



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: August 24, 2021

The following committee meetings will be held on **Tuesday, August 24, 2021** prior to the City Council Meeting:

05:10 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

<https://us02web.zoom.us/j/83268910150> OR (312) 626-6799 ID: 832 6891 0150

To Discuss: (a) RWU Monthly Report

05:20 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

<https://us02web.zoom.us/j/83268910150> OR (312) 626-6799 ID: 832 6891 0150

To Discuss: (a) A Resolution Authorizing The Purchase Of A K9 Officer; Amending The 2021 Budget To Appropriate Funds In The Amount Of \$19,036.32 From CID Drug Fund Reserves Into Account #337-37-80100 Capital Expenditures

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen)

<https://us02web.zoom.us/j/83268910150> OR (312) 626-6799 ID: 832 6891 0150

- To Discuss:
- (a) An Ordinance Amending Chapter 52 Section 4 Of The City Of Rogers Code Of Ordinances
 - (b) A Resolution Scheduling A Public Hearing Concerning The Vacation Of An Alley In The Morris Subdivision On West Ash Between South 6th And South 8th Streets
 - (c) A Resolution Scheduling A Hearing Concerning The Vacation Of A Certain Portion Of West Sycamore Street
 - (d) Street Closure Request - Kendrick Fincher [Details with Map](#)
 - (e) Street Closure Request - Heritage High School Orchestra [Details with Map](#)

05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

<https://us02web.zoom.us/j/83268910150> OR (312) 626-6799 ID: 832 6891 0150

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Scissortails) [Staff Report](#)
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (KSBD) [Staff Report](#)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To I-1 (JP Specialty) [Staff Report](#)
 - (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-4 (9th Street Townhomes) [Staff Report](#)



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ROGERS CITY COUNCIL
AGENDA
AUGUST 24, 2021
6:30 PM

via ZOOM <https://us02web.zoom.us/j/81308165733> OR By Phone (312) 626-6799
ID: 813 0816 5733

PUBLIC FORUM:

ROLL CALL:

ACTION ON MINUTES:

1. August 10, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Encouraging The Citizens Of Rogers To Follow The Arkansas Department Of Health Guidelines And Center For Disease Controls Recommendations In Relation To The Covid-19 Pandemic; Encouraging The Citizens Of Rogers To Receive A Vaccine Against Covid-19; Supporting Recommended Mask Use
2. RES. Re: Authorizing The Purchase Of A K9 Officer; Amending The 2021 Budget To Appropriate Funds In The Amount Of \$19,036.32 From CID Drug Fund Reserves Into Account #337-37-80100 Capital Expenditures
FINANCE COMMITTEE
3. ORD. Re: Amending Chapter 52 Section 4 Of The City Of Rogers Code Of Ordinances
TRANSPORTATION COMMITTEE

- | | | | |
|----|----------|---|--|
| 4. | RES. Re: | Scheduling A Public Hearing Concerning The Vacation Of An Alley In The Morris Subdivision On West Ash Between South 6th And South 8th Streets | TRANSPORTATION
COMMITTEE |
| 5. | RES. Re: | Scheduling A Hearing Concerning The Vacation Of A Certain Portion Of West Sycamore Street | TRANSPORTATION
COMMITTEE |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Scissortails) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (KSBD) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To I-1 (JP Specialty) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To C-4 (9th Street Townhomes) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R21-_____

A RESOLUTION ENCOURAGING THE CITIZENS OF ROGERS TO FOLLOW THE ARKANSAS DEPARTMENT OF HEALTH GUIDELINES AND CENTER FOR DISEASE CONTROLS RECOMMENDATIONS IN RELATION TO THE COVID-19 PANDEMIC; ENCOURAGING THE CITIZENS OF ROGERS TO RECEIVE A VACCINE AGAINST COVID-19; SUPPORTING RECOMMENDED MASK USE; AND FOR OTHER PURPOSES.

WHEREAS, the outbreak of Covid-19 has resulted in an ongoing global pandemic that continues to affect many citizens of Rogers and the State of Arkansas;

WHEREAS, The Arkansas Department of Health (ADH) and Centers for Disease Control (CDC) has provided, and continually updates, health guidelines and recommendations in order to protect the residents of Arkansas;

WHEREAS, though the growing availability of the Covid-19 vaccine has eliminated the need for vaccinated people to wear a mask or socially distance, the City recognizes that there are many Rogers residents that may still choose to wear a mask or follow other safety precautions;

WHEREAS, the City of Rogers supports mask usage as recommended by the ADH and CDC and supports residents who chose to wear a mask or socially distance due to a cancer diagnosis, autoimmune disease, the desire to protect an unvaccinated child or high risk loved one, or for any other reason in order to stay safe from Covid-19 infection and spread. The City of Rogers encourages all of its citizens to follow all protocols and guidelines put in place by private businesses as it relates to mask usage inside their property; and

WHEREAS, the City of Rogers encourages all of its citizens to receive a vaccine against Covid-19.

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

Section 1: The City of Rogers encourages its resident to follow all ADH and CDC Covid-19 health guidelines;

Section 2: The City of Rogers supports residents who chose to continue wearing a mask or socially distance in order to best protect themselves, their family, their friends, and their co-workers;

Section 3: The City of Rogers encourages all of its citizens to obtain a vaccine against Covid-19;

Section 4: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: C. Greg Hines, Mayor

Prepared by: John M. Pesek, Staff Attorney

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE PURCHASE OF A K9 OFFICER; AMENDING THE 2021 BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF NINETEEN THOUSAND THIRTY-SIX DOLLARS AND THIRTY-TWO CENTS (\$19,036.32) FROM CID DRUG FUND RESERVES INTO ACCOUNT #337-37-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City's Police Department is in need of a replacement K9 officer; and

WHEREAS, there are adequate funds for this purchase, and the accompanying training, in CID Drug Fund Reserves.

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

Section 1: The City of Rogers 2021 Budget is amended to appropriate nineteen thousand thirty-six dollars and thirty-two cents (\$19,036.32) from CID Drug Fund Reserves into Account #337-37-80100 Capital Expenditures;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Jonathan Best, Chief of Police
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING CHAPTER 52 SECTION 4 OF THE CITY OF ROGERS
CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers City Council, upon recommendation of the Community Development Department, finds it to be in the best interest of the City to update the provisions governing temporary street and parking lot closures found in Section 52-4 of its Code of Ordinances; and

WHEREAS, this change replaces “Planning Department” with “City Engineer” as the City does not have a formal Planning Department.

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

Section 1: Chapter 52, Article I, Section 52-4, Subsection (d), of the City of Rogers, Code of Ordinances is amended to replace the phrase “Planning Department” with the phrase “City Engineer” in two (2) places and Municode Corporation is hereby instructed to make said amendments;

Section 2: Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Community Development Director
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Transportation Committee

RESOLUTION NO. 21- ____

**A RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE
VACATION OF AN ALLEY IN THE MORRIS SUBDIVISION ON WEST ASH
BETWEEN SOUTH 6TH AND SOUTH 8TH STREETS; DIRECTING NOTICE OF THE
HEARING; AND FOR OTHER PURPOSES.**

WHEREAS, pursuant to the City's Code of Ordinance §14-523, a request by the Rogers Public Schools has been made to vacate an ally in the Morris Subdivision on West Ash between South 6th and 8th streets within the corporate limits of the City of Rogers, Arkansas; said alley having a legal description as follows:

A 20-Foot Alley situated in the Morris Subdivision, Rogers, Arkansas, as dedicated in Plat Record "A" Page 129 and as shown on Plat Record "R", Page 67 in the public records of Benton County, Arkansas, being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar found at the Northwest corner of Lot 2 of said Morris Subdivision, being a point on the South Right-of-Way of West Ash Street (West Mulberry Street), also being the Northeast corner of herein described Alley; THENCE with said Alley boundary the following four (4) courses:

1. South 02°31'18" West, 199.97 feet;
2. North 86°08'37" West, 20.01 feet;
3. North 02°31'18" East, 200.00 feet;
4. South 86°04'38" East, 20.01 feet to the POINT OF BEGINNING and containing 4,000 square feet or 0.09 acres, more or less.

