



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: July 12, 2022

The following committee meetings will be held on **Tuesday, July 12, 2022** prior to the City Council Meeting:

05:45 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere)

Committee Room #1 OR <https://us02web.zoom.us/j/87120988974> OR (312)626-6799 ID: 871 2098 8974

- To Discuss:
- (a) A Resolution Amending The City Of Rogers' 2021 Application For The Bureau Of Justice Assistance Edward Byrne Memorial Justice Assistance Grant
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Arkansas Public Safety Solutions Of Little Rock, Arkansas To Build A Replacement Building For Telecommunication Equipment That Is Located On Park Road In Prairie Creek
 - (c) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement With Turn-Key Mobile, Inc. Of Jefferson City, Missouri For The Purchase Of Body, Motor Vehicle, And Interview Room Cameras

06:00 :p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/88031468219> OR (312)626-6799 ID: 880 3146 8219

- To Discuss:
- (a) A Resolution Amending The 2022 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$37,816.00 Into Account #100-03-45630 Edward Byrne Federal Grant Revenue 2021

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

Committee Room #1 OR <https://us02web.zoom.us/j/87120988974> OR (312)626-6799 ID: 871 2098 8974

- To Discuss:
- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Makkar Investments, 2211 S. Rainbow Road)
[Staff Report](#)
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Reaffirming The Zone Of Certain Lands As N-R, Accepting The Density Concept Plan (Pleasant Grove Pocket Community, W. Pleasant Grove & 43rd Street) [Staff Report](#)



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

ROGERS CITY COUNCIL **AGENDA**

JULY 12, 2022
6:30 PM

City Council Chambers OR virtually via
ZOOM <https://us02web.zoom.us/j/84369602453>
OR (312)626-6799 ID: 843 6960 2453

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. June 28, 2022

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Amending The City Of Rogers' 2021 Application For The Bureau Of Justice Assistance Edward Byrne Memorial Justice Assistance Grant PUBLIC SAFETY COMMITTEE
2. RES. Re: Authorizing The Mayor And City Clerk To Enter Into An Agreement With Arkansas Public Safety Solutions Of Little Rock, Arkansas To Build A Replacement Building For Telecommunication Equipment That Is Located On Park Road In Prairie Creek PUBLIC SAFETY COMMITTEE
3. RES. Re: Authorizing The Mayor And City Clerk To Enter Into An Agreement With Turn-Key Mobile, Inc. Of Jefferson City, Missouri For The Purchase Of Body, Motor Vehicle, And Interview Room Cameras PUBLIC SAFETY COMMITTEE
4. RES. Re: Amending The 2022 Budget To Recognize Funds From The Edward Byrne Grant In The Amount Of \$37,816.00 Into Account #100-03-45630 Edward Byrne Federal Grant Revenue 2021 FINANCE COMMITTEE

- | | | | |
|----|----------|---|--|
| 5. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From A-1 To R-SF (Makkar Investments,
2211 S. Rainbow Road) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Reaffirming
The Zone Of Certain Lands As N-R, Accepting The
Density Concept Plan (Pleasant Grove Pocket Community,
W. Pleasant Grove & 43 rd Street) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R22_____

A RESOLUTION AMENDING THE CITY OF ROGERS' 2021 APPLICATION FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Annually participates in the Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant Program;

WHEREAS, this City Council passed Resolution No. R21-45 that called for an incorrect allocation for the 2021 Edward Byrne Memorial Justice Assistance Grant Program of twenty-two thousand two hundred ten dollars (\$22,210.00); and

WHEREAS, this Resolution looks to correct and amend Resolution No. R21-45 so that the allocation applied for in that Resolution is thirty seven thousand eight hundred sixteen dollars (\$37,816.00).

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

Section 1: That the City of Rogers' 2021 Application for the Bureau of Justice Assistance Edward Byrne Memorial Grant as passed in Resolution No. R21-45 is amended so that the amount allocated shall now read thirty seven thousand eight hundred sixteen dollars (\$37,816.00);

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 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 _____, 2022.

