



**Combined
Committee of the Whole
& City Council
Meeting Agenda
September 8, 2026
6:00 PM
Bentonville City Hall**

About the Committee of the Whole and City Council Meeting:

- This meeting begins with the Committee of the Whole, which is used for information sharing and Council discussion. No votes are taken and public comment is not accepted during this meeting. After the Committee of the Whole meeting is adjourned, the City Council meeting begins. This is where the Council will hear public comment and take official action, such as voting on agenda items.

How to Watch Online:

- Residents may watch the meeting live without registering via the City of Bentonville's YouTube channel. Watching online allows viewers to observe the meeting but does not include the ability to provide public comment.
- A recording of the meeting will be posted on the City's website after the meeting concludes.
- <https://www.youtube.com/@cityofbentonvillearkansasg5096>

Public Participation:

- Residents may provide public comment during the City Council portion of the meeting. Public comment is limited to three minutes per speaker.
- To help ensure an orderly meeting, registration is required for residents who wish to speak, whether attending in person or virtually.
- In-person speakers must register in advance using this link: [Registration Link](#)
- Virtual speakers must register in advance by 12:00 p.m. on September 8, 2026, using the following link: [Registration Link](#).

Council Questions/Discussion Concerning the Business Meeting

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: August 25, 2026

I. Committee of the Whole

1. **2026 Impact Fee Discussion** **Informational**
Informational item to review and discuss the 2026 Impact Fee Study.
2. **Impact Fee Exemption in the Downtown Redevelopment District** **Informational**
Informational item to discuss the exemption of Impact Fees in the Downtown Redevelopment District.
3. **Informational Update by Bentonville Public Library** **Informational**
Informational update by Bentonville Public Library related to Arkansas Act 372.
4. **Parking Discussion** **Informational**
Informational item to discuss parking in Bentonville with a focus on the downtown area.
5. **Consent Agenda Discussion** **Informational**

II. New Business - Public Comment to be Heard with Agenda Item

1. **Proclamation Recognizing National Information Technology Professionals Day** **Proclamation**
A proclamation recognizing September 15, 2026, as "National Information Technology Professionals Day."
2. **Resolution Accepting a Grant from Fidelity for the 2026 Fall Tree Giveaway** **Resolution**
A Resolution accepting a grant from Fidelity in the amount of \$21,790.43 to fund the 2026 Fall Tree Giveaway. A budget adjustment is needed.
3. **Public Hearing and Ordinance Vacating a Utility Easement (VAC26-0032)** **Ordinance***

The Planning Commission voted 6-0, recommending approval.

Public Hearing and approval of an Ordinance vacating a Utility Easement Vacation located at Lot 1 of Urban Bentonville (VAC26-0032).
4. **Public Hearing and Ordinance Vacating a Utility Easement (VAC26-0033)** **Ordinance***

The Planning Commission voted 6-0, recommending approval.

Public Hearing and approval of an Ordinance vacating a Utility Easement Vacation located at Lot 1, 2 and 3 of Forrest Oaks Subdivision (VAC26-0033).
5. **Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0042)** **Resolution**
Approve a Resolution to set a Public Hearing for September 22, 2026 for a Utility Easement Vacation located at Lot 40 of College Place Subdivision Phase 8 (VAC26-0042).
6. **Resolution Recognizing Ten (10) Police Vehicles as Surplus and Available for Trade** **Resolution**

A Resolution declaring ten (10) police department vehicles as surplus property, available for trade to Superior Automotive Group under their trade-in program for emergency vehicles. No budget adjustment is needed.

7. **Appointment of Thomas Bailey to the Construction Board of Appeals** **Appointment**

Appointment of Thomas Bailey, based upon staff recommendation to the Mayor, to the Construction Board of Appeals filling the expired term of Taylor Sizemore. Mr. Bailey's term will expire July 15, 2028.

8. **Resolution Accepting FFY2027 NWARPC Grant Funds for Vaughn Road Improvements** **Resolution**

A resolution authorizing acceptance of \$2,000,000 in FY2027 NWARPC STBGP-A grant funding for construction of the Hwy 12/279 Intersection Improvements project (Job No. 090613). A budget adjustment is needed.

9. **Resolution to Approve the Acquisition of SW Regional Airport Boulevard & I Street - Tract 19** **Resolution**

Staff recommends approval of a resolution for the acquisition of Tract 19, Parcel 01-16606-000, for the SW Regional Airport Blvd. & SW I St. Intersection Improvements project (PIIP22-0018). The total acquisition cost is \$72,073.00 and will be funded by Bond funds. No budget adjustment is needed.

10. **Appointment of Hunter Hook to the Parks and Recreation Advisory Board** **Appointment**

Appointment of Hunter Hook, based upon staff recommendation to the Mayor, to the Parks and Recreation Advisory Board. Mr. Hook will be filling the unexpired term of Tacuma Williams that will expire on December 31, 2027.

11. **Resolution Entering Into an Agreement with Byrne and Jones Construction for Turf Installation** **Resolution**

Approving a Resolution authorizing the Mayor and City Clerk to enter into an agreement with Byrne & Jones Construction in the amount of \$81,000.00 for turf installation at the Memorial Park Softball and Baseball Complex. A budget adjustment is needed.

12. **Resolution Authorizing Agreement for McKissic Creek Streambank Restoration** **Resolution**

A Resolution awarding bid IFB-26-07 to Streamline Environmental, LLC in the amount of \$353,732.50, plus a contingency of \$60,000.00, for a grand total of \$413,732.50, for the construction of the McKissic Creek Streambank Restoration Project. No budget adjustment is needed.

13. **Resolution Authorizing Easement Acquisition Associated with Townbranch Sewer Interceptor Project** **Resolution**

A Resolution authorizing for the Mayor and City Clerk to enter into agreements to purchase easements associated with Townbranch Sewer Interceptor Project. No budget adjustment is needed.

III. **Utility Board**

1. **Resolution for Change Order #1 ARDOT 090512 12" Water Main Reroute - On-Point Excavation** **Resolution**

This Change Order is for the installation of 2 relocated water meters, fence removal, temporary gate installation, remobilization for a final cut and cap, and a culvert addition. The original contract price was \$694,210.99. The cost of Change Order #1 is \$22,955.00, totaling a new contract price of \$717,165.99. This change order is 100% reimbursable and has been approved through ARDOT. Utility Board approved 3-0. No budget adjustment is needed.

IV. Planning

1. **Rezoning - Juergens - R-1, Suburban Single-Family to T4.2 Neighborhood Node - 405 NW 5th Street (RZ26-0041)** **Ordinance***

The Planning Commission voted 4-2, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Suburban Single Family, T4.2, Neighborhood Node; And For Other Purposes.

V. Other Business/Announcements/Comments

Adjournment

Public Comments Concerning Matters of City Related Business



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Patrick Johndrow
Phone:		For Department(s):	Finance
Email:	patrick.johndrow@bentonvillear.gov		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	2026 Impact Fee Study
Action Recommendation & Justification:	Informational item to review and discuss the 2026 Impact Fee Study.
Additional Comments for Consideration (Optional):	2026 Impact Fee Study is included.
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☒ OTHER: No cost to the 2026 budget

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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DEVELOPMENT IMPACT FEE STUDY

Prepared for:

Bentonville, Arkansas

August 26, 2026

Prepared by:



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
IMPACT FEE METHODOLOGIES	5
DEFICIENCY CREDIT	6
DEBT CREDIT	6
SUMMARY OF METHODOLOGIES AND MAXIMUM SUPPORTABLE IMPACT FEES	6
GENERAL IMPACT FEE REQUIREMENTS	8
LEGAL FRAMEWORK	8
REQUIRED FINDINGS	8
IMPLEMENTATION AND ADMINISTRATION.....	10
AFFORDABLE HOUSING EXEMPTION	10
ANNUAL INFLATION ADJUSTMENT	10
ADOPTION OPTIONS.....	11
CREDITS AND REIMBURSEMENTS	11
SERVICE AREA	11
PARKS & RECREATION	12
LEVEL OF SERVICE AND INFRASTRUCTURE STANDARDS FOR PARKS & RECREATION	12
PROJECTED NEED FOR PARKS & RECREATION FACILITIES	15
PARKS & RECREATION CAPITAL IMPROVEMENT PLANS	17
DEBT SERVICE CREDIT EVALUATION	19
CREDIT FOR OTHER REVENUES	20
PARKS & RECREATION IMPACT FEE SUMMARY.....	21
CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE	22
LIBRARY.....	23
LIBRARY CAPITAL IMPROVEMENT PLAN (CIP) & COST ANALYSIS	23
CREDIT FOR ADDITIONAL REVENUE SOURCES	23
LIBRARY IMPACT FEE SUMMARY.....	24
CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE	25
POLICE.....	26
PROPORTIONATE SHARE ANALYSIS.....	26
LEVELS OF SERVICE STANDARDS AND COST FACTORS FOR POLICE.....	27
PROJECTED NEED FOR POLICE FACILITIES	29
POLICE CAPITAL IMPROVEMENT PLANS.....	31
DEBT SERVICE CREDIT EVALUATION	31
EXISTING IMPACT FEE FUND BALANCE CREDIT EVALUATION.....	33
POLICE IMPACT FEE SUMMARY	34
CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE	35
FIRE	36
PROPORTIONATE SHARE ANALYSIS.....	36
FIRE CAPITAL IMPROVEMENT PLANS	37

LEVELS OF SERVICE STANDARDS AND COST FACTORS FOR FIRE38

DEBT SERVICE CREDIT EVALUATION39

EXISTING IMPACT FEE FUND BALANCE CREDIT EVALUATION41

FIRE IMPACT FEE SUMMARY42

CASH FLOW PROJECTIONS FOR MAXIMUM SUPPORTABLE IMPACT FEE43

APPENDIX A: LAND USE DEFINITIONS44

 RESIDENTIAL DEVELOPMENT44

 NONRESIDENTIAL DEVELOPMENT45

APPENDIX B: DEMOGRAPHIC DATA46

 POPULATION AND HOUSING CHARACTERISTICS47

 BASE YEAR POPULATION AND HOUSING UNITS48

 RESIDENTIAL CONSTRUCTION TREND48

 HOUSING UNIT AND POPULATION PROJECTIONS49

 CURRENT EMPLOYMENT AND NONRESIDENTIAL FLOOR AREA50

 EMPLOYMENT AND NONRESIDENTIAL FLOOR AREA PROJECTIONS51

 FUNCTIONAL POPULATION52

 VEHICLE TRIP GENERATION53

 VEHICLE TRIP PROJECTIONS56

EXECUTIVE SUMMARY

The City of Bentonville, Arkansas, has retained TischlerBise to update its current impact fees to reflect recent changes in capital expansions, capital improvement plans, and inflation. This analysis includes the 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. 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 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.

DEFICIENCY CREDIT

A fundamental principle of impact fees, rooted in both case law and norms of equity, is that impact fees should not charge new development for a higher level of service than is provided to existing development. While the impact fees can be based on a higher level of service than the one existing at the time of the adoption of the fees, another source of funding other than impact fees must be identified and committed to funding the capacity deficiency created by the higher level of service. In addition, the impact fees must generally be reduced to ensure that new development does not pay twice for the same level of service, once through impact fees and again through general taxes that are used to remedy the capacity deficiency for existing development. Such a reduction is referred to as a revenue credit. In order to avoid these complications, the general practice is to base impact fees on the existing level of service. This study does that and consequently a deficiency credit is not warranted for any of the infrastructure types.

DEBT CREDIT

A corollary principle is that new development should not have to pay twice for the same level of service. If impact fees are based on a higher-than-existing level of service, the fees should be reduced by a credit that accounts for the contribution of new development toward remedying the existing deficiencies. A similar situation arises when the existing level of service has not been fully paid for. Outstanding debt on existing facilities that is counted in the existing level of service will be retired, in part, by revenues generated from new development. To avoid requiring new development to pay more than its proportional share, impact fees should be reduced to account for future tax payments that will retire outstanding debt on existing facilities included in determining the existing level of service.

In 2021, Bentonville voters approved a referendum to finance a variety of projects (including parks, police, and fire) through sales tax bonds, so future sales tax from residents and employers are being used to retire the bond. To ensure future growth is not double charged for facility expansions a credit is included in the impact fee analysis based on the remaining debt payments, reducing the resulting impact fee.

SUMMARY OF METHODOLOGIES AND MAXIMUM SUPPORTABLE 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, Concrete Trails	n/a	Population
Library	Citywide	n/a	n/a	Collections	Population
Police	Citywide	n/a	Facilities, Vehicles	n/a	Population, Nonres Veh. Trips
Fire	Citywide	n/a	n/a	Facilities, Apparatus	Population, Nonres Veh. 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. Also, highlighted is the change (increase or decrease) in the fee by development type and fee category.

Figure 2. Maximum Supportable Impact Fees

Development Type	Parks & Recreation	Library	Police	Fire	Maximum Supportable Fee	Current Fee (2023)	Increase/ (Decrease)
Residential (per housing unit)							
Single Family Detached	\$2,484	\$216	\$348	\$312	\$3,360	\$3,845	(\$485)
Single Family Attached	\$2,021	\$176	\$283	\$254	\$2,734	\$3,077	(\$343)
Multifamily	\$1,369	\$119	\$192	\$172	\$1,852	\$2,130	(\$278)
Nonresidential (per 1,000 square feet)							
Retail	-	-	\$540	\$829	\$1,369	\$1,153	\$216
Office	-	-	\$176	\$270	\$446	\$444	\$2
Industrial	-	-	\$96	\$147	\$243	\$195	\$48
Institutional	-	-	\$241	\$369	\$610	\$442	\$168
Increase from the current fees							
Decrease from the current fees							

The following is a summary of the changes that were made from the 2023 impact fee study:

- **Parks & Recreation**
 - Removed smaller neighborhood parks from the Citywide level of service
 - Included the Bentonville-resident attributed portion of Phillips Park and Memorial Park into the level of service analysis by excluding baseball fields which are serving non-residents
 - Updated Parks & Recreation Capital Improvement Plan (CIP) to include projects at parks addressing city population growth
 - Trail construction costs have increased from \$1.1 million to \$2 million per mile
- **Library**
 - Annual collection costs have increased
 - Removed library branch expansion component
- **Police**
 - Removed radio towers
 - Removed consoles
 - Vehicles purchase price increased from \$65,000 to \$82,000
 - Facility construction cost per square foot increase from \$384 to \$550
- **Fire**
 - Station 8 cost increased from \$4.5 million to \$6.4 million
 - After the purchase of a fire truck the vehicle portion of the CIP decreased from \$1.2 million to \$145,000

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 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.

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, which 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 *2026 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 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 can 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 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 several 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.

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
- 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 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 provided 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

The following details the calculations for the level of service standards and cost analysis for each component included in the police impact fee.

Neighborhood Parks

Figure 3 lists the current inventory of neighborhood parks and level of service (LOS) standards. In consultation with City staff, TischlerBise excluded Bogle Park (1 acre), Durham Place Park (0.4 acre), Gilmore Park (1 acre), and Wildwood Park (1.5 acres) from the current LOS inventory to ensure the inventory represents Citywide benefiting parks.

Bentonville currently has 64.3 acres of neighborhood parks. Using the 2026 population of 65,089 people, this inventory equates to a current LOS of 0.99 acres per 1,000 persons ($64.3 \text{ acres} / 65,089 = 0.99 \text{ acres per 1,000 persons}$). 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 (\$71,000 per acre). For example, the capital cost per person for park land is \$64 ($0.99 \text{ park acres per 1,000 persons} \times \$65,000 \text{ per acre} = \$64 \text{ per person, rounded}$).

Additionally, there are 20 park improvements at the existing parks with a replacement cost of \$6.1 million. As result, the current park improvement LOS is 0.31 improvements per 1,000 residents. The average cost per improvement is \$306,000, resulting in a capital cost per person of \$95 ($0.31 \text{ improvements per 1,000 residents} \times \$306,000 \text{ per improvement} = \$95 \text{ per person, rounded}$).

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

Neighborhood Parks	Acres	Park Improvement	Improvement Cost
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
Total	64.3	20	\$6,125,000

<i>Level-of-Service Standards</i>	Land Purchase	Land Dev	Improvements
Residential Share	100%	100%	100%
Share of Acreage and Improvements	64.3	64.3	20
2026 Population	65,089	65,089	65,089
Acres/Improvements per 1,000 Persons	0.99	0.99	0.31

<i>Cost Analysis</i>	Land Purchase	Land Dev	Improvements
Acres/Improvements per 1,000 Persons	0.99	0.99	0.31
Average Cost per Acre/Improvement [1]	\$65,000	\$71,000	\$306,000
Capital Cost per Person	\$64	\$70	\$95

[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 portions of Memorial Park (25.5 acres) and Harlon Phillips Park (41.5 acres) associated with baseball fields from the current LOS inventory because these parks serve a large number of visitors for tournaments and other events. In the previous impact fee study (2023), these parks were completely excluded from the inventory, thus, the additions increase the total acreage included in the analysis.

With these additions, Bentonville currently has 247.9 acres of community parks. Using 2026 population of 65,089 people, this inventory equates to a current LOS of 3.81 acres per 1,000 persons (247.9 acres / 65,089 people = 3.81 acres per 1,000 persons). As a result of the inclusion, the level of service has increased from the 2023 impact fee study, which was 3.26 acres per 1,000 persons. The City would like to continue the collection rate from the 2023 study. Shown in the figure, the level of service is adjusted down to reflect the 2023 standard. The capital cost per person is found by combining the land development level of service with the current cost per acre of \$108,000, resulting in \$352 per person.

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.

Additionally, there are 68 park improvements at the existing parks with a replacement cost of \$26.4 million. As result, the current park improvement LOS is 1.04 improvements per 1,000 residents. With that said, the City would like to continue collecting at the standard found in the 2023 impact fee study which

was 0.48 improvements per 1,000 residents. The average cost per improvement is \$389,000, resulting in a capital cost per person of \$187 (0.48 improvements per 1,000 residents x \$389,000 per improvement = \$187 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
Phillips Park [2]	8.5	5	\$2,600,000
Memorial Park [2]	47.5	35	\$16,420,000
Total	247.9	68	\$26,420,000

Level-of-Service Standards	Land Dev	Improvements
Residential Share	100%	100%
Share of Acreage and Improvements	247.9	68
2026 Population	65,089	65,089
Acres/Improvements per 1,000 Persons	3.81	1.04

Adjusted Level-of-Service*	Land Dev	Improvements
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	\$389,000
Capital Cost per Person	\$352	\$187

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

[2] Acres and amenities not associated with baseball fields since field are associated with tourism

*Adjusted LOS reflects the adopted LOS in the 2023 impact fee study. Current LOS is higher because of the addition of Phillips and Memorial Park

Concrete Trails

Figure 5 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 0.471 miles per 1,000 persons (30.6 miles / 65,089 persons = 0.471 miles per 1,000 persons). Based on the City's estimate for future construction of concrete trails the average cost per mile is \$2,000,000. The concrete trail cost per person is derived by multiplying the current LOS and the current construction costs, resulting in \$942 per person (0.471 miles per 1,000 residents x \$2,000,000 per mile = \$942 per person, rounded).

Figure 5. Current Level of Service and Cost Factors for Concrete Trails

Concrete Trails	Miles	Concrete Trails	Miles
All-American Trail	0.5	Lake Bella Vista Trail	1.8
Applegate Trail	2.5	Lincoln Loop	0.4
Arkansas Missouri Trail	0.8	Members Place Trail	0.4
Citizens Park Trail	0.9	Moberly Lane Trail	2.0
Crystal Bridges Trail	1.0	North Bentonville Trail	2.3
Downtown Trail	0.4	North Walton Blvd Trail	2.9
Enfield Park Trail	0.2	Park Springs/Burns Trail	0.8
Heritage Trail @ Central Ave	1.3	South Bentonville Trail	2.6
Heritage Trail @ SW I St.	2.1	Tiger Trail	1.5
J Street Trail	1.2	Town Branch Trail	0.8
Jefferson Trail	0.4	Trail of Two Cities	1.5
John Deshields Trail	1.0	Wishing Spring Trail	1.6
		Total	30.6

Level-of-Service Standards	Trails
Residential Share	100%
Share of Trail Miles	30.6
2026 Population	65,089
Miles per 1,000 Persons	0.471

Cost Analysis	Trails
Miles per 1,000 Persons	0.471
Average Cost per Mile [1]	\$2,000,000
Capital Cost per Person	\$942

[1] City estimate for future construction

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 6 depicts projected demand for neighborhood parks over the next seven years. Demand from population growth will require the addition of 22.2 new park acres, 22.2 park acres developed, and 7 park improvements with a total cost of \$5.1 million over the next seven years to maintain the level of service.

Figure 6. Neighborhood Park Needs Analysis

Infrastructure		Level of Service			Cost/Unit
Neighborhood Parks		0.99	Park Land (acres)	per 1,000 persons	\$65,000
		0.99	Land Dev (acres)		\$71,000
		0.31	Improvements		\$306,000

Growth-Related Need for Neighborhood Parks					
Year		Population	Park Acres Purchased	Park Acres Developed	Park Improvements
Base	2026	65,089	64.4	64.4	20.1
Year 1	2027	67,907	67.2	67.2	21.0
Year 2	2028	70,848	70.1	70.1	21.9
Year 3	2029	73,915	73.1	73.1	22.9
Year 4	2030	77,116	76.3	76.3	23.9
Year 5	2031	80,455	79.6	79.6	24.9
Year 6	2032	83,939	83.0	83.0	26.0
Year 7	2033	87,573	86.6	86.6	27.1
7-Year Increase		22,484	22.2	22.2	7.0
Projected Expenditure			\$1,443,000	\$1,576,200	\$2,142,000

Growth-Related Expenditures for Neighborhood Parks					\$5,161,200
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Community Parks

Figure 7 depicts projected demand for community parks over the next seven years. Demand from population growth will require the 73.3 park acres developed and 10.8 park improvements with a total cost of \$12.1 million over the next seven years to maintain the level of service.

Figure 7. Community Park Needs Analysis

Infrastructure		Level of Service		Cost/Unit	
Community Parks		3.26	Land Dev (acres)	per 1,000	\$108,000
		0.48	Improvements	persons	\$389,000

Growth-Related Need for Community Parks					
Year		Population	Park Acres Developed	Park Improvements	
Base	2026	65,089	212.1	31.2	
Year 1	2027	67,907	221.3	32.5	
Year 2	2028	70,848	230.9	34.0	
Year 3	2029	73,915	240.9	35.4	
Year 4	2030	77,116	251.3	37.0	
Year 5	2031	80,455	262.2	38.6	
Year 6	2032	83,939	273.6	40.2	
Year 7	2033	87,573	285.4	42.0	
7-Year Increase		22,484	73.3	10.8	
Projected Expenditure			\$7,916,400	\$4,201,200	

Growth-Related Expenditures for Community Parks				\$12,117,600
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Concrete Trails

Figure 8 depicts projected demand for concrete trails over the next seven years. Demand from population growth will require 10.6 new miles with a total cost of \$21.2 million over the next seven years to maintain existing level of service.

Figure 8. Concrete Trail Needs Analysis

Infrastructure		Level of Service		Cost/Unit
Concrete Trails		0.471	Miles	per 1,000 persons \$2,000,000

Growth-Related Need for Concrete Trails			
Year		Population	Miles
Base	2026	65,089	30.6
Year 1	2027	67,907	31.9
Year 2	2028	70,848	33.3
Year 3	2029	73,915	34.8
Year 4	2030	77,116	36.3
Year 5	2031	80,455	37.8
Year 6	2032	83,939	39.5
Year 7	2033	87,573	41.2
7-Year Increase		22,484	10.6
Projected Expenditure		\$21,200,000	

Growth-Related Expenditures for Concrete Trails		\$21,200,000
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PARKS & RECREATION CAPITAL IMPROVEMENT PLANS

The Parks & Recreation Capital Improvement Plan (CIP) is summarized in Figure 9 and detailed in the follow page in Figure 10. As indicated, there are plans to expand and improve the three components included in the impact fee analysis. Overall, there is a plan for \$53.6 million in improvements and \$42 million would be expanding the capacity of the park network, thus impact fee eligible. Note that approximately \$11.6 million of the plan is not impact fee eligible. The plans satisfy the estimated growth-related needs to keep providing the adopted levels of service.

Figure 9. Summary of Parks & Recreation Capital Improvement Plans

Facility Type	Total Cost	Impact Fee Eligible	Other Revenues
Neighborhood Park	\$4,962,500	\$4,612,500	\$350,000
Community Park	\$37,120,000	\$27,360,000	\$9,760,000
Trails	\$11,550,000	\$10,050,000	\$1,500,000
Total 3-Year CIP	\$53,632,500	\$42,022,500	\$11,610,000

Figure 10. Parks & Recreation Capital Improvement Plans

Project	Facility Type	Year	Total Cost	Impact Fee Eligible	Other Revenues
Gateway Park Maintenance Facility	Community Park	2027	\$1,500,000	\$1,500,000	\$0
Greenway Lighting	Trails	2027	\$1,000,000	\$250,000	\$750,000
Morning Star Masterplan	Community Park	2027	\$100,000	\$100,000	\$0
Memorial Park Master Plan - Pickleball / Pavilion	Community Park	2027	\$3,300,000	\$3,300,000	\$0
Memorial Park Master Plan - Trail Improvements	Community Park	2027	\$1,700,000	\$850,000	\$850,000
Phillips Playground Installation	Community Park	2027	\$500,000	\$250,000	\$250,000
Soccer Expansion Concept / Feasibility Study	Community Park	2027	\$1,500,000	\$1,500,000	\$0
Southwest Property Acquisition - 15 acres	Neighborhood Park	2027	\$1,500,000	\$1,500,000	\$0
Trail - Elm Tree to Coler	Trails	2027	\$750,000	\$750,000	\$0
Trail - T1 Projects	Trails	2027	\$750,000	\$750,000	\$0
Bike Ped Masterplan	Trails	2028	\$300,000	\$300,000	\$0
Soccer Complex Expansion	Community Park	2028	\$2,500,000	\$2,500,000	\$0
Creekside Park Expansion	Community Park	2028	\$4,500,000	\$4,500,000	\$0
Little Sugar Creek Parking	Neighborhood Park	2028	\$262,500	\$262,500	\$0
Morningstar Buildout	Community Park	2028	\$5,000,000	\$5,000,000	\$0
Memorial Park Master Plan - Destination Playground	Community Park	2028	\$1,500,000	\$750,000	\$750,000
Memorial Park Master Plan - Volleyball	Community Park	2028	\$1,600,000	\$400,000	\$1,200,000
Soccer Complex Expansion	Community Park	2028	\$2,500,000	\$1,250,000	\$1,250,000
Phillips Phase IV	Community Park	2028	\$2,500,000	\$0	\$2,500,000
Soccer Turf Fields	Community Park	2028	\$5,000,000	\$2,500,000	\$2,500,000
Trail - C Street from 8th to 3rd	Trails	2028	\$1,500,000	\$1,500,000	\$0
Trail - T2 Projects	Trails	2028	\$750,000	\$750,000	\$0
Trail Lights	Trails	2028	\$1,000,000	\$250,000	\$750,000
Memorial Park Master Plan - Event Pavilion	Community Park	2029	\$2,500,000	\$2,500,000	\$0
Memorial Park Master Plan - Skate Park	Community Park	2029	\$920,000	\$460,000	\$460,000
Southwest Property Acquisition - 25 Acre	Neighborhood Park	2029	\$2,500,000	\$2,500,000	\$0
Trail - 14th Street from Been to Walton	Trails	2029	\$2,500,000	\$2,500,000	\$0
Trail - T2 Projects	Trails	2029	\$1,500,000	\$1,500,000	\$0
Trail Maintenance Substation	Trails	2029	\$1,500,000	\$1,500,000	\$0
Turf Merchant Ballpark	Neighborhood Park	2029	\$700,000	\$350,000	\$350,000
Total			\$53,632,500	\$42,022,500	\$11,610,000

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, 20 years from this study. The remaining 20 years of payments are included in the credit.

As shown in Figure 11, 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 \$46 per person. This amount is subtracted from the gross capital cost per person to derive a net capital cost.

Figure 11. Credit for Future Debt Payments

Fiscal Year	Payment	Residential		Nonresidential	Residential		
		58%		42%	Fiscal Year	Payment	Projected Population
							Payment/ Capita
2026	\$546,212	\$316,803		\$229,409	2026	\$316,803	65,089
2027	\$545,674	\$316,491		\$229,183	2027	\$316,491	67,907
2028	\$546,313	\$316,862		\$229,451	2028	\$316,862	70,848
2029	\$546,010	\$316,686		\$229,324	2029	\$316,686	73,915
2030	\$545,397	\$316,330		\$229,067	2030	\$316,330	77,116
2031	\$547,135	\$317,338		\$229,797	2031	\$317,338	80,455
2032	\$546,428	\$316,928		\$229,500	2032	\$316,928	83,939
2033	\$546,031	\$316,698		\$229,333	2033	\$316,698	87,573
2034	\$545,923	\$316,635		\$229,288	2034	\$316,635	91,365
2035	\$546,084	\$316,729		\$229,355	2035	\$316,729	95,321
2036	\$545,822	\$316,577		\$229,245	2036	\$316,577	99,449
2037	\$545,808	\$316,569		\$229,239	2037	\$316,569	102,020
2038	\$26,442	\$15,336		\$11,106	2038	\$15,336	104,659
2039	\$26,442	\$15,336		\$11,106	2039	\$15,336	107,365
2040	\$26,442	\$15,336		\$11,106	2040	\$15,336	110,141
2041	\$26,442	\$15,336		\$11,106	2041	\$15,336	112,990
2042	\$26,442	\$15,336		\$11,106	2042	\$15,336	115,911
2043	\$26,442	\$15,336		\$11,106	2043	\$15,336	118,909
2044	\$26,442	\$15,336		\$11,106	2044	\$15,336	121,984
2045	\$26,442	\$15,336		\$11,106	2045	\$15,336	125,138
2046	\$2,544,740	\$1,475,949		\$1,068,791	2046	\$1,475,949	128,374
Total	\$9,309,113	\$5,399,283		\$3,909,830	Total	\$5,399,283	\$59.37
						Discount Rate	3.00%
						Credit per Person	\$46

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 12 there is an estimated \$3.8.5 million in growth-related costs for the next seven years and an existing balance of \$1.3 million, 3 percent of the capital costs. As a result, there is a 3 percent credit included in the final parks & recreation impact fee calculation.

Figure 12. Existing Impact Fee Fund Balance

Bentonville Parks Department	
Current Impact Fee Fund Balance	\$1,327,556
7-Year CIP Growth Cost	\$38,478,800
Fund Balance Share of CIP	3%

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.**

PARKS & RECREATION IMPACT FEE SUMMARY

The maximum supportable parks & recreation impact fees are shown in Figure 13. 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 \$2,484 (2.74 persons per housing unit x \$907 net cost per person = \$2,484 (rounded)). The current impact fee is included in the figure illustrating a decrease of \$37 for single family detached development. Single family attached impact fee has increased slightly since the persons per housing unit factor has increased since the 2023 impact fee study relative to the other housing types.

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 13. Parks & Recreation Maximum Supportable Impact Fees

Fee Component	Land Cost per Person	Land Dev Cost per Person	Improvement Cost per Person
Neighborhood Parks	\$64	\$70	\$95
Community Parks	-	\$352	\$187
Concrete Trails	-	-	\$942
Gross Total per Person			\$1,710
Credit for Debt Payments			(\$46)
Credit for Existing Fund Balance (3%)			(\$51)
Credit for External Funding For Trails (75%)			(\$707)
Net Total per Person			\$907

Development Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.74	\$2,484	\$2,521	(\$37)
Single Family Attached	2.23	\$2,021	\$2,017	\$4
Multifamily	1.51	\$1,369	\$1,396	(\$27)

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

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 \$20.5 million in revenue while there is a growth-related cost of \$38.5 million. The revenue will mitigate 53 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 14. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Park Facilities			
		Total Cost	Growth Cost
Neighborhood Parks		\$5,161,200	\$5,161,200
Community Parks		\$12,117,600	\$12,117,600
Concrete Trails		\$21,200,000	\$21,200,000
Total Expenditures		\$38,478,800	\$38,478,800

Projected Development Impact Fee Revenue			
		Single Family \$2,484 per unit	Multifamily \$1,369 per unit
Year		Housing Units	Housing Units
Base	2026	19,036	9,141
Year 1	2027	19,466	10,242
Year 2	2028	19,914	11,391
Year 3	2029	20,382	12,589
Year 4	2030	20,870	13,840
Year 5	2031	21,379	15,145
Year 6	2032	21,909	16,506
Year 7	2033	22,463	17,926
7-Year Increase		3,427	8,785
Projected Revenue		\$8,512,632	\$12,027,052
Projected Revenue		\$20,540,000	
Total Expenditures		\$38,479,000	
Non-Impact Fee Funding		\$17,939,000	

LIBRARY

The library impact fee is derived using the plan-based methodology. The fee includes library collections and removes the collection for library branch expansion, which was included in the 2023 impact fee study. The City expanded its branch since 2023 and does not currently have plans for additional facility expansions. The plan-based approach attributes the growth-related costs identified in the library Capital Improvement Plan (CIP) to projected growth in Bentonville. The cost is attributed to residential development only.

LIBRARY CAPITAL IMPROVEMENT PLAN (CIP) & COST ANALYSIS

Figure 15 lists the library collections capital improvement project that is planned to be funded by impact fees. In total, the plan is \$1.8 million over the next seven years. The expansion of library collections is considered to be 100 percent growth-related. As a result, the growth's share is \$1.8 million.

The 7-year growth's share of collections are compared to the projected 7-year increase in population to find the capital cost per person. Specifically, the collections CIP is \$1.8 million and the projected growth in population is 22,484, resulting in a capital cost per person of \$82 ($\$1,838,000 / 22,484 \text{ persons} = \82 per person).

Figure 15. Library CIP and Cost Analysis

Library 7-Year Capital Improvement Plan			
Project	Type	Total Cost [1]	Growth's Share
7-Year Library Collection Expansion	Collections	\$1,838,000	\$1,838,000
Total		\$1,838,000	\$1,838,000

Collections Cost	\$1,838,000
7-Year Increase in Population	22,484
Capital Cost per Person	\$82

[1] Cost is in current dollars, City plans to implement an annual inflation update policy

CREDIT FOR ADDITIONAL REVENUE SOURCES

The Library Department historically receives donations for collection expansion. This is anticipated to continue at an average of \$10,000 annually. As a result, the donations will offset 4 percent of the collection CIP. A credit is included in the final library impact fee calculation to account for the additional revenue.

Figure 16. Credit for Library Collection Donations

Bentonville Library	Collection Funding
7-Year Anticipated Donations	\$70,000
7-Year Collection CIP	\$1,838,000
Donations Share of Funding	4%

LIBRARY IMPACT FEE SUMMARY

The maximum supportable library impact fees are shown in Figure 17. 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 \$216 (2.74 persons per housing unit x \$79 net cost per person = \$216 (rounded)). The current library impact fee is included in the figure illustrating a decrease of \$226 for single family detached development. This is a result of removing the library branch expansion component from the collection.

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 17. Maximum Supportable Library Impact Fees

Fee Component	Cost per Person
Library Collections	\$82
Gross Total	\$82
Donation Portion of Collection Expansion (4%)	(\$3)
Net Total	\$79

Housing Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee (2023)	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.74	\$216	\$442	(\$226)
Single Family Attached	2.23	\$176	\$354	(\$178)
Multifamily	1.51	\$119	\$245	(\$126)

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 \$1.8 million in revenue while there is a growth-related cost of \$1.8 million. The revenue will mitigate nearly all the growth-related costs. The remaining funding gap is the result of the credits included in the fee calculation to ensure the City is not over collecting.

Figure 18. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Library Facilities			
		Total Cost	Growth Cost
Library Collections		\$1,838,000	\$1,838,000
Total Expenditures		\$1,838,000	\$1,838,000

Projected Development Impact Fee Revenue			
		Single Family \$216 per unit	Multifamily \$119 per unit
Year		Housing Units	Housing Units
Base	2026	19,036	9,141
Year 1	2027	19,466	10,242
Year 2	2028	19,914	11,391
Year 3	2029	20,382	12,589
Year 4	2030	20,870	13,840
Year 5	2031	21,379	15,145
Year 6	2032	21,909	16,506
Year 7	2033	22,463	17,926
Seven-Year Increase		3,427	8,785
Projected Revenue		\$740,229	\$1,045,449
Projected Revenue		\$1,786,000	
Total Expenditures		\$1,838,000	
Non-Impact Fee Funding		\$52,000	

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 and vehicles. The previous impact fee study (2023) included a component for communication improvements. However, after a recent purchase of a dispatch console, the City does not have any additional needs for the next seven years.

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 Appendix B: Demographic Data.

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 (2023), residential development accounts for 58 percent of the functional population, while nonresidential development accounts for 42 percent.

Figure 19. Bentonville Functional Population

Bentonville, AR (2023)				
<i>Residential</i>			<i>Demand</i>	<i>Person</i>
Population*	57,498		Hours/Day	Hours
Residents Not Working	29,478		20	589,560
Employed Residents	28,020			
Employed in Bentonville	11,865	14		166,110
Employed outside Bentonville	16,155	14		226,170
	Residential Subtotal			981,840
	Residential Share =>			58%
<i>Nonresidential</i>				
Non-working Residents	29,478	4		117,912
Jobs Located in Bentonville	57,965			
Residents Employed in Bentonville	11,865	10		118,650
Non-Resident Workers (inflow commuters)	46,100	10		461,000
	Nonresidential Subtotal			697,562
	Nonresidential Share =>			42%
	TOTAL			1,679,402

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.

* Source: U.S. Census Bureau, American Community Survey, 2024

LEVELS OF SERVICE STANDARDS AND COST FACTORS FOR POLICE

The following details the calculations for the level of service standards and cost analysis for each component included in the police impact fee.

Police Facilities

Bentonville currently has three police facilities totaling 47,522 square feet. Figure 20 indicates residential and nonresidential proportionate share factors, current level of service (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 / 65,089 residents), resulting in a LOS of 423 square feet per 1,000 persons.

With that said, the City has recently funded a training facility expansion to address future growth needs. To ensure that future impact fee collections represent the completed facility expansion and that the City is funding only the remaining expansions needs, the LOS has been adjusted down by 48 percent to 219 square feet per 1,000 person and 76 square feet per 1,000 nonresidential vehicle trips.

The cost per demand unit is derived using estimated cost per square foot for facility expansion (\$550) and existing LOS discussed above. For example, the cost per person is \$121 (219 square feet per 1,000 persons x \$550 per square foot = \$121 per person).

Figure 20. Current Level of Service and Cost Factors for Police Facilities

Facility	Square Feet
Headquarters	18,885
Storage	6,500
CID/Communications/EOQ	22,137
Total	47,522

<i>Level-of-Service Standards</i>	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Floor Area (sq. ft.)	27,563	19,959
2026 Population/Nonres Vehicle Trips	65,089	136,352
Square Feet per 1,000 Persons/Nonres Trips	423	146

<i>Adjusted Level-of-Service Standards</i>	Residential	Nonresidential
% Reduction to Account for Recent Facility Purchase	48%	48%
Square Feet per 1,000 Persons/Nonres Trips	219	76

<i>Cost Analysis</i>	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres Trips	219	76
Average Cost per Square Foot [1]	\$550	\$550
Capital Cost per Person/Nonres Vehicle Trip	\$121	\$42

[1] Based on department estimates for facility expansion

Police Vehicles

Bentonville currently has 105 units in its police fleet. Figure 21 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 / 65,089 residents), resulting in a LOS of 0.936 vehicles per 1,000 persons.

Similar to the police facility analysis, the police vehicle LOS has been adjusted downward to be consistent with the future fleet expansion needs. Specifically, the department is planning to purchase 20 vehicles over the next seven years, so a reduction of 33 percent was needed to ensure the City does not over collect. As a result, the LOS is 0.628 vehicles per 1,000 persons and 0.217 vehicles per 1,000 nonresidential vehicles trips.

The cost per demand unit is derived using the average cost per vehicles (\$82,000) and LOS discussed above. For example, the cost per person is \$51 (0.628 vehicles per 1,000 persons x \$82,000 per vehicle = \$51 per person).

Figure 21. Current Level of Service and Cost Factors for Police Vehicles

Vehicle Type	Total Units
Patrol	75
CID/Admin	30
Total	105

<i>Level-of-Service Standards</i>	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Fleet	60.9	44.1
2026 Population/Nonres Vehicle Trips	65,089	136,352
Units per 1,000 Persons/Nonres Trips	0.936	0.323

Adjusted Level-of-Service Standards

% Reduction to Purchase 20 Units over 7 Years	33%	33%
Square Feet per 1,000 Persons/Nonres Trips	0.628	0.217

<i>Cost Analysis</i>	Residential	Nonresidential
Units per 1,000 Persons/Nonres Trips	0.628	0.217
Average Cost per Unit	\$82,000	\$82,000
Capital Cost per Person/Nonres Vehicle Trip	\$51	\$18

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 22 depicts projected demand for police facility space over the next seven years. Demand from population and nonresidential growth will require the addition of 6,989 square feet for a total cost of \$3.8 million over the next seven years to maintain the LOS standard.

Figure 22. Police Facilities Needs Analysis

Infrastructure	Level of Service		Demand Unit	Cost/Sq Ft
Police Facilities	Residential	219	per 1,000 persons	\$550
	Nonresidential	76	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	2026	65,089	136,352	14,266	10,315	24,581
Year 1	2027	67,907	139,989	14,884	10,590	25,474
Year 2	2028	70,848	143,625	15,528	10,865	26,393
Year 3	2029	73,915	147,262	16,200	11,140	27,340
Year 4	2030	77,116	150,899	16,902	11,415	28,317
Year 5	2031	80,455	155,134	17,634	11,736	29,370
Year 6	2032	83,939	159,369	18,397	12,056	30,453
Year 7	2033	87,573	163,603	19,194	12,376	31,570
Seven-Year Increase		22,484	27,252	4,928	2,061	6,989
Projected Expenditure			\$2,710,400	\$1,133,550	\$3,843,950	

Growth-Related Expenditures for Police Facilities	\$3,843,950
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Police Vehicles

Figure 23 depicts projected demand for police vehicles over the next seven years. Demand from population and nonresidential growth will require the addition of 20 units for a total cost of approximately \$1.6 million over the next seven years to maintain the LOS standard.

Figure 23. Police Vehicles Needs Analysis

Infrastructure	Level of Service		Demand Unit	Cost/Sq Ft
Police Vehicles	Residential	0.628	per 1,000 persons	\$82,000
	Nonresidential	0.217	per 1,000 trips	

Growth-Related Need for Police Vehicles						
Year	Population	Nonres. Vehicle Trips	Residential Units	Nonresidential Units	Total Units	
Base	2026	65,089	136,352	40	29	69
Year 1	2027	67,907	139,989	42	30	72
Year 2	2028	70,848	143,625	44	31	75
Year 3	2029	73,915	147,262	46	31	77
Year 4	2030	77,116	150,899	48	32	80
Year 5	2031	80,455	155,134	50	33	83
Year 6	2032	83,939	159,369	52	34	86
Year 7	2033	87,573	163,603	54	35	89
Seven-Year Increase		22,484	27,252	14	6	20
Projected Expenditure			\$1,148,000	\$492,000	\$1,640,000	

Growth-Related Expenditures for Police Vehicles	\$1,640,000
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POLICE CAPITAL IMPROVEMENT PLANS

The Police Capital Improvement Plan (CIP) is listed in Figure 24. As indicated, there are plans to expand and improve the two components included in the impact fee analysis. The plans satisfy the estimated growth-related needs to keep providing the LOS standards.

Figure 24. Police Capital Improvement Plans

Bentonville Police Impact Fee Eligible Capital Improvement Plan		
Project	Year	Total Cost
Police additional vehicles (2 units)	2026	\$164,000
New training facility [1]	2026-2028	\$6,500,000
New patrol/CID vehicles (9 units)	2027	\$738,000
Expand range site for critical incident training	2029	\$500,000
Expand range site fitness area for more staff	2029	\$500,000
New patrol/CID vehicles (9 units)	2029	\$738,000
Move & expand bomb building	2030	\$3,000,000
Total		\$12,140,000

[1] Total need was \$9 million, but a recent purchase for \$2.5 million has reduced the remaining need

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, 20 years from this study. The remaining 20 years of payments are included in the credit.

As shown in Figure 25, 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 \$4 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.

