



Revised Agenda: Item 7
tabled to a future date.

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.

City Council Meeting Tuesday, September 27, 2022 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, 2022:**

https://us02web.zoom.us/webinar/register/WN_9wTkoJ33R5eGULzkO5tHTA

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 13, 2022

AGENDA

1. Planning:
 - 1a. **Ordinance accepting a property line adjustment of existing Lot 4 of Swaffer Subdivision & Lot 8 of Medlin Meadows Subdivision; creating new Lot 1 of Medlin Meadows Subdivision, Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0013) 416 Fillmore Street.**

(Pages 14-16)

Note: This item was approved by Planning Commission on July 19, 2022, and was held from City Council pending finalization of an easement vacation which is now complete.

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of existing Lot 4 of Swaffer Subdivision & Lot 8 (+/- 5.01 acres) of Medlin Meadows Subdivision, creating new Lot 1 (+/- 6.43 acres) of Medlin Meadows Subdivision Phase 2. Per the requirements of the Master Street Plan, the plat dedicates right-of-way along Medlin Lane. The plat also dedicates various public utility easements to serve the newly created lots. An existing 15-foot utility easement across the two existing lots has been vacated by a separate document and will be replaced with a new 20-foot utility easement dedicated per this plat.

- 1b. **Ordinance accepting a property line adjustment of Lot 1 of Westwood Subdivision and lot 18 of Westside Addition; creating new Lots 1 and 2 of Westwood Subdivision, Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0017) 307 S Walton Blvd.**

(Pages 17-21)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lot 1 Westwood Subdivision and Lot 18 of Westside Addition, creating new Lots 1 and 2 of Westwood, Subdivision, Phase 2 (7.02 acres). The plat dedicates 273 square feet of street right-of-way along SW 3rd St., and a 24' wide public access easement to Lot 2 through Lot 1 to Walton Blvd.

- 1c. **Ordinance accepting a property line adjustment of part of Lots 10, 11 and 13, Block 2 of Lincoln and Rice Addition; creating new Lots 21 and 22, Block 2 of Lincoln and Rice Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0025) 102 NE F Street.**

(Pages 22-24)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of part of Lots 10, 11, and 13, Block 2 of Lincoln and Rice Addition, creating new Lots 21 and 22, Block 2 of Lincoln and Rice Addition. The plat dedicates a right of way along Northeast F Street and Central Avenue per the Master Street Plan requirements.

- 1d. **Ordinance accepting a property line adjustment of the south 20' of Lot 4, and Lots 5, 8, 9, & 12, and the vacated east half of an alley lying to the west of Lot 8 and the north one-half of Lot 9, and also that portion of a vacated 12' alley lying parallel and adjacent to the south line of Lot 5 and parallel and adjacent to the north line of Lot 8 in Block 1 of the Dunn and Davis Addition; creating new Lots 19 and 20, of Dunn and Davis Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0027) NW Corner of SW 6th and SW A Streets.**

(Pages 25-28)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of the south 20' of Lot 4, and Lots 5, 8, 9, & 12, and the vacated east half of an alley lying to the west of Lot 8 and the north one-half of Lot 9, and also that portion of a vacated 12' alley lying parallel and adjacent to the

south line of Lot 5 and parallel and adjacent to the north line of Lot 8 in Block 1 of the Dunn & Davis addition, creating new Lots, 19 and 20 of Dunn and Davis Addition. Proposed Lot 19 would be approximately 0.22 acres, and proposed Lot 20 would be approximately 0.49 acres. This project is also proposing to dedicate approximately 0.09 acres, being approximately 16.5 feet wide along the southernmost boundary, and 6 feet wide along the easternmost boundary.

This request is related to project LSD22-0052 Upland Stacks, which has been submitted to Planning staff for review. One waiver has been requested and approved by Planning Commission: A waiver from Section 3.5 Utilities that the minimum width for a drainage easement be 20 feet. The applicant is proposing an 18-foot-wide easement.

- 1e. **Ordinance accepting a property line adjustment of Lots 25, 26 and 29, Block 24 of Deming's 2nd Addition; creating new Lots 33 and 34 of Deming's 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0028) 702 & 704 NE A Street.**
(Pages 29-31)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lots 25 and 29, Block 24 of Deming's 2nd Addition, creating new Lots 33 & 34 of Deming's 2nd Addition (0.46 acres). The plat dedicates right-of-way along NE A St. approximately 75 feet long and approximately 0.01 acres.

- 1f. **Ordinance accepting a property line adjustment of Lots 4, 5 and lot 19, Block 2 of Dunn and Davis Addition, creating new Lot 22, Block 2, of Dunn and Davis Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0029) SW 5th and SW B Street.**
(Pages 32-35)

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lots 4, 5, and 19, Block 2 of Dunn and Davis Addition, creating new Lot 22, Block 2 of Dunn and Davis Addition (.49 acres). The plat dedicates a 20-foot utility easement along SW B Street. This plat is related to the Oak One Large Scale Development (LSD22-0046).

- 1g. **Ordinance accepting a lot split of un-platted section land creating new Lot of Sonic South Walton Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: LS22-0038) 208 South Walton Boulevard.**
(Pages 36-38)

The Planning Commission voted 7-0, recommending approval.

A lot split of un-platted section land, creating new Lot 1 (+/- 0.73 Acres), of Sonic South Walton Addition. This plat dedicates various public utility easements to serve any future developments that may occur on this lot. The right-of-way along South Walton Boulevard meets or exceeds the requirements of the current Master Street Plan.

- 1h. **Ordinance accepting a lot split of un-platted section land creating new Lots 1 and 2 of Randall Hinton Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project Number: LS22-0041) 3101 & 3103 S. Walton Blvd.**
(Pages 39-41)

The Planning Commission voted 7-0, recommending approval.

A lot split of un-platted section land, creating new Lots 1(+/- 1.48 Acres) and 2 (+/- 3.87 Acres) of Randall Hinton Subdivision. This plat dedicates right-of-way along S. Walton Blvd. being approximately 335.95 square feet, and along SE C St. being approximately 1517.98 square feet. The plat provides a 10' flag for access of Lot 1 to S. Walton Blvd.

- 1i(1). **Resolution amending the City of Bentonville future land use map for a specific area from Low-Density Residential to Medium-Density Residential; and for other purposes (Project Number: RZ22-0042) 1006, 1102, & 1104 Lockheed Street.**

(Pages 42-47)

The Planning Commission voted 7-0, recommending approval.

The Future Land Use Plan currently shows this property as Low-Density Residential, however the applicant is requesting a change to the Future Land Use Map to Medium-Density Residential. These 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.

This property is located within Priority Area 2, Infill, as identified in Chapter 4 of the Bentonville Community Plan. This area looks to leverage the City's existing investments in utilities and streets to accommodate new development.

- 1i(2). **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project Number: RZ22-0042) 1006, 1102, & 1104 Lockheed Street.**

(Pages 42-51)

The Planning Commission voted 7-0, recommending approval.

While this neighborhood only presently consists of R-1 zoning, a significant number of properties on Lockheed St. are already functioning as duplexes – a legal non-conforming use under the terms of the Zoning Code. Additionally, the new Walmart campus development to the West and existing commercial zoning and uses to the East sandwich this neighborhood amongst more intense uses. Rezoning to R-2 would be appropriate in this context.

This request is not consistent with the Future Land Use Plan. However, the context of the property - with a significant number of existing two-family residential uses across the street, as well as its location amidst new and existing intensifying commercial development – along with the goals of the Community Plan to capitalize on the existing infrastructure in this part of the City, an amendment to the Future Land Use Plan to Medium-Density Residential would be appropriate.

- 1j(1). **Resolution amending the City of Bentonville future land use map for a specific area from Residential Estate to Low-Density Residential and Medium-Density Residential; and for other purposes (Project Number RZ22-0044) 4300 Town Vu Road.**

(Pages 52-56)

Residential Estate to Low Density Residential: The Planning Commission voted 7-0, recommending approval.

Residential Estate to Medium Density Residential: The Planning Commission voted 6-1, recommending approval, with Commissioner Davis voting no because of safety concerns regarding increased traffic on Tater Black Road.

The Future Land Use Plan currently depicts this property as Residential Estate; however, the applicant is requesting a change in the Future Land Use Plan to Low-Density Residential for the portion that is proposed to be zoned R-1, Low Density Single Family Residential and Medium Density Residential for the portion that is proposed to be zoned R-2, Medium Density Two Family and Townhome 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. 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.

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

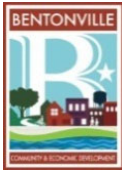
- 1j(2). **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agriculture to R-1, Low Density Single Family Residential and R-2, Medium Density Two Family and Townhome Residential; and for other purposes; (Project Number: RZ22-0044) 4300 Town Vu Road.**

(Pages 52-59)

The Planning Commission voted 7-0, recommending approval of both rezoning requests.

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. The intent of the R-2 District is to encourage the basic land use restrictions as the R-1 District. It allows slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity. Such a district shall encourage and maintain duplex and patio home development at appropriate locations. The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate conversion of one family residences to two-family use in established developed areas. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area. While this request is not consistent with the Future Land Use Plan, it is consistent with some of the uses of the surrounding zoning districts and development patterns located in the vicinity.

2. Utility Board:
 - 2a. Resolution to enter into an agreement with Allgeier, Martin and Associates, Inc. for engineering services for a transmission line connection between "G" Sub and "I" Sub for \$258,925. This firm was selected following the City's standard SOQ process for the procurement of professional services, in accordance with State Law. Approved by Utility Board 5-0. **(Pages 60-78)**
 - 2b. Ordinance waiving the requirements for competitive bidding and entering into an agreement with Techline for to purchase 3-phase transformers in the amount of \$64,947.00 plus applicable taxes. Approved by Utility Board 5-0. **(Pages 79-82)**
 - 2c. Staff is recommending the City Council approve of an Ordinance to amend Article. 98-703(c)6 of the Municipal Code. The request includes the amendment to the Water Utilities Department Specifications, Water Distribution System Materials. The amendment to Section 98-703 Water Distribution System Material will add Crosslinked Polyethylene Pressure Tubing (PEX) to the allowed pipe materials. Utility Board Approved 9-20-22 by a vote of 5-0. **(Pages 83-87)**
3. Reappointment of Dennis Cherry to the Airport Advisory Board. His current term expires on September 30, 2022. New term will expire September 30, 2025. **(Pages 88-89)**
4. Resolution declaring certain property (2011 Ford Expedition-VIN – 1FMJU1G57BEF32699) as surplus to trade it in for the purchase of a 2023 Chevrolet SSV Tahoe. **(Pages 90-92)**
5. Ordinance waiving competitive bidding to purchase a 2023 Chevrolet Tahoe from Superior Auto Group in the amount of \$49,152.96. This amount includes cost of the Tahoe and Upfit of emergency lights and other emergency safety devices. **(Pages 93-101)**
6. Ordinance amending Waiver of Bid Ordinance 2022-162 in order to provide for the purchase of currently leased backhoes by entering into an Agreement with John Deere (John Deere Financial), for the estimated cost of \$690,349.75, for the Electric, Water, and Sewer Rehab Departments. The original Waiver of Bid Ordinance was approved to Stribling Equipment; however, final payment for the backhoes will be made to John Deere directly, requiring an amendment to the Ordinance. Original documentation for the Waiver of Bid has been attached for reference. **(Pages 102-109)**



City Council Agenda Items
For the City Council Meeting of September 27, 2022
From the September 20, 2022 Planning Commission Meeting

1. **Ordinance accepting a property line adjustment of existing Lot 4 of Swaffer Subdivision & Lot 8 of Medlin Meadows Subdivision; creating new Lot 1 of Medlin Meadows Subdivision, Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0013) 416 Fillmore Street.**

***Note:** This item was approved by Planning Commission on July 19, 2022, and was held from City Council pending finalization of an easement vacation which is now complete. The Planning Commission voted 7-0, recommending approval.*

A property line adjustment of existing Lot 4 of Swaffer Subdivision & Lot 8 (+/- 5.01 acres) of Medlin Meadows Subdivision, creating new Lot 1 (+/- 6.43 acres) of Medlin Meadows Subdivision Phase 2. Per the requirements of the Master Street Plan, the plat dedicates right-of-way along Medlin Lane. The plat also dedicates various public utility easements to serve the newly created lots. An existing 15-foot utility easement across the two existing lots has been vacated by a separate document and will be replaced with a new 20-foot utility easement dedicated per this plat.

2. **Ordinance accepting a property line adjustment of Lot 1 of Westwood Subdivision and lot 18 of Westside Addition; creating new Lots 1 and 2 of Westwood Subdivision, Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0017) 307 S Walton Blvd.**

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lot 1 Westwood Subdivision and Lot 18 of Westside Addition, creating new Lots 1 and 2 of Westwood, Subdivision, Phase 2 (7.02 acres). The plat dedicates 273 square feet of street right-of-way along SW 3rd St., and a 24' wide public access easement to Lot 2 through Lot 1 to Walton Blvd.

3. **Ordinance accepting a property line adjustment of part of Lots 10, 11 and 13, Block 2 of Lincoln and Rice Addition; creating new Lots 21 and 22, Block 2 of Lincoln and Rice Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0025) 102 NE F Street.**

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of part of Lots 10, 11, and 13, Block 2 of Lincoln and Rice Addition, creating new Lots 21 and 22, Block 2 of Lincoln and Rice Addition. The plat dedicates a right of way along Northeast F Street and Central Avenue per the Master Street Plan requirements.

4. **Ordinance accepting a property line adjustment of the south 20' of Lot 4, and Lots 5, 8, 9, & 12, and the vacated east half of an alley lying to the west of Lot 8 and the north one-half of Lot 9, and also that portion of a vacated 12' alley lying parallel and adjacent to the south line of Lot 5 and parallel and adjacent to the north line of Lot 8 in Block 1 of the Dunn and Davis Addition; creating new Lots 19 and 20, of Dunn and Davis Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0027) NW Corner of SW 6th and SW A Streets.**

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of the south 20' of Lot 4, and Lots 5, 8, 9, & 12, and the vacated east half of an alley lying to the west of Lot 8 and the north one-half of Lot 9, and also that portion of a vacated 12' alley lying parallel and adjacent to the south line of Lot 5 and parallel and adjacent to the north line of Lot 8 in Block 1 of the Dunn & Davis addition, creating new Lots, 19 and 20 of Dunn and Davis Addition. Proposed Lot 19 would be approximately 0.22 acres, and proposed Lot 20 would be approximately 0.49 acres. This project is also proposing to dedicate approximately 0.09 acres, being approximately 16.5 feet wide along the southernmost boundary, and 6 feet wide along the easternmost boundary.

This request is related to project LSD22-0052 Upland Stacks, which has been submitted to Planning staff for review. One waiver has been requested and approved by Planning Commission: A waiver from Section 3.5 Utilities that the minimum width for a drainage easement be 20 feet. The applicant is proposing an 18-foot-wide easement.

5. **Ordinance accepting a property line adjustment of Lots 25, 26 and 29, Block 24 of Deming's 2nd Addition; creating new Lots 33 and 34 of Deming's 2nd Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0028) 702 & 704 NE A Street.**

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lots 25 and 29, Block 24 of Deming's 2nd Addition, creating new Lots 33 & 34 of Deming's 2nd Addition (0.46 acres). The plat dedicates right-of-way along NE A St. approximately 75 feet long and approximately 0.01 acres.

6. **Ordinance accepting a property line adjustment of Lots 4, 5 and lot 19, Block 2 of Dunn and Davis Addition, creating new Lot 22, Block 2, of Dunn and Davis Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: PLA22-0029) SW 5th and SW B Street.**

The Planning Commission voted 7-0, recommending approval.

A property line adjustment of Lots 4, 5, and 19, Block 2 of Dunn and Davis Addition, creating new Lot 22, Block 2 of Dunn and Davis Addition (.49 acres). The plat dedicates a 20-foot utility easement along SW B Street. This plat is related to the Oak One Large Scale Development (LSD22-0046).

7. **Ordinance accepting a lot split of un-platted section land creating new Lot of Sonic South Walton Addition to the City of Bentonville, Arkansas; and for other purposes (Project Number: LS22-0038) 208 South Walton Boulevard.**

The Planning Commission voted 7-0, recommending approval.

A lot split of un-platted section land, creating new Lot 1 (+/- 0.73 Acres), of Sonic South Walton Addition. This plat dedicates various public utility easements to serve any future developments that may occur on this lot. The right-of-way along South Walton Boulevard meets or exceeds the requirements of the current Master Street Plan.

8. **Ordinance accepting a lot split of un-platted section land creating new Lots 1 and 2 of Randall Hinton Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project Number: LS22-0041) 3101 & 3103 S. Walton Blvd.**

The Planning Commission voted 7-0, recommending approval.

A lot split of un-platted section land, creating new Lots 1(+/- 1.48 Acres) and 2 (+/- 3.87 Acres) of Randall Hinton Subdivision. This plat dedicates right-of-way along S. Walton Blvd. being approximately 335.95 square feet, and along SE C St. being approximately 1517.98 square feet. The plat provides a 10' flag for access of Lot 1 to S. Walton Blvd.

- 9a. **Resolution amending the City of Bentonville future land use map for a specific area from Low-Density Residential to Medium-Density Residential; and for other purposes (Project Number: RZ22-0042) 1006, 1102, & 1104 Lockheed Street.**

The Planning Commission voted 7-0, recommending approval.

The Future Land Use Plan currently shows this property as Low-Density Residential, however the applicant is requesting a change to the Future Land Use Map to Medium-Density Residential. These 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.

This property is located within Priority Area 2, Infill, as identified in Chapter 4 of the Bentonville Community Plan. This area looks to leverage the City's existing investments in utilities and streets to accommodate new development.

- 9b. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to R-2, Medium Density Two Family and Townhome Residential; and for other purposes. (Project Number: RZ22-0042) 1006, 1102, & 1104 Lockheed Street.**

The Planning Commission voted 7-0, recommending approval.

While this neighborhood only presently consists of R-1 zoning, a significant number of properties on Lockheed St. are already functioning as duplexes – a legal non-conforming use under the terms of the Zoning Code. Additionally, the new Walmart campus development to the West and existing commercial zoning and uses to the East sandwich this neighborhood amongst more intense uses. Rezoning to R-2 would be appropriate in this context.

This request is not consistent with the Future Land Use Plan. However, the context of the property - with a significant number of existing two-family residential uses across the street, as well as its location amidst new and existing intensifying commercial development – along with the goals of the Community Plan to capitalize on the existing infrastructure in this part of the City, an amendment to the Future Land Use Plan to Medium-Density Residential would be appropriate.

10a. Resolution amending the City of Bentonville future land use map for a specific area from Residential Estate to Low-Density Residential and Medium-Density Residential; and for other purposes. (Project Number: RZ22-0044) 4300 Town Vu Road.

Residential Estate to Low Density Residential: The Planning Commission voted 7-0, recommending approval.

Residential Estate to Medium Density Residential: The Planning Commission voted 6-1, recommending approval, with Commissioner Davis voting no because of safety concerns regarding increased traffic on Tater Black Road.

The Future Land Use Plan currently depicts this property as Residential Estate; however, the applicant is requesting a change in the Future Land Use Plan to Low-Density Residential for the portion that is proposed to be zoned R-1, Low Density Single Family Residential and Medium Density Residential for the portion that is proposed to be zoned R-2, Medium Density Two Family and Townhome 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. 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.

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

10b. Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agriculture to R-1, Low Density Single Family Residential and R-2, Medium Density Two Family and Townhome Residential; and for other purposes (Project Number: RZ22-0044) 4300 Town Vu Road.

The Planning Commission voted 7-0, recommending approval of both rezoning requests.

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. The intent of the R-2 District is to encourage the basic land use restrictions

as the R-1 District. It allows slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity. Such a district shall encourage and maintain duplex and patio home development at appropriate locations. The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate conversion of one family residences to two-family use in established developed areas. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area. While this request is not consistent with the Future Land Use Plan, it is consistent with some of the uses of the surrounding zoning districts and development patterns located in the vicinity.



Consent Agenda Items

For the Planning Commission meeting on September 20, 2022

Reviewer: Luke Aitken, Planning Technician

- ❖ The descriptions below shall serve as the staff report for each of the proposed consent agenda items.

Property Line Adjustment: Lots 1 & 2 of Westwood Phase 2, Westwood Development Lot A LLC, Westwood Development Lot B LLC, Westwood/Burrwood Lot C LLC, DeWayne C and Sherry Goss, 307 S Walton Blvd., C-3 Mixed-use Commercial, PLA22-0017

A property line adjustment of Lots 1 and 18 of Westside Addition, creating new Lots 1 and 2 of Westwood Phase 2 (7.02 acres). The plat dedicates 273 square feet of street right-of-way along SW 3rd St., and a 24' wide public access easement to Lot 2 through Lot 1 to Walton Blvd

Property Line Adjustment: Lots 21 and 22, Block 2 of Lincoln and Rice Addition, John C and Dawn McDowell, 102 NE F Street, DN-1, Downtown Low Density Residential, PLA22-0025

A property line adjustment of part of Lots 10, 11, and 13, Block 2 of Lincoln and Rice Addition, creating new Lots 21 and 22, Block 2 of Lincoln and Rice Addition. The plat dedicates a right of way along Northeast F Street and Central Avenue per the Master Street Plan requirements.

Property Line Adjustment: Lots 33 & 34 of Deming's 2nd Addition, Casey R and Hannah Roberts, 702 & 704 NE A St., DN-2, Downtown Medium Density Residential, PLA22-0028

A property line adjustment of Lots 25 & 29 in Block 24 of Deming's 2nd Addition, creating new Lots 33 & 34 of Deming's 2nd Addition (0.46 acres). The plat dedicates right-of-way along NE A St. approximately 75 feet long and approximately 0.01 acres.

Property Line Adjustment: Lot 22, Block 2 of Dunn and Davis Addition, HOMEX International, SW 5th and SW B Street, DE, Downtown Edge, PLA22-0029

A property line adjustment of Lots 4, 5, and 19, Block 2 of Dunn and Davis Addition, creating new Lot 22, Block 2 of Dunn and Davis Addition (.49 acres). The plat dedicates a 20-foot utility easement along SW B Street. This plat is related to the Oak One Large Scale Development (LSD22-0046).

Lot Split: Lot 1 of Sonic South Walton Addition, ESCH Family Limited Partnership, 208 South Walton Boulevard, R-1, C-2, General Commercial, LS22-0038

A lot split of un-platted section land, creating new Lot 1 (+/- 0.73 Acres), of Sonic South Walton Addition. This plat dedicates various public utility easements to serve any future developments that may occur on this lot. The right-of-way along South Walton Boulevard meets or exceeds the requirements of the current Master Street Plan.

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

Lot Split: Lots 1 and 2 of Randall Hinton Subdivision, Spangler Revocable Trust, 3101 & 3103 S. Walton Blvd., C-2 General Commercial, LS22-0041

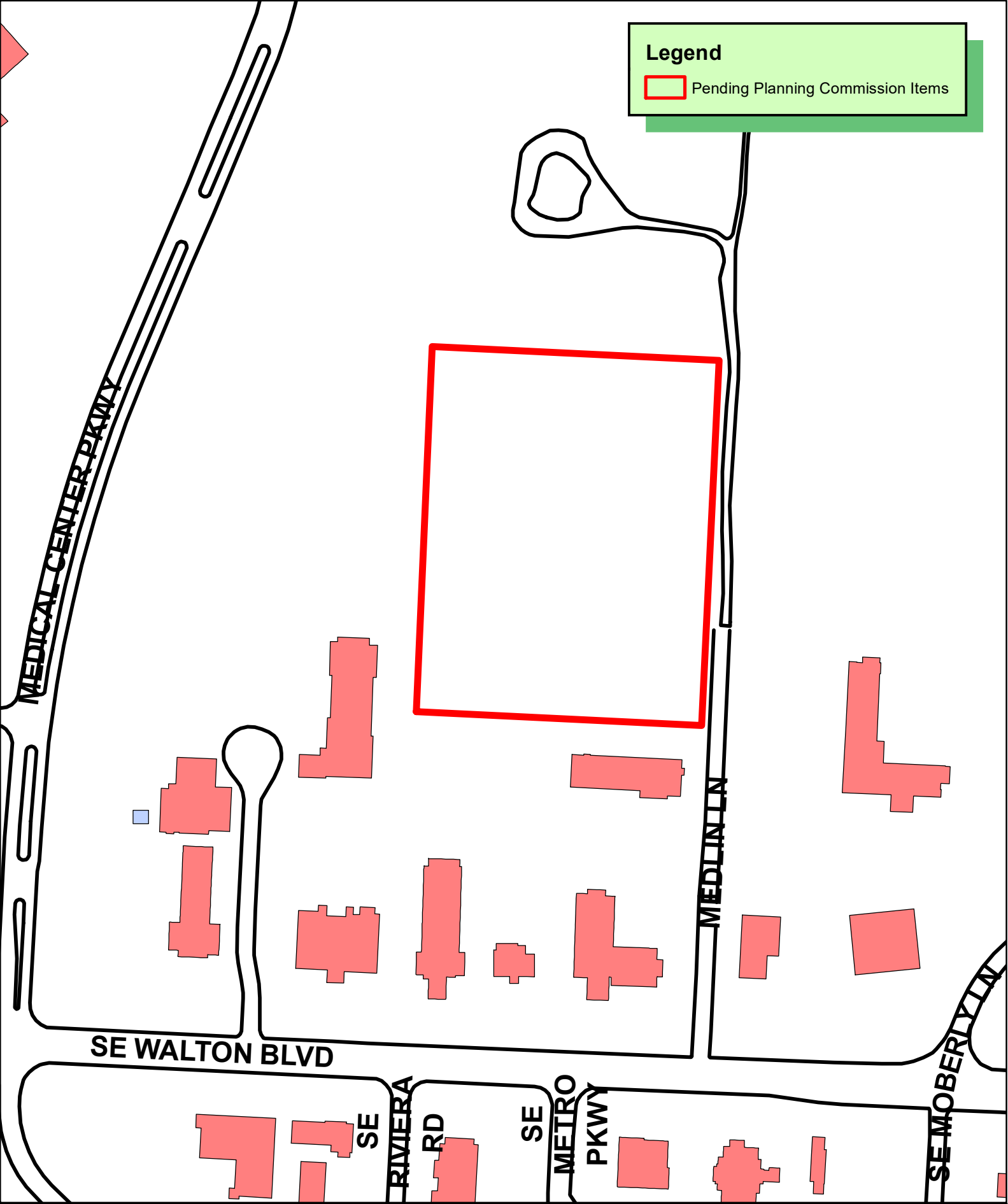
A lot split of previously unplatted property described by metes and bounds, being a part of the Northeast Quarter of the Northeast Quarter of Section 7, Township 19 North, Range 30 West, Benton County, Arkansas, creating new Lots 1 and 2 of Randall Hinton Subdivision (5.35 acres). This plat dedicates right-of-way along S. Walton Blvd. being approximately 335.95 square feet, and along SE C St. being approximately 1517.98 square feet. The plat provides a 10' flag for access of Lot 1 to S. Walton Blvd.

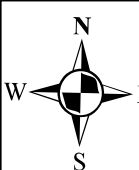
Large Scale Development: SOMA Terra Townhomes, 10th Ave Freeze Out LLC, SE 10th Street, PRD, Planned Residential Development, LSD22-0044

A large-scale development proposing the construction of a 12 unit three-story, residential townhome project located on SE 10th Street. Twenty-eight parking spaces are being provided 24 spaces on site in garages and 4 spaces on-street that will be utilized by the public or residences of the development. Sidewalks and site amenities are per the requirements of the Land Development Code. The proposed exterior materials consist of brick, glazing and architectural metal panel. This Large Scale Development is related to the SOMA Planned Residential Development (PRD22-0001) that was approved by the Planning Commission on June 21, 2022.

