Revised Agenda:
Item 11 - Hearing 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.

Committee of the Whole Meeting **Monday, August 7, 2023 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 August 7, 2023:**
https://us02web.zoom.us/webinar/register/WN_CEGsOExiQpWyuc8koWD04g

Regular City Council Meeting **Tuesday, August 8, 2023 6:00 p.m.**
City Hall **305 S.W. "A" Street**
Planning Commission Meeting Room

***If the public would like to attend virtually, please register at the following link by 4:00 p.m. on August 8, 2023:**
https://us02web.zoom.us/webinar/register/WN_t_k_yHRlTK2Hxt13X-qB4g

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: July 25, 2023

AGENDA

1. Bentonville Connect Plan – Dennis Birge, Transportation Director and David Wright, Parks and Recreation Director. **(Monday Night Only)**

2. Presentation by Colin McAweeney with TischlerBise on the Impact and Capacity Fee Study. **(Monday Night Only)** **(Pages 7-118)**

3. Parks and Recreation Capital Project Updates – Parks Director David Wright will present Council an update on the A Street Promenade, Phillips Park and Town Branch Park projects. **(Monday Night Only)**

4. ARPA Update – Gladys Shoemake, Purchasing Manager. **(Page 119)**

5. The Tree and Landscape Advisory Committee has awarded Preacher's Son at 201 NW A St the winner for the July Commercial Landscaping of the Month Award. The property was nominated by the Tree and Landscape Advisory Committee. **(Pages 120-121)**

6. The Tree and Landscape Advisory Committee has awarded the Fred and Diana Kuznia at 30 Meadowbrook Circle the winner for the July Residential Landscaping of the Month Award. The property was nominated by a Bentonville resident. **(Pages 122-123)**

7. Planning:

7a. **Ordinance accepting a lot split of part of Lots 1 & 2, of Block 6, Deming's Addition; Creating new Lots 27, 28, 29, & 30 of Block 6, Deming's Addition to the City of Bentonville, Arkansas; and for other purposes. (Project Number: LS23-0037) 411 Northwest C Street.** **(Pages 129-131)**

The Planning Commission voted 7-0 recommending approval.

A lot split of part of Lots 1 & 2, Block 6 of Deming's Addition (+/- 0.29 acres combined), creating new Lots 27, 28, 29, & 30 of Block 6, Deming's Addition (+/- 0.09, 0.05, 0.05, & 0.10 acres respectively). The plat dedicates a variable width shared access, utility, and drainage easement along the western property boundary, to access the lots directly off Northwest 5th Street to the north. The plat also dedicates right of way along NW 5th and NW C St to meet the Master street plan right of way widths. No variances or waivers are associated with this lot split.

7b. **Ordinance accepting a property line adjustment of previously unplatted land; Creating new Lot 1 of Lay Farm Subdivision to the City of Bentonville, Arkansas; and for other purposes. (Project Number: PLA23-0022) Southwest Regional Airport Boulevard and Vaughn Road.** **(Pages 132-134)**

The Planning Commission voted 7-0 recommending approval.

A property line adjustment of previously unplatted land into Lot 1 of Lay Farm Subdivision. The plat dedicates adequate right of way along Southwest Regional Airport Boulevard per the Master Street Plan. The plat also dedicates a 50' access easement along Southwest Regional Airport Boulevard that continues through the property, as well as a water easement where the new 50' access easement meets that western property line. No variances or waivers are associated with this property line adjustment.

7c. **Ordinance accepting a property line adjustment of the west 39' of Lot 8 and Lots 9 & 10 of East Side 1st Addition, and Lots 11 & 12 of 2nd East Side Addition; Creating new Lot 1 of Mason Subdivision to the City of Bentonville, Arkansas; and for other purposes. (Project Number: PLA23-0023) Southeast 4th Street.**

(Pages 135-137)

The Planning Commission voted 7-0 recommending approval.

A property line adjustment of the west 39' of lot 8 and lots 9 & 10 (+/- 0.75 acres combined) of East Side 1st Addition, and lots 11 & 12 (+/- 0.64 acres combined) of 2nd East Side Addition, creating new Lot 1 (+/- 1.39 acres) of Mason Subdivision. The new lot contains adequate right of way along Southeast 4th Street per the Master Street Plan. The plat dedicates a 15' utility easement along Southeast 4th Street following the southern property boundary, as well as a variable width sewer easement along the northern property boundary. No variances or waivers are associated with this property line adjustment.

7d. **Ordinance accepting a final plat of Been Road Villas to The City of Bentonville, Arkansas; and for other purposes. (Project Number: FP23-0001) Been Road and Glen Road.**

(Pages 138-143)

The Planning Commission voted 7-0 recommending approval.

A final plat of Been Road Villas Subdivision (+/- 20.05 acres), creating new Lots 1-54, 4 of which are non-buildable. This housing development features a mix of both two-family attached and townhome style dwellings. The plat dedicates for public use all the internal streets: SW Hurley Blvd, SW Endurance Way, SW Shackleton Ave and SW Expedition St. .The plat also dedicates adequate right of way along both Been Road and Glen Road per the Master Street Plan in addition to dedicating 20' utility easements along the front property boundaries of all lots, and multiple blanket drainage easements across non buildable lots for mitigation of stormwater runoff. Access to the development is provided from both Glen Road and Been Road, and cross access is provided to the existing PUD to the west. the lots directly off Northwest 5th Street to the north. No variances or waivers are associated with this property line adjustment.

7e. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential; and for other purposes. (Project Number: RZ23-0050) 321 Southwest C Street.**

(Pages 144-148)

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district. The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change. This request is consistent with the Future Land Use Plan, current land uses of the surrounding zoning districts, and development patterns located in the vicinity.

7f. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential; and for other purposes. (Project Number: RZ23-0054) 805 Northwest A Street.**

(Pages 149-152)

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district. The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with surrounding development patterns which supports the requested change.

7g. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential; and for other purposes. (Project Number: RZ23-0055) Southwest I Street.**

(Pages 153-156)

The Planning Commission voted 7-0 recommending approval.

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

The proposed zoning of R-3 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city which supports the requested change. There are public amenities nearby such as the Razorback Regional Greenway and the Bentonville Community Center, as well as recently developed retail centers along both SW I Street and AR HWY 12.

7h. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential; and for other purposes. (Project Number: RZ23-0056) 707 Southwest 2nd Street.**

(Pages 157-161)

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 feet in width. The proposed zoning of DN-1 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

7i. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-3, Downtown Mixed-Use Residential; and for other purposes. (Project Number: RZ23-0044) 409 Northwest 5th Street.** **(Pages 162-165)**

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-3 district is to allow for increased neighborhood density through the development of small-lot single-family housing and townhouses throughout the district. These areas tend to be adjacent to downtown commercial uses. In some instances, such as at the ends of blocks, multi-family apartment buildings may be an appropriate use in this district.

The proposed zoning of DN-3 is consistent with the Future Land Use Plan but it is not consistent with the uses of the surrounding zoning districts and development patterns located in the vicinity.

8. Utility Board:

8a. Resolution authorizing the Mayor and City Clerk to accept an offer for financial assistance from Arkansas Natural Resources Commission in the amount of $97,759,381.00 for improvements at the Water Resource Recovery Facility. This is not the final loan document, but the initial acceptance certification to proceed. Utility Board approved this item 4-0. No budget adjustment is needed at this time. **(Pages 166-170)**

8b. Ordinance to waive competitive bidding and enter into an agreement with Buchi Corporation in an amount not to exceed $39,506.23, for the purchase of a Buchi MultiKjel K-365 Unit (a 2023 budgeted item), and approval of a Budget Adjustment in the amount of $9,506.23 utilizing Utility Fund Reserves. An emergency clause is needed to avoid additional price increases. Approved by the Utility Board 4-0. A Budget Adjustment is needed to cover the difference between the budgeted amount and final cost. **(Pages 171-177)**

8c. Ordinance approving a Waiver of Bid to purchase one budgeted PAX submersible Active Mixing System from Utility Service Co., Inc (USG Water Solutions) in the amount of $39,917.00. An emergency clause is needed to secure pricing and to ensure mixing occurs during summer demand. The Utility Board approved this item 4-0. No Budget Adjustment is needed. **(Pages 178-186)**

8d. Ordinance for City Council approval allowing Bentonville Water Utilities to add a Staff Engineer position to the 2023 list of personnel. The position is being created to offset future cost associated with professional services contracted for the review of technical documents and capacity analysis. The need for this position is created by the increase in new development and future city projects. The cost associated with the addition is $48,813.29 for the remainder of 2023. The Utility Board approved 4-0. A budget adjustment is needed. **(Pages 187-191)**

8e. Resolution to award Bid IFB-23-40 to Humbard Contracting, in the amount of $697,340.00 for the installation of approximately 1,812 Linear Feet of cured-in-place (CIPP) lining in main sewers, and approval of a Budget Adjustment to utilize ARPA Funds to fund the over budget amount of this Project. Utility Board Approved 4-0. A budget adjustment is needed. **(Pages 192-195)**

8f. Resolution reclassifying an Electric Technician II position to a Journeyman Lineman position and associated budget adjustment. Approved 5-0 at the July 18, 2023 Utility Board meeting. A budget adjustment is needed. **(Pages 196-199)**

8g. Ordinance amending the 2023 Pay Plan to create a Job Family to the Electric Department System Coordinator by reclassifying the current position to an Electric Systems Coordinator II, and creating an Electric Systems Coordinator I. Approved 5-0 at the July 18, 2023 Utility Board meeting. No budget adjustment is needed. **(Pages 200-202)**

9. Resolution to be approved by City Council for Change Order #2, in the amount of $115,506.00, for the construction of the Southwest Bentonville Trail. This change order is for the additional undercut and back fill material needed to stabilize the trail. No budget adjustment is needed. **(Pages 203-207)**

10. Council approval of change order #1 in the amount of $47,671.00, for the installation of the pedestrian bridge over Town Branch Creek for the Bentonville Razorback Greenway. No budget adjustment is needed. **(Pages 208-212)**

11. Resolution setting a Public Hearing for August 22, 2023 for a Drainage Easement Vacation requested for Lot 18 of Rainbow Junction-Bentonville Subdivision (VAC23-0013). **(Pages 213-216)**

12. Resolution to award bid #IFB-23-48 for the 2023 Overlay for the City of Bentonville Streets to APAC-Central, Inc. No budget adjustment is needed. **(Pages 217-220)**

13. Resolution to award bid #IFB-23-49 to Innovative Roadway Solutions for mastic sealing of City streets. No budget adjustment is needed. **(Pages 221-224)**

14. Resolution approving a budget adjustment in the amount of $1,130.00 for Bentonville Public Library to accept and expend certain donations and grants to supplement the library's book and program budgets. A budget adjustment is needed to accept donated funds. **(Pages 225-228)**

15. Resolution approving a budget adjustment in the amount of $8,000.00 for Bentonville Public Library to reallocate operating money. The operating fund adjustment is required to replace a heating and air conditioning unit at the Train Station. A budget adjustment is needed to reallocate budgeted funds. **(Pages 229-237)**

Agenda Item Form

Date of City Council Meeting	**8/7/2023**
Department	**Planning**
Submitted by	**Tyler Overstreet**
Phone	**(479)271-6822**

Item Type: (*Check Applicable Item Type)*

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

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

Presentation by Colin McAweeney with TischlerBise on the Impact and Capacity Fee Study.

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

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

City of Bentonville
Impact Fee Results

August 7, 2023

TischlerBise
FISCAL | ECONOMIC | PLANNING

Impact Fee Ground Rules

- One-time payment for growth-related infrastructure, usually collected at the time buildings permits are issued
- Not a tax, similar to a contractual arrangement to build infrastructure with fee revenue, with three requirements
  - Need (system improvements, not project-level improvements)
  - Benefit
    - Short range expenditures (7 years)
    - Geographic service areas and/or benefit districts
  - Proportionate

Bentonville Impact Fee Study

- Residential Projection
- 15,600 new residents, 7,600 new homes, 27% increase

City of Bentonville	Base Year 2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Total Increase
Population	58,890	60,304	61,758	63,253	64,791	66,371	67,996	69,668	71,237	72,846	74,496	**15,606**
Percent Increase		*2.4%*	*2.4%*	*2.4%*	*2.4%*	*2.4%*	*2.4%*	*2.5%*	*2.3%*	*2.3%*	*2.3%*	*26.5%*
Housing Units												
Single Family	16,929	17,205	17,489	17,781	18,081	18,389	18,706	19,032	19,338	19,652	19,974	**3,045**
Multifamily	7,406	7,820	8,245	8,682	9,132	9,595	10,071	10,561	11,020	11,491	11,974	**4,568**
Total Housing Units	24,335	25,025	25,734	26,463	27,213	27,984	28,777	29,593	30,358	31,143	31,948	**7,613**

Source: Population and housing development projections are based on annual growth rates calculated from estimates in Bentonville *Community Plan* and PPHU factors by type of housing unit.

Bentonville Impact Fee Study

- Nonresidential Projection
- 16,000 new jobs, 6.1M new square feet, 27% increase

Industry	Base Year 2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Total Increase
Jobs [1]												
Retail	14,661	15,109	15,558	16,007	16,456	16,905	17,354	17,803	18,252	18,701	19,150	**4,489**
Office	31,759	31,983	33,874	35,765	37,656	37,880	38,104	38,328	38,552	38,776	39,001	**7,241**
Industrial	5,904	6,069	6,234	6,399	6,565	6,730	6,895	7,060	7,226	7,391	7,556	**1,652**
Institutional	7,778	8,038	8,297	8,557	8,817	9,077	9,337	9,597	9,857	10,117	10,377	**2,600**
Total	60,101	61,199	63,964	66,729	69,494	70,592	71,690	72,789	73,887	74,985	76,083	**15,983**
Nonresidential Floor Area (1,000 sq. ft.) [2]												
Retail	6,905	7,117	7,328	7,539	7,751	7,962	8,174	8,385	8,597	8,808	9,020	**2,114**
Office	9,750	9,819	10,399	10,980	11,560	11,629	11,698	11,767	11,836	11,904	11,973	**2,223**
Industrial	3,117	3,204	3,292	3,379	3,466	3,553	3,641	3,728	3,815	3,902	3,990	**872**
Institutional	2,722	2,813	2,904	2,995	3,086	3,177	3,268	3,359	3,450	3,541	3,632	**910**
Total	22,494	22,953	23,923	24,893	25,863	26,322	26,780	27,239	27,697	28,156	28,614	**6,120**

[1] Source: Northwest Arkansas Regional Planning Commission Travel Demand Model; TischlerBise analysis

[2] Source: Institute of Transportation Engineers, *Trip Generation*, 10th Edition (2017)

[3] The Walmart HQ expansion project is estimated to have 15,000 total office jobs. Currently, there is an estimated 10,000 office jobs at the existing HQ. The 5,000 additional jobs are assumed over three years beginning in 2025.

Bentonville Impact Fee Study

- Parks & Recreation
- Library
- Police
- Fire
- Summary

Parks & Recreation

- Analysis components:
  - Park land (neighborhood parks), park land development, park improvements, recreation centers, concrete trails
- Incremental expansion
  - Current level of service based on facilities and population
- Fee is attributed to residential development

- Civic/mini parks and regional attractors have been excluded from the analysis

Parks & Recreation

- Neighborhood Park LOS & Cost Analysis
- Future needs for park land, development, and improvement

Neighborhood Parks	Acres	Park Improvement	Improvement Cost
Bogle Park	1.0	1	$100,000
Durham Place Park	0.4	1	$300,000
Gilmore Park	1.0	1	$300,000
Lake Bentonville	20.0	4	$500,000
Merchants Baseball Park	7.9	6	$2,500,000
Old Tiger Track	6.0	3	$1,525,000
Orchards Park	16.5	4	$1,000,000
Park Springs Park	13.9	3	$600,000
Wildwood Park	1.5	4	$800,000
Total	68.2	27	$7,625,000

Level-of-Service Standards	Land Purchase	Land Dev	Improvements
Residential Share	100%	100%	100%
Share of Acreage and Improvements	68.2	68.2	27
2023 Population	58,890	58,890	58,890
Acres/Improvements per 1,000 Persons	**1.16**	**1.16**	**0.46**

Cost Analysis	Land Purchase	Land Dev	Improvements
Acres/Improvements per 1,000 Persons	1.16	1.16	0.46
Average Cost per Acre/Improvement [1]	$65,000	$118,000	$282,000
Capital Cost per Person	**$75**	**$137**	**$130**

[1] Anticipated cost for new park land, park development, and current replacement cost of park improvements

Parks & Recreation

- Community Park LOS & Cost Analysis
- Future needs for park development and improvement
  - Memorial Park and Harlon Phillips Park were excluded, regional attractors

Community Parks	Acres	Park Improvements	Improvement Cost
Bella Vista Lake	132.0	1	$200,000
Citizens Park	34.9	15	$5,400,000
Creekside Park	25.0	12	$1,800,000
Total	191.9	28	$7,400,000

Level-of-Service Standards	Land Dev	Improvements
Residential Share	100%	100%
Share of Acreage and Improvements	191.9	28
2023 Population	58,890	58,890
Acres/Improvements per 1,000 Persons	**3.26**	**0.48**

Cost Analysis	Land Dev	Improvements
Acres/Improvements per 1,000 Persons	3.26	0.48
Average Cost per Acre/Improvement [1]	$108,000	$264,000
Capital Cost per Person	**$352**	**$127**

[1] Anticipated cost for park development and current replacement cost of park improvements

Parks & Recreation

- Indoor Rec Center LOS & Cost Analysis

Indoor Recreation Centers	Park	Square Feet	Replacement Cost [1]
Melvin Ford Aquatic Center	Memorial Park	75,000	$5,040,750
Bentonville Community Center	Citizen Park	78,000	$18,880,005
Downtown Activity Center	-	8,378	$2,054,850
		161,378	$25,975,605

Level-of-Service Standards	Square Feet
Residential Share	100%
Share of Square Feet	161,378
2023 Population	58,890
Square Feet per 1,000 Persons	**2,740**

Cost Analysis	Square Feet
Square Feet per 1,000 Persons	2,740
Average Cost per Square Feet	$161
Capital Cost per Person	**$441**

[1] Insurance Valuation Report

Parks & Recreation

- Concrete Trail LOS & Cost Analysis

Concrete Trails	Miles
All-American Trail	0.5
Applegate Trail	2.5
Arkansas Missouri Trail	0.8
Citizens Park Trail	0.9
Crystal Bridges Trail	1.0
Downtown Trail	0.4
Enfield Park Trail	0.2
Heritage Trail @ Central Ave	1.3
Heritage Trail @ SW I St.	2.1
J Street Trail	1.2
Jefferson Trail	0.4
John Deshields Trail	1.0

Concrete Trails	Miles
Lake Bella Vista Trail	1.8
Lincoln Loop	0.4
Members Place Trail	0.4
Moberly Lane Trail	2.0
North Bentonville Trail	2.3
North Walton Blvd Trail	2.9
Park Springs/Burns Trail	0.8
South Bentonville Trail	2.6
Tiger Trail	1.5
Town Branch Trail	0.8
Trail of Two Cities	1.5
Wishing Spring Trail	1.6
Total	30.6

Level-of-Service Standards	Trails
Residential Share	100%
Share of Trail Miles	30.6
2023 Population	58,890
Miles per 1,000 Persons	**0.520**

Cost Analysis	Trails
Miles per 1,000 Persons	0.520
Average Cost per Mile [1]	$1,171,000
Capital Cost per Person	**$609**

[1] Based on three current trail projects

Parks & Recreation

- Summary of 7-Year Needs @ Current LOS
  - 7-year update cycle
- Credit for existing fund balance

	7-Year Need to Accommodate Growth					
Park Type	**Park Acres**	**Land Dev (Acres)**	**Park Impr.**	**Square Feet**	**Miles**	**Total Cost**
Neighborhood Parks	12.5	12.5	5.0	-	-	$3,697,500
Community Parks	-	35.2	5.2	-	-	$5,174,400
Indoor Rec Center Facilities	-	-	-	29,533	-	$4,754,749
Concrete Trails	-	-	-	-	5.6	$6,557,600
Total	**12.5**	**47.7**	**10.2**	**29,533**	**5.6**	**$20,184,249**

Existing Impact Fee Fund Balance	**$2,171,333**	**11%**
Future Funding Needs	**$18,012,916**	**89%**

Parks & Recreation

- Parks & Recreation Capital Improvement Plan

Parks & Recreation Capital Improvement Plan		
Location	**Facility Type**	**Improvement**
Bogle Park	Neighborhood Park	Park improvements
Future Park #1	Neighborhood Park	10-15 acre land purchase & improve
Future Park #2	Neighborhood Park	10-15 acre land purchase & improve
Bella Vista Lake	Community Park	Restrooms
Creekside Park	Community Park	Splashpark, playground, dog park, 8 pickleball courts, cricket field, restroom
Downtown Activity Center	Indoor Recreation Center	Expansion and improvements
Citywide Loop Trail	Tier 1 Projects from Bike/Ped Master Plan	9 miles of concrete trails

Parks & Recreation

- Parks & Recreation Credit for 2021 Bond Payments – Park and Trail Expansion
- Third credit for outside funding for trail expansion
  - Based on past and expected funding, 75% credit is included

Fiscal Year	Payment	Residential 58%	Nonresidential 42%
2023	$211,506	$122,673	$88,833
2024	$211,506	$122,673	$88,833
2025	$468,118	$271,508	$196,610
2026	$546,212	$316,803	$229,409
2027	$545,674	$316,491	$229,183
2028	$546,313	$316,862	$229,451
2029	$546,010	$316,686	$229,324
2030	$545,397	$316,330	$229,067
2031	$547,135	$317,338	$229,797
2032	$546,428	$316,928	$229,500
2033	$546,031	$316,698	$229,333
2034	$545,923	$316,635	$229,288
2035	$546,084	$316,729	$229,355
2036	$545,822	$316,577	$229,245
2037	$545,808	$316,569	$229,239
2038	$26,442	$15,336	$11,106
2039	$26,442	$15,336	$11,106
2040	$26,442	$15,336	$11,106
2041	$26,442	$15,336	$11,106
2042	$26,442	$15,336	$11,106
2043	$26,442	$15,336	$11,106
Total	$7,602,619	$4,409,516	$3,193,103

Residential

Fiscal Year	Payment	Projected Population	Payment/ Capita
2023	$122,673	58,890	$2.08
2024	$122,673	60,304	$2.03
2025	$271,508	61,758	$4.40
2026	$316,803	63,253	$5.01
2027	$316,491	64,791	$4.88
2028	$316,862	66,371	$4.77
2029	$316,686	67,996	$4.66
2030	$316,330	69,668	$4.54
2031	$317,338	71,237	$4.45
2032	$316,928	72,846	$4.35
2033	$316,698	74,496	$4.25
2034	$316,635	76,423	$4.14
2035	$316,729	78,399	$4.04
2036	$316,577	80,426	$3.94
2037	$316,569	82,506	$3.84
2038	$15,336	84,639	$0.18
2039	$15,336	86,828	$0.18
2040	$15,336	89,073	$0.17
2041	$15,336	91,377	$0.17
2042	$15,336	93,740	$0.16
2043	$15,336	96,164	$0.16
Total	$4,409,516		$62.40
		Discount Rate	3.00%
		Credit per Person	$49

Parks & Recreation

- Maximum Supportable Impact Fee

Fee Component	Land Cost per Person	Land Dev Cost per Person	Improvement Cost per Person
Neighborhood Parks	$75	$137	$130
Community Parks	-	$352	$127
Indoor Recreation Centers	-	-	$441
Concrete Trails	-	-	$609

Gross Total per Person	**$1,871**
Credit for Debt Payments	**($49)**
Credit for External Funding (75%)	**($457)**
Credit for Existing Fund Balance (11%)	**($201)**
Net Total per Person	**$1,164**

Expanding the schedule to add SFD/ SFA to help address the missing middle housing growth

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	**$3,260**	$2,192	$1,068
Single Family Attached	2.24	**$2,608**	-	-
Multifamily	1.55	**$1,805**	$1,381	$424

[1] External funding includes State and Federal grants and community donations

Parks & Recreation

- 7-Year Projected Revenue

Infrastructure Costs for Park Facilities

	Total Cost	Growth Cost
Neighborhood Parks	$3,697,500	$3,697,500
Community Parks	$5,174,400	$5,174,400
Indoor Recreation Centers	$4,754,749	$4,754,749
Concrete Trails	$6,557,600	$6,557,600
Total Expenditures	**$20,184,249**	**$20,184,249**

Projected Development Impact Fee Revenue

Year		Single Family $3,260 per unit Housing Units	Multifamily $1,805 per unit Housing Units
Base	2023	16,929	7,406
Year 1	2024	17,205	7,820
Year 2	2025	17,489	8,245
Year 3	2026	17,781	8,682
Year 4	2027	18,081	9,132
Year 5	2028	18,389	9,595
Year 6	2029	18,706	10,071
Year 7	2030	19,032	10,561
7-Year Increase		2,103	3,155
Projected Revenue		$6,854,998	$5,695,208

Projected Revenue =>	**$12,550,000**
Total Expenditures =>	**$20,184,000**
Non-Impact Fee Funding =>	**$7,634,000**

Funding gap is the result of credits, but the other revenues will keep the program whole

Bentonville Impact Fee Study

- Parks & Recreation
- Library
- Police
- Fire
- Summary

Library

- Analysis components:
  - Library branch and collection
    - Library branch not included in previous study
- Incremental expansion
  - Ensures current level of service continues as city grows
- Fee is attributed to residential development

Library

- Library Branch LOS & Cost Analysis

Facility	Square Feet	Replacement Cost [1]
Main Branch	38,500	$28,346,154
Total	38,500	$28,346,154

Level-of-Service Standards	Square Feet
Residential Share	100%
Share of Square Feet	38,500
2023 Population	58,890
Square Feet per 1,000 Persons	**654**

Cost Analysis	Square Feet
Square Feet per 1,000 Persons	654
Average Cost per Square Foot [1]	$736
Capital Cost per Person	**$482**

[1] Average cost from branch expansion project

Library

- Library Collection LOS & Cost Analysis

Collections	Items	Replacement Cost
Total Collection	150,000	$3,452,770
Total	150,000	$3,452,770

Level-of-Service Standards	Items
Residential Share	100%
Share of Collection	150,000
2023 Population	58,890
Items per 1,000 Persons	**2,547**

Cost Analysis	Items
Items per 1,000 Persons	2,547
Average Cost per Item	$23
Capital Cost per Person	**$59**

Library

- Library Capital Plan

10-Year Library Capital Plan	
Project	**Cost**
Library Branch Expansion	$16,750,000
Materials Return System	$165,000
Self-check terminals	$80,000
Materials security gates and people counter	$50,000
Computer terminals	$26,500
Makerspace technology and equipment	$100,000
Integrated technology for collaboration rooms	$162,750
Public copier/printer	$18,500
Landscape enhancements and refresh	$150,000
Remodel and upgrade to exterior bookdrop	$1,000,000
Branch Library - Study / Plan	$150,000
Expansion of Existing Pickup Lockers at BCC	$16,500
Additional Offsite Service Location	$100,000
10-Year Library Collection Expansion	$2,250,000
Total	**$21,019,250**

Note: The Capital Plan includes several items that have a portion that is not impact fee eligible. The Capital Plan represents all capital expenditures and is eligible for other funding as well.

Funding Sources	Amount	% of Total
Bond Funding	$4,500,000	21%
Private Donations	$10,250,000	49%
Existing Impact Fee Fund Balance	$847,026	4%
Funding Gap	$5,422,224	26%
Total	**$21,019,250**	**100%**

- Credits included for other available funding

Library

- Maximum Supportable Impact Fee

Fee Component	Cost per Person
Library Branch	$482
Library Collections	$59
Gross Total	**$541**
Credit for Bond Funding (21%)	**($114)**
Credit for Private Donations (49%)	**($265)**
Existing Fund Balance (4%)	**($22)**
Net Total	**$140**

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	$392	$178	$214
Single Family Attached	2.24	$314	-	-
Multifamily	1.55	$217	$112	$105

Library

- 7-Year Projected Revenue

Infrastructure Costs for Library Facilities

	Total Cost	Growth Cost
Library Branch	$5,189,923	$5,189,923
Library Collections	$631,405	$631,405
Total Expenditures	**$5,821,328**	**$5,821,328**

Projected Development Impact Fee Revenue

Year		Single Family $392 per unit Housing Units	Multifamily $217 per unit Housing Units
Base	2023	16,929	7,406
Year 1	2024	17,205	7,820
Year 2	2025	17,489	8,245
Year 3	2026	17,781	8,682
Year 4	2027	18,081	9,132
Year 5	2028	18,389	9,595
Year 6	2029	18,706	10,071
Year 7	2030	19,032	10,561
Seven-Year Increase		2,103	3,155
Projected Revenue		$824,282	$684,687

Projected Revenue =>	**$1,509,000**
Total Expenditures =>	**$5,821,000**
Non-Impact Fee Funding =>	**$4,312,000**

Funding gap is the result of credits, but the other revenues will keep the program whole

Bentonville Impact Fee Study

- Parks & Recreation
- Library
- Police
- Fire
- Summary

Police

- Incremental Expansion
  - Police facility space, vehicles, and 911 communication infrastructure
    - 911 communication infrastructure is a new component
- Fee is attributed to residential and nonresidential development

Police

- Functional population used to attribute demand

Bentonville, AR (2018)				
Residential			*Demand Hours/Day*	*Person Hours*
Population*	46,112			
Residents Not Working		24,984	20	499,680
Employed Residents		21,128		
Employed in Bentonville		9,351	14	130,914
Employed outside Bentonville		11,777	14	164,878
			Residential Subtotal	795,472
			Residential Share =>	**58%**
Nonresidential				
Non-working Residents		24,984	4	99,936
Jobs Located in Bentonville		48,378		
Residents Employed in Bentonville		9,351	10	93,510
Non-Resident Workers (inflow commuters)		39,027	10	390,270
			Nonresidential Subtotal	583,716
			Nonresidential Share =>	**42%**
			TOTAL	1,379,188

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.
* Source: U.S. Census Bureau, American Community Survey, 2018

Police

- Police Facility LOS & Cost Analysis

Facility	Square Feet	Replacement Cost [1]
Headquarters	18,885	$6,096,416
Storage	6,500	$1,838,550
CID/Communications/EOQ	22,137	$10,300,500
Total	**47,522**	**$18,235,466**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Floor Area (sq. ft.)	27,563	19,959
2023 Population/Nonres Vehicle Trips	58,890	172,022
Square Feet per 1,000 Persons/Nonres Trips	**468**	**116**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres Trips	468	116
Average Cost per Square Foot	$384	$384
Capital Cost per Person/Nonres Vehicle Trip	**$180**	**$45**

[1] Insurance valuation report

Police

- Police Vehicle LOS & Cost Analysis

Vehicle Type	Total Units	Cost per Unit	Replacement Cost
Patrol	75	$65,000	$4,875,000
CID/Admin	30	$65,000	$1,950,000
Total	**105**		**$6,825,000**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Fleet	60.9	44.1
2023 Population/Nonres Vehicle Trips	58,890	172,022
Units per 1,000 Persons/Nonres Trips	**1.034**	**0.256**

Cost Analysis	Residential	Nonresidential
Units per 1,000 Persons/Nonres Trips	1.034	0.256
Average Cost per Unit	$65,000	$65,000
Capital Cost per Person/Nonres Vehicle Trip	**$67**	**$17**

Police

- Police Communication Infrastructure LOS & Cost Analysis

Equipment	Total Units	Cost per Unit	Replacement Cost
911 Radio Towers	5	$100,000	$500,000
911 Comms Consoles	4	$300,000	$1,200,000
Total	**9**		**$1,700,000**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Fleet	5.2	3.8
2023 Population/Nonres Vehicle Trips	58,890	172,022
Units per 1,000 Persons/Nonres Trips	**0.089**	**0.022**

Cost Analysis	Residential	Nonresidential
Units per 1,000 Persons/Nonres Trips	0.089	0.022
Average Cost per Unit	$189,000	$189,000
Capital Cost per Person/Nonres Vehicle Trip	**$17**	**$4**

Police

- Summary of 7-Year Needs @ Current LOS
- Credit for existing fund balance

	7-Year Need to Accommodate Growth		
Infrastructure	Square Feet	Units	Total Cost
Police Facilities	9,293	-	$3,568,512
Police Vehicles	-	20.6	$1,339,000
Police Communication	-	1.8	$340,200
Total	**9,293.0**	**22.4**	**$5,247,712**

Existing Impact Fee Fund Balance	**$2,645,822**	**50%**
Future Funding Needs	**$2,601,890**	**50%**

Police

- Police CIP

Police Capital Improvement Plan	
Project	**Improvement**
Training Facility	Phase 2, similar to Fayetteville facility, ~$8 million
Substation	Expansion for future staff and evidence storage
Vehicles	21 units for future patrol and CID hires
Radio Tower #6	Expanded network, not being covered by the 2021 Bond

Police

- Police Credit for 2021 Bond Payments – Training Facility

Fiscal Year	Payment	Residential 58%	Nonresidential 42%
2023	$53,280	$30,902	$22,378
2024	$53,280	$30,902	$22,378
2025	$117,923	$68,395	$49,528
2026	$137,595	$79,805	$57,790
2027	$137,460	$79,727	$57,733
2028	$137,621	$79,820	$57,801
2029	$137,545	$79,776	$57,769
2030	$137,390	$79,686	$57,704
2031	$137,828	$79,940	$57,888
2032	$137,650	$79,837	$57,813
2033	$137,550	$79,779	$57,771
2034	$137,523	$79,763	$57,760
2035	$137,563	$79,787	$57,776
2036	$137,497	$79,748	$57,749
2037	$137,494	$79,747	$57,747
2038	$6,661	$3,863	$2,798
2039	$6,661	$3,863	$2,798
2040	$6,661	$3,863	$2,798
2041	$6,661	$3,863	$2,798
2042	$6,661	$3,863	$2,798
2043	$6,661	$3,863	$2,798
Total	**$1,915,165**	**$1,110,792**	**$804,373**

Residential

Fiscal Year	Payment	Projected Population	Payment/ Capita
2023	$30,902	58,890	$0.52
2024	$30,902	60,304	$0.51
2025	$68,395	61,758	$1.11
2026	$79,805	63,253	$1.26
2027	$79,727	64,791	$1.23
2028	$79,820	66,371	$1.20
2029	$79,776	67,996	$1.17
2030	$79,686	69,668	$1.14
2031	$79,940	71,237	$1.12
2032	$79,837	72,846	$1.10
2033	$79,779	74,496	$1.07
2034	$79,763	76,423	$1.04
2035	$79,787	78,399	$1.02
2036	$79,748	80,426	$0.99
2037	$79,747	82,506	$0.97
2038	$3,863	84,639	$0.05
2039	$3,863	86,828	$0.04
2040	$3,863	89,073	$0.04
2041	$3,863	91,377	$0.04
2042	$3,863	93,740	$0.04
2043	$3,863	96,164	$0.04
Total	**$1,110,792**		**$15.70**
		Discount Rate	3.00%
		Total Credit	**$12**

Nonresidential

Fiscal Year	Payment	Projected Nonres. Vehicle Trips	Payment/ Trip
2023	$22,378	172,022	$0.13
2024	$22,378	176,066	$0.13
2025	$49,528	182,883	$0.27
2026	$57,790	189,700	$0.30
2027	$57,733	196,517	$0.29
2028	$57,801	200,561	$0.29
2029	$57,769	204,605	$0.28
2030	$57,704	208,649	$0.28
2031	$57,888	212,693	$0.27
2032	$57,813	216,737	$0.27
2033	$57,771	220,781	$0.26
2034	$57,760	224,825	$0.26
2035	$57,776	220,549	$0.26
2036	$57,749	229,064	$0.25
2037	$57,747	237,579	$0.24
2038	$2,798	246,093	$0.01
2039	$2,798	254,608	$0.01
2040	$2,798	263,123	$0.01
2041	$2,798	271,638	$0.01
2042	$2,798	280,153	$0.01
2043	$2,798	288,668	$0.01
Total	**$804,373**		**$3.84**
		Discount Rate	3.00%
		Total Credit	**$3**

Police

- Maximum Supportable Impact Fee

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trips
Police Station	$180	$45
Police Vehicles	$67	$17
Communication Infrast.	$17	$4
Gross Total	$264	$66
Credit for Debt Payments	($12)	($3)
Credit for Existing Fund Balance (50%)	($133)	($33)
Net Total	**$119**	**$30**

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	$333	$546	($213)
Single Family Attached	2.24	$267	-	-
Multifamily	1.55	$184	$344	($160)

Nonresidential

Development Type	Vehicle Trips	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Noresidential (per 1,000 Square Feet)				
Retail	14.06	$422	$615	($193)
Office	5.42	$163	$233	($70)
Industrial	2.38	$71	$81	($10)
Institutional	5.39	$162	-	-

Police

- 10-Year Projected Revenue

Infrastructure Costs for Police Facilities

	Total Cost	Growth Cost
Police Station	$3,568,512	$3,568,512
Police Vehicles	$1,339,000	$1,339,000
Communication Infrast.	$340,200	$340,200
Total Expenditures	**$5,247,712**	**$5,247,712**

Projected Development Impact Fee Revenue

Year		Single Family $333 per unit Housing Units	Multifamily $184 per unit Housing Units	Retail $422 per KSF KSF	Office $163 per KSF KSF	Industrial $71 per KSF KSF	Institutional $162 per KSF KSF
Base	2023	16,929	7,406	6,905	9,750	3,117	2,722
Year 1	2024	17,205	7,820	7,117	9,819	3,204	2,813
Year 2	2025	17,489	8,245	7,328	10,399	3,292	2,904
Year 3	2026	17,781	8,682	7,539	10,980	3,379	2,995
Year 4	2027	18,081	9,132	7,751	11,560	3,466	3,086
Year 5	2028	18,389	9,595	7,962	11,629	3,553	3,177
Year 6	2029	18,706	10,071	8,174	11,698	3,641	3,268
Year 7	2030	19,032	10,561	8,385	11,767	3,728	3,359
7-Year Increase		2,103	3,155	1,480	2,017	611	637
Projected Revenue		$700,219	$580,564	$624,600	$328,717	$43,359	$103,180

Projected Revenue =>	**$2,381,000**
Total Expenditures =>	**$5,248,000**
Non-Impact Fee Funding =>	**$2,867,000**

Funding gap is the result of credits, but the other revenues will keep the program whole

Bentonville Impact Fee Study

- Parks & Recreation
- Library
- Police
- Fire
- Summary

Fire

- Plan-Based Approach
  - 7-year growth-related expansion compared to projected growth
    - Station space would be a new element to the fee
- Fee is attributed to residential and nonresidential development

Fire

- Calls for service used to attribute demand

Location	Calls for Service	Percent of Total
Residential	3,242	46%
Nonresidential	2,777	40%
Traffic	978	14%
Total	**6,997**	**100%**

Location	Vehicle Trips	Percent of Total
Residential	142,606	45%
Nonresidential	172,022	55%
Total	**314,628**	**100%**

Location	Adj. Vehicle Trips	Percent of Total
Residential	3,685	**53%**
Nonresidential	3,312	**47%**
Total	**6,997**	**100%**

Fire

- Fire Station Expansion Plan & Cost Analysis

Facility	Square Feet	Replacement Cost
Fire Station 8	10,000	$4,500,000
Total	**10,000**	**$4,500,000**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	53%	47%
Share of Floor Area (sq. ft.)	5,267	4,733
7-Year Increase in Population and Nonres Trips	10,778	36,627
Square Feet per 1,000 Persons/Nonres Trips	**489**	**129**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres Trips	489	129
Average Cost per Square Foot	$450	$450
Capital Cost per Person/Nonres Vehicle Trip	**$220**	**$58**

Source: Bentonville Fire Department

Fire

- Fire Fleet Expansion Plan & Cost Analysis

Vehicle Type	Total Units	Cost per Unit	Replacement Cost
Fire Truck	1	$960,000	$960,000
Battalion Truck	1	$120,000	$120,000
Training and Admin Truck	2	$60,000	$120,000
Total	**4**		**$1,200,000**

Level-of-Service Standards	**Residential**	**Nonresidential**
Proportionate Share	53%	47%
Share of Fleet	2.1	1.9
7-Year Increase in Population and Nonres Trips	10,778	36,627
Units per 1,000 Persons/Nonres Trips	**0.195**	**0.052**

Cost Analysis	**Residential**	**Nonresidential**
Units per 1,000 Persons/Nonres Trips	0.195	0.052
Average Cost per Unit	$300,000	$300,000
Capital Cost per Person/Nonres Vehicle Trip	**$59**	**$16**

Source: Bentonville Fire Department

Fire

- Summary of 7-Year Plan vs. Existing Fund Balance
- Credit for existing fund balance

	7-Year Need to Accommodate Growth		
Infrastructure	**Square Feet**	**Units**	**Total Cost**
Fire Station	10,000	-	$4,500,000
Fire Vehicles	-	4.0	$1,200,000
Total	**10,000**	**4.0**	**$5,700,000**

Existing Impact Fee Fund Balance	**$1,941,435**	**34%**
Future Funding Needs	**$3,758,565**	**66%**

Fire

- Fire Credit for 2021 Bond Payments - Training Facility

Fiscal Year	Payment	Residential 58%	Nonresidential 42%
2023	$25,187	$14,608	$10,579
2024	$25,187	$14,608	$10,579
2025	$55,745	$32,332	$23,413
2026	$65,045	$37,726	$27,319
2027	$64,981	$37,689	$27,292
2028	$65,057	$37,733	$27,324
2029	$65,021	$37,712	$27,309
2030	$64,948	$37,670	$27,278
2031	$65,155	$37,790	$27,365
2032	$65,071	$37,741	$27,330
2033	$65,023	$37,713	$27,310
2034	$65,011	$37,706	$27,305
2035	$65,030	$37,717	$27,313
2036	$64,999	$37,699	$27,300
2037	$64,997	$37,698	$27,299
2038	$3,149	$1,826	$1,323
2039	$3,149	$1,826	$1,323
2040	$3,149	$1,826	$1,323
2041	$3,149	$1,826	$1,323
2042	$3,149	$1,826	$1,323
2043	$3,149	$1,826	$1,323
Total	$905,351	$525,098	$380,253

Residential

Fiscal Year	Payment	Projected Population	Payment/ Capita
2023	$14,608	58,890	$0.25
2024	$14,608	60,304	$0.24
2025	$32,332	61,758	$0.52
2026	$37,726	63,253	$0.60
2027	$37,689	64,791	$0.58
2028	$37,733	66,371	$0.57
2029	$37,712	67,996	$0.55
2030	$37,670	69,668	$0.54
2031	$37,790	71,237	$0.53
2032	$37,741	72,846	$0.52
2033	$37,713	74,496	$0.51
2034	$37,706	76,423	$0.49
2035	$37,717	78,399	$0.48
2036	$37,699	80,426	$0.47
2037	$37,698	82,506	$0.46
2038	$1,826	84,639	$0.02
2039	$1,826	86,828	$0.02
2040	$1,826	89,073	$0.02
2041	$1,826	91,377	$0.02
2042	$1,826	93,740	$0.02
2043	$1,826	96,164	$0.02
Total	$525,098		$7.43
		Discount Rate	3.00%
		Total Credit	$6

Nonresidential

Fiscal Year	Payment	Projected Nonres. Vehicle Trips	Payment/ Trip
2023	$10,579	172,022	$0.06
2024	$10,579	176,066	$0.06
2025	$23,413	182,883	$0.13
2026	$27,319	189,700	$0.14
2027	$27,292	196,517	$0.14
2028	$27,324	200,561	$0.14
2029	$27,309	204,605	$0.13
2030	$27,278	208,649	$0.13
2031	$27,365	212,693	$0.13
2032	$27,330	216,737	$0.13
2033	$27,310	220,781	$0.12
2034	$27,305	224,825	$0.12
2035	$27,313	220,549	$0.12
2036	$27,300	229,064	$0.12
2037	$27,299	237,579	$0.11
2038	$1,323	246,093	$0.01
2039	$1,323	254,608	$0.01
2040	$1,323	263,123	$0.01
2041	$1,323	271,638	$0.00
2042	$1,323	280,153	$0.00
2043	$1,323	288,668	$0.00
Total	$380,253		$1.81
		Discount Rate	3.00%
		Total Credit	$1

Fire

- Maximum Supportable Impact Fee

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trips
Fire Station	$220	$58
Fire Vehicles	$59	$16
Gross Total	$279	$74
Credit for Debt Payments	($6)	($1)
Credit for Fund Balance (34%)	($95)	($25)
Net Total	**$178**	**$48**

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	$498	$318	$180
Single Family Attached	2.24	$399	-	-
Multifamily	1.55	$276	$200	$76

Nonresidential

Development Type	Vehicle Trips	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Noresidential (per 1,000 Square Feet)				
Retail	14.06	$675	$357	$318
Office	5.42	$260	$135	$125
Industrial	2.38	$114	$47	$67
Institutional	5.39	$258	-	-

Fire

- 7-Year Projected Revenue

Infrastructure Costs for Fire Facilities

	Total Cost	Growth Cost
Fire Station	$4,500,000	$4,500,000
Fire Vehicles	$1,200,000	$1,200,000
Total Expenditures	**$5,700,000**	**$5,700,000**

Projected Revenue =>	**$3,675,000**
Total Expenditures =>	**$5,700,000**
Non-Impact Fee Funding =>	**$2,025,000**

Funding gap is the result of credits, but the other revenues will keep the program whole

Projected Development Impact Fee Revenue

Year		Single Family $498 per unit	Multifamily $276 per unit	Retail $675 per KSF	Office $260 per KSF	Industrial $114 per KSF	Institutional $258 per KSF
		Housing Units	Housing Units	KSF	KSF	KSF	KSF
Base	2023	16,929	7,406	6,905	9,750	3,117	2,722
Year 1	2024	17,205	7,820	7,117	9,819	3,204	2,813
Year 2	2025	17,489	8,245	7,328	10,399	3,292	2,904
Year 3	2026	17,781	8,682	7,539	10,980	3,379	2,995
Year 4	2027	18,081	9,132	7,751	11,560	3,466	3,086
Year 5	2028	18,389	9,595	7,962	11,629	3,553	3,177
Year 6	2029	18,706	10,071	8,174	11,698	3,641	3,268
Year 7	2030	19,032	10,561	8,385	11,767	3,728	3,359
Seven-Year Increase		2,103	3,155	1,480	2,017	611	637
Projected Revenue		$1,047,175	$870,846	$999,064	$524,334	$69,619	$164,323

Bentonville Impact Fee Study

- Parks & Recreation
- Library
- Police
- Fire
- Summary

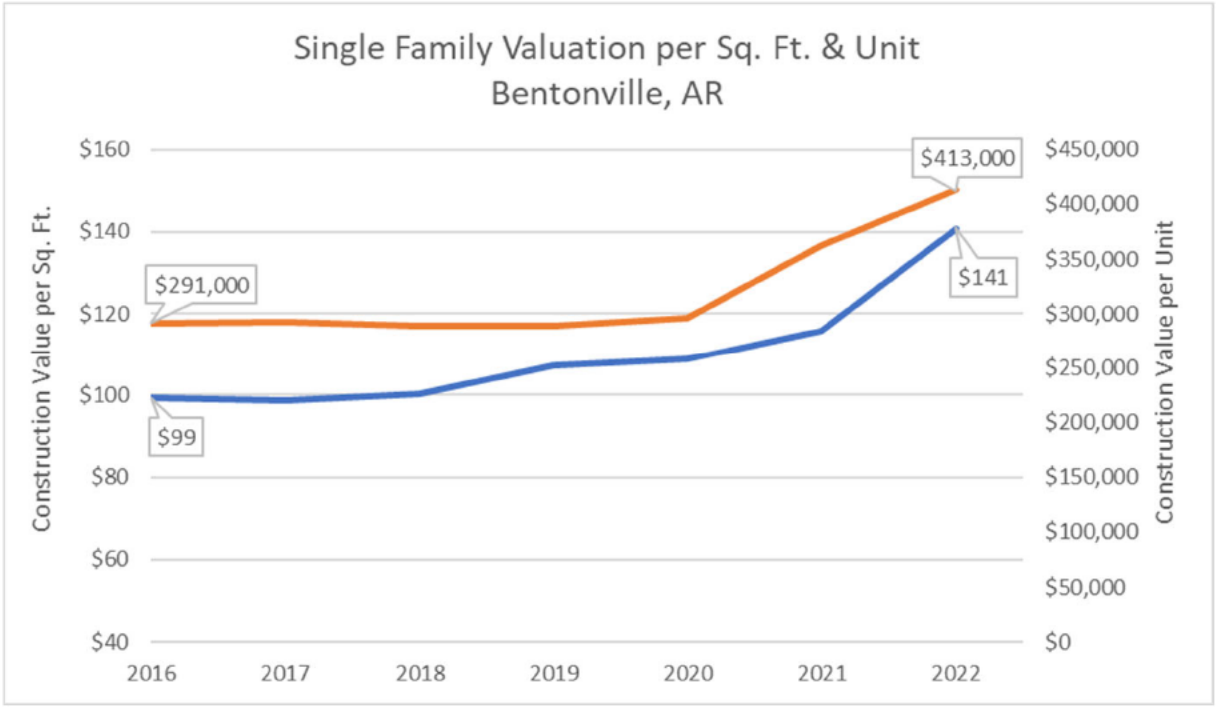
Bentonville Impact Fee Study

- Maximum Supportable Impact Fees

Development Type	Parks & Recreation	Library	Police	Fire	Maximum Supportable Fee	Current Fee (2016)	Increase/ (Decrease)	Increase/ (Decrease)
Residential (per housing unit)								
Single Family Detached	$3,260	$392	$333	$498	**$4,483**	$3,234	$1,249	39%
Single Family Attached	$2,608	$314	$267	$399	**$3,588**	-	-	-
Multifamily	$1,805	$217	$184	$276	**$2,482**	$2,037	$445	22%
Nonresidential (per 1,000 square feet)								
Retail	$0	$0	$422	$675	**$1,097**	$972	$125	13%
Office	$0	$0	$163	$260	**$423**	$368	$55	15%
Industrial	$0	$0	$71	$114	**$185**	$128	$57	45%
Institutional	$0	$0	$162	$258	**$420**	-	-	-

Bentonville Impact Fee Study

- Single family valuations (ICC) since 2016
  - Over 40% increase



SFD maximum increase represents 9 sq. ft. of construction compared to average size of 3,000 sq. ft.

