



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 · (Fax) 479-936-5401
www.rogersar.gov

5:45 P.M - SWEARING-IN OF COUNCILMEMBERS and CITY ATTORNEY:
Townzen, Kendall, Hayes, and Hatfield - by Mayor Hines
In the Council Chambers

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: January 3, 2019

The following committee meetings will be held on **Tuesday, January 8, 2019** prior to the City Council Meeting:

6:15 p.m. - TRANSPORTATION COMMITTEE: (Kruger, Townzen and Carmichael)
Committee Room #1

To Discuss: (a) A Resolution Authorizing an Agreement for Transit Services with Ozark Regional Transit for the 2019 Year in an Amount Not to Exceed
\$200,000.00



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5:45 P.M - SWEARING-IN OF COUNCILMEMBERS and CITY ATTORNEY:
Townzen, Kendall, Hayes, and Hatfield - by Mayor Hines
In the Council Chambers

ROGERS CITY COUNCIL

AGENDA

JANUARY 8, 2019

6:30 P.M.

PUBLIC HEARING: To Vacate a Platted But Non-Existent Portion of Glen Vista Court Including a Cul-de-Sac Running SW to NE along and between Lots 6, 7 and 8, Glen Vista Subdivision

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: December 11, 2018

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Authorizing an Agreement for Transit Services with Ozark Regional Transit for the 2019 Year in an Amount Not to Exceed \$200,000.00 - Transportation Committee

OLD BUSINESS:

NEW BUSINESS:

- 1. ORD. Re: Rezone from A-1, RSF-5, and C-2 to A-1, N-R, and C-3, 68.84 Acres North and Southwest of the Intersection of Pleasant Grove Road and Hwy. 112 (Charles Reaves) - Bill Watkins

ROGERS CITY COUNCIL AGENDA

JANUARY 8, 2019

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2. ORD. Re: Rezone from R-O & C-2 To R-DP and RMF-25B and Accepting the Density Concept Plan, ±28.57 Acres Located Between S. Dixieland Road, S. Concord Drive and W. Broadway Place (PWX, LLC) - Kelsey Kreher
3. ORD. Re: Rezone from C-2 to RMF-31B, Accepting the Density Concept Plan, ±4.24 Acres at the Southwest Corner of Promenade Blvd. and Walnut Creek Parkway (EF Capital AR LLC) - Hunter Haynes
4. ORD. Re: Vacating a Platted But Non-Existent Portion of Glen Vista Court - Bill Watkins

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-19-_____

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR TRANSIT SERVICES WITH OZARK REGIONAL TRANSIT FOR THE 2019 YEAR IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00); AND FOR OTHER PURPOSES.

WHEREAS, Ozark Regional Transit (ORT) is a public transit authority serving Northwest Arkansas of which the City of Rogers is a member, and which was created by an interlocal agreement under A.C.A. § 14-334-101, et. seq.; and

WHEREAS, the amount of two hundred thousand dollars (\$200,000.00) was duly budgeted by the City of Rogers City Council for the 2019 year for this purpose.

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

Section 1: That the Mayor may execute an agreement with Ozark Regional Transit for public transit service for the year of 2019 in an amount not to exceed two hundred thousand dollars (\$200,000.00);

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 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 _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Ethan Hunter, Department of Community Development
Prepared By: Bonnie Bridges, Staff Attorney
For Consideration by the Transportation Committee

ORDINANCE NO. _____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY REZONING CERTAIN REAL ESTATE IN THE CITY OF ROGERS, ARKANSAS, FROM A-1, RSF-5, AND C-2 TO A-1, N-R, AND C-3 PROPERTIES AND PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon the consideration of the request and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas on December 18, 2018, the City Council has found that certain lands hereinafter described are better suited for A-1, N-R, C-3 than A-1, RSF-5, C-2 zoning.

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

Section 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

Section 2: That the land hereinafter described should be and the same is hereby zoned A-1, N-R, C-3 and that said lands being in Benton County, Arkansas, are described as:

RE-ZONE A-1 (NORTH OF SOUTHGATE ROAD)

PART OF THE E 1/2 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 25; THENCE ALONG THE NORTH LINE THEREOF S87°08'16"E 57.12 FEET; THENCE LEAVING SAID NORTH LINE S02°06'49"W 395.98 FEET TO THE POINT OF BEGINNING; THENCE S87°53'11"E 229.83 FEET; THENCE S24°27'06"E 111.80 FEET; THENCE S02°06'49"W 90.00 FEET; THENCE S11°34'33"W 91.24 FEET; THENCE S02°06'49"W 935.00 FEET; THENCE S78°52'23"W 87.32 FEET; THENCE S52°38'28"W 110.11 FEET; THENCE S02°06'49"W 164.58 FEET; THENCE 188.01 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 195.00 FEET AND A LONG CHORD OF S12°10'38"W 180.81 FEET; THENCE S15°26'38"E 23.80 FEET; THENCE N87°21'48"W 72.12 FEET; THENCE N03°11'39"E 90.00 FEET; THENCE N02°06'49"E 1579.65 FEET TO THE POINT OF BEGINNING, CONTAINING 8.39 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

RE-ZONE N-R (NORTH OF SOUTHGATE ROAD)

PART OF THE E 1/2 OF THE NE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE E 1/2 OF THE NE 1/4 OF SAID SECTION 25; THENCE ALONG THE NORTH LINE THEREOF S87°08'16"E 57.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S87°08'16"E 1166.85 FEET; THENCE LEAVING SAID NORTH LINE S02°06'48"W 105.05 FEET; THENCE S71°43'18"W 138.49 FEET; THENCE N87°08'16"W 668.62 FEET; THENCE S79°56'54"W 318.79 FEET; THENCE S02°06'49"W 105.98 FEET; THENCE 36.13 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 23.00 FEET AND A LONG CHORD OF S42°53'11"E 32.53 FEET; THENCE S87°53'11"E 297.08 FEET; THENCE 98.98 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 63.00 FEET AND A LONG CHORD OF S42°53'11"E 89.0955 FEET; THENCE S02°06'49"W 37.72 FEET; THENCE S87°53'11"E 595.00 FEET; THENCE S02°06'49"W 693.38 FEET; THENCE 37.93 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 140.00 FEET AND A LONG CHORD OF S05°38'55"E 37.82 FEET; THENCE S13°24'38"E 198.44 FEET; THENCE 124.64 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 460.00 FEET AND A LONG CHORD OF S05°38'55"E 124.25 FEET; THENCE S02°06'49"W 179.83 FEET; THENCE S10°12'11"W 101.01 FEET; THENCE S05°58'34"E 101.01 FEET; THENCE S02°06'49"W 278.98 FEET TO THE NORTH RIGHT-OF-WAY OF SOUTHGATE ROAD AS DESCRIBED IN DEED RECORD 2015-67089; THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING FOUR COURSES: THENCE 282.83 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 831.00 FEET AND A LONG CHORD OF S60°57'55"W 281.46 FEET; THENCE S51°12'55"W 102.12 FEET; THENCE N70°44'59"W 143.54 FEET; THENCE S27°18'34"W 32.00 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY N23°32'41"W 664.99 FEET; THENCE S65°46'08"W

192.67 FEET; THENCE 16.01 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 154.99 FEET AND A LONG CHORD OF S62°48'37"W 16.00 FEET; THENCE S20°05'16"E 528.00 FEET; THENCE S29°09'05"E 246.17 FEET TO THE NORTH RIGHT-OF-WAY OF SOUTHGATE ROAD AS DESCRIBED IN DEED RECORD 2015-67089; THENCE ALONG SAID NORTH RIGHT-OF-WAY THE FOLLOWING THREE COURSES: THENCE 240.45 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 745.00 FEET AND A LONG CHORD OF S83°27'35"W 239.41 FEET; THENCE N87°17'38"W 226.38 FEET; THENCE N42°44'18"W 58.66 FEET TO THE EAST RIGHT-OF-WAY OF HIGHWAY 112; THENCE ALONG SAID EAST RIGHT-OF-WAY N03°11'39"E 479.53 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY S87°21'48"E 72.12 FEET; THENCE N15°26'38"W 23.80 FEET; THENCE 188.01 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 195.00 FEET AND A LONG CHORD OF N12°10'38"E 180.81 FEET; THENCE N02°06'49"E 164.58 FEET; THENCE N52°38'28"E 110.11 FEET; THENCE N78°52'23"E 87.32 FEET; THENCE N02°06'49"E 935.00 FEET; THENCE N11°34'33"E 91.24 FEET; THENCE N02°06'49"E 90.00 FEET; THENCE N24°27'06"W 111.80 FEET; THENCE N87°53'11"W 229.83 FEET; THENCE N02°06'49"E 395.97 FEET TO THE POINT OF BEGINNING, CONTAINING 42.56 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

RE-ZONE C-2 (SOUTH OF SOUTHGATE ROAD)

PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 25; THENCE ALONG THE NORTH LINE THEREOF S87°26'15"E 34.39 FEET; THENCE LEAVING SAID NORTH LINE S03°01'55"W 451.21 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE EAST RIGHT-OF-WAY OF HIGHWAY 112 AS DESCRIBED IN DEED RECORD 2015-67089; THENCE ALONG SAID EAST RIGHT-OF-WAY THE FOLLOWING THREE COURSES: THENCE S87°02'51"E 10.54 FEET; THENCE N10°09'41"E 117.72 FEET; THENCE N03°03'21"E 248.49 FEET TO THE SOUTH RIGHT-OF-WAY OF SOUTHGATE ROAD AS DESCRIBED IN DEED RECORD 2015-67089; THENCE ALONG SAID SOUTH RIGHT-OF-WAY N47°52'15"E 39.63 FEET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87°17'38"E 154.51 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S02°25'03"W 640.11 FEET; THENCE S25°04'59"W 540.33 FEET; THENCE N01°49'45"E 557.73 FEET TO THE EAST RIGHT-OF-WAY OF HIGHWAY 112 AS SHOWN IN PLAT RECORD P1-861; THENCE ALONG SAID EAST RIGHT-OF-WAY N03°01'55"E 188.98 FEET TO THE POINT OF BEGINNING, CONTAINING 4.11 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

RE-ZONE N-R (SOUTH OF SOUTHGATE ROAD)

PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE E 1/2 OF THE SE 1/4 OF SAID SECTION 25; THENCE ALONG THE NORTH LINE THEREOF S87°26'15"E 241.62 FEET; THENCE LEAVING SAID NORTH LINE S02°33'45"W 58.62 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF SOUTHGATE ROAD AS DESCRIBED IN DEED RECORD 2015-67089; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87°17'38"E 71.87 FEET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY 546.67 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 851.00 FEET AND A LONG CHORD OF N74°18'11"E 537.32 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S03°24'45"W 212.14 FEET; THENCE S25°04'59"W 479.23 FEET; THENCE N64°55'01"W 17.51 FEET; THENCE S25°04'59"W 51.00 FEET; THENCE S64°55'01"E 17.51 FEET; THENCE S25°04'59"W 510.00 FEET; THENCE S36°10'37"W 51.97 FEET; THENCE S25°04'59"W 102.00 FEET; THENCE S19°29'02"W 51.24 FEET; THENCE S25°04'59"W 114.42 FEET; THENCE S02°25'03"W 267.28 FEET; THENCE N87°37'08"W 254.54 FEET TO THE EAST RIGHT-OF-WAY OF HIGHWAY 112 AS SHOWN IN PLAT RECORD P1-861; THENCE ALONG SAID EAST RIGHT-OF-WAY N01°49'45"E 425.97 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY N25°04'59"E 540.33 FEET; THENCE N02°25'03"E 640.11 FEET TO THE POINT OF BEGINNING, CONTAINING 13.78 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: North and Southeast of the Intersection of Pleasant Grove Road and Hwy 112.

Section 3: That it is necessary to begin the project immediately and to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this ___ day of _____, 20__.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM R-O & C-2 TO R-DP & RMF-25B AND ACCEPTING THE DENSITY
CONCEPT PLAN, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for R-DP & RMF-25B than R-O and C-2 zoning.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as R-DP & RMF-25B and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned R-DP:

A part of Lots 19-B, 20-B, and 21 of The Grove Phase III in Rogers, Benton County, Arkansas as recorded in Plat Record 2015-776 in the Circuit Clerk's office in Bentonville, Arkansas, being more particularly described as follows:

Beginning (POB) at the Southeast Corner of Lot 20-B; thence N86°48'21"W 242.11feet; thence N03°12'01"E 391.98 feet; thence N86°47'59"W 186.91 feet; thence N64°54'32"W 16.80 feet; thence N33°34'19"W 33.38 feet; thence N86°48'04"W 267.71 feet; thence N86°47'59"W 85.97 feet; thence along a tangent curve to the left, an arc distance of 52.03 feet, said curve having a radius of 187.00 feet, and a chord bearing and distance of S85°13'45"W 51.86 feet; thence S77°15'29"W 227.89 feet; thence S83°01'33"W 51.55 feet; thence N87°25'01"W 100.35 feet to the East Right-of-Way Line of South Dixieland Road; thence along said East Line, N02°34'59"E 246.95 feet; thence continuing along said East Line, N02°32'54"E 406.00 feet; thence leaving said East Line, S87°26'17"E 1238.55 feet to the West Right-of-Way Line of South Concord Street; thence along said West Line, S02°42'45"W 419.84 feet; thence continuing along said West Line, S02°42'42"W 591.89 feet to the Point of Beginning (POB), containing 847,088 square feet, 19.45 acres as surveyed. . Subject to the rights-of-way of South Dixieland Road, West Broadway Place, and South Concord Street and any other easements and/or rights-of-way of record.

Property to be zoned RMF-25B:

A part of Lots 20-B and 21 of The Grove Phase III in Rogers, Benton County, Arkansas as recorded in Plat Record 2015-776 in the Circuit Clerk's office in Bentonville, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of Lot 20-B; thence N86°48'21"W 242.11 feet to the Point of Beginning (POB); thence N86°48'21"W 966.50 feet; thence N56°46'32"W 35.46 feet to the East Right-of-Way Line of South Dixieland Road; thence along said East Line, along a non-tangent curve to the left, an arc distance of 73.41 feet, said curve having a radius of 839.21 feet, and a chord bearing and distance of N05°02'35"E 73.39 feet; thence continuing along said East Line, N02°32'13"E 223.12 feet; thence N02°34'59"E 30.92 feet; thence leaving said East Line, S87°25'01"E 100.35 feet; thence N83°01'33"E

51.55 feet; thence N77°15'29"E 227.89 feet; thence along a tangent curve to the right, an arc distance of 52.03 feet, said curve having a radius of 187.00 feet, and a chord bearing and distance of N85°13'45"E 51.86 feet; thence S86°47'59"E 85.97 feet, thence S86°48'04"E 267.71 feet; thence S33°34'19"E 33.38 feet; thence S64°54'32"E 16.80 feet; thence S86°47'59"E 186.91 feet; thence S03°12'01"W 391.98 feet to the Point of Beginning (POB), containing 396,070 square feet, 9.09 acres as surveyed. Subject to the right-of-way of South Dixieland Road and any other easements and/or rights-of-way of record.

LAYMAN'S DESCRIPTION: 28.54 acres east of Dixieland Road and south of Broadway Place

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 4: **Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: **Repeal of Conflicting Ordinances and Resolutions-** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2019

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO RMF-31B, ACCEPTING THE DENSITY CONCEPT PLAN,
PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on December 18, 2018 the City Council has found that certain lands hereinafter described are better suited for RMF-31B zoning.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-31B and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Parcel #02-22432-000

Part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 9, Township 19 North, Range 30 West, Rogers, Benton County, Arkansas and being more particularly described as follows:

Lot 4, Walnut Creek, Rogers, Benton County, Arkansas as shown on Plat Record 2008 at Page 330.

LAYMAN'S DESCRIPTION: Southwest corner of S. Promenade Blvd & W. Walnut Creek Parkway Rogers, AR

SECTION 3: Zoning. That the above described lands are better suited for RMF-31B than a C-2 zoning and same should be and are hereby zoned RMF-31B.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between TLC Properties and the City of Rogers, as approved by the Rogers Planning Commission on December 18, 2018, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____

CITY OF ROGERS, ARKANSAS

AN ORDINANCE VACATING A PLATTED BUT
NON-EXISTENT PORTION OF GLEN VISTA COURT

WHEREAS, a petition was duly filed with the City Council of the City of Rogers, Arkansas, requesting that the City Council to vacate all of that portion of a certain street described as follows:

All of a platted but non-existent portion of Glen Vista Court, including a cul-de-sac, running Southwest to Northeast along and between Lots 6, 7 and 8, Glen Vista Subdivision

WHEREAS, after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street, or the portion thereof hereinabove described, has heretofore been dedicated to the public use as a street; that the owner of the property abutting upon this portion of said street to be vacated has filed with the Council its petition for such abandonment; and that the public interest, convenience and welfare will not be adversely affected by the abandonment of such street and adjoining owners have consented to such abandonment.

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

SECTION 1: Abandonment. The City of Rogers, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally in and to the portion of the street described above.

SECTION 2: Recording. A copy of the Ordinance duly certified by the City Clerk shall be filed in the Office of the Recorder of Benton County, Arkansas, and filed in the Deed Records of Benton County, Arkansas.

SECTION 3: Emergency Clause. That it is necessary to bring current uses of the property into conformance with the Rogers City Code and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 4: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 5: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS ____ OF _____, 2019.

ROGERS, ARKANSAS
APPROVED:

GREG HINES, MAYOR

ATTEST:

PEGGY DAVID, CITY CLERK