



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

***AMENDED* COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: October 12, 2021

The following committee meetings will be held on **Tuesday, October 12, 2021** prior to the City Council Meeting:

05:30 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere) In Person & via ZOOM

<https://us02web.zoom.us/j/81480890098> (312)626-6799 ID: 814 8089 0098

To Discuss: (a) An Ordinance The Razing And Removal Of A Certain Structure
Within The City Of Rogers, Arkansas, Located At 613 East Mulberry
Street

05:45 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) In Person & via

ZOOM **<https://us02web.zoom.us/j/81480890098> (312)626-6799 ID: 814 8089 0098**

To Discuss: (a) An Ordinance Vacating A Portion Of The Alley In The Morris
Subdivision On West Ash Between South 6th And South 8th Streets
(b) An Ordinance Vacating Of A Certain Portion Of West Sycamore
Street
(c) Street Closure Request - Railyard LIVE [Request Form](#)
(d) Street Closure Request - PelFreeze [Request Form](#)

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen,

Hayes) In Person & via ZOOM **<https://us02web.zoom.us/j/81480890098> (312)626-6799 ID: 814 8089 0098**

To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From A-1 To N-R (Cottages at Bellview) [Staff Report](#)



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ROGERS CITY COUNCIL
AGENDA

OCTOBER 12, 2021
6:30 PM

IN PERSON & via ZOOM <https://us02web.zoom.us/j/85898975581>

OR By Phone (312) 626-6799 ID: 858 9897 5581

PUBLIC HEARING:

1. The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 613 East Mulberry Street

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. September 28, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|--|--------------------------|
| 1. | ORD. Re: | The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 613 East Mulberry Street | PUBLIC SAFETY COMMITTEE |
| 2. | ORD. Re: | Vacating A Portion Of The Alley In The Morris Subdivision On West Ash Between South 6th And South 8th Streets | TRANSPORTATION COMMITTEE |
| 3. | ORD. Re: | Vacating Of A Certain Portion Of West Sycamore Street | TRANSPORTATION COMMITTEE |

4. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To N-R (Cottages at Bellview) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE

OLD BUSINESS:

1. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To U-COM (PHP Holdings)

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. 21-_____

**AN ORDINANCE ORDERING THE RAZING AND REMOVAL OF A CERTAIN
STRUCTURE WITHIN THE CITY OF ROGERS, ARKANSAS, LOCATED AT 613
EAST MULBERRY STREET; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.**

WHEREAS, David W. Ogletree and Terrie A. Ogletree, are the owners of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

Layman's Description: 613 East Mulberry Street, Rogers, Benton County, Arkansas. Tax Parcel No. 02-04210-000

WHEREAS, the structure on the property is unfit for human habitation, constitutes a fire hazard, and is otherwise a dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of City of Rogers Code of Ordinance, Sections 18-55 through 18-68; more specifically, the following violations have been found to exist:

1. This building has been deemed an unsafe and dangerous structure. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act. (IPMC § 108.1.5 (7)).
2. This building was heavily damaged by a fire and no repairs have been made. The structure is likely to partially or completely collapse, or to become detached or dislodged. (IPMC § 108.1.5 (3)).

WHEREAS, the owner has been notified by the City of Rogers prior to the consideration of this Ordinance, that the structure on the property is in violation of variance ordinances of the City of Rogers;

WHEREAS, pursuant to City of Rogers Code of Ordinances Section 18-57, the owner was given fourteen (14) calendar days from February 22, 2021 to abate or correct documented violations;

WHEREAS, pursuant to City of Rogers Code of Ordinances Section 18-57, a follow up inspection was conducted on September 7, 2021;

WHEREAS, the owner has failed, neglected, or refused to comply with the Notice to correct the documented violations, and as such, the matter of condemning, razing and removing

the building may be referred to the City Council pursuant to City of Rogers Code of Ordinances Section 18-58;

WHEREAS, pursuant to City of Rogers Code of Ordinances Section 18-59(d); a Compliance Inspection was conducted by the Office of Building Inspections on September 7, 2021, which concluded that violations do currently exist; and