Legend

 Pending Planning Commission Items





1 inch = 200 feet

PLA22-0013 6/7/22
PROPERTY LINE ADJUSTMENT
MEDLIN MEADOWS SUB PH-2

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF EXISTING LOT 4 OF SWAFFER
SUBDIVISION & LOT 8 MEDLIN MEADOWS SUBDIVISION; CREATING NEW
LOT 1 MEDLIN MEADOWS SUBDIVISION, PHASE 2 TO THE CITY OF
BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: PLA22-0013)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of EXISTING LOT 4 OF SWAFFER SUBDIVISION & LOT 8 MEDLIN MEADOWS SUBDIVISION, creating new LOT 1 MEDLIN MEADOWS SUBDIVISION, PHASE 2, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on July 19, 2022;

WHEREAS, said lot split is attached hereto as Exhibit “A”;

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 EXISTING LOT 4 OF SWAFFER SUBDIVISION & LOT 8 MEDLIN MEADOWS SUBDIVISION, creating new LOT 1 MEDLIN MEADOWS SUBDIVISION, PHASE 2 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 are hereby authorized and directed to evidence the acceptance of said lot split by certifying said acceptance on the approved lot split;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

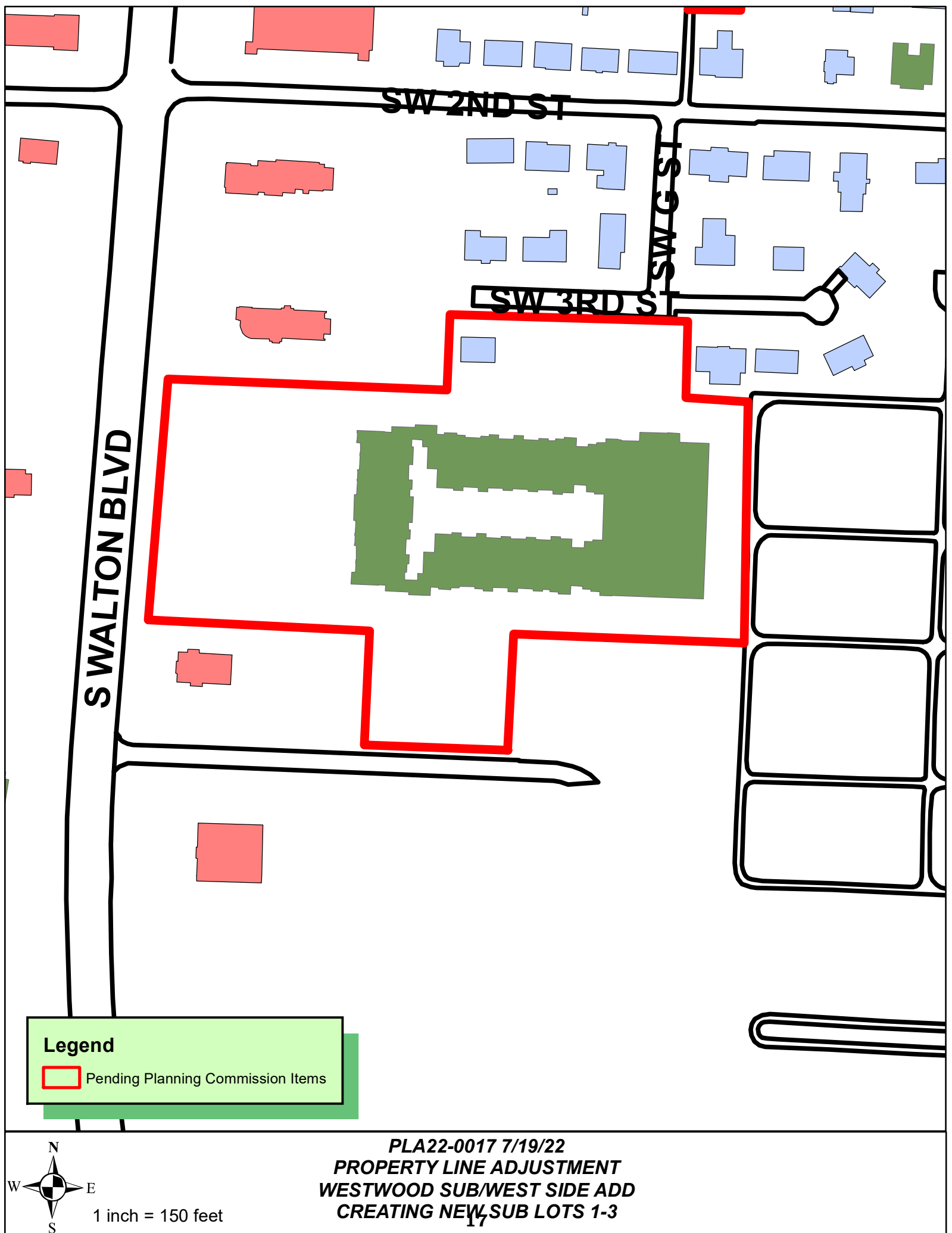
PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



SW 2ND ST

SW 3RD ST

SW G ST

S WALTON BLVD

Legend

 Pending Planning Commission Items



1 inch = 150 feet

PLA22-0017 7/19/22
PROPERTY LINE ADJUSTMENT
WESTWOOD SUB/WEST SIDE ADD
CREATING NEW SUB LOTS 1-3

LOT SPLIT PLAT OF LOT 1 OF WESTWOOD SUBDIVISION AND LOT 18 OF WESTSIDE ADDITION CREATING LOTS 1 AND 2 OF WESTWOOD PHASE 2

CERTIFICATE OF OWNERSHIP PARCELS 01-00569-000 AND 01-16671-001

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: _____

BY: _____
WESTWOOD DEVELOPMENT LOT A, LLC

(PRINT)

SOURCE OF TITLE: DEED RECORDS L202041719, L202204468, L202204469

STATE OF ARKANSAS)
) SS
COUNTY OF BENTON)
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____, 2022
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

CERTIFICATE OF OWNERSHIP PARCELS 01-04649-000 AND 01-04650-000

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: _____

BY: _____
WESTWOOD DEVELOPMENT LOT B, LLC

(PRINT)

SOURCE OF TITLE: DEED RECORDS L202041718 AND L202041720

STATE OF ARKANSAS)
) SS
COUNTY OF BENTON)
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____, 2022
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

CERTIFICATE OF OWNERSHIP PARCEL 01-00568-000

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: _____

BY: _____
WESTWOOD/BURRWOOD LOT C, LLC

(PRINT)

SOURCE OF TITLE: DEED RECORD L202108965

STATE OF ARKANSAS)
) SS
COUNTY OF BENTON)
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____, 2022
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

OWNERS:

WESTWOOD DEVELOPMENT LOT A LLC
PO BOX 271068
FORT COLLINS CO 80527

WESTWOOD DEVELOPMENT LOT B LLC
PO BOX 271068
FORT COLLINS CO 80527

WESTWOOD/BURRWOOD LOT C LLC
PO BOX 271068
FORT COLLINS CO 80527

GOSS, C DEWAYNE & SHERRY
3901 SW STONEFIELD ST
BENTONVILLE AR 72713

CERTIFICATE OF OWNERSHIP PARCEL 01-04651-000

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: _____

BY: _____
C DEWAYNE GOSS

(PRINT)

BY: _____
SHERRY GOSS

(PRINT)

SOURCE OF TITLE: DEED 2004-41792

STATE OF ARKANSAS)
) SS
COUNTY OF BENTON)
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____, 2022
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

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

NOTES:

THE SURVEY SHOWN HEREON IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

THIS PROPERTY LIES WITHIN THE MUNICIPAL LIMITS OF BENTONVILLE, ARKANSAS.

ACCORDING TO THE CITY OF BENTONVILLE GIS WEB SITE: LOT 1 IS ZONED R-1; LOT 2 IS ZONED R-3, C-2 AND C-3.

LOT 1 OF WESTWOOD SUBDIVISION CONSISTS OF PARCELS 01-00568-000, 01-00569-000, 01-04649-000, 01-04650-000 AND 01-16671-001.

LOT 18 OF WESTSIDE ADDITION IS PARCEL 01-04651-000

ACCORDING TO THE CITY OF BENTONVILLE GIS WEB SITE:

PARCEL 01-00568-000 IS ZONED C-2
PARCEL 01-00569-000 IS ZONED C-3
PARCEL 01-04649-000 IS ZONED R-3
PARCEL 01-04650-000 IS ZONED R-1
PARCEL 01-04651-000 IS ZONED R-1
PARCEL 01-16671-001 IS ZONED C-2

THE RIGHT OF WAY WIDTH SHOWN ON THIS PLAT IS BASED ON THE CITY MASTER STREET PLAN REQUIRED RIGHT OF WAY WIDTH FOR ARTERIAL STREETS.

THE ADJACENT PROPERTY OWNERS NAMES SHOWN ON THIS PLAT WERE OBTAINED FROM THE BENTON COUNTY GIS WEB SITE, AND REPRESENT THE OWNER'S LISTED NAME AT THE TIME OF THIS SURVEY.

THE BOUNDARY DETERMINATION SHOWN HEREON WAS BASED UPON THE FOLLOWING DOCUMENTS AND NO OTHERS: DEED RECORD L202035902, DEED RECORD L202041718, DEED RECORD L202041719, DEED RECORD L202041720, PLAT RECORD K-50, PLAT RECORD T-208, PLAT RECORD 4-148, PLAT RECORD 19-153, PLAT RECORD 2007-847, PLAT RECORD, PLAT RECORD 2011-269, ALTA/NSPS LAND TITL SURVEY BY BATES & ASSOCIATES DATED 06/12/2020, SIGNED BY DERRICK L THOMAS, PS 1642, AN ALTA/NSPS LAND TITL SURVEY BY BATES & ASSOCIATES DATED 11/19/2020, SIGNED BY DERRICK L THOMAS, PS 1642 AND PLAT RECORD L202204037.

FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE FILE NO. 19-5495, DATED OCTOBER 29, 2019, WAS ENTIRELY RELIED UPON FOR RECORD INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.

THE SURVEYOR HAS NOT MADE A SEPARATE INVESTIGATION OR SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, OR RESTRICTIVE COVENANTS OR ANY OTHER FACTS WHICH MIGHT AFFECT THE PROPERTY. ANY EASEMENTS SHOWN HEREON CAME TO THE ATTENTION OF THE SURVEYOR FROM EXAMINATION OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE FILE NO. 19-5495, DATED OCTOBER 29, 2019.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT CONSIDERED A PART OF THIS SURVEY AND NO INVESTIGATION OF THESE CONDITIONS WAS MADE.

ANY UTILITY LINES, STRUCTURES OR APPURTENANCES SHOWN HEREON ARE FROM A FIELD INVESTIGATION LIMITED TO THE VISIBLE SURFACE OF THE PROPERTY SURVEYED. OTHER UTILITY LINES, STRUCTURES AND APPURTENANCES MAY BE PRESENT ON THE PROPERTY. FOR INFORMATION REGARDING SUCH ITEMS, CONTACT THE APPROPRIATE AGENCIES.

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 05007C0255K, EFFECTIVE DATE JUNE 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.

OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.

ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20 FEET CLEARANCES FROM ALL ELECTRIC LINES.

THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.

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.

BUILDING SETBACK NOTE:

SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT 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.

CERTIFICATE OF SURVEYING ACCURACY

I, KEVIN J. MONTGOMERY, 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: _____

CRAFTON, TULL & ASSOCIATES, INC.
BY KEVIN J. MONTGOMERY (AGENT)

SIGNED: _____
KEVIN J. MONTGOMERY (AGENT)
REGISTERED LAND SURVEYOR
NO. 1460
STATE OF ARKANSAS

ALL COPIES THAT DO NOT BEAR AN ORIGINAL SEAL AND SIGNATURE MAY HAVE BEEN ALTERED. THE ABOVE DECLARATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



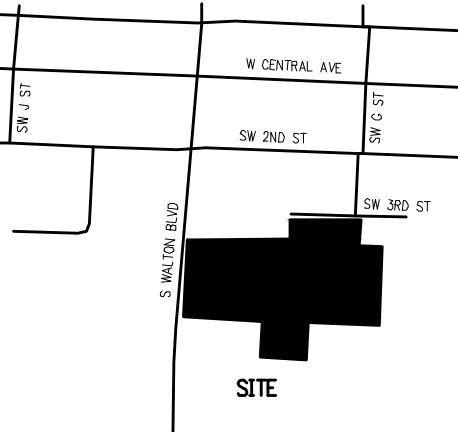
ATLAS PAGE: 403B

CITY OF BENTONVILLE
PROJECT NUMBER: PLA22-0017

EXHIBIT A

RECORD INFORMATION

VICINITY MAP



LOT SPLIT PLAT CREATING
LOTS 1 AND 2 OF
WESTWOOD SUBDIVISION
PHASE 2

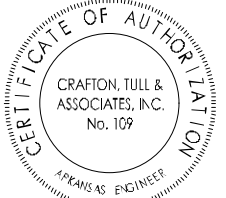
PREPARED FOR:
CHASEN B GARRETT ARCHITECTS

STATE PLAT CODE:
500-20N-30W-0-31-440-04-1460

DATE: 09/12/2022
PROJECT NO: 20108200
CONTACT: K MONTGOMERY

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

CERTIFICATE OF AUTHORIZATION:



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DELTA	DESCRIPTION	DATE
1	REVISED PER COMMENTS	08/16/2022

SHEET NO.:

1 OF 3

DRAWING: G:\20108200\WMOODVILLAINFRASTRUCTURES\SURVEY\DWG\20108200.LOT 18.L1.DWG
LAYOUT: LAYOUT1.LAST SAVED: K4676.8/3/2022 1:50:39 PM
LAST PLOTTED BY: KEVIN MONTGOMERY, 9/12/2022 7:20:55 AM (PLOTTED BY: VALID ON HARD COPY ONLY)

DESCRIPTION PARENT PARCEL:

LOT 1 OF WESTWOOD SUBDIVISION, AS PER PLAT RECORD L202204037 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

DESCRIPTION PARENT PARCEL:

LOT 18 OF WEST SIDE ADDITION, AS PER PLAT RECORD K-50 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

DESCRIPTION PHASE 2:

LOT 18 OF WEST SIDE ADDITION, AS PER PLAT RECORD K-50 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS AND LOT 1 OF WESTWOOD SUBDIVISION, AS PER PLAT RECORD L202204037 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF SAID WESTWOOD SUBDIVISION;
THENCE ALONG THE NORTH LINE THEREOF S87°46'05"E 367.04 FEET TO THE SOUTHWEST CORNER OF LOT 18 OF SAID WEST SIDE ADDITION;
THENCE ALONG THE WEST LINE THEREOF N02°38'22"E 93.97 FEET TO THE SOUTH RIGHT-OF-WAY OF SW 3RD STREET AS SHOWN IN PLAT RECORD K-50;
THENCE ALONG SAID RIGHT-OF-WAY N79°59'29"E 51.86 FEET;
THENCE ALONG SAID RIGHT-OF-WAY S88°07'15"E 26.96 FEET TO THE SOUTH RIGHT-OF-WAY OF SW 3RD STREET AS SHOWN IN PLAT RECORD L202204037;
THENCE ALONG SAID RIGHT-OF-WAY S01°55'11"W 6.54 FEET;
THENCE ALONG SAID RIGHT-OF-WAY S87°58'05"E 237.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE ALONG THE EAST LINE THEREOF THE FOLLOWING THREE COURSES:
THENCE S01°55'11"W 99.42 FEET;
THENCE S87°46'05"E 78.46 FEET;
THENCE S00°54'25"W 316.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ALONG THE SOUTH LINE THEREOF THE FOLLOWING FIVE COURSES:
THENCE N87°46'11"W 302.85 FEET;
THENCE S02°44'34"W 152.82 FEET;
THENCE N87°46'17"W 189.00 FEET;
THENCE N02°44'32"E 149.77 FEET;
THENCE N87°43'46"W 291.06 FEET TO THE EAST RIGHT-OF-WAY OF SOUTH WALTON BOULEVARD AS SHOWN IN PLAT RECORD L202204037;
THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES:
THENCE N04°32'17"E 2.85 FEET;
THENCE N04°44'48"E 200.18 FEET;
THENCE N04°35'50"E 116.75 FEET TO THE POINT OF BEGINNING, CONTAINING 7.02 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION LOT 1:

PART OF LOT 1 OF WESTWOOD SUBDIVISION, AS PER PLAT RECORD L202204037 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

beginning AT THE NORTHWEST CORNER OF LOT 1 OF SAID WESTWOOD SUBDIVISION;
THENCE ALONG THE NORTH LINE THEREOF S87°46'05"E 525.10 FEET;
THENCE N01°55'11"E 98.87 FEET TO THE SOUTH RIGHT-OF-WAY OF SW 3RD STREET AS SHOWN IN PLAT RECORD L202204037;
THENCE ALONG SAID RIGHT-OF-WAY S87°58'05"E 158.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE ALONG THE EAST LINE THEREOF THE FOLLOWING THREE COURSES:
THENCE S01°55'11"W 99.42 FEET;
THENCE S87°46'05"E 78.46 FEET;
THENCE S00°54'25"W 316.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE ALONG THE SOUTH LINE THEREOF THE FOLLOWING FIVE COURSES:
THENCE N87°46'11"W 302.85 FEET;
THENCE S02°44'34"W 152.82 FEET;
THENCE N87°46'17"W 189.00 FEET;
THENCE N02°44'32"E 149.77 FEET;
THENCE N87°43'46"W 291.06 FEET TO THE EAST RIGHT-OF-WAY OF SOUTH WALTON BOULEVARD AS SHOWN IN PLAT RECORD L202204037;
THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES:
THENCE N04°32'17"E 2.85 FEET;
THENCE N04°44'48"E 200.18 FEET;
THENCE N04°35'50"E 116.75 FEET TO THE POINT OF BEGINNING, CONTAINING 6.66 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION LOT 2:

PART OF LOT 18 OF WEST SIDE ADDITION, AS PER PLAT RECORD K-50 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS AND PART OF LOT 1 OF WESTWOOD SUBDIVISION, AS PER PLAT RECORD L202204037 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF SAID WESTWOOD SUBDIVISION;
THENCE ALONG THE NORTH LINE THEREOF S87°46'05"E 367.04 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 18 OF SAID WEST SIDE ADDITION;
THENCE ALONG THE WEST LINE THEREOF N02°38'22"E 93.97 FEET TO THE SOUTH RIGHT-OF-WAY OF SW 3RD STREET AS SHOWN IN PLAT RECORD K-50;
THENCE ALONG SAID RIGHT-OF-WAY N79°59'29"E 20.87 FEET;
THENCE LEAVING SAID RIGHT-OF-WAY S87°58'05"E 57.28 FEET TO THE SOUTH RIGHT-OF-WAY OF SW 3RD STREET AS SHOWN IN PLAT RECORD L202204037;
THENCE ALONG SAID RIGHT-OF-WAY S87°58'05"E 79.18 FEET;
THENCE LEAVING SAID RIGHT-OF-WAY S01°55'11"W 98.87 FEET;
THENCE N87°46'05"W 158.06 FEET TO THE POINT OF BEGINNING, CONTAINING 0.36 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

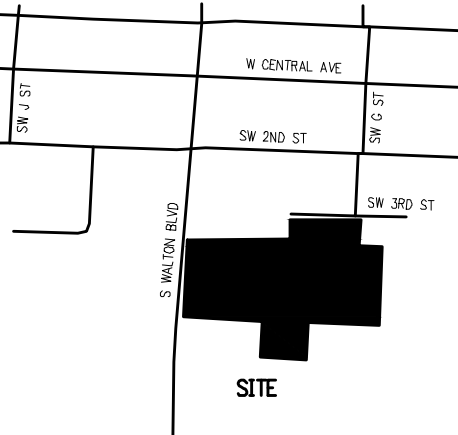
DESCRIPTION SW 3RD STREET RIGHT OF WAY:

PART OF LOT 18 OF WEST SIDE ADDITION, AS PER PLAT RECORD K-50 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 18 OF SAID WEST SIDE ADDITION, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF SW 3RD STREET AS SHOWN IN PLAT RECORD K-50;
THENCE ALONG SAID RIGHT-OF-WAY N79°59'29"E 20.87 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N79°59'29"E 30.99 FEET;
THENCE ALONG SAID RIGHT-OF-WAY S88°07'15"E 26.96 FEET TO THE NORTHEAST CORNER OF SAID LOT 18
THENCE ALONG THE EAST LINE THEREOF S01°55'11"W 6.54 FEET;
THENCE LEAVING SAID EST LINE N87°58'05"W 57.28 FEET TO THE POINT OF BEGINNING, CONTAINING 273 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

RECORD INFORMATION

VICINITY MAP



LOT SPLIT PLAT CREATING
LOTS 1 AND 2 OF
WESTWOOD SUBDIVISION
PHASE 2

PREPARED FOR:
CHASEN B GARRETT ARCHITECTS

STATE PLAT CODE:
500-20N-30W-0-31-440-04-1460

DATE: 09/12/2022
PROJECT NO.: 20108200
CONTACT: K MONTGOMERY



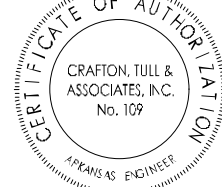
Crafton Tull

architecture | engineering | surveying

901 N. 47th St., Suite 400
Rogers, Arkansas 72756

479.636.4838 | 479.631.6224 f
www.craftontull.com

CERTIFICATE OF AUTHORIZATION:



CRAFTON, TULL & ASSOCIATES, INC.
No. 107
ARKANSAS ENGINEER

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SHEET NO.:

RECORD INFORMATION

VICINITY MAP



LOT SPLIT PLAT CREATING
LOTS 1 AND 2 OF
WESTWOOD SUBDIVISION
PHASE 2

PREPARED FOR:
CHASEN B GARRETT ARCHITECTS

STATE PLAT CODE:
500-20N-30W-0-31-440-04-1460

DATE: 09/12/2022
PROJECT NO.: 20108200
CONTACT: K MONTGOMERY

901 N. 47th St., Suite 400
Rogers, Arkansas 72756

Crafton Tull
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479.636.4838 | 479.631.6224 |
www.craftontull.com

CERTIFICATE OF AUTHORIZATION

CRAFTON, TULL & ASSOCIATES, INC.
No. 127

ARIZONA ENGINEER

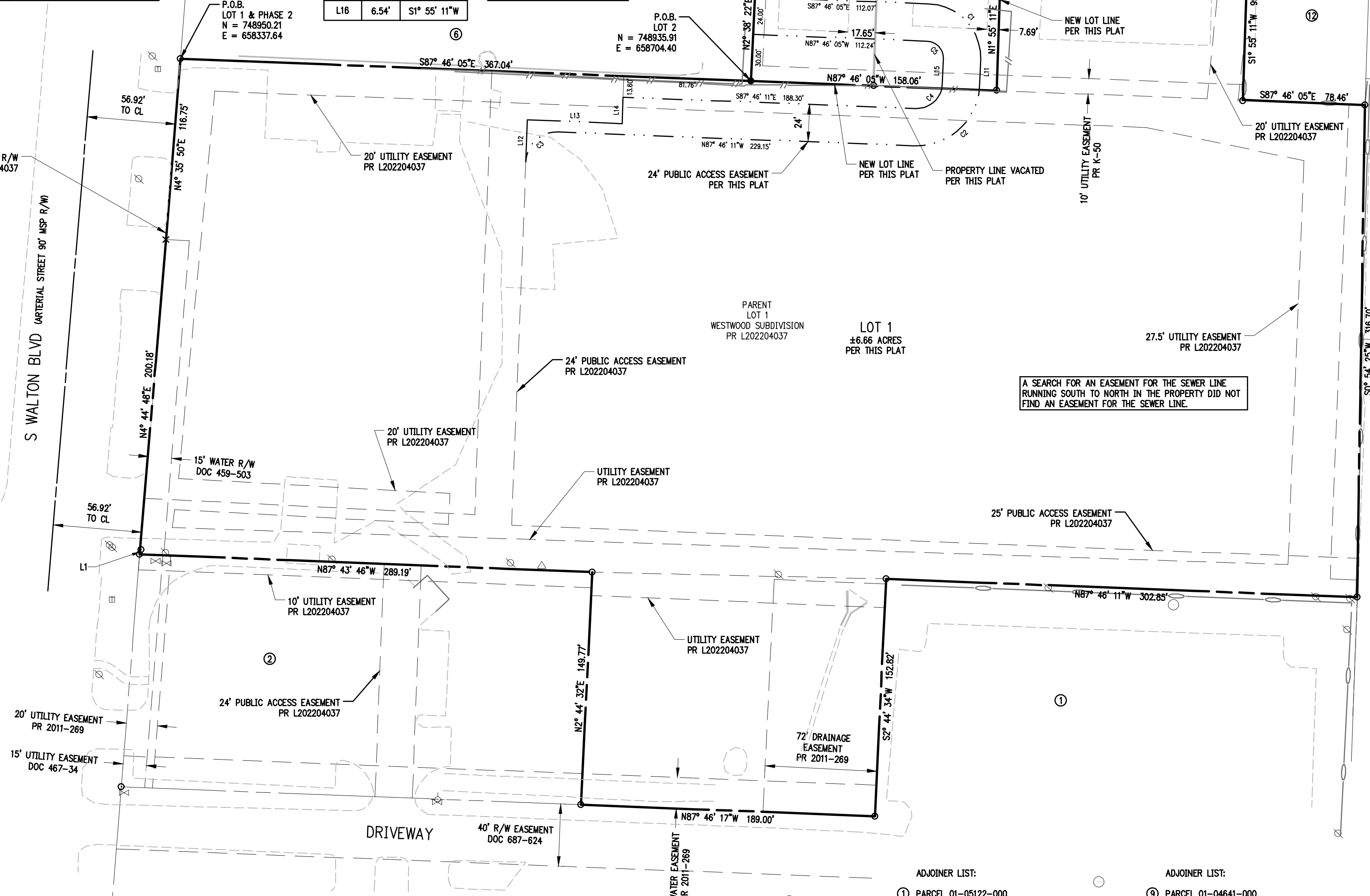
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SHEET NO.:

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION
C1	54.00'	34.50'	89°41'16"	S42° 55' 27"E
C2	63.84'	40.50'	90°18'37"	S47° 04' 30"W
C3	31.42'	20.00'	90°00'00"	S47° 13' 49"W
C4	26.01'	16.50'	90°18'37"	N47° 04' 30"E
C5	16.44'	10.50'	89°41'16"	N42° 55' 27"W

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	2.85'	N4° 32' 17"E
L2	20.87'	N79° 59' 29"E
L3	57.28'	S87° 58' 05"E
L4	30.99'	N79° 58' 29"E
L5	26.96'	S88° 07' 15"E
L16	6.54'	S1° 55' 11"W

PARCEL LINE TABLE		
LINE #	LENGTH	DIRECTION
L11	16.56'	S1° 55' 11"W
L12	27.00'	N2° 13' 49"E
L13	60.84'	S87° 46' 11"E
L14	17.00'	N2° 13' 49"E
L15	16.56'	N1° 55' 11"E

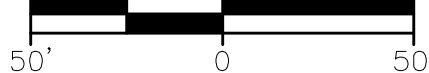


LEGEND

- FOUND IRON PIN OR PIPE
- FOUND "X"
- CALCULATED
- SET IRON PIN
- GAS METER
- TELEPHONE BOX
- FIRE HYDRANT
- WATER VALVE
- SEWER MANHOLE
- POWER POLE
- PROPERTY LINE
- UTILITY EASEMENT
- ACCESS EASEMENT
- CHAINLINK FENCE
- WOOD FENCE



GRAPHIC SCALE IN FEET



BASIS OF BEARING: 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.
BEARING: GRID
DISTANCE: GRID
CONVERGENCE ANGLE: -01°17'33.49"
COMBINED SCALE FACTOR: 0.99996770
VALUE CALCULATED AT THE POINT OF BEGINNING FOR LOT 2
N 748950.21 E 658337.64 Z 1303.07

ADJOINER LIST:

- 1 PARCEL 01-05122-000
WAL-MART STORES INC 05-9000
- 2 01-16671-000
CFT NV DEVELOPMENTS LLC
- 3 PARCEL 01-01133-000
WAL-MART REAL ESTATE BUSINESS
- 4 PARCEL 01-04387-000
MAB EMPRESAS LLC
- 5 PARCEL 01-04404-000
WITCHER REVOCABLE TRUST, LOREN
- 6 PARCEL 01-00567-000
POSH ENTERPRISES LLC
- 7 PARCEL 01-00566-000
MCDONALDS CORP #5430
- 8 PARCEL 01-04640-000
JESPERSEN REVOCABLE TRUST, RONALD D

ADJOINER LIST:

- 9 PARCEL 01-04641-000
CAPOBIANCO, CINDY
- 10 PARCEL 01-04642-000
HANLEY REVOCABLE LIVING TRUST, THOMAS & HANLEY
REVOCABLE LIVING TRUST, SANDRALYN V
- 11 PARCEL 01-04643-000
FAULKENBURY, ARTHUR & EVA
- 12 PARCEL 01-04648-000
CAPOBIANCO, CINDY M
- 13 PARCEL 01-01870-000
CITY OF BENTONVILLE
- 14 PARCEL 01-01874-000
CITY OF BENTONVILLE

ATLAS PAGE: 403B

CITY OF BENTONVILLE
PROJECT NUMBER: PLA22-0017

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOT 1 OF WESTWOOD SUBDIVISION AND LOT 18 OF WESTSIDE ADDTION; CREATING NEW LOTS 1 AND 2 OF WESTWOOD SUBDIVISION PHASE 2 TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: PLA22-0017)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of LOT 1 OF WESTWOOD SUBDIVISION AND LOT 18 OF WESTSIDE ADDTION, creating new LOTS 1 AND 2 OF WESTWOOD SUBDIVISION PHASE 2 to the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 20, 2022;