WHEREAS, upon all cases where the property abutting an unused ally is owned by an educational institution or college and said alley has not been used as such for a period of five (5) years, the City shall set a date and time for a hearing before the City Council for the consideration of the vacation request.

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

Section 1: A hearing on the vacation described herein is scheduled for and shall be held with the regularly scheduled City Council meeting on Tuesday, September 28, 2021 at 6:30 p.m.;

Section 2: That the City Clerk is hereby directed to publish notice of said hearing for the time and in the manner prescribed by law and the Director of Community Development is directed to post notification in accordance with Rogers City Code §14-523;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Community Development Director

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. R21- _____

A RESOLUTION SCHEDULING A HEARING CONCERNING THE VACATION OF A CERTAIN PORTION OF WEST SYCAMORE STREET; DIRECTING NOTICE OF THE HEARING; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Code of Ordinances, City of Rogers, §14-521, a request by the City of Rogers has been made to vacate a portion of an existing street having the legal description as follows:

A Tract of Land being the vacated portion of West Sycamore Street, being a public 40-foot Right-of-Way in J. Wade Sikes Park Addition, recorded in Plat Record “B”, Page 20 of the Public Record of Benton County, Arkansas, said Tract bounded by Blocks 9 and 16, and the East Right-of-Way of South 2nd Street, being a 40-foot Right-of-Way, as recorded in said Plat Record “B”, Page 20 and the Western Right-of-Way of the Arkansas & Missouri Railroad, being more particularly by metes and bounds as follows;

COMMENCING at the northwest corner of the South half of Lot 3, Block 9 as recorded in said Plat Record “B”, Page 20, said South half of Lot 3 Block 9, on the said East Right-of-Way line of S. 2nd Street at a found 3/4” pipe;

THENCE with said East Right-of-Way line, South 02°53’08” West, 75.52 feet to the **POINT OF BEGINNING**;

THENCE leaving said East Right-of-Way line, South 86°27’24” East, 223.37 feet to the Western Right-of-Way line of the Arkansas & Missouri Railroad;

THENCE with said Western Right-of-Way line, South 14°50’51” West, 40.79 feet;

THENCE leaving said Western Right-of-Way line, North 86°27’24” West, 214.92 feet to said East Right-of-Way line of S. 2nd Street;

THENCE with said East Right-of-Way line, North 02°53’08” East, 40.00 feet to the **POINT OF BEGINNING** and containing 8,766 square feet or 0.20 square feet, more or less.

WHEREAS, upon request for vacating a portion street by the City, this City Council shall set a date and time for a hearing before the City Council for consideration of the request.

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

Section 1: A hearing on the vacation of the proposed future street described herein is scheduled for and shall be held with the regularly scheduled City Council meeting on Tuesday, September 28, 2021 at 6:30 p.m.;

Section 2: The City Clerk and Department of Community Development are hereby directed to publish and post notice as required under City of Rogers, Code of Ordinances, §14-521;

Section 3 - Severability Provision: If any part of this Resolution is held to be invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____ 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Community Development Director

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Transportation Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO N-R, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on August 17, 2021, the City Council has found that certain lands hereinafter described are better suited for N-R zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as N-R and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Located in a part of the SE 1/4 of the NE 1/4 of Section 26, Township 19 North, Range 31 West in Benton County, Arkansas, more precisely described as follows: starting at a set cotton spindle at the Southeast corner of the SE 1/4 of the NE 1/4 of section 26 for the true point of beginning: thence along the South line of the SE 1/4 of the NE 1/4, north 87°02'29" West 331.39 feet to a set cotton spindle; thence North 02°26'37" East 663.51 feet to a set 5/8" rebar; thence South 87°07'57" East 331.39 feet to a set 5/8" rebar; thence along the East line of the SE 1/4 of the NE 1/4, South 02°26'37" West 664.04 feet to a set cotton spindle and the true point of beginning, containing 5.05 acres, more or less and being subject to the right of way of Haxton Road and any easements of record.