Figure 25. Police Future Debt Payment Credit

Fiscal Year	Payment	Residential		Residential				Nonresidential			
		58%	42%	Fiscal Year	Payment	Projected Population	Payment/ Capita	Fiscal Year	Payment	Projected Nonres. Vehicle Trips	Payment/ Trip
2026	\$137,595	\$79,805	\$57,790	2026	\$79,805	65,089	\$1.23	2026	\$57,790	136,352	\$0.42
2027	\$137,460	\$79,727	\$57,733	2027	\$79,727	67,907	\$1.17	2027	\$57,733	139,989	\$0.41
2028	\$137,621	\$79,820	\$57,801	2028	\$79,820	70,848	\$1.13	2028	\$57,801	143,625	\$0.40
2029	\$137,545	\$79,776	\$57,769	2029	\$79,776	73,915	\$1.08	2029	\$57,769	147,262	\$0.39
2030	\$137,390	\$79,686	\$57,704	2030	\$79,686	77,116	\$1.03	2030	\$57,704	150,899	\$0.38
2031	\$137,828	\$79,940	\$57,888	2031	\$79,940	80,455	\$0.99	2031	\$57,888	155,134	\$0.37
2032	\$137,650	\$79,837	\$57,813	2032	\$79,837	83,939	\$0.95	2032	\$57,813	159,369	\$0.36
2033	\$137,550	\$79,779	\$57,771	2033	\$79,779	87,573	\$0.91	2033	\$57,771	163,603	\$0.35
2034	\$137,523	\$79,763	\$57,760	2034	\$79,763	91,365	\$0.87	2034	\$57,760	167,838	\$0.34
2035	\$137,563	\$79,787	\$57,776	2035	\$79,787	95,321	\$0.84	2035	\$57,776	172,073	\$0.34
2036	\$137,497	\$79,748	\$57,749	2036	\$79,748	99,449	\$0.80	2036	\$57,749	176,308	\$0.33
2037	\$137,494	\$79,747	\$57,747	2037	\$79,747	102,020	\$0.78	2037	\$57,747	180,543	\$0.32
2038	\$6,661	\$3,863	\$2,798	2038	\$3,863	104,659	\$0.04	2038	\$2,798	184,778	\$0.02
2039	\$6,661	\$3,863	\$2,798	2039	\$3,863	107,365	\$0.04	2039	\$2,798	189,013	\$0.01
2040	\$6,661	\$3,863	\$2,798	2040	\$3,863	110,141	\$0.04	2040	\$2,798	193,248	\$0.01
2041	\$6,661	\$3,863	\$2,798	2041	\$3,863	112,990	\$0.03	2041	\$2,798	197,479	\$0.01
2042	\$6,661	\$3,863	\$2,798	2042	\$3,863	115,911	\$0.03	2042	\$2,798	201,711	\$0.01
2043	\$6,661	\$3,863	\$2,798	2043	\$3,863	118,909	\$0.03	2043	\$2,798	205,942	\$0.01
2044	\$6,661	\$3,863	\$2,798	2044	\$3,863	121,984	\$0.03	2044	\$2,798	210,174	\$0.01
2045	\$6,661	\$3,863	\$2,798	2045	\$3,863	125,138	\$0.03	2045	\$2,798	214,405	\$0.01
2046	\$641,041	\$371,804	\$269,237	2046	\$371,804	128,374	\$2.90	2046	\$269,237	218,637	\$1.23
Total		\$2,345,045	\$1,360,123	Total	\$1,360,123		\$14.95	Total	\$984,922		\$5.73
						Discount Rate	3.00%			Discount Rate	3.00%
						Total Credit	\$12			Total Credit	\$4

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 26 there is an estimated \$5.5 million in growth-related costs for the next seven years and an existing balance of \$1 million after reducing the balance with two recent purchases. As a result, there is a 19 percent credit included in the final police impact fee calculation to account for the current balance portion of future expenditures.

Figure 26. Credit for Police Impact Fee Fund Balance

Bentonville Police Department	
Current Impact Fee Fund Balance [1]	\$1,041,277
7-Year Growth-Related Need	\$5,483,950
Fund Balance Share of CIP	19%

[1] Represents reduction after the \$2.5 million training facility and \$373,000 dispatch console purchase

POLICE IMPACT FEE SUMMARY

The maximum supportable police impact fees are shown in Figure 27. For residential development, police impact fees are based on persons per housing unit. For example, the single family detached impact fee is \$348 (2.74 persons per housing unit x \$127 net cost per person = \$348 (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 slight decrease of \$2 for single family detached development. Single family attached impact fee has increased slightly since the persons per housing unit factor has increased since the 2023 impact fee study relative to the other housing types.

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 27. Maximum Supportable Police Impact Fees

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trips
Police Station	\$121	\$42
Police Vehicles	\$51	\$18
Gross Total	\$172	\$60
Credit for Debt Payments	(\$12)	(\$4)
Credit for Existing Fund Balance (19%)	(\$33)	(\$11)
Net Total	\$127	\$45

Housing Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.74	\$348	\$350	(\$2)
Single Family Attached	2.23	\$283	\$280	\$3
Multifamily	1.51	\$192	\$194	(\$2)

Development Type	Vehicle Trips per KSF	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Noresidential (per 1,000 Square Feet)				
Retail	12.01	\$540	\$436	\$104
Office	3.92	\$176	\$168	\$8
Industrial	2.14	\$96	\$74	\$22
Institutional	5.35	\$241	\$167	\$74

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 \$4.1 million in revenue while there is a growth-related cost of \$4.1 million. The revenue will 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 28. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Police Facilities

	Total Cost	Growth Cost
Police Station	\$10,500,000	\$3,843,950
Police Vehicles	\$1,804,000	\$2,443,600
Total Expenditures	\$12,304,000	\$6,287,550

Projected Development Impact Fee Revenue

		Single Family \$348 per unit	Multifamily \$192 per unit	Retail \$540 per KSF	Office \$176 per KSF	Industrial \$96 per KSF	Institutional \$241 per KSF
Year		Housing Units	Housing Units	KSF	KSF	KSF	KSF
Base	2026	19,036	9,141	5,396	13,381	2,515	2,562
Year 1	2027	19,466	10,242	5,575	13,589	2,531	2,681
Year 2	2028	19,914	11,391	5,754	13,797	2,547	2,800
Year 3	2029	20,382	12,589	5,933	14,005	2,563	2,919
Year 4	2030	20,870	13,840	6,113	14,213	2,579	3,038
Year 5	2031	21,379	15,145	6,292	14,573	2,595	3,157
Year 6	2032	21,909	16,506	6,471	14,932	2,611	3,276
Year 7	2033	22,463	17,926	6,650	15,292	2,627	3,395
7-Year Increase		3,427	8,785	1,254	1,911	112	833
Projected Revenue		\$1,192,591	\$1,686,774	\$677,214	\$336,326	\$10,776	\$200,856
						Projected Revenue	\$4,105,000
						Total Expenditures	\$12,304,000
						Non-Impact Fee Funding	\$8,199,000

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.

In the previous impact fee study (2023) the City had included the purchase of a fire truck. That has been purchased and moved off the CIP and impact fee collection.

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.

PROPORTIONATE SHARE ANALYSIS

Both residential and nonresidential developments increase the demand on fire 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 (2023), residential development accounts for 58 percent of the functional population, while nonresidential development accounts for 42 percent.

Figure 29. Bentonville Functional Population

Bentonville, AR (2023)			
Residential		<i>Demand Hours/Day</i>	<i>Person Hours</i>
Population*	57,498		
Residents Not Working	29,478	20	589,560
Employed Residents	28,020		
Employed in Bentonville	11,865	14	166,110
Employed outside Bentonville	16,155	14	226,170
Residential Subtotal			981,840
Residential Share =>			58%
Nonresidential			
Non-working Residents	29,478	4	117,912
Jobs Located in Bentonville	57,965		
Residents Employed in Bentonville	11,865	10	118,650
Non-Resident Workers (inflow commuters)	46,100	10	461,000
Nonresidential Subtotal			697,562
Nonresidential Share =>			42%
TOTAL			1,679,402

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.

* Source: U.S. Census Bureau, American Community Survey, 2024

FIRE CAPITAL IMPROVEMENT PLANS

The Fire Capital Improvement Plan (CIP) is listed in Figure 30. As indicated, there are plans to construct Fire Station #8 with an estimated cost of \$6.3 million. Along with the need to provide new administrative and training vehicles needed to support the department's growth.

In the previous impact fee study (2023) the City had included the purchase of a fire truck. That has been purchased and moved off the CIP and impact fee collection.

Figure 30. Fire Capital Improvement Plans

Project	Year	Units	Total Cost
Facilities			
Fire Station #8	2027-2028	10,000 square feet	\$6,375,000
Apparatus			
Battalion Truck	2028	1 unit	\$75,000
Training and Admin Truck	2028	1 unit	\$70,000
Total			\$6,520,000

LEVELS OF SERVICE STANDARDS AND COST FACTORS FOR FIRE

The following details the calculations for the level of service standards and cost analysis for each component included in the police impact fee.

Fire Stations

Bentonville Fire Department plans to construction Fire Station #8 within the next seven years to accommodate Citywide growth. The station is anticipated to be 10,000 square feet and cost \$6.3 million. The capital expansion is compared to the 7-year growth projection to calculate capital cost factors. Figure 31 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 58 percent proportionate share / 22,484 residents), resulting in a LOS of 258 square feet per 1,000 persons.

The cost per demand unit is derived using the average cost per square foot (\$638) and LOS discussed above. For example, the cost per person is \$165 (258 square feet per 1,000 persons x \$638 per square foot = \$165 per person).

Figure 31. Level of Service and Cost Factors for Fire Station

Facility	Square Feet	Total Cost
Fire Station #8	10,000	\$6,375,000
Total	10,000	\$6,375,000

<i>Level-of-Service Standards</i>	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Floor Area (sq. ft.)	5,800	4,200
7-Year Increase in Population and Nonres Trips	22,484	27,252
Square Feet per 1,000 Persons/Nonres Trips	258	154

<i>Cost Analysis</i>	Residential	Nonresidential
Square Feet per 1,000 Persons/Nonres Trips	258	154
Average Cost per Square Foot	\$638	\$638
Capital Cost per Person/Nonres Vehicle Trip	\$165	\$98

Source: Bentonville Fire Department

Fire Apparatus

Bentonville Fire Department plans to expand its vehicle fleet by two units over the next seven years to accommodate Citywide growth. This includes two administrative vehicles. The capital expansion plan is compared to the 7-year growth projection to calculate capital cost factors. Figure 32 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 (2 apparatus x 58 percent proportionate share / 22,484 residents), resulting in a LOS of 0.052 apparatus per 1,000 persons.

The cost per demand unit is derived using the average cost per apparatus (\$73,000) and LOS discussed above. For example, the cost per person is \$4 (0.052 apparatus per 1,000 persons x \$73,000 per apparatus = \$4 per person).

Figure 32. Level of Service and Cost Factors for Fire Apparatus

Vehicle Type	Total Units	Cost per Unit	Total Cost
Battalion Truck	1	\$75,000	\$75,000
Training and Admin Truck	1	\$70,000	\$70,000
Total	2		\$145,000

<i>Level-of-Service Standards</i>	Residential	Nonresidential
Proportionate Share	58%	42%
Share of Fleet	1.2	0.8
7-Year Increase in Population and Nonres Trips	22,484	27,252
Units per 1,000 Persons/Nonres Trips	0.052	0.031

<i>Cost Analysis</i>	Residential	Nonresidential
Units per 1,000 Persons/Nonres Trips	0.052	0.031
Average Cost per Unit	\$73,000	\$73,000
Capital Cost per Person/Nonres Vehicle Trip	\$4	\$2

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, 20 years from this study. The remaining 20 years of payments are included in the credit.

As shown in Figure 33, 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 \$2 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 33. Fire Future Debt Payment Credit

Fiscal Year	Payment	Residential		Residential				Nonresidential			
		58%	42%	Fiscal Year	Payment	Projected Population	Payment/ Capita	Fiscal Year	Payment	Projected Nonres. Vehicle Trips	Payment/ Trip
2026	\$65,045	\$37,726	\$27,319	2026	\$37,726	65,089	\$0.58	2026	\$27,319	136,352	\$0.20
2027	\$64,981	\$37,689	\$27,292	2027	\$37,689	67,907	\$0.56	2027	\$27,292	139,989	\$0.19
2028	\$65,057	\$37,733	\$27,324	2028	\$37,733	70,848	\$0.53	2028	\$27,324	143,625	\$0.19
2029	\$65,021	\$37,712	\$27,309	2029	\$37,712	73,915	\$0.51	2029	\$27,309	147,262	\$0.19
2030	\$64,948	\$37,670	\$27,278	2030	\$37,670	77,116	\$0.49	2030	\$27,278	150,899	\$0.18
2031	\$65,155	\$37,790	\$27,365	2031	\$37,790	80,455	\$0.47	2031	\$27,365	155,134	\$0.18
2032	\$65,071	\$37,741	\$27,330	2032	\$37,741	83,939	\$0.45	2032	\$27,330	159,369	\$0.17
2033	\$65,023	\$37,713	\$27,310	2033	\$37,713	87,573	\$0.43	2033	\$27,310	163,603	\$0.17
2034	\$65,011	\$37,706	\$27,305	2034	\$37,706	91,365	\$0.41	2034	\$27,305	167,838	\$0.16
2035	\$65,030	\$37,717	\$27,313	2035	\$37,717	95,321	\$0.40	2035	\$27,313	172,073	\$0.16
2036	\$64,999	\$37,699	\$27,300	2036	\$37,699	99,449	\$0.38	2036	\$27,300	176,308	\$0.15
2037	\$64,997	\$37,698	\$27,299	2037	\$37,698	102,020	\$0.37	2037	\$27,299	180,543	\$0.15
2038	\$3,149	\$1,826	\$1,323	2038	\$1,826	104,659	\$0.02	2038	\$1,323	184,778	\$0.01
2039	\$3,149	\$1,826	\$1,323	2039	\$1,826	107,365	\$0.02	2039	\$1,323	189,013	\$0.01
2040	\$3,149	\$1,826	\$1,323	2040	\$1,826	110,141	\$0.02	2040	\$1,323	193,248	\$0.01
2041	\$3,149	\$1,826	\$1,323	2041	\$1,826	112,990	\$0.02	2041	\$1,323	197,479	\$0.01
2042	\$3,149	\$1,826	\$1,323	2042	\$1,826	115,911	\$0.02	2042	\$1,323	201,711	\$0.01
2043	\$3,149	\$1,826	\$1,323	2043	\$1,826	118,909	\$0.02	2043	\$1,323	205,942	\$0.01
2044	\$3,149	\$1,826	\$1,323	2044	\$1,826	121,984	\$0.01	2044	\$1,323	210,174	\$0.01
2045	\$3,149	\$1,826	\$1,323	2045	\$1,826	125,138	\$0.01	2045	\$1,323	214,405	\$0.01
2046	\$303,038	\$175,762	\$127,276	2046	\$175,762	128,374	\$1.37	2046	\$127,276	218,637	\$0.58
Total		\$1,108,568	\$642,964	Total	\$642,964		\$7.09	Total	\$465,604		\$2.75
						Discount Rate	3.00%			Discount Rate	3.00%
						Total Credit	\$6			Total Credit	\$2

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 34 the growth-related capital expansion plan for fire infrastructure is \$6.5 million and there is an existing fire impact fee balance of \$1.9 million, 29 percent of the capital costs. As a result, there is a 29 percent credit included in the final fire impact fee calculation.

Figure 34. Credit for Fire Impact Fee Fund Balance

Bentonville Fire Department	
Current Impact Fee Fund Balance	\$1,919,112
7-Year CIP Growth Cost	\$6,520,000
Fund Balance Share of CIP	29%

FIRE IMPACT FEE SUMMARY

The maximum supportable fire impact fees are shown in Figure 35. For residential development, fire impact fees are based on persons per housing unit. For example, the single family detached impact fee is \$312 (2.74 persons per housing unit x \$114 net cost per person = \$312 (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 a decrease of \$220 for single family detached development.

Along with removing the fire truck from the CIP, the residential future growth assumptions have increased compared to the previous impact fee study. As a result, the CIP costs are attributed to more growth resulting in a smaller fee per housing unit.

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 35. Maximum Supportable Fire Impact Fees

Fee Component	Cost per Person	Cost per Nonres. Vehicle Trips
Fire Station	\$165	\$98
Fire Vehicles	\$4	\$2
Gross Total	\$169	\$100
Credit for Debt Payments	(\$6)	(\$2)
Credit for Fund Balance (29%)	(\$49)	(\$29)
Net Total	\$114	\$69

Housing Type	Persons per Housing Unit	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Residential (per housing unit)				
Single Family Detached	2.74	\$312	\$532	(\$220)
Single Family Attached	2.23	\$254	\$426	(\$172)
Multifamily	1.51	\$172	\$295	(\$123)

Development Type	Vehicle Trips per KSF	Maximum Supportable Fee	Current Fee	Increase/ (Decrease)
Nonresidential (per 1,000 Square Feet)				
Retail	12.01	\$829	\$717	\$112
Office	3.92	\$270	\$276	(\$6)
Industrial	2.14	\$147	\$121	\$26
Institutional	5.35	\$369	\$275	\$94

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 \$4.4 million in revenue while there is a growth-related cost of \$6.5 million. The revenue will mitigate 68 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 36. Cash Flow Summary for Maximum Supportable Impact Fees

Infrastructure Costs for Fire Facilities

	Total Cost	Growth Cost
Fire Station	\$6,375,000	\$6,375,000
Fire Vehicles	\$145,000	\$145,000
Total Expenditures	\$6,520,000	\$6,520,000

Projected Development Impact Fee Revenue

		Single Family \$312 per unit	Multifamily \$172 per unit	Retail \$829 per KSF	Office \$270 per KSF	Industrial \$147 per KSF	Institutional \$369 per KSF
Year		Housing Units	Housing Units	KSF	KSF	KSF	KSF
Base	2026	19,036	9,141	5,396	13,381	2,515	2,562
Year 1	2027	19,466	10,242	5,575	13,589	2,531	2,681
Year 2	2028	19,914	11,391	5,754	13,797	2,547	2,800
Year 3	2029	20,382	12,589	5,933	14,005	2,563	2,919
Year 4	2030	20,870	13,840	6,113	14,213	2,579	3,038
Year 5	2031	21,379	15,145	6,292	14,573	2,595	3,157
Year 6	2032	21,909	16,506	6,471	14,932	2,611	3,276
Year 7	2033	22,463	17,926	6,650	15,292	2,627	3,395
Seven-Year Increase		3,427	8,785	1,254	1,911	112	833
Projected Revenue		\$1,069,219	\$1,511,069	\$1,039,649	\$515,955	\$16,501	\$307,535
Projected Revenue							\$4,460,000
Total Expenditures							\$6,520,000
Non-Impact Fee Funding							\$2,060,000

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.

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.

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.

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.

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.

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
- Persons by housing unit size

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).

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 37 shows the US Census American Community Survey 2024 5-Year Estimates data for the City of Bentonville. Single family units have a household size of 2.69 persons and multifamily units have a household size of 1.51 persons. Additionally, there is a housing mix of 68 percent single family and 32 percent multifamily.

The estimates in Figure 37 are for household size calculations. Base year population and housing units are estimated with another, more recent data source.

Figure 37. Persons per Housing Unit

Housing Type	Persons	Housing Units	Persons per Housing Unit	Households	Persons per Household	Housing Unit Mix
Single Family [1]	45,288	16,834	2.69	15,864	2.85	68%
Multifamily [2]	12,210	8,083	1.51	6,725	1.82	32%
Total	57,498	24,917	2.31	22,589	2.55	

[1] Includes attached and detached single family homes and mobile homes

[2] Includes structures with 2+ units

Source: U.S. Census Bureau, 2024 American Community Survey 5-Year Estimates

The current impact fee program is assessed based on housing type: single family detached, single family attached, and multifamily. Data from the U.S. Census public use microdata surveys (PUMS) is needed to calculate the PPHU by these three categories since the American Community Survey database groups single family detached and attached together. By examining the PUMS data and adjusting for Bentonville control totals Figure 38 lists the updated PPHU by housing type.

Figure 38. Persons per Housing Unit by Housing Type

Housing Type	PPHU
Single Family Detached	2.74
Single Family Attached	2.23
Multifamily	1.51

Source: TischlerBise analysis of US Census PUMS and ACS data

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, 2025 was 65,089. The year-end population is used in the impact fee analysis to capsulate the level of service at the start of the 2026 calendar year.

Furthermore, based on the average PPHU listed in Figure 37 (2.31 persons per housing unit) there is an estimated 28,177 housing units in Bentonville. Additionally, based on the 68/32 housing mix, there is an estimated 19,036 single family units and 9,141 multifamily units.

Figure 39. Base Year Housing Units

City of Bentonville	Base Year 2026
Population [1]	65,089
Housing Units [2]	
Single Family	19,036
Multifamily	9,141
Total Housing Units	28,177

[1] Source: Bentonville Development Report 2025; Population estimate for December 31, 2025 is used for the beginning of 2026.

[2] Source: U.S. Census Bureau, 2024 American Community Survey 5-Year Estimates

RESIDENTIAL CONSTRUCTION TREND

There has been a consistent and significant amount of residential growth in Bentonville. Since 2021, despite the recessionary fears during COVID-19, there has been an annual total between 449 to 2,112 housing units constructed. On average, 483 single family and 689 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 41/59 housing mixture is incorporated in the housing growth projections.

Figure 40. 5-Year New Housing Unit Totals

Housing Type	2021	2022	2023	2024	2025	Total	Average	% of Total
Single Family	481	478	516	293	646	2,414	483	41%
Multifamily	687	575	560	156	1,466	3,444	689	59%
Total	1,168	1,053	1,076	449	2,112	5,858	1,172	100%

Source: Bentonville Development Report 2025

HOUSING UNIT AND POPULATION PROJECTIONS

In the Bentonville *Community Plan* are future population estimates. The estimates were calculated with a base year in 2023 and include a range of population growth rates, from 5.4 percent to 4 percent. The 5.4 percent growth rate represents an accelerated rate and the 4 percent rate represents slow growth. Recent growth trends are represented with a 4.7 percent annual growth rate. Used in this study is an annual growth rate of 4.33 percent recommended by the City from water and wastewater planning. As a result, over the next ten years, the Bentonville population is estimated to grow to nearly 100,000 residents, a 52.8 percent increase from the base year. Following the population growth, 18,662 new housing units are projected (41 percent single family/59 percent multifamily).

Annually, the housing projections average over 1,800 new homes. This is greater than the average over the past five years, however, it is consistent with the housing growth in 2025 (2,112 units). As Bentonville grows its employment base and densifies its housing this growth is possible. With that said, the City should consider revising its capital improvements plans and related impact fees if the residential development does not occur at the rate projected.

Figure 41. Residential Development Projections

City of Bentonville, AR	Base Year 2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	Total Increase
Population	65,089	67,907	70,848	73,915	77,116	80,455	83,939	87,573	91,365	95,321	99,449	34,360
Percent Increase		4.3%	4.3%	4.3%	4.3%	4.3%	4.3%	4.3%	4.3%	4.3%	4.3%	52.8%
Housing Units												
Single Family	19,036	19,466	19,914	20,382	20,870	21,379	21,909	22,463	23,041	23,644	24,273	5,237
Multifamily	9,141	10,242	11,391	12,589	13,840	15,145	16,506	17,926	19,407	20,953	22,566	13,425
Total Housing Units	28,177	29,708	31,305	32,971	34,709	36,523	38,415	40,389	42,449	44,598	46,839	18,662

Source: Population and housing development projections are based on annual growth rate estimates from the City's water and wastewater projections and PPHU factors by type of housing unit.

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 2022, 2030, 2040, and 2050 at the traffic analysis zone (TAZ) level. The City of Bentonville TAZs are summed and the 2026 estimates are found with a straight-line calculation from 2022 to 2030. Shown in Figure 42, there is a total of 53,441 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 (2025) and the applied factors are found in Figure 43. For example, retail employment is combined with the density factor for the Shopping Center land use (479 square feet per employee) to find the total retail square footage in Bentonville (11,266 retail employees x 479 square feet per job = 5,396,282 square feet).

Figure 42. 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	11,266	21%	479	5,396,282	23%
Office	30,481	57%	439	13,381,332	56%
Industrial	4,024	8%	625	2,514,688	11%
Institutional	7,670	14%	334	2,561,907	11%
Total	53,441	100%		23,854,209	100%

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

[2] Source: Institute of Transportation Engineers, *Trip Generation*, 12th Edition (2025)

Figure 43. 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	2.09	479
Office	710	General Office	1,000 Sq Ft	2.28	439
Industrial	140	Manufacturing	1,000 Sq Ft	1.60	625
Institutional	610	Hospital	1,000 Sq Ft	3.00	334

Source: *Trip Generation*, Institute of Transportation Engineers, 12th Edition (2025)

EMPLOYMENT AND NONRESIDENTIAL FLOOR AREA PROJECTIONS

Following the NWARPC Travel Demand Model, employment and floor area projections are provided in Figure 44. Overall, there is a projected increase of 14,374 jobs in Bentonville over the next ten years, an increase of 27 percent from the base year. Along with office growth, retail and institutional (education and healthcare) grow significantly as well. 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 2.9 million square feet in office development.

Figure 44. Employment and Nonresidential Floor Area Projections

Industry	Base Year 2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	Total Increase
Jobs [1]												
Retail	11,266	11,640	12,013	12,387	12,761	13,135	13,510	13,884	14,258	14,632	15,007	3,741
Office	30,481	30,955	31,429	31,902	32,376	33,195	34,015	34,834	35,654	36,473	37,293	6,812
Industrial	4,024	4,049	4,075	4,100	4,126	4,152	4,177	4,203	4,229	4,255	4,280	257
Institutional	7,670	8,027	8,383	8,740	9,096	9,453	9,809	10,166	10,522	10,879	11,235	3,565
Total	53,441	54,671	55,900	57,130	58,359	59,935	61,511	63,087	64,663	66,239	67,815	14,374
Nonresidential Floor Area (1,000 sq. ft.) [2]												
Retail	5,396	5,575	5,754	5,933	6,113	6,292	6,471	6,650	6,830	7,009	7,188	1,792
Office	13,381	13,589	13,797	14,005	14,213	14,573	14,932	15,292	15,652	16,012	16,372	2,990
Industrial	2,515	2,531	2,547	2,563	2,579	2,595	2,611	2,627	2,643	2,659	2,675	160
Institutional	2,562	2,681	2,800	2,919	3,038	3,157	3,276	3,395	3,514	3,633	3,753	1,191
Total	23,854	24,376	24,898	25,420	25,942	26,617	27,291	27,965	28,639	29,313	29,987	6,133

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

[2] Source: Institute of Transportation Engineers, *Trip Generation*, 12th Edition (2025)

[3] The Walmart HQ expansion project is estimated to have 15,000 total office jobs, assumed in the base year 2026

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 (2023), residential development accounts for 58 percent of the functional population, while nonresidential development accounts for 42 percent.

Figure 45. City of Bentonville Functional Population

Bentonville, AR (2023)				
Residential			<i>Demand Hours/Day</i>	<i>Person Hours</i>
Population*	57,498			
Residents Not Working	29,478		20	589,560
Employed Residents	28,020			
Employed in Bentonville	11,865	14		166,110
Employed outside Bentonville	16,155	14		226,170
				Residential Subtotal 981,840
				Residential Share => 58%
Nonresidential				
Non-working Residents	29,478	4		117,912
Jobs Located in Bentonville	57,965			
Residents Employed in Bentonville	11,865	10		118,650
Non-Resident Workers (inflow commuters)	46,100	10		461,000
				Nonresidential Subtotal 697,562
				Nonresidential Share => 42%
				TOTAL 1,679,402

Source: U.S. Census Bureau, OnTheMap 6.1.1 Application and LEHD Origin-Destination Employment Statistics.

* Source: U.S. Census Bureau, American Community Survey, 2024

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 46, 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 9.50 trip ends and a multifamily unit is estimated to generate 4.00 trip ends on an average weekday.

Figure 46. Customized Residential Trip End Rates by Housing Type

Tenure	Vehicles Available (1)	Households (2)		Total HHs	Vehicles per HH by Tenure
		Single Family*	Multifamily Units		
Owner-occupied	23,566	11,345	51	11,396	2.07
Renter-occupied	15,391	4,519	6,674	11,193	1.38
Total	38,957	15,864	6,725	22,589	1.72
Housing Units (6) =>		16,834	8,083	24,917	
Persons per Housing Unit =>		2.69	1.51	2.31	

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*	45,288	126,109	29,674	193,399	159,754	9.50	9.44
Multifamily	12,210	27,880	9,283	36,867	32,373	4.00	5.44
Total	57,498	153,989	38,957	230,266	192,127	8.50	

* Includes Single Family Detached, Attached, and Manufactured Homes

(1) Vehicles available by tenure from Table B25046, 2024 American Community Survey 5-Year Estimates.

(2) Households by tenure and units in structure from Table B25032, American Community Survey, 2024.

(3) Persons by units in structure from Table B25033, American Community Survey, 2024.

(4) Vehicle trips ends based on persons using formulas from ITE Trip Generation. For single-family housing (ITE 210), the fitted curve equation is $\text{EXP}(0.89 \cdot \text{LN}(\text{persons}) + 1.72)$ [ITE 2017]. To approximate the average population of the ITE studies, persons were divided by 81 and the equation result multiplied by 81. For multi-family housing (ITE 221), the fitted curve equation is $(2.29 \cdot \text{persons}) - 81.02$ [ITE 2017].

(5) Vehicle trip ends based on vehicles available using formulas from ITE Trip Generation. For single-family housing (ITE 210), the fitted curve equation is $\text{EXP}(0.99 \cdot \text{LN}(\text{vehicles}) + 1.93)$ [ITE 2017]. To approximate the average number of vehicles in the ITE studies, vehicles available were divided by 115 and the equation result multiplied by 115. For multifamily housing (ITE 220), the fitted curve equation is $(3.94 \cdot \text{vehicles}) + 293.58$ [ITE 2012].

(6) Housing units from Table B25024, American Community Survey, 2024.

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", 58 percent of Bentonville workers travel outside the City for work. In combination, these factors account for 9 percent of additional production trips ($0.31 \times 0.50 \times 0.58 = 0.09$). Shown in Figure 47, 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 47. Residential Trip Adjustment Factor for Commuters

<i>Trip Adjustment Factor for Commuters</i>	
Employed Bentonville Residents (2023)	28,020
Residents Working in the City (2023)	11,865
Residents Commuting Outside of the City for Work	16,155
Percent Commuting Out of the City	58%
Additional Production Trips	9%
Standard Trip Adjustment Factor	50%
Residential Trip Adjustment Factor	59%

Source: U.S. Census, OnTheMap Application, 2023

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 12th edition of Trip Generation. To estimate the trip generation in Bentonville, the weekday trip end per 1,000 square feet factors listed in Figure 48 are used.

Figure 48. 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	36.39	17.42
Office	710	General Office	1,000 Sq Ft	7.83	3.44
Industrial	140	Manufacturing	1,000 Sq Ft	4.27	2.67
Institutional	610	Hospital	1,000 Sq Ft	10.70	3.57

Source: *Trip Generation*, Institute of Transportation Engineers, 12th Edition (2025)

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 49, 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 49. 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	9.50	59%	5.61
Multifamily	220	4.00	59%	2.36
Nonresidential (per 1,000 square feet)				
Retail	820	36.39	33%	12.01
Office	710	7.83	50%	3.92
Industrial	140	4.27	50%	2.14
Institutional	610	10.70	50%	5.35

Source: Trip Generation, Institute of Transportation Engineers, 12th Edition (2025); National Household Travel Survey, 2022

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 128,366 vehicle trips and nonresidential land uses account for 136,352 vehicle trips in the base year (Figure 50).

Through 2036, it is projected that daily vehicle trips will increase by 101,020 trips with the majority of the growth being generated by single family (29 percent) and multifamily (31 percent) development.

Figure 50. Vehicle Trip Projections

Development Type	Base Year 2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	Total Increase
Residential Trips												
Single Family	106,795	109,204	111,719	114,342	117,078	119,933	122,912	126,020	129,262	132,645	136,174	29,380
Multifamily	21,572	24,171	26,882	29,711	32,662	35,741	38,953	42,305	45,802	49,450	53,256	31,684
Subtotal	128,366	133,375	138,601	144,052	149,740	155,675	161,866	168,325	175,064	182,095	189,430	61,064
Nonresidential Trips												
Retail	64,809	66,960	69,110	71,261	73,412	75,565	77,718	79,871	82,024	84,177	86,331	21,521
Office	52,455	53,270	54,085	54,900	55,715	57,125	58,535	59,946	61,356	62,766	64,177	11,722
Industrial	5,381	5,416	5,450	5,484	5,519	5,553	5,587	5,622	5,656	5,690	5,725	343
Institutional	13,706	14,343	14,980	15,617	16,254	16,891	17,528	18,165	18,802	19,439	20,076	6,370
Subtotal	136,352	139,989	143,625	147,262	150,899	155,134	159,369	163,603	167,838	172,073	176,308	39,956
Vehicle Trips												
Grand Total	264,718	273,364	282,226	291,314	300,639	310,808	321,234	331,928	342,902	354,168	365,738	101,020

Source: Institute of Transportation Engineers, *Trip Generation*, 12th Edition (2025)



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Patrick Johndrow
Phone:		For Department(s):	Finance
Email:	patrick.johndrow@bentonvillear.gov		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	Impact Fee Exemption in the Downtown Redevelopment District
Action Recommendation & Justification:	Informational item to discuss the exemption of Impact Fees in the Downtown Redevelopment District.
Additional Comments for Consideration (Optional):	The exemption is contained in each individual impact fee ordinance which are included in the agenda packet.
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☒ OTHER: No cost to the 2026 budget

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

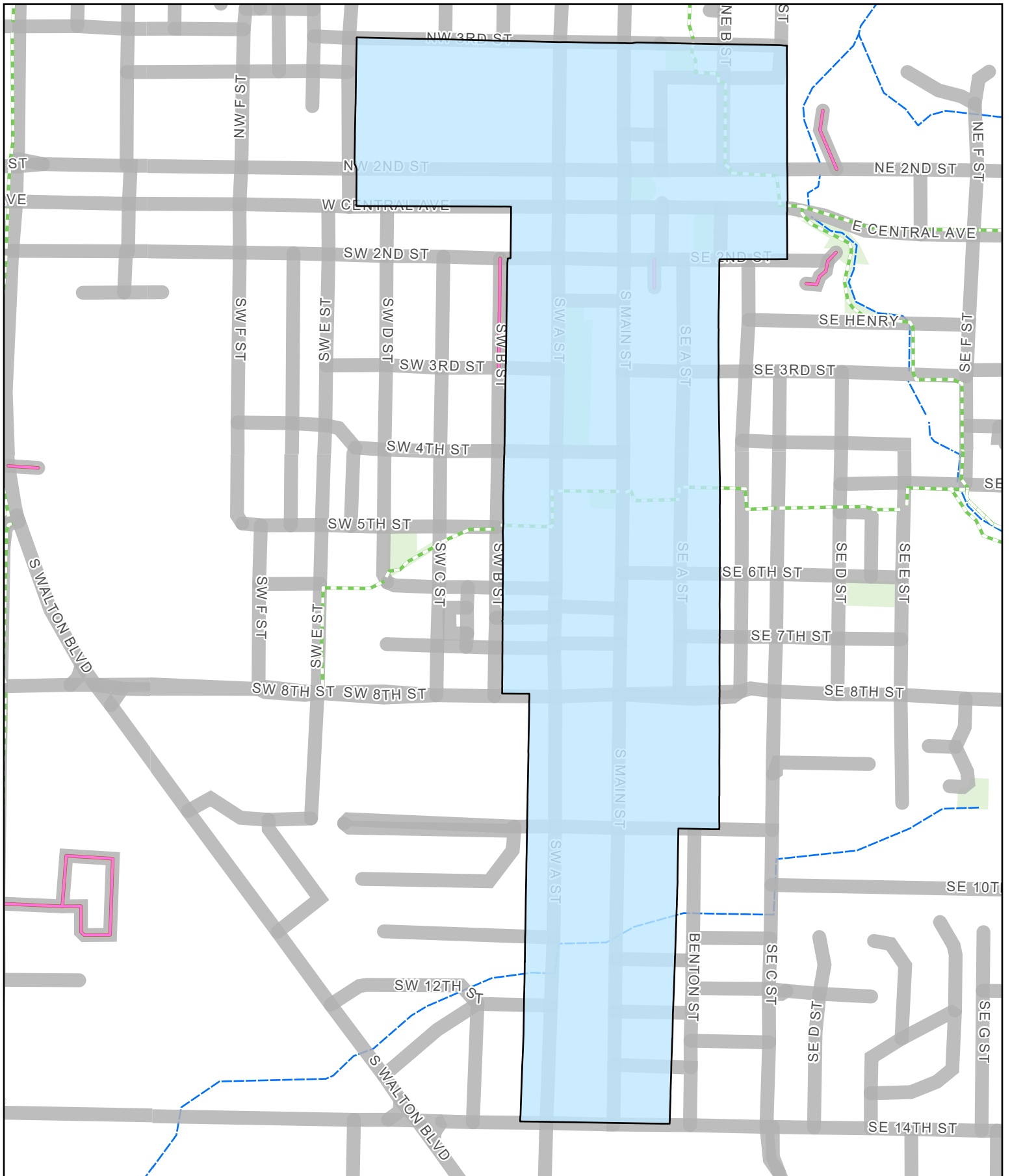
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Page 62 of 229



Downtown Redevelopment District



ORDINANCE NO. 2002 -15

Bentonville, Arkansas Fire Impact Fee Ordinance

**AN ORDINANCE ESTABLISHING A FIRE IMPACT FEE ON CERTAIN
IMPACT-GENERATING LAND DEVELOPMENT IN THE CITY OF
BENTONVILLE, ARKANSAS.**

TABLE OF CONTENTS

<u>SEC. -1:</u>	<u>LEGISLATIVE FINDINGS</u>	1
<u>SEC. -2:</u>	<u>AUTHORITY AND APPLICABILITY</u>	2
<u>SEC. -3:</u>	<u>INTENT</u>	2
<u>SEC. -4:</u>	<u>DEFINITIONS</u>	3
<u>SEC. -5</u>	<u>FIRE/EMS IMPACT FEES TO BE IMPOSED</u>	4
<u>SEC. -6</u>	<u>USE OF DEVELOPMENT IMPACT FEE FUNDS</u>	6
<u>SEC. -7</u>	<u>REFUNDS OF FIRE/EMS IMPACT FEES PAID</u>	7
<u>SEC. -8</u>	<u>CREDITS AGAINST FIRE/EMS IMPACT FEES</u>	8
<u>SEC. -9</u>	<u>MISCELLANEOUS PROVISIONS</u>	10

CHAPTER XX: FIRE/EMS IMPACT FEES

SEC. _-1: LEGISLATIVE FINDINGS

The City Council of Bentonville, Arkansas finds that:

- (a) Based on the community facility plan prepared by the City for Capital Fire/EMS Facilities and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the City, it is necessary that the City's Capital Fire/EMS Facilities be expanded and improved to accommodate growth and development within the City.
- (b) New residential and nonresidential development imposes increased and excessive demands upon these existing City facilities.
- (c) New development often overburdens these existing City facilities, and the tax revenues generated from new development does not generate sufficient funds to provide the necessary Capital Fire/EMS Facilities to accommodate new development.
- (d) New development is expected to continue, and will place ever-increasing demands on the City to provide these facilities to serve new development.
- (e) The creation of an equitable Development Impact Fee system would enable the City to impose a proportionate share of the costs of the needed Improvements to City Capital Fire/EMS Facilities to accommodate new development, and implement the City's community facility plans for Capital Fire/EMS Facilities.
- (f) In order to implement an equitable Development Impact Fee system and the City's community facility plan for Capital Fire/EMS Facilities, the City has prepared an Impact Fee Study for and Capital Fire/EMS Facilities dated ____ (hereinafter "*Development Impact Fee Study*"), which is incorporated herein by reference, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Fire/EMS Facilities, and determines the cost of acquiring the Improvements necessary to meet the demands for such services created by new development.
- (g) The City hereby establishes as City standards the assumptions and Level of Service (LOS) standard referenced in the *Development Impact Fee Study* as part of its current plans for future expansions to the City's Capital Fire/EMS Facilities.
- (h) The Fire/EMS Impact Fees described in this Ordinance are based on the *Development Impact Fee Study*, and do not exceed the costs of Improvements to serve new development that will pay the Fire/EMS Impact Fees.
- (i) All of the Capital Fire/EMS Facilities listed in the *Development Impact Fee Study* will benefit new development that receives fire/ems protection and services provided by the City, and it is therefore appropriate to treat the entire City as a single service district for purposes of calculating, collecting, and spending the Fire/EMS Impact Fees.

- (j) There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this Ordinance and the Fire/EMS Impact Fees that such development will be required to pay.
- (k) This Ordinance creates a system by which Fire/EMS Impact Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements for City Capital Fire/EMS Facilities in ways that benefit the development that paid each Fee within a reasonable period of time after the Fee is paid.
- (l) This Ordinance creates a system under which Fire/EMS Impact Fees shall not be used to correct existing deficiencies for these City Capital Fire/EMS Facilities, or to replace or rehabilitate existing improvements.

SEC. _2: AUTHORITY AND APPLICABILITY

- (a) This Ordinance is enacted pursuant to the City's general police power, the authority granted to the City by Ark. Code Ann. §§ 14-43-602, 14-56-411, 14-56-414 and 14-56-417, and the other relevant laws and judicial interpretations of the State of Arkansas.
- (b) The provisions of this Ordinance shall apply to all of the territory within the limits of the City.

SEC. _3: INTENT

- (a) This Ordinance is adopted to help implement the Bentonville Comprehensive Plan and the City's community facility plans for Capital Fire/EMS Facilities.
- (b) The intent of this Ordinance is to ensure that new development bears a proportionate share of the cost of Improvements to City Capital Fire/EMS Facilities; to ensure that such proportionate share does not exceed the cost of Improvements for City Capital Fire/EMS Facilities required to accommodate new development; and to ensure that funds collected from new development are actually used for Improvements for City Capital Fire/EMS Facilities that benefit such new development.
- (c) It is the further intent of this Ordinance that new development pay for its fair share of the cost of Improvements for City Capital Fire/EMS Facilities required to accommodate new development through the imposition of Fire/EMS Impact Fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements to City Capital Fire/EMS Facilities that serve or benefit such new development.
- (d) It is not the intent of this Ordinance to collect any money from any new development in excess of the actual amount necessary to offset new demands for City Capital Fire/EMS Facilities.

- (e) It is not the intent of this Ordinance that any monies collected from any Development Impact Fee deposited in the Fire/EMS Facilities Trust Fund ever be commingled with monies from any other City trust fund or account, or ever be used for a type of facility or equipment different from that for which the Fee was paid, or ever be used to replace or rehabilitate existing Improvements.

SEC. _4: DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings:

- (a) **Building Permit.** A Building Permit issued by Chief Building Inspector permitting the construction of a building or structure within the City of Bentonville.
- (b) **Capital Fire/EMS Facilities.** Buildings, improvements to land, and related equipment and vehicles, used for Fire/EMS facilities, as defined in the *Development Impact Fee Study*. The costs of Capital Fire/EMS Facilities also include the costs of related planning.
- (c) **City.** The City of Bentonville, Arkansas.
- (d) **City Council.** The City Council of Bentonville, Arkansas.
- (e) **Development.** Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public services.
- (f) **Fire/EMS Impact Fees.** The Fire/EMS Impact Fee established by this Ordinance.
- (g) **Fire/EMS Facilities Trust Fund.** The trust fund established by Section __-6 of this Ordinance. The Fire/EMS Facilities Trust Fund is also called the Trust Fund.
- (h) **Fee Payer.** A person commencing Impact-Generating Land Development who is obligated to pay a Development Impact Fee in accordance with the terms of this Ordinance, or who would be obligated to pay such a Fee except for an exemption, refund, or credit provided for in this Ordinance.
- (i) **Impact Fee Study.** The *Development Impact Fee Study* prepared by the City that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Park/Open Space Facilities, Capital Library Facilities, Capital Police Facilities and Capital Fire/EMS Facilities, and for determining the cost of these facilities necessary to meet the demands created by new development.
- (j) **Impact-Generating Land Development.** Land development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on Capital Fire/EMS Facilities. The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.

- (k) **Improvements.** The results of planning, engineering design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, vehicles, and financing associated with new or expanded capital facilities, buildings, and equipment that expand the capacity of a facility or service system, but not including maintenance, operations, or improvements that do not expand capacity.
- (l) **Independent Fee Calculation Study.** A study prepared by a Fee Payer, calculating the cost of expansions or improvements to the Capital Fire/EMS Facilities required to serve the Fee Payer's proposed development, that is based on the established LOS standard, performed on an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the *Development Impact Fee Study*, and is performed in compliance with any criteria for such studies established by this Ordinance or by the City.
- (m) **Person.** Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.
- (n) **Site-Related Improvements.** All Capital Fire/EMS Facilities located inside or outside the boundaries of the proposed development and designed and intended to serve only the needs of that development.
- (o) **State.** The state of Arkansas.
- (p) **Successor in Interest.** A person, as defined by this Ordinance, who gains a fee simple interest in land for which a Development Impact Fee is paid or a credit is approved pursuant to the terms of this Ordinance.

