

Bella Vista City Council Regular Meeting Agenda



Date/Time: 6:30 pm
Monday, January 23, 2023

Location: Bella Vista District Court
612 W. Lancashire Blvd.

Council Members:

Jerry Snow — Ward 1, Position 1
Wendy Hughes — Ward 1, Position 2
Jim Wozniak — Ward 2, Position 1
Larry Wilms — Ward 2, Position 2
Doug Fowler — Ward 3, Position 1
Craig Honchell — Ward 3, Position 2

Mayor:

John Flynn

City Clerk:

Wanda Lepillez Krug

I. Call to Order:

This meeting has been given public notice in accordance with Section 25-19-106 of the Arkansas Freedom of Information Act in such form that will apprise the public and news media of subject matter presented for consideration and action.

II. Pledge of Allegiance

III. Roll Call

IV. Citizen Input Session

Per the rules, there is a three (3) minute per person time limit to address the Council on any topic of that person's choosing. The total time allotted for citizen input is thirty (30) minutes. Any time extension beyond the thirty (30) minute total will be at the discretion of the City Council.

V. Council Member Reply

Any Council Members' reply to comments made during Citizen Input Session is limited to comments only and will not be a discussion period.

VI. Action on the Minutes

December 19, 2022 – Regular Meeting

VII. Reports

November Financial Statements were sent under separate email to Council Members

VIII. ELECTION OF MAYOR PRO TEMPORE

[The Chair will entertain a motion to suspend the rules of order and procedure to allow all ordinances on the agenda to be read by title only.]

IX. Unfinished Business

A. ORDINANCE: REGULATING SHORT-TERM RENTALS, TO PROVIDE FOR THE REQUIREMENT OF A PERMIT TO OPERATE A SHORT-TERM RENTAL, TO PROVIDE FOR A MAXIMUM NUMBER OF SHORT-TERM RENTAL PERMITS TO BE ISSUED, TO PROVIDE OCCUPANCY LIMITS FOR SHORT-TERM RENTALS, TO PROVIDE A PROCESS FOR REVOCATION OF A SHORT-TERM RENTAL PERMIT, PROVIDING PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES. (Steve Bourke's Proposal) (Tabled from October)

B. ORDINANCE: REGULATING SHORT-TERM RENTALS, TO PROVIDE FOR THE REQUIREMENT OF A PERMIT TO OPERATE A SHORT-TERM RENTAL, TO PROVIDE FOR A MAXIMUM NUMBER OF SHORT-TERM RENTAL PERMITS TO BE ISSUED, TO PROVIDE OCCUPANCY LIMITS FOR SHORT-TERM RENTALS, TO PROVIDE A PROCESS FOR REVOCATION OF A SHORT-TERM RENTAL PERMIT, PROVIDING PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES. (6th Steve Bourke Revised)(Tabled from October)

X. NEW BUSINESS: See meeting packet for complete ordinances and resolutions.

C. ORDINANCE: SETTING THE AMOUNT OF ADDITIONAL FINE TO BE LEVIED PURSUANT TO ARK. CODE ANN. § 16-17-129 TO DEFRAY THE COSTS OF INCARCERATING CITY PRISONERS, AND FOR OTHER PURPOSES

D. ORDINANCE: AMENDING ORDINANCE NO. 2022-18 REGARDING THE REGULATION OF SHORT-TERM RENTALS TO REMOVE THE REQUIREMENT THAT AN ADDRESS OF THE PROPERTY OWNER AND LOCAL POINT OF CONTACT BE POSTED INSIDE THE SHORT-TERM RENTAL

E. ORDINANCE: WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP IN THE TOTAL AMOUNT OF \$47,267.00 FOR THE PURCHASE OF ONE (1) 2023 CHEVROLET TAHOE POLICE VEHICLE FOR USE BY THE POLICE DEPARTMENT

F. ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-46996 (COUNTY PARCEL NO. 16-26354-000) FROM P-1, CONSERVATION DISTRICT TO R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT (*Staff requests 3rd and final reading*)

G. ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-46919 (COUNTY

PARCEL NO. 16-70201-001) FROM P-1, CONSERVATION DISTRICT TO C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (*Staff requests 3rd and final reading*)

H. ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-46917 (COUNTY PARCEL NO. 16-70265-001) FROM P-1, CONSERVATION DISTRICT TO C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

I. ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-46586 (COUNTY PARCEL NO. 16-40234-001) FROM R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-2, LIGHT COMMERCIAL DISTRICT

J. ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-46916 (COUNTY PARCEL NO. 16-03464-002) FROM R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (*Staff requests 3rd and final reading*)

K. ORDINANCE: AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-46918 (COUNTY PARCEL NO. 16-43419-000) FROM R-1, RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-1, NEIGHBORHOOD COMMERCIAL DISTRICT (*Staff requests 3rd and final reading*)

L. RESOLUTION: EXPRESSING SUPPORT AND PARTICIPATION OF THE CITY OF BELLA VISTA IN THE FEDERAL “ADVANCE EFFECTIVE, ACCOUNTABLE POLICING AND CRIMINAL JUSTICE PRACTICES TO ENHANCE PUBLIC TRUST AND PUBLIC SAFETY” PROGRAM

M. AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH EMERGENCY VEHICLE SPECIALISTS (EVS) PURSUANT TO AN HGAC COOPERATIVE PURCHASING AGREEMENT, FOR THE PURCHASE OF TWELVE (12) SELF-CONTAINED BREATHING APPARATUSES AND ASSOCIATED EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$94,770.41 FOR USE BY THE FIRE DEPARTMENT

N. RESOLUTION: APPROVING THE MAYOR’S RE-APPOINTMENT OF WADE HAGAN FOR A THREE (3) YEAR TERM IN POSITION 1 OF THE BELLA VISTA BOARD OF CONSTRUCTION APPEALS COMMENCING JANUARY 1, 2023

O. RESOLUTION: AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH RELIABLE CHEVROLET OF SPRINGFIELD, MISSOURI, IN THE TOTAL AMOUNT OF \$45,500.00, FOR THE PURCHASE OF ONE (1) CHEVROLET SILVERADO 1500 4X4 WORK TRUCK FOR USE BY THE STREET DEPARTMENT

P. RESOLUTION: APPOINTING WENDY HUGHES TO THE BELLA VISTA ADVERTISING AND PROMOTION COMMISSION AS A COUNCIL MEMBER COMMISSIONER IN PLACE OF JOHN FLYNN

Q. RESOLUTION: APPROVING THE MAYOR'S APPOINTMENT OF LINDA LLOYD TO THE BELLA VISTA PLANNING COMMISSION TO COMPLETE THE UNEXPIRED TERM OF CRAIG HONCHELL DUE TO HIS ELECTION TO THE CITY COUNCIL

R. RESOLUTION: DESIGNATING AUTHORIZED DISBURSING OFFICERS AND MUNICIPAL DEPOSITORY BOARD FOR THE CITY OF BELLA VISTA FOR CALENDAR YEAR 2023

S. RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH WICHITA KENWORTH, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, FOR THE PURCHASE OF ONE (1) NEW PRODUCTION MODEL DUMP TRUCK WITH SALT SPREADER AND SNOWPLOW EQUIPMENT IN THE AMOUNT OF \$254,452.00

T. RESOLUTION: AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH PINNACLE EMERGENCY VEHICLES IN AN AMOUNT NOT TO EXCEED \$236,637.00 FOR A REMOUNT OF A 2011 4X4 CHIEF XL BRAUN AMBULANCE FOR THE FIRE DEPARTMENT

U. RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH CLINARD CONSTRUCTION MANAGEMENT, INC. FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE REMODELING OF THE CURRENT POLICE STATION INTO AN EXTENSION OF THE CENTRAL FIRE STATION AT TOWN CENTER AND FOR OTHER IMPROVEMENTS TO THE FACILITY

V. RESOLUTION: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A NINTH AMENDED ANIMAL SERVICES CONTRACT FOR ANIMAL SHELTERING SERVICES WITH BELLA VISTA ANIMAL SHELTER, INC.

XI. Announcements:

a. Next City Council Work Session: 5:30 pm Tuesday, February 21, 2023 at Bella Vista District Court.

b. Next City Council Regular Meeting: 6:30 pm Monday, February 27, 2023 at Bella Vista District Court.

c. Planning Commission Work Session: 4:30 pm Thursday, February 2, 2023 at Bella Vista District Court.

d. Planning Commission Regular Meeting: 4:30 pm Monday, February 13, 2023 at Bella Vista District Court.

e. Board of Construction Appeals: 3 pm Tuesday, February 14, 2023 if necessary, at Bella Vista District Court.

XII. Adjournment

SPECIAL NOTICES TO THE PUBLIC: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request this service, contact the City Clerk prior to each meeting at 479-876-1255.

BELLA VISTA CITY COUNCIL DECEMBER REGULAR MEETING MINUTES – DECEMBER 19, 2022

Call to Order by Mayor Christie at 6:30PM

Pledge of Allegiance recited.

Roll Call of Council called by City Clerk Jertson; Wozniak, Flynn, Fowler, Bourke, Wilms and Snow present.

Mayor Christie made a statement to the audience that the agenda is long and he hoped that those who speak tonight have some fresh insight to add as the council has heard so much already in this process of STR regulation. He then stated that in order to allow all who signed up to speak their 3 minutes, a motion to suspend the rules on time allowed for public input to be extended. Was in order. Mr. Wilms made the motion, seconded by Mr. Snow. Roll call vote was unanimous to approve.

Citizen Input:

Damon Wallace, 51 Purfleet Dr. Wanted to remind the council that STR's bring in a lot of sales tax dollars to the city. About \$144,000 a year. He also stated that the fees charged to str owners should be reasonable, \$20 - \$40 would be good. He also was concerned about punishment to the owners if the renters violate the ordinance. He feels that that is wrong.

Michelle Chiocco, 51 Purfleet Dr. She referred to a handout she had left for the council. She feels that there are homes in BV that are in violation of the occupancy rules that are proposed for STR owners and that is discriminatory in nature and is wrong. She feels that septic standards should be based on flow of water, not a specific number. She feels that 3 per bedroom and a maximum of 12 would be acceptable.

Dan Gilman, 36 Kirkcldy Dr. Concerned about utility tax. He had a water leak and had a high water bill because of the tax. He feels that the cable boring being done in the city may be causing the leaks that are occurring. He is also concerned about election cost.

Don Sennett, 22 Brittany Ln, supports the limit on occupancy for str's of 3,6,9 with a max of 12. He urged the council to take up a city-wide ordinance on septic issues. He urged a moratorium on str's right away. Keeping the numbers down will be better for those in operation now.

Yurik Norton, 27 N. Cerney Ln. He feels that the STR owners have not been given the ability to make their case. He feels that this has not been done properly. He believes that str owners have been misrepresented in this process.

Gordon Zaiser, 4 Carole Rae Dr. Concerned about quality of life in BV. He wants to know his neighbors, he does not like living where he has different people in the neighborhood constantly.

Larry Kelly, 12506 Collier Ln, Bentonville. He feels that the committee approach is the best way to come to good rules. Get people come together to create rules. It's the best approach.

Amy Molea-Koppie, 14 Poole Circle. Talked about water usage to measure septic use. If modification are needed to str homes, give us the time need to do that.

Jim Parsons, 29 Duvall Ln. He handed a petition to the council and asked that the council sign them and wants to petition to get a school district in Bella Vista. He thinks kids are getting a diploma for how to ride a school bus. This is not right.

Cynthia Thompson, 58 Walney Dr. She sent an email to the council and she feels that str's are very much needed because we have been unable to get a hotel. With the growth in biking in the community, Str's are very much needed for the people who come here to use the trails.

Grace Chang, 28 Brittany Lane. Has an str on each side of her house. Lots of parking problems in the neighborhood. Property not being taken care of. We need regulation.

Council Reply: None

Approval of the Minutes from the November 21, 2022 meeting. The Mayor asked for any corrections or additions. Mr. Snow had an objection to the minutes because he did not think that the move to recall the tabled str ordinance was a proper vote. He felt that the ordinance needed to be put back on the table. Staff Attorney Kelley stated that this was not the place to deal with whether or not the motion to recall was right or not. That is what happened and the minutes state what did actually happen. Move to approve the minutes was made by Wilms, second by Fowler. Roll call vote was taken and supported 5 in favor, Mr. Snow against. Minutes approved.

Mayor Christie talked about the October financial report. He stated that due to the early date of this meeting, the sales tax report had not been received yet and would be sent out after it is completed. He stated that the city remains in a very solid financial position and can withstand a recession if necessary.

Motion to Suspend the rules and read all Ordinances and Resolutions on the agenda by title only was made by Mr. Wilms, second by Mr. Flynn. Roll call vote was unanimous.

Old Business:

ORDINANCE- 2022-21 AMENDING CHAPTER 109 ZONING OF THE CODE OF ORDINANCES OF THE CITY BELLA VISTA TO DEFINE SHORT-TERM RENTALS, TO PROVIDE FOR INCLUSION OF SHORT-TERM RENTAL USES WITHIN THE TABLE OF USES, TO DETERMINE A SHORT-TERM RENTAL USAGE AS OF RIGHT OR WITH A CONDITIONAL USE PERMIT WITHIN PARTICULAR ZONES, AND FOR OTHER PURPOSES. (Third Reading) *Mayor Christie read the ordinance and stated that this is not about regulation, only adds this as a use in our Zoning code. Mr. Wilms asked if we do this now and don't have the rules approved yet, is that an issue? Mr. Kelley stated it was not. Motion to approve by Mr. Wilms, second by Mr. Flynn. Vote to approve was unanimous.*

ORDINANCE-2022-18 REGULATING SHORT-TERM RENTALS, TO PROVIDE FOR THE REQUIREMENT OF A PERMIT TO OPERATE A SHORT-TERM RENTAL, TO PROVIDE A PROCESS FOR REVOCATION OF A SHORT-TERM RENTAL PERMIT, TO PROVIDE SAFETY AND ON-SITE SEPTIC INSPECTION REQUIREMENTS FOR SHORT-TERM RENTALS, TO PROVIDE OCCUPANCY LIMITS FOR SHORT-TERM RENTALS, PROVIDING PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES (Second Reading) *Mayor Christie read the ordinance and mentioned that there are several amendments to be presented. He will ask the council member who presented the amendments to present them in the order received. Mr. Wozniak will be first. At this point Mr. Snow asked to be recognized and proceeded to make a motion that this matter be removed*

from the agenda as it is there due to an improper vote. Mr. Kelley then explained the issue. When the issue was discussed at the previous meeting the vote was 3 for and 3 against the recall of the Ordinance to the agenda. Mayor voted in favor of the recall of the Ordinance to the agenda which resulted in the recall of the Ordinance. That was the time that any concern with this recall should have taken place. The chair said that this motion was not in order. Then Snow asked that the rules be suspended and this item be removed from consideration. Then he made a motion that this item be tabled until January. There was no second to Snow's motion so it dies.

Mr. Wozniak offered Amendment 1 which would amend Section two to provide for a two-year permit. It was seconded by Flynn. After discussion the vote was called and was supported by Snow, Flynn and Wozniak. Opposed by Wilms, Fowler and Bourke. Amendment failed. Up next was amendment 2, This has to do with the property information posted at the str. A desire not to have the property owners name listed in the str when there is a local contact. This was seconded by Flynn. After continued discussion the vote was called. Amendment failed 5 against with Flynn abstaining.

Mr. Wozniak then offered amendment 3 which deals with septic issues, removing pumping but retaining inspection. It was seconded by Flynn. Discussion began with Wilms having concerns that there is no reliable inspection available. Mr. Kelley then stated that there are standards in the code. Roll call vote was taken and resulted in Snow, Bourke, Wozniak & Flynn voting in favor. Wilms and Fowler voted no. Amendment approved.

Mr. Wozniak then stated that amendment 4 deals with occupancy. Mr. Snow seconded and discussion began. Mr. Fowler strongly disagreed with this amendment. Additional discussion and then it was time to vote. Snow, Wozniak and Bourke voted yes. Flynn, Wilms and Fowler voted no. Amendment failed.

Mr. Flynn then presented his amendment which would allow a BV resident building to get a str permit at the time they have a building permit. The would not have to wait until the construction was done. Mr. Bourke seconded the motion. Some discussion ensued and then a vote was taken. Mr. Snow abstained, Flynn, Wilms, Wozniak, Fowler and Bourke voted to approve. Amendment passed.

Mr. Wilms offered his first amendment which allowed for identifying people involved in ownership. No second was offered so it failed. Mr. Wilms then offered his second amendment which removed septic inspection but retains septic pumping. Mr. Fowler seconded, after discussion a vote was taken and the amendment failed. Wilms and Fowler voted to approve. Bourke, Wozniak, Flynn and Snow voted no. Mr. Wilms then offered his next amendment which deals with occupancy and changed to 2 persons per bedroom. It was seconded by Flynn.

Discussion was held. Vote was taken and resulted in Wilms voting Aye. Snow, Bourke, Fowler Wozniak and Flynn voting Nay. Amendment failed.

The meeting then went back to the Ordinance on the agenda and discussion continued. Motion to move to third and final by Mr. Wilms, second by Mr. Fowler. More discussion was held. Bourke and Snow both commented that they see no need to rush this. Mr. Fowler then commented on how many months this has been discussed and that there has been plenty of time given to this issue. Roll call vote was taken and had Flynn, Fowler, Wilms & Wozniak voting to approve. Bourke and Snow voted not to approve. Motion passed. Mayor Christie then read the Ordinance for the final time and a motion to approve was made by Wilms, second by Fowler. Mr. Bourke stated he could not support the ordinance. Roll call vote was taken and was supported by Wozniak, Fowler, Flynn and Wilms. Voting no were Bourke & Snow. Ordinance approved.

New Business:

R2022-55 RESOLUTION- SETTING THE MEETING SCHEDULE OF THE BELLA VISTA CITY COUNCIL FOR CALENDAR YEAR 2023. *Motion to approve by Fowler, second by Wilms. Vote was unanimous to approve.*

R2022-56 RESOLUTION- AUTHORIZING BUDGETARY FUNDING TRANSFERS BETWEEN DEPARTMENTS IN THE 2022 ANNUAL CITY BUDGET. *Motion to approve by Fowler, second by Wilms. Vote was unanimous to approve.*

R2022-57 RESOLUTION- REVISING AND APPROVING NEW SERVICE CHARGES FOR AMBULANCE SERVICES PROVIDED THROUGH THE FIRE DEPARTMENT. *Motion to approve by Snow, second by Flynn. Vote was unanimous to approve.*

ORDINANCE-2022-19 WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP IN THE TOTAL AMOUNT OF \$46,392.00 FOR THE PURCHASE OF ONE (1) 2023 CHEVROLET TAHOE SPECIAL SERVICE VEHICLE FOR USE BY THE FIRE DEPARTMENT. (3rd & final) *Motion to move to 3rd and final by Snow, second by Flynn. Vote was unanimous to approve. Mayor read for the final time and Wilms voted to approve which was seconded by Flynn. Vote was unanimous to approve.*

R2022-58 RESOLUTION- ADOPTING A CITY BUDGET FOR THE CITY OF BELLA VISTA FOR THE CALENDAR YEAR 2023, APPROPRIATING MONEY FOR EACH ITEM OF EXPENDITURE, AND FOR OTHER PURPOSES. *A change in the budget was necessary and Flynn moved to amend to accept the corrected budget into the resolution. Second by Fowler. Mr. Bourke asked for an explanation of the items that changed. Mayor Christie stated that a couple of items in the library budget has been missed. The new budget reflects the change. Vote was unanimous to approve. Mr. Fowler move to approve the budget, second by Mr. Wilms. Vote was unanimous to approve.*

R2022-59 RESOLUTION- ADOPTING AND APPROVING THE DESIGNATION OF THE RAZORBACK GREENWAY AS A NATIONAL RECREATION TRAIL WITHIN THE CITY OF BELLA

VISTA. Mayor read the Resolution and Fowler moved approval, second by Wilms. Vote was unanimous to approve.

R2022-60 RESOLUTION- AMENDING THE 2022 BUDGET TO APPROPRIATE VARIOUS GRANT REVENUES RELATED TO CAPITAL PROJECTS. Fowler moved to approve, Flynn seconded. Vote was unanimous to approve.

R2022-61 RESOLUTION- APPROVING THE BELLA VISTA ADVERTISING AND PROMOTION COMMISSION'S REAPPOINTMENT OF DON HARRIS AS AN INDUSTRY POSITION COMMISSIONER FOR A TERM ENDING JULY 31, 2026. Mayor read the resolution and Mr. Fowler commented on the background of Mr. Harris. Motion to approve by Wilms, second by Flynn. Vote was unanimous to approve.

ORDINANCE- 2022-20 AMENDING SECTION 107-159 *APPLICABILITY* OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO REMOVE THE REQUIREMENT THAT IMPROVEMENTS, RENOVATIONS OR CHANGES TO EXISTING BUILDINGS OR DEVELOPMENTS THAT DO NOT INCREASE GROSS FLOOR AREA BE REQUIRED TO PRESENT DEVELOPMENT PLANS. (Staff requests 3rd and final reading.) After the Ordinance was read Fowler made a motion to go third and final, second by Flynn. Aye: Flynn, Wozniak, Wilms, Fowler. Nay: Bourke, Snow. Passed. Mayor read for the final time and Wilms made a motion to approve, second by Flynn. Vote was unanimous to approve.

Mr. Wilms then asked to make a statement. He thanked Mayor Christie for his service over the last 8 years. He highlighted the many extra things he was involved with. He then thanked Mr. Bourke for his 4 years of service to the council. Mr. Bourke then made several comments about his experience as a member of the city council and he thanked all of the city staff. Mayor Christie then made a few comments about his experience and thanked all the city staff. Mr. Kelley then asked to speak and thanked City Clerk Jertson for his service much of it behind the scenes but very much appreciated. Announcements:

- a. Next City Council Work Session: 5:30 pm Tuesday January 17 at Bella Vista District Court.
- b. Next City Council Regular Meeting: 6:30 pm Monday, January 23 at Bella Vista District Court.
- c. Planning Commission Work Session: 4:30 pm Thursday, Feb. 2 at Bella Vista District Court.
- d. Planning Commission Regular Meeting: 4:30 pm Monday, Jan. 9 at Bella Vista District Court.
- e. Board of Construction Appeals: 3 pm Tuesday, Jan.10, if necessary, at Bella Vista District Court.

Adjournment at 8:49PM

City Clerk Wayne Jertson

Mayor Peter Christie

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

REGULATING SHORT-TERM RENTALS, TO PROVIDE FOR THE REQUIREMENT OF A PERMIT TO OPERATE A SHORT-TERM RENTAL, TO PROVIDE FOR A MAXIMUM NUMBER OF SHORT-TERM RENTAL PERMITS TO BE ISSUED, TO PROVIDE OCCUPANCY LIMITS FOR SHORT-TERM RENTALS, TO PROVIDE A PROCESS FOR REVOCATION OF A SHORT-TERM RENTAL PERMIT, PROVIDING PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES

WHEREAS, it is estimated that there are approximately 460-480 short-term rental units in Bella Vista; and

WHEREAS, Bella Vista does not have specific rules for short-term rentals which have been operating in Bella Vista since its early inception; and

WHEREAS, it is recognized by the City Council that in order to protect the health, safety and welfare of citizens, visitors and the general community, as well as to protect the residential environment and property values, that rules be set forth regulating the management and behavior conducted on short-term rental properties; and

WHEREAS, high occupancies in short-term rentals create a substantial risk to health and safety, create a substantial risk of septic failure for properties using on-site septic systems for wastewater, and have a high potential to create neighborhood nuisances; and

WHEREAS, growth in the number of short-term rentals in the City causes concern regarding stresses to City infrastructure and services, making a cap on the number of such short-term rentals necessary; and

WHEREAS, it is the obligation of the owners or operators of these properties to pay all applicable state and local sales taxes, including City advertising and promotion sales taxes;

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

SECTION 1: Definition.

- (a) *Short-term rental* means a residential dwelling unit, portion of a dwelling unit, or bedroom within a dwelling unit, leased or rented to guests for a period of less than thirty (30) consecutive days.
- (b) For purposes of this Ordinance *short-term rentals* are divided into two types. Type-1 short term rentals are those used by an owner(s) as a primary residence and are owner-occupied during the period of rental and have a rental occupancy of four (4) or fewer. Type-2 short term rentals are all short-term rentals not of Type-1.

SECTION 2: Permit required. A short-term rental shall not be operated except upon issuance of a permit by the City in accordance with the requirements of this Ordinance. Said permit shall be effective for a period of two (2) year from the date of issuance and is non-transferable.

SECTION 3: Application requirements for permit. An application for the issuance of a short-term rental permit shall be on a form approved by the Mayor or the Mayor's designee. The application shall require the applicant to provide the following information:

- (a) The name, address, telephone number, and email address of the property owner, and at the owner's option, the name, address, telephone number, and email address of a person who shall serve as a local point of contact who shall reside within fifty (50) miles of the short-term rental property.
- (b) If utilizing an on-site septic system, a copy of the most current septic permit issued by the Health Department for the property and a copy of a report from a licensed septic installer or inspector certifying that the on-site septic system on the property is operational within the requirements of the Arkansas Department of Health.
- (c) Proof that the applicant has met the requirements of the Advertising and Promotion Commission for collection of local A&P taxes.
- (d) An application fee of \$100.00 or such other amount as may be set from time-to-time by resolution of the City Council.
- (e) Reapplications shall comply with the requirements of this Section.

SECTION 4: Conditions precedent to issuance of a permit. Upon receipt of an application fulfilling the requirements of Section 3 of this Ordinance, and prior to offering to rent:

- (a) the short-term rental shall have posted within the structure, in a clearly visible location, a copy of the City noise ordinance requirements, a copy of the City parking ordinance requirements, and a notice to all persons that guests, local points of contact, or property owners may be cited and fined for violations of applicable city ordinances; and
- (b) the short-term rental shall have a minimum of two off-street parking spaces available on site.

SECTION 5: Occupancy restrictions.

- (a) At no time shall Type-2 short-term rentals have, or be offered for rent as having, an occupancy greater than three (3) guests per bedroom for residences serviced by on-site septic systems for wastewater (or as required by the Arkansas Department of Health on-site septic permit), or three (3) guests per bedroom plus an additional two (2) guests for short-term rentals serviced by sanitary sewer for wastewater. The number of bedrooms shall be determined in the same manner as provided in the Arkansas Fire Prevention Code.
- (b) At no time shall Type-1 short-term rentals have, or be offered for rent as having, an occupancy greater than four (4) guests in addition to owner occupants.
- (c) On-street parking for short-term rentals is prohibited.

SECTION 6: Violations and additional provisions.

- (a) Any person operating a short-term rental in violation of this Ordinance shall, for a first offense, be fined an amount not less than \$50. For a second offense within one (1) year of the first offense, a violator shall be fined an amount not less than \$250. For a third or subsequent offense within one (1) year of the first offense, any short-term rental permit issued pursuant to this Ordinance shall be revoked by the court. . For purposes of this Section, a person operating a short-term rental shall be the owner, short-term rental permit applicant, or local point of contact as provided in Section 3(a).
- (b) The City shall have authority to seek legal and equitable relief from any court of competent jurisdiction for violations of the provisions of this Ordinance.
- (c) No applicant for property subject to a short-term rental revocation shall be granted another short-term rental permit for a period of twelve (12) months from the date of revocation.

SECTION 7: Maximum number of active permits to be issued.

- (a) The maximum number of active short-term rental permits issued for Type-2 short-term rentals shall not exceed seven hundred (700).
- (b) Any application received for Type-2 short-term rentals pursuant to the provisions of this Ordinance after the City has seven hundred (700) active Type-2 short-term rental permits shall be denied. At such point as active Type-2 permits expire or are revoked, a number of Type-2 permits equal to the number of Type-2 permits which have expired or been revoked may be issued. At no point shall more than seven hundred (700) Type-2 short-term rental permits be active in the City.

SECTION 8: Effective dates for permit requirement. NOT TO BE CODIFIED. To provide a reasonable opportunity for applications to be reviewed, the requirement to operate a short-term rental pursuant to a permit shall apply 120 days after the effective date of this Ordinance. Notwithstanding any provision of this Ordinance to the contrary, short-term rental permits issued shall be effective for two (2) years from the date of issuance.

SECTION 9: Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

ADOPTED THIS _____ DAY OF _____, 2022.

APPROVED:

Peter Christie, Mayor

Attest:

Wayne Jertson, City Clerk

Requested by: Council Member Steven Bourke
Prepared by: Jason B. Kelley, Staff Attorney

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

REGULATING SHORT-TERM RENTALS, TO PROVIDE FOR THE REQUIREMENT OF A PERMIT TO OPERATE A SHORT-TERM RENTAL, TO PROVIDE FOR A MAXIMUM NUMBER OF SHORT-TERM RENTAL PERMITS TO BE ISSUED, TO PROVIDE OCCUPANCY LIMITS FOR SHORT-TERM RENTALS, TO PROVIDE A PROCESS FOR REVOCATION OF A SHORT-TERM RENTAL PERMIT, PROVIDING PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES

WHEREAS, it is estimated that there are approximately 460-480 short-term rental units in Bella Vista; and

WHEREAS, Bella Vista does not have specific rules for short-term rentals which have been operating in Bella Vista since its early inception; and

WHEREAS, it is recognized by the City Council that in order to protect the health, safety and welfare of citizens, visitors and the general community, as well as to protect the residential environment and property values, that rules be set forth regulating the management and behavior conducted on short-term rental properties; and

WHEREAS, high occupancies in short-term rentals create a substantial risk to health and safety and have a high potential to create neighborhood nuisances; and

WHEREAS, growth in the number of short-term rentals in the City causes concern regarding stresses to City infrastructure and services, making a cap on the number of such short-term rentals necessary; and

WHEREAS, it is the obligation of the owners or operators of these properties to pay all applicable state and local sales taxes, including City advertising and promotion sales taxes;

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

SECTION 1: Definition.

- (a) *Short-term rental* means a residential dwelling unit, portion of a dwelling unit, or bedroom within a dwelling unit, leased or rented to guests for a period of less than thirty (30) consecutive days.
- (b) For purposes of this Ordinance *short-term rentals* are divided into two types. Type-1 short term rentals are those used by an owner(s) as a primary residence and are owner-occupied during the period of rental and have a rental occupancy of four (4) or fewer. Type-2 short term rentals are all short-term rentals not of Type-1.

SECTION 2: Permit required. A short-term rental shall not be operated except upon issuance of a permit by the City in accordance with the requirements of this Ordinance. Said permit shall be effective for a period of two (2) year from the date of issuance and is non-transferable.

SECTION 3: Application requirements for permit. An application for the issuance of a short-term rental permit shall be on a form approved by the Mayor or the Mayor's designee. The application shall require the applicant to provide the following information:

- (a) The name, address, telephone number, and email address of the property owner, and at the owner's option, the name, address, telephone number, and email address of a person who shall serve as a local point of contact who shall reside within fifty (50) miles of the short-term rental property.
- (b) Proof that the applicant has met the requirements of the Advertising and Promotion Commission for collection of local A&P taxes.
- (c) An application fee of \$100.00 or such other amount as may be set from time-to-time by resolution of the City Council.
- (d) Reapplications shall comply with the requirements of this Section.

SECTION 4: Conditions precedent to issuance of a permit. Upon receipt of an application fulfilling the requirements of Section 3 of this Ordinance, and prior to offering to rent, the short-term rental shall have a minimum of two off-street parking spaces available on site.

SECTION 5: Occupancy restrictions.

- (a) At no time shall Type-2 short-term rentals have, or be offered for rent as having, an occupancy greater than twelve (12) guests.
- (b) At no time shall Type-1 short-term rentals have, or be offered for rent as having, an occupancy greater than four (4) guests in addition to owner occupants.
- (c) On-street parking for short-term rentals is prohibited.

SECTION 6: Violations and additional provisions.

- (a) Any person operating a short-term rental in violation of this Ordinance shall, for a first offense, be fined an amount not less than \$50. For a second offense within one (1) year of the first offense, a violator shall be fined an amount not less than \$250. For a third or subsequent offense within one (1) year of the first offense, any short-term rental permit issued pursuant to this Ordinance shall be revoked by the court. . For purposes of this Section, a person operating a short-term rental shall be the owner, short-term rental permit applicant, or local point of contact as provided in Section 3(a).
- (b) The City shall have authority to seek legal and equitable relief from any court of competent jurisdiction for violations of the provisions of this Ordinance.
- (c) No applicant for property subject to a short-term rental revocation shall be granted another short-term rental permit for a period of twelve (12) months from the date of revocation.

SECTION 7: Maximum number of active permits to be issued.

(a) The maximum number of active short-term rental permits issued for Type-2 short-term rentals shall not exceed seven hundred (700).

(b) Any application received for Type-2 short-term rentals pursuant to the provisions of this Ordinance after the City has seven hundred fifty (750) active Type-2 short-term rental permits shall be denied. At such point as active Type-2 permits expire or are revoked, a number of Type-2 permits equal to the number of Type-2 permits which have expired or been revoked may be issued. At no point shall more than seven hundred fifty (750) Type-2 short-term rental permits be active in the City.

SECTION 8: Effective dates for permit requirement. NOT TO BE CODIFIED. To provide a reasonable opportunity for applications to be reviewed, the requirement to operate a short-term rental pursuant to a permit shall apply 120 days after the effective date of this Ordinance. Notwithstanding any provision of this Ordinance to the contrary, short-term rental permits issued shall be effective for two (2) years from the date of issuance.

SECTION 9: Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

ADOPTED THIS _____ DAY OF _____, 2022.

APPROVED:

Peter Christie, Mayor

Attest:

Wayne Jertson, City Clerk

Requested by: Council Member Steven Bourke
Prepared by: Jason B. Kelley, Staff Attorney

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**SETTING THE AMOUNT OF ADDITIONAL FINE TO BE LEVIED
PURSUANT TO ARK. CODE ANN. § 16-17-129 TO DEFRAY THE COSTS
OF INCARCERATING CITY PRISONERS, AND FOR OTHER PURPOSES**

WHEREAS, Ark. Code Ann. § 16-17-129 authorizes cities with a district court to enact an additional fine not to exceed twenty dollars (\$20.00) per offense on misdemeanors and traffic violations and in all cases in the first class of accounting records as described in Ark. Code Ann. § 16-17-707 which occur in the City, for the purpose of defraying the costs of incarcerating city prisoners; and

WHEREAS, the statute specifies that the amounts collected shall be used exclusively for defraying the costs of incarcerating prisoners and for no other purpose; and

WHEREAS, pursuant to Ordinance No. 2020-12, the City has collected an additional fine in the amount of fifteen dollars (\$15.00), pursuant to Ark. Code Ann. § 16-17-129, to defray the costs of incarcerating its prisoners in the Benton County Jail; and

WHEREAS, collections of said amount are insufficient to cover costs associated with incarcerating city prisoners in the Benton County Jail;

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

SECTION 1: From and after the effective date of this Ordinance, pursuant to Ark. Code Ann. § 16-17-129, the sum of twenty dollars (\$20.00) shall be levied on each misdemeanor and traffic violation offense and in all cases in the first class of accounting records as described in Ark. Code Ann. § 16-17-707 arising in the City.

SECTION 2: Said sum shall be collected by the Clerk of Court from each defendant for each charge the defendant pleads guilty, nolo contendere, is found guilty, or forfeits bond.

SECTION 3: The amounts collected pursuant to this Ordinance shall be used exclusively for the purposes permitted in Ark. Code Ann. § 16-17-129.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 30, 2023

AGENDA ITEM: Ordinance

ITEM TITLE: County Jail Fee

SUBMITTED BY: Chief James Graves

SUMMARY EXPLANATION: An increasing shortfall is being realized within the operating budget that supports needed county jail use.

Approval in being requested to raise the existing County Jail fee from \$15.00 per case to \$20.00 per case. This fee is authorized by statute to assist in offsetting jail expenses that are incurred by law enforcement agencies in the course of business.

ATTACHMENT: ORDINANCE ☒ RESOLUTION ☐ OTHER ☐

RECOMMENDATION: Chief of Police recommends City Council approve the raising of the County Jail fee from \$15.00 per case to \$20.00 per case.

ACTION REQUESTED:
Motion to adopt ☒

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING ORDINANCE NO. 2022-18 REGARDING THE
REGULATION OF SHORT-TERM RENTALS TO REMOVE THE
REQUIREMENT THAT AN ADDRESS OF THE PROPERTY OWNER
AND LOCAL POINT OF CONTACT BE POSTED INSIDE THE SHORT-
TERM RENTAL**

WHEREAS, Ordinance No. 2022-18 provides for regulating short-term rentals by, among other things, requiring the address of the property owner and local point of contact to be posted inside the short-term rental; and

WHEREAS, it is determined that the posting of a physical address may pose unnecessary safety risks while providing limited usefulness;

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

SECTION 1: Subsection (b) of Section 4 of Ordinance No. 2022-18 is hereby amended so that, after amendment, the Subsection shall read as follows:

“(b) The short-term rental shall have posted within the structure, in a clearly visible location, the contact information, to include a telephone number, for the property owner and the local point of contact for the short-term rental, a copy of the City noise ordinance requirements, a copy of the City parking ordinance requirements, and a notice to all persons that guests, local points of contact, or property owners may be cited and fined for violations of applicable City ordinances; and”

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

ORDINANCE NO _____

CITY OF BELLA VISTA, ARKANSAS

WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZING A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP IN THE TOTAL AMOUNT OF \$47,267.00 FOR THE PURCHASE OF ONE (1) 2023 CHEVROLET TAHOE POLICE VEHICLE FOR USE BY THE POLICE DEPARTMENT

WHEREAS, general shortages of available 2023 police cars make purchase pursuant to the state procurement contract impossible; and

WHEREAS, competitive bidding for 2023 vehicles will not result in any further ability to purchase said vehicles due to shortages; and

WHEREAS, one (1) 2023 Chevrolet Tahoe police vehicle is available for purchase from Superior Auto Group, but said vehicle is not subject to current state procurement contracts and cannot be obtained if the City proceeds through a bidding process; and

WHEREAS, the City must act with haste if it is to secure purchase of said vehicle;

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

SECTION 1. The City Council of the City of Bella Vista, Arkansas hereby determines that the above circumstances make formal competitive bidding not feasible or practical and therefore waives the requirement of formal competitive bidding and authorizes a contract with Superior Auto Group in the total amount of \$47,267.00 for the purchase of one (1) 2023 Chevrolet Tahoe police vehicle for use by the Police Department.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

JOHN D. FLYNN
MAYOR

ATTEST:

WANDA KRUG
CITY CLERK

Requested by: Mayor
Prepared by: Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 30, 2023

AGENDA ITEM: Resolution

ITEM TITLE: Police Department Vehicle Purchase

SUBMITTED BY: Chief James Graves

SUMMARY EXPLANATION: Due to normal wear and tear, age and millage, the purchase of 1 Police Pursuit AWD Tahoe is being requested. Capital expenditure in the amount of \$48,000 has been allocated in the PD 2023 budget in support of the purchase of this vehicle. A bid waiver is being requested to make this purchase because the current 2023 Arkansas vehicle contract list all police related vehicles as not being bid. Additionally, inventory and supply chain issues still make finding and acquiring police vehicles very difficult. Superior Automotive in Siloam Springs currently has the inventory we require.

Approval is being requested to purchase 1 Police Pursuit AWD Tahoe, under a bid waiver, in the amount of \$47,267, from Superior Automotive of Siloam Springs.

ATTACHMENT: ORDINANCE ☐ RESOLUTION ☒ OTHER ☐

RECOMMENDATION: Chief of Police recommends City Council approval of bid waiver and purchase of police Tahoe from Superior Automotive.

ACTION REQUESTED:
Motion to adopt ☒



Superior Automotive Group

Don Clark | 479 268 1003 | dclark@drivesuperior.com

BELLA VISTA POLICE DEPT

Prepared For: CHIEF JAMES GRAVES

479 855 3771

jgraves@bellavistaar.gov

[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (2)



Superior Automotive Group

Don Clark | 479 268 1003 | dclark@drivesuperior.com

[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (2) (Complete)

Quote Worksheet

	MSRP
Base Price	\$49,250.00
Dest Charge	\$1,795.00
Total Options	\$1,372.00
Subtotal	\$52,417.00
Subtotal Pre-Tax Adjustments	\$0.00
Less Customer Discount	(\$5,150.00)
Subtotal Discount	(\$5,150.00)
Trade-In	\$0.00
Excluded from Sales Tax	Subtotal Trade-In
	\$0.00
	Taxable Price
	\$47,267.00
Sales Tax	\$0.00
	Subtotal Taxes
	\$0.00
	Subtotal Post-Tax Adjustments
	\$0.00
	Total Sales Price
	\$47,267.00

Comments:

Thank you,

Don Clark
Fleet Director
Superior Automotive Group
dclark@drivesuperior.com
479-268-1003

Dealer Signature / Date

Mayor

Customer Signature / Date

Jan. 5, 2023

Anticipated Effective Date
Jan. 23, 2023

At the user's request, prices for this vehicle have been formulated on the basis of Initial Pricing for the vehicle, however GM cannot guarantee that Initial Pricing is available. This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.
Data Version: 18364. Data Updated: Jan 3, 2023 6:40:00 PM PST.



Superior Automotive Group

Don Clark | 479 268 1003 | dclark@drivesuperior.com

[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (2) (Complete)

Window Sticker

SUMMARY

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

MSRP:\$49,250.00

Interior:Jet Black, Cloth seat trim

Exterior 1:Summit White

Exterior 2:No color has been selected.

Engine, 5.3L EcoTec3 V8

Transmission, 10-speed automatic

OPTIONS

CODE	MODEL	MSRP
CK10706	[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial	\$49,250.00
OPTIONS		
**	** REQUIRES A FLEET OR GOVERNMENT ORDER TYPE. **	\$0.00
**	** DUE TO SEMICONDUCTOR SUPPLY SHORTAGES, FEATURE AVAILABILITY WILL CHANGE THROUGHOUT THE MODEL YEAR. SEE THE WINDOW LABEL OF A SPECIFIC VEHICLE TO DETERMINE ITS CONTENT. **	\$0.00
1FL	Commercial Preferred Equipment Group	\$0.00
5J3	Calibration, Surveillance Mode interior lighting	Inc.
5J9	Calibration, taillamp flasher, Red/White	Inc.
5LO	Calibration, taillamp flasher, Red/Red	Inc.
5T5	Seats, front cloth and second row vinyl	\$0.00
6J3	Wiring, grille lamps and siren speakers	\$92.00
6J4	Wiring, horn and siren circuit	\$55.00
6J7	Flasher system, headlamp and taillamp, DRL compatible with control wire	Inc.
7X3	Spotlamp, left-hand	\$800.00
9C1	Identifier for Police Package Vehicle	\$0.00
AMF	Remote Keyless Entry Package	\$75.00
ATD	Seat delete, third row passenger	Inc.
AX2	Key, unique	Inc.

At the user's request, prices for this vehicle have been formulated on the basis of Initial Pricing for the vehicle, however GM cannot guarantee that Initial Pricing is available. This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.
Data Version 18364, Data Updated: Jan 3, 2023 6:40:00 PM PST



Superior Automotive Group

Don Clark | 479 268 1003 | dclark@drivesuperior.com

[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (2) (Complete)

AZ3	Seats, front 40/20/40 split-bench		\$0.00
BCV	Lock control, driver side auto door lock disable	Inc.	
BTV	Remote start		\$300.00
C6G	GVWR, 7600 lbs. (3447 kg)	Inc.	
FE9	Emissions, Federal requirements		\$0.00
GAZ	Summit White		\$0.00
GU5	Rear axle, 3.23 ratio		\$0.00
H1T	Jet Black, Cloth seat trim		\$0.00
IOR	Audio system, Chevrolet Infotainment 3 system, 8" diagonal color touchscreen		\$0.00
J55	Brake system, heavy duty	Inc.	
K3W	Battery, 850 cold-cranking amps with 95 amp hour rating	Inc.	
K6K	Battery, auxiliary, 760 cold-cranking amps with 70 amp hour rating	Inc.	
KX4	Alternator, 250 amps	Inc.	
L84	Engine, 5.3L EcoTec3 V8		\$0.00
MHU	Transmission, 10-speed automatic	Inc.	
PXT	Wheels, 20" x 9" (50.8 cm x 22.9 cm) steel	Inc.	
RAV	Tire, spare 275/55R20 all-season, blackwall, Firestone Firehawk Pursuit	Inc.	
RC1	Skid plate, front	Inc.	
RNQ	Wheel, full-size spare, matching 20" (50.8 cm) steel wheel without center cap	Inc.	
T66	Wiring provision, for outside mirrors and cargo side mirrors	Inc.	
UT7	Ground wires, blunt cut cargo area and blunt cut console area	Inc.	
V03	Cooling system, extra capacity	Inc.	
V53	Luggage rack side rails, delete	Inc.	
V76	Recovery hooks, 2 front, frame-mounted, Black		\$50.00
VK3	License plate front mounting package		\$0.00
VPV	Ship Thru, Produced in Arlington Assembly and shipped to Kerr Industries and onto Arlington Assembly		\$0.00
VQ2	Fleet processing option		\$0.00
VXT	Incomplete vehicle	Inc.	

At the user's request, prices for this vehicle have been formulated on the basis of Initial Pricing for the vehicle, however GM cannot guarantee that Initial Pricing is available. This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.
Data Version: 18364, Data Updated: Jan 3, 2023 6:40:00 PM PST.



Superior Automotive Group

Don Clark | 479 268 1003 | dclark@drivesuperior.com

[Fleet] 2023 Chevrolet Tahoe (CK10706) 4WD 4dr Commercial (2) (✓ Complete)

VZ2	Speedometer calibration	Inc.
WUA	Fascia, front high-approach angle	Inc.
XCS	Tires, 275/55R20SL all-season, blackwall, Firestone Firehawk Pursuit	Inc.
Z56	Suspension Package, heavy-duty, police-rated.	Inc.
—	Capless Fuel Fill	Inc.
—	Exterior ornamentation delete	Inc.
—	Instrumentation, analog	Inc.
—	Theft-deterrent system, vehicle, PASS-Key III	Inc.
—	Power supply, 50-amp, power supply, auxiliary battery	Inc.
—	Power supply, 100-amp, auxiliary battery, rear electrical center	Inc.
—	Power supply, 120-amp, (4) 30-amp circuit, Primary battery	Inc.
—	Seat belts, 3-point, all seating positions	Inc.
—	Protected idle	Inc.

SUBTOTAL	\$50,622.00
Adjustments Total	\$0.00
Destination Charge	\$1,795.00
TOTAL PRICE	\$52,417.00

FUEL ECONOMY

Est City:14 (2022) MPG

Est Highway:20 (2022) MPG

Est Highway Cruising Range:480.00 mi

At the user's request, prices for this vehicle have been formulated on the basis of Initial Pricing for the vehicle, however GM cannot guarantee that Initial Pricing is available. This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.
Data Version: 18364. Data Updated: Jan 3, 2023 6:40:00 PM PST.

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO
REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-
46996 (COUNTY PARCEL NO. 16-26354-000) FROM P-1,
CONSERVATION DISTRICT TO R-1, RESIDENTIAL SINGLE-FAMILY
DISTRICT**

WHEREAS, a rezoning petition was properly filed and considered by the Bella Vista Planning Commission according to the requirements of law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that said petition be granted and that the property described therein be rezoned from P-1, Conservation District, to R-1, Residential Single-Family District; and

WHEREAS, the City Council is of the opinion that said parcel should be rezoned as provided herein;

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

SECTION 1: The Bella Vista Zoning Ordinance and Map are hereby amended to rezone property described in rezoning petition No. 2022-46996 (County Parcel No. 16-26354-000) from P-1, Conservation District to R-1, Residential Single-Family District.

SECTION 2: The legal description of the parcel is attached to this Ordinance as Exhibit “A” and incorporated herein as if set out word-for-word.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM: Ordinance

ITEM TITLE: A REQUEST TO REZONE 58 RILLINGTON FROM P-1
CONSERVATION TO R-1 SINGLE FAMILY RESIDENTIAL

SUBMITTED BY: Taylor Robertson, Senior Planner, Community Development

SUMMARY: Planning staff has received a request to rezone Lot 20, Block 4 of the Rillington Subdivision from P-1 Conservation to R-1 Single Family Residential. After holding a public hearing on January 9, 2023 at 4:30 pm and reviewing the attached report, the Planning Commission has recommended approval of this request. Per Section 109-40, this request shall follow the Planning Commission recommendation to the City Council via an ordinance.

Please see the attached report for further analysis.

ATTACHMENT: Ordinance ☒ Resolution ☐ Other ☐

RECOMMENDATION: Planning Commission and Staff recommends approval of this ordinance.

ACTION REQUESTED: Motion to adopt ☒

EXHIBIT A

Legal Description:

Lot 20, Block 4, Rillington Subdivision, Bella Vista Village, Benton County, Arkansas



Meeting Information:
612 W. Lancashire Blvd
January 9, 2023 at 4:30 pm
Reviewer:
Taylor Robertson, MPA
Senior Planner

Property Description

The subject property, known as 58 Rillington Drive in Bella Vista is located on Parcel #16-26354-000 (Lot 20, Block 4. Rillington Subdivision) near the south east portion of city limits.

Request

Per Sec. 109-40(c), the applicant is requesting to rezone a portion of their property (Lot 20, Block 4 of the Rillington Subdivision) from P-1 Conservation to R-1 Single Family.

Background

Per the most recently adopted Zoning Map, this parcel is zoned as P-1 Conservation. The subject lot is currently surrounded by Single Family Homes and common property. The R-1 District requires that lots be a minimum of .32 acres in size, be at least 50' wide, and be 100' deep. All of these items are met with the current platted lot as it is 1.24 acres in size, approximately 180' wide, over 300' deep and additionally has access to a residential street. The district purpose notes that R-1 is intended for detached single-family dwellings and other related facilities normally required for a balanced, attractive residential area. The P-1 district is intended for floodplain, streams, wetlands, exceedingly steep topography, a buffer for incompatible uses, and to restrict development in areas NOT suitable for development. Staff finds that this lot does not meet the intent or purpose of the P-1 Zone and more aligns with the R-1 Zone. Staff is unaware of any platted restriction noting this as "Conservation Land." The Future Land Use plan in the Comprehensive Plan shows this within a Common Area Land and defines Common Land as land owned by the POA. This lot is not POA land and does not meet the intent or definition given within the COMP Plan.

Legal Notifications

The applicant sent the required certified mail on 12/20/22. Staff posted a public hearing legal ad in the Weekly Vista on 12/21/22. Staff posted a public hearing sign on site on 12/29/22. All notification requirements have been met.

Staff Recommendation

Staff **recommends approval** based on the analysis above.

Project Number	RZN-2022-46996
Applicant	Ashli & Zachary Duhamel
Address/Location	58 Rillington Drive
Current Zoning	P-1 Conservation
Site Area	1.24 acres
Nature of Request	Requesting to Rezone the parcel from P-1 to R-1



Zoning Map



Master Street Plan



Future Lane Use (2040 Comprehensive Plan)

PLANNING COMMISSION STAFF REPORT

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	P-1	R-1
Duplex		
Single-Family		P
Townhouse		
Agriculture	P-1	R-1
Crop Production		P
Horticulture		P
Civic Uses	P-1	R-1
Administration		C
Cemetery	P	C
Clubs	P	C
College		C
Convalescent Services		C
Cultural Services		C
Day Care		P
Education		P
Emergency		
Group Care		P
Guidance Services		
Health Care		C
Hospital		C
Maintenance Facility		
Parks	P	P
Postal Services		
Public Assembly		C
Recreation	P	C
Religious		C
Safety	P	C
Office Uses	P-1	R-1
General		
Financial		
Medical		
Commercial Uses	P-1	R-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast		C
Business Support		
Trade School		
Campground		

Commercial Recreation		
Communications		
Pharmacy		
Construction		
Consumer		
Storage		
Equipment		
Rental/Repair		
Food Sales		
Funeral		C
Gaming		
Laundry		
Liquor		
Lodging		
Pawnshop		
Personal Improvement		
Personal Services		
Pet Services		
RV Storage		
Restaurants		
Retail		
Surplus		
Taverns		
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		
Parking Uses	P-1	R-1
Off-Street Parking		
Parking Structure		
Industrial Uses	P-1	R-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	P-1	R-1
Communications Tower	C	C
Medical Marijuana		

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45](#)(d)(1) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.

Sec. 109-71. - P-1 conservation district.

(a) *General description and purpose.* The recreational open space district is designed to protect and enhance vital natural resources such as floodplains, streams, wetlands, exceedingly steep topography, woodlands and wildlife habitat. Further, this district serves to maintain a buffer between incompatible land uses, and to restrict development in areas not suitable for or capable of sustaining development, while allowing certain uses which are not detrimental to the land.

(b) *Bulk and area regulations.*

(1) *Lot and area requirements.*

- a. At least 70 percent of the parcel area shall be left undeveloped as green space.
- b. No more than 15 percent of the parcel area may be dedicated to open space that also contains parking areas.
- c. Maximum lot coverage shall be five percent of the parcel area.

(2) *Setback requirements.*

- a. Minimum setback from all property lines shall be 50 feet.
- b. A minimum setback of 25 feet shall be established parallel to all floodplain lines as shown on currently adopted FIRM panels.
- c. A minimum setback of 50 feet shall be established parallel to the top of bank along all perennial and intermittent streams.
- d. A minimum setback of 50 feet shall be established parallel to the edge of open bodies of water.

(3) *Height requirements.* Buildings and structures shall be constructed to a maximum height of 25 feet.

(c) *Legal instrument for permanent protection.* Green space as defined above shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

- (1) A permanent conservation easement in favor of a land trust or similar conservation oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
- (2) A permanent restrictive covenant for conservation purposes in favor of a government entity or property owner's association.
- (3) An equivalent legal tool that provides permanent protection, if approved by the city.

(Zoning Ord., § 400.06; Ord. No. 2009-23, § 400.06, 1-8-2010; Ord. No. 2015-07, § 1, 4-27-2015; Ord. No. 2017-16, § 1(Exh. A), 4-24-2017)

Sec. 109-75. - R-1, residential, single-family district.

- (a) *District purpose.* This district is intended to create a suitable environment for development of quality detached single-family dwellings with compatible densities, and related facilities normally required for a balanced and attractive residential area. The permitted uses within this district are single-family detached dwellings and a limited number of other uses may be allowed by conditional use permit only.
- (b) *Bulk and area regulations.*
- (1) *Density:* Three dwelling units per gross acre. See section 109-67(a)(3) for increased density options.
- (2) *Lot and area requirements:*
- The minimum lot size shall be no less than 14,000 square feet ($\frac{1}{3}$ or 0.32 acres) in size.
 - The minimum street frontage shall be no less than 50 feet.
 - The minimum lot width shall be no less than 50 feet. Lot width is measured at the building setback.
 - The minimum lot depth shall be no less than 100 feet.
 - Maximum lot coverage shall be no more than 35 percent of the parcel area.
- (3) *Setback requirements:*
- Minimum front setback from all property lines shall be 20 feet, unless otherwise stated on the subdivision plat.
 - A minimum side setback of 15 feet shall be established parallel to all street right-of-way lines.
 - A minimum side setback of ten feet shall be established parallel to side property lines, unless otherwise stated on the subdivision plat.
 - A minimum rear setback of 15 feet shall be established parallel to rear property lines, unless otherwise stated on the subdivision plat.
 - Along bodies of water.* Lots or parcels with access to bodies of water shall have at least 25 foot setback from the water's edge in which no primary or accessory structures may be built, except as provided in section 109-185.
- (4) *Height requirements.* Maximum 40 feet.

(Ord. No. 2017-16, § 1(Exh. A), 4-24-2017)

Editor's note— Ord. No. 2017-16, § 1(Exh. A), adopted April 24, 2017, in effect, repealed § 109-75 and enacted a new § 109-75 as set out herein. Former § 109-75 pertained to industrial districts and derived from Zoning Ord., § 400.08; Ord. No. 2009-23, adopted January 8, 2010 and Ord. No. 2015-07, adopted April 27, 2015.

OPEN SPACE

Open spaces are important for supporting daily public life in a community. Open spaces are diverse in scale and design to be seamlessly integrated into and support related activities and land uses. Designed for the right context, open spaces can be a place for people to gather, relax, recreate, and access citywide networks. Parks, lakes, and common ground make up nearly 40% of the entire city. Although some parks and trails are publicly accessible, lakes and common ground are generally only accessible by POA members. As Bella Vista continues to experience population growth, particularly of families with school-aged children, it is critical that creation of publicly accessible open spaces are pursued.

COMMON LAND

Common land is land owned and controlled by the Property Owners Association (POA). This land may include lakes and has been reserved for use by members of the POA.

PARKS

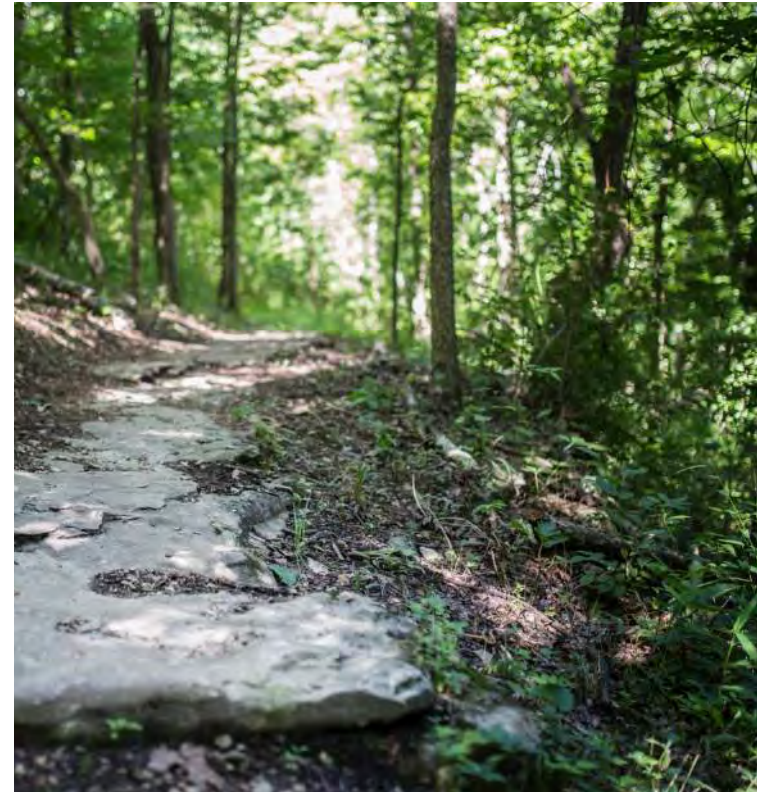
Parks include any publicly-accessed open space, such as squares, plazas, trails and other recreational outside facilities, or community greenspaces. The city currently lacks neighborhood parks that can be accessed by the general public.

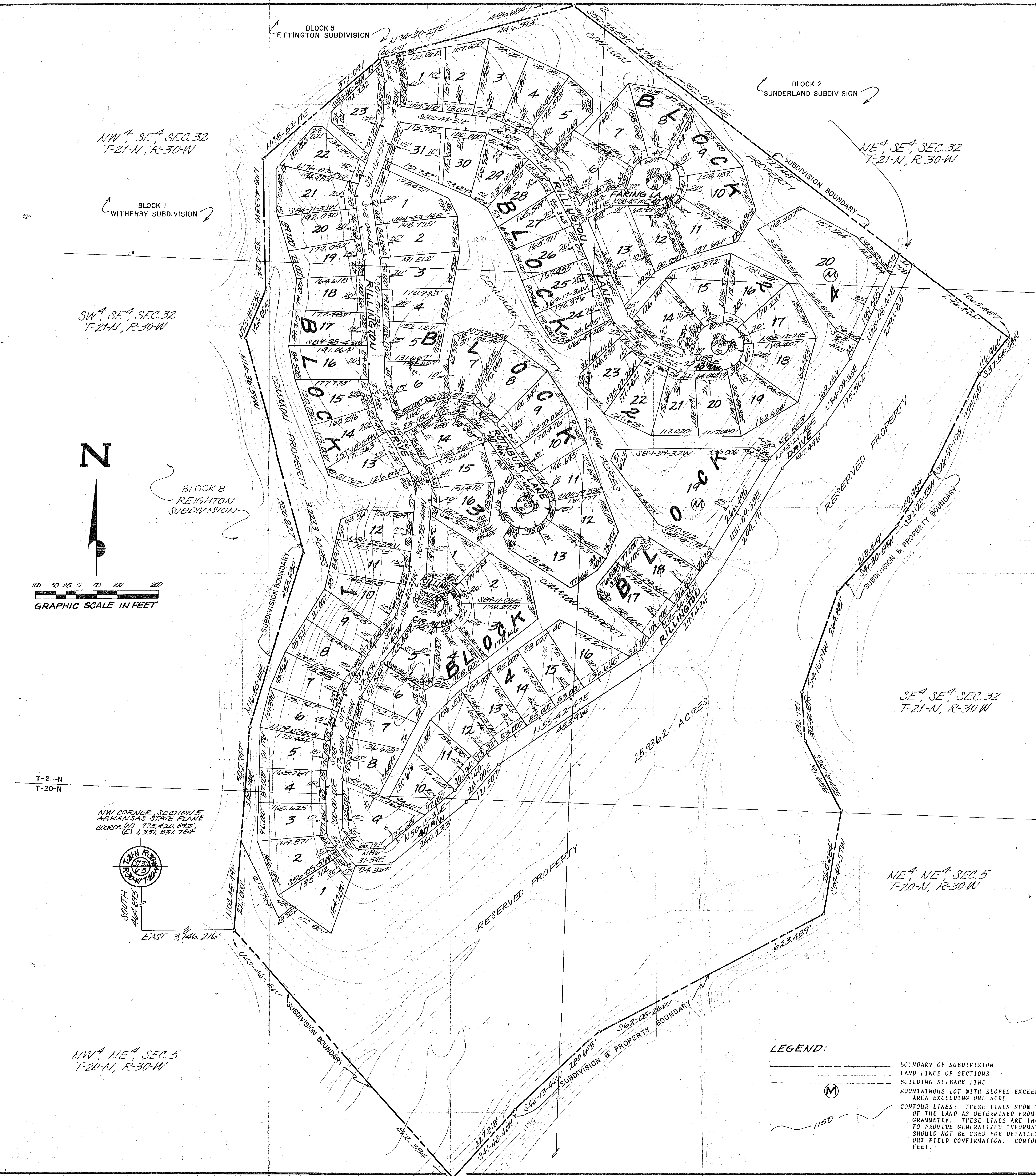
GOLF COURSES

There are a number of golf courses throughout Bella Vista. Although these amenities are owned by the POA, non-members are permitted to play and charged a non-member fee. However, it has become evident that many golf courses will need to become repositioned for development opportunities.

LAKES

Bella Vista contains 7 lakes, owned and controlled by the POA. The use of these lakes has been reserved for members of the POA and organized in a way which designates specific uses to each lake.





NOTES CONSTITUTING A PART OF THIS PLAT AND TO BE READ IN CONNECTION WITH THE PLAT AND ALL PROPERTY REFLECTED THEREON

- Cooper Communities, Inc., hereinafter referred to as Developer, is the owner of all real estate reflected by this Plat, and the Plat is filed for record and recorded subject to the following provisions:
- At 10:00 o'clock A.M. on the 18th day of May, 1965, the Developer, joined by Bella Vista Country Club, a non-profit corporation, filed in the office of the Circuit Clerk and Ex-officio Recorder in and for Benton County, Arkansas, a Declaration which Declaration is there recorded in Record Book 373 at page 1 et. seq. This Plat is filed contemporaneously with the filing of a supplemental Declaration of Covenants and Restrictions executed by the Developer and Bella Vista Country Club, which has the effect of bringing the lands reflected upon the Plat within the provisions of the Declaration aforesaid filed for record on May 18th, 1965, aforesaid, in its entirety, as by reference made a part of this Plat. The provisions of the Declaration aforesaid shall control as to the Plat except only as to provisions herein contained.
 - All roads and streets reflected upon the Plat are dedicated to the general public, as well as to owners, present and future, of the lots reflected upon said Plat.
 - The common properties reflected upon the Plat are intended to be devoted to the common use and enjoyment of the owners of the lots reflected upon said Plat as well as the owners of all of the properties as so defined in the Declaration aforesaid and shall in no wise be considered as dedicated for use to the general public.
 - The reserved properties as reflected upon the Plat are not a part of the Plat and are particularly and specifically by the Developer reserved therefrom.
 - Utility and drainage easements are reserved by the Developer upon all property covered by the Plat pursuant to Article IV of the Declaration aforesaid unless specifically designated otherwise on the Plat or in the Notes.
 - Unless shown otherwise on the Plat, all lots have a seven and one-half foot utility and drainage easement on the interior of all lot lines, such easements to be parallel with the corresponding lot line.
 - All lots reflected upon the Plat are zoned as residential lots, and only single family detached structures may be built and constructed thereon pursuant to the provisions, restrictions and protective covenants as contained in the Declaration aforesaid. No single family detached structure shall be constructed which shall have a floor space of less than 1000 square feet.
 - Setback lines as indicated upon the Plat shall control as to construction of a structure upon the lots reflected thereon, subject, however, to the provisions of the Declaration aforesaid.
 - Owners shall comply with the provisions of Paragraph 16 of the protective covenants which covenants are Exhibit I of the Declaration aforesaid, as to all areas indicated as protective screening areas upon the Plat.

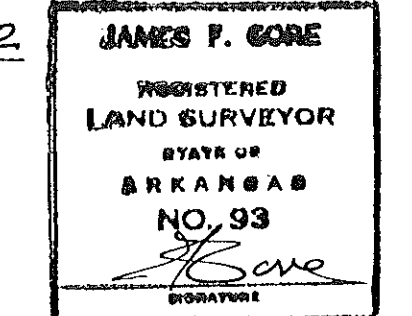
Dated this _____ day of _____, 197_____
COOPER COMMUNITIES, INC.

By _____
Vice President, Developer

I hereby certify that the Plat shown and reflected hereon is a true and accurate survey and that the corners and monuments have been set as shown.

Dated this 4th day of APRIL, 1972

James F. Gore R.L.S. No. 93



DEED DESCRIPTION
RILLINGTON SUBDIVISION - BLOCKS 1 TO 4 INCLUSIVE

A parcel of land lying in the NW 1/4, SE 1/4, (9.72 AC.); in the NE 1/4, SE 1/4, (6.10 AC.); in the SW 1/4, SE 1/4, (12.78 AC.); in the SE 1/4, SE 1/4, (22.48 AC.); of Section 32, T-21-N, R-30-W and in the NW 1/4, NE 1/4, (12.69 AC.); in the NE 1/4, NE 1/4, (6.43 AC.); of Section 5, T-20-N, R-30-W of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the NW corner of Section 5, T-20-N, R-30-W of the Fifth Principal Meridian, Benton County, Arkansas (State Plane Coordinates of North 775,420.893 and East 1,351,831.784); run south 464.893' to a point; thence run east 3146.216' to the point of beginning; thence run N04°45'49"E 505.747' to a point; thence run N16°55'01"E 453.630' to a point; thence run N14°36'59"W 550.827' to a point; thence run N23°15'33"E 124.085' to a point; thence run N00°41'33"W 331.024' to a point; thence run N48°52'17"E 377.041' to a point; thence run N14°30'27"E 486.684' to a point; thence run S52°25'55"E 278.821' to a point; thence run S52°08'15"E 1065.487' to a point; thence run S37°54'54"W 116.960' to a point; thence run S26°30'10"W 275.218' to a point; thence run S32°23'33"W 150.989' to a point; thence run S41°30'54"W 218.419' to a point; thence run S19°16'19"W 264.881' to a point; thence run S03°25'31"E 121.767' to a point; thence run S26°16'43"E 191.656' to a point; thence run S09°40'57"W 260.484' to a point; thence run S84°05'22"W 623.489' to a point; thence run S46°13'46"W 280.698' to a point; thence run S41°48'40"W 227.318' to a point; thence run N40°46'18"W 812.384' to the point of beginning and containing a total of 80.1978 Acres, more or less.

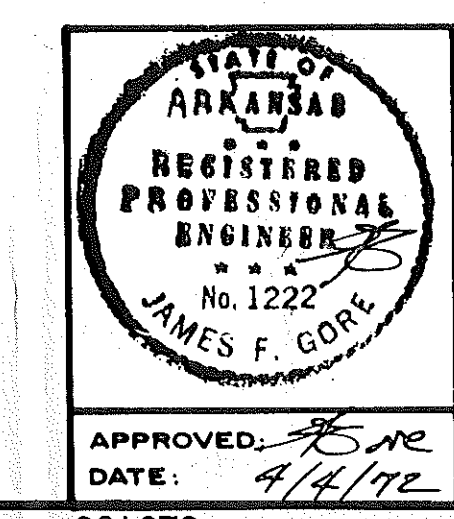
TOTAL ACRES		LENGTH OF RECORDED STREETS	
Lotted Area.....	33.9037 Acres	40' R/W.....	6560± Lineal Feet
Common Properties.....	11.1540 Acres		
Reserved Properties.....	28.9362 Acres		
Street Area.....	6.2039 Acres		
Total Boundary.....	80.1978 Acres		

BLOCK 1		BLOCK 2		BLOCK 2		BLOCK 4	
Lot No.	Acres	Lot No.	Acres	Lot No.	Acres	Lot No.	Acres
1	0.4080	1	0.3438	26	0.3215	1	0.3471
2	0.4083	2	0.3479	27	0.3072	2	0.3725
3	0.3331	3	0.3591	28	0.2853	3	0.4189
4	0.3169	4	0.3553	29	0.3247	4	0.2924
5	0.3448	5	0.3428	30	0.3026	5	0.3175
6	0.3482	6	0.4618	31	0.3628	6	0.2996
7	0.3385	7	0.3665			7	0.2932
8	0.3451	8	0.4008			8	0.5051
9	0.3356	9	0.3620			9	0.4676
10	0.3667	10	0.4512	1	0.4073	10	0.2917
11	0.3606	11	0.3603	2	0.3864	11	0.2997
12	0.3469	12	0.3944	3	0.3557	12	0.5051
13	0.3434	13	0.4932	4	0.3091	13	0.3139
14	0.3342	14	0.4180	5	0.3136	14	0.3247
15	0.3593	15	0.4069	6	0.3860	15	0.3320
16	0.3536	16	0.3841	7	0.3601	16	0.3478
17	0.3567	17	0.3602	8	0.4105	17	0.4125
18	0.3361	18	0.3892	9	0.3802	18	0.3981
19	0.3299	19	0.3692	10	0.3094	19	1.3845
20	0.3469	20	0.3444	11	0.3071	20	1.2397
21	0.4238	21	0.3464	12	0.3953		
22	0.3672	22	0.3779	13	0.5051		
23	0.3661	23	0.3662	14	0.3452		
		24	0.3097	15	0.2748		
		25	0.3498	16	0.2853		

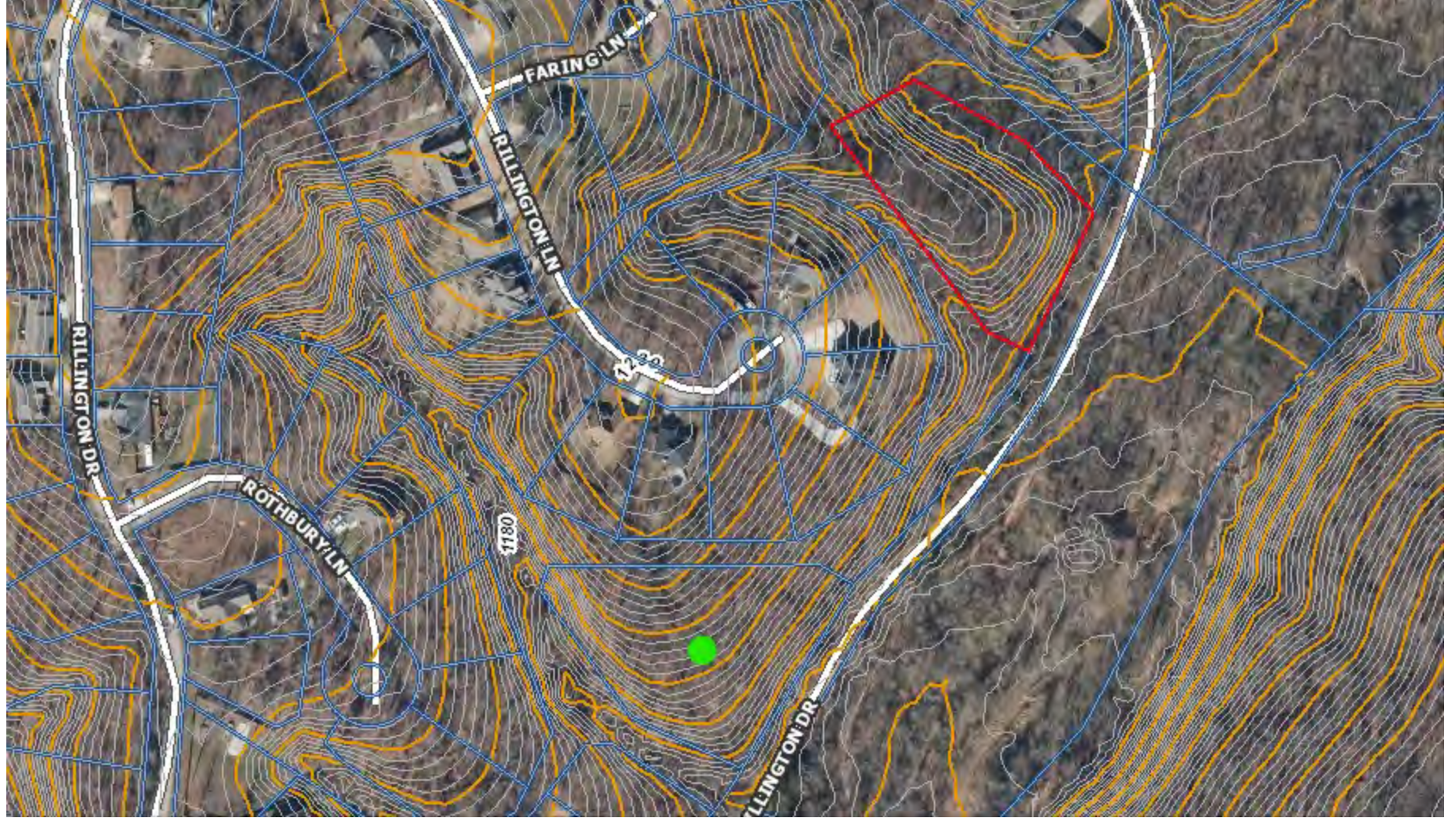
LEGEND:

- BOUNDARY OF SUBDIVISION
- LAND LINES OF SECTIONS
- BUILDING SETBACK LINE
- MOUNTAINOUS LOT WITH SLOPES EXCEEDING 25% AND AREA EXCEEDING ONE ACRE
- CONTOUR LINES: THESE LINES SHOW THE GENERAL SHAPE OF THE LAND AS DETERMINED FROM AERIAL PHOTOGRAMMETRY. THESE LINES ARE INCLUDED ON THE PLAT TO PROVIDE GENERALIZED INFORMATION ONLY, AND SHOULD NOT BE USED FOR DETAILED INFORMATION WITHOUT FIELD CONFIRMATION. CONTOUR INTERVAL FIVE FEET.

THE SCALE OF THIS PLAT WHEN REDUCED TO A SIZE OF 11" X 17" IS 1"= 300



RECORD PLAT	
RILLINGTON SUBDIVISION BLOCKS 1- 4 INCLUSIVE	
APPROVED _____ DATE: 4/4/72	CHECK DATE: _____ JOB ENG
COOPER COMMUNITIES, INC. ENGINEERING & PLANNING DIVISION BELLA VISTA VILLAGE, ARKANSAS	





Taylor Robertson

From: David Dunn <thedunnsofarkansas@gmail.com>
Sent: Saturday, December 17, 2022 3:23 PM
To: Taylor Robertson
Subject: Parcel 16-26354-000

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Hi!

My wife and I (56 Rillington Drive) just got a certified letter asking us to express our views or concerns regarding the petition to turn this into a residential lot.

One thing I have concern about is the fact that they have already broken ground and built a house on this lot that is currently zoned conservation. How was someone able to build and cut trees down in a conservation lot? That is really concerning if that is the case.

Thanks,

David and Tara Dunn

Zachary and Ashli Duhamel
Mailing Address: 251 NW Redbarn Ave. Apt. 2
Bentonville, AR 72712

ATTN: Bella Vista, Arkansas Planning Commission and City Council
612 W. Lancashire Blvd.
Bella Vista, AR 72714

Letter of Request to Rezone

Property Address: 58 Rillington Drive, Bella Vista, AR 72712
Property Legal Description: Lot 20 / Block 4 Rillington Sub-BVV

Dear Bella Vista, Arkansas Planning Commission and City Council,

We are writing in regards to our application to rezone our lot at 58 Rillington Dr., Bella Vista, AR from P-1 to R-1, residential. We purchased this lot in January of 2022 with the intent of building a residence for our family. We applied for a grading and building permit in Spring of 2022 and received it. We began building our home, and are now approximately 90% complete with construction, and hope to move in in January 2023.

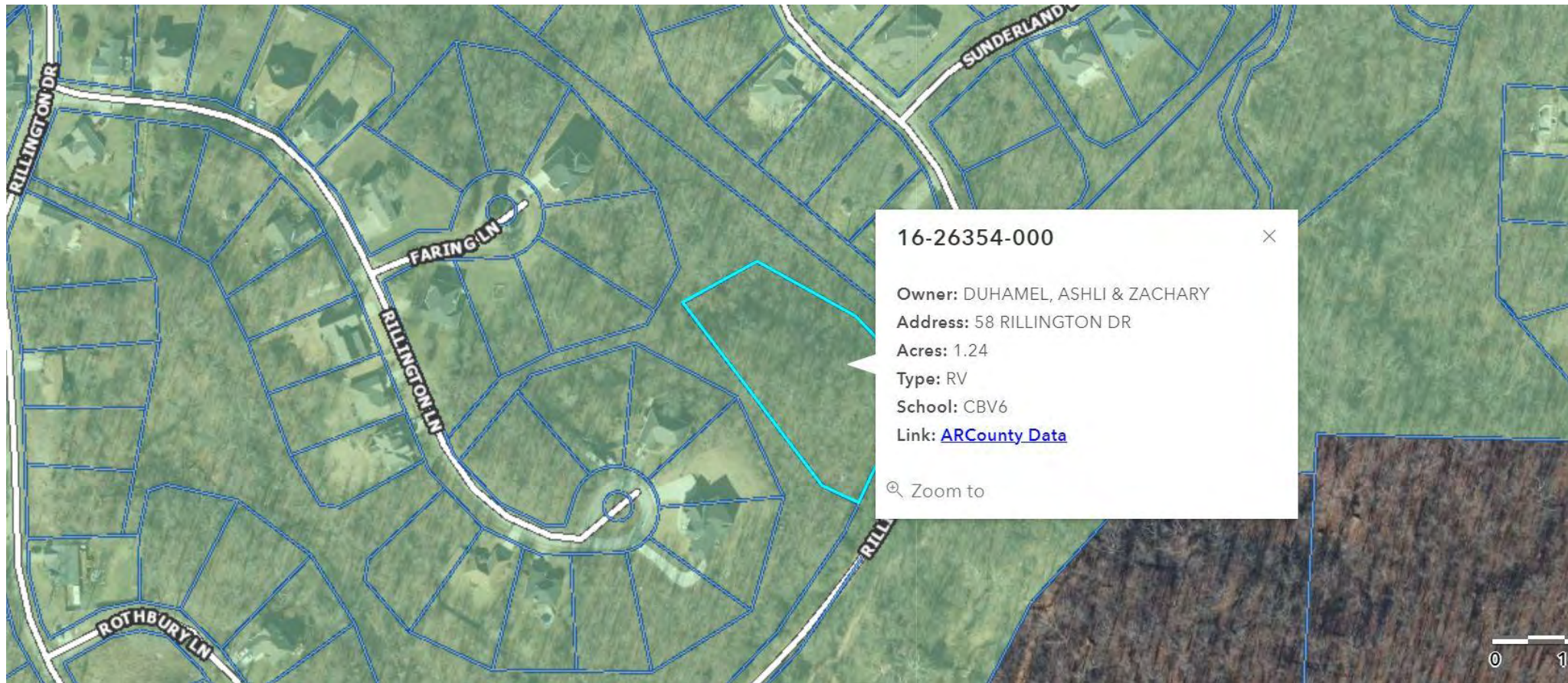
Last month (October), the city of Bella Vista Planning Dept. realized that our property is not properly zoned for a residential structure and asked us to go through the rezoning process to have it properly zoned for our residence. Thank you for reviewing our application.

Sincerely,



Ashli and Zachary Duhamel

58 Rillington Drive, Bella Vista, AR - Vicinity Map



58 Rillington Drive - Rezoning Application: Legal Description

Parcel Number:	16-26354-000
County Name:	Benton County
Property Address:	DUHAMEL, ASHLI & ZACHARY 58 RILLINGTON DR BELLA VISTA, AR Map This Address
Mailing Address:	DUHAMEL, ASHLI & ZACHARY 13491 MOCKINGBIRD LN BENTONVILLE AR 72712
Total Acres:	1.24
Timber Acres:	0.00
Sec-Twp-Rng:	32-21-30
Lot/Block:	20/4

Subdivision:	RILLINGTON SUB-BVV
Legal Description:	
School District:	CBV6 BENTONVILLE (BELLA VISTA CITY)
Homestead Parcel?:	No
Tax Status:	Taxable
Over 65?:	No

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO
REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-
46919 (COUNTY PARCEL NO. 16-70201-001) FROM P-1,
CONSERVATION DISTRICT TO C-1, NEIGHBORHOOD
COMMERCIAL DISTRICT**

WHEREAS, a rezoning petition was properly filed and considered by the Bella Vista Planning Commission according to the requirements of law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that said petition be granted and that the property described therein be rezoned from P-1, Conservation District, to C-1, Neighborhood Commercial District; and

WHEREAS, the City Council is of the opinion that said parcel should be rezoned as provided herein;

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

SECTION 1: The Bella Vista Zoning Ordinance and Map are hereby amended to rezone property described in rezoning petition No. 2022-46919 (County Parcel No. 16-70201-001) from P-1, Conservation District to C-1, Neighborhood Commercial District.

SECTION 2: The legal description of the parcel is attached to this Ordinance as Exhibit “A” and incorporated herein as if set out word-for-word.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

EXHIBIT A

Legal Description:

A parcel of land lying in the SE 1/4 of the NW 1/4 (1.765 acres±) of Section 20, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 1,223.47 feet East and 2,423.03 feet South of the Northwest corner of said Section 20 (Arkansas State Plane Coordinates of North 792,723.068 feet and East 1,321,757.831 feet); thence, S89°07'47"E 335.69 feet; thence, Northeastwardly along the arc of a curve to the left 73.91 feet, said curve having a radius of 90.35 feet and a delta angle of 46°52'13"; thence, N44°00'00"E 40.00 feet; thence, S46°00'00"E 10.00 feet; thence N44°00'00"E 80.00 feet; thence, Northeastwardly along the arc of a curve to the right 93.97 feet, said curve having a radius of 68.62 feet and a delta angle of 78°27'48"; thence, N40°00'00"E 210.59 feet; thence, S50°00'00"E 90.23 feet; thence, N75°44' 48"E 36.16 feet; thence, S88°52'04"E 33.00 feet; thence, S01°07'56"W 221.04 feet; thence, N59°44'37"W 113.71 feet; thence, S42°36'51"W 69.83 feet; thence, N43°06'28"W 32.94 feet; thence, Northwestwardly along the arc of a curve to the right 57 .36 feet, said curve having a radius of 43 .00 feet and a delta angle of 76°25'50"; thence, N50°00'00"W 77 .00 feet; thence, Southwestwardly along the arc of a curve to the left 57 .97 feet, said curve having a radius of 38.62 feet and a delta angle of 86°00'00"; thence, S44°00'00"W 80.00 feet; thence, S46°00'00"E 10.00 feet; thence, S44°00' 00"W 40.00 feet; thence, Southwestwardly along the arc of a curve to the right 114.81 feet, said curve having a radius of 140.35 feet and a delta angle of 46°52'13"; thence, N89°07'47"W 337.45 feet; thence N02°53'21"E 50.03 feet to the point of beginning, containing 1.765 acres more or less.

Per recorded plat or plats, and subject to the notes and other indicated restrictions, if any, on said plat or plats and subject to the conditions, covenants, reservations, easements, charges and liens reflected in the Declarations and Supplemental Declarations filed in connection therewith in the office of the Circuit Court Clerk and Ex-Officio Recorder of Benton County, Arkansas.



Meeting Information:
612 W. Lancashire Blvd
January 9, 2023 at 4:30 pm
Reviewer:
Taylor Robertson, MPA
Senior Planner

Property Description

The subject property, known as the Scotsdale Clubhouse at 10 Scotsdale Lane in Bella Vista is located on Parcel #16-70201-001 is just west of the Scotsdale Golfcourse.

Request

Per Sec. 109-40(c), the applicant is requesting to rezone the subject property from P-1 Conservation to C-1 Neighborhood Commercial.

Background

Per the most recently adopted Zoning Map, this parcel is zoned as P-1 Conservation. The Master Street Plan depicts Scotsdale Drive as a collector and the private road Scotsdale Lane as a residential street. The subject lot is currently and historically, as noted by the applicant, has had a bar, restaurant, and retail service use. The C-1 District requires that lots be a minimum of 1 acre in size, be at least 100' wide, and be 100' deep. All of these items are met with the current platted lot as it is 1.77 acres in size, well over the width and depth—even without the private road area included. The district purpose notes that C-1 should be adjacent to neighborhood areas and provide those neighborhoods with services such as small offices, retail, and other commercial needs. The P-1 district is intended for floodplain, streams, wetlands, exceedingly steep topography, a buffer for incompatible uses, and to restrict development in areas not suitable for development. This parcel does not contain any flood zones. However, the golf course to the east has a 100 year flood zone.

The Future Land Use plan in the Comprehensive Plan shows this within a Golf Course Space. The current and historical use supports the golf course to the east.

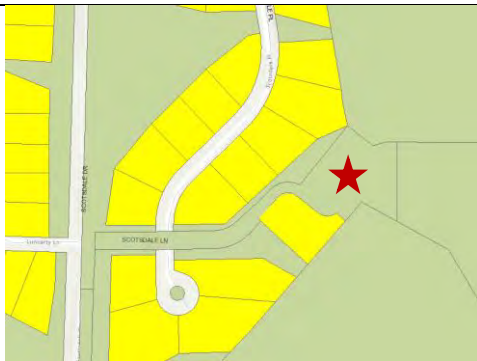
Legal Notifications

The applicant sent the required certified mail on 12/12/22. Staff posted a public hearing legal ad in the Weekly Vista on 12/21/22. Staff posted a public hearing sign on site on 12/29/22. All notification requirements have been met.

Staff Recommendation

Staff **recommends approval** based on the analysis above.

Project Number	RZN-2022-46919
Applicant	Tom Judson POA
Address/Location	10 Scotsdale Lane
Current Zoning	P-1 Conservation
Site Area	1.77 acres
Nature of Request	Requesting to Rezone the parcel from P-1 to C-1



Zoning Map



Master Street Plan



Future Lane Use (2040 Comprehensive Plan)

PLANNING COMMISSION STAFF REPORT

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	P-1	C-1
Duplex		P
Single-Family		P
Townhouse		
Civic Uses	P-1	C-1
Administration		P
Cemetery	P	C
Clubs	P	C
College		C
Convalescent Services		P
Cultural Services		C
Day Care		P
Education		P
Emergency		C
Group Care		P
Guidance Services		C
Health Care		C
Hospital		P
Maintenance Facility		
Parks	P	P
Postal Services		P
Public Assembly		P
Recreation	P	C
Religious		P
Safety	P	P
Office Uses	P-1	C-1
General		P
Financial		P
Medical		P
Commercial Uses	P-1	C-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast		P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P
Commercial Cont.	P-1	C-1
Communications		
Pharmacy		C
Construction		P
Consumer		P
Storage		C
Equipment Rental/Repair		
Food Sales		P
Funeral		P
Gaming		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		
Restaurants		P
Retail		P
Surplus		
Taverns		C
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		C
Parking Uses	P-1	C-1
Off-Street Parking		P
Parking Structure		P
Industrial Uses	P-1	C-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	P-1	C-1
Communications Tower	C	C
Medical Marijuana		C

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45\(d\)\(1\)](#) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.

Sec. 109-71. - P-1 conservation district.

- (a) *General description and purpose.* The recreational open space district is designed to protect and enhance vital natural resources such as floodplains, streams, wetlands, exceedingly steep topography, woodlands and wildlife habitat. Further, this district serves to maintain a buffer between incompatible land uses, and to restrict development in areas not suitable for or capable of sustaining development, while allowing certain uses which are not detrimental to the land.
- (b) *Bulk and area regulations.*
 - (1) *Lot and area requirements.*
 - a. At least 70 percent of the parcel area shall be left undeveloped as green space.
 - b. No more than 15 percent of the parcel area may be dedicated to open space that also contains parking areas.
 - c. Maximum lot coverage shall be five percent of the parcel area.
 - (2) *Setback requirements.*
 - a. Minimum setback from all property lines shall be 50 feet.
 - b. A minimum setback of 25 feet shall be established parallel to all floodplain lines as shown on currently adopted FIRM panels.
 - c. A minimum setback of 50 feet shall be established parallel to the top of bank along all perennial and intermittent streams.
 - d. A minimum setback of 50 feet shall be established parallel to the edge of open bodies of water.
 - (3) *Height requirements.* Buildings and structures shall be constructed to a maximum height of 25 feet.
- (c) *Legal instrument for permanent protection.* Green space as defined above shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - (1) A permanent conservation easement in favor of a land trust or similar conservation oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
 - (2) A permanent restrictive covenant for conservation purposes in favor of a government entity or property owner's association.
 - (3) An equivalent legal tool that provides permanent protection, if approved by the city.

(Zoning Ord., § 400.06; Ord. No. 2009-23, § 400.06, 1-8-2010; Ord. No. 2015-07, § 1, 4-27-2015; Ord. No. 2017-16, § 1(Exh. A), 4-24-2017)

Sec. 109-80. - C-1, neighborhood commercial district.

- (a) *District purposes.* This district is intended to provide for development of small scale office, retail and commercial developments serving primarily local needs in a location convenient to the supporting residential area. These locations are adjacent to residential areas and therefore, this district contains performance criteria in order to ensure compatibility. It is further intended that this commercial area not be enlarged or extended beyond its boundaries or encroach upon the existing residential areas. Permitted uses in this district include but are not limited to professional services and offices (bank, insurance, real estate); personal services (beauty salons and spas); restaurants; public uses (parks, libraries, local, state, or federal public building); and a limited number of other uses may be allowed by conditional use permit only.
- (b) *Bulk and area regulations.*
- (1) *Lot and area requirements:*
- The minimum lot size shall be no less than 43,560 square feet (1.0 acre) in size.
 - The minimum street frontage shall be no less than 100 feet.
 - The minimum lot width shall be no less than 100 feet. Lot width is measured at the building setback.
 - The minimum lot depth shall be no less than 100 feet.
 - At least 25 percent of the parcel area shall be left undeveloped as green space.
 - Maximum lot coverage shall be no more than 60 percent of the parcel area.
- (2) *Setback requirements:*
- Minimum front setback from all property lines shall be 50 feet.
 - A minimum side setback of 25 feet shall be established parallel to all street right-of-way lines.
 - A minimum side setback of 20 feet shall be established parallel to side property lines that are adjacent to a non-residential district.
 - A minimum side setback of 25 feet shall be established parallel to side property lines that are adjacent to a residential district.
 - A minimum separation of at least ten feet shall be maintained between buildings within a single development.
 - A minimum rear setback of 20 feet shall be established parallel to rear property lines that are adjacent to a non-residential district.
 - A minimum rear setback of 25 feet shall be established parallel to rear property lines that are adjacent to a residential district.
- (3) *Height requirements.* Maximum 40 feet.

(Ord. No. 2017-16, § 1(Exh. A), 4-24-2017)

OPEN SPACE

Open spaces are important for supporting daily public life in a community. Open spaces are diverse in scale and design to be seamlessly integrated into and support related activities and land uses. Designed for the right context, open spaces can be a place for people to gather, relax, recreate, and access citywide networks. Parks, lakes, and common ground make up nearly 40% of the entire city. Although some parks and trails are publicly accessible, lakes and common ground are generally only accessible by POA members. As Bella Vista continues to experience population growth, particularly of families with school-aged children, it is critical that creation of publicly accessible open spaces are pursued.

COMMON LAND

Common land is land owned and controlled by the Property Owners Association (POA). This land may include lakes and has been reserved for use by members of the POA.

PARKS

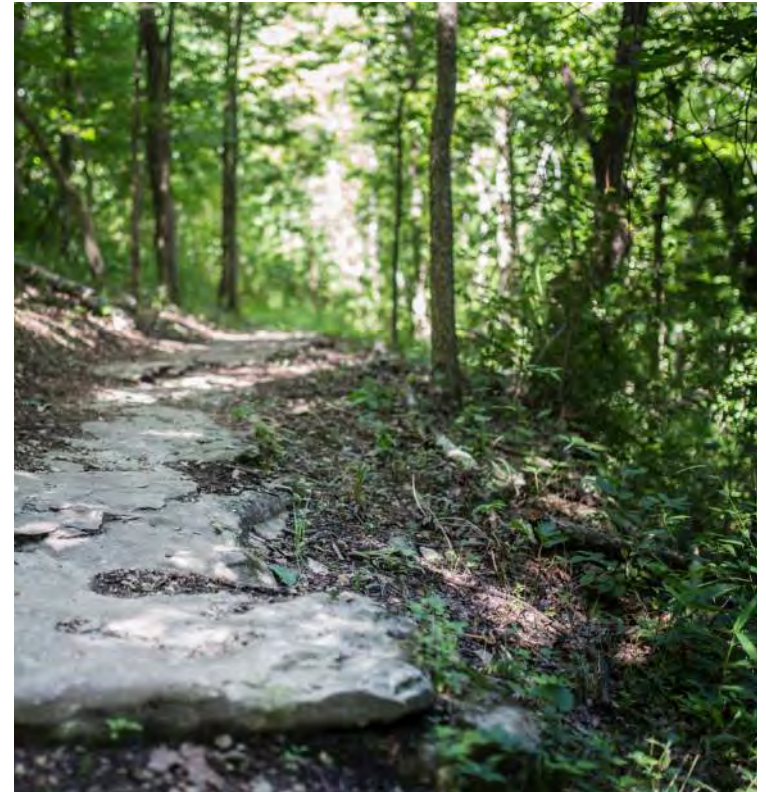
Parks include any publicly-accessed open space, such as squares, plazas, trails and other recreational outside facilities, or community greenspaces. The city currently lacks neighborhood parks that can be accessed by the general public.

GOLF COURSES

There are a number of golf courses throughout Bella Vista. Although these amenities are owned by the POA, non-members are permitted to play and charged a non-member fee. However, it has become evident that many golf courses will need to become repositioned for development opportunities.

LAKES

Bella Vista contains 7 lakes, owned and controlled by the POA. The use of these lakes has been reserved for members of the POA and organized in a way which designates specific uses to each lake.







November 10, 2022

RE: 16-70201-001 & 16-70201-000 – Scotsdale Clubhouse

Bella Vista Planning Commission and City Council

A detailed analysis of POA parcels has uncovered approximately 20 parcels which were inadvertently zoned incorrectly when the City was founded. Since the zoning on these parcels are not in sync with the current usage, the POA is asking for the parcels to be rezoned.

The only reason the POA is asking for the change in zoning is so that the zoning will match the current usage.

Thank you for your consideration.

Signed,

A handwritten signature in blue ink, appearing to read "Tom Judson".

Tom Judson

Chief Operating Officer



16-70201-001 (1 of 3)

Owner: BVPOA
Address: 10 SCOTSDALE LN
Acres: 1.77
Type: CI
School: CBV20
Link: [ARCounty Data](#)

Zoom to

SCOTSDALE CLUBHOUSE

A parcel of land lying in the SE1/4 of the NW1/4 (1.765 acres $\pm$) of Section 20, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 1,223.47 feet East and 2,423.03 feet South of the Northwest corner of said Section 20 (Arkansas State Plane Coordinates of North 792,723.068 feet and East 1,321,757.831 feet); thence, S89°07'47"E 335.69 feet; thence, Northeastwardly along the arc of a curve to the left 73.91 feet, said curve having a radius of 90.35 feet and a delta angle of 46°52'13"; thence, N44°00'00"E 40.00 feet; thence, S46°00'00"E 10.00 feet; thence N44°00'00"E 80.00 feet; thence, Northeastwardly along the arc of a curve to the right 93.97 feet, said curve having a radius of 68.62 feet and a delta angle of 78°27'48"; thence, N40°00'00"E 210.59 feet; thence, S50°00'00"E 90.23 feet; thence, N75°44' 48"E 36.16 feet; thence, S88°52'04"E 33.00 feet; thence, S01°07'56"W 221.04 feet; thence, N59°44'37"W 113.71 feet; thence, S42°36'51"W 69.83 feet; thence, N43°06'28"W 32.94 feet; thence, Northwestwardly along the arc of a curve to the right 57.36 feet, said curve having a radius of 43.00 feet and a delta angle of 76°25'50"; thence, N50°00'00"W 77.00 feet; thence, Southwestwardly along the arc of a curve to the left 57.97 feet, said curve having a radius of 38.62 feet and a delta angle of 86°00'00"; thence, S44°00'00"W 80.00 feet; thence, S46°00'00"E 10.00 feet; thence, S44°00' 00"W 40.00 feet; thence, Southwestwardly along the arc of a curve to the right 114.81 feet, said curve having a radius of 140.35 feet and a delta angle of 46°52'13"; thence, N89°07'47"W 337.45 feet; thence N02°53'21"E 50.03 feet to the point of beginning, containing 1.765 acres more or less.

Per recorded plat or plats, and subject to the notes and other indicated restrictions, if any, on said plat or plats and subject to the conditions, covenants, reservations, easements, charges and liens reflected in the Declarations and Supplemental Declarations filed in connection therewith in the office of the Circuit Court Clerk and Ex-Officio Recorder of Benton County, Arkansas.

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM: Ordinance

ITEM TITLE: A REQUEST TO REZONE 10 SCOTSDALE LANE FROM P-1
CONSERVATION TO C-1 NEIGHBORHOOD COMMERCIAL

SUBMITTED BY: Taylor Robertson, Senior Planner, Community Development

SUMMARY: Planning staff has received a request to rezone 10 Scotsdale Lane (Parcel #16-70201-001) from P-1 Conservation to C-1 Neighborhood Commercial. After holding a public hearing on January 9, 2023 at 4:30 pm and reviewing the attached report, the Planning Commission has recommended approval of this request. Per Section 109-40, this request shall follow the Planning Commission recommendation to the City Council via an ordinance.

Please see the attached report for further analysis.

Applicant's provided legal description for Scotsdale Clubhouse (10 Scotsdale Lane):

A parcel of land lying in the SE 1/4 of the NW 1/4 (1.765 acres±) of Section 20, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 1,223.47 feet East and 2,423.03 feet South of the Northwest corner of said Section 20 (Arkansas State Plane Coordinates of North 792,723.068 feet and East 1,321,757.831 feet); thence, S89°07'47"E 335.69 feet; thence, Northeastwardly along the arc of a curve to the left 73.91 feet, said curve having a radius of 90.35 feet and a delta angle of 46°52'13"; thence, N44°00'00"E 40.00 feet; thence, S46°00'00"E 10.00 feet; thence N44°00'00"E 80.00 feet; thence, Northeastwardly along the arc of a curve to the right 93.97 feet, said curve having a radius of 68.62 feet and a delta angle of 78°27'48"; thence, N40°00'00"E 210.59 feet; thence, S50°00'00"E 90.23 feet; thence, N75°44' 48"E 36.16 feet; thence, S88°52'04"E 33.00 feet; thence, SOI 007°56"W 221.04 feet; thence, N59°44'37"W 113.71 feet; thence, S42°36'51"W 69.83 feet; thence, N43°06'28"W 32.94 feet; thence, Northwestwardly along the arc of a curve to the right 57.36 feet, said curve having a radius of 43.00 feet and a delta angle of 76°25'50"; thence, N50°00'00"W 77.00 feet; thence, Southwestwardly along the arc of a curve to the left 57.97 feet, said curve having a radius of 38.62 feet and a delta angle of 86°00'00"; thence, S44°00'00"W 80.00 feet; thence, S46°00'00"E 10.00 feet; thence, S44°00' 00"W 40.00 feet; thence, Southwestwardly along the arc of a curve to the right 114.81 feet, said curve having a radius of 140.35 feet and a delta angle of 46°52'13"; thence, N89°07'47"W 337.45 feet; thence N02°53'21"E 50.03 feet to the point of beginning, containing 1.765 acres more or less.

Per recorded plat or plats, and subject to the notes and other indicated restrictions, if any, on said plat or plats and subject to the conditions, covenants, reservations, easements, charges and liens reflected in the Declarations and Supplemental Declarations filed in connection therewith in the office of the Circuit Court Clerk and Ex-Officio Recorder of Benton County, Arkansas.

ATTACHMENT: Ordinance ☒ Resolution ☐ Other ☐

RECOMMENDATION: Planning Commission and Staff recommends approval of this ordinance.

ACTION REQUESTED: Motion to adopt ☒

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO
REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-
46917 (COUNTY PARCEL NO. 16-70265-001) FROM P-1,
CONSERVATION DISTRICT TO C-1, NEIGHBORHOOD
COMMERCIAL DISTRICT**

WHEREAS, a rezoning petition was properly filed and considered by the Bella Vista Planning Commission according to the requirements of law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that said petition be granted and that the property described therein be rezoned from P-1, Conservation District, to C-1, Neighborhood Commercial District; and

WHEREAS, the City Council is of the opinion that said parcel should be rezoned as provided herein;

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

SECTION 1: The Bella Vista Zoning Ordinance and Map are hereby amended to rezone property described in rezoning petition No. 2022-46917 (County Parcel No. 16-70265-001) from P-1, Conservation District to C-1, Neighborhood Commercial District.

SECTION 2: The legal description of the parcel is attached to this Ordinance as Exhibit “A” and incorporated herein as if set out word-for-word.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

EXHIBIT A

Legal Description:

A parcel of land lying in the NE¼ of the NW½ (10.307 acres±), in the NW½ of the NE¼ (1.913 acres±) of Section 28, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 1671.06 feet East and 877.99 feet South of the Northwest corner of said Section 28 (Arkansas State Plane Coordinates of North 787,196.476 feet and East 1,326,795.636 feet); thence, S 85°36'40" E 46.42 feet; thence, N 66°24'31" E 150.00 feet; thence, S 23°35'29" E 56.97 feet; thence, N 66°24'31" E 140.00 feet; thence, N 55°05'57" E 50.99 feet; thence, N 59°18'19" E 199.46 feet; thence, S 85°42'30" E 317.95 feet; thence, N 51°16'31" E 88.00 feet; thence, S 23°07'30" W 71.66 feet; thence, N 71°35'00" E 147.96 feet; thence, S 18°25'00" E 40.00 feet; thence, S 07°25'00" E 215.56 feet; thence, N 82°49'08" W 120.45 feet; thence, S 59°25'25" W 148.19 feet; thence, S 05°49'32" E 87.29 feet; thence, S 07°16'39" W 41.05 feet; thence, S 24°59'00" W 48.44 feet; thence, S 30°55'36" E 128.53 feet; thence, S 00°00'00" E 87.86 feet; thence, S 90°00'00" W 705.48 feet; thence, S 83°24'20" W 141.93 feet; thence, N 03°32'22" E 189.23 feet; thence, Northwestwardly along the arc of a curve to the left 313.30 feet, said curve having a radius of 662.28 feet and a delta angle of 27°06'18" to the point of beginning, containing 12.220 acres, more or less.

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM: Ordinance

ITEM TITLE: A REQUEST TO REZONE 105 LANCASTER DRIVE FROM P-1 CONSERVATION TO C-1 NEIGHBORHOOD COMMERCIAL

SUBMITTED BY: Taylor Robertson, Senior Planner, Community Development

SUMMARY: Planning staff has received a request to rezone 105 Lancaster Drive (Parcel #16-70265-001) from P-1 Conservation to C-1 Neighborhood Commercial. After holding a public hearing on January 9, 2023 at 4:30 pm and reviewing the attached report, the Planning Commission has recommended approval of this request. Per Section 109-40, this request shall follow the Planning Commission recommendation to the City Council via an ordinance.

Please see the attached report for further analysis.

Applicant's provided legal description for Lake Avalon Beach (105 Lancaster Drive):

A parcel of land lying in the NE¼ of the NW½ (10.307 acres±), in the NW½ of the NE¼ (1.913 acres±) of Section 28, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 1671.06 feet East and 877.99 feet South of the Northwest corner of said Section 28 (Arkansas State Plane Coordinates of North 787,196.476 feet and East 1,326,795.636 feet); thence, S 85°36'40" E 46.42 feet; thence, N 66°24'31" E 150.00 feet; thence, S 23°35'29" E 56.97 feet; thence, N 66°24'31" E 140.00 feet; thence, N 55°05'57" E 50.99 feet; thence, N 59°18'19" E 199.46 feet; thence, S 85°42'30" E 317.95 feet; thence, N 51°16'31" E 88.00 feet; thence, S 23°07'30" W 71.66 feet; thence, N 71°35'00" E 147.96 feet; thence, S 18°25'00" E 40.00 feet; thence, S 07°25'00" E 215.56 feet; thence, N 82°49'08" W 120.45 feet; thence, S 59°25'25" W 148.19 feet; thence, S 05°49'32" E 87.29 feet; thence, S 07°16'39" W 41.05 feet; thence, S 24°59'00" W 48.44 feet; thence, S 30°55'36" E 128.53 feet; thence, S 00°00'00" E 87.86 feet; thence, S 90°00'00" W 705.48 feet; thence, S 83°24'20" W 141.93 feet; thence, N 03°32'22" E 189.23 feet; thence, Northwestwardly along the arc of a curve to the left 313.30 feet, said curve having a radius of 662.28 feet and a delta angle of 27°06'18" to the point of beginning, containing 12.220 acres, more or less.

ATTACHMENT: Ordinance ☒ Resolution ☐ Other ☐

RECOMMENDATION: Planning Commission and Staff recommends approval of this ordinance.

ACTION REQUESTED: Motion to adopt ☒



Meeting Information:
612 W. Lancashire Blvd
January 9, 2023 at 4:30 pm
Reviewer:
Taylor Robertson, MPA
Senior Planner

Property Description

The subject property, known as Lake Avalon Beach at 105 Lancaster Drive in Bella Vista is located on Parcel #16-70265-001 is just west of Lake Avalon.

Request

Per Sec. 109-40(c), the applicant is requesting to rezone the subject parcel from P-1 Conservation to C-1 Neighborhood Commercial.

Background

Per the most recently adopted Zoning Map, this parcel is zoned as P-1 Conservation. The Master Street Plan depicts Camden as a minor arterial and the private road Lancaster as a residential street. The subject lot is currently and historically, as noted by the applicant, has had food sales and retail service use. The C-1 District requires that lots be a minimum of 1 acre in size, be at least 100' wide, and be 100' deep. All of these items are met with the current platted lot as it is 12.22 acres in size, well over the width and depth, and additionally has access to a minor arterial. The district purpose notes that C-1 should be adjacent to neighborhood areas and provide those neighborhoods with services such as small offices, retail, and other commercial needs. The P-1 district is intended for floodplain, streams, wetlands, exceedingly steep topography, a buffer for incompatible uses, and to restrict development in areas not suitable for development. Staff notes that the lake does have a 100-year flood zone.

The Future Land Use plan in the Comprehensive Plan shows this within a Park/Open Space and defines this use as open space to serve the public interest. Staff notes that this is not a public park and this space is privately owned by the POA and it's members. No comments have been received.

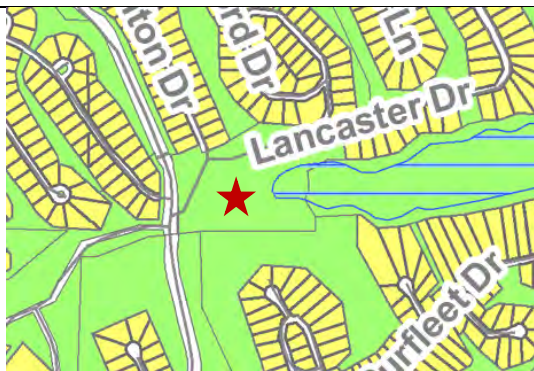
Legal Notifications

The applicant sent the required certified mail on 12/9/22. Staff posted a public hearing legal ad in the Weekly Vista on 12/21/22. Staff posted a public hearing sign on site on 12/29/22. All notification requirements have been met.

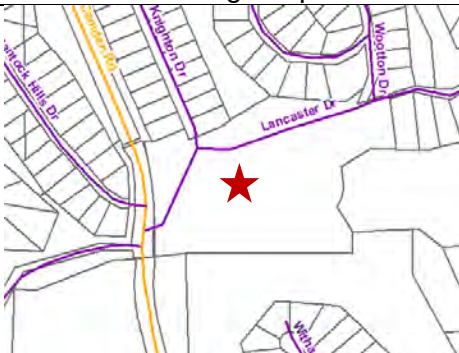
Staff Recommendation

Staff **recommends approval** based on the analysis above.

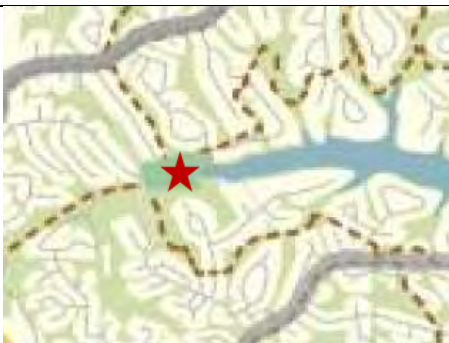
Project Number	RZN-2022-46917
Applicant	Tom Judson POA
Address/Location	105 Lancaster Drive
Current Zoning	P-1 Conservation
Site Area	12.22 acres
Nature of Request	Requesting to Rezone the parcel from P-1 to C-1



Zoning Map



Master Street Plan



Future Lane Use (2040 Comprehensive Plan)

PLANNING COMMISSION STAFF REPORT

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	P-1	C-1
Duplex		P
Single-Family		P
Townhouse		
Civic Uses	P-1	C-1
Administration		P
Cemetery	P	C
Clubs	P	C
College		C
Convalescent Services		P
Cultural Services		C
Day Care		P
Education		P
Emergency		C
Group Care		P
Guidance Services		C
Health Care		C
Hospital		P
Maintenance Facility		
Parks	P	P
Postal Services		P
Public Assembly		P
Recreation	P	C
Religious		P
Safety	P	P
Office Uses	P-1	C-1
General		P
Financial		P
Medical		P
Commercial Uses	P-1	C-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast		P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P
Commercial Cont.	P-1	C-1
Communications		
Pharmacy		C
Construction		P
Consumer		P
Storage		C
Equipment Rental/Repair		
Food Sales		P
Funeral		P
Gaming		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		
Restaurants		P
Retail		P
Surplus		
Taverns		C
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		C
Parking Uses	P-1	C-1
Off-Street Parking		P
Parking Structure		P
Industrial Uses	P-1	C-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	P-1	C-1
Communications Tower	C	C
Medical Marijuana		C

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45\(d\)\(1\)](#) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.

Sec. 109-71. - P-1 conservation district.

- (a) *General description and purpose.* The recreational open space district is designed to protect and enhance vital natural resources such as floodplains, streams, wetlands, exceedingly steep topography, woodlands and wildlife habitat. Further, this district serves to maintain a buffer between incompatible land uses, and to restrict development in areas not suitable for or capable of sustaining development, while allowing certain uses which are not detrimental to the land.
- (b) *Bulk and area regulations.*
 - (1) *Lot and area requirements.*
 - a. At least 70 percent of the parcel area shall be left undeveloped as green space.
 - b. No more than 15 percent of the parcel area may be dedicated to open space that also contains parking areas.
 - c. Maximum lot coverage shall be five percent of the parcel area.
 - (2) *Setback requirements.*
 - a. Minimum setback from all property lines shall be 50 feet.
 - b. A minimum setback of 25 feet shall be established parallel to all floodplain lines as shown on currently adopted FIRM panels.
 - c. A minimum setback of 50 feet shall be established parallel to the top of bank along all perennial and intermittent streams.
 - d. A minimum setback of 50 feet shall be established parallel to the edge of open bodies of water.
 - (3) *Height requirements.* Buildings and structures shall be constructed to a maximum height of 25 feet.
- (c) *Legal instrument for permanent protection.* Green space as defined above shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - (1) A permanent conservation easement in favor of a land trust or similar conservation oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions.
 - (2) A permanent restrictive covenant for conservation purposes in favor of a government entity or property owner's association.
 - (3) An equivalent legal tool that provides permanent protection, if approved by the city.

(Zoning Ord., § 400.06; Ord. No. 2009-23, § 400.06, 1-8-2010; Ord. No. 2015-07, § 1, 4-27-2015; Ord. No. 2017-16, § 1(Exh. A), 4-24-2017)

Sec. 109-80. - C-1, neighborhood commercial district.

- (a) *District purposes.* This district is intended to provide for development of small scale office, retail and commercial developments serving primarily local needs in a location convenient to the supporting residential area. These locations are adjacent to residential areas and therefore, this district contains performance criteria in order to ensure compatibility. It is further intended that this commercial area not be enlarged or extended beyond its boundaries or encroach upon the existing residential areas. Permitted uses in this district include but are not limited to professional services and offices (bank, insurance, real estate); personal services (beauty salons and spas); restaurants; public uses (parks, libraries, local, state, or federal public building); and a limited number of other uses may be allowed by conditional use permit only.
- (b) *Bulk and area regulations.*
- (1) *Lot and area requirements:*
- The minimum lot size shall be no less than 43,560 square feet (1.0 acre) in size.
 - The minimum street frontage shall be no less than 100 feet.
 - The minimum lot width shall be no less than 100 feet. Lot width is measured at the building setback.
 - The minimum lot depth shall be no less than 100 feet.
 - At least 25 percent of the parcel area shall be left undeveloped as green space.
 - Maximum lot coverage shall be no more than 60 percent of the parcel area.
- (2) *Setback requirements:*
- Minimum front setback from all property lines shall be 50 feet.
 - A minimum side setback of 25 feet shall be established parallel to all street right-of-way lines.
 - A minimum side setback of 20 feet shall be established parallel to side property lines that are adjacent to a non-residential district.
 - A minimum side setback of 25 feet shall be established parallel to side property lines that are adjacent to a residential district.
 - A minimum separation of at least ten feet shall be maintained between buildings within a single development.
 - A minimum rear setback of 20 feet shall be established parallel to rear property lines that are adjacent to a non-residential district.
 - A minimum rear setback of 25 feet shall be established parallel to rear property lines that are adjacent to a residential district.
- (3) *Height requirements.* Maximum 40 feet.

(Ord. No. 2017-16, § 1(Exh. A), 4-24-2017)

LAND USE

Land use refers to the type of activity permitted within buildings or on land. These activities are carefully defined and organized to minimize potentially negative impacts of integrating opposing activities them in the same place, such as residential dwellings and intense factories. In Bella Vista, the existing use of land, in both commercial and residential settings, is generally low in intensity.

The desire for expanded commercial goods and services was an important finding of the planning study, and there are a small number of distinct places appropriate for the expansion of land uses to accommodate the community's needs and viability. As the city expects reinvestment, it will be critical to carefully consider the types of land uses appropriate for the evolution of commercial, and mixed-use, settings, while also maintaining the low-intensity residential setting desired by most residents.

The population of Bella Vista is also growing, particularly with young families. Currently, non-POA members are limited in access to Bella Vista's many private amenities, and there is a lack of publicly accessible neighborhood parks throughout the community.

TYPES OF USES

- **Retail**

Retail is a use with frequent interaction of patrons or customers on the premises. This type of use is dependent on the size of gross leasable area per tenancy and typically depend on a target market within a specific distance.

- **Services**

Services are uses of land and buildings for businesses engaged in the exchange of professional and individual services, such as day care, animal care, restaurants, and salons.

- **Institution**

Institutions are the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreational need for residents and neighborhoods, whether by way of open and public citizenship, by property ownership or residency, or by membership affiliation.

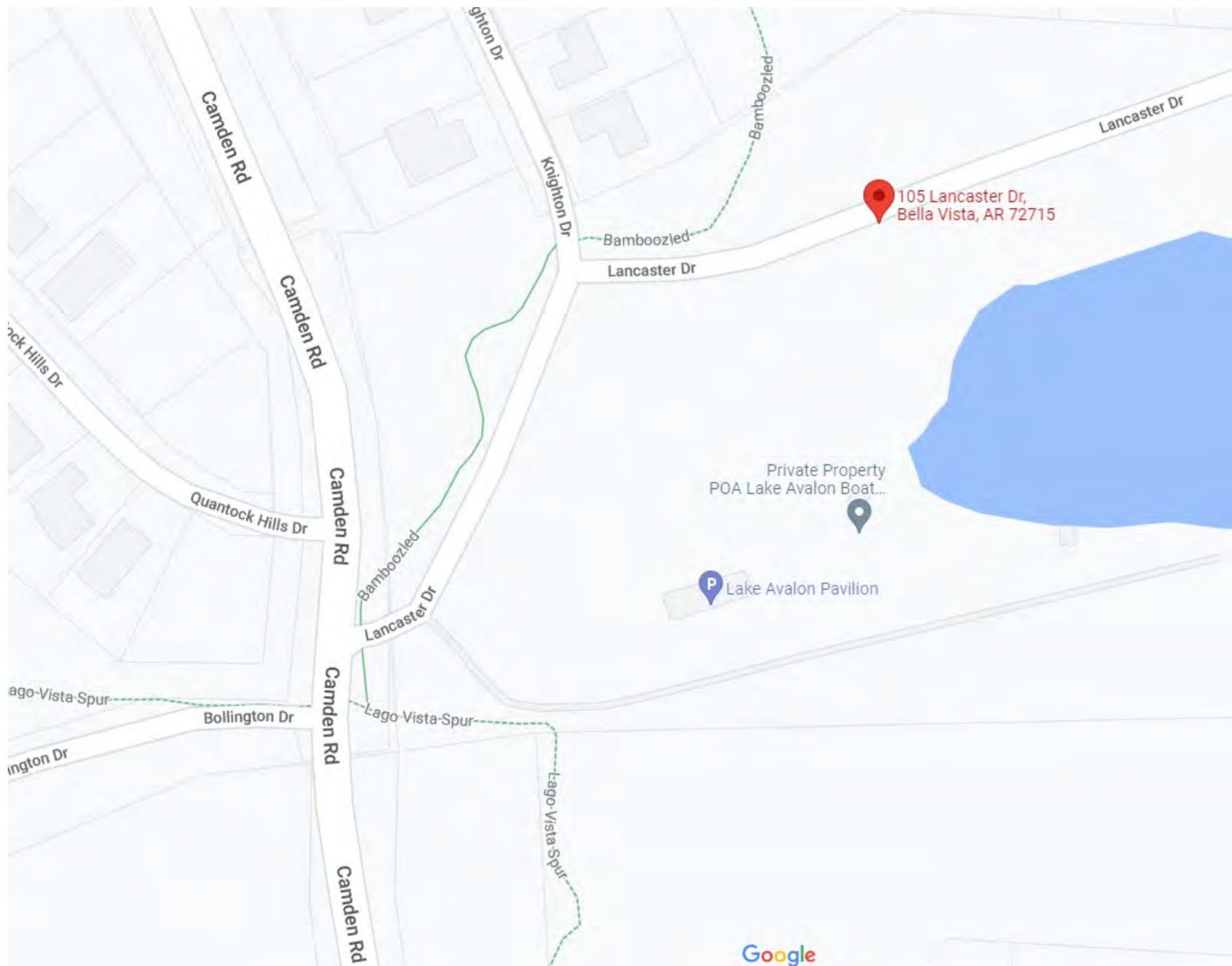
- **Parks & Civic Open Space**

Parks and civic open spaces are a use of land to serve a public or community interest by enhancing open space and its use. The City currently lacks publicly accessible parks suited for the growing population of families.

- **Residential**

Residential means the principal use of land and buildings are for dwelling units, such as single-unit houses, townhouses, or small and large apartment buildings.





105 Lancaster Dr,
Bella Vista, AR 72715



Private Property
POA Lake Avalon Boat...



Lake Avalon Pavilion



November 10, 2022

RE: 16-70265-001 – Lake Avalon Beach and Park

Bella Vista Planning Commission and City Council

A detailed analysis of POA parcels has uncovered approximately 20 parcels which were inadvertently zoned incorrectly when the City was founded. Since the zoning on these parcels are not in sync with the current usage, the POA is asking for the parcels to be rezoned.

The only reason the POA is asking for the change in zoning is so that the zoning will match the current usage.

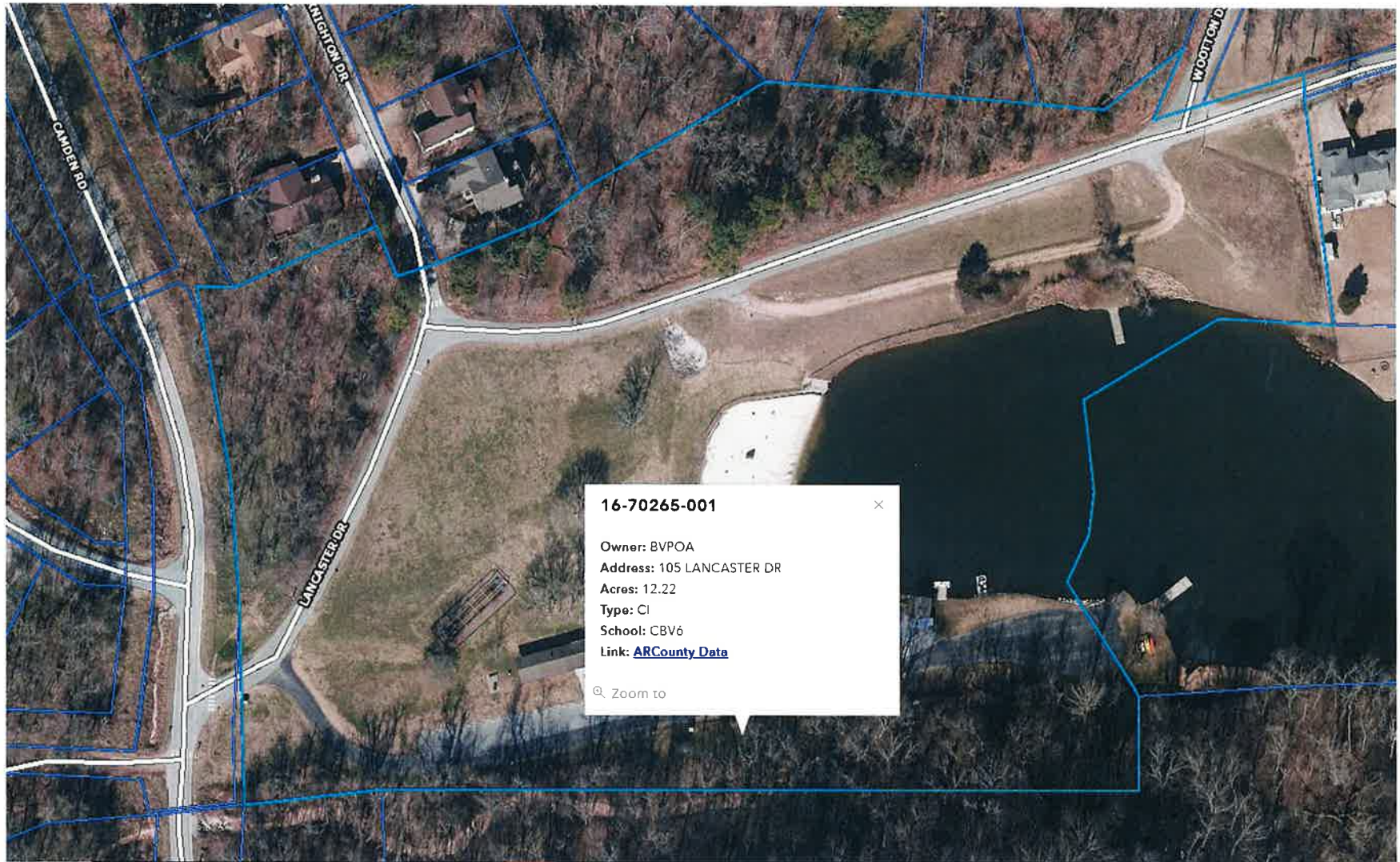
Thank you for your consideration.

Signed,

A handwritten signature in blue ink, appearing to read "Tom Judson".

Tom Judson

Chief Operating Officer



16-70265-001

Owner: BVPOA
Address: 105 LANCASTER DR
Acres: 12.22
Type: CI
School: CBV6
Link: [ARCounty Data](#)

Zoom to

AVALON WEST PARK

A parcel of land lying in the NE¼ of the NW½ (10.307 acres±), in the NW½ of the NE¼ (1.913 acres±) of Section 28, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 1671.06 feet East and 877.99 feet South of the Northwest corner of said Section 28 (Arkansas State Plane Coordinates of North 787,196.476 feet and East 1,326,795.636 feet); thence, S 85°36'40" E 46.42 feet; thence, N 66°24'31" E 150.00 feet; thence, S 23°35'29" E 56.97 feet; thence, N 66°24'31" E 140.00 feet; thence, N 55°05'57" E 50.99 feet; thence, N 59°18'19" E 199.46 feet; thence, S 85°42'30" E 317.95 feet; thence, N 51°16'31" E 88.00 feet; thence, S 23°07'30" W 71.66 feet; thence, N 71°35'00" E 147.96 feet; thence, S 18°25'00" E 40.00 feet; thence, S 07°25'00" E 215.56 feet; thence, N 82°49'08" W 120.45 feet; thence, S 59°25'25" W 148.19 feet; thence, S 05°49'32" E 87.29 feet; thence, S 07°16'39" W 41.05 feet; thence, S 24°59'00" W 48.44 feet; thence, S 30°55'36" E 128.53 feet; thence, S 00°00'00" E 87.86 feet; thence, S 90°00'00" W 705.48 feet; thence, S 83°24'20" W 141.93 feet; thence, N 03°32'22" E 189.23 feet; thence, Northwestwardly along the arc of a curve to the left 313.30 feet, said curve having a radius of 662.28 feet and a delta angle of 27°06'18" to the point of beginning, containing 12.220 acres, more or less.

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO
REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-
46586 (COUNTY PARCEL NO. 16-40234-001) FROM R-1, RESIDENTIAL
SINGLE-FAMILY DISTRICT TO C-2, LIGHT COMMERCIAL DISTRICT**

WHEREAS, a rezoning petition was properly filed and considered by the Bella Vista Planning Commission according to the requirements of law; and

WHEREAS, the Planning Commission did not vote to recommend to the City Council that said petition be granted and that the property described therein be rezoned from R-1, Residential, Single-Family District to C-2, Light Commercial District, however the applicant has appealed the decision for ultimate determination by the City Council; and

WHEREAS, the City Council is of the opinion that said parcel should be rezoned as provided herein;

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

SECTION 1: The Bella Vista Zoning Ordinance and Map are hereby amended to rezone property described in rezoning petition No. 2022-46586 (County Parcel No. 16-40234-001) from R-1, Residential Single-Family District to C-2, Light Commercial District.

SECTION 2: The legal description of the parcel is attached to this Ordinance as Exhibit “A” and incorporated herein as if set out word-for-word.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

EXHIBIT A

PART OF THE SE 1/4 OF THE SE 1/4 AND PART OF THE SW 1/4 OF THE SE 1/4, SECTION 29, TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 29; THENCE SOUTH 1587.95 FEET; THENCE WEST 56.48 FEET TO THE SW CORNER OF COOPER ADDITION AS SHOWN IN PLAT BOOK 26 AT PAGE 85, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 698.26 FEET, AN ARC LENGTH OF 406.11 FEET AND A CHORD BEARING AND DISTANCE OF S35°49'03"W 400.41 FEET; THENCE S52°28'45"W 46.08 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE S37°34'44.11"E 276.86 FEET TO THE WESTERLY LINE OF PLAT RECORDED IN PLAT BOOK 2005 AT PAGE 916; THENCE S32°41'01"W ALONG SAID WESTERLY LINE OF PLAT RECORDED IN PLAT BOOK 2005 AT PAGE 916, 366.33 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 340; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 340 THE FOLLOWING TWO COURSES: N12°12'11"W 104.71 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 676.25 FEET, AN ARC LENGTH OF 315.90 FEET AND A CHORD BEARING AND DISTANCE OF N25°35'08"W 313.04 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE N52°28'45"E 234.88 FEET TO THE POINT OF BEGINNING. CONTAINING 2.001 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY OR COVENANTS OR RECORD OR FACT.

COOPER COMMUNITIES, INC.
903 N. 47TH STREET
ROGERS, AR 72756
479-246-6500

January 10, 2023

VIA EMAIL AND HAND DELIVERY

City of Bella Vista, Arkansas
616 W. Lancashire Blvd.
Bella Vista, Arkansas 72715
Attn: Wanda Lepillez-Krug, City Clerk
Email: wkrug@bellavistaar.gov

*Re: Appeal of City of Bella Vista Planning Commission Denial of Rezoning Request
RZN-2022-46586 of Cooper Communities, Inc.*

Ladies and Gentlemen:

Pursuant to Section 109-41 of the City Code of Ordinances (the “Code”), this letter shall constitute an appeal (this “Appeal”) to the Bella Vista City Council (the “Council”) of the Bella Vista Planning Commission’s (the “Commission”) denial of rezoning request RZN-2022-46586 (the “Application”) submitted by Cooper Communities, Inc. (“CCI”) to the Commission.¹ The Application was submitted with respect to Parcel #16-40234-001 (the “Parcel”) which is located near the intersection of Lancashire Boulevard and Buckstone Drive in the City of Bella Vista, Arkansas (the “City”).

The Application was properly submitted to the Commission for consideration and hearing, but was denied by the Commission during its December 12, 2022 meeting. For the reasons set forth herein, CCI respectfully requests the Council approve the Application pursuant to the Council’s authority under the Code to overrule a decision of the Commission. Alternatively, CCI respectfully requests the Council refer the Application back to the Commission for further review with instruction to the Commission to determine how the Application may be approved.

Section 109-41(b) of the Code provides that the Council shall review the information submitted herein on a “*de novo* (i.e., brand new)” basis. Accordingly, the Council should give no

¹ Section 109-41(a) of the Code requires that CCI submit this Appeal on the “forms and in a format prescribed by the [Commission].” The Commission has informed CCI that the Commission does not promulgate forms for appeals of this nature, and that letter format shall be acceptable to the Commission in accordance with past practices of CCI and the City.

weight or deference to the Commission's denial of the Application. The Council should instead conduct a "brand new" review of the information submitted in this Appeal as if the Commission had not previously considered whether or not to approve the Application.

As required by Section 109-41(a), CCI hereby submits the following information in support of this Appeal:

I. Summary of the Commission's Reasoning for its Decision

To the best of CCI's knowledge, information and belief, the Commission provided no reasoning for its decision. As reflected by the Bella Vista Planning Commission Regular Meeting Minutes for the December 12, 2022 meeting (the "Meeting Minutes"), the Commission did not identify any reasoning, basis or justification for its decision to deny CCI's Application. The Meeting Minutes are attached hereto as Exhibit A, and are hereby incorporated into this Appeal as if set forth directly herein.

II. Reasons the Commission Erred in its Decision

The Commission's decision to deny the Application is clearly arbitrary, capricious and unreasonable. An unreasonable and arbitrary zoning restriction is void, and the owner of the property is entitled to a remedy to prevent the imposition of such a restriction. *City of Little Rock v. Pfeifer*, 169 Ark. 1027, 277 S.W. 883, 884 (1925). The Commission's decision is arbitrary and capricious on at least three (3) separate and distinct bases:

1. The Commission provided no basis, reasoning or rationale for its denial of the Application;
2. The Staff Report unambiguously identifies that the Application, the Parcel and CCI have met all criteria for rezoning to C-2 classification; and
3. The City's Comprehensive Plan Future Land Use Map shows the Parcel as planned for commercial use.

The Commission provided no basis, reasoning or rationale for its denial of the Application.

As discussed above and as evidenced in the Meeting Minutes, the Commission failed to provide any reasoning or a rational basis for its decision to deny the Application – the Commission merely denied the Application upon its presentment by CCI. Rendering a decision not founded in reason or a rational basis is the very definition of an arbitrary decision, which is void pursuant to Arkansas law. See *Reynolds v. Arkansas Appraiser Licensing and Certification Bd.*, 591 S.W.3d

837, 2019 Ark. App. 587 (2019) (providing that governmental decisions not supported by any rational basis must be reversed as arbitrary and capricious).

The Staff Report unambiguously identifies that the Application, the Parcel and CCI have met all criteria for approval of CCI's request to rezone the Parcel to C-2 classification.

The Commission's decision to deny the Application is directly contrary to the underlying staff report provided to the Commission regarding the Application (the "Staff Report"). A copy of the Staff Report can be found in the Bella Vista Planning Commission Meeting Packet for the December 12, 2022 meeting (the "Meeting Packet"). The Meeting Packet is attached hereto as **Exhibit B**, and is hereby incorporated into this Appeal as if set forth directly herein.

The Staff Report, which the Commission received accompanying CCI's Application, unequivocally states that the Parcel meets all C-2 District requirements, and that zoning the Parcel as C-2 property is in line with the City's future land use plans. The Staff Report specifically notes that "[a]ll [C-2 zoning requirements] have been met," and that the rezoning request "meets the intent of the ... [Comprehensive Plan Future Land Use Map]." The Staff Report does not raise any concerns with re-zoning the Parcel as C-2. The Commission's failure to follow the substantial, clear and convincing evidence contained in the Staff Report that the Parcel qualifies for C-2 zoning classification, and is line with the City's future land use plans, without any basis to the contrary, underscores the arbitrary, capricious, and unreasonable nature of the Commission's decision.

The Land Use Map shows the City desires the Parcel be used for commercial purposes which would be effected by rezoning the Parcel to C-2.

The Commission's decision to deny the Application is directly contrary to the most current underlying Comprehensive Plan Future Land Use Map (the "Land Use Map"). The Land Use Map, the relevant part of which is depicted in the Staff Report, clearly identifies that rezoning the Parcel to C-2 is directly in accord with the City's future land use plans promulgated to the general public. The Land Use Map showcases that the Parcel has been designated by the City as a desirable area for commercial development in connection with a "Village Center" concept.

Village Center use is, by the City's own promulgated Comprehensive Plan (the "Comprehensive Plan"), intended to provide "mid-scale and use intensity" via "core retail, service or institutional use" (i.e. commercial use) for the direct benefit of "adjacent neighborhoods." Similarly, pursuant to the Code, C-2 zoning classification "is intended to provide for development of small to medium scale office, retail, and commercial developments in convenient areas with accessibility to major thoroughfares."

CCI's Application requesting that the Parcel be rezoned to a C-2 classification under the Code fits exactly with the City's desired Comprehensive Plan use of the Parcel as "Village Center" commercial use property. As noted in earlier in Section II of this Appeal, this assertion

is bolstered by the fact that the Staff Report expressly states that rezoning pursuant to the Application meets the intent of the Comprehensive Plan. CCI anticipates that the Parcel will be developed into commercial use property, in a convenient place, for the benefit of the neighborhoods nearby the Parcel – at the same time, the Parcel will satisfy a City-promulgated policy that commercial property maintain access to a major thoroughfare like Lancashire Boulevard.

Each of these facts illustrate that the Commission’s failure to follow the City’s future plans promulgated to the general public pursuant to the Comprehensive Plan and the Land Use Map, is without any basis, which underscores the arbitrary, capricious, and unreasonable nature of the Commission’s decision.

III. Public Health, Safety, Welfare, and Morals of the Community Are Best Served by the Council’s Approval of the Rezoning Request

There is little doubt that zoning the Parcel as C-2 will promote the health, safety, morals, and general welfare of the City and its citizens. Pursuant to Code Section 109-5(b), the Council should base its decision upon the most “appropriate and best use of land.” The Parcel is presently wild and undeveloped. However, the most appropriate and best use of the Parcel is for commercial purposes (as is stated in the Comprehensive Plan and the Land Use Map). Development of the Parcel pursuant to a C-2 designation will permit the City and its residents to benefit from commercial development “in convenient areas with accessibility to major thoroughfares” which will unquestionably contribute to the public health, safety, welfare, and morals of the citizens of the City. Development of the Parcel is the most appropriate and best use of the Parcel – and the City has previously agreed with that point.

In making zoning decisions under the authority given by the Code, the correct presumption is in favor of development of property (as opposed to wild and undeveloped property) because development is in furtherance of the public health, safety, welfare and morals. As made clear by Section 109-5(b) of the Code, the explicit purpose of the Code is to govern the development and best use of land within the City. Development was and is always preferred over non-development, wilderness and failure to reach highest and best use of a property. Because development is a steadfast goal of the Council—pursuant to the express terms of the Code and the Land Use Map specifically with respect to this Parcel—the Council should approve CCI’s Application which will permit development of the Parcel under a C-2 classification.

IV. Additional Material Information Overlooked by the Commission

Commercial development is beneficial to adjacent residential areas in the City.

All matters of public comment opposing the Application were delivered by residents of adjacent neighborhoods. Such comments raised concerns with placing commercial property in

close proximity to residential areas. Notwithstanding these resident concerns, it is CCI's belief (and CCI's understanding of the City's promulgated policy) that commercial development of the Parcel is actually beneficial, not detrimental to residents of adjacent neighborhoods.

The City has already communicated to the public that placing commercial property in the general area encompassing the Parcel would be beneficial to adjacent neighborhoods. As discussed in the Comprehensive Plan, the Parcel is located within an intended "Village Center." Village Centers are envisioned as a mix of residential, commercial, and institutional land uses. The express intent of developing such Village Centers is to *benefit adjacent neighborhoods* both economically and sociologically. In essence, the City has already approved, and desires, commercial property development in the general area encompassing the Parcel, and has further indicated that such development is intended to benefit surrounding neighborhoods.

The Parcel is arguably one of the most prime locations for placement of commercial property as part of a Village Center. Assuming that the Parcel is developed commercially, the Parcel remains protected from nearby residential areas by a large timberland buffer. The timberland buffer is depicted on the Zoning Map in the Staff Report (the "Zoning Map"), and serves as a more than sufficient proximity buffer between the nearest residential development and the Parcel. The timberland buffer will serve to alleviate resident concerns of noise, traffic, and commercial activity – while also permitting development of the Parcel as has been proposed by the Land Use Map.

Lack of opportunity to respond to inaccurate information presented to Commission.

At the December 12, 2022 Commission meeting, several City residents proffered comments to the Commission. CCI was deprived of the opportunity to be heard because CCI was not given the opportunity to rebut or respond to these comments. The lack of opportunity to respond to these comments was detrimental to CCI, particularly because many of the comments were misleading or misstated material facts relevant to the Application. Specifically, but without limitation, City residents represented to the Commission that the Parcel abuts a cemetery making the Parcel an inopportune location for commercial activity. Other residents represented to the Commission that the Parcel described in the Application was much closer to residential property lines than reflected on the plats and surveys submitted in connection with the Application. As shown in the Application, the Parcel does not abut the cemetery to the North, and the dimensions reflected on the plats and surveys, certified pursuant to the land surveying standards of the State of Arkansas by a licensed Arkansas surveyor, should be relied upon by the Council (and should have been relied upon by the Commission) unless compelling factual evidence is provided. These resident statements were misleading or lacked basis in fact and may have improperly influenced the Commission's Application decision to the detriment of CCI.

The Commission's denial of the Application was determined by only one (1) vote.

CCI desires to highlight to the Council that the Commission's denial of the Application was effectuated by a 4-3 vote— failing by only one single vote. The Commission was not unanimously or even overwhelmingly opposed to approval of the Application. To the contrary, it was a close vote that would have resulted in approval if only one Commissioner voted differently.

V. Conclusion

In sum, the Commission's decision to deny CCI's Application was arbitrary, capricious, and unreasonable. The Commission failed to provide any reasoning or a rational basis for its denial, it blatantly disregarded the substantial evidence supporting the Application contained in the Staff Report, and it failed to follow the City's own Land Use Map. Additionally, the Council has substantial basis to approve the Application on its merits because the Application, at its core, requests rezoning in accordance with the City's ultimate desired use of the Parcel as a "Village Center" property. For these reasons, CCI respectfully requests that the Council conduct its own *de novo* review of the Application, find that the Commission's decision was arbitrary, capricious, and unreasonable, and thereafter approve the Application.

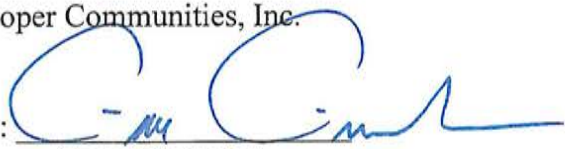
Please be advised that CCI hereby reserves all CCI's rights regarding this Appeal, including, without limitation, the right to plead or submit further facts and claims as they become known or appropriate, the right to amend this Appeal, and any related document filed herewith, and the right to pursue all other courses of action to which CCI is entitled under law.

Thank you for your attention to this matter. We look forward to hearing from you and presenting our Application to the Council so that this matter may be resolved quickly and amicably to all parties.

[Remainder Intentionally Blank; Signature Page to Follow]

Respectfully Submitted,

Cooper Communities, Inc.

By: 

Gene Groseclos
Counsel

cc: Jason Kelley, Staff Attorney (jkelly@bellavistaar.gov)
Taylor Robertson, Senior Planner, (trobertson@bellavistaar.gov)

Enclosures:

Exhibit A: December 12, 2022 Commission Meeting Minutes

Exhibit B: December 12, 2022 Commission Meeting Packet (includes Staff Report, Comprehensive Plan, and Land Use Map)

Received by: 

Date: 1/10/23

EXHIBIT “A”

December 12, 2022 Commission Meeting Minutes

I. CALL TO ORDER

Chairman Ellis called the meeting to order at 4:30 PM.

II. ROLL CALL

Members present: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry; JB Portillo; Susan Duell, and Craig Honchell.

III. CONSIDERATION OF MINUTES

A. Regular Meeting Minutes – November 14, 2022

On a motion by Mr. Farner and a second by Ms. Portillo the November 14, 2022 meeting minutes were approved by a voice vote.

IV. PUBLIC INPUT

1. Chairman Ellis opened the public input session.
2. Chairman Ellis closed the public input session with no public comments.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. RZN-2022-46586: Request to rezone a 2.001 acre portion of the subject parcel from R-1 Single Family Residential to C-2 Light Commercial; Parcel 16-40234-001; Applicant Cooper Communities, Inc.; Presented by Planner Robertson

1. Ms. Robertson presented the staff report that was included in the packet.
2. Applicant present, Gene Groseclos, representing Cooper Communities explained the intent of the request.
3. Ms. Robertson added there is no public comment noted on the staff report, however, since print, a USPS public comment was received and passed along to the commissioners.
4. Chairman Ellis opened the public hearing.
5. Mr. Kelley asked that there be no Q&A, and the big question that we cannot get into is what could potentially be built in the vicinity. From the perspective of the city, any of the potential C-2 uses are something that potentially could be there. Keep in mind, it could be any of those things. I wanted to be sure to say that on the record.
6. Mark Huber – 7 Parkridge. Spoke in opposition of the rezone noting traffic, noise and litter as concerns.
7. Beverly Phillips – 12 Parkridge Dr. spoke in opposition of the rezone noting parking lots, backdoors, parked cars, traffic, dangerous intersections, dumpsters, a new unknown element coming in, required overhead lighting that will shine in back windows and depreciated property values.
8. Larry Winter – 1 Parkridge Dr. Spoke in opposition of the rezone and submitted a photo of the proposed property line in relation to his residence.

9. Deborah Rather – 15 Dunholm. Spoke in opposition of the rezone with the main concern being the abutting parcel, Pioneer cemetery.
10. Tim Auge – 5 Parkridge Dr. Spoke in opposition of the rezone. The proximity of the development parcel to his property line infringes on safety and welfare.
11. Andrew O'Neil – 17 Parkridge Dr. Spoke in opposition of the rezone.
12. Chairman Ellis closed the public hearing.
13. Discussion was had between Mr. Sedberry and Mr. Kelley regarding the comprehensive plan and land use plans.
14. Ms. Robertson clarified the intent of using both documents in the staff report.
15. Mr. Farner motioned to approve RZN-2022-46586 and a second was made by Mr. Sedberry.

Susan Duell	No
JB Portillo	No
Clayton Sedberry	Yes
Doug Farner	Yes
Craig Honchell	No
Gail Klesen	No
Daniel Ellis	Yes
Motion Failed	3-4

16. Mr. Kelley added Cooper Communities can file an appeal and it will still end up on council agenda if they desire to keep pursuing it.

VII. OPEN DISCUSSION

- A. Congratulations to Mr. Honchell on election to city council!
- B. Currently taking applications for our Planning Commission. Send submissions to Taylor Robertson.

VIII. ANNOUNCEMENTS

- A. City Council work session will be on Monday, December 12, 2022, at 5:30 pm.
- B. City Council regular meeting will be on Monday, December 19, 2022, at 6:30 pm.
- C. Planning Commission work session on Thursday, December 29, 2022 at 4:30 pm **was canceled.**
- D. Planning Commission regular meeting will be on Monday, January 9, 2023, at 4:30 pm.

Location to be determined on the city website and distributed with the agendas.

IX. ADJOURNMENT

Chairman Ellis adjourned the meeting at 5:10 PM

SUBMITTED BY:

Sarah Costa, Planning Technician
City of Bella Vista

APPROVED AND ACCEPTED THIS 9TH DAY OF JANUARY, 2023:

Daniel Ellis, P.E., Chairman
Bella Vista Planning Commission

Gail Klesen, Secretary
Bella Vista Planning Commission

EXHIBIT “B”

**December 12, 2022 Commission Meeting Packet
(includes Staff Report, Comprehensive Plan, and Land Use Map)**



BELLA VISTA
A place to call home

**Planning Commission
Regular Meeting Agenda**

December 12, at 4:30 pm
612 W. Lancashire Blvd

I. CALL TO ORDER

II. ROLL CALL

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry; JB Portillo; Susan Duell, and Craig Honchell.

III. CONSIDERATION OF MINUTES

- A. Regular Meeting Minutes – November 14, 2022.

IV. PUBLIC INPUT

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. RZN-2022-46586: Request to rezone a 2.001 acre portion of the subject parcel from R-1 Single Family Residential to C-2 Light Commercial; Parcel 16-40234-001; Applicant Cooper Communities, Inc.; Presented by Planner Robertson

VII. OPEN DISCUSSION

VIII. ANNOUNCEMENTS

- A. City Council work session will be on Monday, December 12, 2022, at 5:30 pm.
B. City Council regular meeting will be on Monday, December 19, 2022, at 6:30 pm.
C. Planning Commission work session on Thursday, December 29, 2022 at 4:30 pm **was canceled**.
D. Planning Commission regular meeting will be on Monday, January 9, 2023, at 4:30 pm.

Location to be determined on the city website and distributed with the agendas.

IX. ADJOURNMENT



Online Packet

I. CALL TO ORDER

Chairman Ellis called the meeting to order at 4:30 PM.

II. ROLL CALL

Members present: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen; JB Portillo; Susan Duell, and Craig Honchell.

Members not present: Clayton Sedberry

III. CONSIDERATION OF MINUTES

A. Regular Meeting Minutes – October 10, 2022.

On a motion by Mr. Farner and a second by Mr. Honchell the October 10, 2022 meeting minutes were approved by a voice vote.

IV. PUBLIC INPUT

1. Chairman Ellis opened the public input session.
2. Chairman Ellis closed the public input session with no public comments.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. ZVR-2022-46271: Zoning variance request on the accessory structure setback for a proposed accessory building located at 24 Nairn Lane; Parcel 16-21652-000; Applicant Bruce Kerr & Tom Silva; Presented by Planner Robertson.

1. Ms. Robertson presented the staff report that was included in the packet and clarified the code section. Ms. Robertson noted staff recommends approval with conditions.
2. Mr. Farner questioned the details of the accessory structure setback in regards to the front plane of the home and on the separate lot.
3. Applicant Bruce Kerr was present to add that if the property were developed on the adjacent lot, the accessory building would be behind their plane.
4. Chairman Ellis opened the public hearing.
5. Chairman Ellis closed the public hearing.
6. Mr. Farner motioned to approve ZVR-2022-46271 with the conditions that staff suggested and a second was made by Ms. Portillo.

Susan Duell	Yes
JB Portillo	Yes
Clayton Sedberry	NA
Doug Farner	Yes
Craig Honchell	Yes
Gail Klesen	Yes
Daniel Ellis	Yes
Motion Passed	6 - 0

B. ZVR-2022-46161: Zoning variance request on the septic setback requirement from a pier or column foundation for a proposed deck located at 7 Brittany Lane, Parcel 16-05463-000; Applicant Cathy Bernthal; Presented by Planner Workman.

1. Ms. Workman presented the staff report that was included in the packet.
2. Mr. Ellis questioned if the permit had been issued by the Department of Health at the time of the build. Ms. Workman verified records with ADH match septic plans on file. Mr. Ellis questioned whether there are ADH rules to prohibit the deck being built in the same footprint, Ms. Workman was not aware of any regulation or new policy change.
3. Applicant Cathy Bernthal was present to add that she had discussed with Mr. Murphree at the ADH, and the decision rests with the commission.
4. Chairman Ellis opened the public hearing.
5. Chairman Ellis closed the public hearing.
6. Ms. Klesen motioned to approve ZVR-2022-46161 and a second was made by Ms. Duell.

Susan Duell	Yes
JB Portillo	Yes
Clayton Sedberry	NA
Doug Farner	Yes
Craig Honchell	Yes
Gail Klesen	Yes
Daniel Ellis	Yes
Motion Passed	6 - 0

7. Mr. Ellis directed question to Jason Kelley, city attorney, 'What is defined as a modification vs a rebuild vs a reconstruction? Clarification may help with variance requests, especially in relation to decks.'
8. Mr. Kelley discussed the intent and possibility of ordinance modification.
9. Mr. Ellis reiterated the need for the modification.
10. Ms. Robertson verified staff will move forward to work toward practice and interpretation change for the variance with help from the city attorney.

C. Ordinance Amendment: Amending the development code to modify the applicability standards for large scale developments under Section 107- 159; Presented by Planner Robertson.

1. Ms. Robertson presented the staff report that was included in the packet.
2. Chairman Ellis opened the public hearing.
3. Chairman Ellis closed the public hearing.
4. Mr. Farner motioned to approve the ordinance amendment under Section 107-159 and a second was made by Ms. Klesen.

Susan Duell	Yes
JB Portillo	Yes
Clayton Sedberry	NA
Doug Farner	Yes
Craig Honchell	Yes
Gail Klesen	Yes
Daniel Ellis	Yes
Motion Recommended	6 - 0

VII. OPEN DISCUSSION

A. December Regular Meeting Start Time

1. A discussion was had about the December 12 regular meeting start time.
2. Mr. Farner motioned to amend the start time of the December 12, 2022 Planning Commission from 3:30 PM, as stated in the published 2022 Development Calendar, to 4:30 PM and a second was made by Ms. Portillo.
3. The start time amendment was approved with a voice vote.

B. December 29th Work Session

1. A discussion was held regarding the December 29th work session meeting.
2. Ms. Portillo motioned to cancel the December 29th work session and a second was made by Mr. Honchell.
3. The December 29, 2022 session was cancelled with a voice vote passing 5-1.

VIII. ANNOUNCEMENTS

IX. ADJOURNMENT

Chairman Ellis adjourned the meeting at 4:54 PM

SUBMITTED BY:

Sarah Costa, Planning Technician
City of Bella Vista

APPROVED AND ACCEPTED THIS 12TH DAY OF DECEMBER, 2022:

Daniel Ellis, P.E., Chairman
Bella Vista Planning Commission

Gail Klesen, Secretary
Bella Vista Planning Commission



Meeting Information:
612 W. Lancashire Blvd
December 12, 2022 at 4:30 pm
Reviewer:
Taylor Robertson, MPA
Senior Planner

Property Description

The subject property, labeled as Tract A, is described within the exhibits of this staff report. It is located within Parcel #16-40234-001. The subject area is near the corner of Hwy 340 (Lancashire) and Buckstone Drive.

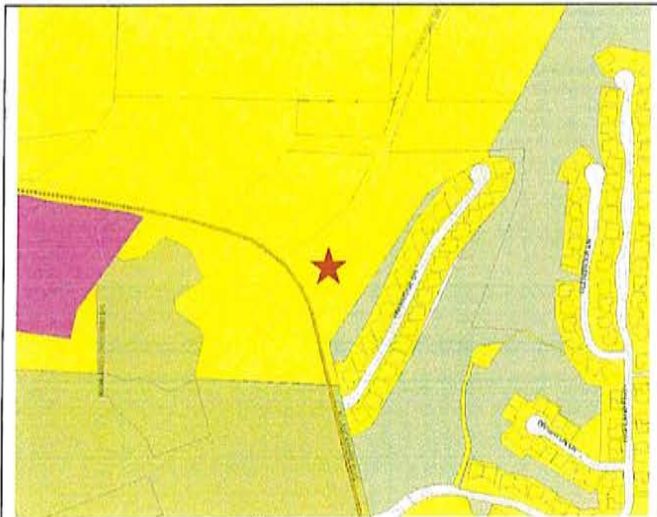
Project Number	RZN-2022-46586
Applicant	Cooper Communities
Address/Location	Near Lancashire and Buckstone Dr
Current Zoning	R-1 Single Family
Site Area	2.001 acres
Nature of Request	Requesting to Rezone the parcel from R-1 to C-2

Request

Per Sec. 109-40(c), the applicant is requesting to rezone a portion of their property (meets and bounds described herein) from R-1 Single Family to C-2 Light Commercial.

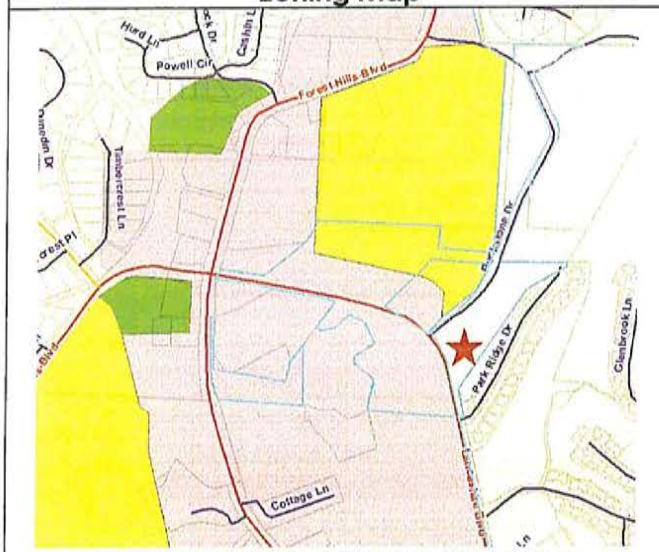
Background

Per the most recently adopted Zoning Map, this parcel is zoned as R-1 Single Family and is currently undeveloped with no current land use.



Zoning Map

The area is currently surrounded by the following commercial use types: religious assembly (civic use) to the west, undeveloped to the south and north, approximately 100' common property buffer to the east (varies throughout), and provides frontage to a major arterial (Lancashire). The outdated future land use map shows this area as low density residential. However, our most recently adopted Comprehensive Plan's Future Land Use map shows this property within a proposed Village Center which is intended to provide nearby residential areas with mid-scale use intensity and various levels of commercial space.



Future Land Use & Master Street Plan

The C-2 District requires that lots be a minimum of 1.5 acres in size, be at least 100' wide, be 100' deep, and be accessible via major thoroughfare (such as 340). All of these items have been met via the provided meets and bounds. The district purpose notes that C-2 is intended to provide small to medium scale office, retail, and commercial developments. This district purpose request meets the intent of the Village Center noted in the Comp Plan.

Public Comment

None at the time of this report.

Legal Notifications

The applicant sent the required certified mail prior to 11/27/22. Staff posted a public hearing notice in the Weekly Vista on 11/23/22. Staff posted a public hearing sign on site 12/1/22.

PLANNING COMMISSION STAFF REPORT

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	R-1	C-2
Duplex		P
Single-Family	P	P
Townhouse		P
Civic Uses	R-1	C-2
Administration	C	P
Cemetery	C	P
Clubs	C	P
College	C	P
Convalescent Services	C	P
Cultural Services	C	P
Day Care	P	P
Education	C	P
Emergency		P
Group Care	P	P
Guidance Services		P
Health Care	C	P
Hospital	C	P
Maintenance Facility		P
Parks	P	P
Postal Services		P
Public Assembly	C	P
Recreation	C	P
Religious	C	P
Safety	C	P
Office Uses	R-1	C-2
General		P
Financial		P
Medical		P
Commercial Uses	R-1	C-2
Adult Entertainment		
Ag Services		P
Auctioneering		P
Auto		P
Bed & Breakfast		P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P
Commercial Rec. (High)		C

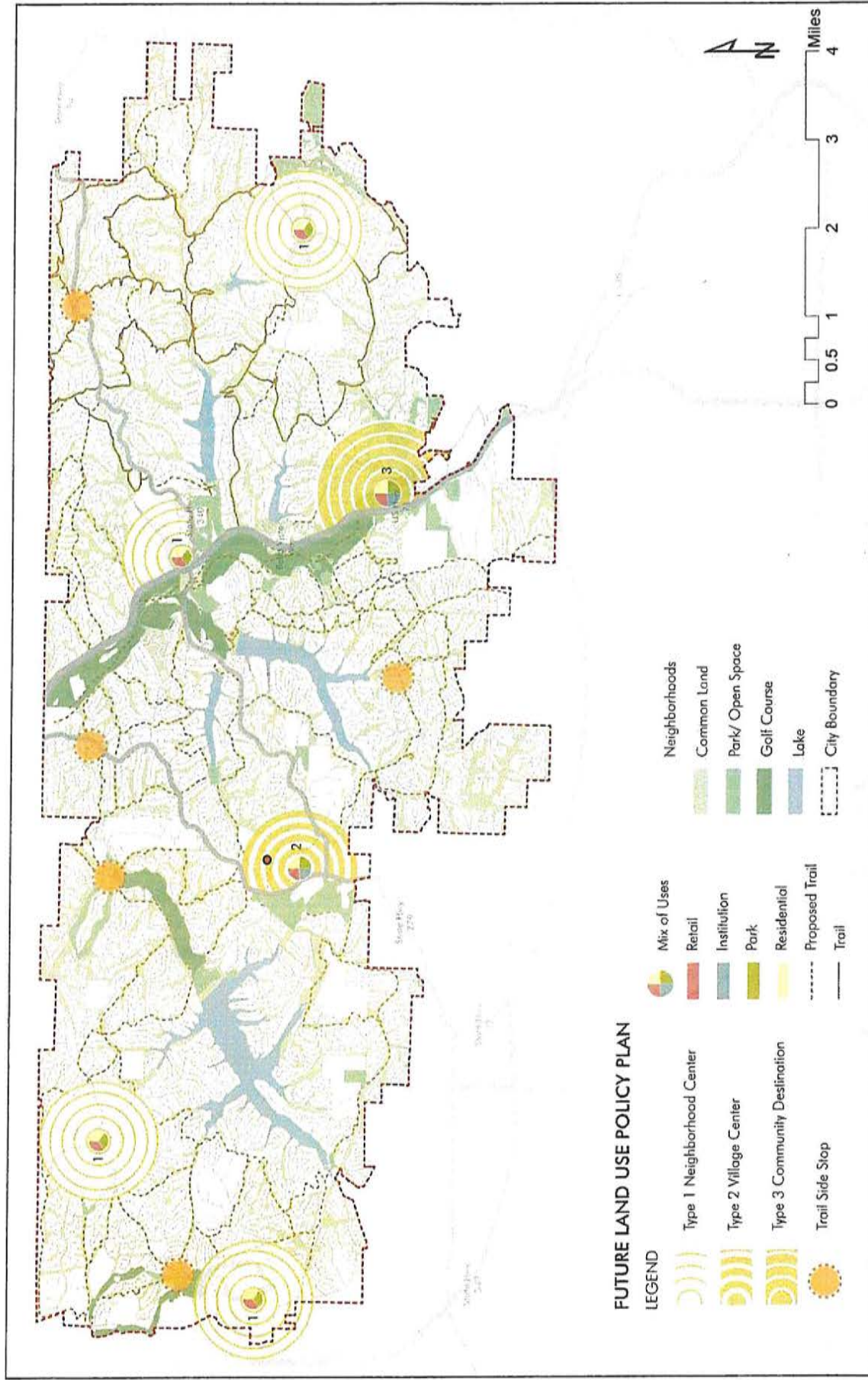
Commercial Cont.	R-1	C-2
Communications		P
Pharmacy		C
Construction		P
Consumer		P
Storage		P
Equipment Rental		P
Food Sales		P
Funeral		P
Gaming		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		C
Restaurants		P
Retail		P
Surplus		P
Taverns		C
Trade Services		P
Travel Center		P
Vehicle Storage		P
Veterinary		P
Parking Uses	R-1	C-2
Off-Street Parking		P
Parking Structure		
Industrial Uses	R-1	C-2
Custom		P
Recycling		P
Office Warehouse		P
Misc. Uses	R-1	C-2
Communications Tower	C	C
Medical Marijuana		C
Transportation Terminal		C

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections 109-45(d)(1) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.



FUTURE LAND USE PLAN

ACTIVITY CENTERS

Activity centers in Bella Vista are positioned for reinvestment, but will not evolve unless property restrictions are waived and meaningful relationships between the City and several entities, including the original developer, are built. The City recognizes that commercial activity centers should be defined to vary in scale and applied appropriately to various contexts to meet the needs and desires of Bella Vista residents. The following types are defined to describe the strategic application of uses intended to be implemented in the city.

NEIGHBORHOOD CENTER

A Neighborhood Center is a small-scale commercial activity center that is limited in both scale and intensity of use. This type of activity center should fit seamlessly into the existing context, directly serving the needs of nearby residents with retail, services, or institutional uses, and may be directly supported by small-scale housing types.

VILLAGE CENTER

A Village Center is intended to provide mid-scale and use intensity to serve the needs of the greater community, anchored by a core retail, service, or institutional use. These centers should be well-connected to adjacent neighborhoods to promote walking or biking, and be supported directly by expanded housing types, such as apartment buildings, rowhouses, or other small- to mid-scale housing options. A small park or civic open space should be integrated into this activity center to promote use by the community.

COMMUNITY DESTINATION

A Community Destination is a large-scale activity center intended to accommodate both residents and visitors of Bella Vista. This activity center is intended to be a regional draw, providing a multitude of commercial, institutional, and residential uses. A number of small parks or civic open spaces should be integrated into this activity center to promote public use and social space.

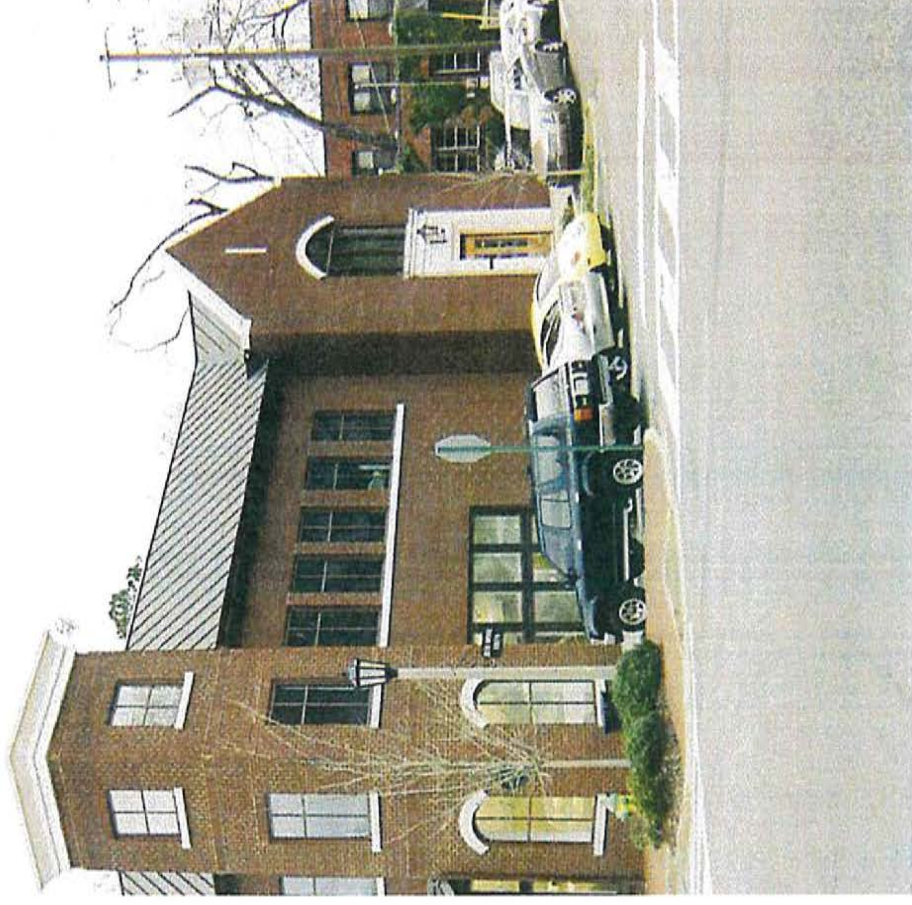
TRAIL SIDE STOP

Trail Side Stops are micro commercial hubs that support small-scale commercial or institutional uses along the trail system at key locations. These stops may contain temporary uses, such as a concession stand or food truck, as well as permanent buildings. These stops are intended to support trail users and the local entrepreneurial community in Northwest Arkansas.

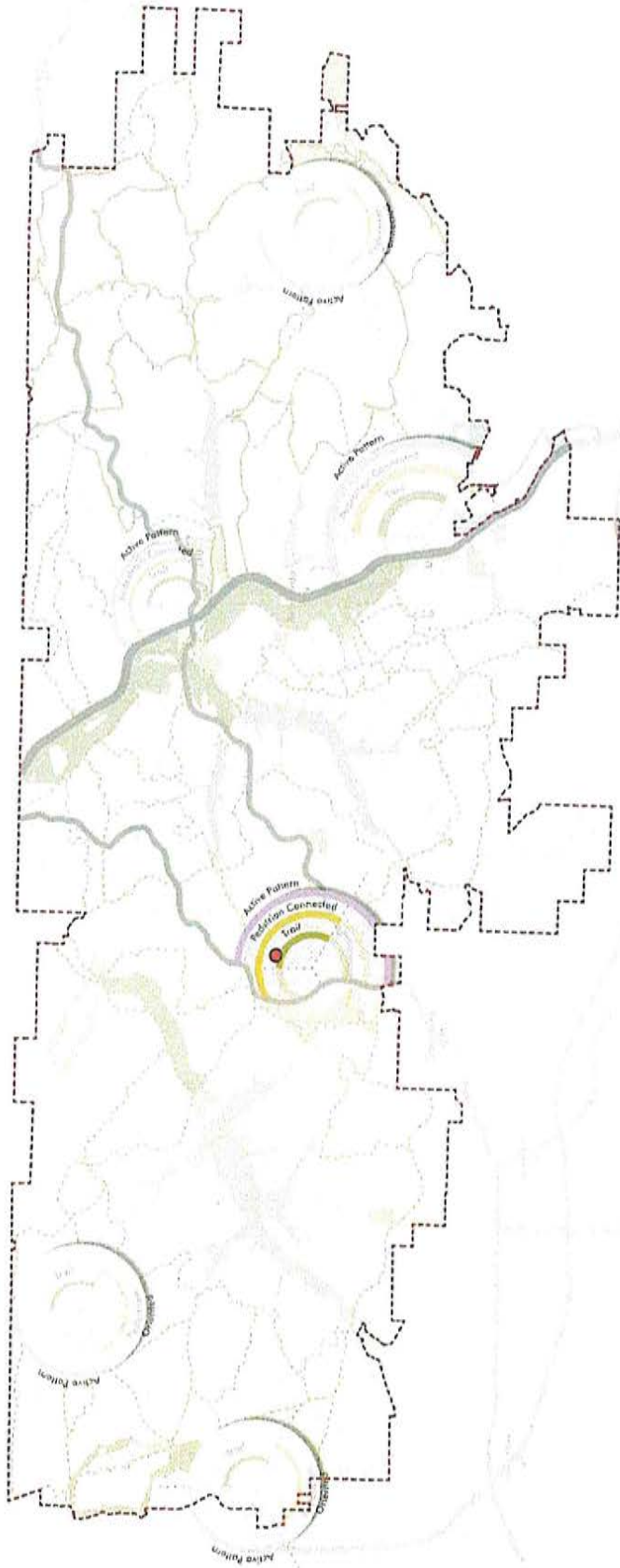


VILLAGE CENTER

This activity center should emphasize access and be designed to accommodate multiple modes of transportation to serve a broader range people. Access to the trail system should be integral to the design of a Village Center. It is critical for these places to be resilient by integrating a number of uses, including homes, office uses, civic spaces, and cultural amenities. Expanding the types of activities taking place will enable this activity center to be flexible to changing markets in the future.



EXAMPLE: LANCASTERSHIRE/FOREST HILLS BOULEVARDS CROSSINGS



CONCEPTUAL CENTERS – **Village Center**

BELLA VISTA, ARKANSAS - COMPREHENSIVE PLAN

VILLAGE CENTER

URBAN DESIGN

- Develop a range of street types to support a desired range of activities.
- Reinforce the identity of Bella Vista through consistency in gateway elements, signage, and other important components of the public realm.
- Incorporate wayfinding signage geared towards various patrons, including those connecting from a trail system, people walking, bicyclists, and those arriving by car.
- Provide small social spaces throughout the activity center, such as plazas, squares, or active alleys.

DEVELOPMENT FORM

- Ensure various levels of commercial space are provided to promote a mix of price points so that small businesses can participate.
- Provide human-scale elements along the front facades of buildings, especially along streets intended for heightened pedestrian activity.

MOBILITY

- Limit the block size to promote walkable connections and access to parking lots behind buildings.
- Connect the activity center to any existing or planned trailheads and provide a continuation of the trail route through signage and crossings within the activity center to connect trail users to the next trailhead.

LAND USE

- Enable the greatest intensity of uses at the core of the activity center, ensuring there is a transition of less intensive uses to provide a buffer between rural residential areas and centers.
- Expand the types of “active” uses permitted within the activity center by supporting the integration of commercial, civic, and cultural amenities.
- Provide opportunities to expand housing types, promoting mixed-use buildings and small-scale residential buildings.

ECONOMIC STRATEGY

- Promote entrepreneurial activity within the city by providing small business assistance or resources.
- Leverage regional leadership and form partnerships to build the capacity of Bella Vista’s business community.



VILLAGE CENTER – LAND USE DIAGRAM

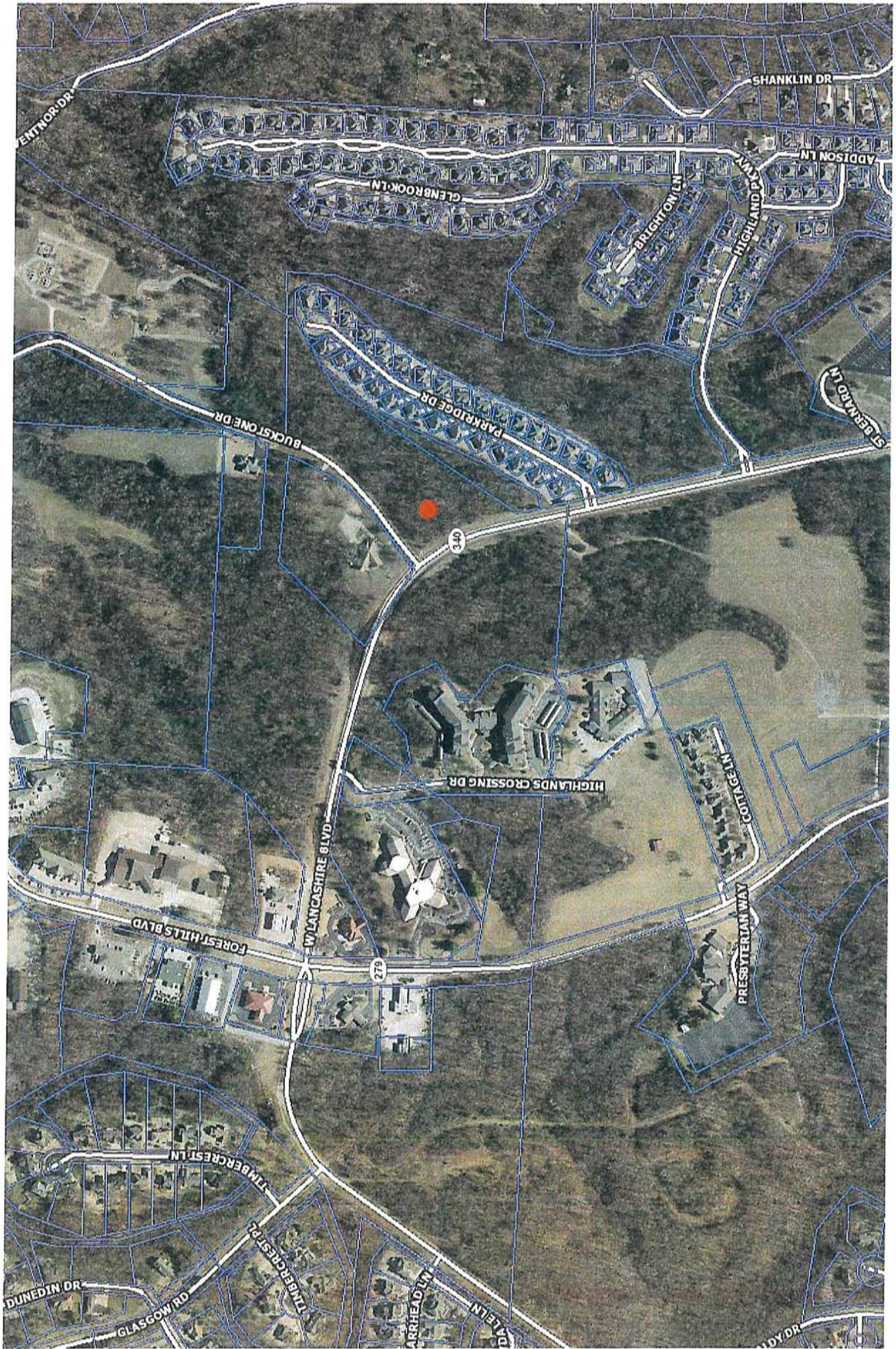


EXHIBIT "B"



VIA ELECTRONIC MAIL

October 12, 2022

Bella Vista Planning Commission
Bella Vista City Council
616 W Lancashire Blvd
Bella Vista, AR 72715

Re: Rezoning Application from R-1 to C-2 for Parcel 185, Bella Vista, Arkansas
Parcel No. 16-40234-001

To Whom It May Concern:

In response to the rezoning application checklist, page 4, please find answers below to the following requested bulleted items.

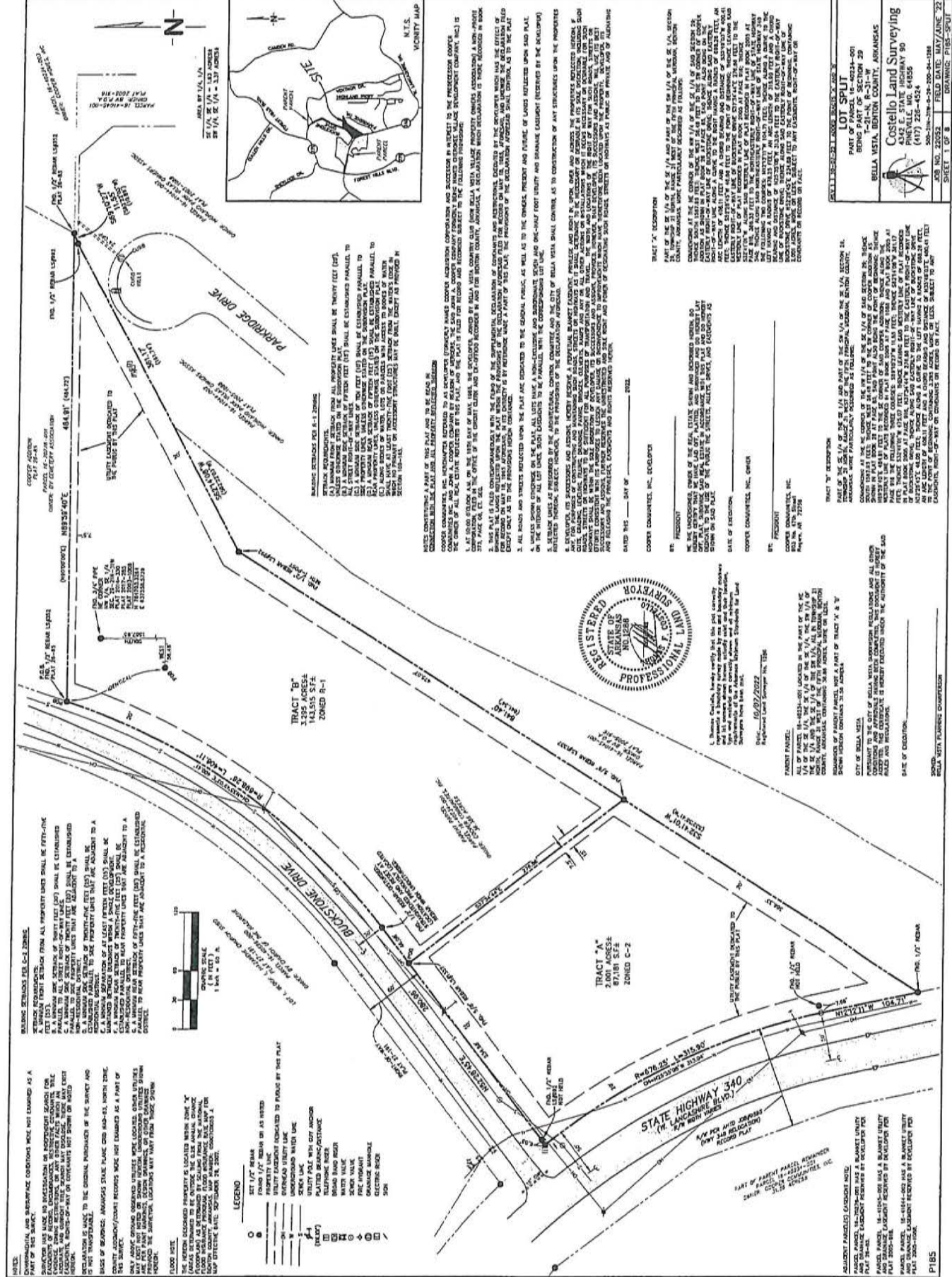
1. Explanation of any proposed sales:
Answer: Our intentions are to sell this parcel and the best use of the land would be commercial.
2. Reason (need) for the requested zoning change
Answer: Develop this property as a commercial tract to service the surrounding residential areas.
3. Statement on how the property relates to surrounding properties.
Answer: Surrounding Properties along Lancashire are commercial.

If you have any questions or concerns, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Jody Latham".

Jody Latham
Sr. Vice President



NOTES:
1. THE SURVEYED PROPERTY IS LOCATED WITHIN THE CITY OF BELLA VISTA, ARKANSAS, AND IS SUBJECT TO THE CITY'S ZONING ORDINANCES.
2. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
3. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
4. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
5. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
6. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
7. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
8. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
9. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.
10. THE SURVEYED PROPERTY IS SUBJECT TO THE CITY'S PLANNING COMMISSION REVIEW.

LEGEND:
1. SET 1/2" REBAR
2. PROPERTY LINE
3. EASEMENT
4. UNDEVELOPED WATER USE
5. SETBACK
6. PLATTED BOUNDARY
7. PLATTED BOUNDARY
8. PLATTED BOUNDARY
9. PLATTED BOUNDARY
10. PLATTED BOUNDARY
11. PLATTED BOUNDARY
12. PLATTED BOUNDARY
13. PLATTED BOUNDARY
14. PLATTED BOUNDARY
15. PLATTED BOUNDARY
16. PLATTED BOUNDARY
17. PLATTED BOUNDARY
18. PLATTED BOUNDARY
19. PLATTED BOUNDARY
20. PLATTED BOUNDARY
21. PLATTED BOUNDARY
22. PLATTED BOUNDARY
23. PLATTED BOUNDARY
24. PLATTED BOUNDARY
25. PLATTED BOUNDARY
26. PLATTED BOUNDARY
27. PLATTED BOUNDARY
28. PLATTED BOUNDARY
29. PLATTED BOUNDARY
30. PLATTED BOUNDARY
31. PLATTED BOUNDARY
32. PLATTED BOUNDARY
33. PLATTED BOUNDARY
34. PLATTED BOUNDARY
35. PLATTED BOUNDARY
36. PLATTED BOUNDARY
37. PLATTED BOUNDARY
38. PLATTED BOUNDARY
39. PLATTED BOUNDARY
40. PLATTED BOUNDARY
41. PLATTED BOUNDARY
42. PLATTED BOUNDARY
43. PLATTED BOUNDARY
44. PLATTED BOUNDARY
45. PLATTED BOUNDARY
46. PLATTED BOUNDARY
47. PLATTED BOUNDARY
48. PLATTED BOUNDARY
49. PLATTED BOUNDARY
50. PLATTED BOUNDARY
51. PLATTED BOUNDARY
52. PLATTED BOUNDARY
53. PLATTED BOUNDARY
54. PLATTED BOUNDARY
55. PLATTED BOUNDARY
56. PLATTED BOUNDARY
57. PLATTED BOUNDARY
58. PLATTED BOUNDARY
59. PLATTED BOUNDARY
60. PLATTED BOUNDARY
61. PLATTED BOUNDARY
62. PLATTED BOUNDARY
63. PLATTED BOUNDARY
64. PLATTED BOUNDARY
65. PLATTED BOUNDARY
66. PLATTED BOUNDARY
67. PLATTED BOUNDARY
68. PLATTED BOUNDARY
69. PLATTED BOUNDARY
70. PLATTED BOUNDARY
71. PLATTED BOUNDARY
72. PLATTED BOUNDARY
73. PLATTED BOUNDARY
74. PLATTED BOUNDARY
75. PLATTED BOUNDARY
76. PLATTED BOUNDARY
77. PLATTED BOUNDARY
78. PLATTED BOUNDARY
79. PLATTED BOUNDARY
80. PLATTED BOUNDARY
81. PLATTED BOUNDARY
82. PLATTED BOUNDARY
83. PLATTED BOUNDARY
84. PLATTED BOUNDARY
85. PLATTED BOUNDARY
86. PLATTED BOUNDARY
87. PLATTED BOUNDARY
88. PLATTED BOUNDARY
89. PLATTED BOUNDARY
90. PLATTED BOUNDARY
91. PLATTED BOUNDARY
92. PLATTED BOUNDARY
93. PLATTED BOUNDARY
94. PLATTED BOUNDARY
95. PLATTED BOUNDARY
96. PLATTED BOUNDARY
97. PLATTED BOUNDARY
98. PLATTED BOUNDARY
99. PLATTED BOUNDARY
100. PLATTED BOUNDARY

TRACT "A"
2,001 ACRES
87.181 S.F.
ZONED C-2

TRACT "B"
3,395 ACRES
141,515 S.F.
ZONED R-1

STATE HIGHWAY 340
(N. LANGSHIRE BLVD.)

PARKWAY DRIVE

BUCKSTONE DRIVE

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

1/2" REBAR

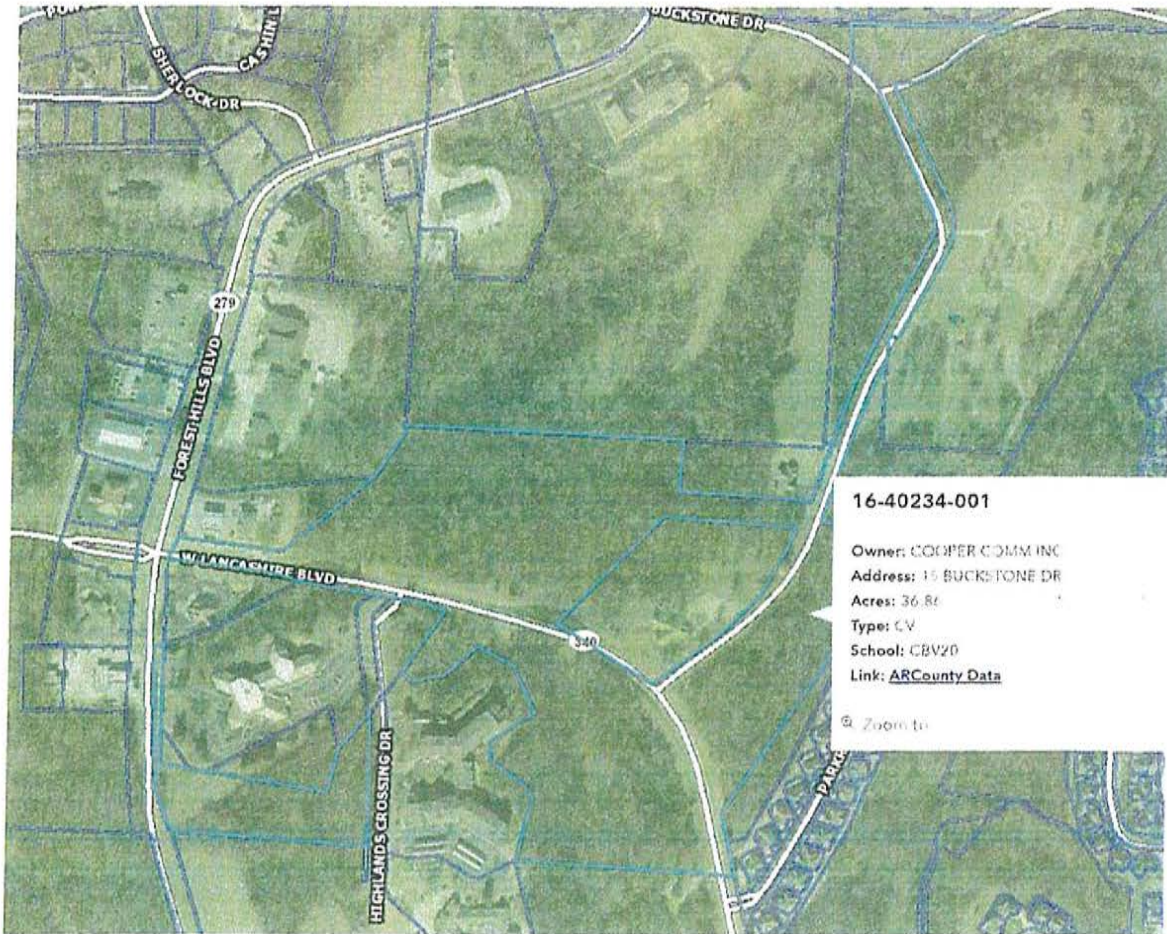
1/2" REBAR

1/2" REBAR

TRACT "A" DESCRIPTION

PART OF THE SE 1/4 OF THE SE 1/4 AND PART OF THE SW 1/4 OF THE SE 1/4, SECTION 29, TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 29; THENCE SOUTH 1587.95 FEET; THENCE WEST 56.48 FEET TO THE SW CORNER OF COOPER ADDITION AS SHOWN IN PLAT BOOK 26 AT PAGE 85, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 698.26 FEET, AN ARC LENGTH OF 406.11 FEET AND A CHORD BEARING AND DISTANCE OF S35°49'03"W 400.41 FEET; THENCE S52°28'45"W 46.08 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE S37°34'44"E 276.86 FEET TO THE WESTERLY LINE OF PLAT RECORDED IN PLAT BOOK 2005 AT PAGE 916; THENCE S32°41'01"W ALONG SAID WESTERLY LINE OF PLAT RECORDED IN PLAT BOOK 2005 AT PAGE 916, 366.33 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 340; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 340 THE FOLLOWING TWO COURSES: N12°12'11"W 104.71 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 676.25 FEET, AN ARC LENGTH OF 315.90 FEET AND A CHORD BEARING AND DISTANCE OF N25°35'08"W 313.04 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE N52°28'45"E 234.88 FEET TO THE POINT OF BEGINNING. CONTAINING 2.001 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY OR COVENANTS OR RECORD OR FACT.



WARRANTY DEED

Single Person

KNOW ALL MEN BY THESE PRESENTS:

That I,

ROBERT J. COWEN, a single person,

for and in consideration of the sum of Ten Dollars
and other good and valuable consideration
to me in hand paid by

Cooper Communities, Inc., a Delaware corporation,
do hereby grant, bargain and sell unto the said

Cooper Communities, Inc., its successors
and assigns, the following described land, situate in
Benton County, State of Arkansas, to-wit:

The S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 29, Township 21 North, Range 31 West.

AND

All of the W $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 28, Township 21 North, Range
31 West, lying East of the County Road EXCEPT the following described
tract: Beginning at a point where the County Road intersects the
South line of said 80 acre tract, thence in a Northerly direction
with the center of said County road to a point where an old log road
intersects said County road, thence with the center of said log road
in a semi-circle to a point where said log road again intersects
said County road North of said first intersection, thence with the
center of the County road in a southerly direction to the point where
said County road first intersects said log road.

AND

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 21 North, Range 31 West,
EXCEPT the following described tract: Beginning 12 rods East of the
SW corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section, run North 21 rods,
East 10 rods, South 21 rods, West 10 rods to the point of beginning,
being known as Buckston Graveyard.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said
Cooper Communities, Inc., its successors
and assigns, forever. And I, the said Robert J. Cowen

heroby covenant that I am lawfully seised of said land and premises; that the same is unincumbered, and I
will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS my hand and seal on this 25th day of March 1981

Robert J. Cowen [Seal]

ACKNOWLEDGMENT

STATE OF ARKANSAS

County of Benton

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public
within and for the County aforesaid, duly commissioned and act-
ing, Robert J. Cowen, a single person,
to me well known as the Grantor in the foregoing Deed, and stated that he had executed the same for the
consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 25th day of

March 1981.

My Commission expires

March 29, 1982

RETURN TO
COOPER COMMUNITIES, INC.
LAND DEPT.
P.O. BOX 158
BENTONVILLE, ARK. 72713

Linda Chaddler

FILED FOR RECORD

At 3:30 O'Clock P.M.

MAR 26 1981

JOSEPHINE R. HEYLAND

Clerk and Recorder
BENTON COUNTY, ARK.

Do not write in this space



BELLA VISTA
A place to call home

I. CALL TO ORDER

**Planning Commission
Regular Meeting Agenda**

December 12, at 4:30 pm
612 W. Lancashire Blvd

II. ROLL CALL

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry; JB Portillo; Susan Duell, and Craig Honchell.

III. CONSIDERATION OF MINUTES

A. Regular Meeting Minutes – November 14, 2022.

IV. PUBLIC INPUT

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. RZN-2022-46586: Request to rezone a 2.001 acre portion of the subject parcel from R-1 Single Family Residential to C-2 Light Commercial; Parcel 16-40234-001; Applicant Cooper Communities, Inc.; Presented by Planner Robertson

VII. OPEN DISCUSSION

VIII. ANNOUNCEMENTS

- A. City Council work session will be on Monday, December 12, 2022, at 5:30 pm.
- B. City Council regular meeting will be on Monday, December 19, 2022, at 6:30 pm.
- C. Planning Commission work session on Thursday, December 29, 2022 at 4:30 pm **was canceled**.
- D. Planning Commission regular meeting will be on Monday, January 9, 2023, at 4:30 pm.

Location to be determined on the city website and distributed with the agendas.

IX. ADJOURNMENT



Online Packet



Meeting Information:
612 W. Lancashire Blvd
December 12, 2022 at 4:30 pm
Reviewer:
Taylor Robertson, MPA
Senior Planner

Property Description

The subject property, labeled as Tract A, is described within the exhibits of this staff report. It is located within Parcel #16-40234-001. The subject area is near the corner of Hwy 340 (Lancashire) and Buckstone Drive.

Project Number	RZN-2022-46586
Applicant	Cooper Communities
Address/Location	Near Lancashire and Buckstone Dr
Current Zoning	R-1 Single Family
Site Area	2.001 acres
Nature of Request	Requesting to Rezone the parcel from R-1 to C-2

Request

Per Sec. 109-40(c), the applicant is requesting to rezone a portion of their property (meets and bounds described herein) from R-1 Single Family to C-2 Light Commercial.

Background

Per the most recently adopted Zoning Map, this parcel is zoned as R-1 Single Family and is currently undeveloped with no current land use.

The area is currently surrounded by the following commercial use types: religious assembly (civic use) to the west, undeveloped to the south and north, approximately 100' common property buffer to the east (varies throughout), and provides frontage to a major arterial (Lancashire). The outdated future land use map shows this area as low density residential. However, our most recently adopted Comprehensive Plan's Future Land Use map shoes this property within a proposed Village Center which is intended to provide nearby residential areas with mid-scale use intensity and various levels of commercial space.

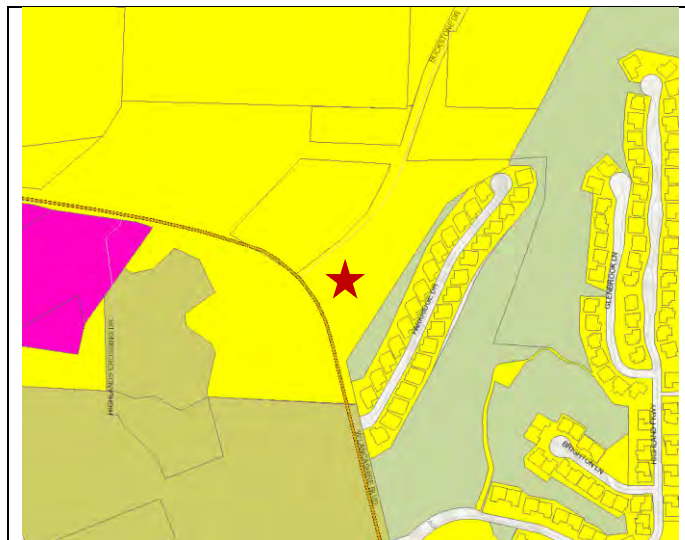
The C-2 District requires that lots be a minimum of 1.5 acres in size, be at least 100' wide, be 100' deep, and be accessible via major thoroughfare (such as 340). All of these items have been met via the provided meets and bounds. The district purpose notes that C-2 is intended to provide small to medium scale office, retail, and commercial developments. This district purpose request meets the intent of the Village Center noted in the Comp Plan.

Public Comment

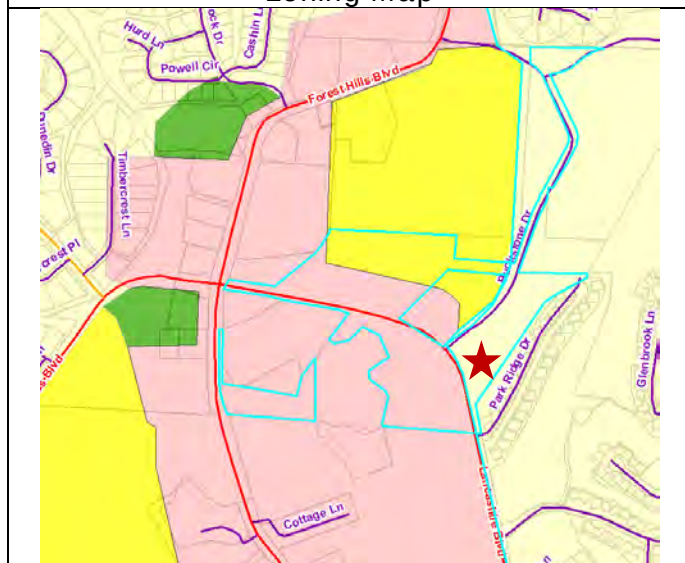
None at the time of this report.

Legal Notifications

The applicant sent the required certified mail prior to 11/27/22. Staff posted a public hearing notice in the Weekly Vista on 11/23/22. Staff posted a public hearing sign on site 12/1/22.



Zoning Map



Future Land Use & Master Street Plan

PLANNING COMMISSION STAFF REPORT

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Residential Uses	R-1	C-2
Duplex		P
Single-Family	P	P
Townhouse		P
Civic Uses	R-1	C-2
Administration	C	P
Cemetery	C	P
Clubs	C	P
College	C	P
Convalescent Services	C	P
Cultural Services	C	P
Day Care	P	P
Education	C	P
Emergency		P
Group Care	P	P
Guidance Services		P
Health Care	C	P
Hospital	C	P
Maintenance Facility		P
Parks	P	P
Postal Services		P
Public Assembly	C	P
Recreation	C	P
Religious	C	P
Safety	C	P
Office Uses	R-1	C-2
General		P
Financial		P
Medical		P
Commercial Uses	R-1	C-2
Adult Entertainment		
Ag Services		P
Auctioneering		P
Auto		P
Bed & Breakfast		P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P
Commercial Rec. (High)		C

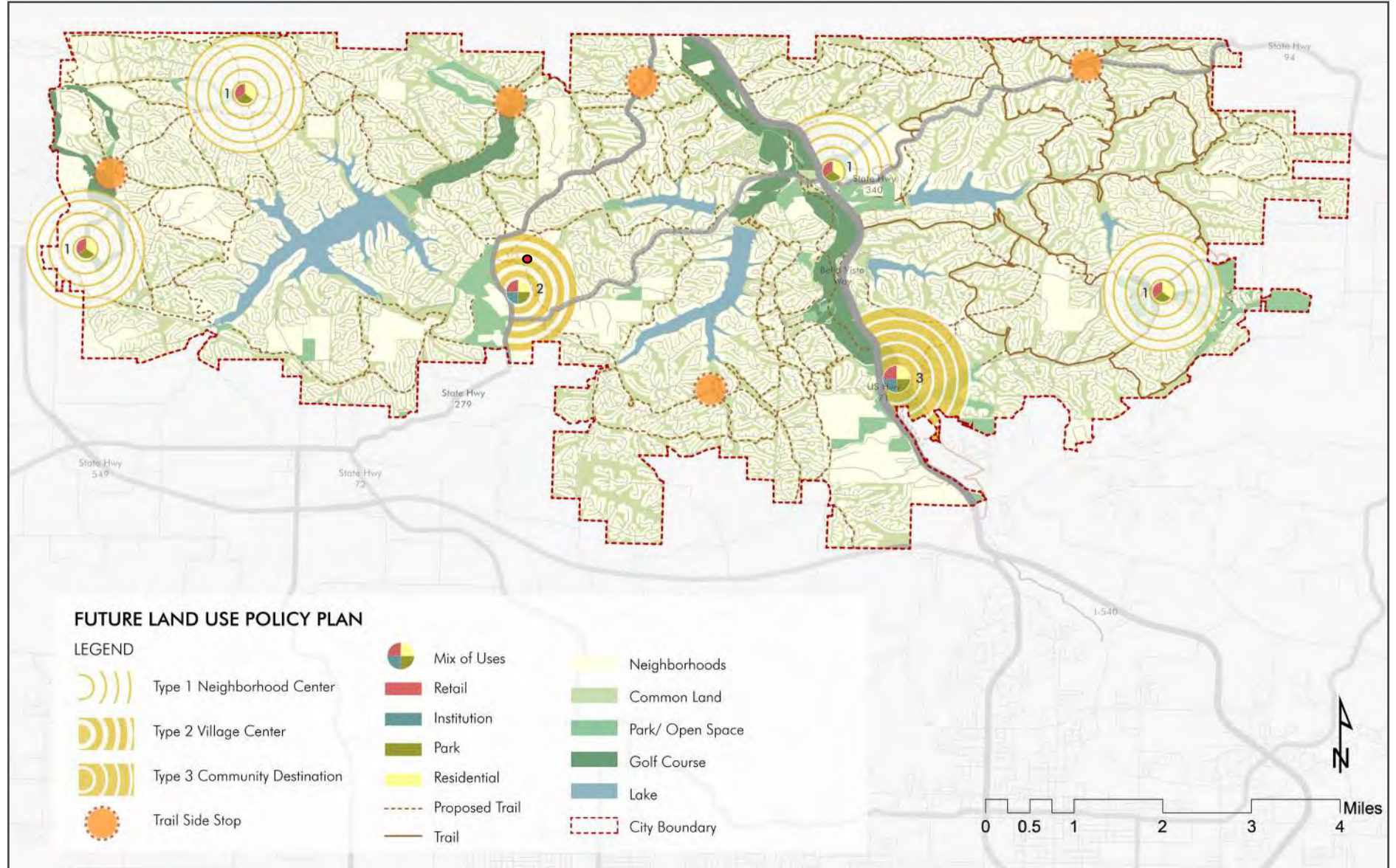
Commercial Cont.	R-1	C-2
Communications		P
Pharmacy		C
Construction		P
Consumer		P
Storage		P
Equipment Rental		P
Food Sales		P
Funeral		P
Gaming		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		C
Restaurants		P
Retail		P
Surplus		P
Taverns		C
Trade Services		P
Travel Center		P
Vehicle Storage		P
Veterinary		P
Parking Uses	R-1	C-2
Off-Street Parking		P
Parking Structure		
Industrial Uses	R-1	C-2
Custom		P
Recycling		P
Office Warehouse		P
Misc. Uses	R-1	C-2
Communications Tower	C	C
Medical Marijuana		C
Transportation Terminal		C

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45](#)(d)(1) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.



FUTURE LAND USE PLAN

ACTIVITY CENTERS

Activity centers in Bella Vista are positioned for reinvestment, but will not evolve unless property restrictions are waived and meaningful relationships between the City and several entities, including the original developer, are built. The City recognizes that commercial activity centers should be defined to vary in scale and applied appropriately to various contexts to meet the needs and desires of Bella Vista residents. The following types are defined to describe the strategic application of uses intended to be implemented in the city.

NEIGHBORHOOD CENTER

A Neighborhood Center is a small-scale commercial activity center that is limited in both scale and intensity of use. This type of activity center should fit seamlessly into the existing context, directly serving the needs of nearby residents with retail, services, or institutional uses, and may be directly supported by small-scale housing types.

VILLAGE CENTER

A Village Center is intended to provide mid-scale and use intensity to serve the needs of the greater community, anchored by a core retail, service, or institutional use. These centers should be well-connected to adjacent neighborhoods to promote walking or biking, and be supported directly by expanded housing types, such as apartment buildings, rowhouses, or other small- to mid-scale housing options. A small park or civic open space should be integrated into this activity center to promote use by the community.

COMMUNITY DESTINATION

A Community Destination is a large-scale activity center intended to accommodate both residents and visitors of Bella Vista. This activity center is intended to be a regional draw, providing a multitude of commercial, institutional, and residential uses. A number of small parks or civic open spaces should be integrated into this activity center to promote public use and social space.

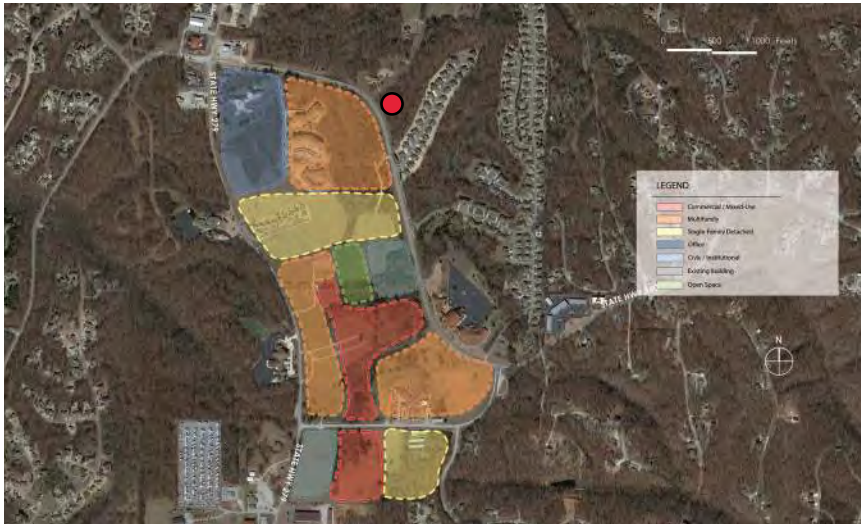
TRAIL SIDE STOP

Trail Side Stops are micro commercial hubs that support small-scale commercial or institutional uses along the trail system at key locations. These stops may contain temporary uses, such as a concession stand or food truck, as well as permanent buildings. These stops are intended to support trail users and the local entrepreneurial community in Northwest Arkansas.



VILLAGE CENTER

This activity center should emphasize access and be designed to accommodate multiple modes of transportation to serve a broader range people. Access to the trail system should be integral to the design of a Village Center. It is critical for these places to be resilient by integrating a number of uses, including homes, office uses, civic spaces, and cultural amenities. Expanding the types of activities taking place will enable this activity center to be flexible to changing markets in the future.



EXAMPLE: LANCASHIRE/FOREST HILLS BOULEVARDS CROSSINGS



CONCEPTUAL CENTERS – VILLAGE CENTER

BELLA VISTA, ARKANSAS - COMPREHENSIVE PLAN

VILLAGE CENTER

URBAN DESIGN

- Develop a range of street types to support a desired range of activities.
- Reinforce the identity of Bella Vista through consistency in gateway elements, signage, and other important components of the public realm.
- Incorporate wayfinding signage geared towards various patrons, including those connecting from a trail system, people walking, bicyclists, and those arriving by car.
- Provide small social spaces throughout the activity center, such as plazas, squares, or active alleys.

LAND USE

- Enable the greatest intensity of uses at the core of the activity center, ensuring there is a transition of less intensive uses to provide a buffer between rural residential areas and centers.
- Expand the types of “active” uses permitted within the activity center by supporting the integration of commercial, civic, and cultural amenities.
- Provide opportunities to expand housing types, promoting mixed-use buildings and small-scale residential buildings.

DEVELOPMENT FORM

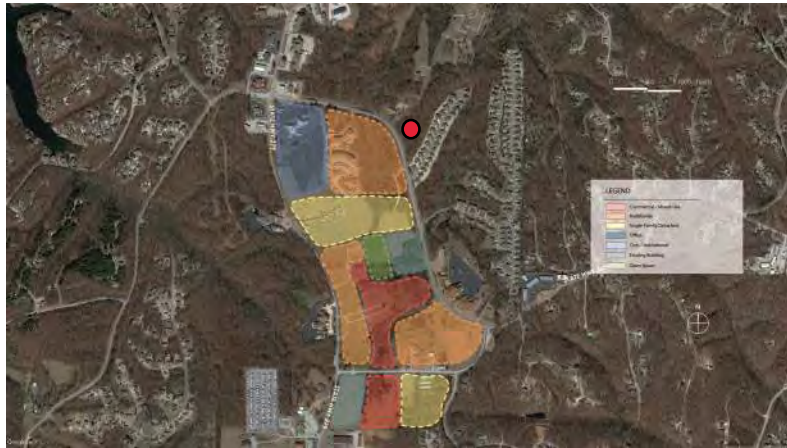
- Ensure various levels of commercial space are provided to promote a mix of price points so that small businesses can participate.
- Provide human-scale elements along the front facades of buildings, especially along streets intended for heightened pedestrian activity.

MOBILITY

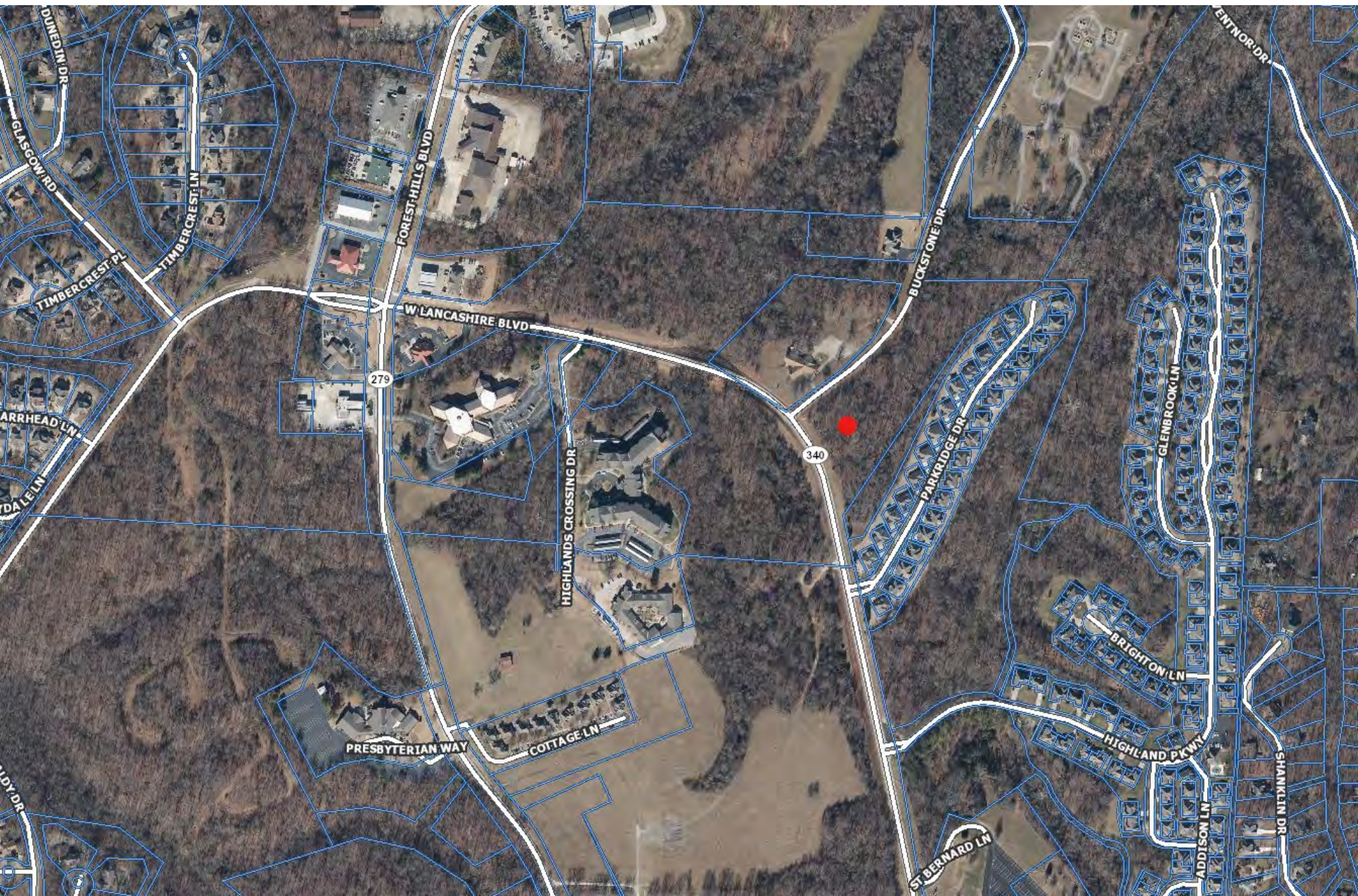
- Limit the block size to promote walkable connections and access to parking lots behind buildings.
- Connect the activity center to any existing or planned trailheads and provide a continuation of the trail route through signage and crossings within the activity center to connect trail users to the next trailhead.

ECONOMIC STRATEGY

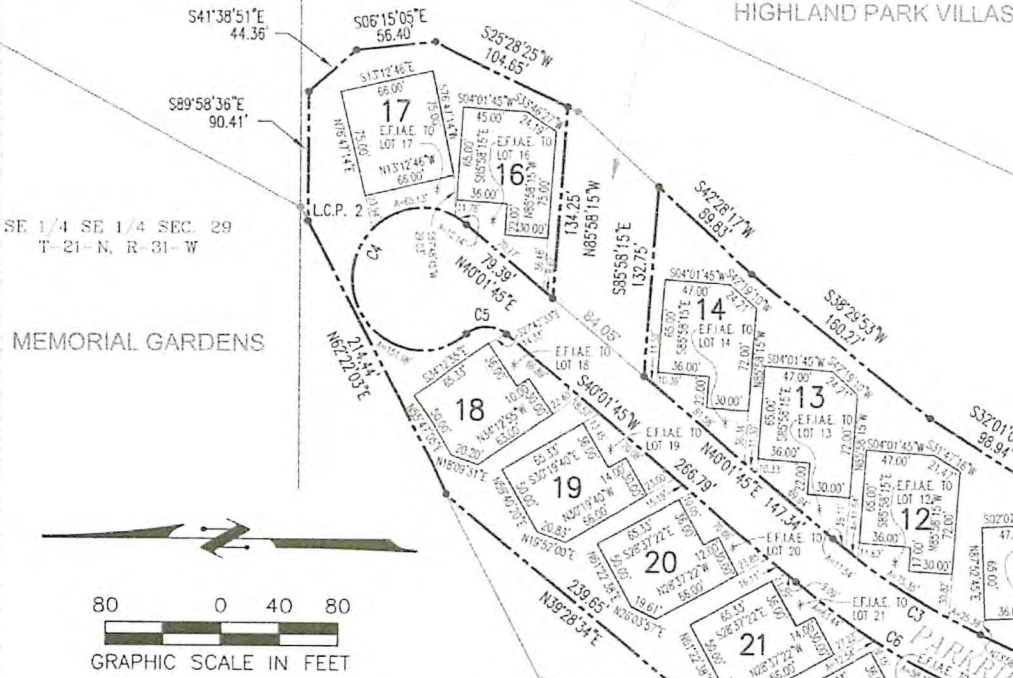
- Promote entrepreneurial activity within the city by providing small business assistance or resources.
- Leverage regional leadership and form partnerships to build the capacity of Bella Vista’s business community.



VILLAGE CENTER – LAND USE DIAGRAM



2005-1088



LEGEND

PARCEL BOUNDARY

LAND LINES OF SECTIONS

EASEMENT LINE

LIMITED COMMON PROPERTIES

EASEMENT FOR INGRESS AND EGRESS

L.C.P.

E.F.I.A.E.

FLOOD CERTIFICATION

NO PORTION OF THESE PROPERTIES ARE LOCATED WITHIN ANY OF THE PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS, MAP NUMBER 05007C0035 E, EFFECTIVE DATE SEPT. 18, 1991.

LEGAL DESCRIPTION

LOTS 1-14, BLOCK 4, HIGHLAND PARK VILLAS

2005-1088

A PARCEL OF LAND LYING IN THE SE 1/4 OF THE SE 1/4 (2.419 ACRES) AND IN THE SW 1/4 OF THE SE 1/4 (0.047 ACRES) OF SECTION 29, AND IN THE NW 1/4 OF THE NE 1/4 (0.531 ACRES) AND IN THE NE 1/4 OF THE NE 1/4 (0.164 ACRES) OF SECTION 32, ALL OF TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPLE MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 158.74 FEET SOUTH AND 1450.40 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION 29 (ARKANSAS STATE PLANE COORDINATES OF NORTH 781,896.87 FEET AND EAST 1,326,469.60 FEET); THENCE N12°13'55"W 134.03 FEET; THENCE N77°13'22"E 18.33 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 57.49 FEET, SAID CURVE HAVING A RADIUS OF 71.05 FEET, A DELTA ANGLE OF 46°21'41" AND A CHORD OF N54°02'32"E 55.93 FEET; THENCE N30°51'42"E 285.42 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 99.94 FEET, SAID CURVE HAVING A RADIUS OF 1020.00 FEET, A DELTA ANGLE OF 05°36'50" AND A CHORD OF N28°03'17"E 99.94 FEET; THENCE N25°14'52"E 383.20 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 123.83 FEET, SAID CURVE HAVING A RADIUS OF 480.00 FEET, A DELTA ANGLE OF 14°46'53" AND A CHORD OF N32°38'18"E 123.49 FEET; THENCE N40°01'45"E 147.34 FEET; THENCE S85°58'15"E 132.75 FEET; THENCE S42°28'17"W 89.83 FEET; THENCE S38°29'53"W 160.27 FEET; THENCE S32°01'05"W 98.94 FEET; THENCE S25°34'33"W 193.44 FEET; THENCE S23°29'34"W 240.17 FEET; THENCE S30°13'41"W 393.22 FEET; THENCE S59°44'33"W 130.43 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.161 ACRES, MORE OR LESS.

LEGAL DESCRIPTION

LOTS 16-30, BLOCK 4, HIGHLAND PARK VILLAS

2005-1088

A PARCEL OF LAND LYING IN THE SE 1/4 OF THE SE 1/4 (2.569 ACRES) AND IN THE SW 1/4 OF THE SE 1/4 (0.067 ACRES) OF SECTION 29, AND IN THE NW 1/4 OF THE NE 1/4 (0.096 ACRES) OF SECTION 32, ALL OF TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPLE MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 192.36 FEET NORTH AND 1535.59 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION 29 (ARKANSAS STATE PLANE COORDINATES OF NORTH 781,896.87 FEET AND EAST 1,326,469.60 FEET); THENCE N75°28'30"E 58.58 FEET; THENCE N29°36'59"E 227.82 FEET; THENCE N25°14'52"E 434.26 FEET; THENCE N31°14'36"E 99.61 FEET; THENCE N39°28'34"E 239.65 FEET; THENCE N62°22'03"E 214.44 FEET; THENCE S85°58'36"E 90.41 FEET; THENCE S41°38'51"E 44.36 FEET; THENCE S06°15'05"E 56.40 FEET; THENCE S25°28'25"W 104.65 FEET; THENCE N85°58'15"W 134.25 FEET; THENCE N40°01'45"E 79.39 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 227.25 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 26°24'21" AND A CHORD OF S89°49'34"W 76.38 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 30.87 FEET, SAID CURVE HAVING A RADIUS OF 22.00 FEET, A DELTA ANGLE OF 80°24'21" AND A CHORD OF S00°10'26"E 28.40 FEET; THENCE S40°01'45"W 266.79 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 134.15 FEET, SAID CURVE HAVING A RADIUS OF 520.00 FEET, A DELTA ANGLE OF 14°46'53" AND A CHORD OF S32°38'18"W 133.78 FEET; THENCE S25°14'52"W 383.20 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 96.02 FEET, SAID CURVE HAVING A RADIUS OF 980.00 FEET, A DELTA ANGLE OF 05°36'50" AND A CHORD OF S28°03'17"W 95.98 FEET; THENCE S30°51'42"W 236.38 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 52.86 FEET, SAID CURVE HAVING A RADIUS OF 77.82 FEET, A DELTA ANGLE OF 46°21'41" AND A CHORD OF S54°02'32"W 61.26 FEET; THENCE S77°13'22"W 17.75 FEET; THENCE N12°13'55"W 164.22 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.529 ACRES, MORE OR LESS.

NOTES CONSTITUTING A PART OF THIS PLAT AND TO BE READ IN CONNECTION WITH THE PLAT AND ALL PROPERTY REFLECTED THEREON

COOPER HOMES, INC., HEREINAFTER REFERRED TO AS DEVELOPER, A WHOLLY OWNED SUBSIDIARY OF AND SUCCESSOR IN INTEREST TO COOPER COMMUNITIES, INC. (FORMERLY NAMED COOPER ACQUISITION CORPORATION AND SUCCESSOR IN INTEREST TO THE PREDECESSOR COOPER COMMUNITIES, INC. AND JOHN A. COOPER COMPANY BY REASON OF MERGERS, THE SAID JOHN A. COOPER COMPANY FORMERLY BEING NAMED CHEROKEE VILLAGE DEVELOPMENT COMPANY, INC.) IS THE OWNER OF ALL REAL ESTATE REFLECTED BY THIS PLAT, AND THIS PLAT IS FILED FOR RECORD AND RECORDED SUBJECT TO THE FOLLOWING PROVISIONS:

- AT 10:00 O'CLOCK A.M. ON THE 18TH DAY OF MAY, 1965, COOPER COMMUNITIES, INC., JOINED BY BELLA VISTA COUNTRY CLUB (NOW BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION) A NON-PROFIT CORPORATION, FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS, A DECLARATION OF COVENANTS AND RESTRICTIONS WHICH IS THERE RECORDED IN BOOK 373, PAGE 08, ET SEQ., AND AT 1:44 O'CLOCK P.M. ON THE 25TH DAY OF MAY, 2001, COOPER HOMES, INC., JOINED BY HIGHLAND PARK VILLAS OWNERS ASSOCIATION, INC., A NON-PROFIT CORPORATION, FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS, AN AMENDED AND RESTATED SUPPLEMENTAL DECLARATION (THE FIRST SUPPLEMENTAL DECLARATION), WHICH IS THERE RECORDED IN RECORD BOOK 01, PAGE 073002CV ET SEQ. THIS PLAT IS FILED CONTEMPORANEOUSLY WITH THE FILING OF A SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS, EXECUTED BY THE DEVELOPER WHICH HAS THE EFFECT OF BRINGING THE LANDS REFLECTED HEREON WITHIN THE PROVISIONS OF THE AFORESAID DECLARATION AND WITHIN THE PROVISIONS OF THE AFORESAID FIRST SUPPLEMENTAL DECLARATION, WHICH ARE BY REFERENCE BOTH MADE A PART OF THIS PLAT, IN THEIR ENTIRETY, AND LIKEWISE THE SUPPLEMENTAL DECLARATION CONTEMPORANEOUSLY FILED HERewith, IN ITS ENTIRETY, IS BY REFERENCE MADE A PART OF THIS PLAT.
- THE LIMITED COMMON PROPERTIES REFLECTED HEREON ARE INTENDED TO BE DEVOTED TO THE COMMON USE AND ENJOYMENT OF THE OWNERS OF THE LOTS REFLECTED HEREON AS WELL AS OWNERS OF ALL THE VILLAS PROPERTIES AS SO DEFINED IN THE AFORESAID FIRST SUPPLEMENTAL DECLARATION AND SHALL IN NOWISE BE CONSIDERED AS DEDICATED FOR THE USE OF ANY OTHER PERSONS. THE USE OF THE LIMITED COMMON PROPERTY IS SUBJECT, HOWEVER, TO ARTICLE IV OF THE SAID FIRST SUPPLEMENTAL DECLARATION PROVIDING FOR PROPERTY RIGHTS AND ARTICLE IX THEREOF PROVIDING FOR PARTY WALLS, ROOF OVERHANG EASEMENTS AND CHIMNEY ENCROACHMENT EASEMENTS.
- UTILITY AND DRAINAGE EASEMENTS ARE RESERVED BY THE DEVELOPER UPON ALL PROPERTY COVERED BY THIS PLAT, INCLUDING THE LIMITED COMMON PROPERTY PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID.
- DEVELOPER, ITS SUCCESSORS AND ASSIGNS, HEREBY RESERVES A PERPETUAL BLANKET EASEMENT, PRIVILEGE AND RIGHT IN, UPON, OVER AND ACROSS THE LIMITED COMMON PROPERTIES REFLECTED HEREON, IF ANY, FOR PURPOSES OF CONSTRUCTING AND MAINTAINING SUCH ROADS, STREETS OR HIGHWAYS AS IT SHALL DETERMINE TO BE NECESSARY OR DESIRABLE IN ITS SOLE DISCRETION, INCLUDING SUCH CUTS, GRADING, LEVELING, FILLING, DRAINING, PAVING, BRIDGES, CULVERTS, RAMPS AND ANY AND ALL OTHER ACTIONS OR INSTALLATIONS WHICH IT DEEMS NECESSARY OR DESIRABLE FOR SUCH ROADS, STREETS OR HIGHWAYS TO BE SUFFICIENT FOR ALL PURPOSES OF TRANSPORTATION AND TRAVEL. THE WIDTH AND LOCATION OF THE SOLE DISCRETION OF DEVELOPER, ITS SUCCESSORS AND ASSIGNS, PROVIDED, HOWEVER, THAT DEVELOPER, ITS SUCCESSORS AND ASSIGNS, WILL USE ITS BEST EFFORTS CONSISTENT WITH ITS PURPOSES TO LESSEN ANY DAMAGE OR INCONVENIENCE TO IMPROVEMENTS WHICH HAVE THEREFORE BEEN LOCATED UPON THE PROPERTY. DEVELOPER, ITS SUCCESSORS AND ASSIGNS, FURTHER RESERVES THE UNRESTRICTED AND SOLE RIGHT AND POWER OF DESIGNATING SUCH ROADS, STREETS OR HIGHWAYS AS PUBLIC OR PRIVATE AND OF ALIENATING AND RELEASING THE PRIVILEGES, EASEMENTS AND RIGHTS RESERVED HEREIN.
- IN THE EVENT IT BECOMES NECESSARY TO AMEND THIS PLAT SUBSEQUENT TO THE RECORDED HEREOF FOR CORRECTION OF SCRIVENOR ERRORS HEREON, THE DEVELOPER HEREBY RESERVES THE RIGHT TO DO SO, UNILATERALLY, PROVIDED, HOWEVER, THAT ANY AMENDMENT WHICH MAY AFFECT THE OWNERSHIP INTEREST OF ANY THIRD PARTY SHALL NOT BE EFFECTIVE WITHOUT THE WRITTEN CONSENT OF SAID THIRD PARTY TO THE AMENDMENT.

LOTS	1-14
L.C.P. 1	1.600
LOT 1	0.109
LOT 2	0.116
LOT 3	0.119
LOT 4	0.119
LOT 5	0.115
LOT 6	0.117
LOT 7	0.107
LOT 8	0.107
LOT 9	0.108
LOT 10	0.108
LOT 11	0.108
LOT 12	0.108
LOT 13	0.110
LOT 14	0.110
Total	3.161

LOTS	16-30
L.C.P. 2	1.893
LOT 16	0.111
LOT 17	0.114
LOT 18	0.104
LOT 19	0.106
LOT 20	0.105
LOT 21	0.106
LOT 22	0.109
LOT 23	0.109
LOT 24	0.108
LOT 25	0.112
LOT 26	0.108
LOT 27	0.110
LOT 28	0.111
LOT 29	0.111
LOT 30	0.112
Total	3.529

LAND SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE 28th DAY OF September

AND THAT CORNERS WERE SET, AS SHOWN, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

HOLLS GERALD FOX, PLS NO. 1144



NO.	DELTA	RADIUS	LENGTH	CHORD	BEARING
(1)	46°21'41"	71.05	57.49	55.93	N54°02'32"E
(2)	05°36'50"	1020.00	99.94	99.90	N28°03'17"E
(3)	14°46'53"	480.00	123.83	123.49	N32°38'18"E
(4)	26°24'21"	50.00	227.25	76.38	S89°49'34"W
(5)	80°24'21"	22.00	30.87	28.40	S00°10'26"E
(6)	14°46'53"	520.00	134.15	133.78	S32°38'18"W
(7)	05°36'50"	980.00	96.02	95.98	S28°03'17"W
(8)	46°21'41"	77.82	62.96	61.25	S54°02'32"W

approximate measurements for a general representation

DATED THIS 2 DAY OF SEPTEMBER, 2005.

COOPER HOMES, INC.

BY: *Steve Baucher*
STEVE BAUCHER
DIRECTOR OF ENGINEERING

2005-1088

Recorded in the Above Plat Book & Page 09-02-2005 07:29:57 PM Brenda Edwards-Circuit Clerk Benton County, AR 11P

FORESIGHT CONSULTING

3741 WILCAT CREEK BOULEVARD
FAIRFAXVILLE, ARKANSAS 72704

1-501-326-7795
FAX 1-501-326-7796

PREPARED FOR: Cooper Homes, Inc.

RECORD PLAT

LOTS 1-14 & 16-30, BLOCK 4

HIGHLAND PARK VILLAS

BELLA VISTA VILLAGE, ARKANSAS

DESIGNED BY: JDF	CHECKED BY: HGF	DATE: 09/02/05
DRAWN BY: JDF	SCALE: AS SHOWN	PROJECT NO: 00353
REV.		SHEET NO.
		1 OF 1



VIA ELECTRONIC MAIL

October 12, 2022

Bella Vista Planning Commission
Bella Vista City Council
616 W Lancashire Blvd
Bella Vista, AR 72715

Re: Rezoning Application from R-1 to C-2 for Parcel 185, Bella Vista, Arkansas
Parcel No. 16-40234-001

To Whom It May Concern:

In response to the rezoning application checklist, page 4, please find answers below to the following requested bulleted items.

1. Explanation of any proposed sales:
Answer: Our intentions are to sell this parcel and the best use of the land would be commercial.
2. Reason (need) for the requested zoning change
Answer: Develop this property as a commercial tract to service the surrounding residential areas.
3. Statement on how the property relates to surrounding properties.
Answer: Surrounding Properties along Lancashire are commercial.

If you have any questions or concerns, please let me know.

Sincerely,

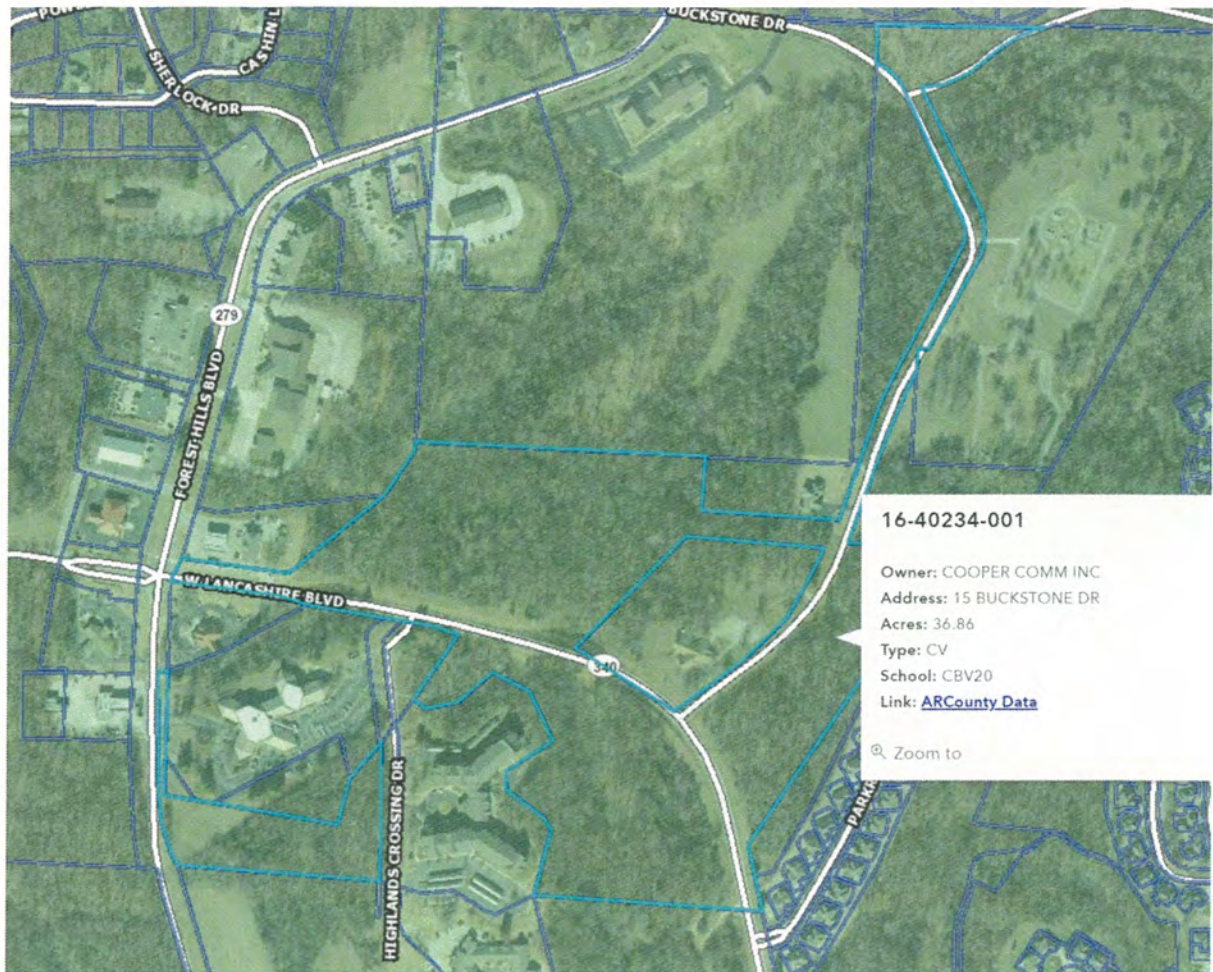
A handwritten signature in cursive script that reads "Jody Latham".

Jody Latham
Sr. Vice President

TRACT "A" DESCRIPTION

PART OF THE SE 1/4 OF THE SE 1/4 AND PART OF THE SW 1/4 OF THE SE 1/4, SECTION 29, TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 29; THENCE SOUTH 1587.95 FEET; THENCE WEST 56.48 FEET TO THE SW CORNER OF COOPER ADDITION AS SHOWN IN PLAT BOOK 26 AT PAGE 85, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 698.26 FEET, AN ARC LENGTH OF 406.11 FEET AND A CHORD BEARING AND DISTANCE OF S35°49'03"W 400.41 FEET; THENCE S52°28'45"W 46.08 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE S37°34'44"E 276.86 FEET TO THE WESTERLY LINE OF PLAT RECORDED IN PLAT BOOK 2005 AT PAGE 916; THENCE S32°41'01"W ALONG SAID WESTERLY LINE OF PLAT RECORDED IN PLAT BOOK 2005 AT PAGE 916, 366.33 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 340; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 340 THE FOLLOWING TWO COURSES: N12°12'11"W 104.71 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 676.25 FEET, AN ARC LENGTH OF 315.90 FEET AND A CHORD BEARING AND DISTANCE OF N25°35'08"W 313.04 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE N52°28'45"E 234.88 FEET TO THE POINT OF BEGINNING. CONTAINING 2.001 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY OR COVENANTS OR RECORD OR FACT.



16-40234-001

Owner: COOPER COMM INC

Address: 15 BUCKSTONE DR

Acres: 36.86

Type: CV

School: CBV20

Link: [ARCounty Data](#)

🔍 Zoom to

WARRANTY DEED

Single Person

KNOW ALL MEN BY THESE PRESENTS:

That I,

ROBERT J. COWEN, a single person,

for and in consideration of the sum of Ten Dollars and other good and valuable consideration to me in hand paid by Cooper Communities, Inc., a Delaware corporation, do hereby grant, bargain and sell unto the said Cooper Communities, Inc., its successors ~~XXXX~~ and assigns, the following described land, situate in Benton County, State of Arkansas, to-wit:

The S½ of the SE¼ of Section 29, Township 21 North, Range 31 West.

AND

All of the W¼ of the SW¼ of Section 28, Township 21 North, Range 31 West, lying East of the County Road EXCEPT the following described tract: Beginning at a point where the County Road intersects the South line of said 80 acre tract, thence in a Northerly direction with the center of said County road to a point where an old log road intersects said County road, thence with the center of said log road in a semi-circle to a point where said Log road again intersects said County road North of said first intersection, thence with the center of the County road in a southerly direction to the point where said County road first intersects said log road.

AND

The NE¼ of the SE¼ of Section 29, Township 21 North, Range 31 West, EXCEPT the following described tract: Beginning 12 rods East of the SW corner of the NE¼ of the SE¼ of said Section, run North 21 rods, East 10 rods, South 21 rods, West 10 rods to the point of beginning, being known as Buckston Graveyard.



TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Cooper Communities, Inc., its successors ~~XXXX~~ and assigns, forever. And I, the said Robert J. Cowen

hereby covenant that I am lawfully seized of said land and premises; that the same is unincumbered, and I will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS my hand and seal on this 25th day of March 19 81

Robert J. Cowen [Seal]

ACKNOWLEDGMENT

STATE OF ARKANSAS

County of Benton

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Robert J. Cowen, a single person, to me well known as the Grantor in the foregoing Deed, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 25th day of March 19 81.

My Commission expires

March 25, 1982

RETURN TO
COOPER COMMUNITIES, INC.
LAND DEPT.
P.O. BOX 456
BENTONVILLE, ARK. 72713

Linda Chandler

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM: Ordinance

ITEM TITLE: A REQUEST TO REZONE A 2.001 ACRE PORTION OF
PARCEL 16-40234-001 FROM R-1 SINGLE FAMILY TO C-2
LIGHT COMMERCIAL

SUBMITTED BY: Taylor Robertson, Senior Planner, Community Development

SUMMARY: Planning staff has received a request to rezone 2.001 acres of Parcel #16-70265-001 from R-1 Single Family Residential to C-2 Light Commercial. After holding a public hearing on December 12, 2022 at 4:30 pm and reviewing the attached report, the Planning Commission failed to pass a motion of recommendation. Per Section 109-41, the applicant has filed an appeal of Planning Commission's failed recommendation and will move forward to City Council via ordinance. Due to C-2 Light Commercial meeting the intent of the Comprehensive Plan's Village Center that is noted in this area for the future, Staff is recommending approval.

Please see the attached report for further analysis.

Applicant's provided legal description for the subject request:

PART OF THE SE 1/4 OF THE SE 1/4 AND PART OF THE SW 1/4 OF THE SE 1/4,
SECTION 29, TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL
MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID
SECTION 29; THENCE SOUTH 1587.95 FEET; THENCE WEST 56.48 FEET TO THE SW
CORNER OF COOPER ADDITION AS SHOWN IN PLAT BOOK 26 AT PAGE 85, SAID
POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE
DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE ALONG A CURVE
TO THE RIGHT HAVING A RADIUS OF 698.26 FEET, AN ARC LENGTH OF 406.11 FEET
AND A CHORD BEARING AND DISTANCE OF S35°49'03"W 400.41 FEET; THENCE
S52°28'45"W 46.08 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID
EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE S37°34'44" E 276.86 FEET
TO THE WESTERLY LINE OF PLAT RECORDED IN PLAT BOOK 2005 AT PAGE 916;
THENCE S32°41'01"W ALONG SAID WESTERLY LINE OF PLAT RECORDED IN PLAT
BOOK 2005 AT PAGE 916, 366.33 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY
LINE OF STATE HIGHWAY 340; THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-
WAY LINE OF STATE HIGHWAY 340 THE FOLLOWING TWO COURSES: N12°12'11"W
104.71 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 676.25

FEET, AN ARC LENGTH OF 315.90 FEET AND A CHORD BEARING AND DISTANCE OF N25°35'08"W 313.04 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF BUCKSTONE DRIVE N52°28'45"E 234.88 FEET TO THE POINT OF BEGINNING. CONTAINING 2.001 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAY OR COVENANTS OR RECORD OR FACT.

ATTACHMENT:

Ordinance ☒

Resolution ☐

Other ☐

RECOMMENDATION:

Staff recommends approval of this ordinance. **Please note:** should the City Council consider a modification of C-1 Neighborhood Commercial in place of the requested C-2 Light Commercial, Staff finds that C-1 Neighborhood Commercial also fits within the Comprehensive Plan's Village Center intent and would recommend approval of C-1 Neighborhood Commercial as a modification to the request.

ACTION REQUESTED:

Motion to adopt ☒

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO
REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-
46916 (COUNTY PARCEL NO. 16-03464-002) FROM R-1, RESIDENTIAL
SINGLE-FAMILY DISTRICT TO C-1, NEIGHBORHOOD
COMMERCIAL DISTRICT**

WHEREAS, a rezoning petition was properly filed and considered by the Bella Vista Planning Commission according to the requirements of law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that said petition be granted and that the property described therein be rezoned from R-1, Residential Single-Family District to C-1, Neighborhood Commercial District; and

WHEREAS, the City Council is of the opinion that said parcel should be rezoned as provided herein;

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

SECTION 1: The Bella Vista Zoning Ordinance and Map are hereby amended to rezone property described in rezoning petition No. 2022-46916 (County Parcel No. 16-03464-002) from R-1, Residential Single-Family District to C-1, Neighborhood Commercial District.

SECTION 2: The legal description of the parcel is attached to this Ordinance as Exhibit “A” and incorporated herein as if set out word-for-word.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

EXHIBIT A

Legal Description:

AREA NO. 15 OF KINGS DALE GOLF COURSE:

A PARCEL OF LAND AS SHOWN ON THE PLAT OF AREAS 12,13,14,15,16,20 AND 21 KINGS DALE GOLF COURSE, FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR BENTON COUNTY, ARKANSAS ON NOVEMBER 2, 1982 IN BOOK 2 PAGE 258. THIS DESCRIPTION BEING TO CORRECT THE LEGAL DESCRIPTION OF AREA NO.15 KINGS DALE GOLF COURSE AS SHOWN IN A SPECIAL WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR BENTON COUNTY, ARKANSAS ON NOVEMBER 16, 1982 IN BOOK 593 PAGES 332-335. SAID PARCEL OF LAND LYING IN THE SE 1/4 OF THE NW 1/4 (6.074 ACRES±), AND IN THE SW 1/4 OF THE NE 1/4 (0.003 ACRES±) OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1365.40 FEET SOUTH AND 2705.15 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 35, TOWNSHIP 21 NORTH, RANGE 31 WEST; (ARKANSAS STATE PLANE COORDINATES OF NORTH 781,194.922 FEET AND EAST 1,342,167.158 FEET); THENCE, S 31°43'37" W FOR 469.71 FEET; THENCE, S 46°16'23" W FOR 318.28 FEET; THENCE, S 36°07'38" W FOR 295.71 FEET; THENCE, S 44°33'11" W FOR 184.38 FEET; THENCE, 183.09 FEET ALONG THE ARC OF A 590.00 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A CHORD OF N

54°20'08" W FOR 182.36 FEET; THENCE, N 24°30'00" E FOR 177.52 FEET; THENCE, N 42°36'30" E FOR 286.14 FEET; THENCE, N 29°50'32" E FOR 253.60 FEET; THENCE, N 57°42'32" E FOR 400.24 FEET; THENCE, N 38°14'47" E FOR 108.23 FEET; THENCE, N 27°31'31" E FOR 72.65 FEET; THENCE, S 65°17'51" E FOR 54.74 FEET; THENCE, 43.69 FEET ALONG THE ARC OF A 122.89 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC HAVING A CHORD OF S 55°06'41" E FOR 43.46 FEET; THENCE S 24°34'35" E FOR 26.58 FEET TO THE POINT OF BEGINNING, CONTAINING 6.077 ACRES, MORE OR LESS.

BEING OUT OF TAX PARCEL 16-03464-000

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM: Ordinance

ITEM TITLE: A REQUEST TO REZONE A PORTION OF 2 KINGSDALE LANE (PARCEL 16-03464-002) FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL

SUBMITTED BY: Taylor Robertson, Senior Planner, Community Development

SUMMARY: Planning staff has received a request to rezone a portion (described herein) of Parcel #16-03464-002 from R-1 Single Family Residential to C-1 Neighborhood Commercial. After holding a public hearing on January 9, 2023 at 4:30 pm and reviewing the attached report, the Planning Commission has recommended approval of this request. Per Section 109-40, this request shall follow the Planning Commission recommendation to the City Council via an ordinance.

Please see the attached report for further analysis.

Applicant's provided legal description for the subject area:

AREA NO. 15 OF KINGSDALE GOLF COURSE:

A PARCEL OF LAND AS SHOWN ON THE PLAT OF AREAS 12,13,14,15,16,20 AND 21 KINGSDALE GOLF COURSE, FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR BENTON COUNTY, ARKANSAS ON NOVEMBER 2, 1982 IN BOOK 2 PAGE 258. THIS DESCRIPTION BEING TO CORRECT THE LEGAL DESCRIPTION OF AREA NO.15 KINGSDALE GOLF COURSE AS SHOWN IN A SPECIAL WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR BENTON COUNTY, ARKANSAS ON NOVEMBER 16, 1982 IN BOOK 593 PAGES 332-335. SAID PARCEL OF LAND LYING IN THE SE 1/4 OF THE NW1/4 (6.074 ACRES±), AND IN THE SW 1/4 OF THE NE 1/4 (0.003 ACRES±) OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1365.40 FEET SOUTH AND 2705.15 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 35, TOWNSHIP 21 NORTH, RANGE 31 WEST; (ARKANSAS STATE PLANE COORDINATES OF NORTH 781,194.922 FEET AND EAST 1,342,167.158 FEET); THENCE, S 31°43'37" W FOR 469.71 FEET; THENCE, S 46°16'23" W FOR 318.28 FEET; THENCE, S 36°07'38" W FOR 295.71 FEET; THENCE, S 44°33'11" W FOR 184.38 FEET; THENCE, 183.09 FEET ALONG THE ARC OF A 590.00 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A CHORD OF N

54°20'08" W FOR 182.36 FEET; THENCE, N 24°30'00" E FOR 177.52 FEET; THENCE, N 42°36'30" E FOR 286.14 FEET; THENCE, N 29°50'32" E FOR 253.60 FEET; THENCE, N 57°42'32" E FOR 400.24 FEET; THENCE, N 38°14'47" E FOR 108.23 FEET; THENCE, N 27°31'31" E FOR 72.65 FEET; THENCE, S 65°17'51" E FOR 54.74 FEET; THENCE, 43.69 FEET ALONG THE ARC OF A 122.89 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC HAVING A CHORD OF S 55°06'41" E FOR 43.46 FEET; THENCE S 24°34'35" E FOR 26.58 FEET TO THE POINT OF BEGINNING, CONTAINING 6.077 ACRES, MORE OR LESS.
BEING OUT OF TAX PARCEL 16-03464-000

ATTACHMENT:

Ordinance ☒

Resolution ☐

Other ☐

RECOMMENDATION:

Planning Commission and Staff recommends approval of this ordinance.

ACTION REQUESTED:

Motion to adopt ☒

PLANNING COMMISSION STAFF REPORT



Meeting Information:
612 W. Lancashire Blvd
January 9, 2023, at 4:30 pm
Reviewer:
Megan Workman
Planner

Property Description

The subject site, the northern most portion of parcel 16-03464-002, known as Area 16 of the Kingsdale Golf Course, is located northeast of the intersection of Riordan Road and Kingsdale Lane.

Request

The applicant is requesting to rezone their property from R-1, Residential, Single Family to C-1, Neighborhood Commercial to align with the established use of the land.

Background

The adopted Zoning Map identifies the developed parcel R-1, Residential, Single-Family. However, the established land use, commercial recreation, general retail, and general restaurant, are not allowed by-right within the R-1 District. Aerial imagery from 1995 confirms the existing use pre-dates city establishment. Staff finds the existing use to be compatible with the by-right uses within the C-1 District as shown in the Table of Permitted Uses.

Adjacent land uses include commercial recreation (private golf course) to the north, Multi-Family Residential to the east (The Greens II) Multi-Family Residential (Greens One) to the west, and off-street parking, and personal improvement (private tennis courts, private pools, fitness facility) to the south. Staff finds the applicant's request to be compatible with existing surrounding land uses.

Comp 2040 Future Land Use Plan identifies the subject site as Open Space/Park. Staff finds this comparison to conflict with the established use of the land. However, the area has naturally developed into an activity center providing varying residential densities, trail connectivity, recreation opportunities, with general restaurant and retail services. Staff finds the request to be congruent with and in support of the Comp Plan's Economic Development vision goal.

The intent of the C-1 District is to provide professional and personal services, restaurant and public uses to adjacent residential use types. Staff finds the request to be in keeping with the policies and goals of the C-1 District. Staff recommends approval of this request.

Public Comment

None at the time of this report.

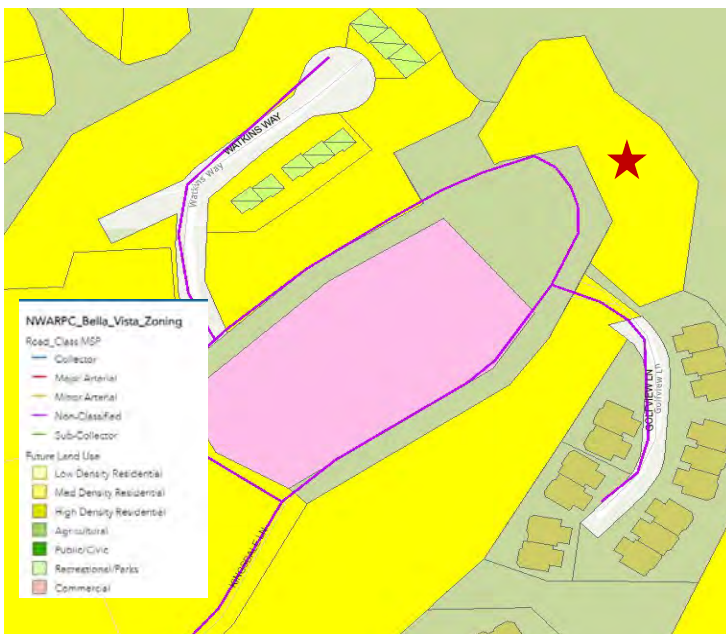
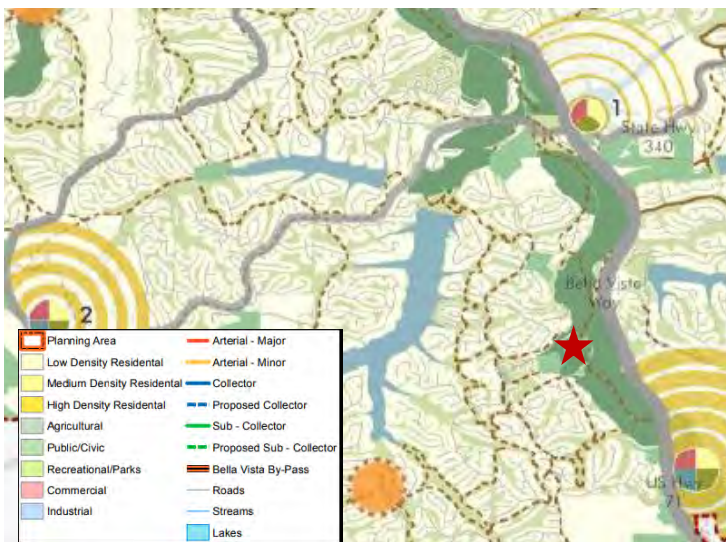
Utility Comments

None

Legal Notifications

The applicant sent the required certified mail on December 8, 2022. Staff posted a public hearing notice in the Weekly Vista on Wednesday, December 21, 2022. Staff posted a public hearing sign on site Wednesday, December 28, 2022.

Project Number	RZN-2022-46916
Applicant	Tom Judson, Bella Vista POA
Address/Location	2 Kingsdale Lane Parcel 16-03464-002
Current Zoning	R-1, Residential, Single Family
Site Area	2.69 acres
Nature of Request	Requesting to Rezone the parcel from R-1 to C-1



PLANNING COMMISSION STAFF REPORT

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Agricultural Uses	R-1	C-1
Crop Production	P	
Horticulture	P	
Residential Uses	R-1	C-1
Duplex		P
Single-Family	P	P
Townhouse		
Civic Uses	R-1	C-1
Administration	C	P
Cemetery	C	C
Clubs	C	P
College	C	C
Convalescent Services	C	P
Cultural Services	C	C
Day Care	P	P
Education	C	P
Emergency Residential		C
Group Care	P	P
Guidance Services		C
Health Care	C	C
Hospital	C	P
Parks	P	P
Postal Services		P
Public Assembly	C	P
Recreation Services	C	C
Religious Assembly	C	P
Safety Services	C	P
Office Uses	R-1	C-1
General		P
Financial		P
Medical		P
Commercial Uses	R-1	C-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast	C	P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P

Commercial Cont.	R-1	C-1
Communications		
Pharmacy		C
Construction Sales		
Consumer Service		P
Storage		C
Equipment Rental/Repair		
Food Sales		P
Funeral	C	P
Gaming		
Kennels		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		
Research Services		
Restaurants		P
Retail		P
Stables		
Surplus		
Taverns		C
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		C
Parking Uses	R-1	C-1
Off-Street Parking		P
Parking Structure		
Industrial Uses	R-1	C-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	R-1	C-1
Communications Tower	C	C
Medical Marijuana		C

PLANNING COMMISSION STAFF REPORT

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45\(d\)\(1\)](#) through (3) before such an application may be reviewed by the planning commission.

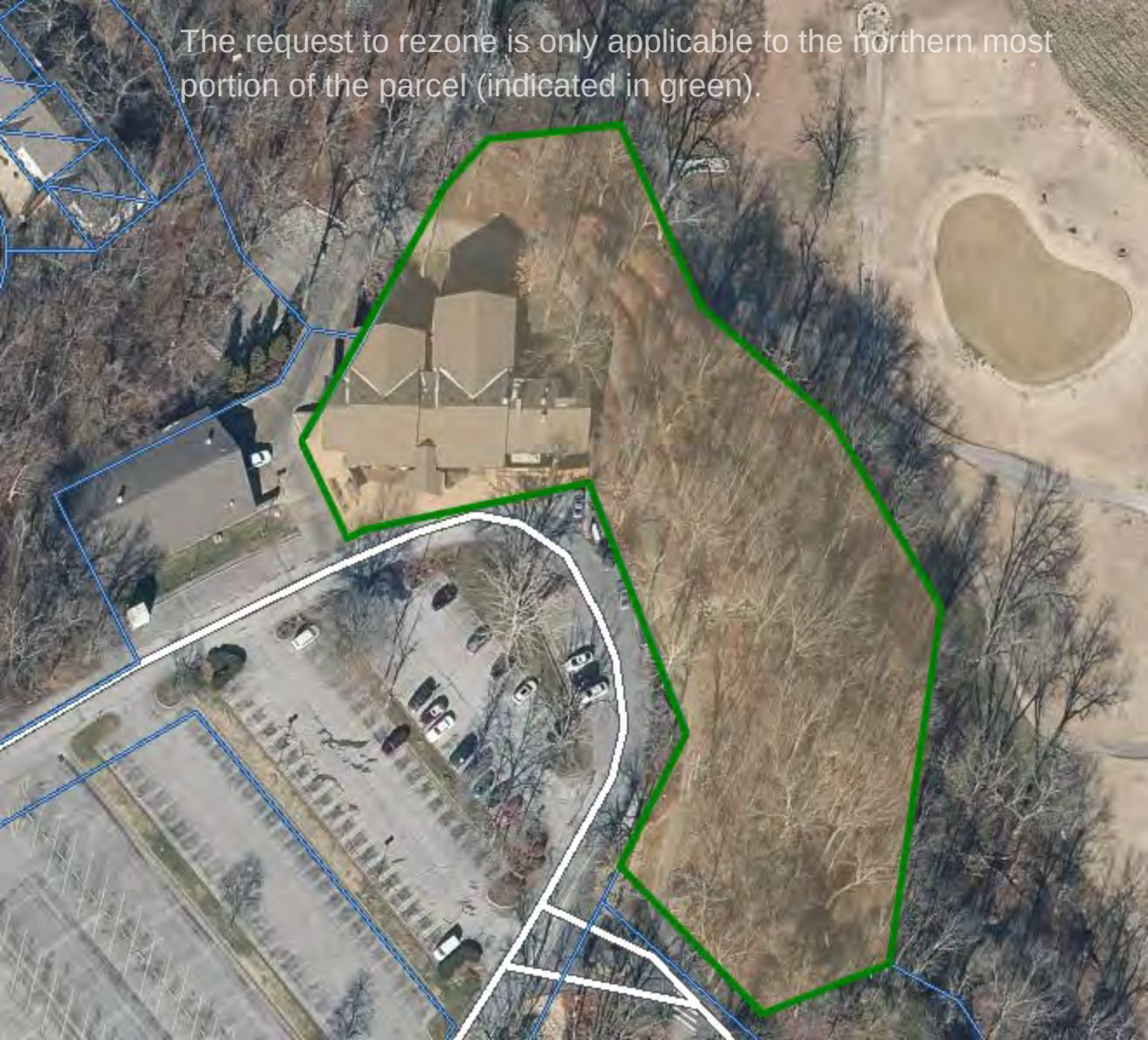
Sec. 109-42 – Appeals to City Council

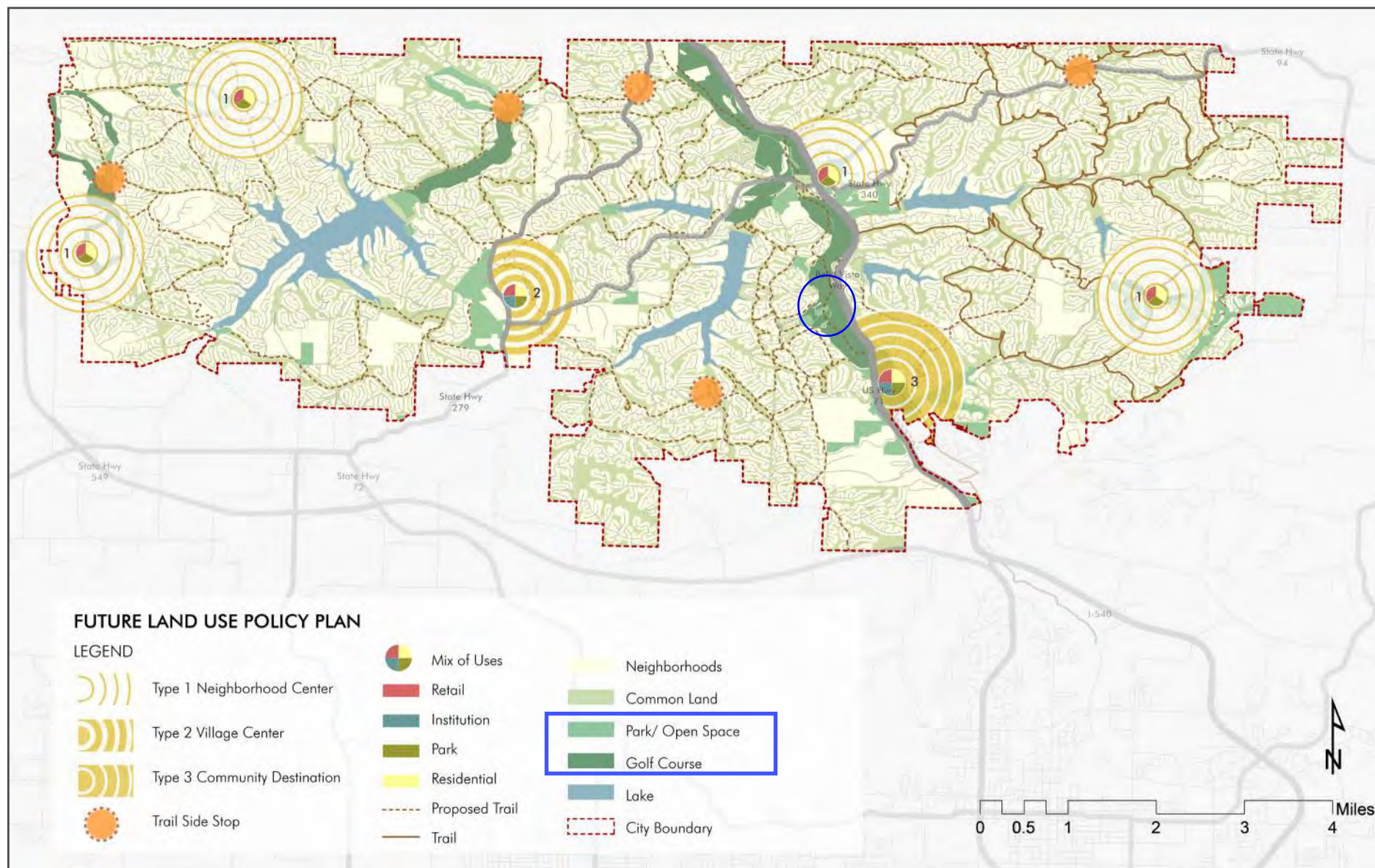
- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and recertification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.

200' Public Notification Buffer



The request to rezone is only applicable to the northern most portion of the parcel (indicated in green).





FUTURE LAND USE PLAN

LAND USE

Land use refers to the type of activity permitted within buildings or on land. These activities are carefully defined and organized to minimize potentially negative impacts of integrating opposing activities them in the same place, such as residential dwellings and intense factories. In Bella Vista, the existing use of land, in both commercial and residential settings, is generally low in intensity.

The desire for expanded commercial goods and services was an important finding of the planning study, and there are a small number of distinct places appropriate for the expansion of land uses to accommodate the community's needs and viability. As the city expects reinvestment, it will be critical to carefully consider the types of land uses appropriate for the evolution of commercial, and mixed-use, settings, while also maintaining the low-intensity residential setting desired by most residents.

The population of Bella Vista is also growing, particularly with young families. Currently, non-POA members are limited in access to Bella Vista's many private amenities, and there is a lack of publicly accessible neighborhood parks throughout the community.

The subject site and adjacent lands were primarily built-out prior to the creation of the comp plan. Currently, the subject site and adjacent lands do not meet the intent of Open Space/ Park use.

TYPES OF USES

- **Retail**

Retail is a use with frequent interaction of patrons or customers on the premises. This type of use is dependent on the size of gross leasable area per tenancy and typically depend on a target market within a specific distance.

- **Services**

Services are uses of land and buildings for businesses engaged in the exchange of professional and individual services, such as day care, animal care, restaurants, and salons.

- **Institution**

Institutions are the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreational need for residents and neighborhoods, whether by way of open and public citizenship, by property ownership or residency, or by membership affiliation.

- **Parks & Civic Open Space**

Parks and civic open spaces are a use of land to serve a public or community interest by enhancing open space and its use. The City currently lacks publicly accessible parks suited for the growing population of families.

- **Residential**

Residential means the principal use of land and buildings are for dwelling units, such as single-unit houses, townhouses, or small and large apartment buildings.

Kingswood GOLF COURSE

📍 [4 KINGSDALE LANE](#)
📞 (479) 855-8123
✉ KINGSDALE@BVVPOA.CC
🕒 [TEE TIMES](#)
🏌 [GOLF RATES](#)
📋 [SCORECARD](#)
🏠 [BACK TO COURSES](#)

KINGSWOOD GOLF COURSE

The Kingswood Golf Course is an 18-hole links-style facility and paired with Berksdale makes up the Kingsdale Golf Complex. Golfers of all skill levels enjoy the open fairways and mostly flat terrain of the Kingswood Course. Kingsdale is a favorite course for social golf including couples and family play.

Practice facilities include a Putting Green, Chipping Green and warm up area. The Tanyard Creek Driving Range is about 10 minutes away by vehicle. The Kingsdale Golf Shop offers an extensive array of merchandise including apparel, balls, range finders and other accessories. Our friendly staff will help order items you want. Papa Mikes, a quick service restaurant is located next to the Pro Shop.



Current services offered at the subject site:

- >Retail Shopping
- >Quick Service Dining
- >Commercial Recreation



ACTIVITY CENTERS

Activity centers in Bella Vista are positioned for reinvestment, but will not evolve unless property restrictions are waived and meaningful relationships between the City and several entities, including the original developer, are built. The City recognizes that commercial activity centers should be defined to vary in scale and applied appropriately to various contexts to meet the needs and desires of Bella Vista residents. The following types are defined to describe the strategic application of uses intended to be implemented in the city.

NEIGHBORHOOD CENTER

A Neighborhood Center is a small-scale commercial activity center that is limited in both scale and intensity of use. This type of activity center should fit seamlessly into the existing context, directly serving the needs of nearby residents with retail, services, or institutional uses, and may be directly supported by small-scale housing types.

VILLAGE CENTER

A Village Center is intended to provide mid-scale and use intensity to serve the needs of the greater community, anchored by a core retail, service, or institutional use. These centers should be well-connected to adjacent neighborhoods to promote walking or biking, and be supported directly by expanded housing types, such as apartment buildings, rowhouses, or other small- to mid-scale housing options. A small park or civic open space should be integrated into this activity center to promote use by the community.

COMMUNITY DESTINATION

A Community Destination is a large-scale activity center intended to accommodate both residents and visitors of Bella Vista. This activity center is intended to be a regional draw, providing a multitude of commercial, institutional, and residential uses. A number of small parks or civic open spaces should be integrated into this activity center to promote public use and social space.

TRAIL SIDE STOP

Trail Side Stops are micro commercial hubs that support small-scale commercial or institutional uses along the trail system at key locations. These stops may contain temporary uses, such as a concession stand or food truck, as well as permanent buildings. These stops are intended to support trail users and the local entrepreneurial community in Northwest Arkansas.

The R-1, Residential zoning designation restricts the property owner's ability to reinvest, improve, or expand the non-conforming commercial use. Thus, the subject site does not have the ability to evolve in a meaningful way as recommended by the Comp Plan.





November 10, 2022

RE: 16-03464-000 – Kingsdale Clubhouse

Bella Vista Planning Commission and City Council

A detailed analysis of POA parcels has uncovered approximately 20 parcels which were inadvertently zoned incorrectly when the City was founded. Since the zoning on these parcels are not in sync with the current usage, the POA is asking for the parcels to be rezoned. The only reason the POA is asking for the change in zoning is so that the zoning will match the current usage.

Thank you for your consideration.

Signed,

A handwritten signature in blue ink, appearing to read "Tom Judson". The signature is stylized and extends across the line.

Tom Judson

Chief Operating Officer



16-03464-002

Owner: BELLA VISTA VILLAGE PROPERTY
OWNERS ASSOCIATION

Address: 2, 4 & 6 KINGSDALE LN

Acre: 7.98

Type: CI

School: CBV6

Link: [ARCounty Data](#)

Zoom to

EXHIBIT A

LEGAL DESCRIPTION

AREA NO. 15 OF KINGSDALE GOLF COURSE:

A PARCEL OF LAND AS SHOWN ON THE PLAT OF AREAS 12,13,14,15,16,20 AND 21 KINGSDALE GOLF COURSE, FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR BENTON COUNTY, ARKANSAS ON NOVEMBER 2, 1982 IN BOOK 2 PAGE 258. THIS DESCRIPTION BEING TO CORRECT THE LEGAL DESCRIPTION OF AREA NO.15 KINGSDALE GOLF COURSE AS SHOWN IN A SPECIAL WARRANTY DEED FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER FOR BENTON COUNTY, ARKANSAS ON NOVEMBER 16, 1982 IN BOOK 593 PAGES 332-335. SAID PARCEL OF LAND LYING IN THE SE1/4 OF THE NW1/4 (6.074 ACRES±), AND IN THE SW1/4 OF THE NE1/4 (0.003 ACRES±) OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 31 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1365.40 FEET SOUTH AND 2705.15 FEET WEST OF THE NORTHEAST CORNER OF SAID SECTION 35, TOWNSHIP 21 NORTH, RANGE 31 WEST; (ARKANSAS STATE PLANE COORDINATES OF NORTH 781,194.922 FEET AND EAST 1,342,167.158 FEET); THENCE, S 31°43'37" W FOR 469.71 FEET; THENCE, S 46°16'23" W FOR 318.28 FEET; THENCE, S 36°07'38" W FOR 295.71 FEET; THENCE, S 44°33'11" W FOR 184.38 FEET; THENCE, 183.09 FEET ALONG THE ARC OF A 590.00 FOOT RADIUS CURVE TO THE LEFT, SAID ARC HAVING A CHORD OF N 54°20'08" W FOR 182.36 FEET; THENCE, N 24°30'00" E FOR 177.52 FEET; THENCE, N 42°36'30" E FOR 286.14 FEET; THENCE, N 29°50'32" E FOR 253.60 FEET; THENCE, N 57°42'32" E FOR 400.24 FEET; THENCE, N 38°14'47" E FOR 108.23 FEET; THENCE, N 27°31'31" E FOR 72.65 FEET; THENCE, S 65°17'51" E FOR 54.74 FEET; THENCE, 43.69 FEET ALONG THE ARC OF A 122.89 FOOT RADIUS CURVE TO THE RIGHT, SAID ARC HAVING A CHORD OF S 55°06'41" E FOR 43.46 FEET; THENCE S 24°34'35" E FOR 26.58 FEET TO THE POINT OF BEGINNING, CONTAINING 6.077 ACRES, MORE OR LESS.

BEING OUT OF TAX PARCEL 16-03464-000

ORDINANCE NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO
REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2022-
46918 (COUNTY PARCEL NO. 16-43419-000) FROM R-1, RESIDENTIAL
SINGLE-FAMILY DISTRICT TO C-1, NEIGHBORHOOD
COMMERCIAL DISTRICT**

WHEREAS, a rezoning petition was properly filed and considered by the Bella Vista Planning Commission according to the requirements of law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that said petition be granted and that the property described therein be rezoned from R-1, Residential Single-Family District to C-1, Neighborhood Commercial District; and

WHEREAS, the City Council is of the opinion that said parcel should be rezoned as provided herein;

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

SECTION 1: The Bella Vista Zoning Ordinance and Map are hereby amended to rezone property described in rezoning petition No. 2022-46918 (County Parcel No. 16-43419-000) from R-1, Residential Single-Family District to C-1, Neighborhood Commercial District.

SECTION 2: The legal description of the parcel is attached to this Ordinance as Exhibit “A” and incorporated herein as if set out word-for-word.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

EXHIBIT A

Legal Description:

LOT 1, BLOCK 1, DRIVING RANGE SUBDIVISION

PART OF THE NW 1/4 OF THE NE 1/4, PART OF THE NE 1/4 OF THE NE 1/4, AND PART OF THE SW 1/4 OF THE NE 1/4, ALL BEING IN SECTION 27, TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID NE 1/4 OF THE NE 1/4 OF SECTION 27; THENCE S86°57'20"E ALONG THE NORTH LINE OF SAID NE 1/4 OF THE NE 1/4 175.64 FEET; THENCE S87°20'43"E 57.64 FEET TO THE POINT OF BEGINNING; THENCE S87°20'43"E 435.75 FEET; THENCE LEAVING SAID NORTH LINE OF THE NE 1/4 OF THE NE 1/4 S48°37'13"W 538.95 FEET; THENCE S31°53'13"W 547.44 FEET; THENCE S01°44'22"E 237.60 FEET; THENCE S19°07'04"W 169.35 FEET; THENCE S33°35'19"W 84.94 FEET; THENCE S65°22'39"W 250.23 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 290.00 FEET, AN ARC LENGTH OF 284.49 FEET AND A CHORD BEARING AND DISTANCE OF N69°55'44"W 273.22 FEET; THENCE N18°48'38"E 664.20 FEET; THENCE N34°03'48"W 50.42 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF NATURE TRAIL LANE; THENCE ALONG SAID SOUTHEAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 647.58 FEET, AN ARC LENGTH OF 111.98 FEET AND A CHORD BEARING AND DISTANCE OF N36°39'16"E 111.85 FEET; THENCE N31°42'01"E 87.41 FEET; THENCE N34°05'25"E 70.34 FEET; THENCE LEAVING SAID SOUTHEAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 179.56 FEET AND A CHORD BEARING AND DISTANCE OF N64°20'59"E 171.33 FEET; THENCE N44°21'13"E 493.71 FEET TO THE POINT OF BEGINNING. CONTAINING 14.66 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RIGHTS-OF-WAY OF RECORD OR FACT.

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM: Ordinance

ITEM TITLE: A REQUEST TO REZONE 10 NATURE TRAIL LANE
(PARCEL 16-43419-000) FROM R-1 SINGLE FAMILY
RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL

SUBMITTED BY: Taylor Robertson, Senior Planner, Community Development

SUMMARY: Planning staff has received a request to rezone 10 Nature Trail Lane (Parcel #16-43419-000) from R-1 Single Family Residential to C-1 Neighborhood Commercial. After holding a public hearing on January 9, 2023 at 4:30 pm and reviewing the attached report, the Planning Commission has recommended approval of this request. Per Section 109-40, this request shall follow the Planning Commission recommendation to the City Council via an ordinance.

Please see the attached report for further analysis.

Applicant's provided legal description for 10 Nature Trail Lane:

LOT 1, BLOCK 1, DRIVING RANGE SUBDIVISION
PART OF THE NW 1/4 OF THE NE 1/4, PART OF THE NE 1/4 OF THE NE 1/4, AND PART
OF THE SW 1/4 OF THE NE 1/4, ALL BEING IN SECTION 27, TOWNSHIP 21 NORTH,
RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY,
ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NW CORNER OF SAID NE 1/4 OF THE NE 1/4 OF SECTION 27;
THENCE S86°57'20"E ALONG THE NORTH LINE OF SAID NE 1/4 OF THE NE 1/4 175.64
FEET; THENCE S87°20'43"E 57.64 FEET TO THE POINT OF BEGINNING; THENCE
S87°20'43"E 435.75 FEET; THENCE LEAVING SAID NORTH LINE OF THE NE 1/4 OF
THE NE 1/4 S48°37'13"W 538.95 FEET; THENCE S31°53'13"W 547.44 FEET; THENCE
S01°44'22"E 237.60 FEET; THENCE S19°07'04"W 169.35 FEET; THENCE S33°35'19"W
84.94 FEET; THENCE S65°22'39"W 250.23 FEET; THENCE ALONG A CURVE TO THE
RIGHT HAVING A RADIUS OF 290.00 FEET, AN ARC LENGTH OF 284.49 FEET AND A
CHORD BEARING AND DISTANCE OF N69°55'44"W 273.22 FEET; THENCE N18°48'38"E
664.20 FEET; THENCE N34°03'48"W 50.42 FEET TO THE SOUTHEAST RIGHT-OF- WAY
LINE OF NATURE TRAIL LANE; THENCE ALONG SAID SOUTHEAST RIGHT-OF-WAY
LINE THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT HAVING A
RADIUS OF 647.58 FEET, AN ARC LENGTH OF 111.98 FEET AND A CHORD BEARING
AND DISTANCE OF N36°39'16"E 111.85 FEET; THENCE N31°42'01 "E 87.41 FEET;
THENCE N34°05'25"E 70.34 FEET; THENCE LEAVING SAID SOUTHEAST RIGHT-OF-

WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 179.56 FEET AND A CHORD BEARING AND DISTANCE OF N64°20'59"E 171.33 FEET; THENCE N44°21'13"E 493.71 FEET TO THE POINT OF BEGINNING. CONTAINING 14.66 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RIGHTS-OF-WAY OF RECORD OR FACT.

ATTACHMENT:

Ordinance ☒

Resolution ☐

Other ☐

RECOMMENDATION:

Planning Commission and Staff recommends approval of this ordinance.

ACTION REQUESTED:

Motion to adopt ☒

PLANNING COMMISSION STAFF REPORT



Meeting Information:

612 W. Lancashire Blvd
January 9, 2023 at 4:30 pm
Reviewer:
Megan Workman
Planner

Property Description

The subject property, Lot 1, Block 1 of the Driving Range Subdivision, is located in central Bella Vista; north west of the intersection of Nature Trail Lane and West Lancashire Boulevard. The Master Street Plan identifies Nature Trail Lane as a residential street that experiences low traffic.

Request

The applicant is requesting to rezone their property from R-1, Residential, Single Family to C-1, Neighborhood Commercial to align with the established use of the land.

Background

The adopted Zoning Map identifies the developed parcel as R-1, Residential, Single Family. However, the established land use, controlled impact commercial recreation, off-street parking, and general retail, are not allowed by-right within the R-1 District. Benton County land records indicate the existing use was established prior to 1997. Staff finds the existing use to be compatible with the by-right uses within the C-1 District as shown in the Table of Permitted Uses.

Adjacent land uses include commercial recreation (private golf course) to the north, R-1, Residential, Single-Family (SFHA Zone A) to the east, conservation to the south, and R-2, Residential, Two-Family District to the west. Staff finds the applicant's request to be compatible with existing surrounding land uses.

Comp 2040 Future Land Use Plan identifies the subject site as Open Space/Park. Staff finds this comparison to conflict with the established use of the land. A portion of the subject site is affected by the floodplain. A paved parking lot to the north limits the subject site's ability to meet the intent of an Open Space/Park or Residential District.

The intent of the C-1 District is to provide professional and personal services, restaurant and public uses to adjacent residential use types. Staff finds the request to be in keeping with the policies and goals of the C-1 District. Staff recommends approval of this request.

Public Comment

None at the time of this report.

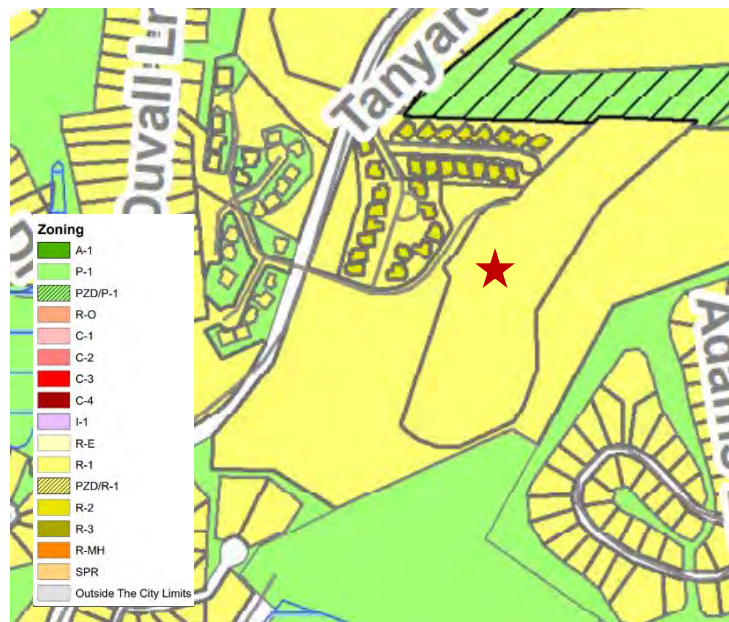
Utility Comments

None

Legal Notifications

The applicant sent the required certified mail on December 8, 2022. Staff posted a public hearing notice in the Weekly Vista on Wednesday, December 21, 2022. Staff posted a public hearing sign on site Tuesday, December 27, 2022.

Project Number	RZN-2022-46918
Applicant	Tom Judson, Bella Vista POA
Address/Location	10 Nature Trail Lane Parcel 16-43419-000
Current Zoning	R-1, Residential, Single Family
Site Area	14.46 acres
Nature of Request	Requesting to Rezone the parcel from R-1 to C-1



PLANNING COMMISSION STAFF REPORT

Appendix A of Zoning Code: Table of Permitted Uses: "C" states that the use is allowed with a conditional use permit. "P" states that that use is permitted by right. Any of these uses shown in the C-1 column would be allowed by right (P) or conditionally (C). See the chart below for reference.

Agricultural Uses	R-1	C-1
Crop Production	P	
Horticulture	P	
Residential Uses	R-1	C-1
Duplex		P
Single-Family	P	P
Townhouse		
Civic Uses	R-1	C-1
Administration	C	P
Cemetery	C	C
Clubs	C	P
College	C	C
Convalescent Services	C	P
Cultural Services	C	C
Day Care	P	P
Education	C	P
Emergency Residential		C
Group Care	P	P
Guidance Services		C
Health Care	C	C
Hospital	C	P
Parks	P	P
Postal Services		P
Public Assembly	C	P
Recreation Services	C	C
Religious Assembly	C	P
Safety Services	C	P
Office Uses	R-1	C-1
General		P
Financial		P
Medical		P
Commercial Uses	R-1	C-1
Ag Services		
Auctioneering		
Auto		
Bed & Breakfast	C	P
Business Support		P
Trade School		P
Campground		
Commercial Recreation		P

Commercial Cont.	R-1	C-1
Communications		
Pharmacy		C
Construction Sales		
Consumer Service		P
Storage		C
Equipment Rental/Repair		
Food Sales		P
Funeral	C	P
Gaming		
Kennels		
Laundry		P
Liquor		P
Lodging		P
Pawnshop		P
Personal Improvement		P
Personal Services		P
Pet Services		P
RV Storage		
Research Services		
Restaurants		P
Retail		P
Stables		
Surplus		
Taverns		C
Trade Services		
Travel Center		
Vehicle Storage		
Veterinary		C
Parking Uses	R-1	C-1
Off-Street Parking		P
Parking Structure		
Industrial Uses	R-1	C-1
Custom		
Recycling		
Office Warehouse		
Misc. Uses	R-1	C-1
Communications Tower	C	C
Medical Marijuana		C

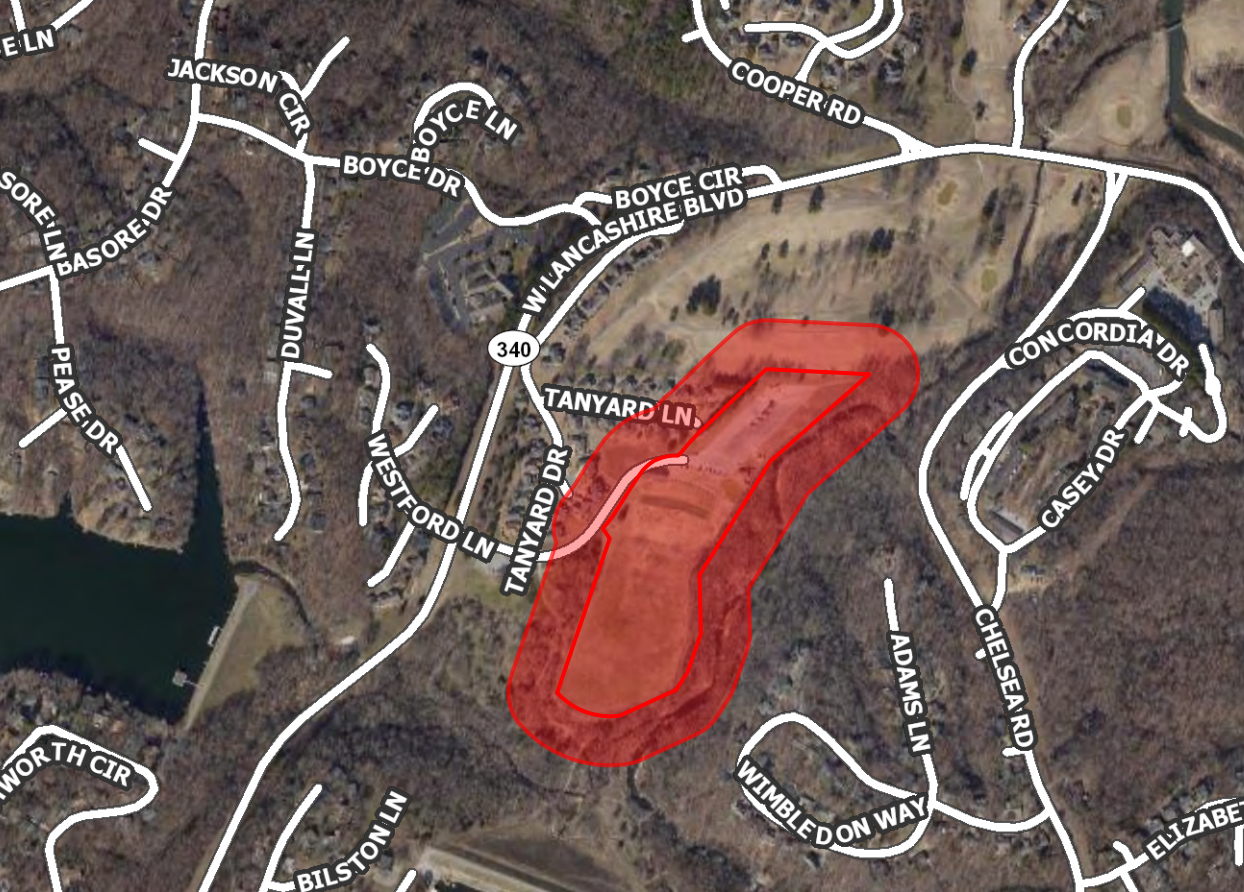
PLANNING COMMISSION STAFF REPORT

Sec. 109-40 – Zoning Ordinance Amendments

- a) *Authority.* The city council shall have the authority to enact amendments to the text or map of this chapter in accordance with the provisions of this section. Such action may be initiated by the city council, on the recommendation of the planning commission or on petition from a property owner. Before action is taken in regard to any amendment of the ordinance, the planning commission or its staff, shall review the case and give a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.
- b) *Guidelines for decision making.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission or the planning staff; use of provisions of the any existing, master street plan, land use plan, capital improvements plan, or community facilities plan; as well as any other document created to provide required public facilities necessary to protect the public interest. A disapproval by the city council of an amendment shall be final for one year and the same application may not be reinitiated until the expiration of that deadline.
- c) *Procedure for amendments; property owners.*
 - 1. *Application.* An application giving the legal description of the property involved and both the current and requested zoning classification for the property shall be submitted to the planning commission by the owner or his agent pursuant to the city development calendar. The petition shall also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. The owner shall submit a complete written legal description of the property with the application.
 - 2. *Public notification and hearing.* The planning commission shall hold a public hearing on the proposed amendment. Public notification for property owner-initiated zoning ordinance amendments shall occur pursuant to subsections [109-45\(d\)\(1\)](#) through (3) before such an application may be reviewed by the planning commission.

Sec. 109-42 – Appeals to City Council

- a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit may be appealed to the city council. In order to make an appeal, the aggrieved party shall file a notice of appeal with the city clerk within 30 days of the planning commission's final action. The notice of appeal shall be filed on forms and in a format prescribed by the planning commission. As a minimum, however, the applicant shall provide the following information:
 - a. Summary of any reasons provided by the planning commission concerning the decision made in the case;
 - b. Reasons the applicant of the appeal contends that the planning commission erred in its decision;
 - c. Reasons the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission's action were reversed; and
 - d. Any new and pertinent information bearing on the case which may not have been available or have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.
- b) *City council action.* Appeals to the city council shall be de novo (brand new); however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission's decision, reverse it, or send the case back to the planning commission for further study and recertification. If new information is placed before the council that, in the opinion of the council, would affect the planning commission's decision, the council may refer the case back to the planning commission for further study, including the new information, and recertification.



E LN

JACKSON CIR

COOPER RD

BOYCE LN

BOYCE DR

BOYCE CIR

W LANCASHIRE BLVD

SORE LN
BASORE DR

DUVALL LN

340

TANYARD LN

CONCORDIA DR

CASEY DR

CHELSEA RD

ADAMS LN

WIMBLEDON WAY

ELIZABETH

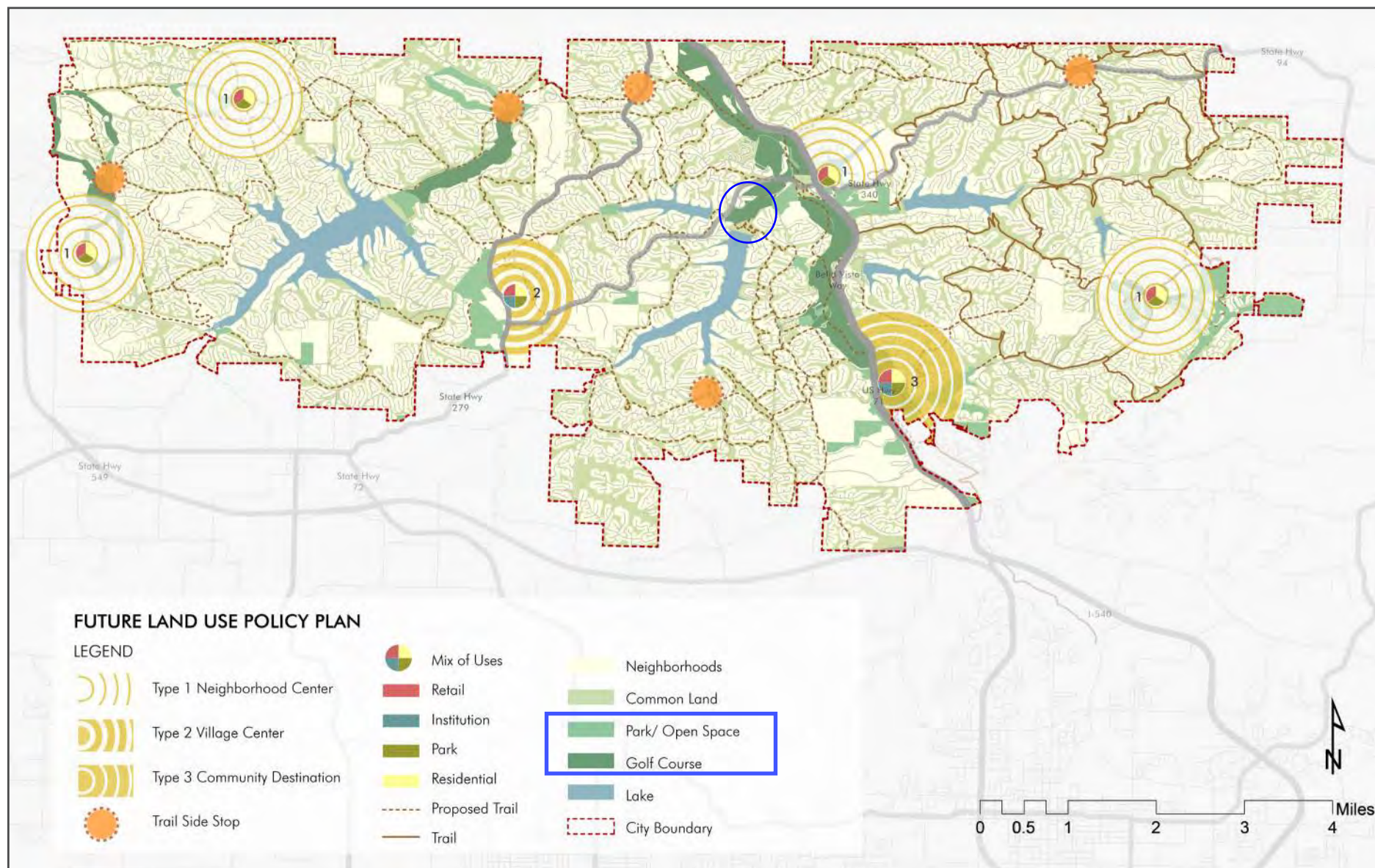
BILSTON LN

WORTH CIR

PEASE DR

WESTFORD LN

TANYARD DR



FUTURE LAND USE PLAN

LAND USE

Land use refers to the type of activity permitted within buildings or on land. These activities are carefully defined and organized to minimize potentially negative impacts of integrating opposing activities them in the same place, such as residential dwellings and intense factories. In Bella Vista, the existing use of land, in both commercial and residential settings, is generally low in intensity.

The desire for expanded commercial goods and services was an important finding of the planning study, and there are a small number of distinct places appropriate for the expansion of land uses to accommodate the community's needs and viability. As the city expects reinvestment, it will be critical to carefully consider the types of land uses appropriate for the evolution of commercial, and mixed-use, settings, while also maintaining the low-intensity residential setting desired by most residents.

The population of Bella Vista is also growing, particularly with young families. Currently, non-POA members are limited in access to Bella Vista's many private amenities, and there is a lack of publicly accessible neighborhood parks throughout the community.

Comp Plan
Future Land Use
Designation

Current zoning designation. The R-1 designation restricts the property owners ability to reinvest or improve the existing use due to the non-conformity.

Established use of
the subject site

TYPES OF USES

- **Retail**

Retail is a use with frequent interaction of patrons or customers on the premises. This type of use is dependent on the size of gross leasable area per tenancy and typically depend on a target market within a specific distance.

- **Services**

Services are uses of land and buildings for businesses engaged in the exchange of professional and individual services, such as day care, animal care, restaurants, and salons.

- **Institution**

Institutions are the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreational need for residents and neighborhoods, whether by way of open and public citizenship, by property ownership or residency, or by membership affiliation.

- **Parks & Civic Open Space**

Parks and civic open spaces are a use of land to serve a public or community interest by enhancing open space and its use. The City currently lacks publicly accessible parks suited for the growing population of families.

- **Residential**

Residential means the principal use of land and buildings are for dwelling units, such as single-unit houses, townhouses, or small and large apartment buildings.

Tanyard Creek

PRACTICE CENTER

BELLA VISTA ARKANSAS

- [10 NATURE TRAIL LANE](#)
- [\(479\) 855-8133](#)
- TANYARD@BVVPOA.COM
- [GOLF RATES](#)
- [BACK TO COURSES](#)

TANYARD CREEK

PRACTICE CENTER

The Tanyard Creek Practice Center has twenty-eight uncovered and eight covered hard surface stations, which are heated, and ideal for cold weather practice. The center has grass tee surface, a putting green and a practice area with bunkers and chipping stations. We carry a wide selection of putters, bags and golf clubs.

Tanyard Creek is centrally located and is the place to get your game in shape. Schedule individual lessons with our PGA Teaching Professionals or sign up for our Get Golf Ready programs.

Trained PGA professionals will fit clubs for your unique swing using two indoor bays and the latest technology. We offer a wide array of equipment that is custom-fitted for individual golfers. In support of our programs to grow the game, we carry clubs that fit golfers of any age or skill.



On Mats:

Tuesday, Thursday, Saturday, Sunday

On Grass:

Monday, Wednesday, Friday
-weather permitting

Range Balls (basket)

Photo ID/Activity Card: FREE

Member Card: \$5.50

Guests & Non-Members: \$6.50

Range Balls (half basket)

Photo ID/Activity Card: FREE

Member Card: \$3.00

Guests & Non-Members: \$4.25

Punch Card (20 baskets)

Photo ID/Activity Card: FREE

Member Card: \$60.00

Guests & Non-Members: \$100.00

Get-A-Grip Golf Club Services & Repair Facility

General Retail

Personal Improvement

Personal Services



November 10, 2022

RE: 16-43419-000 – Tanyard Creek Practice Center

Bella Vista Planning Commission and City Council

A detailed analysis of POA parcels has uncovered approximately 20 parcels which were inadvertently zoned incorrectly when the City was founded. Since the zoning on these parcels are not in sync with the current usage, the POA is asking for the parcels to be rezoned.

The only reason the POA is asking for the change in zoning is so that the zoning will match the current usage.

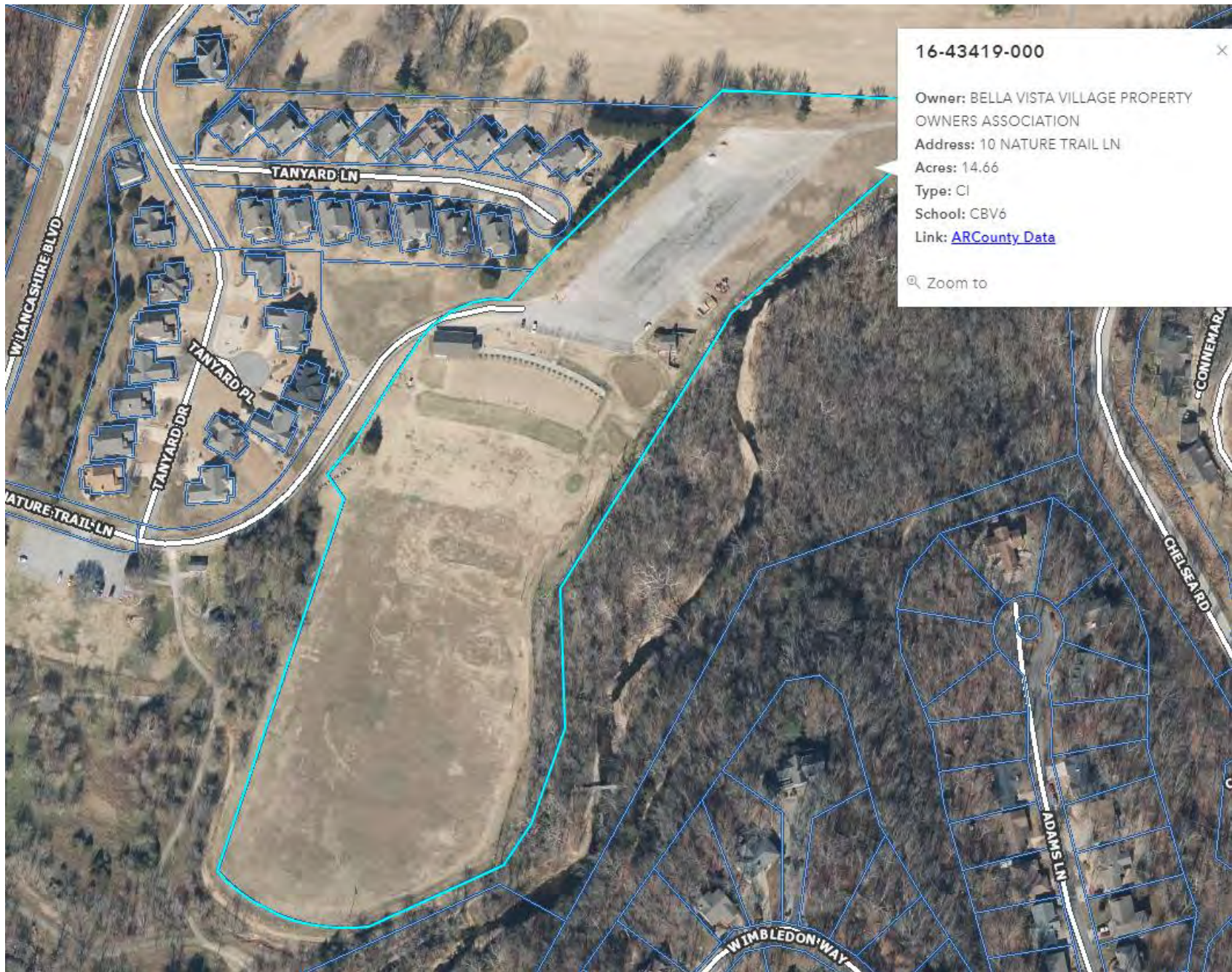
Thank you for your consideration.

Signed,

A handwritten signature in blue ink, appearing to read "Tom Judson".

Tom Judson

Chief Operating Officer



16-43419-000

Owner: BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION

Address: 10 NATURE TRAIL LN

Acres: 14.66

Type: CI

School: CBV6

Link: [ARCounty Data](#)

Zoom to

Exhibit A

LOT 1, BLOCK 1, DRIVING RANGE SUBDIVISION

PART OF THE NW 1/4 OF THE NE 1/4, PART OF THE NE 1/4 OF THE NE 1/4, AND PART OF THE SW 1/4 OF THE NE 1/4, ALL BEING IN SECTION 27, TOWNSHIP 21 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID NE 1/4 OF THE NE 1/4 OF SECTION 27; THENCE S86°57'20"E ALONG THE NORTH LINE OF SAID NE 1/4 OF THE NE 1/4 175.64 FEET; THENCE S87°20'43"E 57.64 FEET TO THE POINT OF BEGINNING; THENCE S87°20'43"E 435.75 FEET; THENCE LEAVING SAID NORTH LINE OF THE NE 1/4 OF THE NE 1/4 S48°37'13"W 538.95 FEET; THENCE S31°53'13"W 547.44 FEET; THENCE S01°44'22"E 237.60 FEET; THENCE S19°07'04"W 169.35 FEET; THENCE S33°35'19"W 84.94 FEET; THENCE S65°22'39"W 250.23 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 290.00 FEET, AN ARC LENGTH OF 284.49 FEET AND A CHORD BEARING AND DISTANCE OF N69°55'44"W 273.22 FEET; THENCE N18°48'38"E 664.20 FEET; THENCE N34°03'48"W 50.42 FEET TO THE SOUTHEAST RIGHT-OF-WAY LINE OF NATURE TRAIL LANE; THENCE ALONG SAID SOUTHEAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 647.58 FEET, AN ARC LENGTH OF 111.98 FEET AND A CHORD BEARING AND DISTANCE OF N36°39'16"E 111.85 FEET; THENCE N31°42'01"E 87.41 FEET; THENCE N34°05'25"E 70.34 FEET; THENCE LEAVING SAID SOUTHEAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 179.56 FEET AND A CHORD BEARING AND DISTANCE OF N64°20'59"E 171.33 FEET; THENCE N44°21'13"E 493.71 FEET TO THE POINT OF BEGINNING. CONTAINING 14.66 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RIGHTS-OF-WAY OF RECORD OR FACT.

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**EXPRESSING SUPPORT AND PARTICIPATION OF THE CITY OF
BELLA VISTA IN THE FEDERAL “ADVANCE EFFECTIVE,
ACCOUNTABLE POLICING AND CRIMINAL JUSTICE PRACTICES TO
ENHANCE PUBLIC TRUST AND PUBLIC SAFETY” PROGRAM**

WHEREAS, on May 25, 2022, presidential Executive Order (EO) 14074 “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety” was signed; and

WHEREAS, in accordance with EO 14074, State, Tribal, Local, and Territorial Law Enforcements Agencies (LEAs) must notify their governing bodies of their intent to request property from federal sources to include federal funds or grants; and

WHEREAS, in accordance with EO 14074, LEAs must notify the local community of their request for property transfers, purchases from federal funds, agencies, or subcontractors (including existing transfer contracts or grants); and

WHEREAS, the City of Bella Vista Police Department may request controlled property items from the Law Enforcement Support Office (LESO) or other federal sources as provided in the attached Exhibit A which is incorporated into this Resolution as if set out word for word herein;

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

SECTION 1: The Bella Vista Police Department will participate as an LEA in the “Advance Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety” program in accordance with EO 14074.

SECTION 2: The Mayor and City Clerk are hereby authorized to execute all appropriate agreements and contracts necessary for the Bella Vista Police Department to act in accordance with EO 14074.

SECTION 3: The Bella Vista City Council pledges its full support and hereby authorizes the Mayor to initiate action to implement the program.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

Exhibit A

1. Administration (GSA), Law Enforcement Support Office (LESO), Grant submission, etc.).

Controlled Property Description	Controlled Property Description	Controlled Property Description
<i>This list is for example only, additional types of items may be available.</i>		
AIRCRAFT ACCESSORIES, COMPONENTS, MISC	FACEMASK	RANGE FINDER, LASER
AIRCRAFT REPAIR PARTS/COMPONENTS	FLASHLIGHTS	RANGE FINDER-TARGET DESIGNATOR, LASER
AIRCRAFT, FIXED WING	FLOODLIGHT	RED DOT SIGHT
AIRCRAFT, ROTORY WING	FORWARD LOOKING INFRARED IMAGING SYSTEM	RIFLESCOPE
ALL TERRAIN VEHICLE (ATV)	GENERATOR SET	SCANNER, X-RAY, BAGGAGE
AMMUNITION CONTAINER	GLOBAL POSITIONING SATELLITE (GPS)	SEARCHLIGHT
AMPLIFIER	HEAVY EQUIPMENT/VEHICLES	SHIELD, BALLISTIC
ANALYZER, HAZARDOUS MATERIAL IDENTIFICATION	INSULATION BLANKET	SHIPPING CONTAINER
ANTENNA	LANDING SEARCHLIGHT	SIGHT, BORE, OPTICAL
METAL DETECTORS	UTILITY VEHICLE, OFF ROAD	TRAILERS
ARMORED VEHICLE	LIFE PRESERVER, VEST	SIGHT, HOLOGRAPHIC
BALLISTIC BLANKET	MAGNIFIER	SIGHT, INFINITY
BARRIER, VEHICLE ARRESTING, PORTABLE	MARKER, IDENTIFICATION	SIGHT, REFLEX
BINOCULAR	MARKSMANSHIP TRAINER	SMALL ARMS STORAGE RACKS
BLANKETS	MEDICAL/FIRST AID SUPPLIES	SPOTTING INSTRUMENT, OPTICAL
CONVERSION KIT, RIFLE	CONVERSION KIT, PISTOL	COMBAT/ASSAULT/TACTICAL WHEELED
BREATHING APPARATUS	MISC SMALL ARMS PARTS	TARGET, TRAINING, MOBILE
ROBOTS	UNMANNED VEHICLES	EOD ROBOTS
DRONES	TRAINING EQUIPMENT	SHIELD, NON-BALLISTIC
FIBER OPTIC DEVICES	MISCELLANEOUS VEHICULAR COMPONENTS	GLASS, BALLISTIC
CAMERA SYSTEM	MISCELLANEOUS COMMUNICATION EQUIPMENT	TELESCOPE
COMPASS	MULTIMEDIA PROJECTION SET	TENTS/PORTABLE SHELTERS
COMPUTER SYSTEM	NAVIGATION SET, SATELLITE SIGNALS	THERMAL CAMERA
BLANKET, SOUND CONTROL	TRUCK, CARGO	ROBOT, EXPLOSIVE ORDNANCE DISPOSAL
MAGAZINE, CARTRIDGE	PERISCOPE	INTERROGATOR SET
RADAR EQUIPMENT, EXCEPT AIRBORNE	WINDOW, VEHICULAR	AMMUNITION POUCH
EOD SEARCH KIT	MISCELLANEOUS ITEMS	ARMORER, PERSONAL
CONTAINER, AMMUNITION	NIGHT VISION DEVICE AND EQUIPMENT	THERMAL CAMERA ACCESSORIES
LOUDSPEAKER-CONTROL UNIT	POWER SUPPLY	CHARGER, BATTERY
INDIVIDUAL EQUIPMENT	CLOTHING, SPECIAL PURPOSE	FOOTWEAR
OUTERWEAR	TENTS AND TARPAULINS	BAGS AND SACKS
CONTAINER, K-9 TRANSPORT	NIGHT VISION GOGGLE	TRAINING AID/SIMULATORS
CONVERSION KIT, RIFLE	NON-ARMORED HMMWV	TRAINING AIDES/DEVICES
VEHICLES, ARMORED TRACKED	ARMORED HMMWV	VEHICLES, ARMORED WHEELED
COVERALLS	OFFICE EQUIPMENT	TRANSLATION DEVICE
SIGHT, THERMAL	BINOCULAR	ILLUMINATOR, INTEGRATED SMALL ARMS
ILLUMINATOR, INTEGRATED, SMALL ARMS	TRUCK, TANK	TOOL KIT, ELECTRONIC
ATHLETIC AND SPORTING EQUIPMENT	OFFICE SUPPLIES, DEVICES, AND EQUIPMENT	OPERATIONS TRAINING DEVICES
TRAINING AIDS	TARGETS	SOLAR ELECTRIC POWER SYSTEMS
CAMOUFLAGE NET RADAR SCATTERING SYSTEM	TRUCK, TRACTOR	NO ITEM NAME AVAILABLE
DECONTAMINATION DEVICES	OFFICE SUPPLIES	TRUCK, CARGO
ARMOR SET, SUPPLEMENTAL, SMALL ARMS	CAMERA, DIGITAL	IMAGE INTENSIFIER, NIGHT VISION
DECONTAMINATION SYSTEM	PORTABLE RADIO	INTERROGATOR SET

ARMOR, SUPPLEMENTAL	INFRARED EQUIPMENT	
TRUCK, UTILITY NON-ARMORED	TRUCK, UTILITY ARMORED	TENTS/SHELTERS
DEEP WATER FORDING KIT	PREFAB & PORTABLE BUILDINGS	VEHICLE REPAIR PARTS/COMPONENTS
DETECTOR, GAS	PROTECTIVE EYEWEAR	WARM WEATHER CLOTHING/SHOES
ARMOR, TRANSPARENT VEHICULAR WINDOW	TERMINAL, SATELLITE COMMUNICATIONS	DOOR, VEHICULAR
DIVER'S SUIT	PUBLIC ADDRESS SET	SMALL ARMS PARTS/ACCESSORIES
ARMOR, TRANSPARENT	COMPENSATOR	HANDCUFFS
WINDOW, VEHICULAR	THERMAL SCOPES	FUSELAGE
EXPLOSIVE ORDNANCE DISPOSAL ROBOT	RADIOS	SMALL ARMS

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 30, 2023

AGENDA ITEM: Resolution

ITEM TITLE: LESO Program Community and Governing body notification

SUBMITTED BY: Chief James Graves

SUMMARY EXPLANATION: Presidential Executive Order (EO) 14074 “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety” was signed May 25, 2022. Law Enforcement agencies, to participate in the program, must receive annual governing body authorization as well as make public notification.

The Bella Vista Police Departments participation in the LESO program is essential to the continued safe and effective policing of the City of Bella Vista. The Departments participation in the program has saved the Bella Vista Taxpayers hundreds of thousands of dollars in equipment and enhanced the overall safety of the public and police department staff.

ATTACHMENT: ORDINANCE ☐ RESOLUTION ☒ OTHER ☐

RECOMMENDATION: Chief of Police recommends City Council approve the Police Departments continued participation in the LESO program.

ACTION REQUESTED:
Motion to adopt ☒

FILED

NOV 29 2022

LESLI PENNY

COUNTY & PROBATE COURT CLERK

RESOLUTION NO.

22-29

Resolution to Advance Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Be it resolved by the Quorum Court of Craighead County, State of Arkansas a resolution entitled: Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.

WHEREAS, on May 25, 2022, Presidential Executive Order (EO) 14074 "Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety" was signed.

WHEREAS, in accordance with EO 14074 (Section 12), State, Tribal, Local, and Territorial Law Enforcement Agencies (LEAs) must:

- 1) Notify their Civilian Governing Body (CGB) (i.e., The Quorum Court) of its intent to request property from Federal sources to include Federal funds or grants.
- 2) Notify the Local Community of its request for property transfers, purchases from Federal funds, agencies, or subcontractors (including existing transfer contracts or grants).

WHEREAS The Craighead County Sheriff's Office may request controlled property items from the Law Enforcement Support Office (LESO), or other Federal source as provided in the attached list set forth in Exhibit A, and the list included and incorporated as though set forth word for word herein.

NOW, THEREFORE, BE IT RESOLVED by The Craighead County Quorum Court that:

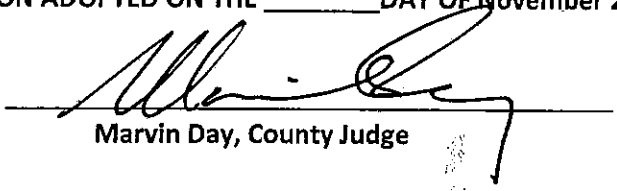
SECTION 1: Craighead County Sheriff's Office will participate in accordance with EO 14074 (Section 12), State, Tribal, Local, and Territorial Law Enforcement Agencies.

SECTION 2: Craighead County Judge Marvin Day is hereby authorized and directed to execute all appropriate agreements and contracts necessary for the Craighead County Sheriff's Office to act in accordance with EO 14074.

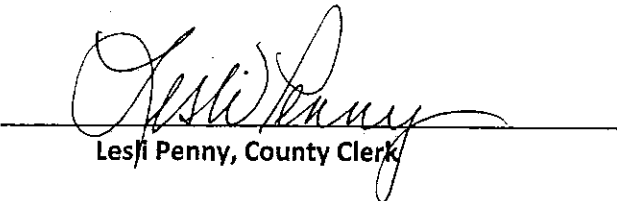
SECTION 3: The Craighead County Quorum Court pledges its full support and hereby authorizes the Craighead County Sheriff's Office to initiate action to implement this Executive Order.

THIS RESOLUTION ADOPTED ON THE 28th DAY OF November 2022.

Approved:


Marvin Day, County Judge

Attest:


Lesli Penny, County Clerk

8/102 - 103

Exhibit A.

Controlled Property Description	Controlled Property Description	Controlled Property Description
This list is for example only; additional types of items may be available.		
AIRCRAFT ACCESSORIES, COMPONENTS, MISC	FACEMASK	RANGE FINDER, LASER
AIRCRAFT REPAIR PARTS/COMPONENTS	FLASHLIGHTS	RANGE FINDER-TARGET DESIGNATOR, LASER
AIRCRAFT, FIXED WING	FLOODLIGHT	RED DOT SIGHT
AIRCRAFT, ROTARY WING	FORWARD LOOKING INFRARED IMAGING SYSTEM	RIFLESCOPE
ALL TERRAIN VEHICLE (ATV)	GENERATOR SET	SCANNER, X-RAY, BAGGAGE
AMMUNITION CONTAINER	GLOBAL POSITIONING SATELLITE (GPS)	SEARCHLIGHT
AMPLIFIER	HEAVY EQUIPMENT/VEHICLES	SHIELD, BALLISTIC
ANALYZER, HAZARDOUS MATERIAL IDENTIFICATION	INSULATION BLANKET	SHIPPING CONTAINER
ANTENNA	LANDING SEARCHLIGHT	SIGHT, BORE, OPTICAL
METAL DETECTORS	UTILITY VEHICLE, OFF ROAD	TRAILERS
ARMORED VEHICLE	LIFE PRESERVER, VEST	SIGHT, HOLOGRAPHIC
BALLISTIC BLANKET	MAGNIFIER	SIGHT, INFINITY
BARRIER, VEHICLE ARRESTING, PORTABLE	MARKER, IDENTIFICATION	SIGHT, REFLEX

BINOCULAR	MARKSMANSHIP TRAINER	SMALL ARMS STORAGE RACKS
BLANKETS	MEDICAL/FIRST AID SUPPLIES	SPOTTING INSTRUMENT, OPTICAL
CONVERSION KIT, RIFLE	CONVERSION KIT, PISTOL	COMBAT/ASSAULT/TACTICAL WHEELED
BREATHING APPARATUS	MISC SMALL ARMS PARTS	TARGET, TRAINING, MOBILE
ROBOTS	UNMANNED VEHICLES	EOD ROBOTS
DRONES	TRAINING EQUIPMENT	SHIELD, NON-BALLISTIC
FIBER OPTIC DEVICES	MISCELLANEOUS VEHICULAR COMPONENTS	GLASS, BALLISTIC
CAMERA SYSTEM	MISCELLANEOUS COMMUNICATION EQUIPMENT	TELESCOPE
COMPASS	MULTIMEDIA PROJECTION SET	TENTS/PORTABLE SHELTERS
COMPUTER SYSTEM	NAVIGATION SET, SATELLITE SIGNALS	THERMAL CAMERA
BLANKET, SOUND CONTROL	TRUCK, CARGO	ROBOT, EXPLOSIVE ORDNANCE DISPOSAL

MAGAZINE, CARTRIDGE	PERISCOPE	INTERROGATOR SET
RADAR EQUIPMENT, EXCEPT AIRBORNE	WINDOW, VEHICULAR	AMMUNITION POUCH
EOD SEARCH KIT	MISCELLANEOUS ITEMS	ARMORER, PERSONAL
CONTAINER, AMMUNITION	NIGHT VISION DEVICE AND EQUIPMENT	THERMAL CAMERA ACCESSORIES
LOUDSPEAKER-CONTROL UNIT	POWER SUPPLY	CHARGER, BATTERY
INDIVIDUAL EQUIPMENT	CLOTHING, SPECIAL PURPOSE	FOOTWEAR
OUTERWEAR	TENTS AND TARPULINS	BAGS AND SACKS
CONTAINER, K-9 TRANSPORT	NIGHT VISION GOGGLE	TRAINING AID/SIMULATORS
CONVERSION KIT, RIFLE	NON-ARMORED HMMWV	TRAINING AIDES/DEVICES
VEHICLES, ARMORED TRACKED	ARMORED HMMWV	VEHICLES, ARMORED WHEELED
COVERALLS	OFFICE EQUIPMENT	TRANSLATION DEVICE
SIGHT, THERMAL	BINOCULAR	ILLUMINATOR, INTEGRATED SMALL ARMS
ILLUMINATOR, INTEGRATED, SMALL ARMS	TRUCK, TANK	TOOL KIT, ELECTRONIC
ATHLETIC AND SPORTING EQUIPMENT	OFFICE SUPPLIES, DEVICES, AND EQUIPMENT	OPERATIONS TRAINING DEVICES
TRAINING AIDS	TARGETS	SOLAR ELECTRIC POWER SYSTEMS
CAMOUFLAGE NET RADAR SCATTERING SYSTEM	TRUCK, TRACTOR	NO ITEM NAME AVAILABLE
DECONTAMINATION DEVICES	OFFICE SUPPLIES	TRUCK, CARGO
ARMOR SET, SUPPLEMENTAL, SMALL ARMS	CAMERA, DIGITAL	IMAGE INTENSIFIER, NIGHT VISION
DECONTAMINATION SYSTEM	PORTABLE RADIO	INTERROGATOR SET
ARMOR, SUPPLEMENTAL	INFRARED EQUIPMENT	
TRUCK, UTILITY NON-ARMORED	TRUCK, UTILITY ARMORED	TENTS/SHELTERS
DEEP WATER FORDING KIT	PREFAB & PORTABLE BUILDINGS	VEHICLE REPAIR PARTS/COMPONENTS
DETECTOR, GAS	PROTECTIVE EYEWEAR	WARM WEATHER CLOTHING/SHOES
ARMOR, TRANSPARENT VEHICULAR WINDOW	TERMINAL, SATELLITE COMMUNICATIONS	DOOR, VEHICULAR
DIVER'S SUIT	PUBLIC ADDRESS SET	SMALL ARMS PARTS/ACCESSORIES
ARMOR, TRANSPARENT	COMPENSATOR	HANDCUFFS
WINDOW, VEHICULAR	THERMAL SCOPES	FUSELAGE
EXPLOSIVE ORDNANCE DISPOSAL ROBOT	RADIOS	SMALL ARMS

Bella Vista Police Department

105 Town Center • Bella Vista, AR 72714 • Office (479) 855-3771 • Fax (479) 855-8050



January 30, 2023

Subject: Notification to Civilian Governing Body and Local Community

On May 25, 2022, Presidential Executive Order (EO) 14074 “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety” was signed.

In accordance with EO 14074 (Section 12), State, Tribal, Local, and Territorial Law Enforcement agencies (LEAs) must:

- 1) Notify their Civilian Governing Body (CGB) (*i.e., City Council, County Government or other local governing body*) of its intent to request property from Federal sources, to include Federal funds or grants.
- 2) Notify the Local Community of its request for property transfers, purchases from Federal funds, agencies or subcontractors (including existing transfer contracts or grants).

The Bella Vista Police Department may request the below controlled property items from the Law Enforcement Support Office (LESO), or other Federal source:

Controlled Property Description	Controlled Property Description	Controlled Property Description
<i>This list is for example only, additional types of items may be available.</i>		
AIRCRAFT ACCESSORIES, COMPONENTS, MISC	FACEMASK	RANGE FINDER, LASER
AIRCRAFT REPAIR PARTS/COMPONENTS	FLASHLIGHTS	RANGE FINDER-TARGET DESIGNATOR, LASER
AIRCRAFT, FIXED WING	FLOODLIGHT	RED DOT SIGHT
AIRCRAFT, ROTORY WING	FORWARD LOOKING INFRARED IMAGING SYSTEM	RIFLESCOPE
ALL TERRAIN VEHICLE (ATV)	GENERATOR SET	SCANNER, X-RAY, BAGGAGE
AMMUNITION CONTAINER	GLOBAL POSITIONING SATELLITE (GPS)	SEARCHLIGHT
AMPLIFIER	HEAVY EQUIPMENT/VEHICLES	SHIELD, BALLISTIC
ANALYZER, HAZARDOUS MATERIAL IDENTIFICATION	INSULATION BLANKET	SHIPPING CONTAINER
ANTENNA	LANDING SEARCHLIGHT	SIGHT, BORE, OPTICAL
METAL DETECTORS	UTILITY VEHICLE, OFF ROAD	TRAILERS
ARMORED VEHICLE	LIFE PRESERVER, VEST	SIGHT, HOLOGRAPHIC
BALLISTIC BLANKET	MAGNIFIER	SIGHT, INFINITY
BARRIER, VEHICLE ARRESTING, PORTABLE	MARKER, IDENTIFICATION	SIGHT, REFLEX
BINOCULAR	MARKSMANSHIP TRAINER	SMALL ARMS STORAGE RACKS
BLANKETS	MEDICAL/FIRST AID SUPPLIES	SPOTTING INSTRUMENT, OPTICAL
CONVERSION KIT, RIFLE	CONVERSION KIT, PISTOL	COMBAT/ASSAULT/TACTICAL WHEELED
BREATHING APPARATUS	MISC SMALL ARMS PARTS	TARGET, TRAINING, MOBILE
ROBOTS	UNMANNED VEHICLES	EOD ROBOTS
DRONES	TRAINING EQUIPMENT	SHIELD, NON-BALLISTIC
FIBER OPTIC DEVICES	MISCELLANEOUS VEHICULAR COMPONENTS	GLASS, BALLISTIC
CAMERA SYSTEM	MISCELLANEOUS COMMUNICATION EQUIPMENT	TELESCOPE
COMPASS	MULTIMEDIA PROJECTION SET	TENTS/PORTABLE SHELTERS

COMPUTER SYSTEM	NAVIGATION SET, SATELLITE SIGNALS	THERMAL CAMERA
BLANKET, SOUND CONTROL	TRUCK, CARGO	ROBOT, EXPLOSIVE ORDNANCE DISPOSAL
MAGAZINE, CARTRIDGE	PERISCOPE	INTERROGATOR SET
RADAR EQUIPMENT, EXCEPT AIRBORNE	WINDOW, VEHICULAR	AMMUNITION POUCH
EOD SEARCH KIT	MISCELLANEOUS ITEMS	ARMORER, PERSONAL
CONTAINER, AMMUNITION	NIGHT VISION DEVICE AND EQUIPMENT	THERMAL CAMERA ACCESSORIES
LOUDSPEAKER-CONTROL UNIT	POWER SUPPLY	CHARGER, BATTERY
INDIVIDUAL EQUIPMENT	CLOTHING, SPECIAL PURPOSE	FOOTWEAR
OUTERWEAR	TENTS AND TARPULINS	BAGS AND SACKS
CONTAINER, K-9 TRANSPORT	NIGHT VISION GOGGLE	TRAINING AID/SIMULATORS
CONVERSION KIT, RIFLE	NON-ARMORED HMMWV	TRAINING AIDES/DEVICES
VEHICLES, ARMORED TRACKED	ARMORED HMMWV	VEHICLES, ARMORED WHEELED
COVERALLS	OFFICE EQUIPMENT	TRANSLATION DEVICE
SIGHT, THERMAL	BINOCULAR	ILLUMINATOR, INTEGRATED SMALL ARMS
ILLUMINATOR, INTEGRATED, SMALL ARMS	TRUCK, TANK	TOOL KIT, ELECTRONIC
ATHLETIC AND SPORTING EQUIPMENT	OFFICE SUPPLIES, DEVICES, AND EQUIPMENT	OPERATIONS TRAINING DEVICES
TRAINING AIDS	TARGETS	SOLAR ELECTRIC POWER SYSTEMS
CAMOUFLAGE NET RADAR SCATTERING SYSTEM	TRUCK, TRACTOR	NO ITEM NAME AVAILABLE
DECONTAMINATION DEVICES	OFFICE SUPPLIES	TRUCK, CARGO
ARMOR SET, SUPPLEMENTAL, SMALL ARMS	CAMERA, DIGITAL	IMAGE INTENSIFIER, NIGHT VISION
DECONTAMINATION SYSTEM	PORTABLE RADIO	INTERROGATOR SET
ARMOR, SUPPLEMENTAL	INFRARED EQUIPMENT	TENTS/SHELTERS
TRUCK, UTILITY NON-ARMORED	TRUCK, UTILITY ARMORED	
DEEP WATER FORDING KIT	PREFAB & PORTABLE BUILDINGS	VEHICLE REPAIR PARTS/COMPONENTS
DETECTOR, GAS	PROTECTIVE EYEWEAR	WARM WEATHER CLOTHING/SHOES
ARMOR, TRANSPARENT VEHICULAR WINDOW	TERMINAL, SATELLITE COMMUNICATIONS	DOOR, VEHICULAR
DIVER'S SUIT	PUBLIC ADDRESS SET	SMALL ARMS PARTS/ACCESSORIES
ARMOR, TRANSPARENT	COMPENSATOR	HANDCUFFS
WINDOW, VEHICULAR	THERMAL SCOPES	FUSELAGE
EXPLOSIVE ORDNANCE DISPOSAL ROBOT	RADIOS	SMALL ARMS

In accordance with section two, the Bella Vista Police Department is notifying the local community via posting the intentions at the Bella Vista District Court house, located at 612 W Lancashire Blvd, Bella Vista, AR, 72715. Posting the intentions at the Bella Vista Police Department located at, 105 Town Center, Bella Vista, AR, 72714, as well as listing the intentions on the Bella Vista Police Departments Social Media Pages.

James Graves
Chief of Police

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH EMERGENCY VEHICLE SPECIALISTS (EVS) PURSUANT TO AN HGAC COOPERATIVE PURCHASING AGREEMENT, FOR THE PURCHASE OF TWELVE (12) SELF-CONTAINED BREATHING APPARATUSES AND ASSOCIATED EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$94,770.41 FOR USE BY THE FIRE DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: The Mayor and City Clerk are hereby authorized to enter into a contract with Emergency Vehicle Specialists (EVS) pursuant to an HGAC cooperative purchasing agreement, for the purchase of twelve (12) self-contained breathing apparatuses and associated equipment in an amount not to exceed \$94,770.41 for use by the Fire Department.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

CONWAY, AR

OLIVE BRANCH, MS

MEMPHIS, TN

NASHVILLE, TN

KNOXVILLE, TN

Quote Number 00008750

Date 1/6/2023

Expiration Date 2/6/2023

Contact Name Steve Sims

Phone (479) 855-8248

Company Name Bella Vista Fire Department

Account Number 432

Bill To P O Box 5655
 Bella Vista, Arkansas 72714
 United States

Ship To 103 Town Center
 Bella Vista, Arkansas 72714
 United States

Telephone

Salesperson Scott Jones

Freight Included No Charge

Salesperson Email sjones@gwevs.com

Quantity	Vendor	Part Number	Description	Unit Price	Total Price
1.00	HGAC	HGAC	HGAC Purchase Contract EE08-19, Product EE19DA	\$0.00	\$0.00
12.00	3M Scott Safety	X8814025305A04	Air-Pak X3 Pro SCBA (2018 Edition) with CGA Cylinder Connection, 4.5, Standard Harness, E-Z Flo+ Regulator with Quick Disconnect Hose (Rectus-type fittings), Universal EBSS Accessory Hose, SEMS II, Pass, HUD	\$6,905.22	\$82,862.64
12.00	3M Scott Safety	201215-02	AV-3000 HT, 5-STRAP, MED WITH KEVLAR HEADNET	\$307.14	\$3,685.68

Quoted By Scott Jones

Quoted By Email sjones@gwevs.com

Subtotal \$86,548.32

Tax \$8,222.09

Total \$94,770.41

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: 01/23/2023

AGENDA ITEM: Resolution

ITEM TITLE: Self Contained Breathing Apparatus (SCBA'S)

SUBMITTED BY: Chief Stephen R. Sims

SUMMARY EXPLANATION: The fire department requests to enter into a contract with Emergency Vehicle Specialist (EVS) via HGAC cooperative purchasing contract in an amount not to exceed \$94,770.41 this to purchase 12 (SCBA'S) for firefighting purposes. This purchase is to replace outdate antiquated equipment used for interior/exterior firefighting. We have identified (12) SCBA's that need immediate replacement. This agreement is a cooperative bid. The amount listed above was budgeted in the 2023 capital projects.

ATTACHMENT: ORDINANCE ☐ RESOLUTION ☒ OTHER ☐

RECOMMENDATION: Staff at the fire department recommends passage of this resolution.

ACTION REQUESTED:
Motion to adopt ☒

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**APPROVING THE MAYOR'S RE-APPOINTMENT OF WADE HAGAN
FOR A THREE (3) YEAR TERM IN POSITION 1 OF THE BELLA VISTA
BOARD OF CONSTRUCTION APPEALS COMMENCING JANUARY 1,
2023**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

SECTION 1: The Mayor's appointment of Wade Hagan for a three (3) year term in Position 1 of the Bella Vista Board of Construction Appeals commencing January 1, 2023, is hereby approved.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM:

ITEM TITLE: Reappointing Members to the Board of Construction Appeals, and For Other Purposes.

SUBMITTED BY: Doug Tapp, Director, Community Development Services

SUMMARY: Section 103-44 of the Municipal Code established the Board of Construction Appeals, set its membership at 7 positions, and dictates that the members serve staggered three-year positions which expire on January 1st of each year.

Mr. Wade Hagan has agreed to volunteer for Position 1 with a term expiring on January 1, 2026.

ATTACHMENT: Ordinance ☐ Resolution ☒ Other ☐

RECOMMENDATION: Staff recommends approval of this resolution.

ACTION REQUESTED: Motion to adopt ☒

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH RELIABLE CHEVROLET OF SPRINGFIELD, MISSOURI, IN THE TOTAL AMOUNT OF \$45,500.00, FOR THE PURCHASE OF ONE (1) CHEVROLET SILVERADO 1500 4X4 WORK TRUCK FOR USE BY THE STREET DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: Bid is awarded and the Mayor and City Clerk are hereby authorized to enter into a contract with Reliable Chevrolet of Springfield, Missouri in the total amount of \$45,500.00 for the purchase of one (1) Chevrolet Silverado 1500 4x4 work truck for use by the Street Department.

ADOPTED this _____ day of _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

Requested by: Mayor
Drafted by: Jason B. Kelley, Staff Attorney

Memorandum

January 9, 2023

To: Mayor John Flynn and Bella Vista City Council

From: Shane Clark, City of Bella Vista Assistant Street Superintendent

RE: Award Bid; Half Ton Four Wheel Drive Crew Cab Work Truck

Requests for Bids were sent out to five different vendors for the purchase of a new Half Ton Four Wheel Drive Crew Cab Work Truck for the Street Department. We received ONE bid that met specifications, which was Reliable Chevrolet of Springfield Mo in the amount of \$45,500.00.

This particular pickup truck will be utilized by the Street Department.

The funding for this pickup truck was approved as part of account 52800, department 100, of the 2023 City Council approved budget in the amount of \$53,000.00. This bid came in below budget and saving \$7,500.00.

With that, I would ask that Bella Vista City Council approve the purchase of 1 (one) new Half Ton Four Wheel Drive Crew Cab Work Truck, in the amount of \$45,500.00 from Reliable Chevrolet of Springfield Mo.

Respectfully Submitted,

Shane Clark

City of Bella Vista Street Assistant Superintendent

City of Bella Vista

STATE OF ARKANSAS

INVITATION TO BID

The City of Bella Vista, Arkansas will accept sealed bids on a:

One (1) New Half Ton Four Wheel Drive Crew Cab Work Truck

Specifications may be obtained at the office of the Bella Vista Street Department, 2471 Forest Hills Blvd., Bella Vista, AR 72715 or call 479-876-1204 and a copy will be sent to you. Sealed bids must be submitted to the of City of Bella Vista, c/o Shane Clark, at 2471 Forest Hills Blvd., Bella Vista, AR 72715 prior to the bid opening at 10:00am CST on Monday, January 9, 2023. Envelope must be marked as follows: **Half Ton Work Truck.**

Bella Vista reserves the right to reject any or all bids or any part thereof and to accept the bid that is in the best interest of the City.

Bid price must include all cost, freight and any applicable taxes.

Shane Clark
Assistant Street Superintendent

Published: 12/29/2022

THIS PUBLICATION WAS PAID FOR BY THE CITY OF BELLA VISTA, OFFICE OF THE STREET DEPARTMENT. THE AMOUNT PAID FOR THE PUBLICATION WAS _____.



Date: 01/05/2023

Salesperson: Jonathan Fields

Name

City Of Bella Vista

Address

Home Telephone

(479) 295-3837

Business Telephone

E-Mail

dwalker@bellavistaar.gov

Vehicle

2022 Chevrolet Silverado 1500 Work Truck 4x4 CK10543

Stock Number

VIN

Color

Odometer

N1513308

2GCUAED1N1513308

Summit White

5

Options

Dealer Added Accessories: No Options Listed

RETAIL TRANSACTION	
MSRP	48,260.00
Customer Savings	\$2,259.00
Vehicle Selling Price	\$46,001.00
Less Rebate(s)	\$1,000.00
Dealer Added Accessories	\$0.00
Cash Price (with Accessories)	\$45,001.00
Sales Tax (estimate)*	\$0.00
Total Fees**	\$499.00
Total Cash Price (estimate)	\$45,500.00
Payoff, balance of Trade(s) (estimate)	\$0.00
Total Charges (estimate)	\$45,500.00

* Sales Tax 0.0000% Amt:\$0.00

** Fees include: Administrative Fee \$499.00

Reliable Chevrolet
3655 S. Campbell
Springfield Mo. 65807
(417) 319-2140

Customer Approval

Payment options are estimates only and may vary among lending institutions. The dealership cannot guarantee that you will be approved for financing upon these terms, or at all. Optional product and/or accessories are not required in order to purchase or finance the vehicle. This offer sheet is for information purposes only and does not bind seller in any manner.

This quote is valid until: 1/6/2023

Management Approval

MIKE O'HARE
SALES MANAGER

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**APPOINTING WENDY HUGHES TO THE BELLA VISTA ADVERTISING
AND PROMOTION COMMISSION AS A COUNCIL MEMBER
COMMISSIONER IN PLACE OF JOHN FLYNN**

WHEREAS, Doug Fowler and John Flynn have served on the Bella Vista Advertising and Promotion Commission as the two Council Member commissioners; and

WHEREAS, John Flynn has been elected Mayor and desires to have another Council Member serve on the Commission as one of the Council Member commissioners;

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

SECTION 1: The Bella Vista City Council hereby appoints Wendy Hughes to the Advertising and Promotion Commission as a Council Member commissioner in place of John Flynn.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**APPROVING THE MAYOR'S APPOINTMENT OF LINDA LLOYD TO
THE BELLA VISTA PLANNING COMMISSION TO COMPLETE THE
UNEXPIRED TERM OF CRAIG HONCHELL DUE TO HIS ELECTION
TO THE CITY COUNCIL**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

SECTION 1: The Mayor's appointment of Linda Lloyd to the Bella Vista Planning Commission to complete the unexpired term of Craig Honchell due to his election to the City Council is hereby approved.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: January 23, 2023

AGENDA ITEM: Resolution

ITEM TITLE: Appointing Members to the Planning Commission, and for Other Purposes.

SUBMITTED BY: Taylor Robertson, Senior Planner, Community Development Services

SUMMARY EXPLANATION: Section 101-3 created the Planning Commission, set its membership at 7 positions, and dictates that the members serve staggered four-year positions which expire on March 1st of each year. Position 2 has recently been vacated with an unfinished term due to the recent election. Upon review of eligible applicants, the following candidate is recommended by Staff and appointed by the Mayor:

Ms. Linda Lloyd has agreed to volunteer for the vacant Position 2 with a term expiring on March 1, 2025. The applicant's resume will be attached as a supporting exhibit.

ATTACHMENT: ORDINANCE ☐ RESOLUTION ☒ OTHER ☐

RECOMMENDATION: Staff recommends City Council approve the appointment.

ACTION REQUESTED:

Motion to adopt ☒

RESUME

Linda Lloyd
102 Fairway Drive
Bella Vista, AR 72714

Phone (479)855-2280

e-mail - stonedance@att.net

EXPERIENCE

2012 - Present - Principal Broker - Acorn Realty LLC
2010-2012 - Executive Broker - Kaufmann Realty LLC
2008-2010 CEO and Project Director - Natural Systems Developers - directing all aspects of the development and marketing of the Mariposa ecoVillage
2006-2008 Executive Director - Mad River Valley Planning District - responsible for planning, grants, and projects in the towns of Fayston, Warren and Waitsfield
1999-2006 Manager -The Quarries LLC - developing a 580 acre ecoVillage community in Schuyler, Virginia and various other properties/subdivisions
2/29/88 - 4/1/99 Linda Lloyd Appraisals - sole proprietorship specializing in residential appraisals --Turtle Ridge Developers - development of raw land - home construction

Prior -

The Real Estate Institute of Pennsylvania - 1985 - 1988
Instructor in Appraisal, Construction, Fundamentals and Practice
Co-owner and Director - 1987-1988
Coldwell Banker MGM Realty - 6/82 - 5/85 -Office Manager and Associate Broker
Englestown Neighborhood Development Assistance League - 9/81 - 11/83
Executive Director of this non-profit neighborhood housing development corporation - purchase properties, design renovations, write specs and cost estimates, supervise construction, and market properties
York County (PA) Planning Commission - 5/80 - 9/81
Housing and Rehabilitation Specialist for Community Development Block Grant Program
Grempler Realty - Baltimore, MD - 8/73 - 5/80 Realtor

AWARDS

Green Builder of the Year Award from the Virginia Recycling Association - 2005
Community Partner Award from Charlottesville Area Association of Realtors for volunteer activities with Habitat for Humanity and the Habitat Store - 2005
Baltimore Heritage Award (one of only two residential awards given that year) for historic Renovation work in the Ridgely's Delight area of Baltimore - 1981

EDUCATION

B.A. Degree - Urban Studies - Mt Holyoke College - 1972
Masters Degree - Regional Planning - Penn State University - 1985

Courses toward Master of Ecological Design degree – SFIA
Permaculture Design Certification Course – July 2010
Additional courses -
Master of Business Administration Program - Penn State University
Marketing Principles
Management Information Systems
Managerial Statistics
Construction Technology Program - Community College of Baltimore
Architectural Drafting
Specification Contracts and Estimating
Construction Lab - Plumbing and Heating
The Maryland Institute College of Art
Wood Furniture Design I and II
Yestermorrow Design/Build School
Home Design/ Build Course - 1992 and 1995
Architectural Crafts – 1993 David Sellers Studio - 1996
Soil and Soul - (Jim Hubbard) – 1996 Sustainable Design/Build - 1998
Solar Design Principles – 1995 Cabinetry and Built-ins - 1997
Furniture Design/Build – 1998 Concrete Countertops – 2005
Teacher - Home Design/Build – July 2006

LICENSES AND CERTIFICATIONS

State Certified General Real Estate Appraiser 1991-2009
Real Estate Brokers License 1984- present
Former State Certified Energy Auditor - Maryland
Contractor's Class A License (through Quarries LLC) in Virginia – til 2010
GRI designation - 1984 CRS designation - 1985
Former State certified Responsible Land Disturber (VA)
Building Performance Institute – certified 2012

MEMBERSHIPS

City of Bella Vista – City Council (2017 - 2020)
City of Bella Vista - Strategic Planning Task Force (2012)
City of Bella Vista – Board of Zoning Appeals (Chair 2013-15)
Bella Vista Historical Museum Board and volunteer docent
American Rainwater Catchment Society America – Accredited Professional
Texas Master Naturalists (2009-2010)
Appointee – Amarillo Environmental Advisory Committee (2009-2010)
Charlottesville Area Association of Realtors – Co-Chair Government Affairs
Committee – Work Force Housing Committee (until 2006)
Board of Directors - Yestermorrow Design/Build School (1997-2006)

Former Board Member – Bella Vista Ambassadors
Bella Vista Community Television
Bella Vista Business Association (former President)
Central Vermont Community Land Trust

*Natural Building Network
Historic Harrisburg Association
Former Mayoral Appointee - Harrisburg Architectural Review Board
Mensa (former member)
Nelson County Ag/Forestral District Committee – 2004-2006*

DETAILS OF PRIOR EXPERIENCE

Mariposa ecoVillage – all aspects of land development, community planning, permitting, building design, construction, contracting, marketing, financing and budgeting, business plan, supervision

The Quarries LLC – property development – land acquisition, feasibility studies, soils work, determining property lines, submitting subdivision plats and securing County and Health Department approvals, marketing

*Executive Director - Engletown Neighborhood Development Assistance League L t d .
(ENDALL) - 9/81 - 11/83*

This neighborhood non-profit housing development corporation purchased and renovated vacant homes for resale at cost. As Director, I found the homes, e v a l u a t e d their condition, negotiated their purchase, designed renovations, wrote specs, bid the work, supervised construction, and marketed properties

*Housing and Rehabilitation Specialist - York County Planning Commission - 5/80 - 9/81
Community Development Block Grant Program - Inspected homes and completed work specs to bring them up to HUD's minimum property standards completed estimates to determine if work could be completed within property guidelines - bid the jobs - supervised work and certified completion*

*Owner and Director - The Real Estate Institute of Pennsylvania - 1985 - 1988
This school was Pennsylvania's first private licensed real estate school – Duties included course development, marketing the school, developing brochures, scheduling courses, administrative duties, transcripts -- Instructor for courses in Real Estate Fundamentals and Practice, Appraisal and Construction*

CONSTRUCTION AND DESIGN EXPERIENCE

2014-15 designed and built new home in Bella Vista using rainwater catchment

*1988 - 2010 design and construction of off-grid, green and natural buildings in 4 states
- including the first Earthcraft Certified House in the State of Virginia - done as a fundraiser
for Yestermorrow Design/Build School - profit \$19849*

*1982 - 1987 - Harrisburg, Pennsylvania - designed and totally renovated 6 properties,
most in historic districts - including a former sheet metal warehouse that was converted into
two unique townhouses*

*1978 - 1982 Completed four total gut rehabs of properties located in the Ridgely's
Delight section of Baltimore - one had been a bank - one a carriage house*

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**DESIGNATING AUTHORIZED DISBURSING OFFICERS AND
MUNICIPAL DEPOSITORY BOARD FOR THE CITY OF BELLA VISTA
FOR CALENDAR YEAR 2023**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

SECTION 1: The following individuals are hereby authorized to sign the disbursements, on all fund accounts, on behalf of the City of Bella Vista for calendar year 2023. Two signatures shall be required on all City checks:

Mayor John D. Flynn and
Kim Hall, Finance Director.

In the event that one or the other of the above-named persons are absent or unavailable, the following individuals are hereby authorized to sign disbursements:

Alternate No. 1—Mayor Pro Tempore
Alternate No. 2—City Clerk Wanda Krug
Alternate No. 3—Police Chief James Graves
Alternate No. 4—Council Member Jim Wozniak.

SECTION 2: The Municipal Depository Board for the City of Bella Vista for calendar year 2023 shall consist of the following:

Mayor John D. Flynn
Kim Hall, Finance Director
Council Member Doug Fowler.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug
Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH WICHITA KENWORTH, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, FOR THE PURCHASE OF ONE (1) NEW PRODUCTION MODEL DUMP TRUCK WITH SALT SPREADER AND SNOWPLOW EQUIPMENT IN THE AMOUNT OF \$254,452.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:

SECTION 1: The City Council of the City of Bella Vista, Arkansas hereby authorizes the Mayor and City Clerk to enter into a contract with Wichita Kenworth, pursuant to a Sourcewell Cooperative purchasing agreement, for the purchase of one (1) new production model dump truck with salt spreader and snowplow equipment in the amount of \$254,452.00.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

Certificate of Membership

This certificate entitles you to purchase from competitively solicited contracts. You will save time and money by using Sourcewell contracts, while buying the quality products you want from nationally recognized vendors.

Together, we are Sourcewell.

Our membership team is ready
to help you every step of the way.
Contact us for more information.



Sourcewell-mn.gov
membership@sourcewell-mn.gov
877-585-9706

City of Bella Vista

Member # 93213

A stylized, handwritten signature in black ink, appearing to read "Chad Coquette", positioned above a horizontal line.

Dr. Chad Coquette, PhD, Executive Director/CEO

Memorandum

January 10, 2023

To: Mayor John Flynn and Bella Vista City Council

From: Mike Button, City of Bella Vista Street Superintendent

RE: Purchase; Dump Truck with Salt Spreader and Snowplow Equipment

The Bella Vista Street Department respectfully requests approval for the purchase of a new production model "Dump Truck with Salt Spreader and Snowplow Equipment" for the Street Department. This truck and related equipment would be replacing a 2004 International dump truck which has been converted into a dedicated hot box truck.

This piece of equipment can be purchased utilizing Sourcewell Purchasing Cooperative, which in turn has already competitively bid this item (Contract #060920-KTC), and we the City of Bella Vista AR have been a member since 2012.

The funding for this particular item was approved as part of account 52800, department 100, of the 2023 City Council approved budget. The budget price that was initially submitted was in the amount of \$208,000, however, in today's economy, there have been price increases in nearly every market; raw materials, labor, etc. have all increased. These increases totaling \$46,452.00, are reflected within the Sourcewell contract amount of \$254,452.00.

To conclude, I recommend Bella Vista City Council approve the purchase of 1 (one) new production model Dump Truck with Salt Spreader and Snowplow Equipment in the amount of \$254,452.00, with Wichita Kenworth being an awarded vendor to Sourcewell Purchasing Cooperative.

Respectfully Submitted,

Mike Button

Bella Vista Street Superintendent



WICHITA KENWORTH (W370)
5115 NORTH BROADWAY
WICHITA, Kansas 67219

MASTER TECH TRUCK & EQUIPMENT
5115 N BRDWAY
WICHITA, Kansas 67219
United States of America

David Williams
Cell Phone:
Office Phone: 316-838-0867
Email: davidw@emporiakenworth.com

Galen Esslinger
Office Phone: 6202536037
Email: galene@wichitakenworth.com

Vehicle Summary

Unit		Chassis	
Model:	T480 Series Conventional	Fr Axle Load (lbs):	20000
Type:	FULL TRUCK	Rr Axle Load (lbs):	24020
Description 1:	T480 PX7 300 3500RDS	G.C.W. (lbs):	44020
Description 2:	Bella Vista		
Application		Road Conditions:	
Intended Serv.:	Snowplow: Vehicles which are configured	Class A (Highway)	75
Commodity:	Gravel/crushed rock/sand.	Class B (Hwy/Mtn)	20
Body		Class C (Off-Hwy)	5
Type:	End dump.	Class D (Off-Road)	0
Length (ft):	16	Maximum Grade:	6
Height (ft):	11.5	Wheelbase (in):	180
Max Laden Weight (lbs):	8000	Overhang (in):	61
Trailer		Fr Axle to BOC (in):	69.5
No. of Trailer Axles:	0	Cab to Axle (in):	110.5
Type:		Cab to EOF (in):	171.5
Length (ft):	0	Overall Comb. Length (in):	281
Height (ft):	0	Special Req.	
Kingpin Inset (in):	0	U.S. Domestic registry, 50-state.	
Corner Radius (in):	0		
Restrictions			
Length (ft):	75		
Width (in):	102		
Height (ft):	13.5		

Approved by: _____

Date: _____

Note: All sales are F.O.B. designated plant of manufacture.

Std/ Opt	Description	Weight
Model		
S	T480 Series Conventional	10,386
O	T480 Aero Hood	0
O	CARB Idle Emissions Reduction Feature for PX-7 and PX-9	0
O	T480 Single Rear	0
O	State of Registry: Kansas	0
Engine & Equipment		
O	PX-7 300 300@2600 660@1600, 2021 With Turbo Exhaust Brake (VGT Brake). N09420 C333 0.....Reserve Speed Limit Offset (N09380 C334 0.....Maximum Cycle Distance (N202 N09360 C400 252...Reserve Speed Function Reset N09200 C399 120...Standard Maximum Speed Limit N09400 C401 10....Maximum Active Distance (N20 N09220 C402 0.....Expiration Distance (N207) N09540 C395 0.....Expiration Distance (N209) N09260 C121 55....Max Vehicle Speed in Top Gea N09440 C234 YES...Engine Protection Shtdwn N09460 C231 NO....Gear Down Protection N09580 C133 15....Idle Shtdwn Time N09680 C233 YES...Idle Shtdwn Override N09480 C132 1700..Max PTO Speed N09300 C128 55....Max Cruise Control Speed N09500 C239 NO....Cruise Control Auto Resume N09520 C238 NO....Auto Engine Brake in Cruise N09780 C190 80....High Ambient Temperature Thr N09740 C188 50....Low Ambient Temperature Thre N09760 C189 60....Intermediate Ambient Tempera N09720 C382 YES...Enable Hot Ambient Automatic N09600 C396 YES...Enable Impending Shutdown Wa N09620 C397 60....Timer For Impending Shutdown N09640 C206 35....Engine Load Threshold N09560 C225 YES...Enable Idle Shutdown Park Br	-564
O	EPA Emissions Warranty Engine	0
S	PremierSpec	0
O	Gearing Analysis: Performance power before economy results.	0
O	Customer's Typical Operating Spd: 55 MPH.	0
O	Effective VSL Setting NA	0

Std/ Opt	Description	Weight
O	Engine Idle Shutdown Timer Enabled	0
O	Enable EIST Ambient Temp Overrule	0
O	Eff EIST NA Expiration Miles Use only with MX and Cummins engines	0
S	Air compressor: Cummins 18.7 CFM For Cummins And PACCAR PX engines.	0
S	Air Cleaner: MD Composite Engine Mounted	0
O	Inside/Outside Air Intake for Engine Mounted Air Cleaner	16
O	Pre-cleaner mounted in the hood plenum	7
O	Fan Hub: Horton On/Off for PX-7 or B6.7N	0
S	Cooling Module: 2.1M MD - Aero Hood 1000 Square Inches	0
O	EXH: 2021 RH Under DPF/SCR with RH SOC Vertical tailpipe. Not 2.1m high roof sleepers	0
O	Tailpipe: 5 in. single 24 in. 45 degree curved.	6
S	Fuel Filter: PACCAR 2.1M MD for PX-7 or PX-9 Fuel/water separator for 2021 and later engines.	0
O	Run Aid:Fuel Heat *For Fuel Filter	0
O	Start Aid:12V Heat *For Fuel Filter	1
O	Kenworth Fuel Cooler Required for Cummins engines with a single fuel tank. Required for PACCAR MX-13 engine with a single fuel tank and stationary use: High RPM, low vehicle speed, sustained for longer than 1 hour. Optional for all other applications.	0
O	Block heater: PACCAR 750 watt 120V for PX-7 and B6.7N. 1000 watt for PX-9 and ISL9 engines.	2
O	Alternator: 160 amp brushless with battery voltage sense. *This code replaced 1812160.	0
O	Batteries: 3 PACCAR GP31 threaded post (700-730) 2100-2190 CCA dual purpose.	62
S	Mitsubishi 105P55 12V Starter with Cummins and PX PACCAR 12 volt electrical system. W/ centralized power distribution incorporating plug-in style relays. Circuit protection for serviceability, 12-volt light system w/circuit protection circuits number & color coded. Only for Cummins or PX engines.	0
O	Remote PTO/Throttle, 12-Pin, Engine Bay Remote Control Provision	0
Transmission & Clutch		
O	Transmission: Allison 3500RDS 6-speed	399

Std/ Opt	Description	Weight
	w/PTO drive gear. 5th Gen Controls. Limited to 860 lb.-ft. Includes heat exchanger & oil level sensor. Rugged Duty Series for vocational applications. Transynd transmission fluid is standard on all Allison 1000, 2000, 3000 & 4000 series transmissions.	
S	Driveline: 2 Dana standard-duty; 1 centerbearing. *Standard duty is 1710 series.	0
S	One Heavy-Duty One-Piece Aluminum crossmember This option upgrades an existing crossmember. The cost does not include the centerbearing and bracket. Crossmember location will be in accordance with Kenworth engineering standards, using the major components specified on the DTPO.	0
O	Torque converter included w/Allison Transmission.	0
O	Left hand Pto access, right hand dip stick tube Allison 3000 series only.	0
O	Push Button Shifter Controls, Center Console Mounted for Allison Transmission. 2.1m Medium Duty only.	0
O	Allison Fuel Sense: Delete	0
O	Allison Neutral at Stop	0
O	Customer installed transmission PTO in the LH Mounted position (8 o'clock) for Allison 3000 & 4000 transmissions.	0
Front Axle & Equipment		
O	Meritor MFS20 20K 3.74in. drop wide track.	0
O	Front Brakes: 22K Bendix ES S-cam 16.5x6 in.	-46
O	Front Brake Drum: 22,000 lbs. 16-1/2x6 in. Cast.	104
O	Front Hubs Iron hub pilot 20,000 lbs. 10 Bolt 16.5x6in. or 7in. or air disc brakes. 10 Bolt, 11-1/4 in. bolt circle. Consider Wheelguards (5850002) with aluminum wheels.	80
S	ConMet PreSet Plus Hub package; front axle.	0
S	Hubcap: front vented.	0
S	Front Auto Slack Adjuster.	0
O	Front Springs: Taperleaf 20K w/shock absorbers w/ maintenance-free elastomer spring pin bushings.	99
O	Dual power steering gears: 18/20K	75
O	Power Steering Cooler:Radiator Mounted Air-to-Oil	11
O	5 mm front suspension spacer block.	0
Rear Axle & Equipment		

Std/ Opt	Description	Weight
O	Single Dana Spicer S26-190 rear axle; 26K capacity rated at 26K. Single rear axle.	208
O	Rear Axle Ratio - 7.83.	0
S	Single Rear Brakes 16-1/2x7 in. Bendix ES- extended service S-cam.	0
O	Dual Rear Brake Drums: cast included w/ axle or brake.	0
S	Single Rear Hubs: Iron hub pilot 11-1/4 in. bolt circle.	0
S	ConMet PreSet Plus Hub package; single rear axle.	0
S	Single Rear axle automatic slack adjusters.	0
S	Spring Brake: 3030 long stroke single 3 in. travel. Helps keep brakes in adjustment longer.	0
S	Bendix 4S/4M anti-lock brake system.	0
O	Rear suspension: single Reyco 79KB multileaf 26K with helper spring. Medium duty. Unladen Height: 10.8 in. Laden Height: 8.1 in. Not rear air disc brake compatible.	119
S	Bolted rear suspension crossmembers for Reyco 79KB. Replaces medium duty standard.	0

Tires & Wheels

O	Front tires: Bridgestone M870 315/80R22.5 20PR All Position	94
O	Rear tires: Bridgestone M799 11R22.5 16PR. 42 in. diameter, drive. 19.5 in. SLR. Code is priced per pair of tires.	24
O	Rear Tire Quantity: 4	0
O	Front Wheel: Accuride 29039 22.5X9 steel Steel Armor[™] powder coat, hub-pilot mount. 10000lb. maximum rating. 5-hand holes.	70
O	Rear Wheel: Accuride 50344 22.5x8.25 steel Steel Armor[™] powder coat, hub-pilot mount. Heavy-duty 5 hand-hole hub pilot mount. Code is priced per pair of wheels.	40
O	Powder coat white steel wheel. Use in conjunction with front, dual front, rear, spare or lift axle wheel code(s). All wheels on chassis must have same finish color.	0
O	Rear Wheel/Rim Quantity: 4	0

Frame & Equipment

O	Frame Rails: 11-5/8 x 3-7/8 x 3/8 in. Steel to 447 in. Truck frame weight is 3.80 lb.-in. per pair of rails. Section modulus is 21.43, RBM is 2,572,000 in.-lbs per rail. Frame rail availability may be restricted based upon application, axle/suspension capacity, fifth wheel setting, or component/dimensional specifications. The results of the engineering review may result in a change to the	240
---	---	-----

Std/ Opt	Description	Weight
	requested frame rail. If a change is required Kenworth Application Engineering will advise the dealer of the appropriate material specification for a substitute rail.	
S	Bumper: Aerodynamic, Unpainted, in-mold color. Requires a bumper setting code.	0
S	40 in. Bumper setting. Requires a bumper code.	0
O	Provisions for customer-installed Braden winch bumper.	75
O	Custom Frame Layout: one chassis CFL A/D: RH INSIDE FRAME BOC	0
O	Huck bolts throughout frame, where possible.	0
O	Battery box cantilever aluminum BOC with smooth natural finish aluminum cover.	19
O	Battery box location: RH Side.	0
S	DPF/SCR box natural end plates and natural cover.	0
S	Heavy-duty one-pc aluminum intermediate/fill-in crossmember.	0
S	Heavy-duty 5-piece rear cab support, hucked assembly. Huck fastened to frame.	0
O	First - RH outside and RH below rail only. Clear frame space area. Does not include fasteners or piping. Requires a supplemental length and location code. Sales tool graphics do not depict interference between requested location and other frame-mounted components. The actual chassis layout will be determined at time of engineering.	0
O	Second - LH outside and LH below rail only. Clear frame space area. Does not include BOC crossmember, fasteners or piping. Requires a supplemental length and location code. Sales tool graphics do not depict interference between requested location and other frame-mounted components. The actual chassis layout will be determined at time of engineering.	0
O	Directly forward of the rear suspension/quarter fender. First clear frame space location.	0
O	Directly forward of the rear suspension/quarter fender. Second clear frame space location.	0
O	First - 50 in. clear frame space length. The impact to other frame-mounted components will be determined at time of engineering.	0
O	Second - 41 in. clear frame space length. The impact to other frame-mounted components will be determined at time of engineering.	0
O	Final end-of-frame cut-off dimension will be modified to 56 in. to 60 in.	0
S	Square end-of-frame w/o crossmember; non-towing.	0

Fuel Tanks & Equip

<i>Std/ Opt</i>	<i>Description</i>	<i>Weight</i>
O	80 US gallon D-Shape rectangular aluminum under fuel tank, replace. With non-slip step.	52
O	Large DEF tank, 15 gallons.	26
O	DEF to fuel fill ratio 2:1 or greater.	0
S	DEF tank location is LH BOC. For 2.1M medium duty	0
O	Location: 80 gal fuel tank LH under cab	0
Cab & Equipment		
S	Cab: Stamped aluminum with curved windshield LED markers. Requires separate roof code.	0
O	Hood: Med Aero w/ Chrome Crown	0
S	Cab HVAC - Day Cab and 40in Sleeper System With Defrost, A/C, and 48,000 BTU/hr Heater. Includes automatic temperature control with one touch defrost operation and dash mounted cab temperature and solar intensity sensors. Pleated fresh air filter and cabin recirculation air filter standard. The Kenworth HVAC system is designed to provide optimal heating and cooling in all operating environments without need for additional insulation. Cab HVAC without sleeper heater AC is available with 40in sleeper.	0
O	Kenworth Smartwheel: 18 in. Non-Leather With Integrated Radio and Cruise Controls.	0
S	Adjustable telescoping tilt steering column.	0
O	5 sets of keys. Replaces standard 2 sets of keys.	0
O	Dash Switch: 1st Allison-mntd PTO. Electric switch and wiring are factory-installed to control the 1st Allison Trans mounted PTO.	0
O	Info for C/I PTO: Chelsea 10 Bolt	0
O	Four Spare Switches: Wired To Power.	0
O	Gauge: DD Virtual Gauge - Air Filter Restriction	0
O	Gauge: DD Virtual Gauge - Manifold Pressure Boost	0
O	Gauge: DD Virtual Gauge - Engine Percent Torque	0
O	Gauge: DD Virtual Gauge - Engine Hours Instrument Cluster	0
O	Gauge: DD Virtual Gauge - Volts	0

Std/ Opt	Description	Weight
	Instrument Cluster	
O	City horn to honk if door opens and park brake not set.	0
S	Main Instrument Package: 7" Digital Display Cluster. Includes Physical (Analog): Speedometer, Tachometer, Oil Pressure, and Coolant Temp; and Digital: Fuel Level #1, DEF Level, DPF Filter Status, Fuel Economy, Volts Telltale, OAT and Primary Air Pressure, Secondary Air Pressure, and Air Application for air brake trucks.	0
O	Large Flat Panel on Dash For C/I Controls. Replaces Storage Bucket.	0
S	Interior Trim Package: 2.1M MD Gray Foam Backing/Cloth Headliner W/Gray Sunvisor & Seat Color Three Underdash Center Console Cupholders (Two If Allison Transmission Is Selected).	0
O	Driver Seat: KW Air Seat HB Vinyl w/ Dual Armrests/Susp Cover/Isolator Lever	0
O	Rider Seat: KW Premium Air Seat HB Vinyl w/ Dual Armrests/Susp Cover/Isolator Lever/Seat Heater	0
O	SEAT COLOR: Black Replacing Standard Gray	0
O	Kenworth Radio DEA710 AM/FM/WB/USB, Bluetooth	0
O	Speaker Package For Cab: (2) Speakers B-Pillar	0
O	CB Installation Kit: C/I Center Mtd of Header w/ Dual Antenna on LH/RH mirrors. One Jumper Harness.	2
S	Turn Signal: Self-Cancelling	0
S	LH and RH Trip Ledge Rain Deflectors	0
O	Long grabhandle RH side mounted to side-of-cab exhaust.	2
O	Grabhandle: LH, Exterior, Side of Cab - Ergonomic Grab Handle Mounted To The Left Hand Exterior Of The Cab For Entry and Exit.	3
S	Dual Cab Interior Grabhandles: A Pillar Mounted Dash Wrap and B Pillar Mounted Grabhandles	0
S	Kenworth Daylite Door with standard LH/RH electric door locks and LH/RH electric window controls.	0
O	Air Horn: Dual Round 26" LH/RH Roof Incl Air Horn Cover	0
S	Look-Down, Pass. Door, Black 11x6	0
O	Mirror Shell: Dual Aero Chrome	0
O	Mirror: Dual KW Aero Rear View	0

<i>Std/ Opt</i>	<i>Description</i>	<i>Weight</i>
	Motor, heated with Integral CX.	
S	Rear cab stationary window 19in x 36in	0
S	One-piece bonded-in windshield with curved glass. Standard.	0
O	Exterior stainless steel sunvisor.	11
O	4 1/4" Molded Wheelwell Fender Extension.	0
O	Kenworth Cab Air Suspension.	0
O	Roof: Raised Profile, Stamped Aluminum w/ Additional Head Room & Interior Overhead Storage	0
Lights & Instruments		
S	Headlamps: Single Halogen Complex Reflector w/ Turn Indicator, Reflector and DRL. Fender Mtd.	0
S	14-Pin RP170 Body Lighting Connector.	0
S	Marker Lights: Five, rectangular, LED	0
S	LED Stop,Turn,Tail: With Two LED Backup Lights and With An LED License Plate.	0
O	Switch and Wiring:Cust. Installed Beacon Lights With Additional 20ft Jumper Harness Shipped Loose	1
O	Switch & Wiring: For customer-installed plow light. Includes circuit breaker.	0
O	Backup alarm: Tail light bracket mounted variable self-adjusting 82-102 DBA.	0
O	Body Builder Lighting Harness Coiled End Of Frame For Additional Customer Installed Exterior Lighting. Harness Includes Circuits for Additional Customer Installed Tail Lamps, Turn Lamps, Stop Lamps, and Marker Lamps.	0
O	Polyswitches replacing fuses. Switch will automatically reset after removal of excess load.	0
Air Equipment		
S	Air Dryer: Bendix AD-HF Puraguard Heated	0
O	Moisture ejection valve: Midland automatic Use with AD-IS or AD-HF.	0
S	Nylon air tubing in frame & cab, excluding hoses subject to excessive heat or flexing.	0
O	Locate air dryer inside RH rail BOC. This code requires the use of a custom frame layout code.	0
O	Air tanks: mounted inside frame flanges where possible. This code requires the use of a custom frame layout code.	0

Std/ Opt	Description	Weight
Extended Warranty		
O	Base Warranty - PACCAR PX-7 Engine 36 months / Unlimited miles & km / Unlimited hours.	0
O	Severe Service Medium-Duty Warranty: 12 months/ 50,000 miles & km	0
O	Base Warranty: Emissions 5YR/100K MI - EPA Engine (Does not include CARB Clean Idle sticker)	0
Miscellaneous		
O	GHG Secondary Manufacturer: Does Not Apply	0
O	Additional lead time required for off highway & /or specialty component truck.	0
O	Warning triangle reflector kit: Shipped loose. Kit consists of 3 triangles in plastic carrying case. Not floor mounted.	4
O	One 5 lb. dry chemical type fire extinguisher mounted outboard of driver seat. Class ABC.	11
O	Zinc Phosphate frame rail paint processing. Requires frame rail code. Code is for 1 pair of rails.	0
S	VMUX Architecture	0
Promotions		
Paint		
O	Paint color number(s). N9702 A - L0006 WHITE N9720 FRAME N0001 BLACK	0
S	Bumper Unpainted	0
O	Day Cab Bulk Paint	0
S	Day Cab Standard Paint	0
S	1 - Color Paint - Day Cab Color will be White if no other color is specified.	0
S	Base coat/clear coat. The Kenworth Color Selector contains additional instructions, as well as information on Kenworth paint guidelines and surface finish applications. Kenworth is standard with Dupont Imron Elite paint.	0

Order Comments

Total Weight

11,639

Prices and Specifications Subject to Change Without Notice.

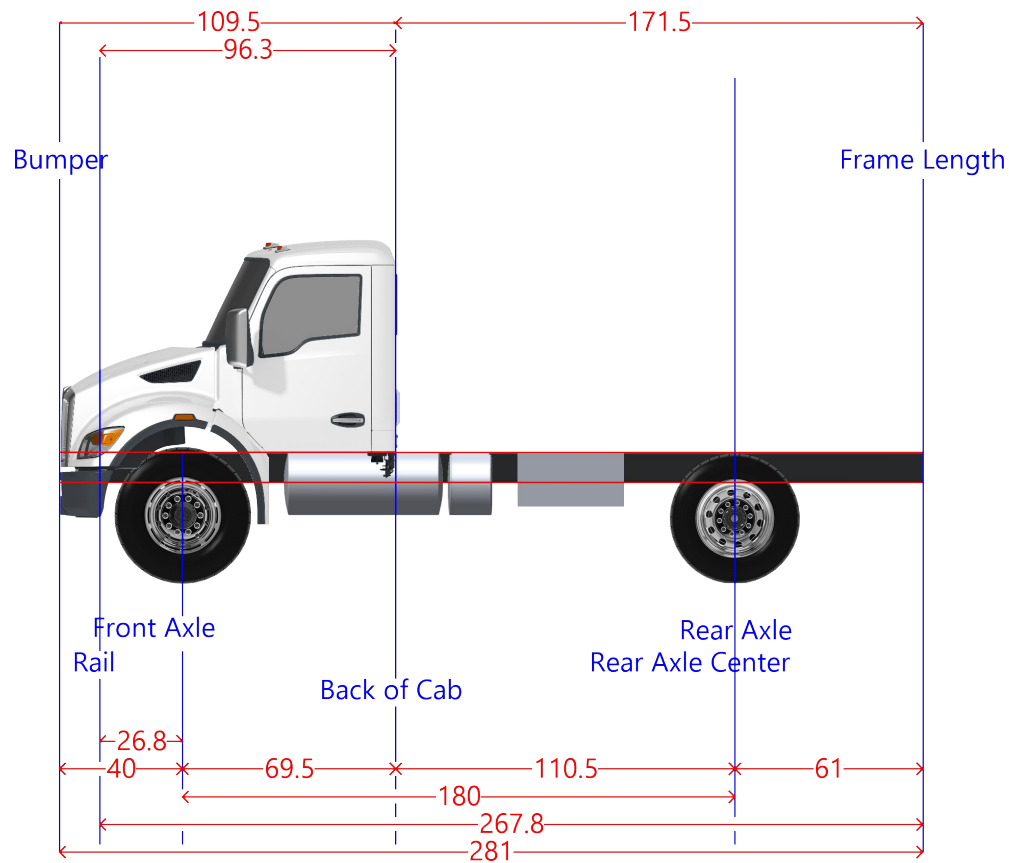
Unpublished options may require review/approval.

Dimensional and performance data for unpublished options may vary from that displayed in CRM.

PRICING DISCLAIMER

While we make every effort to maintain the web site to preserve pricing accuracy, prices are subject to change without notice. Although the information in this price list is presented in good faith and believed to be correct at the time of printing, we make no representations or warranties as to the completeness or accuracy of this information. We reserve the right to change, delete or otherwise modify the pricing information which is represented herein without any prior notice. We carefully check pricing specifications, but occasionally errors can occur, therefore we reserve the right to change such prices without notice. We disclaim all liability for any errors or omissions in the materials. In no event will we be responsible for any damages of any nature whatsoever from the reliance upon information from these materials. Please check your order prebills to confirm your pricing information

HORIZONTAL DIMENSIONS



Dimension	Measurement	Start	End
Axle Spacing	0	180	180
Bumper to Back of Cab	109.5	-40	69.5
Bumper to Front Axle	40.0	-40	0
Bumper to Front Frame	13.2	-40	-26.8
Cab to End of Frame	171.5	69.5	241
Cab to Rear Axle	110.5	69.5	180
Effective Bumper to Back Of Cab	109.5	-40	69.5
Frame Length	267.8	-26.8	241
Front Axle to Back of Cab	69.5	0	69.5
Front of Frame to Axle	26.8	-26.8	0
Load Space	171.5	69.5	241
Overall Length	281.0	-40	241
Overhang	61.0	180	241
Pusher Offset #1	0.0	180	180
Pusher Offset #2	0.0	180	180
Pusher Offset #3	0.0	180	180
Tag Offset	0.0	180	180
Wheelbase	180	0	180

FRAME LAYOUT



Note: Optional content may be displayed. The order has not yet received an engineering review. The actual arrangement of components may not be exactly as pictured. Additional changes may be made to the layout by Kenworth. Add a Custom Frame Layout code if an exact layout is required.

Selected Options (Wheelbase: 180)

Sales Code	Description	Length	Side
7140080	80 US gallon D-Shape rectangular aluminum under	51.9	Left
7722173	Large DEF tank, 15 gallons.	14.7	Left
6497350	First - 50 in. clear frame space length.	50	Right
6497541	Second - 41 in. clear frame space length.	41	Left
6400644	Battery box cantilever aluminum BOC with smooth	17.5	Right



QUOTE

Master Tech Truck & Equipment

5115 N. Broadway
Wichita, KS 67219
Sales (620) 340-7953
Service (316) 978-0192

Date: January 9, 2023
Quote #: 23-0019
Invoice No: N/A
Deal Pkt: N/A
Expiration Date: 2/8/2023

To: CITY OF BELLA VISTA
Address 101 TOWN CENTER
BELLA VISTA, AR 72714
County

Contact: Duane Walker
Phone #: 479-295-3837
Email: dwalker@bellavistaar.gov
Salesman: David Williams

YEAR	MAKE	MODEL	SERIAL NUMBER	COLOR	STOCK NO.	MILEAGE
2024	KENWORTH	T480C	TBD	WHITE	TBD	NEW
Qty	Description			Unit Price	Sublet	Line Total
	MASTER TECH TRUCK AND EQUIPMENT WILL PROVIDE AND INSTALL THE FOLLOWING EQUIPMENT, PARTS, MATERIALS, PROCESSES AND LABOR					
1	TO BUILD DUMP TRUCK W/ SNOW PLOW AND SPREADER			\$ 136,032.00		\$ 136,032.00
	12X24X32 MTTE DUMP BED BY LANAU					
	STANDARD HARDOX450 FLOOR, SIDES, FRONT, TG					
	STANDARD 45 DEG CORNERS CAB SHIELD					
	AIR RELEASE TAILGATE - STANDARD TAILGATE PINS					
	STANDARD HOIST; 12" BOLT ON SPREADER APRON, HINGE ASSY					
	COLOR: BLACK					
	CENTRAL HYD. SYSTEM W/ ELEC. CONTROLS - CERTIFIED POWER					
	TRANSMISSION MOUNTED HOT SHIFT PTO AND HYD. PUMP					
	FRAME MOUNTED STANDARD 30 GAL. HYD. TANK					
	FULL ARMREST CONSOLE					
	TARP SYSTEM: BENT ARMS, TENSION BOWS, MATERIAL: SOLID					
	STANDARD STROBE LIGHTS, REAR AND CAB SHIELD					
	ROOF MOUNTED LIGHT BAR W/ IN CAB CONTROLLER					
	MP41R10-ISCT PARALLEL LIFT SNOWPLOW WITH "FLAT PLATE STYLE HITCH"					
	INCLUDES SCREW JACK KIT WITH GUAGE WHEELS					
	MCV-120-84-56 10' LENGTH SPREADER, 84" WIDE, 56" HIGH					
	CHAIN FEED, HOPPER GRATES, STORAGE LEG KIT					
	WELD ON SPREADER BOX TIE DOWNS, TIE DOWN STRAPS, WINCH BAR					
	MUD FLAPS, HITCH PLATE, 40T PINTLE HITCH, D-RINGS					
	SEMI-TRAILER AIR BRAKE CONNECTIONS, BACK UP ALARM					
	FACTORY INSTALLED GLADHANDS, REAR, STANDARD STYLE, TRAILER PLUG					
	CUSTOMER PECS:					
	TOP SPEED: 70					
	MAX SPEED W/ PTO ENGAGED: 45					
	IDLE SHUTOFF: 15 MIN					
	AMBIENT 50 DEG & 80 DEG					
	PRICES ARE SUBJECT TO CHANGE DUE TO SURCHARGES ADDED BY SUPPLIERS, FUEL PRICES AND UNFORSEEN FREIGHT CHARGES.					
	CUSTOMER ACKNOWLEDGEMENT: _____					

I approve the above work scope and pricing.		Acceptor by Manager			
X_____		X_____		Doc Fee	\$ 500.00
Purchaser's Signature		Dealer or Authorized Representative		Subtotal	\$ 136,532.00
				Sales Tax: Exempt	OUT OF STATE
				Total	\$ 136,532.00



WICHITA KENWORTH
5115 N. Broadway
WICHITA, KANSAS 67219
(316) 838-0867

DODGE CITY KENWORTH
1301 Minneola Road
DODGE CITY, KANSAS 67801
(620) 225-3920

LIBERAL KENWORTH
342 South Country Estates Road
LIBERAL, KANSAS 67901
(620) 624-2500

EMPORIA KENWORTH
1130 Overlander Road
EMPORIA, KS 66801
(620) 343-6303

DATE 1/09/2023		SALESMAN GE		INV. NO. DW	
PLEASE ENTER MY ORDER FOR THE FOLLOWING					
YEAR 2024		MAKE KENWORTH		MODEL T480	
SERIAL #				MILEAGE NEW	
STOCK NO.		COLOR		TO BE DELIVERED ON OR ABOUT	
LIENHOLDER					
ADDRESS					
CITY/STATE/ZIP					
CREDIT LIFE INSURANCE ☐ YES ☐ NO					
A & H INSURANCE ☐ YES ☐ NO					
PD INSURANCE ☐ YES ☐ NO					
TRADE-IN INFORMATION					
YEAR		MAKE		MODEL	
VEHICLE ID NUMBER				STOCK NO.	
BALANCE OWED TO:					
TELEPHONE NO.		PAYOFF		GOOD UNTIL	
WARRANTIES					
NEW TRUCK EXTENDED WARRANTIES					
OPTIONS		TIME		MILEAGE	
1.					
2.					
3.					
4.					
5.					
USED TRUCK - NO EXPRESS WARRANTIES					
The Vehicle is sold without any express warranty, oral or written. The Supplier-Seller makes no express warranty as to mileage, chassis, engine, transmission, power train, electrical system, tires or an other component part of said vehicle. As Owner-consumer of this vehicle, I fully understand that there has been no express warranty, oral or written, of any kind or nature made in connection with the purchase of this vehicle by me.					
Customer Signature					
CUSTOMER'S CERTIFICATION					
1. This contract is not binding upon the dealer until signed by an authorized representative. Buyer may cancel this contract and receive full refund anytime before receipt of a copy of this contract signed by an authorized dealer representative by giving written notice of cancellation to the dealer.					
2. All terms and conditions of this agreement are stated on the front and back of this form. There are no other contracts, promises, or understandings, written or spoken, in addition to this agreement. This agreement cancels and takes precedent over all other agreements or understandings prior to this date. Upon authorized dealer representative signature, this agreement becomes the complete and only agreement.					
3. I have read the front and back sides of this form and I have received a true copy of it.					
CITY OF BELLA VISTA					
PURCHASER'S NAME					
101 TOWN CENTER					
STREET ADDRESS					
CITY/STATE/ZIP BELLA VISTA, AR 72714					
(479) 295-3837					
COUNTY					
BUS. PHONE					
RES. PHONE					
IF PURCHASE OF VEHICLE IS TO BE FINANCED, DISCLOSURE OF THE FINANCE AND RELATED CHARGES WILL BE CONTAINED IN THE RETAIL INSTALLMENT CONTRACT-SECURITY AGREEMENT BETWEEN THE CUSTOMER AND THE LENDING INSTITUTION.					
ADDITIONAL EQUIPMENT AND CONDITIONS:					
OPT. #					
1		2024 KENWORTH T480C DUMP TRUCK CHASSIS			\$141,777.00
1		MTTE STOCK DUMP TRUCK EQUIPMENT PACKAGE WITH CENTRAL HYDRAULIC SYSTEM TO OPERATE SNOW AND ICE EQUIPMENT. MONROE MP41R10-ISCT-PLG PARALLEL LIFT SNOW PLOW W/ FLAT PLATE TP HITCH SCREW JACK KIT W/ GUAGE WHEELS MONROE MCV-120-84-56 V-BOX SPREADER W/ LEG KIT (SEE QUOTE FOR DETAILS)			\$136,532.00
1		SOURCEWELL UP-FIT ALLOWANCE - 5%			\$6,827.00
		TOTAL PRICE FOR COMPLETE TRUCK			\$285,136.00
PRICING IS ESTIMATED AT THE TIME THIS DOCUMENT WAS CREATED. PRICES ARE SUBJECT TO SURCHARGES RENDERED BY THE MANUFACTURERS. FINAL PRICING WILL BE PRESENTED TO THE CUSTOMER, PRIOR TO DELIVERY, FOR FIRST RIGHT OF ACCEPTANCE. PLEASE REFER TO PAGE 2 PARAGRAPH 3.					
1.		SELLING PRICE OF VEHICLE WITH SOURCEWELL DISCOUNT			\$254,452.00
2.		EXTENDED WARRANTY			
3.		NEW TRUCK F.E.T.			
4.		TOTAL SELLING PRICE WITH F.E.T. (#1 + #2 + #3)			
5.		TRADE-IN ALLOWANCE			
6.		PAY-OFF ON TRADE-IN			
7.		NET TRADE-IN ALLOWANCE (#5 - #6)			
8.		NET TRADE DIFFERENCE (#4 - #7)			
9.		SALES TAX (#1 + #2 - #5) / ICC #			
10.		AMOUNT DUE (#8 + #9)			
11.		DEPOSIT CHECK NO.			
12.		DEPOSIT TO HOLD VEHICLE			
13.		ADDITIONAL DOWN PAYMENT			
14.		TOTAL DOWNPAYMENT (#12 + #13)			
15.		TOTAL AMOUNT TO FINANCE OR DUE ON DELIVERY (#10 - #14)			\$254,452.00
ACCEPTED BY MANAGER					
PURCHASER'S SIGNATURE		DATE		CO-PURCHASER'S SIGNATURE	
DATE		DATE		DEALER OR AUTHORIZED REPRESENTATIVE	

THESE TERMS AND CONDITIONS ARE A PART OF PURCHASE AGREEMENT

1. CUSTOMER'S WARRANTY OF TITLE: Customer warrants that the traded-in vehicle is his property free and clear of all liens and encumbrances except as noted on the title.
2. REAPPRAISAL OF TRADED-IN VEHICLE: If a vehicle has been traded in as a part of the payment for the vehicle ordered by Customer and if such vehicle is not delivered to Dealer until delivery to Customer of the vehicle purchased by Customer, such traded-in vehicle shall be reappraised at that time and the reappraised value shall determine the allowance made for such vehicle. If such reappraised value is lower than the original allowance shown on the face of this Purchase Agreement Customer may cancel this Purchase Agreement. This right to cancel must be exercised before delivery of the vehicle ordered to the Customer and surrender of the traded-in vehicle to Dealer.
3. PRICE REVISION (NEW VEHICLE): If the price to Dealer for the series and body type ordered by Customer is changed by the manufacturer before delivery to Customer of the vehicle ordered by Customer, Dealer has the right to change the cash delivered price to Customer. If Customer does not agree with such price change Customer may cancel this Purchase Agreement. If a used vehicle has been traded in as a part of the payment for the vehicle purchased by Customer such traded-in vehicle shall be returned to Customer after payment of a reasonable charge for repairs (if any). If such traded-in vehicle has been previously sold by Dealer the amount received for it minus a selling commission of _____ % and all expenses for storing, insuring, conditioning or advertising such vehicle for sale shall be returned to Customer.
4. CHANGES BY MANUFACTURER OF THE SERIES AND BODY TYPE (NEW VEHICLE): If manufacturer makes any change in design, chassis, accessories or parts of the series and body type ordered by Customer. Dealer shall have no obligation to Customer to make the same or any similar change in any vehicle, chassis, accessories or parts thereof covered by this Purchase Agreement either before or after delivery of it to Customer.
5. FACTORY WARRANTY (NEW VEHICLE): All expressed warranties, if any, by a Manufacturer or supplier other than the Dealer are theirs, not Dealer's unless otherwise provided in writing on the face of this order or in a separate writing furnished to Customer by Dealer.
6. FACTORY WARRANTY (USED VEHICLE): All expressed warranties, if any, by a Manufacturer or supplier other than the Dealer are theirs, not Dealer's, unless otherwise provided in writing on the face of this order or in a separate writing furnished to Customer by Dealer.
7. FAILURE OR DELAY OF DELIVERY: Dealer shall not be liable for failure to deliver or delay in delivering of the vehicle covered by this Purchase Agreement where such failure or delay is due, in whole or in part, to any cause other than the negligence of Dealer.
8. FAILURE OR REFUSAL TO ACCEPT DELIVERY: Unless this Purchase Agreement has been cancelled by Customer according to the terms of sections "2" or "3" above, Customer must accept delivery of the vehicle ordered and comply with the terms of this Purchase Agreement. If not, Dealer has the right to keep as liquidated damages any cash deposit made by Customer. If a vehicle has been traded in as a part of the payment for the vehicle ordered by Customer, Dealer may sell that traded-in vehicle. As additional liquidated damages, Dealer may repay himself from the proceeds of any sale of Customer trade-in vehicle for any expenses and losses including selling commissions, Dealer may have suffered because of Customer's failure or refusal to accept delivery.
9. CONTRACTUAL DISCLOSURE STATEMENT: THE INFORMATION YOU SEE ON THE (FEDERAL TRADE COMMISSION) WINDOW FORM IS PART OF THIS AGREEMENT. INFORMATION ON THE WINDOW FORM OVERRIDES ANY CONTRARY PROVISIONS IN THE CONTRACT OF SALE.

NOTICE TO CUSTOMER

THIS IS AN OFFER TO BUY A VEHICLE MADE BY A CUSTOMER TO THE DEALER. IF THE OFFER IS ACCEPTED BY THE DEALER IT BECOMES THE COMPLETE CONTRACT OF SALE. THE DEALER HAS NO OBLIGATIONS OR RESPONSIBILITIES NOT EXPRESSLY SET FORTH IN THE OFFER. THE OFFER STATES THE TERMS AND CONDITIONS ADOPTED BY THE DEALER AS THE TERMS AND CONDITIONS UNDER WHICH THE DEALER WILL MAKE SALES. BEFORE YOU SIGN THE OFFER TO BUY READ IT CAREFULLY. AS A PRACTICAL BUSINESS MATTER, THE DEALER MUST USE STANDARD PRINTED FORMS STATING THE TERMS AND CONDITIONS ON WHICH SALES ARE MADE. THIS WAY, THE TERMS ARE CLEAR TO YOU AND TO ALL CUSTOMERS AND YOU HAVE AN OPPORTUNITY TO UNDERSTAND THEM BEFORE OFFERING TO BUY. BECAUSE OF MANY LEGAL REQUIREMENTS WHICH APPLY TO AUTO SALES IT IS SIMPLY IMPRACTICAL FOR THE DEALER TO TRY TO INDIVIDUALLY PREPARE DIFFERENT PURCHASE AGREEMENTS FOR EACH SALE.

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK
TO ENTER INTO A CONTRACT WITH PINNACLE EMERGENCY
VEHICLES IN AN AMOUNT NOT TO EXCEED \$236,637.00 FOR A
REMOUNT OF A 2011 4X4 CHIEF XL BRAUN AMBULANCE FOR THE
FIRE DEPARTMENT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

SECTION 1: The City Council of the City of Bella Vista, Arkansas hereby awards bid and authorizes the Mayor and City Clerk to enter into a contract with Pinnacle Emergency Vehicles in an amount not to exceed \$236,637.00 for a remount of a 2011 4x4 Chief XL Braun ambulance for the Fire Department.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

Legal Notices

1201

904 SE 8TH ST
BENTONVILLE, AR. 72712
479-273-3743
75625777 Dec 4, 2022

THE STATE OF ARKANSAS IN
THE CIRCUIT COURT OF
THE COUNTY OF WASHINGTON
Case No. 72CV-22-2256
CIVIL DIVISION

BRICK REVIVAL, LLC and 533
MAPLE AVE, LLC Plaintiffs
VS. NOTICE OF DEFAULT
KYRA CROSSETT
Defendant

T0: Kyra Crossett, Defendant
advised that she has been
NOTICED BY HEREBY NOTIFIED that
the Plaintiffs in this action have
moved for the Court to issue a
default judgment for the relief as
set forth in the Complaint with all
costs, pre-judgment and post-
judgment interests, and
attorney's fees pursuant to Ark.
Code Ann. §18-60-309(b). Upon
issuance of a default judgment
by the Court, Defendant is re-
quired to comply with the provi-
sions of Ark. Code Ann. §18-66-221 by preparing and
filing with the Circuit Clerk with-
in 10 days of the Order of de-
fault, schedule, verified by affidavit, of
all her property, both real and
personal, including moneys, bank
accounts, rights, credits, and
choses in action held by
Defendant or others for her and
specify the particular property
which she may claim as exempt
under the provisions of law.
Debby Winters
Attorney for the Plaintiffs
Cascade Law Group
PO Box 3687
Fayetteville, AR 72702
(479) 236-7839
dwwinters@cascade-ig.com
75626659 Nov 27, Dec 4, 2022

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
ARKANSAS
PUBLIC NOTICE
United States Magistrate Judge
Patricia S. Harris's current term
will expire on 30 July 2023. She
has indicated her willingness to
accept reappointment. The United
States District Court is required
by law to establish a Merit
Selection Panel of citizens to
consider the reappointment of
Magistrate Judge Harris to a new
eight-year term. The Court has
appointed this Panel.
The duties of the Magistrate
Judge in this Court include the
following: (1) conducting most
preliminary proceedings in crimi-
nal cases; (2) handling trial and
disposition of misdemeanor
cases; (3) conducting various pretrial
matters and evidentiary proceed-
ings on delegation from the Dis-
trict Judges; and (4) handling trial
and disposition of civil cases up-
on consent of the litigants.
On behalf of the Panel, the
Court invites comments from
members of the Bar and the
public about whether Magistrate
Judge Harris should be recom-
mended for reappointment. Com-
ments should be directed to:
Merit Selection Panel
c/o United States District Court
Clerk's Office 600 West Capitol
Avenue, Suite A149
Little Rock, Arkansas 72201
Comments must be received no
later than 30 December 2022.
75628226f

Bids/Requests

1210

010000 - ADVERTISEMENT
FOR BIDS
SOLICITATION ID: IFB-22-103
Sealed bids for VBT HANGAR
DEVELOPMENT, to be constructed
for CITY OF BENTONVILLE, will
be received at City of Bentonville
Administrative Services Building
1000 SW 14th St Bentonville, AR
72712 until 3:00PM local time,
Friday, December 16, 2022 at
which time the bids shall be
publicly opened and read aloud.
The Bid Opening will be located in
Room A239, on the second floor.
Sealed bids submitted prior to the
bid opening should be sent to the
City of Bentonville, Attn: Purchasing,
2nd Floor 1000 SW 14th
Avenue, Bentonville, AR 72712.
All Bids must be clearly
labeled on the outer envelope
with the Bidders company name,
the solicitation ID and project
name. The City is not responsible
for bids which are not received or
recognized due to being improperly
addressed.
An Optional Pre-Bid Conference
will be held at 3:30PM local time
on Wednesday, December 7,
2022 via virtual meeting. Pre-Bid
Conference attendance is optional
for bidders on this project. In-
formation regarding the virtual
meeting will be sent out to all
registered bidders one week prior to
the meeting time. Potential bidders
not on the plan holder list prior to
the pre-bid conference can re-
quest access to the pre-bid con-
ference by contacting Chris Mae-
strini (CMmaestrini@GarverUSA.com,
479-257-9188).
The project includes, but is not
limited to, construction of ap-
proximately 1,800 SY asphalt
pavement, grading and drainage
improvements, domestic water
infrastructure improvements, and

Bids/Requests

1210

associated miscellaneous work as
shown on the plans and indicated
in the specifications.
This project was originally bid
under City of Bentonville IFB-
22-41 in May 2022. No contracts
were awarded based on this bid
and all original bids are consid-
ered null and void. Bid docu-
ments have been adjusted for
rebid under IFB-22-103 and only
bids received under this solicitation
ID will be evaluated and consid-
ered for award.
Digital copies of the bid docu-
ments are available at
<http://Planroom.GarverUSA.com>
for a fee of \$3.0. These
documents may be downloaded
by selecting this project from the
"Plan Room" link, and by enter-
ing Quest Project Number 8341840
on the "Browse Projects" page.
For assistance and free
membership registration, contact
QuestCDN at 852.233.1632 or
info@questcdn.com. Addendums
to the bid package will be issued
through the online Garver Plan
Holders List; therefore, all prime
bidders shall be responsible for
downloading the bid documents
from the Garver online plan room
in order to be included in the Plan
Holders List. Bidders must enter
the addenda numbers in the
Proposal to verify receipt.
Pursuant to Arkansas Code
Annotated § 22-9-203, the City
encourages all qualified small,
minority owned, and women
owned business concerns to
submit bids for capital improve-
ments. Encouragement is also
made to all general (prime)
contractors that in the event they
subcontract portions of their work,
consideration is given to the
identified groups.
A Bidder who shall be
accompanied by a cashier's or
certified check upon a national or
state bank in an amount not less
than five percent (5%) of the total
maximum bid price payable
without recourse to the Owner, or
a bid bond in the same amount
from a reliable surety company,
acting as a guarantee that the Bidder
will enter into a contract and execute
performance and payment bonds
within ten (10) days after notice of
award of Contract to him. Such
bid guarantee shall be made
payable to CITY OF BENTONVILLE.
The successful bidder must
furnish a bid bond upon the for-
m provided in the amount of one
hundred percent (100%) of the
contract price from an approved
surety company holding a permit
from the State of Arkansas to act
as surety, or other surety or
sureties acceptable to the Owner.
Bidders must be licensed under
the terms of Arkansas Code
Annotated §17-25-101, et. Seq.
City of Bentonville reserves the
right to reject any or all bids,
to waive irregularities in the bids
and bidding deemed to be in the
best interests of City of
Bentonville, and to reject any
nonconforming, nonresponsive,
or conditional bids.
Bids must remain in effect for
120 days after the bid opening
date.
City of Bentonville Department
Responsible for Advertising Costs:
Accounting \$861.93
12/02/22
City of Jacksonville
1 Municipal Drive
Jacksonville, AR 72076
NOTICE INVITING BIDS
BID NUMBER: JAX-22-010
NOTICE IS HEREBY GIVEN THAT
SEALED BIDS WILL BE RECEIVED
BY THE CITY OF JACKSONVILLE
FOR FURNISHING THE FOLLOWING:
Dupree Park Repairs
IN STRICT ACCORDANCE WITH
REQUEST FOR PROPOSAL SPECI-
FICATIONS ON FILE IN THE OFFICE
OF THE FINANCE DEPARTMENT,
LOCATED IN CITY HALL, #
1 MUNICIPAL DRIVE, JACKSONVILLE,
ARKANSAS, 72076. COPIES OF
SPECIFICATIONS AND BID
DOCUMENTS MAY BE OBTAINED
FROM FINANCE DEPARTMENT OR
OUR WEBSITE www.cityofjacksonville.net LINK TO FINANCE,
TELEPHONE (501) 982-4502.
BIDS MUST BE FILED WITH THE
FINANCE DEPARTMENT IN CITY
HALL NO LATER THAN Monday,
December 19th, AT 1:00 P.M. AT
WHICH TIME THEY WILL BE PUBLICLY
OPENED IN THE OFFICE OF THE
MAYOR. ANY BIDDER MAY
WITHDRAW HIS BID, WITHOUT
OBLIGATION, AT ANY TIME PRIOR
TO THE SCHEDULED CLOSING
TIME FOR RECEIPT OF BIDS. THE
WITHDRAWAL WILL NOT BE EFFECTIVE
UNLESS MADE PERSONALLY OR
BY WRITTEN NOTIFICATION
RECEIVED PRIOR TO CLOSE OF
BIDS. BIDS WILL BE REFERRED TO
THE CITY COUNCIL FOR APPROPRIATE
ACTION. THE CITY COUNCIL
RESERVES THE RIGHT TO REJECT
ANY OR ALL BIDS AND TO WAIVE
ANY TECHNICAL ERRORS OR DISCREPANCIES
IF IT BEST SERVES THE
INTEREST OF THE CITY OF
JACKSONVILLE, ARKANSAS.
ANY QUESTIONS REGARDING THE
QUALIFICATIONS SHOULD BE

Bids/Requests

1210

DIRECTED TO Kevin House Parks
& Recreation Director at (501)
681-3843.
CHERYL ERKEL
FINANCE DIRECTOR
7629584f
ADVERTISEMENT FOR BID
CABOT WATERWORKS
HWY 321 SEWER EXTENSION
Cabot, Arkansas
Sealed Bids for Highway 321
Sewer Extension will be received
by Cabot WaterWorks, at its office,
1 City Plaza, Suite B, Cabot,
AR 72023, until 1:00 PM Central
Standard Time, January 12, 2023,
at which time the Bids received
will be publicly opened and read.
The Project generally consists of
the construction of HWY 321
sewer extension.
A pre-bid conference will not be
held.
Bids will be received for a single
prime Contract. Bids shall be on
a unit price basis. The Issuing
Office for the Bidding Documents
is:
Crist Engineers, Inc.
205 Executive Court
Little Rock, AR 72205
501-664-1552
www.cristengineers.com
Prospective Bidders may exam-
ine the Bidding Documents at the
office of Cabot WaterWorks, 1
City Plaza, Suite B, Cabot, AR
72023, on Mondays through Fri-
days between the hours of 8:00
a.m. and 4:30 p.m.; and the Issu-
ing Office on Mondays through
Fridays between the hours of 8:00
a.m. and 5:00 p.m. The Contract
Documents may also be exam-
ined at the following: Dodge
Reports at www.construction.com
Printed copies of the Bidding
Documents may be obtained from
the Issuing Office, during the
hours indicated above, upon
payment of \$150.00 for each set.
Documents may be purchased
online at www.cristengineers.com.
The date that the Bidding Docu-
ments are transmitted by the Issu-
ing Office will be considered the
Bidder's date of receipt of the
Bidding Documents. Partial sets
of Bidding Documents will not be
available from the Issuing Office.
Neither Owner nor Engineer will
be responsible for full or partial
sets of Bidding Documents, includ-
ing Addenda if any, obtained
from sources other than the Issu-
ing Office. Bid security shall be
furnished in accordance with the
Instructions to Bidders.
This publication was paid for by
the Cabot WaterWorks, Cabot,
Arkansas. The amount to be paid
for this publication is \$295.16
Owner: Cabot WaterWorks
By: Tim Joyner, P.E.
Title: General Manager
Publish Dates:
November 27, 2022
December 04, 2022
75626898f

Bids/Requests

1210

ceived by: City of Fayetteville,
Building Safety Division 125 W.
Mountain Street, Fayetteville, AR
72701 until 4:00PM, Monday,
December 12th, 2022.
Bid # 2023CCSEC - Contract
services to mow, weed eat, clear
growth, clean up trash, junk and
debris, and secure structures for
the Code Compliance Program for
the 2023 Calendar year.
Bid # 2023BH - Contract ser-
vices to brush hog for the Code
Compliance Program for the 2023
Calendar year.
The Invitation to Bid and Bid
Proposal Form may be picked up
at the Development Services
Front Desk, 125 W. Mountain St,
Fayetteville, AR 72701 or by call-
ing 479-575-8237. The City of
Fayetteville reserves the right to
reject any and all bids and to
waive formalities deemed to be
in the city's best interest.
The City of Fayetteville encour-
ages participation of small,
minority and women owned
business enterprises in the pro-
curement of goods, services, and
construction, either as a general
contractor or subcontractor.
To be published in the LEGAL
SECTION of the Arkansas Demo-
cratic Gazette newspaper on Sun-
day, November 27th, 2022 and
Sunday, December 4th, 2022.
Please bill this to Bliss Hyke
P-card in Development Services
for the City of Fayetteville.
If you have any questions,
please contact Billy Bryant at
479.601.6361.
75625994 Nov 27 & Dec 4,
2022

Bids/Requests

1210

ADVERTISEMENT FOR BIDS
City of Fort Smith, Arkansas
Separate sealed bids for May
Branch Outfall Culvert Remedia-
tion, Project No. 21-06-E, will be
received by the City of Fort Smith,
Arkansas, at the:
City of Fort Smith, Engineering
Department
623 Garrison Avenue, Room
409
P.O. Box 1908
Fort Smith, AR 72902
until 10:00 a.m. (Local Time),
December 20, 2022, and then at
said location publicly opened and
read aloud.
The Form of Bid, Form of Con-
tract, Plans, Specifications, and
Forms of Bid Bond, Performance
and Payment Bond, and other
contract documents may be exam-
ined at the following locations:
City of Fort Smith, Engineering
Department
623 Garrison Avenue, Room
409
P.O. Box 1908
Fort Smith, AR, 72902
Hawkins-Weir Engineers, Inc.
403 Garrison Avenue, Suite
101
Fort Smith, Arkansas 72901
Copies of the bid documents may
be obtained from Hawkins-
Weir Engineers located at the
above address upon payment of
\$100.00 for each set, non-re-
fundable. The City of Fort Smith
Standard Specifications for Public
Works Construction, October
2018 Edition, may be obtained
from the Engineering Department
located at the above address for
\$40.00 per book.
The Owner reserves the right to
waive any informalities or to re-
ject any or all bids.
Each bidder must deposit with
his bid, security in the amount
of form and subject to the condi-
tions provided in the Section 102
of the Standard Specifications.
All bidders must be licensed
under the terms of Act 150 of the
1965 Acts of the Arkansas Legis-
lature, including subsequent
amendments.
No bidder may withdraw his bid
within 60 days after the actual
date of the opening hereof.
The City of Fort Smith is an EOE
M/F.
A Pre-Bid Conference will be
held for this project on December
7, 2022. Attendance at the Pre-
Bid meeting is voluntary. The
Pre-Bid Conference will begin at
10:00 a.m. in the Training Room
on the top floor of the Operations/
Maintenance Building at the P
Street Water Reclamation Facility,
13 North P Street, Fort Smith,
Arkansas. A tour of the work site
will be conducted after the Pre-
Bid Conference.
Date: 11/21/2022
Stan Snodgrass, P.E.
Director of Engineering
This publication was paid for by
the City of Fort Smith Engineering
Department and cost \$342.26.
75624891 Nov 27 & Dec 4,
2022

Bids/Requests

1210

ADVERTISEMENT FOR BIDS
City of Gould
Gould, Arkansas
New Elevated
Water Storage Tank
General Notice
City of Gould (Owner) is re-
questing Bids for the construction
of the following Project:
New Elevated Water Storage
Tank
Bids for the construction of the
Project will be received at the
Project City Hall located at 301
North Gould Avenue, until
Wednesday, December 14 at

Bids/Requests

1210

10:00 A.M. local time. At that
time the Bids received will be
publicly opened and read.
The Project includes the follow-
ing Work:
Construction of a new
100,000-gallon elevated water
tank.
Obtaining the Bidding Documents
The Issuing Office for the Bid-
ding Documents is:
Southern Reprographics
901 West 7th Street, Little
Rock, Arkansas 72201
Prospective Bidders may ob-
tain or examine the Bidding
Documents at the Issuing Office
on Monday through Friday be-
tween the hours of 8 A.M. & 5:00
P.M., and may obtain copies of
the Bidding Documents from the
Issuing Office. Partial sets of
Bidding Documents will not be
available from the Issuing Office.
Neither Owner nor Engineer will
be responsible for full or partial
sets of Bidding Documents, in-
cluding addenda, if any, obtained
from sources other than the Issu-
ing Office.
Bidding Documents may be
purchased from the Issuing Of-
fice during the hours indicated
above. Cost does not include
shipping charges. Upon Issuing
Office's receipt of payment, print-
ed Bidding Documents or elec-
tronic documents on compact
disk will be sent via the prospec-
tive Bidder's delivery service.
The shipping charge amount will
depend on the shipping method
chosen.
Instructions to Bidders.
For all further requirements
regarding bid submittal, qualifi-
cations, procedures, and contract
award, refer to the Instructions
to Bidders that are included in
the Bidding Documents.
75625974f
Advertisement for Bids
Date: December 4, 2022
City of Ash Flat
Evans Street Improvement
AEDC # 790-0193-21
Sealed bids from licensed
contractors for construction of
EVANS STREET IMPROVEMENT
in Ash Flat, Arkansas, will be
received by the Mayor at Ash
Flat City Hall, 897 Ash Flat Drive,
Ash Flat, AR 72513 until 11:00 A.M.
on December 20, 2022 and then
at said location publicly opened
and read aloud.
The scope of work consists of
EVANS STREET IMPROVEMENT
construction to Bidders, ACEDP
grant requirements, Bid and
Contract Forms, Plans, Specifi-
cations, and other contract docu-
ments may be examined and ob-
tained (\$50 cost per set obtained)
at Miller-Newell Engineers, Inc.,
P.O. Box 705, 510 Third Street,
Newport, AR 72112.
The owner reserves the right to
waive any informalities or to re-
ject any or all bids. Bidders may
not withdraw their bids within 30
days after the date of bid opening
and must provide bid bonds as
required. All bidding processes
shall be in accordance with State
law. Bidders are required to have
an Arkansas Contractor's Li-
cense.
To request bidding information
or obtain further information con-
tact:
Miller-Newell Engineers, Inc.
P.O. Box 705
510 Third Street
Newport, AR 72112
870-523-6531
This Advertisement for Bids is
being published by and paid for
by the City of Ash Flat
City of Ash Flat
P.O. Box 280
Ash Flat, AR 72513
The amount of this publication
is \$222.94.
Larry Fowler, Mayor
City of Ash Flat
75625974f
Advertisement for Bids

Bids/Requests

1210

Jacksonville Water Works, City
of Jacksonville, Arkansas
Jacksonville Water Works
1900 Marshall Road
Jacksonville, AR 72076
AHRJP DEVELOPMENT
WATERLINE INSTALLATION
Sealed Bids for the Waterline
Installation, for Jacksonville Wa-
ter Works and AHRJP Develop-
ment will be received by Aaron
Robinson on December 20, 2022,
at 1:00 pm, at Bond Consulting
Engineers, Inc., 2601 TP White
Drive in Jacksonville, AR and then
opened and read aloud to all
those attending.
The information for Bidders,
Form of Bid, Form of Contract,
Plans and Specifications, and
Forms of Bid Bond, Performance
and Payment Bond, and other
contract documents will be exam-
ined at the following: BOND
CONSULTING ENGINEERS, INC.,
2601 TP White Drive Jacksonville,
Arkansas 72076.
Copies may be obtained at the
office of BOND CONSULTING EN-
GINEERS, INC., 2601 TP White
Drive Jacksonville, Arkansas 72076,
Phone (501) 982-1538 upon pay-
ment of \$50.00 (NON-REFUNDABLE)
for each set.
Jacksonville Water Works re-
serves the right to accept or re-
ject any and all bids, to waive
any informalities and accept the
proposal which will best serve the
interest of Jacksonville Water
Works.
Each bidder must deposit with
his bid, security in the amount,
form and subject to the condi-
tions provided in the Information
for Bidders.
No bidder may withdraw his bid
within 90 days after the actual
date of the opening thereof.
Jake Short, General Manager
Jacksonville Water Works
Advertisement Dates Run:
December 4, 2022
December 11, 2022
75629571f
ADVERTISEMENT FOR BIDS
Sealed bids for the "Maintenance
Facility" will be received by the
City of Clarendon, at the office of
Grimes Consulting Engineers,
2800 Cantrell Road, Suite 101,
Little Rock, Arkansas, until 10:30
a.m., Wednesday, December 13,
2022, at which time and place
the bids will be publicly opened
and read aloud.
Approximate quantities of some
significant work items are:
Maintenance Facility: 1 L.S.
Copies of the Plans and "Specifi-
cations and Contract Documents"
may be examined at the Clarendon
Municipal Office at the Airport
Manager's Office; and at the office
of Grimes Consulting Engineers,
Inc., 2800 Cantrell Road, Suite
101, Little Rock. Copies of the
Plans and "Specifications and
Contract Documents" (including
proposal) may be obtained at the
office of the Engineers at the
purchase price of \$50.00 (non-
refundable).
A proposal guaranty shall ac-
company each bid. The guaranty
shall be either a bid bond (ex-
ecuted on the form furnished by
the Owner), cashier's check, cer-
tified check, or other negotiable
instrument equivalent to (5) per-
cent of the amount of the bid, as
assurance that the bidder will,
upon acceptance of his/her bid,
execute the Contract and cause to
be executed a Performance Bond
and Payment Bond, acceptable to
the Owner, within 10 calendar
days following notice of contract
award. Such proposal guaranty
shall be made payable to the City
of Clarendon.
It is the policy of the City of
Clarendon that disadvantaged
business enterprises, as defined
in 49 CFR Part 23, shall have the
maximum opportunity to partici-
pate in the performance of con-
tracts.
The proposed contract is under
and subject to Executive Order
11246 of September 24, 1965,
and to the Equal Opportunity
Clause. The Bidder's attention is
called to the "Equal Opportunity
Clause" and the "Standard Federal
Equal Employment Construction
Contract Specifications" set forth
in the Specifications.
The bidder must supply all the
information required by the pro-
posal form.
Women will be afforded equal
opportunity in all areas of em-
ployment. However, the employ-
ment of women shall not dimin-
ish the standards or requirements
for the employment of minorities.
The City of Clarendon reserves
the right to reject any or all bids
and to waive formalities, except
for conditions affecting Executive
Order 11246.
Bids must remain in effect for
120 days after the bid opening
date.
As a means of providing a se-
cure and fair bid, No Plans,
Specifications, or information will
be provided to any "Plan Rooms".
City of Clarendon
Diane Cunningham, Mayor
75627281f
ADVERTISEMENT FOR BIDS
Vilonia Waterworks Association
Vilonia, AR, Sallitilo Road

Bids/Requests

1210

Waterline Relocation
General Notice
Vilonia Waterworks Association
(Owner) is requesting Bids for
the construction of the following
Project:
Sallitilo Road Waterline Reloca-
tion
Project # 01-22-03
Bids for the construction of the
Project will be received at the
Vilonia Waterworks Association
office located at 19 Industrial Drive,
Vilonia, AR 72173 until Tuesday,
December 13, 2022 at 10 a.m.
local time. At that time the Bids
received will be publicly opened
and read aloud.
The Project includes the follow-
ing Work:
Furnishing and installation of
approximately 175 linear feet of
8" waterline and 104 Linear feet
of 4" waterline with associated
valves and appurtenances, along
with surface restoration, testing,
disinfection, and two 35 linear
foot bores with 16" steel encasement
pipe.
Obtaining the Bidding Docu-
ments
Information and Bidding Docu-
ments for the Project can be
found at the following designated
website:
www.saltengineers.com/projects
Project plans and technical
specifications may be down-
loaded from the designated web-
site, free of charge, to allow
prospective bidders to determine
if they would like to bid the
project. Bidding Documents re-
quired for the submission of a
bid must be purchased from the
issuing office (printed copies) or
downloaded from QuestCDN, as
detailed below. All official notifi-
cations, addenda, and other Bid-
ding Documents will be offered
only through these sources. Nei-
ther Owner nor Engineer will be
responsible for Bidding Documents,
including addenda, if any, ob-
tained from sources other than the
designated sources.
The Issuing Office for the Bid-
ding Documents is:
SALT Engineers & Planners,
Inc.
407 W. Arch Ave.
Searcy, W. AR 72143
Prospective Bidders may ob-
tain or examine the Bidding
Documents at the Issuing Office
on Monday through Friday be-
tween the hours of 7 a.m. to 5
p.m., and may obtain copies of
the Bidding Documents from the
Issuing Office as described below.
Partial sets of Bidding Documents
will not be available from the
Issuing Office. Neither Owner
nor Engineer will be responsible
for full or partial sets of Bidding
Documents, including addenda,
if any, obtained from sources
other than the Issuing Office.
Bidding Documents may be
purchased from the Issuing Of-
fice during the hours indicated
above. Cost does not include
shipping charges. Upon Issuing
Office's receipt of payment, print-
ed Bidding Documents will be
sent via the prospective Bidder's
delivery service. The shipping
charge amount will depend on
the shipping method chosen. Bid-
ding Documents are available for
purchase in the following formats:
FormatCost
Printed Bidding Documents
(including Full-Size Drawings)
\$200
Printed Bidding Documents
(including Half-Size Drawings)
\$100
Electronic download of Bidding
Documents from www.questcdn.com \$50
Bidding Documents can be
downloaded at www.questcdn.com.
Reference QuestCDN project
number 8339223 for a non-refund-
able charge of \$50.00. Contact
QuestCDN Customer Support at
952-233-1632 or info@questcdn.com
for assistance in membership
registration and downloading
digital project information. Pro-
ject bid documents must be
downloaded from QuestCDN,
which will add you company to
the Planholder List.
Instructions to Bidders.
For all further requirements
regarding bid submittal, qualifi-
cations, procedures, and contract
award, refer to the Instructions
to Bidders that are included in
the Bidding Documents.
75626887f
ADVERTISEMENT FOR REQUEST
FOR ANNUAL STATEMENTS OF
QUALIFICATIONS AND PERFORMANCE
DATA FOR PROPERTY APPRAISAL
SERVICES
Central Arkansas Water (CAW)
is seeking "Annual Statements of
Qualifications and Performance
Data" for Property Appraisal
Services for 2023. Interested
parties should submit three (3)
copies of such Statement to:
Jim Ferguson, P.E., Director of
Engineering
Central Arkansas Water
221 East Capitol Avenue
P.O. Box 1789
Little Rock, AR 72203
The Statements of Qualifica-
tions and Performance Data shall
be received no later than Thurs-
day, January 12, 2023 at 4:00
p.m.
Central Arkansas Water re-
serves the right to reject any
Statement of Qualifications and
Performance Data and to waive
any or all formalities deemed to
be in the best interest of CAW.
For questions or to request a
copy of the requirements for the
"Annual Statements of Qualifica-
tions and Performance Data" for
Consulting Engineering Services,
contact Jim Ferguson, Director of
Engineering, at 501-377-1298 or
e-mail jim.ferguson@carw.com.
If your firm submitted a State-
ment of Qualifications in re-
sponse to a previous Request
for Qualifications for Consulting
Engineering Services to CAW,
your previous submittal will be
used for consideration in 2023
unless you advise CAW other-
wise. However, you are welcome
to submit an updated SOQ for
2023.
BOARD OF COMMISSIONERS,
CENTRAL ARKANSAS WATER
75628568f
ADVERTISEMENT FOR REQUEST
FOR ANNUAL STATEMENTS OF
QUALIFICATIONS AND PERFORMANCE
DATA FOR ARCHITECTURAL SER-
VICES
Central Arkansas Water (CAW)
is seeking "Annual Statements of
Qualifications and Performance
Data" for Architectural Services
for 2023. Submittals can be
made for Architectural services.

Bids/Requests

1210

Interested parties should submit
three (3) copies of such State-
ment to:
Jim Ferguson, P.E., Director of
Engineering
Central Arkansas Water
221 East Capitol Avenue
P.O. Box 1789
Little Rock, AR 72203
The Statements of Qualifica-
tions and Performance Data shall
be received no later than Thurs-
day, January 12, 2023, at 4:00
p.m.
Central Arkansas Water re-
serves the right to reject any
Statement of Qualifications and
Performance Data and to waive
any or all formalities deemed to
be in the best interest of CAW.
For questions or to request a
copy of the requirements for the
"Annual Statements of Qualifica-
tions and Performance Data" for
Property Appraisal Services, con-
tact Jim Ferguson, Director of
Engineering, at 501-377-1298 or
e-mail jim.ferguson@carw.com.
If your firm submitted a State-
ment of Qualifications in re-
sponse to a previous Request
for Qualifications for Consulting
Engineering Services to CAW,
your previous submittal will be
used for consideration in 2023
unless you advise CAW other-
wise. However, you are welcome
to submit an updated SOQ for
2023.
BOARD OF COMMISSIONERS,
CENTRAL ARKANSAS WATER
75628564f
ADVERTISEMENT
Howard County is seeking the
services of qualified manage-
ment service providers to assist
in the overall management of its
ARP allocated activities.
Multiple contracts may be
awarded as a result of this soli-
citation. The County will consid-
er dividing total requirements,
when economically feasible, into
smaller tasks or quantities.
To obtain a proposal packet,
please contact Cecil McGee at
870-945-7524.
The deadline for submission
of proposals is 3:00 (p.m.) on
December 19, 2022 to the office
of the County Judge Kevin Smith,
421 North Main, Nashville, AR
71852.
It is the responsibility of the
submitting entity to ensure that
the proposal is received in a
timely manner. Proposals re-
ceived after the deadline will not
be considered for award, regard-
less of whether or not the delay
was outside the control of the
submitting firm.
The County reserves the right
to negotiate with any and all in-
dividuals or firms that submit
proposals. All awardees must
have an active registration in
Sam.gov and follow all applica-
ble Federal and State laws.
Sincerely,
Kevin Smith, County Judge
/s/Kevin Smith
Request for Proposals (RFP)
75629119f
ADVERTISEMENT
The City of Bella Vista, Arkan-
sas is soliciting statements of
qualification from qualified
firms/providers for Construction
Management Services for a re-
novation of space to include fire
station living and additional ap-
paratus bays. A remodel will
then take place of existing office
space west of the main structures
after the fire station project is
completed. Vendors are asked to
assemble statements of qualifi-
cation based on the project
description below.
The current Police Department
space will be remodeled to ac-
commodate up to 8,000 sq. ft.,
consisting of living quarters and
bay area for current central fire
station personnel. The engine
bays will consist of old and new
area square footage up to 7,000
square feet. The office space re-
model will consist of around
5,000 square feet. Current paving
around the site will need to be
reworked and/or replaced. Project
areas will consist of around
20,000 +/- square feet of re-
model and new construction. The
building sits on about 2-acre
parcel located in the clover leaf
of US Highway 71 and Arkansas
Highway 340.
Professional services required
include:
1.Architect selection
2.Guaranteed maximum price
construction
3.Estimating
4.Sub-contractor bidding
5.Project and change order
pricing
6.Schedule control
7.Cost reduction and control
8.Project coordination
9.Project close out
10.Warranty
To be considered, statements
shall be received at City Hall,
101 Town Center, Bella Vista, AR
before 9 AM local time Decem-
ber 19, 2022. No late submittals
shall be accepted.
All interested parties shall be
qualified to do business and li-
censed in accordance with all
applicable laws of the State of
Arkansas, Benton County, and the
City of Bella Vista.
Pursuant to Arkansas Code

Time to sell it.

Use a **FREE** Classified ad* to sell those perfectly nice things that just don't work for you any longer.

Call 1-866-296-3666

NORTHWEST ARKANSAS

Democrat Gazette

*FREE CLASSIFIEDS are available to private individuals only. One free ad per telephone/household with non-commercial items is allowed per publication and a maximum of four ads per month. Items must be valued at less than \$10,000. Ads will publish for three consecutive days and include three lines of text. Price and phone number are required in each ad. Garage sales, employment, real estate, motorized vehicles and service ads do not qualify as free ads. Other restrictions may apply. Call 866-296-3666 (#1) to place your ad.

Doesn't fit your new place?

Bids/Requests 1210

Annotated \$22-9-203, the City of Bella Vista encourages all qualified small, minority, and women business enterprises to bid on and receive contractors for goods, services and construction. Also, the City of Bella Vista encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

The City of Bella Vista reserves the right to reject any or all statements and to waive irregularities therein, and all submitters shall agree that such rejection shall not be without liability on the part of the City of Bella Vista for any damage or claim brought by any submitter because of such rejections, nor shall the submitters seek any recourse of any kind against the City of Bella Vista because of such rejections. The filing of any statement in response to this invitation shall constitute an agreement of the submitter to these conditions.

CITY OF BELLA VISTA
By: Mayor Peter Christie
Ad dates: December 4, 2023
December 5, 2023
December 6, 2023
75629785

Attachment 1A
Advertisement for Bids
Date: December 4, 2022
City of Parkin, Arkansas
Proposed Fire Station Project
ACEDP Grant No. 795-00032-20

Sealed bids from licensed contractors for construction of the Proposed Fire Station in Parkin, Arkansas, will be received by Mr. Lance Powell, Civil Engineering Associates, LLC, 2114 East Matthews Avenue, Suite B, Jonesboro, Arkansas 72401 until 2:00 p.m. (Local Time) Thursday, December 22, 2022 and then at said location opened and read aloud.

BIDDERS ARE ADVISED to pay close attention to the Instructions to Bidders for this project. The Instructions to Bidders details special provisions regarding the bid opening.

The scope of work consists of construction of a 50'x52' pre-engineered metal building and associated site work. The Instructions to Bidders, ACEDP grant requirements, Bid and Contract Forms, Plans, Specifications, and other contract documents shall be examined and obtained (\$125.00 cost per set obtained) at Civil Engineering Associates, LLC, 2114 East Matthews Avenue, Suite B, Jonesboro, Arkansas 72401 (870) 972-5316.

Bidding information can be downloaded from www.questcdn.com. Reference QuestCDN project number 8349024 for a non-refundable charge of \$20.00. Contact QuestCDN Customer Support at 9 5 2 - 2 3 3 - 1 6 3 2 or info@questcdn.com for assistance in membership registration, downloading digital project information, and vbid online bid submission. Project bid documents must be downloaded from QuestCDN, which will add your company to the Plan Holder List and allow access to vbid online bidding for the submittal of your bid. Online submittal of bids will be accepted for an additional non-refundable charge of \$30.00.

The owner reserves the right to waive any informalities or to reject any or all bids. Bidders may not withdraw their bids within 30 days after the date of bid opening and must provide bid bonds as required. All bidding processes shall be in accordance with State law.

To request bidding information or obtain further information contact:
Civil Engineering Associates, LLC
2114 East Matthews Avenue, Suite B
Jonesboro, Arkansas 72401
Diane Patterson, Mayor
City of Parkin
75629552f

Attachment A
Advertisement for Bids
Date: December 4, 2022
City of McCrory
Killingsworth Sewer Line Extension

Sealed bids from licensed contractors for construction of Killingsworth Sewer Line Extension in McCrory, Arkansas will be received by the City of McCrory, City Hall, 109 North Jackson Street, McCrory, Arkansas 72701 until 10:00 a.m. (local time), on December 20, 2022. The Bid Opening for the project will be held at the McCrory Civic Center located at 103 North Edmonds, McCrory, Arkansas 72701 until 11:00 a.m. All hand delivered Bids, on the day of the Bid opening, should be delivered to the Civic Center prior to the Bid opening time.

The scope of work consists of the installation of a grinder unit and 165'-L.F. of 16" PVC force main and related appurtenances. The Instructions to Bidders, grant requirements, Bid and Contract Forms, Plans, Specifications, and other contract documents may be examined and obtained (\$75.00 cost per set obtained, non-refundable) at Civil Engineering Associates, LLC, 2114 East Matthews Avenue, Suite B, Jonesboro, Arkansas 72401. Bid documents may be downloaded from the designated website, www.questcdn.com. Reference QuestCDN project number 8348722, for a non-refundable charge of \$20.00. Contact QuestCDN Customer Support at 9 5 2 - 2 3 3 - 1 6 3 2 or info@questcdn.com for assistance in membership registration, downloading digital project information, and vbid online bid submission. Project bid documents must be downloaded from QuestCDN, which will add your company to the Plan Holder List and allow access to vbid online bidding for the submittal of your bid. Online submittal of bids will be accepted for an additional non-refundable charge of \$30.00.

The owner reserves the right to waive any informalities or to reject any or all bids. Bidders may not withdraw their bids within 60 days after the date of bid opening and must provide bid bonds as required. All bidding processes shall be in accordance with State law.

To request bidding information or obtain further information contact:
John Selig, P.E.
Ph: (870) 273-4185
Email: jselig@ce-associates.com
Doyle Fowler, Mayor
City of McCrory
75628141f

Benton County Environmental is requesting bids for a 2022 or newer Small Grappling Truck. To be considered, bids must be received at the Benton County Administration Building, 215 East State, Ste. 304, Bentonville, Arkansas 72712 until 2:00 p.m. on December 15, 2022 at 2:00 p.m. (CST) time. Forms and addendums can be downloaded from the County's web site at <https://bentoncountyar.gov/accounting/open-bids/>. All questions regarding the qualification process should be directed to Shannon Maki at shannon.maki@bentoncountyar.gov or by telephone at 479-464-6168. All questions regarding specifications should be directed to Teresa Sidwell at 479-271-1083 or via email at teresa.sidwell@bentoncountyar.gov. Bids submitted shall be qualified to be submitted and awarded in accordance with all applicable laws of the state and local governments where the project is located. If applicable, bidder must be familiar with Federal & FEMA rules & regulations as required by

Bids/Requests 1210

The Uniform Administrative Requirements for Federal Awards (2 CFR 200). Pursuant to Arkansas Code Annotated §22-9- 203 Benton County encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services and construction. Benton County encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises. Benton County reserves the right to reject any and all bids and to waive irregularities therein, and all Bidders shall agree that such rejection shall be without liability on the part of Benton County for any damage or claim brought by any Bidder because of such rejections, nor shall the Bidder seek any recourse of any kind against Benton County because of such rejections. The filing of any bid in response to this invitation shall constitute an agreement of the Bidder to these conditions. The cost of this publication was \$ paid for by the Benton County Environmental unit of Benton County General Funds.

BID NOTICE
The City of West Memphis invites interested parties to submit separate sealed bids for the following:
i. Crushed Limestone Gravel
ii. Asphalt Surface Mix
iii. Concrete

The supply will be on an "on call, as needed" basis. Bids are due by 10:00 a.m., Tuesday, December 29, 2022. Bids will be opened and read aloud at 10:00 a.m., at City Hall, 205 South Rogers, West Memphis, AR. To request a bid package call (870) 732-7580.

Bids will be emailed to prospective bidders. All bidders must return their sealed bids via regular mail or delivered to the office of Pine Bluff Wastewater Utility, 1520 S. Ohio Street, Pine Bluff, AR 71601. The Pine Bluff Wastewater Utility will receive sealed bids until 10:00 a.m. Tuesday, December 27, 2022. All bids and all bids will be publicly opened and read for the following materials purchases for the 2023 Annual Year.

1. Deodorant (Sewer System Odor Control)
2. Bottom Ash/Fly Ash
3. Precast Manholes
4. Automotive & Heavy Equipment Parts

5. Janitorial Supplies & Paper Products
6. Janitorial Services
BID #23-01
BID #23-02
BID #23-03
BID #23-04
BID #23-05
BID #23-06

For complete specifications, contact Malory Owen, Procurement Analyst at 870-535-6603. The City reserves the right to reject any or all bids and waive any or all formalities.
75627061f

City of Fayetteville, Arkansas INVITATION TO BID
BID #22-47, Construction - Kessler Park Trail Enhancement

The City of Fayetteville, AR (owner) is accepting formal, sealed bids from properly qualified, experienced and licensed contractors for the trail restoration and signage improvements at Kessler Mountain Regional Park including, but not limited to, the installation and/or construction of a trail, trail armoring, wooden boardwalks, wooden pedestrian low bridges, grade reversals, and all other items set forth in the Contract Documents. All questions regarding the bidding process shall be addressed to Amanda Beilfuss, Purchasing Agent, at abeilfuss@fayetteville-ar.gov.

A mandatory Pre-Bid meeting will be held on Tuesday, December 6, 2022 at 2:00 PM local time at Kessler Mountain Regional Park, 2600 W Mc Woot, Fayetteville, AR 72701, at the central restroom pavilion. Information regarding the pre-bid meeting is available on the project page. The City's electronic bidding platform. All interested parties are encouraged to attend. The City will transmit to all prospective Bidders of record such Addenda in response to questions arising at the conference. Oral statements may not be recorded and will not be binding or legally effective.

Bidding documents, plans, plan holders, and addenda shall be obtained at the City of Fayetteville Purchasing Division's electronic bidding platform at www.fayetteville-ar.gov/bids. All bids shall be received by Tuesday, December 20, 2022 before 5:00 PM, local time. Bidders may submit a bid by submitting electronically via the City's electronic bidding portal or by submitting a sealed, physical bid in person to the City of Fayetteville, Purchasing Division address listed below. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at <https://www.youtube.com/user/cityoffayetteville-ar>.

Sealed bids shall not be accepted. The City of Fayetteville shall be responsible for lost or misdirected bids, or failure of bidder's technical equipment.

City of Fayetteville Purchasing Division - Room 306
113 West Mountain Street
Fayetteville, AR 72701

Each bid shall be accompanied by a cashier's check from a bank or cashier in the State of Arkansas or a corporate bid bond in an amount not less than five (5%) percent of the amount bid. In the event a bidder opts to submit a cashier's check for a bid bond, the actual physical cashier's check shall be delivered to the City prior to the deadline time. Bids received after the deadline time and performance and payment bond is required with the contract awarded. A State of Arkansas Contractor's License is not required at time of bid; however, an application for licensure shall be required at time of bid and an application for contractor's license shall be required before execution of contract.

Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services and construction. Also, the City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

The City of Fayetteville reserves the right to waive irregularities, reject bids, and postpone the opening of any contract for a period which shall not exceed beyond ninety (90) days from the bid opening date.

The City hereby notifies all bidders that this contract is subject to the Code of Federal Regulations, Appendix II, Part 203, Contract Provisions for the awarding of contracts under Federal Awards applies to this contract and includes but is not limited to termination for cause and for convenience, Equal Employment Opportunity, Davis-Bacon Act, Copeland Anti-Kickback Act, Contract Work Hours and Safety Standards Act, Clean Air Act, Endangered Species and Suspension regulations, conditions under the Byrd Anti-Lobbying Amendment, applicable labor laws, non-discrimination provisions, wage rate laws and other federal

Bids/Requests 1210

laws including the Fair Labor Standards Act of 1938, The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply. Bidders are hereby notified of the NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246).

All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin. The City of Fayetteville, Arkansas hereby notifies all bidders that this contract is subject to applicable labor laws, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title IV of the Civil Rights Act of 1964 also apply.

Buy America's provisions apply to this project. Registration and good standing in the System for Award Management (SAM) will be required prior to contract execution.

City of Fayetteville By: Amanda Beilfuss
City Purchasing Agent
P: 479.575.8220 Email: abeilfuss@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316

Date of advertisement: 11/27/2022 & 12/04/2022
This publication is paid for by the Purchasing Division of the City of Fayetteville, Arkansas.
Amount paid: \$728.48
75626409

City of Fayetteville, Arkansas Request for Statements of Qualification
RFQ 22-13, Construction Manager at Risk (CMAR) for YRCC Expansion

The City of Fayetteville is acquiring Statements of Qualification from construction management firms properly licensed to provide, construction management / general contractor (CM/GC) services as a construction management at risk (CMAR) / guaranteed maximum (GMP) project for the construction of an expansion to the Yvonne Richardson Community Center. This will be a LEED certified two (2) story expansion of approximately 11,000 square feet. The expansion will also include development of Buddy Hayes Park, Creekside Trail, and Handicap Parking. All questions regarding this RFQ should be directed to Amanda Beilfuss at abeilfuss@fayetteville-ar.gov.

Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.

10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>.

Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall be responsible for lost or misdirected proposals, or for failure of proposer's technical equipment.

A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's electronic bidding platform.

Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located.

Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, the City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

The City of Fayetteville reserves the right to reject any or all proposals and to waive irregularities therein, and all Proposers shall agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any Proposer because of such rejections, nor shall the Proposers seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Proposal in response to this invitation shall constitute an agreement of the Proposer to these conditions.

City of Fayetteville By: Amanda Beilfuss, Sr. Purchasing Agent
P: 4 7 9 . 5 7 5 . 8 2 2 0
abeilfuss@fayetteville-ar.gov
TDD (Telecommunications Device for the Deaf): (479) 521-1316
Ad dates: 12/4 & 12/04/2022, 12/05/2022

This publication was paid for by the Purchasing Division of the City of Fayetteville, Arkansas.
Amount paid: \$644.77
75629347 12/4 & 11, 2022

CITY OF MAMMOTH SPRING 325 MAIN STREET, MAMMOTH SPRING, ARKANSAS 72554
LIFT STATION #2 REHABILITATION

ADVERTISEMENT FOR BIDS
Sealed bids for the construction of the Lift Station #2 Rehabilitation will be received by Lance Powell, Civil Engineering Associates, LLC, 2114 East Matthews Avenue, Suite B, Jonesboro, Arkansas 72401 until 1:00 p.m. local time on December 20, 2022, at which time the bids will be opened and read. The Project consists of rehabilitating the existing Lift Station #2 including, but not limited to, replacement of existing pumps and controls, associated piping, and all related appurtenances.

BIDDERS ARE ADVISED to pay close attention to the Instructions to Bidders for this project. The Instructions to Bidders details special provisions regarding the bid opening.

Bids will be received for a single prime Contract. Bids shall be on a lump sum and unit price basis.

The Issuing Office for the Bidding Documents is: Civil Engineering Associates, LLC, 2114 East Matthews Avenue, Suite B, Jonesboro, Arkansas 72401, Phone: (870) 972-5316, Lance Powell, P.E., lpowell@ce-associates.com. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 8:00 a.m. and 4:00 p.m., and may obtain copies of the Bidding Documents from the Issuing Office as described below.

Bidding information can be downloaded from www.questcdn.com. Reference QuestCDN project number 8345603, for a non-refundable charge of \$20.00. Contact QuestCDN Customer Support at 9 5 2 - 2 3 3 - 1 6 3 2 or info@questcdn.com for assistance in membership registration,

Bids/Requests 1210

downloading digital project information, and vbid online bid submission. Project bid documents must be downloaded from QuestCDN, which will add your company to the Planholders List and allow access to vbid online bidding for the submittal of your bid. Online submittal of bids will be accepted for an additional non-refundable charge of \$30.00. Printed copies of the Bidding Documents may be obtained from the Issuing Office, during the hours indicated above, upon payment of \$.75.00, for each set, non-refundable. Checks for printed copies of the Bidding Documents shall be payable to "Civil Engineering Associates". Upon request and receipt of the document payment indicated above, the Issuing Office will transmit the Bidding Documents via delivery service. The date that the Bidding Documents are transmitted by the Issuing Office will be considered the Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda if any, obtained from sources other than the Issuing Office or QuestCDN.

A pre-bid conference will NOT be held for this project. Bid security shall be furnished in accordance with the Instructions to Bidders.

By: Honorable Charles Vaughn
Title: Mayor
Date: December 4, 2022
75628894f

CITY OF OAK GROVE HEIGHTS 85 KIMBERLY STREET PARAGOULD, ARKANSAS 72450
ADVERTISEMENT FOR BIDS

Sealed Bids for the construction of the Wastewater Lift Station #6 Rehabilitation will be received by the Honorable Rudy Garner, Mayor, City of Oak Grove Heights, at the City Hall, until 10:00 a.m. local time on December 19, 2022, at which time the Bids received will be opened and read. The Project consists of the installation of new pumps, internal station piping, controls, valves, and other related appurtenances.

Bids will be received for a single prime Contract. Bids shall be on a lump sum and unit price basis, with additive alternate bid items as indicated in the Bid Form.

The Issuing Office for the Bidding Documents is: Civil Engineering Associates, LLC, 2114 East Matthews Avenue, Suite B, Jonesboro, Arkansas 72401, Phone: (870) 972-5316, John Selig, P.E., jselig@ce-associates.com. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Fridays between the hours of 8:00 a.m. and 4:00 p.m., and may obtain copies of the Bidding Documents from the Issuing Office as described below.

Bidding information can be downloaded from www.questcdn.com. Reference QuestCDN project number 8348719 for a non-refundable charge of \$20.00. Contact QuestCDN Customer Support at 9 5 2 - 2 3 3 - 1 6 3 2 or info@questcdn.com for assistance in membership registration, downloading digital project information, and vbid online bid submission. Project bid documents must be downloaded from QuestCDN, which will add your company to the Planholder List and allow access to vbid online bidding for the submittal of your bid. Online submittal of bids will be accepted for an additional non-refundable charge of \$30.00. Printed copies of the Bidding Documents may be obtained from the Issuing Office, during the hours indicated above, upon payment of \$.75.00, for each set, non-refundable. Checks for printed copies of the Bidding Documents shall be payable to "Civil Engineering Associates". Upon request and receipt of the document payment indicated above, the Issuing Office will transmit the Bidding Documents via delivery service. The date that the Bidding Documents are transmitted by the Issuing Office will be considered the Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda if any, obtained from sources other than the Issuing Office or QuestCDN.

A pre-bid conference will NOT be held for this project. Bid security shall be furnished in accordance with the Instructions to Bidders.

Owner: City of Oak Grove Heights
By: Rudy Garner
Title: Mayor
Date: December 4, 2022
75627841f

Invitation to Bidders:
C.R. Crawford Construction, acting as Construction Manager for the Mena School District, will be receiving bids for the Mena School District Activity Center, Concession Stand, and Exterior Classroom, located in Mena, Arkansas.

Bids will be received until 4:00 p.m. December 16th, 2022 and should be delivered to 1102 S Happy Hollow Road, Fayetteville, AR 72701 or emailed to Antoine.Lair@CRCRAWFORD.COM

ALAIRY@CRCRAWFORD.COM
There will not be a public bid opening. Bids will be received and placed under review. The Project Owner reserves the right to reject any or all bids, and to waive any formalities.

Bids will be received for the following trade and material packages:
1. Demolition
2. Earthwork
3. Termitite Protection
4. Fencing & Gates
5. Landscaping
6. Concrete
7. Structural Steel
8. Metal Fabrications
9. Rough Carpentry
10. Finish Carpentry
11. Wood Trusses
12. Simpson Hardware
13. Wood Framing
14. Roofing
15. Metal Paneling & Soffits
16. Overhead Coiling doors
20. Entrances and storefronts
21. Doors and hardware
22. Misc. install.

33. Framing, drywall, acoustic
34. Painting
25. Painting
27. Metal building systems
28. Metal building erection
29. Plumbing
30. HVAC
31. Electrical
Construction Documents, Trade Package, and Instructions to Bidders can be obtained by contacting Antoine Lairy at ALAIRY@CRCRAWFORD.COM or Abbie Rose at AROSE@CRCRAWFORD.COM

Bid security in the amount of five percent (5%) of the bid amount must accompany each bid that exceeds \$100,000.

Bidder must have a current general or specialty license from the Arkansas Contractor's License Board before the bid proposal will be considered. The Bid

Bids/Requests 1210

proposal and the work of the proposed contract shall be in accordance with all applicable federal, state, county and local laws, ordinances, and regulations.

Pursuant to Ark. Code Ann. § 22-9-203, C.R. Crawford Construction and Mena School District encourage all qualified minority-owned, and women-owned business enterprises to submit bids for this project.

Owner:
Mena School District
501 Hickory Street
Mena, AR 71953
Architect:
Architects Plus
907 South 21st St
Fort Smith, AR 72901
Construction Manager:
C.R. Crawford Construction
1102 S. Happy Hollow Rd.
Fayetteville, AR 72701
(479) 251-1161
75628554 Dec 4 & 11, 2022

INVITATION TO BIDDERS
The Housing Authority of the City of Batesville, Arkansas, hereinafter called the "Public Housing Agency", or PHA, will receive sealed bids in accordance with the Procurement Standards as set forth in Section 85.36 (d)(2)(i), at the Batesville Public Housing Authority, 1590 College Street, Batesville, Arkansas 72501, on Thursday, December 21, 2022, for the following described project: **MANOR HVAC IMPROVEMENTS - Phase 2**

The following procedures shall be followed:
A. Any bid received after the closing time will be returned unopened.

B. Copies of bidding documents must be obtained from Miller-Newell Engineers, Inc., P.O. Box 705, 510 Third Street, Newport, AR 72112. Each set of bidding documents will be \$25.00. The deposit will be refundable to each bidder who returns the bidding documents in good condition within ten (10) days of bid opening. Any non-bidders will not receive a refund of the deposit.

C. All bids must be submitted on forms furnished by the PHA, submitted in duplicate and submitted in a sealed envelope plainly marked with the name and address of the bidder, contract job number, date and time of bid opening.

D. Bidders are required to have an Arkansas Contractor's License when the cost of the work to be done by the Contractor including, but not limited to labor and materials, is \$20,000.00 or more, this is in accordance with Arkansas Code Annotated 17-22-101, et seq.;

E. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701a-10.

F. Each bid submitted must contain the following items:
(1) Bid form, signed by bidder;
(2) Bid guarantee in an amount equal to five percent (5%) of the bid price, the bid guarantee can be in the form of a certified check or cashier's check payable to the PHA, a U.S. Government bond endorsed to the PHA, or a bid bond executed by the bidder in accordance with HUD-5369, Clause 9;

(3) Representations, Certifications and Other Statements of Bidders - Public and Indian Land Use Program Form HUD-5369-A;

(4) A Non-Collusive Affidavit form which must be submitted if your bid is over \$50,000.00;

(5) Previous Participation Certification, Form HUD-2530, form which must be submitted if your bid is over \$50,000.00;

(6) Certification of Bidder Regarding Section 3 and Segregated Facilities.

(7) Contractors Section 3 Plan Format

(8) Certification of Prime Bidder Regarding Equal Employment Opportunity.

(9) Certification of Prime Bidder Regarding Non-Segregated Facilities.

(10) Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements.

The successful bidder shall be required to furnish an Arkansas Performance and Payment Bond or Bids on the form contained in the Contract Documents in the amount of 100% of the full amount of the bid. This is in accordance with Arkansas Code Annotated 19-11-405. Nonresident contractors shall be required to comply with the requirements of Act 468 of 1989, pertaining to Contractor Bonds.

The PHA reserves the right to reject any or all bids, separately or in their entirety; to accept or reject any Bid by line item; to waive any informalities in the bidding; to consider and award Bids in a manner that will be in the best interest and most advantageous to the PHA; to the lowest responsive and responsible bidder or bidders, as appropriate, whose bid or bids, as appropriate, conforms or conform, as appropriate, with all the material terms and conditions of the Invitation for Bids.

No bid shall be withdrawn for a period of 60 days subsequent to the opening of bids without the consent of the PHA.

This Invitation to Bidders is being published by and paid for by the following:
Batesville Housing Authority
1590 College Street
Batesville, AR 72501

The amount of this publication is \$655.20.
HOUSING AUTHORITY OF THE CITY OF BATESVILLE, ARKANSAS
By: /s/Pat Dunagan
Executive Director
75629669f

INVITATION TO BID EXTERIOR STABILIZATION HISTORIC JEROME ELEMENTARY SCHOOL #22 NORFOLK COUNTY, VIRGINIA JEROME, ARKANSAS
Bid Opening Date: 1:30 p.m., Tuesday, December 20, 2022 at the Drew County Historical Society, 404 South Main, Monticello, Arkansas.

Mandatory Pre-Bid Conference:
10:30 a.m., Friday, December 9, 2022, at the project located at North Louisiana Boulevard, Jerome, Arkansas.

BID DOCUMENTS: Drawings and project specifications may be examined and are obtainable from Southern Reprographics, 901 West 7th Street, Little Rock, Arkansas 501-372-4011. Documents are available in both electronic and hard copies. Interested parties are responsible for payment for any physical or electronic sets. The payment is non-refundable. NO PARTIAL SETS WILL BE ISSUED.

DESIGN PROFESSIONAL: Clements & Associates/Architect, 507 Main Street, North Little Rock, Arkansas 72114; 501-375-3380.

Neither the Owner nor Architect assumes responsibility for errors in bidding or misinterpretations of Bid Documents resulting from use of incomplete sets of Bid Documents. The documents prepared by the Architect are considered the official version and take precedence if any discrepancies occur. The use of incomplete or inaccurate Bid Documents does not relieve the bidder of the obligation to perform all work related to his bid as detailed in a complete set of Bid Documents.

All bids must be received at Drew County Historical Society located at 404 South Main Street, Monticello, Arkansas, no later than 1:30 p.m. Tuesday, December 20, 2022, at which time

Bids/Requests 1210

all bids will be publicly opened and read aloud.

The Owner reserves the right to reject any or all bids, to waive irregularities and/or information in any bid, and to make an award in any manner, consistent with law, deemed in the best interest of the Owner. Bids must be sealed and clearly marked.

75626724f

INVITATION TO BID
Sect 13
Bid #2022-046
MARIOTT DRIVEWAY REPAIRS AND Waterproofing
3 Statehouse Plaza
Little Rock, Arkansas
for the Little Rock Convention & Visitors Bureau

Bids will be received by the Little Rock Convention and Visitors Bureau, 3 Statehouse Plaza, Little Rock, Arkansas, at the direction of the Little Rock Advertising and Promotion Commission, an enterprise fund of the City of Little Rock, Arkansas, at the LRCVB Conference Room, 101 South Spring Street, Suite 400, Little Rock, Arkansas 72201 until 2:00 p.m., on Thursday, January 5, 2023, at M

NORTHWEST ARKANSAS' CLASSIFIED marketplace

Call 866-296-3666 or place your ad online at www.nwaonline.com/classifieds

ANNOUNCEMENTS



page 1

AUTOS



page 1

JOBS



page 1

FINANCIAL



page 1

PETS & LIVESTOCK



page 1

BUY IT/SELL IT



page 1

RENTALS & REAL ESTATE



page 1

LEGAL NOTICES



page 1

Sell it in 10 or We'll Run it Again for FREE!

Place your vehicle "for sale" ad with us for 10 days and if it doesn't sell we'll run it another 10 days on us!

\$29.95
10 DAY RUN!

*Based on 4 lines of text; additional lines are extra. Add a Photo for \$25.

FREE CLASSIFIEDS are available to private individuals only. One free ad per telephone/household with non-commercial items is allowed per publication and a maximum of four ads per month. Items must be valued at less than \$10,000. Ads will publish for three consecutive days and include three lines of text. Price and phone number are required in each ad. Garage sales, employment, motorized vehicles, real estate and service ads do not qualify as free ads. Other restrictions may apply. Call 866-296-3666 to place your ad.

LINE AD DEADLINES

SUNDAY-TUESDAYFriday- legal notices at 3pm, regular ads at 4pm
WEDNESDAYMonday- legal notices at 3pm, regular ads at 4pm
THURSDAYTuesday- legal notices at 3pm, regular ads at 4pm
FRIDAYWednesday- legal notices at 3pm, regular ads at 4pm
SATURDAYThursday- legal notices at 3pm, regular ads at 4pm



EARN EXTRA CASH

With a newspaper delivery route!
(Independent contractor position.)

UP TO **\$1,000**
SIGN ON BONUS!

nwadg.com/carriers

1-866-927-5201

Just A Few
Hours One
Day A Week
Early Sunday
Morning



AUTOS

Antique Vehicles 210
CHEVROLET 1985 El Camino Excellent cond. Orig miles 90,500. \$9,500 Call 479-522-3019 Ft. Smith

Automobiles 225



ACURA 2012 TSX. Technology package, leather, FWD, Clean Carfax, original miles. \$13,750. 72,000 mi. 870-404-4430.



JOBS

Plumbers Needed with experience. Start today. Top pay. NWA area. No travel. Plenty of work. Call 479-312-9731

Follow your career path in Democrat-Gazette Classified. We're Arkansas' Career Source.

Laboratory technicians, teachers, automotive sales and service, occupational therapists, kennel attendants, retail sales, dental assistants, restaurant managers, drivers, secretaries, CEOs, LVNs, bakers, opticians, cashiers, truck drivers, account executives, principals, managers, supervisors, convention planners, body shop managers, receptionists, police officers. Classified has a job for you!

Sales & Marketing 545



PETS & LIVESTOCK

Dogs 710
AKC TOY Poodle puppies. Toy poodle puppies available now-3 black males, LTD on vaccinations and deworming. PARENTS ARE show dog \$1000. 1-479-719-0443

Dogs 710



CHIHUAHUA PUPPY. Male \$300. Chihuahua/Shih Tzu Puppy, Male, \$450. Call 501-457-1653



COCKER SPANIEL Puppies, Buff, Black & White Parti, Red & Champagne. Champion Bloodlines. Call 501-580-5657

Democrat-Gazette Classified gets around the Natural State. Altus, Arkadelphia, Batesville, Bentonville, Berryville, Brinkley, Clarksville, Conway, El Dorado, Eureka Springs, Fayetteville, Forrest City, Fort Smith, Glenwood, Harrison, Heber Springs, Helena, Hot Springs, Jacksonville, Jonesboro, Little Rock, Magnolia, Malvern, Mena, Morrilton, Springdale, Pine Bluff. Democrat-Gazette Classified

DACHSHUND PUPPIES. CKC, LH, RTG Dec. 15, vet checked, puppy shots, wormed, coxle tested, 1 female, 3 males. Text for pictures. 479-220-1314. Mena area. \$800. 870-326-4666

GOLDENDOODLE & AUSSIEDOODLE PUPPIES Available Now. \$1,800. 501-514-1028 or www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies, AKC fully reg. papers. 1st shots & dewormed. M. \$500 F. \$600 479-244-9630

Sales & Marketing 545



Dogs 710

HAVAPOO. MOTHER is registered Havanesse. Father is registered Toy poodle. These are intelligent puppies with great personalities. Should weigh 8-12 pounds when fully grown. Neither bred sheds. Puppies will be ready in a couple weeks. 4 males, 1 female (the black and white) \$1200 for female, \$1000 for male. These puppies will not last long. Text or call 870-291-0307. Raised in our home. References if desired. \$1000. 870-291-0307



B & T KENNEL- MALTESE, YORKIE, PUGS, & CHIHUAHUA PUPPIES. Call/text for more info. 479-426-3756

MALTESE PUPPIES. 10 weeks old, AKC Reg., shots up to date. Males, \$500. Call 501-388-1878 Searcy, Ark.

MALTIPOO PUPPIES. Adorable CKC reg babies. Pics and info on KellyPup.com. \$650. - \$1250

MALTIPOOS and dark red Toy & miniature poodles. \$2500 & up. fishermountainpuppies.com 918-649-7004 Fayetteville

MINIATURE DACHSHUND. 4 Females. Ready to go. \$&W. \$400 & Up. 501-743-9389

Great DEAL

STANDARD POODLE. AKC pups, reds, apricots, creams, black and adult black female, prices vary 600-1200. \$1000. 479-437-4070

BUY IT/SELL IT



Articles Sale 810

PYLE DBL cassette decks w/ audio mixed tape capabilities. NI B \$120 479-442-7387

Sales & Marketing 545



Guns & Ammunition 843

ARKANSAS' LARGEST! Over 440 Tables

Gun & Knife Show

Conway, AR
Fairgrounds Expo Center
2505 East Oak, 72032
December 10th - 11th
Sat. 9a-5p • Sun. 9a-4p
Admission \$12
918-659-2201 G&S Promotions
\$2 OFF ADMISSION w/THIS AD \$2 OFF ADMISSION FOR ACTIVE DUTY & RETIRED MILITARY w/ID

Find it fast in Democrat-Gazette Classified.
Antiques and collectibles, articles for sale, baby and children's items, baseball and trading cards, bicycles, building materials, business and office equipment, cameras and supplies, carpets and drapes, CB and communication equipment, clothing, coins and currency, computers, farm equipment, firewood and fuel, furniture, garage and carport sales. It's all here in Classified!

STEVENS Mdl 311, 12ga. mag. dble barrel, \$450; Browning Sweet 16 ga. \$700. 479-644-4881 Bella Vista

Physical Fitness Equipment 857

TREADMILL: Nordic Trac Elite 5700 \$600 Call 479-530-4931

RENTALS



Houses/Other Areas N938

Hindsville area: 3bd/1ba. No pets. \$850/mo \$950 dep. Call 479-330-5520

REAL ESTATE



Lots & Acreage 1042

GRAPEVINE ARKANSAS. 1 Corner Acre Lot For Sale. Good area. Septic tank already in the ground & has access to city water. \$7,000. 870-692-6975

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501

General Employment 501



Mfg. Homes for Sale by Size 1105

J&M HOMES announces its Red Tag Sale. Stock units, doubles & singles reduced by thousands. Call for details 870-535-1524

NEW, USED and Repo Manufactured Homes starting at \$1,000. Call 870-535-1524.

LEGAL NOTICES

In compliance with Act 434 of 1967, the Arkansas Administrative Procedures Act, as amended, notice is hereby given that the Department of Finance and Administration Office of the Arkansas Lottery intends to adopt Administrative Rules, Operational Rules, and Retailer Rules, titled, Rules of the DFA Office of the Arkansas Lottery. The proposed rules are intended to update and establish provisions applicable to the administration, operations, and retailer rules for the DFA Office of the Arkansas Lottery. The public hearing will be held December 21, 2022, at 9:00 A.M. in the 3rd floor conference room of the Union Plaza Building, 124 West Capitol Street, Little Rock, Arkansas 72201. All interested parties may attend and present their views on the proposed rules. Written comments may be mailed to the Department of Finance and Administration Office of the Arkansas Lottery, P.O. Box 3238, Little Rock, Arkansas 72203. 75629594f

Legal Notices 1201

Attention Billy Aaron, Lydia Aaron has filed a court case against you. 75623825f

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS CIVIL DIVISION TALAMORE-STONEBRIAR SUBURBAN ROAD IMPROVEMENT DISTRICT # 8 PLAINTIFF

Case No. 04CV-22-2858 THE FOLLOWING DELINQUENT LANDS: TRACT A-I and TRACT A-2, TALAMORE SUBDIVISION, PHASE V, BENTON COUNTY AR, AS SHOWN ON PLAT RECORD 2004 AT PAGE 771 DEFENDANTS

NOTICE OF PROCEEDINGS FOR COLLECTION OF TAXES

All persons having or claiming an interest in any of the following described lands, are hereby notified that a suit is pending in the Circuit Court of Benton County, Arkansas to enforce collection of certain suburban improvement district taxes on the subjoined list of lands, each supposed owner having been set opposite his or her lands, together with the amounts several due from each to wit:

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00



Legal Notices 1201

purpose of collecting with said taxes, together with payment of interest, penalty, and costs allowed by law.

LEGAL NOTICE

In compliance with Act 434 of 1967, the Arkansas Administrative Procedures Act, as amended, notice is hereby given that the Department of Finance and Administration Office of the Arkansas Lottery intends to adopt Administrative Rules, Operational Rules, and Retailer Rules, titled, Rules of the DFA Office of the Arkansas Lottery. The proposed rules are intended to update and establish provisions applicable to the administration, operations, and retailer rules for the DFA Office of the Arkansas Lottery. The public hearing will be held December 21, 2022, at 9:00 A.M. in the 3rd floor conference room of the Union Plaza Building, 124 West Capitol Street, Little Rock, Arkansas 72201. All interested parties may attend and present their views on the proposed rules. Written comments may be mailed to the Department of Finance and Administration Office of the Arkansas Lottery, P.O. Box 3238, Little Rock, Arkansas 72203. 75629594f

Legal Notices 1201

Attention Billy Aaron, Lydia Aaron has filed a court case against you. 75623825f

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS CIVIL DIVISION TALAMORE-STONEBRIAR SUBURBAN ROAD IMPROVEMENT DISTRICT # 8 PLAINTIFF

Case No. 04CV-22-2858 THE FOLLOWING DELINQUENT LANDS: TRACT A-I and TRACT A-2, TALAMORE SUBDIVISION, PHASE V, BENTON COUNTY AR, AS SHOWN ON PLAT RECORD 2004 AT PAGE 771 DEFENDANTS

NOTICE OF PROCEEDINGS FOR COLLECTION OF TAXES

All persons having or claiming an interest in any of the following described lands, are hereby notified that a suit is pending in the Circuit Court of Benton County, Arkansas to enforce collection of certain suburban improvement district taxes on the subjoined list of lands, each supposed owner having been set opposite his or her lands, together with the amounts several due from each to wit:

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-2, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$387.00

All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense to said suit, or the same will be taken for confessed, and final judgment will be entered directing the sale of said lands for the

Owner: Malcolm R. Hutchins and Sandra Hutchins
Delinquent Lands: Tract A-I, Talamore Subdivision, Phase V, Benton County, AR, as shown on Plat Record 2004 at Page 771 Amount Due: \$361.00

Owner: Malcolm R

NORTHWEST ARKANSAS
CLASSIFIED
marketplace

Call 866-296-3666 or place your ad online at www.nwaonline.com/classifieds

NORTHWEST ARKANSAS
Democrat-Gazette

HOME OF THE
free
CLASSIFIED AD

ANNOUNCEMENTS

page 1

AUTOS

page 1

JOBS

page 1

FINANCIAL

page 1

PETS & LIVESTOCK

page 1

BUY IT/SELL IT

page 1

RENTALS & REAL ESTATE

page 1

LEGAL NOTICES

page 1

Sell it in 10
or We'll Run it Again
for FREE!

Place your vehicle "for sale" ad with us for 10 days and if it doesn't sell we'll run it another 10 days on us!

AUTOS

\$29.95

10 DAY RUN!

*Based on 4 lines of text; additional lines are extra. Add a Photo for \$25.

FREE CLASSIFIEDS are available to private individuals only. One free ad per telephone/household with non-commercial items is allowed per publication and a maximum of four ads per month. Items must be valued at less than \$10,000. Ads will publish for three consecutive days and include three lines of text. Price and phone number are required in each ad. Garage sales, employment, motorized vehicles, real estate and service ads do not qualify as free ads. Other restrictions may apply. Call 866-296-3666 to place your ad.

LINE AD DEADLINES

SUNDAY-TUESDAYFriday- legal notices at 3pm, regular ads at 4pm
WEDNESDAYMonday- legal notices at 3pm, regular ads at 4pm
THURSDAYTuesday- legal notices at 3pm, regular ads at 4pm
FRIDAYWednesday- legal notices at 3pm, regular ads at 4pm
SATURDAYThursday- legal notices at 3pm, regular ads at 4pm

NORTHWEST ARKANSAS
Democrat-Gazette

EARN EXTRA CASH

With a newspaper delivery route!

(Independent contractor position.)

UP TO \$1,000
SIGN ON BONUS!

nwadg.com/carriers

1-866-927-5201

Just A Few
Hours One
Day A Week

Early Sunday
Morning

AUTOS

Antique Vehicles 210

CHEVROLET 1985 El Camino
Excellent cond. Orig miles
90,500. \$9500 Call
479-522-2019 Ft. Smith

Automobiles 225

ACURA 2012 TSX. Technology
package, leather, FWD, Clean
Carfax. original miles. \$13,750.
72,000 miles. 870-404-4430.

JOBS

Plumbers Needed
with experience.

Start today. Top pay.
NWA area. No travel.
Plenty of work.
Call 479-312-9731

PETS & LIVESTOCK

AKC TOY Poodle puppies - Toy
poodle puppies available now-3
black males, UTD on vaccinations
and deworming
PARENTS ARE show dog \$1000.
1-479-719-0443

Dogs 710

AKC TOY Poodle puppies - Toy
poodle puppies available now-3
black males, UTD on vaccinations
and deworming
PARENTS ARE show dog \$1000.
1-479-719-0443

General
Employment 501

Resumes should be sent to
bpowers@nwaonline.com

Dogs 710

DACHSHUND PUPPIES. CKC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coxide tested, 1
female, 3 males. Text for pictures.
479-220-1314. Mena
area. \$800. 870-326-4666

GOLDENDOODLE & AUSS-
IEDOODLE PUPPIES Available
Now. \$1,800. 501-514-1026 or
www.platinumgoldendoodles.com

GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9630

HAVAPOO. MOTHER is reg-
istered Havanesse. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
sheds. Puppies will be ready
in a couple weeks. 4 males. 1
female (the black and white)
\$1200 for female. \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307

B & T KENNEL- MA LTESSE,
YORKIE, PUGS, & CHIHUAHUA
PUPPIES. Call/text for more info.
479-426-3756

MALTESE PUPPIES. 10 weeks
old, AKC Reg., shots up to date.
Males, \$500. Call 501-388-1878
Searcy Ark.

MALTIPOOS and dark red Toy
& miniature poodles. \$2500 & up.
fishermountainpuppies.com
918-649-7004B Fayetteville

Great DEAL

MINIATURE DACHSHUND, 4
Females. Ready to go. \$4W.
\$400 & Up. 501-743-9389

Up one stop Real Estate
Marketplace is in
Democrat-Gazette Classified.
Fairfield Bay, Saline County,
Beaver Lake, Eudora, Madison
County, Lake Hamilton, Marshall,
Greenbrier, Harrison, Vilonia,
Rogers, Hot Springs Village,
Greers Ferry Lake, Sheridan,
Mountain Home, Bryant, Fort
Smith, Texarkana, White River,
Beebe, Cleburne County, Dar-
danelle, Lake Ouachita, Osage,
Scott, Keo, Hensley. Classified is
everywhere!

General
Employment 501

Resumes should be sent to
bpowers@nwaonline.com

MANUFACTURED HOMES

Mfg. Homes for Sale
by Size 1105

J&M HOMES announces its Red
Tag Sale. Stock units, doubles &
singles reduced by thousands.
Call for details 870-535-1524

NEW, USED and Repo
Manufactured Homes starting at
\$1,000. Call 870-535-1524.

LEGAL NOTICES

Attention Billy Aaron, Lydia
Aaron has filed a court case
against you.
75623825f

LEGAL NOTICE

In compliance with Act 434 of
1967, the Arkansas Adminis-
trative Procedures Act, as amended,
notice is hereby given that the
Department of Finance and Ad-
ministration Office of the Arkan-
sas Lottery intends to adopt Ad-
ministrative Rules, Operational
Rules, and Retailer Rules, titled
Rules of the DFA Office of the
Arkansas Lottery. The proposed
rules are intended to update and
establish provisions applicable to
the administration, operations,
and retailer rules for the DFA Of-
fice of the Arkansas Lottery. The
public hearing will be held Dec-
ember 21, 2022, at 9:00 A.M. in
the 3rd floor conference room of
the Union Plaza Building, 124
West Capitol Street, Little Rock,
Arkansas 72201. All interested
parties may attend and present
their views on the proposed rules.
Written comments may be mailed
to the Department of Finance and
Administration Office of the Arkan-
sas Lottery, P.O. Box 3238,
Little Rock, Arkansas 72203.
75629594f

UNITED STATES DISTRICT
COURT EASTERN DISTRICT
OF ARKANSAS
PUBLIC NOTICE
Patricia S. Harris's current term
will expire on 30 July 2023. She
has indicated her willingness to
accept reappointment. The United
States District Court is re-
quired by law to establish a Merit
Selection Panel of citizens to
consider the reappointment of
Magistrate Judge Harris to a new
eight-year term. The Court has
appointed this Panel.
The duties of the Magistrate
Judge in this Court include the
following: (1) conducting most
preliminary proceedings in criminal
cases; (2) handling trial and
disposition of misdemeanor
cases; (3) conducting various pretrial
matters and evidentiary proceed-
ings on delegation from the Dis-
trict Judges; and (4) handling trial

REAL ESTATE

Lots & Acreage 1042

GRAPEVINE ARKANSAS. 1
Corner Acre Lot For Sale. Good
area. Septic tank already in the
ground & has access to city
water. \$7,000. 870-692-6975

Technical Skilled
Trades 546

Resumes should be sent to
bpowers@nwaonline.com

Bids/Requests 1210

Professional Services required
include:
1.Ensure all funds are spent in
accordance with State of Arkan-
sas Procurement laws
2.Guaranteed maximum price
construction
3.Estimating
4.Sub-contractor bidding
5.Project and change order
pricing
6.Schedule control
7.Management of demolition
and reconstruction
8.Cost reduction and control
9.Project coordination with the
design engineer and the City of
Fayetteville.
10.Project close out
11.Warranty
The solicitation RFQ & adden-
dums shall be obtainable from the
City of Fayetteville Purchasing Di-
vision's electronic bidding plat-
form at
<http://fayetteville-ar.gov/bids>.
Statements of qualification shall
be received by Thursday, Decem-
ber 29, 2022 before 2:00:00
PM, local time, utilizing the
electronic bidding platform. No
late proposals shall be accepted.
The City of Fayetteville shall not
be responsible for lost or misdi-
rected proposals, or for failure of
proposer's technical equipment.
A non-mandatory pre-proposal
conference will be held on
Wednesday, December 14, 2022
at 2:00 PM via Zoom. Meeting
information can be found on the
City's online bidding platform.
Statements of qualification
submitted shall be qualified to do
business and licensed in ac-
cordance with all applicable laws
of the state and local governments
where the project is located.
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 21st, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
UNITED STATES DEPARTMENT OF
AGRICULTURE, RURAL HOUSING
SERVICE
By: /s/Emily Reynolds
Emily Reynolds, Ark Bar No.
2011016
Timothy D. Padgett, P.A.
6267 Old Water Oak Road,
Suite 203
Tallahassee, FL 32312
(850) 422-2520
75612159f

Foreclosures - Pope Co.

MORTGAGEE'S NOTICE OF
DEFAULT AND INTENTION TO
SELL
YOU MAY LOSE YOUR PROP-
ERTY IF YOU DO NOT TAKE IM-
MEDIATE ACTION
NOTICE IS HEREBY GIVEN that
on January 6, 2023, at or about
01:00 PM, the subject real prop-
erty described herein below will
be sold at the Main Entrance to
the Pope County Courthouse, 100
West Main, Russellville, AR 72801
to the highest bidder for cash.
The sale will extinguish all inter-
ests, including those of existing
lien holders or previous owners in
the property. THE TERMS OF SALE
ARE CASH THE DAY OF SALE AND
ALL TRANSFER TAXES WILL BE
THE RESPONSIBILITY OF THE
PURCHASER.
WHEREAS, the property se-
cured under the Mortgage is lo-
cated in Pope County, Arkansas
more particularly described as
follows:
Lot 20, Block 5, Revised Plat of
Summerwood Estates, Phase III
to the City of Russellville, Arkansas.
Street Address: 2022 South
Verona Avenue, Russellville, AR
72802
WHEREAS on March 18, 2005,
WILLIAM E. URTEAGA AND FLO-
RICELA URTEAGA-GIRON,
HUSBAND AND WIFE executed a
Mortgage in favor of SIMMONS
FIRST BANK OF RUSSELLVILLE,
which was recorded on March 24,
2005 in Book Miscellaneous 204-5,
Page 716, in the real estate records
of Pope County, Arkansas. The
party initiating foreclosure is Re-
gions Bank and can be contacted
at or in care of its servicer initia-
ting foreclosure at: Regions -
Hattiesburg, MS 39404, at Tele-
phone Number 1.800.748.9498
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 25th, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
REGIONS BANK

Bids/Requests 1210

Professional Services required
include:
1.Ensure all funds are spent in
accordance with State of Arkan-
sas Procurement laws
2.Guaranteed maximum price
construction
3.Estimating
4.Sub-contractor bidding
5.Project and change order
pricing
6.Schedule control
7.Management of demolition
and reconstruction
8.Cost reduction and control
9.Project coordination with the
design engineer and the City of
Fayetteville.
10.Project close out
11.Warranty
The solicitation RFQ & adden-
dums shall be obtainable from the
City of Fayetteville Purchasing Di-
vision's electronic bidding plat-
form at
<http://fayetteville-ar.gov/bids>.
Statements of qualification shall
be received by Thursday, Decem-
ber 29, 2022 before 2:00:00
PM, local time, utilizing the
electronic bidding platform. No
late proposals shall be accepted.
The City of Fayetteville shall not
be responsible for lost or misdi-
rected proposals, or for failure of
proposer's technical equipment.
A non-mandatory pre-proposal
conference will be held on
Wednesday, December 14, 2022
at 2:00 PM via Zoom. Meeting
information can be found on the
City's online bidding platform.
Statements of qualification
submitted shall be qualified to do
business and licensed in ac-
cordance with all applicable laws
of the state and local governments
where the project is located.
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 21st, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
UNITED STATES DEPARTMENT OF
AGRICULTURE, RURAL HOUSING
SERVICE
By: /s/Emily Reynolds
Emily Reynolds, Ark Bar No.
2011016
Timothy D. Padgett, P.A.
6267 Old Water Oak Road,
Suite 203
Tallahassee, FL 32312
(850) 422-2520
75612159f

Foreclosures - Pope Co.

MORTGAGEE'S NOTICE OF
DEFAULT AND INTENTION TO
SELL
YOU MAY LOSE YOUR PROP-
ERTY IF YOU DO NOT TAKE IM-
MEDIATE ACTION
NOTICE IS HEREBY GIVEN that
on January 6, 2023, at or about
01:00 PM, the subject real prop-
erty described herein below will
be sold at the Main Entrance to
the Pope County Courthouse, 100
West Main, Russellville, AR 72801
to the highest bidder for cash.
The sale will extinguish all inter-
ests, including those of existing
lien holders or previous owners in
the property. THE TERMS OF SALE
ARE CASH THE DAY OF SALE AND
ALL TRANSFER TAXES WILL BE
THE RESPONSIBILITY OF THE
PURCHASER.
WHEREAS, the property se-
cured under the Mortgage is lo-
cated in Pope County, Arkansas
more particularly described as
follows:
Lot 20, Block 5, Revised Plat of
Summerwood Estates, Phase III
to the City of Russellville, Arkansas.
Street Address: 2022 South
Verona Avenue, Russellville, AR
72802
WHEREAS on March 18, 2005,
WILLIAM E. URTEAGA AND FLO-
RICELA URTEAGA-GIRON,
HUSBAND AND WIFE executed a
Mortgage in favor of SIMMONS
FIRST BANK OF RUSSELLVILLE,
which was recorded on March 24,
2005 in Book Miscellaneous 204-5,
Page 716, in the real estate records
of Pope County, Arkansas. The
party initiating foreclosure is Re-
gions Bank and can be contacted
at or in care of its servicer initia-
ting foreclosure at: Regions -
Hattiesburg, MS 39404, at Tele-
phone Number 1.800.748.9498
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 25th, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
REGIONS BANK

Bids/Requests 1210

Professional Services required
include:
1.Ensure all funds are spent in
accordance with State of Arkan-
sas Procurement laws
2.Guaranteed maximum price
construction
3.Estimating
4.Sub-contractor bidding
5.Project and change order
pricing
6.Schedule control
7.Management of demolition
and reconstruction
8.Cost reduction and control
9.Project coordination with the
design engineer and the City of
Fayetteville.
10.Project close out
11.Warranty
The solicitation RFQ & adden-
dums shall be obtainable from the
City of Fayetteville Purchasing Di-
vision's electronic bidding plat-
form at
<http://fayetteville-ar.gov/bids>.
Statements of qualification shall
be received by Thursday, Decem-
ber 29, 2022 before 2:00:00
PM, local time, utilizing the
electronic bidding platform. No
late proposals shall be accepted.
The City of Fayetteville shall not
be responsible for lost or misdi-
rected proposals, or for failure of
proposer's technical equipment.
A non-mandatory pre-proposal
conference will be held on
Wednesday, December 14, 2022
at 2:00 PM via Zoom. Meeting
information can be found on the
City's online bidding platform.
Statements of qualification
submitted shall be qualified to do
business and licensed in ac-
cordance with all applicable laws
of the state and local governments
where the project is located.
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 21st, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
UNITED STATES DEPARTMENT OF
AGRICULTURE, RURAL HOUSING
SERVICE
By: /s/Emily Reynolds
Emily Reynolds, Ark Bar No.
2011016
Timothy D. Padgett, P.A.
6267 Old Water Oak Road,
Suite 203
Tallahassee, FL 32312
(850) 422-2520
75612159f

Foreclosures - Pope Co.

MORTGAGEE'S NOTICE OF
DEFAULT AND INTENTION TO
SELL
YOU MAY LOSE YOUR PROP-
ERTY IF YOU DO NOT TAKE IM-
MEDIATE ACTION
NOTICE IS HEREBY GIVEN that
on January 6, 2023, at or about
01:00 PM, the subject real prop-
erty described herein below will
be sold at the Main Entrance to
the Pope County Courthouse, 100
West Main, Russellville, AR 72801
to the highest bidder for cash.
The sale will extinguish all inter-
ests, including those of existing
lien holders or previous owners in
the property. THE TERMS OF SALE
ARE CASH THE DAY OF SALE AND
ALL TRANSFER TAXES WILL BE
THE RESPONSIBILITY OF THE
PURCHASER.
WHEREAS, the property se-
cured under the Mortgage is lo-
cated in Pope County, Arkansas
more particularly described as
follows:
Lot 20, Block 5, Revised Plat of
Summerwood Estates, Phase III
to the City of Russellville, Arkansas.
Street Address: 2022 South
Verona Avenue, Russellville, AR
72802
WHEREAS on March 18, 2005,
WILLIAM E. URTEAGA AND FLO-
RICELA URTEAGA-GIRON,
HUSBAND AND WIFE executed a
Mortgage in favor of SIMMONS
FIRST BANK OF RUSSELLVILLE,
which was recorded on March 24,
2005 in Book Miscellaneous 204-5,
Page 716, in the real estate records
of Pope County, Arkansas. The
party initiating foreclosure is Re-
gions Bank and can be contacted
at or in care of its servicer initia-
ting foreclosure at: Regions -
Hattiesburg, MS 39404, at Tele-
phone Number 1.800.748.9498
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 25th, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
REGIONS BANK

Bids/Requests 1210

Professional Services required
include:
1.Ensure all funds are spent in
accordance with State of Arkan-
sas Procurement laws
2.Guaranteed maximum price
construction
3.Estimating
4.Sub-contractor bidding
5.Project and change order
pricing
6.Schedule control
7.Management of demolition
and reconstruction
8.Cost reduction and control
9.Project coordination with the
design engineer and the City of
Fayetteville.
10.Project close out
11.Warranty
The solicitation RFQ & adden-
dums shall be obtainable from the
City of Fayetteville Purchasing Di-
vision's electronic bidding plat-
form at
<http://fayetteville-ar.gov/bids>.
Statements of qualification shall
be received by Thursday, Decem-
ber 29, 2022 before 2:00:00
PM, local time, utilizing the
electronic bidding platform. No
late proposals shall be accepted.
The City of Fayetteville shall not
be responsible for lost or misdi-
rected proposals, or for failure of
proposer's technical equipment.
A non-mandatory pre-proposal
conference will be held on
Wednesday, December 14, 2022
at 2:00 PM via Zoom. Meeting
information can be found on the
City's online bidding platform.
Statements of qualification
submitted shall be qualified to do
business and licensed in ac-
cordance with all applicable laws
of the state and local governments
where the project is located.
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 21st, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
UNITED STATES DEPARTMENT OF
AGRICULTURE, RURAL HOUSING
SERVICE
By: /s/Emily Reynolds
Emily Reynolds, Ark Bar No.
2011016
Timothy D. Padgett, P.A.
6267 Old Water Oak Road,
Suite 203
Tallahassee, FL 32312
(850) 422-2520
75612159f

Foreclosures - Pope Co.

MORTGAGEE'S NOTICE OF
DEFAULT AND INTENTION TO
SELL
YOU MAY LOSE YOUR PROP-
ERTY IF YOU DO NOT TAKE IM-
MEDIATE ACTION
NOTICE IS HEREBY GIVEN that
on January 6, 2023, at or about
01:00 PM, the subject real prop-
erty described herein below will
be sold at the Main Entrance to
the Pope County Courthouse, 100
West Main, Russellville, AR 72801
to the highest bidder for cash.
The sale will extinguish all inter-
ests, including those of existing
lien holders or previous owners in
the property. THE TERMS OF SALE
ARE CASH THE DAY OF SALE AND
ALL TRANSFER TAXES WILL BE
THE RESPONSIBILITY OF THE
PURCHASER.
WHEREAS, the property se-
cured under the Mortgage is lo-
cated in Pope County, Arkansas
more particularly described as
follows:
Lot 20, Block 5, Revised Plat of
Summerwood Estates, Phase III
to the City of Russellville, Arkansas.
Street Address: 2022 South
Verona Avenue, Russellville, AR
72802
WHEREAS on March 18, 2005,
WILLIAM E. URTEAGA AND FLO-
RICELA URTEAGA-GIRON,
HUSBAND AND WIFE executed a
Mortgage in favor of SIMMONS
FIRST BANK OF RUSSELLVILLE,
which was recorded on March 24,
2005 in Book Miscellaneous 204-5,
Page 716, in the real estate records
of Pope County, Arkansas. The
party initiating foreclosure is Re-
gions Bank and can be contacted
at or in care of its servicer initia-
ting foreclosure at: Regions -
Hattiesburg, MS 39404, at Tele-
phone Number 1.800.748.9498
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 25th, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
REGIONS BANK

Bids/Requests 1210

Professional Services required
include:
1.Ensure all funds are spent in
accordance with State of Arkan-
sas Procurement laws
2.Guaranteed maximum price
construction
3.Estimating
4.Sub-contractor bidding
5.Project and change order
pricing
6.Schedule control
7.Management of demolition
and reconstruction
8.Cost reduction and control
9.Project coordination with the
design engineer and the City of
Fayetteville.
10.Project close out
11.Warranty
The solicitation RFQ & adden-
dums shall be obtainable from the
City of Fayetteville Purchasing Di-
vision's electronic bidding plat-
form at
<http://fayetteville-ar.gov/bids>.
Statements of qualification shall
be received by Thursday, Decem-
ber 29, 2022 before 2:00:00
PM, local time, utilizing the
electronic bidding platform. No
late proposals shall be accepted.
The City of Fayetteville shall not
be responsible for lost or misdi-
rected proposals, or for failure of
proposer's technical equipment.
A non-mandatory pre-proposal
conference will be held on
Wednesday, December 14, 2022
at 2:00 PM via Zoom. Meeting
information can be found on the
City's online bidding platform.
Statements of qualification
submitted shall be qualified to do
business and licensed in ac-
cordance with all applicable laws
of the state and local governments
where the project is located.
WHEREAS, there may be ten-
ants that claim an interest in the
real property herein based upon
said tenancy; and
WHEREAS, the undersigned is
the attorney for the mortgagee
and is acting on and with the
consent and authority of the
mortgagee who is exercising its
power of sale under Ark. Code
Ann. §18-50-115 which implies a
power of sale in every mortgage
of real property situated in this
state that is duly acknowledged
and recorded; and default has
occurred in the payment of said
indebtedness, and the same is
now therefore wholly due; and
the holder of the debt has requested
the undersigned to sell the prop-
erty to satisfy said indebtedness.
The undersigned is an active,
licensed member of the Bar of the
Supreme Court of the State of
Arkansas, and the law firm of the
undersigned maintains an office
at 415 N. McKinley St., Suite
1177, Little Rock, AR 72205 that
is located within the State of Ar-
kansas, is accessible to the pub-
lic during regular business hours,
and has the ability to accept funds
from a grantor, mortgagor, or
obligor to reinstate or pay off a
mortgage or deed of trust.
WITNESS my hand this Octo-
ber 21st, 2022.
TIMOTHY D. PADGETT, P.A.
SUBSTITUTE TRUSTEE FOR
UNITED STATES DEPARTMENT OF
AGRICULTURE, RURAL HOUSING
SERVICE
By: /s/Emily Reynolds
Emily Reynolds, Ark Bar No.
2011016
Timothy D. Padgett, P.A.
6267 Old Water Oak Road,
Suite 203
Tallahassee, FL 32312
(850) 422-2520
75612159f

Foreclosures - Pope Co.

MORTGAGEE'S NOTICE OF
DEFAULT AND INTENTION TO
SELL
YOU MAY LOSE YOUR PROP-
ERTY IF YOU DO NOT TAKE IM-
MEDIATE ACTION
NOTICE IS HEREBY GIVEN that
on January 6, 2023, at or about
01:00 PM, the subject real prop-
erty described herein below will
be sold at the Main Entrance to
the Pope County Courthouse, 100
West Main, Russellville, AR 72801
to the highest bidder for cash.
The sale will extinguish all inter-
ests, including those of existing
lien holders or previous owners in
the property. THE TERMS OF SALE
ARE CASH THE DAY OF SALE AND
ALL TRANSFER TAXES WILL BE
THE RESPONSIBILITY OF THE
PURCHASER.
WHEREAS, the property se-
cured under the Mortgage is lo-
cated in Pope County, Arkansas
more particularly described as
follows:
Lot 20, Block 5, Revised Plat of
Summerwood Estates, Phase III
to the City of Russellville, Arkansas.
Street Address: 2022 South
Verona Avenue, Russellville, AR
72802
WHEREAS on March 18, 2005,
WILLIAM E. URTEAGA AND FLO-
RICELA URTEAGA-GIRON,
HUSBAND AND WIFE executed a
Mortgage in favor of SIMMONS
FIRST BANK OF RUSSELLVILLE,
which was recorded on March 24,
2005 in Book Miscellaneous 204-5,
Page 716, in the real estate records
of Pope County, Arkansas. The
party initiating foreclosure is Re-
gions Bank and can be contacted
at or in care of its servicer initia-
ting foreclosure at: Regions -
Hattiesburg, MS 39404, at Tele-
phone Number 1.



QUOTE

Justin Jarvis, Owner/General Manager
Cell: (479) 787-8578
E-mail: justin@pinnacle-ev.com

Date: January 2, 2023
QUOTE # 22-1228-001
Expiration Date: January 27, 2023

For: Chief Stephen Sims
City of Bella Vista Fire Department
103 Town Center
Bella Vista, AR 72714

Customer ID: AR-BellaVista

Salesperson	Shipping Method	Estimated Delivery Date	Payment Terms	F.O.B.
JUSTIN	Flatbed	180 Days after receipt of chassis	\$0 Down; Balance @ Delivery	Bella Vista, AR

Qty	Description	Unit Price	Discount	Line Total
1	2023 Ford F-550 4x4 / Braun Chief XL Type 1 Ambulance Remount of customers 2011 module. Braun #5680	\$236,637.00		\$236,637.00
1	Ford Government Price Concession Discount *Any applicable Ford Concessions will be applied at time of Invoice.			
1	Transport of vehicle to Braun facility to be provided by Pinnacle Emergency Vehicles			
1	Transport of completed remount and the dismounted chassis back from the factory on a flatbed to be provided by Pinnacle Emergency Vehicles			
1	Travel for two members of Bella Vista Fire Department to final inspection to be provided by Pinnacle Emergency Vehicles			
		Total Discount		
			Subtotal	236,637.00
			Sales Tax	Per Customer
			Total	\$236,637.00

Quotation authorized by: _____

This is a quotation on the above named goods following the specifications and information contained with this proposal form. Your order for the above said products(s) will be entered upon receipt of signed PEV Sales Agreement or binding Municipal Purchase Order.

Thank you for your interest in Pinnacle Emergency Vehicles!!!
201 Commercial St., Centerton, AR 72719 • Phone (417) 540-0600

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A
CONTRACT WITH CLINARD CONSTRUCTION MANAGEMENT, INC.
FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE
REMODELING OF THE CURRENT POLICE STATION INTO AN
EXTENSION OF THE CENTRAL FIRE STATION AT TOWN CENTER
AND FOR OTHER IMPROVEMENTS TO THE FACILITY**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

SECTION 1: The City Council of the City of Bella Vista hereby authorizes the Mayor and City Clerk to enter into a contract with Clinard Construction Management, Inc. for construction management services related to the remodeling of the current police station at Town Center and for other improvements to the facility.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

Attest:

City Clerk Wanda Krug

Requested by Mayor
Prepared by Jason Kelley, Staff Attorney

AIA[®] Document A133[™] – 2019

Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price

AGREEMENT made as of the Twenty Fourth day of January in the year Two Thousand Twenty Three
(In words, indicate day, month, and year.)

BETWEEN the Owner:
(Name, legal status, address, and other information)

City of Bella Vista
101 Town Center
Bella Vista, Arkansas 72714

and the Construction Manager:
(Name, legal status, address, and other information)

Clinard Construction Management, Inc.
615 N. Walton Blvd. Suite D
Bentonville, Arkansas 72712
479-271-6212

for the following Project:
(Name, location, and detailed description)

Bella Vista Fire Central Fire Station and City Hall Facility
101 Town Center
Bella Vista, AR 72714

The Architect:
(Name, legal status, address, and other information)

TBD

The Owner and Construction Manager agree as follows.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201[™]-2017, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

Init.

TABLE OF ARTICLES

1	INITIAL INFORMATION
2	GENERAL PROVISIONS
3	CONSTRUCTION MANAGER'S RESPONSIBILITIES
4	OWNER'S RESPONSIBILITIES
5	COMPENSATION AND PAYMENTS FOR PRECONSTRUCTION PHASE SERVICES
6	COMPENSATION FOR CONSTRUCTION PHASE SERVICES
7	COST OF THE WORK FOR CONSTRUCTION PHASE
8	DISCOUNTS, REBATES, AND REFUNDS
9	SUBCONTRACTS AND OTHER AGREEMENTS
10	ACCOUNTING RECORDS
11	PAYMENTS FOR CONSTRUCTION PHASE SERVICES
12	DISPUTE RESOLUTION
13	TERMINATION OR SUSPENSION
14	MISCELLANEOUS PROVISIONS
15	SCOPE OF THE AGREEMENT

EXHIBIT A GUARANTEED MAXIMUM PRICE AMENDMENT EXHIBIT B INSURANCE AND BONDS

ARTICLE 1 INITIAL INFORMATION

§ 1.1 This Agreement is based on the Initial Information set forth in this Section 1.1.

(For each item in this section, insert the information or a statement such as "not applicable" or "unknown at time of execution.")

§ 1.1.1 The Owner's program for the Project, as described in Section 4.1.1:

(Insert the Owner's program, identify documentation that establishes the Owner's program, or state the manner in which the program will be developed.)

The Project will consist of various amounts of renovation of existing buildings including the 2-story former Police Facility containing approximately 8,000 square feet and a portion of the existing original fire station engine bays containing 3,000 square feet. The current Bella Vista City Hall building containing approximately 3,500 square feet is NOT a part of this Project. The remaining buildings currently housing the fire department living quarters, fire administration and fire support areas will be demolished and replaced with new structures containing approximately 5,000 square feet meeting current and future fire department needs including new drive-through apparatus bays and support spaces for those bays. The site will be re-configured to allow for separation between the circulation and parking for the Fire Department and the City Hall and utilities and site paving will be upgraded as necessary.

§ 1.1.2 The Project's physical characteristics:

(Identify or describe pertinent information about the Project's physical characteristics, such as size; location; dimensions; geotechnical reports; site boundaries; topographic surveys; traffic and utility studies; availability of public and private utilities and services; legal description of the site, etc.)

Init.

/

The Project site is bounded by state highway right-of-way and the entrance is to be retained and modified as necessary to meet the entry and exit needs of the fire department emergency responders and for visitor to the city hall and fire administration offices. The Project working drawings for the existing buildings and site from 1985 (21 pages) are available and will be used to confirm details for updated renovation and new construction.

§ 1.1.3 The Owner's budget for the Guaranteed Maximum Price, as defined in Article 6:
(Provide total and, if known, a line item breakdown.)

The total expected square footage of the existing and new buildings in this Project will be approximately 10,000 square feet of existing buildings and 5,000 square feet of new buildings. The expected target budget for renovation of existing buildings will be an average of \$250 per square foot for renovated building areas and \$400 per square foot for new areas. The expected total renovation and new building construction costs are estimated to be \$4.5 to \$5 million plus architect, engineering and construction management fees and reimbursables.

§ 1.1.4 The Owner's anticipated design and construction milestone dates:

.1 Design phase milestone dates, if any:

TBD

.2 Construction commencement date:

TBD

.3 Substantial Completion date or dates:

TBD

.4 Other milestone dates:

§ 1.1.5 The Owner's requirements for accelerated or fast-track scheduling, or phased construction, are set forth below:
(Identify any requirements for fast-track scheduling or phased construction.)

The Project will require multi-phase construction due to the current uses that will remain in place during the renovation and new construction. Construction phasing and scheduling of phases will be developed during the Pre-Construction Phase.

§ 1.1.6 The Owner's anticipated Sustainable Objective for the Project:
(Identify and describe the Owner's Sustainable Objective for the Project, if any.)

TBD

§ 1.1.6.1 If the Owner identifies a Sustainable Objective, the Owner and Construction Manager shall complete and incorporate AIA Document E234™-2019, Sustainable Projects Exhibit, Construction Manager as Constructor Edition, into this Agreement to define the terms, conditions and services related to the Owner's Sustainable Objective. If E234-2019 is incorporated into this agreement, the Owner and Construction Manager shall incorporate the completed E234-2019 into the agreements with the consultants and contractors performing services or Work in any way associated with the Sustainable Objective.

§ 1.1.7 Other Project information:
(Identify special characteristics or needs of the Project not provided elsewhere.)

§ 1.1.8 The Owner identifies the following representative in accordance with Section 4.2:
(List name, address, and other contact information.)

Chief Steve Sims
101 Town Center
Bella Vista, Arkansas 72714

§ 1.1.9 The persons or entities, in addition to the Owner's representative, who are required to review the Construction Manager's submittals to the Owner are as follows:
(List name, address and other contact information.)

Architect of record to be determined.

§ 1.1.10 The Owner shall retain the following consultants and contractors:
(List name, legal status, address, and other contact information.)

.1 Geotechnical Engineer:

TBD

.2 Civil Engineer:

TBD

.3 Other, if any:

(List any other consultants retained by the Owner, such as a Project or Program Manager.)

§ 1.1.11 The Architect's representative:
(List name, address, and other contact information.)

TBD

§ 1.1.12 The Construction Manager identifies the following representative in accordance with Article 3:
(List name, address, and other contact information.)

J. Mark Clinard
Clinard Construction Management, Inc.

Init.

/

615 N. Walton Blvd, Suite D
Bentonville, Arkansas 72712
479-271-6212

§ 1.1.13 The Owner's requirements for the Construction Manager's staffing plan for Preconstruction Services, as required under Section 3.1.9:

(List any Owner-specific requirements to be included in the staffing plan.)

§ 1.1.14 The Owner's requirements for subcontractor procurement for the performance of the Work:

(List any Owner-specific requirements for subcontractor procurement.)

Owner has sourced items to be supplied by specific companies:

- 1) Alerting System – Westnet
- 2) Exhaust Capture System – Air Cleaning Technologies, Inc.
- 3) Fire Training Tower – WHP Training Towers

§ 1.1.15 Other Initial Information on which this Agreement is based:

Preliminary 1st and 2nd Floor Schematic Drawings from JBP Architects dated 7/13/2015.
Space Requirements for Bella Vista Central Fire Station

§ 1.2 The Owner and Construction Manager may rely on the Initial Information. Both parties, however, recognize that such information may materially change and, in that event, the Owner and the Construction Manager shall appropriately adjust the Project schedule, the Construction Manager's services, and the Construction Manager's compensation. The Owner shall adjust the Owner's budget for the Guaranteed Maximum Price and the Owner's anticipated design and construction milestones, as necessary, to accommodate material changes in the Initial Information.

§ 1.3 Neither the Owner's nor the Construction Manager's representative shall be changed without ten days' prior notice to the other party.

ARTICLE 2 GENERAL PROVISIONS

§ 2.1 The Contract Documents

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement, and Modifications issued after execution of this Agreement, all of which form the Contract and are as fully a part of the Contract as if attached to this Agreement or repeated herein. Upon the Owner's acceptance of the Construction Manager's Guaranteed Maximum Price proposal, the Contract Documents will also include the documents described in Section 3.2.3 and identified in the Guaranteed Maximum Price Amendment and revisions prepared by the Architect and furnished by the Owner as described in Section 3.2.8. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. If anything in the other Contract Documents, other than a Modification, is inconsistent with this Agreement, this Agreement shall govern. An enumeration of the Contract Documents, other than a Modification, appears in Article 15.

§ 2.2 Relationship of the Parties

The Construction Manager accepts the relationship of trust and confidence established by this Agreement and covenants with the Owner to cooperate with the Architect and exercise the Construction Manager's skill and judgment in furthering the interests of the Owner to furnish efficient construction administration, management services, and supervision; to furnish at all times an adequate supply of workers and materials; and to perform the Work in an expeditious and economical manner consistent with the Owner's interests. The Owner agrees to furnish or approve, in a timely manner,

Init.

information required by the Construction Manager and to make payments to the Construction Manager in accordance with the requirements of the Contract Documents.

§ 2.3 General Conditions

§ 2.3.1 For the Preconstruction Phase, AIA Document A201™–2017, General Conditions of the Contract for Construction, shall apply as follows: Section 1.5, Ownership and Use of Documents; Section 1.7, Digital Data Use and Transmission; Section 1.8, Building Information Model Use and Reliance; Section 2.2.4, Confidential Information; Section 3.12.10, Professional Services; Section 10.3, Hazardous Materials; Section 13.1, Governing Law. The term "Contractor" as used in A201–2017 shall mean the Construction Manager.

§ 2.3.2 For the Construction Phase, the general conditions of the contract shall be as set forth in A201–2017, which document is incorporated herein by reference. The term "Contractor" as used in A201–2017 shall mean the Construction Manager.

ARTICLE 3 CONSTRUCTION MANAGER'S RESPONSIBILITIES

The Construction Manager's Preconstruction Phase responsibilities are set forth in Sections 3.1 and 3.2, and in the applicable provisions of A201–2017 referenced in Section 2.3.1. The Construction Manager's Construction Phase responsibilities are set forth in Section 3.3. The Owner and Construction Manager may agree, in consultation with the Architect, for the Construction Phase to commence prior to completion of the Preconstruction Phase, in which case, both phases will proceed concurrently. The Construction Manager shall identify a representative authorized to act on behalf of the Construction Manager with respect to the Project.

§ 3.1 Preconstruction Phase

§ 3.1.1 Extent of Responsibility

The Construction Manager shall exercise reasonable care in performing its Preconstruction Services. The Owner and Architect shall be entitled to rely on, and shall not be responsible for, the accuracy, completeness, and timeliness of services and information furnished by the Construction Manager. The Construction Manager, however, does not warrant or guarantee estimates and schedules except as may be included as part of the Guaranteed Maximum Price. The Construction Manager is not required to ascertain that the Drawings and Specifications are in accordance with applicable laws, statutes, ordinances, codes, rules and regulations, or lawful orders of public authorities, but the Construction Manager shall promptly report to the Architect and Owner any nonconformity discovered by or made known to the Construction Manager as a request for information in such form as the Architect may require.

§ 3.1.2 The Construction Manager shall provide a preliminary evaluation of the Owner's program, schedule and construction budget requirements, each in terms of the other.

§ 3.1.3 Consultation

§ 3.1.3.1 The Construction Manager shall schedule and conduct meetings with the Architect and Owner to discuss such matters as procedures, progress, coordination, and scheduling of the Work.

§ 3.1.3.2 The Construction Manager shall advise the Owner and Architect on proposed site use and improvements, selection of materials, building systems, and equipment. The Construction Manager shall also provide recommendations to the Owner and Architect, consistent with the Project requirements, on constructability; availability of materials and labor; time requirements for procurement, installation and construction; prefabrication; and factors related to construction cost including, but not limited to, costs of alternative designs or materials, preliminary budgets, life-cycle data, and possible cost reductions. The Construction Manager shall consult with the Architect regarding professional services to be provided by the Construction Manager during the Construction Phase.

§ 3.1.3.3 The Construction Manager shall assist the Owner and Architect in establishing building information modeling and digital data protocols for the Project, using AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, to establish the protocols for the development, use, transmission, and exchange of digital data.

§ 3.1.4 Project Schedule

When Project requirements in Section 4.1.1 have been sufficiently identified, the Construction Manager shall prepare and periodically update a Project schedule for the Architect's review and the Owner's acceptance. The Construction Manager shall obtain the Architect's approval for the portion of the Project schedule relating to the performance of the Architect's services. The Project schedule shall coordinate and integrate the Construction Manager's services, the Architect's

services, other Owner consultants' services, and the Owner's responsibilities; and identify items that affect the Project's timely completion. The updated Project schedule shall include the following: submission of the Guaranteed Maximum Price proposal; components of the Work; times of commencement and completion required of each Subcontractor; ordering and delivery of products, including those that must be ordered in advance of construction; and the occupancy requirements of the Owner.

§ 3.1.5 Phased Construction

The Construction Manager, in consultation with the Architect, shall provide recommendations with regard to accelerated or fast-track scheduling, procurement, and sequencing for phased construction. The Construction Manager shall take into consideration cost reductions, cost information, constructability, provisions for temporary facilities, and procurement and construction scheduling issues.

§ 3.1.6 Cost Estimates

§ 3.1.6.1 Based on the preliminary design and other design criteria prepared by the Architect, the Construction Manager shall prepare, for the Architect's review and the Owner's approval, preliminary estimates of the Cost of the Work or the cost of program requirements using area, volume, or similar conceptual estimating techniques. If the Architect or Construction Manager suggests alternative materials and systems, the Construction Manager shall provide cost evaluations of those alternative materials and systems.

§ 3.1.6.2 As the Architect progresses with the preparation of the Schematic Design, Design Development and Construction Documents, the Construction Manager shall prepare and update, at appropriate intervals agreed to by the Owner, Construction Manager and Architect, an estimate of the Cost of the Work with increasing detail and refinement. The Construction Manager shall include in the estimate those costs to allow for the further development of the design, price escalation, and market conditions, until such time as the Owner and Construction Manager agree on a Guaranteed Maximum Price for the Work. The estimate shall be provided for the Architect's review and the Owner's approval. The Construction Manager shall inform the Owner and Architect in the event that the estimate of the Cost of the Work exceeds the latest approved Project budget, and make recommendations for corrective action.

§ 3.1.6.3 If the Architect is providing cost estimating services as a Supplemental Service, and a discrepancy exists between the Construction Manager's cost estimates and the Architect's cost estimates, the Construction Manager and the Architect shall work together to reconcile the cost estimates.

§ 3.1.7 As the Architect progresses with the preparation of the Schematic Design, Design Development and Construction Documents, the Construction Manager shall consult with the Owner and Architect and make recommendations regarding constructability and schedules, for the Architect's review and the Owner's approval.

§ 3.1.8 The Construction Manager shall provide recommendations and information to the Owner and Architect regarding equipment, materials, services, and temporary Project facilities.

§ 3.1.9 The Construction Manager shall provide a staffing plan for Preconstruction Phase services for the Owner's review and approval.

§ 3.1.10 If the Owner identified a Sustainable Objective in Article 1, the Construction Manager shall fulfill its Preconstruction Phase responsibilities as required in AIA Document E234™-2019, Sustainable Projects Exhibit, Construction Manager as Constructor Edition, attached to this Agreement.

§ 3.1.11 Subcontractors and Suppliers

§ 3.1.11.1 If the Owner has provided requirements for subcontractor procurement in section 1.1.14, the Construction Manager shall provide a subcontracting plan, addressing the Owner's requirements, for the Owner's review and approval.

§ 3.1.11.2 The Construction Manager shall develop bidders' interest in the Project.

§ 3.1.11.3 The processes described in Article 9 shall apply if bid packages will be issued during the Preconstruction Phase.

§ 3.1.12 Procurement

The Construction Manager shall prepare, for the Architect's review and the Owner's acceptance, a procurement schedule for items that must be ordered in advance of construction. The Construction Manager shall expedite and coordinate the

ordering and delivery of materials that must be ordered in advance of construction. If the Owner agrees to procure any items prior to the establishment of the Guaranteed Maximum Price, the Owner shall procure the items on terms and conditions acceptable to the Construction Manager. Upon the establishment of the Guaranteed Maximum Price, the Owner shall assign all contracts for these items to the Construction Manager and the Construction Manager shall thereafter accept responsibility for them.

§ 3.1.13 Compliance with Laws

The Construction Manager shall comply with applicable laws, statutes, ordinances, codes, rules and regulations, and lawful orders of public authorities applicable to its performance under this Contract, and with equal employment opportunity programs, and other programs as may be required by governmental and quasi-governmental authorities.

§ 3.1.14 Other Preconstruction Services

Insert a description of any other Preconstruction Phase services to be provided by the Construction Manager, or reference an exhibit attached to this document

(Describe any other Preconstruction Phase services, such as providing cash flow projections, development of a project information management system, early selection or procurement of subcontractors, etc.)

§ 3.2 Guaranteed Maximum Price Proposal

§ 3.2.1 At a time to be mutually agreed upon by the Owner and the Construction Manager, the Construction Manager shall prepare a Guaranteed Maximum Price proposal for the Owner's and Architect's review, and the Owner's acceptance. The Guaranteed Maximum Price in the proposal shall be the sum of the Construction Manager's estimate of the Cost of the Work, the Construction Manager's contingency described in Section 3.2.4, and the Construction Manager's Fee described in Section 6.1.2.

§ 3.2.2 To the extent that the Contract Documents are anticipated to require further development, the Guaranteed Maximum Price includes the costs attributable to such further development consistent with the Contract Documents and reasonably inferable therefrom. Such further development does not include changes in scope, systems, kinds and quality of materials, finishes, or equipment, all of which, if required, shall be incorporated by Change Order.

§ 3.2.3 The Construction Manager shall include with the Guaranteed Maximum Price proposal a written statement of its basis, which shall include the following:

- .1 A list of the Drawings and Specifications, including all Addenda thereto, and the Conditions of the Contract;
- .2 A list of the clarifications and assumptions made by the Construction Manager in the preparation of the Guaranteed Maximum Price proposal, including assumptions under Section 3.2.2;
- .3 A statement of the proposed Guaranteed Maximum Price, including a statement of the estimated Cost of the Work organized by trade categories or systems, including allowances; the Construction Manager's contingency set forth in Section 3.2.4; and the Construction Manager's Fee;
- .4 The anticipated date of Substantial Completion upon which the proposed Guaranteed Maximum Price is based; and
- .5 A date by which the Owner must accept the Guaranteed Maximum Price.

§ 3.2.4 In preparing the Construction Manager's Guaranteed Maximum Price proposal, the Construction Manager shall include a contingency for the Construction Manager's exclusive use to cover those costs that are included in the Guaranteed Maximum Price but not otherwise allocated to another line item or included in a Change Order.

§ 3.2.5 The Construction Manager shall meet with the Owner and Architect to review the Guaranteed Maximum Price proposal. In the event that the Owner or Architect discover any inconsistencies or inaccuracies in the information presented, they shall promptly notify the Construction Manager, who shall make appropriate adjustments to the Guaranteed Maximum Price proposal, its basis, or both.

§ 3.2.6 If the Owner notifies the Construction Manager that the Owner has accepted the Guaranteed Maximum Price proposal in writing before the date specified in the Guaranteed Maximum Price proposal, the Guaranteed Maximum Price proposal shall be deemed effective without further acceptance from the Construction Manager. Following acceptance of a Guaranteed Maximum Price, the Owner and Construction Manager shall execute the Guaranteed Maximum Price

Amendment amending this Agreement, a copy of which the Owner shall provide to the Architect. The Guaranteed Maximum Price Amendment shall set forth the agreed upon Guaranteed Maximum Price with the information and assumptions upon which it is based.

§ 3.2.7 The Construction Manager shall not incur any cost to be reimbursed as part of the Cost of the Work prior to the execution of the Guaranteed Maximum Price Amendment, unless the Owner provides prior written authorization for such costs.

§ 3.2.8 The Owner shall authorize preparation of revisions to the Contract Documents that incorporate the agreed-upon assumptions and clarifications contained in the Guaranteed Maximum Price Amendment. The Owner shall promptly furnish such revised Contract Documents to the Construction Manager. The Construction Manager shall notify the Owner and Architect of any inconsistencies between the agreed-upon assumptions and clarifications contained in the Guaranteed Maximum Price Amendment and the revised Contract Documents.

§ 3.2.9 The Construction Manager shall include in the Guaranteed Maximum Price all sales, consumer, use and similar taxes for the Work provided by the Construction Manager that are legally enacted, whether or not yet effective, at the time the Guaranteed Maximum Price Amendment is executed.

§ 3.3 Construction Phase

§ 3.3.1 General

§ 3.3.1.1 For purposes of Section 8.1.2 of A201–2017, the date of commencement of the Work shall mean the date of commencement of the Construction Phase.

§ 3.3.1.2 The Construction Phase shall commence upon the Owner's execution of the Guaranteed Maximum Price Amendment or, prior to acceptance of the Guaranteed Maximum Price proposal, by written agreement of the parties. The written agreement shall set forth a description of the Work to be performed by the Construction Manager, and any insurance and bond requirements for Work performed prior to execution of the Guaranteed Maximum Price Amendment.

§ 3.3.2 Administration

§ 3.3.2.1 The Construction Manager shall schedule and conduct meetings to discuss such matters as procedures, progress, coordination, scheduling, and status of the Work. The Construction Manager shall prepare and promptly distribute minutes of the meetings to the Owner and Architect.

§ 3.3.2.2 Upon the execution of the Guaranteed Maximum Price Amendment, the Construction Manager shall prepare and submit to the Owner and Architect a construction schedule for the Work and a submittal schedule in accordance with Section 3.10 of A201–2017.

§ 3.3.2.3 Monthly Report

The Construction Manager shall record the progress of the Project. On a monthly basis, or otherwise as agreed to by the Owner, the Construction Manager shall submit written progress reports to the Owner and Architect, showing percentages of completion and other information required by the Owner.

§ 3.3.2.4 Daily Logs

The Construction Manager shall keep, and make available to the Owner and Architect, a daily log containing a record for each day of weather, portions of the Work in progress, number of workers on site, identification of equipment on site, problems that might affect progress of the work, accidents, injuries, and other information required by the Owner.

§ 3.3.2.5 Cost Control

The Construction Manager shall develop a system of cost control for the Work, including regular monitoring of actual costs for activities in progress and estimates for uncompleted tasks and proposed changes. The Construction Manager shall identify variances between actual and estimated costs and report the variances to the Owner and Architect, and shall provide this information in its monthly reports to the Owner and Architect, in accordance with Section 3.3.2.3 above.

ARTICLE 4 OWNER'S RESPONSIBILITIES

§ 4.1 Information and Services Required of the Owner

§ 4.1.1 The Owner shall provide information with reasonable promptness, regarding requirements for and limitations on the Project, including a written program which shall set forth the Owner's objectives, constraints, and criteria, including

schedule, space requirements and relationships, flexibility and expandability, special equipment, systems, sustainability and site requirements.

§ 4.1.2 Prior to the execution of the Guaranteed Maximum Price Amendment, the Construction Manager may request in writing that the Owner provide reasonable evidence that the Owner has made financial arrangements to fulfill the Owner's obligations under the Contract. After execution of the Guaranteed Maximum Price Amendment, the Construction Manager may request such information as set forth in A201-2017 Section 2.2.

§ 4.1.3 The Owner shall establish and periodically update the Owner's budget for the Project, including (1) the budget for the Cost of the Work as defined in Article 7, (2) the Owner's other costs, and (3) reasonable contingencies related to all of these costs. If the Owner significantly increases or decreases the Owner's budget for the Cost of the Work, the Owner shall notify the Construction Manager and Architect. The Owner and the Architect, in consultation with the Construction Manager, shall thereafter agree to a corresponding change in the Project's scope and quality.

§ 4.1.4 **Structural and Environmental Tests, Surveys and Reports.** During the Preconstruction Phase, the Owner shall furnish the following information or services with reasonable promptness. The Owner shall also furnish any other information or services under the Owner's control and relevant to the Construction Manager's performance of the Work with reasonable promptness after receiving the Construction Manager's written request for such information or services. The Construction Manager shall be entitled to rely on the accuracy of information and services furnished by the Owner but shall exercise proper precautions relating to the safe performance of the Work.

§ 4.1.4.1 The Owner shall furnish tests, inspections, and reports, required by law and as otherwise agreed to by the parties, such as structural, mechanical, and chemical tests, tests for air and water pollution, and tests for hazardous materials.