LAYMAN'S DESCRIPTION:

W. Pleasant Grove Road/02-02137-425

SECTION 3: Zoning. That the above described lands are better suited for N-R than A-1 zoning and same should be and are hereby zoned N-R.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Jennifer Watkins

Prepared by: Nicholas Little, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on August 17, 2021, the City Council has found that certain lands hereinafter described are better suited for NBT zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF LOTS 7, 10 AND 11, OF BLOCK 40, OF B.F. SIKES ADDITION TO THE CITY OF ROGERS, MORE PARTICULARLY DESCRIBE AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11, THENCE NORTH (PARALLEL TO NORTH 5TH STREET) 142.06 FEET; THENCE EAST (PARALLEL TO WEST PERSIMMON STREET) 65.75 FEET; THENCE SOUTH 145.58 FEET; THENCE WEST (PARALLEL TO WEST CEDAR STREET) 59.00 FEET TO THE POINT OF BEGINNING.

LAYMAN'S DESCRIPTION:

421 W. Cedar Street

SECTION 3: Zoning. That the above described lands are better suited for NBT than R-DP zoning and same should be and are hereby zoned NBT.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Joseph Hayes

Prepared by: Nicholas Little, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO I-1, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on August 17, 2021, the City Council has found that certain lands hereinafter described are better suited for I-1 zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as I-1 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 6, TOWNSHIP 19 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A BEGINNING AT A POINT WHICH IS N02°26'13"E 1252.50' FROM THE SOUTHWEST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID FRACTIONAL SECTION 6 AND RUNNING THENCE ALONG THE WEST LINE THEREOF N02°26'13"E 178.70', THENCE LEAVING SAID WEST LINE S88°08'41"E 364.93' TO AN EXISTING REBAR, THENCE S02°50'11"W 178.11' TO AN EXISTING REBAR, THENCE N88°14'25"W 363.69', TO THE POINT OF BEGINNING, CONTAINING 1.49 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN NORTH 2ND STREET RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LAYMAN'S DESCRIPTION:

2003 N. 2nd St.

SECTION 3: Zoning. That the above described lands are better suited for I-1 than C-2 zoning and same should be and are hereby zoned I-1.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or

orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Geoff Bates

Prepared by: Amber Long, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO C-4, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on August 17, 2021, the City Council has found that certain lands hereinafter described are better suited for C-4 zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-4 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ROGERS, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 24, THENCE ALONG THE EAST LINE OF SAID NE 1/4 OF THE SW 1/4, N02°29'17"E A DISTANCE OF 315.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE, N86°13'25"W A DISTANCE OF 317.91 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N02°22'44"E A DISTANCE OF 345.15 FEET TO A SET IRON PIN WITH CAP, "PLS 1156"; THENCE S86°12'58"E A DISTANCE OF 318.59 FEET TO A POINT ON THE EAST LINE OF SAID NE 1/4 OF THE SW 1/4 AND IN THE ROADWAY OF S. 8TH/ STREET; THENCE ALONG SAID EAST LINE, S02°29'17"W A DISTANCE OF 345.09 FEET TO THE POINT OF BEGINNING, CONTAINING 2.53 ACRES (109,807 SQUARE FEET), MORE OR LESS. SUBJECT TO THE RIGHT OF WAY OF S. 8TH/ STREET ALONG THE EAST SIDE THEREOF, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

NW of the Intersection of W. Banz Rd. and 8th St.

SECTION 3: Zoning. That the above described lands are better suited for C-4 than A-1 zoning and same should be and are hereby zoned C-4.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be

construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Daniel Butler

Prepared by: Amber Long, Planner II

For Consideration By: Community Environment & Welfare Committee