



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: May 14, 2024

The following committee meetings will be held on **Tuesday, May 14, 2024** prior to the City Council Meeting:

05:50 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Townzen) Committee Room #1 OR
<https://us02web.zoom.us/j/82779062640> OR (312)626-6799 ID: 827 7906 2640

- To Discuss:
- (a) A Resolution Waiving Competitive Bidding And Authorizing The Mayor And City Clerk To Enter Into A Contract With Emery Sapp & Sons, Inc. Of Springdale, Arkansas For Additional Overlay On New Hope Road From Dixieland Road To South Eighth Street In An Amount Not To Exceed Four Hundred Forty-Eight Thousand Four Hundred Fifty-Three Dollars And Eighty-Nine Cents (\$448,453.89); Appropriating That Amount From Street Fund Infrastructure Reserves Into Account #200-25-85091 New Hope Road
 - (b) A Resolution Appropriating Seven Hundred Forty-Six Thousand Seven Hundred Twenty-Three Dollars And Forty Cents (\$746,723.40) From Street Fund Infrastructure Reserves Into Account #200-25-85091 New Hope Road For The New Hope Road Overlay Project
 - (c) Street Closure Request - Urban Art Festival
 - (d) Street Closure Reqeust - Museum Family Day
 - (e) Street Closure Request - ALS

06:05 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear) Committee Room #2 OR <https://us02web.zoom.us/j/83154284745> OR (312)626-6799 ID: 831 5428 4745

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Real Estate Contract With Dra Properties, Llc Of Kirkwood, Missouri For Sale Of The Persimmon Street Elevated Storage Tank Site

06:05 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Townzen, Hayes) Committee Room #1 OR <https://us02web.zoom.us/j/82779062640> OR (312)626-6799 ID: 827 7906 2640

To Discuss:

- (a) An Ordinance Accepting The Final Plat Of Bellview Place, Rogers, Benton County, Arkansas; The Dedication Of Utility Easements And Other Public Ways Therein

- (b) An Ordinance Accepting The Final Plat Of Blossom Woods Phase 1, Rogers, Benton County, Arkansas; The Dedication Of Utility Easements And Other Public Ways Therein

- (c) An Ordinance Accepting The Final Plat Of Evening Star Phase 2, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein



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ROGERS CITY COUNCIL **AGENDA**

MAY 14, 2024
6:30 PM

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In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 874 1104 8687

PUBLIC HEARING:

1. A public hearing for Cave Springs Ord No. 2024-04 calling for the simultaneous detachment and annexation of lands currently located in Rogers, Benton County, Arkansas.

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. April 23, 2024

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|-------------|---|-----------------------------|
| 1. RES. Re: | Waiving Competitive Bidding And Authorizing The Mayor And City Clerk To Enter Into A Contract With Emery Sapp & Sons, Inc. Of Springdale, Arkansas For Additional Overlay On New Hope Road From Dixieland Road To South Eighth Street In An Amount Not To Exceed Four Hundred Forty-Eight Thousand Four Hundred Fifty-Three Dollars And Eighty-Nine Cents (\$448,453.89); Appropriating That Amount From Street | TRANSPORTATION
COMMITTEE |
|-------------|---|-----------------------------|

Fund Infrastructure Reserves Into Account #200-25-85091
New Hope Road

- | | | | |
|----|----------|--|--|
| 2. | RES. Re: | Appropriating Seven Hundred Forty-Six Thousand Seven Hundred Twenty-Three Dollars And Forty Cents (\$746,723.40) From Street Fund Infrastructure Reserves Into Account #200-25-85091 New Hope Road For The New Hope Road Overlay Project | TRANSPORTATION
COMMITTEE |
| 3. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Real Estate Contract With Dra Properties, Llc Of Kirkwood, Missouri For Sale Of The Persimmon Street Elevated Storage Tank Site | RESOURCES &
POLICY
COMMITTEE |
| 4. | ORD. Re: | Accepting The Final Plat Of Bellview Place, Rogers, Benton County, Arkansas; The Dedication Of Utility Easements And Other Public Ways Therein | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 5. | ORD. Re: | Accepting The Final Plat Of Blossom Woods Phase 1, Rogers, Benton County, Arkansas; The Dedication Of Utility Easements And Other Public Ways Therein | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 6. | ORD. Re: | Accepting The Final Plat Of Evening Star Phase 2, Rogers, Benton County, Arkansas, The Dedication Of Utility Easements And Other Public Ways Therein | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R24-_____

A RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH EMERY SAPP & SONS, INC. OF SPRINGDALE, ARKANSAS FOR ADDITIONAL OVERLAY ON NEW HOPE ROAD FROM DIXIELAND ROAD TO SOUTH EIGHTH STREET IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED FORTY-EIGHT THOUSAND FOUR HUNDRED FIFTY-THREE DOLLARS AND EIGHTY-NINE CENTS (\$448,453.89); APPROPRIATING THAT AMOUNT FROM STREET FUND INFRASTRUCTURE RESERVES INTO ACCOUNT #200-25-85091 NEW HOPE ROAD; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to enter into an agreement with Emery Sapp & Sons, Inc. of Springdale, Arkansas to extend the ongoing New Hope Road overlay project from Dixieland Road to S. 8th Street as referenced in R24-01;

WHEREAS, the extension of the New Hope Road overlay from Dixieland Road to S. 8th Street will cost four hundred forty-eight thousand four hundred fifty-three dollars and eighty-nine cents (\$448,453.89); and

WHEREAS, the City of Rogers Community Development Department is requesting the City Council to waive the requirement for competitive bidding for this project as Emery Sapp & Sons, Inc. is already under contract with the Arkansas Department of Transportation to complete the New Hope Road overlay from S. 52nd Street to Dixieland Road.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into an agreement with Emery Sapp & Sons, Inc. of Springdale, Arkansas in an amount not to exceed four hundred forty-eight thousand four hundred fifty-three dollars and eighty-nine cents (\$448,453.89);

Section 2: The City of Rogers' 2024 Budget is amended to appropriate funds in the amount of four hundred forty-eight thousand four hundred fifty-three dollars and eighty-nine cents (\$448,453.89) from Street Fund Infrastructure Reserves into Account #200-25-85091 New Hope Road;

Section 3: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the extension of the New Hope Road overlay project from Dixieland Road to S. 8th Street;

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 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. McCurdy, Director Community Development

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. R24-_____

A RESOLUTION APPROPRIATING SEVEN HUNDRED FORTY-SIX THOUSAND SEVEN HUNDRED TWENTY-THREE DOLLARS AND FORTY CENTS (\$746,723.40) FROM STREET FUND INFRASTRUCTURE RESERVES INTO ACCOUNT #200-25-85091 NEW HOPE ROAD FOR THE NEW HOPE ROAD OVERLAY PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers in R24-01 agreed to utilize up to three hundred thousand dollars (\$300,000.00) from the Arkansas State Aid City Street Program for the New Hope Road overlay from S. 52nd Street to Dixieland Road, and that grant required the City to match 10% of the received grant funds for that project;

WHEREAS, the City will receive the maximum grant amount from the Arkansas State Aid City Street Program in the amount of three hundred thousand dollars (\$300,000.00). Since there is a matching provision to this grant, the City is required to contribute at least 10% of the grant funds received, or thirty thousand dollars (\$30,000.00), along with any other remaining balance owed to complete the project;

WHEREAS, the total cost for the New Hope Road overly from S. 52nd street to Dixieland Road is one million forty-six thousand seven hundred twenty-three dollars and forty cents (\$1,046,723.40); and

WHEREAS, the City needs to appropriate seven hundred forty-six thousand seven hundred twenty-three dollars and forty cents (\$746,723.40) from Street Fund Infrastructure Reserves to pay for the City's matching provision as well as the remaining balance for the project.

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

Section 1: The City of Rogers' 2024 Budget is amended to appropriate seven hundred forty-six thousand seven hundred twenty-three dollars and forty cents (\$746,723.40) from Street Fund Infrastructure Reserves into Account #200-25-85091 New Hope Road;

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 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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Community Development Director

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. 24-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
A REAL ESTATE CONTRACT WITH DRA PROPERTIES, LLC OF KIRKWOOD,
MISSOURI FOR SALE OF THE PERSIMMON STREET ELEVATED STORAGE
TANK SITE; AND FOR OTHER PURPOSES.**

WHEREAS, the elevated storage tank located at the corner of Persimmon Street and Eighth Street in the City of Rogers, Arkansas is no longer used for the storage of water and the Rogers Water Utilities (“RWU”) has no plans to use the elevated storage tank for the storage of water in the future;

WHEREAS, the Rogers Waterworks and Sewer Commission (“the Commission”) and the Rogers City Council have authorized the sale of the Persimmon Street Elevated Storage Tank Site (“Persimmon Street Site”) and authorized solicitation of bids for purchase of the property;

WHEREAS, in response to the applicable invitation for bid, DRA Properties, LLC of Kirkwood, Missouri (“DRA”) has offered to purchase the Persimmon Street Site in a transaction in which, *inter-alia*, DRA will pay \$1,000 for purchase of the Persimmon Street Site and will disassemble, remove, and dispose of the Elevated Storage Tank (EST) and all appurtenances at its own cost and expense within eighteen months of the closing of the real estate transaction;

WHEREAS, the Commission has passed its Resolution No. 24-11 which, *inter-alia*, approved the sale of the Persimmon Street Site to DRA, subject to reaching agreement on the final terms and conditions of the real estate contract and satisfying all necessary prerequisites for the sale; and

WHEREAS, sale of the Persimmon Street Site to DRA will be of benefit to RWU, the Commission and the City.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a real estate contract, and sign all necessary documents, for the sale of the Persimmon Street Site to DRA Properties, LLC (“DRA”) subject to the City and the Rogers Water Utilities (“RWU”) reaching agreement with DRA on the final terms and conditions of the real estate contract and satisfying all necessary prerequisites for the sale, with a minimum purchase price of \$1,000.00 and with DRA disassembling, removing, and disposing of the Elevated Storage Tank (EST) and all appurtenances at its own cost and expense within eighteen months of the closing of the real estate transaction. The legal description for the property being sold is:

Benton County Arkansas Parcel No. 02-07723-00

The South Half (S ½) of Lot Thirteen (13) and all of Lots Sixteen (16) and Seventeen (17) in Block six (6) of the Smith & Hayes Addition to Rogers;

Section 2: In connection with and in preparation for the sale, the Superintendent of RWU is authorized to negotiate and approve the final form and content of the real estate contract and such other documents necessary for conducting the sale;

Section 3: The management of RWU may take other necessary actions to prepare for sale of the Persimmon Street Site, consistent with the authority given under this Resolution, including, without limitation, making any required notices and applications, to any regulatory agencies or other governmental authorities with jurisdiction;

Section 4: Nothing herein shall authorize, and nothing herein shall be construed as authorizing, the Rogers Water Utilities, the Rogers Waterworks and Sewer Commission, or the City of Rogers to enter into any agreements that would violate existing bond agreements, bond ordinances, or other existing obligations of the Rogers Water Utilities, the Commission, or the City. The management of RWU is authorized to make such coordination and obtain such approvals as are necessary to avoid violation of existing bond agreements, bond ordinances, or other existing obligations;

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 _____, 2024.

APPROVED:

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
Reviewed by: John M. Pesek, Senior Staff Attorney
For Consideration by: Resources and Policy Committee

ORDINANCE NO. 24 - _____

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF BELLVIEW PLACE,
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 Bellview Place, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

A PART OF THE NE1/4 OF THE NE1/4 AND A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN FOUND FOR THE SE CORNER OF THE NE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING AND ALSO BEING IN THE RIGHT OF WAY OF BELLVIEW ROAD; THENCE S00°09'24"W 330.00 FEET TO A POINT IN SAID RIGHT OF WAY; THENCE N89°34'41"W 627.00 FEET TO A SET IRON PIN, THENCE N00°09'24"E 381.27 FEET TO AN IRON PIN SET ON THE SOUTH RIGHT OF WAY OF BENTON COUNTY ROAD 237; THENCE ALONG THE SOUTH RIGHT OF WAY OF BENTON COUNTY ROAD 237 N87°28'53"E 94.71 FEET TO A SET IRON PIN; THENCE ALONG SAID RIGHT OF WAY N89°42'29"E 532.45 FEET TO A POINT ON THE EAST BOUNDARY OF THE SAID NE1/4 OF THE NE1/4; THENCE S00°12'25"W 62.77 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.59 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT OF WAY OF BELLVIEW ROAD ALONG THE EAST SIDE AND BENTON COUNTY ROAD 237 ALONG THE NORTH SIDE AND TO ALL OTHER EASEMENTS OR RIGHT OF WAYS BY PRESCRIPTION OR OF RECORD. LESS & EXCEPT A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 33, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS: COMMENCE AT THE FOUND REBAR PIN AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 33 AND RUN THENCE NORTH 2° 40' 55" EAST ALONG THE EAST LINE OF SAID 40 ACRE TRACT A DISTANCE OF 62.76 FEET TO GRANTOR'S NORTHEAST PROPERTY CORNER; THENCE LEAVING SAID EAST LINE NORTH 87° 49' 04" WEST ALONG GRANTOR'S NORTH PROPERTY LINE A DISTANCE OF 32.31 FEET TO THE EXISTING RIGHT OF WAY LINE AND THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE LEAVING SAID NORTH LINE S 1°04' 10" WEST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 12.28 FEET TO THE PROPOSED RIGHT OF WAY LINE; THENCE LEAVING SAID EXISTING RIGHT OF WAY LINE ALONG SAID PROPOSED RIGHT OF WAY AND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 30.00 FEET; A CHORD BEARING NORTH 60° 55' 29" WEST, A CHORD LENGTH OF 27.13 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 28.16 FEET TO GRANTOR'S NORTH PROPERTY LINE; THENCE LEAVING SAID CURVE AND PROPOSED RIGHT OF WAY SOUTH 87° 49' 04" EAST ALONG SAID NORTH LINE A DISTANCE OF 23.96 FEET TO THE POINT OF BEGINNING, CONTAINING 87.71 SQUARE FEET, MORE OR LESS. SURVEY 2/29/2012 2012-84

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 Bellview Place, 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 _____, 2024.

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

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 24- _____

AN ORDINANCE ACCEPTING THE FINAL PLAT OF BLOSSOM WOODS PHASE 1, 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 Blossom Woods Phase 1, Rogers, Benton County, Arkansas which is more particularly described as follows, to-wit:

THE NE 1/4 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 26, SAID POINT BEING A MAG NAIL; THENCE ALONG THE NORTH LINE THEREOF S86°50'53"E 1319.22 FEET TO THE NORTHEAST CORNER OF SAID NE 1/4 OF THE SE 1/4, SAID POINT BEING A MAG NAIL; THENCE ALONG THE EAST LINE THEREOF S02°27'58"W 1322.17 FEET TO THE SOUTHEAST CORNER OF SAID NE 1/4 OF THE SE 1/4, SAID POINT BEING A 5/8" IRON PIN LABELED PS 1042; THENCE ALONG THE SOUTH LINE THEREOF N86°46'35"W 1320.54 FEET TO THE SOUTHWEST CORNER OF SAID NE 1/4 OF THE SE 1/4, SAID POINT BEING A RAILROAD SPIKE; THENCE ALONG THE WEST LINE THEREOF N02°31'21"E 1320.50 FEET TO THE POINT OF BEGINNING, CONTAINING 40.03 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF WEST LAUREL AVENUE ALONG THE NORTH AND SOUTH CONCORD STREET ALONG THE WEST AND SUBJECT TO ANY AND ALL 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 Blossom Woods Phase 1, 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 _____, 2024.

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

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 24- _____

AN ORDINANCE ACCEPTING THE FINAL PLAT OF EVENING STAR PHASE 2, 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 Evening Star Phase 2, Rogers, Benton County Arkansas which is more particularly described as follows, to-wit:

PART OF THE E 1/2 OF THE NE 1/4 OF SECTION 26, ALL IN TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 26, SAID POINT BEING A 5/8" IRON PIN; THENCE ALONG THE EAST LINE OF SAID SECTION 26 S02°27'14"W 664.26 FEET TO THE SOUTHEAST CORNER OF THE N 1/2 OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 26; THENCE N87°07'57"W 663.45 FEET TO A 5/8" IRON PIN; THENCE N87°09'18"W 662.50 FEET TO THE SOUTHWEST CORNER OF THE N 1/2 OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 26, SAID POINT BEING A 5/8" IRON PIN; THENCE N02°28'43"E 789.51 FEET TO THE SOUTH LINE OF EVENING STAR SUBDIVISION, PHASE 1; THENCE ALONG SAID SOUTH LINE THE FOLLOWING THIRTEEN COURSES: THENCE S87°31'17"E 210.00 FEET; THENCE N02°28'43"E 67.45 FEET; THENCE 50.70 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 32.00 FEET AND A LONG CHORD OF N47°52'18"E 45.56 FEET; THENCE N01°33'20"E 50.02 FEET; THENCE 49.90 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 32.00 FEET AND A LONG CHORD OF N42°11'35"W 44.99 FEET; THENCE N02°28'43"E 103.05 FEET; THENCE S87°31'17"E 24.01 FEET; THENCE 226.97 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 800.00 FEET AND A LONG CHORD OF S79°23'37"E 226.21 FEET; THENCE S71°15'58"E 443.06 FEET; THENCE 150.37 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 530.00 FEET AND A LONG CHORD OF S79°23'37"E 149.86 FEET; THENCE S87°31'17"E 108.05 FEET; THENCE S02°28'43"W 49.50 FEET; THENCE S87°31'17"E 185.85 FEET TO THE EAST LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 26; THENCE ALONG SAID EAST LINE S02°27'14"W 191.80 FEET TO THE POINT OF BEGINNING, CONTAINING 28.44 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF GASTON ROAD ALONG THE WEST AND ANY AND ALL 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 Evening Star Phase 2, 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 _____, 2024.

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

For Consideration By: Community Environment & Welfare Committee