WHEREAS, pursuant to Arkansas Code Annotated §14-56-203 and City of Rogers Code of Ordinances Chapter 18, Article III, if repair or removal is not done within the required time frame, the City shall have the power to order the removal or razing of, or to remove or raze any buildings that in the opinion of the council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

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

Section 1: That the structure located at 613 E. Mulberry, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interests of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

Section 2: That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly, and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with City of Rogers Code of Ordinances Chapters 10, 18, and 20, and all other state laws and regulations pertaining to the demolition or removal of residential structures;

Section 3: If the aforesaid work is not completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed; and the unsafe, unsanitary and unsightly conditions abated; and the City of Rogers shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council;

Section 4: Emergency Clause: The need to raze and remove a certain structure is immediate and 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 and after its passage and approval;

Section 5: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 6: 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: William Hyde, Deputy Fire Chief - Risk Reduction Division

Prepared By: Bonnie Bridges, Staff Attorney

For Consideration By: Public Safety Committee

ORDINANCE NO. 21- _____

**AN ORDINANCE VACATING A PORTION OF THE ALLEY IN THE MORRIS
SUBDIVISION ON WEST ASH BETWEEN SOUTH 6TH AND SOUTH 8TH STREETS;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, pursuant to Code of Ordinance, City of Rogers, §14-521, a request by the Rogers Public Schools has been made to vacate a portion of an alley having the 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, due notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice heard all persons desiring to be heard on the question;

WHEREAS, the City Council has ascertained that the above described land has not been actually used for access, utilities, or service purposes;

WHEREAS, adjacent properties will remain accessible and do not rely on this alley for access, utility, or service purposes; and

WHEREAS, the Council finds that public interest and welfare will not be adversely effected by the abandonment of the alley.

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

Section 1: The City of Rogers, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the alley designated 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.

Section 2: A copy of the Ordinance, duly certified by the City Clerk, shall be filed in the office of the recorder of Benton County and recorded in the deed records of Benton County, thirty-one (31) days after the passing of this Ordinance;

Section 3: Emergency Clause: That the need to vacate the above described public alley is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance 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.

PASSED this _____ day of _____ 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Dan Caley, Rogers Public Schools Director of Facilities
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration By: Transportation Committee

ORDINANCE NO. 21- _____

AN ORDINANCE VACATING 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, due notice was placed on the above described land as required by law and the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question;

WHEREAS, the City Council has ascertained that the above described land is being vacated in order to better provide for the public welfare, safety, comfort, and convenience of inhabitants; and

WHEREAS, said vacated land shall be used or devoted to other proper public or corporate purposes.

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

Section 1: The City Council finds, after proper notice and hearing, that the closure of the portion of West Sycamore Street as described above is necessary in order to provide for the public welfare, safety, comfort, and convenience of inhabitants;

Section 2: The City Council orders that the portion of West Sycamore Street described above is vacated;

Section 3: Emergency Clause: That the need to vacate the above described street is immediate; therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held to be invalid, the remainder of this Ordinance 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.

PASSED this _____ day of _____ 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Jim White, Parks & Recreation Director
Prepared By: Bonnie Bridges, 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, ACCEPTING THE DENSITY CONCEPT PLAN, PROVIDING
FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of 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 October 5, 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:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS;

THENCE NORTH 87°40'47" WEST A DISTANCE OF 1337.91 FEET; THENCE NORTH 03°11'32" EAST A DISTANCE OF 372.48 FEET FOR THE POINT OF BEGINNING;

THENCE, N 03° 11' 32" E FOR A DISTANCE OF 967.02 FEET TO A POINT ON A LINE.

THENCE, S 87° 03' 09" E FOR A DISTANCE OF 1274.79 FEET TO A POINT ON A LINE.

THENCE, S 02° 13' 11" W FOR A DISTANCE OF 657.92 FEET TO A POINT ON A LINE.

THENCE, N 82° 30' 35" W FOR A DISTANCE OF 100.77 FEET TO A POINT ON A LINE.

THENCE, N 75° 30' 39" W FOR A DISTANCE OF 129.09 FEET TO A POINT ON A LINE.

THENCE, N 81° 54' 19" W FOR A DISTANCE OF 132.35 FEET TO A POINT ON A LINE.

THENCE, S 86° 20' 09" W FOR A DISTANCE OF 137.49 FEET TO A POINT ON A LINE.

THENCE, S 81° 18' 54" W FOR A DISTANCE OF 136.29 FEET TO A POINT ON A LINE.

THENCE, N 81° 34' 03" W FOR A DISTANCE OF 40.90 FEET TO A POINT ON A LINE.

THENCE, S 79° 00' 54" W FOR A DISTANCE OF 100.29 FEET TO A POINT ON A LINE.

THENCE, S 48° 18' 23" W FOR A DISTANCE OF 80.46 FEET TO A POINT ON A LINE.

THENCE, S 60° 16' 54" W FOR A DISTANCE OF 43.32 FEET TO A POINT ON A LINE.

THENCE, S 68° 49' 13" W FOR A DISTANCE OF 218.29 FEET TO A POINT ON A LINE.

THENCE S 64° 42' 54" W A DISTANCE OF 258.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.06 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

± 21.06 acres at 4033 W. Garrett Road

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: Density Concept Plan. That the Density Concept Plan entered into by and between Huffman & Co. and the City of Rogers, as approved by the Rogers Planning Commission on October 5, 2021, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency Clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, 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 6: 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 7: 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 Ellis, Crafton Tull

Prepared By: Kristifier Paxton

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 U-COM, AMENDING THE COMPREHENSIVE GROWTH MAP, 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 September 22, 2021, the City Council has found that certain lands hereinafter described are better suited for U-COM 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 U-COM and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

THE SW 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS.

LESS AND EXCEPT, PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 22, IN TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 660 FEET NORTH OF AND 669.6 FEET EAST OF THE SW CORNER OF THE SAID SW 1/4 OF THE NW 1/4, RUNNING THENCE NORTH 660 FEET; THENCE EAST 330 FEET; THENCE SOUTH 660 FEET; THENCE WEST 330 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT, PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, THENCE SOUTH 88 DEGREES 00 MINUTES EAST 511.9 FEET; THENCE NORTH 01 DEGREE 43 MINUTES EAST 662.5 FEET TO A FOUND IRON PIN; THENCE SOUTH 88 DEGREES 27 MINUTES 40 SECONDS EAST 487.45 FEET TO A SET IRON PIN SET ON THE CENTERLINE OF CAPPS ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID CENTERLINE SOUTH 88 DEGREES 27 MINUTES 40 SECONDS EAST 330.03 FEET TO A FOUND IRON PIPE; THENCE LEAVING SAID CENTERLINE NORTH 01 DEGREE 42 MINUTES 16 SECONDS EAST 657.15 FEET TO A FOUND IRON PIPE; THENCE NORTH 88 DEGREES 19 MINUTES 19 SECONDS WEST 329.64 FEET TO A SET IRON PIN; THENCE SOUTH 01 DEGREE 44 MINUTES 18 SECONDS WEST 657.95 FEET TO THE TRUE POINT OF BEGINNING AND BEING SUBJECT TO THE RIGHT-OF-WAY OF CAPPS ROAD ALONG THE SOUTH SIDE THEREOF AND SUBJECT TO COVENANTS AND EASEMENT IF ANY.

LESS AND EXCEPT, PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST IN ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING S 88°00' E 339.6 FEET FROM THE SW CORNER OF THE SAID SW 1/4 OF THE NW 1/4; THENCE N 01°43' E 661.11 FEET; THENCE S 88°27'40" E

172.4 FEET; THENCE S 01°43' W 661.85 FEET; THENCE N 88°13' W 172.4 FEET TO THE POINT OF BEGINNING, CONTAINING 2.62 ACRES, MORE OR LESS.

