



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: November 22, 2022

The following committee meetings will be held on **Tuesday, November 22, 2022** prior to the City Council Meeting:

05:20 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/82917134850> OR (312)626-6799 ID: 829 1713 4850

To Discuss: (a) RWU Monthly Report

05:30 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear)

Committee Room #1 OR <https://us02web.zoom.us/j/82917134850> OR (312)626-6799 ID: 829 1713 4850

To Discuss: (a) An Ordinance Approving A Private Club Application For The Black Crown Social House

05:40 p.m. - COMMUNITY SERVICES COMMITTEE: (Brashear*, Hayes, Kruger)

Committee Room #1 OR <https://us02web.zoom.us/j/82917134850> OR (312)626-6799 ID: 829 1713 4850

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Contract With Nabholz Construction Of Rogers, Arkansas, For Construction Management Services

(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive \$980,000.00

05:50 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/85143527480> OR (312)626-6799 ID: 851 4352 7480

- To Discuss:
- (a) A Resolution Adopting The City Of Rogers' 2023 Budget
 - (b) An Ordinance Authorizing The Adoption Of Certain Provisions Of The City Of Rogers' 2023 Budget
 - (c) A Resolution Amending The 2022 Budget To Provide For A Temporary Police Market Adjustment To The City Of Rogers Police Department
 - (d) A Resolution Amending The 2022 Budget To Appropriate \$150,000.00 From General Fund Reserves Into Account #100-01-80121 Victory Theater Renovation
 - (e) A Resolution Amending The 2022 Budget To Appropriate \$10,000,000.00 From General Fund Reserves Into Account #100-08-84513 Northwest Park

05:50 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

Committee Room #1 OR <https://us02web.zoom.us/j/82917134850> OR (312)626-6799 ID: 829 1713 4850

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement To Grant A Utility Easement On City Property To Carroll Electric Cooperative Corporation
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain

Lands From R-SF To C-2, 1604 & 1608 W. Walnut St. (Max Alley)

[Staff Report](#)



Office of the City Clerk-Treasurer
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ROGERS CITY COUNCIL **AGENDA**

NOVEMBER 22, 2022

6:30 PM

City Council Chambers OR virtually via
ZOOM <https://us02web.zoom.us/j/81724841345>
OR (312)626-6799 ID: 817 2484 1345

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. November 08, 2022

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|----|--|------------------------------|
| 1. | ORD. Re: Approving A Private Club Application For The Black Crown Social House | RESOURCES & POLICY COMMITTEE |
| 2. | RES. Re: Adopting The City Of Rogers' 2023 Budget | FINANCE COMMITTEE |
| 3. | ORD. Re: Authorizing The Adoption Of Certain Provisions Of The City Of Rogers' 2023 Budget | FINANCE COMMITTEE |
| 4. | RES. Re: Amending The 2022 Budget To Provide For A Temporary Police Market Adjustment To The City Of Rogers Police Department | FINANCE COMMITTEE |
| 5. | RES. Re: Amending The 2022 Budget To Appropriate \$150,000.00 From General Fund Reserves Into Account #100-01-80121 Victory Theater Renovation | FINANCE COMMITTEE |
| 6. | RES. Re: Amending The 2022 Budget To Appropriate \$10,000,000.00 From General Fund Reserves Into | FINANCE COMMITTEE |

Account #100-08-84513 Northwest Park

- | | | | |
|-----|----------|--|---|
| 7. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With Nabholz Construction Of Rogers, Arkansas, For Construction Management Services | COMMUNITY SERVICES COMMITTEE |
| 8. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive \$980,000.00 | COMMUNITY SERVICES COMMITTEE |
| 9. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement To Grant A Utility Easement On City Property To Carroll Electric Cooperative Corporation | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 10. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-SF To C-2, 1604 & 1608 W. Walnut St. (Max Alley) | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

OLD BUSINESS:

1. ORD. Re: Accepting The Final Plat Of Sky Valley Estates, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein

NEW BUSINESS:

APPOINTMENTS:

1. Appointment of Holly VanWinkle to the Museum Commission; term to expire December 31, 2025.

ANNOUNCEMENTS:

ORDINANCE NO. 22-_____

AN ORDINANCE APPROVING A PRIVATE CLUB APPLICATION FOR THE BLACK CROWN SOCIAL HOUSE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ark. Code Ann. § 3-9-222, all private club applications submitted to Alcohol Beverage Control Division of the State of Arkansas (“ABC”) must be submitted with an Ordinance from the governing body of the county or city in which the private club wishes to operate;

WHEREAS, Black Crown Social House is requesting an ordinance from the Rogers City Council to accompany its private club application; and

WHEREAS, after passage, this Ordinance shall be submitted to ABC by the Black Crown Social House in order to comply with Ark. Code Ann. § 3-9-222(a) & (b).

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

Section 1: The City Council of the City of Rogers recognizes and approves the submission of the application of the Black Crown Social House to the ABC for a permit to operate as a private club under Ark. Code Ann. § 3-9-222(a)(1);

Section 2: Emergency Clause: That the need to approve the private club application 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 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 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: Legal Department
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration by: Resources & Policy Committee

RESOLUTION NO. R22-_____

**A RESOLUTION ADOPTING THE CITY OF ROGERS' 2023 BUDGET;
APPROPRIATING FUNDS AND AUTHORIZING EXPENDITURES FOR ITEMS
INCLUDED WITHIN THE CITY OF ROGERS' 2023 BUDGET; AND FOR OTHER
PURPOSES.**

WHEREAS, the efficient operation of the city government of the City of Rogers, Arkansas requires that a budget be planned and adopted by the Mayor and City Council;

WHEREAS, the Mayor, in consultation with the staff, the department head of each city department, and the public has proposed a comprehensive budget for calendar and budget year 2023 for the City of Rogers;

WHEREAS, the City Council of the City of Rogers has made a comprehensive review and analysis of the proposed City of Rogers' 2023 Budget;

WHEREAS, the City Council finds that the City of Rogers' 2023 Budget accurately reflects the estimated revenues and expenditures for the 2023 budget year; and

WHEREAS, the Mayor and City Council continue to comply with Ark. Code Ann. § 14-58-201, et seq., concerning the process for adoption and amendment of the City of Rogers' 2023 Budget.

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

Section 1: The City of Rogers' 2023 Budget is hereby adopted;

Section 2: The respective funds and assigned account numbers for each category of revenue and expenditure proposed in the City of Rogers' 2023 Budget are adopted and appropriated;

Section 3: The Mayor or his duly authorized representative may execute any contract, conveyance, or lease contract for any purchase approved within the City of Rogers' 2023 Budget and valued equal to or less than thirty-five thousand dollars (\$35,000.00);

Section 4: The Mayor or his duly authorized representative may approve, disapprove, or adjust any payment of funds appropriated by this Resolution;

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 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: C. Greg Hines, Mayor; Casey Wilhelm, Director of Finance

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

ORDINANCE NO. 22-_____

**AN ORDINANCE AUTHORIZING THE ADOPTION OF CERTAIN PROVISIONS OF
THE CITY OF ROGERS' 2023 BUDGET; PROVIDING FOR THE EMERGENCY
CLAUSE; AND FOR OTHER PURPOSES.**

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

Section 1: The portions of the City of Rogers' 2023 Budget, as adopted by Resolution No. R22-_____, which are required by state law to be adopted by ordinance are hereby adopted;

Section 2: Emergency Clause: That the need to adopt the City of Rogers' 2023 Budget 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 the date of its 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;

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; and

PASSED this _____ day of _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor; Casey Wilhelm, Director of Finance

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. 22- _____

**A RESOLUTION AMENDING THE 2022 BUDGET
TO PROVIDE FOR A TEMPORARY POLICE MARKET ADJUSTMENT TO THE CITY OF
ROGERS POLICE DEPARTMENT; APPROPRIATING THE FUNDS FROM GENERAL FUND
RESERVES TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and City Council appreciate the hard work and dedication of each sworn police officer, dispatcher, crime scene technician, and community service officer of the City of Rogers Police Department as this commitment has contributed greatly to the health, safety, and welfare of the City and its citizens;

WHEREAS, it is in the best interest of the City of Rogers to reward that hard work and dedication, and encourage its continuance through a temporary market adjustment;

WHEREAS, the temporary market adjustment shall be for six thousand dollars (\$6,000.00) to be paid to each sworn police officer, dispatcher, crime scene technician, and community service officer. The money will be paid in equal monthly installments over a period of six months per conditions adopted by the City; and

WHEREAS, the Mayor and City Council acknowledge that this market adjustment is temporary and future compensation measures for all employees will continue to be assessed in calendar and fiscal year 2023.

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

Section 1: The Mayor may make a temporary market adjustment of six thousand dollars (\$6,000.00) to be paid in equal monthly installments over a period of six-months in accordance with Exhibit "A" to each City of Rogers Police Department sworn police officer, dispatcher, crime scene technician, and community service officer per conditions adopted by the City;

Section 2: The funds shall be appropriated from General Fund Reserves to the following accounts as shown in Exhibit "A;"

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: C. Greg Hines, Mayor; Jonathan Best, Chief of Police

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. 22-_____

Exhibit "A" Police Market Adjustment

Salaries and Wages	100-03-60105	900,000
FICA Expense	100-03-61150	68,850
Retirement APERS	100-03-61155	22,980
Retirement LOPFI	100-03-61165	180,000

GENERAL FUND TOTAL	1,171,830
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RESOLUTION NO. R22-_____

A RESOLUTION AMENDING THE 2022 BUDGET TO APPROPRIATE ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-01-80121 VICTORY THEATER RENOVATION; AND FOR OTHER PURPOSES.

WHEREAS, The Victory Theater is undergoing renovations after accepting grant money from the Walton Family Foundation and needs additional funds for design work and to cover any overages for that work.

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 hereby amended to appropriate one hundred fifty thousand dollars (\$150,000.00) from General Fund Reserves into Account #100-01-80121 Victory Theater Renovation for theater design and other overages;

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 of the City Council, or part of resolutions 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: John McCurdy, Director of Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Services Committee

RESOLUTION NO. R22-_____

A RESOLUTION AMENDING THE 2022 BUDGET TO APPROPRIATE TEN MILLION DOLLARS (\$10,000,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-08-84513 NORTHWEST PARK; APPROPRIATING ONE MILLION DOLLARS (\$1,000,000.00) FROM STREET FUND RESERVES INTO ACCOUNT #200-16-85089 WILL ROGERS DRIVE FOR THE CONSTRUCTION OF NORTHWEST PARK AND AN ASSOCIATED STREET; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers through an RFQ process has selected Nabholz Construction of Rogers, Arkansas to be the construction manager for the construction of Northwest Park;

WHEREAS, construction of the City's Northwest Park will require at least an additional ten million dollars (\$10,000,000.00) outside the project's 2018 bond amount;

WHEREAS, Will Rogers Drive will be extended through Northwest Park to connect to 13th Street and will require at least an additional one million dollars (\$1,000,000.00) for the construction of the street; and

WHEREAS, the City of Rogers City Council intends to affirm its commitment to the Northwest Park project by funding additional construction costs through necessary appropriations over the course of the construction process.

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 appropriate ten million dollars (\$10,000,000.00) from General Fund Reserves into Account #100-08-84513 Northwest Park;

Section 2: The City of Rogers' 2022 budget is amended to appropriate one million dollars (\$1,000,000.00) from Street Fund Reserves into Account #200-16-85089 Will Rogers Drive;

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 resolutions of the City Council, or part of resolutions 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: David Hook, Facilities Manager
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R22-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH NABHOLZ CONSTRUCTION OF ROGERS, ARKANSAS, FOR CONSTRUCTION MANAGEMENT SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers selected Nabholz Construction of Rogers, Arkansas through an RFQ process to perform construction management services for the construction of Northwest Park and a maintenance building to be used by the City's Parks and Recreation Department.

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

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with Nabholz Construction for construction management services for the construction of Northwest Park and a maintenance building to be used by the Parks Department;

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 of the City Council, or part of resolutions 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: David Hook, Facilities Development Manager

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Services Committee

RESOLUTION NO. R22 ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION TO RECEIVE NINE HUNDRED EIGHTY THOUSAND DOLLARS (\$980,000.00); AMENDING THE 2022 BUDGET TO RECOGNIZE SEVEN HUNDRED TEN THOUSAND DOLLARS (\$710,000.00) INTO ACCOUNT #100-01-45600 GRANTS AND DONATIONS; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-01-80121 VICTORY THEATER RENOVATION; RECOGNIZING TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$270,000.00) INTO ACCOUNT #100-18-45600 GRANTS AND DONATIONS; APPROPRIATING THAT SAME AMOUNT INTO ACCOUNT #100-18-70495 ARTS AND CULTURE - VICTORY THEATER; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to nine hundred eighty thousand dollars (\$980,000.00) from the Walton Family Foundation to be used for the renovation of the Victory Theater and arts and culture programming;

WHEREAS, for every dollar committed by the City to fund arts and culture programming in 2023, the Walton Family Foundation will match up to two hundred seventy thousand dollars (\$270,000.00); and

WHEREAS, the City of Rogers has included two hundred seventy thousand dollars (\$270,000.00) to fund arts and culture programming in its 2023 budget.

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

Section 1: The Mayor and the City Clerk are hereby authorized to enter into grant agreement with the Walton Family Foundation in which the City will receive up to nine hundred eighty thousand dollars (\$980,000.00) in grant funds;

Section 2: The 2022 Budget is hereby amended to recognize grant funds in the amount of seven hundred ten thousand dollars (\$710,000.00) into Account #100-01-45600 Grants and Donations, and to recognize two hundred seventy thousand dollars (\$270,000.00) into Account #100-18-45600 Grants and Donations;

Section 3: The 2022 Budget is amended to appropriate seven hundred ten thousand dollars (\$710,000.00) into Account #100-01-80121 Victory Theater Renovation; and to appropriate two hundred seventy thousand dollars (\$270,000.00) into Account #100-18-70495 Arts and Culture-Victory Theater;

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 of the City Council, or parts of resolutions 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: John McCurdy, Director of Community Development

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Services Committee

RESOLUTION NO. R22-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
AN AGREEMENT TO GRANT A UTILITY EASEMENT ON CITY PROPERTY TO
CARROLL ELECTRIC COOPERATIVE CORPORATION; AND FOR OTHER
PURPOSES.**

WHEREAS, Carroll Electric Cooperative Corporation of Berryville, Arkansas desires an easement to place underground facilities on land owned by the City of Rogers; and

WHEREAS, the City believes it appropriate to place the Carroll Electric underground facilities at the location as described in Exhibit "A" to this Resolution.

**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 easement agreement with Carroll Electric Cooperative Corporation in the location as stated in Exhibit "A."

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 of the City Council, or parts of resolutions 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: David Hook, Facilities Manager

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Community Environment & Welfare Committee

UNDERGROUND RIGHT OF WAY EASEMENT

Date 09/16/2022
County: Benton Easement # 046690-01

KNOW ALL MEN BY THESE PRESENTS, That we the undersigned, whether one or more, CITY OF ROGERS

and _____ hereinafter called "**Grantors**", for good and valuable consideration, the receipt of which is hereby acknowledged do hereby grant and convey unto **Carroll Electric Cooperative Corporation (Grantee)**, hereinafter called "Cooperative", whose principal office is in Berryville, Arkansas, and unto its successors, licensees or assigns, a perpetual easement right, privilege, and authority to enter upon the lands of the undersigned Grantor, and to place, construct, reconstruct, erect, excavate, add to, relocate, rebuild, modify, change operating voltage level, repair, replace, patrol, operate and maintain on and under the described lands, and in and upon all streets, roads, highways and other rights of way abutting said premises, underground cables of one or more circuits to serve as service, distribution, or a combination thereof, to transmit electrical energy and communications, including but not limited to buried cable and other appurtenances necessary thereto, together with the right of ingress and egress to and from the lines of the Cooperative, over the lands of Grantors, which said lands

of Grantors situated in the County of Benton, State of Arkansas, are described as follows:

All of the SE/4 of the SW/4 of Section 10, Township 19N, Range 30W, and part of the SW/4 of the SW/4 of Section 10, Township 19N, Range 30W as shown on Plat Record 14-146 less and except property that was sold and recorded in Book 717, Page 745, and also Book 696, Page 498.

The location of the right-of-way easement on the above described premises shall be determined by the Cooperative and with the centerline being generally described as follows:

The easement shall be a strip of land 15' in width. Commencing at the South corner of Section 10, Township 19, Range 30W, turn and go in a Northwesterly direction approximately 579' to an existing CECC power pole and the beginning of said 15' wide centerline easement. Thence, continue in a North Northwesterly direction approximately 184'. Thence, turn and go in a Westerly direction approximately 140'. Thence, turn and go in a Northerly direction approximately 10' to the end of said 15' wide centerline easement with centerline determined upon final construction. The easement shall extend 7 1/2 ft past the last piece of CECC equipment.

Grantors do also hereby grant and convey to Cooperative the perpetual right to clear and keep clear by cutting, spraying or removing by any other manner all brush, trees, timber, and vegetation within the defined easement and to dispose of trees and brush in any manner desired by the Cooperative. And agree that no shrubs or trees shall be planted within the defined easement. And further agrees that no structures will be erected within 7½ feet of the finally constructed centerline.

Grantors agree to make no use of, nor permit others to make any use of said easement strip that would reduce in clearance or in any other way interfere with the proper and safe operation and/or maintenance of said line by Cooperative.

Grantors agree that all underground cables, transformers and all other facilities installed by and at the expense of Cooperative on Grantors' property pursuant to the rights granted by this easement shall remain the property of Cooperative and may be removed by the Cooperative at its option.

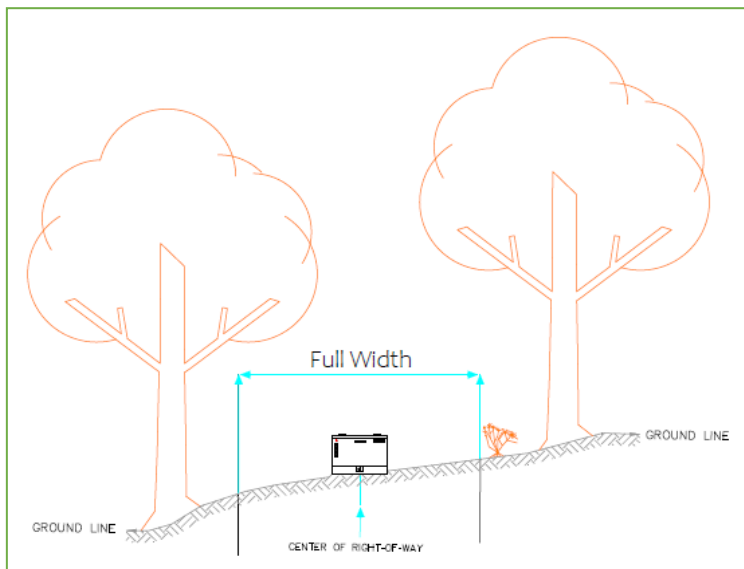


Figure 1 – Typical Underground Easement Cross-section

No delay in exercising any or all of the rights granted herein to Cooperative shall be interpreted to be a surrender of any of the said rights nor abandonment of the easement granted.

All provisions contained herein shall run with the land and be binding on the parties, their heirs, successors, representatives and assigns.

And any and all dower, curtesy, distributive shares or homestead interest the undersigned, or either of them, may have inconsistent with the rights herein conferred is hereby relinquished and released to the extent necessary to permit the free enjoyment of said rights and to that extent only. In so doing, the undersigned do not deed the ownership of said lands.

Grantors covenant to and with Cooperative that they are lawfully seized and possessed of said lands, and have good and lawful right to and power to sell and convey said land and the easement granted herein and that said land is free and clear of all liens and encumbrances and that Grantors will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomever.

IN WITNESS THEREOF, the grantors have set their hands and seal on this _____ day of _____, 20____.

Signature of Grantor 1

Signature of Grantor 2

CITY OF ROGERS

Printed Name of Grantor 1

Printed Name of Grantor 2

ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____)

BE IT REMEMBERED, that on this day personally appeared before me the undersigned a Notary Public with and for the County and State aforesaid duly commissioned and acting _____ and _____ to me well known as the grantor(s) in the foregoing easement and each stated that they had executed the same for the considerations and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

(SEAL)

ORDINANCE NO. 22-_____

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

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interest of the City that certain lands hereinafter described are better suited for C-2 zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: The land described herein shall be zoned as C-2 (Highway Commercial District), and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Lots 4 and 5 in Mitchell's Place, a subdivision of Lots 1 and 4 in Block 2 of Felker's Subdivision of a part of NW1/4 of the SE1/4 of Section 11, Township 19 North, Range 30 West.

LAYMAN'S DESCRIPTION:

1604 & 1608 W. Walnut St. (Parcels 02-06006-000 & 02-06005-000)

Section 3: Zoning: The above described lands are better suited for C-2 than R-SF zoning and same should be and are hereby zoned C-2;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 5: 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 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Kyle Belt, Planner I

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 22- _____

AN ORDINANCE ACCEPTING THE FINAL PLAT OF SKY VALLEY ESTATES, ROGERS, BENTON COUNTY, ARKANSAS, THE DEDICATION OF UTILITY EASEMENTS AND OTHER PUBLIC WAYS THEREIN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Final Plat has been submitted for the subdivision of SKY VALLEY ESTATES, Rogers, Benton County, Arkansas which is more particularly described as follows:

A PART OF THE FRACTIONAL NW 1/4 OF THE NE 1/4 OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW 1/4;
THENCE S87°20'36"E 30.76 FEET TO THE POINT OF BEGINNING;
THENCE S87°20'36"E 283.54 FEET;
THENCE S02°11'14"W 922.76 FEET;
THENCE S62°52'00"W 351.91 FEET;
THENCE N03°24'13"E 1097.66 FEET TO THE POINT OF BEGINNING,
CONTAINING 6.82 ACRES, MORE OR LESS AND SUBJECT TO THE
RIGHT OF WAY OF SHORES AVENUE ALONG THE NORTH SIDE AND
SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

WHEREAS, the City Council finds that said Final Plat is in conformance with the Ordinances of the City of Rogers, Arkansas; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Rogers, Arkansas that said Final Plat be approved and the dedication of the utility easements and other public ways be accepted and confirmed.

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

Section 1: The Final Plat of Sky Valley Estates, Rogers, Benton County, Arkansas, as described in the Plat thereof, is hereby accepted, approved, and confirmed;

Section 2: All dedication of utility easements and other public ways as set forth in the Plat are hereby accepted by the City. The Mayor and City Clerk are authorized and directed to certify the aforesaid approval and acceptance upon the face of the Plat;

Section 3: Emergency Clause: As the facilities to be constructed within this subdivision will promote the economy of the City and will promote the public health and welfare, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4: 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 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 _____, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development
Prepared by: John M. Pesek, Senior Staff Attorney