Bentonville Impact Fee Study

- Recently, utility staff have provided updated facility needs from master planning efforts
- Utility rates currently include infrastructure that impact fees could cover
- TB recommends utility impact fees be explored next year when master plans are complete
  - A rate adjustment would be necessary if utilities are included in this report
    - Double dipping concern

Bentonville Impact Fee Study

- Considerations:
  - Council may adopt less than maximum or phase in max
  - TB recommends an annual inflationary factor
  - Affordable housing policy
    - Report includes several policy examples

Discussion

DEVELOPMENT IMPACT FEE STUDY

Prepared for:

Bentonville, Arkansas

August 1, 2023

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Executive Summary

The City of Bentonville, Arkansas, has retained TischlerBise to determine growth-related infrastructure needs and calculate impact fees for the following infrastructure categories:

- Parks
- Library
- Police
- Fire

Impact fees are one-time payments used to construct system improvements needed to accommodate development. Impact fees for Bentonville are proportionate and reasonably related to the capital facility service demands of new development. Impact fees are necessary to achieve an equitable allocation of capital costs, in comparison to past and future benefits. Bentonville has complied with all requirements of Arkansas's impact fee enabling statute, which requires that collected impact fees and accrued interest are spent within seven years from the date the fees were collected.

After discussions with City staff, TischlerBise determined demand indicators for each type of public facility and calculated residential and nonresidential proportionate share factors. These factors are used to allocate costs by type of development. The formulas used to calculate the impact fees for the City of Bentonville are diagrammed in a flow chart for each type of public facility in the respective chapter of this report. Also contained in this report are summary tables indicating the specific Level-of-Service (LOS) or infrastructure standards used to derive the impact fees. Demographic and land use assumptions used to prepare this analysis are included in the appendix.

IMPACT FEE METHODOLOGIES

There are three basic methods used to calculate the impact fees. The **incremental expansion** method documents the current LOS for each type of public facility in both quantitative and qualitative measures. This method is best suited for public facilities that will be expanded incrementally in the future, with LOS standards based on current conditions in the community. The **plan-based** method is best suited for public facilities that have adopted plans or commonly accepted engineering standards to identify the need for capital projects. A **cost recovery** method may be used for facilities that have been oversized to accommodate future development, at least for the next seven years. The rationale for the cost recovery approach is that new development is paying for its share of the useful life or remaining capacity of the existing facility. To the extent that new growth and development is served by the previously constructed improvements, the City can be reimbursed for the previously incurred public facility costs.

Another general requirement that is common to impact fee methodologies is the evaluation of credits. Past and future revenue credits have been evaluated to avoid potential double payment situations arising from the payment of a one-time impact or fee and then subsequent payments of other revenues that may

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also fund growth-related capital improvements. General Fund revenues, such as sales taxes, and private donations that are being used for improvements have been accounted for via credits.

A note on rounding: Calculations throughout this report are based on an analysis conducted using Excel software. Results are discussed in the report using one-and two-digit places (in most cases), which represent rounded or rounded figures. However, in some instances the analysis itself uses figures carried to their ultimate decimal places (e.g., for LOS standards); therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown).

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SUMMARY OF CURRENT AND PROPOSED IMPACT FEES

Figure 1 shows the method used to derive each type of proposed fee in Bentonville, plus each component that contributes to the impact fee.

Figure 1. Methods and Cost Components

Fee Category	Service Area	Cost Recovery	Incremental Expansion	Plan-Based	Cost Allocation
Parks and Recreation	Citywide	n/a	Neighborhood Parks, Community Parks, Indoor Rec Centers, Concrete Trails	n/a	Population
Library	Citywide	n/a	Branches & Collections	n/a	Population
Police	Citywide	n/a	Facilities, Vehicles, Communication Infrastructure	n/a	Population, Nonres Vehicle Trips
Fire	Citywide	n/a	n/a	Facilities & Apparatus	Population, Nonres Vehicle Trips

Figure 2 provides a summary schedule of the maximum supportable impact produced by this study. Fees for residential development are per housing unit and fees for nonresidential development are per 1,000 square feet of floor area.

Figure 2. Maximum Supportable Impact Fees

Development Type	Parks & Recreation	Library	Police	Fire	Maximum Supportable Fee	Current Fee (2016)	Increase/ (Decrease)	Increase/ (Decrease)
Residential (per housing unit)								
Single Family Detached	$3,260	$392	$333	$498	**$4,483**	$3,234	$1,249	39%
Single Family Attached	$2,608	$314	$267	$399	**$3,588**	-	-	-
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Nonresidential (per 1,000 square feet)								
Retail	$0	$0	$422	$675	**$1,097**	$972	$125	13%
Office	$0	$0	$163	$260	**$423**	$368	$55	15%
Industrial	$0	$0	$71	$114	**$185**	$128	$57	45%
Institutional	$0	$0	$162	$258	**$420**	-	-	-

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Along with the maximum supportable fee being an increase from the current fee, there have been several other changes from the 2016 study:

- **Neighborhood park land.** During the previous study, the City did not have the need to purchase additional park land. However, recent annexations that have expanded the southern boundary of the city has resulted in further residential development and demand for neighborhood parks. The City does not currently have park land in that area, thus, a neighborhood park land component has been included in the analysis.
- **Fire stations.** At the time of the previous study, there were no plans to expand or add new fire stations. At this point, there are plans to provide further station space to serve future demand. In this case, TischlerBise recommends including fire stations to the fire impact fee program.
- **Library branches.** At the time of the previous study, there were no plans to expand or add new library branches. At this point, there is an expansion occurring at the main branch and future plans for another expansion or a second branch. In this case, TischlerBise recommends including library branches to the library impact fee program.
- **Single family attached.** As housing development has evolved since 2016, the Planning Department recommended adjusting the fee schedule to bifurcate single family development into single family detached and single family attached. With local US Census data, TischlerBise found that the housing types have different person per housing unit factors, resulting in differentiate demand on City facilities. The adjustment to two single family housing types has been included in this update.
- **Utility and transportation impact fees.** TischlerBise explored the option of adding water, sewer, and transportation impact fees to the program. However, similar to the 2016 study, a vast majority of the capital expansion needs for each category is being funded by other revenues: utility rates for water and sewer, sales tax referendum for transportation. Lower priority capital projects could be explored, however, there is a concern that further impact fees would be a burden on future development. In this case, TischlerBise has recommended not include these additional infrastructure types in the impact fee program.
    - **Note:** At the time this report was nearing final review by City Council, TischlerBise was contacted by Bentonville water and sewer staff that the underway master planning efforts were uncovering infrastructure needs that were not anticipated to be needed within the seven-year planning horizon of the impact fee study during the initial impact fee meetings. TischlerBise recommended moving forward with this report and when the master planning is complete review the identified needs and impact fee eligible expenditures.

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General Impact Fee Requirements

Impact fees are one-time payments used to fund capital improvements necessitated by new growth. Impact fees have been utilized by local governments in various forms for at least 50 years. Impact fees do have limitations and should not be regarded as the total solution for infrastructure financing needs. Rather, they should be considered one component of a comprehensive portfolio to ensure adequate provision of public facilities with the goal of maintaining current LOS in a community. Any community considering impact and/or fees should note the following limitations:

- Impact fees can only be used to finance capital infrastructure and cannot be used to finance ongoing operations and/or maintenance and rehabilitation costs;
- Impact fees cannot be deposited in the local government's General Fund: the funds must be accounted for separately in individual accounts and earmarked for the capital expenses for which they were collected; and
- Impact fees cannot be used to correct existing infrastructure deficiencies unless there is a funding plan in place to correct the deficiency for all current residents and businesses in the community.

LEGAL FRAMEWORK

U.S. Constitution. Like all land use regulations, development exactions—including impact fees—are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring that development is not detrimental to the quality of essential public services.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an "essential nexus" between the exaction and the interest being protected (see *Nollan v. California Coastal Commission,* 1987). In a more recent case (*Dolan v. City of Tigard, OR,* 1994), the Court ruled that an exaction also must be "roughly proportional" to the burden created by development. However, the *Dolan* decision appeared to set a higher standard of review for mandatory dedications of land than for monetary exactions such as impact fees.

REQUIRED FINDINGS

There are three reasonable relationship requirements for impact fees that are closely related to "rational nexus" or "reasonable relationship" requirements enunciated by a number of state courts. Although the

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term "dual rational nexus" is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, we prefer a more rigorous formulation that recognizes three elements: "impact or need," "benefit," and "proportionality." The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. The reasonable relationship language of the statute is considered less strict than the rational nexus standard used by many courts. Individual elements of the nexus standard are discussed further in the following paragraphs.

Demonstrating an Impact. All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the supply of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to impact fees. In this study, the impact of development on improvement needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable LOS standards.

Demonstrating a Benefit. A sufficient benefit relationship requires that fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. Procedures for the earmarking and expenditure of fee revenues are typically mandated by the State enabling act, as are procedures to ensure that the fees are expended expeditiously or refunded. All of these requirements are intended to ensure that developments benefit from the fees they are required to pay. Thus, an adequate showing of benefit must address procedural as well as substantive issues.

Demonstrating Proportionality. The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case (although the relevance of that decision to impact fees has been debated) and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development. For example, the need for school improvements is measured by the number of public school-age children generated by development.

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Implementation and Administration

The following section details options regarding the adoption and implementation of the Bentonville development impact fee program update.

AFFORDABLE HOUSING EXEMPTION

The City of Bentonville has the option of establishing an affordable housing exemption policy. Such policy could reduce or completely exempt the impact fees on eligible residential development. However, the first step a city must complete is defining "affordable housing." This definition should be tailored to the conditions in the community and community goals. A joint effort with the Affordable Housing Workgroup has identified an affordable housing definition for the City of Bentonville (*Bentonville Housing Affordability Workgroup Report*, 2023). Additionally, a city must consider the burden of managing and enforcing such program to ensure exempted developments operate within the set parameters. Lastly, the development impact fee program needs to continue being fully funded. Thus, other revenues must be transferred to the impact fee funds to offset any exemption policy.

With that said, more communities throughout the country are exploring affordable housing exemption policies to lessen the cost burden on housing. The City of Bentonville has a variety of local resources available, including the Housing Affordability Workgroup, that could be leveraged to promote a comprehensive and holistic policy that expands beyond solely an impact fee exemption. For example, a policy could include incentives to promote development in certain areas of the city. Additionally, the Arkansas Low-Income Housing Tax Credit (LIHTC) may be a useful resource for both implementation and enforcement of an affordable housing program. Lastly, there are a variety of programs across the country that Bentonville could use to help guide its own policy. For example:

- Georgetown County, SC annually allocates $100,000 from its General Fund to support impact fee exemptions. Addressing budget exposure to the policy.
- Big Sky, MT leverages sales tax revenue to incentive homeowners to transition a short-term rental to a rental property for long-term residents. Addressing the large percentage of housing in the community used by visitors.
- Berthoud, CO adopted a small home program which reduces fees for smaller dwelling units. Addressing the "missing middle" in the housing market.

Importantly, Bentonville City Council can move forward with the results of the *2023 Development Impact Fee Study* before implementing any affordable housing policy.

ANNUAL INFLATION ADJUSTMENT

Development impact fees should be periodically evaluated and updated to reflect recent data. TischlerBise recommends that Bentonville annually adjust its development impact fees to account for inflation in construction costs. The construction cost indices of Engineering News Record and RSMeans

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are standards used across the country. If cost estimates change significantly, the City should consider a comprehensive update to its impact fee study.

ADOPTION OPTIONS

The fee amounts in this report represent the maximum supportable fees to be adopted and City Council has the ability to adopt at lower levels. For example, Council may adopt a flat percentage of the maximum supportable or implement a phasing approach over several years. Importantly, reductions to the impact fee amounts must be made to all land uses. TischlerBise recommends not adopting reductions for only a select number of land uses. Additionally, the City should evaluate the program during its annual reviews to ensure planned capital project capacity is sufficiently funded during the years of any "phase in."

CREDITS AND REIMBURSEMENTS

A general requirement that is common to development impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time development impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the development impact fee methodology used in the cost analysis and local government policies.

Policies and procedures related to site-specific credits should be addressed in the resolution or ordinance that establishes the development impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against development impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees due from that particular development. The latter option is more difficult to administer because it creates unique fees for specific geographic areas.

SERVICE AREA

A development impact fee service area is a region in which a defined set of improvements provide benefit to an identifiable amount of new development. Within a service area, all new development of a type (single family, commercial, etc.) is assessed at the same development impact fee rate. Land use assumptions and development impact fees are each defined in terms of this geography, so that capital facility demand, projects needed to meet that demand, and capital facility cost are all quantified in the same terms. Development impact fee revenue collected within a service area is required to be spent within that service area.

Implementation of a large number of small service areas is problematic. Administration is complicated and, because funds collected within the service area must be spent within that area multiple service areas may make it impossible to accumulate sufficient revenue to fund any projects within the time allowed.

As part of our analysis and the type of facilities and improvements included in the development impact fee calculation, TischlerBise has determined that a single service area for the infrastructure categories included in the study.

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Parks & Recreation

The parks impact fee is derived using the incremental expansion methodology. The analysis includes several components:

- Neighborhood Park: land, land development, park improvement
- Community Park: land development, park improvement
- Indoor Recreation Center: facility square footage
- Concrete Trails: network expansion (miles)

As indicated above, the City anticipates purchasing additional acreage for neighborhood parks to accommodate future growth. However, there is enough available acreage for the other components.

It is important to note that the parks impact fee methodology excludes mini parks, civic parks, and parks that are considered to be regional attractors. Mini and civic parks are considered to have a small benefit zone while regional attractors are providing benefit to those outside of Bentonville making it difficult to quantify the level of service that is being provide to residents. Additionally, all cost components are allocated 100 percent to residential development. Please note that the City's definition of a neighborhood park differs from that of many other communities. The City's neighborhood parks can be quite large and have a wide variety of amenities. As such, they draw residents from throughout the city and are included in this citywide impact fee analysis.

LEVEL OF SERVICE AND INFRASTRUCTURE STANDARDS FOR PARKS & RECREATION

Neighborhood Parks

Figure 3 lists the current inventory of neighborhood parks and level of service (LOS) standards. Bentonville currently has 68.2 acres of neighborhood parks. Using the 2023 population of 58,890 people, this inventory equates to a current LOS of 1.16 acres per 1,000 persons (68.2 acres / 58,890 = 1.16 acres per 1,000 persons). To find the capital cost per person, the park land LOS is combined with the anticipated costs to purchase new neighborhood park acres ($65,000 per acre) and to develop (i.e., environmental mitigation, site prep, irrigation, parking, etc.) the raw land ($118,000 per acre). For example, the capital cost per person for park land is $75 (1.16 park acres per 1,000 persons x $65,000 per acre = $75 per person, rounded).

Additionally, there are 27 park improvements at the existing parks with a replacement cost of $7.6 million. As result, the current park improvement LOS is 0.46 improvements per 1,000 residents. The average cost per improvement is $282,000, resulting in a capital cost per person of $130 (0.46 improvement per 1,000 residents x $282,000 per improvement = $130 per person, rounded).

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Figure 3. Current Level of Service and Cost Factors for Neighborhood Parks

Neighborhood Parks	Acres	Park Improvement	Improvement Cost
Bogle Park	1.0	1	$100,000
Durham Place Park	0.4	1	$300,000
Gilmore Park	1.0	1	$300,000
Lake Bentonville	20.0	4	$500,000
Merchants Baseball Park	7.9	6	$2,500,000
Old Tiger Track	6.0	3	$1,525,000
Orchards Park	16.5	4	$1,000,000
Park Springs Park	13.9	3	$600,000
Wildwood Park	1.5	4	$800,000
Total	68.2	27	$7,625,000

Level-of-Service Standards	Land Purchase	Land Dev	Improvements
Residential Share	100%	100%	100%
Share of Acreage and Improvements	68.2	68.2	27
2023 Population	58,890	58,890	58,890
Acres/Improvements per 1,000 Persons	**1.16**	**1.16**	**0.46**

Cost Analysis	Land Purchase	Land Dev	Improvements
Acres/Improvements per 1,000 Persons	1.16	1.16	0.46
Average Cost per Acre/Improvement [1]	$65,000	$118,000	$282,000
Capital Cost per Person	**$75**	**$137**	**$130**

[1] Anticipated cost for new park land, park development, and current replacement cost of park improvements

Community Parks

Figure 4 lists the current inventory of community parks and LOS standards. In consultation with City staff, TischlerBise excluded Memorial Park (73 acres) and Harlon Phillips Park (40 acres) from the current LOS inventory because these parks serve a large number of visitors for tournaments and other events.

With these exclusions, Bentonville currently has 191.9 acres of community parks. Using 2023 population of 58,890 people, this inventory equates to a current LOS of 3.26 acres per 1,000 persons (191.9 acres / 58,890 people = 3.92 acres per 1,000 persons). Please note that Bentonville does not have any current plans to purchase additional park land at this time. Rather, it plans to develop recreational amenities on the undeveloped portions of these properties. Therefore, a cost component for land acquisition is not included in this fee. However, the City will continue to use impact fees to improve existing community parks. The capital cost per person is found by combining the land development LOS with the current cost per acre of $108,000, resulting in $352 per person.

Additionally, there are 28 park improvements at the existing parks with a replacement cost of $7.4 million. As result, the current park improvement LOS is 0.48 improvements per 1,000 residents. The average cost per improvement is $264,000, resulting in a capital cost per person of $127 (0.48 improvement per 1,000 residents x $264,000 per improvement = $127 per person, rounded).

Figure 4. Current Level of Service and Cost Factors for Community Parks

Community Parks	Acres	Park Improvements	Improvement Cost
Bella Vista Lake	132.0	1	$200,000
Citizens Park	34.9	15	$5,400,000
Creekside Park	25.0	12	$1,800,000
Total	191.9	28	$7,400,000

Level-of-Service Standards	Land Dev	Improvements
Residential Share	100%	100%
Share of Acreage and Improvements	191.9	28
2023 Population	58,890	58,890
Acres/Improvements per 1,000 Persons	**3.26**	**0.48**

Cost Analysis	Land Dev	Improvements
Acres/Improvements per 1,000 Persons	3.26	0.48
Average Cost per Acre/Improvement [1]	$108,000	$264,000
Capital Cost per Person	**$352**	**$127**

[1] Anticipated cost for park development and current replacement cost of park improvements

Indoor Recreation Centers

Figure 5 lists the current inventory of indoor recreation centers and level of service (LOS) standards. There are currently 161,378 square feet at three locations with an insurance valuation of $26 million ($161 per square foot). As a result, the current LOS is 2,740 square feet per 1,000 persons. The capital cost per person is found by multiplying the current LOS with the average cost per square foot, resulting in $441 per person (2,740 square feet per 1,000 persons x $161 per square foot = $441 per person, rounded).

Figure 5. Current Level of Service and Cost Factors for Indoor Recreation Centers

Indoor Recreation Centers	Park	Square Feet	Replacement Cost [1]
Melvin Ford Aquatic Center	Memorial Park	75,000	$5,040,750
Bentonville Community Center	Citizen Park	78,000	$18,880,005
Downtown Activity Center	-	8,378	$2,054,850
		161,378	$25,975,605

Level-of-Service Standards	Square Feet
Residential Share	100%
Share of Square Feet	161,378
2023 Population	58,890
Square Feet per 1,000 Persons	**2,740**

Cost Analysis	Square Feet
Square Feet per 1,000 Persons	2,740
Average Cost per Square Feet	$161
Capital Cost per Person	**$441**

[1] Insurance Valuation Report

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Concrete Trails

Figure 6 provides Bentonville's current inventory of concrete trails (excluding the Memorial Park Fitness Trail and Soccer Trail at Memorial Park). Natural surface trails are not included in the parks fee because City staff do not anticipate building any non-hard surface trails in the near future. In total there are 30.6 miles of concrete trails, providing a LOS of 0.520 miles per 1,000 persons (30.6 miles / 58,890 persons = 0.520 miles per 1,000 persons). Based on three recent and current construction projects the average cost per mile is $1,171,000. The concrete trail cost per person is derived by multiplying the current LOS and the current construction costs, resulting in $609 per person (0.520 miles per 1,000 residents x $1,171,000 per mile = $609 per person, rounded).

Figure 6. Current Level of Service and Cost Factors for Concrete Trails

Concrete Trails	Miles
All-American Trail	0.5
Applegate Trail	2.5
Arkansas Missouri Trail	0.8
Citizens Park Trail	0.9
Crystal Bridges Trail	1.0
Downtown Trail	0.4
Enfield Park Trail	0.2
Heritage Trail @ Central Ave	1.3
Heritage Trail @ SW I St.	2.1
J Street Trail	1.2
Jefferson Trail	0.4
John Deshields Trail	1.0

Concrete Trails	Miles
Lake Bella Vista Trail	1.8
Lincoln Loop	0.4
Members Place Trail	0.4
Moberly Lane Trail	2.0
North Bentonville Trail	2.3
North Walton Blvd Trail	2.9
Park Springs/Burns Trail	0.8
South Bentonville Trail	2.6
Tiger Trail	1.5
Town Branch Trail	0.8
Trail of Two Cities	1.5
Wishing Spring Trail	1.6
Total	30.6

Level-of-Service Standards	Trails
Residential Share	100%
Share of Trail Miles	30.6
2023 Population	58,890
Miles per 1,000 Persons	**0.520**

Cost Analysis	Trails
Miles per 1,000 Persons	0.520
Average Cost per Mile [1]	$1,171,000
Capital Cost per Person	**$609**

[1] Based on three current trail projects

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PROJECTED NEED FOR PARKS & RECREATION FACILITIES

The City of Bentonville updates its impact fee studies on a seven-year cycle. The following figures illustrate the demand from new development over that time based on the study's growth projections.

Neighborhood Parks

Figure 7 depicts projected demand for neighborhood parks over the next seven years. Demand from population growth will require the addition of 12.5 new park acres, 12.5 park acres developed, and 5 park improvements with a total cost of $3.7 million over the next seven years to maintain existing LOS.

Figure 7. Neighborhood Park Needs Analysis

Infrastructure	Level of Service			Cost/Unit
Neighborhood Parks	1.16	Park Land (acres)	per 1,000 persons	$65,000
	1.16	Land Dev (acres)		$118,000
	0.46	Improvements		$282,000

Growth-Related Need for Neighborhood Parks					
Year		Population	Park Acres Purchased	Park Acres Developed	Park Improvements
Base	2023	58,890	68.3	68.3	27.0
Year 1	2024	60,304	69.9	69.9	27.7
Year 2	2025	61,758	71.6	71.6	28.4
Year 3	2026	63,253	73.3	73.3	29.0
Year 4	2027	64,791	75.1	75.1	29.8
Year 5	2028	66,371	76.9	76.9	30.5
Year 6	2029	67,996	78.8	78.8	31.2
Year 7	2030	69,668	80.8	80.8	32.0
7-Year Increase		10,778	**12.5**	**12.5**	**5.0**
Projected Expenditure			**$812,500**	**$1,475,000**	**$1,410,000**

Growth-Related Expenditures for Neighborhood Parks	$3,697,500

Community Parks

Figure 8 depicts projected demand for community parks over the next seven years. Demand from population growth will require the 35.2 park acres developed and 5.2 park improvements with a total cost of $5.2 million over the next seven years to maintain existing LOS.

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Figure 8. Community Park Needs Analysis

Infrastructure	Level of Service			Cost/Unit
Community Parks	3.26	Land Dev (acres)	per 1,000 persons	$108,000
	0.48	Improvements		$264,000

Growth-Related Need for Community Parks				
Year		Population	Park Acres Developed	Park Improvements
Base	2023	58,890	191.9	28.2
Year 1	2024	60,304	196.5	28.9
Year 2	2025	61,758	201.3	29.6
Year 3	2026	63,253	206.2	30.3
Year 4	2027	64,791	211.2	31.0
Year 5	2028	66,371	216.3	31.8
Year 6	2029	67,996	221.6	32.6
Year 7	2030	69,668	227.1	33.4
7-Year Increase		10,778	**35.2**	**5.2**
		Projected Expenditure	**$3,801,600**	**$1,372,800**

Growth-Related Expenditures for Community Parks	$5,174,400

Indoor Recreation Centers

Figure 9 depicts projected demand for indoor recreation centers over the next seven years. Demand from population growth will require 29,533 new square feet of rec centers with a total cost of $4.8 million over the next seven years to maintain existing LOS.

Figure 9. Indoor Recreation Center Needs Analysis

Infrastructure	Level of Service			Cost/Unit
Indoor Rec Center Facilities	2,740	Square Feet	per 1,000 persons	$161

Growth-Related Need for Indoor Rec Center Facilities			
Year		Population	Square Feet
Base	2023	58,890	161,359
Year 1	2024	60,304	165,234
Year 2	2025	61,758	169,217
Year 3	2026	63,253	173,313
Year 4	2027	64,791	177,526
Year 5	2028	66,371	181,856
Year 6	2029	67,996	186,309
Year 7	2030	69,668	190,891
7-Year Increase		10,778	**29,533**
		Projected Expenditure	**$4,754,749**

Growth-Related Expenditures for Indoor Rec Center Facilities	$4,754,749

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Concrete Trails

Figure 10 depicts projected demand for concrete trails over the next seven years. Demand from population growth will require 5.6 new miles with a total cost of $6.6 million over the next seven years to maintain existing LOS.

Figure 10. Concrete Trail Needs Analysis

Infrastructure	Level of Service			Cost/Unit
Concrete Trails	0.520	Miles	per 1,000 persons	$1,171,000

Growth-Related Need for Concrete Trails			
Year		Population	Miles
Base	2023	58,890	30.6
Year 1	2024	60,304	31.3
Year 2	2025	61,758	32.1
Year 3	2026	63,253	32.8
Year 4	2027	64,791	33.6
Year 5	2028	66,371	34.5
Year 6	2029	67,996	35.3
Year 7	2030	69,668	36.2
7-Year Increase		10,778	**5.6**
		Projected Expenditure	**$6,557,600**

Growth-Related Expenditures for Concrete Trails	$6,557,600

PARKS & RECREATION CAPITAL IMPROVEMENT PLANS

The Parks & Recreation Capital Improvement Plan (CIP) is listed in Figure 11. As indicated, there are plans to expanded and improve the four components included in the impact fee analysis. The plans satisfy the estimated growth-related needs to keep providing the current LOS.

Figure 11. Parks & Recreation Capital Improvement Plans

Parks & Recreation Capital Improvement Plan		
Location	Facility Type	Improvement
Bogle Park	Neighborhood Park	Park improvements
Future Park #1	Neighborhood Park	10-15 acre land purchase & improve
Future Park #2	Neighborhood Park	10-15 acre land purchase & improve
Bella Vista Lake	Community Park	Restrooms
Creekside Park	Community Park	Splashpark, playgound, dog park, 8 pickpall courts, cricket field, restroom
Downtown Activity Center	Indoor Recreation Center	Expansion and improvements
Citywide Loop Trail	Tier 1 Projects from Bike/Ped Master Plan	9 miles of concrete trails

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DEBT SERVICE CREDIT EVALUATION

In 2021, Bentonville voters approved a referendum to finance a variety of projects through sales tax bonds that included expansion of parks, recreation centers, and trails. To avoid potential double payment for the improvements, a credit is necessary because new development that will pay the impact fee will also contribute to future payments on this remaining debt through sales tax revenue. Future payments are planned through 2046, 23 years from this study. Conservatively, the next 20 years of payments are included in the credit.

As shown in Figure 12, future payments are distributed based on proportionate share for residential and nonresidential uses. To account for the time value of money, annual payments per person are discounted using a net present value formula based on an average current interest rate of the bond, 3.00 percent. The total net present value of future payments per person is $49 per person. This amount is subtracted from the gross capital cost per person to derive a net capital cost.

Figure 12. Credit for Future Debt Payments

Fiscal Year	Payment	Residential 58%	Nonresidential 42%
2023	$211,506	$122,673	$88,833
2024	$211,506	$122,673	$88,833
2025	$468,118	$271,508	$196,610
2026	$546,212	$316,803	$229,409
2027	$545,674	$316,491	$229,183
2028	$546,313	$316,862	$229,451
2029	$546,010	$316,686	$229,324
2030	$545,397	$316,330	$229,067
2031	$547,135	$317,338	$229,797
2032	$546,428	$316,928	$229,500
2033	$546,031	$316,698	$229,333
2034	$545,923	$316,635	$229,288
2035	$546,084	$316,729	$229,355
2036	$545,822	$316,577	$229,245
2037	$545,808	$316,569	$229,239
2038	$26,442	$15,336	$11,106
2039	$26,442	$15,336	$11,106
2040	$26,442	$15,336	$11,106
2041	$26,442	$15,336	$11,106
2042	$26,442	$15,336	$11,106
2043	$26,442	$15,336	$11,106
Total	**$7,602,619**	**$4,409,516**	**$3,193,103**

Residential

Fiscal Year	Payment	Projected Population	Payment/ Capita
2023	$122,673	58,890	$2.08
2024	$122,673	60,304	$2.03
2025	$271,508	61,758	$4.40
2026	$316,803	63,253	$5.01
2027	$316,491	64,791	$4.88
2028	$316,862	66,371	$4.77
2029	$316,686	67,996	$4.66
2030	$316,330	69,668	$4.54
2031	$317,338	71,237	$4.45
2032	$316,928	72,846	$4.35
2033	$316,698	74,496	$4.25
2034	$316,635	76,423	$4.14
2035	$316,729	78,399	$4.04
2036	$316,577	80,426	$3.94
2037	$316,569	82,506	$3.84
2038	$15,336	84,639	$0.18
2039	$15,336	86,828	$0.18
2040	$15,336	89,073	$0.17
2041	$15,336	91,377	$0.17
2042	$15,336	93,740	$0.16
2043	$15,336	96,164	$0.16
Total	**$4,409,516**		**$62.40**
		Discount Rate	3.00%
		Credit per Person	**$49**

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CREDIT FOR OTHER REVENUES

To ensure that the impact fee is calibrated to growth's burden on the City of Bentonville a credit is included for the existing balance of collected parks & recreation impact fees that will be used to fund future capital expansions. Listed in Figure 13 there is an estimated $20.2 million in growth-related costs for the next seven years and an existing balance of $2.2 million (11 percent of the capital costs). As a result, there is an 11 percent credit included in the final parks & recreation impact fee calculation.

Figure 13. Existing Impact Fee Fund Balance

	7-Year Need to Accommodate Growth					
Park Type	**Park Acres**	**Land Dev (Acres)**	**Park Impr.**	**Square Feet**	**Miles**	**Total Cost**
Neighborhood Parks	12.5	12.5	5.0	-	-	$3,697,500
Community Parks	-	35.2	5.2	-	-	$5,174,400
Indoor Rec Center Facilities	-	-	-	29,533	-	$4,754,749
Concrete Trails	-	-	-	-	5.6	$6,557,600
Total	**12.5**	**47.7**	**10.2**	**29,533**	**5.6**	**$20,184,249**

Existing Impact Fee Fund Balance	**$2,171,333**	**11%**
Future Funding Needs	**$18,012,916**	**89%**

Furthermore, historically the City of Bentonville has received private and grant funding for trail expansion. The City anticipates this to continue for the next seven years as well. It is estimated that 75 percent of future trail expansion projects will be funded from non-City monies. As a result, there is a 75 percent credit included in the trail fee calculation.

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PARKS & RECREATION IMPACT FEE SUMMARY

The maximum supportable parks & recreation impact fees are shown in Figure 14. The gross total per person is reduced by the three credits included in the impact fee calculation to ensure the impact fees represent growth's burden to the City of Bentonville. The fee is only assessed to residential development and based on persons per housing unit. For example, the single family detached impact fee is $3,260 (2.80 persons per housing unit x $1,164 net cost per person = $3,260 (rounded)). The current impact fee is included in the figure illustrating an increase of $1,068 for single family detached development.

The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 14. Parks & Recreation Maximum Supportable Impact Fees

Fee Component	Land Cost per Person	Land Dev Cost per Person	Improvement Cost per Person
Neighborhood Parks	$75	$137	$130
Community Parks	-	$352	$127
Indoor Recreation Centers	-	-	$441
Concrete Trails	-	-	$609
Gross Total per Person			**$1,871**
Credit for Debt Payments			**($49)**
Credit for External Funding (75%)			**($457)**
Credit for Existing Fund Balance (11%)			**($201)**
Net Total per Person			**$1,164**

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	**$3,260**	$2,192	$1,068
Single Family Attached	2.24	**$2,608**	-	-
Multifamily	1.55	**$1,805**	$1,381	$424

[1] External funding includes State and Federal grants and community donations

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CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE

This section summarizes the potential cash flow to the City if the development impact fees are implemented at the maximum supportable amounts. The cash flow projections are based on the assumptions detailed in this chapter and the development projections discussed in Appendix B: Demographic Data.

The summary provides an indication of the impact fee revenue generated by new development. Shown at the bottom of the figure, the maximum supportable parks & recreation impact fee is estimated to generate $12.6 million in revenue while there is a growth-related cost of $20.2 million. The revenue is able to mitigate 62 percent of growth-related costs. The remaining funding gap is the result of the credits for the other revenue sources available to fund capital expansion projects.

Figure 15. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Park Facilities

	Total Cost	Growth Cost
Neighborhood Parks	$3,697,500	$3,697,500
Community Parks	$5,174,400	$5,174,400
Indoor Recreation Centers	$4,754,749	$4,754,749
Concrete Trails	$6,557,600	$6,557,600
Total Expenditures	**$20,184,249**	**$20,184,249**

Projected Development Impact Fee Revenue

		Single Family $3,260 per unit	Multifamily $1,805 per unit
Year		Housing Units	Housing Units
Base	2023	16,929	7,406
Year 1	2024	17,205	7,820
Year 2	2025	17,489	8,245
Year 3	2026	17,781	8,682
Year 4	2027	18,081	9,132
Year 5	2028	18,389	9,595
Year 6	2029	18,706	10,071
Year 7	2030	19,032	10,561
7-Year Increase		2,103	3,155
Projected Revenue		$6,854,998	$5,695,208
		Projected Revenue =>	**$12,550,000**
		Total Expenditures =>	**$20,184,000**
		Non-Impact Fee Funding =>	**$7,634,000**

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Library

The library impact fee is derived using the incremental expansion methodology. The fee includes library branches and library collections. The previous impact fee study did not include library branches because at that time there were no plans to construct new stations. At this point, the City is expanding its main branch and is exploring additional improvements to the main branch or a second location to accommodate future growth, justifying the addition of library branches in this update.

LEVEL OF SERVICE AND INFRASTRUCTURE STANDARDS FOR LIBRARY

Library Branch

Figure 16 indicates current LOS and cost factors for the current library branch. The current branch is 38,500 square feet, resulting in a LOS of 654 square feet per 1,000 persons (38,500 square feet / 58,890 residents = 654 square feet per 1,000 residents). Based on the library expansion plans, the average construction of cost is $736 per square foot. Therefore, the capital cost per person is $482 (654 square feet per 1,000 residents x $736 per square feet = $482 per person).

Figure 16. Current Level of Service and Cost Factors for Library Branches

Facility	Square Feet	Replacement Cost [1]
Main Branch	38,500	$28,346,154
Total	38,500	$28,346,154

Level-of-Service Standards	Square Feet
Residential Share	100%
Share of Square Feet	38,500
2023 Population	58,890
Square Feet per 1,000 Persons	**654**

Cost Analysis	Square Feet
Square Feet per 1,000 Persons	654
Average Cost per Square Foot [1]	$736
Capital Cost per Person	**$482**

[1] Average cost from branch expansion project

Library Collection

Figure 17 indicates current LOS and cost factors for physical library collections (i.e., permanently owned collections, not including e-books or recurring access subscriptions). Currently, the City owns 150,000 physical collection items, resulting in a LOS of 2,547 items per 1,000 persons (150,000 items / 58,890 residents = 2,547 items per 1,000 residents). The total collection has a value of $3.5 million yielding an average cost per collection item of $23. Therefore, the capital cost per person is $59 (2,547 items per 1,000 residents x $23 per item = $59 per person).

Figure 17. Current Level of Service and Cost Factors for Library Collections

Collections	Items	Replacement Cost
Total Collection	150,000	$3,452,770
Total	150,000	$3,452,770

Level-of-Service Standards	Items
Residential Share	100%
Share of Collection	150,000
2023 Population	58,890
Items per 1,000 Persons	**2,547**

Cost Analysis	Items
Items per 1,000 Persons	2,547
Average Cost per Item	$23
Capital Cost per Person	**$59**

PROJECTED NEED FOR LIBRARY FACILITIES

The City of Bentonville updates its impact fee studies on a seven-year cycle. The following figures illustrate the demand from new development over that time based on the study's growth projections.

Library Branches

Figure 19 depicts projected demand for library branches over the next seven years. Demand from population growth will require 7,049 additional square footage to maintain the current LOS for a total cost of approximately $5.2 million.

Figure 18. Library Branch Needs Analysis

Infrastructure	Level of Service			Cost/Unit
Library Branch	654	Square Feet	per 1,000 persons	$736

Growth-Related Need for Library Branch			
Year		Population	Square Feet
Base	2023	58,890	38,514
Year 1	2024	60,304	39,438
Year 2	2025	61,758	40,389
Year 3	2026	63,253	41,367
Year 4	2027	64,791	42,373
Year 5	2028	66,371	43,406
Year 6	2029	67,996	44,469
Year 7	2030	69,668	45,563
Seven-Year Increase		10,778	**7,049**
	Projected Expenditure		**$5,189,923**

Growth-Related Expenditures for Library Branch	**$5,189,923**

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Library Collections

Figure 19 depicts projected demand for library collections over the next seven years. Demand from population growth will require 27,452 additional collections to maintain the current LOS for a total cost of approximately $631,000.

Figure 19. Library Collections Needs Analysis

Infrastructure	Level of Service			Cost/Unit
Collection	2,547	Units	per 1,000 persons	$23

Growth-Related Need for Collection			
Year		Population	Collection Units
Base	2023	58,890	149,993
Year 1	2024	60,304	153,595
Year 2	2025	61,758	157,298
Year 3	2026	63,253	161,106
Year 4	2027	64,791	165,022
Year 5	2028	66,371	169,046
Year 6	2029	67,996	173,186
Year 7	2030	69,668	177,445
Seven-Year Increase		10,778	**27,452**
	Projected Expenditure		**$631,405**

Growth-Related Expenditures for Collection	$631,405

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CREDIT FOR ADDITIONAL REVENUE SOURCES

To accommodate growth, the Library Department has prepared a ten-year capital improvement plan, Figure 20. This plan includes library expansions, branch improvements, and collection expansions totally $21 million. There are items in the plan that have a portion that is not impact fee eligible. The project list represents all anticipated capital expansion expenditures over the next ten years and it is anticipated that other revenues will be used to fully fund the plan.

Figure 20. 10-Year Capital Improvement Plan

10-Year Library Capital Plan	
Project	**Cost**
Library Branch Expansion	$16,750,000
Materials Return System	$165,000
Self-check terminals	$80,000
Materials security gates and people counter	$50,000
Computer terminals	$26,500
Makerspace technology and equipment	$100,000
Integrated technology for collaboration rooms	$162,750
Public copier/printer	$18,500
Landscape enhancements and refresh	$150,000
Remodel and upgrade to exterior bookdrop	$1,000,000
Branch Library - Study / Plan	$150,000
Expansion of Existing Pickup Lockers at BCC	$16,500
Additional Offsite Service Location	$100,000
10-Year Library Collection Expansion	$2,250,000
Total	**$21,019,250**

Note: The Capital Plan includes several items that have a portion that is not impact fee eligible. The Capital Plan represents all capital expenditures and is eligible for other funding as well.

There are several sources that are anticipated to fund the capital improvement plan: bond financing (21 percent), private donations (49 percent), and existing impact fee fund balance (4 percent). As a result, a credit is included for each revenue source in the final impact fee calculation to ensure the impact fee is calibrated to the future burden to the City. Furthermore, the future impact fee revenue will mitigate a portion of the remaining funding gap.

Figure 21. Funding Sources for Capital Improvement Plan

Funding Sources	Amount	% of Total
Bond Funding	$4,500,000	21%
Private Donations	$10,250,000	49%
Existing Impact Fee Fund Balance	$847,026	4%
Funding Gap	$5,422,224	26%
Total	**$21,019,250**	**100%**

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LIBRARY IMPACT FEE SUMMARY

The maximum supportable library impact fees are shown in Figure 22. The gross cost per person is reduced by the credits for other revenues to find the net total cost per person. The fee is only assessed to residential development and based on persons per housing unit. For example, the single family detached impact fee is $392 (2.80 persons per housing unit x $140 net cost per person = $392 (rounded)). The current library impact fee is included in the figure illustrating an increase of $214 for single family detached development.

The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 22. Maximum Supportable Library Impact Fees

Fee Component	Cost per Person
Library Branch	$482
Library Collections	$59
Gross Total	**$541**
Credit for Bond Funding (21%)	**($114)**
Credit for Private Donations (49%)	**($265)**
Existing Fund Balance (4%)	**($22)**
Net Total	**$140**

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	**$392**	$178	$214
Single Family Attached	2.24	**$314**	-	-
Multifamily	1.55	**$217**	$112	$105

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CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE

This section summarizes the potential cash flow to the City if the development impact fees are implemented at the maximum supportable amounts. The cash flow projections are based on the assumptions detailed in this chapter and the development projections discussed in Appendix B: Demographic Data.

The summary provides an indication of the impact fee revenue generated by new development. Shown at the bottom of the figure, the maximum supportable library impact fee is estimated to generate $1.5 million in revenue while there is a growth-related cost of $5.8 million. The revenue is able to mitigate 26 percent of growth-related costs. The remaining funding gap is the result of the credit for the other revenue sources available to fund capital expansion projects.

Figure 23. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Library Facilities

	Total Cost	Growth Cost
Library Branch	$5,189,923	$5,189,923
Library Collections	$631,405	$631,405
Total Expenditures	**$5,821,328**	**$5,821,328**

Projected Development Impact Fee Revenue

		Single Family $392 per unit	Multifamily $217 per unit
Year		Housing Units	Housing Units
Base	2023	16,929	7,406
Year 1	2024	17,205	7,820
Year 2	2025	17,489	8,245
Year 3	2026	17,781	8,682
Year 4	2027	18,081	9,132
Year 5	2028	18,389	9,595
Year 6	2029	18,706	10,071
Year 7	2030	19,032	10,561
Seven-Year Increase		2,103	3,155
Projected Revenue		$824,282	$684,687
		Projected Revenue =>	**$1,509,000**
		Total Expenditures =>	**$5,821,000**
		Non-Impact Fee Funding =>	**$4,312,000**

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Police

The police impact fee for Bentonville utilizes an incremental expansion approach, with infrastructure costs allocated to both residential and nonresidential development based on a functional population analysis. The fee includes police facilities, police vehicles, police communication infrastructure.

For residential development, police impact fees are a function of population growth. For nonresidential impact fees, TischlerBise recommends using nonresidential vehicle trips as the best demand indicator for public safety. Trip generation rates are used for nonresidential development because vehicle trips are highest for commercial developments, such as shopping centers, and lowest for industrial/warehouse development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for police services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, police impact fees would be too high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, police impact fees would be too high for industrial development. Further details on vehicle trip rates can be found in the appendix.

PROPORTIONATE SHARE ANALYSIS

Both residential and nonresidential developments increase the demand on police services and facilities. To calculate the proportional share between residential and nonresidential demand on service and facilities, a functional population approach is used. The functional population approach allocates the cost of the facilities to residential and nonresidential development based on the activity of residents and workers in the city through the 24 hours in a day.

Residents that do not work are assigned 20 hours per day to residential development and 4 hours per day to nonresidential development (annualized averages). Residents that work in City of Bentonville are assigned 14 hours to residential development and 10 hours to nonresidential development. Residents that work outside the city are assigned 14 hours to residential development, the remaining hours in the day are assumed to be spent outside of the city working. Inflow commuters are assigned 10 hours to nonresidential development. Based on the most recent functional population data (2018), residential development accounts for 58 percent of the functional population, while nonresidential development accounts for 42 percent.

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Figure 24. Bentonville Functional Population

Bentonville, AR (2018)				
Residential			*Demand*	*Person*
Population*	46,112		*Hours/Day*	*Hours*
Residents Not Working		24,984	20	499,680
Employed Residents		21,128		
Employed in Bentonville		9,351	14	130,914
Employed outside Bentonville		11,777	14	164,878
			Residential Subtotal	795,472
			Residential Share =>	**58%**
Nonresidential				
Non-working Residents		24,984	4	99,936
Jobs Located in Bentonville		48,378		
Residents Employed in Bentonville		9,351	10	93,510
Non-Resident Workers (inflow commuters)		39,027	10	390,270
			Nonresidential Subtotal	583,716
			Nonresidential Share =>	**42%**
			TOTAL	1,379,188

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.
* Source: U.S. Census Bureau, American Community Survey, 2018

LEVELS OF SERVICE STANDARDS AND COST FACTORS FOR POLICE

Police Facilities

Bentonville currently has three police facilities totaling 47,522 square feet. Based on current insurance valuations, the facilities total $18.2 million in value. Figure 25 indicates residential and nonresidential proportionate share factors, current LOS standards, and cost per demand unit calculations. For example, the current residential LOS is derived by multiplying the total square footage by the proportionate share of functional population and dividing by the total population (47,522 square feet x 58 percent proportionate share / 58,890 residents), resulting in a LOS of 468 square feet per 1,000 persons.

The cost per demand unit is derived using the average cost per square foot ($384) and existing LOS discussed above. For example, the cost per person is $180 (384 square feet per 1,000 persons x $384 per square foot = $180 per person).

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Figure 25. Current Level of Service and Cost Factors for Police Facilities

Facility	Square Feet	Replacement Cost [1]
Headquarters	18,885	$6,096,416
Storage	6,500	$1,838,550
CID/Communications/EOQ	22,137	$10,300,500
Total	**47,522**	**$18,235,466**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Floor Area (sq. ft.)	27,563	19,959
2023 Population/Nonres Vehicle Trips	58,890	172,022
Square Feet per 1,000 Persons/Nonres Trips	**468**	**116**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres Trips	468	116
Average Cost per Square Foot	$384	$384
Capital Cost per Person/Nonres Vehicle Trip	**$180**	**$45**

[1] Insurance valuation report

Police Vehicles

Bentonville currently has 105 units in its police fleet. Figure 26 below indicates the type of vehicle, the number owned, and the current cost of replacement. In total, the fleet's value is $6.8 million with an average cost per unit of $65,000. Figure 26 also indicates residential and nonresidential proportionate share factors, current LOS standards, and cost per demand unit calculations. For example, the current residential LOS is derived by multiplying the total number of vehicles by the proportionate share of functional population and dividing by the total population (105 vehicles x 58 percent proportionate share / 58,890 residents), resulting in a LOS of 1.034 vehicles per 1,000 persons.

The cost per demand unit is derived using the average cost per vehicles ($65,000) and existing LOS discussed above. For example, the cost per person is $67 (1.034 vehicles per 1,000 persons x $65,000 per vehicle = $67 per person).

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Figure 26. Current Level of Service and Cost Factors for Police Vehicles

Vehicle Type	Total Units	Cost per Unit	Replacement Cost
Patrol	75	$65,000	$4,875,000
CID/Admin	30	$65,000	$1,950,000
Total	**105**		**$6,825,000**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Fleet	60.9	44.1
2023 Population/Nonres Vehicle Trips	58,890	172,022
Units per 1,000 Persons/Nonres Trips	**1.034**	**0.256**

Cost Analysis	Residential	Nonresidential
Units per 1,000 Persons/Nonres Trips	1.034	0.256
Average Cost per Unit	$65,000	$65,000
Capital Cost per Person/Nonres Vehicle Trip	**$67**	**$17**

Police Communication infrastructure

The police communication infrastructure includes the 911 radio towers and 911 communication dispatch consoles. There are a total of nine units with a total replacement cost of $1.7 million. Figure 27 also indicates residential and nonresidential proportionate share factors, current LOS standards, and cost per demand unit calculations.

The cost per demand unit is derived using the average cost per unit ($189,000) and existing LOS. For example, the cost per person is $17 (0.089 units per 1,000 persons x $189,000 per unit = $17 per person).

Figure 27. Current Level of Service and Cost Factors for Police Communication Infrastructure

Equipment	Total Units	Cost per Unit	Replacement Cost
911 Radio Towers	5	$100,000	$500,000
911 Comms Consoles	4	$300,000	$1,200,000
Total	**9**		**$1,700,000**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Fleet	5.2	3.8
2023 Population/Nonres Vehicle Trips	58,890	172,022
Units per 1,000 Persons/Nonres Trips	**0.089**	**0.022**

Cost Analysis	Residential	Nonresidential
Units per 1,000 Persons/Nonres Trips	0.089	0.022
Average Cost per Unit	$189,000	$189,000
Capital Cost per Person/Nonres Vehicle Trip	**$17**	**$4**

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PROJECTED NEED FOR POLICE FACILITIES

The City of Bentonville updates its impact fee studies on a seven-year cycle. The following figures illustrate the demand from new development over that time based on the study's growth projections.

Police Facilities

Figure 28 depicts projected demand for police facility space over the next seven years. Demand from population and nonresidential growth will require the addition of 9,293 square feet for a total cost of approximately $3.6 million over the next seven years to maintain existing LOS.

Figure 28. Police Facilities Needs Analysis

Infrastructure	Level of Service			Demand Unit	Cost/Sq Ft
Police Facilities	Residential	468	Square Feet	per 1,000 persons	$384
	Nonresidential	116		per 1,000 trips	

Growth-Related Need for Police Facilities						
Year		Population	Nonres. Vehicle Trips	Residential Square Feet	Nonresidential Square Feet	Total Square Feet
Base	2023	58,890	172,022	27,560	19,954	47,514
Year 1	2024	60,304	176,066	28,222	20,423	48,645
Year 2	2025	61,758	182,883	28,902	21,214	50,116
Year 3	2026	63,253	189,700	29,602	22,005	51,607
Year 4	2027	64,791	196,517	30,322	22,796	53,118
Year 5	2028	66,371	200,561	31,061	23,265	54,326
Year 6	2029	67,996	204,605	31,822	23,734	55,556
Year 7	2030	69,668	208,649	32,604	24,203	56,807
Seven-Year Increase		10,778	36,627	**5,044**	**4,249**	**9,293**
		Projected Expenditure		**$1,936,896**	**$1,631,616**	**$3,568,512**

Growth-Related Expenditures for Police Facilities	$3,568,512

Police Vehicles

Figure 29 depicts projected demand for police vehicles over the next seven years. Demand from population and nonresidential growth will require the addition of 20.6 units for a total cost of approximately $1.3 million over the next seven years to maintain existing LOS.

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Figure 29. Police Vehicles Needs Analysis

Infrastructure	Level of Service			Demand Unit	Cost/Unit
Police Vehicles	Residential	1.034	Units	per 1,000 persons	$65,000
	Nonresidential	0.256		per 1,000 trips	

Growth-Related Need for Police Vehicles						
Year		Population	Nonres. Vehicle Trips	Residential Units	Nonresidential Units	Total Units
Base	2023	58,890	172,022	60.8	44.0	104.8
Year 1	2024	60,304	176,066	62.3	45.0	107.3
Year 2	2025	61,758	182,883	63.8	46.8	110.6
Year 3	2026	63,253	189,700	65.4	48.5	113.9
Year 4	2027	64,791	196,517	66.9	50.3	117.2
Year 5	2028	66,371	200,561	68.6	51.3	119.9
Year 6	2029	67,996	204,605	70.3	52.3	122.6
Year 7	2030	69,668	208,649	72.0	53.4	125.4
Seven-Year Increase		10,778	36,627	**11.2**	**9.4**	**20.6**
			Projected Expenditure	**$728,000**	**$611,000**	**$1,339,000**

Growth-Related Expenditures for Police Vehicles	$1,339,000

Police Communication Infrastructure

Figure 30 depicts projected demand for police communication infrastructure over the next seven years. Demand from population and nonresidential growth will require the addition of 1.8 units for a total cost of approximately $340,000 over the next seven years to maintain existing LOS.

Figure 30. Police Communication Infrastructure Needs Analysis

Infrastructure	Level of Service			Demand Unit	Cost/Unit
Police	Residential	0.089	Units	per 1,000 persons	$189,000
Communication	Nonresidential	0.022		per 1,000 trips	

Growth-Related Need for Police						
Year		Population	Nonres. Vehicle Trips	Residential Units	Nonresidential Units	Total Units
Base	2023	58,890	172,022	5.2	3.7	8.9
Year 1	2024	60,304	176,066	5.3	3.8	9.1
Year 2	2025	61,758	182,883	5.4	4.0	9.4
Year 3	2026	63,253	189,700	5.6	4.1	9.7
Year 4	2027	64,791	196,517	5.7	4.3	10.0
Year 5	2028	66,371	200,561	5.9	4.4	10.3
Year 6	2029	67,996	204,605	6.0	4.5	10.5
Year 7	2030	69,668	208,649	6.2	4.5	10.7
Seven-Year Increase		10,778	36,627	**1.0**	**0.8**	**1.8**
			Projected Expenditure	**$189,000**	**$151,200**	**$340,200**

Growth-Related Expenditures for Police Communication	$340,200

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POLICE CAPITAL IMPROVEMENT PLANS

The Police Capital Improvement Plan (CIP) is listed in Figure 31. As indicated, there are plans to expanded and improve the three components included in the impact fee analysis. The plans satisfy the estimated growth-related needs to keep providing the current LOS.

Figure 31. Police Capital Improvement Plans

Police Capital Improvement Plan	
Project	**Improvement**
Training Facility	Phase 2, similar to Fayetteville facility, ~$8 million
Substation	Expansion for future staff and evidence storage
Vehicles	21 units for future patrol and CID hires
Radio Tower #6	Expanded network, not being covered by the 2021 Bond

DEBT SERVICE CREDIT EVALUATION

In 2021, Bentonville voters approved a referendum to finance a variety of projects through sales tax bonds that included improvements to the City's public safety radio communication system. To avoid potential double payment for police improvements, a credit is necessary because new development that will pay the impact fee will also contribute to future payments on this remaining debt through sales tax revenue. Future payments are planned through 2046, 23 years from this study. Conservatively, the next 20 years of payments are included in the credit.

As shown in Figure 32, future payments are distributed based on proportionate share for residential and nonresidential uses. To account for the time value of money, annual payments per person and nonresidential vehicle trip are discounted using a net present value formula based on an average current interest rate of the bond, 3.00 percent. The total net present value of future payments per person is $12 per person and $3 per nonresidential vehicle trip. This amount is subtracted from the gross capital cost per demand unit for residential and nonresidential development to derive a net capital cost for police facilities.

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Figure 32. Police Future Debt Payment Credit

Fiscal Year	Payment	Residential 58%	Nonresidential 42%
2023	$53,280	$30,902	$22,378
2024	$53,280	$30,902	$22,378
2025	$117,923	$68,395	$49,528
2026	$137,595	$79,805	$57,790
2027	$137,460	$79,727	$57,733
2028	$137,621	$79,820	$57,801
2029	$137,545	$79,776	$57,769
2030	$137,390	$79,686	$57,704
2031	$137,828	$79,940	$57,888
2032	$137,650	$79,837	$57,813
2033	$137,550	$79,779	$57,771
2034	$137,523	$79,763	$57,760
2035	$137,563	$79,787	$57,776
2036	$137,497	$79,748	$57,749
2037	$137,494	$79,747	$57,747
2038	$6,661	$3,863	$2,798
2039	$6,661	$3,863	$2,798
2040	$6,661	$3,863	$2,798
2041	$6,661	$3,863	$2,798
2042	$6,661	$3,863	$2,798
2043	$6,661	$3,863	$2,798
Total	**$1,915,165**	**$1,110,792**	**$804,373**

Residential

Fiscal Year	Payment	Projected Population	Payment/ Capita
2023	$30,902	58,890	$0.52
2024	$30,902	60,304	$0.51
2025	$68,395	61,758	$1.11
2026	$79,805	63,253	$1.26
2027	$79,727	64,791	$1.23
2028	$79,820	66,371	$1.20
2029	$79,776	67,996	$1.17
2030	$79,686	69,668	$1.14
2031	$79,940	71,237	$1.12
2032	$79,837	72,846	$1.10
2033	$79,779	74,496	$1.07
2034	$79,763	76,423	$1.04
2035	$79,787	78,399	$1.02
2036	$79,748	80,426	$0.99
2037	$79,747	82,506	$0.97
2038	$3,863	84,639	$0.05
2039	$3,863	86,828	$0.04
2040	$3,863	89,073	$0.04
2041	$3,863	91,377	$0.04
2042	$3,863	93,740	$0.04
2043	$3,863	96,164	$0.04
Total	**$1,110,792**		**$15.70**
		Discount Rate	3.00%
		Total Credit	**$12**

Nonresidential

Fiscal Year	Payment	Projected Nonres. Vehicle Trips	Payment/ Trip
2023	$22,378	172,022	$0.13
2024	$22,378	176,066	$0.13
2025	$49,528	182,883	$0.27
2026	$57,790	189,700	$0.30
2027	$57,733	196,517	$0.29
2028	$57,801	200,561	$0.29
2029	$57,769	204,605	$0.28
2030	$57,704	208,649	$0.28
2031	$57,888	212,693	$0.27
2032	$57,813	216,737	$0.27
2033	$57,771	220,781	$0.26
2034	$57,760	224,825	$0.26
2035	$57,776	220,549	$0.26
2036	$57,749	229,064	$0.25
2037	$57,747	237,579	$0.24
2038	$2,798	246,093	$0.01
2039	$2,798	254,608	$0.01
2040	$2,798	263,123	$0.01
2041	$2,798	271,638	$0.01
2042	$2,798	280,153	$0.01
2043	$2,798	288,668	$0.01
Total	**$804,373**		**$3.84**
		Discount Rate	3.00%
		Total Credit	**$3**

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EXISTING IMPACT FEE FUND BALANCE CREDIT EVALUATION

To ensure that the impact fee is calibrated to growth's burden on the City of Bentonville a credit is included for the existing balance of collected police impact fees that will be used to fund future capital expansions. Listed in Figure 33 there is an estimated $5.2 million in growth-related costs for the next seven years and an existing balance of $2.6 million (50 percent of the capital costs). As a result, there is a 50 percent credit included in the final police impact fee calculation.

Figure 33. Credit for Police Impact Fee Fund Balance

	7-Year Need to Accommodate Growth		
Infrastructure	Square Feet	Units	Total Cost
Police Facilities	9,293	-	$3,568,512
Police Vehicles	-	20.6	$1,339,000
Police Communication	-	1.8	$340,200
Total	**9,293.0**	**22.4**	**$5,247,712**

Existing Impact Fee Fund Balance	**$2,645,822**	**50%**
Future Funding Needs	**$2,601,890**	**50%**

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POLICE IMPACT FEE SUMMARY

The maximum supportable police impact fees are shown in Figure 34. For residential development, police impact fees are based on persons per housing unit. For example, the single family detached impact fee is $333 (2.80 persons per housing unit x $119 net cost per person = $333 (rounded)). The nonresidential fees are the product of vehicle trips per 1,000 square feet multiplied by the net capital cost per nonresidential vehicle trip. The current police impact fee is included in the figure illustrating a decrease of $213 for single family detached development.

The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 34. Maximum Supportable Police Impact Fees

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trips
Police Station	$180	$45
Police Vehicles	$67	$17
Communication Infrast.	$17	$4
Gross Total	$264	$66
Credit for Debt Payments	($12)	($3)
Credit for Existing Fund Balance (50%)	($133)	($33)
Net Total	**$119**	**$30**

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	**$333**	$546	($213)
Single Family Attached	2.24	**$267**	-	-
Multifamily	1.55	**$184**	$344	($160)

Nonresidential

Development Type	Vehicle Trips	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Noresidential (per 1,000 Square Feet)				
Retail	14.06	**$422**	$615	($193)
Office	5.42	**$163**	$233	($70)
Industrial	2.38	**$71**	$81	($10)
Institutional	5.39	**$162**	-	-

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CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE

This section summarizes the potential cash flow to the City if the development impact fees are implemented at the maximum supportable amounts. The cash flow projections are based on the assumptions detailed in this chapter and the development projections discussed in Appendix B: Demographic Data.

The summary provides an indication of the impact fee revenue generated by new development. Shown at the bottom of the figure, the maximum supportable police impact fee is estimated to generate $2.4 million in revenue while there is a growth-related cost of $5.2 million. The revenue is able to mitigate 45 percent of growth-related costs. The remaining funding gap is the result of the credit for future debt payments and the existing impact fee fund balance.

Figure 35. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Police Facilities

	Total Cost	Growth Cost
Police Station	$3,568,512	$3,568,512
Police Vehicles	$1,339,000	$1,339,000
Communication Infrast.	$340,200	$340,200
Total Expenditures	**$5,247,712**	**$5,247,712**

Projected Development Impact Fee Revenue

Year		Single Family $333 per unit	Multifamily $184 per unit	Retail $422 per KSF	Office $163 per KSF	Industrial $71 per KSF	Institutional $162 per KSF
		Housing Units	Housing Units	KSF	KSF	KSF	KSF
Base	2023	16,929	7,406	6,905	9,750	3,117	2,722
Year 1	2024	17,205	7,820	7,117	9,819	3,204	2,813
Year 2	2025	17,489	8,245	7,328	10,399	3,292	2,904
Year 3	2026	17,781	8,682	7,539	10,980	3,379	2,995
Year 4	2027	18,081	9,132	7,751	11,560	3,466	3,086
Year 5	2028	18,389	9,595	7,962	11,629	3,553	3,177
Year 6	2029	18,706	10,071	8,174	11,698	3,641	3,268
Year 7	2030	19,032	10,561	8,385	11,767	3,728	3,359
Seven-Year Increase		2,103	3,155	1,480	2,017	611	637
Projected Revenue		$700,219	$580,564	$624,600	$328,717	$43,359	$103,180

Projected Revenue =>	**$2,381,000**
Total Expenditures =>	**$5,248,000**
Non-Impact Fee Funding =>	**$2,867,000**

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Fire

The fire impact fee for Bentonville utilizes a plan-based approach that compares the capital expansion plans and infrastructure costs to future development allocated to both residential and nonresidential growth based on an analysis of calls for service data. The fee includes a fire station and fire apparatus component that provide a citywide benefit. The previous impact fee study did not include fire stations because at that time there were no plans to construct new stations.

For residential development, fire impact fees are a function of population growth. For nonresidential impact fees, TischlerBise recommends using nonresidential vehicle trips as the best demand indicator for fire and emergency medical apparatus. Trip generation rates are used for nonresidential development because vehicle trips are highest for commercial developments, such as shopping centers, and lowest for industrial/warehouse development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for fire and emergency medical services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, fire impact fees would be too high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, fire impact fees would be too high for industrial development. Further details on vehicle trip rates can be found in the appendix.

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PROPORTIONATE SHARE ANALYSIS

The fire impact fee uses an annual report of calls for service to attribute demand on fire station and fire apparatus from residential and nonresidential development. Of the total, 46 percent of calls were to residential locations, 40 percent to nonresidential locations, and 14 percent were to traffic incidents. The traffic incidents are split to residential and nonresidential locations based on the current vehicle trip generation estimates. As a result, 53 percent of calls are considered to be based on residential demand and 47 percent of calls are considered to be on nonresidential demand.

Figure 36. Fire Department Calls for Service

Location	Calls for Service	Percent of Total
Residential	3,242	46%
Nonresidential	2,777	40%
Traffic	978	14%
Total	**6,997**	**100%**

Location	Vehicle Trips	Percent of Total
Residential	142,606	45%
Nonresidential	172,022	55%
Total	**314,628**	**100%**

Location	Adj. Vehicle Trips	Percent of Total
Residential	3,685	**53%**
Nonresidential	3,312	**47%**
Total	**6,997**	**100%**

FIRE CAPITAL IMPROVEMENT PLANS

The Fire Capital Improvement Plan (CIP) is listed in Figure 37. As indicated, there are plans to construct Fire Station #8 with an estimated cost of $4.5 million. Along with the need to provide a new fire truck at Station #8 there are new administrative and training vehicles needed to support the department's growth.

Figure 37. Fire Capital Improvement Plans

Fire Capital Improvement Plan			
Project	**Need**	**Units**	**Total Cost**
Fire Station #8	10,000	square feet	$4,500,000
Fire Truck	1	units	$960,000
Battalion Truck	1	units	$120,000
Training and Admin Truck	2	units	$120,000
		Total	**$5,700,000**

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LEVELS OF SERVICE STANDARDS AND COST FACTORS FOR FIRE

Fire Stations

Bentonville Fire Department plans to construction Fire Station #8 in the next seven years to accommodate citywide growth. The station is anticipated to be 10,000 square feet and cost $4.5 million. The capital expansion is compared to the 7-year growth projection to calculate capital cost factors. Figure 38 indicates residential and nonresidential proportionate share factors, LOS standards, and cost per demand unit calculations. For example, the residential LOS is derived by multiplying the total square footage by the proportionate share and dividing by the 7-year increase in population (10,000 square feet x 53 percent proportionate share / 10,778 residents), resulting in a LOS of 489 square feet per 1,000 persons.

The cost per demand unit is derived using the average cost per square foot ($450) and LOS discussed above. For example, the cost per person is $220 (489 square feet per 1,000 persons x $450 per square foot = $220 per person).

Figure 38. Current Level of Service and Cost Factors for Fire Station

Facility	Square Feet	Replacement Cost
Fire Station #8	10,000	$4,500,000
Total	**10,000**	**$4,500,000**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	53%	47%
Share of Floor Area (sq. ft.)	5,267	4,733
7-Year Increase in Population and Nonres Trips	10,778	36,627
Square Feet per 1,000 Persons/Nonres Trips	**489**	**129**

Cost Analysis	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres Trips	489	129
Average Cost per Square Foot	$450	$450
Capital Cost per Person/Nonres Vehicle Trip	**$220**	**$58**

Source: Bentonville Fire Department

Fire Apparatus

Bentonville Fire Department plans to expand its vehicle fleet by four units over the next seven years to accommodate citywide growth. This includes a new fire truck for Station #8 and three administrative vehicles. The capital expansion plan is compared to the 7-year growth projection to calculate capital cost factors. Figure 39 also indicates residential and nonresidential proportionate share factors, LOS standards, and cost per demand unit calculations. For example, the residential LOS is derived by multiplying the number of apparatus by the proportionate share and dividing by the total population (4 apparatus x 53 percent proportionate share / 10,778 residents), resulting in a LOS of 0.195 apparatus per 1,000 persons.

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The cost per demand unit is derived using the average cost per apparatus ($300,000) and LOS discussed above. For example, the cost per person is $59 (0.195 apparatus per 1,000 persons x $300,000 per apparatus = $59 per person).

Figure 39. Current Level of Service and Cost Factors for Fire Apparatus

Vehicle Type	Total Units	Cost per Unit	Replacement Cost
Fire Truck	1	$960,000	$960,000
Battalion Truck	1	$120,000	$120,000
Training and Admin Truck	2	$60,000	$120,000
Total	**4**		**$1,200,000**

Level-of-Service Standards	Residential	Nonresidential
Proportionate Share	53%	47%
Share of Fleet	2.1	1.9
7-Year Increase in Population and Nonres Trips	10,778	36,627
Units per 1,000 Persons/Nonres Trips	**0.195**	**0.052**

Cost Analysis	Residential	Nonresidential
Units per 1,000 Persons/Nonres Trips	0.195	0.052
Average Cost per Unit	$300,000	$300,000
Capital Cost per Person/Nonres Vehicle Trip	**$59**	**$16**

Source: Bentonville Fire Department

DEBT SERVICE CREDIT EVALUATION

In 2021, Bentonville voters approved a referendum to finance a variety of projects through sales tax bonds that included a fire training facility. To avoid potential double payment for fire improvements, a credit is necessary because new development that will pay the impact fee will also contribute to future payments on this remaining debt through sales tax revenue. Future payments are planned through 2046, 23 years from this study. Conservatively, the next 20 years of payments are included in the credit.

As shown in Figure 40, future payments are distributed based on proportionate share for residential and nonresidential uses. To account for the time value of money, annual payments per person and nonresidential vehicle trip are discounted using a net present value formula based on an average current interest rate of the bond, 3.00 percent. The total net present value of future payments per person is $6 per person and $1 per nonresidential vehicle trip. This amount is subtracted from the gross capital cost per demand unit for residential and nonresidential development to derive a net capital cost for fire facilities.

Figure 40. Fire Future Debt Payment Credit

Fiscal Year	Payment	Residential 58%	Nonresidential 42%
2023	$25,187	$14,608	$10,579
2024	$25,187	$14,608	$10,579
2025	$55,745	$32,332	$23,413
2026	$65,045	$37,726	$27,319
2027	$64,981	$37,689	$27,292
2028	$65,057	$37,733	$27,324
2029	$65,021	$37,712	$27,309
2030	$64,948	$37,670	$27,278
2031	$65,155	$37,790	$27,365
2032	$65,071	$37,741	$27,330
2033	$65,023	$37,713	$27,310
2034	$65,011	$37,706	$27,305
2035	$65,030	$37,717	$27,313
2036	$64,999	$37,699	$27,300
2037	$64,997	$37,698	$27,299
2038	$3,149	$1,826	$1,323
2039	$3,149	$1,826	$1,323
2040	$3,149	$1,826	$1,323
2041	$3,149	$1,826	$1,323
2042	$3,149	$1,826	$1,323
2043	$3,149	$1,826	$1,323
Total	**$905,351**	**$525,098**	**$380,253**

Residential

Fiscal Year	Payment	Projected Population	Payment/ Capita
2023	$14,608	58,890	$0.25
2024	$14,608	60,304	$0.24
2025	$32,332	61,758	$0.52
2026	$37,726	63,253	$0.60
2027	$37,689	64,791	$0.58
2028	$37,733	66,371	$0.57
2029	$37,712	67,996	$0.55
2030	$37,670	69,668	$0.54
2031	$37,790	71,237	$0.53
2032	$37,741	72,846	$0.52
2033	$37,713	74,496	$0.51
2034	$37,706	76,423	$0.49
2035	$37,717	78,399	$0.48
2036	$37,699	80,426	$0.47
2037	$37,698	82,506	$0.46
2038	$1,826	84,639	$0.02
2039	$1,826	86,828	$0.02
2040	$1,826	89,073	$0.02
2041	$1,826	91,377	$0.02
2042	$1,826	93,740	$0.02
2043	$1,826	96,164	$0.02
Total	**$525,098**		**$7.43**
		Discount Rate	3.00%
		Total Credit	**$6**

Nonresidential

Fiscal Year	Payment	Projected Nonres. Vehicle Trips	Payment/ Trip
2023	$10,579	172,022	$0.06
2024	$10,579	176,066	$0.06
2025	$23,413	182,883	$0.13
2026	$27,319	189,700	$0.14
2027	$27,292	196,517	$0.14
2028	$27,324	200,561	$0.14
2029	$27,309	204,605	$0.13
2030	$27,278	208,649	$0.13
2031	$27,365	212,693	$0.13
2032	$27,330	216,737	$0.13
2033	$27,310	220,781	$0.12
2034	$27,305	224,825	$0.12
2035	$27,313	220,549	$0.12
2036	$27,300	229,064	$0.12
2037	$27,299	237,579	$0.11
2038	$1,323	246,093	$0.01
2039	$1,323	254,608	$0.01
2040	$1,323	263,123	$0.01
2041	$1,323	271,638	$0.00
2042	$1,323	280,153	$0.00
2043	$1,323	288,668	$0.00
Total	**$380,253**		**$1.81**
		Discount Rate	3.00%
		Total Credit	**$1**

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EXISTING IMPACT FEE FUND BALANCE CREDIT EVALUATION

To ensure that the impact fee is calibrated to growth's burden on the City of Bentonville a credit is included for the existing balance of collected fire impact fees that will be used to fund future capital expansions. Listed in Figure 41 the growth-related capital expansion plan for fire infrastructure is $5.7 million and there is an existing fire impact fee balance of $1.9 million (34 percent of the capital costs). As a result, there is a 34 percent credit included in the final fire impact fee calculation.

Figure 41. Credit for Fire Impact Fee Fund Balance

	7-Year Need to Accommodate Growth		
Infrastructure	Square Feet	Units	Total Cost
Fire Station	10,000	-	$4,500,000
Fire Vehicles	-	4.0	$1,200,000
Total	**10,000**	**4.0**	**$5,700,000**

Existing Impact Fee Fund Balance	**$1,941,435**	**34%**
Future Funding Needs	**$3,758,565**	**66%**

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FIRE IMPACT FEE SUMMARY

The maximum supportable fire impact fees are shown in Figure 42. For residential development, fire impact fees are based on persons per housing unit. For example, the single family detached impact fee is $498 (2.80 persons per housing unit x $178 net cost per person = $498 (rounded)). The nonresidential fees are the product of vehicle trips per 1,000 square feet multiplied by the net capital cost per nonresidential vehicle trip. The current fire impact fee is included in the figure illustrating an increase of $180 for single family detached development. Importantly, the increase reflects the addition of fire stations in the impact fee program.

The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 42. Maximum Supportable Fire Impact Fees

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trips
Fire Station	$220	$58
Fire Vehicles	$59	$16
Gross Total	$279	$74
Credit for Debt Payments	($6)	($1)
Credit for Fund Balance (34%)	($95)	($25)
Net Total	**$178**	**$48**

Residential

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.80	**$498**	$318	$180
Single Family Attached	2.24	**$399**	-	-
Multifamily	1.55	**$276**	$200	$76

Nonresidential

Development Type	Vehicle Trips	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Noresidential (per 1,000 Square Feet)				
Retail	14.06	**$675**	$357	$318
Office	5.42	**$260**	$135	$125
Industrial	2.38	**$114**	$47	$67
Institutional	5.39	**$258**	-	-

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CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE

This section summarizes the potential cash flow to the City if the development impact fees are implemented at the maximum supportable amounts. The cash flow projections are based on the assumptions detailed in this chapter and the development projections discussed in Appendix B: Demographic Data.

The summary provides an indication of the impact fee revenue generated by new development. Shown at the bottom of the figure, the maximum supportable fire impact fee is estimated to generate $3.7 million in revenue while there is a growth-related cost of $5.7 million. The revenue is able to mitigate 65 percent of growth-related costs. The remaining funding gap is the result of the credit for future debt payments and the existing impact fee fund balance.

Figure 43. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Fire Facilities

	Total Cost	Growth Cost
Fire Station	$4,500,000	$4,500,000
Fire Vehicles	$1,200,000	$1,200,000
Total Expenditures	**$5,700,000**	**$5,700,000**

Projected Development Impact Fee Revenue

Year		Single Family $498 per unit	Multifamily $276 per unit	Retail $675 per KSF	Office $260 per KSF	Industrial $114 per KSF	Institutional $258 per KSF
		Housing Units	Housing Units	KSF	KSF	KSF	KSF
Base	2023	16,929	7,406	6,905	9,750	3,117	2,722
Year 1	2024	17,205	7,820	7,117	9,819	3,204	2,813
Year 2	2025	17,489	8,245	7,328	10,399	3,292	2,904
Year 3	2026	17,781	8,682	7,539	10,980	3,379	2,995
Year 4	2027	18,081	9,132	7,751	11,560	3,466	3,086
Year 5	2028	18,389	9,595	7,962	11,629	3,553	3,177
Year 6	2029	18,706	10,071	8,174	11,698	3,641	3,268
Year 7	2030	19,032	10,561	8,385	11,767	3,728	3,359
Seven-Year Increase		2,103	3,155	1,480	2,017	611	637
Projected Revenue		$1,047,175	$870,846	$999,064	$524,334	$69,619	$164,323

Projected Revenue =>	**$3,675,000**
Total Expenditures =>	**$5,700,000**
Non-Impact Fee Funding =>	**$2,025,000**

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Appendix A: Land Use Definitions

RESIDENTIAL DEVELOPMENT

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Importantly, the occupancy (owner or renter) of the housing unit does not influence the housing type determination.

Single Family Detached:

- Single family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides.
- Mobile home includes both occupied and vacant mobile homes, to which no permanent rooms have been added, are counted in this category. Mobile homes used only for business purposes or for extra sleeping space and mobile homes for sale on a dealer's lot, at the factory, or in storage are not counted in the housing inventory.

Single Family Attached:

- Single family attached (townhouse) is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

Multifamily:

- 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with "2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments."
- Boat, RV, Van, etc. includes any living quarters occupied as a housing unit that does not fit the other categories (e.g., houseboats, railroad cars, campers, and vans). Recreational vehicles, boats, vans, railroad cars, and the like are included only if they are occupied as a current place of residence.

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NONRESIDENTIAL DEVELOPMENT

The proposed general nonresidential development categories (defined below) can be used for all new construction within Bentonville. Nonresidential development categories represent general groups of land uses that share similar average weekday vehicle trip generation rates and employment densities (i.e., jobs per thousand square feet of floor area).

Retail: Establishments primarily selling merchandise, eating/drinking places, and entertainment uses. By way of example, *Retail* includes shopping centers, supermarkets, pharmacies, restaurants, bars, nightclubs, automobile dealerships, and movie theaters, hotels, and motels.

- Examples of respective land use codes in the Institute of Transportation Engineers Trip Generation Manual, 2021: 820, 815, 823, 850, 875, 880

Office: Establishments providing management, administrative, professional, or business services; By way of example, *Office* includes business offices, headquarter buildings, business parks, and research and development centers.

- Examples of respective land use codes in the Institute of Transportation Engineers Trip Generation Manual, 2021: 710, 712, 714, 750, 770

Industrial: Establishments primarily engaged in the production, transportation, or storage of goods. By way of example, *Industrial* includes manufacturing plants, distribution warehouses, trucking companies, utility substations, power generation facilities, and telecommunications buildings.

- Examples of respective land use codes in the Institute of Transportation Engineers Trip Generation Manual, 2021: 110, 130, 150, 154, 160, 170

Institutional: Establishments providing management, administrative, professional, or business services; By way of example, *Institutional* includes assisted living facilities, nursing homes, hospitals, medical offices, veterinarian clinics, schools, universities, churches, daycare facilities, government buildings, and prisons.

- Examples of respective land use codes in the Institute of Transportation Engineers Trip Generation Manual, 2021: 520, 560, 565, 575, 580, 590

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Appendix B: Demographic Data

As part of our Work Scope, TischlerBise has prepared documentation on demographic data and development projections that will be used in the City of Bentonville Impact Fee Study. The data estimates and projections are used in the study's calculations and to illustrate the possible future pace of service demands on the City's infrastructure. Furthermore, the memo demonstrates the history of development and base year development levels in Bentonville. The demographic assumptions are used in the impact fee calculations to determine current and future levels of service.

The factors provide assumptions for the final impact fee model, and once finalized, this memo will become part of the final report and/or model documentation.

This memo includes discussion and findings on:

- Household/housing unit size
- Current population and housing unit estimates
- Residential projections
- Current employment and nonresidential floor area estimates
- Nonresidential projections
- Functional population
- Vehicle trip generation and projections

Note: calculations throughout this technical memo are based on an analysis conducted using Excel software. Results are discussed in the memo using one-and two-digit places (in most cases), which represent rounded figures. However, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).

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POPULATION AND HOUSING CHARACTERISTICS

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate share fee amounts. Housing types have varying household sizes and, consequently, a varying demand on City infrastructure and services. Thus, it is important to differentiate between housing types and size.

When persons per housing unit (PPHU) is used in the development impact fee calculations, infrastructure standards are derived using year-round population. In contrast, when persons per household (PPHH) is used in the development impact fee calculations, the fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. In this case, TischlerBise recommends that fees for residential development in Bentonville be imposed according to persons per housing unit.

Based on housing characteristics, TischlerBise recommends using two housing unit categories for the impact fee study: (1) Single Family and (2) Multifamily. Each housing type has different characteristics which results in a different demand on City facilities and services. Figure 44 shows the US Census American Community Survey 2021 5-Year Estimates data for the City of Bentonville. Single family units have a household size of 2.80 persons and multifamily units have a household size of 1.55 persons. Additionally, there is a housing mix of 70 percent single family and 30 percent multifamily.

The estimates in Figure 44 are for household size calculations. Base year population and housing units are estimated with another, more recent data source.

Figure 44. Persons per Housing Unit

Housing Type	Persons	Housing Units	Persons per Housing Unit	Households	Persons per Household	Housing Unit Mix
Single Family [1]	41,678	14,877	**2.80**	14,128	2.95	70%
Multifamily [2]	10,078	6,508	**1.55**	5,445	1.85	30%
Total	51,756	21,385	**2.42**	19,573	2.64	

[1] Includes attached and detached single family homes and mobile homes
[2] Includes structures with 2+ units
Source: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates

BASE YEAR POPULATION AND HOUSING UNITS

The City releases its annual *Development Report* to provide the public with a profile of growth and development in the city. Based on the report, Bentonville population in December 31, 2022 was 58,890. The year-end population is used in the impact fee analysis to capsulate the level of service at the start of the 2023 calendar year.

Furthermore, based on the average PPHU listed in Figure 44 (2.42 persons per housing unit) there is an estimated 24,335 housing units in Bentonville. Additionally, based on the 70/30 housing mix, there is an estimated 16,929 single family units and 7,406 multifamily units.

Figure 45. Base Year Housing Units

City of Bentonville	Base Year 2023
Population [1]	58,890
Housing Units [2]	
Single Family	16,929
Multifamily	7,406
Total Housing Units	24,335

[1] Source: Bentonville Development Report 2022; Population estimate for December 31, 2022 is used for the beginning of 2023.
Source: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates

RESIDENTIAL CONSTRUCTION TREND

There has been a consistent and significant amount of residential growth in Bentonville. Since 2018, despite the recessionary fears during covid-19, there has been an annual total of 655 to 1,671 housing units constructed. On average, 409 single family and 599 multifamily units have been constructed annually. Varying from the current housing stock in the city, the development trend has been more multifamily construction than single family construction. This is anticipated to continue and the 40/60 housing mixture is incorporated in the housing growth projections.

With that said, the 5-year annual average of 1,008 units is considered to be slightly skewed too high because of the spike in multifamily growth in 2019. Removing 2019, the city has been averaging about 840 units per year.

Figure 46. 5-Year New Housing Unit Totals

Housing Type	2018	2019	2020	2021	2022	Total	Average	% of Total
Single Family	494	461	405	277	410	2,047	**409**	40%
Multifamily	404	1,210	524	378	478	2,994	**599**	60%
Total	898	1,671	929	655	888	5,041	**1,008**	100%

Source: Bentonville Development Report 2022

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HOUSING UNIT AND POPULATION PROJECTIONS

In the Bentonville *Community Plan* are future population estimates. The estimates were calculated in 2018, before the recent acceleration in development. Consequently, the estimates are slightly lower than the present population. However, the annual growth rates are still considered appropriate. Over the next ten years, the Bentonville population is estimated to grow to nearly 74,500 residents, a 26.5 percent increase from the base year. Following the population growth, 7,613 new housing units are projected (40 percent single family/60 percent multifamily).

Annually, the housing projections average 760 new homes, less than the recent construction activity. However, the conservative estimate allows for market adjustments over the next ten years and possible land capacity limits within the current city boundaries.

Figure 47. Residential Development Projections

City of Bentonville	Base Year 2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Total Increase
Population	58,890	60,304	61,758	63,253	64,791	66,371	67,996	69,668	71,237	72,846	74,496	**15,606**
Percent Increase		*2.4%*	*2.4%*	*2.4%*	*2.4%*	*2.4%*	*2.4%*	*2.5%*	*2.3%*	*2.3%*	*2.3%*	*26.5%*
Housing Units												
Single Family	16,929	17,205	17,489	17,781	18,081	18,389	18,706	19,032	19,338	19,652	19,974	**3,045**
Multifamily	7,406	7,820	8,245	8,682	9,132	9,595	10,071	10,561	11,020	11,491	11,974	**4,568**
Total Housing Units	24,335	25,025	25,734	26,463	27,213	27,984	28,777	29,593	30,358	31,143	31,948	**7,613**

Source: Population and housing development projections are based on annual growth rates calculated from estimates in Bentonville *Community Plan* and PPHU factors by type of housing unit.

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CURRENT EMPLOYMENT AND NONRESIDENTIAL FLOOR AREA

Base year employment estimates are produced with data from the Northwest Arkansas Regional Planning Commission (NWARPC) Travel Demand Model. The GIS-based database provides employment estimates for years 2018, 2025, 2035, and 2045 at the traffic analysis zone (TAZ) level. The City of Bentonville TAZs are summed and the 2023 estimates are found with a straight-line calculation from 2018 to 2025. Shown in Figure 48, there is a total of 60,101 jobs in Bentonville, over half in office industries.

The employment estimates are combined with density factors to calculate base year nonresidential floor area. The density factors are from the Institute of Transportation Engineers' *Trip Generation* Manual (2021) and the applied factors are found in Figure 49. For example, retail employment is combined with the density factor for the Shopping Center land use (471 square feet per employee) to find the total retail square footage in Bentonville (14,661 retail employees x 471 square feet per job = 6,905,097 square feet).

Figure 48. Base Year Employment and Nonresidential Floor Area

Employment Industries	Base Year Jobs [1]	Percent of Total	Sq. Ft. per Job [2]	Base Year Floor Area (sq. ft.)	Percent of Total
Retail	14,661	24%	471	6,905,097	31%
Office	31,759	53%	307	9,750,064	43%
Industrial	5,904	10%	528	3,117,170	14%
Institutional	7,778	13%	350	2,722,149	12%
Total	**60,101**	**100%**		**22,494,479**	**100%**

[1] Source: Northwest Arkansas Regional Planning Commission Travel Demand Model; TischlerBise analysis

[2] Source: Institute of Transportation Engineers, *Trip Generation*, 10th Edition (2017)

Figure 49. Institute of Transportation Engineers (ITE) Employment Density Factors

Employment Industry	ITE Code	Land Use	Demand Unit	Emp Per Dmd Unit	Sq Ft Per Emp
Retail	820	Shopping Center	1,000 Sq Ft	2.12	471
Office	710	General Office	1,000 Sq Ft	3.26	307
Industrial	140	Manufacturing	1,000 Sq Ft	1.89	528
Institutional	610	Hospital	1,000 Sq Ft	2.86	350

Source: *Trip Generation*, Institute of Transportation Engineers, 11th Edition (2021)

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EMPLOYMENT AND NONRESIDENTIAL FLOOR AREA PROJECTIONS

Following the NWARPC Travel Demand Model, employment and floor area projections are provided in Figure 50. Additionally, Walmart is constructing a new headquarters which is estimated to house 15,000 office employees. Currently, there is an estimated 10,000 employees at the existing headquarters in Bentonville, thus the expansion will be a net positive of 5,000 new office employees. This specific expansion was not included in the Travel Demand Model, so the net new jobs are included in the projections over three years starting in 2025.

Overall, there is a projected increase of 16,000 jobs in Bentonville over the next ten years, an increase of 27 percent from the base year. The employment projections have been combined with the employee density factors to estimate the new nonresidential floor area. As a result, 6.1 million square feet are estimated over the next ten years, including over 2 million square feet in both office and retail development.

Figure 50. Employment and Nonresidential Floor Area Projections

Industry	Base Year 2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Total Increase
Jobs [1]												
Retail	14,661	15,109	15,558	16,007	16,456	16,905	17,354	17,803	18,252	18,701	19,150	**4,489**
Office	31,759	31,983	33,874	35,765	37,656	37,880	38,104	38,328	38,552	38,776	39,001	**7,241**
Industrial	5,904	6,069	6,234	6,399	6,565	6,730	6,895	7,060	7,226	7,391	7,556	**1,652**
Institutional	7,778	8,038	8,297	8,557	8,817	9,077	9,337	9,597	9,857	10,117	10,377	**2,600**
Total	60,101	61,199	63,964	66,729	69,494	70,592	71,690	72,789	73,887	74,985	76,083	**15,983**
Nonresidential Floor Area (1,000 sq. ft.) [2]												
Retail	6,905	7,117	7,328	7,539	7,751	7,962	8,174	8,385	8,597	8,808	9,020	**2,114**
Office	9,750	9,819	10,399	10,980	11,560	11,629	11,698	11,767	11,836	11,904	11,973	**2,223**
Industrial	3,117	3,204	3,292	3,379	3,466	3,553	3,641	3,728	3,815	3,902	3,990	**872**
Institutional	2,722	2,813	2,904	2,995	3,086	3,177	3,268	3,359	3,450	3,541	3,632	**910**
Total	22,494	22,953	23,923	24,893	25,863	26,322	26,780	27,239	27,697	28,156	28,614	**6,120**

[1] Source: Northwest Arkansas Regional Planning Commission Travel Demand Model; TischlerBise analysis
[2] Source: Institute of Transportation Engineers, *Trip Generation*, 10th Edition (2017)
[3] The Walmart HQ expansion project is estimated to have 15,000 total office jobs. Currently, there is an estimated 10,000 office jobs at the existing HQ. The 5,000 additional jobs are assumed over three years beginning in 2025.

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FUNCTIONAL POPULATION

Both residential and nonresidential developments increase the demand on City services and facilities. To calculate the proportional share between residential and nonresidential demand on service and facilities, a functional population approach is used. The functional population approach allocates the cost of the facilities to residential and nonresidential development based on the activity of residents and workers in the city through the 24 hours in a day.

Residents that do not work are assigned 20 hours per day to residential development and 4 hours per day to nonresidential development (annualized averages). Residents that work in City of Bentonville are assigned 14 hours to residential development and 10 hours to nonresidential development. Residents that work outside the city are assigned 14 hours to residential development, the remaining hours in the day are assumed to be spent outside of the city working. Inflow commuters are assigned 10 hours to nonresidential development. Based on the most recent functional population data (2018), residential development accounts for 58 percent of the functional population, while nonresidential development accounts for 42 percent.

Figure 51. City of Bentonville Functional Population

Bentonville, AR (2018)				
Residential			*Demand*	*Person*
Population*	46,112		*Hours/Day*	*Hours*
Residents Not Working	24,984		20	499,680
Employed Residents	21,128			
Employed in Bentonville		9,351	14	130,914
Employed outside Bentonville		11,777	14	164,878
			Residential Subtotal	795,472
			Residential Share =>	**58%**
Nonresidential				
Non-working Residents	24,984		4	99,936
Jobs Located in Bentonville	48,378			
Residents Employed in Bentonville		9,351	10	93,510
Non-Resident Workers (inflow commuters)		39,027	10	390,270
			Nonresidential Subtotal	583,716
			Nonresidential Share =>	**42%**
			TOTAL	1,379,188

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.
* Source: U.S. Census Bureau, American Community Survey, 2018

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VEHICLE TRIP GENERATION

Residential Vehicle Trips by Housing Type

A customized trip rate is calculated for the single family and multifamily units in Bentonville. In Figure 52, the most recent data from the US Census American Community Survey is inputted into equations provided by the ITE to calculate the trip ends per housing unit factor. A single family unit is estimated to generate 12.30 trip ends and a multifamily unit is estimated to generate 4.50 trip ends on an average weekday.

Figure 52. Customized Residential Trip End Rates by Housing Type

		Households (2)			
Tenure	Vehicles Available (1)	Single Family*	Multifamily Units	Total HHs	Vehicles per HH by Tenure
Owner-occupied	20,872	9,929	39	9,968	2.09
Renter-occupied	13,316	4,199	5,406	9,605	1.39
Total	**34,188**	**14,128**	**5,445**	**19,573**	**1.75**
Housing Units (6) =>		14,877	6,508	21,385	
Persons per Housing Unit =>		2.80	1.55	2.42	

Housing Type	Persons (3)	Trip Ends (4)	Vehicles by Type of Housing	Trip Ends (5)	Average Trip Ends	Trip Ends per Housing Unit	ITE Trip Ends Per Unit
Single Family*	41,678	116,134	26,612	248,693	182,414	**12.30**	9.44
Multifamily	10,078	22,998	7,576	36,093	29,545	**4.50**	5.44
Total	**51,756**	**139,132**	**34,188**	**284,786**	**211,959**	**10.80**	

** Includes Single Family Detached, Attached, and Manufactured Homes*

(1) Vehicles available by tenure from Table B25046, 2017-2021 American Community Survey 5-Year Estimates.

(2) Households by tenure and units in structure from Table B25032, American Community Survey, 2017-2021.

(3) Persons by units in structure from Table B25033, American Community Survey, 2017-2021.

(4) Vehicle trips ends based on persons using formulas from Trip Generation (ITE 2021). For single family housing (ITE 210), the fitted curve equation is EXP(0.96*LN(persons)+1.43). To approximate the average population of the ITE studies, persons were divided by 221 and the equation result multiplied by 221. For multifamily housing (ITE 221), the fitted curve equation is (2.29*persons)-81.02.

(5) Vehicle trip ends based on vehicles available using formulas from Trip Generation (ITE 2021). For single family housing (ITE 210), the fitted curve equation is EXP(0.99*LN(vehicles)+1.93). To approximate the average number of vehicles in the ITE studies, vehicles available were divided by 191 and the equation result multiplied by 191. For multifamily housing (ITE 220), the fitted curve equation is (3.94*vehicles)+293.58 (ITE 2012).

(6) Housing units from Table B25024, American Community Survey, 2017-2021.

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Residential Vehicle Trips Adjustment Factors

A vehicle trip end is the out-bound or in-bound leg of a vehicle trip. As a result, so to not double count trips, a standard 50 percent adjustment is applied to trip ends to calculate a vehicle trip. For example, the out-bound trip from a person's home to work is attributed to the housing unit and the trip from work back home is attributed to the employer.

However, an additional adjustment is necessary to capture city residents' work bound trips that are outside of the city. The trip adjustment factor includes two components. According to the National Household Travel Survey, home-based work trips are typically 31 percent of out-bound trips (which are 50 percent of all trip ends). Also, utilizing the most recent data from the Census Bureau's web application "OnTheMap", 56 percent of Bentonville workers travel outside the city for work. In combination, these factors account for 9 percent of additional production trips (0.31 x 0.50 x 0.56 = 0.09). Shown in Figure 53, the total adjustment factor for residential housing units includes attraction trips (50 percent of trip ends) plus the journey-to-work commuting adjustment (9 percent of production trips) for a total of 59 percent.

Figure 53. Residential Trip Adjustment Factor for Commuters

Employed Bentonville Residents (2018)	21,128
Residents Working in the City (2018)	9,351
Residents Commuting Outside of the City for Work	11,777
Percent Commuting Out of the City	56%
Additional Production Trips	**9%**

Standard Trip Adjustment Factor	**50%**
Residential Trip Adjustment Factor	**59%**

Source: U.S. Census, OnTheMap Application, 2018

Nonresidential Vehicle Trips

Vehicle trip generation for nonresidential land uses are calculated by using ITE's average daily trip end rates and adjustment factors found in their recently published 11th edition of Trip Generation. To estimate the trip generation in Bentonville, the weekday trip end per 1,000 square feet factors listed in Figure 54 are used.

Figure 54. Institute of Transportation Engineers Nonresidential Factors

Employment Industry	ITE Code	Land Use	Demand Unit	Wkdy Trip Ends Per Dmd Unit	Wkdy Trip Ends Per Employee
Retail	820	Shopping Center	1,000 Sq Ft	37.01	17.42
Office	710	General Office	1,000 Sq Ft	10.84	3.33
Industrial	140	Manufacturing	1,000 Sq Ft	4.75	2.51
Institutional	610	Hospital	1,000 Sq Ft	10.77	3.77

Source: *Trip Generation* , Institute of Transportation Engineers, 11th Edition (2021)

For nonresidential land uses, the standard 50 percent adjustment is applied to office, industrial, and institutional. A lower vehicle trip adjustment factor is used for retail land uses because this type of development attracts vehicles as they pass-by on arterial and collector roads. For example, when

someone stops at a convenience store on their way home from work, the convenience store is not their primary destination.

In Figure 55, the ITE land use code, daily vehicle trip end rate, trip adjustment factor, and the daily vehicle trip rate is listed for each land use.

Figure 55. Daily Vehicle Trip Factors

Land Use	ITE Codes	Daily Vehicle Trip Ends	Trip Adj. Factor	Daily Vehicle Trips
Residential (per housing unit)				
Single Family	210	12.30	59%	7.26
Multifamily	220	4.50	59%	2.66
Nonresidential (per 1,000 square feet)				
Retail	820	37.01	38%	14.06
Office	710	10.84	50%	5.42
Industrial	140	4.75	50%	2.38
Institutional	610	10.77	50%	5.39

Source: Institute of Transportation Engineers, *Trip Generation*, 11th Edition (2021); National Household Travel Survey, 2009

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VEHICLE TRIP PROJECTIONS

The base year vehicle trip totals and vehicle trip projections are calculated by combining the vehicle trip end factors, the trip adjustment factors, and the residential and nonresidential assumptions for housing stock and floor area. Citywide, residential land uses account for 142,606 vehicle trips and nonresidential land uses account for 172,022 vehicle trips in the base year (Figure 56).

Through 2033, it is projected that daily vehicle trips will increase by 83,016 trips with the majority of the growth being generated by retail (36 percent) and single family (27 percent) development.

Figure 56. Vehicle Trip Projections

Development Type	Base Year 2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Total Increase
Residential Trips												
Single Family	122,906	124,908	126,970	129,090	131,268	133,504	135,806	138,172	140,394	142,674	145,011	**22,105**
Multifamily	19,699	20,801	21,932	23,094	24,291	25,523	26,789	28,092	29,313	30,566	31,851	**12,152**
Subtotal	142,606	145,710	148,902	152,184	155,559	159,027	162,594	166,265	169,707	173,240	176,862	**34,257**
Nonresidential Trips												
Retail	97,086	100,059	103,031	106,004	108,977	111,950	114,923	117,896	120,869	123,842	126,814	**29,729**
Office	52,845	53,218	56,364	59,511	62,657	63,030	63,403	63,776	64,149	64,522	64,895	**12,049**
Industrial	7,419	7,626	7,834	8,042	8,249	8,457	8,665	8,872	9,080	9,288	9,495	**2,076**
Institutional	14,672	15,163	15,653	16,144	16,634	17,124	17,615	18,105	18,596	19,086	19,577	**4,904**
Subtotal	172,022	176,066	182,883	189,700	196,517	200,561	204,605	208,649	212,693	216,737	220,781	**48,759**
Vehicle Trips												
Grand Total	314,628	321,776	331,785	341,885	352,077	359,588	367,200	374,914	382,400	389,976	397,643	**83,016**

Source: Institute of Transportation Engineers, *Trip Generation*, 11th Edition (2021)

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MEMORANDUM

LEGAL DEPARTMENT – PURCHASING

FROM: Gladys Shoemake, Purchasing Manager

DATE: JULY 25, 2023

TO: Mayor Orman, Bentonville Utility Board, Bentonville City Council

RE: CIPP Sewer Lining Repair Bid Award- Use of American Rescue Plan Act (ARPA) Funds

During the ARPA update at the May 23, 2023 City Council Meeting, we discussed the AMI System Upgrade ($157,300.00) project selected for use of ARPA funds. During the presentation, it was noted that the AMI System Upgrade was pending final information from Mueller regarding covered replacements. In July 2023 it was confirmed that Mueller had covered all the replacements planned for APRA fund use and the City has received the items. This development meant there was a need to find compliant expenditures for the $157,300.00 no longer needed for the AMI System Upgrade.

In July 2023, the Sewer Rehab Department put a budgeted Cured-In-Place (CIPP) Sewer Lining Repair Project out to Bid, under IFB-23-40. The CIPP is a minimally invasive sewer repair process that will eliminate infiltration into the sewer system and extend the life of current pipe without digging or trenching. This repair is necessary to keep up with the capacity and growth of the system. The Sewer Rehab Department had budgeted $525,000.00 in 2023 for this repair. One Bid Submission was received from Humbard Contracting, in the amount of $697,340.00, leaving a $172,340.00 gap between the budgeted amount and actual cost. The Department and Purchasing worked together to review the submitted bid to confirm that it was balanced, responsible, and justified. Based on this review, the Sewer Rehab Department has recommended approving this Bid Award.

Due to the Sewer Lining Repair Project being over budget and being eligible for use of ARPA funds related to water/sewer infrastructure and capacity improvements, it is recommended that the City allocate $172,340.00 of ARPA Funds to this Project.

With allocation of these funds to this CIPP Project, the current ARPA balance is $153,253.91 (not including interest). We expect to bring forward use of the remaining funds in the coming weeks.

Please contact me if you have any questions.

Thank you,
Gladys Shoemake
(479) 271-3115 - gshoemake@bentonvillear.com

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Comprehensive Planning**
Submitted by	**Christopher Hyatt**
Phone	**(479) 254.2039**

Item Type: (*Check Applicable Item Type)*

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

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

The Tree and Landscape Advisory Committee has awarded Preacher's Son at 201 NW A St the winner for the July Commercial Landscaping of the Month Award. The property was nominated by the Tree and Landscape Advisory Committee.

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

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

MEMO

Date: August 8th, 2023
To: Bentonville City Council
From: Christopher Hyatt, Planner
RE: Commercial Landscaping of the Month Award – July 2023

The Tree and Landscape Advisory Committee has awarded Preacher's Son of 201 NW A St the winner for the July Commercial Landscaping of the Month Award. The property was nominated by a Bentonville resident.

About the Award

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

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

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

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Comprehensive Planning**
Submitted by	**Christopher Hyatt**
Phone	**(479) 254.2039**

Item Type: (*Check Applicable Item Type)*

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

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

The Tree and Landscape Advisory Committee has awarded the Fred and Diana Kuznia at 30 Meadowbrook Circle the winner for the July Residential Landscaping of the Month Award. The property was nominated by a Bentonville resident.

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

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

MEMO

Date: August 8th, 2023
To: Bentonville City Council
From: Christopher Hyatt, Planner
RE: Residential Landscaping of the Month Award – July 2023

The Tree and Landscape Advisory Committee has awarded 30 Meadowbrook Circle as the winner for the July Residential Landscaping of the Month Award. The property was nominated by a Bentonville resident.

About the Award

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

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

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

City Council Agenda Items

For the City Council Meeting of August 8, 2023

From the August 1, 2023 Planning Commission Meeting

1. **Ordinance accepting a lot split of part of Lots 1 & 2, of Block 6, Deming's Addition; Creating new Lots 27, 28, 29, & 30 of Block 6, Deming's Addition to the City of Bentonville, Arkansas; and for other purposes. (Project Number: LS23-0037) 411 Northwest C Street.**

   The Planning Commission voted 7-0 recommending approval.

   A lot split of part of Lots 1 & 2, Block 6 of Deming's Addition (+/- 0.29 acres combined), creating new Lots 27, 28, 29, & 30 of Block 6, Deming's Addition (+/- 0.09, 0.05, 0.05, & 0.10 acres respectively). The plat dedicates a variable width shared access, utility, and drainage easement along the western property boundary, to access the lots directly off Northwest 5th Street to the north. The plat also dedicates right of way along NW 5th and NW C St to meet the Master street plan right of way widths. No variances or waivers are associated with this lot split.

2. **Ordinance accepting a property line adjustment of previously unplatted land; Creating new Lot 1 of Lay Farm Subdivision to the City of Bentonville, Arkansas; and for other purposes. (Project Number: PLA23-0022) Southwest Regional Airport Boulevard and Vaughn Road.**

   The Planning Commission voted 7-0 recommending approval.

   A property line adjustment of previously unplatted land into Lot 1 of Lay Farm Subdivision. The plat dedicates adequate right of way along Southwest Regional Airport Boulevard per the Master Street Plan. The plat also dedicates a 50' access easement along Southwest Regional Airport Boulevard that continues through the property, as well as a water easement where the new 50' access easement meets that western property line. No variances or waivers are associated with this property line adjustment.

3. **Ordinance accepting a property line adjustment of the west 39' of Lot 8 and Lots 9 & 10 of East Side 1st Addition, and Lots 11 & 12 of 2nd East Side Addition; Creating new Lot 1 of Mason Subdivision to the City of Bentonville, Arkansas; and for other purposes. (Project Number: PLA23-0023) Southeast 4th Street.**

   The Planning Commission voted 7-0 recommending approval.

   A property line adjustment of the west 39' of lot 8 and lots 9 & 10 (+/- 0.75 acres combined) of East Side 1st Addition, and lots 11 & 12 (+/- 0.64 acres combined) of 2nd East Side Addition, creating new Lot 1 (+/- 1.39 acres) of Mason Subdivision. The new lot contains adequate right of way along Southeast 4th Street per the Master Street Plan. The plat dedicates a 15' utility easement along Southeast 4th Street following the southern property boundary, as well as a variable width sewer easement along the northern property boundary. No variances or waivers are associated with this property line adjustment.

4. **Ordinance accepting a final plat of Been Road Villas to The City of Bentonville, Arkansas; and for other purposes. (Project Number: FP23-0001) Been Road and Glen Road.**

The Planning Commission voted 7-0 recommending approval.

A final plat of Been Road Villas Subdivision (+/- 20.05 acres), creating new Lots 1-54, 4 of which are non-buildable. This housing development features a mix of both two-family attached and townhome style dwellings. The plat dedicates for public use all the internal streets: SW Hurley Blvd, SW Endurance Way, SW Shackleton Ave and SW Expedition St. .The plat also dedicates adequate right of way along both Been Road and Glen Road per the Master Street Plan in addition to dedicating 20' utility easements along the front property boundaries of all lots, and multiple blanket drainage easements across non buildable lots for mitigation of stormwater runoff. Access to the development is provided from both Glen Road and Been Road, and cross access is provided to the existing PUD to the west. the lots directly off Northwest 5th Street to the north. No variances or waivers are associated with this property line adjustment.

5. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential; and for other purposes. (Project Number: RZ23-0050) 321 Southwest C Street.**

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district. The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change. This request is consistent with the Future Land Use Plan, current land uses of the surrounding zoning districts, and development patterns located in the vicinity.

6. **Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential; and for other purposes. (Project Number: RZ23-0054) 805 Northwest A Street.**

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district. The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with surrounding development patterns which supports the requested change.

7. Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential; and for other purposes. (Project Number: RZ23-0055) Southwest I Street.

The Planning Commission voted 7-0 recommending approval.

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

The proposed zoning of R-3 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city which supports the requested change. There are public amenities nearby such as the Razorback Regional Greenway and the Bentonville Community Center, as well as recently developed retail centers along both SW I Street and AR HWY 12.

8. Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential; and for other purposes. (Project Number: RZ23-0056) 707 Southwest 2nd Street.

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 feet in width. The proposed zoning of DN-1 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

9. Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-3, Downtown Mixed-Use Residential; and for other purposes. (Project Number: RZ23-0044) 409 Northwest 5th Street.

The Planning Commission voted 7-0 recommending approval.

The intent of the DN-3 district is to allow for increased neighborhood density through the development of small-lot single-family housing and townhouses throughout the district. These areas tend to be adjacent to downtown commercial uses. In some instances, such as at the ends of blocks, multi-family apartment buildings may be an appropriate use in this district.

The proposed zoning of DN-3 is consistent with the Future Land Use Plan but it is not consistent with the uses of the surrounding zoning districts and development patterns located in the vicinity.

Consent Agenda Items

For the Planning Commission meeting on August 1, 2023

Reviewer: Luke Aitken, Planning Technician

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

1. **Lot Split: Lots 27, 28, 29 & 30 of Block 6, Deming's Addition, Lucatoni LLC, DN-3, Downtown High Density Residential,** *LS23-0037*

   A lot split of part of Lots 1 &2, Block 6 of Deming's Addition (+/- 0.29 acres combined), creating new Lots 27, 28, 29, & 30 of Block 6, Deming's Addition (+/- 0.09, 0.05, 0.05, & 0.10 acres respectively). The plat dedicates a variable width shared access, utility, and drainage easement along the western property boundary, to access the lots directly off of Northwest 5th Street to the north. The plat also dedicates right of way along NW 5th and NW C St to meet the Master street plan right of way widths. No variances or waivers are associated with this lot split.

2. **Property Line Adjustment: Lot 1 of Lay Farm Subdivision, Buck Airport Blvd LP LLC, C-2, General Commercial and R-4, High Density Multifamily Residential,** *PLA23-0022*

   A property line adjustment of Previously Unplatted Land into Lot 1 of Lay Farm Subdivision. The plat dedicates adequate right of way along Southwest Regional Airport Boulevard per the Master Street Plan. The plat also dedicates a 50' access easement along Southwest Regional Airport Boulevard that continues through the property, as well as a water easement where the new 50' access easement meets that western property line. No variances or waivers are associated with this property line adjustment.

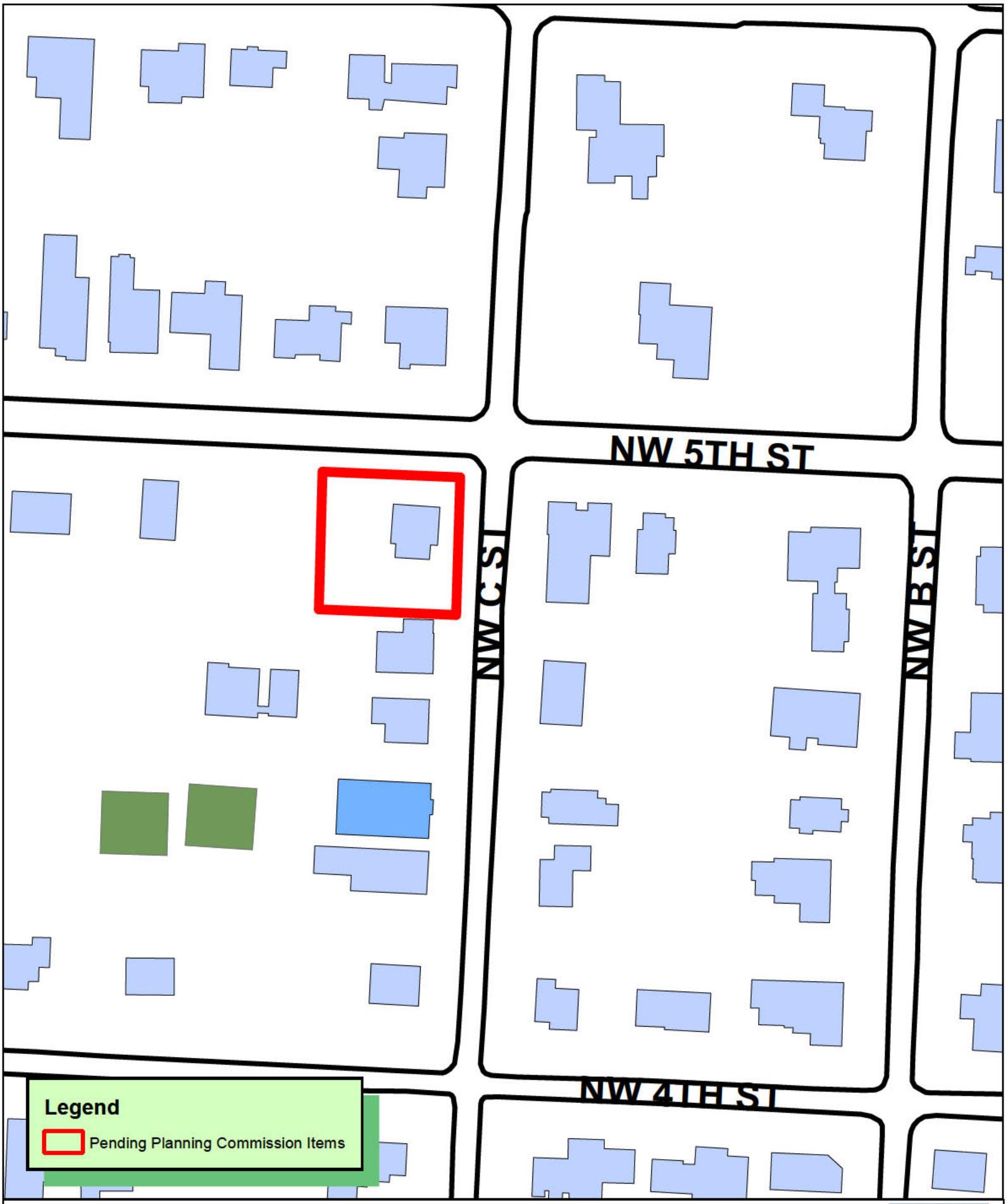
3. **Property Line Adjustment: Lot 1 of Mason Subdivision, Market District II LLC, R-1, Low Density Single Family Residential,** *PLA23-0023*

   A property line adjustment of the west 39' of lot 8 and lots 9 & 10 (+/- 0.75 acres combined) of East Side 1st Addition, and lots 11 & 12 (+/- 0.64 acres combined) of 2nd East Side Addition, creating new Lot 1 (+/- 1.39 acres) of Mason Subdivision. The new lot contains adequate right of way along Southeast 4th Street per the Master Street Plan. The plat dedicates a 15' utility easement along Southeast 4th Street following the southern property boundary, as well as a variable width sewer easement along the northern property boundary. No variances or waivers are associated with this property line adjustment.

4. Final Plat: Been Road Villas Subdivision, BBG Property Development LLC, R-2 , Medium Density Two Family and Townhome Residential, *FP23-0001*

A final plat of Been Road Villas Subdivision (+/- 20.05 acres), creating new Lots 1-54, 4 of which are non-buildable. This housing development features a mix of both two-family attached and townhome style dwellings. The plat dedicates for public use all the internal streets: SW Hurley Blvd, SW Endurance Way, SW Shackleton Ave and SW Expedition St.

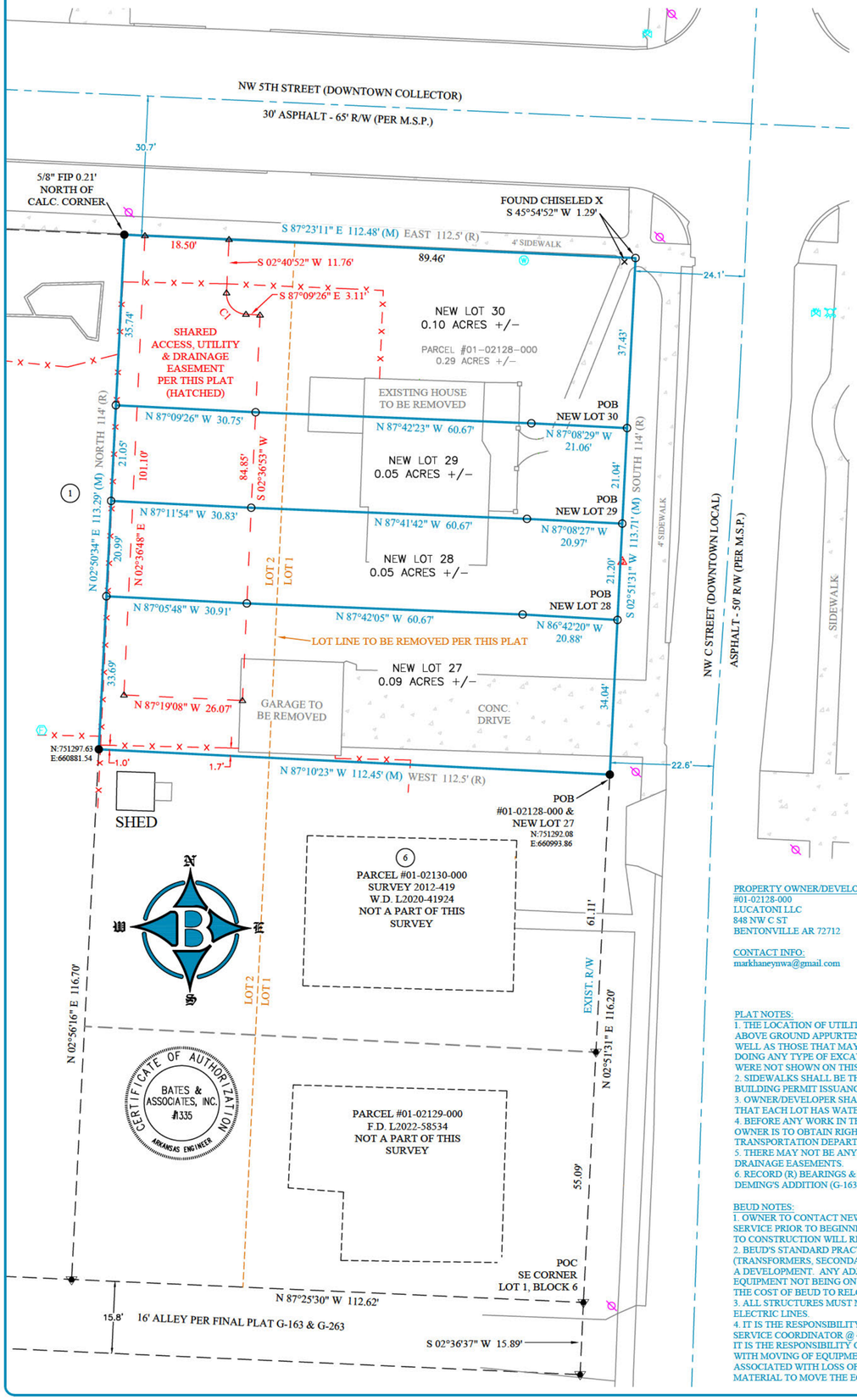
The plat also dedicates adequate right of way along both Been Road and Glen Road per the Master Street Plan in addition to dedicating 20' utility easements along the front property boundaries of all lots, and multiple blanket drainage easements across non buildable lots for mitigation of stormwater runoff. Access to the development is provided from both Glen Road and Been Road, and cross access is provided to the existing PUD to the west. the lots directly off Northwest 5th Street to the north. No variances or waivers are associated with this property line adjustment.



LS23-0037
LOT SPLIT
DEMINGS ADDITION
LOTS 1-2 CREATING LOTS 27-30 BLOCK 6

EXHIBIT "A"

LOT SPLIT OF A PART OF LOTS 1 & 2, BLOCK 6 OF DEMING'S ADDITION CREATING NEW LOTS #27, 28, 29 & 30



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.

LUCATONI LLC
848 NW C ST
BENTONVILLE AR 72712

SUBSCRIBED AND SWORN BEFORE ME, THIS ____ DAY OF _____, 2023.

_____
NOTARY PUBLIC

SOURCE OF TITLE: W.D. DEED L202315665

DATE OF EXECUTION:_____

PRINTED:_____ 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 _____
BENTONVILLE PLANNING
COMMISSION CHAIRMAN

SIGNED_____
MAYOR, CITY OF BENTONVILLE

SIGNED _____
CITY CLERK, CITY OF BENTONVILLE

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

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 #05007C0090J. DATED 09/ 28/ 2007)

SURVEY DESCRIPTIONS:

PARCEL #01-021128-000
A PART OF LOTS 1 AND 2, BLOCK 6, DEMING'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEYORS RECORD G AT PAGE 163 AND 263, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR WHICH IS N02°51'51"E 116.20' FROM AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE N87°10'23"W 112.45' TO AN EXISTING REBAR, THENCE N02°50'34"E 113.29', THENCE S87°23'11"E 112.48', THENCE S02°51'31"W 113.71' TO THE POINT OF BEGINNING, CONTAINING 0.29 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION NORTHWEST 5TH STREET MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT, SUBJECT TO THAT PORTION IN NORTHWEST C STREET MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 27:
A PART OF LOTS 1 AND 2, BLOCK 6, DEMING'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEYORS RECORD G AT PAGE 163 AND 263, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF NORTHWEST C STREET WHICH IS N02°51'51"E 116.20' FROM AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE N87°10'23"W 112.45' TO AN EXISTING REBAR, THENCE N02°50'34"E 33.69', THENCE S87°05'48"E 30.91', THENCE S87°42'05"E 60.67', THENCE S86°42'20"E 20.88' TO THE WEST RIGHT-OF-WAY OF NORTHWEST C STREET, THENCE ALONG SAID RIGHT-OF-WAY S02°51'31"W 34.04' TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 28:
A PART OF LOTS 1 AND 2, BLOCK 6, DEMING'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEYORS RECORD G AT PAGE 163 AND 263, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY OF NORTHWEST C STREET WHICH IS N02°51'51"E 150.24' FROM AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE N86°42'20"W 20.88', THENCE N87°42'05"W 60.67', THENCE N87°05'48"W 30.91', THENCE N02°50'34"E 20.99', THENCE S87°11'54"E 30.83', THENCE S87°41'42"E 60.67', THENCE S87°08'27"E 20.97' TO THE WEST RIGHT-OF-WAY OF NORTHWEST C STREET, THENCE ALONG SAID RIGHT-OF-WAY S02°51'31"W 21.20' TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 29:
A PART OF LOTS 1 AND 2, BLOCK 6, DEMING'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEYORS RECORD G AT PAGE 163 AND 263, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY OF NORTHWEST C STREET WHICH IS N02°51'51"E 171.44' FROM AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE N87°08'27"W 20.97', THENCE N87°41'42"W 60.67', THENCE N87°11'54"W 30.83', THENCE N02°50'34"E 21.05', THENCE S87°09'26"E 30.75', THENCE S87°42'23"E 60.67', THENCE S87°08'29"E 21.06' TO THE WEST RIGHT OF WAY OF NORTHWEST C STREET, THENCE ALONG SAID RIGHT OF WAY S02°51'31"W 21.04' TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 30:
A PART OF LOTS 1 AND 2, BLOCK 6, DEMING'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEYORS RECORD G AT PAGE 163 AND 263, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY OF NORTHWEST C STREET WHICH IS N02°51'51"E 192.48' FROM AN EXISTING AXLE MARKING THE SOUTHEAST CORNER OF SAID LOT 1 AND RUNNING THENCE N87°08'29"W 21.06', THENCE N87°42'23"W 60.67', THENCE N87°09'26"W 30.75', THENCE N02°50'34"E 37.55' TO THE SOUTH RIGHT-OF-WAY OF NORTHWEST 5TH STREET, THENCE ALONG SAID RIGHT-OF-WAY S87°23'11"E 112.48' TO THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY OF NORTHWEST 5TH STREET AND THE WEST RIGHT-OF-WAY OF NORTHWEST C STREET, THENCE LEAVING SAID SOUTH RIGHT-OF-WAY OF NORTHWEST 5TH STREET AND ALONG SAID WEST RIGHT-OF-WAY OF NORTHWEST C STREET S02°51'31"W 37.43' TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	4.50'	7.06'	6.35'	S 42°14'17" E	89°50'18"	4.49'

PROPERTY OWNER/DEVELOPER:
#01-02128-000
LUCATONI LLC
848 NW C ST
BENTONVILLE AR 72712

CONTACT INFO:
markhaneynwa@gmail.com

PROPOSED USE:
RESIDENTIAL

PROPERTY ZONED:
DN-3

ATLAS PAGE:
361

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

PLAT NOTES:
1. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.
2. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
3. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
4. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.
5. THERE MAY NOT BE ANY FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
6. RECORD (R) BEARINGS & DISTANCES ARE SHOWN PER THE FINAL PLAT OF DEMING'S ADDITION (G-163 & G-263) AND TRUSTEE'S DEED 2013-25679.

BEUD NOTES:
1. OWNER TO CONTACT NEW SERVICE COORDINATOR (271-3139) TO DISCUSS ELECTRIC SERVICE PRIOR TO BEGINNING ANY CONSTRUCTION. FAILURE TO CONTACT BEUD PRIOR TO CONSTRUCTION WILL RESULT IN DELAYS TO GET ELECTRIC SERVICE.
2. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.
3. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.
4. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATE WITH THE NEW SERVICE COORDINATOR @ 479 271-3139 TO DETERMINE IF EQUIPMENT IS IN CONFLICT. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO PAY FOR ANY COSTS ASSOCIATED WITH MOVING OF EQUIPMENT. THIS INCLUDES BUT IS NOT LIMITED TO ANY COSTS ASSOCIATED WITH LOSS OF EQUIPMENT (WIRE AND ELBOWS) AND LABOR AND MATERIAL TO MOVE THE EQUIPMENT TO THE NEW LOT LINE

0' 20' 40' 60'

GRAPHIC SCALE (IN FEET)
1 Inch = 20ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 3RD DAY OF JANUARY, 2023.

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

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.

ADJACENT LAND OWNERS

1) JUERGENS REVOCABLE TRUST, DAVID L
28007 FOX FIRE LN
SHELL KNOB, MO 65747
PARCEL #01-02131-000
ZONED: R-1
2) HAUSER, ERIC & CZAJKOWSKI, STEVE
416 W BRANNON RD
NICHOLASVILLE, KY 40356
PARCEL #01-02232-000
ZONED: R-1
3) LOPEZ-HORLOCK, MALISSA & LOPEZ-SOTO, NESTOR ARMANDO
501 NW C ST
BENTONVILLE, AR 72712
PARCEL #01-02233-000
ZONED: R-1
4) SOMMER, ERIC & JANIS
338 NW 5TH ST
BENTONVILLE, AR 72712
PARCEL #01-02216-000
ZONED: R-1
5) KOSNOFF FAMILY TRUST
DAVID MARC & JOHNNA SHEARER
307 NW 5TH ST
BENTONVILLE, AR 72712
PARCEL #01-02120-000
ZONED: R-1
6) ADKINS LIVING TRUST, SHERRY G
409 NW C ST
BENTONVILLE, AR 72712
PARCEL #01-02130-000
ZONED: R-1

FIELD WORK:
DECEMBER 27-29, 2022
JANUARY 3, 2023

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD 83 (2011) HORIZONTAL DATUM

REFERENCE DOCUMENTS:
1) FINAL PLAT OF DEMING'S ADDITION FILED IN BOOK G AT PAGE 163
2) PLAT OF SURVEY FILED IN BOOK 2012 AT PAGE 419
3) PLAT OF SURVEY FILED IN BOOK 2013 AT PAGE 584
4) PLAT OF SURVEY FILED IN BOOK 8 AT PAGE 151
5) PLAT OF SURVEY FILED IN BOOK 11 AT PAGE 114
6) TRUSTEE'S DEED FILED IN BOOK 2013 AT PAGE 25679
7) WARRANTY DEED FILED IN BOOK L2020 AT PAGE 41924
8) FIDUCIARY DEED FILED IN BOOK L2022 AT PAGE 58534
9) QUITCLAIM DEED FILED IN BOOK 2010 AT PAGE 55221
10) BENEFICIARY DEED FILED IN BOOK 2009 AT PAGE 35599
11) WARRANTY DEED FILED IN BOOK 92 AT PAGE 29412
12) WARRANTY DEED FILED IN BOOK L2023 AT PAGE 15665

VICINITY MAP

VICINITY MAP NOT TO SCALE

BENTONVILLE PROJECT # LS23-0037

RECORDING NUMBER/DATE		
REVISION #	DATE	
1. REVISED PER 1ST SUBMITTAL COMMENTS	07-07-23	
2.		
3.		
4.		

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
(R) RECORD BEARING & DISTANCE
(M) MEASURED BEARING & DISTANCE
FOUND 5/8" REBAR
FOUND 1/2" REBAR
FOUND AXLE
COMPUTED POINT
FOUND CHISELED "X" IN CONC.
60D NAIL ELEV. BENCHMARK
BOUNDARY LINE (MEASURED)
PARCEL LINE
TIE LINE
CENTERLINE OF ROAD
RIGHT-OF-WAY
FENCE
LOT LINE
UTILITY EASEMENT
YARD HYDRANT
WATER METER
FIRE HYDRANT
WATER VALVE
CLEANOUT
AC CONDENSER UNIT
SANITARY SEWER MH
POWER POLE
GAS METER
GUY ANCHOR
IRRIG. CONT. VALVE

Bates & Associates, Inc.
Engineers · Surveyors
7230 S. Pleasant Ridge Dr · Fayetteville, Arkansas 72704 · 479.442.8580 · Fax 479.521.8580

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FOR USE AND BENEFIT OF:
MARK HANEY

ADDRESS:
411 NW C STREET
BENTONVILLE, ARKANSAS

DATE:	07/07/23
SCALE:	1"=20'
LOCATION:	PT. OF LOTS 1 & 2
BLOCK:	6
DEMING'S ADDITION	
SURVEYED:	ML
DRAFTED:	AH, JCR
REVIEWED:	DT
COA #1335	

DRAWING #22-397 SPLIT

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A LOT SPLIT OF PART OF LOTS 1 & 2, BLOCK 6 OF DEMING'S ADDITION; CREATING NEW LOTS 27, 28, 29, & 30, BLOCK 6 OF DEMING'S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: LS23-0037)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of PART OF LOTS 1 & 2, BLOCK 6 OF DEMING'S ADDITON, creating new LOTS 27, 28, 29 & 30, BLOCK 6 OF DEMING'S ADDITION Benton County, Arkansas, was submitted to the Bentonville Planning Commission on August 1, 2023;

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 PART OF LOTS 1 & 2, BLOCK 6 OF DEMING'S ADDITON, creating new LOTS 27, 28, 29 & 30, BLOCK 6 OF DEMING'S 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 _____, 2023.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Kirby Romines, City Clerk

PLA23-0022
PROPERTY LINE ADJUSTMENT
PARCEL 01-0826-000
CREATING LOT 1 OF NEW SUB

EXHIBIT "A"

PROPERTY LINE ADJUSTMENT OF PARCEL 01-08206-000 CREATING NEW LOT 1 OF LAY FARM SUBDIVISION

SOUTHWEST REGIONAL AIRPORT BOULEVARD

LOCATED IN: SECTION 20, TOWNSHIP 19 NORTH, RANGE 31 WEST

BENTON COUNTY, BENTONVILLE, AR 72712

RECORD DESCRIPTION

WARRANTY DEED L2017062657:
PART OF THE NW/4 OF THE NE/4 OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRES, RUNNING THENCE WEST 378 FEET, THENCE SOUTH 730 FEET, THENCE EAST 378 FEET, THENCE NORTH 730 FEET TO THE PLACE OF BEGINNING; SUBJECT TO HIGHWAY NO. 12 ON THE NORTH SIDE THEREOF.

SURVEY DESCRIPTION

LOT 1 (PARCEL 01-08206-000)
PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: COMMENCING FROM A FOUND RAILROAD SPIKE MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE SOUTH 02°12'52" WEST 45.00 FEET TO A SET 5/8" REBAR CAPPED "AR 1659" BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 02°12'52" WEST 689.09 FEET TO A FOUND 5/8" REBAR; THENCE NORTH 86°46'47" WEST 385.65 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE, NORTH 02°21'28" EAST 682.32 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE SOUTH 87°47'08" EAST 383.88 FEET TO THE POINT OF BEGINNING, CONTAINING 6.056 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

50' ACCESS EASEMENT
AN EASEMENT 50' IN WIDTH, FOR THE PURPOSE OF INGRESS AND EGRESS, BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS: COMMENCING FROM A FOUND RAILROAD SPIKE MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE SOUTH 02°12'52" WEST 45.00 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE NORTH 87°47'08" WEST 206.51 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 02°21'22" WEST 13.62 FEET; THENCE SOUTH 87°38'38" EAST 206.54 FEET; THENCE SOUTH 02°12'52" WEST 50.00 FEET; THENCE NORTH 87°38'38" WEST 206.63 FEET; THENCE SOUTH 02°22'01" WEST 93.84 FEET; THENCE SOUTH 47°21'07" WEST 138.57 FEET; THENCE SOUTH 02°21'30" WEST 252.15 FEET; THENCE NORTH 87°37'22" WEST 79.41 FEET; THENCE NORTH 02°21'28" EAST 50.00 FEET; THENCE SOUTH 87°37'22" EAST 29.41 FEET; THENCE NORTH 02°21'30" EAST 222.84 FEET; THENCE NORTH 47°21'07" EAST 138.58 FEET; THENCE NORTH 02°22'01" EAST 136.62 FEET; THENCE SOUTH 87°47'08" EAST 49.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.900 ACRES, MORE OR LESS.

20' WATER EASEMENT
AN EASEMENT 20' IN WIDTH, FOR THE PURPOSE OF UTILITIES, BEING A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS: COMMENCING FROM A FOUND RAILROAD SPIKE MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE SOUTH 02°12'52" WEST 45.00 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE NORTH 87°47'08" WEST 383.88 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE SOUTH 02°21'28" WEST 439.28 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87°39'41" EAST 19.11 FEET; THENCE SOUTH 02°22'04" WEST 20.00 FEET; THENCE NORTH 87°39'41" WEST 52.47 FEET; THENCE NORTH 02°21'51" EAST 20.00 FEET; THENCE SOUTH 87°39'41" EAST 33.36 FEET TO THE POINT OF BEGINNING, CONTAINING 0.024 ACRES, MORE OR LESS.

MISCELLANEOUS NOTES

STATE RECORDING NUMBER:
500-19N-31W-0-20-140-04-1659

COMPLETED FIELD WORK:
MAY 22, 2023

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED L2017062657.
2. SURVEY PLAT FILED IN PLAT BOOK 2013 AT PAGE 275.

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.

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.

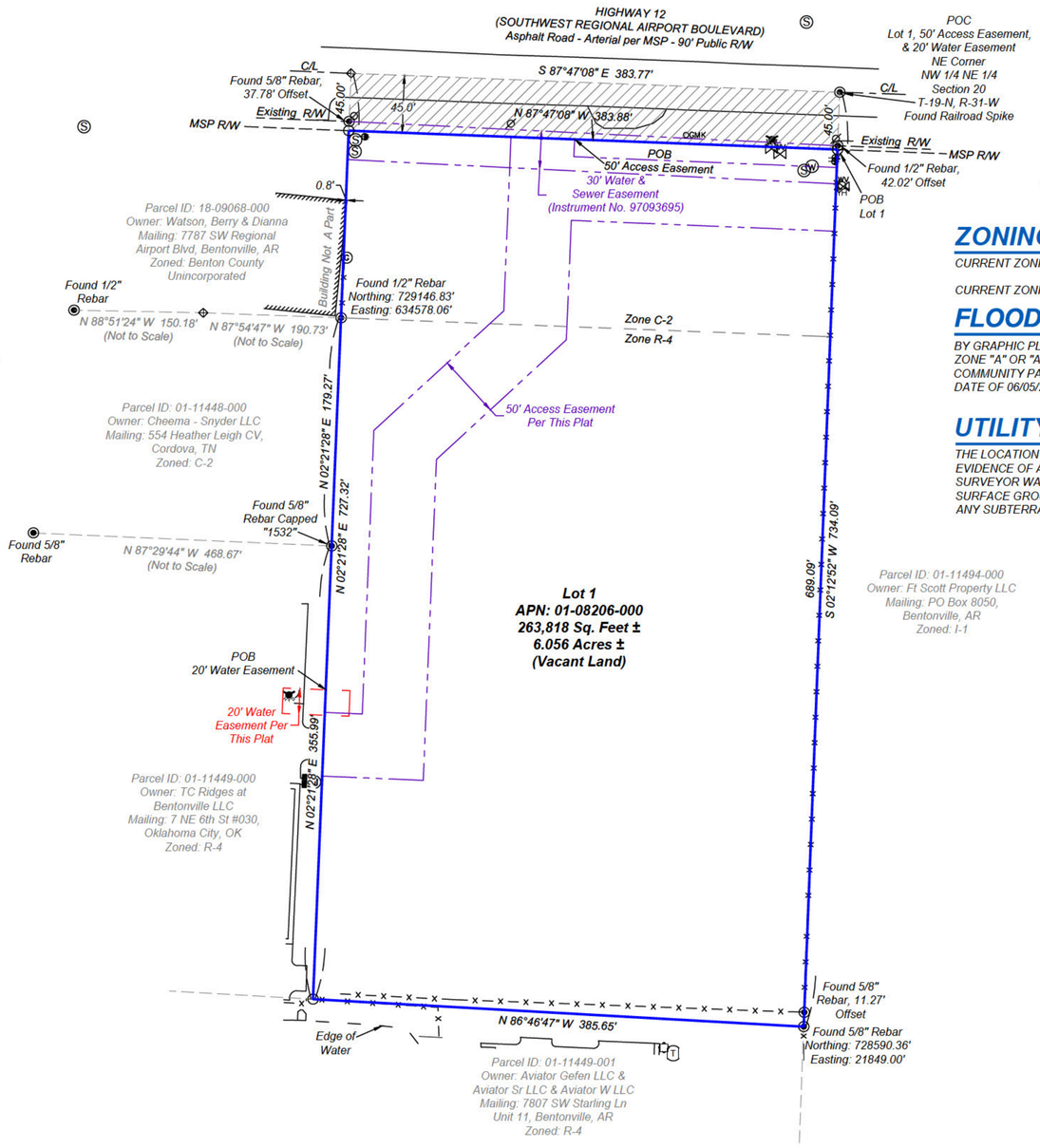
OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.

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.

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 AT 479-271-3122.

TO THE SURVEYOR'S KNOWLEDGE, THERE ARE NO WAIVERS, VARIANCES, AND/OR CONDITIONAL USES AT THE TIME OF PREPARING THIS PLAT.



ZONING INFORMATION

CURRENT ZONING: C-2

CURRENT ZONING: R-4

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0235K, WHICH BEARS AN EFFECTIVE DATE OF 06/05/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

LAND AREA

263,818 ± SQUARE FEET
6.056 ± ACRES

OWNER/DEVELOPER

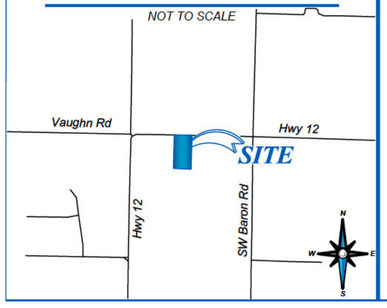
BUCK AIRPORT BLVD LP LLC
RPEITZ@GOCJW.COM

LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR CAPPED "AR 1659"
- COMPUTED POINT
- FIRE HYDRANT
- YARD HYDRANT
- SANITARY MANHOLE
- GUY ANCHOR
- POWER POLE
- TELEPHONE PEDESTAL
- ELECTRIC BOX
- WATER METER
- WATER VALVE
- STORM MANHOLE
- GAS METER
- OGMK GAS MARKER
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- EDGE OF WATER
- ZONE LIMITS

VICINITY MAP

NOT TO SCALE



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 THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.
DATE OF EXECUTION: _____

SIGNED: _____
NAME AND ADDRESS: _____
PRINT NAME: _____
SOURCE OF TITLE: D.R. _____
PAGE _____

CERTIFICATE OF SURVEYING ACCURACY
I, WILLIAM G. GAGNER, 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. 1659
STATE OF ARKANSAS

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

SIGNED: _____
BENTONVILLE PLANNING COMMISSION CHAIRMAN

SIGNED: _____
MAYOR CITY OF BENTONVILLE

SIGNED: _____
CITY CLERK, CITY OF BENTONVILLE

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 23RD DAY OF MAY, 2023.

CERTIFICATE OF AUTHORIZATION BLEW & ASSOCIATES, PA. No. 1534 ARKANSAS

REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS NO. 1659 SIGNATURE W. GAGNER

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.

SHEET 1 OF 1

DATE	REVISION HISTORY	BY

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE · FAYETTEVILLE, AR 72703
OFFICE: 479.443.4506 · FAX: 479.582.1883
SURVEY@BLEWINC.COM
WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 23-3075	**SURVEY DRAWN BY:** ANC - 05/23/2023
SURVEY REVIEWED BY: TPN	**SCALE:** 1" = 80'
FOR THE USE AND BENEFIT OF: CJW TRANSPORTATION CONSULTANTS, LLC	**PLA23-0022**

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF PREVIOUSLY UNPLATTED LAND; CREATING NEW LOT 1 OF LAY FARM SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PLA23-0022)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of PREVIOUSLY UNPLATTED LAND, creating new LOT 1 OF LAY FARM SUBDIVISION the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on August 1, 2023;

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 PREVIOUSLY UNPLATTED LAND, creating new LOT 1 OF LAY FARM 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 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 _____, 2023.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

N
W E
S

1 inch = 150 feet

PLA23-0023
PROPERTY LINE ADJUSTMENT
MARKET DISCTRICT II LLC

EXHIBIT "A"

PROPERTY LINE ADJUSTMENT OF THE WEST 39' OF LOT 8 AND LOTS 9 & 10 OF EAST SIDE 1ST ADDITION, AND LOTS 11 & 12 OF 2ND EAST SIDE ADDITION CREATING NEW LOT #1 XXXXX ADDITION

ADJACENT LAND OWNERS

1) SKINNER, CHRISTOPHER S & LISA
906 SE 3RD ST
BENTONVILLE, AR 72712
PARCEL #01-02487-000
ZONED: R-1
2) HUNTER WRIGHT DEVELOPMENT GROUP LLC
PO BOX 1994
BENTONVILLE, AR 72712
PARCEL #01-02487-001
ZONED: DN-3
3) LARKIN, JUNIE M
1002 SE 3RD ST
BENTONVILLE, AR 72712
PARCEL #01-02488-000
ZONED: R-1
4) SE STREET LLC
5535 MEMORIAL DR STE F #908
HOUSTON, TX 77007
PARCELS #01-02469-000, #01-02469-001, #01-02470-000, #01-02470-001, #01-02471-000 & #01-02476-000
ZONED: DN-3 & R-1
5) 1010 SE 4TH ST LLC
6905 S 1300 E #477
COTTONWOOD HEIGHTS, UT 84047
PARCEL #01-02745-000
ZONED: R-1
6) SEVENTH LIVING LLC
5303 SW LAVENDER ST
BENTONVILLE, AR 72713
PARCEL #01-02746-000
ZONED: R-1
7) 1004 SE 4TH ST LLC
14829 FRIPP ISLAND CT
NAPLES, FL 34119
PARCEL #01-02747-000
ZONED: R-1
8) ACUNA FAMILY TRUST ENRIQUE A & HERRERA-HERNANDEZ, MONICA
210 S THOMPSON ST
STE 6 #619
SPRINGDALE, AR 72764
PARCEL #01-02748-000
ZONED: R-1
9) TOWNSEND, DONALD W & DONNA L
918 SE 4TH ST
BENTONVILLE, AR 72712
PARCEL #01-00684-000
ZONED: R-1
10) MARKET DISTRICT LLC
301 SW 6TH ST
BENTONVILLE, AR 72712
PARCEL #01-02482-000
ZONED: DN-3

FIELD WORK:
JUNE 12-15, 19 & 20
JULY 7, 2023

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD 83 (2011) HORIZONTAL DATUM

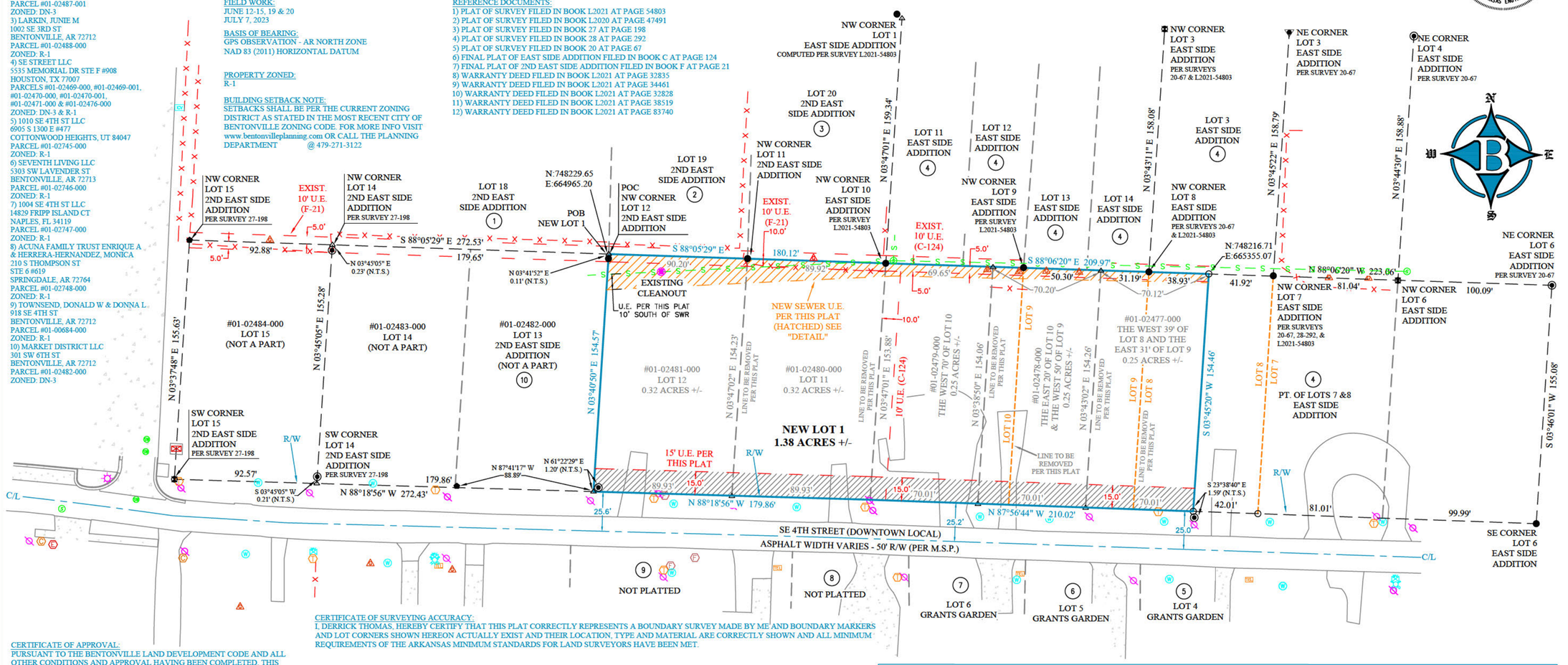
PROPERTY ZONED:
R-1

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

REFERENCE DOCUMENTS:
1) PLAT OF SURVEY FILED IN BOOK L2021 AT PAGE 54803
2) PLAT OF SURVEY FILED IN BOOK L2020 AT PAGE 47491
3) PLAT OF SURVEY FILED IN BOOK 27 AT PAGE 198
4) PLAT OF SURVEY FILED IN BOOK 28 AT PAGE 292
5) PLAT OF SURVEY FILED IN BOOK 20 AT PAGE 67
6) FINAL PLAT OF EAST SIDE ADDITION FILED IN BOOK C AT PAGE 124
7) FINAL PLAT OF 2ND EAST SIDE ADDITION FILED IN BOOK F AT PAGE 21
8) WARRANTY DEED FILED IN BOOK L2021 AT PAGE 32835
9) WARRANTY DEED FILED IN BOOK L2021 AT PAGE 34461
10) WARRANTY DEED FILED IN BOOK L2021 AT PAGE 32828
11) WARRANTY DEED FILED IN BOOK L2021 AT PAGE 38519
12) WARRANTY DEED FILED IN BOOK L2021 AT PAGE 83740

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)

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



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

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

BEUD NOTES:
1. OWNER TO CONTACT NEW SERVICE COORDINATOR (271-3139) TO DISCUSS ELECTRIC SERVICE PRIOR TO BEGINNING ANY CONSTRUCTION. FAILURE TO CONTACT BEUD PRIOR TO CONSTRUCTION WILL RESULT IN DELAYS TO GET ELECTRIC SERVICE.
2. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.
3. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.
4. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATE WITH THE NEW SERVICE COORDINATOR @ 479 271-3139 TO DETERMINE IF EQUIPMENT IS IN CONFLICT
IT IS THE RESPONSIBILITY OF THE DEVELOPER TO PAY FOR ANY COSTS ASSOCIATED WITH MOVING OF EQUIPMENT. THIS INCLUDES BUT IS NOT LIMITED TO ANY COSTS ASSOCIATED WITH LOSS OF EQUIPMENT (WIRE AND ELBOWS) AND LABOR AND MATERIAL TO MOVE THE EQUIPMENT TO THE NEW LOT LINE

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

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 :_____
MARKET DISTRICT II LLC

SOURCE OF TITLE: DEED BOOK L2021 AT PAGE 32835, DEED BOOK L2021 AT PAGE 34461, DEED BOOK L2021 AT PAGE 32828, DEED BOOK L2021 AT PAGE 38519 & DEED BOOK L2021 AT PAGE 83740

SUBSCRIBED AND SWORN BEFORE ME, THIS ___ DAY OF _____, 2023.

_____
NOTARY PUBLIC

ATLAS PAGE:
404

PROPERTY OWNER:
MARKET DISTRICT II LLC
301 SW 6TH ST
BENTONVILLE, AR 72712
(ALL PARCELS)

CONTACT INFORMATION:
BILL BUTLER
bill@randallhintondev.com

SURVEY DESCRIPTIONS:

PARCEL #01-02477-000 EXISTING DEED DESCRIPTION B. L2021, P. 32835:
THE WEST 39 FEET OF LOT 8 AND THE EAST 31 FEET OF LOT 9, EAST SIDE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD C AT PAGE 124. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PARCEL #01-02478-000 EXISTING DEED DESCRIPTION B. L2021, P. 34461:
THE EAST 20 FEET OF LOT 10 AND THE WEST 50 FEET OF LOT 9, IN EAST SIDE ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

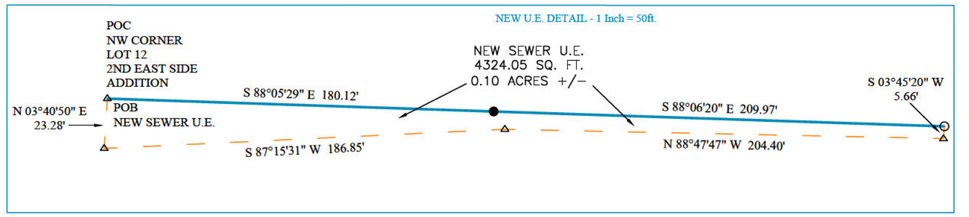
PARCEL #01-02479-000 EXISTING DEED DESCRIPTION B. L2021, P. 32828:
THE WEST 70 FEET OF LOT 10, EASTSIDE ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK C AT PAGE 124. SUBJECT TO EASEMENTS, RIGHTS-OF-WAY AND COVENANTS OF RECORD, IF ANY.

PARCEL #01-02480-000 EXISTING DEED DESCRIPTION B. L2021, P. 38519:
LOT 11, EAST SIDE 2ND ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD F AT PAGE 21. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PARCEL #01-02481-000 EXISTING DEED DESCRIPTION B. L021, P. 83740:
LOT 12, IN SECOND EAST SIDE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS. SUBJECT TO A 15 FOOT SEWER EASEMENT ON THE NORTH SIDE OF SAID LOT TO THE CITY OF BENTONVILLE, ARKANSAS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 1 - xxxx ADDITION:
LOTS 9 & 10 AND A PART OF LOT 8 OF EAST SIDE ADDITION AND LOTS 11 & 12 OF EAST SIDE SECOND ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12 OF EAST SIDE SECOND ADDITION AND RUNNING THENCE S88°05'29"E 180.12' TO AN EXISTING REBAR, THENCE S88°06'20"E 209.97', THENCE S03°45'20"W 154.46' TO THE NORTH RIGHT-OF-WAY OF SOUTHEAST 4TH STREET, THENCE ALONG SAID RIGHT-OF-WAY N87°56'44"W 210.02', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N88°18'56"W 179.86', THENCE LEAVING SAID RIGHT-OF-WAY N03°40'50"E 154.57' TO THE POINT OF BEGINNING, CONTAINING 1.38 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-RECORD.

NEW U.E. DETAIL - 1 Inch = 50ft.



0' 50' 100' 150'
GRAPHIC SCALE (IN FEET)
1 Inch = 50ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 7TH DAY OF JULY, 2023.

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

DRAFT

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

VICINITY MAP

VICINITY MAP NOT TO SCALE

CITY OF BENTONVILLE PROJECT #PLA23-0023

RECORDING NUMBER/DATE

REVISION #	DATE
1. REVISED PER 1ST SUBMITTAL COMMENTS	7-10-23
2.	
3.	
4.	

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- FOUND 3/8" REBAR
- FOUND PIPE
- FOUND 3/4" REBAR
- SET 5/8" REBAR/CAP
- COMPUTED POINT
- ELECTRICAL BOX
- TELEPHONE VAULT
- POWER POLE
- WATER VALVE
- GAS METER
- IRRIG. CONT. VALVE
- LIGHT
- BOUNDARY LINE (MEASURED)
- PARCEL LINE
- TIE LINE
- PLATTED LOT LINE
- CENTERLINE OF ROAD
- FENCE
- UTILITY EASEMENT
- FIBER OPTIC PEDESTAL
- ELECTRIC PEDESTAL
- CABLE PEDESTAL
- TELEPHONE PEDESTAL
- WATER METER
- FIRE HYDRANT
- STORM SEWER MH
- SANITARY SEWER MH
- SEWER CLEANOUT

Bates & Associates, Inc.
Engineers · Surveyors
7320 S. Pleasant Ridge Dr. · Fayetteville, Arkansas 72704 · 479.442. 9350 ·

BATES & ASSOCIATES, INC. Copyright 2023
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 written permission of Bates & Associates, Inc. Unauthorized use of this plat, boundary investigation for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood information contained on this survey was taken from publications of others. Bates & Associates, Inc. assumes no liability for the correctness of the hazard cited maps, furthermore the above statement does not represent the exposure of flaws & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:
RANDALL HINTON DEVELOPMENT

ADDRESS:
SOUTHEAST 4TH STREET
BENTONVILLE, ARKANSAS

DATE: 07/10/23
SCALE: 1"=50'
DRAFTED: JRICH
SURVEYED: AH
REVIEWED: DT
COA #1335

LOCATION: LOTS 8, 9 & 10 EAST SIDE ADDITION & LOTS 11 & 12 EAST SIDE SECOND ADDITION

DRAWING #23-102 LOT COMBO

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF THE WEST 39' OF LOT 8 AND LOTS 9 & 10 OF EAST SIDE 1ST ADDITION, AND LOTS 11 & 12 OF 2ND EAST SIDE ADDITION; CREATING NEW LOT 1 OF MASON ADDITION THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES. (PROJECT NUMBER: PLA23-0023)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the property line adjustment of THE WEST 39' OF LOT 8 AND LOTS 9 & 10 OF EAST SIDE 1ST ADDITION, AND LOTS 11 & 12 OF 2ND EAST SIDE ADDITION, creating new LOT 1 OF MASON ADDITION the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on August 1, 2023;

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 WEST 39' OF LOT 8 AND LOTS 9 & 10 OF EAST SIDE 1ST ADDITION, AND LOTS 11 & 12 OF 2ND EAST SIDE ADDITION, creating new LOT 1 OF MASON ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said 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.

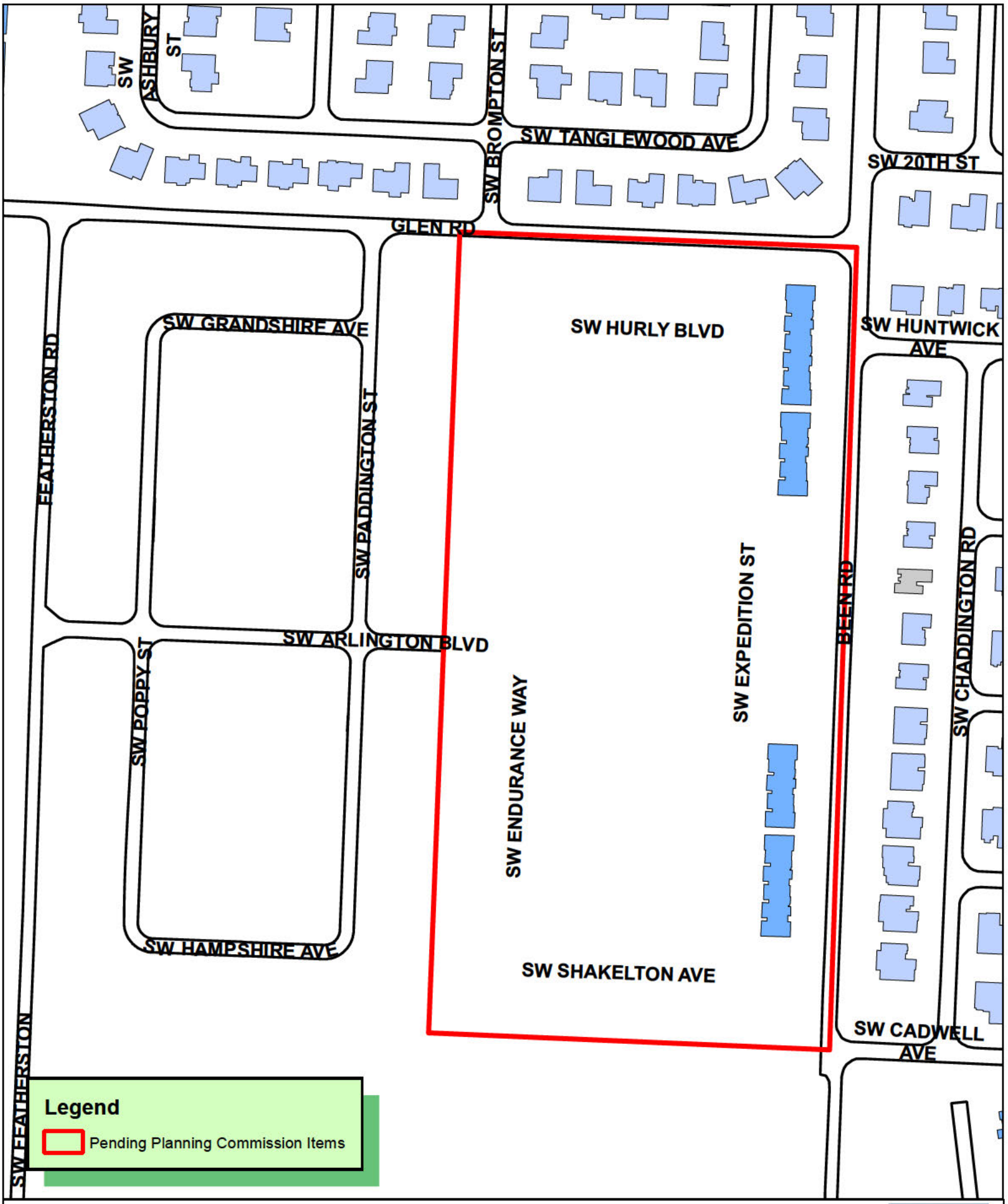
PASSED AND APPROVED this_____ day of _____, 2023.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk



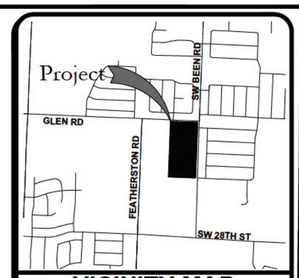
FP23-0001
FINAL PLAT
BEEN ROAD VILLAS SUBDIVISION

EXHIBIT "A"

BEEN ROAD VILLAS

FINAL PLAT

9549 GLEN ROAD
BENTONVILLE, ARKANSAS 72713



VICINITY MAP
N.T.S.

Recording Block

CONTACT INFORMATION:

DEVELOPER / PROPERTY OWNER:
Parcel #: 01-00828-070
610 Towson Avenue
PO Box 2207
Fort Smith, AR 72902
479.783.5191

CIVIL ENGINEER/SURVEYOR
Phil Swope, P.E.
Terry Ging, P.S.
Swope Engineering
3511 SE J Street, Suite 9
Bentonville, Arkansas 72712
479.685.8399 office
479.250.4285 fax

City of Bentonville - Engineering Department
Attn: Dan Weese, City Engineer
3200 SW Municipal Drive
Bentonville, AR,
Ph: (479) 271-5993
dweese@bentonvillear.com

City of Bentonville - Stormwater
Attn: Janet Paith
3200 SW Municipal Drive
Bentonville, AR 72712
Ph: (479) 271-5002
jpaith@bentonvillear.com

City of Bentonville - Planning Department
Attn: Brian Bahr, Planning Director
305 SW "A" Street
Bentonville, AR 72712
Ph: (479) 271-3122

City of Bentonville - Fire Department
Attn: Brent Boydston, Fire Chief
800 SW "A" Street
Bentonville, AR 72712
Ph: (479) 271-5927

City of Bentonville - Street Department
Attn: Tony Davis
3200 SW Municipal Drive
Bentonville, AR 72712
Ph: (479) 271-3130
todavis@bentonvillear.com

City of Bentonville - Water Department
Attn: Preston Newbill
3200 SW Municipal Drive
Bentonville, AR 72712
Ph: (479) 271-3140
pnewbill@bentonvillear.com

City of Bentonville - Electric Department
Attn: Charlie Barnes
3200 SW Municipal Drive
Bentonville, AR 72712
Ph: (479) 271-3159

City of Bentonville - Wastewater Department
Attn: Nancy Busen
1901 NE "A" Street
Bentonville, AR 72712
Ph: (479) 271-3160
nbusen@bentonvillear.com

CITY OF Bentonville MAYOR
117 W. Central Avenue
Bentonville, AR 72712
Assistant to the Mayor
CONTACT: Karilea Magee
(479) 271-5966 OFFICE

UTILITY INFORMATION:

GAS COMPANY
BLACK HILLS ENERGY
ATTN: JOSH KNIGHT
1301 FEDERAL WAY
PO BOX 2129
LOWELL, AR 72745
PH: (479) 333-7005
JOSHUA.KNIGHT@BLACKHILLSCORP.COM

TELEPHONE COMPANY
AT&T
ATTN: SCOTT SEAMAN
OR LAYNE RHODES
627 WHITE ROAD
SPRINGDALE, AR 72766
PH: 479-442-1967 (SCOTT SEAMAN)
PH: 479-442-1977 (LAYNE RHODES)
SS7513@ATT.COM
LR159@ATT.COM

CENTURYTEL PHONE COMPANY
2601 WAUKESHA ROAD
SILOAM SPRINGS, AR 72761
PH: 479-524-9943
FAX: 479-524-9936
MICHAEL.EDWARDS@CENTURYLINK.COM

CABLE COMPANY
COX COMMUNICATIONS
ATTN: KIP SMITH,
4901 S. 48TH STREET,
SPRINGDALE, AR 72762,
PH: (479) 717-3796
KIP.SMITH@COX.COM

ARKANSAS DOT
ATTN: DOUG MEARS
215 INDUSTRIAL PARK ROAD
PO BOX 610
HARRISON, AR 72602
DOUG.MEARS@AHTD.GOV

ARKANSAS DEPARTMENT OF HEALTH
ATTN: ADAM PARKER
DIVISION OF ENGINEERING, SLOT 37
4815 W MARKHAM
LITTLE ROCK, AR 72205
661-2623 OFFICE
ADAM.PARKER@ARKANSAS.GOV

CARROLL ELECTRIC
ATTN: RYAN BUTLER
PO BOX 329
BENTONVILLE, AR 72712
PH: 479-273-2421 EXT 1415
RBUTLER@CARROLLECC.COM

SITE INFORMATION

PROPERTY INFORMATION		
Gross Site area	805,389.52 sf	18.49 acres
Proposed Dedicated R.O.W.	68,147.52 sf	1.56 acres
Net Site Area	873,537.12 sf	20.05 acres
Zoning	R-3 Residential	

ZONING REGULATIONS	
Front Yard	20 ft
Rear Yard	25 ft
Side Yard	7 ft
Side Yard (Street Side)	20 ft
Minimum Lot Width	75.50 ft

PHASE II SUBDIVISION INFORMATION	
Buildable Lots	50
Non-Buildable Lots	4
Total Lots	54

REVISION TABLE

DATE	DESCRIPTION
1/18/2023	FIRST SUBMITTAL

WETLANDS INFORMATION

There are no known Wetlands on this Site.

BASIS OF BEARING:
ARKANSAS STATE PLANE,
COORDINATE SYSTEM,
(NAD-83) NORTH ZONE.

LEGEND

SURVEY FEATURES
- BOUNDARY LINE
- SECTION LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- TREE LINE
- (M) FIELD MEASUREMENT
- (R) RECORDED MEASUREMENT

EASEMENTS
- ACCESS EASEMENT
- BUILDING SET BACK
- UTILITY EASEMENT

UTILITY LINES
- W — WATER LINE
- OHE — OVERHEAD POWER LINE
- SS — SEWER LINE
- FLOW LINE
- GAS — GAS LINE
- FO — FIBER OPTIC
- TELE — TELEPHONE LINE

SURVEYING SYMBOLS
- SET/FOUND 1/2" REBAR
- SET/FOUND ALUM. MONUMENT
- SET/FOUND NAIL
- SET/FOUND COTTON SPINDLE
- FENCE CORNER POST
- SET / FOUND P/K NAIL
- FOUND STONE
- RAILROAD SPIKE
- STATE MONUMENT
- TEMP BENCH MARK (ELEV.)
- FOUND PIPE
- STAKE ON LINE
- COMPUTED POINT
- TREE

UTILITY SYMBOLS
- SANITARY SEWER
- TELEPHONE PEDESTAL
- MANHOLE
- WATER METER
- POWER POLE
- SEPTIC LID
- WATER VALVE
- FIRE HYDRANT
- GAS METER
- STORM WATER
- ELECTRICAL BOX
- LIGHT

SURVEY FEATURE HATCHES
- ASPHALT
- CONCRETE
- POND
- GRAVEL
- FLOOD ZONE

PHASE 1 DESCRIPTION

PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 2, TOWNSHIP 19 NORTH OF RANGE 31 WEST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NE CORNER OF SAID NE 1/4 OF THE SE 1/4 OF SECTION 2;
THENCE N 87°44'57" W 660.12 FEET;
THENCE S 02°13'23" W 35.00 FEET TO THE POINT OF BEGINNING;
THENCE S 87°44'57" W 613.71 FEET;
THENCE A LONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 18.04 FEET AND A CHORD BEARING AND DISTANCE OF S 42°49'09" 16.24 FEET;
THENCE S 02°06'40" W 370.95 FEET;
THENCE S 02°14' 56" W 903.72 FEET;
THENCE N 87°40'46" W 625.53 FEET;
THENCE N 02°13'23" E 1285.38 FEET, THE POINT OF BEGINNING, CONTAINING 18.47 ACRES, MORE OR LESS, BEING SUBJECT TO ANY COVENANTS, EASEMENTS, OR RIGHT-OF-WAYS OF RECORD OR FACT.

PARENT DESCRIPTION

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

BEGINNING AT THE NW CORNER OF THE SW 1/4 OF SAID SECTION 2;
THENCE S 02°06'40" W 1319.60 FEET TO A FOUND COTTON PICKER SPINDLE;
THENCE N 87°40'27" W 660.25 FEET TO A FOUND IRON PIN;
THENCE N 02°13'23" E 1318.73 FEET TO A FOUND IRON PIN;
THENCE S 87°44'57" E 660.12 FEET TO THE POINT OF BEGINNING
CONTAINING 873557.12 SQUARE FEET OR 19.94 ACRES MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS OR RIGHT-OF-WAYS OF RECORD OR FACT.

FLOOD INFORMATION

This property lies in Zone 'X' as determined from the F.I.R.M. maps of Benton County, Arkansas, and Incorporated Areas, Map Number 05007C0235K, effective June 5, 2012.

Final Plat
For

BEEN ROAD VILLAS
GLEN ROAD

9549 GLEN ROAD
BENTONVILLE, ARKANSAS 72713

CERTIFICATE OF AUTHORIZATION — SWOPE CONSULTING — No. 2831 — ARKANSAS

LICENSED PROFESSIONAL SURVEYOR — STATE OF ARKANSAS — No. 1301 — SIGNATURE — Terry L. Ging

SWOPE ENGINEERING
Civil Engineering and Land Surveying
www.swopeengineering.com
Certificate of Authorization № 2831

DRAWN BY:	John	JOB NUMBER	19-126
SUBMITTAL DATE:	07/12/2021	SCALE	As Noted
DRAWING NAME:	19-126 - PR - AB.dwg		
SHEET NUMBER:	FP 1.0		

r:\~swope\19-126 been road villaslas built drawings\19-126 - pr - ab.dwg - Plotted on 2/1/2023 10:43:07 AM @ a scale of 1:1 to _autocad pdf (general documentation).pc3 by John Hale

LEGEND

SURVEY FEATURES	SURVEYING SYMBOLS	
BOUNDARY LINE	SET/FOUND 1/2" REBAR	SET/FOUND ALUM. MONUMENT
SECTION LINE	SET/FOUND NAIL	SET/FOUND COTTON SPINDLE
CENTERLINE OF ROAD	FENCE CORNER POST	SET / FOUND P/K NAIL
RIGHT-OF-WAY	FOUND STONE	RAILROAD SPIKE
FENCE	STATE MONUMENT	TEMP BENCH MARK (ELEV.)
TREE LINE	FOUND PIPE	STAKE ON LINE
(M) FIELD MEASUREMENT	COMPUTED POINT	TREE
(R) RECORDED MEASUREMENT		

EASEMENTS	UTILITY SYMBOLS	
ACCESS EASEMENT	SANITARY SEWER	TELEPHONE PEDESTAL
BUILDING SET BACK	MANHOLE	WATER METER
UTILITY EASEMENT	POWER POLE	SEPTIC LID
	WATER VALVE	FIRE HYDRANT
UTILITY LINES	GAS METER	STORM WATER
WATER LINE	ELECTRICAL BOX	LIGHT
OVERHEAD POWER LINE		
SEWER LINE	SURVEY FEATURE HATCHES	
FLOW LINE	ASPHALT	CONCRETE
GAS LINE	GRAVEL	FLOOD ZONE
FIBER OPTIC		POND
TELEPHONE LINE		

R.O.W DESCRIPTION

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

BEGINNING AT THE NW CORNER OF THE SW 1/4 OF SAID SECTION 2;
THENCE S 02°06'30" W 1320.71 FEET TO POINT ;
THENCE N 88°22'41" W 35.06 FEET TO A SET IRON PIN;
THENCE N 02°06'40" E 1274.62 FEET TO A SET IRON PIN;
THENCE A CURVE TO THE LEFT WITH A ARC LENGTH OF 18.04 AND RADIUS OF 11.50 WITH A CORD BEARING AND DISTANCE OF S42° 49' 09 'E 16.24 FEET TO A SET IRON PIN;
THENCE N 87°44'57" E 613.71 FEET TO A FOUND IRON PIN;
THENCE N 02°13'23" E 35.00 FEET TO A FOUND IRON PIN;
THENCE N 87°44'57" E 660.12 FEET TO THE POINT OF BEGINNING; CONTAINING 68180.93 SQUARE FEET OR 1.57 ACRES MORE OR LESS, BEING SUBJECT TO ANY EASEMENTS OR RIGHT-OF-WAYS OF RECORD OR FACT.

BASIS OF BEARING:
ARKANSAS STATE PLANE, COORDINATE SYSTEM, (NAD-83) NORTH ZONE.

GRAPHIC SCALE
0 80' 160'
1 inch = 80 feet

Recording Block

SWOPE ENGINEERING
Civil Engineering and Land Surveying
www.swopeengineering.com
Certificate of Authorization № 2831

Final Plat

BEEN ROAD VILLAS

BBG PROPERTY DEVELOPMENT LLC

9549 GLEN ROAD
BENTONVILLE, ARKANSAS 72713

CERTIFICATE OF SURVEYING ACCURACY

I, PHILLIP R. SWOPE, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION 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.1889
STATE OF ARKANSAS

PROFESSIONAL LICENSED SURVEYOR — STATE OF ARKANSAS — No. 1889 — SIGNATURE — Phillip R. Swope

CERTIFICATE OF AUTHORIZATION — SWOPE CONSULTING — No. 2831 — ARKANSAS

DRAWN BY: JOHN	JOB NUMBER: 19-126
SUBMITTAL DATE: 01/19/2023	City Number: PP##-####
DRAWING NAME: 19-126 - PR - AB.dwg	
SHEET NUMBER: **FP 2.0**	

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Recording Block

BASIS OF BEARING:
ARKANSAS STATE PLANE, COORDINATE SYSTEM, (NAD-83) NORTH ZONE.

GRAPHIC SCALE
0 100' 200'
1 inch = 100 feet

Curve Table

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	28.26'	18.02'	089°51'38"	25.45'	S42°45'47"E
C2	39.27'	25.00'	090°00'40"	35.36'	S47°16'40"W
C3	39.27'	25.00'	089°59'20"	35.35'	S42°43'20"E
C4	39.25'	25.00'	089°57'04"	35.34'	N47°14'51"E
C5	28.24'	18.00'	089°53'17"	25.43'	S42°49'58"E
C13	39.25'	25.00'	089°57'04"	35.34'	N47°14'51"E
C14	39.29'	25.00'	090°02'56"	35.37'	N42°45'09"W
C15	39.27'	25.00'	090°00'35"	35.36'	S47°13'06"W
C16	28.27'	18.00'	089°59'25"	25.45'	S42°46'54"E
C21	28.31'	18.00'	090°06'43"	25.48'	S47°10'02"W
C22	39.27'	25.00'	089°59'25"	35.35'	N42°46'54"W
C23	18.04'	11.50'	089°51'37"	16.24'	S42°49'09"E
C24	28.28'	18.00'	090°00'35"	25.46'	S47°13'06"W
C25	39.27'	25.00'	090°00'38"	35.36'	N42°46'18"W
C26	28.28'	18.00'	090°01'39"	25.46'	N47°14'13"E

LEGEND

SURVEY FEATURES
- BOUNDARY LINE
- SECTION LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- TREE LINE
- (M) FIELD MEASUREMENT
- (R) RECORDED MEASUREMENT

SURVEYING SYMBOLS
- SET/FOUND 1/2" REBAR
- SET/FOUND NAIL
- FENCE CORNER POST
- FOUND STONE
- STATE MONUMENT
- FOUND PIPE
- COMPUTED POINT
- SET/FOUND ALUM. MONUMENT
- SET/FOUND COTTON SPINDLE
- SET / FOUND P/K NAIL
- RAILROAD SPIKE
- TEMP BENCH MARK (ELEV.)
- STAKE ON LINE
- TREE

EASEMENTS
- ACCESS EASEMENT
- BUILDING SET BACK
- UTILITY EASEMENT

UTILITY SYMBOLS
- SANITARY SEWER
- MANHOLE
- POWER POLE
- WATER VALVE
- GAS METER
- ELECTRICAL BOX
- TELEPHONE PEDESTAL
- WATER METER
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- FIRE HYDRANT
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- ASPHALT
- CONCRETE
- POND
- GRAVEL
- FLOOD ZONE

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Certificate of Authorization № 2831

Final Plat

BEEN ROAD VILLAS

BBG PROPERTY DEVELOPMENT LLC

9549 GLEN ROAD
BENTONVILLE, ARKANSAS 72713

CERTIFICATE OF SURVEYING ACCURACY

I, PHILLIP R. SWOPE, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION 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: _____

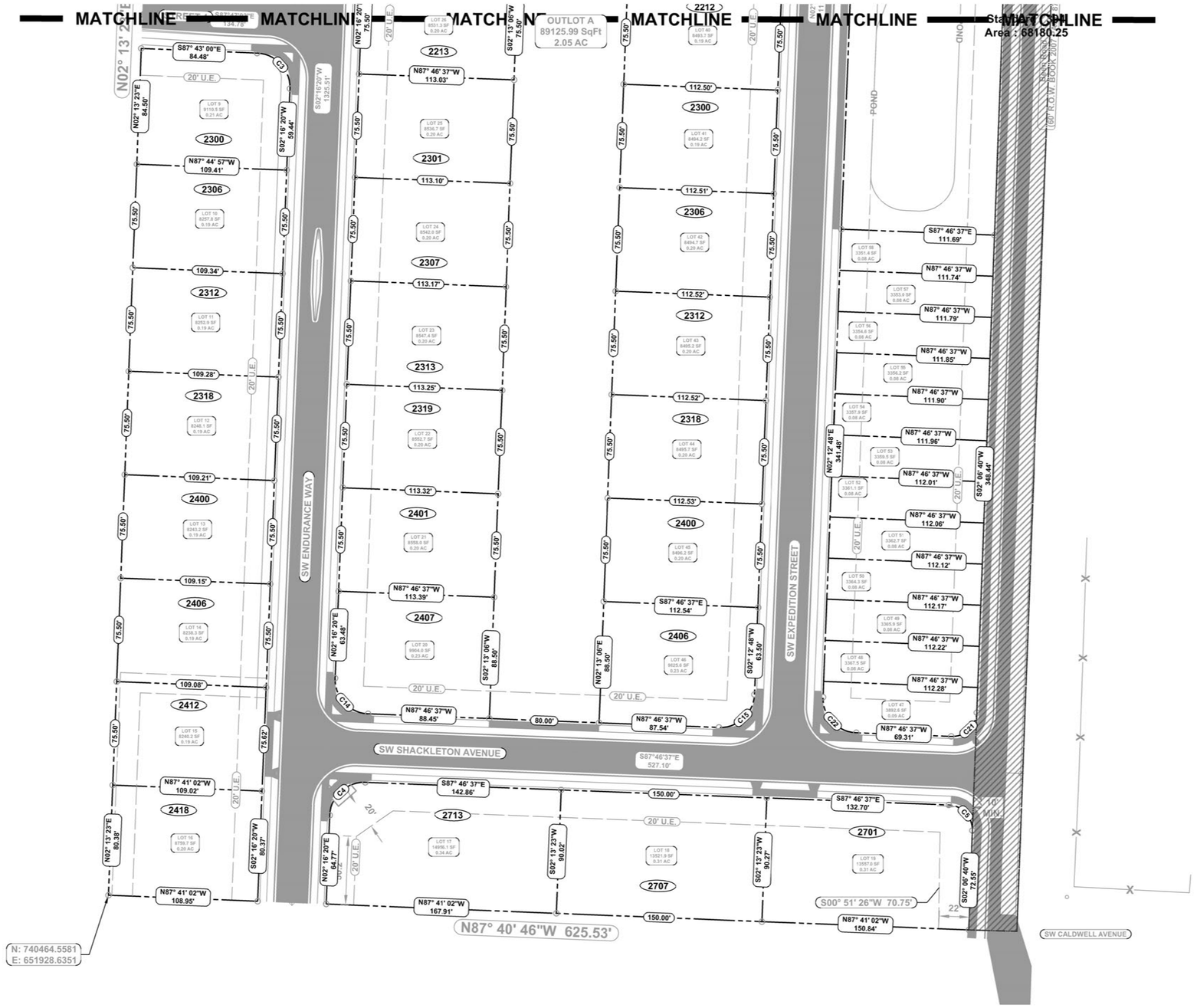
SIGNED: _____
REGISTERED LAND SURVEYOR
NO.1889
STATE OF ARKANSAS

PROFESSIONAL LICENSED SURVEYOR — STATE OF ARKANSAS — No. 1889 — SIGNATURE — Phillip R. Swope

CERTIFICATE OF AUTHORIZATION — SWOPE CONSULTING — No. 2831 — ARKANSAS

DRAWN BY: JOHN	JOB NUMBER: 19-126
SUBMITTAL DATE: 01/19/2023	City Number: PP##-####
DRAWING NAME: 19-126 - PR - AB.dwg	
SHEET NUMBER: FP 3.0	

r:\~swope\19-126 been road villas\as built drawings\19-126 - pr - ab.dwg - Plotted on 2/1/2023 4:20:53 PM @ a scale of 1:1 to bluebeam pdf by John Hale



Recording Block

GRAPHIC SCALE

0 60' 120'

1 inch = 60 feet

LEGEND

SURVEY FEATURES

- BOUNDARY LINE
- SECTION LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- TREE LINE
- (M) FIELD MEASUREMENT
- (R) RECORDED MEASUREMENT

SURVEYING SYMBOLS

- SET/FOUND 1/2" REBAR
- SET/FOUND ALUM. MONUMENT
- SET/FOUND NAIL
- SET/FOUND COTTON SPINDLE
- FENCE CORNER POST
- SET / FOUND P/K NAIL
- FOUND STONE
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- ACCESS EASEMENT
- BUILDING SET BACK
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UTILITY SYMBOLS

- SANITARY SEWER
- TELEPHONE PEDESTAL
- MANHOLE
- WATER METER
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- STORM WATER
- ELECTRICAL BOX
- LIGHT

UTILITY LINES

- W WATER LINE
- OHE OVERHEAD POWER LINE
- SS SEWER LINE
- FLOW LINE
- GAS GAS LINE
- FO FIBER OPTIC
- TELE TELEPHONE LINE

SURVEY FEATURE HATCHES

ASPHALT · CONCRETE · POND · GRAVEL · FLOOD ZONE

Curve Table

Curve #	Length	Radius	Delta	Chord Length	Chord Bearing
C1	28.26'	18.02'	089°51'38"	25.45'	S42°45'47"E
C2	39.27'	25.00'	090°00'40"	35.36'	S47°16'40"W
C3	39.27'	25.00'	089°59'20"	35.35'	S42°43'20"E
C4	39.25'	25.00'	089°57'04"	35.34'	N47°14'51"E
C5	28.24'	18.00'	089°53'17"	25.43'	S42°49'58"E
C13	39.25'	25.00'	089°57'04"	35.34'	N47°14'51"E
C14	39.29'	25.00'	090°02'56"	35.37'	N42°45'09"W
C15	39.27'	25.00'	090°00'35"	35.36'	S47°13'06"W
C16	28.27'	18.00'	089°59'25"	25.45'	S42°46'54"E
C21	28.31'	18.00'	090°06'43"	25.48'	S47°10'02"W
C22	39.27'	25.00'	089°59'25"	35.35'	N42°46'54"W
C23	18.04'	11.50'	089°51'37"	16.24'	S42°49'09"E
C24	28.28'	18.00'	090°00'35"	25.46'	S47°13'06"W
C25	39.27'	25.00'	090°00'38"	35.36'	N42°46'18"W
C26	28.28'	18.00'	090°01'39"	25.46'	N47°14'13"E

SWOPE ENGINEERING
Civil Engineering and Land Surveying
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Certificate of Authorization № 2831

Final Plat

BEEN ROAD VILLAS

BBG PROPERTY DEVELOPMENT LLC

9549 GLEN ROAD
BENTONVILLE, ARKANSAS 72713

CERTIFICATE OF SURVEYING ACCURACY

I, PHILLIP R. SWOPE, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION 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.1889
STATE OF ARKANSAS

PROFESSIONAL LICENSED SURVEYOR — STATE OF ARKANSAS — No. 1889 — SIGNATURE — Phillip R. Swope

CERTIFICATE OF AUTHORIZATION — SWOPE CONSULTING — No. 2831 — ARKANSAS

DRAWN BY: JOHN	JOB NUMBER: 19-126
SUBMITTAL DATE: 10/02/2020	City Number: PP##-####
DRAWING NAME: 19-126 - PR - AB.dwg	
SHEET NUMBER: **FP 4.0**	

r:\~swope\19-126 been road villas\as built drawings\19-126 - pr - ab.dwg - Plotted on 2/1/2023 4:21:50 PM @ a scale of 1:1 to bluebeam pdf by John Hale

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A FINAL PLAT OF BEEN ROAD VILLAS TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES. (PROJECT NUMBER:FP23-0001)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the final plat of BEEN ROAD VILLAS, to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on August 1, 2023;

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

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

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

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

Section 1: That the final plat of BEEN ROAD VILLAS to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

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

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 _____, 2023.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Kirby Romines, City Clerk

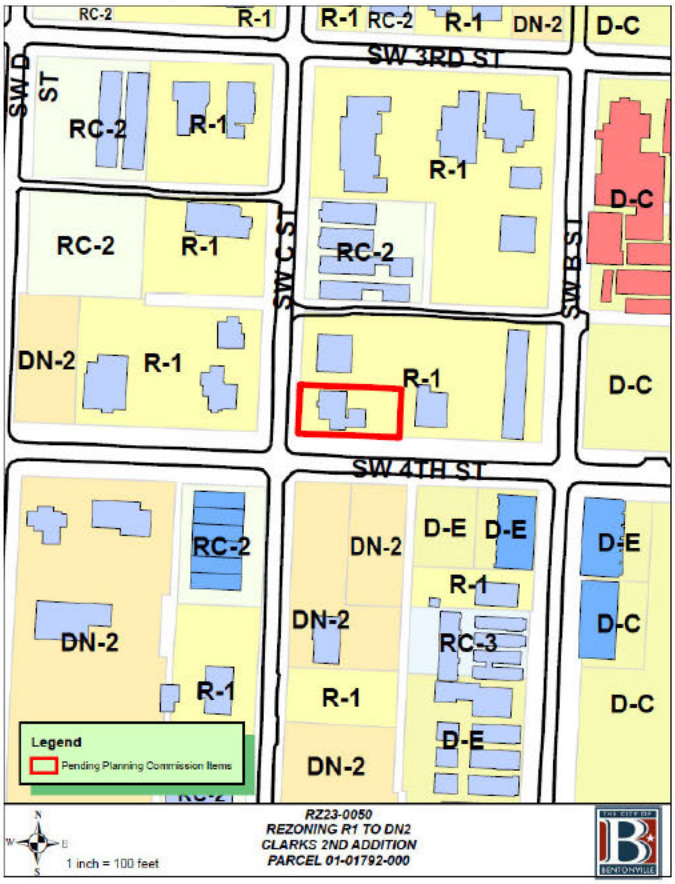
Starr

321 Southwest C Street
PC Date: 8/1/2023
Reviewer: Bradley Gavrielides, Planning Technician

Project Number	RZ23-0050
Applicant / Current Owner	Kirk Starr
Site Area	+/- 0.17 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Related projects	N/A

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 321 Southwest C Street. It is currently zoned R-1, Single Family Residential. It contains an existing single-family home. Adjacent zonings are R-1, Single Family Residential, DN-2, Downtown Medium-Density Residential, R-C2, Central Residential - Moderate Density, and DE, Downtown Edge.

Relationship to the General Plan
The Future Land Use Plan depicts this property as Medium Density Residential (MDR) and is surrounded Medium Density Residential (MDR) land use.

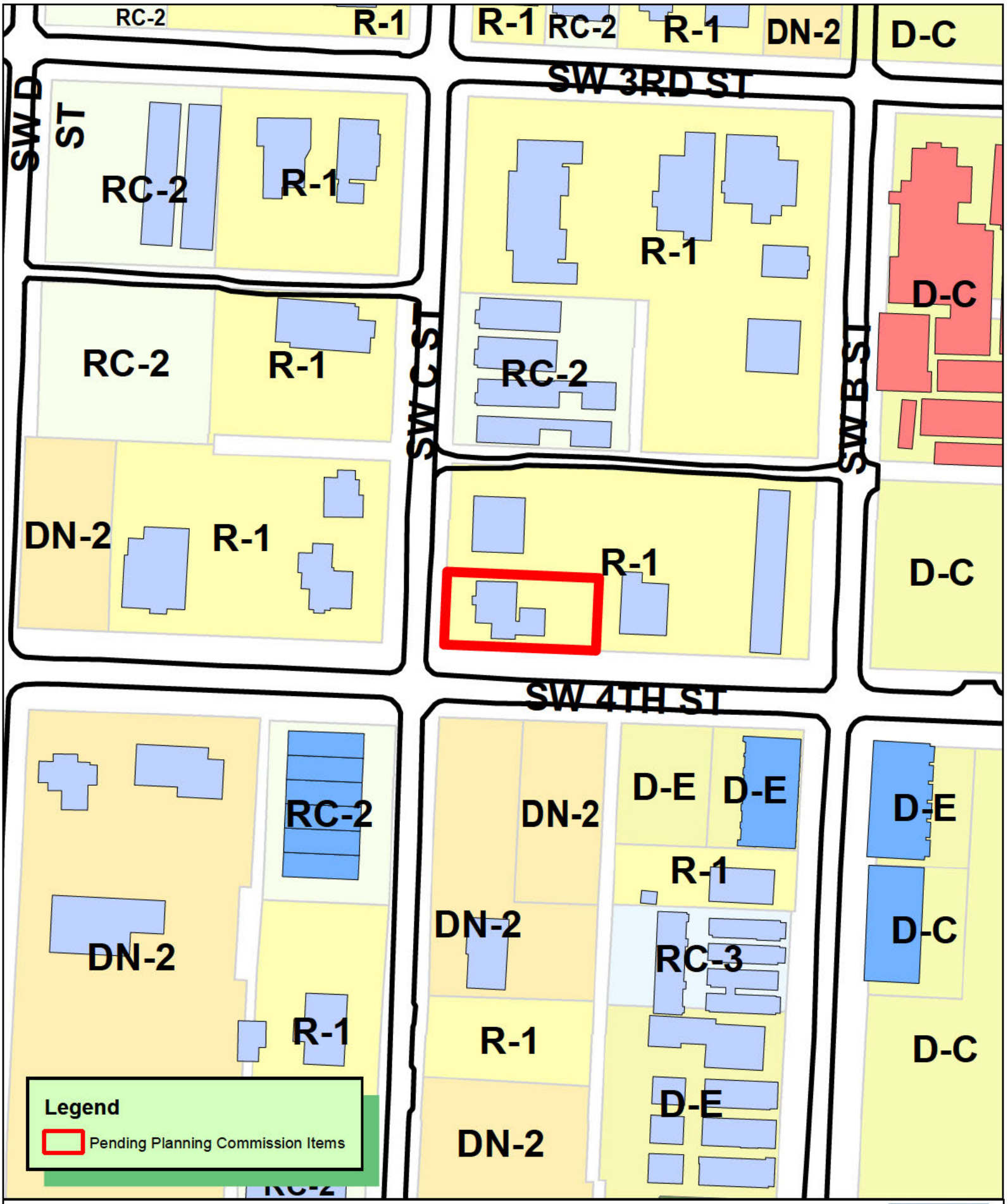
Medium-density residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places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

Public Comment
Staff has NOT received public comment regarding this request.

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

The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

Conclusion
This request is consistent with the Future Land Use Plan and it is consistent with the uses of the surrounding zoning districts and development patterns located in the vicinity.



N
W E
S

1 inch = 100 feet

RZ23-0050
REZONING R1 TO DN2
CLARKS 2ND ADDITION
PARCEL 01-01792-000

THE CITY OF BENTONVILLE

The current zoning of property 321 SW C St. Parcel #01-01792-000 is R-1. The owner, Kirk Starr (479-321-0262) is requesting to rezone to DN-2. The intention of the rezoning is to look towards the future and match the surrounding lots within the community with denser zoning. There are no proposed sales with this rezone.

This rezone matches the intentions of the future land use map and the direction the city sees this area going. Any potential development allowed by DN-2 will continue to be residential use only. It will not impact traffic flow or require any signage. All city amenities are currently accessible on this lot with no changes required.

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.

(PROJECT NUMBER:RZ23-0050)

WHEREAS, Mr. Kirk Starr duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

> THE SOUTH 60 FEET OF LOTS 11 AND 12 AND THE SOUTH 60 FEET OF THE WEST ½ OF LOT 13, ALL IN BLOCK 7, CLARK'S SECOND ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "Q" AT PAGE 502. THENCE SOUTH 87 DEGREES, 34 MINUTES, 32 SECONDS EAST, A DISTANCE OF 125.09 FEET, ALONG THE NORTHERLY LINE OF PROPERTY NOW OWNED BY KIRK STARR. THENCE SOUTH 02 DEGREES, 14 MINUTES, 02 SECONDS WEST, A DISTANCE OF 60.02 FEET, ALONG THE EASTERLY LINE OF PROPERTY. THENCE NORTH 87 DEGREES, 32 MINUTES, 01 SECOND WEST, A DISTANCE OF 125.04 FEET ALONG THE SOUTHERLY LINE OF PROPERTY. THENCE NORTH 02 DEGREES, 11 MINUTES, 21 SECONDS EAST, A DISTANCE OF 125.09 FEET, ALONG THE WESTERLY LINE OF PROPERTY.

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held August 1, 2023 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 DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

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 _____, 2023.

APPROVED:

_____

ATTEST: **Stephanie Orman, Mayor**

_____

Kirby Romines, City Clerk

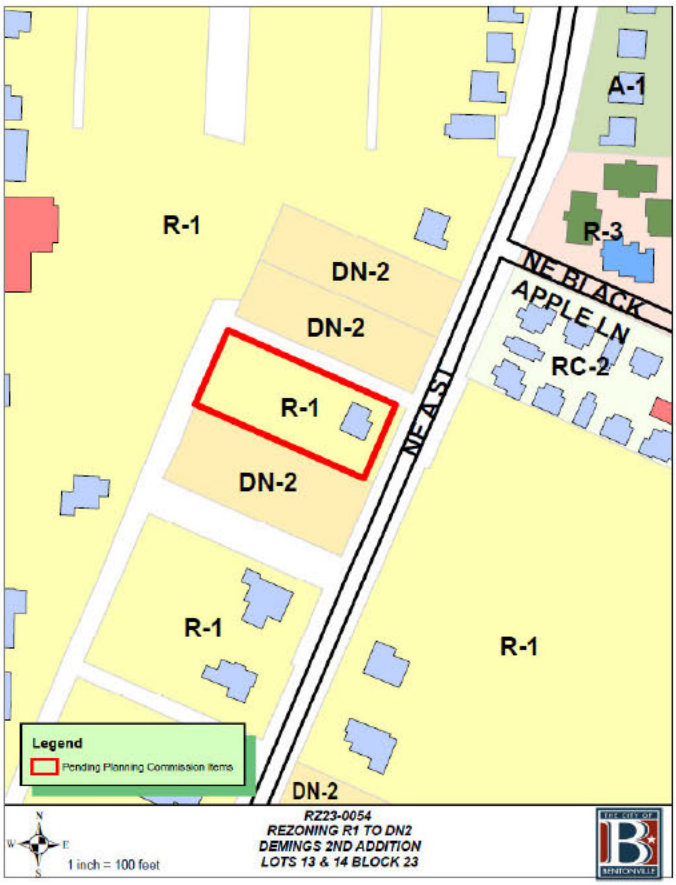
Tyanna Properties LLC

805 Northeast A Street
PC Date: 8/1/2023
Reviewer: Bradley Gavrielides, Planning Technician

Project Number	RZ23-0054
Applicant / Current Owner	Jason Ingalls / Tyanna Properties LLC
Site Area	+/- 0.55 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-2, Downtown Medium-Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Related projects	N/A

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 805 Northeast A Street. It is currently zoned R-1, Single Family Residential. It contains an existing single-family home. Adjacent zonings are R-1, Single Family Residential with DN-2 to the north and south.

Relationship to the General Plan
The Future Land Use Plan depicts this property as Medium Density Residential (MDR) and is surrounded Medium Density Residential (MDR) land use.

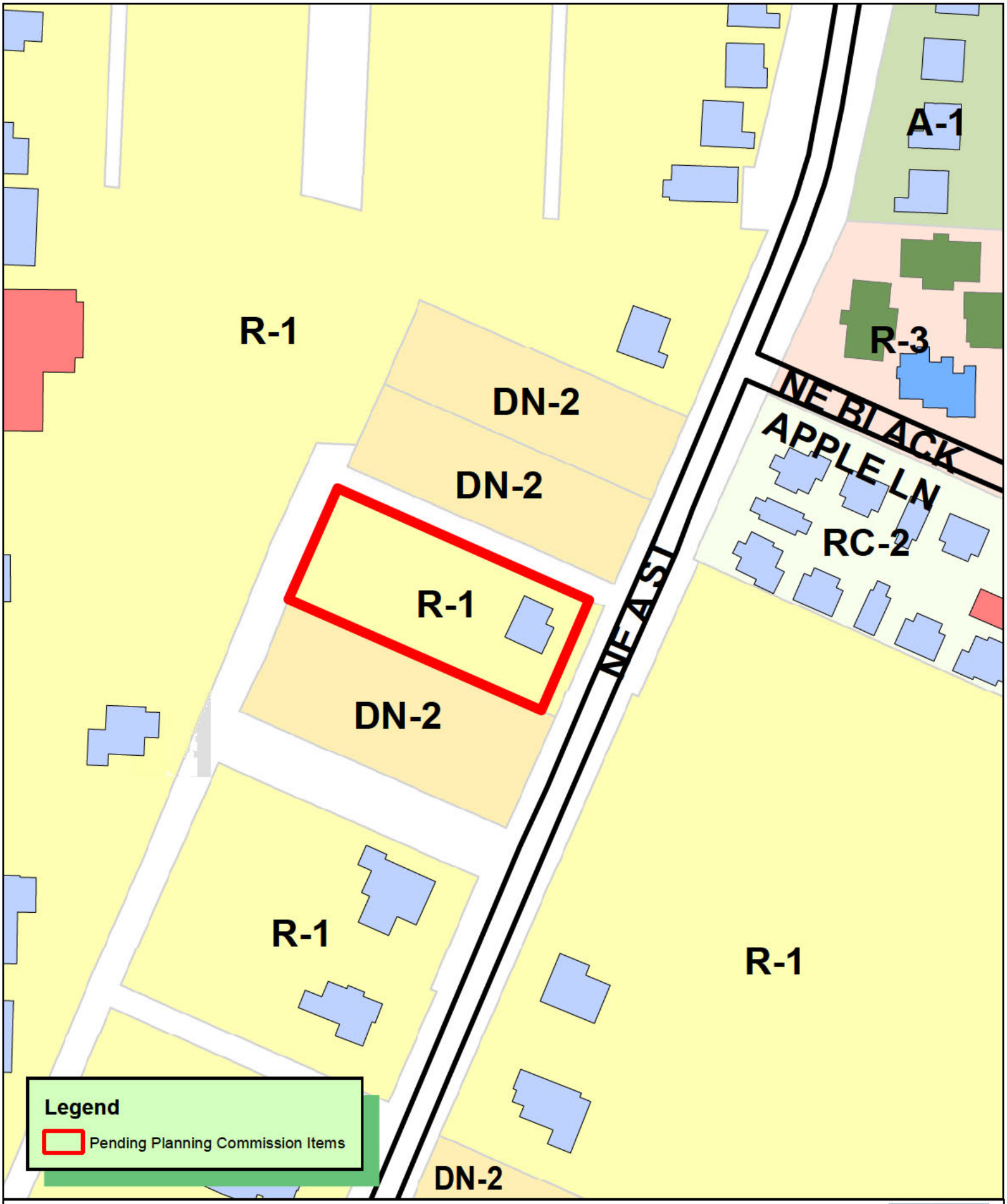
Medium-density residential areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places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

Public Comment
Staff has NOT received public comment regarding this request.

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

The proposed zoning of DN-2 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

Conclusion
This request is consistent with the Future Land Use Plan and it is consistent with the uses of the surrounding zoning districts and development patterns located in the vicinity.



RZ23-0054
REZONING R1 TO DN2
DEMINGS 2ND ADDITION
LOTS 13 & 14 BLOCK 23

Expedient Civil Engineering, PLLC

P.O. Box 5484
Bella Vista, AR 72714
Phone: (479) 364-0028
Email: jason@ece-pllc.com

June 23, 2023

City of Bentonville
305 SW A Street
Bentonville, AR 72712

RE: NARRATIVE
805 NE A Street

Current Zoning: R-1
Proposed Zoning DN-2

Owner:
Tyanna Properties, LLC
1421 Rustic Dr
Rogers, AR 72756

Reason:
Relation to Surrounding Properties:

Water: Available Line Size: 6 inch
Sewer: Available Line Size: 6 inch

An equal opportunity employer

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER:RZ23-0054)

WHEREAS, Tyanna 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 R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOTS 13 AND 14, BLOCK 23, DEMINGS SECOND ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD B AT PAGE 24. ;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held August 1, 2023 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 DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

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 _____, 2023.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

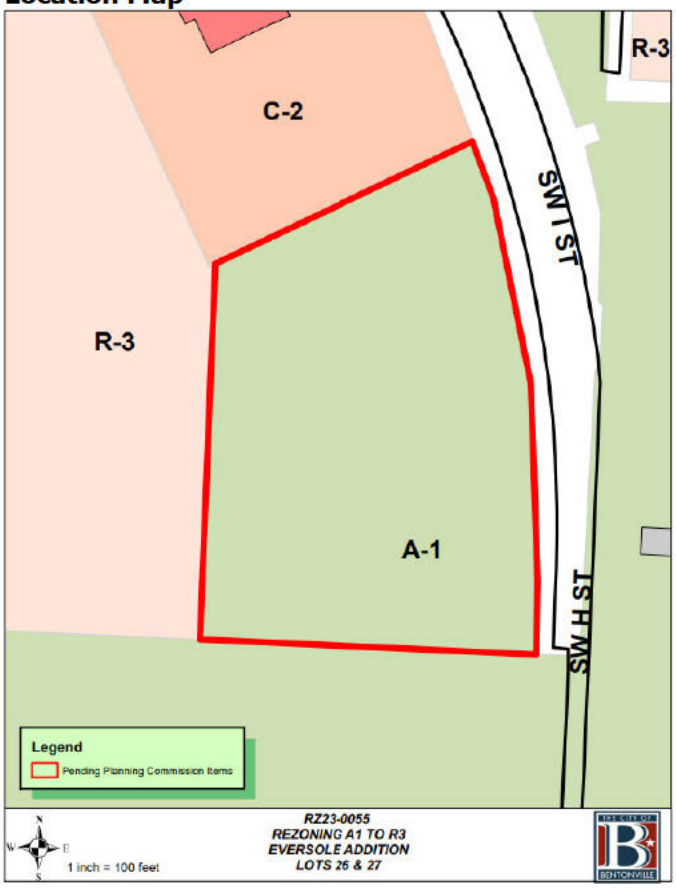
RMB Investments LLC

PID# 01-16610-002, Southwest I Street
PC Date: 8/1/2023
Reviewer: Luke Aitken, Planning Technician

Project Number	RZ23-0055
Applicant / Current Owner	RMB Investments LLC
Site Area	+/- 4.25 acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-3, Medium Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Related projects	N/A

https://arcg.is/08HvK8

Location Map



Property Description

This property is located at parcel # 01-16610-002. It is currently zoned A-1, Agricultural. It currently sits undeveloped and was used in the past as pastureland for cattle. Adjacent zonings include C-2, General Commercial to the north, R-3, Medium Density Residential to the west, and A-1, Agricultural to the south.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Medium Density Residential (MDR) and is also surrounded by properties designated as Medium Density Residential (MDR) and High Density Residential (HDR) land uses.

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

Public Comment

Staff has NOT received public comment regarding this request.

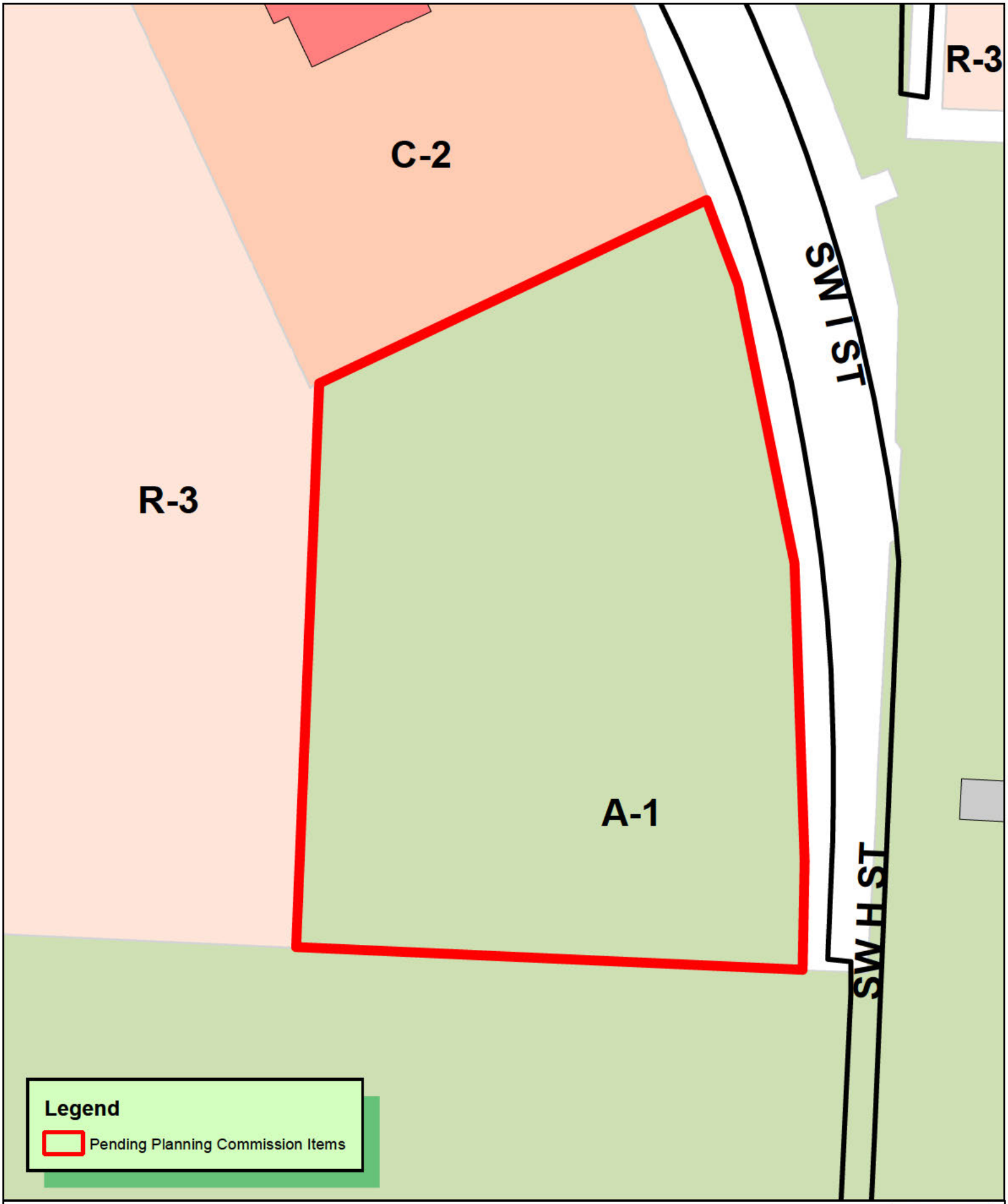
Analysis

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

The proposed zoning of R-3 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city which supports the requested change. There are public amenities nearby such as the Razorback Regional Greenway and the Bentonville Community Center, as well as recently developed retail centers along both SW I Street and AR HWY 12.

Conclusion

This request is consistent with the Future Land Use Plan and it is consistent with the uses of the surrounding zoning districts and development patterns located in the vicinity.



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1 inch = 100 feet

RZ23-0055
REZONING A1 TO R3
EVERSOLE ADDITION
LOTS 26 & 27

THE CITY OF BENTONVILLE

Crafton Tull

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

479.636.4838 (ph)
479.631.6224 (fax)

June 16, 2023

Bentonville Current Planning
305 SW A Street
Bentonville, AR 72712

RE: Rezoning of Property (Parcel #01-16610-002)

Staff,

On behalf of our clients, we would like to formally request a zoning change for this project from A-1, General Commercial to R-3, Medium Density Residential. RMB Investments, LLC, currently owns the property. Properties within the area are zoned A-1, R-3, and C-3. A proposed R-3 zoning is appropriate in this area based on proximity to other R-3 zoning classifications and other designations in the area. The Land Use Plan also matches the requested rezoning.

The owners of this parcel are requesting a rezone to R-3 in order to develop townhome units. Some concepts have been developed, and with a successful zoning change, those will be brought to the Planning Commission for Large Scale Development. The site currently has no existing buildings on site and consists of an open grassy field. The access to this property will be from SW I St and through the existing stub out on the Mercy Property. Water is located along SW I St, and the sewer can be accessed north along SW 41st St. The developer will coordinate with Bentonville Water and Sewer for what may be needed on-site as the plans begin to develop. There are no plans for proposed signage on this property. The owner/developer will work with city staff when planning any proposed signage.

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

Thank you,

[redacted]

Project Manager

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-3, MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER:RZ23-0055)

WHEREAS, RMB Investments, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, AGRICULTURAL to R-3, MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 21, AS SHOWN ON LOT SPLIT OF LOT 18OF EVERSOLE ADDITION CREATING LOTS 26 AND 27, FILED FOR RECORD IN/AS INSTRUMENT NO. L202241028, RECORDS OF BENTON COUNTY, ARKANSAS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held August 1, 2023 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-3, MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, AGRICULTURAL to R-3, MEDIUM-HIGH DENSITY MULTIFAMILY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

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 _____, 2023.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

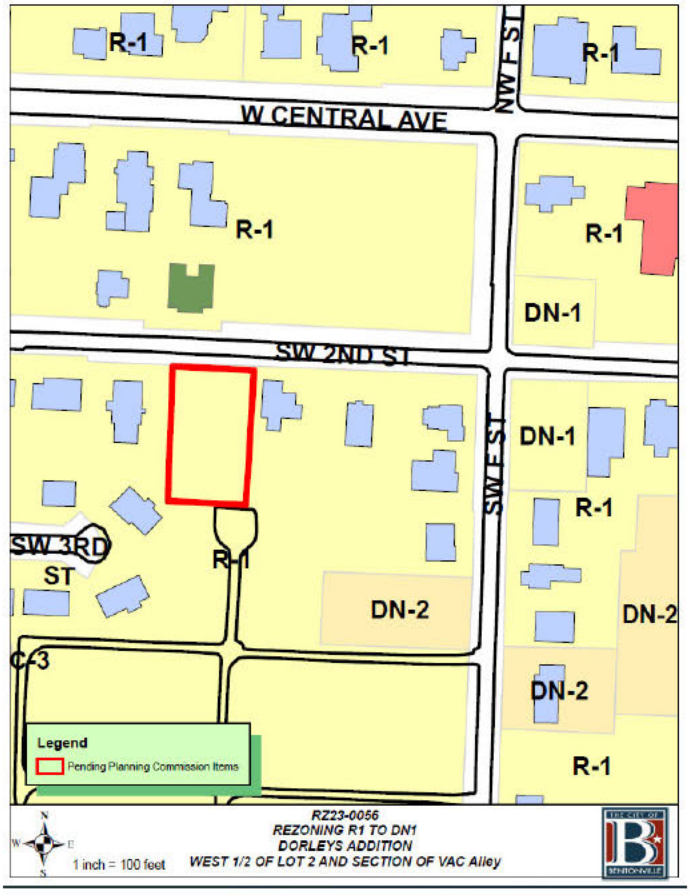
Bentonville RE Development LLC

707 Southwest 2nd Street
PC Date: 8/1/2023
Reviewer: Bradley Gavrielides, Planning Technician

Project Number	RZ23-0056
Applicant / Current Owner	Sarah Geurtz / Bentonville RE Development LLC
Site Area	+/- 0.39 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-1, Downtown Low-Density Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Related projects	LS22-0067

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 707 Southwest 2nd Street. It is currently zoned R-1, Single Family Residential. It contains an existing single-family home. Adjacent zonings are R-1, Single Family Residential.

Relationship to the General Plan
The Future Land Use Plan depicts this property as Low Density Residential (LDR) and is surrounded Low Density Residential (LDR) land use.

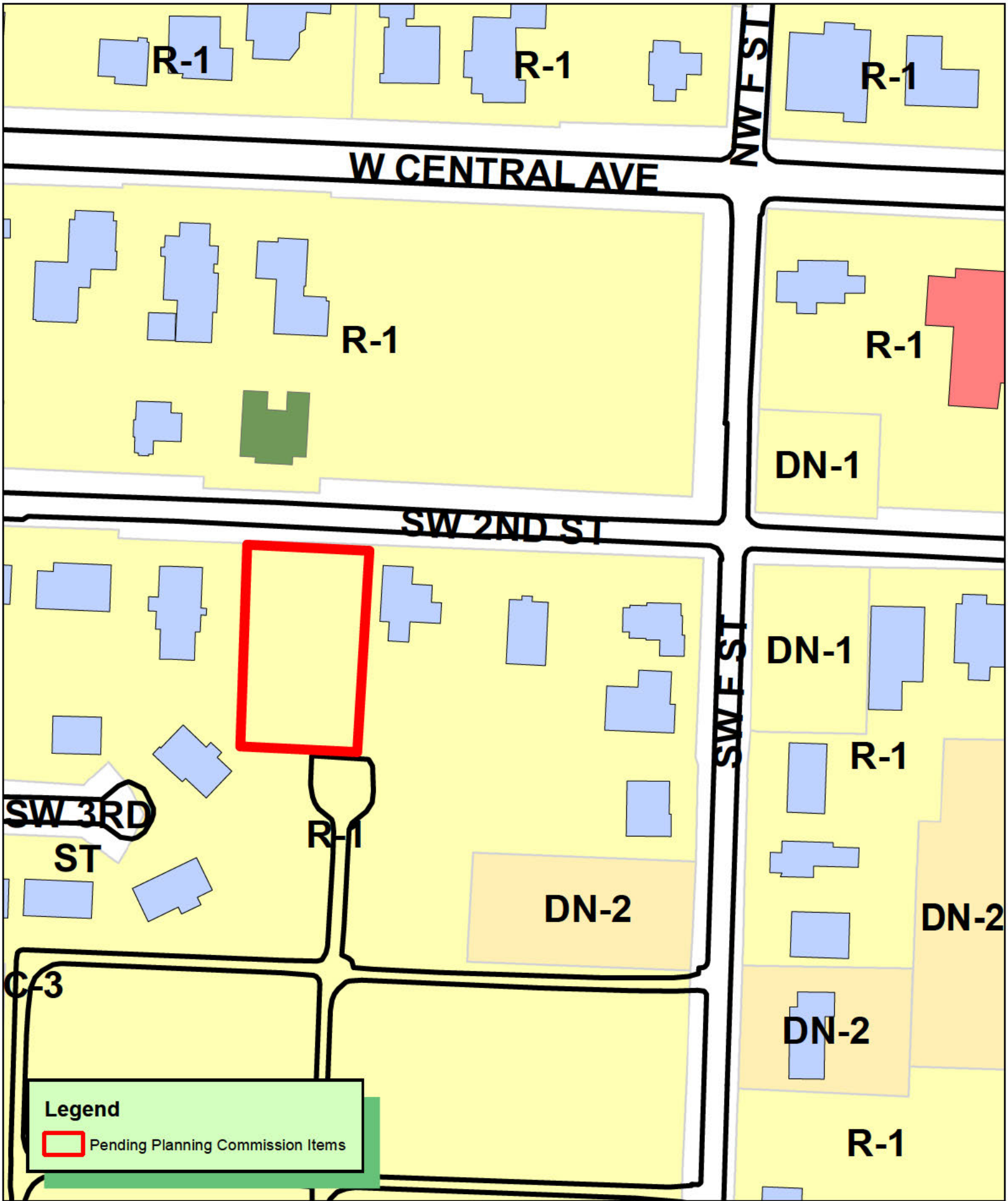
Low-density residential areas include detached single-family residential properties with a typical density of 3-8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

Public Comment
Staff has NOT received public comment regarding this request.

Analysis
The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 feet in width.

The proposed zoning of DN-1 is consistent with the Future Land Use Plan and is compatible with the surrounding development patterns within this area of the city and support the requested change.

Conclusion
This request is consistent with the Future Land Use Plan and it is consistent with the uses of the surrounding zoning districts and development patterns located in the vicinity.



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1 inch = 100 feet

RZ23-0056
REZONING R1 TO DN1
DORLEYS ADDITION
WEST 1/2 OF LOT 2 AND SECTION OF VAC Alley

THE CITY OF BENTONVILLE

Earthplan Design Alternatives, PA
Civil Engineering / Landscape Architecture

June 23, 2023

Planning Office
City of Bentonville

RE: SW 2nd St Rezone Request
Narrative Letter

To whom it may concern,

For the project known as 707 SW 2nd St Rezone, we are respectfully requesting a rezone for parcel 01-01869-000 from the property's current R-1 (Low Density Single Family Residential) to DN-1 (Downtown Low-Density Residential). This rezoning would allow the property owner to divide this single 0.39 acre parcel into two single family residential lots. The property is located within Corley's Addition Subdivision.

The current property owner is Scott Senyard of Bentonville RE Development LLC. His intention is to rezone the property so it can be divided into two lots for development. Its current R-1 zoning's minimum allowable lot width is 100 ft. Since the property's lot width is 100.46 ft, the lot cannot be divided under its current zoning. DN-1 zoning allows lot width minimums of 50 ft.

We feel that a rezone to DN-1 would be appropriate for this area of town, as it would continue to be single-family residential in keeping with neighbors on this street. Its land use would actually be less intense than the neighbor across the street, though, because a duplex is located on that property.

A 6" water line provides water to the property. A 6" sewer line provides sewer but a sewer main extension will be designed to bring sewer to the new lot that this rezone is needed for. Road access would be from SW 2nd St. Traffic from the two lots onto SW 2nd would be minimal since the density would only increase from one to two homes. Signage will not be needed since the proposed use is single family residential. Appearance would be in keeping with city code.

Please contact us if additional documentation is needed to process this Variance request. We look forward to working with your staff to complete the review of this proposed rezone.

Respectfully,
Sarah Geurtz, PLA
sdg@eda-pa.com

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.

(PROJECT NUMBER:RZ23-0056)

WHEREAS, Bentonville RE Development, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

THE WEST ONE-HALF OF LOT 2, CORLEY'S ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS AND THE NORTH ONE-HALF OF A VACATED ALLEY ABUTTING SAID LOT 2, CORLEY'S ADDITION, SAID HALF ALLEY BEING A STRIP OF LAND 4 FEET IN WIDTH AND 100.5 FEET IN LENGTH.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held August 1, 2023 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 DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY 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 _____, 2023.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Kirby Romines, City Clerk

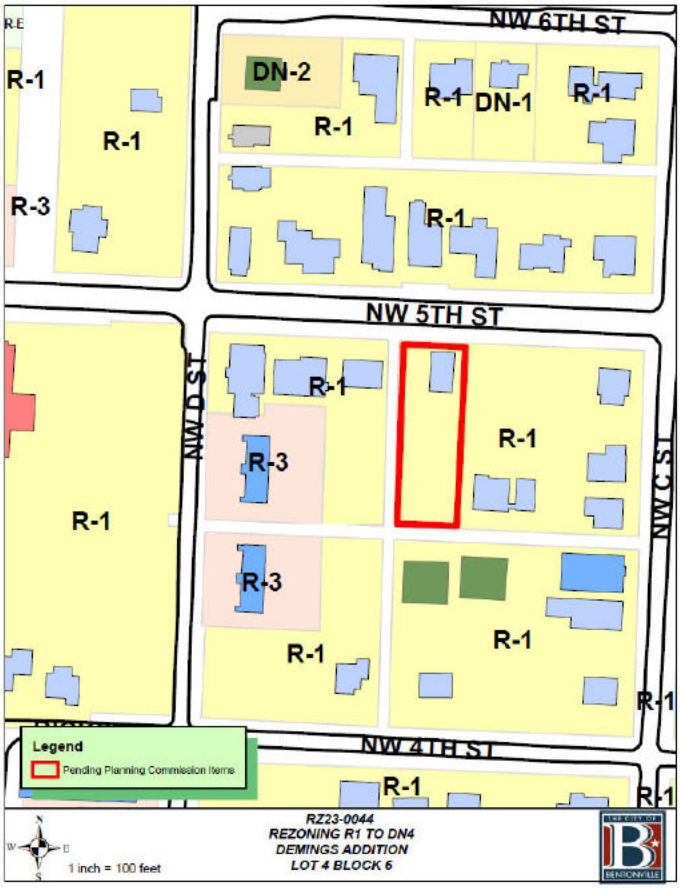
Olson

409 Northwest 5th Street
PC Date: 8/1/2023
Reviewer: Bradley Gavrielides, Planning Technician

Project Number	RZ23-0044
Applicant / Current Owner	Mark Haney / Laura Olson
Site Area	+/- 0.39 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-4, Downtown Mixed-Use Residential
Current Future Land Use Map Designation	High Density Residential (HDR)
Related projects	N/A

https://arcg.is/08HvK8

Location Map



Property Description
This property is located at 409 Northwest 5th Street. It is currently zoned R-1, Single Family Residential. It contains an existing single-family home. Adjacent zonings are all R-1, Single Family Residential.

Relationship to the General Plan
The Future Land Use Plan depicts this property as High Density Residential (HDR) and is surrounded by High Density Residential (HDR) land use, though the properties are still single family currently.

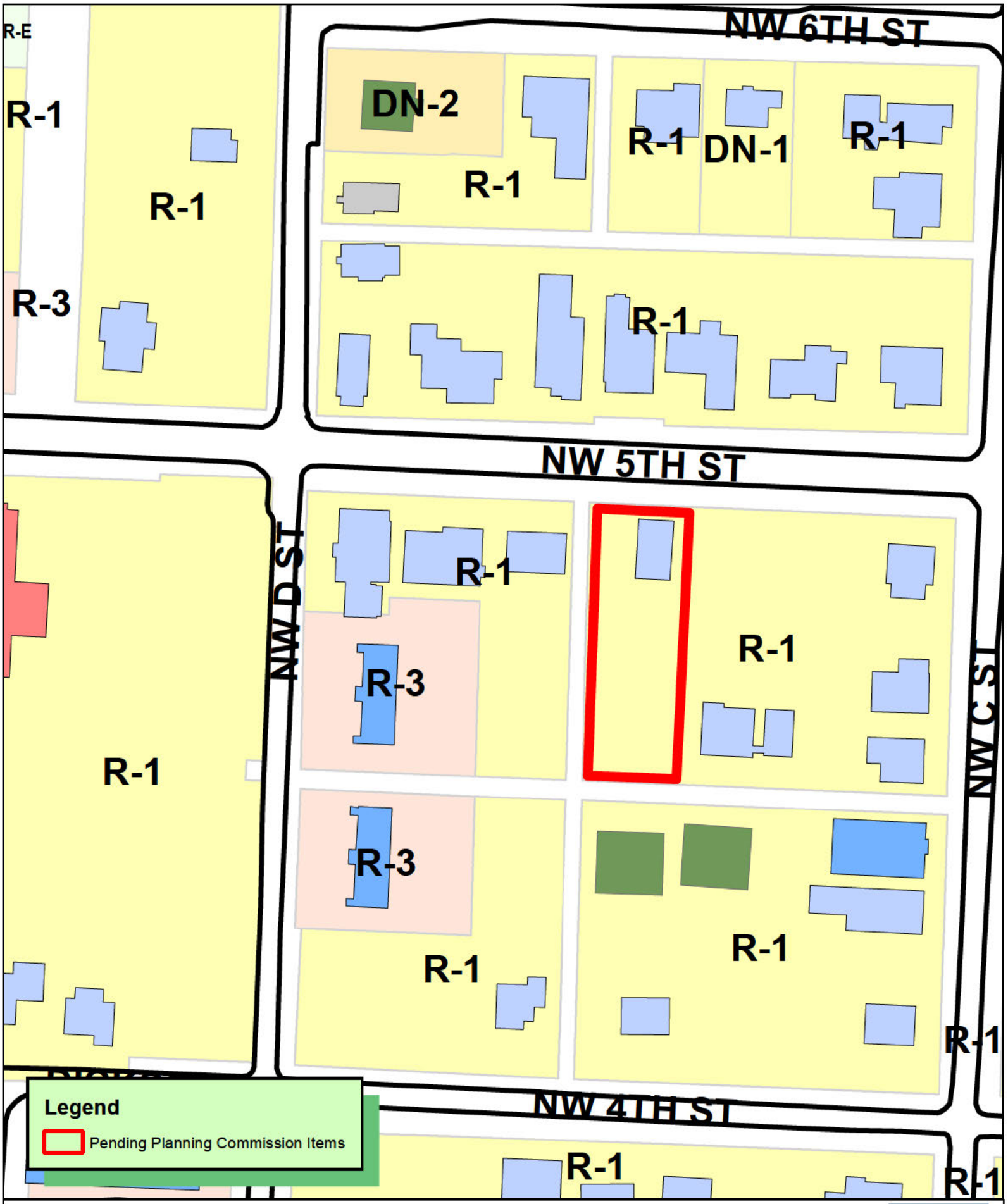
High-density residential areas include apartments, condominium buildings, senior housing, and special types of group living. These areas vary greatly in terms of density depending on scale, but typically have at least 12 units per acre. These areas may also have integrated amenities for residents, including local parks, community centers, and resident-oriented commercial uses.

Public Comment
Staff has NOT received public comment regarding this request.

Analysis
The intent of the DN-4 district is to allow for increased neighborhood density and increased local commerce through the development of multi-family housing and mixed-use structures. These areas tend to be located in areas of unique activity due to the surrounding context and resulting levels of activity and housing demand.

The proposed zoning of DN-4 is consistent with the Future Land Use Plan but is not compatible with the surrounding development patterns within this area of the city.

Conclusion
This request is consistent with the Future Land Use Plan but it is not consistent with the uses of the surrounding zoning districts and development patterns located in the vicinity.



RZ23-0044
REZONING R1 TO DN4
DEMINGS ADDITION
LOT 4 BLOCK 6

MARK RUSSELL
HOMES

848 NW C Street
Bentonville, AR 72712

April 28, 2023

To Whom It May Concern:

We are requesting a rezone from R-1 to DN-4 at 409 NW 5th St in line with the Bentonville land use plan for high density residential in this area. Neighboring parcels are a mix of single family, small multifamily, and townhomes. We may consider residential development in the future, in line with the land use plan and community goals.

We expect the traffic impact of future development to be minimal or even an improvement as we would likely activate the alley which is not currently in use.

Respectfully,
Mark Haney
479-381-1648

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: RZ23-0044)

WHEREAS, Terry & Laura Olson, duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 4, BLOCK 6, DEMING'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD "B" AT PAGE 6.

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held August 1, 2023 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 DN-3, DOWNTOWN HIGH DENSITY RESIDENTIAL.

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

Section 1: That the above-described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-3, DOWNTOWN HIGH DENSITY 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 _____, 2023.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Kirby Romines, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Water Resource Recovery Facility**
Submitted by	**Mike Bender, Chris Earl**
Phone	**(479) 271-3140, (479) 271-3161**

Item Type: (*Check Applicable Item Type)*

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

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

Resolution authorizing the Mayor and City Clerk to accept an offer for financial assistance from Arkansas Natural Resources Commission in the amount of $97,759,381.00 for improvements at the Water Resource Recovery Facility. This is not the final loan document, but the initial acceptance certification to proceed. Utility Board approved this item 4-0. No budget adjustment is needed at this time.

Estimated Cost	
Is this Item Budgeted?	☐ Yes ☐ No

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

Memo

To: City Council, Mayor Orman

From: Mike Bender

CC:

Date: August 1, 2023

Re: ANRC Funding Offer Acceptance, WRRF Capital Improvement Plan and Process Intensification Project.

Resolution – Staff is requesting approval of a resolution authorizing the Mayor and City Clerk to accept an offer for financial assistance from Arkansas Natural Resources Commission (ANRC) in the amount of $97,759,381.00 for improvements at the Water Resource Recovery Facility. This is not the final loan document, but the initial acceptance certification to proceed.

Earlier this year, the City made application for funding assistance for the Wastewater Resource Recovery Facility Capital Improvement Plan and Process Intensification Project which was presented to City Council in October 2022 as the result of the Feasibility Study to Address Capacity/Growth for Wastewater Treatment prepared and presented by Hawkins-Weir Engineers, Inc. This application is being prepared sooner in the project than staff would typically apply but is necessary to try to secure low interest rates currently available. ANRC has announced they are going back to market to adjust interest rates. While we do not know what the result will be, it is anticipated that interest rates will significantly increase. Conditions of the offer require the loan associated with this application and first disbursement to occur on or before July 1, 2024. This gives the City a little time to better define the costs of the project and look for other funding options prior to committing to the loan from ANRC. This is an opportunity to secure existing low rates. The recent wastewater rate study included $95,000,000.00 for this project and estimated payback schedule on 2.25% for 30 years. Final terms have not been determined. ANRC suggests 20 years at 1.75%. The low interest rate is only guaranteed on the total amount we are able to close by the July 1, 2024, deadline which includes bidding. Any portion of the project not able to meet the July 1, 2024, deadline will be subject to the interest rates available at the time of any such future closing. The City does not lose the money, but the interest rate will change. Therefore, while we have time to investigate other funding streams, we need to fast track design and bid to meet the deadline. Staff is currently working with Hawkins-Weir Engineers, Inc. on process modelling to fine tune the scope of the project as well as design contract moving forward.

Thank you for your consideration of this request.

Mike Bender

Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598

Wes Ward
Secretary of Agriculture

July 7, 2023

Mr. Mike Bender, Water Utilities Director
City of Bentonville
1000 Southwest 14th Street
Bentonville, Arkansas 72712

RE: Approval of Financial Assistance

Mr. Bender:

At its meeting on June 22, 2023, the Arkansas Natural Resources Commission approved your request for financial assistance in the form of a loan in the amount up to $97,759,381 from the Clean Water State Revolving Loan Fund. These funds are to be used for the water resource recovery facility improvements as detailed in your funding application.

The Director will set the combined annual borrower rate and loan terms at the time of loan closing. The anticipated term for your funding is 20 years with a combined rate of 1.75% per annum. Your loan terms are contingent on full loan closing including first disbursement of funds on or before July 1, 2024. In the event this does not occur, the combined rate will be determined based on current available program rates at the time of closing.

If you accept the funding offer and would like to move forward with the proposed project, please sign and return the attached funding acceptance form. The included acceptance certification must be returned to Ryan Benefield by August 18, 2023, to accept the above-mentioned loan(s). If you fail to accept the proposed funding prior August 18, 2023, your financial assistance will be considered declined, and you will have to reapply for funding.

[redacted]

Chris Colclasure
Director
Natural Resource Division

CC:dcj:ab

cc via email only: Brett Peters, P.E., President and CEO, Hawkins-Weir Engineers, Inc., wes.lemonier@hawkins-weir.com

Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
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(501) 225-1598

Wes Ward
Secretary of Agriculture

Acceptance of Loan Terms with Arkansas Natural Resources Division

By signing and returning this form the City of Bentonville is accepting the offer of financial assistance approved by the Arkansas Natural Resources Commission on June 22, 2023, and acknowledges the following:

1. To close on this financial assistance the borrower will raise revenue as needed to fully fund debt service, O & M, and depreciation reserve at 110% coverage and it is initially estimated that the following average increases in average water rates will be necessary. The final revenue increases will be determined at loan closing.

2. The Director will set the combined annual borrower rate and loan terms at the time of loan closing. The anticipated term for the funding is 20 years with a combined rate of 1.75% per annum. The loan terms are contingent on full loan closing including first disbursement of funds on or before July 1, 2024. In the event this does not occur, the combined rate will be determined based on current available program lending rates. Determining if a loan has met all program requirements and is ready to close will be the sole discretion of the Director.

3. Prior to loan closing and acceptance of funds the Borrower may reject the financial assistance and the funds will be de-obligated.

4. The borrower understands that upon completion of the project any awarded financial assistance that is not utilized to complete the project approved in the application will be de-obligated and that any grant or principal forgiveness funds will be disbursed in a proportionate percentage to the approved loans.

5. The borrower understands that to receive this financial assistance they must comply with all State and Federal laws and program requirements.

Name of Borrower	Name and Title of Duly Authorized Representative
Signature	Date

This acceptance must be received by August 18, 2023. Please return it to:

J. Ryan Benefield, P.E.
Deputy Director
Natural Resources Division
Arkansas Department of Agriculture
10421 West Markham Street
Little Rock, Arkansas 72205
Ryan.Benefield@arkansas.gov

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTONVILLE TO ACCEPT FINANCIAL ASSISTANCE FROM ARKANSAS NATURAL RESOURCES COMMISSION FOR IMPROVEMENTS, IN THE AMOUNT OF NINETY-SEVEN MILLION SEVEN HUNDRED FIFTY-NINE THOUSAND THREE HUNDRED EIGHTY-ONE DOLLARS ($97,759,381.00); AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville is requesting to express the willingness to accept financial assistance from Arkansas Natural Resources Commission for improvements at the Water Resource Recovery Facility;

WHEREAS, the City of Bentonville understands that this is not the final loan document, but the initial acceptance certification to proceed;

WHEREAS, this process is necessary to secure low interest rates currently available; and

WHEREAS, any portion of the project not able to meet the July 1, 2024, deadline will be subject to the interest rates available at the time of any such future closing.

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

Section 1: The City of Bentonville hereby expresses willingness to accept financial assistance from Arkansas Natural Resources Commission for improvements, in the amount of ninety-seven million seven hundred fifty-nine thousand three hundred eighty-one dollars ($97,759,381.00);

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

Section 3 - Repeal of Conflicting Resolutions: All 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.

THIS RESOLUTION adopted this _____ day of _____, 2023.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST: _____
Kirby Romines, City Clerk

Agenda Item Form

Date of Utility Board & City Council Meeting	**Utility Board 8/1/2023 and City Council 8/8/2023**
Department	**Water Resource Recovery Facility**
Submitted by	**Chris Earl / Matt Webster**
Phone	**(479) 696-0273**

Item Type: (*Check Applicable Item Type)*

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

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

Ordinance to waive competitive bidding and enter into an agreement with Buchi Corporation in an amount not to exceed $39,506.23, for the purchase of a Buchi MultiKjel K-365 Unit (a 2023 budgeted item), and approval of a Budget Adjustment in the amount of $9,506.23 utilizing Utility Fund Reserves. An emergency clause is needed to avoid additional price increases. Approved by the Utility Board 4-0. A Budget Adjustment is needed to cover the difference between the budgeted amount and final cost.

Estimated Cost	**$39,506.23**
Is this Item Budgeted?	☑ Yes ☐ No

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

$30k budgeted in 2023; $9,506.23 Budget Adjustment needed using Utility Fund Reserves

Budget Adjustment Request

Date of Utility Board & City Council Meeting	**Utility Board 08/01/2023 and City Council 08/08/2023**
Department	**Water Resource Recovery Facility**
Submitted by	**Chris Earl / Matt Webster**
Phone	**(479) 696-0273**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

To allow for use of Utility Fund Reserves, in the amount of $9,506.23, to cover the difference between the budgeted amount of $30,000.00 and the final amount of $39,506.23, for the purchase of a Buchi MultiKjel K-365 Unit. Approved by the Utility Board 4-0.

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
503030	47410	Capital - Machinery & Equipment		$ 9,506.23
		Totals	$ -	$ 9,506.23
		Net Impact on Fund Balance	$	(9,506.23)

***Final Account Number will be determined by Accounting Department after approval and purchase**

Memo

To: UB Members, City Council Members, and Mayor Orman

From: Chris Earl, WRRF Manager / Matt Webster, Asst Manager

CC: Mike Bender, Preston Newbill

Date: UB 8/1/2023; CC 8/8/2023

RE: BUCHI Distillation System

Staff requests the Utility Board and City Council Members approve a motion to accept an Ordinance to waive competitive bidding and enter into an agreement with Buchi Corporation in an amount not to exceed $39,506.23, for the purchase of a Buchi MultiKjel K-365 Unit (a 2023 budgeted item), and approval of a Budget Adjustment in the amount of $9,506.23 utilizing Utility Fund Reserves. Due to proprietary and necessary training that Buchi includes, it is neither practical nor feasible to solicit competitive bids. The original quote did not include the external titrator which will automate the process through completion and improve efficiency. The original price did not include the required training needed for full understanding of the operating process. Due to increase in cost of materials the overall amount has increased from the original quotation.

The current Labconco distillation system we use was purchased more than 20 years ago to analyze nitrogen ammonia. The current system has two main issues for the operation of the BWRRF's lab: safety and efficiency. The current system contains an assembly of 6 testing flasks with boiling acidified samples at eye level and no protection. It also lacks an automatic power shut-off. Lab techs must turn the power on and off multiple times during a batch run. In the past, leaving the power on by mistake has damaged all the system's glassware and tubing. The new Buchi system is fully automated with built in safety features including a protective glass shield and automatic on/off heat sequence while running each sample. Efficiency is another reason we want to change to a more modern distillation system. The Buchi system will save us time because it will run a sample every 7 minutes, and we would run continuous samples without cleaning the system. This would save us on average 3-6 hours per day, depending on how many samples we must analyze. Approved by the Utility Board 4-0.

Thank you for your consideration of this request,

Chris Earl, WRRF Manager / Matt Webster, Asst Manager

BUCHI Corporation

19 Lukens Drive, Ste.400
New Castle, DE 19720 USA

M 913 257 6589
F 302 225 2473

mcgraw.m@buchi.com
www.buchi.com

City of Bentonville, AR
Bentonville Water Resource Recovery Facility
Bentonville, AR

06/22/2023

Mr. Roman Rios:

Please see the following description for Buchi Academy Training

Buchi Academy Training is an 8-hour long client customized on-demand training session which is adjusted to the client's needs and can range from basic distillation education to advanced topics and most importantly method development and advanced user interface with the instrument. The session can also cover practical and theoretical knowledge and allows the client to bring their own sample for testing and/or method optimization. This session is led by a Buchi Field Application Specialist who has in-depth operational knowledge of the instrument and has experience in its many diverse applications.

If you have any additional questions, please let me know.

Thanks again and we appreciate the opportunity to earn your business,

[redacted]

Michael R McGraw
Territory Manager

BUCHI Corporation
19 Lukens Drive
Suite 400
New Castle, DE 19720
USA
T +1 302 652 3000
F +1 302 652 8777
ordermanagement@buchi.com
www.buchi.com

City of Bentonville
City of Bentonville - Purchasing
1000 Sw 14th St
Bentonville AR 72712-3625
USA

Delivery Address
City of Bentonville
1901 Ne A St
Bentonville AR 72712-9107
USA
Phone: 479-271-3100

Sales Quotation

341031678

Customer No.:	341006697	Date:	07/14/23
Customer Contact:	Roman Rios	Your contact:	McGraw, Michael / vs
Customer Reference:		Phone:	913-257-6589
Customer Reference 2:		E-mail:	mcgraw.m@buchi.com
Valid until:	08/14/23		

We are pleased that you have chosen our products and services. We offer as follows.

Pos	Description	Quantity	Unit	Price	Discount	Total USD
10	11K36531210 K-365 MultiKjel T Gl Dl Sys	1.00	pcs	31,794.00	25%	23,845.50
20	11064972 H3BO3 2% mit Sher Indikator	2.00	pcs	223.00	50%	223.00
30	037377 Set sample tubes 300ml 4pcs.	1.00	pcs	343.00	100%	0.00
40	043039 Glass holder sixefold cpl.	1.00	pcs	1,327.00	14%	1,141.22
50	043982 Set sample tubes 500ml 4pcs.	1.00	pcs	404.00	100%	0.00
60	016951 Sample rack cpl. 500ml	1.00	pcs	941.00	14%	809.26
70	11CSN12189 St Cir K-365 MultiK T	1.00	pcs	6,106.00		6,106.00
80	11CSN12246 Rate Acad Trnr D l/m-range 1h	4.00	h	414.00		1,656.00
90	11CSN11262 Travel Zone 1	1.00	pcs	535.00		535.00
100	34004868 Shipping and Handling	1.00	pcs	1,762.75		1,762.75

Subtotal	36,078.73
Sales Tax	3,427.50

City of Bentonville
City of Bentonville - Purchasing
1000 Sw 14th St
Bentonville AR 72712-3625
USA

Delivery Address
City of Bentonville
1901 Ne A St
Bentonville AR 72712-9107
USA
Phone: 479-271-3100

Sales Quotation

341031678

Customer No.:	341006697	Date:	07/14/23
Customer Contact:	Roman Rios	Your contact:	McGraw, Michael / vs
Customer Reference:		Phone:	913-257-6589
Customer Reference 2:		E-mail:	mcgraw.m@buchi.com
Valid until:	08/14/23		

Pos	Description	Quantity	Unit	Price	Discount	Total USD
				Net Amount		**39,506.23**
Total USD						**39,506.23**

Terms of Delivery:	OFP - Freight prepaid
Payment Terms:	30 days net

Please note:
Reference the quote number on any correspondence regarding this quotation, including when placing an order.

To place an order, please send your purchase order to ordermanagement@buchi.com or fax to 302-652-8777 for immediate processing. Orders may also be placed on our new eshop at shopus.buchi.com.

To place an order by credit card please call our office at 302-652-3000 and speak to a Customer Support Representative. Credit card payments are not accepted for orders exceeding $5,000.

Payment terms will be determined upon credit approval.

To view the terms and conditions of sale, visit https://www.buchi.com/en/terms-conditions-united states.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2023 BUDGET; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BUCHI CORPORATION, FOR THE PURCHASE OF A BUCHI MULTIKJEL K-365 UNIT FOR THE BENTONVILLE WATER RESOURCE RECOVERY FACILITY, IN AN AMOUNT NOT TO EXCEED THIRTY-NINE THOUSAND FIVE HUNDRED SIX DOLLARS AND TWENTY-THREE CENTS ($39,506.23); WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Water Resource Recovery Facility requests to purchase a Buchi MultiKjel K-365 Unit to update existing outdated equipment;

WHEREAS, due to proprietary and necessary training that Buchi includes, it is neither practical or feasible to solicit competitive bidding; and

WHEREAS, a budget adjustment will be needed in the amount of nine thousand five hundred six dollars and twenty-three cents ($9,506.23) from the Utility Fund Reserves.

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 Buchi Corporation for the purchase of a Buchi MultiKjel K-365 Unit in the amount of thirty-nine thousand five hundred six dollars and twenty-three cents ($39,506.23);

Section 2: Due to proprietary and necessary training that Buchi includes, it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3: The 2023 Budget should be and the same is hereby amended to transfer nine thousand five hundred six dollars and twenty-three cents ($9,506.23) from the Utility Fund Reserves to account #503030-47410, Capital – Machinery & Equipment;

Section 4 - Emergency Clause: The need to make this purchase is immediate to avoid additional price increases and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage and approval;

Section 5 - 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 6 - 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 _____, 2023.

APPROVED:

ATTEST:

_____
STEPHANIE ORMAN, Mayor

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Water Utilities**
Submitted by	**Beau Thompson, Preston Newbill**
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):*

Ordinance approving a Waiver of Bid to purchase one budgeted PAX submersible Active Mixing System from Utility Service Co., Inc (USG Water Solutions) in the amount of $39,917.00. An emergency clause is needed to secure pricing and to ensure mixing occurs during summer demand. The Utility Board approved this item 4-0. No Budget Adjustment is needed.

Estimated Cost	**$39,917**
Is this Item Budgeted?	☑ Yes ☐ No

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

Memo

To: City Council, Mayor Orman

From: Beau Thompson

CC: Preston Newbill

Date: August 1, 2023

Re: **3MG Tank Mixer**

Per our most recent Sanitary Survey, the Arkansas Department of Health is requiring mixing for our 3MG tank located at the I St pump station. The mixer will keep the water fresher and minimizing disinfection by-products.

We are requesting a bid waiver for the purchase of a PAX Water Technologies Active Mixer for the total cost of $39,917.00, plus applicable taxes, from USG water solutions. We are currently under a long-term maintenance agreement with USG water solutions for the maintenance of all our water storage facilities. The proposed mixer if purchased from USG will not affect the terms or cost of the existing agreement.

According to PAX water Technologies, USG Water Solutions is the exclusive distributor of PAX mixers for our project. (see attached letter)

This is a budgeted item for this year. The purchase will be made from USG for the amount above. Staff is requesting approval with an emergency clause to secure pricing and ensure mixing may occur during summer demands.

Utility Board Approved this item 4-0 on 8-1-23

Thank you.

PAX WATER TECHNOLOGIES
A cleanwater1 Company

550 Sycamore Drive
Milpitas, CA 95035
866 729 6493
cleanwater1.com
info@cleanwater1.com

July 24, 2023

Donald Schmidt
Operations Supervisor
City of Bentonville Water Utilities
3200 SW Municipal Dr.
Bentonville, AR 72712

Re: PAX PWM400 Mixer for City of Bentonville Water Utilities

Dear Mr. Schmidt,

USG Water Solutions proposes to supply a PAX Water Technologies, Inc. PWM400 Mixer to the City of Bentonville Water Utilities, Bentonville, Arkansas. PAX designs, manufactures, and supplies a range of potable water mixers that generate a unique, high-efficiency, toroidal flow. The unique flow generated by the PWM400 Mixer is covered by one or more patents and patent applications, including U.S. Patent No. 7,862,302. PAX is the exclusive licensee of the referenced patent for use in water applications and the sole manufacturer of water mixers designed to generate the high-efficiency toroidal flow covered by the referenced patent.

USG Water Solutions. is the exclusive authorized distributor of PAX mixers for the referenced project. USG Water Solutions. possesses the technical expertise and service capability to provide mixer solutions to address the project's mixer requirements.

If you have further questions, please contact our Regional Sales Manager, Pete Kyrkos, at 614-477-7329.

Sincerely,

Guy Chadwell
Vice President and General Manager
PAX Water Technologies, Inc.

Proposal from

UTILITY SERVICE CO., INC.

535 Gen. Courtney Hodges Blvd · P O Box 1350 · Perry, GA 31069
Toll-free: 855-526-4413 | Fax: 478-987-2991
usgwater.com

Date: **07/07/23** *Submitted by:* **Tom Stechmann** *Local Phone:* (314) 420-4912

SFID: **77288** *MP / CS Asset:* ☐

Entity Proposal Submitted To ("Customer"):			*Phone Number:*	*Fax Number:*
City of Bentonville, Arkansas			**479-271-3140**	
Street Address:			*Description of Work to be Performed:*	
3200 SW Municipal Drive			**Mixing System / no installation**	
City:	*State:*	*Zip Code:*	*Asset Name:*	
Bentonville	**AR**	**72712**	**3 MG Tank**	
Accounts Payable Contact Name:	*Email:*		*Job Site Address:*	
Preston Newbill	**pnewbill@bentonvillear.com**		**South Walton Blvd**	
Job Contact (Inspection Reports):	*Email:*		*County / Parish:*	*Asset Size:* / *Asset Style:*
Donny Schmidt	**dschmidt@bentonvillear.com**		**Benton**	**3 MG** / **GST**

Utility Service Co., Inc. agrees to provide all labor, equipment, and materials needed to complete the following:

Please see attached Exhibit(s), which are incorporated herein by reference:

1. Exhibit A – Scope of Work
2. Exhibit B – Terms and Conditions

Please sign and date this proposal and fax one copy to our office.

Thirty Nine Thousand Nine Hundred and Seventeen----------00 /100 Dollars $ 39,917 .00

Payment to be made as follows: **Payment Due in Full Upon Completion of Work – plus all applicable taxes**

Remittance Address: Utility Service Co., Inc., P O Box 207362, Dallas, TX 75320-7362

This Proposal, together with its Exhibit A – Scope of Work and Exhibit B - Terms and Conditions, and any additional exhibits that Utility Service Co., Inc. and the Customer agree to incorporate and attach to this Proposal (collectively, this "Proposal") constitutes the entire and exclusive agreement between Utility Service Co., Inc. (which for purposes herein shall collectively include its affiliate companies) and Customer (collectively, the "Parties"). This Proposal may be withdrawn by Utility Service Co., Inc. at any time prior to acceptance. Customer assents to the terms and conditions in Exhibit B and agrees that the terms and conditions in Exhibit B shall govern with respect to this Proposal and the services provided by Utility Service Co., Inc. No additional or conflicting terms or conditions included in any purchase order, hyperlink, acknowledgement or invoice of Customer not expressly incorporated into this Proposal shall be binding on the Parties or this Proposal.

Note: This proposal shall expire automatically **Ninety (90)** days following the date of this Proposal.

Authorized USCI Signature [redacted]

Acceptance of Proposal The prices, scope of work, and terms and conditions of this Proposal are satisfactory and are hereby accepted. Payment will be made by Customer to Utility Service Co., Inc. as set forth herein.

Is Customer Exempt from Sales Tax? ☑ No ☐ Yes If Exempt, please provide Sales Tax Exemption Certificate.

Fiscal Year Beginning Month _____ *Customer Signature* _____

Date of Acceptance _____ *Printed Name* _____

FOR INTERNAL USE ONLY

SFID: **CN:** **SO:** **MP / CS PN:**

© 2023 Utility Service Co., Inc.

Proposal from
UTILITY SERVICE CO., INC.
535 Gen. Courtney Hodges Blvd · P O Box 1350 · Perry, GA 31069
Toll-free: 855-526-4413 | Fax: 478-987-2991
usgwater.com

Exhibit A – Scope of Work

Miscellaneous Repairs

1. Utility Service Co., Inc. shall furnish one (1) NSF Approved PWM 400 / PC405 PAX Submersible Active Mixing system, together with all drives, motors, controls. PAX Submersible Active Mixing system shall consist of a low-voltage, water-filled submersible motor, an impeller, mounting tripod or bracket, and a non-submersible control center that houses all control electronics.

2. This proposal includes all shipping costs and delivery to the City of Bentonville, AR, 3200 SW Municipal Drive, Bentonville, AR.

© 2023 Utility Service Co., Inc.

USG WATER SOLUTIONS

Proposal from
UTILITY SERVICE CO., INC.
535 Gen. Courtney Hodges Blvd · P O Box 1350 · Perry, GA 31069
Toll-free: 855-526-4413 | Fax: 478-987-2991
usgwater.com

Exhibit B – Terms and Conditions

A. GENERAL TERMS AND CONDITIONS

The Terms and Conditions (the "Terms") of this Proposal govern the sale of services (the "Services") by Utility Service Co., Inc. (which for purposes herein shall include its affiliates) to the Customer. All other terms, or variations to these Terms are excluded unless agreed explicitly in writing by a numbered amendment to this Proposal executed by Utility Service Co., Inc. and the Customer. Execution of the Proposal by the Customer, whether in writing, on the Internet, by electronic signature, or by e-mail transmission of a signed Proposal shall mean acceptance that these Terms are deemed incorporated into the Proposal and shall form the contract between the Customer and Utility Service Co., Inc. These Terms shall supersede all prior terms, understandings or Proposals between the Customer and Utility Service Co., Inc. If any part of the Terms should be found to be invalid or unenforceable by a court or other competent authority, then the remainder of the Terms shall not be affected. Any notice to be given with respect to these Terms by either of the Parties shall be in writing. Notices to the Customer shall be sent to the Customer's address on the Proposal, and any notices to Utility Service Co., Inc., including notice of warranty claims by the Customer, shall be sent to: Utility Service Co., Inc., ATTN: Customer Service Department, 535 General Courtney Hodges Boulevard, Post Office Box 1350, Perry, Georgia 31069.

This Proposal has been issued based on the information provided by the Customer and on information currently available to Utility Service Co., Inc. at the time of Proposal issuance. Any changes or discrepancies in site conditions, concealed conditions where the Services will be performed, changes in environmental, health, and safety regulations or conditions, changes in Customer's financial standing, Customer's requirements, or any other relevant change or discrepancy in the factual basis upon which this Proposal was created may lead to changes in the offering, including but not limited to, changes in pricing, warranties, quoted scope of work, and/or terms and conditions. Unless stated otherwise in the Proposal, performance and/or payment bonds are not included in the price. These bonds can be purchased on request but will be at an additional cost.

B. PRICES, PAYMENT TERMS, COMMITMENT OF CUSTOMER, CREDIT REPORTING AND TAXES

Prices, which are expressed in US Dollars, are only valid for the period stated in the Proposal. If not stated, the validity period is ninety (90) days. Unless otherwise stated in the Proposal, the full price shall be due and payable upon completion of the Services, which may or may not include the installation of Equipment. All of Utility Service Co., Inc.'s invoices are due and payable upon receipt. If any payment is not made by the Customer within sixty (60) calendar days following the date of the invoice, Utility Service Co., Inc. reserves the right to charge a late payment charge of one and one-half percent (1 5%) per month of the outstanding past due balance. Any failure by Customer to make timely payment of any obligation under this Proposal shall be deemed a breach. Customer agrees to reimburse Utility Service Co., Inc. for all charges, costs, expenses and attorney's fees incurred to enforce or collect the amounts due under this Proposal. In the event Customer has a valid dispute with any invoice or amount due, such dispute must be communicated in writing to Utility Service Co., Inc. within thirty (30) days of the invoice date, describing the amount, issue and the reason for any dispute. Any amounts not disputed within this time frame will be deemed to be valid. Utility Service Co., Inc. and Customer agree to work expeditiously to resolve any dispute. Customer agrees to notify Utility Service Co., Inc. within thirty (30) days of any change in Customer's name, address, or phone number. By executing this Proposal, Customer authorizes Utility Service Co., Inc. to periodically request your credit reports and bank and trade references. Upon your request, we will inform you of the name and address of the reporting agency from which we received such a report, if any. The price listed in the Proposal excludes all taxes unless specifically stated otherwise in the Proposal. The Customer is responsible for payment of all applicable taxes, however designated or incurred in connection with the transactions under this Proposal, and agrees to reimburse Utility Service Co., Inc. for any taxes paid on Customer's behalf.

C. DELIVERY OF SERVICES AND INSTALLATION OF EQUIPMENT

The provision of Services as contemplated herein might require the installation of certain equipment (the "Equipment") on the Customer's real property or on the improvements to the Customer's real property (e.g., water storage tank, etc.). All times and dates for the delivery of Services and/or installation of Equipment are approximate, but Utility Service Co., Inc. shall use its reasonable efforts to respect them. The Parties shall each make commercially reasonable efforts to schedule the Services after the date this Proposal is executed by the Customer. Utility Service Co., Inc. shall not be liable for any loss or damage resulting from late delivery of the Services or installation of Equipment.

D. ACCESS TO CUSTOMER'S FACILITY OR REAL PROPERTY

Customer hereby agrees to provide Utility Service Co., Inc. with reasonable access to its facility or real property to perform the Services. "Reasonable access" shall include passable roads for ingress and egress as well as sufficient usable ground space for Utility Service Co., Inc.'s equipment and materials needed to perform the Services. Unless otherwise provided in this Proposal, the price of this Proposal does not include the cost to lease additional real property so that Utility Service Co., Inc. will have sufficient usable ground space to stage its equipment and materials needed to perform the Services. Any such cost would be in addition to the price of the Proposal, and if needed, the Customer agrees to negotiate an amendment to this Proposal to modify the pricing in good faith.

E. RISK OF LOSS

Risk of loss or damage to the Equipment, if applicable to this Proposal, shall pass to the Customer upon delivery of the Equipment to the named place of destination.

F. TITLE TO EQUIPMENT

If the sale of Equipment is included in this Proposal, the title in the Equipment shall remain with Utility Service Co., Inc. until the price of the Proposal is paid in full. The Customer assents that Utility Service Co., Inc. may enter upon the Customer's real property and/or facility to repossess the Equipment if payment(s) are not received in full by their due date(s).

G. SCOPE OF WARRANTY

Subject to the limitations contained herein, Utility Service Co., Inc. represents that for a period of one (1) year from the earlier of: (i) the completion of the Services (to include the installation of the Equipment, if applicable to this Proposal) or (ii) the Customer's return to use of the asset that is the subject matter of this Proposal ("Warranty Period"), the Services and Equipment, if applicable, will be free from defects in materials and workmanship and will substantially conform to the specifications set forth in Exhibit A ("Warranty"). WITH THE EXCEPTION OF THE REPRESENTATION N THE FOREGO NG SENTENCE, UTILITY SERVICE CO., NC. MAKES NO OTHER EXPRESS OR IMPL ED WARRANT ES OF ANY KIND WITH RESPECT TO THE SUBJECT MATTER HEREOF AND ALL OTHER WARRANT ES ARE HEREBY DISCLA MED, INCLUD NG, WITHOUT LIMITATION, THE IMPLIED WARRANTY OF MERCHANTABILITY, NON- NFRINGEMENT OR FITNESS FOR A PARTICULAR PURPOSE.

H. NOTIFICATION OF WARRANTY CLAIM

All claims iled under the Warranty provided in Section G shall be made in writing by the Customer within thirty (30) calendar days of identifying a defect. Customer shall provide the written notice of the claim to Utility Service Co., Inc. pursuant to Section A above, and the Customer shall provide the following information in the written notice: (i) a description of the defect giving rise to the claim; (ii) photographs showing the defect; and (iii) if the claim is related to Equipment, the serial number(s) of the Equipment which is (are) the subject of the claim.

I. EXCLUSIONS FROM WARRANTY

Occurrence of any of the following, as reasonably determined by Utility Service Co., Inc., will void the Warranty: (i) unauthorized alteration of any component(s) of the Services or the Equipment, if applicable, originally supplied by Utility Service Co., Inc., or (ii) intentional or negligent damage to Utility Service Co., Inc.'s work product or the Equipment, if applicable to this Proposal, caused by any other person or entity, including but not limited to, the Customer and its officers, employees, agents, contractors, and assigns.

J. VERIFICATION OF WARRANTY CLAIM

Utility Service Co., Inc. shall contact Customer following its receipt of notice of a claim under the Warranty. Utility Service Co., Inc. reserves the right to request additional information from the Customer or to conduct an on-site inspection of its work or the Equipment, if applicable to this Proposal, before accepting a claim. The Parties agree to cooperate and work in good faith to provide any additional information needed or to schedule an on-site visit by Utility Service Co., Inc.'s personnel to visibly inspect the work and the Equipment, if applicable. Furthermore, Utility Service Co., Inc. reserves the right to have a third party participate in the inspection of the work to verify whether the work or Equipment, if applicable, is defective under the terms of the Warranty.

© 2023 Utility Service Co., Inc.

Exhibit B – Terms and Conditions (Continued)

K. SATISFACTION OF WARRANTY CLAIM

If Utility Service Co., Inc. verifies, in good faith, that a claim under the Warranty is valid and not subject to an exclusion pursuant to Section I above, Utility Service Co., Inc. agrees to repair or replace, without expense to the Customer, any workmanship, materials, and/or Equipment, if applicable, furnished hereunder that may prove defective within the Warranty Period. The Warranty provided in this Proposal shall be the sole and exclusive remedy of the Customer.

L. INDEMNIFICATION

Utility Service Co., Inc. shall indemnify and hold harmless Customer from all claims for physical damage to third party property or injury to persons, including death, to the extent caused by the negligence of Utility Service Co., Inc. or its officers, agents, employees, and/or assigns while engaged in activities under this Proposal. For the purpose of this Section L, (i) "Third party" shall not include Customer or any subsequent owner of the property where the Services were performed or Equipment, if applicable, their subsidiaries, parents, affiliates, agents, successors or assigns including any operation or maintenance contractor, or their insurer; and (ii) no portion of the Equipment is "third party property".

M. FORCE MAJEURE

Utility Service Co., Inc. shall not be liable to the Customer for non-performance or delay in performance of any of its obligations under this Proposal due to: (i) acts of God (which include, but are not limited to, tropical storms, hurricanes, tornadoes, and earthquakes), (ii) failure of the Internet or another network, (iii) war, (iv) riot, (v) civil commotion, (vi) embargo, (vii) labor disputes, (viii) labor strikes, (ix) fire, (x) flood, (xi) theft, (xii) epidemic, (xiii) pandemic (including COVID-19), (xiv) delay in delivery of services, materials, or equipment by subcontractors, suppliers, or manufacturers, (xv) shortage of labor or materials, or (xvi) any other unforeseen event (whether or not similar in nature to those specified) outside the reasonable control of Utility Service Co., Inc.

N. LIMITATION OF LIABILITY

Neither the Customer nor Utility Service Co., Inc. shall be liable to the other for any economic (including, without limitation, loss of revenues, profits, contracts, business or anticipated savings), special, indirect, incidental, exemplary, punitive or consequential losses or damages or loss of goodwill in any way whether such liability is based on tort, contract, negligence, strict liability, product liability or otherwise arising from or relating to this Proposal or resulting from the use or the inability to use the Services or Equipment, if applicable to this Proposal, or the performance or non-performance of the Services or Equipment, if applicable. It is the responsibility of the Customer to insure itself in this regard if it so desires. The liability limit of Utility Service Co., Inc. and its affiliate companies under this Proposal, whether based in contract, warranty, tort (including negligence), strict liability, product liability or otherwise shall not exceed the price that the Customer agrees to pay Utility Service Co., Inc. in this Proposal.

O. GOVERNING LAW

This Proposal and these Terms shall be construed in accordance with the laws of the state of Georgia without regard to the conflict of law principle.

© 2023 Utility Service Co., Inc.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO AN AGREEMENT WITH USG WATER SOLUTIONS, FOR THE PURCHASE OF A PAX SUBMERSIBLE ACTIVE MIXING SYSTEM, IN THE AMOUNT OF THIRTY-NINE THOUSAND NINE HUNDRED SEVENTEEN DOLLARS ($39,917.00); WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Water Utilities Department requires mixing for the 3MG Tank located at the I Street Pump Station per the Arkansas Department of Health;

WHEREAS, the City of Bentonville Water Utilities Department currently has a long-term agreement with USG Water Solutions as part of the annual tank maintenance and will assume the work related to this unit as part of the annual maintenance agreement at no additional cost;

WHEREAS, according to PAX Water Technologies, USG Water Solutions is the exclusive distributor of PAX Mixers, it would be neither practical nor feasible to advertise for bids; 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 a PAX Submersible Active Mixing System from USG Water Solutions in the amount of thirty-nine thousand nine hundred seventeen dollars ($39,917.00);

Section 2: Because USG Water Solutions is the exclusive distributor of PAX mixers, 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 - Emergency Clause: The need to make this purchase is immediate and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage and approval;

Section 4 - 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 5 - 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 _____, 2023.

APPROVED:

_____
STEPHANIE ORMAN, Mayor

ATTEST:

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Water Utilities**
Submitted by	**Mike Bender, Preston Newbill**
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):*

Ordinance for City Council approval allowing Bentonville Water Utilities to add a Staff Engineer position to the 2023 list of personnel. The position is being created to off set future cost associated with professional services contracted for the review of technical documents and capacity analysis. The need for this position is created by the increase in new development and future city projects. The cost associated with the addition is $48,813.29 for the remainder of 2023. The Utility Board approved 4-0. A budget adjustment is needed.

Estimated Cost	**$48,813**
Is this Item Budgeted?	☐ Yes ☑ No

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

The project will be funded by Utility Reserves.

Budget Adjustment Request

Date of City Council Meeting	**8/8/2023**
Department	**Water Utilities**
Submitted by	**Mike Bender, Preston Newbill**
Phone	**(479) 271-3140**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

Budget Adjustment in the amount of $48,813.29 to allow for the addition of a Staff Engineer positon. The budget adjustment will cover the cost of the position for the remainder of 2023. This is not a budgeted item. Utility Board Approved 4-0 on 8-1-23

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
503020	41010	Full Time Salaries/Wages		$ 31,680.00
503020	41420	Misc Add Pay		$ 4,101.39
503020	41510	FICA and Medicare Expense		$ 2,737.28
503020	41712	H.S.A. Contribution		$ 300.00
503020	41810	Retirement - APERS		$ 5,481.71
503020	41710	Health Insurance		$ 4,128.88
503020	41740	Dental Insurance		$ 307.76
503020	41750	Vision Insurance		$ 17.60
503020	41720	Long Term Disability		$ 58.67
		Totals	$ -	$ 48,813.29
		Net Impact on Fund Balance	$	(48,813.29)

*Final Account Number will be determined by Accounting Department after approval and purchase

Memo

To: City Council, Mayor Orman

From: Bentonville Water Utilities Staff

CC: Mike Bender, Preston Newbill, Beau Thompson

Date: August 1, 2023

Re: Bentonville Water Utilities Staff Engineer

The BWU Staff Engineer position is the top priority needed to assist with the new knowledge gained from the completed Sewer System analysis. We have the privilege to manage the extreme growth that our community is experiencing, and it is vital we identify a person and position that can concentrate on the future of our water and wastewater systems.

As we look to the future, to maintain responsible growth BWU staff must be prepared to analysis the system carrying capacity as new development is being proposed. A large portion of responsibility is ensuring the proposed improvements to our system are sized for the long-term benefit of the rate payer. The staff engineer will review said analysis and determine if the proposed improvements are consistent with the governing specifications for collection systems and water distribution systems. The engineer will also determine the effect of the development on the downstream components of the sewer system and make recommendations on solutions to meet our capacity needs. This type of analysis has been contracted to outside professional services in the past.

Water Utilities is requesting city council approve an ordinance to add the additional person which will result in a budget adjustment for $48,813.29 to allow the review and analysis to occur in house. This would offset substantial professional services needed to analysis existing and proposed development projects. The new position will be added to the Water Utilities pay plan at Grade 202. The addition will require future grade adjustments that will occur with revisions to the 2024 pay plan presented later this year.

Utility Board Approved this item 4-0 on 8-1-23

Thank you for your consideration of this request.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2023 PAY PLAN FOR THE CITY OF BENTONVILLE WATER UTILITIES DEPARTMENT TO ADD THE POSITION OF A STAFF ENGINEER; AMENDING THE 2023 BUDGET TO APPROPRIATE FORTY-EIGHT THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS ($48,813.00) TO VARIOUS PAYROLL ACCOUNTS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Water Utility Department is requesting to add the position of a Staff Engineer;

WHEREAS, this position is being created to off set future cost associated with professional services contracted for the review of technical documents and capacity analysis;

WHEREAS, the need for this position is created by the increase in new development and future city projects; and

WHEREAS, a budget adjustment is required to properly appropriate the funds.

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

Section 1: The Pay Plan for the City of Bentonville should be and is hereby amended to include the following:

Position Addition:

Staff Engineer Grade 202

Section 2: The 2023 Budget is adjusted to appropriate monies from Utility Fund Reserves to Account #105030-41110 – Part Time Salaries/Wages as shown below:

Org (Department)	Object	Account Description	Revenue + (-)	Expense + (-)
503020	41010	Full Time Salaries/Wages		$ 31,680.00
503020	41420	Misc Add Pay		$ 4,101.39
503020	41510	FICA and Medicare Expense		$ 2,737.28
503020	41712	H.S.A. Contribution		$ 300.00
503020	41810	Retirement - APERS		$ 5,481.71
503020	41710	Health Insurance		$ 4,128.88
503020	41740	Dental Insurance		$ 307.76
503020	41750	Vision Insurance		$ 17.60
503020	41720	Long Term Disability		$ 58.67
		Totals	$ -	$ 48,813.29
		Net Impact on Fund Balance	$	(48,813.29)

Section 3 – Emergency Clause: The need to add this position is immediate and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage and approval;

Section 4 - 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 5 - 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 this _____ day of _____, 2023.

APPROVED:

_____
STEPHANIE ORMAN, Mayor

Attest:

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Sewer Rehab**
Submitted by	**Kevin Alsup, Preston Newbill**
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):*

Resolution to award Bid IFB-23-40 to Humbard Contracting, in the amount of $697,340.00 for the installation of approximately 1,812 Linear Feet of cured-in-place (CIPP) lining in main sewers, and approval of a Budget Adjustment to utilize ARPA Funds to fund the over budget amount of this Project. Utility Board Approved 4-0. A budget adjustment is needed.

Estimated Cost	**$697,340.00**
Is this Item Budgeted?	☐ Yes ☐ No

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

$525,000.00 budgeted in 2023. $172,340.00 in ARPA funds will be used to fund the difference between the budgeted amount and actual cost.

Budget Adjustment Request

Date of City Council Meeting	**8/8/2023**
Department	**Sewer Rehab**
Submitted by	**Kevin Alsup, Preston Newbill**
Phone	**(479) 271-3140**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

Budget Adjustment of $172,340.00 utilizing ARPA Funds to cover the amount over the 2023 budgeted amount of $525,000.00 for this 1,812 linear feet of cured-in- place lining, CIPP. Utility Board Approved 4-0.

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
401010	**47341**	**Sewer Line Improvements**		**$ 172,340.00**
		Totals	**$ -**	**$ 172,340.00**
		Net Impact on Fund Balance	**$**	**(172,340.00)**

***Final Account Number will be determined by Accounting Department after approval and purchase**

MEMORANDUM

LEGAL DEPARTMENT — PURCHASING

FROM: Gladys Shoemake, Purchasing Manager

DATE: JULY 25, 2023

TO: Mayor Orman, Bentonville Utility Board, Bentonville City Council

RE: CIPP Sewer Lining Repair Bid Award- Use of American Rescue Plan Act (ARPA) Funds

During the ARPA update at the May 23, 2023 City Council Meeting, we discussed the AMI System Upgrade ($157,300.00) project selected for use of ARPA funds. During the presentation, it was noted that the AMI System Upgrade was pending final information from Mueller regarding covered replacements. In July 2023 it was confirmed that Mueller had covered all the replacements planned for APRA fund use and the City has received the items. This development meant there was a need to re-review and find a compliant expenditure for the $157,300.00 no longer needed for the AMI System Upgrade.

In July 2023, the Sewer Rehab Department put a budgeted Cured-In-Place (CIPP) Sewer Lining Repair Project out to Bid, under IFB-23-40. The CIPP is a minimally invasive sewer repair process that will eliminate infiltration into the sewer system and extend the life of current pipe without digging or trenching. This repair is necessary to keep up with the capacity and growth of the system. The Sewer Rehab Department had budgeted $525,000.00 in 2023 for this repair. One Bid Submission was received from Humbard Contracting, in the amount of $697,340.00, leaving a $172,340.00 gap between the budgeted amount and actual cost. The Department and Purchasing worked together to review the submitted bid to confirm that it was balanced, responsible, and justified. Based on this review, the Sewer Rehab Department has recommended approving this Bid Award.

Due to the Sewer Lining Repair Project being over budget and being eligible for use of ARPA funds related to water/sewer infrastructure and capacity improvements, it is recommended that the City allocate $172,340.00 of ARPA Funds to this Project.

With allocation of these funds to this CIPP Project, the current ARPA balance is $153,253.91 (not including interest). We expect to bring forward use of the remaining funds in the coming weeks.

Please contact me if you have any questions.

Thank you,
Gladys Shoemake
(479) 271-3115 - eshoemake@bentonvillear.com

RESOLUTION NO. _____

A RESOLUTION AWARDING BID IFB-23-40 TO HUMBARD CONTRACTING FOR THE PURCHASE AND INSTALLATION OF CIIP LINING FOR THE CITY OF BENTONVILLE SEWER DEPARTMENT, IN THE AMOUNT OF SIX HUNDRED NINETY-SEVEN THOUSAND THREE HUNDRED FORTY DOLLARS ($697,340.00); AMENDING THE 2023 BUDGET TO TRANSFER ONE HUNDRED SEVENTY-TWO THOUSAND THREE HUNDRED FORTY DOLLARS ($172,340.00) FROM ARPA FUNDS TO ACCOUNT #401010-47341 – SEWER LINE IMPROVEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, Humbard Contracting is the only bidder for bid IFB-23-40;

WHEREAS, this contract covers a sewer repair process that will eliminate infiltration into the sewer system and extend the life of current pipe for the City of Bentonville Sewer Department; and

WHEREAS, this contract will require a budget adjustment in the amount of one hundred seventy-two thousand three hundred forty dollars ($172,340.00) to fund the overage from the budgeted amount;

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Humbard Contracting for the purchase and installation of CIIP lining for the City of Bentonville Sewer Department in the amount of six hundred ninety-seven thousand three hundred forty dollars ($697,340.00);

Section 2: The 2023 Budget is hereby amended to appropriate one hundred seventy-two thousand three hundred forty dollars ($172,340.00) from ARPA Funds to Account #401010-47341 – Sewer Line Improvements;

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 Resolutions: 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 _____, 2023.

APPROVED:

_____
STEPHANIE ORMAN, Mayor

ATTEST:

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Electric**
Submitted by	**Travis Matlock, PE**
Phone	**479-271-5941**

Item Type: (*Check All That Apply)*

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

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

Resolution reclassifying an Electric Technician II position to a Journeyman Lineman position and associated budget adjustment. Approved 5-0 at the July 18, 2023 Utility Board meeting. A budget adjustment is needed.

Estimated Cost	**$15,117.44**
Is this Item Budgeted?	☑ Yes ☑ No

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

A budget adjustment is required to cover the additional costs.

Budget Adjustment Request

Date of City Council Meeting	**8/8/2023**
Department	**Electric**
Submitted by	**Travis Matlock, PE**
Phone	**479-271-5941**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

Budget adjustment to move $15,117.44 from Utility Fund Reserves to Salaries/Wages, FICA & Medicare, and Retirement to cover the additional costs. Approved by Utility Board 5-0.

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
503010	41010	Full Time Salaries/Wages		$ 12,293.60
503010	41510	FICA & Medicare Expense		$ 940.46
503010	41810	Retirement - APERS		$ 1,883.38
		Totals	$ -	$ 15,117.44
		Net Impact on Fund Balance	$	(15,117.44)

***Final Account Number will be determined by Accounting Department after approval and purchase**

M E M O R A N D U M

DATE: August 8, 2023

TO: **City Council, Mayor Orman**

FROM: Travis Matlock, Electric Utility Director

RE: **Position Reclassification**

BEUD recommends reclassifying 1 Electric Technician II position to a Journeyman Lineman position.

With an upcoming retirement, BEUD would like to reclassify the position so that a lineman can be hired. This current Electric Technician was a long-term employee working within the Service Dept. section. Changing this position to a lineman will allow BEUD to hire someone who can take on more responsibilities within the Service Dept., thus allowing BEUD to reorganize the Service Dept. and provide better service to the rate payers. This will also limit the need for contracting services in dealing with streetlights.

This will add $15,117.44 to the 2023 budget. A budget adjustment is required to cover the additional cost for the reclassification. With three (3) retirements in BEUD in 2023, BEUD salaries/wages took an unexpected hit.

Approved by Utility Board 5-0.

RESOLUTION NO. _____

A RESOLUTION TO RECLASSIFY ONE (1) ELECTRICIAN TECHNICIAN II POSITION TO A JOURNEYMAN LINEMAN POSITION; AMENDING THE 2023 BUDGET TO APPROPRIATE FIFTEEN THOUSAND ONE HUNDRED SEVENTEEN DOLLARS AND FORTY-FOUR CENTS ($15,117.44) FROM UTILITY FUND RESERVES TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Electric Utility recommends converting one (1) Electric Technician II to a Journeyman Lineman to better meet operational needs; and

WHEREAS, a budget adjustment will be needed to cover additional cost and will be funded from the Utility Fund Reserves.

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

Section 1: The City of Bentonville Electric Department should be and is hereby authorized to reclassify one existing personnel position from Electric Technician II to Journeyman Lineman;

Section 2: The 2023 Budget is adjusted to appropriate monies from Utility Fund Reserves as shown below:

Org (Department)	Object	Account Description	Revenue + (-)	Expense + (-)
503010	41010	Full Time Salaries/Wages		$ 12,293.60
503010	41510	FICA & Medicare Expense		$ 940.46
503010	41810	Retirement - APERS		$ 1,883.38
		Totals	$ -	$ 15,117.44
		Net Impact on Fund Balance	$	(15,117.44)

Section 3 - Severability Provision: If any part of this Resolution 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 _____, 2023.

APPROVED:

_____
STEPHANIE ORMAN, Mayor

Attest:

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Electric**
Submitted by	**Travis Matlock, PE**
Phone	**479-271-5941**

Item Type: (*Check All That Apply)*

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

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

Ordinance amending the 2023 Pay Plan to create a Job Family to the Electric Department System Coordinator by reclassifying the current position to an Electric Systems Coordinator II, and creating an Electric Systems Coordinator I. Approved 5-0 at the July 18, 2023 Utility Board meeting. No budget adjustment is needed.

Estimated Cost	
Is this Item Budgeted?	☑ Yes ☐ No

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

M E M O R A N D U M

DATE: August 8, 2023

TO: **City Council, Mayor Orman**

FROM: Travis Matlock, Electric Utility Director

RE: **Job Family Addition**

BEUD recommends an amendment to the 2023 Pay Plan to create a Job Family to the Electric Department System Coordinator by reclassifying the current position to an Electric Systems Coordinator II, and creating an Electric Systems Coordinator I.

When the Electric Systems Coordinator was approved with the 2023 budget, there was only one (1) position with no job family. As BEUD has received very few qualified applicants over the 7 months that the position has been open, it became apparent that a job family was need for training and growth. Creating this job family will allow BEUD to hire a candidate and begin the training that is required with the many BEUD IT-type systems.

To create the job family, the current job description for what will be reclassified to an Electric Systems Coordinator II had some job duties removed or reduced to create the Electric Systems Coordinator I.

The Electric Systems Coordinator I will be a Grade 93, Electric Systems Coordinator II will be a Grade 94.

Approved by Utility Board 5-0.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2023 PAY PLAN FOR THE CITY OF BENTONVILLE; ADDING A JOB FAMILY TO THE ELECTRIC DEPARTMENT SYSTEM COORDINATOR; AND FOR OTHER PURPOSES.

WHEREAS, the Bentonville Electric Department proposes to amend the 2023 Pay Plan to add a job family to the Electric Department System Coordinator;

WHEREAS, due to receiving very few qualified applicants for the Electric Department System Coordinator Position it has become apparent a job family is needed to allow for advancement and training opportunities specific to Electric Department IT systems; and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to approve an amendment to the 2023 Pay Plan for the City of Bentonville, to include a job family for the Electric Department System Coordinator as follows:

ELECTRIC SYSTEMS COORDINATOR I	GRADE 93
ELECTRIC SYSTEMS COORDINATOR II	GRADE 94

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 this _____ day of _____, 2023.

APPROVED:

_____
STEPHANIE ORMAN, Mayor

ATTEST:

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Parks and Recreation Department**
Submitted by	**Wade Tomlinson**
Phone	**(479) 271-3392**

Item Type: (*Check Applicable Item Type)*

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

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

Resolution to be approved by City Council for Change Order #2, in the amount of $115,506.00, for the construction of the Southwest Bentonville Trail. This change order is for additional undercut and back fill material needed to stabilize the trail. No budget adjustment is needed.

Estimated Cost	**$115,506.00**
Is this Item Budgeted?	☑ Yes ☐ No

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

To be paid for from project account.

Memo

To:	City Council, Mayor Orman
Thru:	David Wright, Parks and Recreation Director
From:	Wade Tomlinson, Park Planner
Date:	August 8, 2023
Re:	City Council approval of a change order authorizing the Mayor and City Clerk to amend the contract agreement with 81, Construction Inc, for Change Order #2 with Budget Adjustment for $115,506.00 for the construction of the Southwest Bentonville Trail.

Parks and Recreation is requesting City Council's approval to amend the contract agreement with 81 Construction Inc, for Change Order #2 for the purchase and installation of additional fill material deemed essential by the geotechnical engineer and construction manager.

Construction of the Southwest Bentonville Trail, from Preston Park to the Bentonville Community Center is underway. The trail is expected to be completed in late 2023. However, since construction started, it was discovered by the Geotechnical Engineer associated with the project that additional poor subgrade conditions have been found which necessitates the need for additional undercut and rock backfill materials that were not a part of the original bid.

Parks and Recreation currently has $500,000 in our capital budget for trail development. This overall trail project is a public private partnership with funding coming from both city budget and other sources. To date, this grant has been 100% funded by the Walton Family Foundation. We do expect a grant to come back for this expense. However, since this is time sensitive, we are asking council's approval to proceed. If the grant is not awarded, then funding will come from the funds we have budgeted.

If you have any questions regarding this item, please let me know. Please call me at 271-3392 or email WTomlinson@bentonvillear.com.

Attachments:
Change Order No. 2: Southwest Bentonville Trail

Crafton Tull
architecture | engineering | surveying

901 North 47th Street, Suite 400
Rogers, AR 72756
479.455.2207
craftontull.com

CHANGE ORDER NO. 2

PROJECT: SW Bentonville Trail
IFB 22-59 – PO#22204116
CT Job Number: 20104100

CHANGE DATE: July 19, 2023

Change Order #2 includes the addition to the pay item for Undercut and Rock Backfill (item 5.1). Within the Preston Park Property soft soils and groundwater was encountered during excavation for the trail. Based on the recommendation of the geotechnical engineer (GTS), rock backfill will be used in areas where groundwater is an issue. Change order includes 837 C.Y. of Undercut and Rock Backfill at a unit cost of $138/CY.

As a result, the contract price is increased $115,506. A previous field change added $86,398 utilized the project's contingency – therefore necessitating the need for additional funding and this Change Order. The total contract amount is now $1,295,157. These changes are reflected in the attached change order agreement to be signed by all parties. Please let me know if you have any questions.

Respectfully,

[redacted]

Luke Jost, P.E.
Project Manager – Civil

CHANGE ORDER

City of Bentonville, AR
Crafton, Tull & Associates, Inc.
81 Construction Group

PROJECT:
SW Bentonville Trail IFB 22-59 / PO#22204116

CHANGE ORDER NO.: 2
DATE: 7/19/2023
ENGINEER'S PROJECT NO.: 20104100
CONTRACT DATE:
CONTRACT FOR: City of Bentonville

TO CONTRACTOR:
81 Construction Group

The Contract is changed as follows:

ADD	QTY	UNIT	UNIT COST	ITEM TOTAL
Item 5.1 - Undercut & Rock Backfill	837.00	CY	$ 138.00	$115,506.00
			TOTAL ADD	**$115,506.00**

DEDUCT	QTY	UNIT	UNIT COST	ITEM TOTAL
None				
			TOTAL DEDUCT	**$0.00**
			TOTAL CHANGE ORDER	**$115,506.00**

NOT VALID UNTIL SIGNED BY THE OWNER, ENGINEER, AND CONTRACTOR

The original Contract Sum Price was.....	$1,010,453.00
Net change by previously authorized Change Orders.....	**$169,198.00**
The Contract Sum prior to this Change Order.....	$1,179,651.00
The Contract Sum will be **INCREASED** this Change Order in the amount of.....	**$115,506.00**
The new Contract Sum, including this Change Order will be.....	$1,295,157.00

The Contract time will be remain unchanged.
The date of Substantial Completion as of the date of this Change Order therefore is _____

NOTE: This Summary does not reflect changes in the Contract Sum, Contract Time, or Guaranteed Maximum Price which have been authorized by a Construction Change Directive.

ENGINEER/ADDRESS

[redacted]

Date: 07/20/2023

CONTRACTOR/ADDRESS
81 Construction Group
P.O. Box 844
Siloam Springs, AR 72761

OWNER/ADDRESS
City of Bentonville, AR
215 SW A St.
Bentonville, AR, 72712

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO CHANGE ORDER #2 WITH 81 CONSTRUCTION, INC., IN THE AMOUNT OF ONE HUNDRED FIFTEEN THOUSAND FIVE HUNDRED SIX DOLLARS ($115,506.00), FOR ADDITIONAL UNDERCUT AND BACKFILL MATERIAL FOR THE SOUTHWEST BENTONVILLE TRAIL; AND FOR OTHER PURPOSES.

WHEREAS, the Southwest Bentonville Trail project is expected to finish late this year;

WHEREAS, the construction process has uncovered the need for additional fill material to stabilize the trail; and

WHEREAS, this is a budgeted item with the possibility of grant reimbursement.

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

Section 1: The Mayor and City Clerk are authorized to enter into Change Order #2 with 81 Construction, Inc., in the amount of one hundred fifteen thousand five hundred six dollars ($115,506.00), for additional undercut and backfill for the Southwest Bentonville Trail;

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

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

PASSED this _____ day of _____, 2023.

APPROVED:

ATTEST:

_____
STEPHANIE ORMAN, MAYOR

_____
KIRBY ROMINES, CITY CLERK

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Parks and Recreation Department**
Submitted by	**J. Wade Tomlinson**
Phone	**(479) 271-3392**

Item Type: (*Check Applicable Item Type)*

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

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

Council approval of change order #1 in the amount of $47,671.00, for the installation of the pedestrian bridge over Town Branch Creek for the Bentonville Razorback Greenway. No budget adjustment is needed.

Estimated Cost	**$47,671.00**
Is this Item Budgeted?	☑ Yes ☐ No

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

To be paid for from project account.

Memo

To:	City Council, Mayor Orman
Thru:	David Wright, Parks and Recreation Director
From:	Wade Tomlinson, Park Planner
Date:	August 8, 2023
Re:	Council approval of change order #1 in the amount of $47,671.00, for the installation of the pedestrian bridge over Town Branch Creek for the Bentonville Razorback Greenway.

Bentonville Parks and Recreation is requesting City Council's approval of Change Order #1, in the amount of $47,671. This change order is required for work and material needed to install a new pedestrian bridge over Town Branch Creek. The bridge will reconnect the Razorback Greenway and will serve as the critical connection point to a much-improved trail network that has not been easy to navigate since the beginning of the interstate improvements which began in April of 2020.

The I-49 Razorback Greenway Trail Project is expected to be completed in the fall of 2023. Once the trail is open, pedestrians and cyclists will be able to travel to and from Wishing Spring and Slaughter Pen in a new seamless route over a safe, wide and even hard surface trail.

In the original design the contractor was going to access the installation area from the interstate right of way (from the north). And though ARDOT signed off on allowing the contractor to use the I-49 right of way to access the work area, once work began, we were notified that ARDOT would deny access after all. The project team then began working on how to alternatively access the work area. The original bid included cost for setting a bridge using the ARDOT access. But since that access was lost, the next best approach (from the west) is viable but will require a larger crane and a different site setup that adds to the cost of the project.

Parks and Recreation currently has $500,000 in our capital budget for trail development. This overall trail project is a public private partnership with funding coming from both city budget, state grants and funding from the Walton Family Foundation. We do expect a grant to be awarded for this expense. However, since this is time sensitive, we are asking council's approval to proceed. If the grant is not awarded, then funding will come from the funds we currently have budgeted.

If you have any questions regarding this item, please let me know. Please call me at 271-3392 or email WTomlinson@bentonvillear.com.

Attachments:
Change Order No. 1: I-49 Razorback Greenway Improvements

EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Change Order No. 001

Date of Issuance:	July 21, 2023	Effective Date:	July 21, 2023
Owner:	City of Bentonville, AR	Owner's Contract No.:	IFB-22-70
Contractor:	Milestone Construction Company, LLC	Contractor's Project No.:	N/A
Engineer:	CEI Engineering Associates, Inc.	Engineer's Project No.:	33040.0
Project:	Bentonville Razorback Greenway Improvements I49 Detour	Contract Name:	N/A

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

Description: Due to the inability of the contractor to use the approved construction entrance on the south side of Interstate 49, they are proposing to use a single crane to install the bridge structure. The original bid assumed using this access to provide two smaller crane and other construction related implements to facilitate the installation.

Attachments: Change order request form from Milestone.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES *[note changes in Milestones if applicable]*
Original Contract Price: $ 1,694,451.72	Original Contract Times: November 22, 2022 Substantial Completion: March 24, 2023 Ready for Final Payment: May 22, 2023 dates
[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 0: $ 1,694,451.72	[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 0: Substantial Completion: March 24, 2023 Ready for Final Payment: May 22, 2023 dates
Contract Price prior to this Change Order: $ 1,694,451.72	Contract Times prior to this Change Order: Substantial Completion: March 24, 2023 Ready for Final Payment: May 22, 2023 dates
Increase of this Change Order: $ 47,671.00	N/A of this Change Order: Substantial Completion: March 24, 2023 Ready for Final Payment: May 22, 2023 days or dates
Contract Price incorporating this Change Order: $ 1,742,122.72	Contract Times with all approved Change Orders: Substantial Completion: March 24, 2023 Ready for Final Payment: May 22, 2023 days or dates

	ACCEPTED:	
By: [redacted]	By:	[redacted]
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: Program Manager	Title	Title: Project Manger
Date: July 21, 2023	Date	Date: 7-21-23

Approved by Funding Agency (if applicable)

By: _____ Date: _____

Title: _____

MILESTONE™
CONSTRUCTION COMPANY, LLC

July 19, 2023

Mr. Zach Hoyt
Bentonville Razorback Greenway
Bentonville, AR 72712

Subject: Bentonville Razorback Greenway

Dear Mr. Hoyt

Milestone Construction Company is pleased to provide you with a Guaranteed Maximum Price of **Forty-Seven Thousand Six Hundred Seventy-one Dollars no/100's ($47,671.00) Dollars** for the construction of the above referenced project.

Our price includes:

Additional tree removal $6,957.00
- Removal of three larger trees at creek
- Removal of several limbs at entrance and trail down to bridge location
- All to be burned onsite

Additional clearing and grubbing $3,622.00
- Removal of grass vegetation at parking area at entrance
- Removal of grass vegetation along trail down to bridge location
- Removal of tree debris on north side of creek, southwest side of abutment wall

Entrance expansion $5,580.00
- Supply and install B stone at entrance to accommodate crane width and weight

Additional base rock installation and removal $8,155.00
- Supply and install B stone at parking area at entrance
- Supply and install B stone at southwest side of abutment wall for crane support and for boom landing areas
- Removal of all material after construction
- Regrade to existing conditions

Re-seeding $443.00
- Re-seed disturbed areas

Larger crane, 2 Taylor forklifts, metal plates, additional rigging. $22,914.00

Our price specifically excludes:
- Does not include repairs to concealed damage.
- Anything not specifically listed in the above inclusions.

Please contact me with any questions.

Sincerely,

Erin Metcalf
Project Manager

2002 S. 48th Street, Ste. A / Springdale, Arkansas 72762
p 479.751.3560 / f 479.751.4841 / www.mstonecc.com

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO CHANGE ORDER #1 WITH CEI ENGINEERING, IN THE AMOUNT OF FORTY-SEVEN THOUSAND SIX HUNDRED SEVENTY-ONE DOLLARS ($47,671.00), FOR INSTALLATION OF AN ALTERANTIVE LOCATION FOR THE PEDESTRIAN BRIDGE OVER TOWN BRANCH CREEK FOR THE BENTONVILLE RAZORBACK GREENWAY; AND FOR OTHER PURPOSES.

WHEREAS, the initial design and bid of this project included a pedestrian bridge using an ARDOT access point for which the City had ARDOT permission;

WHEREAS, ARDOT has since rescinded that permission requiring the City to design and construct new access for the pedestrian crossing; and

WHEREAS, this is a budgeted item with the possibility of grant reimbursement.

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

Section 1: The Mayor and City Clerk are authorized to enter into Change Order #1 with CEI Engineering, in the amount of forty-seven thousand six hundred seventy-one dollars($47,671.00), for construction of an alternative pedestrian bridge over Town Branch Creek for the Bentonville Razorback Greenway;

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

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

PASSED this _____ day of _____, 2023.

APPROVED:

ATTEST:

_____
STEPHANIE ORMAN, MAYOR

_____
KIRBY ROMINES, CITY CLERK

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**ENGINEERING**
Submitted by	**TRACY BILLINGS**
Phone	**(479) 696-0229**

Item Type: (*Check Applicable Item Type)*

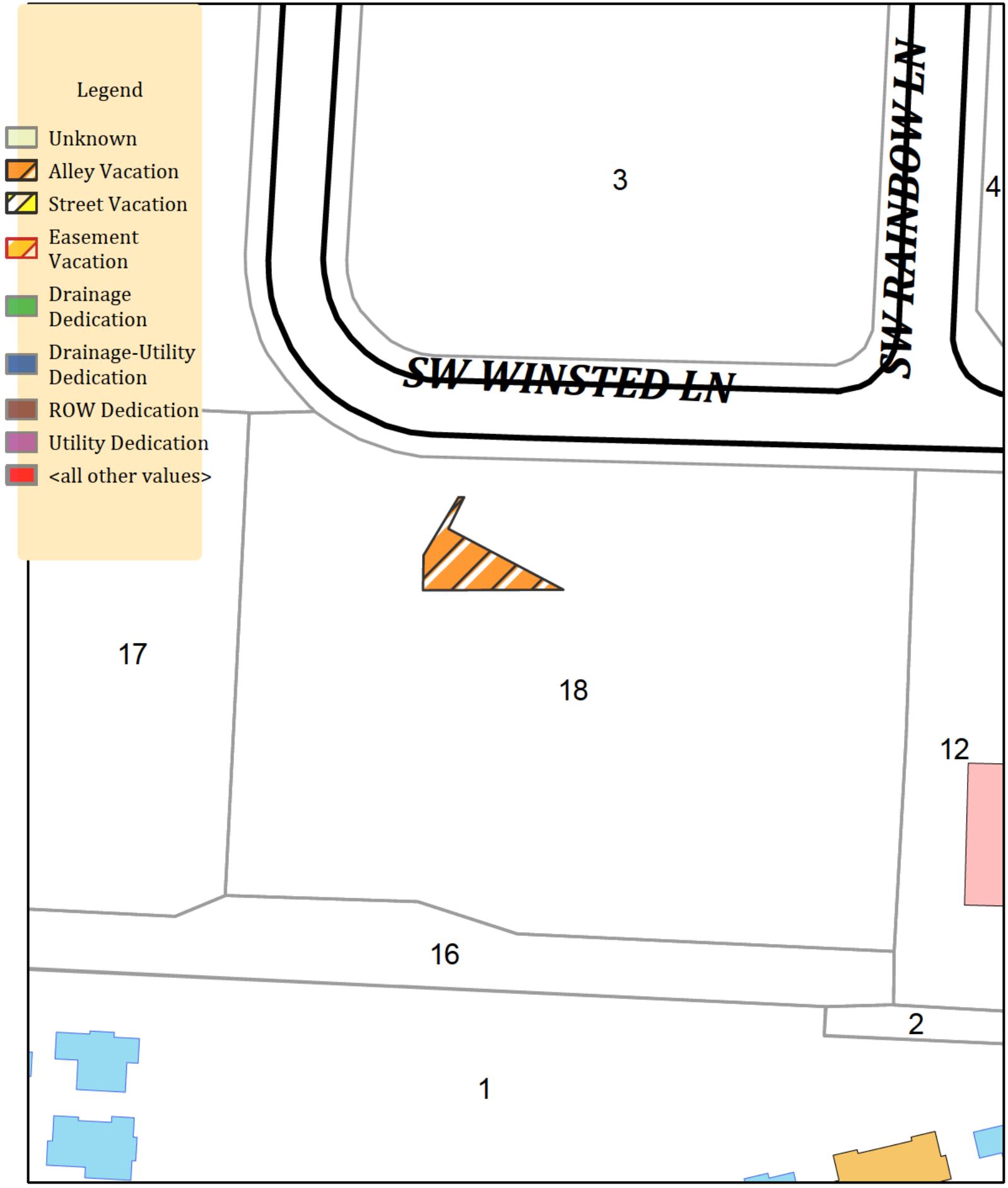
☐ Budget Adjustment	☐ Change Order	☐ Informational	☐ Ordinance	☑ Resolution	☐ Bid Award

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

Resolution setting a Public Hearing for August 22, 2023 for a Drainage Easement Vacation requested for Lot 18 of Rainbow Junction-Bentonville Subdivision (VAC23-0013).

Estimated Cost	
Is this Item Budgeted?	☐ Yes ☐ No

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

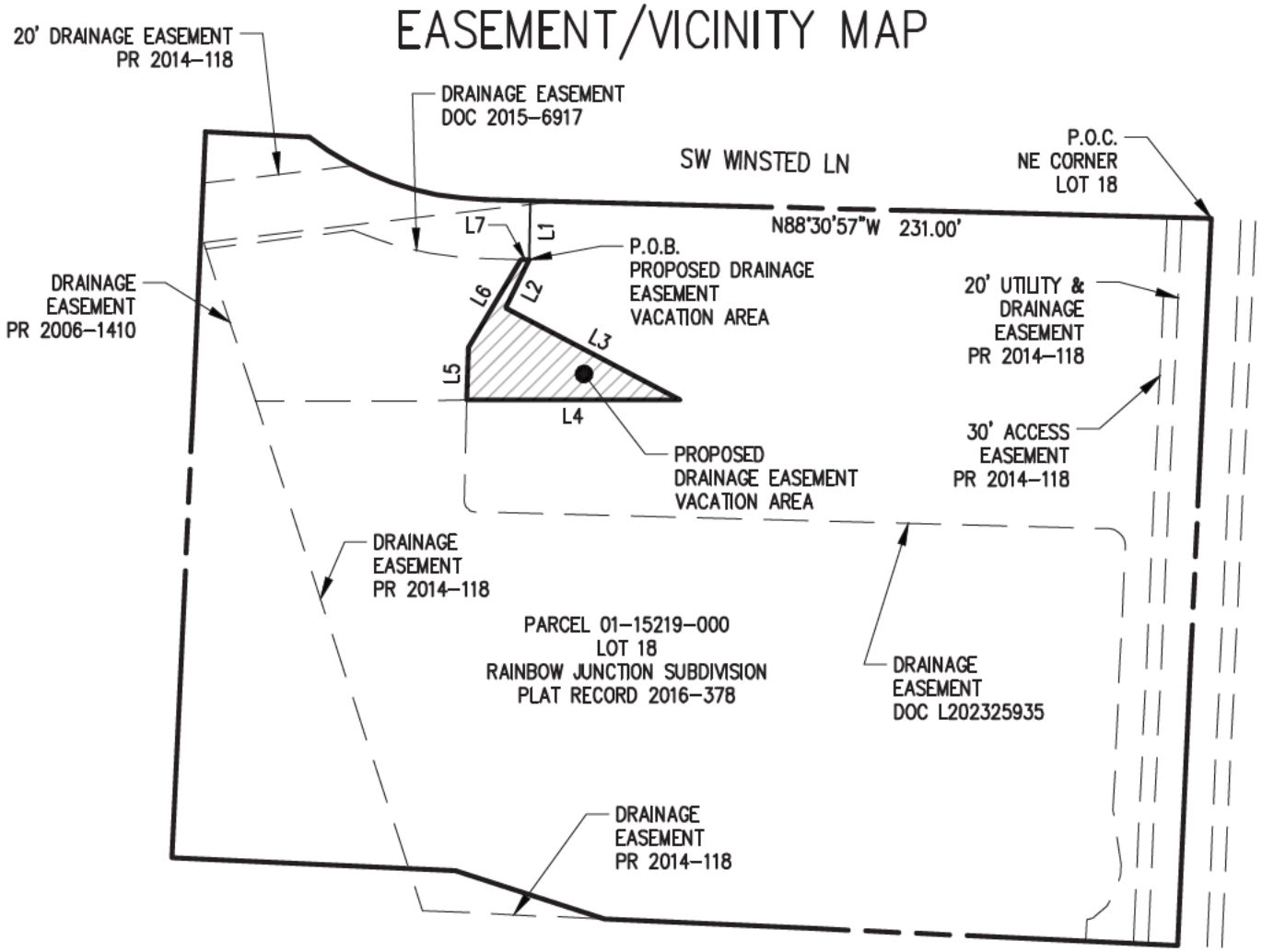


VAC23-0013

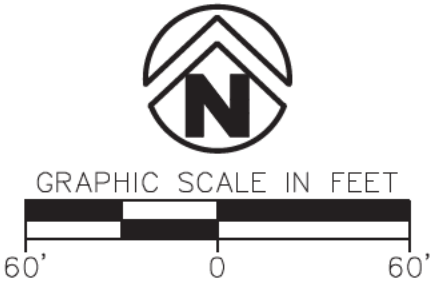
Drainage Easement Dedication

1:745

EASEMENT/VICINITY MAP



PARCEL LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S1° 29' 03"W	20.00'
L2	S25° 58' 29"W	18.15'
L3	S62° 09' 35"E	66.81'
L4	S89° 51' 21"W	72.26'
L5	N1° 29' 03"E	17.92'
L6	N31° 04' 07"E	34.85'
L7	S88° 30' 57"E	2.69'



NOTE:
THIS EASEMENT/VICINITY MAP IS A GRAPHICAL REPRESENTATION OF THE EASEMENT VACATION DESCRIPTION, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

PROJECT NO.:	
21111700	
DRAWN BY:	DATE: 06/07/2023
SHEET: 1 OF 1	CHECKED:

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

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DRAWING: G:\21111700_RAINBOWTH\INFRASTRUCTURE\SURVEY\DWG\ESMT VAC EXHIBIT 2.DWG
LAYOUT: —, LAST SAVED: KM676, 6/7/2023 12:38:03 PM
LAST PLOTTED BY: KEVIN MONTGOMERY, 6/7/2023 12:40:23 PM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

RESOLUTION NO._____

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

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by Crafton Tull requesting a drainage easement vacation (VAC23-0013) within the City of Bentonville, Arkansas be vacated, which said drainage easement is described as follows:

PART OF LOT 18 OF RAINBOW JUNCTION SUBDIVISION AS PER PLAT RECORD 2016-378 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 18;
THENCE N88°30'57"W 231.00 FEET;
THENCE S01°29'03"W 20.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF A DRAINAGE EASEMENT AS DESCRIBED IN DOCUMENT 2015-6917;
THENCE ALONG THE EAST LINE THEREOF S25°58'29"W 18.15 FEET;
THENCE ALONG SAID EAST LINE S62°09'35"E 66.81 FEET TO THE SOUTHEAST CORNER OF SAID DRAINAGE EASEMENT;
THENCE ALONG THE SOUTH LINE THEREOF S89°51'21"W 72.26 FEET;
THENCE LEAVING SAID SOUTH LINE N01°29'03"E 17.92 FEET;
THENCE N31°04'07"E 34.85 FEET TO THE NORTH LINE OF SAID DRAINAGE EASEMENT;
THENCE ALONG SAID NORTH LINE S88°30'57"E 2.69 FEET TO THE POINT OF BEGINNING, CONTAINING 1335 SQUARE FEET, MORE OR LESS.

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

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing August 22, 2023 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved, and adopted the _____ day of _____ 2023 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Kirby Romines, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Street**
Submitted by	**Tony Davis**
Phone	**(479) 271-3130**

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 award bid #IFB-23-48 for the 2023 Overlay for the City of Bentonville Streets to APAC-Central, Inc. No budget adjustment is needed.

Estimated Cost	**$329,505.50**
Is this Item Budgeted?	☑ Yes ☐ No

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

Bentonville Street Department
3200 SW Municipal Drive
Bentonville, AR 72712
Phone: (479) 271-3130

Memorandum

DATE: 8-08-2023

TO: City Council, Mayor Orman

FROM: Tony Davis

RE: Bid Award IFB 23-48 Street Overlay

On July 25, the City of Bentonville received 2 bids for the 2023 Street Overlay program. Please see the attached bid tabulation.

APAC-Central, Inc. was the low bidder with a bid price of $329,505.50.

Staff is recommending City Council approval of a resolution to approve Bid # IFB-23-48 to APAC Central, Inc. for the 2023 Street Overlay Program. This is within the 2023 budgeted amount, no budget adjustment is needed for this.

Thanks for your consideration, please contact me with any questions. I can be reached by phone at 479-271-3130 or email at todavis@bentonvillear.com.

CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT

FORMAL SEALED BID TABULATION

Date of Bid Opening:	7/25/23	Time of Bid Opening:	1:00 PM	Solicitation ID Number:	IFB-23-48

Solicitation Title: 2023 Overlay for City of Bentonville Streets

				Bidders:	Grant Garrett Excavating		APAC-Central, Inc.	
Line Item	Estimated Quantity	Unit of Measure	Description		Unit Price	Extended Price	Unit Price	Extended Price
1	1598	Tons	Asphaltic Concrete Hot Mix Surface Course, Completed In-Place		$129.46	$206,877.08	$148.00	$236,504.00
2	16881	SY	Asphalt Milling		$4.67	$78,834.27	$3.00	$50,643.00
3	10940	LF	Thermoplastic Pavement Marking Yellow 4" (Standard 8" Gap)		$1.69	$18,488.60	$1.75	$19,145.00
4	106	LF	Thermoplastic Pavement Marking White 4"		$1.69	$179.14	$1.75	$185.50
5	162	LF	Thermoplastic Pavement Marking White 12"		$11.30	$1,830.60	$11.00	$1,782.00
6	63	LF	Thermoplastic Pavement Marking White 24"		$22.59	$1,423.17	$22.00	$1,386.00
7	2	EA	Thermoplastic Pavement Marking "Left Turn Arrow"		$339.00	$678.00	$340.00	$680.00
8	2	EA	Thermoplastic Pavement Marking "Right Turn Arrow"		$339.00	$678.00	$340.00	$680.00
9	2	EA	Thermoplastic Pavement Marking "ONLY"		$423.50	$847.00	$425.00	$850.00
10	1	LS	Traffic Control Devices in Construction Zones (Temporary Pavement Markings)		$9,355.00	$9,355.00	$1,150.00	$1,150.00
11	1	LS	Maintenance of Traffic as Defined in Sec. 603 of the AHTD 2014 Edition		$17,510.00	$17,510.00	$7,000.00	$7,000.00
12	1	LS	Mobilization		$20,800.00	$20,800.00	$9,500.00	$9,500.00
				Total Bid Price	**$357,500.86**		**$329,505.50**	

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

RESOLUTION NO. _____

A RESOLUTION AWARDING BID IFB 23-48 TO APAC-CENTRAL INC., FOR THE 2023 OVERLAY PROGRAM FOR THE CITY OF BENTONVILLE STREET DEPARTMENT, IN THE AMOUNT OF THREE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED FIVE DOLLARS AND FIFTY CENTS ($329,505.50); AND FOR OTHER PURPOSES.

WHEREAS, APAC-Central Inc. was the lowest qualified bidder for bid IFB 23-48;

WHEREAS, this contract covers the 2023 Street Overlay Program for the City of Bentonville Street Department; and

WHEREAS, this is a budgeted item;

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with APAC-Central Inc. for the purchase of the 2023 Overlay Program for the City of Bentonville Street Department in the amount of three hundred twenty-nine thousand five hundred five dollars and fifty cents ($329,505.50);

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

Section 3 - Repeal of Conflicting Resolutions: All 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 _____, 2023.

APPROVED:

_____
STEPHANIE ORMAN, Mayor

ATTEST:

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Street**
Submitted by	**Tony Davis**
Phone	**(479) 271-3130**

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 award bid #IFB-23-49 to Innovative Roadway Solutions for mastic sealing of City streets. No budget adjustment is needed.

Estimated Cost	**$445,736.70**
Is this Item Budgeted?	☑ Yes ☐ No

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

Bentonville Street Department
3200 SW Municipal Drive
Bentonville, AR 72712
Phone: (479) 271-3130

Memorandum

DATE: August 8, 2023

TO: City Council, Mayor Orman

FROM: Tony Davis

RE: Bid Award IFB 23-49 Mastic Seal

On July 25, the City of Bentonville received two bids for mastic sealing of City Streets. Please see attached bid tabulation.

Innovative Roadway Solutions, LLC was the low bidder with a price $445,736.70.

Staff is recommending City Council approval of a resolution to approve bid IFB 23-49 to Innovative Roadway Solutions in the amount of $445,736.70 for the 2023 mastic sealing of City streets. This is within the 2023 budgeted amount, no budget adjustment is needed.

Thanks for your consideration, please contact me with any questions. I can be reached by phone at 479-271-3130 or email at todavis@bentonvillear.com.

CITY OF BENTONVILLE, ARKANSAS PURCHASING DEPARTMENT

FORMAL SEALED BID TABULATION

Date of Bid Opening:	7/25/23	Time of Bid Opening:	1:30 PM	Solicitation ID Number:	IFB-23-49

Solicitation Title: 2023 Mastic Sealer for City of Bentonville Streets

				Bidders:	Innovative Roadway Solutions		Vance Brothers, Inc.	
Line Item	Estimated Quantity	Unit of Measure	Description		Unit Price	Extended Price	Unit Price	Extended Price
1	148,995	SY	Mastic Sealer, As Specified		$2.66	$396,326.70	$5.27	$785,203.65
2	1	LS	Maintenance of Traffic, As Specified in Sec. 603 of the AHTD 2014 Edition		$45,000.00	$45,000.00	$50,000.00	$50,000.00
3	147	LF	Thermoplastic Pavement Marking White 24"		$30.00	$4,410.00	$41.80	$6,144.60
				Total Bid Price	**$445,736.70**		**$841,348.25**	

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

RESOLUTION NO. _____

A RESOLUTION AWARDING BID IFB 23-49 TO INNOVATIVE ROADWAY SOLUTIONS, LLC., FOR THE MASTIC SEALING OF CITY STREETS FOR THE CITY OF BENTONVILLE STREET DEPARTMENT, IN THE AMOUNT OF FOUR HUNDRED FORTY-FIVE THOUSAND SEVEN HUNDRED THIRTY-SIXTY DOLLARS AND SEVENTY CENTS ($445,736.70); AND FOR OTHER PURPOSES.

WHEREAS, Innovative Roadway Solutions, LLC. was the lowest qualified bidder for bid IFB 23-49;

WHEREAS, this purchase covers the mastic sealing of city streets for the City of Bentonville Street Department; and

WHEREAS, this is a budgeted item;

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Innovative Roadway Solutions, LLC. for the purchase of the mastic sealing of city streets for the City of Bentonville Street Department in the amount of four hundred forty-five thousand seven hundred thirty-six dollars and seventy cents ($445,736.70);

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

Section 3 - Repeal of Conflicting Resolutions: All 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 _____, 2023.

APPROVED:

_____
STEPHANIE ORMAN, Mayor

ATTEST:

_____
KIRBY ROMINES, City Clerk

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Item Type: (*Check Applicable Item Type)*

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

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

Resolution approving a budget adjustment in the amount of $1,130.00 for Bentonville Public Library to accept and expend certain donations and grants to supplement the library's book and program budgets. A budget adjustment is needed to accept donated funds.

Estimated Cost	**$1,130.00**
Is this Item Budgeted?	☐ Yes ☑ No

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

Budget adjustment to accept and spend funds totaling $1,130 for library books and programs.

Budget Adjustment Request

Date of City Council Meeting	**8/8/2023**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

To accept and spend donations and grants to purchase books, support library programs.

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
105050	33412	State Grant/Other	$ 480.00	$ -
105050	37010	Misc Donation	$ 650.00	$ -
105050	42090	Other Operating Supplies	$ -	$ 650.00
105050	43510	Prof. Services: Promotional Activites	$ -	$ 480.00
		Totals	$ 1,130.00	$ 1,130.00
		Net Impact on Fund Balance	$	-

*Final Account Number will be determined by Accounting Department after approval and purchase

Bentonville Public Library

Memorandum

TO: Bentonville City Council, Mayor Stephanie Orman

FROM: Hadi Dudley, Library Director

CC: Patrick Johndrow, Finance Director; Gladys Shoemake, Purchasing Manager; and Bonnie Bridges, Associate Staff Attorney

SUBJECT: A resolution approving a budget adjustment for the Library

DATE: August 1, 2023

Bentonville Public Library (BPL) seeks City Council approval of a budget adjustment in the amount of **$1,130.00** to accept and expend donations and grant funds to supplement the library's book and program budgets.

Funding Breakdown

$480 from the Arkansas Arts Council – a grant award that supports qualifying library programs.

$650 from the Bentonville Library Foundation – funds contributed as tributes for specific library collections to purchase books, as designated by Foundation donors.

Please contact me with your questions at 479-271-3194 or hdudley@bentonvillear.com.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING DONATIONS TO THE BENTONVILLE PUBLIC LIBRARY, IN THE TOTAL AMOUNT OF ONE THOUSAND THREE HUNDRED DOLLARS ($1,300.00); ADJUSTING THE 2023 BUDGET TO RECOGNIZE AND APPROPRIATE THE SAME TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.

WHEREAS, the Arkansas Arts Council donated four hundred eighty dollars ($480.00) to the Bentonville Public Library;

WHEREAS, the Bentonville Library Foundation donated six hundred fifty dollars ($650.00) to the Bentonville Public Library; and

WHEREAS, these funds will be recognized and appropriated for Library use.

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

Section 1: The Mayor and City Clerk are authorized to accept donations to the Bentonville Public Library in the total amount of one thousand three hundred dollars ($1,300.00) from the Bentonville Library Foundation and the Arkansas Arts Council;

Section 2: The 2023 Budget is adjusted to recognize four hundred eighty dollars ($480.00) of donated funds into Account #105050-33412 – State Grant/Other and appropriating the same to Account #105050-43510 – Professional Services/Promotional Activities;

Section 3: The 2023 Budget is further adjusted to recognized six hundred fifty dollars ($650.00) of donated funds into Account #105050-37010 – Miscellaneous Donations and appropriating the same to Account #105050-42090 – Other Operating Supplies;

Section 4 - 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 5 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2023.

APPROVED:

ATTEST:

_____
STEPHANIE ORMAN, MAYOR

_____
KIRBY ROMINES, CITY CLERK

Agenda Item Form

Date of City Council Meeting	**8/8/2023**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Item Type: (*Check Applicable Item Type)*

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

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

Resolution approving a budget adjustment in the amount of $8,000.00 for Bentonville Public Library to reallocate operating money. The operating fund adjustment is required to replace a heating and air conditioning unit at the Train Station. A budget adjustment is needed to reallocate budgeted funds.

Estimated Cost	**$8,000.00**
Is this Item Budgeted?	☐ Yes ☑ No

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

Budget adjustment to reallocate operating funds totaling $8,000 to purchase a replacement heating and air conditioning unit for the Train Station.

Budget Adjustment Request

Date of City Council Meeting	**8/8/2023**
Department	**Library**
Submitted by	**Hadi Dudley**
Phone	**479-271-3194**

Purpose of Budget Adjustment ***(Enter purpose in space below):***

To reallocate operating funds to replace a heating and air conditioning unit at the Train Station.

General Ledger Account Information*				
Org (Department)	**Object**	**Account Description**	**Revenue + (-)**	**Expense + (-)**
105050	42520	Minor Equipment/Computers	$ 8,000.00	$ -
105050	44430	Property Serv: Repairs/Maint Building		$ 8,000.00
		Totals	$ 8,000.00	$ 8,000.00
		Net Impact on Fund Balance	$	-

*Final Account Number will be determined by Accounting Department after approval and purchase

Bentonville Public Library

Memorandum

TO: Bentonville City Council, Mayor Stephanie Orman

FROM: Hadi Dudley, Library Director

CC: Patrick Johndrow, Finance Director; Gladys Shoemake, Purchasing Manager; and Bonnie Bridges, Associate Staff Attorney

SUBJECT: A resolution approving a budget adjustment for the Library

DATE: August 1, 2023

Bentonville Public Library (BPL) seeks City Council approval of a budget adjustment in the amount of **$8,000.00** to **reallocate library operating funds** from one account to another. This is required to purchase a new heating and air conditioning unit for the Train Station.

Funds budgeted by the Library for Train Station cameras in the **minor equipment / computer** account are not going to be used on the original project. The **funds are available to transfer** to the **facility maintenance** account.

This is not a planned project, but it is necessary for the operations and conditions of the historic building. The budget adjustment will pay for the cost of a new HVAC unit and repair a wall that was water damaged due to HVAC equipment failure.

Train Station Heat-Air Unit

In recent months, BPL requested City Public Works Maintenance staff, two HVAC vendors, a construction company and an architectural firm review the HVAC conditions at the Train Station. All parties agree that there is not a feasible or cost-effective way to repair one of the two units installed in the small upper crawl space.

The proposed solution by the HVAC vendors is to install a “mini split” heat/air unit in lieu of repair to the outdated unit that is virtually impossible to access.

The mini split unit will tie in with the existing electrical service. It will provide an energy efficient method to heat and cool the back room in the historic Train Station for many years to come.

Please contact me with your questions at 479-271-3194 or hdudley@bentonvillear.com.

Train Station Museum Mini Split
Quote Prepared by Barett Ratcliff
08/02/2023

Johnson Controls

PROPOSAL

Account Information

Bill To:	CITY OF BENTONVILLE 1000 SW 14TH ST BENTONVILLE AR USA 72712
Quote Reference Number:	1-1NML0UT5
Project Name:	Train Station Museum Mini Split
Site:	BENTONVILLE OLD TRAIN STATION 416 S MAIN ST BENTONVILLE AR 72712
Branch Info:	JOHNSON CONTROLS FAYETTEVILLE AR CB - 0N2A
Attn:	Hadi Dudley

Customer Information

Name: Ms. Dudley

This proposal is hereby accepted and Johnson Controls is authorized to proceed with the work, subject to credit approval By Johnson Controls, Inc. Milwaukee, WI.
We propose to furnish the materials and/or perform the work below for the net price of: $6,880.00

This proposal is valid through 09/02/2023

CITY OF BENTONVILLE

Signature: _____
Name: _____
Title: _____
Date: _____
PO: _____

Johnson Controls Inc.

Signature: _____
Name: _____
Title: _____
Date: _____

CONFIDENTIAL: For customer review. ©2022 Johnson Controls

Johnson Controls

Proposal Overview

Benefits/Scope of Work:

JCI will provide the necessary labor and material to install a new 3 ton Mini Split heat pump system at the old train station building. Due to access the existing AHU will be abandoned in place with power isolated. JCI will re use the existing outdoor electrical service for the new system. New outdoor unit will be placed on existing equipment pad and new line set ran along the exterior of building. The indoor unit will be wall mounted with internal condensate pump piped to nearest drain. Upon completion of install the system will be charged and started with all system operations verified.

Exclusions:

1. Labor or material not specifically described above is excluded from this proposal.
2. Unless otherwise stated, any and all overtime labor is excluded from this proposal.
3. Applicable taxes or special freight charges are excluded from this proposal

CONFIDENTIAL: For customer review. ©2022 Johnson Controls

(IMPORTANT): *This proposal incorporates by reference the terms and conditions which are attached to this document. All work is to be performed Monday through Friday during normal Johnson Controls, Inc. (JCI) business hours unless otherwise noted. This proposal, or any accepted alternates, are hereby accepted by Customer, and JCI is authorized to proceed with the work; subject, however, to credit approval by JCI, Milwaukee, Wisconsin.*

TERMS AND CONDITIONS

By accepting this proposal, Customer agrees to be bound by the following terms and conditions:

1. SCOPE OF WORK. This proposal is based upon the use of straight time labor only. Plastering, patching, and painting are excluded. Disinfecting of chiller condenser and cooling tower water systems and components for biohazards, such as but not limited to Legionella, are excluded unless otherwise specifically stated in this agreement. In-line duct and piping devices, including, but not limited to valves, dampers, humidifiers, wells, taps, flow meters, orifices, etc., if required hereunder to be furnished by JCI, shall be distributed and installed by others under JCI's supervision but at no additional cost to JCI. Customer agrees to provide JCI with required field utilities (electricity, toilets, drinking water, project hoist, elevator service, etc.) without charge. JCI agrees to keep the job site clean of debris arising out of its own operations. Customer shall not back charge JCI for any costs or expenses without JCI's written consent. Unless specifically noted in the statement of the scope of work or services undertaken by JCI under this agreement, JCI's obligations under this agreement expressly exclude any language or provision of the agreement elsewhere contained which may authorize or empower the Customer to change, modify, or alter the scope of work or services to be performed by JCI and shall not operate to compel JCI to perform any work relating to Hazards or Biohazards, such as but not limited to Legionella, without JCI's express written consent.

2. INVOICE AND PAYMENTS. JCI may invoice Customer monthly for all materials delivered to the job site or to an off-site storage facility and for all work performed on-site and off-site. Customer shall pay JCI at the time Customer signs this agreement an advance payment equal to [10%] of the contract price, which advance payment shall be credited against the final payment (but not any progress payment) due hereunder. Unless otherwise agreed to by the parties, payment is due to JCI upon Customer's receipt of JCI's invoice. Such payment is a condition precedent to JCI's obligation to perform any work under this agreement. Invoices shall be paid by Customer via electronic delivery via EFT/ACH. Invoicing disputes must be identified by Customer in writing within 21 days of the date of the invoice. Payment of any disputed amounts are due and payable upon resolution of such dispute. Customer acknowledges and agrees that timely payments of the full amounts listed on invoices is an essential term of this Agreement and Customer's failure to make payment in full when due is a material breach of this Agreement. Customer further acknowledges that if there is any amount outstanding on an invoice; it is material to JCI and will give JCI, without prejudice to any other right or remedy, the right to, without notice: (i) suspend, discontinue or terminate performing any services and/or withhold further deliveries of equipment and other materials, terminate or suspend any unpaid software licenses, and/or suspend JCI's obligations under or terminate this Agreement; and (ii) charge Customer interest on the amounts unpaid at a rate equal to the lesser of one and one half (1.5) percent per month or the maximum rate permitted under applicable law, until payment is made in full. JCI's election to continue providing future services does not, in any way diminish JCI's right to terminate or suspend services or exercise any or all rights or remedies under this Agreement. JCI shall not be liable for any damages, claims, expenses, or liabilities arising from or relating to suspension of services for non-payment. In the event that there are exigent circumstances requiring services or the JCI otherwise performs services at the premises following suspension, those services shall be governed by the terms of this Agreement unless a separate contract is executed. If Customer disputes any late payment notice or JCI's efforts to collect payment. Customer shall immediately notify JCI in writing and explain the basis of the dispute. Customer will pay all of JCI's reasonable collection costs (including legal fees and expenses). In the event of Customer's default, the balance of any outstanding amounts will be immediately due and payable. Lien waivers will be furnished upon request, as the work progresses, to the extent payments are received.

3. MATERIALS. If the materials or equipment included in this proposal become temporarily or permanently unavailable for reasons beyond the control and without the fault of JCI, then in the case of such temporary unavailability, the time for performance of the work shall be extended to the extent thereof, and in the case of permanent unavailability, JCI shall (a) be excused from furnishing said materials or equipment, and (b) be reimbursed for the difference between the cost of the materials or equipment permanently unavailable and the cost of a reasonably available substitute therefore.

4. EQUIPMENT WARRANTY. JCI warrants that equipment manufactured or labeled by JCI shall be free from defects in material and workmanship arising from normal usage for a period of one year. No warranty is provided for third-party products and equipment installed or furnished by JCI. Such products and equipment are provided with the third party manufacturer's warranty to the extent available, and JCI will transfer the benefits, together with all limitations, of that manufacturer' s warranty to Customer. All transportation charges incurred in connection with the warranty for equipment and/or materials not installed by JCI shall be borne by Customer. These warranties shall not extend to any equipment that has been abused, altered, misused or repaired by Customer or third parties without the supervision of and prior written approval of JCI, or if JCI serial numbers or warranty date decals have been removed or altered. Customer must promptly report any failure of the equipment to JCI in writing.

5. LIMITED WARRANTY. JCI warrants its workmanship or that of its agents (Technicians) in relation to installation of equipment for a period of ninety (90) days from date of installation. Customer shall bear all labor costs associated with replacement of failed equipment still under JCI's equipment warranty or the original manufacturer's warranty, but outside the terms of this express labor warranty. All warranty labor shall be executed on normal business days during JCI normal business hours. These warranties do not extend to any equipment which has been repaired by others, abused, altered, or misused in any way, or which has not been properly and reasonably maintained. THESE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THOSE OF MERCHANTABILITY AND FITNESS FOR A SPECIFIC PURPOSE. UNDER NO CIRCUMSTANCES SHALL JCI BE LIABLE FOR ANY SPECIAL, INDIRECT, OR CONSEQUENTIAL DAMAGES ARISING FROM OR RELATING TO ANY DEFECT IN MATERIAL OR WORKMANSHIP OF EQUIPMENT OR THE PERFORMANCE OF SERVICES. JCI makes no and specifically disclaims all representations or warranties that the services, products, software or third party product or software will be secure from cyber threats, hacking or other similar malicious activity, or will detect the presence of, or eliminate, treat, or mitigate the spread, transmission, or outbreak of any pathogen, disease, virus or other contagion, including but not limited to COVID 19.

6. LIABILITY. To the maximum extent permitted by law, in no event shall JCI and its affiliates and their respective personnel, suppliers and vendors ("JCI Parties") be liable to you or any third party under any cause of action or theory of liability even if advised of the possibility of such damages, for any: (a) special, incidental, consequential, punitive, or indirect damages; (b) lost profits, revenues, data, customer opportunities, business, anticipated savings, or goodwill; (c) business interruption; or (d) data loss or other losses arising from viruses, ransomware, cyber-attacks or failures or interruptions to network systems. In any case, the entire aggregate liability of the JCI Parties under this proposal for all damages, losses, and causes of action (whether in contract, tort (including negligence), or otherwise) shall be limited to the amounts payable to JCI hereunder.

7. COVID-19 Vaccination. JCI expressly disclaims any requirement, understanding or agreement, express or implied, included directly or incorporated by reference, in any Customer purchase order, solicitation, notice or otherwise, that any of JCI's personnel be vaccinated against Covid-19 under any federal, state/provincial or local law, regulation or order applicable to government contracts or subcontracts, including, without limitation, Presidential Executive Order

14042 ("Ensuring Adequate COVID Safety Protocols for Federal Contractors") and Federal Acquisition Regulation (FAR) 52.223-99 ("Ensuring Adequate COVID Safety Protocols for Federal Contractors"). Any such requirement shall only apply to JCI's personnel if and only to the extent contained in a written agreement physically signed by an authorized officer of JCI.

8. TAXES. The price of this proposal does not include duties, sales, use, excise, or other taxes, unless required by federal, state, or local law. Customer shall pay, in addition to the stated price, all taxes not legally required to be paid by JCI or, alternatively, shall provide JCI with acceptable tax exemption certificates. JCI shall provide Customer with any tax payment certificate upon request and after completion and acceptance of the work.

9. DELAYS. JCI shall not be liable for any delay in the performance of the work resulting from or attributed to acts of circumstance beyond JCI's control, including but not limited to; acts of God, fire, riots, labor disputes, conditions of the premises, acts or omissions of the Customer, Owner, or other Contractors or delays caused by suppliers or subcontractors of JCI, etc.

10. COMPLIANCE WITH LAWS. JCI shall comply with all applicable federal, state, and local laws and regulations, and shall obtain all temporary licenses and permits required for the prosecution of the work. Licenses and permits a permanent nature shall be procured and paid for by the Customer.

11. PRICING. JCI may increase prices upon notice to the Customer to reflect increases in material and labor costs. Prices for products covered by this Agreement may be adjusted by JCI, upon notice to Customer at any time prior to shipment and regardless of Customer's acceptance of JCI's proposal or quotation, to reflect any increase in JCI's cost of raw materials (e.g., steel, aluminum) inability to secure Products, changes or increases in law, labor, taxes, duties, tariffs or quotas, acts of government, any similar charges, or to cover any extra, unforeseen and unusual cost elements.

12. DISPUTES. All disputes involving more than $15,000.00 shall be resolved by arbitration in accordance with the rules of the American Arbitration Association. The prevailing party shall recover all legal costs and attorneys' fees incurred as a result. Nothing here shall limit any rights under construction lien laws.

13. INSURANCE. Insurance coverage in excess of JCI's standard limits will be furnished when requested and required. No credit will be given or premium paid by JCI for insurance afforded by others.

14. INDEMNITY. The Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorney's fees which may arise in connection with the execution of the work herein specified and which are caused, by the negligent act or omission of the indemnifying Party. The parties agree and understand that the City has Statutory Tort Immunity and as such, nothing contained herein or otherwise under this Agreement shall waive any governmental immunity the City may be entitled to by law.

15. CUSTOMER RESPONSIBILITIES. Customer is solely responsible for the establishment, operation, maintenance, access, security and other aspects of its computer network ("Network") and shall supply Johnson Controls secure Network access for providing its services. Products networked, connected to the internet, or otherwise connected to computers or other devices must be appropriately protected by Customer and/or end user against unauthorized access. Customer is responsible to take appropriate measures, including performing back-ups, to protect information, including without limit data, software, or files (collectively "Data") prior to receiving the service or products.

16. FORCE MAJEURE. JCI shall not be liable, nor in breach or default of its obligations under this proposal, for delays, interruption, failure to render services, or any other failure by JCI to perform an obligation under this proposal, where such delay, interruption or failure is caused, in whole or in part, directly or indirectly, by a Force Majeure Event. A "Force Majeure Event" is a condition or event that is beyond the reasonable control of JCI, whether foreseeable or unforeseeable, including, without limitation, acts of God, severe weather (including but not limited to hurricanes, tornados, severe snowstorms or severe rainstorms), wildfires, floods, earthquakes, seismic disturbances, or other natural disasters, acts or omissions of any governmental authority (including change of any applicable law or regulation), epidemics, pandemics, disease, viruses, quarantines, or other public health risks and/or responses thereto, condemnation, strikes, lock-outs, labor disputes, an increase of 5% or more in tariffs or other excise taxes for materials to be used on the project, fires, explosions or other casualties, thefts, vandalism, civil disturbances, insurrection, mob violence, riots, war or other armed conflict (or the serious threat of same), acts of terrorism, electrical power outages, interruptions or degradations in telecommunications, computer, network, or electronic communications systems, data breach, cyber-attacks, ransomware, unavailability or shortage of parts, materials, supplies, or transportation, or any other cause or casualty beyond the reasonable control of JCI. If JCI's performance of the work is delayed, impacted, or prevented by a Force Majeure Event or its continued effects, JCI shall be excused from performance under this proposal. Without limiting the generality of the foregoing, if JCI is delayed in achieving one or more of the scheduled milestones set forth in this proposal due to a Force Majeure Event, JCI will be entitled to extend the relevant completion date by the amount of time that JCI was delayed as a result of the Force Majeure Event, plus such additional time as may be reasonably necessary to overcome the effect of the delay. To the extent that the Force Majeure Event directly or indirectly increases JCI's cost to perform the services, Customer is obligated to reimburse JCI for such increased costs, including, without limitation, costs incurred by JCI for additional labor, inventory storage, expedited shipping fees, trailer and equipment rental fees, subcontractor fees or other costs and expenses incurred by JCI in connection with the Force Majeure Event.

17. SAFETY, HEALTH AND HAZARDOUS MATERIALS. The Parties hereto agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of the, Occupational Safety and Health Act relating in any way to the project or project site. ACM /Hazardous Materials: Customer shall supply Johnson Controls with any information in its possession relating to the presence of asbestos-containing materials ("ACM") or hazardous materials at any of its facilities where JCI's undertakes any Work or Services that may result in the disturbance of ACM or hazardous materials. JCI shall not be responsible for abatement and/or removal and disposal of hazardous materials or ACM. If either Customer or JCI becomes aware of or suspects the presence of ACM or hazardous materials that may be disturbed by JCI's Work or Services, JCI shall immediately stop all work until such ACM or hazardous or unsafe condition is rectified by Owner and Owner so notifies JCI in writing that work can safely be resumed, based on test conducted by a licensed testing organization. Timetables for delivery of JCI's products or services and the contract price shall be adjusted appropriately for any associated delay.

18. ONE-YEAR CLAIMS LIMITATION. No claim or cause of action, whether known or unknown, shall be brought against JCI more than one year after the claim first arose. Except as provided for herein, JCI's claims must also be brought within one year. Claims for unpaid contract amounts are not subject to the one-year limitation.

19. DIGITAL ENABLED SERVICES. If JCI provides Digital Enabled Services under this Agreement, these Digital Enabled Services require the installation and deployment of site assessment tools and the collection, transfer and ingestion of building, equipment, system time series, and other data to JCI's cloud-hosted software applications. **DIGITAL ENABLED SERVICES** mean services provided hereunder that employ JCI software and cloud-hosted software offerings and tools to improve and enable such services. Digital Enabled Service may include, but are not limited to, (a) remote inspection, (b) advanced equipment fault detection and diagnostics, and (c) data dashboarding and health reporting. Customer owns all the right, title and interest in and to the Customer data. **Customer consents to the installation and deployment of site assessment tools and the collection, transfer and ingestion and use of such data by JCI to enable JCI to provide, maintain, protect and improve the Digital Enabled Services and JCI's products and services. Customer acknowledges that, while Digital Enabled Services generally improve equipment performance and services, Digital Enabled Services do not prevent all potential malfunction, insure against all loss, or guarantee a certain level of performance and that JCI shall not be responsible for any injury, loss, or damage caused by any act or omission of JCI related to or arising from the monitoring of the equipment under Digital Enabled Services.** Certain equipment sold hereunder includes by default JCI's Connected Equipment Services. **Digital Enabled Services may be on by default and the remote connection will continue to connect to Customer's Equipment through the full equipment lifecycle, unless Customer specifically requests in writing that JCI disable the remote connection or**

JCI discontinues or removes such remote connection. If Customer's equipment includes Digital Enabled Services, JCI will provide a cellular modem or other gateway device ("Gateway Device") owned by JCI or Customer will supply a network connection suitable to establish a remote connection with Customer's applicable equipment to permit JCI to perform Digital Enabled Services. For certain subscriptions, Customer will be able to access equipment information from a mobile or smart device using Digital Enabled Service's mobile or web application. Any Gateway Devices provided hereunder shall remain JCI's property, and JCI may upon reasonable notice access and remove such Gateway Device and discontinue services in accordance with the Software Terms. If Customer does not permit JCI to connect via a connection validated by JCI for the equipment or the connection is disconnected by Customer, and a service representative must therefore be dispatched to the Customer site, then the Customer shall pay JCI at JCI's then-current standard applicable contract regular time and/or overtime rate for services performed by the service representative.

20. JCI DIGTAL SOLUTIONS. Use, implementation, and deployment of the software and cloud-hosted software products ("Software") offered under these terms shall be subject to, and governed by, JCI's standard terms for such Software and Software related professional services in effect from time to time at https://www.johnsoncontrols.com/techterms (collectively, the "Software Terms"). Applicable Software Terms are incorporated herein by this reference. Other than the right to use the Software as set forth in the Software Terms, JCI and its licensors reserve all right, title, and interest (including all intellectual property rights) in and to the Software and improvements to the Software. The Software that is licensed hereunder is licensed subject to the Software Terms and not sold. If there is a conflict between the other terms herein and the Software Terms, the Software Terms shall take precedence and govern with respect to rights and responsibilities relating to the Software, its implementation and deployment and any improvements thereto. Notwithstanding any other provisions of this Agreement, unless otherwise set forth in the applicable order, quote, proposal or purchase documentation, the following terms apply to Software that is provided to Customer on a subscription basis (i.e., a time limited license or use right), (each a "Software Subscription"):

Each Software Subscription provided hereunder will commence on the date the initial credentials for the Software are made available (the "Subscription Start Date") and will continue in effect until the expiration of the subscription term noted in the applicable order, quote, proposal or purchase documentation. At the expiration of the Software Subscription, such Software Subscription will automatically renew for consecutive one (1) year terms (each a "Renewal Subscription Term"), unless either party provides the other party with a notice of non-renewal at least ninety (90) days prior to the expiration of the then-current term. To the extent permitted by applicable law, Software Subscriptions purchases are non-cancelable and the sums paid nonrefundable. Fees for Software Subscriptions shall be paid annually in advance, invoiced on the Subscription Start Date and each subsequent anniversary thereof. Customer shall pay all invoiced amounts within thirty calendar days after the date of invoice. Payments not made within such time period shall be subject to late charges as set forth in the Software Terms. Unless otherwise agreed by the parties in writing, the subscription fee for each Renewal Subscription Term will be priced at Johnson Controls' then-applicable list price for that Software offering. Any use of Software that exceeds the scope, metrics or volume set forth in this Agreement and applicable SOW will be subject to additional fees based on the date such excess use began.

21. Privacy. ***Company as Processor*:** Where JCI factually acts as Processor of Personal Data on behalf of Customer (as such terms are defined in the DPA) the terms at www.johnsoncontrols.com/dpa ("DPA") shall apply. ***Company as Controller*:** JCI will collect, process and transfer certain personal data of Customer and its personnel related to the business relationship between it and Customer (for example names, email addresses, telephone numbers) as controller and in accordance with JCI's Privacy Notice at https://www.johnsoncontrols.com/privacy. Customer acknowledges JCI's Privacy Notice and strictly to the extent consent is mandatorily required under applicable law, Customer consents to such collection, processing and transfer. To the extent consent to such collection, processing and transfer by JCI is mandatorily required from Customer's personnel under applicable law, Customer warrants and represents that it has obtained such consent.

22. ENTIRE AGREEMENT. This proposal, upon acceptance, shall constitute the entire agreement between the parties and supersedes any prior representations or understandings. Customer acknowledges and agrees that any purchase order issued by Customer in connection with this Agreement is intended only to establish payment authority for Customer's internal accounting purposes and shall not be considered to be a counteroffer, amendment, modification, or other revision to the terms of this Agreement. No term or condition included or referenced in Customer's purchase order will have any force or effect and these terms and conditions shall control. Customer's acceptance of any Services shall constitute an acceptance of these terms and conditions. Any proposal for additional or different terms, whether in Customer's purchase order or any other document, unless expressly accepted in writing by JCI, is hereby objected to and rejected.

23. CHANGES. No change or modification of any of the terms and conditions stated herein shall be binding upon JCI unless accepted by JCI in writing.

CUSTOMER ACCEPTANCE

In accepting this Agreement, Customer agrees to the terms and conditions contained herein including those on the following page(s) of this Agreement and any attachments or riders attached hereto that contain additional terms and conditions. It is understood that these terms and conditions shall prevail over any variation in terms and conditions on any purchase order or other document that Customer mayissue. Any changes requested by Customer after the execution of this Agreement shall be paid for by the Customer and such changes shall be authorized in writing. **ATTENTION IS DIRECTED TO THE LIMITATION OF LIABILITY, WARRANTY, INDEMNITY AND OTHER CONDITIONS CONTAINED IN THIS AGREEMENT.**

Pricing is based upon the following billing and payment terms: Invoices will be delivered via email, payment due upon receipt, and invoices are to be paid via ACH bank transfer. Johnson Controls ACH/EFT bank transfer details will be forth coming upon contractual agreement.

This offer shall be void if not accepted in writing within thirty (30) days from the date first set forth above.

To ensure that JCI is compliant with your company's billing requirements, please provide the following information:

PO is required to facilitate billing: ☐ NO: This signed contract satisfies requirement

☐ YES: Please reference this PO Number: _____

AR Invoices are accepted via e-mail: ☐ YES: E-mail address to be used: _____

☐ NO: Please submit invoices via mail ☐ NO: Please submit via _____

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2023 BUDGET TO REALLOCATE BUDGETED LIBRARY FUNDS, IN THE AMOUNT OF EIGHT THOUSAND DOLLARS ($8,000.00), FROM ACCOUNT #105050-42520 – MINOR EQUIPMENT/COMPUTER TO ACCOUNT #105050-44430 – PROPERTY SERVICE REPAIRS/MAINTENANCE BUILDING, FOR HVAC REPLACEMENT AT THE TRAIN STATION BUILDING; AND FOR OTHER PURPOSES.

WHEREAS, the Bentonville Public Library budgeted eight thousand dollars ($8,000.00) for cameras at the Train Station building which will not move forward at this time;

WHEREAS, the Train Station building requires an un-planned HVAC replacement which is a more time sensitive use of the unused funds; and

WHEREAS, the 2023 Budget should be amended to reallocate these funds.

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

Section 1: The 2023 Budget is adjusted to reallocate eight thousand dollars ($8,000.00) from Account #105050-42520 – Minor Equipment/Computer to Account #105050-44430 – Property Service Repairs/Maintenance Building, for HVAC replacement at the Train Station Building;

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

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

PASSED this _____ day of _____, 2023.

APPROVED:

ATTEST:

_____
STEPHANIE ORMAN, MAYOR

_____
KIRBY ROMINES, CITY CLERK