Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

City of Fayetteville Arkansas
City Council Meeting
July 21, 2015

A meeting of the Fayetteville City Council was held on July 21, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

Agenda Additions

A. Consent

1. Approval of the July 7, 2015 City Council meeting minutes.

APPROVED

2. **Homeland Security Investigations Task Force Funding:** A resolution to approve a budget adjustment in the amount of $8,077.00 recognizing funding from the Homeland Security Investigations Task Force for the purchase of a new forensic computer system by the Police Department.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 117-15

3. **Federal and State Law Enforcement Revenue:** A resolution to approve a budget adjustment in the total amount of $100,993.00 recognizing revenue associated with federal and state law enforcement forfeitures and proceeds from the sale of a used vehicle on GovDeals.com.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 118-15

4. **2015-2016 Justice Assistance and State Drug Crime Enforcement Grant:** A resolution to authorize acceptance of the 2015-2016 Justice Assistance and State Drug Crime Enforcement Grant for federal and state funding in the amount of $242,610.00, and to approve a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 119-15

5. **Insituform Technologies, Inc.:** A resolution to approve a contract extension with Insituform Technologies, Inc. in an amount not to exceed $330,000.00 for sewer rehabilitation using cured-in-place sanitary sewer linings.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 120-15

6. **Gallagher Benefits Services:** A resolution to approve the annual renewal contract with Gallagher Benefits Services in the amount of $57,600.00 for the provision of city employee benefits broker services.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 121-15

7. **Northwest Arkansas Economic Development District, Inc. General Improvement Fund Grant:** A resolution to authorize acceptance of a General Improvement Fund Grant through the Northwest Arkansas Economic Development District, Inc. in the amount of $50,000.00 for the purchase of soccer goals for the Regional Park, and to approve a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 122-15

8. **Garver, LLC Task Order No. 3:** A resolution to approve Task Order No. 3 with Garver, LLC in the amount of $23,500.00 for design, bidding and construction oversight services for the Airport Airfield Marking Rehabilitation Project, to accept a 90/10 grant from the Arkansas Department of Aeronautics in the amount of $179,880.00, and to approve a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 123-15

9. **Bid No. 15-39 Goodwin & Goodwin, Inc.:** A resolution to award Bid No. 15-39 and authorize a contract with Goodwin & Goodwin, Inc. In the amount of $755,654.50 for the construction of the Mission Boulevard and Old Wire road Intersection Water and Sewer Improvements Project, to approve a project contingency in the amount of $113,000.00, and to approve a budget adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 124-15

B. Unfinished Business

1. **RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA):** An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, and CS, Community Services. ***At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting.***

   THIS ORDINANCE WAS TABLED TO THE AUGUST 4, 2015 CITY COUNCIL MEETING

C. Public Hearing

1. **Bear State Bank/Garlan and Georgia Reading Trust Condemnation and Possession:** A resolution to authorize the City Attorney to seek condemnation and possession of certain lands owned by Bear State Bank, formerly known as First Federal Bank, or its assigns, and the Garlan and Georgia Reading Trust needed for the extension of Rupple Road from Persimmon Street to Martin Luther King, Jr. Boulevard.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 125-15

2. **East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No 34:** An ordinance to establish and lay off East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas.

   THIS ORDINANCE WAS TABLED INDEFINITELY

D. New Business

1. **Arkansas Highway and Transportation Department Payment:** A resolution to approve a payment of $170,000.00 to the Arkansas Highway and Transportation Department for the additional cost of a shared use path on the Highway 112 bridge across Interstate 49.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 126-15

2. **VAC 15-5078 (East of 4148 W. MLK Blvd./Hollands Subdivision):** An ordinance to approve VAC 15-5078 submitted by city staff for property located east of 4148 W. Martin Luther King Boulevard to vacate undeveloped street right-of-way.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5786

3. **VAC 15-5080 (Weir & Salem Rds./Holcomb Heights Subdivision):** An ordinance to approve VAC 15-5080 submitted by Riverwood Homes for property located at Weir & Salem Roads to vacate Weir Road right-of-way and portions of existing utility easements within the Holcomb Heights Subdivision.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5787

4. **Raising Cane's Building Appeal:** A resolution to grant the appeal of Ken's Signs and to approve the requested variance for the length of neon lighting for Raising Cane's building.

   THIS RESOLUTION FAILED

5. **Arkansas Legacy LLC Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 15-5066, for approximately 3.98 acres, located at 1338 and 1326 W. Cleveland Street from RMF-24, Residential Multi-Family, 24 units per acre and RSF-4, Residential Single-Family, 4 units per acre to DG, Downtown General subject to a Bill of Assurance.

   THIS ORDINANCE WAS LEFT ON THE FIRST READING

6. **City Council's Intention to Purchase the Fayetteville Chamber of Commerce Building:** A resolution to express the City Council's intention to investigate a possible purchase of the Fayetteville Chamber of Commerce building on Mountain Street.

   THIS RESOLUTION WAS TABLED TO THE AUGUST 4, 2015 CITY COUNCIL MEETING.

Announcements

City Council Agenda Session Presentations

City Council Tour

Adjournment: 8:21 p.m.

City Council Meeting: **July 21, 2015** **Adjourn:** 8:21 pm

Subject:	**ROLL**				
Absent: Alderman Tennant	**Gray**	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Mayor Jordan	✓			

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Mayor Jordan				

City Council Meeting: **July 21, 2015**

Subject:	**CONSENT**				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Gray			
Minutes approved passed 11-15 thru 12-15	**Gray**	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	abstent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Mayor Jordan	—			

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Mayor Jordan				

City Council Meeting: **July 21, 2015**

Subject:	**RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)**				
Motion To:		Table to Aug 4th			
Motion By:		Long			
Seconded:		Marsh			
B. 1 Unfinished Business	**Gray**	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
Tabled to Aug 4th 2015	**Schoppmeyer**	✓			
	La Tour	✓			
	Long	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Mayor Jordan				

City Council Meeting: **July 21, 2015**

Subject:	**BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST CONDEMNATION AND POSSESSION**				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Marsh			
C. 1 Public Hearing	**Gray**	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Mayor Jordan	—			

passed 125-15

7-0

Subject:	**EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34**				
Motion To:		Table Indef.			
Motion By:		Marsh			
Seconded:		Gray			
C. 2 Public Hearing	**Gray**	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Mayor Jordan	—			

Tabled indefinitely

7-0

City Council Meeting: **July 21, 2015**

Subject:	**ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PAYMENT**				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Marsh			
D. 1 New Business	**Gray**	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Mayor Jordan	—			

passed 126-15

7-0

Subject:	**VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Marsh	—	
Seconded:		Marsh	Long	—	
D. 2 New Business	**Gray**	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Mayor Jordan	—	—	—	

passed 5-2-1

7-0 7-0 7-0

City Council Meeting: **July 21, 2015**

Subject:	**VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Gray	–	
Seconded:		Marsh	Marsh	–	
D. 3 New Business	**Gray**	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
passed	**Schoppmeyer**	✓	✓	✓	
	La Tour	✓	✓	✓	
5787	**Long**	✓	✓	✓	
	Mayor Jordan	–	–	–	
		7-0	7-0	7-0	

Subject:	**RAISING CANE'S BUILDING APPEAL**				
Motion To:		Approve			
Motion By:		LaTour			
Seconded:		Schoppmeyer			
D. 4 New Business	**Gray**	N			
	Marsh	N			
	Kinion	N			
	Petty	N			
	Tennant	absent			
failed	**Schoppmeyer**	✓			
	La Tour	✓			
	Long	N			
	Mayor Jordan	–			
		failed 2-5			

City Council Meeting: **July 21, 2015**

Subject:	**ARKANSAS LEGACY LLC APPEAL**				
Motion To:					
Motion By:					
Seconded:					
D. 5 New Business	**Gray**				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Mayor Jordan				

Vote on the [illegible] Ordinance

Subject:	**CITY COUNCIL'S INTENTION TO PURCHASE THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING**				
Motion To:		Table to Aug 4th			
Motion By:		LaTour			
Seconded:		Long			
D. 6 New Business	**Gray**	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Mayor Jordan				

Tabled to August 4, 2015

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**

THRU: **Sondra Smith,** City Clerk

FROM: **Kit Williams,** City Attorney

DATE: **July 22, 2015**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of July 21, 2015**

1. A resolution to approve a budget adjustment in the amount of $8,077.00 recognizing funding from the Homeland Security Investigations Task Force for the purchase of a new forensic computer system by the Police Department.

2. A resolution to approve a budget adjustment in the total amount of $100,993.00 recognizing revenue associated with federal and state law enforcement forfeitures and proceeds from the sale of a used vehicle on govdeals.com.

3. A resolution to authorize acceptance of the 2015-2016 Justice Assistance and State Drug Crime Enforcement Grant for federal and state funding in the amount of $242,610.00, and to approve a budget adjustment.

4. A resolution to approve a contract extension with Insituform Technologies, Inc. in an amount not to exceed $330,000.00 for sewer rehabilitation using cured-in-place sanitary sewer linings.

5. A resolution to approve the annual renewal contract with Gallagher Benefits Services in the amount of $57,600.00 for the provision of city employee benefits broker services.

6. A resolution to authorize acceptance of a General Improvement Fund Grant through the Northwest Arkansas Economic Development District, Inc. in the amount of $50,000.00 for the purchase of soccer goals for the Regional Park, and to approve a budget adjustment.

7. A resolution to approve task order no. 3 with Garver, LLC in the amount of $23,500.00 for design, bidding and construction oversight services for the Airport Airfield Marking Rehabilitation Project, to accept a 90/10 grant from the Arkansas Department of Aeronautics in the amount of $179,880.00, and to approve a budget adjustment.

8. A resolution to award bid no. 15-39 and authorize a contract with Goodwin & Goodwin, Inc. in the amount of $755,654.50 for the construction of the Mission Boulevard and Old Wire Road intersection water and sewer improvements project, to approve a project contingency in the amount of $113,000.00, and to approve a budget adjustment.

9. A resolution to authorize the City Attorney to seek condemnation and possession of certain lands owned by Bear State Bank, formerly known as First Federal Bank, or its assigns, and the Garlan and Georgia Reading Trust needed for the extension of Rupple Road from Persimmon Street to Martin Luther King, Jr. Boulevard.

10. A resolution to approve a payment of $170,000.00 to the Arkansas Highway and Transportation Department for the additional cost of a shared use path on the Highway 112 bridge across Interstate 49.

City of Fayetteville, Arkansas

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

Meeting Agenda - Final Agenda

Tuesday, July 21, 2015

5:30 PM

City Hall Room 219

City Council Meeting

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. 2015-0320

CITY COUNCIL PRESENTATION OF THE 2014 ANNUAL AUDIT REPORT PRESENTED BY PAUL BECKER.

Agenda Additions:

A. Consent:

A. 1 2014-0507

APPROVAL OF THE JULY 7, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 2015-0286

HOMELAND SECURITY INVESTIGATIONS TASK FORCE FUNDING

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $8,077.00 RECOGNIZING FUNDING FROM THE HOMELAND SECURITY INVESTIGATIONS TASK FORCE FOR THE PURCHASE OF A NEW FORENSIC COMPUTER SYSTEM BY THE POLICE DEPARTMENT

Attachments: SRP - FRED

BA - FRED

A. 3 2015-0292

FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $100,993.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND PROCEEDS FROM THE SALE OF A USED VEHICLE ON GOVDEALS.COM

Attachments: SRP - Forfeitures

BA - Forfeitures - July 2015

A. 4 2015-0306

2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING IN THE AMOUNT OF $242,610.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-16 JAG & State Drug Crime Grant Award

BA - FY2015 DTF

A. 5 2015-0302

INSITUFORM TECHNOLOGIES, INC.

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED $330,000.00 FOR SEWER REHABILITATION USING CURED-IN-PLACE SANITARY SEWER LININGS

Attachments: 2015 Insituform CIPP Sewer Rehabilitation Agenda Packet

A. 6 2015-0304

GALLAGHER BENEFITS SERVICES

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF $57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: Gallagher Benefit Services Contract Renewal Packet

A. 7 2015-0307

NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. GENERAL IMPROVEMENT FUND GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT THROUGH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. IN THE AMOUNT OF $50,000.00 FOR THE PURCHASE OF SOCCER GOALS FOR THE REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-0307 NWAEDD GIF Grant Award

BA (Agenda Item) - Regional Park grant for soccer goals 7-21-15

A. 8 2015-0311

GARVER, LLC TASK ORDER NO. 3

A RESOLUTION TO APPROVE TASK ORDER NO. 3 WITH GARVER, LLC IN THE AMOUNT OF $23,500.00 FOR DESIGN, BIDDING AND CONSTRUCTION OVERSIGHT SERVICES FOR THE AIRPORT AIRFIELD MARKING REHABILITATION PROJECT, TO ACCEPT A 90/10 GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS IN THE AMOUNT OF $179,880.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: Legistar 2015-0311 GarverTO3 ADAGrant 070215

BA_FORM_LEGISTAR Garver TO3 ADA Grant 070215

A. 9 2015-0309

BID NO. 15-39 GOODWIN & GOODWIN, INC.

A RESOLUTION TO AWARD BID NO. 15-39 AND AUTHORIZE A CONTRACT WITH GOODWIN & GOODWIN, INC. IN THE AMOUNT OF $755,654.50 FOR THE CONSTRUCTION OF THE MISSION BOULEVARD AND OLD WIRE ROAD INTERSECTION WATER AND SEWER IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $113,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-0309 OW Const Contract

Purchase request for Goodwin&Goodwin Old Wire 06302015

BA Old Wire conduits and W-S 06302015

B. Unfinished Business:

B. 1 2015-0249

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments: 15-5044 CC EX A & EX B

15-5044 CC reports

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting.

C. Public Hearing:

C. 1 2015-0310

BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY BEAR STATE BANK, FORMERLY KNOWN AS FIRST FEDERAL BANK, OR ITS ASSIGNS, AND THE GARLAN AND GEORGIA READING TRUST NEEDED FOR THE EXTENSION OF RUPPLE ROAD FROM PERSIMMON STREET TO MARTIN LUTHER KING, JR. BOULEVARD

Attachments: 2015-0310 Rupple Acquisitions

C. 2 2015-0318

EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34

AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS

Attachments: Agenda Item East Mission Improvement District

Improvement District State Code

City Attorney Letter - East Mission Improvement District

D. New Business:

D. 1 2015-0312

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PAYMENT

A RESOLUTION TO APPROVE A PAYMENT OF $170,000.00 TO THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ADDITIONAL COST OF A SHARED USE PATH ON THE HIGHWAY 112 BRIDGE ACROSS INTERSTATE 49

Attachments: 2015-0312 Payment to AHTD Hwy 112 Shared Use Path

D. 2 2015-0305

VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5078 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED EAST OF 4148 W. MARTIN LUTHER KING BOULEVARD TO VACATE UNDEVELOPED STREET RIGHT-OF-WAY

Attachments: 15-5078 CC Exhibits

15-5078 CC reports

D. 3 2015-0303

VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5080 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT WEIR & SALEM ROADS TO VACATE WEIR ROAD RIGHT-OF-WAY AND PORTIONS OF EXISTING UTILITY EASEMENTS WITHIN THE HOLCOMB HEIGHTS SUBDIVISION

Attachments: 15-5080 CC Exhibits

15-5080 CC Reports

D. 4 2015-0296

RAISING CANE'S BUILDING APPEAL

A RESOLUTION TO GRANT THE APPEAL OF KEN'S SIGNS AND TO APPROVE THE REQUESTED VARIANCE FOR THE LENGTH OF NEON LIGHTING FOR RAISING CANE'S BUILDING

Attachments: 15-5004 Full Report

D. 5 2015-0316

ARKANSAS LEGACY LLC APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments: 15-5066 EX A & B

15-5066 Full Report

D. 5 Additional Arkansas Legacy

D. 6 2015-0324

CITY COUNCIL'S INTENTION TO PURCHASE THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

Attachments: Agenda Request Packet City Council intent to purchase Chamber Building

E. City Council Agenda Session Presentation:

E. 1 2015-0300

AGENDA SESSION PRESENTATION - 2014 ANNUAL AUDIT REPORT PRESENTED BY CHAIRMAN OF THE AUDIT COMMITTEE

E. 2 2015-0213

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY REPORT, CHUNG TAN

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

EXHIBIT #4 (Revision 1 - 7/10/15)

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") **Arkansas Legacy LLC,** hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. Development of the property will be constructed as substantially shown on the attached Arkansas Legacy Master Plan labeled as Exhibit #5. Exhibit #5 has been included as a part of this Bill of Assurance in order to show the following site planning characteristics that are being proposed:

   a) The general horizontal alignment of the proposed new streets.
   b) The general location of the proposed tree preservation areas.
   c) The general location and massing of the proposed buildings in relation to the street.
   d) The general location of the proposed rear lanes and the concept that most of the immediate vehicular access to off-street parking is located to the rear of the buildings and generally not visible from the front of the homes or the street.

2. Development of the property will be limited to the following permitted uses as defined by the City of Fayetteville Unified Development Code:single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing development, and home occupations.

3. Development of the property will be limited to no more than fifty-four (54) total dwelling units. No more than thirty (30) dwelling units will be located on or use New Streets #1 and #2 for the required street frontage.

4. Development of the property will be limited to construction of new buildings that do not exceed thirty (30) feet in height, as measured from the soffit to the finished grade around the outside perimeter of the building.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, _____, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

_____ _____

Date Printed Name

_____

Address

_____ _____

Signature

NOTARY OATH

STATE OF **OREGON** }
COUNTY OF **MARION** }

And now on this the _____ day of _____, 2015 appeared before me, _____, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

_____

NOTARY PUBLIC

My Commission Expires:

_____

Master Plan Key:

- A Existing House
- B Proposed House
- C Private Courtyards
- D Tree Preservation
- E Pedestrian Pathway
- F Central Green
- G Razorback Transit Stop

community.by.design

TOWN PLANNING.URBAN ENGINEERING

Exhibit #5 (Revision 2 - 7/10/15)
Arkansas Legacy Master Plan

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Introduction to the proposed Arkansas Legacy Project

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Introduction –Community By Design

Brian Teague, P.E.
Principal
brian@communitybydesignllc.com

community.by.design
TOWN PLANNING.URBAN ENGINEERING

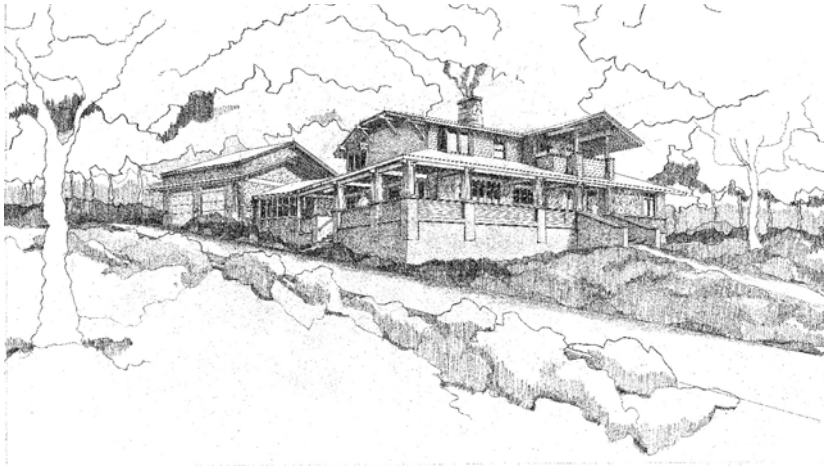
Community By Design was founded with the intent of providing the community with planning and engineering consultants who understand and encourage compact, walkable, livable neighborhoods.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Introduction – deMx Architecture

Tim Maddox, AIA
Principal

Landon Foster, AIA
Project Architect



www.demxarchitecture.com

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Property – Four Acres Owned By The Arkansas Legacy, LLC.

The Property is located just to the northeast of the intersection of Razorback Road and West Cleveland Street.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

We are not doing this:

...or anything like it.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

We don't want this:

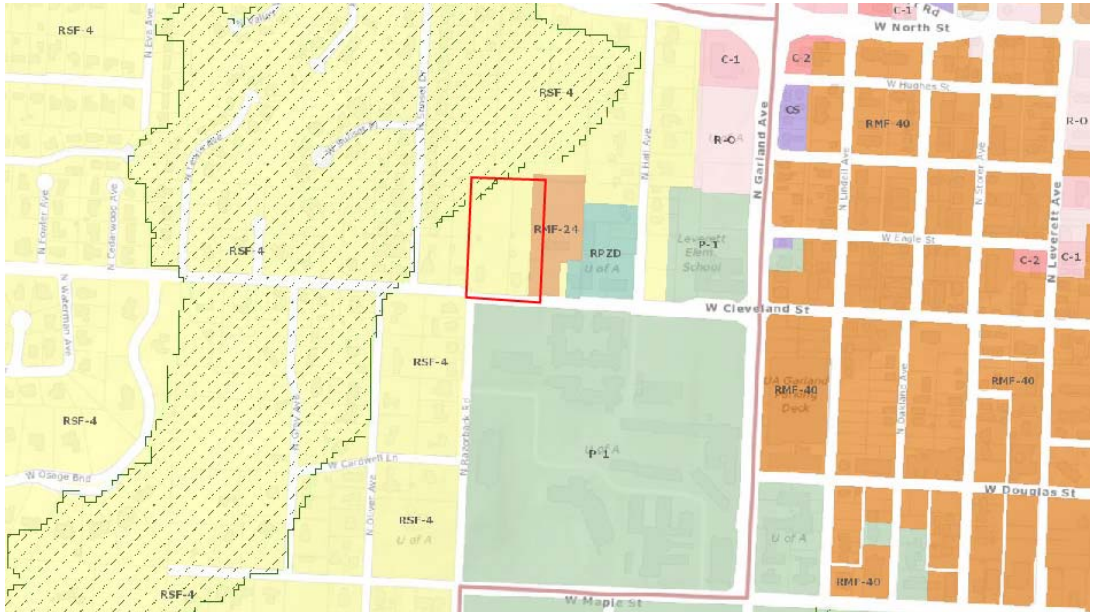
ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Our Project Goals:

- Contribute to and build the neighborhood
- Townhouse, single family look and feel
- Manage traffic and parking
- Preserve trees and green space
- Pedestrian friendly
- Contribute to the City's goals

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

City of Fayetteville Existing Zoning Map – RSF4 and RMF 24



City of Fayetteville Zoning Code - The existing zoning attached to the property consists of a combination of *RSF4 and RMF24*. Original ideas for development of the property revolved around 40 to 50 homes.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

City Plan 2030 Goals

Goal 1
We will make appropriate infill and revitalization our highest priorities.

Goal 2
We will discourage suburban sprawl.

Goal 3
We will make traditional town form the standard.

Goal 4
We will grow a livable transportation network.

Goal 5
We will assemble an enduring green network.

Goal 6
We will create opportunities for attainable housing.

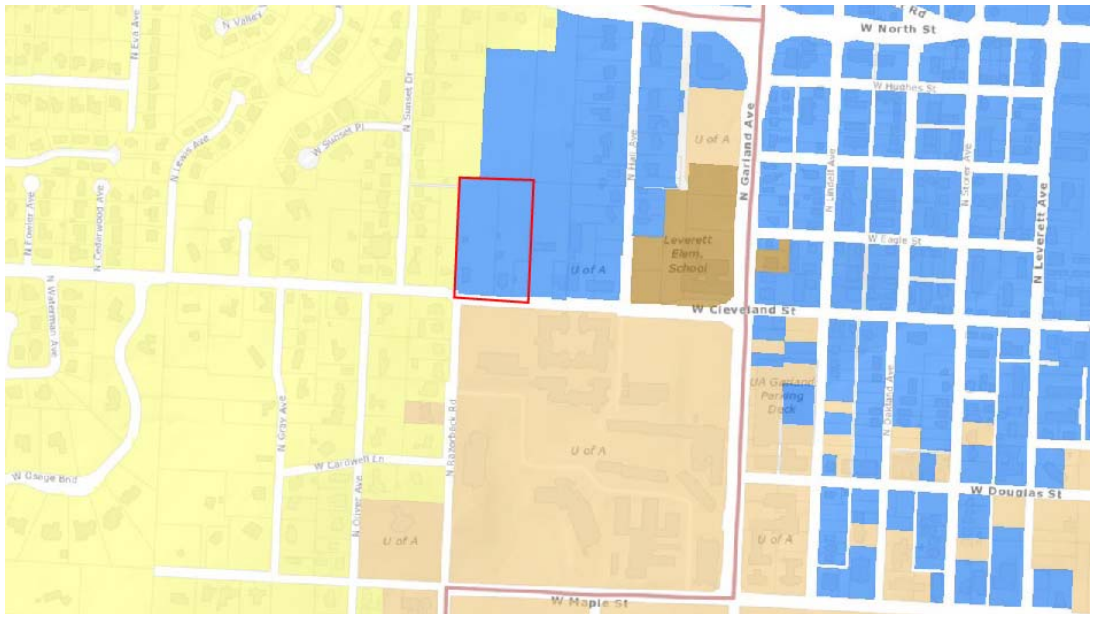
Goal 1
• Objective d – Promote densest development around logical future transit stops
• Objective g – Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown and the U of A

Goal 3
• Objective a – Require new growth that results in neighborhoods that are compact, complete, and connected via denser and varied housing
• Objective b – Prepare a transit-worthy community with density in highly walkable areas along logical future transit routes

Goal 6
• Objective a – Increase housing choices by encouraging a mixture of housing types and sizes and disperse throughout the city
• Objective c – Establish partnerships with non-profit and private entities to facilitate the development of attainable workforce housing
• Objective d – Make housing relatively more affordable by reducing cost of transportation

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

City of Fayetteville Future Land Use Plan – City Neighborhood Designation



City of Fayetteville Future Land Use Plan - The future land use plan designates the property as City Neighborhood. This designation encourages more densely developed neighborhoods with a wide spectrum of both of nonresidential and residential uses.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

A Range of Different Unit Types – Age In Place

City Plan 2030 - One of the objectives of Goal #6 is to encourage a mixture of housing types and sizes, allowing residents to age in place. Our goal is not to create a monoculture, but to build a range of unit types that will provide the opportunity for someone to live out their entire lives in the neighborhood.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

¼ **Mile Pedshed –** Five Minute Walk

City Plan 2030-Part of Goal #6 is to make housing more affordable by reducing the cost of transportation. The University, Leverett Elementary, Harps, Wal-Mart, and restaurants are all within a five-minute walk of the property. A Razorback transit stop is located adjacent to the property making it possible to conduct daily activities with significantly reduced use of a personal car.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Building Scale

Buildings will be at a scale that provides a neighborhood feel. This will provide a transition from the single-family neighborhood to the west to the more intense uses centered around the University. The renderings are general illustrations only. They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Arkansas Legacy Master Plan – Approximately 54 Homes

The Arkansas Legacy Master Plan - We have been working on plans for development of the property for most of 2014. A number of different concept plans were developed before the family agreed upon the proposed master plan that contains approximately 54 Homes.

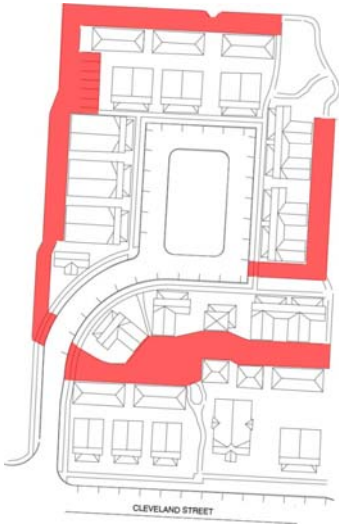
ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Arkansas Legacy Master Plan – High Quality Public Spaces

The Arkansas Legacy Master Plan - Connected with streets, rear access courts, and pedestrian pathways, high-quality public and semi-public spaces have been incorporated into the master plan. Front porches are planned to enhance the quality of these spaces. This is in accordance with Goal #3 of City Plan.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

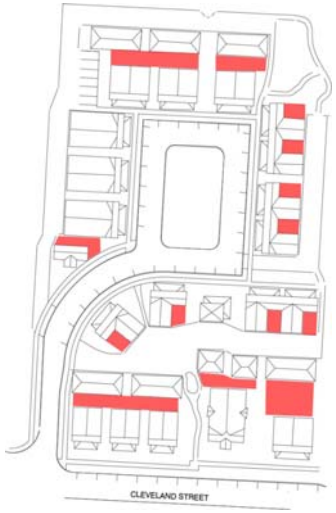
The Arkansas Legacy Master Plan – Rear Vehicular Access



The Arkansas Legacy Master Plan - In addition, to further enhance these public spaces, access to garages have been located to the rear of the homes and garage parking has been provided for nearly all of them. This is also in accordance with Goal #3 of City Plan 2030 and the Urban Residential Design Standards.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Arkansas Legacy Master Plan – Private Courtyards



The Arkansas Legacy Master Plan - In addition to the more public front porches planned for the homes, a more private courtyard is planned for a majority of the homes at Pecan Hill in order to expand living areas into the outdoors.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Arkansas Legacy Master Plan – Tree Preservation

The Arkansas Legacy Master Plan - Tree Preservation also played a major role in development of the master plan. Mature trees are preserved along an old fence line that extends through the property, trees are preserved on either side of the existing house, and also mature pecan trees in the northeast corner are preserved.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Design)

Potential Cleveland Street Elevation.
Preliminary Renderings by deMx Architecture.

The renderings are general illustrations only.
They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Design)

Potential North Courtyard Elevation.
Preliminary Renderings by deMx Architecture.

The renderings are general illustrations only.
They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Design)

Potential East Courtyard Elevation.
Preliminary Renderings by deMx Architecture.

The renderings are general illustrations only.
They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Numbers)

- Build a diverse neighborhood
  - 1 existing five bedroom home
  - Approximately 8 four bedroom homes
  - Approximately 14 three bedroom homes
  - Approximately 22 two bedroom units
  - Approximately 9 one bedroom units

  - 54 potential units

Branson, Lisa

From: CityClerk
Sent: Tuesday, July 14, 2015 8:41 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Arkansas Legacy Project appeal--please deliver to Mayor and Aldermen

-----Original Message-----
From: MAH [mailto:holksma@att.net]
Sent: Monday, July 13, 2015 10:17 PM
To: CityClerk
Subject: Re: Arkansas Legacy Project appeal--please deliver to Mayor and Aldermen

Mayor Jordan and City Aldermen:

I reside in the University Heights neighborhood. I am writing concerning an appeal of a planning commission denial of a proposed zoning change for the Arkansas Legacy Project on property that is two blocks from my home. I do not consider the requested Downtown General zoning at all appropriate for a residential project in a residential neighborhood zoned RSF-4. In my understanding, the bill of assurance the project designers have offered is an inadequate means to address the many issues raised by this project, and fails to compensate for the incompatibility of the zoning requested. I urge you to uphold the decision of the city planning staff and the entire planning commission and vote against this zoning change.

Thank you for your consideration of this matter.

Sincerely,

Margaret Ann Holcomb
548 N Gray Ave
Fayetteville, AR 72701
(479)442-9853

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, July 14, 2015 2:11 PM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'dmccoy@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Norton, Susan; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2 @fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4 _pos2@fayetteville-ar.gov'
Cc: 'sara.burningham@gmail.com'
Subject: FW: Arkansas Legacy

I am writing to register our objections to the Arkansas Legacy Project's appeal of the City of Fayetteville Planning Commission's unanimous decision to deny a request to rezone the property next door to us to Downtown General.

My husband, our two young children, and I have been living at 1400 West Cleveland Street since the summer of 2013. We moved to Fayetteville from New York City and are delighted to be raising our kids in such a special place. We chose the pretty yellow house on Cleveland Street for its walkability (I work downtown); the lush green canopy afforded by its gorgeous, mature trees; and the neighborhood's family-friendly feel.

We are not opposed to any and all development on this site. We have been living next door to the Jeske's very poorly managed student house for a couple of years now, and its replacement by owner-occupied family homes is a potential improvement we would very much welcome. Luckily, there is a zoning option that can make that happen: a PZD. And this is precisely the message Arkansas Legacy has been sent from neighbors, planners, and commissioners from the very beginning of this process: Though there are elements of the conceptual plans you have offered that we like, you need to go with a PZD.

The developers, however, are unwilling to hear us. Brian Teague of Communities by Design has repeatedly said that the reason they have persisted in pushing for spot zoning to Downtown General is that they could not get assurances regarding variances on the tree preservation requirements of a PZD, and they don't want to have to pay for detailed plans if they may not get the variances they want. But allowing a Downtown General spot zoning with an attached "relatively unclear Bill of Assurance"—thus creating an island of Downtown General not contiguous with downtown and a zoning with minimal tree preservation requirements—effectively shifts the costs of developing an acceptable plan from the developers to the City of Fayetteville. Instead of investing in a rigorous planning process from their end, Arkansas Legacy is asking for the city to approve conceptual plans that outline a future development that is bound to be "substantially" the same and for the city to, therefore, bear the costs of enforcing a Bill of Assurance via lawsuit.

I can see how attractive the possibility of rezoning to Downtown General would be to developers, particularly in conjunction with a Bill of Assurance that offers such vague 'specifics' - language like "substantially" and "general" and "concept". But is it best for the city and its residents? If this precedent were set, it could very well result in the Fayetteville Planning Commission, Planning Staff,

and City Council having to devote a great deal of time to dealing with a surge in speculative spot zoning requests from developers, and neighbors and the city would find themselves bearing the burden of having to enforce Bills of Assurance.

Brian Teague emphasizes that the tripling of density that their conceptual drawings suggest is in line with the City Neighborhood designation. But City Neighborhood is not zoning. The City Plan 2030 Goal 1 calls for **appropriate** (emphasis mine) infill. The Fayetteville Planning Staff has stated that the conceptual renderings and Bill of Assurance provide no maximum density along Cleveland Street and no specifics on the units along internal streets #1 and #2. Per the staff's report: "The proposal may contain a variety of housing types, or provide all attached housing units and completely exclude single-family homes." The revised Bill of Assurance does not resolve this problem.

The trees, the great lungs of our city, are crucial to our quality of life, our enjoyment of our house, our privacy, our birds—even the fat squirrels that feast on the pecan trees my family loves so much. That said, we understand that this land is ripe for development and that some trees will have to go. But it is not good enough to say that because you can't build at the density you want to make whatever profit you have deemed desirable unless you ditch tree preservation requirements, the City has a duty to grant a zoning so incompatible with the neighborhood and unwelcomed by the neighborhood.

Preserving trees in a new development is a challenge, but when both sides are working together, it's far from impossible. The City Forester, in fact, has provided a memo that acknowledges the difficulties of achieving minimum canopy requirements in infill development like this, but that makes clear he will work with the developers through a PZD process "to achieve minimum canopy requirements through available mitigation options." Arkansas Legacy, however, continues to reject our best efforts to find a mutually satisfactory solution.

I would like to reiterate that we support and encourage sustainable growth and development for our neighborhood. We would love for more families to be able to make a home in our wonderful community—and we had high hopes that the development would take these wishes into account. But their insistence upon pursuing a Downtown General designation instead of working with the city on a PZD despite universal and unanimous opposition leaves us with little confidence in the intentions of Arkansas Legacy.

We hugely appreciate your service to the community and the time you have taken to read these concerns. We are eager to answer any questions you may have.

Yours,

Sara Burningham (& family).

Legistar ID No.: 2015-0324

AGENDA REQUEST FORM

FOR: Council Meeting of July 21, 2015

FROM:
City Council Member Adella Gray
City Council Member Mark Kinion

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

APPROVED FOR AGENDA:

City Council Member Adella Gray — July 14, 2015 Date

City Council Member Mark Kinion — July 14, 2015 Date

City Attorney Kit Williams (as to form) — July 10, 2015 Date

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

WHEREAS, the Fayetteville Chamber of Commerce has announced its intention to purchase a building on the Square and sell its building on Mountain Street located between the City Administration Building and the Development Services Building; and

WHEREAS, the City Council believes it would be wise for the City Administration to examine the possible purchase or acquisition of the Chamber of Commerce building and determine whether this building, it offices and other spaces would be beneficial and needed for City of Fayetteville administrative uses.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby expresses interest in the possible purchase of the Fayetteville Chamber of Commerce Building and requests that the City Administration investigate this purchase with potential advantages and disadvantages and report back to the City Council.

PASSED and **APPROVED** this 21st day of July, 2015.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

City of Fayetteville Arkansas
City Council Meeting
July 7, 2015

A meeting of the Fayetteville City Council was held on July 7, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Martin Schoppmeyer

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Advertising and Promotion Commission Appointment Report

Alderman Kinion presented the Advertising and Promotion Commission Appointment report. The Nominating Committee recommended the appointment of Robert Rhoads.

A copy of the report is attached.

UNOFFICIAL

Alderman Long moved to approve the report. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Agenda Additions: None

Consent:

Approval of the June 16, 2015 City Council meeting minutes.

Approved

RFP #15-05 Challenger Teamwear: A resolution to award RFP #15-05 and authorize a contract with Challenger Teamwear for the purchase of youth soccer uniforms in the amount of $12.15 plus tax per uniform for the Fall 2015 and Spring 2016 seasons, with an option to renew for the Fall 2016 and Spring 2017 seasons.

Resolution 109-15 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing Hazmat Services revenue received by the Fire Department from Washington County in the amount of $1,726.00 and increasing the related expense budget.

Resolution 110-15 as recorded in the office of the City Clerk

Fayetteville Police Department Policies: A resolution to approve Fayetteville Police Department policies 22.2.8 Military Activations, 22.3 Secondary Employment, 41.1.1 Patrol, and 61.4.3 Towed Vehicles.

Resolution 111-15 as recorded in the office of the City Clerk

Tri Star Contractors, LLC: A resolution to award Bid No. 15-35 and authorize a contract with Tri Star Contractors, LLC in the amount of $252,500.00 for construction services for the Airport Terminal Apron Rehabilitation Project, to approve Change Order No. 1 to the contract with Tri Star Contractors, LLC in the amount of $197,500.00 to increase certain quantities of concrete repair, to approve a 5% project contingency, to accept a 90/10 grant from the Arkansas Department of Aeronautics in the amount of $470,700.00, and to approve a budget adjustment.

Resolution 112-15 as recorded in the office of the City Clerk

McClelland Consulting Engineers, Inc. Agreement No. 1: A resolution to approve supplemental Agreement No. 1 to the contract with McClelland Consulting Engineers, Inc. in the amount of $164,480.71 for additional engineering services associated with the rehabilitation of the historic Maple Street and Lafayette Street Bridges, and to approve a budget adjustment.

UNOFFICIAL

Resolution 113-15 as recorded in the office of the City Clerk

Watershed Conservation Resource Center Task Order No. 3: A resolution to approve Task Order No. 3 with the Watershed Conservation Resource Center for the design and construction of a stream restoration project on an unnamed tributary of Cato Springs Branch near the southern boundary of the Regional Park and for a feasibility analysis of the removal of an existing dam on the West Fork of the White River.

Resolution 114-15 as recorded in the office of the City Clerk

College Marketplace (Fayetteville), LLC: A resolution to authorize a contract with College Marketplace (Fayetteville), LLC in the amount of $186,202.50 for payment of the costs associated with the installation of a traffic signal at College Avenue and Masonic Drive, and to approve a budget adjustment.

Resolution 115-15 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

<u>Unfinished Business:</u>

RZN 15-5044 (4065 E. Huntsville Rd./The Plaza): An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, and CS, Community Services. ***At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading.***

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director stated he was available to answer any questions.

Glenda Patterson, 1106 St. Andrews Circle stated her concerns about traffic and flooding. She stated that additional personal services in this area are not necessary. She spoke in opposition of the ordinance.

Clint McDonald, Developer, 1385 South Roberts Road: During the development we will provide ingress and egress on the north side onto Highway 16. On the south side of the development there is already an ingress and egress provided. We are providing an ingress and egress on the west side

UNOFFICIAL

onto River Meadows. During the development we will provide a stub out into undeveloped land to the east for future development so it can connect to Roberts Road. The residents of this development will have no need to use River Meadows Drive. We plan to have no more than 57 lots, which is 4.7 lots per acre.

Alderman La Tour: It would be a deprivation of service to the public to say a business is not needed. I can't go along with the fact that someone would state that additional services aren't needed. We need robust competition to ensure consumers are getting the best product or service at the lowest possible price.

Alderman Marsh: I take the recommendation of the staff and Planning Commission seriously. I feel the proposed zoning is compatible with adjacent land uses. I am concerned about the stormwater, especially with it that close to the White River.

Alderman Petty: I think I'm going to vote against it and not because it's a bad proposal. We have a huge gap in the zoning designations that we offer between Neighborhood Services and Community Services. Community Services isn't appropriate for an edge development like this. Something more modern in scale would be appropriate. Traffic on this stretch of road is a nightmare because of developments that are already out there. Development on the edge, at low density, forces everybody onto one street to get in and out of town for services. I'm not willing to make it worse by encouraging more development on it.

Alderman Kinion: It's not a compatibility issue at this point, but we have a safety issue already out there. Until there is appropriate accommodation and management of the traffic in this area, I think safety is a real concern. We have not stepped forward to handle the traffic issue in advance of this zoning change. I worry about the management of the stormwater runoff. We have conditions that could impair the waterway that is already on the edge of an impairment. We need to be sure that we have the storm bank preservation in order before we offer more drainage into this area. I can't support this as it is written.

Alderman Gray: I agree with what I have been hearing. I agree with Alderman La Tour that we need to allow folks to build and develop, but the traffic out there is unbelievable. I can't allow more development until we have made sure we have that traffic under control.

Alderman La Tour: If you think traffic is bad on Highway 16, try going down Wedington Road during the high traffic times of the day. That argument can be used to shut down construction all over our city. I'm not saying traffic is a problem we should ignore, but if there is a traffic problem, I don't view that as a private problem caused by development. I view that as a failure of government, not keeping infrastructure up with the development. I know it is not the responsibility of the city to expand from two lanes to four lanes. It is a state function. We are always concerned about safety. Our city is growing because it is a good place to live. Engineers should be able to fix drainage problems. We can ask the developer to come up with a plan to address each one of these concerns.

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Alderman Long: I respect the opinion of the Planning Commission and staff's recommendation of approval. I don't see the RSF-7 and Neighborhood Services as prudent for the area. The Community Services aspect of this is adding a viable resource to the community.

Alderman Long moved to amend the ordinance to rezone the entire property to Community Services. The motion died for lack of a second.

A discussion followed about the possibility of other development scenarios being brought forward in the future.

City Attorney Kit Williams: You might ask the developer if he would like the City Council to table the item. He could get with the Planning Department and come back with something that might be more acceptable.

Clint McDonald, Developer stated he would like the item to be tabled.

Alderman Petty moved to table the ordinance to the July 21, 2015 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

This ordinance was Tabled to the July 21, 2015 City Council meeting.

Place Holder: Maple Street & Lafayette Street Bridge Rehab: A resolution to award a contract in the amount of $X,XXX,XXX.XX to Contractor, Inc. for the construction of the Maple Street & Lafayette Street Bridge Rehab, approve a project contingency of $XXX,XXX.X (5%), and approve a budget adjustment. ***At the June 16, 2015 City Council meeting, this resolution was tabled to the July 7, 2015 City Council meeting.***

Chris Brown, City Engineer stated bids were received for the project, but did not receive a bid that could be awarded. He stated it was higher than the amount certified. He stated they are contacting additional contractors to get it out for bid and will come back with a bid to award to a contractor. He requested the item to be tabled indefinitely.

Alderman Petty moved to table the resolution indefinitely. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

This resolution was Tabled Indefinitely.

<u>New Business:</u>

Alderman Long moved to move the last item of New Business, Amend Chapter 92 Animals to the first item of New Business. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

UNOFFICIAL

Amend Chapter 92 Animals: An ordinance to Amend Chapter 92 **Animals** of the Fayetteville City Code to provide protection for animals from being confined in enclosed vehicles in extreme temperatures, to prohibit deceptive acts and misrepresentations regarding the origin of animals turned into the Fayetteville Animal Shelter, and to make other technical revisions.

City Attorney Kit Williams read the ordinance.

Justine Lentz, Animal Services Superintendent gave a brief description of the ordinance. She stated that the Animal Services Advisory Board unanimously endorsed the proposed amended ordinance.

Alderman La Tour: How do you determine the residence of a dog or cat?

Justine Lentz: With this particular ordinance it talks about the residency of the person. We ask for a photo identification if you are turning over an animal you own. If it is a stray we have to take them on their word.

A discussion followed about the ability to determine if a stray animal is from Fayetteville.

Alderman La Tour: I can't leave my animal in the car if the temperature is 70 degrees or higher, but you won't write a citation unless the internal temperature is 100 degrees or higher?

Justine Lentz: It has to be at least 70 degrees for us to respond. In order for us to write a citation it would have to be 100 degrees or more.

City Attorney Kit Williams: It's a two part test. It could be more than a 100 degrees in there and has to be also at least 70 degrees outside. It could be 69 degrees outside and you park in the middle of a wide lot with no shade and your sunroof is open and it gets more than 100 degrees in there, you can't write a citation until it hits 70 degrees outside.

Alderman La Tour: That makes it more lenient for the pet owner. I find it inconsistent that you are reducing the number of days to claim a pet from ten to seven days, but you maintain that you want to reunite the pet with its original owner. When I go on vacation, I am usually gone for more than seven days.

A discussion followed about the well-being of an animal that is being held at the shelter and that many do not do well in a shelter environment for ten days.

Alderman Long: When someone is out of the country and it would be another ten days before they can get back, would the Pets in Crisis program kick in to hold the animal at the shelter?

Justine Lentz: Absolutely.

Michael Collins, 1625 North Giles Road: If a tenant owes $200 on a pet and can send his neighbor to go get it for $50 and they can't do that anymore, they might opt to let it get euthanized. There could be some type of arbitration process for fines that bring it down to a more reasonable level.

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A discussion followed about abortion rights.

Alderman Long: The word "destroy" and "destroyed" are used in several sections. It should be amended to the word euthanized.

City Attorney Kit Williams stated the amendment had a new Section 4 and will change all instances of the words "destroy" or "destroyed" to "euthanize" or "euthanized" when referring to an animal.

Alderman Long moved to amend changing the words "destroy" or "destroyed" to "euthanize" or "euthanized" when referring to an animal. Alderman La Tour seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion.

Alderman La Tour: Are we going to pass it all tonight and is there some hurry? The law provides for three readings and normally that is three separate City Council meetings. It gives people time to learn about what we are doing and to express an opinion. I don't see the need to pass it in one sitting. I urge us to take our time and do it the right way.

Mayor Jordan: Would the Alderman like to withdraw the motion to take it to the third and final reading?

Alderman Marsh: No. We are expecting over a 100 degree weather this next week. We need all the tools we can to keep animals in our community safe.

Upon roll call the motion passed 6-2. Alderman La Tour and Tennant voting no. Mayor Jordan voting yes. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long thanked the Animal Services staff for their work on the ordinance. He believes it is urgent to pass the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Ordinance 5782 as Recorded in the office of the City Clerk

UNOFFICIAL

Evans Construction and Remodeling, LLC: A resolution to authorize a contract with Evans Construction and Remodeling, LLC in the amount of $24,855.00 for Community Development Block Grant rehabilitation of an eligible residence located at 3295 W. Old Farmington Road.

Yolanda Fields, Community Resources Director gave a brief description of the resolution.

Alderman La Tour: How many people work with you?

Yolanda Fields: In Community Development, I have three full time and one part time, temporary.

Alderman La Tour requested information on how an individual is chosen.

Yolanda Fields: An individual applies. There is not a choosing. If they are eligible and they meet all the criteria, then we will work on their home. It is not a contest.

Alderman La Tour: Suppose there are ten people that are qualified and they all apply. How do you distinguish between the ten?

Yolanda Fields: They will all be served. The challenge that we have is finding contractors to do the work. Individuals apply and we look to make sure they qualify. We may have to push them over to the next year because of weather or bids, but they will get the work done.

Alderman La Tour: Where does the money come from to fund this activity?

A discussion followed about the program being funded by Housing and Urban Development which assists low to moderate income individuals.

Alderman La Tour: The qualifications listed says they have to own their home for at least a year. You didn't list an income qualification.

Yolanda Fields: For one individual it is $32,900. For this particular contract we have a family of six and they can't exceed $54,500. This family meets that criteria.

Alderman La Tour: I am philosophically opposed to spending federal tax dollars on a local level. Those tax dollars came from working people who are paying their tax bill. It came from Social Security taxes. I find it unpleasant that we are part of a system that is taking dollars from other places and injecting them here. This perpetuates an $18 trillion debt that our country is in.

Yolanda Fields: A lot of the folks that we work with, they do work. They have jobs, they just don't make enough to take care of the needs they have.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Resolution 116-15 as recorded in the office of the City Clerk

UNOFFICIAL

Webtech Wireless, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a thirty six (36) month contract with Webtech Wireless, Inc. for fleet management tracking services in the amount of $50,444.00, plus applicable sales taxes and shipping costs.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director gave a brief description of the ordinance.

Alderman La Tour: I congratulate and thank you.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Schoppmeyer was absent.

Ordinance 5783 as Recorded in the office of the City Clerk

RZN 15-5075 (NE Corner Van Asche & Steele Blvds./CMN Lots 8 & 14): An ordinance rezoning that property described in Rezoning Petition RZN 15-5075, for approximately 17.70 acres, located at the Northeast corner of Van Asche and Steele Blvds. from C-2, Thoroughfare Commercial to C-3, Central Commercial.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The Planning Commission voted in favor of the request. Staff is recommending approval.

Alderman Petty: What was staff's recommendation on the Uptown Project?

Andrew Garner: We recommended in favor of that.

Alderman Petty: You didn't have a Council policy precedent for that one?

Andrew Garner: Correct.

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Tom Henley, Crafton Tull: I'm representing Thompson Thrift Development. It is not a true form-based development, but there is enough variety that I believe it will be looked upon with favor by the Planning Commission. The client asked that if Council saw fit to vote in favor of the rezoning, due to the time sensitive nature of the real estate contract, that you consider suspending the rules and doing all three readings for the rezoning tonight.

Andrew Garner gave a brief explanation describing zoning definitions.

Alderman La Tour urged City Council to give the applicant what they are requesting.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-1. Alderman Petty voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: If this was to remain C-2 and the applicant went for a conditional use permit to do multi-housing, would the Planning Commission be able to install conditions that would require an urban form?

Andrew Garner: I don't believe so. The only option for multi-family in the C-2 is when it's accessory to commercial. The conditional use is not viable for a completely residential project.

Mayor Jordan: What was the vote of the Planning Commission?

Andrew Garner: It was 6-2-0.

Alderman La Tour moved to suspend the rules and go to the third and final reading. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-2. Alderman Petty and Marsh voting no. Mayor Jordan voting yes. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: I prefer to see a form-based code, but we can move forward with this development because of the compatibility with the zoning we previously did down the street.

Alderman Marsh: I like the general idea of what they are proposing. I would support a form-based rezoning, but I can't support the C-3.

Alderman Petty: We made a mistake with the rezoning decision before. We lucked out that the developer chose to exercise the option to do an urban form in their development.

Alderman La Tour: Let me remind us all who has the most risk. The developer signs the note or invests their own money into the project. They take the business risk when they develop it. We have very little at stake here. We should defer to their judgment.

UNOFFICIAL

Alderman Petty: The idea that the City of Fayetteville has nothing to lose with development decisions is farcical. Every development that fails is a problem we have to clean up. The reason we have zoning is to protect the city from failed development.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Petty and Marsh voting no. Alderman Schoppmeyer was absent.

Ordinance 5784 as Recorded in the office of the City Clerk

VAC 15-5089 (3215 North Hills Blvd.): An ordinance to approve VAC 15-5089 submitted by USI Engineers for property located at 3215 North Hills Boulevard to vacate a portion of an existing utility easement.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Schoppmeyer was absent.

Ordinance 5785 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: On July 9, 2015 at 7:00 p.m. we have our Gulley Park concert.

On July 10, 2015 is the rescheduled Dive-In Movie. The movies are free to the public.

The Walton Arts Center renovation project has begun on Dickson Street. Sidewalk access in this area will be affected during construction. Temporary adjustments will be made to ensure that sidewalks remain ADA accessible.

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Alderman Marsh: With all the rain we've had and the excessive rate of vegetation growth, I encourage everyone to look at the sidewalks in front of your house or business and trim back any bushes to leave a clear path for walkers.

Don Marr: The cleaning of sidewalks is the responsibility of property owners.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:52 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

UNOFFICIAL

City Council Handout 7/21/15

Fayetteville
Chamber of Commerce

July 21, 2015

MEMORANDUM

To: Mayor Lioneld Jordan
City Council Fayetteville
Paul Becker
Sonia Smith

From: Steve Clark

Re: Chamber building 123 wests Mountain

The Chamber has previously furnished each of you information about its building and our real estate listing to sell the property. Additionally as requested, information was provided regarding the Chamber's history of utility usage and monthly costs.

The Chamber wanted to further update our position regarding the potential uses of our building. The Chamber will also consider an offer from the City to lease our facility. Spokespersons for the City have indicated that the City had short term needs for space as well.

The Chamber will lease the City our building for one year with an option to renew for an additional year. The rental rate would be $15 per square fooFayt and the City would be responsible for payment of utilities.

City Council Handout 7/21/15

Fayetteville City Council
Comments by Paul Jeske, Arkansas Legacy LLC
July 21, 2015

Introduction

I grew up in Fayetteville and am familiar with changes in area around the University campus

Many examples of neighborhoods that no longer exist, not sustainable

Dickson Street, especially west of Duncan Street
Maple Street
Cleveland Street

Things the neighbors and I share

- Love for the City and the local neighborhood
- History with and emotional attachment to the neighborhood
  - The family lived on the property for 60 years.
- Love for the University but also 'on the front line' of interaction with the University
- Project Cleveland experience
- Several community and ward meeting discussions on this project
- Anguish and stress over this process
- Concern for future of the neighborhood
- Concern that Downtown General zoning means there will be a downtown commercial area in the neighborhood
- We do NOT want a commercial development in the neighborhood.
- *We all want a high quality, sustainable neighborhood and community!*

The best way to protect the neighborhood is to grow the neighborhood.

How we got here

- Work with engineer and architect to develop concept
  - Develop and build a sustainable neighborhood
  - Not Project Cleveland and not a parking lot
  - Recognize the unique location of the property
  - Contribute to City 2030 Goals
  - Traditional town form
- Met with City Planning staff
- Presented original concept to neighbors and asked for feedback.
  - Traffic, parking, street location
  - PZD use
- Wide review of City zone options
  - RSF Large lot and street frontage requirements
  - RMF Generally directed toward apartment and multi-family developments
  - PZD Shared planning
    - Uncertain outcome
    - Tree retention requirements not likely to be met (Urban Forester), variance required
  - Downtown General
    - Label gives impression of commercial development
    - Lot size and street frontage requirements provide more flexibility
    - Language in City code directly describes variety of family homes to be built.

When presented to neighbors, "What happens if make the zone change & then we sell the property to someone else?

Bill of Assurance (BOA)

Intended to meet neighbor concerns

Components

- Master Plan (Dropped due to development design questions)
- Height
- Residential Use only
- Density

Meetings with City Attorney and City Planning staff

Several versions

Precedence for using BOA

In discussions with the City Attorney, I understood that he felt the BOA was enforceable. In discussions with Jeremy Pate, I understood that he feels that the current form of the BOA is understandable and enforceable. This is different from the statement in the City Planning staff to you regarding this proposal (in part based on earlier versions of the BOA).

Not normal, but legal and effective.

Appeal Concerns

- The Planning Commission did not have the full public record available for their review. The letter from the Urban Forester was omitted. It includes a key statement regarding inability to achieve PZD 25% tree canopy retention requirement.
- City Attorney stated that BOA was enforceable while Development staff said it was not.
- Inconsistent application of Downtown General zoning (Walker Park neighborhood).
- Difference of opinion regarding consistency of the request with City Long Range goals.

Downtown General appropriate at this location

- Downtown General (DG) code seems very appropriate for the intended use:

"Downtown General is ***a flexible zone***, and it is ***not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center***. . . . There is ***a mixture of single family homes, rowhouses, apartments, and live/work units.*** Activities include ***a flexible and dynamic range of uses***, . . ."

"City Neighborhood Areas are ***more densely developed than Residential Neighborhood Areas*** and provide ***a varying mix of nonresidential and residential uses***." (Emphasis added.)

- DG is being used for residential development in many parts of the City beyond the downtown core.
- There is precedence for using DG to encourage residential development, including areas away from the downtown coreand the area is designated City Neighborhood in the Future land Use Plan.
- This area is closely tied to the urban/densely populated University and commercial areas along Garland and near the Garland &Weddington intersection. Much closer to the urban & commercial areas than some areas designated as DG in SE portion of town.

Basic Government decision-making test

Legal basis for action
Rationale clearly expressed
Consistently applied

When can't meet these basic tests, then decision or action could be arbitrary and capricious.
Does the city Planning staff rationale for use of DG zoning category in many other areas of the City, but not here pass these basic tests?

Doing something differently

In discussions I understood that Jeremy Pate stated that there is not a 'form based' zoning category that allows the type of development as was originally included in our Master Plan. Current zoning tends to direct developers toward typical housing tracts or apartment developments. I acknowledge the difficulty of our application that is trying to do something different.

It is different, but

- Consistent with City Long Range Plans
- Encouraged by City Plan 2030 Goals

City Plan 2030

Our application (that included a Master Plan) identified many ways the application is meeting the stated objectives.

One – "Appropriate infill and revitalization our highest priorities."

Two – "Discourage suburban sprawl"

Three – "Make traditional town form the standard."

Four – "Livable transportation network"

Six – Housing - "encourage *a mixture of housing types and sizes and dispersed throughout the city."* ". . . complete, compact and connected neighborhoods are pedestrian friendly"

With these many examples, the proposed zoning change (even without the Master Plan) STRONGLY CONTRIBUTES to the City's 2030 Goals and Objectives. This is different from the opinion expressed by the City planning staff.

Sustainability

For a sustainable community, the three basic componentsmust be integrated and in balance;

- The economy,
- The environment, and
- Social systems

Our proposed density of 54 units is at the minimum needed to economically support the development. When compared with the density included in Project Cleveland (13.5 units/acre for our proposal versus 45 units/acre in Project Cleveland), you can see that **significant density and economic concessions have already been made.**

City regulations will ensure that environmental and safety concerns are met on the site. For this site **a 10% tree canopy retention level is planned and is the level appropriate for infill and traditional town form.**

The proposed 54 dwelling units is a density that should build and maintain a community. **The proposed density and other restrictions included in the BOA recognizes its 'transitional location' and respects the adjacent residential uses.** The potential variety of unit sizes and shapes is intended to encourage a diverse mix of users, including families with children who could attend the local Leverett Elementary School.

Some Reasons to Approve the Zoning Change Request

1. The proposal provides for thoughtful growth and economic development.
2. The proposal protects quality of life concerns in the neighborhood by restricting height, use and density.
3. It provides for a walkable, sustainable neighborhood close to the University.

4. The zoning change will allow the development to contribute to City Plan 2030 goals.
5. The proposal uses an existing City code for Downtown General with all the requirements and restrictions it includes.
6. DG is appropriate for traditional, 'town form' residential development and it is already being used for residential areas in the City.
7. Language in the DG code specifically allows for a wide range of residential development.
8. Both the City Attorney and the Director of Development Services have stated that the BOA is enforceable.
9. The zoning change with BOA restrictions is consistent with the City Neighborhood designation in the City of Fayetteville Land Use Plan.
10. The zoning change with BOA restrictions allows for limited growth in a sensitive area near the University.
11. There is precedence for using the DG zone for residential development away from 'the downtown core' and for using legal documents such as BOA.
12. The restrictions in the BOA should satisfy neighborhood concerns.
13. The proposal makes a positive contribution to the community and makes the entire area a more sustainable neighborhood.
14. This proposal is significantly different from and should not be confused with Project Cleveland.
15. The proposal takes into consideration the Urban Forester's statement that PZD Green tree retention requirements are not appropriate or achievable on this site.
16. Encourages a major economic investment in the community.
17. Allows for flexibility in the zoning change process and zoning interpretation.

18. DG with the BOA allows a greater level of predictability for the owner. The project should be allowed to proceed.

Stewardship

'You don't plan a tree for yourself. You plant it for future generations.'

I feel the responsibility to be a good steward of the property and make a positive contribution to the neighborhood.

This proposal is like planting a tree. I do expect lots of work to make the neighborhood a success and help it grow. The major benefit from this new neighborhood will be for those who follow me rather than myself. This zoning change request is the beginning of our attempt to make a positive investment in and contribution to the neighborhood and the City.

The best way to protect the neighborhood is to grow the neighborhood.

Please approve our family's request to make this positive change.

City Council Packet 7/21/15

Branson, Lisa

From: Vince Chadick <vchadick@bassettlawfirm.com>
Sent: Tuesday, July 21, 2015 10:56 AM
Cc: Smith, Sondra

Dear Council Members Gray, Marsh, Kinion, Petty, Tennant, Schoppmeyer, La Tour, and Long,

Thank you each for your dedicated service to our beloved Fayetteville. We citizens are grateful.

My family and I live at 681 N. Razorback Road.

As it relates to the Arkansas Legacy Project's appeal of the Planning Commission's decision to deny a re-zoning request, I support your denying the appeal and affirming the unanimous decision of the Commission (and the recommendation of City staff).

Thank you for your time and consideration. (And, please – you don't need to reply to this email. I know you're already busy!)

Best regards,

Vincent Chadick

Branson, Lisa

From: Branson, Lisa on behalf of Smith, Sondra
Sent: Tuesday, July 21, 2015 8:33 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Pate, Jeremy; Garner, Andrew; Fulcher, Jesse; Harrison, Rebecca
Subject: FW:

From: Rebecca Harrison [mailto:rebeccanewth@gmail.com]
Sent: Monday, July 20, 2015 8:42 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject:

very much want to establish that I am against the rezoning for the jeske project. I am a resident thirty years, husband the dean of libraries and I live in the historic farm house on Oliver and Cardwell. Cannot imagine more traffic on Cleveland. Rebecca Newth Harrison

Branson, Lisa

From: Branson, Lisa on behalf of Smith, Sondra
Sent: Tuesday, July 21, 2015 8:33 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Pate, Jeremy; Garner, Andrew; Fulcher, Jesse; teresa_turk@hotmail.com
Subject: FW: Proposed rezoning of Jeske property

From: Teresa Turk [mailto:teresa_turk@hotmail.com]
Sent: Monday, July 20, 2015 9:28 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Proposed rezoning of Jeske property

Please distribute to all the Council members.

Dear City Council Members,
My name is Teresa Turk and I live at 1408 W. Cleveland St, 3 houses west of the proposed rezoning of the Jeske property. I am against any increase in density or rezoning for the University Heights neighborhood. Allowing this area to be rezone to Downtown General sets a very bad precedent and is completely incompatible with the existing neighborhood.

Cleveland street is already overused with too many vehicles using this street. The additional allowance of having a single entry and exit point on Cleveland for a huge development will greatly increased congestion on already overloaded and dangerous street.

Finally the property owners are not being transparent with their development plans. Without all the design plans how can anyone truly know what they will build. They could have even higher densities than what is proposed.

For all these reasons, please do not approve this rezoning proposal. It is a bad idea and bad for the neighborhood. The planning commission made the correct decision.

Thank you for your consideration,
Teresa Turk
1408 W Cleveland St.

Branson, Lisa

From: Branson, Lisa on behalf of Smith, Sondra
Sent: Tuesday, July 21, 2015 8:32 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Pate, Jeremy; Garner, Andrew; Fulcher, Jesse; sdh2@cox.net
Subject: FW: Arkansas legacy project

-----Original Message-----
From: Susan Hall [mailto:sdh2@cox.net]
Sent: Monday, July 20, 2015 9:56 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Arkansas legacy project

Please forward this email to our mayor and aldermen.

My husband and I live on Oliver Avenue near the proposed legacy project. We would like to register our deep concern about the rezoning proposed. It would seem that one purpose of zoning is so residents can feel secure in planning and investing in a particular area. We have always been aware that the area in question would be developed eventually, but we thought the nature of the project would be determined by existing zoning. Downtown General certainly was not intended to be used in residential areas outside the core of the city.

The developers argument that they cannot make the profit they want to make if they abide by present zoning seems like a poor one to us. The reason for this zoning is to help maintain the neighborhood in the face of such encroachment. This zoning was determined calmly with due consideration for many factors. It should not be overturned to satisfy whims.

Thank you for considering the neighborhood and neighbors.

Sincerely, Susan and Orville Hall

Sent from my iPad'

June 21, 2015

Andrew Garner, City Planning director
Please forward to the Planning Commission Members for June 22nd meeting.

Re: RZN 15-5066 Rezone (1324 W. Cleveland St. / Arkansas Legacy, LLC., 443)

Dear Mr. Garner and Commission,

I am writing to express my objection to the rezoning of the property at 1324 W. Cleveland. The current zoning is appropriate for the neighborhood and should be left as is. I do not support any rezoning of this property. The location, limited access, available infrastructure (especially traffic issues) and surrounding, majority housing and the residents living in those houses clearly indicate that the property is appropriately and correctly zoned.

If the Planning Commission considers any change to the current zoning, it should be zoning that reflects a reasonable increase in density but keeps the property zoned residential. There is simply no way the location could accommodate more. Anyone that has had long term, first hand, daily experience with having to travel the Cleveland / Razorback intersection is aware of this. We are three blocks from it.

I have been a member of the Fayetteville community for forty-five years and a resident at 668 Gray Street for thirty-five years. Since purchasing the property in 1980, I've married. My wife and I raised our twenty-six year old son here. We are intimately aware of living in this area. We are members of UHNA. Please, do not bulldoze away these fantastic, family neighborhoods so close to all that is Fayetteville.

I ask you to deny any request for rezoning and development that would further erode this wonderful neighborhood. There are so many (and too many) examples around the U of A community of atrocious, strictly-for-profit, inappropriate developments leading to eventual destruction of great neighbors living in great neighborhoods.

Please. Don't let that happen to this property.

Joe Paul
668 Gray
Fayetteville, AR
72701

jpaul91952@aol.com

July 21, 2015

Addendum to my letter to the Planning Commission for City Council Meeting

Council Members,

I am sending another copy of my letter for your meeting. In addition, I want to add that my position has not changed. Everything I read or hear concerning the Jeske property continues to solidify my position. The property is zoned correctly and should not be changed. The PZD zoning is a compromise I am willing to accept reluctantly. Our neighborhood surrounding the west, northwest and north of the U of A is the last neighborhood around the University campus that has not been slowly turned into massive, student housing projects. Can we not have a University community that reflects the needs of families, too?

A drive around the U of A neighborhoods and an examination of satellite images of the area reveal clearly the loss of family-planned neighborhoods. If this project is approved as anything except RSF-4, many long-term residents see that as the last sign they need to sell their homes and property to whoever is the highest bidder and regardless of what their plans may be.

Appropriate in-fill to the property is RSF-4. I have neither seen nor heard anything that convinces me otherwise. Please, reject this rezoning. There is a lot more at stake than tree canopy and how many beds could be crammed onto four acres.

Lastly, the letter by Sara Burningham is, by far, the most concise of any argument to prevent the DG rezoning. I support everything she states and the reasoning by which she arrives at her conclusions. I just don't see ANY reason to go beyond the RSF-4.

Sincerely,

Joe Paul

RECEIVED
JUL 20 2015
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

WILLIAMS & ANDERSON PLC
SUITE 2200
111 CENTER STREET
LITTLE ROCK, ARKANSAS 72201

STEPHEN A. HESTER
shester@williamsanderson.com
Direct Dial
(501) 396-8808

(501) 372-0800
TELECOPIER
(501) 372-6453

July 17, 2015

VIA EMAIL AND US MAIL

Kit Williams, Esq.
City Attorney
113 W. Mountain St., Ste. 302
Fayetteville, AR 72701
kwilliams@fayetteville-ar.gov

Re: East Mission Blvd. Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas

Dear Kit:

As we discussed yesterday, please allow this letter to confirm that East Mission Boulevard, LLC wishes to table indefinitely its Petition to Form Improvement District in the above-referenced matter.

I enjoyed working with you on this matter.

Very truly yours,

WILLIAMS & ANDERSON PLC

Stephen A. Hester

Stephen A. Hester

SAH:nm

cc via email:
Mark Marks
Tommy Lasiter
Lawrence Finn

City of Fayetteville, Arkansas

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

Meeting Agenda - Tentative Agenda

Tuesday, July 14, 2015

4:30 PM

City Hall Room 326

City Council Meeting

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

A. 1 2014-0507

APPROVAL OF THE JULY 7, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 2015-0286

HOMELAND SECURITY INVESTIGATIONS TASK FORCE FUNDING

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $8,077.00 RECOGNIZING FUNDING FROM THE HOMELAND SECURITY INVESTIGATIONS TASK FORCE FOR THE PURCHASE OF A NEW FORENSIC COMPUTER SYSTEM BY THE POLICE DEPARTMENT

Attachments: SRP - FRED

BA - FRED

A. 3 2015-0292

FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $100,993.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND PROCEEDS FROM THE SALE OF A USED VEHICLE ON GOVDEALS.COM

Attachments: SRP - Forfeitures

BA - Forfeitures - July 2015

A. 4 2015-0306

2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING IN THE AMOUNT OF $242,610.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-16 JAG & State Drug Crime Grant Award

BA - FY2015 DTF

A. 5 2015-0302

INSITUFORM TECHNOLOGIES, INC.

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED $330,000.00 FOR SEWER REHABILITATION USING CURED-IN-PLACE SANITARY SEWER LININGS

Attachments: 2015 Insituform CIPP Sewer Rehabilitation_Agenda Packet

A. 6 2015-0304

GALLAGHER BENEFITS SERVICES

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF $57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: Gallagher Benefit Services Contract Renewal Packet

A. 7 2015-0307

NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. GENERAL IMPROVEMENT FUND GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT THROUGH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. IN THE AMOUNT OF $50,000.00 FOR THE PURCHASE OF SOCCER GOALS FOR THE REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:
2015-0307 NWAEDD GIF Grant Award
BA (Agenda Item) - Regional Park grant for soccer goals 7-21-15

A. 8 2015-0311

GARVER, LLC TASK ORDER NO. 3

A RESOLUTION TO APPROVE TASK ORDER NO. 3 WITH GARVER, LLC IN THE AMOUNT OF $23,500.00 FOR DESIGN, BIDDING AND CONSTRUCTION OVERSIGHT SERVICES FOR THE AIRPORT AIRFIELD MARKING REHABILITATION PROJECT, TO ACCEPT A 90/10 GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS IN THE AMOUNT OF $179,880.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:
Legistar 2015-0311 GarverTO3 ADAGrant 070215
BA_FORM_LEGISTAR Garver TO3 ADA Grant 070215

A. 9 2015-0309

BID NO. 15-39 GOODWIN & GOODWIN, INC.

A RESOLUTION TO AWARD BID NO. 15-39 AND AUTHORIZE A CONTRACT WITH GOODWIN & GOODWIN, INC. IN THE AMOUNT OF $755,654.50 FOR THE CONSTRUCTION OF THE MISSION BOULEVARD AND OLD WIRE ROAD INTERSECTION WATER AND SEWER IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $113,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:
2015-0309 OW Const Contract
Purchase request for Goodwin&Goodwin Old Wire 06302015
BA Old Wire conduits and W-S 06302015

A. 10 2015-0312

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PAYMENT

A RESOLUTION TO APPROVE A PAYMENT OF $170,000.00 TO THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ADDITIONAL COST OF A SHARED USE PATH ON THE HIGHWAY 112 BRIDGE ACROSS INTERSTATE 49

Attachments: 2015-0312 Payment to AHTD Hwy 112 Shared Use Path

B. Unfinished Business:

B. 1 2015-0249

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments: 15-5044 CC EX A & EX B

15-5044 CC reports

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting.

C. Public Hearing:

C. 1 2015-0310

BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY BEAR STATE BANK, FORMERLY KNOWN AS FIRST FEDERAL BANK, OR ITS ASSIGNS, AND THE GARLAN AND GEORGIA READING TRUST NEEDED FOR THE EXTENSION OF RUPPLE ROAD FROM PERSIMMON STREET TO MARTIN LUTHER KING, JR. BOULEVARD

Attachments: 2015-0310 Rupple Acquisitions

C. 2 2015-0318

EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34

AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS

Attachments: Agenda Item East Mission Improvement District

Improvement District State Code

City Attorney Letter - East Mission Improvement District

D. New Business:

D. 1 2015-0305

VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5078 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED EAST OF 4148 W. MARTIN LUTHER KING BOULEVARD TO VACATE UNDEVELOPED STREET RIGHT-OF-WAY

Attachments: 15-5078 CC Exhibits

15-5078 CC reports

D. 2 2015-0303

VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5080 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT WEIR & SALEM ROADS TO VACATE WEIR ROAD RIGHT-OF-WAY AND PORTIONS OF EXISTING UTILITY EASEMENTS WITHIN THE HOLCOMB HEIGHTS SUBDIVISION

Attachments: 15-5080 CC Exhibits

15-5080 CC Reports

D. 3 2015-0296

RAISING CANE'S BUILDING APPEAL

A RESOLUTION TO GRANT THE APPEAL OF KEN'S SIGNS AND TO APPROVE THE REQUESTED VARIANCE FOR THE LENGTH OF NEON LIGHTING FOR RAISING CANE'S BUILDING

Attachments: 15-5004 Full Report

D. 4 2015-0316

ARKANSAS LEGACY LLC APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments: 15-5066 EX A & B

15-5066 EX C Bill of Assurance

15-5066 Full Report

E. City Council Agenda Session Presentations:

E. 1 2015-0300

AGENDA SESSION PRESENTATION - 2014 ANNUAL AUDIT REPORT PRESENTED BY CHAIRMAN OF THE AUDIT COMMITTEE

E. 2 2015-0213

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY REPORT, CHUNG TAN

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0286

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 2

HOMELAND SECURITY INVESTIGATIONS TASK FORCE FUNDING

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $8,077.00 RECOGNIZING FUNDING FROM THE HOMELAND SECURITY INVESTIGATIONS TASK FORCE FOR THE PURCHASE OF A NEW FORENSIC COMPUTER SYSTEM BY THE POLICE DEPARTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $8,077.00 recognizing funding from the Homeland Security Investigations Task Force for the purchase of the a new forensic computer system by the Police Department.

City of Fayetteville Staff Review Form

2015-0286

Legistar File ID

7/21/2015

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

Greg Tabor	6/12/2015	Police / Police Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a budget adjustment in the amount of $8,077 to recognize funding from the Homeland Security Investigations (HSI) Task Force for the purchase of a new Forensic Computer System.

Budget Impact:

1010.2920.5801.00	General
Account Number	Fund
TBD	HSI ICAC Task Force
Project Number	Project Title

Budgeted Item?	No	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	Yes	Item Cost	$	8,077.00
Budget Adjustment Attached?	Yes	Budget Adjustment	$	8,077.00
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 7, 2015

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

DATE: July 12, 2015

SUBJECT: **Budget Adjustment for purchase of Forensic Computer System**

RECOMMENDATION:

Staff recommends approval of a budget adjustment in the amount of $8,077 to recognize funding from the Homeland Security Investigations (HSI) Internet Crimes Against Children (ICAC) Task Force for the purchase of a new Forensic Computer System.

BACKGROUND:

The Fayetteville Police Department is a full-time Task Force partner of HSI and has a digital forensic examiner assigned to the HSI ICAC Task Force. We requested federal funds to purchase a new Talino KA-101 forensic computer system for use at the HSI ICAC Task Force and received approval from the HSI New Orleans office in the amount of $8,077.

DISCUSSION:

The forensic computer is used to image, process, and store digital evidence. Fayetteville's existing Forensic Recovery of Evidence Device (FRED) DX system used on the Task Force is outdated and incapable of effectively imaging and processing the amounts of data currently encountered.

BUDGET/STAFF IMPACT:

Approval of this budget adjustment will increase both revenue and expense in the amount of $8,077. There is no staffing impact associated with this budget adjustment.

Attachments:

Budget Adjustment
Approved - HSI New Orleans SLOT Form
Email correspondence approving sales/use tax
Project Accounting Maintenance Form
Sub Project Maintenance Form

HOMELAND SECURITY INVESTIGATIONS
SAC New Orleans

HSI New Orleans SLOT – Non Overtime Expenditures Request Form

HSI RAC/GS: John Ahrends

State/Local Agency: Fayetteville Police Department

Date: 05/29/2015

HSI Case Number: FU09ML14OT0012

Justification/List of Items:

The Fayetteville, Arkansas Police Department is a full-time TFO partner of HSI and has a digital forensic examiner assigned to the HSI Fayetteville ICAC task force. Fayetteville PD is requesting to purchase a new Talino KA-101 forensic computer for use at the HSI ICAC Task Force. The Talino KA-101 is used to image, process and store digital evidence. It is comparable to the FRED (Forensic Recovery of Evidence Device) forensic systems we have used in the past for digital forensics but it is substantially less expensive. The current FRED DX system used by Fayetteville PD on the task force is outdated and incapable of effectively imaging and processing the amounts of data we currently encounter.

Fayetteville Police Department does not currently own an adequate forensic computer system that can effectively image, process and store digital evidence. The cost of the new Talino KA-101 system is $7359.00.

Estimated Cost:

The cost for this essential equipment is $7,359.00. Existing SLOT funds will be reallocated to Fayetteville PD for this purchase if approved.

Requesting ASAC: Nicholas C. Nelson NICHOLAS C NELSON
Signature

DSAC Approval: C Johnson 6/1/15
Signature

Newman, Willie

From: Nelson, Nicholas C <Nicholas.C.Nelson@ice.dhs.gov>
Sent: Tuesday, June 02, 2015 12:52 PM
To: Newman, Willie; Reynolds, Mike
Cc: Brown, William; Shepard, Paul; Scott, Tad; Higdon, Andy; Ahrends, John G; Cecere, Christopher J
Subject: RE: Equipment Purchase for Andy

Yes sir, we can reimburse you for the entire amount of $8,076.50. Please have Andy submit the receipts and paperwork to Chris Cecere.

Also, please allow me to use this opportunity to say that we sincerely appreciate the partnership between Fayetteville PD and HSI.

From: Newman, Willie
Sent: Tuesday, June 02, 2015 12:47:46 PM
To: Reynolds, Mike; Nelson, Nicholas C
Cc: Brown, William; Shepard, Paul; Scott, Tad; Higdon, Andy
Subject: RE: Equipment Purchase for Andy

Nick,
Your lead on this is greatly appreciated. The City of Fayetteville is not tax exempt so this purchase will increase by 9.75% for a total purchase price of $8,076.50. Please let me know if this tax amount can be included in the reimbursement.
Thank you,
Willie

Willie Newman
Asst. Support Services Manager
100 West Rock Street
City of Fayetteville, Arkansas 72701
wnewman@fayetteville-ar.gov
T 479.587.3579 | **F** 479.587.3570
Website | Facebook | YouTube

CITY OF Fayetteville ARKANSAS
www.fayetteville-ar.gov

From: Reynolds, Mike
Sent: Monday, June 01, 2015 3:14 PM
To: Nelson, Nicholas C
Cc: Newman, Willie; Brown, William; Shepard, Paul; Scott, Tad; Higdon, Andy
Subject: RE: Equipment Purchase for Andy

Nick,

Good afternoon. That's great news!! I really appreciate HSI agreeing to fund this request, and I want to personally thank you and John for taking the lead on this project. We will get with Andy to start the purchasing process on our end. Please don't hesitate to contact me if you need something further.

Take care,
Mike

Mike Reynolds
Deputy Chief of Police
100 West Rock Street
City of Fayetteville, Arkansas 72701
mreynolds@fayetteville-ar.gov
T 479.587.3500 | **F** 479.973.4844
Website | Facebook | YouTube

From: Nelson, Nicholas C [mailto:Nicholas.C.Nelson@ice.dhs.gov]
Sent: Monday, June 01, 2015 2:46 PM
To: Reynolds, Mike
Cc: Higdon, Andy; Ahrends, John G; Cecere, Christopher J
Subject: RE: Equipment Purchase for Andy

Mike,

Great news! We are approved to reimburse Fayetteville PD for $7,359 for the cost of the device. Andy advised that shipping is free but please let me know if taxes are involved (we are tax exempt and I am not sure if you are the same). The approval is attached if needed. Andy can complete the purchase at your discretion.

Thank you,

Nick Nelson
Acting Assistant Special Agent in Charge

From: Reynolds, Mike [mailto:mreynolds@fayetteville-ar.gov]
Sent: Friday, May 29, 2015 3:18 PM
To: Nelson, Nicholas C
Cc: Higdon, Andy
Subject: Re: Equipment Purchase for Andy

Nick,

No problem, and thanks again for your help. Have a great weekend!!

Mike

Sent from my iPhone

On May 29, 2015, at 3:13 PM, Nelson, Nicholas C <Nicholas.C.Nelson@ice.dhs.gov> wrote:

Mike,

My apologies for the delay but I don't think I will have an answer on the equipment purchase until Monday. I will get back in touch with you on Monday with an answer. Thanks for your patience.

Thank you,

Nick Nelson
Acting Assistant Special Agent in Charge

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division:	Police	Adjustment Number
2015	Dept.:	Police	
	Requestor:	W. Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Recognize funding from the HSI ICAC Task Force for the purchase of a new Forensic Computer System.

COUNCIL DATE: 7/7/2015

LEGISTAR FILE ID#: **2015-0286**

Barbara Fell
6/16/2015 7:38 AM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20150402

	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
TOTAL	8,077	8,077				
1010.0001.4309.00	-	8,077	31501	1	RE	Federal Grants - Capital
	-	-				
1010.2920.5801.00	8,077	-	31501	1	EX	Fixed Assets
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0292

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 3

FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $100,993.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND PROCEEDS FROM THE SALE OF A USED VEHICLE ON GOVDEALS.COM

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the total amount of $100,993.00 recognizing revenue associated with federal and state law enforcement forfeitures and proceeds from the sale of a used vehicle on GovDeals.com.

City of Fayetteville Staff Review Form

2015-0292

Legistar File ID

7/21/2015

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

Mike Reynolds	6/22/2015	Police / Police Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a budget adjustment in the amount of $100,993 to recognize revenue law enforcement forfeitures, proceeds for Gov Deals.com, and increase corresponding expense budgets.

Budget Impact:

1010.2920.5802.00	General
Account Number	Fund
33045-1; 33046-1; 39024-2009	LE Federal/State Forfeitures
Project Number	Project Title

Budgeted Item?	No	Current Budget	$	423,532.00
		Funds Obligated	$	28,354.53
		Current Balance	**$**	**395,177.47**
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	Yes	Budget Adjustment	$	100,933.00
		Remaining Budget	**$**	**496,110.47**

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

FROM: Mike Reynolds, Deputy Chief of Police

DATE: June 22, 2015

SUBJECT: **Law Enforcement Forfeitures for Fayetteville Police Department**

RECOMMENDATION:

Staff recommends approval of a budget adjustment in the amount of $100,993 to recognize revenue associated with law enforcement forfeitures, proceeds from sale on Gov Deals.com, and increase corresponding expense budgets.

BACKGROUND:

The Fayetteville Police Department receives forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. Most of the forfeitures we have received in the past are a direct result from the efforts of the officers we assign to the 4th Judicial District Drug Task Force (4th DTF), the local office of the Federal Drug Enforcement Agency (DEA), and the Internal Revenue Service (IRS) Financial Crimes Task Force. By statute, federal and state forfeitures are to be spent for law enforcement purposes only. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

DISCUSSION:

Funds within this budget adjustment consist of Department of Justice funds which are drug related federal forfeitures, Department of Treasury funds which are Internal Revenue Service related forfeitures, State Asset Forfeiture funds which are drug related state forfeitures, and the reimbursement of expenses used to purchase unit # 1284 due to the salvage sale of unit #1236 via GovDeals.com. The requested budget adjustment will recognize the following forfeitures and proceeds through May 2015: $24,735 from the Department of Justice; $25,429 from Department of Treasury; $25,153 from State Asset Forfeitures; and $12,838 from proceeds from the sale of unit # 1236.

BUDGET/STAFF IMPACT:

Our expense budget will increase equal to the revenue received through May 2015. There is no staffing impact related to this budget adjustment.

Attachments:

Budget Adjustment

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division:	Police	Adjustment Number
2015	Dept.:	Police	
	Requestor:	W. Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Recognize revenue associated with federal and state law enforcement forfeitures and increase corresponding expense budgets.

COUNCIL DATE: 7/21/2015

LEGISTAR FILE ID#: **2015-0292**

Barbara Fell
6/23/2015 9:06 AM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20150402

Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub# Project	Sub	AT	Account Name
TOTAL	100,993	100,993				
1010.0001.4308.02	-	25,153	33045	1	RE	Police Law Enforcement Trust
1010.2920.5802.00	25,153	-	33045	1	EX	Vehicles And Equipment
1010.0001.4504.00	-	24,735	33046	1	RE	Federal Forfeitures
1010.2920.5802.00	24,735	-	33046	1	EX	Vehicles And Equipment
1010.0001.4504.01	-	25,429	39024	2009	RE	IRS/Treasury Forfeitures
1010.2920.5802.00	25,429	-	39024	2009	EX	Vehicles And Equipment
1010.0001.4881.02	-	12,838			RE	Gain/Loss - Sale of Assets
1010.6600.7602.47	12,838	-	57018	1010	EX	Transfer to Cap Improvement Fund
4470.0947.6602.01	-	12,838	06003	1	RE	Transfer from General
4470.9470.5802.00	12,838	-	06003	1	EX	Vehicles And Equipment
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

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

City of Fayetteville, Arkansas

Text File

File Number: 2015-0306

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 4

2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING IN THE AMOUNT OF $242,610.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of the 2015-2016 Justice Assistance and State Drug Crime Enforcement Grant for federal and state funding in the amount of $242,610.00, as a portion of the funding for the 4th Judicial District Drug Task Force.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2015-0306

Legistar File ID

7/21/2015

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

Greg Tabor	6/30/2015	Police / Police Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Acceptance of the 2015-2016 Justice Assistance and State Drug Crime Enforcement Fund grant award for federal and state funding for the 4th Judicial District Drug Task Force (DTF) in the amount of $242,610 , and approval of a budget adjustment to move 1.00 FTE position from General fund to Drug Enforcement Fund due to new grant source to reimburse this position's expenses through funding for the 4th DTF.

Budget Impact:

2930-2960-various	Drug Enforcement
Account Number	Fund
38064-1516	Police Drug Enforcement 2015-2016
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	763,887.00
		Funds Obligated	$	325,692.99
		Current Balance	$	**438,194.01**
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	Yes	Budget Adjustment	$	-
		Remaining Budget	$	**438,194.01**

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police

DATE: June 30, 2015

SUBJECT: **2015-2016 Justice Assistance and State Drug Crime Enforcement Grant Award**

RECOMMENDATION:

Staff recommends acceptance of the 2015-2016 Justice Assistance and State Drug Crime Enforcement Grant award for federal and state funding for the 4th Judicial District Drug Task Force (DTF) in the amount of $242,610, and approval of a budget adjustment to move 1.00 FTE position from General fund to Drug Enforcement Fund due to new grant source to reimburse this position's expenses through funding for the 4th DTF..

BACKGROUND:

The Arkansas Department of Finance and Administration (ADF&A) has provided federal and state grant funding to the City of Fayetteville for multi-jurisdictional drug task force activities since 1991. Participating law enforcement agencies include Fayetteville, Springdale, Prairie Grove, Farmington, Lincoln, Greenland, West Fork, Elkins, Johnson, Tontitown, Elm Springs, and Washington County. The DTF Control Group consists of top law enforcement officials from Fayetteville, Springdale, Prairie Grove, and Washington County. Fayetteville continues to provide fiduciary oversight of this grant and provides a DTF Supervisor, three (3) DTF Officers, and a DTF Secretary. Springdale provides two (2) DTF Officers and Washington County provides a DTF Officer. Also, Prairie Grove provides a DTF Officer which represents the rural agencies.

DISCUSSION:

The 4th Judicial District DTF's total projected budget for the 2015-2016 grant period is $559,229. ADF&A's Office of Intergovernmental Services is offering continuation grant funding through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and the State Drug Crime Enforcement and Prosecution Fund (DCF) in the following amounts: federal/state - $242,610 and local match - $46,962. The JAG grant defines required local matching funds based on a percentage split of 75/15/10 in awarded federal and state funds plus local match funds. Alternatively, the DCF grant defines required local matching funds based on a percentage split of 80/20 in awarded state funds plus local match funds. To receive the federal and state portion of the JAG and state portion of the DCF, the 4th DTF and member agencies must commit to the local match. In addition to the local match requirement, Fayetteville has budgeted additional funds in the amount of $186,038 to cover other non-grant funded drug enforcement activity. The other member agencies also contribute additional funds totaling $83,619.

The 2015-2016 Justice Assistance and State Drug Crime Enforcement Grant award reflects a consolidation of previous year's funding sources and awards to streamline ADF&A's granting processes. For accounting purposes, this consolidation of grant funds has resulted in the movement of 1.00 FTE from the General Fund to the Drug Enforcement Fund. This move will provide more efficient accounting of our grant funded operations and has no effect on the City's overall budget.

BUDGET/STAFF IMPACT:

No increase in budgeted funds are required. The current DTF budget will be sufficient for the balance of 2015. The local match and non-grant funded activity for 2016 will be requested within the 2016 budget process. This grant funding will have no impact on current staffing levels.

Attachments:

Budget Adjustment
JAG Grant Award Document
JAG Grant Award Budget
State Drug Crime Enforcement Grant Award Document
State Drug Crime Enforcement Grant Award Budget

ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION

OFFICE OF INTERGOVERNMENTAL SERVICES
1515 West Seventh Street, Suite 400
P. O. Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.dfa.arkansas.gov

[X] JAG [ ] RSAT [ ] LLEBG

Edward Byrne Memorial
Justice Assistance Grant (JAG) Program

CFDA #:16.738

2. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

Mr.Lioneld Jordan, Mayor
4th JD DTF
100-A West Rock Street
Fayetteville, AR. 72701

4. SUBGRANT NUMBER: J15-004-15

5 START DATE: July 1, 2015

END DATE: June 30, 2016

6. AWARD DATE: July 1, 2015

2. MODIFICATION EFFECTIVE DATE:

7. ACTION: [X] Initial [ ] Modification

2A. MODIFICATION AMOUNT $

FEDERAL	$
STATE MATCH	$
LOCAL MATCH	$

8. AWARD AMOUNT $ 133,526.12

FEDERAL	$ 100,144.59
STATE MATCH	$ 20,028.92
LOCAL MATCH	$ 13,352.61

4. PROJECT DESCRIPTION:
Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the program's jurisdictional area of operations.

10. SPECIAL CONDITIONS (check if applicable)

[X] THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This project is supported under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 US.C. 3750).

AGENCY APPROVAL	SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Doris Smith, Administrator DF & A Intergovernmental Services	12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL Lioneld Jordan, Mayor 4th JD DTF	
11. SIGNATURE OF APPROVING OFFICIAL	13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE

ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF INTERGOVERNMENTAL SERVICES

AGENCY NAME:	SUBGRANT NO:			PROJECT PERIOD:
4th JD DTF (City of Fayetteville)	J15-004-15			July 1, 2014 - June 30, 2015
BUDGETED LINE ITEM	REQUESTED BUDGET AMOUNT (F)	REQUESTED BUDGET AMOUNT (S)	LOCAL MATCH AMOUNT	NARRATIVE EXPLANATION OF BUDGET ITEM
Position 1 - French	$ -	$ -	$ -	
Position 2 - Oswalt	$ 35,544.66	$ 7,108.93	$ 4,739.29	
Position 3 - Moore	$ 32,354.25	$ 6,470.85	$ 4,313.90	
Position 4 - Potter	$ 32,245.68	$ 6,449.14	$ 4,299.42	
Position 5	$ -	$ -	$ -	
FICA @ 7.65% X total salary	$ -	$ -	$ -	
Worker's Comp. for all Positions @ .5%	$ -	$ -	$ -	
State Unemployment @ 3.6% (10,000 X positions)	$ -	$ -	$ -	
Health Ins.	$ -	$ -	$ -	
Health Ins.	$ -	$ -	$ -	
Health Ins.	$ -	$ -	$ -	
Health Ins.	$ -	$ -	$ -	
Retirement	$ -	$ -	$ -	
Office Telephone	$ -	$ -	$ -	
Professional Services - SPD	$ -	$ -	$ -	
Professional Services - WCSO	$ -	$ -	$ -	
Professional Services - PGPD	$ -	$ -	$ -	
TOTAL PROJECT BUDGET	$ 100,144.59	$ 20,028.92	$ 13,352.61	$ -

Category	Federal	State	Local	Totals
Salary	$ 100,144.59	$ 20,028.92	$ 13,352.61	$ 133,526.12
Mandated Benefits	$ -	$ -	$ -	$ -
Employer Benefits	$ -	$ -	$ -	$ -
Maintenance and Operations	$ -	$ -	$ -	$ -
Professional / Contract Services	$ -	$ -	$ -	$ -
Travel/Training	$ -	$ -	$ -	$ -
Equipment	$ -	$ -	$ -	$ -
TOTAL REQUEST	$100,144.59	$20,028.92	$13,352.61	$133,526.12

Based on amounts requested

2014-15 Budget (Federal+State+Local Match): **$133,526.12**

Federal Amount (75%): **$100,144.59** **75%**

State Amount (15%): **$20,028.92** **15%**

Local Match Amount (10%): **$13,352.61** **10%**

ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION

OFFICE OF INTERGOVERNMENTAL SERVICES
1515 West Seventh Street, Suite 400
P. O. Box 8031
Little Rock, Arkansas 72203-8031
Phone: (501) 682-1074
Fax: (501) 682-5206
http://www.state.ar.us/dfa

[ ] JAG [ ] RSAT

[X] DCF [ ] LLEBG

Arkansas State Drug Crime Enforcement and Prosecution Grant Fund

CFDA #: N/A

2. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

Mr. Lioneld Jordan, Mayor
4th JD DTF
100-A West Rock Street
Fayetteville, AR. 72701

4. SUBGRANT NUMBER: J15-004-DF

START DATE: July 1, 2015
END DATE: June 30, 2016

6. AWARD DATE: July 1, 2015

2. MODIFICATION EFFECTIVE DATE:

7. ACTION: [X] Initial [ ] Modification

2A. MODIFICATION AMOUNT $

STATE MATCH $
LOCAL MATCH $

8. AWARD AMOUNT $ 156,045.94

STATE AMOUNT $ 122,436.75
LOCAL MATCH $ 33,609.19

4. PROJECT DESCRIPTION:
Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the program's jurisdictional area of operations.

10. SPECIAL CONDITIONS (check if applicable)

[X] THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This project is supported under Act 1086 of 2007: The State Drug Crime Enforcement and Prosecution Grant Fund

AGENCY APPROVAL	SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Doris Smith, Administrator Intergovernmental Services	12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL Lioneld Jordan, Mayor 4th JD DTF	
11. SIGNATURE OF APPROVING OFFICIAL	13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE

AGENCY NAME:	SUBGRANT NO:		PROJECT PERIOD:
4th JD DTF (City of Fayetteville)	J15-004-DF		July 1, 2014 - June 30, 2015
BUDGETED LINE ITEM	REQUESTED BUDGET AMOUNT ($)	LOCAL MATCH AMOUNT	NARRATIVE EXPLANATION OF BUDGET ITEM
Position 1 - French	$ 42,473.60	$ 10,618.40	
Position 2 - Oswalt	$ -	$ -	
Position 3 - Moore	$ -	$ -	
Position 4 - Potter	$ -	$ -	
Position 5	$ -	$ -	
FICA @ 7.65% X total salary	$ -	$ -	
Worker's Comp. for all Positions @ .5%	$ -	$ -	
State Unemployment @ 3.6% (10,000 X positions)	$ -	$ -	
Health Ins.	$ -	$ -	
Health Ins.	$ -	$ -	
Health Ins.	$ -	$ -	
Health Ins.	$ -	$ -	
Retirement	$ -	$ -	
Office Telephone	$ -	$ -	
Cellular phone service	$ -	$ -	
Leased vehicles	$ -	$ -	
Professional Services - SPD	$ 30,825.94	$ 7,706.49	
Professional Services - WCSO	$ 28,895.44	$ 7,223.86	
Professional Services - PGPD	$ 20,241.77	$ 8,060.44	
Travel/training (In state only)	$ -	$ -	
TOTAL PROJECT BUDGET	$ 122,436.75	$ 33,609.19	$ 156,045.94

Category	State	Local	Totals
Salary	$ 42,473.60	$ 10,618.40	$ 53,092.00
Mandated Benefits	$ -	$ -	$ -
Employer Benefits	$ -	$ -	$ -
Maintenance and Operations	$ -	$ -	$ -
Professional / Contract Services	$ 79,963.15	$ 22,990.79	$ 102,953.94
Travel/Training	$ -	$ -	$ -
Equipment	$ -	$ -	$ -
TOTAL REQUEST	$122,436.75	$33,609.19	$156,045.94

Based on amounts requested

2014-15 Budget (State+Local): **$156,045.94**

State Amount (80%): **$124,836.75** **78%**

Local Match Amount (20%): **$31,209.19** **22%**

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division:	Police	Adjustment Number
2015	Dept.:	Police	
	Requestor:	W Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Move Position Control #29400092 (Potter - #2555) from General Fund to Drug Enforcement Fund due to new grant source to reimburse this position's expenses through funding for the 4th DTF.

COUNCIL DATE: 7/21/2015

LEGISTAR FILE ID#: **2015-0306**

Barbara Fell
7/1/2015 4:15 PM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20150402

TOTAL	16,607	16,607				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
2930.2960.5101.00	25,853	-			EX	Salaries/Wages - Uniformed
2930.2960.5105.00	375	-			EX	FICA Taxes
2930.2960.5107.00	74	-			EX	Life Insurance
2930.2960.5108.00	4,175	-			EX	Health Insurance
2930.2960.5108.01	87	-			EX	LTD Insurance
2930.2960.5108.02	3	-			EX	ADD Insurance
2930.2960.5109.03	5,388	-			EX	LOPFI Police Pension
2930.0993.4302.01	-	3,225			RE	State Grants - Operational
2930.0993.4309.01	-	16,123			RE	Federal Grants - Operational
2930.0993.6602.01	-	16,607			RE	Transfer from General
1010.2940.5101.00	(25,853)	-			EX	Salaries/Wages - Uniformed
1010.2940.5105.00	(375)	-			EX	FICA Taxes
1010.2940.5107.00	(74)	-			EX	Life Insurance
1010.2940.5108.00	(4,175)	-			EX	Health Insurance
1010.2940.5108.01	(87)	-			EX	LTD Insurance
1010.2940.5108.02	(3)	-			EX	ADD Insurance
1010.2940.5109.03	(5,388)	-			EX	LOPFI Police Pension
1010.2900.7602.93	16,607	-			EX	Transfer to Drug Grant
1010.0001.4302.01	-	(3,225)			RE	State Grants - Operational
1010.0001.4309.01	-	(16,123)			RE	Federal Grants - Operational
	-	-				

Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub# Project	Project.Sub# Sub	AT	Account Name
	-	-				
	-	-				

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0302

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 5

INSITUFORM TECHNOLOGIES, INC.

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED $330,000.00 FOR SEWER REHABILITATION USING CURED-IN-PLACE SANITARY SEWER LININGS

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 contract extension with Insituform Technologies, Inc. in an amount not to exceed $330,000.00 for sewer rehabilitation using cured-in-place sanitary sewer linings.

City of Fayetteville Staff Review Form

2015-0302

Legistar File ID

7/21/2015

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

Tim Nyander	6/25/2015	Water & Sewer Maintenance / Utilities Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of a contract extension with Insituform Technologies, Inc., and approval of an authorization totaling $330,000 for City of Fayetteville sewer rehabilitation using cured-in-place sanitary sewer linings.

Budget Impact:

5400.5700.5815.00	Water and Sewer
Account Number	Fund
02017-2015	Sanitary Sewer Rehabilitation
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	3,501,920.52
		Funds Obligated	$	979,084.44
		Current Balance	$	2,522,836.08
Does item have a cost?	Yes	Item Cost	$	330,000.00
Budget Adjustment Attached?	No	Budget Adjustment		
		Remaining Budget	$	2,192,836.08

V20140710

Previous Ordinance or Resolution # 61-14

Original Contract Number: 2270

Approval Date:

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Fayetteville City Council

THRU: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Fayetteville Water and Sewer Committee

FROM: Tim Nyander, Utilities Director

DATE: June 25, 2015

SUBJECT: **2015 Sewer Rehabilitation Contract with Insituform Technologies, Inc.**

RECOMMENDATION:
Staff recommends approval of a contract extension with Insituform Technologies, Inc., and approval of an authorization totaling $330,000 for City of Fayetteville sewer rehabilitation using cured-in-place sanitary sewer linings.

BACKGROUND:
On November 7, 2012, the City of Fayetteville accepted sealed competitive bids for sanitary sewer main line and service lateral lining services with Insituform Technologies, Inc. submitting the successful Bid Proposal (see attached materials). The Bid Proposal includes specific unit prices for various items of work, with the sanitary sewer rehabilitation program then using the pricing to complete the annual rehabilitation program.

DISCUSSION:
The direct contracting with Insituform Technologies, Inc. allows the City of Fayetteville to execute its sanitary sewer rehabilitation program effectively and efficiently. Pipes being repaired with liners under this contract are either identified by the City through normal maintenance operations or by consultants executing Sanitary Sewer Evaluation Studies (such as the Smoke Testing Program). Either way, engineering and administrative costs are held to a bare minimum as formal plans and specifications are not required. This work is an integral part of the City's ongoing program to maintain its sewer system in the most long-term yet cost effective fashion, with cured-in-place linings being by far the lowest cost strategy for applications where it is appropriate. This will be the 3rd year of a 5-year renewable contract with Insituform.

BUDGET/STAFF IMPACT:
Funds are available in the 2015 Sanitary Sewer Rehabilitation Project budget.

ATTACHMENTS:
- Staff Review Form
- PO Request
- Resolutions 61-14 & 226-12
- Bid Proposal

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:

Date: **6/29/2015**

P.O Number:

Vendor #: **1454**

Vendor Name: **Insituform Technologies, LLC**

Mail ☐ Yes ☐ No

Legistar#: 2015-0302

Address: **17988 Edison Ave**

FOB Point:

Taxable ☐ Yes ☑ No

Expected Delivery Date:

City: **Chesterfield**

State: **MO**

Zip Code: **63005**

Ship to code: **Fay**

Quotes Attached ☐ Yes ☐ No

Requester: Cheryl Partain

Requester's Employee #: **2548**

Extension: **8224**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	**2015 Sanitary Sewer Main Line & Service Lateral Cured in Place Lining - Contract Extension - 3rd year of a 5 year renewal contract. Contract #2270**	**1**	**EA**	**330,000.00**	**$330,000.00**	**5400.5700.5815.00**	**02017.2015**		
2					**$0.00**				
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
*	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

Subtotal: **$330,000.00**

Tax: **$0.00**

Total: **$330,000.00**

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 6/18/2014

RESOLUTION NO. 61-14

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED $330,000.00 FOR SANITARY SEWER LINING SERVICES FOR CURED-IN-PLACE SANITARY SEWER LININGS

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 contract extension with Insituform Technologies, Inc. in an amount not to exceed $330,000.00 for sanitary sewer lining services for cured-in-place sanitary sewer linings.

PASSED and **APPROVED** this 18th day of March, 2014.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk/Treasurer

CITY CLERK / TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

RESOLUTION NO. 226-12

A RESOLUTION TO APPROVE BID #12-75 FOR A CONSTRUCTION CONTRACT WITH INSITUFORM TECHNOLOGIES, LLC FOR SERVICE LATERAL AND SEWER MAIN CURED IN PLACE LINING IN THE AMOUNT OF $330,000.00.

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 Bid #12-75 for a construction contract with Insituform Technologies, LLC for service lateral and sewer main cured in place lining in the amount of $330,000.00 and authorizes Mayor Jordan to sign the construction contract.

PASSED and **APPROVED** this 4th day of December, 2012.

APPROVED:

By: Lionell Jordan
LIONELD JORDAN, Mayor

ATTEST:

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk/Treasurer

CITY CLERK / TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

Fayetteville
ARKANSAS

BID: 12-75
DATE: 11/07/12
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 12-75, Construction - 2013 Sanitary Sewer Main Line & Service Lateral Lining

BIDDER		TOTAL COST
1 Insituform Technologies, LLC.	$	313,251.50
2 SAK Construction, LLC.	$	537,875.00
3 Suncoast Infrastructure, Inc.	$	391,600.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice — P. VICE, PURCH MGR

Julie Paladino — WITNESS

11/07/12 — DATE

Detailed Bid Tabulation - 2013 Sanitary Sewer Main Line and Service Lateral Lining, Cured in Place Pipe Method

				Insituform Technologies, LLC		SAK Construction, LLC		Suncoast Infrastructure, Inc.	
Item No.	Item Description	Approx. Qty.	Unit	Unit Price In Figures	Total	Unit Price In Figures	Total	Unit Price In Figures	Total
1	6" x 4.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	2500	LF	$ 37.00	$ 92,500.00	$ 48.00	$ 120,000.00	$ 30.00	$ 75,000.00
2	8" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	2000	LF	$ 36.00	$ 72,000.00	$ 34.50	$ 69,000.00	$ 28.00	$ 56,000.00
3	10" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	$ 36.00	$ 18,000.00	$ 38.50	$ 19,250.00	$ 33.00	$ 16,500.00
4	12" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	$ 42.00	$ 21,000.00	$ 56.00	$ 28,000.00	$ 38.00	$ 19,000.00
5	15" x 7.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	$ 54.00	$ 27,000.00	$ 66.75	$ 33,375.00	$ 65.00	$ 32,500.00
6	18" x 9mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	$ 68.00	$ 34,000.00	$ 101.00	$ 50,500.00	$ 85.00	$ 42,500.00
7	Internal reinstatement of Service Laterals	150	EA	$ 0.01	$ 1.50	$ 100.00	$ 15,000.00	$ 50.00	$ 7,500.00
8	Trenchless rehabilitation by CIPP of existing 4" Service Lateral	30	EA	$ 1,350.00	$ 40,500.00	$ 3,300.00	$ 99,000.00	$ 3,345.00	$ 100,350.00
9	Standard Mobilization (within 15 working days)	2	EA	$ 1,000.00	$ 2,000.00	$ 24,500.00	$ 49,000.00	$ 7,500.00	$ 15,000.00
10	Emergency Mobilization (within 3 working days)	1	EA	$ 2,000.00	$ 2,000.00	$ 36,750.00	$ 36,750.00	$ 9,000.00	$ 9,000.00
11	CIPP Point Repair, 6" - 12" Diameter, 10 LF	5	EA	$ 850.00	$ 4,250.00	$ 3,600.00	$ 18,000.00	$ 3,650.00	$ 18,250.00
	Total Bid				**$ 313,251.50**		**$ 537,875.00**		**$ 391,600.00**

4.0 BIDDER'S PROPOSAL

4.1 ITEMIZED DESCRIPTION OF BID PRICING

TO: City of Fayetteville
Fayetteville, Arkansas

The undersigned bidder, having examined the specifications and contract documents, and being fully advised as to the extent and character of the work, propose to furnish all equipment and to perform all labor and work necessary for the completion of the work described by and in accordance with the specifications and contracts for the following prices to wit. The unit prices shall be written in words on each line below the item description. The unit price in figures and extended total in figures shall be written on the lines provided. The total bid amount shall be written in both figures and words on the lines provided.

Item No.	Item Description	Approx. Qty.	Unit	Unit Price In Figures	Total
1	6" x 4.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Thirty seven and no/100 dollars	2500	LF	$ 37.00	$ 92,500.00
2	8" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Thirty six and no/100 dollars	2000	LF	$ 36.00	$ 72,000.00
3	10" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Thirty six and no/100 dollars	500	LF	$ 36.00	$ 18,000.00
4	12" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Forty two and no/100 dollars	500	LF	$ 42.00	$ 21,000.00

Item No.	Item Description	Approx. Qty.	Unit	Unit Price In Figures	Total
5	15" x 7.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Fifty four and no/100 dollars	500	LF	$ 54.00	$ 27,000.00
6	18" x 9mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Sixty eight and no/100 dollars	500	LF	$ 68.00	$ 34,000.00
7	Internal reinstatement of Service Laterals				
	Zero and 01/100 dollars	150	EA	$ 0.01	$ 1.50
8	Trenchless rehabilitation by CIPP of existing 4" Service Lateral				
	One thousand three hundred fifty and no/100 dollars	30	EA	$ 1,350.00	$ 40,500.00
9	Standard Mobilization (within 15 working days)				
	One thousand and no/100 dollars	2	EA	$ 1,000.00	$ 2,000.00
10	Emergency Mobilization (within 3 working days)				
	Two thousand and no/100 dollars	1	EA	$ 2,000.00	$ 2,000.00
11	CIPP Point Repair, 6" - 12" Diameter, 10 LF				
	Eight hundred fifty and no/100 dollars	5	EA	$ 850.00	$ 4,250.00

TOTAL BID AMOUNT $ 313,251.50

Three hundred thirteen thousand two hundred fifty one dollars and fifty cents
(In Writing)

The undersigned understands that this bid is for a term maintenance contract for the rehabilitation of sanitary sewer mainlines throughout Fayetteville, Arkansas and that the City of Fayetteville here may choose to purchase more, less, or none of the rehabilitation, depending upon its needs. The City of Fayetteville is under no obligation to purchase a minimum amount of any item awarded. This contract is generally for miscellaneous and unidentified rehabilitation of sanitary sewer mains and service connections using the cured-in-place pipe method.

The bidder understands that the City of Fayetteville reserves the right to reject any or all bids, and to waive informalities in the bidding.

The undersigned further agrees that the proposal guaranty may be retained by the City of Fayetteville, Arkansas, provided the undersigned is one of the lowest and most advantageous bidders, and that said proposal guaranty shall remain with the City of Fayetteville until the contract has been signed, and the bond required for the faithful performance of the contract has been made by one of the lowest responsible bidders; otherwise, proposal guaranty may be obtained from the City of Fayetteville after forty-eight hours from the time of opening of the bids.

The undersigned hereby declares that he has had sufficient time to make all test and investigations to arrive at an intelligent estimate of the cost of doing the work, and has carefully examined the specifications and documents relating to the work covered by his bid or bids, that he agrees to do the work, and that no representation made by the City of Fayetteville are in any sense a warranty, but are mere estimates for guidance of the CONTRACTOR.

Upon receipt of notice of the acceptance of the bid, we will execute the formal contract attached in quintuplicate, within ten days, and will deliver a Surety Bond for the faithful performance of the contract, and such other bonds as may have been required in the specifications. The bid security attached in the sum of 5%of the greatest amount of the total bid is ($5%) is to become the property of the City of Fayetteville if a cashier's check, and if a bond, the principal amount shall be paid to the City of Fayetteville, in the event the contract and bond are not executed within the time set forth, and to be considered as liquidated damages because the delay and additional work caused thereby are incapable of accurate ascertainment.

RESPECTFULLY SUBMITTED

Insituform Technologies, LLC
Bidder

SIGNATURE AND TITLE

H. Douglas Thomas
V.P.-Global Procurement/Ops.Suppt.
SIGNATURE AND TITLE

Seal (If bidder is a corporation)

Business Address 17988 Edison Avenue

Chesterfield, MO 63005

Telephone Number 636-530-8000

FAX Number 636-530-0751

Arkansas Contractors License Number 0072030413

NOTE: DO NOT DETACH BID FROM OTHER PAPERS BOUND IN THIS DOCUMENT. Fill Bid Form in with ink and submit complete with all other papers bound in this document

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0304

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 6

GALLAGHER BENEFITS SERVICES

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF $57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

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 annual renewal contract with Gallagher Benefits Services in the amount of $57,600.00 for the provision of employee benefits broker services.

City of Fayetteville Staff Review Form

2015-0304

Legistar File ID

7/21/2015

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

Michele Bechhold	6/25/2015	Human Resources / Chief of Staff
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approve annual renewal of the City's contract with Gallagher Benefit Services, Inc. for benefit broker services.

Budget Impact:

1010.1220.5314.00	General
Account Number	Fund
N/A	Employee Benefits/Services
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	103,066.00
		Funds Obligated	$	22,760.80
		Current Balance	$	80,305.20
Does item have a cost?	Yes	Item Cost	$	57,600.00
Budget Adjustment Attached?	No	Budget Adjustment		
		Remaining Budget	$	22,705.20

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Michele Bechhold, Sr. HR Officer

DATE: June 25, 2015

SUBJECT: Approval of Annual Renewal of City's Benefit Broker Contract

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RECOMMENDATION:
Staff recommends Council approve the City's annual renewal of its contract with Gallagher Benefit Services.

BACKGROUND:
The City's original contract was approved in 2012.

DISCUSSION:
Gallagher Benefit Services provides brokerage services, legislative compliance support and benefit management software to the City. Gallagher advises City staff in regard to federal regulations pertaining to benefit administration, including health care reform requirements under the Affordable Care Act.

The contract price and terms of service remain unchanged from last year.

BUDGET/STAFF IMPACT:
Funds are budgeted each year in the Human Resources program to cover the cost of this contract.

CONSULTING AGREEMENT
Annual Renewal
June, 2015

This Consulting Agreement (this "Agreement") is made by and between Gallagher Benefit Services, Inc., a Delaware corporation ("GBS"), and City of Fayetteville, Arkansas (the "Client").

The Client wishes to enter into a consulting relationship with GBS with the terms and conditions set forth in this Agreement, and GBS is willing to accept such a consulting relationship.

In consideration of and in reliance upon the previous paragraph and the terms and conditions contained in this Agreement, the Client and GBS agree as follows:

1. Engagement

The Client engages GBS as an employee benefits consultant as stated in this Agreement and GBS accepts this engagement. During the time that GBS is performing services for the Client under this Agreement, and for all purposes outlined in this document, GBS' status will be that of an independent contractor of the Client.

2. Term and Termination

The Effective Date of this Agreement is July 1, ***2015***. The term of GBS' engagement under this Agreement (the "Consulting Period") will begin as of the Effective Date and will remain in effect for two (2) years from the Effective Date, subject to mutually agreed upon annual renewal by both parties. Either party may terminate this Agreement by giving the other party at least thirty (30) days written notice of its intent to terminate. In the event such termination is effective during the Consulting Period, Client shall be responsible to GBS for any services performed prior to the date of termination and GBS shall be responsible to Company to continue to provide services until the date of termination of this Agreement.

3. Services

GBS will provide employee benefits management consulting services to the Client and consult with its employees, representatives, agents and contractors as to such matters as more fully described in Exhibit A attached to this Agreement and incorporated herein. GBS will perform other services as the Client and GBS mutually agree in writing.

4. Compensation

Subject to any changes as may be mutually agreed by the parties in writing and signed by their authorized representatives, GBS will receive, as compensation for its services under this Agreement, fees in the amount of $**57,600** per year, which amount will be billed in equal installments of $4,800 and paid on a monthly basis.

GBS further agrees to fully disclose to Client, in writing, any business relations with or commissions it receives or plans on receiving from any of Client's current or prospective insurance carriers or other vendors. GBS will do so prior to making any recommendations to Client concerning Client doing or continuing doing business with such a carrier or vendor, so that Client will be apprised of any potential conflict of interest

For additional information regarding GBS compensation, please see our revenue disclosure policy and schedule set forth in Exhibit B.

In the event an insurance company cancels or refuses to renew an insurance coverage that had been placed by GBS, on behalf of Client, GBS will use its best efforts to obtain appropriate replacement coverage from another insurance company.

5. Performance and Scope

(a) GBS Not a Fiduciary Under ERISA. To the extent that one or more of the Client's employee benefit plans are subject to the Employee Retirement Income Security Act, as amended (ERISA) and in spite of any other provision of this Agreement to the contrary, the parties agree and acknowledge that:

(i) GBS' services under this Agreement are not intended in any way to impose on GBS or any of its affiliates a fiduciary status under the Employee Retirement Income Security Act of 1974, as amended ("ERISA") ; and

(ii) this Agreement does not provide GBS, and the Client will not cause or permit GBS to assume, without prior written consent of GBS, any:

(A) discretionary authority or discretionary control respecting management of any "employee benefit plan" within the meaning of Section 3(3) of ERISA (an "ERISA Plan"),

(B) authority or control respecting management or disposition of the assets of any ERISA Plan, or

(C) discretionary authority or discretionary responsibility in the administration of any ERISA Plan.

(b) Reliance. In the performance of its duties, GBS may rely upon, and will have no obligation to independently verify the accuracy, completeness, or authenticity of, any written instructions or information provided to GBS by the Client or its designated representatives and reasonably believed by GBS to be genuine and authorized by the Client.

(c) No Practice of Law. GBS will not be obligated to perform, and the Client will not request performance of, any services which may constitute unauthorized practice of law. The Client will be solely responsible for obtaining any legal advice, review or opinion as may be necessary to ensure that its own conduct and operations, including the engagement of GBS under the scope and terms as provided herein, conform in all respects with applicable State and Federal laws and regulations (including ERISA, the Internal Revenue Code, State and securities laws and implementing regulations) and, to the extent that the Client has foreign operations, any applicable foreign laws and regulations.

(d) Subcontractors. GBS may cause another person or entity, as a subcontractor of GBS, to provide some or all of the services required to be performed by GBS hereunder: provided, that GBS shall remain responsible for all acts and omissions of any such subcontractors (each of which shall be bound by GBS' obligations under this Agreement). GBS shall seek prior written approval from Client for any subcontractors providing substantive consulting, professional or managerial services. Prior written approval shall not be required for clerical, office, secretarial, IT back-up, administrative or similar support services.

(e) Conflict of Interest. GBS' engagement under this Agreement will not prevent it from taking similar engagements with other clients who may be competitors of the Client. GBS will, nevertheless, exercise care and diligence to prevent any actions or conditions which could result in a conflict with Client's best interest.

(f) Acknowledgements. In connection with GBS' services under this Agreement, Client agrees that:

(i) Although GBS will apply its professional judgment to access those insurance companies it believes are best suited to insure the Client's risks, there can be no assurance that the insurance companies GBS has accessed are the only or are the best suited ones to insure the Client's risks.

(ii) Any compensation of the types described above and disclosed to it does not constitute a conflict of interest and the Client expressly waives any claims alleging any such conflict of interest.

(iii) The final decision to choose any insurance company has been made by the Client in its sole and absolute discretion. The Client understands and agrees that GBS does not take risk, and that GBS does not guarantee the financial solvency or security of any insurance company.

(iv) The compensation payable to GBS is solely for the services set forth under this Agreement, including Exhibit A. Any additional administrative, claims representative or other services (collectively, "Additional Services") will be governed by the terms of a separate agreement covering the Additional Services.

(v) The Client is responsible for immediate payment of GBS' fees (if applicable) and payment of premiums for all insurance placed by GBS on Client's behalf. If any amount is not paid in full when due, including premium payments to insurance companies, that nonpayment will constitute a material breach of this Agreement that will allow GBS to immediately terminate this Agreement, at its option, with notice to the Client

6. *Confidentiality*

(a) Client Information. GBS recognizes that certain confidential information may be furnished by the Client to GBS in connection with its services pursuant to this Agreement ("Confidential Information"). GBS agrees that it will disclose Confidential Information only to those who, in GBS' reasonable determination, have a need to know such information. Confidential Information will not include information that (i) is in the possession of GBS prior to its receipt of such information from the Client, (ii) is or becomes publicly available other than as a result of a breach of this Agreement by GBS, or (iii) is or can be independently acquired or developed by GBS without violating any of its obligations under this Agreement. However, disclosure by GBS of any Confidential Information pursuant to the terms of a valid and effective subpoena or order issued by a court of competent jurisdiction, judicial or administrative agency or by a legislative body or committee will not constitute a violation of this Agreement, (provided that GBS immediately notifies Client in writing upon GBS' receipt of any such subpoena or order).

(b) HIPAA Privacy. In spite of Sections 6(a) above, GBS and the Client will each comply with any prohibitions, restrictions, limitations, conditions, or other requirements to the extent they apply to them directly or indirectly pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and its implementing regulation concerning privacy of individually identifiable health information as set forth in 45 CFR Parts 160-164, as amended from time to time. Where required, the

Client, as a representative of the health plans and GBS will enter into a separate Business Associate Agreement.

(c) Use of Names; Public Announcements. No party will use, in any commercial manner, the names, logos, trademarks or other intellectual property of the other party without its prior written consent. Except as may be required by law, no party will issue any press releases or make any public announcements of any kind regarding the relationship between the parties without the other party's prior consent.

7. *Indemnification Rights and Limitation of Liability*

Limitation of Liability. Notwithstanding any other term or provision of this Agreement, neither party shall be liable to the other for any exemplary, special indirect, incidental, consequential or punitive damages (including but not limited to lost profits) which may result from the other party's action or its failure to perform any term or condition of this Agreement or whether such liability is based upon tort, strict liability, breach of warranties, failure of essential purpose or otherwise and if advised of the possibility of such damages. This provision applies to the fullest extent permitted by applicable law.

8. *Notices*

Any notices, requests and other communications pursuant to this Agreement will be in writing and will be deemed to have been duly given, if delivered in person or by courier, telegraphed, or by facsimile transmission (provided that the sender received electronic confirmation of receipt by recipient) or sent by express, registered or certified mail, postage prepaid, addressed as follows:

If to the Client: City of Fayetteville, Arkansas
ATTN: Michele Bechhold
113 W. Mountain
Fayetteville, AR, 72701
(Fax:) (479) 718-7698_____)

If to GBS: Gallagher Benefit Services, Inc.
300 S. Jefferson, Suite 600-N
Springfield, MO 65806
Attention: Jacob Salinas
(Fax: 417-881-8719)

Either party may, by written notice to the other, change the address to which notices to such party are to be delivered or mailed.

9. *Miscellaneous*

(a) Severability. The various provisions and subprovisions of this Agreement are severable and if any provision or subprovision or part thereof is held to be unenforceable by any court of competent

jurisdiction, then such enforceability will not affect the validity or enforceability of the remaining provisions or subprovisions or parts thereof in this Agreement.

(b) Entire Agreement; Amendment. This Agreement, including all exhibits hereto, constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether oral or written, between the parties regarding the subject matter hereof. This Agreement may be modified or amended only by a written instrument executed by both parties.

(c) Governing Law; Rule of Construction. This Agreement will be construed, interpreted and enforced in accordance with the laws of the State of Arkansas without giving effect to the choice of law principles thereof or any canon, custom or rule of law requiring construction against the drafter.

(d) Jurisdiction and Venue. The parties agree that in the event of any legal dispute the governing jurisdiction and venue will be Washington County Circuit Court in Fayetteville, Arkansas for state court actions or the United States District Court, Western District, Arkansas, in Fayetteville, Arkansas for federal court actions.

(e) Successors. This Agreement shall be binding upon and shall inure to the benefit of all assigns, transferees and successors in the interest of the parties hereto.

(f) Counterparts. This Agreement may be executed by the parties in several counterparts, each of which shall be deemed to be an original copy.

(g) Survival of Provisions. Sections 2, 4, 6 and 7 will survive the termination of this Agreement.

[The remainder of this page intentionally left blank. The parties' signatures appear on the following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Consulting Agreement to be duly executed on the date first written above.

City of Fayetteville, Arkansas

By: _____

Name: Lioneld Jordan

Title: Mayor

GALLAGHER BENEFIT SERVICES, INC.

- Branch Managers (Area Presidents) are the preferred signers on consulting or fee agreements, however, our current policy allows for producers who are Area AVPs to sign for GBS as well.
- **Any modifications must be approved AJG corporate legal prior to GBS signature.**

By: Jacob Salinas

Name: Jacob Salinas

Title: Area Vice President

EXHIBIT A
SCOPE OF SERVICES

Subject to any changes and additions as may be mutually agreed by the parties in writing, availability and delivery of data from the insurance carrier and other third party vendors, GBS will provide the following services:

CONSULTING SERVICES PROVIDED ON AN "AS NEEDED" BASIS

☐ **RENEWAL ANALYSIS**
- Review and evaluate carrier projections
- Prepare "shadow" renewal projection
- Create financial modeling reports using proprietary Apex software
- Coordinate carrier negotiations
- Create employee contribution modeling reports
- Review identified benchmarks of projected plan costs
- Develop "working" rates for Company analysis and approval
- Assist with budget projections
- Provide renewal alternatives with cost impact of benefit plan changes

☐ **PERIODIC PLAN FINANCIAL REPORTS** (frequency to be mutually agreed upon):
- Summary of plan costs
- Analysis of actual vs. budget
- Employee contributions
- Large claims tracking
- Identification of costs for specific line of coverage
- Comparison of plan costs to aggregate stop-loss projections, if applicable
- Utilization review
- Comparison to prior claim period
- Plan trends

☐ **ANNUAL FINANCIAL REPORTS (End of Year Accounting):**
- Comparison of current costs to renewal costs
- Future plan costs projections
- Executive summary of program expenses
- Comparison of current costs to renewal costs
- Future plan costs projections
- Dollars saved by contract negotiation
- Percent of benefit dollars paid by employee
- Claims by size
- Physician visit details
- Benefits paid by type of service
- Plan funding/budget comparison
- Fixed expense comparison

☐ **LEGISLATIVE AND CORPORATE COMPLIANCE SUPPORT**

- Provide legislative updates, including Technical Bulletins and Directions newsletters
- Evaluate plan design to assist with compliance with state and federal regulations
- Review benefit plan documents, including summary plan descriptions, contracts, employee summaries, and policies/procedures
- Conduct periodic seminars on regulatory issues
  - Assist with the review and evaluation of COBRA and HIPAA compliance procedures
- Provide general information and guidance to assist with compliance with ERISA, FMLA, USERRA, Medicare Part D and other Federal legislation that directly affects the administration of plan benefits
- Provide template or sample compliance notices, certificates of creditable coverage and enrollment forms as reasonably requested by Company

☐ **CARRIER MARKETING AND NEGOTIATIONS, AS DIRECTED BY CLIENT**

- Work with Company to develop a strategy to identify goals, analyze program costs and review both current and alternative funding arrangements
- Manage the renewal process with the current carrier to control costs
- Implement carrier renewal strategies with Company
- Develop timeline covering every aspect from RFP preparation to the delivery of employee communications
- Provide analysis of employee disruption report and preparation of geo-access report
- Provide analysis of discounts offered by various carriers by using CPT codes and carrier pricing data
- Manage RFP development that tailors the RFP to the desires, needs and financial directions provided by Company
- Explore alternative funding solutions
- Evaluate vendor responses to track variations in coverage and costs as they are identified
- Conduct finalist interviews to investigate and document intangibles such as personalities, service orientation and responsiveness
- Draft renewal analysis report, based on renewal negotiation, covers program and claims cost projections as well as complete information on benefit designs
- Facilitate decision process by coordinating close collaboration and discussions among the GBS team and Company

☐ **DAY TO DAY ADMINISTRATIVE SERVICES**

☐ **EMPLOYEE EDUCATION PROGRAMS**

- Facilitate focus groups
- Monthly benefit communication directed to employees
- Educational meetings on coverage and trends

☐ **COMMUNICATION MATERIALS**

- Assist with the drafting and distribution of Open Enrollment-New Member Orientation summary information and any other communications pertaining to the health and welfare program
- Provide annual open enrollment guidance and employee meeting materials
- Assist with marketing and oversight of Customized Enrollment Materials (if elected)

- Assist with participant wellness initiatives, as directed by Company

BENEFIT ADMINISTRATION ASSESSMENT

- Periodic evaluation of internal plan enrollment and benefit termination processes
- Review, coordinate and implement Company agreed upon plan "best practices" to help limit plan liability and increase participant satisfaction
- Help identify opportunities for streamlining and improving administration procedures

☐ **BENEFITS ADMINISTRATION SOFTWARE:**

- Gallagher agrees to enter into an Agreement with PlanSource/Connect2MyBenefits software vendor to provide Client with benefits software services, to commence May 16, 2012 and "go live" July 1, 2012.
- Client, as third party beneficiary of said agreement, will be responsible for reimbursing Gallagher on a monthly basis based on $2.45 per Employee per Month, pro-rated for partial months such as May, 2012.

Additional terms and details concerning the PlanSource/Connect2Mybenefits software as agreed upon are referenced in attached Appendix "C".

☐ **MARKET BENCHMARKING STUDIES:**

- Local Area Surveys
- Industry Surveys

☐ **Benefit Plan Design (or Redesign)**

- Help Company identify business and HR objectives that impact benefits
- Review with Company possible benefit strategies to meet their objectives
- Help Company evaluate/review current scope of benefits package – e.g., types & levels of coverage
- Work with Company to develop funding and contribution strategies
- Assist with budget projections for design alternatives

EXHIBIT B
COMPENSATION DISCLOSURE STATEMENT

What follows is the disclosure of actual fees and/or commissions related to the Company's Group Health Plan(s) and any relationships, or agreements GBS has with the insurance Company involved in this transaction. GBS as agent of record will receive the following initial and renewal sale commissions expressed as percentage of gross premium payments, or fees as agreed up by

Line of Coverage	Insurance Company	Effective Date	Commission[1]/ Supplemental Compensation[2]	Direct Fees[3]	Wholesaler, MGU, or Intermediary	Owned by AJG/GBS
Consulting Agreement	Gallagher Benefit Services	7/1/2015	N/A	$57,600	N/A	N/A

[1] Commissions include all commissions/fees paid to GBS that are attributable to a contract or policy between a plan and an insurance Company, or insurance service. This includes indirect fees that are paid to GBS paid by a third party, and includes, among other things, the payment of "finders' fees" or other fees to GBS for a transaction or service involving the plan.
[2] Gallagher companies may receive supplemental compensation referred to in a variety of terms and definitions, such as contingent commissions, additional commissions and supplemental commission.
[3] Direct Fees include compensation to GBS paid for directly by the plan sponsor.
[4] Which allows an exemption from a prohibited transaction under Section 408(a) of the **Employee Retirement Income Security Act of 1974 (ERISA).**
[5] In making these disclosures, no position is taken, nor is one to be inferred, regarding the use of assets of a plan subject to ERISA to purchase such insurance.

It should also be noted that:

- **GBS** is not an affiliate of the insurer whose Contract is recommended. This means the insurer whose contract is recommended does not directly or indirectly have the power to exercise a controlling influence over the management of policies of **GBS**.
- **GBS'** ability to recommend other insurance contracts is not limited by an agreement with the Insurance Carrier.
- **GBS** is effecting the transaction for the Plan(s) in the ordinary course of GBS business.
- The transaction set forth is at least as favorable to the Plan(s) as an arm's length transaction with an unrelated party.
- **GBS** is not a trustee of the Plan(s) and is neither the Plan Administrator of the Plan(s), a fiduciary of the Plan(s), nor an employer which has employees in the Plan(s).

For Employers and Plan Sponsors Subject to ERISA: This Disclosure Statement is being given to the Client (1) to make sure Client knows about GBS' and GBS' affiliates income before purchasing the insurance product and (2) for plans subject to ERISA, to comply with the disclosure, acknowledgement and approval requirement of Prohibited Transaction Class Exemption No. 84-24, which protects both Client and GBS. Disclosure must be made to an independent plan fiduciary for the ERISA Plan(s) and Client acknowledges and confirms that this is a reasonable transaction in the best interest of the participants in the ERISA Plan(s).

For more information on Gallagher's compensation arrangements, please visit www.ajg.com/compensation. In the event a client wishes to register a formal complaint regarding compensation Gallagher receives, please send an e-mail to Compensation_Complaints@ajg.com or send a letter to: AVC Compliance Officer, c/o Internal Audit Department, Arthur J. Gallagher & Co., Two Pierce Place, Itasca, IL 60143.

APPENDIX C

PlanSource's Connect2MyBenefits Platform

GBS agrees to enter into an agreement with PlanSource for a Connect2MyBenefits software platform to be built and serviced on an ongoing basis for Client, as follows:

- Client will be billed by GBS for the Connect2Mybenefits service on a monthly basis, and shall pay within 30 days of receipt of each invoice.

- Client will be billed at a rate of $2.45 per Employee per Month for its employees classified as Active, Statutory Insured, and COBRA. The current number are 685 Active employees, 20 Statutory Insured, and 8 COBRA. This shall constitute the entire amount(s) billed to Client and includes, but is not limited to, PlanSource providing implementation, building the platform for Client, training, ongoing customer service (provided directly to Client's authorized representatives, without the necessity of default communications occurring only with or through GBS), four electronic Standard Format (Excel) feeds to Client's carriers/vendors, troubleshooting, use of the software, annual programming, administrative logins, employee logins, and the services referenced in this Appendix.

- Client shall receive at least 60 days' written notice from GBS prior to any proposed price changes for the PlanSource services or changes in PlanSource's scope of services, including PlanSource terminating its services to Client.

- Client shall provide GBS with at least 60 days' written notice prior to any proposed changes in Client's utilization of PlanSource services, including Client terminating its use of PlanSource benefits software.

- PlanSource shall:

  - Conduct kick-off strategy meeting to define and plan implementation and training timeline.
  - Develop project timeline in collaboration with Client (updated weekly during conference calls).
  - Configure employer benefit plan design.
  - Configure the system for basic life events (default business rules).
  - Setup rules for each eligibility group.
  - Setup rule for each plan type.
  - Configure scrub, and load most recent employee elections, dependent and premium information for passive enrollments.

- Make PlanSource HR site available to employees throughout the plan year that includes:

  - Documents such as Benefit Summaries, SPDs, and Forms
  - Links/URLs to carriers
  - FAQs and Email Links to HR

- Contact information
- Provide employee access to online benefit Homepage and employee benefits confirmation statement
- Provide new hire access to web enrollment
- Provide employee access to employee self-service life events elections (if requested by Client)
- Provide employee access to employee self-service annual enrollment.
- Provide HR access to real-time online administrative service features
- Provide HR access to online reporting functions.
- Provide links to electronic EOI questionnaires where required by carriers for life or disability coverage requests.
- Send recurring eligibility data feed to 3rd party carrier systems
- Send recurring deduction codes to Client's payroll system (if requested).
- Create 834 data interfaces – Configuration of carrier export file based on carrier requirements and ability to accept data
- Create data feeds in PlanSource Standard Format
- Custom create non-834 data interfaces
- Conduct Annual Renewal Configurations (for each new carrier or change in data feed requirements at renewal).
- Provide Standard Feed formats (Excel).

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0307

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 7

NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. GENERAL IMPROVEMENT FUND GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT THROUGH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. IN THE AMOUNT OF $50,000.00 FOR THE PURCHASE OF SOCCER GOALS FOR THE REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a General Improvement Fund grant through the Northwest Arkansas Economic Development District, Inc. in the amount of $50,000.00 for the purchase of soccer goals for the Regional Park and expresses its sincere appreciation to Representative Charlie Collins for his assistance in securing the grant funds.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2015-0307

Legistar File ID

7/21/2015

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

Byron Humphry	7/2/2015	Parks & Recreation / Parks & Recreation Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a resolution to authorize the City to accept $50,000 from the Northwest Arkansas Economic Development District, Inc. General Improvement Fund (GIF) and approval of a budget adjustment to recognize the revenue for soccer goals for the Regional Park.

Budget Impact:

2250.9255.5210.00	Regional Park Development
Account Number	Fund
02002.1	Regional Park Development
Project Number	Project Title

Budgeted Item?	No	Current Budget	$	179,886.00
		Funds Obligated	$	179,355.00
		Current Balance	$	531.00
Does item have a cost?	Yes	Item Cost	$	50,000.00
Budget Adjustment Attached?	Yes	Budget Adjustment	$	50,000.00
		Remaining Budget	$	531.00

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: Byron Humphry, Parks Maintenance Superintendent

DATE: July 2, 2015

SUBJECT: **Resolution to Accept the Northwest Arkansas Economic Development District, Inc. General Improvement Fund (GIF) Grant for Soccer Goals**

RECOMMENDATION:
Parks and Recreation requests City Council approval of a resolution to authorize the City to accept $50,000 from the Northwest Arkansas Economic Development District, Inc. General Improvement Fund (GIF) Grant and approval of a budget adjustment to recognize the revenue for soccer goals for the Regional Park.

BACKGROUND:
The City of Fayetteville is currently constructing Phase I of the Regional Park including soccer fields for youth soccer. The City's existing soccer program is programmed on land leased from the University of Arkansas. This lease will expire in 2018 and will not be renewed.

State Representative Charlie Collins, District 84, recommended the GIF grant application to the City for a $50,000 project to purchase soccer goals for the Regional Park soccer complex. The soccer goals would be used for league play as well as hosting tournaments that would bring in tourism money, which would assist state wide efforts in economic and community development.

DISCUSSION:
Phase I of the Regional Park originally included additional amenities including new soccer goals; however the goals and many other items were omitted through the value engineering process after bidding. As this park will draw regional tournaments, it is important to have the best quality facilities and equipment to offer participants. Without this grant, the City will be repurposing outdated existing goals at the new park until new goals can be funded through the Capital Improvement Plan.

BUDGET/STAFF IMPACT:
This grant award is for $50,000. There is no anticipated budget impact. The grant does not require matching funds.

Attachments:
NWAEED GIF Grant Agreement
Budget Adjustment

NORTHWEST ARKANSAS
ECONOMIC DEVELOPMENT DISTRICT, INC.
NWAEDD PLAZA
818 Highway 62-65-412 North • P.O. Box 190
Harrison, Arkansas 72602-0190
(870) 741-5404

RECEIVED
JUN 22 2015
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

June 19, 2015

To Whom It May Concern:

Enclosed you will find two (2) signed grant agreements. One grant agreement is for your records, the other is for you to sign and return to NWAEDD in the envelope provided. This ensures that we will have the proper documentation on file. Once we have received the signed grant agreement we will then issue a check and it will be sent to you along with a close-out form.

Thank you for your cooperation in this matter.

Sincerely,

Jeremy Ragland
Assistant Director, NWAEDD

Northwest Arkansas Economic Development District, Inc.

General Improvement Fund Grant Program

Grant Agreement

Grantee: **CITY OF FAYETTEVILLE** Grant #: **379-84-06-15**

Grant Amount: **$ 50,000.00** Purpose: **Soccer Equipment**

GRANTOR

Northwest Arkansas Economic Development District, Inc.
P.O. Box 190
Harrison, AR 72602-0190
Phone: 870-741-5404

GRANTEE

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone: 479-575-8330

1. PURPOSE

This Agreement is entered into by Northwest Arkansas Economic Development District, Inc. (NWAEDD), herein referred to as Grantor, and **City of Fayetteville**, herein referred to as Grantee. The Grantor has received General Improvement Funds from the Arkansas General Assembly to be utilized to assist local public governmental jurisdictions and/or non-profit organizations to plan, develop, promote and/or implement economic and community development projects/activities designed to improve the economic, community and/or social well-being of the citizens of Arkansas. Projects should complement the Economic and Community Development Goals and Objects of the State of Arkansas. The Grantee agrees to implement and complete a General Improvement Fund Program project in accordance with the provisions of this Agreement.

2. LEGAL AUTHORITY

By signing this Agreement the Grantee certifies that it possesses legal authority to accept grant funds under the General Improvement Fund program. The act of signing will also certify that the Grantee will comply with all parts of this Agreement, and the Grantee accepts full legal responsibility for properly implementing the project described in the original grant application documents and agrees to expend funds in accordance with the original grant application form.

3. FINANCIAL MANGEMENT AND ACCOUNTING

The Grantee will establish and/or maintain a financial management and accounting system, which conforms to generally accepted accounting principles and complies with requirements of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, and other applicable fiscal control laws of the State of this State and regulations promulgated by the Department of Finance and Administration shall be observed in connection with the utilization of said grant funds.

4. RECORDKEEPING

Grantee will maintain records of all project expenditures on file for a period of three years or until the Grantee's audit for the period in which grant funds were utilized have been conducted. The Grantor and duly authorized officials of the State will have full access and the right to examine any pertinent documents of the Grantee or persons or organizations with which the Grantee may contract, which involve transactions related to this Agreement.

5. REPORTING

The Grantee agrees to provide Grantor with a final close-out report within sixty (60) days of project completion on which grant funds have been utilized, (See Attachment "A" - Closeout Form).

6. INDEMNIFICATION

The Grantee agrees to follow all local and state laws and regulations. Furthermore, the Grantee agrees to hold harmless the Grantor from any and all claims, suits and actions arising from any act of omission, noncompliance or misuse of grant funds by the Grantee or any employee or agent in the performance of this Grant Agreement.

7. METHOD OF PAYMENT

The Grantor shall make payment of authorized grant funds upon proper execution of this Grant Agreement by the Grantee. The Grantor reserves the right to determine the most appropriate distribution of payments, based upon the nature of the approved project. In no event will the total amount of grant funds to the Grantee for allowable expenses incurred in relation to the project exceed the amount noted on Page 1 of this Agreement as the Grant Amount.

8. MODIFICATIONS

The Grant Agreement may be modified, at the discretion of the Grantor, only with prior written notification from the Grantee. The Grantee will be notified, in writing, of the decision of the Grantor.

Approved for the Grantor	Approved for the Grantee
BY:	BY:
NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC.	CITY OF FAYETTEVILLE
Joe Willis	
Joe Willis Executive Director	Lioneld Jordan Mayor
6/19/15	
Date	Date

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division:	Parks & Recreation	Adjustment Number
2015	Dept.:	Parks & Recreation	
	Requestor:	Alan Bearden	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Regional Park - To receive/recognize grant funds of $50,000 from Northwest Arkansas Economic Development District, Inc. - General Improvement Fund (GIF) to be used for the purchase of soccer goals. The individual goal sets will be less than $5,000 each.

COUNCIL DATE: 7/21/2015

LEGISTAR FILE ID#: **2015-0307**

Barbara Fell
6/29/2015 3:45 PM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20150402

Account Number	Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub# Project	Sub	AT	Account Name
TOTAL	50,000	50,000				
2250.9255.5210.00	50,000	-	02002	1	EX	Minor Equipment
2250.0925.4302.00	-	50,000	02002	1	RE	State Grants - Capital
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0311

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 8

GARVER, LLC TASK ORDER NO. 3

A RESOLUTION TO APPROVE TASK ORDER NO. 3 WITH GARVER, LLC IN THE AMOUNT OF $23,500.00 FOR DESIGN, BIDDING AND CONSTRUCTION OVERSIGHT SERVICES FOR THE AIRPORT AIRFIELD MARKING REHABILITATION PROJECT, TO ACCEPT A 90/10 GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS IN THE AMOUNT OF $179,880.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Task Order No. 3 with Garver, LLC in the amount of $23,500.00 for design, bidding and construction oversight services for the Airport Airfield Marking Rehabilitation Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby accepts a 90/10 grant from the Arkansas Department of Aeronautics in the amount of $179,880.00.

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

City of Fayetteville Staff Review Form

2015-0311

Legistar File ID

7/21/2015

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

John J. Roscoe	7/2/2015	Aviation / Transportation Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

A Resolution to: 1) Authorize Garver LLC Task Order 03, in the amount of $23,000, for Design, Bidding Services and Construction Oversight; 2) Accept a 90/10 grant from the Arkansas Department of Aeronautics in the amount of $179,880; 3) Approve a Budget Adjustment.

Budget Impact:

5550.3960.5314.00	Airport
Account Number	Fund
15030.1	Airport Pavement Repainting & Signs
Project Number	Project Title

Budgeted Item?	No	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	Yes	Item Cost	$	199,867.00
Budget Adjustment Attached?	Yes	Budget Adjustment	$	199,867.00
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Staff/Contract Review Committee
Terry Gulley, Transportation Director

FROM: John J. Roscoe, Airport Director

DATE: 7/2/15

SUBJECT: **Garver LLC Task Order 03 & Acceptance of a Grant from the AR Department of Aeronautics. Legistar Item # 2015-0311**

RECOMMENDATION:
Staff requests approval of a Resolution to: 1) Authorize Garver LLC Task Order 03, in the amount of $23,000, for Design, Bidding Services and Construction Oversight; 2) Accept a 90/10 grant from the Arkansas Department of Aeronautics in the amount of $179,880; 3) Approve a Budget Adjustment.

BACKGROUND:
During the Airport's annual FAA Part 139 Airport Certification Inspection in May, our FAA inspector noted that the condition of the runway markings and the majority of our taxiway markings were not in compliance with FAA standards. In addition, he noted that parts of the runway had cracked and did not contain any crack seal. The Airport is given until August 12, 2015 to make the necessary corrections.

DISCUSSION:
Approval of Task Order 03 will authorize the Airport's consulting engineering firm, Garver LLC, to proceed with the design and specifications leading to bidding and oversight of the work. The construction phase comprises crack sealing, rubber removal and repainting of Runway and Taxiway markings. Airfield sign panel replacements will be procured and installed by airport maintenance staff.

The Airport applied and was approved by the Arkansas Department of Aeronautics for a grant that will reimburse 90% of the final project cost. The Airport will match the state grant with the remaining 10% of the project cost. The total project cost is estimated at $199,867.

BUDGET/STAFF IMPACT:
The Airport will expend a portion of its fund balance reserve, $19,987, in order to match 10% of the total project cost to the State's 90% grant. The attached Budget Adjustment establishes the total project budget including the construction phase.

Attachments:
SRF, SRM,
Task Order 03
Grant Award Letter
Budget Adjustment
Purchase Request

APPENDIX A-3

TASK ORDER 03
FAYETTEVILLE – DRAKE FIELD (FYV)
AIRFIELD MARKING REHABILITATION

This TASK ORDER is made as of _____, 2015 by and between the CITY OF FAYETTEVILLE of Fayetteville, Arkansas hereinafter referred to as "CITY OF FAYETTEVILLE," and GARVER, LLC, hereinafter referred to as "GARVER", in accordance with the provisions of the AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES executed on April 21, 2015.

Under this Work Order, the CITY OF FAYETTEVILLE intends to make the following improvements for the FYV Airfield Marking Rehabilitation project.

> Repaint the existing airfield pavement markings, remove existing pavement markings that are located in an incorrect position or state, and seal existing cracks as required by a recent Part 139 inspection.

GARVER will provide professional services related to these improvements as described herein.

SECTION 1 - SCOPE OF SERVICES

GARVER will provide services as detailed in Exhibit A-3.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum and hourly rate basis. The CITY OF FAYETTEVILLE represents that funding sources are in place with the available funds necessary to pay GARVER.

The table below presents a summary of the fee amounts and fee types for this contract.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Bid Package Development	$10,000	Lump Sum
Bidding Services	$3,000	Lump Sum
Construction Phase Services	$10,000	Hourly
TOTAL FEE	**$23,000**	

Bid Package Development and Bidding Services:
The lump sum amount to be paid under this agreement is $13,000. For informational purposes, a breakdown of GARVER's estimated costs is included in Exhibit B-3 with approximate current hourly rates for each employee classification.

Construction Phase Services:
The CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the unburdened hourly payroll rate of each of GARVER's personnel during the performance of these services multiplied by a 3.20 markup plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The total amount paid to GARVER under this agreement is estimated to be $10,000. The actual total fee may not exceed this estimate. For informational purposes, a breakdown of GARVER's estimated costs is included in Exhibit B-3 with approximate current hourly rates for each employee classification. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded.

Expenses other than salary costs that are directly attributable to performance of our professional services will be billed as follows:

1. Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
2. Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.
3. The amount allowed by the federal government for mileage with an additional $0.05 for survey trucks/vans.

Any unused portion of the fee, due to delays beyond GARVER's control, will be increased 6% annually with the first increase effective on or about July 1, 2016.

Additional Services (Extra Work). For work not described or included in Section 2 – Scope of Services but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Exhibit B-3 for each classification of GARVER's personnel, plus overhead, plus 15% profit, plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The rates shown in Exhibit B-3 will be increased annually with the first increase effective on or about July 1, 2016.

SECTION 3 –EXHIBITS

3.1 The following Exhibits are attached to and made a part of this Agreement:
- 3.1.1 Exhibit A-3 Scope of Services
- 3.1.2 Exhibit B-3 Rate Schedule & Fee Tables
- 3.1.3 Exhibit C-3 Project Exhibit
- 3.1.4 Exhibit D-3 Conceptual Cost Estimate

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Approval and acceptance of this Task Order, including attachments listed in SECTION 3 –EXHIBITS, shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS	GARVER
By :_____ Mayor, Lioneld Jordan	By: _____
ATTEST:	
By:_____ City Clerk	Title: Senior Vice President

EXHIBIT A-3 – SCOPE OF SERVICES
FAYETTEVILLE – DRAKE FIELD (FYV)
AIRFIELD MARKING REHABILITATION

2.1 General

Generally, the scope of services includes bid package development, bidding services, and construction phase services for improvements to Fayetteville-Drake Field Airport. Improvements will consist primarily of remarking airfield pavement markings, minor crack sealing, and minor marking removal.

2.2 Bid Package Development

2.2.1 Construction Safety Plans

GARVER will develop construction safety plans for the CITY OF FAYETTEVILLE's review prior to inclusion in the bid package. Construction safety plans will also be coordinated with the Air Traffic Controllers. Construction phasing will be designed to limit the construction impact on aircraft operations. Construction safety plans will include a nighttime runway closure alternative.

2.2.2 Airspace Analysis

GARVER will prepare and submit the project to the FAA for airspace clearance on the Obstruction Evaluation and Airport Airspace Analysis (OE-AAA) website and coordinate this with FAA representatives.

2.2.3 Final Plans and Specifications

GARVER will prepare detailed construction drawings, specifications, instructions to bidders, and general provisions and special provisions, all based on guides furnished to GARVER by the CITY OF FAYETTEVILLE and the FAA. Contract Documents (Plans, Specifications, and Estimates) will be prepared for award of one (1) construction contract. These designs shall be in accordance with sound engineering principles. Detailed specifications shall be developed using FAA "Standards for Specifying Construction for Airports" AC 150/5370-10 (latest edition) or other appropriate standards. A specimen copy of applicable prevailing wage rates will be obtained by GARVER from the Arkansas Department of Labor as appropriate for incorporation into the specifications for the proposed project.

GARVER will furnish plans to the CITY OF FAYETTEVILLE for bidding and coordination purposes.

2.3 Bidding Services

GARVER will assist the CITY OF FAYETTEVILLE in advertising for and obtaining bids or negotiating proposals for one prime contract for construction, materials, equipment and services; and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, and receive and process deposits for Bidding Documents. The CITY OF FAYETTEVILLE will pay advertising costs outside of this contract. GARVER will issue addenda as appropriate to interpret, clarify or expand the Bidding Documents. GARVER will consult with and advise the CITY OF FAYETTEVILLE as to the acceptability of subcontractors, suppliers and other persons and

organizations proposed by the prime contractor(s) (herein called "Contractor(s)") for those portions of the work as to which such acceptability is required by the Bidding Documents. GARVER will consult with the CITY OF FAYETTEVILLE concerning and to determine the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution prior to the award of contracts is allowed by the Bidding Documents. GARVER will attend the bid opening, prepare bid tabulation sheets, and assist the CITY OF FAYETTEVILLE in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment and services. GARVER will assist the CITY OF FAYETTEVILLE in the execution of all contract documents and furnish a sufficient number of executed documents for the CITY OF FAYETTEVILLE and Contractor.

2.4 Construction Phase Services

During the construction phase of work, GARVER will accomplish the following:

1. Support the CITY OF FAYETTEVILLE's improvement plan by accomplishing preliminary planning, and/or engineering work as directed by the CITY OF FAYETTEVILLE. The work shall include the preparation of opinions of costs, preliminary plans, applications for local, state, and federal funds, and services required to support the CITY OF FAYETTEVILLE's applications for funds.
2. Issue a Notice to Proceed letter to the Contractor and attend the preconstruction meeting.
3. Attend progress/coordination meetings with the CITY OF FAYETTEVILLE /Contractor.
4. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by GARVER on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
5. Consult with and advise the CITY OF FAYETTEVILLE during the construction period. GARVER will submit, when requested by the CITY OF FAYETTEVILLE, written reports to the CITY OF FAYETTEVILLE on the progress of the construction including any problem areas that have developed or are anticipated to develop.
6. Issue instructions to the Contractor on behalf of the CITY OF FAYETTEVILLE and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
7. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the CITY OF FAYETTEVILLE regarding payment. GARVER's recommendation for payment shall not be a representation that GARVER has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
8. Provide part-time resident construction observation services for the 7-calendar-day construction

contract performance time. The proposed fee is based on approximately 8 hours per day during the construction contract performance time. If the construction time extends beyond the time established in this agreement or if the CITY OF FAYETTEVILLE wishes to increase the time or frequency of the observation, the CITY OF FAYETTEVILLE will pay GARVER an additional fee agreed to by the CITY OF FAYETTEVILLE and GARVER.

9. When authorized by the CITY OF FAYETTEVILLE, prepare change orders or supplemental agreements, as appropriate, for ordering changes in the work from that originally shown on the Plans and Specifications. If re-design or substantial engineering is required in the preparation of these documents, payment for extra services involved will be made in addition to the payment provided in basic engineering services.
10. Participate in final project inspection, prepare punch list, review final project closeout documents, and submit final pay request.

Construction observation services will be provided by GARVER's Resident Project Representative, who will provide or accomplish the following:

- Consult with and advise the CITY OF FAYETTEVILLE during the construction period.
- Maintain a file of quantities incorporated into the work, test reports, certifications, shop drawings and submittals, and other appropriate information.
- Maintain a project diary which will contain information pertinent to each site visit.
- Prepare requests for monthly and final payments to the Contractor.

In performing construction observation services, GARVER will endeavor to protect the CITY OF FAYETTEVILLE against defects and deficiencies in the work of the Contractor(s); but GARVER does not guarantee the performance of the Contractor(s), nor is GARVER responsible for the actual supervision of construction operations. GARVER does not guarantee the performance of the contracts by the Contractors nor assume any duty to supervise safety procedures followed by any Contractor or subcontractor or their respective employees or by any other person at the job site. However, if at any time during construction GARVER observes that the Contractor's work does not comply with the construction contract documents, GARVER will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. GARVER will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, GARVER will notify the CITY OF FAYETTEVILLE immediately, so that appropriate action under the CITY OF FAYETTEVILLE's contract with the Contractor can be taken.

As a minimum, GARVER's project engineer or his qualified representative will visit the site of the work on the average of once during each fifteen (15) working days of the construction period. These visits should be scheduled to coincide with each new phase of construction and other times when his presence is desirable. GARVER's project engineer or his qualified representative will be available at all times work is in progress for telephone contact by the construction observer. GARVER's project engineer shall direct, supervise, advise, and counsel the construction observer in the accomplishment of his duties.

2.5 Project Deliverables

The following will be submitted to the Client, or others as indicated, by Garver:

1. One copy of the Final Design with opinion of probable construction cost.

2. Three copies of the Final Plans and Specifications to the Contractor.
3. One hard copy set of Record Drawings.
4. Electronic files as requested.

2.6 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the Client's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Submittals or deliverables in addition to those listed herein.
3. Electrical lighting design.
4. Preparation of a Storm Water Pollution Prevention Plan (SWPPP).
5. Construction materials testing.
6. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
7. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.

Extra Work will be as directed by the Client in writing for an additional fee as agreed upon by the Client and Garver.

2.7 Schedule

GARVER shall begin work immediately upon receipt of the executed task order and shall complete the work within a mutually agreeable schedule.

GARVER

EXHIBIT B-3
FYV Airfield Marking Rehabilitation
Garver Hourly Rate Schedule

Classification	Rates
Engineers / Architects	
E-1	$ 32.30
E-2	$ 37.40
E-3	$ 45.40
E-4	$ 53.00
E-5	$ 64.70
E-6	$ 81.10
E-7	$ 107.10
Planners / Environmental Specialist	
P-1	$ 38.90
P-2	$ 48.90
P-3	$ 62.40
Designers	
D-1	$ 30.10
D-2	$ 35.40
D-3	$ 42.10
D-4	$ 48.90
Technicians	
T-1	$ 23.50
T-2	$ 30.00
T-3	$ 36.40
Surveyors	
S-1	$ 14.40
S-2	$ 19.00
S-3	$ 25.80
S-4	$ 36.90
S-5	$ 48.90
S-6	$ 55.60
2-Man Crew (Survey)	$ 54.60
3-Man Crew (Survey)	$ 68.60
2-Man Crew (GPS Survey)	NA
3-Man Crew (GPS Survey)	NA
Construction Observation	
C-1	$ 28.50
C-2	$ 36.60
C-3	$ 44.80
C-4	$ 55.10
Management / Administration	
M-1	$ 107.00
X-1	$ 18.40
X-2	$ 25.20
X-3	$ 35.00
X-4	$ 48.00

EXHIBIT B-3

FAYETTEVILLE - DRAKE FIELD
FYV AIRFIELD MARKING REHABILITATION

BID PACKAGE DEVELOPMENT

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	T-1	C-3	C-2
	$45.41	$37.40	$32.30	$30.00	$23.50	$44.80	$36.60
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Final Plans							
Cover Sheet			1		4		
General Notes			1		4		
Construction Safety Plans			4		12		
Pavement Marking Plans			4		12		
Pavement Marking Details			1		4		
Site Visit		2	6		6		
Construction Safety Meeting with Owner/ATCT		1	2		4		
Coordination with Owner		1	4				
City Meetings		1	4				
Airspace Analysis		1	2				
Specifications/Contract Documents		1	6				
Quantities		1	4				
Opinion of Probable Construction Cost		1	4				
QC Review		2	2				
Subtotal - Civil Engineering	**0**	**11**	**45**	**0**	**46**	**0**	**0**
Hours	**0**	**11**	**45**	**0**	**46**	**0**	**0**
Salary Costs	$0.00	$411.40	$1,453.50	$0.00	$1,081.00	$0.00	$0.00

SUBTOTAL - SALARIES:		**$2,945.90**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$5,607.23**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$102.53	
Postage/Freight/Courier	$20.00	
Travel Costs	$20.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$142.53**
SUBTOTAL:		**$8,695.66**
SUBCONSULTANTS FEE:		**$0.00**
PROFESSIONAL FEE		**$1,304.35**
TOTAL FEE:		**$10,000.00**

EXHIBIT B-3

FAYETTEVILLE - DRAKE FIELD
FYV AIRFIELD MARKING REHABILITATION

BIDDING SERVICES

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	T-1	C-3	C-2
	$45.41	$37.40	$32.30	$30.00	$23.50	$44.80	$36.60
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Dispense plans and specs			2				
Addendums/Inquiries		1	4				
Bid Opening		1	4				
Prepare bid tabulation		1	2				
Evaluate bids and recommend award		1	2				
Prepare construction contracts		1	2		4		
Notice to Proceed			1				
Subtotal - Civil Engineering	**0**	**5**	**17**	**0**	**4**	**0**	**0**
Hours	**0**	**5**	**17**	**0**	**4**	**0**	**0**
Salary Costs	$0.00	$187.00	$549.10	$0.00	$94.00	$0.00	$0.00

SUBTOTAL - SALARIES:		**$830.10**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$1,580.01**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$100.00	
Postage/Freight/Courier	$48.58	
Travel Costs	$50.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$198.58**
SUBTOTAL:		**$2,608.69**
SUBCONSULTANTS FEE:		**$0.00**
PROFESSIONAL FEE		**$391.30**
TOTAL FEE:		**$3,000.00**

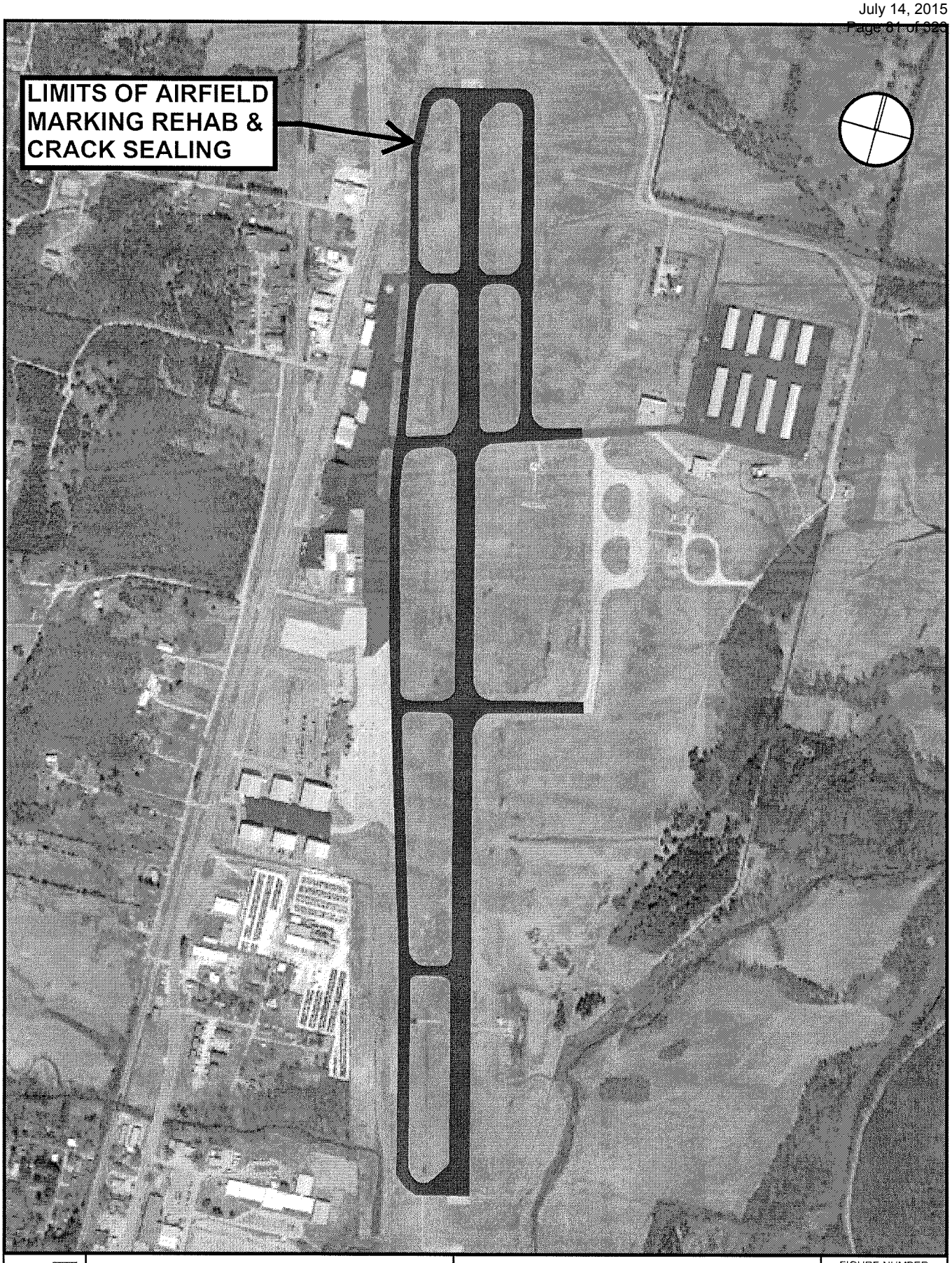
EXHIBIT B-3

FAYETTEVILLE - DRAKE FIELD
FYV AIRFIELD MARKING REHABILITATION

CONSTRUCTION PHASE SERVICES

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	T-1	C-3	C-2
	$45.41	$37.40	$32.30	$30.00	$23.50	$44.80	$36.60
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Preconstruction Meeting		4	4				
Coordination with Owner		1	4				
Monthly Pay Requests			4				
Shop Drawings/Material Submittals			4				
On-Site Meetings							
Resident Construction Observation (7 Days @ 8hr/day)			56				
Prepare Change Orders			4				
Final Project Inspection and Punchlist		4	4				
Subtotal - Civil Engineering	**0**	**9**	**80**	**0**	**0**	**0**	**0**
2. Structural Engineering							
Response to Inquiries							
Shop Drawings							
Subtotal - Structural Engineering	**0**	**0**	**0**	**0**	**0**	**0**	**0**
3. Mechanical Engineering							
Subtotal - Mechanical Engineering	**0**	**0**	**0**	**0**	**0**	**0**	**0**
4. Electrical Engineering							
Subtotal - Electrical Engineering	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Hours	**0**	**9**	**80**	**0**	**0**	**0**	**0**
Salary Costs	$0.00	$336.60	$2,584.00	$0.00	$0.00	$0.00	$0.00

SUBTOTAL - SALARIES:		**$2,920.60**
LABOR AND GENERAL ADMINISTRATIVE OVERHEAD		**$5,559.07**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$75.98	
Postage/Freight/Courier	$40.00	
Travel Costs	$100.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$215.98**
SUBTOTAL:		**$8,695.65**
SUBCONSULTANTS FEE:		**$0.00**
PROFESSIONAL FEE		**$1,304.35**
TOTAL FEE:		**$10,000.00**



GARVER	**FAYETTEVILLE - DRAKE FIELD** FAYETTEVILLE, AR **AIRFIELD MARKING REHABILITATION**	**PROJECT EXHIBIT**	FIGURE NUMBER **C-3**

EXHIBIT D-3

FAYETTEVILLE-DRAKE FIELD
AIRFIELD MARKING REHABILITATION

ENGINEER'S OPINION OF CONCEPTUAL CONSTRUCTION COST

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED AMOUNT
1	Site Preparation / Mobilization	LS	1	$10,775.00	$10,775.00
2	Reflective Runway and Taxiway Pavement Marking	SF	102,500	$1.35	$138,375.00
3	Non-Reflective Runway and Taxiway Pavement Marking	SF	5,500	$1.20	$6,600.00
4	Joint and Crack Repair	LF	14,000	$1.00	$14,000.00
5	Paint and Rubber Removal	SF	750	$3.00	$2,250.00
TOTAL ESTIMATED CONSTRUCTION COST					**$172,000.00**
OTHER EXPENSES					
Sign Panels (28 Total)					$4,867.38
TOTAL OTHER EXPENSES					**$4,867.38**
ENGINEERING SERVICES					
Bid Package Development					$ 10,000.00
Bidding Services					$ 3,000.00
Construction Phase Services					$ 10,000.00
TOTAL ENGINEERING SERVICES					**$ 23,000.00**
TOTAL ESTIMATED CONSTRUCTION COST					**$172,000.00**
TOTAL OTHER EXPENSES					**$4,867.38**
TOTAL ENGINEERING SERVICES					**$23,000.00**
TOTAL ESTIMATED PROJECT COST					**$199,867.38**

PROJECT FUNDING	TOTAL
Arkansas Department of Aeronautics (90%)	$179,880.00
City of Fayetteville (10%)	$19,987.38
TOTAL PROJECTED FUNDING	**$199,867.38**

STATE OF ARKANSAS
DEPARTMENT OF AERONAUTICS

2315 Crisp Drive • Hangar 8
Little Rock, Arkansas 72202-4402
Telephone: (501) 376-6781 • Fax: (501) 378-0820

ASA HUTCHINSON
GOVERNOR

COMMISSIONERS

Marion Burton
Little Rock

Dr. Gene Jines
Little Rock

William "Bill" McKenzie
Bentonville

Dr. William Morgan
Paragould

Wiley Blansett
Searcy

David Glover
Tillar

Clark W. Mason
Little Rock

JERRY CHISM
DIRECTOR

June 19, 2015

Mr. Johnny Roscoe
Aviation Director
Fayetteville - Drake Field
113 W. Mountain Street
Fayetteville, AR 72701

Dear Mr. Roscoe:

During the June 17, 2015 meeting of the Arkansas Aeronautics Commission, a **90-10%** Grant Request was approved for Fayetteville's Drake Field. The request approved provides funding in the amount of **$179,880.00** for crack sealing, pavement remarking, and new signage [Part 139].

This grant has been assigned as Grant #3443-15 for identification purposes. When corresponding with our office regarding this project, please be sure to use this number. Contact us immediately if you will not be able to complete the project for amount approved. ***The Commission will not be responsible for any additional project costs unless this Agency has received notification in advance.***

The Commission has asked that we call your attention to Page Three (3) of your Application for State Airport Aid. ***This project should be started immediately and completed within one year.*** Please notify us if circumstances beyond your control prevent completion within the allotted time, otherwise, the grant may be canceled.

Payment of this grant will be made upon completion of your project. Please remember that grant funds are contingent upon the Department's appropriation for the fiscal year. Request payment of this grant in writing and include your documentation for the project at that time.

Sincerely,

Jerry Chism, Director

cc: State Senator Uvalde Lindsey; State Representative Charlie Collins

JC:kg

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:

Date: 7/21/2015

P.O Number:

Vendor #: 52650

Vendor Name: Garver LLC (RMT1)

Mail ☐YES ☑NO

Legistar#: 2015-0311

Address: 2049 E Joyce Blvd Ste 400

FOB Point:

Taxable ☐YES ☑NO

Expected Delivery Date: Aug 2015

City: Fayetteville

State: AR

Zip Code: 70703

Ship to code:

Quotes Attached ☐YES ☑NO

Requester: James Nicholson

Requester's Employee #: 771

Extension: 7641

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Garver LLC Task Order 03	1	LS	23,000.00	$23,000.00	5550.3960.5314.00	15030 1		
2	Contract # _____				$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$23,000.00
Tax:	$0.00
Total:	$23,000.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Revised 1/21/2015

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division:	Aviation	Adjustment Number
2015	Dept.:	Transportation Services	
	Requestor:	James Nicholson	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Establish a Project Budget for the Airport Pavement Repainting & Signs project . The project is 90% funded with a grant from the Arkansas Department of Aeronautics up to $179,880.

COUNCIL DATE: 7/21/2015

LEGISTAR FILE ID#: **2015-0311**

Kevin Springer
7/2/2015 3:35 PM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20150402

	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
TOTAL	199,867	199,867				
5550.0955.4302.00	-	179,880	15030	1	RE	State Grants - Capital
5550.0955.4999.99	-	19,987			RE	Use of Fund Balance
5550.3960.5314.00	23,000	-	15030	1	EX	Professional Services
5550.3960.5804.00	176,867	-	15030	1	EX	Building Costs
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0309

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 9

BID NO. 15-39 GOODWIN & GOODWIN, INC.

A RESOLUTION TO AWARD BID NO. 15-39 AND AUTHORIZE A CONTRACT WITH GOODWIN & GOODWIN, INC. IN THE AMOUNT OF $755,654.50 FOR THE CONSTRUCTION OF THE MISSION BOULEVARD AND OLD WIRE ROAD INTERSECTION WATER AND SEWER IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $113,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid No. 15-39 and authorizes a contract with Goodwin & Goodwin, Inc. in the amount of $755,654.50 for the construction of the Mission Boulevard and Old Wire Road Intersection Water and Sewer Improvements Project, and further approves a project contingency in the amount of $113,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2015-0309

Legistar File ID

7/21/2015

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

Chris Brown	7/1/2015	Engineering / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a contract in the amount of $755,654.50 with Goodwin & Goodwin, Inc. for the construction of the Mission & Old Wire Rd. Intersection Water and Sewer Improvement Project, approve a project contingency of $113,000 (15%), and approve a Budget Adjustment.

Budget Impact:

Account Number	Fund
5400.5600.5808.00	Water and Sewer Fund
4520.9555.5809.00	Sales Tax Construction Bond Fund

Project Number	Project Title
06035.2600	Old Wire Road (Mission to 265)

Budgeted Item?	Yes	Current Budget	$	20,029,672.00
		Funds Obligated	$	5,687,611.99
		Current Balance	$	14,342,060.01
Does item have a cost?	Yes	Item Cost	$	868,654.50
Budget Adjustment Attached?	Yes	Budget Adjustment	$	586,578.00
		Remaining Budget	$	14,059,983.51

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments: Item cost reflects contract of $755,654.50 plus a contigency of $113,000 for a total item cost of $868,654.50

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Utilities Director
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Matt Casey, Engineering Design Manager

DATE: July 2, 2015

SUBJECT: **Approval of a contract in the amount of $755,654.50 with Goodwin & Goodwin, Inc. for the construction of the Mission & Old Wire Rd. Intersection Water and Sewer Improvements Project, approve a project contingency of $113,300.00 (15%), and a Budget Adjustment.**

RECOMMENDATION:
Staff recommends City Council approval awarding a contract in the amount of $755,654.50 to Goodwin & Goodwin, Inc. for the construction of the Mission & Old Wire Rd. Intersection Water and Sewer Improvements Project, approval of a project contingency of $113,000 (15%), and approval of the attached Budget Adjustment.

BACKGROUND:
The Arkansas Highway and Transportation Department will be bidding the construction of the Hwy 45 and Old Wire Road Intersection project in the fall of 2015. This project includes improvements to the lane configuration to allow for the installation of a traffic signal. Sidewalk installation and storm sewer are also included in the work proposed by the AHTD. AHTD is responsible for the engineering, advertising and awarding the construction contract, and construction inspection of the project. The City is responsible for relocation of the public water and sewer mains as well as acquisition of the rights-of-way and utility easements to accommodate this project. The project was approved for Federal (80%) and State (10%) funding with the City responsible for the remaining 10%. The total amount of Federal Funds available is $1,200,000.

The City of Fayetteville Transportation Committee recommended that staff pursue underground relocations of the overhead electric and the communications. In order to facilitate the underground relocations, conduit was included in this project to accommodate both AEP/SWEPCO and Cox Communications.

DISCUSSION:
On June 30, 2015, the City received one (1) construction bid for this project. Goodwin & Goodwin, Inc. submitted the bid which was approximately 17% above the Engineer's Estimate of $646,783.00.

Schedule 1 (Water and Sewer Fund) - Includes all of the work required to relocate the City's water and sewer facilities for the roadway project. Total bid for Schedule 1 is $510,302.50.

Schedule 2 (Transportation Bond Fund) - Includes installation of conduit necessary for the underground relocation of the electric and communication lines for the roadway project. Total bid for Schedule 2 is $245,352.00.

Total bid for this project is $755,654.50.

Engineering staff recommends awarding this contract to Goodwin& Goodwin, Inc. The contract time is 90 days (3 months) for substantial completion.

BUDGET/STAFF IMPACT:

The water and sewer relocations in this project are funded by the Water and Sewer Fund. The conduit for the utility relocations is funded by the Transportation Bond Fund.

Attachments:
Bid Tab
Section 0500 Agreement
Section 0400 Bid Form
Budget Adjustment
Purchase Order Request

CITY OF Fayetteville ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division
OFFICIAL BID TABULATION
Bid 15-39, Construction - Mission & Old Wire Rd. Intersection Water & Sewer Improvements
Tuesday , June 30, 2015, 2:00 PM, Local Time

				Goodwin & Goodwin Inc			
ITEM	DESCRIPTION	QTY.	UNIT		UNIT COST		EXTENDED COST
	SCHEDULE 1						
1	Trench and Excavation Safety Systems	1	LS	x	$ 5,000.00	=	$ 5,000.00
2	Traffic Control and Maintenance	1	LS	x	$ 25,000.00	=	$ 25,000.00
3	Mobilization (Max 5% of Total Bid Schedule 1)	1	LS	x	$ 20,000.00	=	$ 20,000.00
4	Site Preparation	1	LS	x	$ 30,000.00	=	$ 30,000.00
5	8-Inch PVC, C-900, Class 200 DR-14 Water Main	1193	LF	x	$ 56.00	=	$ 66,808.00
6	6-Inch PVC, C-900, Class 200 DR-14 Water Main	150	LF	x	$ 45.00	=	$ 6,750.00
7	1-Inch Polyethyene Class 200 Water Service Tubing	662	LF	x	$ 9.00	=	$ 5,958.00
8	8-Inch Gate Valve w/Box	10	EA	x	$ 2,300.00	=	$ 23,000.00
9	6-Inch Gate Valve w/Box	2	EA	x	$ 1,800.00	=	$ 3,600.00
10	Three Way Fire Hydrant Assembly w/Valve	2	EA	x	$ 4,500.00	=	$ 9,000.00
11	Remove Existing Fire Hydrant and Deliver to Owner	1	EA	x	$ 800.00	=	$ 800.00
12	6-Inch x 6-Inch Tapping Sleeve & Valve w/Box	4	EA	x	$ 4,500.00	=	$ 18,000.00
13	Epoxy Coated Ductile Iron Fittings	6000	LB.	x	$ 0.01	=	$ 60.00
14	5/8" Single Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service	10	EA	x	$ 900.00	=	$ 9,000.00
15	Remove Existing Meter Setting	10	EA	x	$ 150.00	=	$ 1,500.00
16	8-Inch Saddle, 1-Inch Corporation Stop and Tap	10	EA	x	$ 200.00	=	$ 2,000.00
17	12-Inch Direct Bury Steel Casing	40	LF	x	$ 125.00	=	$ 5,000.00
18	2-Inch Bored Casing	375	LF	x	$ 60.00	=	$ 22,500.00
19	Cut and Cap Existing 6-Inch Water Main	5	EA	x	$ 1,700.00	=	$ 8,500.00
20	Adjust Existing Water Valve to Finished Grade	1	EA	x	$ 300.00	=	$ 300.00
21	Abandon Existing Water Valve	5	LF	x	$ 600.00	=	$ 3,000.00
22	Tree Protection Fencing	800	LF	x	$ 8.00	=	$ 6,400.00
23	8-Inch PVC Sewer Main, SDR-26	891	LF	x	$ 80.00	=	$ 71,280.00
24	4-Inch PVC Sewer Service, SCH 40	325	LF	x	$ 25.00	=	$ 8,125.00
25	4-Foot Diameter Standard Manhole Up to 6 Feed Deep	6	EA	x	$ 3,500.00	=	$ 21,000.00
26	Extra Manhole Depth, Over 6 Feet Deep	6	VF	x	$ 250.00	=	$ 1,500.00
27	Remove Existing Manhole	3	EA	x	$ 800.00	=	$ 2,400.00
28	Sewer Service Connection on 8" PVC	8	EA	x	$ 425.00	=	$ 3,400.00
29	4-Inch Manhole Tap for Sewer Service	1	EA	x	$ 325.00	=	$ 325.00
30	Plug Existing Sewer at Manahole Wall	4	EA	x	$ 1,000.00	=	$ 4,000.00
31	Connect 8-Inch Sewer to Existing Manhole, Core Drill Manhole Wall	3	EA	x	$ 2,000.00	=	$ 6,000.00
32	AHTD Pavement Repair, T-Patch	210	SY	x	$ 225.00	=	$ 47,250.00
33	Asphalt Surface Repair (Driveways)	40	SY	x	$ 85.00	=	$ 3,400.00
34	Concrete Surface Repair	200	SY	x	$ 75.00	=	$ 15,000.00
35	Gravel Driveway Repair	40	SY	x	$ 65.00	=	$ 2,600.00
36	Cold Mix Asphalt Temporary Pavement Repair	50	TON	x	$ 150.00	=	$ 7,500.00
37	Rock Excavation	50	CY	x	$ 0.01	=	$ 0.50
38	Erosion Control	1	LS	x	$ 17,000.00	=	$ 17,000.00
39	Site Photos and Audio/Video Recordings	1	LS	x	$ 2,000.00	=	$ 2,000.00
40	Sewer Inspection by CCTV	891	LF	x	$ 6.00	=	$ 5,346.00
41	Site Restoration	1	LS	x	$ 20,000.00	=	$ 20,000.00
	SCHEDULE 1 - TOTAL BID AMOUNT						$ 510,302.50
	SCHEDULE 2						
42	Mobilization for Conduit Installation (Max 5% of Total Bid Schedule 2)	1	LS	x	$ 10,000.00	=	$ 10,000.00
43	2" SCH 40 PVC Electrical Conduit	906	LF	x	$ 18.00	=	$ 16,308.00
44	2" Galvanized Rigid Steel Bends	12	EA	x	$ 125.00	=	$ 1,500.00
45	3" SCH 40 PVC Electrical Conduit	810	LF	x	$ 20.00	=	$ 16,200.00
46	3" Galvanized Rigid Steel Bends	14	EA	x	$ 250.00	=	$ 3,500.00
47	4" SCH 40 PVC Electrical Conduit	3450	LF	x	$ 24.00	=	$ 82,800.00
48	4" Non-Metallic Bends	42	EA	x	$ 150.00	=	$ 6,300.00
49	6" SCH 40 PVC Electrical Conduit	2844	LF	x	$ 26.00	=	$ 73,944.00
50	6" Galvanized Rigid Steel Bends	20	EA	x	$ 675.00	=	$ 13,500.00
51	AHTD Pavement Repair, T-Patch	71	SY	x	$ 300.00	=	$ 21,300.00
	SCHEDULE 2- TOTAL BID AMOUNT						$ 245,352.00
	TOTAL AMOUNT BID (SCHEDULE 1 + SCHEDULE 2)						$ 755,654.50

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice — Christyn Kelly — 6-30-15

P. Vice, Purchasing Manager — Witness — Date

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT:

Contract Name: MISSION BLVD./OLD WIRE RD. INTERSECTION. WATER AND SEWER IMPROVEMENT PROJECT

Date: 6-30-15

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company Goodwin & Goodwin Inc

Name Bryan Goodwin

Address 3503 Free Ferry Rd Ft Smith, Ar 72903

Principal Office Fort Smith Arkansas

(Corporation), partnership, individual, joint venture, other _____

Arkansas State General Contractor's License Number 00169604.16

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 35 years and has performed work of the nature and magnitude of this Contract for 35 years. Bidder has been in business under its present name for 35 years.

2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.)

3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name,

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)

4. Has Bidder ever failed to complete any project? If so, state when, where, and why.
NO

5. Bidder normally performs the following work with his own forces:

Concrete, Install Pipe
Hwy Bores

6. Construction experience of key individuals in the organization is as follows (continued on attached sheets if needed):

Lee Lowe 40 years George Davis 20 years
Bryan Gonzalez 35 yrs David Garcia 15 years
Lee Lowe 18 years
Mike Brown - 22 years

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

Cincinnati Insurance Company
po Box 145496
Cincinnati OH - 45250-5496

8. Bidder's Workmen's Compensation Experience Modifier Factor is: .85.

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

FINANCIAL STATEMENT

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:

   a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).

   b. Net fixed assets. over 5 mil

   c. Other assets. over 10 mil

   d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).

   e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).

   f. Name of firm preparing financial statement and date thereof:
   HAWKINS Company 646 6730

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgements are outstanding against Bidder:

	Judgment Creditors	Where Docketed and Date	Amount
a.	N/A		$
b.	N/A		$

DOCUMENT 00140 – BIDDER'S QUALIFICATION STATEMENT: (CONTINUED)

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: 6 - 28 -, 2015

(OFFICIAL SEAL)

Name of Organization:
Goodwin & Goodwin Inc

By Bryan Goodwin

Title President

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

END OF DOCUMENT 00140

CITY OF Fayetteville ARKANSAS

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 15-39, Construction – Mission & Old Wire Rd. Intersection Water & Sewer Improvements

DEADLINE: Tuesday, June 30, 2015 before 2:00 PM, Local Time, Room 306

PRE-BID MEETNG: Monday, June 22, 2015 at 2:00 PM, Local Time, Room 326

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Andrea Foren Rennie, CPPO, CPPB, aforen@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday, June 12 and 19, 2015

INVITATION TO BID

Bid 15-39, Construction – Mission & Old Wire Rd. Intersection Water and Sewer Improvements

No late bids shall be accepted. Bids shall be submitted in sealed envelopes. All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

NOTICE TO ALL BIDDERS:

All vendors intending on bidding SHALL register as a plan holder by notifying Andrea Foren Rennie, via e-mail at aforen@fayetteville-ar.gov. When registering as a plan holder, vendors shall submit primary contact information including name of contractor, primary contact, phone number, fax number, and physical address. FAILURE TO REGISTER AS A PLAN HOLDER CAN RESULT IN YOUR BID BEING REJECTED. Interested parties are responsible for printing. All bids will be distributed electronically from the City of Fayetteville Purchasing Division. Receiving electronic links from the City of Fayetteville, AR automatically registers as a plan holder.

E-MAILED BID PACKAGE INCLUDES LINKS TO THE FOLLOWING FILES:

***FILE #1:** PROJECT MANUAL: **429 total pages**
***FILE #2:** PROJECT DRAWINGS: **16 total pages**

*Additional files added as addendums are issued. Addendums will be directly e-mailed to all listed plan holders and posted on the City's website.

***PLAN HOLDER LISTINGS & ADDENDUMS WILL BE POSTED AT** http://bids.fayetteville-ar.gov
Bidder shall assume all responsibility for receiving updates and any addenda issued to this project by monitoring http://bids.fayetteville-ar.gov. Failure to acknowledge addenda issued as instructed could result in bid rejection.

This page intentionally left blank.

CITY OF Fayetteville ARKANSAS

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MISSION BLVD./OLD WIRE INT. WATER AND SEWER IMPROVEMENT PROJECT

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TECHNICAL SPECIFICATIONS

CITY OF FAYETTEVILLE STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION OF WATER LINES AND SEWER LINES

END OF DOCUMENT

DOCUMENT 00120 – INVITATION TO BID

Contract Name: MISSION BLVD/OLD WIRE RD. INTERSECTION WATER AND SEWER IMPROVEMENT PROJECT

City of Fayetteville Bid Number 15-39, Construction – Mission & Old Wire Rd. Intersection Water & Sewer Improvements.

Advertising Dates: Friday, June 12 and June 19, 2015

The City of Fayetteville, AR (City) is accepting sealed bids from properly licensed professionals for the construction of water and sewer main relocations for the intersection of Mission Blvd. and Old Wire Rd. including approximately 1200 feet of water main from 6" to 8" in diameter, approximately 900 feet of 8" sewer main, fire hydrants, fittings, manholes and related facilities.

Sealed bids shall be submitted in a sealed envelope or package labeled Bid 15-39. All bids shall be received by **Tuesday, June 30, 2015 before 2:00 PM, local time** to the City of Fayetteville, Purchasing Division – Room 306, Attention: Andrea Foren Rennie, 113 W Mountain, Fayetteville, Arkansas 72701. All bids will be opened and read aloud immediately following the deadline. Late bids will not be accepted.

A non-mandatory, pre-bid conference will be held on **Monday, June 22, 2015, at 2:00 PM, local time** at the City of Fayetteville Administration Building, City Hall, Room 326 at 113 W. Mountain St, Fayetteville, AR 72701. All interested parties are strongly encouraged to attend.

All bidders shall register as a plan holder with the City of Fayetteville Purchasing Division. Upon registration, bidders and interested parties will be emailed an electronic set of bid documents. Bidding documents and plans shall be obtained from the City of Fayetteville Purchasing Division. Any questions concerning the bidding process should be addressed to Andrea Foren Rennie, at aforen@fayetteville-ar.gov or by calling (479) 575-8220. No partial sets will be issued.

All bids shall be accompanied by a cashier's check, from a bank located in the State of Arkansas, or a corporate bid bond, in an amount not less than five percent (5%) of the total maximum bid price payable without recourse to the City. Corporate bid bonds shall be from a reliable surety company and all bid bonds shall serve as a guarantee that the Bidder will enter into a contract and execute performance and payment bonds within ten (10) calendar days after notice of award of contract. Bid guarantees shall be made payable to the City of Fayetteville, AR.

Attention is called to the fact that the minimum prevailing wage rates for each craft or type of worker and the prevailing wage rate for overtime work as determined by the Arkansas Department of Labor is exempt for this project.

The successful bidder shall furnish a performance and payment bond upon the form provided in the amount of one hundred percent (100%) of the contract price from an approved surety company holding a permit from the State of Arkansas to act as surety, or other surety or sureties acceptable to the City, and file marked by the Washington County Circuit Clerk's Office is required with a contract awarded amount of $20,000.00 or more.

DOCUMENT 00120 – INVITATION TO BID (continued)

Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

The City of Fayetteville reserves the right to waive irregularities, reject bids, and postpone the award of any Contract for a period of time which shall not exceed beyond ninety (90) days from the bid opening date.

CITY OF FAYETTEVILLE, ARKANSAS

By: Andrea Foren Rennie, CPPO, CPPB
Purchasing Agent
Ad dates: 06/12/15 and 06/19/15

MIKE BEEBE
GOVERNOR

RICKY BELK
DIRECTOR

STATE OF ARKANSAS
ARKANSAS DEPARTMENT OF LABOR
PREVAILING WAGE DIVISION

10421 WEST MARKHAM • LITTLE ROCK, AR 72205-2190
Phone: 501-682-4536 Fax: 501-682-4508 TRS: 800-285-1131

September 15, 2014

Matt Casey
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

RE: Water and Sewer Improvements
Mission Blvd./Old Wire Rd.
Fayetteville, Arkansas
Washington County

Dear Mr. Casey:

Please be advised that the Arkansas Prevailing Wage Law shall not be construed to apply to or affect highway, road, street, or bridge construction and maintenance or related work contracted for or performed by incorporated towns, cities, counties, or the Arkansas State Highway and Transportation Department. Ark. Code Ann. § 22-9-303 (b) (1987).

Since your request is for relocation of water and sewer mains for a highway widening project, the Prevailing Wage Law would exclude the above-referenced project from coverage and you are under no obligation to obtain a wage determination from this department.

Please note that you may access a copy of the Prevailing Wage Law and Regulations at http://www.labor.ar.gov.

If you have any questions, or if I can be of further assistance, please contact me at the above address or call (501) 682-4536.

Sincerely,

Lorna Kay Smith

Lorna Kay Smith
Prevailing Wage Division

DOCUMENT 0400 –BID FORM

Contract Name: Mission Blvd. / Old Wire Rd. Intersection Water and Sewer Improvement Project

Bid Number: 15-39, Construction – Mission & Old Wire Rd. Intersection Water & Sewer Improvements

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: Goodwin & Goodwin Inc
3503 Free Ferry Rd
Ft Smith, AR 72903

ARTICLE 1 - INTENT

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

DOCUMENT 00400 –BID FORM (continued)

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
_____	_____
_____	_____
_____	_____
_____	_____

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.

E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations,

DOCUMENT 00400 –BID FORM (continued)

investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.

G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and

DOCUMENT 00400 –BID FORM (continued)

Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

L. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

ARTICLE 4 - BID PRICE

Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
1	Trench and Excavation Safety Systems	LS	1	5,000	5,000
2	Traffic Control and Maintenance	LS	1	25,000	25,000
3	Mobilization (Max 5% of Total Bid Schedule 1)	LS	1	20,000	20,000
4	Site Preparation	LS	1	30,000	30,000
5	8-Inch PVC, C-900, Class 200 DR-14 Water Main	LF	1193	56.00	66,808.00
6	6-Inch PVC, C-900, Class 200 DR-14 Water Main	LF	150	45	6750.00
7	1-Inch Polyethylene Class 200 Water Service Tubing	LF	662	9.00	5958.00
8	8-Inch Gate Valve W/Box	EA	10	~~23,000.00~~ 2300.00	23,000.00
9	6-Inch Gate Valve W/Box	EA	2	1800	3,600
10	Three Way Fire Hydrant Assembly W/Valve	EA	2	4500	9,000.00
11	Remove Existing Fire Hydrant and Deliver to Owner	EA	1	800	800
12	6-Inch x 6-Inch Tapping Sleeve & Valve W/Box	EA	4	4500	18,000.00

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
13	Epoxy Coated Ductile Iron Fittings	LB	6000	.01¢	$60
14	5/8" Single Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service	EA	10	900	9,000
15	Remove Existing Meter Setting	EA	10	150	1,500
16	8-Inch Saddle, 1-Inch Corporation Stop and Tap	EA	10	200	2,000
17	12-Inch Direct Bury Steel Casing	LF	40	125	5000
18	2-Inch Bored Casing	LF	375	60	22,500
19	Cut and Cap Existing 6-Inch Water Main	EA	5	1700	8500
20	Adjust Existing Water Valve to Finished Grade	EA	1	300	300
21	Abandon Existing Water Valve	LF	5	600	3000
22	Tree Protection Fencing	LF	800	8	6400
23	8-Inch PVC Sewer Main, SDR-26	LF	891	80	71,280
24	4-Inch PVC Sewer Service, SCH 40	LF	325	25	8125
25	4-Foot Diameter Standard Manhole, Up to 6 Feet Deep	EA	6	3500	21,000
26	Extra Manhole Depth, Over 6 Feet Deep	VF	6	250	1,500
27	Remove Existing Manhole	EA	3	800	2,400
28	Sewer Service Connection on 8" PVC	EA	8	425	3400
29	4-Inch Manhole Tap for Sewer Service	EA	1	325	325
30	Plug Existing Sewer at Manhole Wall	EA	4	1000	4000

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
31	Connect 8-Inch Sewer to Existing Manhole, Core Drill Manhole Wall	EA	3	2,000	6,000.00
32	AHTD Pavement Repair, T-Patch	SY	210	225.00	47,250.00
33	Asphalt Surface Repair (Driveways)	SY	40	85	3400
34	Concrete Surface Repair	SY	200	75.00	15,000.00
35	Gravel Driveway Repair	SY	40	65.00	2600.00
36	Cold Mix Asphalt Temporary Pavement Repair	TON	50	150.00	7500.00
37	Rock Excavation	CY	50	.01 ¢	.50¢
38	Erosion Control	LS	1	17000	17,000
39	Site Photos and Audio/Video Recordings	LS	1	2,000	2,000.00
40	Sewer Inspection by CCTV	LF	891	6.00	5,346.00
41	Site Restoration	LS	1	20,000	20,000

TOTAL AMOUNT BID SCHEDULE 1 $ 510,302.50

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 2					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
42	Mobilization for Conduit Installation (Max 5% of Total Bid Schedule 2)	LS	1	10,000	10,000
43	2" SCH 40 PVC Electrical Conduit	LF	906	18.00	16,308
44	2" Galvanized Rigid Steel Bends	EA	12	125	1500
45	3" SCH 40 PVC Electrical Conduit	LF	810	20.00	16,200.00
46	3" Galvanized Rigid Steel Bends	EA	14	250	3,500
47	4" SCH 40 PVC Electrical Conduit	LF	3450	24.00	82,800
48	4" Non-Metallic Bends	EA	42	150	6300.00
49	6" SCH 40 PVC Electrical Conduit	LF	2844	26.00	73,944
50	6" Galvanized Rigid Steel Bends	EA	20	675	13,500.00
51	AHTD Pavement Repair, T-Patch	SY	71	300.00	21,300

TOTAL AMOUNT BID SCHEDULE 2 $ 245,352.00

TOTAL AMOUNT BID (SCH 1 and SCH 2) $ 755,654.50

The City intends to award to the lowest responsive responsible bidder based on the evaluation of the sum of Schedule 1 and Schedule 2. Bidders shall bid on both schedules. Failure to bid on both Schedule 1 and Schedule 2 shall result in bid rejection.

ARTICLE 5 - CONTRACT TIMES

5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.

DOCUMENT 00400 –BID FORM (continued)

5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

A. Required Bid security in the form of a certified or bank cashier's check or a Bid Bond and in the amount of 5% of BID, THIRTY EIGHT THOUSAND. Dollars ($38,000).

B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Goodwin & Goodwin Inc
3503 Free Ferry Rd
Ft Smith Ar 72903
Email. PIPEdude08@yahoo.com
Phone No. 479-651-7321
FAX No. 479-783-7555

ARTICLE 8 - TERMINOLOGY

8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on June 30th, 2015.

Arkansas State Contractor License No. 0016960416.

DOCUMENT 00400 –BID FORM (continued)

If Bidder is:

An Individual

Name (type or printed): _____

By: _____(SEAL)
(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

A Partnership

Partnership Name: _____(SEAL)

By: _____
(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

DOCUMENT 00400 –BID FORM (continued)

A Corporation or LLC

Corporation Name: Goodwin & Goodwin Inc (SEAL)

State of Incorporation: ARKANSAS

Type (General Business, Professional, Service, Limited Liability): SERVICE

By: Bryan Goodwin

(Signature – attach evidence of authority to sign)

Name (type or printed): BRYAN GOODWIN

Title: President

(CORPORATE SEAL)

Attest:

(Signature of Corporate Secretary)

Business address: 3803 Free Ferry Rd
Ft Smith AR 72903

Phone No.: 479-651-7321 FAX No.: 479-783-7555

END OF DOCUMENT 00400

DOCUMENT 00410 – BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we

_____

_____

_____

as Principal, hereinafter called the Principal, and

_____

_____

_____

a corporation duly organized under the laws of the State of _____ as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the sum of _____ _____ Dollars ($_____), for the payment of which sum, well and truly to be made, Principal and said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted a Bid for:

Mission Blvd. / Old Wire Rd. Intersection Water and Sewer Improvement Project

NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for

DOCUMENT 00410 – BID BOND (continued)

which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this _____ day of _____ 20___.

PRINCIPAL (CORPORATE SEAL)

_____

By _____

_____

SURETY

_____

By _____

_____

ATTORNEY-IN-FACT (CORPORATE SEAL)

_____

_____

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

END OF DOCUMENT 00410

DOCUMENT 00430 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

Mission Blvd. / Old Wire Rd. Intersection Water and Sewer Improvement Project

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

Subcontractor's Work	Subcontractor's Name and Address	Expected Percentage or Value
Clearing/Demolition	Goodwin & Goodwin - Tree 3303 Fagg Lane	15%
SWPPP/Erosion Control	Goodwin & Goodwin	10%
Water line	Goodwin & Goodwin	35%
Sewer line	Goodwin & Goodwin	35%
Other (designate)	H-H Boring 24 Hwy Bore	5%

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

Bryan Goodwin
Bidder's Signature

END OF DOCUMENT 00430

BHC INSURANCE
More Than a Promise
5500 Euper Lane
PO Box 3529
Ft. Smith, AR 72913 (479) 452-4000
www.bhca.com

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we
(Here insert full name and address or legal title of Contractor)

Goodwin & Goodwin, Inc.
3503 Free Ferry Road
Fort Smith, AR 72903

as Principal, hereinafter called the Principal, and
(Here insert full name and address or legal title of Surety)

Cincinnati Insurance Company
P. O. Box 145496
Cincinnati, OH 45250-5496

a corporation duly organized under the laws of the State of **Ohio**
as Surety, hereinafter called the Surety, are held and firmly bound unto
(Here insert full name and address or legal title of Owner)

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

as Obligee, hereinafter called the Obligee, in the sum of **FIVE PERCENT OF THE TOTAL AMOUNT BID** Dollars ($ **5%**), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for **Mission Blvd/Old Wire Road Intersection Water & Sewer Improvement Project**
(Here insert full name, address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **30th** day of **June** **2015**

(Witness)

Goodwin & Goodwin, Inc.
(Principal) (Seal)
Bryan Goodwin, President
(Title)

(Witness)

Cincinnati Insurance Company
(Surety)
(Title) (Seal)
Elizabeth A. Solomon , Attorney-In-Fact

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THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

Marty C. Clark; Sam B. Hiller; Larry R. Clark; Scott R. Clark; Janice A. Butler; Scott Taylor; Elizabeth A. Solomon; Sarah Day and/or Brent Frueh

of Fort Smith, Arkansas its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to Twenty Million and No/100 Dollars ($20,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 10th day of May, 2012.

The Cincinnati Insurance Company CORPORATE SEAL OHIO

THE CINCINNATI INSURANCE COMPANY

Stephen A. Dietz

Vice President

STATE OF OHIO)
COUNTY OF BUTLER) ss:

On this 10th day of May, 2012, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.

NOTARIAL SEAL STATE OF OHIO

Mark J. Huller

MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date. Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio.
this **30th** day of **June, 2015**

The Cincinnati Insurance Company CORPORATE SEAL OHIO

Scott R Bolen

Assistant Secretary

BN-1005 (5/12)

GOODWIN & GOODWIN, INC.
General, Plumbing & Utility Contractor
3503 Free Ferry Road
Fort Smith, Ar 72903
Cell (479) 651-7321 Fax (479) 783-7555

CITY OF MUSKOGEE, Garver ENG, / Owner city of Muskogee
$3.5 mil TOTAL / JOB Complete · 2-1-2016

Garland AVE, CITY OF Fayetteville
Hwy 16 City of Fayetteville.
RAZorback Road city Fayetteville
Old Wire Road city of Fayetteville.
SPORTS Complex WATER main City of fayetteville

ALL JOBS Bonded By Cincinnati Insurane Company

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: Mission Blvd. / Old Wire Rd. Intersection
Water and Sewer Improvement Project

AHTD Job 040642
F.A.P. STP-9142(32)
Hwy. 45/Old Wire Rd. Signal & Inters. Impvts.
(Fayetteville) (S)
Washington County

Contract No.: 15-39, Construction – Mission & Old Wire Rd. Intersection Water & Sewer Improvements

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2015 by and between The City of Fayetteville, Arkansas and Goodwin & Goodwin, Inc. (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The construction of water and sewer main relocations for the intersection of Mission Blvd. and Old Wire Rd. including approximately 1200 feet of water main from 6" to 8" in diameter, approximately 900 feet of 8" sewer main, fire hydrants, fittings, manholes and related facilities.

Any use of a third party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed.

Contractor is responsible for obtaining all applicable permits; however, fees for the City issued permits shall be waived.

The Contract includes work in AHTD Right-of-way, City of Fayetteville Right-of-way and in General Utility Easements.

DOCUMENT 00500 – AGREEMENT (continued)

Refer to Section 00400-Bid Form for quantities:

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

A. **SCHEDULE 1.** The Work will be Substantially Completed within **90** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within **120** calendar days after the date when the Contract Times commence to run.

B. **SCHEDULE 2.** The Work will be Substantially Completed within **45** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS. Schedule 2 of the project will be considered Substantially Complete when all of the bid items in the schedule have been installed and backfilled.

3.03 LIQUIDATED DAMAGES:

A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the

DOCUMENT 00500 – AGREEMENT (continued)

Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars ($750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars ($750.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.

4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.

DOCUMENT 00500 – AGREEMENT (continued)

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

ARTICLE 5 - PAYMENT PROCEDURES

5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:

A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

5.02 PROGRESS PAYMENTS, RETAINAGE:

A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the

remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and

b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

5.03 FINAL PAYMENT:

A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

DOCUMENT 00500 – AGREEMENT (continued)

C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Contractor has carefully studied all:

(1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and

(2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.

F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.

H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:

1. This Agreement.

2. Exhibits to this Agreement (enumerated as follows):

a. Notice to Proceed.

b. Contractor's Bid.

DOCUMENT 00500 – AGREEMENT (continued)

c. Documentation submitted by Contractor prior to Notice of Award.

3. Performance, Payment, and other Bonds.

4. General Conditions.

5. Supplementary Conditions.

6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.

7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: Mission Blvd./Old Wire Rd. Intersection Water and Sewer Improvement Project

8. Addenda numbers one (1) to two(2), inclusive.

9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 ASSIGNMENT OF CONTRACT:

A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the

written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 SUCCESSORS AND ASSIGNS:

A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 SEVERABILITY:

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

A. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

DOCUMENT 00500 – AGREEMENT (continued)

8.06 LIENS:

A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

CONTRACTOR: Goodwin & Goodwin Inc	CITY OF FAYETTEVILLE _____
Bryan Goodwin	
By: Bryan Goodwin	By: Lioneld Jordan
Title: President	Title: Mayor
(SEAL)	(SEAL)
Attest	Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices
3503 Free Ferry Rd.
Ft. Smith, AR 72903
License No. 00169604 14

Agent for Service of process
Bryan Goodwin

(If Contractor is a corporation, attach evidence of authority to sign.)

Address for giving notices
113 W. Mountain St.
Fayetteville, AR 72701

(attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement)

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:

Date: **6/30/2015**

P.O Number:

Vendor #: **293**

Vendor Name: **Goodwin & Goodwin**

Mail ☑ YES ☐ NO

Legistar#: 2015-0309

Address: **3503 Free Ferry Road**

FOB Point:

Taxable ☐ YES ☑ NO

Expected Delivery Date:

City: **Fort Smith**

State: **AR**

Zip Code: **72903**

Ship to code:

Quotes Attached ☐ YES ☐ NO

Requester: Chris Brown

Requester's Employee #: **2695**

Extension: **575-8207**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	**Water & Sewer Improvements to Old Wire Rd. and Mission intersection**	**1**		**510,303.00**	**$510,303.00**	**5400.5600.5808.00**	**06035.2600**		
2	**Conduits for Old Wire & Mission intersection/W/S Improvement Proj.**	**1**		**245,352.00**	**$245,352.00**	**4520.9555.5809.00**	**06035.2600**		
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
*	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

Subtotal:	**$755,655.00**
Tax:	**$0.00**
Total:	**$755,655.00**

Approvals:

Mayor: _____

Department Director:_____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director:_____

Dispatch Manager:_____

Utilities Manager:_____

Other:_____

Revised 1/21/2015

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division:	Engineering	Adjustment Number
2015	Dept.:	Development Services	
	Requestor:	Chris Brown	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of a contract in the amount of $755,654.50 with Goodwin & Goodwin, Inc. for the construction of the Mission & Old Wire Rd. intersection Water & Sewer Improvement project, with the share from W/S being $510,303.00 and the transportation bonds paying for the conduits ($245,352.00). The contingency of $113,000.00 will be split using the percent to total method of allocating W/S $76,275.00 (67.5%) and the transportation bonds being $36,725.00 (32.5%).

COUNCIL DATE: 7/21/2015

LEGISTAR FILE ID#: **2015-0309**

Barbara Fell
7/2/2015 10:51 AM

Budget Director Date

TYPE:

DESCRIPTION:

GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20150402

	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
TOTAL	-	-				
5400.5600.5808.00	(586,578)	-	11011	1	EX	Water Line Improvements
5400.5600.5808.00	586,578	-	06035	2600	EX	Water Line Improvements
4520.9555.5314.04	(508)	-	06035	1720	EX	Engineering Contra Servs
4520.9555.5809.00	(119,396)	-	06035	2000	EX	Street Improvements
4520.9555.5314.04	(40,000)	-	06035	2500	EX	Engineering Contra Servs
4520.9555.5314.04	(213)	-	06035	3200	EX	Engineering Contra Servs
4520.9555.5809.00	(17,658)	-	06035	3200	EX	Street Improvements
4520.9555.5809.00	(104,302)	-	06035	2700	EX	Street Improvements
4520.9555.5809.00	282,077	-	06035	2600	EX	Street Improvements
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0312

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: A. 10

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PAYMENT

A RESOLUTION TO APPROVE A PAYMENT OF $170,000.00 TO THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ADDITIONAL COST OF A SHARED USE PATH ON THE HIGHWAY 112 BRIDGE ACROSS INTERSTATE 49

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 payment of $170,000.00 to the Arkansas Highway and Transportation Department for the additional cost of a shared use path on the Highway 112 bridge across Interstate 49.

City of Fayetteville Staff Review Form

2015-0312

Legistar File ID

7/21/2015

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

Chris Brown	7/2/2015	Engineering / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a Payment to the Arkansas Highway and Transportation Department in the Amount of $170,000 for the Additional Cost of a shared use path across the Highway 112 Bridge over I-49

Budget Impact:

4520.9555.5809.00	4525-Sales Tax Construction Bond
Account Number	Fund
06035.2200	Transportation Bond Street Improvements (Garland (North to Melmar))
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	683,301.00
		Funds Obligated	$	422.50
		Current Balance	$	682,878.50
Does item have a cost?	Yes	Item Cost	$	170,000.00
Budget Adjustment Attached?	No	Budget Adjustment		
#		Remaining Budget	$	512,878.50

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Director

FROM: Chris Brown, City Engineer

DATE: July 2, 2015

SUBJECT: Approval of a Payment to the Arkansas Highway and Transportation Department in the Amount of $170,000 for the Additional Cost of a shared use path across the Highway 112 Bridge over I-49

RECOMMENDATION:
Staff and the City Council Transportation Committee recommend approval of a cost share with the AHTD in the amount of $170,000 for the additional cost of a shared use path across the Highway 112 Bridge over I-49.

BACKGROUND:
The AHTD, as part of their I-49 improvement program, is planning to widen the bridge on Highway 112 (Garland Avenue) to 5 lanes. The plan presented at a public meeting in September 2014 included 5 12-foot wide travel lanes, with 5-foot wide bike lanes on either side of the road, along with 6.5-foot wide sidewalks.

Subsequent to the meeting, staff presented a cross section to the AHTD, using 11-foot wide travel lanes and no bike lanes; with a reallocation of the lane width and bike lane space to a 12-foot wide side path along the west side of the road.

DISCUSSION:
In a letter dated June 18, 2015, the AHTD responded to the City's request by providing a proposed section with a 14-foot wide side path and 5-foot wide buffer area, and requesting the City's participation in the extra cost of the shared use path, which the AHTD calculated to be $170,000. Staff reviewed the proposal, and presented it to the Transportation Committee at their meeting on June 30th. It should be noted that the original cross section proposed by the AHTD, is 86'2" total width, and the currently proposed cross section is only 6 inches wider than that at 86'8", so it would appear that the cross section is essentially the same. However, due to the importance of this shared use path, as a bicycle and pedestrian route across I-49, and a connection between trails on either side of I-49, the Committee recommended approval of the cost share amount as proposed.

The Committee also requested consideration of a parapet wall between the roadway and the shared use path. I discussed this with the AHTD; their response was that design standards do not require a wall, and that while an additional solid concrete wall is not necessary, there may

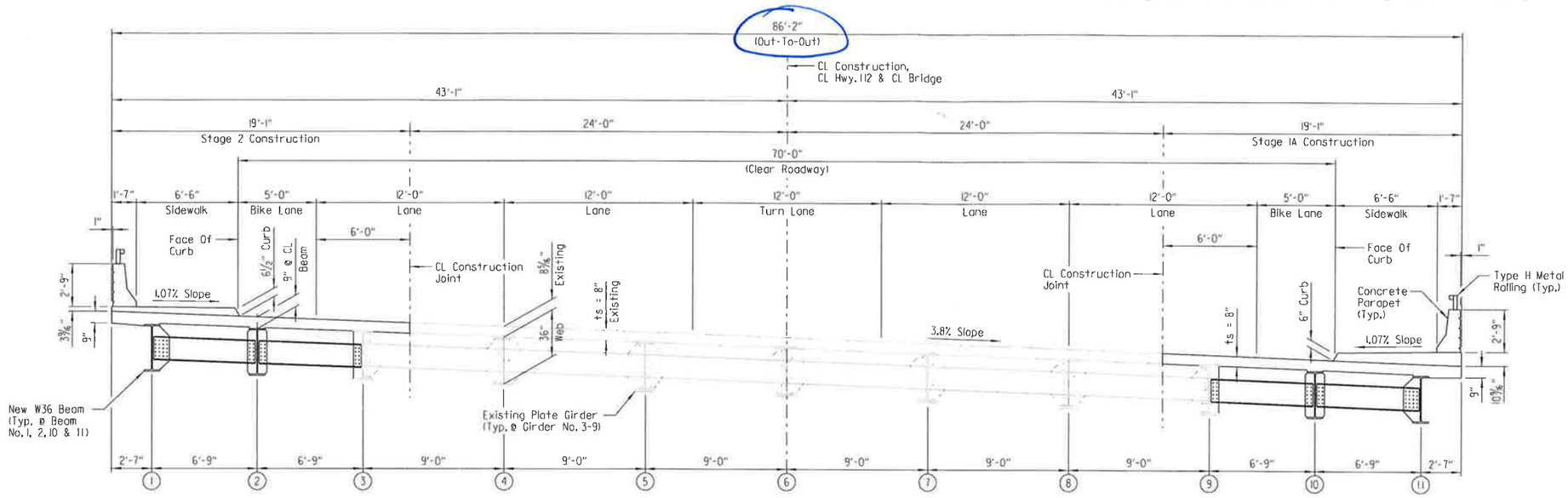
be other considerations for separation of pedestrians/bicyclists and vehicles. Staff will continue to pursue this item with the AHTD to develop solutions that may be able to be incorporated into the design.

BUDGET/STAFF IMPACT:
The City, through an existing cost share agreement with the AHTD, is participating in the cost of this project, with a budgeted amount of $4.2 million. The City's agreement stipulates that the full cost of right of way and utilities, and $1.5 million towards the construction cost of the section of Highway 112 between North Street and Janice Street (the recently completed segment) will be paid to the AHTD by the time construction on the Highway 112 interchange begins. The actual amount to be paid under this agreement is $4,015,000; therefore, $185,000 is available to pay for this additional cost share request.

Attachments:
Letter from Mike Fugett, AHTD Asst. Chief Engineer for Design
Typical Section Presented at September 2014 Public Meeting
Typical Section Recommended by the City
Proposed Typical Section by AHTD

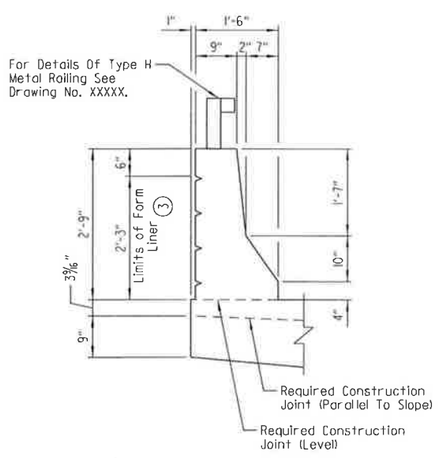
AHTD TYPICAL SECTION PRESENTED AT SEPT 2014 PUBLIC MEETING

DATE REVISED	DATE FILMED	DATE REVISED	DATE FILMED	FED. ROAD DIST. NO.	STATE	FED. AID PROJ. NO.	TOTAL SHEETS
				6	ARK.		
				JOB NO.		BB0414	

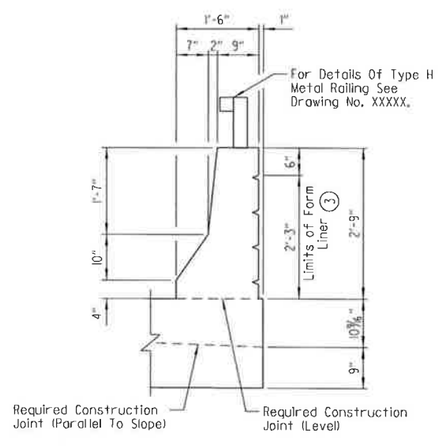


TYPICAL SECTION
Scale: ¼" = 1'-0"

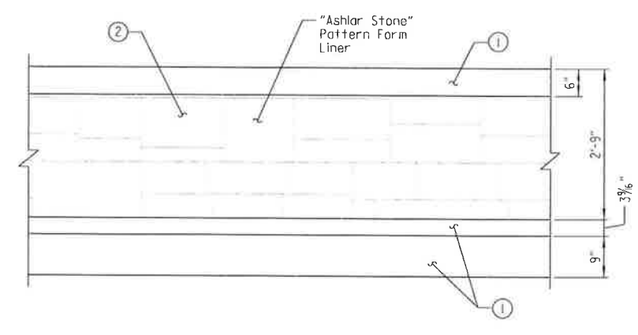
(X) Beam or Girder Number



PARAPET SECTION - LEFT SIDE
1540 - HWY 112
Scale: ¾" = 1'-0"



PARAPET SECTION - RIGHT SIDE
1540 - HWY 112
Scale: ¾" = 1'-0"



PARAPET ARCHITECTURAL FINISH
(Showing Outside Face Of Left Parapet, Outside Face Of Right Parapet Similiar)
Scale: ¾" = 1'-0"

(1) Class 3 Textured Coating Finish (Color = XXXXX, Color Chip No. XXXXX)

(2) Class 3 Textured Coating Finish (Color = XXXXX, Color Chip No. XXXXX)

(3) "Ashlar Stone" Pattern.

PRELIMINARY NOT FOR CONSTRUCTION

BRIDGE ENGINEER

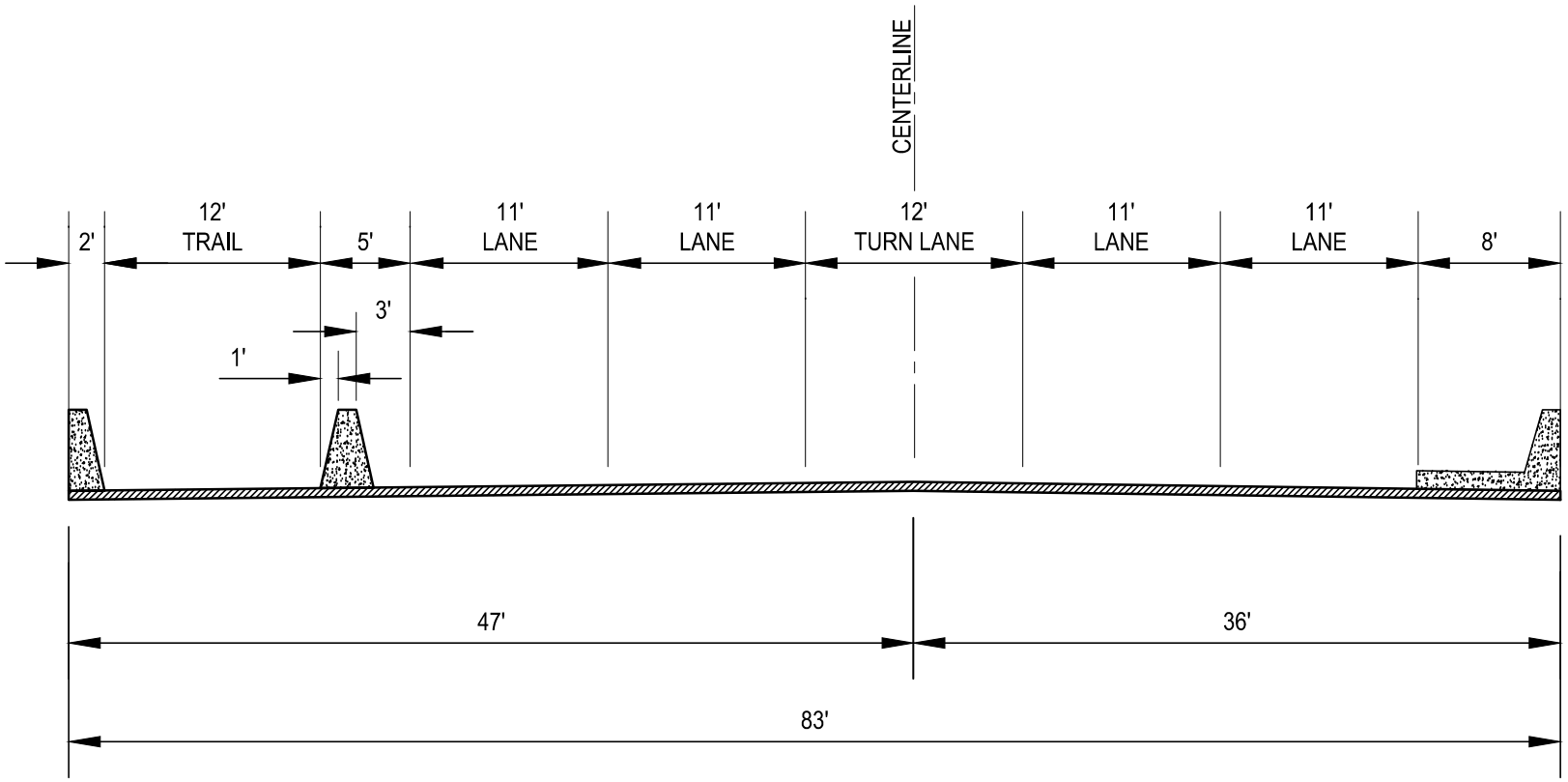
TYPICAL SECTION
HIGHWAY 112
OVER INTERSTATE 49
WASHINGTON COUNTY
ROUTE 49 SEC. 28

ARKANSAS STATE HIGHWAY COMMISSION
LITTLE ROCK, ARK.

DRAWN BY: PCC DATE: MAR. 2014 FILENAME: -
CHECKED BY: RWL DATE: AUG. 2014 SCALE: AS SHOWN
DESIGNED BY: PCC DATE: MAR. 2014
BRIDGE NO. 05692 DRAWING NO. XXXXX

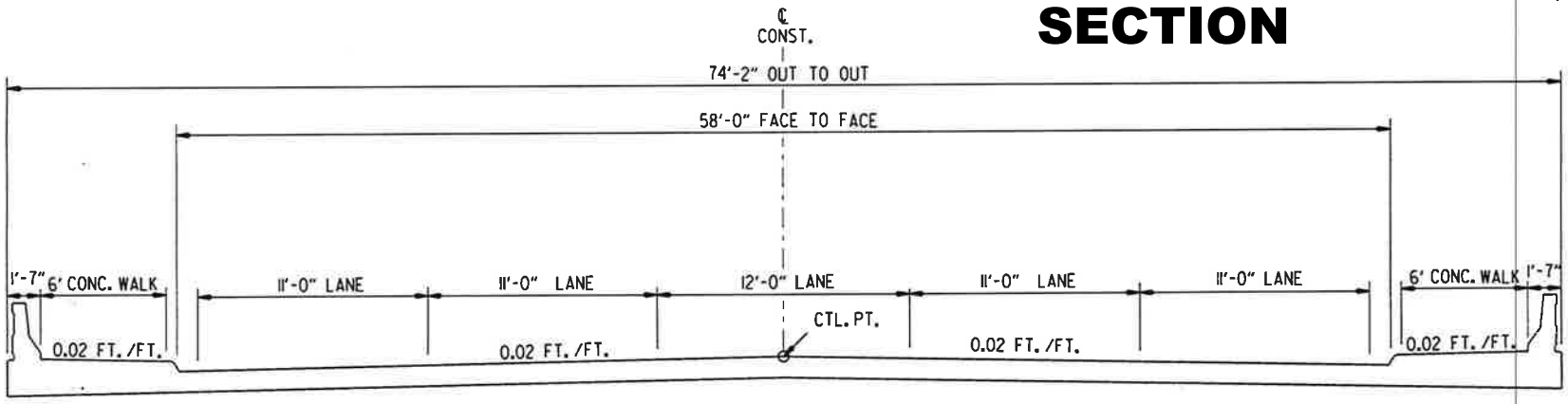
jeskinner 8/29/2014 3:37:40 PM
WORKSPACE: AHTD Bridge
V:\Projects\Projects2\DWD\77707 - I-540 Widening & Interchange Improvement\Drawings\1540-HWY112-S30-SX.dgn
REVISED DATE:

CITY PROPOSED TYPICAL SECTION

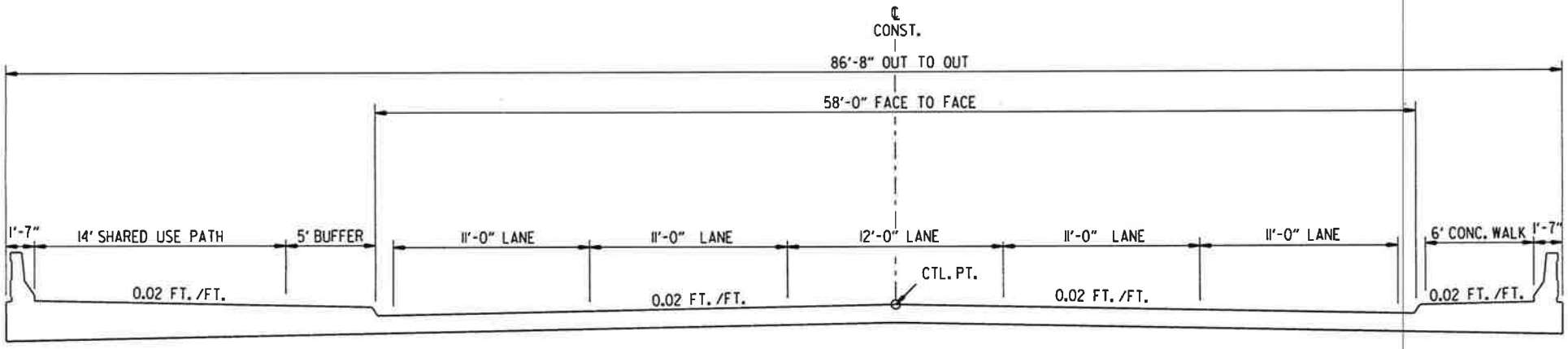


CITY OF FAYETTEVILLE
RECOMMENDED TYPICAL SECTION
HWY 112 BRIDGE OVER I-49

PROPOSED AHTD CROSS SECTION



CURRENT TYPICAL SECTION



SHARED USE PATH WITH 5' OFFSET

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0249

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Third Reading

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: B. 1

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

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

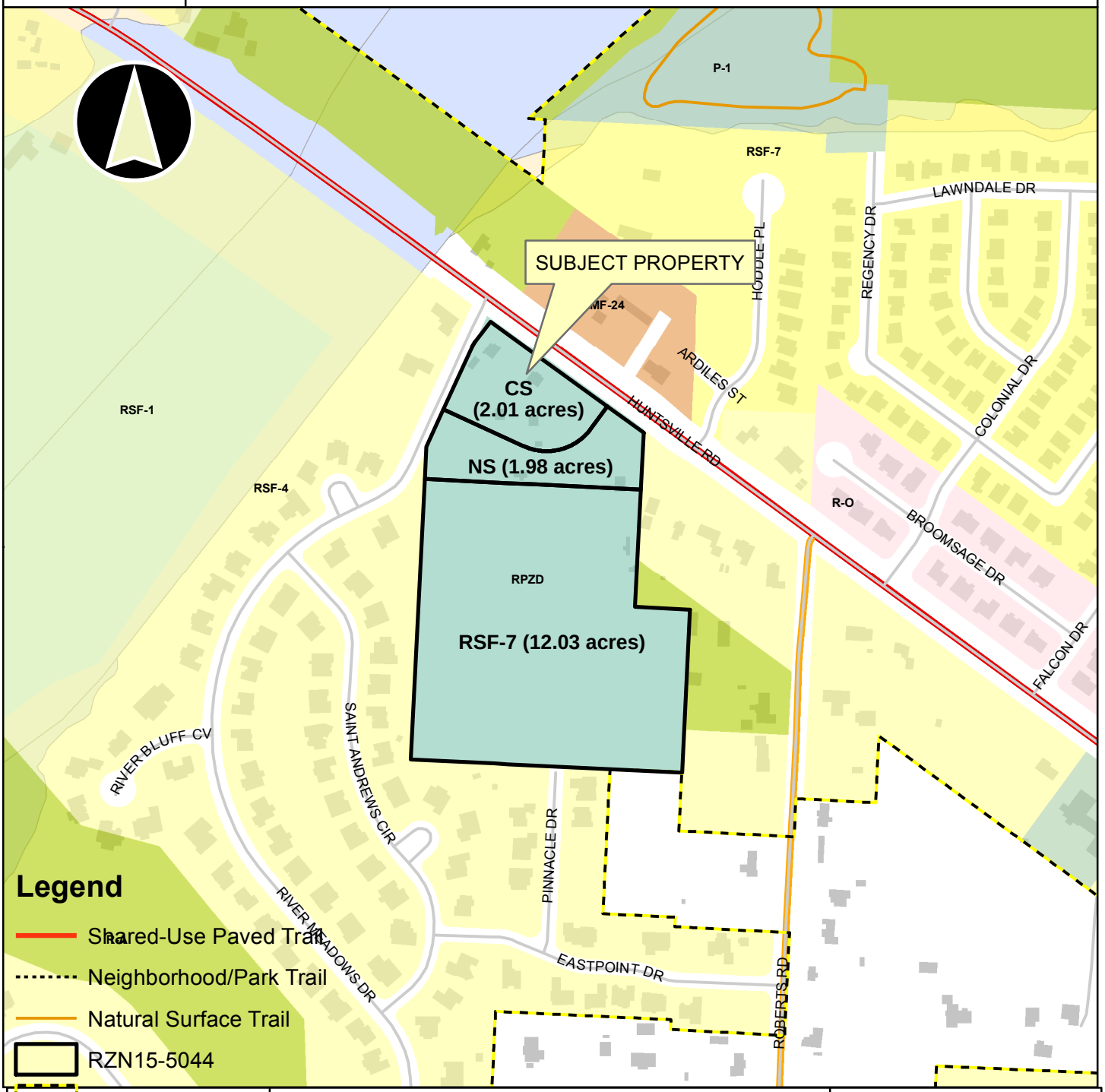
Section 1. That the City Council for the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units per Acre, NS, Neighborhood Services, and CS, Community Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

RZN15-5044

Close Up View

THE PLAZA



Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet

RZN 15-5044
EXHIBIT ‘B’

LEGAL DESCRIPTION: (ENTIRE TRACT)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B., THENCE N02°51'17"E 857.50 FEET, THENCE N24°33'07"E 301.26 FEET, THENCE ALONG A CURVE TO THE RIGHT 19.81 FEET, SAID CURVE HAVING A RADIUS OF 89.00 FEET AND A CHORD BEARING OF N30°55'40"E 19.77 FEET, THENCE N37°18'14"E 65.78 FEET, THENCE S54°18'58"E 79.68 FEET, THENCE S53°59'33"E 439.95 FEET, THENCE S02°54'07"W 477.63 FEET, THENCE S86°54'34"E 150.65 FEET, THENCE S02°46'49"W 446.94 FEET, THENCE N87°12'11"W 513.27 FEET, THENCE N87°02'40"W 230.74 FEET TO THE P.O.B.; CONTAINING 16.02 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION: (RSF-7, Residential Single Family Seven Units per Acre)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B., THENCE N02°51'17"E 769.60 FEET, THENCE S87°08'43"E 593.04 FEET, THENCE S02°54'07"W 321.93 FEET, THENCE S86°54'34"E 150.65 FEET, THENCE S02°46'49"W 446.94 FEET, THENCE N87°12'11"W 513.27 FEET, THENCE N87°02'40"W 230.74 FEET TO THE P.O.B.; CONTAINING 12.03 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION: (NS, Neighborhood Services)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET, THENCE N02°51'17"E 769.60 FEET TO THE P.O.B., THENCE N02°51'17"E 87.89 FEET, THENCE N24°33'07"E 112.82 FEET, THENCE S65°26'17"E 241.92 FEET, THENCE ALONG A CURVE TO THE LEFT 205.58 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING AND DISTANCE OF N75°17'56"E 189.87 FEET, THENCE N36°02'08"E 75.63 FEET, THENCE S53°59'33"E 124.56 FEET, THENCE S02°54'07"W 155.70 FEET, THENCE N87°08'43"W 593.04 FEET TO THE P.O.B.; CONTAINING 1.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION: (CS, Community Services)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET, THENCE N02°51'17"E 857.50 FEET, THENCE N24°33'07"E 112.82 FEET TO THE P.O.B., THENCE N24°33'07"E 188.43 FEET, THENCE ALONG A CURVE TO THE RIGHT 19.81 FEET, SAID CURVE HAVING A RADIUS OF 89.00 FEET AND A CHORD BEARING AND DISTANCE OF N30°55'40"E 19.77 FEET, THENCE N37°18'14"E 65.78 FEET, THENCE S54°18'58"E 79.68 FEET, THENCE S53° 59'33"E 315.39 FEET, THENCE S36°02'08"W 75.63 FEET, THENCE ALONG A CURVE TO THE RIGHT 205.58 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING AND DISTANCE OF S75°17'56"W 189.87 FEET, THENCE N65°26'17"W 241.92 FEET TO THE P.O.B.; CONTAINING 2.01 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

City of Fayetteville Staff Review Form

2015-0249

Legistar File ID

6/2/2015

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

Jeremy Pate	5/15/2015	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN 15-5044: Rezone (4065 E. HUNTSVILLE RD./THE PLAZA, 569): Submitted by JORGENSEN & ASSOCIATES for property located at the 4065 E. HUNTSVILLE RD. The property is zoned R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA and contains approximately 16.02 acres. The request is to rezone the property to RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 2, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: May 15, 2015

SUBJECT: **RZN 15-5044: Rezone (4065 E. HUNTSVILLE RD./THE PLAZA, 569):** Submitted by JORGENSEN & ASSOCIATES for property located at the 4065 E. HUNTSVILLE RD. The property is zoned R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA and contains approximately 16.02 acres. The request is to rezone the property to RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES.

RECOMMENDATION:
The Planning Commission and staff recommend approval of an ordinance to rezone the property to RSF-7, Residential Single Family, 7 Units per Acre, NS, Neighborhood Services, and CS, Community Services.

BACKGROUND:
The subject property contains approximately 16.02 acres located at the southeast corner of Highway 16 East and River Meadows Drive. All five parcels are zoned R-PZD Bridgedale Plaza, which was a mixed-use development approved by the City Council in 2008 by Ordinance No. 5197. The development was never constructed and the project has expired. The Bridgedale Plaza development was approved in three planning areas including 60 single family dwellings, 30,250 sq. ft. of non-residential space and 24 multi-family dwelling units over offices.

The request is to rezone the north 2.01 acres to CS, Community Services, the middle 1.98 acres to NS, Neighborhood Services, and the south 12.03 acres to RSF-7, Residential Single Family Seven Units per Acre.

Land Use Compatibility:
The property is located along a busy highway corridor with single and multi-family homes to the north, standard subdivision lots to the west and south, and some larger lots of approximately one acre to the east. The proposed zoning for mixed use at the intersection and transitioning to single family zoning provides adequate transition and compatible uses with the surrounding single and multi-family dwellings.

Land Use Plan Analysis:
The zoning is in compliance with many of the goals of City Plan 2030 in particular the mixed-use nature of the commercial, office, and different transitional zonings to create the opportunity for a viable neighborhood. The proposal provides the opportunity for neighborhood services in an area where services are limited. These potential services could serve the surrounding primarily

residential uses for commercial goods and services and provide an area in which residents can live, work, and play. Providing nodes of neighborhood commercial and mixed use zoning discourages sprawl, decreases a neighborhood's reliance on regional commercial developments, and can potentially reduce the number of vehicle trips in the area. The zoning proposal also provides the opportunity for a variety of dwelling types increasing diversity and vibrancy in the community.

Goal 3 in City Plan 2030 states that, "We will make traditional town form the standard". This goal promotes a variety of uses within a neighborhood for daily needs and services within walking distance. In particular, the CS and NS zoning districts are form-based zones intended for buildings to create an inviting pedestrian streetscape with mixed-use buildings and residences close to the street, screening parking areas, and providing sidewalks in a traditional town form.

DISCUSSION:
On May 11, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-1-0 (Commissioner Brown voted 'no'). At the Planning Commission meeting three members of the public spoke against the rezoning citing concerns with traffic, property values, and flooding.

BUDGET/STAFF IMPACT:
N/A

Attachments:
CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

CITY OF Fayetteville ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: May 11, 2015 ***Updated with Planning Commission results***

SUBJECT: **RZN 15-5044: Rezone (4065 E. HUNTSVILLE RD./THE PLAZA, 569):** Submitted by JORGENSEN & ASSOCIATES for property located at the 4065 E. HUNTSVILLE RD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 16.02 acres. The request is to rezone the property to RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends forwarding **RZN 15-5044** to the City Council with a recommendation for approval.

BACKGROUND:
The subject property contains approximately 15.95 acres located at the southeast corner of Highway 16 East and River Meadows Drive. All five parcels are zoned R-PZD Bridgedale Plaza, which was a mixed-use development approved by the City Council in 2008 by Ordinance No. 5197. The development was never constructed and the project has expired. The Bridgedale Plaza development was approved in three planning areas including 60 single family dwellings, 20,000 sq. ft. of non-residential space and 24 multi-family dwelling units over offices, and 20,000 sq. ft. of non-residential space. The surrounding zoning and land uses are depicted in *Table 1.*

Table 1
Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single-family/multi-family	RMF-24, Residential Multi-family 24 units per acre; R-A, Residential Agricultural
South	Single-family	RSF-4, Residential Single-family; unincorporated county (1 dwelling per acre)
East	Single-family	RSF-4, Residential Single-family; R-A, Residential Agricultural
West	Single-family	RSF-4, Residential Single-family

Request: The request is to rezone the north 2.01 acres to CS, Community Services, the middle 1.98 acres to NS, Neighborhood Services, and the south 12.03 acres to RSF-7, Residential Single Family Seven Units per Acre.

Public Comment: Staff has received a phone call from a resident in the Stonebridge Meadows who discussed concerns with traffic and adverse impacts to property values..

INFRASTRUCTURE:

Streets: The subject parcel has access to River Meadows Drive to the northwest (Local Street), Huntsville Road (Hwy. 16) to the north (Principal Arterial Drive), and Pinnacle Drive (Local Street) to the south. Any required improvements to these streets will be determined at time of development. Previous improvements required with the Bridgedale Plaza PZD included the addition of right- and left-turn lanes on River Meadows at Highway 16; all standard improvements to Highway 16 and the potential for a center turn lane; and potential for construction of or contribution of payment for a traffic signal at River Meadows and Highway 16.

Water: Public water is available to the site. There are three locations where water can be accessed by this site. One is an existing 8-inch main along the property frontage of River Meadows Drive, another is the 12-inch main along the property frontage on Huntsville, and the last is along the south side of the property where an 8-inch main has been stubbed out from Pinnacle Dr. for future extension.

Sewer: Sanitary sewer is available to the site at multiple places. An 8-inch main runs along the southern side of the property near the stub out of Pinnacle Drive. There is also an 8-inch line stubbed out to the property along the property frontage of River Meadows Drive. Both of these connection points flow to Sanitary Sewer Lift Station #27. There is also gravity sewer available to the property along the Huntsville Road frontage.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is not located within the floodplain, but the City's GIS mapping does indicate Hydric Soils near the northeast corner. Therefore, a wetlands determination will be necessary at the time of development. This parcel does not contain any protected streams per the Streamside Protection map. No portions of the subject parcel are located within the Hillside/Hilltop Overlay District.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN:

City Plan 2030 Future Land Use Plan designates this site as a ***Residential Neighborhood Area.***

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and row houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

DISCUSSION:

FINDINGS OF THE STAFF

Recommendation: Staff recommends forwarding **RZN 15-5044** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: May 11, 2015	☐ **Tabled**	☒ **Forwarded**	☐ **Denied**
Motion: Hoskins	**Second:** Selby	**Vote:** 6-1-0 (commissioner Brown voted 'no')	
CITY COUNCIL ACTION:	**Required**	**YES**	
Date: _____	☐ **Approved**	☐ **Denied**	
Note: The Planning Commission recommended approval of the rezoning			

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: **In staff's opinion the three zoning districts proposed for the property are compatible with the surrounding land uses and consistent with land use planning objectives and land use plans.**

The property is located along a busy highway corridor with single and multi-family homes to the north, standard subdivision lots to the west and south, and some larger lots of approximately one acre to the east. The proposed zoning for mixed use at the intersection and transitioning to single family zoning provides adequate transition and compatible uses with the surrounding single and multi-family dwellings.

The zoning is in compliance with many of the goals of City Plan 2030 in particular the mixed-use nature of the commercial, office, and different transitional zonings to create the opportunity for a viable neighborhood. The zoning proposal provides the opportunity for neighborhood services in an area where services are limited. These potential services could serve the surrounding primarily residential uses for commercial goods and services and provide an area in which residents can live, work, and play. Providing nodes of neighborhood commercial and mixed use zoning discourages sprawl, decreases a neighborhood's reliance on regional commercial developments, and can potentially reduce the number of vehicle trips in the area.

Goal 3 in City Plan 2030 states that, "*We will make traditional town form the standard*". This goal promotes a variety of uses within a neighborhood for daily needs and services within walking distance. In particular, the CS and NS zoning districts are form-based zones intended for buildings to create an inviting pedestrian streetscape with mixed-use buildings and residences close to the street, screening parking areas, and providing sidewalks in a traditional town form.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **In staff's opinion the rezoning is justified and needed at this time. Currently, the property is zoned R-PZD Bridgedale Plaza, but all development rights have expired. This creates challenges for the current property owner and any future buyer, as nothing can be developed on the property without a rezoning.**

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

Finding: **The property is currently undeveloped and there are no development rights, since the PZD approval has expired. Any rezoning action will increase traffic congestion in the area. Highway 16 is a very congested roadway at peak times and in particular it is very difficult turning left out of River Meadows Drive onto Highway 16 during these times. However, any new development will also create the requirement for new streets and street improvements that will help facilitate additional traffic. With adequate street improvements required as part of the development to the surrounding street infrastructure, traffic danger and congestion should be minimized.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property will likely increase population density and commercial intensity. There are adequate water and sewer services along and within this property to support future development. The Fayetteville Police and Fire Departments have not expressed concerns with this rezoning.**

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**

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code sections 161.08; 161.16; 161.19
- Request letter
- Proposed Zoning Exhibit
- Bridgedale Plaza R-PZD 08-3071 site plan
- Close Up Map
- Current Land Use Map
- Future Land Use Map
- One Mile Map

161.08 District RSF-7, Residential Single-Family – Seven Units Per Acre

(A) *Purpose* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

Single-family dwelling units per acre	7 or less

(D) *Bulk and area regulations.*
(E) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(F) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(G) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(H) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(I) *Building height regulations.*

Building Height Maximum	45 ft.

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(J) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(Code 1991, §160.046; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

Cross reference(s)--Variance, Ch. 156.

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	10 or less

(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS · SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

3/26/15

At: Andrew Garner
Re: Bridgedale Plaza Rezoning

Attached please find information pertaining to a rezoning request for Bridgedale Plaza. This project was previously processed as a PZD and due to the bad economy nothing was started so it has expired.

The owner would now like to request a rezoning as follows;

Area #1	to RSF -7
Area #2	to NS
Area #3	to CS

Area #1 consists of 12.03 acres and the request is to rezone to RSF-7 which would allow for 60' wide lots, 6000 sf minimum. Our plan shows a maximum 57 single family lots.

Area #2 consists of 1.98 acres and the request is to rezone to NS (Neighborhood services) serving as mixed use low intensity promoting walkable, pedestrian oriented neighborhood businesses.

Area #3 consist of 2.01 acres and the request is to rezone to CS (Community services) providing convenience goods and personal services.

This property is surrounded by RSF-4 to the west, south and partially to the east. A portion of the property to the east is R-A. Property to the north is RMF-24, RSF-7 and RSF-4. This property will be accessed by Pinnacle Drive to the south and River Meadows Drive and Hwy 16 to the north. Water and sewer will be accessed to the north, west and south.

Detention will be provided to the north and to the south.

Please review and contact me concerning any questions you may have.

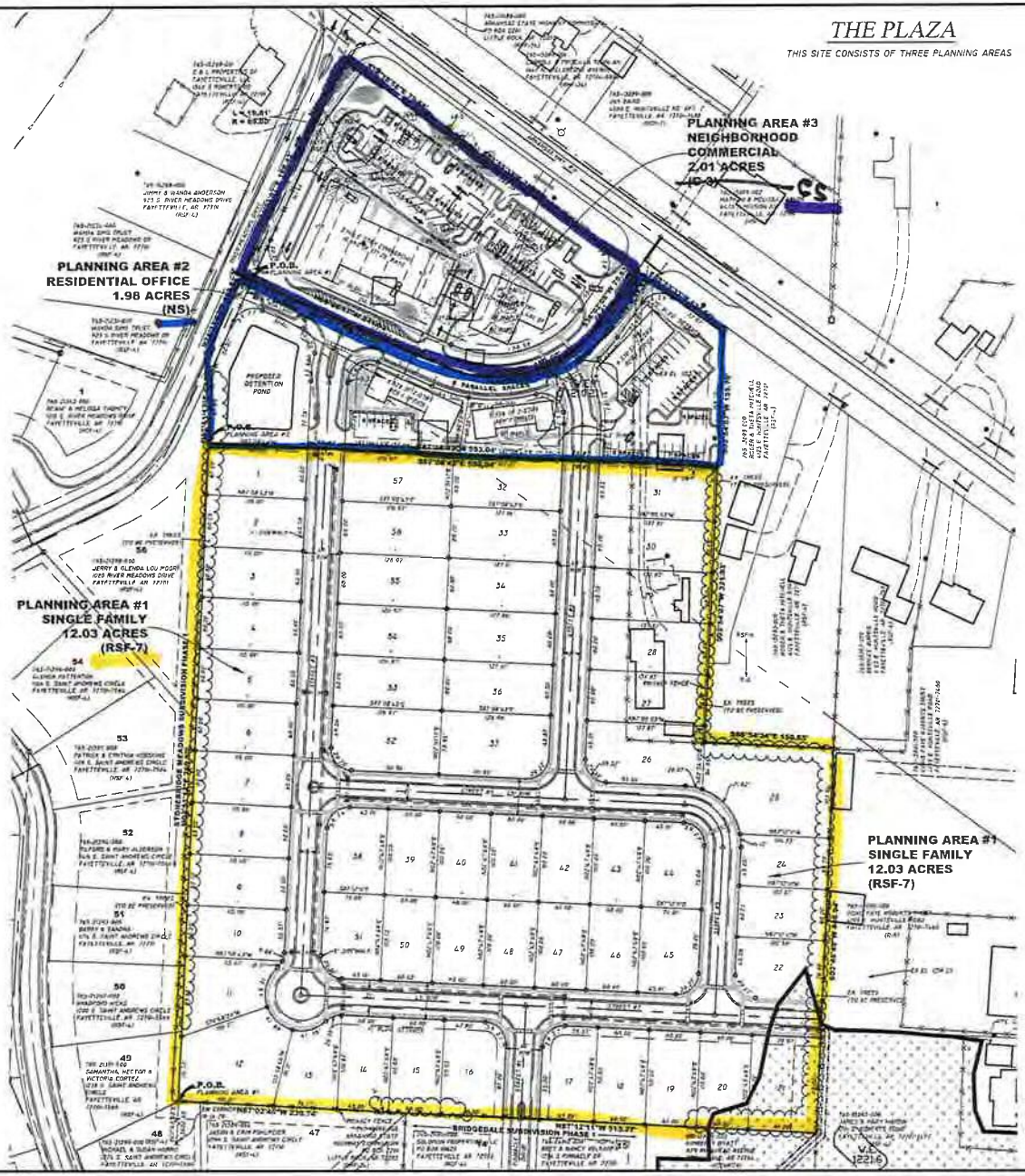
Sincerely;

David L. Jorgensen, P.E.

PROPOSED REZONING RZN 15-5044

THE PLAZA

THIS SITE CONSISTS OF THREE PLANNING AREAS



VICINITY MAP

FAYETTEVILLE, ARKANSAS

N
W E
S

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

ENGINEER

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
126 WEST SUNBRIDGE SUITE 1
FAYETTEVILLE, AR 72703
(479) 442-9127

OWNER / DEVELOPER

CLINT MCDONALD
5081 ARKANSHIRE CIR
SPRINGDALE AR 72764

PARCEL NUMBERS

765-12249-000
765-12262-000
765-12261-000

LEGAL DESCRIPTION (ENTIRE TRACT)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19 T16N R29W IN WASHINGTON COUNTY ARKANSAS AND BEING DESCRIBED AS FOLLOWS COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B. THENCE N02°51'17"E 857.50 FEET THENCE N24°33'07"E 301.26 FEET, THENCE ALONG A CURVE TO THE RIGHT 19.81 FEET SAID CURVE HAVING A RADIUS OF 89.00 FEET AND A CHORD BEARING OF N30°55'40"E 19.77 FEET THENCE N37°18'14"E 65.78 FEET, THENCE S54°18'58"E 79.68 FEET, THENCE S53°59'33"E 439.95 FEET, THENCE S02°54'07"W 477.63 FEET THENCE S86°54'34"E 150.65 FEET, THENCE S02°16'49"W 446.94 FEET THENCE N87°12'11"W 513.27 FEET, THENCE N87°02'40"W 230.74 FEET TO THE P.O.B. CONTAINING 16.02 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD

LEGAL DESCRIPTION (PLANNING AREA #1)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19 T16N, R29W IN WASHINGTON COUNTY ARKANSAS AND BEING DESCRIBED AS FOLLOWS COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B. THENCE N02°51'17"E 769.60 FEET, THENCE S87°08'43"E 593.04 FEET, THENCE S02°54'07"W 321.93 FEET, THENCE S86°54'34"E 150.65 FEET THENCE S02°16'49"W 446.94 FEET, THENCE N87°12'11"W 513.27 FEET THENCE N87°02'40"W 230.74 FEET TO THE P.O.B. CONTAINING 12.03 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD

LEGAL DESCRIPTION (PLANNING AREA #2)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19 T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET, THENCE N02°51'17"E 769.60 FEET TO THE P.O.B. THENCE N02°51'17"E 87.50 FEET, THENCE N24°33'07"E 112.82 FEET THENCE S65°26'17"E 241.92 FEET, THENCE ALONG A CURVE TO THE LEFT 205.58 FEET SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING AND DISTANCE OF N25°17'56"E 189.97 FEET, THENCE N36°02'08"E 75.63 FEET, THENCE S53°59'33"E 174.56 FEET, THENCE S02°54'07"W 155.70 FEET, THENCE N87°08'43"W 593.04 FEET TO THE P.O.B. CONTAINING 1.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD

LEGAL DESCRIPTION (PLANNING AREA #3)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19 T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET THENCE N02°51'17"E 857.50 FEET THENCE N24°33'07"E 112.82 FEET TO THE P.O.B. THENCE N24°33'07"E 188.43 FEET, THENCE ALONG A CURVE TO THE RIGHT 19.81 FEET SAID CURVE HAVING A RADIUS OF 89.00 FEET AND A CHORD BEARING AND DISTANCE OF N30°55'40"E 19.77 FEET THENCE N37°18'14"E 65.78 FEET THENCE S54°18'58"E 79.68 FEET THENCE S53°59'33"E 315.59 FEET THENCE S36°02'08"W 75.63 FEET, THENCE ALONG A CURVE TO THE RIGHT 205.58 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING AND DISTANCE OF S25°17'56"W 189.97 FEET THENCE N65°26'17"W 241.92 FEET TO THE P.O.B. CONTAINING 2.01 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD

FLOOD PLAIN NOTE

THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #5143C0135H DATED MAY 16, 2009

SCALE	PLOT	DATE REVISED	DRAWN BY	CHECKED BY	DRAWING NO.
DATE	AUTHORIZED		RKJ	RKJ	15-5044 REZONING

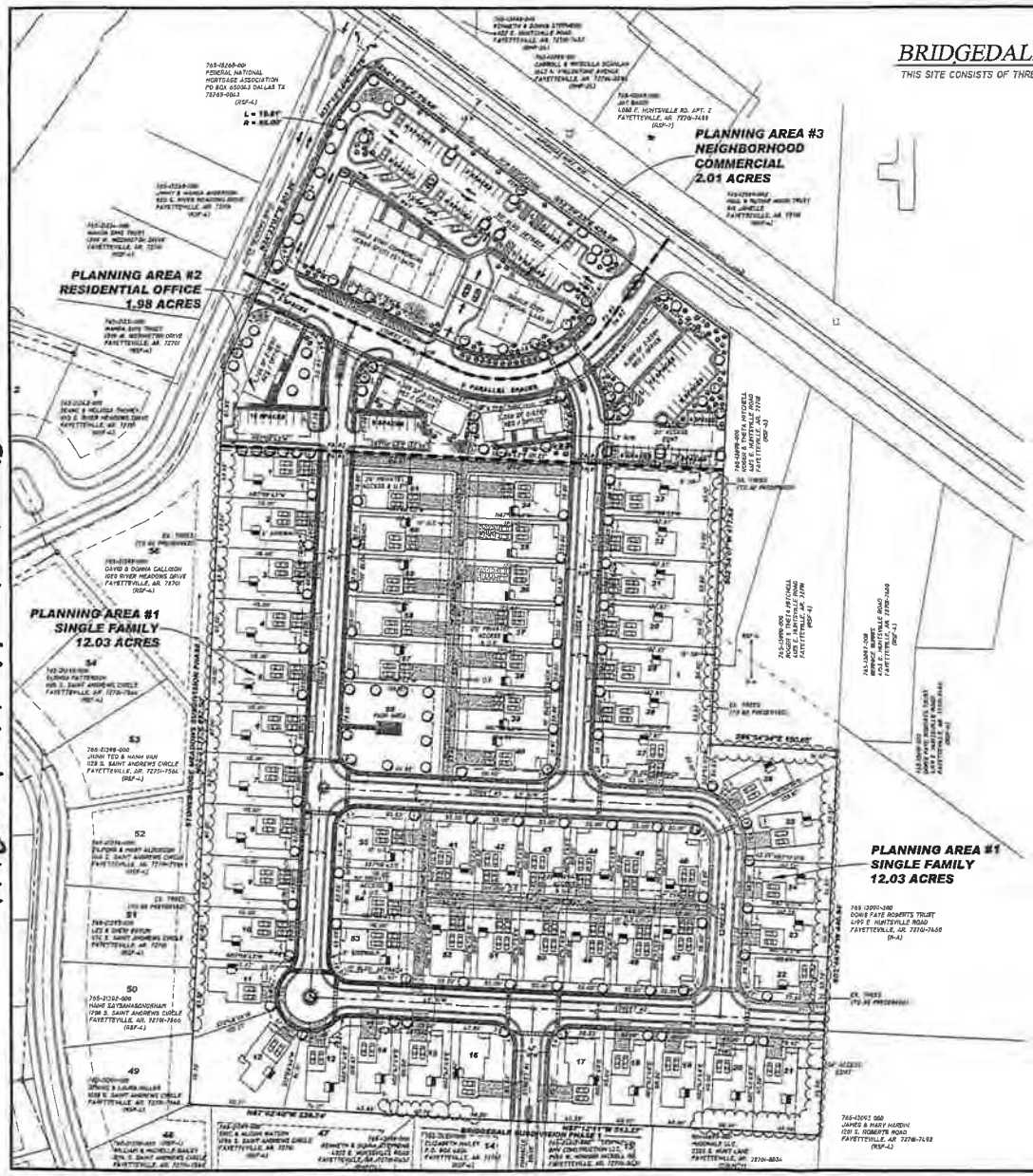
JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

THE PLAZA
REZONING REQUEST

BRIDGEDALE PLAZA R-PZD 08-3071

BRIDGEDALE PLAZA

THIS SITE CONSISTS OF THREE PLANNING AREAS



W E S

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

ENGINEER:

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR. 72703
(479) 442-9187

OWNER / DEVELOPER:

CLINT McDONALD

PROPOSED ZONING & DEVELOPMENT STANDARDS

PLANNING AREA #1	PLANNING AREA #2	PLANNING AREA #3
RZ-1 (SINGLE FAMILY)	RZ-3 (RESIDENTIAL OFFICE)	RZ-3 (COMMERCIAL)
PROPOSED ZONING	PROPOSED ZONING	PROPOSED ZONING
RZ-1 (SINGLE FAMILY)	RZ-3 (RESIDENTIAL OFFICE)	RZ-3 (COMMERCIAL)
Unit 1 — CITY - WIDE USES BY RIGHT	Unit 1 — CITY - WIDE USES BY RIGHT	CITY - WIDE USES BY RIGHT
Unit 6 — SINGLE-FAMILY DWELLINGS	Unit 8 — GOVERNMENT FACILITIES	PUBLIC OPERATIONS AND UTILITIES
Unit 61 — ACCESSORY DWELLINGS	Unit 12 — OFFICES, STUDIOS, & RELATED SERVICES	OFFICES, STUDIOS, & RELATED SERVICES
Unit 2 — CITY-WIDE USES BY CONDITIONAL USE PERMIT	Unit 23 — PROFESSIONAL OFFICES	EATING PLACES
Unit 8 — PUBLIC OPERATIONS & UTILITIES		RETAIL TRADE
Unit 26 — PARKS AND RECREATION		CONVENIENCE STORES & RELATED SERVICES
		PERSONAL SERVICES
ACREAGE — 12.03 ACRES	ACREAGE — 1.98 ACRES	ACREAGE — 2.01 ACRES
MINIMUM LOT AREA — 6000 SQ. FT.	MINIMUM LOT AREA — 7,500 SQ. FT.	MINIMUM LOT AREA — 21,500 S.F.
MINIMUM LOT WIDTH — 50 FT.	MINIMUM LOT WIDTH — 50 FT.	MINIMUM LOT WIDTH — 100 FT.
MINIMUM LOT DEPTH — 120 FT.	MINIMUM LOT DEPTH — 150 FT.	MINIMUM LOT DEPTH — 150 FT.
MINIMUM LOT AREA PER DWELLING UNIT — 3,000 S.F.	MINIMUM LOT AREA PER DWELLING UNIT — 2,500 S.F.	MINIMUM LOT AREA PER DWELLING UNIT — 2,500 S.F.
LOT WIDTH MIN. — 50 FT.	LOT WIDTH MIN. — 50 FT.	LOT WIDTH MIN. — 100 FT.
LOT AREA MIN. — 6000 SQ. FT.	LOT AREA MIN. — 7,500 SQ. FT.	LOT AREA MIN. — 21,500 SQ. FT.
FRONT — 20 FT.	FRONT — 20 FT.	FRONT — 20 FT.
SIDE — 5 FT.	SIDE — 5 FT.	SIDE — 5 FT.
REAR — 15 FT.	REAR — 15 FT.	REAR — 15 FT.
MAXIMUM BUILDING HEIGHT OF 35 FT. THE HEIGHT MAY BE INCREASED OVER 35 FEET BY OBTAINING VARIANCE APPROVAL FROM THE BOARD OF ADJUSTMENT	**SEE NOTE BELOW**	MAXIMUM BUILDING HEIGHT OF 35 FT. THE HEIGHT MAY BE INCREASED OVER 35 FEET BY OBTAINING VARIANCE APPROVAL FROM THE BOARD OF ADJUSTMENT
ON ANY LOT, THE AREA OCCUPIED BY ALL THE BUILDINGS SHALL NOT EXCEED 30 % OF THE TOTAL AREA OF SUCH LOT.	ON ANY LOT, THE AREA OCCUPIED BY ALL THE BUILDINGS SHALL NOT EXCEED 50 % OF THE TOTAL AREA OF SUCH LOT.	ON ANY LOT, THE AREA OCCUPIED BY ALL THE BUILDINGS SHALL NOT EXCEED 50 % OF THE TOTAL AREA OF SUCH LOT.

** LOT WIDTH MIN. - Twins or zero = 40 FT.
Townhouses = 90 FT

LOT AREA MIN. - Twins or zero = 8,000 S.F. Townhouses = 16,000 S.F.; Residential + Home Occupational = 23,500 S.F.

LAND AREA PER DWELLING UNIT - Twins or Zero = 1,000 S.F.; Townhouses (Gas Stations) = 1,000 S.F. Townhouses (Two or more bedrooms) = 1,500 S.F.

LEGAL DESCRIPTION:

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B.; THENCE N02°51'17"E 857.50 FEET, THENCE N24°33'07"E 381.72 FEET, THENCE S54°18'58"E 95.42 FEET, THENCE S53°59'33"E 444.17 FEET, THENCE S02°54'07"W 469.87 FEET, THENCE S86°54'54"E 150.65 FEET, THENCE S02°46'49"W 446.94 FEET, THENCE N87°18'19"W 513.27 FEET, THENCE N87°02'40"W 230.74 FEET TO THE P.O.B.; CONTAINING 15.95 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

FLOOD PLAIN NOTE:

THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0240F DATED MAY 16, 2006

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS * SURVEYORS

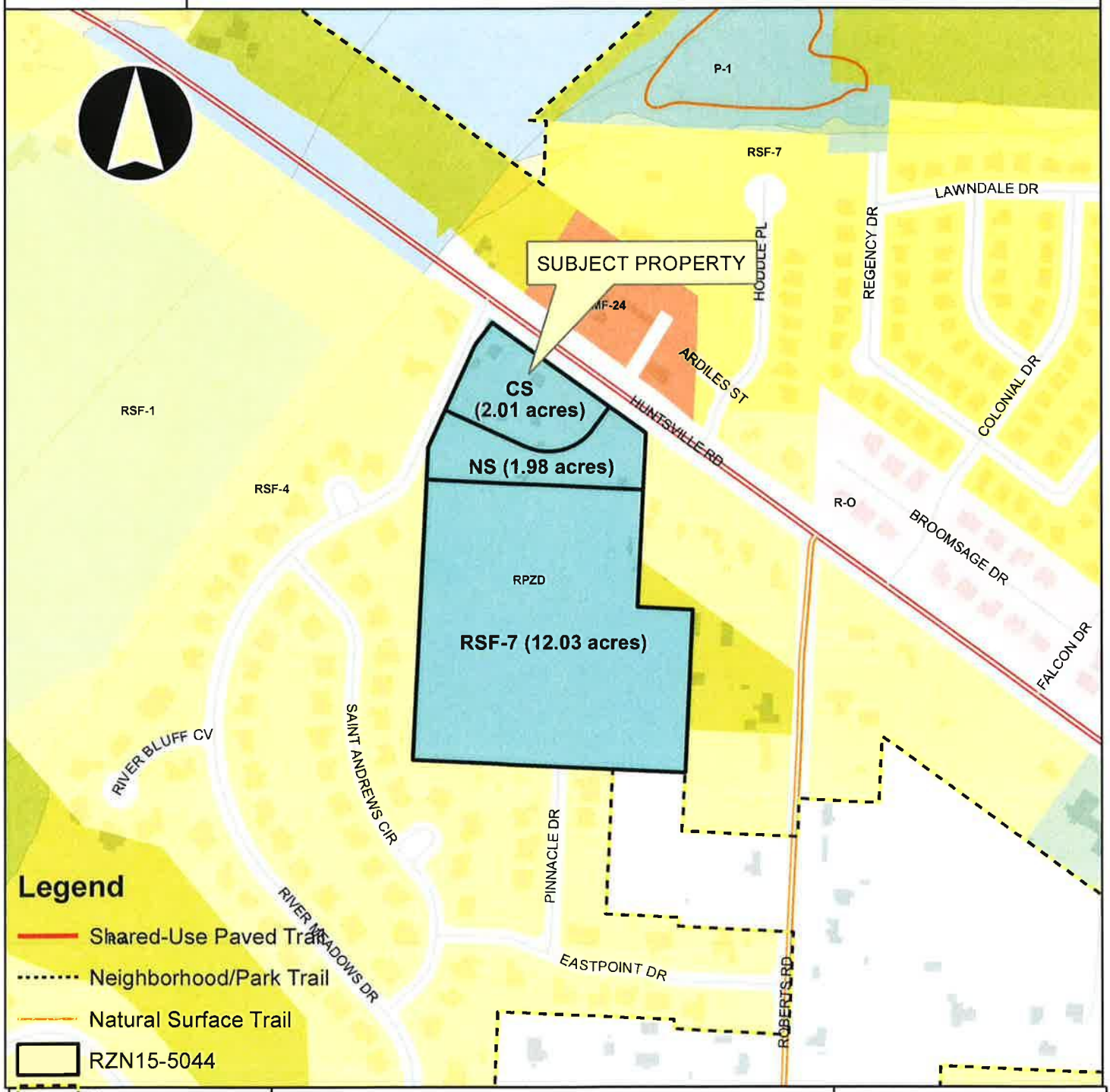
SCALE: 1"=80'	DATE REVISED	CHECKED BY: BLJ	DRAWN BY: BJB
DATE: 10/07/08			J:\BRIDGEDALE\PROJECTS\

BRIDGEDALE PLAZA 2/3
ZONING & DEVELOPMENT STANDARDS BY PLANNING AREA

RZN15-5044

Close Up View

THE PLAZA



Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet

RZN15-5044

Current Land Use

THE PLAZA

Overview

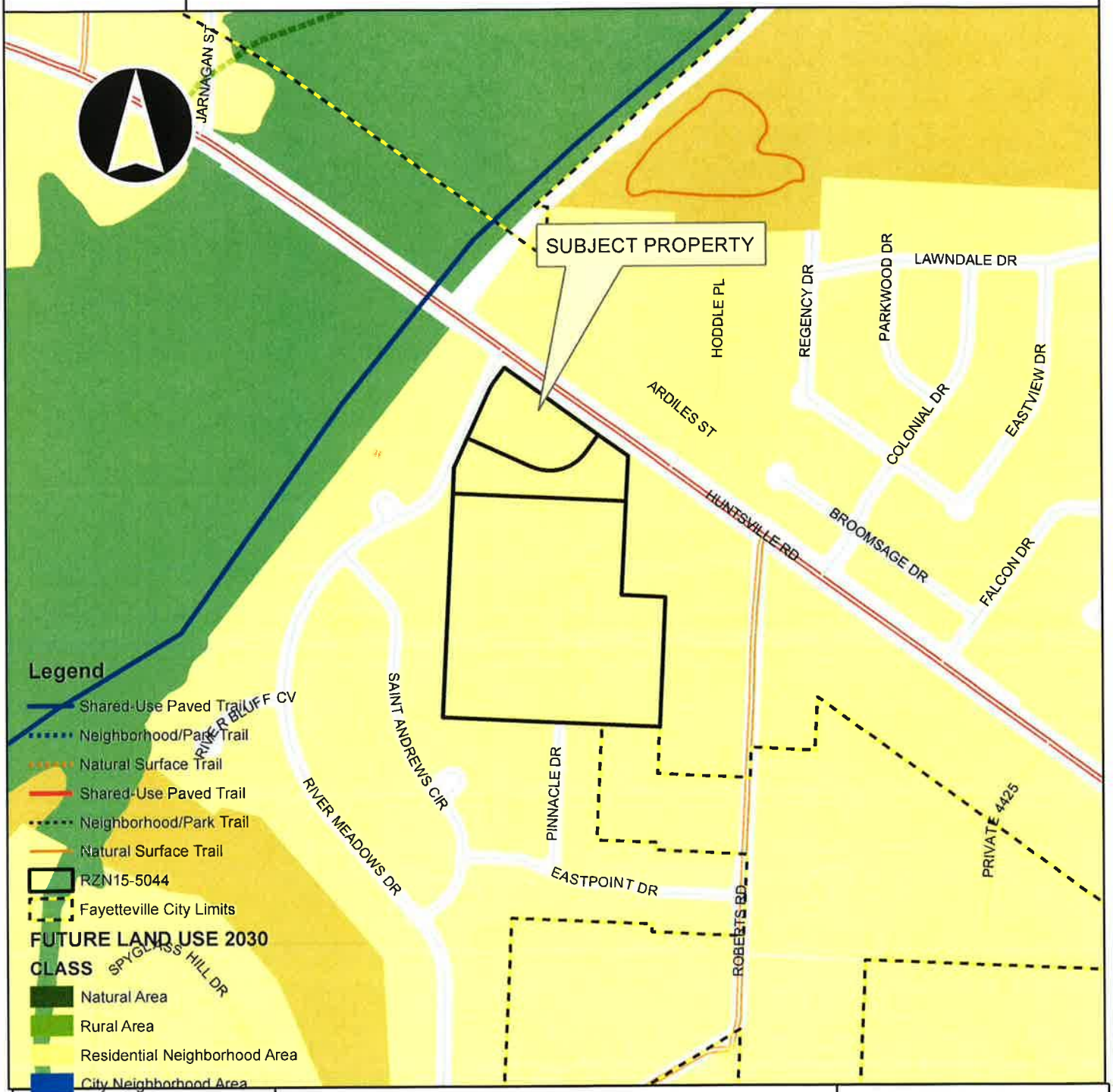
- Neighborhood/Park Trail
- Natural Surface Trail
- RZN15-5044
- Fayetteville City Limits
- Design Overlay District
- Planning Area

0 175 350 700 1,050 1,400 Feet

RZN15-5044

Future Land Use

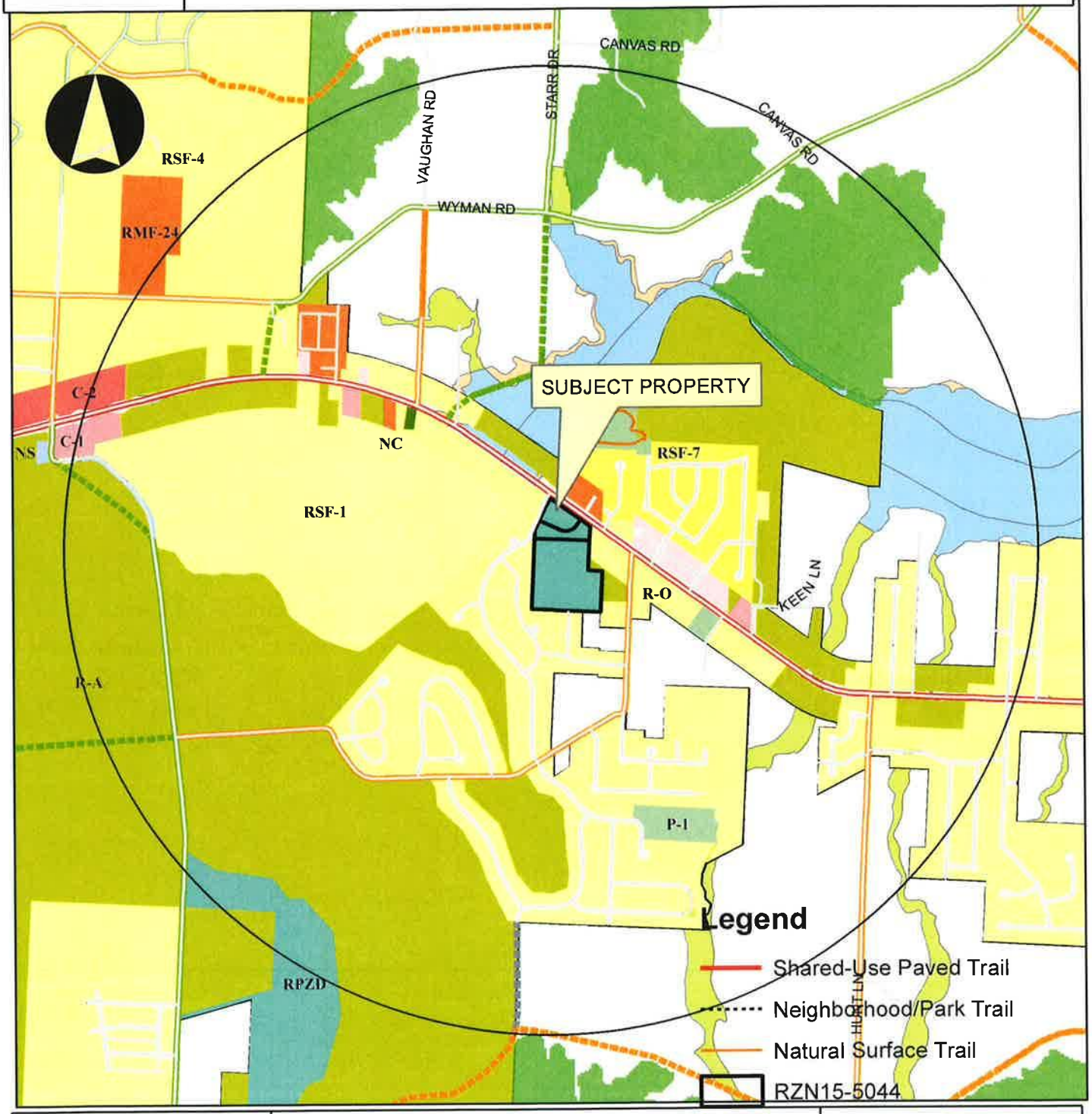
THE PLAZA



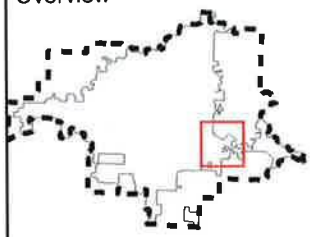
RZN15-5044

One Mile View

THE PLAZA



Overview



Legend

Subject Property

Boundary

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0310

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: C. 1

BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY BEAR STATE BANK, FORMERLY KNOWN AS FIRST FEDERAL BANK, OR ITS ASSIGNS, AND THE GARLAN AND GEORGIA READING TRUST NEEDED FOR THE EXTENSION OF RUPPLE ROAD FROM PERSIMMON STREET TO MARTIN LUTHER KING, JR. BOULEVARD

WHEREAS, the City of Fayetteville and certain property owners have been unable to agree on a fair price for the portions of property owned by each of them which is needed for the extension of Rupple Road from Persimmon Street to Martin Luther King, Jr. Boulevard; and

WHEREAS, the City of Fayetteville needs to gain possession of these needed properties promptly to begin work on these public improvements.

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

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Rupple Road extension project and owned by Bear State Bank, formerly known as First Federal Bank, or its assigns, that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Rupple Road extension project and owned by the Garlan and Georgia Reading Trust that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor.

City of Fayetteville Staff Review Form

2015-0310

Legistar File ID

7/21/2015

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

Chris Brown	7/1/2015	Engineering / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned First Federal Bank, and the Garlan & Georgia Reading Trust necessary for the Rupple Road – MLK to Persimmon Roadway Project.

Budget Impact:

4520.9555.5805.00	Transportation Bond Street Improvements
Account Number	Fund
06035.2400	Rupple Road (MLK to Persimmon)
Project Number	Project Title

Budgeted Item?	Yes	Current Budget	$	8,372,613.00
		Funds Obligated	$	215,482.61
		Current Balance	$	8,157,130.39
Does item have a cost?	Yes	Item Cost	$	10,225.00
Budget Adjustment Attached?	No	Budget Adjustment		
#		Remaining Budget	$	8,146,905.39

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Matt Casey, Engineering Design Manager

DATE: July 2, 2015

SUBJECT: **Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by First Federal Bank and the Garlan & Georgia Reading Trust necessary for the Rupple Road – MLK to Persimmon Roadway Project.**

RECOMMENDATION:
Staff recommends approval of a Resolution authorizing the City Attorney to seek possession by condemnation of portions of properties along the Rupple Road project from Martin Luther King Blvd to Persimmon Street.

BACKGROUND:
In May 2014, the City Council approved a contract with Jorgensen & Associates, Inc. for design services for the Rupple Road- MLK to Persimmon project. Rupple Road is shown on the City of Fayetteville Master Street plan as a Principal Arterial Parkway from Martin Luther King Blvd. (Highway 62) north to Howard Nickell Road. The street cross section will include four lanes with a 15' wide median, a 12' trail and a 5' sidewalk. Roundabouts are included in the design at the three intersections with the future Collector street locations as shown on the Master Street Plan.

The design is now complete and the project is scheduled to be bid on July 24, 2015. City staff began negotiations for the ROW and easement acquisition in April of 2015.

DISCUSSION:
The owners of the attached properties have expressed various concerns and have refused to sign right-of –way and/or easement documents based on their concerns. These properties represent the final 2 of the total 5 properties to be acquired. Staff will continue to negotiate with these property owners to avoid condemnation whenever possible. However, it is imperative that the right-of –way and easements be acquired in a timely manner so as not to delay the construction of the project.

BUDGET/STAFF IMPACT:
The payment for land acquisition will be made from the project budget allocated for the Rupple Road (MLK to Persimmon) project which is funded by the Transportation Bond Fund. The City's final offer to the Readings was $125,000. This proposed settlement amount is slightly higher than the $114,600 appraisal amount. The City attorney's office has communicated to the property owner that if this offer is refused, the appraisal will be revised to reflect the expected enhancement in value to the remainder property, and the offer will be substantially reduced, to include only the value of the temporary and permanent easements. Therefore the expected amount to be deposited with the court for the Reading project is $8,800.

For the property currently owned by First Federal Bank, the appraisal also reflects an enhancement in value to the remaining property; therefore the offer amount for this property is $1,425, reflecting the value of a temporary easement needed.

Therefore, the agenda item staff review form indicates $10,225 as the cost of this request. It should be noted that this is an estimate, based on the appraised values of the properties, and that the final cost is subject to negotiation with the property owners or by court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for each property.

Attachments:
Easement Exhibits

CITY OF
Fayetteville
ARKANSAS

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701
PHONE NO: (479) 575-8206 FAX NO: (479) 575-8202

FIRST FEDERAL BANK

CITY OF Fayetteville ARKANSAS

ENGINEERING DIVISION

113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701
PHONE NO: (479) 575-8206 FAX NO: (479) 575-8202

GARLAN & GEORGIA READING

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0318

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: C. 2

EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34

AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS

WHEREAS, a Petition to form East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas has been filed with the Fayetteville City Clerk; and

WHEREAS, the City Clerk has presented said petition to the Mayor; and

WHEREAS, the Mayor has set July 21, 2015, at 5:30 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and

WHEREAS, the Fayetteville City Council has determined from an abstracter's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

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

Section 1. That the real property described in Exhibit "A" attached hereto and made a part hereof is hereby established and laid off as East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2. The following three individuals are hereby appointed as commissioners of said improvement district: Tommy J. Lasiter, Paul Minton and Lawrence Finn.

Section 3. The name of said improvement district shall be East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas.

Section 4. The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

City of Fayetteville Staff Review Form

2015-0318

Legistar File ID

7/21/2015

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

Sondra E. Smith	7/8/2015	City Clerk/Treasurer / General Government Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 34 - East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District. This petition is being filed under the Arkansas Municipal Property Owners' Improvement District law. Arkansas Code Ann. Sec. 14-94-101 et seq. The petition is being filed by Stephen A. Hester on behalf of the Improvement District.

Budget Impact:

N/A	N/A
Account Number	Fund
N/A	N/A
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	NA	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

Office of the City Clerk Treasurer

Sondra E. Smith – City Clerk Treasurer
Lisa Branson – Deputy City Clerk

113 W. Mountain Street, Suite 308
Fayetteville, AR 72701

Phone 479.575.8323
cityclerk@fayetteville-ar.gov

RECEIVED
JUL 9 2015
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

July 9, 2015

Honorable Mayor Lioneld Jordan
City Hall
113 W. Mountain
Fayetteville, AR 72701

RE: Petition to form Fayetteville Municipal Multipurpose
Property Owners' Improvement District No. 34
East Mission Boulevard

Dear Mayor:

Pursuant to Arkansas Code Ann. Sec. 14-94-105 (e)(3), you are hereby notified that the enclosed Petition to form Fayetteville Municipal Property Owners' Improvement District No. 34, **East Mission Boulevard Municipal Multipurpose** has been filed in the office of the Fayetteville City Clerk. Pursuant to Ark. Code Ann. Sec. 14-94-106 (a)(1), I hereby present you with the Petition.

Sincerely,

Sondra E. Smith

Sondra E. Smith
City Clerk/Treasurer

cc: Kit Williams, City Attorney
Stephen A. Hester

RECEIVED
JUL 08 2015
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

WILLIAMS & ANDERSON PLC
SUITE 2200
111 CENTER STREET
LITTLE ROCK, ARKANSAS 72201

STEPHEN A. HESTER
shester@williamsanderson.com
Direct Dial(501) 372-6453
(501) 396-8808

(501) 372-0800
TELECOPIER

July 6, 2015

Sondra Smith
Fayetteville AR City Clerk
113 W. Mountain St., Ste. 308
Fayetteville, AR 72701

Re: East Mission Blvd. Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas

Dear Ms. Smith:

I attach hereto the original Petition for Formation of East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas. You should have received the original Abstractor's Certificate of Property Ownership via hand delivery from Waco Title today.

Would you please file the Petition and Abstractor's Certificate and return a file-marked copy of each document to me in the enclosed self-addressed envelope. Would you please forward this to the City Attorney and any other appropriate person(s) so that this Petition might be put on the agenda for the City of Fayetteville City Council meeting on July 21, 2015. Please call me if you have any questions or should you need anything else from me.

I greatly appreciate your attention to this matter

Cordially yours,

WILLIAMS & ANDERSON PLC

Stephen A. Hester

Stephen A. Hester by permission/nm

Enclosure

SAH:nm

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COST OF THE IMPROVEMENTS.

PETITION FOR FORMATION OF
EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE
PROPERTY OWNERS' IMPROVEMENT
DISTRICT NO. 34 OF
FAYETTEVILLE, ARKANSAS

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FAYETTEVILLE, AKRANSAS:

The undersigned, respectfully represents to the Fayetteville City Council that: (i) it owns all the record title, as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, to the real property located within the territory described on both the legal description attached hereto as Exhibit "A" and incorporated herein and the map attached hereto as Exhibit "B" and incorporated herein; and, (ii) the real property within the territory is wholly inside the corporate boundaries of the City of Fayetteville, Arkansas.

As such owner, the undersigned respectfully petitions the City Council to lay off into an improvement district to be known as the "East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas" (the "District"), pursuant to the provisions of Ark. Act 1987, No. 113 of the Acts of the General Assembly of the State of Arkansas, and all amendments thereto, [Codified as ARK. CODE ANN. § 14-94-101 et seq.] for the purposes hereinafter set forth, the territory in Fayetteville, Washington County, Arkansas, described on Exhibit "A."

The purposes for which the District is to be formed are as follows:

> Constructing waterworks, sewers, recreational facilities and systems of gas pipelines, and grading, draining, paving, curbing, and guttering street and laying sidewalks, together with facilities related to any of the foregoing within said District and to operate and maintain any such improvements and facilities; and
>
> To accomplish any and all other purposes authorized by law specifically including but not limited to those intents and purposes stated in Arkansas Code Annotated Section 14-94-101 et seq.

The purposes of the District shall be accomplished in the manner and of the materials that the Commissioners of the District shall deem to be in the best interest of the District.

The cost of the project shall be assessed upon the real property within the District according to the benefits received.

The District may borrow the funds with which to meet the District's goals and obligations through traditional improvement district financing such as the issuance of bonds, promissory notes, governmental or quasi-governmental grants, loans, combinations thereof or from such other sources and by such other methods as are lawful and in the best interests of the District.

The undersigned understands that its lands within the District are security for the timely repayment of any such indebtednesses of the District and the annual assessments that will be levied to repay and such debts and the operation and maintenance costs of the District, and the failure of the land owners to pay their individual assessments will result in a lien against the land owner's land within the District.

The undersigned further petitions the court to appoint as Commissioners of such District the following three (3) persons of integrity and good business ability who own interests in entities that own real property within the territory above described:

1. Tommy J. Lasiter
   111 Center Street, Suite 1510
   Little Rock, Arkansas 72201

2. Paul Minton
   6721 Warden Road
   Sherwood, Arkansas 72120

3. Lawrence Finn
   1517 McLendon Ave
   Atlanta, GA 30307

The District shall not cease to exist upon the construction or acquisition of the planned improvements but shall continue to exist for the purposes of operating, maintaining and preserving the improvements, replacing equipment, paying salaries and costs and performing any other functions or services authorized by law. Provided however that the Commissioners may dissolve the District when: (i) its obligations are paid; (ii) the ownership, operation, and maintenance of the improvements together with the appurtenances thereto are assumed by a municipality or other appropriate political entity; or (iii) the continuation of the District is no longer considered necessary by the Commissioners for any other reason.

IN WITNESS WHEREOF, the undersigned hereunto subscribes its name and address as shown below.

Petitioners for the Formation of East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas

Property Owners:

East Mission Boulevard, LLC
111 Center St., Suite 1510
Little Rock, AR 72201

By: _____
Tommy J. Lasiter

WILLIAMS & ANDERSON PLC
SUITE 2200
111 CENTER STREET
LITTLE ROCK, ARKANSAS 72201

STEPHEN A. HESTER
shester@williamsanderson.com
Direct Dial(501) 372-6453
(501) 396-8808

(501) 372-0800
TELECOPIER

July 8, 2015

Via US Mail and Email

Mr. Kit Williams, Esq.
City Attorney
113 W. Mountain St., Ste. 302
Fayetteville, AR 72701
kwilliams@fayetteville-ar.gov

Re: East Mission Blvd. Municipal Multipurpose Property Owners' Improvement District No. ___ of Fayetteville, Arkansas

Dear Kit:

Thank you for your time on the phone today. As we discussed, I am providing the information in this letter in support of the above-referenced Petition to Form an Improvement District. The proposed Commissioners listed in the Petition, Tommy J. Lasiter, Paul Minton, and Lawrence Finn, all indirectly own property in the proposed Improvement District through their respective ownership interests in East Mission Boulevard, LLC. In addition, Tommy J. Lasiter was authorized to sign the Petition on behalf of East Mission Boulevard, LLC in his capacity as Manager of that LLC.

Should you need further information from me, please do not hesitate to call.

Very truly yours,

WILLIAMS & ANDERSON PLC

Stephen A. Hester

Stephen A. Hester

SAH:nm

cc: Tommy J. Lasiter

EXHIBIT "A"

Tract A: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

Tract B: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

Tract C: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E, 168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

Tract D: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

Tract E: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

Tract F: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = s 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

LESS & EXCEPT: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway

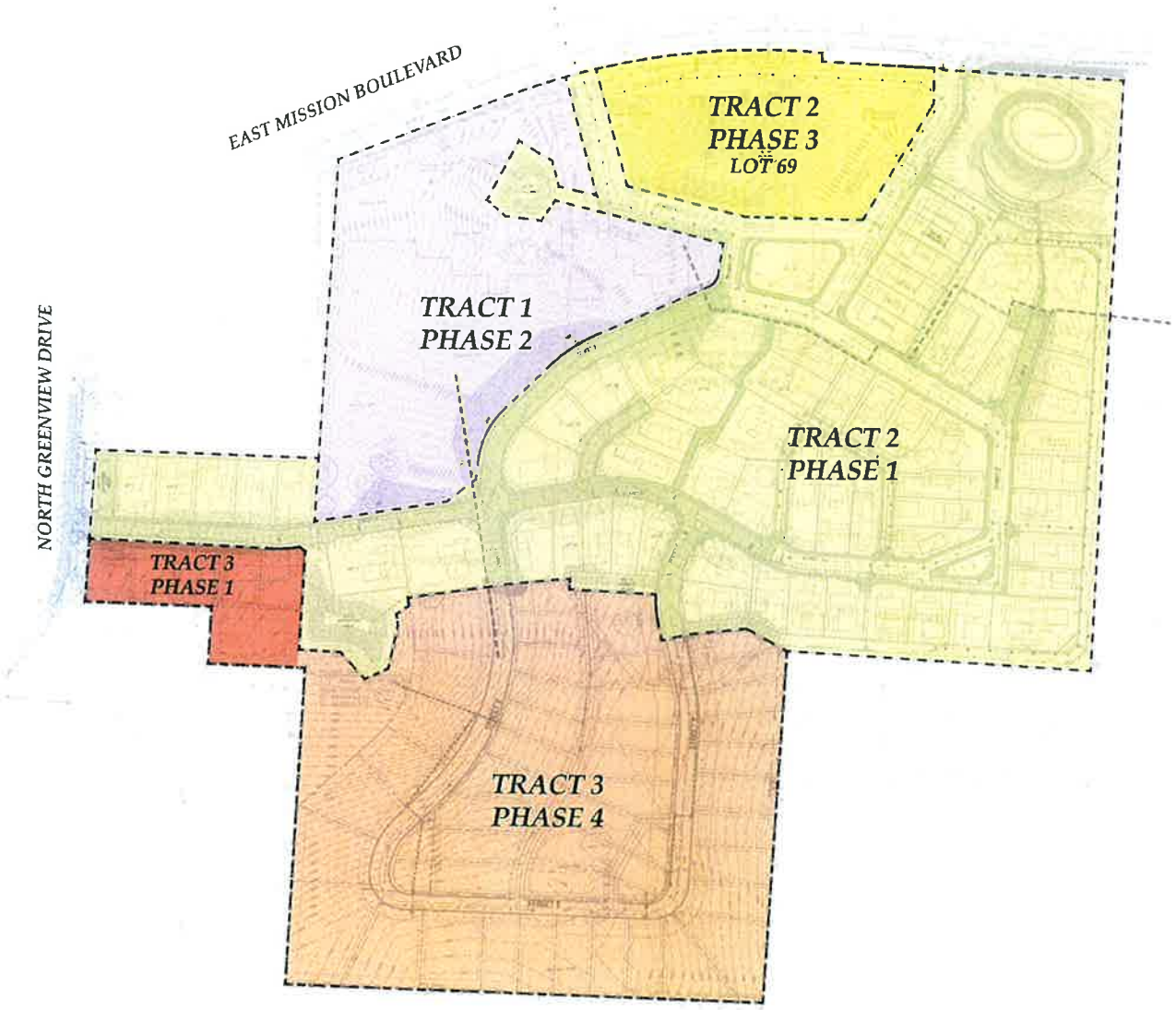
PENGAD-Bayonne, N. J.
EXHIBIT
A

#45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.
The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows: A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows: A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radious of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

PHASING MAP



THE PROPERTY HAS BEEN RECOMBINED INTO 3 TRACTS. THE DEVELOPMENT IS PROPOSED TO BE COMPLETED IN 4 PHASES. TRACT 2 WILL BE PLATTED FIRST AND INCLUDES THE FIRST RESIDENTIAL PHASE 1 AND A 2 ACRE MIXED USE OUTPARCEL PLANNED FOR PHASE 3.

NORTH

MISSION HEIGHTS
East Mission Boulevard
Fayetteville AR

EXHIBIT
B

RECEIVED
JUL 06 2015
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

WACO TITLE
THE LAND TITLE PROFESSIONALS SINCE 1885
6815 Isaac's Orchard Rd, Ste D
Springdale, AR 72762
Phone: 479-770-6700
Fax: (479) 770-6876

SPECIAL CERTIFICATE

File #: 1506053-102

For the use and benefit of: Williams & Anderson PLC
Attn: Stephen A. Hester

STATE OF ARKANSAS)
COUNTY OF Washington)

We the undersigned, being an employee of Waco Title Company, do hereby certify that we have made due and diligent search of the Records in the Assessors Office within and for Washington County, Arkansas, and find the owner to be: **EAST MISSION BOULEVARD, LLC, AN ARKANSAS LIMITED LIABILITY COMPANY**

DEED REFERENCE: 2013-33385 AND 2015-13048 AND 2015-13049

IN-SO-FAR as the same affects the following described property, to-wit:

SEE EXHIBIT "A"

DATED July 1, 2015

Countersigned
Waco Title Company

Twylia G. Hudler, Authorized Signatory
Signing Agent No.: 10214916
Title Agency No.: 100113373

******* DISCLAIMER *******

This certificate is not certified as to the validity of the title to the above described lands, but rather certifies as to the correctness of the matters of record pertaining to the title to said lands during the period covered by said search. The above certificate is issued solely for the use and benefit of the party set forth above, who agrees that the liability for this certificate shall be expressly limited to the amount paid to Waco Title Company for this special certificate.

EXHIBIT "A"

Tract A:
A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

Tract B:
A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

Tract C:
A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E, 168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S 00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

Tract D:
A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

Tract E:
A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

Tract F:
A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = s 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E,

175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

LESS & EXCEPT:
A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows:

A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows:

A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows:
Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

EXHIBIT "B"

COVERING THE FOLLOWING PARCELS:
765-13353-000; 765-13353-001; 765-13353-002; 765-13363-000; 765-13365-000; 765-13366-000; 765-13364-000; 765-13373-002;

Type: REAL ESTATE
Kind: WARRANTY DEED
Recorded: 9/30/2013 3:54:09 PM
Fee Amt: $30.00 Page 1 of 4
Washington County, AR
Kyle Sylvester Circuit Clerk

After recording please return to:
Waco Title Company
6815 Isaac's Orchard Rd, Ste D
Springdale, AR 72762

File# 2013-00033385

WARRANTY DEED
(LLC)

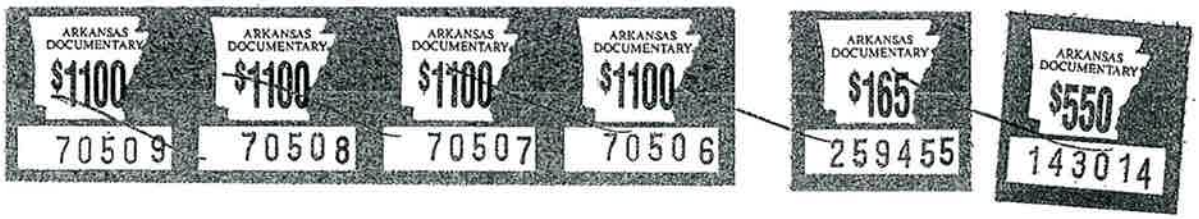
File #: **1306311A-959**

KNOW ALL MEN BY THESE PRESENTS:

That, **Monroe Ruskin, LLC, an Arkansas limited liability company**, hereinafter called GRANTOR, for and in consideration of the sum of ---ONE AND 00/100--- DOLLAR---($1.00)---and other good and valuable consideration, in hand paid by **R & L Properties, an Arkansas general partnership, an undivided 27.53226% interest, I-40 RV Land, LLC, an Arkansas limited liability company, an undivided 27.53226% interest, East Mission Boulevard, LLC, an Arkansas limited liability company, an undivided 44.93548% interest, each as tenants in common**, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **R & L Properties, an Arkansas general partnership, an undivided 27.53226% interest, I-40 RV Land, LLC, an Arkansas limited liability company, an undivided 27.53226% interest, East Mission Boulevard, LLC, an Arkansas limited liability company, an undivided 44.93548% interest, each as tenants in common**, hereinafter called GRANTEES, and unto their successors and assigns forever, the following described lands lying in **Washington** County, **Arkansas** to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the same unto the said Grantees and unto their successors and assigns forever, with all appurtenances thereunto belonging. And the Grantor hereby covenants with said Grantees that it will forever warrant and defend the title to the said lands against all claims whatsoever.



Prepared under the supervision of
Katy M. Sager, Attorney
6815 Isaac's Orchard Road
Springdale, AR. 72762

EXHIBIT "A"

Tract A: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

Tract B: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

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Tract D: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

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#45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.
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Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

WITNESS our hands and seals as such GRANTOR, this 27 **day of** September, **20** 13

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument. R&L Properties, I-40 RV, LLC, & East Mission Boulevard, LLC

GRANTEE OR AGENT: Waco Title, Agent

GRANTEE'S ADDRESS: 111 Center St. Suite 1510 Little Rock, AR 72201

Monroe Ruskin, LLC, an Arkansas limited liability company

By: _____
Ryan Fowler, authorized member

ACKNOWLEDGMENT

STATE OF Arkansas)
) SS.
COUNTY OF Washington)

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Ryan Fowler** to me personally known, who stated that he is the authorized Member of **Monroe Ruskin, LLC, an Arkansas limited liability company**, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said company, and further stated and acknowledged that he had so signed, executed and delivered said 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 27 day of September, 2013.

Notary Public

My commission expires:

_____

KATHERINE SAGER
NOTARY PUBLIC
WASHINGTON COUNTY, ARKANSAS
COMM. EXP. 11/1/2013

Washington County, AR
I certify this instrument was filed on
9/30/2013 3:54:09 PM
and recorded in REAL ESTATE

File# 2013-00033385
Kyle Sylvester - Circuit Clerk

Type: REAL ESTATE
Kind: WARRANTY DEED
Recorded: 5/15/2015 12:12:53 PM
Fee Amt: $35.00 Page 1 of 5
Washington County, AR
Kyle Sylvester Circuit Clerk

File# 2015-00013048

This instrument was prepared by:
G. Robert Hardin
Hardin & Grace, P. A.
500 Main Street
Suite A
North Little Rock, Arkansas 72114

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

That **I-40 RV Land, LLC**, an Arkansas limited liability company ("Grantor"), in consideration of the sum of Ten Dollars ($10.00), paid by **East Mission Boulevard, LLC**, an Arkansas limited liability company ("Grantee"), the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantee and unto its successors and assigns forever, all of Grantor's **undivided 27.53226%** interest in the following described land located in the County of Washington, State of Arkansas:

150 2422-10C Wa co

Tract A: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

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Tract C: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E,

168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

Tract D: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

Tract E: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

Tract F: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = s 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

LESS & EXCEPT: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows: A part of the SE 1/4 of

the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows: A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

TO HAVE AND TO HOLD unto Grantee and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging. And Grantor hereby covenants with Grantee that Grantor will forever warrant and defend the title to such lands against all claims and encumbrances done or suffered by or through it, but against none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument effective the 30th day of September, 2014.

I-40 RV Land, LLC

By: _____
Paul Minton, Manager

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss
COUNTY OF PULASKI)

On 14th day May, 2015, before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named Paul Minton, to me personally known, who stated that he is the authorized Manager of I-40 RV Land, LLC, an Arkansas limited liability company, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said I-40 RV Land, LLC, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

_____
Notary Public

My Commission Expires: 9-30-2020

G. ROBERT HARDIN
COMM. EXP. 9-30-2020
No. 12379181
PULASKI COUNTY
NOTARY PUBLIC - ARKANSAS

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument (If none shown, exempt or no consideration paid).
Grantee or Agent: _____
Grantee's Address: 111 Center St, Little Rock, AR 72201
This Transfer is exempt pursuant to A.C.A. §26-60-102(11)

STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Affidavit of Compliance

File Number: 1502422-106

Grantee: EAST MISSION BOULEVARD, LLC
Mailing Address: 111 CENTER ST.
LITTLE ROCK AR 722010000

Grantor: I-40 RV LAND, LLC
Mailing Address: 10201 W. MARKHAM, SUITE 213
LITTLE ROCK AR 722050000

Washington County, AR
I certify this instrument was filed on
5/15/2015 12:12:53 PM
and recorded in REAL ESTATE

File# 2015-00013048
Kyle Sylvester - Circuit Clerk

Property Purchase Price: $0.00
Tax Amount: $0.00

County: WASHINGTON
Date Issued: 05/15/2015
Affidavit ID: 1635631104

The grantee/grantor claims the following exemption to the Real Estate Transfer Tax:

An instrument conveying land between corporations, partnerships, limited liability companies, or other business entities or between a business entity and its shareholder, partner, or member incident to the organization, reorganization, merger, consolidation, capitalization, asset distribution, or liquidation of a corporation, partnership, limited liability company, or other business entity.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): East Mission Boulevard LLC

Grantee or Agent Name (signature): Wise Title as agent Date: _____

Address: _____

City/State/Zip: _____

Type: REAL ESTATE
Kind: WARRANTY DEED
Recorded: 5/15/2015 12:13:21 PM
Fee Amt: $35.00 Page 1 of 5
Washington County, AR
Kyle Sylvester Circuit Clerk

File# 2015-00013049

This instrument was prepared by:
G. Robert Hardin
Hardin & Grace, P. A.
500 Main Street
Suite A
North Little Rock, Arkansas 72114

15D-2422-106 Wa Co

SPECIAL WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

That **R & L Properties,** an Arkansas general partnership ("Grantor"), in consideration of the sum of Ten Dollars ($10.00), paid by **East Mission Boulevard, LLC,** an Arkansas limited liability company ("Grantee"), the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantee and unto its successors and assigns forever, all of Grantor's **undivided 27.53226%** interest in the following described land located in the County of Washington, State of Arkansas:

Tract A: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

Tract B: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

Tract C: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E,

168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

Tract D: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

Tract E: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

Tract F: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = s 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

LESS & EXCEPT: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows: A part of the SE 1/4 of

the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows: A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet from a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radius of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

TO HAVE AND TO HOLD unto Grantee and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging. And Grantor hereby covenants with Grantee that Grantor will forever warrant and defend the title to such lands against all claims and encumbrances done or suffered by or through it, but against none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument effective the 30th day of September, 2014.

R & L Properties, an Arkansas general partnership

By:_____
Tommy J. Lasiter, General Partner

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss
COUNTY OF PULASKI)

On the 14th day of May, 2015, before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named Tommy J. Lasiter, to me personally known, who stated that he is the authorized Manager of R & L Properties, an Arkansas general partnership, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said R & L Properties, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

_____
Notary Public

My Commission Expires: 9-30-2020

G. ROBERT HARDIN
COMM. EXP. 9-30-2020
No. 12379181
PULASKI COUNTY
NOTARY PUBLIC - ARKANSAS

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument (If none shown, exempt or no consideration paid).
Grantee or Agent:_____
Grantee's Address: 111 Center St, Little Rock, AR 72201
This Transfer is exempt pursuant to A.C.A. §26-60-102(11)

STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Affidavit of Compliance

File Number: 1502422-106

Grantee: EAST MISSION BOULEVARD, LLC
Mailing Address: 111 CENTER ST.
LITTLE ROCK AR 722010000

Grantor: R & L PROPERTIES
Mailing Address: 111 CENTER ST.
LITTLE ROCK AR 722010000

Washington County, AR
I certify this instrument was filed on
5/15/2015 12:13:21 PM
and recorded in REAL ESTATE

File# 2015-00013049
Kyle Sylvester - Circuit Clerk

Property Purchase Price: $0.00
Tax Amount: $0.00

County: WASHINGTON
Date Issued: 05/15/2015
Affidavit ID: 1304608768

The grantee/grantor claims the following exemption to the Real Estate Transfer Tax:

An instrument conveying land between corporations, partnerships, limited liability companies, or other business entities or between a business entity and its shareholder, partner, or member incident to the organization, reorganization, merger, consolidation, capitalization, asset distribution, or liquidation of a corporation, partnership, limited liability company, or other business entity.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): East Mission Boulevard LLC

Grantee or Agent Name (signature): Wade Tilly as agent Date:

Address: 111 Center St.

City/State/Zip: Little Rock, AR 72201

RECEIVED
JUL 06 2015
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

ABSTRACTOR'S CERTIFICATE OF PROPERTY OWNERSHIP

The undersigned hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Records of Washington County, Arkansas, reflect that **East Mission Boulevard, LLC** is the record title owner of all the real property described in Exhibit "A" to the Petition to Form the East Mission Boulevard Municipal Multipurpose Property Owners' Improvement District No. ___ of Fayetteville, Arkansas, a copy of which Exhibit "A" is attached hereto and made a part hereof.

Dated the 1st day of July, 2015.

WACO TITLE COMPANY

By: Angela Hulle
Signing Agent No. 10214916

620160

EXHIBIT "A"

Tract A: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as beginning at an iron pin which iron pin is located at a point 660.00 feet East of the SW corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence North 955.00 feet to an iron pin; thence East 335.80 feet to an iron pin; thence N 01°44'00" E, 332.40 feet to an iron pin which is located on the South right-of-way line of Highway 45; thence in a Northeasterly direction with the South right-of-way line of Highway #45; thence in a Northeasterly direction with the South right-of-way line of said Highway #45, 128.60 feet and continuing along said right-of-way line in an Easterly direction, 207.90 feet to an iron pin; thence S 01°4'00" W, along an existing fence, 1305.10 feet to the SE corner of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W; thence West 665.20 feet to the point of beginning, containing 17.22 acres, more or less.

Tract B: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point 965.00 feet North and 186.00 feet East of the SW corner of the said 20 acre tract, and running thence North 145.20 feet to the South side of the drive as now located; thence N 32°00'00" W, 116.70 feet to the South right-of-way line of State Highway #45 as now located; thence N 65°07'00" E, along said right-of-way line 224.70 feet; thence S 00°14'00" W, 324.20 feet; thence S 85°44'00" W, 147.90 feet to the point of beginning, containing 1.091 acres, more or less.

Tract C: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of said SW 1/4 of the SE 1/4, thence N 00°20' E, 491.90 feet; thence S 89°39' E, 168.01 feet to the point of beginning; thence S 89°39' E, 252.00 feet; thence N 00°19'48" W, 825.60 feet; thence S 89°38'21" W, 252.00 feet; thence S00°19'52" E, 822.47 feet to the point of beginning, containing 4.78 acres, more or less.

Tract D: A part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the SW corner of the said SW 1/4 of the SE 1/4; thence N 00°20' E, 491.98 feet to the point of beginning; thence N 00°19'52" W, 822.97 feet; thence N 89°51'14" E, 168.00 feet; thence S 00°19'52" E, 824.34 feet; thence N 89°39' W, 168.01 feet to the point of beginning.

Tract E: A part of the E 1/2 of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at an iron pin at a point where the South line of State Highway #45 intersects with the West line of said 20 acre tract, and running thence South 180.00 feet; thence East 186.00 feet; thence North 141.20 feet to an iron pin on the West line of a private roadway; thence N 31°25'00" W, 114.00 feet to an iron pin on the South line of right-of-way of said State Highway #45; thence S 65°30'00" W, 137.00 feet to the point of beginning, containing 1.0 acre, more or less.

Tract F: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" iron rebar located N 03°40'34" E, 521.12 (DEED = N 01°04'42" E, 520.00 feet) and S 87°33'26" E, 349.74 feet (DEED = N 89°48'36" E, 350.00 feet) from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 498.02 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway #45; thence N 69°26'54" E, 339.95 (DEED = s 66°48'56" W, 339.95 feet) along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 71.085 feet (DEED = N 01°04'42" E, 710.85 feet) to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet (DEED = N 89°48'36" E, 135.00 feet) to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet (DEED = S 01°04'42" W, 80.00 feet) to a 1/2" rebar; thence N 87°33'26" W, 175.00 feet (DEED = N 89°48'36" E, 175.00 feet) to the point of beginning, containing 4.26 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.

LESS & EXCEPT: A part of the SE 1/4 of the SW 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar located N 03°40'34" E, 731.85 feet and S 87°48'42" E, 349.91 feet from a stone located at the SW corner of said forty acre tract, and running thence N 03°42'40" E, 285.74 feet to a 1/2" rebar located on the South right-of-way line of Arkansas State Highway

#45; thence N 69°26'54" E, 339.95 feet along said right-of-way to a 1/2" rebar; thence leaving said right-of-way and running S 03°42'40" W, 417.19 feet to a 1/2" rebar; thence N 87°48'42" W, 310.03 feet to the point of beginning, containing 2.50 acres, more or less. Subject to any easements and/or rights-of-way of record or fact.
The above described Tracts A through F (inclusive) being combined to be more particularly described on a Commissioner's Deed in favor of Metropolitan National Bank, and filed for record December 28, 2010 as Document No. 2010-00038445, among the land records of Washington County, AR, and being described as follows: A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'08" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 403.95 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 254.94 feet, along a curve to the right having an arc length of 407.08 feet, a radius of 957.73, and a chord bearing N 81°34'10" E, 404.02 feet, S 86°21'22" E, 199.13 feet; thence leaving said right-of-way and running S 03°35'31" W, 1.95 feet to a 1/2" rebar; thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'59" W, 657.93 feet to the point of beginning, containing an area of 28.73 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

The above described parcel(s) of land being more accurately described on a plat of survey by William C. Jenkins, PLS #688 dated August 2006, for Ruskin Heights Subdivision, and described as follows: A part of the SE 1/4 of the SW 1/4 and a part of the SW 1/4 of the SE 1/4 of Section 2, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a 1/2" rebar that is located S 87°32'34" E, 660.00 feet form a stone monument located at the SW corner of said SE 1/4 of the SW 1/4 of said Section 2; thence N 03°38'07" E, 441.29 feet to a 1/2" rebar; thence N 87°33'26" W, 135.00 feet to a 1/2" rebar; thence N 03°42'40" E, 80.00 feet to a 1/2" rebar; thence N 87°33'28" W, 175.00 feet to a 1/2" rebar; thence N 03°42'40" E, 212.28 feet to a 1/2" rebar; thence S 87°48'42" E, 310.03 feet to a 1/2" rebar; thence N 03°42'38" E, 417.42 feet to a 1/2" rebar located on the South right-of-way of Arkansas State Highway No. 45 (Mission Boulevard); thence Northeasterly along said right-of-way the following: N 69°23'34" E, 249.39 feet to a 1/2" rebar, along a curve to the right having a radious of 970.00 feet, an arc length of 108.99 feet, and a chord bearing of N 72°35'42" E, 108.93 feet to a 1/2" rebar, along a curve to the right having a radius of 978.84 feet, an arc length of 335.04 feet, and a chord bearing of N 85°38'10" E, 333.40 feet to a 1/2" rebar, S 01°04'05" W, 12.27 feet to a 1/2" rebar; S 86°22'14" E, 166.88 feet to a 1/2" rebar, S 03°35'31" W, 1.95 feet to a 1/2" rebar, thence S 86°28'21" E, 252.00 feet to a 1/2" rebar; thence leaving said right-of-way and running S 03°29'46" W, 825.60 feet to a 1/2" rebar located on the North line of the Park Place Addition Phase II; thence N 85°48'23" W, 422.74 feet to a 1/2" rebar located at the NW corner of said addition; thence S 03°45'46" W, 491.63 feet along the West line of said addition to a stone monument; thence N 87°31'58" W, 657.93 feet to the point of beginning, containing an area of 28.93 acres, more or less, to the City of Fayetteville, Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

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A.C.A. § 14-94-106 (Copy w/ Cite) Pages: **3**

A.C.A. § 14-94-106

Arkansas Code of 1987 Annotated
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*** Legislation is current through the 2014 Second Extraordinary Session ***
*** and updates received from the Arkansas Code Revision Commission ***
*** through December 12, 2014. ***

Title 14 Local Government
Subtitle 5. Improvement Districts Generally
Chapter 94 Municipal Property Owners' Improvement District Law

A.C.A. § 14-94-106 (2015)

14-94-106. Hearing on petition and determination.

(a) (1) (A) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.

(B) The petition shall be accompanied by a certificate from a title insurance company transacting business in the municipality:

(i) Stating that the signatures on the petition constitute all of the owners of real property to be located in the district; and

(ii) Identifying any mortgagee holding a first mortgage lien on real property constituting more than ten percent (10%) in area of the real property to be located in the district.

(2) (A) The mayor shall thereupon set a date and time, not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.

(B) Notice of the hearing shall be sent by certified mail to any mortgagee holding a first mortgage lien on real property constituting more than ten percent (10%) in area of the real property to be located in the district.

(C) The notice of hearing under subdivision (a)(2)(B) of this section shall state that any existing mortgage shall be subordinated pursuant to this section and § 14-94-118(b) if the mortgagee fails to appear at the hearing and object to formation of the district.

(b) (1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

(2) (A) Except as provided in subdivision (b)(2)(B) of this section, if the governing body determines that all the owners of the real property to be located in the district have petitioned for

the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners as named in the petition if commissioners are named in the petition and are property owners in or creditors of the district, or as is otherwise provided from among such property owners or creditors.

(B) If at the hearing on the petition any mortgagee holding a first mortgage lien on real property constituting more than ten percent (10%) in area of the real property to be located within the district objects to the formation of the district, then the governing body shall reject the petition for creation of the district.

(3) The petition shall state the specific purposes for which the district is to be formed, and the ordinance establishing the district shall give it a name which shall be descriptive of the purpose. It shall also receive a number to prevent its being confused with other districts for similar purposes.

(c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

(d) The findings of the governing body shall be conclusive unless attacked by a suit in the circuit court of the county in which the municipality is located, brought within thirty (30) days after the publication.

HISTORY: Acts 1987, No. 113, § 4; 1989, No. 276, § 2; 1995, No. 1127, § 2; 2009, No. 501, § 1; 2009, No. 1408, § 1.

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A.C.A. § 14-94-106 (Copy w/ Cite)

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A.C.A. § 14-94-105

Arkansas Code of 1987 Annotated
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*** Legislation is current through the 2014 Second Extraordinary Session ***
*** and updates received from the Arkansas Code Revision Commission ***
*** through December 12, 2014. ***

Title 14 Local Government
Subtitle 5. Improvement Districts Generally
Chapter 94 Municipal Property Owners' Improvement District Law

A.C.A. § 14-94-105 (2015)

14-94-105. Petition to form district.

(a) Upon the petition of all the owners of the record title as reflected by the deed records in the office of the circuit clerk and ex officio recorder of the pertinent county, it shall be the duty of the governing body to:

(1) Lay off into an improvement district the territory described in the petition for the purpose of purchasing, accepting as a gift, constructing, or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways, including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one (1) of those purposes; and

(2) (A) Name as commissioners of the district the three (3) individuals whose names appear in the petition if the petition contains those names, and if not, then three (3) individuals of integrity and good business ability who own real property in the district or are creditors of the district or live in the district.

(B) In the event that a property owner or creditor is a corporation, partnership, trust, or other legal entity, any officer, director, trustee, employee, or other designated representative of the entity may be named and appointed as a commissioner.

(b) All the districts shall be numbered consecutively and shall receive names selected by the governing body. If the governing body does not act promptly in complying with the terms of this section, or of any other section of this chapter essential to the creation and operation of the district, it may be compelled to do so by mandamus.

(c) Any number of petitions may be circulated, and identical petitions with additional names may be filed at any time until the governing body acts.

(d) The formation and creation of such districts is authorized, in whole or in part, outside any municipality.

(e) In the event that lands to be included in a district lie in more than one (1) municipality:

(1) The municipality in which lies the largest portion of the lands, exclusive of lands which do not lie in any municipality, shall have jurisdiction to create such district and to conduct all other municipal proceedings relating thereto and to the business and affairs thereof, which municipality is referred to hereinbelow as the "creating municipality";

(2) No portion of a municipality shall be included in such district unless it shall be found by the creating municipality that the owners of real property lying within such municipality and within the district shall have petitioned for creation of such district;

(3) Notice of the filing of the petition for creation of such district shall be given by first-class mail to the mayor of each such municipality by the clerk or recorder of the creating municipality, and each such municipality may, at any time within fifteen (15) days after the deposit of such notice in the mails, unless such notice shall be waived by resolution of the governing body of such municipality, file with the clerk or recorder of the creating municipality a certified copy of a resolution of its governing body finding that the proposed improvements do not harmonize with the community facilities plans of such municipality or would diminish vehicular or pedestrian traffic in such municipality; and

(4) In the event of the filing of the resolution described in subdivision (e)(3) of this section, the governing body of the creating municipality shall reject the petition for creation of such district.

HISTORY: Acts 1987, No. 113, § 3; 1989, No. 276, § 1; 1993, No. 819, § 1; 1995, No. 1127, § 1; 1999, No. 475, § 4.

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A.C.A. § 14-94-105 (Copy w/ Cite)
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KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

Blake E. Pennington
Assistant City Attorney

Patti T. Mulford
Paralegal

Phone 479.575.8313
cityattorney@fayetteville-ar.gov

113 W. Mountain Street, Suite 302
Fayetteville, AR 72701-6083

July 9, 2015

Mr. Stephen A. Hester
Williams & Anderson, PLC
111 Center Street, Suite 2200
Little Rock, AR 72201

Via US Mail and Email: shester@williamsanderson.com

Re: East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas

Dear Stephen:

Attached please find my proposed Ordinance to establish your improvement district. Please ensure this is worded as your desire and need.

I also direct your attention to A.C.A. § 14-94-106 **Hearing on petition and determination** (attached). You need to certify whether or not there is any mortgagee holding a first mortgage on 10% or more of the property of your district.

If there is a mortgagee holding such mortgage of this property, **you much send** "(n)otice of the hearing. . . by certified mail to any mortgagee holding a first mortgage lien on real property constituting more than ten percent (10%) in area of the real property to be located in the district." A.C.A. § 14-94-106 (a) (2) (B). The hearing date is July 21, 2015 at 5:30 p.m. Please follow the requirements of A.C.A. § 14-94-106 (A) (2) (C).

All such certification must be accomplished with evidence thereof furnished to the City of Fayetteville by 4:00 p.m., July 14, 2015. The City Council Agenda Session is scheduled for 4:30 p.m. on July 14, 2015. One of your representatives needs to attend this session and certainly needs to attend the City Council meeting on July 21, 2015 (beginning at 5:30 p.m.) to explain your request and answer any questions from the City Council.

With kindest regards,

KIT WILLIAMS
Fayetteville City Attorney

cc: Mayor Jordan

ORDINANCE NO.

AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS

WHEREAS, a Petition to form East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas has been filed with the Fayetteville City Clerk; and

WHEREAS, the City Clerk has presented said petition to the Mayor; and

WHEREAS, the Mayor has set July 21, 2015, at 5:30 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and

WHEREAS, the Fayetteville City Council has determined from an abstracter's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

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

Section 1. That the real property described in Exhibit "A" attached hereto and made a part hereof is hereby established and laid off as East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2. The following three individuals are hereby appointed as commissioners of said improvement district: Tommy J. Lasiter, Paul Minton and Lawrence Finn.

Section 3. The name of said improvement district shall be East Mission Boulevard Multipurpose Property Owners' Improvement District No. 34 of Fayetteville, Arkansas.

Section 4. The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

PASSED and **APPROVED** this 21st day of July, 2015.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

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

City of Fayetteville, Arkansas

Text File

File Number: 2015-0305

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: D. 1

VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5078 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED EAST OF 4148 W. MARTIN LUTHER KING BOULEVARD TO VACATE UNDEVELOPED STREET RIGHT-OF-WAY

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

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

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

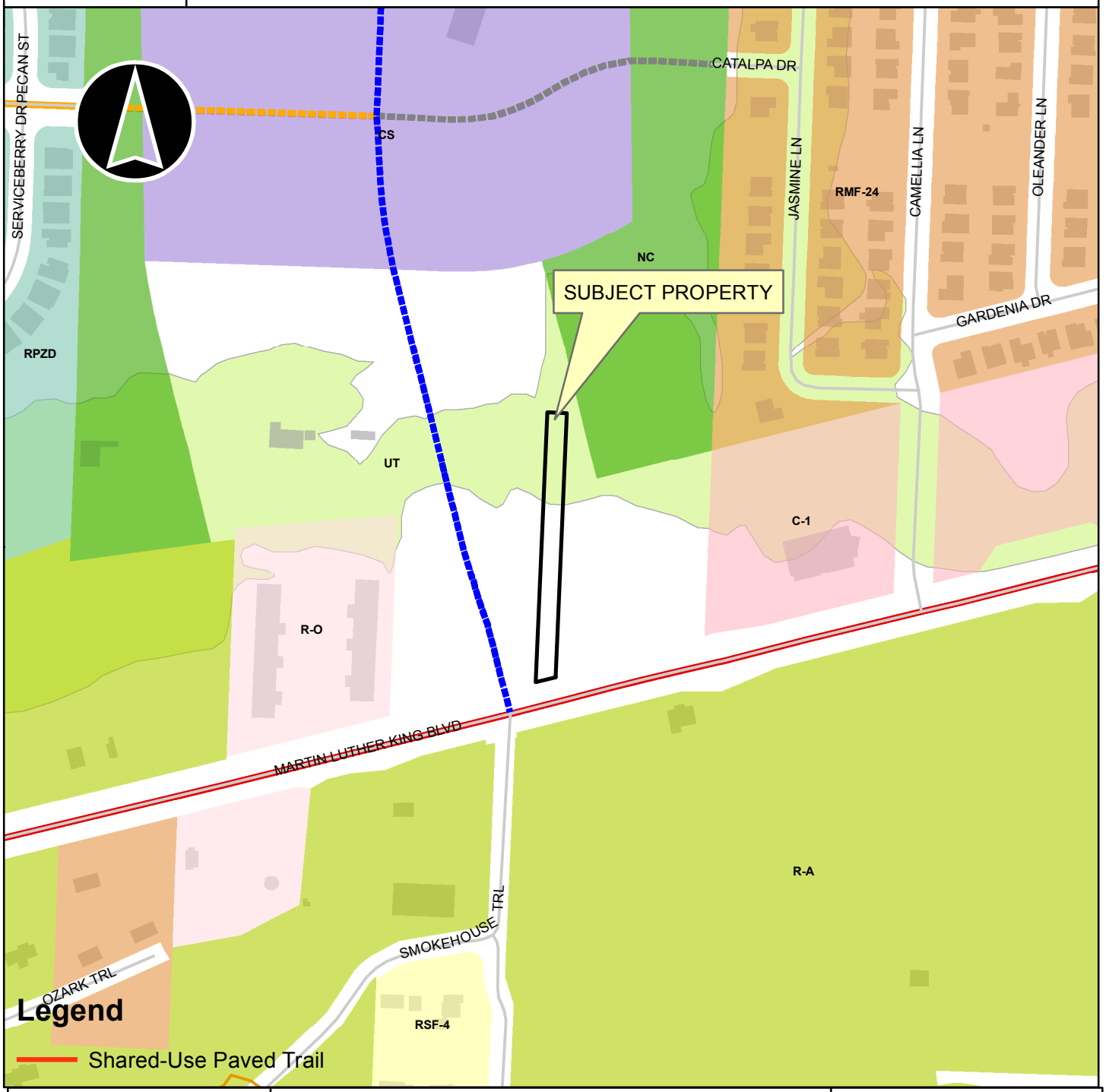
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following street right-of-way described in Exhibit "B" attached hereto and made a part thereof.

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

VAC15-5078

Close Up View

HOLLANDS S/D



Overview

15-5078
EXHIBIT 'B'

DESCRIPTION OF 40' WIDE UNNAMED & UNDEVELOPED STREET R/W TO BE VACATED:
A FORTY FOOT (40') WIDE UNNAMED AND UNDEVELOPED STREET RIGHT-OF-WAY PER HOLLANDS SUBDIVISION PLAT TO THE CITY OF FAYETTEVILLE, FILED AS PLAT BK. 1, PG. 230 WITH THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT SIX (6), SAID HOLLANDS SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF SAID SUBDIVISION SOUTH 87°36'55" EAST 40.00 FEET TO THE NORTHWEST CORNER OF LOT SEVEN (7), SAID HOLLANDS SUBDIVISION; THENCE SOUTH 02°23'05" WEST 543.69 FEET TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HWY. SIXTY-TWO (62); THENCE ALONG SAID RIGHT-OF-WAY SOUTH 76°05'45" WEST 41.67 FEET TO THE EASTERLY LINE OF LOT THREE (3), SAID HOLLANDS SUBDIVISION; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY NORTH 02°23'05" EAST 555.38 FEET TO THE POINT OF BEGINNING, CONTAINING 21,981 SQUARE FEET, MORE OR LESS.

City of Fayetteville Staff Review Form

2015-0305

Legistar File ID

7/21/2015

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

Jeremy Pate	6/26/2015	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC 15-5078: Vacation (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION 595): Submitted by CITY STAFF for property located EAST OF 4148 W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 0.50 acres. The request is to vacate undeveloped street right-of-way.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: June 26, 2015

SUBJECT: **VAC 15-5078: Vacation (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION 595):** Submitted by CITY STAFF for property located EAST OF 4148 W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 0.50 acres. The request is to vacate undeveloped street right-of-way.

RECOMMENDATION:
Staff and the Planning Commission recommend approval of an ordinance to vacate unnamed and undeveloped street right of way.

BACKGROUND:
The subject property is located at the southern terminus of the City's new South Rupple Road extension project, just north of Martin Luther King Jr. Boulevard. There is an existing unnamed and undeveloped right-of-way for the Holland's Subdivision in this vicinity. There are no utilities in the right-of-way. The City is developing the new Rupple Road corridor and is requesting to vacate this existing undeveloped right-of-way as the new road corridor will provide a north-south street and utility connection through this area. The City Engineering Division is processing this right-of-way vacation for property owners that are being directly affected by the Rupple Road project. The request is for approval to vacate the unnamed and undeveloped right-of-way which has never been utilized and is not needed for public use because of the future extension of Rupple Road that will provide access to all of the affected properties.

The City has submitted the vacation forms to the utility departments and applicable franchise utilities with all parties agreeing to vacate the right-of-way. However, AEP/SWEPCO has requested to retain a utility easement in the area of the old right-of-way, even though they have no utilities in the requested easement area. The City has an agreement with the franchise utilities for them to be able to utilize right-of-way for extension of utilities. The subject area to be vacated does not currently have any utilities and is not being utilized or maintained for utilities. A new right-of-way approximately 100 feet wide will be dedicated in the immediate vicinity for the construction of Rupple Road. As development occurs in the area new easements as required by the utility providers will be dedicated by the developer.

DISCUSSION:

On June 22, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 9-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:
N/A

Attachments:
- Ordinance
- Exhibit A
- Exhibit B
- Planning Commission staff report

CITY OF Fayetteville ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: June 22, 2015 *Updated with Planning Commission results*

SUBJECT: **VAC 15-5078: Vacation (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION 595):** Submitted by CITY STAFF for property located EAST OF 4148 W. MLK BLVD. The property is zoned UT, URBAN THOROUGHARE and contains approximately 0.50 acres. The request is to vacate undeveloped street right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC 15-5078** to the City Council with a recommendation for approval.

BACKGROUND:

Background: The subject property is located at the southern terminus of the City's new South Rupple Road extension project, just north of Martin Luther King Jr. Boulevard. There is an existing unnamed and undeveloped right-of-way for the Holland's Subdivision in this vicinity. There are no utilities in the right-of-way. The City is developing the new Rupple Road corridor and is requesting to vacate this existing undeveloped right-of-way as the new road corridor will provide a north-south street and utility connection through this area. The City is processing this right-of-way vacation for property owners that are being directly affected by the Rupple Road project. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Rural; agricultural	UT, Urban Thoroughfare
South	Ozark Mountain Smoke House; undeveloped	R-A, Residential Agricultural
East	Wooded; undeveloped	UT, Urban Thoroughfare
West	Wooded; undeveloped	UT, Urban Thoroughfare

Proposal: The applicant is requesting approval to vacate the unnamed and undeveloped right-of-way which has never been utilized and is not needed for public use because of the future extension of Rupple Road that will provide access to all of the affected properties.

DISCUSSION:

Vacation Approval: pa

UTILITIES	**RESPONSE**
Cox Communications	No objections
AEP/SWEPCO	No objections with conditions
Ozarks Electric	No objections
Source Gas	No objections
Prairie Grove Telephone Company	No objections
AT&T	Not applicable (not their service area)
Ozarks Electric	No objections

CITY OF FAYETTEVILLE	**RESPONSE**
Water/Sewer	No objections
Trash & Recycling	No objections
Transportation	Not applicable

Public Comment:
No public comment has been received.

Recommendation:
Staff recommends forwarding **VAC 15-5078** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION

☒ **Forwarded** ❒ **Denied** ❒ **Tabled**

Date: **June 22, 2015**
Motion: Chesser
Second: Cook
Vote: 9-0-0

Notes:

BUDGET/STAFF IMPACT:
None

Attachments:

- Request letter
- Petition to vacate
- Survey of area to be vacated
- Utility company comments
- Right-of-way Vacation Exhibit
- One Mile Map
- Close Up Map

CITY OF
Fayetteville
ARKANSAS

May 6, 2015

Development Services
City of Fayetteville
113 W. Mountain Street
72704

RE: Unnamed Street in Holland's Subdivision

Dear Sir(s),

We are requesting for the vacation of an unnamed street in Holland's Subdivision. The need for the right-of-way will be unnecessary because the future extension of Rupple Road.

Sincerely,

Daryl V. Doyal, P.S.
Professional Surveyor
City of Fayetteville, Arkansas
479.444.3418
ddoyal@fayetteville-ar.gov

CITY OF
Fayetteville
ARKANSAS
www.fayetteville-ar.gov

PETITION

PETITION TO VACATE A PORTION OF JAMES STREET RIGHT-OF-WAY LOCATED IN FAYETTEVILLE, ARKANSAS.

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

We, the undersigned, being all the owners of the real estate abutting the unnamed, undeveloped right-of-way hereinafter sought to be abandoned and vacated, lying in City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

DESCRIPTION OF 40' WIDE UNNAMED & UNDEVELOPED STREET R/W TO BE VACATED:
A FORTY FOOT (40') WIDE UNNAMED AND UNDEVELOPED STREET RIGHT-OF-WAY PER HOLLANDS SUBDIVISION PLAT TO THE CITY OF FAYETTEVILLE, FILED AS PLAT BK. 1, PG. 230 WITH THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT SIX (6), SAID HOLLANDS SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF SAID SUBDIVISION SOUTH 87°36'55" EAST 40.00 FEET TO THE NORTHWEST CORNER OF LOT SEVEN (7), SAID HOLLANDS SUBDIVISION; THENCE SOUTH 02°23'05" WEST 543.69 FEET TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HWY. SIXTY-TWO (62); THENCE ALONG SAID RIGHT-OF-WAY SOUTH 76°05'45" WEST 41.67 FEET TO THE EASTERLY LINE OF LOT THREE (3), SAID HOLLANDS SUBDIVISION; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY NORTH 02°23'05" EAST 555.38 FEET TO THE POINT OF BEGINNING, CONTAINING 21,981 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the unnamed, undeveloped street right of way of the unnamed street are parcel number 765-29594-000which are owned by the applicant Dudeck Land Company LLC.

The petitioner(s) pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

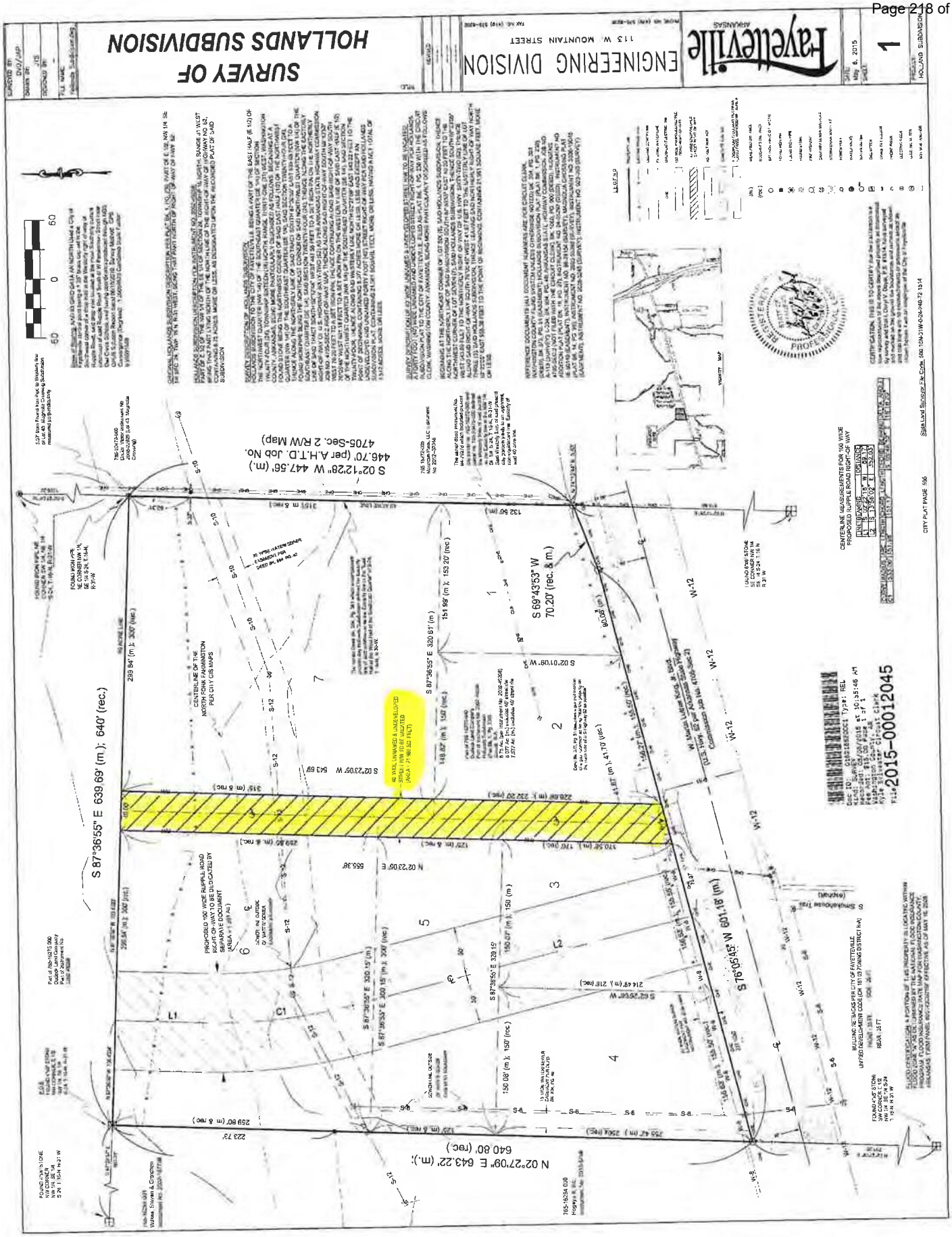
The petitioners further pray that the above described real estate by vested in the abutting property owners as provided by law.

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

Dated this 6th day of May, 2015.

Daryl V. Doyal
Printed Name

Signature


SURVEY OF
HOLLANDS SUBDIVISION
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
Fayetteville
ARKANSAS
S 87°36'55" E 639.69' (m.); 640' (rec.)
S 02°12'28" W 447.56' (m.)
446.70' (per A.H.T.D. Job No.
4705-Sec. 2 R/W Map)
S 69°43'53" W
70.20' (rec. & m.)
S 76°05'43" W 601.18' (m.)
N 02°27'09" E 643.22' (m.);
640.80' (rec.)
CENTERLINE MEASUREMENTS FOR 100 WIDE
PROPOSED RUPPLE ROAD RIGHT-OF-WAY
CITY PLAT PAGE 596
2015-00012045

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE May 6, 2015

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

REQUESTED VACATION (*applicant must check all that apply*):

x Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

x Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows

General location / Address Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

x *(ATTACH legal description and graphic representation of what is being vacated-SURVEY)*

UTILITY COMPANY COMMENTS.

No objections to the vacation(s) described above, and no comments.

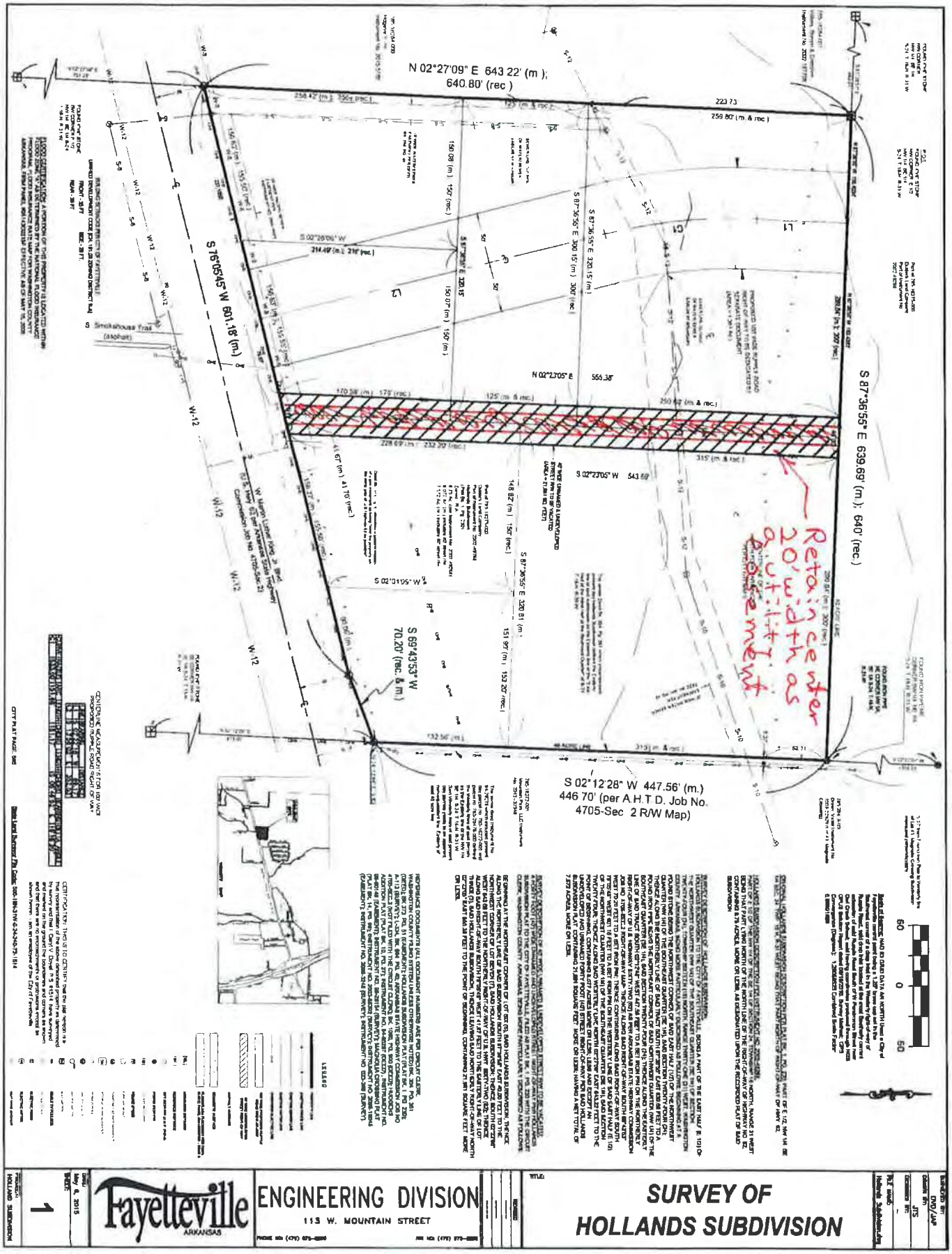
No objections to the vacation(s) described above, provided following described easements are retained (State the location, dimensions, and purpose below)

Retain a 20' wide Utility Easement centered on the centerline of the Street Right of Way (see attached)

No objections provided the following conditions are met

Jack E Regal
Signature of Utility Company Representative

enigineering technician
Title


N 02°27'09" E 643.22' (m.);
640.80' (rec.)
S 87°36'55" E 639.69' (m.); 640' (rec.)
S 16°05'45" W 601.18' (m.)
S 69°43'53" W
70.20' (rec. & m.)
S 02°12'28" W 447.56' (m.)
446.70' (per A.H.T.D. Job No.
4705-Sec. 2 R/W Map)
Retain center 20' width as easement
Fayetteville
ARKANSAS
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
SURVEY OF
HOLLANDS SUBDIVISION

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 6, 2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

REQUESTED VACATION (***applicant must check all that apply***):

X Utility Easement

. Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

☒ ***(ATTACH legal description and graphic representation of what is being vacated-SURVEY)***

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

X No objections provided the following conditions are met:
Any damage to or relocations of our existing facilities will be at the owners/developers exepnse.

Signature of Utility Company Representative

CONSTRUCTION MANAGER
Title

August 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 6, 2015

UTILITY COMPANY: AT&T

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

REQUESTED VACATION (*applicant must check all that apply*):

x Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

x Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

x *(ATTACH legal description and graphic representation of what is being vacated-SURVEY)*

UTILITY COMPANY COMMENTS:

X No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

Signature of Utility Company Representative

MGR OSP Plng & Engrg Design

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 6, 2015

UTILITY COMPANY: Water and Sewer

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

REQUESTED VACATION (***applicant must check all that apply***):

X Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

☒ ***(ATTACH legal description and graphic representation of what is being vacated-SURVEY)***

UTILITY COMPANY COMMENTS:

X No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

WATER & SEWER LINES REMAIN IN THEIR OWN DEDICATED EASEMENTS

No objections provided the following conditions are met:

Signature of Utility Company Representative

DIR OF UTILITIES 29 MAY 2015

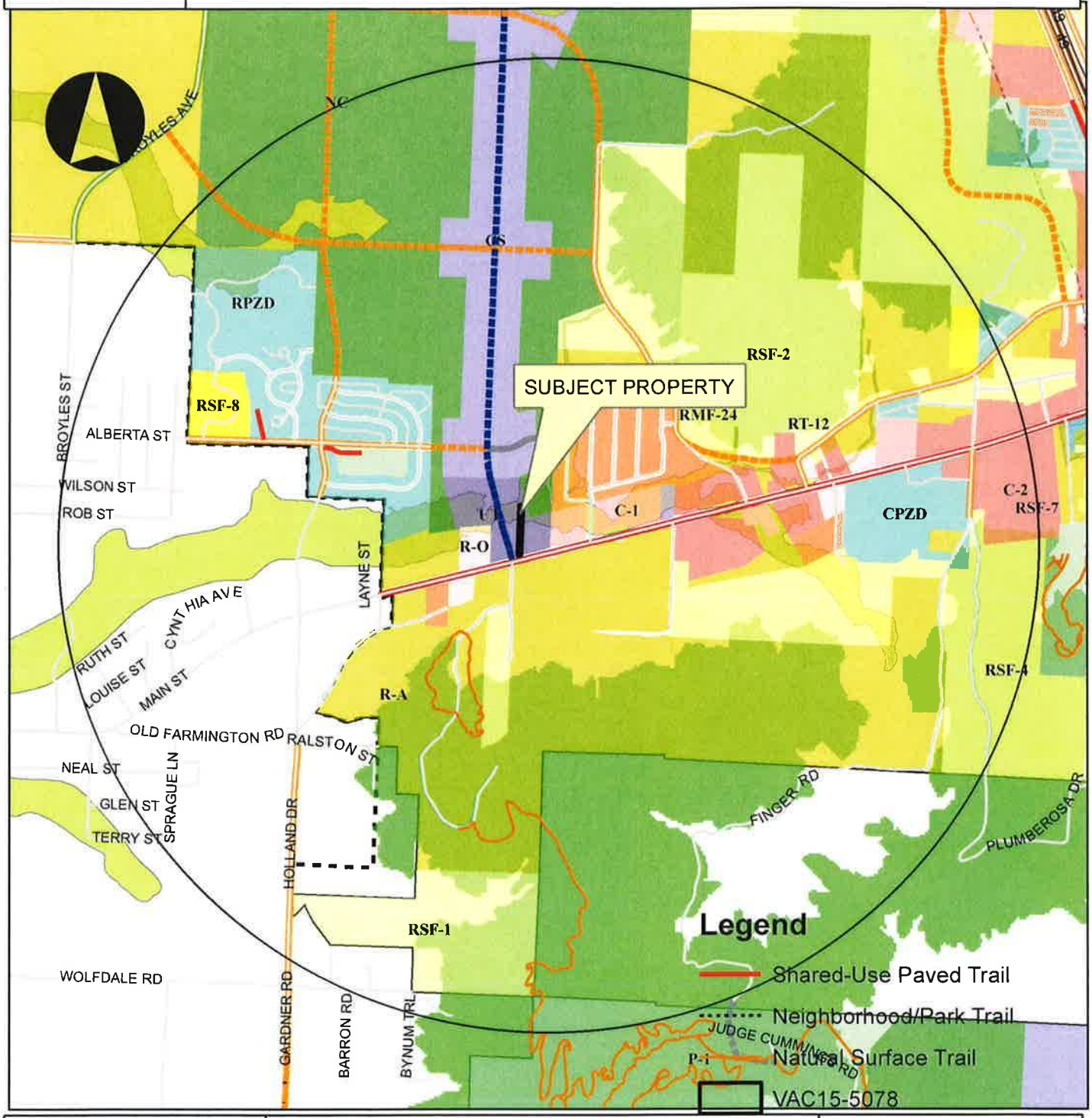
Title

August 2014
Page 5

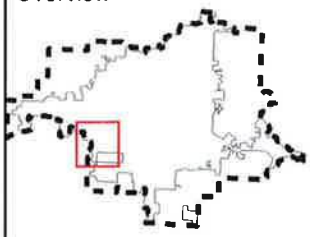
VAC15-5078

One Mile View

HOLLANDS S/D



Overview



Legend

Subject Property

Boundary

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

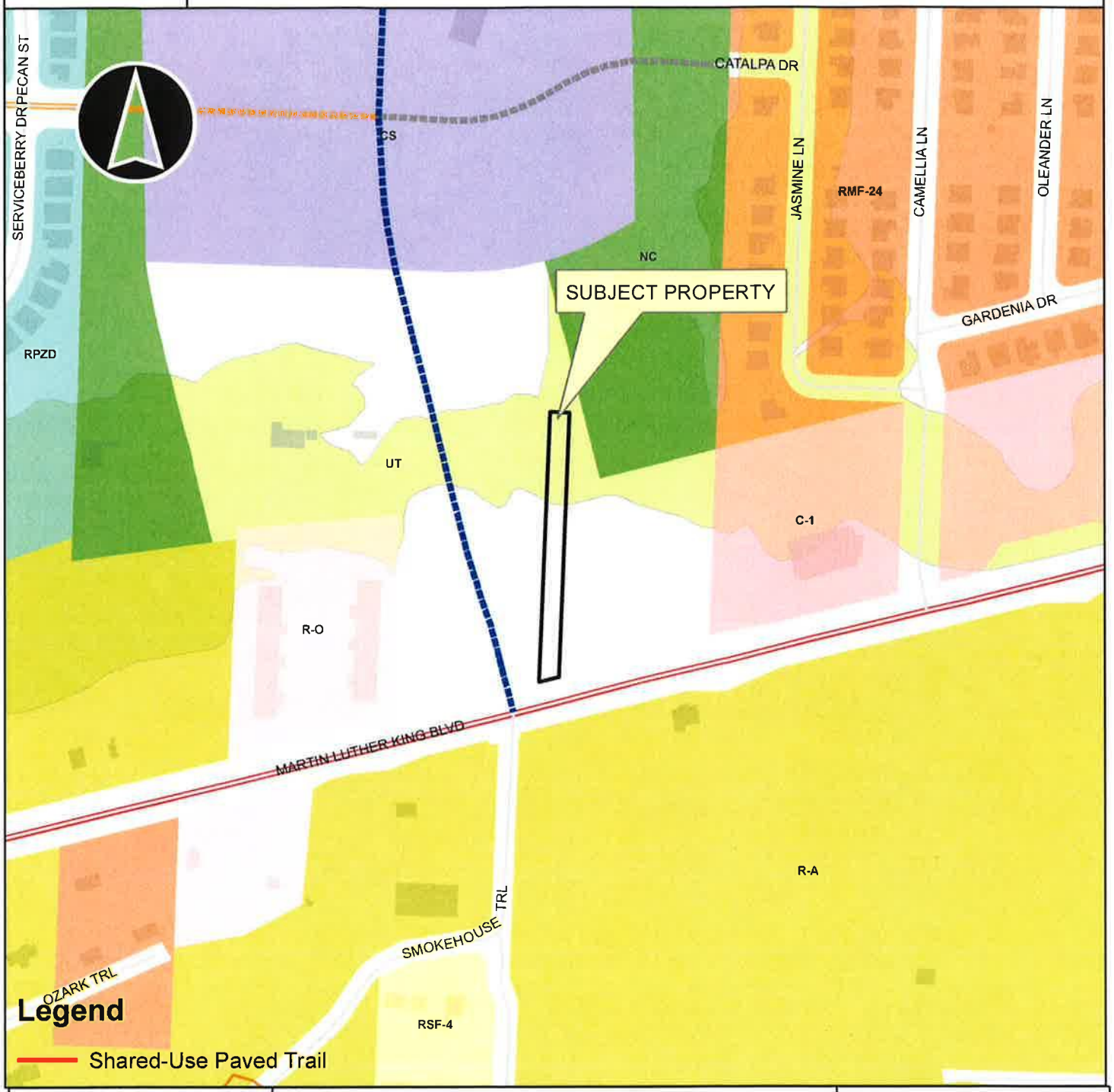
Fayetteville

0 0.25 0.5 1 Miles

VAC15-5078

Close Up View

HOLLANDS S/D



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- VAC15-5078
- Fayetteville City Limits
- Footprints 2010
- Planning Area

Overview

0 125 250 500 750 1,000 Feet

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0303

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: D. 2

VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5080 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT WEIR & SALEM ROADS TO VACATE WEIR ROAD RIGHT-OF-WAY AND PORTIONS OF EXISTING UTILITY EASEMENTS WITHIN THE HOLCOMB HEIGHTS SUBDIVISION

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 street right-of-way and portions of utility easements are not required for corporate purposes.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following utility easements and street right-of-way described in Exhibit "B" attached hereto and made a part thereof.

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

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Any damage or relocation of existing facilities and associated new easement dedication shall be at the owner/developer's expense.

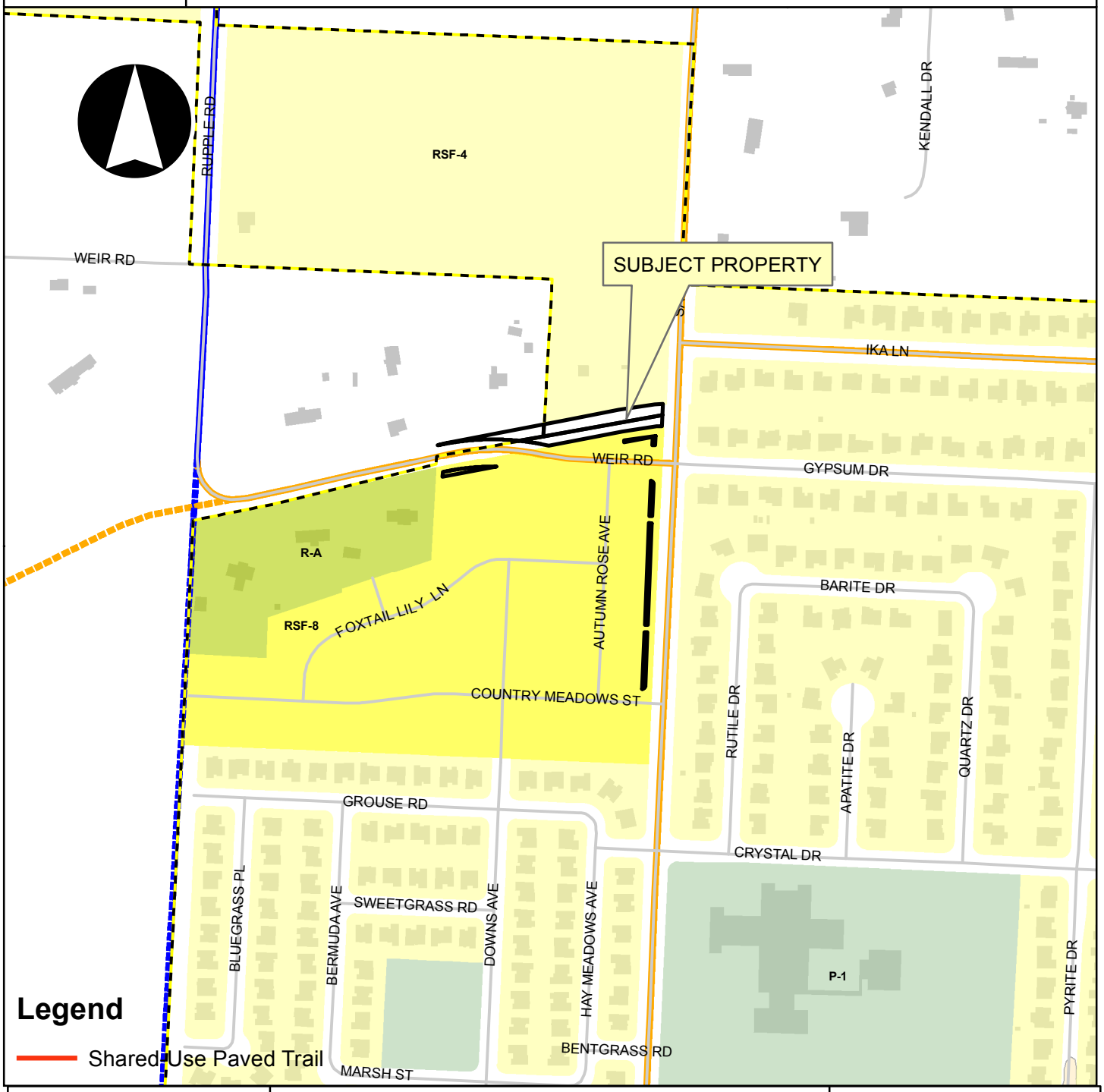
2. The applicant shall receive approval from Washington County for portions of Weir Road right-of-way that are within Washington County jurisdiction.

15-5080
EXHIBIT 'A'

VAC15-5080

Close Up View

HOLCOMB HEIGHTS S/D



Legend

- Shared Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- VAC15-5080
- Fayetteville City Limits
- Footprints 2010
- Planning Area

0 150 300 600 900 1,200 Feet

Overview

EXHIBIT "B"

Right-of-Way Vacation

LEGAL DESCRIPTION: (AREA 1)
A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 368.31 feet to the POINT OF BEGINNING; thence S79°49'03"W 69.59 feet, thence along a non-tangent curve to the left 223.75 feet, said curve having a radius of 700.00 feet and chord bearing and distance of S86°41'51"W 222.80 feet, thence N03°01'39"E 0.52 feet, thence N77°26'23"E 22.09 feet, thence N78°59'10"E 276.23 feet, thence S03°07'55"W 33.01 feet to the POINT OF BEGINNING: Containing 4,531.09 square feet or 0.1040 acres more or less subject to easements of record.

LEGAL DESCRIPTION: (AREA 2)
A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING; thence S79°49'03"W 332.46 feet, thence N03°07'55"E 33.01 feet, thence N78°59'10"E 50.45 feet, thence N79°04'16"E 157.76 feet, thence N81°44'15"E 99.59 feet, thence N86°08'18"E 23.71 feet, thence S02°21'02"W 29.67 feet to the POINT OF BEGINNING: Containing 11,034.51 square feet or 0.2533 acres more or less subject to easements of record.

LEGAL DESCRIPTION: (AREA 3)
A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING, thence S02°21'02"W 30.69 feet, thence S86°08'18"W 14.87 feet, thence S81°44'15"W 95.89 feet, thence S79°04'16"W 204.56 feet, thence along a non-tangent curve to the right 20.89 feet, said curve having a radius of 700.00 feet and chord bearing and distance of N79°45'28"W 20.89 feet, thence along a curve to the left 64.05 feet, said curve having a radius of 700.00 feet and a chord bearing and distance of N81°31'27"W 64.02 feet, thence N79°49'03"E 69.59 feet; thence N79°49'03"E 332.46 feet to the POINT OF BEGINNING: Containing 9,561.47 square feet or 0.2195 acres more or less subject to easements of record.

EXHIBIT "B"

Easement Vacation

LEGAL DESCRIPTION: (AREA 1)
A part of Lot 54, 55 and 56 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SW Corner of said Lot 54, thence N03°10'10"E 79.15 feet, thence S86°49'50"E 20.00 feet to the POINT OF BEGINNING, thence N03°10'10"E 13.48 feet, thence along a non-tangent curve to the right 147.66 feet, said curve having a radius of 626.00 feet and chord bearing and distance of N84°11'17"E 147.32 feet, thence S79°05'49"W 150.01 feet to the POINT OF BEGINNING: Containing 1,407.94 square feet or 0.0323 acres more or less.

LEGAL DESCRIPTION: (AREA 2)
A part of Lot 75 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 75, thence S02°21'02"W 24.27 feet, thence S81°44'15"W 17.30 feet to the POINT OF BEGINNING, thence S02°21'02"W 26.57 feet, thence N87°38'58"W 8.00 feet, thence N02°21'02"E 22.82 feet, thence S79°49'03"W 79.27 feet, thence N02°25'23"E 4.96 feet, thence N81°44'15"E 86.86 feet to the POINT OF BEGINNING: Containing 485.77 square feet or 0.0112 acres more or less.

LEGAL DESCRIPTION: (AREA 3)
A part of Lot 22 and 23 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 22, thence N00°47'51"W 10.02 feet, thence N87°34'37"W 17.58 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 96.68 feet, thence along a non-tangent curve to the right 13.69 feet, said curve having a radius of 10.00 feet and chord bearing and distance of S36°52'51"E 12.65 feet, thence S02°21'02"W 86.89 feet to the POINT OF BEGINNING: Containing 753.77 square feet or 0.0173 acres more or less.

LEGAL DESCRIPTION: (AREA 4)
A part of Lot 17, 18, 19, 20 and 21 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 17, thence N02°21'02"E 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 278.97 feet, thence S87°34'37"E 8.00 feet, thence S02°21'02"W 278.97 feet to the POINT OF BEGINNING: Containing 2,231.76 square feet or 0.0512 acres more or less.

LEGAL DESCRIPTION: (AREA 5)
A part of Lot 14, 15 and 16 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 16, thence S02°21'02"W 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING, thence S02°21'02"W 146.58 feet, thence along a curve to the right 13.69 feet, said curve having a radius of 10.00 feet and a chord bearing and distance of S41°34'55"W 12.65 feet, thence N02°21'02"E 156.38 feet, thence S87°34'37"E 8.00 feet to the POINT OF BEGINNING: Containing 1,231.29 square feet or 0.0283 acres more or less.

City of Fayetteville Staff Review Form

2015-0303

Legistar File ID

7/21/2015

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

Jeremy Pate	6/26/2015	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC 15-5080: Vacation (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION 245): Submitted by RIVERWOOD HOMES for properties located at the intersection of WEIR & SALEM RDS. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contain approximately 0.61 acres. The request is to vacate Weir Road right-of-way and portions of existing utility easements within the Holcomb Heights Subdivision.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: June 26, 2015

SUBJECT: **VAC 15-5080: Vacation (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION 245):** Submitted by RIVERWOOD HOMES for properties located at the intersection of WEIR & SALEM RDS. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contain approximately 0.61 acres. The request is to vacate a street right-of-way within the subdivision and portions of utility easements.

RECOMMENDATION:
Staff and the Planning Commission recommend approval of an ordinance to vacate a street right-of-way and portions of existing utility easements.

BACKGROUND:
The subject property is located at the southwest corner of Salem Road and Weir Road. The property is being developed for the Holcomb Heights Subdivision, which was filed of record in March, 2015. A condition of the development approval required that Weir Road be relocated on the west side of Salem Road to align with Gypsum Drive on the east side of Salem Road. Relocation of the street was completed in 2014 and right-of-way was dedicated for the route.

DISCUSSION:
On June 22, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 9-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:
N/A

Attachments:
- CC Ordinance
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

CITY OF Fayetteville ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jesse Fulcher, Senior Planner

THRU: Andrew Garner, City Planning Director

MEETING DATE: ~~June 22, 2015~~ Updated June 23, 2015

SUBJECT: **VAC 15-5080: Vacation (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION 245):** Submitted by RIVERWOOD HOMES for properties located at the intersection of WEIR & SALEM RDS. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contain approximately 0.61 acres. The request is to vacate a street right-of-way within the subdivision and portions of utility easements.

RECOMMENDATION:
Staff recommends forwarding **VAC 15-5080** to the City Council with a recommendation for approval.

BACKGROUND:

Background: The subject property is located at the southwest corner of Salem Road and Weir Road. The property is being developed for the Holcomb Heights Subdivision, which was filed of record in March, 2015. A condition of the development approval required that Weir Road be relocated on the west side of Salem Road to align with Gypsum Drive on the east side of Salem Road. Relocation of the street was completed in 2014 and right-of-way was dedicated for the route. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential single-Family, 4 units/acre
South	Single-Family Residential	RSF-4, Residential single-Family, 4 units/acre
East	Single-Family Residential	R-A, Residential Agricultural
West	Single-Family Residential	RSF-4, Residential single-Family, 4 units/acre

Proposal: The applicant is requesting approval to vacate the old right-of-way for Weir Road, which is no longer needed for public use. Access easements to the homes to the north have been provided and their driveways have been extended to the new Weir Road location. In addition to the street right-of-way vacation, the applicant is requesting approval to vacate portions of existing utility easements within the Holcomb Heights subdivision.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

UTILITIES	**RESPONSE**
Cox Communications	No objections with conditions
AEP/SWEPCO	No objections
Source Gas	No objections
AT&T	No objections
Ozarks Electric	No objections

CITY OF FAYETTEVILLE	**RESPONSE**
Water/Sewer	No objections
Trash & Recycling	No objections
Transportation	Not applicable

Public Comment:
No public comment has been received.

Recommendation:
Staff recommends forwarding **VAC 15-5080** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. The applicant shall receive approval from Washington County for portions of Weir Road right-of-way that are within County jurisdiction.

PLANNING COMMISSION ACTION

☑ **Forwarded** ☐ **Denied** ☐ **Tabled**

Date: June 22, 2015

Motion: Chessser
Second: Cook
Vote: 9-0-0

Notes:

BUDGET/STAFF IMPACT:
None

Attachments:
- Request Letter
- Petition to Vacate
- Utility Approvals
- Right-of-way Vacation Exhibit
- Easement Vacation Exhibit
- Legal Descriptions
- Aerial Exhibit
- One Mile Map
- Close Up Map

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

4/27/15

City of Fayetteville
113 W. Mountain
Fayetteville, AR. 72701

Att: Planning
Re: Easement/ROW Vacation

Attached please find information pertaining to easement and ROW vacation for Riverwood Homes. This is at Holcomb Subdivision.

Please review and contact us concerning any questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

Riverwood Homes, LLC

Residential Contractor & Developer
1533 W. Enterprise Drive
Fayetteville, Arkansas 72704

Mark Marquess 479-435-2088 Charles Sloan 479-530-4506

markm@riverwoodhomesnwa.com charlies@riverwoodhomesnwa.com

PETITION TO VACATE EASEMENTS and RIGHT A WAY LOCATED ALONG WEIR ROAD AND SALEM ROAD, HOLCOMB HEIGHTS SUBDIVISION, PHASE III, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission

The Fayetteville City Council

I, the undersigned, being all owners of the real estate abutting the easement and Right a Way hereinafter sought to be abandoned and vacated, lying along Weir Road and Salem Road in Holcomb Heights Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate and easement which is described in the attached legal description.

That the abutting real estate affected by said abandonment of the easement are shown on the attached plats used by the public for a period of many years, and that public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject, however, to the existing utility easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

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

Dated this 6th day of May, 2015.

Mark Marquess – Riverwood Homes, LLC

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

☐ *(ATTACH legal description and graphic representation of what is being vacated-SURVEY)*

UTILITY COMPANY COMMENTS:

☐ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
Any damage to or relocation of our existing facilities will be at the owners/developers expense.

Signature of Utility Company Representative

CONSTRUCTION MANAGER
Title

December 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (*applicant must check all that apply*):

- [x] Utility Easement
- [x] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- [ ] Alley
- [ ] Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

- [ ] ***(ATTACH legal description and graphic representation of what is being vacated-SURVEY)***

UTILITY COMPANY COMMENTS:

- [x] No objections to the vacation(s) described above, and no comments.
- [ ] No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
- [ ] No objections provided the following conditions are met:

Signature of Utility Company Representative 5-28-15

Distribution Engineer
Title

December 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: Source Gas

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (*applicant must check all that apply*):

- [x] Utility Easement
- [x] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- [ ] Alley
- [ ] Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

- [ ] *(ATTACH legal description and graphic representation of what is being vacated-SURVEY)*

UTILITY COMPANY COMMENTS:

- [x] No objections to the vacation(s) described above, and no comments.
- [ ] No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
- [ ] No objections provided the following conditions are met:

Signature of Utility Company Representative

Supervisor - Division Operations
Title

December 2014
Page 3

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: AT&T

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (*applicant must check all that apply*):

- [x] Utility Easement
- [x] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- [ ] Alley
- [ ] Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

- [ ] *(ATTACH legal description and graphic representation of what is being vacated-SURVEY)*

UTILITY COMPANY COMMENTS:

- [X] No objections to the vacation(s) described above, and no comments.
- [ ] No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

- [ ] No objections provided the following conditions are met:

_____

Signature of Utility Company Representative

MGR OSP PLNG & ENGRG DESIGN

Title

December 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: Rivercrest Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (***applicant must check all that apply***):

- ☒ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

☐ ***(ATTACH legal description and graphic representation of what is being vacated-SURVEY)***

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Greg McGee 4-28-2015
Signature of Utility Company Representative

Lead Staking Tech
Title

December 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: Fayetteville Water & Sewer

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (***applicant must check all that apply***):

- [x] Utility Easement
- [x] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- [ ] Alley
- [ ] Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

- [ ] ***(ATTACH legal description and graphic representation of what is being vacated-SURVEY)***

UTILITY COMPANY COMMENTS:

- [x] No objections to the vacation(s) described above, and no comments.
- [ ] No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- [ ] No objections provided the following conditions are met:

_____

_____

19 MAY 2015

Signature of Utility Company Representative

DIRECTOR OF UTILITIES

Title

CITY OF FAYETTEVILLE, AR

December 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: Fayetteville Solid Waste

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (***applicant must check all that apply***):

- [x] Utility Easement
- [x] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- [ ] Alley
- [ ] Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

- [ ] ***(ATTACH legal description and graphic representation of what is being vacated-SURVEY)***

UTILITY COMPANY COMMENTS:

- [ ] No objections to the vacation(s) described above, and no comments.
- [ ] No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

_____

_____

- [ ] No objections provided the following conditions are met:

_____

Signature of Utility Company Representative

Commercial Sales Rep
Title

December 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: May 2015

UTILITY COMPANY: Fayetteville Transportation

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

REQUESTED VACATION (*applicant must check all that apply*):

- [x] Utility Easement
- [x] Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- [ ] Alley
- [ ] Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

- [ ] *(ATTACH legal description and graphic representation of what is being vacated-SURVEY)*

UTILITY COMPANY COMMENTS:

- [x] No objections to the vacation(s) described above, and no comments.
- [ ] No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
- [ ] No objections provided the following conditions are met:

Terry L. Gulley
Signature of Utility Company Representative

Transportation Director
Title

December 2014
Page 5

VICINITY MAP

FAYETTEVILLE, ARKANSAS

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

LEGAL DESCRIPTION (AREA 1)

A part of the NW/4 of the NW/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW/4 NW/4, thence S02°21'02"W 153.50 feet, thence S79°45'03"W 566.31 feet to the POINT OF BEGINNING, thence S79°45'03"W 69.58 feet, thence along a non tangent curve to the left 222.75 feet said curve having a radius of 700.00 feet and chord bearing and distance of S83°41'31"W 222.80 feet, thence N02°01'39"E 0.52 feet, thence N77°25'23"E 22.05 feet, thence N79°50'10"E 276.72 feet, thence S02°07'55"W 38.01 feet to the POINT OF BEGINNING. Containing 4,541.00 square feet or 0.1042 acres more or less subject to easements of record

LEGAL DESCRIPTION (AREA 2)

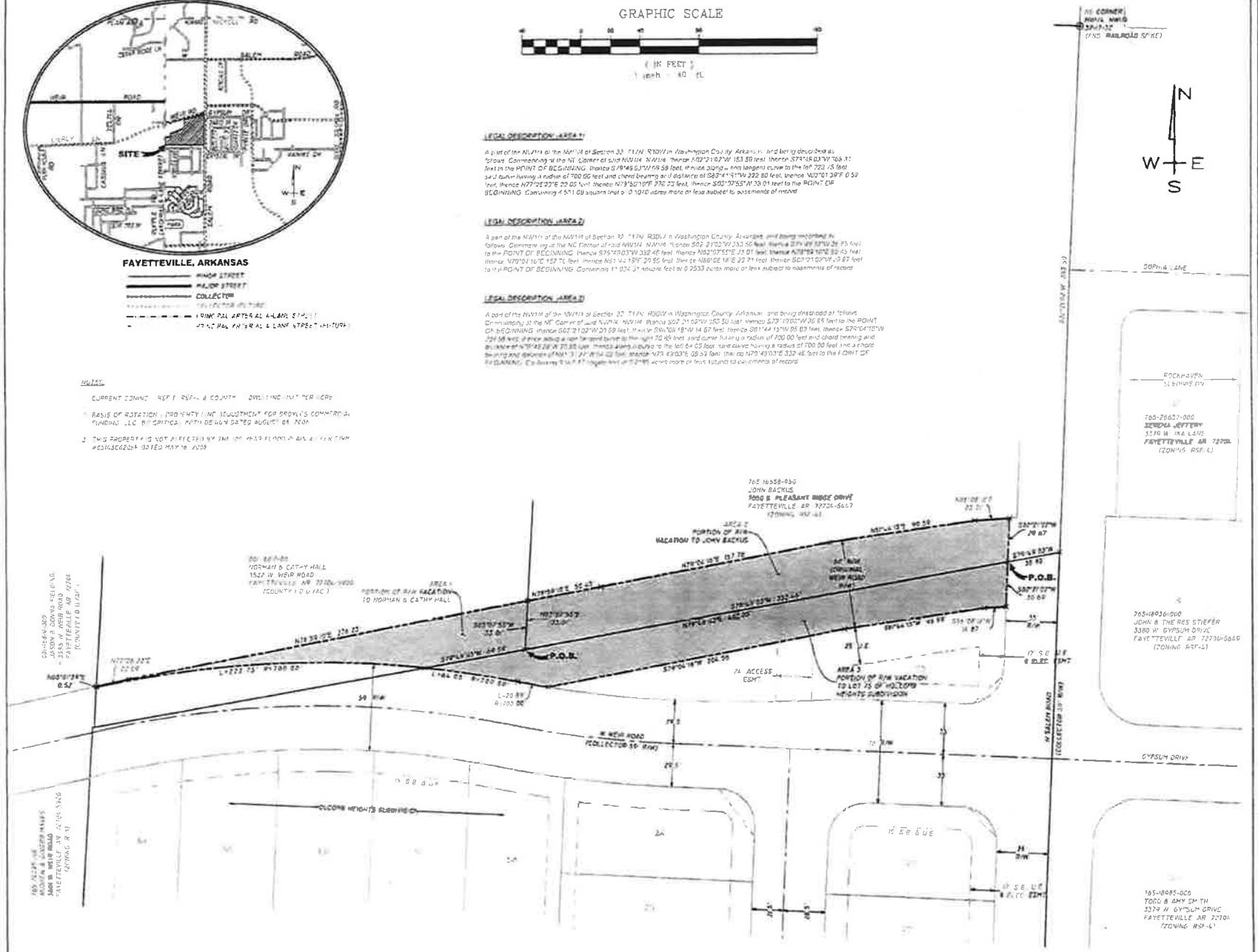
A part of the NW/4 of the NW/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW/4 NW/4, thence S02°21'02"W 153.50 feet, thence S79°45'03"W 36.85 feet to the POINT OF BEGINNING, thence S79°45'03"W 332.48 feet, thence N02°07'55"E 33.01 feet, thence N79°52'10"E 32.45 feet, thence N79°04'16"E 157.76 feet, thence N61°44'15"E 20.95 feet, thence N60°08'18"E 22.71 feet, thence S02°21'02"W 3.67 feet to the POINT OF BEGINNING. Containing 11,034.31 square feet or 0.2533 acres more or less subject to easements of record

LEGAL DESCRIPTION (AREA 3)

A part of the NW/4 of the NW/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW/4 NW/4, thence S02°21'02"W 153.50 feet, thence S79°45'03"W 36.85 feet to the POINT OF BEGINNING, thence S02°21'02"W 20.69 feet, thence S61°08'18"W 14.67 feet, thence S61°44'15"W 95.03 feet, thence S79°04'16"W 154.56 feet, thence along a non tangent curve to the right 72.40 feet, said curve having a radius of 700.00 feet and chord bearing and distance of N76°48'28"W 72.37 feet, thence along a curve to the left 64.03 feet, said curve having a radius of 700.00 feet and a chord bearing and distance of N81°31'47"W 64.02 feet, thence N79°43'03"E 68.59 feet, thence N79°43'03"E 332.46 feet to the POINT OF BEGINNING. Containing 9,167.87 square feet or 0.2105 acres more or less subject to easements of record

NOTES:

1. CURRENT ZONING: RSF-1, RSF-4 & COUNTY - DIMENSIONS AS PER RECORD
2. BASIS OF ROTATION: PROPERTY LINE ADJUSTMENT FOR PROVIS COMMERCIAL FUNDING, LLC BY CRITICAL PATH DESIGN DATED AUGUST 08, 2008
3. THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0205H DATED MAY 18, 2009



PREPARED BY

JORGENSEN & ASSOCIATES
ESTABLISHED 1985
CIVIL ENGINEERING
SURVEYING

124 W. SUNBRIDGE DRIVE
FAYETTEVILLE, ARKANSAS 72703
PH (479) 442-4811
FAX (479) 582-1627

LEGEND

- CALCULATED POINT
- FOUND RAILROAD SPIKE
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- ACCESS EASEMENT
- VACATED RIGHT OF WAY

PROJECT DETAILS

PROJECT TITLE: HOLCOMB HEIGHTS RIGHT OF WAY VACATION

PROJECT LOCATION: FAYETTEVILLE, AR.

REVISIONS

DATE: 4-22-15
DRAWN BY: BJK
PROJECT # 2011015
FILEPATH: Z:\2011015\ROW VAC
SHEET SIZE: 18" x 24"
SCALE: 1"=40'

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 723
ARKANSAS ENGINEERS

REGISTERED
STATE OF ARKANSAS
NO. 1118
PROFESSIONAL LAND SURVEYOR

SHEET TITLE

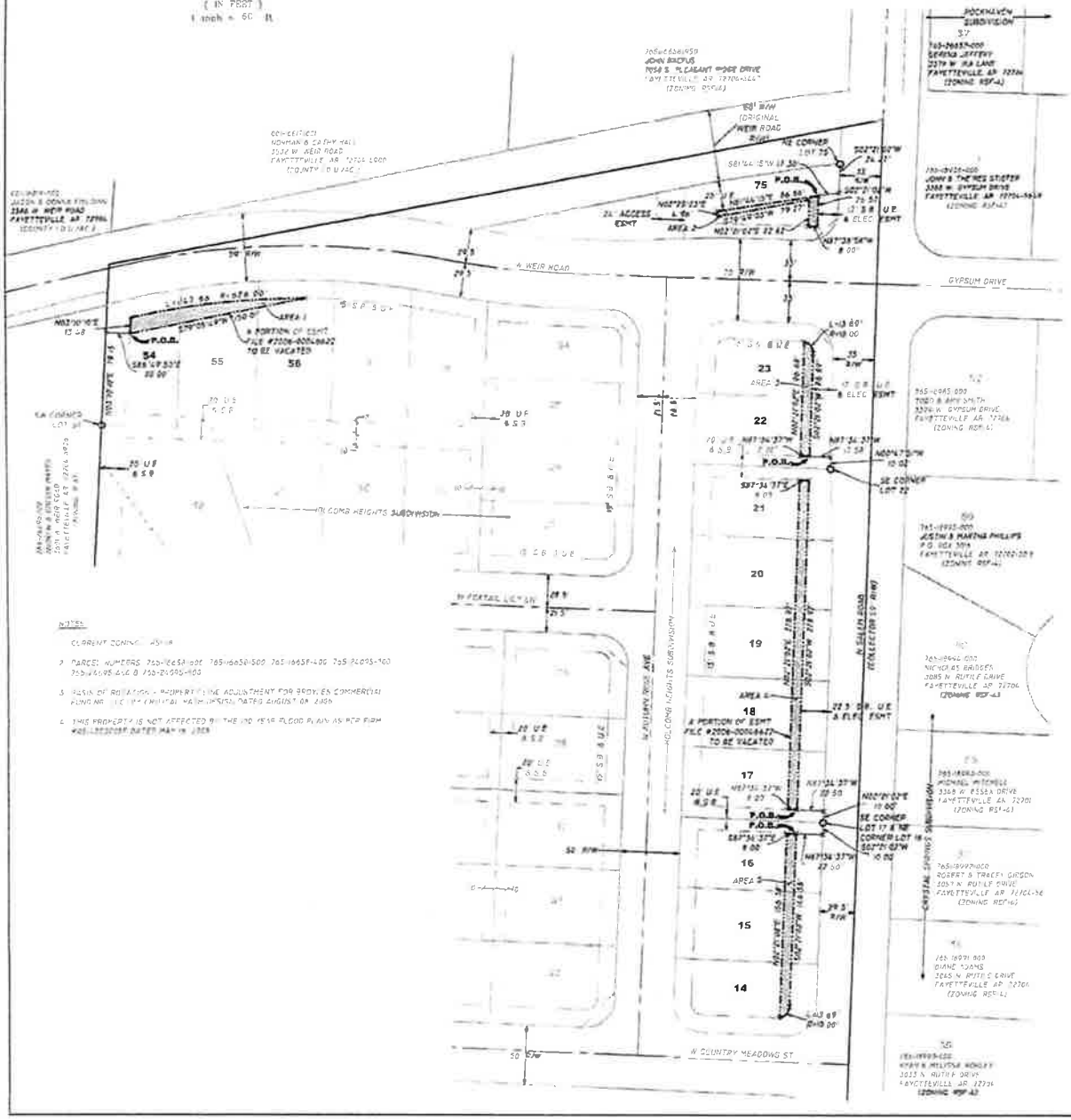
RIGHT OF WAY VACATION

SHEET NUMBER

1 | 1

GRAPHIC SCALE

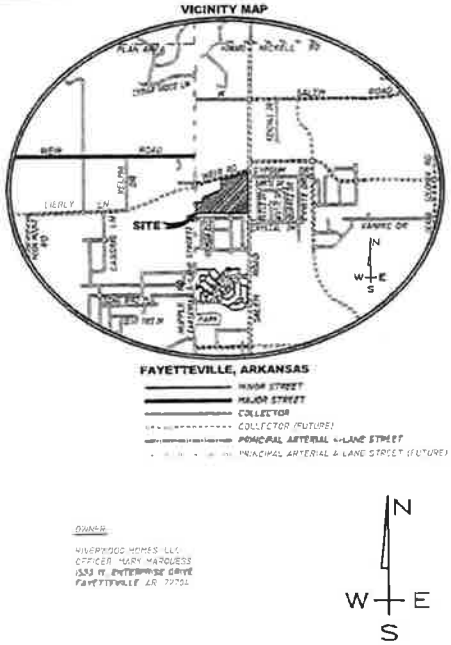
(IN FEET)
1 inch = 50 ft.



NOTES:

1. CURRENT ZONING: C-3 HWY
2. PARCEL NUMBERS 765-16658-000, 765-16659-000, 765-16658-400, 765-21095-000, 765-21095-400 & 765-21095-405
3. BASIS OF ROTATION - PROPERTY LINE ADJUSTMENT FOR BRODYEN COMMERCIAL PUD NO. 1108 (PLANNING COMMISSION DATED AUGUST 08, 1989)
4. THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0295F DATED MAY 16, 2006

VICINITY MAP



OWNER:
RIVERWOOD HOMES, LLC
OFFICER: MARK MARQUESS
1533 N. ENTERPRISE DRIVE
FAYETTEVILLE, AR 72701

LEGAL DESCRIPTION (AREA 1)

A part of Lot 54, 55 and 56 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SW Corner of said Lot 54; thence N03°10'10"E 75.15 feet; thence S87°49'50"E 30.00 feet to the POINT OF BEGINNING; thence N07°10'10"E 12.48 feet; thence along a non-tangent curve to the right 147.50 feet, said curve having a radius of 625.00 feet and chord bearing and distance of N84°11'17"E 147.12 feet; thence S79°05'49"W 150.01 feet to the POINT OF BEGINNING. Containing 1,497.54 square feet or 0.0343 acres more or less.

LEGAL DESCRIPTION (AREA 2)

A part of Lot 75 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 75; thence S02°21'02"W 24.27 feet; thence S87°34'37"W 10.00 feet to the POINT OF BEGINNING; thence S02°21'02"W 26.57 feet; thence N87°38'58"W 8.00 feet; thence N02°21'02"E 22.87 feet; thence S87°34'37"W 16.24 feet; thence N02°25'23"E 4.58 feet; thence N87°34'37"E 6.85 feet to the POINT OF BEGINNING. Containing 455.77 square feet or 0.0512 acres more or less.

LEGAL DESCRIPTION (AREA 3)

A part of Lot 22 and 23 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 22; thence N00°25'19"W 10.00 feet; thence N87°34'37"W 17.35 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet; thence N02°21'02"E 96.68 feet; thence along a non-tangent curve to the right 12.09 feet, said curve having a radius of 15.00 feet and chord bearing and distance of S36°33'51"E 12.67 feet; thence S02°21'02"W 99.68 feet to the POINT OF BEGINNING. Containing 859.77 square feet or 0.0197 acres more or less.

LEGAL DESCRIPTION (AREA 4)

A part of Lot 17, 18, 19, 20 and 21 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 17; thence N00°25'19"W 10.00 feet; thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet; thence N02°21'02"E 276.97 feet; thence S87°34'37"E 8.00 feet; thence S02°21'02"W 276.97 feet to the POINT OF BEGINNING. Containing 2,217.76 square feet or 0.0512 acres more or less.

LEGAL DESCRIPTION (AREA 5)

A part of Lot 14, 15 and 16 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 15; thence S02°21'02"W 10.00 feet; thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING; thence S02°21'02"W 146.58 feet; thence along a curve to the right 12.69 feet, said curve having a radius of 10.00 feet and a chord bearing and distance of S41°24'25"W 12.65 feet; thence N02°21'02"E 156.38 feet; thence S87°34'37"E 8.00 feet to the POINT OF BEGINNING. Containing 1,231.29 square feet or 0.0283 acres more or less.

PREPARED BY
JORGENSEN & ASSOCIATES
ESTABLISHED 1985
CIVIL ENGINEERING
SURVEYING
124 W. SUMMIT DRIVE
FAYETTEVILLE, AR 72701
PH (479) 442-4307
FAX (479) 443-0207

LEGEND
- CALCULATED POINT
- SET IRON PIN & CAP
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- VACATED EASEMENT

PROJECT DETAILS
PROJECT TITLE: HOLCOMB HEIGHTS EASEMENT VACATION
PROJECT LOCATION: FAYETTEVILLE, AR.

REVISIONS

DATE: 4-29-15
DRAWN BY: BJB
PROJECT # 2091016
FILE PATH: Z:\SUBD\2091016\EASMT VAC
SHEET SIZE: 18" x 24"
SCALE: 1"=50'

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
ARKANSAS - ENGINEER
No. 782

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1119
BRIAN J. BRADLEY

SHEET TITLE
EASEMENT VACATION

SHEET NUMBER
1 | 1

Right-of-Way Vacation

LEGAL DESCRIPTION: (AREA 1)
A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 368.31 feet to the POINT OF BEGINNING; thence S79°49'03"W 69.59 feet, thence along a non-tangent curve to the left 223.75 feet, said curve having a radius of 700.00 feet and chord bearing and distance of S86°41'51"W 222.80 feet, thence N03°01'39"E 0.52 feet, thence N77°26'23"E 22.09 feet, thence N78°59'10"E 276.23 feet, thence S03°07'55"W 33.01 feet to the POINT OF BEGINNING: Containing 4,531.09 square feet or 0.1040 acres more or less subject to easements of record.

LEGAL DESCRIPTION: (AREA 2)
A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING; thence S79°49'03"W 332.46 feet, thence N03°07'55"E 33.01 feet, thence N78°59'10"E 50.45 feet, thence N79°04'16"E 157.76 feet, thence N81°44'15"E 99.59 feet, thence N86°08'18"E 23.71 feet, thence S02°21'02"W 29.67 feet to the POINT OF BEGINNING: Containing 11,034.51 square feet or 0.2533 acres more or less subject to easements of record.

LEGAL DESCRIPTION: (AREA 3)
A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING, thence S02°21'02"W 30.69 feet, thence S86°08'18"W 14.87 feet, thence S81°44'15"W 95.89 feet, thence S79°04'16"W 204.56 feet, thence along a non-tangent curve to the right 20.89 feet, said curve having a radius of 700.00 feet and chord bearing and distance of N79°45'28"W 20.89 feet, thence along a curve to the left 64.05 feet, said curve having a radius of 700.00 feet and a chord bearing and distance of N81°31'27"W 64.02 feet, thence N79°49'03"E 69.59 feet; thence N79°49'03"E 332.46 feet to the POINT OF BEGINNING: Containing 9,561.47 square feet or 0.2195 acres more or less subject to easements of record.

Easement Vacation

LEGAL DESCRIPTION: (AREA 1)
A part of Lot 54, 55 and 56 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SW Corner of said Lot 54, thence N03°10'10"E 79.15 feet, thence S86°49'50"E 20.00 feet to the POINT OF BEGINNING, thence N03°10'10"E 13.48 feet, thence along a non-tangent curve to the right 147.66 feet, said curve having a radius of 626.00 feet and chord bearing and distance of N84°11'17"E 147.32 feet, thence S79°05'49"W 150.01 feet to the POINT OF BEGINNING: Containing 1,407.94 square feet or 0.0323 acres more or less.

LEGAL DESCRIPTION: (AREA 2)
A part of Lot 75 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 75, thence S02°21'02"W 24.27 feet, thence S81°44'15"W 17.30 feet to the POINT OF BEGINNING, thence S02°21'02"W 26.57 feet, thence N87°38'58"W 8.00 feet, thence N02°21'02"E 22.82 feet, thence S79°49'03"W 79.27 feet, thence N02°25'23"E 4.96 feet, thence N81°44'15"E 86.86 feet to the POINT OF BEGINNING: Containing 485.77 square feet or 0.0112 acres more or less.

LEGAL DESCRIPTION: (AREA 3)
A part of Lot 22 and 23 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 22, thence N00°47'51"W 10.02 feet, thence N87°34'37"W 17.58 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 96.68 feet, thence along a non-tangent curve to the right 13.69 feet, said curve having a radius of 10.00 feet and chord bearing and distance of S36°52'51"E 12.65 feet, thence S02°21'02"W 86.89 feet to the POINT OF BEGINNING: Containing 753.77 square feet or 0.0173 acres more or less.

LEGAL DESCRIPTION: (AREA 4)
A part of Lot 17, 18, 19, 20 and 21 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 17, thence N02°21'02"E 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 278.97 feet, thence S87°34'37"E 8.00 feet, thence S02°21'02"W 278.97 feet to the POINT OF BEGINNING: Containing 2,231.76 square feet or 0.0512 acres more or less.

LEGAL DESCRIPTION: (AREA 5)
A part of Lot 14, 15 and 16 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 16, thence S02°21'02"W 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING, thence S02°21'02"W 146.58 feet, thence along a curve to the right 13.69 feet, said curve having a radius of 10.00 feet and a chord bearing and distance of S41°34'55"W 12.65 feet, thence N02°21'02"E 156.38 feet, thence S87°34'37"E 8.00 feet to the POINT OF BEGINNING: Containing 1,231.29 square feet or 0.0283 acres more or less.

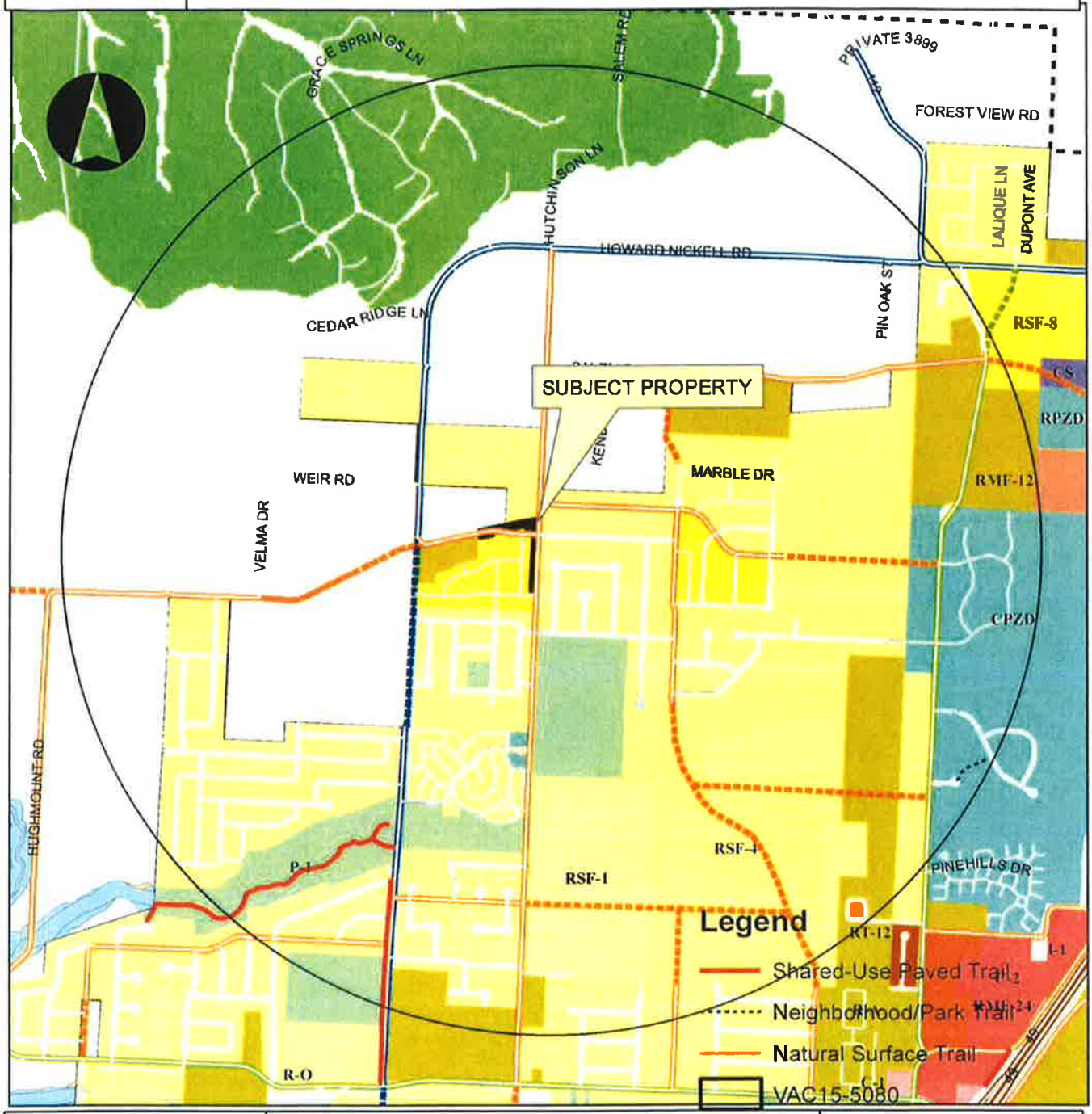
2013

2015

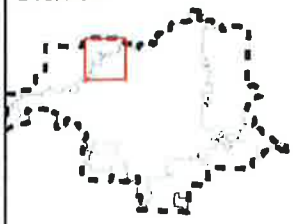
VAC15-5080

One Mile View

HOLCOMB HEIGHTS S/D



Overview



Legend

Subject Property

Boundary

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

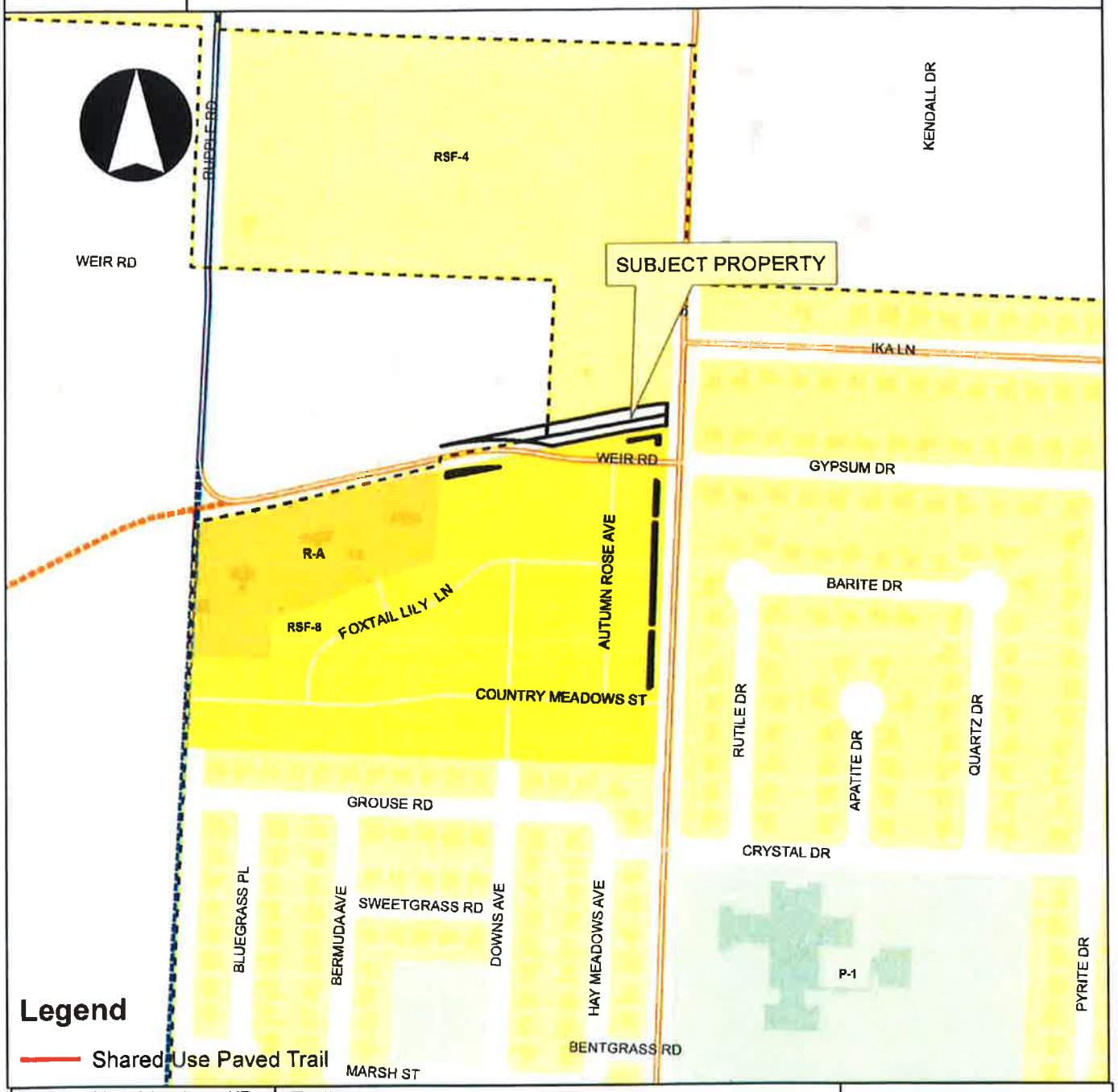
Fayetteville

0 0.25 0.5 1 Miles

VAC15-5080

Close Up View

HOLCOMB HEIGHTS S/D



Legend

- Shared Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- VAC15-5080
- Fayetteville City Limits
- Footprints 2010
- Planning Area

0 150 300 600 900 1,200 Feet

Overview

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0296

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: D. 3

RAISING CANE'S BUILDING APPEAL

A RESOLUTION TO GRANT THE APPEAL OF KEN'S SIGNS AND TO APPROVE THE REQUESTED VARIANCE FOR THE LENGTH OF NEON LIGHTING FOR RAISING CANE'S BUILDING

WHEREAS, the Fayetteville Unified Development Code limits neon and LED accent lighting to not more than 75% of the building's entire linear façade length; and

WHEREAS, the Planning Department interpreted this "linear façade length" to include all four sides of the building totaling 258 feet which would allow 194 feet of neon lighting; and

WHEREAS, Ken's Signs sought variance to increase neon lighting to 218 feet which is more than 84% of all four walls' length; and

WHEREAS, the Planning Department recommended denial of the variance, and the Planning Commission agreed and denied the variance request; and

WHEREAS, Ken's Signs has appealed the denial of the variance to the City Council.

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 Ken's Signs has proven that using 194 feet of neon lighting (75% of total length of all four sides of the Raising Cane's restaurant) would be an undue hardship and that granting a variance to increase the neon lighting to 218 feet (more than 84% of total length) does not nullify the intent and purpose of the Outdoor Lighting Chapter.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby grants the variance requested so that 218 feet of neon lighting may be installed for Raising Cane's restaurant.

June 4, 2015

City of Fayetteville
Sondra Smith
City Clerk / Treasurer
113 West Mountain Street
Fayetteville, AR 72701

RE: Raising Cane's VAR 15-5084 (3561 N. College Avenue)
Owner Appeal of Planning Commission Denial of Variance of Neon Lighting

Dear. Ms. Smith:

Raising Cane's would like to appeal the Planning Commission's denial of the variance request number VAR 15-5084 on May 26, 2015, for additional neon lighting around the building.

The City of Fayetteville is a new market for us. As we are not well known in this market, we would like to preserve our branding and maintain a uniform look of our buildings. Our site is located in a highly competitive area, with competitor restaurants constructed with neon borders around their entire buildings. The approval of the additional 25' of neon lighting would allow our building to be balanced and maintain our brand, as we grow within the Fayetteville community.

We ask your support of the appeal. We will be traveling from Dallas, TX to attend the hearing and, therefore need to verify the date of the hearing to arrange travel. We would like to request to be placed on the next eligible hearing date of July 7, 2015, if at all possible.

Raising Cane's will be a true community partner in Fayetteville, AR. Please contact me directly if there are any questions or comments to my approval of the resolution and conditions.

Sincerely,

LuAron McCormack
Raising Cane's
Development Manager

6800 Bishop Rd, Plano, Texas 70524 t) 972.769.3100 f) 972.769.3101 | www.raisingcanes.com

CityClerk

From: LuAron McCormack <LMcCormack@raisingcanes.com>
Sent: Wednesday, June 24, 2015 10:00 AM
To: CityClerk
Subject: RE: Raising Cane's Appeal of VAR 15-5084 Denial (Neon Lighting)
Attachments: RC195 Fayetteville - Appeal of P&Z Denial of Variance of Neon Lighting.pdf

Categories: Completed, Forwarded

Lisa,
Per our coordination, I would like to request to be moved from the July 7th agenda to the July 21st agenda for the Raising Cane's variance appeal. Please let me know if you need any additional information.

Thank you,

ONE LOVE

LuAron McCormack | Development Manager, Fry Cook & Cashier | Raising Cane's Chicken Fingers
P: 972.769.3364 | F: 972.769.3101 | 6800 Bishop Road | Plano, TX 75024-3548
LMcCormack@raisingcanes.com | www.raisingcanes.com

Follow us on:
Join the Caniac Club! www.caniacclub.com
We Make Fun of Work: Click here to see how

From: CityClerk [mailto:cityclerk@fayetteville-ar.gov]
Sent: Thursday, June 04, 2015 5:05 PM
To: Garner, Andrew; Williams, Kit
Cc: Branson, Lisa
Subject: FW: Raising Cane's Appeal of VAR 15-5084 Denial (Neon Lighting)

Hello Andrew and Kit

Attached is the Planning Commission appeal from Raising Cain's. They would like to add this to the July 7, 2015 City Council meeting. Please let me know if you have any issues with the appeal or the date requested.

Thanks!
Sondra

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov

CITY OF Fayetteville ARKANSAS
www.fayetteville-ar.gov

From: LuAron McCormack [mailto:LMcCormack@raisingcanes.com]
Sent: Thursday, June 04, 2015 11:48 AM
To: CityClerk
Subject: Raising Cane's Appeal of VAR 15-5084 Denial (Neon Lighting)

Ms. Smith,
Please see the attached Letter of Appeal for the Raising Cane's, located at 3561 N. College Avenue. We would like to appeal the Planning Commission's denial of variance request number VAR 15-5084 for neon lighting.

Please contact me with any questions, or if you need any additional items.

Thank you,

ONE LOVE

LuAron McCormack | Development Manager, Fry Cook & Cashier | Raising Cane's Chicken Fingers
P: 972.769.3364 | F: 972.769.3101 | 6800 Bishop Road | Plano, TX 75024-3548
LMcCormack@raisingcanes.com | www.raisingcanes.com

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Join the Caniac Club! www.caniacclub.com
We Make Fun of Work: Click here to see how

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City of Fayetteville Staff Review Form

2015-0296

Legistar File ID

7/21/2015

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

Jeremy Pate	6/19/2015	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAR 15-5084: Variance (3561 N. COLLEGE AVE./RAISING CANE'S, 213): Submitted by KEN'S SIGNS for property located at 3561 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.98 acres. The request is for a variance of the neon lighting requirements.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 7, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: June 18, 2015

SUBJECT: **VAR 15-5084: Variance (3561 N. COLLEGE AVE./RAISING CANE'S, 213):** Submitted by KEN'S SIGNS for property located at 3561 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.98 acres. The request is for a variance of the neon lighting requirements.

RECOMMENDATION:
The Planning Commission and staff recommend denial of a variance to allow additional LED lighting on the subject building.

BACKGROUND:
The subject property is located at the southwest corner of N. College Avenue and Millsap Avenue and is zoned C-2, Thoroughfare Commercial. City staff approved a Site Improvement Plan application for the construction of a Raising Cane's restaurant on February 10, 2015.

The building is currently under construction and staff has approved the installation of neon lighting within code allowance, which allows up to 75% of the entire building façade length.

DISCUSSION:
Request: The applicant is requesting approval of a variance of Chapter 176.03(J)(6)(e) to allow additional neon lighting around the building, totaling 218 linear feet, or 84% of the building length. The total linear length of the building is approximately 258 feet, which allows a maximum of 194 feet of neon lighting.

RECOMMENDATION:
Staff recommends denial of **ADM 15-5084**, finding that while the additional lighting may not have the effect of nullifying the intent and purpose of the lighting chapter, a hardship still needs to be established. The applicant states in their application that the neon is needed to preserve the uniform brand for Raising Cane's and improve visibility from College Avenue.

In staff's opinion, neither of these points present an undue hardship. The applicant is placing 138 feet of neon on the east, north and west elevations, which allows them to install an addition 56 feet of neon lighting on the south elevation. This is a sufficient amount of lighting if improved visibility is needed, and it allows the applicant to provide a similar lighting plan as other restaurant locations.

DISCUSSION:
On May 26, 2015 the Planning Commission denied the variance request with a vote of 5-4-0 (Commissioner Hoskins, Brown, Noble and Selby voted 'no').

BUDGET/STAFF IMPACT:
N/A

Attachments:
Appeal Letter
Resolution
Planning Commission Staff Report

CITY OF Fayetteville ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~May 26, 2015~~ Updated May 27, 2015

SUBJECT: **VAR 15-5084: Variance (3561 N. COLLEGE AVE./RAISING CANE'S, 213):** Submitted by KEN'S SIGNS for property located at 3561 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.98 acres. The request is for a variance of the neon lighting requirements.

RECOMMENDATION:
Staff recommends denial of **ADM 15-5084**.

BACKGROUND:
The subject property is located at the southwest corner of N. College Avenue and Millsap Avenue and is zoned C-2, Thoroughfare Commercial. City staff approved a Site Improvement Plan application for the construction of a Raising Cane's restaurant on February 10, 2015.

The building is currently under construction and staff has approved the installation of neon lighting within code allowance, which allows up to 75% of the entire building façade length.

DISCUSSION:
Request: The applicant is requesting approval of a variance of Chapter 176.03(J)(6)(e) to allow additional neon lighting around the building, totaling 218 linear feet, or 84% of the building length. The total linear length of the building is approximately 258 feet, which allows a maximum of 194 feet of neon lighting.

RECOMMENDATION:
Staff recommends denial of **ADM 15-5084**, finding that while the additional lighting may not have the effect of nullifying the intent and purpose of the lighting chapter, a hardship still needs to be established. The applicant states in their application that the neon is needed to preserve the uniform brand for Raising Cane's and improve visibility from College Avenue.

In staff's opinion, neither of these points present an undue hardship. The applicant is placing 138 feet of neon on the east, north and west elevations, which allows them to install an addition 56 feet of neon lighting on the south elevation. This is a sufficient amount of lighting if improved visibility is needed, and it allows the applicant to provide a similar lighting plan as other restaurant locations.

Planning Commission Action: ☐ Approved ☐ Forwarded √ Denied

Meeting Date: May 26, 2015

Motion: Chesser

Second: Autry

Vote: 5-4-0

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Chapter 156.03(C)(7)
- Chapter 176.03(J)(6)
- Request letter
- Elevations
- Site Plan
- One Mile Map
- Close Up Map

PERMITTING SERVICES OF TEXAS

PERMIT ACQUISITION • SURVEYS • VARIANCES • ENGINEERING SERVICES

City of Fayetteville
Planning Commission
125 W. Mountain St.
Fayetteville, AR 72701

Re: Raising Cane's
3561 College Ave.

Dear Planning Commission Chair:

We are requesting a variance to allow an additional 25' of border neon on the drive-thru elevation of the building. We currently have a permit to install the border neon on the front, side and rear elevation of the building. Raising Cane's has a standard brand throughout the nation of border neon on all elevations of the building, and it is important to preserve the uniform brand at this location. In addition, the border neon will also allow Raising Cane's to be visible from College Avenue, heading north, which is concurrent with the main flow of traffic in that area.

Regarding the specific calculations of the border neon, we have 258 lineal feet of building frontage. 75% of the frontage may have border neon, for a total of 193' of neon. When we remove the drive-thru elevation neon to meet code, we are significantly lower than the allowable 193'. We are seeking a variance for the additional 25' of neon on the drive thru elevation, allowing us to cover the entire building, as we are marginally short. See attached artwork.

Raising Cane's is a community based organization and believes the approval of this variance will assist in the continued uniform brand of the facility. Therefore, we respectfully ask for your support of this variance.

Sincerely,

Melanie Hancock

Melanie Hancock
Permitting Services of Texas

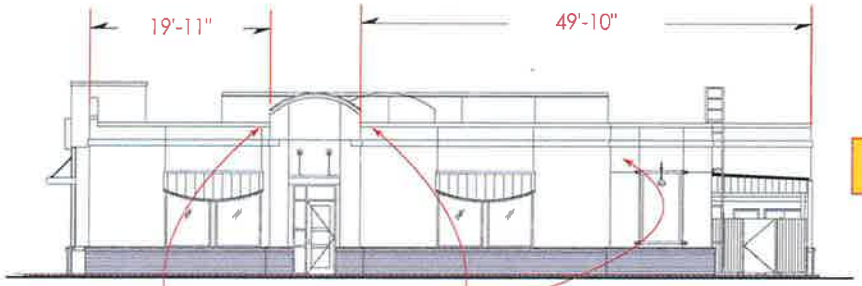
P.O. BOX 6227 ARLINGTON, TX 76005 • PHONE: METRO (817) 608-0669
745 109th STREET ARLINGTON, TX 76011 • FAX: (817) 633-1830

TOTAL LINEAL FOOTAGE

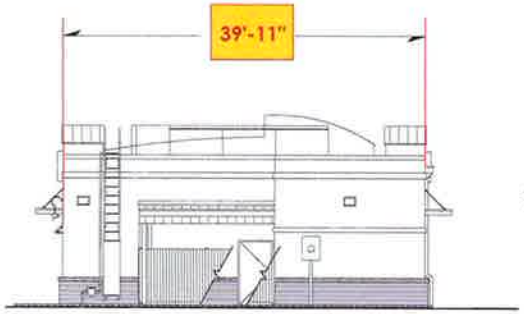
258' - 3"

TOTAL NEON

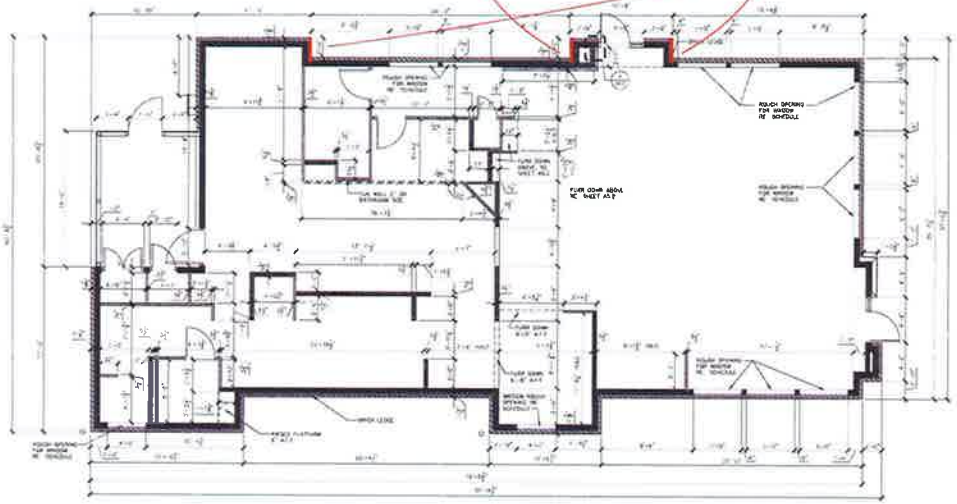
137' - 10 1/2"

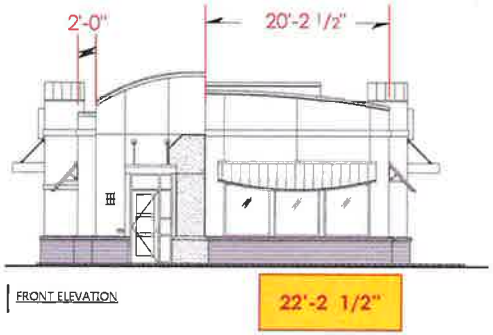


SIDE ELEVATION



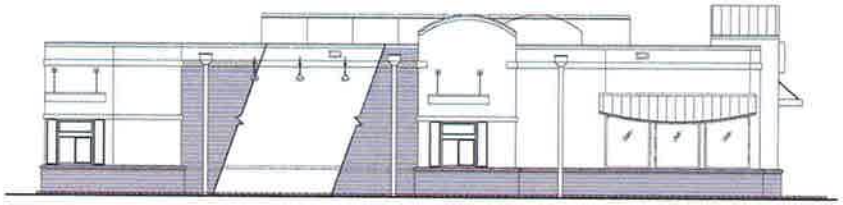
REAR ELEVATION



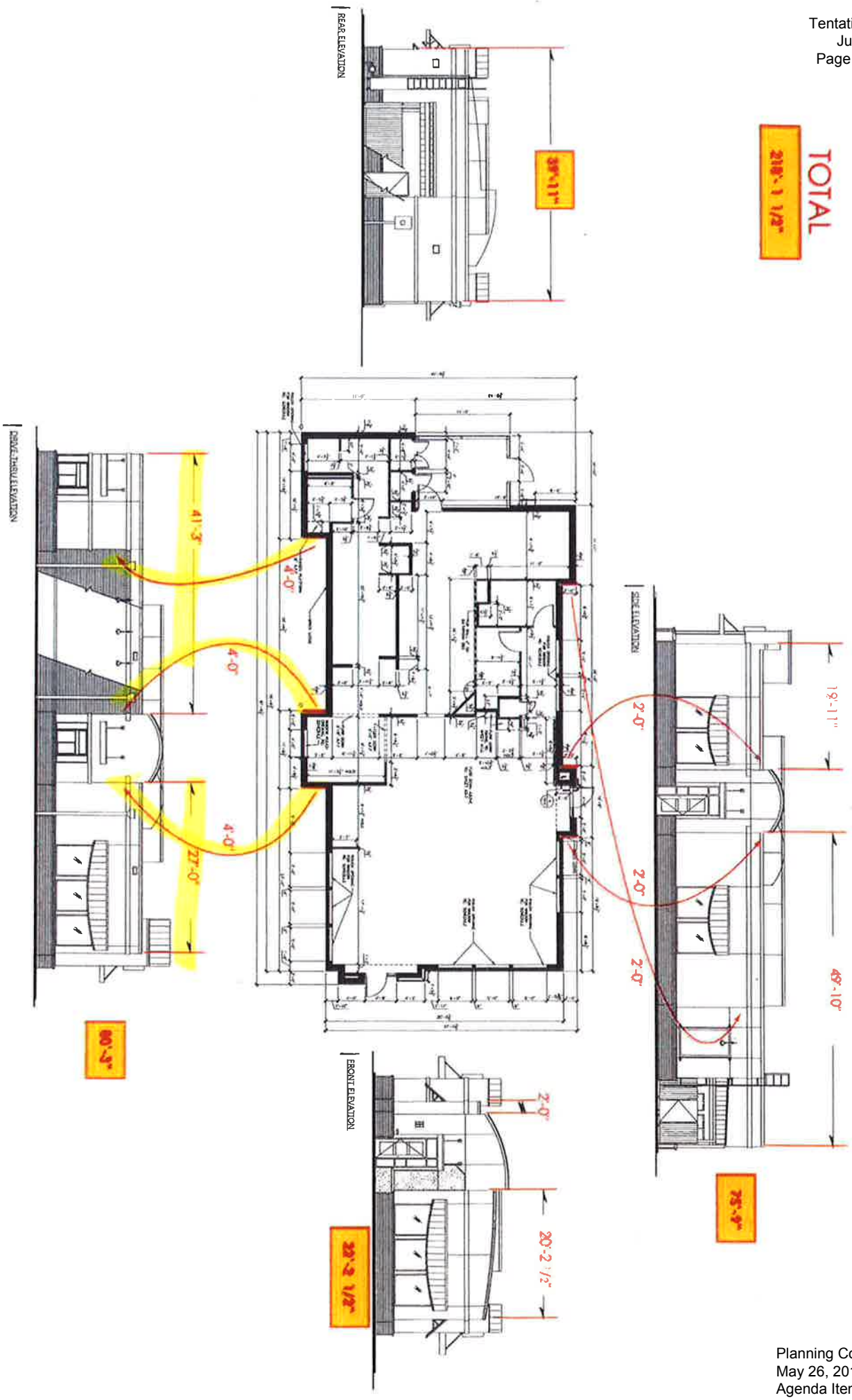


FRONT ELEVATION

NO NEON ON DRIVE-THRU ELEVATION

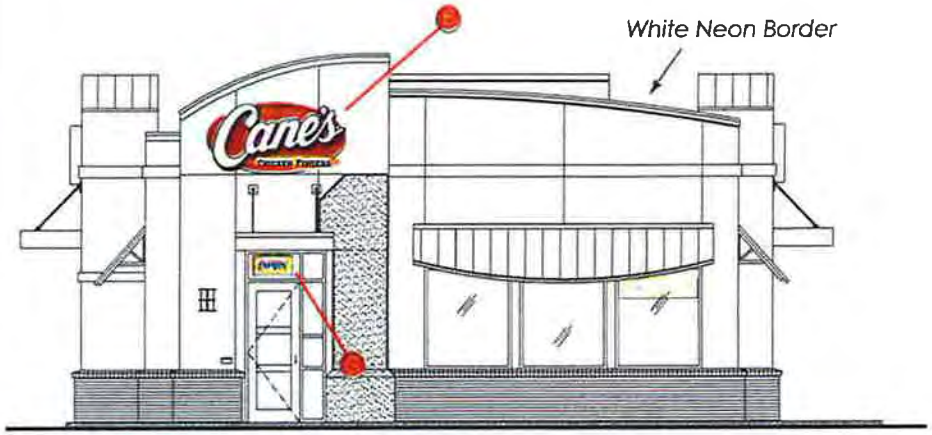


DRIVE-THRU ELEVATION

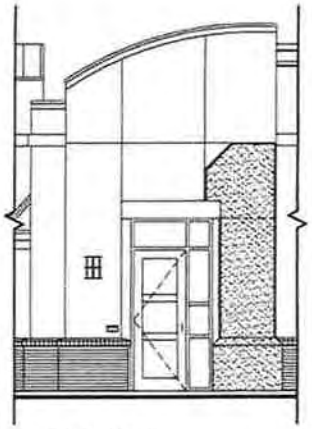

TOTAL
REAR ELEVATION
38'-11"
DRIVE-THRU ELEVATION
41'-3"
4'-0"
4'-0"
4'-0"
27'-0"
80'-4"
SIDE ELEVATION
2'-0"
2'-0"
2'-0"
19'-11"
49'-10"
75'-9"
FRONT ELEVATION
2'-0"
20'-2 1/2"
22'-2 1/2"

ELEVATIONS

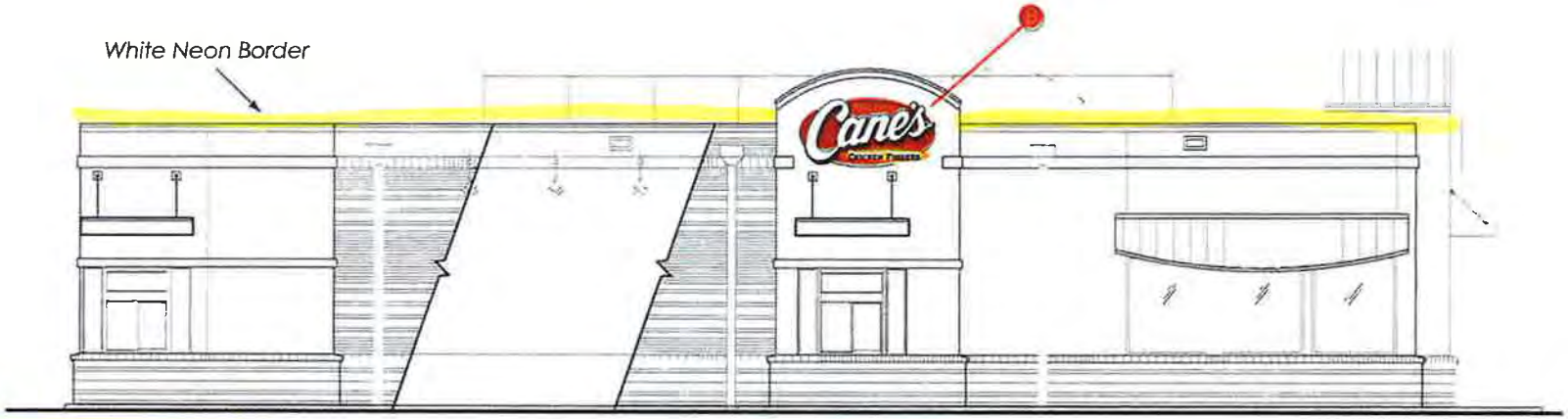
QTY.	CODE	DESCRIPTION
1	MON-6FT	Monument Sign @ 6'OAH
3	WS-8FT	4 x 8 Wall Sign (Multiple Locations)
1	DTMB	Menu Board*
1	BD1	48" x 96" Blue Dog
1	PSB	Pre sell Board*
1	CFNS	Chicken Fingers Neon Sign*
1	ONS	Open Neon Sign (Multiple Locations)*
1	WS-6FT	3 x 6 Wall Sign



01 FRONT ELEVATION



02 FRONT TOWER PROFILE



03 DRIVE-THRU ELEVATION

Variance elevation

Raising Cane's CHICKEN FINGERS

Location: Fayetteville, AR	AGI Rep: G.W.	Drawn by: C.MIRAMONTES
Survey ID: N/A	Project Title: Raising Cane's	
Site ID: N/A	Scale: 1/16" = 1'	
Date: 12/03/2014	Date Revised:	

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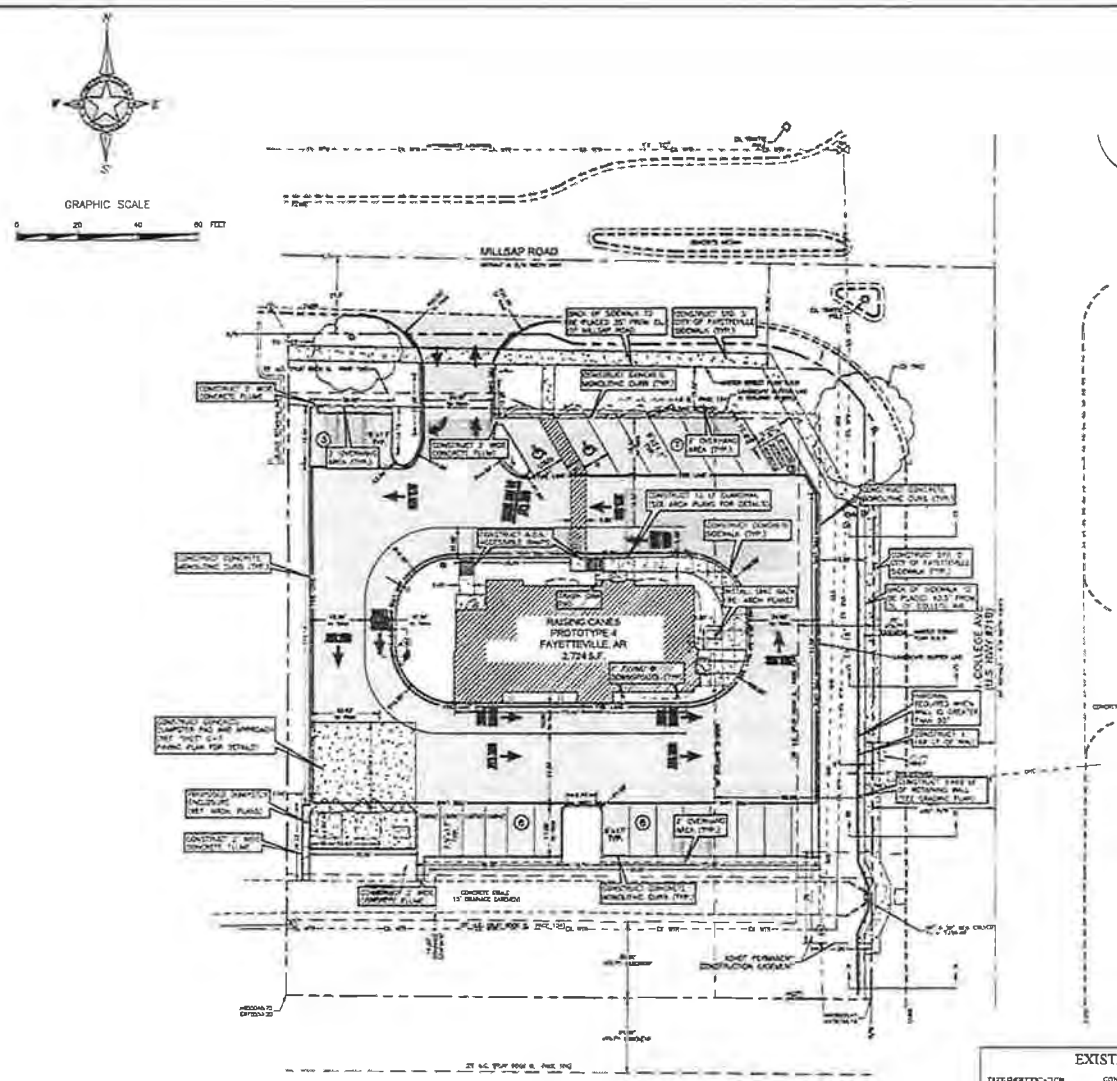


SITE NOTES:

1. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATION AND DIMENSIONS OF SLOPED PAVING, EXIT PORCHES, PRECISE BUILDING DIMENSIONS, EXACT BUILDING ENTRANCE LOCATIONS, TOTAL NUMBER, LOCATIONS, SIZES AND OUTFALLS OF ROOF DOWNSPOUTS.
2. ALL SIGNS PLACED IN AREAS ACCESSIBLE BY VEHICLE TRAFFIC SHALL BE PLACED ON CURBS POST.
3. ALL TRAFFIC CONTROL SIGNS SHALL BE FABRICATED AS SHOWN IN THE NATIONAL MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.
4. ALL CURB RADII SHOWN ARE TO BACK OF CURB.
5. ALL PARKING DIMENSIONS ARE TO BACK OF CURB, WHERE APPLICABLE, OR TO THE EDGE OF PAVEMENT WHERE NO CURB IS PROPOSED, UNLESS OTHERWISE NOTED.
6. CONTRACTOR IS RESPONSIBLE FOR PROTECTION & REPLACEMENT OF ALL PROPERTY CORNERS
7. CONTRACTOR SHALL MATCH EXISTING PAVEMENT IN GRADE AND ALIGNMENT.
8. CONTRACTOR SHALL MATCH EXISTING CURB AND GUTTER IN GRADE, SIZE, TYPE AND ALIGNMENT AT ADJACENT ROADWAYS.
9. THE DIMENSIONS FOR ALL BUILDING CURBS SHALL BE IN ACCORDANCE WITH ARCHITECTURAL BUILDING PLANS AND SPECIFICATIONS.
10. CONTRACTOR IS RESPONSIBLE FOR REPAIRS OF DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO, DRIVEWAYS, UTILITIES, PAVEMENT, STRIPING, CURB, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
11. ALL PAVEMENT MARKING PAINT SHALL BE SHERWIN WILLIAMS "PROMAR TRAFFIC MARKING", WHITE OR ASPHALT, YELLOW ON CONCRETE. PAINT SHALL BE APPLIED IN TWO COATS TO A CLEAN, DRY SURFACE. USING TEMPLATE OR STRIPING MACHINE. STRIPES SHALL BE 4" WIDE UNLESS OTHERWISE INDICATED.
12. CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN PROJECT AND PAY ALL REQUIRED FEES AND COSTS.
13. FOR SITE UTILITIES, SEE UTILITY PLAN.
14. ALL WORK ON THIS PLAN SHALL BE DONE IN STRICT ACCORDANCE WITH THE CITY

	PERVIOUS AREA (AC)	IMPERVIOUS AREA (AC)
PRE-DEVELOPED	0.51	0.41
POST-DEVELOPED	0.47	0.45
DIFFERENCE	0.05	-0.05

LEGAL DESCRIPTION:

A PART OF TRACT 3 OF STEELE SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, SAID SUBDIVISION BEING IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHEAST CORNER OF SAID TRACT 3 AND RUNNING THENCE N88°59'30"W 193.25' TO AN EXISTING REBAR, THENCE N02°00'28"E 221.09' TO THE SOUTH RIGHT-OF-WAY OF MILLSAP ROAD, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S87°03'38"E 66.69' S65°11'45"E 9.27' TO AN EXISTING REBAR, S87°10'01"E 56.41' TO AN EXISTING REBAR, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 46.00' FOR A CHORD BEARING AND DISTANCE OF S55°38'40"E 31.03' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF U.S. HWY #71B, THENCE ALONG SAID WEST RIGHT-OF-WAY S02°39'00"W 191.41' TO THE POINT OF BEGINNING, CONTAINING 0.98 ACRES MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ALL ADA AND MOTORCYCLE/SCOOTER SPACES SHALL BE PROPERLY SIGNED.

PARKING COUNT

BUILDING AREA	2,724 SF
PARKING SPACES REQUIRED	27 (1/100)
PARKING SPACES PROPOSED	22 STANDARD SPACES
	2 ACCESSIBLE SPACES
	3 MOTORCYCLE SPACES

1 BICYCLE RACK PROVIDED ON EAST SIDE OF BUILDING

ADJACENT ZONING & OWNERSHIP

NORTH	C-2	1001 N. COLLEGE AVENUE ASSOCIATES
SOUTH	C-2	COLLEGE MARKETPLACE, LLC
EAST	C-2	FIRST FEDERAL BANK OF ARKANSAS
WEST	C-2	755 MILLSAP ROAD, LLC

CALL BEFORE YOU DIG

811

4.5' SAFE DISTANCE IS REQUIRED FROM EDGE OF SIDEWALK TO HYDRANT

REVIEWED FOR MINIMUM COMPLIANCE WITH CITY OF FAYETTEVILLE ENGINEERING DESIGN CRITERIA
Fayetteville
01/20/2015

LEGEND

TEL PED	EXISTING TELEPHONE PEDESTAL
C/O	EXISTING CLEANOUT
WV	EXISTING WATER VALVE
WM	EXISTING WATER METER
MH	EXISTING SAN. SEWER MANHOLE
PP	EXISTING POWER POLE
FH	EXISTING FIRE HYDRANT
OHE	EXISTING OVERHEAD ELECTRIC LINE
W	EXISTING WATER LINE
SS	EXISTING SAN. SEWER LINE
	PROPERTY LINE

EXISTING TREE LEGEND

TREE DESCRIPTION	CONDITION	TREE DESCRIPTION	CONDITION
1) 3" ELM TREE	GOOD	31) 1" ELM TREE	GOOD
2) 2" BIRCH TREE	GOOD	32) 11" ELM TREE	FAIR
3) 2" BIRCH TREE	GOOD	33) 2 ELM TREE CLUSTER	GOOD
4) 6" ELM TREE	GOOD	34) 2 ELM TREE CLUSTER	GOOD
5) 1 DOUBLE ELM TREE	GOOD	35) 8 1" ELM TREE	GOOD
6) 7" ELM TREE	GOOD	36) 1 11" ELM TREE	GOOD
7) 4.5" DOUBLE ELM TREE	GOOD	37) 6" ELM TREE	GOOD
8) 1 7" ELM TREE CLUSTER	GOOD	38) 7" CHERRY TREE	GOOD
9) 7" ELM TREE	GOOD	39) 7" ELM TREE	GOOD
10) 7 ELM TREE	GOOD	40) 8" ELM TREE	GOOD
11) 3" ELM TREE CLUSTER	GOOD	41) 4" CHERRY TREE	GOOD
12) 5" ELM TREE	GOOD	42) 4" ELM TREE	GOOD
13) 5" ELM TREE	GOOD	43) 4" ELM TREE	GOOD
14) 4" ELM TREE	GOOD	44) 1 TRIPLE BIRCH TREE	GOOD
15) 5" CHERRY TREE	GOOD	45) 3 CHERRY TREE CLUSTER	GOOD
16) 7" CHERRY TREE	GOOD	46) 1 DOUBLE ELM TREE	GOOD
17) 7" ELM TREE	GOOD	47) 4.5" ELM TREE	GOOD
18) 7" ELM TREE	GOOD	48) 2" CHERRY TREE	GOOD
19) 3 ELM TREE CLUSTER	GOOD	49) 4" CHERRY TREE	GOOD
20) 2 DOUBLE BEACH TREE	FAIR		

NOTICE TO CONTRACTORS

1. These plans are subject to those and conditions to all governmental agencies.
2. Contractor shall approximately verify all measurements, elevations prior to stamping on the site.
3. The contractor shall notify the engineer of any discrepancies or omissions in the plans or any field conditions that may affect the layout, design or function of the proposed improvements prior to construction of the improvements.
4. The location of existing utilities as shown on the plans are approximate and are intended to be shown in Schedule A Requirements, etc.
5. If the contractor encounters any utility not shown in the plans, he shall notify the engineer of existing conditions. The contractor shall assume that the installation of new utilities will be required in the same trench, unless shown otherwise.
6. Contractor shall be responsible for verifying the horizontal and vertical locations of buried utilities and appurtenances, including, but not limited to the

Telephone cable	Concrete	Pipes
Stormwater lines	Water lines	Gas lines
Transition castings	Sanitary Sewer lines	Oil Production lines
Sanitation lines		

Note: A comprehensive record drawing shall adjust to account for the proper and satisfactory performance of the work. Such construction shall satisfy the engineer, as existing environmental. Failure to do so shall otherwise prevent the engineer of building and replacement costs.

BENCHMARK DESIGN GROUP, LLC
CIVIL / ENVIRONMENTAL ENGINEERS

Raising Cane's
CHICKEN FINGERS
Restaurant Design Group
6600 Bishop Road, Suite 200
Frisco, TX 75034
Tel: 972-769-3100

Prototype Issue Date

Store
Raising Cane's
859 E. Milsap Road
Fayetteville, AR 72703
Prototype 4
Store #195

Professional of Record

STATE OF ARKANSAS
PROFESSIONAL ENGINEER

Designer's Information

CSRS
IMAGINE SHAPE DELIVER
6767 Perkins Road Suite 200 Baton Rouge, LA 70808
Telephone: 225 769-0546 Fax: 225 767-0060
www.csrsinc.com

Set Control Information (ARCH use only)

#	Date	Description

FOR PERMIT

Sheet Revisions (Initial Identify per Designer)

#	Date	Description

Sheet Title
SIP SITE PLAN

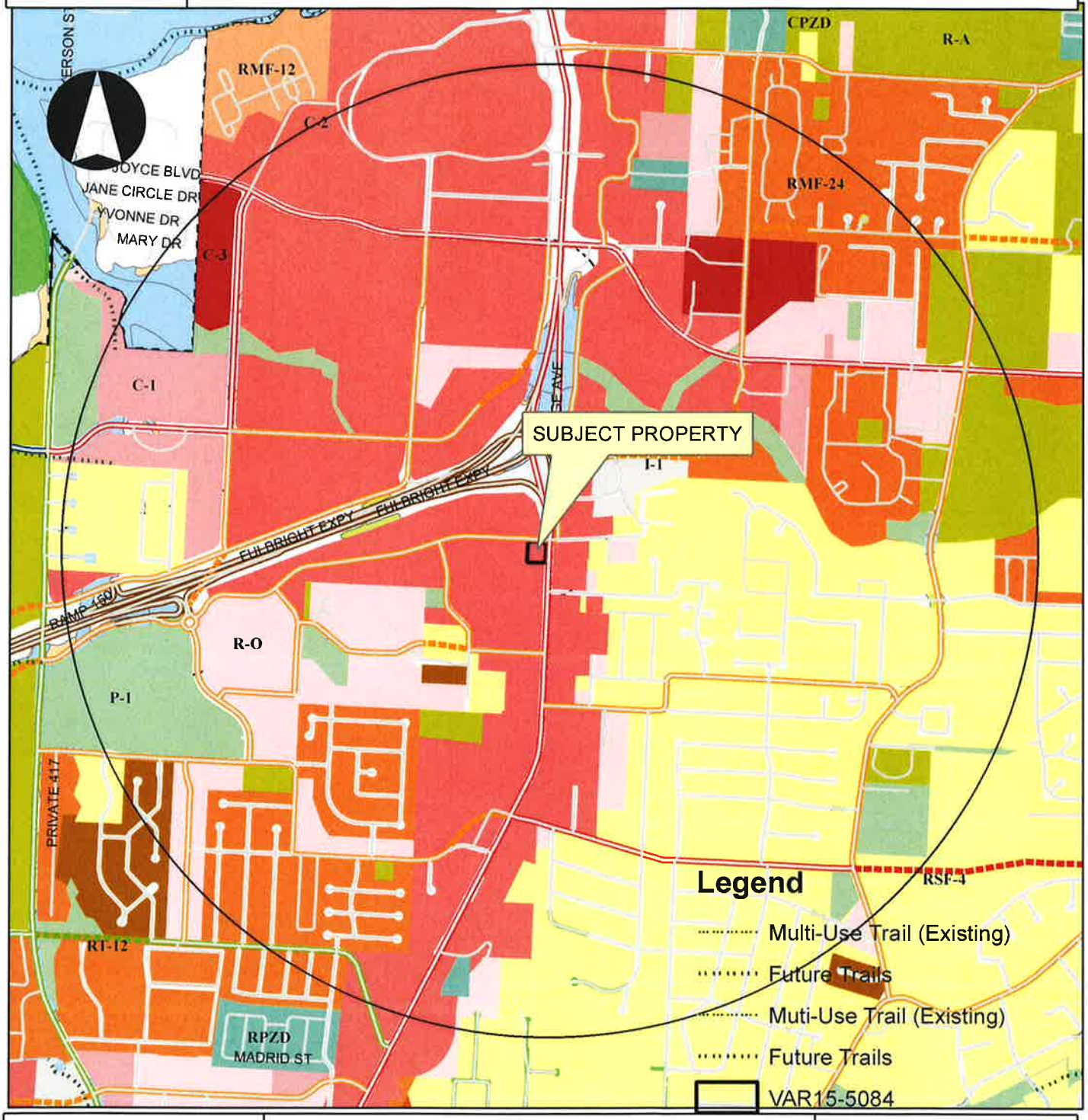
Date: JANUARY 2015
Project Number: 2014 030
Drawn By: ELS

Sheet Number
C-5.1

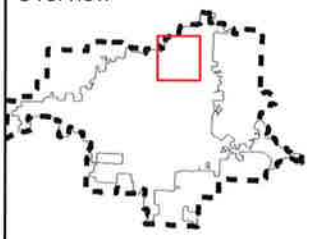
VAR15-5084

One Mile View

RAISING CANE'S



Overview



Legend

Subject Property

Boundary

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

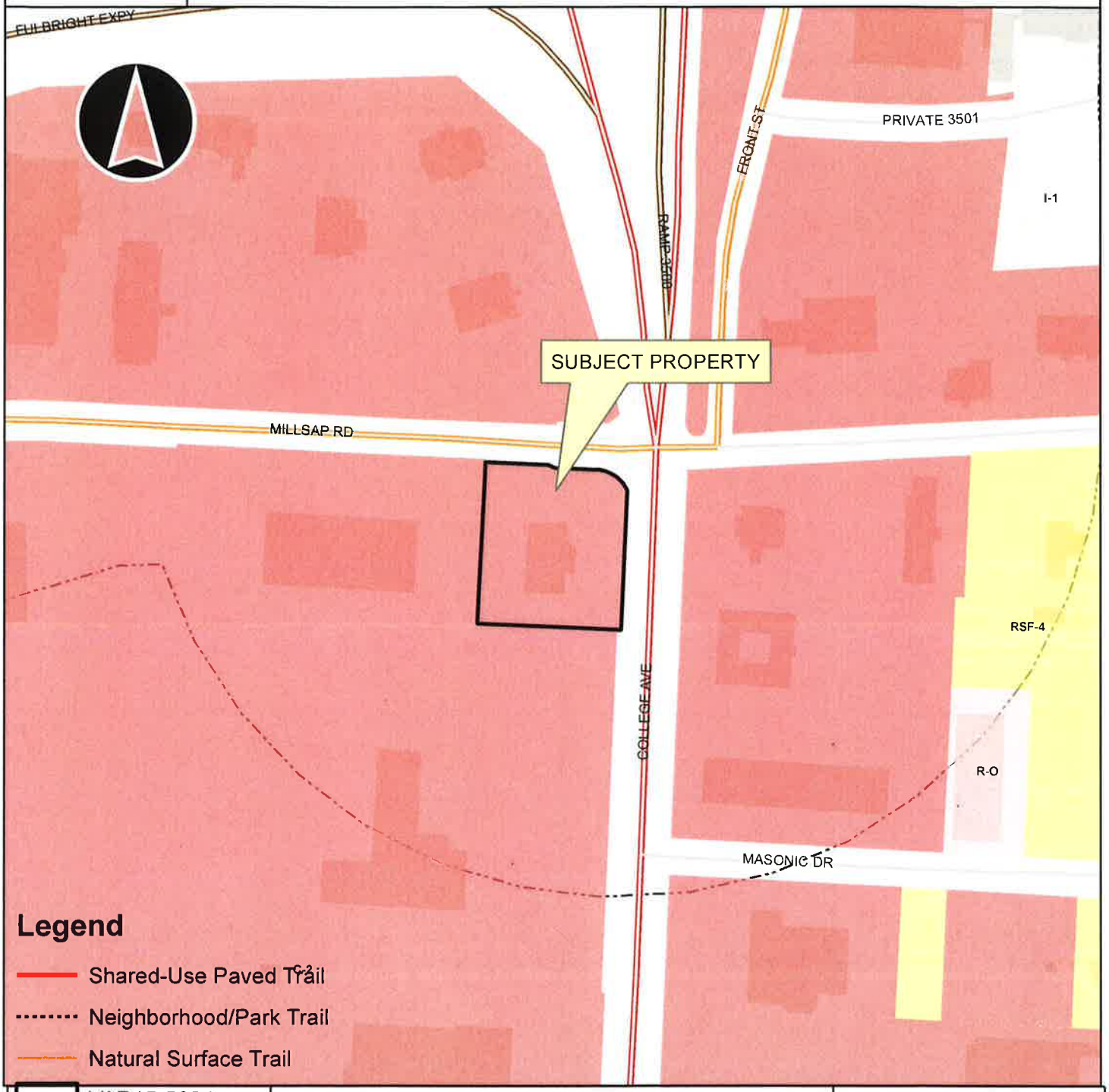
Fayetteville

0 0.25 0.5 1 Miles

VAR15-5084

Close Up View

RAISING CANE'S



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail

Overview

- VAR15-5084
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0316

Agenda Date: 7/21/2015 **Version:** 1 **Status:** Agenda Ready

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: D. 4

ARKANSAS LEGACY LLC APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RMF-24, Residential Multi-family, 24 units per acre and RSF-4, Residential Single-family, 4 units per acre, to DG, Downtown General, as shown on Exhibits “A” and “B” attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby accepts the Bill of Assurance from the applicant and relies upon this Bill of Assurance in making this rezoning decision. The Bill of Assurance is attached as Exhibit “C” to this ordinance.

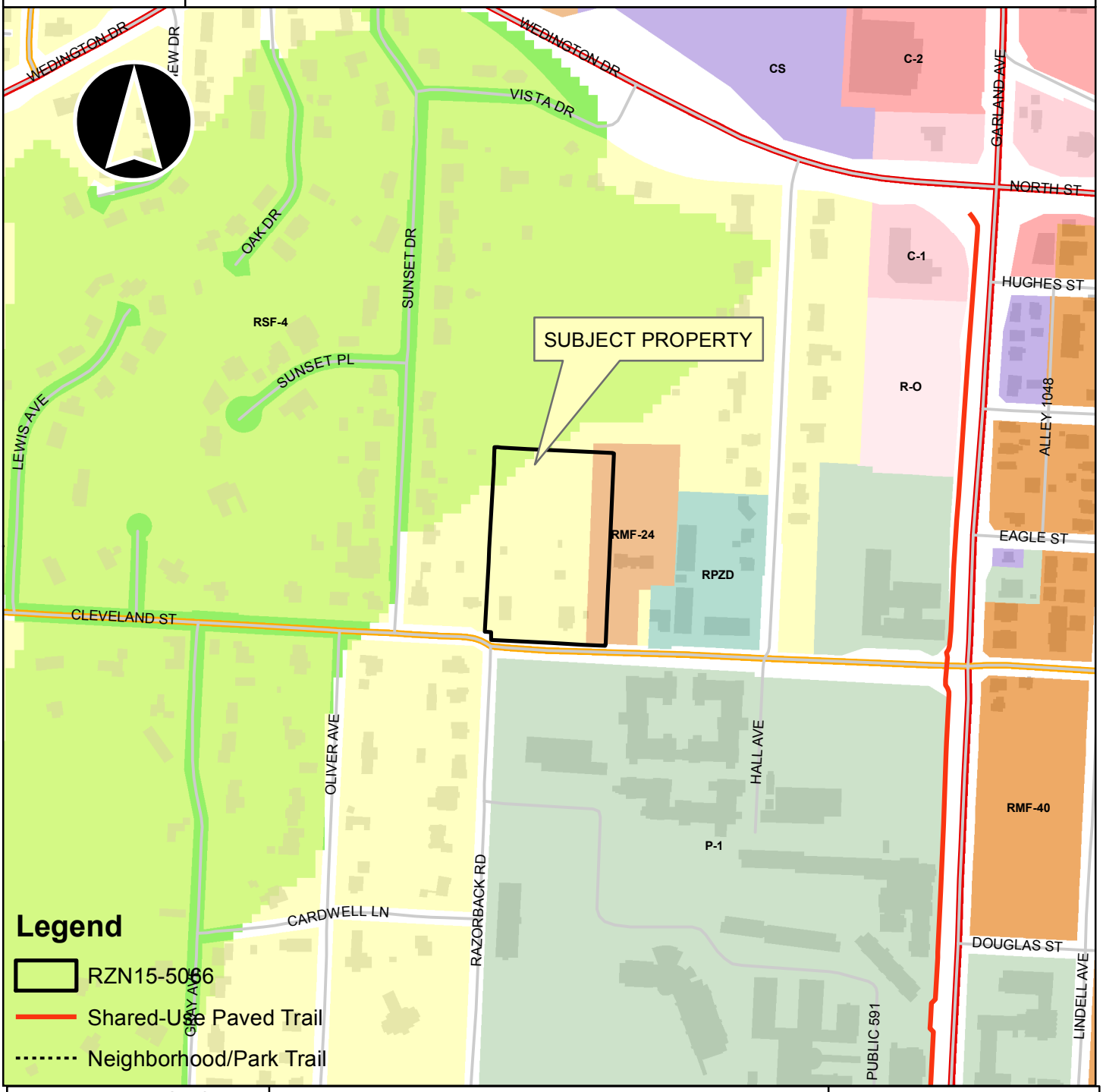
Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

EXHIBIT "A"

RZN15-5066

Close Up View

ARKANSAS LEGACY LLC



Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

0 150 300 600 900 1,200 Feet

EXHIBIT "B"

EXHIBIT #1 - SURVEY DESCRIPTION OF PROPERTY TO BE REZONED

WASHINGTON COUNTY PARCEL: 765-02582-000
STREET ADDRESS: 1324 W CLEVELAND ST FAYETTEVILLE, AR 72701

SURVEY DESCRIPTION: A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 8, T-16-N, R-30-W, DESCRIBED AS BEGINNING AT A POINT WHICH IS S87°11'39"E 315.00 FEET FROM THE SW CORNER OF SAID NE1/4 OF THE SE1/4, SAID POINT OF BEGINNING BEING A CHISELED "X"; THENCE N2°20'54"E 164.50 FEET TO A FOUND IRON PIPE; THENCE N86°43'35"W 61.55 FEET TO A SET IRON PIN; THENCE S2°30'33"W 165.00 FEET TO A CHISELED "X"; THENCE S87°11'39"E 62.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.23 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

WASHINGTON COUNTY PARCEL: 765-02590-000
STREET ADDRESS: 1326 W CLEVELAND ST FAYETTEVILLE, AR 72701

SURVEY DESCRIPTION: A PART OF THE NE1/4 OF THE SE1/4 OF SECTION 8, T-16-N, R-30-W DESCRIBED AS BEGINNING AT A POINT WHICH IS S87°11'39"E 165.00 FEET FROM THE SW CORNER OF SAID NE1/4 OF THE SE1/4, SAID POINT OF BEGINNING BEING A SET IRON PIN; THENCE S87°11 '39"E 88.00 FEET TO A CHISELED "X"; THENCE N2°30'33"E 165.00 FEET TO A SET IRON PIN; THENCE S86°43'35"E 61.55 FEET TO A FOUND IRON PIPE; THENCE N2°34'33"E 363.50 FEET TO A FOUND IRON PIN; THENCE N86°57'10"W 149.82 FEET TO A FOUND IRON PIN; THENCE S2°31'32"W 528.63 FEET TO THE POINT OF BEGINNING, CONTAINING 1.58 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

WASHINGTON COUNTY PARCEL: 765-02588-000
STREET ADDRESS: 1338 W CLEVELAND ST FAYETTEVILLE, AR 72701

SURVEY DESCRIPTION: A PART OF THE N1/2 OF THE SE1/4 OF SECTION 8, T-16-N, R-30-W DESCRIBED AS BEGINNING AT THE SW CORNER OF THE NE1/4 OF SAID SE1/4; THENCE S87°11'39"E 165.00 FEET TO A SET IRON PIN; THENCE N2°31'32"E 528.63 FEET TO A FOUND IRON PIN; THENCE N87°22'00"W 176.44 FEET TO A SET IRON PIN WHICH IS 11.3 FEET WEST OF THE EAST LINE OF THE NW1/4 OF THE SE1/4; THENCE S3°20'55"W 279.16 FEET TO A FOUND IRON PIPE WHICH IS 15.4 FEET WEST OF THE EAST LINE OF THE NW1/4 OF THE SE1/4; THENCE S2°43'35'W 228.84 FEET TO A FOUND IRON PIN; THENCE S86°50'49"E 16.25 FEET TO A SET IRON PIN; THENCE ALONG THE WEST LINE OF SAID NE1/4 OF THE SE1/4, S2°30'33"W 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.17 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

EXHIBIT #4 (Revision 1 - 5/31/15)

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") **Arkansas Legacy LLC,** hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. Development of the property will be constructed as substantially shown on the attached Arkansas Legacy Master Plan labeled as Exhibit #5. Exhibit #5 has been included as a part of this Bill of Assurance in order to show the following site planning characteristics that are being proposed:

a) The general horizontal alignment of the proposed new streets.
b) The general location of the proposed tree preservation areas.
c) The general location and massing of the proposed buildings in relation to the street.
d) The general location of the proposed rear lanes and the concept that most of the immediate vehicular access to off-street parking is located to the rear of the buildings and generally not visible from the front of the homes or the street.

2. Development of the property will be limited to the following permitted uses as defined by the City of Fayetteville Unified Development Code:single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing development, and home occupations.

3. Development of the property will be limited to no more than thirty (30) dwelling units located on or using New Streets #1 and #2 for the required street frontage. The majority of these thirty (30) dwelling units will be either attached or detached single family dwellings. Additional dwelling units will be located on or utilize West Cleveland Street for required street frontage.

EXHIBIT "C"

4. Development of the property will be limited to construction of new buildings that do not exceed thirty (30) feet in height, as measured from the soffit to the finished grade around the outside perimeter of the building.

5. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

EXHIBIT "C"

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Paul E. Jeske, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

June 22, 2015
Date

Paul E. Jeske
Printed Name

2820 Riverside Drive
Address

Salem, OR 97306

Paul E Jeske
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 22nd day of June, ~~2009,~~ 2015 was appeared before me, Michelle S. Sprauer, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Michelle S. Sprauer
NOTARY PUBLIC

My Commission Expires:

11/02/2018

OFFICIAL STAMP
MICHELLE SUZANNE SPRAUER
NOTARY PUBLIC - OREGON
COMMISSION NO. 933675
MY COMMISSION EXPIRES NOVEMBER 02, 2018

EXHIBIT "C"

Master Plan Key:

- Ⓐ Existing House
- Ⓑ Proposed House
- Ⓒ Private Courtyards
- Ⓓ Tree Preservation
- Ⓔ Pedestrian Pathway
- Ⓕ Central Green
- Ⓖ Razorback Transit Stop

community.by.design
TOWN PLANNING.URBAN ENGINEERING

Exhibit #5 (Revision 1- 5/31/15)
Arkansas Legacy Master Plan

RECEIVED
JUL 02 2015
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

community.by.design
TOWN PLANNING.URBAN ENGINEERING

July 2, 2015
Via Hand Delivery

Ms. Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain Street, Room 308
Fayetteville, Arkansas 72701

RE: **Request for appeal to the City Council of the June 22nd, 2015 Planning Commission action to deny RZN 15-5066**

Ms. Smith

As a representative of Arkansas Legacy, LLC, owner of 4.0 acres on 3 separate parcels located at 1324, 1326, and 1338 West Cleveland Street, I respectfully request to appeal the June 22nd, 2015 Planning Commission action to deny RZN 15-5066 per UDC 155.05(A)(1)(b).

With a bill of assurance attached, the property owner feels that the proposed rezoning is compatible with the surrounding land use and is encouraged by the City of Fayetteville long range planning goals found in City Plan 2030 and the Future Land Use Plan. The proposed rezoning would give the property owner a clear and predictable path for development approval of the proposed project. All other rezoning options, including a PZD, would require variances and be less predictable.

For the following reasons the property owner feels that the proposed rezoning request was not accurately represented by the Planning Commission Memo from planning department staff to the planning commissioners, which prevented proper consideration by the full Planning Commission:

1. The opinion of planning department staff that the Downtown General Zoning District is an inappropriate designation for the property is not consistent with the policies set forth in City Plan 2030 and the Future Land Use Plan. The stated purpose of the Downtown General Zoning District in the zoning code is very consistent with the property owner's proposal and with what is encouraged for City Neighborhood Areas by the Future Land Use Plan.
    a. **From Zoning Code** - *"Purpose. Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center. Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation.* There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone."
    b. **From Future Land Use Plan for properties designated as City Neighborhood** – "City Neighborhood Areas are more densely developed than Residential Neighborhood Areas and provide a varying mix of nonresidential and residential uses."
2. The property owner's proposed bill of assurance is very clear and concise, restricting density and development on the property to residential use and building heights to less than 30 feet. Approval of the bill of assurance would not grant any kind of development approval, all development codes would still apply.
3. There were conflicting opinions between City planning department staff and the City Attorney regarding the enforceability of the proposed bill of assurance.

100 West Center Street Suite 300
Fayetteville, AR 72701
479.444.0095

4. The letter from Urban Forester was not provided to the Planning Commission. This was key since it seemed that many of the commissioners did not understand the tree preservation issues and that the Urban Forester felt like our tree preservation proposal was appropriate given the infill location.
5. The Planning Commission Memo stated that "Approval of this proposal essentially approves a tree preservation plan without final evaluation by the Urban Forester, or input by Planning Commission on a detailed tree preservation plan or site analysis". This does not seem to be accurate. All development codes would still apply to the property.
6. Lastly, at the Planning Commission meeting the Planning Commission Chair did not allow the applicant the full amount time as provided by City policy to attempt to clarify the above discrepancies.

Could you please see that the following items, as previously submitted to the planning department, are made available to the alderman for consideration. These items can be provided again upon your request but should be on file in the planning department:

- One (1) PDF copy of a completed and signed rezoning application.
- One (1) PDF copy of Exhibit #1 – Survey Description of Property to be Rezoned.
- One (1) PDF copy of Exhibit #2 – County Parcel Map.
- One (1) PDF copy of Exhibit #3 – Written Description of Request per City of Fayetteville rezoning application.
- One (1) PDF copy of Exhibit #4 (Revised 05/31/15) – Bill of Assurance proposed with this rezoning application.
- One (1) PDF copy of Exhibit #5(Revised 05/31/15) – Arkansas Legacy Master Plan.
- One (1) PDF copy of Exhibit #6 – Arkansas Legacy Master Plan Presentation Slides
- One (1) PDF copy of Exhibit #7 – Zoning Analysis Presentation Slides, which attempt to further illustrate the need for the request.

Please let me know if you have any questions or if you need additional information in order to process this request.

Sincerely,

Brian Teague
Community By Design

Paul E Jeske
Owner/Manager

City of Fayetteville Staff Review Form

2015-0316

Legistar File ID

7/21/2015

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

Jeremy Pate	7/7/2015	City Planning / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN 15-5066: Rezone (1324 W. CLEVELAND ST./ARKANSAS LEGACY, LLC., 443): Submitted by COMMUNITY BY DESIGN for properties located at 1338 and 1326 W. CLEVELAND ST. The properties are zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.98 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$ -
		Funds Obligated	$ -
		Current Balance	$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____ Approval Date: _____

Comments:

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: July 7, 2015

SUBJECT: **RZN 15-5066: Rezone (1324 W. CLEVELAND ST./ARKANSAS LEGACY, LLC., 443):** Submitted by COMMUNITY BY DESIGN for properties located at 1338 and 1326 W. CLEVELAND ST. The properties are zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.98 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

RECOMMENDATION:
The Planning Commission and staff recommend denial of an ordinance to rezone the property to DG, Downtown General. The applicant has appealed the Planning Commission's decision to the City Council.

BACKGROUND:
The subject properties are located at the northeast corner of Cleveland Street and Razorback Road. There are two existing single-family homes that were constructed in the 1920's. The overall property contains approximately 4 acres, with approximately 0.75 acres zoned RMF-24, Residential Multi-family and 3.25 acres zoned RSF-4, Residential Single-family.

The property is surrounded by a variety of land uses and zoning designations. To the east is a fraternity house zoned RMF-24; to the north and west are single-family homes zoned RSF-4; and to the south is University of Arkansas housing zoned Institutional.

Surrounding Land Use Compatibility: The applicant has submitted a request for Downtown General, which is an inappropriate designation for this property, in staff's opinion. In order to mitigate concerns with certain land uses and building heights, the applicant has also submitted an extensive, though relatively unclear Bill of Assurance. The applicant's proposal will allow all types of residential uses, including single-family, two-family, three-family, multi-family and cottage housing, and has limited the number of units along Streets #1 and #2 to 30 units. However, there are no details on the number of units along Cleveland, nor is a maximum density stated. Further, the exact make-up of the development is unknown. The proposal may contain a variety of housing types, or provide all attached housing units and completely exclude detached single-family homes. Staff is unsure what the final development proposal will be for this property. However, given the land uses and densities permitted the proposed rezoning is incompatible with surrounding properties.

Further, the proposal is inconsistent with land use planning objectives and with basic zoning policy. Rather than creating clarity through a standard zoning district, or a comprehensive Planned Zoning District, the request attempts to modify a zoning designation that is just not appropriate for this property. The result, in staff's opinion, is a zoning and development plan that can't be accurately defined or enforced.

Land Use Plan Analysis: City Plan 2030 Future Land Use Plan designates this site as a City Neighborhood Area. City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily.

Staff supports a variety of housing types and even an increased density over the existing four units per acre allowed on this property. However, the most appropriate path for the owner to obtain development rights on this property, if the desire is to provide a variety of housing types, is to submit a Planned Zoning District (PZD) application. As described in the Unified Development Code, a PZD is "intended to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development."

DISCUSSION:
Request: The property owner is requesting to rezone approximately 4 acres to DG, Downtown General. The applicant has submitted a detailed Bill of Assurance that will restrict the allowable uses to single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing and home occupations. In addition to the limit on land uses, the applicant has submitted a conceptual site plan (Exhibit #5) that is intended to illustrate site planning characteristics, including street alignment, tree preservation areas, building location and massing, and parking. A maximum building height of 30 feet is also provided.

DISCUSSION:
On June 22, 2015 the Planning Commission denied the rezoning with a vote of 9-0-0. At the meeting five members of the public spoke that live near the subject property. They were opposed to the rezoning citing concerns with the Downtown General zoning designation, tree preservation, and enforcement of the Bill of Assurance.

BUDGET/STAFF IMPACT:
N/A

Attachments:
Appeal Letter
Resolution
Planning Commission Staff Report

CITY OF Fayetteville ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~June 22, 2015~~ Updated July 7, 2015

SUBJECT: **RZN 15-5066: Rezone (1324 W. CLEVELAND ST./ARKANSAS LEGACY, LLC., 443):** Submitted by COMMUNITY BY DESIGN for properties located at 1338 and 1326 W. CLEVELAND ST. The properties are zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.98 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

RECOMMENDATION:
Staff recommends denial of **RZN 15-5066**.

BACKGROUND:
The subject properties are located at the northeast corner of Cleveland Street and Razorback Road. There are two existing single-family homes that were constructed in the 1920's. The overall property contains approximately 4 acres, with approximately 0.75 acres zoned RMF-24, Residential Multi-family and 3.25 acres zoned RSF-4, Residential Single-family.

The property is surrounded by a variety of land uses and zoning designations. To the east is a fraternity house zoned RMF-24; to the north and west are single-family homes zoned RSF-4; and to the south is University of Arkansas housing zoned Institutional.

Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family/Undeveloped	RSF-4, Residential Single-Family
South	University Housing	P-1, Institutional
East	Fraternity House	RMF-24, Residential Multi-Family
West	Single-family Homes	RSF-4, Residential Single-Family

DISCUSSION:
Request: The property owner is requesting to rezone approximately 4 acres to DG, Downtown General. The applicant has submitted a detailed Bill of Assurance that will restrict the allowable uses to single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing and home occupations. In addition to the limit on land uses, the applicant has submitted a conceptual site plan (Exhibit #5) that is intended to illustrate site planning characteristics, including street alignment, tree preservation areas, building location and massing, and parking. A maximum building height of 30 feet is also provided.

Public Comment: See letters attached.

Infrastructure:

Streets: The site has direct access to Cleveland Street.

Water: Public water is available to the site. There is a 6-inch line along Cleveland Street and a 12-inch line that runs north and south along the west property line.

Sewer: Public sewer is available to the site. There is an 8-inch line along Cleveland Street.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: This development will be protected by Engine 2 located at 708 N. Garland Avenue. It is 1 mile from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as* ***City Neighborhood Area. City Neighborhood Areas*** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Nonresidential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone. ***City Neighborhood Areas*** encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:
a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.

b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.

c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.

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 applicant has submitted a request for Downtown General, which is an inappropriate designation for this property, in staff's opinion as discussed below. In order to mitigate concerns with certain land uses and building heights, the applicant has also submitted an extensive, though relatively unclear Bill of Assurance. The applicant's proposal will allow all types of residential uses, including single-family, two-family, three-family, multi-family and cottage housing, and has limited the number of units along Streets #1 and #2 to 30 units. However, there are no details on the number of units along Cleveland, nor is a maximum density stated. Further, the exact make-up of the development is unknown. The proposal may contain a variety of housing types, or provide all attached housing units and completely exclude detached single-family homes.**

The applicant has set aside areas for tree preservation as shown in the conceptual site plan. However, staff has no idea of the exact percentage proposed to be preserved, tree species, or condition of the canopy. Approval of this proposal essentially approves a tree preservation plan without final evaluation by the Urban Forester, or input by the Planning Commission on a detailed tree preservation plan and site analysis.

Finally, the plan lays out the internal street system, which as designed, violates the connectivity requirements of Chapter 166. Acceptance of this zoning proposal essentially grants a variance of the Access Management Ordinance without a detailed review of an actual development plan.

Given these facts, the proposal is not only inconsistent with land use planning objectives, but also with basic zoning policy. Rather than creating clarity through a standard zoning district, or a comprehensive Planned Zoning District, the request attempts to modify a zoning designation that is just not appropriate for this property. The result, in staff's opinion, is a zoning and development plan that can't be accurately defined or enforced.

The most appropriate path for the owner to obtain development rights on this property, if the desire is to provide a variety of housing types, is to submit a Planned Zoning District (PZD) application. As described in the Unified Development Code, a PZD is "intended to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development."

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **In staff's opinion, the zoning request and accompanying Bill of Assurance are not justified at this time. The Downtown General zoning district is not an appropriate district for this property. The Bill of Assurance attempts to alleviate some concerns with this zoning district. Ultimately though, it creates a development scenario that is inconsistent with development regulations and policy, and in staff's opinion, difficult to enforce or regulate.**

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

Finding: **At this point staff can only assume the development of at least 30 residential units, however, it's likely that more are planned. Access to the site will line up with Razorback Road and allow for an appropriate and safe four-way stop condition. At an appropriate density, staff feels redevelopment of the site can occur without an appreciable increase in traffic danger or congestion.**

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: **Again, staff can only assume how many units will be built on the property if the property is rezoned. However, at only four acres, it's very unlikely that the development would 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

RECOMMENDATION:

Staff recommends denial of RZN 15-5066 based on the findings herein.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: June 22, 2015 ❒ **Tabled** ❒ **Forwarded** √ **Denied**

The motion was to deny the rezoning.

Motion: Autry **Second: Hoskins** **Vote: 9-0-0**

CITY COUNCIL ACTION: **Required** **YES**
❒ **Approved** ❒ **Denied**
Date: July 21, 2015

BUDGET/STAFF IMPACT:
None

Attachments:
Request Letter
Bill of Assurance
Fire Comments
Public Comment
One Mile Map
Close Up Map
Current Land Use Map
Future Land Use Map

CITY OF Fayetteville ARKANSAS

URBAN FORESTRY

TO: Alison Jumper
Park Planning Superintendent

FROM: Ken Eastin
Urban Forester

DATE: May 22, 2015

SUBJECT: **REQUEST FOR POSITION ON TREE PRESERVATION REQUIREMENTS**

I met Brian Teague of Community By Design and toured a site proposed for development at 1324 West Cleveland. Brian's immediate concern is determination of a target zoning request in order to best meet the intent of the proposed development. The current request submitted by the applicant is for DG-Downtown General which has less stringent tree preservation requirements, but does not particularly match the adjacent neighborhood zoning. Rather, a zoning request of PZD-Planned Zone Development has been suggested by Fayetteville Planning staff in order to allow for guideline establishment that will more closely match surrounding land use; however, tree preservation minimums for PZD zoning is much greater than that of DG. Brian has inquired if these minimums could be reduced should they pursue the PZD designation. After an overview of the initial concept plan and a visit to the site, I feel that Brian has done a very good job of integrating the proposed layout around the existing mature trees on site.

The standard minimum tree preservation in PZD zones is 25% of the site area. This is a target minimum; however, when working with tight infill projects such as this proposal, that minimum can often be difficult or impossible to achieve with a feasible development project. As you know, that is one of the reasons that other options to meet minimum canopy requirements are available rather than only preservation. These options include planting of mitigation trees or payment into the tree escrow fund. After becoming familiar with the concept plan and the site, it is obvious that the target minimum may be difficult to achieve. This memo is submitted in order to acknowledge the difficulty of developing this site as an infill project in alignment with the 2030 plan and the willingness of Urban Forestry to work with the applicant to achieve minimum canopy requirements through available mitigation options. Through the course of Development and Construction plan preparation and review, I will be working with the consultants to maximize preservation opportunities, while acknowledging that the target minimum may not be met. As you know, this is typical of Development review, particularly in these tight neighborhood infill proposals. This is in line with the intent and recommendations of the City Plan 2030 in order to encourage greater infill development. Hopefully this will be an acceptable position for the project applicants.

Please understand that this does not mean automatic approval of the project, but after reviewing the site and concept, I am comfortable working with the applicant, based on the currently proposed design, to meet minimum canopy requirements through other mitigation options other than preservation only.

Mailing Address:
113 W. Mountain Street
Fayetteville, AR 72701

URBAN FORESTRY
www.fayetteville-ar.gov

EXHIBIT #3 - WRITTEN DESCRIPTION OF REQUEST PER THE CITY OF FAYETTEVILLE REZONING APPLICATION

a. *Current ownership information and any proposed or pending property sales.*

The subject properties are currently owned by Arkansas Legacy, LLC. There are no proposed or pending property sales.

b. *Reason (need) for requesting the zoning change.*

The primary reason for the zoning change request is that the existing zoning does not allow for development of the property in accordance with the City's long range planning goals.

Arkansas Legacy, LLC and the Jeske Family wish to keep the existing home at 1326 Cleveland, where they grew up, and incorporate this home into a new master plan for the property. The design of the Arkansas Legacy Master Plan was guided by the the City's long range planning goals, objectives, and principles as set forth in City Plan 2030 and the City of Fayetteville Future Land Use Plan.The master plan calls for 54 homes. This includes a range of different housing types and sizes, all designed to be at scale that is small and more neighborhood friendly. The homes are organized in a manner that keeps about 160 of an estimated 242 existing trees and which creates high-quality open spaces connected with pedestrian pathways, rear access drives, and public streets. The Bill of Assurance attached to this request ensures that any new development on this property will be in substantial accordance with this master plan.

According to City Plan 2030, the City Neighborhood Future Land Use designation attached to the property encourages denser development with a mixture of both residential and nonresidential use. The existing zoning does not allow development consistent with City Plan 2030 or the City Neighborhood Future Land Use designation. In accordance with this land use designation The Arkansas Legacy Master Plan contains a mixture of single-family detached and single-family attached unit types at varying sizes at a medium density of 13.5 dwelling units per acre. The existing RSF-4 district encourages low density development and the large lot size and street frontage requirements of this district prevent the construction of the unit types as proposed on the Arkansas Legacy Master Plan. The RMF-24 district encourages higher density, however the larger lot size and street frontage requirements prevent the subdivision and the individual selling of the homes proposed in the Arkansas Legacy Master Plan and thus encourages rentals.

Specifically the lesser street frontage, lot size, setback, and tree preservation requirements of the Downtown General Zoning District make the Arkansas Legacy Master Plan viable. The Downtown General Zoning District will allow for the highest and best use of the property in a manner consistent with the City's long range planning goals.

The Bill of Assurance attached to this request ensures that any new development on this property will be in substantial accordance with this master plan. The Bill of Assurance is proposed to alleviate concerns of neighbors and to eliminate the possibility of something not as substantially shown on the Master Plan being built on the property. During the review of this rezoning application the applicant expects to receive suggestions for specific assurances that would limit building height and density in accordance with the master plan.

A Planned Zoning District (PZD) is not a viable option for the Arkansas Legacy Master Plan due to the significantly increased tree preservation requirements, which is inconsistent with the Arkansas Legacy Master Plan.

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

The smaller scale, more neighborhood friendly unit types proposed in the Arkansas Legacy Master Plan are compatible with and will serve as an asset to the existing neighborhood. Furthermore it will provide an appropriate transition from the less dense RSF-4 neighborhoods to the west into the more intense land uses to the south and east which contain the University of Arkansas and large areas of RMF-40 units per acre zoning.

d. Availability of water and sewer (state size of lines).

Water and Sewer is available. A 12" water main runs north to the south across the property along its west property line. A 6" water main runs west to east in the Cleveland Street Right of Way. An 8" sanitary sewer main also runs west to east in the Cleveland Street Right of Way.

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed Downtown General Zoning District with attached Bill of Assurance requiring any development on the property to be in substantial accordance with the Arkansas Legacy Master Plan is highly consistent with the City of Fayetteville Future Land Use Plan and City Plan 2030.

As mentioned previously, the City of Fayetteville Future Land Use Plan designates the property as "City Neighborhood". The written goals of this designation suggest a transition away from the lower-density, single-use neighborhoods to the west to a denser type development with a mixture of both residential and nonresidential use. The property was likely given this designation due to its close proximity to the University of Arkansas, Leverett Elementary School, and other jobs / retail that are within a short walk from the property. The locations proximity to multiple walkable amenities and the existing transit stop immediately adjacent to the property will make it possible for a built Arkansas Legacy Master Plan to meet the goals and objectives of the City Neighborhood Future Land Use designation.

In addition, The Arkansas Legacy Master Plan is in general accordance with and if built would contribute to the following planning objectives, principles, and policies of City Plan 2030:

Existing City Planning Goals	Contributions made by Arkansas Legacy Master Plan
City Plan 2030 Goal 1 - We will make appropriate infill and revitalization our highest priorities. • Objective d – Promote densest development around logical future transit stops. • Objective g – Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown and the U of A.	The Arkansas Legacy Master Plan would provide housing on relatively undeveloped land. The land is immediately adjacent to the University of Arkansas and adjacent to existing homes. The development would support and complement the existing neighborhood and the housing and social needs of the area. The Master Plan encourages use of the existing transit stop. The homes would provide housing for University employees within walking distance. Children living within the master plan could easily walk to nearby Leverett Elementary.
City Plan 2030 Goal 2 - We will discourage suburban sprawl. • Accommodating growth in the center of the city preserves farms and forests on the edge.	Development of a medium density housing in this location will reduce the need for less dense development further away from the center of the City.
City Plan 2030 Goal 3 - We will make traditional town form the standard. • Objective a – Require new growth that results in neighborhoods, districts, and corridors that are: 1. compact - via denser housing; meaningful open spaces & preserves; small blocks 2. complete - via varied housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods 3. connected - via street-oriented buildings; interconnected streets;	With a variety of house sizes and designs the Arkansas Legacy Master Plan will contribute to growth that results in a neighborhood that encourages a diversity of users. With its walkable location the property lends itself to medium density housing. In addition to the already walkable location, the transit stop immediately adjacent to the property will further encourage residents to be less dependent on the car for transportation. Connected with tree-lined streets, sidewalks, rear access courts, and pedestrian pathways, the planned open spaces of the master plan will provide a high quality area for

interconnected greenways & trails • Objective b – Prepare a transit-worthy community: densify in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes. • Objective c – Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space. • Aggregate employment into mixed use centers with walkable amenities.	interaction between the neighbors. Front porches are planned to enhance the quality of these open spaces. The front porches will further social interaction between the neighbors and also provide "eyes on the street". In addition, to even further enhance these open spaces, access to garages have been located to the rear of the homes and garage parking has been provided for nearly all of them. The planned street internal to the project will focus use and traffic to those who live in the area. This will minimize the impact of traffic to the surrounding neighborhood. The street is designed in a manner that will encourage vehicles to move slowly so pedestrians should feel safe walking.
City Plan 2030 Goal 4 - We will grow a livable transportation network. • Objective a – Community design should precede and outrank traffic planning. • Objective b – Make walkable, cyclist friendly road designs with slow design speeds, and block and street layouts the standard; walkability is a part of the street function. • Objective f - Commit to evolving a rich menu of transit choices, including citywide and regional mass transit. • Objective h - Plan employment in locations with access to walkable amenities and transit rather than in isolated locations.	Creating livable space within the development and minimizing the impact to the surrounding neighborhood is a primary objective built into the Master Plan. The planned street will focus use and traffic to those who live in the area. This will minimize the impact of traffic to the surrounding neighborhood. The street design encourages slow speeds by vehicles, which should encourage walking and biking. Sidewalks and greenways will further encourage use by pedestrians. The location of the property and the medium density design is very pedestrian friendly. The existing transit stop adjacent to the property will be an important asset for residents and offer transportation options that do not include the car.
City Plan 2030 Goal 5 - We will assemble an enduring green network. • Objective a – Vigilantly nurture a continuum of greenspace, including riparian buffer areas, canopy restoration and protection, small neighborhood parks and squares, major parks and recreation facilities, greenways and trails, and large-scale preserves.	Greenways along planned pedestrian pathways will preserve many existing mature trees. The central green space/park will preserve many mature trees but will also provide space for a small neighborhood park.
City Plan 2030 Goal 6 - We will create opportunities for attainable housing • Objective a – Increase housing choices by encouraging a mixture of housing types and sizes and dispersed throughout the city. • Objective c – Establish partnerships with non-profit and private entities to facilitate the development of attainable workforce housing. • Objective d - Make housing relatively more affordable by influencing cost of living items such as utilities and transportation. Complete, compact and connected neighborhoods are pedestrian-friendly and provide everyday services within walking distance, allowing residents to reduce transportation costs, which could positively affect their ability to obtain housing.	The Arkansas Legacy Master Plan offers a mixture of housing types and sizes that will allow residents to age in place. The goal is not to create a monoculture, but to build a range of unit types that will provide the opportunity for someone to live out their entire lives in the neighborhood. The master plan will create attainable housing in two ways. Since there is a range of housing types, smaller houses will be available that will be more affordable simply due to their smaller square footage. Also, housing will be inherently more affordable at this location due to its proximity to employment and retail. On average, residents of Northwest Arkansas pay more for their transportation than they do for their housing. The Arkansas Legacy Master Plan will provide the option to significantly reduce and in some cases nearly eliminate the cost of transportation. No similar neighborhood exists in the area immediately adjacent to the University campus.

f. Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed Downtown General Zoning District is the lesser intense of four existing zoning categories (DG, MSC, UC, and UT) that provide setback, lot size, and street frontage zoning regulations that allow the subdivision of the mixture of unit types as proposed in the Arkansas Legacy Master Plan. A PZD could provide the zoning regulations that are needed, however development regulations require increased tree preservation for PZDs, which are inconsistent with the Arkansas Legacy Master Plan. Varying from this requirement without review and consideration of detailed development plans is not allowed by the City of Fayetteville. The Arkansas Legacy Master Plan does however meet the tree preservation requirements of the Downtown General Zoning District.

If in fact the Arkansas Legacy Master Plan is highly consistent with the planning objectives, principles, and policies of the City of Fayetteville Future Land Use Plan and City Plan 2030 as previously suggested, then the proposed zoning seems justified and needed at this time.

g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

Traffic studies provided for analysis of the approved Project Cleveland (R-PZD 12-4079) showed that it would not have a significant impact to traffic on the surrounding streets and that levels of service on surrounding streets would not be significantly impacted. Separated by only 189 feet from the approved Project Cleveland PZD, The Arkansas Legacy Master Plan is proposing 54 dwelling units while the Project Cleveland PZD contained 122 dwelling units. Given its close proximity and while containing significantly less dwelling units, the Arkansas Legacy Master Plan should not have an impact on traffic conditions either. If built, the Arkansas Legacy Master Plan could potentially make conditions on Cleveland Street safer for both pedestrians and vehicles.

h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Rezoning the property to the Downtown General Zoning District with a Bill of Assurance to develop the property in substantial accordance with the Arkansas Legacy Master Plan would not significantly increase the load to public services.

i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

If the subject property was developed under the existing zoning classification, then many of the goals, objectives, and principles of the City of Fayetteville Future Land Use Plan and City Plan 2030 could not be met. Rezoning the subject property to the Downtown General Zoning District would allow the goals, objectives, and principles of the City of Fayetteville Future Land Use Plan and City Plan 2030 to be met.

Arkansas Legacy
Comments to Fayetteville Planning Commission
June 22, 2015

We understand that in some ways this is a unique and in some was complex proposal. Thank you for your consideration of our proposal. We believe that creative flexibility is needed to achieve our proposed Master Plan and City Plan 2030 objectives.

One expressed concern is that this area will become like downtown. Our objective is to build a neighborhood, not a downtown area. This is shown in the Master Plan and the Bill of Assurance. We don't want a downtown area either.

Downtown General is the City's label, not ours. It is only a label and does not reflect what is in the Master Plan or our intent.

Downtown General is **the only city zoning category that allows our Master Plan to be implemented.**We want to build the project at a scale that would be acceptable to neighbors while still allowing us the density to make the project feasible. City requirements that prevent using other zoning categories include those relating to green tree retention, residence set back distances and street frontage.

The City staff and some written comments suggest that we should be using a PZD application. We carefully examined using the PZD zoning. It does not allow implementing this Master Plan, primarilydue to the 25% tree retention standard.A zoning variance from the PZD standard would be required, but this is variance is not assured.

The existing Master Plan design includes retention of many large trees and exceeds the 10% tree retention requirement included in Downtown General.

The City Forester has reviewed the Master Plan on site and has written a letter regarding the Master Plan that is not included in the City's package. Part of the letter states, "when working with tight infill projects such as this proposal, that minimum *(25% tree retention)* can often be difficult or impossible to achieve with a feasible development project." The letter also states, "This (Plan) is inline with the intent and recommendations of the City Plan 2030 in order to encourage greater infill development."

The Master Plan design is consistent with the City's long range plan and objectives *(see 'part e' of zoning application).*

The property is a transition zone from the University to the neighborhood. The Master Plan design and zoning change request are consistent with the transitional nature of the property.

Community by Design has worked with the City Attorney to create the Bill of Assurance. There is legal precedence for using a Bill of Assurance. It is clear and specific regarding proposed restrictions.

The City Planning staff is asking for specifics in our design that are not appropriate for this zoning change step in the process. Those details are normally provided with the Large Scale Development application part of the process. One example is the concern regarding the connectivity of the street. Creating a through street here will significantly increase traffic into and around the neighborhood, especially at the intersection of Razorback Road and Cleveland Street. Having this limited access street design is intended to focus traffic to only the traffic associated with the immediate neighborhood. This is a subject that would normally be addressed in the Large Scale Development application stage, not as part of a zoning change application.

We are family members that grew up in the neighborhood, went to the local Leverett Elementary School, still have emotional connections to the neighborhood and want to complete a project that contributes to and helps to build the neighborhood community. We feel that the Master Plan achieves that objective.

community.by.design
TOWN PLANNING URBAN ENGINEERING

June 4, 2015
Via Hand Delivery

Mr. Andrew Garner
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: **RZN – 15-5066**

Mr. Garner,

In addition to the documents submitted April 28, 2015, please find attached the following documents for consideration at the June 22, 2015 Planning Commission:

- One (1) PDF copy of Exhibit #2 – County Parcel Map.
- One (1) PDF copy of a revised Exhibit #4 – Bill of Assurance proposed with this rezoning application.
- One (1) PDF copy of a revised Exhibit #5 – Arkansas Legacy Master Plan.
- One (1) copy of a public hearing notice sent to the adjacent property owners
- One (1) copy of certificate of mailing
- One (1) copy of certificate of sign posting
- One (1) compact disc with PDF copies of the documents listed above

The revisions to Exhibit #4 and #5 are intended to make the proposed Bill of Assurance more enforceable per our meetings and conversations.

Please let me know if you have any questions or if you need additional information in order to process this request.

Sincerely,

Brian Teague
Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775

EXHIBIT #4 (Revision 1 - 5/31/15)

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") **Arkansas Legacy LLC,** hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. Development of the property will be constructed as substantially shown on the attached Arkansas Legacy Master Plan labeled as Exhibit #5. Exhibit #5 has been included as a part of this Bill of Assurance in order to show the following site planning characteristics that are being proposed:

a) The general horizontal alignment of the proposed new streets.
b) The general location of the proposed tree preservation areas.
c) The general location and massing of the proposed buildings in relation to the street.
d) The general location of the proposed rear lanes and the concept that most of the immediate vehicular access to off-street parking is located to the rear of the buildings and generally not visible from the front of the homes or the street.

2. Development of the property will be limited to the following permitted uses as defined by the City of Fayetteville Unified Development Code:single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing development, and home occupations.

3. Development of the property will be limited to no more than thirty (30) dwelling units located on or using New Streets #1 and #2 for the required street frontage. The majority of these thirty (30) dwelling units will be either attached or detached single family dwellings. Additional dwelling units will be located on or utilize West Cleveland Street for required street frontage.

4. Development of the property will be limited to construction of new buildings that do not exceed thirty (30) feet in height, as measured from the soffit to the finished grade around the outside perimeter of the building.

5. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Paul E. Jeske, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

June 22, 2015
Date

Paul E. Jeske
Printed Name

28270 Riverside Drive
Address
Salem, OR 97306

Paul E Jeske
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 22nd day of June, ~~2009,~~ 2015 was appeared before me, Michelle S. Sprauer, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Michelle S. Sprauer
NOTARY PUBLIC

My Commission Expires:

11/02/2018

OFFICIAL STAMP
MICHELLE SUZANNE SPRAUER
NOTARY PUBLIC - OREGON
COMMISSION NO. 933675
MY COMMISSION EXPIRES NOVEMBER 02, 2018

community.by.design
TOWN PLANNING.URBAN ENGINEERING

Master Plan Key:

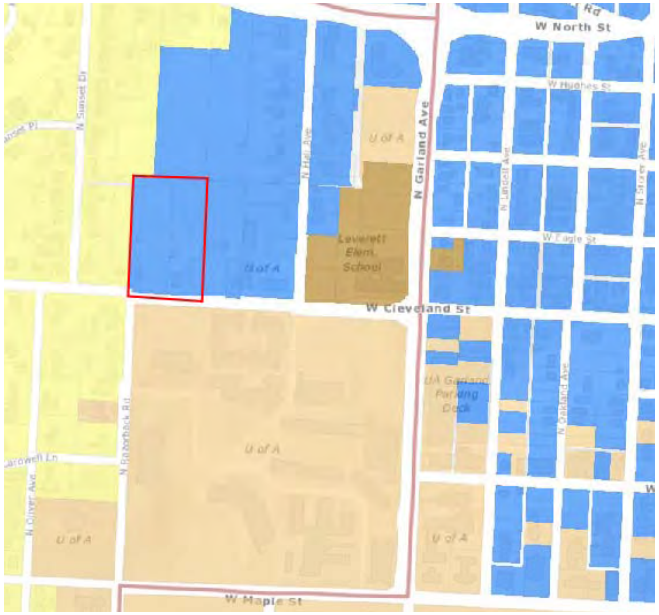
- Ⓐ Existing House
- Ⓑ Proposed House
- Ⓒ Private Courtyards
- Ⓓ Tree Preservation
- Ⓔ Pedestrian Pathway
- Ⓕ Central Green
- Ⓖ Razorback Transit Stop

Exhibit #5 (Revision 1- 5/31/15)
Arkansas Legacy Master Plan

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Zoning Analysis Presentation

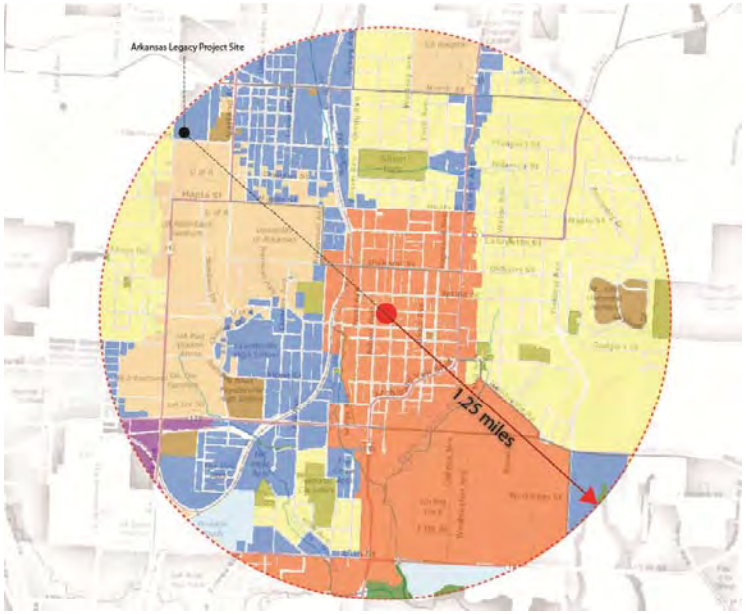
Existing Zoning Map



Future Land Use Map

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Comparison of Existing Zoning (left) and Future Land Use Plan (right)



The City Neighborhood designation encourages denser development with a mixture of both residential and nonresidential uses. Looking at the expanded downtown area, areas with the City Neighborhood designation primarily contain a mix of NC, DG, RMF24, RMF40, CS, C1 and C2 zoning districts. The majority of new development in these areas have been multi-family apartments

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Existing Smaller Scale Residential Development in City Neighborhood Areas

The majority of new smaller-scale development in City Neighborhood areas has been along MLK in the Walker Park Neighborhood. Primarily this smaller-scale new development is in areas zoned Downtown General. At Church and MLK these new single-family homes and duplexes were built at a net density of 15 du/acre or a gross density of 10 du/acre.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Existing Zoning on Arkansas Legacy Property

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 28	Multi-family dwellings
Unit 44	Cottage Housing Development

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

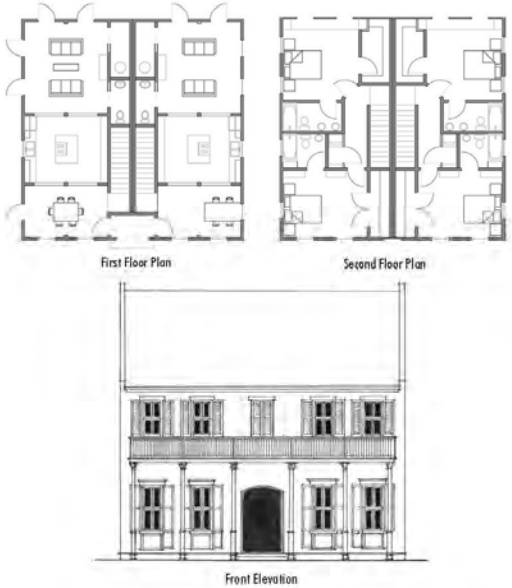
(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

If we are to meet the goal of medium density with a mix of unit types at a smaller, more neighborhood-friendly scale (not with apartment buildings), then the existing zoning does not work. RSF4 encourages low-density single-family homes and RMF24 encourages apartment buildings. Both require large lot sizes and large street frontages for those lots.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

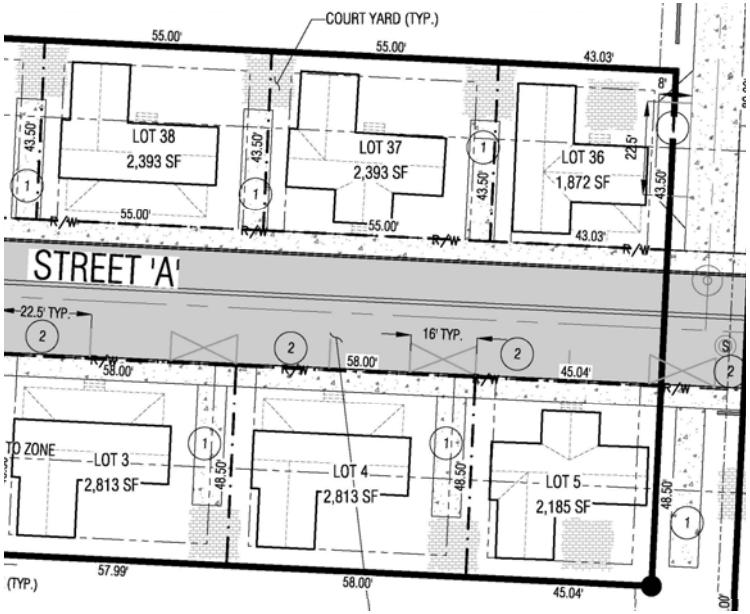
Form-Based Districts with No Lot Size Requirements – DC, MSC, UT, DG, CS



Looking at the existing zoning categories, only the truly form-based districts allow this type of development. These districts have no lot size requirements and they only require 18 feet of street frontage in order to subdivide. In these districts we can build this two-bedroom townhome(1,296 SF) on a 1,600 SF Lot and sell it individually to a family. Outdoor amenities include front porch, private courtyard, and garage parking.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Form-Based Districts with No Lot Size Requirements – DC, MSC, UT, DG, CS



There are no lot size requirements. This four-bedroom(1,728 SF) home would fit comfortably on a 2,400 SF lot. There is room for a front porch, a back porch/patio courtyard, and one off-street parking space. Two more parking spaces would be provided on-street. A smaller two-bedroom home would fit on a lot less than 2,000 SF in size and still have adequate space for all of the same amenities.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Rezoning Options - Downtown General or Community Services

161.25 Downtown General

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Multi-family dwellings
Unit 44	Cottage Housing Development

(C) *Density. None.*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(G) *Building height regulations.*

Building Height Maximum	56 ft.

161.19 Community Services

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 28	Multi-family dwellings
Unit 44	Cottage Housing Development

(C) *Density. None.*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.

Table 1
Minimum Canopy Requirements

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential – One Half Unit per Acre	25%
RSF-1, Single-family Residential – One Unit per Acre	25%
RSF-2, Single-family Residential – Two Units per Acre	20%
RSF-4, Single-family Residential – Four Units per Acre	25%
RSF-7, Single-family Residential – Seven Units per Acre	20%
RSF-8, Single-family Residential – Eight Units per Acre	20%
R-O, Residential –Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential – Six Units per Acre	20%
RMF-12, Multi-family Residential – Twelve Units per Acre	20%
RMF-18, Multi-family Residential – Eighteen Units per Acre	20%
RMF-24, Multi-family Residential – Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential – Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

- Downtown General (DG) allows the smaller scale mixture of unit types at medium density as proposed in our plan.
- Community Services (CS) does the same thing but the 10' front setback and 20% tree preservation does not work.
- Neighbors Concerns include the unlimited density, the 56' bldg. height max, and nonresidential uses in DG.
- This identifies the need for a New Zoning District with similar setback, lot size, and street frontage regulations as DG - but with limited density, smaller bldg. height maximums, and minimal nonresidential uses allowed.
- As an alternative, we propose a Bill of Assurance Attached to a Downtown General Rezone that limits density, building height, and nonresidential uses.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

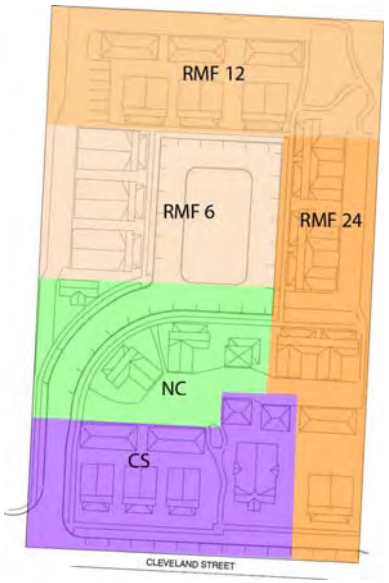
Rezoning Options - Planned Zoning District (PZD)

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential – One Half Unit per Acre	25%
RSF-1, Single-family Residential – One Unit per Acre	25%
RSF-2, Single-family Residential – Two Units per Acre	20%
RSF-4, Single-family Residential – Four Units per Acre	25%
RSF-7, Single-family Residential – Seven Units per Acre	20%
RSF-8, Single-family Residential – Eight Units per Acre	20%
R-O, Residential–Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential – Six Units per Acre	20%
RMF-12, Multi-family Residential – Twelve Units per Acre	20%
RMF-18, Multi-family Residential – Eighteen Units per Acre	20%
RMF-24, Multi-family Residential – Twenty-Four Units per Acre	20%
RMF-40 Multi-family Residential – Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

The PZD option would allow us the flexibility with lot sizes and street frontages that we need, however the tree preservation requirements do not work. A variance may be possible, however this would come after the zoning is approved which is problematic.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Rezoning Options - Combination of NC, RMF6, RMF12, RMF24, and CS



Minimum Canopy Requirements

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential – One Half Unit per Acre	25%
RSF-1, Single-family Residential – One Unit per Acre	25%
RSF-2, Single-family Residential – Two Units per Acre	20%
RSF-4, Single-family Residential – Four Units per Acre	25%
RSF-7, Single-family Residential – Seven Units per Acre	20%
RSF-8, Single-family Residential – Eight Units per Acre	20%
R-O, Residential –Office	20%
RT-12, Two and Three-family Residential	20%
~~RMF-6, Multi-family Residential – Six Units per Acre~~	~~20%~~
~~RMF-12, Multi-family Residential – Twelve Units per Acre~~	~~20%~~
RMF-18, Multi-family Residential – ~~Eighteen Units per Acre~~	20%
~~RMF-24, Multi-family Residential – Twenty-Four Units per Acre~~	~~20%~~
RMF-40,Multi-family Residential – Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
~~CS, Community Services~~	~~20%~~
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
~~NC, Neighborhood Conservation~~	~~20%~~
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

This option would include a number of different existing districts in a rezone. Due to the lot size and street frontage regulations in the multi-family districts a majority of those units could not be sold fee simple to a family and thus would encourage rentals. The 20% tree preservation requirement is also problematic.

The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

To: **Community by Design, Jesse Fulcher**
From: **Will Beeks, Assistant Fire Marshal**
Date: **May 12, 2015**
Re: **RZN 15-5066**

This development will be protected by Engine 2 located at 708 N Garland.
It is 1 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Will Beeks
Fayetteville Fire Department

PUBLIC COMMENT

Fulcher, Jesse

From: Hamilton, George <George.Hamilton@unilever.com>
Sent: Monday, June 15, 2015 12:55 PM
To: Pate, Jeremy; Fulcher, Jesse
Subject: Arkansas Legacy Project: submission on comments to the written packet

Dear Jeremy and Jesse

It is my understanding that are able to submit written comments and questions to the packet for the public hearing on the above project, being held on 6/22.

As such please see the below and thank you for your consideration of our comments in this matter, it is much appreciated.

****
I and my wife (Sara Burningham) are the owners of 1400 W Cleveland Street, the property directly adjacent to the property in question for the Arkansas Legacy Project.
As such I am writing in advance of the Public Hearing on this matter, to be held 6/22 @ 5.30pm, to express our deep concerns with the project as currently submitted.

We are not adverse to development of this site, in fact are supportive of development of this property in an appropriate fashion both for the neighborhood and this property in particular.

Our concerns are twofold:

1. The rezoning of this property as "Downtown General" is inappropriate in the sense that it is not a downtown location, will sit as an island of zoning surrounded by less dense zoning and will set a concerning precedent that seems at odds with the City 2030 plan that seeks to avoid "rapid growth (that) has led to suburban sprawl....., environmental concerns and increased traffic congestion"
2. The density of the project causes several issues with regards to Traffic and Parking. The current plans as laid out for the Arkansas Legacy project calls for 56 dwellings, but with less that 2 parking spots per property, within the development. As the stated goal is to make this a residential area for families and given the fact that stores are not walking accessible (hills, distance, variety of shops that are even remotely walk able), the likelihood of 2 or more cars per dwelling is high. The result will therefore be on street parking on Cleveland St. or the surrounding area and a significant increase in traffic. This will increase risk to pedestrians in an area that has relatively high pedestrian activity given the proximity to Leverett School and the College Halls, through:
    a. Addition of **the sole** access road to the development next to an existing and busy 3 way intersection (Razorback Rd and Cleveland St)
    b. Street parking blocking sight lines, which are further reduced at night through poor street lighting.

Our suggestions:

1. In order to develop this property in an appropriate fashion that fits with the existing neighborhood, existing zoning and future plans for the city AND doesn't cause a potentially dangerous traffic issue in the locality, we would recommend that
    a. the zoning application is changed to a PZD application or one more fitting with a residential area.
    b. that the property is developed so that parking is provided at a minimum of 2 cars per dwelling and potentially more, so that public street parking is avoided.
    c. the access road be moved to the north of the property, via Weddington Road to relieve traffic concentration in a residential area.

The end result we hope is a development that sits well in the environment that surrounds it, as it currently stands the plans for this project do not meet this standard and require alteration.

****

Yours Sincerely

George Hamilton
Owner 1400 W Cleveland St, Fayetteville, AR, 72701

Fulcher, Jesse

To: Garner, Andrew
Subject: RE: Jeske

From: Ken Gardner [mailto:KGardner@lmcancercenter.com]
Sent: Monday, June 08, 2015 10:14 AM
To: Garner, Andrew
Subject: Jeske

Andrew- Susan and I oppose the rezone request that Paul Jeske has submitted for his family's property on Cleveland. I do not believe that Downtown General is appropriate in this location and their proposed " Bill of Assurance" will not be sufficient to address traffic, storm water drainage, parking and other issues that their project will create for the area. I believe that the owners can develop this as RSF-4 or submit a PZD request. Thank you, Ken Gardner

Fulcher, Jesse

From: Beverly Schaffer <bschaffer@arkansas.net>
Sent: Wednesday, June 17, 2015 2:05 PM
To: Fulcher, Jesse
Cc: Pate, Jeremy; Garner, Andrew
Subject: Arkansas Legacy Project

Greetings Jesse,

I would like to share some thoughts about the proposed development plans of the Jeske family, referred to as the Arkansas Legacy Project. My husband, Archie, and I own the property at 1404 W. Cleveland, two doors down from the four acres that will comprise the project.

There are many things we like about the conceptual plans for this project. We appreciate the consideration of the applicant for not proposing to build another single purpose student housing project. We like the mix of housing sizes and designs. We especially are pleased with the plans to preserve the Jeske family home located on the four acres that would be developed. We are encouraged by the applicant's stated desire to build residences that, hopefully, would become owner occupied homes rather than more rentals. We don't object to a modest increase in density that will accommodate the conceptual development plans. However, we oppose the request to rezone the four acres currently zoned mostly RSF-4 to a Downtown General (DG) Zoning district.

The Downtown Master Plan

The DG zoning district was established as a result of the 2006 Downtown Master Plan (DMP). It was intended to be a district restricted to the downtown district of Fayetteville. It would be an arbitrary and unprecedented decision to extend this zoning district to the UA campus edge area, especially within an established residential neighborhood with significant historic significance to the city. The project will encompass only four acres in the center of an almost exclusively residential neighborhood north of Cleveland Street. A downtown zoning district appears to be incompatible with the surrounding land uses.

It would be a bad precedent for the city to extend the DG zoning district to areas not contiguous with the downtown area. Once done, other developers will want the same consideration. The city would have a hard time denying these future requests, resulting in a piecemeal extension of the downtown district to isolated areas of the city to facilitate projects encompassing only a small amount of acreage. This could leave the city open to attack for "spot zoning" or, alternatively, for arbitrarily allowing the use of a downtown zoning district in one case and denying it in another.

As a practical matter, establishing a downtown district in a residential area raises the question whether the architectural and design standards applicable to a downtown district also would apply to a DG district isolated within an existing residential district. This is the kind of confusion that results when you try to put a square peg in a round hole.

The DMP established four downtown zoning districts, Downtown Core, Main Street Central, Downtown General and Neighborhood Conservation. Of these, the NC district (according to the Unified Development Code) "has the least activity and lower density than the other zones" and "is the most purely residential zone" and it "serves to promote and protect neighborhood character". If the applicant was looking for a downtown, form based zoning district compatible with the existing land use in the area, we are puzzled as to why this option was ignored in favor of DG. In any event, NC is a downtown district and, like DG, not intended to be used outside of the downtown area.

Bill of Assurance (BOA)

The BOA offered by the applicant is not a satisfactory or workable solution to the problem of establishing a downtown district within a residential neighborhood. Although the restrictions offered would run with the land, the BOA itself is not enforceable by the city staff. It is only enforceable by the city filing a lawsuit against the developer or a future owner in the circuit court to enforce compliance. This is an undesirable position for the city to be in. City staff and financial resources would have to be regularly deployed to ensure that what ultimately is built complies with the BOA. If the project is built in phases, that burden could extend many years.

While the BOA eliminates some of the problematic permitted uses in the DG zoning district, it doesn't address the many other uses available with a conditional use permit. The BOA does not exclude these conditional uses. If requested in the future by this applicant or a future owner, and if granted, any of those uses would substantially change the character of this property.

Moreover, the BOA merely references an attachment of the conceptual drawings of the project, as currently contemplated, and promises the project ultimately built will be substantially the same. What does "substantially the same" mean? The project may change a great deal before it's built. A court would have to decide whether what eventually is built is substantially the same as what was promised. City resources should not be diverted to monitoring compliance with a BOA that attempts to construct a special zoning district to accommodate a specific project.

In short, the use of a BOA to persuade the city to rezone these four acres to DG places a continuing regulatory burden on the city that is unacceptable. This is not a wise way to establish a new category of zoning to accommodate higher density housing on the perimeter of the UA campus. If that is a desirable goal, there should be a future effort to address this broad objective in a more comprehensive and orderly fashion.

Once again, if the DG/BOA combination is accepted for this project, there will be other requests. It's a matter of concern that other investors would choose to begin buying more single family homes nearby and using them temporarily for student rentals pending similar rezoning requests. Each time this occurs there is a further erosion of the residential character of the neighborhood. Speculative investing in campus edge homes and conversion of owner occupied homes to rentals already has destabilized the sole surviving residential neighborhood on the campus edge. It would be a shame to further incentivize this activity. We need the city's help preserving the unique character of this neighborhood. It adds great value to the city and to the attractiveness of the northwestern border of the UA campus.

The 2030 Plan

The applicant is correct that the 2030 Plan designates the future land use area of the project as City Neighborhood, which encourages greater density and a mix of housing types. However, the guiding policies for City Neighborhood also include the following goals: "protect adjoining properties from...adverse impacts", employ "proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values", and "protect and restore Fayetteville's outstanding residential architecture of all periods and styles". (See the 2030 Plan)

Although the four acres that will comprise the project are within the City Neighborhood planning area, they directly adjoin an exclusively low density residential neighborhood. Because of this, the highest sensitivity should be given to those guiding principles in considering a rezoning request that would more than triple density, generate significant new traffic alongside and behind existing single family homes, add lighting and parking that potentially could create nuisances for neighbors, and would provide no buffer of any kind between these homes and probable rental properties.

While City Neighborhood encourages higher density, common sense dictates that, within an area with this designation, not all land should be developed with the same level of increased density. Rezoning requests should consider the proximity of the specific acreage in relation to an established single family home neighborhood. In this case, the project will be situated within feet of the residential neighborhoods to the north and west. We think only a modest increase in

density would be compatible with the surrounding land use. That would allow some of the land area to be used for mitigation measures to buffer the new development from the adjoining single family homes.

Unfortunately, the 2030 Plan did not specifically address future development on the campus edge, specifically as it applies to student housing. It was passed before the largely unplanned, but significant, increase in student enrollment at the UA. That increase set off a frenzy of student housing development. Regrettably, it also resulted in the conversion of many, many single family homes in our neighborhood from owner occupied homes to student rentals. Quite often, these homes have been purchased by parents of UA students who believe it is financially wiser to own a nearby home for their children and rent the extra bedrooms to their friends rather than to pay for dorm rooms and parking passes.

The point is that, as much as the applicant hopes this project will consist of owner occupied homes, the reality is that these residences will be predominantly rentals, and most likely student rentals. These kinds of residential properties present unique issues. With that reality in mind, it's imperative that this rezoning request be considered in that context so that appropriate mitigation measures are required of the applicant.

Availability of Other Zoning Districts

There are existing residential single family home districts available to the applicant that would allow a modest increase in density. Most of this acreage is zoned RSF-4 and a small portion is RMF-24. The following districts would allow the Jeske family to develop their property to a higher density level compatible with the surrounding properties: RSF-7, RSF-8, RSF-12, RMF-6, or a Residential Planned Zoning District. Some of these districts permit two attached townhouses, others allow duplexes, some allow 2 and 3-family homes and cottage housing.

We understand that these districts are not attractive to the applicant because of the required setbacks and limitations on the percentage of building area or street frontage. But it is exactly those kinds of restrictions that prevent overbuilding on acreage located within a residential zoning district and protect the property values and quality of life of the existing homeowners.

The applicant should be required to design a development that fits within an available zoning district rather than using a downtown zoning district with a bill of assurance to create a special zoning district to fit the desired development. That's the purpose of the Residential Planned Zoning District ordinance (RPZD). If the applicant is wedded to the current conceptual design plans, it seems that an RPZD is the appropriate zoning district for the project.

Specific Challenges of This Development

The traffic and parking issues associated with the project site are well known to both the nearby residents and to the city. Both have been the subject of considerable debate in recent years. Cleveland Street experiences heavy commuter traffic associated with the UA campus and local in/out traffic from residents. Developers may encourage walkability but development plans must embrace the reality that it will be years or decades before any meaningful level of foot traffic or mass transit replaces the daily use of automobiles, even across the street from campus.

There will be only one way in and one way out of this project. Unfortunately, that access point is directly into and out of a very busy and dangerous intersection at Razorback Road and Cleveland Street. This will be a very awkward entry/exit and it will add a significant burden to the existing traffic congestion on Cleveland Street. The applicant should be encouraged to explore connectivity to the north onto Wedington Drive. That would alleviate the pressure on Cleveland Street and allow residents an alternative, and safer, route out of the project. This issue needs to be given careful attention. Serious consideration should be given to relocation of the road in/out of the project away from Razorback Road and to the east end of the property. Traffic already stays backed up at the three-way stop at Razorback Road.

Moreover, the new road into the project would adjoin the property of the homeowners next door on Cleveland Street and extend into the backyards of homeowners whose houses front Sunset Drive to the west. This is an unacceptable hardship for these homeowners. The applicant isn't offering any buffer or greenspace between this road and these homes. That should be required.

Given the reality that this project will most likely be lived in my UA students, the present plans offer far too few parking spaces for the residents, not to mention probable guests. More on-site parking should be required.

The applicant has complained that the other available zoning districts require too many trees. Tree preservation and adequate greenspace go hand-in-hand with creating developments compatible with nearby established neighborhoods. It should be a high priority.

The bottom line is that the applicant is trying to put too many units on this four acres. Reducing the density to no more than 10 units per acre hopefully would allow room to move the road to the opposite side of the acreage, to preserve more trees, to create a buffer between the existing single family homes, and to allow more space for adequate parking. Adding a second way in and out of the project would reduce substantially the impact of the project on existing traffic problems on Cleveland Street and especially at the Razorback Road intersection.

As presently conceived, this project doesn't adequately address the infrastructure and design challenges associated with this location. But these issues must be considered alongside the rezoning request in order to fully evaluate their impact and to require appropriate mitigation by the applicant as a part of the rezoning approval. Again, the RPZD zoning ordinance would allow all of these issues to be considered and addressed in conjunction with the rezoning.

We request that the planning commission deny the applicant's request to rezone the property to DG. That said, we would be willing to work with the applicant to find common ground on an alternative zoning district that would facilitate the existing conceptual plans, with modifications consistent with the concerns expressed by neighboring property owners.

Thank you for your consideration,

Beverly and Archie Schaffer III

Fulcher, Jesse

From: cbduty@aol.com
Sent: Monday, June 22, 2015 2:38 PM
To: Fulcher, Jesse

As a 58 year resident of Sunset Drive, I am horrified to see the developer plans for the Jeske property on Cleveland Street. This will clearly have a negative impact on the living conditions of property owners here as well as reducing property values.
Please do not vote for Downtown General rezoning!

Sincerely,
Carolyn Banks

Fulcher, Jesse

From: Ethel C. Simpson <esimpson@uark.edu>
Sent: Monday, June 22, 2015 2:20 PM
To: Fulcher, Jesse
Subject: Jeske development on Cleveland Street

I am a long-time resident of University Heights, at the address below. I write to ask the planners to oppose the Downtown General rezoning application. If the property were rezoned as a residential planned zoning district, I understand that the city could consider the development plans AT THE SAME TIME as the rezoning request, thus having much greater control over what ultimately is built BEFORE the rezoning is approved. Especially vital is the location of a new street in this development. It should be constructed to cause the least possible disruption to the established residential character of the adjoining property.

Thank you for your consideration.

Ethel C. Simpson

409 N. Oliver Avenue
Fayetteville AR 72701
(479) 442-2925

Fulcher, Jesse

From: Amy White <moreismore84@gmail.com>
Sent: Monday, June 22, 2015 3:12 PM
To: Fulcher, Jesse
Subject: Jeske Land

Hi,
My name is Amy White and I live at 901 N Sunset Drive. I am unable to attend tonight's meeting. I ask that you please pass my concerns along to the commissioners:
Placing a road behind the homes on the east side of Sunset will generate major noise and light pollution. The homeowners on our street are professionals who work during the day and sleep at night. Students typically do the opposite.
We already feel pressure on our street from campus traffic--this would make it worse.
The developers need to take care of ingress/egress near their own property.
Please protect our street and quality of life in our neighborhood. Please!
Thanks!
Amy White

Sent from my iPhone

June 21, 2015

Andrew Garner, City Planning director
Please forward to the Planning Commission Members for June 22nd meeting.

Re: RZN 15-5066 Rezone (1324 W. Cleveland St. / Arkansas Legacy, LLC., 443)

Dear Mr. Garner and Commission,

I am writing to express my objection to the rezoning of the property at 1324 W. Cleveland. The current zoning is appropriate for the neighborhood and should be left as is. I do not support any rezoning of this property. The location, limited access, available infrastructure (especially traffic issues) and surrounding, majority housing and the residents living in those houses clearly indicate that the property is appropriately and correctly zoned.

If the Planning Commission considers any change to the current zoning, it should be zoning that reflects a reasonable increase in density but keeps the property zoned residential. There is simply no way the location could accommodate more. Anyone that has had long term, first hand, daily experience with having to travel the Cleveland / Razorback intersection is aware of this. We are three blocks from it.

I have been a member of the Fayetteville community for forty-five years and a resident at 668 Gray Street for thirty-five years. Since purchasing the property in 1980, I've married. My wife and I raised our twenty-six year old son here. We are intimately aware of living in this area. We are members of UHNA. Please, do not bulldoze away these fantastic, family neighborhoods so close to all that is Fayetteville.

I ask you to deny any request for rezoning and development that would further erode this wonderful neighborhood. There are so many (and too many) examples around the U of A community of atrocious, strictly-for-profit, inappropriate developments leading to eventual destruction of great neighbors living in great neighborhoods.

Please. Don't let that happen to this property.

Joe Paul
668 Gray
Fayetteville, AR
72701

jpaul91952@aol.com

RZN15-5066

Current Land Use

ARKANSAS LEGACY LLC

Legend

Overview

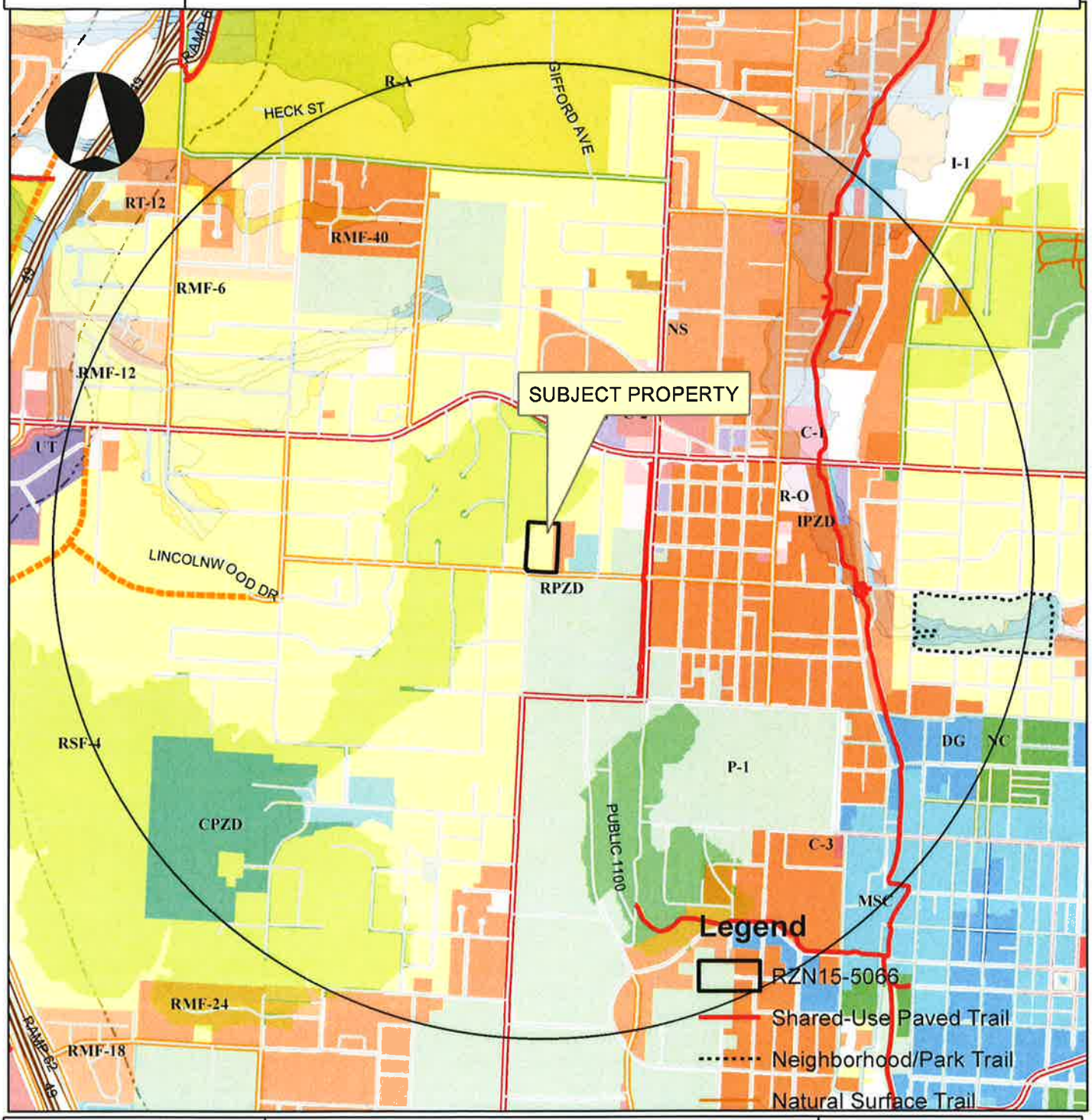
- RZN15-5066
- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- Fayetteville City Limits

0 125 250 500 750 1,000 Feet

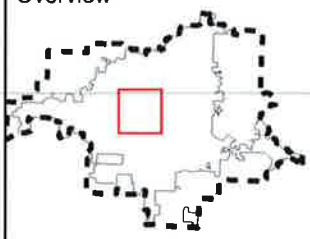
RZN15-5066

One Mile View

ARKANSAS LEGACY



Overview



Legend

Subject Property

Boundary

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

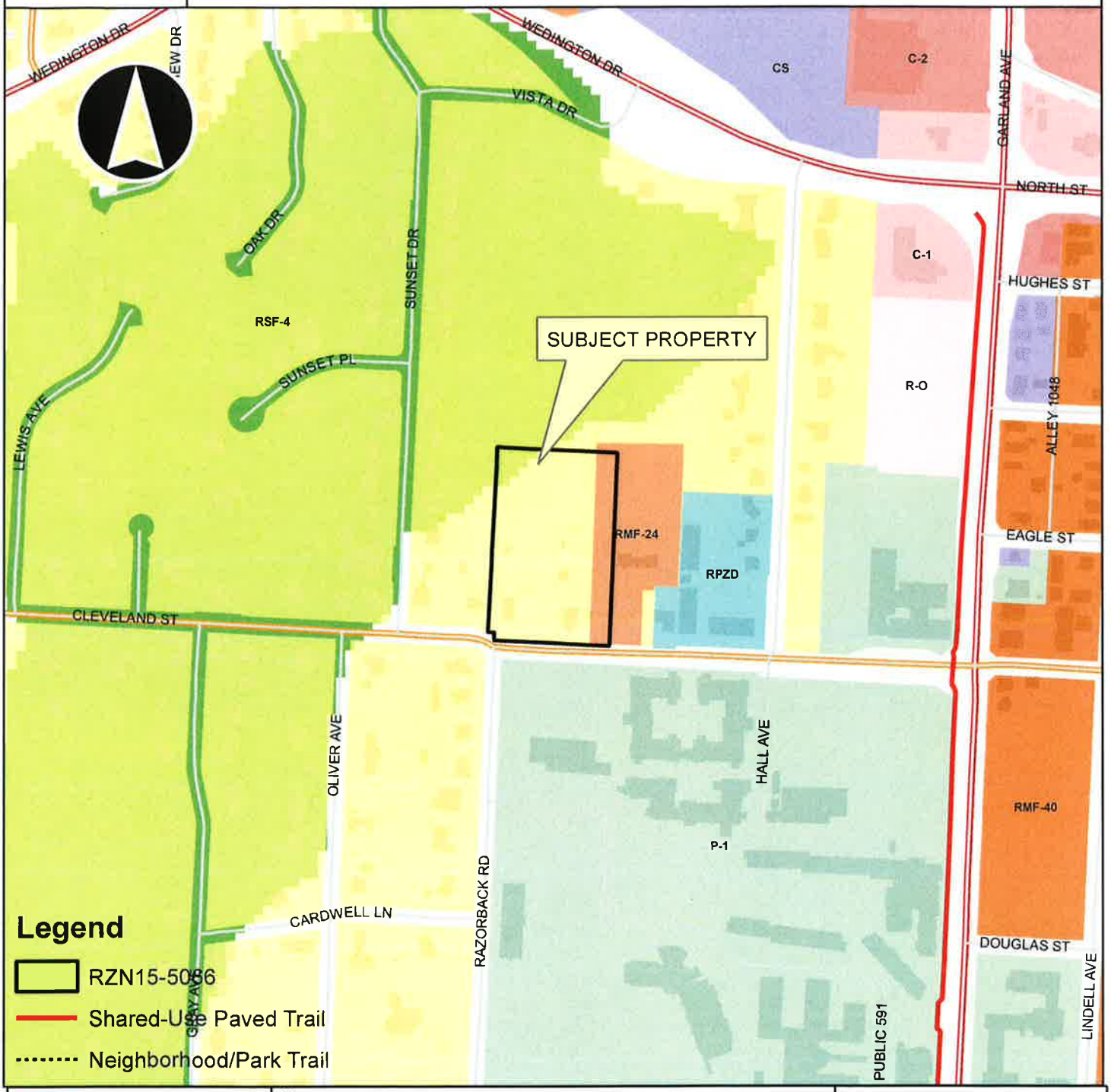
Fayetteville

0 0.25 0.5 1 Miles

RZN15-5066

Close Up View

ARKANSAS LEGACY LLC



Overview

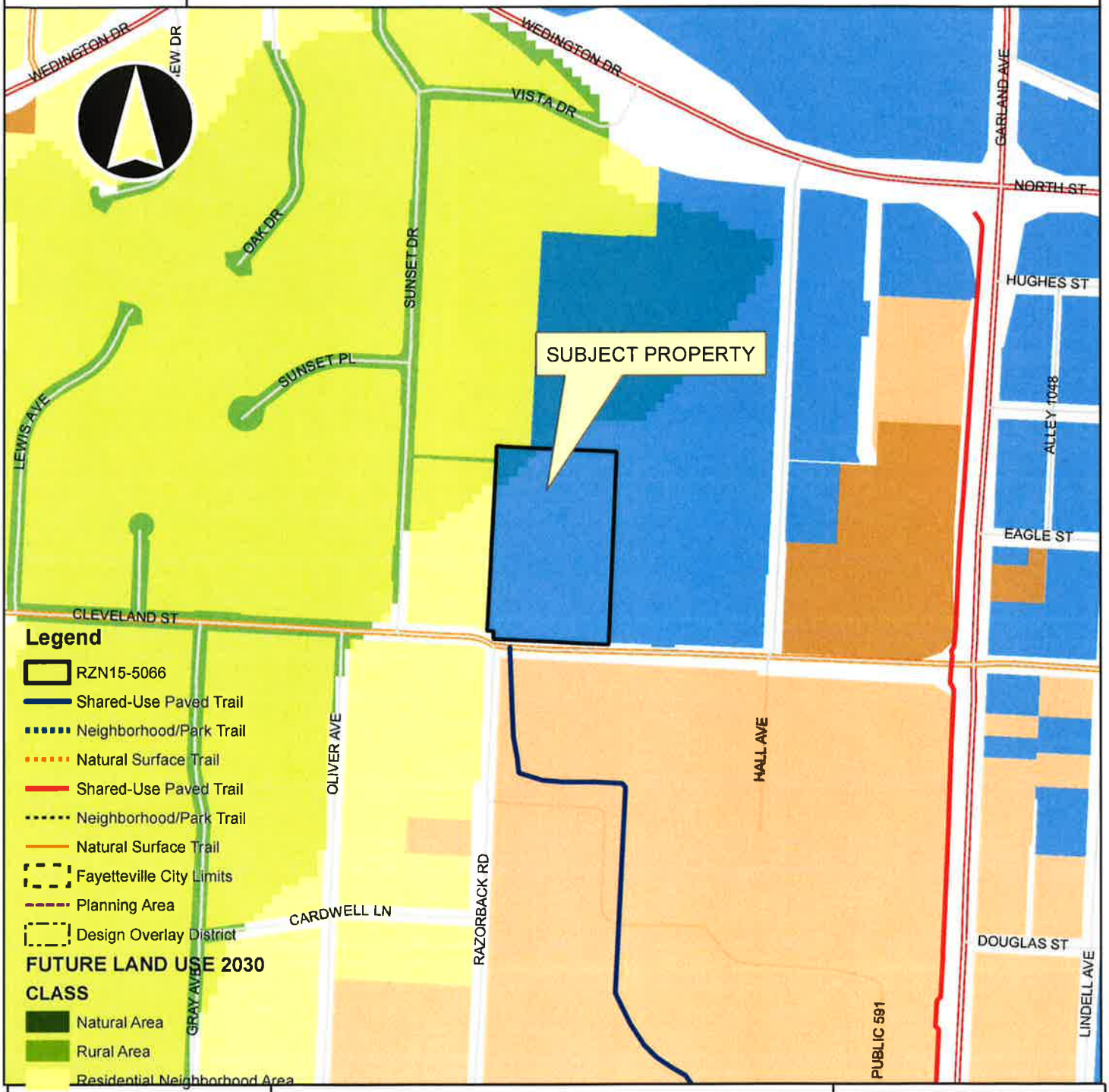
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

0 150 300 600 900 1,200 Feet

RZN15-5066

Future Land Use

ARKANSAS LEGACY



Branson, Lisa

From: Garner, Andrew
Sent: Thursday, July 09, 2015 1:57 PM
To: Smith, Sondra
Cc: Branson, Lisa
Subject: RE: Jeske proposals in re University Heights neighborhood

Yes, it looks like this is public comment for the Legacy Rezoning Appeal (RZN 15-5066) that is on the 07-21-15 City Council agenda.

Andrew

From: Smith, Sondra
Sent: Wednesday, July 08, 2015 5:58 PM
To: Garner, Andrew
Cc: Branson, Lisa
Subject: FW: Jeske proposals in re University Heights neighborhood

Hi Andrew

Does this email go with an agenda item for the July 21, 2015 City Council meeting? Thanks

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

CITY OF Fayetteville ARKANSAS
www.fayetteville-ar.gov

From: cbduty@aol.com [mailto:cbduty@aol.com]
Sent: Wednesday, July 08, 2015 3:40 PM
To: Smith, Sondra
Subject: Jeske proposals in re University Heights neighborhood

I have lived in this neighborhood since 1958. From the beginning it was a family friendly single family residential area occupied primarily by professional people and university faculty. As the years have gone by, we in this area have seen numerous attempts by developers to "block bust" the neighborhood to allow student housing and commercial interests. The fact is, there are many historical homes in this area and it retains its nature as a single family area. We residents have had to fight off too many attempts to destroy our homes and lifestyles. I recall an attempt in 1963 to widen and extend Wedington up and over the neighborhood. That was the first attempt in my memory. Since then we saw

student housing wedged into a section of expensive homes on Lewis Street, and many attempts to convert existing homes to apartments or duplexes. None of these succeeded and as time went on the homes have been converted back into their original forms,including one Fay Jones home on Sunset now under renovation; Several developers tried to extend Razorback Road through existing backyards to connect to Wedington. Homeowners on either side resisted this incursion. The neighborhood remains beautiful , as is proven by the Fowler House being sited there. Other developers tried to cut through from the western side and found sturdy opposition. With Fayetteville almost solidly high density now, and apartments proliferating as far as the eye can see, it is good to know that one historical family neighborhood still holds its ground on University Heights. There is enough land, enough space for the apartment builders in other areas without destroying this last remaining bastion of a kinder era.

Please give consideration to other goals than developers' profits.

Sincerely,
Carolyn Duty Banks

July 14, 2015 Agenda Session

City of Fayetteville, Arkansas

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

Meeting Agenda - Tentative Agenda

Tuesday, July 14, 2015

4:30 PM

City Hall Room 326

City Council Meeting

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

A.1 2014-0507

APPROVAL OF THE JULY 7, 2015 CITY COUNCIL MEETING MINUTES.

A.2 2015-0286

HOMELAND SECURITY INVESTIGATIONS TASK FORCE FUNDING

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $8,077.00 RECOGNIZING FUNDING FROM THE HOMELAND SECURITY INVESTIGATIONS TASK FORCE FOR THE PURCHASE OF A NEW FORENSIC COMPUTER SYSTEM BY THE POLICE DEPARTMENT

Attachments: SRP - FRED

BA - FRED

A.3 2015-0292

FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $100,993.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND PROCEEDS FROM THE SALE OF A USED VEHICLE ON GOVDEALS.COM

Attachments: SRP - Forfeitures

BA - Forfeitures - July 2015

A\4 2015-0306

2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING IN THE AMOUNT OF $242,610.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-16 JAG & State Drug Crime Grant Award
BA - FY2015 DTF

A\5 2015-0302

INSITUFORM TECHNOLOGIES, INC.

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED $330,000.00 FOR SEWER REHABILITATION USING CURED-IN-PLACE SANITARY SEWER LININGS

Attachments: 2015 Insituform CIPP Sewer Rehabilitation Agenda Packet

A\6 2015-0304

GALLAGHER BENEFITS SERVICES

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF $57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: Gallagher Benefit Services Contract Renewal Packet

A. 7 2015-0307

NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. GENERAL IMPROVEMENT FUND GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT THROUGH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. IN THE AMOUNT OF $50,000.00 FOR THE PURCHASE OF SOCCER GOALS FOR THE REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-0307 NWAEDD GIF Grant Award

BA (Agenda Item) - Regional Park grant for soccer goals 7-21-15

A. 8 2015-0311

GARVER, LLC TASK ORDER NO. 3

A RESOLUTION TO APPROVE TASK ORDER NO. 3 WITH GARVER, LLC IN THE AMOUNT OF $23,500.00 FOR DESIGN, BIDDING AND CONSTRUCTION OVERSIGHT SERVICES FOR THE AIRPORT AIRFIELD MARKING REHABILITATION PROJECT, TO ACCEPT A 90/10 GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS IN THE AMOUNT OF $179,880.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: Legistar 2015-0311 GarverTO3 ADAGrant 070215

BA_FORM_LEGISTAR Garver TO3 ADA Grant 070215

A. 9 2015-0309

BID NO. 15-39 GOODWIN & GOODWIN, INC.

A RESOLUTION TO AWARD BID NO. 15-39 AND AUTHORIZE A CONTRACT WITH GOODWIN & GOODWIN, INC. IN THE AMOUNT OF $755,654.50 FOR THE CONSTRUCTION OF THE MISSION BOULEVARD AND OLD WIRE ROAD INTERSECTION WATER AND SEWER IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $113,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-0309 OW Const Contract

Purchase request for Goodwin&Goodwin_Old Wire 06302015

BA Old Wire conduits and W-S 06302015

A. 10 2015-0312

NB #1

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PAYMENT

A RESOLUTION TO APPROVE A PAYMENT OF $170,000.00 TO THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ADDITIONAL COST OF A SHARED USE PATH ON THE HIGHWAY 112 BRIDGE ACROSS INTERSTATE 49

Attachments: 2015-0312 Payment to AHTD Hwy 112 Shared Use Path

B. Unfinished Business:

B. 1 2015-0249

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)

will be tabled at mtg at January for ward

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments: 15-5044 CC EX A & EX B

15-5044 CC reports

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting.

C. Public Hearing:

C.1 2015-0310

BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY BEAR STATE BANK, FORMERLY KNOWN AS FIRST FEDERAL BANK, OR ITS ASSIGNS, AND THE GARLAN AND GEORGIA READING TRUST NEEDED FOR THE EXTENSION OF RUPPLE ROAD FROM PERSIMMON STREET TO MARTIN LUTHER KING, JR. BOULEVARD

Attachments: 2015-0310 Rupple Acquisitions

C.2 2015-0318

EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34

AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS

Attachments: Agenda Item East Mission Improvement District

Improvement District State Code

City Attorney Letter - East Mission Improvement District

D. New Business:

D.1 2015-0305

VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5078 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED EAST OF 4148 W. MARTIN LUTHER KING BOULEVARD TO VACATE UNDEVELOPED STREET RIGHT-OF-WAY

Attachments: 15-5078 CC Exhibits

15-5078 CC reports

D.2 2015-0303

VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5080 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT WEIR & SALEM ROADS TO VACATE WEIR ROAD RIGHT-OF-WAY AND PORTIONS OF EXISTING UTILITY EASEMENTS WITHIN THE HOLCOMB HEIGHTS SUBDIVISION

Attachments: 15-5080 CC Exhibits

15-5080 CC Reports

D.3 2015-0296

RAISING CANE'S BUILDING APPEAL

A RESOLUTION TO GRANT THE APPEAL OF KEN'S SIGNS AND TO APPROVE THE REQUESTED VARIANCE FOR THE LENGTH OF NEON LIGHTING FOR RAISING CANE'S BUILDING

Attachments: 15-5004 Full Report

D.4 2015-0316

ARKANSAS LEGACY LLC APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments: 15-5066 EX A & B

15-5066 EX C Bill of Assurance

15-5066 Full Report

Last NB

Add: City Council Intuition to Purchase Fay. Chamber of Commerce Building

E. City Council Agenda Session Presentations:

E.1 2015-0300

AGENDA SESSION PRESENTATION - 2014 ANNUAL AUDIT REPORT PRESENTED BY CHAIRMAN OF THE AUDIT COMMITTEE

E. 2 2015-0213

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY REPORT, CHUNG TAN

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

Jenny - email - Vabie

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Pre Agenda Meeting 7/8/15

City of Fayetteville, Arkansas

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

Meeting Agenda - Tentative Agenda

Tuesday, July 14, 2015

4:30 PM

City Hall Room 326

City Council Meeting

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

A.1 2014-0507

APPROVAL OF THE JULY 7, 2015 CITY COUNCIL MEETING MINUTES.

A.2 2015-0286

HOMELAND SECURITY INVESTIGATIONS TASK FORCE FUNDING

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $8,077.00 RECOGNIZING FUNDING FROM THE HOMELAND SECURITY INVESTIGATIONS TASK FORCE FOR THE PURCHASE OF A NEW FORENSIC COMPUTER SYSTEM BY THE POLICE DEPARTMENT

Attachments: SRP - FRED

BA - FRED

A.3 2015-0292

FEDERAL AND STATE LAW ENFORCEMENT REVENUE

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $100,993.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND PROCEEDS FROM THE SALE OF A USED VEHICLE ON GOVDEALS.COM

Attachments: SRP - Forfeitures

BA - Forfeitures - July 2015

A. 4 2015-0306

2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING IN THE AMOUNT OF $242,610.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-16 JAG & State Drug Crime Grant Award

BA - FY2015 DTF

A. 5 2015-0302

INSITUFORM TECHNOLOGIES, INC.

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED $330,000.00 FOR SEWER REHABILITATION USING CURED-IN-PLACE SANITARY SEWER LININGS

Attachments: 2015 Insituform CIPP Sewer Rehabilitation Agenda Packet

A. 6 2015-0304

GALLAGHER BENEFITS SERVICES

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF $57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments: Gallagher Benefit Services Contract Renewal Packet

A 7 2015-0307

NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. GENERAL IMPROVEMENT FUND GRANT

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT THROUGH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. IN THE AMOUNT OF $50,000.00 FOR THE PURCHASE OF SOCCER GOALS FOR THE REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-0307 NWAEDD GIF Grant Award

BA (Agenda Item) - Regional Park grant for soccer goals 7-21-15

A 8 2015-0311

GARVER, LLC TASK ORDER NO. 3

A RESOLUTION TO APPROVE TASK ORDER NO. 3 WITH GARVER, LLC IN THE AMOUNT OF $23,500.00 FOR DESIGN, BIDDING AND CONSTRUCTION OVERSIGHT SERVICES FOR THE AIRPORT AIRFIELD MARKING REHABILITATION PROJECT, TO ACCEPT A 90/10 GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS IN THE AMOUNT OF $179,880.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: Legistar 2015-0311 GarverTO3 ADAGrant 070215

BA_FORM_LEGISTAR Garver TO3 ADA Grant 070215

A 9 2015-0309

BID NO. 15-39 GOODWIN & GOODWIN, INC.

A RESOLUTION TO AWARD BID NO. 15-39 AND AUTHORIZE A CONTRACT WITH GOODWIN & GOODWIN, INC. IN THE AMOUNT OF $755,654.50 FOR THE CONSTRUCTION OF THE MISSION BOULEVARD AND OLD WIRE ROAD INTERSECTION WATER AND SEWER IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $113,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: 2015-0309 OW Const Contract

Purchase request for Goodwin&Goodwin_Old Wire 06302015

BA Old Wire conduits and W-S 06302015

A.10 2015-0312

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PAYMENT

A RESOLUTION TO APPROVE A PAYMENT OF $170,000.00 TO THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ADDITIONAL COST OF A SHARED USE PATH ON THE HIGHWAY 112 BRIDGE ACROSS INTERSTATE 49

Attachments: 2015-0312 Payment to AHTD Hwy 112 Shared Use Path

B. Unfinished Business:

B.1 2015-0249

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments: 15-5044 CC EX A & EX B

15-5044 CC reports

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting.

C. Public Hearing:

C.1 2015-0310

BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY BEAR STATE BANK, FORMERLY KNOWN AS FIRST FEDERAL BANK, OR ITS ASSIGNS, AND THE GARLAN AND GEORGIA READING TRUST NEEDED FOR THE EXTENSION OF RUPPLE ROAD FROM PERSIMMON STREET TO MARTIN LUTHER KING, JR. BOULEVARD

Attachments: 2015-0310 Rupple Acquisitions

D. New Business:

Have Public Hearing

D. 1 2015-0318

EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34

D. 2 2015-0305

no publish

VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5078 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED EAST OF 4148 W. MARTIN LUTHER KING BOULEVARD TO VACATE UNDEVELOPED STREET RIGHT-OF-WAY

Attachments: 15-5078 CC Exhibits

15-5078 CC reports

D. 3 2015-0303

VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5080 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT WEIR & SALEM ROADS TO VACATE WEIR ROAD RIGHT-OF-WAY AND PORTIONS OF EXISTING UTILITY EASEMENTS WITHIN THE HOLCOMB HEIGHTS SUBDIVISION

Attachments: 15-5080 CC Exhibits
15-5080 CC Reports

D. 4 2015-0296

RAISING CANE'S BUILDING APPEAL

A RESOLUTION TO GRANT THE APPEAL OF KEN'S SIGNS AND TO APPROVE THE REQUESTED VARIANCE FOR THE LENGTH OF NEON LIGHTING FOR RAISING CANE'S BUILDING

Attachments: 15-5004 Full Report

D. 5 **2015-0316**

ARKANSAS LEGACY LLC APPEAL

Attachments: 15-5066 EX A & B
15-5066 Full Report

E. City Council Agenda Session Presentations:

E. 1 2015-0213

ECONOMIC DEVELOPMENT QUARTERLY REPORT - AGENDA SESSION PRESENTATION, CHUNG TAN

E. 2 2015-0300

AGENDA SESSION PRESENTATION - 2014 ANNUAL AUDIT REPORT PRESENTED BY CHAIRMAN OF THE AUDIT COMMITTEE

F. City Council Tour:

G. Announcements:

H. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

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

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

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

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

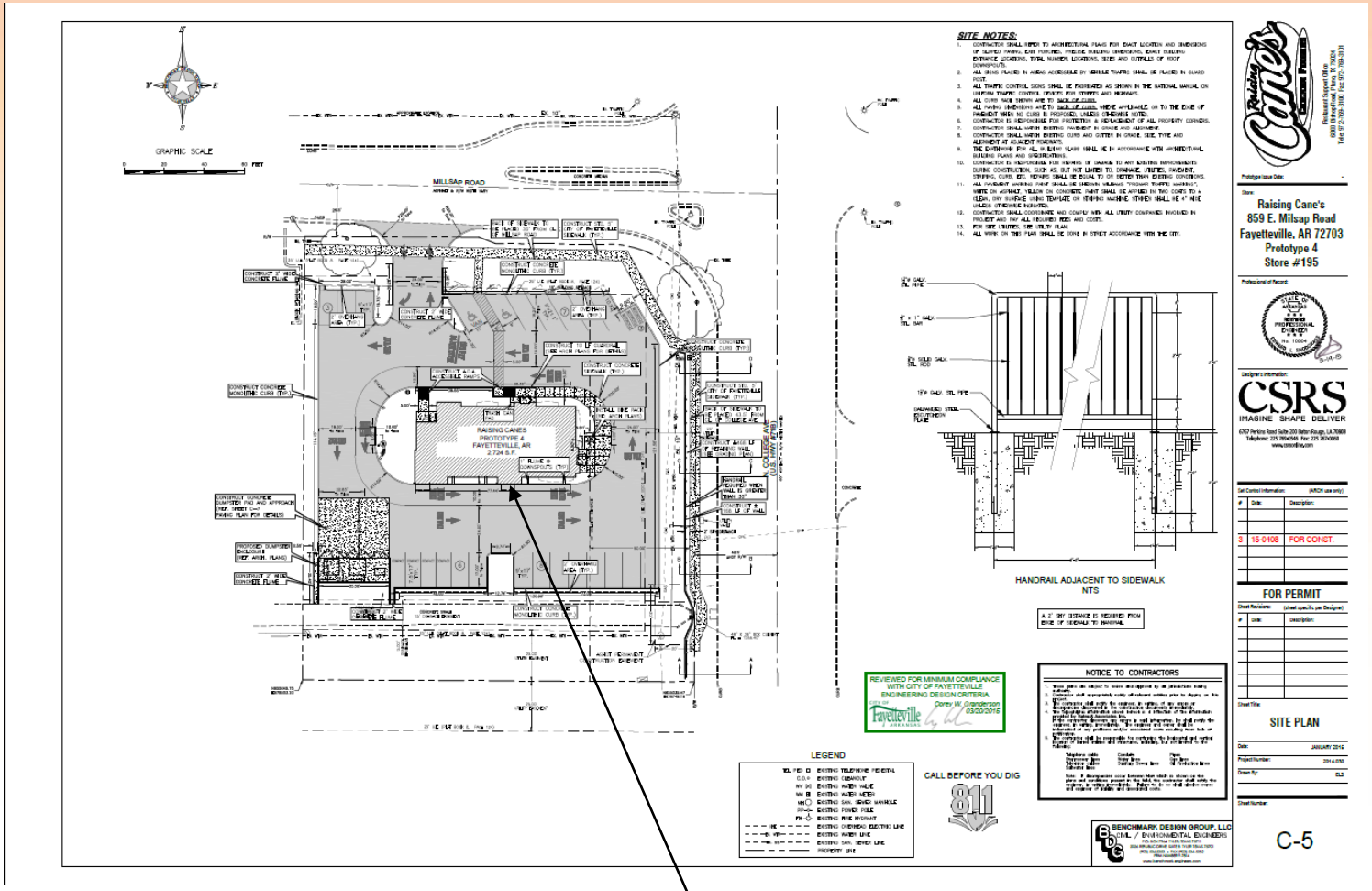
Fayetteville, AR
Neon Border Variance Denial Appeal

Neon Border in Opelousas, LA

Neon Border in Allen, TX

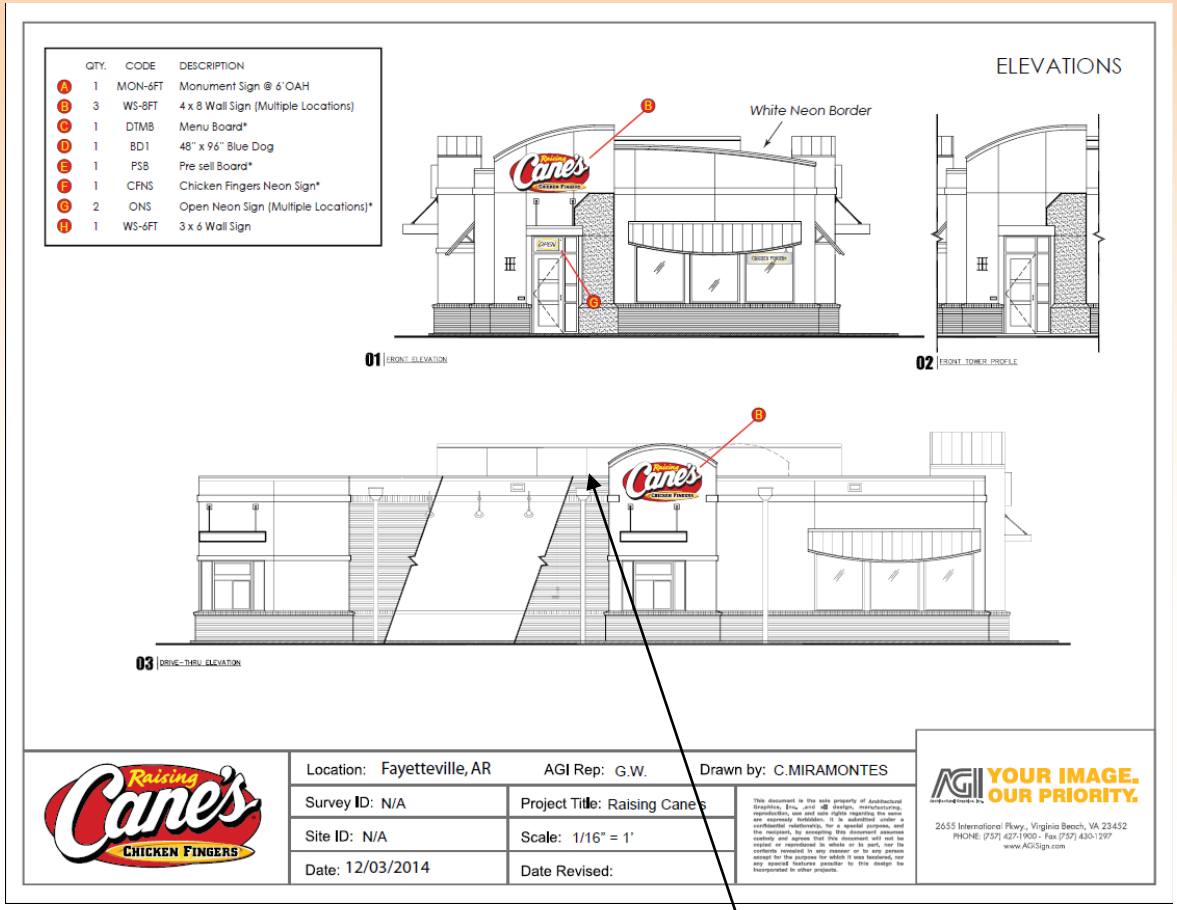
Neon Border at Night

The Site



Location of Additional
25’ Neon Lighting

The Elevation of Requested Variance



Location of Additional 25' Neon Lighting

Conclusions

<u>Why Cane's Neon Border is important for this location:</u>

- City of Fayetteville is a new market for Cane's.
- To preserve Cane's branding and maintain a uniform look of our buildings.
- Our site is located in a highly competitive area.
- As Cane's grows within the Fayetteville community, we have maintained our brand look.