SEC. __-5 FIRE/EMS IMPACT FEES TO BE IMPOSED

- (a) Fee Obligation
 1. After the effective date of this Ordinance, any person who commences any Impact-Generating Land Development, except those exempted pursuant to Sec. __-5 (b) below, shall be obligated to pay Fire/EMS Impact Fees upon commencement of such activity. The amount of the Fees shall be determined in accordance with this Ordinance, and shall be paid to the City at the time and as a condition of issuance of a building permit.
 2. All monies paid by a Fee Payer pursuant to this Ordinance shall be identified as Fire/EMS Impact Fees and shall be promptly deposited in the Fire/EMS Trust Fund described in Sec. __-6.
 3. If the Fee Payer is applying for an extension of a permit issued previously, then the Fire/EMS Impact Fees required to be paid shall be the net increase between the Fire/EMS Impact Fees applicable at the time of the current permit application and any Fire/EMS Impact Fees previously paid pursuant to this Ordinance to finance

similar types of Improvements to accommodate demands created by the same development.

4. If the Fee Payer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Fire/EMS Impact Fees required to be paid shall be based on the net increase in the Fees for the new use as compared to the previous use.

(b) Exemptions

The following types of development shall be exempted from payment of the Fire/EMS Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit for the proposed development that creates the obligation to pay the Fire/EMS Impact Fees, and any claim for exemption not made at or before that time shall have been waived. The Director of Planning or a designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

1. Reconstruction, expansion, or replacement of a previously existing residential unit that does not create any additional residential units.
2. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure and with no more than a five (5%) percent increase in floor area from the original structure.
3. Construction of unoccupied accessory structures related to a residential unit.
4. Projects for which a Fire/EMS Impact Fee has previously been paid in an amount that equals or exceeds the Fire/EMS Impact Fee that would be required by this Ordinance.
5. Projects built by the federal government and the State.
6. Public schools.
7. Construction within the City's Downtown Redevelopment District as identified by the legal description and vicinity map attached hereto as Exhibits B and C.

(c) Calculation of Amount of Development Impact Fee(s)

1. Any person who commences any new Impact-Generating Land Development, except those exempted pursuant to this Ordinance, or those preparing an Independent Fee Calculation Study pursuant to this Ordinance, shall pay all Fire/EMS Impact Fees applicable to the proposed development, as determined by the fee schedule included in this Ordinance as Exhibit "A," and incorporated herein by reference.

2. If the proposed development is of a type not listed in Exhibit "A," then the City shall use the Fire/EMS Impact Fees applicable to the most nearly comparable type of land use listed in Exhibit "A."
3. If the proposed development includes a mix of those uses listed in Exhibit "A," then the Fire/EMS Impact Fees shall be determined by adding up the Fees that would be payable for each use as if it were a freestanding use pursuant to Exhibit "A."
4. In lieu of calculating the amount(s) of Fire/EMS Impact Fees by reference to Exhibit "A," a Fee Payer may request that the amount of the required Fee be determined by reference to an Independent Fee Calculation Study for the proposed development. If a Fee Payer requests the use of an Independent Fee Calculation Study, the Fee Payer shall be responsible for retaining a qualified professional to prepare the Independent Fee Calculation Study that complies with the requirements of this Ordinance, at the Fee Payer's expense.
5. Each Independent Fee Calculation Study shall be based on the same LOS standards and unit costs for Improvements used in the *Development Impact Fee Study*, and shall document the relevant methodologies and assumptions used.
6. Each Independent Fee Calculation Study shall be submitted to the Director of Planning or a designee, and may be accepted, rejected, or accepted with modifications by the Director of Planning or a designee as the basis for calculating Fire/EMS Impact Fees. If an Independent Fee Calculation Study is accepted or accepted with modifications by the Director of Planning or a designee as a more accurate measure of the demand for Capital Fire/EMS Facilities created by the proposed development than the applicable fee shown in Exhibit "A," then the Fire/EMS Impact Fees due under this Ordinance shall be calculated according to such Independent Fee Calculation Study.

SEC. _-6 USE OF DEVELOPMENT IMPACT FEE FUNDS

(a) Establishment of Trust Fund and Accounts

1. A Fire/EMS Facilities Trust Fund (hereinafter "Trust Fund") is hereby established for the purpose of ensuring that the Fire/EMS Impact Fees collected pursuant to this Ordinance are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Fire/EMS Impact Fees.
2. The Trust Fund shall be maintained as an interest bearing account.

(b) Deposit and Management of the Trust Fund

All Fire/EMS Impact Fees collected by the City pursuant to this Ordinance shall be promptly deposited into the Fire/EMS Facilities Trust Fund.

(c) Limitations on Expenditures of Fees in Accounts

The monies collected from the Fire/EMS Facilities Trust Fund shall be used only to plan for and acquire or construct Capital Fire/EMS Facilities within the City, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Fire/EMS Facilities within the City, or reimburse the City for such.

SEC. _7 REFUNDS OF FIRE/EMS IMPACT FEES PAID

(a) General

1. Any Fire/EMS Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which such Fee was paid shall be returned to the Fee Payer or the Fee Payer's Successor in Interest, along with interest at the rate of four (4%) percent per year since the date of payment, except as otherwise noted in this Section. The City Council may by resolution extend for up to two (2) years the date at which Fire/EMS Impact Fees must be refunded. Such an extension shall be made only upon a finding that within such two (2) year period, specific Improvements are planned and will be constructed for which the Fire/EMS Impact Fees will be spent, and the Improvements are reasonably attributable to Fee Payers' Impact-Generating Land Development.
2. In order to be eligible to receive a refund of Fire/EMS Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit a refund application to the Director of Planning or a designee within six (6) months after the expiration period. If the Successor in Interest claims a refund of Fire/EMS Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.
3. The Director of Planning or a designee shall approve the refund application if it is determined that the Fee Payer or the Fee Payer's Successor in Interest has paid a fee that the City has not spent within the period of time permitted under this section. The refund shall include the Fire/EMS Fee paid plus interest of four (4%) per cent a year.

(b) Limitations

1. If a Fee Payer has paid a Fire/EMS Impact Fee required by this Ordinance and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Fee Payer or the Fee Payer's Successor in Interest shall be entitled to a refund of the Fee paid, without interest. In order to be eligible to receive a refund of Fire/EMS Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit an application for such refund to the Director of Planning or a designee within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor in Interest claims a refund of Fire/EMS Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.

2. After a Fire/EMS Facilities Impact Fee has been paid pursuant to this Ordinance, no refund of any part of such Fee shall be made if the project for which the Fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

SEC. _8 CREDITS AGAINST FIRE/EMS IMPACT FEES

(a) General

All mandatory or voluntary land dedication for City Capital Fire/EMS Facilities, and all mandatory or voluntary acquisition or construction of Improvements for City Capital Fire/EMS Facilities by a Fee Payer in connection with a proposed Impact-Generating Land Development, shall result in a pro rata credit against the Fire/EMS Impact Fee for which the land dedication or construction of Improvements is offered and accepted, except that no credit shall be awarded for (a) land dedications for or acquisition or construction of Site-Related Improvements or (b) any voluntary land dedications not accepted by the City, or (c) any voluntary acquisition or construction of Improvements not approved in writing by the City prior to commencement of the acquisition or construction, or (d) any mandatory or voluntary dedication, construction, or acquisition of a type of Improvement not included in the calculation of the Fire/EMS Impact Fees in the *Development Impact Fee Study*. A credit shall not exceed the amount of the Fire/EMS Impact Fee due.

(b) Valuation of Credit

1. Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at (a) one hundred (100) percent of the most recent assessed value for such land as shown in the records of the City Clerk, or (b) that fair market value established by a private appraiser acceptable to the City in an appraisal paid for by the Fee Payer.
2. Credit for qualifying acquisition or construction of Improvements shall be valued by the City based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the City. The City shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the City.

(c) When Credits Become Effective

1. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form acceptable to the City at no cost to the City, and has been accepted by the City Council. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.
2. Approved credits for acquisition or construction of Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the City, (b) a suitable maintenance and warranty bond has been

received and approved by the City, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable City and State requirements. Approved credits for the construction of Improvements may become effective at an earlier date if the Fee Payer posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted by the City. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the City to construct the Improvements for which the credit was given, whichever is higher. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

(d) Application Procedures

1. In order to obtain a credit against Fire/EMS Impact Fees otherwise due, a Fee Payer must submit a written offer to dedicate to the Director of Planning or a designee for specific parcels of qualifying land or to acquire or construct specific Improvements to the City Fire/EMS Facilities in accordance with all applicable State or City design and construction standards, and must specifically request a credit against the Fire/EMS Impact Fees for which the land dedication or Improvement is offered. Such written request must be made on a form provided by the City, must contain a statement under oath of the facts that qualify the Fee Payer to receive a credit, must be accompanied by documents evidencing those facts, and must be filed prior to the time the Fee Payer applies for the first Building Permit that creates an obligation to pay the Fire/EMS Impact Fee against which the credit is requested, or the claim for the credit shall be waived.
2. After receipt of the request for credit, the Director of Planning or a designee shall review the request and determine whether it is appropriate for the City to accept or reject the requested credit pursuant to the criteria and other requirements of this section. If the Director of Planning or a designee determines acceptance of the credit is appropriate, the credit shall be accepted pursuant to and consistent with the requirements of this section and Ordinance.

(e) Transferability of Credit

A credit may be transferred only by the owner of the development that has received the credit and by a Successor in Interest to whom credit is transferred pursuant to the terms of this Ordinance. A credit may be transferred only to a Successor in Interest. It shall be transferred by any written instrument clearly identifying which credits issued under this Ordinance are to be transferred. The instrument must be signed by both the transferor and transferee, and the document shall be delivered to the City for registration of the change in ownership.

(f) Accounting of Credits

Each time a request to use approved credits is presented to the City, the City shall reduce the amount of the Development Impact Fee for the type of fee for which the credit is provided, and shall note in the City's records the amount of credit remaining, if any. Upon request of the Fee Payer or the Fee Payer's transferee, the City shall issue a letter stating the amount of credit remaining.

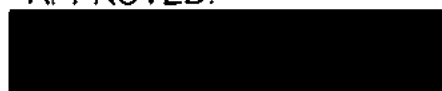
SEC. _9 MISCELLANEOUS PROVISIONS

- (a) Interest earned on monies in the Fire/EMS Facilities Trust Fund shall be considered part of the Trust Fund and shall be subject to the same restrictions on use applicable to the impact fees deposited in the Trust Fund .
- (b) Monies in the Trust Fund shall be considered to be spent in the order collected, on a first-in/first-out basis.
- (c) No monies from the Trust Fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type or to cure deficiencies in Capital Fire/EMS Facilities existing on the effective date of this Ordinance (insert effective date).
- (d) Nothing in this Ordinance shall restrict the City from requiring an applicant for a development approval or Building Permit to construct reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits are available under Sec. __-8 of this Ordinance.
- (e) At least once during each fiscal year of the City, the Director of Planning or a designee shall present to the City Council a proposed capital improvements program for the City Capital Fire/EMS Facilities, including related equipment and vehicles, and such capital improvements program shall assign monies from the Trust Fund to specific projects and related expenses for the type of facilities or services for which the fees in the Trust Fund are paid. Any monies, including any accrued interest not assigned to specific projects within such capital improvements program and not expended pursuant to Sec. __-6 (c) shall be retained in the Trust Fund until the next fiscal year.
- (f) The City shall be entitled to retain not more than two (2) percent of the Fire/EMS Impact Fees collected as payment for the expenses of collecting the fees and administering this Ordinance. In the case of refunds of Fire/EMS Impact Fees under Sec. __-7, the City shall be entitled to retain not more than an additional two (2) percent of the Fire/EMS Impact Fee payment made as payment for the expenses of processing the reimbursement request.
- (g) If a Fire/EMS Impact Fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such overpayment. Any amounts underpaid by the Fee Payer shall be paid to the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such underpayment. In the case of an underpayment to the City, the City shall not issue any additional permits or approvals for the project for which the Fire/EMS Impact Fee was previously paid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City may also repeal any permits issued in reliance on the previous payment of such Fire/EMS Impact Fee and refund such Fee to the then current owner of the land.

- (h) In order to promote the economic development of the City and the provision of affordable housing in the City, the City Council may agree to pay some or all of the Fire/EMS Impact Fees imposed on a proposed development by this Ordinance from other funds of the City that are not restricted to other uses. Any such decision to pay Fire/EMS Impact Fees on behalf of a Fee Payer shall be at the discretion of the City Council and shall be made pursuant to goals and objectives previously adopted by the City Council to promote economic development and the provision of affordable housing.
- (i) Any determination made by any official of the City charged with the administration of any part of this Ordinance may be appealed to the City Council by filing with the Director of Planning or a designee within ten (10) days of the date of the determination being appealed: (1) a written Notice of Appeal on a form provided by the City, (2) a written explanation of why the appellant feels that a determination was in error, and (3) an appeal fee established by the City. The City Council shall promptly fix a time and place for hearing the appeal, and the City Clerk shall mail notice of the hearing to the appellant at the address given in the Notice of Appeal. The hearing shall be conducted at the time and place stated in such notice given by the City Council. The determination of the City Council shall be final.
- (j) The Fire/EMS Impact Fees described in this Ordinance and the administrative procedures of this Ordinance shall be reviewed at least once every five (5) years to ensure that (1) the demand and cost assumptions underlying such Fees are still valid, (2) the resulting Fees do not exceed the actual cost of constructing Improvements that are of the type for which the Fee was paid and that are required to serve new development, (3) the monies collected or to be collected in the Trust Fund have been and are expected to be spent for Improvements of the type for which such Fees were paid, and (4) such Improvements will benefit those developments for which the Fees were paid.
- (k) Violation of this Ordinance shall be a misdemeanor and shall be subject to those remedies provided in Bentonville Municipal Code section ___. Knowingly furnishing false information to any official of the City charged with the administration of this Ordinance on any matter relating to the administration of this Ordinance, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this Ordinance. In addition to or in lieu of any criminal prosecution, the City or any applicant for a Building Permit shall have the right to sue in civil court to enforce the provisions of this Ordinance.
- (l) The section titles used in this Ordinance are for convenience only, and shall not affect the interpretation of any portion of the text of this Ordinance.

PASSED and APPROVED this 8th day of January, 2002.

APPROVED:



MAYOR

ATTEST:



CITY/CLERK

**EXHIBIT A:
SCHEDULE OF FIRE/EMS IMPACT FEES**

Uses Categories				Fire/ EMS Fees	
RESIDENTIAL (PER UNIT)					
SF Detached				504	
All Other Residential				373	
NONRESIDENTIAL (PER 1,000 SF/PER ROOM (HOTEL/MOTEL/RESORT HOTEL))					
Commercial/Retail Centers					
50,000 sf or less				520	
50,001 – 100,000 sf				455	
100,001-200,00sf				404	
Over 201,001 sf				364	
General Office					
25,000 sf or less				735	
25,001- 50,000 sf				689	
50,001-100,000 sf				649	
Over 100,001 sf				609	
Business Park				575	
Light Industrial				420	
Warehousing				232	
Institutional				143	

EXHIBIT B

Beginning at the intersection of West Central Avenue and Northwest "D" Street, thence North to the intersection of Northwest "D" Street and Northwest 3rd Street, thence East to the intersection of Northeast 3rd Street and Northeast "C" Street, thence South to the centerline of Southeast 2nd Street approximately 350' east from the intersection of Southeast "B" Street, thence west to a point approximately 40' west of the intersection of Southeast "B" Street and Southeast 2nd Street, thence south to a point in the centerline of Southeast 10th Street approximately 100' East from the intersection Southeast Benton Street and Southeast 10th Street, thence west to a point in the centerline of Southeast 10th Street approximately 250' west of the intersection of Southeast 10th Street and Southeast Benton Street, thence South to the centerline of Southeast 14th Street (Arkansas Highway 102) approximately 250' west of the intersection of Southeast Benton Street and Southeast 14th Street (Arkansas Highway 102), thence West along said centerline to a point approximately 200' west of the intersection of Southwest "A" Street and Southwest 14th Street (Arkansas Highway 102), thence North to the centerline of Southwest 8th Street approximately 200' west of the intersection of Southwest "A" Street and Southwest 8th Street, thence West to the intersection of Southwest 8th Street and Southwest "B" Street, thence North to centerline of West Central Avenue approximately 930' East from the intersection of Northwest "D" Street, thence west to the point of beginning.

Ordinance No. 2006-116

Library Impact Fee Ordinance

**AN ORDINANCE ESTABLISHING A LIBRARY IMPACT FEE ON
CERTAIN IMPACT-GENERATING LAND DEVELOPMENT IN THE CITY
OF BENTONVILLE, ARKANSAS**

July 2006

TABLE OF CONTENTS

SEC. _-1:	LEGISLATIVE FINDINGS.....	1
SEC. _-2:	AUTHORITY AND APPLICABILITY	2
SEC. _-3:	INTENT	2
SEC. _-4:	DEFINITIONS	3
SEC. _-5	LIBRARY IMPACT FEES TO BE IMPOSED.....	4
SEC. _-6	USE OF LIBRARY IMPACT FEE FUNDS	6
SEC. _-7	REFUNDS OF LIBRARYIMPACT FEES PAID	7
SEC. _-8	CREDITS AGAINST LIBRARY IMPACT FEES	8
SEC. _-9	MISCELLANEOUS PROVISIONS.....	10

CHAPTER XX: LIBRARY IMPACT FEES

SEC. _-1: LEGISLATIVE FINDINGS

The City Council of Bentonville, Arkansas finds that:

- (a) Based on the community facility plans prepared by the City for Capital Library Facilities and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the City, it is necessary that the City's Capital Library Facilities be expanded and improved to accommodate growth and development within the City.
- (b) New residential and nonresidential development imposes increased and excessive demands upon these existing City facilities.
- (c) New development often overburdens these existing City facilities, and the tax revenues generated from new development often does not generate sufficient funds to provide the necessary Capital Library Facilities to accommodate new development.
- (d) New development is expected to continue, and will place ever-increasing demands on the City to provide these facilities to serve new development.
- (e) The creation of an equitable Development Impact Fee system would enable the City to impose a proportionate share of the costs of the needed Improvements to City Capital Library Facilities to accommodate new development, and implement the City's community facility plans for Capital Library Facilities.
- (f) In order to implement an equitable Development Impact Fee system and the City's community facility plans for Capital Library Facilities the City has prepared an Impact Fee Study for Capital Library Facilities dated April 27, 2006 (hereinafter "*Development Impact Fee Study*"), which is incorporated herein by reference, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Library Facilities and determines the cost of acquiring the Improvements necessary to meet the demands for such services created by new development.
- (g) The City hereby establishes as City standards the assumptions and Level of Service (LOS) standards referenced in the *Development Impact Fee Study* as part of its current plans for future expansions to the City's Capital Library Facilities.
- (h) The Library Impact Fees described in this Ordinance are based on the *Development Impact Fee Study*, and do not exceed the costs of Improvements to serve new development that will pay the Library Impact Fees.
- (i) All of the Capital Library Facilities listed in the *Development Impact Fee Study* will benefit all new development that depends on City services, and it is therefore appropriate to treat the entire City as a single service area for purposes of calculating, collecting, and spending the Library Impact Fees.

- (j) There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this Ordinance and the Library Impact Fees that such development will be required to pay.
- (k) This Ordinance creates a system by which Capital Library Impact Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements for City Capital Library Facilities in ways that benefit the development that paid each Fee within a reasonable period of time after the Fee is paid.
- (l) This Ordinance creates a system under which Library Impact Fees shall not be used to correct existing deficiencies for these capital Library facilities, or to replace or rehabilitate existing improvements.

SEC. __-2: AUTHORITY AND APPLICABILITY

- (a) This Ordinance is enacted pursuant to the City's general police power, the authority granted to the City by Ark. Code Ann. §§ 14-43-602, 14-56-411, 14-56-414 and 14-56-417, and the other relevant laws of the State of Arkansas.
- (b) The provisions of this Ordinance shall apply to all of the territory within the limits of the City.

SEC. __-3: INTENT

- (a) This Ordinance is adopted to help implement the Bentonville Comprehensive Plan and the City's community facility plans for Capital Library Facilities.
- (b) The intent of this Ordinance is to ensure that new development bears a proportionate share of the cost of Improvements to City Capital Library Facilities to ensure that such proportionate share does not exceed the cost of improvements for City Capital Library Facilities required to accommodate new development; and to ensure that funds collected from new development are actually used for Improvements for City Library Facilities that benefit such new development.
- (c) It is the further intent of this Ordinance that new development pay for its fair share of the cost of Improvements for City Capital Library Facilities required to accommodate new development through the imposition of Library Impact Fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements to the City Capital Library Facilities that serve or benefit such new development.
- (d) It is not the intent of this Ordinance to collect any money from any new development in excess of the actual amount necessary to offset new demands for City Capital Library Facilities.

- (e) It is not the intent of this Ordinance that any monies collected from any Development Impact Fee deposited in the Library Facilities Trust Fund ever be commingled with monies from a different City trust fund account, or ever be used for a type of facility or equipment different from that for which the Fee was paid, or ever be used to replace or rehabilitate existing improvements.

SEC. __-4: DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings:

- (a) **Building Permit.** A Building Permit issued by Chief Building Inspector permitting the construction of a building or structure within the City of Bentonville.
- (b) **Capital Library Facilities.** Buildings, improvements to land, and related equipment and resources, used for City libraries, as defined in the *Development Impact Fee Study*. The costs of Capital Library Facilities also include the costs of related planning.
- (c) **City.** The City of Bentonville, Arkansas.
- (d) **City Council.** The City Council of Bentonville, Arkansas.
- (e) **Development.** Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public services.
- (f) **Library Impact Fees.** The Library Impact Fee established by this Ordinance.
- (g) **Library Facilities Trust Fund.** The trust fund established by Section __-6 of this Ordinance which includes a Library Facilities Trust Fund is also called the Trust Fund.
- (h) **Fee Payer.** A person commencing Impact-Generating Land Development who is obligated to pay a Development Impact Fee in accordance with the terms of this Ordinance, or who would be obligated to pay such a Fee except for an exemption, refund, or credit provided for in this Ordinance.
- (i) **Impact Fee Study.** The *Development Impact Fee Study* prepared by the City that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Park/Open Space Facilities, Capital Library Facilities, Capital Police Facilities and Capital Fire/EMS Facilities and for determining the cost of these facilities necessary to meet the demands created by new development.
- (j) **Impact-Generating Land Development.** Land development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on Capital Library

Facilities. The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.

- (k) **Improvements.** The results of planning, engineering design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, vehicles, and financing associated with new or expanded capital facilities, buildings, and equipment that expand the capacity of a facility or service system, but not including maintenance, operations, or improvements that do not expand capacity.
- (l) **Independent Fee Calculation Study.** A study prepared by a Fee Payer, calculating the cost of expansions or improvements to the Capital Library Facilities required to serve the Fee Payer's proposed development, that is based on the established LOS standard, performed on an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the *Development Impact Fee Study*, and is performed in compliance with any criteria for such studies established by this Ordinance or by the City.
- (m) **Person.** Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.
- (n) **Site-Related Improvements.** All Capital Library Facilities located inside or outside the boundaries of the proposed development and designed and intended to serve only the needs of that development.
- (o) **State.** The state of Arkansas.
- (p) **Successor in Interest.** A person, as defined by this Ordinance, who gains a fee simple interest in land for which a Development Impact Fee is paid or a credit is approved pursuant to the terms of this Ordinance.

SEC. __-5: LIBRARY IMPACT FEES TO BE IMPOSED

- (a) Fee Obligation
 - 1. After the effective date of this Ordinance, any person who commences any Impact-Generating Land Development, except those exempted pursuant to Sec. ____-5 (b) below, shall be obligated to pay Library Impact Fees upon commencement of such activity. The amount of the Fees shall be determined in accordance with this Ordinance, and shall be paid to the City.
 - 2. All monies paid by a Fee Payer pursuant to this Ordinance shall be identified as Library Impact Fees and shall be promptly deposited in the Library Facilities Trust Fund described in Sec. ____-6.
 - 3. If the Fee Payer is applying for an extension of a permit issued previously, then the Library Impact Fees required to be paid shall be the net increase between the Library Impact Fees applicable at the time of the current permit application and any Library

Impact Fees previously paid pursuant to this Ordinance to finance similar types of Improvements to accommodate demands created by the same development.

4. If the Fee Payer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Library Impact Fees required to be paid shall be based on the net increase in the Fees for the new use as compared to the previous use.

(b) Exemptions

The following types of development shall be exempted from payment of the Library Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit for the proposed development that creates the obligation to pay the Library Impact Fees, and any claim for exemption not made at or before that time shall have been waived. The Director of Community Development or a designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

1. Reconstruction, expansion, or replacement of a previously existing residential unit that does not create any additional residential units.
2. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure and with no more than a five (5%) percent increase in floor area from the original structure.
3. Construction of unoccupied accessory structures related to a residential unit.
4. Projects for which a Library Impact Fee for each type of facility covered by this Ordinance has previously been paid in an amount that equals or exceeds the Library Impact Fee that would be required by this Ordinance.
5. Projects built by the federal government and the State.
6. Public schools.
7. Construction within the City's Downtown Redevelopment District as identified by the legal description and map attached hereto as Exhibits B and C.

(c) Calculation of Amount of Library Impact Fee(s)

1. Any person who commences any new Impact-Generating Land Development, except those exempted pursuant to this Ordinance, or those preparing an Independent Fee Calculation Study pursuant to this Ordinance, shall pay all Library Impact Fees applicable to the proposed development, as determined by the fee schedule included in this Ordinance as Exhibit "A," and incorporated herein by reference.
2. If the proposed development is of a type not listed in Exhibit "A," then the City shall use the Library Impact Fees applicable to the most nearly comparable type of land use listed in Exhibit "A."

3. If the proposed development includes a mix of those uses listed in Exhibit "A," then the Library Impact Fees shall be determined by adding up the Fees that would be payable for each use if it were a freestanding use pursuant to Exhibit "A."
4. In lieu of calculating the amount(s) of Library Impact Fees by reference to Exhibit "A," a Fee Payer may request that the amount of the required Development Impact Fee be determined by reference to an Independent Fee Calculation Study for the proposed development. If a Fee Payer requests the use of an Independent Fee Calculation Study, the Fee Payer shall be responsible for retaining a qualified professional to prepare the Independent Fee Calculation Study that complies with the requirements of this Ordinance, at the Fee Payer's expense.
5. Each Independent Fee Calculation Study shall be based on the same LOS standards and unit costs for Improvements used in the *Development Impact Fee Study*, and shall document the relevant methodologies and assumptions used.
6. Each Independent Fee Calculation Study shall be submitted to the Director of Community Development or a designee, and may be accepted, rejected, or accepted with modifications by the Director of Community Development or a designee as the basis for calculating Library Impact Fees. If an Independent Fee Calculation Study is accepted or accepted with modifications by the Director of Community Development or a designee as a more accurate measure of the demand for Capital Library Facilities created by the proposed development than the applicable fee shown in Exhibit "A," then the Library Impact Fees due under this Ordinance shall be calculated according to such Independent Fee Calculation Study.

SEC. _6: USE OF LIBRARY IMPACT FEE FUNDS

(a) Establishment of Trust Fund and Accounts

1. A Library Facilities Trust Fund (hereinafter "Trust Fund") is hereby established for the purpose of ensuring that the Library Impact Fees collected pursuant to this Ordinance are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Library Impact Fees.
2. The Trust Fund shall be maintained as an interest bearing account.

(b) Deposit and Management of the Trust Fund

All Library Impact Fees collected by the City pursuant to this Ordinance shall be promptly deposited into the Library Trust Fund.

(c) Limitations on Expenditures of Fees in Accounts

The monies collected from the Library Impact Fee shall be used only to plan for and acquire or construct Capital Library Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument

used to finance the acquisition or construction of Capital Library Facilities within the City, or reimburse the City for such.

SEC. _-7: REFUNDS OF LIBRARY IMPACT FEES PAID

(a) General

1. Any Library Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which such Fee was paid shall be returned to the Fee Payer or the Fee Payer's Successor in Interest, along with interest at the rate of four (4%) percent per year since the date of payment, except as otherwise noted in this Section. The City Council may by resolution extend for up to two (2) years the date at which Library Impact Fees must be refunded. Such an extension shall be made only upon a finding that within such two (2) year period, specific Improvements are planned and will be constructed for which the Library Impact Fees will be spent, and the Improvements are reasonably attributable to Fee Payers' Impact-Generating Land Development.
2. In order to be eligible to receive a refund of Library Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit a refund application to the Director of Community Development or a designee within six (6) months after the expiration period. If the Successor in Interest claims a refund of Library Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.
3. The Director of Community Development or a designee shall approve the refund application if it is determined that the Fee Payer or the Fee Payer's Successor in Interest has paid a fee that the City has not spent within the period of time permitted under this section. The refund shall include the Library Impact Fee paid plus interest of four (4%) per cent a year.

(b) Limitations

1. If a Fee Payer has paid a Library Impact Fee required by this Ordinance and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Fee Payer or the Fee Payer's Successor in Interest shall be entitled to a refund of the Fee paid, without interest. In order to be eligible to receive a refund of Library Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit an application for such refund to the Director of Community Development or a designee within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor in Interest claims a refund of Library Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.
2. After a Library Impact Fee has been paid pursuant to this Ordinance, no refund of any part of such Fee shall be made if the project for which the Fee was paid is later

demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

SEC. _8: CREDITS AGAINST LIBRARY IMPACT FEES

(a) General

1. All mandatory or voluntary land dedication for City Capital Library Facilities, and all mandatory or voluntary acquisition or construction of Improvements for City Capital Library Facilities by a Fee Payer in connection with a proposed Impact-Generating Land Development, shall result in a pro rata credit against the Library Impact Fee for which the land dedication or construction of Improvements is offered and accepted, except that no credit shall be awarded for (a) land dedications for or acquisition or construction of Site-Related Improvements or (b) any voluntary land dedications not accepted by the City, or (c) any voluntary acquisition or construction of Improvements not approved in writing by the City prior to commencement of the acquisition or construction, or (d) any mandatory or voluntary dedication, construction, or acquisition of a type of Improvement not included in the calculation of the Library Impact Fees in the *Development Impact Fee Study*. A credit shall not exceed the amount of the Library Impact Fee due.

(b) Valuation of Credit

1. Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at (a) one hundred (100) percent of the most recent assessed value for such land as shown in the records of the City Clerk, or (b) that fair market value established by a private appraiser acceptable to the City in an appraisal paid for by the Fee Payer.
2. Credit for qualifying acquisition or construction of Improvements shall be valued by the City based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the City. The City shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the City.

(c) When Credits Become Effective

1. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form acceptable to the City at no cost to the City, and has been accepted by the City Council. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.
2. Approved credits for acquisition or construction of Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the City, (b) a suitable maintenance and warranty bond has been received and approved by the City, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance

with all applicable City and State requirements. Approved credits for the construction of Improvements may become effective at an earlier date if the Fee Payer posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted to the City. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the City to construct the Improvements for which the credit was given, whichever is higher. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

(d) Application Procedures

1. In order to obtain a credit against Library Impact Fees otherwise due, a Fee Payer must submit a written offer to dedicate to the Director of Community Development or a designee for specific parcels of qualifying land or to acquire or construct specific Improvements to the City Capital Library Facilities, in accordance with all applicable State or City design and construction standards, and must specifically request a credit against the type of Library Impact Fees for which the land dedication or improvement is offered. Such written request must be made on a form provided by the City, must contain a statement under oath of the facts that qualify the Fee Payer to receive a credit, must be accompanied by documents evidencing those facts, and must be filed prior to the time the Fee Payer applies for the first Building Permit that creates an obligation to pay the Library Impact Fee against which the credit is requested, or the claim for the credit shall be waived.
2. After receipt of the request for credit, the Director of Community Development or a designee shall review the request and determine whether it is appropriate for the City to accept or reject the requested credit pursuant to the criteria and other requirements of this section. If the Director of Community Development or a designee determines acceptance of the credit is appropriate, the credit shall be accepted pursuant to and consistent with the requirements of this section and Ordinance.

(e) Transferability of Credit

A credit may be transferred only by the owner of the development that has received the credit and by a Successor in Interest to whom credit is transferred pursuant to the terms of this Ordinance. A credit may be transferred only to a Successor in Interest. It shall be transferred by any written instrument clearly identifying which credits issued under this Ordinance are to be transferred. The instrument must be signed by both the transferor and transferee, and the document shall be delivered to the City for registration of the change in ownership.

(f) Accounting of Credits

Each time a request to use approved credits is presented to the City, the City shall reduce the amount of the Development Impact Fee for the type of fee for which the credit is provided, and shall note in the City's records the amount of credit remaining, if any. Upon request of the Fee Payer or the Fee Payer's transferee, the City shall issue a letter stating the amount of credit remaining.

SEC. __-9: MISCELLANEOUS PROVISIONS

- (a) Interest earned on monies in Library Facilities Trust Fund shall be considered part of the Trust Fund and shall be subject to the same restrictions on use applicable to the impact fees deposited in the Trust Fund.
- (b) Monies in the Trust Fund shall be considered to be spent in the order collected, on a first-in/first-out basis.
- (c) No monies from the Trust Fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type or to cure deficiencies in Capital Library Facilities existing on the effective date of this Ordinance (insert effective date).
- (d) Nothing in this Ordinance shall restrict the City from requiring an applicant for a development approval or Building Permit to construct reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits are available under Sec. __-8 of this Ordinance.
- (e) At least once during each fiscal year of the City, the Director of Community Development or a designee shall present to the City Council a proposed capital improvements program for the City Capital Library Facilities including related equipment and vehicles, and such capital improvements program shall assign monies from the Trust Fund to specific projects and related expenses for the type of facilities or services for which the fees in the Trust Fund were paid. Any monies, including any accrued interest not assigned to specific projects within such capital improvements program and not expended pursuant to Sec. __-6 (c) shall be retained in the Trust Fund until the next fiscal year.
- (f) The City shall be entitled to retain not more than two (2) percent of the Library Impact Fees collected as payment for the expenses of collecting the fees and administering this Ordinance. In the case of refunds of Library Impact Fees under Sec. __-7, the City shall be entitled to retain not more than an additional two (2) percent of the Library Impact Fee payment made as payment for the expenses of processing the reimbursement request.
- (g) If a Library Impact Fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such overpayment. Any amounts underpaid by the Fee Payer shall be paid to the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such underpayment. In the case of an underpayment to the City, the City shall not issue any additional permits or approvals for the project for which the Library Impact Fee was previously paid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City

may also repeal any permits issued in reliance on the previous payment of such Library Impact Fee and refund such Fee to the then current owner of the land.

- (h) In order to promote the economic development of the City, the City Council may agree to pay some or all of the Library Impact Fees imposed on a proposed development by this Ordinance from other funds of the City that are not restricted to other uses. Any such decision to pay Library Impact Fees on behalf of a Fee Payer shall be at the discretion of the City Council and shall be made pursuant to goals and objectives previously adopted by the City Council to promote economic development.
- (i) Any determination made by any official of the City charged with the administration of any part of this Ordinance may be appealed to the City Council by filing with the Director of Community Development or a designee within ten (10) days of the date of the determination being appealed: (1) a written Notice of Appeal on a form provided by the City, (2) a written explanation of why the appellant feels that a determination was in error, and (3) an appeal fee established by the City. The City Council shall promptly fix a time and place for hearing the appeal, and the City Clerk shall mail notice of the hearing to the appellant at the address given in the Notice of Appeal. The hearing shall be conducted at the time and place stated in such notice given by the City Council. The determination of the City Council shall be final.
- (j) The Library Impact Fees described in this Ordinance and the administrative procedures of this Ordinance shall be reviewed at least once every five (5) years to ensure that (1) the demand and cost assumptions underlying such Fees are still valid, (2) the resulting Fees do not exceed the actual cost of constructing Improvements that are of the type for which the Fee was paid and that are required to serve new development, (3) the monies collected or to be collected in the Trust Fund have been and are expected to be spent for Improvements of the type for which such Fees were paid, and (4) that such Improvements will benefit those developments for which the Fees were paid.
- (k) Violation of this Ordinance shall be a misdemeanor and shall be subject to those remedies provided in Bentonville Municipal Code section _____. Knowingly furnishing false information to any official of the City charged with the administration of this Ordinance on any matter relating to the administration of this Ordinance, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this Ordinance. In addition to or in lieu of any criminal prosecution, the City or any applicant for a Building Permit shall have the right to sue in civil court to enforce the provisions of this Ordinance.
- (l) The section titles used in this Ordinance are for convenience only, and shall not affect the interpretation of any portion of the text of this Ordinance.

PASSED and APPROVED this 25th day of July, 2006

APPROVED:



MAYOR

ATTEST:



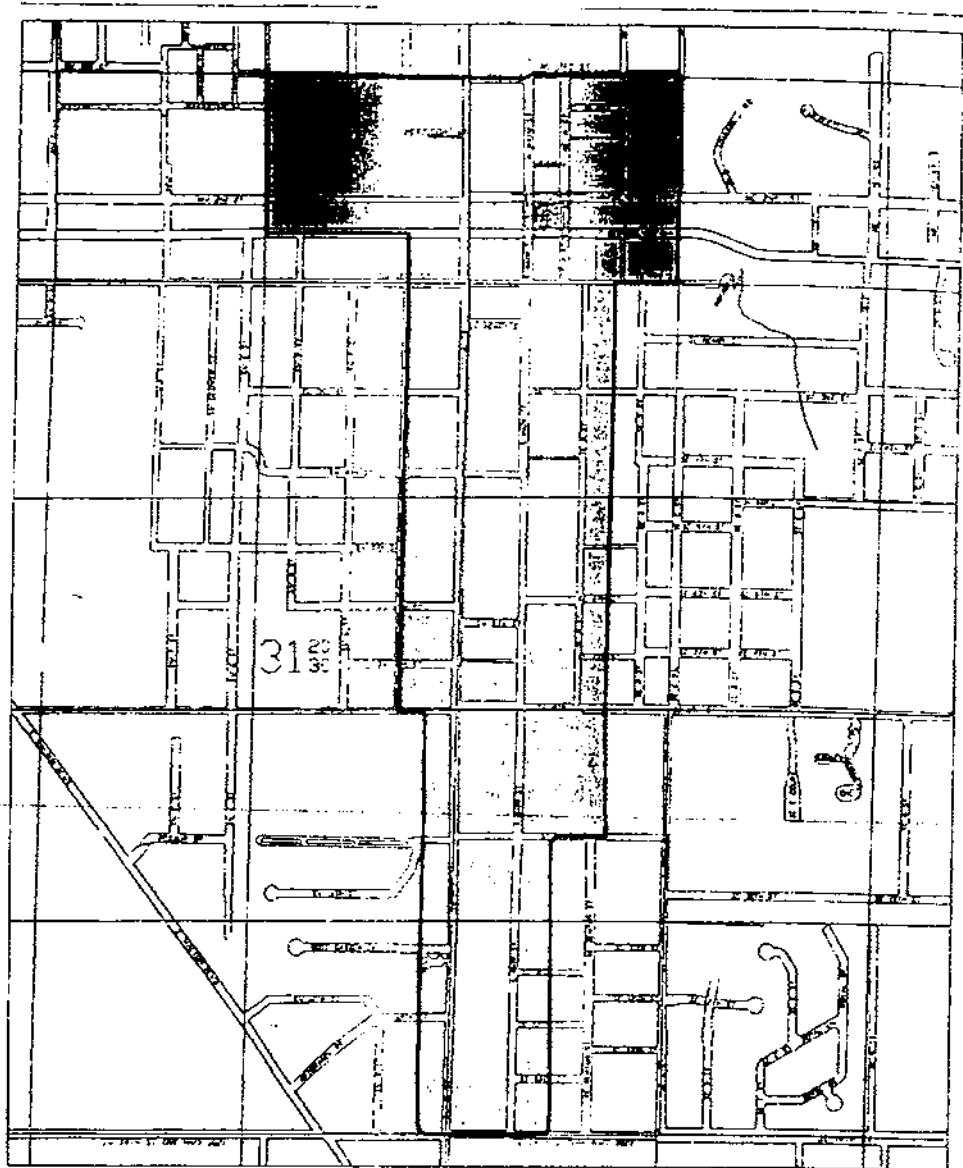
CITY CLERK

**EXHIBIT A:
SCHEDULE OF LIBRARY IMPACT FEES**

Uses Categories	Library					
RESIDENTIAL (PER UNIT)						
SF Detached	\$428.00					
All Other Residential	\$308.00					

EXHIBIT B

Beginning at the intersection of West Central Avenue and Northwest "D" Street, thence North to the intersection of Northwest "D" Street and Northwest 3rd Street, thence East to the intersection of Northeast 3rd Street and Northeast "C" Street, thence South to the centerline of Southeast 2nd Street approximately 350' east from the intersection of Southeast "B" Street, thence west to a point approximately 40' west of the intersection of Southeast "B" Street and Southeast 2nd Street, thence south to a point in the centerline of Southeast 10th Street approximately 100' East from the intersection Southeast Benton Street and Southeast 10th Street, thence west to a point in the centerline of Southeast 10th Street approximately 250' west of the intersection of Southeast 10th Street and Southeast Benton Street, thence South to the centerline of Southeast 14th Street (Arkansas Highway 102) approximately 250' west of the intersection of Southeast Benton Street and Southeast 14th Street (Arkansas Highway 102), thence West along said centerline to a point approximately 200' west of the intersection of Southwest "A" Street and Southwest 14th Street (Arkansas Highway 102), thence North to the centerline of Southwest 6th Street approximately 200' west of the intersection of Southwest "A" Street and Southwest 6th Street, thence West to the intersection of Southwest 8th Street and Southwest "B" Street, thence North to centerline of West Central Avenue approximately 930' East from the intersection of Northwest "D" Street, thence west to the point of beginning.



**DOWNTOWN REDEVELOPMENT
DISTRICT**

EXHIBIT "C"



Ordinance No. 2006-117

**Bentonville, Arkansas
Park/Open Space Impact Fee Ordinance**

**AN ORDINANCE ESTABLISHING A PARK/OPEN SPACE IMPACT FEE
ON CERTAIN IMPACT-GENERATING LAND DEVELOPMENT IN THE
CITY OF BENTONVILLE, ARKANSAS**

July 2006

TABLE OF CONTENTS

SEC. _-1:	LEGISLATIVE FINDINGS.....	1
SEC. _-2:	AUTHORITY AND APPLICABILITY.....	2
SEC. _-3:	INTENT	2
SEC. _-4:	DEFINITIONS.....	3
SEC. _-5	PARK/OPEN SPACE IMPACT FEES TO BE IMPOSED	4
SEC. _-6	USE OF PARK/OPEN SPACE IMPACT FEE FUNDS.....	6
SEC. _-7	REFUNDS OF PARK/OPEN SPACE IMPACT FEES PAID	7
SEC. _-8	CREDITS AGAINST PARK/OPEN SPACE IMPACT FEES.....	8
SEC. _-9	MISCELLANEOUS PROVISIONS	10

CHAPTER XX: PARK/OPEN SPACE IMPACT FEES

SEC. __-1: LEGISLATIVE FINDINGS

The City Council of Bentonville, Arkansas finds that:

- (a) Based on the community facility plans prepared by the City for Capital Park/Open Space Facilities and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the City, it is necessary that the City's Capital Park/Open Space Facilities be expanded and improved to accommodate growth and development within the City.
- (b) New residential and nonresidential development imposes increased and excessive demands upon these existing City facilities.
- (c) New development often overburdens these existing City facilities, and the tax revenues generated from new development often does not generate sufficient funds to provide the necessary Capital Park/Open Space Facilities to accommodate new development.
- (d) New development is expected to continue, and will place ever-increasing demands on the City to provide these facilities to serve new development.
- (e) The creation of an equitable Development Impact Fee system would enable the City to impose a proportionate share of the costs of the needed Improvements to City Capital Park/Open Space Facilities to accommodate new development, and implement the City's community facility plans for Capital Park/Open Space Facilities.
- (f) In order to implement an equitable Development Impact Fee system and the City's community facility plans for Capital Park/Open Space Facilities the City has prepared an Impact Fee Study for Capital Parks/Open Space Facilities dated April 27, 2006 (hereinafter "*Development Impact Fee Study*"), which is incorporated herein by reference, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Park/Open Space Facilities and determines the cost of acquiring the Improvements necessary to meet the demands for such services created by new development.
- (g) The City hereby establishes as City standards the assumptions and Level of Service (LOS) standards referenced in the *Development Impact Fee Study* as part of its current plans for future expansions to the City's Capital Park/Open Space Facilities.
- (h) The Parks / Open Space Impact Fees described in this Ordinance are based on the *Development Impact Fee Study*, and do not exceed the costs of Improvements to serve new development that will pay the Parks / Open Space Impact Fees.
- (i) All of the Capital Park/Open Space Facilities listed in the *Development Impact Fee Study* will benefit all new development that depends on City services, and it is

therefore appropriate to treat the entire City as a single service area for purposes of calculating, collecting, and spending the Park/Open Space Impact Fees.

- (j) There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this Ordinance and the Park/Open Space Impact Fees that such development will be required to pay.
- (k) This Ordinance creates a system by which Capital Park / Open Space Impact Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements for City Capital Park/Open Space Facilities in ways that benefit the development that paid each Fee within a reasonable period of time after the Fee is paid.
- (l) This Ordinance creates a system under which Parks / Open Space Impact Fees shall not be used to correct existing deficiencies for these capital Parks / Open Space facilities, or to replace or rehabilitate existing improvements.

SEC. _-2: AUTHORITY AND APPLICABILITY

- (a) This Ordinance is enacted pursuant to the City's general police power, the authority granted to the City by Ark. Code Ann. §§ 14-43-602, 14-56-411, 14-56-414 and 14-56-417, and the other relevant laws of the State of Arkansas.
- (b) The provisions of this Ordinance shall apply to all of the territory within the limits of the City.

SEC. _-3: INTENT

- (a) This Ordinance is adopted to help implement the Bentonville Comprehensive Plan and the City's community facility plans for Capital Park/Open Space Facilities.
- (b) The intent of this Ordinance is to ensure that new development bears a proportionate share of the cost of Improvements to City Capital Park/Open Space Facilities to ensure that such proportionate share does not exceed the cost of Improvements for City Capital Park/Open Space Facilities required to accommodate new development; and to ensure that funds collected from new development are actually used for Improvements for City Capital Park/Open Space Facilities that benefit such new development.
- (c) It is the further intent of this Ordinance that new development pay for its fair share of the cost of Improvements for City Capital Park/Open Space Facilities required to accommodate new development through the imposition of Park/Open Space Impact Fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements to the City Capital Park/Open Space Facilities that serve or benefit such new development.

- (d) It is not the intent of this Ordinance to collect any money from any new development in excess of the actual amount necessary to offset new demands for City Capital Park/Open Space Facilities.
- (e) It is not the intent of this Ordinance that any monies collected from any Development Impact Fee deposited in the Parks / Open Space Facilities Trust Fund ever be commingled with monies from a different City trust fund account, or ever be used for a type of facility or equipment different from that for which the Fee was paid, or ever be used to replace or rehabilitate existing Improvements.

SEC. __-4: DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings:

- (a) **Building Permit.** A Building Permit issued by Chief Building Inspector permitting the construction of a building or structure within the City of Bentonville.
- (b) **Capital Park/Open Space Facilities.** Open space lands, as well as buildings, improvements to land, and related equipment and vehicles, used for public park/open spaces, recreation facilities, and open spaces, and trails, as defined in the *Development Impact Fee Study*. The costs of Capital Parks Facilities also include the costs of related planning.
- (c) **City.** The City of Bentonville, Arkansas.
- (d) **City Council.** The City Council of Bentonville, Arkansas.
- (e) **Development.** Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public services.
- (f) **Park/Open Space Impact Fees.** The Park/Open Space Impact Fee established by this Ordinance.
- (g) **Park/Open Space Facilities Trust Fund.** The trust fund established by Section __-6 of this Ordinance which includes a Park/Open Space Facilities Trust Fund is also called the Trust Fund.
- (h) **Fee Payer.** A person commencing Impact-Generating Land Development who is obligated to pay a Development Impact Fee in accordance with the terms of this Ordinance, or who would be obligated to pay such a Fee except for an exemption, refund, or credit provided for in this Ordinance.
- (i) **Impact Fee Study.** The *Development Impact Fee Study* prepared by the City that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Park/Open Space Facilities, Capital Library Facilities, Capital Police Facilities and Capital Fire/EMS Facilities, and for determining the cost of these facilities necessary to meet the demands created by new development.

- (j) **Impact-Generating Land Development.** Land development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on Capital Park/Open Space Facilities. The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.
- (k) **Improvements.** The results of planning, engineering design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, vehicles, and financing associated with new or expanded capital facilities, buildings, and equipment that expand the capacity of a facility or service system, but not including maintenance, operations, or improvements that do not expand capacity.
- (l) **Independent Fee Calculation Study.** A study prepared by a Fee Payer, calculating the cost of expansions or improvements to the Capital Park/Open Space Facilities required to serve the Fee Payer's proposed development, that is based on the established LOS standard, performed on an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the *Development Impact Fee Study*, and is performed in compliance with any criteria for such studies established by this Ordinance or by the City.
- (m) **Person.** Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.
- (n) **Site-Related Improvements.** All Capital Park/Open Space Facilities located inside or outside the boundaries of the proposed development and designed and intended to serve only the needs of that development.
- (o) **State.** The state of Arkansas.
- (p) **Successor in Interest.** A person, as defined by this Ordinance, who gains a fee simple interest in land for which a Development Impact Fee is paid or a credit is approved pursuant to the terms of this Ordinance.

SEC. __-5: PARKS/OPEN SPACE IMPACT FEES TO BE IMPOSED

- (a) **Fee Obligation**
 - 1. After the effective date of this Ordinance, any person who commences any Impact-Generating Land Development, except those exempted pursuant to Sec. ____-5 (b) below, shall be obligated to pay Parks/Open Space Impact Fees upon commencement of such activity. The amount of the Fees shall be determined in accordance with this Ordinance, and shall be paid to the City.
 - 2. All monies paid by a Fee Payer pursuant to this Ordinance shall be identified as Parks/Open Space Impact Fees and shall be promptly deposited in the Parks/Open Space Facilities Trust Fund described in Sec. ____-6.

3. If the Fee Payer is applying for an extension of a permit issued previously, then the Parks/Open Space Impact Fees required to be paid shall be the net increase between the Park/Open Space Impact Fees applicable at the time of the current permit application and any Park/Open Space Impact Fees previously paid pursuant to this Ordinance to finance similar types of Improvements to accommodate demands created by the same development.
4. If the Fee Payer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Park/Open Space Impact Fees required to be paid shall be based on the net increase in the Fees for the new use as compared to the previous use.

(b) Exemptions

The following types of development shall be exempted from payment of the Park/Open Space Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit for the proposed development that creates the obligation to pay the Park/Open Space Impact Fees, and any claim for exemption not made at or before that time shall have been waived. The Director of Community Development or a designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

1. Reconstruction, expansion, or replacement of a previously existing residential unit that does not create any additional residential units.
2. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure and with no more than a five (5%) percent increase in floor area from the original structure.
3. Construction of unoccupied accessory structures related to a residential unit.
4. Projects for which a Park/Open Space Impact Fee for each type of facility covered by this Ordinance has previously been paid in an amount that equals or exceeds the Park/Open Space Impact Fee that would be required by this Ordinance.
5. Projects built by the federal government and the State.
6. Public schools.
7. Construction within the City's Downtown Redevelopment District as identified by the legal description and map attached hereto as Exhibits B and C.

(c) Calculation of Amount of Park/Open Space Impact Fee(s)

1. Any person who commences any new Impact-Generating Land Development, except those exempted pursuant to this Ordinance, or those preparing an Independent Fee Calculation Study pursuant to this Ordinance, shall pay all Park/Open Space Impact Fees applicable to the proposed development, as determined by the fee schedule included in this Ordinance as Exhibit "A," and incorporated herein by reference.

2. If the proposed development is of a type not listed in Exhibit "A," then the City shall use the Park/Open Space Impact Fees applicable to the most nearly comparable type of land use listed in Exhibit "A."
3. If the proposed development includes a mix of those uses listed in Exhibit "A," then the Park/Open Space Impact Fees shall be determined by adding up the Fees that would be payable for each use if it were a freestanding use pursuant to Exhibit "A."
4. In lieu of calculating the amount(s) of Park/Open Space Impact Fees by reference to Exhibit "A," a Fee Payer may request that the amount of the required Development Impact Fee be determined by reference to an Independent Fee Calculation Study for the proposed development. If a Fee Payer requests the use of an Independent Fee Calculation Study, the Fee Payer shall be responsible for retaining a qualified professional to prepare the Independent Fee Calculation Study that complies with the requirements of this Ordinance, at the Fee Payer's expense.
5. Each Independent Fee Calculation Study shall be based on the same LOS standards and unit costs for Improvements used in the *Development Impact Fee Study*, and shall document the relevant methodologies and assumptions used.
6. Each Independent Fee Calculation Study shall be submitted to the Director of Community Development or a designee, and may be accepted, rejected, or accepted with modifications by the Director of Community Development or a designee as the basis for calculating Park/Open Space Impact Fees. If an Independent Fee Calculation Study is accepted or accepted with modifications by the Director of Community Development or a designee as a more accurate measure of the demand for Capital Park/Open Space Facilities created by the proposed development than the applicable fee shown in Exhibit "A," then the Park/Open Space Impact Fees due under this Ordinance shall be calculated according to such Independent Fee Calculation Study.

SEC. _6: USE OF PARK/OPEN SPACE IMPACT FEE FUNDS

(a) Establishment of Trust Fund and Accounts

1. A Park/Open Space Facilities Trust Fund (hereinafter "Trust Fund") is hereby established for the purpose of ensuring that the Park/Open Space Impact Fees collected pursuant to this Ordinance are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Park/Open Space Impact Fees.
2. The Trust Fund shall be maintained as an interest bearing account.

(b) Deposit and Management of the Trust Fund

All Park/Open Space Impact Fees collected by the City pursuant to this Ordinance shall be promptly deposited into the Park/Open Space Trust Fund.

(c) Limitations on Expenditures of Fees in Accounts

The monies collected from the Park/Open Space Impact Fee shall be used only to plan for and acquire or construct Capital Park/Open Space Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Capital Park/Open Space Facilities within the City, or reimburse the City for such.

SEC. _7: REFUNDS OF PARK/OPEN SPACE IMPACT FEES PAID

(a) General

1. Any Park/Open Space Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which such Fee was paid shall be returned to the Fee Payer or the Fee Payer's Successor in Interest, along with interest at the rate of four (4%) percent per year since the date of payment, except as otherwise noted in this Section. The City Council may by resolution extend for up to two (2) years the date at which Park/Open Space Impact Fees must be refunded. Such an extension shall be made only upon a finding that within such two (2) year period, specific Improvements are planned and will be constructed for which the Park/Open Space Impact Fees will be spent, and the Improvements are reasonably attributable to Fee Payers' Impact-Generating Land Development.
2. In order to be eligible to receive a refund of Park/Open Space Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit a refund application to the Director of Community Development or a designee within six (6) months after the expiration period. If the Successor in Interest claims a refund of Park/Open Space Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.
3. The Director of Community Development or a designee shall approve the refund application if it is determined that the Fee Payer or the Fee Payer's Successor in Interest has paid a fee that the City has not spent within the period of time permitted under this section. The refund shall include the Park/Open Space Impact Fee paid plus interest of four (4%) per cent a year.

(b) Limitations

1. If a Fee Payer has paid a Park/Open Space Impact Fee required by this Ordinance and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Fee Payer or the Fee Payer's Successor in Interest shall be entitled to a refund of the Fee paid, without interest. In order to be eligible to receive a refund of Park/Open Space Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit an application for such refund to the Director of Community Development or a designee within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor in Interest claims a refund of

Park/Open Space Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.

2. After a Park/Open Space Impact Fee has been paid pursuant to this Ordinance, no refund of any part of such Fee shall be made if the project for which the Fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

SEC. _8: CREDITS AGAINST PARK/OPEN SPACE IMPACT FEES

(a) General

All mandatory or voluntary land dedication for City Capital Park/Open Space Facilities, and all mandatory or voluntary acquisition or construction of Improvements for City Capital Park/Open Space Facilities by a Fee Payer in connection with a proposed Impact-Generating Land Development, shall result in a pro rata credit against the Park/Open Space Facilities Impact Fee for which the land dedication or construction of Improvements is offered and accepted, except that no credit shall be awarded for (a) land dedications for or acquisition or construction of Site-Related Improvements or (b) any voluntary land dedications not accepted by the City, or (c) any voluntary acquisition or construction of Improvements not approved in writing by the City prior to commencement of the acquisition or construction, or (d) any mandatory or voluntary dedication, construction, or acquisition of a type of Improvement not included in the calculation of the Park/Open Space Impact Fees in the *Development Impact Fee Study*. A credit shall not exceed the amount of the Park/Open Space Impact Fee due.

(b) Valuation of Credit

1. Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at (a) one hundred (100) percent of the most recent assessed value for such land as shown in the records of the City Clerk, or (b) that fair market value established by a private appraiser acceptable to the City in an appraisal paid for by the Fee Payer.
2. Credit for qualifying acquisition or construction of Improvements shall be valued by the City based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the City. The City shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the City.

(c) When Credits Become Effective

1. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form acceptable to the City at no cost to the City, and has been accepted by the City Council. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

2. Approved credits for acquisition or construction of Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the City, (b) a suitable maintenance and warranty bond has been received and approved by the City, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable City and State requirements. Approved credits for the construction of Improvements may become effective at an earlier date if the Fee Payer posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted to the City. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the City to construct the Improvements for which the credit was given, whichever is higher. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

(d) Application Procedures

1. In order to obtain a credit against Park/Open Space Impact Fees otherwise due, a Fee Payer must submit a written offer to dedicate to the Director of Community Development or a designee for specific parcels of qualifying land or to acquire or construct specific Improvements to the City Capital Park/Open Space Facilities, in accordance with all applicable State or City design and construction standards, and must specifically request a credit against the type of Park/Open Space Impact Fees for which the land dedication or Improvement is offered. Such written request must be made on a form provided by the City, must contain a statement under oath of the facts that qualify the Fee Payer to receive a credit, must be accompanied by documents evidencing those facts, and must be filed prior to the time the Fee Payer applies for the first Building Permit that creates an obligation to pay the Park/Open Space Impact Fee against which the credit is requested, or the claim for the credit shall be waived.
2. After receipt of the request for credit, the Director of Community Development or a designee shall review the request and determine whether it is appropriate for the City to accept or reject the requested credit pursuant to the criteria and other requirements of this section. If the Director of Community Development or a designee determines acceptance of the credit is appropriate, the credit shall be accepted pursuant to and consistent with the requirements of this section and Ordinance.

(e) Transferability of Credit

A credit may be transferred only by the owner of the development that has received the credit and by a Successor in Interest to whom credit is transferred pursuant to the terms of this Ordinance. A credit may be transferred only to a Successor in Interest. It shall be transferred by any written instrument clearly identifying which credits issued under this Ordinance are to be transferred. The instrument must be signed by both the transferor and transferee, and the document shall be delivered to the City for registration of the change in ownership.

(f) Accounting of Credits

Each time a request to use approved credits is presented to the City, the City shall reduce the amount of the Development Impact Fee for the type of fee for which the credit is provided, and shall note in the City's records the amount of credit remaining, if any. Upon request of the Fee Payer or the Fee Payer's transferee, the City shall issue a letter stating the amount of credit remaining.

SEC. __-9: MISCELLANEOUS PROVISIONS

- (a) Interest earned on monies in Parks/Open Space Facilities Trust Fund shall be considered part of the Trust Fund and shall be subject to the same restrictions on use applicable to the impact fees deposited in the Trust Fund.
- (b) Monies in the Trust Fund shall be considered to be spent in the order collected, on a first-in/first-out basis.
- (c) No monies from the Trust Fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type or to cure deficiencies in Capital Park/Open Space Facilities existing on the effective date of this Ordinance (insert effective date).
- (d) Nothing in this Ordinance shall restrict the City from requiring an applicant for a development approval or Building Permit to construct reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits are available under Sec. __-8 of this Ordinance.
- (e) At least once during each fiscal year of the City, the Director of Community Development or a designee shall present to the City Council a proposed capital improvements program for the City Capital Park/Open Space Facilities including related equipment and vehicles, and such capital improvements program shall assign monies from the Trust Fund to specific projects and related expenses for the type of facilities or services for which the fees in the Trust Fund were paid. Any monies, including any accrued interest not assigned to specific projects within such capital improvements program and not expended pursuant to Sec. __-6 (c) shall be retained in the Trust Fund until the next fiscal year.
- (f) The City shall be entitled to retain not more than two (2) percent of the Park/Open Space Impact Fees collected as payment for the expenses of collecting the fees and administering this Ordinance. In the case of refunds of Park/Open Space Impact Fees under Sec. __-7, the City shall be entitled to retain not more than an additional two (2) percent of the Park/Open Space Impact Fee payment made as payment for the expenses of processing the reimbursement request.
- (g) If a Park/Open Space Impact Fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such overpayment. Any amounts underpaid by the Fee Payer shall be paid to the City within thirty (30) days after the City's

acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such underpayment. In the case of an underpayment to the City, the City shall not issue any additional permits or approvals for the project for which the Park/Open Space Impact Fee was previously paid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City may also repeal any permits issued in reliance on the previous payment of such Park/Open Space Impact Fee and refund such Fee to the then current owner of the land.

- (h) In order to promote the economic development of the City, the City Council may agree to pay some or all of the Park/Open Space Impact Fees imposed on a proposed development by this Ordinance from other funds of the City that are not restricted to other uses. Any such decision to pay Park/Open Space Impact Fees on behalf of a Fee Payer shall be at the discretion of the City Council and shall be made pursuant to goals and objectives previously adopted by the City Council to promote economic development.
- (i) Any determination made by any official of the City charged with the administration of any part of this Ordinance may be appealed to the City Council by filing with the Director of Community Development or a designee within ten (10) days of the date of the determination being appealed: (1) a written Notice of Appeal on a form provided by the City, (2) a written explanation of why the appellant feels that a determination was in error, and (3) an appeal fee established by the City. The City Council shall promptly fix a time and place for hearing the appeal, and the City Clerk shall mail notice of the hearing to the appellant at the address given in the Notice of Appeal. The hearing shall be conducted at the time and place stated in such notice given by the City Council. The determination of the City Council shall be final.
- (j) The Park/Open Space Impact Fees described in this Ordinance and the administrative procedures of this Ordinance shall be reviewed at least once every five (5) years to ensure that (1) the demand and cost assumptions underlying such Fees are still valid, (2) the resulting Fees do not exceed the actual cost of constructing Improvements that are of the type for which the Fee was paid and that are required to serve new development, (3) the monies collected or to be collected in the Trust Fund have been and are expected to be spent for Improvements of the type for which such Fees were paid, and (4) that such Improvements will benefit those developments for which the Fees were paid.
- (k) Violation of this Ordinance shall be a misdemeanor and shall be subject to those remedies provided in Bentonville Municipal Code section _____. Knowingly furnishing false information to any official of the City charged with the administration of this Ordinance on any matter relating to the administration of this Ordinance, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this Ordinance. In addition to or in lieu of any criminal prosecution, the City or any applicant for a Building Permit shall have the right to sue in civil court to enforce the provisions of this Ordinance.
- (l) The section titles used in this Ordinance are for convenience only, and shall not affect the interpretation of any portion of the text of this Ordinance.

PASSED and APPROVED this 25th day of July, 2006

APPROVED:


MAYOR

ATTEST:

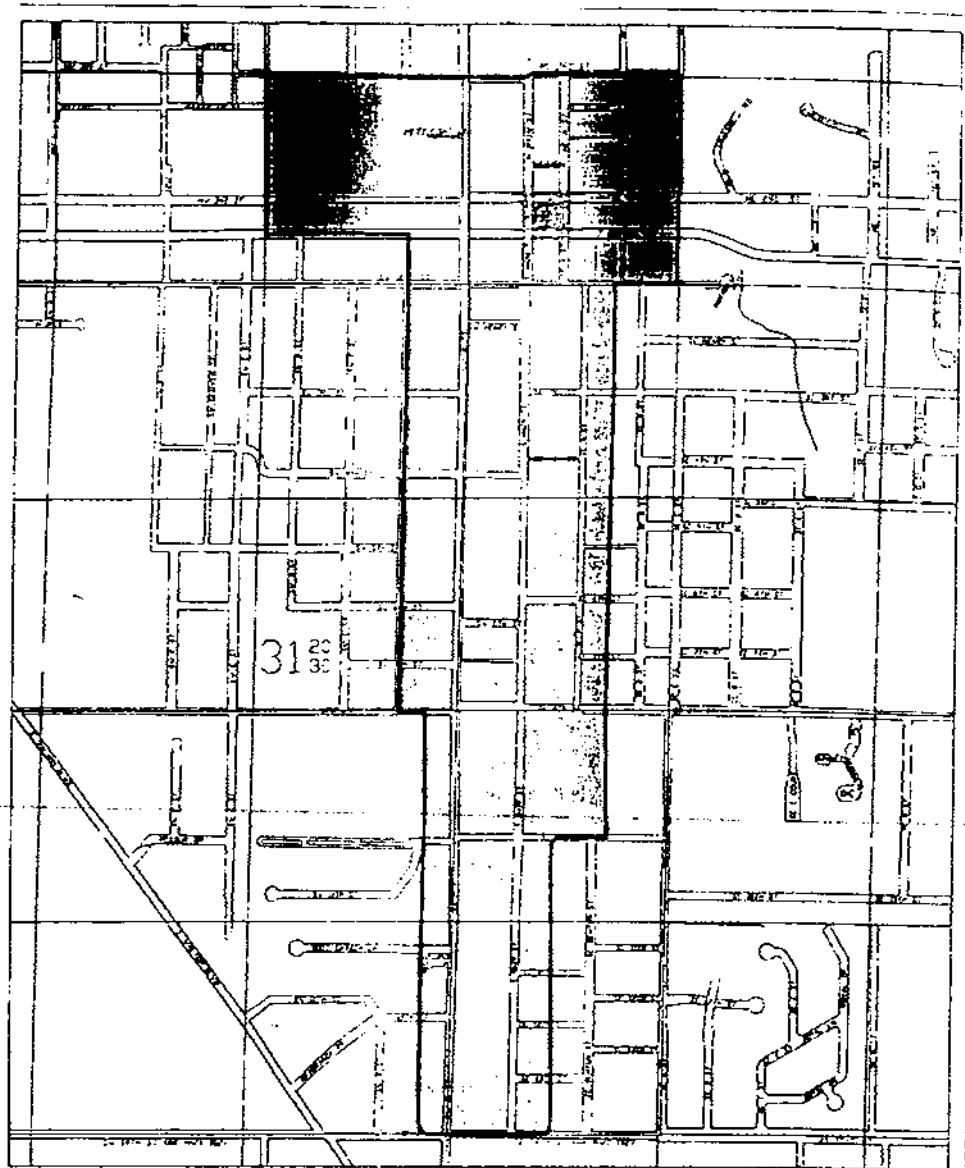

CITY CLERK

**EXHIBIT A:
SCHEDULE OF PARK/OPEN SPACE IMPACT FEES**

Uses Categories	Parks/Open Space				
RESIDENTIAL (PER UNIT)					
SF Detached	\$898.00				
All Other Residential	\$644.00				

EXHIBIT B

Beginning at the intersection of West Central Avenue and Northwest "D" Street, thence North to the intersection of Northwest "D" Street and Northwest 3rd Street, thence East to the intersection of Northeast 3rd Street and Northeast "C" Street, thence South to the centerline of Southeast 2nd Street approximately 350' east from the intersection of Southeast "B" Street, thence west to a point approximately 43' west of the intersection of Southeast "B" Street and Southeast 2nd Street, thence south to a point in the centerline of Southeast 10th Street approximately 100' East from the intersection of Southeast Benton Street and Southeast 10th Street, thence west to a point in the centerline of Southeast 10th Street approximately 250' west of the intersection of Southeast 10th Street and Southeast Benton Street, thence South to the centerline of Southeast 14th Street (Arkansas Highway 102) approximately 250' west of the intersection of Southeast Benton Street and Southeast 14th Street (Arkansas Highway 102), thence West along said centerline to a point approximately 200' west of the intersection of Southwest "A" Street and Southwest 14th Street (Arkansas Highway 102), thence North to the centerline of Southwest 8th Street approximately 200' west of the intersection of Southwest "A" Street and Southwest 8th Street, thence West to the intersection of Southwest 8th Street and Southwest "B" Street, thence North to centerline of West Central Avenue approximately 930' East from the intersection of Northwest "D" Street, thence west to the point of beginning.



DOWNTOWN REDEVELOPMENT DISTRICT

Exhibit "C"



Ordinance No. 2006-118

Police Impact Fee Ordinance

**AN ORDINANCE ESTABLISHING A POLICE IMPACT FEE ON CERTAIN
IMPACT-GENERATING LAND DEVELOPMENT IN THE CITY OF
BENTONVILLE, ARKANSAS**

July 2006

TABLE OF CONTENTS

SEC. _-1:	LEGISLATIVE FINDINGS.....	1
SEC. _-2:	AUTHORITY AND APPLICABILITY	2
SEC. _-3:	INTENT	2
SEC. _-4:	DEFINITIONS	3
SEC. _-5	POLICE IMPACT FEES TO BE IMPOSED	4
SEC. _-6	USE OF POLICE IMPACT FEE FUNDS.....	6
SEC. _-7	REFUNDS OF POLICEIMPACT FEES PAID	7
SEC. _-8	CREDITS AGAINST POLICE IMPACT FEES	8
SEC. _-9	MISCELLANEOUS PROVISIONS.....	10

CHAPTER XX: POLICE IMPACT FEES

SEC. _-1: LEGISLATIVE FINDINGS

The City Council of Bentonville, Arkansas finds that:

- (a) Based on the community facility plans prepared by the City for Capital Police Facilities and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the City, it is necessary that the City's Capital Police Facilities be expanded and improved to accommodate growth and development within the City.
- (b) New residential and nonresidential development imposes increased and excessive demands upon these existing City facilities.
- (c) New development often overburdens these existing City facilities, and the tax revenues generated from new development often does not generate sufficient funds to provide the necessary Capital Police Facilities to accommodate new development.
- (d) New development is expected to continue, and will place ever-increasing demands on the City to provide these facilities to serve new development.
- (e) The creation of an equitable Development Impact Fee system would enable the City to impose a proportionate share of the costs of the needed Improvements to City Capital Police Facilities to accommodate new development, and implement the City's community facility plans for Capital Police Facilities.
- (f) In order to implement an equitable Development Impact Fee system and the City's community facility plans for Capital Police Facilities the City has prepared an Impact Fee Study for Capital Police Facilities dated April 27, 2006 (hereinafter "*Development Impact Fee Study*"), which is incorporated herein by reference, that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Police Facilities and determines the cost of acquiring the Improvements necessary to meet the demands for such services created by new development.
- (g) The City hereby establishes as City standards the assumptions and Level of Service (LOS) standards referenced in the *Development Impact Fee Study* as part of its current plans for future expansions to the City's Capital Police Facilities.
- (h) The Police Impact Fees described in this Ordinance are based on the *Development Impact Fee Study*, and do not exceed the costs of Improvements to serve new development that will pay the Police Impact Fees.
- (i) All of the Capital Police Facilities listed in the *Development Impact Fee Study* will benefit all new development that depends on City services, and it is therefore appropriate to treat the entire City as a single service area for purposes of calculating, collecting, and spending the Police Impact Fees.

- (j) There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this Ordinance and the Police Impact Fees that such development will be required to pay.
- (k) This Ordinance creates a system by which Capital Police Impact Fees paid by new development will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements for City Capital Police Facilities in ways that benefit the development that paid each Fee within a reasonable period of time after the Fee is paid.
- (l) This Ordinance creates a system under which Police Impact Fees shall not be used to correct existing deficiencies for these capital police facilities, or to replace or rehabilitate existing improvements.

SEC. _-2: AUTHORITY AND APPLICABILITY

- (a) This Ordinance is enacted pursuant to the City's general police power, the authority granted to the City by Ark. Code Ann. §§ 14-43-602, 14-56-411, 14-56-414 and 14-56-417, and the other relevant laws of the State of Arkansas.
- (b) The provisions of this Ordinance shall apply to all of the territory within the limits of the City.

SEC. _-3: INTENT

- (a) This Ordinance is adopted to help implement the Bentonville Comprehensive Plan and the City's community facility plans for Capital Police Facilities.
- (b) The intent of this Ordinance is to ensure that new development bears a proportionate share of the cost of Improvements to City Capital Police Facilities to ensure that such proportionate share does not exceed the cost of Improvements for City Capital Police Facilities required to accommodate new development; and to ensure that funds collected from new development are actually used for Improvements for City Police Facilities that benefit such new development.
- (c) It is the further intent of this Ordinance that new development pay for its fair share of the cost of Improvements for City Capital Police Facilities required to accommodate new development through the imposition of Police Impact Fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City to construct Improvements to the City Capital Police Facilities that serve or benefit such new development.
- (d) It is not the intent of this Ordinance to collect any money from any new development in excess of the actual amount necessary to offset new demands for City Capital Police Facilities.

- (e) It is not the intent of this Ordinance that any monies collected from any Development Impact Fee deposited in the Police Facilities Trust Fund ever be commingled with monies from a different City trust fund account, or ever be used for a type of facility or equipment different from that for which the Fee was paid, or ever be used to replace or rehabilitate existing Improvements.

SEC. __-4: DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the following meanings:

- (a) **Building Permit.** A Building Permit issued by Chief Building Inspector permitting the construction of a building or structure within the City of Bentonville.
- (b) **Capital Police Facilities.** Buildings, improvements to land, and related equipment and vehicles, used for City police Services, as defined in the *Development Impact Fee Study*. The costs of Capital Police Facilities also include the costs of related planning.
- (c) **City.** The City of Bentonville, Arkansas.
- (d) **City Council.** The City Council of Bentonville, Arkansas.
- (e) **Development.** Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for public services.
- (f) **Police Impact Fees.** The Police Impact Fee established by this Ordinance.
- (g) **Police Facilities Trust Fund.** The trust fund established by Section __-6 of this Ordinance which includes a Police Facilities Trust Fund is also called the Trust Fund.
- (h) **Fee Payer.** A person commencing Impact-Generating Land Development who is obligated to pay a Development Impact Fee in accordance with the terms of this Ordinance, or who would be obligated to pay such a Fee except for an exemption, refund, or credit provided for in this Ordinance.
- (i) **Impact Fee Study.** The *Development Impact Fee Study* prepared by the City that sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the City's Capital Park/Open Space Facilities, Capital Library Facilities, Capital Police Facilities and Capital Fire/EMS Facilities and for determining the cost of these facilities necessary to meet the demands created by new development.
- (j) **Impact-Generating Land Development.** Land development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand on Capital Police

Facilities. The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.

- (k) **Improvements.** The results of planning, engineering design, construction inspection, on-site construction, off-site construction, land, the purchase of related equipment, vehicles, and financing associated with new or expanded capital facilities, buildings, and equipment that expand the capacity of a facility or service system, but not including maintenance, operations, or improvements that do not expand capacity.
- (l) **Independent Fee Calculation Study.** A study prepared by a Fee Payer, calculating the cost of expansions or improvements to the Capital Police Facilities required to serve the Fee Payer's proposed development, that is based on the established LOS standard, performed on an average cost (not marginal cost) methodology, that uses the service units and unit construction costs stated in the *Development Impact Fee Study*, and is performed in compliance with any criteria for such studies established by this Ordinance or by the City.
- (m) **Person.** Person means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.
- (n) **Site-Related Improvements.** All Capital Police Facilities located inside or outside the boundaries of the proposed development and designed and intended to serve only the needs of that development.
- (o) **State.** The state of Arkansas.
- (p) **Successor in Interest.** A person, as defined by this Ordinance, who gains a fee simple interest in land for which a Development Impact Fee is paid or a credit is approved pursuant to the terms of this Ordinance.

SEC. __-5: POLICE IMPACT FEES TO BE IMPOSED

- (a) **Fee Obligation**
 - 1. After the effective date of this Ordinance, any person who commences any Impact-Generating Land Development, except those exempted pursuant to Sec. __-5 (b) below, shall be obligated to pay Police Impact Fees upon commencement of such activity. The amount of the Fees shall be determined in accordance with this Ordinance, and shall be paid to the City.
 - 2. All monies paid by a Fee Payer pursuant to this Ordinance shall be identified as Police Impact Fees and shall be promptly deposited in the Police Facilities Trust Fund described in Sec. __-6.
 - 3. If the Fee Payer is applying for an extension of a permit issued previously, then the Police Impact Fees required to be paid shall be the net increase between the Police Impact Fees applicable at the time of the current permit application and any Police

Impact Fees previously paid pursuant to this Ordinance to finance similar types of Improvements to accommodate demands created by the same development.

4. If the Fee Payer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Police Impact Fees required to be paid shall be based on the net increase in the Fees for the new use as compared to the previous use.

(b) Exemptions

The following types of development shall be exempted from payment of the Police Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit for the proposed development that creates the obligation to pay the Police Impact Fees, and any claim for exemption not made at or before that time shall have been waived. The Director of Community Development or a designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

1. Reconstruction, expansion, or replacement of a previously existing residential unit that does not create any additional residential units.
2. The replacement of a destroyed or partially destroyed non-residential building or structure with a new non-residential building or structure of the same use as the original structure and with no more than a five (5%) percent increase in floor area from the original structure.
3. Construction of unoccupied accessory structures related to a residential unit.
4. Projects for which a Police Impact Fee for each type of facility covered by this Ordinance has previously been paid in an amount that equals or exceeds the Police Impact Fee that would be required by this Ordinance.
5. Projects built by the federal government and the State.
6. Public schools.
7. Construction within the City's Downtown Redevelopment District as identified by the legal description and map attached hereto as Exhibits B and C.

(c) Calculation of Amount of Development Impact Fee(s)

1. Any person who commences any new Impact-Generating Land Development, except those exempted pursuant to this Ordinance, or those preparing an Independent Fee Calculation Study pursuant to this Ordinance, shall pay all Police Impact Fees applicable to the proposed development, as determined by the fee schedule included in this Ordinance as Exhibit "A," and incorporated herein by reference.
2. If the proposed development is of a type not listed in Exhibit "A," then the City shall use the Police Impact Fees applicable to the most nearly comparable type of land use listed in Exhibit "A."

3. If the proposed development includes a mix of those uses listed in Exhibit "A," then the Police Impact Fees shall be determined by adding up the Fees that would be payable for each use if it were a freestanding use pursuant to Exhibit "A."
4. In lieu of calculating the amount(s) of Police Impact Fees by reference to Exhibit "A," a Fee Payer may request that the amount of the required Development Impact Fee be determined by reference to an Independent Fee Calculation Study for the proposed development. If a Fee Payer requests the use of an Independent Fee Calculation Study, the Fee Payer shall be responsible for retaining a qualified professional to prepare the Independent Fee Calculation Study that complies with the requirements of this Ordinance, at the Fee Payer's expense.
- 5.
6. Each Independent Fee Calculation Study shall be based on the same LOS standards and unit costs for Improvements used in the *Development Impact Fee Study*, and shall document the relevant methodologies and assumptions used.
7. Each Independent Fee Calculation Study shall be submitted to the Director of Community Development or a designee, and may be accepted, rejected, or accepted with modifications by the Director of Community Development or a designee as the basis for calculating Police Impact Fees. If an Independent Fee Calculation Study is accepted or accepted with modifications by the Director of Community Development or a designee as a more accurate measure of the demand for Capital Police Facilities created by the proposed development than the applicable fee shown in Exhibit "A," then the Police Impact Fees due under this Ordinance shall be calculated according to such Independent Fee Calculation Study.

SEC. _6: USE OF POLICE IMPACT FEE FUNDS

(a) Establishment of Trust Fund and Accounts

1. A Police Facilities Trust Fund (hereinafter "Trust Fund") is hereby established for the purpose of ensuring that the Police Impact Fees collected pursuant to this Ordinance are designated for the accommodation of impacts reasonably attributable to new Impact-Generating Land Development that paid the Police Impact Fees.
2. The Trust Fund shall be maintained as an interest bearing account.

(b) Deposit and Management of the Trust Fund

All Police Impact Fees collected by the City pursuant to this Ordinance shall be promptly deposited into the Police Trust Fund.

(c) Limitations on Expenditures of Fees in Accounts

The monies collected from the Police Impact Fee shall be used only to plan for and acquire or construct Capital Police Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to

finance the acquisition or construction of Capital Police Facilities within the City, or reimburse the City for such.

SEC. _-7: REFUNDS OF POLICE IMPACT FEES PAID

(a) General

1. Any Police Impact Fees collected that have not been spent or encumbered within seven (7) years after the date on which such Fee was paid shall be returned to the Fee Payer or the Fee Payer's Successor in Interest, along with interest at the rate of four (4%) percent per year since the date of payment, except as otherwise noted in this Section. The City Council may by resolution extend for up to two (2) years the date at which Police Impact Fees must be refunded. Such an extension shall be made only upon a finding that within such two (2) year period, specific Improvements are planned and will be constructed for which the Police Impact Fees will be spent, and the Improvements are reasonably attributable to Fee Payers' Impact-Generating Land Development.
2. In order to be eligible to receive a refund of Police Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit a refund application to the Director of Community Development or a designee within six (6) months after the expiration period. If the Successor in Interest claims a refund of Police Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.
3. The Director of Community Development or a designee shall approve the refund application if it is determined that the Fee Payer or the Fee Payer's Successor in Interest has paid a fee that the City has not spent within the period of time permitted under this section. The refund shall include the Police Impact Fee paid plus interest of four (4%) per cent a year.

(b) Limitations

1. If a Fee Payer has paid a Police Impact Fee required by this Ordinance and has obtained a Building Permit, and the Building Permit for which the Fee was paid later expires without the possibility of further extension, then the Fee Payer or the Fee Payer's Successor in Interest shall be entitled to a refund of the Fee paid, without interest. In order to be eligible to receive a refund of Police Impact Fees, the Fee Payer or the Fee Payer's Successor in Interest shall be required to submit an application for such refund to the Director of Community Development or a designee within thirty (30) days after the expiration of the Building Permit for which the Fee was paid. If a Successor in Interest claims a refund of Police Impact Fees, the City may require written documentation that such rights have been conveyed to the claimant.
2. After a Police Impact Fee has been paid pursuant to this Ordinance, no refund of any part of such Fee shall be made if the project for which the Fee was paid is later

demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

SEC. _-8: CREDITS AGAINST POLICE IMPACT FEES

(a) General

1. All mandatory or voluntary land dedication for City Capital Police Facilities, and all mandatory or voluntary acquisition or construction of Improvements for City Capital Police Facilities by a Fee Payer in connection with a proposed Impact-Generating Land Development, shall result in a pro rata credit against the Police Impact Fee for which the land dedication or construction of Improvements is offered and accepted, except that no credit shall be awarded for (a) land dedications for or acquisition or construction of Site-Related Improvements or (b) any voluntary land dedications not accepted by the City, or (c) any voluntary acquisition or construction of Improvements not approved in writing by the City prior to commencement of the acquisition or construction, or (d) any mandatory or voluntary dedication, construction, or acquisition of a type of Improvement not included in the calculation of the Police Impact Fees in the *Development Impact Fee Study*. A credit shall not exceed the amount of the Police Impact Fee due.

(b) Valuation of Credit

1. Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at (a) one hundred (100) percent of the most recent assessed value for such land as shown in the records of the City Clerk, or (b) that fair market value established by a private appraiser acceptable to the City in an appraisal paid for by the Fee Payer.
2. Credit for qualifying acquisition or construction of Improvements shall be valued by the City based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the City. The City shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the City.

(c) When Credits Become Effective

1. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form acceptable to the City at no cost to the City, and has been accepted by the City Council. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.
2. Approved credits for acquisition or construction of Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the City, (b) a suitable maintenance and warranty bond has been received and approved by the City, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance

with all applicable City and State requirements. Approved credits for the construction of Improvements may become effective at an earlier date if the Fee Payer posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted to the City. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the City to construct the Improvements for which the credit was given, whichever is higher. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

(d) Application Procedures

1. In order to obtain a credit against Police Impact Fees otherwise due, a Fee Payer must submit a written offer to dedicate to the Director of Community Development or a designee for specific parcels of qualifying land or to acquire or construct specific Improvements to the City Capital Police Facilities, in accordance with all applicable State or City design and construction standards, and must specifically request a credit against the type of Police Impact Fees for which the land dedication or Improvement is offered. Such written request must be made on a form provided by the City, must contain a statement under oath of the facts that qualify the Fee Payer to receive a credit, must be accompanied by documents evidencing those facts, and must be filed prior to the time the Fee Payer applies for the first Building Permit that creates an obligation to pay the Police Impact Fee against which the credit is requested, or the claim for the credit shall be waived.
2. After receipt of the request for credit, the Director of Community Development or a designee shall review the request and determine whether it is appropriate for the City to accept or reject the requested credit pursuant to the criteria and other requirements of this section. If the Director of Community Development or a designee determines acceptance of the credit is appropriate, the credit shall be accepted pursuant to and consistent with the requirements of this section and Ordinance.

(e) Transferability of Credit

A credit may be transferred only by the owner of the development that has received the credit and by a Successor in Interest to whom credit is transferred pursuant to the terms of this Ordinance. A credit may be transferred only to a Successor in Interest. It shall be transferred by any written instrument clearly identifying which credits issued under this Ordinance are to be transferred. The instrument must be signed by both the transferor and transferee, and the document shall be delivered to the City for registration of the change in ownership.

(f) Accounting of Credits

Each time a request to use approved credits is presented to the City, the City shall reduce the amount of the Development Impact Fee for the type of fee for which the credit is provided, and shall note in the City's records the amount of credit remaining, if any. Upon request of the Fee Payer or the Fee Payer's transferee, the City shall issue a letter stating the amount of credit remaining.

SEC. __-9: MISCELLANEOUS PROVISIONS

- (a) Interest earned on monies in Police Facilities Trust Fund shall be considered part of the Trust Fund and shall be subject to the same restrictions on use applicable to the impact fees deposited in the Trust Fund.
- (b) Monies in the Trust Fund shall be considered to be spent in the order collected, on a first-in/first-out basis.
- (c) No monies from the Trust Fund shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any facility of any type or to cure deficiencies in Capital Police Facilities existing on the effective date of this Ordinance (insert effective date).
- (d) Nothing in this Ordinance shall restrict the City from requiring an applicant for a development approval or Building Permit to construct reasonable project improvements required to serve the applicant's project, whether or not such improvements are of a type for which credits are available under Sec. __-8 of this Ordinance.
- (e) At least once during each fiscal year of the City, the Director of Community Development or a designee shall present to the City Council a proposed capital improvements program for the City Capital Police Facilities including related equipment and vehicles, and such capital improvements program shall assign monies from the Trust Fund to specific projects and related expenses for the type of facilities or services for which the fees in the Trust Fund were paid. Any monies, including any accrued interest not assigned to specific projects within such capital improvements program and not expended pursuant to Sec. __-6 (c) shall be retained in the Trust Fund until the next fiscal year.
- (f) The City shall be entitled to retain not more than two (2) percent of the Police Impact Fees collected as payment for the expenses of collecting the fees and administering this Ordinance. In the case of refunds of Police Impact Fees under Sec. __-7, the City shall be entitled to retain not more than an additional two (2) percent of the Police Impact Fee payment made as payment for the expenses of processing the reimbursement request.
- (g) If a Police Impact Fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such overpayment. Any amounts underpaid by the Fee Payer shall be paid to the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the rate of four (4%) percent per annum since the date of such underpayment. In the case of an underpayment to the City, the City shall not issue any additional permits or approvals for the project for which the Police Impact Fee was previously paid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City

may also repeal any permits issued in reliance on the previous payment of such Police Impact Fee and refund such Fee to the then current owner of the land.

- (h) In order to promote the economic development of the City, the City Council may agree to pay some or all of the Police Impact Fees imposed on a proposed development by this Ordinance from other funds of the City that are not restricted to other uses. Any such decision to pay Police Impact Fees on behalf of a Fee Payer shall be at the discretion of the City Council and shall be made pursuant to goals and objectives previously adopted by the City Council to promote economic development.
- (i) Any determination made by any official of the City charged with the administration of any part of this Ordinance may be appealed to the City Council by filing with the Director of Community Development or a designee within ten (10) days of the date of the determination being appealed: (1) a written Notice of Appeal on a form provided by the City, (2) a written explanation of why the appellant feels that a determination was in error, and (3) an appeal fee established by the City. The City Council shall promptly fix a time and place for hearing the appeal, and the City Clerk shall mail notice of the hearing to the appellant at the address given in the Notice of Appeal. The hearing shall be conducted at the time and place stated in such notice given by the City Council. The determination of the City Council shall be final.
- (j) The Police Impact Fees described in this Ordinance and the administrative procedures of this Ordinance shall be reviewed at least once every five (5) years to ensure that (1) the demand and cost assumptions underlying such Fees are still valid, (2) the resulting Fees do not exceed the actual cost of constructing improvements that are of the type for which the Fee was paid and that are required to serve new development, (3) the monies collected or to be collected in the Trust Fund have been and are expected to be spent for Improvements of the type for which such Fees were paid, and (4) that such Improvements will benefit those developments for which the Fees were paid.
- (k) Violation of this Ordinance shall be a misdemeanor and shall be subject to those remedies provided in Bentonville Municipal Code section ___. Knowingly furnishing false information to any official of the City charged with the administration of this Ordinance on any matter relating to the administration of this Ordinance, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this Ordinance. In addition to or in lieu of any criminal prosecution, the City or any applicant for a Building Permit shall have the right to sue in civil court to enforce the provisions of this Ordinance.
- (l) The section titles used in this Ordinance are for convenience only, and shall not affect the interpretation of any portion of the text of this Ordinance.

PASSED and APPROVED this 23rd day of July, 2006

APPROVED:

MAYOR

ATTEST:

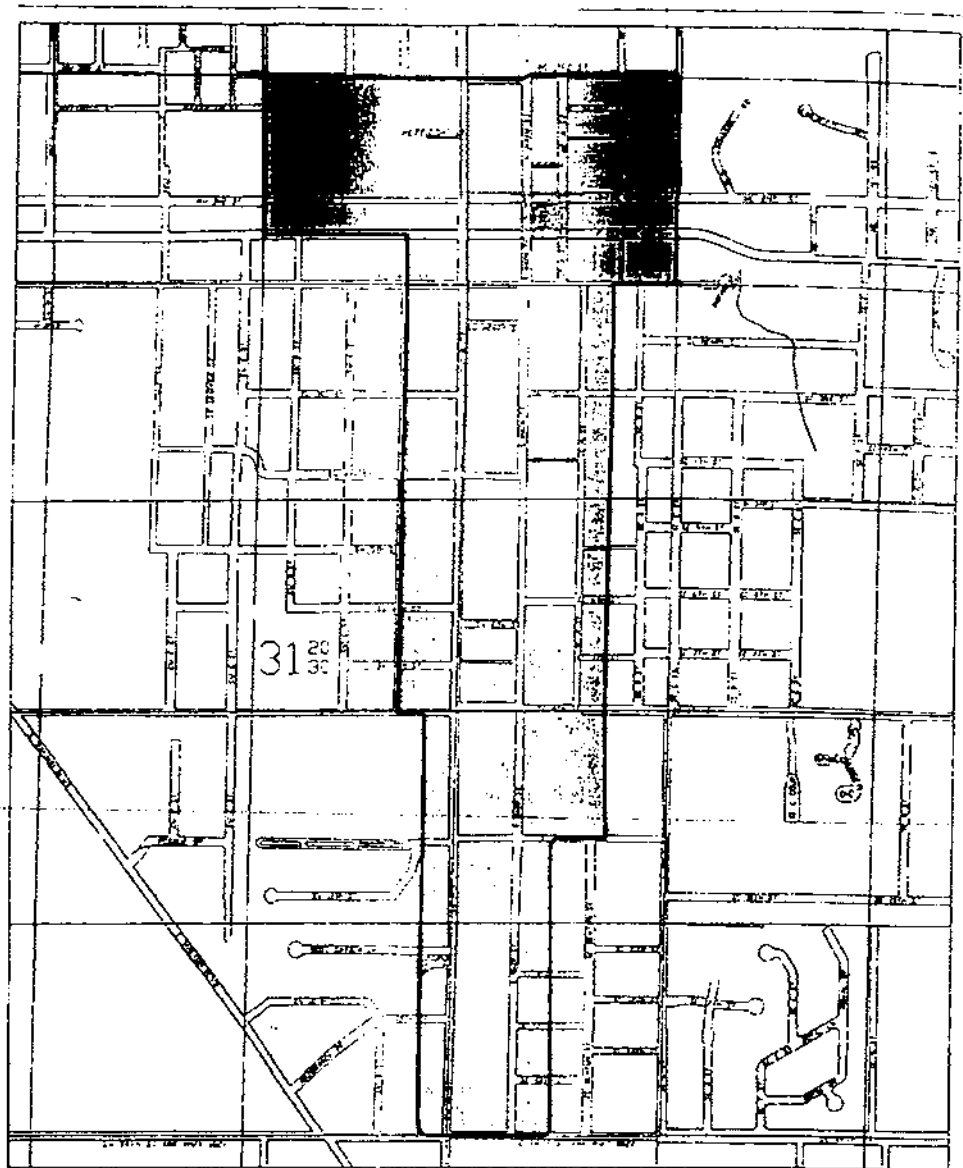
CITY CLERK

**EXHIBIT A:
SCHEDULE OF POLICE IMPACT FEES**

Uses Categories	Police				
RESIDENTIAL (PER UNIT)					
Detached	\$66.00				
Attached	\$47.00				
NON-RESIDENTIAL (PER SQ. FT.)					
Light Industrial	\$0.04				
Warehousing	\$0.03				
Mini-warehouse	\$0.01				
Hospital	\$0.11				
General Office - 10,000 sf or less	\$0.14				
General Office - 10,001 - 50,000 sf	\$0.10				
General Office - 50,001 - 100,000 sf	\$0.08				
Medical / Dental Office	\$0.23				
Business Park	\$0.08				
Commercial / Shop Ctr 10,000 sf or less	\$0.46				
Commercial / Shop Ctr 10,001 - 50,000 sf	\$0.34				
Commercial / Shop Ctr 50,001 - 100,000 sf	\$0.28				
Commercial / Shop Ctr 100,001 - 200,000 sf	\$0.24				
Lodging (per room)	\$36.00				
Elementary School (per student)	\$8.00				
Secondary School (per student)	\$10.00				
Day Care (per student)	\$28.00				
Nursing Home (per bed)	\$15.00				

EXHIBIT B

Beginning at the intersection of West Central Avenue and Northwest "D" Street, thence North to the intersection of Northwest "D" Street and Northwest 3rd Street, thence East to the intersection of Northeast 3rd Street and Northeast "C" Street, thence South to the centerline of Southeast 2nd Street approximately 350' east from the intersection of Southeast "B" Street, thence west to a point approximately 40' west of the intersection of Southeast "B" Street and Southeast 2nd Street, thence south to a point in the centerline of Southeast 10th Street approximately 100' East from the intersection Southeast Benton Street and Southeast 10th Street, thence west to a point in the centerline of Southeast 10th Street approximately 250' west of the intersection of Southeast 10th Street and Southeast Benton Street, thence South to the centerline of Southeast 14th Street (Arkansas Highway 102) approximately 250' west of the intersection of Southeast Benton Street and Southeast 14th Street (Arkansas Highway 102), thence West along said centerline to a point approximately 200' west of the intersection of Southwest "A" Street and Southwest 14th Street (Arkansas Highway 102), thence North to the centerline of Southwest 8th Street approximately 200' west of the intersection of Southwest "A" Street and Southwest 8th Street, thence West to the intersection of Southwest 8th Street and Southwest "B" Street, thence North to centerline of West Central Avenue approximately 930' East from the intersection of Northwest "D" Street, thence west to the point of beginning.



DOWNTOWN REDEVELOPMENT DISTRICT

Exhibit "C"





City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/9/2026	Submitted By:	Hadi Dudley
Phone:	479-271-3194	For Department(s):	Library
Email:	hadi.dudley@bentonville.ar.gov		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	Informational Update by Bentonville Public Library
Action Recommendation & Justification:	Informational update by Bentonville Public Library related to Arkansas Act 372.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Tyler Overstreet
Phone:		For Department(s):	Planning
Email:	tyler.overstreet@bentonvillear.gov		

Item Type (Check all that apply)

- | | | | |
|---|--|---|---|
| ☒ Informational | ☐ Bid Award | ☐ Enter into an Agreement | ☐ Change Order |
| ☐ Recognizing Funds | ☐ Budget Adjustment | ☐ Waiver of Bid | ☐ Emergency Clause |
| ☐ Ordinance | ☐ Resolution | ☒ Informational | |

Title, Recommendation & Justification

Title:	Parking Discussion
Action Recommendation & Justification:	Informational item to discuss parking in Bentonville with a focus on the downtown area.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☒ OTHER: No cost to the 2026 budget

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Stephanie Orman
Phone:	479-271-5966	For Department(s):	IT
Email:	mayor.assistant@bentonville.ar.gov		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	Proclamation Recognizing National Information Technology Professionals Day
Action Recommendation & Justification:	A proclamation recognizing September 15, 2026, as "National Information Technology Professionals Day."
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

PROCLAMATION

WHEREAS: National Information Technology Professionals Day recognizes and celebrates the professionals who design, operate, secure, maintain, and support the technology infrastructure and digital services on which modern organizations and communities depend; and

WHEREAS: The City of Bentonville's Information Technology professionals provide the technology foundation that supports City employees, departments, public safety, utilities, facilities, and the services delivered to the residents of Bentonville; and

WHEREAS: The City's Information Technology team supports a broad and complex environment that includes cybersecurity, network and systems infrastructure, enterprise applications, geographic information systems, telecommunications, end-user technology and support, data protection, facilities technology, and employee training; and

WHEREAS: As Bentonville continues to grow, the City's Information Technology professionals are called upon to meet increasing demands created by evolving cybersecurity threats, regulatory and compliance requirements, rapidly changing technologies, growing data needs, and expanding City services; and

WHEREAS: The dedication, technical expertise, and commitment of the City of Bentonville's sixteen Information Technology professionals help protect City assets, improve operational efficiency, support critical services, and ensure employees have the technology necessary to serve our community effectively.

NOW, THEREFORE, I Stephanie Orman, Mayor of the City of Bentonville do hereby proclaim September 15, 2026 as "**National Information Technology Professionals Day**" in the City of Bentonville, Arkansas. I encourage the community to observe this day in appreciation of the efforts and commitment of these employees.

Given this 8th day of September 2026, in Bentonville, in the great State of Arkansas, in the United States of America.



Stephanie Orman, Mayor
City of Bentonville



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Baylea Birchfield
Phone:	479-271-3122	For Department(s):	Planning
Email:	baylea.birchfield@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Accepting a Grant from Fidelity for the 2026 Fall Tree Giveaway
Action Recommendation & Justification:	A Resolution accepting a grant from Fidelity in the amount of \$21,790.43 to fund the 2026 Fall Tree Giveaway. A budget adjustment is needed.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$ 21,790.43

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

101610-33810	Local Grants	\$	\$ 21,790.43
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
101610-43510	Promotional Activities	\$ 21,790.43	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

MEMO



To: Mayor Stephanie Orman and Bentonville City Council
From: Baylea Birchfield, PCED, Planner II
CC date: September 8, 2026
RE: **Accepting a Grant for the City of Bentonville's Fall Tree Giveaway**

Request. A resolution accepting a grant from Fidelity in the amount of \$21,790.43 to fund the 2026 Fall Tree Giveaway. A budget adjustment is needed.

Recommendation. Approval of the resolution.



FORREST KEELING NURSERY

P.O. Box 135
 Elsberry MO 63343
 Phone: (573) 898-5571
 Fax: (573) 898-5803
 www.fknursery.com
 info@fknursery.com

Acknowledgment

Order Number:
 SI-152083

Bill To:

City of Bentonville
 1000 SW 14th St
 Bentonville AR 72712
 Geoff Braga
 (479) 787-3100

Ship To:

City of Bentonville-Bentonville Planning
 Departmen
 3200 SW Municipal Dr
 Bentonville AR 72712
 Audrey Mitchell
 (479) 254-2039

ORDER DATE		CUSTOMER PO		TERMS		
07/15/2026		walton		Net 30		
SALESPERSON	ENTERED BY	SHIP VIA		SHIP DATE	DUE DATE	
Mary Gibler	Mary	Deliver		10/08/2026	11/07/2026	
QUANTITY	ITEM #	DESCRIPTION		SIZE	UNIT PRICE	EXT. PRICE
84	25624	Amelanchier arborea Downy Serviceberry		S3-5 RPM-P	\$32.58	\$2,736.72
84	23892	Carpinus caroliniana American Hornbeam		S3-5 RPM-P	\$32.58	\$2,736.72
81	24808	Cercis canadensis Redbud		S3-7 RPM-P	\$59.18	\$4,793.58
83	25375	Liriodendron tulipifera Tulip Tree or Tulip Poplar		S3-5 RPM-P	\$32.58	\$2,704.14
83	23887	Quercus rubra Northern Red Oak		S3-5 RPM-P	\$30.59	\$2,538.97
85	24786	Taxodium distichum Baldcypress		S3-7 RPM-P	\$59.18	\$5,030.30

500 Total Plants

RPM Patent 7,308,775 8,236,322 8,460,677

Firm Ship Week

SIGNATURE _____ DATE _____

TERMS:

Unless credit has been established, all sales are on a cash in advance of shipping basis. Credit may be obtained by submitting a credit application. For Customers with approved **credit, payment is due within 30 days of Invoice**. Payment may be made with Cash, Check, American Express, Master Card, Visa or Discover Card. Past due accounts will be subject to a service charge of 2% per month (24% annum).

SHIPMENTS WILL NOT BE MADE TO CUSTOMERS WHOSE ACCOUNTS ARE DELINQUENT.

Extended Total with Discount:	\$20,540.43
Discount:	\$1,083.27
Freight:	\$1,250.00
Total:	\$21,790.43
Balance Due:	\$21,790.43

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO ACCEPT A GRANT FROM FIDELITY IN THE AMOUNT OF
TWENTY-ONE THOUSAND SEVEN HUNDRED NINETY DOLLARS AND
FORTY-THREE CENTS (\$21,790.43); AMENDING THE 2026 BUDGET; AND
FOR OTHER PURPOSES.**

WHEREAS, the Bentonville Planning Department requests approval to accept a grant from Fidelity in the amount of twenty-one thousand seven hundred ninety dollars and forty-three cents (\$21,790.43);

WHEREAS, this grant will be used to fund trees distributed during the 2026 Fall Tree Giveaway; and

WHEREAS, a budget adjustment is needed to accept appropriate funds.

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

Section 1: That the Mayor and City Clerk are authorized to accept a grant from Fidelity in the amount of twenty-one thousand seven hundred ninety dollars and forty-three cents (\$21,790.43) to fund trees for distribution during the 2026 Fall Tree Giveaway;

Section 2: The 2026 budget is hereby adjusted to recognize grant funds in the amount of twenty-one thousand seven hundred ninety dollars and forty-three cents (\$21,790.43) into Account# 101610-33810 - Local Grants and appropriate the same into Account #101610-43510 – Street Promotional Activities;

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 _____, 2026.

APPROVED:

Stephanie Orman, Mayor

ATTEST:

Malorie Marrs, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Tracy Billings
Phone:	479-696-0229	For Department(s):	Planning
Email:	tracy.billings@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Public Hearing and Ordinance Vacating a Utility Easement (VAC26-0032)
Action Recommendation & Justification:	Public Hearing and approval of an Ordinance vacating a Utility Easement Vacation located at Lot 10f Urban Bentonville (VAC26-0032).
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

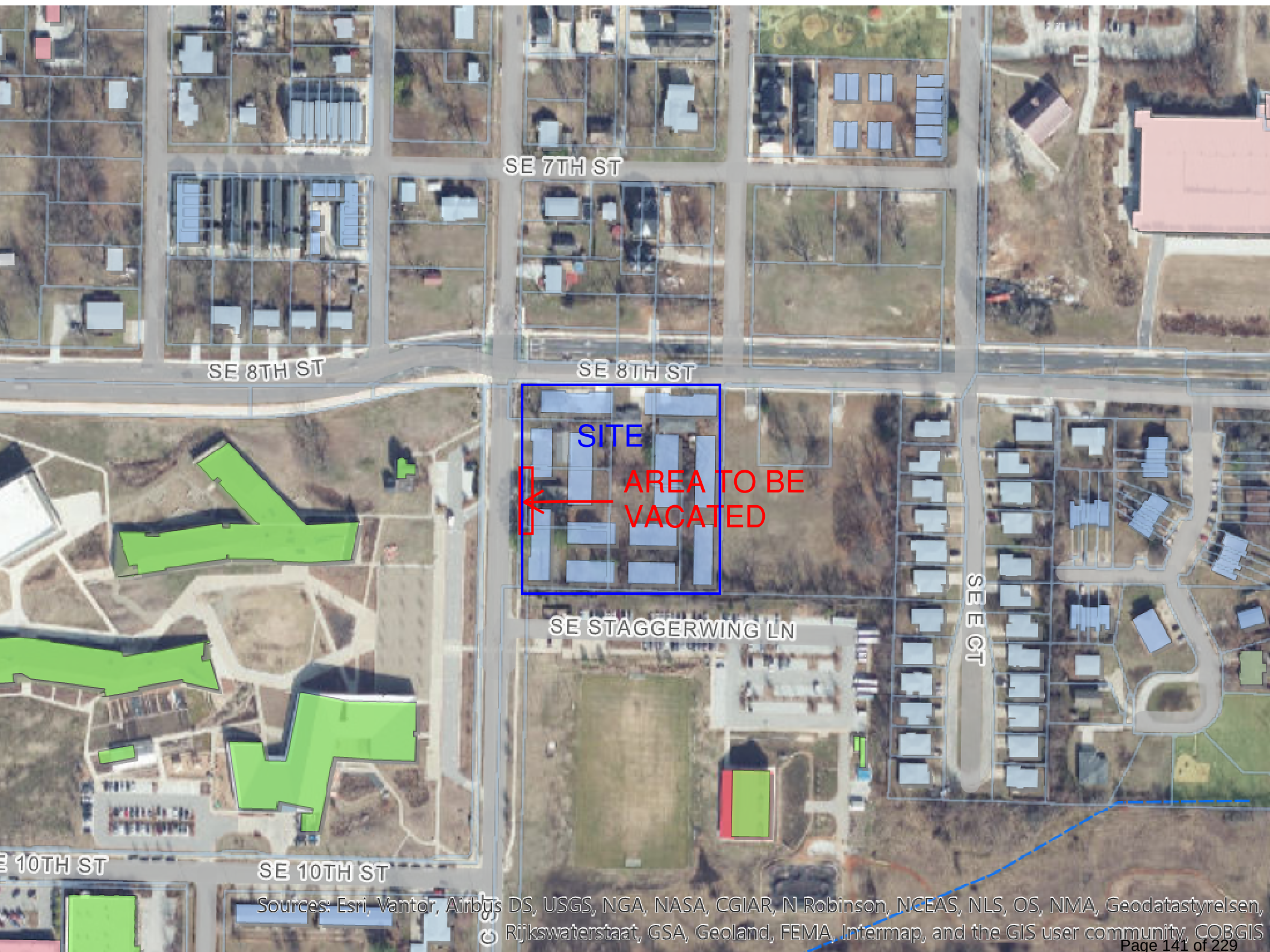
☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712



ORDINANCE NO _____

**AN ORDINANCE VACATING UTILITY EASEMENT LOCATED AT LOT 1 OF
URBAN BENTONVILLE OF THE CITY OF BENTONVILLE, ARKANSAS, BENTON
COUNTY ARKANSAS (VAC26-0032).**

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

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION THIRTY-TWO (32), TOWNSHIP TWENTY (T-20-N) NORTH, RANGE THIRTY (R-30-W) WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4); THENCE S 02°40'40" W A DISTANCE OF 340.00 FEET; THENCE S 87°21'43" E A DISTANCE OF 23.23 FEET; THENCE N 02°33'13" E A DISTANCE OF 100.53 FEET; THENCE S 87°30'36" E A DISTANCE OF 10.63 FEET TO THE POINT OF BEGINNING; THENCE N 02°40'44" E A DISTANCE OF 98.47 FEET; THENCE S 87°19'16" E A DISTANCE OF 20.00 FEET; THENCE S 02°40'44" W A DISTANCE OF 98.47 FEET; THENCE N 87°30'36" W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS.

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

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

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

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION THIRTY-TWO (32), TOWNSHIP TWENTY (T-20-N) NORTH, RANGE THIRTY (R-30-W) WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4); THENCE S 02°40'40" W A DISTANCE OF 340.00 FEET; THENCE S 87°21'43" E A DISTANCE OF 23.23 FEET; THENCE N 02°33'13" E A DISTANCE OF 100.53 FEET; THENCE S 87°30'36" E A DISTANCE OF 10.63 FEET TO THE POINT OF BEGINNING; THENCE N 02°40'44" E A DISTANCE OF 98.47 FEET; THENCE S 87°19'16" E A DISTANCE OF 20.00 FEET; THENCE S 02°40'44" W A DISTANCE OF 98.47 FEET; THENCE N 87°30'36" W A

DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.05 ACRES, MORE OR LESS.

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

The above and foregoing Ordinance was passed, approved, and adopted the ____ day of _____, 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Malorie Marrs, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Tracy Billings
Phone:	479-696-0229	For Department(s):	Planning
Email:	tracy.billings@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Public Hearing and Ordinance Vacating a Utility Easement (VAC26-0033)
Action Recommendation & Justification:	Public Hearing and approval of an Ordinance vacating a Utility Easement Vacation located at Lot 1, 2 and 3 of Forrest Oaks Subdivision (VAC26-0033).
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

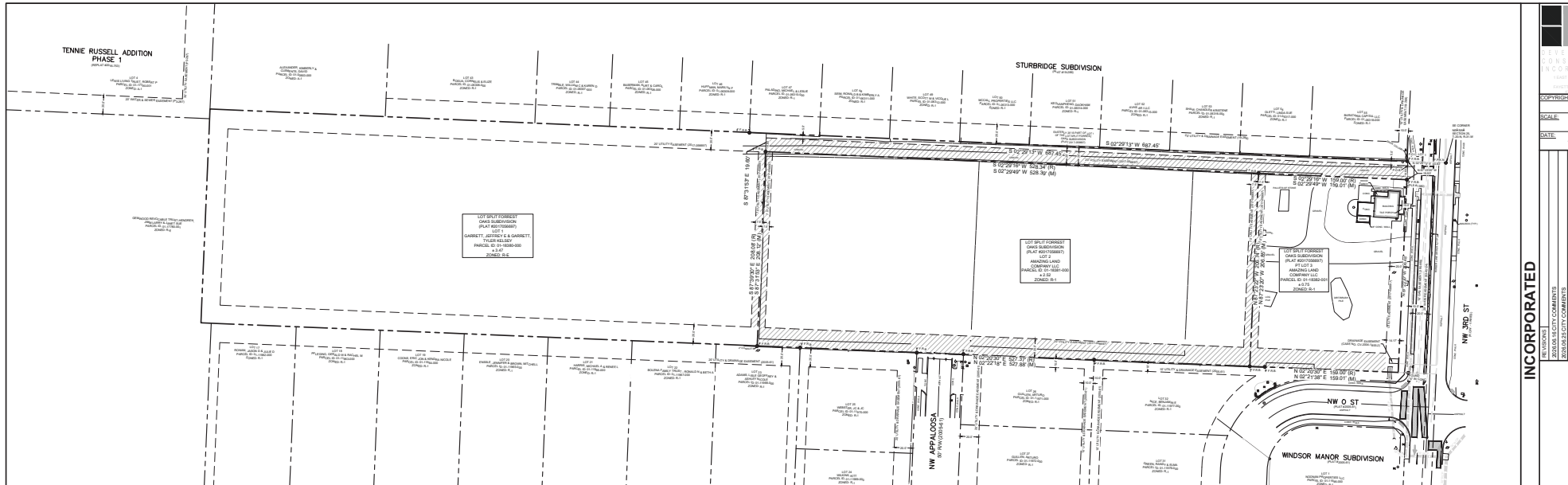
City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!



Property Description:

Lot 1 of Lot Split Forrest Oaks Subdivision as recorded at Plat #L2017056697, Benton County, Arkansas.

AND

Lot 2 of Lot Split Forrest Oaks Subdivision as recorded at Plat #L2017056697, Benton County, Arkansas.

AND

Lot 3 of Lot Split Forrest Oaks Subdivision as recorded at Plat #L2017056697, Less & Except the Right of Way taken per Consent Judgment (CV-2004-1855-2) and Order of Possession (CIV-2005-1239-1), Benton County, Arkansas, being more particularly described as follows:

Commencing at a found p/k nail at the Southeast corner of the NE1/4 SW1/4 of Section 25, T-20-N, R-31-W. Thence N 02°29'13" E along the East line of said NE1/4 SW1/4, a distance of 40.83 feet; Thence N 87°23'20" W, a distance of 19.93 feet to a found 1/2" rebar (PLS #1380), said point being on the Northerly right of way line of NW 3rd St per aforesaid Consent Judgment (CV-2004-1855-2) and the Point of Beginning; Thence N 87°23'20" W along the Northerly right of way line of said NW 3rd St per said Consent Judgment and along the Northerly right of way line of said NW 3rd St per aforesaid Order of Possession (CIV-2005-1239-1), a distance of 206.48 feet to the West line of aforesaid Lot 3; Thence N 02°21'38" E along the West line of said Lot 3, a distance of 159.01 feet to the NW corner of said Lot 3; Thence S 87°23'20" E along the North line of said Lot 3, a distance of 206.85 feet to a found 1/2" rebar at the NE corner of said Lot 3; Thence S 02°29'49" W along the East line of said Lot 3, a distance of 159.01 feet to the Point of Beginning, containing 0.75 Acres more or less.

Utility Easement Vacation Description:

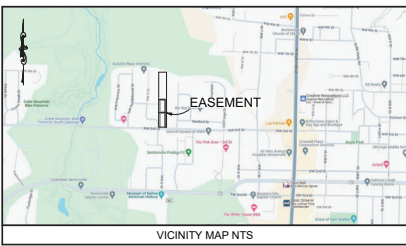
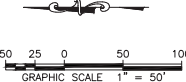
Part of Lot 1, part of Lot 2 and part of Lot 3 of Lot Split Forrest Oaks Subdivision as recorded at plat #L2017056697, Benton County, Arkansas being more particularly described as follows:

The Northerly 7.5 feet of said Lot 3; The Westerly 20 feet of said Lot 3, less the Southerly 14.17 feet; The Northerly 7.5 feet of said Lot 2; The Southerly 7.5 feet of Lot 2; The Westerly 20 feet of said Lot 2; The Southerly 7.5 feet of said Lot 1; Part of Lot 1 particularly described as follows:

Commencing at the Southeast corner of said Lot 1 said point being on the Northerly Right of Way of NW 3rd Street; Thence N 87°23'20" W, a distance of 5.00 feet along said Northerly Right of Way to the Point of Beginning; Thence continue N 87°23'20" W, a distance of 14.93 feet to a 1/2" Found Rebar at the Southeast corner of Lot 3; Thence N 02°29'49" E along said Easterly line of said Lot 3, a distance of 159.01 feet to a Found 1/2" Rebar at the Southeast corner of said Lot 2; Thence continue N 02°29'49" E, a distance of 528.39 feet to a 1/2" Found Rebar at the Northeast corner of said Lot 2; Thence S 87°31'53" E, a distance of 14.60 feet; Thence S 02°29'13" W along a line that is parallel with and 5.00 foot West of the East line of said Lot 1, a distance of 687.45 feet to the Point of Beginning.

EASEMENT TO BE VACATED

LEGEND	
●	FOUND MONUMENT
⬠	FIRE HYDRANT
⊕	WATER VALVE
⊙	WATER METER
⊙	GAS METER
⊙	POWER POLE
⊙	POWER POLE W LIGHT
⊙	GUY WIRE
⊙	LIGHT POLE
⊙	TELEPHONE PEDESTAL
⊙	ELECTRIC METER
⊙	SANITARY SEWER MANHOLE
⬇	SIGN
—W—	WATER LINE
—G—	GAS LINE
—OE—	OVERHEAD ELECTRIC
⊕ F.R.B.	(SIZE) FOUND REBAR



G:\2024\04-1025\mwy\24-102 EASEMENT.DWG

ORDINANCE NO _____

**AN ORDINANCE VACATING UTILITY EASEMENT LOCATED AT LOTS 1, 2
& 3 OF FORREST OAKS SUBDIVISION OF THE CITY OF BENTONVILLE,
ARKANSAS, BENTON COUNTY ARKANSAS (VAC26-0033).**

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by AMAZING LAND COMPANY, LLC asking the City Council to vacate a utility easement located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

Part of Lot 1, part of Lot 2 and part of Lot 3 of Lot split Forrest Oaks Subdivision as recorded at plat #L2017056697, Benton County, Arkansas being more particularly described as follows:

The Northerly 7.5 feet of said Lot 3; The Westerly 20 feet of said Lot 3; The Northerly 7.5 feet of said Lot 2; The Westerly 20 feet of said Lot 2; The Southerly 7.5 feet of said Lot 1; Part of Lot 1 particularly described as follows:

Beginning at the Southeast corner of said Lot 1 said point being on the Northerly right of way of NW 3 rd Street and the Westerly line of Sturbridge Subdivision, Thence N 87°23'20" W a distance of 19.93 feet along said Northerly right of way to a point on the Easterly line of said Lot 3; Thence along said Easterly line of said Lot 3 N 02°29'34" E, a distance of 159.01 feet to a found 1/2" rebar at the Southeast corner of said Lot 2, Thence N 02°29'53" E, a distance of 528.39 feet to a found 1/2" rebar at the Northeast corner of said Lot 2, Thence S 87°31'53" E a distance of 19.60 feet to a point on the Westerly line of Sturbridge Subdivision; Thence along said Westerly line, S 02°28'10" W a distance of 687.45 feet to the of Termination.

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

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

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

Part of Lot 1, part of Lot 2 and part of Lot 3 of Lot split Forrest Oaks Subdivision as recorded at plat #L2017056697, Benton County, Arkansas being more particularly described as follows:

The Northerly 7.5 feet of said Lot 3; The Westerly 20 feet of said Lot 3; The Northerly 7.5 feet of said Lot 2; The Westerly 20 feet of said Lot 2; The Southerly 7.5 feet of said Lot 1; Part of Lot 1 particularly described as follows:

Beginning at the Southeast corner of said Lot 1 said point being on the Northerly right of way of NW 3 rd Street and the Westerly line of Sturbridge Subdivision, Thence N 87°23'20" W a distance of 19.93 feet along said Northerly right of way to a point on the Easterly line of said Lot 3; Thence along said Easterly line of said Lot 3 N 02°29'34" E, a distance of 159.01 feet to a found 1/2" rebar at the Southeast corner of said Lot 2, Thence N 02°29'53" E, a distance of 528.39 feet to a found 1/2" rebar at the Northeast corner of said Lot 2, Thence S 87°31'53" E a distance of 19.60 feet to a point on the Westerly line of Sturbridge Subdivision; Thence along said Westerly line, S 02°28'10" W a distance of 687.45 feet to the of Termination.

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

The above and foregoing Ordinance was passed, approved, and adopted the ____ day of _____, 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Malorie Marrs, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Tracy Billings
Phone:	479-696-0229	For Department(s):	Planning
Email:	tracy.billings@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC26-0042)
Action Recommendation & Justification:	Approve a Resolution to set a Public Hearing for September 22, 2026 for a Utility Easement Vacation located at Lot 40 of College Place Subdivision Phase 8 (VAC26-0042).
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

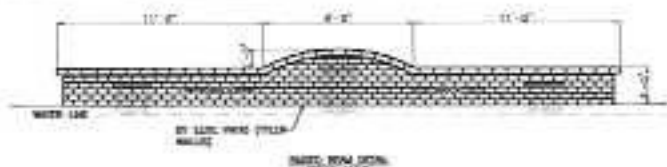
Please Recycle!

NOT TO SCALE

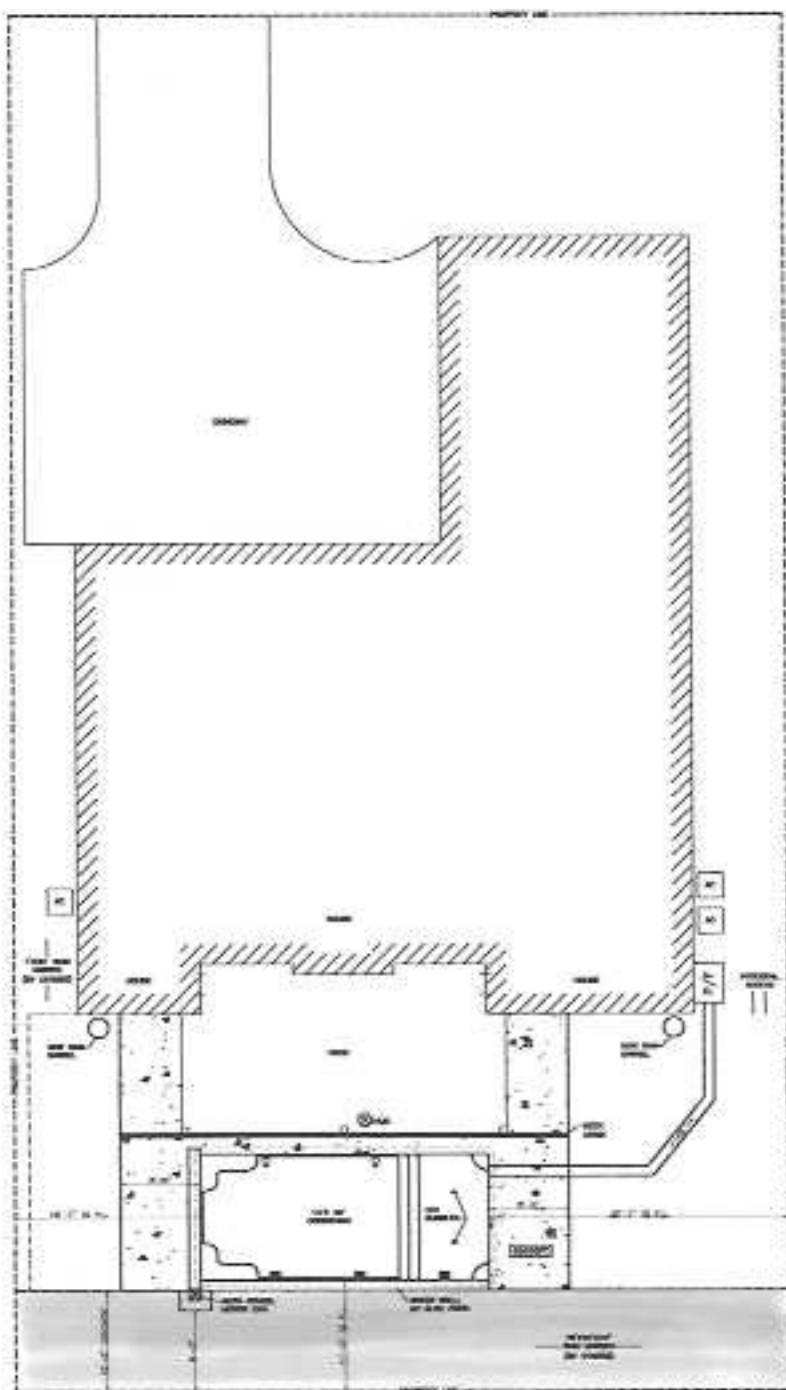
-  Well Point
 Gear Box
 Diving Board

Changes may result in additional charges.

HOMEDOWNER APPROVAL (AS-15)



- BARRIER REQUIREMENTS TO MEET 2021
ISPSC SECTION 305 w/SELF-CLOSING
GATES
- CONCRETE WASHOUT, CONSTRUCTION
TRASH BIN, AND PORTABLE TOILET WILL BE
ON SITE DURING CONSTRUCTION
- ALL POOL FACING DOORS & WINDOWS TO
HAVE CHIME ALARM IN ACCORDANCE w/UL
2017
- SAFETY COVER FOR POOL IN ACCORDANCE
w/ASTM F1346
- BONDING AROUND THE WATER'S EDGE
- POOL TYPE - NONCONDUCTIVE FIBERGLASS
- NO NEW WATER
- CRANE DELIVERY
- 30" X 2'-3" TALL X 1' DEEP WATER
WALL
- ALL DECK IS BROOM FINISH CONCRETE
- 3'X3'X3'X3' PLUS 5445QFT CONCRETE
(SEE C/O #1)
- TIER (2) YARD
- FENCE WILL HAVE SELF-LATCHING GATES
(BY OTHERS) - ANTI-CLIMB DESIGN
- AUTO-COVER ASTM CERTIFIED F1346
- HOMEOWNER WILL APPLY FOR VARIANCE



Proposed
Variation 6:
Cullivant
10'

CITY: BENTONVILLE STATE: AR ZIP: 72712



www.burtonpools.com

RESOLUTION NO. _____

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

WHEREAS, a petition was duly filed by Christopher Graves with the City of Bentonville, Arkansas requesting a utility easement vacation (VAC26-0042) within the City of Bentonville, Arkansas be vacated, which said utility easement is described as follows:

A 10-foot wide utility easement lying along and adjacent to the west boundary line of Lot 40, College Place Subdivision Phase 8, Bentonville, Benton County, Arkansas, as shown on the plat thereof recorded in Plat Cabinet 1, Page 23, Instrument No. 2007-82 & 2007-83, records of Benton County, Arkansas, extending the full length of said west boundary line from the south line to the north line of said Lot 40, said west line bearing North 02°27'11" East, a distance of 80.00 feet.

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 September 22, 2026, at 6:00 p.m. in the City Council Chambers 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 _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Malorie Marrs, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Chief Glynn Bertrand
Phone:	479-271-3170	For Department(s):	Police
Email:	glynn.bertrand@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Recognizing Ten (10) Police Vehicles as Surplus and Available for Trade
Action Recommendation & Justification:	A Resolution declaring ten (10) police department vehicles as surplus property, available for trade to Superior Automotive Group under their trade-in program for emergency vehicles. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	See memo with descriptions for each vehicle. Surplus these vehicles for trade in represents a responsible and safe disposition of police equipped vehicles. It also saves the city costs associated with the removal, storage, and proper disposal of law enforcement equipment that cannot be transferred to another vehicle.
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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POLICE DEPARTMENT

908 SE 14TH STREET
BENTONVILLE, AR 72712
479-271-3173 FAX 479-271-3187
www.bentonvillear.com

TO: City Council and Mayor Stephanie Orman
FROM: Glynn Bertrand, Chief of Police
DATE: August 17, 2026
SUBJECT: Bentonville Police Department – 2026 Surplus and Trade-In Police Vehicles

This is a request to declare ten (10) police department vehicles as surplus property. The vehicles include the following City of Bentonville vehicle descriptions:

2010-14	2013 Chevrolet Tahoe	1GNSK2E0XDR227759 * (For Immediate Trade)
2010-16	2013 Chevrolet Traverse	1GNKRFED6DJ171467 * (For Immediate Trade)
2010-74	2016 Chevrolet Traverse	1GNKRFED8G294076 * (For Immediate Trade)
2010-116	2018 Chevrolet PPV	1GNSKDEC8JR232167 * (For Immediate Trade)
2010-117	2018 Chevrolet PPV	1GNSKDEC4JR235258 * (For Immediate Trade)
2010-101	2016 Chevrolet Camaro	1G1FB1RS7G0137244 * (For Immediate Trade)
2010-118	2018 Chevrolet PPV	1GNSKDEC9JR235918 * (For Immediate Trade)
2010-79	2013 Dodge Durango	1C4RDJAG0DC662940
2010-123	2018 Chevrolet PPV	1GNLCDECXJR233323
2010-60	2016 Chevrolet Traverse	1GNKRFED9GJ291123

These vehicles were previously used as marked and unmarked police vehicles and scheduled for replacement or decommissioning in 2026. All ten (10) vehicles are equipped with various police equipment to include lightbars, sirens, consoles, gun racks, prisoner containment systems, and/or other law enforcement specific items that would ordinarily require removal prior to any transfer of ownership by State law.

However, upon being approved and declared as surplus, these vehicles can be traded to Superior Automotive Group in Siloam Springs for a credit, with values derived from NADA/Manheim Auction Reports for dealers for a market trade-in-value of like vehicles with similar equipment installed.

Superior offers a unique trade-in program for public safety vehicles which allows them to be refurbished and sold to other law enforcement agencies at a reduced cost of ownership. Additionally, this credit can be applied toward the purchase and upfitting of the police department vehicles approved in the 2026 budget. Surplus these vehicles to allow such a trade-in

represents a responsible and safe disposition of police equipped vehicles and also saves the city the costs associated with further handling of the vehicle itself and the removal, storage, and proper disposal of law enforcement only equipment that cannot be publicly sold or transferred to a new replacement vehicle.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE BENTONVILLE POLICE
DEPARTMENT TO DECLARE TEN (10) POLICE DEPARTMENT
VEHICLES AS SURPLUS PROPERTY, AVAILABLE FOR TRADE TO
SUPERIOR AUTOMOTIVE GROUP UNDER THEIR TRADE-IN PROGRAM
FOR EMERGENCY VEHICLES; AND FOR OTHER PURPOSES.**

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

WHEREAS, upon being approved and declared as surplus for trade in on new vehicles;
and

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

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

Section 1: The City of Bentonville Police Department may trade in the items contained in attached Exhibit “A” towards new vehicles;

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2026.

APPROVED:

Stephanie Orman, MAYOR

ATTEST:

Malorie Marrs, CITY CLERK

EXHIBIT 'A'

AFFIDAVIT OF DISPOSAL OF CERTAIN PEROPERTY OF THE CITY OF BENTONVILLE POLICE DEPARTMENT WHICH HAS BEEN RENDERED SURPLUS

I, Glynn Bertrand, do hereby certify that the following property of the City of Bentonville inventory has been rendered surplus due to damage or prolonged use, is no longer of service to the City, and is now appropriate for trade pursuant to ARK. Code Ann. § 14-54-302.

I further certify that I will be responsible for overseeing the trade of said property. The records listed below contain descriptions of the property to be traded.

TYPE OF PROPERTY:

Description:

1. 2010-14	2013 Chevrolet Tahoe	1GNSK2E0XDR227759
2. 2010-16	2013 Chevrolet Travers	1GNKRFED6DJ171467
3. 2010-60	2016 Chevrolet Traverse	1GNKRFED9GJ291123
4. 2010-74	2016 Chevrolet Traverse	1GNKRFED8G294076
5. 2010-79	2013 Dodge Durango	1C4RDJAG0DC662940
6. 2010-116	2018 Chevrolet PPV	1GNSKDEC8JR232167
7. 2010-117	2018 Chevrolet PPV	1GNSKDEC4JR235258
8. 2010-118	2018 Chevrolet PPV	1GNSKDEC9JR235918
9. 2010-123	2018 Chevrolet PPV	1GNLCDECXJR233323
10. 2010-101	2016 Chevrolet Camaro	1G1FB1RS7G0137244

Glynn Bertrand
Chief of Police

SUBSCRIBED AND SWORN TO before me this 28th day of August 2026

Notary Public

My Commission expires: 5-23-2032





City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Justin Scantlin
Phone:	479-271-3151	For Department(s):	Fire
Email:	justin.scantlin@bentonville.ar.gov		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	☒ Appointment

Title, Recommendation & Justification

Title:	Appointment of Thomas Bailey to the Construction Board of Appeals
Action Recommendation & Justification:	Appointment of Thomas Bailey, based upon staff recommendation to the Mayor, to the Construction Board of Appeals filling the expired term of Taylor Sizemore. Mr. Bailey's term will expire July 15, 2028.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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September 8, 2026

To: City Council Members & City Clerk

From: Mayor Stephanie Orman

Subject: Appointment of Thomas Bailey to the Construction Board of Appeals

 Based on staff recommendations, I recommend Thomas Bailey to the City of Bentonville's Construction Board of Appeals.

Mr. Bailey will be filling the expired term of Taylor Sizemore. This term will end July 15, 2028.

Stephanie Orman



Boards and Commissions Application Form

Applicant Information

First Name Thomas

Last Name Bailey

Address

City BENTONVILLE

State AR

Zip Code 72712

Home / Cell Phone

Email Address

Length of Bentonville
Residency 29 years

Employer Best in Class Suppliers

Occupation VP Sales

Business Phone

(Section Break)

References

Please provide 2 references

Name Tim Robinson

Email Address

Address

City Bentonville

State AR

Zip Code 72712

Phone Number	[REDACTED]
Name	Jim Webb
Email Address	[REDACTED]
Address	[REDACTED]
City	Bentonville
State	AR
Zip Code	72712
Phone Number	[REDACTED]
Fax Number	<i>Field not completed.</i>

(Section Break)

Board Selection and Qualifications

Select all commissions and boards for which you would like to be considered:

Construction Board of Appeals

1. What are your qualifications for serving on this commission or board, including education and subject matter expertise?

As a nearly 30 year resident of the city, I bring a deep commitment to preserving and enhancing the experience of living in Bentonville. My professional background is not directly related to construction, however I am in the final stages of construction of my own owner/builder house project in Bentonville. This has given me a first hand experience with the permitting, construction, inspection and management processes required to take a plan to completion in this town.

2. Why would you like to be considered for appointment to this commission or board?

As someone who has been on the "applicant side" of the code enforcement process, I believe I can bring a balanced perspective to appeals, understanding both the importance of safety standards and the challenges property owners face in meeting them.

3. What do you hope to be able to contribute?

I would intend to serve as a bridge between those professionally involved in the construction industry, with the deep experience and inside knowledge, and those without

professional backgrounds, or lesser experienced in the process. With my own experiences I understand the necessity of safety standards as well as the real-world challenge and expense of meeting them.

4. Meeting Times	AGREED
------------------	--------

(Section Break)

Qualifications for Serving
Please read the Qualifications for Serving provided below. These are the general qualifications to serve on any board or commission of the City of Bentonville.

I have read the above qualifications to serve on a city commission or board.	Yes
--	-----

(Section Break)

Restrictions on Appointees
Please read the Restrictions on Appointees provided below. Then type in your name and date to confirm that you are aware of and, if appointed, agree to the following rules.

Agreement to Abide by Restrictions on Appointees	Thomas Bailey
--	---------------

Date	5/7/2025
------	----------



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Dan Weese
Phone:	479-426-2050	For Department(s):	Transportation
Email:	dan.weese@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☒ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Accepting FFY2027 NWARPC Grant Funds for Vaughn Road Improvements
Action Recommendation & Justification:	A resolution authorizing acceptance of \$2,000,000 in FY2027 NWARPC STBGP-A grant funding for construction of the Hwy 12/279 Intersection Improvements project (Job No. 090613). A budget adjustment is needed.
Additional Comments for Consideration (Optional):	The grant provides \$2,000,000 in federal funding with a required 20% local match of \$500,000.00, for a total project amount of \$2,500,000. The City's match will be funded by Street fund reserves.
Amount for Approval:	\$ 2,000,000.00

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

203810-33110	Federal Direct Grant	\$	\$ 2,000,000
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
203810-47380	Street Construction	\$ 2,500,000	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☒ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

ARKANSAS STATE HIGHWAY COMMISSION

PHILIP TALDO
CHAIRMAN
SPRINGDALE

KEITH GIBSON
VICE CHAIRMAN
FORT SMITH

MARIE HOLDER
LITTLE ROCK



DAVID M. HAAK
TEXARKANA

JERRY L. HALSEY, JR.
JONESBORO

JARED D. WILEY, P.E.
DIRECTOR

P.O. Box 2261 • Little Rock, Arkansas 72203-2261
Phone (501) 569-2000 • Voice/TTY 711 • Fax (501) 569-2400
www.ARDOT.gov • www.IDriveArkansas.com

August 7, 2026

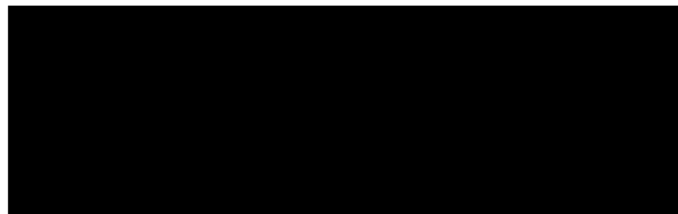
The Honorable Stephanie Orman
Mayor of Bentonville
305 SW "A" St.
Bentonville, AR 72712

Stephanie
Mayor Orman:

Reference is made to the City's award of \$2,000,000 in 2027 Surface Transportation Block Grant Program – Attributable (STBGP-A) funds for the construction of Job 090613, Hwys. 12/279 Inters. Impvts. (Bentonville) (S). This awarded Federal-aid funding will now be incorporated into Job 090613. Therefore, the Agreement of Understanding must be modified.

The supplemental agreement letters when signed by all parties and returned to the Department, will constitute a second supplement to the Agreement between the City of Bentonville, the Northwest Arkansas Regional Planning Commission, and the Department for Job 090613. All other conditions of the Agreement will remain in effect. The total Federal-aid available for Job 090613 is now \$4,044,000.

Please retain a copy of the signed letter for your files. If you have any questions concerning this matter, please contact David Siskowski, Division Head – Local Programs, at (501) 435-3255.



APPROVED:

Stephanie Orman
Mayor

c: Highway Commission
Chief Engineer
Assistant Chief Engineer – Program Delivery
Local Programs

Program Management
District Nine
Tim Conklin, Executive Director, NWARPC
Job 090613 'C' File



NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125

• <http://nwarpc.org>

June 16, 2026

Mayor Stephanie Orman
City of Bentonville
305 SW "A" St
Bentonville, AR 72712

Re: Hwy 12/SW Regional Airport Blvd. & Hwy 279/S. Vaughn Rd. Inters. Impvts. (Job No. 090613) –
Construction
NWARPC FFY 2027 Surface Transportation Block Grant Program – Attributable (STBGP-A)
Total NWARPC Federal Funds Awarded to Project to Date: \$4,044,000

Dear Mayor Orman:

I am pleased to inform you that the Hwy 12/SW Regional Airport Blvd. & Hwy 279/S. Vaughn Rd. Inters. Impvts. (Job No. 090613) was selected by the Northwest Arkansas Regional Planning Commission on May 27, 2026, for Federal Fiscal Year (FFY) 2027 NWARPC Surface Transportation Block Grant Program – Attributable (STBGP-A) funding.

The awarded FY2027 NWARPC STBGP-A funds and the required local match are shown below:

NWARPC STBGP-A	\$2,000,000	(80% Federal)
City Match	<u>\$500,000</u>	(20% Local Match)
Total	\$2,500,000	

The NWARPC STBGP-A funding is subject to an obligation limitation and the total available funds may change after final FFY 2027 funding is published by the Federal Highway Administration (FHWA), subject to Congressional reauthorization and appropriation.

These funds are required to be obligated by the end of the Federal Fiscal Year that ends on September 30, 2027. All required submittals to the Arkansas Department of Transportation (ARDOT) and required approvals for this project should be completed by August 15, 2027, to allow sufficient time to obligate the STBGP-A funds for this project.

ARDOT administers the Local Public Agency (LPA) program, providing oversight for federal-aid project delivery and ensuring compliance with applicable provisions of Title 23, U.S.C. ARDOT also processes reimbursement requests for NWARPC funding awards. For more details, please refer to the [ARDOT Local Public Agency Project Manual](#). Required training for this program will be conducted by ARDOT on **Thursday, August 20, 2026, from 8:30 a.m. to 9:30 a.m. at the NWARPC office**. Please ensure the appropriate staff member(s) attend.

Please let us know if you have any questions or need additional information regarding this program.

Sincerely,

Tim Conklin
Executive Director

Cc: David Siskowski, ARDOT
Minghua Qiu Miller, ARDOT
Whitnee V. Bullerwell, ARDOT
ARDOT LPA Staff
Sunny Farmahan, ARDOT
Anthony Hunter, ARDOT

Dan Weese, Bentonville Transportation Director
Jarrod Brightwell, Bentonville Staff Engineer



NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125

• Fax: (479) 751 7150

• <http://nwarpc.org>

NWARPC Awarded Federal Funding - City of Bentonville

Job No. - Project - Award Year	STBGP-A FEDERAL/ HIP/EARMK	TAP FEDERAL	CRP FEDERAL	TOTAL FEDERAL
090218	\$ 4,564,686			\$ 4,564,686
8th Street	\$ 4,564,686			\$ 4,564,686
2015	\$ 4,064,686			\$ 4,064,686
2019	\$ 500,000			\$ 500,000
090416		\$ 254,199		\$ 254,199
Walton Blvd Trail Construction Project		\$ 254,199		\$ 254,199
2014		\$ 254,199		\$ 254,199
090421	\$ 1,132,444			\$ 1,132,444
US 71B (N. Walton Blvd.) and 12th St. Intersection	\$ 1,132,444			\$ 1,132,444
2014	\$ 132,444			\$ 132,444
2016	\$ 500,000			\$ 500,000
2017	\$ 500,000			\$ 500,000
090473	\$ 1,100,000			\$ 1,100,000
SW I St. and Hwy. 102 Intersection	\$ 1,100,000			\$ 1,100,000
2016	\$ 100,000			\$ 100,000
2017	\$ 1,000,000			\$ 1,000,000
090479		\$ 22,041		\$ 22,041
McCollum Rd Side path Phase 1		\$ 22,041		\$ 22,041
2019		\$ 22,041		\$ 22,041
090613	\$ 4,044,000			\$ 4,044,000
Hwy 12/SW Regional Airport Blvd. & Hwy 279/S. Vaughn Rd. Intersection Impvts.	\$ 4,044,000			\$ 4,044,000
2022	\$ 500,000			\$ 500,000
2026	\$ 1,544,000			\$ 1,544,000
2027	\$ 2,000,000			\$ 2,000,000
090628	\$ 11,262,884			\$ 11,262,884
Greenhouse Road Improvements (Hwy 12 to Hwy 102)	\$ 11,130,244			\$ 11,130,244
2021	\$ 850,000			\$ 850,000
2022	\$ 112,000			\$ 112,000
2024	\$ 3,333,396			\$ 3,333,396
2025	\$ 461,928			\$ 461,928
2026	\$ 2,372,920			\$ 2,372,920
2027	\$ 4,000,000			\$ 4,000,000
Greenhouse Road Improvements (Hwy 12 to Hwy 102) HIP FUNDING	\$ 132,640			\$ 132,640
2021	\$ 132,640			\$ 132,640
090630		\$ 750,000		\$ 750,000
Razorback Greenway Relocation - I-49		\$ 750,000		\$ 750,000
2021		\$ 250,000		\$ 250,000
2023		\$ 500,000		\$ 500,000
090676	\$ 2,500,000			\$ 2,500,000
I-49 / J Street Interchange - Tiger Blvd to I-49	\$ 2,500,000			\$ 2,500,000
2025	\$ 2,500,000			\$ 2,500,000
090716		\$ 400,000		\$ 400,000
SW Bentonville Trail: Morning Star Trail – Vendor Blvd.		\$ 400,000		\$ 400,000
2024		\$ 400,000		\$ 400,000
090770		\$ 137,959		\$ 137,959
McCollum Rd Side path Phase 2		\$ 137,959		\$ 137,959
2019		\$ 137,959		\$ 137,959
NEW			\$ 168,000	\$ 168,000
Eagle Way Tunnel & Trails			\$ 168,000	\$ 168,000
2027			\$ 168,000	\$ 168,000
Grand Total	\$ 24,604,014	\$ 1,564,199	\$ 168,000	\$ 26,336,213

RESOLUTION NO. _____

A RESOLUTION ACCEPTING FFY2027 NWARPC GRANT FUNDS, IN THE AMOUNT OF TWO MILLION DOLLARS (\$2,000,000.00), FOR VAUGHN ROAD IMPROVEMENTS; AMENDING THE 2026 BUDGET; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and the city clerk are authorized to accept two million dollars and zero cents (\$2,000,000.00) in FFY2027 NWARPC STBGP-A grant funding for right-of-way and utility activities associated with the Hwy 12/SW Regional Airport Blvd. & Hwy 279/S. Vaughn Road Intersection Improvements project (Job No. 090613);

WHEREAS, the grant provides two million dollars and zero cents (\$2,000,000.00) in federal funding with a required 20% local match five hundred thousand dollars (\$500,000.00), for a total project amount of two million five hundred thousand dollars (\$2,500,000); and

WHEREAS, a budget adjustment is needed to account for the grant proceeds and required matching funds.

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

Section 1: The City of Bentonville hereby accepts two million dollars (\$2,000,000.00) in FFY2027 NWARPC STBGP-A grant funding for right-of-way and utility activities associated with Hwy 12/SW Regional Airport Blvd. & Hwy 279/S. Vaughn Road Intersection Improvements project (Job No. 090613);

Section 2: The 2026 budget is hereby adjusted to recognize grant funds in the amount of two million dollars (\$2,000,000.00) into Account #203810-33110- Federal Direct Grant and appropriate the same into Account #203810-47380 – Street Construction;

Section 3: The 2026 budget is further adjusted to appropriate five hundred thousand dollars (\$500,000.00) from Street Fund Reserves into Account #203810-47380 – Street Construction;

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

PASSED and APPROVED this ____ day of _____, 2026.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

MALORIE MARRS, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Cody Vaughn
Phone:	(479)254-2062	For Department(s):	Transportation
Email:	cody.vaughn@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution to Approve the Acquisition of SW Regional Airport Boulevard & I Street - Tract 19
Action Recommendation & Justification:	Staff recommends approval of a resolution for the acquisition of Tract 19, Parcel 01-16606-000, for the SW Regional Airport Blvd. & SW I St. Intersection Improvements project (PIIP22-0018). The total acquisition cost is \$72,073.00 and will be funded by Bond funds. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Acquisition documents were processed through Waco Title Company and reviewed by the City of Bentonville Legal Department.
Amount for Approval:	\$ 72,073.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

PURCHASER'S STATEMENT**Date:** May 18, 2026**GFNo:** 2301177-102

Sale From: Rhodes Development Company L.L.C., a Missouri
Limited Liability Company
P.O. Box 779
Cape Girardeau, MO 63702

To: City of Bentonville, Arkansas
1000 SW 14th Street
Bentonville, AR 72712

Property: EVERSOLE ADDITION - BN, Lot 19, Benton County
SW I Street
Bentonville, AR

Purchase Price **\$72,073.00**

Plus: Charges

Total Charges **\$0.00**
Gross Amount Due By Purchaser **\$72,073.00**

Less: Credits

Total Credits **\$0.00**
Balance Due by Purchaser **\$72,073.00**

Purchaser understands the Closing or Escrow Agent has assembled this information representing the transaction from the best information available from other sources and cannot guarantee the accuracy thereof. The lender involved may be furnished a copy of this statement.

Purchaser understands that tax and insurance proration and reserves were based on figures for the preceding year or supplied by others or estimates for the current year, and in the event of any change for current year, all necessary adjustments must be made between Purchaser and Seller direct.

The undersigned hereby authorizes Waco Title Company to make expenditure and disbursements as shown above and approves same for payment. The undersigned also acknowledges receipt of Loan Funds, if applicable, in the amount shown above and a receipt of a copy of this Statement

Waco Title Company

By

Shani Allen

City of Bentonville, Arkansas

By:

Authorized Signor



AFFIDAVIT OF ELECTION NOT TO PURCHASE TITLE INSURANCE

File #: 2301177-102

We, the undersigned PURCHASERS of real estate identified as:
SW I Street, Bentonville, AR

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

have requested that Waco Title Company conduct a closing on our purchase of the real estate without the benefit of obtaining an Owner's Title Insurance Policy on the transaction. We have been given the opportunity to ask any questions we may have concerning title insurance prior to closing this transaction.

WE UNDERSTAND THAT NO LIEN SEARCH OR JUDGMENT SEARCH HAS BEEN UNDERTAKEN ON THE SELLERS OR ON ANY FORMER OWNER OF THE PROPERTY AND THAT CERTAIN JUDGMENTS OR LIENS AGAINST THE SELLERS OR THE FORMER OWNERS MAY HAVE ATTACHED TO THE PROPERTY DURING THE PERIOD THAT THE THOSE OWNERS WERE THE RECORD OWNERS OR IN POSSESSION OF THE PROPERTY. WE UNDERSTAND THAT WE MAY BE HELD RESPONSIBLE FOR PAYING ANY JUDGMENT OR LIEN THAT HAS ATTACHED TO THE PROPERTY EVEN THOUGH SUCH JUDGMENT OR LIEN WAS AGAINST A FORMER OWNER.

WE FURTHER UNDERSTAND THAT WACO TITLE COMPANY AND ITS AGENTS, EMPLOYEES AND OFFICERS DO NOT MAKE ANY CLAIMS, STATEMENTS OR ASSURANCES CONCERNING THE STATUS OF TITLE TO THE PROPERTY. WE KNOWINGLY ASSUME ALL RISKS IN CLOSING THE PROPERTY WITHOUT TITLE INSURANCE, INCLUDING, WITHOUT LIMITATION, THE RISK THAT THE SELLER MAY NOT HAVE GOOD TITLE TO THE PROPERTY.

By signing this Affidavit, we acknowledge that we wish to proceed with the Closing without obtaining an Owner's Title Insurance Policy. We, on our own behalf and on behalf of our heirs, beneficiaries, devisees, successors and assigns, release and hold Waco Title Company and its successors, agents, employees, attorneys or officers harmless from any claim of loss or damage arising from our decision to close the transaction without obtaining an Owner's Title Insurance Policy. We understand that this means that in the event the Seller does not own all or any part of the Property, we will have no claim against Waco Title Company or its successors, agents, employees, attorneys or officers.

By signing this Affidavit, all parties acknowledge that they have had an opportunity to discuss our

election to proceed without an Owner's Title Insurance Policy and that we are not relying upon any representation made by Waco Title Company or its agents, employees, attorneys or officers regarding this matter.

Executed on this 9th day of June, 2026

City of Bentonville, Arkansas

By:

Authorized Signor

Exhibit "A"

Tr 19

The Plat of Eversole Addition to the City of Bentonville, Arkansas, recorded in Benton County in Document Number L202036358;

ATA 1

Part of Lot 19, Eversole Addition to the City of Bentonville, also being part of the Northeast Quarter of the Southeast Quarter of Section 12; Township 19 North, Range 31 West, Benton County, more particularly described as follows:

BEGINNING at a 5/8-inch rebar with cap at the Northeast Corner of Lot 19, Eversole Addition on the Westerly right of way line of SW "I" Street as established by City of Bentonville Project PIIP22-0018; thence North 57°38'53" West along said right of way line a distance of 8.14 feet to a point; thence North 49°24'02" West along said right of way line a distance of 5.75 feet to a point; thence North 40°35'58" East along said right of way line a distance of 1.30 feet to a point on the Westerly right of way line of SW "I" Street as established by the Plat of Eversole Addition to the City of Bentonville, Arkansas, recorded in Benton County in Document Number L202036358; thence North 40°35'58" East along said right of way line a distance of 1.47 feet to a point on the Southerly right of way line of SW Regional Airport Boulevard as established by plat of Eversole Addition; thence South 42°46'15" East along said right of way line a distance of 13.89 feet to the point of beginning and containing 22 square feet more or less as shown on plans prepared by the City of Bentonville referenced as Project PIIP22-0018.

ATA 2

Part of Lot 19, Eversole Addition to the City of Bentonville, also being part of the Northeast Quarter of the Southeast Quarter of Section 12; Township 19 North, Range 31 West, Benton County, more particularly described as follows:

Commencing at a 5/8-inch rebar with cap at the Northeast Corner of Lot 19, Eversole Addition on the Westerly right of way line of SW "I" Street as established by the Plat of Eversole Addition to the City of Bentonville, Arkansas, recorded in Benton County in Document Number L202036358; thence North 42°46'15" West along said right of way line a distance of 15.66 feet to a point on the Southerly right of way line of SW Regional Airport Boulevard as established by City of Bentonville Project PIIP22-0018 to the POINT OF BEGINNING; thence North 49°20'05" West along said right of way line a distance of 18.73 feet to a point; thence North 87°55'32" West along said right of way line a distance of 176.17 feet to a point; thence North 83°23'29" West along said right of way line a distance of 108.18 feet to a point on the Southerly right of way line of SW Regional Airport Boulevard as established by plat of Eversole Addition; thence North 02°39'38" East along said right of way line a distance of 1.90 feet to a point; thence South 88°00'52" East along said right of way line a distance of 276.19 feet to a point; thence South 42°46'15" East along said right of way line a distance of 31.82 feet to the point of beginning and containing 0.06 acres or 2,561 square feet more or less as shown on plans prepared by the City of Bentonville referenced as Project PIIP22-0018.

TCE-1

Part of Lot 19, Eversole Addition to the City of Bentonville, also being part of the Northeast Quarter of the Southeast Quarter of Section 12; Township 19 North, Range 31 West, Benton County, more particularly described as follows:

Commencing at a 5/8-inch rebar with cap at the Northeast Corner of Lot 19, Eversole Addition on the Westerly right of way line of SW "I" Street as established by the Plat of Eversole Addition to the City of Bentonville, Arkansas, recorded in Benton County in Document Number L202036358; thence North 42°46'15" West along said right of way line a distance of 15.19 feet to the POINT OF BEGINNING; thence North 84°42'28" West a distance of 29.93 feet to a point; thence North 87°55'32" West a distance of 161.33 feet to a point; thence North 83°23'29" West a distance of 49.13 feet to a point; thence South 28°23'14" West a distance of 12.31 feet to a point; thence North 87°18'07" West a distance of 40.00 feet to a point; thence North 31°08'16" West a distance of 23.87 feet to a point; thence North 02°39'38" East a distance of 5.30 feet to a point on the Southerly right of way line of SW Regional Airport Boulevard as established by City of Bentonville Project PIIP22-0018; thence South 83°23'29" East along said right of way line a distance of 108.18 feet to a point; thence South 87°55'32" East along said right of way line a distance of 176.17 feet to a point; thence South 49°20'05" East along said right of way line a distance of 18.73 feet to the point of beginning and containing 0.08 acres or 3,537 square feet more or less as shown on plans prepared by the City of Bentonville referenced as Project PIIP22-0018.

ACKNOWLEDGEMENT

STATE OF ARKANSAS)

) ss.

COUNTY OF Benton

On this the 9th day of June, 2026, before me, a Notary Public, personally appeared City of Bentonville, Arkansas, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the consideration and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal

My Commission Expires:

Feb 5, 2034

Notary Public



L202635586
BENTON CO. AR FEE \$30.00
 PRESENTED & E-RECORDED
06/22/2026 08:02:50 AM
 BRENDA DESHIELDS
 Circuit Clerk & Recorder

After recording please return to:
 Waco Title Company
 2592 S. 48th St.
 Springdale, AR 72762

WARRANTY DEED
(LLC)

File #: **2301177-102**

KNOW ALL MEN BY THESE PRESENTS:

That, **Rhodes Development Company, L.L.C., a Missouri Limited Liability Company**, hereinafter called GRANTOR, for and in consideration of the sum of ---ONE AND 00/100--- DOLLAR---(\$1.00)---and other good and valuable consideration, in hand paid by **City of Bentonville, Arkansas**, hereinafter called GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto GRANTEE, and unto its successors and assigns forever, the following described lands lying in **Benton County, Arkansas** to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunto belonging. And the Grantor hereby covenants with said Grantee that it will forever warrant and defend the title to the said lands against all claims whatsoever.

Prepared under the supervision of
 Buckley Bridges, Attorney
 2592 S. 48th St.
 Springdale, AR. 72762

2301177-102/Benton

IN TESTIMONY WHEREOF, the name of the grantor and its seal are hereunto affixed by its duly authorized Member(s)/Manager(s), this 29th day of MAY, 2026.

**Rhodes Development Company, L.L.C., a
Missouri Limited Liability Company:**


Scott M. Rhodes, Manager

ACKNOWLEDGMENT

STATE OF MISSOURI)
) SS.
COUNTY OF CAPE GIRARDEAU)

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Scott M. Rhodes** to me personally known or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who stated that he is the authorized Manager of **Rhodes Development Company L.L.C., a Missouri Limited Liability Company**, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said company, and further stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth as the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 29th day of May, 2026.



My commission expires:

April 20, 2029

K ROMANO
Notary Public - Notary Seal
STATE OF MISSOURI
Scott County
My Commission Expires: Apr. 20, 2029
Commission #13772983

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

GRANTEE OR AGENT:

CITY of Bentonville

GRANTEE'S ADDRESS:

1000 SW 14TH ST

Bentonville, AR 72712

EXHIBIT "A"**Tr 19**

The Plat of Eversole Addition to the City of Bentonville, Arkansas, recorded in Benton County in Document Number L202036358;

ATA 1

Part of Lot 19, Eversole Addition to the City of Bentonville, also being part of the Northeast Quarter of the Southeast Quarter of Section 12; Township 19 North, Range 31 West, Benton County, more particularly described as follows:

BEGINNING at a 5/8-inch rebar with cap at the Northeast Corner of Lot 19, Eversole Addition on the Westerly right of way line of SW "I" Street as established by City of Bentonville Project PIIP22-0018; thence North 57°38'53" West along said right of way line a distance of 8.14 feet to a point; thence North 49°24'02" West along said right of way line a distance of 5.75 feet to a point; thence North 40°35'58" East along said right of way line a distance of 1.30 feet to a point on the Westerly right of way line of SW "I" Street as established by the Plat of Eversole Addition to the City of Bentonville, Arkansas, recorded in Benton County in Document Number L202036358; thence North 40°35'58" East along said right of way line a distance of 1.47 feet to a point on the Southerly right of way line of SW Regional Airport Boulevard as established by plat of Eversole Addition; thence South 42°46'15" East along said right of way line a distance of 13.89 feet to the point of beginning and containing 22 square feet more or less as shown on plans prepared by the City of Bentonville referenced as Project PIIP22-0018.

ATA 2

Part of Lot 19, Eversole Addition to the City of Bentonville, also being part of the Northeast Quarter of the Southeast Quarter of Section 12; Township 19 North, Range 31 West, Benton County, more particularly described as follows:

Commencing at a 5/8-inch rebar with cap at the Northeast Corner of Lot 19, Eversole Addition on the Westerly right of way line of SW "I" Street as established by the Plat of Eversole Addition to the City of Bentonville, Arkansas, recorded in Benton County in Document Number L202036358; thence North 42°46'15" West along said right of way line a distance of 15.66 feet to a point on the Southerly right of way line of SW Regional Airport Boulevard as established by City of Bentonville Project PIIP22-0018 to the POINT OF BEGINNING; thence North 49°20'05" West along said right of way line a distance of 18.73 feet to a point; thence North 87°55'32" West along said right of way line a distance of 176.17 feet to a point; thence North 83°23'29" West along said right of way line a distance of 108.18 feet to a point on the Southerly right of way line of SW Regional Airport Boulevard as established by plat of Eversole Addition; thence North 02°39'38" East along said right of way line a distance of 1.90 feet to a point; thence South 88°00'52" East along said right of way line a distance of 276.19 feet to a point; thence South 42°46'15" East along said right of way line a distance of 31.82 feet to the point of beginning and containing 0.06 acres or 2,561 square feet more or less as shown on plans prepared by the City of Bentonville referenced as Project PIIP22-0018.

**Subject to easements, rights-of-way, restrictions, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.**



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Affidavit of Compliance



File Number: 2301177-102

Grantee: CITY OF BENTONVILLE, ARKANSAS
Mailing Address: 1000 SW 14TH ST
BENTONVILLE AR 727123625

Grantor: RHODES DEVELOPMENT COMPANY L.L.C., A MISSOURI LIMITED
Mailing Address: LIABILITY COMPANY
PO BOX 779
CAPE GIRARDEAU MO 637020779

Property Purchase Price: \$0.00
Tax Amount: \$0.00

County: BENTON
Date Issued: 06/22/2026
Affidavit ID: 1671242752

The grantee/grantor claims the following exemption to the Real Estate Transfer Tax:

A transfer to or from the United States, the State of Arkansas, or any of the instrumentalities, agencies, or political subdivisions of the United States or the State of Arkansas.

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): WICO Title - Spring

Grantee or Agent Name (signature): WICO Title - EP **Date:** 6/22/26

Address: 1000 SW 14TH ST

City/State/Zip: Bentonville AR 72712-3625



CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in **Doc Num L202635586**
06/22/2026 08:02:50 AM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

L202635587
BENTON CO. AR FEE \$25.00
PRESENTED & E-RECORDED
06/22/2026 08:02:51 AM
BRENDA DESHIELDS
Circuit Clerk & Recorder

SPACE ABOVE THIS LINE FOR RECORDING DATA
RECORDING COVER SHEET

WACO TITLE COMPANY, INC.
7300 Cameron Park Drive
Fort Smith, AR 72903

TEMPORARY CONSTRUCTION EASEMENT

JOB NAME: Bentonville, SW Regional Airport Blvd. and SW I St.

JOB No.: PIIP22-0018

TRACT: 19 TCE-1

TEMPORARY CONSTRUCTION EASEMENT

That, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations to the undersigned **Rhodes Development Company, LLC, a Missouri Limited Liability Company**, the receipt and sufficiency of which is hereby acknowledged, said Grantor does hereby GRANT and CONVEY unto the City of Bentonville, Arkansas, Grantee, its successors and assigns, a TEMPORARY CONSTRUCTION EASEMENT, for all construction deemed necessary for the **SW Regional Airport Blvd. and SW I St. project**, including but not limited to utilities, grading, and general construction, together with ingress and egress, to, across, through and over the lands shown on the right of way plans for Job No. PIIP22-0018 and designated as Tract No. 19 situated in the County of Benton, State of Arkansas, to-wit:

SEE ATTACHED EXHIBITS OF TR 19 TCE-1

The temporary construction easement as conditioned above shall terminate at the earlier of (i) the date the herein referenced project has been completed by the contractor and accepted by the City of Bentonville, Arkansas, or (ii) five (5) years after the date of execution of this Easement.

It is expressly understood that the above temporary construction shall not alter or remove any permanent structures.

By acceptance and use of this easement grant, Grantee agrees:

- (i) that its contractor will perform all work in a good workmanlike manner, in a manner such that no more than one point of access to Grantor's property will be closed at a time, and in a manner which causes the least amount of interference, as reasonably possible, with Grantor's business operations;
- (ii) that its contractor will promptly restore any damage to Grantor's driveways, sidewalks, parking areas, fences or lawns that result from the project work to a condition as close as is reasonable to their original condition; and
- (iii) that its contractor will carry liability insurance that will cover any claims that may arise due to losses, damages, costs, expenses, including reasonable attorney's fees and lien claims of laborers or materialmen, as a result of construction work performed on Grantor's property.

2301177-102 / Benton

JOB NAME: Bentonville, SW Regional Airport Blvd. and SW I St.

JOB No.: PIIP22-0018

TRACT: 19 TCE-1

Grantor hereby covenants that it is lawfully seized of an indefeasible estate in fee in the Easement Area; that it has good right to convey a Temporary Construction Easement on the same; and that the said premises are free and clear of any encumbrances done or suffered by it or those under whom it claims, other than matters of record.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed by its duly authorized representative the day and year first above written.

RHODES DEVELOPMENT COMPANY, L.L.C.

[Redacted Signature]

Scott M. Rhodes, Manager

STATE OF MISSOURI)
)
COUNTY OF CAPE GIRARDEAU) ss.

On this 15th day of December, 2025, before me personally appeared **Scott M. Rhodes**, to me personally known, who being duly sworn did say that he is a **Manager of Rhodes Development Company, L.L.C.**, a Missouri limited liability company, and that the above instrument was signed in behalf of said limited liability company, and the said Scott M. Rhodes acknowledges said instrument to be the free act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written

[Redacted Notary Signature]

Notary Public

My commission expires:

April 20, 2029





CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in **Doc Num L202635587**
06/22/2026 08:02:51 AM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO
AN AGREEMENT WITH RHODES DEVELOPMENT COMPANY, LLC TO
PURCHASE REAL ESTATE IN THE AMOUNT OF SEVENTY-TWO THOUSAND
SEVENTY-THREE DOLLARS (\$72,073.00); AND FOR OTHER PURPOSES.**

WHEREAS, the need has arisen for the City of Bentonville to enter into a contract with Rhodes Development Company, LLC, a Missouri Limited Liability Company, to purchase Tract 19, Parcel 01-16606-000 for the SW Regional Airport Blvd and SW I Street Intersection Improvements project (PIIP22-0018).

WHEREAS, this purchase is being made using Bond funds, and no budget adjustment is necessary.

**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 an agreement with Rhodes Development Company, LLC, a Missouri Limited Liability Company, to purchase real estate in the amount of Seventy-Two Thousand Seventy-Three Dollars (\$72,073.00).

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

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

MALORIE MARRS, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	8/26/2026	Submitted By:	David Wright
Phone:	479.271.6813	For Department(s):	Parks
Email:	david.wright@bentonville.ar.gov		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	☒ Appointment

Title, Recommendation & Justification

Title:	Appointment of Hunter Hook to the Parks and Recreation Advisory Board
Action Recommendation & Justification:	Appointment of Hunter Hook, based upon staff recommendation to the Mayor, to the Parks and Recreation Advisory Board. Mr. Hook will be filling the unexpired term of Tacuma Williams that will expire on December 31, 2027.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ **ITEM HAS NO COST** ☐ **OTHER:** _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue

Fund(s) Impacted

(check all that apply)

☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):** _____

Budget Impact Notes for Consideration (Optional):

Memo



To: City Council Members and Mayor Orman
From: David Wright, Parks and Recreation Director
Date: August 26, 2026
Re: City Council approval of Mayor Orman's recommendation to appoint Hunter Hook to the Parks and Recreation Advisory Board.

Parks and Recreation Staff seek Council's approval of Mayor Orman's recommendation to appoint Hunter Hook to the Parks and Recreation Advisory Board. Hook will replace Tacuma Williams, who recently resigned when he accepted a new position in Fayetteville.

Hook comes to us with a lifetime of real-life experiences in our parks system. As an active user of the network, and a former staff member for Parks and Recreation, Hook will bring a great perspective to the team.

If you have any questions, regarding this item, please contact me at 271.6813, or email david.wright@bentonville.ar.gov.

Attachments:

Resignation Letter – Tacuma Williams

PRAB Application – Hunter Hook



September 8, 2026

To: City Council Members & City Clerk

From: Mayor Stephanie Orman

Subject: Appointment of Hunter Hook to the Parks and Recreation Advisory Board

So Based on staff recommendations, I recommend Hunter Hook to the City of Bentonville's Parks and Recreation Advisory Board.

Mr. Hook will be filling the position that was vacated by Tacuma Williams, who moved outside the City of Bentonville.

This unexpired term will end December 31, 2027.

Stephanie Orman

Resignation from the Parks and Recreation Advisory Board

From Tacuma Williams <[REDACTED]>

Date Tue 8/25/2026 12:45 PM

To Tracy Acosta [REDACTED]

Fellow board members,

It is with a heavy heart that I submit this formal resignation from the Bentonville Parks and Recreation Advisory Board. I have thoroughly enjoyed the relationships I have built and cultivated in my time on the board. I will remain a member of the community in a much smaller capacity, and may return, but in the meantime, I will miss this community, and all the great things that we have in store.

Please accept this as my formal resignation from the Bentonville Parks and Recreation Advisory Board due to my relocation outside of Bentonville.

Thank you again for the opportunity to serve.

Tacuma Williams
Principal / John L Colbert Junior High School
Fayetteville Schools
Fayetteville Ar.



Boards and Commissions Application Form

Applicant Information

First Name Hunter

Last Name Hook

Address

City Bentonville

State AR

Zip Code 72713

Home / Cell Phone

Email Address

Length of Bentonville
Residency 24 Years

Employer Walmart

Occupation Financial Analyst

Business Phone

(Section Break)

References

Please provide 2 references

Name Karilea McGee

Email Address

Address 3 Ledgerwood

City Bentonville

State AR

Zip Code 72712

Phone Number

Name	Doug Younger
Email Address	[REDACTED]
Address	[REDACTED]
City	Bentonville
State	AR
Zip Code	72712
Phone Number	[REDACTED]
Fax Number	<i>Field not completed.</i>

(Section Break)

Board Selection and Qualifications

Select all commissions and boards for which you would like to be considered:	Active Transportation Advisory Board, Parks and Recreation Advisory Board
--	---

1. What are your qualifications for serving on this commission or board, including education and subject matter expertise?	Education: Master of Science in Information Systems (MSIS), Data Analytics - Harding University Bachelor of Business Administration, Accounting - Harding University High School Graduate, High Honors/Top 10 of Class - Bentonville High Subject Matter Expertise: CPA (Certified Public Accountant)* Commercial Finance Professional Mayor's Community Council Member, 2025 Former Parks & Recreation Staff - Lawrence Plaza (2 Seasons) Former Collegiate NCAA Athlete - Baseball, Pitcher (Harding University) Former Campaign Manager for City Councilwomen Holly Hook Baseball Coach - Provide private lessons for ages 7 to 18 & former volunteer coach
--	--

*Currently awaiting my CPA licensure from AR Board of Accountancy

2. Why would you like to be considered for appointment to this commission or board?

I believe serving on the advisory board would be a fantastic way to give back to the programs, facilities, and people who helped shape my life as a local of this community.

I am a very active individual who is driven by community and relationships. The advisory board would allow me to continue building the current relationships I have grown, while also allowing me to begin many more. I am also a very social leader who always puts an emphasis on showing up and setting a high standard. I hope to be considered to continue to serve the Bentonville community to the best of my ability.

3. What do you hope to be able to contribute?

I plan to bring the perspective of a young person who has grown up in the Bentonville community. Over the past 20 years, I have seen how the city has adapted and improved to serve its growing community. Over the past year, I served on the Mayor's community council, gaining experience of how each of our departments are run.

As a former staff of the Parks and Recreation, I understand the work and the heart that goes into the everyday jobs of employees. I will be an active listener to the employees and citizens across the city to suggest positive improvements.

Also, I hope to serve in a financial role for the benefit of the city. As a CPA, my knowledge of financial matters, as well as annual comprehensive financial statements (CAFR) will help the Parks fulfill its fiduciary duty to its citizens.

4. Meeting Times

AGREED

(Section Break)

Qualifications for Serving

Please read the Qualifications for Serving provided below. These are the general qualifications to serve on any board or commission of the City of Bentonville.

I have read the above qualifications to serve on a city commission or board.

Yes

(Section Break)

Restrictions on Appointees

Please read the Restrictions on Appointees provided below. Then type in your name and date to confirm that you are aware of and, if appointed, agree to the following rules.

Agreement to Abide by Hunter Hook
Restrictions on
Appointees

Date 10/28/2025



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Greg Hughes
Phone:	479-696-0204	For Department(s):	Parks & Recreation
Email:	gregory.hughes@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Entering Into an Agreement with Byrne and Jones Construction for Turf Installation
Action Recommendation & Justification:	Approving a Resolution authorizing the Mayor and City Clerk to enter into an agreement with Byrne & Jones Construction in the amount of \$81,000.00 for turf installation at the Memorial Park Softball and Baseball Complex . A budget adjustment is needed.
Additional Comments for Consideration (Optional):	In 2022, Bentonville Youth Softball League donated \$60,333.30 to the City for future improvements to the softball program. This donation, in addition to \$20,666.70 in savings from the Parks minor equipment account will fund this project. This purchase is made utilizing TIPS contract number 23020101 which complies with the City's purchasing policy.
Amount for Approval:	\$ 81,000.00

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

105030-42510	Minor Equipment	\$ (20,666.70)	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
105030-47395	Improv Other than Bldg/Other	\$ 81,000.00	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

Memo



To: City Council, Mayor Orman
From: Greg Hughes, Recreation Services Manager
CC: David Wright, Parks and Recreation Director
Date: August 27, 2026
Re: Council approval of a Resolution authorizing the Mayor and City Clerk to enter into an agreement with Byrne & Jones Construction in the amount of \$81,000 for turf installation at the Memorial Park Softball and Baseball Complex.

Parks and Recreation staff is requesting City Council's approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with Byrne & Jones Construction in the amount of \$81,000 for turf installation at the Memorial Park Softball and Baseball Complex utilizing TIPS contract number 23020101.

In November of 2022 a resolution was passed to accept a donation from Bentonville Youth Softball League in the amount of \$60,333.30. These funds were donated to the city to be used for improvements to the Memorial Park Softball and Baseball Complex. After careful deliberation, staff and BYSL have concluded that the best improvement these funds could provide would be the addition of synthetic turf to the batting cages of the complex.

The upgrade from concrete to the selected turf will create a safer experience for users and prolong the lifetime of equipment used in our baseball and softball programs.

\$60,333.30 of this purchase will come from the donated funds. The remaining \$20,666.70 will be taken out of the Parks & Recreation minor equipment budget.

If you have any questions regarding this item, please contact Greg Hughes at gregory.hughes@bentonville.ar.gov or call 479.696.0204.

Attachments:
Byrne & Jones Proposal



Byrne & Jones

SPORTS CONSTRUCTION

13940 St. Charles Rock Road
ST. LOUIS, MO 63044
PHONE: (314) 567-7997
FAX: (314) 567-1828

WWW.BYRNEANDJONES.COM/sports

PROJECT	City of Bentonville – Batting Cages	DATE	8.13.26
TO	Gregory Hughes, City of Bentonville	PLANS	N/A
FROM	Kyle Czeschin, Byrne & Jones Construction	SPECS	Per Scope Below

QUALIFICATIONS

- Starting in 1976, B&J has completed over **700 running tracks, 600 athletic fields, and 350 courts.**
- Byrne & Jones is a member of the American Sports Builders Association (**ASBA**) since 2009
- Byrne & Jones has **EIGHT** ASBA Certified Synthetic Turf Field Builders on Staff (CFB-S)
- Byrne & Jones has **ONE** ASBA Certified Field Builders on Staff (CFB)
- Byrne & Jones has **THREE** ASBA Certified Track Builders on Staff (CTB)
- Byrne & Jones has been honored with **TWENTY-TWO** ASBA Excellence Awards

GENERAL CONDITIONS

- Provide project renderings, shop drawings, and detailed drawings for owners approval prior to construction
- Pre-construction meeting to be held prior to mobilization to the site
- Secure applicable permits required include City, County, and State
- Owner shall provide reasonable access to the jobsite for construction, material deliveries, and material laydown
- Mobilization of necessary material, equipment and labor to the job site
- Provide dedicated on-site project superintendent and office/field project manager
- Provide on-site supervision of all staging area, material and equipment delivery
- In-House Professional Surveying provided for layout of our work
- Provide portable restrooms, dumpsters, and construction fencing as needed
- Provide as-built drawings upon completion
- Conduct final walkthrough with owner for project acceptance
- Provide maintenance manual and training of owner personnel
- B&J's proposal includes all necessary items to complete the detailed scope of work. No additional costs will be incurred unless the owner elects to add scope to the project or through unforeseen circumstances.
- Our proposal only includes known/foreseeable circumstances or conditions. Unforeseen circumstances or items not listed in this proposal are not included. Any work provided outside of the scope of work listed in this proposal can be provided for an additional cost by a mutually agreed to change order.



FIELDS | TRACKS | COURTS | PARKS & REC



Byrne & Jones

SPORTS CONSTRUCTION

13940 St. Charles Rock Road

ST. LOUIS, MO 63044

PHONE: (314) 567-7997

FAX: (314) 567-1828

WWW.BYRNEANDJONES.COM/sports

SYNTHETIC TURF OVER EXISTING CONCRETE AT BATTING CAGES

- Mobilization of necessary material, labor, and equipment to complete our scope of work
- Install Shaw Tru-Hop infilled turf to cover the entire concrete pad at each pod of batting cages
 - One pod of 5 cages with an overall dimension of 60' x 78'
 - One pod of 4 cages with an overall dimension of 60' x 60'
 - Turf to be brown to match fields

TOTAL INVESTMENT: \$81,000

WARRANTIES

- 5 year synthetic turf manufacturer's warranty on batting cage turf
 - 1 year civil construction/general contractors warranty
-



FIELDS | TRACKS | COURTS | PARKS & REC



Byrne & Jones

SPORTS CONSTRUCTION

13940 St. Charles Rock Road

ST. LOUIS, MO 63044

PHONE: (314) 567-7997

FAX: (314) 567-1828

WWW.BYRNEANDJONES.COM/sports

NOTES/EXCLUSIONS

1. Price does not include any storm water detention or water quality.
2. Price does not include any work not specified in the above proposal.
3. Includes mobilization in (1) phase.
4. Price based on normal working hours and days.
5. Price based on mutually agreeable contract language.
6. Price based on complete access to the jobsite.
7. Price does not include the testing for, removal or disposal of contaminated or unsuitable soils.
8. Any modification to rock, asphalt, and material type must be mutually agreed upon.
9. Price does not include any pavement repairs due to construction traffic.
10. B&J has five TIPS Cooperative Purchasing Contracts including Sports Fields, Courts, or Tracks; Paving; and General Trades, Labor and Materials. Contract #'s: 23010401, 23010402, 23020101, 23020102, and 200602.
11. This proposal falls under contract #: 23020101
12. Net 30 payment terms.
13. Pricing is good for 30 days.

If you have any questions, please feel free to contact me.

Sincerely,



Kyle Czeschin
Business Development Manager
Byrne & Jones Construction | Sports Division
C: (314) 303-8683
E: Kczeschin@byrneandjones.com

ACCEPTED BY :

Print Name, Title

Signature

Date



FIELDS | TRACKS | COURTS | PARKS & REC

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BYRNE AND JONES CONSTRUCTION, IN THE AMOUNT OF EIGHTY-ONE THOUSAND DOLLARS (\$81,000.00), FOR TURF INSTALLATION AT MEMORIAL PARK; AND FOR OTHER PURPOSES.

WHEREAS, Byrne & Jones Construction was selected utilizing TIPS contract number 23020101, which complies with the City's Purchasing Policy;

WHEREAS, this purchase is funded through a 2022 Bentonville Youth Softball League donation and savings in the Minor Equipment account; and

WHEREAS, a budget adjustment is necessary.

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 an agreement with Byrne and Jones Construction, in the amount of eighty-one thousand dollars (\$81,000.00), for turf installation at Memorial Park;

Section 2: The 2026 budget is hereby adjusted to appropriate twenty thousand six hundred sixty-six dollars and seventy cents (\$20,666.70) from Account# 105030-42510 – Minor Equipment into Account# 105030-47395 – Improvement Other than Building/Other;

Section 3: The 2026 budget is further adjusted to appropriate sixty thousand three hundred thirty-three dollars and thirty cents (\$60,333.30) from General Fund into Account# 105030-47395 – Improvement Other than Building/Other;

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

PASSED and APPROVED this ____ day of _____, 2026.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

MALORIE MARRS, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	J. Wade Tomlinson
Phone:	479-271-3392	For Department(s):	Parks and Recreation
Email:	wade.tomlinson@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☒ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	☐ Appointment

Title, Recommendation & Justification

Title:	Resolution Authorizing Agreement for McKissic Creek Streambank Restoration
Action Recommendation & Justification:	A Resolution awarding bid IFB-26-07 to Streamline Environmental, LLC in the amount of \$353,732.50, plus a contingency of \$60,000.00, for a grand total of \$413,732.50, for the construction of the McKissic Creek Streambank Restoration Project. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Bids were opened for IFB-26-07 (CEI Project No. 34092). Streamline Environmental, LLC submitted a qualified bid with positive reference checks. Construction includes bioengineering bank stabilization, rock revetment, native seeding, stream cross vanes, and native riparian planting along ~500 feet of McKissic Creek.
Amount for Approval:	\$ 413,732.50

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

Memo



To: City Council, Mayor Orman
Thru: David Wright, Parks and Recreation Director
From: J. Wade Tomlinson, Parks and Recreation Planning and Construction Manager
Date: September 8, 2026
Re: Bid Award for Construction of McKissic Creek Streambank Restoration

Parks and Recreation staff request City Council approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with Streamline Environmental, LLC in the amount of \$353,732.50, plus a contingency of \$60,000.00, for a grand total of \$413,732.50, for the construction of the McKissic Creek Streambank Restoration Project. The 2026 Budget included \$450,000 for this project. Please note the in the budget document, it is listed as Wishing Spring (Trail) Erosion Repair and Rebuild.

PROJECT HISTORY & BACKGROUND

The McKissic Creek Streambank Restoration Project is located off NW Wishing Spring Drive along an approximate 500-foot section of McKissic Creek, where severe streambank erosion and channel instability have degraded native aquatic habitats and threatened surrounding park infrastructure. To protect local water quality and preserve city parklands, the engineered design incorporates bioengineered bank stabilization, stream cross vanes, and native riparian revegetation including seed, sod, and plugs along the affected channel corridor.

PROJECT DETAILS & NEXT STEPS

Bids were opened for IFB-26-07 (CEI Project No. 34092), and staff evaluated the submittal from Streamline Environmental, LLC, who submitted a qualified bid with positive reference checks including favorable current work with the City of Bentonville. Construction will include streambank stabilization, rock revetment, native seeding, and habitat enhancement.

If you have questions concerning this item, please email me at wade.tomlinson@bentonville.ar.gov or call 479.464.7275.



Bid Tabulation
Project McKisic Creek Repair
Project Number:
Location: Bentonville, Arkansas
Date: 8/18/2026

				Diamond C Construction		Streamline Environmental		Flow State	
Item		Unit	Estimated Quantity	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price	Bid Unit Price	Bid Price
McCollum Sidepath Phase II									
1	Mobilization, Bonding, Insurance	LS	1	\$48,590.00	\$48,590.00	\$15,000.00	\$15,000.00	\$50,509.00	\$50,509.00
2	Erosion Control Maintenance	LS	1	\$20,930.00	\$20,930.00	\$5,000.00	\$5,000.00	\$2,500.00	\$2,500.00
3	Tree Preservation Fencing	LF	725	\$12.00	\$8,700.00	\$12.50	\$9,062.50	\$7.00	\$5,075.00
4	Construction Entrance	EA	2	\$2,875.00	\$5,750.00	\$3,500.00	\$7,000.00	\$2,500.00	\$5,000.00
5	Construction Staking	LS	1	\$7,475.00	\$7,475.00	\$7,500.00	\$7,500.00	\$5,000.00	\$5,000.00
6	Removal of Manmade Materials from Streambed and Clearing and Grubbing	LS	1	\$24,150.00	\$24,150.00	\$8,000.00	\$8,000.00	\$7,500.00	\$7,500.00
7	Trail Protection Matting OR Detour Routing Materials and Signage	LS	1	\$5,750.00	\$5,750.00	\$10,000.00	\$10,000.00	\$13,500.00	\$13,500.00
8	Temporary Diversion Berm & Channel - Excavation and Removal	CY	630	\$57.00	\$35,910.00	\$17.50	\$11,025.00	\$75.00	\$47,250.00
9	Temporary Diversion Berm - 40 mi HDPE Geomembrane Install and Removal	SF	1485	\$14.00	\$20,790.00	\$4.10	\$6,088.50	\$10.00	\$14,850.00
10	Turf Sode	SY	1835	\$11.00	\$20,185.00	\$9.50	\$17,432.50	\$10.00	\$18,350.00
11	Seed Mix - Native Seed	SY	237	\$13.00	\$3,081.00	\$5.00	\$1,185.00	\$11.00	\$2,607.00
12	Riparian Plug Planting (2' Spacing)	SY	237	\$37.00	\$8,769.00	\$15.00	\$3,555.00	\$30.00	\$7,110.00
13	Biodegradable C-600 Coir Matting	SY	237	\$20.00	\$4,740.00	\$12.00	\$2,844.00	\$45.00	\$10,665.00
14	Field/Quarry Stone Cross Vane Structure	SFF	595	\$202.00	\$120,190.00	\$65.00	\$38,675.00	\$93.00	\$55,335.00
15	Backfill Behind Vane Structure	CY	18	\$130.00	\$2,340.00	\$80.00	\$1,440.00	\$40.00	\$720.00
16	In-Stream Boulder Habitat and Toe Protection	SF	1210	\$182.72	\$221,091.20	\$7.50	\$9,075.00	\$93.00	\$112,530.00
17	Field/Quarry Stone Rock Revetment	SFF	1700	\$182.65	\$310,505.00	\$85.50	\$145,350.00	\$93.00	\$158,100.00
18	Backfill Behind Rock Revetment	CY	205	\$128.00	\$26,240.00	\$60.00	\$12,300.00	\$40.00	\$8,200.00
19	Topsoil	CY	100	\$98.00	\$9,800.00	\$40.00	\$4,000.00	\$30.00	\$3,000.00
20	Haul Off Unsuitable Materials	CY	1460	\$26.00	\$37,960.00	\$7.50	\$10,950.00	\$25.00	\$36,500.00
21	Final Channel Grading	CY	1660	\$16.00	\$26,560.00	\$12.50	\$20,750.00	\$12.00	\$19,920.00
22	Dewatering of Construction Site	LS	1	\$10,000.00	\$10,000.00	\$7,500.00	\$7,500.00	\$25,000.00	\$25,000.00
23	Owner's Contingency	LS	1	\$60,000.00	\$60,000.00	\$60,000.00	\$60,000.00	\$60,000.00	\$60,000.00
				Total on Bid Form	\$1,039,506.20	Total on Bid Form	\$413,732.50	Total on Bid Form	\$669,221.00
				Actual Total	\$1,039,506.20	Actual Total	\$413,732.50	Actual Total	\$669,221.00
				Difference	\$0.00	Difference	\$0.00	Difference	\$0.00

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH STREAMLINE ENVIRONMENTAL, LLC, IN THE TOTAL AMOUNT OF FOUR HUNDRED THIRTEEN THOUSAND SEVEN HUNDRED THIRTY-TWO DOLLARS AND FIFTY CENTS (\$413,732.50) INCLUDING CONTINGENCY, FOR MCKISSIC CREEK STREAMBANK RESTORATION; AND FOR OTHER PURPOSES.

WHEREAS, Streamline Environmental, LLC submitted the lowest qualified bid for IFB-26-07;

WHEREAS, the bid amount is three hundred fifty-three thousand seven hundred thirty-two dollars and fifty cents (\$353,732.50) plus a contingency of sixty thousand dollars (\$60,000.00), total of four hundred thirteen thousand seven hundred thirty-two dollars and fifty cents (\$413,732.50), for the construction of the McKissic Creek Streambank Restoration Project; and

WHEREAS, no budget adjustment is necessary.

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 agreement with Streamline Environmental, LLC, for McKissic Creek Streambank Restoration, in the total of four hundred thirteen thousand seven hundred thirty-two dollars and fifty cents (\$413,732.50) including contingency;

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

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

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

MALORIE MARRS, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Beau Thompson
Phone:	479-271-3140	For Department(s):	Sewer Rehab
Email:	Beau.Thompson@Bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☒ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution Authorizing Easement Acquisition Associated with Townbranch Sewer Interceptor Project
Action Recommendation & Justification:	A Resolution authorizing for the Mayor and City Clerk to enter into agreements to purchase easements associated with Townbranch Sewer Interceptor Project. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Temporary and permanent utility easements are required across 40 parcels for this project. This includes sections TB25.1, TB25.2, TB30.1, TB40.1, TB45.1, and TB45.2 of the project. The purchase price associated with the acquisition of each easement is funded by the ALWF bond. Easement offers will be made based on a valuation by a qualified third party appraiser.
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

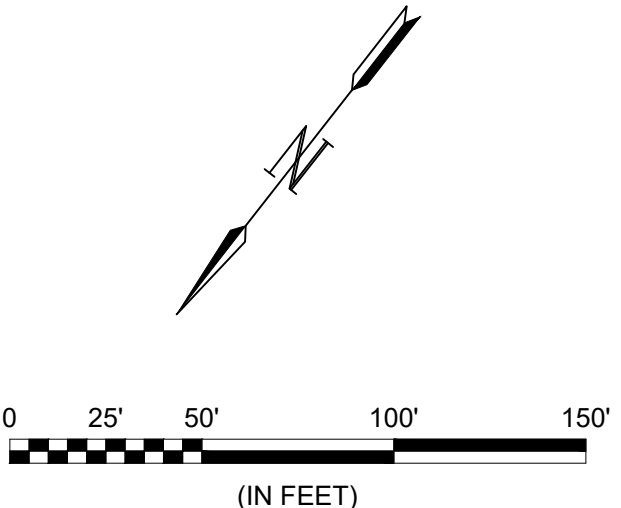
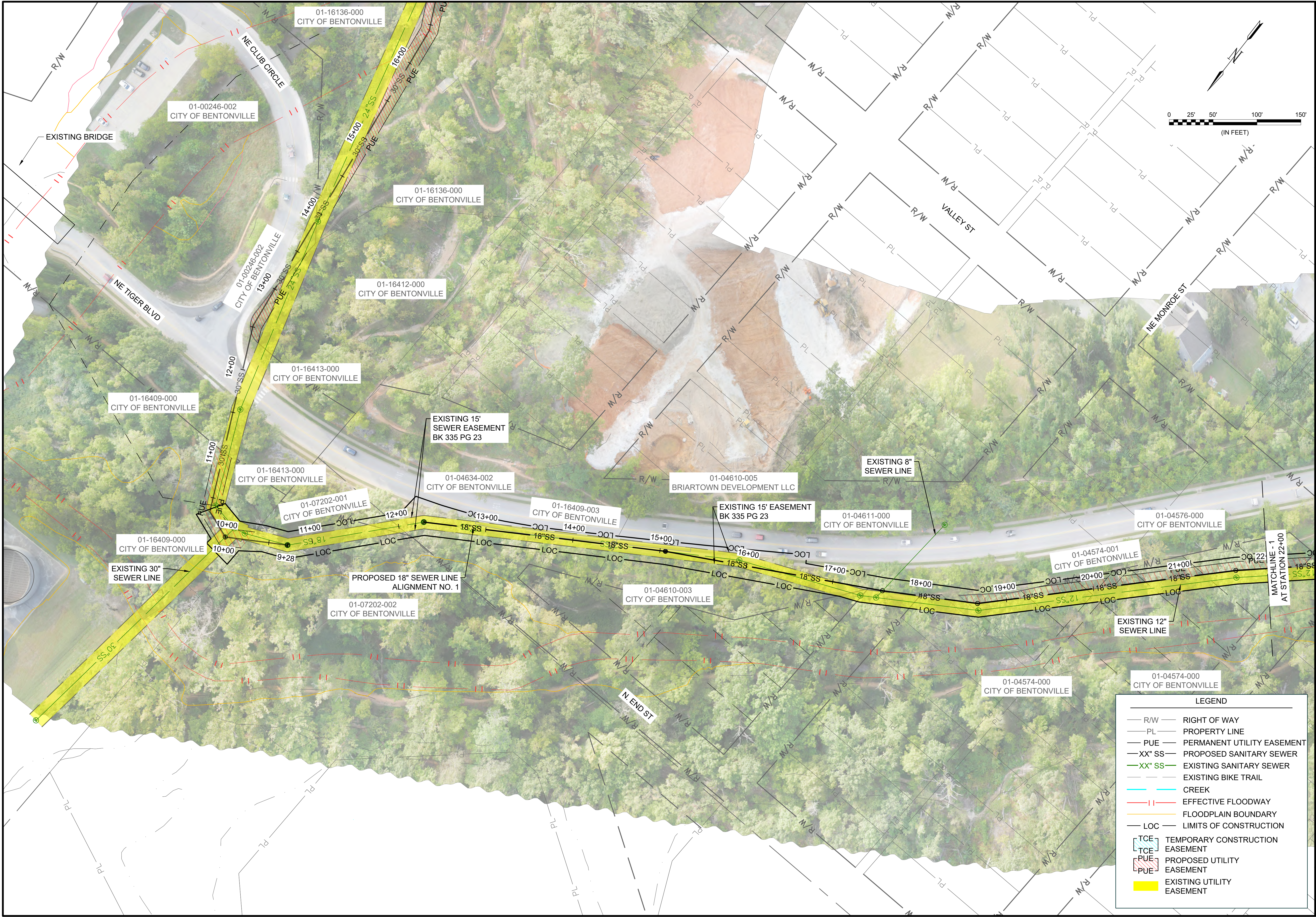
Funded by ALWF loan. Budgeted in 503040-47321

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

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Last plotted by: Skach, Victoria L Plot Date: 7/23/2026 7:00 PM Plotter used: None



LEGEND	
— R/W —	RIGHT OF WAY
— PL —	PROPERTY LINE
— PUE —	PERMANENT UTILITY EASEMENT
— XX" SS —	PROPOSED SANITARY SEWER
— XX" SS —	EXISTING SANITARY SEWER
— —	EXISTING BIKE TRAIL
— —	CREEK
— —	EFFECTIVE FLOODWAY
— —	FLOODPLAIN BOUNDARY
— LOC —	LIMITS OF CONSTRUCTION
[TCE]	TEMPORARY CONSTRUCTION
[TCE]	EASEMENT
[PUE]	PROPOSED UTILITY EASEMENT
[PUE]	EXISTING UTILITY EASEMENT

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BY				
DESCRIPTION				
DATE				
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BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS

TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENT 1 / TB-25.1 & TB-45.1

PROPERTY & EASEMENT MAP 1 - 1

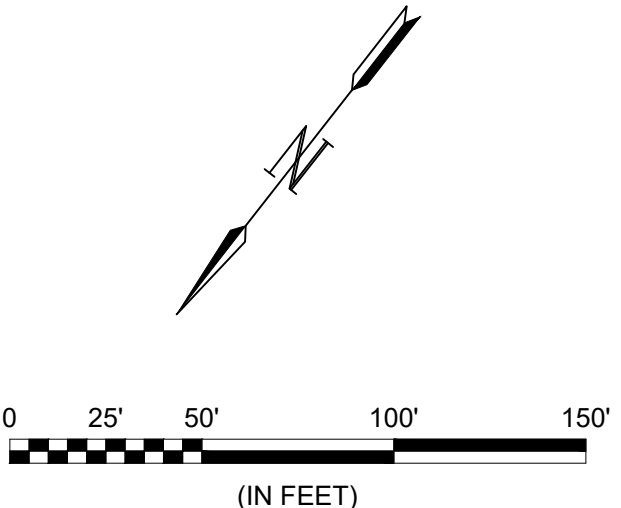
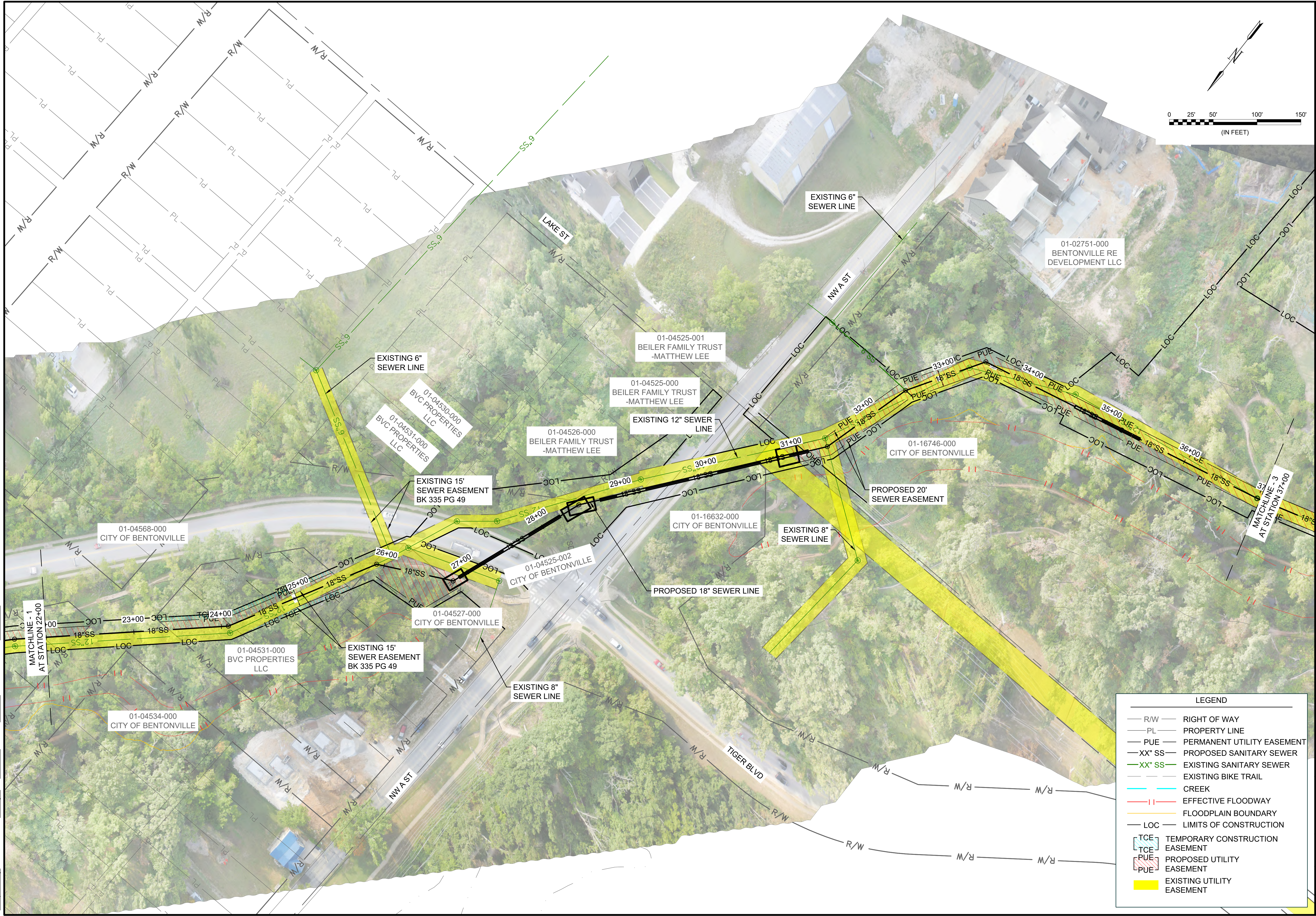
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DATE: JULY 2026
DESIGNED BY: CWR
DRAWN BY: UOP
CHECKED BY: DCH

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DRAWING NUMBER
C101

SHEET NUMBER
06

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BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS



TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENT 1 / TB-25.1 & TB-45.1

PROPERTY & EASEMENT MAP 1-2

JOB NO.: W01-2501941
DATE: JULY 2026
DESIGNED BY: CWR
DRAWN BY: UOP
CHECKED BY: DCH

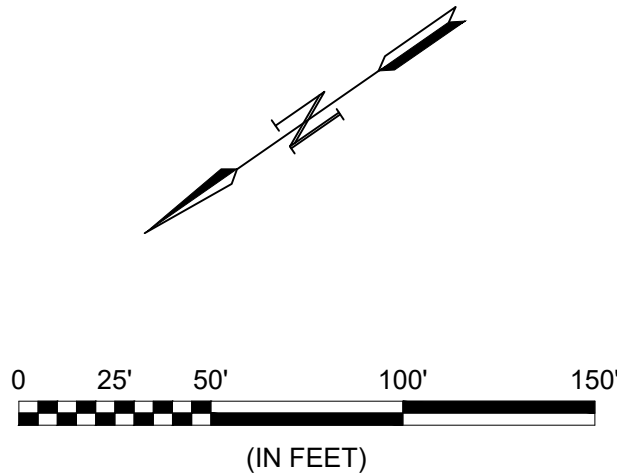
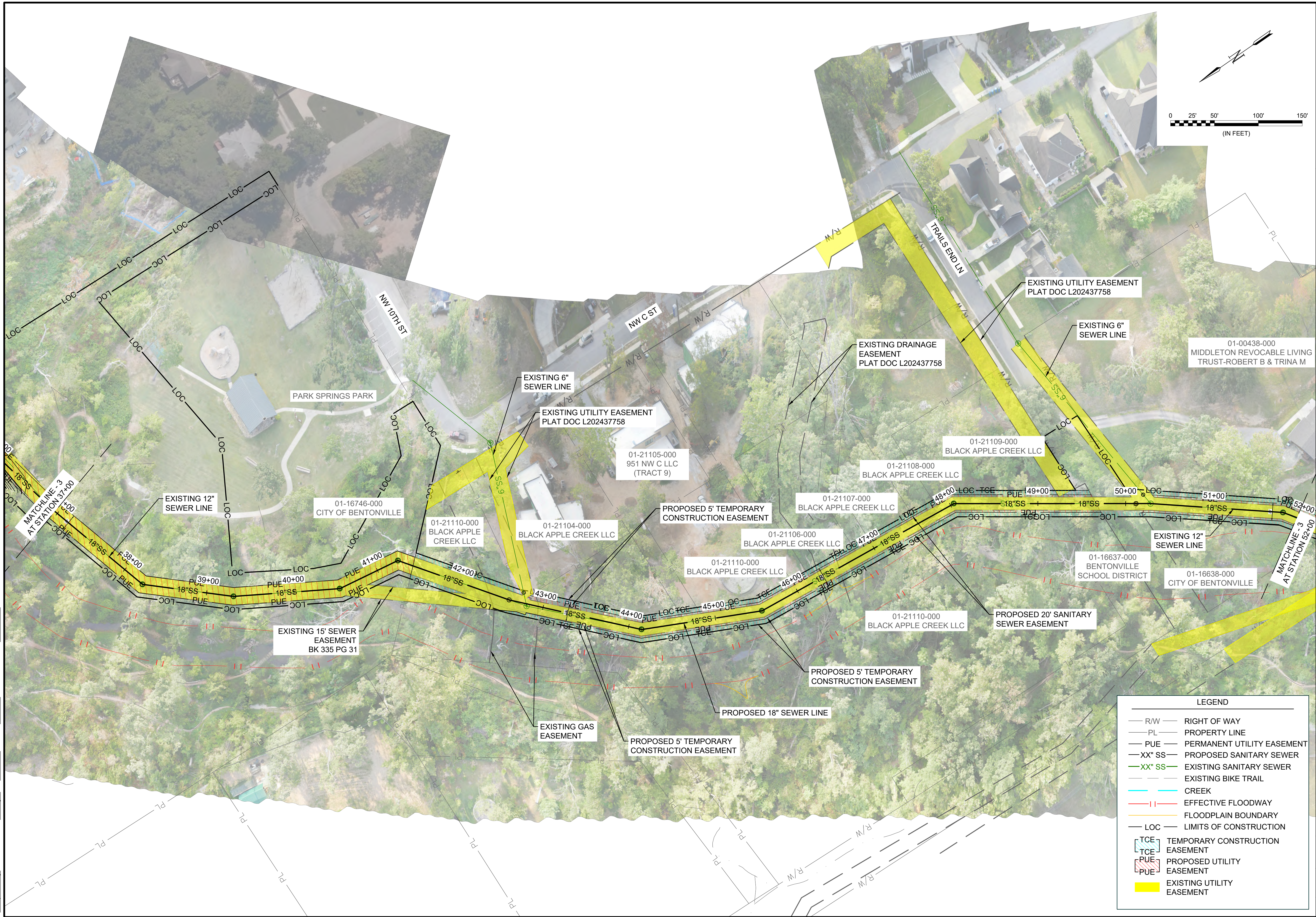
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DRAWING NUMBER
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SHEET NUMBER
07

LEGEND	
	RIGHT OF WAY
	PROPERTY LINE
	PERMANENT UTILITY EASEMENT
	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER
	EXISTING BIKE TRAIL
	CREEK
	EFFECTIVE FLOODWAY
	FLOODPLAIN BOUNDARY
	LIMITS OF CONSTRUCTION
	TEMPORARY CONSTRUCTION EASEMENT
	PROPOSED UTILITY EASEMENT
	EXISTING UTILITY EASEMENT

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BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS



TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENT 1 / TB-25.1 & TB-45.1

PROPERTY & EASEMENT MAP 1-3

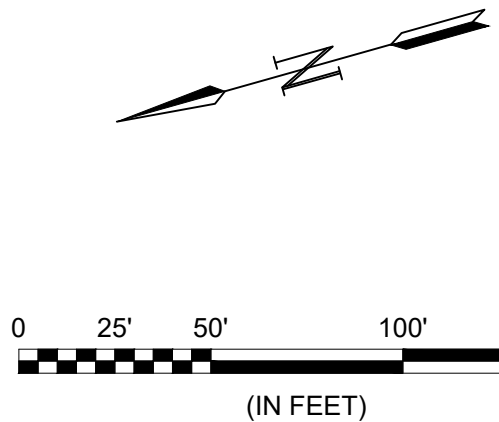
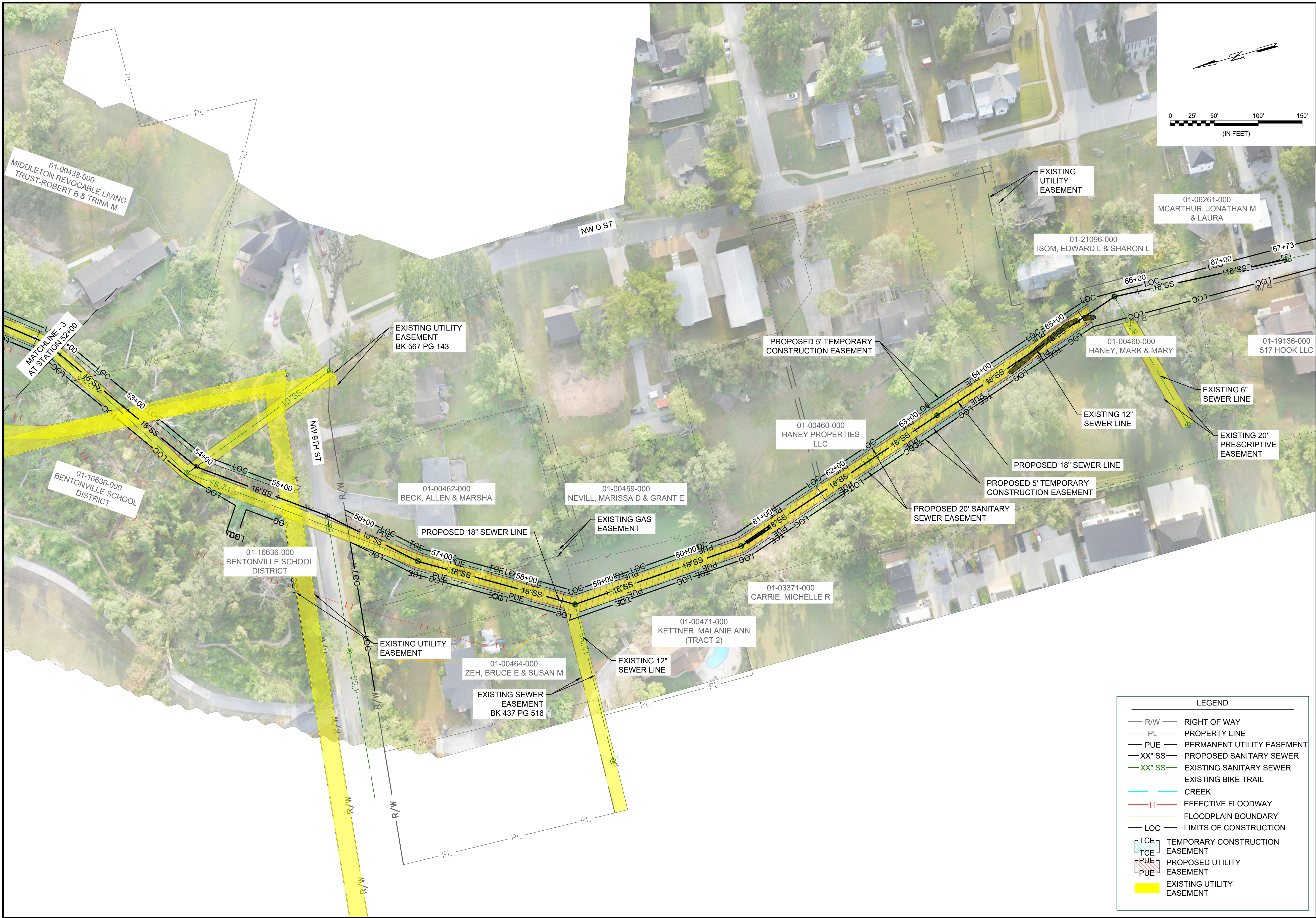
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DATE: JULY 2026
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BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS



TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENT 1 / TB-25.1 & TB-45.1

PROPERTY & EASEMENT MAP 1 - 4

JOB NO.: W01-2501941
DATE: JULY 2026
DESIGNED BY: CWR
DRAWN BY: UOP
CHECKED BY: DCH

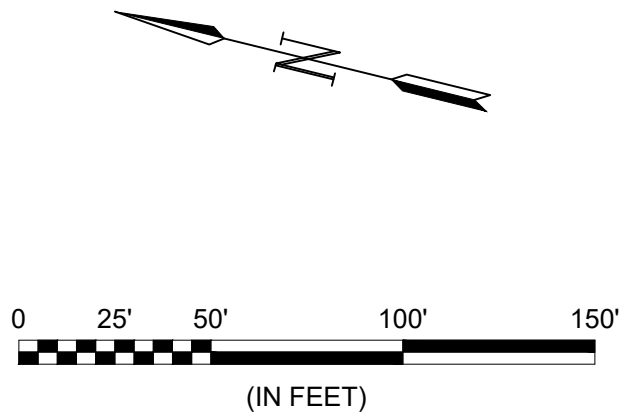
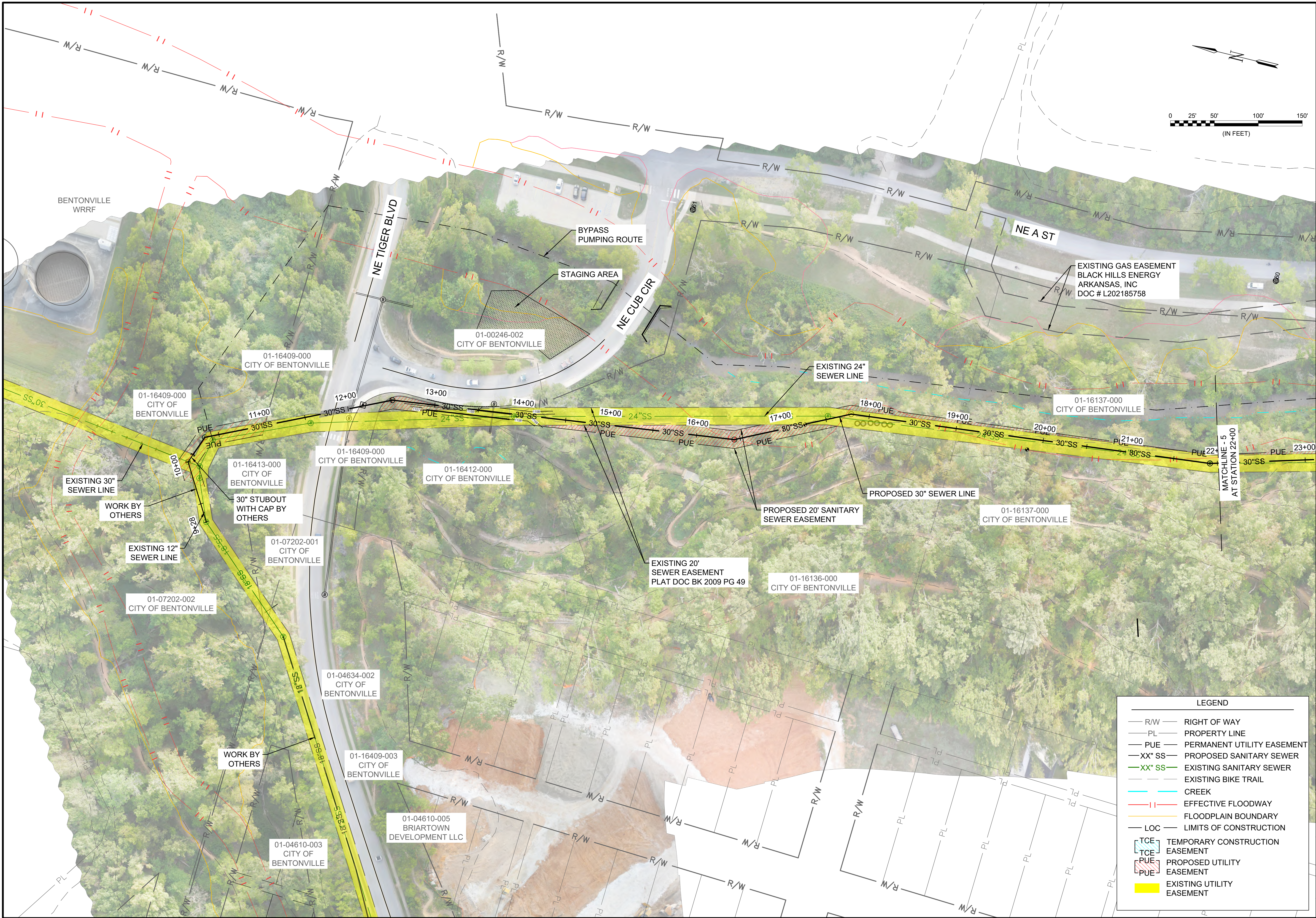
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SHEET NUMBER
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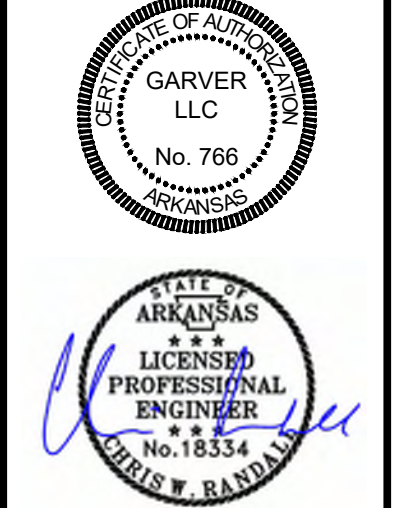
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	PROPERTY LINE
	PERMANENT UTILITY EASEMENT
	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER
	EXISTING BIKE TRAIL
	CREEK
	EFFECTIVE FLOODWAY
	FLOODPLAIN BOUNDARY
	LIMITS OF CONSTRUCTION
	TEMPORARY CONSTRUCTION EASEMENT
	PROPOSED UTILITY EASEMENT
	EXISTING UTILITY EASEMENT

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Garver, LLC
No. 766
Professional Engineer
Chris W. Rantall
Digitally Signed 07/24/2026

BY	DESCRIPTION	DATE	REV



BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS
TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENTS 2, 3, & 4 (TB-45.2; TB-40.1, & TB-30.1/TB-25.2)

ALIGNMENT 2
PROPERTY MAP 1

JOB NO.: W01-2501941
DATE: JULY 2026
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CHECKED BY: DCH

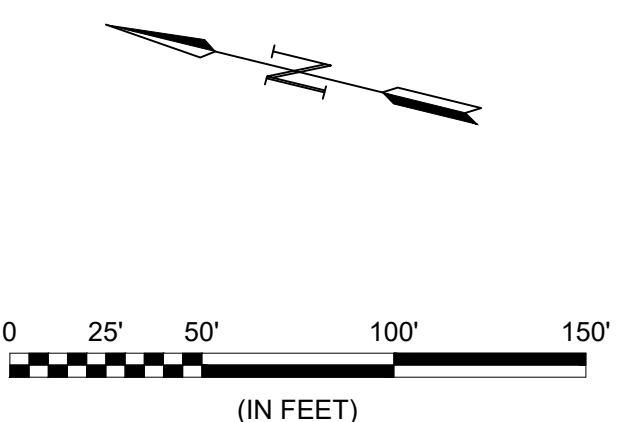
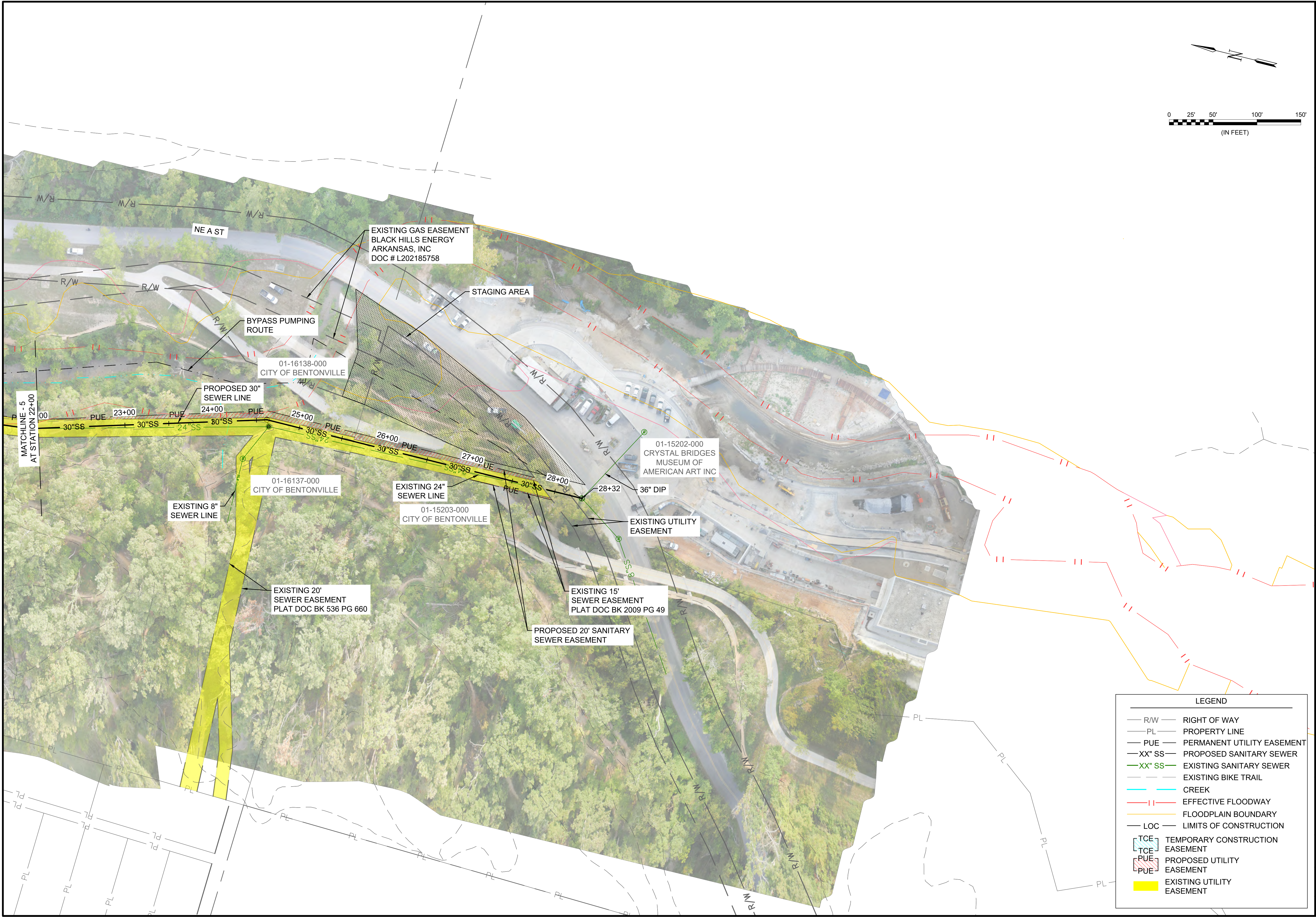
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C101

SHEET NUMBER
07

LEGEND	
	RIGHT OF WAY
	PROPERTY LINE
	PERMANENT UTILITY EASEMENT
	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER
	EXISTING BIKE TRAIL
	CREEK
	EFFECTIVE FLOODWAY
	FLOODPLAIN BOUNDARY
	LIMITS OF CONSTRUCTION
	TEMPORARY CONSTRUCTION EASEMENT
	PROPOSED UTILITY EASEMENT
	EXISTING UTILITY EASEMENT

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LEGEND	
— R/W —	RIGHT OF WAY
— PL —	PROPERTY LINE
— PUE —	PERMANENT UTILITY EASEMENT
— XX" SS —	PROPOSED SANITARY SEWER
— XX" SS —	EXISTING SANITARY SEWER
— —	EXISTING BIKE TRAIL
— —	CREEK
— —	EFFECTIVE FLOODWAY
— —	FLOODPLAIN BOUNDARY
— LOC —	LIMITS OF CONSTRUCTION
[TCE]	TEMPORARY CONSTRUCTION
[PUE]	EASEMENT
[PUE]	PROPOSED UTILITY
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[PUE]	EXISTING UTILITY
[PUE]	EASEMENT



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Garver LLC
No. 766
Professional Engineer
Chris W. Ranville
No. 18334
Digitally Signed 07/24/2026

BY				
DESCRIPTION				
REV	DATE			



BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS
TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENTS 2, 3, & 4 (TB-45.2; TB-40.1, & TB-30.1/TB-25.2)

ALIGNMENT 2
PROPERTY MAP 2

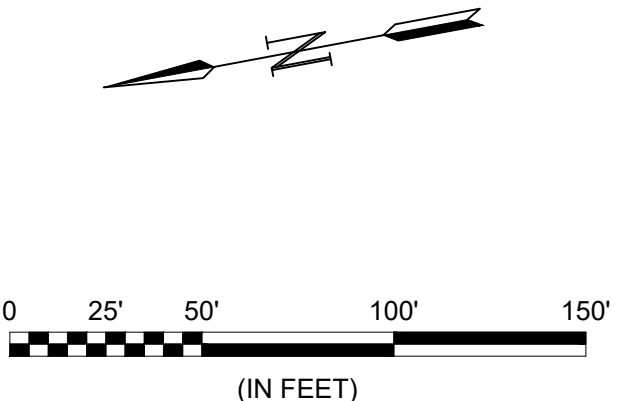
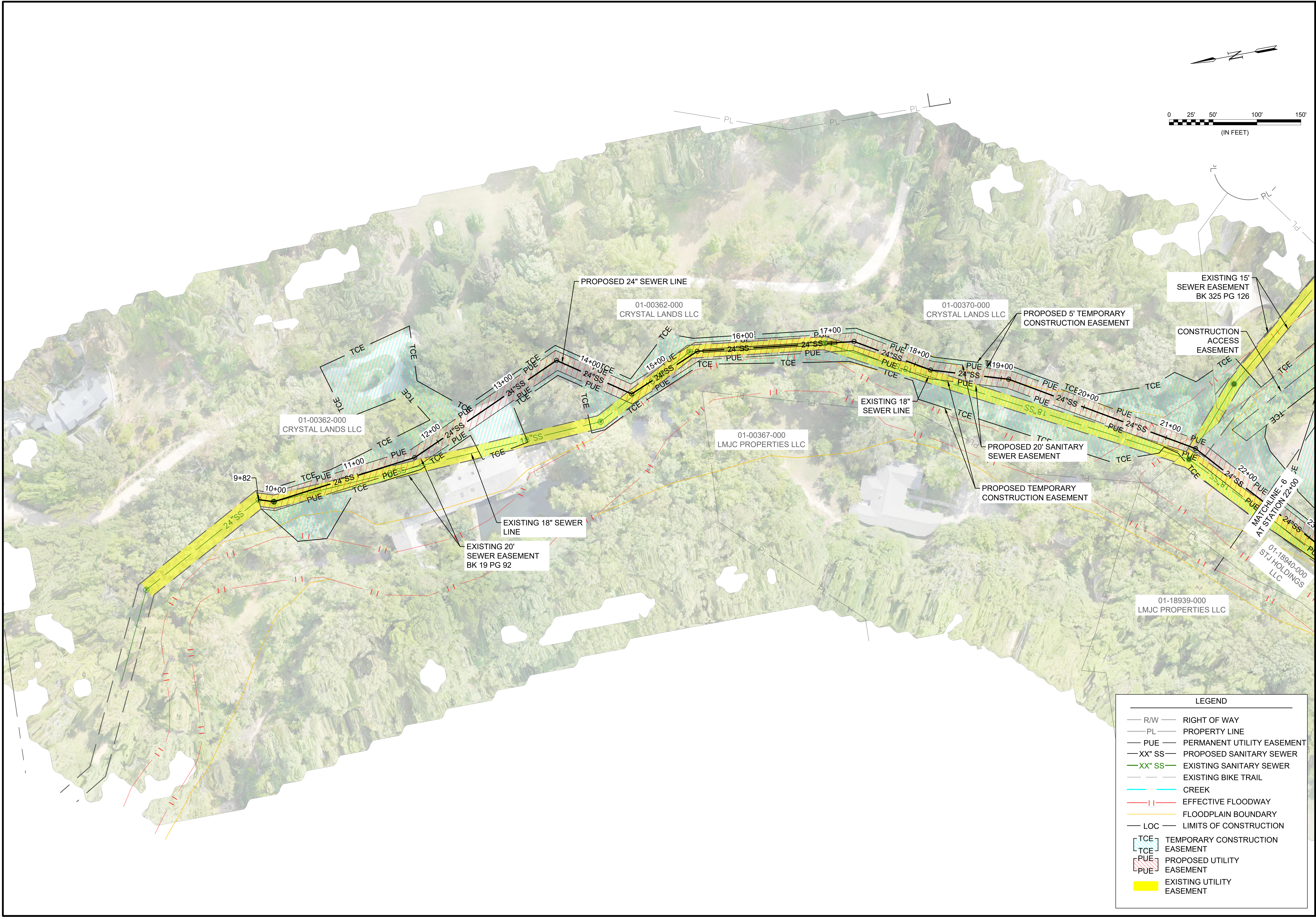
JOB NO.: W01-2501941
DATE: JULY 2026
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DRAWN BY: UOP
CHECKED BY: DCH

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SHEET NUMBER
08

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BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS
TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENTS 2, 3, & 4 (TB-45.2; TB-40.1, & TB-30.1/TB-25.2)

ALIGNMENT 3
PROPERTY MAP 1

JOB NO.: W01-2501941
DATE: JULY 2026
DESIGNED BY: CWR
DRAWN BY: UOP
CHECKED BY: DCH

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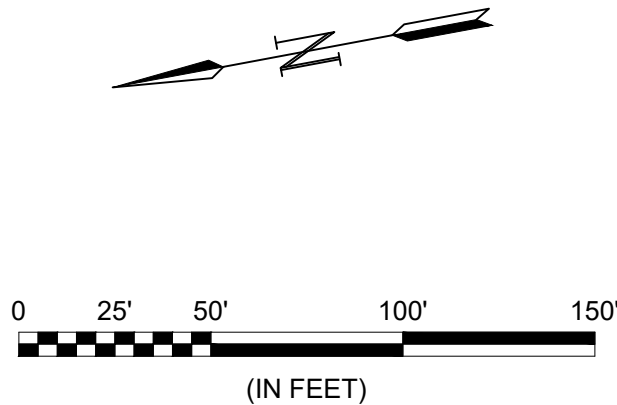
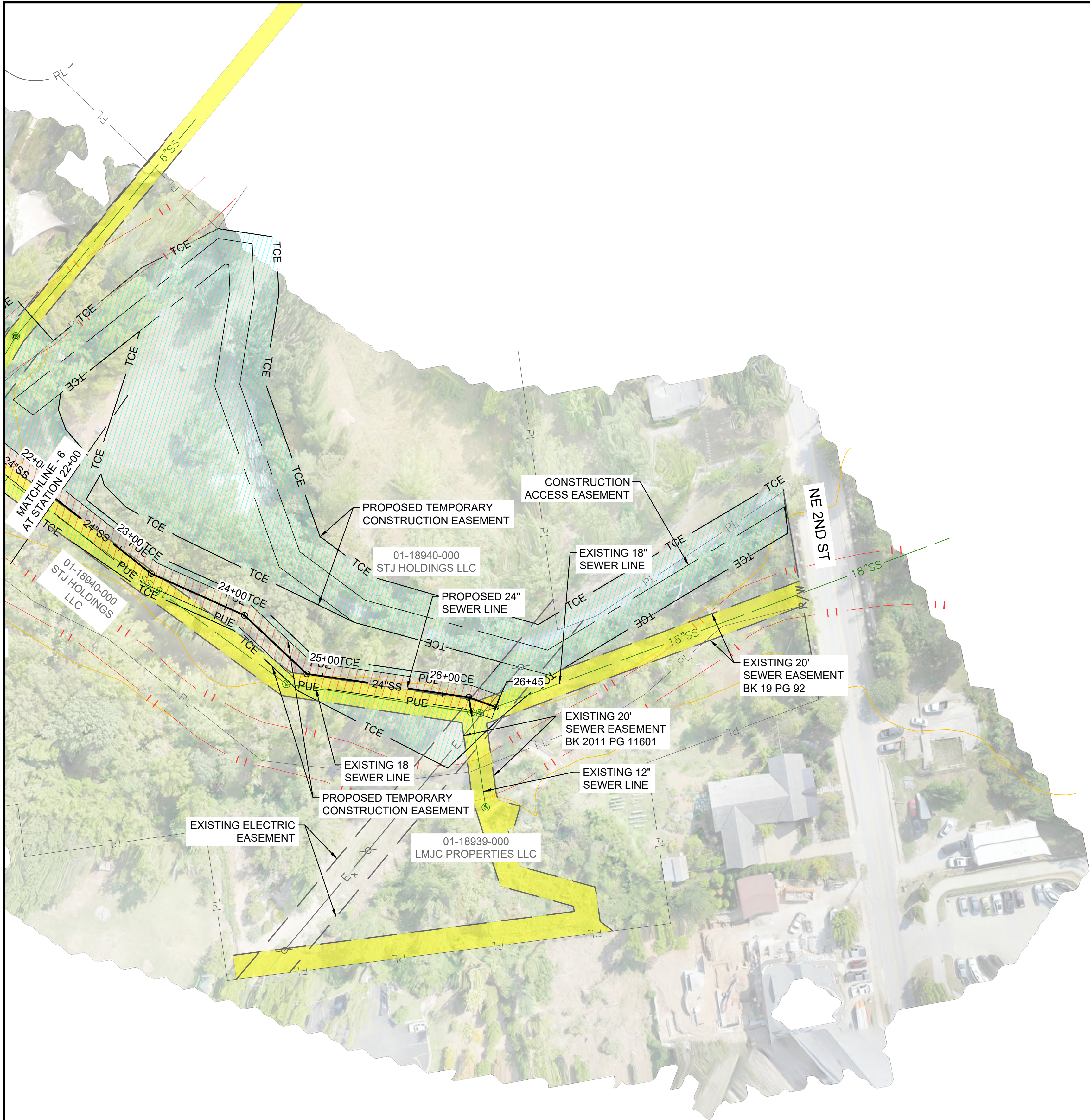
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SHEET NUMBER
09

LEGEND

— R/W —	RIGHT OF WAY
— PL —	PROPERTY LINE
— PUE —	PERMANENT UTILITY EASEMENT
— XX" SS —	PROPOSED SANITARY SEWER
— XX" SS —	EXISTING SANITARY SEWER
— —	EXISTING BIKE TRAIL
— —	CREEK
— —	EFFECTIVE FLOODWAY
— —	FLOODPLAIN BOUNDARY
— LOC —	LIMITS OF CONSTRUCTION
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LEGEND	
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	PROPERTY LINE
	PERMANENT UTILITY EASEMENT
	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER
	EXISTING BIKE TRAIL
	CREEK
	EFFECTIVE FLOODWAY
	FLOODPLAIN BOUNDARY
	LIMITS OF CONSTRUCTION
	TEMPORARY CONSTRUCTION EASEMENT
	PROPOSED UTILITY EASEMENT
	EXISTING UTILITY EASEMENT



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BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS
TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENTS 2, 3, & 4 (TB-45.2, TB-40.1, & TB-30.1/TB-25.2)

ALIGNMENT 3
PROPERTY MAP 2

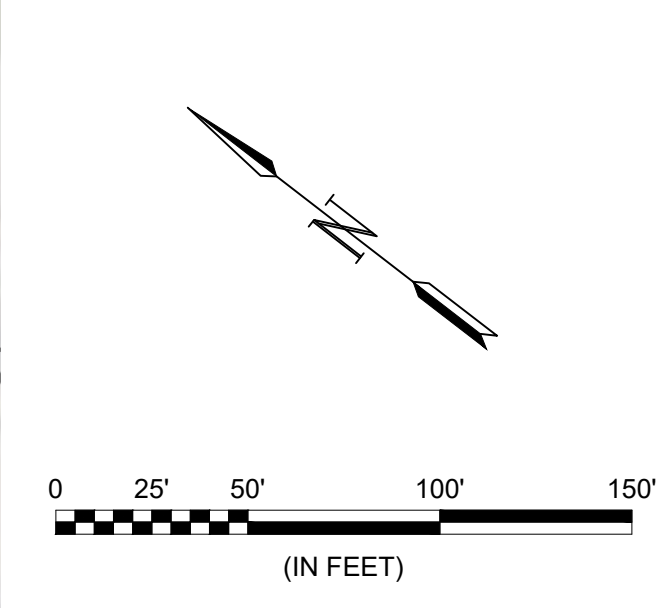
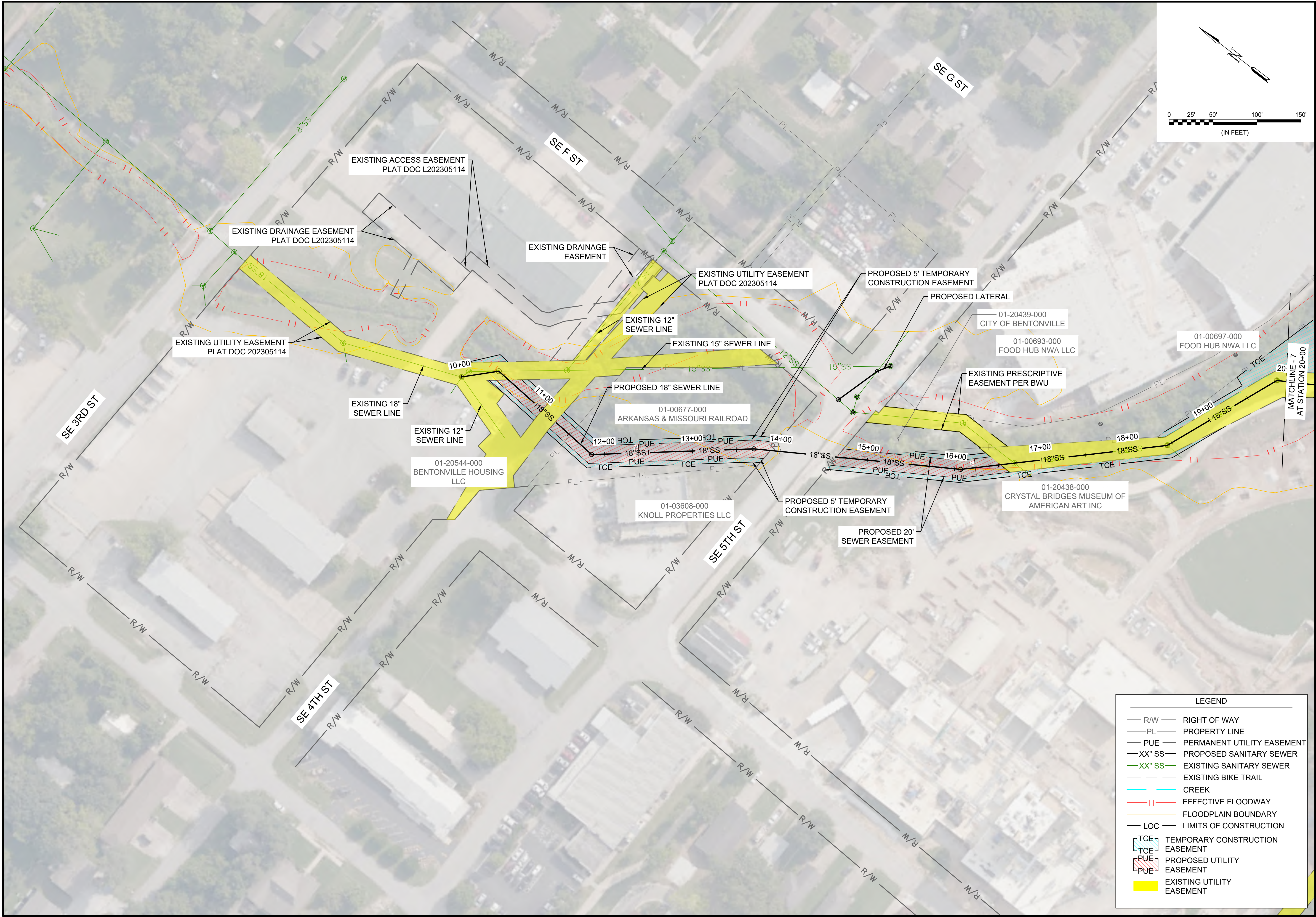
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DATE: JULY 2026
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CHECKED BY: DCH

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Garver, LLC
No. 766
Arkansas



Chris W. Raulo
Professional Engineer
No. 18334
State of Arkansas

Digitally Signed 07/24/2026

REV	DATE	DESCRIPTION	BY



BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS
TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENTS 2, 3, & 4 (TB-45.2; TB-40.1, & TB-30.1/TB-25.2)

ALIGNMENT 4
PROPERTY MAP 1

JOB NO.: W01-2501941
DATE: JULY 2026
DESIGNED BY: CWR
DRAWN BY: UOP
CHECKED BY: DCH

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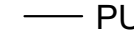
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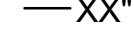
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11

LEGEND

 R/W

 PL

 PUE

 XX" SS

 XX" SS

 CREEK

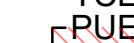
 EFFECTIVE FLOODWAY

 FLOODPLAIN BOUNDARY

 LOC

 TEMPORARY CONSTRUCTION EASEMENT

 PROPOSED UTILITY EASEMENT

 EXISTING UTILITY EASEMENT

RIGHT OF WAY

PROPERTY LINE

PERMANENT UTILITY EASEMENT

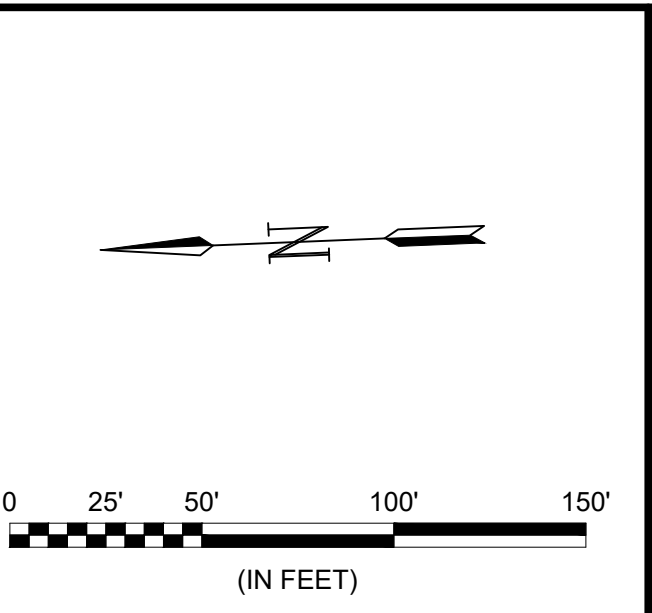
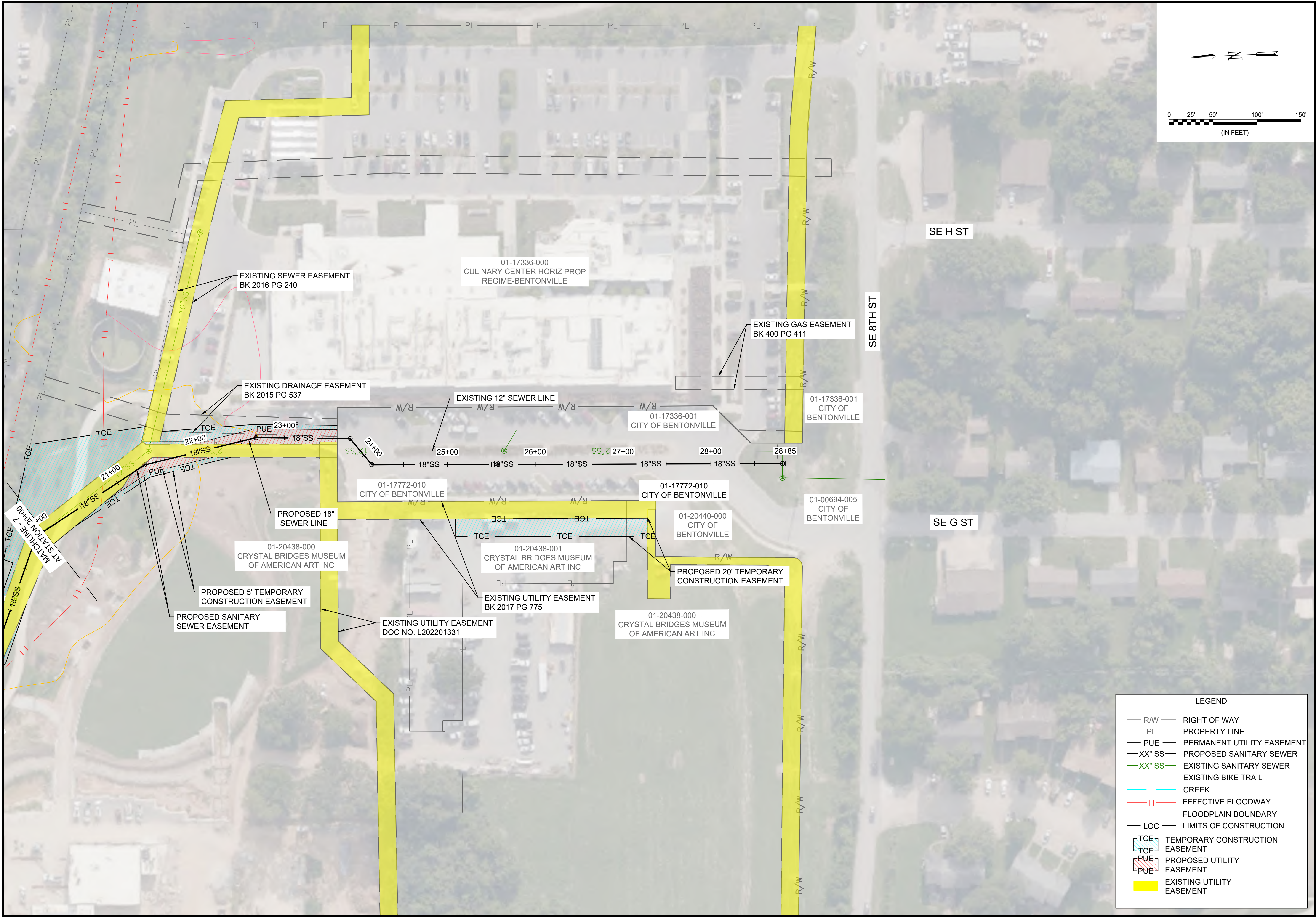
PROPOSED SANITARY SEWER

EXISTING SANITARY SEWER

EXISTING BIKE TRAIL

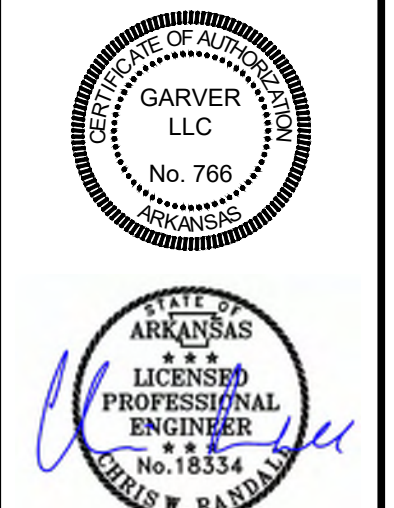
LIMITS OF CONSTRUCTION

File: L:\2025\W01-2501941 - BWU Town Branch Sewer Improvements\Drawings\Alignments 2 3 4\BWU-05-C104-S1-50 SCALE.dwg Last Save: 7/23/2026 2:57 PM Last saved by: VLSkach
Last plotted by: Skach, Victoria L Plot Date: 7/23/2026 7:51 PM Plotter used: None Plot Scale: 1"=25.849' Plot Date: 7/23/2026 7:51 PM





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Garver LLC
No. 766

Chris W. Ranville
Professional Engineer
No. 18334

Digitally Signed 07/24/2026

REV	DATE	DESCRIPTION	BY



BENTONVILLE WATER UTILITIES
BENTONVILLE, ARKANSAS
TOWN BRANCH BASIN
SEWER IMPROVEMENTS
ALIGNMENTS 2, 3, & 4 (TB-45.2; TB-40.1, & TB-30.1/TB-25.2)

ALIGNMENT 4
PROPERTY MAP 2

JOB NO.: W01-2501941
DATE: JULY 2026
DESIGNED BY: CWR
DRAWN BY: UOP
CHECKED BY: DCH

BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DRAWING NUMBER
C106

SHEET NUMBER
12

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO
ACQUIRE EASEMENTS NECESSARY FOR THE TOWN BRANCH
INTERCEPTOR PROJECT; AND FOR OTHER PURPOSES.**

WHEREAS, the City desires to acquire certain permanent, temporary construction, access, and other easements necessary for the construction and completion of the Town Branch Interceptor Project;

WHEREAS, the Project requires the acquisition of multiple easements across various properties;

WHEREAS, each property interest required for the Project has been appraised by a qualified, certified appraiser to establish the fair market value of the easement interests to be acquired;

WHEREAS, the exact number, location, and acquisition cost of the required easements may vary as negotiations, property acquisition, title review, and final design are completed; and

WHEREAS, the City Council finds that authorizing the acquisition of easements necessary for the Project will allow the Project to proceed in a timely and efficient manner.

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

Section 1: The Mayor and City Clerk are hereby authorized to acquire, accept, and execute without further approval of the City Council, all easements and related documents necessary for the construction, operation, and maintenance of the Town Branch Interceptor Project;

Section 2: The authorization provided in Section 1 shall include permanent easements, temporary construction easements, temporary access easements, and any other property interests reasonably necessary to complete the Project;

Section 3: The purchase price and reasonable costs associated with the acquisition of each easement shall be paid from funds appropriated and available for the Town Branch Interceptor Project;

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

PASSED this _____ day of _____, 2026.

APPROVED:

Stephanie Orman, MAYOR

ATTEST:

Malorie Marrs, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	9/8/2026	Submitted By:	Beau Thompson
Phone:	479-271-3140	For Department(s):	Water Utilities - Water
Email:	bthompson@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☒ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Resolution for Change Order #1 ARDOT 090512 12" Water Main Reroute - On-Point Excavation
Action Recommendation & Justification:	This Change Order is for the installation of 2 relocated water meters, fence removal, temporary gate installation, remobilization for a final cut and cap, and a culvert addition. The original contract price was \$694,210.99. The cost of Change Order #1 is \$22,955.00, totaling a new contract price of \$717,165.99. This change order is 100% reimbursable and has been approved through ARDOT. Utility Board approved 3-0. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Scope of services covered with this CO include: Remobilization to complete final cut and cap after the City of Cave Springs has completed infrastructure to tie into newly adjusted meter vault outside of ARDOT Right of Way. Temporary gate installation to protect city assets, as well as high-value cattle within the area surrounding the new meter vault. A culvert to prevent flooding and erosion of a construction entrance that will remain and be used by the highway contractor, and finally, 2 additional relocated meter sets that had not been initially shown on the construction plans. 100% reimbursable.
Amount for Approval:	\$ 22,955.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

Currently budget in account: 503020-57320

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!



August 18, 2026

Beau Thompson
Bentonville Water
3200 SW Municipal Dr.
Bentonville, AR 72712

Job 090512 (Utilities)
Springdale Bypass -
Hwy. 112 P. E.
Route 112 Section 2
Benton County

Dear Mr. Thompson:

Enclosed is a copy of Change Order No. Seven on the referenced project. This change order was approved on August 14, 2026.

You are authorized to proceed with the work.

Sincerely,



Chad Coats
Utility Coordinator
Utilities Section
Right of Way Division

Enclosures

C: "C" File
District Engineer
Resident Engineer #94
"U" File

**ARKANSAS DEPARTMENT OF TRANSPORTATION
UTILITY CHANGE ORDER**

UTILITY Bentonville Water CHANGE ORDER NO. Seven
 JOB NO. 090512 FAP NO. CMF-0004(74) JOB NAME Springdale Bypass -
 ROUTE 112 SECTION 2 Hwy. 112 P. E.
 COUNTY Benton

DESCRIPTION OF CHANGE:

1. Increase Construction Cost from the Change Order 6 amount of \$694,210.99 to the revised amount of \$717,165.99, which results in an increase of \$22,955.00.

REASON FOR CHANGE:

1. Construction Cost increased due to installing temporary fence & gate, remobilization cost to tie in master meter to City of Cave Springs, culvert installation, and installing additional meter sets.

Item Description	Present Amount		Revised Amount		Increase / (Decrease)	
	48" Work	12" Work	48" Work	12" Work	48" Work	12" Work
Preliminary Engineering	\$975,342.00	\$78,000.00	\$975,342.00	\$78,000.00	\$0.00	\$0.00
Construction Cost	\$15,520,366.18	\$694,210.99	\$15,520,366.18	\$717,165.99	\$0.00	\$22,955.00
Easement Acquisition	\$2,685,741.48	\$320,000.00	\$2,685,741.48	\$320,000.00	\$0.00	\$0.00
Construction Engineering	\$2,089,769.00	\$321,990.00	\$2,089,769.00	\$321,990.00	\$0.00	\$0.00
Materials	\$921,778.00	\$0.00	\$921,778.00	\$0.00	\$0.00	\$0.00
ADH Fee	\$516.00	\$500.00	\$516.00	\$500.00	\$0.00	\$0.00
Environmental	\$84,237.97	\$0.00	\$84,237.97	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL	\$22,277,750.63	\$1,414,700.99	\$22,277,750.63	\$1,437,655.99	\$0.00	\$22,955.00
TOTALS	\$23,692,451.62		\$23,715,406.62		\$22,955.00	

COMPUTATION OF REIMBURSABLE AMOUNT:

Reimbursable Percentage (48" Work): 99.53%
 Reimbursable Percentage (12" Work): 100.00%

Present Amount:	48" Work	\$22,277,750.63	Reimb.	99.53%	\$22,173,045.20
	12" Work	\$1,414,700.99	Reimb.	100.00%	\$1,414,700.99
			Total		\$23,587,746.19
Revised Amount:	48" Work	\$22,277,750.63	Reimb.	99.53%	\$22,173,045.20
	12" Work	\$1,437,655.99	Reimb.	100.00%	\$1,437,655.99
			Total		\$23,610,701.19
Overrun					\$22,955.00

Requested [Redacted]
 Coordinator [Redacted]

Date 8/14/26

Recommended [Redacted]
 Section Head-Utilities Section [Redacted]

Date 8/14/26

Approved [Redacted]
 Right of Way Division Head [Redacted]

Date 8-14-2026

Authorized [Redacted]
 Asst. Chief Engineer-Design [Redacted]

Date 8/14/2026

CHANGE ORDER NO.: 01 & 02

Owner: City of Bentonville
 Engineer: Olsson, Inc.
 Contractor: OnPoint Excavation
 Project: HWY 112 12-Inch Waterline Relocations
 Contract Name:
 Date Issued: 7/7/2026

Owner's Project No.:
 Engineer's Project No.: A23-03244
 Contractor's Project No.:

Effective Date of Change Order:

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

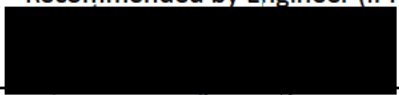
Description:

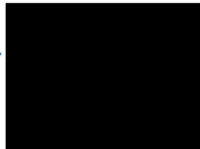
Addition and install of 2 meters, and Fence Removal, Temp Gate Set, Remobilization, Whistle Addition

Attachments:

Itemized Breakdown

Change in Contract Price		Change in Contract Times [Completion will stay within original contract timeline.]	
Original Contract Price:		Original Contract Times:	
\$ 694,210.99		Substantial Completion: 120	
		Ready for final payment: 150	
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. [Number of previous Change Order]:		[Increase] [Decrease] from previously approved Change Orders No.1 to No. [Number of previous Change Order]:	
\$ N/A		Substantial Completion:	
		Ready for final payment:	
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 694,210.99		Substantial Completion:	
		Ready for final payment:	
[Increase] [Decrease] this Change Order:		[Increase] [Decrease] this Change Order:	
\$ 22,955.00		Substantial Completion:	
		Ready for final payment:	
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 717,165.99		Substantial Completion:	
		Ready for final payment:	

Recommended by Engineer (if required)
 By: 
 Title: Group Leader
 Date: 07/09/2026

Accepted by Contractor
 Bryce Bechtel- Managing Partner- 

	_____	_____
	Authorized by Owner	Approved by Funding Agency (if applicable)
By:	_____	_____
Title:	_____	_____
Date:	_____	_____

OnPoint Change Order No. 1

1. Temporary Fence/Gate Installation

The existing meter vault is located on property for which ARDOT and the property owner have not yet finalized a right-of-way acquisition agreement and fencing for AR112 has not been relocated. The property owner continues to graze high-value cattle within the area surrounding the vault. This creates a risk to both the livestock and the City's infrastructure should the animals gain access to the meter vault. Bentonville Water Utilities (BWU) requested the installation of temporary fencing to protect the meter vault. However, the property owner requested pipe panels be installed in lieu of temporary fencing to allow continued access while protecting both the livestock and the City's infrastructure. After coordination between BWU, the contractor, and the property owner, all parties agreed to install temporary gates or pipe panels in place of temporary fencing due to the time length until a permanent solution is installed.

The cost associated with this work includes gates, installation materials, equipment, fuel, and labor.

Cost: \$4,625.00

2. Remobilization to Complete Final Cut and Cap

Installation of the new water main was successfully performed. All required testing was performed, and the new line was placed into service. Two of the three required cut-and-cap operations have been completed. Completion of the final cut and cap is dependent upon the City of Cave Springs completing its waterline reroute and connecting to the downstream side of the newly installed meter vault. Once this work has been completed, OnPoint Excavation will be required to remobilize to the project site to perform the final cut and cap. The remobilization and demobilization will include two trucks and trailers.

Cost: \$8,000.00

3. Culvert ("Whistle") Installation

The stamped construction plans did not include a culvert beneath the temporary construction entrance crossing the drainage ditch. During construction, it was determined that installation of a culvert was necessary to prevent roadway flooding and erosion of the construction entrance during significant rainfall events. At the direction of the Engineer, a culvert was installed beneath the entrance. The culvert will remain as a permanent improvement to be utilized by the highway contractor. The cost includes all materials, excavation, equipment, fuel, installation, and labor.

Cost: \$1,250.00

4. Additional Meter Sets

This change order includes the installation of two tap saddles, service line and meter sets for the Hatfield Property that were not shown on the original construction plans. The work includes all materials, excavation, equipment, fuel, and labor necessary to complete the installations, and tie-over services provided by a licensed master plumber.

Materials, excavation, equipment, and fuel \$4,680.00

Labor and Master Plumber \$4,400.00

Cost: \$9,080.00

Change Order Summary

Temporary Gate Installation \$4,625.00

Remobilization \$8,000.00

Culvert Installation \$1,250.00

Two Additional Meter Sets \$9,080.00

Total Change Order No. 1 \$22,955.00

LABOR						
	Unit	QTY	HRS	DAYS	RATE	Extended
Laborers	EA	3	10	6.00	\$32.00	\$5,760.00
Operators	EA	2	10	6.00	\$40.00	\$4,800.00
					TOTAL	\$10,560.00

	Unit	Quantity	Rate	Extended
308	DAY	5	\$280.00	\$1,400.00
285 skid	DAY	6	\$215.00	\$1,290.00
Pump Truck	HOURL	5	\$195.00	\$975.00
Fuel	DAY	5	\$275.00	\$1,375.00
Haul Truck	TRUCKS	2	\$300.00	\$600.00
Trailers	DAY	4	\$275.00	\$1,100.00
			TOTAL	\$6,740.00

MATERIALS				
Material	QTY	Unit	Unit Cost	Total
Meter Sets	2	EA	\$900.00	\$1,800.00
Gravel	2	Ton	\$35.00	\$70.00
Concrete	3	CY	\$175.00	\$525.00
Gates	4	EA	\$250.00	\$1,000.00
Post	4	EA	\$100.00	\$400.00
Gate Hardware	4	EA	\$40.00	\$160.00
Culvert				\$925.00
			TOTAL	\$4,880.00

Services				
Master Plumber	1	EA	\$775.00	\$775.00

TOTALS	
LABOR	\$10,560.00
EQUIPMENT	\$6,740.00
MATERIALS	\$4,880.00
SERVICES	\$775.00
	\$22,955.00



Rezoning - Juergens - R-1, Suburban Single-Family to T4.2 Neighborhood Node

405 NW 5th Street

PC Date: 9/1/2026

Staff Report Details

Project Number	(RZ26-0041)
Applicant / Current Owner	Mark Haney / Teresa A and David L Juergens
Site Area	+/- 0.594 Acres
Current Zoning	R-1, Suburban Single-family
Requested Zoning	T4.2, Neighborhood Node
Current Future Land Use Map Designation	Urban Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	
Related projects	N/A

Property Description

This rezone request was previously noticed improperly so a public hearing was held by the Commission on August 18, 2026. Tonight's public hearing was noticed properly. The subject property is located on NW 5th (a downtown collector). The current zoning of the property is R-1 Suburban Single-Family, with a Future Land Use Map designation of Urban Neighborhood. Adjoining properties to the north, south, and east are R-1, with T4.2, Neighborhood Node to the west. The property is on the northerly boundary of the Urban Neighborhood Place Type with Traditional Neighborhood to the north of 5th St. There is a mix of townhomes, single family attached and apartments on the block with an alley along the southern property line.

Project Details

The applicant is requesting this rezone to bring the property in conformity with the Bentonville Future Land Use Plan.

Relationship to the Community Plan

Relationship to the Community Plan

The applicant is requesting a standard review rezone for the subject property. The Community Plan characterizes the Urban Neighborhood place type as the city's highest intensity neighborhood place type, defined primarily by multi-family buildings and townhomes but with some single family and smaller commercial uses mixed in. This provides a mix of housing choices in a relatively small footprint and supports walking and biking as viable transportation alternatives. Urban neighborhoods are fiscally net positive for the city given that there is less infrastructure per capita and square mile than suburban neighborhoods, which require a subsidy to maintain in the long run. A rezone to T4.2 would be in compliance with this neighborhood place type.

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The following criteria are evaluated under a standard review:

Orderly Transition The subject property is bordered by a downtown collector street to the north. There are properties to the direct east that are zoned T4.2 along with the adjacent properties to the west. The property on the street to the north is zoned R-1 and the property across the alley to the south as well. The northern properties are within the Traditional Neighborhood place type while the others are within the Urban Neighborhood place type.

Be within one transect degree of the zoning of the adjacent properties The proposed rezone is the same transect (T4) as the property to the east and the west. To the south (R1 is considered T3) the proposed rezone is within on transect.

Conclusion

Staff recommends approval.

Additional Details

BWU comments: This request meets the future land use map for a standard review. Future development may require downstream sewer study.



PC Item

NW 5TH ST

NW LOBLOLLY LN

R1

RZ26-0041
R-1 to
T4.2 (SR)

T4.2



RZ26-0041
R-1 to T4.2 (SR)





July 10, 2026

Dear Bentonville Planning Commission,

We are requesting a rezone from R-1 to T4.2 (Neighborhood Node) at 405 NW 5th St to bring the property in line with the Bentonville land use plan. Nearby parcels are a mix of townhomes, single family attached (duplex) homes, single family homes, and small multifamily. The adjacent parcels to the east and west are new development projects in the same T4.2 zone.

No road or utility changes are proposed, and any new development is anticipated to be modest given the size of the property and the adjacent residential uses. This request falls under the "Standard Review" process, matching the zoning of the adjacent new developments on both sides of this parcel and the Bentonville land use plan.

Thank you for considering our request.

Respectfully,
Mark Haney

OFFICIAL CITIZEN PETITION OPPOSING REZONING

TO: The Planning Commission and City Council of the City of Bentonville, Arkansas

PROPERTY UNDER REVIEW:

Street Address: 405 NW 5th Street, Bentonville, AR 72712

Parcel ID: 01-02131-000 (Lot 21, Block 6, Deming's Addition)

Current Classification: R-1 (Suburban Single-Family Residential)

Proposed Upzoning: T4.2 (Neighborhood Node)

Public Hearing Date: Tuesday, August 18, 2026, at 5:00 PM

STATEMENT OF OPPOSITION

We, the undersigned residents, registered voters, and property owners of Bentonville, Arkansas, do hereby formally register our strict opposition to the proposed rezoning of 405 NW 5th Street from Suburban Single-Family Residential (R-1) to Neighborhood Node (T4.2). We respectfully request that the Planning Commission recommend **DENIAL** of this application to the City Council based on the following critical community impacts:

Introducing a T4.2 "Neighborhood Node" designation—which permits multi-family complexes, mixed-use footprints, and commercial pedestrian nodes—directly destabilizes the residential buffer and compromises the quiet enjoyment of surrounding properties.

Traffic Congestion & NW C Street Alleyway Strain: The primary off-street parking access for this 0.59-acre lot handles vehicle movements by funneling directly into the tight residential alleyway connecting to **NW C Street** (between 405 and 407 NW C Street). While the current single-family residential (R-1) use generates roughly 10 vehicle trips per day, upzoning to a T4.2 Node permits a 4-story mixed-use footprint capable of generating hundreds of daily vehicle trips from tenants, shoppers, and commercial deliveries. Forcing this massive spike in vehicle numbers onto NW C Street and through a narrow, un-signalized neighborhood alley will cause immediate gridlock and safety hazards.

Interference with School Traffic & Student Safety: The subject property sits just 0.2 miles from both R.E. Baker Elementary School and Old High Middle School. Forcing high-density residential turnover or commercial traffic onto this specific

street corridor will directly conflict with heavy morning drop-off and afternoon pick-up patterns, endangering walking and biking students alongside their parents, and creating severe transit delays for neighborhood families.

Encroachment on Privacy and Solar Access: The T4.2 zoning district explicitly allows for buildings up to 4 stories in height. Constructing a three- or four-story multi-family or commercial structure on this 0.59-acre lot will introduce a severe height and massing mismatch immediately adjacent to existing single-family homes. Such a structure will block natural sunlight, casting massive shadows over adjacent properties, while windows, balconies, or upper decks will look directly down into surrounding backyards, destroying the fundamental privacy and quality of life expected in an R-1 residential zone.

Stormwater Runoff & Drainage Vulnerability: Converting single-family green space into high-impervious-surface commercial or dense residential structures accelerates stormwater runoff. Given the existing infrastructure demands in downtown Bentonville, this over-intensification introduces unmanaged drainage hazards to adjacent properties.

For these reasons, we urge city leaders to protect our neighborhood's safety, value, and character by keeping this parcel designated as R-1 Residential

Circulators of petition:

Marie and Roland Smith 405 NW C Street Bentonville, AR 72712

[REDACTED]

Petition Signature Form

Petition Title or Issue: Opposing Rezoning RZ26-0041

Statement of Support: We, the undersigned, support this petition and request that appropriate action be taken regarding the issue stated above.

No.	Printed Name	Address / Contact Information	Signature	Date
1	Laura D'Spain	6 Saddletworth Pl		8/14/26
2	David Fox	401 NW 4th St		8/14/26
3	Forrest Smith	500 NW 5th Street		8-15-26
4	Johnnie Kosoff	307 NW 5th St		8/14/26
5	DAVID MARC KOSOFF	307 NW 5th ST		8/14/2026
6	STEPHEN ABB	607 N. MAIN ST		8-15-2026
7	Donna Abb	607 N. Main St		8-15-26
8	Genie Dandon	403 WWC St Bentonville		8-15-26
9	Bronda Allison	412 NW 5th St Bentonville		8-15-26
10		401 NWC St Bentonville		8-15-26
11		401 NWC St		8-15-26
12	JEFF CLAPPER	412 NW 5th St, Bentonville, AR 72712		8-15-26
13	Sherry Adkins	409 NW C St Bentonville AR 72712		8-15-26
14	Mary Glaze	8276 E Ford Springs RD 72712		8-15-26
15	Bethany Culpepper	301 W. Central Ave.		8-17-26
16	Erin Fisa	411 NW 4th St Bentonville, AR 72712		8-18-26
17	Elke Trudell	449 NW C St Bentonville, AR 72712		8-18-26
18	Eric Toumeu	378 NW 5TH St Bentonville 72712		8-19-26
19	Janis Toumeu	378 NW 5TH St Bentonville 72712		8-19-26
20	Marie Smith	406 NWC Street 72712		8/18/26
21				
22				

Circulator

NOTICE OF INTENT TO REZONE

Project Number: RZ26-0041

Mark Haney has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from:

R-1, Suburban Single-Family to T4.2, Neighborhood Node

The legal description of the property is:

Lot 21, Block 6, Deming's Addition to Bentonville, Benton County, Arkansas, 30-20-30 0.59 Acres, as shown in Surveyor's Record "G" at Page 162 or Plat 2009-374 & Replat 7/29/09- 374

The common description of the property is: 405 NW 5th St

The Public Hearing will be held on Sep 1, 2026, at 5:00 pm, at:

Bentonville City Hall
305 SW A St
Bentonville, AR 72712

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

1. Attend the public hearing and express your views. You can attend online by going to bentonvillear.com/592/Agendas-Minutes
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department located at the Bentonville Municipal Complex.
3. Use the bottom of this form to express our opinion by checking the appropriate box. This may also be mailed or delivered to the Bentonville Municipal Complex.

For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonville.ar.gov.

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

☐ I have no objections to the rezoning

☒ I object to the rezoning because:

PARKING !!! AND FLOODING - HE BUILDS UP THE GROUND SO MUCH + AIN'S IT AT
THE ALLEY IS VERY NARROW AND A HORRIBLE PLACE TO PARK. C STREET
IS ALREADY FULL AND DANGEROUS TO CHILDREN + BUSES. MAKE ENOUGH PARKING
FOR YOUR BUILDING. NOT ON THE STREET

Signature & Physical Address

406 NW 4TH

Signature & Physical Address

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF R-1, SUBURBAN SINGLE FAMILY, T4.2,
NEIGHBORHOOD NODE; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0041)**

WHEREAS, David L. and Teresa A. Juergens 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, Suburban Single Family to T4.2 Neighborhood Node to be used in accordance with city zoning laws and state laws, which property is described as follows:

Lot 21, Block 6, Deming's Addition to Bentonville, Benton County, Arkansas, 30-20-30 0.59 Acres, as shown in Surveyor's Record "G" at Page 162 or Plat 2009-374 & Replat 7/29/09-374;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held September 1, 2026 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, Suburban Single Family to T4.2 Neighborhood node.

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 Suburban Single Family to T4.2 Neighborhood Node 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 _____, 2026.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Malorie Marrs, City Clerk