WHEREAS, said property line adjustment is attached hereto as Exhibit “A”;

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

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

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

Section 1: That the property line adjustment of LOT 1 OF WESTWOOD SUBDIVISION AND LOT 18 OF WESTSIDE ADDTION, creating new LOTS 1 AND 2 OF WESTWOOD SUBDIVISION PHASE 2 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 are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

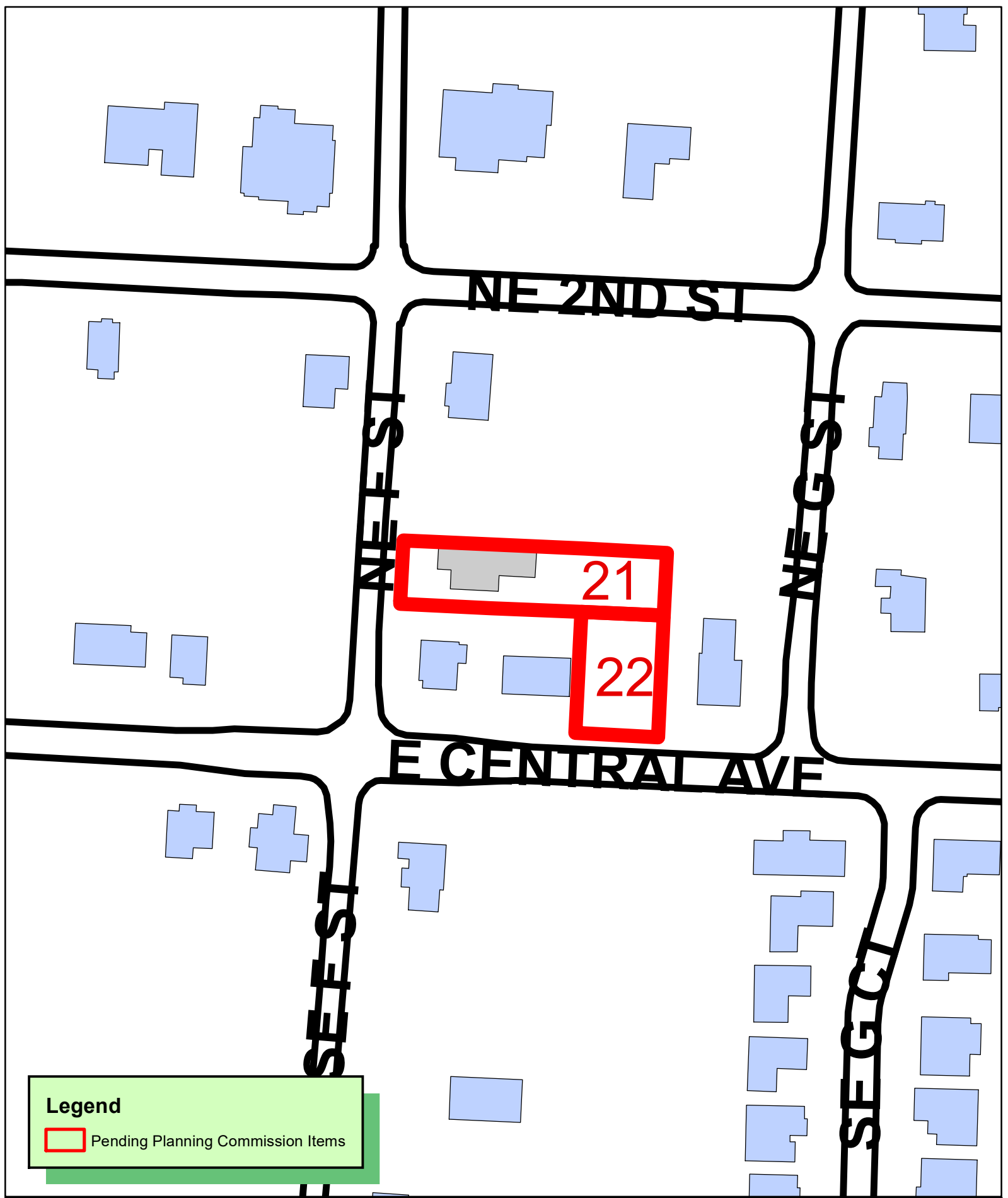
PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



SURVEY DESCRIPTION

PREVIOUS PARCEL #01-03249-000
LOT 13, BLOCK 2, LINCOLN AND RICE ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD B AT PAGE 101.

PREVIOUS PARCEL #01-03252-000
LOT 10 AND THE WEST 18 FEET OF LOT 11, BLOCK 2, LINCOLN AND RICE ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD B AT PAGE 101.

ADJUSTED PARCEL #01-03249-000 (LOT 21, BLOCK 2)
ALL OF LOT 13, AND A PORTION OF LOTS 10 AND 11, BLOCK 2, LINCOLN & RICE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND CHISELED "X" MARKING THE SOUTHWEST CORNER OF LOT 18, BLOCK 2 OF THE LINCOLN & RICE ADDITION TO BENTONVILLE, ARKANSAS, AS RECORDED IN FILE L201905248, THENCE N03°00'21"E 100.50 FEET TO A SET 5/8" CAPPED REBAR "1659" ON THE EAST RIGHT-OF-WAY LINE OF NORTHEAST F STREET, AND BEING THE TRUE POINT OF BEGINNING; THENCE N02°56'06"E 50.09 FEET TO A SET 5/8" CAPPED REBAR "1659"; THENCE LEAVING SAID RIGHT-OF-WAY, S87°28'47"E 149.99 FEET TO A SET 5/8" CAPPED REBAR "1659"; THENCE S86°46'47"E 67.83 FEET TO A FOUND 1/2" CAPPED REBAR "1532"; THENCE S02°42'48"W 49.29 FEET TO A SET 5/8" CAPPED REBAR "1659"; THENCE N87°31'12"W 68.05 FEET TO A FOUND 1/2" REBAR; THENCE CONTINUING N87°31'12"W 74.77 FEET TO A FOUND 1/2" REBAR; THENCE N87°23'00"W 75.19 FEET TO THE POINT OF BEGINNING, CONTAINING 0.250 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ADJUSTED PARCEL #01-03252-000 (LOT 22, BLOCK 2)
A PORTION OF LOT 10 AND 11, OF BLOCK 2, LINCOLN & RICE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND CHISELED "X" MARKING THE SOUTHWEST CORNER OF LOT 18, BLOCK 2 OF THE LINCOLN & RICE ADDITION TO BENTONVILLE, ARKANSAS, AS RECORDED IN FILE L201905248, THENCE S87°37'46"E 150.03 FEET TO A FOUND 1/2" CAPPED REBAR "1532"; THENCE N02°57'59"E 2.07 FEET TO A SET 5/8" CAPPED REBAR "1659", BEING THE TRUE POINT OF BEGINNING; THENCE N02°57'59"E 97.97 FEET TO A FOUND 1/2" REBAR; THENCE S87°31'12"E 68.05 FEET TO A SET 5/8" CAPPED REBAR "1659"; THENCE S02°42'48"W 98.04 FEET TO A SET 5/8" CAPPED REBAR "1659"; THENCE N87°27'25"W 68.48 FEET TO THE POINT OF BEGINNING, CONTAINING 0.154 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

MISCELLANEOUS NOTES

- COMPLETED FIELD WORK:
JULY 26, 2022
- REFERENCE DOCUMENTS:
1. DEED ORDINANCE NO. 2013-71 AND SURVEY PLAT RECORDED IN BOOK 2013, AT PAGES 48747-48748.
2. SURVEY PLAT RECORDED IN BOOK 19, AT PAGE 92.
3. LOT SPLIT OF LINCOLN AND RICE ADDITION RECORDED IN BOOK 2013, AT PAGE 634.
4. SUBDIVISION PLAT OF RICE & LINCOLN ADDITION TO BENTONVILLE, RECORDED IN PLAT BOOK "B", AT PAGE 106.
5. PROPERTY LINE ADJUSTMENT PLAT OF LINCOLN AND RICE ADDITION RECORDED IN FILE L201905248.

BASIS OF BEARING:
THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83.

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.

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.

APPROVAL OF THE PLAT DOES NOT CARRY ANY ASSURANCES THAT THE TRACT OR TRACTS WILL QUALIFY FOR A SEPTIC SYSTEM PERMIT FROM THE ARKANSAS HEALTH DEPARTMENT.

APPROVAL OF THIS PLAN DOES NOT IN ANY WAY INDICATE THAT ANY OF THE LOTS ON THIS PLAN ARE BUILDABLE ACCORDING TO THE PLANNING REGULATIONS OF BENTON COUNTY, ARKANSAS, NOR AN ENDORSEMENT BY THE PLANNING BOARD OF SAID BUILDABILITY OF SAID LOTS.

ALL BUILDINGS AND SHEDS LOCATED ON THE SUBJECT PROPERTY ARE TO BE REMOVED AT A LATER DATE.

ALL UTILITIES HAVE BEEN FIELD VERIFIED.

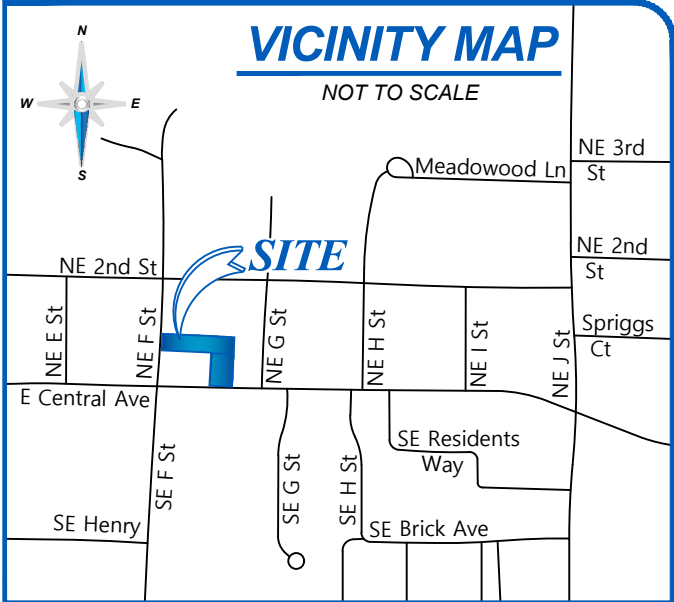
BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.

OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.

SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.

THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF PART OF
LOTS 10, 11, AND 13 OF LINCOLN AND RICE ADDITION; CREATING NEW LOTS
21 AND 22 OF LINCOLN AND RICE ADDITION THE CITY OF BENTONVILLE,
ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PLA22-0025)**

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of PART OF LOTS 10, 11, AND 13 OF LINCOLN AND RICE ADDITION, creating new LOTS 21 AND 22 OF LINCOLN AND RICE ADDITION the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 20, 2022;

WHEREAS, said property line adjustment is attached hereto as Exhibit “A”;

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

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

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

Section 1: That the property line adjustment of PART OF LOTS 10, 11, AND 13 OF LINCOLN AND RICE ADDITION, creating new LOTS 21 AND 22 OF LINCOLN AND RICE 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 are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



Legend



1 inch = 100 feet

PLA22-002709/20/22
PROPERTY LINE ADJUSTMENT
LOTS 4, 5, 8, 9 & 12 OF BLOCK 1 CREATING LOTS 19-20
DUNN & DAVIS ADDITION



ADJACENT LAND OWNERS

- 1) SOOS, ROBERT CRAIG JR
PO BOX 1337
BENTONVILLE AR 72712-1337
PARCEL #01-02411-000
ZONED: D-C
- 2) CITY OF BENTONVILLE
c/o PHILLIPS, WENDY
1000 SW 14TH ST
BENTONVILLE AR 72712
PARCEL #01-02452-015
ZONED: N/A
- 3) DEPOT 16 PROPERTY INVESTORS LLC ET AL
331 SQUEL AVE STE 100
SANTA CRUZ, CA 95062
PARCEL #01-02405-001
ZONED: D-C
- 4) BVILLE A STREET LLC
PO BOX 8686
FAYETTEVILLE AR 72703
PARCEL #01-02404-000
ZONED: D-C
- 5) MAIN CO-OP PROPERTY LLC
PO BOX 425
BENTONVILLE, AR 72712
PARCEL #01-04229-000
ZONED: D-C
- 6) LAW, TERRY L & JO ANN TRUSTEES
2717 W LILAC ST
ROGERS AR 72758
PARCEL #01-04232-000
ZONED: D-C
- 7) DEAN, JAMES W TRUSTEE
216 SW E ST
BENTONVILLE AR 72712-5717
PARCEL #01-02432-000
ZONED: D-C

FIELD WORK:
APRIL 28, 2022
MAY 6, 2022

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD83(2011) HORIZONTAL DATUM

REFERENCE DOCUMENTS:

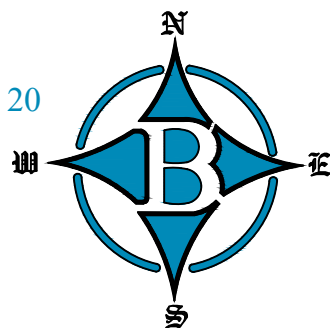
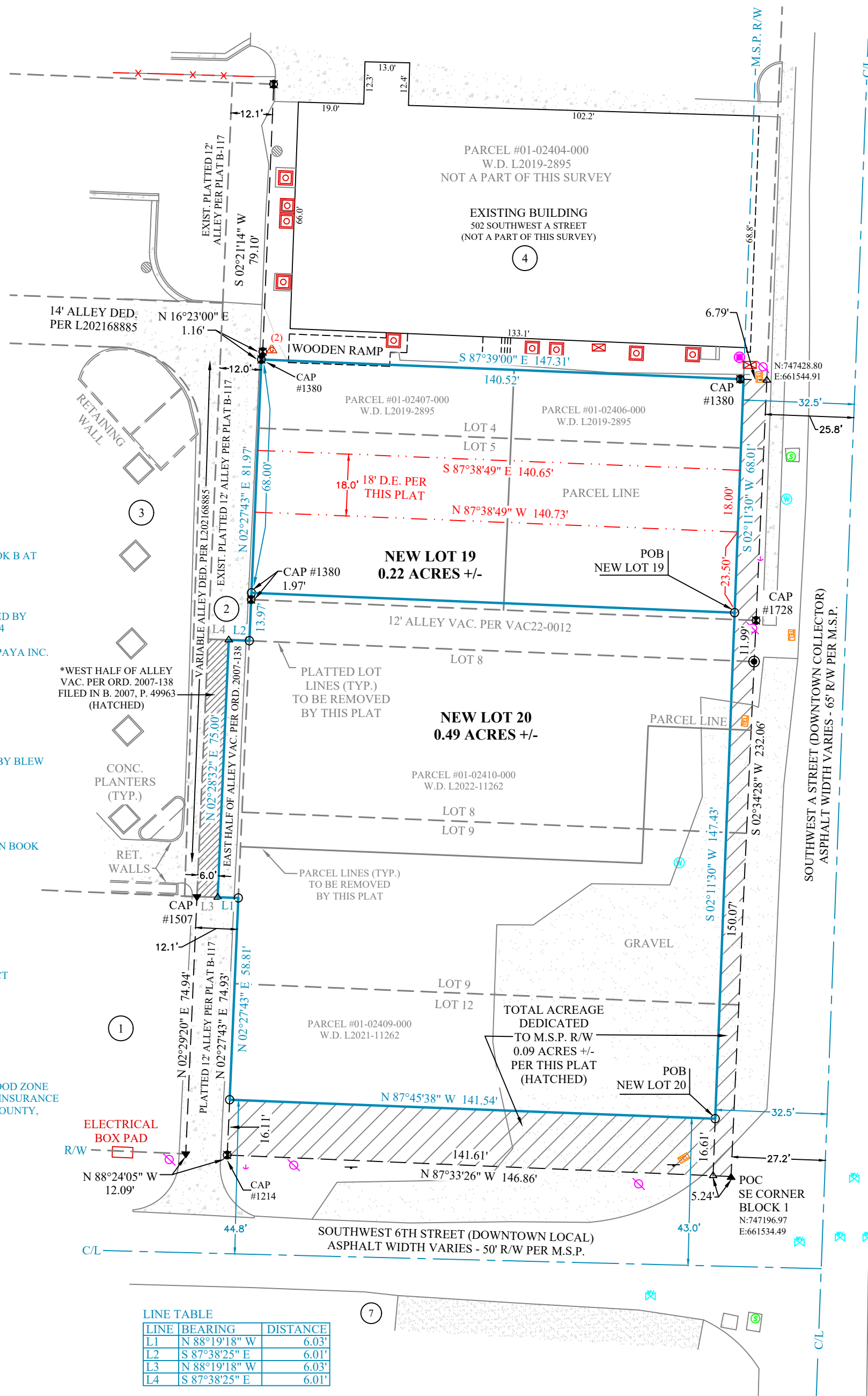
- 1) FINAL PLAT OF DUNN & DAVIS ADDITION FILED IN BOOK B AT PAGE 117
- 2) PLAT OF SURVEY FILED IN BOOK X AT PAGE 269
- 3) PLAT OF SURVEY DATED NOVEMBER 15, 2021, PREPARED BY MCCLELLAND CONSULTING ENGINEERS, PROJECT #212724
- 4) PLAT OF SURVEY DATED JULY 12, 2021, PREPARED BY PAYA INC. FOR BVILLE A STREET, LLC, PROJECT #21042_TOPO
- 5) PLAT OF SURVEY FILED IN BOOK L2021 AT PAGE 68885
- 6) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 346
- 7) PLAT OF SURVEY FILED IN BOOK 2015 AT PAGE 78
- 8) PLAT OF SURVEY DATED JANUARY 6, 2004, PREPARED BY BLEW LAND SURVEYING FOR DONNA CURBY, PROJECT #03-414
- 9) WARRANTY DEED FILED IN BOOK L2022 AT PAGE 11262
- 10) WARRANTY DEED FILED IN BOOK L2019 AT PAGE 2895
- 11) CITY OF BENTONVILLE ORDINANCE #2007-138, FILED IN BOOK 2007 AT PAGE 49963

PROPERTY ZONED:
D-C (DOWNTOWN CORE)

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

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)

PROPERTY LINE ADJUSTMENT OF THE SOUTH 20' OF LOT 4, AND LOTS 5, 8, 9, & 12, AND THE VACATED EAST HALF OF AN ALLEY LYING TO THE WEST OF LOT 8 AND THE NORTH ONE-HALF OF LOT 9, AND ALSO THAT PORTION OF A VACATED 12' ALLEY LYING PARALLEL AND ADJACENT TO THE SOUTH LINE OF LOT 5 AND PARALLEL AND ADJACENT TO THE NORTH LINE OF LOT 8 IN BLOCK 1 OF THE DUNN & DAVIS ADDITION CREATING NEW LOTS 19 & 20



RECORDING NUMBER/DATE

PROPOSED USE:
COMMERCIAL
ATLAS PAGE:
403A
PROPERTY OWNER (ALL SURVEYED PARCELS):
BVILLE A STREET LLC
100 W CENTER ST STE 200
FAYETTEVILLE AR 72701

CERTIFICATE OF APPROVAL:
PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS 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

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:

BVILLE A STREET LLC
100 W CENTER ST STE 200
FAYETTEVILLE AR 72701

SOURCE OF TITLE: WARRANTY DEED B. L2019, P. 2895

WARRANTY DEED B. L2022, P. 11262

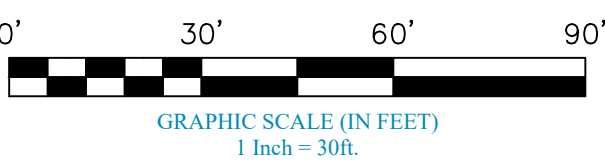
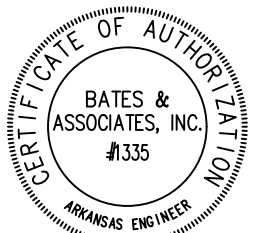
SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF , 2022.

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

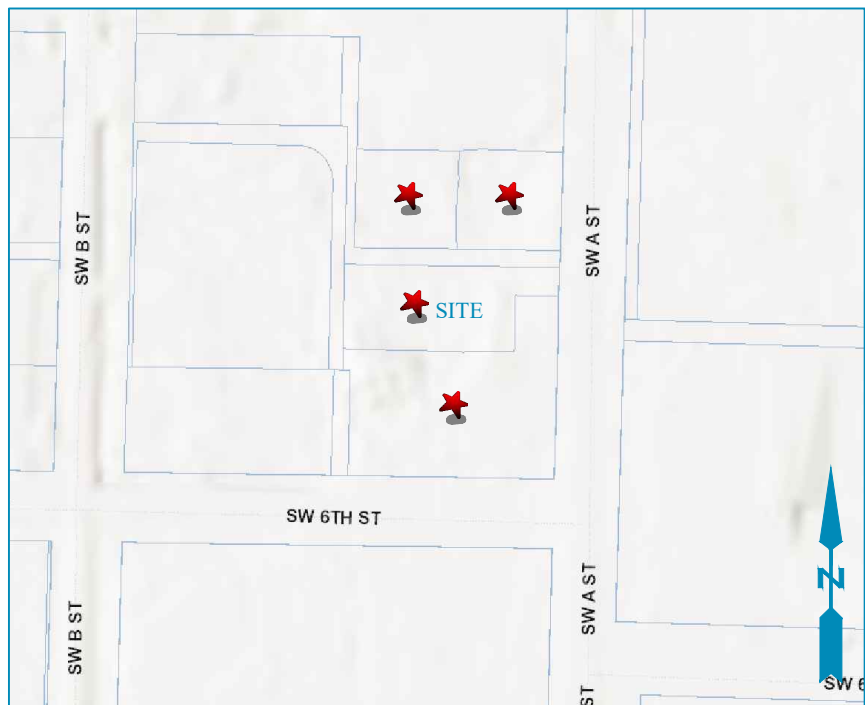


I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 6TH DAY OF MAY, 2022.



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.

VICINITY MAP



VICINITY MAP NOT TO SCALE

CITY OF BENTONVILLE PROJECT # PLA 22-0027

FOR USE AND BENEFIT OF:

EDG

ADDRESS:
610 SOUTHWEST A STREET
BENTONVILLE, ARKANSAS

DATE: 08/29/22

SCALE: 1"=30'

LOCATION:
PART OF LOT 4,
ALL OF LOTS 5, 8,
9, & 12,
BLOCK 1

SURVEYED: DRAFTED:
RW MR, AH, JCR
REVIEWED: DT
COA #1335



Bates & Associates, Inc.
Engineers - Surveyors
7230 S. Pleasant Ridge Dr. - Fayetteville, Arkansas 72704 - 479.442.9350 - Fax 479.521.9359
BATES & ASSOCIATES, INC. Copyright 2022
This survey was conducted for the person 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 express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for encumbrances of record, encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps. Furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 5/8" REBAR
- SET 5/8" REBAR/CAP
- FOUND 1/2" REBAR
- FOUND NAIL
- ▼ SET / FOUND P/K NAIL
- ▲ FOUND RAILROAD SPIKE
- △ COMPUTED POINT
- ⊕ POWER POLE
- ⊕ WATER VALVE
- ⊕ GAS METER
- ⊕ GUY ANCHOR
- ⊕ ELECTRICAL BOX
- ⊕ ADJ. LAND OWNER
- ⊕ GRATED INLET
- ⊕ TELEPHONE VAULT
- ⊕ STORM SEWER MH
- ⊕ AC CONDENSER UNIT
- ⊕ SANITARY SEWER MH
- ⊕ TELECOM. MANHOLE
- ⊕ WATER METER
- ⊕ CLEANOUT
- ⊕ FIRE HYDRANT
- BOUNDARY LINE (MEASURED)
- - - LOT LINE
- - - PARCEL LINE
- - - TIE LINE
- - - CENTERLINE OF ROAD
- - - RIGHT-OF-WAY
- x - x - FENCE
- - - DRAINAGE EASEMENT

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF THE SOUTH 20' OF LOT 4, AND LOTS 5, 8, 9, & 12, AND THE VACATED EAST HALF OF AN ALLEY LYING TO THE WEST OF LOT 8 AND THE NORTH ONE-HALF OF LOT 9, AND ALSO THAT PORTION OF A VACATED 12' ALLEY LYING PARALLEL AND ADJACENT TO THE SOUTH LINE OF LOT 5 AND PARALLEL AND ADJACENT TO THE NORTH LINE OF LOT 8 IN BLOCK 1 OF THE DUNN & DAVIS ADDITION; CREATING NEW LOTS 19 AND 20 OF DUNN AND DAVIS ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: PLA22-0027)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of THE SOUTH 20' OF LOT 4, AND LOTS 5, 8, 9, & 12, AND THE VACATED EAST HALF OF AN ALLEY LYING TO THE WEST OF LOT 8 AND THE NORTH ONE-HALF OF LOT 9, AND ALSO THAT PORTION OF A VACATED 12' ALLEY LYING PARALLEL AND ADJACENT TO THE SOUTH LINE OF LOT 5 AND PARALLEL AND ADJACENT TO THE NORTH LINE OF LOT 8 IN BLOCK 1 OF THE DUNN & DAVIS ADDITION, creating new LOTS 19 AND 20 OF DUNN AND DAVIS ADDITION to the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 20, 2022;

WHEREAS, said property line adjustment is attached hereto as Exhibit "A";

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

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

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

Section 1: That the property line adjustment of THE SOUTH 20' OF LOT 4, AND LOTS 5, 8, 9, & 12, AND THE VACATED EAST HALF OF AN ALLEY LYING TO THE WEST OF LOT 8 AND THE NORTH ONE-HALF OF LOT 9, AND ALSO THAT PORTION OF A VACATED 12' ALLEY LYING PARALLEL AND ADJACENT TO THE SOUTH LINE OF LOT 5 AND PARALLEL AND ADJACENT TO THE NORTH LINE OF LOT 8 IN BLOCK 1 OF THE DUNN & DAVIS ADDITION, creating new LOTS 19 AND 20 OF DUNN AND DAVIS 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 are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

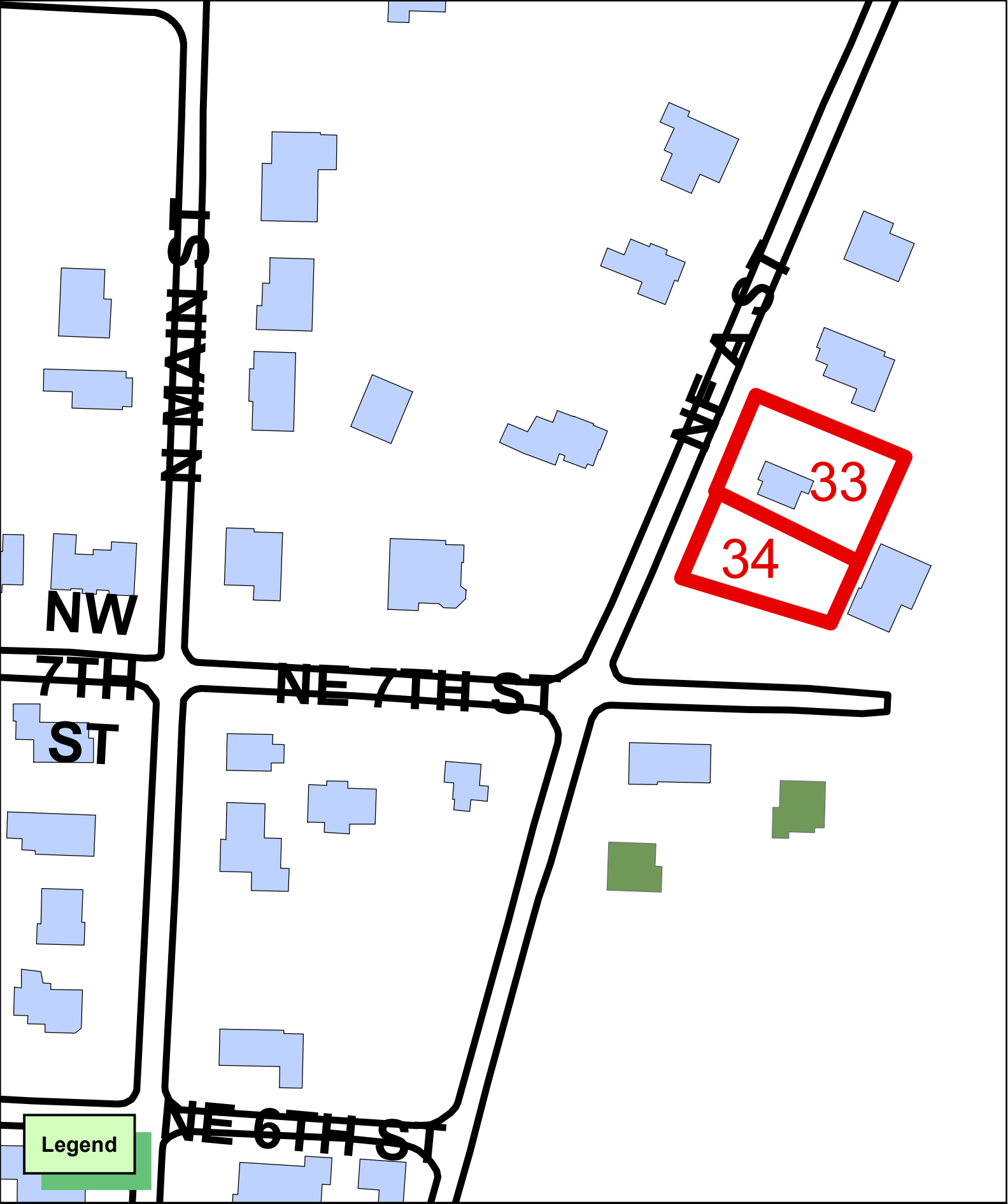
PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 25
AND 29, BLOCK 24, OF DEMING’S 2ND ADDITION; CREATING NEW LOTS 33
AND 34, BLOCK 24, OF DEMING’S 2ND ADDITION TO THE CITY OF
BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PLA22-0028)**

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of LOTS 25 AND 29, BLOCK 24 OF DEMING’S 2ND ADDITION, creating new LOTS 33 AND 34, BLOCK 24 OF DEMING’S 2ND ADDITION to the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 20, 2022;

WHEREAS, said property line adjustment is attached hereto as Exhibit “A”;

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

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

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

Section 1: That the property line adjustment of LOTS 25 AND 29, BLOCK 24 OF DEMING’S 2ND ADDITION, creating new LOTS 33 AND 34, BLOCK 24 OF DEMING’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 are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment.

