



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

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: September 5, 2019

The following committee meetings will be held on **Tuesday, September 10, 2019** prior to the City Council Meeting:

5:45 p.m. – COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Carmichael, Townzen, and Hayes) **Committee Room #1**

- To Discuss: (a) An Ordinance to Rezone from N-R to NBT, 0.18± Acres at 1222 S. 4th Street (Graciela Lopez) – represented by Graciela Lopez
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- (b) An Ordinance to Rezone from A-1 to R-DP, 1.88 ± Acres at 3000 S. First Street (Leonel Rubio) – represented by Leonel Rubio
-
- (c) An Ordinance to Rezone from N-R to C-2, 1.86 Acres West of S. 8th Street and South of W. Willow Street (Carl Max Russell & Karen Elizabeth Burks) – represented by Bill Watkins
-
- (d) An Ordinance to Rezone from A-1 to RSF, 0.21 Acres ± Located Behind 6502 S. 57th Street (Joseph Chiaofen Hsu and Lee Chung-Ting) – represented by Freida Bell
-
- (e) An Ordinance to Rezone from R-DP to NBT, 0.24 Acres ± on the SW Corner of Olive and 5th Street at 742 N. 5th Street (Brad Godwin) – represented by Brad Godwin
-
- (f) An Ordinance to Rezone RMF-12B to NBT, 0.43 Acres ± at 624 N. 6th Street and Properties with Addresses of 612, 614, 616, 618, 620, and 622 N. 6th Street (James Stevinson) – represented by James Stevinson
-

6:00 p.m. – FINANCE COMMITTEE: (Reithemeyer, Wolf and Kendall) **Committee Room #2**

- To Discuss: (a) A Resolution Authorizing the Rate of Property Tax for the City of Rogers for the Year 2019 to be Collected in 2020
-

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

- To Discuss: (a) Request from Heritage High School Orchestra to close streets and parking lot for the Heritage Folk Fest on Tuesday, September 17, 2019 from 4:00 p.m. to 7:30 p.m.
-

6:15 p.m. – RESOURCES & POLICY COMMITTEE: (Hayes, Reithemeyer, and Brashear)

Committee Room #2

To Discuss: (a) A Resolution Authorizing Certain City Departments to Dispose of Obsolete
Property No Longer Used by the City

- (b) A Resolution Authorizing Certain City Departments to Dispose of Obsolete
Property No Longer Used by the City Through Internet Auction or Other
Available Means
-



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ROGERS CITY COUNCIL

AGENDA

SEPTEMBER 10, 2019

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: August 27, 2019

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Authorizing Certain City Departments to Dispose of Obsolete Property No Longer Used by the City - Resources & Policy Committee
- 2. RES. Re: Authorizing Certain City Departments to Dispose of Obsolete Property No Longer Used by the City Through Internet Auction or Other Available Means - Resources & Policy Committee
- 3. RES. Re: Authorizing the Rate of Property Tax for the City of Rogers for the Year 2019 to be Collected in 2020 - Finance Committee
- 4. ORD. Re: Rezone from N-R to NBT, 0.18± Acres at 1222 S. 4th Street (Graciela Lopez) – represented by Graciela Lopez - Community Environment & Welfare Committee

ROGERS CITY COUNCIL AGENDA

SEPTEMBER 10, 2019

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5. ORD. Re: Rezone from A-1 to R-DP, 1.88 ± Acres at 3000 S. First Street (Leonel Rubio) – represented by Leonel Rubio - Community Environment & Welfare Committee
- 6 ORD. Re: Rezone from N-R to C-2, 1.86 Acres West of S. 8th Street and South of W. Willow Street (Carl Max Russell & Karen Elizabeth Burks) – represented by Bill Watkins - Community Environment & Welfare Committee
7. ORD. Re: Rezone from A-1 to RSF, 0.21 Acres ± Located Behind 6502 S. 57th Street (Joseph Chiaofen Hsu and Lee Chung-Ting) – represented by Freida Bell - Community Environment & Welfare Committee
8. ORD. Re: Rezone from R-DP to NBT, 0.24 Acres ± on the SW Corner of Olive and 5th Street at 742 N. 5th Street (Brad Godwin) – represented by Brad Godwin - Community Environment & Welfare Committee
9. ORD. Re: Rezone RMF-12B to NBT, 0.43 Acres ± at 624 N. 6th Street and Properties with Addresses of 612, 614, 616, 618, 620, and 622 N. 6th Street (James Stevinson) – represented by James Stevinson - Community Environment & Welfare Committee

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-19 _____

A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF OBSOLETE PROPERTY NO LONGER USED BY THE CITY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Rogers has determined that the items identified in **Exhibit A** have become obsolete and are no longer used by the City;

WHEREAS, the items identified in **Exhibit A** have been rendered worthless by damaged or prolonged use; and

WHEREAS, this Resolution is in accordance with Ark. Code Ann. § 14-54-302(e)(2)(A).

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

Section 1: The City Departments may dispose of their items identified in **Exhibit A** in the landfill used by the City.

Section 2: The City Departments shall maintain a record of all items that are sent to the landfill used by the City under this Resolution.

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 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.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Prepared By: John M. Pesek, Staff Attorney
Requested By: Various City Departments
For consideration by the Resources & Policy Committee

EXHIBIT A

DISPOSAL OF CERTAIN ITEMS DEEMED OBSOLETE

The following items have been deemed obsolete and have been rendered worthless by either damage or prolonged use as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). The items listed below are to be sent to an appropriate landfill after a resolution allowing for such has been approved by the Rogers City Council.

DEPARTM ENT	ITEM	YEAR/MAKE/M ODEL	SERIAL NUMBER
Airport	Mower	1999 Dynamo mower	SG100351298
Airport	Seed Spreader Attachment	None	None
Airport	Corrugated metal pipe- damaged	None	None
Airport	Wood Storage Building – Structurally unstable	None	None
Airport	Misc. Scrap Wood (remnants, boards, pallets)	None	None
Adult Wellness	Treadmill	Landice Treadmill	L8-25024
Adult Wellness	Treadmill	Landice Treadmill	L8-23905
Animal Shelter	Incinerator	Therm-Tec	None

A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF OBSOLETE PROPERTY NO LONGER USED BY THE CITY THROUGH INTERNET AUCTION OR OTHER AVAILABLE MEANS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Rogers has determined that the items identified in **Exhibit A** have become obsolete and are no longer used by the City;

WHEREAS, the items identified in **Exhibit A** are to be sold by internet auction or through other means whichever nets the highest value; and

WHEREAS, this Resolution is in accordance with Ark. Code Ann. § 14-54-302(e)(1).

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

Section 1: The City Departments may auction their items identified in **Exhibit A** through internet auction or other means whichever nets the highest value.

Section 2: The City Departments shall maintain a record of all items that are placed and sold through internet auction or by other means.

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 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.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Prepared By: Casey Wilhelm, Finance Director
Reviewed By: John M. Pesek, Staff Attorney
For consideration by the Resources & Policy Committee

EXHIBIT A

DISPOSAL OF CERTAIN ITEMS DEEMED OBSOLETE

The following items have been deemed obsolete and are no longer used by the City due to either damage or prolonged use as specified under Ark. Code Ann. § 14-54-302(e)(1). The items listed below are to be disposed of through internet auction, or other available means, whichever nets the highest value, after a resolution allowing for such has been approved by the Rogers City Council.

DEPARTMENT	ITEM	YEAR/MAKE/MODEL	SERIAL NUMBER
Fire	SUV	2001 Dodge Durango	1B4HS28N81F623967
Cemetery	Truck	1992 Ford 1500	IFTDFI5YINNA69424
Cemetery	Truck	1980 Chevy 350 HD	CCM334V132105
Recycling	Forklift	2007 Toyota Forklift	7FGCU30
Recycling	Truck	2001 Ford F-250	1FTNW21F51EC63916
Recycling	Truck	2001 Ford F-150	3FTZF1728YMA48650
Recycling	Truck	1995 Ford F-150	2FTDF15Y5SCA55768
Recycling	Truck	1995 Chevy Kodiak	1GBE6HIP3SJ100707
Community Dev.	Truck	2008 Ford Ranger	1FTYR14U28PA76186
Community Dev.	Truck	2008 Ford Ranger	1FTYR14U98PA76184
Community Dev.	Truck	2008 Ford Ranger	1FTYR14U08PA76185
Street	Sweeper	1997 Athey Sweeper	1A9Y14DRVRO59101
Street	Truck	1991 Red Dodge	1B7GE06Y9MS200298
Street	Truck	2000 Ford 150	1FTZF1729YKA53797
Street	Truck	2000 Ford 150	1FTZF1727YKA53796
Street	Truck	1996 Chevy 1 Ton	1GBJC34F8TE246964
Street	Digger	Badger Digger 1085D	2041
Street	Digger	Badger Digger 1085C	970112

RESOLUTION NO. R-19-_____

A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF ROGERS FOR THE YEAR 2019 TO BE COLLECTED IN 2020; AND FOR OTHER PURPOSES.

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

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

WHEREAS, the City Council has determined that it is in the best interests of the City of Rogers and its citizens to levy the rate of taxation on the real and personal property located within the said city as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of Benton County to levy said tax for the year 2019, to be collected in 2020.

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

Section 1: The property tax rate for the City of Rogers General purposes on the Real and Personal Property situated within the city and to be collected in the year 2020 shall be fixed and levied at the rate of Two and Four Tenths (2.4) mills on each dollar of assessed value of real and personal property.

Section 2: The property tax for *Library* purposes for the City of Rogers on Real and Personal Property situated within the city to be collected in the year 2020 shall be fixed and levied at the rate of Nine-Tenths (0.9) mills on each dollar of assessed value of real and personal property.

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

Section 4: The Quorum Court of Benton County is hereby authorized to levy the said tax as set forth herein for real and personal property located within the City of Rogers, for the year, 2020 at its regular meeting in November according to law.

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

Section 6: Repeal of Conflicting Resolutions - All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

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

ORDINANCE NO. _____

CITY OF ROGERS, ARKANSAS
AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM N-R TO NBT, 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 NBT than N-R 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 NBT and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned:

A part of Lot 1, Block 1, McGaughey's Second Addition to Orchard Addition, to the City of Rogers, Benton County, Arkansas, as shown on plat of record in Deed Record 41 at page 202, being more particularly described as follows: Beginning at the NE corner of Lot 1; thence South 62.50 feet; thence West 122.00 feet; thence North 62.50 feet; thence East 122.00 feet to the point of beginning.

LAYMAN'S DESCRIPTION: 1222 South 4th Street, Rogers Arkansas 72756.

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

ATTEST:

PEGGY DAVID, CLERK

APPROVED:

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO R-DP, 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 than A-1 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 and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned:

Part of the NE ¼ of the NE ¼ of section 25, Township 19 North, Range 30 West, Benton County, Arkansas, described as follows: Beginning at a point 390 feet south and 20 feet west of the NE corner of said 40 acres, running thence west 267 feet, thence south 368 feet, thence East 267 feet, Thence North 368 feet to the place of beginning.

LAYMAN'S DESCRIPTION: 3000 S. First Street, Rogers, AR 72758

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

ATTEST:

APPROVED:

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 N-R TO C-2, 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 C-2 than N-R zoning.

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

SECTION 1: That Rogers Code Section 14-675 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 C-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Parcel No.: 02-04753-000 a/k/a Lots 1-6 and Lots 11-16, Block 2, Revised Hillcrest Addition to Rogers, as recorded at Page 115, Book T, of the Benton County Real Estate Records

LAYMAN'S DESCRIPTION: 1.86 acres West of S. 8th St. and South of W. Willow St., Rogers, AR

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

SECTION 4: 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 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 A-1 TO RSF, 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 RSF than A-1 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 RSF and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned RSF:

LOT 16A DESCRIPTION (THIS PLAT):

A PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT A RAILROAD SPIKE THAT IS THE NW CORNER OF THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SAID SECTION 5, TOWNSHIP 18 NORTH, RANGE 30 WEST; THENCE S87°24'10"E 30.76 FEET; THENCE S87°24'10"E 283.53 FEET, THENCE S02°07'40"W 793.70 FEET TO A SET IRON PIN AT THE POINT OF BEGINNING; THENCE S87°51'51"E 87.36 FEET TO A FOUND IRON PIN AT THE NORTHWEST CORNER OF LOT 16 IN GRAND POINT SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 16 S02°08'09"W 80.00 FEET TO A FOUND IRON PIN AT THE SOUTHWEST CORNER OF SAID LOT 16; THENCE LEAVING SAID WEST LINE AND ALONG THE NORTH LINE OF LOT 13 IN GRAND POINTE SUBDIVISION S62°48'26"W 100.18 FEET TO A FOUND IRON PIN; THENCE LEAVING SAID NORTH LINE N02°07'40"E 129.07 FEET TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS SUBJECT TO ALL COVENANTS, EASEMENTS, RESTRICTIONS AND RIGHT OF WAYS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: .21 ACRES, MORE OR LESS LOCATED DIRECTLY BEHIND 6502 S 57TH ST ROGERS ARKANSAS.

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

ATTEST:

APPROVED:

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 R-DP TO NBT, 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 NBT than R-DP 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 NBT and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned NBT:

TRACT 2 A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, SHOWN AS TRACT 2 IN PLAT RECORD BOOK 2017 AT PAGE 102, BEING MORE PARTICULARLY DESCRIBED, TO-WIT: BEGINNING AT A FOUND P/K NAIL, SAID POINT BEING IN THE CENTER OF THE INTERSECTION OF WEST OLIVE STREET AND NORTH 5TH STREET, BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE ALONG THE EAST LINE OF SAID FORTY ACRE TRACT ALSO BEING THE CENTERLINE OF SAID NORTH 5TH STREET S02°50'37"W 132.00'; THENCE LEAVING SAID EAST LINE N86°32'08"W 99.42' TO A SET 1/2" REBAR; THENCE N02°31'41"E 132.39' TO A POINT IN THE NORTH LINE OF SAID FORTY ACRE TRACT ALSO BEING IN THE CENTERLINE OF WEST OLIVE STREET; THENCE ALONG SAID NORTH LINE S86°19'11"E 100.16' TO THE POINT OF BEGINNING. CONTAINING IN ALL 0.30 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LAYMAN'S DESCRIPTION: 0.24 acres, more or less, on the SW corner of Olive and 5th street at 742 N. 5th Street.

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

ATTEST:

APPROVED:

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 **RMF-12B** TO **NBT**, 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, the City Council has found that certain lands hereinafter described are better suited for **NBT** than **RMF-12B** 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 **NBT** and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned **NBT**:

LEGAL DESCRIPTION: The South ½ of Lot 7, Lots 8, 11, and 12, and the North ½ of Lot 9 in Block 2 of Brown's Revised Addition to the City of Rogers, Benton County, Arkansas; and a part of the vacated alley more particularly described as follows: Beginning at the Northwest Corner of said Lot 11, running thence West 10.0 feet; thence South 110.0 feet; thence East 130.5 feet; then North 10.0 feet to the South line of said Lot 12, thence West along said line 120.5 feet to the Southwest Corner thereof; thence North along the West line of said Lot 12 and Lot 11, 100.0 feet to the Point of Beginning; and a part of a vacated alley more particularly described as follows: Beginning at the Southeast Corner of said Lot 12 and running thence South 10.0 feet; thence West 120.5 feet; thence North 10.0 feet to the South line of said Lot 12; thence East along said line 120.5 feet to the Point of Beginning. And, Lot 10 at the South Half (S1/2) of Lot 9 in Block 2 of Brown's Revised Addition to the city of Rogers, in Benton County, Arkansas, as recorded in Plat Record Book "A" at Page 38 in the Office of the Circuit Clerk; also included in this legal description the East 10.00 feet of 20.00 foot in width vacated North 7th Street bordering said described Lots 9 and 10 on the West boundary, containing in all 1.63 acres, more or less, subject to the City of Rogers Drainage Easement along the concrete drainage swale that runs southwesterly through the North side of said Lot 7 and a 40 foot wide drainage easement located in the Northeast corner of said Lot 7.

LAYMAN'S DESCRIPTION: The property at 624 N. 6th Street in Rogers, AR and the properties with addresses of 612, 614, 616, 618, 620 and 622 N. 6th Street, Rogers AR. These properties are adjacent to each other.

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