



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: April 22, 2025

The following committee meetings will be held on **Tuesday, April 22, 2025** prior to the City Council Meeting:

05:55 p.m. - TRANSPORTATION COMMITTEE: (Kendall*, Surly, Minot)

Committee Room #1 OR [ZOOM LINK](#) OR (312)626-6799 ID: 815 2400 5834

- To Discuss:
- (a) An Ordinance Amending Appendix A, Article Ii, Division 1 Of The City Of Rogers Code Of Ordinances To Include Certain Language In The Carroll Electric Cooperative Franchise Agreement
 - (b) An Ordinance Amending Appendix A, Article Ii, Division 2 Of The City Of Rogers Code Of Ordinances To Include Certain Language In The Southwest Electrical Power Company, Franchise Agreement
 - (c) Street Closure Request - [Self Care Fair](#)
 - (d) Street Closure Request - [Rogers Museum Family Fun Day](#)

06:05 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Committee Room #2 OR [ZOOM LINK](#) OR (312)626-6799 ID: 849 5498 7610

- To Discuss:
- (a) RWU Monthly Report

06:05 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Reithemeyer, Minor)

Committee Room #1 OR [ZOOM LINK](#) OR (312)626-6799 ID: 815 2400 5834

- To Discuss:
- (a) An Ordinance Declaring A Nuisance Structure And Ordering The Razing And Removal Of Said Structure Within The City Of Rogers, Arkansas, Located At 1109 N. 9th Street

06:15 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Committee Room #1 OR [ZOOM LINK](#) OR (312)626-6799 ID: 815 2400 5834

- To Discuss:
- (a) A Resolution Amending The 2025 Budget To Appropriate \$80,000.00 From General Fund Reserves Into Account #100-68-70160 Equipment Maintenance
 - (b) A Resolution Amending The 2025 Budget Appropriate \$59,945.00 From Account #100-09-80100.005 It Capital Cat B Into Account #100-09-70250.005 Computer Expense Cat B



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ROGERS CITY COUNCIL **AGENDA**

APRIL 22, 2025
6:30 PM

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In Person Rogers City Council Chambers

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

PUBLIC HEARING:

1. ORD. Re: Declaring A Nuisance Structure And Ordering The Razing And Removal Of Said Structure Within The City Of Rogers, Arkansas, Located At 1109 N. 9th Street

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. April 08, 2025

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Declaring A Nuisance Structure And Ordering The Razing And Removal Of Said Structure Within The City Of Rogers, Arkansas, Located At 1109 N. 9th Street **PUBLIC SAFETY COMMITTEE**

- | | | | |
|----|----------|--|-----------------------------|
| 2. | RES. Re: | Amending The 2025 Budget To Appropriate \$80,000.00
From General Fund Reserves Into Account #100-68-
70160 Equipment Maintenance | FINANCE
COMMITTEE |
| 3. | RES. Re: | Amending The 2025 Budget Appropriate \$59,945.00
From Account #100-09-80100.005 It Capital Cat B Into
Account #100-09-70250.005 Computer Expense Cat B | FINANCE
COMMITTEE |
| 4. | ORD. Re: | Amending Appendix A, Article II, Division 1 Of The
City Of Rogers Code Of Ordinances To Include
Certain Language In The Carroll Electric Cooperative
Franchise Agreement | TRANSPORTATION
COMMITTEE |
| 5. | ORD. Re: | Amending Appendix A, Article II, Division 2 Of The
City Of Rogers Code Of Ordinances To Include Certain
Language In The Southwest Electrical Power Company,
Franchise Agreement | TRANSPORTATION
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

1. ORD. Re: Accepting The Final Plat Of NWA Industrial Partners Warehouses, Rogers, Benton County, Arkansas; The Dedication Of Utility Easements And Other Public Ways Therein

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. 25-_____

AN ORDINANCE DECLARING A NUISANCE STRUCTURE AND ORDERING THE RAZING AND REMOVAL OF SAID STRUCTURE WITHIN THE CITY OF ROGERS, ARKANSAS, LOCATED AT 1109 N. 9th STREET; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, Virgil E Leaman Jr. and Patti J. Leaman, are the owners of certain real property situated in Rogers, Benton County, Arkansas, more particularly described as follows:

LEGAL DESCRIPTION: The North 40 feet of Lot 28, the South 20 feet of Lot 29, the North 30 feet of Lot 29 and the South 12 ½ feet of Lot 30, all located in Block 4 of Rogers Heights Addition to the City of Rogers, Benton County, Arkansas, as shown in Plat Record “A” at Page 120.

Layman’s Description: 1109 N. 9th Street, Rogers, AR 72756

Tax Parcel No. 02-07215-000

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 in violation of the International Property Maintenance Code, which is a adopted by reference in the Rogers’ Code of Ordinances §§ 10-32 and 10-33:

1. 2021 IPMC- section 111.1.1 - Unsafe structures.

An unsafe *structure* is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. **Inspection Findings: The structure has been damaged by a tornado event that occurred May 26/27 2024. The damage is extensive and poses a public hazard or nuisance. It appears roof damage and structural damage was caused by the storms, that has not been repaired. The damage is visible from West North 9th and the Alley to the west and from all sides within the property boundaries. The property has not been secured to prevent the public from entering the property.**

2. 2021 IPMC – Section 304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. **Inspection findings: The roof structure is severely damaged from the storm, as is most of the north end of the home. The measures that have been taken to protect the structure have deteriorated and no longer effective.**

3. 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 has been damaged from the storm. Attachments are loose and falling away and the surface has been breached causing the potential for water intrusion and it appears some elements may be in danger of collapsing. The NW portion of the structure has been destroyed.**

4. 2021 IPMC – Section 304.13 Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **Inspection findings: Some windows are broken up but some components are loose and falling away from structure.**

5. 2021 IPMC – Section 301.3 Vacant structures and land.

All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. **Inspection findings: The building could be considered unsightly. The building also may pose a public hazard as it is not secured from public accessibility.**

6. 2021 IPMC - 305.2 Structural members.

Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. **Inspection findings: Wall portions have been destroyed on the Northwest portion of the structure.**

7. 2021 IPMC - 309.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. **Inspection Findings: The condition of the structure and property as a whole, allow for rodent harborage.**

WHEREAS, the owner has been notified by the City of Rogers prior to the consideration of this Ordinance, that the structure on the property is in violation of various ordinances of the City of Rogers;

WHEREAS, pursuant to City of Rogers' Code of Ordinances § 18-57, the owner was given fourteen (14) calendar days from January 13, 2025 to abate or correct documented violations;

WHEREAS, pursuant to City of Rogers' Code of Ordinances § 18-57, a follow up inspection was conducted on January 28, 2025;

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 City Council pursuant to City of Rogers' Code of Ordinances § 18-58;

WHEREAS, pursuant to City of Rogers' Code of Ordinances § 18-59(d); a Compliance Inspection was conducted by the Office of Building Inspections on April 22, 2025, which concluded that violations currently exist; and

WHEREAS, pursuant to Ark. Code Ann. § 14-56-203 and City of Rogers' Code of Ordinances Chapter 18, Article III, 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, THAT:

Section 1: The structure located at 1109 N. 9th Street, Rogers, Arkansas, is dilapidated, unsightly, and unsafe; and is in the best interest of the City of Rogers to proceed with the removal of this dilapidated, unsightly, and unsafe structure;

Section 2: 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 dismantled by hand or bulldoze and then disposed 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 invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Ordinances and Resolutions: 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 _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John Vanetta, Deputy Fire Chief- Risk Reduction

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. 25-_____

A RESOLUTION AMENDING THE 2025 BUDGET TO APPROPRIATE EIGHTY THOUSAND DOLLARS (\$80,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-68-70160 EQUIPMENT MAINTENANCE; WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A NEW CYLINDER FOR THE BALER EQUIPMENT USED BY THE CITY OF ROGERS RECYCLING DEPARTMENT FROM WASTE PROCESSING EQUIPMENT INC OF RAINSVILLE, ALABAMA; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Recycling Center desires to purchase a replacement cylinder for its baler so that operations may continue with unnecessary delay;

WHEREAS, the purchase price for the replacement cylinder is approximately eighty thousand dollars (\$80,000.00); and

WHEREAS, Waste Processing Equipment INC. of Rainsville, Alabama can provide the replacement cylinder for the Rogers Recycling Center baler.

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

Section 1: The City of Rogers' 2025 budget is hereby amended to appropriate eighty thousand dollars (\$80,000.00) from General Funds Reserves into Account #100-68-70160 Equipment Maintenance;

Section 2: The Mayor and City Clerk are authorized to enter into a contract with Waste Processing Equipment INC. of Rainsville, Alabama to purchase a replacement cylinder for the baler for a total purchase price of eighty thousand dollars (\$80,000.00);

Section 3: There exists an exceptional circumstance as the cylinder is needed to be purchased through the manufacturer to ensure the cylinder is built to correct spec for the baler and the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for this purchase;

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 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 _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Jerrold Haley, Rogers Recycling Center, Superintendent

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R25-_____

A RESOLUTION AMENDING THE 2025 BUDGET APPROPRIATE FIFTY-NINE THOUSAND NINE HUNDRED FORTY-FIVE DOLLARS (\$59,945.00) FROM ACCOUNT #100-09-80100.005 IT CAPITAL CAT B INTO ACCOUNT #100-09-70250.005 COMPUTER EXPENSE CAT B; APPROPRIATING FORTY-FIVE THOUSAND SIX HUNDRED SIXTEEN DOLLARS (\$45,616.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-09-70250 COMPUTER EXPENSE FOR THE REPLACEMENT OF TOUGHBOOKS FOR USE BY THE ROGERS POLICE DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department finds it necessary to purchase replacement computers, monitors, and iPads for use by that department totaling fifty-nine thousand nine hundred forty-five dollars (\$59,945.00); and

WHEREAS, the Police Department also finds it necessary to replace several Toughbook computers for field use totaling forty-five thousand six hundred sixteen dollars (\$45,616.00).

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

Section 1: The City of Rogers' 2025 Budget is hereby amended to appropriate fifty-nine thousand nine hundred forty-five dollars (\$59,945.00) from Account #100-09-80100.005 IT Capital CAT B into Account #100-09-70250.005 Computer Expense CAT B for the purchase of replacement computers, monitors, and iPads for use by the Rogers Police Department;

Section 2: The City of Rogers' 2025 Budget is hereby amended to appropriate forty-five thousand six hundred sixteen dollars (\$45,616.00) from General Fund Reserves into Account #100-09-70250 Computer Expense for the replacement of Toughbook computers for use by the Rogers Police Department;

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 that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING APPENDIX A, ARTICLE II, DIVISION 1 OF THE CITY OF ROGERS CODE OF ORDINANCES TO INCLUDE CERTAIN LANGUAGE IN THE CARROLL ELECTRIC COOPERATIVE FRANCHISE AGREEMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to amend its Appendix A, Article II, Division 1 to the City of Rogers Code of Ordinances to add relocation requirements to the existing franchise agreement with Carroll Electric Cooperative; and

WHEREAS, this language will require the relocation of electric utilities in certain circumstances as outlined in the attached Exhibit A.

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

Section 1: Appendix A, Article II, Division 1. – Carroll Electric Cooperative, of the City of Rogers Code of Ordinances is hereby amended and shall read as shown in the attached Exhibit A.

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

PASSED this _____ day of _____, 2025.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

Sec. 11. Relocations.

- (a) *Relocation of electrical power distribution systems in public ways.*
- (i) If at the city's cost the city determines to vacate a public way for a city improvement project, or, to grade, regrade, or change the line of any public way, or construct or reconstruct any city utility system in any public way, it may order grantee to relocate its power distribution systems located therein if relocation is reasonably necessary to accomplish the city's proposed public improvement.
 - (ii) If such project is performed by the city at the city's cost, grantee shall relocate its power distribution systems at its own expense unless they are in a private easement or right-of-way obtained by the grantee, property owned by the grantee, or by agreement between the parties. If they are in an easement obtained by the city or as part of a city project the grantee must relocate at their own expense.
 - (iii) The city shall give grantee reasonable notice of plans to vacate for a city improvement project, or to grade, regrade, or change the line of any public way or to construct or reconstruct any city utility system. If relocation is ordered within five years of a prior relocation of the same power distribution system, which was made at grantees expense, the city shall reimburse grantee for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a city utility system to a previously unserved area, grantee may be required to make the subsequent relocation at its expense subject to provisions (a) (i) and (ii) above.
 - (iv) Nothing in this ordinance requires grantee to relocate, remove, replace or reconstruct at its own expense its power distribution systems where such relocation, removal, replacement or reconstruction is solely for the convenience of the city or any third party, including but not limited to any project for the benefit of a private development, and is not reasonably necessary for the construction or reconstruction of a public way or city utility system or other city improvement.
- (b) *Relocation of electrical power distribution systems in public ground.* City may require grantee at grantee's expense to relocate or remove its power distribution systems from public ground upon finding by city that the power distribution systems have become or will become a substantial impairment to the existing or proposed public use of the public ground.
- (c) Nothing in this section shall apply to electrical power distribution systems located in a public way for a street classified as a Minor Street on the Master Street Plan installed after January 1, 2025.

ORDINANCE NO. 25-_____

AN ORDINANCE AMENDING APPENDIX A, ARTICLE II, DIVISION 2 OF THE CITY OF ROGERS CODE OF ORDINANCES TO INCLUDE CERTAIN LANGUAGE IN THE SOUTHWEST ELECTRICAL POWER COMPANY, FRANCHISE AGREEMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to amend its Appendix A, Article II, Division 2 to the City of Rogers Code of Ordinances to add relocation requirements to the existing franchise agreement with Southwest Electrical Power Company; and

WHEREAS, this language will require the relocation of electric utilities in certain circumstances as outlined in the attached Exhibit A.

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

Section 1: Appendix A, Article II, Division 2 – Southwest Electrical Power Company, of the City of Rogers Code of Ordinances is hereby amended and shall read as shown in the attached Exhibit A.

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

PASSED this _____ day of _____, 2025.

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: Transportation Committee

Sec. 11. Relocations.

- (a) *Relocation of electrical power distribution systems in public ways.*
- (i) If at the city's cost the city determines to vacate a public way for a city improvement project, or, to grade, regrade, or change the line of any public way, or construct or reconstruct any city utility system in any public way, it may order grantee to relocate its power distribution systems located therein if relocation is reasonably necessary to accomplish the city's proposed public improvement.
 - (ii) If such project is performed by the city at the city's cost, grantee shall relocate its power distribution systems at its own expense unless they are in a private easement or right-of-way obtained by the grantee, property owned by the grantee, or by agreement between the parties. If they are in an easement obtained by the city or as part of a city project the grantee must relocate at their own expense.
 - (iii) The city shall give grantee reasonable notice of plans to vacate for a city improvement project, or to grade, regrade, or change the line of any public way or to construct or reconstruct any city utility system. If relocation is ordered within five years of a prior relocation of the same power distribution system, which was made at grantees expense, the city shall reimburse grantee for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a city utility system to a previously unserved area, grantee may be required to make the subsequent relocation at its expense subject to provisions (a) (i) and (ii) above.
 - (iv) Nothing in this ordinance requires grantee to relocate, remove, replace or reconstruct at its own expense its power distribution systems where such relocation, removal, replacement or reconstruction is solely for the convenience of the city or any third party, including but not limited to any project for the benefit of a private development, and is not reasonably necessary for the construction or reconstruction of a public way or city utility system or other city improvement.
- (b) *Relocation of electrical power distribution systems in public ground.* City may require grantee at grantee's expense to relocate or remove its power distribution systems from public ground upon finding by city that the power distribution systems have become or will become a substantial impairment to the existing or proposed public use of the public ground.
- (c) Nothing in this section shall apply to electrical power distribution systems located in a public way for a street classified as a Minor Street on the Master Street Plan installed after January 1, 2025.

ORDINANCE NO. 25- _____

AN ORDINANCE ACCEPTING THE FINAL PLAT OF NWA INDUSTRIAL PARTNERS WAREHOUSES, 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 NWA Industrial Partners Warehouses, Rogers, Benton County, Arkansas which is more particularly described as follows, to-wit:

BEING A PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35 BEING A FOUND 3.5" ALUMINUM STATE MONUMENT EMBOSSED LS 852; THENCE NORTH 02° 33' 49" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 660.11 FEET TO THE NORTH LINE OF SAID SOUTH HALF AND A SET 5/8" REBAR EMBOSSED PLS 1120 J. MONTGOMERY; THENCE LEAVING SAID WEST LINE SOUTH 86° 49' 36" EAST ALONG SAID NORTH LINE, CROSSING A FOUND 5/8" REBAR EMBOSSED 1181 G. BUSCHER AT A DISTANCE OF 10.00 FEET CONTINUING FOR A TOTAL DISTANCE OF 1066.48 FEET TO THE WEST ARDOT RIGHT-OF-WAY OF INTERSTATE 49 AND A SET 5/8" REBAR EMBOSSED PLS 1120 J. MONTGOMERY; THENCE SOUTH 02° 04' 53" WEST ALONG SAID RIGHT-OF-WAY, CROSSING A FOUND ALUMINUM ARDOT RIGHT-OF-WAY MARKER AT A DISTANCE OF 326.06 FEET CONTINUING FOR A TOTAL DISTANCE OF 658.91 FEET TO A FOUND 5/8" REBAR WITH NO CAP AND THE SOUTH LINE OF AFOREMENTIONED SECTION 35; THENCE NORTH 86° 52' 26" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 445.39 FEET TO A FOUND 2" BRASS CAP MONUMENT IN CONCRETE EMBOSSED LS 1338; THENCE NORTH 86° 54' 37" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 626.61 FEET TO THE POINT OF BEGINNING CONTAINING 16.18 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

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

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

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

Section 1: The Final Plat of NWA Industrial Partners Warehouses, 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 _____, 2025.

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