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

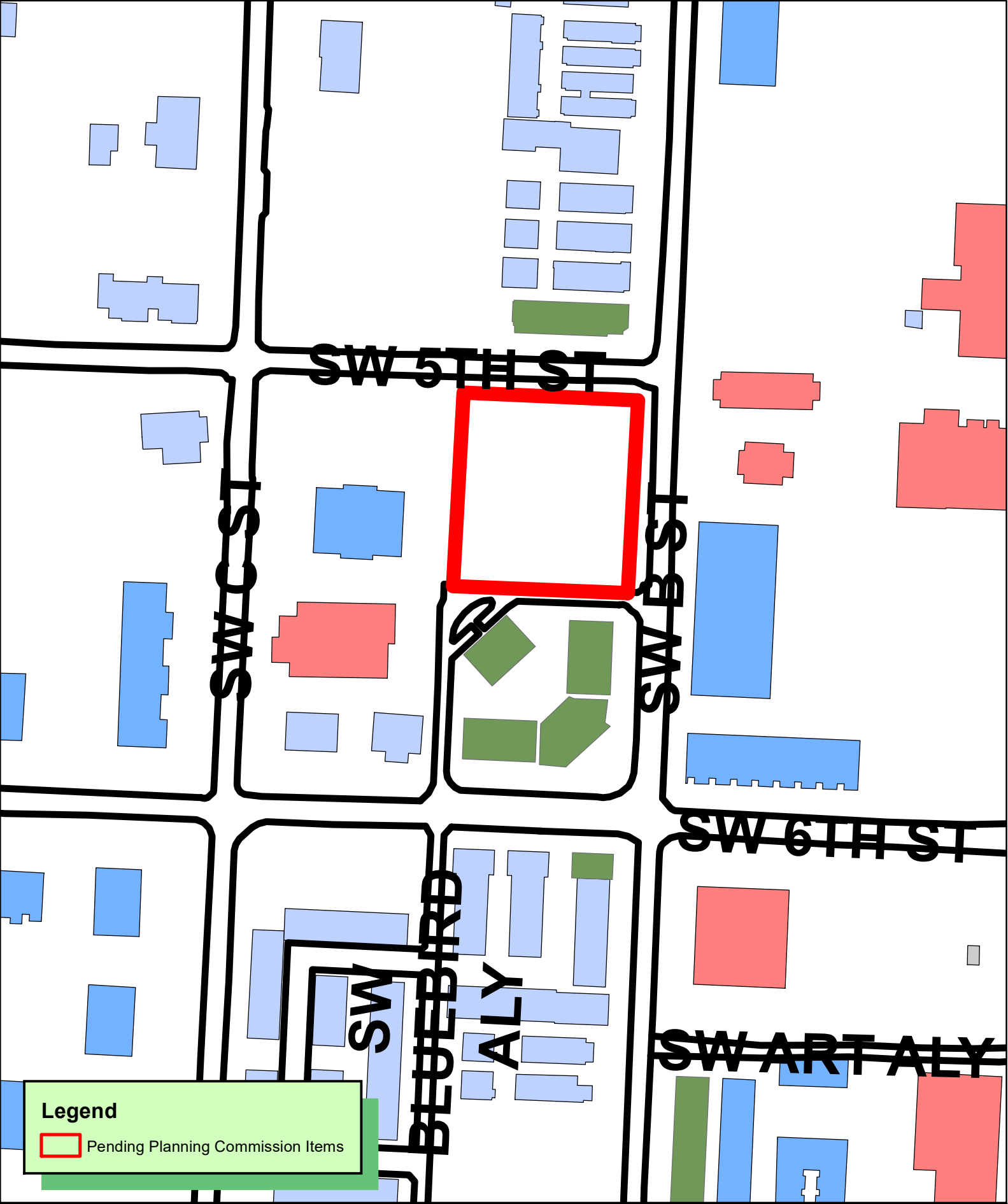
PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



Legend

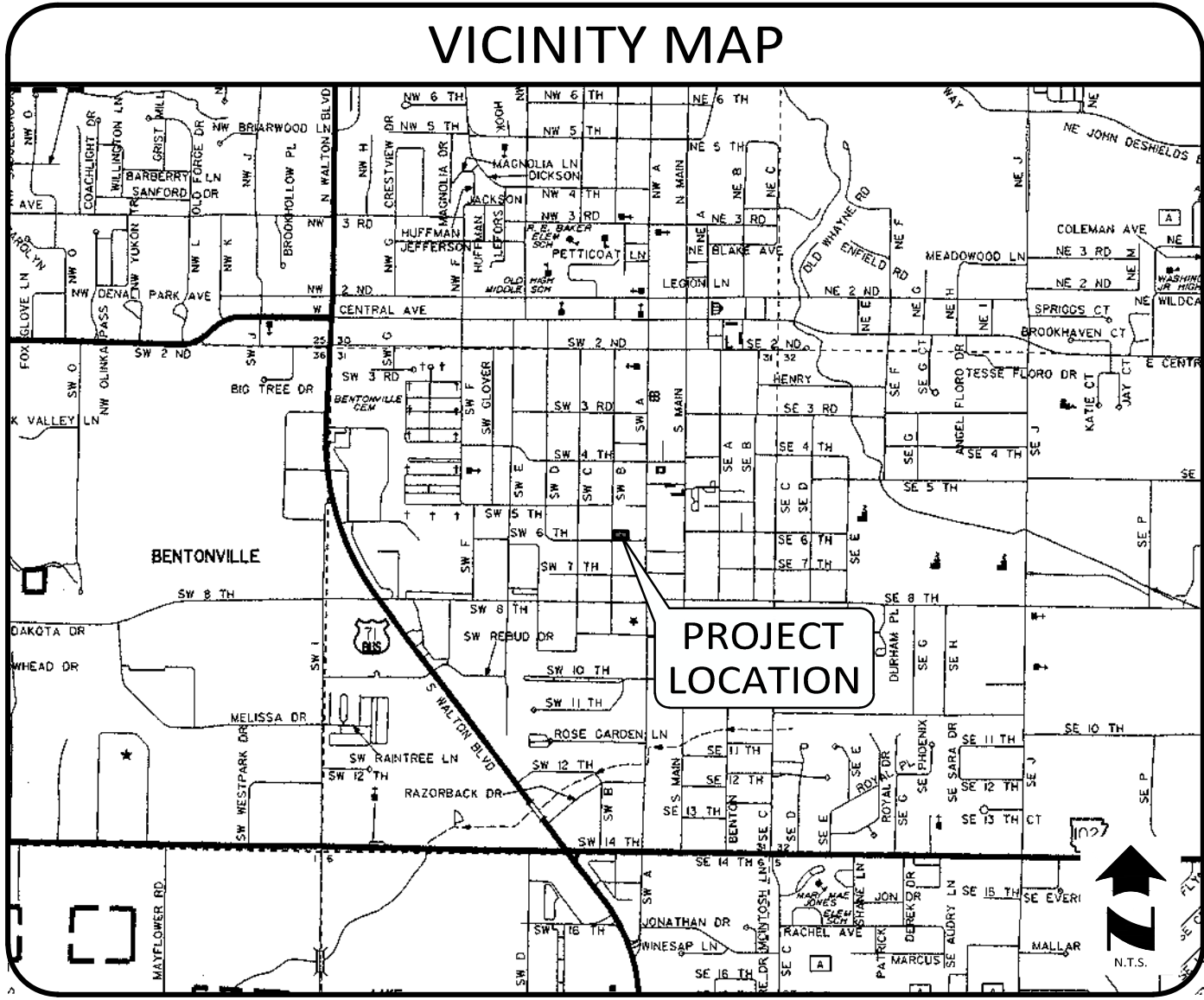
 Pending Planning Commission Items



1 inch = 100 feet

PLA22-0029 9/20/22
PROPERTY LINE ADJUSTMENT
DUNN & DAVIS ADDITION
LOTS 4-5 & 19 BLOCK 2 CREATING LOT 22

Drawing Name: P:\BFS-01 Sundroup Townhomes DRAFTING\BFS-01 Property Line Adjustment PLATong Lat Modified Sep 04, 2022 - 9:51pm Plotted on: Sep 12, 2022 - 8:22am by dsl65



GENERAL NOTES:

- **Basis of Bearings:** Grid North, State Plane Coordinate System, Arkansas North Zone (0301), NAD 83 (2011)(Epoch:2010.0000), based on RT Kinematic GNSS Observations derived from a Static GNSS Base and OPUS post-processed solution, having published values of: Latitude 36°21'57.26322" N; Longitude 94°12'38.99833" W; Convergence Angle = -1.28648056 degrees; and a computed Combined Scale Factor (Grid to Ground) of 1.00002838.
- **Vertical Datum:** NAVD88 (Geoid 18). Orthometric heights and contours are derived from Terrestrial and RT Kinematic GNSS Observations based on an OPUS post-processed solution checked to Bentonville GPS Monument #1, having an ellipsoid height of: 365.011 m and computed orthometric height of 393.168 m/1289.92 feet.
- **Grid North Convergence:** At the northeast corner of Block 2, Dunn and Davis Addition, rotate from Grid North 01°17'13" to the left for True (Geodetic) North.
- **Flood Information:** Based upon review of NFIP FIRM, Benton County, Arkansas, and Incorporated Areas, Map Number 05007C0255K, Map Revised, June 5, 2012, and by graphic plotting only, the subject property lies within: Zone X-Other Areas, areas determined to be outside the 0.2% annual chance floodplain. Surveyor assumes no liability for the correctness of cited map and flood statement does not cover localized flooding.
- Every recorded document reviewed and considered as a part of this survey is noted hereon. Surveyor has not made a thorough investigation or independent search for any easements or other encumbrances or facts that an accurate, complete and current title search and/or title commitment would disclose. Other documents of record, rights of others, or facts, may exist and affect this subject property.

CITY DEVELOPMENT NOTES:

- Before any work in the right-of-way commences, contractor and or owner is to obtain right-of-way permit for the City of Bentonville Transportation Department.
- Owner/Developer shall coordinate with all local utilities to ensure that each lot has water, sewer, and electric service.
- Sidewalk construction shall be the responsibility of the builder or owner/developer at the time of building permit issuance and in accordance with the City of Bentonville design standards. Handicap accessible ramps and sidewalks along non-buildable lot frontages shall be constructed by the developer. Builders building within lots or owner/developer shall be responsible for the replacement of any existing sidewalks or ADA ramps damaged during construction.
- There shall be no fences, or any other structures built within any Drainage easement.
- Current Zoning is D-C Downtown Core District. 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

OWNER
Matthew W. & Daphne Green
500 SW B Street
Bentonville, AR 72712

OWNER
HOMEX INTERNATIONAL, LLC
5115 S. Osage Creek Road
Rogers, AR 72758

SURVEYOR
Halff Associates, Inc.
2407 SE Cottonwood Street
Bentonville, AR 72712
Contact: Keith A. Sikes
Phone: 479-273-2209

Arkansas Plat Code: 500-20N-30W-0-31-130-04-1507

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 Chairperson

Signed _____
City Clerk, City of Bentonville

Signed _____
Mayor, City of Bentonville

LEGAL DESCRIPTION - General Warranty Deed, L202150391

Lot 5 and the South 1/2 of Lot 4, Block 2, Dunn and Davis Addition to the City of Bentonville, Benton County, Arkansas, as shown in Plat Record "B" at page 117.

LEGAL DESCRIPTION - Warranty Deed L202219336:

The North Half of Lot 4 and All of Lot 1 in Block 2 of Dunn and Davis Addition to the City of Bentonville, Benton County, Arkansas. Henceforth Known As: Lot 19, Block 2, Dunn and Davis Addition, City of Bentonville, Benton County, Arkansas, as shown on Plat Book Bat Page 117.

CERTIFICATE OF OWNERSHIP

We The Undersigned, Owners Of The Real Estate Shown And Described Herein, Do Hereby Certify That We Have Laid 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.

OWNER 1

Date of Execution: _____

Signed: _____

Name & Address: _____

Print Name: _____

Source Of Title: D.R. _____

Page _____

State Of Arkansas }

County Of _____ }

Sworn And Subscribed Before Me This Day ____ of _____, 2022.

Notary Public: _____

My Commission Expires: _____

OWNER 2

Date of Execution: _____

Signed: _____

Name & Address: _____

Print Name: _____

Source Of Title: D.R. _____

Page _____

State Of Arkansas }

County Of _____ }

Sworn And Subscribed Before Me This Day ____ of _____, 2022.

Notary Public: _____

My Commission Expires: _____

CERTIFICATE OF SURVEYING ACCURACY:

I, Keith A. Sikes, hereby certify that this plat correctly represents a boundary survey made by me or under my direct supervision and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all requirements of the Arkansas Standards of Practice for Property Boundary Surveys and Plats have been met.

Date of Execution: September 12, 2022

Signed: _____
Registered Land Surveyor
No. 1507
State of Arkansas

EXHIBIT A

Filing Block



HALFF ASSOCIATES, INC.
2407 SE COTTONWOOD ST. STE 1
BENTONVILLE, AR 72712
479.273.2209 - HALFF.COM

**Lots 4-5 & 19, Block 2
Dunn & Davis Addition
creating
Lot 22, Block 2**

Bentonville, Arkansas

Prepared For: Oak One

**PROPERTY LINE
ADJUSTMENT**

City Of Bentonville Project Number: **PLA22-0029**

Revisions	
1	09.09.2022-Revised Per City Comments

Drawn By: JDS	Vert. Scale: N/A
Approved By: KAS	Horiz. Scale: N/A
Date: 09.12.2022	Plot Scale: 1
Project No.: BFS-01	DWG Name: PLAT

SHEET

1

of 2

Drawing Name: P:\BFS-01 Sundroup Townhomes DRAFTING\BFS-01 Property Line Adjustment PLAT.dwg Last Modified: Sep 04, 2022 - 9:51pm Plotted on: Sep 12, 2022 - 8:22am by dms165

LEGEND

	Ex. Boundary Line
	Ex. Adjacent Boundary Line
	Ex. Right of Way Line
	Ex. Road Centerline
	Ex. Easement Line
	Easement Dedicated Per This Plat
	Original Lot Line
	Ex. Asphalt
	Ex. Concrete
	Ex. Water Line
	Ex. Sanitary Sewer Line
	Ex. Gas Line
	Ex. Overhead Electric Line
	Ex. Storm Drain Pipe
	Ex. Fence Line
	Ex. Fiber Optic Line
	Ex. Underground Electric Line
	Set 1/2" Rebar w/ PS# 1507 Cap
	Ex. Rebar
	Ex. Nail
	Ex. Chiseled "X"
	Ex. Monument
	Ex. Railroad Spike
	Ex. T-Post
	Ex. Water Meter
	Ex. Fire Hydrant
	Ex. Water Valve
	Ex. Sewer Manhole
	Ex. Gas Meter
	Ex. Telephone Pedestal
	Ex. Electric Pedestal
	Ex. Electric Meter
	Ex. Electric Transformer
	Ex. Mailbox
	Ex. Truncated Dome Matt
	Ex. Vault Box
	Ex. Light Pole
	Plat Distance

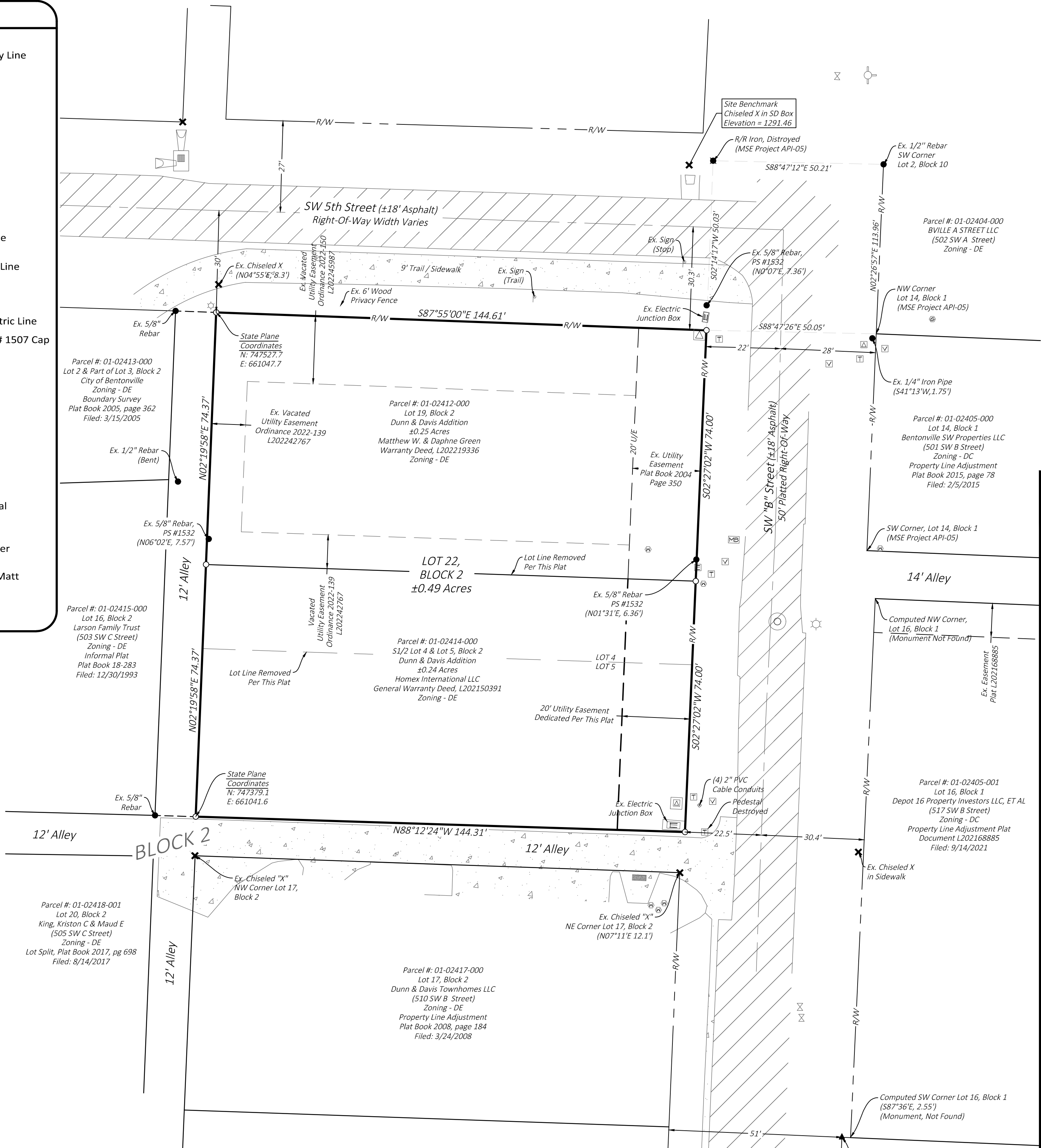
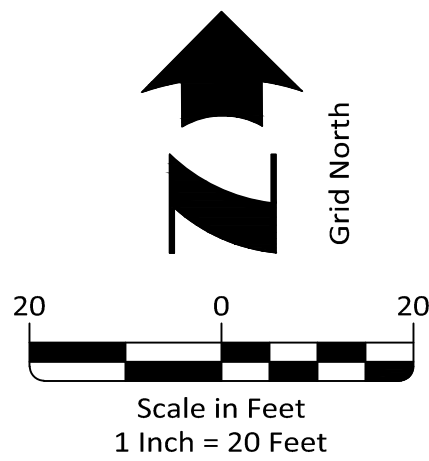


EXHIBIT A

Filing Block



PRELIMINARY



HALFF ASSOCIATES, INC.
2407 SE COTTONWOOD ST. STE 1
BENTONVILLE, AR 72712
479.273.2209 - HALFF.COM

**Lots 4-5 & 19, Block 2
Dunn & Davis Addition
creating
Lot 22, Block 2**

Bentonville, Arkansas

Prepared For: Oak One

**PROPERTY LINE
ADJUSTMENT**

City Of Bentonville Project Number: **PLA22-0029**

Revisions	
1	09.09.2022-Revised Per City Comments

Drawn By: JDS	Vert. Scale: N/A
Approved By: KAS	Horiz. Scale: 1" = 20'
Date: 09.12.2022	Plot Scale: 1
Project No.: BFS-01	DWG Name: PLAT

SHEET

2

of 2

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF LOTS 4, 5,
AND 19, BLOCK 2, OF DUNN AND DAVIS ADDITION, CREATING NEW LOT 22,
BLOCK 2, OF DUNN AND DAVIS ADDITION TO THE CITY OF BENTONVILLE,
ARKANSAS; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: PLA22-0029)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of LOTS 4, 5, AND 19, BLOCK 2, OF DUNN AND DAVIS ADDITION, creating new LOT 22, BLOCK 2, OF DUNN AND DAVIS ADDITION the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on September 20, 2022;

WHEREAS, said property line adjustment is attached hereto as Exhibit “A”;

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

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

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

Section 1: That the property line adjustment of LOTS 4, 5, AND 19, BLOCK 2 OF DUNN AND DAVIS ADDITION, creating new LOT 22, BLOCK 2, OF DUNN AND DAVIS 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 are hereby authorized and directed to evidence the acceptance of said property line adjustment by certifying said acceptance on the approved property line adjustment;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

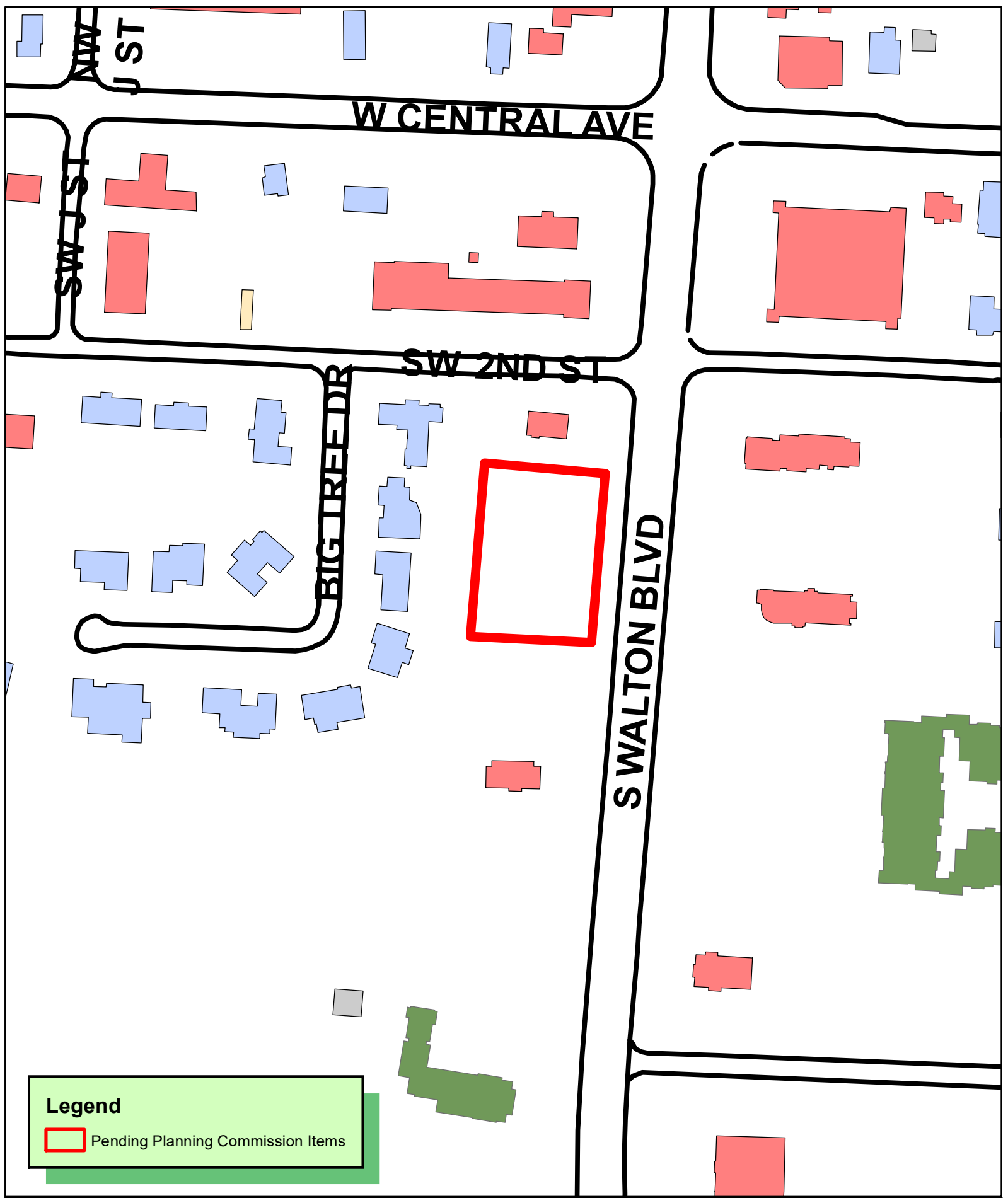
PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Kirby Romines, City Clerk



Legend

 Pending Planning Commission Items

 1 inch = 150 feet

LS22-0038 9/6/22
LOT PLIT
SONIC SOUTH WALTON ADD
208 S WALTON BLVD

SURVEY NOTES:

- Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
- Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor.
- This plat represents a boundary survey of the parcel recorded in Deed Records, Book 2009, Page 50118 and Plats O-156 and 16-40 filed at the court house in Benton County, Arkansas.
- The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
- Basis of Bearings: NAD83, State Plane Grid Coordinates, Arkansas North Zone Checking with Bentonville City control Monument #1
- Basis of Elevation: NAVD88, checking with OPUS.
- This survey is valid only if the drawing includes the seal and signature of the surveyor.
- This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats".
- No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect this parcel.
- Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
- The hereon described property is classed Rural.
- This property is zoned C-2 (Commercial).
- Building setbacks shall be per the current zoning district as stated in the most recent City of Bentonville Zoning Code. Visit www.bentonvilleplanning.com or call the Planning Dept. at 479-271-3122 for more information.
- No attempt was made to show building setback lines graphically on the survey. Setback dimensions are based on the orientation of the building(s) to be constructed.
- Subsurface and environmental conditions were not examined nor considered a part of this survey.
- The locations of underground utilities as shown hereon are based on such above ground structures as were visible at the time of survey, and/or from record drawings provided to the surveyor. The location of underground utilities and or structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.
- No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.
- All areas of asphalt and curb & gutter are in "good" condition unless otherwise noted.

CITY REQUIRED NOTES

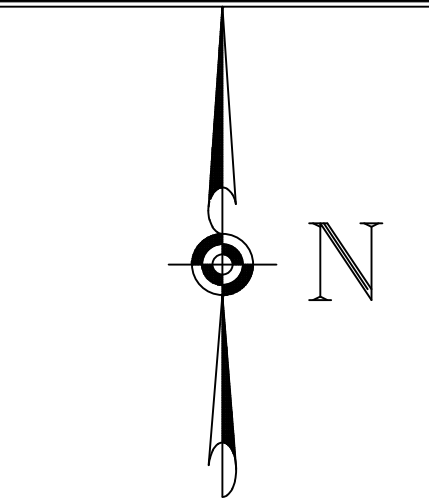
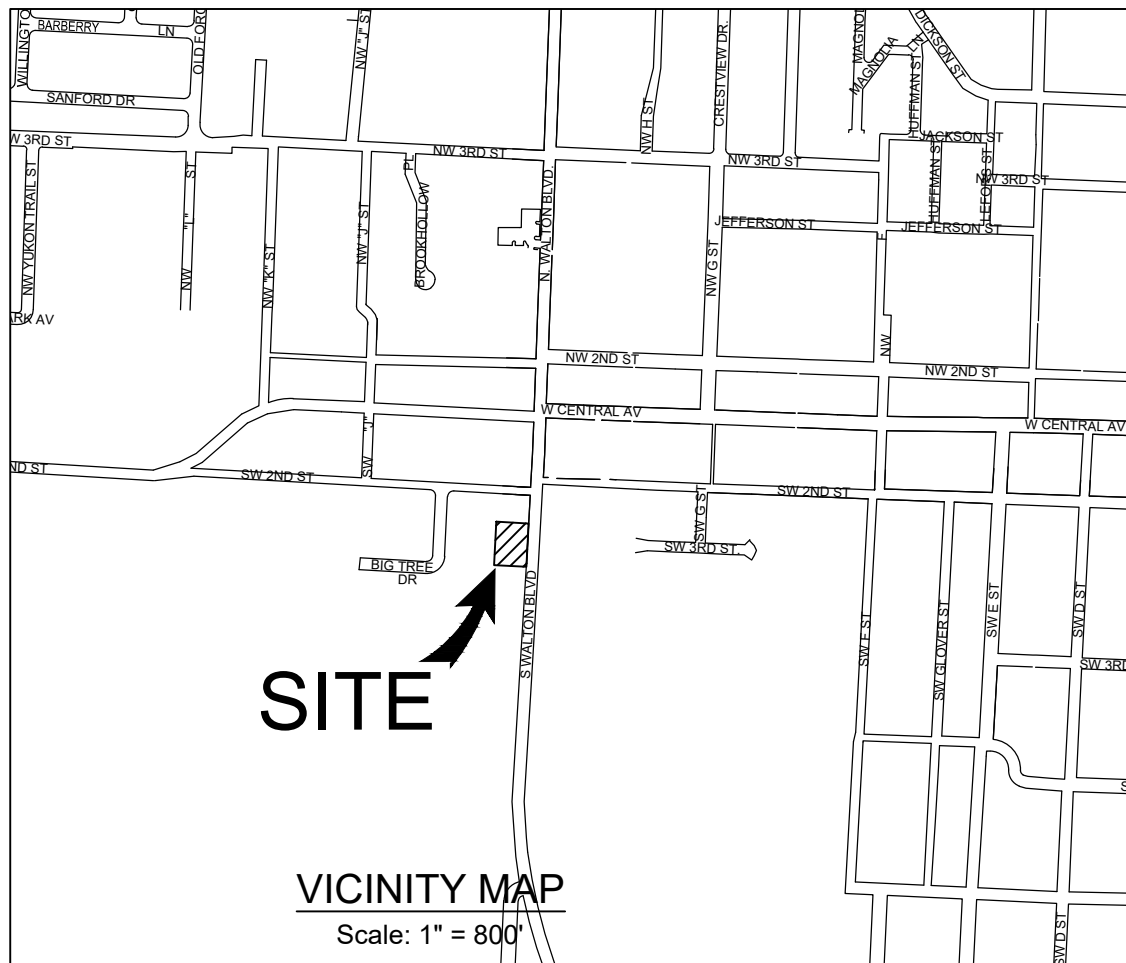
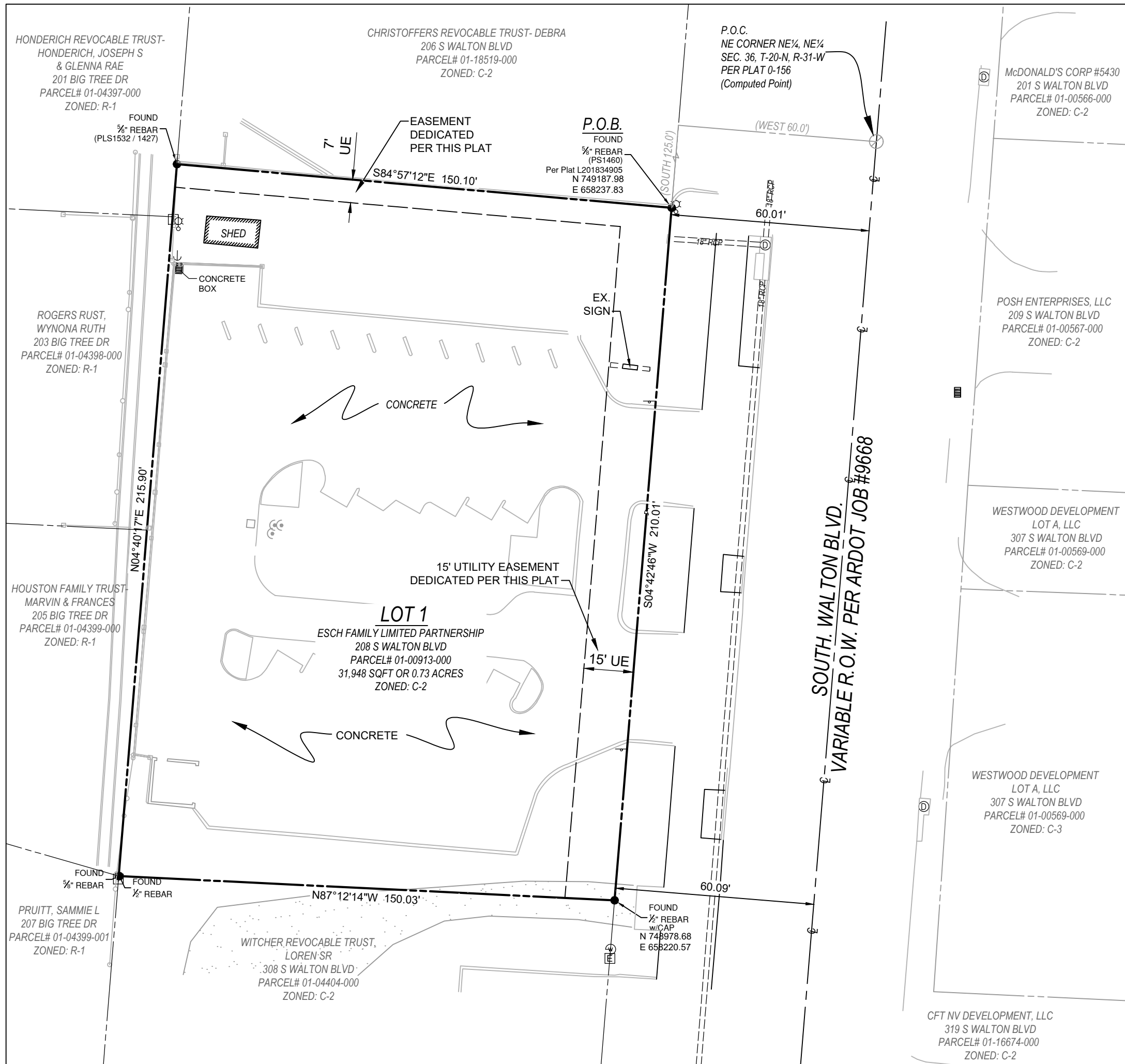
- There may not be fences or other structures built in any drainage easement. No drainage easements are proposed with this plat.
- Sidewalks shall be the responsibility of the builder/owner at the time of building permit issuance.
- Owner/Developer shall coordinate with all local utilities to ensure each lot has water, sewer and electric service.
- Before any work in the right of way commences, contractor or owner is to obtain a right of way permit from the City of Bentonville Transportation Department.
- All structures must maintain minimum of 20' clearances from all electric lines. No structures are proposed with this Lot Split.
- New structures must maintain a minimum 20' clearance from all electric lines
- Contact the service coordinator for Bentonville Electric at 479-271-3139 for questions about equipment conflicts or service needs.
- Any cost associated with relocating Bentonville Electric appurtenances will be the responsibility of the owner/developer and shall include labor, materials, loss of equipment, including but not limited to wire, conduit, elbows, etc.
- Primary and Secondary electric lines shall meet the Departments clearance requirements.

PARENT TRACT DESCRIPTION (Deed 02028857)

Tracts 2 and 3 in the NE ¼ of the NE ¼, of Section 36, Township 20 North, Range 31 West as shown in Plat O at page 156, more particularly described as beginning 59.19 feet West and 125 feet South of the NE corner of the said NE¼ of the NE¼; thence South 00°28' East 210 feet; thence West 150 feet; thence North 210 feet; thence East 150 feet to the place of beginning.

LOT 1 DESCRIPTION:

Part of the NE ¼ of the NE ¼, of Section 36, Township 20 North, Range 31 West, more particularly described as beginning 60.00 feet West and 125 feet South of the NE corner of the NE¼ of the NE¼ of said Section 36 at a found ⅝" rebar; thence South 00°28' East 210.00 feet to a found ½" rebar with cap; thence N87°12'14"W 150.03 feet to a found ⅝" rebar on the east line of Sycamore Heights Addition; thence along the East line of said Addition, N04°40'17"E 215.90 feet to a found ⅝" rebar with cap; thence S84°57'12"E 150.10 feet to the point of beginning containing 31,948 square feet or 0.73 acres more or less and subject to any and all easements of record or of fact.



SCALE: 1" = 30'

SITE LEGEND

- MONUMENT SET (AS NOTED)
- MONUMENT FOUND (AS NOTED)
- BENCH MARK
- UTILITY POLE WITH LIGHT
- GUY WIRE
- SIGN
- WATER METER
- DRAINAGE MANHOLE
- GRATED INLET
- CIRCULAR GRATED INLET
- CLEANOUT
- MAILBOX
- TELEPHONE RISER
- PROPERTY LINES
- ADJOINING PROPERTY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE
- FENCE (Chainlink)
- FENCE (Privacy-wood)
- CENTER LINE OF ROAD

BENCHMARK:

Mag nail on south side of concrete drive 18± southeast of the southeast corner of subject tract.
Northing: 748969.57'
Easting: 658235.99'
Elev: 1298.51'



CERTIFICATE OF OWNERSHIP:

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 use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

Date of Execution: _____
Print: _____
Signed: _____

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: _____ Community Development Director
Signed: _____ Mayor, City of Bentonville
Signed: _____ City Clerk, City of Bentonville

SURVEYOR'S CERTIFICATE:

I, C. Ed Gray, 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: _____
C. Ed Gray
Registered Land Surveyor
State of Arkansas
Registration No. 1002

FLOOD STATEMENT:

(BY GRAPHICAL PLOTTING ONLY)
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0255K. Revised date June 04, 2012.

COB PROJECT # LS22-0038

EXHIBIT A

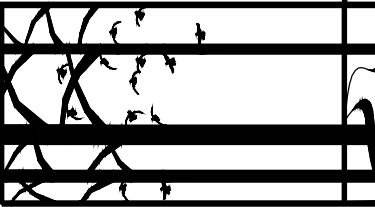
CLIENT: Esch Group-Sonic Drive In
Mike Parker-Representative
4100 Corporate Center Dr. Ste 220
Springdale, Arkansas 72762
(479) 443-5881
mparker@eschgroup.com

SHEET: LOT SPLIT

PROJECT: for Parcel 01-00913-000 Creating
SONIC SOUTH WALTON ADDITION
Lot 1
BENTONVILLE, ARKANSAS



SAND CREEK
Engineering and Land Surveying
Bentonville, Arkansas (479) 464-9262



PLS: CEG
CAD: KB
FIELD: MJH/MS
SCE PROJECT #: 22013
DATE: 08/29/2022
SHEET: 1 OF 1

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF UNPLATTED SECTION LAND;
CREATING NEW LOT 1 OF SONIC SOUTH WALTON ADDITION TO THE CITY OF
BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: LS22-0038)**

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of UNPLATTED SECTION LAND, creating new LOT 1 OF SONIC SOUTH WALTON ADDITION, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 20, 2022;

WHEREAS, said lot split is attached hereto as Exhibit “A”;

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 UNPLATTED SECTION LAND, creating new LOT 1 OF SONIC SOUTH WALTON 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 are hereby authorized and directed to evidence the acceptance of said lot split by certifying said acceptance on the approved lot split;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Legend

 Pending Planning Commission Items

N
W  E
S

1 inch = 200 feet

LS22-0041 9/20/22
LOT SPLIT
RANDALL HINTON SUBDIVISION
CREATING LOTS 1-2

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF UNPLATTED SECTION LAND;
CREATING NEW LOTS 1 AND 2 OF RANDALL HINTON SUBDIVISION TO THE
CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: LS22-0041)**

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of UNPLATTED SECTION LAND, creating new LOTS 1 AND 2 OF RANDALL HINTON SUBDIVISION, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on September 20, 2022;

WHEREAS, said lot split is attached hereto as Exhibit “A”;

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 UNPLATTED SECTION LAND, creating new LOTS 1 AND 2 OF RANDALL HINTON 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 lot split by certifying said acceptance on the approved lot split;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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

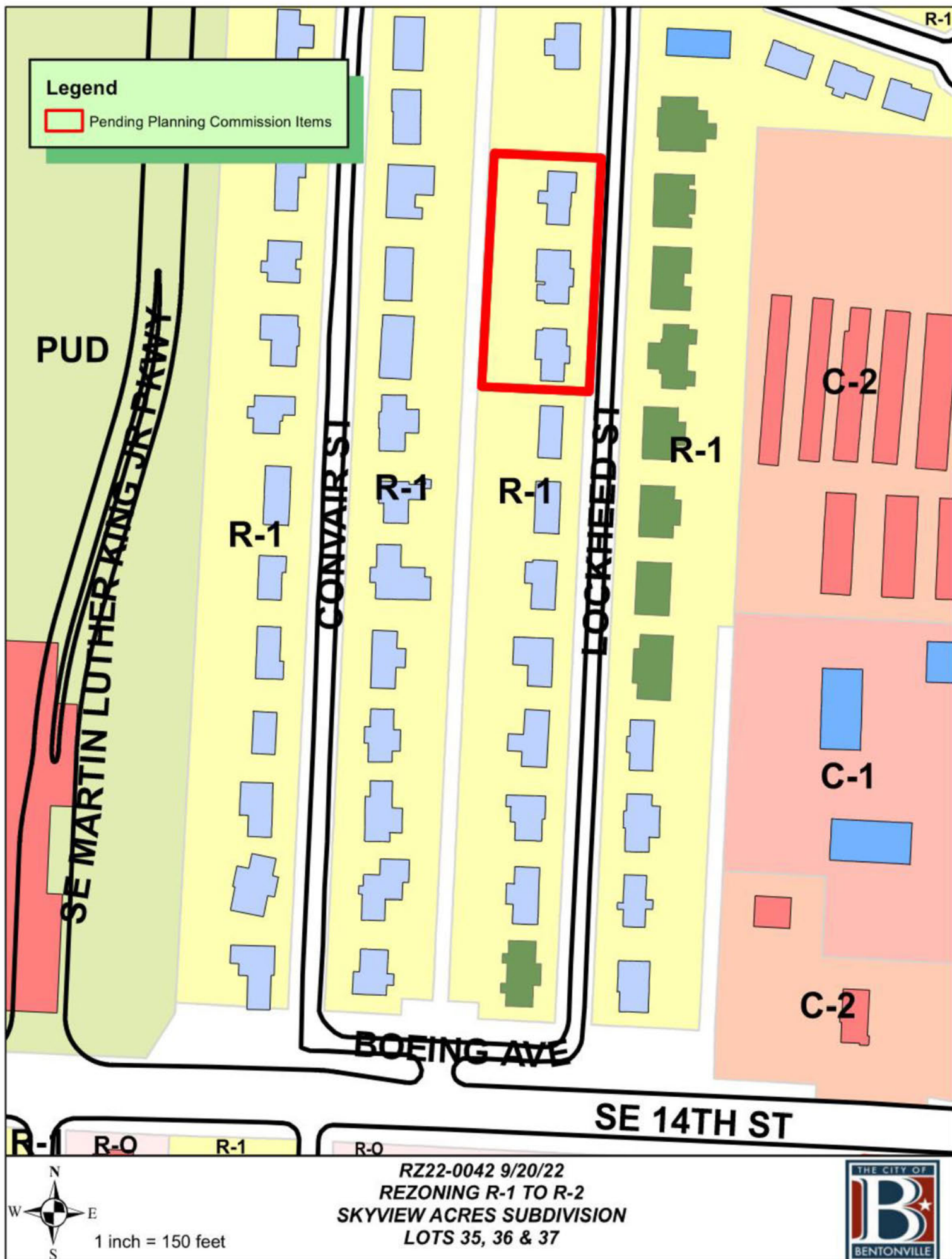
PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk





Lockheed St. Rezoning - Ehret

Parcels: 01-04203-000, 01-04202-000, & 01-04201-000

Addresses: 1006, 1102, & 1104 Lockheed St.

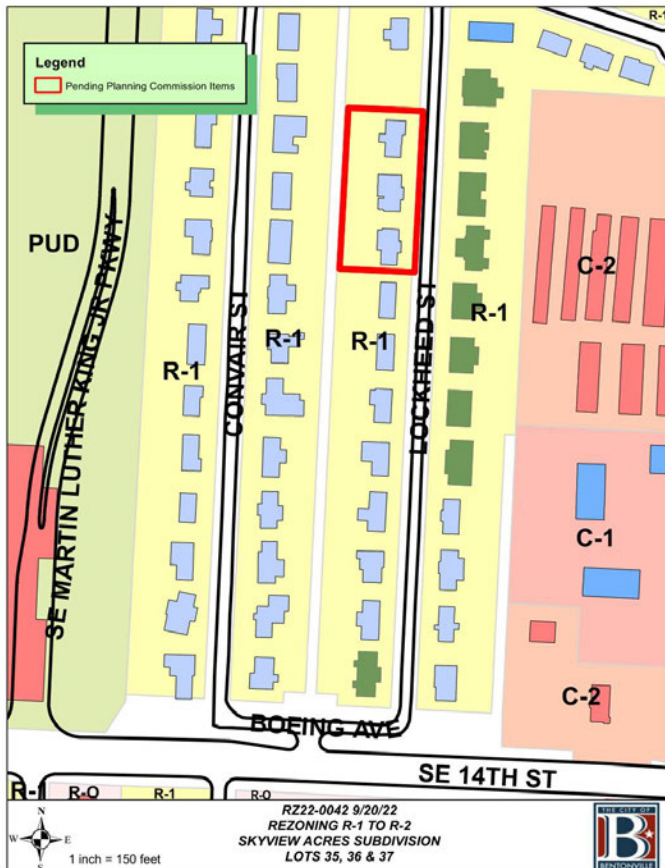
PC Date: 9/20/2022

Reviewer: Keegan Stanton, Senior Planner, AICP

Project Number	RZ22-0042
Applicant / Current Owner	Nikki Littrell/Chen & Ehret Real Holdings LLC
Site Area	0.96 acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	R-2, Medium Density Two Family and Townhome Residential
Future Land Use Map Designation	Low-Density Residential (LDR)
Requested Future Land Use Map Designation	Medium-Density Residential (MDR)
Related Case(s):	LS22-0034

<https://arcgis/08HvK8>

Location Map



Property Description

This request encompasses three properties: 1006, 1102, and 1104 Lockheed St. located within the Sky View neighborhood. Directly adjacent zoning is R-1 Low Density Single Family Residential, while PUD Planned Unit Development (the new Walmart campus) and C-2 General Commercial zoning exists beyond the neighborhood.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently shows this property as Low-Density Residential, however the applicant is requesting a change to the Future Land Use Map to Medium-Density Residential. These 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.

This property is located within Priority Area 2, Infill, as identified in Chapter 4 of the Bentonville Community Plan. This area looks to leverage the City's existing investments in utilities and streets to accommodate new development.

Public Comment

At the time of writing this staff report, staff has received public comment on this item.

Analysis

While this neighborhood only presently consists of R-1 zoning, a significant number of properties on Lockheed St. are already functioning as duplexes – a legal non-conforming use under the terms of the Zoning Code. Additionally, the new Walmart campus development to the West and existing commercial zoning and uses to the East sandwich this neighborhood amongst more intense uses. Rezoning to R-2 would be appropriate in this context.

Conclusion

This request is not consistent with the Future Land Use Plan. However, the context of the property - with a significant number of existing two-family residential uses across the street, as well as its location amidst new and existing intensifying commercial development – along with the goals of the Community Plan to capitalize on the existing infrastructure in this part of the City, an amendment to the Future Land Use Plan to Medium-Density Residential would be appropriate.

Should the Planning Commission approve the Future Land Use Plan Amendment, planning staff recommends approval of the rezoning request. Should the Planning Commission deny the Future Land Use Plan Amendment, planning staff recommends denial of the rezoning.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM LOW-DENSITY RESIDENTIAL TO MEDIUM-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.**

(PROJECT NUMBER: RZ22-0042)

WHEREAS, Nikki Littrell on behalf of Chen and Ehret Holdings 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 LOW-DENSITY RESIDENTIAL to MEDIUM-DENSITY RESIDENTIAL, which property is described as follows:

LOT 53 THE SOUTH HALF OF LOT 35, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°23'47"E A DISTANCE OF 139.82' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE WEST RIGHT-OF-WAY OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07'; THENCE LEAVING SAID RIGHT-OF-WAY N87°23'01"W A DISTANCE OF 139.80' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. LOT 54 THE NORTH HALF OF LOT 35, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659", BEING THE TRUE POINT OF BEGINNING; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°24'34"E A DISTANCE OF 139.84' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE WEST RIGHT-OF-WAY OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°23'47"W A DISTANCE OF 139.82' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. LOT 55 THE SOUTH HALF OF LOT 36, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659", BEING THE TRUE POINT OF BEGINNING; THENCE N03°06'27"E A DISTANCE OF 50.03' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°25'42"E A DISTANCE OF 139.86' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE WEST RIGHT-OF-WAY LINE OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.08' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°24'34"W A DISTANCE OF 139.84' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. LOT 56 THE NORTH HALF OF LOT 36, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.03' TO A SET 5/8" CAPPED REBAR "AR PLS 1659", BEING THE TRUE POINT OF BEGINNING; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°26'50"E A DISTANCE OF 139.88' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE WEST RIGHT-OF-WAY LINE OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.08' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°25'42"W A DISTANCE OF 139.86' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. LOT 57 THE SOUTH HALF OF LOT 37, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.03' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659", BEING THE TRUE POINT OF BEGINNING; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°27'41"E A DISTANCE OF 139.90' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE

WEST RIGHT-OF-WAY LINE OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°26'50"W A DISTANCE OF 139.88' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. LOT 58 THE NORTH HALF OF LOT 37, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.03' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659", BEING THE TRUE POINT OF BEGINNING; THENCE N03°06'27"E A DISTANCE OF 50.03' TO A FOUND 1/2" REBAR; THENCE S87°28'32"E A DISTANCE OF 139.93' TO A FOUND 1/2" REBAR ON THE WEST RIGHT-OF-WAY LINE OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°27'41"W A DISTANCE OF 139.90' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 20, 2022 at the Council Chambers of the City of Bentonville;

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 RESOLVED 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 LOW-DENSITY RESIDENTIAL to MEDIUM-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this ____ day of _____, 2022.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk

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 R-2, MEDIUM DENSITY TWO
FAMILY AND TOWNHOME RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER:RZ22-0042)**

WHEREAS, Nikki Littrell on behalf of Chen and Ehret Real Holdings 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-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

PART OF LOT 2, BLOCK 1, BRAITHWAITE PARK SUBDIVISION, BENTON COUNTY, ARKANSAS, OF A PART OF THE S 1/2 OF THE SW 1/4 OF SECTION 19, TOWNSHIP 20 NORTH, RANGE 30 WEST, DES LOT 53 THE SOUTH HALF OF LOT 35, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°23'47"E A DISTANCE OF 139.82' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE WEST RIGHT-OF-WAY OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07'; THENCE LEAVING SAID RIGHT-OF-WAY N87°23'01"W A DISTANCE OF 139.80' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. LOT 54 THE NORTH HALF OF LOT 35, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659", BEING THE TRUE POINT OF BEGINNING; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°24'34"E A DISTANCE OF 139.84' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE WEST RIGHT-OF-WAY OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°23'47"W A DISTANCE OF 139.82' TO THE

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DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE S87°27'41"E A DISTANCE OF 139.90' TO A SET 5/8" CAPPED REBAR "AR PLS 1659" ON THE WEST RIGHT-OF-WAY LINE OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°26'50"W A DISTANCE OF 139.88' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. LOT 58 THE NORTH HALF OF LOT 37, SKYVIEW ACRES SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD E AT PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID LOT 35; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.03' TO ASET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE N03°06'27"E A DISTANCE OF 50.04' TO A SET 5/8" CAPPED REBAR "AR PLS 1659", BEING THE TRUE POINT OF BEGINNING; THENCE N03°06'27"E A DISTANCE OF 50.03' TO A FOUND 1/2" REBAR; THENCE S87°28'32"E A DISTANCE OF 139.93' TO A FOUND 1/2" REBAR ON THE WEST RIGHT-OF-WAY LINE OF LOCKHEED STREET; THENCE ALONG SAID RIGHT-OF-WAY S03°07'51"W A DISTANCE OF 50.07' TO A SET 5/8" CAPPED REBAR "AR PLS 1659"; THENCE LEAVING SAID RIGHT-OF-WAY N87°27'41"W A DISTANCE OF 139.90' TO THE POINT OF BEGINNING, CONTAINING 0.161 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD AS COMMENCING AT THE NW CORNER OF LOT 4 IN SAID BLOCK 1; THENCE SOUTH 296.00 FEET; THENCE S 49°30'1" EAST 257.00 FEET; THENCE S 46°00' E 195.00 FEET TO THE POINT OF BEGINNING; THENCE N 46°00'00" W 60.00 FEET; THENCE N 54°17'00" E 133.90 FEET; THENCE N 37°11'30" E 79.85 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF NW 14TH STREET; THENCE S 50°42'11" E 94.29 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF NW 14TH STREET; THENCE S 00°43'15" E 125.00 FEET; THENCE N 89°37'14" W 188.39 FEET TO THE POINT OF BEGINNING. ;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 20, 2022 in the Council Chambers of the City of Bentonville;

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 R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME 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 R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

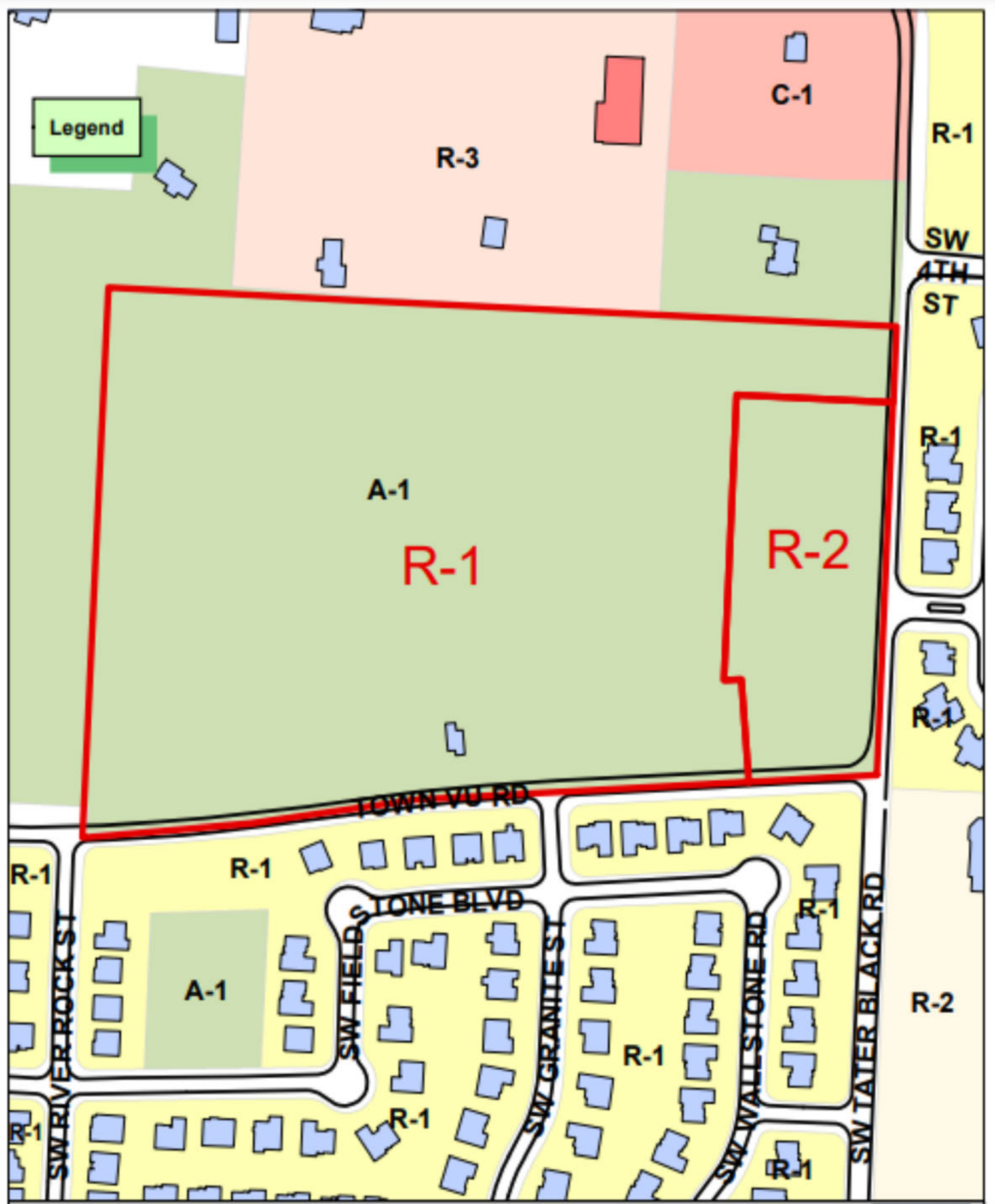
PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



RZ22-0044 9/20/22
REZONING A-1 TO R-1 & R-2
TOWN VU RD
PARCEL 01-00942-580





AADHIRA PROPERTIES, LLC

Parcel: 01-00942-580

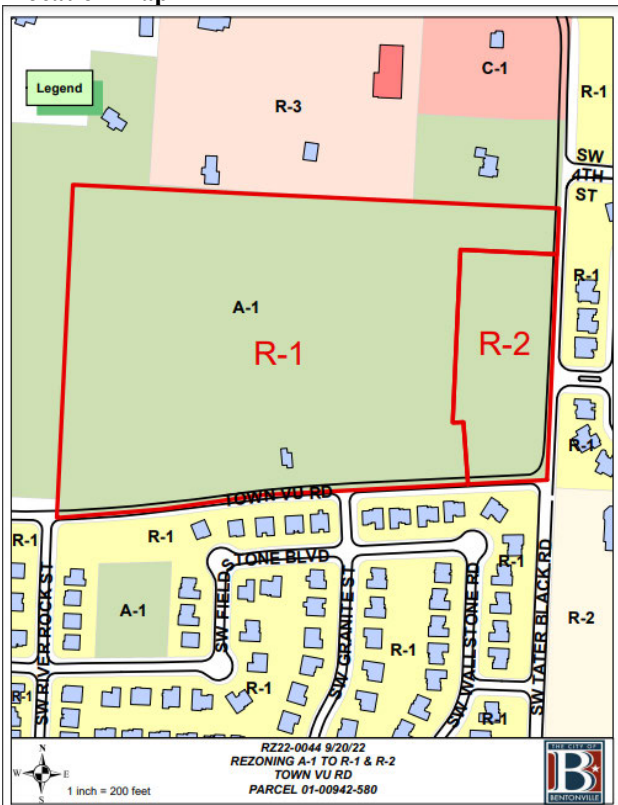
PC Date: 9/20/2022

Reviewer: Christopher Hyatt, Planning Technician

Project Number	RZ22-0044
Applicant / Current Owner	CEI Engineering / AADHIRA Properties, LLC
Site Area	+/- 25 acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-1, Low Density Single Family Residential
	R-2, Medium Density Two Family and Townhome Residential
Future Land Use Map Designation	Residential Estate (RE)
Requested Future Land Use Map Designation	Low-Density Residential (LDR)
	Medium-Density Residential (MDR)
Related Project	LS22-0042

<https://arcris/08HvK8>

Location Map



Property Description

This property is located at 4300 Town Vu Road. Adjacent zoning districts are A-1, Agriculture and R-3 Medium-High Density Multifamily Residential to the North, A-1 Agriculture to the West, and R-1, Low Density Single Family Residential to the East and West.

Relationship to the Bentonville Community Plan

The Future Land Use Plan currently depicts this property as Residential Estate, however, the applicant is requesting a change in the Future Land Use Plan to Low-Density Residential for the portion that is proposed to be zoned R-1, Low Density Single Family Residential and Medium Density Residential for the portion that is proposed to be zoned R-2, Medium Density Two Family and Townhome 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. 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.

The property is located within Priority Area 3, Edge Growth, as identified in Chapter 4 of the Bentonville 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

At the time of writing this staff report, staff **HAS** received public comment on this item.

Analysis

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. The intent of the R-2 District is to encourage the basic land use restrictions as the R-1 District. It allows slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity. Such a district shall encourage and maintain duplex and patio home development at appropriate locations. The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM RESIDENTIAL ESTATE TO LOW-DENSITY
RESIDENTIAL; AND MEDIUM-DENSITY RESIDENTIAL; AND FOR OTHER
PURPOSES.
(PROJECT NUMBER: RZ22-0044)**

WHEREAS, Aadhira Properties 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 RESIDENTIAL ESTATE to LOW-DENSITY RESIDENTIAL; and MEDIUM-DENSITY RESIDENTIAL, which property is described as follows:

AREA TO BE REZONED R-1, A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST AND THE PARCEL DESCRIBED AT DEED INSTRUMENT #L202218033 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE CALCULATED SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 34; THENCE ALONG THE EAST LINE OF SAID SECTION 34, NORTH 02°34'08" EAST, 419.71 FEET TO A MAG NAIL WITH WASHER LS1618; THENCE ALONG THE SOUTH BOUNDARY OF THE PARCEL DESCRIBED AT DEED INSTRUMENT #L202218033 SOUTH 87°00'06" WEST, 216.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY THE FOLLOWING THREE (3) CALLS: 1. SOUTH 87°00'06" WEST, 560.34 FEET; 2. SOUTH 82°04'53" WEST, 283.11 FEET; 3. SOUTH 85°16'45" WEST, 285.91 FEET TO A MAG NAIL WITH WASHER LS1618; THENCE ALONG THE WEST BOUNDARY OF SAID PARCEL, NORTH 02°45'05" EAST, 910.32 FEET TO A 3/4-INCH PIPE FOUND AT THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE NORTH BOUNDARY OF SAID PARCEL, SOUTH 87°03'40" EAST, 430.20 FEET TO A 5/8-INCH WITH CAP LS992; THENCE ALONG THE SOUTH LINE, SOUTH 87°17'02" EAST, PASSING THROUGH A 5/8" REBAR AT A DISTANCE OF 504.58 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 902.02 FEET TO A MAG NAIL WITH WASHER LS1618 FOUND AT THE NORTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE EAST BOUNDARY OF SAID PARCEL, SOUTH 02°33'32" WEST, 125.00 FEET; THENCE DEPARTING SAID EAST BOUNDARY, NORTH 87°16'56" WEST, 264.92 FEET; THENCE SOUTH 02°33'33" WEST, 472.75 FEET; THENCE NORTH 87°00'06" EAST, 29.48 FEET; THENCE SOUTH 04°12'00" EAST, 170.04

FEET TO THE POINT OF BEGINNING CONTAINING 930,265 SQUARE FEET OR 21.36 ACRES, MORE OR LESS. AREA TO BE REZONED R-2, A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST AND THE PARCEL DESCRIBED AT DEED INSTRUMENT #L202218033 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE CALCULATED SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 34; THENCE ALONG THE EAST LINE OF SAID SECTION 34, NORTH 02°34'08" EAST, 419.71 FEET TO A MAG NAIL WITH WASHER LS1618 AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH BOUNDARY LINE OF THE AFOREMENTIONED PARCEL, SOUTH 87°00'06" WEST, 216.59 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY LINE, NORTH 04°12'00" WEST, 170.04 FEET; THENCE SOUTH 87°00'06" WEST, 29.48 FEET; THENCE NORTH 02°33'33" EAST, 472.75 FEET; THENCE SOUTH 87°16'56" EAST, 264.92 FEET TO THE EAST BOUNDARY LINE OF THE AFOREMENTIONED PARCEL; THENCE ALONG SAID EAST BOUNDARY LINE, SOUTH 02°33'32" WEST, 617.04 FEET TO THE POINT OF BEGINNING CONTAINING 160,259 SQUARE FEET OR 3.68 ACRES, MORE OR LESS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 20, 2022 at the Council Chambers of the City of Bentonville;

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 RESOLVED 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 LOW-DENSITY RESIDENTIAL and MEDIUM-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this ____ day of _____, 2022.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

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-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL; AND R-
2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL; AND FOR
OTHER PURPOSES.
(PROJECT NUMBER: RZ22-0044)**

WHEREAS, Aadhira Properties 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-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL and R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

AREA TO BE REZONED R-1, A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST AND THE PARCEL DESCRIBED AT DEED INSTRUMENT #L202218033 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE CALCULATED SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 34; THENCE ALONG THE EAST LINE OF SAID SECTION 34, NORTH 02°34'08" EAST, 419.71 FEET TO A MAG NAIL WITH WASHER LS1618; THENCE ALONG THE SOUTH BOUNDARY OF THE PARCEL DESCRIBED AT DEED INSTRUMENT #L202218033 SOUTH 87°00'06" WEST, 216.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY THE FOLLOWING THREE (3) CALLS: 1. SOUTH 87°00'06" WEST, 560.34 FEET; 2. SOUTH 82°04'53" WEST, 283.11 FEET; 3. SOUTH 85°16'45" WEST, 285.91 FEET TO A MAG NAIL WITH WASHER LS1618; THENCE ALONG THE WEST BOUNDARY OF SAID PARCEL, NORTH 02°45'05" EAST, 910.32 FEET TO A 3/4-INCH PIPE FOUND AT THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE NORTH BOUNDARY OF SAID PARCEL, SOUTH 87°03'40" EAST, 430.20 FEET TO A 5/8-INCH WITH CAP LS992; THENCE ALONG THE SOUTH LINE, SOUTH 87°17'02" EAST, PASSING THROUGH A 5/8" REBAR AT A DISTANCE OF 504.58 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 902.02 FEET TO A MAG NAIL WITH WASHER LS1618 FOUND AT THE NORTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE EAST BOUNDARY OF SAID PARCEL, SOUTH 02°33'32" WEST, 125.00 FEET; THENCE DEPARTING SAID EAST BOUNDARY,

NORTH 87°16'56" WEST, 264.92 FEET; THENCE SOUTH 02°33'33" WEST, 472.75 FEET; THENCE NORTH 87°00'06" EAST, 29.48 FEET; THENCE SOUTH 04°12'00" EAST, 170.04 FEET TO THE POINT OF BEGINNING CONTAINING 930,265 SQUARE FEET OR 21.36 ACRES, MORE OR LESS. AREA TO BE REZONED R-2, A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 31 WEST AND THE PARCEL DESCRIBED AT DEED INSTRUMENT #L202218033 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE CALCULATED SOUTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 34; THENCE ALONG THE EAST LINE OF SAID SECTION 34, NORTH 02°34'08" EAST, 419.71 FEET TO A MAG NAIL WITH WASHER LS1618 AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH BOUNDARY LINE OF THE AFOREMENTIONED PARCEL, SOUTH 87°00'06" WEST, 216.59 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY LINE, NORTH 04°12'00" WEST, 170.04 FEET; THENCE SOUTH 87°00'06" WEST, 29.48 FEET; THENCE NORTH 02°33'33" EAST, 472.75 FEET; THENCE SOUTH 87°16'56" EAST, 264.92 FEET TO THE EAST BOUNDARY LINE OF THE AFOREMENTIONED PARCEL; THENCE ALONG SAID EAST BOUNDARY LINE, SOUTH 02°33'32" WEST, 617.04 FEET TO THE POINT OF BEGINNING CONTAINING 160,259 SQUARE FEET OR 3.68 ACRES, MORE OR LESS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 20, 2022 in the Council Chambers of the City of Bentonville;

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 And R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME 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 and R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with the city zoning laws and state laws.

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of _____, 2022.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Agenda Item Form

Date of City Council Meeting	9/27/2022
Department	Electric
Submitted by	Traivs Matlock
Phone	479-271-5941

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☒ Resolution	☐ Bid Award

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

Resolution to enter into an agreement with Allgeier, Martin and Associates, Inc. for engineering services for a transmission line connection between "G" Sub and "I" Sub for \$258,925. This firm was selected following the City's standard SOQ process for the procurement of professional services, in accordance with State Law. Approved by Utility Board 5-0.

Estimated Cost	\$258,925.00
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Is this Item Budgeted?	☒ Yes ☐ No
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If no, please explain how item will be funded (briefly explain in space below) :

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MEMORANDUM

DATE: September 27, 2022

TO: City Council, Mayor Orman

FROM: Travis Matlock, Electric Utility Director

RE: Transmission Line Engineering Services

Electric Dept. staff recommends entering into a contract with Allgeier, Martin and Associates, Inc. for \$258,925 to perform engineering services on a transmission line connection between "G" Sub and "I" Sub. This is a 2022 budgeted item.

Both "G" Sub and "I" Sub are fed by radial transmission lines from the SWEPCO Point of Delivery. This tie line will give BEUD personnel the ability to feed both from either direction. This will increase the reliability in the SW section of town.

Approved by Utility Board 5-0.

**MASTER AGREEMENT BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES
(Retainer Contract)**

THIS MASTER AGREEMENT ("Agreement"), made _____, 2022 between The City of Bentonville, AR, an Arkansas Municipal ("Owner") and Allgeier, Martin and Associates, Inc., a Missouri corporation, ("Engineer");

WITNESSETH:

Whereas, the Owner owns and operates a Municipal Electric system and desires the Engineer to perform requested engineering services; and

Whereas, the Engineer agrees that it has personnel and equipment to perform agreed engineering services.

Now, therefore, in consideration of the mutual undertakings herein contained, the Owner and the Engineer agree as follows:

ARTICLE I – SERVICES TO BE PERFORMED

Section 1. SERVICES AND WORK STATEMENTS

During the term of this Agreement, the Owner will issue work statements ("Work Statements") to the Engineer requesting the Engineer's services ("Services"), including reports, plans, specifications and other documents for a project ("Project"), as described in the Work Statements. When fully executed, each Work Statement will become a part of this Agreement and incorporated herein by reference.

Section 2. STANDARD OF CARE

The Engineer shall exercise the same degree of care, skill and diligence in the performance of the Services as is ordinarily possessed and exercised by a professional engineer under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report or opinion produced pursuant to this Agreement.

Section 3. ADVICE

If provided in a Work Statement, the Engineer shall advise the Owner by telephone or correspondence at such times and with respect to such engineering problems as the Owner may request, provided advise on such problems can reasonably be given of the basis of the Engineer's knowledge of the Owner's system, studies, maps and other information furnished by the Owner.

Section 4. OPINIONS OF COST AND SCHEDULE

Since the Engineer has no control over the cost of labor, materials or equipment furnished by others or over the resources provided by others to meet Project schedules, the Engineer's opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a professional engineer. The Engineer does not guarantee that proposals, bids or actual Project costs will not vary from the Engineer's cost estimates or that actual schedules will not vary from the Engineer's projected schedules.

Section 5. SITE VISITS

If and to the extent provided in a Work Statement, the Engineer shall visit the Project to observe the construction work and become generally familiar with the progress and quality of the work completed, for the purpose of determining, in general, if the work observed is being performed in a manner indicating that, when fully completed, the work will be in accordance with the applicable Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. The Engineer will report to the Owner any deficiencies observed in the work.

Section 6. INTERPRETATIONS AND DECISIONS

If provided in a Work Statement, the Engineer shall interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request of either the Owner or construction contractor (“Contractor”). Interpretations and decisions of the Engineer shall be consistent with the intent of, and reasonably inferable from, the Contract Documents. When making such interpretations and decisions, the Engineer shall endeavor to secure faithful performance by both the Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or decisions rendered in good faith.

Section 7. CONSTRUCTION CONTRACT

Before executing any contract for construction, the Owner shall coordinate the Engineer’s duties and responsibilities set forth in the contract for construction with the Engineer’s services set forth in this Agreement. The Owner shall provide the Engineer a copy of the executed agreement between the Owner and Contractor, including the General Conditions of the Contract for Construction. The Engineer’s construction phase services shall not be modified or reduced except by written modification to this Agreement signed by the Owner and the Engineer.

Section 8. RESPONSIBILITY FOR CONSTRUCTION

The Engineer shall not be responsible for: (1) construction means, methods, techniques, sequences, procedures or safety precautions and programs in connection with any Project; (2) the failure of any Contractor, subcontractor, vendor or other Project participant, not under contract to the Engineer, to fulfill contractual responsibilities to the Owner or to comply with federal, state, or local laws, regulations and codes; (3) procuring permits, certificates and licenses required for any construction unless such responsibilities are specifically assigned to the Engineer in the referenced documents.

Section 9. CONTRACTOR’S APPLICATIONS FOR PAYMENT

The Engineer’s approval of an application for payment submitted by the Contractor shall mean that, to the best of the Engineer’s knowledge and information, the construction work has progressed to the point represented by the Contractor and it appears to comply with applicable Contract Documents. The Engineer will not be required to perform a detailed audit of the application or determine how or for what purpose the Contractor has used monies previously paid by the Owner.

Section 10. SUBMITTALS

The Engineer will review any Contractor submittals within a reasonable time for the purpose of checking for conformance with the design concept expressed in the applicable Contract Documents. The Engineer shall not be responsible for approving or determining the accuracy or completeness of items that are Contractor’s responsibility, such as dimensions, quantities, means, methods, techniques, sequences, safety precautions, and installation or performance of equipment or systems. Approval of an item shall not indicate approval of an assembly of which the item is a component. The Engineer shall not be responsible for any requested deviations from the Contract Documents not specifically brought to the attention of the Engineer in writing by the Contractor and the Contractor and Owner must sign a Change Order to modify the Contract Documents.

Section 11. CONTRACTOR’S DESIGN SERVICES

If the Contract Documents require the Contractor to provide professional design services or certification by a design professional, the Engineer shall review and take appropriate action on any such submittals, but the Engineer’s review thereof shall be for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. The Engineer shall be entitled to rely upon, and shall not be responsible for, the adequacy and accuracy of the services, certifications, and approvals performed or provided by such design professionals.

Section 12. ADDITIONAL SERVICES

The Engineer shall, upon receipt of reasonable notice from the Owner, promptly furnish such additional engineering Services as the Owner may request and the Engineer agrees.

ARTICLE II – COMPENSATION

Section 1. RATES

The Owner shall pay the Engineer based on amounts and payment schedules established in each agreed upon Work Statement. The Owner shall pay the Engineer for any and all work not described in the Work Statements based on the Engineer's hourly labor and expense rates at the time the service is performed.

Section 2. INVOICE SUBMITTAL

The Engineer shall submit an invoice as set forth on the Work Statement.

Section 3. PAYMENT

Each invoice will be due upon receipt. The Owner agrees to pay the Engineer within 30 days of the invoice date. The Owner agrees to pay the Engineer a late charge of 1.5 percent per month or the maximum amount allowed by law, if less, on all amounts remaining unpaid, starting on the 30th day following the invoice date. The Owner agrees to pay the late charge without further invoicing from the Engineer.

Section 4. PAYMENT DISPUTES

In the event the Owner questions some element of an invoice, that fact shall be made known to the Engineer immediately. The Engineer will help effect resolution and transmit a revised invoice as necessary. Amounts not reasonably disputed by the Owner shall be promptly paid to the Engineer in accordance with the above payment procedures.

Section 5. NONPAYMENT

In the event of nonpayment of an undisputed amount the Engineer may discontinue further Services and the Owner shall be liable for any collection costs of the Engineer, including reasonable attorney's fees.

ARTICLE III – LIABILITY

Section 1. GENERAL

Having considered the potential liabilities that may exist during the performance of the Services, the benefits of a Project, and the Engineer's fee for the Services, and in consideration of the promises contained in this Agreement, the Owner and Engineer agree to allocate and limit such liabilities in accordance with this Article.

Section 2. MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES

To the fullest extent permitted by law, the Owner and Engineer waive against each other, and the other's employees, officers, directors, members, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages, including, without limitation, loss of use, income, profit, financing, business and reputation, and for loss of management or employee productivity or of the services of such persons, arising out of, resulting from, or in any way related to this Agreement, the Work Statements, or the Projects.

Section 3. BETTERMENT

If the Engineer negligently omits from its design a required component of the Project, the Owner will be responsible for the amount it would have paid if the item had been properly included by the Engineer in its design. In addition, the Engineer will not be responsible for any upgrade or enhancement of an item.

Section 4. ACCRUAL OF CAUSES OF ACTION.

Causes of action between the parties shall accrue, and applicable statutes of limitation shall begin to run, the date that the Engineer's Services are substantially complete under this Agreement.

Section 5. LIMITATION OF LIABILITY

NOTWITHSTANDING ANY OTHER PROVISION OF THIS AGREEMENT, IN RECOGNITION OF THE RELATIVE RISKS, REWARDS AND BENEFITS OF THE PROJECT TO BOTH THE OWNER AND THE ENGINEER, TO THE FULLEST EXTENT PERMITTED BY LAW AND FOR ADEQUATE CONSIDERATION, THE TOTAL LIABILITY OF THE ENGINEER AND ITS AGENTS,

EMPLOYEES, AND CONSULTANTS, TO THE OWNER FOR ANY AND ALL INJURIES, CLAIMS, LOSSES, EXPENSES, DAMAGES, FROM ANY CAUSE WHATSOEVER, INCLUDING, WITHOUT LIMITATION, CONTRACT, INDEMNITY, WARRANTY, TORT (INCLUDING NEGLIGENCE), GROSS NEGLIGENCE, STRICT LIABILITY OR OTHER CAUSE OF ACTION, IN ANY WAY PERTAINING TO OR ARISING OUT OF THE PERFORMANCE OF SERVICES UNDER THIS AGREEMENT, SHALL NOT EXCEED THE TOTAL FEES ACTUALLY RECEIVED BY THE ENGINEER HEREUNDER.

ARTICLE IV – INSURANCE

Section 1. COVERAGE

During the performance of the Services under this Agreement, the Engineer shall maintain the following insurance:

- a) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of \$1,000,000 for each occurrence.*
- b) Professional Liability Insurance, with limits of not less than \$5,000,000 per claim and \$5,000,000 annual aggregate.*
- c) General Liability Insurance, with bodily injury limits of \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.*
- d) Automobile Liability Insurance, with combined single limits of \$1,000,000 for each accident.*

Section 2. CERTIFICATES OF INSURANCE

The Engineer shall, upon written request, furnish the Owner certificates of insurance, which shall include a provision that such insurance shall not be canceled without at least ten (10) days' written notice to the Owner.

Section 3. ADDITIONAL INSURED

If Services are to be performed in the construction phase of a Project, the Owner will require all Contractors to include the Owner and Engineer as additional insureds on their General Liability and Automobile Liability insurance policies, and to defend, indemnify and hold harmless the Owner and Engineer to the extent of each Contractor's negligence or breach of contract.

Section 4. MUTUAL WAIVER OF SUBROGATION.

The Owner and the Engineer waive all rights, including rights of subrogation, against each other, the Contractor, and their respective consultants, agents, and employees for damage to property, except such rights as they may have to the proceeds of such insurance. Each party will verify that all property insurance policies are properly written or endorsed so as to effectuate this waiver of subrogation. The Owner and Engineer, as appropriate, shall require of the Contractor and their respective consultants, agents and employees similar waivers in favor of the other parties enumerated herein.

ARTICLE V – DISPUTE RESOLUTION

Section 1. NON-BINDING MEDIATION

The Owner and Engineer will attempt to resolve any claim, dispute or other matter in question arising out of or related to this Agreement by non-binding mediation as a condition precedent to any litigation. The mediation shall be administered by the American Arbitration Association in accordance with its Construction Industry Mediation Procedures in effect on the date of this Agreement.

Section 2. MEDIATION PROCEDURES

The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located unless another location is mutually agreed upon. An agreement reached in mediation shall be enforceable as any settlement agreement in a court having jurisdiction thereof.

ARTICLE VI – OTHER PROVISIONS

Section 1. OWNER’S CONSULTANTS

Unless otherwise indicated, consultants retained by the Owner shall be licensed professionals, who shall affix their seals on the appropriate documents prepared by them. The contracts between the Owner and the Owner’s consultants shall require the consultants to coordinate their drawings and other instruments of service with those of the Engineer and to advise the Engineer of any conflict. The Engineer shall have no responsibility for the components of the Project designed by the Owner’s consultants. Review by the Engineer of the consultants’ drawings and other instruments of service is solely for consistency with the Engineer’s design concept for the Project. The Engineer shall be entitled to rely upon the technical sufficiency and timely delivery of documents and services furnished by the Owner’s consultants, as well as on the computations performed by those consultants in connection with such documents and services. The Engineer shall not be required to review or verify those computations or designs for compliance with applicable laws, statutes, ordinances, building codes, and rules and regulations, or certify completion or payment for the Work designed by the Owner’s consultant.

Section 2. NON-DISCLOSURE

The Engineer agrees not to divulge to third parties, without written consent from the Owner, any confidential or proprietary information obtained from or through the Owner in connection with the performance of the Agreement.

Section 3. INSTRUMENTS OF SERVICE

All documents, including but not limited to, drawings, specifications and computer software prepared by the Engineer as part of the Services are the Engineer’s instruments of service (“Instruments of Service”). All Instruments of Service shall remain the property of the Engineer; provided, however, that the Owner shall be provided copies for their records and maintenance of the Project facilities.

Section 4. REUSE OF INSTRUMENTS OF SERVICE AND INDEMNIFICATION

The Engineer does not intend or represent that its Instruments of Service are suitable for reuse by the Owner or others on extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by the Engineer for the specific purpose intended will be at the Owner’s sole risk and without liability or legal exposure to the Engineer. The Owner shall defend, indemnify and hold harmless the Engineer against all claims, losses, damages, injuries and expenses, including reasonable attorneys’ fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle the Engineer to additional compensation at rates to be agreed upon by the Owner and Engineer.

Section 5. DELAY IN PERFORMANCE

Neither the Owner nor the Engineer shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions, floods, earthquakes, fire, epidemics, war, riots and other civil disturbances; strikes, lockouts, work slowdowns and other labor disturbances; sabotage, judicial restraint and inability to procure permits, licenses or authorizations from any local, state or federal agency for any of the supplies, materials, accesses or services required to be provided by either the Owner or Engineer under this Agreement.

Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

Section 6. REQUESTED DOCUMENTS

If the Owner requests that the Engineer sign certifications or other documents for the Owner or other parties (such as lenders or potential buyers), the Owner shall provide the Engineer with copies of all such documents to be signed at least ten (10) days in advance of the requested date of execution. The Engineer shall not be required to sign any certification or document requiring knowledge or responsibilities beyond the scope of services as defined in this Agreement.

Section 7. NOTICE OF DEFICIENT PERFORMANCE

The Owner shall provide written notice to the Engineer within ten (10) days after the Owner becomes aware of any fault or defect in the Engineer's services or an alleged breach of this Agreement by the Engineer, including, but not limited to, errors, omissions or inconsistencies in the Instruments of Service.

Section 8. WAIVER

A waiver by either the Owner or Engineer of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

Section 9. SEVERABILITY

The invalidity, illegality or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

Section 10. SUCCESSORS AND ASSIGNS

The Owner and Engineer each binds itself and its directors, officers, partners, successors, executors, administrators, assigns and legal representatives to the other party to this Agreement and to the directors, officers, partners, successors, executors, administrators, assigns and legal representatives of such other party in respect to all provisions of this Agreement.

Section 11. ASSIGNMENT

Neither the Owner nor the Engineer shall assign any rights or duties under this Agreement without the prior written consent of the other party. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent the Engineer from employing independent consultants, associates and subcontractors to assist in the performance of the Services.

Section 12. THIRD PARTY RIGHTS

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the Owner and Engineer.

Section 13. TERMINATION

This Agreement may be terminated by either party, upon written notice, in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement. The non-performing party shall have fifteen calendar days from the date of the termination notice to cure or to submit a plan for cure acceptable to the other party.

The Owner may terminate or suspend performance of this Agreement for the Owner's convenience upon written notice to the Engineer. The Engineer shall terminate or suspend performance of the Services on a schedule acceptable to the Owner. If termination or suspension is for the Owner's convenience, the Owner shall pay the Engineer for all the Services performed and termination or suspension expenses. Upon restart, an equitable adjustment shall be made to the Engineer's compensation.

Section 14. NOTICES

Notices given by either party to the other are deemed served if delivered in person at the office of the representative designated below, or such representative subsequently named in writing to act for the respective party, or mailed to the representative, properly stamped with the required postage and addressed to the office of such representative, as follows:

OWNER:
CLIENT
Attn: ***CONTACT***
ADDRESS
ADDRESS
Phone: ***PHONE***
FAX: ***FAX***

ENGINEER:
Allgeier, Martin and Associates, Inc.
Attn: Steven C. McNabb, P.E.
7231 East 24th Street
Joplin, MO 64804
Phone: (417) 680-7200
FAX: (417) 680-7300

IN WITNESS WHEREOF, the Owner and Engineer have executed this Agreement.

OWNER

By: _____

Name: _____

Date: _____

ATTEST:

ALLGEIER, MARTIN AND ASSOCIATES, INC.

By: _____

Name: Steven C. McNabb

Date: _____

ATTEST:

City of Bentonville Arkansas

2022 Sub “G” to Sub “I” 161kV Transmission Line

Engineering Proposal Work Statement

1. Statement of Project

1.1. The City of Bentonville (City) desires to have a new 161kV transmission line constructed between substations G and I. The exact route is unknown, but is expected to be approximately 2.6 miles in length. The work assumes a single pole 161kV design with double circuit distribution underbuild. While the line is expected to generally follow public rights of way, the work includes assistance with procurement with easements if needed.

1.2. Potential routes are shown on the attached map.

1.3. Materials

1.3.1. Pole material will be galvanized, pre-engineered standard class tangent and site-specific engineered angle and deadend steel poles.

1.4. Design Parameters

1.4.1. Loadings and line design shall be based upon RUS Bulletin 1724E-200 for heavy loading district.

1.4.2. Steel poles will be designed based upon RUS Bulletins 1724E-204 and 1724E-214.

1.5. Environmental Studies

1.5.1. Environmental studies, reports, assessments, etc., if necessary, will be conducted and prepared by others and are not included in this work statement.

1.6. Line conductor.

1.6.1. All transmission conductors will be _____.

1.6.2. Overhead shield wire will be _____.

1.6.3. Distribution under build conductors for circuit 1 will be _____.

1.6.4. Distributions under build conductors for circuit 2 will be _____.

2. Services and Deliverables to be Provided by AMA:

2.1. Routing

2.1.1. Evaluate reasonable routes connecting the two substations. Conceptional cost estimates giving an opinion of the relative cost difference between two final options will be provided if needed. (Factors other than cost may be the major factor in route choice).

2.2. Substation connections

2.2.1. Evaluate options for transmission connections and sectionalizing such as adding breakers, etc. at substations G & I. This work is limited to providing engineering opinion of reasonable options, advantages and disadvantages of each and an opinion of construction cost for each option.

2.3. Geotechnical Services

- 2.3.1. Soil testing at specific locations along the route of the transmission line will be required. AMA will prepare specifications and assist the City with procurement of Geotechnical Services. Testing is expected to be needed at each turn and any area with suspect soil conditions.
- 2.4. Permitting Support
 - 2.4.1. Produce drawings and exhibits for highway permits and utility crossings.
- 2.5. Surveying
 - 2.5.1. AMA will gather topographical and aerial obstacle information in the form of LIDAR and/or ground based survey for the transmission line in such a manner that is compatible with PLS-CADD software.
 - 2.5.2. Provide surveying services for staking centerline foundations (if applicable), structures and anchors for construction.
 - 2.5.2.1 Two trips for staking are included in the proposal (one each for foundations and structures).
 - 2.5.3. AMA will not be held responsible for crop, lawn or other damages resulting from performing survey, right-of-way, or other activities associated with the project scope.
 - 2.5.4. AMA shall contact BEUD and obtain approval before any cutting of trees or limbs.
- 2.6. Right-of-Way Procurement
 - 2.6.1. The line is generally expected to be constructed on existing Rights-of-Way, however, a small number of easements may be needed.
 - 2.6.2. Provide title search for each tract.
 - 2.6.3. Review deeds to see if they appear to reasonably cover the corridor through office review. Survey of property lines is not included in this work statement.
 - 2.6.4. Provide surveyed legal descriptions of the centerline with plats for exhibits to the Easements. This assumes the right-of-way is cleared and passable with a side-by-side UTV.
 - 2.6.5. Prepare easement centerline legal description and plat drawing for each easement "Exhibit A" in the form attached to this document.
 - 2.6.6. Prepare easement documents using form provided and approved by the City.
 - 2.6.7. Determine the easement area acreage and compensation for parcel, based on values established by the City.
 - 2.6.8. AMA will provide right-of-way agent(s) to open dialogue with each property owner to determine their willingness to participate and present the fair value offer determined by the City in exchange for easement participation. Communication with property owners will include face-to-face conversations, telephone calls, written and e-mail correspondence, and other forms of communication which will be noted and maintained in individual owner files.
 - 2.6.9. In-person visits with each local property owner, up to four (4) times, to acquire a signed easement. In person visit requirements will cease in the event of actions such as landowner obtaining an attorney, notification by a landowner not to return, etc. Contacts with non-local property owners will not be in person.

- 2.6.10. Notify the City of parcels in which a reasonable settlement cannot be reached, and further negotiations will be required to be conducted by the City.
- 2.6.11. Payment to the landowner for the purchase of the rights will be made by the City.
- 2.6.12. Record fully executed supplemental easements within twenty-five (25) days of signing, with the proper County recorder of Deeds.
- 2.6.13. AMA will secure any required IRS W-9 tax information. Delivery of this information will be required to be in person from AMA to the City.
- 2.6.14. The city will prepare and mail IRS 1099 forms to all Owners that grant easements.
- 2.6.15. No subordinations will be required.
- 2.6.16. All records, notes, secured supplemental easements and problem parcel information will be handed over to the City at the completion of the project.
- 2.6.17. Costs incurred for parcels requiring the use of eminent domain have not been included in the proposal.
- 2.7. Design - General
 - 2.7.1. Conduct a preliminary scoping meeting with the City to determine the project parameters.
 - 2.7.2. Develop design criteria and specifications for the City's review.
 - 2.7.3. Provide a structure family and line design.
 - 2.7.3.1 There will be no revisions to the structure family once an agreed upon structure type has been established.
 - 2.7.4. Provide design submittals for the City 's review at 30, 60 and 90 percent of completion. Each submittal will include a KMZ file with detail appropriate for that submittal.
 - 2.7.4.1. 30% design submittal will generally consist of:
 - 2.7.4.1.1. Design Data containing the following information.
 - 2.7.4.1.1.1. Conductor data
 - 2.7.4.1.1.2. Design loads
 - 2.7.4.1.1.3. Clearances
 - 2.7.4.1.1.4. Insulator selection and insulator swing charts
 - 2.7.4.1.1.5. Structure data for family of structures
 - 2.7.4.1.2. General materials for assembly units
 - 2.7.4.2. 60 % design submittal will generally consist of:
 - 2.7.4.2.1. Preliminary alignment review
 - 2.7.4.2.2. Structure spotting review
 - 2.7.4.3. 90% design submittal will generally consist of:
 - 2.7.4.3.1. Steel pole list and specifications
 - 2.7.4.3.2. Foundation reactions
 - 2.7.4.3.3. PLS-CADD model review
 - 2.7.4.3.4. Assembly unit specifications
 - 2.7.4.3.5. Caisson Foundation design (if applicable)
 - 2.7.5. Produce a construction drawing set as described below:
 - 2.7.5.1. Cover page
 - 2.7.5.2. Index page with a legend for symbols and various detail notes

2.7.5.3. Route diagram

2.7.5.4. Plan and profile sheets and accompanying drawings with notes and the following:

- 2.7.5.4.1. Each sheet shall state the design tension criteria used for conductor, OPGW and/or OHGW
- 2.7.5.4.2. Each sheet shall include an aerial image denoting structure locations and PI's
- 2.7.5.4.3. Each structure shall have a station location, structure number, framing assembly, guying and grounding and other assembly units shown.
- 2.7.5.4.4. PI's shall be indicated on the plan and profile grid chart and aerial image
- 2.7.5.4.5. Pole embedment depth shall be shown if other than standard.
- 2.7.5.4.6. Span lengths between structures shall be indicated.
- 2.7.5.4.7. Conductor hardware details. Each type of connection detail shall be shown with a list of materials. General notes shall be included.
- 2.7.5.4.8. OPGW or OHGW hardware details. Each type of connection detail shall be shown with a list of materials. General notes shall be included.
- 2.7.5.4.9. Guying hardware details. Each type of connection detail shall be shown with a list of materials. General notes shall be included.
- 2.7.5.4.10. Conductor dampers (if required). Each type of connection detail shall be shown with a list of materials. General notes shall be included.
- 2.7.5.4.11. OPGW or OHGW dampers (if required). Each type of connection detail shall be shown with a list of materials. General notes shall be included.
- 2.7.5.4.12. Direct embed foundations. A detail for each type of embedment method used shall be included. General notes shall be included.
- 2.7.5.4.13. Guying details. Each type of guying detail used shall be shown. General notes shall be included.
- 2.7.5.4.14. Drilled shaft foundations (if applicable). Each type of drilled concrete foundation type shall be included. General notes shall be included. Foundation details shall include list of materials for rebar, concrete volume, and anchor bolts.
- 2.7.5.4.15. Sag and stringing. All charts shall be included for all conductor, OPGW and OHGW installations.
- 2.7.5.4.16. Phasing diagram. A phasing diagram indicating the orientation and phasing on structures along the line.
- 2.7.5.4.17. At project conclusion, AMA will provide the City one (1) complete hardcopy set of the design package as well as an electronic set. The electronic version of the design data book will be Adobe pdf and the plan and profile drawings shall be in Adobe format as well as a DWG format.

2.7.6. Produce a design data book generally summarizing design parameters.

2.8. Material & Services Procurement

- 2.8.1. Produce material lists to facilitate procurement of materials to be furnished by the City. The City will provide all conductor sizes for lines, taps and other existing connections.
 - 2.8.1.1. Prepare bid documents for procurement of transmission material not stocked by the city.
 - 2.8.1.2. This work statement is based on one materials contract and one vendor.
 - 2.8.1.3. Review bids and make recommendation for acceptance.
- 2.8.2. Prepare specifications and bid documents to facilitate procurement of project structures.
 - 2.8.2.1. The proposal is based on one steel pole contract and vendor.
 - 2.8.2.2. Review bids and make recommendation for acceptance.
 - 2.8.2.3. Review approval drawings for steel poles. This work statement covers an initial review of drawings and review of the subsequent submittal addressing any comments made. Any additional review will be performed at hourly rates included in this work statement.
- 2.8.3. Provide assistance with procurement of geotechnical services.
- 2.9. Line Construction Contract
 - 2.9.1. Prepare transmission line construction RFP and contract documents and specifications.
 - 2.9.1.1. The proposal is based on one construction contract based on AMA standard form provided with the RFQ or document provided by the City.
 - 2.9.2. Provide an engineer's opinion of probable cost for the line construction.
 - 2.9.3. Prepare a list of bidders (subject to the City's approval) for transmission line construction contract and review bids received.
 - 2.9.4. Prepare closeout to document final payment due to the Contractor and record drawings from field notes.
- 2.10. Construction Observation (Not included)
 - 2.10.1. Provide construction observation by one on-site person (Project Representative I) based on a construction time not exceeding _____.
- 2.11. Contract Administration
 - 2.11.1. Administer the transmission line construction contract, including conducting a preconstruction meeting, working with the contractor and the City through the construction process and conducting one, one-day site visit. (Additional site trips by the engineer would be based on time and expense)
 - 2.11.2. Approve each monthly estimate of the Contractor prior to payment by the City.
- 3. Miscellaneous
 - 3.1. Attend on-site meetings at the City's offices
 - 3.1.1. Preliminary scoping meeting and standard materials discussion.
 - 3.1.2. Review and selection of final Route
 - 3.1.3. Pre-Bid meeting
 - 3.1.4. Preconstruction conference
 - 3.1.5. Additional site trips will be based on need and billed according to the AMA classification for schedule in place at the time of the service is provided.
- 4. Compensation and Payment
 - 4.1 Compensation (Substation and Right-of-Way addressed separately)

- 4.1.1 The Engineer shall be compensated and paid in the Lump Sum amount of \$242,000.00 for services described in this Proposal – Work Statement less Sections 2.2 & 2.6 which are priced separately.
- 4.1.2 The Engineer shall be compensated and paid in accordance with the attached 2022 Classification Rate Table plus expenses for additional work and services provided outside of the scope of work. Such work shall be approved by the City prior to any work being performed. The classification rate table shall be subject to adjustment at the beginning of each calendar year.
- 4.2 Payment Schedule (Substation and Right-of-Way addressed separately)
 - 4.2.1 Payments shall be invoiced and paid, % of contract value, as follows
 - 4.2.1.1 Completion of Engineering Survey 10%
 - 4.2.1.2 Completion of 30% design 30%
 - 4.2.1.3 Completion of 60% design 25%
 - 4.2.1.4 Completion of award of Construction Contract 25%
 - 4.2.1.5 Construction completion 5%
 - 4.2.1.6 Submission of Closeout documents for construction contract to Contractor and City for review 2%
 - 4.2.1.7 Submission of Final Record drawings 3%
 - 4.2.1.8 Approved contract extra work, services or change orders Billed monthly as services are provided
- 4.3 Compensation (Right-of-Way Procurement)
 - 4.3.1 The Engineer shall be compensated \$4,425.00 dollars per tract for services described in the Proposal-Work Statement, Right-of-Way procurement Section 2.6. The Engineer shall be compensated for a minimum of three tracts if less than three tracts are required.
 - 4.3.2 The Engineer shall be compensated and paid in accordance with the attached 2022 Classification Rate Table plus expenses for additional work and services provided outside of the scope of work. Such work shall be approved by the City prior to any work being performed. The classification rate table shall be subject to adjustment at the beginning of each calendar year.
- 4.4 Payment Schedule (Right-of-Way Procurement)
 - 4.4.1 Payments shall be invoiced and paid, as follows
 - 4.4.1.1 Completion of contacts for first tract 3 x unit price
 - 4.4.1.2 Completion of contacts for each additional tract 1 x unit price
 - 4.4.1.3 Approved contract extra work, services or change orders Billed monthly as services are provided

4.5 Compensation (Substation)

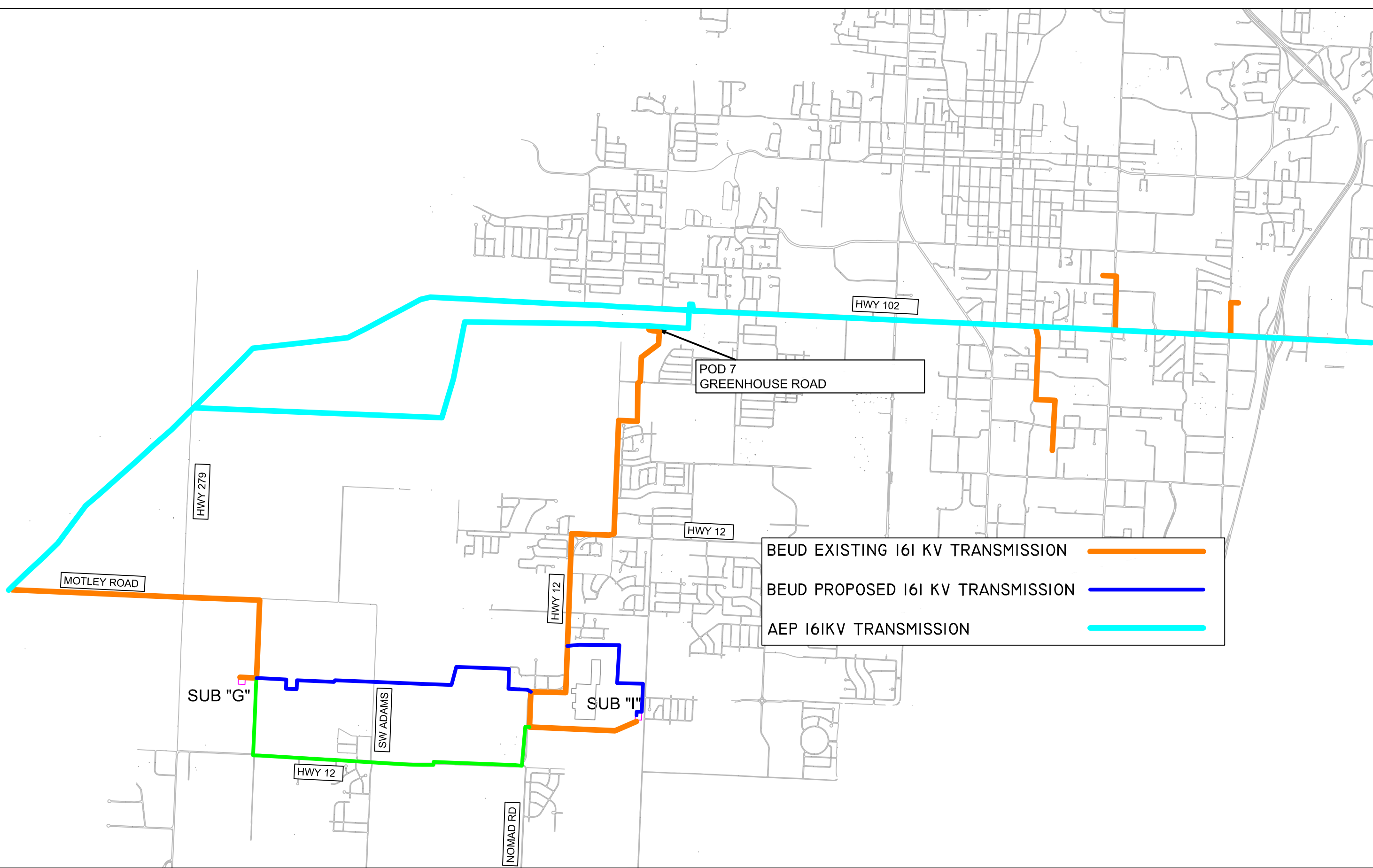
4.5.1 The Engineer shall be compensated and paid in the Lump Sum amount of \$12,500.00 for services described in this Proposal – Work Statement Section 2.2.

4.5.2 The Engineer shall be compensated and paid in accordance with the attached 2022 Classification Rate Table plus expenses for additional work and services provided outside of the scope of work. Such work shall be approved by the City prior to any work being performed. The Classification rate table shall be subject to adjustment at the beginning of each calendar year.

4.6 Payment Schedule (Substation)

4.6.1 Payments shall be invoiced and paid, % of contract value, as follows

4.6.1.1 Completion of Preliminary Engineering Report	50%
4.6.1.2 Completion of Final Engineering Report	50%
4.6.1.3 Approved contract extra work, services or change orders	Billed monthly as services are provided



BEUD EXISTING 161 KV TRANSMISSION

BEUD PROPOSED 161 KV TRANSMISSION

AEP 161KV TRANSMISSION

REVISION		
76		

SCALE: NTS
DATE: 6/28/22
DRAWN: WDT
DESIGNED: WDT
REVISION:



PROPOSED
161KV TRANSMISSION
TIE LINE

SUB "G" TO SUB "I"

EXHIBIT "A"

PART OF THE NW 1/4
SEC. ##-T##N-R##E
COUNTY, MO.



NOT TO SCALE

LEGEND

- FOUND IRON PIN
- PROPOSED CENTERLINE
- EASEMENT LINE
- SECTION LINE

TRACT #
EXAMPLE

LANDOWNER INFORMATION AND OR NAME

DEED BOOK #### PAGE ####

EASEMENT DESCRIPTION:

THE EASEMENT HEREIN GRANTED WILL BE A MAXIMUM OF 100 FEET WIDE AND LIE 50 FEET EACH SIDE UNLESS ADJUSTED TO PROPERTY LINE OF THE FOLLOWING DESCRIBED CENTERLINE AS CONSTRUCTED (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND IRON PIN LOCATED AT THE NORTHEAST CORNER OF THE SOUTH 1/2 OF LOT 2 OF THE NORTHWEST 1/4 OF SECTION ##, TOWNSHIP ## NORTH, RANGE ## EAST, #### COUNTY, MISSOURI;

THENCE N88°13'34"E, A DISTANCE OF 1262.26 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE AS CONSTRUCTED AND GRANTOR'S APPARENT BOUNDARY ALSO BEING THE POINT OF BEGINNING; THENCE N00°51'54"W ALONG SAID CENTERLINE, 30.12 FEET MORE OR LESS TO A POINT OF DEFLECTION; THENCE N00°28'32"W ALONG SAID CENTERLINE, 763.95 FEET MORE OR LESS TO THE GRANTOR'S APPARENT BOUNDARY AND TERMINUS POINT.

###.## LINEAR FEET APPROX. ## ACRES MORE OR LESS

THIS EXHIBIT DOES NOT DEPICT A BOUNDARY SURVEY BUT DEPICTS APPARENT OWNERSHIP LINES AND WAS PREPARED EXCLUSIVELY FROM INSTRUMENTS OF RECORD AND IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY.

##-##-##

THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

LAND SURVEYING CERTIFICATE
MISSOURI NO. 000081



ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS

7231 EAST 24TH STREET
JOPLIN, MISSOURI 64804 (417) 680-7200

MISSOURI P.L.S. #-----
AGENT FOR ALLGEIER, MARTIN and ASSOCIATES, INC.

##-##-##

REVISION

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ALLGEIER, MARTIN, AND ASSOCIATES, INC. FOR ENGINEERING SERVICES RELATED TO A TRANSMISSION LINE CONNECTION BETWEEN “G” SUBSTATION AND “I” SUBSTATION IN THE AMOUNT OF TWO HUNDRED FIFTY-EIGHT THOUSAND NINE HUNDRED TWENTY-FIVE DOLLARS (\$258,925.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville requires engineering services related to a transmission line connection between “G” Substation and “I” Substation;

WHEREAS, Allgeier, Martin, and Associates, Inc. was selected for this service pursuant to the City of Bentonville’s selection process in accordance with state law; and

WHEREAS, this agreement will be paid with budgeted funds.

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 enter into a professional services agreement with Allgeier, Martin and Associates, Inc. in the amount of two hundred fifty-eight thousand nine hundred twenty-five dollars (\$258,925.00) for engineering services related to a transmission line connection between “G” Substation and “I” Substation;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this ____ day of _____, 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



Agenda Item Form

Date of City Council Meeting	9/27/2022
Department	Electric
Submitted by	Traivs Matlock
Phone	479-271-5941

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Ordinance waiving the requirements for competitive bidding and entering into an agreement with Techline for to purchase 3-phase transformers in the amount of \$64,947.00 plus applicable taxes. Approved by Utility Board 5-0.					

Estimated Cost	\$64,947.00 plus tax
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	



MEMORANDUM

DATE: SEPTEMBER 27, 2022

TO: City Council, Mayor Orman

FROM: Travis Matlock, Electric Utility Director

RE: TRANSFORMERS

The City of Bentonville recommends waiving the requirements for competitive bidding and enter into an agreement with Techline to purchase 3-phase UG transformers in the amount of \$64,947.00 plus applicable taxes.

With current supply chain issues and the rate at which commodities are changing, Bentonville staff has a made a decision to obtain 3 quotes and waive the requirements for competitive bidding. The bid process takes an extra 2 weeks, making the total time to purchase wire approximately 1 month due to the Utility Board and City Council schedules. The possibility exists that the price will dramatically change during this month. The process staff establish still ensures we will get the lowest price, but does not add the extra time.

The OH wire prices/lead time is not being affected the same way UG wire, transformers, or junction boxes.

These transformer are for specific projects that have recently been approved.

Approved by Utility Board 5-0.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH TECHLINE FOR THE PURCHASE OF CERTAIN TRANSFORMERS IN THE AMOUNT OF SIXTY-FOUR THOUSAND NINE HUNDRED FORTY-SEVEN DOLLARS (\$64,947.00), PLUS APPLICABLE TAXES; WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Electric Utilities Department requires three phase transformers in order to provide services to citizens and developments;

WHEREAS, the City of Bentonville Electric Utilities Department has negotiated with Techline for the purchase of transformers to meet said requirements and provide for delivery earlier than other vendors;

WHEREAS, soliciting bids would not produce competitive bids as supply chain and manufacturing delays have caused issues with vendors and the ability to bid and hold bid prices pending award; and

WHEREAS, this purchase will be made using budgeted funds.

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

Section 1: That the Mayor and City Clerk are hereby authorized to enter into an agreement for the purchase of three phase underground transformers from Techline in the amount of sixty-four thousand nine hundred forty-seven dollars (\$64,947.00), plus applicable taxes;

Section 2: Because of market volatility and lead times related to these products, an exceptional circumstance exists, and it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this ____ day of _____, 2022.

APPROVED:

ATTEST:

STEPHANIE ORMAN, Mayor

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	9/27/2022
Department	Water Utilities
Submitted by	Beau Thompson
Phone	(479) 271-3140

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Staff is recommending the City Council approve of an Ordinance to amend Article. 98-703(c)6 of the Municipal Code. The request includes the amendment to the Water Utilities Department Specifications, Water Distribution System Materials. The amendment to Section 98-703 Water Distribution System Material will add Crosslinked Polyethylene Pressure Tubing (PEX) to the allowed pipe materials. Utility Board Approved 9-20-22 by a vote of 5-0.					

Estimated Cost	\$0
Is this Item Budgeted?	☐ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	



Memo

To: City Council
From: Beau Thompson, Kevin Alsup
CC: Mike Bender
Date: September 22, 2022
Re: Water Utilities Department Specifications amendment



Staff is requesting approval of an amendment to the Water Utilities Department Specifications, a section within Article 98-VI of the Municipal Code. The amendment will add Crosslinked Polyethylene Pressure Tubing (PEX) to the allowed pipe materials within section 12.6 in addition to the currently permitted Polyethylene pipe (PE). The PEX material is a more reliable and a resilient material that should reduce maintenance cost and time spent on repairs in the future.

The ordinance amendment will make “PEX” installation optional for newly constructed subdivisions, additionally, it will allow Bentonville Water Utilities the ability to purchase and warehouse a supply of the tubing for new service installations and repairs to existing service lines.

The amendment is needed after experiencing an increase in service line leaks throughout the city on the existing Polyethylene pipe. The existing PE pipe is easily kinked or damaged during installation which results in a leak several years later. The PEX tubing is more forgiving after it is kinked and harder on the outside which helps prevent abnormal wear due to inappropriate bedding or installation.

This item was approved at Utility Board 9-20-22 by a vote of 5-0.

Thank you for your consideration of this request.

Beau Thompson

EXHIBIT ‘A’

Section 98-703(C)(6) of the City of Bentonville Municipal Code.

PROPOSED AMENDMENT

12.6 POLYETHYLENE PIPE

- 12.6.1 Polyethylene Pressure Pipe and Tubing (PE) shall conform to ANSI/AWWA C901 with a MINIMUM pressure class rating of 200 psi and a DR rating of 9.
- 12.6.2 Crosslinked Polyethylene Pressure Tubing (PEX) shall conform to ANSI/AWWA C904 with a MINIMUM pressure class rating of 200 psi and a DR rating of 9.
- 12.6.3 All service line pipes will be 1” unless otherwise specified by the DEPARTMENT. In no case shall stainless steel inserts be used with the installation of poly tubing service lines. If inserts are needed, the use of a plastic insert will be acceptable and approved at product submittal. In no case shall the insert extend passed the compression cap of the corporation stop when fully tightened.

CURRENTLY ADOPTED

12.6 POLYETHEYLENE PIPE (PE)

- 12.6.1 All Polyethylene pipe shall conform to ANSI/AWWA C901-17 with a MINIMUM pressure class rating of 200 psi and a DR rating of 9. All service line pipes will be 1” unless otherwise specified by the DEPARTMENT.
- 12.6.2 In no case shall stainless steel inserts be used with the installation of poly tubing service lines. If inserts are needed, the use of a plastic insert will be acceptable and approved at product submittal. In no case shall the insert extend passed the compression cap of the corporation stop when fully tightened

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 98-703(C)(6) OF THE CITY OF BENTONVILLE MUNICIPAL CODE PERTAINING TO ALLOWED PIPE MATERIALS WITHIN THE WATER UTILITIES SPECIFICATIONS; AND FOR OTHER PURPOSES

WHEREAS, the City of Bentonville Water Utilities Department recommends approval of an amendment to Specifications, a section within Article 98-VI of the Municipal Code in order to add Crosslinked Polyethylene Pressure Tubing (PEX) to the allowed pipe materials within section 12.6 in addition to the currently permitted Polyethylene pipe (PE); and

WHEREAS, this Ordinance amendment will make “PEX” installation optional for newly constructed subdivisions and allow Bentonville Water Utilities the ability to purchase and warehouse a supply of the tubing for new service installations and repairs to existing service lines.

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

Section 1: That Section 98-703(C)(6) of the City of Bentonville Municipal Code should be and the same is hereby amended to read as follows:

12.6 POLYETHYLENE PIPE

12.6.1 Polyethylene Pressure Pipe and Tubing (PE) shall conform to ANSI/AWWA C901 with a MINIMUM pressure class rating of 200 psi and a DR rating of 9.

12.6.2 Crosslinked Polyethylene Pressure Tubing (PEX) shall conform to ANSI/AWWA C904 with a MINIMUM pressure class rating of 200 psi and a DR rating of 9.

12.6.3 All service line pipes will be 1” unless otherwise specified by the DEPARTMENT. In no case shall stainless steel inserts be used with the installation of poly tubing service lines. If inserts are needed, the use of a plastic insert will be acceptable and approved at product submittal. In no case shall the insert extend passed the compression cap of the corporation stop when fully tightened.

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this ____ day of _____, 2022.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	9/27/2022
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):					
Reappointment of Dennis Cherry to the Airport Advisory Board. His current term expires on September 30, 2022. New term will expire September 30, 2025.					

Estimated Cost	\$
Is this Item Budgeted?	☐ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	





September 22, 2022

To: City Council Members & City Clerk
From: Mayor Stephanie Orman
Subject: Reappointment of Dennis Cherry to the City of Bentonville's Airport Advisory Board.

I recommend Dennis Cherry for reappointment to the City of Bentonville's Airport Advisory Board. Mr. Cherry's term will expire on September 30, 2025.

SO

Stephanie Orman





Inter-office Memorandum

To: Mayor Orman and City Council
From: Brent Boydston, Fire Chief
CC: Camille Thompson, Staff Attorney, Gladys Shoemake, Purchasing Manager,
Date: 9.27.2022
Re: Declaring Surplus Property

Fire Department is requesting Council approve declaring a 2011 Ford Expedition as surplus, to trade in for the purchase of a new 2023 Chevrolet Tahoe SSV (2022 budgeted item).

Property is:

2011 Ford Expedition
Mileage – 80,245
VIN – 1FMJU1G57BEF32699

Thank you for your consideration.

RESOLUTION NO. _____

**A RESOLUTION DECLARING CERTAIN PROPERTY BELONGING TO
THE CITY OF BENTONVILLE FIRE DEPARTMENT AS SURPLUS
PROPERTY; AUTHORIZING ITS DISPOSAL; AND FOR OTHER
PURPOSES.**

WHEREAS, the City Council of the City of Bentonville has determined that a certain Fire Department vehicle, specifically a 2011 Ford Expedition (Mileage – 80,245/ VIN – 1FMJU1G57BEF32699) should be declared surplus property;

WHEREAS, this vehicle is scheduled for replacement in 2022;

WHEREAS, upon being approved and declared as surplus, this vehicle will be traded to Superior Auto Group of Siloam Springs;

WHEREAS, this credit will be applied toward the purchase and upfitting of the Fire Department SSV Tahoe approved in the 2022 budget;

WHEREAS, surplusizing this vehicle to allow such a trade-in represents a responsible and safe disposition of public safety equipment; and

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

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

Section 1: The Bentonville Fire Department may dispose of a certain Fire Department vehicle, specifically a 2011 Ford Expedition (Mileage – 80,245/ VIN – 1FMJU1G57BEF32699);

Section 2: A record of all items that are disposed of shall be maintained;

Section 3 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK



Agenda Item Form

Date of City Council Meeting	9.27.2022
Department	Fire
Submitted by	Brent Boydston
Phone	(479) 271-3151

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Ordinance waiving competitive bidding to purchase a 2023 Chevrolet Tahoe from Superior Auto Group in the amount of \$49,152.96. This amount includes cost of the Tahoe and Upfit of emergency lights and other emergency safety devices.					

Estimated Cost	\$49,152.96
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below) :	





Waiver of Bid Request

Date of City Council Meeting	09.27.2022
Department	Fire
Submitted by	Brent Boydston
Phone	(479) 271-5927

Vendor	Superior Auto Group
Total Cost	\$ 49,152.96

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):*

2023 Chevrolet SSV Tahoe with all Emergency Safety Devices installed (upfitting).

Justification *(Enter justification in space below):*

Superior Auto Group of Siloam Springs will be receiving the only Red Tahoe that the Fire Department has been able to locate; according to the Fleet Manager at Superior Auto Group, they placed a large order for Tahoe's before Chevrolet shut off order, and they are expecting this vehicle to arrive in October. Due to ongoing supply chain issues in the vehicle industry, it is not practical to competitively bid the purchase of this vehicle.





Inter-office Memorandum

To: Mayor Orman and City Council
From: Brent Boydston, Fire Chief
CC: Camille Thompson, Staff Attorney, Gladys Shoemake, Purchasing Manager,
Date: 9.27.2022
Re: Waiver of Bid

Fire Department is requesting Council to Waive Competitive Bidding to Superior Auto Group for the purchase of a 2023 Chevrolet SSV Tahoe for the EMS Deputy Chief.

Superior Auto Group has about 450 Tahoe's on order and are expecting an October delivery month. One of these Tahoe's is fire department red to match our fleet.

This vehicle will have the upfit installed at Superior allowing us to save sales tax on the upfit equipment.

This is a budgeted item in the 2022 budget, and we have been holding off until we knew when someone would have this vehicle in stock to sell.

2023 Chevrolet SSV Tahoe - \$40,167.00
Whelen Upfit - \$8,985.96

Thank you for your consideration.



[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (6) (Complete)

Quote Worksheet

	MSRP
Base Price	\$49,050.00
Dest Charge	\$1,795.00
Total Options	\$1,272.00
Subtotal	\$52,117.00
Subtotal Pre-Tax Adjustments	\$0.00
Less Customer Discount	(\$5,150.00)
Subtotal Discount	(\$5,150.00)
Trade-In	\$0.00
Subtotal Trade-In	\$0.00
Taxable Price	\$46,967.00
Sales Tax	\$0.00
Subtotal Taxes	\$0.00
Subtotal Post-Tax Adjustments	\$0.00
Total Sales Price	\$46,967.00

Dealer Signature / Date

Customer Signature / Date

\$46,967.00

-6800.00

\$40,167.00

Trade Value 2011
Ford Expedition XL

This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.
Data Version: 17319. Data Updated: Aug 28, 2022 6:47:00 PM PDT.



[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (6) (✔ Complete)

Window Sticker

SUMMARY

[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial

MSRP:\$49,050.00

Interior:Jet Black, Cloth seat trim

Exterior 1:Special Paint

Exterior 2:No color has been selected.

Engine, 5.3L EcoTec3 V8

Transmission, 10-speed automatic

OPTIONS

CODE	MODEL	MSRP
CK10706	[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial	\$49,050.00
OPTIONS		
**	** REQUIRES A FLEET OR GOVERNMENT ORDER TYPE. **	\$0.00
01U	Special Paint	\$0.00
1FL	Commercial Preferred Equipment Group	\$0.00
5J3	Calibration, Surveillance Mode interior lighting	Inc.
5J9	Calibration, taillamp flasher, Red/White	Inc.
5LO	Calibration, taillamp flasher, Red/Red	Inc.
5T4	Special paint, Victory Red WA 9260	\$250.00
5W4	Identifier for Special Service vehicle	\$0.00
6J3	Wiring, grille lamps and siren speakers	\$92.00
6J4	Wiring, horn and siren circuit	\$55.00
6J7	Flasher system, headlamp and taillamp, DRL compatible with control wire	Inc.
AMF	Remote Keyless Entry Package	\$75.00
ATD	Seat delete, third row passenger	Inc.
AX2	Key, unique	Inc.
AZ3	Seats, front 40/20/40 split-bench	\$0.00
BCV	Lock control, driver side auto door lock disable	Inc.
BTV	Remote start	\$300.00
C6H	GVWR, 7500 lbs. (3402 kg)	\$0.00

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Data Version: 17319. Data Updated: Aug 28, 2022 6:47:00 PM PDT.



[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (6) (✔ Complete)

FE9	Emissions, Federal requirements		\$0.00
GU5	Rear axle, 3.23 ratio		\$0.00
H1T	Jet Black, Cloth seat trim		\$0.00
IOR	Audio system, Chevrolet Infotainment 3 system, 8" diagonal color touchscreen		\$0.00
K3W	Battery, 850 cold-cranking amps with 95 amp hour rating	Inc.	
K6K	Battery, auxiliary, 760 cold-cranking amps with 70 amp hour rating	Inc.	
KX4	Alternator, 250 amps	Inc.	
L84	Engine, 5.3L EcoTec3 V8		\$0.00
MHU	Transmission, 10-speed automatic	Inc.	
PZX	Wheels, 18" x 8.5" (45.7 cm x 21.6 cm) Bright Silver painted aluminum		\$0.00
QDF	Tires, 265/65R18SL all-season, blackwall		\$0.00
RC1	Skid plate, front	Inc.	
RM7	Wheel, full-size spare 17" x 8" (43.2 cm x 20.3 cm) steel	Inc.	
T66	Wiring provision, for outside mirrors and cargo side mirrors	Inc.	
TGK	Special Paint, one color		\$450.00
UT7	Ground wires, blunt cut cargo area and blunt cut console area	Inc.	
V53	Luggage rack side rails, delete	Inc.	
V76	Recovery hooks, 2 front, frame-mounted, Black		\$50.00
VPV	Ship Thru, Produced in Arlington Assembly and shipped to Kerr Industries and onto Arlington Assembly		\$0.00
VXT	Incomplete vehicle	Inc.	
VZ2	Speedometer calibration	Inc.	
WUA	Fascia, front high-approach angle	Inc.	
ZW7	Suspension Package, Premium Smooth Ride		\$0.00
—	Capless Fuel Fill	Inc.	
—	Exterior ornamentation delete	Inc.	
—	Instrumentation, analog	Inc.	
—	Theft-deterrent system, vehicle, PASS-Key III	Inc.	
—	Power supply, 50-amp, power supply, auxiliary battery	Inc.	
—	Power supply, 100-amp, auxiliary battery, rear electrical center	Inc.	
—	Power supply, 120-amp, (4) 30-amp circuit, Primary battery	Inc.	

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Data Version: 17319. Data Updated: Aug 28, 2022 6:47:00 PM PDT.



[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (6) (Complete)

—	Seat belts, 3-point, all seating positions	Inc.
—	Protected idle	Inc.
SUBTOTAL		\$50,322.00
Adjustments Total		\$0.00
Destination Charge		\$1,795.00
TOTAL PRICE		\$52,117.00

FUEL ECONOMY

Est City:14 (2022) MPG
Est Highway:20 (2022) MPG
Est Highway Cruising Range:480.00 mi

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Data Version: 17319. Data Updated: Aug 28, 2022 6:47:00 PM PDT.



Fleet and Commercial Sales



**Attn: BENTONVILLE
FIRE DEPARTMENT**

Vehicle

Emergency Equipment Upfit

Qty	Description	Price Total
4	WHELEN ION I2D	\$ 430.32
2	WHELEN DUAL AVENGER R/W REAR 1/4	\$ 520.12
1	CENCOM 399 CORE W/ CCTL6	\$ 1,045.50
1	TAHOE CANPORT HARNESS	\$ 91.74
1	SA315P	\$ 216.95
2	SAK 54 VEH SPECIFIC SPKR MOUNT	\$ 28.00
1	EXTERNAL AMPLIFIER WECANX	\$ 197.34
1	HOWLER WECANX	\$ 405.80
1	WHELEN IXES KIT INNER EDGE /RST	\$ 2,378.45
	CORE CONTROLLER SPKR AND MOUNT	
1	HG2 R/W SIDE RUNNER LIGHTS	\$ 657.92
1	HAVIS C-VS-1012-TAH-WIDE CONSOLE	\$ 485.33
1	C-CUP2-1001	\$ 41.95
2	C-ARM-102	\$ 107.49
1	C-HDM-204	\$ 135.65
1	C-MD-119	\$ 233.40
		\$ -
		\$ -
		\$ -
	SHOP SUPPLIES	\$ 75.00
		\$ -
	FREIGHT CHARGES EST	\$ 85.00
	Installation Labor	\$ 1,850.00

Total Upfit \$ 8,985.96

Don Clark / Jeremy Mcallister
Fleet Director / Upfit
Superior Automotive Group
490 Hwy 412 East
Siloam Springs, AR
Cell: 479-268-1003/616-4348

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH SUPERIOR AUTO GROUP IN THE AMOUNT OF FORTY-NINE THOUSAND ONE HUNDRED FIFTY-TWO DOLLARS AND NINETY-SIX CENTS (\$49,152.96) FOR THE PURCHASE OF A 2023 CHEVROLET TAHOE AND REQUIRED EMERGENCY VEHICLE UPFITTING; WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Fire Department requires a 2023 Chevrolet Tahoe to replace a fire command/support vehicle;

WHEREAS, because of supply chain issues, the limited availability of this type of vehicle for immediate delivery, and because this vendor can provide on-site upfitting services for this emergency response vehicle, soliciting bids is not feasible; and

WHEREAS, this purchase will be made using budgeted funds in the amount of forty-nine thousand one hundred fifty-two dollars and ninety-six cents (\$49,152.96).

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

Section 1: That the Mayor and City Clerk are hereby authorized to enter into an agreement with Superior Auto Group for the purchase of a 2023 Chevrolet Tahoe and required emergency vehicle upfitting in the amount of forty-nine thousand one hundred fifty-two dollars and ninety-six cents (\$49,152.96);

Section 2: Because this is a sole source item, an exceptional circumstance exists, and it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2022.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

KIRBY ROMINES, City Clerk



Agenda Item Form

Date of City Council Meeting	9.27.2022
Department	Accounting (Purchasing)
Submitted by	Gladys Shoemake
Phone	(479) 271-3115

Item Type: (Check Applicable Item Type)					
☐ Budget Adjustment	☐ Change Order	☐ Informational	☒ Ordinance	☐ Resolution	☐ Bid Award
Recommendation/Suggested Action (Enter recommendation in space below):					
Ordinance amending Waiver of Bid Ordinance 2022-162 in order to provide for the purchase of currently leased backhoes by entering into an Agreement with John Deere (John Deere Financial), for the estimated cost of \$690,349.75, for the Electric, Water, and Sewer Rehab Departments. The original Waiver of Bid Ordinance was approved to Stribling Equipment; however, final payment for the backhoes will be made to John Deere directly, requiring an amendment to the Ordinance. Original documentation for the Waiver of Bid has been attached for reference.					

Estimated Cost	\$690,349.75
Is this Item Budgeted?	☒ Yes ☐ No
If no, please explain how item will be funded (briefly explain in space below):	
Budget Adjustment approved at 8-9-2022 City Council Meeting.	





MEMORANDUM

PURCHASING DEPARTMENT

FROM: Gladys Shoemake, Purchasing Manager

DATE: July 28, 2022

RE: Purchase of Currently Leased Backhoes vs. Awarding a Bid for a New Backhoe Lease

On May 9, 2022 the Purchasing Department opened Bids for IFB-22-53, for a new equipment lease including the following pieces of equipment for the Water, Sewer Rehab, and Electric Departments:

- **Water:** 3 Backhoes
- **Sewer Rehab:** 3 Backhoes
- **Electric:** 3 Backhoes, 1 Mini Excavator, 1 Skid Steer

Bids were solicited due to the current lease, which was awarded in 2019, expiring in August (mini-excavators) and September (backhoes) of this year.

Years ago, the Water and Electric Departments recognized that due to cost of ownership vs. lease costs, it was more cost effective for the City to lease these pieces of equipment. The annual cost of the leases for all three Departments in 2019 was ~\$123,468.00, which included six backhoes for Water/Sewer-Rehab Departments, and three backhoes and two mini-excavators for the Electric Department.

The low-bid submitted in May of this year had the following annual costs for each Department:

- **Water (3 Backhoes):** \$109,957.32
- **Sewer Rehab (3 Backhoes):** \$109,957.32
- **Electric (3 Backhoes, 1 Mini Excavator, 1 Skid Steer):** \$174,861.12

Leading up to soliciting bids for new leased equipment, and after bids were opened for the new equipment, multiple vendors communicated that manufacturers were moving away from leases; we believe this, along with the frequent and costly price increases we've seen this year across all industries, is likely a contributing factor for the large increase in the leasing costs.

Stribling Equipment (John Deere) approached the City about the option to purchase the equipment the City currently leases. The costs to purchase the City's current equipment are as follows:

**Note that the Electric Department has decided to return one of the mini-excavators currently leased due to it not being in use as much as originally anticipated, and chose not to pursue leasing the skid steer (that was part of this year's bid).*

[Costs included on the following page]

Evaluation of Purchase Costs for Utility Department Leased Equipment

Unit #	Year	Notes	Description	SN	Dept.	Last 5 of SN	JD Purchase Quote (includes property tax)	Warranty Cost (60m/5,000 hour PTH)	Total Cost (Unit + Warranty)
3040-25	2019		John Deere 310SL HL Backhoe	1T0310HLPKF361590	Sewer Rehab	61590	\$	70,388.84	\$ 2,607.19
3040-26	2019		John Deere 310SL HL Backhoe	1T0310HLCKF361814	Sewer Rehab	61814	\$	70,388.84	\$ 2,607.19
3040-27	2019		John Deere 310SL HL Backhoe	1T0310HLPKF361945	Sewer Rehab	61945	\$	70,388.84	\$ 2,607.19
3020-35	2019		John Deere 310SL HL Backhoe	1T0310HLPKF361184	Water	61184	\$	70,388.85	\$ 2,607.19
3020-36	2019		John Deere 310SL HL Backhoe	1T0310HLVKF361188	Water	61188	\$	70,388.85	\$ 2,607.19
3020-37	2019		John Deere 310SL HL Backhoe	1T0310HLCKF361310	Water	61310	\$	70,388.85	\$ 2,607.19
3010-84	2019	W/Thumb	John Deere HL Loader Backhoe (w/thumb)	1T0310HLAKF361922	Electric	61922	\$	76,759.83	\$ 2,607.19
3010-85	2019		John Deere HL Loader Backhoe	1T0310HLJKF360342	Electric	60342	\$	70,387.66	\$ 2,607.19
3010-86	2019		John Deere HL Loader Backhoe	1T0310HLJKF361060	Electric	61060	\$	70,387.66	\$ 2,607.19
3010-87	2019	17G (Mini-X)	John Deere Mini Excavator	1FF017GCPKK228785	Electric	28785	\$	70,387.66	\$ 2,607.19
3010-88	2019	35G (Midl-X)	John Deere Mini Excavator	1FF035GXTKK286683	Electric	86683	\$	26,355.32	\$ 661.50
							Total (W/O Warranty):		
							\$ 666,223.54		
							Total (w/ Warranty):		
							\$ 690,349.75		

Sewer Rehab:

Unit #	Year	Notes	Description	SN	Dept.	Last 5 of SN	JD Purchase Quote (includes property tax)	Warranty Cost (60m/5,000 hour PTH)	Total Cost (Unit + Warranty)
3040-25	2019		John Deere 310SL HL Backhoe	1T0310HLPKF361590	Sewer Rehab	61590	\$	70,388.84	\$ 2,607.19
3040-26	2019		John Deere 310SL HL Backhoe	1T0310HLCKF361814	Sewer Rehab	61814	\$	70,388.84	\$ 2,607.19
3040-27	2019		John Deere 310SL HL Backhoe	1T0310HLPKF361945	Sewer Rehab	61945	\$	70,388.84	\$ 2,607.19
							Total (Sewer Rehab) w/o Warranty		
							\$ 211,166.52		
							Total (Sewer Rehab) W/ Warranty		
							\$ 218,988.09		

Water:

Unit #	Year	Notes	Description	SN	Dept.	Last 5 of SN	JD Purchase Quote (includes property tax)	Warranty Cost (60m/5,000 hour PTH)	Total Cost (Unit + Warranty)
3020-35	2019		John Deere 310SL HL Backhoe	1T0310HLPKF361184	Water	61184	\$	70,388.85	\$ 2,607.19
3020-36	2019		John Deere 310SL HL Backhoe	1T0310HLVKF361188	Water	61188	\$	70,388.85	\$ 2,607.19
3020-37	2019		John Deere 310SL HL Backhoe	1T0310HLCKF361310	Water	61310	\$	70,388.85	\$ 2,607.19
							Total (Water) w/o Warranty		
							\$ 211,166.55		
							Total (Water) W/ Warranty		
							\$ 218,988.12		

Electric:

Unit #	Year	Notes	Description	SN	Dept.	Last 5 of SN	JD Purchase Quote (includes property tax)	Warranty Cost (60m/5,000 hour PTH)	Total Cost (Unit + Warranty)
3010-84	2019	W/Thumb	John Deere HL Loader Backhoe (w/thumb)	1T0310HLAKF361922	Electric	61922	\$	76,759.83	\$ 2,607.19
3010-85	2019		John Deere HL Loader Backhoe	1T0310HLTKF360342	Electric	60342	\$	70,387.66	\$ 2,607.19
3010-86	2019		John Deere HL Loader Backhoe	1T0310HLJKF361060	Electric	61060	\$	70,387.66	\$ 2,607.19
3010-87	2019	17G (Mini-X)	John Deere Mini Excavator	1FF017GCPKK228785	Electric	28785	\$	70,387.66	\$ 2,607.19
3010-88	2019	35G (Midl-X)	John Deere Mini Excavator	1FF035GXTKK286683	Electric	86683	\$	26,355.32	\$ 661.50
							Total (Electric) w/o Warranty		
							\$ 243,890.47		
							Total (Electric) W/ Warranty		
							\$ 252,373.54		

The Departments have also taken the life expectancy of the current equipment into consideration in this decision, estimating at least another 5-7 more years of service; the units have been well maintained have low hours.

The cost to purchase new equipment (not currently leased) is estimated as follows, based on current market conditions:

Backhoes: \$134,490.00 per unit

Backhoe with Hydraulic Thumb (used by the Electric Department): \$145,415.00 per unit

Upon review of the costs associated with awarding a new lease, the cost of purchasing new equipment at current market prices, and the cost to purchase the equipment currently leased, it was clear that purchasing the equipment currently leased was more advantageous to the City at this time.

The Bid Tabulations from the 2019 Bid Award and the 2022 Bid Solicitation have been attached for reference.

Please contact me with any questions.

Thank you,

Gladys Shoemake

(479) 271-3115

gshoemake@bentonvillear.com



CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT

FORMAL SEALED BID TABULATION

Date of Bid Opening:	5/9/22	Time of Bid Opening:	1:30 PM	Solicitation ID Number:	IFB-22-53
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Solicitation Title: Twenty-four (24) Month Lease of Nine (9) 2022 Backhoes, One (1) 2022 Mini-Excavator, and One (1) 2022 Skid-Steer with Front-Mounted Mulcher, manufacturers and models as specified, or equivalent where applicable

Bidders:			Riggs CAT			Stribling Equipment		
Line Item	Quantity	Description	Per Month/PER UNIT Lease Price (A)	Sales/Use Tax (Per Month/Per Unit) 9.5% (B)	Total Per Month/Per Unit Lease Price (A+B)	Per Month/PER UNIT Lease Price (A)	Sales/Use Tax (Per Month/Per Unit) 9.5% (B)	Total Per Month/Per Unit Lease Price (A+B)
	(Unit of Measure = EA)							
1	6	2022 Backhoes, As Specified, with 24" (twenty-four inch) buckets.	No bid	No bid	No bid	\$2,789.38	\$264.99	\$3,054.37
2	2	2022 Backhoes, As Specified, with 12" (twelve inch) buckets.	No bid	No bid	No bid	\$2,786.20	\$264.69	\$3,050.89
3	1	2022 Backhoe, As Specified, with 18" (eighteen inch) bucket with thumb.	No bid	No bid	No bid	\$3,023.89	\$287.27	\$3,311.16
4	1	2022 Mini-Excavator, As Specified.	No bid	No bid	No bid	\$1,214.58	\$115.39	\$1,329.97
5	1	2022 Skid-Steer with Front-Mounted Mulcher, As Specified.	No bid	No bid	No bid	\$3,496.67	\$332.18	\$3,828.85
TOTAL LEASE PRICE PER MONTH FOR ALL UNITS						\$32,897.98		

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purchasing@bentonville.com - (479) 271-3115



BID TABULATION WITH COMPARISON OF SPECIFICATIONS: IFB-19-29 2019

Bid Opening Date: April 22, 2019 at 2:00 P.M.

	Stribling Equipment - 1	Stribling Equipment -2	Riggs CAT
Delivery Date	07/01/2019	7/1/2019	
Backhoe make and model specified by the City	Caterpillar 430F2 John Case 590N Deere 310SL HL	Caterpillar 430F2 John Case 590N Deere 310SL HL	Caterpillar 430F2 John Case 590N Deere 310SL HL
Mini Excavator make and model specified by the City	Caterpillar 303E CR/301.7D CR John Case Deere 35s/17G CX37C/CX17C	Caterpillar 303E CR/301.7D CR John Case Deere 35s/17G CX37C/CX17C	Caterpillar 303E CR/301.7D CR John Case Deere 35s/17G CX37C/CX17C
Backhoe Manufacturer and Model Proposed	John Deere 310SL HL	John Deere 310SL HL	The Riggs CAT Bid Submission was rejected due to non-conforming models of backhoes proposed.
Mini Excavator Manufacturer and Model Proposed	John Deere 17G	John Deere 35G	
Compliance Specifications			
6 - 2019 Backhoes with 24" Buckets	Conforms	Conforms	
2 - 2019 Backhoes with 12" Buckets	Conforms	Conforms	
1 -2019 Backhoe with 18" Bucket with Thumb	Conforms	Conforms	
1 - 2019 Mini-Excavator	Cab Not Available for 17G	Conforms	
Notes for Backhoes			
Notes for Mini-Excavator	17G is not available with CAB		
Pricing per month/ per unit lease price			
6 - 2019 Backhoes with 24" Buckets	\$ 1,006.55	\$ 1,006.55	
2 - 2019 Backhoes with 12" Buckets	\$ 1,005.70	\$ 1,005.70	
1 -2019 Backhoe with 18" Bucket with Thumb	\$ 1,048.77	\$ 1,048.77	
1 - 2019 Mini-Excavator	\$ 397.29	\$ 792.22	
Pricing: 24-Month Lease Price Per Unit			
6 - 2019 Backhoes with 24" Buckets	\$ 24,157.72	\$ 24,157.72	
2 - 2019 Backhoes with 12" Buckets	\$ 24,136.80	\$ 24,136.80	
1 -2019 Backhoe with 18" Bucket with Thumb	\$ 25,170.48	\$ 25,170.48	
1 - 2019 Mini-Excavator	\$ 9,534.96	\$ 19,013.28	
TOTAL BID PRICING			
Subtotal	\$ 82,999.96	\$ 92,478.28	
Total Bid Price	\$ 227,925.36	\$ 237,403.68	

ORDINANCE NO. _____

**AN ORDINANCE AMENDING WAIVER OF BID ORDINANCE 2022-162
TO PROVIDE FOR THE PURCHASE OF CURRENTLY LEASED
BACKHOES BY ENTERING INTO AN AGREEMENT WITH JOHN
DEERE (JOHN DEERE FINANCIAL), IN THE ESTIMATED COST OF
SIX HUNDRED NINETY THOUSAND THREE HUNDRED FORTY-NINE
DOLLARS AND SEVENTY-FIVE CENTS (\$690,349.75); AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Bentonville City Council previously approved Ordinance 2022-162 authorizing the Mayor and Clerk to purchase currently leased backhoes for the Electric, Water, and Sewer Rehab Departments from Stribling Equipment for six hundred ninety thousand three hundred forty-nine dollars and seventy-five cents (\$690,349.75);

WHEREAS, the Finance Department recommends amending Ordinance 2022-162 to purchase the currently leased backhoes for the Electric, Water, and Sewer Rehab Department's use from John Deere (John Deere Financial) in the amount of six hundred ninety thousand three hundred forty-nine dollars and seventy-five cents (\$690,349.75); and

WHEREAS, due to supply shortages, the agreement of this vendor for the City to purchase backhoes currently under lease, which allows for immediate availability at a reduced cost, the justification for waiving bids remains the same for this amendment.

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

Section 1: That Ordinance 2022-162 should be and the same is hereby amended to authorize the Mayor and City Clerk to enter into an agreement with John Deere (John Deere Financial) for the purchase of currently leased backhoes for Department use from John Deere (John Deere Financial) in the amount of six hundred ninety thousand three hundred forty-nine dollars and seventy-five cents (\$690,349.75);

Section 2: Because of supply shortages and the agreement of this vendor for the City to purchase backhoes currently under lease, an exceptional circumstance exists, it would be

neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK