



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

***AMENDED* 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: March 26, 2024

The following committee meetings will be held on **Tuesday, March 26, 2024** prior to the City Council Meeting:

05:40 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #1 OR <https://us02web.zoom.us/j/89729522091> OR (312)626-6799 ID: 897 2952 2091

- To Discuss:
- (a) An Ordinance Amending Chapter 54, Utilities, Article VI, Of The Code Of Ordinances Of The City Of Rogers
 - (b) RWU Monthly Report

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

Committee Room #1 OR <https://us02web.zoom.us/j/89729522091> OR (312)626-6799 ID: 897 2952 2091

- To Discuss:
- (a) A Resolution Accepting An Offer Of Settlement In Benton County Circuit Court Case Number 04cv-23-1298, City Of Rogers V. Arco Excavation, ET AL
 - (b) An Ordinance Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of A Nuisance Structure At 1230 N. D Street Located Within The City Of Rogers, Benton County, Arkansas

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

Committee Room #1 OR <https://us02web.zoom.us/j/89729522091> OR (312)626-6799 ID: 897 2952 2091

- To Discuss:
- (a) An Ordinance Calling For The Simultaneous Detachment And Annexation Of Land Currently Located In Cave Springs, Benton County, Arkansas



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ROGERS CITY COUNCIL **AGENDA**

MARCH 26, 2024
6:30 PM

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 861 8235 4084

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 FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. March 12, 2024

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|---|------------------------|
| 1. | ORD. Re: | Amending Chapter 54, Utilities, Article VI, Of The Code Of Ordinances Of The City Of Rogers | PUBLIC WORKS COMMITTEE |
| 2. | RES. Re: | Accepting An Offer Of Settlement In Benton County Circuit Court Case Number 04cv-23-1298, City Of Rogers V. Arco Excavation, ET AL | FINANCE COMMITTEE |
| 3. | ORD. Re: | Authorizing The City Clerk To File A Clean-Up Lien For The Removal Of A Nuisance Structure At 1230 N. D Street Located Within The City Of Rogers, Benton County, Arkansas | FINANCE COMMITTEE |

4. ORD. Re: Calling For The Simultaneous Detachment And
Annexation Of Land Currently Located In Cave Springs,
Benton County, Arkansas

COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Appointment of Greg Jackson to the Rogers Museum Commission with a Term to Expire on March 26, 2027.
2. Reappointment of Emery Davis to the Museum Commission with a Term to Expire on December 31, 2026.
3. Reappointment of John Ford to the Rogers Museum Commission with a Term to Expire on December 31, 2026.

ANNOUNCEMENTS:

ORDINANCE NO. 24-____

**AN ORDINANCE AMENDING CHAPTER 54, UTILITIES, ARTICLE VI, OF THE
CODE OF ORDINANCES OF THE CITY OF ROGERS; PROVIDING FOR THE
EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, an amendment is needed to certain portions of Chapter 54, Utilities, Article VI of the Code of Ordinances of the City of Rogers, Arkansas concerning the City's program to prevent the introduction of Fats, Oils, and Grease (FOG), Food Waste, Sand, Soil and Lint into City's wastewater treatment system; and

WHEREAS, the Rogers Waterworks and Sewer Commission recommends adoption of amendments as shown on the attached Exhibit 1.

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

Section 1: Article VI of Chapter 54, Utilities, of the Code of Ordinances of the City of Rogers is amended to read as shown on the attached Exhibit 1;

Section 2: Emergency Clause: The need to amend the Rogers City Code as described in Section 1 of this Ordinance 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 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 3: 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. However, in the event any provision of this Ordinance amending or repealing a previous provision of the Code of Ordinances of the City of Rogers is invalidated or fails to obtain any required regulatory approval, that previous portion of the Code that was so amended or repealed shall be automatically reinstated so that the City shall at all times maintain its program to prevent the introduction of Fats, Oils, and Grease (FOG), Food Waste, Sand, Soil and Lint into the City's wastewater treatment system.

PASSED this _____ day _____ 2024.

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

ARTICLE VI. – FATS, OILS, AND GREASE (FOG), FOOD WASTE, PETROLEUM OILS, LINT AND OTHER SUBSTANCES

DIVISION 1. – GENERAL PROVISIONS

Sec. 54-831. Purpose.

This Article set(s) forth requirements and prohibitions limiting discharge of Fats, Oils, and Grease (FOG), food waste, petroleum oil, lint or any other materials and/or substances that interferes with the operation of the City's publicly owned treatment works (POTW).

The objectives of this Article are:

1. To prevent the introduction of pollutants into the POTW that will interfere with its operation of treatment or cause damage to or obstructions of the sewage collection system, pumps and controls;
2. To prevent the introduction of pollutants that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
3. To protect both the POTW and the general public;
4. To establish quantity and quality standards on all wastewater and/or waste discharges containing pollutants that may cause or contribute to the occurrence of sanitary sewer overflows (SSOs);
5. To prevent unreasonable maintenance, attention and expense to the POTW; and
6. To help maintain the City's compliance with its National Pollutant Discharge Elimination System (NPDES) permit conditions and any other Federal or State laws to which the POTW is subject.

Sec. 54-832. Administration.

Except as otherwise provided herein, the Superintendent of the Rogers Water Utilities or the Superintendent's duly authorized representative(s) shall administer, implement and enforce the provisions of this Article.

Sec. 54-833. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, general good housekeeping practices, design standards, operational practices, maintenance procedures, educational activities and other management practices to implement the prohibitions listed in Chapter 54, Article V, Division 2, of the Code of Ordinances of the City of Rogers, Arkansas and in 40 CFR § 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

City means the City of Rogers, Arkansas.

Control Authority means the jurisdictional entity that oversees the operation and protection of the City's POTW. The Control Authority is the Rogers Water Utilities. The Control Authority shall act through the Superintendent of the Rogers Water Utilities or the Superintendent's duly authorized representatives.

Fats, Oils, and Grease (FOG) means any material, either liquid or solid, composed primarily of fats, oil, and grease from animal or vegetable sources.

Food service establishment (FSE) or food service facility means any facility that processes, prepares and/or packages food for sale or consumption, on or off-site, with the exception of private residences. FSE's shall include, but are not limited to: food manufacturers, food packagers, restaurants, cafes, day cares, delis, grocery stores, bakeries, cafeterias, hospitals, hotels, motels, nursing homes (independent and assisted living), churches, schools, caterers, coffee shops, mobile food vehicles or any other sewer users who discharge applicable waste as determined by the Control Authority.

Mobile Food Vehicle means a food establishment preparing and/or serving foods from a self-contained vehicle either motorized or within a trailer that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.

Oil Separator means an approved and industry standard system that is specifically designed and manufactured to separate petroleum oil from water and settle solids.

Outdoor Vendor means a person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location. This definition does not include a door-to-door solicitor, mobile food vending, children's lemonade stands or homeowners having garage sales.

Pretreatment Devices means any approved device, structure, system, or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public sewer system. Examples of pretreatment devices include, but are not limited to: grease interceptors, oil separators, solids interceptors, lint interceptors, pH adjustment, etc.

Publicly-Owned Treatment Works (POTW) means any sewage treatment works, as defined by 33 USC § 1292, which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of residential, commercial, or industrial wastewater and any conveyances, which convey the wastewater to a treatment plant.

User means the responsible person, entity, or establishment that is required, under this Article, to install and maintain pretreatment devices, including, without limitation, persons, entities, or establishments located outside the corporate limits of the City who contribute, cause or permit the contribution or discharge of wastewater into the POTW. Users may be classified as:

- (1) The owner or proprietor of an individually owned pretreatment device;
- (2) The franchise owner when an establishment is part of a franchise;
- (3) A general partner when an establishment is part of a general or limited partnership;
- (4) The corporate or organizational representative when an establishment is owned or controlled by a corporation, limited liability company, or other entity; and
- (5) The owner or person who assumes control of the pretreatment device or the property on which the pretreatment device is located when two or more Users share a common pretreatment device.

Secs. 54-834—54-863 Reserved.

DIVISION 2. – CONTROL OF FATS, OILS AND GREASE

Sec. 54-864. Adoption of FOG Management Policy.

All food service establishments (FSE's), commercial business, or any other facility that discharges or has the potential to discharge FOG or applicable waste into the sanitary drainage systems and POTW are required to install, operate, and maintain an approved type and adequately-sized grease interceptor. All required grease interceptors within the City must comply with *Rogers Water Utilities Fats, Oils, and Grease (FOG) Management Policy* ("*FOG Management Policy*").

The most current version of the *FOG Management Policy* as published on the website of the Rogers Water Utilities (RWU.ORG) is adopted as the applicable policy for the City and the whole of the policy is incorporated herein by reference in its entirety herein as if set out word for word.

The Rogers Waterworks and Sewer Commission may alter, change, or amend the *FOG Management Policy* without further action of the City Council.

Secs. 54-865—54-892 Reserved.

DIVISION 3. – CONTROL OF PETROLEUM OIL

Sec. 54-893. Adoption of Oil Separator Management Policy.

All vehicle washes, garages, service stations, vehicle maintenance facilities, fabricators, utility equipment shops and any other facility that discharges or has the potential to discharge petroleum oil, petroleum-based products, or other applicable waste into the sanitary drainage system or POTW are required to install, operate, and maintain an approved type and adequately-sized oil separator. All required oil separators within the City must comply with the *Rogers Water Utilities Oil Separator Management Policy* ("*Oil Separator Management Policy*").

The most current version of the *Oil Separator Management Policy* as published on the website of the Rogers Water Utilities (RWU.ORG) is adopted as the applicable policy for the City and the whole of the policy is incorporated herein by reference in its entirety herein as if set out word for word.

The Rogers Waterworks and Sewer Commission may alter, change, or amend the *Oil Separator Management Policy* without further action of the City Council.

Secs. 54-894—54-929 Reserved.

DIVISION 4. – LAUNDRIES

Sec. 54-930. Commercial Laundries.

Commercial Laundries, such as, dry cleaners, public laundromats, hotels, assisted living facilities etc. shall install and maintain an approved pretreatment device designed to catch lint and other material from clothing or bedding. Larger facilities with higher flows and/or pollutant loads may be categorized as a significant industrial user pursuant to Chapter 54, Article V, Division 1, of the Code of Ordinances of the City of Rogers, Arkansas and subject to pretreatment regulations.

Secs. 54-931—54-962 Reserved.

DIVISION 5. – FERMENTED BEVERAGE FACILITIES

Sec. 54-963. Fermentation and Distillation Discharges.

All Businesses that discharge wastewater from fermentation and distillation processes must complete Rogers Water Utilities' fermented beverages survey and may be required to install one or more pretreatment device and/or one or more sampling ports. Facilities may be required to follow Best Management Practices (BMPs) or Standard Operating Procedures (SOPs) to minimize or eliminate pollutants of concern. These businesses include, but are not limited to, breweries, distilleries, wineries, cideries, meaderies, and kombucharies. Facilities with higher flows and/or pollutant loads may be categorized as a significant industrial user pursuant to Chapter 54, Article V, Division 1, of the Code of Ordinances of the City of Rogers, Arkansas and subject to pretreatment regulations.

Secs. 54-964—54-984 Reserved.

DIVISION 6. – MISCELLANEOUS PROVISIONS

Sec. 54-985. Pretreatment Devices

(a) Pretreatment devices shall be maintained by the User so as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, lint and any other undesirable materials and/or substances in the collection lines, pump stations, and wastewater treatment plant (POTW). All pretreatment devices must be installed per the applicable manufacturers' specifications, guidelines and/or recommendations. The Control Authority retains the right to require, inspect and approve all installations of pretreatment devices. The costs of purchase, installation, and maintenance of pretreatment devices and related equipment shall be borne by the User.

(b) If it becomes necessary for the Control Authority to clean out wastewater collection lines as a result of a stoppage resulting from the absence of an approved pretreatment device, or from a poorly maintained pretreatment device, the User shall be required to refund the labor, equipment, materials, and any overhead costs to the Control Authority along with any fines incurred due to any sanitary sewer overflow due to the stoppage.

(c) The Control Authority reserves the right to require new or additional pretreatment devices if existing pretreatment devices are shown to be insufficient to protect the POTW from interference due to the discharge of FOG, sand, soil, lint or any other undesirable materials and/or substances.

(d) Under certain circumstances, special exceptions to this Article or applicable incorporated policy may be needed concerning the size, location, or other aspects of pretreatment devices. If an exception to this Article is requested, the User must demonstrate that the size and/or location will not cause the facility any problems in meeting the discharge limits set forth in this article or applicable incorporated policies. Exceptions, conditional waivers, or variances may also be available to facilities that do not generate fats, oils and grease, food waste, oil, lint or any other materials and/or substances that do not cause interference, blockages and associated problems to the POTW. A variance can be revoked, and pretreatment devices required if the facility changes or increases operations, is in violation of an effluent limit and/or causes issues within the POTW. If a variance is granted, then the User shall institute Best Management Practices and other mitigation measures, as determined by the Control Authority.

Secs. 54-986—54-1013 Reserved.

DIVISION 7. – ENFORCEMENT

Sec. 54-1014. Enforcement

(a) *Right of Entry.* The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Article and applicable incorporated policies. Users shall allow the Control Authority access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(b) *Enforcement Procedures.* Noncompliance with this Article and applicable incorporated policies is considered a violation and may result in escalating enforcement action by the Control Authority or City. Enforcement procedures are outlined below:

(1) Initial Inspection/Action:

- I. The Control Authority will conduct on-site inspection and meet with the User to document and discuss required corrections.
- II. The Control Authority will establish a compliance date (the compliance date will be specific to the User).
- III. The Control Authority will encourage compliance, communication and evidence of completion.

(2) Follow up Inspection/Actions:

- i. The Control Authority will conduct site visits as needed to verify compliance and completion of work.
- ii. If required corrections are unresolved, then the Control Authority will issue a Notice of Violation (NOV) letter to the User with another compliance date.
- iii. The Control Authority will request evidence of correction and/or conduct another site visit.

(3) Final Action:

- i. If required corrections are still unresolved, the Control Authority will issue a Final Notice of Violation (NOV) letter.
- ii. Upon issuance of the Final NOV letter, the Control Authority will suspend water and sewer services to the location (closure) and the County Health Department and the City's Risk Reduction Division will be notified.
- iii. Services will remain disconnected until all the required corrections have been made. Re-connection fees may apply.

Secs. 54-1015—54-1099 Reserved

Division 8. – PERMITTING

Section Sec. 54-1100. Control Authority May Require Permits.

- a. All Users under this Article that are required to install and/or maintain any form of pretreatment device required by this Article and incorporated policies may be required to apply for and receive a general pretreatment permit with the Control Authority. Permits, if issued, shall be in addition to any other permits, registrations, or occupational licenses required by federal, state, and local agencies having lawful jurisdiction.
- b. All haulers providing abatement activities, such as, but not limited to, the removal and disposal of material from pretreatment devices, for any facility under this Article and within the POTW service area may be required to apply for and obtain a permit with the Control Authority.
- c. The Control Authority will provide the application forms and final permit (if issued). With respect to each application, the Control Authority shall either (a) approve the permit application; (b) deny the permit application; (c) approve the application with special conditions; or (d) take other appropriate action with respect to the permit application consistent with the purpose of this Article.

RESOLUTION NO. R24-_____

**A RESOLUTION ACCEPTING AN OFFER OF SETTLEMENT IN BENTON COUNTY
CIRCUIT COURT CASE NUMBER 04CV-23-1298, CITY OF ROGERS V. ARCO
EXCAVATION, ET AL.; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers filed suit against ARCO Excavation and Paving, Inc., Sand Creek Engineering and Landscape Architecture, Inc., and Blue Ribbon Ground Services, LLC for the failure of a regional detention wall located at 299 E. Cherry Street on April 28, 2021;

WHEREAS, the parties, along with Crafton Tull and Associates, Inc., attended mediation on March 18, 2024 where a settlement was reached;

WHEREAS, Defendants and Crafton Tull agreed to compensate the City in the amount of ninety-five thousand dollars (\$95,000.00) with costs to be distributed amongst the parties;

WHEREAS, this settlement agreement does not place an admission of liability on any parties nor should such be inferred by this Resolution; and

WHEREAS, the City desires to accept this offer of settlement in consideration for the release of all claims and dismissal of Case No. 04CV-23-1298.

**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 settlement agreement in Benton County Circuit Court Case Number 04CV-23-1298 for ninety-five thousand dollars (\$95,000.00) for a release of all claims and dismissal of Case No. 04CV-23-1298;

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 ordinances, 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 _____, 2024.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk
Requested By: John M. Pesek, Senior Staff Attorney
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 24-_____

**AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN
FOR THE REMOVAL OF A NUISANCE STRUCTURE AT 1230 N. D STREET
LOCATED WITHIN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS;
PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, the following real property located in Rogers, Benton County, Arkansas, is owned as set out below:

LEGAL DESCRIPTION: Part of the SE/4 of Section 06, Township 19 North, Range 29 West, Benton County, Arkansas, more particularly described as follows: Beginning at the Northeast Corner of said 40 acres and run thence West 520 feet: Thence South 84 feet; Thence East 520 Feet; Thence North 84 feet to the place of Beginning, containing 1 acre, more or less.

LAYMAN'S DESCRIPTION: 1230 N. D. Street, Rogers, AR 72756

PARCEL NO.: 02-00127-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the nuisance structure on the property described above, and instructed to clean the property in accordance with Sections 18-55-through 18-68 of the Rogers Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on this property, and as a result, the City of Rogers was required to abate the conditions on this property and incurred cost as follows, and as shown in the attached Exhibit:

\$ 7,000.00 clean-up costs – (Exhibit “A”)

\$ 15.24 certified mail fee

\$ 25.00 filing fee costs

TOTAL \$ 7, 040.24

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

Section 1: Pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Benton County Tax Collector as delinquent taxes and collected accordingly:

\$7,040.24, plus 10% for collection, 1230 N. D. Street, Rogers, Benton County, Arkansas,
PARCEL NO.: 02-000127-000

Section 2: Emergency Clause: The need to make the designations provided for herein is immediate and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage;

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 Ordinances and Resolutions 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 _____ 2024.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: William Hyde, Fire Chief
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee



Exhibit A
Tidey Excavation, LLC
P.O. Box 65
Avoca, AR 72711-0065

www.tideyexcavation.com

TIN# 20-4587674

Invoice

Date	Invoice #
2/14/2024	24-0044

Name/Address
City of Rogers 113 North 4th Street Rogers, AR 72756

Customer Phone
479 621 1100

Terms	Project
Due on receipt	1230 N. D St Rogers

Description	Qty	Rate	Amount
Demo of building and leaving the foundation Demolition of existing building and removal of all building debris. 952 Sqft house with a small shed.	1	7,000.00	7,000.00
Total			\$7,000.00

Office Number	E-mail
479.200.5182	Tideyexcavation@gmail.com

ORDINANCE NO. 24- _____

AN ORDINANCE CALLING FOR THE SIMULTANEOUS DETACHMENT AND ANNEXATION OF LAND CURRENTLY LOCATED IN CAVE SPRINGS, BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, Ark. Code Ann. § 14-40-2101 provides a procedure by which property may be simultaneously detached from one municipality and annexed into adjoining municipality; and

WHEREAS, the City of Rogers, Arkansas desires to detach and annex the following described five (5) areas of property (“the Property”) currently located in the City of Cave Springs, Benton County, Arkansas:

AREA 1

(Benton County Parcels 18-06902-000 & 18-06902-001)

Part of the NE1/4 of the SW1/4 of Section 29, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as beginning N00°50'18"W 132.00 feet from the SE Corner of said NE1/4 of the SW1/4; thence S88°15'04"W 210.00 feet; thence N00°50'18"W 210.00 feet; thence N88°15'04"E 210.00 feet; thence S00°50'18"E 210.00 to the Point of Beginning, containing 1.02 acres, more or less and being subject to the right of way of a County Road on the east and to any other easements of record or fact.

AND

(Benton County Parcels 05-10073-001, 05-10073-002, 05-10073-003, 05-10073-004, & 05-10073-005)

The W 1/2 of the SE 1/4 of Section 29, T-19-N, R-30-W, Benton County, Arkansas; more particularly described as follows: Beginning at the SW corner of said W 1/2 of the SE 1/4, Section 29; thence N 00°15'20" W 2640.00 feet to the NW corner of said W 1/2 of the SE 1/4; thence S 89°41'55" E 1332.70 feet to the NE corner of said W 1/2 of the SE 1/4; thence S 00°14'15" E 2640.00 feet to the SE corner of said W 1/2 of the SE 1/4; thence N 89°41'55" W 1331.88 feet to the Point of Beginning, containing 80.74 acres, more or less, subject to the right of way of the County Road along the south, west, and north.

AREA 2

(Benton County Parcel 05-10121-000)

The SW1/4 of the NW1/4 of Section 32, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows, to-wit:

Beginning at a set mag nail with washer “PLS 1759” marking the Southwest Corner of said SW 1/4 of the NW 1/4; thence along the west line of said SW 1/4 of the NW 1/4, N02°26'23"E 1320.80 feet to a set mag nail with washer “PLS 1759” at the Northwest Corner of said SW 1/4 of the NW 1/4; thence along the north line of said

SW 1/4 of the NW 1/4, S87°07'45"E 1332.54 feet to a set mag nail with washer "PLS 1759", being the Northeast Corner of said SW 1/4 of the NW 1/4; thence along the east line of said SW 1/4 of the NW 1/4, S02°30'48"W 1323.83 feet to a found 5/8-inch rebar with cap stamped "Ridout", being the Southeast Corner of said SW 1/4 of the NW 1/4; thence along the south line of said SW 1/4 of the NW 1/4, N86°59'53"W 1330.87 feet to the Point of Beginning, containing 40.42 acres, more or less. Subject to the right of way of S. Rainbow Rd. along the west line, W. Wallis Rd. along the north line, and S. Stratsman Ln. along the east line. Subject to any easements, covenants, or restrictions of record or fact.

AND

(Benton County Parcels 05-10118-000, 05-10118-005, 05-10118-004, 05-10119-000, & 05-10120-000)

The S 1/2 of the SE 1/4 of the NW 1/4 of Section 32, Township 19 North, Range 30 West in Benton County, Arkansas, and described as follows, to-wit; Beginning at the Southeast Corner of said S 1/2 of the SE 1/4 of the NW 1/4 of Section 32; thence North 89°35'18" West 1330.14 feet to the Southwest Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence North 00°01'27" East 662.84 feet to the Northwest Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence South 89°37'09" East 1333.71 feet to the Northeast Corner of said S 1/2 of the SE 1/4 of the NW 1/4; thence South 00°19'58" West 663.54 feet to the Point of Beginning, containing 20.82 acres, more or less, and subject to the right-of-way of Stratsman Lane along the north.

AND

(Benton County Parcels 05-10115-000 & 05-10116-000)

Part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), and the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), of Section 32, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Beginning at the Southwest Corner of the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 32; thence North 00°22'14" East 663.21 feet to the Northwest Corner of said SW 1/4 of the SW 1/4 of the NE 1/4; thence South 89°37'09" East 665.84 feet to the Northwest Corner of the SE 1/4 of the SW 1/4 of the NE 1/4; thence South 89°37'09" East 665.83 feet to the Northeast Corner of said SE 1/4 of the SW 1/4 of the NE 1/4; thence South 00°07'17" West 664.10 feet to the Southeast Corner of said SE 1/4 of the SW 1/4 of the NE 1/4; thence North 89°34'53" West 667.28 feet to the Southeast Corner of said SW 1/4 of the SW 1/4 of the NE 1/4; thence North 89°34'53" West 667.27 feet to the Point of Beginning; LESS and EXCEPT the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4); in all containing 17.77 acres more or less, and subject to the Right-of-Way of a county road along the North boundary thereof.

AND

(Benton County Parcel 05-10124-000)

Part of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 33, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Beginning at the Northwest Corner of said 40 acres; run thence East 190 feet; thence South 420 feet; thence West 190 feet to the west line of said Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4); thence North 420 feet to the Place of Beginning. Subject to Right of Way/Easements and Restrictions if Any.

AREA 3

(Benton County Parcel 05-10077-000)

Part of the NW1/4 of the NE1/4 of Section 31, Township 19 North, Range 30 West, in Benton County, Arkansas, and being more particularly described as follows: Commencing North 89 degrees 19' 30" West 430.0 feet from the SE corner of said NW 1/4 of the NE 1/4; thence North 20.0 feet to the Point of Beginning; thence North 310 feet; thence South 89 degrees 19' 30" East 265.0 feet; thence South 310.0 feet; thence North 89 degrees 19' 30" West 265.0 feet to the point of beginning, containing 1.89 acres, more or less, and being subject to a county road along the South side.

AREA 4

(Benton County Parcels 05-12316-000, 05-12317-000, & 05-12111-001, and the west portion of numerous platted lots Shadow Valley, PH 8)

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 25, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows: Beginning at the Southeast Corner of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 25; thence along the south line thereof, North 87°32'22" West 617.14 feet; thence leaving said south line, North 31°34'06" East 449.71 feet; thence North 02°12'38" West 603.45 feet; thence South 87°37'08" East 439.87 feet to the east line of said Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4); thence along said east line, South 02°01'13" West 995.00 feet to the Point of Beginning, containing 10.34 acres, more or less and subject to easements of record or fact.

AND

Part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 36, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows: Commencing at the Northeast Corner of the NE1/4 of the NE1/4 of said Section 36; thence along the north line thereof, North 87°32'22" West 338.58 feet to the Point of Beginning; thence leaving said north line, South 46°51'45" West 279.94 feet; thence North 87°32'22" West 180.00 feet; thence North 16°43'50" East 206.37 feet to the north line of the NE1/4 of the NE1/4 of said Section 36; thence along said north line, South 87°32'22" East 325.00 feet to the Point of Beginning,

containing 1.16 acres, more or less and subject to all easements and rights of way of record or fact.

AREA 5

(Benton County Parcel 05-10268-000)

Part of the South three-fourths of the SE1/4 of the SE1/4 of Section 25, Township 19 North, Range 31 West, in Benton County, Arkansas, and being more particularly described as follows:

Commencing at the southeast corner of the SE1/4 of the SE1/4 of said Section 25; thence South 89°53'12" West 1312.80 feet to the southwest corner of said SE1/4 of the SE1/4; thence North 00°32'33" West 995.01 feet; thence North 89°53'12" East 24.47 feet to the Point of Beginning on the east right of way line of Arkansas Highway No. 112; thence North 89°53'12" East 162.00 feet; thence South 01°34'17" East 306.57 feet; thence South 88°07'32" West 162.00 feet to the east right of way line of said Highway; thence North 01°33'46" West 311.55 feet along said right of way line to the Point of Beginning, and containing 1.15 acres ±, subject to Highway 112 right of way line, also subject to electrical and telephone line right of way.

WHEREAS, a map showing the location of the property is attached hereto as Exhibit "A";

WHEREAS, the City of Rogers proposes this action to remove various islands within its boundaries, and the City of Rogers stands ready to provide all municipal services to the above described Property; and

WHEREAS, the City of Rogers, Arkansas wishes to comply with the provisions of Ark. Code Ann. § 14-40-2101.

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

Section 1: The Property described herein and shown in the maps attached as Exhibit "A" shall be simultaneously de-annexed from the City of Cave Springs, Arkansas, and annexed into the City of Rogers, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101;

Section 2: The City Clerk is hereby directed to send a copy of this Ordinance to the governing body of the City of Cave Springs, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101(a);

Section 3: Pursuant to Ark. Code Ann. § 14-40-2101(b)(2), the City of Cave Springs, Arkansas shall conduct a public hearing within sixty (60) days of the date of the passage of this Ordinance;

Section 4: Pursuant to Ark. Code Ann. § 14-40-2101(b)(3), the City Clerk of the City of Rogers, Arkansas is directed to publish a legal notice of the public hearing at least fifteen (15) days prior to the public hearing, and such notice shall set out the legal description of the property proposed to be detached and annexed;

Section 5: If the City Council for the City of Cave Springs, Arkansas approves of the proposed detachment and annexation ordinance, the City of Rogers shall proceed to render services to the newly annexed area, pursuant to Ark. Code Ann. § 14-40-2101(c)(2);

Section 6: If the City Council for the City of Cave Springs, Arkansas approves the proposed detachment and annexation ordinance, and if no suit is brought within thirty (30) days to review the mutual actions of the City of Rogers and the City of Cave Springs, then the detachment and annexation of the land shall be final, pursuant to Ark. Code Ann. § 14-40-2101(d), and the City Clerk of the City of Rogers, Arkansas shall at that time certify a copy of the plat of the annexed property and a copy of the ordinances passed to the County Clerk of Benton County, Arkansas, pursuant to Ark. Code Ann. § 14-40-2101(e)(2), who shall forward a copy of each document to the Secretary of State for the State of Arkansas, who shall file and preserve them.

Section 7: Emergency Clause: The need to detach and annex the Property as described in Section 1 of this Ordinance 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 8: 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 9: 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 _____, 2024.

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: Community Environment & Welfare Committee

Proposed Annexation Areas 1 and 2

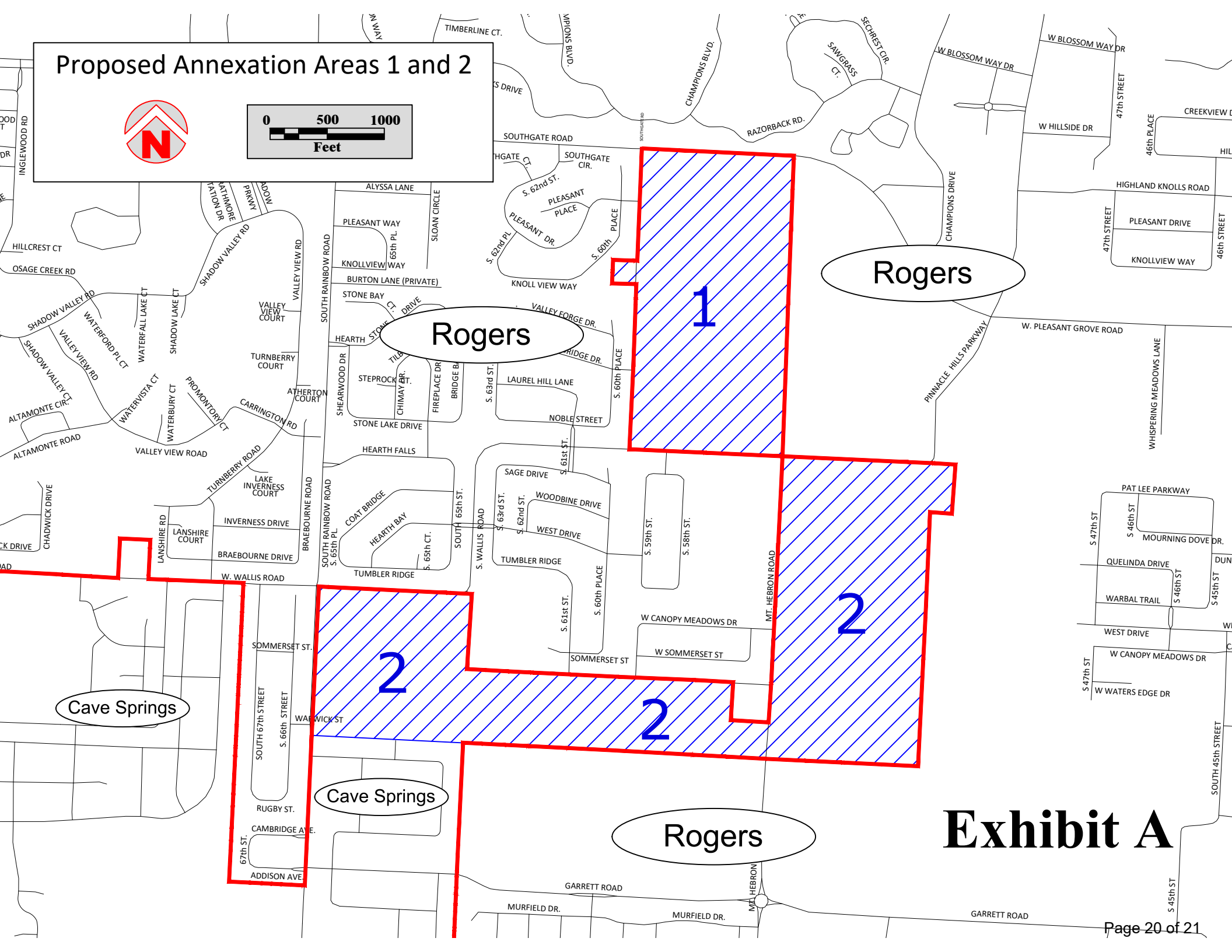
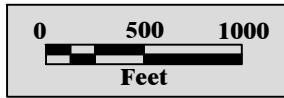
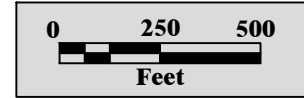


Exhibit A

Proposed Annexation Areas 3, 4 & 5



Rogers

OSAGE CREEK RD

5

4

W BROOKVIEW DR

S BROOKHAVEN ST

S BROOKMERE ST

W BROOKRIDGE RD

SHADOW VALLEY RD

SPRING LAKE CT

SHADOW VALLEY RD

VALLEY VIEW RD

WATERFALL LAKE CT

SHADOW LAKE CT

WATERVISTA CT

WATERBURY CT

VALLEY VIEW RD

HWY 112

Cave Springs

ALTAMONTE DR

ALTAMONTE CIR.

ALTAMONTE ROAD

BRIGHTON RD

BALMORAL DRIVE

Rogers

BALMORAL DRIVE

CHADWICK DRIVE

CHADWICK DRIVE

BRIGHTON RD

ALTAMONTE RD

W. WALLIS ROAD

3

LANSHIRE RD

LAN CO

SANDS RD

Cave Springs

W. WALLIS ROAD