APPROVED:

C, GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Jonathan Best, Chief of Police
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R22-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ARKANSAS PUBLIC SAFETY SOLUTIONS OF LITTLE ROCK, ARKANSAS TO BUILD A REPLACEMENT BUILDING FOR TELECOMMUNICATION EQUIPMENT THAT IS LOCATED ON PARK ROAD IN PRAIRIE CREEK; AMENDING THE 2022 BUDGET TO APPROPRIATE THREE HUNDRED THIRTY-SIX THOUSAND SIX HUNDRED FORTY-FOUR DOLLARS AND FIFTY CENTS (\$336,644.50) FROM CMRS FUND RESERVES INTO ACCOUNT #352-52-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department desires to have its telecommunications facility located on Park Road in Prairie Creek replaced as the current building is inadequate to support the ventilation requirements of the AWINS equipment;

WHEREAS, Arkansas Public Safety Solutions of Little Rock, Arkansas can provide all construction and equipment necessary for the new facility; and

WHEREAS, the total cost of a replacement facility is three hundred thirty-six thousand six hundred forty-four dollars and fifty cents (\$336,644.50) that will be paid out of CMRS fund reserves.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into an agreement with Arkansas Public Safety Solutions of Little Rock, Arkansas for an amount not to exceed three hundred thirty-six thousand six hundred forty-four dollars and fifty cents (\$336,644.50);

Section 2: The City of Rogers' 2022 Budget is hereby amended to appropriate three hundred thirty-six thousand six hundred forty-four dollars and fifty cents (\$336,644.50) from CMRS Fund Reserves into Account #352-52-80100 Capital Expenditures;

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, 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: Jonathan Best, Police Chief
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R22-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH TURN-KEY MOBILE, INC. OF JEFFERSON CITY, MISSOURI FOR THE PURCHASE OF BODY, MOTOR VEHICLE, AND INTERVIEW ROOM CAMERAS; WAIVING COMPETITIVE BIDDING FOR THIS PURCHASE; AMENDING THE 2022 BUDGET TO APPROPRIATE ONE MILLION ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$1,180,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-03-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to enter into a purchasing agreement with Turn-Key Mobile, Inc. of Jefferson City, Missouri to purchase body, motor vehicle, and interview room cameras for use by the Rogers Police Department; and

WHEREAS, the Rogers Police Department is requesting that City Council waive the requirements of competitive bidding for this purchase as the cameras, associated equipment, and software is compatible with the departments existing records management system and will integrate into its existing mobile data computers.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter an agreement with Turn-Key Mobile, Inc. of Jefferson City, Missouri for an amount not to exceed one million one hundred eighty thousand dollars (\$1,180,000.00);

Section 2: The City of Rogers' 2022 Budget is amended to appropriate one million one hundred eighty thousand dollars (\$1,180,000.00) from General Fund Reserves into Account #100-03-80100 Capital Expenditures;

Section 3: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the body, motor vehicle, and interview room cameras, associated equipment, and software for use by the City of Rogers Police Department;

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 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: Jonathan Best, Police Chief
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

RESOLUTION NO. R22_____

A RESOLUTION AMENDING THE 2022 BUDGET TO RECOGNIZE FUNDS FROM THE EDWARD BYRNE GRANT IN THE AMOUNT OF THIRTY SEVEN THOUSAND EIGHT HUNDRED SIXTEEN DOLLARS (\$37,816.00) INTO ACCOUNT #100-03-45630 EDWARD BYRNE FEDERAL GRANT REVENUE 2021; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-03-71204 EDWARD BYRNE GRANT FEDERAL EXPENSE 2021; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department has received a thirty seven thousand eight hundred sixteen dollar (\$37,816.00) Edward Byrne Memorial Justice Assistance Grant for 2021;

WHEREAS, the funds will be used for training by the City of Rogers Police Department; and

WHEREAS, approximately twelve thousand one hundred seventy-seven dollars (\$12,177.00) of this grant will pass through to Benton County once the funds are received by City in accordance with the grants terms and conditions.

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

Section 1: That the 2022 Budget is amended to recognize funds in the amount of thirty seven thousand eight hundred sixteen dollar (\$37,816.00) into Account #100-03-45630 Edward Byrne Grant Federal Revenue 2021;

Section 2: That the 2022 Budget is further amended to appropriate the amount of thirty seven thousand eight hundred sixteen dollar (\$37,816.00) into Account #100-03-71204 Edward Byrne Grant Federal Expense 2021;

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, 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: Jonathan Best, Police 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 A-1 TO R-SF, 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 July 5, 2022, the City Council has found that certain lands hereinafter described are better suited for R-SF 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 R-SF and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT THE SW CORNER OF SAID SE 1/4 OF THE SE 1/4; THENCE NORTH 814.68 FEET; THENCE EAST 1320 FEET; THENCE SOUTH 814.68 FEET TO THE SE CORNER OF SAID SE 1/4 OF THE SE 1/4; THENCE WEST 22 FEET; THENCE N00°19'E 199.10 FEET; THENCE S89°44'W 236 FEET; THENCE S00°19'W 198 FEET; THENCE WEST 1061.90 FEET TO THE SW CORNER OF SAID SE 1/4 OF THE SE 1/4, ALSO KNOWN AS THE POINT OF BEGINNING. SUBJECT TO THE RIGHT OF WAY OF THE COUNTY ROAD ALONG THE SOUTHWEST CORNER AND ALONG THE EAST SIDE THEREOF.

LAYMAN'S DESCRIPTION:

2211 South Rainbow Road

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

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: Nate Bachelor

Prepared By: Zachary Birdsong, Planner I

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 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 July 5, 2022, the City Council has found that certain lands hereinafter described as, and zoned N-R, shall remain zoned as such, and shall accept the associated density concept plan.

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:

TRACT 5: TRACT 3 OF A REPLAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT FILED IN PLAT RECORD BOOK "P4" AT PAGE 747 OF THE RECORDS OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: A PART OF TRACT 1 OF A TRACT SPLIT FOR PAMELA MARCHANT FILED IN BOOK "P1" AT PAGE 78 ON JUNE 11, 1998 IN BENTON COUNTY RECORDS, BEING LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8" REBAR FOR THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE N 89° 25' 12" W, 1131.78 FEET TO A POINT LYING IN PLEASANT GROVE ROAD FOR THE POINT OF BEGINNING; THENCE S01° 20' 14" E, 299.72 FEET TO A SET 5/8" REBAR; THENCE N 89° 03' 51" W, 200.00 FEET TO A SET 5/8" REBAR; THENCE N 01° 20' 45" W, 298.48 FEET TO A POINT LYING IN PLEASANT GROVE ROAD; THENCE S 89° 25' 12" E, 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.37 ACRES, MORE OR LESS AND SUBJECT TO ANY EASEMENTS AND OR RIGHTS-OF-WAY OF RECORD OR FACT. SUBJECT TO PROTECTIVE COVENANTS AND EASEMENTS, IF ANY. LESS AND EXCEPT: A PART OF TRACT 3 OF A REPLAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT AS SHOWN ON PLAT RECORD P4-747, BENTON COUNTY, ARKANSAS AND BEING A PORTIO OF THAT PROPERTY DESCRIBED IN DEED RECORD 200816373-76 OF THE RECORDS OF THE CIRCUIT CLERK AND RECORDER OF BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF THE SE ¼ OF THE SE ¼ OF SECTION 28, T-1 9-N, R-30-W, THENCE SOUTH 86°32'55" EAST - 193.42 FEET TO THE NE CORNER OF SAID TRACT 3 SOUTH 1°32'03" WEST -40.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF PLEASANT GROVE ROAD AS DEDICATED BY PLAT P4-747 FOR THE POINT OF BEGINNING, THENCE CONTINUING ALONG THE EAST LINE OF SAID TRACT 3 SOUTH 01°32'03" WEST -40.72 FEET; THENCE LEAVING SAID EAST LINE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SW A DISTANCE OF 202.73 FEET, SAID CURVE HAVING A RADIUS OF 989.00 FEET AND WHOSE CHORD BEARS NORTH 77°50'24" WEST -203.37 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 3; THENCE ALONG WEST LINE OF SAID TRACT 3 NORTH 01°31'32" EAST - 9.91 FEET TO A POINT ON SAID EXISTING SOUTH RIGHT OF WAY LINE; THENCE ALONG SAID EXISTING SOUTH RIGHT OF

WAY LINE SOUTH 86°32'55" EAST -200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4,348 SQUARE FEET OR 0.10 ACRES, MORE OR LESS.

TRACT 8: TRACT 1A OF A REPLAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT FILED IN PLAT RECORD BOOK P4 AT PAGE 747 OF THE RECORDS OF BENTON COUNTY, ARKANSAS, DESCRIBED AS A PART OF TRACT 1 OF A TRACT SPLIT FOR PAMELA MARCHANT FILED IN BOOK P1 AT PAGE 78, PLAT RECORDS OF BENTON COUNTY, ARKANSAS, BEING LOCATED IN THE S 1/2 OF THE SE 1/4 OF SECTION 28, T-19-N, R-30-W, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 5/8" REBAR FOR THE NE CORNER OF SAID S 1/2 OF THE SE 1/4; THENCE N 89° 25' 12" W, 916.98 FEET TO THE POINT OF BEGINNING; THENCE S 00° 17' 47" E, 300.89 FEET TO A FOUND 5/8" REBAR; THENCE N 89° 03' 51" W, 209.38 FEET TO A SET 5/8" REBAR; THENCE N 01°20' 14" W, 299.72 FEET TO A POINT LYING IN PLEASANT GROVE ROAD; THENCE S 89° 25' 12" E, 214.80 FEET, TO THE POINT OF BEGINNING, CONTAINING 1.46 ACRES, MORE OR LESS AND SUBJECT TO ANY EASEMENTS AND OR RIGHTS-OF-WAY OF RECORD OR FACT. SUBJECT TO PROTECTIVE COVENANTS AND EASEMENTS, IF ANY. LESS AND EXCEPT: A PART OF TRACT 1A OF A REPLAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT AS SHOWN ON PLAT RECORD P4-747, BENTON COUNTY, ARKANSAS AND BEING A PORTION OF THAT PROPERTY DESCRIBES IN DEED RECORD 200816373-76 OF THE RECORDS OF CIRCUIT CLERK AND RECORDER OF BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF THE SE ¼ OF THE SE ¼ OF SECTION 28, T-19-N, R-30-W, THENCE SOUTH 86°32'55" EAST - 193.42 FEET TO THE NW CORNER OF SAID TRACT I A, THENCE ALONG THE WEST LINE OF SAID TRACT 1 A SOUTH 1°32'03" WEST - 40.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF PLEASANT GROVE ROAD AS DEDICATED BY PLAT P4-747 FOR THE POINT OF BEGINNING, THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE SOUTH 86°32'55" EAST -214.07 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 1A; THENCE ALONG SAID EAST LINE SOUTH 02°34'30" WEST - 124.37 FEET; THENCE LEAVING SAID EAST LINE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SW A DISTANCE OF 230.34 FEET, SAID CURVE HAVING A RADIUS OF 989.00 FEET AND WHOSE CHORD BEARS NORTH 65°15'05" WEST- 230.34 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 1A; THENCE ALONG SAID WEST LINE NORTH 1°32'03" EAST -40.72 FEET TO THE POINT OF BEGINNING, CONTAINING 16,587 SQUARE FEET OR 0.38 ACRES, MORE OR LESS. LESS AND EXCEPT: A PART OF TRACT IA OF A REPLAT OF TRACTS 1 AND 2 FOR PAMELA MARCHANT AS SHOWN ON PLAT RECORD P4-747, BENTON COUNTY. ARKANSAS AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN DEED RECORD 201065951-56 OF THE RECORDS OF THE CIRCUIT CLERK AND RECORDER OF BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NW CORNER OF THE SE ¼ OF THE SE ¼ OF SAID SECTION 28, THENCE SOUTH 86°32'55" EAST - 408.22 FEET, THENCE SOUTH 2°34'30" WEST - 164.37 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 2°34'30" WEST - 108.06 FEET; THENCE NORTH 25°03'09" WEST - 25.98 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE NE A DISTANCE OF 84.91 FEET, SAID CURVE HAVING A RADIUS OF 118.50 FEET AND WHOSE CHORD BEARS NORTH 4°31'32" WEST - 83.11 FEET; THENCE NORTHEASTERLY ALONG A SECOND CURVE CONCAVE TO THE NW A DISTANCE 14.19 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND WHOSE CHORD BEARS NORTH 5°50'30" EAST - 14.11 FEET; THENCE SOUTHEASTERLY ALONG A THIRD CURVE CONCAVE TO THE SW A DISTANCE OF 24.41 FEET, SAID CURVE HAVING A RADIUS OF 989.00 FEET AND WHOSE CHORD BEARS SOUTH 59°16'LS" EAST - 24.41 FEET TO THE POINT OF BEGINNING, CONTAINING 2,155 SQUARE FEET (0.05 ACRES), MORE OR LESS, BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION:

1.11 acres and 0.86 acres at the SW corner of the intersection of W. Pleasant Grove Rd and S. 43rd St.

SECTION 3: Zoning. That the above described lands are zoned for N-R and same shall continue.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Kaitlin Parker and the City of Rogers, as approved by the Rogers Planning Commission on July 5, 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: Phil Swope

Prepared By: Justin Couch, Planner I

Reviewed By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee