



## **BENTONVILLE CITY COUNCIL AGENDA**

**Committee of the Whole  
Community Development  
Planning Commission Meeting Room**

**Tuesday, January 14, 2014 6:00 p.m.  
305 SW "A" Street**

**Regular City Council Meeting  
Community Development  
Planning Commission Meeting Room**

**Tuesday, January 14, 2014 6:00 p.m.  
305 SW "A" Street**

**Pledge of Allegiance  
Moment of Silence – For our Military Forces  
Roll Call  
Approval of Minutes: December 10, 2013  
Swear in Police Officers – Ryan Suedel, Randy Wood**

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### **AGENDA**

1. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Todd Butler/Mitchell & Spencer Properties, LLC)  
**(Pages 4-9)**
2. An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (New Home Church)  
**(Pages 10-14)**
3. Planning:
  - 3a. **Matthew K. and Stacie K. Pabst: Rezoning, 4229 Southwest Bright Road, Zoned A-1, Agricultural.**  
**(Pages 17-22)**  
**The planning commission voted 7-0 recommending approval.**  
  
The applicants have requested a rezoning from A-1, Agricultural to R-1, Single Family Residential in order to build a single family dwelling.
  - 3b. **Lamplighter Restorations: Rezoning, 214 Southwest 'D' Street, Zoned R-1.**  
**(Pages 23-28)**  
**The planning commission voted 7-0 recommending approval.**  
  
The applicants have requested a rezoning from R-1, Single Family Residential to R-C2 Central Residential-Moderate Density. The owners are requesting a zone

change to R-C2 to accommodate the plan to renovate the existing home, and build a new single family residential on the lot to the north.

- 3c. **Lamplighter Restorations: Rezoning, 219 Northwest 'A' Street, Zoned R-1.**

(Pages 29-34)

**The planning commission voted 7-0 recommending approval.**

The applicants have requested a rezoning from R-1, Single Family Residential to DE, Downtown Edge to accommodate a condominium with three units.

- 3d. **Cross Mar Investments and Glass Investments: Land Use Map Amendment, Southwest Corner of Southwest Regional Boulevard and Southwest Rainbow Farms Road.**

(Pages 35-41)

**The planning commission voted 7-0 recommending approval.**

The applicant has requested a land use map designation from Commercial and Agricultural to Industrial. The change would allow for warehouse and global distribution center for Northwest Arkansas.

- 3e. **Lots 50-55 Cornerstone Ridge Phase 4 Final Plat Southwest Regional Airport Boulevard and Southwest Rainbow Farms Road.**

(Pages 42-45)

**The planning Commission voted 6-0 recommending approval.**

The applicant has submitted a Final Plat application to approve a 5 lot single family subdivision within a 2 acre parcel. The property exists within a developing residential area within Cornerstone Ridge Subdivision. . Lots within this development range from 0.23 acres to 0.45 acres. A public alley will be dedicated to allow access at the rear of the lots from Southwest Greystone Street.

- 3f. **Louise Bishop Revocable Trust C-2 General Commercial to I-1, Light Industrial, Rezoning Southeast J Street and north of Southeast 28<sup>th</sup> Street.**

(Pages 46-51)

**The planning Commission voted 6-0 recommending approval.**

The supply of viable industrial land has diminished within the city's core. This property will add to the industrial designation in an area where public utilities are adequate and transportation infrastructure will support large vehicle traffic.

4. Public hearing and ordinance vacating an alley vacation within Bentonville Original, to the City of Bentonville, Arkansas, Benton County, Arkansas.

(Pages 52-55)

5. Public hearing and ordinance vacating a utility easement located in Bentonville Original, to the City of Bentonville, Arkansas, Benton County, Arkansas.

(Pages 56-59)

6. Public hearing and ordinance vacating a utility easement located in Harbin Point Addition, Phase II, to the City of Bentonville, Arkansas, Benton County, Arkansas.

(Pages 60-63)

7. A resolution setting a public hearing for January 28, 2014 for a utility easement vacation request by Englander NWA Metro LLC. **(Pages 64-67)**
8. City Council approval of "Change Order #1" for Downtown Bentonville Improvements. The change order requests an additional \$57,082.73 to the contract along with 11 additional days. With the approval of "Change Order #1" the new contract amount will become \$286,970.73 and will change the contract time to 101 days to substantial completion. **(Pages 68-71)**
9. **Tabled from 12/10/2013 City Council Meeting:** City Council approval of an ordinance authorizing the Mayor and City Clerk to enter into an agreement with Ashby Street Outdoor to approve a permit for a third digital sign (S. Walton Boulevard and Highway 102) and an additional non-digital sign (on County Parcel #01-16687-000 on South Walton Boulevard) in exchange for the removal of an existing double-decker billboard sign (South Walton Boulevard and Southwest 24<sup>th</sup> Street). **(Pages 72-77)**
10. Staff recommends Council award bid to Gastony Directional Boring, Inc. to provide all directional and on-grade boring services to the City of Bentonville for the 2014 calendar year. Price breakdown is attached. **(Pages 78-91)**
11. Request for a waiver of bid to permit the 2014 budgeted purchase (SUV 4x4) of a 2014 Chevy Tahoe SSV to be assigned to the Criminal Investigation Division. This vehicle will replace a 2006 Chevy Impala that has been transferred to our Legal Department. The purchase price of this vehicle would be the same amount (base price and options) as the 2013 Arkansas State Bid (\$28,555 base price, \$30,405.75 as optioned). Nunnally Chevrolet of Bentonville previously had the 2013 State Bid Award (item # 77, expired 10-17-13) for this vehicle, however due to production and pricing availability, there is not yet a 2014 State Bid Award for the Chevy Tahoe, which will be redesigned and available as a 2015 model. Nunnally Chevrolet has a 2014 Chevy Tahoe in stock that meets our specifications and this vehicle is available for immediate delivery at the aforementioned 2013 State Bid price, reflecting a considerable savings to the City. **(Pages 92-94)**
12. Approval of a budget adjustment for \$5,000.00 to the Bentonville Public Library from a private donation to the Bentonville Library Foundation. The funds are designated to support the library's Large Print collection. **(Pages 95-96)**



| CHECK ALL THAT APPLY |                   |
|----------------------|-------------------|
|                      | Bid Award         |
|                      | Budget Adjustment |
|                      | Change Order      |
|                      | Informational     |
| X                    | Ordinance         |
|                      | Resolution        |
|                      | Other             |

**AGENDA FORM**

CITY COUNCIL MEETING OF: **January 14, 2014**

Submitted by: **Camille Thompson**

Department: **Staff Attorney**

Phone: **271-5914**

**ACTION REQUIRED:**

**ACTION REQUIRED:** An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Todd Butler/Mitchell & Spencer Properties, LLC)

**COST TO CITY:**

Cost of this Request: **\$0**

|                            |      |
|----------------------------|------|
| Previously Budgeted        | \$ - |
| Funds Expended to Date     | -    |
| Remaining Budget           | -    |
| Budget Adjustment          | -    |
| Remaining After Adjustment | \$ - |

Department Head \_\_\_\_\_ Date \_\_\_\_\_

*CT* \_\_\_\_\_ **1/9/14**  
Staff Attorney Date

Purchasing Agent \_\_\_\_\_ Date \_\_\_\_\_

*Pam* \_\_\_\_\_ **1/10/14**  
Mayor Date

*DL* \_\_\_\_\_ **1-9-14**  
Finance Director Date

*This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.*

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712  
\*www.bentonvillear.com\*



PLEASE RECYCLE



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF BENTONVILLE, AND ASSIGNING SAME TO WARDS.**

**WHEREAS**, petition was filed with the County Clerk of Benton County, Arkansas by **Todd Butler/Mitchell & Spencer Properties, LLC**, owner(s) of the hereinafter described territory, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

**WHEREAS**, on the **22<sup>nd</sup>** day of **November**, 2013, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

**WHEREAS**, the time fixed by law for appealing from said order of annexation made by the County Court has expired and no appeal has been taken from said order.

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

**Section 1.** That the lands described on the attached Exhibit A is territory contiguous to and adjoining the City of Bentonville, Arkansas be and the same is hereby accepted as part of and annexed to and made a part of the City of Bentonville.

**Section 2.** That the above described territory shall be annexed to and made a part of Ward 2 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward.

**Section 3.** That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**APPROVED:\_\_\_\_\_**

**Mayor**

**ATTEST:\_\_\_\_\_**

**Clerk**

EXHIBIT 'A'  
BUTLER ANNEXATION

Part of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12, Township 20 N, Range 31 W, Benton County, Arkansas and more particularly described as follows:

Beginning at the NW Corner of said SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ;  
Thence S  $87^{\circ} 24' 27''$  E, 1310.39';  
Thence S  $87^{\circ} 32' 40''$  E, 1087.51';  
Thence S  $18^{\circ} 36''$  W, 34.70';  
Thence S  $27^{\circ} 5' 41''$  W, 153.16';  
Thence S  $36^{\circ} 10' 46''$  W, 49.50';  
Thence S  $53^{\circ} 49' 14''$  E, 29.07';  
Thence S  $35^{\circ} 49' 18''$  W, 716.26';  
Thence S  $26^{\circ} 8' 30''$  W, 59.27';  
Thence N  $59^{\circ} 21' 20''$  W, 117.64';  
Thence S  $63^{\circ} 9' 56''$  W, 270.95';  
Thence N  $54^{\circ} 28' 34''$  W, 196.58';  
Thence N  $70^{\circ} 50' 49''$  W, 316.17';  
Thence N  $77^{\circ} 46' 48''$  W, 289.01';  
Thence S  $89^{\circ} 19' 57''$  W, 183.78';  
Thence S  $80^{\circ} 1' 57''$  W, 644.96';  
Thence N  $2^{\circ} 35' 34''$  E, 864.18' to the point of beginning.

AND

Part of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  all in Section 12, Township 20 N, Range 31 W, Benton County, Arkansas and more particularly described as follows:

Beginning at the SE Corner of said SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ;  
Thence N  $87^{\circ} 4' 39''$  W, 1314.50';  
Thence N  $2^{\circ} 35' 34''$  E, 128.80';  
Thence N  $77^{\circ} 57' 1''$  E, 418.34';  
Thence S  $78^{\circ} 44' 45''$  E, 1294.23';  
Thence S  $63^{\circ} 17' 22''$  E, 85.85';  
Thence S  $12^{\circ} 41' 57''$  W, 11.76';  
Thence N  $87^{\circ} 28' 40''$  W, 446.03' to the point of beginning;

AND

Part of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  all in Section 12, Township 20 N, Range 31 W, Benton County, Arkansas and more particularly described as follows:

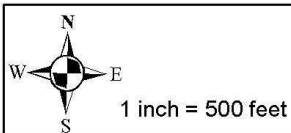
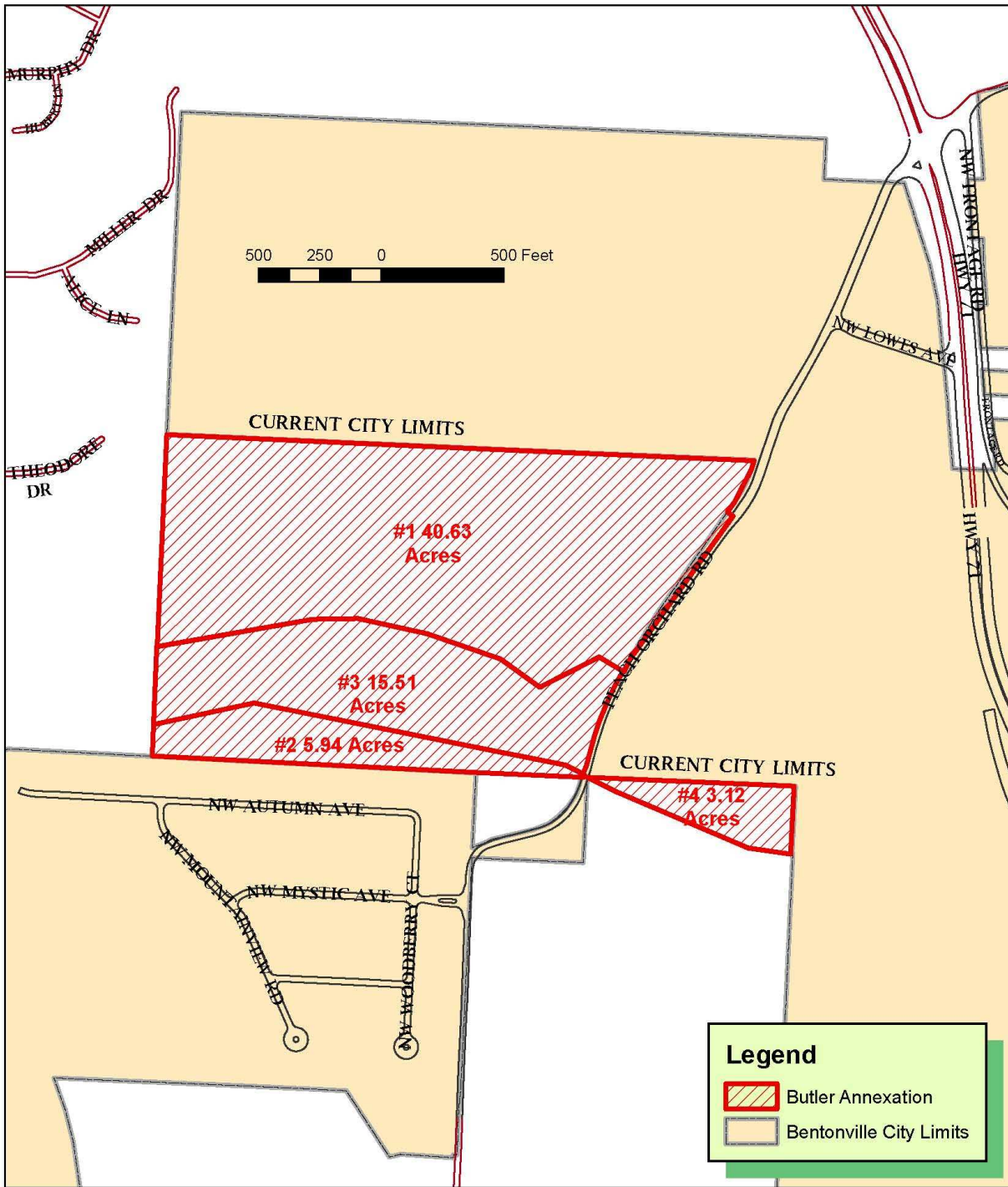
Starting at the SE Corner of said SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ;  
Thence N  $2^{\circ} 21' 33''$  E, 103.60' to the true point of beginning;

Thence N 78° 44' 45" W, 919.79';  
Thence S 77° 57' 1" W, 418.84';  
Thence N 2° 20' 16" E, 317.42';  
Thence N 80° 1' 57" E, 646.90';  
Thence N 89° 19' 57" E, 183.78';  
Thence S 77° 46' 48" E, 289.01';  
Thence S 70° 50' 49" E, 316.17';  
Thence S 54° 28' 34" E, 196.58';  
Thence N 63° 9' 56" E, 270.95';  
Thence S 59° 21' 20" E, 113.39';  
Thence S 32° 47' 45" W, 4.22';  
Thence S 29° 8' 54" W, 59.48';  
Thence S 25° 43' 42" W, 56.69';  
Thence S 23° 28' 5" W, 54.44';  
Thence S 21° 19' 23" W, 55.51';  
Thence S 18° 10' 31" W, 58.48';  
Thence S 15° 42' 53" W, 60.30';  
Thence S 14° 32' 9" W, 65.73';  
Thence S 23° 40' 3" W, 35.69';  
Thence N 63° 17' 22" W, 80.85';  
Thence N 78° 44' 45" W, 374.44' to the point of beginning.

**AND**

Part of the NW ¼ of the NE ¼ of Section 13, Township 20 N, Range 31 W, Benton County, Arkansas and more particularly described as follows:

Starting at the NW Corner of said NW ¼ of the NE ¼;  
Thence S 87° 30' 52" E, 473.23' to the true point of beginning;  
Thence S 87° 30' 52" E, 842.77';  
Thence S 2° 46' 34" W, 277.36';  
Thence N 81° 43' 2" W, 174.56';  
Thence N 66° 57' 34" W, 579.87';  
Thence N 63° 17' 22" W, 136.79' to the point of beginning.



65.12 ACRES TOTAL  
COUNTY COURT #  
CITY COUNCIL #  
NO ADDRESSES INVOLVED





| CHECK ALL THAT APPLY |                   |       |  |
|----------------------|-------------------|-------|--|
|                      | Bid Award         | Bid # |  |
|                      | Budget Adjustment |       |  |
|                      | Change Order      |       |  |
|                      | Informational     |       |  |
| X                    | Ordinance         |       |  |
|                      | Resolution        |       |  |
|                      | Other             |       |  |

## AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Camille Thompson

Department

Staff Attorney

Phone

271-5914

### ACTION REQUIRED:

ACTION REQUIRED: An ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (New Home Church).

### COST TO CITY:

Cost of this Request: \$0

|                            |      |
|----------------------------|------|
| Previously Budgeted        | \$ - |
| Funds Expended to Date     | -    |
| Remaining Budget           | -    |
| Budget Adjustment          | -    |
| Remaining After Adjustment | \$ - |

Department Head

Date

CT  
Staff Attorney

1/9/14  
Date

Purchasing Agent

Date

Tom  
Mayor

1/10/14  
Date

TD  
Finance Director

1-9-14  
Date

*This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.*

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PLEASE RECYCLE



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**WHEREAS**, petition was filed with the County Clerk of Benton County, Arkansas by **New Home Church**, owner(s) of the hereinafter described territory, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

**WHEREAS**, on the **22nd** day of **November, 2013**, the County Court of Benton County, Arkansas, found that the petition was signed by the owners of said territory; that said territory was contiguous and adjoining the present corporate limits of the City of Bentonville, Arkansas; that an accurate plat or map of said territory had been filed with, and made a part of said petition; that proper notice had been given for the time and in the manner prescribed by law, and that all things pertaining thereto had been done in the manner prescribed by law, and that said lands and territory should be annexed to and a part of the City of Bentonville, Arkansas, subject to the acceptance of same by the City Council of said City at the proper time, as provided by law; and

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**Section 3.** That the above described territory shall be zoned A-1, to be used in accordance with City zoning laws and the laws of the State of Arkansas.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**APPROVED: \_\_\_\_\_**

**Mayor**

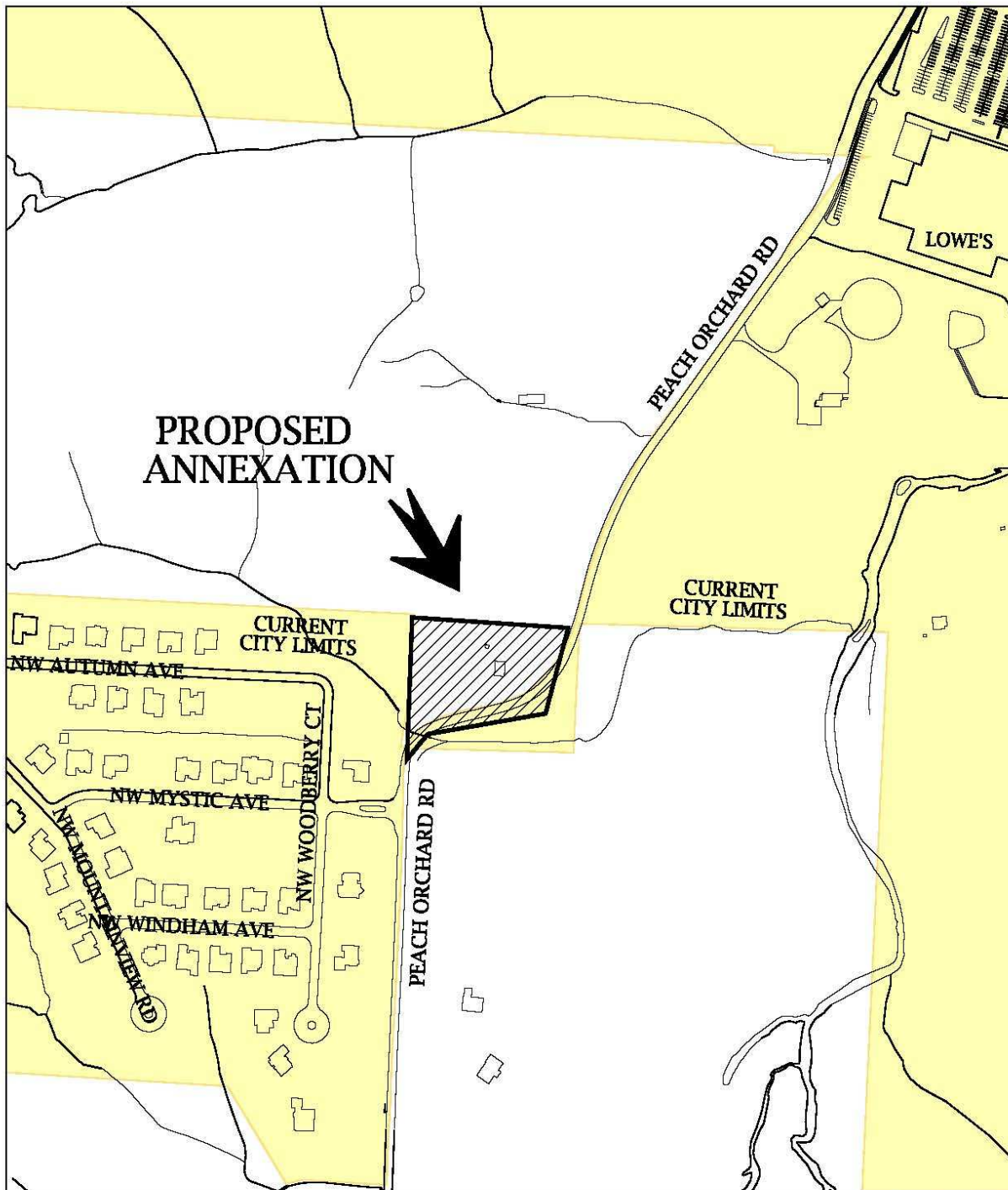
**ATTEST: \_\_\_\_\_**

**Clerk**

EXHIBIT 'A'  
NEW HOME CHURCH

Part of the NW 1/4 of the NE 1/4 of Section 13, Township 20N, Range 31  
West, Benton County, Arkansas, and more particularly described as follows:

Beginning at the NW Corner of the NW ¼ of the NE ¼ of said Section 13;  
Thence S 0° 15' E, 391.00';  
Thence N 37° 18' E, 90';  
Thence N 77° 43' E, 330';  
Thence N 12° 23' E, 243.98';  
Thence N 88° 33' 8" W, 431.15' to the point of beginning.



**ANNEXATION-NEW HOME CHURCH**  
**2.66 ACRES TOTAL**

County Court  
City Council

ONE ADDRESS INVOLVED-12767 PEACH ORCHARD RD (NEW HOME CHURCH)



**City Council  
Planning Agenda  
December 23 & January 14, 2014**

**Matthew K. and Stacie K. Pabst: Rezoning, 4229 Southwest Bright Road, Zoned A-1, Agricultural.**

**The planning commission voted 7-0 recommending approval.**

The applicants have requested a rezoning from A-1, Agricultural to R-1, Single Family Residential in order to build a single family dwelling.

**Lamplighter Restorations: Rezoning, 214 Southwest 'D' Street, Zoned R-1.**

**The planning commission voted 7-0 recommending approval.**

The applicants have requested a rezoning from R-1, Single Family Residential to R-C2 Central Residential-Moderate Density. The owners are requesting a zone change to R-C2 to accommodate the plan to renovate the existing home, and build a new single family residential on the lot to the north.

**Lamplighter Restorations: Rezoning, 219 Northwest 'A' Street, Zoned R-1.**

**The planning commission voted 7-0 recommending approval.**

The applicants have requested a rezoning from R-1, Single Family Residential to DE, Downtown Edge to accommodate a condominium with three units.

**Cross Mar Investments and Glass Investments: Land Use Map Amendment, Southwest Corner of Southwest Regional Boulevard and Southwest Rainbow Farms Road.**

**The planning commission voted 7-0 recommending approval.**

The applicant has requested a land use map designation from Commercial and Agricultural to Industrial. The change would allow for warehouse and global distribution center for Northwest Arkansas.

---

**Lots 50-55 Cornerstone Ridge Phase 4 Final Plat Southwest Regional  
Airport Boulevard and Southwest Rainbow Farms Road**

**The planning Commission voted 6-0 recommending approval.**

The applicant has submitted a Final Plat application to approve a 5 lot single family subdivision within a 2 acre parcel. The property exists within a developing residential area within Cornerstone Ridge Subdivision. . Lots within this development range from 0.23 acres to 0.45 acres. A public alley will be dedicated to allow access at the rear of the lots from Southwest Greystone Street.

**Louise Bishop Revocable Trust C-2 General Commercial to I-1, Light  
Industrial, Rezoning Southeast J Street and north of Southeast 28<sup>th</sup>  
Street**

**The planning Commission voted 6-0 recommending approval.**

The supply of viable industrial land has diminished within the city's core. This property will add to the industrial designation in an area where public utilities are adequate and transportation infrastructure will support large vehicle traffic.

**REZONING: Pabst, A-1, Agricultural to R-1, Single Family Residential**

TO: City of Bentonville, Arkansas Planning Commission  
FROM: Jon Stanley, Planner  
THRU: Troy Galloway, AICP, Community Development Director  
DATE: December 17, 2013 and December 3, 2013 (original)

**GENERAL INFORMATION**

**H.T.E. Project Number:** 13-09000028

**Applicant/Current Owner:** Matthew K. and Stacie K., Pabst

**Representative:** Blew and Associates, P.A.

**Requested Action:** Rezoning

**Location:** 4229 Southwest Bright Road

**Existing Zoning:** A-1, Agricultural

**Proposed Zoning:** R-1, Single Family Residential

**Future Land Use Map Designation:** Low Density Residential

**BACKGROUND / HISTORY**

**Property Description/Site Inspection:** A site inspection was completed; this property consists of a single family dwelling within a residential subdivision.

**Previous Rezoning Requests for this Property:** There are no known rezoning's at this location.

**Surrounding Land Uses & Zonings:**

| Direction | Current Land Use        | Existing Zoning                                      | Future Land Use Map Designation |
|-----------|-------------------------|------------------------------------------------------|---------------------------------|
| North     | Single Family Residence | A-1, Agricultural                                    | Low Density Residential         |
| South     | Single Family Residence | A-1, Agricultural and R-1, Single Family Residential | Low Density Residential         |
| East      | Single Family Residence | Single Family Residential                            | Low Density Residential         |
| West      | Single Family Residence | Single Family Residential                            | Low Density Residential         |

**Surrounding Streets & Classifications:**

| Direction | Name                  | Master Street Plan Classification | Current Condition |
|-----------|-----------------------|-----------------------------------|-------------------|
| North     | -                     | -                                 | -                 |
| South     | -                     | -                                 | -                 |
| East      | Southwest Cherry Road | Local                             | 2 lane asphalt    |
| West      | Southwest Bright Road | Collector                         | 2 lane asphalt    |

**LEGAL NOTIFICATIONS**

**Public Notice:** The property owner and/or representative did not mail certified public notices to property owners within a 200 foot radius of the subject site. However, staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on November 8, 2013. In addition, staff posted a notice of public hearing sign on the property on November 12, 2013. This **DOES** meet legal notification requirements due to the applicant failing to notify all property owners within 200 feet of said parcel.

**RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding(s) of Staff:** An important element of the General Plan is to have consistency amongst zoning within residential areas. The property is currently surrounded by low density housing and single family residential subdivisions. The R-1 zoning designation will harmonize with surrounding properties.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

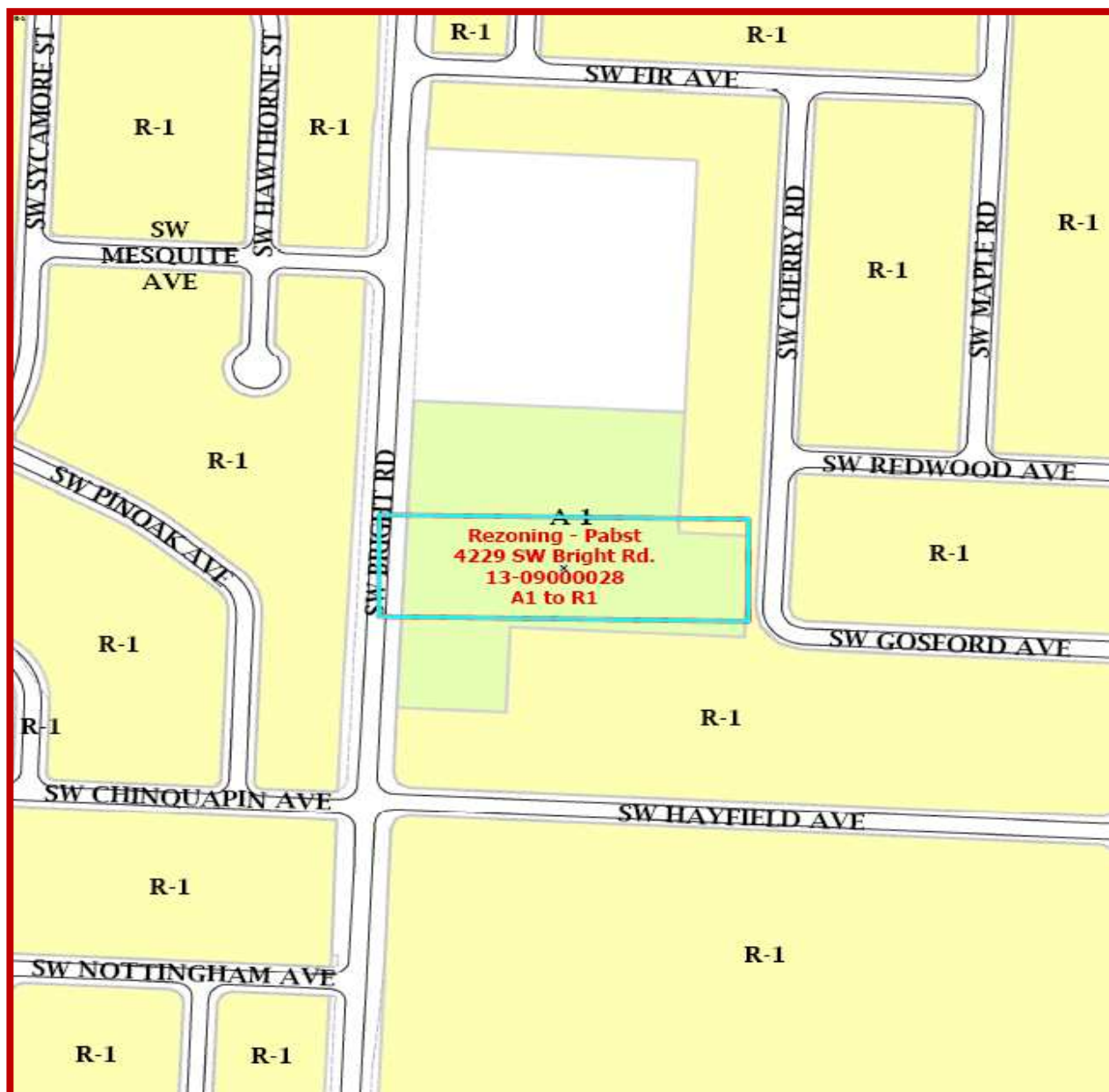
**Finding(s) of Staff:** The proposed development will not create an increase to traffic danger in the area. Plans have been approved that include signalization of the Southwest Bright Road and Southwest Regional Airport Boulevard intersection.

- 
3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

**Finding(s) of Staff: The proposed zoning will not adversely impact the public infrastructure.  
Emergency services are adequate at this location.**

**STAFF RECOMMENDATION**

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this rezoning from A-1, Agricultural to R-1 Single Family Residential.



305 S.W. A Street  
Bentonville, AR 72712

October 28, 2013

To Whom It May Concern:

This letter is written according to the "Rezoning Request Application & Checklist" to signal our desire to rezone 4229 SW Bright Road, Bentonville, AR 72712.

Zoning:

- Current: A1
- Proposed: R1
- Matthew & Stacie Pabst are the current owners and no sale of the land is planned.

Purpose for rezoning request:

- It is our understanding that we must rezone to R1 in order to build a home (or any other structure) because the lot is under the five acre minimum for A1 zoning.

Statement of how the property will relate to surrounding properties:

- Surrounding properties are all single family dwellings.

Use:

- To build a single family dwelling.

Traffic:

- Consistent with a single family dwelling.

Signage:

- None.

Appearance:

- Consistent with surrounding properties.

Availability of water and sewer:

- Water: line runs North-South on the West side of SW Cherry Road and must be accessed via tap. Water line is 12 inches, per Bentonville GIS.
- Sewer: line runs North-South on the East side of SW Cherry Road and must be accessed via road cut and tap. Sewer line is 8 inches.

Sincerely,

Matt & Stacie Pabst  
479-531-3905  
matt.pabst@gmail.com

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO R-1, SINGLE FAMILY RESIDENTIAL.**

**WHEREAS**, Matthew K. and Stacie K. Pabst, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification to R-1 property to be used in accordance with city zoning laws and state laws; which property is described as follows:

SURVEY DESCRIPTION OF PREVIOUS PARCEL #01-07951-005

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°14'11"E 40.00' FROM THE NORTHWEST CORNER OF SAID TWENTY ACRE TRACT, SAID POINT BEING A SET IRON PIN ON THE EAST RIGHT-OF-WAY OF SOUTHWEST BRIGHT ROAD AND RUNNING THENCE S87°14'11"E 510.44' TO A FOUND PIPE, THENCE S02°49'42"W 179.62' TO A 6" METAL POST, THENCE N87°09'09"W 509.77' TO A SET IRON PIN ON THE EAST RIGHT-OF-WAY OF SOUTHWEST BRIGHT ROAD, THENCE ALONG SAID RIGHT-OF-WAY N02°36'50"E 178.88' TO THE POINT OF BEGINNING. CONTAINING 2.10 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

**WHEREAS**, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 17th day of December 2013 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

**WHEREAS**, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification to R-1 property;

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

**Section 1:** That the above described real property is hereby changed from its present classification to R-1 property to be used in accordance with the City zoning laws of the State of Arkansas.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**ATTEST**

**APPROVED**

\_\_\_\_\_  
**CLERK**

\_\_\_\_\_  
**MAYOR**

**REZONING: Lamplighter Restorations (214 Southwest 'D' Street) R-1, Single Family Residential to R-C2 Central Residential – Moderate Density**

---

TO: City of Bentonville, Arkansas Planning Commission  
FROM: Jon Stanley, Planner  
THRU: Troy Galloway, AICP, Community Development Director  
DATE: December 17, 2013

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**GENERAL INFORMATION**

**H.T.E. Project Number:** 13-09000029

**Applicant/Current Owner:** Lamplighter Restorations

**Representative:** Todd Renfrow

**Requested Action:** Rezoning

**Location:** 214 Southwest 'D' Street

**Existing Zoning:** R-1, Single Family Residential

**Proposed Zoning:** R-C2, Central Residential – Moderate Density

**Future Land Use Map Designation:** Downtown Mixed Use

**BACKGROUND / HISTORY**

**Property Description/Site Inspection:** A site inspection was completed; this property consists of a single family dwelling within a residential subdivision.

**Previous Rezoning Requests for this Property:** There are no known rezoning's at this location.

**Surrounding Land Uses & Zonings:**

| Direction | Current Land Use        | Existing Zoning               | Future Land Use Map Designation |
|-----------|-------------------------|-------------------------------|---------------------------------|
| North     | Single Family Residence | R-1,Single Residential Family | Downtown Mixed Use              |
| South     | Single Family Residence | R-1,Single Residential Family | Downtown Mixed Use              |

|      |                         |                               |                    |
|------|-------------------------|-------------------------------|--------------------|
| East | Single Family Residence | R-1,Single Family Residential | Downtown Mixed Use |
| West | Single Family Residence | R-1,Single Family Residential | Downtown Mixed Use |

**Surrounding Streets & Classifications:**

| Direction | Name                 | Master Street Plan Classification | Current Condition |
|-----------|----------------------|-----------------------------------|-------------------|
| North     | -                    | -                                 | -                 |
| South     | -                    | -                                 | -                 |
| East      | Southwest 'D' Street | Local                             | 2 lane asphalt    |
| West      | -                    | -                                 | -                 |

**LEGAL NOTIFICATIONS**

**Public Notice:** The property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site on December 2, 2013 and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on November 21, 2013. In addition, staff posted a notice of public hearing sign on the property on December 2, 2013. This **DOES** meet legal notification requirements due to the applicant failing to notify all property owners within 200 feet of said parcel.

**RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding(s) of Staff:** According to Policy LU-16 Infill Development of the General Plan "The City shall encourage the development of mixed-use and residential projects with in the downtown area to increase the community's housing stock and to enhance the vitality of downtown businesses. Policy LU-23 Housing Types states "the City should encourage the development of a mix of housing types to the meet the needs of residents..."

The proposed rezoning will meet the intent of both policies therefore the request is consistent with good land use planning and the general plan.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

**Finding(s) of Staff: The proposed development will not create an increase to traffic danger in the area.**

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

**Finding(s) of Staff: The proposed zoning will not adversely impact the public infrastructure. Emergency services are adequate at this location.**

#### **STAFF RECOMMENDATION**

The RC-2 zoning district will increase density to the downtown while providing consistent housing types with adjoining property. The additional density will further increase the validity of downtown businesses without adversely impacting city infrastructure. Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this rezoning from R-1 Single Family Residential to RC-2, Moderate Density Residential.

**Diane Shastid**

---

**From:** Todd M. Renfrow <toddrenfrow@yahoo.com>  
**Sent:** Tuesday, November 12, 2013 11:52 AM  
**To:** Diane Shastid  
**Subject:** 214 SW D street narrative

The property located at 214 SW D Street is currently zoned R-1, and is owned by Lamplighter Restorations, LLC. This property was recently purchased from Susan Duvall. The owners are requesting a zone change to R-C2 to accommodate the plan to renovate the existing home, and build a new SFR on the lot to the north. This property has two distinctly numbered lots in the parcel. The existing home is on/ slightly over the property line and we are requesting the zone change to allow the lot width to be 45' by 145'.

We believe this is in keeping with the city of Bentonville's master plan for downtown residential infill. The subject property is an older home built at the turn of the century. The proposed new home would be built to blend in with the existing neighborhood.

The property would be for single family residence only.

Traffic increase would be negligible.

No signage is proposed.

Water is currently serving the property and is serviced by a 6" water line as confirmed by the city of Bentonville GIS website. Sewer is currently servicing the property and is readily available directly to the Easton the property.

Thank you for your consideration.

Sent from my iPad



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO R-C2 CENTRAL RESIDENTIAL-MODERATE DENSITY.**

**WHEREAS**, Lamplighter Restorations, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification to R-C2 Central Residential-Moderate Density property to be used in accordance with city zoning laws and state laws; which property is described as follows:

Lots 5 and 8, Block 4, Clark's 2<sup>nd</sup> Addition, to the City of Bentonville, Benton County, Arkansas, as shown in Deed Record 'Q' at page 502.

**WHEREAS**, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 17th day of December 2013 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

**WHEREAS**, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification to R-C2 Central Residential-Moderate Density property;

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

**Section 1:** That the above described real property is hereby changed from its present classification to R-C2 Central Residential-Moderate Density property to be used in accordance with the City zoning laws of the State of Arkansas.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**ATTEST**

**APPROVED**

\_\_\_\_\_  
**CLERK**

\_\_\_\_\_  
**MAYOR**

**REZONING: Lamplighter Restorations (219 Northwest 'A' Street) R-1, Single Family Residential to DE, Downtown Edge**

---

TO: City of Bentonville, Arkansas Planning Commission  
FROM: Jon Stanley, Planner  
THRU: Troy Galloway, AICP, Community Development Director  
DATE: December 17, 2013

---

**GENERAL INFORMATION**

**H.T.E. Project Number:** 13-09000030

**Applicant/Current Owner:** Lamplighter Restorations

**Representative:** Todd Renfrow

**Requested Action:** Rezoning

**Location:** 219 Northwest 'A' Street

**Existing Zoning:** R-1, Single Family Residential

**Proposed Zoning:** DE, Downtown Edge

**Future Land Use Map Designation:** Mixed Use

**BACKGROUND / HISTORY**

**Property Description/Site Inspection:** A site inspection was completed; this property consists of a vacant single family dwelling in a Mixed Use Area.

**Previous Rezoning Requests for this Property:** There are no known rezoning's at this location.

**Surrounding Land Uses & Zonings:**

| Direction | Current Land Use        | Existing Zoning                | Future Land Use Map Designation |
|-----------|-------------------------|--------------------------------|---------------------------------|
| North     | Single Family Residence | R-1, Single Family Residential | Low Density Residential         |
| South     | Single Family Residence | R-1, Single Family Residential | Mixed Use                       |
| East      | Church                  | DC, Downtown Core              | Mixed Use                       |

|      |                         |                         |        |                    |
|------|-------------------------|-------------------------|--------|--------------------|
| West | Single Family Residence | R-1, Single Residential | Family | Downtown Mixed Use |
|------|-------------------------|-------------------------|--------|--------------------|

**Surrounding Streets & Classifications:**

| Direction | Name                             | Master Street Plan Classification | Current Condition |
|-----------|----------------------------------|-----------------------------------|-------------------|
| North     | Northwest 3 <sup>rd</sup> Street | Local                             | 2 lane asphalt    |
| South     | -                                | -                                 | -                 |
| East      | Northwest 'A' Street             | Collector                         | 2 lane asphalt    |
| West      | -                                | -                                 | -                 |

**LEGAL NOTIFICATIONS**

**Public Notice:** The property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site on December 2, 2013 and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on November 15, 2013. In addition, staff posted a notice of public hearing sign on the property on December 2, 2013. This **DOES** meet legal notification requirements due to the applicant failing to notify all property owners within 200 feet of said parcel.

**RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding(s) of Staff:** According to Policy LU-16 Infill Development of the General Plan "The City shall encourage the development of mixed-use and residential projects with in the downtown area to increase the community's housing stock and to enhance the vitality of downtown businesses. Policy LU-23 Housing Types states "the City should encourage the development of a mix of housing types to the meet the needs of residents...".

The proposed rezoning will meet the intent of both policies therefore the request is consistent with good land use planning and the general plan.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

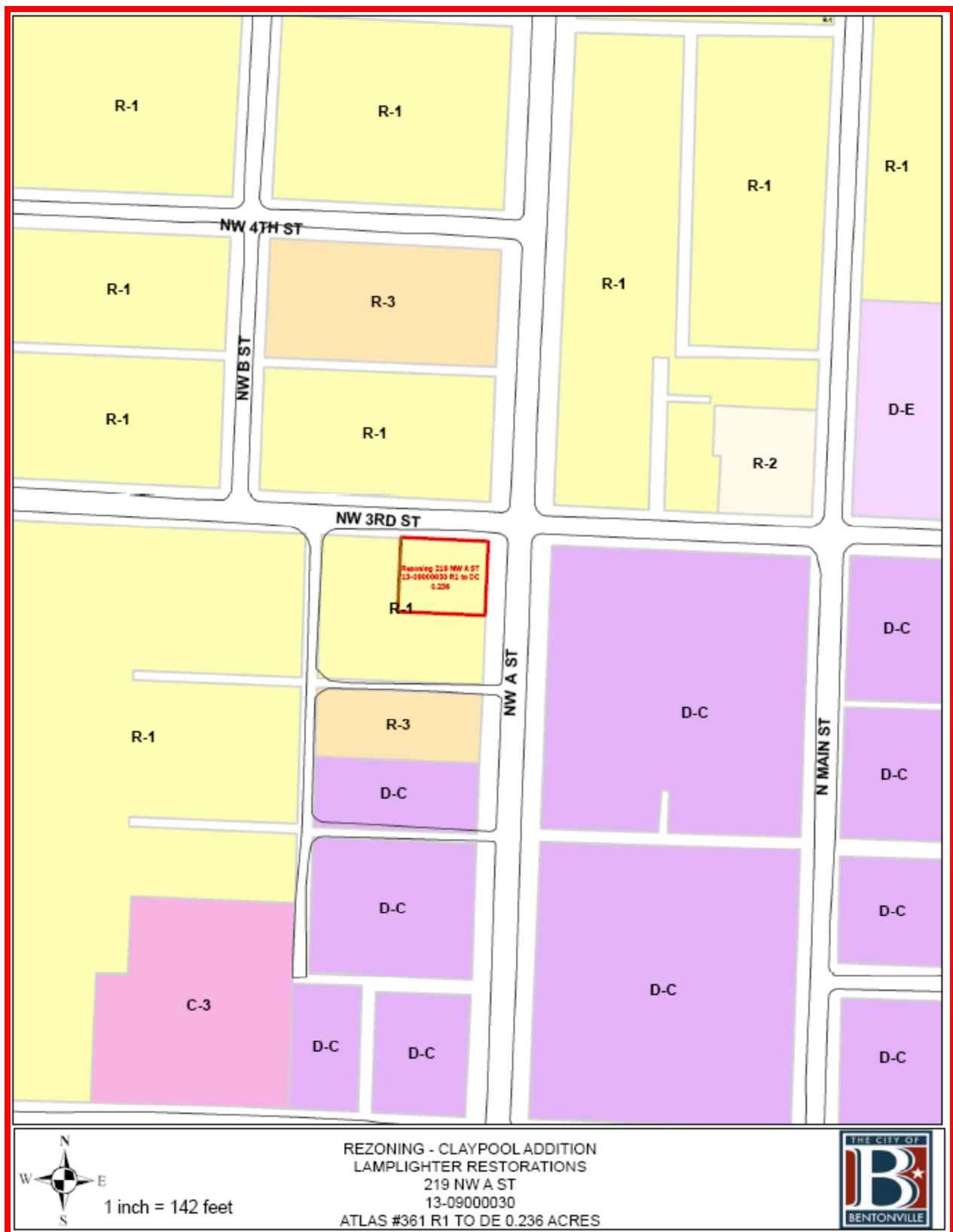
**Finding(s) of Staff: The proposed development will not create an increase to traffic danger in the area.**

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

**Finding(s) of Staff: The proposed zoning will not adversely impact the public infrastructure. Emergency services are adequate at this location.**

#### **STAFF RECOMMENDATION**

The Downtown Edge zoning classification allows for commercial and residential mixed use developments. The proposed zoning will add density to downtown therefore helping retain current commercial uses in the downtown area. Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this rezoning from R-1 Single Family Residential to Downtown Edge.



The property located at 219 NW A Street is currently zoned R-1, and is owned by Lamplighter Restorations, LLC. The owners are requesting a zone change to DE to accommodate a condominium building with three units.

Our intention is for each unit to be sold. our intention is for there to be a HOA that maintains the premises.

Our belief is that the subject property would acclimate perfectly with the surrounding area, and meets the city's vision for development as outlined in the Downtown Master Plan and in the zoning definitions found on the city's website.

Due to the proximity to the town square, we feel any traffic increase is negligible.

Parking would be on site... 1.5 spaces per unit.

At this time we have no signage proposed.

The plan for the exterior of the project is a two-story building with brick facade. The attached photo depicts the possible layout, but the finished material would be brick instead of stone and cedar shake.

Sewer is available and is currently serving the existing property...

The waterlines are 4 inch cast iron, and are serving the existing property as well.

Thank you for your consideration.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,  
ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO DE, DOWNTOWN EDGE.**

**WHEREAS**, Lamplighter Restorations, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification to DE, Downtown Edge, property to be used in accordance with city zoning laws and state laws; which property is described as follows:

The East 110 feet of Lot 1, Claypool Block Addition, to the City of Bentonville, Benton County Arkansas, as shown on plat record 'G' at page 187.

**WHEREAS**, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 17th day of December 2013 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

**WHEREAS**, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification to DE, Downtown Edge;

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

**Section 1:** That the above described real property is hereby changed from its present classification to DE, Downtown Edge property to be used in accordance with the City zoning laws of the State of Arkansas.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**ATTEST**

**APPROVED**

\_\_\_\_\_  
**CLERK**

\_\_\_\_\_  
**MAYOR**

**LAND USE MAP AMENDMENT: Cross Mar/Glass Investments, Agricultural and Commercial to Industrial**

---

TO: City of Bentonville, Arkansas Planning Commission  
FROM: Beau Thompson, City Planner  
THRU: Troy Galloway AICP, Community Development Director  
DATE: December 17, 2013

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**GENERAL INFORMATION**

**H.T.E. Project Number:** 13-01800007

**Applicant/Current Owner:** Cross Mar Investments and Glass Investments

**Representative:** Geoff Bates

**Requested Action:** Land Use Map Amendment

**Location:** Southwest Corner of Southwest Regional Airport Boulevard and Southwest Rainbow Farms Road

**Existing Zoning:** C-2, General Commercial and A-1, Agricultural

**Future Land Use Map Designation:** Commercial and Agricultural

**Proposed Land Use Map Designation:** Industrial

**BACKGROUND / HISTORY**

**Property Description/Site Inspection:** A site inspection was completed; this property is vacant in an agricultural and industrial area.

**Surrounding Land Uses & Zonings:**

| Direction | Current Land Use         | Existing Zoning                | Future Land Use Map Designation |
|-----------|--------------------------|--------------------------------|---------------------------------|
| North     | Vacant Agricultural Land | A-1, Agricultural              | Low Density Residential         |
| South     | Vacant Commercial        | C-1, Neighborhood Commercial   | Commercial                      |
| East      | Vacant Single Family     | R-1, Single Family Residential | Low Density Residential         |
| West      | Agricultural             | C-1, Neighborhood Commercial   | Agricultural                    |

**Surrounding Streets & Classifications:**

| Direction | Name                                 | Master Street Plan Classification | Current Condition                   |
|-----------|--------------------------------------|-----------------------------------|-------------------------------------|
| North     | Southwest Rainbow Farms Road         | Arterial                          | Asphalt no marking and open ditch   |
| South     | -                                    | -                                 | -                                   |
| East      | Southwest Regional Airport Boulevard | Arterial                          | 2 Lane state highway with shoulders |
| West      | -                                    | -                                 | -                                   |

**LEGAL NOTIFICATIONS**

**Public Notice:** Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on November 21, 2013. In addition, staff posted a notice of public hearing sign on the property on December 2, 2013. This does meet legal noticing requirements and are adequate for the scope of this rezoning application.

**RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP**

1. A determination of how the proposed change impacts the overall intent of the General Plan or the land use mix on the Future Land Use Map, how the proposed change effects other land uses.

**Finding(s) of Staff:** According to the General Plan Policy ED-12: "As major development occurs, the city should re-evaluate the supply of industrial land designated in the future land use map to ensure that there is an adequate supply of vacant land that can readily be served by adequate public facilities". This property will add to the industrial designation in an area where public utilities are adequate and transportation infrastructure will support large vehicle traffic. The property is located within close proximity of similar uses.

2. A determination as to whether the proposed land use designation would create or appreciably increase traffic danger and congestion.

**Finding(s) of Staff: The property is located along a State Highway that has considerable large vehicle traffic at this time. Improvements are underway along Southwest Regional Airport Boulevard to better help facilitate traffic to and from the proposed industrial center.**

3. A determination as to whether the proposed land use would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

**Finding(s) of Staff: Water and sewer is adequate at this location. There is no foreseen adverse impact to public services or emergency services at this location.**

#### **ANALYSIS, CONCLUSION, & SUMMARY**

The General Plan Map amendment will add industrial land where public facilities are adequate and other similar uses are already constructed. According to the General Plan, the city shall entertain additional industrial designated property when current industrial property has been absorbed. The property is located along a major arterial where improvements are currently underway to better handle the additional traffic generated from the industrial development.

#### **STAFF RECOMMENDATION**

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this Land Use Map Amendment from Commercial and Agricultural to Industrial.

**RE: Amendment to Future Land Use Designation**

Dear Mr. Thompson,

This letter is to address the narrative General Plan Amendment application.

1. It appears that by designating a commercial land use for this property, the planners were looking to add some supporting commercial in the vicinity of the Wal-Mart Distribution Center, likely office space. As seen in the attached conceptual layout, Gateway Park is to be very similar in nature. It will include some commercial as well as warehouse along Airport Blvd. Many of the buildings near the intersection of Airport and Rainbow Farm Rd will be similar, while the main warehouse facilities are located behind them. Since the designation, commercial property has become more difficult to sell and lease, especially in outlying areas of towns. In this case, the owner proposes to play off the Wal-Mart Distribution Warehouse, concentrating some of the industrial uses in this area. Their intent though, as represented in the Gateway Park Conceptual Plan by Core Architects, is to create a more aesthetically pleasing warehouse and global distribution center for Northwest Arkansas.
2. With the Wal-Mart Distribution Center across the road, the land use of the surrounding areas will change very little and concentrate some of the industrial areas. The conceptual plan shows some out parcels as a form of buffer to the agricultural areas to the west. A large buffer is shown facing SW Rainbow Farm Rd. It will change the designated land use somewhat from Commercial to Industrial, but the intensity is similar. Several of the buildings will be well articulated buildings, so visually more appealing than other warehouse or industrial complexes.
3. The Future Land Use designates the property as Commercial. As mentioned in item 1, commercial can often be difficult to lease and sell, especially areas of this acreage in this area. Perhaps, it was meant as office space. If that's the case than this land use is really close to its original intent. Many of the buildings will have commercial uses allowed under the I-2 zoning by either right or conditional use as well as warehouse and storage

space. We've included the Gateway Park conceptual plan along with this application to show the location and general use for the office and warehouse park.

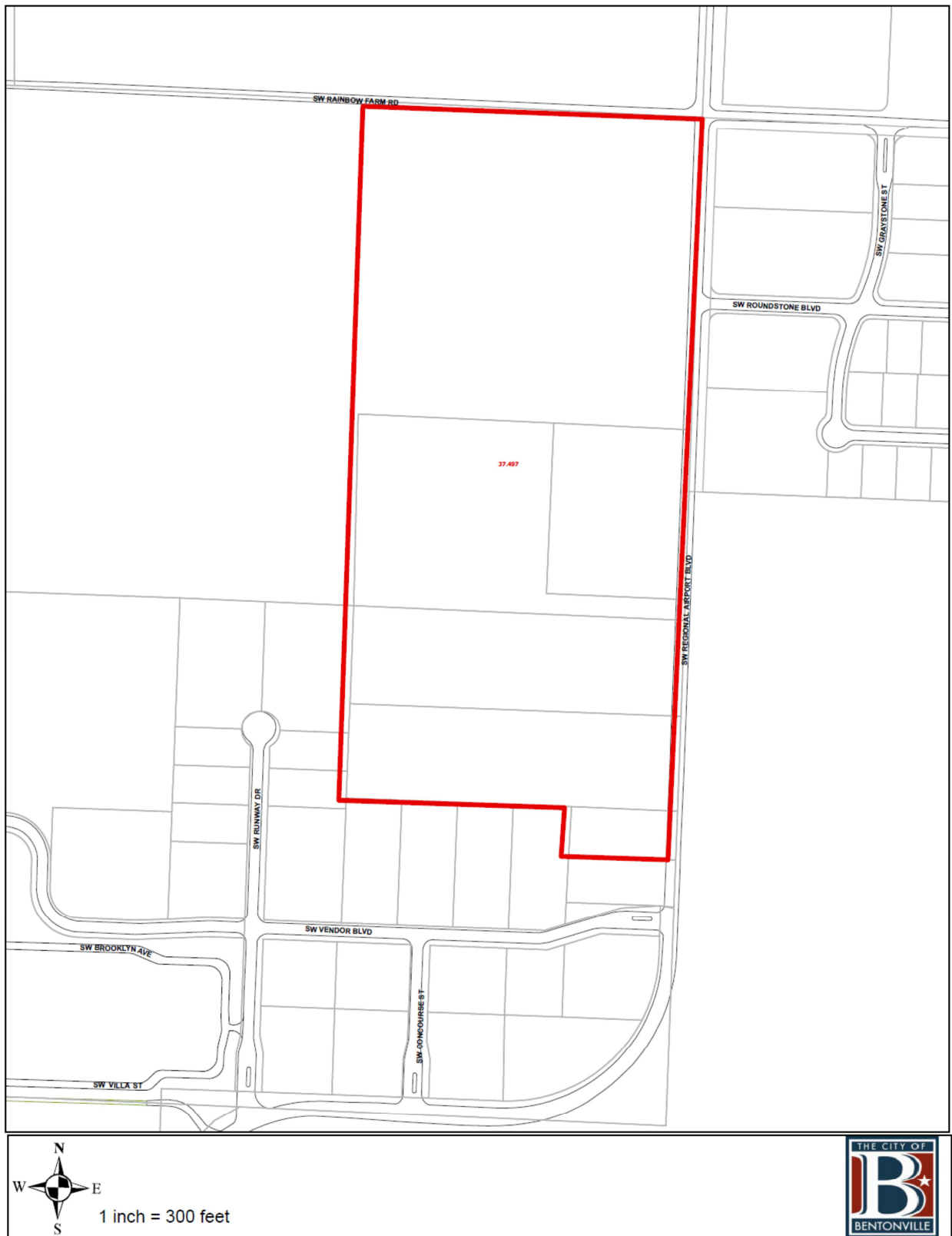
4. The commercial shown in the Future Land Use is an intensive use. The proposed Industrial land use, while allowing different uses is not necessarily more intensive. Additionally, the surrounding properties are not very dense, while the existing Wal-Mart Distribution Center is very the same as the requested land use. This property would almost offer a transition and a buffer to the existing Wal-Mart warehouse.
5. Leave part of it commercial and attempt to rezone a smaller portion to warehouse.
6. Please, see the attached conceptual plan for what's being called Gateway Park and the previous few responses within the narrative.
7. The property is already owned, and it's the natural location for a Northwest Arkansas Distribution Center, directly across the street from the world's largest distributor of household goods. It's our understanding warehouse and packaging facilities are not allowed under other land use types.
8. We can't think of anything pertinent at this time, but if you would like any additional information or clarification, please contact us.

Sincerely,

**Bates & Associates, Inc.**



Geoffrey H. Bates, P.E  
President of Engineering



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CLASSIFICATION OF PROPERTY FROM AGRICULTURAL AND COMMERCIAL TO INDUSTRIAL ON THE FUTURE LAND USE MAP FOR THE CITY OF BENTONVILLE, ARKANSAS.**

**WHEREAS**, Cross Mar Investments and Glass Investments, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification of Agricultural and Commercial to Industrial on the City of Bentonville Future Land Use Map.

Said tract or parcel commonly described as:

A PART OF THE EAST HALF OF THE NORTHEAST QUARTER SECTION 15, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15 AND RUNNING THENCE S02°39'46"W 1943.90', THENCE N88°08'47"W 279.59', THENCE N03°57'40"E 127.72', THENCE N88°11'03"W 591.19', THENCE N01°59'14"E 1821.30', THENCE S87°50'07"E 889.30' TO THE POINT OF BEGINNING, CONTAINING 37.50 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**WHEREAS**, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 17th day of December, 2013 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

**WHEREAS**, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the Future Land Use Map for this property be changed from its present classification of Agricultural and Commercial to Industrial;

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

**Section 1:** That the above described real property is hereby changed from its present classification of Agricultural and Commercial to Industrial, on the Future Land Use Map.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**ATTEST**

**APPROVED**

\_\_\_\_\_

\_\_\_\_\_

**Planning Commission Staff Report**  
**Final Plat: Lots 50-55 Cornerstone Ridge Phase 4**

---

**TO:** Bentonville Planning Commission Members  
**THRU:** Troy Galloway, Community Development Director  
**FROM:** Jon Stanley, Planner  
**PC DATE:** January 7, 2014

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**GENERAL INFORMATION:**

**Project Number:** 13-04000008

**Applicant:** First Assets Holdings, LLC.

**Representative:** Sand Creek Engineering, Ken Booth

**Requested Action:** Final Plat Approval

**Location:** Southwest Regional Airport Boulevard

**Existing Zoning:** R-1, Single Family Residential

**Land Use Plan:** Low Density Residential

**BACKGROUND:**

The applicant has submitted a Final Plat application to approve a 5 lot single family subdivision within a 2 acre parcel. The property exists within a developing residential area within Cornerstone Ridge Subdivision. All lots will have adequate access onto a public street. Access to this subdivision will be from Southwest Greystone Street through Southwest Roundstone Boulevard to the north. No lots will have direct access to Southwest Regional Airport Boulevard. Lots within this development range from 0.23 acres to 0.45 acres. A public alley will be dedicated to allow access at the rear of the lots from Southwest Greystone Street.

**SURROUNDING LAND USES AND ZONING:**

| Direction | Zoning                         | Land Use                |
|-----------|--------------------------------|-------------------------|
| North     | R-1, Single Family Residential | Low Density Residential |
| South     | I-2, Heavy Industrial          | Industrial              |
| East      | PUD, Planned Unit Development  | Low Density Residential |
| West      | I-1, Light Industrial          | Agricultural            |

**STREETS**

| Direction | Name                                 | Classification |
|-----------|--------------------------------------|----------------|
| North     | Southwest Roundstone Boulevard       | Local          |
| South     | -                                    | -              |
| East      | Southwest Greystone Street           | Local          |
| West      | Southwest Regional Airport Boulevard | Arterial       |

### **TRAFFIC FINDINGS**

(a) Traffic data for the nearest intersections are as follows:

1. N/A

(b) Traffic summary software predicts the additional traffic for this project is:

1. N/A

### **STANDARD CONDITIONS OF APPROVAL:**

1. A digital copy of the plat
2. All technical review comments must be addressed before building permits are issued.

### **ISSUES / ANALYSIS:**

**Site Inspection:** A site inspection was completed; this property is a vacant parcel in a developing residential area.

**Drainage Report:** A drainage report has not been submitted and is not required for this development as regional detention is existing for this parcel.

**Water / Sewer:** Per the G.I.S. site, water and sewer are available to this site.

**Waiver(s):** None.

**Analysis / Conclusion:** This final plat DOES meet the minimum requirements of the subdivision regulations.

### **RECOMMENDATION:**

Staff has reviewed this application and recommends APPROVAL.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ACCEPTING A PLAT OF LOTS 50-55 CORNERSTONE RIDGE SUBDIVISION, PHASE 4, TO THE CITY OF BENTONVILLE, ARKANSAS.**

**WHEREAS**, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the plat of Lots 50-55 Cornerstone Ridge Subdivision, Phase 4, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 7<sup>th</sup> day of January, 2014 and

**WHEREAS**, said plat is attached hereto as Exhibit "A" and

**WHEREAS**, the Bentonville Planning Commission considered said plat on the date stated and at other times, and voted to recommend the approval of said plat to the City Council; and

**WHEREAS**, the plat of real property as described herein has been submitted to the City Council of the City of Bentonville, and after consideration and deliberation said Council is of the opinion that said plat should be approved.

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

**Section 1:** That the plat of Lots 50-55 Cornerstone Ridge Subdivision, Phase 4 to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

**Section 2:** That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said plat by certifying said acceptance on the approved plat.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014**

**ATTEST**

**APPROVED**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

**REZONING: Louise Bishop Revocable Trust, C-2, General Commercial to I-1, Light Industrial**

TO: City of Bentonville, Arkansas Planning Commission  
FROM: Jon Stanley, Planner  
THRU: Troy Galloway, AICP, Community Development Director  
DATE: January 7, 2014

**GENERAL INFORMATION**

**H.T.E. Project Number:** 13-09000023

**Applicant/Current Owner:** Louise Bishop Revocable Trust

**Representative:** Bill Watkins

**Requested Action:** Rezoning

**Location:** Southeast 'J' Street, north of the intersection with 28<sup>th</sup> Street

**Existing Zoning:** C-2, General Commercial

**Proposed Zoning:** I-1, Light Industrial

**Future Land Use Map Designation:** Commercial

**BACKGROUND / HISTORY**

**Property Description/Site Inspection:** A site inspection was completed; this property is vacant in a commercial and industrial area.

**Previous Rezoning Requests for this Property:** There are no known previous rezoning's at this location.

**Surrounding Land Uses & Zonings:**

| Direction | Current Land Use    | Existing Zoning                                                                               | Future Land Use Map Designation |
|-----------|---------------------|-----------------------------------------------------------------------------------------------|---------------------------------|
| North     | Office & Commercial | C-1, Neighborhood Commercial, PUD, Planned Unit Development<br>R-1, Single Family Residential | Office & Commercial             |
| South     | Commercial          | C-2, General Commercial                                                                       | Commercial                      |
| East      | Industrial          | I-2, Heavy Industrial                                                                         | Industrial                      |
| West      | Agricultural        | A-1, Agricultural                                                                             | Commercial                      |

**Surrounding Streets & Classifications:**

| Direction | Name | Master Street Plan Classification | Current Condition |
|-----------|------|-----------------------------------|-------------------|
|-----------|------|-----------------------------------|-------------------|

|       |                      |           |                             |
|-------|----------------------|-----------|-----------------------------|
| North | Southeast 'G' Street | Local     | 2 lane asphalt              |
| South | Southeast 'G' Street | Collector | 2 lane asphalt              |
| East  | Southeast 'J' Street | Arterial  | 5 lanes including turn lane |
| West  | -                    | -         | -                           |

### **LEGAL NOTIFICATIONS**

**Public Notice:** The property owner and/or representative did mail certified public notices to property owners within a 200 foot radius of the subject site. Staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on December 6, 2013. In addition, staff posted a notice of public hearing sign on the property on November 4, 2013. This **DOES** meet legal notification requirements and are adequate for the scope of this rezoning application.

### **RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP**

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding(s) of Staff:** According to the General Plan Policy ED-12: "As major development occurs, the city should re-evaluate the supply of industrial land designated in the future land use map to ensure that there is an adequate supply of vacant land that can readily be served by adequate public facilities". The supply of viable industrial zoned land has diminished within the city's core. This property will add to the industrial designation in an area where public utilities are adequate and transportation infrastructure will support large vehicle traffic.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

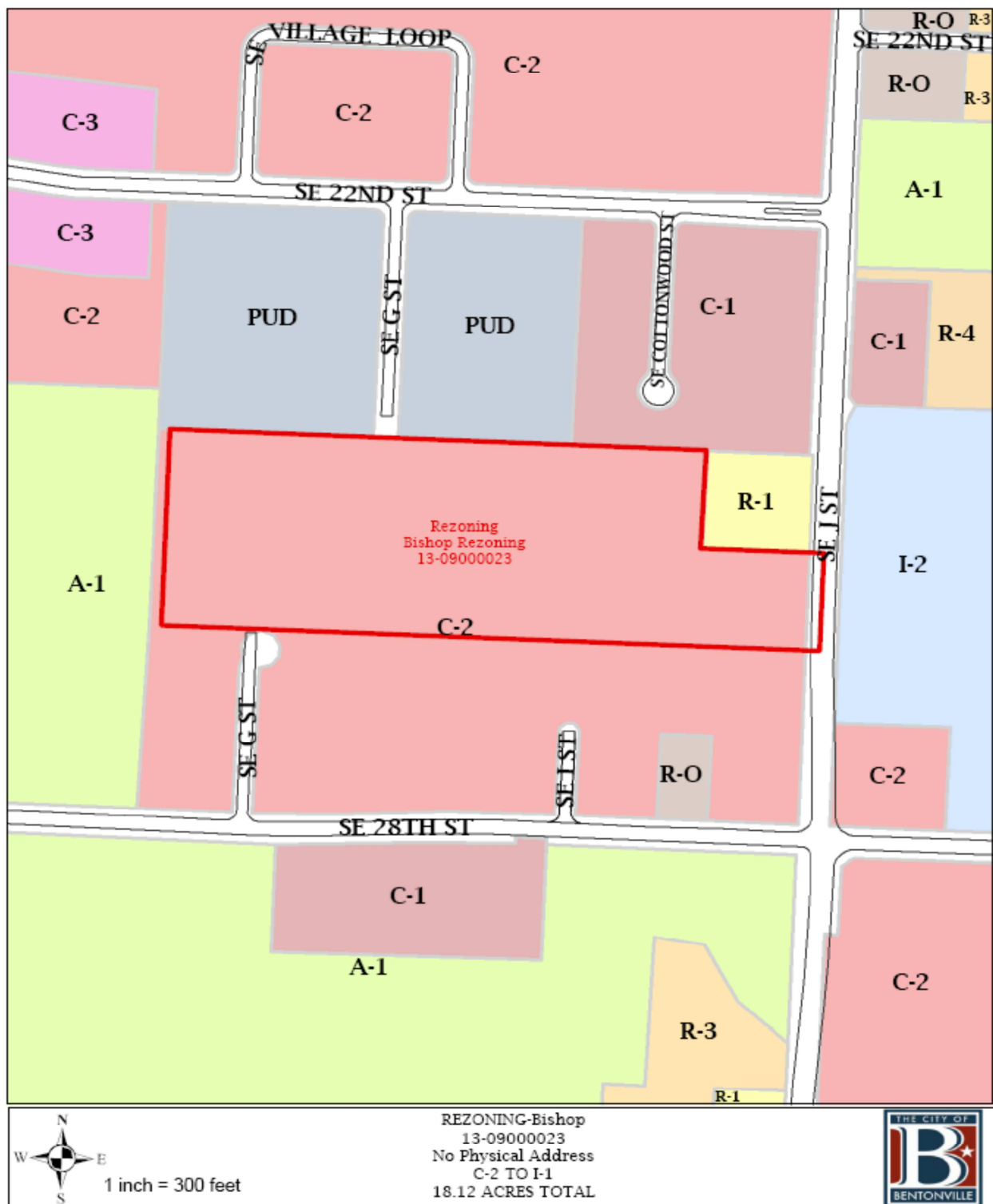
**Finding(s) of Staff:** The property is located near the intersection of two arterial street. The traffic signal located at Southeast J Street and Southeast 28<sup>th</sup> Street will help facilitate turning movements for the proposed uses. In order to minimize traffic congestion and danger on this property it is imperative that the property be connected to local street infrastructure located north and south of the site.

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

**Finding(s) of Staff:** Water and sewer is adequate at this location. There is no foreseen adverse impact to public services or emergency services at this location.

### **STAFF RECOMMENDATION**

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends APPROVAL of this rezoning from C-2, General Commercial to I-1, Light Industrial.



October 14, 2013

RE: Rezoning request, 18.07 AC +/-, J Street, Bentonville, AR  
Benton County Parcel No. 01-00061-000

Gentlemen:

The current zoning of the subject property is C-2. The request is to rezone the property to I-1.

There is an existing need for zoning of this type in Bentonville to allow for warehousing. The current vacancy rate in the market is very low with good demand existing.

The applicant wishes to construct concrete tilt-wall warehouse/distribution buildings on the site. These buildings will be of the quality of the "Motorola" building at 1201 SE 28<sup>th</sup> Street, Bentonville. There will be only the storage and distribution of goods and materials from these buildings. There is no intention of manufacturing in these buildings. As a result there should be no noise or odor created by the existence of the proposed buildings.

The appearance of the buildings will be flex space grade tilt wall masonry construction and should not detract from the existing offices in the area. Applicant will provide photos and drawings of intended building types to be built on site.

Applicant wishes to divert all traffic generated from this development to collector "J" Street as there is already truck traffic generated by existing warehouses in the area.

All signage shall meet City of Bentonville ordinances.

Availability of utilities is as follows:

Water - a 12" water line runs north and south along the west side of "J" Street.

Sewer - available, 8" lines on the northern boundary and about 200 feet south of the SE corner of the subject tract.

Natural gas - available in the area

This will be a warehousing development of the highest quality. The developer will make every effort to be an asset to the neighborhood. There is a demand for the product with low vacancy rates in the market place. There is no future intention to use the property for any use more intense than warehousing and distribution.

Respectfully submitted,

Bill McClard  
Representative for Applicant, Rogers Warehouse Development, LLC  
Commercial Division, Lindsey & Associates, Inc.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE,  
ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO I-1, LIGHT INDUSTRIAL**

**WHEREAS**, Louis Bishop Revocable Trust duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification to I-1 property to be used in accordance with city zoning laws and state laws; which property is described as follows:

A PART OF THE S1/2 OF THE SW1/4 OF SECTION 5, TOWNSHIP 19 NORTH,  
RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE

SE ¼ OF THE SW ¼; THENCE NO 2°27'04"E 528.0 FEET ALONG THE EAST LINE OF SAID 40  
ACRE TRACT TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE  
AND RUNNING N87°32'56"W 1650.00 FEET TO A POINT (SAID POINT LOCATED NO2°25'38"E  
11.66 FEET FROM A FOUND IRON PIN); THENCE NO2°27'04"E 528.00 FEET TO A 5/8" REBAR  
LOCATED ON THE SOUTH LINE OF COTTONWOOD VILLAGE SUBDIVISION (BK:2004 PG:  
74); THENCE ALONG SAID SOUTH LINE THE FOLLOWING:S87°32'56"E 594.94 FEET TO A 5/8"  
REBAR LOCATED, S87°32'56"E 435.0 FEET TO A 5/8"REBAR LOCATED S87°32'56"E 210.0 FEET  
TO A 5/8" REBAR LOCATED, ANDS87°32'56"E 104.01 FEET TO A 5/8" REBAR THENCE  
LEAVING SAID SOUTH LINE

S03°12'32"W 266.03 FEET TO A 5/8" REBAR; THENCE S87°36'16"E 309.57 FEET TO THE  
CENTERLINE OF ARKANSAS STATE HIGHWAY NO. 112 (SE "J" STREET) LOCATED ON THE  
EAST LINE OF SAID 40 ACRE TRACT; THENCE S02°27'04"W 262.30 FEET TO THE POINT OF  
BEGINNING CONTAINING 18.12 ACRES, MORE OR LESS.

SUBJECT TO THE ARKANSAS STATE HIGHWAY NO.112 ("J"STREET) 50 FOOT RIGHT-OF-  
WAY ALONG THE EAST LINE AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY OF  
RECORD.

**WHEREAS**, the City Planning Commission duly met and considered the application and duly set  
the petition for public hearing to be held the 7th day of January 2014 in the Council Room of the City of  
Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time  
and in the manner required by law; and

**WHEREAS**, the City Planning Commission voted to recommend to the City Council that the  
petition be approved and that said property be rezoned from its present classification to I-1 property;

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

Section 1: That the above described real property is hereby changed from its present classification to I-1 property to be used in accordance with the City zoning laws of the State of Arkansas.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014

ATTEST

APPROVED

\_\_\_\_\_

CLERK

\_\_\_\_\_

MAYOR



| CHECK ALL THAT APPLY |       |  |
|----------------------|-------|--|
| Bid Award            | Bid # |  |
| Budget Adjustment    |       |  |
| Change Order         |       |  |
| Informational        |       |  |
| Ordinance            |       |  |
| Resolution           |       |  |
| Other                |       |  |

## AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Ben Peters

Department: Engineering

Phone: 479-271-3166

### ACTION REQUIRED:

An ordinance vacating an alley vacation located within Bentonville Original, to the City of Bentonville, Arkansas, Benton County, Arkansas.

### COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount: \$0

☒ One time amount

☐ Continuing O and M

|                            |    |   |
|----------------------------|----|---|
| Previously Budgeted        | \$ | - |
| Funds Expended to Date     |    | - |
| Remaining Budget           |    | - |
| Budget Adjustment          |    | - |
| Remaining After Adjustment | \$ | - |

Department Head: [Signature] Date: 12-11-13

Staff Attorney: [Signature] Date: 1/9/14

Purchasing Agent: [Signature] Date: [Blank]

Mayor: [Signature] Date: 1/10/14

Finance Director: [Signature] Date: 1-6-14

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712

\*www.bentonvillear.com\*



PLEASE RECYCLE



**ORDINANCE NO \_\_\_\_\_**

**ORDINANCE VACATING AN ALLEY VACATION LOCATED WITHIN  
BENTONVILLE ORIGINAL TO THE CITY OF BENTONVILLE, ARKANSAS,  
BENTON COUNTY ARKANSAS.**

**WHEREAS,** a petition was filed by Walton 5 & 10 Store, with the City Council of the City of Bentonville, Arkansas, asking the City Council to vacate an alley located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

A Portion Alley To Be Vacated Between Lot 171 and The South 59.5 Feet of Lot 109 In The Original Town Of Bentonville, Benton County, Arkansas, Being More Particularly Described As Follows:

Commencing At A 5/8" Rebar Marking The Northwest Corner of Said Lot 171, From Which The Platted Northwest Corner of Lot 130, Per Plat Book 4, Page 131, Bears N88°06'18"W A Distance Of 1.17 Feet; Thence Along The South Line Of The Platted 14' Alley, Per Plat Book 4, Page 131, S88°24'09"E a distance of 168.48 feet to the Point Of Beginning; Thence N01°49'28"E a Distance of 14.03 Feet To The North Line of Said Platted Alley; Thence Along Said North Line Thru An "X" In Concrete At The Southwest Corner Of The South 59.5 Feet Of Said Lot 9, S88°23'33"E a Distance of 167.81 Feet to an "X" in Concrete at The Intersection of Said North Line and The West Right of Way Line of North Main Street; Thence Along Said West Right of Way Line S01°32'15"W a Distance of 14.0 Feet to an "X" in Concrete at The Intersection of Said West Right of Way Line and The South Line of Said Platted Alley; Thence Along Said South Line N88°24'09"W a distance of 167.88 Feet To The Point Of Beginning, containing 0.05 Acres, More or Less.

**WHEREAS,** after due notice as required by law, the Council has at the time and place mentioned the notice, heard all persons desiring to be heard on the question; that all the owners of the property abutting the alley vacation to be vacated have joined in the petition or consented to the granting of the petition; and the public interest and welfare will not be adversely affected by the abandonment of the above described alley vacation.

**NOW THEREFORE BE IT ORDAINED,** by the City Council of the City of Bentonville, Arkansas:

**Section 1:** The City of Bentonville Arkansas releases, vacates and abandons all of its rights together with the rights of the public generally, in and to an alley vacation designated as follows:

A Portion Alley To Be Vacated Between Lot 171 and The South 59.5 Feet of Lot 109 In The Original Town Of Bentonville, Benton County, Arkansas, Being More Particularly Described As Follows:

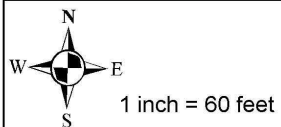
Commencing At A 5/8" Rebar Marking The Northwest Corner of Said Lot 171, From Which The Platted Northwest Corner of Lot 130, Per Plat Book 4, Page 131, Bears N88°06'18"W A Distance Of 1.17 Feet; Thence Along The South Line Of The Platted 14' Alley, Per Plat Book 4, Page 131, S88°24'09"E a distance of 168.48 feet to the Point Of Beginning; Thence N01°49'28"E a Distance of 14.03 Feet To The North Line of Said Platted Alley; Thence Along Said North Line Thru An "X" In Concrete At The Southwest Corner Of The South 59.5 Feet Of Said Lot 9, S88°23'33"E a Distance of 167.81 Feet to an "X" in Concrete at The Intersection of Said North Line and The West Right of Way Line of North Main Street; Thence Along Said West Right of Way Line S01°32'15"W a Distance of 14.0 Feet to an "X" in Concrete at The Intersection of Said West Right of Way Line and The South Line of Said Platted Alley; Thence Along Said South Line N88°24'09"W a distance of 167.88 Feet To The Point Of Beginning, containing 0.05 Acres, More or Less.

**Section 2:** A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder of Benton County, Arkansas and recorded in the deed records of the County.

**Section 3:** This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at a regular meeting of the City Council of the City of Bentonville, Arkansas.

\_\_\_\_\_  
**LINDA SPENCE, City Clerk and  
Recorder for the City of Bentonville,  
Arkansas**

\_\_\_\_\_  
**BOB MCCASLIN, Mayor  
City of Bentonville, Arkansas**



Alley Vacation  
Walton Five & Dime  
12-3-2013 City Council





| CHECK ALL THAT APPLY |       |  |
|----------------------|-------|--|
| Bid Award            | Bid # |  |
| Budget Adjustment    |       |  |
| Change Order         |       |  |
| Informational        |       |  |
| Ordinance            |       |  |
| Resolution           |       |  |
| Other                |       |  |

### AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Ben Peters

Department

Engineering

Phone

479-271-3166

#### ACTION REQUIRED:

An ordinance vacating a utility easement located in Bentonville Original to the City of Bentonville, Arkansas, Benton County, Arkansas.

#### COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount \$0

☒ One time amount

☐ Continuing O and M

|                            |    |   |
|----------------------------|----|---|
| Previously Budgeted        | \$ | - |
| Funds Expended to Date     |    | - |
| Remaining Budget           |    | - |
| Budget Adjustment          |    | - |
| Remaining After Adjustment | \$ | - |

  
Department Head Date 12-11-13

  
Staff Attorney Date 1/9/14

Purchasing Agent Date

  
Mayor Date 1/10/14

  
Finance Director Date 1-9-14

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712

\*www.bentonvillear.com\*



PLEASE RECYCLE



**ORDINANCE NO \_\_\_\_\_**

**ORDINANCE VACATING A UTILITY EASEMENT LOCATED IN BENTONVILLE  
ORIGINAL TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY  
ARKANSAS.**

**WHEREAS,** a petition was filed by Walton 5 & 10 Store, with the City Council of the City of Bentonville, Arkansas, asking the City Council to vacate a utility easement located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

Part Of Lot 171 Of the Original Town Of Bentonville, Arkansas, As Shown in Property Line Adjustment Plat Filed For Record In Plat Book 2006 At Page 856, Records Of Benton County, Arkansas, Being Formerly Known As Lots 90, 91, 92, 93, 94, 95, 105, 106, 107, 108, 113, 114, 115, 116, 127, 128, 129, And 130 Of The Original Town Of Bentonville, Being More Particularly Described As Follows:

Commencing At A 5/8" Rebar Marking The Northwest Corner of Said Lot 171, From Which The Platted Northwest Corner of Lot 130, Per Plat Book 4, Page 131, Bears N88°06'18"W A Distance Of 1.17 Feet, Said Point Being on The East Right of Way Line of NW "A" Street; Thence Along Said east Right of way Line S2°28'13"W a Distance of 166.23 Feet To The Point of Beginning; Thence Leaving Said Right of Way Line S88°32'20"E a Distance of 339.06 Feet To The West Right of Way Line of North Main Street; Thence Along Said West Right of Way Line S1°32'15"W a Distance of 14.0 Feet; Thence Leaving Said West Right of Way Line N88°32'20"W a Distance of 164.42 Feet; Thence S1°44'11"W a Distance of 167.17 Feet to The North Right of Way Line of NW 2<sup>nd</sup> Street; Thence Along Said North Right of Way Line N88°14'20"W a Distance of 12.0 Feet; Thence Leaving Said North Right of Way Line N1°44'11"E a Distance of 167.11 Feet; Thence N88°32'20"W a Distance of 162.87 Feet To The East Right of Way Line of NW "A" Street; Thence Along Said East Right of Way Line N2°28'13"E a Distance of 14.0 Feet to the Point Of Beginning, Containing 0.16 Acres, More or Less.

**WHEREAS,** after due notice as required by law, the Council has at the time and place mentioned the notice, heard all persons desiring to be heard on the question; that all the owners of the property abutting the easement to be vacated have joined in the petition or consented to the granting of the petition; and the public interest and welfare will not be adversely affected by the abandonment of the above described utility easement.

**NOW THEREFORE BE IT ORDAINED,** by the City Council of the City of Bentonville, Arkansas:

**Section 1:** The City of Bentonville Arkansas releases, vacates and abandons all of its rights together with the rights of the public generally, in and to a utility easement designated as follows:

Part Of Lot 171 Of the Original Town Of Bentonville, Arkansas, As Shown in Property Line Adjustment Plat Filed For Record In Plat Book 2006 At Page 856, Records Of Benton County, Arkansas, Being Formerly Known As Lots 90, 91, 92, 93, 94, 95, 105, 106, 107, 108, 113, 114, 115, 116, 127, 128, 129, And 130 Of The Original Town Of Bentonville, Being More Particularly Described As Follows:

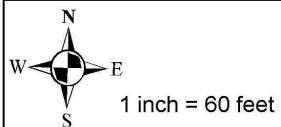
Commencing At A 5/8" Rebar Marking The Northwest Corner of Said Lot 171, From Which The Platted Northwest Corner of Lot 130, Per Plat Book 4, Page 131, Bears N88°06'18"W A Distance Of 1.17 Feet, Said Point Being on The East Right of Way Line of NW "A" Street; Thence Along Said east Right of way Line S2°28'13"W a Distance of 166.23 Feet To The Point of Beginning; Thence Leaving Said Right of Way Line S88°32'20"E a Distance of 339.06 Feet To The West Right of Way Line of North Main Street; Thence Along Said West Right of Way Line S1°32'15"W a Distance of 14.0 Feet; Thence Leaving Said West Right of Way Line N88°32'20"W a Distance of 164.42 Feet; Thence S1°44'11"W a Distance of 167.17 Feet to The North Right of Way Line of NW 2<sup>nd</sup> Street; Thence Along Said North Right of Way Line N88°14'20"W a Distance of 12.0 Feet; Thence Leaving Said North Right of Way Line N1°44'11"E a Distance of 167.11 Feet; Thence N88°32'20"W a Distance of 162.87 Feet To The East Right of Way Line of NW "A" Street; Thence Along Said East Right of Way Line N2°28'13"E a Distance of 14.0 Feet to the Point Of Beginning, Containing 0.16 Acres, More or Less.

**Section 2:** A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder of Benton County, Arkansas and recorded in the deed records of the County.

**Section 3:** This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at a regular meeting of the City Council of the City of Bentonville, Arkansas.

\_\_\_\_\_  
**LINDA SPENCE, City Clerk and  
Recorder for the City of Bentonville,  
Arkansas**

\_\_\_\_\_  
**BOB MCCASLIN, Mayor  
City of Bentonville, Arkansas**



Easement Vacation  
Walton Five & Dime  
12-3-2013 City Council





| CHECK ALL THAT APPLY |       |  |
|----------------------|-------|--|
| Bid Award            | Bid # |  |
| Budget Adjustment    |       |  |
| Change Order         |       |  |
| Informational        |       |  |
| Ordinance            |       |  |
| Resolution           |       |  |
| Other                |       |  |

## AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Ben Peters

Department: Engineering

Phone: 479-271-3166

### ACTION REQUIRED:

An ordinance vacating a utility easement located in Harbin Pointe Addition, Phase II, to the City of Bentonville, Arkansas, Benton County, Arkansas.

### COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount: \$0

☒ One time amount

☐ Continuing O and M

|                            |      |
|----------------------------|------|
| Previously Budgeted        | \$ - |
| Funds Expended to Date     | -    |
| Remaining Budget           | -    |
| Budget Adjustment          | -    |
| Remaining After Adjustment | \$ - |

Department Head: [Signature] Date: 12-11-13

Staff Attorney: CT Date: 1/9/14

Purchasing Agent: [Signature] Date: [Blank]

Mayor: Pam Date: 1/10/14

Finance Director: [Signature] Date: 1-9-14

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712

\*www.bentonvillear.com\*



PLEASE RECYCLE



**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE VACATING A UTILITY EASEMENT LOCATED HARBIN POINTE ADDITION, PHASE II, TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS.**

**WHEREAS,** a petition was filed by Arkansas Development Services, Inc., with the City Council of the City of Bentonville, Arkansas, asking the City Council to vacate a utility easement located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

A part of Lot 70, Final Plat Harbin Pointe Addition, Phase II, Bentonville, Benton County, Arkansas, as shown on Plat Record 2011 at Page 373 and Plat Record 2011 at Page 392 being more particularly described as follows, to-wit: Beginning at a point which is N87°33'20"W 10.00' from the southeast corner of said lot, and running thence N87°33'20"W 28.00', thence N02°26'59"E 9.00', thence S87°33'20"E 28.00', thence S02°26'56"W 9.00' to the point of beginning, containing 252.02 square feet, or 0.01 acres, more or less.

A part of Lot 71, Final Plat Harbin Pointe Addition, Phase II, Bentonville, Benton County, Arkansas, as shown on Plat Record 2011 at Page 373 and Plat Record "2011" at Page 392, being more particularly described as follows, to-wit: Beginning at a point which is S87°33'20"E 10.00' from the southwest corner of said lot, and running thence N02°26'56"E 9.00', thence S87°33'20"E 28.00', thence S02°26'59"W 9.00', thence N87°33'20"W 28.00' to the point of beginning, containing 252.02 square feet, or 0.01 acres, more or less.

**WHEREAS,** after due notice as required by law, the Council has at the time and place mentioned the notice, heard all persons desiring to be heard on the question; that all the owners of the property abutting the easement to be vacated have joined in the petition or consented to the granting of the petition; and the public interest and welfare will not be adversely affected by the abandonment of the above described utility easement.

**NOW THEREFORE BE IT ORDAINED,** by the City Council of the City of Bentonville, Arkansas:

**Section 1:** The City of Bentonville Arkansas releases, vacates and abandons all of its rights together with the rights of the public generally, in and to a utility easement designated as follows:

A part of Lot 70, Final Plat Harbin Pointe Addition, Phase II, Bentonville, Benton County, Arkansas, as shown on Plat Record 2011 at Page 373 and Plat Record 2011 at Page 392 being more particularly described as follows, to-wit: Beginning at a point which is N87°33'20"W 10.00' from the southeast corner of said lot, and running thence N87°33'20"W 28.00', thence N02°26'59"E 9.00', thence S87°33'20"E 28.00', thence S02°26'56"W 9.00' to the point of beginning, containing 252.02 square feet, or 0.01 acres, more or less.

A part of Lot 71, Final Plat Harbin Pointe Addition, Phase II, Bentonville, Benton County, Arkansas, as shown on Plat Record 2011 at Page 373 and Plat Record "2011" at Page 392, being more particularly described as follows, to-wit: Beginning at a point which is S87°33'20"E 10.00' from the southwest corner of said lot, and running thence N02°26'56"E 9.00', thence S87°33'20"E 28.00', thence S02°26'59"W 9.00', thence N87°33'20"W 28.00' to the point of beginning, containing 252.02 square feet, or 0.01 acres, more or less.

**Section 2:** A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder of Benton County, Arkansas and recorded in the deed records of the County.

**Section 3:** This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at a regular meeting of the City Council of the City of Bentonville, Arkansas.

\_\_\_\_\_  
**LINDA SPENCE, City Clerk and  
Recorder for the City of Bentonville,  
Arkansas**

\_\_\_\_\_  
**BOB MCCASLIN, Mayor  
City of Bentonville, Arkansas**





| CHECK ALL THAT APPLY |       |
|----------------------|-------|
| Bid Award            | Bid # |
| Budget Adjustment    |       |
| Change Order         |       |
| Informational        |       |
| Ordinance            |       |
| Resolution           |       |
| Other                |       |

## AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Ben Peters

Department: Engineering

Phone: 479-271-3166

### ACTION REQUIRED:

A resolution setting a public hearing for Jan. 28, 2014 for a utility easement vacation request by Englander NWA Metro LLC.

### COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount: \$0

☒ One time amount

☐ Continuing O and M

|                            |      |
|----------------------------|------|
| Previously Budgeted        | \$ - |
| Funds Expended to Date     | -    |
| Remaining Budget           | -    |
| Budget Adjustment          | -    |
| Remaining After Adjustment | \$ - |

Department Head: [Signature] Date: 1-2-14

Purchasing Agent: [Signature] Date: [Blank]

Finance Director: [Signature] Date: 1-9-14

Staff Attorney: CT Date: 1/9/14

Mayor: Pam Date: 1/10/14

*This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.*

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712

\*www.bentonvillear.com\*



PLEASE RECYCLE



**RESOLUTION NO. \_\_\_\_\_**

**IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS**

**WHEREAS**, a petition was duly filed with the City Council of Bentonville, Arkansas by Englander NWA Metro LLC requesting a utility easement vacation within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

COMMENCING at a found 5/8" rebar at the Northeast Corner of said Lot 2; Thence along the East line of said Lot 2 South 03°15'43" West a distance of 88.11 feet to the POINT of BEGINNING;

Thence continuing along said East line South 03°15'43" West a distance of 2.0 feet to a found 5/8" rebar with cap; Thence continuing along said line South 40°30'50" West a distance of 10.24 feet; Thence leaving said line, North 88°05'32" West a distance of 80.78 feet; Thence South 78°57'36" East a distance of 72.51 feet to the aforementioned East line; Thence along said line, South 40°30'50" West a distance of 11.49 feet; Thence leaving said line, North 78°57'36" West a distance of 93.39 feet; Thence North 01°54'28" East a distance of 15.66 feet; Thence North 88°05'32" East a distance of 115.00 feet to the POINT of BEGINNING and containing 2,032 square feet or 0.05 acres, more or less.

**WHEREAS**, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Bentonville, Arkansas, that the petition to close and vacate a utility easement at the above described property is set for hearing on January 28, 2014 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2014 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

\_\_\_\_\_  
**Linda Spence, City Clerk**  
Bentonville, Arkansas

\_\_\_\_\_  
**Bob McCaslin, Mayor**  
City of Bentonville, Arkansas

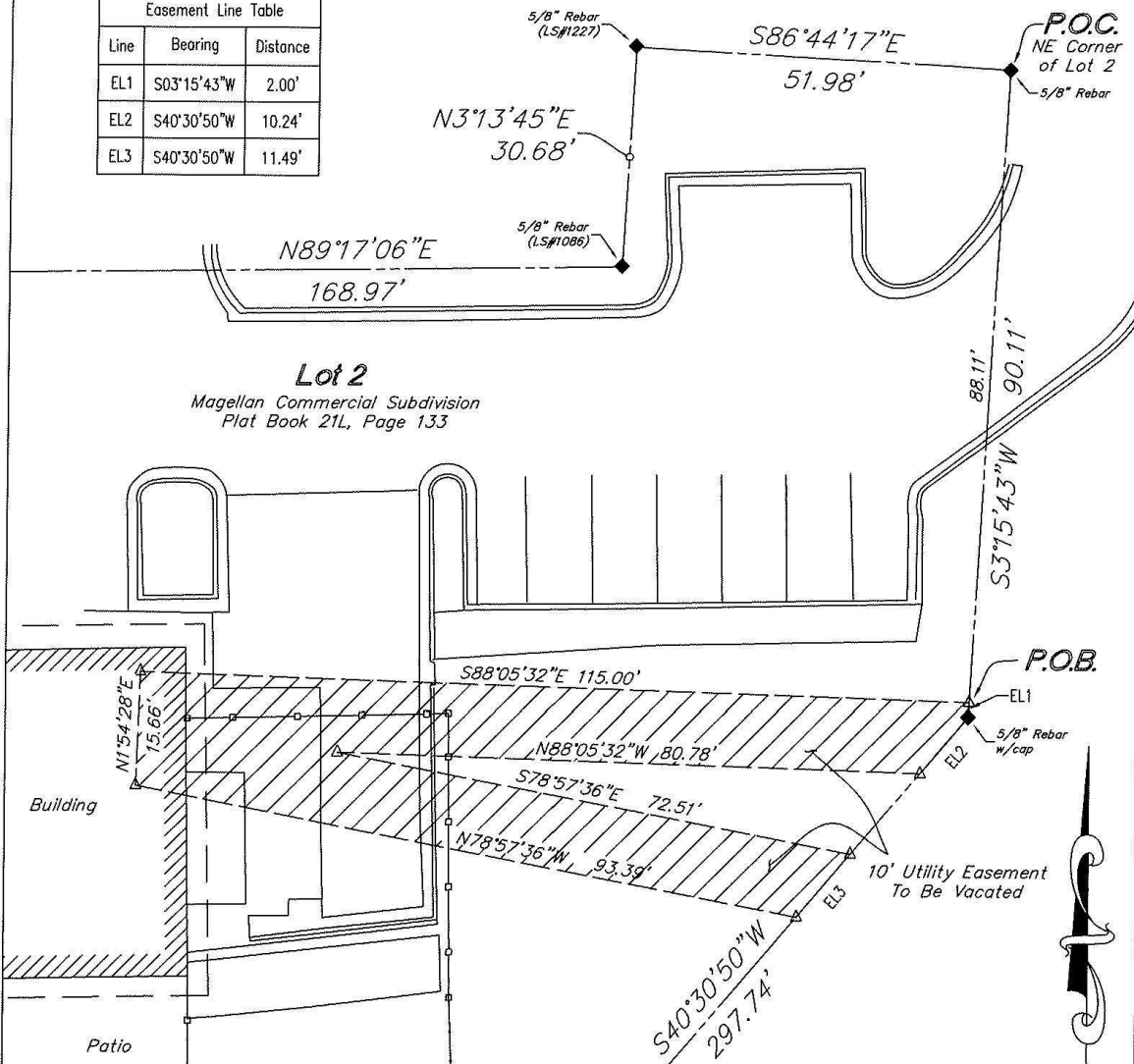


1 inch = 160 feet

EASEMENT/ALLEY VACATION  
 ENGLANDER NWA METRO LLC  
 3607 SE METRO PARKWAY  
 13-12000023



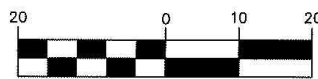
| Easement Line Table |             |          |
|---------------------|-------------|----------|
| Line                | Bearing     | Distance |
| EL1                 | S03°15'43"W | 2.00'    |
| EL2                 | S40°30'50"W | 10.24'   |
| EL3                 | S40°30'50"W | 11.49'   |



## LEGEND

|  |                        |
|--|------------------------|
|  | Property Line          |
|  | Existing Building      |
|  | Canopy - Overhang      |
|  | Wood Privacy Fence     |
|  | Metal Chainlink Fence  |
|  | Rebar Found (As Noted) |

## GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.

**10' Utility Easement  
To Be Vacated**  
2,032 Sq. Ft.± or 0.05 Ac.±



**Engineering Associates, Inc.**

ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway  
Bentonville, AR 72712

Phone PH: (479)273-9472  
Fax FAX: (479)273-0544

## Englander Office Building

Scale: 1" = 20'

|         |     |     |     |       |
|---------|-----|-----|-----|-------|
| 9/26/13 | RDD | ### | TLP | KMH   |
| DATE    | PLS | PM  | DRW | CHK'R |

**10' Utility Easement Vacation Exhibit**  
Highway 71

DATE  
9/27/13  
1:01 PM

SHEET NO.  
**1 OF 1**

Benton County,

Arkansas

Rev-0

© 2013 CEI ENGINEERING ASSOCIATES, INC.



| CHECK ALL THAT APPLY |                   |             |
|----------------------|-------------------|-------------|
|                      | Bid Award         | Bid # 13-30 |
|                      | Budget Adjustment |             |
| x                    | Change Order      |             |
|                      | Informational     |             |
|                      | Ordinance         |             |
|                      | Resolution        |             |
|                      | Other             |             |

### AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Ben Peters

Department: Engineering

Phone: (479) 271-5993

#### ACTION REQUIRED:

City Council approval of "Change Order #1" for Downtown Bentonville Improvements. The change order requests an additional \$57,082.73 to the contract along with 11 additional days. With the approval of "Change Order #1", the new contract amount will become \$286,970.73 and will change the contract time to 101 days to substantial completion.

#### COST TO CITY:

Cost of this Request: \$57,082.73

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

|                            |               |
|----------------------------|---------------|
| Previously Budgeted        | \$ 420,000.00 |
| Funds Expended to Date     | 193,606.69    |
| Remaining Budget           | 226,393.31    |
| Budget Adjustment          |               |
| Remaining After Adjustment | \$ 226,393.31 |

BN. Ac BP  
Department Head

1/9/14  
Date

Purchasing Agent

Date

Finance Director

1-10-14  
Date

CT  
Staff Attorney

1/10/14  
Date

Mayor

1/10/14  
Date

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712  
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PLEASE RECYCLE



# Memorandum

**To:** Mayor and City Council

**From:** Ben Peters, City Engineer *BWP/BP*

**Date:** Thursday, January 09, 2014

**Re:** Downtown Bentonville Improvements Change Order # 1



Staff recommends approval of Change Order # 1. Change Order # 1 includes an increase to the contract of \$57,082.73 with 11 additional days.

## Downtown Bentonville Improvements – Change Order # 1

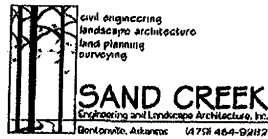
|                          |              |                        |     |
|--------------------------|--------------|------------------------|-----|
| Original Contract Amount | \$229,888.00 | Original Contract Time | 90  |
| Change Order             | \$57,082.73  | Change Order           | 11  |
| New Contract Amount      | \$286,970.73 | New Contract Time      | 101 |

This change order covers new line items that need to be added to the contract along with new quantities that need to be adjusted in the current contract. Please view the attachments below for a description of the items changing. Along with an adjustment in the contract amount, 11 days are to be added to the contract for completion of these items.

Staff recommends approval of the change order as written.

Please contact me with any questions or concerns regarding the proposed contract or the project as a whole. My direct telephone number is (479) 271-5993 or I can be reached via email at [bpeters@bentonvillear.com](mailto:bpeters@bentonvillear.com).

Addenda to NW 2<sup>nd</sup> Street 1



## CHANGE ORDER

### Change Order No 1

Date of Issuance: January 3, 2014

Effective Date:

|                                             |                            |                           |
|---------------------------------------------|----------------------------|---------------------------|
| Project:                                    | Owner:                     | Owner's Contract No:      |
| <b>Bentonville Sidewalk Improvements</b>    | <b>City of Bentonville</b> | <b>Bid Number 13-30</b>   |
| Contract:                                   |                            | Date of Contract:         |
|                                             |                            | <u>September 20, 2013</u> |
| Contractor:                                 |                            | Engineer's Project No:    |
| <b>General Construction Solutions, Inc.</b> |                            | <u>13008</u>              |

The Contract Documents are modified as follows upon execution of this Change Order:

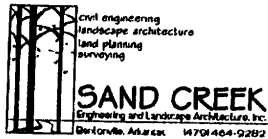
Description: The following items are additional line items added to the contractors' scope of work.

1. Location of existing conduit was not as represented on the plans. 40 linear feet of 2" conduit was needed to serve electricity to the new light pole location on "A" Street. = \$910
2. Dug and poured 22'x1'x8" extra footing with steel due to wall being moved by engineer. = \$300
3. Remove and dispose of excessive concrete on base of bollard 1 CY of concrete. = \$300
4. Remove pole base for flashing "School Zone" light on 3<sup>rd</sup> St. = \$300
5. 1 Standard J Box (4'x4') is actually 3 Standard J Boxes that are 5'x6', 4'x5', 5'x5' upcharge at \$400 each added to quantity of 3 on pay app. = \$1,200
6. Add color to alley crossing when replaced. = \$1,010
7. Add new pole base for school zone sign on 3<sup>rd</sup> Street. = \$800

Description: The following items are quantity changes to original bid line items.

1. Item #2 "Remove Concrete Walk" quantity increase of 64 S.Y. discovered during construction. = \$2,304.64
2. Item #6 "Remove Concrete Paving" quantity increase of 44.5 S.Y. discovered during construction. = \$3,528.85
3. Item #12 "6 Concrete Paving" quantity increase of 139 S.Y. for additional concrete paving in the alley and parking spaces along N.E. "A" St. = \$10,199.82
4. Item #14 "Standing Curb" quantity increase of 168 LF not accounted for in original quantities. = \$5,182.80
5. Item #21 "Vanguard H.C. Strip" quantity increase of 2 ADA Truncated Domes for the crosswalks at 2<sup>nd</sup> and Main. = \$520
6. Item #22 "Steel Handrail" quantity increase of 17 LF to accommodate new stoop and ramp at salon entry on "A" St. = \$1,013.37
7. Item #25 "Sidewalk (Colored)" quantity increase of 85 SF to construct stoop and ramp at salon entry. = \$2,373.20
8. Item #27 "4 inch Aggregate Sidewalk Base" quantity increase of 58.29 tons of base to fill in voids under sidewalk and paving areas created from the removal of subsurface concrete discovered during construction. = \$1,866.45
9. Item #31 "3 inch PVC Condensate Drains" quantity increase of 40 LF not accounted for in original quantities. = \$792.00
10. Item #39 "Standard J Box (4'x4') quantity increase of 2 not accounted for in original quantities. = \$5,798
11. Item #44 "Poured In Place Retaining Wall" quantity increase of 32 LF not accounted for in original quantities. = \$17,721.60
12. Item #46 "Adjust Water Meter Elevations" quantity increase of 2 not accounted for in original quantities. = \$962

JWT



**CHANGE IN CONTRACT PRICE:**

Original Contract Price:  
\$ 229,888.00

Increase / Decrease from previously approved

\$ 0.00

Contract Price Prior to this Change Order:

\$ 229,888.00

Increase / Decrease of this Change Order:

\$ 57,082.73

Contract Price incorporating this Change Order:

\$ 286,970.73

**CHANGE IN CONTRACT TIMES:**

Original Contract Times: ☐ Working days ☒ Calendar days  
Substantial completion (days) : 90  
Ready for final payment (days) : \_\_\_\_\_

Increase / Decrease from previously approved Change Orders

Substantial completion (days) : 0  
Ready for final payment (days) : \_\_\_\_\_

Contract Times prior to this Change Order:

Substantial completion (days) : 90  
Ready for final payment (days) : \_\_\_\_\_

Increase / Decrease of this Change Order:

Substantial completion (days) : 11  
Ready for final payment (days) : \_\_\_\_\_

Contract Times with all approved Change Orders:

Substantial completion (days) : 101  
Ready for final payment (days) : \_\_\_\_\_

**RECOMMENDED:**

By: \_\_\_\_\_  
Engineer (Authorized Signature)

Date: 1/6/14

Approved by Funding Agency (if applicable): \_\_\_\_\_

**ACCEPTED:**

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

**ACCEPTED:**

By: \_\_\_\_\_  
Contractor (Authorized Signature)

Date: 1/3/14

Date: \_\_\_\_\_



| CHECK ALL THAT APPLY                          |       |
|-----------------------------------------------|-------|
| Bid Award                                     | Bid # |
| Budget Adjustment                             |       |
| Change Order                                  |       |
| Informational                                 |       |
| <input checked="" type="checkbox"/> Ordinance |       |
| Resolution                                    |       |
| Other                                         |       |

## AGENDA FORM

CITY COUNCIL MEETING OF:

December 10, 2013

Submitted by: Troy Galloway

Department

Planning

Phone

271-3125

### ACTION REQUIRED:

City Council approval of an ordinance authorizing the Mayor and City Clerk to enter into an agreement with Ashby Street Outdoor to approve a permit for a third digital sign (S. Walton Blvd and Hwy 102) and an additional non-digital sign (on County Parcel #01-16687-000 on S. Walton Blvd.) in exchange for the removal of an existing double-decker billboard sign (S. Walton Blvd. and SW 24th St.)

### COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount \$0

☒ One time amount

☐ Continuing O and M

|                            |      |
|----------------------------|------|
| Previously Budgeted        | \$ - |
| Funds Expended to Date     | -    |
| Remaining Budget           | -    |
| Budget Adjustment          | -    |
| Remaining After Adjustment | \$ - |

SK 12/2/13  
Department Head Date

                                           
Purchasing Agent Date

DL 12/4/13  
Finance Director Date

CT 12/4/13  
Staff Attorney Date  
ROM 1/10/14  
Mayor Date

*This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.*

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712

\*www.bentonvillear.com\*



PLEASE RECYCLE





## MEMO

---

**TO:** City Council, Mayor McCaslin  
**FROM:** Troy Galloway, AICP  
Community and Economic Development Director  
**DATE:** December 2, 2013  
**RE:** Billboard Agreement

Staff is seeking City Council approval of an ordinance authorizing the Mayor and City Clerk to make a legislatively created exception to the regulations of the City of Bentonville related to billboards for a specific instance.

The City of Bentonville desires that the double-decker billboard located at the southwest corner of S. Walton Blvd. and SW 24<sup>th</sup> St. be removed. Ashby Street Outdoor has agreed to remove that billboard in exchange for the city permitting following:

- A third digital sign on the existing digital billboard located at the southeast corner of S. Walton Blvd. and Hwy. 102. The sign will be oriented to the east in the gap between the two existing digital boards.
- A single-stack non-digital billboard on County Parcel #01-16687-000 on S. Walton Blvd. that will meet setback and landscaping requirements.

## **AGREEMENT RELATED TO BILLBOARDS**

WHEREAS, Ashby Street Outdoor (Ashby) is the owner of a certain double-decker billboard located on the southwest corner of the intersection of U.S Highway 71/South Walton Boulevard and SW 24<sup>th</sup> Street in Bentonville, Arkansas, and

WHEREAS, the City of Bentonville (Bentonville) desires that the described billboard be permanently removed, and

WHEREAS, Ashby would be willing to remove the described billboard in exchange for being allowed to alter another billboard it owns and to construct a new billboard at another location, and

WHEREAS, the existing Bentonville regulations related to billboards would not allow Ashby to make the modification to its existing billboard and to construct the new billboard it desires to construct, and

WHEREAS, Bentonville would be willing to grant a legislative exception to its existing regulations to allow an exchange of Ashby's current double decker billboard for Ashby being allowed to modify another of its existing billboards and to construct a new billboard,

NOW THEREFORE, Bentonville and Ashby agree as follows:

I. In exchange for Ashby removing an existing double-decker billboard located on the southwest corner of the intersection of U.S Highway 71 B/South Walton Boulevard and SW 24<sup>th</sup> Street in Bentonville, as well as Ashby giving up any future right to construct a billboard at that location except as otherwise allowed by the sign and billboard regulations of Bentonville, Bentonville agrees to:

a) approve a permit allowing a third digital sign to be installed on the existing billboard located on the southeast corner at the intersection of Arkansas Highway 102/14<sup>th</sup> Street and U.S Highway 71 B/South Walton Boulevard. This digital sign will orient to the east (generally) and will be located in the existing gap created by the orientation of the existing digital signs located on this billboard.

b) approve a permit for an additional single stack (non-digital) billboard on Benton County Parcel # 01-16687-000 along U.S. Highway 71 B/South Walton Blvd. This new single stack billboard will not exceed 30 feet in height, will meet applicable set back

requirements, and will be landscaped at its base in accordance with existing City of Bentonville landscaping requirements pertaining to signs and billboards.

This agreement is a modification of the billboard regulations previously adopted by the City of Bentonville by ordinance providing a legislatively created exception to the typical requirements. This agreement and the resulting exceptions described in subparagraphs a and b above will become effective when an ordinance approving this agreement is approved by the Bentonville City Council and signed by the Mayor and Clerk of the City of Bentonville. Ashby will still need to file any customary applications for permits for the modification and new construction which will be approved based on the exception created by this ordinance.

This legislatively created exception to the regulations of the City of Bentonville related to billboards is for this specific instance only and shall not apply with regard to any application to modify or construct a billboard not contemplated herein, whether such application is made by Ashby or any other person.

## II. OTHER CONTRACTUAL PROVISIONS.

a) Entire Agreement; Modification. This Agreement embodies and constitutes the entire understanding between the parties with respect to the transaction contemplated herein. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be waived, modified, amended, discharged, or terminated except by an instrument in writing signed by the party against which the enforcement of such waiver, modification, amendment, discharge or termination is sought, and then only to the extent set forth in such instrument.

b) Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Arkansas.

c) Headings. Descriptive headings are for convenience and shall not control or affect the meaning or construction of any provision of this Agreement.

d) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their successors and assigns.

e) Counterparts. This Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and the same Agreement.

f) Interpretation. Whenever the context hereof shall require, the singular shall include the plural, the male gender shall include the female gender and the neuter, and vice versa.

g) Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

h) Effective Date. The effective date of this agreement shall be the date an ordinance of the Bentonville City Council approving this agreement becomes effective.

i) Survival of provisions. The terms of this agreement will survive closing to the extent necessary to allow enforcement of the provisions hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

CITY OF BENTONVILLE, ARKANSAS

By: \_\_\_\_\_  
Mayor Bob McCaslin

ASHBY STREET OUTDOOR

By: \_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Print name and title

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING AN AGREEMENT WITH  
ASHBY STREET OUTDOOR AND PROVIDING A  
LEGISLATIVE EXCEPTION TO THE CITY'S EXISTING  
RULES RELATED TO SIGNS AND BILLBOARDS.**

**WHEREAS**, the City Council for the City of Bentonville, Arkansas has previously adopted rules limiting the erection of billboards in the City of Bentonville, and

**WHEREAS**, there are billboards erected prior to the described rules which are contrary to those rules but which continue to be allowed under a grandfathered status, and

**WHEREAS**, the City has reached an Agreement to allow removal of an existing grandfathered billboard, and

**WHEREAS**, the Agreement to provide for removal of the existing billboard includes allowing the erection of two new billboards which would be contrary to the City's sign ordinance, and

**WHEREAS**, the Council determines allowing the two new billboards to be adequate consideration for the removal of the existing billboard considering the location of each of the billboards,

**WHEREAS**, the reason for allowing this departure from the City's sign ordinance is to promote the voluntary removal of a billboard from City right-of-way, avoiding either the continued presence of the billboard in right-of-way contrary to ordinance or the likely expensive prospect of having the billboard removed by legal action.

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

**Sec. 1. The Agreement Related to Billboards signed by the Mayor and attached hereto as Exhibit "A" is approved.**

**Sec. 2. This process shall constitute a legislative exception to the City's rules relating to signs and billboards, but shall not apply with regard to any application to erect a billboard other than those specifically detailed Exhibit "A."**

**PASSED AND APPROVED**, this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Bob McCaslin, Mayor

ATTEST:

\_\_\_\_\_  
Linda Spence, City Clerk



| CHECK ALL THAT APPLY |                   |       |       |
|----------------------|-------------------|-------|-------|
| X                    | Bid Award         | Bid # | 13-54 |
|                      | Budget Adjustment |       |       |
|                      | Change Order      |       |       |
|                      | Informational     |       |       |
|                      | Ordinance         |       |       |
|                      | Resolution        |       |       |
|                      | Other             |       |       |

## AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Travis Matlock

Department: Electric

Phone: 271-3135

### ACTION REQUIRED:

Staff recommends Council award bid to Gastony Directional Boring, Inc. to provide all directional and on-grade boring services to the City of Bentonville for the 2014 calendar year. Price breakdown is attached.

### COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☒ Continuing O and M

|                            |      |
|----------------------------|------|
| Previously Budgeted        | \$   |
| Funds Expended to Date     |      |
| Remaining Budget           | -    |
| Budget Adjustment          | -    |
| Remaining After Adjustment | \$ - |

Department Head

1/2/14  
Date

Purchasing Agent

1/6/14  
Date

Finance Director

1-6-14  
Date

Staff Attorney

1/9/14  
Date

Mayor

1/10/14  
Date

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712

\*www.bentonvillear.com\*



PLEASE RECYCLE



# Memo



**To:** City Council, Mayor McCaslin  
**From:** Travis Matlock  
**CC:**  
**Date:** January 2, 2014  
**Re:** Bid Award to Gastony Directional Boring, Inc.

---

Staff recommends awarding the bid for all directional and on-grade boring to Gastony Directional Boring, Inc. for the 2014 calendar year. This will be a blanket contract that will be utilized by multiple departments.

The City received two bids with Gastony providing the low bid. Gastony met all qualifying criteria.

Thank you for your consideration of this request.

**Bid Tab - 2014 Boring Services**

**Bid No. 13-54**

**Bid Date 12/27/2013**

| Trenching (per linear FT) | Gastony |         | Gene Boyer |         |
|---------------------------|---------|---------|------------|---------|
|                           | Dirt    | Rock    | Dirt       | Rock    |
| 1.5"                      | \$8.00  | \$10.00 | \$11.00    | \$15.00 |
| 2"                        | \$12.00 | \$15.00 | \$14.00    | \$18.00 |
| 2.5"                      | \$12.00 | \$15.00 | \$14.50    | \$18.00 |
| 3"                        | \$16.00 | \$18.00 | \$15.00    | \$20.00 |
| 4"                        | \$16.00 | \$20.00 | \$16.50    | \$22.00 |
| 5"                        | \$18.00 | \$22.00 | \$19.00    | \$24.00 |
| 6"                        | \$18.00 | \$24.00 | \$22.00    | \$25.00 |

**Trenching (w/ Multiple Conduit Installation) (per linear FT)**

|                        |         |         |         |         |
|------------------------|---------|---------|---------|---------|
| 24" w/ 2 - 3" Conduits | \$24.00 | \$26.00 | \$20.75 | \$40.00 |
| 24" w/ 2 - 4" Conduits | \$24.00 | \$30.00 | \$22.75 | \$42.75 |
| 24" w/ 2 - 5" Conduits | \$26.00 | \$32.00 | \$25.00 | \$45.00 |
| 24" w/ 2 - 6" Conduits | \$26.00 | \$35.00 | \$27.00 | \$50.00 |
| 36" w/ 3 - 3" Conduits | \$32.00 | \$36.00 | \$30.00 | \$50.00 |
| 36" w/ 3 - 4" Conduits | \$32.00 | \$38.00 | \$40.00 | \$60.00 |
| 36" w/ 3 - 5" Conduits | \$34.00 | \$42.00 | \$40.00 | \$60.00 |
| 36" w/ 3 - 6" Conduits | \$34.00 | \$46.00 | \$50.00 | \$60.00 |

**Trenching (w/o Conduit Installation) (per linear FT)**

|     |         |         |         |         |
|-----|---------|---------|---------|---------|
| 12" | \$8.00  | \$10.00 | \$10.00 | \$20.00 |
| 24" | \$12.00 | \$18.00 | \$20.00 | \$25.00 |
| 36" | \$16.00 | \$25.00 | \$25.00 | \$30.00 |

**Directional Boring (per linear FT)**

|      |         |         |         |         |
|------|---------|---------|---------|---------|
| 1.5" | \$14.00 | \$16.00 | \$15.50 | \$25.00 |
| 2"   | \$18.00 | \$25.00 | \$16.00 | \$35.00 |
| 2.5" | \$18.00 | \$25.00 | \$16.50 | \$35.00 |
| 3"   | \$25.00 | \$28.00 | \$19.00 | \$35.00 |
| 4"   | \$28.00 | \$30.00 | \$25.00 | \$50.00 |
| 5"   | \$30.00 | \$32.00 | \$30.00 | \$70.00 |
| 6"   | \$30.00 | \$34.00 | \$50.00 | \$85.00 |

**Water Main (per linear FT)**

|                           |          |          |          |          |
|---------------------------|----------|----------|----------|----------|
| 16" (.219 Wall Thickness) | \$200.00 | \$300.00 | \$190.00 | \$360.00 |
| 20" (.281 Wall Thickness) | \$225.00 | \$325.00 | \$220.00 | \$420.00 |

**Sewer Main (per linear FT)**

|                           |          |          |          |          |
|---------------------------|----------|----------|----------|----------|
| 16" (.219 Wall Thickness) | \$225.00 | \$325.00 | \$210.00 | \$400.00 |
| 20" (.281 Wall Thickness) | \$250.00 | \$350.00 | \$245.00 | \$450.00 |

**Bore Pit (per vertical FT)**

|                    |          |            |            |            |
|--------------------|----------|------------|------------|------------|
| Depth more than 8' | \$500.00 | \$1,000.00 | \$1,500.00 | \$3,000.00 |
|--------------------|----------|------------|------------|------------|

**Micellaneous**

|                                                  |            |    |            |    |
|--------------------------------------------------|------------|----|------------|----|
| Installing 1,250-lb mule tape & secure on ea end | \$0.35     | LF | \$1.50     | LF |
| Placing SWGR Vaults                              | \$1,750.00 | EA | \$2,500.00 | EA |
| Placing Concrete JB                              | \$850.00   | EA | \$1,200.00 | EA |
| 8" Direction Bore                                | \$85.00    | LF | \$90.00    | LF |
| Installing 60" Sweep & Mounting Bracket          | \$135.00   | EA | \$150.00   | EA |
| Furnish & Install Couplings (1.5" 2", 2.5")      | \$10.00    | EA | \$12.00    | EA |
| Furnish & Install Couplings (3" & 4")            | \$15.00    | EA | \$20.00    | EA |
| Furnish & Install Couplings (5" & 6")            | \$25.00    | EA | \$35.00    | EA |
| Furnish & Install Locator Tape                   | \$0.35     | LF | \$1.00     | LF |
| Sawcut, Remove/Replace Concrete (4"-6")          | \$100.00   | SY | \$100.00   | SY |
| Sawcut, Remove/Replace Asphalt (2"-3")           | \$100.00   | SY | \$100.00   | SY |
| Compacted Class 7 Base                           | \$50.00    | CY | \$70.00    | CY |
| Solid Sod w/ 4" Topsoil                          | \$10.00    | SY | \$12.00    | SY |
| Hydro-Mulching                                   | \$2.50     | SY | \$7.00     | SY |
| Seed & Mulch                                     | \$2.00     | SY | \$3.00     | SY |

**2014 PROPOSAL BID FORM**

**City of Bentonville, Arkansas**

|                      |                              |                    |                 |
|----------------------|------------------------------|--------------------|-----------------|
| <b>Submitted To:</b> | <b>City of Bentonville</b>   | <b>Bid Number:</b> | <u>13-54</u>    |
|                      | <b>Purchasing Agent</b>      | <b>Issue Date:</b> | <u>12-10-13</u> |
|                      | <b>117 West Central</b>      | <b>Bid Date:</b>   | <u>12-27-13</u> |
|                      | <b>Bentonville, AR 72712</b> | <b>Time:</b>       | <u>1:30 PM</u>  |

Successful Bidder must own HDD boring equipment and meet the general requirements listed below:

- Certified and trained in OSHA Competent Trench Safety and Traffic Control
- Contractor must respond to an emergency request by the City Engineering Director within 24 hours, mobilize to jobsite with necessary equipment, materials, supplies and manpower to complete the necessary work.

**Trenching**

Price per linear foot includes supplying, trenching, installation of Schedule 40 PVC or HDPE DR21 pipe and backfilling (per attached detail). Depth of bury to be a minimum of four (4) feet.

**Dirt Pricing:**

|      |                |
|------|----------------|
| 1.5" | <u>\$8.00</u>  |
| 2.0" | <u>\$12.00</u> |
| 2.5" | <u>\$12.00</u> |
| 3.0" | <u>\$16.00</u> |
| 4.0" | <u>\$16.00</u> |
| 5.0" | <u>\$18.00</u> |
| 6.0" | <u>\$18.00</u> |

**Rock Pricing:**

|      |                |
|------|----------------|
| 1.5" | <u>\$10.00</u> |
| 2.0" | <u>\$15.00</u> |
| 2.5" | <u>\$15.00</u> |
| 3.0" | <u>\$18.00</u> |
| 4.0" | <u>\$20.00</u> |
| 5.0" | <u>\$22.00</u> |
| 6.0" | <u>\$24.00</u> |

**Trenching (With Multiple Conduit Installation)**

Price per linear foot includes supplying, trenching, installation of multiple Schedule 40 PVC or HDPE DR21 pipe and backfilling (per attached detail). Depth of bury to be a minimum of four (4) feet.

**Dirt Pricing:**

|                      |                |
|----------------------|----------------|
| 24" w/ 2-3" conduits | <u>\$24.00</u> |
| 24" w/ 2-4" conduits | <u>\$24.00</u> |
| 24" w/ 2-5" conduits | <u>\$26.00</u> |
| 24" w/ 2-6" conduits | <u>\$26.00</u> |
| 36" w/ 3-3" conduits | <u>\$32.00</u> |
| 36" w/ 3-4" conduits | <u>\$32.00</u> |
| 36" w/ 3-5" conduits | <u>\$34.00</u> |
| 36" w/ 3-6" conduits | <u>\$34.00</u> |

**Rock Pricing:**

|                      |                |
|----------------------|----------------|
| 24" w/ 2-3" conduits | <u>\$26.00</u> |
| 24" w/ 2-4" conduits | <u>\$30.00</u> |
| 24" w/ 2-5" conduits | <u>\$32.00</u> |
| 24" w/ 2-6" conduits | <u>\$35.00</u> |
| 36" w/ 3-3" conduits | <u>\$36.00</u> |
| 36" w/ 3-4" conduits | <u>\$38.00</u> |
| 36" w/ 3-5" conduits | <u>\$42.00</u> |
| 36" w/ 3-6" conduits | <u>\$46.00</u> |

**Trenching (Without Conduit Installation)**

Price per linear foot includes digging and backfilling trench (per attached detail). BEUD will coordinate with contractor to install CIC (Conductor in Conduit) to then be backfilled by contractor. Depth of bury to be a minimum of four (4) feet.

**Dirt Pricing:**12" \$8.0024" \$12.0036" \$16.00**Rock Pricing:**12" \$10.0024" \$18.0036" \$25.00**Directional Boring**

Price per linear foot includes supplying, boring, installation of Schedule 40 PVC or HDPE DR21 pipe and backfilling of access pits. Depth of cover to be a minimum of four (4) feet along the length of the bore.

**Dirt Pricing:**1.5" \$14.002.0" \$18.002.5" \$18.003.0" \$25.004.0" \$28.005.0" \$30.006.0" \$30.00**Rock Pricing:**1.5" \$16.002.0" \$25.002.5" \$25.003.0" \$28.004.0" \$30.005.0" \$32.006.0" \$34.00**Boring and Installing Steel Encasement Pipe to accommodate water mains**

Price per linear foot includes all cost of materials, labor, bore pits (up to 8' deep), and welding of pipe casing. Depth of cover to be a minimum of five (5) feet along the length of the bore.

**Dirt Pricing (Steel Encasement):**16" (.219 Wall thickness) \$200.0020" (.281 Wall thickness) \$225.00**Rock Pricing (Steel Encasement):**16" (.219 Wall thickness) \$300.0020" (.281 Wall thickness) \$325.00

**Boring and Installing Steel Encasement Pipe on Specified Grade to accommodate gravity sanitary sewer lines**

Price per linear foot includes all cost of materials, labor, bore pits (up to 8' deep), and welding of pipe casing. Depth of cover and grade of line will vary.

**Dirt Pricing (Steel Encasement):**

16" (.219 Wall thickness) \$225.00  
20" (.281 Wall thickness) \$250.00

**Rock Pricing (Steel Encasement):**

16" (.219 Wall thickness) \$325.00  
20" (.281 Wall thickness) \$350.00

**Bid bore pit (10' x 8' deep) excavation depth more than 8' plus (per vertical foot):**

Dirt \$500.00  
Rock \$1,000.00

**Miscellaneous**

Additional items of work to be priced for use at the discretion of the City Engineering Director:

Installing 1,250-lb mule tape and secure on each end: \$0.35 per LF

Installing Primary/Switch Gear Vaults (10 feet depth): \$1,750.00 per Each

Installing Precast Concrete Junction Boxes: \$850.00 per Each

Furnish & Install by Directional Bore – 8" SCH80 Steel Casing: \$85.00 per LF

Installing 60" Radius Sweep & Pole Mounting Bracket Assembly: \$135.00 per Each

Furnish & Install Couplings: 1.5", 2.0" & 2.5" : \$10.00 per Each

3.0" & 4.0" : \$15.00 per Each

5.0" & 6.0" : \$25.00 per Each

Furnish & Install Locator Tape in Open Trench: \$0.35 per LF

Sawcut, Remove & Replace Concrete 4" to 6" in depth: \$100.00 per SY

Sawcut, Remove & Replace Asphalt 2" to 3" in depth: \$100.00 per SY

Compacted Class 7 Aggregate Base for trench backfill & transformer pads: \$50.00 per CY

Solid Sod including 4" of topsoil: \$10.00 per SY

Hydro-Mulching: \$2.50 per SY

Seed & Mulch: \$2.00 per SY

**All pricing to remain in effect for a period of one (1) year from the date of Award.**

Date: December 27, 2013

Bidder: Gastony Directional Boring, Inc.

Mailing Address: P.O. Box 368

Fort Smith,

Authorized Signature: \_\_\_\_\_

Title: President

Arkansas Contractor's License Number: 0001000111

Federal I.D. Number: 71-0826394



# GASTONY DIRECTIONAL BORING, INC.



---

## Gastony DBI – Owned Equipment

December 2013

1. Kenworth Haul Trucks (2)
2. Ford Vacuum Trucks (2)
3. Cat 305CCRA Excavator
4. Cat 315B Excavator
5. Sullair Air Compressor
6. 4" Godwin Pumps (2)
7. Vermeer 36x50 Directional Boring Machine w/ Mixing System
8. Vermeer 80x100 Directional Boring Machine w/ Mixing System
9. Ford F550 Closed-Circuit TV Camera Truck
10. Case 580L Backhoe
11. Tulsa Rig Iron Reclaimer
12. Kemtron Tango-500 Reclaimer
13. McElroy Pipe Fusing Machine
14. Directional Air Impactor
15. 36x50 Air Drill Hammer
16. 80x100 Air Drill Hammer
17. Vactron PMD800 Suction Machine
18. Various work trucks and multi-purpose trailers

---

3000 NORTH 23<sup>RD</sup> STREET • P.O. BOX 368 • FORT SMITH, ARKANSAS 72902  
TELEPHONE (479) 782-9167 • FAX (479) 783-7909

License No. 0081830414

ID #10536

*State of Arkansas*  
***Contractors Licensing Board***

GASTONY DIRECTIONAL BORING, INC.  
PO BOX 368  
FORT SMITH, AR 72902

**This is to Certify That**

GASTONY DIRECTIONAL BORING, INC.

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended  
and is entitled to practice Contracting in the State of Arkansas within the  
following classification:

**SPECIALTY**

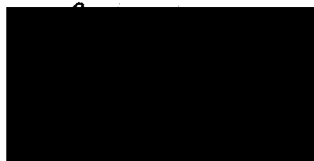
Underground Piping, Cable, Trenching, Boring

with the following suggested bid limit Unlimited

from April 12, 2013 until April 30, 2014

when this Certificate expires.

*Witness our hands of the Board, dated at North Little Rock, Arkansas:*



CHAIRMAN

SECRETARY

April 12, 2013



# CERTIFICATE OF LIABILITY INSURANCE

FORSG-5 OP ID: JH

DATE (MM/DD/YYYY)  
12/20/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                             |                                          |                                                                                                                                                                                                                                                       |                                               |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| PRODUCER<br>Brown-Hiller-Clark & Assoc.<br>5500 Euper Lane<br>P. O. Box 3529<br>Fort Smith, AR 72913-3529<br>Scott R. Clark | Phone: 479-452-4000<br>Fax: 479-484-5185 | CONTACT<br>NAME:<br>PHONE<br>(A/C, H/L, Ext):<br>E-MAIL<br>ADDRESS:<br>INSURER(S) AFFORDING COVERAGE<br>INSURER A: United Fire & Casualty Company<br>INSURER B: Accident Fund National Ins Co<br>INSURER C:<br>INSURER D:<br>INSURER E:<br>INSURER F: | FAX<br>(A/C, No):<br>NAIC #<br>13021<br>10166 |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:  
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                     | ADDL SUBR INSR W/O | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                                    |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|---------------|-------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | GENERAL LIABILITY<br><input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY<br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC |                    | 60397541      | 11/01/2013              | 11/01/2014              | EACH OCCURRENCE \$ 1,000,000<br>DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000<br>MED EXP (Any one person) \$ 5,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMPROP AGG \$ 2,000,000 |
| A        | AUTOMOBILE LIABILITY<br><input checked="" type="checkbox"/> ANY AUTO<br><input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS                                      |                    | 60397541      | 11/01/2013              | 11/01/2014              | COMBINED SINGLE LIMIT (Per occurrence) \$ 1,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$                                                                              |
| A        | UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR<br>EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE<br>DED <input checked="" type="checkbox"/> RETENTION \$                                                                                                                                   |                    | 60397541      | 11/01/2013              | 11/01/2014              | EACH OCCURRENCE \$ 10,000,000<br>AGGREGATE \$ 10,000,000                                                                                                                                                                                  |
| B        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                 | Y/N<br>N/A         | WCV6069791    | 11/01/2013              | 11/01/2014              | WC STATUS: <input type="checkbox"/> TORY LIMITS <input type="checkbox"/> OTHER<br>E.L. EACH ACCIDENT \$ 1,000,000<br>E.L. DISEASE - EA EMPLOYEE \$ 1,000,000<br>E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                  |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

|                                                                                                         |                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CERTIFICATE HOLDER<br><br>CITY013<br><br>City of Bentonville<br>117 W. Central<br>Bentonville, AR 72712 | CANCELLATION<br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.<br><br>AUTHORIZED REPRESENTATIVE<br> |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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ACORD 25 (2010/05)

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# Certificate of Completion

This certificate confirms that

**Jeremy E. Dutra**

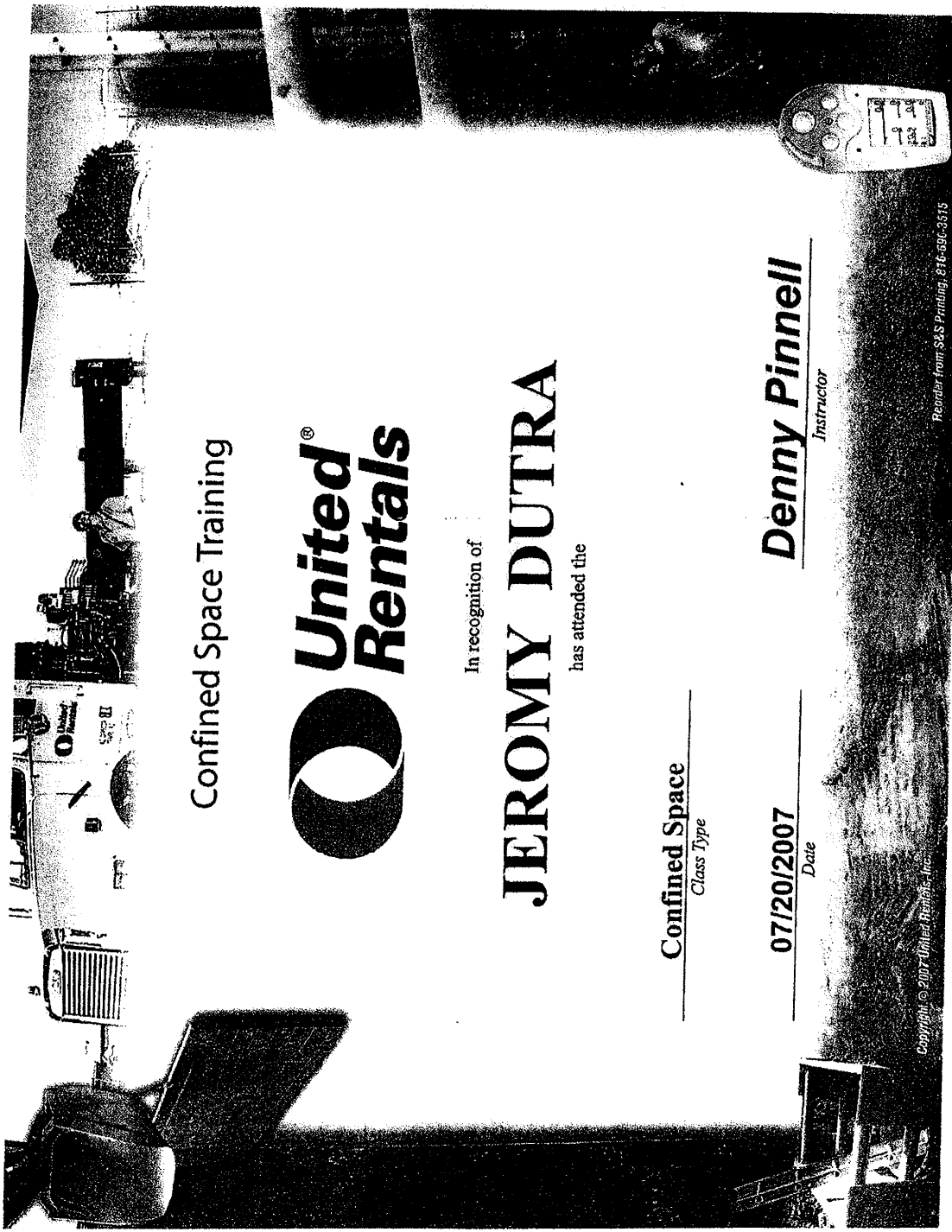
has completed the  
NUCA Excavation Safety &  
Competent Person Training Program  
and received 0.8 CEU's (8 Credit Hours)

on **August 4, 2006**

Instructor **David V. Dow**

*Issued by*

*The National Utility Contractors Association*



Confined Space Training



In recognition of

**JEROMY DUTRA**

has attended the

**Confined Space**

*Class Type*

**07/20/2007**

*Date*

**Denny Pinnell**

*Instructor*

Copyright © 2007 United Rentals, Inc.

Reorder from S&S Printing, 816-880-3315

OSHA

000769294



U.S. Department of Labor  
Occupational Safety and Health Administration

Jeromy Dutra

has successfully completed a 10-hour Occupational Safety and Health  
Training Course in

Construction Safety & Health

Dan Snyder, CSP 8-3-05  
(Trainer) (Date)



| CHECK ALL THAT APPLY |                   |       |  |
|----------------------|-------------------|-------|--|
|                      | Bid Award         | Bid # |  |
|                      | Budget Adjustment |       |  |
|                      | Change Order      |       |  |
|                      | Informational     |       |  |
| X                    | Ordinance         |       |  |
|                      | Resolution        |       |  |
|                      | Other             |       |  |

## AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

### ACTION REQUIRED:

Request for a waiver of bid to permit the 2014 budgeted purchase (SUV 4x4) of a 2014 Chevy Tahoe SSV to be assigned to the Criminal Investigation Division. This vehicle will replace a 2006 Chevy Impala that has been transferred to our Legal Department. The purchase price of this vehicle would be the same amount (base price and options) as the 2013 Arkansas State Bid (\$28,555 base price, \$30,405.75 as optioned). Nunnally Chevrolet of Bentonville previously had the 2013 State Bid Award (item # 77, expired 10-17-13) for this vehicle, however due to production and pricing availability, there is not yet a 2014 State Bid Award for the Chevy Tahoe, which will be redesigned and available as a 2015 model. Nunnally Chevrolet has a 2014 Chevy Tahoe in stock that meets our specifications and this vehicle is available for immediate delivery at the aforementioned 2013 State Bid price, reflecting a considerable savings to the City.

### COST TO CITY:

Cost of this Request: \$30,406

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

|                            |    |        |
|----------------------------|----|--------|
| Previously Budgeted        | \$ | 35,000 |
| Funds Expended to Date     |    | -      |
| Remaining Budget           |    | 35,000 |
| Budget Adjustment          |    | -      |
| Remaining After Adjustment | \$ | 35,000 |

Department Head

Date

Purchasing Agent

Date

Finance Director

Date

Staff Attorney

Date

Mayor

Date

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712  
\*www.bentonvillear.com\*



PLEASE RECYCLE



## REQUEST FOR WAIVER OF BID

Date 1/14/2014

Requested by: Chief Jon Simpson

Department: Police Department

### DESCRIPTION OF REQUEST:

Type of Equipment: SUV 4x4 for Criminal Investigation Division

Year & Model: 2014 Tahoe Special Service Vehicle (SSV)

Serial # 1GNSK2E03ER180771

To Be Purchased From: George Nunnally Chevrolet

2700 SE Moberly Lane

Bentonville AR, 72712

Amount: Base Amount: \$28,555.00

Tax: \_\_\_\_\_

\*Other: \$1,850.75

**TOTAL**

**\$ 30,405.75**

\* List all other costs: Additional equipment related to police equipment

### JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:

The purchase price of this vehicle would be the same amount as the 2013 Arkansas State Bid, or \$28,555.00, plus any additional options. Nunnally Chevrolet of Bentonville had the 2013 State Bid Award (item # 77, expired 10-17-13) for this vehicle, however due to production and pricing availability, there is not yet a 2014 State Bid Award for the Chevy Tahoe, which will be redesigned and available as a 2015 model. Nunnally Chevrolet has a 2014 Chevy Tahoe in stock that meets our specifications and this vehicle is available for immediate delivery at the aforementioned 2013 price reflecting a considerable savings to the City and a total 2013 State Bid price of \$30,405.75. This price includes bucket seats, dual batteries, alloy wheels, and other police specific options.

1-6-14  
Department Head

DN  
Director of Finance & Administration

Revised 6-18-99

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE  
CITY CLERK TO PURCHASE A 2014 CHEVY TAHOE  
FROM NUNNALLY CHEVROLET FOR THE  
BENTONVILLE POLICE DEPARTMENT AND WAIVING  
THE REQUIREMENT OF COMPETITIVE BIDDING.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE  
CITY OF BENTONVILLE, ARKANSAS.**

**Section 1:** That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with Nunnally Chevrolet for the purchase of a 2014 Chevy Tahoe SSV for the Bentonville Police Department in an amount not to exceed \$30,405.75.

**Section 2:** Because, due to production and pricing availability, there is not yet a 2014 State Bid Award for the Chevy Tahoe, and because Nunnally Chevrolet previously had the 2013 State Bid Award for this vehicle, and because Nunnally Chevrolet currently has a vehicle in stock and available for immediate delivery that meets required specifications at the same price as the 2013 State Bid price, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

**PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.**

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK



| CHECK ALL THAT APPLY |                   |       |  |
|----------------------|-------------------|-------|--|
|                      | Bid Award         | Bid # |  |
| x                    | Budget Adjustment |       |  |
|                      | Change Order      |       |  |
|                      | Informational     |       |  |
|                      | Ordinance         |       |  |
|                      | Resolution        |       |  |
|                      | Other             |       |  |

### AGENDA FORM

CITY COUNCIL MEETING OF:

January 14, 2014

Submitted by: Hadi Dudley

Department: Library Director

Phone: 271-3194

#### ACTION REQUIRED:

Approval of budget adjustment for \$5,000 to Bentonville Public Library from a private donation to the Bentonville Library Foundation. The funds are designated to support the library's Large Print collection.

#### COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount: \$0

☒ One time amount

☐ Continuing O and M

|                            |    |   |
|----------------------------|----|---|
| Previously Budgeted        | \$ | - |
| Funds Expended to Date     |    | - |
| Remaining Budget           |    | - |
| Budget Adjustment          |    | - |
| Remaining After Adjustment | \$ | - |

Department Head

Date

Purchasing Agent

Date

Finance Director

Date

Staff Attorney

Date

Mayor

Date

*This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.*

117 WEST CENTRAL AVENUE \* BENTONVILLE, AR 72712  
\*www.bentonvillear.com\*



PLEASE RECYCLE





**Date of Request:** January 14, 2014

**Justification:**  
Approval of budget adjustment for \$5,000 to Bentonville Public Library from a private donation to the Bentonville Library Foundation.  
The funds are designated to support the library's Large Print collection.

Date: \_\_\_\_\_ Date entered: \_\_\_\_\_ By: \_\_\_\_\_