



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: May 24, 2022

The following committee meetings will be held on **Tuesday, May 24, 2022** prior to the City Council Meeting:

05:30 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/83444207736> OR (312)626-6799 ID: 834 4420 7736

To Discuss:

- (a) RWU Monthly Report
- (b) A Resolution Designating And Authorizing The Mayor And The Superintendent Of The Rogers Water Utilities To Execute Certain Documents In Connection With Funding Administered By The Arkansas Natural Resources Commission

05:45 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/83155931434> OR (312)626-6799 ID: 831 5593 1434

To Discuss:

- (a) A Resolution Certifying Local Government Endorsement Of Business To Participate In The Tax Back Program
- (b) A Resolution Amending The 2022 Budget To Recognize Insurance Proceeds In The Amount Of \$3,895.16 Into Account #100-18-49195 Insurance Reimbursement
- (c) A Resolution Amending The 2022 Budget To Recognize Insurance Proceeds In The Amount Of \$1,249.50 Into Account #100-04-49195 Insurance Reimbursement

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

Committee Room #1 OR <https://us02web.zoom.us/j/83444207736> OR (312)626-6799 ID: 834 4420 7736

To Discuss:

- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To R-DP (Garcia – W. Olrich & S. 9th) [Staff Report](#)
- (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-O To NBT (NR Properties – 303 N. 3rd) [Staff Report](#)
- (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-13.5A & C2-CU To C-3 (Huckaby – W. Walnut, W. Ray & S. 28th) [Staff Report](#)
- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From Com To NBT (Tole – 121 N. 7th) [Staff Report](#)
- (e) An Ordinance Amending Rogers Code Section 14-675 By Reaffirming The



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ROGERS CITY COUNCIL **AGENDA**

MAY 24, 2022
6:30 PM

City Council Chambers OR virtually via ZOOM
<https://us02web.zoom.us/j/87597004677>
OR (312) 626-6799 ID: 875 9700 4677

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. May 10, 2022

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Designating And Authorizing The Mayor And The Superintendent Of The Rogers Water Utilities To Execute Certain Documents In Connection With Funding Administered By The Arkansas Natural Resources Commission PUBLIC WORKS COMMITTEE
2. RES. Re: Certifying Local Government Endorsement Of Business To Participate In The Tax Back Program FINANCE COMMITTEE
3. RES. Re: Amending The 2022 Budget To Recognize Insurance Proceeds In The Amount Of \$3,895.16 Into Account #100-18-49195 Insurance Reimbursement FINANCE COMMITTEE
4. RES. Re: Amending The 2022 Budget To Recognize Insurance Proceeds In The Amount Of \$1,249.50 Into Account #100-04-49195 Insurance Reimbursement FINANCE COMMITTEE

- | | | | |
|----|----------|---|--|
| 5. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From N-R To R-DP
(Garcia – W. Olrich & S. 9 th) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From R-O To NBT
(NR Properties – 303 N. 3 rd) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From RMF-13.5A & C2-CU To C-3
(Huckaby – W. Walnut, W. Ray & S. 28 th) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From Com To NBT (Tole – 121 N. 7 th) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Reaffirming
The Zone Of Certain Lands As RMF-12B, Accepting The
Density Concept Plan (ATRE 28 th St. – 5308 S. 28 th) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

- | | | | |
|----|----------|---|--|
| 1. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From R-DP To NBT
(Fuentes, 262 E. Pine Street) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
|----|----------|---|--|

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R22-__

A RESOLUTION DESIGNATING AND AUTHORIZING THE MAYOR AND THE SUPERINTENDENT OF THE ROGERS WATER UTILITIES TO EXECUTE CERTAIN DOCUMENTS IN CONNECTION WITH FUNDING ADMINISTERED BY THE ARKANSAS NATURAL RESOURCES COMMISSION; AND FOR OTHER PURPOSES.

WHEREAS the City of Rogers, Arkansas owns and operates, through the Rogers Waterworks and Sewer Commission and the Rogers Water Utilities, a municipal sewer system (“the System”) in order to provide sewer service to meet the needs of the City, its inhabitants, and certain nearby areas; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its inhabitants to apply for assistance from the Arkansas Natural Resources Commission (the “ANRC”) in order to make certain improvements to the System, namely a project known as the “Rogers Pollution Control Facility Solids Handling Improvements, Phase II.”

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

Section 1. That the Mayor of the City, as a Signatory Agent or the successor of said Agent, is hereby authorized and directed to make application for assistance administered by the ANRC and to execute, when approved by the City Council, a bond purchase agreement and instruments issued or made pursuant thereto on behalf of the City from time to time.

Section 2. That the Superintendent of the Rogers Water Utilities, Manager of the System, as a Signatory Agent or the successor of said Agent, is hereby authorized to execute, for and on behalf of the City, all other documents and certificates required.

Section 3. The management of the Rogers Water Utilities is authorized to procure and engage, on behalf of the City, bond counsel and other professional services that may be required for the purposes stated herein.

Section 4. Nothing herein shall authorize, and nothing herein shall be construed as authorizing, the Rogers Water Utilities, the Rogers Waterworks and Sewer Commission, or the City of Rogers to enter into any agreements that would violate existing bond agreements, bond ordinances, or other existing obligations of the Rogers Water Utilities, the Commission, or the City of Rogers.

Section 5. 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 6. Repeal of Conflicting Provisions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day _____ 2022.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Rogers Water Utilities and Rogers Waterworks and Sewer Commission

Prepared by: Robert A. Frazier, Legal Counsel, Rogers Water Utilities and Rogers Waterworks and Sewer Commission

For Consideration By: Public Works Committee

RESOLUTION R22-_____

RESOLUTION OF THE CITY COUNCIL OF ROGERS, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Preformed Line Products located at 2740 S 1st Street in Rogers has sought to participate in the program and more specifically has requested benefits accruing from construction and modernization of the specific facility; and

WHEREAS, Preformed Line Products has agreed to furnish the local government all necessary information for compliance.

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

1. Preformed Line Products be endorsed by the city of Rogers, Arkansas for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003;
2. The Department of Finance and Administration is authorized to refund local sales and use taxes to Preformed Line Products;
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
4. Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Steve Cox
Prepared By: Rogers-Lowell Chamber of Commerce
Reviewed By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R22-_____

A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE INSURANCE PROCEEDS IN THE AMOUNT OF THREE THOUSAND EIGHT HUNDRED NINETY FIVE DOLLARS AND SIXTEEN CENTS (\$3,895.16) INTO ACCOUNT #100-18-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-18-70165 VEHICLE MAINTENANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers owns a 2019 Dodge Ram that was damaged in a vehicular accident; and

WHEREAS, the City received three thousand eight hundred ninety five dollars and sixteen cents (\$3,895.16) in insurance proceeds to repair the damage to the vehicle.

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

Section 1: The City of Rogers' 2022 Budget is amended to recognize three thousand eight hundred ninety five dollars and sixteen cents (\$3,895.16) in insurance proceeds into Account #100-18-49195 Insurance Reimbursement;

Section 2: The City of Rogers' 2022 Budget is amended to appropriate three thousand eight hundred ninety five dollars and sixteen cents (\$3,895.16) into Account #100-18-70165 Vehicle Maintenance;

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 Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director of Community Development

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R22-_____

A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE INSURANCE PROCEEDS IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FORTY NINE DOLLARS AND FIFTY CENTS (\$1,249.50) INTO ACCOUNT #100-04-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-04-70165 VEHICLE MAINTENANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers' Fire Department had one fire engine truck that was damaged in a vehicular accident; and

WHEREAS, the City received one thousand two hundred forty nine dollars and fifty cents (\$1,249.50) in insurance proceeds to repair the damage to the ambulance.

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

Section 1: The City of Rogers' 2022 Budget is amended to recognize one thousand two hundred forty nine dollars and fifty cents (\$1,249.50) in insurance proceeds into Account #100-04-49195 Insurance Reimbursement;

Section 2: The City of Rogers' 2022 Budget is amended to appropriate one thousand two hundred forty nine dollars and fifty cents (\$1,249.50) into Account #100-04-70165 Vehicle Maintenance;

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 Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Fire Chief
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM N-R TO R-DP, 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 May 17, 2022, the City Council has found that certain lands hereinafter described are better suited for R-DP 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:

A part of the W ½ of Tract 3 of P.G. Smiths Sub-division of the N ½ of the SW ¼ and the N ¼ of the SE – ¼ of the SW ¼ of Section 13, Township 19 North, Range 30 West Described as follows:

Beginning at a poing S 00° 05'05" W of the NE Corner of the said W ½ of Tract 3; Thence S 00° 05'05" W 286 feet; Thence N 89° 18' 56" W 105 feet; Thence N 00° 05'05" E 286 feet; Thence S 89° 18'56". E 105 feet to the Point of Beginning.

LAYMAN'S DESCRIPTION:

±0.69 acres south of W. Olrich St. & west of S. 9th St.

Parcel Number: 02-06873-001

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

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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Delmy Nieto

Prepared By: Kyle Belt

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-O 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 May 17, 2022, 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:

Lot 11 and the South half of Lot 10, Block 16, B.F. Sikes Addition, Rogers, Benton County, Arkansas, as shown in Plat Record "A" at Page 5.

LAYMAN'S DESCRIPTION:

303 N 3rd Street

SECTION 3: Zoning. That the above described lands are better suited for NBT than R-O 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Tony Noblin

Prepared By: Christina Moore

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM RMF-13.5A & C2-CU TO C-3, 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 May 17, 2022, the City Council has found that certain lands hereinafter described are better suited for C-3 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-3 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

TRACT 2-1A OF THE LOT SPLIT OF TRACT 2-1, SAID LOT SPLIT BEING SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 2003, PAGE 508, AND BEING A PART OF TRACT 2-1 SHOWN IN PLAT BOOK 19, PAGE 5 OF THE RECORDS OF BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, COMMENCING AT THE NE CORNER OF SAID NW 1/4 OF THE SW 1/4 THENCE SOUTH 00°21'40" WEST 535.00 FEET ALONG THE EAST LINE OF SAID NW 1/4 OF THE SW 1/4 FROM POINT OF BEGINNING THENCE SOUTH 00°21'40" WEST, 82.99 FEET ALONG THE EAST SAID LINE; THENCE SOUTH 44°21'24" WEST 723.27 FEET; THENCE NORTH 56°59'22" WEST 283.18 FEET; THENCE NORTH 44°01'51" WEST 370.95 FEET; THENCE NORTH 01°25'06" EAST 187.84 FEET; THENCE SOUTH 89°30'15" EAST 996.86 FEET TO THE POINT OF BEGINNING. CONTAINING 8.756 ACRES, MORE OR LESS.

TRACT 2-3A AS SHOWN ON LOT LINE ADJUSTMENT OF TRACTS 2-2 AND 2-3, SAID LOT LINE ADJUSTMENT BEING SHOWN IN PLAT OF SURVEY RECORDED IN BOOK 2005, PAGE 1251, AND BEING A PART OF TRACTS 2-2 AND 2-3 SHOWN IN PLAT BOOK 19, PAGE 5, OF THE RECORDS OF BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS PART OF THE NW 1/4 OF THE SW 1/4, SECTION 10, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, COMMENCING AT THE NE CORNER OF SAID NW 1/4 OF THE SW 1/4; THENCE S 00°21'40"W 50.00 FEET ALONG THE EAST LINE THEREOF TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE S 00°21'40"W 485.00 FEET; THENCE LEAVING SAID EAST LINE N 89°30'15"W 120.00 FEET; THENCE N 32°01'21"W 126.36 FEET; THENCE 135.65 FEET ALONG A CURVE TO THE RIGHT HAVING A 240.00 FOOT RADIUS AND A N 15°49'51"W 133.85 FOOT CHORD; THENCE N 00°21'40"E 239.34 FEET TO THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY 718 (WEST WALNUT STREET); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO COURSES: THENCE N 82°54'04"E 80.64 FEET; THENCE S 89°30'15" E 145.04 FEET TO THE POINT OF BEGINNING, CONTAINING 2.29 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD. SUBJECT TO EASEMENTS, RIGHT-OF-WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY

TRACT 2B-2 OF THE LOT SPLIT OF TRACT 2B, SHOWN IN PLAT-OF-SURVEY RECORDED IN BOOK 2003 AT PAGE 749, BEING A PART OF TRACT 2B, WHICH IS SHOWN ON PLAT-OF-SURVEY FILED IN PLAT BOOK 23L AT PAGE 32, OF PLAT RECORDS OF BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWING: A PART OF THE NE1/4 OF THE SW1/4 AND THE NW1/4 OF THE SW1/4, SECTION 10, TOWNSHIP 19 NORTH,

RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEGINNING AT THE SW CORNER OF SAID NE1/4, SW1/4; THENCE ALONG THE BOUNDARY OF SAID TRACT 2B, N 89°02'25" W, 661.76 FEET; THENCE N 41°35'58" E, 241.44 FEET; THENCE N 44°17' 12" E, 722.86 FEET; THENCE N 00°21 '40" E, 259.86 FEET; THENCE S 89°19'47" E, 135.00 FEET; THENCE S 00°21 '40" W, 63.72 FEET; THENCE S 89°38'20" E, 221.00 FEET; THENCE LEAVING THE BOUNDARY OF SAID TRACT 2B, S 35°47'07" E, 471.02 FEET; THENCE S 27°09'07" W, 41.35 FEET; THENCE S 07°56'55" W, 376.22 FEET; THENCE S 21°19'55" W, 127.16 FEET TO THE BOUNDARY OF SAID TRACT 2B; THENCE N 89°09'05" W, 518.92 FEET TO THE POINT OF BEGINNING. PLAT 23L-32

LAYMAN'S DESCRIPTION:

South of W. Walnut St, between W. Ray Dr. and S. 28th St, Parcel's 02-00899-000, 02-00899-004, and 02-00898-004.

SECTION 3: Zoning. That the above described lands are better suited for C-3 than RMF-13.5A and C2-CU zoning and same should be and are hereby zoned C-3.

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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Russ Huckaby

Prepared By: Justin Couch

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM COM 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 May 17, 2022, 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:

The West 80 feet of Lot 3, Block 2, B.A. Riggs Park Addition to the City of Rogers, Benton County, Arkansas, as shown in Plat Record Book “A” at Page 63.

LAYMAN'S DESCRIPTION:

121 North 7th Street, Rogers, AR; Parcel 02-02393-000

SECTION 3: Zoning. That the above described lands are better suited for NBT than COM 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Brittany Tole

Prepared By: Zachary Birdsong

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY REAFFIRMING THE
ZONE OF CERTAIN LANDS AS RMF-12B, 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 May 17, 2022, the City Council has found that certain lands hereinafter described as, and zoned RMF-12B, shall remain zoned as such.

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 RMF-12B and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Parcel#02-02087-323

AS-SURVEYED LEGAL DESCRIPTION - TRACT "A"

PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SW1/4, N87°04'32"W 58.66 FEET TO A SET 5/8-INCH REBAR WITH CAP MARKED "PLS 1759"; THENCE DEPARTING SAID SOUTH LINE, N03°13'16"E CROSSING A FOUND 5/8-INCH REBAR WITH CAP MARKED "BATES" AT A DISTANCE OF 653.66 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 654.23 FEET; THENCE S87°11'11"E, AT 58.66 FEET PASS THE EAST LINE OF SAID NE1/4 OF THE SW1/4, CONTINUING A TOTAL DISTANCE OF 457.39 FEET TO A FOUND 5/8-INCH REBAR WITH CAP MARKED "PLS 786" ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 1-49, FOR THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY, N87°11'11"W, AT 398.73 FEET PASS THE EAST LINE OF SAID NE1/4 OF THE SW1/4, CONTINUING A TOTAL DISTANCE OF 1190.66 FEET TO A FOUND 1/2-INCH REBAR; THENCE N02°10.41"E 296.96 FEET TO A FOUND 5/8-INCH REBAR WITH CAP; THENCE S87°11.04"E, AT 797.33 FEET PASS THE EAST LINE OF SAID NE1/4 OF THE SW1/4, CONTINUING A TOTAL DISTANCE OF 1006.77 FEET TO FOUND 5/8-INCH REBAR WITH CAP MARKED "PLS 529" ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 1-49; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, S30°49'56"E 119.88 FEET TO A FOUND 1-1/2-INCH ALUMINUM ARDOT MONUMENT; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY, S28°40'52"E 231.17 FEET TO THE POINT OF BEGINNING, CONTAINING 326,756 SQUARE FEET OR 7.50 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

Parcel#02-02087-324

AS-SURVEYED LEGAL DESCRIPTION - TRACT "B"

PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SW1/4, N87°04'32"W 58.66 FEET TO A SET 5/8-INCH REBAR WITH CAP MARKED "PLS 1759" FOR THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, N87°04'32"W 733.25 FEET TO A FOUND CHISELED "X" IN CONCRETE; THENCE DEPARTING SAID SOUTH LINE, N03°13'12"E 652.81 FEET TO A FOUND 1/2-INCH REBAR; THENCE S87°11'11"E 733.27 FEET; THENCE S03°13'16"W CROSSING A FOUND 5/8-INCH REBAR WITH CAP MARKED "BATES" AT A DISTANCE OF 0.57 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 654.23 FEET TO THE POINT OF BEGINNING, CONTAINING 479,191 SQUARE FEET OR 11.00 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

Parcel#02-02087-322

And 300' off the western property line of:

SURVEY DESCRIPTION:

PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) AND A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF THE NW1/4 OF THE SE1/4 OF SAID SECTION 27; THENCE S00°30'22"W 666.80 FEET; THENCE N89°33'34"W 558.74 FEET; THENCE N89°04'16"W 354.85 FEET; THENCE N30°57'22"W 230.99 FEET; THENCE N33°01'53"W 120.14 FEET TO THE POINT OF BEGINNING; THENCE N89°22'46"W 1006.35 FEET; THENCE N00°01'38"W 370.92 FEET; THENCE S89°27'58"E 745.10 FEET TO THE WESTERLY RIGHT-OF-LINE OF S. 28TH PLACE; THENCE ALONG SAID WESTERLY RIGHT-OF-LINE THE FOLLOWING COURSES: 508°11'00"E 28.71 FEET; THENCE S45°04'33"E 128.78 FEET; THENCE S33°01'53"E 304.778 FEET TO THE POINT OF BEGINNING, CONTAINING 326,519.05 SQUARE FEET OR 7.50 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

± 21.05 acres at 5308 S. 28th St.

SECTION 3: Zoning. That the above described lands are zoned for RMF-12B and same shall continue.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Alta Terra Real Estate and the City of Rogers, as approved by the Rogers Planning Commission on May 17, 2022, 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Bill Watkins

Prepared By: Amber Long

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22-

**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 May 3rd, 2022 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:

Lots 5, 6, and 7, in Block 4, Robertson's Addition to Rogers, Benton County, Arkansas, as shown on Plat Record "B" at Page 87.

LAYMAN'S DESCRIPTION:

262 E. Pine St.

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 _____, **2022.**

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Abelardo Fuentes

Prepared by: Justin Couch

Reviewed by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee