



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

COMMITTEE SCHEDULE

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: September 26, 2023

The following committee meetings will be held on **Tuesday, September 26, 2023** prior to the City Council Meeting:

05:50 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #2 OR <https://us02web.zoom.us/j/81191211407> OR (312)626-6799 ID: 811 9121 1407

To Discuss: (a) RWU Monthly Report

05:50 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Reithemeyer, Legere)

Committee Room #1 OR <https://us02web.zoom.us/j/86893654510> OR (312)626-6799 ID: 868 9365 4510

To Discuss: (a) An Ordinance Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 711 E. Hilltop Drive

06:00 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Legere, Townzen)

Committee Room #2 OR <https://us02web.zoom.us/j/81191211407> OR (312)626-6799 ID: 811 9121 1407

To Discuss: (a) A Resolution Amending The 2023 Budget To Recognize Federal Grant Revenue In The Amount Of \$100,000.00 Into Account #315-15-48050 Federal Grant Revenue; Appropriating \$11,111.00 From Airport Fund Reserves And \$100,000.00 From Account #315-15-48050 Federal Grant Revenue Into Account #315-15-81143 Reconstruct Taxiway Lighting And Airfield Electrical Vault; Increasing The Contract Amount With Rick McGinty Company, Inc. Of Greenbrier, Arkansas By \$111,111.00

(b) Street Closure Request - 2023 Heart Walk [MAP](#)

06:10 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/86893654510> OR (312)626-6799 ID: 868 9365 4510

To Discuss: (a) A Resolution Authorizing The Rate Of Property Tax For The City Of Rogers For The Year 2023 To Be Collected In 2024

(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Real

Estate Agreement For The Purchase Of Certain Real Property Owned By The
Harold E. Amos Trust; Amending The 2023 Budget To Appropriate
\$4,200,000.00 From General Fund Reserves Into Account #100-01-80100
Capital Expenditures

06:10 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)
Committee Room #2 OR <https://us02web.zoom.us/j/81191211407> OR (312)626-6799 ID: 811 9121 1407

To Discuss: (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain
Lands From RMF-12B To N-R (North 22nd & Easy Street) **Staff Report**



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

SEPTEMBER 26, 2023

6:30 PM

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 852 6930 4208

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

PUBLIC HEARING:

1. Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 711 E. Hilltop Drive

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. September 12, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Ordering The Razing And Removal Of A Certain Structure Within The City Of Rogers, Arkansas, Located At 711 E. Hilltop Drive PUBLIC SAFETY COMMITTEE
2. RES. Re: Amending The 2023 Budget To Recognize Federal Grant Revenue In The Amount Of \$100,000.00 Into Account #315-15-48050 Federal Grant Revenue; Appropriating \$11,111.00 From Airport Fund Reserves And \$100,000.00 TRANSPORTATION COMMITTEE

From Account #315-15-48050 Federal Grant Revenue
Into Account #315-15-81143 Reconstruct Taxiway
Lighting And Airfield Electrical Vault; Increasing The
Contract Amount With Rick McGinty Company, Inc. Of
Greenbrier, Arkansas By \$111,111.00

- | | | | |
|----|----------|--|--|
| 3. | RES. Re: | Authorizing The Rate Of Property Tax For The City Of
Rogers For The Year 2023 To Be Collected In 2024 | FINANCE
COMMITTEE |
| 4. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A
Real Estate Agreement For The Purchase Of Certain Real
Property Owned By The Harold E. Amos Trust;
Amending The 2023 Budget To Appropriate
\$4,200,000.00 From General Fund Reserves Into Account
#100-01-80100 Capital Expenditures | FINANCE
COMMITTEE |
| 5. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From RMF-12B To N-R (North 22 nd &
Easy Street) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. 23-_____

**AN ORDINANCE ORDERING THE RAZING AND REMOVAL OF A CERTAIN
STRUCTURE WITHIN THE CITY OF ROGERS, ARKANSAS, LOCATED AT 711 E.
HILLTOP DRIVE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR
OTHER PURPOSES.**

WHEREAS, Daniel D. Stephens is the owner of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: Part of the SW1/4 of the NE1/4 of Section 06, Township 19 North, Range 29 West, described as follows:

Beginning 13 ½ rods East of the SW corner of said 40 acres, run thence North 14 rods, thence East 65 feet, thence south 14 rods, thence West 65 feet to the place of beginning

Layman's Description: 711 Hilltop Drive, Rogers, Benton County, Arkansas.

Tax Parcel No.: 02-00042-000

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

1. 2021 IPMC - Section 302.1 – Sanitation: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. Inspection findings: There is trash, appliances, and debris strewn throughout the property.
2. 2021 IPMC – Section 302.4 – Weeds: All premises and exterior property shall be maintained free from weeds or plant growth. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Inspection findings: The yard appears to have not been maintained in quite some time. There is vegetation growing up the exterior of the house and a large brush pile on the property.
3. 2021 IPMC – Section 302.7– Accessory structures: All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair. Inspection findings: There is an accessory building on the property that is full of trash and what appears to be appliances; the building is open and appears to be in disrepair.
4. 2021 IPMC – Section 304.6 – Exterior walls: All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Inspection findings: The exterior of this

structure is not being maintained in good repair as there are multiple places where the structures siding is rotting.

5. 2021 IPMC – Section 304.9 – Overhang extensions: All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Inspection findings: There is a canopy on the south and north side that shows decay and is hanging from the house.
6. 2021 IPMC – Section 304.13.1 – Glazing: All glazing materials shall be maintained free from cracks and holes. Inspection findings: There is a window that is broken on the south side of the structure.
7. 2021 IPMC – Section 308.1 – Accumulation of rubbish or garbage: All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Inspection findings: The property owner has allowed for the accumulation of garbage on the property.

WHEREAS, the owner was given proper notice of numerous violations of the standards provided for in the Rogers’ Code of Ordinances, including the International Property Maintenance Code (“IPMC”) as adopted by reference in Rogers’ Code of Ordinances §§ 10-32 and 10-33, which constitute life, health, or safety violations, located on the property described above, and were instructed to abate the nuisance in accordance with § 18-58 of the Code of Ordinances;

WHEREAS, pursuant to City of Rogers’ Code of Ordinances § 18-59(d); a follow up compliance inspection was conducted by the Office of Building Inspections on September 26, 2023, which concluded that violations currently exist, the structure constitutes a hazard to health and safety, and the structure requires condemnation and razing to protect the health, safety, and welfare of the public;

WHEREAS, the owner has failed, neglected, or refused to comply with the Notice to correct the documented violations, and as such, the matter of condemning, razing, and removing the building may be referred to the Rogers City Council; and

WHEREAS, pursuant to Ark. Code Ann. § 14-56-203, if repair or removal is not done within the required time frame, the City shall have the power to order the removal or razing of, or to remove or raze any buildings that in the opinion of the Council have become dilapidated, unsightly, unsafe, unsanitary, obnoxious, or detrimental to the public welfare.

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

Section 1: That the structure located at 711 Hilltop Drive, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interests of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

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

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

Section 4: Emergency Clause: The need to raze and remove a certain structure is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval;

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

Section 6: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: William Hyde, Deputy Fire Chief - Risk Reduction Division

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO RECOGNIZE FEDERAL GRANT REVENUE IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) INTO ACCOUNT #315-15-48050 FEDERAL GRANT REVENUE; APPROPRIATING ELEVEN THOUSAND ONE HUNDRED ELEVEN DOLLARS (\$11,111.00) FROM AIRPORT FUND RESERVES AND ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FROM ACCOUNT #315-15-48050 FEDERAL GRANT REVENUE INTO ACCOUNT #315-15-81143 RECONSTRUCT TAXIWAY LIGHTING AND AIRFIELD ELECTRICAL VAULT; INCREASING THE CONTRACT AMOUNT WITH RICK MCGINTY COMPANY, INC. OF GREENBRIER, ARKANSAS BY ONE HUNDRED ELEVEN THOUSAND ONE HUNDRED ELEVEN DOLLARS (\$111,111.00); AND FOR OTHER PURPOSES.

WHEREAS, bids were received for the Reconstruct Taxiway Lighting and Airfield Electrical Vault project at the Rogers Executive Airport and Rick McGinty Company, Inc. was the lowest qualified bidder;

WHEREAS, Resolution R23-73 approved the project, construction contract, and budget amendments recognizing the original federal grant funding; and

WHEREAS, the City of Rogers received additional grant funding from the Federal Aviation Administration to restore items removed from the project scope due to budget constraints.

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

Section 1: The 2023 Budget is amended to recognize federal grant revenue in the amount of one hundred thousand dollars (\$100,000.00) into Account #315-15-48050 Federal Grant Revenue;

Section 2: The 2023 Budget is amended to appropriate eleven thousand one hundred eleven dollars (\$11,111.00) from Airport Fund Reserves and an additional appropriation of one hundred thousand dollars (\$100,000.00) from Account #315-15-48050 Federal Grant Revenue into Account #315-15-81143 Reconstruct Taxiway Lighting and Airfield Electrical Vault;

Section 3: The Mayor and City Clerk are authorized to enter into a Contract with Rick McGinty Company, Inc. in the increased amount of one million seven hundred eighty-four thousand four hundred thirty-three dollars (\$1,784,433.00), representing an increase of one hundred eleven thousand one hundred eleven dollars (\$111,111.00) from the previously approved contract amount of one million six hundred seventy-three thousand three hundred twenty-two dollars (\$1,673,322.00);

Section 4: Execution of said contract with Rick McGinty Company, Inc. and contract amendment with Garver, LLC shall be contingent upon the approval of the Federal Aviation Administration, as may be required;

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 ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Transportation Committee

RESOLUTION NO. R-23-_____

A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF ROGERS FOR THE YEAR 2023 TO BE COLLECTED IN 2024; AND FOR OTHER PURPOSES.

WHEREAS, Ark. Code Ann. § 26-25-102 provides that a city may levy a tax on the real and personal property located within the city for general purposes, in any one year, pursuant to the provision of the Arkansas Constitution;

WHEREAS, Ark. Code Ann. § 26-73-202 requires the City Council of any municipal corporation to make out and certify to the County Clerk the rate of taxation levied by the city on all the real and personal property within the city or town; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Rogers and its citizens to levy the rate of taxation on the real and personal property located within the said city as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of Benton County to levy said tax for the year 2023, to be collected in 2024.

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

Section 1: The property tax rate for the City of Rogers General purposes on the Real and Personal Property situated within the city and to be collected in the year 2024 shall be fixed and levied at the rate of Two and Four Tenths (2.4) mills on each dollar of assessed value of real and personal property;

Section 2: The property tax for Library purposes for the City of Rogers on Real and Personal Property situated within the city to be collected in the year 2024 shall be fixed and levied at the rate of Nine-Tenths (0.9) mills on each dollar of assessed value of real and personal property;

Section 3: The rate of taxation levied herein on the real and personal property within the City of Rogers shall, by this Resolution, be certified to the County Clerk to be placed upon the tax books and collected in the same manner that the state and county taxes are collected;

Section 4: The Quorum Court of Benton County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Rogers, for the year 2024 at its regular meeting in November according to law;

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor

Prepared By: John. M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REAL ESTATE AGREEMENT FOR THE PURCHASE OF CERTAIN REAL PROPERTY OWNED BY THE HAROLD E. AMOS TRUST; AMENDING THE 2023 BUDGET TO APPROPRIATE FOUR MILLION TWO HUNDRED THOUSAND DOLLARS (\$4,200,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-01-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to purchase three parcels located at 116 E Walnut Street and 120 S Arkansas Street, near the Railyard Park, from the Harold E. Amos Trust; and

WHEREAS, the parcels owned by the Harold E. Amos Trust to be purchased have been appraised by an Arkansas licensed appraiser and the parties agreed to a purchase price of four million two hundred thousand dollars (\$4,200,000.00).

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 a real estate contract, and execute all necessary documents, with the Harold E. Amos Trust for the purchase of lands described below for a purchase price of four million two hundred thousand dollars (\$4,200,000.00). The legal descriptions for the parcels being purchased are as follows:

Parcel No. 02-00213-000

ALL THAT PORTION OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY ST. LOUIS SAN FRANCISCO RAILWAY COMPANY) PROPERTY AT ROGERS, ARKANSAS, LOCATED ON THE FT. SMITH, ARKANSAS TO MONETT, MISSOURI BRANCH LINE, LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF EAST ELM STREET AND THE WEST LINE OF SOUTH "A" STREET IN ROGERS, ARKANSAS, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTHERLY ALONG LAST SAID WEST LINE 165 FEET TO THE TRUE POINT OF BEGINNING. THENCE WESTERLY AT RIGHT ANGLES 98 FEET, MORE OR LESS, TO A LINE THAT LIES PARALLEL WITH AND 25 FEET NORMALLY DISTANT EASTERLY FROM THE CENTERLINE OF THE MAIN TRACK OF THE ARKANSAS AND MISSOURI RAILROAD COMPANY, CONTRACT PURCHASER FROM THE BURLINGTON NORTHERN RAILROAD COMPANY; THENCE NORTHERLY ALONG LAST SAID PARALLEL LINE 135 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF EAST WALNUT STREET IN ROGERS, ARKANSAS, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE EASTERLY ALONG LAST SAID SOUTH LINE 96

FEET, MORE OR LESS, TO A POINT ON SAID WEST LINE OF SOUTH "A" STREET; THENCE SOUTHERLY ALONG LAST SAID WEST LINE 135 FEET, MORE OR LESS, TO THE TRUE P.QINT OF BEGINNING. SUBJECT, HOWEVER, TO ALL EXISTING INTERESTS, INCLUDING BUT NOT LIMITED TO, ALL RESERVATIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD OR OTHERWISE.

Parcel No. 02-00216-000

ALL THAT PORTION OF BURLINGTON NORTHERN RAILROAD COMPANY'S (FORMERLY ST. LOUIS SAN FRANCISCO RAILWAY COMPANY) PROPERTY AT ROGERS, ARKANSAS, LOCATED ON THE FT. SMITH, ARKANSAS TO MONETT, MISSOURI BRANCH LINE, LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF EAST ELM STREET AND THE WEST LINE OF SOUTH "A" STREET, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTHERLY ALONG SAID WEST LINE 75 FEET; THENCE WESTERLY AT RIGHT ANGLES 104 FEET, MORE OR LESS, TO A LINE THAT LIES PARALLEL WITH AND 25 FEET NORMALLY DISTANT EASTERLY FROM THE CENTERLINE OF THE MAIN TRACK OF THE ARKANSAS AND MISSOURI RAILROAD COMPANY, CONTRACT PURCHASER FROM BURLINGTON NORTHERN RAILROAD COMPANY; THENCE SOUTHERLY ALONG SAID PARALLEL LINE 75 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID EAST ELM STREET; THENCE EASTERLY ALONG SAID NORTH LINE 108 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. SUBJECT, HOWEVER, TO ALL EXISTING INTERESTS, INCLUDING BUT NOT LIMITED TO, ALL RESERVATIONS, RIGHTS-OF-WAY AND EASEMENTS OF RECORD OR OTHERWISE.

Parcel No. 02-00217-000

ALL THAT PORTION OF THE TRACT FORMERLY OWNED BY THE ST. LOUIS & SAN FRANCISCO RAILWAY AT ROGERS, ARKANSAS, LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF EAST ELM STREET AND THE WEST LINE OF SOUTH "A" STREET; THENCE NORTHERLY ALONG SAID WEST LINE 75 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG SAID WEST LINE OF SOUTH "A" STREET 90 FEET; THENCE WESTERLY AT RIGHT ANGLES 98 FEET, MORE OR LESS, TO A LINE THAT LIES PARALLEL WITH AND 25 FEET NORMALLY DISTANT EASTERLY FROM THE CENTERLINE OF THE MAIN TRACK OF THE ARKANSAS AND MISSOURI RAILROAD

COMPANY; THENCE SOUTHERLY ALONG SAID PARALLEL LINE 90 FEET, MORE OR LESS, TO A LINE DRAWN PERPENDICULAR TO THE WEST LINE OF SOUTH "AN STREET FROM THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID PERPENDICULAR LINE 104 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, SUBJECT, HOWEVER, TO ALL EXISTING INTERESTS, INCLUDING, BUT NOT LIMITED TO ALL RESERVATIONS, RIGHTS OF WAY AND EASEMENTS OF RECORD OR OTHERWISE.

Section 2: The City of Rogers' 2023 budget is amended to appropriate four million two hundred thousand dollars (\$4,200,000.00) from General Fund Reserves into Account #100-01-80100 Capital Expenditures for the purchase of the above described property, including fees and closing costs;

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: C. Greg Hines, Mayor
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 23 ____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM RMF-12B TO N-R; 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 interests of the City that certain lands hereinafter described are better suited for N-R zoning.

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

Section 1: Chapter 14, Article VI, Section 14-67—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as N-R and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A FRACTIONAL PART OF THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 2, TOWNSHIP 19 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 2; THENCE SOUTH 00° 00' 34" WEST A DISTANCE OF 2322.40 FEET; THENCE SOUTH 89° 59' 26" EAST A DISTANCE OF 1559.05 FEET; THENCE SOUTH 00° 32' 15" WEST A DISTANCE OF 264.85 FEET; THENCE NORTH 89° 13' 13" WEST A DISTANCE OF 249.55 FEET TO THE NE CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 2, TOWNSHIP 19 NORTH RANGE 30 WEST; THENCE SOUTH 00° 17' 31" EAST 230.63 FEET TO A FOUND 1/2" REBAR BEING THE POINT OF BEGINNING; THENCE SOUTH 02° 31' 16" WEST A DISTANCE OF 589.48 FEET TO A SET 5/8 REBAR W/CAP (PLS1337); THENCE NORTH 87° 14' 50" WEST A DISTANCE 294.82 TO A FOUND 1/2" REBAR; THENCE NORTH 02° 40' 35" EAST A DISTANCE OF 589.31 FEET TO A FOUND 1/2" REBAR; THENCE SOUTH 87° 16' 49" EAST A DISTANCE OF 293.22 TO THE SAID POINT OF BEGINNING, CONTAINING 3.98 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT-OF-WAY OF 24TH STREET ON THE WEST SIDE THEREOF AND ALL OTHER EASEMENTS.

LAYMAN'S DESCRIPTION:

02-00828-002

South of the intersection of North 22nd Street and Easy Street

Section 3: Zoning: That the above described lands are better suited for N-R (Neighborhood Residential) than RMF-12B (Residential Multi-Family, 12 units per acre) zoning and same should be and are hereby zoned N-R;

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 _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Zachery Birdsong, Planner I

For Consideration By: Community Environment & Welfare Committee