LESS AND EXCEPT, PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST IN ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SW CORNER OF SAID SW 1/4 OF THE NW 1/4; THENCE S 88°00' E 339.6 FEET; THENCE S 88° 13' E 172.4 FEET TO THE POINT OF BEGINNING; THENCE N 01°43' E 450.85 FEET; THENCE S 88°00'50" E 435.0 FEET; THENCE S 01°43' W 449.30 FEET; THENCE N 88° 13' W 435.0 FEET TO THE POINT OF BEGINNING, CONTAINING 4.49 ACRES.

LESS AND EXCEPT, PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT A POINT WHICH IS S 88° E 511.90 FEET AND N 01°43' E 451.50 FEET FROM THE SW CORNER OF THE NW 1/4 OF SAID SECTION 22; THENCE N 01°43' E 210.86 FEET; THENCE S 88°27'40" E 435.00 FEET; THENCE S 01°43' W 214.4 FEET; THENCE N 88°00'48" W 435.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT, A PART OF THE S 1/2 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NW 1/4 WHICH IS DESCRIBED AS BEING 947 FEET EASTERLY OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH 1 DEGREE 43 MINUTES EAST 663.2 FEET; THENCE SOUTH 88 DEGREES 27 MINUTES 40 SECONDS EAST 382.6; THENCE SOUTH 1 DEGREE 43 MINUTES WEST 664.5 FEET; THENCE NORTH 88 DEGREES 16 MINUTES WEST 382.6 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT, PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NW CORNER OF SAID SW 1/4 OF THE NW 1/4; THENCE ALONG THE NORTH LINE OF SAID SW1/4 OF THE NW 1/4 S86°51'16"E 18.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S86°51'16"E 146.31 FEET; THENCE S60°00'00"W 195.84 FEET TO THE WEST LINE OF SAID SW1/4 OF THE NW1/4; THENCE ALONG SAID WEST LINE N02°40'51"E 95.05 FEET; THENCE N60°00'00"E 22.01 FEET TO THE POINT OF BEGINNING, CONTAINING 8,714.11 SQUARE FEET OR 0.20 ACRES, MORE OR LESS.

LESS AND EXCEPT, PART OF THE SW1/4 OF THE NW1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NW CORNER OF SAID SW1/4 OF THE NW1/4; THENCE ALONG THE NORTH LINE OF SAID SW1/4 OF THE NW1/4 S86°51'16"E 18.53 FEET; THENCE S60°00'00"W 22.01 FEET TO THE WEST LINE OF SAID SW 1/4 OF THE NW1/4; THENCE ALONG SAID WEST LINE N02°40'51 "E 12.04 FEET TO THE POINT OF BEGINNING, CONTAINING 111.50 SQUARE FEET .

LESS AND EXCEPT, PART OF THE SW1/4 OF THE NW1/4 OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NW CORNER OF SAID SW1/4 OF THE NW1/4; THENCE ALONG THE WEST LINE OF SAID SW1/4 OF THE NW1/4 S02°40'51"W 107.08 FEET TO THE POINT OF BEGINNING; THENCE N60°00'00"E 35.44 FEET; THENCE S30°00'00"E 12.32 FEET; THENCE S60°00'00"W 25.00 FEET; THENCE N30°00'00"W 5.82 FEET; THENCE S60°00'00"W 14.62 FEET TO THE WEST LINE OF SAID SW1/4 OF THE NW1/4; THENCE

ALONG SAID WEST LINE N02°40'51"E 7.72 FEET TO THE POINT OF BEGINNING, CONTAINING 389.41 SQUARE FEET.

LAYMAN'S DESCRIPTION:

15.57 ± acres located N and SW of the intersection of S. 31st St. and Green Acres Dr.

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

SECTION 4: **Comprehensive Growth Map.** That the City's Comprehensive Growth Map is hereby amended to classify the entirety of parcels 02-01694-035, 02-01694-040 and 02-01694-045 as the "Regional Center" Growth Designation rather than the "Neighborhood" Growth Designation.

SECTION 5: **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 6: **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 7: **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: Bill Watkins
Prepared By: Amber Long