Revised Agenda: Adding item 22

BENTONVILLE CITY COUNCIL AGENDA

Note – The public, members of the City Council, and City staff, may have the option to attend this meeting by remote means. For public health reasons, those who attend in person should keep in mind hygiene, the use of facial coverings, and social distancing.

Public comments can be submitted by email submitted to cc.comments@bentonvillear.com by at least 4:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Council and the Mayor. Accommodation has also been made to allow Bentonville citizens to make "live" public comments orally in the event they cannot attend the meeting in person. To do so, please send an email indicating a desire to make public comments remotely to cc.comments@bentonvillear.com by at least 1:00 p.m. on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number and email address. The pre-existing limitations (3 minutes) and procedures with respect to oral public comments will still apply.

Committee of the Whole **Monday, September 27, 2021 6:00 p.m.**
City Hall **305 S.W. "A" Street**
Planning Commission Meeting Room

***If you would like to attend virtually, please register at the following link by 4:00 p.m. on September 27, 2021:**
https://us02web.zoom.us/webinar/register/WN_pts3Q_nnR6qPZr_QlOqSeQ

City Council Meeting **Tuesday, September 28, 2021 6:00 p.m.**
City Hall **305 S.W. "A" Street**
Planning Commission Meeting Room

***If you would like to attend virtually, please register at the following link by 4:00 p.m. on September 28, 2021:**
https://us02web.zoom.us/webinar/register/WN_Lcj_VOmaRL6ll7fdE1XXQA

Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from City Council Members on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: September 14, 2021

AGENDA

1. Bentonville Together DEI Roadmap Presentation – Dr. Todd Jenkins, Bowtie Leadership and Development Inc., Mayor Stephanie Orman, Debbie Griffin, Director of Administration, and Shelli Kerr, Comprehensive Planning Manager. **(Monday Night Only)** **(Page 8)**

2. Lake Bella Vista Update – Travis Matlock, Electric Utility Director and David Wright, Parks and Recreation Director. **(Monday Night Only)** **(Page 9)**

3. Recognition by City Council of Lisa and Scott Crossett who reside at 208 NW F Street. The property's landscaping was nominated by a Bentonville resident and is the September Residential Landscaping of the Month award winner. **(Pages 10-11)**

4. Recognition by City Council of Northwest Church located at 301 SW Unity Blvd. The property's landscaping was nominated by a Bentonville resident and is the September Commercial Landscaping of the Month award winner. **(Pages 12-13)**

5. Request that the City Council adopt a formal resolution to recognize, commend, and congratulate Police Chief Jon Simpson on his retirement from the City of Bentonville Police Department, effective September 30, 2021. This resolution recognizes Jon Simpson for more than 27 years of dedicated and decorated service to the Bentonville Police Department. This resolution also wishes Jon Simpson much health, happiness, and continued success in all of his future endeavors. See attached resolution. **(Pages 14-15)**

6. 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. (Anglin Annexation) **(Pages 16-33)**

7. 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. (Naples Annexation) **(Pages 34-58)**

8. Planning:

8a. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential, 302 SW D Street (Project Number: RZ21-0053).**

(Pages 63-69)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas.

This rezoning request is consistent with the Bentonville Community Plan and the Future Land Use Plan. Additionally, this request is consistent with surrounding land-use patterns as there are existing DN-2 zoning districts in the immediate area. This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

8b. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to R-1, Low Density Single Family Residential, 8395 Windsong Lane (Project Number: RZ21-0048).**

(Pages 70-75)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Low Density Residential. Low Density Residential areas include detached single-family residential properties with a typical density of 3-8 units per acre.

This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

8c(1). **Resolution adopting revision to the Future Land Use Map changing real estate from High- Density Residential, Mixed Use Commercial and General Commercial to Medium Density Residential, Vaughn Road (Project Number: RZ21-0055).**

(Pages 76-86)

The Planning Commission voted 5-0, recommending approval.

The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas.

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map amendment and the rezoning request.

8c(2). **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential, Vaughn Road (Project Number: RZ21-0055).**

(Pages 76-88)

The Planning Commission voted 5-0, recommending approval.

The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas.

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map amendment and the rezoning request.

8d. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential, 1111, 1113, 1115 NE Monroe Street (Project Number: RZ21-0056).**

(Pages 89-95)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas.

This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

8e(1). **Resolution adopting revision to the Future Land Use Map changing real estate from Residential Estate to Medium Density Residential, SW Regional Airport Boulevard (Project Number: RZ21-0057).**

(Pages 96-105)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Residential Estate. The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acres.

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map Amendment and the rezoning request.

8e(2). **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential, SW Regional Airport Boulevard (Project Number: RZ21-0057).**

(Pages 96-107)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Residential Estate. The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acres.

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map Amendment and the rezoning request.

8f(1). **Resolution adopting revision to the Future Land Use Map changing real estate from High- Density Residential to Downtown Commercial, 421 SE A Street (Project Number: RZ21-0058).**

(Pages 108-113)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as High-Density Residential. The applicant requests a change in the Future Land Use Plan to Downtown Commercial.

Recent rezoning activity, the Bentonville Community Plan, and adjacency to the trail all support the Future Land Use Map Amendment and rezoning requests. Staff recommends approval of the map amendment and rezoning.

8f(2). **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-3, Medium-High Density Multifamily Residential to DE, Downtown Edge, 421 SE 'A' Street (Project Number: RZ21-0058).**

(Pages 108-114)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as High-Density Residential. The applicant requests a change in the Future Land Use Plan to Downtown Commercial.

Recent rezoning activity, the Bentonville Community Plan, and adjacency to the trail all support the Future Land Use Map Amendment and rezoning requests. Staff recommends approval of the map amendment and rezoning.

8g. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential, NE Monroe Street (Project Number: RZ21-0059).**

(Pages 115-121)

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas.

This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

8h. **Ordinance accepting a lot split of Lots 18 & 19 of Clark's 2nd Addition to the City of Bentonville, Arkansas, 302 SW D Street (Project Number: LS21-0046).**

(Pages 124-126)

The Planning Commission voted 5-0, recommending approval.

A lot split of all of existing Lot 1, and part of existing Lot 4, Block 5 creating new Lot 18 (+/- 0.18 acres) and Lot 19 (+/- 0.16 acres), Block 5 of Clark's 2nd Addition. The plat dedicates various utility easements to serve the lots and also dedicates right-of-way along SW D Street to meet the requirements of the Master Street Plan.

8i. **Ordinance accepting a Final Plat of Trail Ridge Subdivision to the City of Bentonville, Arkansas, SW 2nd Street & NW Trail Ridge Road (Project Number: FP21-0003).**

(Pages 127-129)

The planning Commission voted 5-0, recommending approval.

A final plat consisting of 16 total lots. Fifteen (15) are single-family residential lots and one lot will be utilized as a common lot. The final plat dedicates right-of-way for the newly constructed NW Trail Ridge Lane. The final plat dedicates utility drainage easements in various locations to serve the subdivision. All non-bondable items and guarantees of improvements must be complete and a final inspection performed and approved before Planning Commission approval.

8j. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to PUD, Planned Unit Development, SW Regional Airport Boulevard and SW Fair View Boulevard (Project Number: RZ21-0051).**

(Pages 130-142)

The planning Commission voted 7-0, recommending approval.

The Future Land Use Plan depicts this property as Agricultural (A). The PRD, Planned Residential Development zoning is an appropriate zoning district for this designation.

Due to the wide variety of uses proposed within the Planned Unit Development staff recommends not amending the land use classification. Because the proposed planned unit development is compatible with existing and future surrounding land uses, staff recommends approval of the proposed rezoning.

9. Public hearing and ordinance vacating an Alley Right of Way at 407 SE G Street of Young's Addition (VAC21-0021). **(Pages 143-147)**

10. Public hearing and ordinance vacating a Utility/Drainage Easement requested for 2606 NW 6th Street of Cross Creek PH II (VAC21-0022). **(Pages 148-150)**

11. Public hearing and ordinance vacating a Utility Easement requested for 4503 SW Marble Cove of Cornerstone Ridge Phase 4 (VAC21-0023). **(Pages 151-153)**

12. Resolution setting a public hearing for October 12, 2021 for a Utility Easement Vacation requested for 603 SE Yale Street of College Place Phase 8 (VAC21-0024). **(Pages 154-156)**

13. Adopt resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. This resolution is required by the Quorum Court and County Clerk in order to facilitate the millage levy to be collected in 2022. **(Pages 157-160)**

14. Budget Adjustment to fund identified Category 1 potential expenses under the American Rescue Plan Act (ARPA). $3.4 million of ARPA funds have been received by the City in 2021 and are available. **(Pages 161-164)**

15. Discussion on Premium Pay for City Employees. **(Page 165)**

16. Recommendation to appoint the Chair of the Committee of the Whole as the City Council's representative on the City's depository board. This board is a requirement by state law 19-8-106 (attached). **(Pages 166-168)**

17. This is a request to approve the addition of one (1) police officer position to our current staff of 84 sworn officers, effectively changing our authorized headcount to 85. The justification for this request to add this position now is two-fold. First, one of our patrol officers currently under military orders since January 2021 has now had these orders extended for the next two years. Second, we are facing

several uncommon staffing challenges related to increasing calls for service as well as personnel shortages due to retirements, pregnancies, and medical and health issues. The approval of this request would allow the police department to hire one additional officer as soon as possible to help cover this officer's extended absence and also help offset the other challenges mentioned. Payroll funds not being expended for this position due to the military obligation would fund this request and eliminate the need for a budget adjustment now or in the coming year. Likewise, this additional officer can utilize the vehicle that is already in our fleet, thus further eliminating any vehicle related expenses. The current uniform, equipment, and training budget will likewise accommodate this new positions without any adjustment. This addition will provide a responsible and no cost improvement to our current staffing challenges and will help ensure quality of services and safety for all. Likewise, it can be anticipated that ongoing growth trends and increasing call loads will eliminate any concerns when this personnel addition is reviewed two years from now. See attached Memorandum.

(Pages 169-171)

18a. Bid Award requested by Parks and Recreation Staff for City Council's approval of IFB-21-68, in the amount of $99,830.00, to Crossland Heavy Contractors Inc. for the purchase of services to re-build a section of the Applegate trail near SW 2nd Street. **(Pages 172-215)**

18b. Budget adjustment in the amount of $99,830.00 to fund the purchase of services to repair a section of the Applegate trail damaged in the April flood event.

(Pages 216-218)

19. Information Presentation regarding Quilt of Parks Project. **(Pages 219-220)**

20a. An ordinance authorizing the mayor and the city clerk to purchase two (2) remoteLocker systems for Bentonville Public Library from Bibliotheca and waiving the requirement of competitive bidding. **(Pages 221-226)**

20b. Approval of a budget adjustment in the amount of $46,656 for Bentonville Public Library to accept and expend American Rescue Plan Act (ARPA) grant funds totaling $42,405.00. Additional funds to fully execute the project total $4,251.00 and will be reallocated from BPL's FY2021 budget. The project will expand the Library's institutional capacity and responds to COVID-19 conditions through the installation of a "remoteLocker" system at the Bentonville Community Center and on the veranda at the main library. The grant made possible with the American Rescue Plan Act funds is provided by the Institute of Museum and Library Services through the Library Services and Technology Grants to States program and administered by the Arkansas State Library. **(Pages 227-230)**

21. An ordinance authorizing the mayor and the city clerk to purchase four (4) selfCheck 1000 systems for Bentonville Public Library from Bibliotheca and waiving the requirement of competitive bidding. **(Pages 231-237)**

22. Resolution expressing City Council's desire to remove the dam at Bella Vista Lake and reestablish Little Sugar Creek as a free flowing stream. **(Pages 238-240)**

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Administration**
Submitted by	**Debbie Griffin**
Phone	**(479) 254-2028**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☑ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Bentonville Together DEI Roadmap Presentation – Dr. Todd Jenkins, Bowtie Leadership and Development Inc., Mayor Stephanie Orman, Debbie Griffin, Director of Administration, and Shelli Kerr, Comprehensive Planning Manager. (Monday Night Only)

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Electric/Parks & Recreation**
Submitted by	**Travis Matlock/David Wright**
Phone	**(479) 464-7275**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☑ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Lake Bella Vista Update – Travis Matlock, Electric Utility Director and David Wright, Parks and Recreation Director. (Monday Night Only)

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Comprehensive Planning**
Submitted by	**Shelli Kerr, AICP**
Phone	**(479) 271-6822**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☑ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Recognition by City Council of Lisa and Scott Crossett who reside at 208 NW F Street. The property's landscaping was nominated by a Bentonville resident and is the September Residential Landscaping of the Month award winner.

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

MEMO

Date: September 28, 2021
To: Bentonville City Council
From: Shelli Kerr, AICP, Comprehensive Planning Manager
RE: Residential Landscaping of the Month Award - September

The Tree and Landscape Advisory Committee has awarded Lisa and Scott Crossett of 208 NW F Street as the winner for the September Residential Landscaping of the Month Award. The property was nominated by a Bentonville resident.





About the Award

The Residential Landscaping of the Month Award recognizes the hard work and pride exhibited by Bentonville residents because we are proud to have a community that strives to beautify their homes, neighborhoods, and the City of Bentonville.

The award was created to recognize Bentonville residents who have improved and maintained the exterior landscaping of their homes. The award is intended to inspire others to take pride in their home, improve their landscaping, pick up litter, and to improve the quality of life in the City of Bentonville.

Award winners are honored by the Mayor with a certificate and are presented with a decorative yard sign designating their landscaping as a winner. A photograph of the award winning landscaping will be placed in the next edition of the City of Bentonville's newsletter, the Bentonville Focus.

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Comprehensive Planning**
Submitted by	**Shelli Kerr, AICP**
Phone	**(479) 271-6822**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☑ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Recognition by City Council of Northwest Church located at 301 SW Unity Blvd. The property's landscaping was nominated by a Bentonville resident and is the September Commercial Landscaping of the Month award winner.

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

MEMO

Date: September 28, 2021
To: Bentonville City Council
From: Shelli Kerr, AICP, Comprehensive Planning Manager
RE: Commercial Landscaping of the Month Award - September

The Tree and Landscape Advisory Committee has awarded Northwest Church located at 301 SW Unity Blvd. as the winner for the September Commercial Landscaping of the Month Award. The property was nominated by a Bentonville resident.







About the Award

The Commercial Landscaping of the Month Award recognizes the hard work and pride exhibited by Bentonville establishments because we are proud to have a community that strives to beautify their community.

The award was created to recognize Bentonville establishments that have improved and maintained the exterior landscaping of their business or facility. The award is intended to inspire others to take pride in their property, improve their landscaping, pick up litter, and to improve the quality of life in the City of Bentonville.

Award winners are honored by the Mayor with a certificate and are presented with a decorative yard sign designating their landscaping as a winner. A photograph of the award winning landscaping will be placed in the next edition of the City of Bentonville's newsletter, the Bentonville Focus.

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Police Department**
Submitted by	**Bentonville Police Department**
Phone	**(479) 271-3173**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Request that the City Council adopt a formal resolution to recognize, commend, and congratulate Police Chief Jon Simpson on his retirement from the City of Bentonville Police Department, effective September 30, 2021. This resolution recognizes Jon Simpson for more than 27 years of dedicated and decorated service to the Bentonville Police Department. This resolution also wishes Jon Simpson much health, happiness, and continued success in all of his future endeavors. See attached resolution.

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :



City of Bentonville
State of Arkansas

RESOLUTION

CHIEF OF POLICE
Jon P. Simpson

WAS BORN IN BENTONVILLE, ARKANSAS AND GRADUATED FROM BENTONVILLE HIGH SCHOOL IN MAY 1984, AND ATTENDED THE UNIVERSITY OF ARKANSAS FROM AUGUST 1984 TO MAY 1988, EARNING A BACHELOR'S DEGREE IN CRIMINAL JUSTICE, AND THEN WORKED IN RETAIL SAFETY AND SECURITY FROM 1988-1994; AND

WHEREAS, CHIEF JON P. SIMPSON JOINED THE BENTONVILLE POLICE DEPARTMENT IN APRIL 1994 AS A PATROL OFFICER WHERE HIS LEADERSHIP QUALITIES WERE QUICKLY RECOGNIZED, AND HE WAS NOMINATED BY HIS PEERS AS OFFICER OF THE YEAR IN 1996, AND SHORTLY THEREAFTER EARNED A PROMOTION IN OCTOBER 1997 TO THE POSITION OF SHIFT SUPERVISOR; AND

WHEREAS, CHIEF JON P. SIMPSON, CONTINUED TO SERVE THE COMMUNITY IN VARIOUS CAPACITIES WITHIN THE DEPARTMENT INCLUDING A TRANSFER TO THE CRIMINAL INVESTIGATION DIVISION WHERE HE SUPERVISED AND INVESTIGATED NUMEROUS CASES, RECEIVED NUMEROUS RECOGNITIONS, UNTIL HE WAS PROMOTED ONCE AGAIN TO THE POSITION OF SHIFT COMMANDER IN JANUARY 2001; AND

WHEREAS, CHIEF JON P. SIMPSON, IN HIS CAPACITY AS SHIFT COMMANDER DEVELOPED AND LED OFFICERS UNDER THE PATROL AND CRIMINAL INVESTIGATION DIVISION TO HELP ENSURE QUALITY POLICING IN OUR CITY, ENSURING THOROUGH INVESTIGATIONS WERE CONDUCTED, AND DEVELOPING LEADERSHIP IN HIS SUBORDINATES, AND WAS SUBSEQUENTLY PROMOTED TO DIVISION COMMANDER OF THE CRIMINAL INVESTIGATION DIVISION IN MAY 2006; AND

WHEREAS, CHIEF JON P. SIMPSON, IN FEBRUARY 2011, WAS APPOINTED TO LEAD THE BENTONVILLE POLICE DEPARTMENT IN HIS CURRENT ASSIGNMENT AS THE CHIEF OF POLICE, ONE OF THE HIGHEST RESPONSIBILITIES AND ACHIEVEMENTS IN PUBLIC SAFETY; AND

WHEREAS, CHIEF JON P. SIMPSON WAS THE 7TH CHIEF OF POLICE OF THE BENTONVILLE POLICE DEPARTMENT SINCE 1951, THE FIRST CHIEF OF THE DEPARTMENT TO BE PROMOTED FROM THE GROUND UP, AND RETIRING WITH THE CURRENT LONGEST TENURE WITHIN THE DEPARTMENT; AND

WHEREAS, CHIEF JON P. SIMPSON, AS THE CHIEF OF POLICE OF THE BENTONVILLE POLICE DEPARTMENT, HAS CONTINUED TO FAITHFULLY SERVE THE CITY OF BENTONVILLE, INSPIRING A PHILOSOPHY OF ALWAYS TRYING TO DO THE RIGHT THING AND TREATING EACH EMPLOYEE AT THIS DEPARTMENT LIKE THEY TRULY MATTERED, ALONG WITH RECEIVING NUMEROUS COMMENDATIONS FOR HIS ACCOMPLISHMENTS FOR HIS SENSE OF DEDICATION, SELFLESSNESS, LOYALTY, AND INTEGRITY; AND

WHEREAS, CHIEF JON P. SIMPSON, WAS THE SOUL OF THE BENTONVILLE POLICE DEPARTMENT AND THROUGH HIS COUNTLESS DUTIES, ACCOMPLISHMENTS, AND INNOVATIVE IDEAS, HAS DELIVERED TO THE BENTONVILLE POLICE DEPARTMENT AND THE CITIZENS OF BENTONVILLE AN UNPARALLELED LEVEL OF PROFESSIONALISM AND SERVICE.

NOW THEREFORE, BE IT RESOLVED THAT BY THE ADOPTION OF THIS RESOLUTION, THE CITY COUNCIL OF BENTONVILLE, HEREBY COMMENDS AND CONGRATULATES CHIEF JON P. SIMPSON FOR HIS 27 YEARS OF DEDICATED LAW ENFORCEMENT SERVICE TO THE BENTONVILLE POLICE DEPARTMENT AND THE CITIZENS OF BENTONVILLE, AND WISHES HIM HEALTH, HAPPINESS, AND CONTINUED SUCCESS IN ALL HIS FUTURE ENDEAVORS.

GIVEN THIS day 28th day of September, 2021, in Bentonville, in the Great State of Arkansas, in the United States of America.

Stephanie Orman, Mayor

Kirby Romines City Clerk

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Administration**
Submitted by	**Jim Wheeless**
Phone	**(479) 271-5926**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

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. (Anglin Annexation)

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

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 a majority of the owners of the hereinafter described territory, said owners being listed in Exhibit "A" to this ordinance, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the 8th day of August, 2021, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-601 et seq. of the Arkansas Code, finding that the petition met the requirements for annexation by a majority of property owners under those provision and directed the Clerk to forward the order to the City of Bentonville; and

WHEREAS, thirty days have passed since the County Judge entered his order and the City is thus authorized to complete the annexation,

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

Section 1. That the land described on the attached Exhibit "B," is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby accepted and the property described in Exhibit "B" 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 3 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.

Section 4: That this ordinance shall become effective 30 days from its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

APPROVED: _____
HON. STEPHANIE ORMAN, Mayor

ATTEST: _____
HON. KIRBY ROMINES, City Clerk

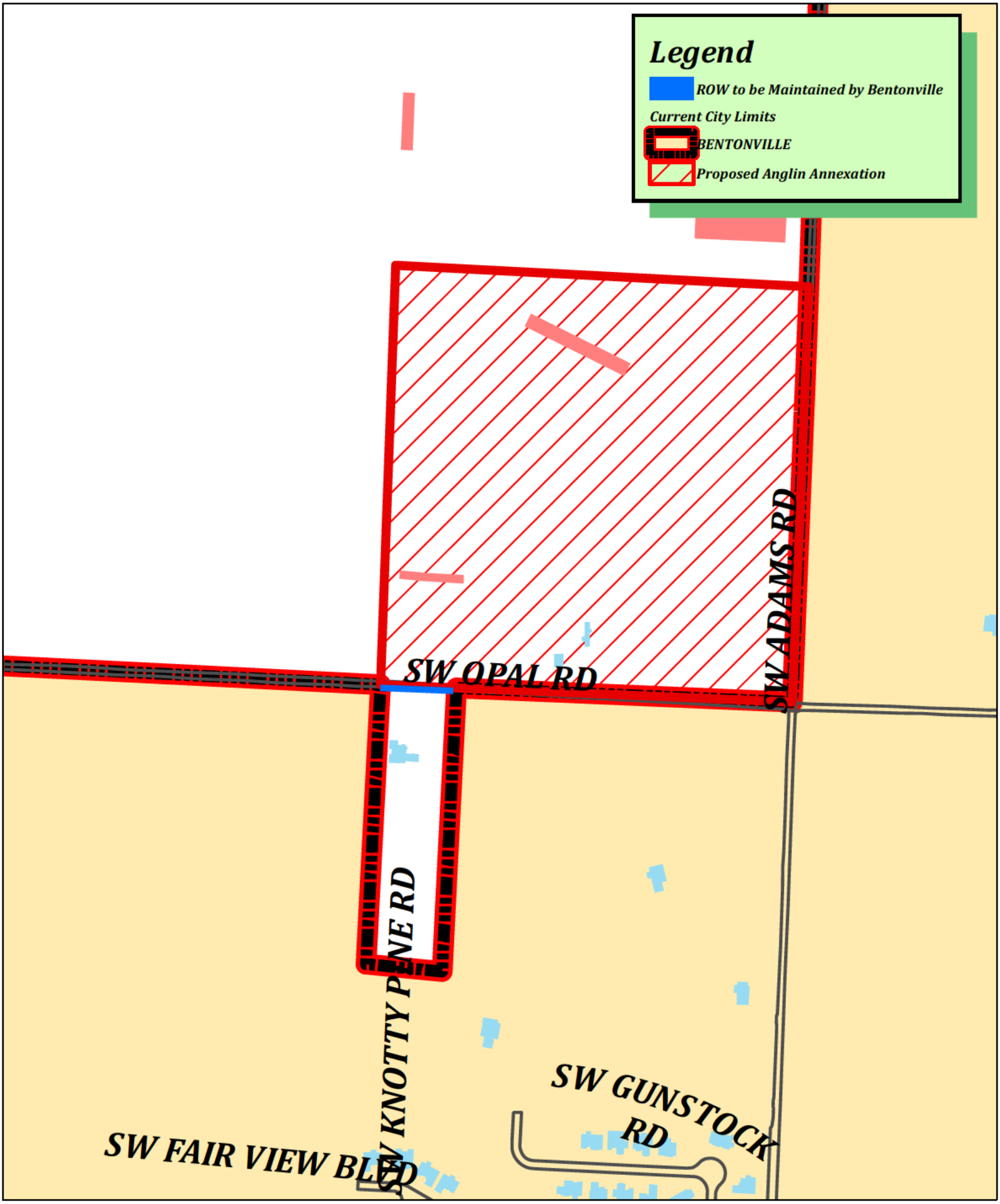
EXHIBIT "A"
ATTACHMENT TO ANNEXATION ORDINANCE
PROPERTY OWNERS PETITIONING TO BE ANNEXED

KALAISELVAN (PAGAN) ANNEXATION)

Pagan Incorporation_____ **18-08647-000**
18-08648-001

EXHIBIT "B"
ATTACHMENT TO ANNEXATION ORDINANCE
DESCRIPTION OF PROPERTY TO BE ANNEXED

The Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section 1 and part of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section 1, Township 19 North, Range 31 West, Benton County, Arkansas, more particularly described as follows: Beginning at the South Quarter Corner of Section 1, being marked by an existing Stone Monument, thence along the south line thereof, N 87° 09' 32" W, 1,324.75 feet to an existing Mag Nail, marking the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 1; Thence along the west line of the Southeast Quarter of the Southwest Quarter of said Section 1, N 02° 09' 47" E, 1,323.51 feet to an existing ½ " rebar and cap stamped 1801; Thence S 87° 07' 31" E, 1,329.35 feet to an existing 5/8" rebar marking the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 1; Thence S 86° 57' 12" E, 1,326.72 feet to and existing Nail marking the Northeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 1; Thence S 03° 04' 53" W, 593.34 feet to a set ½" rebar and cap stamped 1703; Thence N 86° 57' 12" W, 1,319.27 feet to a set ½" rebar and cap stamped 1703; Thence S 02° 21' 43" W, 729.30 feet to the Point of Beginning, containing 58.33 acres more or less and being subject to any rights-of-way or easements of record.



N
W E
S
1 inch = 381 feet

Exhibit 'B'
Anglin Annexation

FILED

2021 AUG 24 AM 11:58

[illegible] CLERK

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO
THE CITY OF BENTONVILLE, ARKANSAS,
CERTAIN TERRITORY CONTIGUOUS TO
SAID CITY OF BENTONVILLE, ARKANSAS CASE NO. _2021-20_

ORDER APPROVING ANNEXATION

Now on this 16th day of August, 2021, comes on this matter for consideration of the Petition For Annexation filed herein, the Petitioners appearing by Jim Wheeless, appointed in their petition to act on their behalf, and from a review of the Petition and the entire file, and all things considered, the Court finds:

1. This matter involves property located in Benton County, Arkansas, having a legal description as follows:

The SW ¼ of the NE ¼ of Section 16, Township 19N, Range 31W.

AND

(ROW To Be Maintained by Bentonville)

Part of the NW ¼ of the SE ¼ of Section 16, Township 19N, Range 31W and more particularly described as follows;

Beginning at the NW Corner of said NW ¼ of the SE ¼ of Section 16, Township19N, Range 31W which is also the centerline of SW Opal Rd.

Thence along said centerline S87°34'21"E, 228.95';
Thence leaving said centerline S02°25'39"W, 20.00' to the approximate South Right of Way of said SW Opal Rd.;
Thence along said South Right of Way N87°34'20"W, 229.13';
Thence N02°57'36"E, 20.00' to the Point of Beginning.

2021 3803

FILED

2021 AUG 24 AM 11:58

2. Petitioners constitute a majority of the numbers of the real estate described in paragraph one and own more than one-half (½) of the acreage in that area.

3. That notice of the date of the hearing on this matter was published as required by law.

4. That at least thirty (30) days have passed since the notice of hearing was published.

5. That ~~other than the Petitioners' representative,~~ the only person appearing at the hearing was the Petitioners' representative,

6. That the allegations of the petition are sustained by the proof, including that the statutory requirement for signatures has been met, the limits of the territory to be annexed have been accurately described, and an accurate map of the area to be annexed has been filed.

7. That the prayer of the Petitioners is found to be "right and proper."

IT IS THEREFORE CONSIDERED AND ORDERED THAT the property described in paragraph 1 is hereby annexed to the City of Bentonville, Arkansas, subject only to a timely challenge to the annexation filed in Circuit Court, and a confirmation of the annexation by the City of Bentonville.

[redacted]

HON. BARRY MOEHRING, COUNTY JUDGE

Date Entered: 8.24.2021

2021 3803

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO THE CERTAIN PROPERTY CONTIGUOUS TO SAID CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS

CASE NO. CC 2021-20

ANGLIN PROPERTIES LLC

PETITIONER(S)

NOTICE OF HEARING

Notice is hereby given that there has been filed in the County Court of Benton County, Arkansas, the Petition of Anglin Annexation asking for annexation to the City of Bentonville of the following described lands situated in Benton County, Arkansas, and contiguous to said City of Bentonville:

The SW ¼ of the NE ¼ of Section 16, Township 19N, Range 31W.

AND

ROW To Be Maintained by Bentonville

Part of the NW ¼ of the SE ¼ of Section 16, Township 19N, Range 31W and more particularly described as follows;

Beginning at the NW Corner of said NW ¼ of the SE ¼ of Section 16, Township19N, Range 31W which is also the centerline of SW Opal Rd.

Thence along said centerline S87°34'21"E, 228.95';
Thence leaving said centerline S02°25'39"W, 20.00' to the approximate South Right of Way of said SW Opal Rd.;
Thence along said South Right of Way N87°34'20"W, 229.13';
Thence N02°57'36"E, 20.00' to the Point of Beginning.

A map of said land proposed for annexation is on file with said Petition in the Office of the Clerk of said Court.

The Court has fixed the 16th day of August, 2021, at 2:00 o'clock p.m. as the date for a hearing on said Petition to be held in the Quorum Court Room, County Administration Building, 215 East Central Avenue, Bentonville, Arkansas. All interested persons desiring to be heard are now notified to be present at said Court at the time and date so fixed.

Petitioners
ANGLIN PROPERTIES LLC

ATTENTION: CATHY WILES, ADVERTISING DEPARTMENT
Northwest Arkansas Newspaper
Email: cwiles@nwadg.com

Date E-mailed: July 21, 2021

Annexation by Petition **CC 2021-20**

Date to be Published: Sunday, July 25, 2021
Sunday, August 1, 2021 and
Sunday, August 8, 2021

Publication and Certification Statement should be sent to:

Name: City of Bentonville
Attn: Jim Wheeless

Address: 305 SW A Street
Bentonville, AR 72712

Phone: 479-271-5926

Please acknowledge receipt of this Notice. If you have any questions, please call the County Clerk's office at (479)-271-1013.

Thank you.

Betsy Harrell

NORTHWEST ARKANSAS
Democrat Gazette
P.O. BOX 1607, FAYETTEVILLE, AR, 72702 • 479-442-1700 • FAX: 479-695-1116 • WWW.NWADG.COM

AFFIDAVIT OF PUBLICATION

I, Brittany Smith, do solemnly swear that I am the Accounting Legal Clerk of the Northwest Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of: Notice pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

City of Bentonville
PH Anglin Properties

Was inserted in the Regular Edition on:
July 25, August 1 & 8, 2021

Publication Charges: $378.48

[redacted]
Brittany Smith

Subscribed and sworn to before me
This 9 day of Aug, 2021.

Cathy Wiles
Benton COUNTY
NOTARY PUBLIC – ARKANSAS
My Commission Expires 02-20-2024
Commission No. 12397118

[redacted]
Notary Public
My Commission Expires: 2/20/24

NOTE
Please do not pay from Affidavit.
Invoice will be sent.

IN THE COUNTY COURT OF
BENTON COUNTY, ARKANSAS
IN THE MATTER OF ANNEXING TO
THE
CASE NO. CC 2021-20
CERTAIN PROPERTY CONTIGUOUS
TO
SAID CITY OF BENTONVILLE,
BENTON COUNTY, ARKANSAS
ANGLIN PROPERTIES LLC
PETITIONER(S)
NOTICE OF HEARING
Notice is hereby given that there has been filed in the County Court of Benton County, Arkansas, the Petition of Pagan Incorporation asking for annexation to the City of Bentonville of the following described lands situated in Benton County, Arkansas, and contiguous to said City of Bentonville:
The SW ¼ of the NE ¼ of Section 16, Township 19N, Range 31W.
AND
ROW To Be Maintained by Bentonville
Part of the NW ¼ of the SE ¼ of Section 16, Township 19N, Range 31W and more particularly described as follows;
Beginning at the NW Corner of said NW ¼ of the SE ¼ of Section 16, Township19N, Range 31W which is also the centerline of SW Opal Rd.
Thence along said centerline S87°34'21"E, 228.95';
Thence leaving said centerline S02°25'39"W, 20.00' to the approximate South Right of Way of said SW Opal Rd.;
Thence along said South Right of Way N87°34'20"W, 229.13';
Thence N02°57'36"E, 20.00' to the Point of Beginning.
A map of said land proposed for annexation is on file with said Petition in the Office of the Clerk of said Court.
The Court has fixed the 16th day of August, 2021, at 2:00 o'clock p.m. as the date for a hearing on said Petition to be held in the Quorum Court Room, County Administration Building, 215 East Central Avenue, Bentonville, Arkansas.
All interested persons desiring to be heard are now notified to be present at said Court at the time and date so fixed.
Petitioners
ANGLIN PROPERTIES LLC
75445231 July 25, Aug 1 & 8

FILED
2021 JUL 16 AM 10:33
BETSY HARRELL
CO & CIRCUIT CLERK
BENTON COUNTY, AR

IN THE COUNTY COURT OF BENTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXING TO THE CITY OF BENTONVILLE, ARKANSAS CERTAIN TERRITORY CONTIGUOUS TO SAID CITY NO. 2021-20

ANGLIN PROPERTIES LLC. PETITIONERS

PETITION FOR ANNEXATION

Come now the undersigned Petitioners, and state as follows:

1. That Petitioners are a majority of the real estate owners (meaning a majority of the total number of owners who own more than one half (½) of the acreage affected) of property in Benton County, Arkansas, proposed to be annexed, which is described as follows:

The SW ¼ of the NE ¼ of Section 16, Township 19N, Range 31W.

AND

ROW To Be Maintained by Bentonville

Part of the NW ¼ of the SE ¼ of Section 16, Township 19N, Range 31W and more particularly described as follows;

Beginning at the NW Corner of said NW ¼ of the SE ¼ of Section 16, Township 19N, Range 31W which is also the centerline of SW Opal Road.

Thence along said centerline S87°34'21"E, 228.95';
Thence leaving said centerline S02°25'39"W, 20.00' to the approximate South Right of Way of said SW Opal Rd.;
Thence along said South Right of Way N87°34'20"W, 229.13';
Thence N02°57'36"E, 20.00' to the Point of Beginning.

2. That the described property is contiguous to and adjoining the present City of Bentonville city limits, as shown on the map attached hereto as Exhibit "A."

FILED
2021 JUL 16 AM 10:33
BETSY HARRELL
CO & CIRCUIT CLERK
BENTON COUNTY, AR

3. That Petitioners authorize Jim Wheeless to act on their behalf to complete this annexation process.

4. That the following schedule of services shall be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final: All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services. Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

5. That the Arkansas Geographic Information System Office has been consulted concerning this proposed annexation and has issued a letter confirming that consultation which is attached hereto as Exhibit "B."

WHEREFORE, Petitioners pray that the land described be annexed into the City of Bentonville, and for all other proper relief.

FILED
2021 JUL 16 AM 10:33
CLERK

I confirm my desire that property owned by me, which is to be included in a petition to annex property, be annexed into the City of Bentonville.

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

[redacted] Owner

Signature of Property Owner or Legal Representative of Property Owner, Petitioner

Title, if applicable (i.e. Trustee, (Managing Member, President, Secretary)

18-08985-000

Parcel number of property to be annexed

ACKNOWLEDGMENT

State of Arkansas)
) ss.
County of Benton)

On this the 8 day of July, 2021, before me, the undersigned officer, personally appeared William Anglin, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

[redacted]
NOTARY PUBLIC

My Commission Expires:

5-2-2031

LINDA MAYE ALLEN
NOTARY PUBLIC
ARKANSAS
BENTON COUNTY
12381526 EXPIRES 5-2-2031

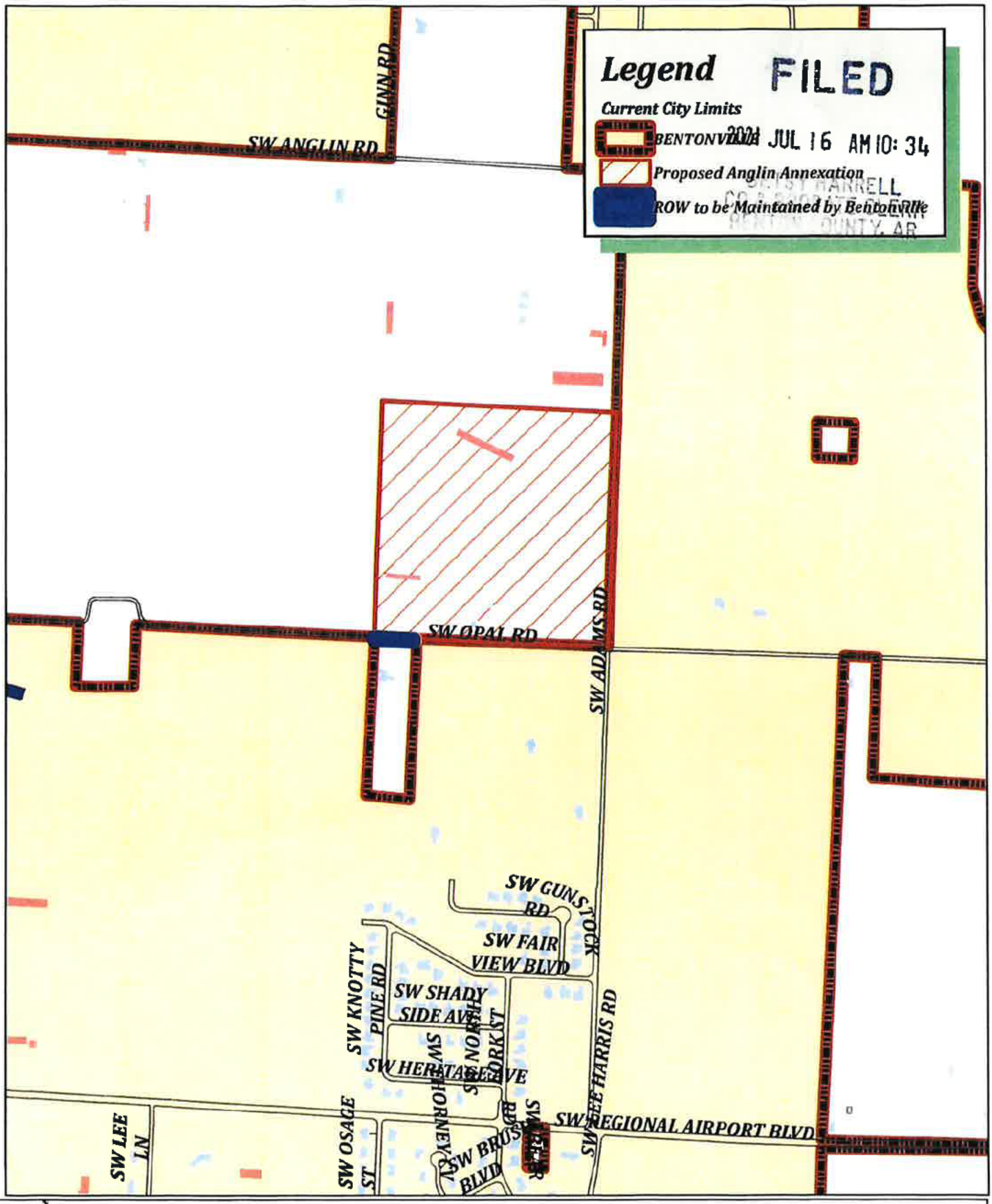


Exhibit 'A'
Anglin Annexation

Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

EXHIBIT "B"

FILED
2021 JUL 16 AM 10:34
BETSY HARRELL
CIRCUIT CLERK
BENTON COUNTY, AR

July 12, 2021

Mr. Jim Wheeless
GIS Coordinator – City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: City of Bentonville Annexation Coordination Requirement

Mr. Wheeless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, AR described as the "Anglin Annexation" and located in Section 16, Township 19 North, Range 31 West. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in *§ 14-40-101* (Act 914 of 2015) of the 90th General Assembly.

Please note it appears that this annexation creates an enclave within an existing enclave.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Sincerely,

[redacted]

Jennifer Wheeler, Sr. GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

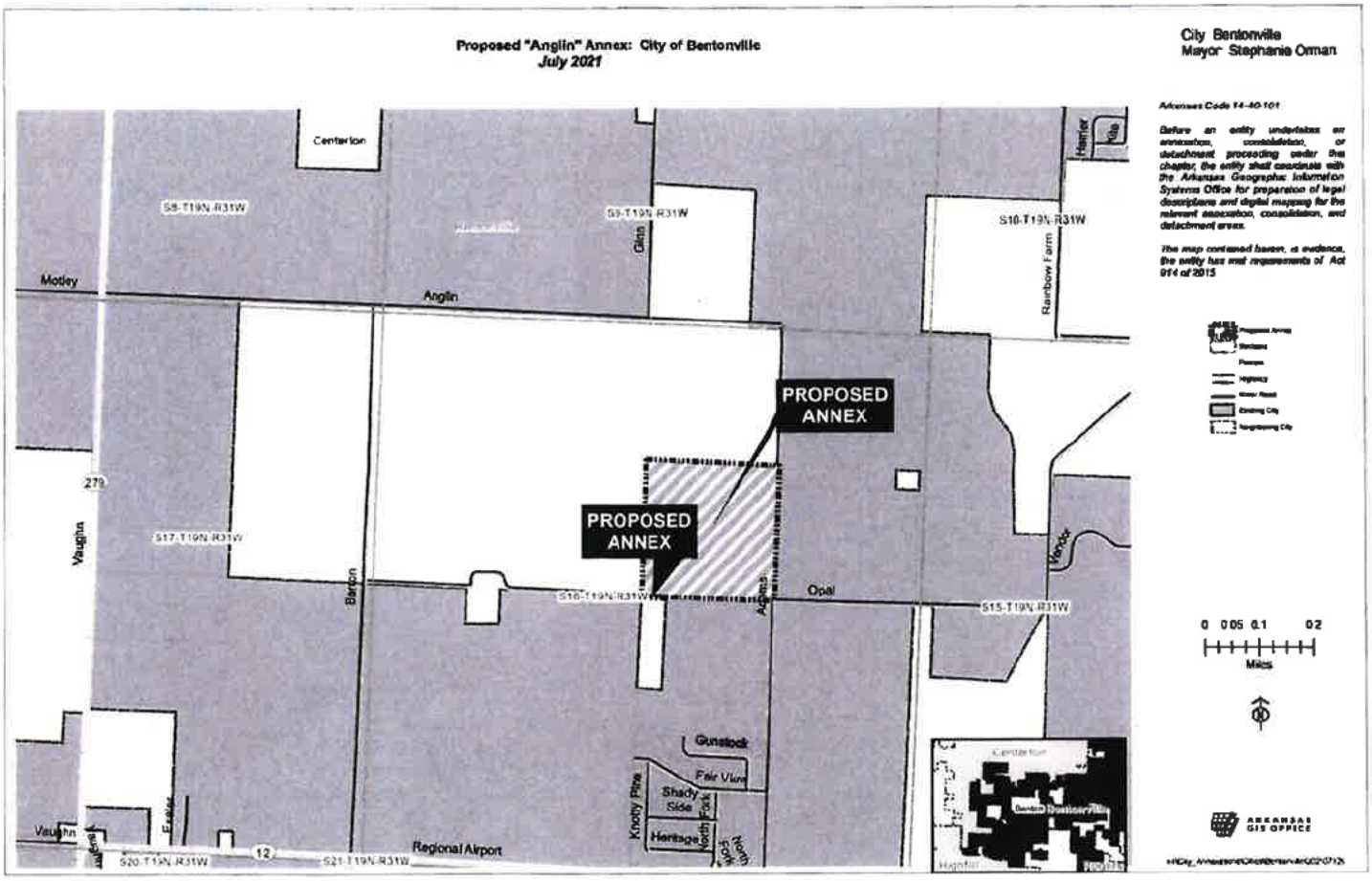
H:\City_Annexations\Cities\Bentonville\20210712\Doc\20210712_Bentonville_Annexation_Coordination_Letter.docx

Arkansas Geographic Information Systems
501 Woodlane Street, Suite G04 * Little Rock, AR 72201 * 501.682.2767
TRANSFORM.AR.GOV

FILED

2021 JUL 16 AM 10: 34

BETSY HARRELL
COUNTY CIRCUIT CLERK
BENTON COUNTY, AR



FILED

2021 JUL 16 AM 10: 34

BETSY HARRELL
CO & PROBATE CLERK
BY COUNTY, AR

Anglin Annexation
Exhibit 'A'

The SW ¼ of the NE ¼ of Section 16, Township 19N, Range 31W.

AND

Part of the NW ¼ of the SE ¼ of Section 16, Township 19N, Range 31W and more particularly described as follows;

Beginning at the NW Corner of said NW ¼ of the SE ¼ of Section 16, Township 19N, Range 31W which is also the centerline of SW Opal Road.

Thence along said centerline S87°34'21"E, 228.95';
Thence leaving said centerline S02°25'39"W, 20.00' to the approximate South Right of Way of said SW Opal Rd.;
Thence along said South Right of Way N87°34'20"W, 229.13';
Thence N02°57'36"E, 20.00' to the Point of Beginning.

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Administration**
Submitted by	**Jim Wheeless**
Phone	**(479) 271-5926**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

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. (Naples Annexation)

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

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 all of the owners of the hereinafter described territory, said owners being listed in Exhibit "A" to this ordinance, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas, and

WHEREAS, on the ___**17**_ day of _____**August**_____**, 2021**, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

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

Section 1. That the land described on the attached Exhibit "B," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the property described in Exhibit "B" 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 _3_ 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.

Section 4: That this ordinance shall become effective 30 days from its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF September, 2021.

APPROVED: _____
HON. STEPHANIE ORMAN, Mayor

ATTEST: _____
HON. KIRBY ROMINES, City Clerk

EXHIBIT "A"
Naples Annexation

STAN ENTERPRISES LLC_____18-09113-002

Exhibit 'B'
Naples Annexation

The West ½ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

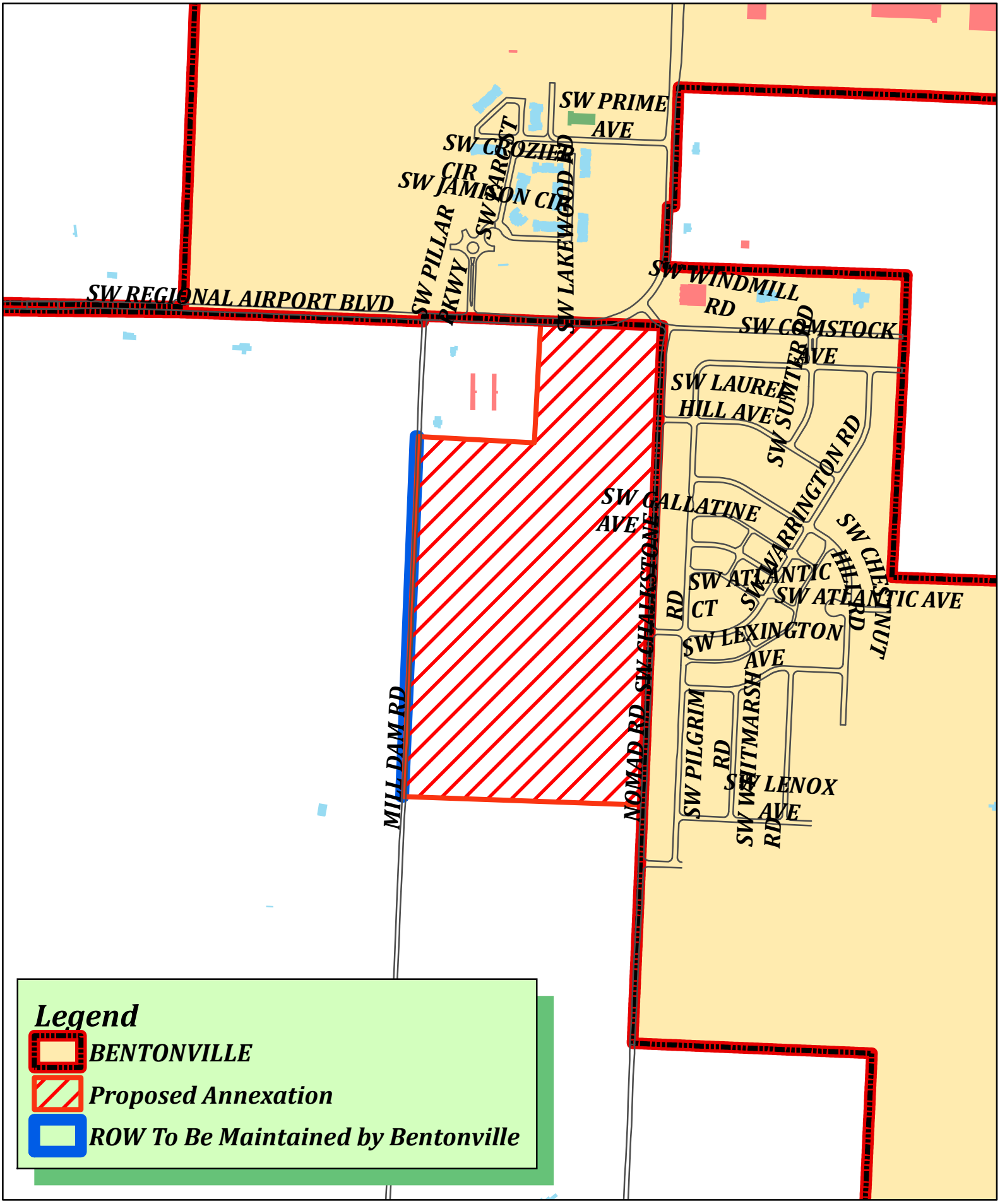
LESS AND EXCEPT

The NW ¼ of the NW ¼ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

ROW To Be Maintained By Bentonville

Part of the East ½ of the NW of Section 22, Township 19N, Range 31W and Part of the West ½ of the NE of said Section 22, Township 19N, Range 31W and more particularly described as follows:

Beginning at the SW Corner of the NW ¼ of the NW ¼ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.
Thence N87°32'19"W, 15.71';
Thence S02°19'26"W, 1984.59';
Thence S87°57'18"E, 12.44';
Thence N02°25'06"E, 1984.50' to the Point of Beginning.



N
W E
S

1 inch = 667 feet

Exhibit 'B'
Naples Annexation

BENTON COUNTY

STATE OF ARKANSAS

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR
215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373
479-271-1013
Fax: 479-271-1019

PROBATE COURT CLERK
COURTHOUSE,102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350
479-271-5727
FAX: 479-271-1712

August 18, 2021

Honorable Stephanie Orman
City of Bentonville
305 SW A St
Bentonville, AR 72714

CC 2021-22

Re: In the Matter of Annexing to the City of Bentonville, Arkansas Certain Territory Contiguous To Said City of Bentonville, Arkansas

Dear Mayor Orman:

The County has received and processed a proposed annexation pursuant to ACA § 14-40-609 related to annexations by 100% of the property owners. I am transmitting to you a copy of the documents relating to the proposed annexation for consideration by the Bentonville City Council.

If your council and you approve the annexation, please ask your clerk or recorder to return to me one (1) certified copy of the plat of the annexed property and one (1) certified copy of the ordinance or resolution approving the annexation so that I can send those on to the Secretary of State as required by the statute.

Please feel free to contact me if you have questions.

Sincerely

[redacted]

BETSY HARRELL, County Clerk

enc

ROGERS OFFICE
2111 W. WALNUT
(479) 636-3727
FAX (479) 636-4922

ROGERS ARCHIVES
2111 W. WALNUT
(479) 636-1037
FAX (479) 636-1053

SILOAM SPRINGS OFFICE
707 S. LINCOLN
479-271-1013
FAX (479) 524-8534

FILED

2021 AUG 18 AM 11:25

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS

COUNTY COURT CASE NO. CC 2021-22

ORDER AUTHORIZING ANNEXATION PURSUANT TO ACA § 14-40-609

I, Barry Moehring, County Judge of Benton County, having reviewed the attached petition for annexation and verification of petition, hereby find that the petition:

1) is in writing;
2) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming their desire to be annexed;
3) contains an accurate description of the relevant property or properties;
4) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;
5) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town – additionally a copy of the letter from the State of Arkansas GIS office approving the legal description for the annexation was provided; and
6) includes a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

The County Clerk is directed to forward a copy of this order and the related Petition to the Mayor of the City of BENTONVILLE.

[redacted]

HON. BARRY MOEHRING, County Judge

8-17-21

Date

2021 3756

Arkansas Secretary of State
John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County:_____ **City/Town:** _____

City Ordinance/Resolution No:_____ **Date approved:** _____

County Court Case No:_____ **Date Order Filed:** _____

Type: _____
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: _____ Set by: ○ Municipal Ordinance ○ Emergency Clause ○ Court ○ Default
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ ○ Upheld ○ Overturned ○ Other *(attach explanation*

Please indicate which ward(s) the territory will be assigned to: _____
(See A.C.A § 14-40-203)

Initiating party:

○ All Landowners ○ Majority Landowners ○ Municipal Governing Body ○ State ○ Other_____

Supporting Documentation attached *(check all that apply)*:

- ☐ File marked copy of City Ordinance/Resolution ***(required)***
- ☐ File marked copy of County Court Order or certified annexation election results ***(required** except for A.C.A. §14-40-501)*
- ☐ Copy of Arkansas GIS approved printed map and certification letter ***(required)***
- ☐ Proof of Publication for all Legal Notices *(include Hearing, Election, and City Ordinance/Resolution notices)*
- ☐ File marked copy of Petition Part *(if applicable)*
- ☐ File marked copy of Complaint and final Circuit Court Order (*Court Challenge only)*

Municipal Contact:

Name:_____ Title: _____

Street Address: _____

City:_____ St:_____ Zip code: _____

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature:_____ Title: _____

Date: _____

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: _____

Rev. 2/2019

IN THE MATTER OF ANNEXING TO THE
CITY OF BENTONVILLE, ARKANSAS
CERTAIN TERRITORY CONTIGUOUS TO SAID
CITY OF BENTONVILLE, ARKANSAS

FILED
2021 AUG 16 AM 9:10
BETSY HARRELL
CO. & REC. CLERK
BENTON CNTY, AR

CC 2021-22

VERIFICATION OF PETITION FOR ANNEXATION PURSUANT TO ACA § 14-40-609

We, Betsy Harrell, County Clerk of Benton County, and Roderick Grieve, County Assessor of Benton County, attest as follows:

Our offices have received the attached petition seeking annexation. The petition has been reviewed and we hereby verify that the petition:

(A) is in writing;

(B) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;

(C) contains an accurate description of the relevant property or properties;

(D) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

(E) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and

(F) include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

Additionally, we note that the legal description in (C) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal descriptions for which are included on the attached Exhibit "A" and which are depicted in the attached Exhibit "B" to this verification.

[redacted]
HON. BETSY HARRELL, County Clerk

[redacted]
HON. RODERICK GRIEVE, County Assessor

FILED

2021 AUG 16 AM 9:10

HASKELL
CO. CIRCUIT CLERK
BENTON CO., AR

Date: August 11, 2021
Subject: Proposed Annexation Checklist
CC 2021-22 Bentonville, AR

✓ (A) is in writing;

✓ (B) contains an attestation signed before a notary or notaries by the property owner or owners of the relevant property or properties confirming the desire to be annexed;

✓ (C) contains an accurate description of the relevant property or properties;

✓ (D) contains a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties;

✓ (E) contains a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the annexing city or town and that no enclaves will be created if the property or properties are accepted by the city or town; and

✓ (F) include a schedule of services of the annexing city or town that will be extended to the area within three (3) years after the date the annexation becomes final.

✓ [Additionally, we note that the legal description in (B) does not include in its description certain dedicated public roads and rights of way abutting or traversing the property to be annexed, the legal descriptions for which are included on the attached Exhibit "A"]

[redacted]

Manager – GIS-Mapping Dept.
Benton County Assessor's Office
Phone: 479-271-1037, ext. 7004
Email: michael.million@bentoncountyar.gov

FILED

2021 AUG 10 AM 8:49

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

IN THE MATTER OF ANNEXING TO THE CITY OF BENTONVILLE, ARKANSAS CERTAIN TERRITORY CONTIGUOUS TO SAID CITY

NO. 2021-22

PETITION FOR ANNEXATION – 100 % OF OWNERS PETITIONING

DATE: 07-29-2021

Come now the undersigned petitioners, and state as follows:

1. That we, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. §14-40-609, the City Council of Bentonville, Arkansas, to annex the following lands to the City of Bentonville, Arkansas.

Refer to Exhibit "A"

2. We further state that this petition is signed by one hundred percent (100%) of the real estate owners owning one hundred percent (100%) of the acreage in said area and that the area to be annexed does not contain property whose owners do not wish to have their property annexed.

3. That said property description herein is contiguous to and adjoining the present City of Bentonville city limits, as shown on the map attached hereto as Exhibit "B".

4. That no enclaves will be created if this petition is accepted and the territory annexed into the City of Bentonville.

5. That the following schedule of services shall be extended to the area by the City of Bentonville within three (3) years after the date the annexation becomes final:

All properties annexed into the City of Bentonville are provided with Police, Fire and EMS services.

Additional services such as water and sewer may be provided if readily available. Such services are provided in accordance with existing ordinances and terms of service, including but not limited to the payment of required fees, the necessary permits, inspections and approvals.

FILED
2021 AUG 10 AM 8:45
BETSY HARRELL
CO. CIRCUIT CLERK

6. That a letter or title opinion from a certified abstractor or title company verifying that the petitioners are all owners of record of the relevant property or properties is attached hereto as Exhibit "C" and is made part of this petition as if set out word for word herein.

7. That a letter or verification from a certified surveyor or engineer verifying that the relevant property or properties are contiguous with the City of Bentonville and that no enclaves will be created if the property or properties are accepted by the City of Bentonville is attached hereto as Exhibit "D" and is made part of this petition as if set out word for word herein.

8 That each of the undersigned persons executing this petition has confirmed by their signature a desire that their property, which is included in the property described above, be annexed into the City of Bentonville.

FILED
2021 AUG 10 AM 8:49
CO[illegible]ATE CLERK
COUNTY, AR

I confirm my desire that property owned by me, which is to be included in a petition to annex property, be annexed into the City of Bentonville.

If the property being annexed is owned jointly, I attest that all owners of the property are signing a copy of this confirmation.

If the property is owned by a trust, I attest either that I have the authority to sign this confirmation on behalf of the trust, or that all persons required to do so by the trust are signing a copy of this confirmation.

If the property is owned by a corporation, limited liability company or other entity I attest either that I have the authority to sign this confirmation on behalf of the entity, or that all persons required to do so by the entity's governing documents are signing a copy of this confirmation.

[redacted] PRESIDENT

Signature of Property Owner or Legal Representative of Property Owner, Petitioner

Title, if applicable (i.e. Trustee, (Managing Member, President, Secretary)

09113-002

Parcel number of property to be annexed

ACKNOWLEDGMENT

State of ~~Arkansas~~ Texas)
) ss.
County of ~~Benton~~ Bowie)

On this the 29th day of July, 2021, before me, the undersigned officer, personally appeared James Naples, known to me (or satisfactorily proven) to be the person whose name is subscribed above and acknowledged and attested that it was executed for the purposes therein apparent.

PATTY HAMILTON
Notary ID #7435000
My Commission Expires
November 14, 2022

[redacted]

NOTARY PUBLIC

My Commission Expires:

11/14/2022

PATTY HAMILTON
Notary ID #7435000
My Commission Expires
November 14, 2022

FILED
2021 AUG 10 AM 8:49
BETSY HARRELL
CIRCUIT CLERK
BENTON COUNTY, AR

Exhibit 'A'

Naples Annexation

The West ½ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

LESS AND EXCEPT

The NW ¼ of the NW ¼ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

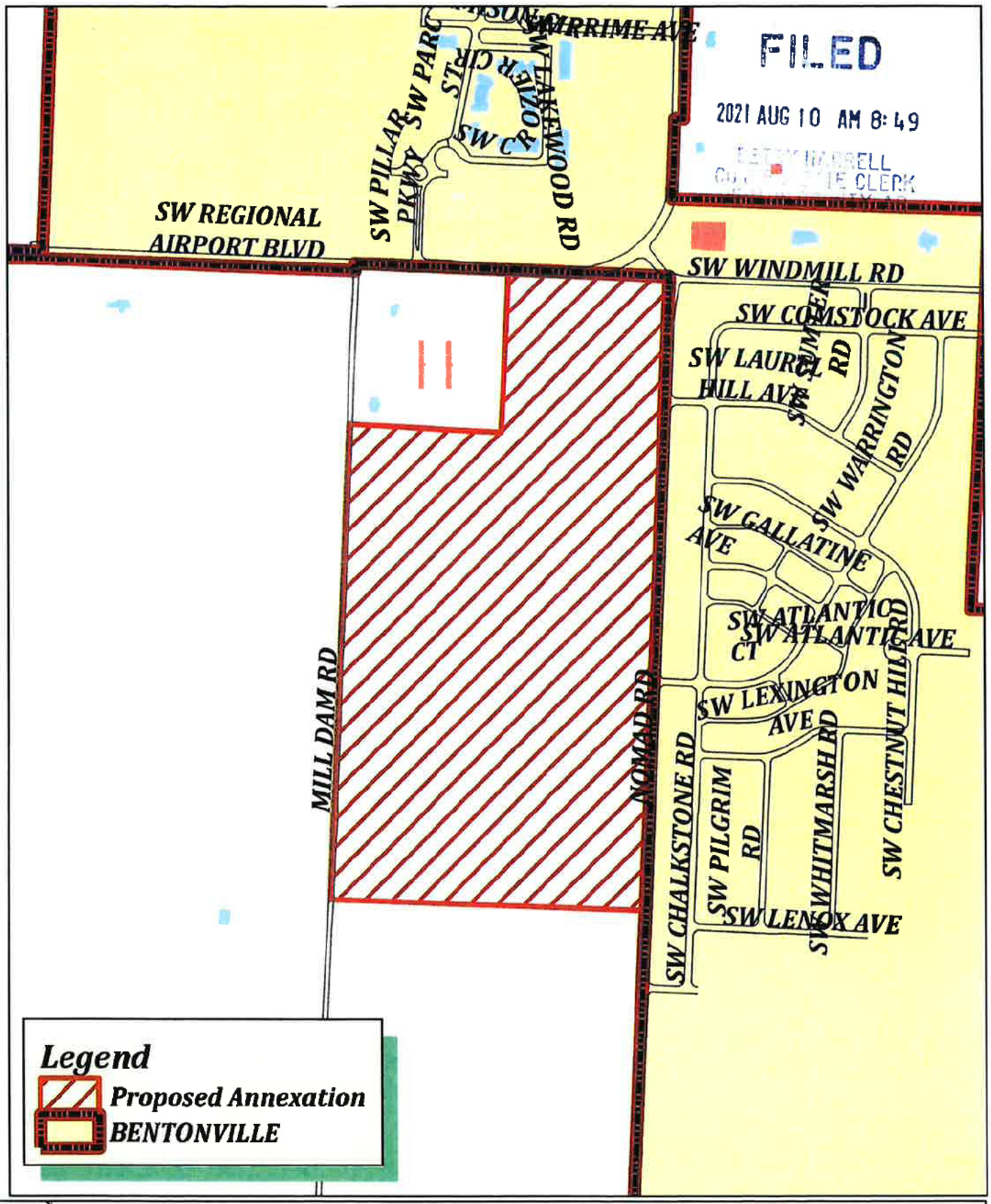

FILED
2021 AUG 10 AM 8:49
SW REGIONAL AIRPORT BLVD
SW PILLAR PKWY
SW PARC CIR
SW CROSS TIMBER CIR
LAKEWOOD RD
SW WINDMILL RD
SW COMSTOCK AVE
SW LAUREL HILL AVE
SW SUMMER RD
SW WARRINGTON RD
SW GALLATINE AVE
SW ATLANTIC CT
SW ATLANTIC AVE
SW LEXINGTON AVE
SW CHESTNUT HILL RD
SW PILGRIM RD
SW WHITMARSH RD
SW LENOX AVE
SW CHALKSTONE RD
MILL DAM RD
NOMAD RD
Legend
Proposed Annexation
BENTONVILLE
W E S
1 inch = 500 feet
Exhibit 'B'
Naples Annexation

EXHIBIT 'C'

Benton
216 W Sevier Street
Benton, AR 72015

Bentonville
300 SW 28th Street
Bentonville, AR 72712

Eureka Springs
70 S. Main Street, Suite 2
Eureka Springs, AR 72632

Fayetteville
1420 Augustine Lane, Suite 1
Fayetteville, AR 72703

Sheridan
206 N Rose Street
Sheridan, AR 72150

First National Title Company

Headquarters
First National Title Company
Little Rock
415 N McKinley Street Suite 1200
Little Rock, AR 72205

Faulkner County Title Company
A Division of
First National Title Company
Conway
711 Locust Street
Conway, AR 72034

Greenbrier
8 Wilburn Road, Suite A
Greenbrier, AR 72058

Little Rock Title Company
A Division of
First National Title Company
Little Rock
1001 W. Markham Street #100
Little Rock, AR 72201

FILED
2021 AUG 10 AM 8:49
BEV PURRELL
CIRCUIT CLERK
BENTON COUNTY, AR

August 2nd, 2021

Greetings,

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property into the City of Bentonville. Based on our review, we verify that the persons listed in Exhibit C-1 to this letter are all the owners of record of the real property described in Exhibit C-2 to this letter.

[redacted]

Benton County Manager

First National Title

FILED

2021 AUG 10 AM 8:49

BETSY HARRELL
CIRCUIT CLERK
PULASKI COUNTY, AR

EXHIBIT "C"
Naples Annexation

STAN ENTERPRISES LLC **18-09113-002**

FILED
2021 AUG 10 AM 8:49
CERTIFIED CLERK
BENTON COUNTY, AR

Exhibit 'C-1'
Naples Annexation

The West ½ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

LESS AND EXCEPT

The NW ¼ of the NW ¼ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

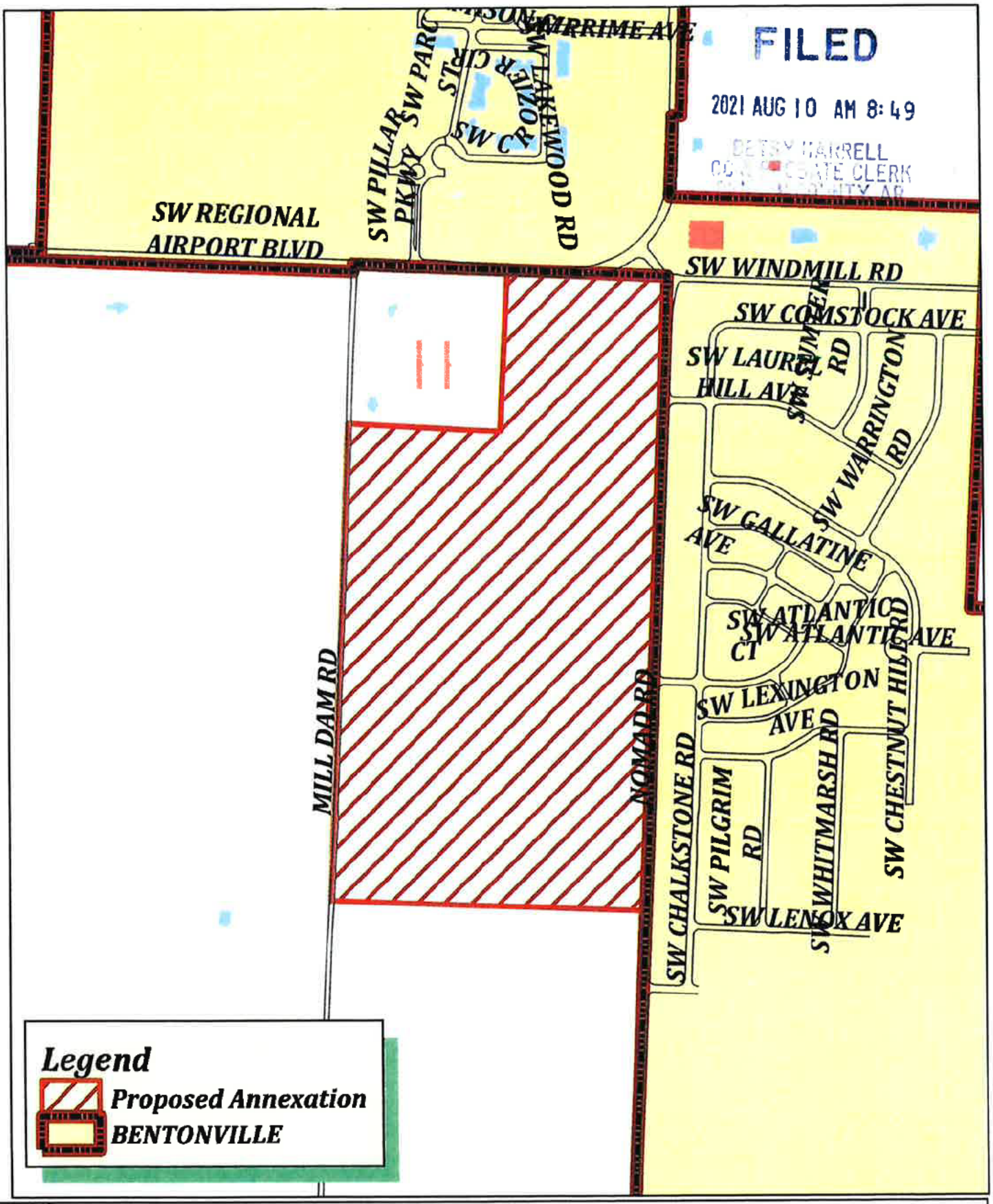

FILED
2021 AUG 10 AM 8:49
BETSY MARRELL
CIRCUIT CLERK
SW REGIONAL AIRPORT BLVD
SW PILLAR PKWY
SW PARK CIR ST
SW CROZIER
SW LAKEWOOD RD
SW WINDMILL RD
SW COMSTOCK AVE
SW LAUREL HILL AVE
SW SUMMERS RD
SW WARRINGTON RD
SW GALLATINE AVE
SW ATLANTIC CT
SW ATLANTIC AVE
SW LEXINGTON AVE
SW CHESTNUT HILL RD
SW WHITMARSH RD
SW PILGRIM RD
SW LENOX AVE
SW CHALKSTONE RD
NOMAD RD
MILL DAM RD
Legend
Proposed Annexation
BENTONVILLE
W E S
1 inch = 500 feet
Exhibit 'C-2'
Naples Annexation

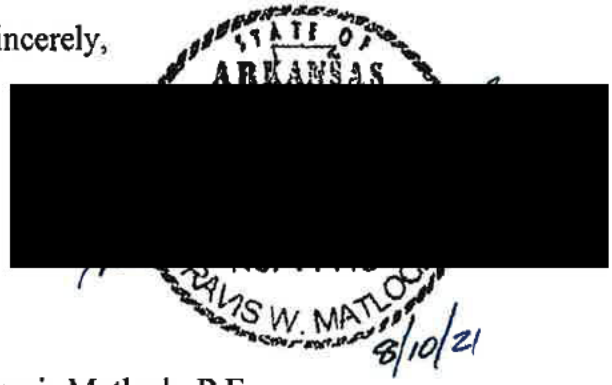
EXHIBIT "D"

FILED
2021 AUG 10 AM 8:50
BENNY HARRELL
CIRCUIT CLERK
BENTONVILLE, AR

Greetings:

This letter is given in connection with what is understood to be an effort to voluntarily annex certain real property (Naples Annexation) into the City of Bentonville. I am a licensed Professional Engineer in the State of Arkansas. Based on my review, I verify that the real property described in Exhibit D-1 to this letter is contiguous with the City of Bentonville and that no enclaves will be created if the described property is accepted by the City of Bentonville.

Sincerely,



Travis Matlock, P.E.

FILED
2021 AUG 10 AM 8:50
BETSY HARRELL
BENTON COUNTY, AR

EXHIBIT 'D-1
Naples Annexation

The West ½ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

LESS AND EXCEPT

The NW ¼ of the NW ¼ of the NE ¼ of Section 22, Township 19N, Range 31W, Benton County, Arkansas.

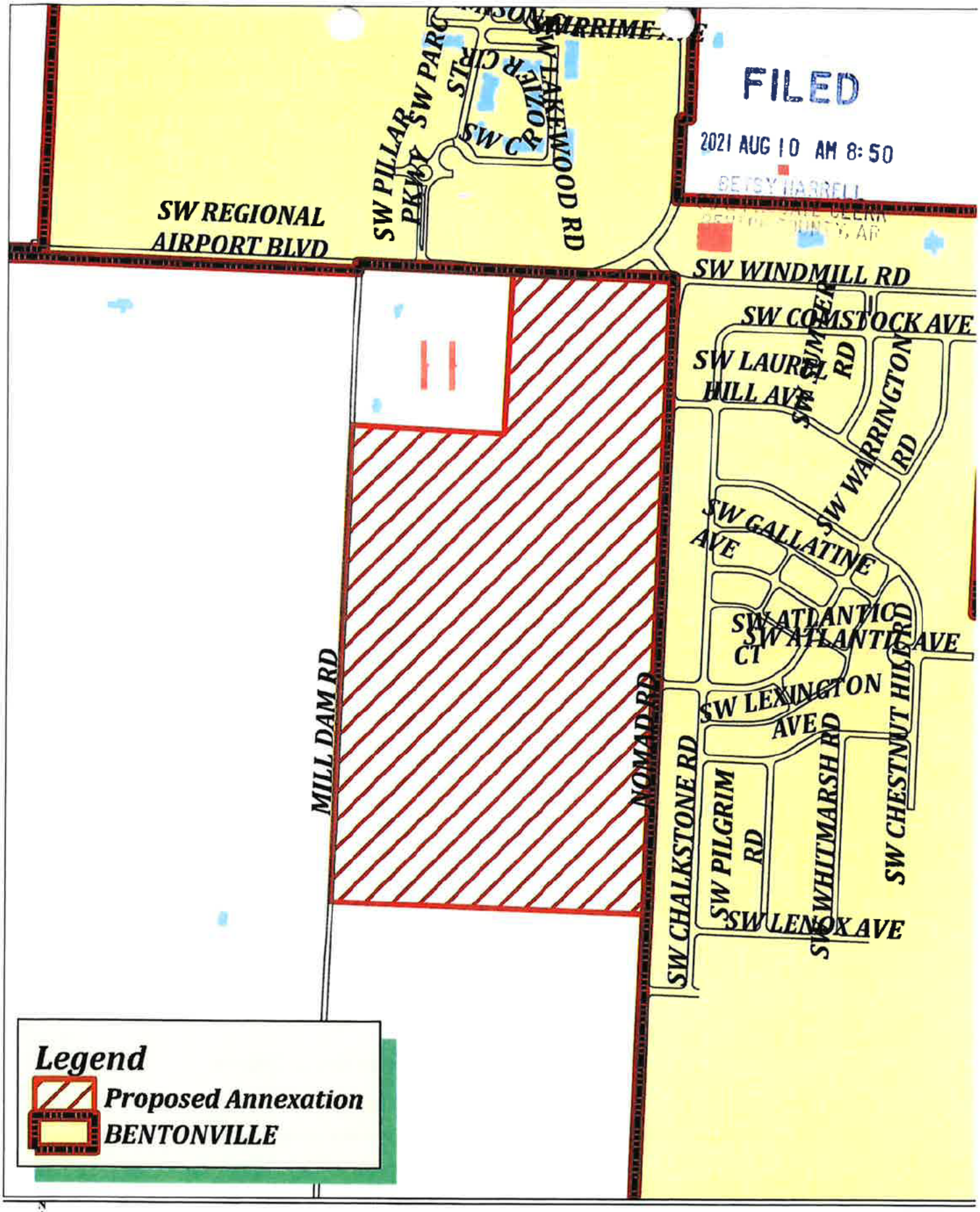


Exhibit 'D-2'
Naples Annexation

FILED
2021 AUG 10 AM 8:50
CO PROBATE CLERK
PERRY COUNTY, AR

Department of Transformation and Shared Services
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

August 2, 2021

Mr. Jim Wheeless
GIS Coordinator – City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: City of Bentonville Annexation Coordination Requirement

Mr. Wheeless,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, AR described as the "Naples" annexation and located in Section 22, Township 19 North, Range 31 West. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in *§ 14-40-101* (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Sincerely,

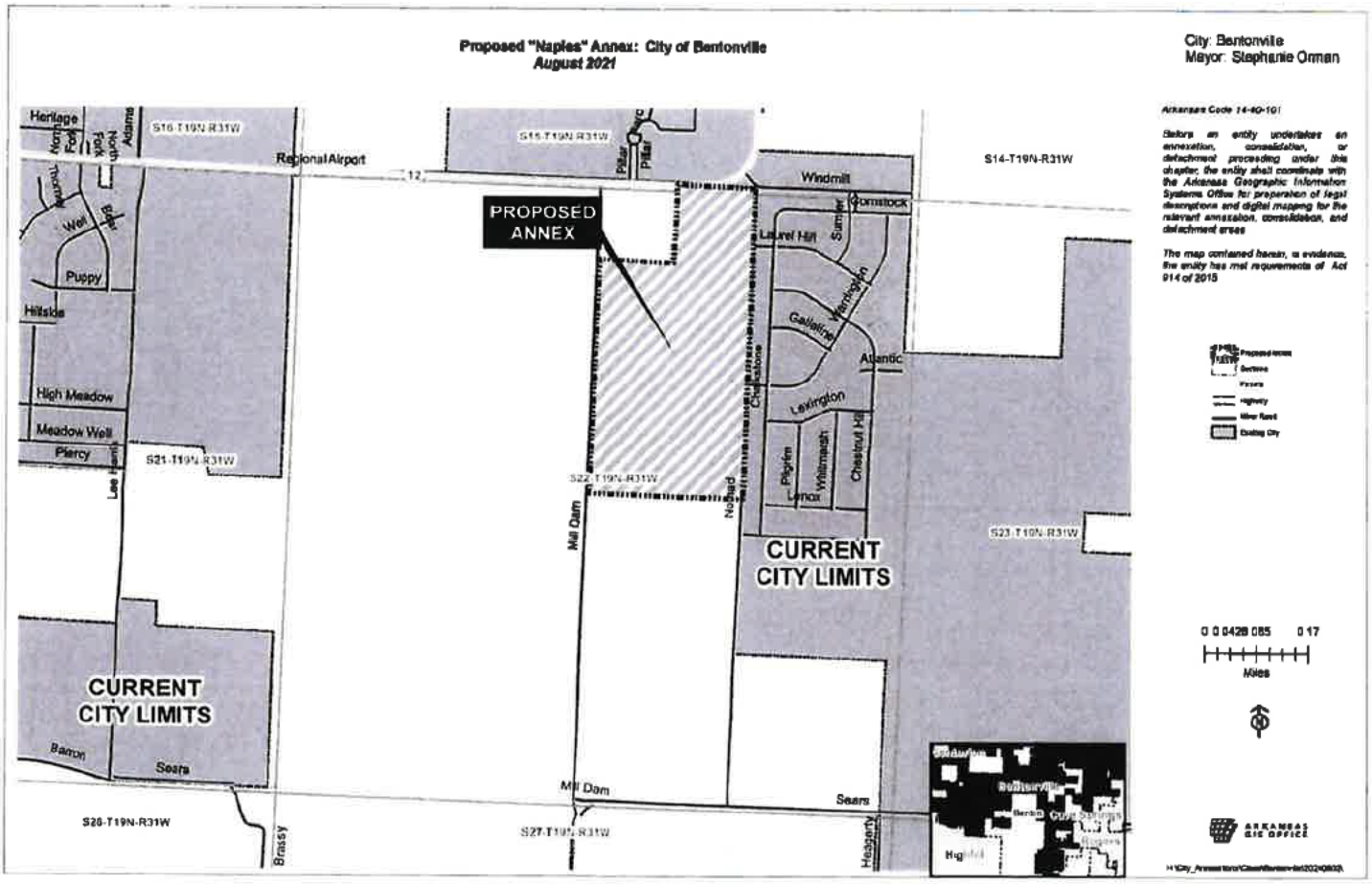
[redacted]
Jennifer Wheeler, Sr. GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Bentonville\20210802\Doc\20210802_Bentonville_Annexation_Coordination_Letter.docx

Arkansas Geographic Information Systems
501 Woodlane Street, Suite G04 * Little Rock, AR 72201 * 501.682.2767
TRANSFORM.AR.GOV

FILED
2021 AUG 10 AM 8:50
BETSY HARRELL
COUNTY CLERK
BENTON COUNTY, AR



City Council Agenda Items

For the City Council Meeting of September 28, 2021

From the September 21, 2021 Planning Commission Meeting

1. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential, 302 SW D Street (Project Number: RZ21-0053).**

   The Planning Commission voted 5-0, recommending approval.

   The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas.

   This rezoning request is consistent with the Bentonville Community Plan and the Future Land Use Plan. Additionally, this request is consistent with surrounding land-use patterns as there are existing DN-2 zoning districts in the immediate area. This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

2. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to R-1, Low Density Single Family Residential, 8395 Windsong Lane (Project Number: RZ21-0048).**

   The Planning Commission voted 5-0, recommending approval.

   The Future Land Use Plan currently depicts this property as Low Density Residential. Low Density Residential areas include detached single-family residential properties with a typical density of 3-8 units per acre.

   This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

3a. **Resolution adopting revision to the Future Land Use Map changing real estate from High- Density Residential, Mixed Use Commercial and General Commercial to Medium Density Residential, Vaughn Road (Project Number: RZ21-0055).**

   The Planning Commission voted 5-0, recommending approval.

   The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas.

   This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map amendment and the rezoning request.

3b. Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential, Vaughn Road (Project Number: RZ21-0055).

The Planning Commission voted 5-0, recommending approval.

The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas.

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map amendment and the rezoning request.

4. Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential, 1111, 1113, 1115 NE Monroe Street (Project Number: RZ21-0056).

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas.

This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

5a. Resolution adopting revision to the Future Land Use Map changing real estate from Residential Estate to Medium Density Residential, SW Regional Airport Boulevard (Project Number: RZ21-0057).

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Residential Estate. The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acres.

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map Amendment and the rezoning request.

5b. Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential, SW Regional Airport Boulevard (Project Number: RZ21-0057).

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Residential Estate. The applicant is requesting a change in the Future Land Use Plan to Medium Density Residential. Medium Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acres.

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map Amendment and the rezoning request.

6a. Resolution adopting revision to the Future Land Use Map changing real estate from High- Density Residential to Downtown Commercial, 421 SE A Street (Project Number: RZ21-0058).

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as High-Density Residential. The applicant requests a change in the Future Land Use Plan to Downtown Commercial.

Recent rezoning activity, the Bentonville Community Plan, and adjacency to the trail all support the Future Land Use Map Amendment and rezoning requests. Staff recommends approval of the map amendment and rezoning.

6b. Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-3, Medium-High Density Multifamily Residential to DE, Downtown Edge, 421 SE A Street (Project Number: RZ21-0058).

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as High-Density Residential. The applicant requests a change in the Future Land Use Plan to Downtown Commercial.

Recent rezoning activity, the Bentonville Community Plan, and adjacency to the trail all support the Future Land Use Map Amendment and rezoning requests. Staff recommends approval of the map amendment and rezoning.

7. Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential, NE Monroe Street (Project Number: RZ21-0059).

The Planning Commission voted 5-0, recommending approval.

The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas.

This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.

8. **Ordinance accepting a lot split of Lots 18 & 19 of Clark's 2nd Addition to the City of Bentonville, Arkansas, 302 SW D Street (Project Number: LS21-0046).**

   The Planning Commission voted 5-0, recommending approval.

   A lot split of all of existing Lot 1, and part of existing Lot 4, Block 5 creating new Lot 18 (+/- 0.18 acres) and Lot 19 (+/- 0.16 acres), Block 5 of Clark's 2nd Addition. The plat dedicates various utility easements to serve the lots and also dedicates right-of-way along SW D Street to meet the requirements of the Master Street Plan.

9. **Ordinance accepting a Final Plat of Trail Ridge Subdivision to the City of Bentonville, Arkansas, SW 2nd Street & NW Trail Ridge Road (Project Number: FP21-0003).**

   The planning Commission voted 5-0, recommending approval.

   A final plat consisting of 16 total lots. Fifteen (15) are single-family residential lots and one lot will be utilized as a common lot. The final plat dedicates right-of-way for the newly constructed NW Trail Ridge Lane. The final plat dedicates utility drainage easements in various locations to serve the subdivision. All non-bondable items and guarantees of improvements must be complete and a final inspection performed and approved before Planning Commission approval.

10. **Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of A-1, Agricultural to PUD, Planned Unit Development, SW Regional Airport Boulevard and SW Fair View Boulevard (Project Number: RZ21-0051).**

    The planning Commission voted 7-0, recommending approval.

    The Future Land Use Plan depicts this property as Agricultural (A). The PRD, Planned Residential Development zoning is an appropriate zoning district for this designation.

    Due to the wide variety of uses proposed within the Planned Unit Development staff recommends not amending the land use classification. Because the proposed planned unit development is compatible with existing and future surrounding land uses, staff recommends approval of the proposed rezoning.

Carenda L. Cobb Living Trust

302 SW D Street

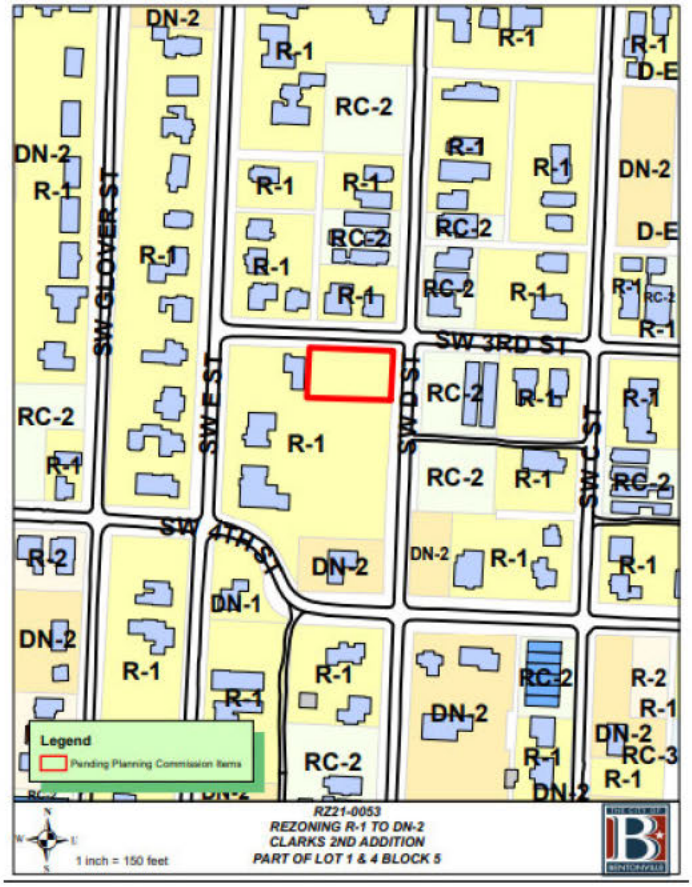
PC Date: 9/21/2021

Reviewer: Jon Stanley, Senior Planner, ALSA, APA

Project Number	RZ21-0053
Applicant / Current Owner	Carenda L. Cobb
Site Area	+/- 0.35 acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

https://arcg.is/08HvK8

Location Map



Property Description

This property is located at 302 SW D Street. The property is currently zoned R-1, Low Density Single Family Residential. Surrounding zoning districts are R-1, Low Density Single-Family Residential to the north, south and west and RC-2, Central Residential-Moderate Density Residential to the east.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

The property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Community Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Public Comment

Staff has received public comments regarding this rezoning request.

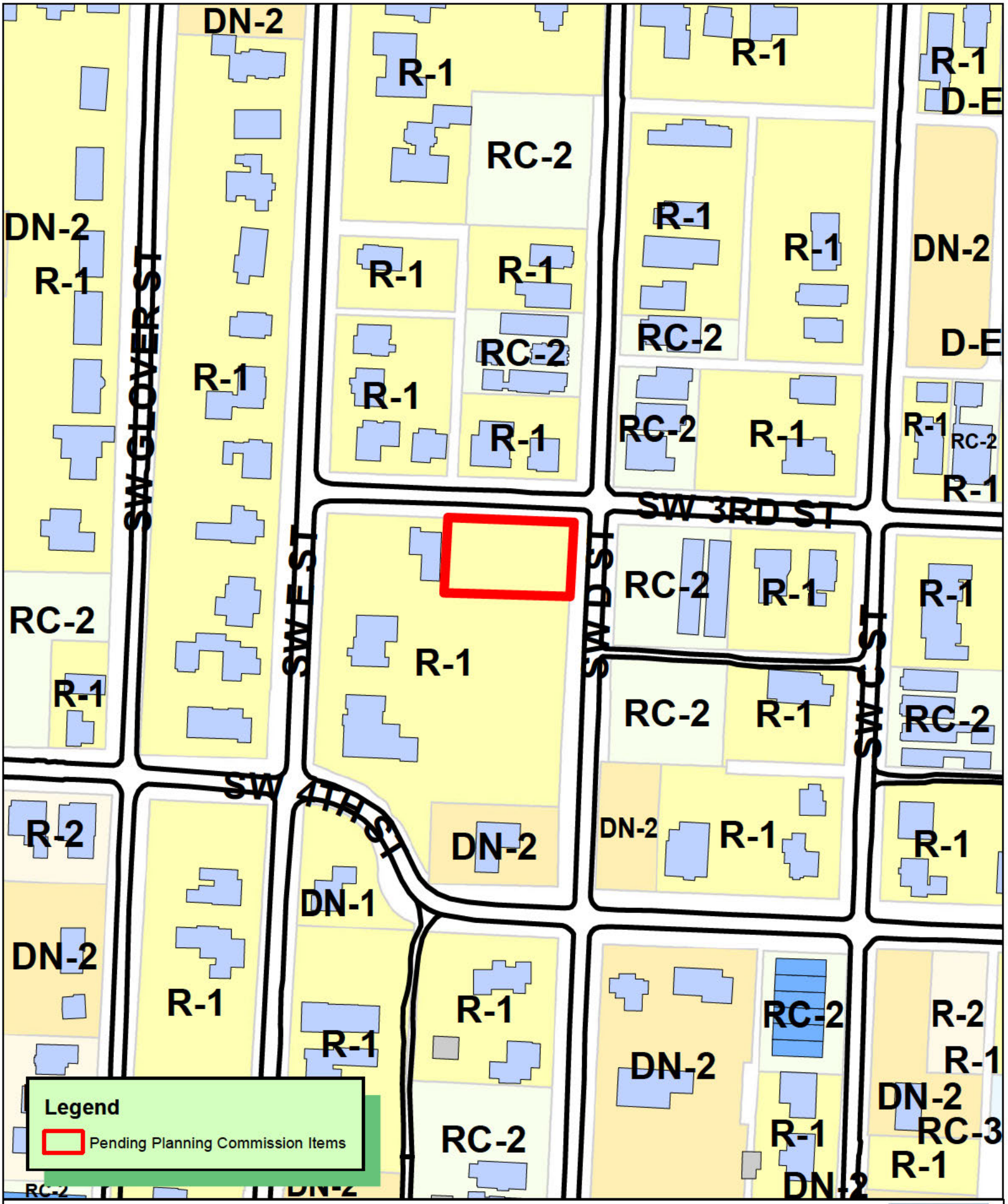
Analysis

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development, and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density.

This rezoning request is consistent with the Bentonville Community Plan and the Future Land Use Plan. Additionally, this request is consistent with surrounding land-use patterns as there are existing DN-2 zoning districts in the immediate area.

Conclusion

This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.



RZ21-0053
REZONING R-1 TO DN-2
CLARKS 2ND ADDITION
PART OF LOT 1 & 4 BLOCK 5

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

August 1, 2021

Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

RE: Rezoning Parcel No. 01-01765-000 from R-1, Low Density Residential to DN-2, Downtown Medium Density Residential

Dear Planning Staff:

This law firm has been hired to assist the applicant, Carenda Cobb, in obtaining a rezoning of Parcel No. 01-01765-000 (hereinafter "the Property") from R-1, Low Density Residential to DN-2, Downtown Medium Density Residential.

The primary reason for this rezoning request is to bring the lot into compliance with Bentonville's updated downtown zoning codes and to take advantage of the setbacks and density regulations incident thereto. Additionally, the reason the applicant has requested DN-2, as opposed to DN-1, is to gain an additional three (3) feet of front setback in order to have larger porches on the homes to be built. The applicant plans to split the parcel into two lots–one larger lot for their personal residence, and one smaller lot for a smaller investment property.

The requested zoning is in compliance with the Bentonville Future Land Use Plan ("FLUP"). The FLUP designates this parcel as Medium Density Residential, which allows for DN-2 zoning only. A large number of parcels along D St. have already been zoned DN-2, or otherwise medium density. Accordingly, this rezoning will follow the current pattern of development along D St., as contemplated by the FLUP.

This rezoning will not increase traffic by an appreciable amount, no signage is contemplated, and the appearance of the development will be similar to other redevelopment in downtown Bentonville. Lastly, a six inch (6") gravity sewer line is located along D St., and four inch (4") water lines are located along both 3rd and D St.

Thank you for considering this rezoning request. If you have any questions please feel free to contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

[redacted]

Will A. Kellstrom

WK:
pc:

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

RZ-21-005 S

NOTICE OF INTENT TO REZONE

Carenda Cobb has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Low Density Residential to DN-2, Downtown Medium Density Residential. The legal description of the property is as follows:

Lots 1 and 4, except 6 feet of equal width squarely off the South side of Lot 4, all in Block 5, Clark's Addition to the City of Bentonville, Arkansas, and the East half of a closed Alley along the West side of the above-described property.

The common description of the property is: **302 SW D St., Bentonville, Arkansas**

Proposed land use: **Single Family, Residential**

The public hearing will be held on **September 21th, 2021 at 4:00 p.m.** It will be held at 305 SW A Street, Bentonville, AR 72712.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479) 271-3122, Extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

I/we have no objections to the rezoning.

I/we object to the rezoning because:

_____

_____

_____

_____

S [redacted]

Physical Address

NOTICE OF INTENT TO REZONE

Carenda Cobb has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Low Density Residential to DN-2, Downtown Medium Density Residential. The legal description of the property is as follows:

> **Lots 1 and 4, except 6 feet of equal width squarely off the South side of Lot 4, all in Block 5, Clark's Addition to the City of Bentonville, Arkansas, and the East half of a closed Alley along the West side of the above-described property.**

The common description of the property is: **302 SW D St., Bentonville, Arkansas**

Proposed land use: **Single Family, Residential**

The public hearing will be held on **September 21th, 2021 at 4:00 p.m.** It will be held at 305 SW A Street, Bentonville, AR 72712.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479) 271-3122, Extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

(I/we have no objections to the rezoning.)

I/we object to the rezoning because:

_____

_____

_____

[redacted]

Physical Address

NOTICE OF INTENT TO REZONE

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3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479) 271-3122, Extension 2.

I/We have received notice of the public hearing for the rezoning of the above described property and:

I/we have no objections to the rezoning.

I/we object to the rezoning because:

We would like for our new neighbors to build the two houses as they wish. However we are concerned about rezoning as there are many precedents of rezoning then something entirely different gets built. We would rather the city consider granting setback variances to accomplish this rather than rezoning. Setbacks should be in keeping with the immediate neighborhood.

S[redacted]

Physical Address

Rezoning would set a bad precedence for future lots cleared in this area

[redacted]

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ21-0053).

WHEREAS, Carenda Cobb duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

Lots 1 and 4, except 6 feet of equal width squarely off the South side of Lot 4, all in Block 5, Clark's Addition to the City of Bentonville, Arkansas, and the East half of a closed Alley along the West side of the above-described property; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential.

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 zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Ross A. Bull and Kristi L. Bull

8395 Windsong Lane
PC Date: 9/21/2021
Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	RZ21-0048
Applicant / Current Owner	Ross A. Bull and Kristi L. Bull
Site Area	+/- 1.3 acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-1, Low Density Single Family Residential
Future Land Use Map Designation	Low Density Residential (LDR)

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 8395 Windsong Lane. The property is currently zoned A-1, Agricultural. Surrounding zoning districts are A-1, Agricultural to the north, east, south, and west.

Relationship to the Bentonville Community Plan
The Future Land Use Plan currently depicts this property as Low-Density Residential. Low-Density Residential areas include detached single-family residential properties with a typical density of 3-8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

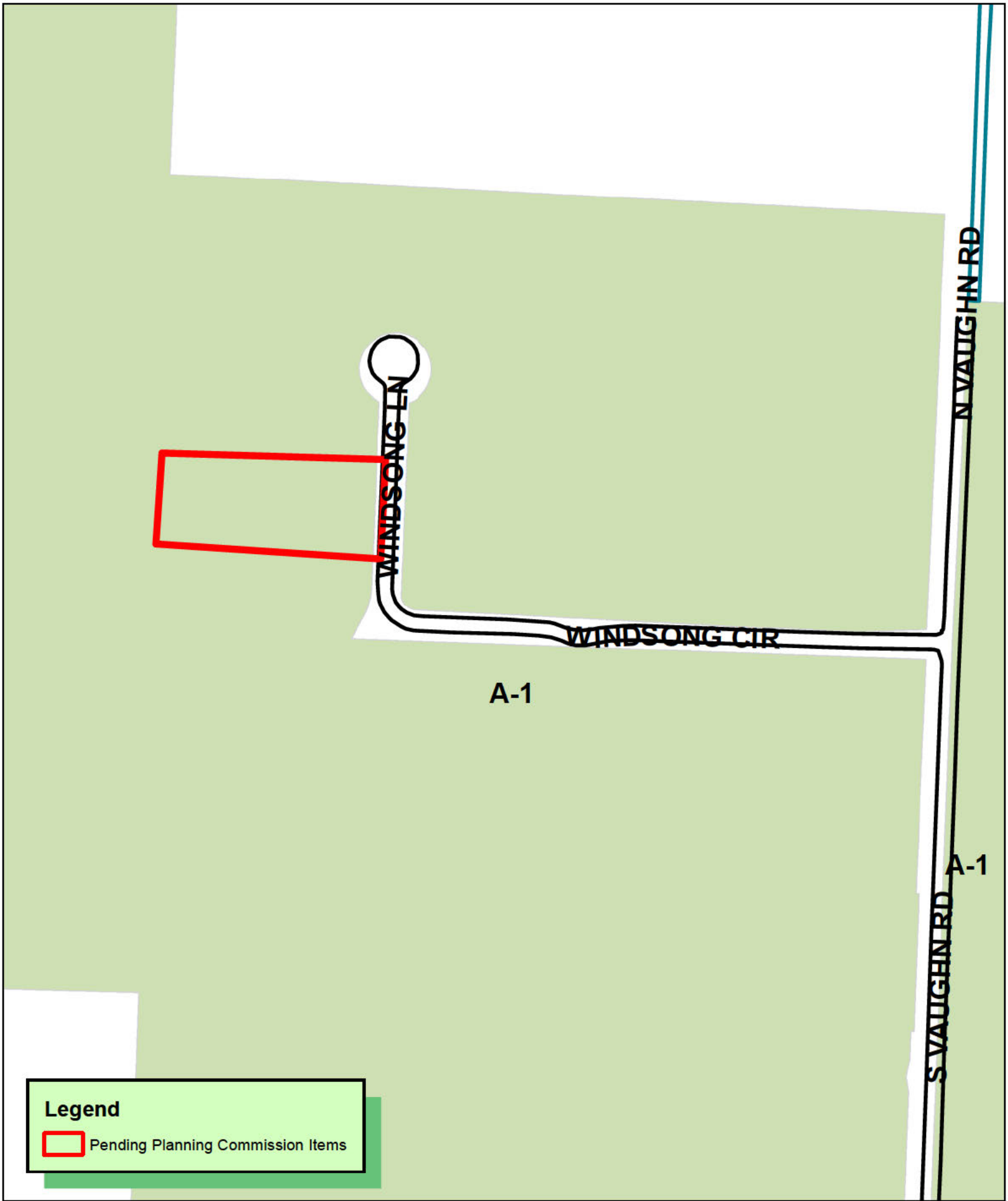
The property is located within Priority Area 3, Edge Growth, as identified in Chapter 4 of the Community Plan. This area focuses on development in areas proximate to existing infrastructure in order to capitalize on municipal investment that has already taken place.

Public Comment
Staff has not received public comments regarding this rezoning request.

Analysis
The intent of the R-1 district is to serve low density developments in which housing is generally of the highest value and where strict separation of land uses is desired. Since R-1 Districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

This rezoning request is consistent with the Bentonville Community Plan and the Future Land Use Plan.

Conclusion
This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.



RZ21-0048
REZONING A1 TO R-1
WINDSONG SUBDIVISION
LOT 2

NARRATIVE

REZONING 8395 WINDSONG LANE
FROM AGRICULTURAL TO RESIDENTIAL

In May 2021, this property was purchased as a primary home for Ross A and Kristi Bull. The property has been a residence since 2001, and is in a residential neighborhood named Windsong off Vaughn Road in Bentonville. We are currently living in the home, and plan on doing so for many years. We wish to add a storage building to the property, and understand it is still zoned agricultural. We understand by rezoning it, not only will the property be more in keeping with appropriate city zoning, but it will allow us to use the residential setbacks vs the agricultural, which, when you are talking about a little over an acre, can make a huge difference in aesthetics in relationship to the current home and for the neighborhood. This change will have no effect on the water or sewage system, since it is currently on city water and has a septic that has functioned very well for over 20 years.

R-1, Low Density Single Family Residential

The R-1 District serves low density developments in which housing is generally of the highest value and where strict separation of land uses is desired. Since R-1 Districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

Maximum Height Allowed: 36 feet

Minimum Street Frontage: Equal to min. lot width required at building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than 20 ft. of street frontage with the two side lots lines intersecting the street diverging until they are separated by the min. required lot width at the building line.

Minimum Width of Corner Lots: 75 ft. at building line.

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-1	All	6,000	-	60’	40%	45%

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-1	All	20’	7’	20’	25’

Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

Garage Setback Standards: *Applicable to attached and detached garages.*

Garage, Street Facing: 30 ft. from the property line the garage faces
Garage, Side- or Rear-loading: 20 ft. from the facing property line
Garage, Alley Facing: 20 ft. from property line at alley

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7’	7’	As required by the district
Rear setback	7’	7’	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot.

R-1, Low Density Single Family Residential

Residential Tree Planting: For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Community garden **Residential** Dwelling - modular Dwelling - single family **Recreation, Education & Assembly** Library Park - community Park - mini Park – neighborhood **Services** Child care - residential (4 children) **Retail** Mobile food vendor	**Agriculture and Animals** Animal - farm Botanical garden Urban farm **Residential** Home occupation - type a **Recreation, Education & Public** Aquarium Community center Country club Educational facility Golf course Religious facilities **Services** Adult day care Cemetery or mausoleum Child care - commercial Child care - residential (5-10 children) Lodging - bed & breakfast **Transportation / Utilities** Utility facility Wireless communication facility (cell towers) **Other** Temporary Uses	**Agriculture and Animals** Apiculture Hobby chicken **Residential** Dwelling - accessory Home occupation - type a **Transportation / Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL (PROJECT NUMBER: RZ21-0048).

WHEREAS, Ross and Kristi Bull duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-1, Low Density Single Family Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

Lot 2 of Windsong Subdivision to Bentonville, Benton County, Arkansas, as shown on plat filed under Book 2000 and Page 562, recorded in the Benton County Clerk's Office, Bentonville, Arkansas; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1 Agricultural to R-1, Low Density Single Family Residential.

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 zoning classification of A-1 Agricultural to R-1, Low Density Single Family Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Highland, LLC

Vaughn Road

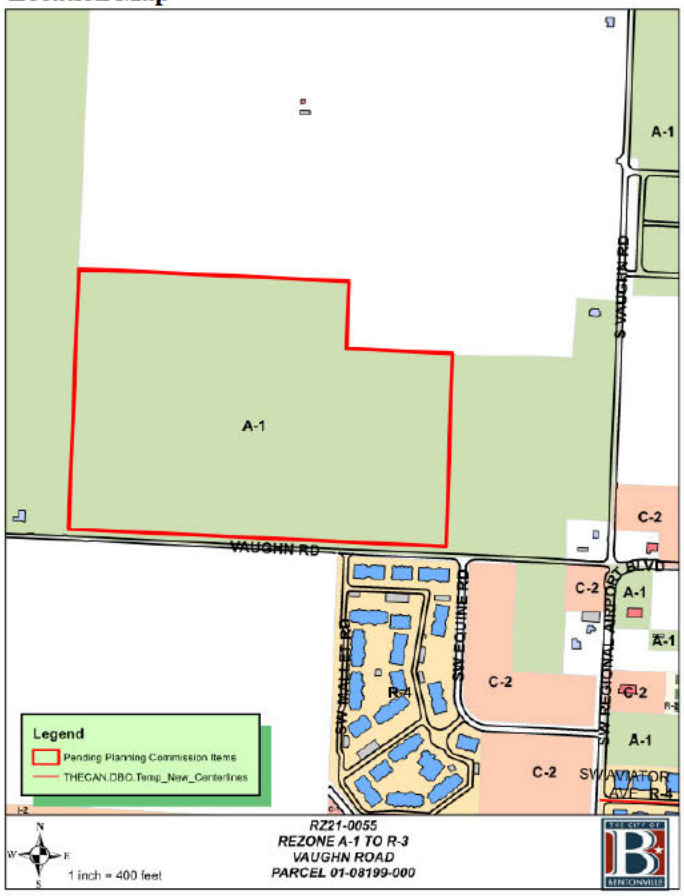
PC Date: 9/21/2021

Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	RZ21-0055
Applicant / Current Owner	Highland, LLC
Site Area	+/- 68.42 aces
Current Zoning	A-1, Agricultural
Requested Zoning	R-3, Medium-High Density Multifamily Residential
Future Land Use Map Designation	High Density Residential, Mixed Use Commercial, and General Commercial to Medium Density Residential

https://arcg.is/08HvK8

Location Map



Property Description

This property is located on Vaughn Road. The property is surrounded by county land and A-1 to the north, county land and C-2 to the east, Centerton, C-2, and A-1 to the south, and A-1 to the west.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as High-Density Residential, Mixed Use Commercial, and General Commercial. The applicant is requesting a change in the Future Land Use Plan to Medium-Density Residential. Medium-Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

Public Comment

Staff has not received public comments regarding this rezoning request.

Analysis

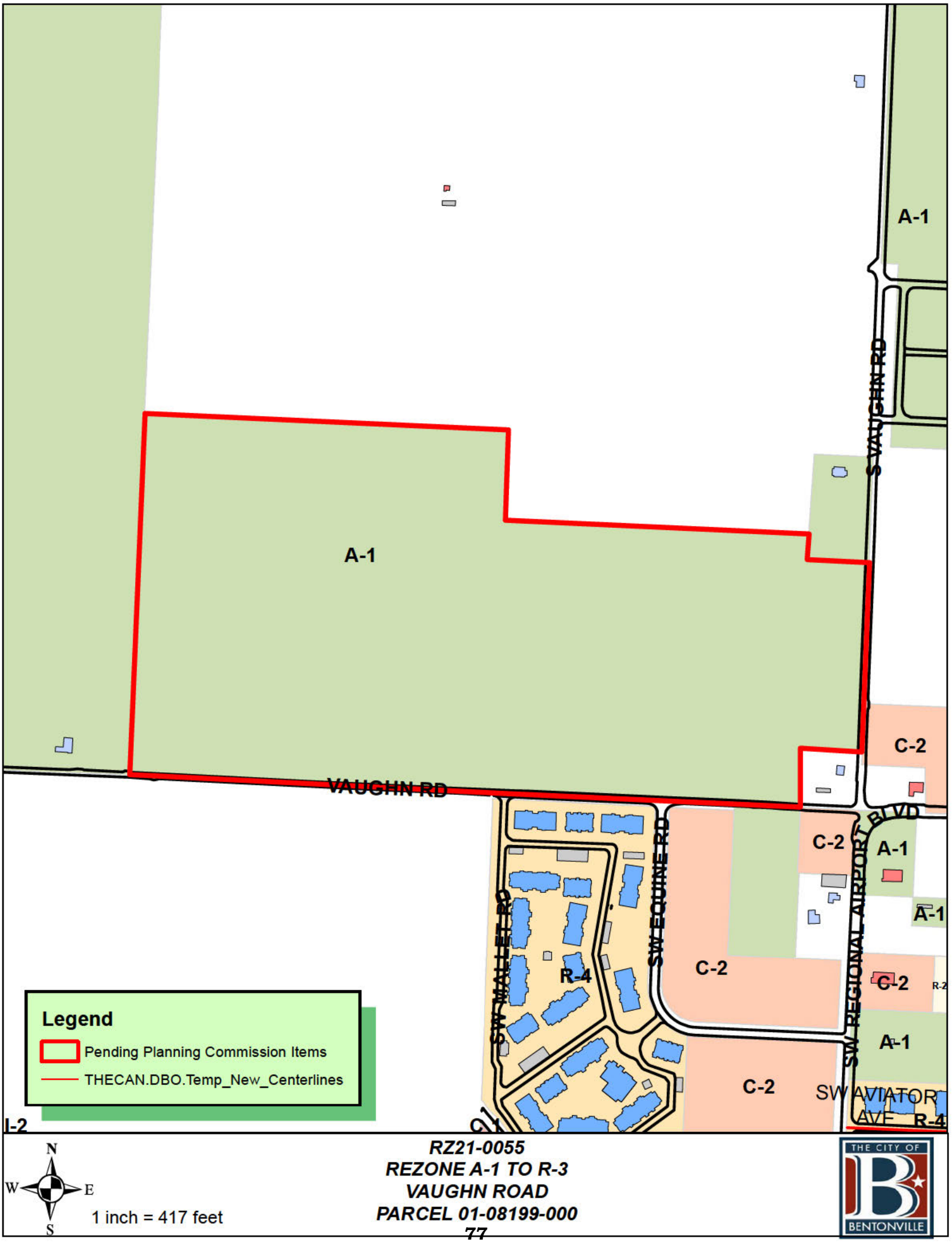
The R-3 District is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium-density residential development would be available. This district could be used as a transitional zone between single-family and other uses not compatible with low density residential development.

This request is not consistent with the Future Land Use Plan, however, it is consistent with surrounding zoning districts as there are existing R-3 and R-4 lots in the immediate vicinity.

Note: The applicant requested to reduce the rezone area (see map attached) to only include the portion of land that the applicant is buying.

Conclusion

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map amendment and the rezoning request.



RZ21-0055
REZONE A-1 TO R-3
VAUGHN ROAD
PARCEL 01-08199-000

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

September 16, 2021

City of Bentonville
Current Planning
305 SW A Street
Bentonville, AR 72712

RE: RZ-21-0055 – Rezoning of Property

Members of Staff,

There was an error in our initial application for this rezoning request, and we would like request an amendment to our application. Initially the request was for the entirety of Parcel #01-08199-000. However, the intent of the owner was to only rezone to R-3, Medium Density Residential the western +/- 50 acres of this parcel. This is known as Lot 1, Big Blue Marble Subdivision, Bentonville, AR. Also described as:

> PART OF THE S 1/2 OF THE SW 1/4 OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> BEGINNING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17;
> THENCE ALONG THE NORTH LINE THEREOF S87°27'33"E 1321.27 FEET TO THE NORTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17;
> THENCE ALONG THE EAST LINE THEREOF S02°21'56"W 328.98 FEET;
> THENCE LEAVING SAID EAST LINE S87°22'34"E 526.63 FEET;
> THENCE S02°18'48"W 945.40 FEET;
> THENCE N87°25'09"W 559.66 FEET;
> THENCE N87°13'36"W 1287.12 FEET TO THE WEST LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17;
> THENCE ALONG SAID WEST LINE N02°16'30"E 1269.51 FEET TO THE POINT OF BEGINNING, CONTAINING 50.00 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

We would greatly appreciate the opportunity to make this amendment request and remain on the current agenda cycle.

Thank you,

[redacted]
Barry R. Williams, ASLA
Project Manager

L202162084.002

LOT SPLIT CREATING BIG BLUE MARBLE SUBDIVISION WITH LOT 1 AND LOT 2

P.O.B. LOT 1
NW CORNER
SW 1/4 SW 1/4
SECTION 17
T-19-N R-31-W
N = 730819.98
E = 631062.65

BUILDING SETBACK NOTE:

SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT A-1, AGRICULTURAL, AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFORMATION, VISIT WWW.BENTONVILLEPLANNING.COM OR CALL THE PLANNING DEPARTMENT AT 479-271-3122.

A

B

C

D

L

M

N

P

1.1' TO FENCE

3.3' TO FENCE

S87° 27' 33"E 1321.27'

2.6' TO FENCE

NE CORNER
SW 1/4 SW 1/4
SECTION 17
T-19-N R-31-W

0.5' TO FENCE

2.0' TO FENCE

S2° 21' 56"W 328.98'

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	98.99'	S2° 20' 08"W
L2	95.16'	N1° 50' 30"E

SEE SHEET 1 "ADJOINING PROPERTY OWNER INFORMATION" TABLE FOR THE PROPERTY OWNERS ADJACENT TO THE EXTERIOR OF THIS PROPERTY.

LEGEND

- FOUND ALUMINUM MONUMENT
- FOUND RR SPIKE
- FOUND CPS
- FOUND IRON PIN
- MAGNETIC READING
- SET IRON PIN
- WATER VALVE
- FIRE HYDRANT
- POWER POLE
- PROPERTY LINE
- RIGHT OF WAY LINE
- 1/16 SECTION LINE
- WATER EASEMENT
- GAS EASEMENT
- THEORETICAL MSP R/W
- EDGE OF STREET
- STREET CENTERLINE
- FENCE LINE

1.2' TO FENCE

P.O.B. LOT 2

S87° 22' 34

526.63'

6.1' TO FENCE

3.4' TO FENCE

80' GAS EASEMENT
DOC O-3611
AS SHOWN IN PR 2003-734

LOT 1
±50.00 ACRES
PER THIS PLAT

N02° 16' 30"E 1315.62'

0.9' TO FENCE

SW 1/4 SW 1/4 SECTION 17 ±39.92 ACRES
SE 1/4 SW 1/4 SECTION 17 ±10.08 ACRES

S2° 18' 48"W 945.40'

2.1' TO CENTERLINE

0.8' TO FENCE

S87° 13' 36"E 1287.12'

20' WATER & GAS EASEMENT
DOC 2005-18028 &
DOC 2006-54257

20' UTILITY EASEMENT
PER THIS PLAT

SE CORNER
SW 1/4 SW 1/4
SECTION 17
T-19-N R-31-W

PROPOSED R/W
2.44 ACRES OR ±106439 SQ FT
PER THIS PLAT

S87° 25' 09"E 559.66'

S87° 25' 09"E

444.22'

N87° 22' 59"W 1112.85'

SW CORNER
SW 1/4 SW 1/4
SECTION 17
T-19-N R-31-W
N = 729505.40
E = 631010.42

N87° 21' 55"W 1320.10'

VAUGHN RD (ARTERIAL STREET 90' MSP R/W) EXISTING R/W AS NOTED

2.0' TO CENTERLINE

36' STREET R/W
PR 2004-1407

ATLAS PAGE: 521

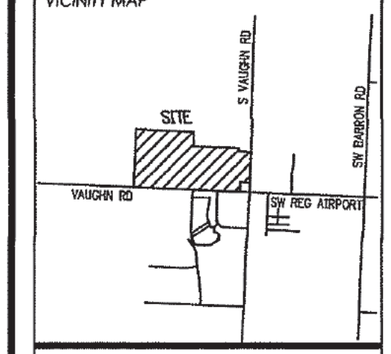
CITY OF BENTONVILLE
PROJECT NUMBER: LS21-0035

RECORD INFORMATION

GRAPHIC SCALE IN FEET
100' 0 100'

BASIS OF BEARING: GRID NORTH, ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 HORIZONTAL DATUM AND NAVD 88 VERTICAL DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF BENTONVILLE CONTROL MONUMENTS USING THEIR PUBLISHED VALUES.

VICINITY MAP



LOT SPLIT CREATING
BIG BLUE MARBLE SUBDIVISION
WITH LOT 1 AND LOT 2
SW/4 SEC 17 T-19-N R-31-W
BENTONVILLE ARKANSAS

PREPARED FOR:
GATOR DISTRICT, LLC

STATE PLAT CODE:
500-19N-31W-0-17-300-04-1460

DATE:	07/14/2021
PROJECT NO:	21105200
CONTACT:	K MONTGOMERY

901 N. 47th St., Suite 400
Rogers, Arkansas 72756
Crafton Tull
architecture | engineering | surveying
479.636.4838 t 479.631.6224 f
www.craftontull.com

CERTIFICATE OF AUTHORIZATION:

CERTIFICATE OF AUTHORIZATION
CRAFTON, TULL & ASSOCIATES, INC.
No. 109
ARKANSAS REGISTRY

© 2021 Crafton, Tull & Associates, Inc.

DELTA	DESCRIPTION	DATE

SHEET NO.:
2 OF 3

DRAWING: G:\21105200_VAUGHN\D\INFRASTRUCTURE\SURVEY\DWG\21105200_SPLIT.DWG
LAYOUT: LAYOUT2 , LAST SAVED: KM476, 7/14/2021 4:43:19 PM
LAST PLOTTED BY: KEVIN MONTGOMERY, 7/14/2021 3:31:32 PM [PLOTTED BY:" VALID ON HARD COPY ONLY]

79

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

August 12, 2021

Bentonville Current Planning
305 SW A Street
Bentonville, AR 72712

RE: Rezoning of Property (Parcel #01-08199-000)

Staff,

On behalf of our clients we would like to formally request a zoning change for this project from A-1, Agricultural to R-3, Medium Density Residential. The property is currently owned by Highland LLC. The adjacent properties are zoned A-1, C-2, R-4, and three is unaccounted for Benton County Property to the North. There is also parcels zoned A-1 per the Centerton zoning map. A proposed R-3 zoning is appropriate in this area based on proximity to other residential and commercial parcels.

The owners of this parcel are requesting a rezone to R-3 in order to develop townhome units. Currently, the proposed plans for development on this property are to townhomes with associated infrastructure, storm water retention, and onsite amenities. This property has access to 2 points of ingress/egress with a planned additional collector road according to the master street plan (via S Vaughn Rd. and Vaughn Rd.).

There are no plans for proposed signage on this property. Owner/developer will work with city staff when planning any proposed signage.

The site currently has no existing buildings on site. The land is comprised of hay/grass cover with some trees throughout. Water and sewer are readily available on this site via neighboring properties to the north.

By rezoning to R-3, Medium Density Residential, this property will be an excellent place for development and will be an asset to the Bentonville community.

Thank you,

Daniel Ellis, P.E.
Senior Vice President

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

August 12, 2021

Bentonville Current Planning
305 SW A Street
Bentonville, AR 72712

RE: Change in Future Land Use Plan (Parcel #01-08199-000)

Staff,

On behalf of our clients we would like to formally request a change in the Future Land Use Plan for this project from High-Density Residential, Mixed-Use Commercial, and General Commercial to Medium Density Residential. The property is currently owned by Highland LLC. The adjacent properties are noted as Residential Estate, Agriculture, High-Density Residential, General Commercial, Mixed-Use Commercial, and Industrial. A proposed change to Medium Density Residential Land Use is appropriate in this area based on proximity to other residential and commercial parcels.

The owners of this parcel are requesting a change to Medium Density Residential Land Use in order to develop townhomes. Currently, the proposed plans for development on this property are to build townhomes with associated infrastructure, storm water retention, and onsite amenities. This property has access to 2 points of ingress/egress (via S Vaughn Rd. and Vaughn Rd St.).

There are no plans for proposed signage on this property. Owner/developer will work with city staff when planning any proposed signage.

The site currently has no existing buildings on site. The land is comprised of hay/grass cover with some trees throughout. Water and sewer are readily available on this site via neighboring properties to the north.

By changing the Future Land Use to Medium Density Residential, this property will be an excellent place for development and will be an asset to the Bentonville community.

Thank you,

Daniel Ellis, P.E.
Senior Vice President

R-3, Medium-High Density Multifamily Residential

The R-3 District is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium density residential development would be available. Such districts could be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low density residential development. Within this district, zero lot line and townhouses are permitted.

Maximum Height Allowed: 40 feet

Minimum Street Frontage: 20 feet

Minimum Width of Corner Lots: 75' at building line

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-3	Single-family	5,000	-	50'	40%	45%
	Two-family	5,000	-	50'	50%	55%
	Townhouse unit	2,000	-	20'	-	-
	Townhouse structure	6,000	2,000	60'	65%	70%
	Multi-family	6,000	1,500	60'	65%	70%
	All others not listed	10,000	-	100'	50%	55%

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-3	All	20'	10'	20'	25'

Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

Garage Setback Standards: *Applicable to attached and detached garages.*

Garage, Street Facing: 30 ft. from the property line the garage faces

Garage, Side- or Rear-loading: 20 ft. from the front property line

Garage, Alley Facing: 20 ft. from property line at alley

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot.

R-3, Medium-High Density Multifamily Residential

Residential Tree Planting: For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Community garden **Residential** Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - two-family Residential facility - assisted living Residential facility - temporary shelter **Recreation, Education & Assembly** Library Park - mini Park - neighborhood **Services** Child care - residential (4 children) **Retail** Mobile food vendor	**Agriculture and Animals** Botanical garden Urban farm **Residential** Home occupation - type b **Recreation, Education & Public** Aquarium Community center Country club Educational facility Golf course Museum Religious facilities **Services** Adult day care Cemetery or mausoleum Child care - commercial Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services **Transportation / Utilities** Utility facility Wireless communication facility (cell towers) **Other** Temporary uses	**Residential** Dwelling - accessory Home occupation - type a **Transportation / Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

Medium Density Residential

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

Medium-density residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE MAP FOR A SPECIFIC AREA FROM HIGH-DENSITY RESIDENTIAL, MIXED USE COMMERCIAL AND GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL. (PROJECT NUMBER: RZ21-0055).

WHEREAS, Highland, LLC, duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of High-Density Residential, Mixed Use Commercial, and General Commercial to Medium-Density Residential, which property is described as follows:

PART OF THE S 1/2 OF THE SW 1/4 OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17;THENCE ALONG THE NORTH LINE THEREOF S87°27'33"E 1321.27 FEET TO THE NORTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17; THENCE ALONG THE EAST LINE THEREOF S02°21'56"W 328.98 FEET; THENCE LEAVING SAID EAST LINE S87°22'34"E 526.63 FEET; THENCE S02°18'48"W 945.40 FEET; THENCE N87°25'09"W 559.66 FEET; THENCE N87°13'36"W 1287.12 FEET TO THE WEST LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17; THENCE ALONG SAID WEST LINE N02°16'30"E 1269.51 FEET TO THE POINT OF BEGINNING, CONTAINING 50.00 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 at Bentonville City Hall; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and,

WHEREAS, the 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 property be changed.

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 land use classification of High-Density Residential, Mixed Use Commercial, and General Commercial to Medium-Density Residential on the City of Bentonville Future Land Use Map.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this _____ day of September, 2021.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Kirby Romines, City Clerk

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-3, MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL (PROJECT NUMBER: RZ21-0055).

WHEREAS, Highland, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

PART OF THE S 1/2 OF THE SW 1/4 OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT THE NORTHWEST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17;THENCE ALONG THE NORTH LINE THEREOF S87°27'33"E 1321.27 FEET TO THE NORTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17; THENCE ALONG THE EAST LINE THEREOF S02°21'56"W 328.98 FEET; THENCE LEAVING SAID EAST LINE S87°22'34"E 526.63 FEET; THENCE S02°18'48"W 945.40 FEET; THENCE N87°25'09"W 559.66 FEET; THENCE N87°13'36"W 1287.12 FEET TO THE WEST LINE OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 17; THENCE ALONG SAID WEST LINE N02°16'30"E 1269.51 FEET TO THE POINT OF BEGINNING, CONTAINING 50.00 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1 Agricultural to R-3, Medium-High Density Multifamily Residential.

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 zoning classification of A-1 Agricultural to R-3, Medium-High Density Multifamily Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____

ATTEST: **Stephanie Orman, Mayor**

_____

Kirby Romines, City Clerk

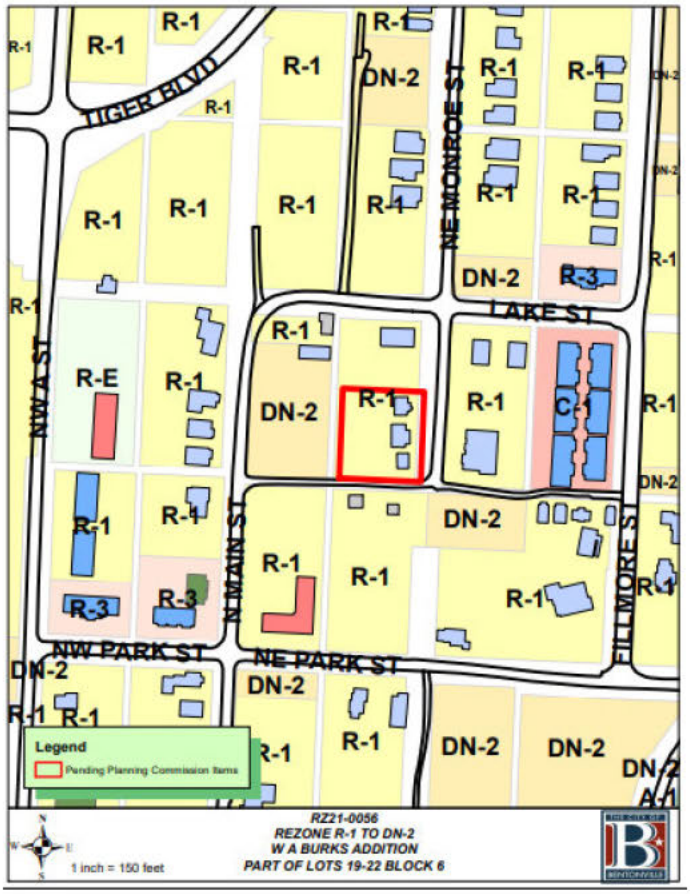
Terrell

1111, 1113, 1115 NE Monroe Street
PC Date: 9/21/2021
Reviewer: Jon Stanley, Senior Planner, ALSA, APA

Project Number	RZ21-0056
Applicant / Current Owner	Terrell
Site Area	+/- 0.58 acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 1111, 1113, 1115 NE Monroe Street. The property is currently zoned R-1, Low Density Single Family Residential. Surrounding zoning districts are R-1, Low Density Single-Family Residential to the north, south east and west.

Relationship to the Bentonville Community Plan
The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

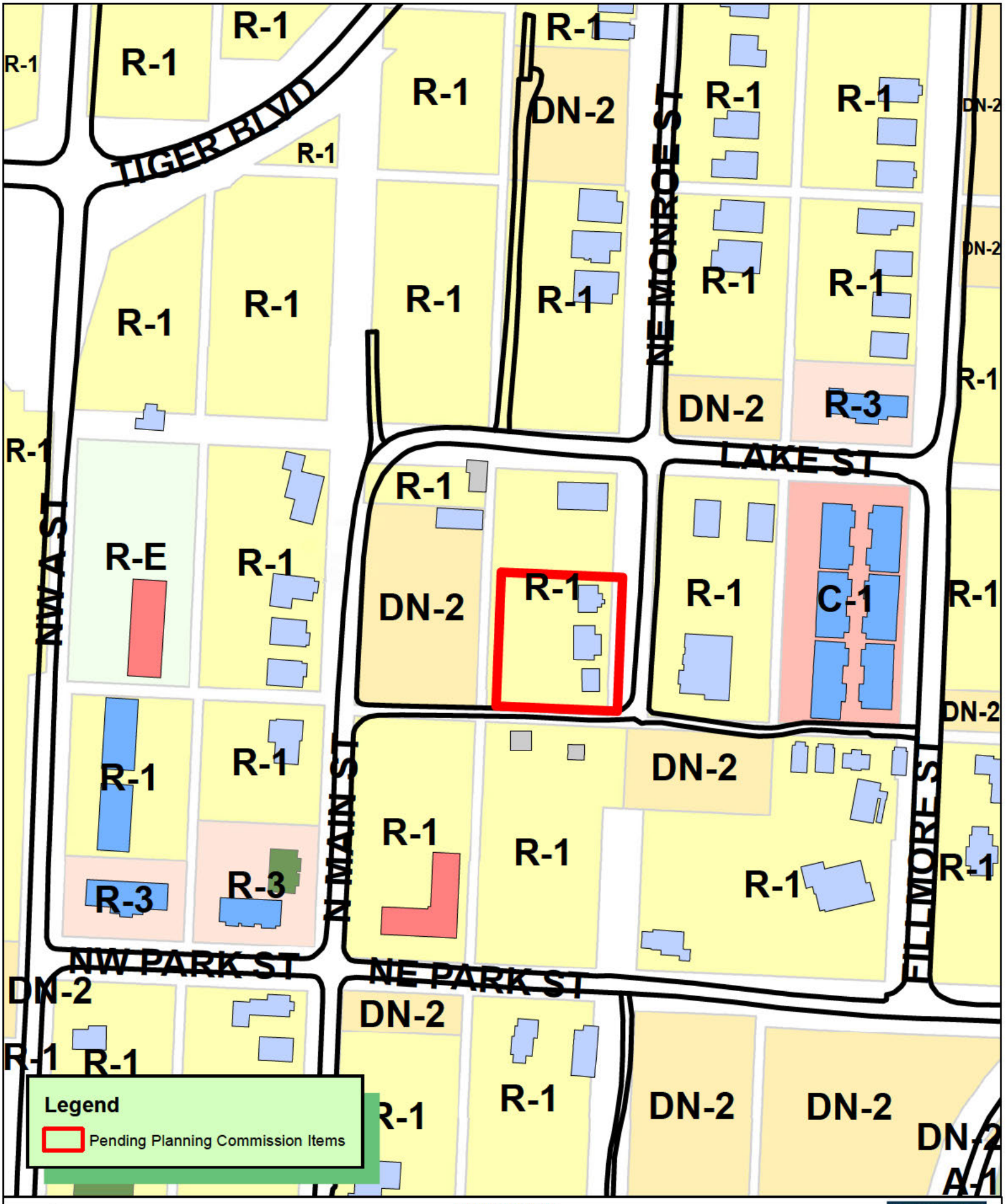
The property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Community Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Public Comment
Staff has not received public comments regarding this rezoning request.

Analysis
The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development, and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density.

This rezoning request is consistent with the Bentonville Community Plan and the Future Land Use Plan. Additionally, this request is consistent with surrounding land-use patterns as there are existing DN-2 zoning districts in the immediate area.

Conclusion
This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.



RZ21-0056
REZONE R-1 TO DN-2
W A BURKS ADDITION
PART OF LOTS 19-22 BLOCK 6

THE CITY OF BENTONVILLE

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

August 12, 2021

Bentonville Current Planning
305 SW A Street
Bentonville, AR 72712

RE: Rezoning of Property (Parcel #01-04557-000, #01-04556-000, #01-04555-000)

Staff,

On behalf of our clients we would like to formally request a zoning change for this project from R-1, Single Family Residential to DN-2, Downtown Neighborhood 2. The property is currently owned by Thomas and Judith Terrell. The adjacent properties are zoned R-1 and DN-2. A proposed DN-2 zoning is appropriate in this area based on proximity to other residential and downtown neighborhood parcels. This proposed zoning is consistent with the Future Land Use Plan of Medium Density Residential (per GIS).

The owners of this parcel are requesting a rezone to DN-2 in order to develop townhome units. Currently, the proposed plans for development on this property are to townhomes with associated infrastructure, storm water retention, and onsite amenities. These properties has access to 1 point of ingress/egress (via NE Monroe St.).

There are no plans for proposed signage on this property. Owner/developer will work with city staff when planning any proposed signage.

The site currently has single family homes on site. The land is comprised grass cover with some larger trees throughout. Water and sewer are readily available on this site via neighboring properties to the north.

By rezoning to DN-2, Downtown Neighborhood 2, this property will be an excellent place for development and will be an asset to the Bentonville community.

Thank you,

Daniel Ellis, P.E.
Senior Vice President

DN-2, Downtown Medium Density Residential

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development, and were small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district.

Building Types Allowed:

District	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-2	•	•	•				

Maximum Height Allowed:

District	Single-family	Two-family	Townhouse	Multi-family	Mixed-use
DN-2	36 ft.	36 ft.	36 ft.	--	--

Lot and Area Standards:

District	Building type	Min. Lot Area (sq. ft.)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage	
				Min. Lot Width	Max. Lot Width	Interior lot	Exterior lot
DN-2	Single-family, alley access	4,000	-	40'	-	50%	55%
	Single-family, no alley access	5,000	-	50’	-	50%	55%
	Single-family attached unit	2,000	-	20’		-	-
	Single-family attached structure, alley access	4,000	-	40’	-	50%	55%
	Single-family attached structure, no alley access	5,000	-	50’	-	50%	55%
	Two-family, alley access	4,000	-	40’	-	50%	55%
	Two-family, no alley access	5,000	-	50’	-	50%	55%
	Townhouse unit	2,000	-	20’	-	-	-
	Townhouse structure	7,500	2,500	75'	-	60%	65%

Minimum Setback Standards:

District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-2	Single-family and Two-family	12’	25’	12’	25’	7’	0’	25’
	Townhouse block-end and all others not listed	12’	25’	12’	25’	10’	0’	25’

Residential Tree Planting: For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

DN-2, Downtown Medium Density Residential

Garage Setback Standards (generally for DN districts – additional requirements may apply):

Prohibited in front yards. Garages, parking lots or designated parking spaces are prohibited in the front yard and corner side yard.

Attached garages. Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.

Detached garages. Detached garages shall be located to the rear of the primary structure.

Corner lot. On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.

Detached garages. Detached garages must be separated from the primary structure by a minimum of 10'.

Garages with alley access. Garages with alley access must be setback 8' from the alley.

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot

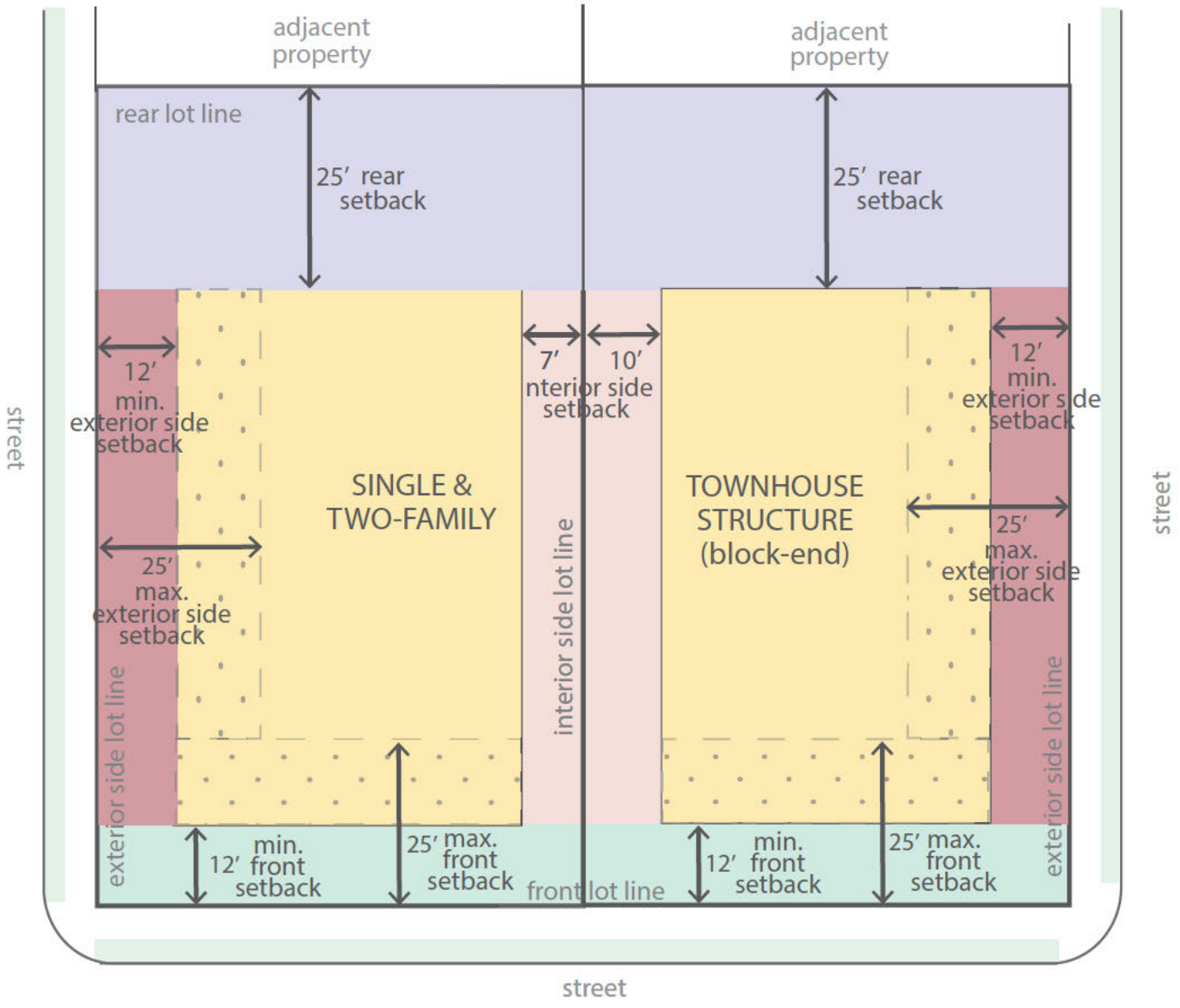
Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular Dwelling - single family Dwelling - townhouse or rowhouse – end block Dwelling - two-family **Recreation, Education & Assembly** Park - mini Park - neighborhood **Services** Child care - residential (4 children)	**Agriculture and Animals** Urban farm **Residential** Home occupation - type b **Recreation, Education & Assembly** Educational facility Museum Religious facilities **Services** Adult day care Cemetery or mausoleum Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services **Transportation / Utilities** Utility facility Wireless communication facility (cell towers) **Other** Temporary uses	**Agriculture and Animals** Community garden **Residential** Dwelling – accessory Home occupation - type a **Transportation Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-2, Downtown Medium Density Residential

Setback Illustration



Updated May 2020

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ21-0056).

WHEREAS, Thomas & Judith Terrell duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 19, LOT 20, LOT 21 AND THE SOUTH 20 FEET OF LOT 22, BLOCK 6, W. A. BURKS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD A, PAGE 81; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential.

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 zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

David S. Murray, Nina L. Murray-Williams and Elizabeth A. Murray

SW Regional Airport Boulevard

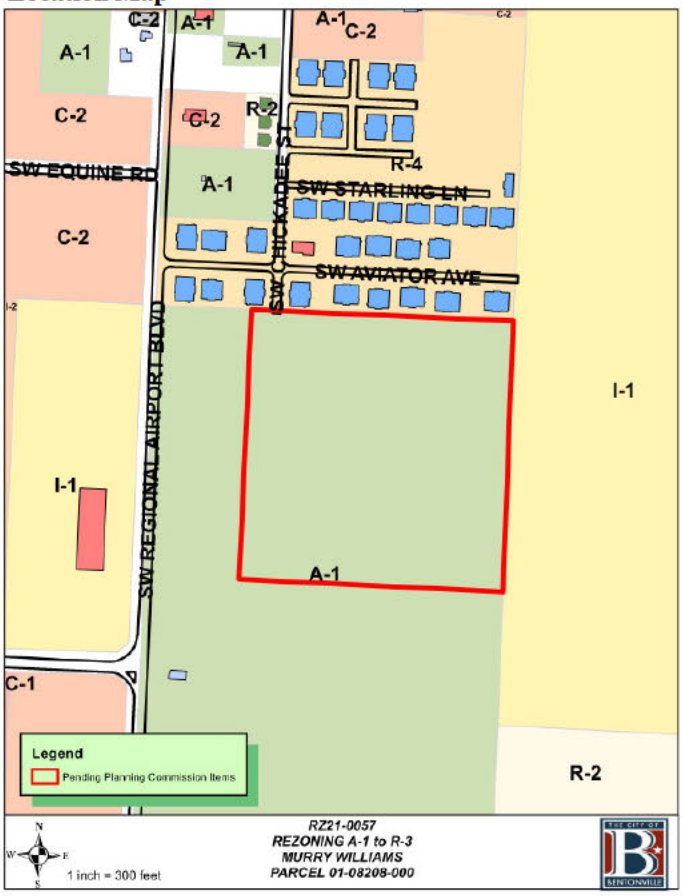
PC Date: 9/21/2021

Reviewer: Elizabeth Johnson, Senior Planner, AICP

Project Number	RZ21-0057
Applicant / Current Owner	David S. Murray, Nina L. Murray-Williams and Elizabeth A. Murray
Site Area	+/- 30.2 acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-3, Medium-High Density Multifamily Residential
Future Land Use Map Designation	Residential Estate to Medium-Density Residential

https://arcg.is/08HvK8

Location Map



Property Description

This property is located on SW Regional Airport Boulevard. The property is currently zoned A-1, Agricultural. Surrounding zoning districts are R-4 to the north, I-1 to the east, A-1 to the south, and I-1 to the west.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as Residential Estate. The applicant is requesting a change in the Future Land Use Plan to Medium-Density Residential. Medium-Density Residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acres. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

The property is located within Priority Area 3, Edge Growth, as identified in Chapter 4 of the Community Plan. This area focuses on development in areas close to existing infrastructure in order to capitalize on municipal investment that has already taken place (pg. 44).

Public Comment

Staff has not received public comments regarding this rezoning request.

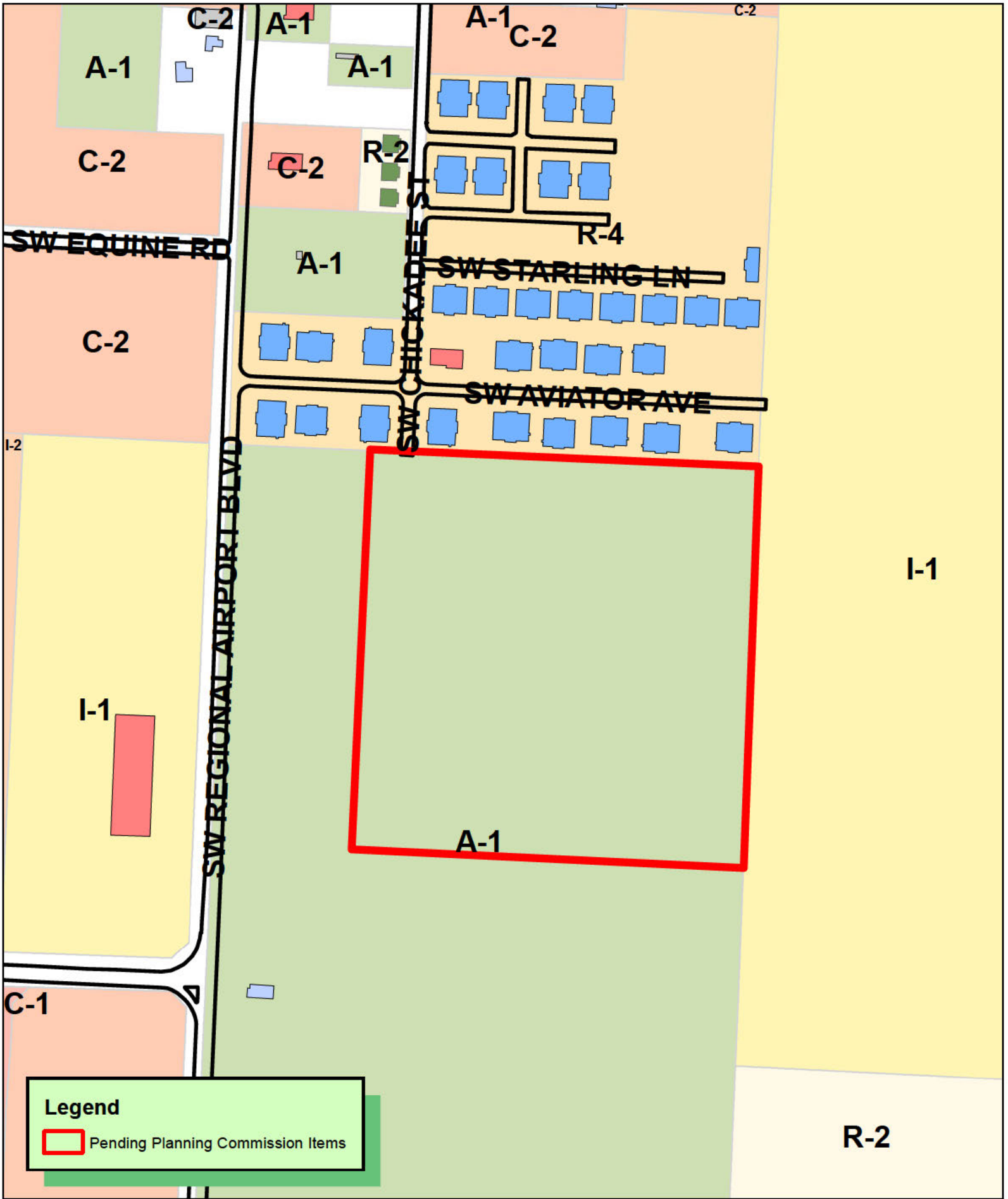
Analysis

The intent of the R-3 district is to provide suitable areas for medium-density residential development. Such units would be located in areas where adequate city facilities exist prior to development or would be provided in conjunction with development, and where a suitable environment for medium-density residential development would be available. Such districts could be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low-density residential development.

This rezoning request is not consistent with the Future Land Use Plan, however it is compatible with the R-4 zoning to the north.

Conclusion

This rezoning request is consistent and compatible with existing land use patterns. Staff recommends approval of the Future Land Use Map Amendment and the rezoning request.


C-2
A-1
A-1
A-1
C-2
C-2
A-1
C-2
C-2
R-2
R-4
SW EQUINE RD
A-1
SW CHICKADEE ST
SW STARLING LN
C-2
SW AVIATOR AVE
I-2
I-1
SW REGIONAL AIRPORT BLVD
I-1
A-1
C-1
Legend
Pending Planning Commission Items
R-2
N
W
E
S
1 inch = 300 feet
RZ21-0057
REZONING A-1 to R-3
MURRY WILLIAMS
PARCEL 01-08208-000
THE CITY OF
BENTONVILLE

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

August 12, 2021

Bentonville Current Planning
305 SW A Street
Bentonville, AR 72712

RE: Rezoning of Property (Parcel #01-08208-000)

Staff,

On behalf of our clients we would like to formally request a zoning change for this project from A-1, Agricultural to R-3, Medium Density Residential. The property is currently owned by David S Murray, Nina L Murray-Williams, and Elizabeth A Murray. The adjacent properties are zoned A-1, I-1, and R-4. A proposed R-3 zoning is appropriate in this area based on proximity to other residential parcels.

The owners of this parcel are requesting a rezone to R-3 in order to develop townhome units. Currently, the proposed plans for development on this property are to townhomes with associated infrastructure, storm water retention, and onsite amenities. This property has access to 2 points of ingress/egress (via SW Regional Airport Blvd. and SW Chickadee St.).

There are no plans for proposed signage on this property. Owner/developer will work with city staff when planning any proposed signage.

The site currently has no existing buildings on site. The land is comprised of hay/grass cover with some larger trees throughout. Water and sewer are readily available on this site via neighboring properties to the north.

By rezoning to R-3, Medium Density Residential, this property will be an excellent place for development and will be an asset to the Bentonville community.

Thank you,

Daniel Ellis, P.E.
Senior Vice President

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

August 12, 2021

Bentonville Current Planning
305 SW A Street
Bentonville, AR 72712

RE: Change in Future Land Use Plan (Parcel #01-08208-000)

Staff,

On behalf of our clients we would like to formally request a change in the Future Land Use Plan for this project from Residential Estate to Medium Density Residential. The property is currently owned by David S Murray, Nina L Murray-Williams, and Elizabeth A Murray. The adjacent properties are noted as Residential Estate, High-Density Residential, and General Commercial. A proposed change to Medium Density Residential Land Use is appropriate in this area based on proximity to other residential and commercial parcels.

The owners of this parcel are requesting a change to Medium Density Residential Land Use in order to develop townhomes. Currently, the proposed plans for development on this property are to build townhomes with associated infrastructure, storm water retention, and onsite amenities. This property has access to 2 points of ingress/egress (via SW Regional Airport Blvd. and SW Chickadee St.).

There are no plans for proposed signage on this property. Owner/developer will work with city staff when planning any proposed signage.

The site currently has no existing buildings. The land is comprised of hay/grass cover with some larger trees throughout. Water and sewer are readily available on this site via neighboring properties to the north.

By changing the Future Land Use to Medium Density Residential, this property will be an excellent place for development and will be an asset to the Bentonville community.

Thank you,

Daniel Ellis, P.E.
Senior Vice President

R-3, Medium-High Density Multifamily Residential

The R-3 District is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium density residential development would be available. Such districts could be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low density residential development. Within this district, zero lot line and townhouses are permitted.

Maximum Height Allowed: 40 feet

Minimum Street Frontage: 20 feet

Minimum Width of Corner Lots: 75' at building line

Lot and Area Standards:

District	Building type	Min. lot area (sq. ft.)	Min. land area / dwelling unit (sq. ft.)	Min. lot width	Max. lot coverage	
					Interior lot	Exterior lot
R-3	Single-family	5,000	-	50'	40%	45%
	Two-family	5,000	-	50'	50%	55%
	Townhouse unit	2,000	-	20'	-	-
	Townhouse structure	6,000	2,000	60'	65%	70%
	Multi-family	6,000	1,500	60'	65%	70%
	All others not listed	10,000	-	100'	50%	55%

Minimum Setback Standards:

District	Building type	Front	Side		Rear
			Interior	Exterior	
R-3	All	20'	10'	20'	25'

Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

Garage Setback Standards: *Applicable to attached and detached garages.*

Garage, Street Facing: 30 ft. from the property line the garage faces

Garage, Side- or Rear-loading: 20 ft. from the front property line

Garage, Alley Facing: 20 ft. from property line at alley

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot.

R-3, Medium-High Density Multifamily Residential

Residential Tree Planting: For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

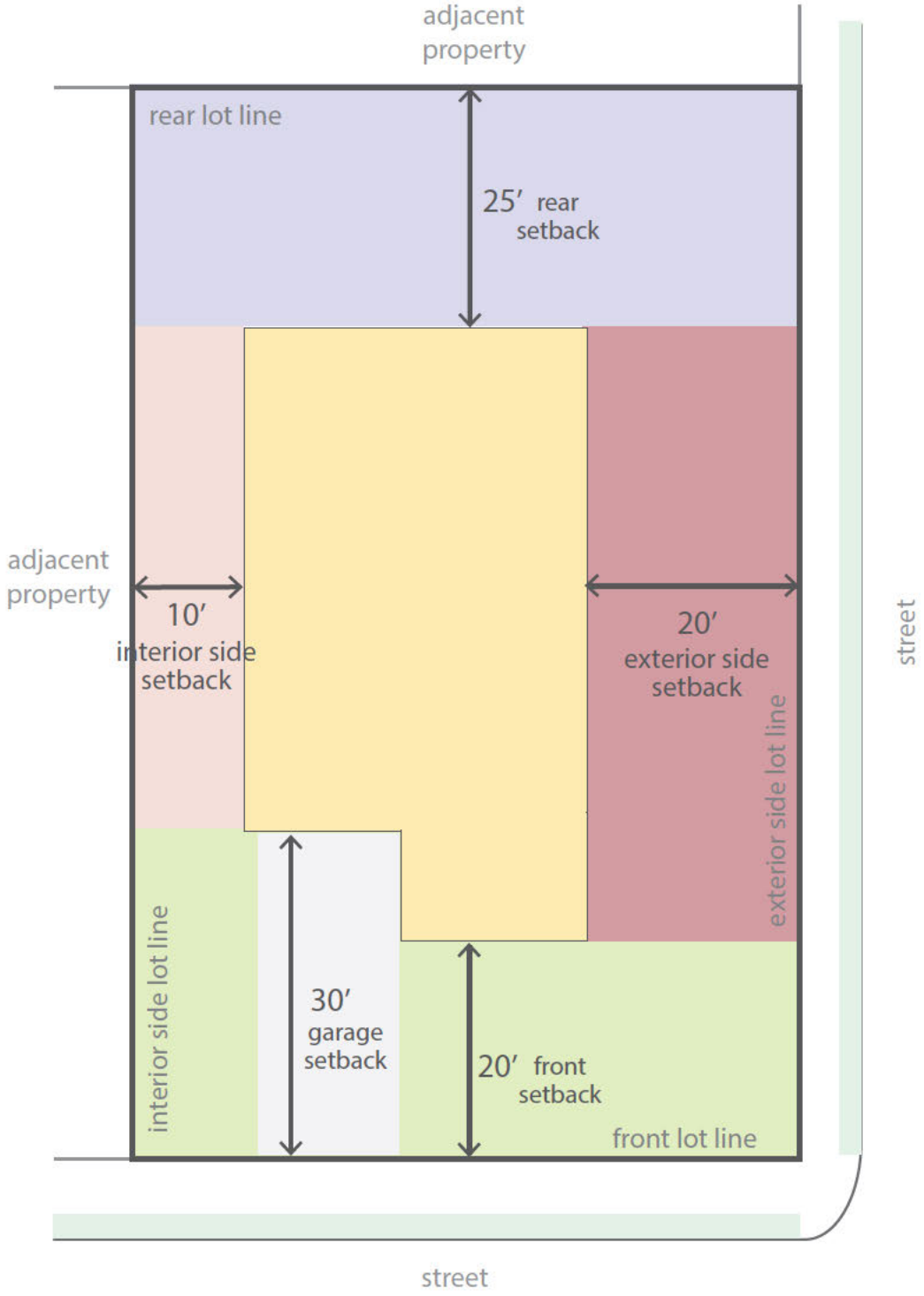
Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Community garden **Residential** Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - two-family Residential facility - assisted living Residential facility - temporary shelter **Recreation, Education & Assembly** Library Park - mini Park - neighborhood **Services** Child care - residential (4 children) **Retail** Mobile food vendor	**Agriculture and Animals** Botanical garden Urban farm **Residential** Home occupation - type b **Recreation, Education & Public** Aquarium Community center Country club Educational facility Golf course Museum Religious facilities **Services** Adult day care Cemetery or mausoleum Child care - commercial Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services **Transportation / Utilities** Utility facility Wireless communication facility (cell towers) **Other** Temporary uses	**Residential** Dwelling - accessory Home occupation - type a **Transportation / Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

R-3, Medium-High Density Multifamily Residential

Setback Illustration



Medium Density Residential

Future Land Use Plan Category Description

Res. No. 10-23-18A



Description

Medium-density residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE MAP FOR A SPECIFIC AREA FROM RESIDENTIAL ESTATE TO MEDIUM DENSITY RESIDENTIAL. (PROJECT NUMBER: RZ21-0057).

WHEREAS, David S. Murray, Nina L. Murray-Williams, and Elizabeth A. Murray, duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of Residential Estate to Medium-Density Residential, which property is described as follows:

The West 350 feet of the North 30 acres of the SW 1/4 of the NE 1/4 of Section 20, Township 19 North, Range 31 West, Benton County, Arkansas. The North 30 acres of the SW 1/4 of the NE 1/4 of Section 20, Township 19 North, Range 31 West, Benton County, Arkansas. The West 350 feet of the North 30 acres of the SW 1/4 of the NE 1/4 of Section 20, Township 19 North, Range 31 West, Benton County, Arkansas; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 at Bentonville City Hall; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and,

WHEREAS, the 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 property be changed.

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 land use classification of Residential Estate to Medium-Density Residential on the City of Bentonville Future Land Use Map.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this _____ day of September, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-3, MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL (PROJECT NUMBER: RZ21-0057).

WHEREAS, David S. Murray, Nina L. Murray-Williams, and Elizabeth A. Murray duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

> The West 350 feet of the North 30 acres of the SW 1/4 of the NE 1/4 of Section 20, Township 19 North, Range 31 West, Benton County, Arkansas. The North 30 acres of the SW 1/4 of the NE 1/4 of Section 20, Township 19 North, Range 31 West, Benton County, Arkansas. The West 350 feet of the North 30 acres of the SW 1/4 of the NE 1/4 of Section 20, Township 19 North, Range 31 West, Benton County, Arkansas. .; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1 Agricultural to R-3, Medium-High Density Multifamily Residential.

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 zoning classification of A-1 Agricultural to R-3, Medium-High Density Multifamily Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____

ATTEST: **Stephanie Orman, Mayor**

_____

Kirby Romines, City Clerk

Ozark Trail Development, LLC

421 SE A Street
PC Date: 9/21/2021
Reviewer: Tyler Overstreet, Planning Services Manager, AICP

Project Number	RZ21-0058
Applicant / Current Owner	Ozark Trail Development, LLC
Site Area	+/- 0.75 acres
Current Zoning	R-3, Medium-High Density Multifamily Residential
Requested Zoning	DE, Downtown Edge
Future Land Use Map Designation	High-Density Residential to Downtown Commercial

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 421 SE A Street. The property is currently zoned R-3, Medium-High Density Multifamily Residential with a Future Land Use Classification of High-Density Residential. Adjacent zoning districts are R-3, Medium-High Density Multifamily Residential to the north and south, DN-2, Downtown Medium-Density Residential to the east, and DE, Downtown Edge to the south and west.

Relationship to the Bentonville Community Plan
The Future Land Use Plan currently depicts this property as High-Density Residential. The applicant requests a change in the Future Land Use Plan to Downtown Commercial. Downtown Commercial areas include traditional mixed-use developments with a focus on design character and pedestrian access.

The Bentonville Community Plan depicts this property within a High Density Residential area. The Downtown Neighborhoods "Districts" plan depicts the western portion of this property as "Frontage for Integrated Commercial Uses," which may suggest support for mixed-use development.

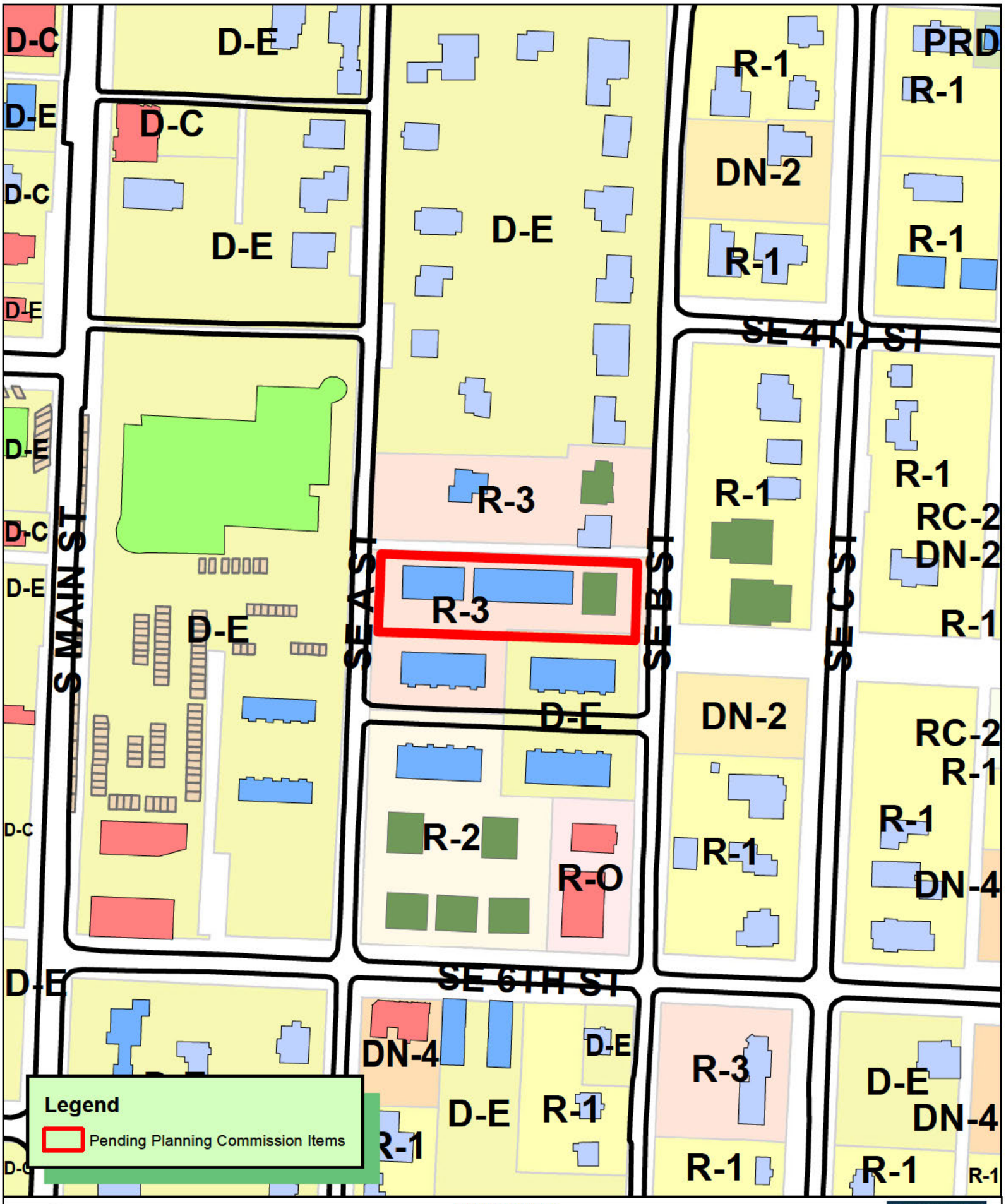
The property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Community Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Public Comment
Staff has not received public comments regarding this rezoning request.

Analysis
Recent rezoning activity directly to the south at 502 SE B Street has similarly signaled support for more intense downtown commercial zoning districts.

In addition, the property's adjacency to the Northwest Arkansas Greenway serves as a unique opportunity for additional pedestrian and bicycle traffic to the property, in line with the pedestrian-oriented development encouraged in Downtown Commercial land use areas and Downtown Edge zoned properties.

Conclusion
Recent rezoning activity, the Bentonville Community Plan, and adjacency to the trail all support the Future Land Use Map Amendment and rezoning requests. Staff recommends approval of the map amendment and rezoning.



N
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1 inch = 150 feet

RZ21-0058
REZONING R-3 TO DE
RAILROAD ADDITION
LOT 6 BLOCK 5 PARCEL 01-03827-000

THE CITY OF BENTONVILLE

421 SE A Street Rezone Narrative

Current Zoning Designation: R3- Medium- High Density Multi-Family Residential
Proposed Zoning Designation: DE- Downtown Edge

Explanation: Newell Development proposes to rezone the property located at 421 SE A Street (parcel ID 01-03827-000) from R3 to DE, in order to develop a future project in compliance with the DE development standards of the Bentonville Zoning Code. The current owner is Ozark Trail Development, LLC who endeavors to sell the property to NFD, LLC. Newell Development will serve as the developer.

Reason to Rezone: The rezone from R3 to DE would allow for a future development consistent with Downtown Edge development standards. Currently the property is zoned R3 and serves as multi-family rentals.

Statement of how the property will relate to surrounding properties: Surrounding properties zoning include R-3, R-1 and adjacent and nearby properties designated as DE. The future land use map designates this parcel as high density residential.

Use: The parcel will be used for a future development project that will complement and contribute to Priority Area 1 -Downtown Intensification- of the City Council adopted *Bentonville Community Plan* and offer additional housing options to accommodate Bentonville's current and anticipated population growth in the coming years.

Traffic: The additional units should not impact current traffic patterns on the existing infrastructure and could potentially encourage more pedestrian and cycling activity with its proximity to Downtown Bentonville as well as its location on the Downtown Trail.

Signage: None proposed at this time.

Appearance: Modern design standards, similar to other Newell Development projects in Downtown Bentonville, will be used to positively improve the character of the existing neighborhood and increase housing options on the southside of Downtown Bentonville. This development will be thoughtfully designed to offer similar esthetics, quality and community feel comparable to that of other Newell Development projects in Bentonville.

Water/ Sewer/ Electric: On-site.

DE, Downtown Edge

The Downtown Edge creates an area of transition between the Downtown Core with its retail emphasis and the lower density residential neighborhoods on the outskirts of downtown. This is the area of downtown with the greatest potential for infill and redevelopment. The physical form of structures begins to shift from commercial to residential character with flexibility in use, taking on a more service-oriented character for surrounding neighborhoods. The horizontal and vertical mixed use allows retail, commercial, office and residential uses on all floors. Live/work housing, personal services and small offices are strongly evident in this district. Buildings are spaced closely, but are separated by setbacks.

Primary and Secondary Streets: Developments that face **primary streets** have specific regulations pertaining to the relationship between the building and the street. The designated **primary streets** in the downtown districts are: Central Avenue, SW A Street, SW 8th Street, and S. Main Street. All other streets in the downtown districts shall be considered **secondary streets**.

Minimum Height Required: No minimum

Maximum Height Allowed: 50 feet

Lot and Area Standards:

District	Building type	Lot area		Min. land area /dwelling unit (sq. ft.)	Lot width		Min. lot depth	Lot coverage	
		Min.	Max.		Min. lot width	Max. lot width		Min.	Max.
DE	All	None	None	-	None	None	-	None	80%

Setback Standards:

District	Building type	Front Yard		Side Yard		Rear			
						Adjacent to Residential		Adjacent to Non-residential	
		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
DE	Residential	-	20’	7’	-	12’	-	7’	-
	Nonresidential	-	0’	7’	-	12’	-	7’	-

Encroachment Standards:

District	Min. height clearance	Min. setback adjacent to an arterial or collector street	Min. setback adjacent to a downtown residential street
DE	8’	4’	6’

Applied to encroachments such as canopies, awnings and balconies.

DE, Downtown Edge

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Agriculture and Animals Animal - domestic or household Chicken - hobby Community Garden Greenhouse Plant nursery **Residential** Dwelling - condominium Dwelling - modular Dwelling - multi-family Dwelling - single family Dwelling - townhouse or rowhouse Dwelling - two family **Recreation, Education & Public Assembly** Commercial recreation facility - indoor Commercial recreation facility - outdoor Community Center Cultural studio Library Park - mini Park - neighborhood **Services** Adult day care ATM machine Cemetery or mausoleum Child care - commercial Child care - residential (4 children) Child care - residential (5 – 10 children) Copy facilities Financial institution Governmental services facility Maintenance service Medical services - doctor office Medical services - laboratory Medical services - urgent care clinic Office - small scale (≤ 4,000 gsf) Personal services Postal services Repair services - household **Retail** Artisan shop Bakery Mobile food vendor Outdoor vending - private property Outdoor vending - public right-of-way Retail - small scale (≤ 4,000 gsf) Sidewalk café in public right-of-way	**Agriculture and Animals** Animal clinic Urban farm **Residential** Home occupation - type b **Recreation, Education & Assembly** Aquarium Arena / auditorium Conference / convention center Educational facility Event center Museum Religious facilities **Services** Lodging - bed & breakfast Lodging - hotel / motel Office/warehouse Public safety services **Retail** Bar, lounge or tavern Restaurant **Transportation / Utilities** Parking facility (as principal use) Utility facility Wireless communication facility (cell tower) **Other** Temporary uses	**Residential** Dwelling - accessory Home occupation - type a **Transportation / Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

RESOLUTION NO. _____

A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE MAP FOR A SPECIFIC AREA FROM HIGH-DENSITY RESIDENTIAL TO DOWNTOWN COMMERCIAL. (PROJECT NUMBER: RZ21-0058).

WHEREAS, Ozark Trail Development, LLC, duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of High-Density Residential to Downtown Commercial, which property is described as follows:

Lot 6, Block 5 of Railroad Addition to Bentonville, Benton County, Arkansas, as shown on plat filed under Book A and Page 66, recorded in the Benton County Clerk's Office, Bentonville, Arkansas;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 at Bentonville City Hall; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and,

WHEREAS, the 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 property be changed.

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 land use classification of High-Density Residential to Downtown Commercial on the City of Bentonville Future Land Use Map.

Section 2: That this resolution shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this _____ day of September, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-3, MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL TO DE, DOWNTOWN EDGE (PROJECT NUMBER: RZ21-0058).

WHEREAS, Ozark Trail Development, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-3, Medium-High Density Multifamily Residential to DE, Downtown Edge to be used in accordance with city zoning laws and state laws, which property is described as follows:

Lot 6, Block 5 of Railroad Addition to Bentonville, Benton County, Arkansas, as shown on plat filed under Book A and Page 66, recorded in the Benton County Clerk's Office, Bentonville, Arkansas; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-3, Medium-High Density Residential Multifamily Residential 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 zoning classification of R-3, Medium-High Density Residential Multifamily Residential to DE, Downtown Edge to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Tice

NE Monroe Street

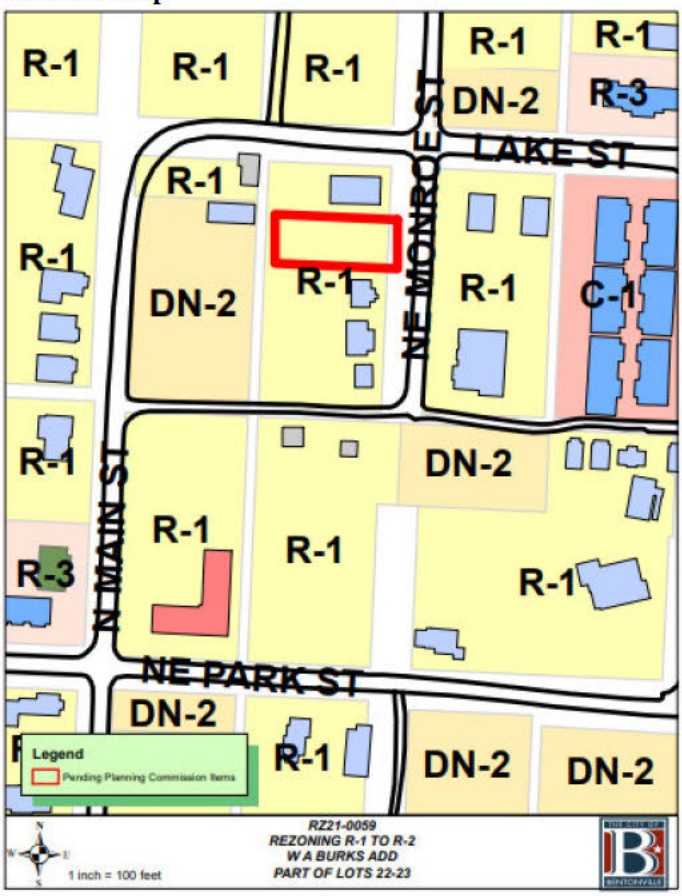
PC Date: 9/21/2021

Reviewer: Jon Stanley, Senior Planner, ALSA, APA

Project Number	RZ21-0059
Applicant / Current Owner	Tice
Site Area	+/- 0.25 acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Future Land Use Map Designation	Medium Density Residential (MDR)

https://arcg.is/08HvK8

Location Map



Property Description

This property is located at NE Monroe Street. The property is currently zoned R-1, Low Density Single Family Residential. Surrounding zoning districts are R-1, Low Density Single-Family Residential to the north, south east and west.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as Medium-Density Residential. Medium-Density Residential areas typically include townhouses or duplex residential properties. These areas are found both near downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

The property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Community Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Public Comment

Staff has not received public comments regarding this rezoning request.

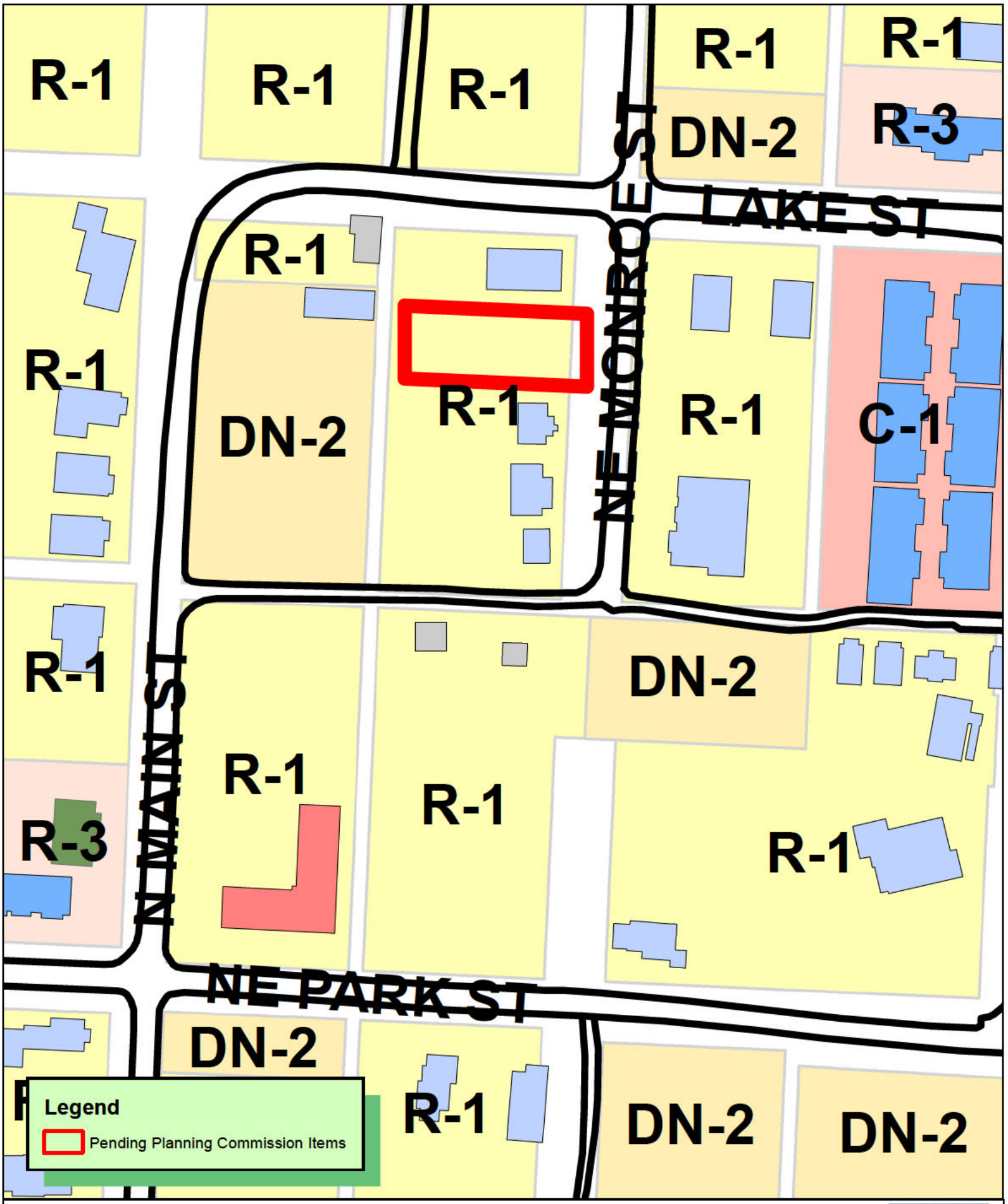
Analysis

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development, and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density.

This rezoning request is consistent with the Bentonville Community Plan and the Future Land Use Plan. Additionally, this request is consistent with surrounding land-use patterns as there are existing DN-2 zoning districts in the immediate area.

Conclusion

This rezoning request is consistent with the Future Land Use Plan and is compatible with surrounding land uses. Staff recommends approval of the rezoning request.



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1 inch = 100 feet

RZ21-0059
REZONING R-1 TO R-2
W A BURKS ADD
PART OF LOTS 22-23

THE CITY OF BENTONVILLE

Rezone Narrative

Tice Family – 1117 NE Monroe St, Bentonville, AR 72712

Project #RZ21-0059

To whom it may concern:

I, Matt Tice, and my wife, Noelle Tice, are the legal owners of the property at 1117 NE Monroe St in Bentonville, AR. We would like to propose rezoning this property from the R-1 designation it currently holds to DN-2.

Our piece of land is currently a vacant lot. It used to have a single-family home. We are working with an architect to design a very tasteful and upscale unit (most likely single-family with attached unit) which we plan to both rent and use for our family and friends. We will remain owners of the property through the rezone, building process and as we lease it out.

There are many rentals (both short and long-term) in this area due to its proximity to Crystal Bridges and the biking trail network. The area is currently changing with multiple older homes in addition to new builds. Our beautiful design will enhance the look and feel of the area, optimizing value of the homes in the surrounding area.

Considering there was a home here previously, the land is already equipped with water and sewer lines. There is an electric wire handing from one pole to another in the front of the property that we would like to explore possibilities of moving and/or burying with the City as part of our new structure build.

Please reach out should you have further questions about our project.

Thanks so much for considering the rezone!

Sincerely,

Matt & Noelle Tice

(M): 919-357-0975

(N): 919-749-6228

Current Address: 1432 Cannon Lane, Cave Springs, AR 72718

DN-2, Downtown Medium Density Residential

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development, and were small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district.

Building Types Allowed:

District	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-2	•	•	•				

Maximum Height Allowed:

District	Single-family	Two-family	Townhouse	Multi-family	Mixed-use
DN-2	36 ft.	36 ft.	36 ft.	--	--

Lot and Area Standards:

District	Building type	Min. Lot Area (sq. ft.)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage	
				Min. Lot Width	Max. Lot Width	Interior lot	Exterior lot
DN-2	Single-family, alley access	4,000	-	40'	-	50%	55%
	Single-family, no alley access	5,000	-	50’	-	50%	55%
	Single-family attached unit	2,000	-	20’		-	-
	Single-family attached structure, alley access	4,000	-	40’	-	50%	55%
	Single-family attached structure, no alley access	5,000	-	50’	-	50%	55%
	Two-family, alley access	4,000	-	40’	-	50%	55%
	Two-family, no alley access	5,000	-	50’	-	50%	55%
	Townhouse unit	2,000	-	20’	-	-	-
	Townhouse structure	7,500	2,500	75'	-	60%	65%

Minimum Setback Standards:

District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-2	Single-family and Two-family	12’	25’	12’	25’	7’	0’	25’
	Townhouse block-end and all others not listed	12’	25’	12’	25’	10’	0’	25’

Residential Tree Planting: For newly constructed single and two-family residential structures: 1 shade tree planted in each yard adjacent to roadway and 1 shade tree planted in each right-of-way adjacent to roadway.

DN-2, Downtown Medium Density Residential

Garage Setback Standards (generally for DN districts – additional requirements may apply):

Prohibited in front yards. Garages, parking lots or designated parking spaces are prohibited in the front yard and corner side yard.

Attached garages. Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street.

Detached garages. Detached garages shall be located to the rear of the primary structure.

Corner lot. On a corner lot, the garage shall not be located closer than 20' to the corner side lot line in order to allow for outdoor vehicular parking entirely on the lot.

Detached garages. Detached garages must be separated from the primary structure by a minimum of 10'.

Garages with alley access. Garages with alley access must be setback 8' from the alley.

Accessory Structures & Uses: (i.e. garages, storage sheds, separate dwelling units)

	Detached Non-residential	Detached Accessory Dwelling	Attached Accessory Dwelling
% of floor area of primary structure	40%	50%	50%
Maximum footprint	720 sq. ft.	720 sq. ft.	-
Front setback	As required by the district	As required by the district	As required by the district
Side setback	7'	7'	As required by the district
Rear setback	7'	7'	As required by the district

On corner lots: Structure shall not project beyond the building line of the primary structure of existing primary structure on the adjacent lot

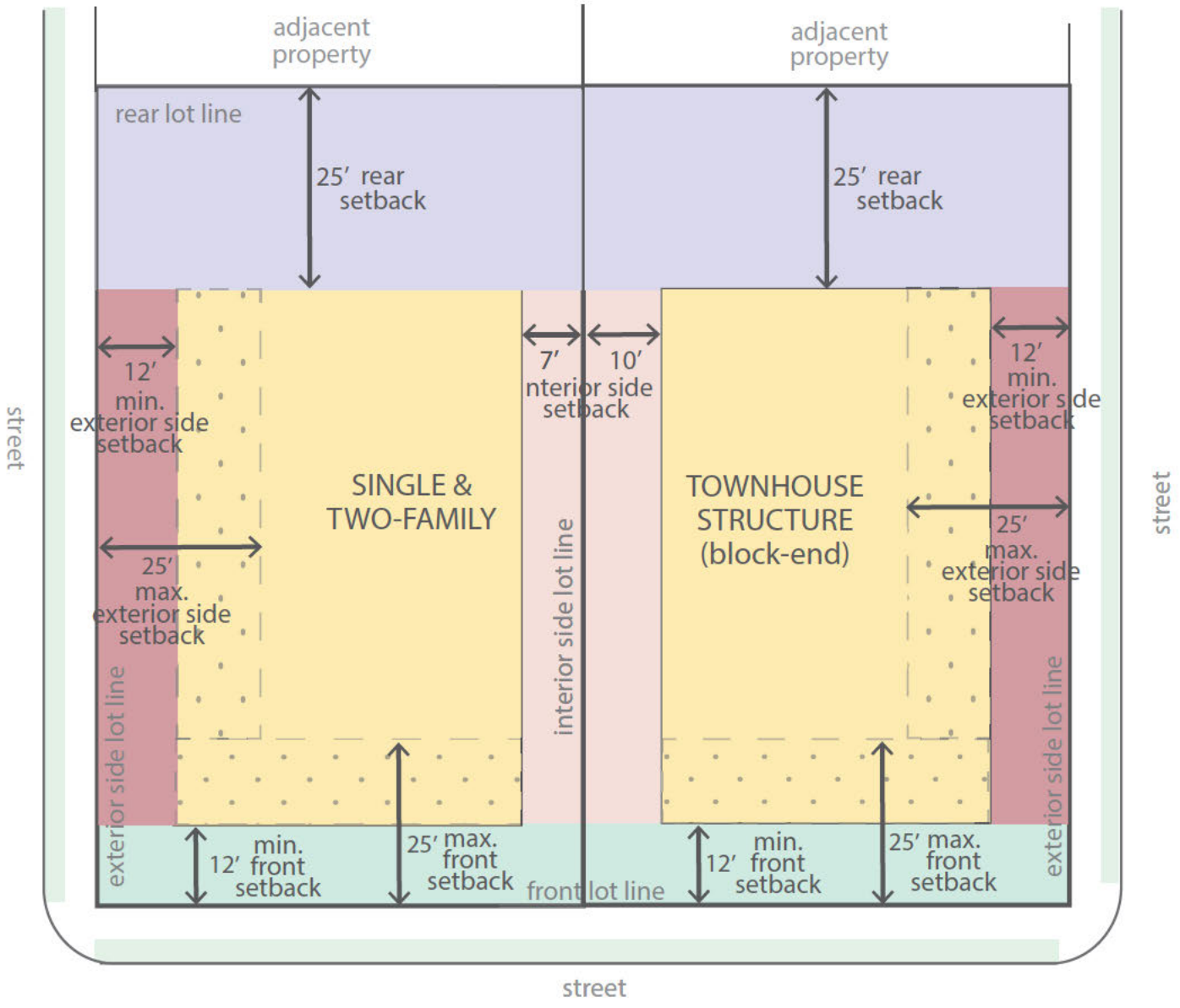
Land Uses:

ALLOWED BY RIGHT	CONDITIONAL	ACCESSORY
Residential Dwelling - modular Dwelling - single family Dwelling - townhouse or rowhouse – end block Dwelling - two-family **Recreation, Education & Assembly** Park - mini Park - neighborhood **Services** Child care - residential (4 children)	**Agriculture and Animals** Urban farm **Residential** Home occupation - type b **Recreation, Education & Assembly** Educational facility Museum Religious facilities **Services** Adult day care Cemetery or mausoleum Child care - residential (5-10 children) Lodging - bed & breakfast Public safety services **Transportation / Utilities** Utility facility Wireless communication facility (cell towers) **Other** Temporary uses	**Agriculture and Animals** Community garden **Residential** Dwelling – accessory Home occupation - type a **Transportation Utilities** Solar energy system Wind energy system, small **Other** Building, accessory - nonresidential

Disclaimer: FOR INFORMATIONAL PURPOSES ONLY.
In cases of discrepancy between the information presented here and a city ordinance, the city ordinance will prevail.

DN-2, Downtown Medium Density Residential

Setback Illustration



ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL (PROJECT NUMBER: RZ21-0059).

WHEREAS, Matt & Noelle Tice duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

The north 30 feet of LOT 22 and the South 30 FT of LOT 23, in BLOCK 6 of the W A Burks ADD to the city of Bentonville, Benton County, Arkansas, According to the plat recorded thereon. Subject to all rights-of-ways and easements of record.; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 21, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential.

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 zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Consent Agenda Items

For the Planning Commission meeting of September 21, 2021

Reviewer: Jon Stanley, Senior Planner

- At the Technical Review meeting held on September 14, 2021 the Planning Commission requested these items be placed on the consent agenda. The descriptions below shall serve as the staff report for each of the consent agenda items.

Lot Split: Lots 18 & 19 of Clark's 2nd Addition, Cobb Living Trust, 302 SW D Street, DN-2, Downtown Medium Density Residential, *LS21-0046*

A lot split of all of existing Lot 1, and part of existing Lot 4, Block 5 creating new Lot 18 (+/- 0.18 acres) and Lot 19 (+/- 0.16 acres), Block 5 of Clark's 2nd Addition.The plat dedicates various utility easements to serve the lots and also dedicates right-of-way along SW D Street to meet the requirements of the Master Street Plan.

(Please click on this link to access the vicinity map for this item: https://arcg.is/08HvK8)

Preliminary Plat: Brier Hill Subdivision Phases 1, 2 & 3, Sunrise Residential Construction Inc., SW Featherston Road, R-1, Low Density Single Family Residential and RZ-L, Zero Lot Line Residential, *PP21-0015*

A preliminary plat proposing 216 single-family and zero lot line single-family homes. The plat will be constructed in three separate phase, all public infrastructure shall be constructed and installed with Phase 1. Cross connection is being provided to the north and west and ingress/egress into the subdivision will be provided with a single curb cut onto both SW Featherston Road and SW 28th Street. All non-bondable items and guarantees of improvements must be complete, and a final inspection performed and approved prior to final platting.

(Please click on this link to access the vicinity map for this item: https://arcg.is/08HvK8)

Preliminary Plat: Lots 1-9 of I-14 Subdivision, Suroeste 14, LLC, Lone Projects LLC, Donovan Jr. & Caty Miles, SW I Street & SW 14th Street, C-2, General Commercial and A-1, Agricultural, *PP21-0019*

A preliminary plat proposing a nine lot commercial/mixed use subdivision to be known as I-14 Subdivion. The nine lots vary in size but all meet the requirements of both the Zoning and Land Development Codes. All necessary and required public infrastructure shall be constructed and installed with Phase 1. There is no indication that the subdivison will be constructed. The plat dedicates right-of-way along SW14th Street and SW I Street per the requirements of the Master Street Plan. Additionally, 50' of public right-of-way is being dedicated with the plat to allow for the extension of West Park Drive to the south through the center of the subdivision. A private drive from SW I Street will also aid in the circulation of traffic and ingress/egress in the subdivision. The plat dedicates various public utility and drainage easement and one access easement to serve the subdivision. All non-bondable items and guarantees of improvements must be complete, and a final inspection performed and approved prior to final platting.

(Please click on this link to access the vicinity map for this item: https://arcg.is/08HvK8)

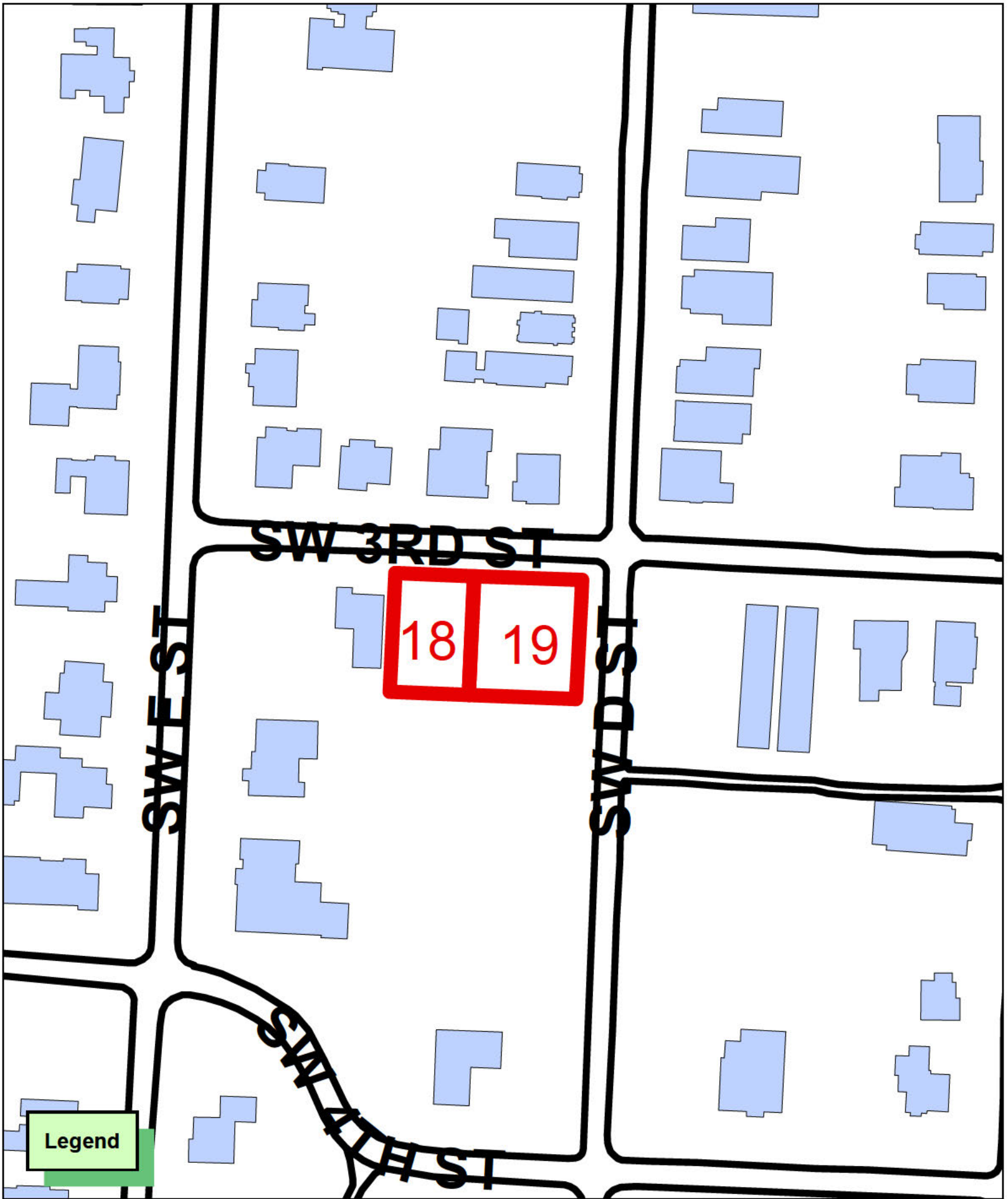
Final Plat: Trail Ridge, Boulder & Beam LLC, SW 2nd Street and NW Trail Ridge Road, R-1, Single-Family Residential and R-O, Residential Office, *FP21-0003*

A final plat consisting of 16 total lots. Fifteen (15) are single-family residential lots and one lot will be utilized as a common lot. The final plat dedicates right-of-way for the newly constructed NW Trail Ridge Lane. The final plat dedicates utility drainage easements in various locations to serve the subdivision. All non-bondable items and guarantees of improvements must be complete and a final inspection performed and approved before Planning Commission approval.

Large-Scale Development: Pop-Up Drinks, Eureka Pizza, 2001 SW Regional Airport Boulevard, C-1, Neighborhood Commercial, *LSD21-0043*

A large-scale development proposing the construction of a 700-square foot drive through restaurant. Sidewalks, landscaping, grading/drainage, and site amenities are in accordance with the requirements of the Land Development Code. Access to the project will be achieved through existing curb cuts on SW Regional Airport Boulevard and SW Bright Road. The primary materials on the exterior of the building include pre-finished architectural metal panel, brick, and glass.

(Please click on this link to access the vicinity map for this item: https://arcg.is/08HvK8)



LS21-0046
LOT SPLIT
CLARKS 2ND ADDITION
LOT 1, PART OF LOT 4, BLOCK 5 CREATING LOTS 18-19

LOT SPLIT OF ALL OF LOT 1, AND A PART OF LOT 4, BLOCK 5 OF CLARK'S 2ND ADDITION CREATING NEW LOTS #18 & #19

ADJACENT LAND OWNERS

1) FISH, DAVID D & ERIN C TRUSTEES
411 NW 4TH ST
BENTONVILLE AR 72712
PARCEL #01-01767-000
ZONED: R-1
2) DASH ENTERPRISES LLC
5 ROBSON WAY
BENTONVILLE AR 72712-4063
PARCEL #01-01758-000
ZONED: R-1
3) KINSLEY, MARK A & TARA L
502 SW 3RD ST
BENTONVILLE AR 72712
PARCEL #01-01756-000
ZONED: R-1
4) WILLIAMS DESIGN BUILD LLC
702 NW 2ND ST
BENTONVILLE AR 72712
PARCEL #01-01756-001
ZONED: R-1
5) LEVAN, DAVID H
408 SW 3RD ST
BENTONVILLE AR 72712-5811
PARCEL #01-01748-000
ZONED: RC-2
6) CITY OF BENTONVILLE
C/O WENDY PHILLIPS
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-01803-010
ZONED:
7) BEAHM, PAUL EUGENE TRUSTEE
36 W PINNACLE DR
ROGERS AR 72758
PARCEL #01-01768-000
ZONED: R-1

FIELD WORK:
JUNE 23 & 24, 2021

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE

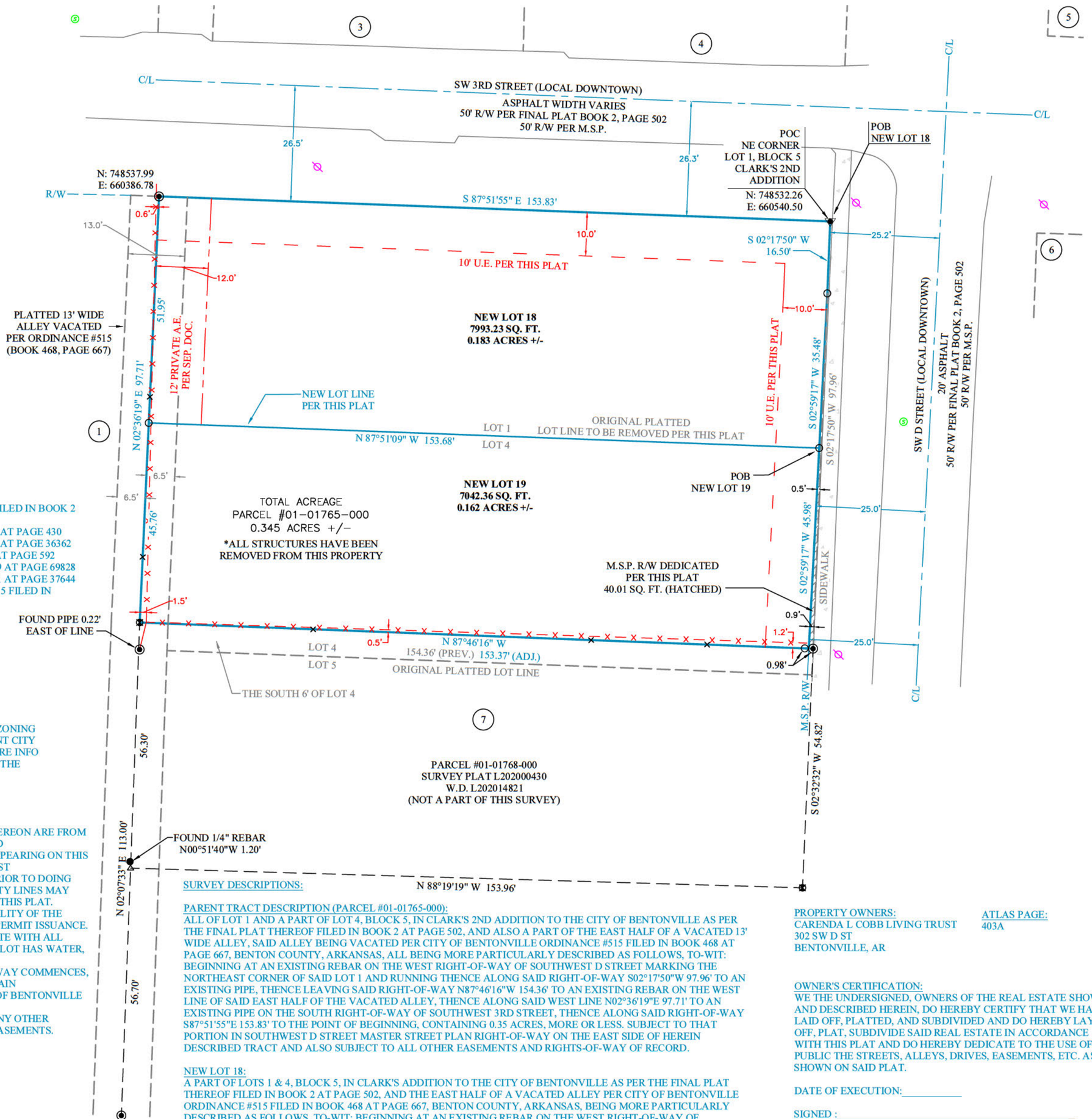
REFERENCE DOCUMENTS:
1) FINAL PLAT F CLARKS 2ND ADDITION FILED IN BOOK 2 AT PAGE 502
2) PLAT OF SURVEY FILED IN BOOK L2020 AT PAGE 430
3) PLAT OF SURVEY FILED IN BOOK L2020 AT PAGE 36362
4) PLAT OF SURVEY FILED IN BOOK 2016 AT PAGE 592
5) WARRANTY DEED FILED IN BOOK L2019 AT PAGE 69828
6) WARRANTY DEED FILED IN BOOK L2021 AT PAGE 37644
7) CITY OF BENTONVILLE ORDINANCE #515 FILED IN BOOK 468 AT PAGE 667

PROPERTY ZONED:
R-1

BUILDING SETBACK NOTE:
SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFO VISIT www.bentonvilleplanning.com OR CALL THE PLANNING DEPARTMENT @ 479-271-3122

PLAT NOTES:
1. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.
2. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
3. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
4. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.
5. THERE MAY NOT BE ANY FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS.
(FIRM PANEL #05007C0255K. DATED 06/05/2012)



SURVEY DESCRIPTIONS:

PARENT TRACT DESCRIPTION (PARCEL #01-01765-000):
ALL OF LOT 1 AND A PART OF LOT 4, BLOCK 5, IN CLARK'S 2ND ADDITION TO THE CITY OF BENTONVILLE AS PER THE FINAL PLAT THEREOF FILED IN BOOK 2 AT PAGE 502, AND ALSO A PART OF THE EAST HALF OF A VACATED 13' WIDE ALLEY, SAID ALLEY BEING VACATED PER CITY OF BENTONVILLE ORDINANCE #515 FILED IN BOOK 468 AT PAGE 667, BENTON COUNTY, ARKANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF SOUTHWEST D STREET MARKING THE NORTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S02°17'50"W 97.96' TO AN EXISTING PIPE, THENCE LEAVING SAID RIGHT-OF-WAY N87°46'16"W 154.36' TO AN EXISTING REBAR ON THE WEST LINE OF SAID EAST HALF OF THE VACATED ALLEY, THENCE ALONG SAID WEST LINE N02°36'19"E 97.71' TO AN EXISTING PIPE ON THE SOUTH RIGHT-OF-WAY OF SOUTHWEST 3RD STREET, THENCE ALONG SAID RIGHT-OF-WAY S87°51'55"E 153.83' TO THE POINT OF BEGINNING, CONTAINING 0.35 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN SOUTHWEST D STREET MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 18:
A PART OF LOTS 1 & 4, BLOCK 5, IN CLARK'S ADDITION TO THE CITY OF BENTONVILLE AS PER THE FINAL PLAT THEREOF FILED IN BOOK 2 AT PAGE 502, AND THE EAST HALF OF A VACATED ALLEY PER CITY OF BENTONVILLE ORDINANCE #515 FILED IN BOOK 468 AT PAGE 667, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF SOUTHWEST D STREET MARKING THE NORTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S02°17'50"W 16.50', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S02°59'17"W 35.48', THENCE LEAVING SAID RIGHT-OF-WAY N87°51'09"W 153.68' TO THE WEST LINE OF SAID EAST HALF OF THE VACATED ALLEY, THENCE ALONG SAID WEST LINE N02°36'19"E 51.95' TO AN EXISTING PIPE ON THE SOUTH RIGHT-OF-WAY OF SOUTHWEST 3RD STREET, THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87°51'55"E 153.83' TO THE POINT OF BEGINNING, CONTAINING 0.18 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 19:
A PART OF LOTS 1 & 4, BLOCK 5, IN CLARK'S ADDITION TO THE CITY OF BENTONVILLE AS PER THE FINAL PLAT THEREOF FILED IN BOOK 2 AT PAGE 502, AND THE EAST HALF OF A VACATED ALLEY PER CITY OF BENTONVILLE ORDINANCE #515 FILED IN BOOK 468 AT PAGE 667, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY OF SOUTHWEST D STREET WHICH IS S02°17'50"W 16.50', THENCE S02°59'17"W 35.48' FROM AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S02°59'17"W 45.98', THENCE LEAVING SAID RIGHT-OF-WAY N87°46'16"W 153.37' TO AN EXISTING REBAR ON THE WEST LINE OF SAID EAST HALF OF THE VACATED ALLEY, THENCE ALONG SAID EAST LINE N02°36'19"E 45.76', THENCE LEAVING SAID EAST LINE S87°51'09"E 153.68' TO THE POINT OF BEGINNING, CONTAINING 0.16 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PROPERTY OWNERS:
CARENDA L COBB LIVING TRUST
302 SW D ST
BENTONVILLE, AR

ATLAS PAGE:
403A

OWNER'S CERTIFICATION:
WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION:_____

SIGNED :_____
CARENDA L. COBB, TRUSTEE OF THE CARENDA L. COBB LIVING TRUST

ADDRESS:
302 SW D ST
BENTONVILLE, AR, 72712

SOURCE OF TITLE: TRUSTEE WARRANTY DEED B. L2021, P. 37644

SUBSCRIBED AND SWORN BEFORE ME, THIS ____ DAY OF _____, 2021.

_____
NOTARY PUBLIC

CERTIFICATE OF SURVEYING ACCURACY:
I DERRICK THOMAS, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR NO. 1642 -
STATE OF ARKANSAS

CERTIFICATE OF APPROVAL:
PURSUANT TO THE BENTONVILLE LAND DEVELOPMENT CODE AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED _____
BENTONVILLE PLANNING
COMMISSION CHAIRMAN

SIGNED _____
MAYOR, CITY OF BENTONVILLE

SIGNED _____
CITY CLERK, CITY OF BENTONVILLE

BEUD NOTES:
1. OWNER TO CONTACT NEW SERVICE COORDINATOR (271-3139) TO DISCUSS ELECTRIC SERVICE PRIOR TO BEGINNING ANY CONSTRUCTION. FAILURE TO CONTACT BEUD PRIOR TO CONSTRUCTION WILL RESULT IN DELAYS TO GET ELECTRIC SERVICE.
2. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.
3. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.

0' 20' 40' 60'
GRAPHIC SCALE (IN FEET)
1 Inch = 20ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 24TH DAY OF JUNE, 2021.

CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC.
#1335
ARKANSAS ENGINEER

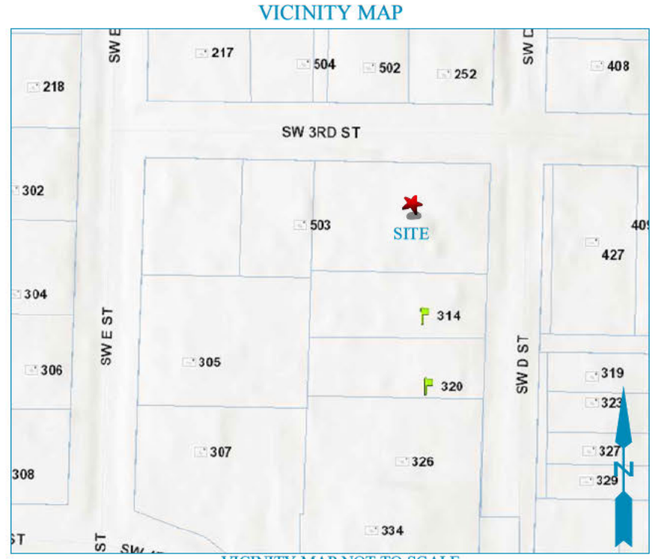
REGISTERED
STATE OF ARKANSAS
NO. 1642
PROFESSIONAL LAND SURVEYOR
DERRICK L. THOMAS
SIGNATURE

DRAFT

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

CITY OF BENTONVILLE PROJECT #LS 21-0046

VICINITY MAP



VICINITY MAP NOT TO SCALE

RECORDING NUMBER/DATE

N
W B E
S

BOUNDARY LINE (MEASURED)
LOT LINE
TIE LINE
CENTERLINE OF ROAD
RIGHT-OF-WAY
FENCE

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
FOUND 1/2" REBAR
SET 1/2" REBAR
FOUND 3/4" REBAR
FOUND PIPE
FOUND 1/4" REBAR
COMPUTED POINT
SET 5/8" REBAR/CAP
POWER POLE
SET STAKE ON LINE

Bates & Associates, Inc.
Engineers · Surveyors · Landscape Architects
7230 S. Pheasant Ridge Dr. · Fayetteville, Arkansas 72704 · 479.442.5350 · Fax 479.521.5590

BATES & ASSOCIATES, INC. Copyright 2021
This survey was conducted for the purpose or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the written consent of Bates & Associates, Inc. Bates & Associates, Inc. has performed only the investigations for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood information contained on this survey was taken from publications of the federal government. No liability for the correctness of the benton cited maps. Furthermore the above statement does not represent the opinions of Bates & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:
CARENDA COBB

ADDRESS:
302 SW D STREET
BENTONVILLE, ARKANSAS

LOCATION:
LOTS 1 & 4
CLARKS
2ND ADDITION

DATE: 09/13/21	SCALE: 1"=20'		
	SURVEYED: DD	DRAFTED: AH, MR	
		REVIEWED: DT	
			COA #1335

DRAWING #21-194 SPLIT V.3

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 18 & 19 OF CLARK'S 2ND ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: LS21-0046).

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of Lots 18 & 19 of Clark's 2nd Addition, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 21, 2021; and,

WHEREAS, said lot split is attached hereto as Exhibit "A"; and,

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

WHEREAS, the lot split 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 lot split should be approved.

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

Section 1: That the lot split of Lots 18 & 19 of Clark's 2nd Addition 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 lot split by certifying said acceptance on the approved lot split.

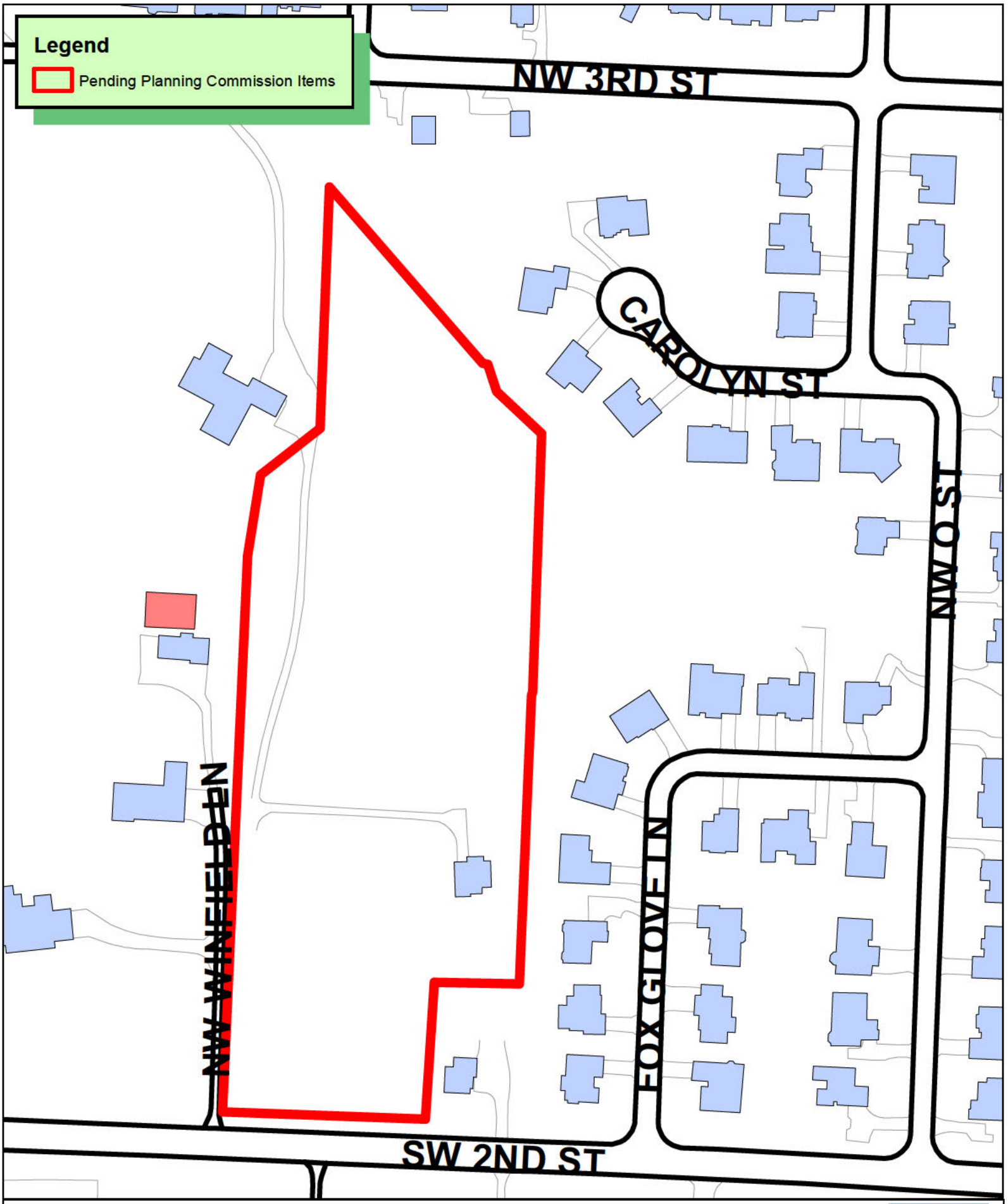
PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk



N
W E
S

1 inch = 150 feet

FP21-0003
FINAL PLAT
TRAIL RIDGE SUBDIVISION

THE CITY OF BENTONVILLE

SURVEY DESCRIPTION - Trail Ridge Subdivision Boundary:

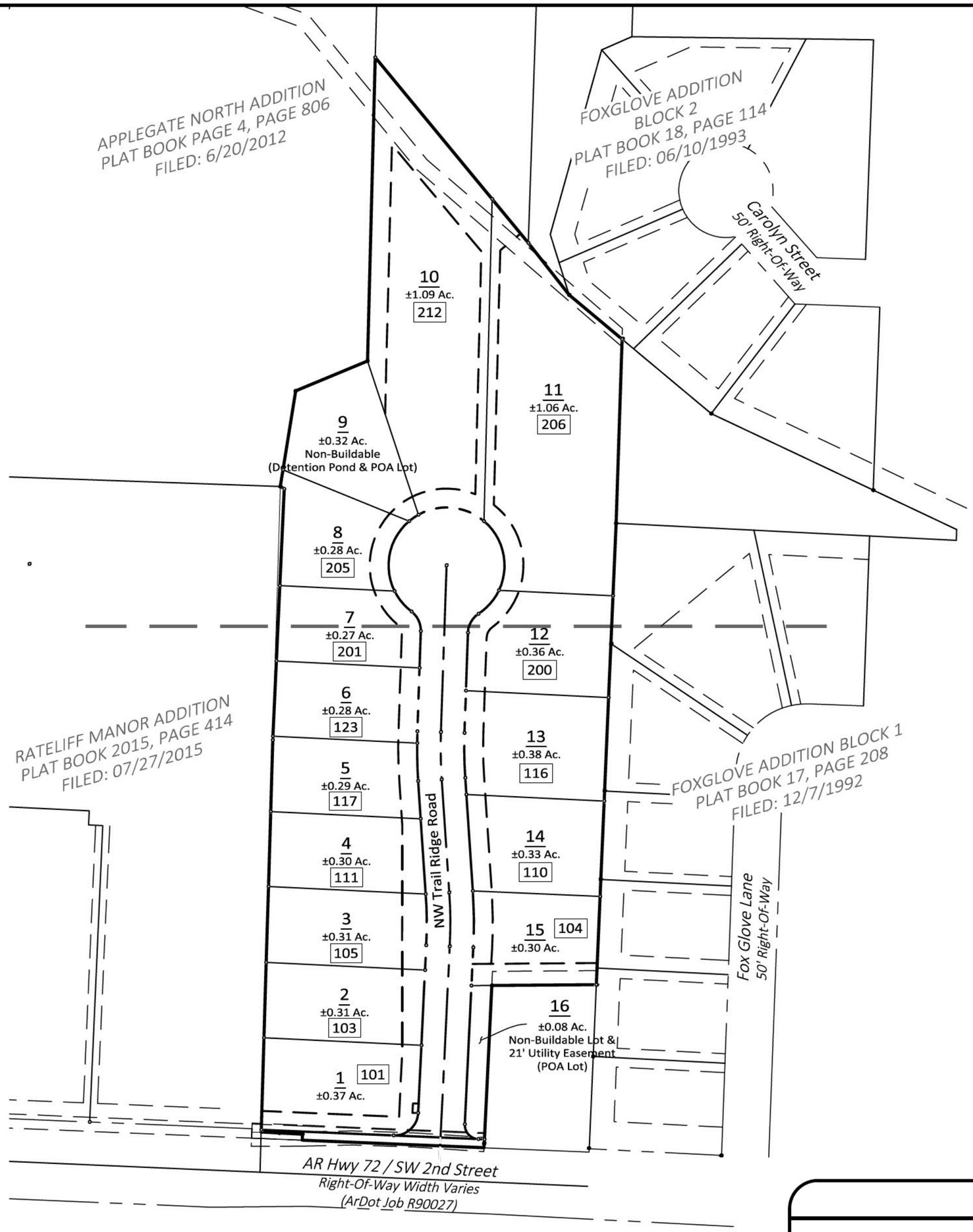
Lot 4, Applegate North Addition, as filed for record in Plat Book P4-806, June 20, 2002, and part of the West-half of the Southeast Quarter of the Southwest Quarter (W1/2 SE1/4 SW1/4), all in Section 25, Township 20 North, Range 31 West, Bentonville, Benton County, Arkansas, being particularly described as follows:

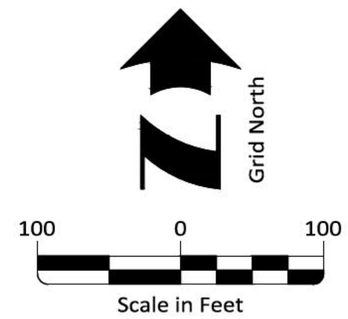
COMMENCING at the Southwest Corner of said West-half of the Southeast Quarter of the Southwest Quarter (W1/2 SE1/4 SW1/4) of Section 25. Thence by bearing and distance (basis of bearing, Grid North), South 87°30'49" East a distance of 320.15 feet; thence North 01°41'31" East a distance of 45.00 feet to a one-half inch (1/2") rebar with PS #1507 cap on the west line of Lot 4, Applegate North Addition and the POINT OF BEGINNING; thence North 01°41'31" East along the west line of said Lot 4 a distance of 413.67 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence leaving said west line, North 02°36'00" East a distance of 266.77 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 54°26'42" West a distance of 5.03 feet to a one-half inch (1/2") rebar on said west line of Lot 4; thence North 09°08'05" East continuing along said west line a distance of 102.43 feet to a one-half inch (1/2") rebar with PS #985 cap; thence North 67°26'21" East continuing along said west line a distance of 82.52 feet to a one-half inch (1/2") rebar with PS #985 cap; thence North 01°27'27" East continuing along said west line a distance of 322.35 feet to a one-half inch (1/2") rebar with PS #1507 cap at the northwest corner of said Lot 4; thence South 39°29'14" East along the north line of said Lot 4 a distance of 255.11 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence South 38°06'43" East continuing along said north line a distance of 70.16 feet to a five-eighths inch (5/8") rebar with PS #1128 cap; thence South 50°07'54" East continuing along said north line a distance of 73.23 feet to the northeast corner of said Lot 4, from which a one-half inch (1/2") rebar with PS #985 cap bears North 54°33' East 0.97 feet; thence South 01°51'03" West along the east line of said Lot 4 a distance of 195.33 feet to a five-eighths inch (1/2") rebar with PS #944 cap; thence South 02°27'25" West continuing along said east line of Lot 4 a distance of 490.16 feet to a one-half inch (1/2") rebar with PS #1507 cap at the southeast corner of said Lot 4; thence South 89°32'36" West along the south line of said Lot 4 a distance of 110.81 feet to a three-eighths inch (3/8") rebar; thence leaving said south line, South 02°45'12" West a distance of 163.39 feet to a one-half inch (1/2") rebar with PS #1507 cap; thence North 87°33'14" West a distance of 236.87 feet to the Point of Beginning.

SURVEY DESCRIPTION - Right-of-way Dedication:

Part of Lot 4, Applegate North Addition, as filed for record in Plat Book P4-806, June 20, 2002, and part of the West-half of the Southeast Quarter of the Southwest Quarter (W1/2 SE1/4 SW1/4), all in Section 25, Township 20 North, Range 31 West, Bentonville, Benton County, Arkansas, being particularly described as follows:

COMMENCING at the Southwest Corner of said West-half of the Southeast Quarter of the Southwest Quarter (W1/2 SE1/4 SW1/4) of Section 25. Thence by bearing and distance (basis of bearing, Grid North), South 87°30'49" East a distance of 320.15 feet; thence North 01°41'31" East a distance of 35.76 feet to the north right-of-way line of Arkansas Highway 72 (SW 2nd Street), as established by ArDOT Job R90027; thence North 01°41'31" East a distance of 6.94 feet to the southwest corner of Lot 4, Applegate North Addition and the POINT OF BEGINNING; thence North 01°41'31" East along the west line of said Lot 4 a distance of 2.30 feet to the proposed north right-of-way line of Arkansas Highway 72 (SW 2nd Street); thence leaving said west line, South 87°33'14" East along said proposed north right-of-way line a distance of 236.86 feet; thence leaving said proposed north right-of-way line, South 02°45'12" West, crossing a five-eighths inch (5/8") rebar at a distance of 4.35 feet, in all a distance of 8.95 feet to said north right-of-way line of Arkansas Highway 72 (SW 2nd Street); thence North 87°37'28" West along said north right-of-way line a distance of 192.92 feet; thence North 02°43'53" East a distance of 6.40 feet to a five-eighths inch (5/8") rebar with PS #944 cap; thence North 86°55'02" West a distance of 43.90 feet to the Point of Beginning.





Filing Block

FOR REVIEW

LEGEND

	Ex. Section Line
	Ex. Boundary Line
	Ex. Adjacent Boundary Line
R/W	Ex. Right of Way Line
	Ex. Road Centerline
	Ex. Easement Line
	Proposed Lot Line
R/W	Proposed Right of Way Line
	Proposed Road Centerline
	Proposed Easement Line
- 20' BSL -	Proposed Building Setback Line
●	Ex. Rebar
●	Ex. Nail
○	Set 1/2" Rebar w/ PS# 1507 Cap
○	Set Mag Nail w/ PS# 1507 Washer
U/E	Utility Easement
D/E	Drainage Easement
R/W	Right Of Way
101	Address

MORRISON SHIPLEY

2407 SE COTTONWOOD STREET • BENTONVILLE, AR 72712
479.273.2209 • MORRISONSHIPLEY.COM

TRAIL RIDGE SUBDIVISION
Bentonville, Arkansas

City of Bentonville Project #FP21-0003
Atlas Page 360

FINAL PLAT

Revisions

Drawn By:	JDS	Vert. Scale:	N/A
Approved By:	KAS	Horiz. Scale:	1"=100'
Date:	8.12.2021	Plot Scale:	1
Project No.:	CSC-01	DWG Name:	FINAL PLAT

Drawing Name: P:\CSC-01\DWG\CSC-01 Final Plat.dwg Last Modified: Jul 30, 2021 - 8:27am Plotted on: Aug 12, 2021 - 7:24am by tunaford

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A FINAL PLAT OF TRAIL RIDGE SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS (PROJECT NUMBER: FP21-0003).

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the final plat of Trail Ridge Subdivision, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 21, 2021; and,

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

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

WHEREAS, the final 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 final plat should be approved.

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

Section 1: That the final plat of Trail Ridge Subdivision 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 final plat by certifying said acceptance on the approved final plat.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Kirby Romines, City Clerk

Buffington Barron, LLC PUD

SW Regional Airport Blvd. & SW Fair View Blvd.

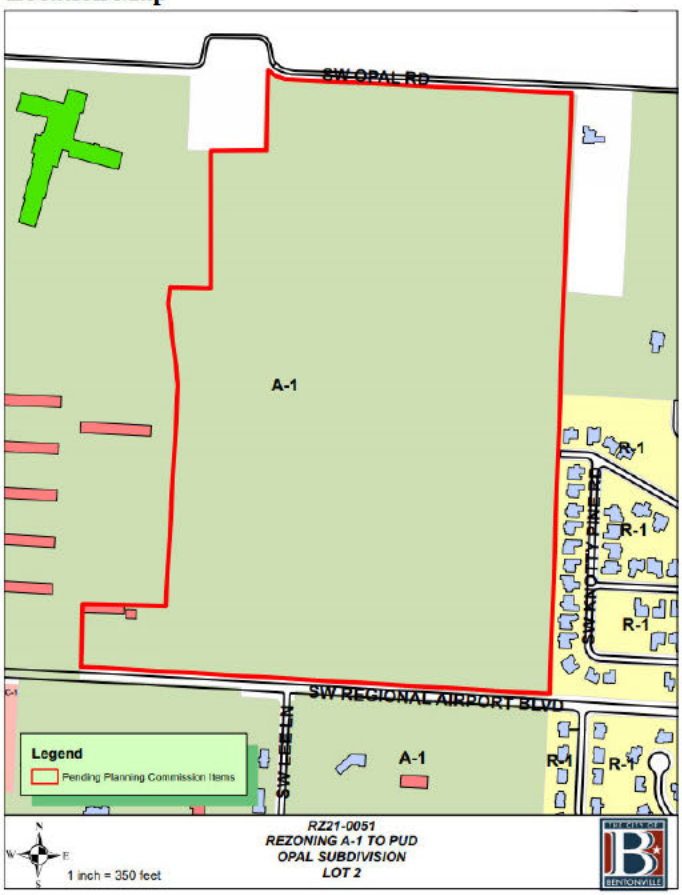
PC Date: 9/7/2021

Reviewer: Jon Stanley, Senior Planner, ASLA, APA

Project Number	RZ21-0051
Applicant / Current Owner	Buffington, Barron, LLC
Site Area	+/-95.22 acres
Current Zoning	A-1, Agricultural
Requested Zoning	PUD, Planned Unit Development
Future Land Use Map Designation	Agricultural (A)

https://arcg.is/08HvK8

Location Map



Property Description

This property is located on SW Airport Boulevard and also has access to SW Fair View Boulevard to the east. The Future Land Use plan depicts this property as Agriculture. These areas typically include larger properties used primarily for the raising of crops or livestock. These properties may include residence and farm-related structures.

The applicant is requesting to develop a Planned Unit Development consisting of five phases over 95.22 acres that will be a mixed-use development, comprised of single-family homes, townhomes and commercial areas. The single-family homes will be constructed on 63.60 acres in two separate phases. The townhomes will be constructed on 16.54 acres in two separate phases. The remaining 15.08 acres fronting SW Regional Airport Blvd will be reserved for future commercial development. Phase 1 and 2 contains the single-family dwellings and will have a density of 3.75 units per acre (204 single-family units on 48.46 acres). Phase 3 townhomes will have a density of 10.69 units per acre (91 units on 8.51 acres).

The PUD exceeds the minimum open space requirements. Setbacks, lot size, building materials and allowed uses shall be as proposed in the attached PUD document. As phasing and design details materialize for additional phases, this PUD shall be amended accordingly. Major amendments to the PUD shall require additional Planning Commission review and approval.

Relationship to the Bentonville Community Plan

The Future Land Use Plan depicts this property as Agricultural (A). The PRD, Planned Residential Development zoning is an appropriate zoning district for this designation.

Public Comment

Staff has received public comment regarding this request. See attached.

Conclusion

Due to the wide variety of uses proposed within the Planned Unit Development staff recommends not amending the land use classification. Because the proposed planned unit development is compatible with existing and future surrounding land uses, staff recommends approval of the proposed rezoning.

September 9, 2021

PUD BOOKLET

Prepared for:
Buffington Barron, LLC

SW REGIONAL DEVELOPMENT

Submitted to:
City of Bentonville
305 SW A St.
Bentonville, Arkansas 72712

CT JOB NO. 21300200

Prepared by: Crafton Tull

300 North College, Suite 317 | Fayetteville, AR 72701 | 479-455-2207 | www.craftontull.com

1C NARRATIVE

401.10(a) Description and Purpose of PUD

The forefront of the design of this development is to provide a variation in lot sizing that will allow a mixture of different price points and housing types to be constructed within the development. This will help create a more attainable housing and a more architecturally diverse neighborhood. Accessibility to the existing trail network and access to potential future developments will be achieved with a trail running through the development. Additionally, Phase V allows for commercial development to reduce trip generation and promote walkability by providing opportunity for services to be developed.

401.10(b) Minimum area required for PUD district

This PUD application covers an area of 95.22 acres, exceeding the minimum required lot area of 10 acres.

401.10(c) Required Master Site Plan

Refer to 2A and the following pages for the required Master Site Plan. Refer to 2B for required boundary survey as per plat record 2017-462 in the office of the circuit clerk and ex-officio recorder of Benton County, Arkansas for Lot 2 of Opal Subdivision. Refer to 2C for the Approved Jurisdictional Determination for wetlands delineation.

401.10(d) Allowed uses in PUD district

The proposed 95.22 acre PUD is a mixed-use development, comprised of single-family dwellings, single-family townhome dwellings, and commercial area. Single-family dwellings will be constructed in two phases on 63.60 acres (66.8% of development) and zoned similar to R-2. Future residential will be constructed in Phase III and IV on 16.54 acres (17.4%).

The remaining 15.08 acres (15.8%) will be reserved for future commercial development and zoned similar to C-1. Table 1 shows the allowed uses by right and the allowed uses by conditional use permit for the commercial property.

Table 1: Table of Allowed Uses

Uses Allowed By Right		
Residential	• Residential Facility: Assisted Living	• Residential Facility: Extended Medical Care
Recreation, Education, Public Assembly		• Cultural Studio
Services	• ATM Machine	• Adult Day Care
	• Child Care: Commercial	
	• Copy Services	• Financial Institution
	• Maintenance Service	• Medical Services: Doctor Office
	• Medical Services: Urgent Care Clinic (< 12,000 gsf)	
	• Office: Small Scale (< 4,000 gsf)	• Office: Large Scale (4,000 gsf to 12,000 gsf)
	• Personal Services	• Repair Services: Household
Retail	• Artisan Shop	• Bakery
	• Bar, Lounge or Tavern	• Convenience Store
	• Convenience Store that sells beer and/or light wine for off-site consumption	
	• Convenience Store that sells beer, light wine and/or spirits for off-site consumption	
	• Equipment Rental: Indoor	
	• Outdoor Vending, Private Property	• Pharmacy (< 12,000 gsf)
	• Retail: Small Scale (< 4,000 gsf)	• Retail: Large Scale (4,000 gsf to 12,000 gsf)
Uses Allowed with an Approved Conditional Use Permit		
Agriculture and Animals		• Animal Clinic
Recreation, Education, Public Assembly	• Commercial Recreation Facility: Indoor	• Educational Facility
Services	• Medical Services: Laboratory	
Retail	• Convenience Store that sells beer and/or light wine for off-site consumption within 500' of a city owned park or trail	
	• Convenience Store that sells beer, light wine and/or spirits for off-site consumption within 500' of a city owned park or trail	
	• Gas Station	• Restaurant
	• Restaurant: Drive-Through	• Restaurant: Microbrewery

401.10(e) Density Requirements for PUD district

Phase I and II will construct single-family dwellings. The single-family dwellings will have a density of 3.75 units/acre (204 single-family units on 48.46 net residential acres).

401.10(f)(1) PUD district permitted modifications

Density:	Single-Family Lot: 3.75 units/acre
Building Setbacks:	See C-101 for building setbacks
Height of building structure:	Single-Family Lot: 36 feet Commercial: 60 feet
Lot size, width, depth:	No minimum or maximum
Landscaping:	N/A. No modifications proposed. Compliance with the development standards referenced in this code section will be demonstrated by way of the Large Scale Development submission.
Required off-street parking:	N/A. No modifications proposed. Compliance with the development standards referenced in this code section will be demonstrated by way of the Large Scale Development submission.
Street widths:	See C-501 for typical residential street sections
Garage setbacks:	Single-Family Lot: 20 feet

401.10(f)(2) PUD district prohibited modifications

Compliance with the development standards referenced in this code section will be demonstrated by way of the Large Scale Development submission.

401.10(g)(1) PUD districts common open space requirement

This proposal exceeds the minimum open space requirements for a PUD district for Phase I and II. Future development in Phase III, IV, and V will be designed to ensure the minimum open space requirement is met or exceeded.

401.10(g)(2) PUD district parking and off-street requirement

Compliance with the development standards referenced in this code section will be demonstrated by way of the Large Scale Development Surfaces.

401.10(g)(3) PUD district perimeter requirement

The master site plan is designed to ensure maximum compatibility with the surrounding land uses.

401.10(g)(4) PUD district structural design standard

Refer to Section 2D for documentation showing compliance with the structural design standards, such as elevations. Single-Family Lot's building materials will consist of brick, stone, lap siding, board and batten siding.

2A MASTER SITE PLAN

Crafton Tull

SOUTHWEST REGIONAL DEVELOPMENT

BENTONVILLE, ARKANSAS

MASTER SITE PLAN

CONTACTS

CITY ENGINEERING DEPARTMENT

CITY OF BENTONVILLE
DAN WEESE
315 S.W. "A" STREET
BENTONVILLE, AR. 72712
PHONE: (479) 271-3168

STREET DEPARTMENT

CITY OF BENTONVILLE
TONY DAVIS
117 W. CENTRAL
BENTONVILLE, AR. 72714
PHONE: (479) 271-3130

WATER

CITY OF BENTONVILLE
501 SE 3RD
BENTONVILLE, AR. 72712
PHONE: (479) 271-3140

SANITARY SEWER

CITY OF BENTONVILLE
501 SE 3RD
BENTONVILLE, AR. 72712
PHONE: (479) 271-3140

ELECTRIC

BENTONVILLE ELECTRIC
UTILITY DEPT. (BEUD)
501 SE 3RD
BENTONVILLE, AR. 72712
PHONE: (479) 271-3140

OWNER

BUFFINGTON BARRON LLC
CHRIS BROWN
CHRIS.BROWN@BUFFINGTONHOMESAR.COM
2826 E JOYCE BLVD STE 1
FAYETTEVILLE, AR. 72703
PHONE: (479) 251-1106

ENGINEER

CRAFTON TULL
BRADLEY BRIDGES
BRADLEY.BRIDGES@CRAFTONTULL.COM
300 NORTH COLLEGE, STE 317
FAYETTEVILLE, AR. 72701
PHONE: (479) 878-2408

FLOOD NOTE:

THIS PROPERTY IS NOT IN FLOOD ZONE "A" OR "AE", AND IS OUTSIDE THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FIRM PANEL NUMBER 05007C0235K, EFFECTIVE DATE 06/05/2012.

THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP(S). IN ADDITION, NO INDEPENDENT STUDY OF THE LIKELIHOOD OF FLOODING OF THE SURVEYED PROPERTY HAS BEEN DONE BY THE SURVEYOR AND NO OPINION OF FLOOD HAZARDS IS INCLUDED IN THIS SURVEY. THE FLOOD HAZARD ZONE BOUNDARIES SHOWN HEREON WERE SCALED FROM THE MAPS CITED AND ARE NOT THE RESULT OF INDEPENDENT COMPUTATION OR ANALYSIS.

WETLAND NOTE:

A SITE EVALUATION ON 06/04/21 (FILE NO. SWL-2021-00164), UTILIZING UNITED STATES GEOLOGICAL SURVEY QUADRANGLE MAPS, AERIAL PHOTOGRAPHY, NATIONAL HYDROGRAPHY DATASET, AND THE NATURAL RESOURCES CONSERVATION SERVICE BENTON COUNTY SOIL SURVEY, BY THE CORP PERSONNEL INDICATES THAT THIS AREA DOES NOT MEET THE DEFINITION OF WETLANDS AND WATERS OF THE UNITED STATES, AS DETERMINED BY THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGIONAL SUPPLEMENTS, APPROPRIATE GUIDANCE, AND DEPARTMENT OF THE ARMY REGULATIONS.

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Fayetteville, Arkansas 72701
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CERTIFICATE OF AUTHORIZATION:

CERTIFICATE OF AUTHORIZATION
CRAFTON, TULL & ASSOCIATES, INC.
No. 109
ARKANSAS ENGINEER

SOUTHWEST REGIONAL DEVELOPMENT
BENTONVILLE, AR

Key Plan

No.	Description	Date

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ISSUE DATE:
CONTACT: B. BRIDGES
CHECKED BY:

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COVER SHEET

C-001

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GRAPHIC SCALE IN FEET
1000' 0 1000'

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BENTONVILLE, AR

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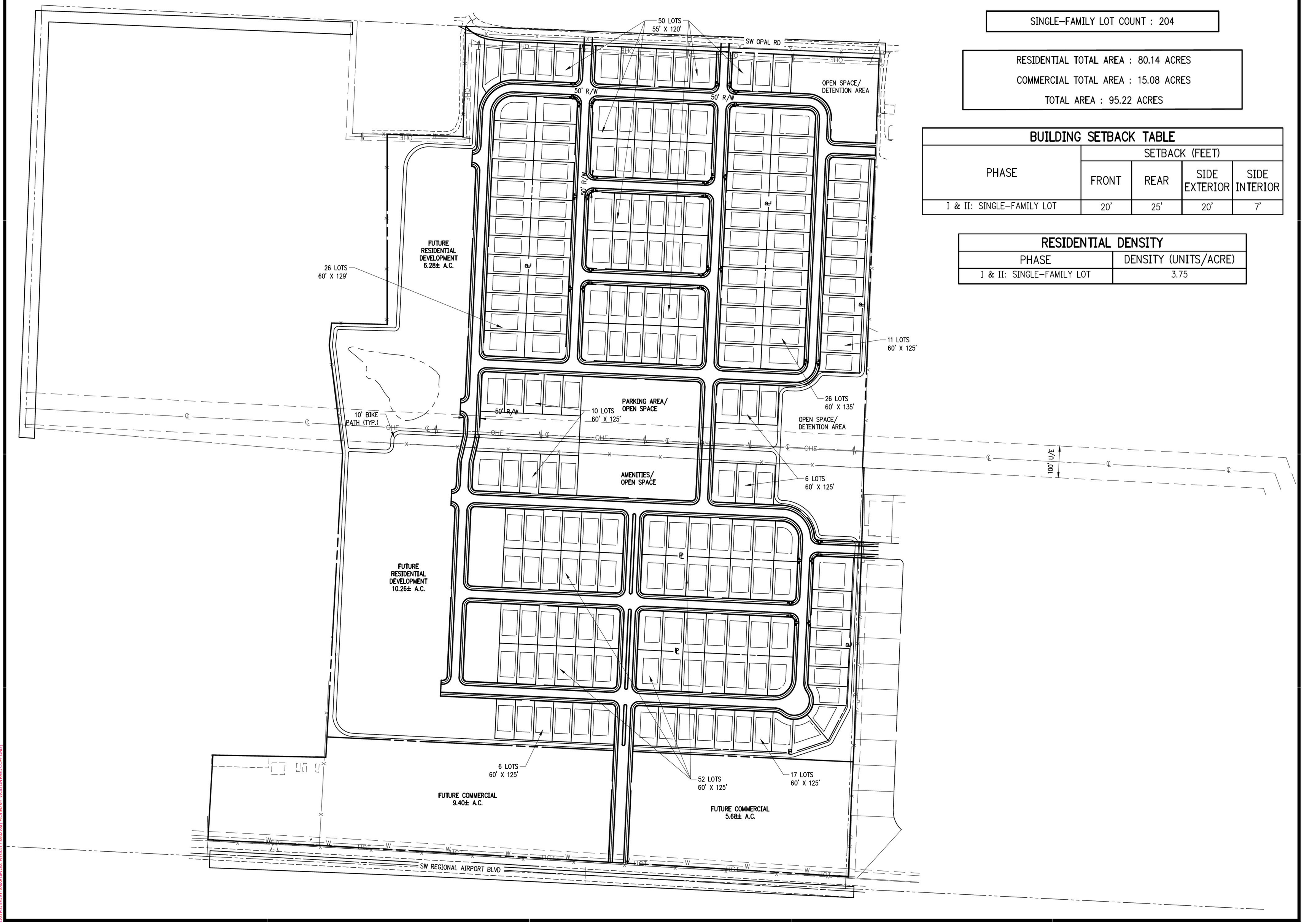
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GENERAL VICINITY MAP

C-002

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SINGLE-FAMILY LOT COUNT : 204

RESIDENTIAL TOTAL AREA : 80.14 ACRES

COMMERCIAL TOTAL AREA : 15.08 ACRES

TOTAL AREA : 95.22 ACRES

BUILDING SETBACK TABLE

PHASE	SETBACK (FEET)			
	FRONT	REAR	SIDE EXTERIOR	SIDE INTERIOR
I & II: SINGLE-FAMILY LOT	20'	25'	20'	7'

RESIDENTIAL DENSITY

PHASE	DENSITY (UNITS/ACRE)
I & II: SINGLE-FAMILY LOT	3.75

GRAPHIC SCALE IN FEET
140' 0 140'

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Key Plan

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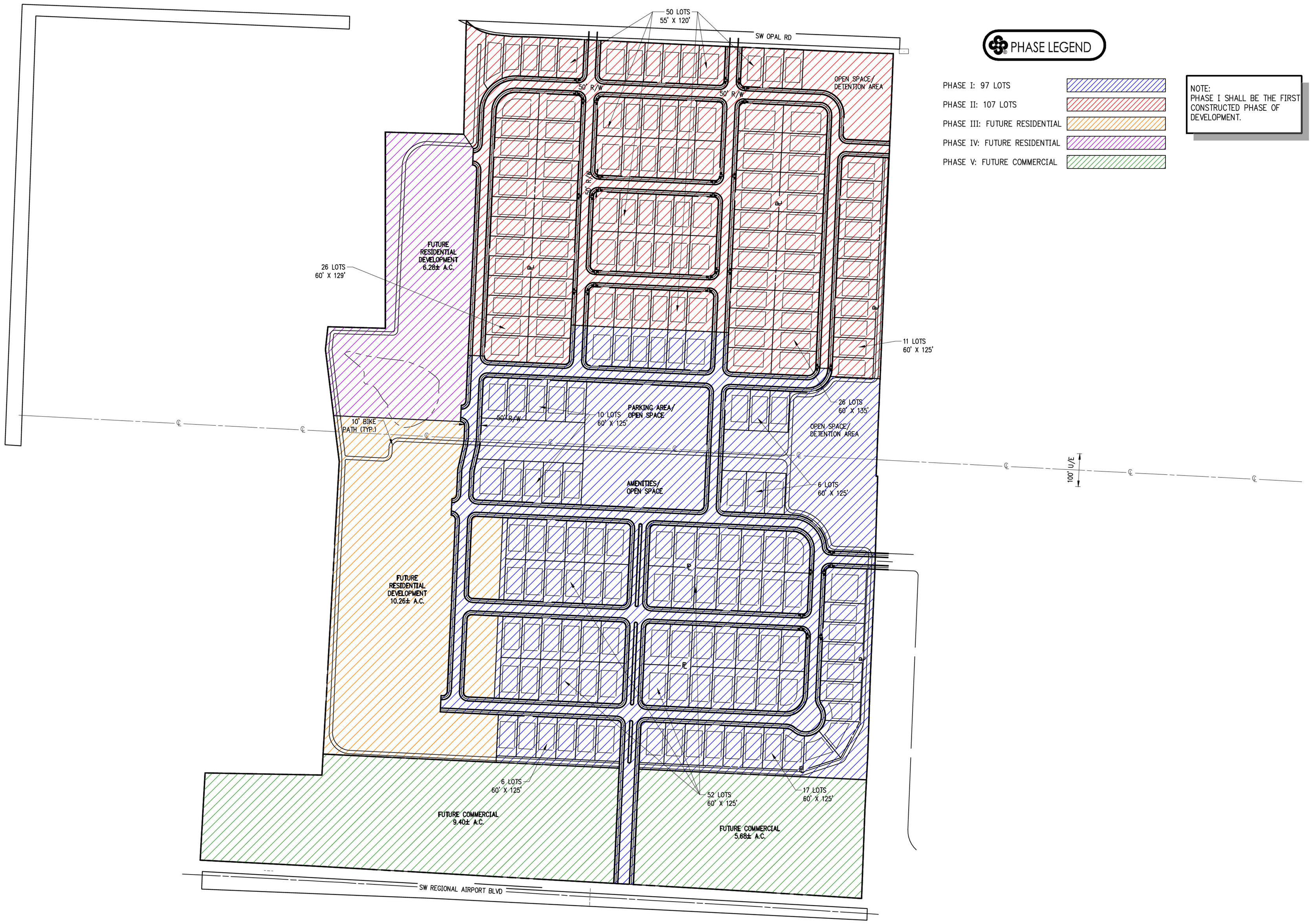
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SITE PLAN

C-101

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PHASE LEGEND

- PHASE I: 97 LOTS
- PHASE II: 107 LOTS
- PHASE III: FUTURE RESIDENTIAL
- PHASE IV: FUTURE RESIDENTIAL
- PHASE V: FUTURE COMMERCIAL

NOTE:
PHASE I SHALL BE THE FIRST CONSTRUCTED PHASE OF DEVELOPMENT.

GRAPHIC SCALE IN FEET
140' 0 140'

SOUTHWEST REGIONAL DEVELOPMENT

BENTONVILLE, AR

Key Plan

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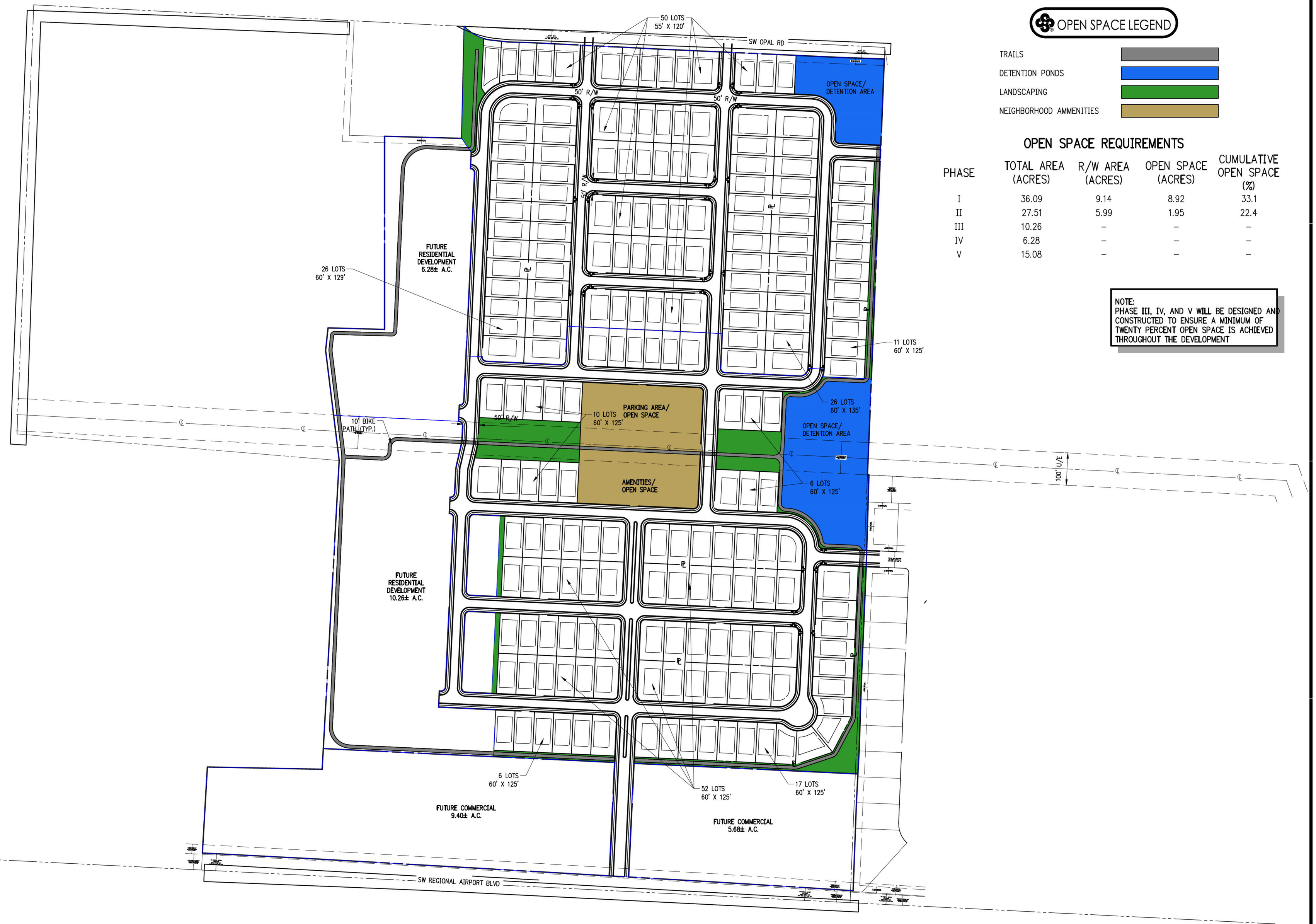
PHASES

C-102

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OPEN SPACE LEGEND

- TRAILS
- DETENTION PONDS
- LANDSCAPING
- NEIGHBORHOOD AMMENITIES

OPEN SPACE REQUIREMENTS

PHASE	TOTAL AREA (ACRES)	R/W AREA (ACRES)	OPEN SPACE (ACRES)	CUMULATIVE OPEN SPACE (%)
I	36.09	9.14	8.92	33.1
II	27.51	5.99	1.95	22.4
III	10.26	–	–	–
IV	6.28	–	–	–
V	15.08	–	–	–

NOTE:
PHASE III, IV, AND V WILL BE DESIGNED AND CONSTRUCTED TO ENSURE A MINIMUM OF TWENTY PERCENT OPEN SPACE IS ACHIEVED THROUGHOUT THE DEVELOPMENT

GRAPHIC SCALE IN FEET
140' 0 140'

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BENTONVILLE, AR

Key Plan

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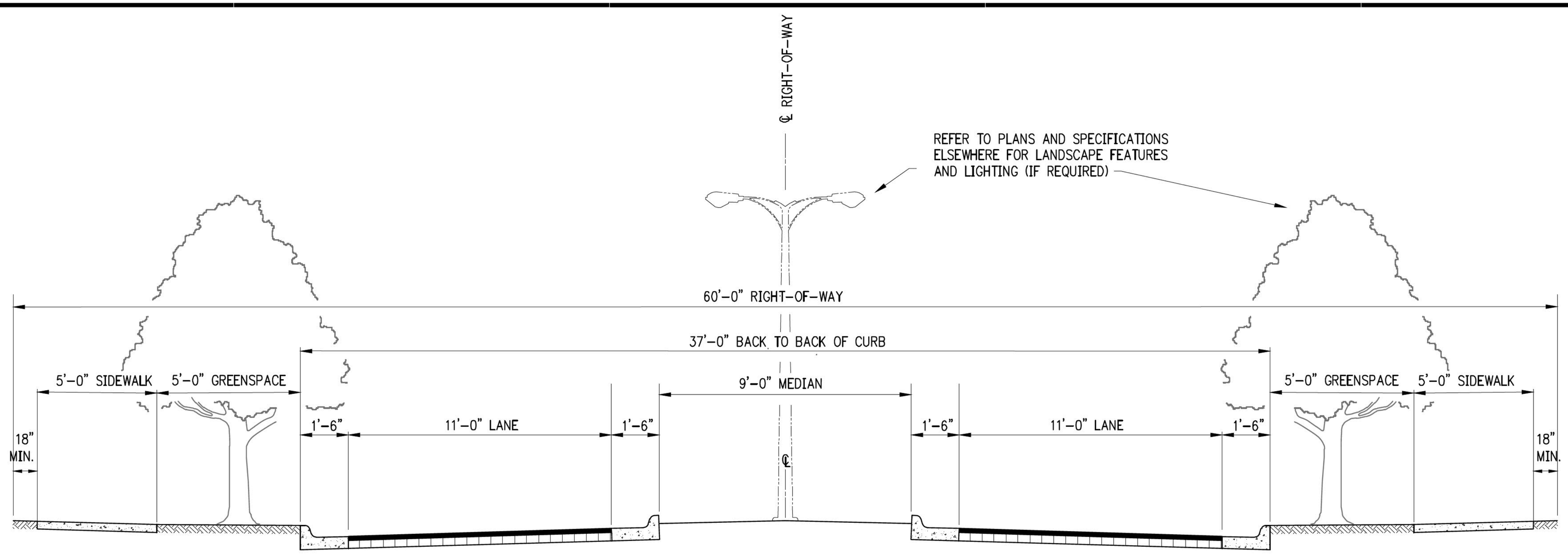
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OPEN SPACE

C-103

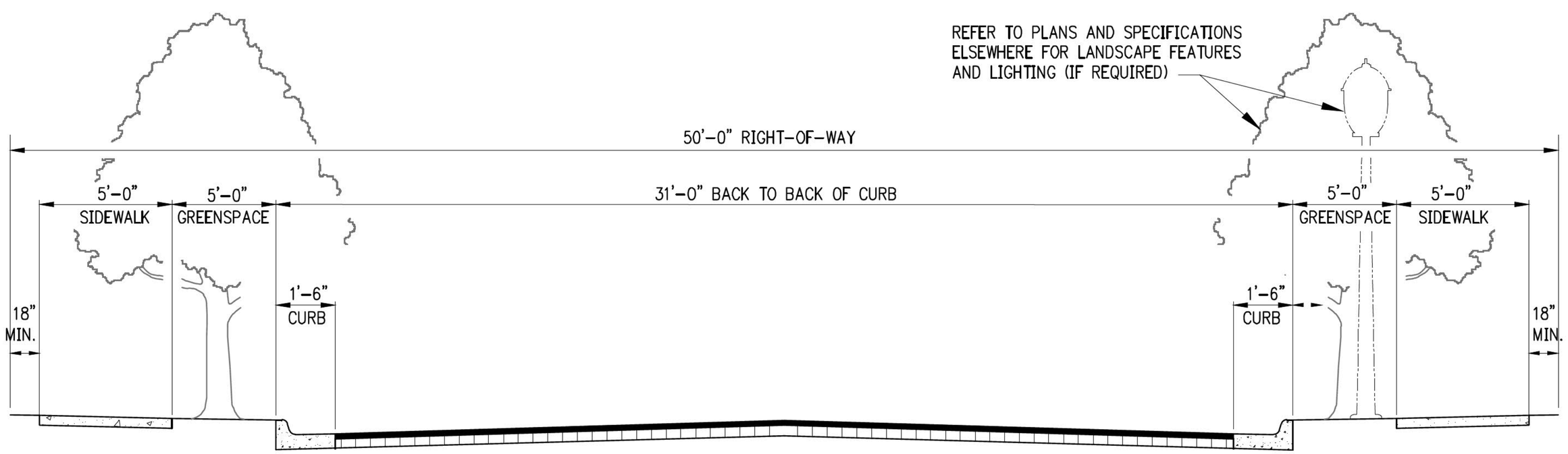
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TYPICAL ASPHALT MODIFIED LOCAL WITH MEDIAN STREET SECTION

NTS WITH 60'-0" RIGHT-OF-WAY



TYPICAL 2-LANE LOCAL WITH SHARED USE STREET SECTION

NTS WITH 50'-0" RIGHT-OF-WAY

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SOUTHWEST REGIONAL DEVELOPMENT
BENTONVILLE, AR

Key Plan

No.	Description	Date

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TYPICAL STREET SECTIONS

C-501

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LAYOUT: TYPICAL STREET SECTIONS LAST SAVED: 11/17/21 @ 2:22:03 PM BY: JACOB HARDY
LAST PLOTTED: 2021-11-17 @ 2:22:03 PM BY: JACOB HARDY (COPY ONLY)

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO PUD, PLANNED UNIT DEVELOPMENT (PROJECT NUMBER: RZ21-0051).

WHEREAS, Buffington Barron, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, Agricultural to PUD, Planned Unit Development to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 2 OF OPAL SUBDIVISION ACCORDING TO THE RECORD PLAT THEREOF RECORDED IN BOOK 2017 AT PAGE 462 OF THE PLAT RECORDS OF BENTON COUNTY, ARKANSAS. CONTAINING BY RECORD 95.22 ACRES MORE OR LESS; and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 7, 2021 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and,

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to PUD, Planned Unit Development.

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 zoning classification of A-1, Agricultural to PUD, Planned Unit Development to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this_____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Engineering**
Submitted by	**Tracy Billings**
Phone	**(479) 696-0229**

Item Type: (*Check Applicable Item Type)*

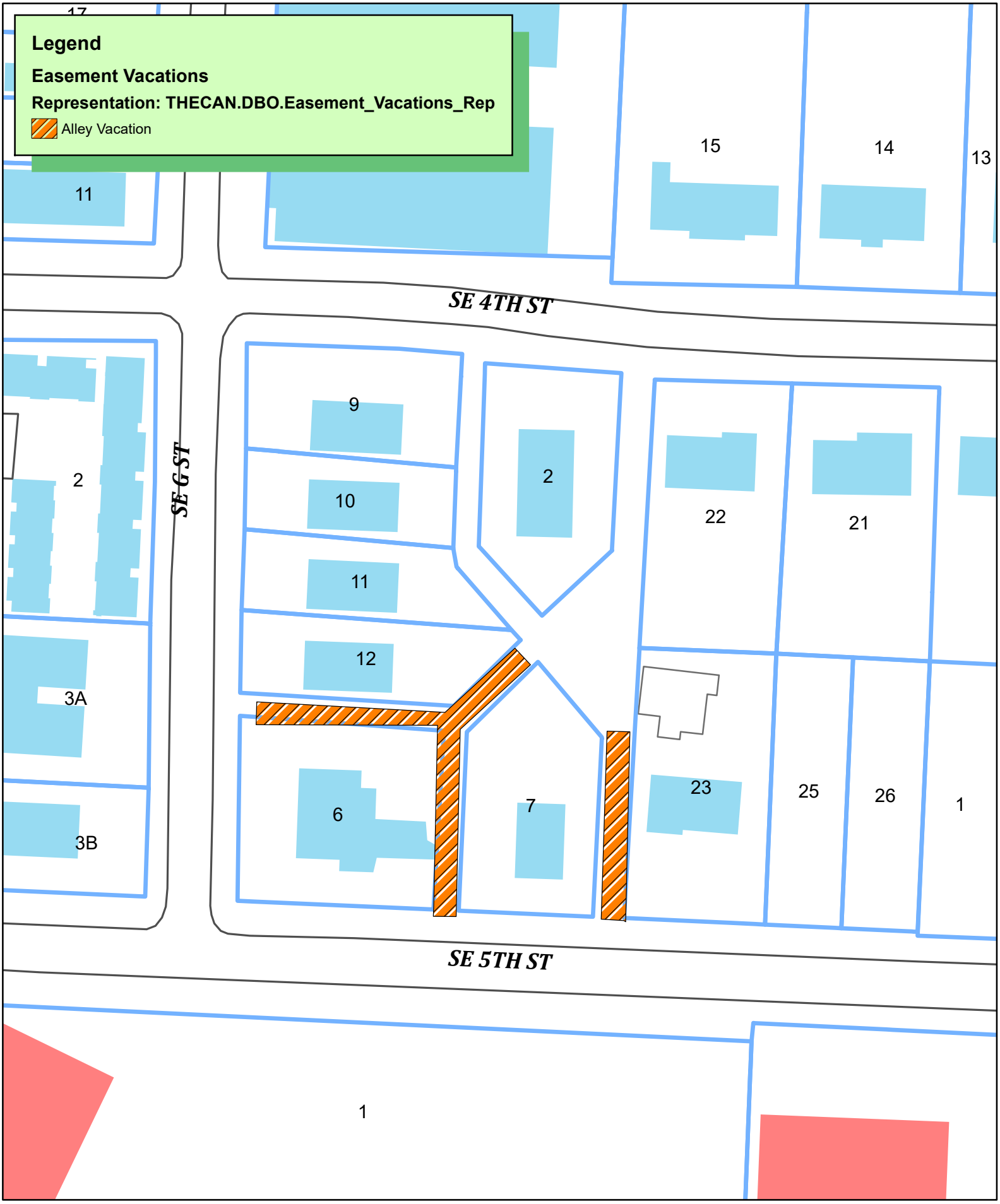
☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Public hearing and ordinance vacating Alley Right of Way at 407 SE G Street of Young's Addition (VAC21-0021).

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :



N
W E
S
1 inch = 67 feet

VAC 21-0021
Proposed Alley Vacation

THE CITY OF BENTONVILLE

PLAT OF VACATION

Survey Description

LOT 7, BLOCK 3, IN YOUNG'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "G" AT PAGE 165. HAVING A TOTAL AREA OF 9,110 SQ. FEET OR 0.209 ACRES MORE OR LESS AND IS SUBJECT TO EXISTING COVENANTS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD.

PROPOSED ALLEY VACATION 1:
COMMENCING AT A FOUND 5/8" REBAR BEING THE SOUTHWEST CORNER OF LOT 6, BLOCK 3, YOUNGS ADDITION; THENCE S86°42'35"E 100.00' TO A SET 5/8" CAPPED REBAR TAGGED "1826" BEING THE TRUE POINT OF BEGINNING; THENCE N01°15'28"E 99.75' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE N86°48'11"W 99.78' TO A SET 5/8" REBAR LOCATED ON THE RIGHT-OF-WAY LINE OF SOUTHEAST G STREET; THENCE N01°22'46"E 12.51' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; S86°48'11"E 103.75' TO A FOUND 5/8" REBAR; THENCE N47°19'16"E 52.21' TO A FOUND 5/8" REBAR; THENCE S43°01'29"E 12.50' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE S47°19'16"W 52.51'; THENCE S01°15'50"W 103.41' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE N86°42'35"W 12.50' TO THE POINT OF BEGINNING, CONTAINING 0.075 ACRES MORE OR LESS.

PROPOSED ALLEY VACATION 2:
BEGINNING AT A FOUND 1/2" REBAR BEING THE SOUTHWEST CORNER OF LOT 23, EAST 3RD ADDITION; THENCE N86°42'35"W 12.50' TO A SET PK NAIL; THENCE N01°16'11"E 104.23' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE S88°43'49"E 12.49'; THENCE S01°16'11"W 104.67' TO THE POINT OF BEGINNING, CONTAINING 0.030 ACRES MORE OR LESS.

Miscellaneous Notes

COMPLETED FIELD WORK:
SEPTEMBER 09, 2020

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83
LATITUDE: 36°22'03.0411"
LONGITUDE: -94°11'59.0696"
CONVERGENCE ANGLE: -01°16'48.09967
THE DISTANCES SHOWN ON THIS PLAT ARE OF COMBINED FACTOR (GRID TO GROUND) 1.000028001784078

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2019 AT PAGE 33931.
2. SURVEY PLAT FILED IN PLAT BOOK 2016 AT PAGE 593.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0255K, WHICH BEARS AN EFFECTIVE DATE OF 06/05/2020 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES. BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

BENTON COUNTY CERTIFICATE OF DEDICATION:
WE, THE UNDERSIGNED, DO HEREBY SWEAR THAT WE ARE THE SOLE OWNERS OF THE HEREON PLATTED PROPERTY AND DO HEREBY DEDICATE ALL STREET AND EASEMENTS FOR USE BY THE GENERAL PUBLIC AND FOR THE INSTALLATION OF UTILITIES.

_____ _____ _____
OWNER DATE

_____ _____ _____
OWNER DATE

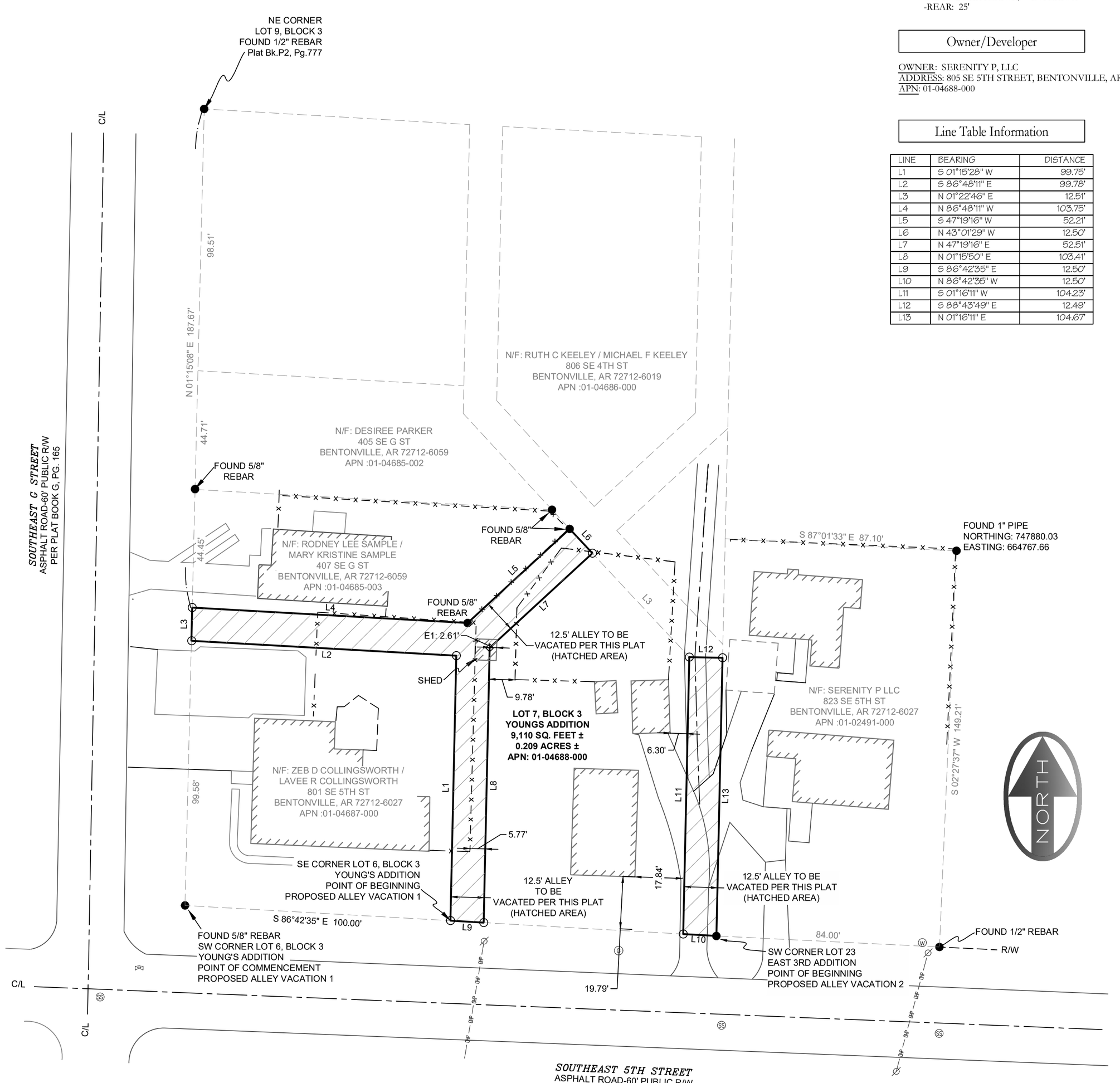
STATE OF ARKANSAS
COUNTY OF BENTON
SUBSCRIBED AND SWORN BEFORE ME THIS _____DAY OF _____ 2021.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES _____

PLANNING BOARD ACCEPTANCE:
THIS PLAT IS HEREBY ACCEPTED THIS _____DAY OF _____, 2021, BY THE PLANNING COMMISSION OF THE COUNTY OF BENTON, AR.

_____
CHAIRMAN



Zoning & Setback Information

THE PROPERTY IS ZONED IN: R1-SF RESIDENTIAL

BUILDING SETBACK REQUIREMENTS:

-FRONT: 20'
-SIDE: 20' EXTERIOR; 7' INTERIOR
-REAR: 25'

Owner/Developer

OWNER: SERENITY P, LLC
ADDRESS: 805 SE 5TH STREET, BENTONVILLE, AR
APN: 01-04688-000

Line Table Information

LINE	BEARING	DISTANCE
L1	S 01°15'28" W	99.75'
L2	S 86°48'11" E	99.78'
L3	N 01°22'46" E	12.51'
L4	N 86°48'11" W	103.75'
L5	S 47°19'16" W	52.21'
L6	N 43°01'29" W	12.50'
L7	N 47°19'16" E	52.51'
L8	N 01°15'50" E	103.41'
L9	S 86°42'35" E	12.50'
L10	N 86°42'35" W	12.50'
L11	S 01°16'11" W	104.23'
L12	S 88°43'49" E	12.49'
L13	N 01°16'11" E	104.67'

Legend of Symbols & Abbreviations

- COMPUTED POINT
- SET P/K NAIL
- SET CAPPED 5/8" REBAR BY PS 1826
- FOUND MONUMENT AS NOTED
- SANITARY SEWER
- POWER POLE
- ELECTRIC METER
- WATER METER
- WATER VALVE
- GAS METER
- R/W RIGHT-OF-WAY
- C/L CENTERLINE
- BOUNDARY LINE
- LOT LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- OVERHEAD POWER LINE
- NOT TO SCALE

0' 30' 60' 90'

1 INCH = 30 FEET

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 5TH DAY OF APRIL, 2021.

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
No. 1826
SIGNATURE
HEATH A MYERS

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
3825 N. SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com
Certificate of Authorization № 1534

DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
AJO 04/05/2021	TN & HM	DA
COUNTY & STATE: BENTON COUNTY, AR	JOB NUMBER: 21-1335	
LOCATION: 805 SE 5TH STREET, BENTONVILLE, ARKANSAS		
FOR THE USE AND BENEFIT OF: RODNEY SAMPLE		

ORDINANCE NO_____

AN ORDINANCE VACATING ALLEY RIGHT OF WAYS AT 407 SE G STREET BEING A PART OF YOUNG'S ADDITION OF BENTONVILLE TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC21-0021).

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by Blew & Associates asking the City Council to vacate alley right of ways located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

LOT 7, BLOCK 3, IN YOUNG'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "G" AT PAGE 165. HAVING A TOTAL AREA OF 9,110 SQ. FEET OR 0.209 ACRES MORE OR LESS AND IS SUBJECT TO EXISTING COVENANTS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD.

PROPOSED ALLEY VACATION 1:
COMMENCING AT A FOUND 5/8" REBAR BEING THE SOUTHWEST CORNER OF LOT 6, BLOCK 3, YOUNGS ADDITION; THENCE S86°42'35"E 100.00' TO A SET 5/8" CAPPED REBAR TAGGED "1826" BEING THE TRUE POINT OF BEGINNING; THENCE N01°15'28"E 99.75' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE N86°48'11"W 99.78' TO A SET 5/8" REBAR LOCATED ON THE RIGHT-OF-WAY LINE OF SOUTHEAST G STREET; THENCE N01°22'46"E 12.51' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; S86°48'11"E 103.75' TO A FOUND 5/8" REBAR; THENCE N47°19'16"E 52.21' TO A FOUND 5/8" REBAR; THENCE S43°01'29"E 12.50' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE S47°19'16"W 52.51'; THENCE S01°15'50"W 103.41' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE N86°42'35"W 12.50' TO THE POINT OF BEGINNING, CONTAINING 0.075 ACRES MORE OR LESS.

PROPOSED ALLEY VACATION 2:
BEGINNING AT A FOUND 1/2" REBAR BEING THE SOUTHWEST CORNER OF LOT 23, EAST 3RD ADDITION; THENCE N86°42'35"W 12.50' TO A SET PK NAIL; THENCE N01°16'11"E 104.23' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE S88°43'49"E 12.49'; THENCE S01°16'11"W 104.67' TO THE POINT OF BEGINNING, CONTAINING 0.030 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 easements 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 right of ways 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 an alley right of way designated as follows:

LOT 7, BLOCK 3, IN YOUNG'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "G" AT PAGE 165. HAVING A TOTAL AREA OF 9,110 SQ. FEET OR 0.209 ACRES MORE OR LESS AND IS SUBJECT TO EXISTING COVENANTS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD.

PROPOSED ALLEY VACATION 1:
COMMENCING AT A FOUND 5/8" REBAR BEING THE SOUTHWEST CORNER OF LOT 6, BLOCK 3, YOUNGS ADDITION; THENCE S86°42'35"E 100.00' TO A SET 5/8" CAPPED REBAR TAGGED "1826" BEING THE TRUE POINT OF BEGINNING; THENCE N01°15'28"E 99.75' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE N86°48'11"W 99.78' TO A SET 5/8" REBAR LOCATED ON THE RIGHT-OF-WAY LINE OF SOUTHEAST G STREET; THENCE N01°22'46"E 12.51' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; S86°48'11"E 103.75' TO A FOUND 5/8" REBAR; THENCE N47°19'16"E 52.21' TO A FOUND 5/8" REBAR; THENCE S43°01'29"E 12.50' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE S47°19'16"W 52.51'; THENCE S01°15'50"W 103.41' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE N86°42'35"W 12.50' TO THE POINT OF BEGINNING, CONTAINING 0.075 ACRES MORE OR LESS.

PROPOSED ALLEY VACATION 2:
BEGINNING AT A FOUND 1/2" REBAR BEING THE SOUTHWEST CORNER OF LOT 23, EAST 3RD ADDITION; THENCE N86°42'35"W 12.50' TO A SET PK NAIL; THENCE N01°16'11"E 104.23' TO A SET 5/8" CAPPED REBAR TAGGED "1826"; THENCE S88°43'49"E 12.49'; THENCE S01°16'11"W 104.67' TO THE POINT OF BEGINNING, CONTAINING 0.030 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 _____, 2021, at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____	_____
Kirby Romines, City Clerk/Recorder	Stephanie Orman, Mayor
City of Bentonville, Arkansas	City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Engineering**
Submitted by	**Tracy Billings**
Phone	**(479) 696-0229**

Item Type: (*Check Applicable Item Type)*

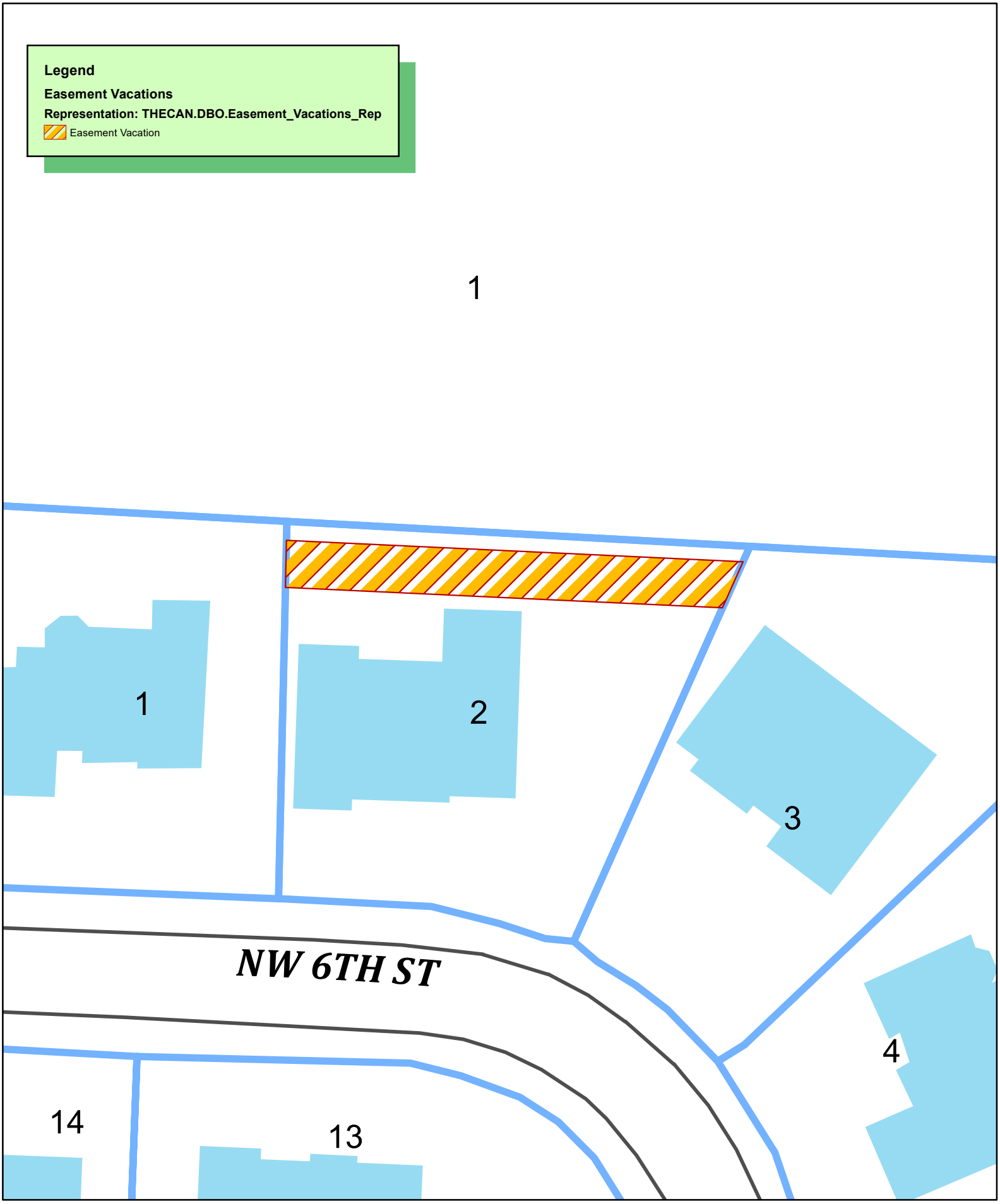
☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Public hearing and ordinance vacating a Utility/Drainage Easement requested for 2606 NW 6th Street of Cross Creek PH II (VAC21-0022).

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :



N
W E
S
1 inch = 39 feet

Proposed Easement Vacation
2606 NW 6th Street

THE CITY OF BENTONVILLE

ORDINANCE NO_____

AN ORDINANCE VACATING A UTILITY/DRAINAGE EASEMENT LOCATED AT 2606 NW 6TH STREET OF CROSS CREEK PHASE II SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC21-0022).

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by Erin Lump asking the City Council to vacate a utility/drainage easement located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

The South 15' of an existing 20' Utility and Drainage Easement which lies squarely off the North Side of Lot 2 and shown on the Final Plat of Cross Creek Phase II and filed for record in Plat Book P-1 Page 747 in the Benton County Clerk's Office, Bentonville, Arkansas.

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 and drainage 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 and drainage easement designated as follows:

The South 15' of an existing 20' Utility and Drainage Easement which lies squarely off the North Side of Lot 2 and shown on the Final Plat of Cross Creek Phase II and filed for record in Plat Book P-1 Page 747 in the Benton County Clerk's Office, Bentonville, Arkansas.

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 _____, 2021 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Kirby Romines, City Clerk/Recorder
City of Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Engineering**
Submitted by	**Tracy Billings**
Phone	**(479) 696-0229**

Item Type: (*Check Applicable Item Type)*

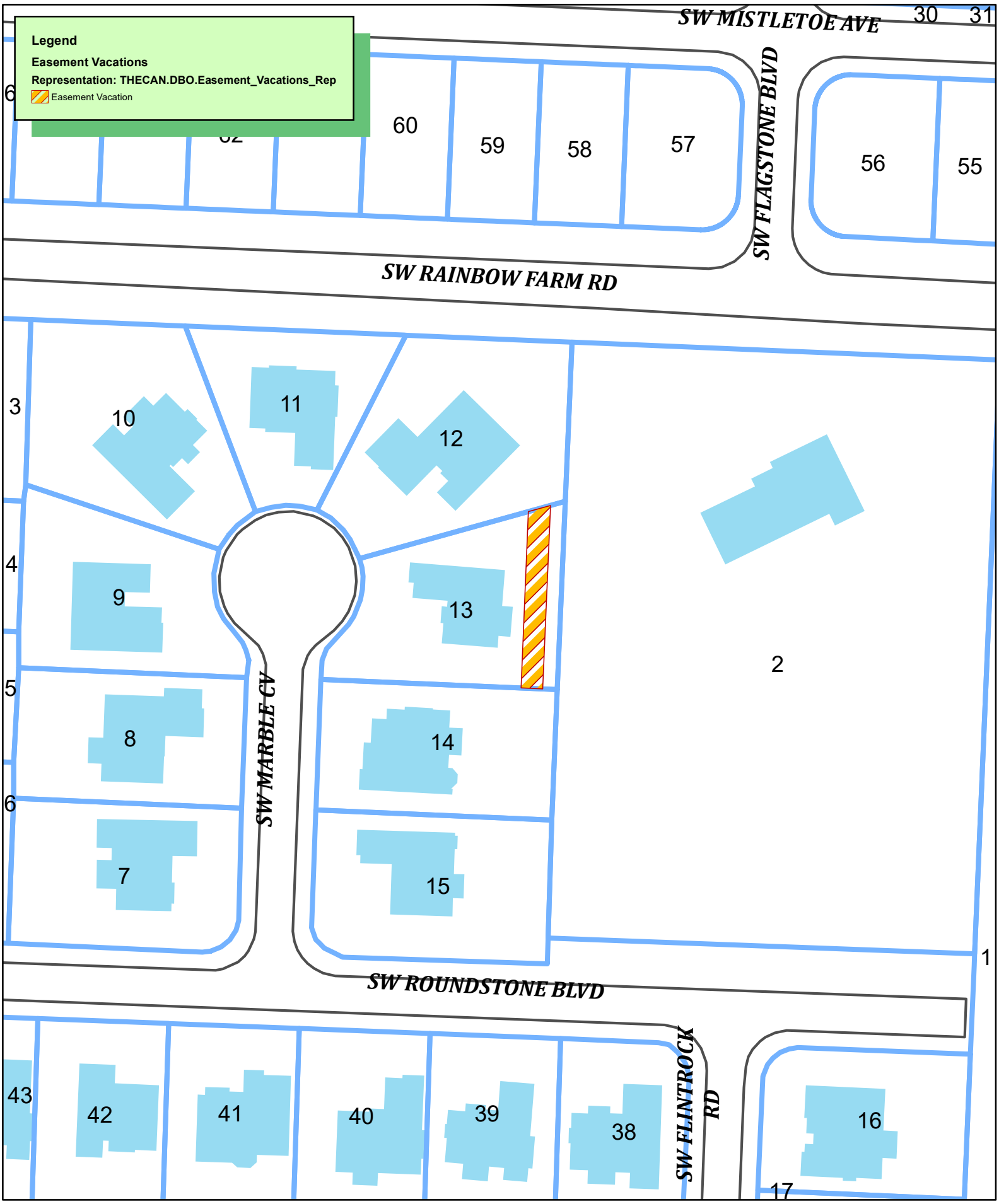
☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Public hearing and ordinance vacating a Utility Easement requested for 4503 SW Marble Cove of Cornerstone Ridge Phase 4 (VAC21-0023).

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :



N
W E
S

1 inch = 83 feet

VAC 21-0023
Proposed Easement Vacation
4503 SW Marcle Cv

THE CITY OF BENTONVILLE

ORDINANCE NO_____

AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED AT 4503 SW MARBLE COVE OF CORNERSTONE RIDGE SUBDIVISION PHASE 4 TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC21-0023).

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by Rachel Daniel. 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:

The West 15' of an existing 25' Utility Easement which lies squarely off the East Side of Lot 13 and shown on the final plat of Cornerstone Ridge Subdivision Phase 4 and filed for record in Plat Book Page 2006 Page 344 in Benton County Clerk's Office, Bentonville, Arkansas.

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:

The West 15' of an existing 25' Utility Easement which lies squarely off the East Side of Lot 13 and shown on the final plat of Cornerstone Ridge Subdivision Phase 4 and filed for record in Plat Book Page 2006 Page 344 in Benton County Clerk's Office, Bentonville, Arkansas.

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 _____, 2021 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Kirby Romines, City Clerk/Recorder
City of Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Engineering**
Submitted by	**Tracy Billings**
Phone	**(479) 696-0229**

Item Type: (*Check Applicable Item Type)*

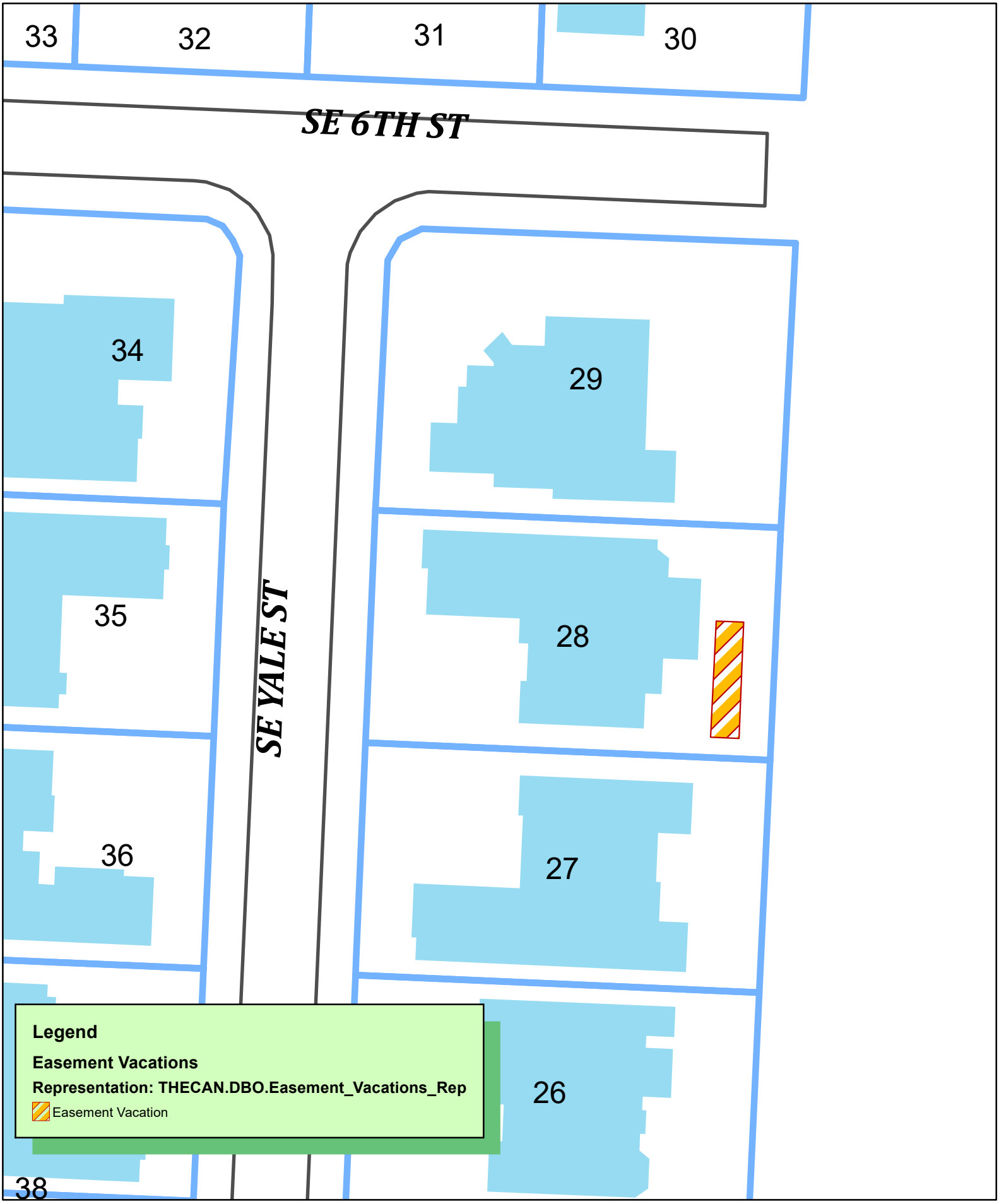
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Resolution setting a public hearing for October 12, 2021 for a Utility Easement Vacation requested for 603 SE Yale Street of College Place Phase 8 (VAC21-0024).

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :



N
W E
S
1 inch = 42 feet

VAC21-0024
Proposed Easement Vacation
603 SE Yale St

THE CITY OF BENTONVILLE

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 Joseph Langston requesting a utility easement vacation (VAC21-0024) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

PART LOT 28, COLLEGE PLACE SUBDIVISION, PHASE 8, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2007 AT PAGES 82 AND 83.

COMMENCING AT THE SOUTHEAST (SE) CORNER OF SAID LOT 28; THENCE NORTH 87032'13" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 02048'14" EAST A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 02048'14" EAST A DISTANCE OF 40.00 FEET; THENCE SOUTH 87032'13" EAST A DISTANCE OF 9.49 FEET; THENCE SOUTH 020 191 18" WEST A DISTANCE OF 40.00 FEET; THENCE NORTH 8703213" WEST A DISTANCE OF 9.82 FEET TO HE POINT OF BEGINNING CONTAINING 0.01 ACRES OR 386 SQUARE FEET 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 the above described utility easement is set for a hearing October 12, 2021 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 _____ 2021 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Kirby Romines, City Clerk/Recorder
City of Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Finance**
Submitted by	**Jake Harper**
Phone	**(479) 271-6781**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Adopt resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. This resolution is required by the Quorum Court and County Clerk in order to facilitate the millage levy to be collected in 2022.

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

RECEIVED SEP 07 2021

BENTON COUNTY

STATE OF ARKANSAS

BETSY HARRELL

COUNTY CLERK & VOTER REGISTRAR
215 EAST CENTRAL, SUITE 217
BENTONVILLE, AR 72712-5373
479-271-1013
Fax: 479-271-1019

PROBATE COURT CLERK
COURTHOUSE,102 N.E. "A" STREET
BENTONVILLE, AR 72712-5350
479-271-5727
FAX: 479-271-1712

September 1, 2021

MEMORANDUM NOTICE

TO: MAYOR STEPHANIE ORMAN – BENTONVILLE
RE: 2022 TAX LEVY – MILLAGE RATES FOR TAXES COLLECTED 2020

As you are aware, it is time once again for the Benton County Quorum Court to levy millage rates for the various taxing units in the county, including county, **municipal**, and school taxes for the 2022 collections on 2021 assessments.

As required by Arkansas Code Annotated §26-73-202, please submit your written certificate of the rate of taxation to be levied by your town/city on the real and personal property within your town/city so your levy is included in the Quorum Court Ordinance.

Please send a **certified** copy of the Resolution or Ordinance passed by the City Council which sets out in detail the millage rate for all funds for both real and personal property. The current millage levy for **BENTONVILLE** is as follows: **General 5.0 mills; Firemen's Pension 0.5 mills**.

I need this certificate by October 20, 2021 in order to prepare the Quorum Court ordinance to be enacted in November, as required by law.

Please note that Amendment 79 requires that the rates for real and personal property be levied at the same rate.

Sincerely,

Betsy Harrell

ROGERS OFFICE
2111 W. WALNUT
(479) 636-3727
FAX (479) 636-4922

ROGERS ARCHIVES
2111 W. WALNUT
(479) 636-1037
FAX (479) 636-1053

SILOAM SPRINGS OFFICE
707 S. LINCOLN
479-271-1013
FAX (479) 524-8534

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A PROPERTY TAX LEVY FOR THE CITY OF BENTONVILLE, ARKANSAS FOR THE YEAR 2021 TO BE COLLECTED IN THE YEAR 2022.

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

WHEREAS, Arkansas Code Annotated §26-73-202 requires the city council of any municipal corporation to make out and certify to the county clerk the rate of taxation levied by the city on all the real and personal property within the city; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Bentonville and its citizens to levy the rate of taxation on the real and personal property located within the said city as set forth herein, and to certify the same to the County Clerk, and authorize the Quorum Court of the County to levy said tax for the year 2021, to be collected in 2022.

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

Section 1. That the property tax rate for the City General purposes on the real and personal property situated within the City and to be collected in the year 2022 shall be fixed and levied at the rate of 5.0 mills on each dollar of assessed value of real and personal property.

Section 2. The property tax for Fireman's Pension purposes for the City on real and personal property situated within the City to be collected in the year 2022 shall be fixed and levied at the rate of .5 mills on each dollar of assessed value of real and personal property.

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

Section 4. The Quorum Court of Benton County, Arkansas is authorized to levy the said tax as set forth herein for real and personal property located within the City of Bentonville for the year 2021, at its regular meeting in November according to law.

PASSED and APPROVED this _____ day of _____, 2021.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Finance**
Submitted by	**Jake Harper**
Phone	**(479) 271-6781**

Item Type: (*Check Applicable Item Type)*

☑ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Budget Adjustment to fund identified Category 1 potential expenses under the American Rescue Plan Act (ARPA). $3.4 million of ARPA funds have been received by the City in 2021 and are available.

Estimated Cost	**$452,164**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Funding from the American Rescue Plan Act.

Budget Adjustment Request

Date of City Council Meeting	**9/28/2021**
Department	**Finance**
Submitted by	**Jake Harper**
Phone	**(479) 271-6781**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

American Rescue Plan Act (ARPA) - Cateogry 1 Expenses Set aside within the Grant Fund.

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
401010	33110	Federal Grant	$ 3,471,778.00	
401010	42060	Safety Expense		$ 250,000.00
401010	42520	Minor Equipment - Computers		$ 28,000.00
401010	42520	Minor Equipment - Computers		$ 10,000.00
401010	47410	Machinery & Equipment		$ 30,000.00
401010	43310	Data/Technical Processing		$ 80,000.00
401010	43510	Promotional Activities		$ 54,164.00
		Totals	$ 3,471,778.00	$ 452,164.00
		Net Impact on Fund Balance	$	3,019,614.00

*Final Account Number will be determined by Accounting Department after approval and purchase

MEMORANDUM

TO: Mayor Orman
City Council

FROM: Jake Harper, Finance Director

DATE: September 17, 2021

SUBJECT: Budget Adjustment for Category 1 items related to ARPA grant funding

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As discussed at the September 7th Public Meeting for the American Rescue Plan Act, the staff would like to request City Council approval to move forward with certain expenses that are considered in "direct response to Covid" or category 1 expenses. These expenses were requested by our departments for use of the American Rescue Plan Act funds and staff considers these potential expenses to be a high priority use for these funds.

The uses being requested include:

1. $250,000 set aside for future personal protection equipment needs
2. $28,000 for laptops for the District Court to be able to provide remote work capability
3. $10,000 to upgrade the courtroom to facilitate zoom hearings
4. $30,000 for sign trailers to help with public events (which could include covid-19 clinics or future health clinic needs)
5. $80,000 to expand the City's remote workforce capabilities.
6. $54,164 for a potential contract with the Northwest Arkansas Regional Council for services regarding Covid communications and vaccination campaign/clinics. A contract will be presented to City Council at a later date.

We appreciate your consideration.

City of Bentonville
American Rescue Plan Act
Department Project Request Compilation

Category 1 - Projects that respond direclty to COVID			
Department	**Project Name**	**Project Amount**	**Project Description**
City-Wide (suggested by Police Department)	Personal Protective Equipment (PPE) Reserve	$ 250,000	Establish an amount for PPE or other Covid related items. Original request was $25,000 but internal ARPA Committee increased it to $250,000 due to spending estimates from the beginning of pandemic
District Court	Purchase of laptops for all District Court staff	$ 28,000	· Would help the Court staff's ability to work remotely and also work more efficiently within the facility (switching between the courtroom or assisting at the window). · Currently has 2 laptops for all Court staff. Nine additional laptops would be needed to cover all staff and the Judge.
District Court	Upgrades to the courtroom to facilitate Zoom hearings	$ 10,000	· Currently unable to hold zoom hearings in the courtroom with current setup of webcam on Judge's computer. The video needs to be projected, with camera and sound system upgraded to facilitate a Zoom hearing in the courtroom.
Police	Sign Trailers	$ 30,000	Trailers to use for signs for events (which could include Covid clinics or future health clinic events)
Information Technology	Remote Workforce Expansion	$ 80,000	· The City has reached the limit of the current number of licenses and additional licenses are needed. · Keep employees connected.

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Administration**
Submitted by	**Mayor Stephanie Orman**
Phone	**479-271-5966**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☑ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Discussion on Premium Pay for City Employees.

Estimated Cost	
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Administration**
Submitted by	**Mayor Stephanie Orman**
Phone	**479-271-5966**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Recommendation to appoint the Chair of the Committee of the Whole as the City Council's representative on the City's depository board. This board is a requirement by state law 19-8-106 (attached).

Estimated Cost	
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Previous Next

A.C.A. § 19-8-106

Copy Citation

Unofficially updated through Act 58 of the 2021 Regular Session, which includes but is not limited to all laws effective through February 2, 2021. Unofficial updates are provisional only and do not include corrections and edits by the Arkansas Code Revision Commission

AR - Arkansas Code Annotated Title 19 Public Finance Chapter 8 Depositories for Public Funds Subchapter 1 — General Provisions

19-8-106. Depository boards.

(a)

(1) The quorum court of each of the several counties shall by ordinance establish a county depository board. The county depository board is to be composed of the county judge, the county treasurer and county collector, or the sheriff when acting as ex officio tax collector, or those officials performing the duties of the above officials where an elective county office has been changed in accordance with Arkansas Constitution, Amendment 55.

(2) The board shall designate depositories and supervise the depositing of all county funds and all other public funds held by the county treasurer, except funds of a school district, and also shall designate depositories and supervise the depositing of all funds collected and held by the county collector.

(3) The board may also require county officials to settle with the county treasurer more frequently than required by Arkansas law.

(b)

(1) Except as provided in subdivision (b)(2) of this section, the following persons shall constitute a three-member board to designate depositories and supervise the depositing of municipal funds:

(A) A mayor;

(B) A city clerk or recorder or clerk-treasurer or recorder-treasurer; and

(C) A city council member selected by the city council.

(2) Although the board shall not total more than three (3) members, the city council may replace one (1) of the three (3) board members listed in subdivision (b)(1) of this section with the city finance officer or other official.

(3) A majority of the board members shall be necessary to conduct business and to constitute a quorum.

(c) The commissioners of road, drainage, levee, and other improvement districts shall designate depositories and supervise the depositing of funds of their respective districts.

(d) The board of directors of any school district shall constitute a board to designate depositories and supervise the depositing of school district funds. All school district funds, whether held by the treasurer of the school district or by the county treasurer, shall be deposited as designated by the board of directors.
(e) A receiver appointed under § 14-62-104 shall be a designated depository and supervise the depositing of funds collected under § 14-62-101 et seq.

History

Acts 1935, No. 21, § 2; Pope's Dig., § 4328; Acts 1945, No. 57, § 1; 1973, No. 107, § 1; A.S.A. 1947, § 13-802; Acts 1987, No. 250, § 1; 2011, No. 619, § 1; 2017, No. 712, § 6.

Arkansas Code of 1987 Annotated Official Edition
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Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Police Department**
Submitted by	**Jon Simpson**
Phone	**(479) 271-3170**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

This is a request to approve the addition of one (1) police officer position to our current staff of 84 sworn officers, effectively changing our authorized headcount to 85. The justification for this request to add this position now is two-fold. First, one of our patrol officers currently under military orders since January 2021 has now had these orders extended for the next two years. Second, we are facing several uncommon staffing challenges related to increasing calls for service as well as personnel shortages due to retirements, pregnancies, and medical and health issues. The approval of this request would allow the police department to hire one additional officer as soon as possible to help cover this officer's extended absence and also help offset the other challenges mentioned. Payroll funds not being expended for this position due to the military obligation would fund this request and eliminate the need for a budget adjustment now or in the coming year. Likewise, this additional officer can utilize the vehicle that is already in our fleet, thus further eliminating any vehicle related expenses. The current uniform, equipment, and training budget will likewise accommodate this new positions without any adjustment. This addition will provide a responsible and no cost improvement to our current staffing challenges and will help ensure quality of services and safety for all. Likewise, it can be anticipated that ongoing growth trends and increasing call loads will eliminate any concerns when this personnel addition is reviewed two years from now. See attached Memorandum.

Estimated Cost	
Is this Item Budgeted?	☑ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

POLICE DEPARTMENT

908 SE 14TH STREET
BENTONVILLE, AR 72712
479-271-3173 FAX 479-271-3187
www.bentonvillear.com

MEMORANDUM

To: Mayor Stephanie Orman
Chief Jon Simpson
From: Captain Justin Thompson
Date: September 15, 2021
Re: Police Department Military Leave Impact

I would like to request an addition of one officer to our current staffing of 84 sworn officers. The justification for this addition is due to an officer, who is currently on military leave, having that leave extended for an additional two years.

Cpl. Clint Ferrell currently serves in the Arkansas National Guard as a Captain. He has been on active-duty military orders since January of 2021. On Monday, September 13, Cpl. Ferrell notified me via email that he received confirmation that he has been selected to manage a new program and he is expected to remain on active-duty orders until approximately October of 2023. The actual written orders are pending and could be delayed several weeks.

In addition to the extended military leave of Cpl. Ferrell, we are also facing several uncommon staffing challenges related to increasing calls for service as well as personnel shortages due to retirements, pregnancies, family leave, and medical and health issues. The approval of this request would allow the police department to hire one additional officer as soon as possible to help cover this officer's extended absence and help offset the other challenges mentioned. Based on the actual time required to complete the hiring and training process, I am requesting approval to fill this position now.

Approval would also be consistent with the City of Bentonville's tradition of supporting our employees who currently serve our country in our armed forces.

Payroll funds not being expended for this position due to the military obligation would fund this request and eliminate the need for any present budget now or in the coming year. Likewise, this additional officer can utilize the vehicle that is already in our fleet, thus eliminating any vehicle related expenses. The current uniform, equipment, and training budget will likewise accommodate this new position without any adjustment.

Thank you for your assistance in this matter.

Captain Justin Thompson

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Parks and Recreation**
Submitted by	**Wade Tomlinson**
Phone	**(479) 271-3392**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☐ Resolution	☑ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Bid Award requested by Parks and Recreation Staff for City Council's approval of IFB-21-68, in the amount of $99,830.00, to Crossland Heavy Contractors Inc. for the purchase of services to re-build a section of the Applegate trail near SW 2nd Street.

Estimated Cost	**$99,830**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Project to be paid for from City Reserves

Memo

To:	City Council, Mayor Orman
From:	Wade Tomlinson, Parks Planner
Thru:	David Wright, Parks and Recreation Director
Date:	September 2, 2021
Re:	Bid Award IFB-21-68 Applegate Trail Repair

Parks and Recreation Staff is requesting City Council's approval to award bid IFB-21-68 to Crossland Heavy Contractors Inc. for the purchase of services to re-build a section of the Applegate trail near SW 2nd Street.

A section of the Applegate Trail near SW 2nd Street was severely damaged during the April 2021 flood event. Since that time the department has been working with consulting engineers and City staff to develop a repair plan. The plans were competitively bid per state laws and were opened on August 25, 2021 by the purchasing department.

The Parks and Recreation Department will pay for the improvement using a budget adjustment to 73-90 which will be reimbursed in part by Arkansas Department of Emergency Management (ADEM). We anticipate that 35% of the costs will be reimbursed by the State, resulting in an actual cost to the City of approximately $65,000.

If you have any questions regarding this item, please let me know. Please call me at 271-3392 or email wtomlinson@bentonvillear.com.

IFB-21-68 APPLEGATE TRAIL REPAIR - FINAL BID TABULATION

CROSSLAND HEAVY CONTRACTORS, INC.

Line Item	Description	Estimated Quantity	Unit of Measurement	Unit Price	Extended Price
1	Mobilization and Staking	1	LS	$ 4,950.00	$ 4,950.00
2	Erosion Control	1	LS	$ 4,500.00	$ 4,500.00
3	Demolition and Haul Off	2,000	SF	$ 5.00	$ 10,000.00
4	Earth Work	50	CY	$ 155.00	$ 7,750.00
5	Select Fill	90	CY	$ 58.00	$ 5,220.00
6	Class 7 Base	40	CY	$ 120.00	$ 4,800.00
7	Concrete Trail	1,220	SF	$ 23.50	$ 28,670.00
8	Concrete Retaining Wall	48	SF	$ 230.00	$ 11,040.00
9	Pavement Markings & Signage	1	LS	$ 2,000.00	$ 2,000.00
10	Sod & Landscape	1	LS	$ 5,100.00	$ 5,100.00
11	Rip Rap	60	CY	$ 220.00	$ 13,200.00
12	Adjust Existing Storm Pipe & FES.	20	LF	$ 80.00	$ 1,600.00
13	Misc. Fence Repair	1	LS	$ 1,000.00	$ 1,000.00
Total Base Bid (In Numbers):		$			99,830.00

BENCHMARK CONSTRUCTION

Line Item	Description	Estimated Quantity	Unit of Measurement	Unit Price	Extended Price
1	Mobilization and Staking	1	LS	$ 7,776.00	$ 7,776.00
2	Erosion Control	1	LS	$ 7,760.00	$ 7,760.00
3	Demolition and Haul Off	2,000	SF	$ 29.04	$ 58,080.00
4	Earth Work	50	CY	$ 59.00	$ 2,950.00
5	Select Fill	90	CY	$ 109.00	$ 9,810.00
6	Class 7 Base	40	CY	$ 229.25	$ 9,170.00
7	Concrete Trail	1,220	SF	$ 24.65	$ 30,073.00
8	Concrete Retaining Wall	48	SF	$ 423.75	$ 20,340.00
9	Pavement Markings & Signage	1	LS	$ 670.00	$ 670.00
10	Sod & Landscape	1	LS	$ 8,190.00	$ 8,190.00
11	Rip Rap	60	CY	$ 69.00	$ 4,140.00
12	Adjust Existing Storm Pipe & FES.	20	LF	$ 85.00	$ 1,700.00
13	Misc. Fence Repair	1	LS	$ 1,160.00	$ 1,160.00
Total Base Bid (In Numbers):		$			161,819.00

CITY OF BENTONVILLE, ARKANSAS

PURCHASING DEPARTMENT– (479) 271-3115 – PURCHASING@BENTONVILLEAR.COM
ADMINISTRATIVE SERVICES BUILDING -1000 SW 14TH ST. BENTONVILLE, ARKANSAS 72712

FOR PUBLICATION

PUBLICATION DATES: AUGUST 8, AUGUST 15

NOTICE TO BIDDERS

APPLEGATE TRAIL REPAIR

Invitation For Bid (IFB)-21-68

The City of Bentonville, Arkansas is accepting formal, sealed bids from properly qualified, capable, licensed and insured, and experienced contractors to complete the Applegate Trail Repair Project, for the City of Bentonville Parks and Recreation Department. The Project consists of repairing the damaged apron/trail at the downstream end of the existing box culvert and the repair of the damaged abutment for the trail bridge at the intersection of the Applegate Trail and SW 2nd Street. The Project is located within Bentonville City limits. The work will include, but is not limited to the complete repair of the concrete trail, installation of concrete wingwall, and installation of riprap to protect eroded slope. The awarded contractor shall complete the work to 100% completion.

All Bids must be accompanied by a Bid Guarantee in the form of a bid bond, certified check, or cashier's check in the amount of 5% (five percent) of the Total Bid Price, payable without condition to the City of Bentonville, as a guarantee that the Bidder will enter into a contract and execute performance and payment bonds after the Notice of Award has been issued. The Bid Guarantee shall provide that the Bidder or surety must pay the damage, loss, cost, and expense subject to the amount of the Bid Bond directly arising out of the Bidder's default in failing to execute and deliver the Contract and bonds. Personal checks and company checks are NOT acceptable as a Bid Guarantee. Any bid submitted shall be void unless accompanied by a cashier's check drawn upon a bank or trust company doing business in the State of Arkansas or by a corporate bid bond. Bidders shall adhere to the bonding requirements as specified in the IFB-21-68 Bidding Documents.

The City reserves the right to cancel this request at any time in accordance with the City's best interest. The City also reserves the right to reject any Bid received and to waive irregularities in accordance with the City's best interest. Submitters agree that such rejection shall be without liability on the part of the City of Bentonville for any damage or claim brought by any Bidder because of such rejections, nor shall the Submitter seek any recourse of any kind against the City because of such rejections. The filing of any Bids in response to this Invitation shall constitute an agreement of the Bidder to these conditions.

The awarded Bidder will be required to furnish Performance and Payment Bonds at the time of signing the Contract in amounts equal to the Total Bid Price.

Pursuant to Arkansas Code Annotated § 22-9-203, the City encourages all qualified small, minority owned, and women owned business enterprises to submit Bids for capital improvements. Encouragement is also made to all general (prime) contractors that in the event they subcontract portions of their work, consideration is given to the identified groups.

The City of Bentonville Purchasing Department encourages qualified small, minority and women owned businesses to participate and submit Bids for City projects/purchases.

Interested parties can obtain the required Bid Packet by emailing purchasing@bentonvillear.com, by calling 479-271-3115, or from the Purchasing Department located at the address below. The Bid Packet may also be downloaded from the Purchasing Page of the City's website (http://www.bentonvillear.com/211/Purchasing) by clicking 'Review Open Bids'; however, Bidders are encouraged to notify Purchasing that they have downloaded the Bid Packet to ensure they are on the distribution list for Addenda and/or Q&A. Interested Parties should note that there may be a 24-48 hour delay from the date of publication for the documents to be available on the City's website.

Bidders who wish to deliver a Bid Submission prior to the Bid Opening date/time may do so by delivering the Bid Submission to the Purchasing Department located on the 2nd floor of the City of Bentonville Administrative Services Building, located at 1000 SW 14th Street Bentonville, AR 72712. Bidders may also choose to deliver their Bid Submission at the Public Bid Opening, but must do so prior to the Public Bid Opening time.

There will be a Public Bid Opening for IFB-21-68 held at 10:30am on Wednesday, August 25, 2021; the Bid Opening will be held at the City of Bentonville Administrative Services Building in Room A239 on the 2nd floor, located at 1000 SW 14th Street Bentonville, AR 72712. All Bid Submissions must be received by Purchasing prior to the Public Bid Opening time. Late Submissions, Submissions which do not contain the required Bid Bond and unsigned Bid Submissions will be rejected, without exception. In accordance with Arkansas Procurement Law and Rules, it is the responsibility of vendors to submit responses at the designated location on or before the Bid Opening date and time. Responses received after the designated Bid Opening date and time will be considered late and will be rejected.

Questions must be submitted via written communication only to purchasing@bentonvillear.com. The deadline to submit questions related to this Invitation is August 19, 2021, at 4:30pm.

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

INVITATION FOR BID (IFB) SOLICITATION

SOLICITATION INFORMATION			
Bid Number:	IFB-21-68	**Date of Issuance:**	August 8, 2021 August 15, 2021
Description:	Applegate Trail Repair		
Requesting Department:	CITY OF BENTONVILLE PARKS AND RECREATION DEPARTMENT		
Pre-Bid Meeting Information:	NO PRE-BID MEETING SCHEDULED FOR THIS SOLICITATION		
Bid Bond Requirement:	**5% BID BOND REQUIRED** **SEE BID BOND SECTION OF THIS IFB DOCUMENT FOR DETAILS**		

BID OPENING DATE & TIME	
Bid Opening Date and Time:	**AUGUST 25, 2021 AT 10:30A.M. CST**
Bid Opening Location:	**City of Bentonville Administrative Services Building** Bid Opening Room – 2nd Floor – Room A239 1000 SW 14th Street Bentonville, AR 72712

DELIVERY OF BID SUBMISSION	
Location (and mailing address) for Bid Submission Delivery:	**City of Bentonville Administrative Services Building** **Purchasing – 2nd Floor** 1000 SW 14th Street. Bentonville, AR 72712
Bid Submission Requirements:	All Bids must be received by the Purchasing Office prior to the date and time listed herein for the Bid opening, in a sealed envelope with the following information clearly marked on the outer envelope: - Solicitation ID (IFB Number) - Bidder's Name/Company Name & Phone Number Bids which must be opened to be identified may be rejected. Bids which are not sealed or are opened upon delivery will not be accepted. Late Bids, unsigned Bids, or Bids which do not contain a Bid bond (when required) will be rejected, without exception. In accordance with Arkansas Procurement Laws and Rules, it is the responsibility of the Bidder to submit their Bid submission correctly and to the designated location prior to the Bid opening time.

Deadline for Submission of Requests for Information, Questions or Clarifications:	AUGUST 19– 4:30 P.M. CST
Questions should be submitted only to the Purchasing Office via written communication only to purchasing@bentonvillear.com.	

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

EXECUTION OF BID PAGE (REQUIRED)

Upon signing this Bid, the Bidder certifies that he/she has read and agrees to the requirements set forth in this Bid proposal including specifications, conditions and pertinent information regarding the articles being Bid on, and agrees to furnish these articles at the prices stated. All information on this page must be completed.

Unsigned Bids will be rejected - no exceptions.

Name of Firm: Crossland Heavy Contractors, Inc. **Phone Number:** 620-429-1410

Business Address (Full Street/City/State/Zip): 501 S. EAST AVE - Columbus, KS 66725

Is this address able to accept mail deliveries (for the purpose of returning Bid bonds etc.): X **Yes** __ **No**

Name of Contact Person: Dan Thompson **Email:** dthompson@heavycontractors.com

Signature of Authorized Person [redacted] **Date:** 8/25/2021

Printed or Typed Name: Dan Thompson **Title:** Vice President

Arkansas Contractors License Number: 0067301121 **(REQUIRED)**

Sales or Use Tax ID Number: 0621689279-S15

Bid Bond Included: X **Yes** ___ **No (only required if specified in this IFB Document)**

[This space has been intentionally left blank]

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

!IMPORTANT! THE PURCHASING OFFICE HAS MOVED!

The City of Bentonville Purchasing Department has moved to:

City of Bentonville
2ND FLOOR – PURCHASING
Administrative Services Building
1000 SW 14th Street
Bentonville, AR 72712

The Bid Opening Room is located on the 2nd Floor, Room A239.

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

SECTION 1: OVERVIEW

1. INTENT

The intent of this Invitation for Bid (IFB) is to contract with a properly licensed, qualified and experienced contractor to perform the Applegate Trail Repair Project, for the City of Bentonville, Arkansas Parks and Recreation Department. The Project consists of repairing the damaged apron/trail at the downstream end of the existing box culvert and the repair of the damaged abutment for the trail bridge at the intersection of the Applegate Trail and SW 2nd Street. The Project is located within Bentonville City limits.

The work shall include, but is not limited to the complete repair of the concrete trail, installation of concrete wingwall, and installation of riprap to protect eroded slope. The awarded contractor shall complete the work to 100% completion.

2. REQUIRED RESPONSE DOCUMENTS

The following documents must be complete to provide a complete Bid response package:

- Invitation for Bid (IFB) document, all response fields complete. This includes but is not limited to the Non-Collusion Affidavit (requires notary), Vendor Disclosure and Subcontractor Disclosure (when applicable).
- Proof that Bidder is a licensed contractor in the State of Arkansas.
- Proof that Bidder maintains, or is able to acquire the required insurance as stated herein in the 'INSURANCE' section of this IFB document.
- Appendix D- Bidder Qualifications.

3. APPENDIXES

- **APPENDIX A: APPLEGATE REPAIR CONSTRUCTION DOCUMENTS & PLAN SET**
- **APPENDIX B: SUBCONTRACTOR DISCLOSURE**
- **APPENDIX C: NON-COLLUSION AFFIDAVIT & VENDOR DISCLOSURE**
- **APPENDIX D: BIDDER QUALIFICATIONS**

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

SECTION 2: REQUIREMENTS, TERMS & CONDITIONS

BIDDERS: THIS SECTION CONTAINS REQUIRED RESPONSE FIELDS

1. INSURANCE

Bidders are required to include proof of their ability to obtain the insurance, as described herein, after the Notice of Award has been issued and upon execution of the contract in their Bid submission. Bid submittals that do not include proof of Bidder's ability to obtain the required insurance may be rejected. The awarded Bidder shall purchase and maintain, at minimum, such insurance as defined herein and furnish Certificates of Insurance to the City naming the City of Bentonville as additionally insured. The insurance shall be appropriate for the performance of the work, as described herein, and shall provide protection from damage occurring to City owned property and from, and any other claims which may arise out of or result from the awarded Bidder's performance of the work; whether it is to be performed by the awarded Bidder, any subcontractor or supplier, or by anyone directly or indirectly employed by any of them to perform any of the work, or by anyone for whose acts any of them may be liable:

The policies of insurance required are as follows:

1) Workers' Compensation:
    a. State: Statutory
    b. Applicable Federal: Statutory
2) Comprehensive or Commercial General Liability: $1,000,000.00 – Each Occurrence

2. GUARENTEE OF BID

Bidders may not withdraw their Bids for a period of 60 days after the Public Bid Opening. The City of Bentonville has 60 days from the Bid Opening date in which to evaluate Bids and recommended award to City Council if it is determined to be in the City's best interest. Bidders may only withdraw their Bids in accordance with the Terms and Conditions herein.

3. BONDS

A. BID BOND (BID GUARANTEE) (WHEN REQUIRED)

Bidders are required to include a Bid Bond as specified when the 'Bid Bond Required' field below has an "x" mark or when otherwise required in this document.

_X__Bid Bond Required __Bid Bond Not Required for this Solicitation

All Bids must be accompanied by a Bid Bond/Bid Guarantee in the form of a Bid bond, certified check, or cashier's check in the amount of five percent (5%) of the Total Bid Price, payable without condition to the City of Bentonville. The Bond shall not have an expiration date of less than the number of days specified in Section 5 (Guarantee of Bid) of this IFB document. Personal checks and company checks are NOT acceptable as a Bid guarantee.

Bids received that do not include a Bid Bond when required and as specified in this Invitation for Bid will be rejected without exception.

B. PERFORMANCE & PAYMENT BOND (WHEN REQUIRED)

The awarded Bidder is required to submit Performance and Payment Bonds at the time of Contract signing when the 'Performance & Payment Bonds Required' field below has an "x" mark or when otherwise required in this document.

_X__Performance and Payment Bond Required __Performance and Payment Bond Not Required for this Solicitation

The awarded Bidder shall furnish Performance and Payment Bonds after the Notice of Award is issued and upon the time of signing the binding Contract, each in an amount at least equal to the Total Bid Price as security for the faithful performance and payment of all of the awarded Bidder's obligations under this Invitation for Bid and the awarded binding Contract. These Bonds shall remain in effect for a period of one (1) year after a formal Completion of Work Notice is issued by the City.

The awarded Bidder may be required to provide a Maintenance Bond upon the conclusion of the Project to warranty the work to be free from defects in materials and workmanship for one (1) year after 100% completion (as approved by the City).

C. BONDS – GENERAL

All bonds shall be executed by such sureties as are named in the list of Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Management Service, Surety Bond Brand, U.S. Department of the Treasury. All bonds signed by an agent or attorney-in-fact must be accompanied by a certified copy of that individual's authority to bind the surety. The evidence of authority shall show that it is effective on the date the agent or attorney-in-fact signed each bond.

If the surety on any bond furnished by the awarded Bidder is declared bankrupt or becomes insolvent or its right to do business is terminated in any state where any part of the Project is located or it ceases to meet the requirements of set forth herein, the awarded Bidder shall promptly notify the City and shall, within twenty (20) days after the event giving rise to such notification, provide another bond and surety, both of which shall comply with the requirements set forth herein.

All bonds and insurance required by this Invitation for Bid and by the binding contract documents executed after the Notice of Award, to be purchased and maintained by the awarded Bidder, shall be obtained from surety or insurance companies that are duly licensed or authorized in the jurisdiction in which the work defined herein is to be performed.

4. WARRANTIES

The awarded Bidder shall assume that the City prefers all work (workmanship and materials) and/or items furnished to the City to be warrantied and shall furnish any and all applicable workmanship/material/product warranties to the City.

Bidders are required to respond 'As Specified' or 'Alternate' to the applicable warranty specification for the field(s) below when marked with an "x" or when otherwise required in this document; if no warranty specification is marked, or if the 'no warranty required' specification is marked, there is no warranty required in this IFB. *If Bidders response is 'Alternate', the Bidder is required to provide additional information for the City's review.*

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_X__The awarded Bidder shall warranty the work to be free from defects in material and workmanship for a minimum period of ___1 (one) year_____from the date of completion.
Bidder Response: ___As Specified ___Alternate (Bidder MUST provide more information)

__The awarded Bidder shall provide warranties to the City for the product(s) contained herein. The warranties shall cover the product(s) for a minimum period of _____year(s).
Bidder Response: ___As Specified ___Alternate (Bidder MUST provide more information)

__No warranty required.

5. LAWS AND REGULATIONS

The Bidder's attention is directed to the fact that all applicable Federal and State Laws, and the rules and regulations of all authorities having jurisdiction over the construction of the project or the purchase or sale of the item(s) shall apply to the contract throughout, and they will be deemed to be included herein and in any awarded contract the same as though herein written out in full.

6. ENOURAGEMENT FOR PARTICIPATION

Pursuant to Arkansas Code Annotated § 22-9-203, the City encourages all qualified small, minority owned, and women owned business enterprises to submit Bids for capital improvements. Encouragement is also made to all general(prime) contractors that in the event they subcontract portions of their work, consideration is given to the identified groups.

The City of Bentonville Purchasing Department encourages qualified small, minority and women owned businesses to participate and submit Bids for City projects/purchases.

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7. QUESTIONS/REQUESTS FOR INFORMATION (RFIs)/REQUESTS FOR CLARIFICATION (RFCs)/ADDENDA

All questions or requests related to this Invitation for Bid shall be directed solely to the Purchasing Department via written communication only, via one of the methods below. A copy of the question and the City's response will be distributed to all known document holders via an 'RFI (Request for Information) Response' or via Addenda (Addendum 1,2 etc.).

All questions should reference the IFB number when submitted

Submit Via Email: purchasing@bentonvillear.com

Submit Via Mail: City of Bentonville Administrative Service ATTN: Purchasing Office (solicitation number) 1000 SW 14th Street Bentonville, AR 72712

For Phone Calls: (479) 271-3115

The Purchasing Department will not respond to or otherwise acknowledge requests received after the deadline for submission of these requests stated herein. Questions requesting the Bid Opening date, Bid Bond requirement, and other details clearly outlined herein will not be included in RFI Responses or Addenda unless there are changes in the information after the Advertisement has published.

NOTE: No information communicated verbally or in any other form than a formal RFI Response or Addendum shall be considered firm or contractual; only information contained herein or otherwise in an RFI Response or Addendum shall be contractual.

Bidders are required to acknowledge any Addenda issued in their Bid Submission, per the requirements in the Addendum; Bidders are not required to acknowledge RFI Responses in their Bid Submissions.

8. EQUIVALENT ITEMS/REFERENCED SPECIFICATIONS

Whenever these specifications mention an item by name and use specific descriptions as reference thereto (such as model, part, brand names etc.), it is intended to convey to the Bidder an understanding of the standard of excellence required. Items that Bidders believe to be of equal type, quality, and size that will conform substantially to the standard of excellence established to provide equivalent merit, strength, durability, and to perform the required function in accordance with these specifications may be offered. Bids containing items proposed as equivalent (or alternate) shall clearly describe the equivalent (or alternate) article being offered and indicate how it differs from the City's original specification and how it conforms to the specification. Descriptive literature or manufacturer's specifications, in addition to any supplemental information necessary for comparison purposes should also be submitted with the Bid. It is the Bidder's responsibility to demonstrate to the City that a equivalent (or alternate)/substitute offer is equivalent to and meets the standard of quality indicated by the City's specifications. The City of Bentonville shall have the final approval of whether a substitute (or alternate) item is equal to the item specified. Submitting false claims that an item is 'as specified' when the item is an alternate or is otherwise not conforming to the specification shall be considered a lack of responsibility and the Bid from that Bidder may be rejected.

9. INDEMNIFICATION

Due to the City statutory tort Immunity, the City does not carry liability insurance for such claims. Accordingly, any contract entered into with the awarded Bidder may not include a clause in which the City agrees that it or its' officials or employees will indemnify the other party.

The awarded Bidder agrees to indemnify the City and hold it harmless against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the service or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

10. DAMAGES

Any damage occurring to City(public) or private property within the worksite area(s) or otherwise out of the awarded Bidders performance of this Contract shall be corrected at the awarded Bidder's expense.

The awarded Bidder shall be responsible for maintaining the job site and keeping it clean and orderly. Failure to maintain the cleanliness and orderliness of any job site in relation to this Invitation for Bid shall be considered a service failure, and may result in the City employing City forces for the purpose of job site cleanup and organization. Any costs the City incurs for the purpose of correcting the awarded Bidder's service failure will be deducted from the monies due to the awarded Bidder.

Any damages which occur during the performance of the services described herein shall be immediately communicated to the City's contact, or designated assignee and repaired at the awarded Bidder's expense.

11. PAST PERFORMANCE/REFERENCES/APPENDIX D

The City reserves the right to request references and to contact those references as part of the evaluation of Bids submitted to this Invitation for Bid. The City reserves the right to use the information gained from contacting references or from reviewing a Bidder's prior performance with the City in the evaluation of Bids, including but not limited to evaluating a Bidder's prior performance of the same or similar scope of work or delivery of items for the City or any other entity for whom the Bidder has performed work. The City reserves the right to request additional information from the apparent low Bidder if it is deemed to be in the City's best interest, and use that information in the evaluation for award based on what is in the City's best interest.

12. TOBACCO PRODUCTS AND LITTERING

The use of tobacco products is only permitted in designated areas marked with proper cigarette disposal containers on site. No disposal of tobacco products or littering of any kind shall be tolerated on the work premises or during performance of work for the City.

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13. Arkansas Freedom of Information Act (FOIA)

By submitting a Bid in response to this IFB, Bidder acknowledges and understands that the City is subject to the Arkansas Freedom of Information Act (FOIA) and City contracts and documents prepared while performing City work are subject to this Act. In the event that a FOIA request is presented to the City, the awarded Bidder agrees to do everything possible to provide any requested documents that they may be in possession of in a prompt and timely manner as prescribed in A.C.A. §25-19-101. Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

14. BIDDER'S DOCUMENTS

The only terms and conditions that will become part of the award/awarded Contract are those documents issued by the City as part of this IFB, or documents furnished by the awarded Bidder (such as a contract) that are in accordance with the terms and conditions contained in this IFB and approved for Mayor's signature by the City's Legal Department.

Bidder's inclusion of their terms and conditions or other types of documents containing terms and conditions regarding payment, invoicing, indemnification or any other type of term are not accepted based on inclusion in the Bid Submission and will not be acknowledged as conditions to the Bid.

Bidders are required to use ONLY the prescribed City forms in their Bid Submission unless Bidder has included additional information for the City's consideration of an 'equivalent'/'alternate' item (i.e. product data sheets etc. are acceptable).

[This space has been intentionally left blank]

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15. INVOICING

The awarded Bidder shall provide an invoice to the City for review and approval prior to payment. The City will not pay from any document other than an invoice (i.e. payments will not be processed based on contracts etc.).

The invoicing option(s) available to Bidders for this IFB are indicated below by an "x" mark in the option(s) available.

_X__Invoice upon 100% completion (As approved by the City)

_X__Progress invoicing (Payment will be made only for actual work completed and approved by the City and/or for materials stored on the City's worksite)

___Invoice upon delivery(Payment within 14 days)

___Invoice 14 days prior to delivery for payment upon delivery
(All product(s) or work must be approved by an authorized
City of Bentonville employee prior to payment being furnished.

Payment will not be made for incomplete work or for item(s) delivered out of spec (not as specified). Any return or correction shall be at the awarded Bidder's expense. The City reserves the right to cancel an order due to receiving out of spec item(s) or request a replacement, whatever is in the City's best interest.

Unless otherwise specified, invoices will be paid within fourteen (14) days of receipt of an approved invoice.

All invoices should be submitted to the City of Bentonville Accounts Payable Office, address and email below:

City of Bentonville Administrative Services
ATTN: Accounts Payable
1000 SW 14th ST
Bentonville, AR 72712
accountspayable@bentonvillear.com

16. BIDDER REQUESTED PAYMENT TERMS

Bidders must use the space provided below to communicate their requested payment terms. Requests are not guaranteed for approval.

_X_NET 30 Days from Invoice Submission ___NET 60 Days from Invoice Submission __Other (Specify Below)

_____

_____

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17. PRE-BID MEETING

There will be a mandatory pre-Bid meeting when indicated by an "x" mark in one of the fields below or when otherwise indicated in this IFB document.

__Mandatory Pre-Bid Meeting (Bidder must attend to be eligible to submit a Bid)

__In Person __Zoom or Other Virtual Method

__Optional Pre-Bid Meeting (Bidder attendance is highly encouraged but not required)

__In Person __Zoom or Other Virtual Method

_X_No Pre-Bid Meeting (There is no pre-Bid meeting scheduled for this IFB)

18. TERM

The Section with an "x" mark below shall apply to this Invitation for Bid.

_X_Contract Term (for services, construction projects etc.)

The awarded Bidder will be required to enter into a binding Contract with the City of Bentonville, for the services listed herein. The term of the awarded Contract shall be six (6) months. Bidders shall note that the Contract Term is separate from the required days to complete work.

__Single Purchase (for an item(s) ordered at one time)

The awarded Bidder will receive a single Purchase Order from the City of Bentonville for the one-time purchase and delivery of _____. The terms and conditions of the Purchase Order shall be in accordance with this IFB document, all Appendixes attached hereto and any Addenda issued throughout the solicitation.

A. Delivery shall be made in accordance with the City's delivery date/time specified herein or otherwise accepted (if alternate delivery dates/times are requested by the Bidder and accepted by the City in the form of award of the Bid or other written agreement).

__Multiple Purchase/Pricing Agreement (for items ordered at various times)

The awarded Bidder will receive Purchase Orders from the City of Bentonville for the purchase and delivery of the quantities specified in the Purchase Order.

A. Deliveries must be made to the specified City of Bentonville location within _____ from receipt of the City's Purchase Order unless otherwise indicated herein and accepted by the City.

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19. SUBCONTRACTORS

If Bidder intends to subcontract portions of the work, the work being subcontracted and the subcontractor being proposed to perform the work must be disclosed in the Bidder's Bid Submission. The City reserves the right to apply all Bid evaluation factors to any proposed subcontractors and to use that information to determine the qualifications of a subcontractor and their suitability to perform the work to the City's specifications/standards.

Bidders must be knowledgeable of and comply with all state, local and federal laws concerning subcontractors performing work for municipal (governmental) projects.

In the event that Bidder intends to subcontract portions of the work, Bidder is required to complete the 'Subcontractor Disclosure' Section of this IFB document.

SUBCONTRACTOR LICENSING IN THE STATE OF ARKANSAS

Subcontractors who submit proposals in excess of $50,000.00 must have a current Arkansas State Contractor's License.

a. As a condition to performing construction work for and in the State of Arkansas, all prime contractors shall use no other subcontractors when the subcontractors' portion of the project is Fifty Thousand Dollars ($50,000.00) or more, except those licensed by the Contractors Licensing Board and qualified in:
    1. Mechanical, indicative of heating, air-conditioning, ventilation, and refrigeration;
    2. Plumbing;
    3. Electrical, indicative of wiring and illuminating fixtures; and

b. In the event the prime contractor is qualified and licensed by the Contractors Licensing Board, he may use his own forces to perform those tasks listed in this section as subcontractors in one (1) or more of the trades listed.

2. The prime contractor shall place the names of each subcontractor in a blank space to be provided following the Pricing Sheet of this bid. It shall be mandatory that the a) mechanical, b) plumbing, and c) electrical subcontractors named on the Form of Proposal by the prime contractor awarded a contract under the provision of this Act be given contracts by the prime contractor in keeping with their proposals to perform the items for which they were named. **If the prime contractor is performing the work for the trade listed, they must list their own company in the space provided.**

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SECTION 3: SCOPE OF WORK & DELIVERY

BIDDERS: THIS SECTION CONTAINS REQUIRED RESPONSE FIELDS

1. SCOPE OF WORK

The awarded Bidder shall furnish all labor, materials, equipment, tools, supervision, insurance, and all other necessary components indicative of the type of work or supply of item(s) or services specified herein and as required to perform the work to 100% completion and/or to deliver all item(s) and/or services to the City as specified.

The Project consists of repairing the damaged apron/trail at the downstream end of the existing box culvert and the repair of the damaged abutment for the trail bridge at the intersection of the Applegate Trail and SW 2nd Street. The Project is located within Bentonville City limits.

The work shall include, but is not limited to the complete repair of the concrete trail, installation of concrete wingwall, and installation of riprap to protect eroded slope. The awarded contractor shall complete the work to 100% completion.

Bidders are responsible for visiting the site, becoming familiar with the work area(s) and field verifying measurements prior to submitting a Bid for the work.

All work shall be performed in accordance with the Construction Documents/Plans included herein as EXHIBIT A.

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2. DELIVERY

The City of Bentonville requests (specifies) the below completion and or delivery date(s) as indicated by an "x" mark in the applicable field. **If the requested (specified) schedule cannot be met, Bidder must specify the date(s)/schedule that Bidder is able to commit to in the fields provided. Failure to state a date/schedule obligates the Bidder to perform the work or delivery the item(s) or services and complete services within the City's requested timeline.** Alternate or extended delivery dates may be considered when in the best interest of the City.

Estimated Award Date (not guaranteed, subject to change): _____September 14, 2021_____

Delivery/Work-Site Address:__Intersection of the Applegate Trail and SW 2nd Street in Bentonville, AR. _____

*Bidders note that a change in the estimated award date will not release Bidder from the specified delivery date(s).

_X__Construction/Project Specified Date(s): Work Beginning and Completion

City's Specification:

Work Beginning: The City request that work begin on within 14 day(s) from Notice of Award.

Substantial Completion: The City requests that substantial completion be reached within 60 day(s) from the date work begins.

100% Completion: The City requests that the project be 100% complete within 60 day(s) from the date work begins.

_____

Bidder Response: X **AS SPECIFIED** __ **ALTERNATE DATES REQUESTED** *(REQUIRES COMPLETION OF FIELDS BELOW)*

Alternate Dates Requested: (REQUIRED RESPONSE IF 'ALTERNATE DATES REQUESTED' IS MARKED ABOVE)

Work Beginning: Work will begin within_____days from the Notice of Award.

Substantial Completion: Substantial completion wil be reached within _____day(s) from work beginning.

100% Completion: 100% completion will be reached within ____day(s) from work beginning.

___Reoccurring Service Specified Date(s)

City's Specification:

Work shall begin on or before _____, 2021 or within _____day(s) from Notice of Award and shall be performed as specified thereafter as directed by the City.

_____

Bidder Response: X **AS SPECIFIED** __ **ALTERNATE DATES REQUESTED** *(REQUIRES COMPLETION OF FIELDS BELOW)*

Alternate Dates Requested: (REQUIRED RESPONSE IF 'ALTERNATE DATES REQUESTED' IS MARKED ABOVE)

Work shall begin on or before _____, 2021 or within _____day(s) from Notice of Award and shall be performed as specified thereafter as directed by the City.

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___Reoccurring Order Item(s) Delivery Specified Date(s)

City's Specification:

First Order: Delivery on or before _____,2021 or within _____day(s) from Notice of Award.

Subsequent Orders: Delivery within _____week(s) from receipt of the City's Purchase Order.

_____

Bidder Response: X **AS SPECIFIED** __ **ALTERNATE DATES REQUESTED** *(REQUIRES COMPLETION OF FIELDS BELOW)*

Alternate Dates Requested: (REQUIRED RESPONSE IF 'ALTERNATE DATES REQUESTED' IS MARKED ABOVE)

First Order: Delivery on or before _____,2021 or within _____day(s) from Notice of Award.

Subsequent Orders: Delivery within _____week(s) from receipt of the City's Purchase Order.

___One-Time Order Item(s) Delivery Specified Date(s)

City's Specification:

One-Time Order: All item(s) shall be delivered on or before _____,2021 or within ____day(s) from Notice of Award.

_____

Bidder Response: X **AS SPECIFIED** __ **ALTERNATE DATES REQUESTED** *(REQUIRES COMPLETION OF FIELDS BELOW)*

Alternate Dates Requested: (REQUIRED RESPONSE IF 'ALTERNATE DATES REQUESTED' IS MARKED ABOVE)

One-Time Order: All item(s) shall be delivered on or before _____,2021 or within ____day(s) from Notice of Award.

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SECTION 4: SPECIFICATIONS

BIDDERS: THIS SECTION CONTAINS REQUIRED RESPONSE FIELDS

- **AS SPECIFIED:** Bidder must indicate, "AS SPECIFIED", by placing an "X" in the designated space ('As Specified') provided.
- **EQUIVALENT:** Bidders must indicate (and describe) any item being offered to the City that does not fully conform to the City's specification but is being offered to the city as being an "EQUIVALENT" (including alternate or substitute)" to the City's specifications. It is the responsibility of Bidders to demonstrate and provide clear evidence of the item's equivalency to the City's specification. The City shall have the final determination as to whether an item is equivalent and meets the City's needs.

The specifications in this Section do not necessarily include all specifications and/or requirements for this IFB. Bidder is responsible for the complete review of this IFB document and all appendixes, any issued clarifications, addenda, or any other document released by the City related to this IFB and for familiarizing themselves with the work to be performed and/or products to be supplied prior to submitting a bid to ensure accurate pricing.

1. GENERAL SPECIFICATIONS			
SPECIFICATION LINE NUMBER	**SPECIFICATION DESCRIPTION**	**BIDDER INDICATE IN THIS COLUMN IF 'AS SPECIFIED'**	**BIDDER INDICATE IN THIS COLUMN IF 'EQUIVALENT'**
1	Bidder has examined this entire Bid Packet, including all attached appendices and agrees to perform the work and provide the materials as specified.	X	
2	The awarded Bidder shall follow all federal, state and local safety regulations	X	
3	Bidder is qualified and capable of performing the work, AS SPECIFIED in the Scope of Work section of this IFB document.	X	
4	The awarded Bidder and crew shall meet with the City's designated contact(s) prior to beginning services to review the Scope of Work, measurements and plans.	X	
5	The awarded Bidder shall coordinate progress meetings with the City's designated contact(s)to review progress and details while services are being performed.	X	
6	The awarded Bidder shall be responsible for furnishing all materials and labor required to perform the services described herein.	X	
7	The awarded Bidder understands that the Plan Set (Appendix A) contains all Specifications for work, materials and products. Work shall be completed, as specified, according to this Bid Document and all attached Appendixes.	X	

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2. WARRANTIES (REQUIRED REPONSE)

Bidder shall indicate warranties of the workmanship and material below.

Product Warranties:

Bidder shall furnish any and all product warranties available to the City upon the completion of the work.

X Agree (As Specified) ___Disagree (required to include reasoning below, "no applicable warranties" is an acceptable response)

Reasoning:_____

_____

Workmanship Warranty:

Bidder warrants that the workmanship and material shall be free from defect for a period of 1 years upon the completion of the work.

Details:_____

_____

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SECTION 5: BIDDER ACKNOWLEDGEMENTS

Bidders are required to verify that the following required documents and bonds have been included with their Bid submission or will be furnished when due.

Description	Bidder's Initials
Invitation for Bid document, executed with all fields complete and thoroughly reviewed.	DT
Proof of insurance, or the ability maintain, as defined herein.	DT
5% Bid Guarantee, as specified herein. (Only applicable when required in this IFB document)	DT
APPENDIX B: SUBCONTRACTOR DISCLOSURE completed, if applicable	DT
APPENDIX C: NON-COLLUSION AFFIDAVIT (notarized) & VENDOR DISCLOSURE	DT
APPENDIX D: BIDDER QUALIFICATIONS completed.	DT
Addenda: Bidders are required to acknowledge all addenda issued for this IFB. Bidders may acknowledge issued addenda either by inclusion in their Bid Submission or by noting the Addendum Number and Date of Issuance below in the fields provided. **ADDENDUM NUMBER** / **DATE OF ISSUANCE** N/A _____ / _____ _____ / _____ _____ / _____ _____ / _____	DT
Performance & Payment Bonds in an amount at least equal to the Total Unit Price Bid (only applicable wen required in this IFB document). ***(Due at Contract Signing)***	DT
Insurance Certificate, as required and as specified, naming the City of Bentonville as additionally insured. ***(Due at Contract signing)*** Bidder's should use the following address for the City of Bentonville: City of Bentonville, Arkansas 305 SW A Street Bentonville, Arkansas 72712	DT

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SECTION 6: BID PRICING

Bidder, having examined this Invitation for Bid document in its entirety and having performed a thorough examination of the work site(s) and/or product specifications hereby agrees to furnish all labor, products, materials, equipment, staging, transportation, and supervision of such, and all other components to produce 100% completion of the project in accordance with the specifications contained herein and as are industry standard and best practice when performing the type of work described herein.

Bid prices shall include all costs, **including but not limited to: tax,** all labor, products material, equipment, disposal fees, transportation, staging, mobilization, overhead, profit, insurance, shipping and handling and all other costs to the City of Bentonville, Arkansas to cover the finished work and/or delivered products.

The City of Bentonville is NOT exempt from sales tax. The City of Bentonville Sales Tax is 9.5%.

AWARD OF THIS INVITATION FOR BID WILL BE BASED ON (applicable award method marked with an "x"):

_X__Total Bid Price: The award will be based on the lowest and most responsible Total Bid Price with all factors considered. The Total Unit Price Bid shall be written in words and in figures. In case of discrepancy between the written amount and the figures, the written amount shall govern. In case of discrepancy between the Unit Price and the Extended Price, the Unit Price shall govern. The Total Bid Price is used for comparison purposes only; final payments will be based on actual work performed and materials supplied. If the required quantities of the items listed are increased or decreased by change order, the unit prices set forth shall apply to such quantities.

___Per Line Item: The award will be based on the lowest and most responsible Unit Price per Line Item with all factors considered.

___Based on Final Quantities: The award will be based on the lowest and most responsible total estimated cost using the unit prices multiplied by the City's final estimated quantities. The calculations used to determine the lowest and most responsible total estimated cost will be available upon issuance of the Bid Tabulation.

Deductive Alternates apply when indicated by an "x" in the fields below
___Deductive Alternates Included _X__Deductive Alternates not Included in this IFB

The City reserves the right to award the project in any manner that is deemed in its best interest, or to reject any or all Bids and to waive any irregularities.

No Bid shall be withdrawn for a period of ninety (90) days after the opening of Bids without the consent of the City; 90 days shall be allowed to the City in which to determine the manner in which to award or not award the Contract.

Unit of Measure Definitions:

LS – Lump Sum **EA** – Each **SF**- Square Foot **BX** – Box **SY**- Square Yard **CY**- Cubic Yards

THE BID FORM IS LOCATED ON THE FOLLOWING PAGE

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

BID FORM

Line Item	Description	Estimated Quantity	Unit of Measurement	Unit Price	Extended Price
1	Mobilization and Staking	1	LS	4,950.00	4,950.00
2	Erosion Control	1	LS	4,500.00	4,500.00
3	Demolition and Haul Off	2,000	SF	5.00	10,000.00
4	Earth Work	50	CY	155.00	7,750.00
5	Select Fill	90	CY	58.00	5,220.00
6	Class 7 Base	40	CY	120.00	4,800.00
7	Concrete Trail	1,220	SF	23.50	28,670.00
8	Concrete Retaining Wall	48	SF	230.00	11,040.00
9	Pavement Markings & Signage	1	LS	2,000.00	2,000.00
10	Sod & Landscape	1	LS	5,100.00	5,100.00
11	Rip Rap	60	CY	220.00	13,200.00
12	Adjust Existing Storm Pipe & FES.	20	LF	80.00	1,600.00
13	Misc. Fence Repair	1	LS	1,000.00	1,000.00
Total Base Bid (In Numbers):		99,830.00			
Total Base Bid (In Words):		NINETY NINE THOUSAND EIGHT HUNDRED THIRTY & NO CENTS			

BIDDER DECLARATION

The Undersigned hereby declares that he has carefully examined the Invitation, Scope of Work, Specifications and all other information related to the performance of the work or delivery of materials or items as described herein, has visited the actual location of the work (when applicable), has consulted his sources of supply, has satisfied himself as to all quantities and conditions, and understands that in signing this proposal, he waives all right to pleas of any misunderstanding regarding the same.

Company Name: Crossland Heavy Contractors, Inc. By (Authorized Person's Signature) [redacted]

Printed Name and Title: Dan Thompson, Vice President

Date: 8/25/2021

*If Bidder is a corporation, indicate state of incorporation, under the Firm's Signature, and if a partnership, give full names of all partners.

Arkansas State Contractor's License Number (only include when required in this IFB): 0067301121

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
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SECTION 7: INVITATION FOR BID ADDITIONAL TERMS & CONDITIONS/INSTRUCTIONS TO BIDDERS

1. **SCOPE:** These instructions and conditions shall be in force unless otherwise modified by the City in this Bid Document. Bidders shall be advised that the City of Bentonville is not responsible for the content of any Bid package received through any 3rd party Bid service. It is the sole responsibility of the vendor to ensure the completeness of the documents received from any 3rd party source.

2. **DEFINITIONS (AS USED HEREIN):**
   a. The term "Invitation For Bid" means a solicitation for formal , competitive sealed Bids. The acronym "IFB" means Invitation for Bid. "Solicitation" may also be used throughout to refer to the Invitation for Bid.
   b. The term "Bid" means the offer by the Bidder.
   c. The term "Bidder" means the person or organization responding to the Invitation for Bid.
   d. The term "Contractor" means a person or organization who is the successful Bidder and who enters into a contract with the City.
      *At times in this document the terms Bidder and Contractor are interchangeable.
   e. The term "Change Order" means a written order from or approved by the Purchasing Department directing the Contractor to make changes to a Contract.
   f. The term "City" means the City of Bentonville, Arkansas.
   g. The term "City Council" means the governing body of the City of Bentonville, Arkansas.

3. **PREPARATION OF BIDS:** Bidders shall review the specifications, drawings, and all special and general conditions and any other documents included as part of this Invitation for Bid. Bidders are responsible for field verifying to work or other means of familiarizing themselves with the Scope of Work of this Invitation for Bid. Failure to do so will be at the Bidder's risk.

   Each Bidder shall furnish the information required in the solicitation. The Bidder shall provide their name, address, e-mail address, and telephone number where indicated in the solicitation documents. All signatures must be by an officer or employee having the authority to bind the company or organization by his/her signature and included with the Bid response.

   Unit price for each unit offered must be provided. The unit price will be presumed correct.

   The Bidder must state a definite time for delivery of supplies or performance of services; in cases where the Bidder does not state a definite time, the City's specified timeline shall apply.

   Multiple Bids: Bidders are prohibited from submitting multiple Bids for the same product in response to a competitive sealed Bid solicitation. In the event that a Bidder submits multiple Bids for the same product, all Bids from that Bidder will be rejected
   Exception for Different Models: In the event that the Bidder believes they have multiple different models or products (such as equivalent items) that meet the City's specifications, the Bidder may submit multiple Bids in response to a competitive sealed Bid solicitation as long as the following requirements are met:
   (1) The Bids are submitted in separate sealed envelopes;
   (2) The products being proposed in each submission are different makes, models or otherwise types of products.

4. **SUBMITTING A BID:** Bids must be received by the City of Bentonville Purchasing Department **BEFORE** the time of opening indicated in the solicitation. All references to time shall be Bentonville, Arkansas time (Central Time Zone). Late Bids will be rejected without exception. Any exceptions or additional information required on a solicitation will

be noted in the Bid documents or issued via clarification or Addendum. Failure to provide any requested information or to follow these procedures may result in the rejection of your Bid.

5. **BID DOCUMENT MISTAKES:** The Bidder shall not be allowed to modify or correct mistakes in the Bid document after the opening of the Bid, unless the mistake is determined to be non-judgmental by the Purchasing Manager. Failure to complete the entire Bid accurately may result in declaring the Bid as non-responsive and the Bid may be rejected.

   Bids may be withdrawn by the Bidder after submission for revisions or modifications at any time prior to the deadline for receipt of Bids (or Bid opening). Any such request for withdraw must be in writing either by email or other acceptable electronic manner as outlined in the Bidding documents, hand delivered or mailed communication. After Bids are opened, they shall be irrevocable for the period specified in the Bid documents, unless a nonjudgmental mistake (such as a math error), as determined by the Purchasing Manager, is suspected by the Purchasing Manager or the Bidder, or unless Bidder is permitted to withdraw their Bid pursuant to Arkansas State Law. If a nonjudgmental mistake is suspected, such as a math error, the Bidder shall submit a written request to the Purchasing Department requesting either to withdraw their Bid submission or to correct the nonjudgmental mistake. In the event that the City becomes aware of the mistake prior to the Bidder, the Bidder shall respond within two (2) days of receiving notification of the discovery with a written request to the Purchasing Department to verify a correction or requesting to withdraw their Bid. Any such request for withdraw or correction must be in writing either by email (or other acceptable electronic manner as outlined in the Bidding documents), hand delivered or mailed communication. Once a Bid has been verified, it shall be considered submitted, as verified.
   (1) In the event of discrepancy between a unit price and an extended price, the unit price shall govern.
   (2) At no point shall a correction of a mistake result in reduction or increase of a Bidder's unit price(s). If correction of the mistake would result in either an increase or decrease in the unit price, the Bid shall be considered nonresponsive and shall be rejected.

   The City shall permit a Bidder to withdraw its Bid without penalty or forfeiture of Bid security if: (a) a nonjudgmental mistake is evidence on the face of the Bid, or (b) the Bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.

6. **ACCEPTANCE OF OFFER:** The submitted Bid is considered an offer on the part of the Bidder; such offer is deemed accepted upon issuance by the City of a Purchase Order, Notice of Award, Contract or other contractual or otherwise binding document.

   Bidder's accept all terms and conditions herein upon submission of their signed Bid.

7. **FIRM PRICES:** By submitting the Bid, Bidder signifies that the prices, terms and conditions quoted in their Bid will be firm for acceptance for a period of not less than ninety (90) days from the Bid opening date unless otherwise specified in the solicitation. Prices quoted must remain firm for the period of performance of any resulting purchase order or contract to be performed over a specified period of time as indicated in the solicitation.

   UNIT PRICES: Unit prices and all other pricing shall be rounded to the nearest cent. In the event of discrepancy between the unit price and the extended price, the unit price shall govern. At no point shall a correction of a mistake result in reduction or increase of a Bidder's unit price(s). If correction of the mistake would result in either an increase or decrease in the unit price, the Bid shall be considered nonresponsive and shall be rejected.

8. **CONTRACT RENEWAL:** The City reserves the right to renew any contract resulting from this solicitation at the same prices, specifications, terms and conditions, upon mutual agreement between the City and the contractor.

9. **ESTIMATED QUANTITIES**: Whenever a Bid requests prices to be firm for a period of performance, the quantities or usages shown are estimated only with no guarantee made by the City. The quantities are for the Bidder's information only, and the City will be bound only for actual quantities ordered.

10. **DISCOUNTS**: Cash discounts will be considered in determining the award. Unless otherwise indicated in the IFB, discounts offering 10 days or more will be taken by the City's Accounts Payable Division, with payment made on the nearest pay period after receipt, inspection and acceptance of articles, and receipt of correct invoice(s).

11. **SAMPLES**: Samples of items, when required, must be submitted within the time specified at no expense to the City. If not destroyed by testing, samples may be returned at the Bidder's expense unless otherwise indicated in the solicitation.

12. **AWARD**: Award will be made to the lowest most responsive and responsible Bidder, which will be judged on the basis of price, conformance to specifications, quality, delivery time, references, past performance, payment terms, and in the best interest of the City of Bentonville, all factors being considered.

    The City reserves the right to accept or reject any or all Bids or part of Bids, to waive irregularities and technicalities, and to request rebids on the material described in the solicitation for any reason.

    The Purchasing Manager has the authority to cancel award of a solicitation if, in their discretion and the City Department's (over the project) discretion, Bids received do not meet the City's needs or for any other reason where award would not be in the City's best interest.

    The City reserves the right to award the contract on a split-order basis, lump-sum or individual-item basis, or any other combination that is in the best interest of the City unless otherwise specified herein.

    Conditional Bids are not acceptable and are subject to rejection in whole or in part at the sole discretion of the City.

    In the event of two or more identical low Bids, award will be made to the lowest and most responsible and responsive Bidders as determined by the City through the Bid evaluation process.

    No order or contract resulting from this solicitation may be assigned, transferred, or delegated to another party without the written approval of the Purchasing Manager and Finance Director.

13. **BRAND NAMES:** If brand names, make, name of any manufacturer, trade name, or vendor catalog number are specified in these Bid documents, it is for the purpose of establishing a grade or quality of material only. When the City does not wish to rule out other brands or makes, the phrase OR EQUAL (OR EQUIVALENT, OR ALTERNATE) is added. However, if a product other than that specified is Bid, it is the Bidder's responsibility to identify such product in their Bid and prove to the City that the product is equal to or better than the product specified. Unless otherwise indicated, evidence in the form of samples may be requested if the proposed brand is other than that specified by the City. Such samples are to be furnished as specified in the solicitation or upon request of the City. Any samples requested by the City must be received by the City no later than four (4) days after formal request is made. The decision to accept a proposed item is solely the City's.

14. **VARIATIONS OF SPECIFICATIONS**: For purposes of evaluation, Bidder must indicate any variances from any provision, specification, or condition stated in this solicitation, no matter how slight. If Bidder does not indicate any variations, it will be assumed that the product or service fully complies with the provisions, specifications, or conditions as stated. If the City determines that variances exist in the specification which the Bidder did not indicate (or falsely represented a lack of variances), the City reserves the right to declare the Bid non-responsive and reject the Bid from that Bidder.

If satisfactory Bids are not received for the City's specifications, the City reserves the right to consider alternate Bids containing deviations from stated specifications.

15. **QUALITY:** Unless otherwise identified in the solicitation, all materials used in the manufacture or construction of supplies, materials or equipment covered by this solicitation shall be new. The items Bid must be the latest make or model in current production, as offered to commercial trade, and of the highest quality material and workmanship. Used, shopworn, demonstrator, prototype, or discontinued models are not acceptable.

16. **ECO-FRIENDLY (GREEN) PRODUCTS:** The City of Bentonville supports the use of products that are ecologically friendly to the environment. Bidders are urged to include information with their Bid that describes the human health and environmental impact of products proposed. This eco-friendly approach takes into account, but is not limited to, waste production, energy and water use, greenhouse gas emissions, indoor air quality, recycled and reused content and packaging, and the presences of hazardous substances. Consideration may be given to these eco-friendly products when compared to mainstream products in cost and packaging.

17. **MATERIAL SAFETY DATA SHEET (MSDS):** It is mandatory for a manufacturer, supplier, or distributor of hazardous material to supply an MSDS as required by 29CFR 1910.1200 with the first shipment. Any time the content of an MSDS is revised, the vendor is required to provide a new MSDS to the City.

18. **ACCEPTANCE OF MATERIAL**: The material delivered under this Bid shall remain the property of the seller until a physical inspection and actual usage of this material and/or service is made and is accepted by the City. It must comply with the terms of this IFB, and fully comply with specifications, and be of the highest quality. In the event the material and/or services supplied to the City is found to be defective or does not conform to specifications, the City reserves the right to cancel the order upon written notice to the contractor and return product to contractor at the contractor's expense. In the event that the City does not cancel the order but requests Bidder to bring the item(s), material(s) or service(s) to specification (correct the items), the corrections must be made at the awarded Bidder's expense and responsibility and must be completed within a timely manner as indicated by the City. If Bidder attempts to correct the item, material or service but fails to do so, or fails to do so in a timely manner, the City may elect to cancel the order at the awarded Bidder's expense.

19. **CODES AND REGULATIONS:** All products supplied and work performed within the scope of this request shall be supplied by the successful Bidder to all applicable current prevailing City, State and Federal codes and regulations.

20. **DELIVERY:** Bidders must complete the Delivery Section of this IFB. Delivery time may be considered in making an award. The City reserves the right to cancel any order, or any part of that order, without obligation if delivery is not made within the time(s) specified on in this IFB.

    The City may grant additional time for delivery if the City is satisfied the delay is beyond the control of the awarded Bidder. Any request for time extension must be in writing and approved by the City's authorized representative.

    All deliveries shall be FOB Destination to the location listed on the purchase order , contract, other approved form or as specified in this IFB unless otherwise specified by the City. Bidders may be requested to provide separate pricing for delivery of all items in this solicitation.

21. **THIRD PARTY FREIGHT SERVICE:** The City of Bentonville may, at its discretion, use a third party freight service to arrange for delivery of the goods ordered as a result of this solicitation. In this case, the freight terms will be FOB Destination/Third Party Prepaid.

22. **PRICE CHANGES ON CONTRACTS**: If this solicitation is for an estimated quantity of supplies, consideration in awarding Bid for yearly contracts will be given:
    - First to Bidder offering firm prices for full contract period; and
    - Second to Bidder offering firm prices subject to market price adjustment.

23. **COPYRIGHT OR PATENT RIGHTS**: By submitting the Bid, Bidder signifies that there has been no violation of copyrights or patent rights in manufacturing, producing or selling the goods shipped or ordered as a result of the Bid, and Bidder agrees to hold the City harmless from any and all liability, loss, or expense caused by any such violation.

24. **CONFLICT OF INTEREST**: The contractor, by signing the Bid form in the solicitation or by acceptance of any purchase order resulting from this solicitation, certifies that to the best of their knowledge or belief, no elected or appointed official of the City is financially interested, directly or indirectly, in the purchase of the goods or services specified on this order or in the contract.

25. **TAXES**: The City of Bentonville is not tax exempt from any taxes imposed by the State and/or Federal Government. Applicable taxes should be included on all bids.

    The City of Bentonville sales tax rate is 9.5%; all products shall be delivered to the City of Bentonville or work shall be performed within City limits.

    It is the responsibility of the Bidder to include sales tax in their Bid when applicable regardless of the Bidder's ability to remit sales tax to the State of Arkansas. In no event should applicable taxes cause the City to pay more than the submitted Bid price.

26. **MANUFACTURER'S CERTIFICATION:** The City reserves the right to request from Bidders a separate manufacturer certification of all statements made in the Bid. Failure to provide any requested certification may result in rejection of Bid or termination of contract for which the Bidder must bear full liability.

27. **TERMINATION:** Subject to the following provisions, any contract resulting from this solicitation may be terminated by either party upon thirty (30) days advance written notice to the other party; but if any work or service is in progress but not completed as of the date of termination, then said contract may be extended upon written approval of the City until said work or services are completed and accepted. Types of termination include, but are not limited to:

    1. Termination for Convenience
       In the event that the contract is terminated or cancelled upon request and for the convenience of the City, without the required thirty (30) days advance written notice, then the City shall negotiate reasonable termination costs, if applicable.

    2. Termination for Cause
       Termination by the City for cause, default or negligence on the part of the contractor shall be excluded from the foregoing provision; termination costs, if any, shall not apply. The thirty (30) days advance notice requirement is waived in the event of termination for cause.

    3. Termination Due to Unavailability of Funds
       When funds are not appropriated or otherwise made available to support continuation of performance, the contract shall be cancelled at the discretion of the City and without penalty to the City.

28. **W-9 REQUIREMENT:** The City of Bentonville requires a Form W-9 (Request for Taxpayer Identification Number and Certification), updated annually, from all contractors that do business with the City of Bentonville. The Form W-9

verifies the Tax Identification Number of the contractor so the City can correctly report to the IRS all funds paid to the contractor.

29. **DEFAULT OF CONTRACT:** In case of default by the contractor, the City may procure the items or services from other sources and hold the contractor responsible for any excess costs caused by such procurement. Failure of a Bidder to furnish the equipment, supplies, material, and/or services as specified is cause for elimination of the Bidder from the active Bidder's list for the products or services concerned.

30. **BID BOND:** If required in this solicitation, Bidders shall include a Bid guarantee in the form of a Bid bond, certified check, cashier's check in the amount of five percent (5%) of the base Bid, payable without condition to the City of Bentonville. Personal or company checks are not acceptable The Bid bond shall be accompanied by a power of attorney showing the authority of the person executing the bond on behalf of the surety company and shall adhere any other requirements regarding Bid Bonds as set forth in this IFB document. Failure to include a Bid bond or Bid guarantee with your Bid submission when required will result in automatic rejection of the Bid. Bid guarantees (submitted by certified or cashier's checks) will be returned to unsuccessful Bidders when the successful Bidder is determined and the contract is executed.

31. **PERFORMANCE & PAYMENT BOND:** At the discretion of the City, a performance bond may be required under the contract resulting from this solicitation. Such bond must be of a type and amount suitable for the nature of the commodity or services purchased and for the full dollar amount of the contract as indicated in this solicitation. The performance bond shall be for the duration of the contract, guaranteeing the faithful performance of the contract and payment of all of Contractor's subcontractors and/or vendors, and otherwise conditioned as required by law. The Performance and Payment Bonds shall be accompanied by a power of attorney showing the authority of the person executing the bond on behalf of the surety company and shall conform to all other requirements for these bonds as specified in this IFB document. Bond forms must be executed with a surety company licensed to do business in the State of Arkansas. The cost of the bond shall be included in the Bidder's offer; at no time will the City be liable for the costs associated with a Performance and/or Payment Bond.

32. **MODIFICATIONS FOR CHANGES**: No agreement or understanding to modify this solicitation and resultant purchase orders or contract shall be binding upon the City unless made in writing by the Purchasing Department of the City of Bentonville.

33. **ORDER OF PRECEDENCE:** In the event of an inconsistency between provisions of the solicitation, the inconsistency will be resolved in the following order: (a) the IFB document; (b) Additional Terms and Conditions and Instructions to Bidders ; (c) special provisions; (d) other provisions of the contract, whether incorporated by reference or otherwise; and, (e) the specifications.

34. **WARRANTY:** Supplies or services furnished as a result of this solicitation shall be covered by the most favorable commercial warranties, expressed or implied, that the Bidder and/or manufacturer gives to any customer. The rights and remedies provided herein are in addition to and do not limit any rights afforded to the City by any other clause of this Bid. The City reserves the right to request from Bidders a separate manufacturer certification of all statements made in the Bid.

35. **PAYMENT**: Payment for materials or services received under this contract will be made upon completion of delivery for each purchase order and submission of invoice to the Accounts Payable Department, 1000 SW 14th Street, Bentonville, AR 72712. Normal payment terms are payment via check within fourteen days from receipt of invoice.

38. **GOVERNING LAW:** Any agreement resulting from this solicitation shall be interpreted under and governed by the laws of the State of Arkansas.

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39. **ESCALATION/DE-ESCALATION CLAUSE**: In the event prevailing market conditions warrant an adjustment in contract pricing, the following escalation/de-escalation clause shall be the only clause acceptable to the City:

    1. Contractor shall give written notice to the Purchasing Department of any proposed changes from contract prices not less than fifteen (15) calendar days prior to the effective date of price changes.
    2. Such notice must be accompanied by a copy of the supplier's notification to the contractor of a justifiable price change.
    3. No price escalation will be authorized in excess of the amount of the increase indicated on the supplier's notice.
    4. The approved price change shall be honored for all orders received by the contractor after the effective date of such price change.
    5. Approved price changes are not applicable to orders already issued and in process at time of price change.
    6. The City reserves the right to audit and/or examine any pertinent books, documents, papers, records, or invoice relating directly to the price increase after reasonable notice and during normal business hours.
    7. The Purchasing Department retains the right to determine whether or not such proposed price changes are in the best interests of the City.
    8. If in the opinion of the Procurement Department any proposed increase is found unacceptable, the Purchasing Department reserves the right to cancel the contract upon fifteen (15) calendar days' written notice.
    9. Contractors must tie any price change clause to an industry-wide or otherwise nationally recognized index or some other form of verifiable document. Contractor will put the Procurement Department on the mailing lists for such publications so the Purchasing Department can monitor said changes. Such membership will be at no cost to the City.
    10. If parties to the contract cannot agree on renewal terms, it is understood that the contract will be cancelled and a new contract will be solicited.

40. **ADDITIONAL INFORMATION**: Additional information may be obtained from the Purchasing Department at (479) 271-3115.

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APPENDIX B

SUBCONTRACTOR DISCLOSURE

SUBCONTRACTOR DISCLOSURE

Pursuant to Arkansas State Law, subcontractors who submit proposals in excess of $50,000.00 must have a valid, current Arkansas State Contractor's License.

a. As a condition to performing construction work for and in the State of Arkansas, all prime contractors shall use no other subcontractors when the subcontractors' portion of the project is Fifty Thousand Dollars ($50,000.00) or more, except those licensed by the Contractors Licensing Board and qualified in:
    1. Mechanical, indicative of heating, air-conditioning, ventilation, and refrigeration;
    2. Plumbing;
    3. Electrical, indicative of wiring and illuminating fixtures; and

b. In the event the prime contractor is qualified and licensed by the Contractors Licensing Board, he may use his own forces to perform those tasks listed in this section as subcontractors in one (1) or more of the trades listed.

2. The prime contractor shall place the names of each subcontractor in a blank space to be provided below. It shall be mandatory that the a) mechanical, b) plumbing, and c) electrical subcontractors named herein by the prime contractor awarded a contract under the provision of this act be given contracts by the prime contractor in keeping with their proposals to perform the items for which they were named. **If the prime contractor is performing the work for the trade listed, they must list their own company in the space provided.**

[Continued on the following page]

Proposer shall submit the name of any subcontractors proposed, and the subcontractor's State Contractor's License Number (if applicable).

Subcontractor Name	Subcontractor State Contractor's License (if applicable)	Work to be Performed	Answer Y/N Subcontractor's portion exceeds $50,000.00.

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APPENDIX C

NON-COLLUSION AFFIDAVIT & VENDOR DISCLOSURE (REQUIRED RESPONSE DOCUMENT)

NONCOLLUSION AFFIDAVIT

BID INVALID IF THIS AFFIDAVIT IS NOT SIGNED AND NOTARIZED AND SUBMITTED WITH THE BID

State of Kansas

County of Cherokee

I Dan Thompson of lawful age, being first duly sworn, on oath says that:

1.(s)he is the duly authorized agent of the Bidder and/or contractor submitting the Competitive Bid and/or procuring the contract which is attached to this statement, for the purpose of certifying the facts pertaining to the existence of collusion among Bidders and between Bidders and City officials or employees, as well as, facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the Invitation for Bids to which this statement is attached;

2. (s)he is fully aware of the facts and circumstances surrounding the making of the Bid and/or the procurement of the contract to which this statement is attached and has been personally and directly involved in the proceedings leading to the submission of such Bids;

3. Neither the Bidder/contractor nor anyone subject to the Bidder/contractor's direction or control has been a party;

a. to any collusion among Bidders in restraint of freedom of competition by agreement to bid at a fixed rate or to refrain from submitting;

b. to any collusion with any City official or employee as to quantity, quality or price in the prospective contract, or as to any other terms of such prospective contract, nor

c. in any discussions between Bidders and any City official concerning exchange of money or other thing of value for special consideration in the letting of a contract;

d. to paying, giving, donating or agreeing to pay, give or donate to any officer or employee of the city of Bentonville, any money or other thing of value, either directly or indirectly, in procuring the contract to which his/her statement is attached.

Signatu[redacted] Title: Dan Thompson Vice Pres.

Subscribed and sworn before me this: 25th day of August, 2021

Notary Public [redacted] My commission expires: 6/29/23

NOTARY PUBLIC STATE OF KANSAS | KAYLEE MANN My Appt. Exp. 6/29/23

Contractor/Vendor Disclosure

THIS DOCUMENT MUST BE COMPLETED AND INCLUDED IN ANY SUBMISSION

Company Name: Crossland Heavy Contractors, Inc.

Identify each employee of the City Of Bentonville to whom you, any of your Employees owning more than 5% interest in your Company, or are a Director/Executive/Decision Maker of your Company are immediately related.

Immediate Relation includes:

- Spouse/Domestic Partner
- Parents-Natural or Legal/Step/In Laws
- Children/Step, Siblings-Whole/Half/Step/ In Laws
- Grandchildren/Step, Great Grandchildren.

NONE

OR

☒ Check this box if you there are no applicable relationships to disclose.

Failure to disclose shall be considered a material breach and grounds for immediate termination of this contract/agreement. **Note: Any change in circumstances resulting in a conflict or appearance of a conflict shall be reported within 30 days of change of circumstance.**

DT Initials

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

APPENDIX D

BIDDER QUALIFICATIONS
(REQUIRED RESPONSE DOCUMENT)

CITY OF BENTONVILLE, ARKANSAS
PURCHASING DEPARTMENT
ADMINISTRATIVE SERVICES BUILDING
1000 SW 14TH STREET BENTONVILLE, AR 72712
(479)-271-3115 – purchasing@bentonvillear.com

BIDDER QUALIFICATIONS (REQUIRED RESPONSE DOCUMENT)

Bidders shall provide at least three references from within the last two (2) years in the space provided below. References provided must be from the performance of the same or similar type of work as described herein.

The City reserves the right to contact references provided and use the information obtained in the evaluation of Bidder's Bid submission.

Contact Name	Contact Phone Number	Description of Work	Date/Date Range When Services Were Performed
David Wright	479-271-6720	Razorback Greenway trail Imps	2019
City of Rogers	479-621-1186	Village on the Creeks Trail	2017
Kathleen Bertschy	479-271-6720	NW 3rd St, Ph III	2018
ODOT	405-521-2625	Midwest City Trail enhancements	2018

OTHER RELEVANT WORK EXPERIENCE/NOTES (OPTIONAL):

CROSSLAND
HEAVY CONTRACTORS
501 S. East Avenue
P.O. Box 350
Columbus, KS 66725
tel 620.429.1410
fax 620.429.2977

Corporate Resolution

BE IT RESOLVED: that at the monthly meeting of the Board of Directors of Crossland Heavy Contractors, Inc., held on the 2nd day of December, 2016, the Board of Directors did, by unanimous decision, authorize Mark Sell, Chris Walters, Justin Lillie, Dan Thompson or Ivan Crossland, Jr. to sign on behalf of said Corporation all documents and papers pertaining to the business of said Corporation.

All documents signed by Mark Sell, Chris Walters, Justin Lillie, Dan Thompson or Ivan Crossland, Jr. on behalf of Crossland Heavy Contractors, Inc. shall be legally binding on Crossland Heavy Contractors, Inc. and their successors and assigns.

[redacted]
Mark Sell, President

ATTEST: [redacted]
Holly Rhodes, Secretary



State of Kansas, County of Cherokee:

Before me, the undersigned Notary Public in and for the County and State aforesaid, personally appeared Mark Sell, President of Crossland Heavy Contractors, Inc. a corporation duly organized and existing in the State of Kansas, and he acknowledged the same on behalf of said Corporation.

In witness thereof I have set my hand and affixed my seal this 25th day of AUG. 2021.

[redacted]
Notary Public

My Commission Expires: 6/29/23

NOTARY PUBLIC STATE OF KANSAS | KAYLEE MANN My Appt. Exp. 6/29/23

License No. 0067301121 ID #8600

State of Arkansas

Commercial Contractors Licensing Board

CROSSLAND HEAVY CONTRACTORS, INC.
PO BOX 350
COLUMBUS, KS 66725

This is to Certify That CROSSLAND HEAVY CONTRACTORS, INC.

is duly licensed under the provisions of Ark. Code Ann. § 17-25-101 et. seq. as amended and is entitled to practice Contracting in the State of Arkansas within the following classifications/specialties:

HEAVY CONSTRUCTION
MUNICIPAL & UTILITY CONSTRUCTION

This contractor has an unlimited suggested bid limit.

from October 23, 2020 **until** November 30, 2021 **when this Certificate expires.**

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

[redacted]

CHAIRMAN

[redacted]

SECRETARY

October 23, 2020 - dsa

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 8/23/2021

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 have ADDITIONAL INSURED provisions or 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
IMA, Inc. - Kansas City
9393 W. 110th Street
Suite 600
Overland Park KS 66210

License#: PC-1210733

CONTACT NAME: Shannon Hilding
PHONE (A/C, No, Ext): 913-982-3650 **FAX (A/C, No):** 913-982-3495
E-MAIL ADDRESS: Shannon.Hilding@imacorp.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Zurich American Insurance Company	16535
INSURER B : American Guarantee and Liability Insurance	26247
INSURER C : XL Insurance America, Inc.	24554
INSURER D : *Endurance American Insurance Company	10641
INSURER E : RSUI Indemnity Company	22314
INSURER F :	

INSURED
Crossland Heavy Contractors, Inc.
PO Box 45
833 S. East Avenue
Columbus KS 66725

CROSCON-03

COVERAGES **CERTIFICATE NUMBER:** 1958551409 **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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			GLO859600801	4/30/2021	4/30/2022	EACH OCCURRENCE	$ 5,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 2,000,000
							MED EXP (Any one person)	$ 15,000
							PERSONAL & ADV INJURY	$ 5,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 10,000,000
	POLICY X PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 10,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			BAP859615301	4/30/2021	4/30/2022	COMBINED SINGLE LIMIT (Ea accident)	$ 5,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	X UMBRELLA LIAB X OCCUR			AUC425515000	4/30/2021	4/30/2022	EACH OCCURRENCE	$ 10,000,000
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$ 10,000,000
	DED X RETENTION $ 0							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N	N/A		WC859600701	4/30/2021	4/30/2022	X PER STATUTE / OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N (Mandatory in NH)						E.L. EACH ACCIDENT	$ 2,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 2,000,000
							E.L. DISEASE - POLICY LIMIT	$ 2,000,000
C	2nd Layer Excess Liability			US00109260LI21A	4/30/2021	4/30/2022	Ea Occur $10,000,000	Agg $10,000,000
D	3rd Layer Excess Liability			EXC30000318404	4/30/2021	4/30/2022	Ea Occur $10,000,000	Agg $10,000,000
E	4th Layer Excess Liability			NHA093832	4/30/2021	4/30/2022	Ea Occur $10,000,000	Agg $10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Re: Insurance qualification for Applegate Trail Repair.
If awarded this project then City of Bentonville, AR would be included as an Additional Insured on the General Liability policy if required by written contract subject to policy terms and conditions. Additional coverages are available at the request of Crossland Heavy Contractors, Inc.

CERTIFICATE HOLDER

City of Bentonville, Arkansas
Parks and Recreation Department
305 SW A Street
Bentonville AR 72712

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
[redacted]

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Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Parks and Recreation Department**
Submitted by	**Wade Tomlinson**
Phone	**(479) 271-3392**

Item Type: (*Check Applicable Item Type)*

☑ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Budget adjustment in the amount of $99,830.00 to fund the purchase of services to repair a section of the Applegate trail damaged in the April flood event.

Estimated Cost	**$99,830**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Project funded via City Reserves. We do anticipate being reimburesed at the rate of 35% from Arkansas Department of Emergency Management.

Budget Adjustment Request

Date of City Council Meeting	**9/28/2021**
Department	**Parks and Recreation Department**
Submitted by	**Wade Tomlinson**
Phone	**(479) 271-3392**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

This budget adjustment is needed to fund the repair of a section of the Applegate Trail damaged during the April Flood Event. This flood event was declared an emergency by the State of Arkansas but not by FEMA. It is eligible for 35% reimbursement of the project costs.

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
105030	**47390**	**Other Capital**		**$ 99,830.00**
105030	**33411**	**State Grant**	**$ 34,940.50**	
		Totals	**$ 34,940.50**	**$ 99,830.00**
		Net Impact on Fund Balance	**$**	**(64,889.50)**

***Final Account Number will be determined by Accounting Department after approval and purchase**

Memo

To:	City Council, Mayor Orman
From:	Wade Tomlinson, Parks Planner
Thru:	David Wright, Parks and Recreation Director
Date:	September 2, 2021
Re:	Budget Adjustment to fund the Applegate Trail Repair

Parks and Recreation staff is requesting City Council's approval of a budget adjustment in the amount of $99,830.00 to fund the purchase of services that will be used to repair a section of the Applegate trail near SW 2nd Street.

A section of the Applegate Trail near SW 2nd Street was severely damaged during the April 2021 flood event. Since that time the department has been working with consulting engineers and City staff to develop a repair plan. The plans were competitively bid per state laws and were opened on August 25, 2021 by the purchasing department.

The Parks and Recreation Department will need to pay for the improvement using a budget adjustment to 73-90 which will be reimbursed at the rate of 35% by Arkansas Department of Emergency Management.

If you have any questions regarding this item, please let me know. Please call me at 271-3392 or email wtomlinson@bentonvillear.com.

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Parks and Recreation**
Submitted by	**David Wright, Parks and Recreation Director**
Phone	**(479) 464-7275**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☑ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Information Presentation regarding Quilt of Parks Project.

Estimated Cost	**$**
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Memo

To: City Council, Mayor Orman

From: David Wright, Parks and Recreation Director

Date: May 13, 2021

Re: Informational Presentation regarding the Quilt of Parks Planning Process

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As you may recall, in 2020 City Council approved the Quilt of Parks Master Plan. After the approval, the Design Excellence Grant Program, allowed us to move forward for the SD Plans, DD Plans, and Construction Documents. In addition, the Walton Family Foundation awarded an additional grant for design for the A Street Promenade.

In May 2021, we presented to you a potential alternate design for the Dave Peel Park. This design provides our team the opportunity to move the playground and the amphitheater. We have posted designs and design alternates for public viewing and solicited public input through a website at www.quiltofparks.com. This website / survey remains open until Friday, September 24. At the council meeting next week, we will present the findings of the survey and ask Council's opinion about moving forward regarding the park design.

If you have any questions regarding this item, please let me know. Please call me at 271.6813, or email: dwright@bentonvillear.com.

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

An ordinance authorizing the mayor and the city clerk to purchase two (2) remoteLocker systems for Bentonville Public Library from Bibliotheca and waiving the requirement of competitive bidding.

Estimated Cost	**$46,656.00**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Budget adjustment submitted to City Council.

Waiver of Bid Request

Date of City Council Meeting	**9/28/2021**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Vendor	**Bibliotheca**
Total Cost	**$46,656.00**

Description of Purchase ***(This should include a detailed description of the type of material, equipment or service that is being requested including make, model, year & options if applicable. Enter details in space below):***

Quantity: two (2) Bibliotheca remoteLocker systems. Each system includes: 1 remoteLocker 100 v3 central tower including RFID and 2 remoteLocker 115 v3 15 locker tower with side covers. Cost includes freight, training, software and applicable taxes.

Justification ***(Enter justification in space below):***

The remoteLocker system is a proprietary and sole source technology sold by Bibliotheca, which is BPL's RFID system provider of self-checks, security gates and staff terminals. The method for the unit to connect to the Library's integrated library system makes this product the most reasonable and successful option to consider, qualifying the remoteLocker purchase for a bid waiver.

Memorandum

TO: Bentonville City Council, Mayor Stephanie Orman
FROM: Hadi Dudley, Library Director
CC: Jake Harper, Finance Director and Gladys Shoemake, Purchasing Manager
SUBJECT: A Bid Waiver for the Library to Purchase remoteLockers from Bibliotheca
DATE: September 16, 2021

Bentonville Public Library (BPL) seeks City Council approval of an ordinance authorizing the mayor and the city clerk to purchase two (2) remoteLocker systems for Bentonville Public Library from Bibliotheca and waiving the requirement of competitive bidding.

The project cost totals $46,656 and includes two systems, each comprised of a central tower and two (2) 15-locker towers with software, plus freight, training and applicable taxes.

A grant of $42,405 presented to City Council is made possible with the American Rescue Plan Act (ARPA) funds provided by the Institute of Museum and Library Services through the Library Services and Technology Grants to States program and administered by the Arkansas State Library.

BPL's ARPA-funded project will expand the Library's institutional capacity through the installation of remoteLockers at the Bentonville Community Center (BCC) and on the veranda at BPL's main location.

- This is a substantial and public-facing investment that responds to COVID-19 conditions, meets current patron requests and provides an outreach service to complement library offerings.
- The innovative technology is a smart, effective, safe and efficient way to deliver library materials to patrons.
- It offers an automated self-service option for patrons to pick up reserved materials who wish to avoid personal interactions.

The remoteLocker system is a proprietary and sole source technology sold by Bibliotheca, which is BPL's RFID system provider of self-checks, security gates and staff terminals.

The method for the unit to connect to the Library's integrated library system makes this product the most reasonable and successful option to consider, qualifying the remoteLocker for a bid waiver.

If you have any questions regarding this item, please contact me at 479-271-3194 or hdudley@bentonvillear.com.

September 2, 2021

Hadi Dudley, Director
Bentonville Public Library
405 S Main Street
Bentonville, AR 72712

RE: Bibliotheca Sole Source Letter

Dear Ms. Dudley:

This sole source letter is to confirm that Bibliotheca provides certain products that are unique to the library market, and as such, can only be acquired through Bibliotheca; namely the remoteLocker™ pick-up locker, selfCheck™ self-service kiosks with the quickConnect™ patron interface and libraryConnect™ central management software, which is designed and manufactured exclusively by Bibliotheca.

Bibliotheca products can only be supported and maintained by Bibliotheca technicians for optimal performance and durability. Furthermore, the costs associated with continuing to use Bibliotheca as your support and maintenance provider are significantly less, as Bibliotheca technicians would not require any additional training and would already have the required parts and tools.

We look forward to continuing to support Bentonville Public Library for all its current and future automation and technology goals.

Sincerely,



Mary K Zilles, VP of Business Development & Sales Administration
m.zilles@bibliotheca.com | 678-336-7980 X 310
3169 Holcomb Bridge Road, Suite 200
Norcross, GA 30071

bibliotheca, LLC - 3169 Holcomb Bridge Rd, Ste 200 - Norcross, GA 30071-1328

Bill To
Bentonville Public Library
405 South Main Street
Bentonville AR 72712-5904
United States

Ship To
Bentonville Public Library
405 South Main Street
Bentonville AR 72712-5904
United States

Quote QUO-US03304

Date 09/10/2021

Customer:	C0007263-US	Payment Terms:	Net 30 Days
Quote Expiration:	10/10/2021	Sales Rep:	Kathy Marks

Item	Quantity	List Price	Unit Discount	Net Price	Net Extended
Freight Standard Service SHP000001-000	1	0.00	0.00	7,000.00	7,000.00
remoteLocker 100 v3 central tower inc. RFID (black) RML000001-000	2	14,209.00	11,367.20	10,565.40	21,130.80
remoteLocker 115 v3 15 locker tower (black) RML000037-000	2	9,439.00	7,551.20	6,243.40	12,486.80
remoteLocker™ - Side covers SLR001050-000	1	319.00	127.60	191.40	191.40
Introduction to remoteLocker EDU020011-000	1	1,799.00	0.00	1,799.00	1,799.00
			Total:		**42,608.00**
			Currency:		US Dollar

Terms and Conditions:

All prices including Service and Maintenance do not include any applicable sales tax. If tax exempt, A copy of Tax Exemption Certificate is required with purchase order for all taxexempt customers.

Terms are NET 30 Days from Date of Invoice. Invoice is generated at the time of Shipment.

Quotations are good for 60 days. All dates are based on ship dates. Order must ship within the 60-day window.

After 60 days, quotation expires. Contact Bibliotheca for a New Quotation.

A 20% restocking fee, in addition to in-bound and out-bound shipping, will be charged for all returns.

Submit Purchase Order by fax to 877-689-2269 or by email to orders-us@bibliotheca.com.

Accepted By: _____

Accepted Date: _____

Customer Purchase Order Number: _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO PURCHASE TWO "REMOTELOCKER" SYSTEMS FOR BENTONVILLE PUBLIC LIBRARY FROM BIBLIOTHECA 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 purchase two (2) remoteLocker systems for Bentonville Public Library from Bibliotheca in an amount not to exceed $46,656 as set forth in the attached Exhibit A.

Section 2: Because this purchase is related to expanding the library's institutional capacity during the COVID-19 pandemic; and, because the innovative technology offers an automated self-service option for the Library to deliver materials to patrons in an effective, save and efficient manner; and, because the library has received grant funds related to the American Rescue Plan Act.

Section 3: Because Bibliotheca is the library's RFID system provider of self-checks, security gates and staff terminals and a sole source provider of the remoteLocker system, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this _____ day of _____, 2021.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Item Type: (*Check Applicable Item Type)*

☑ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Approval of a budget adjustment in the amount of $46,656 for Bentonville Public Library to accept and expend American Rescue Plan Act (ARPA) grant funds totaling $42,405. Additional funds to fully execute the project total $4,251 and will be reallocated from BPL's FY2021 budget. The project will expand the Library's institutional capacity and responds to COVID-19 conditions through the installation of a "remoteLocker" system at the Bentonville Community Center and on the veranda at the main library. The grant made possible with the American Rescue Plan Act funds is provided by the Institute of Museum and Library Services through the Library Services and Technology Grants to States program and administered by the Arkansas State Library.

Estimated Cost	**$46,656.00**
Is this Item Budgeted?	☐ Yes ☑ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Budget adjustment to accept and spend grant funds totaling $42,405 will cover the majority of the project; budget adjustment for the remaining balance totals $4,251 and will be funded by the library's FY2021 budget.

Budget Adjustment Request

Date of City Council Meeting	**9/28/2021**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

To accept and expend American Rescue Plan Act grant funds for Bentonville Public Library and reallocate money from computer equipment to capital computer equipment funds.

General Ledger Account Information*

Org (Department)	Object	Account Description	Revenue + (-)	Expense + (-)
105050	33412	State Grant / Other	$ 42,405.00	$ -
105050	42520	Computer Equipment	$ -	$ (4,251.00)
105050	47520	Computer Equipment (Capital)	$ -	$ 46,656.00
		Totals	$ 42,405.00	$ 42,405.00
		Net Impact on Fund Balance	$	-

*Final Account Number will be determined by Accounting Department after approval and purchase

Bentonville Public Library

Memorandum

TO: Bentonville City Council, Mayor Stephanie Orman

FROM: Hadi Dudley, Library Director

CC: Jake Harper, Finance Director and Gladys Shoemake, Purchasing Manager

SUBJECT: A Budget Adjustment for the Library to accept and spend certain grant funds

DATE: September 16, 2021

Bentonville Public Library (BPL) seeks City Council approval of a budget adjustment in the amount of $46,656 to accept and expend certain grant funds totaling $42,405. Additional funds to fully execute the project total $4,251 and will be reallocated from BPL's FY2021 budget.

The grant made possible with the American Rescue Plan Act (ARPA) funds is provided by the Institute of Museum and Library Services through the Library Services and Technology Grants to States program and administered by the Arkansas State Library.

If you have any questions regarding this item, please contact me at 479-271-3194 or hdudley@bentonvillear.com.

Justification & Benefits

BPL's ARPA-funded project will expand the Library's institutional capacity through the installation of a "remoteLocker" system at the Bentonville Community Center (BCC) and on the veranda at BPL's main location.

- This is a substantial and public-facing investment that responds to COVID-19 conditions, meets current patron requests and provides an outreach service to complement library offerings.
- The innovative technology is a smart, effective, safe and efficient way to deliver library materials to patrons.
- Offers an automated self-service option for patrons to pick up reserved materials who wish to avoid personal interactions.
- Additional benefits include: modular design for additional towers to be added as usage grows; unit is "plug and play," requiring a standard power outlet and data port.
- System seamlessly connects with BPL's integrated library system and existing services with Bibliotheca.
- Interface is easy to use and has the same appearance and functionality as BPL's self-check units.
- An indoor unit for the Community Center location will offer access to library reserves when the facility is open, which exceeds BPL's hours of operation.
- An outdoor weatherproof unit for the Main Street location will offer 24/7 access to library reserve materials on the veranda.

Cost Breakdown

- BPL negotiated a 40% discount with Bibliotheca for remoteLockers to best leverage funds.

EXPENSE	
Equipment Cost	$ 33,809.00
Freight/Training	$ 8,799.00
Taxes	$ 4,048.00
Order Total	$ 46,656.00
REVENUE	
ARPA grant award	$ (42,405.00)
BPL funds	$ (4,251.00)
	$ 46,656.00

- BPL's operating budget can absorb cabling services required for installation and additional expenses of customized branding.
- BPL can incorporate deliveries into its courier services to the BCC through an existing agreement with On Time Logistics at no additional cost to our budget.
- Future annual expenses for software and maintenance will be incorporated into BPL's existing service agreement with Bibliotheca, estimated at $4,000 to support both units (FY2023).

Grant Approvals

- In May, the State Library established a non-competitive grant program with $2.5M to be distributed directly to Arkansas' public libraries.
- The Benton County funding formula was based on per capita with credits for poverty levels, unemployment levels, rurality and connectivity.
- BPL follows certain timeframes, guidelines and reporting protocols associated with this grant.
- BPL's capital equipment request was approved by the Institute for Library and Museum Services (IMLS).
- Project has been preliminarily approved by the grant coordinator at the Arkansas State Library.
- Community Center manager assisted BPL in identifying an ideal location for the new service in the main lounge.

Sole Source

- The remoteLocker system is a proprietary and sole source technology sold by Bibliotheca, which is BPL's RFID system provider of self-checks, security gates and staff terminals.
- The method in which the units connect to the Library's integrated library system makes this product the most reasonable and successful option to consider, qualifying the remoteLocker purchase for a bid waiver, subject to City Council approval.

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Item Type: (*Check Applicable Item Type)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☑ Ordinance	☐ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

An ordinance authorizing the mayor and the city clerk to purchase four (4) selfCheck 1000 systems for Bentonville Public Library from Bibliotheca and waiving the requirement of competitive bidding.

Estimated Cost	**$82,083.00**
Is this Item Budgeted?	☑ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

This is a planned, budgeted capital purchase for FY2021.

Waiver of Bid Request

Date of City Council Meeting	**9/28/2021**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Vendor	**Bibliotheca**
Total Cost	**$82,083.00**

Description of Purchase ***(This should include a detailed description of the type of material, equipment or service that is being requested including make, model, year & options if applicable. Enter details in space below):***

Quantity: four (4) selfCheck 1000 systems from Bibliotheca. Each system includes: 1 selfCheck 1000 with coin & note, Comprise smart pay system plus other associated hardware and software. Cost includes freight, training and applicable taxes.

Justification ***(Enter justification in space below):***

The selfCheck 1000 systems and quickConnect sortware are proprietary and sole source technologies sold by Bibliotheca, which is BPL's RFID system provider of self-checks, security gates and staff terminals. The method for the unit to connect to the Library's integrated library system makes this product the most reasonable and successful option to consider, qualifying the selfCheck 1000 systems for a bid waiver, subject to City Council approval.

Bentonville Public Library

Memorandum

TO: Bentonville City Council, Mayor Stephanie Orman
FROM: Hadi Dudley, Library Director
CC: Jake Harper, Finance Director and Gladys Shoemake, Purchasing Manager
SUBJECT: A Bid Waiver for the Library to Purchase selfCheck 1000s from Bibliotheca
DATE: September 16, 2021

Bentonville Public Library (BPL) seeks City Council approval of an ordinance authorizing the mayor and the city clerk to purchase four (4) selfCheck 1000 systems for Bentonville Public Library from Bibliotheca and waiving the requirement of competitive bidding.

The project cost totals $82,083 and includes four (4) systems, each comprised of selfCheck 1000 with coin & note, Comprise smart pay system, plus other associated hardware and software. Cost includes freight, training and applicable taxes.

Justification

- BPL's existing self-check terminals were purchased in 2015 and were scheduled to be replaced last year.
- Due to the COVID-19 pandemic, the project was "frozen" and subsequently delayed until FY2021.
- The existing units are six years old and require ongoing maintenance and repairs to keep them operational.
- Windows 7 software is also out-of-date and unsupported on all units.
- The new selfCheck terminals are an improvement over the existing system, offering self-service pay options such as coin and bill, plus future credit card capabilities.
- BPL currently owns five (5) units, but is lowering the quantity to save costs, decreasing inventory to one (1) unit at the Community Center and replacing all three (3) units at the main location.
- BPL negotiated a 20% discount to best leverage funds. This is a planned replacement of outdated capital equipment and the project cost is under-budget.
- Upon replacement, the surplus equipment will be disposed according to law, subject to City Council approval.

Sole Source & Bid Waiver

The selfCheck system and quickConnect software are proprietary and sole source technologies sold by Bibliotheca, which is BPL's RFID system provider of self-checks, security gates and staff terminals.

The method for the unit to connect to the Library's integrated library system makes this product the most reasonable and successful option to consider, qualifying the selfCheck for a bid waiver.

If you have any questions regarding this item, please contact me at 479-271-3194 or hdudley@bentonvillear.com.

September 2, 2021

Hadi Dudley, Director
Bentonville Public Library
405 S Main Street
Bentonville, AR 72712

RE: Bibliotheca Sole Source Letter

Dear Ms. Dudley:

This sole source letter is to confirm that Bibliotheca provides certain products that are unique to the library market, and as such, can only be acquired through Bibliotheca; namely the remoteLocker™ pick-up locker, selfCheck™ self-service kiosks with the quickConnect™ patron interface and libraryConnect™ central management software, which is designed and manufactured exclusively by Bibliotheca.

Bibliotheca products can only be supported and maintained by Bibliotheca technicians for optimal performance and durability. Furthermore, the costs associated with continuing to use Bibliotheca as your support and maintenance provider are significantly less, as Bibliotheca technicians would not require any additional training and would already have the required parts and tools.

We look forward to continuing to support Bentonville Public Library for all its current and future automation and technology goals.

Sincerely,

[redacted]

Mary K Zilles, VP of Business Development & Sales Administration
m.zilles@bibliotheca.com | 678-336-7980 X 310
3169 Holcomb Bridge Road, Suite 200
Norcross, GA 30071

bibliotheca, LLC - 3169 Holcomb Bridge Rd, Ste 200 - Norcross, GA 30071-1328

Bill To
Bentonville Public Library
405 South Main Street
Bentonville AR 72712-5904
United States

Ship To
Bentonville Public Library
405 South Main Street
Bentonville AR 72712-5904
United States

Quote QUO-US00778

Date 08/23/2021

Customer:	C0007263-US	Payment Terms:	Net 30 Days
Quote Expiration:	10/10/2021	Sales Rep:	Kathy Marks

Item	Quantity	List Price	Unit Discount	Net Price	Net Extended
Freight Standard Service SHP000001-000	1	0.00	0.00	3,800.00	3,800.00
selfCheck 1000 black with coin & note (US) SCK600004-001	4	16,499.00	13,199.20	14,699.20	58,796.80
Comprise SmartPay System (Per Terminal) for Freestanding Kiosks SCK000033-001	4	1,989.00	1,591.20	2,310.20	9,240.80
selfCheck 1000 UL Panel for Comprise (black) SCK200047-003	4	289.00	231.20	231.20	924.80
Introduction to quickConnect and System Manager with Cash Payment EDU010021-000	1	2,199.00	0.00	2,199.00	2,199.00

Total: **74,961.40**

Currency: US Dollar

Terms and Conditions:

All prices including Service and Maintenance do not include any applicable sales tax. If tax exempt, A copy of Tax Exemption Certificate is required with purchase order for all taxexempt customers.

Terms are NET 30 Days from Date of Invoice. Invoice is generated at the time of Shipment.

Quotations are good for 60 days. All dates are based on ship dates. Order must ship within the 60-day window.

After 60 days, quotation expires. Contact Bibliotheca for a New Quotation.

A 20% restocking fee, in addition to in-bound and out-bound shipping, will be charged for all returns.

Submit Purchase Order by fax to 877-689-2269 or by email to orders-us@bibliotheca.com.

Accepted By: _____

Accepted Date: _____

Customer Purchase Order Number: _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO PURCHASE FOUR "SELFCHECK 1000" SYSTEMS FOR BENTONVILLE PUBLIC LIBRARY FROM BIBLIOTHECA 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 purchase four (4) selfCheck 1000 systems for Bentonville Public Library from Bibliotheca in an amount not to exceed $82,083 as set forth in the attached Exhibit A.

Section 2: Because this purchase is a planned, budgeted capital project that replaces existing and outdated library equipment by offering new self-service payment options; and,

Section 3: Because Bibliotheca is the library's RFID system provider and a sole source provider of the remoteLocker system, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this _____ day of _____, 2021.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Agenda Item Form

Date of City Council Meeting	**9/28/2021**
Department	**Parks and Recreation**
Submitted by	**David Wright, Parks and Recreation Director**
Phone	**479-464-7275**

Item Type: (*Check All That Apply)*

☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

Recommendation/Suggested Action *(Enter recommendation in space below):*

Resolution expressing City Council's desire to remove the dam at Bella Vista Lake and reestablish Little Sugar Creek as a free flowing stream.

Estimated Cost	
Is this Item Budgeted?	☐ Yes ☐ No

If no, please explain how item will be funded *(briefly explain in space below)* :

Memo

To: City Council, Mayor Orman

From: Travis Matlock, Utilities Director
David Wright, Parks and Recreation Director

Date: September 28, 2021

Re: Resolution expressing Council's desire to remove the dam at Bella Vista Lake and reestablish the Little Sugar Creek as a free flowing stream.

During the September 27 Committee of the Whole Meeting, City Council expressed a desire to remove the dam at Bella Vista Lake and allow the Little Sugar Creek to once again become a free flowing stream. Council instructed staff to please bring this item back to Council as a resolution in order for a formal vote to occur.

Please find attached the resolution expressing City Council's desire to remove the dam and reestablish the Little Sugar Creek as a free flowing stream through our park property. Once City Council approves this resolution, Staff will begin working on hiring a qualified design firm to create design and manage the project.

If you have any questions regarding this resolution, please call David Wright at 479.271.6813 or email dwright@bentonvillear.com.

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE DESIRE OF THE BENTONVILLE CITY COUNCIL TO REMOVE THE LAKE BELLA VISTA DAM AND ALLOW LITTLE SUGAR CREEK TO BECOME A FREE FLOWING STREAM.

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

Section 1: That the Mayor and Clerk be and are hereby authorized to direct staff to begin the process of hiring consultants, developing plans, obtaining permits, and beginning the construction to remove the Lake Bella Vista Dam and allow Little Sugar Creek to become a free flowing stream.

Section 2: Said plan for dam removal and stream restoration will contain educational elements of the history of the Lake Bella Vista dam and other amenities that existed in the past at the current site.

Section 3: The City of Bentonville recognizes that currently there is a pending legal case concerning the ability of Bentonville to remove the dam. The outcome of said legal case may change the direction and possibility of removing the dam. At the time of the judgment, the City will re-evaluate and determine if a change of direction is required. In the interim period, City staff will try to focus its efforts in areas that will need to be addressed no matter the eventual result of the legal proceedings, though staff may also engage in planning with regard to the Council's desire to convert the lake created by the dam into a stream.

Section 4: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this _____ day of _____, 2021.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK