities for local non-profit organizations such as Youthbridge, Children's House, Head Start, Fayetteville Free Health & Dental Clinic, YRCC, as well as renovations and improvements to City parks, streets, sidewalks and other infrastructure.

CONSOLIDATED ACTION PLAN - 2004

I. AVAILABLE RESOURCES

A. Resources- Federal / State The City is the recipient of a formula grant program, the Community Development Block Grant. Private non-profit organizations in Fayetteville are funded through competitive state and federal allocations, the local United Way campaign, private foundation grants, other special competitive grants, and private donations including fund-raising activities. The City anticipates the CDBG formula allocation in 2004 will be approximately \$777,000.

B. Resources - Municipal Government

The City's Street Division has estimated \$131,000 for street overlay and repair of streets located in the designated Community Development Target Area. The City's Budget Division has budgeted approximately \$8,000 for maintenance of city-owned buildings occupied by area non-profit agencies performing public service activities.

II. DESCRIPTION OF ACTIVITIES

A. Housing Services

• Residential Rehabilitation

This allocation provides forgivable and repayable low interest loans to low and moderate income persons for rehabilitation of owner-occupied housing.

The following services are offered:

- Comprehensive rehabilitation up to \$20,000
- Emergency Repair up to \$5,000

The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, those that alleviate deferred maintenance conditions, safety devices, and replacement of principal fixtures and components. \$393,239 is allocated and includes salary and program delivery costs for management and oversight of all housing programs.

Location: Citywide, applicants are prioritized according to established criteria to give preference on the waiting list to those most in need of services. Priority criteria include: Very Low Income, Elderly, Disabled, Single-parent household, Lead-based paint hazards in homes, and homes located in the Target Area.

- **Home Ownership**

This program would provide down-payment assistance and homebuyer training. In an effort to assist in the homeownership dream this program will provide a source of down-payment funding and homeownership training for eligible residents of the City of Fayetteville. CDBG funds allocated - \$10,000.

- **Habitat for Humanity of Fayetteville, AR, Inc.**

Habitat for Humanity (HFH-F) mission is to construct attainable housing. HFH-F was chartered in December 1992 and has assisted low income families by providing attainable homes. HFH-F is the builder and mortgage lender; homes are sold at no-profit and no-interest. Funds received from donations, club pledges, the religious community, community organizations, and in-kind donations and from HFH-F homeowners' principle payments. Participants are in the 30-50% of median income range. Their monthly payments are 20-25% of their monthly gross income including taxes and insurance. CDBG funds allocated - \$8,000.

Revenue Sources:

Carpenters Club & Corp. Carpenters Club donors	90,000
Wal-Mart Shoe/Jewelry Divs. Golf Tournament	60,000
Dr Scholl's HFH Tin Cup 5K Run/Walk	30,000
Covenant Church Commitment	15,000
Habitat Hoops	15,000
Unspecified donations	7,545

B. Public Services

- **Seven Hills Homeless Shelter**

This project provides essential services (including meals, shelter, transportation, showers, phone, laundry, clothing; etc.) and case management services to homeless men, women and children in an effort to enable them to return to a stable, self-sufficient lifestyle. Seven Hills is a dual-purpose facility. Providing a safe, supportive drop-in day center environment where men, women and children can come to gather resources, set plans, and move forward toward jobs, housing, and self-sufficiency. In winter, they provide an emergency cold-weather night shelter. In addition, the Transitional Housing program for men at Seven Hills provides eight residents with three to six month's room, board, life-skills training, life coaching, and other assistance to support their progress toward stable, independent living. They also receive weekly private goal-setting/progress sessions with a life coach, as well as 24-hour staff support in a drug and alcohol free environment. The center currently provides services 365 days per year. Over 1,000 visitors are served each year, in over 18,000 visits. CDBG funds allocated - \$25,000.

Location: 1561 W. 6th

Revenue Sources:

Private Foundation Grants	40,000
Individual contributions	25,000
Church contributions	15,000
Program fees	12,000
Fundraising events	15,000
Corporate Support	10,000
In-kind support	90,000

- **Fayetteville Elderly Taxicab Program**

This program provides an alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare. 200 elderly, low to moderate individuals will be served by this transportation program. CDBG funds allocated - \$40,000.

Location: Citywide

- **Transportation Program**

This program provides a transportation choice for qualified participants. Low-moderate Income City of Fayetteville residents will receive subsidized transit fare. CDBG funds allocated - \$10,000.

- **Fayetteville Boys and Girls Club**

This program will assist participants with homework help, academic, prevention and health & life skills programs. Participants will receive educational and recreational programming and activities in a safe and adult caring environment to aide them in their development during early school years. Participants will also benefit from structured time to relax and participate in activities such as playing on the playground or playing in the gym, listening to music, stretching and other whole group fun activities. This project is child-focused and is aimed at developing the total person academically, socially, emotionally and physically. Approximately 120 young people will benefit from the after-school program at Jefferson Elementary. An estimated 90% of all beneficiaries reside in the target area and are low/moderate income. CDBG funds allocated - \$30,000

C. Administration

Administration funds are used for the salary and benefits of the Community Development Director, administration staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. Funding for the update to "Analysis of Impediments to Fair Housing" has been included in this program. This study will provide valuable housing information which will be utilized to ensure compliance to the Section 808 of the Fair Housing Act and will assist in reaching the goal of attainable housing. CDBG funds allocated - \$141,334.

Location: Community Planning & City Engineering Building, 125 West Mountain Street

D. Redevelopment Program

Program activities conducted in the target area include code compliance, clearance and demolition and land acquisition for attainable housing. CDBG fund allocated - \$114,871.

III. Monitoring

Community Development Programs will be monitored by the Community Development Division, State HUD staff and external auditors to ensure long-term compliance with federal, state and local regulations and statutes. Goals and objectives outlined in the Consolidated Plan will be reviewed periodically by the Community Development staff to ensure compliance to the plan.

Housing Programs will be monitored by the CDBG Housing Program staff, State HUD staff and the City of Fayetteville Building Safety Division, when needed for compliance to building ordinances. All building ordinances must be met prior to final payment on all housing rehabilitation projects. Follow up visits will be made to all moderate rehabilitation project sites.

Public Service Activities Sub-recipient agreements will be required for all public service activities. Monitoring area will include program performance, financial performance and regulatory compliance. Sub-recipient agreements will require documentation of activities and results. In addition, agreements will require an estimated project schedule and a project completion date. Agreement will outline procedures to be followed in the case a non-compliance situation may occur.

Redevelopment Programs will be monitored by the staff, State HUD staff and external auditors. Code compliance issues are administered according to city ordinances and policy/procedures guide. Land acquired will be utilized for attainable housing in the target area. Program efforts will serve to advance the revitalization of the target area.

IV. Lead-Based Paint Hazards

Rehabilitation projects are evaluated and tested for lead-based paint hazards in accordance with the City of Fayetteville lead-based paint policy. The policy has been established based on current federal regulation for lead-based paint. This policy will be reviewed on an annual basis by CDBG staff.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic Area: Fayetteville city, Arkansas

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population.....	58,047	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population.....	58,047	100.0
Male.....	29,458	50.7	Hispanic or Latino (of any race).....	2,821	4.9
Female.....	28,589	49.3	Mexican.....	2,012	3.5
Under 5 years.....	3,792	6.5	Puerto Rican.....	64	0.1
5 to 9 years.....	3,076	5.3	Cuban.....	36	0.1
10 to 14 years.....	2,881	5.0	Other Hispanic or Latino.....	709	1.2
15 to 19 years.....	5,844	10.1	Not Hispanic or Latino.....	55,226	95.1
20 to 24 years.....	10,912	18.8	White alone.....	48,769	84.0
25 to 34 years.....	10,049	17.3	RELATIONSHIP		
35 to 44 years.....	7,305	12.6	Total population.....	58,047	100.0
45 to 54 years.....	6,066	10.5	In households.....	52,697	90.8
55 to 59 years.....	1,791	3.1	Householder.....	23,798	41.0
60 to 64 years.....	1,293	2.2	Spouse.....	8,971	15.5
65 to 74 years.....	2,356	4.1	Child.....	12,411	21.4
75 to 84 years.....	1,842	3.2	Own child under 18 years.....	10,596	18.3
85 years and over.....	840	1.4	Other relatives.....	1,739	3.0
Median age (years).....	26.9	(X)	Under 18 years.....	529	0.9
18 years and over.....	46,468	80.1	Nonrelatives.....	5,778	10.0
Male.....	23,450	40.4	Unmarried partner.....	1,387	2.4
Female.....	23,018	39.7	In group quarters.....	5,350	9.2
21 years and over.....	39,804	68.6	Institutionalized population.....	1,420	2.4
62 years and over.....	5,770	9.9	Noninstitutionalized population.....	3,930	6.8
65 years and over.....	5,038	8.7	HOUSEHOLD BY TYPE		
Male.....	1,932	3.3	Total households.....	23,798	100.0
Female.....	3,106	5.4	Family households (families).....	12,126	51.0
RACE			With own children under 18 years.....	6,069	25.5
One race.....	56,643	97.6	Married-couple family.....	8,971	37.7
White.....	50,212	86.5	With own children under 18 years.....	4,121	17.3
Black or African American.....	2,969	5.1	Female householder, no husband present.....	2,278	9.6
American Indian and Alaska Native.....	730	1.3	With own children under 18 years.....	1,535	6.5
Asian.....	1,484	2.6	Nonfamily households.....	11,672	49.0
Asian Indian.....	219	0.4	Householder living alone.....	8,081	34.0
Chinese.....	509	0.9	Householder 65 years and over.....	1,354	5.7
Filipino.....	70	0.1	Households with individuals under 18 years.....	6,481	27.2
Japanese.....	70	0.1	Households with individuals 65 years and over.....	3,073	12.9
Korean.....	130	0.2	Average household size.....	2.21	(X)
Vietnamese.....	153	0.3	Average family size.....	2.91	(X)
Other Asian ¹	333	0.6	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	90	0.2	Total housing units.....	25,467	100.0
Native Hawaiian.....	5	-	Occupied housing units.....	23,798	93.4
Guamanian or Chamorro.....	6	-	Vacant housing units.....	1,669	6.6
Samoan.....	5	-	For seasonal, recreational, or occasional use.....	119	0.5
Other Pacific Islander ²	74	0.1	Homeowner vacancy rate (percent).....	2.7	(X)
Some other race.....	1,158	2.0	Rental vacancy rate (percent).....	6.1	(X)
Two or more races.....	1,404	2.4	HOUSING TENURE		
Race alone or in combination with one or more other races:³			Occupied housing units.....	23,798	100.0
White.....	51,429	88.6	Owner-occupied housing units.....	10,047	42.2
Black or African American.....	3,338	5.8	Renter-occupied housing units.....	13,751	57.8
American Indian and Alaska Native.....	1,317	2.3	Average household size of owner-occupied units.....	2.45	(X)
Asian.....	1,784	3.1	Average household size of renter-occupied units.....	2.04	(X)
Native Hawaiian and Other Pacific Islander.....	215	0.4			
Some other race.....	1,470	2.5			

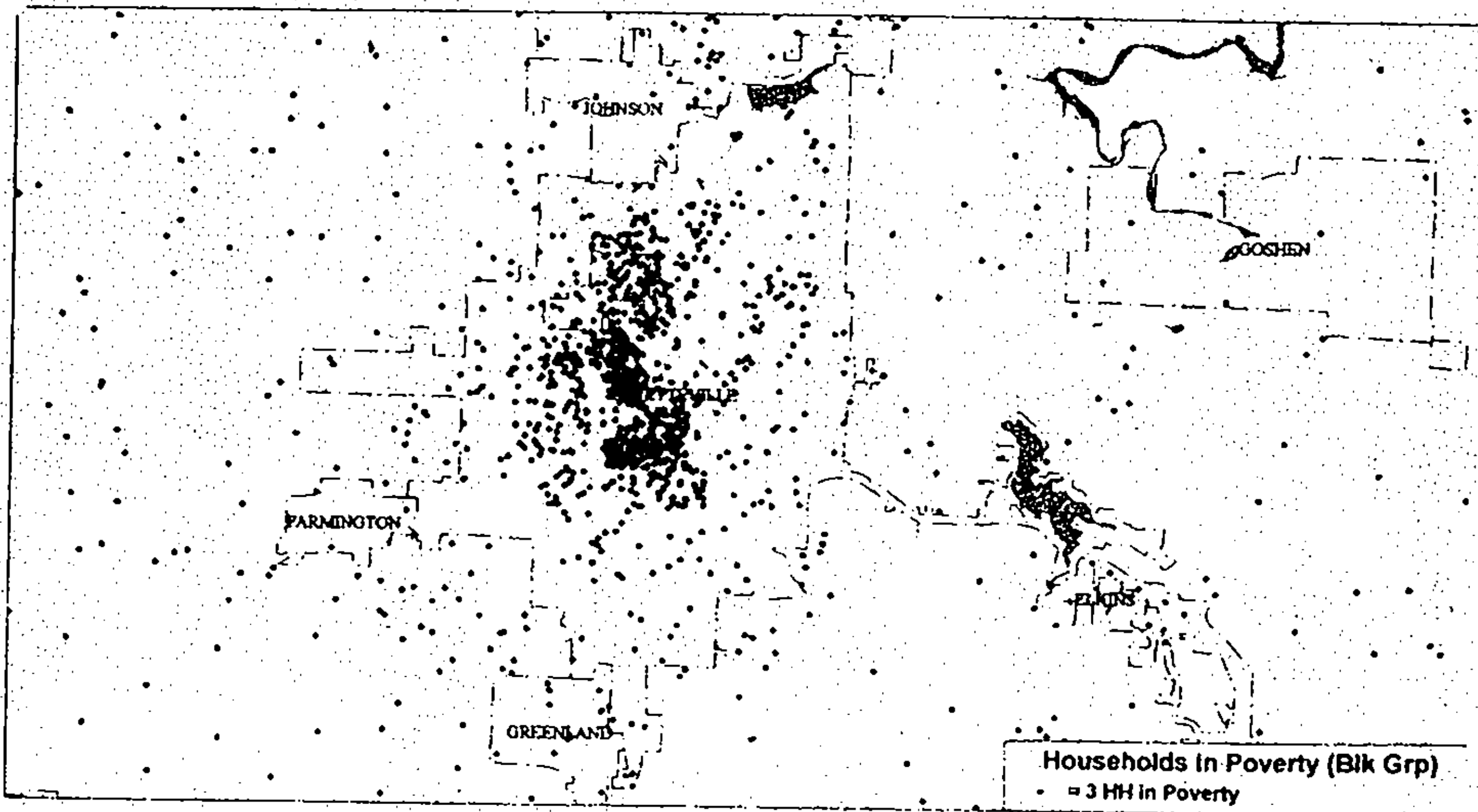
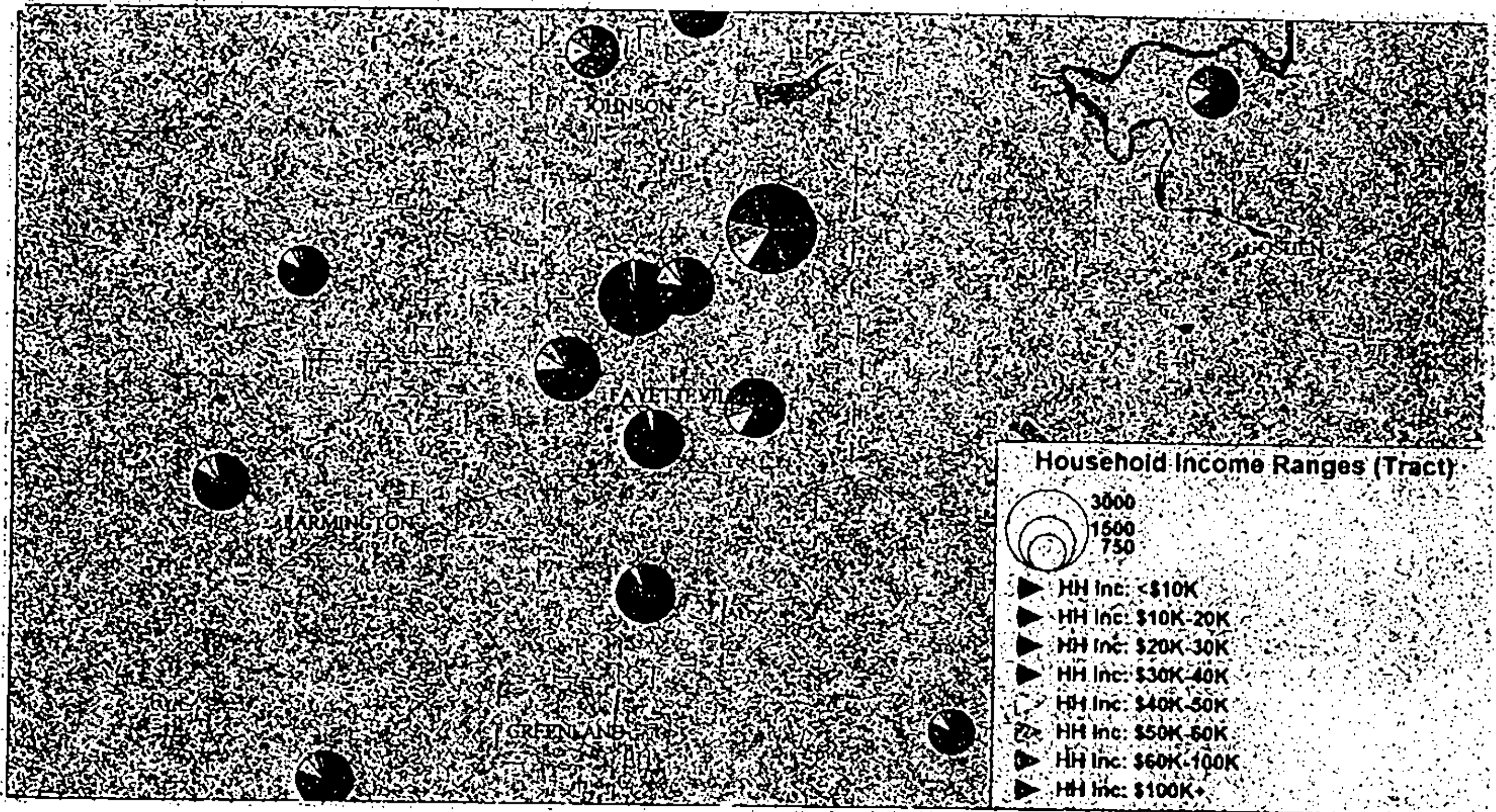
- Represents zero or rounds to zero. (X) Not applicable.

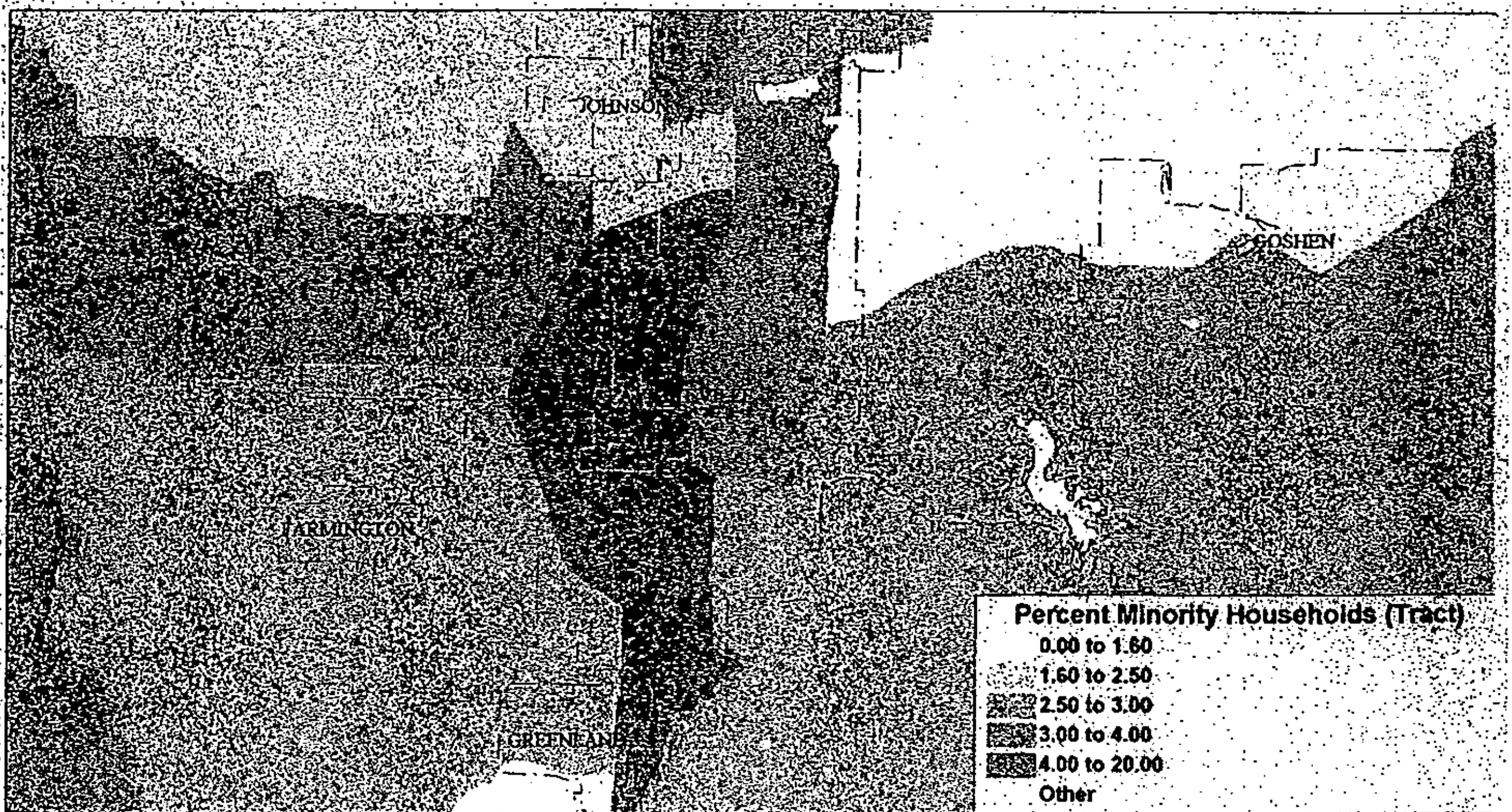
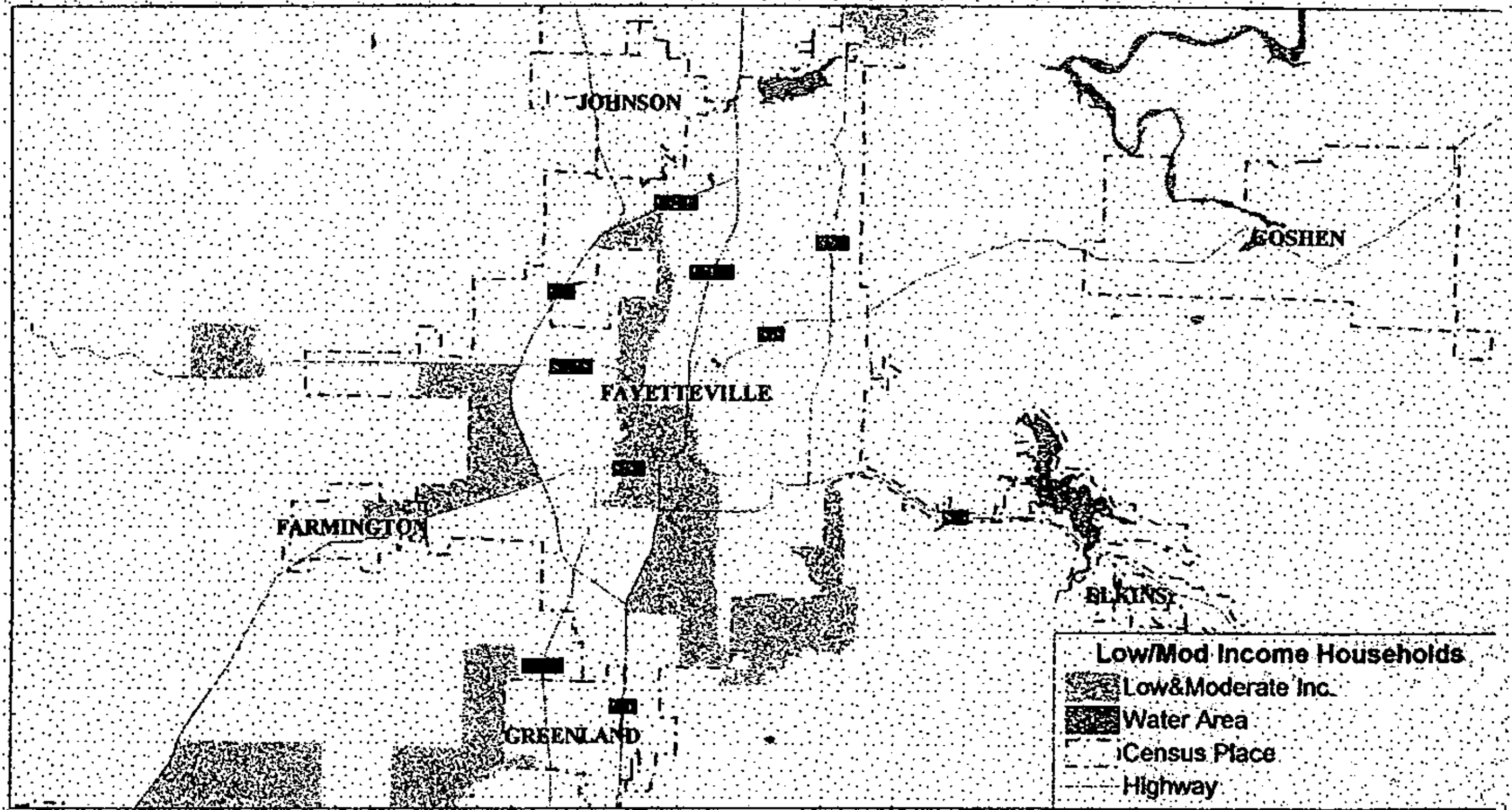
¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.



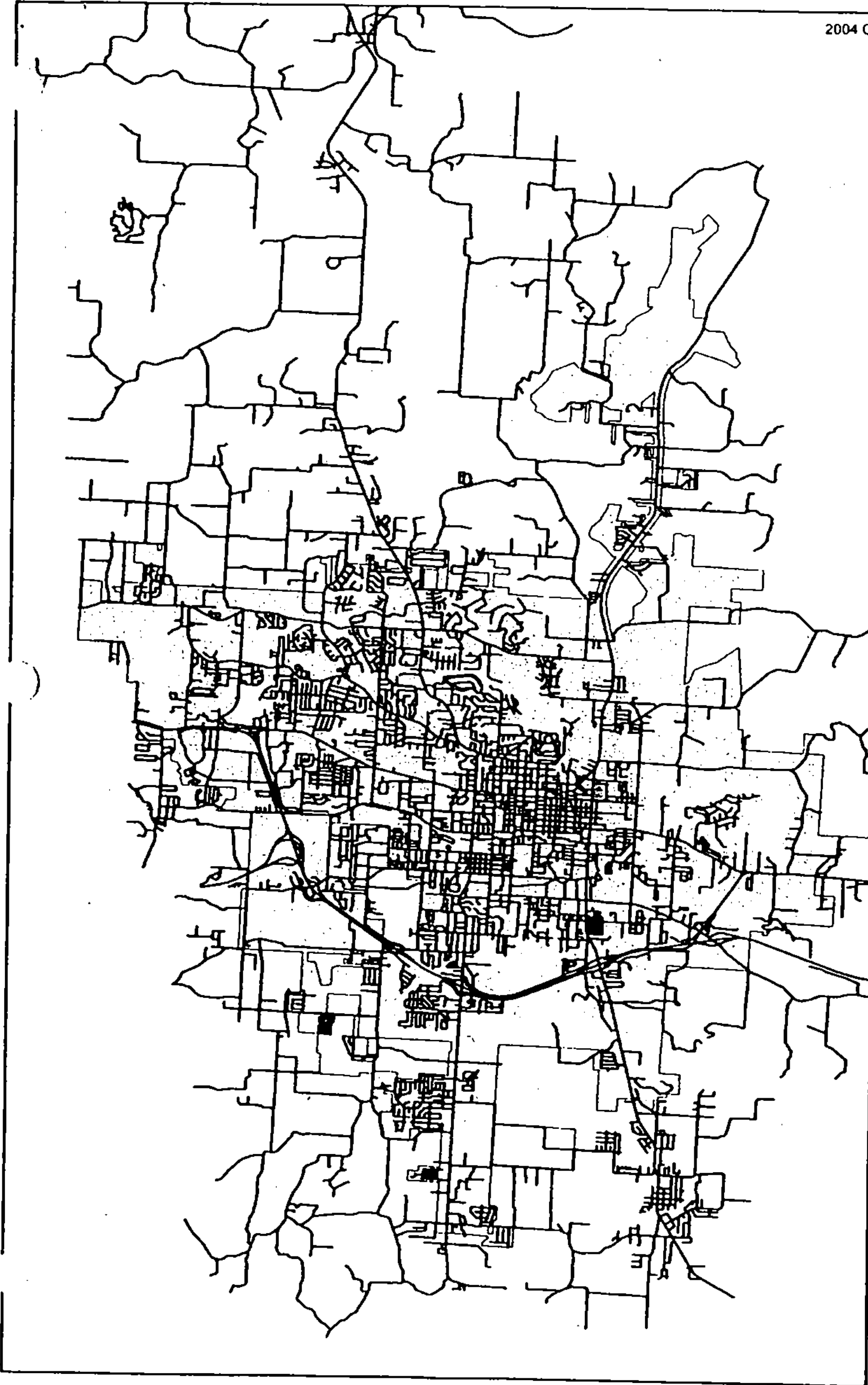


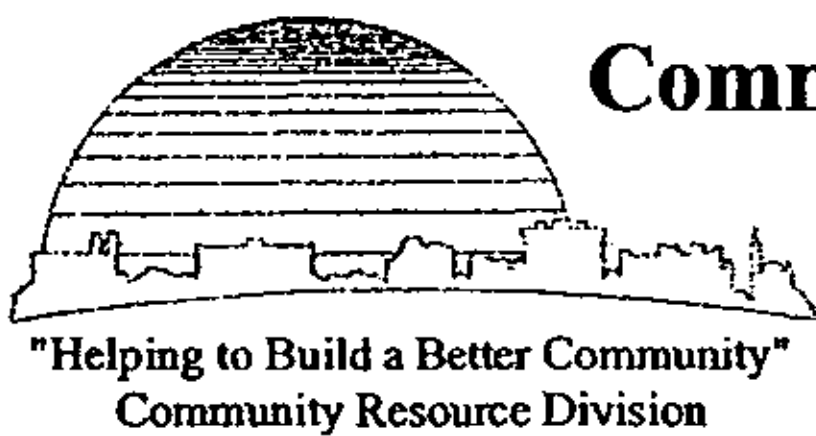
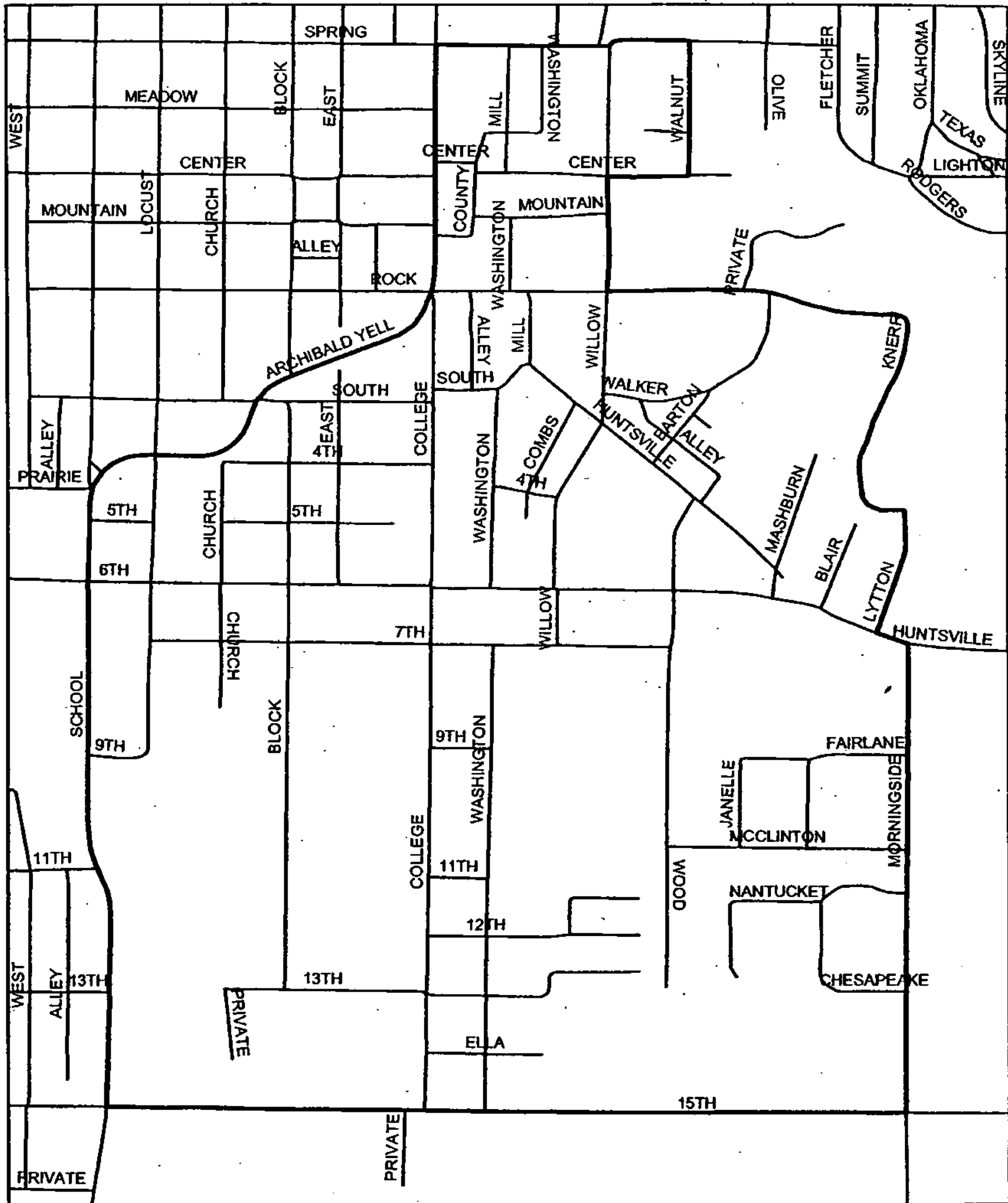


Community Development Block Grant Proposed Projects

- -Seven Hills Homeless Shelter
- -Fayetteville Boys & Girls Club

Community Resources Division
"Helping to Build a Better Community"





Community Development Block Grant Target Area - Fayetteville



City of Fayetteville

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0008	Redevelopment Program - Land Acquisition	01 Acquisition of Real Property	CDBG \$ 49,458
	Housing	570.201(a)	ESG \$ 0
			HOME \$ 0
			HOPWA \$ 0
	Land acquisition for attainable housing.	3 Households (General)	ASSISTED HOUSING \$ 0
			PHA \$ 0
		TOTAL	\$ 49,458
		Total Prior Funding	\$ 0

Help the Homeless?

Help those with HIV or AIDS?

No

No

Start Date: 01/01/04

Completion Date: 12/31/04

Eligibility:

Subrecipient:

Location(s):

570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient Public 570.500(c)

Community Wide

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0008	Redevelopment Program - Code Compliance	15 Code Enforcement	CDBG \$65,415
	Other	570.202(c)	ESG \$0
			HOME \$0
			HOPWA \$0
		200 Households (General)	ASSISTED HOUSING \$0
	Assists in the revitalization of owner occupied properties in the target area.		PHA \$0
			TOTAL \$65,415
			Total Prior Funding \$0

Help the Homeless? No Start Date: 01/01/04
Help those with HIV or AIDS? No Completion Date: 12/31/04

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Community Wide

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0006	Public Services - Transportation Program	05E Transportation Services	CDBG \$ 10,000
	Public Services	570.201(e)	ESG \$ 0
			HOME \$ 0
			HOPWA \$ 0
	Transportation assistance for low to moderate residents of Fayetteville	100 People (General)	ASSISTED HOUSING \$ 0
			PHA \$ 0
		TOTAL	\$ 10,000
		Total Prior Funding	\$ 0

Help the Homeless?

No

Start Date: 01/01/04

Help those with HIV or AIDS?

No

Completion Date: 12/31/04

Eligibility:

570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient:

Local Government

Location(s):

Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0004	Public Services - Seven Hills Homeless Day Shelter	03T Operating Costs of Homeless/AIDS Patients Programs	CDBG \$25,000
	Homeless & HIV/AIDS	570.201(e)	ESG \$0
	Provides essential services and case management services to homeless individuals in an effort to enable them to return them to a stable, self-sufficient lifestyle.	500 Persons who are Homeless	HOME \$0
			HOPWA \$0
			ASSISTED HOUSING \$0
			PHA \$0
			TOTAL \$25,000
			Total Prior Funding \$0

Help the Homeless? Yes
Help those with HIV or AIDS? No

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses

1561 W 6th, Fayetteville, AR 72702

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0007	Public Services - Boys and Girls Club	05D Youth Services	CDBG \$30,000
	Public Services	570.201(e)	ESG \$0
		60 Youth	HOME \$0
	Support the operation of an after school program for low to moderate income residents in the target area. Program is held at the Jefferson Elementary School located in the target area.		HOPWA \$0
			ASSISTED HOUSING \$0
			PHA \$0
			TOTAL \$30,000
			Total Prior Funding \$0
Help the Homeless? No Start Date: 01/01/04 Help those with HIV or AIDS? No Completion Date: 12/31/04 Eligibility: 570.208(e)(2) - Low / Mod Limited Clientele Subrecipient: Subrecipient Public 570.500(c) Location(s): Community Wide			

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0005	Public Services - Fayetteville Elderly Tax Program	05A Senior Services	CDBG \$40,000
	Senior Programs	570.201(e)	ESG \$0
		210 Elderly	HOME \$0
			HOPWA \$0
	Alternative transportation choice for the elderly residents of Fayetteville through subsidized cabfare program		ASSISTED HOUSING \$0
			PHA \$0
			TOTAL \$40,000
			Total Prior Funding \$0

Help the Homeless? No Start Date: 01/01/04
Help those with HIV or AIDS? No Completion Date: 12/31/04

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Community Wide

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0003	Housing - Habitat for Humanity	12 Construction of Housing	CDBG \$ 8,000
	Housing	570.204	ESG \$ 0
			HOME \$ 0
		4 Households (General)	HOPWA \$ 0
	Fund water and sewer taps for the home buyers to assist with the construction of the homes in an effort to reduce the selling price. Participants are in the 30-50% of median income range.		ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 8,000
			Total Prior Funding \$ 0

Help the Homeless?

No

Start Date: 01/01/04

Help those with HIV or AIDS?

No

Completion Date: 12/31/04

Eligibility:

570.203(a)(2) - Low / Mod Limited Clientele

Subrecipient:

Subrecipient Public 570.500(c)

Location(s):

Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0002	Housing	14A Rehab: Single-Unit Residential	CDBG \$ 407,795
			ESG \$ 0
	Housing	570.202	HOME \$ 0
			HOPWA \$ 0
		30 Households (General)	ASSISTED HOUSING \$ 0
	Addressing current housing conditions for low and moderate income residents including permanent residential housing rehabilitation and emergency repair		PHA \$ 0
			TOTAL \$ 407,795
		Total Prior Funding	\$ 0

Help the Homeless?

No

Start Date: 01/01/04

Help those with HIV or AIDS?

No

Completion Date: 12/31/04

Eligibility:

570.208(a)(3) - Low / Mod Housing

Subrecipient:

Local Government

Location(s):

Community Wide

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0001	Administration	21A General Program Administration	CDBG	\$ 141,334
	Other	670.208	ESG	\$ 0
			HOME	\$ 0
			HOPWA	\$ 0
	Salary and operational cost of administration function	100 People (General)	ASSISTED HOUSING	\$ 0
			PHA	\$ 0
			TOTAL	\$ 141,334
			Total Prior Funding	\$ 0

Help the Homeless? No Start Date: 01/01/04
 Help those with HIV or AIDS? No Completion Date: 12/31/04

Eligibility: 570.208(e)(1) - Low / Mod Area
 Subrecipient: Local Government
 Location(s): Community Wide

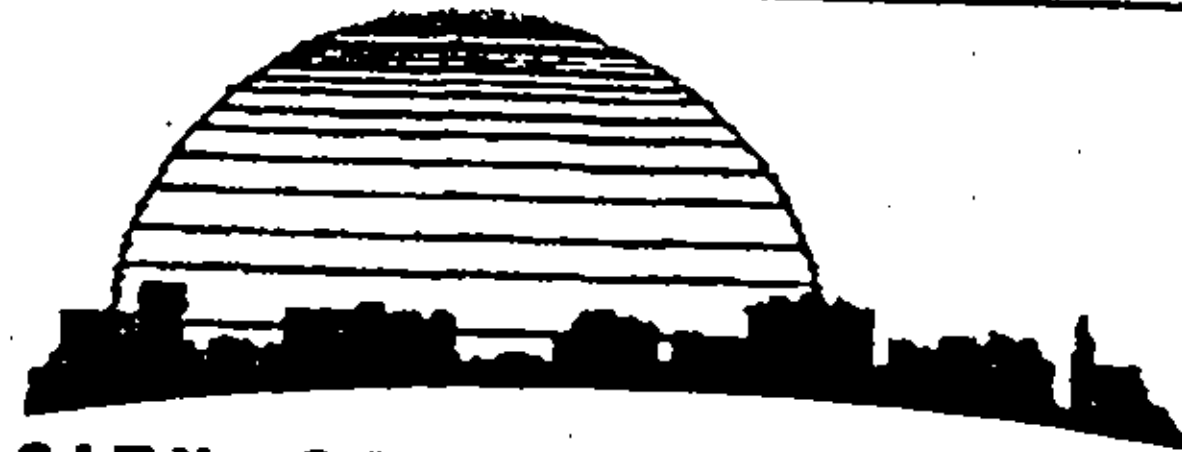
***City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas***

Notices of the 2004 Action Plan Public Meetings

The public meeting notices were placed in the statewide daily newspaper, *The Northwest Arkansas Times Gazette*, published six times for two weeks, a weekly newspaper that is free to the public, *The Fayetteville Free Weekly*. Notices were published for two weeks. The public meeting notices were placed on the city's web site, Access Fayetteville.org and the notice was broadcast on the local government channel as part of the meetings of the week schedule for the City of Fayetteville.

The Newspaper Notices were published on Sunday, October 5, 2003, Wednesday, October 8, 2003, Sunday, October 12, 2003, Wednesday, October 15, 2003, Sunday, October 19, 2003, and Wednesday, October 22, 2003 in the *North West Arkansas Times Gazette*.

The Fayetteville Free Weekly notices for the public meetings were published on October 16, 2003 and October 23, 2003.



CITY OF FAYETTEVILLE

PUBLIC NOTICE

Fayetteville residents are invited to review and comment on the proposed 2004

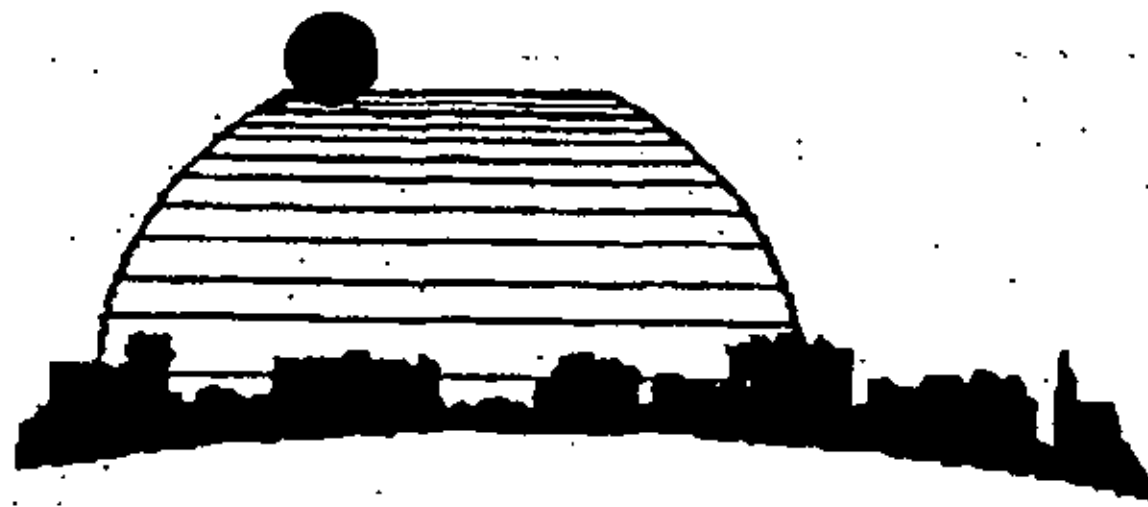
Community Development Block Grant Action Plan.

The comment period will begin October 8th and end November 7th, 2003. Copies of the Action Plan will be available at the Community Resource office at 125 W. Mountain St., Office of the City Clerk at 113 W. Mountain St. and the Fayetteville Public Library at 217 E. Dickson St. in Fayetteville.

A public hearing will be held on October 23rd, 2003, in City Hall Room 111 at 113 W. Mountain St. in Fayetteville at 5:30 p.m.

A Public hearing following the comment period will be held on November 10th, 2003 in City Hall in room 111 at 113 W. Mountain St. in Fayetteville at 5:30 p.m.

For more information, call 479-575-8260



CITY OF FAYETTEVILLE

PUBLIC NOTICE

Fayetteville residents are invited to review and comment on the proposed 2004 Community Development Block Grant Action Plan. The comment period began October 8th and will end November 7th. Copies of the Action Plan are available at the Community Resource office at 5 W. Mountain St., Office of the City Clerk at 113 W. Mountain St. and the Fayetteville Public Library at 217 E. Dickson St. in Fayetteville.

A public hearing following the comment period will be held on November 10th, 2003, in City Hall in room 111 at 113 W. Mountain St. in Fayetteville at 5:30pm.

For more information, call 479-575-8260.

Browse:

Browsing: Monday, November 10, 2003

- **Spring Soccer Registration**
Nov 10, 2003 8:00 am - 5:00 pm
Spring Soccer Registration is currently being accepted thru January 14, 2004. Please call 479-444-3471 for additional information.
- **Advertising and Promotion Commission**
2:00 pm Nov 10, 2003
- **Equipment Committee**
4:30 pm Nov 10, 2003
- **Street Committee**
5:00 pm Nov 10, 2003
- **Planning Commission**
5:30 pm Nov 10, 2003
- **Planning Commission - public hearing**
5:30 pm Nov 10, 2003
- **Public Hearing/Community Development Block Grant Application**
5:30 pm Nov 10, 2003

Browse:

Browsing: Thursday, October 23, 2003

- **Fayetteville Farmers Market**
Oct 23, 2003 7:00 am - 1:00 pm
For more information contact Betty Lebeda at 479.248.1751.
- **Compost Site <Open>**
Oct 23, 2003 8:00 am - 3:00 pm
The Solid Waste and Recycling's Compost site will be open from 8am to 3pm. The Compost site will be closed on Thursday, November 27th in observance of Thanksgiving. The site will re-open on Tuesday, December 2nd, 2003. Trash schedules for this week will be delayed 1 day on Thursday and will be collected on Friday in observance of the Thanksgiving holiday. From our families to yours, Have a safe and happy holiday season!
- **Planning Agenda Session**
3:30 pm Oct 23, 2003
- **Public Hearing/Community Dev. Block Grant Applications**
5:30 pm Oct 23, 2003

COMMUNITY RESOURCE DIVISION

Community Development Block Grant

Thursday, October 23, 2003
Sign-In Sheet

	Name	Address	Telephone	E-mail
1.	DANNY CAMARILLO	560 N. Ruppel	442-9242	danny@fayetteville.or
2.	Vince Chadick	681 N. Lutzback Rd	993-4748	vchadick@bessettlawfirm
3.	Molly Longstreth	1201 A 123 Hbte	575.4222	mlongstreth@uark
4.	Yolanda Fields	City of Fay		edu
5.	Hugh Earnest	City of Fay		
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November 10, 2003

City Administration Building, Room 111, 113 W. Mountain St.

please print

NAME	ORGANIZATION OR ADDRESS	PHONE NO.
Jotay Brewer	Habitat for Humanity	575-9696
Judy Gumbel	CRCA	575-8260
Pat Palk	SF CDC	521-3208
Ronnie Jones	SF CDC	435-0114
Pat Walker	SF CDC	443-9564
Elizabeth Sharp	Resident	283-0816
Yolande Fields	CRCA	575-8290

CERTIFICATIONS

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

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1,2,3,4,5 and 6.

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

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

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

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Mayor
Title

Specific CDBG Certifications

The Entitlement Community certifies that:

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

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

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

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2001, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

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

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

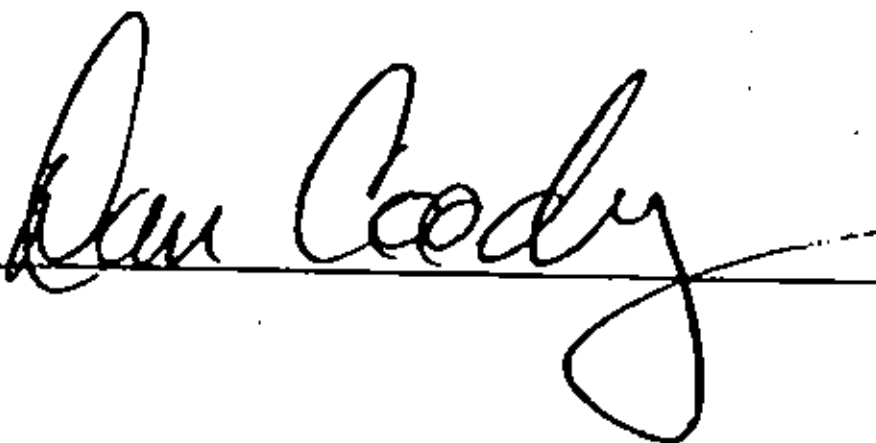
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility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

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

ad-Based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

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

Signature/Authorized Official



Date

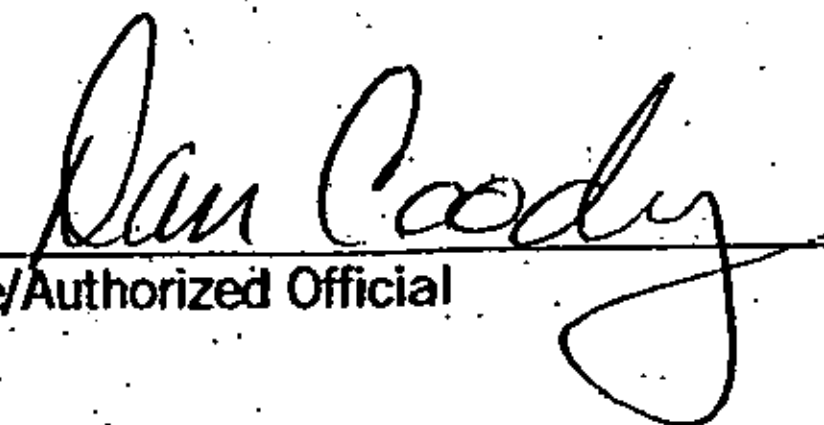
11/2/05

Mayor
Title

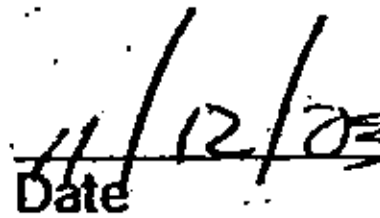
**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.



Signature/Authorized Official



Date

Mayor
Title

Specific HOME Certifications

C. 2
2004 Community Dev. Block Grant
Page 41 of 48

HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

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

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

Signature/Authorized Official

Date

Don Coody 11/12/03

Mayor
Title

ESG Certifications

C. 2
2004 Community Dev. Block Grant
Page 42 of 48

The Emergency Shelter Grantee certifies that:

Major rehabilitation/conversion -- It will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 10 years. If the jurisdiction plans to use funds for purposes less than tenant-based rental assistance, the applicant will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 3 years.

Essential Services -- It will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

Renovation -- Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services -- It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal State, local, and private assistance.

Matching Funds -- It will obtain matching amounts required under §576.71 of this title.

Confidentiality -- It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement -- To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, operating facilities, and providing services assisted through this program.

Consolidated Plan -- It is following a current HUD-approved Consolidated Plan or CHAS.

Signature/Authorized Official

Date

Mayor
Title

HOPWA Certifications

C. 2
2004 Community Dev Block Grant
Page 43 of 48

HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Mayor
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

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

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas, 72701

Check X if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

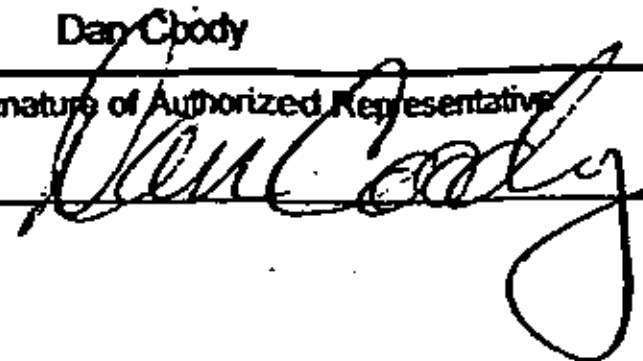
"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Application for Federal Assistance

1. Type of Submission: Application: Non-Construction Preapplication: Non-Construction		2. Date Submitted 11/14/03		Applicant Identifier B-04-MC-05-0001	
		3. Date Received by State		State Application Identifier	
		4. Date Received by Federal Agency		Federal Identifier	
5. Applicant Information					
Legal Name City of Fayetteville			Organizational Unit Municipal Government		
Address 113 W. Mountain Fayetteville, AR 72701 Washington			Contact Yolanda Fields 479 575-8290		
6. Employer Identification Number (EIN): 71-601846			7. Type of Applicant Municipal		
8. Type of Application: Type: New					
10. Catalog of Federal Domestic Assistance Number: Catalog Number: 14-218 Assistance Title: Community Development Block Grant			9. Name of Federal Agency: US Dept of HUD		
			11. Descriptive Title of Applicant's Project: Community Development		
12. Areas Affected by Project: Fayetteville, AR					
13. Proposed Project		14. Congressional Districts of:			
Start Date 01/01/04	Start Date 12/31/04	a. Applicant 3		b. Project 3	
15. Estimated Funding:		16. Is Application Subject to Review by State Executive Order 12372 Process?			
a. Federal \$777,000		Review Status: Program covered Date:			
b. Applicant \$0					
c. State \$0		17. Is the Applicant Delinquent on Any Federal Debt? No			
d. Local \$0					
e. Other \$0					
f. Program Income \$0					
g. Total \$777,000					
18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.					
a. Typed Name of Authorized Representative Dan Coady		b. Title Mayor		c. Telephone Number 479 575-8330	
d. Signature of Authorized Representative 				e. Date Signed 11/12/03	

STAFF REVIEW FORM - FINANCIAL OBLIGATION

C. 2
2004 Community Dev. Block Grant
Page 47 of 48

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: June 1, 2004

FROM:

Yolanda FieldsCommunity ResourcesCommunity Planning Engineering

Name

Division

Department

ACTION REQUIRED: Acceptance of the 2004 Community Development Block Grant (CDBG) funding in the amount of \$761,000.00

COST TO CITY:

<u>Cost of this request</u>	\$ <u>-</u>	<u>CDBG Funding</u>
	Category/Project Budget	Program Category / Project Name
<u>Account Number</u>	\$ <u>-</u>	<u>Community Development</u>
	Funds Used to Date	Program / Project Category Name
<u>Project Number</u>	\$ <u>761,000.00</u>	<u>Community Development</u>
	Remaining Balance	Fund Name

BUDGET REVIEW:

☒ Budgeted Item ☐ Budget Adjustment Attached

Budget Manager

Date

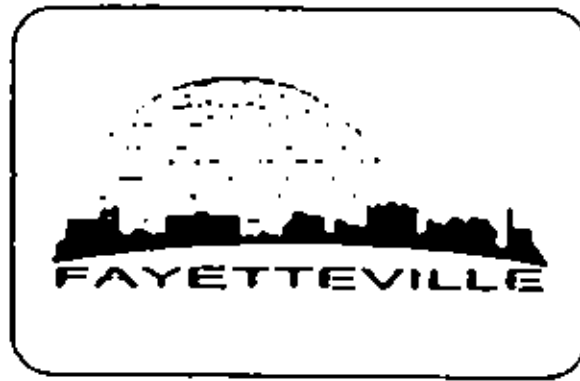
CONTRACT/GRANT/LEASE REVIEW:

<u>Marsha Farthing</u>	<u>5/13/04</u>	<u>Danny Smith</u>	<u>5/14/04</u>
Accounting Manager	Date	Internal Auditor	Date
<u>[Signature]</u>	<u>5/14/04</u>		
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION:

<u>[Signature]</u>	<u>5-13-04</u>	Received in Mayor's Office	<u>5/14/04</u>
Division Head	Date		Date
<u>[Signature]</u>	<u>5-13-04</u>	Cross Reference:	
Department Director	Date	Previous Ord/Res#:	
<u>[Signature]</u>	<u>5-14-04</u>	Orig. Contract Date:	
Finance & Internal Services Dir.	Date	Orig. Contract Number:	
<u>[Signature]</u>	<u>5-13-04</u>	New Item:	Yes No
Chief Administrative Officer	Date		
<u>[Signature]</u>	<u>5/18/04</u>		
Mayor	Date		





CITY OF FAYETTEVILLE

FLEET OPERATIONS

**1525 S. Happy Hollow Road
Fayetteville AR 72701**

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas 
From: David Bragg, Fleet Operations Superintendent 
Date: May 13, 2004
Subject: Purchase of Gradall Excavator

RECOMMENDATION: That City Council approve the purchase of a Gradall Excavator from Scott Construction Equipment for the bid price of \$260,470.

BACKGROUND: A truck mounted excavator provides rapid mobility from job to job and allows one operator to dig and continuously move along the project. Gradall is the only manufacturer of truck mounted excavators and their equipment is widely used by local, state, and federal government maintenance organizations. Scott is the authorized sales and service dealer for the state of Arkansas. The bid price is less than the anticipated budget and is in line with known comparable purchases.

Funds for this purchase are available in 4470.9470.5802.00, Project 04006.

This purchase was individually approved by members of the Equipment Committee.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE PURCHASE OF A
GRADALL EXCAVATOR FROM SCOTT CONSTRUCTION
COMPANY FOR THE LOW BID OF \$260,470.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby
approves the purchase of a Gradall Excavator from Scott Construction Company for the
low bid of \$260,470.00.

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

C. 3
Scott Construction Excavator Purchase
Page 3 of 10

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook
Lioneld Jordan
Don Marr
Billy Sweetser

From: David Bragg, Fleet Operations Supt. *2003*

Date: May 12, 2004

Subject: Purchase of Truck Mounted Excavator

Bids were opened on May 5, 2004 for a truck mounted excavator for the Transportation Division. This purchase is to provide additional equipment for the Drainage Maintenance program and allow increased use of existing equipment for street and sidewalk maintenance programs. Funding of \$270,000 has been approved in CIP Project # 4470.9470.5802.00.

One bid was received from Scott Construction Equipment Company of Springdale in the amount of \$260,470 for a GRADALL model XL4100II.

A truck mounted excavator provides rapid mobility from job to job and the ability for one operator to dig and continuously move along the project. GRADALL is the only manufacturer of truck mounted excavators and their equipment is widely used by local, state and federal government maintenance organizations. Scott is the authorized sales and service dealer for the state of Arkansas. The bid price is less than anticipated budget and in line with known comparable purchases.

I recommend award of purchase to Scott Construction Equipment Company in the amount of \$260,470. Terry Gulley, Transportation Division Manager and I met with Councilman Reynolds, Committee Chair, this morning and all agreed to proceed with this purchase as soon as possible in order to receive and utilize this machine during the summer season.

We will meet with the committee at your earliest convenience if desired. If you are satisfied with the information presented, please approve below and return to me so that this purchase may be scheduled for Council action on June 1, 2004. Terry or I will be glad to answer your individual questions.

APPROVED: *RE Reynolds*
Committee Member Signature

DATE: *5-13-04*

NOT APPROVED – Please Schedule Meeting: _____

Committee Member Signature



CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

C. 3
Scott Construction Excavator Purchase
Page 4 of 10

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook
Lioneld Jordan
Don Marr
Billy Sweetser

From: David Bragg, Fleet Operations Supt. *[Signature]*

Date: May 12, 2004

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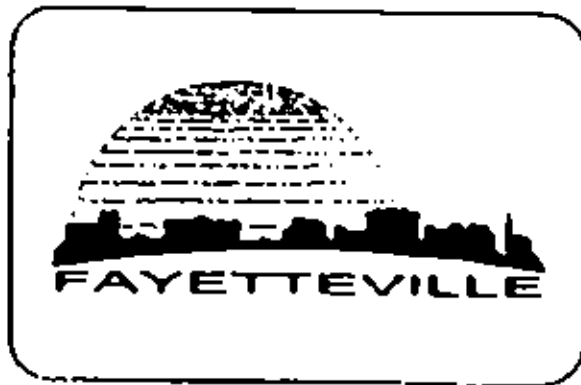
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APPROVED: *[Signature]*
Committee Member Signature

DATE: *5/13/04*

NOT APPROVED – Please Schedule Meeting: _____
Committee Member Signature



CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

C. 3
Scott Construction Excavator Purchase
Page 5 of 10

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook
Lioneld Jordan
Don Marr
Billy Sweetser

From: David Bragg, Fleet Operations Supt. *DB*

Date: May 12, 2004

Subject: Purchase of Truck Mounted Excavator

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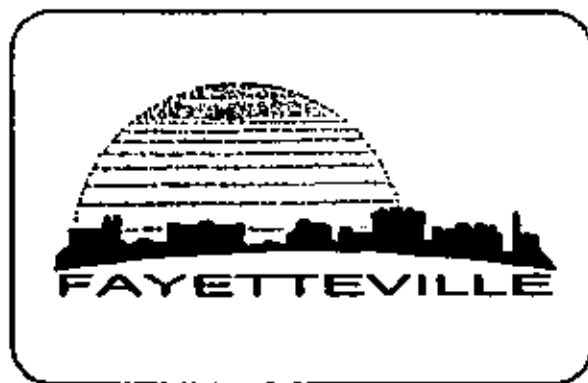
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APPROVED: *Don Marr*
Committee Member Signature

DATE: *5/13/04*

NOT APPROVED – Please Schedule Meeting: _____
Committee Member Signature



CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

C. 3
Scott Construction Excavator Purchase
Page 6 of 10

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook
Lioneld Jordan
Don Marr
Billy Sweetser

From: David Bragg, Fleet Operations Supt. *[Signature]*

Date: May 12, 2004

Subject: Purchase of Truck Mounted Excavator

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We will meet with the committee at your earliest convenience if desired. If you are satisfied with the information presented, please approve below and return to me so that this purchase may be scheduled for Council action on June 1, 2004. Terry or I will be glad to answer your individual questions.

APPROVED: *[Signature]*
Committee Member Signature

DATE: *5-13-04*

NOT APPROVED – Please Schedule Meeting: _____
Committee Member Signature

City Of Fayetteville

(Not a Purchase Order)

Vendor #

3482

Vendor Name:

SCOTT CONSTRUCTION EQUIPMENT

Address:

Fob Point:

City:

State:

Zip Code

Ship to code: 050

Division Head Approval

Quotes Attached

Yes: No:

Requester

BARBARA OLSEN

Requester's Employee #

1940

Extension:

495

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 XL4100II Gradall Excavator

1

EA

\$260,470.00

\$260,470.00

4470.9470.5802.00

04006

2 To the unit #809

EA

\$0.00

3 Fixed Asset # 700809

EA

\$0.00

4

EA

\$0.00

5

EA

\$0.00

6

EA

\$0.00

7

EA

\$0.00

8

EA

\$0.00

9

EA

\$0.00

10

EA

\$0.00

Shipping/Handling

Lot

\$0.00

Special Instructions:

Subtotal: 260,470.00

Tax: 24,000.00

Total: 284,470.00

Approvals:

Mayor:

Department Director:

Purchasing Manager:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Utilities Manager:

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation Program: Street Drainage Date of Request: 5/12/2004

Acct.# Currently Charged: _____ Acct. # to be Charged: 2100-4130

Expansion X or Replacement _____ Date Required: ASAP

Unit # for Vehicle being Replaced: _____ Unit # for Expansion/Replacement: _____

Purchase Price of Exp./Replace Vehicle: 260,470.00 CIP Budget / Project # 4470.9470.5802 4006

Monthly Motor Pool Charges for Current and/or Replacement Vehicle/Equipment:

Replacement: _____ Maintenance: _____ Overhead: _____

of Months Budgeted: _____ Total Budgeted: 59,628 76

Expansion/Replacement Monthly Motor Pool Charges for New Vehicle/Equipment:

Replacement: 2,996.00 Maintenance: 350.00 Overhead: 241.00

of Months to be in Service for Current Year: 5.00 Current Year Expense, New: 17,935.00

Current Year Expense, Old: _____

Total Current Year Expense: 17,935.00

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

Gradall Excavator model XL4100II

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

A truck mounted excavator provides rapid mobility from job to job and allows one operator to dig and continuously move along the project.

Approval Signatures:

[Signature] 5/13/04
 Division Head Date Finance & Internal Services Dir. Date

[Signature] 5/13/04
 Fleet Operations Superintendent Date Chief Administrative Officer Date

[Signature] 5-14-04
 Budget Manager Date Mayor Date

Department Director Date Please return original form to Fleet when signed by all.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: June 1, 2004

FROM:

David Bragg

Fleet Operations

Operations

Name

Division

Department

ACTION REQUIRED: Approval of purchase of on mobile rubber tired Excavator from Scott Construction Equipment Company for the bid price of \$260,470.

COST TO CITY:

<u>\$260,470.00</u>	<u>\$ 270,000.00</u>	<u>Gradall Excavator</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470.9470.5802.00</u>	<u>\$ -</u>	<u>Vehicles & Equipment</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>04006</u>	<u>\$ 270,000.00</u>	<u>Capital Improvement Construction</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

[Signature] X Budgeted Item 4-14-04 Budget Adjustment Attached
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u>	<u>5/17/04</u>	<u>[Signature]</u>	<u>5/17/04</u>
Accounting Manager	Date	Internal Auditor	Date
<u>[Signature]</u>	<u>5-17-04</u>	<u>[Signature]</u>	<u>5/18/04</u>
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION:

[Signature] 5/13/04
Division Head Date

[Signature] 5/18/04
Department Director Date

Received in Mayor's Office

Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No

Finance & Internal Services Dir.

Date

[Signature] 5-18-04
Chief Administrative Officer Date

[Signature] 5/19/04
Mayor Date



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council
FROM: Rick Hoyt, Chief of Police *RHoyt*
DATE: May 14, 2004
RE: Request to Purchase 20 Tasers

Recommendation:

Council to accept bid # 04-33 and authorize purchase of (20) Model X-26 Tasers (including accessories and cartridges) in the amount of \$34,830.06

Background:

Officers of the Fayetteville Police Department use the following continuum of force when applying less-lethal weapons and defensive tactics to apprehend suspects or control situations:

1. Officer Presence
2. Verbal Direction
3. Pepper Spray
4. Empty Hand
5. Intermediate Weapons

We are in need of an additional alternative to pepper spray that can be used in appropriate circumstances. The Taser X-26 is a proven safe and effective device to be used in less-lethal circumstances.

Discussion:

The Taser is used in more than 2,700 police agencies. It fires two small barbed projectiles up to 21 feet that are connected with wires to a handheld unit. Upon contact with the suspect the unit sends a pulsed electrical discharge of .00021 amperes for up to five seconds. The pulsed discharge temporarily disrupts muscle control in a person allowing for their safe apprehension. Departments employing the Taser have seen officer injuries and suspect injuries decline and many agencies have seen a dramatic decrease in the use of deadly force. In many cases it has saved lives because deadly force would have been used had the Taser alternative not been available.

The addition of the Taser X-26 allows officers an alternative to pepper spray when encountering uncooperative yet potentially dangerous subjects. Examples of these encounters are subjects with a knife, club or persons under the influence of drugs, alcohol or experiencing psychotic episodes. The Taser will temporarily incapacitate the subject without lasting effects and will be used as an alternative to pepper spray when circumstances dictate. Because Tasers enables officers to control subjects at a greater distance, there is no chance of effecting bystanders in the area, which is a common problem with pepper spray. Recovery from the Taser is instantaneous compared to pepper spray that sometimes takes up to 20 minutes for decontamination.

The addition of the Taser X-26 should reduce the number of times an officer is required to physically restrain a subject. This in turn should reduce the number of injuries to officers and subjects as a result of the use of force.

The Taser model we are purchasing has a built-in data port that enables a record of when the weapon was fired to be uploaded to any computer. This computer record verifies the date, time, duration of pulse and other information about the deployment. Having this computer record helps further document the use of this tool and ensures the weapon is not used inappropriately or abusively. Several agencies in Arkansas are already employing Tasers and the Fayetteville Police Department already has certified instructors to train our officers in proper use of the Taser.

It is our intention to provide each patrol car with one Taser unit so this device is readily available when needed. Police agencies need alternatives to lethal force that are safe and reliable. The Taser X-26 meets this need.

Budget Impact:

The funding for the purchase of Tasers includes \$13,490 from 2003 Local Law Enforcement Block Grant with the balance of \$21,340.06 charged to Sales Tax Capital Improvements Specialized Police Equipment project. After this purchase the balance of the Specialized Police Equipment project will be \$18,659.94.

RESOLUTION NO. _____

A RESOLUTION TO AWARD A BID IN THE AMOUNT
OF \$34,830.06 TO PURCHASE TWENTY TASERS FROM
TEECO SAFETY, INC.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby
awards Bid #04-33 in the amount of \$34,830.06 to purchase twenty (20) Tasers — Model
X-26 from Teeco Safety, Inc.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
SONDRA SMITH, City Clerk

**CITY OF FAYETTEVILLE
FAYETTEVILLE POLICE DEPARTMENT
INVITATION TO BID
BID #04-33**

POLICE TASERS

The City of Fayetteville Police Department is receiving sealed bids for tasers for the Fayetteville police force.

Questions or clarifications on Bid related items should be submitted to Ben Bell in Purchasing at (479)575-8220, or Judy Cohea in FPD at (479)587-3581.

Bids must be submitted in a sealed envelope labeled "Tasers"
Bid #04-33 on or before April 19, 2004 at 2:00 p.m. to the following address:

**City of Fayetteville
Peggy Vice, Purchasing Manager
113 West Mountain Street
Fayetteville, AR 72701**

Bids will be opened on April 19, 2004 at 2:00 p.m. in Room 306 at the City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas 72701.

Person Submitting Bid: Dennis Williamson

Name of Business: Teeco Safety Inc.

Street/P.O. Box: P.O. Box 7784

City: Shreveport State: LA Zip Code: 71137

Authorized Signature:  Title: Vice President

Email Address: dennis@teecosafety.com

Phone Number (318) 424-5176 Fax Number: (318) 424-5184

1. GENERAL

It is the intent and purpose of these specifications, to secure for the purchaser the necessary equipment and accessories that will be capable of performing in a safe, practical, and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials, and workmanship shall be of the highest grade in accordance with modern practice. The equipment supplied will be new and unused except for the necessary testing, calibration, and transportation.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturers and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment must be one year. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment which can be properly maintained, and serviced without the necessity of stocking an extensive parts inventory, or being subjected to long periods of interrupted service due to the lack of spare parts.

Vendor Responsibility

1. The vendor selected shall be considered the prime contractor and must assume total responsibility for installation and maintenance of all products and services in the bid. The City of Fayetteville will not be responsible for any sub-contractor or consultant fees. The bid contents of the selected bid will be considered as contractual obligations and made a part of the Agreement.
2. Appropriate City of Fayetteville terms and conditions shall apply to all proposals. All contracts will be written under the laws of the State of Arkansas.
3. The vendor shall demonstrate all product(s) that are presented in their bid if so requested by the City of Fayetteville.
4. In such case the vendor finds instance where their product(s) does not function in a manner consistent with the bid specifications, it is permissible to take exception by clearly identifying the exception with a thorough written explanation, and a description of the advantages of the exception, if any. For clarification on bid exceptions prior to the bid date contact Judy Cohea.
5. Vendors shall respond to each and every item in the bid specifications; failure to reply to specific items could result in rejection of the vendor's bid proposal.
6. Vendor must submit, as a part of their bid proposal, a copy of their standard contract.
7. To facilitate proposal evaluation and contract negotiation, the terms and conditions presented in the bid proposal, including price quotations, must remain in force for a period of at least ninety (90) days from the date of the bid deadline.

Product Description and Specification

The City of Fayetteville is seeking competitive bids for a Taser X-26 or equivalent.

Model	TASER X-26 (Law Enforcement) Model # 26000
Description	Black with stainless grip plate
Size	175 cm ³ (10.7 cubic in.) 15.3 cm x 8.2 cm x 3.3 cm (6.0" x 3.2" x 1.3)
Weight	175 grams (0.45 pounds / 7 ounces)
Incapacitation	105 MDU's (Muscular Disruption Units)
Power Output	Shaped Pulse Discharge 50,000 Peak Voltage 2.1 Milliamps Average Current (0.0021 Amperes) 151 Milliamps Root Mean Square Body Current (0.151 A Irms)
Range	0-7 Meters (0.21 ft) plus contact stun backup capability
Digital Power Magazine (DPM)	Power Source w. Lithium Energy Cells and Digital Memory 6 Volt Input, 10 yr. Shelf life, 300 firings at 25° C
Energy Cell Indicator	99% - 00% Remaining Energy Level
Digital Pulse Controller (DPC)	Automatic 5 sec. Burst (interruptible) 0-2 seconds: 19 pulses per second 2-5 seconds: 15 pulses per second
Clothing Penetration	Up to 5 cm (2 inches)
Temperature Range	20° C (-05° F) to 50° C (122° F)
Target Illumination	650 nm laser sighted to center grouping at 13 feet plus two super bright LED's for Low Intensity Illumination (LIL)
Cartridges	15 and 21 ft. range, 1800 psi nitrogen propellant, classified by U.S.B.A.T.F. as non- firearm, reversible design with 8° probe separation angle.
Central Info Display (CID)	2 Digital LED displays fuel level, burst time, warranty expiration, illumination status

Safety	Ambidextrous levers with Safe "S", Fire "F" markings
Holster	cXoskeleton molded polymer and stainless steel holster included. Ambidextrous (shipped in r.l. hand configuration)
Patents	U.S. # 5,078,117; U.S. # 5,771,663 and others pending U.S. and Worldwide

Accessories Descriptions

Dual Cartridge Holster (DCH) Model #26802

Tek-Lik Belt Attachment Clip Model #26889

21 Foot Air Cartridge Model 44228/case

15 Foot Air Cartridge Model 34228 /case

USB Dataport System Stores Time, Date, Duration, Temperature, & Energy Cell Status of over 1,000 firings. Data accessed through USB into encrypted secure ".x26" file format on Windows PC (Windows 2000, XP, or ME)

**Bid Pricing Sheet
Bid 04-33
Police Tasers**

Unit	Estimated Quantity	Cost (Per Unit)
Taser x-26 or equivalent	20 or more/Price Per Unit	\$ 795.00
Dual Cartridge Holster	25 or more/Price Per Unit	\$ 19.95
Tek-Link Belt Attachment Clip	35/Price Per Unit	\$ 8.95
21 Foot Air Cartridge System	9 cases/Price Per Case	\$ 529.00
15 Foot Air Cartridge System	5 cases/Price Per Case	\$ 475.00
USB Data Port System	1/Price Per Unit	\$ 149.95
One Additional Year Warranty		\$ 84.95
Two Additional Years Warranty		\$ 169.90
Digital Power Magazine	4/Price Per Unit	\$ 29.95

**Quantities are estimated only and actual quantities purchased will depend on public demand and budget availability.
All prices will be guaranteed for 12 months.**

OPTION: Four Year Extended Warranty \$174.95

Bid 04-33
Police Tasers

	Quantity	Unit Price	Total Cost
Taser X-26	20	795.00	\$15,900.00
Dual Cartridge Holster	22	19.95	\$438.90
Tek-Link Belt Attachment Clip	35	8.95	\$313.25
21 Foot Air Cartridge System	9	529.00	\$4,761.00
15 Foot Air Cartridge System	16	475.00	\$7,600.00
USB Data Port System	1	149.95	\$149.95
Digital Power Magazine	4	29.95	\$119.80
Four Year Extended Warranty	20	174.95	\$3,499.00
Sub-total			<u>\$32,781.90</u>
Tax - State			\$1,966.91
Tax - City			\$43.75
Tax - County			37.5
Total			<u><u>\$34,830.06</u></u>

City Of Fayetteville (Not a Purchase Order)

Requisition No.: _____ Date: 5/6/2004
P.O. Number: _____ Expected Delivery Date: _____

Vendor Name: Teeco Safety, Inc.
Address: P.O. Box 7784
City: _____ State: LA Zip Code: 71137
Requestor: Judy Cohea
Requestor's Employee Number: 75

Requestor: _____
Requestor's Employee Number: _____
Division Head Approval: _____
Taxable: Yes: _____ No: _____
Quotes Attached: Yes: _____ No: _____

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Taser X-26	20	EA	795.00	\$15,900.00	4470-9470-5210.00			
2	Dual Cartridge Holster	22	EA	19.95	\$438.90	4470-9470-5210.00			
3	Tek-Link Belt Attachment Clip	35	EA	8.95	\$313.25	4470-9470-5210.00			
4	21 Foot Air Cartridge System	9	CS	529.00	\$4,761.00	4470-9470-5210.00			
5	15 Foot Air Cartridge System	16	CS	475.00	\$7,600.00	4470-9470-5210.00			
6	USB Data Port System	1	EA	149.95	\$149.95	4470-9470-5210.00			
7	Digital Power Magazine	4	EA	29.95	\$119.80	4470-9470-5210.00			
8	Four year extended warranty	20	EA	174.95	\$3,499.00	4470-9470-5210.00			
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				

Subtotal: \$32,781.90
Tax: \$2,048.18
Total: \$34,830.06

Special Instructions: _____
Approvals: _____
Mayor: _____
Department Director: _____
Finance & Internal Services Director: _____
Budget Manager: _____
Dispatch Manager: _____
IT Manager: _____
Other: _____
Utilities Manager: _____

REQUEST FOR VENDOR FILE MAINTENANCE

(CHECK ALL AVAILABLE RESOURCES, VENDOR LIST, ACCESS SYSTEM
PRIOR TO SUBMISSION OF THIS REQUEST)

DATE OF REQUEST: 5/6/04 REQUESTED BY: J Cohen

DEPT/DIVISION: Police EFFECTIVE DATE: _____

TELEPHONE EXTENSION: 581

TYPE OF SERVICE REQUESTED:

NEW VENDOR: X VENDOR CHANGE: _____ VENDOR RE-ENTRY: _____

VENDOR # _____ VENDOR # _____

VENDOR NAME: Teeco Safety Inc.

STREET OR P.O. BOX: PO Box 7784

CITY: Shreveport

STATE: LA ZIP CODE: 71137

ATTN: _____ PHONE: 318 424-5176

REMITTANCE ADDRESS IF DIFFERENT FROM ABOVE: 318 424-5184

STREET/P.O. BOX: _____

CITY: _____

STATE: _____ ZIP CODE: _____

TYPE OF ORGANIZATION

FEDERAL ID NUMBER: 72-0743730

OR

SOCIAL SECURITY NUMBER: _____

CORPORATION (100): _____

PARTNERSHIP (200): _____

INDIVIDUAL (300): _____

EMPLOYEE (400): _____

PENSION (500): _____

RECIPIENT

NON-PROFIT (600): _____

PURCHASING OFFICE USE ONLY

NEW VENDOR: _____

ENTERED BY: _____

VENDOR CHANGES: /

DATE: _____

VENDOR RE-ENTRY: _____

G L FILE: _____

INVENTORY FILE: _____

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: June 1, 2004

FROM:

<u>Rick Hoyt</u>	<u>Police</u>	<u>Police</u>
Name	Division	Department

ACTION REQUIRED: City Council accept bid # 04-33 and authorize Mayor Coody to purchase (20) Tasers model X-26 (including accessories and cartridges) in the amount of \$34,830.06 from Teeco Safety Inc.

COST TO CITY:

<u>\$34,830.06</u>	<u>\$ 53,490.00</u>	<u>Specialized Police Equipment</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470-9470-5210.00</u>	<u>\$ 1,646.40</u>	
Account Number	Funds Used to Date	Program / Project Category Name
<u>02062</u>	<u>\$ 51,843.60</u>	<u>Sales Tax Capital Improvement</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached _____

[Signature] 5/14/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u> <u>5/14/04</u>	<u>[Signature]</u> <u>5/14/04</u>
Accounting Manager Date	Internal Auditor Date
<u>[Signature]</u> <u>5/14/04</u>	<u>[Signature]</u> <u>5/17/04</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION: Award Bid 04-33 to Teeco Safety Inc. and authorize purchase of 20 Taser X-26.

<u>[Signature]</u> _____	Date
Division Head	
<u>[Signature]</u> <u>5-14-04</u>	Date
Department Director	
<u>[Signature]</u> <u>5-17-04</u>	Date
Finance & Internal Services Dir.	
<u>[Signature]</u> <u>5-18-04</u>	Date
Chief Administrative Officer	
<u>[Signature]</u> <u>5/19/04</u>	Date
Mayor	

Received in Mayor's Office

5/17/04
Date P.H.

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: May 14, 2004

Subject: Residential Planned Zoning District for Ruppel Row (R-PZD 04-06.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Ruppel Row. This action will establish a unique zoning district and approve a Preliminary Plat for a residential subdivision with 182 single family and 39 two-family lots (260 dwelling units) proposed.

BACKGROUND

The property is currently zoned RT-12, Residential Two and Three-family, and RSF-4, Residential Single-family, 4 units per acre, and contains approximately 41.70 acres on Ruppel Road, west of the Boys and Girls Club. Current zoning would allow for a maximum of 301 dwelling units. The applicant proposes to develop a single family and two-family subdivision in a "neo-traditional" style, utilizing rear alley access and dwellings constructed at a build-to line, near the street. Lots are proposed to be smaller in size than a typical residential subdivision, and a range of minimum to maximum square footage for the proposed homes is to be determined prior to final plat. Total density proposed is 6.24 dwelling units per acre.

DISCUSSION

The Planning Commission voted 9-0-0 in favor of this request on Monday, May 10, 2004. Approval of a planned zoning district requires City Council approval as it includes zoning (land use) as well as development approval (preliminary plat). Recommended conditions included in the attached staff report were approved by the Planning Commission. Additional conditions were added to the staff report from the Planning Commission approval, including reducing the interior street widths, limiting three-family dwelling units to three (3) specific lots, and a to-be-determined maximum square feet of a dwelling unit for the development.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING AN RESIDENTIAL
PLANNED ZONING DISTRICT TITLED R-PZD 04-06.00
LOCATED ON RUPPLE ROAD, SOUTH OF
WEDINGTON DRIVE. CONTAINING APPROXIMATELY
41.70 ACRES, MORE OR LESS; AMENDING THE
OFFICIAL ZONING MAP OF THE CITY OF
FAYETTEVILLE; AND ADOPTING THE ASSOCIATED
RESIDENTIAL DEVELOPMENT PLAN AS APPROVED
BY THE PLANNING COMMISSION

**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 RT-12, Residential Two and Three Family and RSP-4, Residential Single Family,
four units per acre to R-PZD 04-06.00 as shown in Exhibit "A" attached hereto and
made a part hereof.**

**Section 2. That the change in zoning classification is based upon the
approved development plan and development standards as shown on the plat and
approved by the Planning Commission on May 10, 2004.**

**Section 3. That this ordinance shall take affect and be in full force at such
time as all of the requirements of the development plan have been met.**

**Section 4. 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 _____, 2004.

APPROVED:

**By: _____
DAN COODY, Mayor**

**By: _____
SONDRA SMITH, City Clerk**

EXHIBIT "A"
RPZD 04-06.00

PART OF THE SW ¼ OF THE SE ¼ AND PART OF THE NW ¼ OF THE SE ¼ ALL IN SECTION 12, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SW ¼, SE ¼ THENCE S01°07'42"W 1321.68 FEET, THENCE S88°39'22"E 1299.70 FEET TO THE WEST RIGHT OF WAY OF RUPPLE ROAD THENCE ALONG SAID RIGHT OF WAY N00°50'19"E 1781.17 FEET, THENCE LEAVING SAID RIGHT OF WAY N88°27'41"W 421.78 FEET TO THE EAST LINE OF MEADOWLANDS SUBDIVISION PHASE I AND II, THENCE S00°03'34"W 702.70 FEET, THENCE S89°57'57"W 165.18 FEET, THENCE N58°12'08"W 359.00 FEET, THENCE ALONG A CURVE TO THE RIGHT 125.61 FEET SAID CURVE HAVING A RADIUS OF 925.00 FEET AND A CHORD BEARING N54°16'02"W 125.51 FEET, THENCE S89°59'20"W 304.85 FEET TO THE P.O.B.; CONTAINING 41.70 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of May 10, 2004

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Associate Planner
Matt Casey, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: ~~May 05, 2004~~ Revised May 11, 2004

R-PZD 04-06.00: Residential Planned Zoning District (Rupple Row, pp 439) was submitted by Chris Brackett of Jorgensen & Associates on behalf of John Nock of Nock Investments, LLC for property located on Rupple Road, south of Wedington Drive. The property is currently zoned RT-12, Residential Two and Three-family, and RSF-4, Residential Single-family, 4 units per acre, and contains approximately 41.70 acres. The request is to rezone the subject property to a Residential Planned Zoning District to allow the development of a residential subdivision with 182 single family and 39 two-family lots (260 dwelling units) proposed. Planner: Jeremy Pate

Findings:

Existing Development: The vacant site is located in west Fayetteville across from the Boys and Girls Club on Rupple Road. With the exception of the Boys and Girls Club and Meadowlands S/D, the surrounding property is currently undeveloped, though various development plans have been approved. A recently approved Fire Station is to be constructed on the lot immediately north of the subject property. Meadowlands Subdivision Phases I & II lie to the northwest, and Cross Keys Planned Zoning District is immediately to the west.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Meadowlands S/D (duplex, SF) , Fire Station #7 site	RSF-4, Single Family Res. 4 DU/Acre RT-12, Res. 2 & 3 Family, 12 DU/Acre R-A, Residential Agricultural
South	Vacant	Washington County -- no zoning
East	Boys & Girls Club, vacant property	RMF-24, Res. Multi-family, 24 DU/Acre, R-A, Residential Agricultural
West	Cross Keys Subdivision PZD	R-PZD

Water & Sewer: A 12" water line is being extended along Rupple Road with ongoing development. Staff is recommending a cost share to upsize the proposed development's water line from 8 inches to 12 inches to complete a public water line loop. Sewer is to be extended to serve the development.

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a "neo-traditional" development consisting of 182 single-family residential dwelling units and 78 two-family residential units, for a total of 260 dwelling units. The proposed density for the R-PZD is 6.24 DU/acre.

Proposed Uses: R-PZD, Residential Planned Zoning District

	Proposed Land Use
Lots 1-144	Single Family Residential Use Unit 8
Lots 145-183	Two-family Residential Use Unit 9
Lots 164, 165, 171	Two-family, Three-family Use Unit 9, 10
Lots 184-221	Single Family Residential Use Unit 8
Lots 222-226	Common Areas Maintained by POA

The project site is currently zoned RSF-4 and RT-12, allowing for single, two and three family dwelling units, in their respective districts. The developer proposes an unconventional residential subdivision, with all access and services to be from rear alleys, and dwelling units to be sited close to the street (a 5-foot front building setback is proposed). Lot sizes and setbacks are proposed to be much smaller than those allowed in typical zoning districts, thus the need for processing a Planned Zoning District. The typical lot size for single family use ranges from approximately 40-45 feet wide x 115-120 feet deep. The designated two/three family lots are proposed to be approximately 75 feet wide by 101 feet deep.

Access: Access is proposed in all four cardinal directions:

- North: Two (2) connections to existing stub-outs from Meadowlands S/D
- South: Two (2) new access points from Persimmon Street, to be constructed
- East: One (1) connection onto Ruppel Road
- West: One (1) connection into the approved Cross Keys PZD subdivision

Ruppel Road is a newly constructed street south of Wedington Drive. A new traffic signal was recently installed at the intersection of Ruppel Road and Wedington, the primary means of access to the subject property. The developer of the Ruppel Row PZD is also required to construct Persimmon Street east of the Cross Keys development, coordinating with the adjacent developer of Cross Keys to eventually complete an improved, through connection from 46th Avenue east to Ruppel Road.

Adjacent Master Street Plan Streets: Ruppel Road, Minor Arterial; Persimmon Street, Collector

Street Improvements Proposed: Six-foot sidewalks are required to be constructed along Ruppel Road and Persimmon Street, at the right-of-way line. Persimmon Street is to be constructed to city standards, with a 28-foot width including curb/gutter and storm drains. The developer is proposing to construct parallel parking spaces along Ruppel Road, interspersed with tree

plantings. Interior streets are proposed to be 28 feet wide, with sidewalks located at the right-of-way on both sides of the street. Additionally, alleys provide the only vehicular access to each lot, as well as service access, within a 20-foot wide right-of-way. A street tree planting plan is to be submitted as part of the tree mitigation and landscaping requirements, prior to final plat.

The tract of land proposed for development is Lot 7 of the WHM Investments Final Plat (FPL 01-07.00), approved and recorded in 2001. Impact Fees for the construction of Ruppel Road are due based on contractual agreements (see attached), applicable to development of the subject lot. These fees are based on the actual number of dwelling units proposed by the Ruppel Row PZD development, as compared to the projected number of dwelling units for the subject property at the time of Final Plat.

Ruppel Row PZD: Ruppel Road Impact Fees

	Proposed	*Contracted	Difference	Cost	Letter of Credit	Cash Due	LOC Due
	No. of Units	Total Units		Per Unit	Per Unit		
Single Family	182	81	101	\$231.30	\$154.20	\$23,361.30	\$15,574.20
Duplex / Townhouse	78	28	50	\$141.64	\$94.43	\$7,082.00	\$4,721.50
						\$30,443.30	\$20,295.70

* See attached Contractual Agreement, in conjunction with the Final Plat 01-07.00, in which the current proposal is Lot 7

** The Cash and Letter of Credit amounts are due prior to Final Plat approval.

Tree Preservation: Existing canopy: 0.61 %
Preserved canopy: 0.13 %
Required canopy: 25 %
Mitigation: 33 on-site mitigation trees (see condition of approval)

Parks: The subject proposal appeared before the Parks and Recreation Board on Monday, May 03, 2004. With the WHM Investments Final Plat 01-07.00, 5.37 acres of park land was banked in 2001 to meet future park land dedication requirements by the developer in the Southwest quadrant. The parkland dedication required for the proposed number of dwelling units for Ruppel Row PZD exceeds the amount of dedication land banked, therefore park land dedication or money-in-lieu is due, prior to final plat. The Parks and Recreation Board recommends money-in-lieu be paid in the amount of \$7,482.75 to satisfy park dedication requirements prior to final plat.

A draft of protective covenants, as well as the applicant's response to the Planned Zoning District requirements and description of the project have been submitted and are included in the staff report.

Recommendation:

Staff recommends R-PZD 04-06.00 be forwarded to the City Council with a recommendation for approval of the requested rezoning.

Planning Commission approval of the proposed preliminary plat in association with R-PZD 04-056.00 subject to the following conditions:

Conditions of Approval:

1. Planning Commission determination of the appropriateness of the proposed parallel parking spaces along Ruppel Road, a Minor Arterial street. *Staff finds the parking spaces to be adequately located, however their position should be carefully evaluated to ensure the continued safety of traveling and parking motorists. Ruppel Road is a north-south Minor Arterial street, planned to continue south to Hwy 62 on the Master Street Plan.*
2. Allowed uses in this R-PZD shall be restricted to the following Use Units:
 - Use Unit 1, City-wide uses by right
 - Use Unit 2, City-wide uses by conditional use permit
 - Use Unit 8, Single family dwellings
 - Use Unit 9, Two-family dwellings
 - Use Unit 10, Three-family dwellings
 - Use Unit 24, Home occupations
3. The applicant shall submit a letter from WHM Investments or the current owners of record of the subdivision acknowledging that all parkland banked with FPL 01-07.00 (WHM Investments) for future parkland dedication use in the Southwest quadrant is being utilized with the current proposal. All future residential development within said subdivision will require park land dedication and/or money-in-lieu, based on park land dedication ordinances in place at the time of development.
4. Payment for Ruppel Road impact fees in the amount of **\$30,443.30** and a letter of credit in the amount of **\$20,295.70**, based on the number of dwelling units proposed, shall be submitted to the City of Fayetteville prior to Final Plat approval.
5. Parks fees in the amount of **\$7,482.75** are due prior to Final Plat approval. Fees in lieu of park land dedication shall be reviewed and approved by City Council, to comply with City ordinances.
6. Individual lot access shall be prohibited from Persimmon Street and Ruppel Road.
7. A note shall be included on the plat stating that the Common Area lots, maintained by the POA, are non-buildable lots.
8. A street tree planting plan shall be submitted before final plat as part of the requirements to meet tree mitigation and landscaping goals for the PZD.
9. No less than 33 trees shall be planted on-site to meet tree mitigation requirements.

Standard Conditions of Approval:

10. Plat Review and Subdivision comments (to include written staff comments provided to

the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

11. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
12. Sidewalk construction shall be in accordance with current standards to include six foot sidewalks along Ruppel Road and Persimmon Street, at the right-of-way line. Sidewalks shall be constructed along the interior streets pursuant to Planning Commission approval.
13. Street lights shall be provided along all adjacent and proposed streets at a spacing of no more than 300 feet where not currently present, pursuant to city ordinances.
14. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
15. Preliminary Plat shall be valid for one calendar year.

Additional Conditions:

16. Streets within the proposed development shall allow for two-way traffic and on-street parking on one (1) side at the minimum width allowable, to be coordinated with City staff. Interior sidewalks shall be five (5) feet in width.
17. The option to utilize Use Unit 10, Three-family residential units, shall be limited to lots 164, 165 and 171 only.
18. Prior to Final Plat, a maximum square footage of the proposed homes shall be determined and reflected in the covenants to be filed of record.

PLANNING COMMISSION ACTION: yes Required

✓ Approved Denied

Date: May 10, 2004

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

By _____

Title _____

Date _____

Findings associated with R-PZD 04-06.00

From §166 Development:

Sec. 166.06. Planned Zoning Districts (PZD).

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The subject property is adjacent to property zoned RT-12, R-A, RSF-4 and R-PZD, with varying densities of residential development. A Fire Station has been approved for construction directly north of this site, and the existing Boys and Girls Club is across Ruppel Road to the east. The subject property is currently zoned RSF-4, Residential single family, 4 units per acre and RT-12, Res. Two & Three family, 12 units per acre. The total number of units allowed by the current zoning on this property is 301; the proposed number of units is 260, a net of 41 less units than that allowed currently. The proposed density of 6.24 units per acre for residential land use is compatible with surrounding developed areas, thereby preserving and enhancing the neighborhood.

There are few trees that exist on the site, and for those being removed, on-site mitigation will be required. There are no known watercourses on the subject property; the 100-year floodplain affects lot 226, in the southeast corner, a lot which has been designated for common open space for the neighborhood. Open space areas have been located all along Persimmon Street, providing a natural buffer. The developer proposes to require rear vehicular access for all of the dwelling units, eliminating curb cuts along the interior streets and facing the front of the homes onto the public street. Connectivity is being provided in all cardinal directions, allowing for pedestrian, bicycle and vehicular movement between neighborhoods. Staff finds the rezoning request with the associated development proposal furthers the health, safety and welfare of the community.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and

landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: A street tree planting plan for the proposed neighborhood is required to be submitted for city approval, prior to final plat of the proposed development. The site has 0.61% canopy coverage with 0.13% preserved canopy proposed. No fewer than 33 mitigation trees shall be planted on-site, to meet the tree preservation requirements. Landscaping shall be approved pursuant to all ordinance requirements.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Ruppel Road, a Minor Arterial, is a newly constructed 28-foot wide street adjacent to the property on the east. Currently the only property served by this street is the Boys and Girls Club. Persimmon Street, a Collector, is to be constructed along the property's south boundary, to provide access to the west. The surrounding Minor Arterial and Collector streets can accommodate the projected traffic volumes of 2,266 average weekday 2-way vehicle trips for the proposed development. Internal streets are proposed to be 28 feet in width, with 4-foot sidewalks on both sides of the street. Connectivity is achieved in all four cardinal directions with a layout that allows for internal access to but discourages through traffic within the adjacent neighborhoods. Vehicular access to dwelling units is prohibited from the external streets, as well as the internal streets. All

vehicular access to individual lots is to be rear-loaded, from alleys located within 20-feet of right-of-way. Streets are to be constructed to meet all city codes.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: On-street parking is allowed within the 28-foot street cross-section of local, interior streets. Due to future potential of high traffic volumes on Ruppel Road, a Minor Arterial, parallel parking is not allowed on the street; however, the developer proposes to construct pull-outs to allow for guest/visitor parking along Ruppel Road in appropriate locations. Staff recommends that the organization of these spaces, with regard to potential conflicts with existing intersections and the number of 2-space pull-outs be evaluated carefully to prevent the creation of a dangerous traffic situation.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The residential land use proposed does not require specific buffers from adjacent development. The applicant proposes common greenspace along Persimmon Street as a natural buffer to this future Collector Street. A street tree planting plan is to be submitted for approval by the Landscape Administrator prior to final plat, of the subdivision.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Sidewalk construction shall be in accordance with current standards to include a six foot sidewalk located at the right-of-way along Ruppel Road and Persimmon Street. Four-foot sidewalks are to be constructed on both sides of all proposed interior streets.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights shall be provided along all streets adjacent to and within the proposed development, with spacing not to exceed 300 feet.

- (8) *Water.* As required by §166.03.

FINDING: Water shall be extended to serve the subject property. Staff will be recommending a cost share to increase the water line size from 8" to 12", in order to complete a 12" water line loop in this area.

- (9) *Sewer.* As required by §166.03.

FINDING: Sewer shall be extended to serve the subject property.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The

following standard shall be used:

Paving Width (No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: The applicant is proposing all public streets to serve the development, in accordance with city codes.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: N/A

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: The site has 0.61% canopy with 0.13% preservation proposed. Mitigation is required in the amount of 33 trees, planted on-site. Please reference the attached report from the Landscape Administrator.

- (13) *Commercial design standards.* All PZD developments that contain office or

commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: N/A

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: No significant views have been identified in this area.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:
- (a) *Building permit.* If no building permit has been issued within the time allowed.
 - (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
 - (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities, shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.
- (2) *Common areas.* If the common open space is decided to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
- (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 - (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: The applicant has submitted Protective Covenants and Restrictions for Ruppel Row Planned Zoning District (see attached), establishing development guidelines and the existence of a Property Owner's Association. At the time of Final Plat, the covenants will be reviewed again for PZD compliance, and shall be filed at the County, pursuant to

ordinance requirements. Maintenance of common space and the detention pond shall be addressed in covenants and on the final plat.

From §161 Zoning Regulations:

Sec. 161.25 Planned Zoning Districts

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) No negative impact. Does not have a negative effect upon the future development of the area;
- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposed R-PZD of 221 lots is located on property identified for residential use on the Future Land Use Plan. The proposed density and land use is compatible with adjacent development and will not negatively impact surrounding properties. The variety of residential uses, from single family to two and three family units, provides flexibility in the land use pattern, while maintaining a sense of compatibility with surrounding land uses. No negative impact is anticipated on future development; rather, the proposed development is anticipated to benefit the area as a whole, in providing a much-needed smaller lot and footprint, thereby reducing price, while retaining a heightened sense of neighborhood character through the use of neo-traditional design principles. The timing of the development helps to achieve connectivity along Persimmon Street from Ruppel Road to 46th Street, with the recent development approval of the property to the west. Common open space is being provided within the development, and the neighborhood will benefit from the nearby Boys and Girls Club facilities.

The proposal meets the following Residential Guiding Policies in the General Plan 2020:

- 9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*
- 9.8.c Minimize through traffic on minor residential streets.*
- 9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.*

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: Staff has reviewed the proposed development with regard to findings necessary for rezoning requests and development ordinances. An ordinance is required to be drafted in order to create this Planned Zoning District which will incorporate all conditions placed on the project by the Planning Commission. Covenants provided by the developer will be included in the R-PZD ordinance, and will be filed of record with the Final Plat. The proposed PZD will be forwarded to the City Council, should the Planning Commission vote in favor of approval.

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for

predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed residential planned zoning district allows single-family and two/three family residential uses which are compatible with surrounding property. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The proposed subdivision allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A harmonious relationship with surrounding developments is achieved, while allowing for a very different style and type of development. Public improvements are required to adjacent streets and utilities, providing better street connectivity in the area, as well as a looped water system.

(2) Permitted uses.

- Unit 1 City-wide uses by right
- Unit 2 City-wide uses by conditional use permit
- ~~Unit 3 Public protection and utility facilities~~
- ~~Unit 4 Cultural and recreational facilities~~
- ~~Unit 5 Government facilities~~
- Unit 8 Single-family dwellings
- Unit 9 Two-family dwellings
- Unit 10 Three-family dwellings
- ~~Unit 12 Offices, studios and related services~~
- ~~Unit 13 Eating places~~
- ~~Unit 15 Neighborhood shopping~~
- ~~Unit 19 Commercial recreation, small sites~~
- Unit 24 Home occupations
- ~~Unit 25 Professional offices~~
- ~~Unit 26 Multi-family dwellings~~

FINDING: The proposed single-family, two-family and potential for three-family dwelling units are permitted uses within a Residential Planned Zoning District. The applicant has identified other Use Units, as noted above and on the plat, to be permitted by right or by conditional use in this district.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The proposed PZD proposed is entirely residential in use.

REZONING RECOMMENDATION: Staff recommends approval of R-PZD 04-06.00 with conditions as noted in the staff report.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-PZD 04-06.00 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed rezoning of the existing Residential Two and Three Family (RT-12) and Residential Single Family (RSF-4) property to the proposed PZD development with residential single, two and three family use at a density of 6.24 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The proposed land use is similar to that of the Meadowlands Subdivision, which combines single family homes two/three family homes in a standard layout. However, the proposed Ruppel Row development is much different with regard to site layout and organization, meeting many of the objectives and principles of the land use plan that promote traditional urban forms of development.

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 needed in order to develop a subdivision in the manner proposed with the R-PZD site plan.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger or congestion for Ruppel Road, a minor arterial street, or Persimmon Street, a Collector street. Approximately 2,266 average two-way vehicle trips per day from this development would be created; a Collector street can accommodate 4,000-6,000 vehicles per day, and a Minor Arterial 12,200-14,800 vehicles per day at full build-out. Additionally, a traffic signal was recently installed at the intersection of Wedington and Ruppel Road. Currently traffic to the Boys and Girls Club is the primary source of traffic on Ruppel Road south of Wedington.

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 development proposed would create, on average, 572 future residents in this area, thereby altering the population density in the immediate vicinity. Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

Fire - Water supply with fire hydrants is needed to serve development on this site. Fire station #7 (Ripple Road), sited on the property adjacent to the north, will serve this site once it is constructed. Fire response time to the site is approximately 0 minutes, 30 seconds, which is 0.1 miles from the property.

Police - Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing surrounding development. No additional equipment or personnel is needed to provide service to this area. It is the opinion of the Fayetteville Police Department that this Planned Zoning District will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Engineering - The proposed subdivision has been reviewed for access to public utilities, including water and sewer, and will not undesirably increase the load on public services.

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



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

From: Fire Prevention Bureau

To: Planning Division

Date 5/5/04

REZONING XX ANNEXATION _____

REZONING # 04-06.00 OWNER John Nock/Nock Investments

ANNEXATION# _____ OWNER Rupple Row

LOCATION OF

PROPERTY Rupple Rd. south of Wedington Dr.

NEAREST FIRE STATION AND

LOCATION Station #7, Rupple Rd. (future)

RESPONSE TIME FROM FIRE STATION # 7 TO

LOCATION OF

PROPERTY _____ MINUTES 30 SECONDS.

TRAVEL MILES FROM FIRE STATION # 7 TO LOCATION OF

PROPERTY .1

COMMENTS ON FIRE DEPT.

ACCESS/ROADWAYS _____

EXISTING FIRE HYDRANTS? IF SO

LOCATION _____

WATER SUPPLY WITH HYDRANTS

NEEDED? Yes

ADDITIONAL

COMMENTS. _____

MAIN OFFICE
115 SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

SUBSTATION
N.W. MALL
(501) 575-8271
FAX (501) 575-8272



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

C. 5
R-PZD 04-06.00 (John Nock)
Page 23 of 66

MAY 05 2004

PLANNING DIV.

POLICE DEPARTMENT

May 4, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed **R-PZD 04-06.00: Planned Zoning District (Ripple Row, pp 439)** submitted by Jorgensen & Associates, Inc. on behalf of John Nock of Nock Investments, LLC for property located on Ripple Road, south of Wedington Drive would substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this Planned Zoning District will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown".

Lieutenant William Brown
Fayetteville Police Department

Summary of Multi-Use Trip Generation
Average Weekday Driveway Volumes
May 06, 2004

Land Use	Size	24 Hour Two-Way Volume	AM Pk Hour		PM Pk Hour	
			Enter	Exit	Enter	Exit
Single Family Detached Housing						
	182 Dwelling Units	1742	35	102	116	67
Apartments	78 Dwelling Units	524	8	32	31	17
Total		2266	43	134	147	84

Note: A zero indicates no data available.

TRIP GENERATION BY MICROTRANS

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-444-3469

TO: Jeremy Pate, Associate Planner
FROM: Rebecca Ohman, Park Planner
DATE: April 30, 2004
SUBJECT: Subdivision Meeting Comments

Meeting Date: April 30, 2004
Item: RPZD 04-6.00 Ruppel Row, pp 439
Park District: SW
Zoned: R-PZD
Billing Name & Address: Nock Investments, LLC One East Center Street #301 Fay, AR 72701

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$393 per unit = \$ _____
Mobile Home	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Lot Split		_____ @ \$555 per unit = \$ _____

COMMENTS:

- In October 2001, as part of the development of the Meadowlands Subdivision and Fayetteville Boys' and Girls' Club, WHM, Inc banked Tract 5 consisting of 5.37 acres toward future development in the SE^W quadrant. Please see attached meeting minutes and letters.
- The Ruppel Row Project requires a total of \$131,664 or 5.70 acres be dedicated for 182 Single Family and 78 Multi-Family units to satisfy the Park Land Dedication Ordinance. This amount exceeds the 5.37 acres banked in October, 2001. Thus, parks fees in the amount of \$7,482.75 or a land dedication of 0.33 acres are due prior to issuance of the final plat.
- This project must be reviewed at the May 3, 2004 PRAB meeting to determine the recommended requirement.

DEBORAH SEXTON LAW OFFICE, P.A.

Attorney at Law

201 North East Avenue

P. O. Box 953

Fayetteville, Arkansas 72702

(501)443-0062

Fax (501)443-2001

October 2, 2000

Parks and Recreation Department
Parks and Recreation Advisory Board
Planning Division
Planning Commission

Ladies and Gentlemen:

I represent WHM Investments, Inc. (the "McIlroy Company"). As part of our ongoing conversations with the City of Fayetteville (the "City") and the Fayetteville Youth Center (the "FYC"), I have been asked to prepare a letter requesting that the McIlroy Company or its assigns be allowed to bank the 6 acres described as Tract B on the attached copy of a survey prepared by Jorgensen & Associates, Inc. on September 12, 2000. The 6 acres will be banked according to the Park Land Ordinance on future development in the southwest park quadrant.

As you are well aware, the FYC is purchasing 9.69 acres adjacent to the 6 acres in the Meadowlands development from the McIlroy Company on which a new FYC building will be built. The McIlroy Company has already deeded to the City 3 acres of land adjacent to the above-referenced 6 acres, causing a total of 18.69 contiguous acres to be available for a joint project for the FYC and the City.

Sincerely yours,



Deborah Sexton

DS:dml

PRAB Regular Meeting

contribution to the park. Mr. Ackerman said similar requests had been honored in the past.

MOTION:

Ms. Eads moved to honor the request of Linda Doyle to donate up to \$1,000 for a sign to be located in Red Oak Park in memory of Richard Doyle with Parks and Recreation Division staff having final approval of sign type, content and location.

Ms. Nickell seconded the motion.

Upon roll call, the motion was approved 5-0-0.

V. Meadowland Park Land Meeting:

A September 20, 2000 meeting was scheduled to review the Meadowland subdivision park land in which the new Fayetteville Boys and Girls Club is to be built. Parks currently has 3.08 acres of land. The owner is donating 2 acres to the Boys and Girls Club and has offered to sell them an additional 7.69 acres at \$10,000 per acre. The developer, [REDACTED], has consented to deed an additional six acres of land to Parks for the park. The meeting will be conducted at 12:00 noon at the Parks and Recreation Division, 1455 S. Happy Hollow Rd., Fayetteville, Arkansas.

VI. Wade Colwell's Report on Central Park Observations

Mr. Colwell shared observations from a recent visit to New York City's Central Park and distributed an article featured in the Smithsonian publication about the park. Mr. Colwell said there were no outside ballfield fences resulting in large open space between the fields. Other observations included minimal picnic tables, many park benches, large grassy areas, numerous vendors, a soft surface trail, and tiled bathrooms.

VII. Park Master Plan: Eric Schuldt

Mr. Schuldt distributed Master Plan public workshop meetings dates.

Thursday, September 14 meetings will be conducted at Holcomb Elementary Cafeteria and Happy Hollow Elementary Cafeteria from 7:00 until 9:00 p.m.

Friday, September 15 the Steering Committee workshop will be conducted at Drake Field conference room from 9:00 a.m. until 4:00 p.m.

Monday, September 25 meetings will be conducted at Ramay Junior High Cafeteria, Vandergriff Elementary Cafeteria, and Jefferson Elementary Cafeteria from 7:00 until 9:00 p.m.

Tuesday, September 26 a meeting will be conducted at the Walton Arts Center from 12:00 noon until 2:00 p.m. Evening meetings will be conducted at Asbell Elementary Cafeteria and Butterfield Elementary Cafeteria from 7:00 until 9:00 p.m.

Meadowlands
August 21, 2001

Final Plat approved per Sara Edwards with a re-zoning last week from R-2 to R-1

71 Single Units = 1.775 acres for park land ordinance

34 Multi Units = 0.68 acres for park land ordinance

= 2.455 acres due to satisfy the park land ordinance

3.2 was deeded to the city several years ago

3.08 acres actually - I asked Ed Connell to check the legal description and it is not 3.2 acres

With the lot splits taken place by Planning the new deeded amount
is 2.79 acres

The banked acreage was to be 6 acres and is now to be
5.32 acres due to the lot splits taken place by Planning

Future

5.37
- .335

5.035 bank?

• 335 credit banking
for 2.79 or not properly banked?

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Sara Edwards, Development Coordinator
FROM: Kim J. Rogers, Parks Operations Coordinator

DATE: February 22, 2001

SUBJECT: Parks & Recreation Plat Review Comments for February 27 & 28, 2001 Mtg.

I have reviewed the following:

☐ LOT SPLIT
☒ LARGE SCALE DEVELOPMENT
☐ SUBDIVISION

proposal submitted under the name of: LSD 01-4.00 Fayetteville Youth Center, pp 439
in the _____ park quadrant, zoned _____ land billing address:

Listed below is the decision of the Parks Staff and the recommendation of the Parks & Recreation Advisory Board to accept the following;

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family _____	@ .025 acre per unit = _____ acres	@ \$470 per unit = \$ _____
Multi Family _____	@ .02 acre per unit = _____ acres	@ \$375 per unit = \$ _____
Mobile Home _____	@ .015 acre per unit = _____ acres	@ \$280 per unit = \$ _____

COMMENTS:

The Parks and Recreation Division has been required to lease the existing Meadowland Subdivision park land dedication acreage (Ozark View Park) to the Fayetteville Youth Center DBA the Fayetteville Boys and Girls Club Incorporated. This park property was received on March 30, 1995 in the amount of 3.08 acres through the Park Land Ordinance for the Meadowlands Subdivision development.

The Parks and Recreation Division, at this point, has not received the deed for the additional 6 acres to be banked for future development in the southwest quadrant of Fayetteville by WHM Land Investments, Inc. This issue has been discussed with Deborah Sexton, Attorney at Law, representing the said developer (see attached letter and documentation from the Law Office of Deborah Sexton).

The Parks and Recreation Division will also require a copy of the wetland determination report along with the location and acreage of the wetlands.

Mike Anderson of Engineering Design Associates has been contracted by the Fayetteville Youth Center DBA the Boys and Girls Club of Fayetteville Incorporated to apply for the C.L.O.M.R.(Conditional Letter of Map Revision) , 404, and the grading permits. The Parks and Recreation Division is requiring copies of the permits, applications, and reports thereof. Also, a copy of the L.O.M.R. (Letter of Map Revision) is required.



JOHN C. NOCK

One East Center Street, Suite #302, Fayetteville, Arkansas 72701
Office: 479.444.9750 Cell: 479.530.6799 johnnock@yahoo.com

April 1, 2004

City of Fayetteville Planning Division
125 West Mountain Street
Fayetteville, Arkansas, 72701

Re: R-PZD Residential Planning Zoning District Request
Ripple Row Subdivision

Project Summary: Ripple Row is planned as a 40.65 acre neo-traditional development located in west Fayetteville, Arkansas. The project is strategically located directly across the street from the recently opened Donald W. Reynolds Boys and Girls Club on Ripple Road. The Ripple Row neighborhood is designed to enhance the quality of life of those who will call it home. A neo-traditional neighborhood such as Ripple Row is a unique design approach that takes its inspiration from the "township" planning model that prevailed in the United States early in the Twentieth Century. Key components of neo-traditional neighborhoods include land development in a more compact and human scale, with homes within walking distance of parks, recreation facilities, schools and a central meeting place. Specifically, Ripple Row is designed to maximize the available land into functional yet friendly home sites. This utilization and resulting lot prices are aimed at promoting tighter building footprints and affordable lot prices. This corresponds to a chief aim of Ripple Row in providing an atmosphere for quality affordable home ownership.

The Ripple Row neighborhood concept intends to promote an aesthetically pleasing development which fosters opportunities for friendly human interaction. The development will include tree-lined corridor streets, pedestrian-friendly site design, and appropriate project density. Proposed home designs include traditional facades with relaxing porches and verandas. Rear entry garages are neatly tucked behind homes and accessed through service alleys.

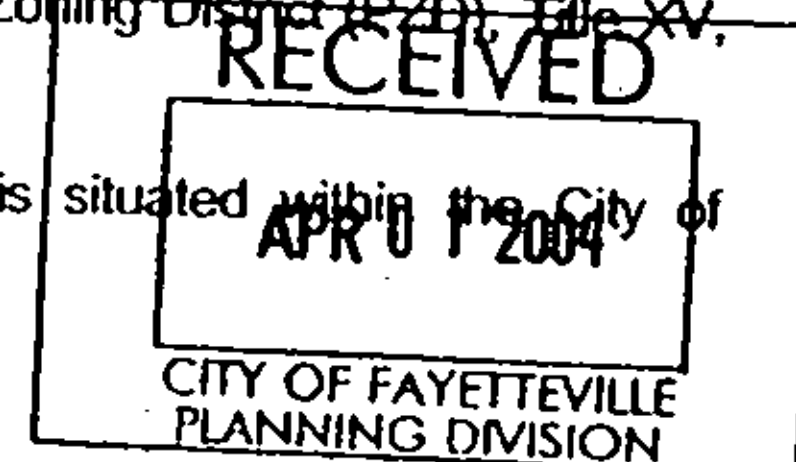
Project Site: The project site consists of approximately 40 acres owned by Nock Investments, LLC. The land is currently zoned R-1.5 and R-1. Ripple Row is located directly west of the Donald W. Reynolds Boys and Girls Club across the newly constructed southern portion of Ripple Road. Ripple Road is approximately one mile west of I-540 on AR Hwy 16 West. The development site is bordered to the south by Persimmon Drive (on Fayetteville master street plan), and to the north the newest planned Fayetteville Fire Station.

Legal Description: (see submitted Preliminary Plat)

Development Team: The Owner/Principal Developer is John Nock. The co-developers on the project are Richard Alexander and Rob Merry-Ship. The project architect is Tim Cooper of Cooper Architects and the project engineer is Chris Brackett of Jorgenson and Associates.

The proposed PZD meets the criteria as set out in Sec.166.06A, Planned Zoning District (PZD), Title XV, Unified Development Code:

- (1) Location. The above described property is eligible as it is situated within the City of Fayetteville limits.



• Page 2

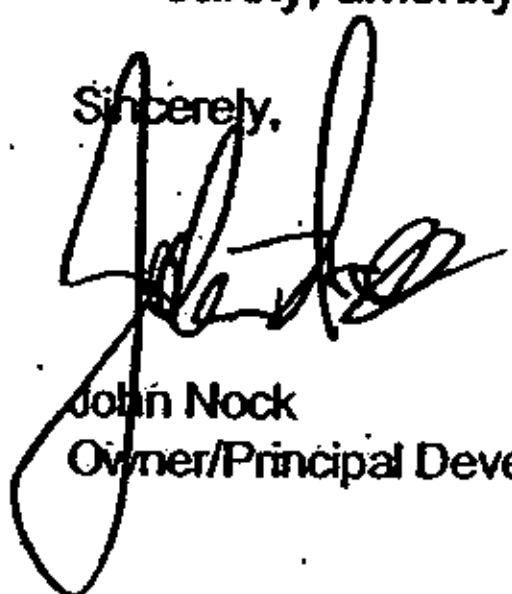
April 1, 2004

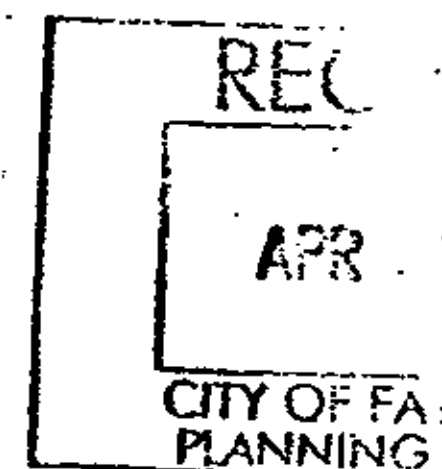
- (2) Ownership. Landowner is eligible applicant and the development plan will be binding upon all subsequent owners of the land.
- (3) Size. Although the site location contains approximately 40.65 acres. There is no minimum tract size requirement.

The proposed PZD can accomplish one or more of the following goals specified in Sec. 161.25(A) Planned Zoning District, Title XV, Unified Development Code:

- (1) Flexibility. Rurple Row will include approximately 220 homes, each not having less than 1,200 sq. ft. of heated space. The development style will be in accordance with Neo-traditional neighborhoods, including tree lined streets, front porches, zero-lot line courtyard units, rear entry garages, service alleys for trash pick-ups, utilities and resident parking.
- (2) Compatibility. Rurple Row is compatible with existing and planned surrounding land use. The vision of and design of the development directly incorporates surrounding development including the recently opened Donald W. Reynolds Boys and Girls Club. The proposed PZD will achieve compatibility between the proposed development and surrounding areas so as to preserve and enhance the overall neighborhood appearance.
- (3) Harmony. The area in the western part of Fayetteville is currently being developed as residential neighborhoods and this proposal will meet the purpose and intent of R-PZD and permitted uses.
- (4) Variety. The planned lots are currently all reserved under letters of intent by multiple builders. The resulting effect will be a variety of home facades and an increase in employment opportunities and services.
- (5) No Negative Impact. On the contrary, Rurple Row will be a positive addition to the City of Fayetteville and specifically the surrounding area.
- (6) Coordination. Proposed PZD and the development of land surrounding the PZD is being coordinated between various developers and city officials. To the north coordination is ongoing with the City of Fayetteville on the construction of a new fire station and to the west direct coordination is ongoing with Charlie Sloan and the development of his project, Cross Keys. A connector street is planned between all adjoining properties.
- (7) Open Space. The developer is involved in the development and financial plans of a golf course to be built on adjacent land that will complement the activities already in existence and planned near the Donald W. Reynolds Boys and Girls Club. Park requirements have been fully met.
- (8) Natural Features. Rurple Row is planned to obtain maximum enhancement and minimal disruption of natural existing land features and surrounding areas.
- (9) General Plan. Proposed PZD will take into consideration tree preservation, landscaping, water conservation, preservation of natural site and the protection of the natural land to further the health, safety, amenity and welfare of the City of Fayetteville.

Sincerely,


John Nock
Owner/Principal Developer



PROTECTIVE COVENANTS
RUPPLE ROW PLANNED ZONING DISTRICT
FAYETTEVILLE, ARKANSAS

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, John Nock dba, Nock Investments, LLC is the record Owner of the following property.

LEGAL DESCRIPTION:

Part of the SW1/4 of the SE1/4 and part of the NW1/4 of the SE1/4 all in Section 12, T16N, R31W in Washington County, Arkansas and being more particularly described as follows: Beginning at the NW Corner of said SW1/4, SE1/4 thence S01°07'42"W 1321.68 feet, thence S88°39'22"E 1299.70 feet to the West Right of Way of Ruppel Road thence along said Right of Way N00°50'19"E 1781.17 feet, thence leaving said Right of Way N88°27'41"W 421.78 feet to the East Line of Meadowlands Subdivision Phase I & II thence S00°03'34"W 702.70 feet, thence S89°57'57"W 165.18 feet, thence N58°12'08"W 359.00 feet, thence along a curve to the Right 125.61 feet said curve having a radius of 925.00 feet and a chord bearing N54°16'02"W 125.51 feet, thence S89°59'20"W 304.85 feet to the P.O.B.; Containing 41.70 acres more or less subject to easements and Right of Way of record.

WHEREAS, the developer has divided said property into 223 lots and said tract was surveyed and platted into lots and, proposed use is single family only.

WHEREAS, it is in the interest of the developers of the property described above, as well as prospective purchasers of the lots that said tract be known as Ruppel Row Planned Zoning District, Fayetteville, AR. And the use of Lots is restricted as hereinafter provided.

NOW, THEREFORE, in consideration of the premises, and for the purpose above mentioned said owner has caused said tract to be platted into lots with the size, location, and boundaries of each lot shown on said plat, which has been filed for record, and every deed or conveyance of any lot in said tract described as shown on said plat shall be held and deemed a sufficient description for the conveyance thereof, subject to the restriction hereinafter stated, which shall be for the use and benefit of, and binding upon, the present owners, their grantees, and all future owners of lots within the tract which shall be known as Ruppel Row, a Planned Zoning District (PZD) in Fayetteville, Washington County, Arkansas.

RECEIVED
APR 21 2004
PLANNING DIV.

1. Easements as shown on the plat of said property are reserved for construction, operation and maintenance of public utilities, and are provided for the purpose of enabling such utilities, their agents and employees, to enjoy free, open and unobstructed access through, over and along such easements to the end that their personnel, trucks and work equipment may at all times install, service, operate and maintain all utility facilities within the boundaries of said easements.
2. All houses on all lots shall have a minimum of 1,400 sq.ft. (excluding garage) of heated living area with an enclosed two car garage and no carports. Entry to garages shall be from the rear access drive provided. All driveways shall be concrete or brick pavers.
3. Each lot shall be used for residential purposes only.
4. No additional structure such as porches, garages, storage buildings, etc. shall be erected or placed on any lot in this addition until the plans and specifications showing the type and location have been approved in writing as to conformity and harmony of external design with existing improvements in the addition by the developers.
5. No structure of a temporary character, house trailer, basement, shack, additional garage, barn or other outbuilding shall be used on any lot at any time either temporarily or permanently. Storage buildings are allowed as per #4 above.
6. No animals, poultry, or livestock of any kind shall be raised, bred or kept on any lot. No kennels allowed. Household pets must comply with city rules about fencing or confinement by leash.
7. Sidewalks are required to be built as specified.
8. A satellite dish may be installed on each lot provided that the dish is no closer than 10' to the property line and located behind the front edge of house.
9. The parking or storage of unused or unlicensed motor vehicles is prohibited in front of any residence. No vehicles in inoperative condition shall be left on lots more than 30 days. The owner of each lot shall

remove these vehicles. In addition parking on the street shall be limited to guests only, and no vehicle shall remain on the street for more than six hours of any twenty-four hour period. Permanent or semi-permanent storage of such vehicles or items must be completely screened from view, whether within the garage or behind a solid fence.

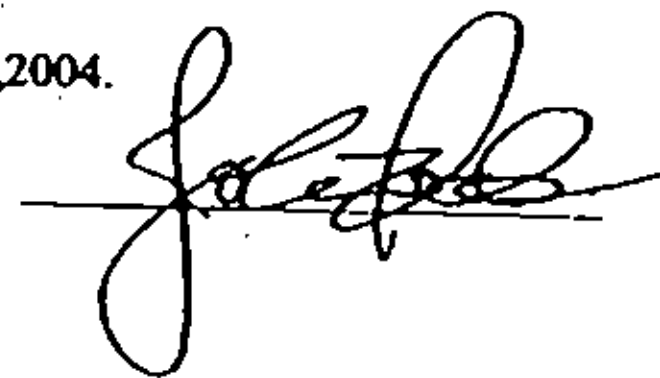
10. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be kept except in sanitary containers.
11. No fences shall be allowed in front yards except masonry or wrought iron of a maximum height of six feet. No form of wire fence shall be allowed.
12. The grass on each lot shall be maintained by mowing.
13. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
14. No noxious or offensive activity shall be carried out upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance.
15. Landscape plans must be submitted for approval along with house plans, prior to commencement of construction. Turf areas within the front and side yards of each house shall be sodded.
16. Each builder shall be responsible for adequate drainage swales around the house to properly drain runoff.
17. Exterior of the houses shall be 50% brick or stone. Other material may be approved, but must be reviewed by the developer. All perimeter block shall have brick or equivalent to cover foundation.
18. Minimum roof pitch shall be 6:12. Roofing material shall consist of tile, wood shake, or 40-year composition architectural shingles made by GAF, style "Grand Sequoyah" or equal.
19. Uniform pedestal mailboxes shall be required at each house, and the all shall be white in color.

20. **Ripple Row Planned Zoning District Property Owners' Association**
(POA) shall be established at the time of execution of these covenants.
Said POA is formed to assess yearly dues to pay for maintenance and upkeep of the entryway, all common areas including landscape islands, all fences, the masonry wall surrounding the PZD, the detention pond, park areas; to ensure continued health and vitality of all mitigation trees; and for payment of streetlight bills within the PZD. Each lot shall have a vote and the majority of those attending a meeting for that purpose shall be authorized to levy an assessment to all owners to defray the costs of maintenance and pay the electric bill for the streetlights. Each owner shall pay within 30 days. If an owner does not pay their share, the POA shall be entitled to place a lien on the owner's lot and shall take the form of an affidavit executed by the POA and recorded in the office of the Circuit Clerk of Washington County.
21. The City of Fayetteville, Arkansas, is a third-party beneficiary to the covenants, and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants. In the event public spaces are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said spaces and to charge the cost of such maintenance to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes, and shall have a lien on the real property within the PZD for such cost.
22. All lots shall be required to have two trees planted upon construction. One of these trees will be required to be 2.5" caliper and planted in designated areas along the street frontage of each property.
23. The owner of each residential lot agrees to be bound by the foregoing covenants. Any party violating these covenants will be responsible for any attorney fees incurred because of their violation.
24. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2015, at which time

- said covenants shall be automatically extended for successive periods of ten (10) years. Notwithstanding the above, at any time, these covenants may be waived, terminated and/or modified as to the whole of said property or any portion thereof, with the written consent of a majority of the then owners of said lots in said property; and if only a portion of said property is intended to be affected by said waiver, termination and/or modification, then the written consent of a majority of the then owners of said lots in the portion to be affected shall also be secured. No such waiver, termination and/or modification shall be effective until the proper instrument in writing shall be executed and recorded in the office of the Recorder for the County of Washington. Each lot represents 1 vote.
25. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of these covenants, violators being subject either to restraint or to an action for damages.
26. Invalidation of any one of these covenants by judgment of court order shall in no way affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the Grantors have hereunto affixed their hands and

Seals this 21st day of April, 2004.

A handwritten signature in black ink, appearing to be "John Nock", written over a horizontal line.

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss
COUNTY OF WASHINGTON)

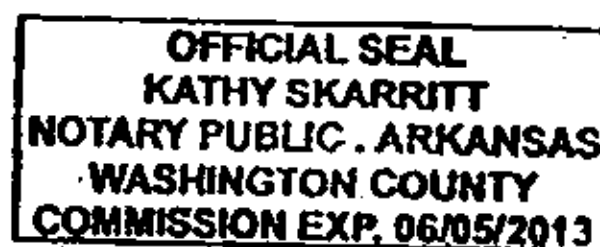
On this 21st day of April, 2004, before me, the
undersigned, a Notary Public, duly commissioned, qualified and acting within and for
said County and State, appeared in person, John Nock located in Fayetteville, Arkansas
and personally well know who stated that he is the owner of Ruppel Row Planned Zoning
District and is duly authorized in his respective capacity to execute the foregoing
instrument, and further stated he had executed the foregoing instrument for the
consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this
21st day of April, 2004.

Kathy Skarritt
Notary Public

My Commission Expires:

6-5-2013



CONTRACTUAL AGREEMENT

This Agreement, made and entered into this 10th day of October, 2001, by and between the City of Fayetteville, Arkansas, (hereinafter called "City") and WHM Land Investments, Inc. (hereinafter called "WHM"),

WITNESSETH:

WHEREAS, on September 10, 2001 the City Planning Commission approved the final plat of WHM, located at City Atlas Page 439, but referred the establishment of an impact fee to the City Council for its approval.

WHEREAS, WHM desires to have an executed agreement formalizing the current understanding before transferring Tract 5 to the City.

NOW, THEREFORE, the City and WHM agree as follows:

1. The City has agreed to build Ruppel Road, classified as a minor arterial, in order to provide access to the proposed Fayetteville Boys and Girls Club. WHM shall pay, based on the rational nexus formula, an impact fee for a proportionate share of the cost of Ruppel Road as a Minor Arterial. Based on the formula, the applicant shall be assessed \$176,724.25 for a road impact fee. The impact fee was based on the projected future residential development of Tracts 3 & 7 that shall be using Ruppel Road.

At the time the Boys and Girls Club meet all requirements to obtain the Reynolds grant, WHM shall pay the entire \$176,724.25 if the City Council approves and completes construction of Ruppel Road as a four (4) lane street with curbs, gutters, and storm sewer.

If the City Council approves construction of a two (2) lane street with plans for future widening, then at the time the Boys and Girls Club meet all requirements to obtain the Reynolds grant, WHM shall:

- a) Pay to the City \$100,000.00 (non-refundable, not dependant on any development of vacant lots),
- b) Provide the City an irrevocable letter of credit in the amount of \$76,724.25 with additional principal to be added each year based on the increase in the Consumer Price Index during the previous calendar year, as quoted in the Wall Street Journal on January 2 of the previous year and the year of the increase. Such letter of credit shall run for a term of six (6) years from date of when all conditions are met for the Fayetteville Boys and Girls Club to obtain the Reynolds grant and shall be due upon the City completing the widening of Ruppel Road to four (4) lanes with curbs, gutters, and storm

**CONTRACTUAL AGREEMENT
PAGE 2 OF 3 PAGES**

sewer. In the event, Ruppel Road is not improved to such standards within six (6) years, the letter of credit shall expire.

c) The irrevocable letter of credit shall be issued for a one year period at the beginning of each twelve (12) month fiscal period during the six (6) year term.

2. The projected future development of Tracts 3 & 7 are 81 single family units, 28 duplex units, and 260 apartment units. If during the six year period indicated above a development is approved by the Planning Commission in excess of any of the above indicated units WHM shall pay an additional impact fee for each unit in excess of the above as follows:

a) For each excess single family unit \$231.30 in cash and a letter of credit for \$154.20, total being \$385.50. The total amount will be paid in cash if Ruppel Road has been completed as a four (4) lane road with curbs, gutters, and storm sewers.

b) For each excess duplex unit \$141.64 in cash and a letter of credit for \$94.43, total being \$236.07. The total amount will be paid in cash if Ruppel Road has been completed as a four (4) lane road with curbs, gutters, and storm sewers.

c) For each excess apartment unit \$320.51 in cash and a letter of credit for \$213.67, total being \$534.18. The total amount will be paid in cash if Ruppel Road has been completed as a four (4) lane road with curbs, gutters, and storm sewers.

The cash impact fee and letter of credit shall be delivered upon the Planning Commission approving the final plat or large scale development. Any letters of credit received during the six (6) year period from the date the Boys and Girls Club meet all requirements, shall be returned back to WHM if the road is not widened to four (4) lanes with curbs, gutters, and storm sewers during the six (6) year period.

If after the six (6) year period WHM presents a preliminary plat to the Planning Commission in excess of the projected units, WHM shall pay an additional impact fee for each unit in excess of the projections based on whether or not Ruppel Road is completed at that time as a four (4) lane road, with curbs, gutters and storm sewer. If completed, the total amount indicated above shall be paid for each excess unit. If not complete, the cash amount indicated above shall be paid for each excess unit.

**CONTRACTUAL AGREEMENT
PAGE 3 OF 3 PAGES**

If during the six (6) year period indicated above WHM has a final plat approved for less than the projected units indicated above the \$76,724.25 letter of credit shall be reduced for each unit less than the projected units indicated above. WHM shall receive a reduction for each unit less as follows:

- a) For each less unit of single family in tract 7, a reduction in the letter of credit of \$154.20.
- b) For each less unit of duplex in tract 7, a reduction in the letter of credit of \$94.43.
- c) For each less unit of apartments in tract 3, a reduction in the letter of credit of \$213.67.

3. Upon the Boys and Girls Club meeting all requirements to obtain the Reynolds grant, all on-site and off-site improvements and fees, for any development by WHM, or its assigns, within the approved final plat area shall be based upon the above provisions and terms. The above provisions and terms will apply to WHM and any subsequent assigns. In consideration for this Agreement by the City, WHM shall deed Tract 5 to the City.

4. In the event the Boys and Girls Club fails to meet all requirements to obtain the Reynolds grant and is not constructed within the approved final plat area, all on-site and off-site improvements and fees for any development on tracts within the approved final plat area shall be based on current ordinance requirements at the time of development approval. Also, the City shall deed Tract 5 back to WHM.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN
BELOW:**

CITY OF FAYETTEVILLE

WHM LAND INVESTMENTS, INC.

By: *Dan Coody*
Dan Coody, Mayor

By: *Hayden McIlroy*
Hayden McIlroy
by *Dorothy Sexton*
POA 10-3-01

By: *Heather Woodruff*
Heather Woodruff, City Clerk

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**CERTIFICATE OF AUTHORITY
AND
SPECIAL POWER OF ATTORNEY**

FILED FOR RECORD

OCT 9 PM 1 56

WASHINGTON CO AR
B. STAMPS

C. 5
R-PZD-04-06-00 (John Nock)
Page 43 of 66

TO WHOM IT MAY CONCERN:

Comes now the undersigned, Hayden McIlroy as President of WHM Land Investments, Inc., and does hereby appoint and designate Deborah K. Sexton, as the true and lawful attorney in fact and agent (subsequently called agent), to serve and to sign documents, for and in the name, place, and stead, and for the use and benefit of the corporation, to endorse checks, drafts, execute agreements, contracts, warranty deeds, promissory notes, mortgages, security agreements, assignments of rents and leases, indemnity agreements, borrower's certificates, financing statements, deeding of title, or other written documents binding the corporation in the negotiations and transactions with the City of Fayetteville and the Fayetteville Boys & Girls Club.

The rights, powers, and authority of the agent, Deborah K. Sexton, to exercise any and all of the rights and powers herein granted shall remain in full force until October 25, 2001. After such date this power of attorney shall terminate, and thereafter be null, void, and of no effect whatsoever.

This power of attorney may be executed in counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one instrument.

IN WITNESS WHEREOF, I have hereunto subscribed my name on the 3rd day of October, 2001.

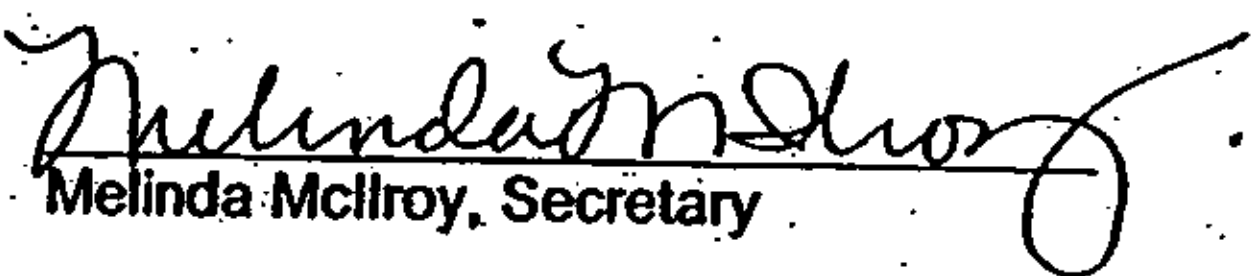
2001126596

**CERTIFICATE OF AUTHORITY AND
SPECIAL POWER OF ATTORNEY
OF WHM LAND INVESTMENTS, INC.
PAGE 2 OF 2 PAGES**

WHM LAND INVESTMENTS, INC.

By: 
Hayden McIlroy, President

ATTEST:

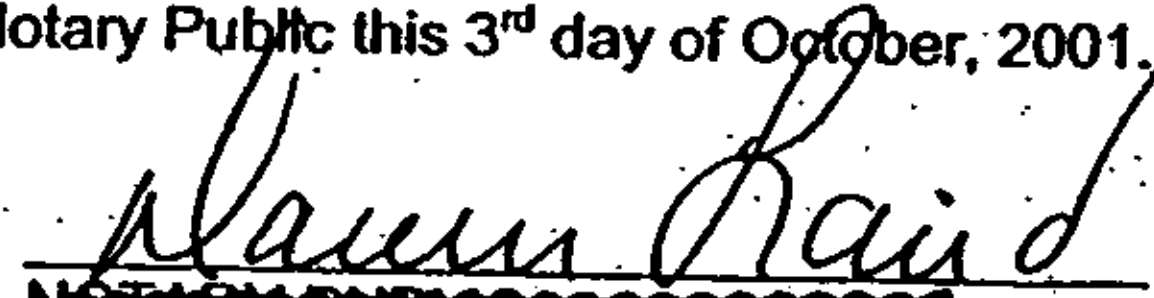

Melinda McIlroy, Secretary

STATE OF ARKANSAS }
 } ss.
COUNTY OF WASHINGTON }

BE IT REMEMBERED, on this day came before the undersigned Notary Public within and for the County aforesaid, duly commissioned and acting, **Hayden McIlroy and Melinda McIlroy**, in their capacity as President and Secretary of WHM Land Investments, Inc., appearing in person to me, who stated that they had executed and delivered the above and foregoing document for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 3rd day of October, 2001.

MY COMMISSION EXPIRES:
11-05-2006


NOTARY PUBLIC
Official Seal
DAWN LAIRD
Notary Public - Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2006

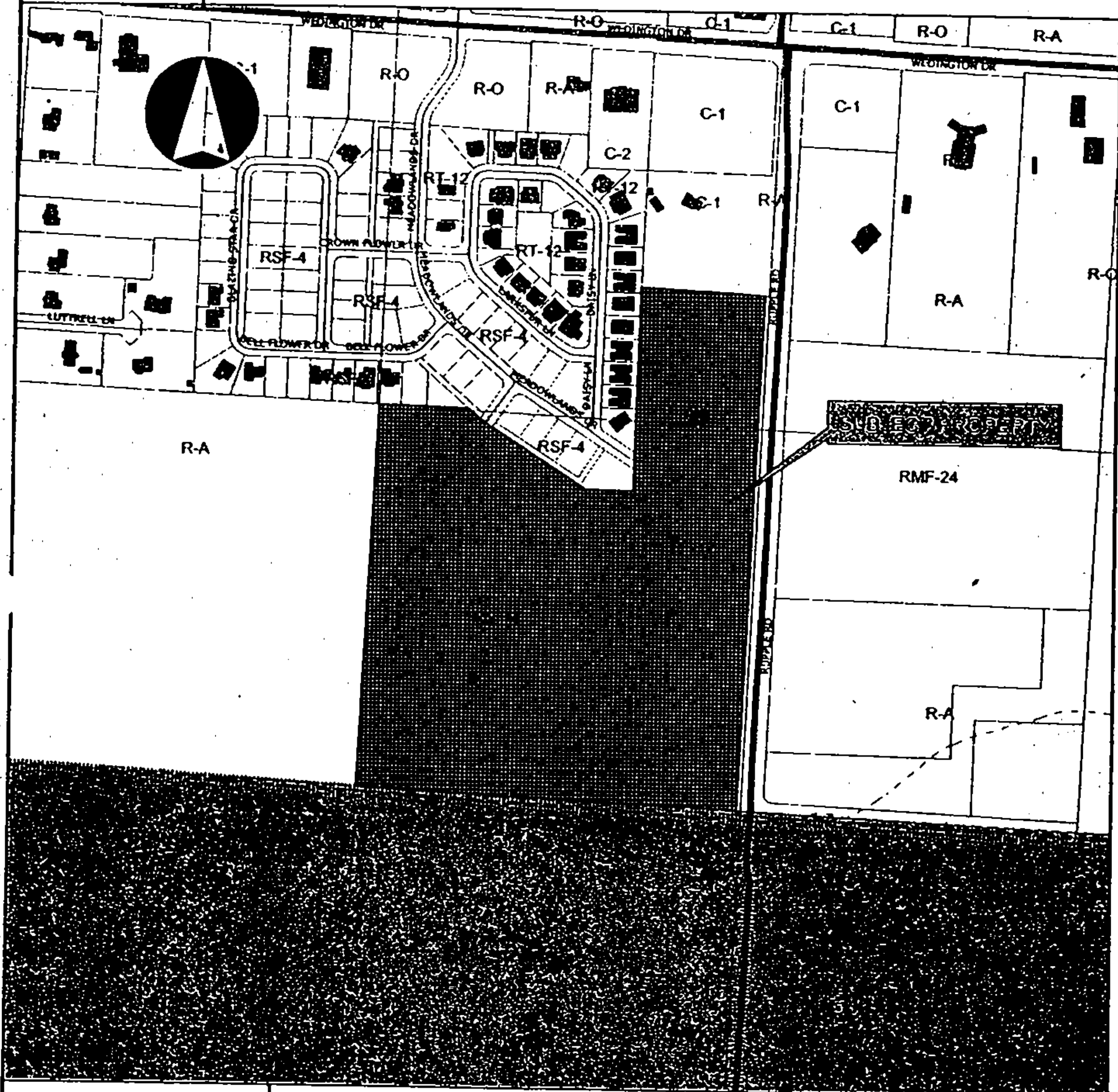
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2001126597

R-PZD04-06.00

RUPPLE ROW

Close Up View



Overview

Legend

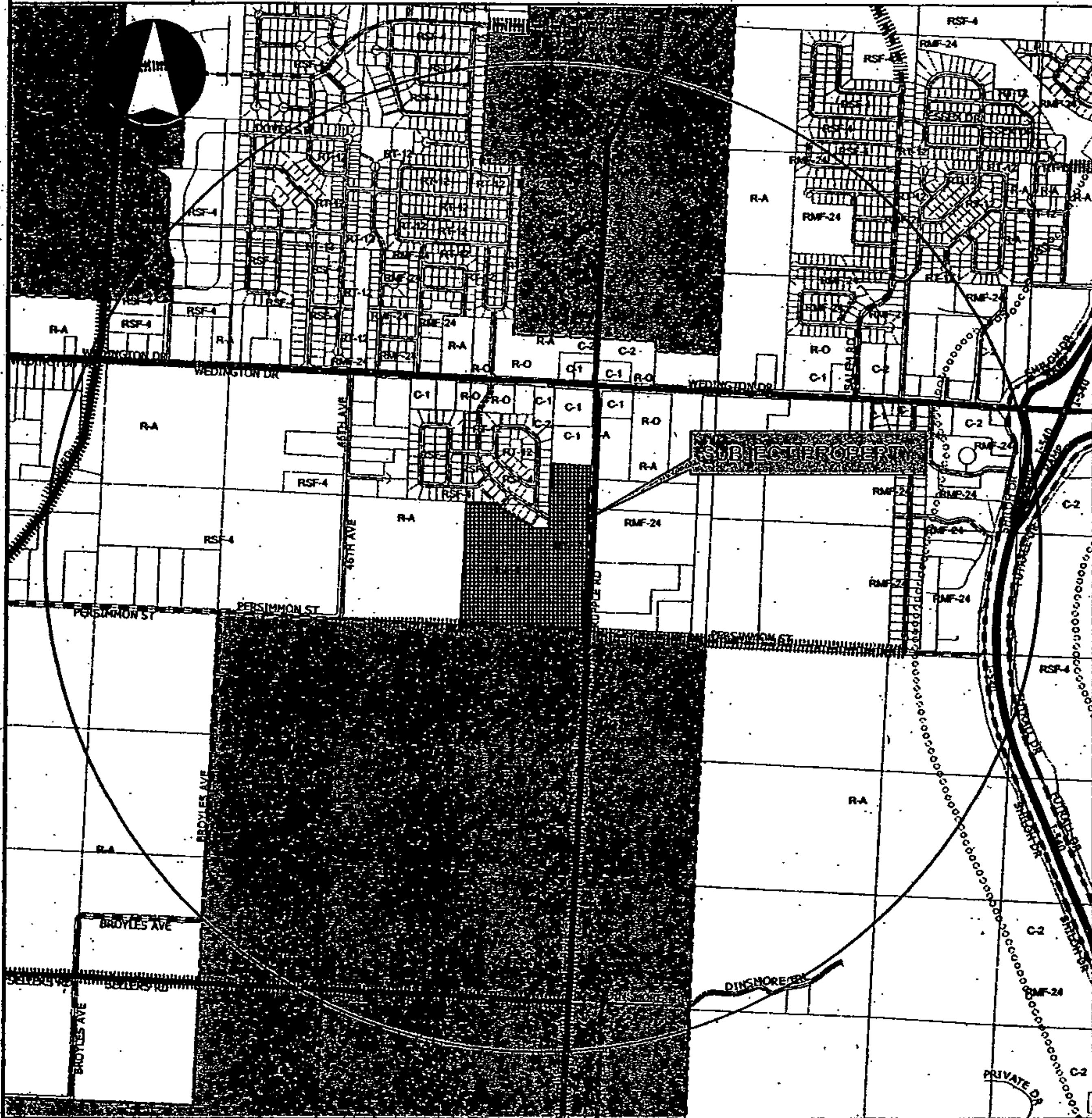
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|-------------------------|-------------------------|---------------------|
| ○●●●○ Overlay Districts | ▬ Principal Arterial | ▬ FLOODWAY |
| ▬ Master Street Plan | ▬ Minor Arterial | ▬ 100 YEAR |
| ▬ Master Street Plan | ▬ Collector | ▬ 500 YEAR |
| ▬ Freeway/Expressway | ●●●● Historic Collector | ▬ LIMIT OF STUDY |
| | ▬ City Limits | ▬ Base Line Profile |
| | ▬ Outside City | ▬ R-PZD04-06.00 |

0 150 300 600 900 1,200
Foot

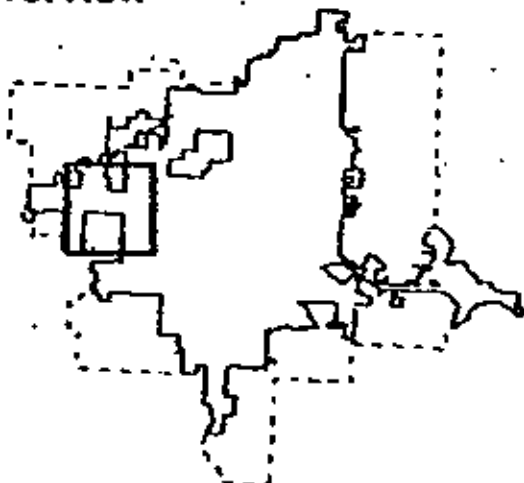
R-PZD04-06.00

One Mile View

RUPPLE ROW



Overview



Legend

Subject Property

R-PZD04-06.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

R-PZD 04-06.00: Residential Planned Zoning District (Rupple Row, pp 439) was submitted by Chris Brackett of Jorgensen & Associates on behalf of John Nock of Nock Investments, LLC for property located on Rupple Road, south of Wedington Drive. The property is currently zoned RT-12, Residential Two and Three-family, and RSF-4, Residential Single-family, 4 units per acre, and contains approximately 41.70 acres. The request is to rezone the subject property to a Residential Planned Zoning District to allow the development of a residential subdivision with 182 single family and 39 two-family lots (260 dwelling units) proposed.

Ostner: The next item on our agenda is R-PZD 04-06.00, a Residential Planned Zoning District for Rupple Row. If we could have a staff report please.

Pate: The vacant site is located in west Fayetteville across from the Boys and Girls Club on Rupple Road. With the exception of the Boys and Girls Club and Meadowlands S/D, the surrounding property is currently undeveloped, though the Planning Commission has seen and approved various development plans recently. Fire Station #7, which is to be constructed on the lot immediately north of the subject property. Meadowlands Subdivisions Phases I & II lie to the northwest, which are developed and Cross Keys Planned Zoning District is immediately to the west and proposed to be connected to this development. The property is currently zoned RT-12, Residential Two and Three Family, and RSF-4, Residential Single Family, four units per acre and contains approximately 41.7 acres. The request is to rezone the subject property to a Residential Planned Zoning District to allow the development of a residential subdivision with 182 single family lots and 39 two-family lots for a total of 260 dwelling units proposed. That proposed density is approximately 6.24 dwelling units per acre, which is actually less dense than allowed on the property currently. The project is an unconventional subdivision with all access and services to be from rear alleys. Dwelling units are to be sited much closer to the street than you see in typical subdivisions. There is a 5' building setback on the front. The lot sizes and setbacks are proposed to be much smaller than those allowed in typical zoning districts, thus the need for processing a Planned Zoning District as opposed to just a standard subdivision or rezoning. The typical lot size for single family uses range from approximately 40 to 45' wide by 115' to 120' deep. The two and three family lots are proposed to be approximately 75' wide by 100' deep. Rupple Road is a newly constructed street south of Wedington Drive that accesses the Boys and Girls Club at this time. The developer of the Rupple Row PZD is also required to construct Persimmon Street east of the Cross Keys development, coordinating with the adjacent developer of Cross Keys to eventually complete an improved, through connection from 46th Avenue east to Rupple Road. The developer is proposing to construct parallel parking spaces along Rupple Road. One of staff's conditions tonight is Planning Commission determination of the appropriateness of those proposed parallel parking spaces along Rupple

Road. It is a minor arterial street. We find that the parking spaces are adequately located and do serve a good purpose in that area. However, we do need to ensure that their position is carefully evaluated to ensure that the continued safety of traveling and parking motorists on this future busy street. With regard to findings, staff finds that the property is identified for residential use on the Future Land Use Plan. Thus, is compatible with that General Plan 2020. The proposed density and land use is also compatible with adjacent development. The residential subdivision to the northwest, Meadowlands Phases I and II is a similar type of use. However, it is a very different type of configuration and site design layout. They also have I believe single family homes and duplex and potentially even triplexes in that area as well. There is connectivity to the north, south, east and west in this proposed development. It does allow for a density and land use that is compatible with adjacent properties. Thereby creating a harmonious relationship with surrounding developments. There are comments in your packets from the Fire Department. Obviously, the newly built Fire Station #7 will not have a problem responding to this. The Police Department and Engineering have also reviewed these plans and are in support of them. Staff is recommending approval of the R-PZD to be forwarded also to City Council with a recommendation for approval of the rezoning with 15 conditions. 1) Planning Commission determination of the appropriateness of the proposed parallel parking spaces along Ruppel Road, a Minor Arterial street. Item number four is payment for Ruppel Road impact fees in the amount of \$30,443.30 and a letter of credit in the amount of \$20,295.70, based on the number of dwelling units proposed, shall be submitted to the City of Fayetteville prior to Final Plat approval. Item five, the City Council heard this with regard to parks fees and parks fees in the amount of \$7,482.75 are due prior to Final Plat approval. With that, I will be happy to answer any questions.

Ostner: Thank you Mr. Pate. Is the applicant present?

Brackett: Good evening, my name is Chris Brackett, I'm with Jorgensen & Associates. I'm here representing the owner, John Nock who is also in attendance and his architect, Tim Cooper. We prepared a foam board to maybe help you understand the overall concept of this that includes a schematic of the layout of what will be the future homes. We know that this development concept has not been done much in this area but we feel that it is something that is in demand in this area. Mr. Nock is very familiar with it and if you have any questions concerning the concept I would refer those to him and would be happy to answer any other questions you might have.

Nock: Hi, my name is John Nock. I wanted to give you just a brief outline of what you are looking at there on the concept. What you are looking at is

somewhat different from most developments that you would see in this area. Although, if you have traveled to Springdale to Harbor Meadows parts of it would be familiar, as well as Charleston Place, which is on the east side of town. This is what some people refer to as neo-traditional or new urban design planned developments. Some of the central parts of new urbanism or neo-traditional developments include really tighter land organization into categories. As you will notice all of the dwellings here have rear access alleys and all of the homes will have rear access garages. Having been familiar with some of the developments surrounding this area what we have had is a series of problems with congestion, with cars parked along streets, people that live there, not just visitors and of course, that eliminates this under that concept. Also, it calls for tree lined streets, tighter streets, although we have actually stayed with the current city ordinance as far as the streetscape goes, but we have put tighter parameters on setbacks. Also, you can see that not only is it tree lined streets but also sidewalks on both sides of the streets as well as sidewalks and walking areas along all of the alley ways. Along those alley ways you would see all of the services that would be required including trash removal. All utilities would be there and all hookups would be there. The idea is that you would keep your main street truly for vehicular traffic for pedestrian traffic and bicycles. Also, as you can see, we have been pretty particular about making sure that there is the installation of single family verses multi-family so that those components are ear marked and specifically put in positions where they compliment rather than contradict each other's use. One of the things that is a really strong idea in my opinion if you look at the long term goal for Fayetteville is that we say housing choices for all income levels. I wanted to point out that obviously, your development design and concept has to go with the long term plan. There are a lot of developments that are done out there with acre lot or 1/4 acre lots or two acre lots even. This is not that concept. This is a concept that creates a very attractive, very quality footprint for both building of a home but it also utilizes the land use in such a way that you can afford to do so so that the end user is getting a very quality instrument and a great place to live. The home price is where right now the market is being underserved. That would be in the 125,000 to 145,000 category. I bring that up because it is important to know what the end result is going to be and what they are going to look like. On this board you can see somewhat of a look, not every home will look this way, but it is destined to look like a neighborhood rather than just a development. That's about all of the comments that I have but I will be available for comments.

Ostner: At this point I would like to open it up to the public.

Davison: Just please, the density is the issue. When we speak of density a lot of people only think of houses and people but density in these situations relates to traffic. Even in this situation I don't believe the traffic can be

accommodated for this dense of project at this time. If we also look at the parallel parking along Ruppel Road. I believe that is right where the Boys and girls Club is, I believe that will be creating an even more dangerous situation for those children. I would just ask you to be careful. We have started to decide, staff and the city, that these PZDs are great but they also need to be really, really carefully monitored. Once we give those then it is pretty much up to us to make sure that the little things that we can do make a difference. I'm not sure I'm sold on them being appropriate on how much you are going to see them being used so I appreciate it if you would check on that. As well as with the TIFFS coming up I know you will be doing a lot of reading. If you would just please consider that it is too much of a traffic problem, it is a safety problem for the children. I love the smart design. Those aspects are long over due. It is nice to have a development with those elements such as long standing city neighborhoods that have garages in the back and all that, it is still too dense. It is too dense because it will create unsafe traffic situations for our children. Thank you.

Bowman: I'm Dr. Kathy McGuire Bowman. I want to applaud all of you. I'm very much a newcomer to any idea of city planning. Whatever paths in your lives have led you here have given you a lot more experience of this than I have, which is almost zero. As I said last time I was here, what brought me more into this was more of the collaboration between the school district and the city around planning. I am reminded that this project, as I understand it, will be I would like to see a map if it is possible, whether it will be right on top of the new school. I would like to see a map that includes this project along with the other two that were up last time that have now been tabled. My problem with planning is that it seems like we are having a blind man and an elephant problem here. Everybody knows just a little piece of it. Nobody knows we are really dealing with an elephant because everyone is only touching the leg or the tail or the trunk. Also, nobody is really responsible for the elephant because everyone can say I didn't really know it was an elephant, I only voted for the little tail part. I will say again, I do not see how the Planning Commission and the City Council can make decisions about all these development decisions without knowing the overall plan. I believe Hugh Earnest of the city is in an excellent position to layout that overall plan and I would like him called upon to do that. I know he has sat on the city school committee that has made many of these plans and I think this should be information that everyone is drawing on. In terms of this particular development, as far as I see it trying to look at a larger part of the elephant, you are adding right here at this corner of the Boys and Girls Club, the Fire Station and the new Jefferson relocated school, you are adding 260 units to the 320 units of the McBryde/Sloan and the 640 units of the Sloan/Greenwood. Right there you have 1,220 new units. In this case, we all thought that was bad the last time we talked about it and the west side neighbors were here saying

that we do not want this kind of density in our area. Now this new development is even more dense. Instead of 320, four units per acre on 80 acres you are going to have 260 units on 42 acres. If you add them all together it looks pretty big, and it's only part of the elephant! I am in favor of the more neighborhood oriented kind of development. I like anything that encourages community and encourages people to gather together in their housing development. I like the idea that there is some slightly less expensive housing. Although, I'm not sure housing of \$125,000 really addresses housing choices for all income levels. That's my concern. In terms of the elephant there's really nowhere to talk about the elephant so I'm just talking about it wherever I can. My overall concern is that I believe that this west side development is happening at the expense of not south side development but south side people, the people who live in the south side now. Those would be the people who went to the Jefferson neighborhood school and the people who live behind the Mountain Inn and behind the courthouse. Again, I don't know Mr. Nock and I'm a novice at this but sources tell me that Mr. Nock may also be involved in the Mountain Inn renovation or whatever is going to happen there and may be involved in some development in south Fayetteville and might have sold the city the land for the fire station. I don't know if these are all facts but I want to look at elephants. I would want some mechanism in this city planning that can look at elephants. If, and again I don't know Mr. Nock and I'm a novice, but I would like if Mr. Nock if benefiting from the location of the fire station, the Boys and Girls Club and the Jefferson relocated school all on the west side and if he perhaps also stands to benefit from maybe a gentrification of the area behind the town hall, the old courthouse, I don't know if he does, or whoever does, that's the elephant. I want to know who is providing the housing for the people who live there now. I'm concerned that that is part of the elephant and I would not go ahead and approve any development on the west side until I know where the people on the south side are going to live. That's all I have to say. I would like Mr. Earnest to be brought forward to explain the overall plan so that we could all look at the elephant and know what we are doing. I don't know how to get that to happen but that's what I would like to see.

Ostner: Thank you Ms. Bowman. Are there any other comments?

Moorman: Hi my name is Barbara Moorman, I live on the west side of Fayetteville, partly in the city and partly out of the city. My property goes down to a point where I expect eventually Ruppel Road, when it gets to the day that it crosses Hwy. 62 will come in my direction. My questions and concerns are not simply general, although they are that too, but they core but it is putting housing and amenities in an area where they are more accessible to the density. is not the city core affect me directly. I wanted to raise a question about Fayetteville's goals. Is Fayetteville encouraging density

and is it trying to discourage sprawl? That's been my impression that density is good and sprawl is bad from Fayetteville's point of view. If that is the case then I wonder what a definition of sprawl would be and where sprawl is. If you have dense developments that are outside of the main downtown is that sprawl or is that density? These terms are thrown about and people talk about neo-traditionalism and new urbanism and smart growth and those terms are absolutely meaningless if you don't define them. They have been defined by other people but I don't believe they've been defined in Fayetteville's particular context. I would like to understand what the future plans are for Ruppel Road. Everything that is planned to be built on it and where it is going to go after it crosses Hwy. 62. It has been projected to come down to Hwy. 62 for a long, long time but development is preceding a pace and I'm sure there are plans beyond that. I would also hope you know how many people are projected to live west of I-540 and between Wedington and 6th Street within the next five years or ten years. What is considered the carrying capacity in terms of population for that area? What we seem to be doing is saying, as Mr. Pate said recently, there isn't development around there right now. Well, no but it is about to happen. It is projected. When I asked the Planning Commission last year what was projected for all the way out to Farmington, Mr. Estes, who was here at the time and I believe has since moved out of Fayetteville said commercial all the way to Farmington, mixed commercial all the way to Farmington all along both sides of Hwy. 62. I don't know if that really is the projection and I don't know what the population projection is. I think that it would be really smart of Fayetteville to have all of its annexations and big rezonings done at one huge meeting once a year so that you can really see the elephant that Dr. Bowman was talking about. Since you don't do that then I think you at least have to look at it in terms of a discreet region. I think as far as being against sprawl, as I think Fayetteville has said it is, being for new urbanism which is against sprawl. The woman who wrote the first book against sprawl, Jane Jacobs, *The Life and Death of Great American Cities*, pointed out in a recent interview when she was asked about what she thinks about the new urbanism today she said, and I certainly agree "It's still sprawl." Thank you.

Ostner: Thank you. Are there any other people who would like to comment on this issue from the audience? Seeing none, I will close it to the public and bring it back to the Commission. There are a few things that I would like to touch on before we go further. The zoning for this property was approved by law long before us. This property could be developed without a rezoning. The owner has a right to build as each of us has a right to own a home and the current density that this developer is proposing is actually less than what he could build by right. Density is at issue here in a way but it is hard for me to understand how we are increasing density beyond what is already available by right.

Brackett: I would just like to address some of those issues. The density that we are proposing, one of the reasons is that it is next to the amenities that are there. Ruppel Road is a minor arterial with a light on Wedington. There is a new fire station, there is a new Boys and Girls Club and there is a possibility for a school in this area. We feel that putting homes next to these amenities is what Fayetteville should be looking at doing. Putting the density by the amenities they have. There was a comment made concerning the overall plan for this area. We have been in discussion with the adjoining owners and it just so happens we are also the engineers for the property to the east and the property further to the east and Mr. Sloan's property to the south and Mr. McBryde's property. We've been discussing with all the developers in this area to discuss the overall plan and to discuss the school and the Boys and Girls Club and those matters. There has been a lot of time devoted to looking at the overall plan for this valley and it is not something that was thought up over night. Thank you.

Ostner: Thank you. Do we have any discussion?

Vaught: Kind of addressing some of the comments. There are planning documents that we do use that try to dictate the plan for the future and there has been considerable work put into these by the Planning Commission, the City Council and Planning Staff. There is the Master Street Plan, the 2020 Plan, the Long Range Planning Map. All of these are available and you can see where Ruppel Road is planned to go. It is not an exact because nothing has been built there. Also, I know some things were eluded to as far as new urbanism. I, by no means, am an expert on this. The part that I understand of the goal of Fayetteville of New Urbanism is creating smaller, walkable communities. I do tend to think that this creates that smaller, livable community. It is not the city core but it is putting housing and amenities in an area where they are more accessible to the density. I like the idea of having this by the school, if there is a school there. I don't even know if there is going to be. It is a rumor from what I understand. There is no contract. There is nothing in writing. There are other areas I know the school board was looking at. I don't know if it would be a bad location or not next to the Boys and Girls Club and a lot of residential development. On the long range planning map this area is designated as residential, of which this type of development fits and the other developments proposed around it fit. Like Commissioner Ostner said, by right they could come in, I believe some of this is RT-12. This is a compromise where they are cutting it back and trying to make the community more compatible with the areas around it. I like a lot of things on this. One question I did have for the developer was at Subdivision on Ruppel Road on street parking was extended further down to Persimmon and on this little drawing we have in front of us it is not there. I was just kind of curious why that was changed.

Brackett: It should be on that drawing. It is on all of your drawings that were in the packet. We have eliminated two spaces that were adjacent to Meadowlands Drive because of concerns from staff but we are intending for the rest of the ones, including the ones south of Meadowlands. That should be on that drawing.

Vaught: That is all I have for now.

Ostner: Thank you. I would like to mention something Mr. Vaught mentioned was the plan. The difficult part about being part of this city municipality is that our plans are just very malleable. Those guys are building our city, not us. Rurple will never be extended until someone steps forward and says I want to spend 10 million dollars to build a subdivision and I'm going to extend Rurple. We don't build the city, they do. It is a difficult process. They have to do it within our parameters, we have to grant them some things and we get to ask other things of them. Your metaphor of the elephant, we are often the tail end of the dog so to speak. There are property owners that want to develop in this town and we, with our ordinances, get to keep up as best we can with how they choose to develop their property. I think we do a really good job in a lot of ways. It is very difficult especially when you look around us at many other municipalities that are struggling to do a lot of things that we do well. There have been mentions of Mr. Earnest sharing the plan. There is no plan. There are maps that give areas of if you are going to develop here it probably should be residential. If you are going to build a street here we are going to ask you to do a collector street. Other than that, it has to do with the property owners and when they would like to build our town. We don't have a plan, you all do and your City Council updates all of those maps and those approvals periodically. They are the ones who really have the power to maintain those issues.

Vaught: I have one other question for the developer. I know there was considerable talk about utilities and working with the companies, has all of that been resolved?

Brackett: We had an initial meeting with the utilities and they've asked for some additional details for as far as the buildable area for each lot. We provided that to them and they are now reviewing it and we plan to have a second meeting to finalize what will be required. They are informed of everything that we are doing and we are working it out with them.

Allen: I would just like to pitch out a question here about whether or not we have kind of an oxymoron. Is this density in a sprawl area?

Clark: Who do you want to answer that question?

- Allen: I was interested in the opinion of my fellow Commissioners.
- Vaught: Do we allow density to create another city center to make it not sprawl somewhere else?
- Shackelford: I don't know how you can declare that this is a sprawl area with the emphasis that has been put into the Boys and Girls Club and the other amenities that have been put in this area. I think with the amenities and the infrastructure that is in this location this is designated as a future growth area for the City of Fayetteville. I don't think you can say anything outside the downtown Dickson Street location is automatically sprawl because it is not in the heart of the city. As our city continues to grow there are going to be hotbeds or growth outside of existing areas that we might default to right now thinking that this is the center and anything outside of that is sprawl.
- Ostner: I wondered that too. I was looking more at their buildings and their narrow lots because 6.2 units per acre is not dense. We have downtown areas that could go as high as 40 units per acre. If someone were to choose to build a 20 story apartment building in those areas they could do that. That is dense. It is a little bit odd with the fact that they could already develop this and just build another subdivision and get the same amount of density to me says that if the zoning is an issue, the zoning issue that passed previously was to blame.
- Allen: I guess I wonder too whether or not developers should always be the ones who decide the direction of our community and whether or not that is a part of our responsibility as planners.
- Warrick: The City has adopted a General Plan. It is a future land use policy and guide. It is periodically updated through a community planning process. Through citizen input, public hearings and the Planning Commission level as well as ordinances and resolutions adopted by our City Council to reflect the desires of those persons who are participating in that process. Our current General Plan was originally adopted in 1995 and has had updates as recent as 2001. At that time we updated within the document and reviewed the map which identifies current and future land use as well as the Master Street Plan. We have recently completed a traffic and transportation study and as a component of that we will be bringing forward to the City Council later this year a proposed amendment and updates to the city's Master Street Plan. These are dynamic activities that continue as development occurs throughout the city. We have to adopt these or amend these products periodically because things change. Our boundaries change with regard to what we have jurisdiction over and development occurs that needs to be reflected on those documents and

policies. Ultimately land use is recommended by the Planning Commission and adopted as a policy action by the City Council. That does enable someone the ability to develop based on the uses permitted in whatever zoning district is applied to the property. This is the process that we go through on a bi-weekly basis as projects come through, whether they are actions to request annexation or rezonings, or whether they are follow up actions to ensure that the projects proposed for those properties is in compliance with the city's adopted regulations. We do proactive planning. It is not as site specific as the downtown master plan, which is the product that has recently been finalized. That actually looked at a demonstration of what could be done on a lot by lot basis. We don't have the ability to plan in that detail for the entire city. That was a special project that was appropriate for that discreet area described as our downtown. For the rest of the community we do have this Future Land Use map, the General Plan 2020, which is the text document that goes along with it setting out guiding policies and implementation strategies. From that, we implement new ordinances so that we can ensure that the desire of that document is being manifested through our ordinances and then we have to apply it to development in order to achieve that goal.

Allen: I understand that Dawn. Thank you for the clarification, that was just simply a comment.

Warrick: Sure. I just wanted to make sure that everyone understands that we do have some guiding policies and we're not just out there flying without any guidance whatsoever. We do believe that our planning documents are appropriate and we do update them because, like I said, things change over time. It is important that we utilize those for making recommendations and understanding where things can be improved upon and where things are going right.

Shackelford: I would also like to make a comment because I'm in disagreement with a couple of statements that have been made. I don't necessarily view it as developers dictating growth. I think the citizens of Fayetteville dictate the growth through supply and demand. If there wasn't a market for this product developers wouldn't be bringing it to us. There is a need or desire for homes in this price range in this location and the developer is seeing this need and feeling that void. I take issue with the statements that we are allowing developers to tell us how the city is going to develop. I don't view it that way at all. I think it is driven more by economics and the desire for houses in this price range in this area because of the amenities. The close proximity to the interstate, the University of Arkansas and for a number of reasons is what is dictating this much growth in this area. I will tell you, I grew up in Fayetteville and I went to school on the west side of Fayetteville 25 years ago. It is completely different than what it was then. I think 25 years from now it is going to be completely different than what

it is now. We have all seen the census reports and I don't remember exactly, but they call for growth in Northwest Arkansas for 400,000 people in the next 15 or 20 years. That growth is going to require housing and different areas are going to be attractive to people based on amenities, price range and that sort of thing. I think that's what has been driving the growth in West Fayetteville, not the developers desire to be there, but the citizen's desire to live there. Thank you.

Ostner: I certainly hope my comments weren't misunderstood. Of course the land owners simply start the process, of course they don't get to do everything they want to do. They are often turned down and they often stop the process when they come to city hall and realize the zoning map or other requirements that would be on them. I appreciate that comment from Mr. Shackelford. I would tend to agree that the market is driving development.

Clark: What is the rationale for the parallel parking on Ruppel Road as opposed to someplace else? All throughout this report the staff raises great concerns about that and I've got to say I can understand why.

Brackett: The idea there is these homes are rear access through alleys so each home will have a drive in the back to park their vehicles but there won't be any parking allowable on the alley because it will also be serving the trash trucks and all the other public services. To allow for visitors to the homes along Ruppel, instead of having them park on Ruppel, which is a minor arterial, which would be a horrible thing. We are allowing some place for these people to park as they visit these homes. If not, if that is not allowed there is a possibility that they will go down the alley and will park in the alley and that will prevent access for other homes and also provide trash service and things like that. It is allowing for an area for people to park who visit these homes.

Clark: How many potential visitors are we anticipating? How many cars will these facilitate?

Brackett: We initially had one space per every home. They are shown as a double space on the property line so it serves both lots. Because of the existing drainage that is along Ruppel and the problem with it being too close to the intersection of Ruppel and Meadowlands we have scaled that back quite a bit so there is not a space per lot, it is .85 per lot. This parking also, with being close to the Boys and Girls Club, I know that parking is sufficient for now but it could provide off street parking for a special event that happens to be going on there also. This is going to be right off the road so it is not going to be a private deal. It is a possibility of that happening also.

Ostner: The Subdivision Committee discussed that parallel parking issue.

Nock: Going back to the whole idea. I know that there was a question about how to define neo-traditional or new urbanism. This development is a definition if you want to include that. One of those things is that I think it is problematic when you go into communities and you only see the backside of homes. That is one of the primary aspects of neo-traditional new urbanism is where you see not their backyards, not just a big privacy fence, but you actually see porches and people sitting on those porches interacting. Yes, it may seem too idealistic but that is the concept and that is the idea. If we had put the rear end of those homes facing Ruppel Road you know what that would look like, we have that all over town already. The idea is to open up the streetscape, put those homes along there, you are starting first with the fire station. You have a sidewalk with a tree lined street as protection down that way and then you have the Boys and Girls Club on the left hand side and then you have this row of homes with trees out in front with a very narrow setback and then you have the extended setback of the porches along the front. You have an additional buffer with the parallel parking. Our first concept to the city was literally pulling in for visitor parking. That becomes a problematic safety concern for backing out on Ruppel. If you look at some successful city plans, not just Fayetteville, but others where there is more of an urban feel, where you want to see more interaction between people you allow for that parallel parking along the front. Yes, that is expensive just like putting in rear alley access ways is expensive for a developer to put that in but I think the end result is it's an appropriate response to that specific community. Specifically to the Boys and Girls Club. Not every time are you going to have one visitor for every home. That is going to be a very rare occasion so we even think it can be overflow for the Boys and Girls Club if they are having an activity, a community event. Right now, in fact, twice in the last three months the Boys and Girls Club have used our land for overflow parking. When they have a big Easter egg hunt you are going to see parking along there. That promotes that community interaction. Yes, even though it is parking for the housing I see it as parking for the community. Not every space is going to be used all the time for visitors but it is to promote instead, that interaction.

Vaught: In addition, one thing I thought about was just a concern about traffic on Ruppel Road and the speed of it. One thing that we talked about at length during the downtown master plan project was the use of on street parking as a traffic calming measure. Cars tend to slow down with on street parking there and I think that that can possibly help in this area, especially with the pedestrian traffic of the Boys and Girls Club. To me, that's one thing I considered. That was something that if you guys were able to be a part of that plan they talked about at considerable length and we talked

about the use of downtown streets now and creating on street parking on some of them that don't have it.

Ostner: I would agree. The facing outwards that the developer has referred to in my mind is very important. When developments turn inward and wall off themselves I don't think they work well. A development to the west is the unfortunate "concrete canyon" that has a street that nobody faces and then there is a fence on one side and a fence on the other. It is not the developer's fault. In a way he was following our ordinances. This developer has chosen to face outward and I believe it is a great thing. It does interact and the parallel parking will help to slow down traffic.

Anthes: I have a list of questions. Some for Mrs. Warrick, some for Mr. Nock. Dawn, can you remind us what is the number of units allowed by the current zoning?

Warrick: The current zoning allows a density of 7.2 units per acre, which would be a total of 301 units. The proposal is for 260 units, 41 units less than what is permitted by right.

Anthes: Thank you. John, on the street widths, I saw something in a letter that indicated that you were proposing the 28' standard street width because it was easier or something like that. Can you elaborate?

Nock: I wanted 24' wide streets for much narrower streets. Unfortunately, there are certain constraints with the City of Fayetteville. You have to pick your battles. As those who have participated in other forums recently about some of our planning practices one of the concerns is wide streets tend to allow freeways. Originally our concept was to do 24' wide streets with one side parallel parking and after much debate we thought at least we can step forward with the setbacks and bring the setbacks closer. One of the driving points of this was in working with the treescape along the streets. We could still allow for the parking on the side of the streets, I'm talking about the interior streets now, still allow for two cars to pass one another in opposite directions, have parallel parking on one side of the street, as in most urban situations, and at the same time still have your greenspace and still have enough setback for the housing. You're right, I still would rather have 24' streets. But I think under our current planning in the City of Fayetteville I think that's difficult to do. Dover Kohl, as we have eluded to the master plan that has been talked about for the downtown address narrower streets as being a way to promote better traffic calming. There are other ways to do that as well. What we try to do instead was to make, as you will notice the radius of the turns of the streets, they are much tighter. That was with much negotiation and very much good help from the city engineering to do that. What would be done in most developments is just a very wide arc. As you can see this is very

tight, which again, slows down that traffic. In response, yes, we were looking at a much tighter but we ended up doing this because it was probably, we thought, the only battle that we could know would get done that way.

Anthes: Ok, a question for Mr. Coover. As this is a PZD but these will be city streets, do we have any leeway to talk about a narrower street in this situation?

Coover: I see no problem from an engineering standpoint if that's what you are asking.

Anthes: Dawn, can you tell us something about that?

Warrick: The only thing I can lend to that is I think that it can possibly be done. Obviously, we have 24' streets in other areas of town that have residential developments. There are a few areas in here that it would be a little challenging to provide a transition that would certainly have to be engineered because there are connections from adjoining developments into this project that those adjoining developments already have either 31' or 28' wide streets. That would take a little bit of work. That doesn't mean it couldn't happen. Our street standards that are a part of our adopted Master Street Plan call for a 24' street to satisfy no more than 300 to 500 vehicle trips per day. That's probably the biggest challenge in ensuring that those streets are going to function with the amount of vehicle trips that would be generated by this particular development. Like I said, there are other areas of town that are relatively densely developed with residential projects and they function.

Anthes: Personally I would like to see narrower streets in this subdivision and also I understand that there is 4' sidewalks and if we can take 2' to 4' out of the width of either street and add a foot on either side and get that sidewalk to 5' to encourage kids on bicycles and pedestrian movement and that sort of thing that would be something that I would really like to see. Would you be amenable to that?

Nock: I would consider that done.

Anthes: Alleys, how wide are they?

Nock: We have 20' right of way with actual paved, 16'. That is to accommodate two vehicles could potentially pass each other if need be. We have talked about the idea of just doing one way on the alleys but you get into some problematic issues because you still have to have all your service vehicles go back there. Mainly the largest one is the city sanitation trucks and they also have the armature that has to get the cans. Even if we narrowed those

alleys we still have to accommodate the trucks. We talked about making those narrower too but I think just out of service perspective that it probably has to be wider.

Anthes: Who is going to maintain those alleys?

Nock: It will be the city.

Anthes: So those will be to a spec?

Nock: It will be to city standards.

Anthes: I don't have a copy of your subdivision covenants but I had a few questions. We're talking about a building setback but I don't see that called out anywhere and I was wondering whether you are having a mandatory setback or whether you are calling it a build to line and how far back that is.

Nock: It will be a build to line.

Anthes: Do you know what that is?

Brackett: On the front of all the lots other than those along Ruppel it will be 5'. Because of an existing 20' utility easement along Ruppel it will be 20' on Ruppel.

Anthes: The other thing is you've talked about minimum square footages and have you considered putting a maximum square footage in your covenants?

Nock: I think that is going to be required just simply from the economics of it. We certainly could do that because some of them are two family. There are a small amount of them that are duplex lots. There's only so much you can put on these lots to make them work. Because they are zero lot lines you are also dealing with a property line on at least one side. There is a point where it would not make sense to go any larger.

Anthes: The reason I ask is because we have had a lot of developments that have come through the city that there was an intended size of house for the lots and there was a minimum put in the subdivision covenants and then what happens is it is such a desirable area that the lots have been really overbuilt with houses that were really much larger than what was intended by the developer originally. You have such tight constraints here I wondered whether that would be something that you would consider.

Nock: It might not be required but we would not be opposed to doing that. It seems like it is doing that automatically. That's fairly easy to accommodate.

Anthes: I'm glad that you left the designation for a home occupation to be permitted.

Nock: We think that's important.

Anthes: The on street parking at Ruppel Road, I think that that is, as other people have stated, positive measure that those residences face the street. It is a much more urban pattern. It is a much more dense area. To address what Commissioner Allen and other people have talked about is we do have a situation where we have when we cross I-540 that's basically a "sprawl area". Once we put the Boys and Girls Club out there we kind of, as a city, made a mandate for that to happen. If there is the Boys and Girls Club and there is the fire station and there is the possibility that there might be the school then those things should be easily accessed by foot by children and by residents which seems to make a case for me to see density at those locations. With that, I would like to move for approval of PZD 04-06.00 subject to the conditions of approval and with the addition of a condition that the street widths be reduced working with city engineering and staff to something between 24' and 26', whichever works out the best. That the sidewalks be 5' instead of 4'.

Nock: There is just one thing. In that analysis of the width of the street we want to make sure that we can still allow onsite parking so if we were very rigid with on street parking. If we were real rigid with the rules you would not be able to have a two way street and parking on one side. In most urban scenarios you do allow because you don't always have one side of the street completely lined with cars. We want to make sure that that flexibility is there because we would be defeating one of the primary purposes for visitor parking.

Anthes: I absolutely agree with you and I need to put that into the statement that is that that would be two drive aisles and one side of on street parking. I see that as a 9, 9, 8 situation.

Brackett: If we could just make that motion something that we could work out with staff because it is our intent for a smaller street. If we could work this out with staff to make sure that that is enough room. The reason we don't have it is because it wasn't allowed through staff.

Nock: If I could add one more thing. This main street, Keats Drive would be a wider street, because that is one of your primary access points as well as connection to the other developments, which would be Putting Green

Drive and Daffodil Lane as well as Meadowland Drive. Those would all have to match the current widths of roads that are already there. The other ones it would be perfect for that.

Anthes: Alright, with the condition of approval number 16 to read with secondary streets *TAPE ENDED, MOTIONER CONTINUED??* made feasible by the developer and city staff.

Warrick: We can make that work.

Anthes: With the endorsement of condition one which is the parking on Ruppel Road.

Shackelford: I will second, and would also like to take this moment to ask the applicant since we haven't formally done so, do we have signed conditions of approval or are you guys in agreement with all of the stated conditions?

Nock: Yes.

Shackelford: Ok, I will second.

Ostner: I have a question. On page 2.32 talking about your covenants, I know this seems like a silly detail. How are the mailboxes going to be along Ruppel?

Nock: That is not a silly detail because in the development directly to the west, northwest, which is Meadowlands. Some of this has to be worked out not with our authority but with the authority of the almighty post office service. It was originally designed, in that development; I was not involved with that development process but it was designed for every home to have a matching masonry mailbox in front of that property to match the masonry. We are not going to that detail but we are looking for uniformity. That is another one of these nostalgic interesting details in this type of neighborhood. It is going to be our wish, so long as we comply with the almighty post office, that each home will have it's own mailbox along the perimeter of the street. Again, it promotes going out to the mailbox at the same time and talking to your neighbor.

Ostner: My question was more rudimentary. In my neighborhood we get in trouble. We get fines if we park in front of our mailbox because he can't pull up and put the mail in. Along Ruppel that seems problematic. It could be problematic anywhere in town but it is usually problematic.

Nock: Ideally along Ruppel, again, if we could get that approved, it would either be one box for that whole group or it would be a very old style porch drop. We would not want to put mailboxes along Ruppel Road, that would be

the one exception to what I said. On the other hand, let's keep in mind although we have been talking about parking along these other streets part of the covenants is very much spelling out that the owners or residents of these homes will be required to park in the alleys and preferably in the garages. The occasional car that will be parked along in front of the houses on the street should be occasional, not all the time. That would be the hope anyway. That would be mandated by the covenants as well.

Ostner: My other question is on down your covenants, number 22, all lots shall be required to have two trees planted. You don't really talk about where. If you are building streetscapes it seems to me that it should be uniform. They could put it in the greenspace or in their yard. There are some modifications on the covenants and one of those things that we will actually be defining is a direct placement of trees. That may sound very rigid but in this particular case we want a specific spot where that tree will go because we are looking for uniformity. In a lot of developments you don't want uniformity but in this one we do for that very reason.

Brackett: The difference between the greenspace and the front yard is really nothing in this development because the home is 5' off the right of way. In looking at it there is not a big distinction between, it's all one area.

Ostner: I was just talking from the streetscape standpoint. Along Ruppel there is not quite 30' between the curb and the building and that gives a lot of places.

Nock: We have had direct conversations with the city, especially on the tree side about where those need to be placed so I think we have fairly narrowed that down.

Warrick: Condition eight is the submittal of a street tree planting plan at the time of Final Plat. We do expect this development to have that street presence that is being described in the covenants and the comments of the developer and with that part of the mitigation will be street tree plantings and we will look for that plan to be submitted at the time of Final Plat.

Clark: I don't think Jill followed up on this one but I think it is a great idea. Will you consider putting maximum square footage allowed in the covenants as well?

Nock: Sure, as long as it is reasonable.

Brackett: The lot area itself will dictate the size of the home also. It is such a different design concept that you really can't put a 3,000 sq.ft. home on these lots.

- Nock: A stroke of a pen will take out all uncertainty.
- Ostner: I'm sorry to have waited this long to have brought this up. Use Unit 10 I believe is for triplexes and you call out Use Unit 9 or 10 on 39 lots. That increases density mathematically at least and I just wanted to talk about that.
- Nock: There is only one case where that could probably be done and that is on lot 164 and possibly lot 165. The reason why that uncertainty was there is we were still working at the time with the city. They are going to be using that rear access alley for a secondary entrance to the fire station. In some ways we were unsure exactly where those property lines were going to be and would still like to reserve that right to be able to do that if it makes sense to do that in that particular case although there is no current plan to do so right now.
- Ostner: On the issue of triplexes you are only talking two lots?
- Nock: I don't think it is physically possible anywhere else. Potentially 171 but again, by the time you get vantage points and cars it is probably not doable there.
- Ostner: The only reason I bring this up is that since this is going forward to Council it will become a legislative act. The math is different. The way it is worded now all 39 lots could be triplexes which brings the density up to 7.14 units per acre.
- Nock: That would not be the intent. Why don't we reserve it to those three lots and that makes it pretty clear.
- Ostner: I would like to add a condition of approval number 17 that the potential triplexes only be lots 164, 165, and 171.
- Anthes: I'm agreeable.
- Shackelford: I'm agreeable.
- Ostner: Is that acceptable?
- Nock: If we heard you correctly those three would be the allowance.
- Ostner: Yes. That's the end of my comments. Is there further discussion? Renee?
- Roll Call:** Upon the completion of roll call the motion to recommend approval of R-PZD 04-06.00 to the City Council was approved by a vote of 9-0-0.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

C. 5
R-PZD 04-06.00 (John Nock)
Page 66 of 66 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

June 1, 2004

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

R-PZD was submitted by Chris Brackett of Jorgensen & Associates on behalf of John Nock of Nock Investments, LLC for property located on Ruppel Road, south of Wedington Drive. The property is currently zoned RT-12, Residential Two and Three-family, and RSF-4, Residential Single-family, 4 units per acre, and contains approximately 41.70 acres. The request is to rezone the subject property to a Residential Planned Zoning District to allow the development of a residential subdivision with 182 single family and 39 two-family lots (260 dwelling units) proposed.

STAFF RECOMMENDATION: Approval.

Division Head

Date

City Attorney

Date

Department Director

Date

Finance & Internal Services Dir.

Date

Chief Administrative Officer

Date

Mayor

Date

Received in Mayor's Office

5/17/04
Date P.H.

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF May 18, 2004

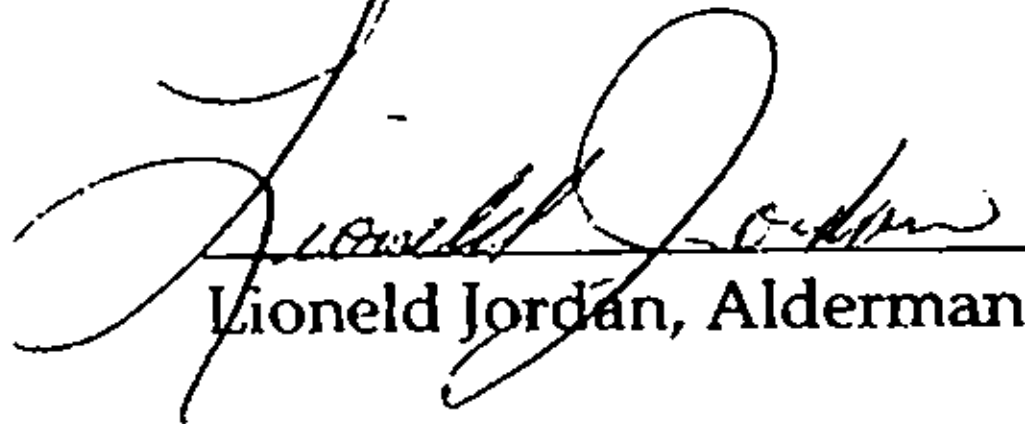
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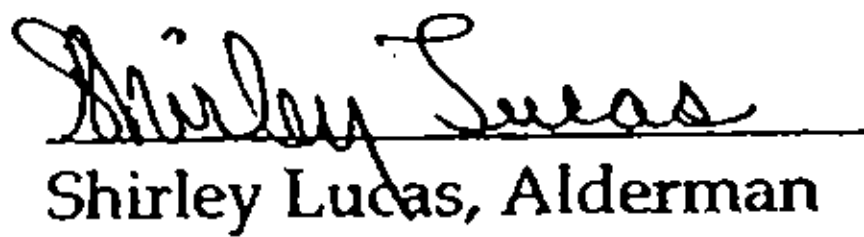
ALDERMAN LIONELD JORDAN
ALDERMAN SHIRLEY LUCAS

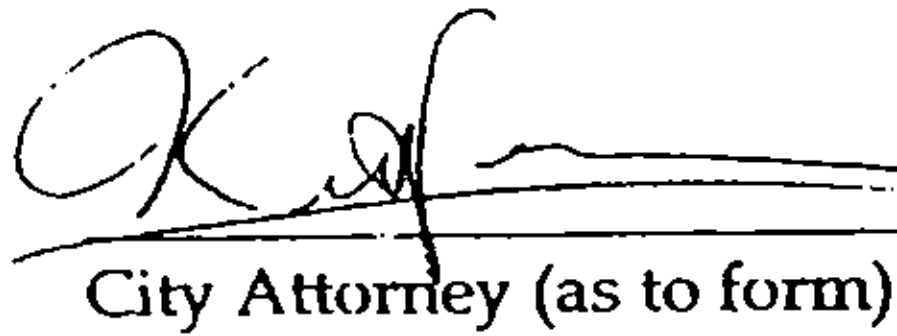
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Annex Into The City Of Fayetteville, Arkansas Certain Lands Completely
Surrounded By The Incorporated Limits Of Fayetteville

APPROVED FOR AGENDA:


Lioneld Jordan, Alderman 5/4/04
Date


Shirley Lucas, Alderman 5/4/04
Date


City Attorney (as to form) 5/4/04
Date

RESOLUTION NO. _____

A RESOLUTION TO PROPOSE AN ORDINANCE CALLING
FOR THE ANNEXATION OF A LARGE PARCEL OF LAND
COMPLETELY SURROUNDED BY THE INCORPORATED
LIMITS OF FAYETTEVILLE

WHEREAS, whenever the incorporated limits of Fayetteville have completely surrounded an unincorporated area, the City Council may propose an ordinance calling for the annexation of the land surrounded by the municipality; and

WHEREAS, the adopted Annexation Policy of the 2020 Plan recommends annexation of these "islands" of unincorporated areas completely surrounded by our city limits; and

WHEREAS, the state law requires the City to propose an ordinance calling for such ordinance prior to a public hearing thereon and prior to bringing the proposed ordinance up for a vote.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby proposes the attached ordinance calling for the annexation of an "island" of unincorporated land owned by Gary Combs south of Highway 16 East which is completely surrounded by the Fayetteville City limits will be considered for approval at a future City Council meeting after a public hearing is held on this annexation proposal.

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX INTO THE CITY OF
FAYETTEVILLE, ARKANSAS CERTAIN LANDS
COMPLETELY SURROUNDED BY THE INCORPORATED
LIMITS OF FAYETTEVILLE

WHEREAS, the annexation policy of the City of Fayetteville adopted by the City Council is to annex those parcels of land which have become completely surrounded by the incorporated limits of Fayetteville; and

WHEREAS, after annexation into the City of Fayetteville, the inhabitants of those lands will be afforded the same services of police and fire protection and solid waste collection as current citizens of Fayetteville enjoy; and

WHEREAS, all of the lands identified in Exhibit A (legal description) and Exhibit B (map) comply with at least one of the five requirements for annexation stated in A.C.A. §14-40-302; and

WHEREAS, at the time of the adoption of this ordinance, the highest and best use of these lands is NOT for agricultural or horticultural purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby annexes into the City of Fayetteville, Arkansas the lands identified in Exhibit A (map) and Exhibit B (legal description).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby assigns the zoning of these lands to be RSF-1, Residential Single Family, one unit per acre.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby assigns the parcels identified as numbers 001-11225-000 (also: 765-14261-000), 001-11227-000 (also: 765-14254-000), 001-11228-000 (also: 765-14259-000), 001-11230-000, 001-11228-001 (also: 765-14259-002), 001-11222-000, 098-00002-000, 098-00003-000, 098-00004-000, 098-00005-000, 098-00001-000; 001-10800-000 on Exhibit "A" to Ward 1.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

GROUP 2
ANNEXATIONS

DESCRIPTION 1:

A part of Section 13, Township 16 North, Range 30 West, and a part of Section 24, Township 16 North, Range 30 West, all within Washington County, Arkansas, and being more particularly described as follows: Commencing at the Northwest corner of said Section 24-16-30, thence with the West line of said Section 24, South 02° 23' 30" West 416.373 feet, to the Point of Beginning; thence leaving said West line, North 75° 13' 48" East 1538.898 feet; thence North 80° 28' 00" East 749.5 feet; thence South 86° 27' 31" East 867.76 feet; thence South 71° 46' 23" East 983.14 feet; thence South 54° 41' 30" East 1215.993 feet; thence South 37° 46' 39" West 39.623 feet; thence continuing South 37° 46' 39" West 177.544 feet; thence South 37° 46' 37" West 228.627 feet; thence South 41° 09' 31" West 39.666 feet; thence South 34° 06' 05" West 244.482 feet; thence continuing South 34° 06' 05" West 408.187 feet; thence South 67° 18' 28" West 137.576 feet; thence South 53° 59' 01" West 473.769 feet; thence South 51° 14' 15" West 518.811 feet; thence South 56° 45' 51" West 65.65 feet; thence South 70° 59' 14" West 55.225 feet; thence North 83° 00' 12" West 51.695 feet; thence North 71° 13' 45" West 194.196 feet; thence North 68° 32' 03" West 182.469 feet; thence North 54° 11' 11" West 392.21 feet; thence North 38° 47' 53" West 60.794 feet; thence North 38° 48' 06" West 10.727 feet; thence North 17° 39' 43" West 145.382 feet; thence North 28° 45' 24" West 95.427 feet; thence North 36° 49' 44" West 169.697 feet; thence North 49° 07' 07" West 94.415 feet; thence North 76° 51' 28" West 98.911 feet; thence South 81° 28' 28" West 127.434 feet; thence North 84° 41' 01" West 215.53 feet; thence South 77° 13' 48" West 89.532 feet; thence North 85° 47' 17" West 159.223 feet; thence South 86° 20' 07" West 70.358 feet; thence North 52° 08' 42" West 112.869 feet; thence North 34° 40' 14" West 199.389 feet; thence North 73° 09' 20" West 70.575 feet; thence North 73° 09' 24" West 134.362 feet; thence North 73° 09' 25" West 33.056 feet; thence North 09° 30' 11" West 380.52 feet; thence North 34° 00' 11" West 346.501 feet; thence North 47° 00' 11" West 494.999 feet; thence South 81° 46' 49" West 508.668 feet; thence North 02° 23' 28" East 99.474 feet, to the Point of Beginning and containing 168.747 acres, more or less.

DESCRIPTION 2:

A part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows: Beginning at the Northwest corner of said SW¼ of the NW¼ of Section 21, thence with the North line of said SW¼ of the NW¼, South 87° 01' 27" East 331.225 feet; thence leaving said North line, South 38° 41' 25" East 1090.34 feet; thence North 80° 20' 26" West 144.262 feet; thence North 80° 50' 23" West 59.167 feet; thence North 81° 50' 24" West 59.166 feet; thence North 82° 50' 25" West 59.165 feet; thence North 83° 50' 27" West 59.165 feet; thence North 84° 50' 25" West 59.168 feet; thence North 85° 50' 24" West 59.165 feet; thence North 86° 50' 29" West 59.166 feet; thence North 87° 57' 05" West 72.479 feet; thence North 88° 33' 55" West 425.473 feet, to a point on the West line of said SW¼ of the NW¼; thence with said West line, North 02° 51' 00" East 787.357 feet, to the Point of Beginning and containing 12.232 acres, more or less.



Group 2, Description 1

0 350 700 1,400 2,100 2,800 Feet

Date of Imagery: Feb. 14, 2000



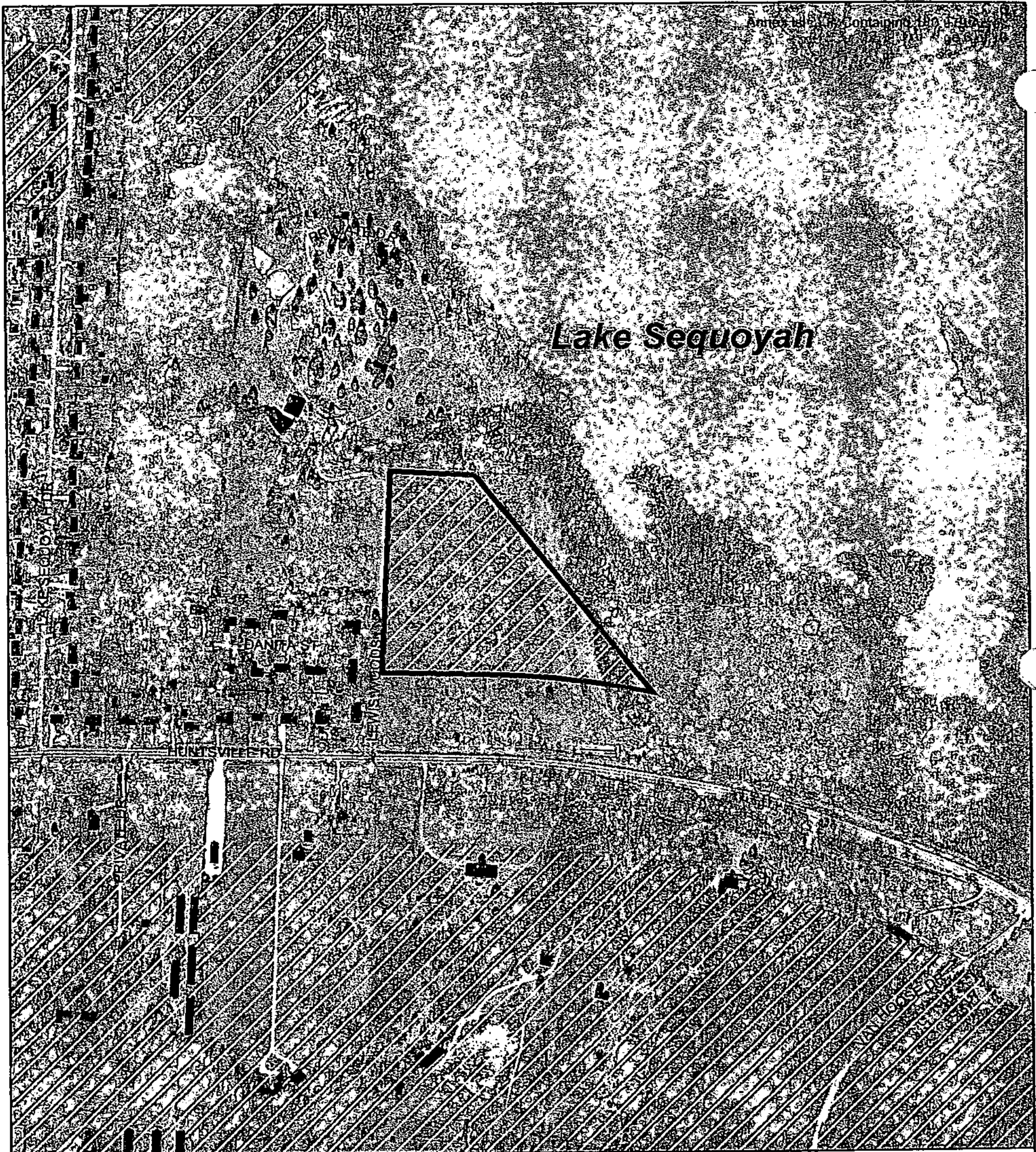
Outside City of Fayetteville



Area to be Annexed

○ City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE



Group 2, Description 2

0 205 410 820 1,230 1,640 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville



Area to be Annexed

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

DAVID J. WHITAKER
Assistant City Attorney

Judy Housley
Office Manager

Phone (479) 575-8313

FAX (479) 575-8315



113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

May 18, 2004

Honorable John Everett
Everett Law Firm
P.O. Box 8370
Fayetteville, AR 72702-8370

Dear John:

I am enclosing your letter expressing your client's desire not to be annexed in the City Council Agenda packet. Since I have been informed that your client's land is totally surrounded by the incorporated limits of Fayetteville, its annexation is governed by A.C.A. §14-40-501, 502 and 503. No public election is necessary if the City Council votes for annexation of "islands."

Your client certainly has a right to resist annexation politically during the "public hearing" required by A.C.A. §14-40-502, at City Council meetings and otherwise. If the City Council decides to annex Mr. Combs' land despite his objections, you are correct that the City Council's ordinance can be challenged in Circuit Court.

Thank you for letting me know promptly that Mr. Combs objects to his land being brought into the City. This is information the City Council should consider during their deliberations on the ordinance that would annex his property.

With kindest regards,



KIT WILLIAMS
Fayetteville City Attorney

KW/jh
cc: Fayetteville City Council

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May 17, 2004

Kit Williams
Fayetteville City Attorney
113 West Mountain Street
Suite 302
Fayetteville, AR 72701-6083

Dear Kit:

Hugh Earnest and Tim Conklin of the City of Fayetteville have written a letter of May 6, 2004, to several property owners advising the property owners of an upcoming annexation. One of the recipients of that letter is Gary Combs, my client.

Mr. Combs owns several hundred acres of property situated generally in south Fayetteville; despite the assertions of the letter Mr. Combs' property is not an "island"; his property is accessed by a bridge which we have been trying to get the City to repair since the earth cooled with no luck; and he has no interest in being a part of the City of Fayetteville, Arkansas.

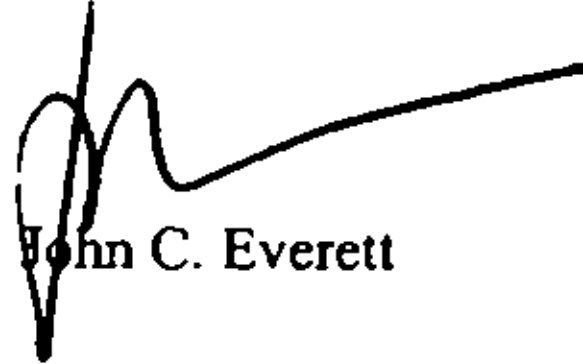
I have researched the matter of the City's authority to annex property and discover that your authority is not as clear as I initially thought it was. I do not believe that Mr. Combs' property fits any of the statutory criteria for the annexation and I have been instructed by him to oppose that effort at all levels. I simply wanted to put you on notice that Mr. Combs will not suffer the annexation of his property by the City of Fayetteville without a fight. I recognize that, procedurally, I am not able to do anything about this unless and until the ordinance is passed and the election is held but, at that point, I will seek to nullify the election assuming it is in favor of annexation.

I simply wanted to put you on notice of this now.

Kit Williams
May 17, 2004
Page Two

Sincerely,

EVERETT LAW FIRM

A handwritten signature in black ink, appearing to be 'John C. Everett', with a long horizontal stroke extending to the right.

JCE:tcw
cc: Gary Combs

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

June 1, 2004

FROM:

Tim Conklin

Comm. Planning & Engr. Svcs.

CP&E

Name

Division

Department

ACTION REQUIRED: Approval of an ordinance to annex the unincorporated areas completely surrounded by the City of Fayetteville City Limits pursuant to A.C.A. §14-40-501.

SUMMARY EXPLANATION:

Annexation of unincorporated areas, "islands", located within the City of Fayetteville corporate boundaries as described in the General Plan 2020, 2001 update, annexing approximately 180.979 acres into the corporate city limits of the City of Fayetteville, Arkansas.

STAFF RECOMMENDATION: Approval.

Received in Mayor's Office

5/17/04
Date P.H.

Division Head

Date

[Signature]
City Attorney

5-14-04

Date

[Signature]
Department Director

5-14-04

Date

[Signature]
Finance & Internal Services Dir.

5-14-04

Date

[Signature]
Chief Administrative Officer

5-16-04

Date

[Signature]
Mayor

5/18/04

Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF May 18, 2004

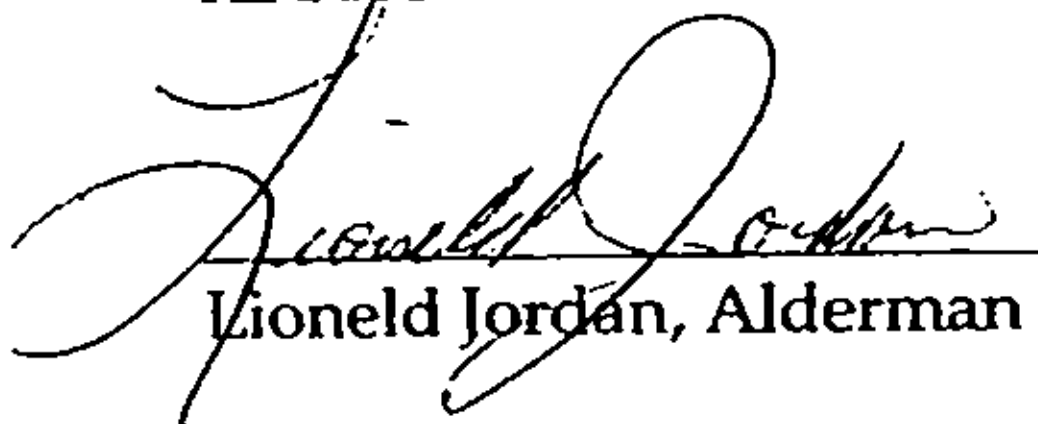
FROM:

ALDERMAN LIONELD JORDAN
ALDERMAN SHIRLEY LUCAS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Annex Into The City Of Fayetteville, Arkansas Certain Lands Completely
Surrounded By The Incorporated Limits Of Fayetteville

APPROVED FOR AGENDA:


Lioneld Jordan, Alderman 5/4/04
Date


Shirley Lucas, Alderman 5/4/04
Date


City Attorney (as to form) 5/4/04
Date

RESOLUTION NO. _____

A RESOLUTION TO PROPOSE AN ORDINANCE CALLING
FOR THE ANNEXATION OF SEVERAL PARCELS OF LAND
COMPLETELY SURROUNDED BY THE INCORPORATED
LIMITS OF FAYETTEVILLE

WHEREAS, whenever the incorporated limits of Fayetteville have completely surrounded an unincorporated area, the City Council may propose an ordinance calling for the annexation of the land surrounded by the municipality; and

WHEREAS, the adopted Annexation Policy of the 2020 Plan recommends annexation of these "islands" of unincorporated areas completely surrounded by our city limits; and

WHEREAS, the state law requires the City to propose an ordinance calling for such ordinance prior to a public hearing thereon and prior to bringing the proposed ordinance up for a vote.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby proposes the attached ordinance calling for the annexation of several "islands" of unincorporated land completely surrounded by the Fayetteville City limits will be considered for approval at a future City Council meeting after a public hearing is held on this annexation proposal.

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX INTO THE CITY OF
FAYETTEVILLE, ARKANSAS CERTAIN LANDS
COMPLETELY SURROUNDED BY THE INCORPORATED
LIMITS OF FAYETTEVILLE

WHEREAS, the annexation policy of the City of Fayetteville adopted by the City Council is to annex those parcels of land which have become completely surrounded by the incorporated limits of Fayetteville; and

WHEREAS, after annexation into the City of Fayetteville, the inhabitants of those lands will be afforded the same services of police and fire protection and solid waste collection as current citizens of Fayetteville enjoy; and

WHEREAS, all of the lands identified in Exhibit A (legal descriptions) and Exhibit B (map) comply with at least one of the five requirements for annexation stated in A.C.A. §14-40-302; and

WHEREAS, at the time of the adoption of this ordinance, the highest and best use of these lands is NOT for agricultural or horticultural purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby annexes into the City of Fayetteville, Arkansas the lands identified in Exhibit A (map) and Exhibit B (legal description).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby assigns the zoning of these lands to be RSF-1, Residential Single Family, one unit per acre.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby assigns the parcels identified as numbers 001-10695-000; 001-10677-002, 001-11176-000, 001-11176-002, 001-11177-000; 001-10757-001, (also: 765-13158-001), 001-10763-000, 001-10764-000, 765-13156-000 on Exhibit "A" to Ward 1.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby assigns the parcels identified as numbers 001-16815-000, 001-16828-000, 765-16658-020, 765-16658-000; 001-16823-000 (also: 765-13599-000), 001-16823-001, 001-16823-002 (also: 765-13599-001), 001-16825-001, 001-16826-000, 001-16826-001; 001-11380-004, 001-11380-003; 001-11380-001, 001-11381-000, 001-11380-002, 001-11380-010, 001-11380-021, 001-11380-011, (also: 765-13649-010), 001-11380-020, 001-11396-000, 001-11396-010, 001-

11394-000, (also: 765-13649-000), 001-11398-000, (also: 765-13648-000), 001-11395-000, 001-11397-000, 001-11399-000, 001-11401-000, 001-11401-001, 001-11401-002, 001-11401-003, 001-11401-004, 001-11401-005, 001-11401-006, 001-11401-007, 001-11402-000, 001-11756-000, 001-11766-000, 001-11757-000, 001-11758-000, 001-11762-000, 001-11760-001, 001-11765-000, 001-11765-001, 001-11763-000, 001-11764-000, 001-11830-000; 765-16177-001, 765-21425-000 on Exhibit A to Ward 4.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"

GROUP 3
ANNEXATIONS

DESCRIPTION 1:

A part of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 19, T-16-N, R-29-W, being more particularly described as follows: From the Northwest corner of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 19, thence South 493.5 feet; thence South 88° 47' East 2.1 feet to a point in a North/South fence line for the Point of Beginning; thence leaving said fence line South 88° 47' East 140.00 feet; thence South 00° 01' West 310.0 feet; thence North 88° 47' West 140.00 feet to a point in a North/South fence line; thence along said fence line North 00° 01' East 310.0 feet to the Point of Beginning, containing 1.0 acres, more or less, Washington County, Arkansas. Subject to any easements and/or rights-of-way of record.

DESCRIPTION 2:

A part of the Fractional Northwest Quarter (Frac. NW $\frac{1}{4}$) of the Fractional Northwest Quarter (Frac. NW $\frac{1}{4}$) of Section 19, Township 16 North, Range 29 West, being more particularly described as follows: Commencing at the Northeast corner of said Frac. NW $\frac{1}{4}$ of the Frac. NW $\frac{1}{4}$; thence with the East line of said Frac. NW $\frac{1}{4}$ of the Frac. NW $\frac{1}{4}$, South 02° 42' 13" West 102.37 feet, to the Point of Beginning; thence continuing with said East line, South 02° 42' 13" West 680.322 feet; thence leaving said East line, North 53° 59' 48" West 400.616 feet; thence North 02° 42' 13" East 461.197 feet; thence South 87° 09' 24" East 334.839 feet, to the Point of Beginning and containing 4.387 acres, more or less.

DESCRIPTION 3:

A part of the West half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section One (1), Township Sixteen (16) North, Range Thirty (30) West, and being more particularly described as follows, to-wit: Beginning at a point which is 610.64 feet North of the Southwest corner of said 80 acre tract, and running thence North 886.24 feet, thence N 89° 40' 42" E along the South line of Madison Avenue Subdivision Phase One 1320.56 [feet] to an existing Concrete Monument, thence S 00° 10' 40" E along the West line of Barrington Parke Subdivision Phase Two 884.25 feet, thence S 89° 35' 33" W 1321.72 feet to the point of beginning. Containing 26.83 acres, more or less. Subject to that portion in street right-of-way on the West side of herein described tract, and Utility easements of record.

DESCRIPTION 4:

A part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) and a part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), all within Section 20, Township 16 North, Range 29 West, Washington County, Arkansas, and being more particularly described as follows: Commencing at the Southeast corner of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, thence with the East line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, North 02° 43' 14" East 348.765 feet, to the Point of Beginning; thence leaving said East line, North 87° 40' 13" West 533.538 feet; thence North 02° 19' 02" East 182.616 feet; thence South 87° 40' 30" East 326.019 feet; thence North 02° 44' 11" East 67.45 feet; thence South 87° 04' 24" East 214.571 feet; thence North 02° 15' 25" East 302.075 feet; thence South 87° 44' 35" East 16.307 feet; thence South 02° 02' 54" West 549.959 feet; thence North 87° 40' 03" West 26.104 feet, to the Point of Beginning and containing 2.815 acres, more or less.

DESCRIPTION 5:

A part of Section 32, Township 17 North, Range 30 West, Washington County, Arkansas, and being more particularly described as follows: Commencing at the Southeast corner of said Section 32, thence with the East line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32, North 02° 48' 50" East 756.166 feet, to the Point of Beginning; thence leaving said East line, North 86° 26' 54" West 268.038 feet; thence North 03° 10' 22" East 123.53 feet; thence North 09° 31' 30" West

101.76 feet; thence North 00° 26' 06" East 240.322 feet; thence North 87° 36' 56" West 299.26 feet; thence South 02° 19' 11" West 1220.635 feet, to a point on the South line of the SE¼ of the SE¼ of said Section 32; thence with said South line, North 87° 12' 07" West 164.189 feet; thence continuing with said South line, North 87° 22' 56" West 17.209 feet; thence leaving said South line, North 02° 16' 46" East 1555.31 feet; thence North 12° 39' 20" West 450.48 feet; thence North 87° 39' 20" West 413.912 feet, to a point on the West line of the NE¼ of the SE¼ of Section 32; thence continuing North 87° 39' 20" West 727.747 feet; thence North 03° 39' 20" West 652.458 feet, to a point on the South line of the SW¼ of the NE¼ of Section 32; thence North 03° 39' 46" West 6.042 feet; thence North 76° 32' 00" East 827.293 feet, to a point on the East line of the SW¼ of the NE¼ of Section 32; thence continuing North 76° 32' 00" East 753.384 feet; thence North 02° 01' 40" East 551.886 feet; thence South 86° 56' 51" East 603.925 feet, to a point on the East line of the SE¼ of the NE¼ of said Section 32; thence with said East line, South 02° 28' 11" West 986.15 feet, to the Southeast corner of said SE¼ of the NE¼; thence with the East line of the NE¼ of the SE¼ of said Section 32, South 02° 48' 50" West 1320.2 feet to the Southeast corner of said NE¼ of the SE¼; thence with the East line of the SE¼ of the SE¼ of said Section 32, South 02° 48' 50" West 564.035 feet, to the Point of Beginning and containing 74.913 acres, more or less.

DESCRIPTION 6:

A part of the Southwest Quarter (SW¼) of Section 32, Township 17 North, Range 30 West, and a part of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 31, Township 17 North, Range 30 West, Washington County, Arkansas, and being more particularly described as follows: Beginning at the Northwest corner of Frac. Section 6, Township 16 North, Range 30 West; thence North 04° 08' 08" East 326.674 feet; thence South 87° 42' 24" East 56.877 feet, to a point on the West line of the SW¼ of the SW¼ of said Section 32; thence South 87° 22' 00" East 1325.305 feet, to a point on the West line of the SE¼ of the SW¼ of said Section 32; thence with said West line, North 02° 00' 24" East 994.547 feet, to the Southwest corner of the NE¼ of the SW¼ of said Section 32; thence with the West line of said NE¼ of the SW¼, North 02° 21' 49" East 840.951 feet; thence leaving said West line, South 87° 26' 33" East 1327.59 feet to a point on the East line of said NE¼ of the SW¼; thence South 02° 33' 55" West 843.185 feet to the Northeast corner of the SE¼ of the SW¼ of said Section 32; thence with the East line of said SE¼ of the SW¼, South 02° 12' 19" West 1308.376 feet, to the Southeast corner of said SE¼ of the SW¼; thence with the South line of said SE¼ of the SW¼, North 87° 50' 09" West 1058.127 feet, to the Northeast corner of the SW¼ of the NW¼ of Fractional Section 06, Township 17 North, Range 30 West; thence continuing with said South line North 87° 50' 13" West 261.89 feet, to the Southeast corner of the SW¼ of the SW¼ of said Section 32; thence with the South line of said SW¼ of the SW¼, North 86° 58' 54" West 1320.371 feet, to the Southeast corner of the SE¼ of the SE¼ of said Section 31; thence with the South line of said SE¼ of the SE¼, South 84° 27' 48" West 74.719 feet, to the Point of Beginning and containing 75.745 acres, more or less.

DESCRIPTION 7:

A part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) and a part of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼), all within Section 1, Township 16 North, Range 31 West, all in Washington County, Arkansas, and being more particularly described as follows: Beginning at the Southeast corner of said SE-NW-1-16-31; thence with the South line of said SE-NW-1-16-31, North 87° 20' 37" West 516.99 feet; thence leaving said South line, North 03° 06' 35" East 36.829 feet; thence South 87° 49' 00" East 516.984 feet, to a point on the West line of said SW-NE-1-16-31; thence with said West line, North 03° 01' 47" East 827.072 feet thence leaving said West line, South 87° 15' 51" East 249.883 feet; thence South 03° 00' 16" West 868.309 feet, to a point on the South line of said SW-NE-1-16-31; thence with said South line, North 87° 13' 54" West 250.265 feet, to the Point of Beginning and containing 5.447 acres, more or less.

DESCRIPTION 8:

A part of Section 1, Township 16 North, Range 31 West, and a part of Section 12, Township 16 North, Range 31 West, all within Washington County, Arkansas, and being more particularly described as follows: Beginning at the Southwest corner of the SW-SE-1-16-31; thence with the West line of said SW-SE, North 02° 30' 11" East 1081.23 feet; thence leaving said West line, South 87° 29' 49" East 419.001 feet; thence North 02° 33' 05" East 1560.754 feet, to a point on the North line of the NW-SE-1-16-31; thence with said North line, South 87° 13' 36" East 610.003 feet; thence leaving said North line, North 02° 13' 49" East 613.141 feet; thence South 87° 33' 17" East 183.059 feet; thence South 01° 33' 23" East 713.63 feet; thence South 49° 29' 25" East 94.14 feet; thence South 67° 13' 25" East 122.6 feet; thence North 88° 58' 30" East 31.585 feet; thence North 01° 10' 18" East 692.76 feet; thence South 87° 13' 23" East 1080.42 feet; thence South 00° 56' 20" West 369.001 feet; thence South 88° 05' 31" East 49.527 feet, to a point on the East line of the SE-NE-1-16-31; thence with said East line, South 02° 40' 19" West 129.463 feet to the Southeast corner of said SE-NE; thence with West line of the SW¼ of the NW¼ of Fractional Section 6, Township 16 North, Range 30 West, South 02° 18' 52" West 46.308 feet, to the Northwest corner of the SW¼ of Frac. 6-16-30; thence with the West line of said SW¼ of Frac. 6-16-30, South 01° 34' 25" West 1319.736 feet, to the Northwest corner of the SW-SW of Frac. 6-16-30; thence continuing with the West line of the SW¼ of Frac. 6-16-30, South 02° 45' 30" West 1278.317 feet, to the Southeast corner of 1-16-31; thence continuing with the West line of said SW¼ Frac. 6-16-30, South 02° 45' 30" West 46.196 feet to the Northwest corner of Fractional Section 7, Township 16 North, Range 30 West; thence with the West line of said Frac. 7-16-30, South 02° 04' 36" West 1319.917 feet, to the Northwest corner of the SW-NW of Frac. 7-16-30; thence with the West line of said SW-NW, South 03° 01' 59" West 876.434 feet; thence leaving said West line, North 87° 16' 51" West 680.63 feet; thence North 03° 11' 05" East 107.191 feet; thence North 87° 21' 05" West 1525.79 feet; thence North 02° 41' 34" East 824.971 feet to a point on the North line of the SW-NE-12-16-31; thence with said North line, South 87° 13' 27" East 530.00 feet; thence leaving said North line, North 02° 42' 01" East 123.9 feet; thence South 87° 13' 29" East 17.721 feet; thence North 02° 42' 00" East 247.501 feet; thence South 87° 13' 28" East 329.266 feet, to a point on the East line of the NW-NE-12-16-31; thence with said East line, North 02° 44' 13" East 624.45 feet; thence leaving said East line, North 87° 31' 50" West 877.293 feet; thence North 87° 11' 58" West 421.609 feet, to a point on the West line of the NW-NE-12-16-31; thence with said West line, North 02° 08' 04" East 323.04 feet, to the Point of Beginning and containing 254.352 acres, more or less.

DESCRIPTION 9:

A part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section 15, Township 16 North, Range 31 West, all in Washington County, Arkansas, and being more particularly described as follows: Commencing at the Northwest corner of said NW¼ of the NE¼, thence with the North line of said NW¼ of the NE¼, South 87° 57' 36" East 798.447 feet, to the Point of Beginning; thence continuing with said North line, South 87° 57' 36" East 528.00 feet, to the Northeast corner of said NW¼ of the NE¼; thence with the East line of said NW¼ of the NE¼, South 02° 31' 48" West 330.005 feet; thence leaving said East line, North 87° 57' 35" West 527.997 feet; thence North 02° 31' 46" East 330.003 feet, to the Point of Beginning and containing 4.00 acres, more or less.

DESCRIPTION 10:

A family cemetery 33.0 feet square in the NE¼ of the NW¼, all in Section 11, Township 16 North, Range 31 West, more particularly described as follows: Commencing at the West Quarter Corner of above mentioned Section, thence North 00° 41' 01" East 1430.18 feet along the West line of said Section and thence South 88° 15' 59" East 1814.34 feet to the Point of Beginning; said point being the Southwest corner of said family cemetery; thence North 00° 57' 30" East 33.0 feet; thence South 88° 02' 28" East 33.00 feet; thence South 00° 57' 30" West 33.00 feet; thence North 88° 02' 28" West 33.0 feet to the Point of Beginning and containing 0.02 acres, more or less, Washington County, Arkansas.



Group 3, Description 1

0 145 290 580 870 1,160 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville

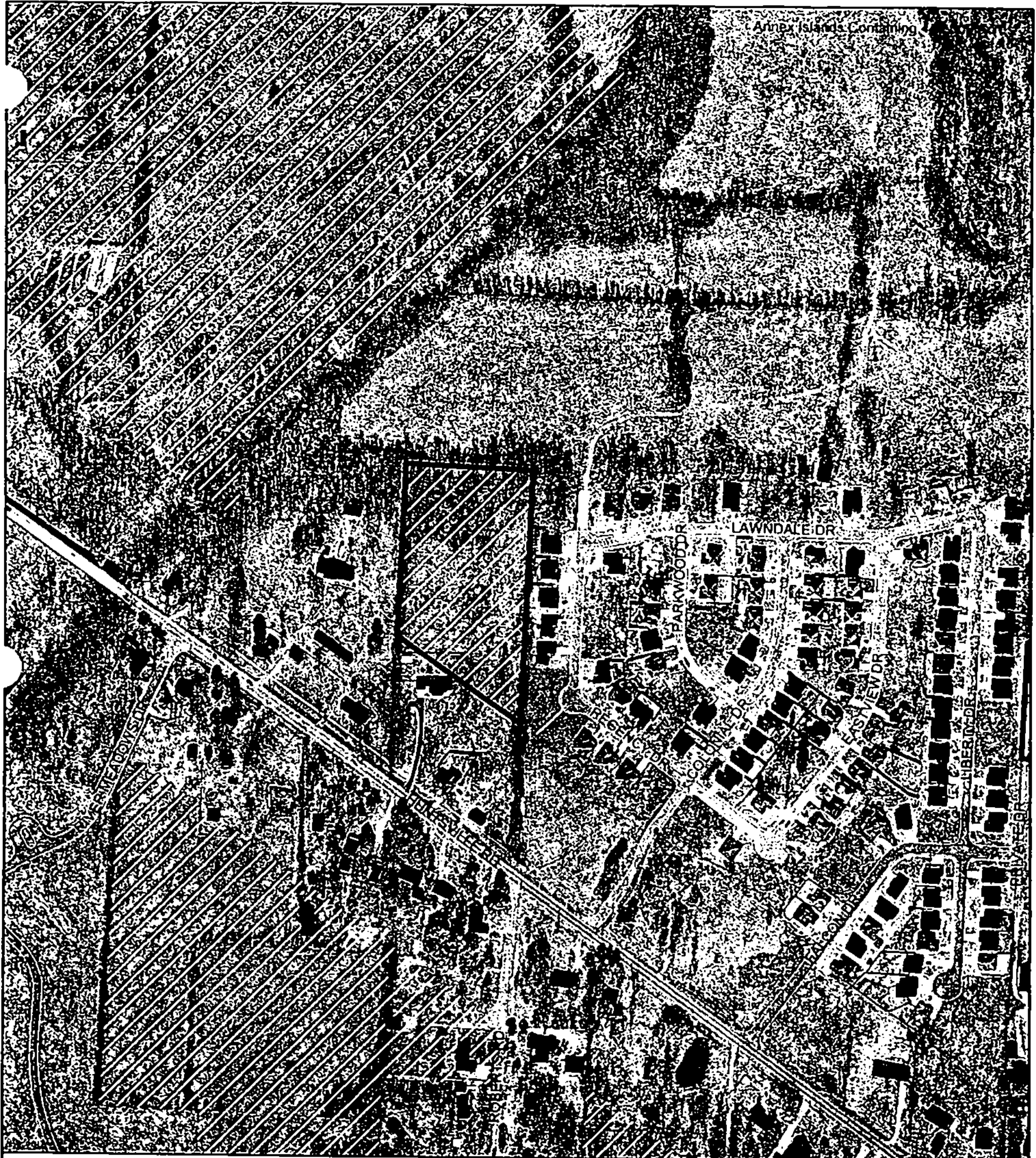


Area to be Annexed



City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE



Group 3, Description 2

0 140 280 560 840 1,120 Feet

Date of Imagery: Feb. 14, 2000

-  Outside City of Fayetteville
-  Area to be Annexed



Group 3, Description 3

0 170 340 680 1,020 1,360 Feet

Date of Imagery: Feb. 14, 2000



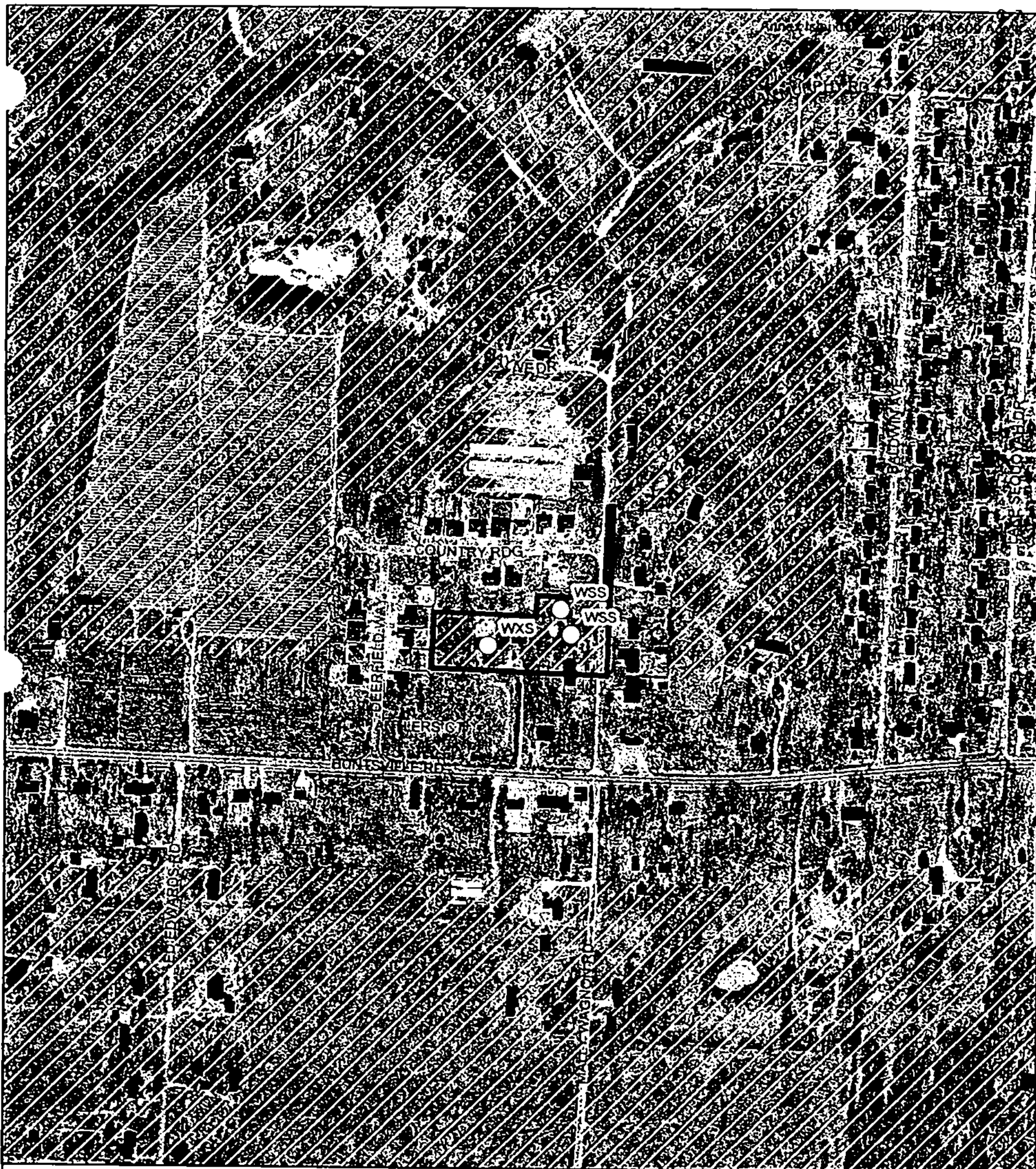
Outside City of Fayetteville



Area to be Annexed

○ City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE



Group 3, Description 4

0 170 340 680 1,020 1,360 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville

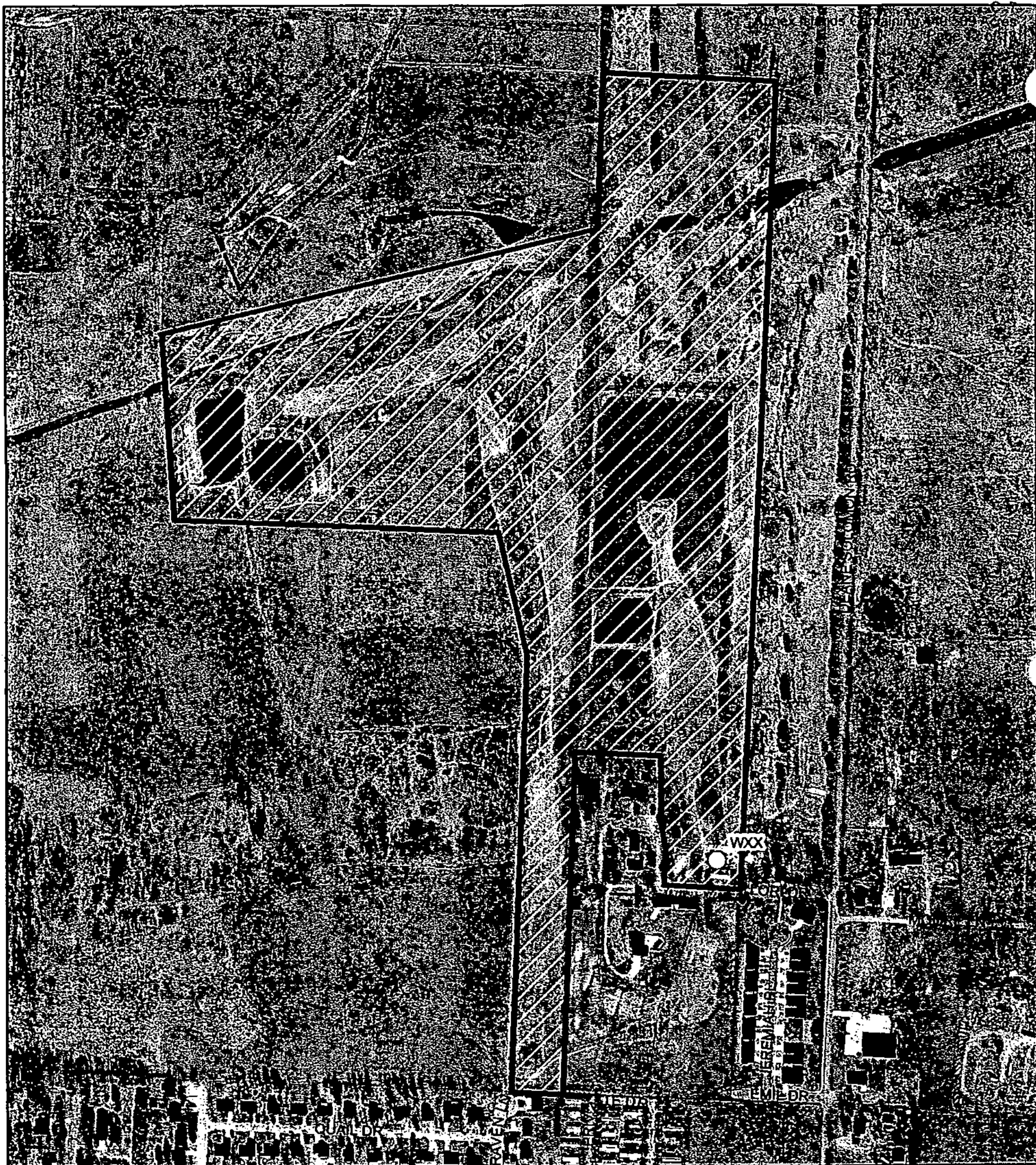


Area to be Annexed



City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE



Group 3, Description 5

0 187.5 375 750 1,125 1,500 Feet

Date of Imagery: Feb. 14, 2000



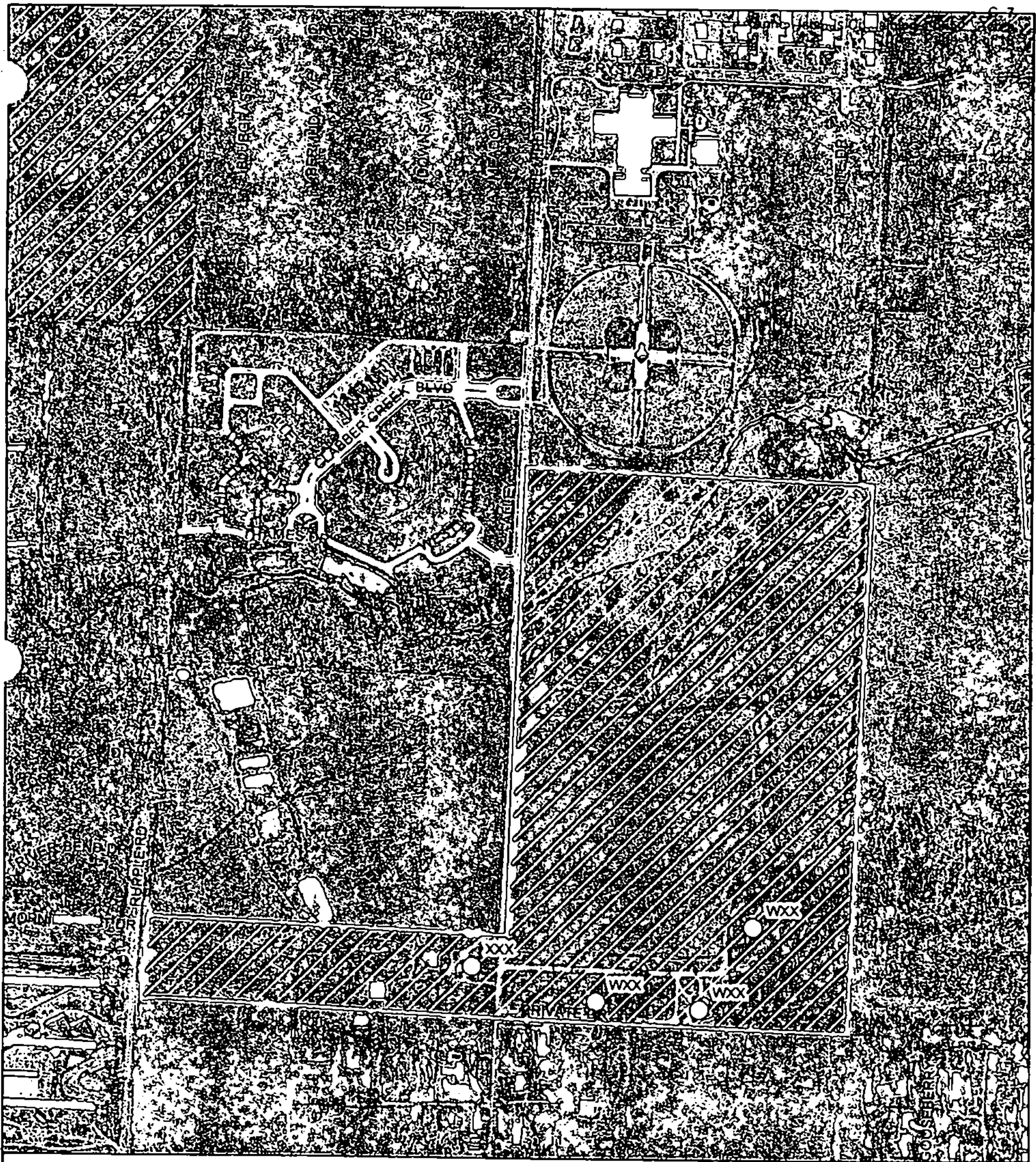
Outside City of Fayetteville



Area to be Annexed

○ City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE



Group 3, Description 6

0 200 400 800 1,200 1,600 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville



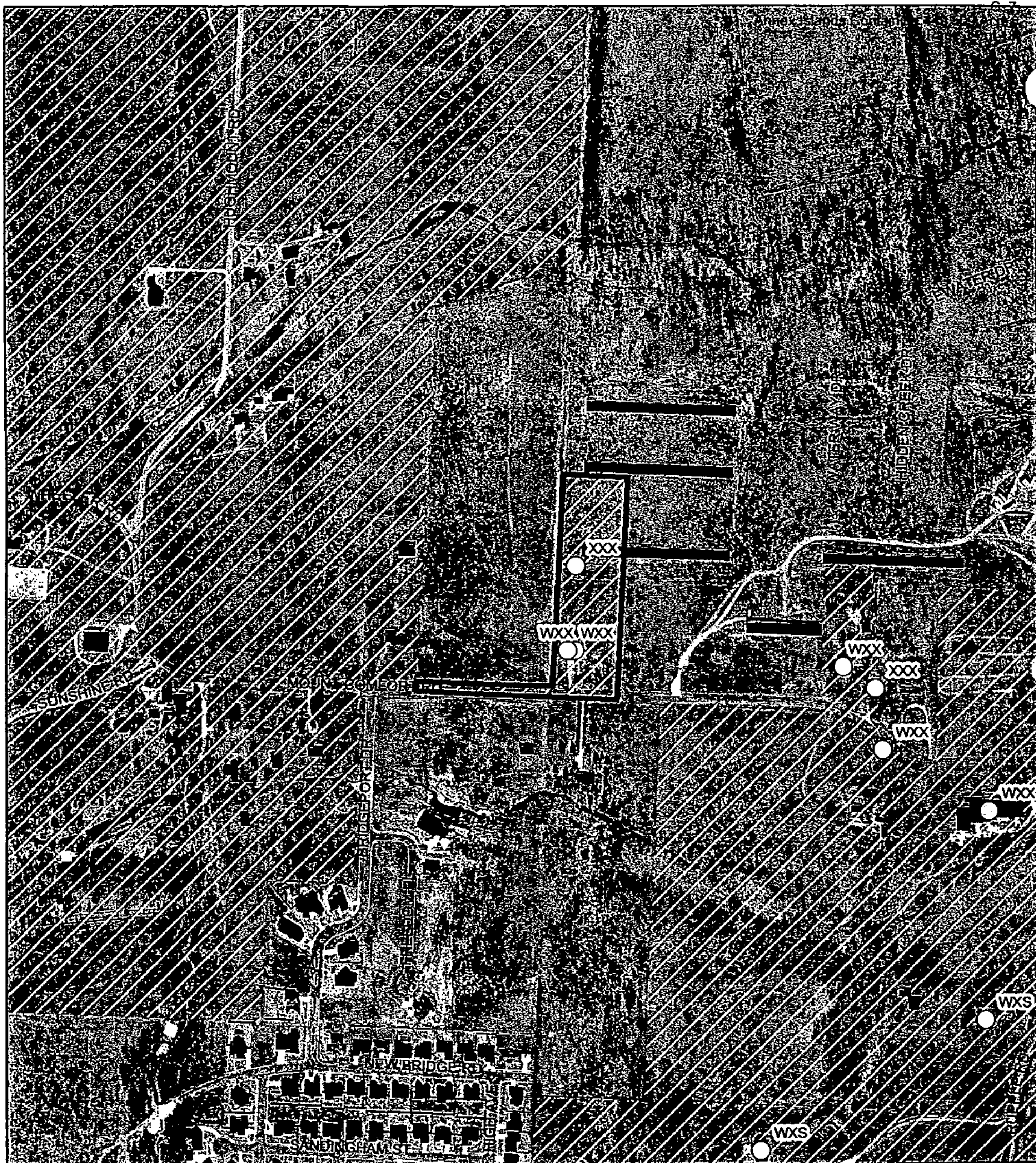
Area to be Annexed



City Service

WSS = Water, Sewer, Solid Waste (respectively)

X = NO SERVICE



Group 3, Description 7

0 212.5 425 850 1,275 1,700 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville



Area to be Annexed

○ City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE



Group 3, Description 8

0 280 560 1,120 1,680 2,240 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville



Area to be Annexed



City Service

WSS = Water, Sewer, Solid Waste (respectively)
X = NO SERVICE



Group 3, Description 10

0 50 100 200 300 400 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville



Area to be Annexed
(Offset from Cemetery Location)

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

C. 7
Annex Islands Containing 449.509 Acres
Page 18 of 18 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

June 1, 2004

FROM:

Tim ConklinComm. Planning & Engr. Svcs.CP&E

Name

Division

Department

ACTION REQUIRED: Approval of an ordinance to annex the unincorporated areas completely surrounded by the City of Fayetteville City Limits pursuant to A.C.A. §14-40-501.

SUMMARY EXPLANATION:

Annexation of unincorporated areas, "islands", located within the City of Fayetteville corporate boundaries as described in the General Plan 2020, 2001 update, annexing approximately 449.509 acres into the corporate city limits of the City of Fayetteville, Arkansas.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Signal Alderman Request5-14-04

City Attorney

Date

Department Director

Date

Finance & Internal Services Dir.

Date

Chief Administrative Officer

Date

Mayor

Date

Received in Mayor's Office

Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF May 18, 2004

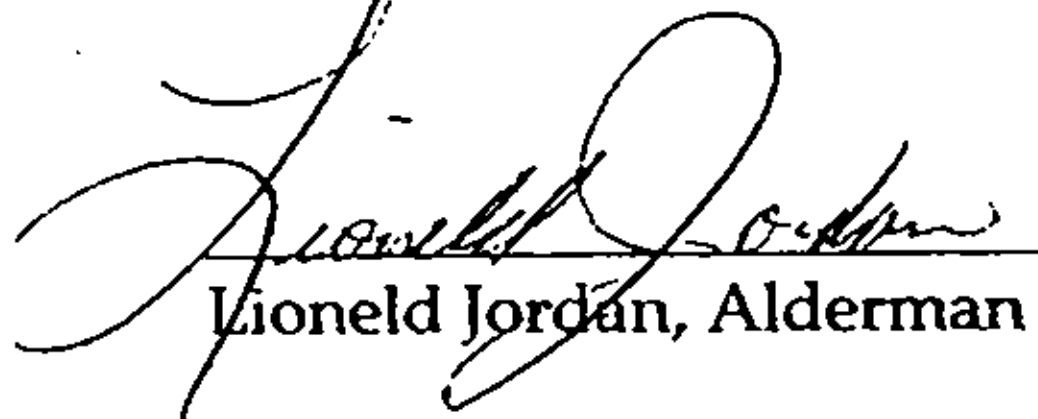
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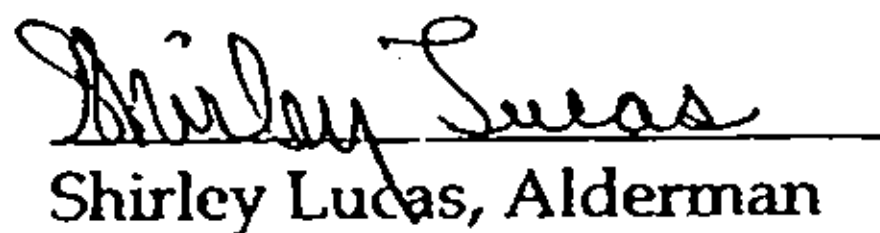
ALDERMAN LIONELD JORDAN
ALDERMAN SHIRLEY LUCAS

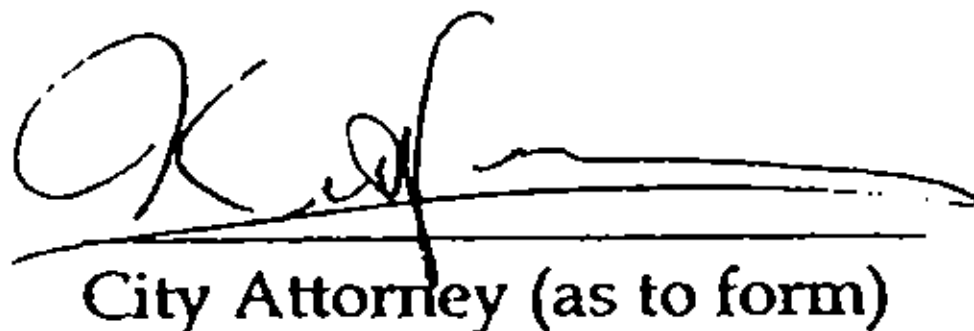
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Annex Into The City Of Fayetteville, Arkansas Certain Lands Completely
Surrounded By The Incorporated Limits Of Fayetteville

APPROVED FOR AGENDA:


Lioneld Jordan, Alderman 5/4/04
Date


Shirley Lucas, Alderman 5/4/04
Date


City Attorney (as to form) 5/4/04
Date

RESOLUTION NO. _____

**A RESOLUTION TO PROPOSE AN ORDINANCE CALLING
FOR THE ANNEXATION OF UNIVERSITY OF ARKANSAS
LAND COMPLETELY SURROUNDED BY THE
INCORPORATED LIMITS OF FAYETTEVILLE**

WHEREAS, whenever the incorporated limits of Fayetteville have completely surrounded an unincorporated area, the City Council may propose an ordinance calling for the annexation of the land surrounded by the municipality; and

WHEREAS, the adopted Annexation Policy of the 2020 Plan recommends annexation of these "islands" of unincorporated areas completely surrounded by our city limits; and

WHEREAS, the state law requires the City to propose an ordinance calling for such ordinance prior to a public hearing thereon and prior to bringing the proposed ordinance up for a vote.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby proposes the attached ordinance calling for the annexation of the University of Arkansas "island" of unincorporated land completely surrounded by the Fayetteville City limits will be considered for approval at a future City Council meeting after a public hearing is held on this annexation proposal.

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX INTO THE CITY OF
FAYETTEVILLE, ARKANSAS CERTAIN LANDS
COMPLETELY SURROUNDED BY THE INCORPORATED
LIMITS OF FAYETTEVILLE

WHEREAS, the annexation policy of the City of Fayetteville adopted by the City Council is to annex those parcels of land which have become completely surrounded by the incorporated limits of Fayetteville; and

WHEREAS, after annexation into the City of Fayetteville, the inhabitants of those lands will be afforded the same services of police and fire protection and solid waste collection as current citizens of Fayetteville enjoy; and

WHEREAS, all of the lands identified in Exhibit A (map) and Exhibit B (legal descriptions) comply with at least one of the five requirements for annexation stated in A.C.A. §14-40-302; and

WHEREAS, at the time of the adoption of this ordinance, the highest and best use of these lands is NOT for agricultural or horticultural purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby annexes into the City of Fayetteville, Arkansas the lands identified in Exhibit A (legal description) and Exhibit B (map).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby assigns the zoning of these lands to be RSF-1 Residential Single Family, one unit per acre.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby assigns the property referenced in Exhibit "B" located east of Hwy. 112, Garland Avenue, to Ward Two and that property located west of Hwy. 112, Garland Avenue, to Ward Four.

PASSED and APPROVED this 1st day of June, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City Council Meeting of June 01, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
From: Tim Conklin, Community Planning and Engineering Services Director
Date: May 12, 2004
Subject: Annexation of Unincorporated Areas Completely Surrounded by the City Limits

RECOMMENDATION

Planning Staff recommends approval of three ordinances annexing the unincorporated areas completely surrounded by the City Limits as authorized by A.C.A. § 14-40-501.

BACKGROUND

The City of Fayetteville adopted an annexation policy in 2001 that recommends annexation of completely surrounded unincorporated areas or "islands" as part of the City's long range plan – General Plan 2020.

Annexing these unincorporated areas will allow for the following:

- Compatibility in land use and development standards
- Ability to plan and construct future City capital improvements
- Ability to require the same level of infrastructure improvements required for new development within these areas as required within the City
- Less confusion for public safety – City police and fire

The following City services (including but not limited to) will be available after annexation:

- Trash Service
- Police Protection
- Fire Protection
- Sewer service if available- Any extensions of public or private lines to serve these areas will be the responsibility of the property owner/developer
- Curbside recycling and yard waste pick up

City Council Meeting of June 01, 2004
Agenda Item Number

Staff has identified the following unincorporated areas completely surrounded by the City of Fayetteville which are proposed for annexation.

ANNEXATION CANDIDATES - UNINCORPORATED ISLANDS Fayetteville (2004)			
Candidate	Acres	Existing Land Use	2020 Future Land Use
Group 1, Desc. 1	704.84	University Farm	University
Group 2, Desc. 1	168.747	Soil Quarry, Top Soil/Agricultural	Residential
Group 2, Desc. 2	12.232	Vacant	Residential
Group 3, Desc. 1	1.0	Residential	Residential
Group 3, Desc. 2	4.387	Vacant	Residential
Group 3, Desc. 3	26.83	Residential	Residential
Group 3, Desc. 4	2.815	Residential	Residential
Group 3, Desc. 5	74.913	Golf Course	Private Open Space
Group 3, Desc. 6	75.745	Residential / Ag	Residential
Group 3, Desc. 7	5.447	Residential	Residential
Group 3, Desc. 8	254.352	Residential/ Ag	Residential
Group 3, Desc. 9	4.00	Agricultural	Residential
Group 3, Desc. 10	.002	Cemetery	Residential
Total	1,335.31		

Source: City of Fayetteville, GIS, Annexation Candidates 2004.

At the time of annexation, all property annexed is zoned RA Residential Agricultural pursuant to § 161.01 of the Unified Development Ordinance.

The proposed zoning designation for all of the islands is **RSF-1 Residential Single Family-One Unit Per Acre**.

Notification was provided to all property owners. There are currently 70 identified parcels and 55 addressed structures within the proposed annexation areas. Over half of the area to be annexed is owned by the University of Arkansas. The City will hold an informational meeting on May 20, 2004 for the property owners in the annexation areas.

City Council Meeting of June 01, 2004

Agenda Item Number

Addressed Structures	Total
Single Family	31
Commercial	8
Government	10
Non Profit	2
Residential Commercial Mix	1
Other –yard lines, power poles, etc.	3

Of the eight commercial structures that exist in the “islands”, four of the commercial uses are private businesses and not related to the University of Arkansas farm. There are approximately 3.72 miles of public paved roads within the areas to be annexed.

Some of the existing development within these areas is currently served by City utilities. The attached maps indicate the type of service by address point with “WSS” W= water, S= Sewer, S= Solid Waste for each addressed structure.

No City Services	18
Water Only	37
Water and Sewer	6
Water and Solid Waste	4
Water, Sewer, and Solid Waste	3

The current property tax millage impact of this annexation is an additional 0.8 mills.

- o 1 mill is 1/10 of one cent (\$.001)
- o Additional 0.8 mills on 100,000 home (\$20,000 X 0.0008 mills) = \$16

BUDGET IMPACT

The proposed annexations are located adjacent to and within areas that are currently receiving City services. The impact on operating budgets is minimal.

EXHIBIT "A"

GROUP 1
ANNEXATION

DESCRIPTION 1:

A part of Section 4, Township 16 North, Range 30 West; a part of Section 5, Township 16 North, Range 30 West; a part of Section 33, Township 17 North, Range 30 West; and a part of Section 34, Township 17 North, Range 30 West, all within Washington County, Arkansas, and being more particularly described as follows: Beginning at the Southwest corner of the SW-SE-33-17-30, thence with the South line of said SW-SE, South 87° 05' 43" East 605.583 feet to the Northeast corner of the SE-NW-5-16-30; thence continuing with said South line, South 87° 05' 43" East 704.059 feet to the Southwest corner of the SE-SE-33-17-30; thence continuing with said South line, South 87° 55' 41" East 131.084 feet; thence leaving said South line, North 03° 13' 08" East 1322.818 feet, to a point on the North line of said SE-SE-33-17-30; thence North 03° 09' 00" East 1321.648 feet, to a point on the North line of the NE-SE-33-17-30; thence with said North line, South 87° 41' 13" East 1172.492 feet, to the Northwest corner of the NW-SW-34-17-30; thence with the North line of said NW-SW-34-17-30, South 87° 24' 16" East 1312.343 feet, to the Northwest corner of the NE-SW-34-17-30; thence with the North line of said NE-SW-34-17-30, South 87° 24' 16" East 1312.342 feet, to the Northwest corner of the NW-SE-34-17-30; thence with the North line of said NW-SE-34-17-30, South 87° 25' 01" East 696.079 feet; thence leaving said North line, South 02° 32' 36" West 1307.063 feet, to a point on the North line of the SW-SE-34-17-30; thence continuing South 02° 32' 36" West 1313.556 feet to a point on the North line of the SW-NE-4-16-30; thence South 01° 43' 43" West 1271.898 feet to a point on the South line of said SW-NE-4-16-30; thence with said South line, North 86° 58' 06" West 126.61 feet to the Southeast corner of the SE-NW-4-16-30; thence with the South line of said SE-NW-4-16-30, North 87° 01' 58" West 1320.75 feet, to the Southeast corner of the SW-NW-4-16-30; thence with the South line of said SW-NW, North 87° 05' 19" West 1320.751 feet to the Southeast corner of the SE-NE-5-16-30; thence with the South line of said SE-NE-5-16-30, North 87° 05' 18" West 35.887 feet; thence leaving said South line, South 02° 18' 13" East 50.575 feet; thence South 00° 55' 17" West 53.539 feet; thence South 02° 35' 50" West 547.306 feet; thence North 87° 24' 20" West 15.0 feet; thence South 02° 35' 50" West 672.076 feet, to a point on the South line of the NE-SE-5-16-30; thence with said South line, North 86° 44' 08" West 615.029 feet; thence leaving said South line, South 02° 41' 43" West 976.309 feet; thence North 86° 54' 44" West 659.286 feet, to a point on the East line of the SW-SE-5-16-30; thence North 86° 54' 45" West 839.543 feet; thence North 84° 26' 21" West 302.113 feet; thence North 84° 26' 22" West 145.367 feet; thence continuing North 84° 26' 22" West 27.565 feet, to a point on the East line of the SE-SW-5-16-30; thence North 77° 24' 18" West 4.435 feet; thence North 77° 24' 20" West 20.06 feet; thence North 84° 03' 26" West 883.338 feet; thence North 84° 33' 25" West 21.727 feet; thence North 85° 33' 26" West 21.727 feet; thence North 86° 33' 24" West 21.727 feet; thence North 87° 33' 26" West 21.728 feet; thence North 88° 35' 22" West 23.153 feet; thence North 89° 32' 49" West 1423.477 feet; thence North 89° 14' 34" West 67.059 feet; thence North 60° 38' 32" West 67.547 feet; thence North 50° 37' 21" West 33.638 feet; thence North 29° 13' 28" West 40.194 feet; thence North 06° 10' 05" West 23.912 feet; thence North 01° 55' 19" West 21.362 feet; thence North 37° 54' 04" East 4.0 feet; thence North 02° 55' 49" East 492.006 feet; thence North 02° 15' 01" East 158.363 feet; thence North 02° 24' 47" East 187.175 feet, to a point on the South line of the NW-SW-5-16-30; thence North 03° 30' 02" East 458.953 feet; thence North 04° 06' 18" East 50.862 feet; thence continuing North 04° 06' 18" East 502.739 feet; thence North 05° 23' 42" West 106.891 feet; thence North 21° 14' 51" West 71.658 feet; thence North 82° 14' 30" East 171.035 feet; thence North 54° 12' 46" East 160.584 feet, to a point on the North line of the NW-SW-5-16-30; thence with said North line, South 86° 57' 51" East 1026.814 feet, to the Northwest corner of the NE-SW-5-16-30; thence with the North line of said NE-SW-5-16-30, South 87° 01' 29" East 527.809 feet; thence leaving said North line, North 02° 30' 05" East 1210.573 feet, to a point on the North line of the SE-NW-05-16-30; thence with said North line, South 87° 26' 43" East 211.099 feet, to the Point of Beginning and containing 704.84 acres, more or less.



Group 1, Description 1

0 480 960 1,920 2,880 3,840 Feet

Date of Imagery: Feb. 14, 2000



Outside City of Fayetteville



Area to be Annexed



City Service

WSS = Water, Sewer, Solid Waste (respectively)

X = NO SERVICE

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

June 1, 2004

FROM:

Tim Conklin

Comm. Planning & Engr. Svcs.

CP&E

Name

Division

Department

ACTION REQUIRED: Approval of an ordinance to annex the unincorporated areas completely surrounded by the City of Fayetteville City Limits pursuant to A.C.A. §14-40-501.

SUMMARY EXPLANATION:

Annexation of unincorporated areas, "islands", located within the City of Fayetteville corporate boundaries as described in the General Plan 2020, 2001 update, annexing approximately 704.84 acres into the corporate city limits of the City of Fayetteville, Arkansas.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

5/17/04
Date P.H.

1 Sigurd Alderman Agenda Report
City Attorney

5-14-04

Date

[Signature]
Department Director

5-14-04

Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

5-14-04

Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

5-16-04

Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor

5/18/04

Date

New Item:

Yes

No



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
Thru: Tim Conklin, Community Planning and Eng. Services Director *T.C.*
From: Yolanda Fields, CRCC Director *[Signature]*
Date: April 27, 2004
Subject: Raze & Removal of property on 800 S. College Ave.

RECOMMENDATION

Staff recommends a resolution to order the raze and removal of the structure.

BACKGROUND

Service Request #7202, Case #1582: Code Compliance received a complaint about the unsafe building on the property owned by Daniel Bryant. The property is located on 800 S. College Ave. An Unsafe Buildings violation notice was sent to the owners on September 2, 2003. Tim Bryant signed for the notice on September 4, 2003. By ordinance the owners were given until October 6, 2003 to acquire a permit and make repairs or to demolish and remove the building.

DISCUSSION

There is not a current building permit on this building. The Fire Marshal assessed the property on November 6, 2003 and determined the structure should be secured and the owner of the property obtain the proper permits for construction, plumbing, and electrical. Building Services was notified on November 6, 2003 about the building without permits, refer to Service Request #9348 for details. Work on the structure has ceased, the structure appears to be beyond repair.

BUDGET IMPACT

Contracting the raze and removal of the property would cost approximately \$4,000.00. The cost would be billed to the property owners. If payment is not received, the city will place a lien on the property for the amount of the raze and removal.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN ORDER TO RAZE AND
REMOVE A DILAPIDATED AND UNSAFE STRUCTURE
LOCATED AT 800 E. COLLEGE AVENUE, FAYETTEVILLE

WHEREAS, by certified mail, the owner of the dilapidated and unsafe building was notified on September 4, 2003 that because the building was dilapidated, unsafe, unsanitary or detrimental to the public welfare, the owner must repair or demolish the building; and

WHEREAS, the owners have not obtained the required permits, nor performed satisfactory repairs, nor demolished the building; and

WHEREAS, §95.04 of the Code of Fayetteville in compliance with state law grants the City Council the power to order the razing and removal of such building after a public hearing upon proof that such building is dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, after a public hearing on this issue, hereby finds that the building at 800 S. College Avenue, Fayetteville has been shown to be and is dilapidated, unsafe, unsanitary, or detrimental to the public welfare to such an extent that an order for the building's razing and removal should be and hereby is issued.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby directs that a lien in the reasonable cost of the razing and removal of the structure be placed on this property until such lien amount, plus any allowed interest, is paid in full.

PASSED and APPROVED this the 18th day of May, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



HELPING TO BUILD A BETTER COMMUNITY

Raze and Removal 800 E. College
Page 3 of 18

City of Fayetteville, Arkansas
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Fax 479- 444-3445

VIOLATION NOTICE

September 2, 2003

CASE NO. 01582

Owner: Daniel Bryant
319 E. Maple
Fayetteville, AR 72701

RE: Property @ 800 S. College, Fayetteville, AR
WC Parcel# 765-05672-000

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. Please feel free to call our office at (479) 575-8240 for clarification of this notice or advice on how to correct the problem.

Suspected Violation That Needs Correction:

' 173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

Potential Penalties if not corrected within thirty (30) days from the service of this Notice include: Condemnation.

Appeal: If you disagree with our conclusion that your property contains a violation of the ordinance listed above, you have a right to file an appeal with the City Council.

Sincerely,

Chris Parsons
Code Compliance Officer

7002 2410 0001 0284 9426

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

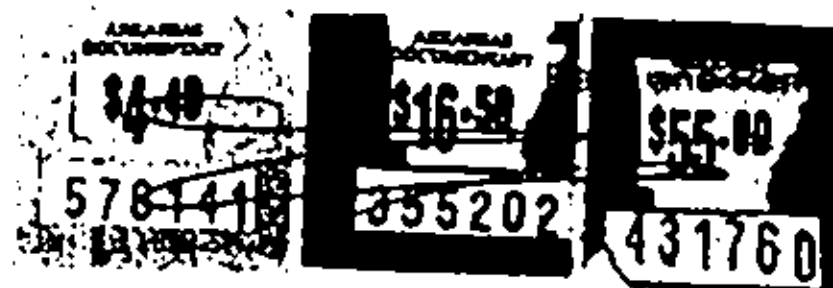
Sent To *Daniel Bryant*
Street, Apt. No.,
or PO Box No. *319 E Maple*
City, State, ZIP+4 *Fayetteville AR 72701*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece or on the front if space permits. 1. Article Addressed to: <i>Daniel Bryant</i> <i>319 E Maple</i> <i>Fayetteville, AR 72701</i> 2. Article Number (Transfer from service label) <i>7002 2410 0001 0284 9426</i>	A. Signature <i>[Signature]</i> ☒ Agent ☐ Addressee B. Received by (Printed Name) <i>Daniel Bryant</i> C. Date of Delivery <i>9/4/03</i> D. Is delivery address different from item 1? ☐ Yes ☒ No YES, enter delivery address below: 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3800, August 2001 Domestic Return Receipt 102595-02-M-1540

WARRANTY DEED
Single Person



KNOW ALL MEN BY THESE PRESENTS:

That I, Todd Thompson, a single person, hereinafter called Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to me in hand paid by Daniel Bryant, a single person, hereinafter called Grantee, do hereby grant, bargain and sell unto the said Grantee and Grantee's heirs and assigns, the following described land, situate in Washington County, State of Arkansas, to-wit:

Lots Numbered One (1) and Two (2) in Block Numbered Two (2), Glen Wood Park Addition, an Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's heirs and assigns, forever. And I, the said Grantor, hereby covenant that I am lawfully seized of said land and premises, that the same is unencumbered, and that I will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS my hand and seal on this 12th day of June, 2003.

B. J. Thompson
Todd Thompson

THIS INSTRUMENT PREPARED BY:
Richard L. Miller, Attorney At Law
P.O. Box 3354
Fayetteville, Arkansas 72702

Doc ID: 000174800001 Type: REL
Recorded: 06/18/2003 at 10:01:55 AM
Fee Amt: \$8.00 Page 1 of 1
Washington County, AR
Notary Stamp Circuit Clerk
File # 2003-00031674

I certify under penalty of false swearing that at least the correct amount of documentary stamps have been placed on this instrument.

Grantee (or Agent)

Signature [Signature]

Address 319 E Maple

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

On this the 12th day of June, 2003, before me, a notary public, personally appeared Todd Thompson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that he had executed the same for the purposes herein set forth.

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



Richard L. Miller
Notary Public

Record 1 of 1 Last Updated 04/26/04

Parcel Number: 765-05672-000 Prev. Parcel Number: 139315-000-00 Type: RI

Location: 800 S COLLEGE AVE

Owner Name: BRYANT, DANIEL

Mailing Address: 319 E. MAPLE FAYETTEVILLE AR 72701

Lot:

Block:

S-T-R: 22-16-30

Addition: GLENWOOD PARK

School District: FAYETTEVILLE SCH, FAY

Tax District: 011

City: FAYETTEVILLE

Legal: LOTS 1-2 BLOCK 2

Current Year A79 Credit Status: 0

Last Appraised: 2001

	Appraised Value	Taxable Value
Land	10,000	2,000
Improvement	20,000	4,000
Total	30,000	6,000

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit Status	A79	Net Total Tax	Total Tax Paid	Payment Status
2003	6,000	\$17.76	\$0.00	\$0.00	\$0.00			\$17.76	\$0.00	
2002	6,000	\$311.76	\$0.00	\$0.00	\$0.00	N		\$311.76	\$311.76	PAID
2001	5,566	\$289.21	\$0.00	\$0.00	\$0.00			\$289.21	\$289.21	PAID
2000	5,060	\$265.65	\$0.00	\$0.00	\$0.00			\$265.65	\$265.65	PAID
1999	5,060	\$259.07	\$0.00	\$0.00	\$0.00			\$259.07	\$259.07	PAID
1998	5,060	\$259.58	\$0.00	\$0.00	\$0.00			\$259.58	\$259.58	PAID
1997	5,060	\$259.58	\$0.00	\$0.00	\$0.00			\$259.58	\$259.58	PAID
1996	5,060	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID
1995	5,060	\$0.00	\$0.00	\$0.00	\$0.00			\$0.00	\$0.00	PAID

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
2002	39215	5/8/2003	\$311.76	\$0.00	\$0.00	\$0.00	\$0.00	\$311.76
2001	25869	4/19/2002	\$289.21	\$0.00	\$0.00	\$0.00	\$0.00	\$289.21
2000	8785	10/18/2001	\$265.65	\$0.00	\$0.00	\$0.00	\$0.00	\$265.65
1999	11754	10/11/2000	\$259.07	\$0.00	\$0.00	\$0.00	\$0.00	\$259.07

Deed History

Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
6/12/2003	2003	31674	BRYANT, DANIEL		WD	23,000	75.90
PYM 2003-31674 WD \$75.90 REV (23M)							
5/7/2003	2003	25699	THOMPSON, TODD		WD	19,000	62.70
PMW 2003-25699 WD \$62.70 REV (19M)							

4/18/2002 2002 55571 BUILD A HOME WD 11,970 39.50
KST 2002-55571 WD\$39.50 (12M)

2/28/2002 2002 34464 WILKINS, QC 0 0.00
FLORAYNE
LRR 2002-34464 QCD NO REV

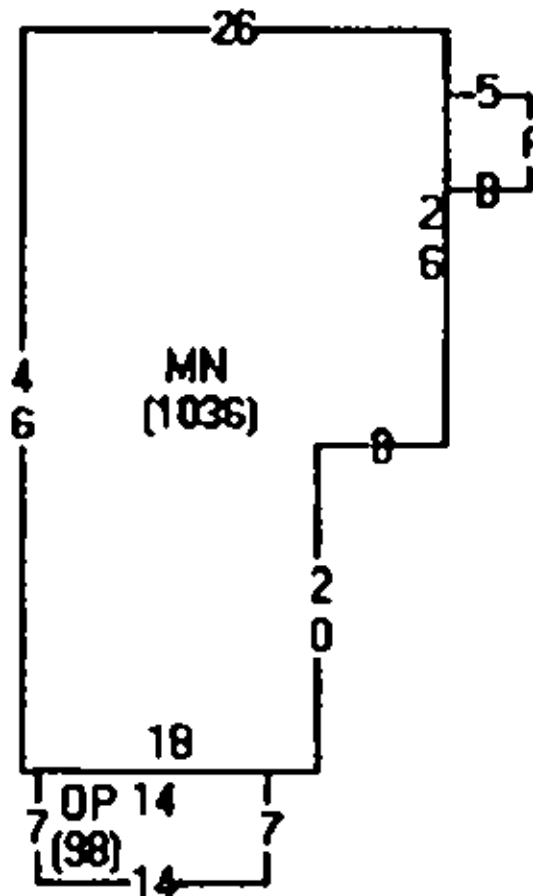
2/26/1991 1405 812 WILKINS, WD 0 0.00
ROBERT G., ET
AL
NO REV.- ALSO 11408,16823,16831,16830,16829.

1/24/1986 1166 894 WILKINS, REED, PAUL WD 29,000 31.90
ROBERT G. & F. &
FLORAYNE; VIRGINIA W.

1/1/1985 1125 7 CARLISLE, 0 0.00
BETTY JO;
CARLISLE,

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
1	SF	MV	1036	1036	70	676

Sketch:



[Next Item](#) | [Previous Item](#) | [Return to Search Results](#) | [Modify Search](#) | [New Search](#)



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 9
Raze and Removal 800 E. College
Page 8 of 18

To: Code Enforcement Division

Date: 11-06-03

Ref: Property Assessment
800 South College

From: Dennis Ledbetter
Fire Marshal

I received an assignment to assess the property at 800 South College. This was a wood frame single family dwelling. The structure was unsecured at the time of the inspection. There was construction work being done on the exterior and interior of the structure. It is recommended the structure be secured and the owner of the property obtain the proper permits for construction, plumbing and electrical.

City of Fayetteville

113 West Mountain
Fayetteville, AR 72701
(79)521-7700 Fax (479)575-8316

Raze and Removal 800 E. College
Page 9 of 18
UNSAFEBLDG Case

Report Date 04/27/2004 03:35 PM

Submitted By 2285

Page 1

Case # 1582

Case Information

Stages

	Date / Time	By
Processed	04/27/2004 15:28	2285
Resolved		
Expires		

Associated Information

Case Group	173.08	UNSAFE BUILDINGS
Priority		
Resolution Code		
Source	CE	CODE COMPLIANCE
Name	DU/CB	

☒ Auto Reviews

Applications Affected

☒ Building Application ☒ Project Application ☒ Use Application ☐ License Application ☐ Case

Description of Case

6-23-03, cp, inspection revealed vacant house with several broken windows. Window in back of house missing altogether.
9-02-03, cp, Letter returned unclaimed - will send to new address
and new owner of property- Daniel Bryant.
10-16-03, cp & cb, RA showed very little action taken by owner. Window at the back of house still broken indicating unsafe structure.
11-6-03cb, fire marshal inspected and found construction work being done to the interior. I added SR#9348, building without a permit. We will continue to monitor the progress of SR#9348 until further action from our department.
2-10-04cb, no change in months, we continued to monitor and no progress was made, looks like they are not going to continue the renovation. Will proceed with this case.
2-24-04cb, no change
3-23-04cb, no change, will process with agenda request
4-7-04du, still no change
4-21-04du, no change, possible grass/weed violation soon
4-27-04cb, submitted agenda request and sent letter to owners informing them of the meeting.

Project

Project/Phase Name

Phase

Size/Area

Size Description

Customer Service

Service # Problem

Resolution Code

Resolved Date

7202 CE834

Property Site Information

Address 800 S COLLEGE AVE
FAYETTEVILLE AR 72701-

Location

Owner/Tenant

Contact ID AC2948

Name DANIEL BRYANT

Mailing Address 319 E MAPLE

City FAYETTEVILLE

ZIP/PC

Day Phone

Fax

Organization

State/Province AR

Country

Evening Phone

Mobile #

☐ Foreign

Contact ID AC2482

Name TODD THOMPSON

Mailing Address 15 N LOCUST APT 6

City FAYETTEVILLE

ZIP/PC 72701

Day Phone

Fax

Organization

State/Province AR

Country

Evening Phone

Mobile #

☐ Foreign

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8316

C.9
Raze and Removal 800 E. College
Page 10 of 18
UNSAFE BLDG Case

Report Date 04/27/2004 03:35 PM

Submitted By 2285

Page 2

Linked Addresses

800 S COLLEGE AVE
FAYETTEVILLE, AR 72701-

AP Linked Addresses

No Addresses are linked to this Application

Linked Parcels

765-05672-000

AP Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

Primary	N	Capacity	OWNER	Contact ID	AC2482	☐ Foreign
Effective		Expire				
Name	TODD THOMPSON			Address	15 N LOCUST APT 6	
Day Phone		Eve Phone			FAYETTEVILLE	
Pager		PIN #			AR	
Fax		Mobile			72701	
E-Mail						
Organization		Position			Profession	
Comments	No Comments					

Primary	N	Capacity	OWNER	Contact ID	AC2948	☐ Foreign
Effective		Expire				
Name	DANIEL BRYANT			Address	319 E MAPLE	
Day Phone		Eve Phone			FAYETTEVILLE	
Pager		PIN #			AR	
Fax		Mobile				
E-Mail						
Organization		Position			Profession	
Comments	No Comments					

Contractors

No Contractors

Item Description

Item Status

Check Fees	Fees Successful
Check Inspections	Inspections Successful
45783 CE CIT #1 CODE COMPLIANCE CITATION DEL	Waived
29839 CE FOLLOW #1 CODE COMPLIANCE FOLLOW-UP	Failed
36633 CE FOLLOW #2 CODE COMPLIANCE FOLLOW-UP	Failed
37738 CE FOLLOW #3 CODE COMPLIANCE FOLLOW-UP	Failed
38666 CE FOLLOW #4 CODE COMPLIANCE FOLLOW-UP	Failed
40758 CE FOLLOW #5 CODE COMPLIANCE FOLLOW-UP	Failed
42687 CE FOLLOW #6 CODE COMPLIANCE FOLLOW-UP	Failed
45093 CE FOLLOW #7 CODE COMPLIANCE FOLLOW-UP	Waived
29840 CE PRECNCL #1 CODE COMPLIANCE PRE-COUNCIL	Waived
45784 CE PRECT #1 CODE COMPLIANCE PRE-COURT	Waived
16141 CEINI #1 XXX-OLD CE SERV REQ INITIAL	Closed
23630 CERIN #1 XXX-OLD CODE ENFORCEMENT REINS	Failed
27370 CERIN #2 XXX-OLD CODE ENFORCEMENT REINS	Failed
28432 CERIN #3 XXX-OLD CODE ENFORCEMENT REINS	Failed
28975 CERIN #4 XXX-OLD CODE ENFORCEMENT REINS	Waived

City of Fayetteville

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Fayetteville, AR 72701
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C. 9
Raze and Removal 800 E. College
UNSAFEBLDG Case
Page 4 of 18

Report Date 04/27/2004 03:35 PM

Submitted By 2285

Page 3

Item Description**Item Status**

Check Reviews	Reviews Failed
10851 CE SUPV CODE COMPLIANCE SUPERVISOR	Incomplete
7108 CE SUPV CODE COMPLIANCE SUPERVISOR	Approved
Check Conditions	Conditions Failed
REC CIT RECORD CITATIONS ON DETAIL TAB	Approved, N/A
CC RR CITY COUNCIL RAZE & REMOVE	Unapproved
CERT RECD LOG TYPE OF "RECD" CERT MAIL	Approved, DONE
CERT SENT CERTIFIED MAIL SENT	Approved, DONE
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	1
Case # 2268	

Inspection

Inspection #	45783	Inspection Type	CE CIT	#	1	Assigned To	Call
Inspected By		Order/Group	0	Scheduled		Preference	
Comments							

Inspection Details

No Inspection Details

Inspection #	38868	Inspection Type	CE FOLLOW	#	4	Assigned To	2285	Call
Inspected By	2285	Order/Group	0	Scheduled	03/25/2004 16:15	Preference		
Comments								

Inspection Details

No Inspection Details

Inspection #	37738	Inspection Type	CE FOLLOW	#	3	Assigned To	2285	Call
Inspected By	2285	Order/Group	0	Scheduled	03/11/2004 14:15	Preference		
Comments								

Inspection Details

No Inspection Details

Inspection #	40758	Inspection Type	CE FOLLOW	#	5	Assigned To	2285	Call	04/07/2004 14:04
Inspected By	732	Order/Group	0	Scheduled	04/07/2004 15:23	Preference			
Comments									

Inspection Details

No Inspection Details

Inspection #	36633	Inspection Type	CE FOLLOW	#	2	Assigned To	2285	Call
Inspected By	2285	Order/Group	0	Scheduled	02/26/2004 13:10	Preference		
Comments								

Inspection Details

No Inspection Details

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8316

C. 9
Raze and Removal 800 E. College
UNSAFEBLDG Case
Page 4 of 18

Report Date 04/27/2004 03:35 PM

Submitted By 2285

Page 4

Inspections

Inspection # 45093 Inspection Type CE FOLLOW # 7 Assigned To 732 Call 04/21/2004 16:00
Inspected By Order/Group 0 Scheduled 05/07/2004 16:00 Preference
Comments

Inspection Details

No Inspection Details

Inspection # 29839 Inspection Type CE FOLLOW # 1 Assigned To 2285 Call
Inspected By 2285 Order/Group 0 Scheduled Preference
Comments

Inspection Details

No Inspection Details

Inspection # 42687 Inspection Type CE FOLLOW # 6 Assigned To 732 Call 04/07/2004 14:05
Inspected By 732 Order/Group 0 Scheduled 04/21/2004 16:00 Preference
Comments

Inspection Details

No Inspection Details

Inspection # 29840 Inspection Type CE PRECNCL # 1 Assigned To Call
Inspected By Order/Group 0 Scheduled Preference
Comments

Inspection Details

No Inspection Details

Inspection # 45784 Inspection Type CE PRECT # 1 Assigned To Call
Inspected By Order/Group 0 Scheduled Preference
Comments

Inspection Details

No Inspection Details

Inspection # 16141 Inspection Type CEINI # 1 Assigned To 2284 Call 06/23/2003 08:00
Inspected By 2284 Order/Group 0 Scheduled 06/25/2003 13:27 Preference
Comments

6-23-03, cp, Inspection revealed vacant building with broken windows. Window in back of house gone all together.

Inspection Details

No Inspection Details

Inspection # 23630 Inspection Type CERIN # 1 Assigned To 2284 Call 10/16/2003 11:35
Inspected By 2284 Order/Group 0 Scheduled 10/16/2003 11:36 Preference
Comments

10-16-03, cp & cb, R/I showed very little action had been taken. There are still busted out windows in the back of house making it a safety concern.

Inspection Details

No Inspection Details

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
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C. 9
Raze and Removal 800 E. College
UNSAFEBLDG Case

Report Date 04/27/2004 03:35 PM

Submitted By 2285

Page 5

Inspections

Inspection # 27370 Inspection Type CERIN # 2 Assigned To Call
Inspected By Order/Group 0 Scheduled Preference
Comments
Schedule after counsel action

Inspection Details

No Inspection Details

Inspection # 28432 Inspection Type CERIN # 3 Assigned To 2285 Call
Inspected By 2285 Order/Group 0 Scheduled Preference
Comments
waiting for fire marshal's inspection

Inspection Details

No Inspection Details

Inspection # 28975 Inspection Type CERIN # 4 Assigned To Call
Inspected By Order/Group 0 Scheduled Preference
Comments

Inspection Details

No Inspection Details

Review Activities

Comp By	Act #	Act Type	Status	Reviewed	Issued	Started	Completed
2285	7108	CE SUPV	1	N	11/20/2003 11:03	04/27/2004 15:28	04/27/2004 15:29
	10851	CE SUPV	0	N	04/27/2004 15:29	04/27/2004 15:30	

Activity Review Details

No Activity Review Details

Check Conditions

Condition	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned
GIS VERIFY N	DONE	2284 GIS verified	06/23/2003 16:19	2284	06/23/2003 16:19	2284
REC CIT N	N/A	2285	04/27/2004 15:29	2285	04/27/2004 15:28	
CC RR N				2285	04/27/2004 15:29	
CERT RECD N	DONE	2285	11/20/2003 11:02	2285	11/20/2003 11:02	
CERT SENT N	DONE	2285	11/20/2003 11:03	2285	11/20/2003 11:02	
SRIMG N	DONE	2284 photos on file	06/23/2003 16:09	2284	06/23/2003 16:09	2284
POST PHOTO N	DONE	2284 Not used. Letter sent #7001-1940-0001-4906-2727	06/23/2003 16:27	2284	06/23/2003 16:27	2284

City of Fayetteville

113 West Mountain
Fayetteville, AR 72701
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C. 9
Raze and Removal 800 E. College
UNSAFEBLDG Case
Page 4 of 18

Report Date 04/27/2004 03:35 PM**Submitted By** 2285

Page 6

Check Conditions	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned
Condition	Required	Comments				

Employee	Last	First	M	Comments
Employee ID				
2285	BALL	CHAD		case sent to my desk for further action

Log	Description	Entered By	Start	Stop
Action	Comments			

RECD	CERTIFIED MAIL SIGNATURE DATE	2284	09/16/2003 11:34	
	Rec'd signed Tim Bryant 9/4/03			

DEED #	DEED # REQUIRED	2284	09/16/2003 11:31	
	Book 2003 Page 31674			

CORRES	CORRESPONDENCE SENT OR RECD.	2284	06/23/2003 16:41	
	Letter sent #7001-1940-0001-4906-2727			
	Letter returned unclaimed-			
	will send to new address			
	7002-2410-0001-0284-9426			

9TH ST

WASHINGTON, D.C.

712

6714

7.16

7-18

117

813

840

867

89

800

812

816

818

820

822

185

943

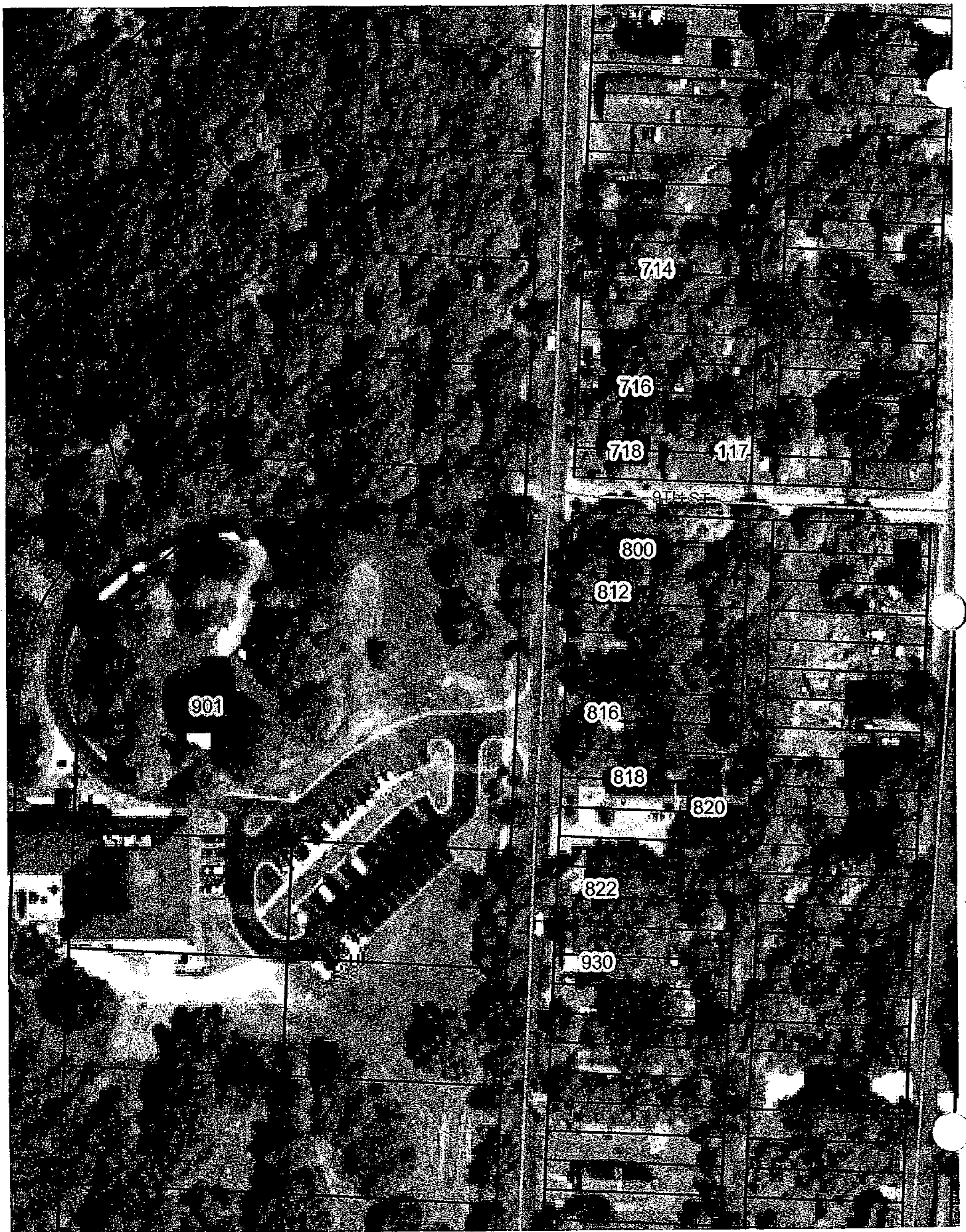
961

973

1930

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1970



714

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820

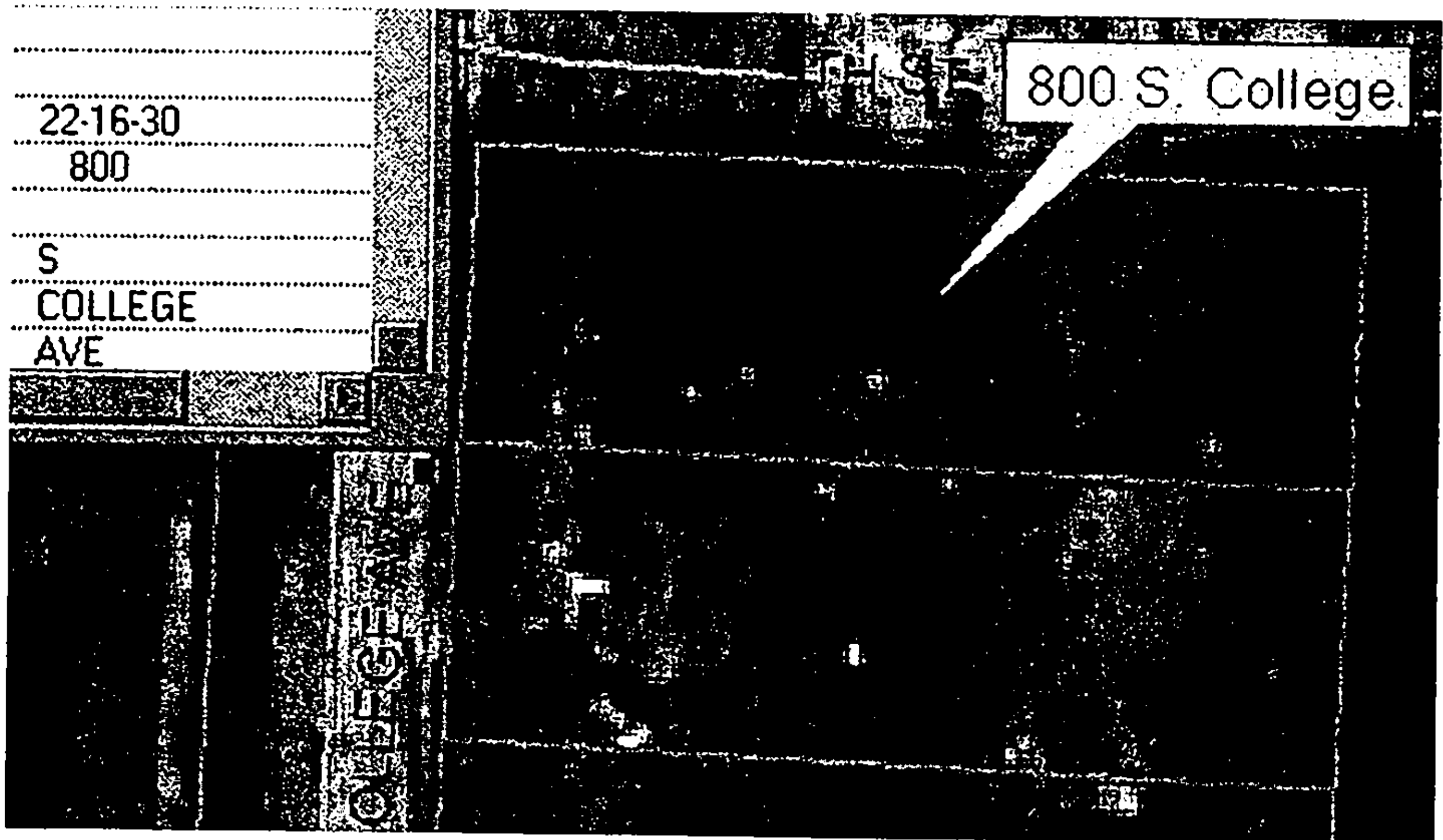
822

930

901



800 S College



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

YES AGENDA REQUEST

For the Fayetteville City Council Meeting of: May 18, 2004

FROM:

Chad Ball

Com Res & Code Com

Com Plan & Engr Services

Name

Division

Department

ACTION REQUIRED: Public Hearing and Resolution to order the Raze and Removal of the dilapidated structure located at 800 S College Ave, Fayetteville, AR 72701

SUMMARY EXPLANATION:

See attached Memo

STAFF RECOMMENDATION: Staff recommends the Raze and Removal of the property.

[Signature]
Division Head

4-29-04
Date

Received in Mayor's Office

5/3/04
Date [Signature]

[Signature]
City Attorney

5/2/04
Date

[Signature]
Department Director

4-30-04
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

5-3-04
Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

5-3-04
Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor

5/4/04
Date

New Item:

Yes

No



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director
Gary Coover, City Engineer

From: Jill Goddard, Land Agent 

Date: March 31, 2004

Subject: Approval of offering for sale the remainder of Parcel No. 765-12164-000 (formerly known as Shake's Frozen Custard, 2050 W. 6th Street). Remainder being that portion not a part of the Sang Avenue relocation, actual acreage to be determined by independent survey. This approval also allows independent survey and two independent appraisals to be obtained.

RECOMMENDATION

Staff recommends approval of offering for sale the remainder of Parcel No. 765-12164-000.

BACKGROUND

Parcel No. 765-12164-000 was acquired in its entirety as part of the relocation of Sang Avenue. Through purchase of the whole, the City avoided a settlement by court action with potentially high severance damages. The contractor also did not have to take special precautions during construction to keep access to the business available at all times.

DISCUSSION

Now that new Sang Avenue/Sixth Street/ Hollywood Street intersection is nearing completion, the City can consider the sale of the remainder of Parcel No. 765-12164-000, including the building, as it serves no municipal purpose. Approval of offering this property for sale would also allow for an independent survey of the property to be obtained as well as two independent appraisals to determine fair market value.

RESOLUTION NO. _____

A RESOLUTION OF INTENT TO SELL MUNICIPALLY OWNED PROPERTY AT THE CORNER OF SANG AVENUE AND SIXTH STREET (A PORTION OF THE FORMER SHAKE'S FROZEN CUSTARD LOT AND BUILDING)

WHEREAS, Ordinance No. 4358 requires municipally owned real estate to be offered for sale only after an express authorization, by resolution, of the City Council, and numerous other requirements.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the remainder of Parcel No. 765-12164-000 (Shake's Frozen Custard former lot and building at the corner of Sang Avenue and Sixth Street) no longer serves a municipal service, should not be rezoned and should be sold pursuant to Ordinance No. 4358.

PASSED and APPROVED this the 1st day of June, 2004.

APPROVED:

DRAFT

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor
Hugh Earnest, Chief Administrative Officer
Tim Conklin, Community Planning & Engineering Svs. Director
Jill Goddard, Land Agent

CC: **City Council**

FROM: **Kit Williams**, City Attorney

A handwritten signature in dark ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **April 13, 2004**

RE: **Request to sell remainder of Shake's Frozen Custard
lot and building**

I realize the City only purchased the Shake's Frozen Custard lot because our construction of the Sang Avenue/Hollywood Avenue and Sixth Street Intersection necessitated occupying too much of the parcel for Shake's to continue business there during construction. My understanding is that the City always intended to sell the usable remainder of this parcel including the building once construction of the newly aligned intersection was finished.

Regardless of the City's intent to only own this parcel during construction, we must follow the dictates of Ordinance No. 4358 (attached) concerning the sale of municipally owned real estate. Therefore, this proposed Resolution must be published four times at least thirty days before the City Council can consider the Resolution to express its intent to sell, and not rezone this property prior to sale. Also certified letters need to be sent to "all adjacent property owners" (which I guess means the State Highway Department too). Signs must be prominently displayed at all approaches to the property announcing the consideration of the City Council to sell this property.

Although I have overly optimistically dated the Resolution for June 1, 2004, I believe it will more likely be June 15, 2004, before this Resolution can come before City Council after the 30 day waiting period after all public notices required by the Ordinance have been accomplished.

If the City Council then passes the Resolution that the property should be offered for sale, the City shall obtain "Two (2) simultaneous and independent appraisals of the real property" Later, the City Council can adopt a Resolution to set a minimum price for the bidders.

The City shall then solicit sealed bids and present the highest qualified bid to the City Council at a third City Council meeting for acceptance or rejection. "Upon receipt of an acceptable bid, and authorization by a separate resolution of the City Council, the conveyance of the real property shall be performed by the Mayor and City Clerk." {Subsection (G) of Ordinance No. 4358 codified as §34.27 **Sale of municipally-owned real property**}

Project No. 00013
Hollywood Street - 6th & Sang Ave. Intersection
Parcel No. 788-12184-000
Tract No. 2

WARRANTY DEED
HUSBAND AND WIFE
(With Release/Assignment of Curtesy and Dower)

FILED FOR RECORD
2002 DEC 18 AM 9:36
WASHINGTON CO., AR
B. STAMPS

BE IT KNOWN BY THESE PRESENTS:

THAT Donald E. Osborne and Debra L. Osborne, husband and wife, hereinafter called GRANTORS, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the City of Fayetteville, Arkansas, a municipal corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

All that certain tract or parcel of land being a part of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 20, Township 18 North, Range 30 West, Washington County, Arkansas, said tract being the tract as described in Document No. 2000-029178 of the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described by metes and bounds as follows: Beginning at the Northwest corner of the NE¼ of the NW¼ of Section 20, Township 18 North, Range 30 West, Washington County, Arkansas, said point being the Northwest corner of Block 2 of Westwood Addition to the City of Fayetteville, Arkansas; thence South 87° 12' 42" East for a distance of 215.70 feet along the south right of way line of Old Farmington Road to a point on the north right of way line of 8th Street (State Highway No. 180); thence South 03° 48' 59" East 10.90 feet with said north right of way line; thence along a curve to the left with an arc length of 88.74 feet, a radius of 1472.39 feet, and a delta of 02° 12' 29", along said right of way; thence South 60° 30' 11" West for a distance of 178.60 feet with said right of way; thence North 87° 43' 27" West for a distance of 18.99 feet with said right of way to a point on the east right of way line of Sang Avenue; thence North 02° 42' 11" East for a distance of 134.66 feet with said east right of way line to the Point of Beginning, and containing 0.39 acres, more or less.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantors hereby covenant that they are lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantors will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this 17th day of December, 2002.

Donald E. Osborne
Donald E. Osborne

Debra L. Osborne
Debra L. Osborne

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Donald E. Osborne and Debra L. Osborne, husband and wife, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, use and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 17th day of December, 2002.

MY COMMISSION EXPIRES:

~~~~~  
Leta R. Davis  
Notary Public, State of Arkansas  
Washington County  
My Commission Expires 03/22/05  
~~~~~

Leta R. Davis
Notary Public

2002194769

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

X AGENDA REQUEST

For the Fayetteville City Council Meeting of:

June 1st or 15th
April 20, 2004

9/27

FROM:

<u>Jill Goddard</u>	<u>Engineering</u>	<u>Community Planning & Eng. Services</u>
Name	Division	Department

ACTION REQUIRED:

Resolution granting approval of offering for sale the remainder of Parcel No. 765-12164-000 (formerly known as Shake's Frozen Custard, 2050 W. 6th Street).

SUMMARY EXPLANATION:

Property was acquired in its entirety as part of the relocation of Sang Avenue. Now that the new Sang Avenue/Sixth Street/Hollywood Avenue intersection is nearing completion, the remainder of Parcel No. 765-12164-000 (including the building) can be sold as it serves no municipal purpose.

Approval of offering for sale also allows for an independent survey and two (2) independent appraisals to be obtained to determine acreage and fair market value.

(Originally purchased thru Acct. No. 4470-9470-5809-00, Project No. 00019-0030, Hollywood Street--6th & Sang Avenue, Street Improvements, Sales Tax Capital Improvements.)

STAFF RECOMMENDATION:

[Signature] 3-31-04
Division Head Date

[Signature] 4-14-04
City Attorney Date

[Signature] 4-1-04
Department Director Date

[Signature] 4-13-04
Finance & Internal Services Dir. Date

[Signature] 4-15-04
Chief Administrative Officer Date

Mayor Date

Received in Mayor's Office

4/13/04
Date *PH*

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item:

Yes

No



TONS of Sludge hauled for 2003 - OMI

**Tentative Agenda
City Council Meeting
June 1, 2004**

A meeting of the Fayetteville City Council will be held on June 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Agenda Session: OMI Annual Report

Proposed Jail Closing Presentation by Chief Hoyt

~~Discussion of Mediation Process by Sidney H. McCollum~~ *NO Presentation*

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the May 18, 2004 meeting minutes.

New Business #6
2. **Ripple Row Money in Lieu of Land:** A resolution to accept the recommendation of the Parks and Recreation Advisory Board to accept \$7,482.75 in lieu of a portion of the parkland dedication requirements of Ripple Row Subdivision.

Amount from DEP Gary Dunes
3. **Landscape Forms Contract:** A resolution to approve a purchase order with Landscape Forms, Inc. for 15 benches and 50 litter receptacles for the amount of \$46,256.95 and to approve a budget adjustment of \$35,000.00.

B. OLD BUSINESS:

1. **Water Service Agreement with Springdale:** A resolution to approve an amendment to the water service agreement with Springdale to move the water service boundary so that 180 acres now with the Fayetteville Water Service Area can be moved into the Springdale Water Service Area. *This resolution was tabled at the May 18, 2004 City Council meeting until the June 1, 2004 City Council meeting.*

2. **ANX 04-06.00 (Leigh Taylor Properties):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112 containing approximately 29.86 acres. *The ordinance was left on the first reading at the May 18, 2004 City Council meeting.*

3. **VAC 04-10.00 Right of Way (Paul Dunn):** An ordinance approving VAC 04-10.00 to vacate and abandon a 25' portion of the platted right of way for Rebecca Street east of Vinson Avenue along the north boundary of Lot 8 of the Vinson Subdivision, retaining a utility easement within subject property as depicted on the attached map and legal description. *The ordinance was left on the second reading at the May 18, 2004 City Council meeting.*

C. NEW BUSINESS:

Consent 1. **Crossland Construction Library CO #15:** A resolution to approve Change Order #15 in the amount of \$100,000.00 to fund signage (interior and exterior) in the Crossland Construction Company, Inc. contract to build the Fayetteville Public Library.

Consent 2. **2004 Community Development Block Grant:** A resolution to accept the 2004 Community Development Block Grant in the amount of \$761,000.00, to approve the 2004 Funding Agreement and to approve the 2004 Consolidated Action Plan.

Consent 3. **Scott Construction Excavator Purchase:** A resolution to approve the purchase of a Gradall Excavator from Scott Construction Company for the low bid of \$260,470.00.

Consent 4. **Teeco Safety, Inc. Taser Purchase:** A resolution to award a bid in the amount of \$34,830.06 to purchase twenty tasers from Teeco Safety, Inc.

Traffic Count / Linnell 5. **R-PZD 04-06.00 (John Nock):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-06.00 located on Ruppel Road south of Wedington Drive containing approximately 41.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

Loop - Tim Cuklis / Kyle 6. **Annex Islands Containing 180.979 Acres:** A resolution to purpose an ordinance calling for the annexation of a large parcel of land completely surrounded by the incorporated limits of Fayetteville.

7. **Annex Islands Containing 449.509 Acres:** A resolution to purpose an ordinance calling for the annexation of several parcels of land completely surrounded by the incorporated limits of Fayetteville.

8. **Annex Islands Containing 704.84 Acres:** A resolution to purpose an ordinance calling for the annexation of University of Arkansas land completely surrounded by the incorporated limits of Fayetteville.

New Resolution from Bill 9. **Raze and Removal 800 E College:** A resolution to approve an order to raze and remove a dilapidated and unsafe structure located at 800 ⁸E College Avenue, Fayetteville.

Roll move to June 15th 10. **Sale of Shake's Building:** A resolution of intent to sell municipally owned property at the corner of Sang Avenue and Sixth Street (A portion of the former Shake's Frozen Custard lot and building).

D. INFORMATIONAL:

*add - Gated Communities
Add Staffing freeze*

Memorial Day Holiday May 31, 2004.

No Council Tour

**Tentative Agenda
City Council Meeting
June 1, 2004**

A meeting of the Fayetteville City Council will be held on June 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Agenda Session: OMI Annual Report

*Cont from
Peggy
summary
of previous*
~~Agenda Session~~ **Proposed Jail Closing Presentation by Chief Hoyt**

Discussion **Mediation Process by Sid McCallum.**

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the May 18, 2004 meeting minutes.

B. OLD BUSINESS:

1. **Water Service Agreement with Springdale:** A resolution to approve an amendment to the water service agreement with Springdale to move the water service boundary so that 180 acres now with the Fayetteville Water Service Area can be moved into the Springdale Water Service Area. *This resolution was tabled at the May 18, 2004 City Council meeting until the June 1, 2004 City Council meeting.*
2. **ANX 04-06.00 (Leigh Taylor Properties):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by Leigh Taylor Properties, LLC for property located at 2470 Hwy. 112 containing approximately 29.86 acres. *The ordinance was left on the first reading at the May 18, 2004 City Council meeting.*
3. **VAC 04-10.00 Right of Way (Paul Dunn):** An ordinance approving VAC 04-10.00 to vacate and abandon a 25' portion of the platted right of way for Rebecca Street east of Vinson Avenue along the north boundary of Lot 8 of the Vinson Subdivision, retaining a utility easement within subject property as depicted on the attached map and legal description. *The ordinance was left on the second reading at the May 18, 2004 City Council meeting.*

C. NEW BUSINESS:

- Consent*
1. **Crossland Construction Library CO #15:** A resolution to approve Change Order #15 in the amount of \$100,000.00 to fund signage (interior and exterior) in the Crossland Construction Company, Inc. contract to build the Fayetteville Public Library.
 2. **2004 Community Development Block Grant:** A resolution to accept the 2004 Community Development Block Grant in the amount of \$761,000.00, to approve the 2004 Funding Agreement and to approve the 2004 Consolidated Action Plan.
 3. **Ripple Row Money in Lieu of Land:** A resolution to accept the recommendation of the Parks and Recreation Advisory Board to accept \$7,482.75 in lieu of a portion of the parkland dedication requirements of Ripple Row Subdivision.
 - Consent* 4. **Landscape Forms Contract:** *got*
 5. **Scott Construction Excavator Purchase:**
 6. **Teeco Safety, Inc. Taser Purchase:**
 7. **R-PZD 04-06.00 (John Nock):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-06.00 located on Ripple Road south of Wedington Drive containing approximately 41.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
 8. **Annex Islands Containing 180.979 Acres:** ~~An ordinance to annex into the City of Fayetteville, Arkansas certain lands completely surrounded by the incorporated limits of Fayetteville.~~
 9. **Annex Islands Containing 449.509 Acres:** ~~An ordinance to annex into the City of Fayetteville, Arkansas certain lands completely surrounded by the incorporated limits of Fayetteville.~~
 10. **Annex Islands Containing 704.84 Acres:** ~~An ordinance to annex into the City of Fayetteville, Arkansas certain lands completely surrounded by the incorporated limits of Fayetteville.~~
 11. **Raze and Removal 800 E College:** A resolution to approve an order to raze and remove a dilapidated and unsafe structure located at 800 E College Avenue, Fayetteville.
 12. **Sale of Shake's Building:** A resolution of intent to sell municipally owned property at the corner of Sang Avenue and Sixth Street (A portion of the former Shake's Frozen Custard lot and building).

D. INFORMATIONAL:

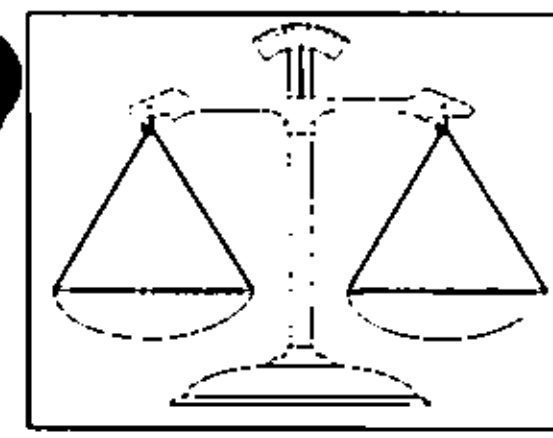
Memorial Day Holiday May 31, 2004.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **June 2, 2004**

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

RE: **Passed Resolutions and Ordinances from City Council meeting of June 1, 2004**

The following Resolutions and Ordinances were passed at last night's regular City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Landscape Forms Contract:** Resolution approving purchase order with Landscape Forms, Inc. for 15 benches and 50 litter receptacles for \$46,256.95 and approving budget adjustment of \$35,000.00;
2. **Crossland Construction Library C.O. #15:** Resolution approving Change Order #15 in amount of \$100,000.00 to fund signage (interior and exterior) in Crossland Construction Company, Inc. contract to build Fayetteville Public Library;
3. **2004 Community Development Block Grant:** Resolution accepting 2004 Community Development Block Grant in amount of \$761,000.00, approving 2004 Funding Agreement and approving 2004 Consolidated Action Plan;
4. **Scott Construction Excavator Purchase:** Resolution approving purchase of Gradall Excavator from Scott Construction Company for low bid of \$260,470.00;

5. **Teeco Safety, Inc. Taser Purchase:** Resolution awarding bid in amount of \$34,830.06 to purchase twenty tasers from Teeco Safety, Inc.
6. **Water Service Agreement w/Springdale:** Resolution approving amendment to water service agreement w/Springdale to move water service boundary so that 180 acres now with Fayetteville water service area be moved into Springdale water service area as soon as Springdale accepts transfer;
7. **VAC 04-10.00:** Ordinance approving vacation and abandonment of 25' portion of platted right of way for Rebecca Street east of Vinson Avenue along north boundary of Lot 8 of Vinson Subdivision, retaining utility easement within subject property as depicted on attached map and legal description;
8. **Annex Islands Containing 180.979 Acres:** Resolution to purpose ordinance calling for annexation of a large parcel of land completely surrounded by incorporated limits of Fayetteville;
9. **Annex Islands Containing 449.509 Acres:** Resolution to purpose ordinance calling for annexation of several parcels of land completely surrounded by incorporated limits of Fayetteville;
10. **Annex Islands Containing 704.84 Acres:** Resolution to purpose ordinance calling for annexation of University of Arkansas land completely surrounded by incorporated limits of Fayetteville;
11. **Amend §171.01 of Unified Development Code Residential Gates for Subdivisions:** Ordinance amending §171.01 of Unified Development Code to add new subsection (D) restricting installation of gates for residential subdivisions;
12. **Repeal Resolution No. 156-01 Staffing Freeze:** Resolution repealing Resolution No. 156-01 which established a staffing freeze for City of Fayetteville on November 20, 2001.