§ 4.1.4.2 The Owner shall furnish surveys describing physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site. The surveys and legal information shall include, as applicable, grades and lines of streets, alleys, pavements and adjoining property and structures; designated wetlands; adjacent drainage; rights-of-way, restrictions, easements, encroachments, zoning, deed restrictions, boundaries and contours of the site; locations, dimensions and other necessary data with respect to existing buildings, other improvements and trees; and information concerning available utility services and lines, both public and private, above and below grade, including inverts and depths. All the information on the survey shall be referenced to a Project benchmark.

§ 4.1.4.3 The Owner, when such services are requested, shall furnish services of geotechnical engineers, which may include test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluation, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations.

§ 4.1.5 During the Construction Phase, the Owner shall furnish information or services required of the Owner by the Contract Documents with reasonable promptness. The Owner shall also furnish any other information or services under the Owner's control and relevant to the Construction Manager's performance of the Work with reasonable promptness after receiving the Construction Manager's written request for such information or services.

§ 4.1.6 If the Owner identified a Sustainable Objective in Article 1, the Owner shall fulfill its responsibilities as required in AIA Document E234™-2019, Sustainable Projects Exhibit, Construction Manager as Constructor Edition, attached to this Agreement.

§ 4.2 Owner's Designated Representative

The Owner shall identify a representative authorized to act on behalf of the Owner with respect to the Project. The Owner's representative shall render decisions promptly and furnish information expeditiously, so as to avoid unreasonable delay in the services or Work of the Construction Manager. Except as otherwise provided in Section 4.2.1 of A201-2017, the Architect does not have such authority. The term "Owner" means the Owner or the Owner's authorized representative.

§ 4.2.1 **Legal Requirements.** The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 4.3 Architect

The Owner shall retain an Architect to provide services, duties and responsibilities as described in AIA Document B133™-2019, Standard Form of Agreement Between Owner and Architect, Construction Manager as Constructor Edition, including any additional services requested by the Construction Manager that are necessary for the Preconstruction and Construction Phase services under this Agreement. The Owner shall provide the Construction Manager with a copy of the scope of services in the executed agreement between the Owner and the Architect, and any further modifications to the Architect's scope of services in the agreement.

ARTICLE 5 COMPENSATION AND PAYMENTS FOR PRECONSTRUCTION PHASE SERVICES

§ 5.1 Compensation

§ 5.1.1 For the Construction Manager's Preconstruction Phase services described in Sections 3.1 and 3.2, the Owner shall compensate the Construction Manager as follows:

(Insert amount of, or basis for, compensation and include a list of reimbursable cost items, as applicable.)

A Pre-Construction Phase Fee payment of Thirty Thousand and no/100 dollars (\$30,000.00) payable in five (5) monthly payments of \$6,000 per month during the Pre-Construction Phase PLUS reimbursable expenses (excluded from Lump Sum Compensation) for General Overhead items including:

- 1) Printing and reproduction cost of all documents such as plans, specification books, reports and other documents necessary to evaluating the scope of work.
- 2) Equipment Rental for any equipment used in testing of soils, discovery of on site existing utilities, clearing for survey and other discovery needed to assist consultants in obtaining site information. Any such costs shall be approved by the Architect, Civil Engineer or Owner prior to the Work being performed
- 3) Surveying and layout costs by CM personnel or other consultants. Any such costs shall be approved by the Architect, Civil Engineer or Owner prior to the Work being performed
- 4) Any other direct costs incurred required by the scope of work described in Article 2 directly related to the services conducted on behalf of the City of Bella Vista.
- 5) On site supervision labor costs required to supervise any on site activity performed on behalf of the City of Bella Vista.
- 6) Any prepaid permit fees, regulatory fees or other fees required by local, state or federal agencies related to the pre-construction activities.

§ 5.1.2 The hourly billing rates for Preconstruction Phase services of the Construction Manager and the Construction Manager's Consultants and Subcontractors, if any, are set forth below.

(If applicable, attach an exhibit of hourly billing rates or insert them below.)

Individual or Position

Rate

§ 5.1.2.1 Hourly billing rates for Preconstruction Phase services include all costs to be paid or incurred by the Construction Manager, as required by law or collective bargaining agreements, for taxes, insurance, contributions, assessments and benefits and, for personnel not covered by collective bargaining agreements, customary benefits such as sick leave, medical and health benefits, holidays, vacations and pensions, and shall remain unchanged unless the parties execute a Modification.

§ 5.1.3 If the Preconstruction Phase services covered by this Agreement have not been completed within () months of the date of this Agreement, through no fault of the Construction Manager, the Construction Manager's compensation for Preconstruction Phase services shall be equitably adjusted.

§ 5.2 Payments

§ 5.2.1 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed.

§ 5.2.2 Payments are due and payable upon presentation of the Construction Manager's invoice. Amounts unpaid Thirty (30) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Construction Manager.
(Insert rate of monthly or annual interest agreed upon.)

%

ARTICLE 6 COMPENSATION FOR CONSTRUCTION PHASE SERVICES

§ 6.1 Contract Sum

§ 6.1.1 The Owner shall pay the Construction Manager the Contract Sum in current funds for the Construction Manager's performance of the Contract after execution of the Guaranteed Maximum Price Amendment. The Contract Sum is the Cost of the Work as defined in Article 7 plus the Construction Manager's Fee.

§ 6.1.2 The Construction Manager's Fee:

(State a lump sum, percentage of Cost of the Work or other provision for determining the Construction Manager's Fee.)

3% of Cost of the Work not to exceed \$180,000.

§ 6.1.3 The method of adjustment of the Construction Manager's Fee for changes in the Work:

Changes in the Work causing the overall project budget to decrease shall result in no change in the Construction Manager's Fee. Changes in the Work causing the overall project budget to increase shall result in an increase of 5% of the cost of any such change or changes.

§ 6.1.4 Limitations, if any, on a Subcontractor's overhead and profit for increases in the cost of its portion of the Work:

§ 6.1.5 Rental rates for Construction Manager-owned equipment shall not exceed percent (%) of the standard rental rate paid at the place of the Project.

§ 6.1.6 Liquidated damages, if any:

(Insert terms and conditions for liquidated damages, if any.)

None

§ 6.1.7 Other:

(Insert provisions for bonus, cost savings or other incentives, if any, that might result in a change to the Contract Sum.)

Savings inure to the benefit of the Owner

§ 6.2 Guaranteed Maximum Price

The Construction Manager guarantees that the Contract Sum shall not exceed the Guaranteed Maximum Price set forth in the Guaranteed Maximum Price Amendment, subject to additions and deductions by Change Order as provided in the Contract Documents. Costs which would cause the Guaranteed Maximum Price to be exceeded shall be paid by the Construction Manager without reimbursement by the Owner.

§ 6.3 Changes in the Work

§ 6.3.1 The Owner may, without invalidating the Contract, order changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions. The Owner shall issue such changes in writing. The Construction Manager may be entitled to an equitable adjustment in the Contract Time as a result of changes in the Work.

§ 6.3.1.1 The Architect may order minor changes in the Work as provided in Article 7 of AIA Document A201-2017, General Conditions of the Contract for Construction.

§ 6.3.2 Adjustments to the Guaranteed Maximum Price on account of changes in the Work subsequent to the execution of the Guaranteed Maximum Price Amendment may be determined by any of the methods listed in Article 7 of AIA Document A201-2017, General Conditions of the Contract for Construction.

§ 6.3.3 Adjustments to subcontracts awarded on the basis of a stipulated sum shall be determined in accordance with Article 7 of A201-2017, as they refer to "cost" and "fee," and not by Articles 6 and 7 of this Agreement. Adjustments to

Init.

subcontracts awarded with the Owner's prior written consent on the basis of cost plus a fee shall be calculated in accordance with the terms of those subcontracts.

§ 6.3.4 In calculating adjustments to the Guaranteed Maximum Price, the terms "cost" and "costs" as used in Article 7 of AIA Document A201–2017 shall mean the Cost of the Work as defined in Article 7 of this Agreement and the term "fee" shall mean the Construction Manager's Fee as defined in Section 6.1.2 of this Agreement.

§ 6.3.5 If no specific provision is made in Section 6.1.3 for adjustment of the Construction Manager's Fee in the case of changes in the Work, or if the extent of such changes is such, in the aggregate, that application of the adjustment provisions of Section 6.1.3 will cause substantial inequity to the Owner or Construction Manager, the Construction Manager's Fee shall be equitably adjusted on the same basis that was used to establish the Fee for the original Work, and the Guaranteed Maximum Price shall be adjusted accordingly.

ARTICLE 7 COST OF THE WORK FOR CONSTRUCTION PHASE

§ 7.1 Costs to Be Reimbursed

§ 7.1.1 The term Cost of the Work shall mean costs necessarily incurred by the Construction Manager in the proper performance of the Work. The Cost of the Work shall include only the items set forth in Sections 7.1 through 7.7.

§ 7.1.2 Where, pursuant to the Contract Documents, any cost is subject to the Owner's prior approval, the Construction Manager shall obtain such approval in writing prior to incurring the cost.

§ 7.1.3 Costs shall be at rates not higher than the standard rates paid at the place of the Project, except with prior approval of the Owner.

§ 7.2 Labor Costs

§ 7.2.1 Wages or salaries of construction workers directly employed by the Construction Manager to perform the construction of the Work at the site or, with the Owner's prior approval, at off-site workshops.

§ 7.2.2 Wages or salaries of the Construction Manager's supervisory and administrative personnel when stationed at the site and performing Work, with the Owner's prior approval.

§ 7.2.2.1 Wages or salaries of the Construction Manager's supervisory and administrative personnel when performing Work and stationed at a location other than the site, but only for that portion of time required for the Work, and limited to the personnel and activities listed below:

(Identify the personnel, type of activity and, if applicable, any agreed upon percentage of time to be devoted to the Work.)

§ 7.2.3 Wages and salaries of the Construction Manager's supervisory or administrative personnel engaged at factories, workshops or while traveling, in expediting the production or transportation of materials or equipment required for the Work, but only for that portion of their time required for the Work.

§ 7.2.4 Costs paid or incurred by the Construction Manager, as required by law or collective bargaining agreements, for taxes, insurance, contributions, assessments and benefits and, for personnel not covered by collective bargaining agreements, customary benefits such as sick leave, medical and health benefits, holidays, vacations and pensions, provided such costs are based on wages and salaries included in the Cost of the Work under Sections 7.2.1 through 7.2.3.

§ 7.2.5 If agreed rates for labor costs, in lieu of actual costs, are provided in this Agreement, the rates shall remain unchanged throughout the duration of this Agreement, unless the parties execute a Modification.

§ 7.3 Subcontract Costs

Payments made by the Construction Manager to Subcontractors in accordance with the requirements of the subcontracts and this Agreement.

§ 7.4 Costs of Materials and Equipment Incorporated in the Completed Construction

§ 7.4.1 Costs, including transportation and storage at the site, of materials and equipment incorporated, or to be incorporated, in the completed construction.

§ 7.4.2 Costs of materials described in the preceding Section 7.4.1 in excess of those actually installed to allow for reasonable waste and spoilage. Unused excess materials, if any, shall become the Owner's property at the completion of the Work or, at the Owner's option, shall be sold by the Construction Manager. Any amounts realized from such sales shall be credited to the Owner as a deduction from the Cost of the Work.

§ 7.5 Costs of Other Materials and Equipment, Temporary Facilities and Related Items

§ 7.5.1 Costs of transportation, storage, installation, dismantling, maintenance, and removal of materials, supplies, temporary facilities, machinery, equipment and hand tools not customarily owned by construction workers that are provided by the Construction Manager at the site and fully consumed in the performance of the Work. Costs of materials, supplies, temporary facilities, machinery, equipment, and tools, that are not fully consumed, shall be based on the cost or value of the item at the time it is first used on the Project site less the value of the item when it is no longer used at the Project site. Costs for items not fully consumed by the Construction Manager shall mean fair market value.

§ 7.5.2 Rental charges for temporary facilities, machinery, equipment, and hand tools not customarily owned by construction workers that are provided by the Construction Manager at the site, and the costs of transportation, installation, dismantling, minor repairs, and removal of such temporary facilities, machinery, equipment, and hand tools. Rates and quantities of equipment owned by the Construction Manager, or a related party as defined in Section 7.8, shall be subject to the Owner's prior approval. The total rental cost of any such equipment may not exceed the purchase price of any comparable item.

§ 7.5.3 Costs of removal of debris from the site of the Work and its proper and legal disposal.

§ 7.5.4 Costs of the Construction Manager's site office, including general office equipment and supplies.

§ 7.5.5 Costs of materials and equipment suitably stored off the site at a mutually acceptable location, subject to the Owner's prior approval.

§ 7.6 Miscellaneous Costs

§ 7.6.1 Premiums for that portion of insurance and bonds required by the Contract Documents that can be directly attributed to this Contract.

§ 7.6.1.1 Costs for self-insurance, for either full or partial amounts of the coverages required by the Contract Documents, with the Owner's prior approval.

§ 7.6.1.2 Costs for insurance through a captive insurer owned or controlled by the Construction Manager, with the Owner's prior approval.

§ 7.6.2 Sales, use, or similar taxes, imposed by a governmental authority, that are related to the Work and for which the Construction Manager is liable.

§ 7.6.3 Fees and assessments for the building permit, and for other permits, licenses, and inspections, for which the Construction Manager is required by the Contract Documents to pay.

§ 7.6.4 Fees of laboratories for tests required by the Contract Documents; except those related to defective or nonconforming Work for which reimbursement is excluded under Article 13 of AIA Document A201-2017 or by other provisions of the Contract Documents, and which do not fall within the scope of Section 7.7.3.

§ 7.6.5 Royalties and license fees paid for the use of a particular design, process, or product, required by the Contract Documents.

§ 7.6.5.1 The cost of defending suits or claims for infringement of patent rights arising from requirements of the Contract Documents, payments made in accordance with legal judgments against the Construction Manager resulting from such suits or claims, and payments of settlements made with the Owner's consent, unless the Construction Manager had reason to believe that the required design, process, or product was an infringement of a copyright or a patent, and the Construction Manager failed to promptly furnish such information to the Architect as required by Article 3 of AIA

Document A201–2017. The costs of legal defenses, judgments, and settlements shall not be included in the Cost of the Work used to calculate the Construction Manager’s Fee or subject to the Guaranteed Maximum Price.

§ 7.6.6 Costs for communications services, electronic equipment, and software, directly related to the Work and located at the site, with the Owner’s prior approval.

§ 7.6.7 Costs of document reproductions and delivery charges.

§ 7.6.8 Deposits lost for causes other than the Construction Manager’s negligence or failure to fulfill a specific responsibility in the Contract Documents.

§ 7.6.9 Legal, mediation and arbitration costs, including attorneys’ fees, other than those arising from disputes between the Owner and Construction Manager, reasonably incurred by the Construction Manager after the execution of this Agreement in the performance of the Work and with the Owner’s prior approval, which shall not be unreasonably withheld.

§ 7.6.10 Expenses incurred in accordance with the Construction Manager’s standard written personnel policy for relocation and temporary living allowances of the Construction Manager’s personnel required for the Work, with the Owner’s prior approval.

§ 7.6.11 That portion of the reasonable expenses of the Construction Manager’s supervisory or administrative personnel incurred while traveling in discharge of duties connected with the Work.

§ 7.7 Other Costs and Emergencies

§ 7.7.1 Other costs incurred in the performance of the Work, with the Owner’s prior approval.

§ 7.7.2 Costs incurred in taking action to prevent threatened damage, injury, or loss, in case of an emergency affecting the safety of persons and property, as provided in Article 10 of AIA Document A201–2017.

§ 7.7.3 Costs of repairing or correcting damaged or nonconforming Work executed by the Construction Manager, Subcontractors, or suppliers, provided that such damaged or nonconforming Work was not caused by the negligence of, or failure to fulfill a specific responsibility by, the Construction Manager, and only to the extent that the cost of repair or correction is not recovered by the Construction Manager from insurance, sureties, Subcontractors, suppliers, or others.

§ 7.7.4 The costs described in Sections 7.1 through 7.7 shall be included in the Cost of the Work, notwithstanding any provision of AIA Document A201–2017 or other Conditions of the Contract which may require the Construction Manager to pay such costs, unless such costs are excluded by the provisions of Section 7.9.

§ 7.8 Related Party Transactions

§ 7.8.1 For purposes of this Section 7.8, the term "related party" shall mean (1) a parent, subsidiary, affiliate, or other entity having common ownership of, or sharing common management with, the Construction Manager; (2) any entity in which any stockholder in, or management employee of, the Construction Manager holds an equity interest in excess of ten percent in the aggregate; (3) any entity which has the right to control the business or affairs of the Construction Manager; or (4) any person, or any member of the immediate family of any person, who has the right to control the business or affairs of the Construction Manager.

§ 7.8.2 If any of the costs to be reimbursed arise from a transaction between the Construction Manager and a related party, the Construction Manager shall notify the Owner of the specific nature of the contemplated transaction, including the identity of the related party and the anticipated cost to be incurred, before any such transaction is consummated or cost incurred. If the Owner, after such notification, authorizes the proposed transaction in writing, then the cost incurred shall be included as a cost to be reimbursed, and the Construction Manager shall procure the Work, equipment, goods, or service, from the related party, as a Subcontractor, according to the terms of Article 9. If the Owner fails to authorize the transaction in writing, the Construction Manager shall procure the Work, equipment, goods, or service from some person or entity other than a related party according to the terms of Article 9.

§ 7.9 Costs Not To Be Reimbursed

§ 7.9.1 The Cost of the Work shall not include the items listed below:

- .1 Salaries and other compensation of the Construction Manager's personnel stationed at the Construction Manager's principal office or offices other than the site office, except as specifically provided in Section 7.2, or as may be provided in Article 14;
- .2 Bonuses, profit sharing, incentive compensation, and any other discretionary payments, paid to anyone hired by the Construction Manager or paid to any Subcontractor or vendor, unless the Owner has provided prior approval;
- .3 Expenses of the Construction Manager's principal office and offices other than the site office;
- .4 Overhead and general expenses, except as may be expressly included in Sections 7.1 to 7.7;
- .5 The Construction Manager's capital expenses, including interest on the Construction Manager's capital employed for the Work;
- .6 Except as provided in Section 7.7.3 of this Agreement, costs due to the negligence of, or failure to fulfill a specific responsibility of the Contract by, the Construction Manager, Subcontractors, and suppliers, or anyone directly or indirectly employed by any of them or for whose acts any of them may be liable;
- .7 Any cost not specifically and expressly described in Sections 7.1 to 7.7;
- .8 Costs, other than costs included in Change Orders approved by the Owner, that would cause the Guaranteed Maximum Price to be exceeded; and
- .9 Costs for services incurred during the Preconstruction Phase.

ARTICLE 8 DISCOUNTS, REBATES, AND REFUNDS

§ 8.1 Cash discounts obtained on payments made by the Construction Manager shall accrue to the Owner if (1) before making the payment, the Construction Manager included the amount to be paid, less such discount, in an Application for Payment and received payment from the Owner, or (2) the Owner has deposited funds with the Construction Manager with which to make payments; otherwise, cash discounts shall accrue to the Construction Manager. Trade discounts, rebates, refunds, and amounts received from sales of surplus materials and equipment shall accrue to the Owner, and the Construction Manager shall make provisions so that they can be obtained.

§ 8.2 Amounts that accrue to the Owner in accordance with the provisions of Section 8.1 shall be credited to the Owner as a deduction from the Cost of the Work.

ARTICLE 9 SUBCONTRACTS AND OTHER AGREEMENTS

§ 9.1 Those portions of the Work that the Construction Manager does not customarily perform with the Construction Manager's own personnel shall be performed under subcontracts or other appropriate agreements with the Construction Manager. The Owner may designate specific persons from whom, or entities from which, the Construction Manager shall obtain bids. The Construction Manager shall obtain bids from Subcontractors, and from suppliers of materials or equipment fabricated especially for the Work, who are qualified to perform that portion of the Work in accordance with the requirements of the Contract Documents. The Construction Manager shall deliver such bids to the Architect and Owner with an indication as to which bids the Construction Manager intends to accept. The Owner then has the right to review the Construction Manager's list of proposed subcontractors and suppliers in consultation with the Architect and, subject to Section 9.1.1, to object to any subcontractor or supplier. Any advice of the Architect, or approval or objection by the Owner, shall not relieve the Construction Manager of its responsibility to perform the Work in accordance with the Contract Documents. The Construction Manager shall not be required to contract with anyone to whom the Construction Manager has reasonable objection.

§ 9.1.1 When a specific subcontractor or supplier (1) is recommended to the Owner by the Construction Manager; (2) is qualified to perform that portion of the Work; and (3) has submitted a bid that conforms to the requirements of the Contract Documents without reservations or exceptions, but the Owner requires that another bid be accepted, then the Construction Manager may require that a Change Order be issued to adjust the Guaranteed Maximum Price by the difference between the bid of the person or entity recommended to the Owner by the Construction Manager and the amount of the subcontract or other agreement actually signed with the person or entity designated by the Owner.

§ 9.2 Subcontracts or other agreements shall conform to the applicable payment provisions of this Agreement, and shall not be awarded on the basis of cost plus a fee without the Owner's prior written approval. If a subcontract is awarded on the basis of cost plus a fee, the Construction Manager shall provide in the subcontract for the Owner to receive the same audit rights with regard to the Subcontractor as the Owner receives with regard to the Construction Manager in Article 10.

ARTICLE 10 ACCOUNTING RECORDS

The Construction Manager shall keep full and detailed records and accounts related to the Cost of the Work, and exercise such controls, as may be necessary for proper financial management under this Contract and to substantiate all costs incurred. The accounting and control systems shall be satisfactory to the Owner. The Owner and the Owner's auditors shall, during regular business hours and upon reasonable notice, be afforded access to, and shall be permitted to audit and copy, the Construction Manager's records and accounts, including complete documentation supporting accounting entries, books, job cost reports, correspondence, instructions, drawings, receipts, subcontracts, Subcontractor's proposals, Subcontractor's invoices, purchase orders, vouchers, memoranda, and other data relating to this Contract. The Construction Manager shall preserve these records for a period of three years after final payment, or for such longer period as may be required by law.

ARTICLE 11 PAYMENTS FOR CONSTRUCTION PHASE SERVICES

§ 11.1 Progress Payments

§ 11.1.1 Based upon Applications for Payment submitted to the Architect by the Construction Manager, and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum, to the Construction Manager, as provided below and elsewhere in the Contract Documents.

§ 11.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

§ 11.1.3 Provided that an Application for Payment is received by the Architect not later than the first day of a month, the Owner shall make payment of the amount certified to the Construction Manager not later than the tenth day of the same month. If an Application for Payment is received by the Architect after the application date fixed above, payment of the amount certified shall be made by the Owner not later than ten (10) days after the Architect receives the Application for Payment.

(Federal, state or local laws may require payment within a certain period of time.)

§ 11.1.4 With each Application for Payment, the Construction Manager shall submit payrolls, petty cash accounts, receipted invoices or invoices with check vouchers attached, and any other evidence required by the Owner or Architect to demonstrate that payments already made by the Construction Manager on account of the Cost of the Work equal or exceed progress payments already received by the Construction Manager, plus payrolls for the period covered by the present Application for Payment, less that portion of the progress payments attributable to the Construction Manager's Fee.

§ 11.1.5 Each Application for Payment shall be based on the most recent schedule of values submitted by the Construction Manager in accordance with the Contract Documents. The schedule of values shall allocate the entire Guaranteed Maximum Price among: (1) the various portions of the Work; (2) any contingency for costs that are included in the Guaranteed Maximum Price but not otherwise allocated to another line item or included in a Change Order; and (3) the Construction Manager's Fee.

§ 11.1.5.1 The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. The schedule of values shall be used as a basis for reviewing the Construction Manager's Applications for Payment.

§ 11.1.5.2 The allocation of the Guaranteed Maximum Price under this Section 11.1.5 shall not constitute a separate guaranteed maximum price for the Cost of the Work of each individual line item in the schedule of values.

§ 11.1.5.3 When the Construction Manager allocates costs from a contingency to another line item in the schedule of values, the Construction Manager shall submit supporting documentation to the Architect.

§ 11.1.6 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment. The percentage of completion shall be the lesser of (1) the percentage of that portion of the Work which has actually been completed, or (2) the percentage obtained by dividing (a) the expense that has actually been incurred by the Construction Manager on account of that portion of the Work and for which the Construction Manager has made payment or intends to make payment prior to the next Application for Payment, by (b) the share of the Guaranteed Maximum Price allocated to that portion of the Work in the schedule of values.

§ 11.1.7 In accordance with AIA Document A201–2017 and subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

§ 11.1.7.1 The amount of each progress payment shall first include:

- .1 That portion of the Guaranteed Maximum Price properly allocable to completed Work as determined by multiplying the percentage of completion of each portion of the Work by the share of the Guaranteed Maximum Price allocated to that portion of the Work in the most recent schedule of values;
- .2 That portion of the Guaranteed Maximum Price properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction or, if approved in writing in advance by the Owner, suitably stored off the site at a location agreed upon in writing;
- .3 That portion of Construction Change Directives that the Architect determines, in the Architect's professional judgment, to be reasonably justified; and
- .4 The Construction Manager's Fee, computed upon the Cost of the Work described in the preceding Sections 11.1.7.1.1 and 11.1.7.1.2 at the rate stated in Section 6.1.2 or, if the Construction Manager's Fee is stated as a fixed sum in that Section, an amount that bears the same ratio to that fixed-sum fee as the Cost of the Work included in Sections 11.1.7.1.1 and 11.1.7.1.2 bears to a reasonable estimate of the probable Cost of the Work upon its completion.

§ 11.1.7.2 The amount of each progress payment shall then be reduced by:

- .1 The aggregate of any amounts previously paid by the Owner;
- .2 The amount, if any, for Work that remains uncorrected and for which the Architect has previously withheld a Certificate for Payment as provided in Article 9 of AIA Document A201–2017;
- .3 Any amount for which the Construction Manager does not intend to pay a Subcontractor or material supplier, unless the Work has been performed by others the Construction Manager intends to pay;
- .4 For Work performed or defects discovered since the last payment application, any amount for which the Architect may withhold payment, or nullify a Certificate of Payment in whole or in part, as provided in Article 9 of AIA Document A201–2017;
- .5 The shortfall, if any, indicated by the Construction Manager in the documentation required by Section 11.1.4 to substantiate prior Applications for Payment, or resulting from errors subsequently discovered by the Owner's auditors in such documentation; and
- .6 Retainage withheld pursuant to Section 11.1.8.

§ 11.1.8 Retainage

§ 11.1.8.1 For each progress payment made prior to Substantial Completion of the Work, the Owner may withhold the following amount, as retainage, from the payment otherwise due:

(Insert a percentage or amount to be withheld as retainage from each Application for Payment. The amount of retainage may be limited by governing law.)

No retainage is to be held on the Construction Manager / Constructor

§ 11.1.8.1.1 The following items are not subject to retainage:

(Insert any items not subject to the withholding of retainage, such as general conditions, insurance, etc.)

§ 11.1.8.2 Reduction or limitation of retainage, if any, shall be as follows:

(If the retainage established in Section 11.1.8.1 is to be modified prior to Substantial Completion of the entire Work, insert provisions for such modification.)

§ 11.1.8.3 Except as set forth in this Section 11.1.8.3, upon Substantial Completion of the Work, the Construction Manager may submit an Application for Payment that includes the retainage withheld from prior Applications for Payment pursuant to this Section 11.1.8. The Application for Payment submitted at Substantial Completion shall not include retainage as follows:

(Insert any other conditions for release of retainage, such as upon completion of the Owner's audit and reconciliation, upon Substantial Completion.)

§ 11.1.9 If final completion of the Work is materially delayed through no fault of the Construction Manager, the Owner shall pay the Construction Manager any additional amounts in accordance with Article 9 of AIA Document A201–2017.

§ 11.1.10 Except with the Owner's prior written approval, the Construction Manager shall not make advance payments to suppliers for materials or equipment which have not been delivered and suitably stored at the site.

§ 11.1.11 The Owner and the Construction Manager shall agree upon a mutually acceptable procedure for review and approval of payments to Subcontractors, and the percentage of retainage held on Subcontracts, and the Construction Manager shall execute subcontracts in accordance with those agreements.

§ 11.1.12 In taking action on the Construction Manager's Applications for Payment the Architect shall be entitled to rely on the accuracy and completeness of the information furnished by the Construction Manager, and such action shall not be deemed to be a representation that (1) the Architect has made a detailed examination, audit, or arithmetic verification, of the documentation submitted in accordance with Section 11.1.4 or other supporting data; (2) that the Architect has made exhaustive or continuous on-site inspections; or (3) that the Architect has made examinations to ascertain how or for what purposes the Construction Manager has used amounts previously paid on account of the Contract. Such examinations, audits, and verifications, if required by the Owner, will be performed by the Owner's auditors acting in the sole interest of the Owner.

§ 11.2 Final Payment

§ 11.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Construction Manager when

- .1 the Construction Manager has fully performed the Contract, except for the Construction Manager's responsibility to correct Work as provided in Article 12 of AIA Document A201–2017, and to satisfy other requirements, if any, which extend beyond final payment;
- .2 the Construction Manager has submitted a final accounting for the Cost of the Work and a final Application for Payment; and
- .3 a final Certificate for Payment has been issued by the Architect in accordance with Section 11.2.2.2.

§ 11.2.2 Within 30 days of the Owner's receipt of the Construction Manager's final accounting for the Cost of the Work, the Owner shall conduct an audit of the Cost of the Work or notify the Architect that it will not conduct an audit.

§ 11.2.2.1 If the Owner conducts an audit of the Cost of the Work, the Owner shall, within 10 days after completion of the audit, submit a written report based upon the auditors' findings to the Architect.

§ 11.2.2.2 Within seven days after receipt of the written report described in Section 11.2.2.1, or receipt of notice that the Owner will not conduct an audit, and provided that the other conditions of Section 11.2.1 have been met, the Architect will either issue to the Owner a final Certificate for Payment with a copy to the Construction Manager, or notify the Construction Manager and Owner in writing of the Architect's reasons for withholding a certificate as provided in Article 9 of AIA Document A201–2017. The time periods stated in this Section 11.2.2 supersede those stated in Article 9 of AIA Document A201–2017. The Architect is not responsible for verifying the accuracy of the Construction Manager's final accounting.

§ 11.2.2.3 If the Owner's auditors' report concludes that the Cost of the Work, as substantiated by the Construction Manager's final accounting, is less than claimed by the Construction Manager, the Construction Manager shall be entitled to request mediation of the disputed amount without seeking an initial decision pursuant to Article 15 of AIA Document A201–2017. A request for mediation shall be made by the Construction Manager within 30 days after the Construction Manager's receipt of a copy of the Architect's final Certificate for Payment. Failure to request mediation within this 30-day period shall result in the substantiated amount reported by the Owner's auditors becoming binding on the Construction Manager. Pending a final resolution of the disputed amount, the Owner shall pay the Construction Manager the amount certified in the Architect's final Certificate for Payment.

§ 11.2.3 The Owner's final payment to the Construction Manager shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

§ 11.2.4 If, subsequent to final payment, and at the Owner's request, the Construction Manager incurs costs, described in Sections 7.1 through 7.7, and not excluded by Section 7.9, to correct defective or nonconforming Work, the Owner shall reimburse the Construction Manager for such costs, and the Construction Manager's Fee applicable thereto, on the same basis as if such costs had been incurred prior to final payment, but not in excess of the Guaranteed Maximum Price. If adjustments to the Contract Sum are provided for in Section 6.1.7, the amount of those adjustments shall be recalculated, taking into account any reimbursements made pursuant to this Section 11.2.4 in determining the net amount to be paid by the Owner to the Construction Manager.

§ 11.3 Interest

Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.
(Insert rate of interest agreed upon, if any.)

%

ARTICLE 12 DISPUTE RESOLUTION

§ 12.1 Initial Decision Maker

§ 12.1.1 Any Claim between the Owner and Construction Manager shall be resolved in accordance with the provisions set forth in this Article 12 and Article 15 of A201–2017. However, for Claims arising from or relating to the Construction Manager's Preconstruction Phase services, no decision by the Initial Decision Maker shall be required as a condition precedent to mediation or binding dispute resolution, and Section 12.1.2 of this Agreement shall not apply.

§ 12.1.2 The Architect will serve as the Initial Decision Maker pursuant to Article 15 of AIA Document A201–2017 for Claims arising from or relating to the Construction Manager's Construction Phase services, unless the parties appoint below another individual, not a party to the Agreement, to serve as the Initial Decision Maker.
(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)

§ 12.2 Binding Dispute Resolution

For any Claim subject to, but not resolved by mediation pursuant to Article 15 of AIA Document A201–2017, the method of binding dispute resolution shall be as follows:
(Check the appropriate box.)

- ☐ Arbitration pursuant to Article 15 of AIA Document A201–2017
- ☒ Litigation in a court of competent jurisdiction
- ☐ Other: (Specify)

If the Owner and Construction Manager do not select a method of binding dispute resolution, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.

ARTICLE 13 TERMINATION OR SUSPENSION

§ 13.1 Termination Prior to Execution of the Guaranteed Maximum Price Amendment

§ 13.1.1 If the Owner and the Construction Manager do not reach an agreement on the Guaranteed Maximum Price, the Owner may terminate this Agreement upon not less than seven days' written notice to the Construction Manager, and the Construction Manager may terminate this Agreement, upon not less than seven days' written notice to the Owner.

§ 13.1.2 In the event of termination of this Agreement pursuant to Section 13.1.1, the Construction Manager shall be compensated for Preconstruction Phase services and Work performed prior to receipt of a notice of termination, in accordance with the terms of this Agreement. In no event shall the Construction Manager's compensation under this Section exceed the compensation set forth in Section 5.1.

§ 13.1.3 Prior to the execution of the Guaranteed Maximum Price Amendment, the Owner may terminate this Agreement upon not less than seven days' written notice to the Construction Manager for the Owner's convenience and without cause, and the Construction Manager may terminate this Agreement, upon not less than seven days' written notice to the Owner, for the reasons set forth in Article 14 of A201–2017.

§ 13.1.4 In the event of termination of this Agreement pursuant to Section 13.1.3, the Construction Manager shall be equitably compensated for Preconstruction Phase services and Work performed prior to receipt of a notice of termination. In no event shall the Construction Manager's compensation under this Section exceed the compensation set forth in Section 5.1.

§ 13.1.5 If the Owner terminates the Contract pursuant to Section 13.1.3 after the commencement of the Construction Phase but prior to the execution of the Guaranteed Maximum Price Amendment, the Owner shall pay to the Construction Manager an amount calculated as follows, which amount shall be in addition to any compensation paid to the Construction Manager under Section 13.1.4:

- .1 Take the Cost of the Work incurred by the Construction Manager to the date of termination;
- .2 Add the Construction Manager's Fee computed upon the Cost of the Work to the date of termination at the rate stated in Section 6.1 or, if the Construction Manager's Fee is stated as a fixed sum in that Section, an amount that bears the same ratio to that fixed-sum Fee as the Cost of the Work at the time of termination bears to a reasonable estimate of the probable Cost of the Work upon its completion; and
- .3 Subtract the aggregate of previous payments made by the Owner for Construction Phase services.

§ 13.1.6 The Owner shall also pay the Construction Manager fair compensation, either by purchase or rental at the election of the Owner, for any equipment owned by the Construction Manager that the Owner elects to retain and that is not otherwise included in the Cost of the Work under Section 13.1.5.1. To the extent that the Owner elects to take legal assignment of subcontracts and purchase orders (including rental agreements), the Construction Manager shall, as a condition of receiving the payments referred to in this Article 13, execute and deliver all such papers and take all such steps, including the legal assignment of such subcontracts and other contractual rights of the Construction Manager, as the Owner may require for the purpose of fully vesting in the Owner the rights and benefits of the Construction Manager under such subcontracts or purchase orders. All Subcontracts, purchase orders and rental agreements entered into by the Construction Manager will contain provisions allowing for assignment to the Owner as described above.

§ 13.1.6.1 If the Owner accepts assignment of subcontracts, purchase orders or rental agreements as described above, the Owner will reimburse or indemnify the Construction Manager for all costs arising under the subcontract, purchase order or rental agreement, if those costs would have been reimbursable as Cost of the Work if the contract had not been terminated. If the Owner chooses not to accept assignment of any subcontract, purchase order or rental agreement that would have constituted a Cost of the Work had this agreement not been terminated, the Construction Manager will terminate the subcontract, purchase order or rental agreement and the Owner will pay the Construction Manager the costs necessarily incurred by the Construction Manager because of such termination.

§ 13.2 Termination or Suspension Following Execution of the Guaranteed Maximum Price Amendment

§ 13.2.1 Termination

The Contract may be terminated by the Owner or the Construction Manager as provided in Article 14 of AIA Document A201–2017.

§ 13.2.2 Termination by the Owner for Cause

§ 13.2.2.1 If the Owner terminates the Contract for cause as provided in Article 14 of AIA Document A201–2017, the amount, if any, to be paid to the Construction Manager under Article 14 of AIA Document A201–2017 shall not cause the Guaranteed Maximum Price to be exceeded, nor shall it exceed an amount calculated as follows:

- .1 Take the Cost of the Work incurred by the Construction Manager to the date of termination;
- .2 Add the Construction Manager's Fee, computed upon the Cost of the Work to the date of termination at the rate stated in Section 6.1 or, if the Construction Manager's Fee is stated as a fixed sum in that Section, an amount that bears the same ratio to that fixed-sum Fee as the Cost of the Work at the time of termination bears to a reasonable estimate of the probable Cost of the Work upon its completion;
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract the costs and damages incurred, or to be incurred, by the Owner under Article 14 of AIA Document A201–2017.

§ 13.2.2.2 The Owner shall also pay the Construction Manager fair compensation, either by purchase or rental at the election of the Owner, for any equipment owned by the Construction Manager that the Owner elects to retain and that is not otherwise included in the Cost of the Work under Section 13.2.2.1.1. To the extent that the Owner elects to take legal assignment of subcontracts and purchase orders (including rental agreements), the Construction Manager shall, as a condition of receiving the payments referred to in this Article 13, execute and deliver all such papers and take all such steps, including the legal assignment of such subcontracts and other contractual rights of the Construction Manager, as the Owner may require for the purpose of fully vesting in the Owner the rights and benefits of the Construction Manager under such subcontracts or purchase orders.

§ 13.2.3 Termination by the Owner for Convenience

If the Owner terminates the Contract for convenience in accordance with Article 14 of AIA Document A201–2017, then the Owner shall pay the Construction Manager a termination fee as follows:

(Insert the amount of or method for determining the fee, if any, payable to the Construction Manager following a termination for the Owner's convenience.)

§ 13.3 Suspension

The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201–2017; in such case, the Guaranteed Maximum Price and Contract Time shall be increased as provided in Article 14 of AIA Document A201–2017, except that the term "profit" shall be understood to mean the Construction Manager's Fee as described in Sections 6.1 and 6.3.5 of this Agreement.

ARTICLE 14 MISCELLANEOUS PROVISIONS

§ 14.1 Terms in this Agreement shall have the same meaning as those in A201–2017. Where reference is made in this Agreement to a provision of AIA Document A201–2017 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 14.2 Successors and Assigns

§ 14.2.1 The Owner and Construction Manager, respectively, bind themselves, their partners, successors, assigns and legal representatives to covenants, agreements, and obligations contained in the Contract Documents. Except as provided in Section 14.2.2 of this Agreement, and in Section 13.2.2 of A201–2017, neither party to the Contract shall assign the Contract as a whole without written consent of the other. If either party attempts to make an assignment without such consent, that party shall nevertheless remain legally responsible for all obligations under the Contract.

§ 14.2.2 The Owner may, without consent of the Construction Manager, assign the Contract to a lender providing construction financing for the Project, if the lender assumes the Owner's rights and obligations under the Contract Documents. The Construction Manager shall execute all consents reasonably required to facilitate the assignment.

§ 14.3 Insurance and Bonds

§ 14.3.1 Preconstruction Phase

The Construction Manager shall maintain the following insurance for the duration of the Preconstruction Services performed under this Agreement. If any of the requirements set forth below exceed the types and limits the Construction Manager normally maintains, the Owner shall reimburse the Construction Manager for any additional cost.

§ 14.3.1.1 Commercial General Liability with policy limits of not less than (\$) for each occurrence and (\$) in the aggregate for bodily injury and property damage.

§ 14.3.1.2 Automobile Liability covering vehicles owned, and non-owned vehicles used, by the Construction Manager with policy limits of not less than (\$) per accident for bodily injury, death of any person, and property damage arising out of the ownership, maintenance and use of those motor vehicles, along with any other statutorily required automobile coverage.

§ 14.3.1.3 The Construction Manager may achieve the required limits and coverage for Commercial General Liability and Automobile Liability through a combination of primary and excess or umbrella liability insurance, provided that such primary and excess or umbrella liability insurance policies result in the same or greater coverage as the coverages required under Sections 14.3.1.1 and 14.3.1.2, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. The excess policy shall not require the exhaustion of the underlying limits only through the actual payment by the underlying insurers.

§ 14.3.1.4 Workers' Compensation at statutory limits and Employers Liability with policy limits not less than (\$) each accident, (\$) each employee, and (\$) policy limit.

§ 14.3.1.5 Professional Liability covering negligent acts, errors and omissions in the performance of professional services, with policy limits of not less than (\$) per claim and (\$) in the aggregate.

§ 14.3.1.6 Other Insurance

(List below any other insurance coverage to be provided by the Construction Manager and any applicable limits.)

Coverage

Limits

See attached certificate of insurance

§ 14.3.1.7 Additional Insured Obligations. To the fullest extent permitted by law, the Construction Manager shall cause the primary and excess or umbrella policies for Commercial General Liability and Automobile Liability to include the Owner as an additional insured for claims caused in whole or in part by the Construction Manager's negligent acts or omissions. The additional insured coverage shall be primary and non-contributory to any of the Owner's insurance policies and shall apply to both ongoing and completed operations.

§ 14.3.1.8 The Construction Manager shall provide certificates of insurance to the Owner that evidence compliance with the requirements in this Section 14.3.1.

§ 14.3.2 Construction Phase

After execution of the Guaranteed Maximum Price Amendment, the Owner and the Construction Manager shall purchase and maintain insurance as set forth in AIA Document A133™-2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price, Exhibit B, Insurance and Bonds, and elsewhere in the Contract Documents.

§ 14.3.2.1 The Construction Manager shall provide bonds as set forth in AIA Document A133™-2019 Exhibit B, and elsewhere in the Contract Documents.

§ 14.4 Notice in electronic format, pursuant to Article 1 of AIA Document A201-2017, may be given in accordance with AIA Document E203™-2013, Building Information Modeling and Digital Data Exhibit, if completed, or as otherwise set forth below:

(If other than in accordance with AIA Document E203-2013, insert requirements for delivering notice in electronic format such as name, title, and email address of the recipient and whether and how the system will be required to generate a read receipt for the transmission.)

§ 14.5 Other provisions:

ARTICLE 15 SCOPE OF THE AGREEMENT

§ 15.1 This Agreement represents the entire and integrated agreement between the Owner and the Construction Manager and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Owner and Construction Manager.

§ 15.2 The following documents comprise the Agreement:

- .1 AIA Document A133™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price
- .2 AIA Document A133™–2019, Exhibit A, Guaranteed Maximum Price Amendment, if executed
- .3 AIA Document A133™–2019, Exhibit B, Insurance and Bonds
- .4 AIA Document A201™–2017, General Conditions of the Contract for Construction
- .5 AIA Document E203™–2013, Building Information Modeling and Digital Data Exhibit, dated as indicated below:
(Insert the date of the E203-2013 incorporated into this Agreement.)

- .6 Other Exhibits:
(Check all boxes that apply.)

☐ AIA Document E234™–2019, Sustainable Projects Exhibit, Construction Manager as Constructor Edition, dated as indicated below:
(Insert the date of the E234-2019 incorporated into this Agreement.)

☐ Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
----------	-------	------	-------

- .7 Other documents, if any, listed below:
(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201–2017 provides that the advertisement or invitation to bid, Instructions to Bidders, sample forms, the Construction Manager's bid or proposal, portions of Addenda relating to bidding or proposal requirements, and other information furnished by the Owner in anticipation of receiving bids or proposals, are not part of the Contract Documents unless enumerated in this Agreement. Any such documents should be listed here only if intended to be part of the Contract Documents.)

This Agreement is entered into as of the day and year first written above.

OWNER (Signature)

John Flynn Mayor
(Printed name and title)

CONSTRUCTION MANAGER (Signature)

J. Mark Clinard President
(Printed name and title)

Init.

**BUSINESS OF THE CITY COUNCIL
BELLA VISTA, AR**

MEETING DATE: 01/23/2023

AGENDA ITEM: Resolution

ITEM TITLE: AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH CLINARD CONSTRUCTION MANAGEMENT, INC. FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE REMODELING OF THE CURRENT POLICE STATION INTO CENTRAL FIRE STATION PERSONNEL LIVING AND OTHER PURPOSES.

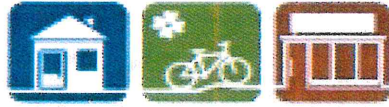
SUBMITTED BY: Stephen R Sims

SUMMARY EXPLANATION: The fire department advertised for bids on December 4th, 5th and 6th with a deadline of December 19th at 9am. We only received one bid and it was from Clinard Construction Management INC. They are currently involved with the bond fire training facility project. This project is currently in the 2023 budget to get started.

ATTACHMENT: ORDINANCE ☐ RESOLUTION ☒ OTHER ☐

RECOMMENDATION: The staff at the fire department recommend approval and passage of this Resolution.

ACTION REQUESTED:
Motion to adopt ☒



BELLA VISTA
A place to call home

City of Bella Vista

Fire Station #1 Remodel

Proposal for:
Construction Management Services
December 19, 2022

Presented To:

Mayor Peter Christie
Fire Chief Steve Sims
Bella Vista, Arkansas

Presented By:

Clinard Construction Management, Inc.
Mark Clinard, President
615 N. Walton Blvd. Suite D
Bentonville, Arkansas 72712
(479)271-6212
(479)271-2490 Fax

dwinters@casade-ig.com

75626659 Nov 27, Dec 4, 2022

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS

PUBLIC NOTICE

United States Magistrate Judge Patricia S. Harris's current term will expire on 30 July 2023. She has indicated her willingness to accept reappointment. The United States District Court is required by law to establish a Merit Selection Panel of citizens to consider the reappointment of Magistrate Judge Harris to a new eight-year term. The Court has appointed this Panel.

The duties of the Magistrate Judge in this Court include the following: (1) conducting most preliminary proceedings in criminal cases; (2) handling trial and disposition of misdemeanors or cases;

(3) conducting various pretrial matters and evidentiary proceedings on delegation from the District Judges; and (4) handling trial and disposition of civil cases upon consent of the litigants.

On behalf of the Panel, the Court invites comments from members of the Bar and the public about whether Magistrate Judge Harris should be recommended for reappointment. Comments should be directed to: Merit Selection Panel, c/o United States District Court Clerk's Office 600 West Capitol Avenue, Suite A149

Little Rock, Arkansas 72201
Comments must be received no later than 30 December 2022.
756282261

Bids/Requests 1210

101000 - ADVERTISEMENT FOR BIDS

SOLICITATION ID: FB-22-103

Sealed bids for VBT HANGAR DEVELOPMENT, to be constructed for CITY OF BENTONVILLE, will be received at City of Bentonville Administrative Services Building 1000 SW 14th ST Bentonville, AR 72712 until 3:00PM local time, Friday, December 16, 2022 at which time the bids shall be publicly opened and read aloud. The Bid Opening will be located in Room A239, on the second floor. Sealed bids submitted prior to the bid opening should be sent to the City of Bentonville, Attn: Purchasing, 2nd Floor 1000 SW 14th ST Bentonville, AR 72712. Sealed Bid Submissions must be clearly labeled on the outer envelope with the Bidders company name, the solicitation ID and project name. The City is not responsible for bids which are not received or recognized due to being improperly labeled.

An Optional Pre-Bid Conference will be held at 3:00PM local time on Wednesday, December 7, 2022 via virtual meeting. Pre-Bid Conference attendance is optional for all bidders on this project. Information regarding the virtual meeting will be sent out to all plan holders one week prior to the meeting time. Potential bidders not on the plan holder list prior to the pre-bid conference can request access to the pre-bid conference by contacting Chris Maestri (CMAestri@GanerUSA.com, 479-257-9188).

The project includes, but is not limited to, construction of approximately 1,800 SY asphalt pavement, grading and drainage improvements, domestic water infrastructure improvements, and

stormwater improvements to green to the identified groups.

Proposals shall be accompanied by a cashier's or certified check upon a national or state bank in an amount not less than five percent (5%) of the total maximum bid price payable without recourse to the Owner, or a bid bond in the same amount from a reliable surety company, as a guarantee that the Bidder will enter into a contract and execute performance and payment bonds within ten (10) days after notice of award of Contract to him. Such bid guarantee shall be made payable to CITY OF BENTONVILLE.

The successful bidder must furnish a performance and payment bond upon the form provided in the amount of one hundred percent (100%) of the contract price from an approved surety company holding a permit from the State of Arkansas to act as surety, or other surety or sureties acceptable to the Owner.

Bidders must be licensed under the terms of Arkansas Code Annotated 9517-25-101, et. Seq. City of Bentonville reserves the right to reject any or all bids, to waive irregularities in the bids and bidding deemed to be in the best interest of City of Bentonville, and to reject nonconforming, nonresponsive, or conditional bids.

Bids must remain in effect for 120 days after the bid opening date.

City of Bentonville Department Responsible for Advertising Costs: Accounting \$661.93
75626700 11/27, 12/4, 12/11, 2022

12/01/22

City of Jacksonville

1 Municipal Drive

Jacksonville, AR 72076

NOTICE INVITING BIDS

BID NUMBER: JAX 22-010

NOTICE IS HEREBY GIVEN THAT

SEALED BIDS WILL BE RECEIVED

BY THE CITY OF JACKSONVILLE

FOR FURNISHING THE FOLLOWING:

Dupree Park Repairs

IN STRICT ACCORDANCE WITH

REQUEST FOR PROPOSAL SPECIFICATIONS ON FILE IN THE OFFICE OF THE FINANCE DEPARTMENT, LOCATED IN CITY HALL, #1 MUNICIPAL DRIVE, JACKSONVILLE, ARKANSAS, 72076. COPIES OF SPECIFICATIONS AND BID DOCUMENTS MAY BE OBTAINED FROM FINANCE DEPARTMENT OR OUR WEBSITE www.cityofjacksonville.net LINK TO FINANCE, TELEPHONE (901) 982-4592.

BIDS MUST BE FILED WITH THE FINANCE DEPARTMENT IN CITY HALL NO LATER THAN MONDAY, December 19th, AT 1:00 P.M. AT WHICH TIME THEY WILL BE PUBLICLY OPENED IN THE OFFICE OF THE MAYOR. ANY BIDDER MAY WITHDRAW HIS BID, WITHOUT OBLIGATION, AT ANY TIME PRIOR TO THE SCHEDULED CLOSING TIME FOR RECEIPT OF BIDS. THE WITHDRAWAL WILL NOT BE EFFECTIVE UNLESS MADE PERSONALLY OR BY WRITTEN NOTIFICATION RECEIVED PRIOR TO CLOSE OF BIDS. BIDS WILL BE REFERRED TO THE CITY COUNCIL FOR APPROPRIATE ACTION. THE CITY COUNCIL RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS AND TO WAIVE ANY TECHNICAL ERRORS OR DISCREPANCIES IF IT BEST SERVES THE INTEREST OF THE CITY OF JACKSONVILLE, ARKANSAS.

ANY QUESTIONS REGARDING QUALIFICATIONS SHOULD BE

documents may be obtained from the Issuing Office, during the hours indicated above, upon payment of \$150.00 for each set. Documents may be purchased online at www.statebid.com. The date that the Bidding Documents are transmitted by the Issuing Office will be considered the Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office.

Neither Owner nor Issuing Office will be responsible for full or partial sets of Bidding Documents, including Addenda if any, obtained from sources other than the Issuing Office. Bid security shall be furnished in accordance with the Instructions to Bidders.

This publication was paid for by the Cabot WaterWorks, Cabot, Arkansas. The amount to be paid for this publication is \$295.16. Owner: Cabot WaterWorks By: Tim Joyner, P.E. Title: General Manager

101
City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

Hawkins-Weir Engineers, Inc.
403 Garrison Avenue, Suite 101
Fort Smith, Arkansas 72901

Copies of the bids documents may be obtained from Hawkins-Weir Engineers located at the above address upon payment of \$100.00 for each set, non-refundable. The City of Fort Smith Standard Specifications for Public Works Construction, October 2018 Edition, may be obtained from the Engineering Department located at the above address for \$40.00 per book.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Each bidder must deposit with his bid, security in the amount, form and subject to the conditions provided in the Section 102 of the Standard Specifications.

All bidders must be licensed under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature, including subsequent amendments.

No bidder may withdraw his bid within 60 days after the actual date of the opening hereof.

The City of Fort Smith is an EOE M/F.

A Pre-Bid Conference will be held for this project on December 7, 2022. Attendance at the Pre-Bid Conference is voluntary. The Pre-Bid Conference will begin at 10:00 a.m. in the Training Room on the top floor of the Operations/Maintenance Building at the P Street Water Reclamation Facility, 13 North P Street, Fort Smith, Arkansas. A tour of the work site will be conducted after the Pre-Bid Conference.

Date: 11/21/2022
Stan Snodgrass, P.E.
Director of Engineering

This publication was paid for by the City of Fort Smith Engineering Department and cost \$242.26.

75624891 Nov 27 & Dec 4, 2022

ADVERTISEMENT FOR BIDS

City of Gould

Gould, Arkansas

New Elevated Water Storage Tank

General Notice

City of Gould (Owner) is requesting Bids for the construction of the following Project:

New Elevated Water Storage Tank

Bids for the construction of the Project will be received at the Gould City Hall located at 301 North Gould Avenue, until Wednesday, December 14 at

Branch Outfall Culvert Remediation, Project No. 21-06-E, will be received by the City of Fort Smith, Arkansas, at the:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

until 10:30 a.m. (Local Time), December 20, 2022, and then at said location publicly opened and read aloud.

The Form of Bid, Form of Contract, Plans, Specifications, and Forms of Bid Bond, Performance and Payment Bond, and other contract documents may be examined at the following locations:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

Hawkins-Weir Engineers, Inc.
403 Garrison Avenue, Suite 101
Fort Smith, Arkansas 72901

Copies of the bids documents may be obtained from Hawkins-Weir Engineers located at the above address upon payment of \$100.00 for each set, non-refundable. The City of Fort Smith Standard Specifications for Public Works Construction, October 2018 Edition, may be obtained from the Engineering Department located at the above address for \$40.00 per book.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Each bidder must deposit with his bid, security in the amount, form and subject to the conditions provided in the Section 102 of the Standard Specifications.

All bidders must be licensed under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature, including subsequent amendments.

No bidder may withdraw his bid within 60 days after the actual date of the opening hereof.

The City of Fort Smith is an EOE M/F.

A Pre-Bid Conference will be held for this project on December 7, 2022. Attendance at the Pre-Bid Conference is voluntary. The Pre-Bid Conference will begin at 10:00 a.m. in the Training Room on the top floor of the Operations/Maintenance Building at the P Street Water Reclamation Facility, 13 North P Street, Fort Smith, Arkansas. A tour of the work site will be conducted after the Pre-Bid Conference.

Date: 11/21/2022
Stan Snodgrass, P.E.
Director of Engineering

This publication was paid for by the City of Fort Smith Engineering Department and cost \$242.26.

75624891 Nov 27 & Dec 4, 2022

ADVERTISEMENT FOR BIDS

City of Gould

Gould, Arkansas

New Elevated Water Storage Tank

General Notice

City of Gould (Owner) is requesting Bids for the construction of the following Project:

New Elevated Water Storage Tank

Bids for the construction of the Project will be received at the Gould City Hall located at 301 North Gould Avenue, until Wednesday, December 14 at

Branch Outfall Culvert Remediation, Project No. 21-06-E, will be received by the City of Fort Smith, Arkansas, at the:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

until 10:30 a.m. (Local Time), December 20, 2022, and then at said location publicly opened and read aloud.

The Form of Bid, Form of Contract, Plans, Specifications, and Forms of Bid Bond, Performance and Payment Bond, and other contract documents may be examined at the following locations:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

Hawkins-Weir Engineers, Inc.
403 Garrison Avenue, Suite 101
Fort Smith, Arkansas 72901

Copies of the bids documents may be obtained from Hawkins-Weir Engineers located at the above address upon payment of \$100.00 for each set, non-refundable. The City of Fort Smith Standard Specifications for Public Works Construction, October 2018 Edition, may be obtained from the Engineering Department located at the above address for \$40.00 per book.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Each bidder must deposit with his bid, security in the amount, form and subject to the conditions provided in the Section 102 of the Standard Specifications.

All bidders must be licensed under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature, including subsequent amendments.

No bidder may withdraw his bid within 60 days after the actual date of the opening hereof.

The City of Fort Smith is an EOE M/F.

A Pre-Bid Conference will be held for this project on December 7, 2022. Attendance at the Pre-Bid Conference is voluntary. The Pre-Bid Conference will begin at 10:00 a.m. in the Training Room on the top floor of the Operations/Maintenance Building at the P Street Water Reclamation Facility, 13 North P Street, Fort Smith, Arkansas. A tour of the work site will be conducted after the Pre-Bid Conference.

Date: 11/21/2022
Stan Snodgrass, P.E.
Director of Engineering

This publication was paid for by the City of Fort Smith Engineering Department and cost \$242.26.

75624891 Nov 27 & Dec 4, 2022

ADVERTISEMENT FOR BIDS

City of Gould

Gould, Arkansas

New Elevated Water Storage Tank

General Notice

City of Gould (Owner) is requesting Bids for the construction of the following Project:

New Elevated Water Storage Tank

Bids for the construction of the Project will be received at the Gould City Hall located at 301 North Gould Avenue, until Wednesday, December 14 at

Branch Outfall Culvert Remediation, Project No. 21-06-E, will be received by the City of Fort Smith, Arkansas, at the:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

until 10:30 a.m. (Local Time), December 20, 2022, and then at said location publicly opened and read aloud.

The Form of Bid, Form of Contract, Plans, Specifications, and Forms of Bid Bond, Performance and Payment Bond, and other contract documents may be examined at the following locations:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

Hawkins-Weir Engineers, Inc.
403 Garrison Avenue, Suite 101
Fort Smith, Arkansas 72901

Copies of the bids documents may be obtained from Hawkins-Weir Engineers located at the above address upon payment of \$100.00 for each set, non-refundable. The City of Fort Smith Standard Specifications for Public Works Construction, October 2018 Edition, may be obtained from the Engineering Department located at the above address for \$40.00 per book.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Each bidder must deposit with his bid, security in the amount, form and subject to the conditions provided in the Section 102 of the Standard Specifications.

All bidders must be licensed under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature, including subsequent amendments.

No bidder may withdraw his bid within 60 days after the actual date of the opening hereof.

The City of Fort Smith is an EOE M/F.

A Pre-Bid Conference will be held for this project on December 7, 2022. Attendance at the Pre-Bid Conference is voluntary. The Pre-Bid Conference will begin at 10:00 a.m. in the Training Room on the top floor of the Operations/Maintenance Building at the P Street Water Reclamation Facility, 13 North P Street, Fort Smith, Arkansas. A tour of the work site will be conducted after the Pre-Bid Conference.

Date: 11/21/2022
Stan Snodgrass, P.E.
Director of Engineering

This publication was paid for by the City of Fort Smith Engineering Department and cost \$242.26.

75624891 Nov 27 & Dec 4, 2022

ADVERTISEMENT FOR BIDS

City of Gould

Gould, Arkansas

New Elevated Water Storage Tank

General Notice

City of Gould (Owner) is requesting Bids for the construction of the following Project:

New Elevated Water Storage Tank

Bids for the construction of the Project will be received at the Gould City Hall located at 301 North Gould Avenue, until Wednesday, December 14 at

Branch Outfall Culvert Remediation, Project No. 21-06-E, will be received by the City of Fort Smith, Arkansas, at the:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

until 10:30 a.m. (Local Time), December 20, 2022, and then at said location publicly opened and read aloud.

The Form of Bid, Form of Contract, Plans, Specifications, and Forms of Bid Bond, Performance and Payment Bond, and other contract documents may be examined at the following locations:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

Hawkins-Weir Engineers, Inc.
403 Garrison Avenue, Suite 101
Fort Smith, Arkansas 72901

Copies of the bids documents may be obtained from Hawkins-Weir Engineers located at the above address upon payment of \$100.00 for each set, non-refundable. The City of Fort Smith Standard Specifications for Public Works Construction, October 2018 Edition, may be obtained from the Engineering Department located at the above address for \$40.00 per book.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Each bidder must deposit with his bid, security in the amount, form and subject to the conditions provided in the Section 102 of the Standard Specifications.

All bidders must be licensed under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature, including subsequent amendments.

No bidder may withdraw his bid within 60 days after the actual date of the opening hereof.

The City of Fort Smith is an EOE M/F.

A Pre-Bid Conference will be held for this project on December 7, 2022. Attendance at the Pre-Bid Conference is voluntary. The Pre-Bid Conference will begin at 10:00 a.m. in the Training Room on the top floor of the Operations/Maintenance Building at the P Street Water Reclamation Facility, 13 North P Street, Fort Smith, Arkansas. A tour of the work site will be conducted after the Pre-Bid Conference.

Date: 11/21/2022
Stan Snodgrass, P.E.
Director of Engineering

This publication was paid for by the City of Fort Smith Engineering Department and cost \$242.26.

75624891 Nov 27 & Dec 4, 2022

ADVERTISEMENT FOR BIDS

City of Gould

Gould, Arkansas

New Elevated Water Storage Tank

General Notice

City of Gould (Owner) is requesting Bids for the construction of the following Project:

New Elevated Water Storage Tank

Bids for the construction of the Project will be received at the Gould City Hall located at 301 North Gould Avenue, until Wednesday, December 14 at

Branch Outfall Culvert Remediation, Project No. 21-06-E, will be received by the City of Fort Smith, Arkansas, at the:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

until 10:30 a.m. (Local Time), December 20, 2022, and then at said location publicly opened and read aloud.

The Form of Bid, Form of Contract, Plans, Specifications, and Forms of Bid Bond, Performance and Payment Bond, and other contract documents may be examined at the following locations:

City of Fort Smith, Engineering Department
623 Garrison Avenue, Room 409
P.O. Box 1908
Fort Smith, AR 72902

Hawkins-Weir Engineers, Inc.
403 Garrison Avenue, Suite 101
Fort Smith, Arkansas 72901

Copies of the bids documents may be obtained from Hawkins-Weir Engineers located at the above address upon payment of \$100.00 for each set, non-refundable. The City of Fort Smith Standard Specifications for Public Works Construction, October 2018 Edition, may be obtained from the Engineering Department located at the above address for \$40.00 per book.

The Owner reserves the right to waive any informalities or to reject any or all bids.

Each bidder must deposit with his bid, security in the amount, form and subject to the conditions provided in the Section 102 of the Standard Specifications.

All bidders must be licensed under the terms of Act 150 of the 1965 Acts of the Arkansas Legislature, including subsequent amendments.

No bidder may withdraw his bid within 60 days after the actual date of the opening hereof.

The City of Fort Smith is an EOE M/F.

A Pre-Bid Conference will be held for this project on December 7, 2022. Attendance at the Pre-Bid Conference is voluntary. The Pre-Bid Conference will begin at 10:00 a.m. in the Training Room on the top floor of the Operations/Maintenance Building at the P Street Water Reclamation Facility, 13 North P Street, Fort Smith, Arkansas. A tour of the work site will be conducted after the Pre-Bid Conference.

Date: 11/21/2022
Stan Snodgrass, P.E.
Director of Engineering

This publication was paid for by the City of Fort Smith Engineering Department and cost \$242.26.

75624891 Nov 27 & Dec 4, 2022

ADVERTISEMENT FOR BIDS

City of Gould

Gould, Arkansas

New Elevated Water Storage Tank

General Notice

City of Gould (Owner) is requesting Bids for the construction of the following Project:

New Elevated Water Storage Tank

Bids for the construction of the Project will be received at the Gould City Hall located at 301 North Gould Avenue, until Wednesday, December 14 at

December 4th, 2022

Doesn't fit y
new pa

**sell it in 10
or We'll Run it Again
for FREE!**

Place your vehicle "for sale" ad with us for 10 days and if it doesn't sell we'll run it another 10 days on us!

**\$29.95
10 DAY RUN!**

*Based on 4 lines of text; additional lines are extra. Add a Photo for \$25.

ad per telephone/household with non-commercial items is allowed per publication and a maximum of four ads per month. Items must be valued at less than \$10,000. Ads will publish for three consecutive days and include three lines of text. Price and phone number are required in each ad. Garage sales, employment, motorized vehicles, real estate and service ads do not qualify as free ads. Other restrictions may apply. Call 866-296-3666 to place your ad.

SUNDAY-TUESDAY.....Friday- legal notice
WEDNESDAY.....Monday- legal notice
THURSDAY.....Tuesday- legal notice
FRIDAY.....Wednesday- legal notice
SATURDAY.....Thursday- legal notice

December 5th, 2022



EARN EXTRA CASH

With a newspaper delivery route!
(Independent contractor position.)

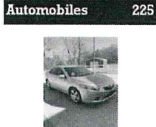
**UP TO \$1,000
SIGN ON BONUS!**

nwadg.com/carriers

1-866-927-5201



Antique Vehicles 210
CHEVROLET 1985 El Camino
Excellent cond. Orig miles
90,500. \$9,500 Call
479-622-3019 Ft. Smith



ACURA 2012 TSX. Technology
package, leather, FWD, Clean
Excellent cond. Orig miles
72,000 mi. 870-404-430.



COCKER SPANIEL Puppies, Buff,
Black & White Parti. Red &
Champion. Champion
Bloodlines. Call 501-580-5857

**Plumbers Needed
with experience.**
Start today. Top pay.
NWA area. No travel.
Call 479-312-9731

Follow your career path
in Democrat-Gazette
Classified. We're Arkansas'
Career Source.
Laboratory technicians,
teachers, automotive sales and
service, occupational therapists,
kennel attendants, retail sales,
dental assistants, restaurant
managers, drivers, secretaries,
CEOs, UNIs, bakers, opticians,
cashiers, truck drivers, account
executives, principals, managers,
supervisors, convention
planners, body shop managers,
receptionists, police officers.
Classified has a job for you!

Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



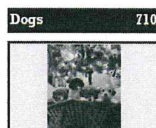
CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



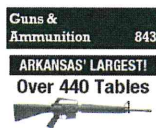
CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

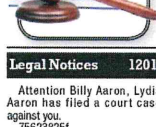
DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

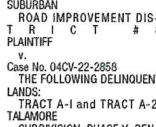
Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



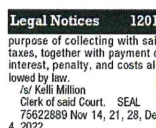
CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

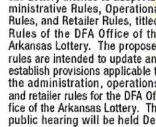
DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

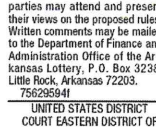
Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



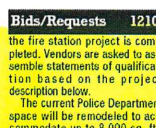
CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

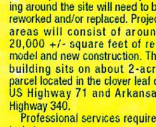
DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

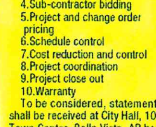
Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

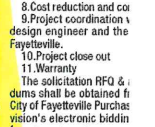
Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

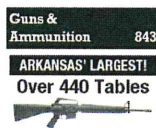
DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

Sales & Marketing 545

Multimedia Coordinator

Under general supervision, acts as a representative of NWA Media and serves as a Multimedia Coordinator to assigned Account Executives. Works collectively with sales executives by taking care of scheduling ads, maintaining spreadsheets, communicating with clients, and coordinating with multiple departments including graphic design, financial services, layout, and other assistants. May also work special events and promotions, provide backup as needed, and multiple other office tasks. Bilingual Preferred, but not necessary. A variety of technical tools will be required, including but not limited to



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

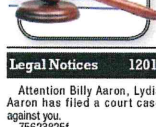
DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

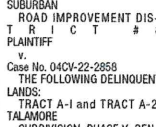
Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



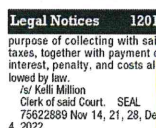
CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

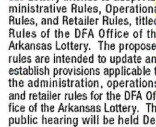
DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic-
tures. 479-220-1314. Mena
area. \$800. 870-328-4666

**GOLDENDOODLE & AUSSIE-
IEDOODLE PUPPIES** Available
Now. \$1,800. 501-514-1028 or
www.platinumgoldendoodles.com
GOLDEN RETRIEVER - Puppies,
AKC fully reg. papers. 1st shots &
dewormed. M. \$500 F \$600
479-244-9530

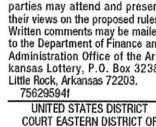
Sales & Marketing 545



HAVAPOO. MOTHER is reg-
istered Havane. Father is
registered Toy poodle. These
are intelligent puppies with
great personalities. Should
weigh 8-12 pounds when
fully grown. Neither breed
shed. Puppies will be ready
in a couple weeks. 4 males, 1
female (the black and white)
\$1200 for female, \$1000 for
male. These puppies will not
last long. Text or call 870-
291-0307. Raised in our
home. References if desired.
\$1000. 870-291-0307



AKC TOY Poodle puppies. Toy
poodle puppies available now-3
black males, 1UD on vaccina-
tions and deworming
PARENTS are show dog \$1000.
1-479-719-0443



CHIHUAHUA PUPPY. Male
\$300. Chihuahua/Shih Tzu
Puppy, Male, \$450. Call
501-457-1653

Democrat-Gazette Classified
gets around the Natural State.
Altus, Arkadelphia, Batesville,
Bentonville, Berryville, Brinkley,
Clarksville, Conway, El Dorado,
Eureka Springs, Fayetteville,
Forrest City, Fort Smith, Glen-
wood, Harrison, Hober
Springs, Helena, Hot Springs,
Jacksonville, Jonesboro, Little
Rock, Magnolia, Malvern, Mena,
Morrilton, Springdale, Pine Bluff.
Democrat-
Gazette Classified

DACHSHUND PUPPIES. KC, LH,
RTG Dec. 15, vet checked, puppy
shots, wormed, coze tested. 1
female, 3 males. Text for pic

Sell it in 10 or We'll Run it Again for FREE!

Place your vehicle "for sale" ad with us for 10 days and if it doesn't sell we'll run it another 10 days on us!

\$29.95 10 DAY RUN!

*Based on 4 lines of text; additional lines are extra. Add a Photo for \$25.

FREE CLASSIFIEDS are available to private individuals only. One free ad per telephone/household with non-commercial items is allowed per publication and a maximum of four ads per month. Items must be valued at less than \$10,000. Ads will publish for three consecutive days and include three lines of text. Price and phone number are required in each ad. Garage sales, employment, motorized vehicles, real estate and service ads do not qualify as free ads. Other restrictions may apply. Call 866-296-3666 to place your ad.

AD DEADLINES
SUNDAY-TUESDAY.....Friday- legal notices
WEDNESDAY.....Monday- legal notices
THURSDAY.....Tuesday- legal notices
FRIDAY.....Wednesday- legal notices
SATURDAY.....Thursday- legal notices

December 6th, 2022



EARN EXTRA CASH

With a newspaper delivery route!
(Independent contractor position.)

UP TO \$1,000 SIGN ON BONUS!

nwadg.com/carriers

1-866-927-5201



AUTOS
Antique Vehicles 210
CHEVROLET 1985 El Camino
Excellent cond. Orig miles 90,500. \$9500. Call 479-522-3019 R. Smith
Automobiles 225



ACURA 2012 TSX. Technology package, leather, FWD, Clean Carfax, original miles, \$13,750. 72,000 mi. 870-404-4430.



JOBS
Technical Skilled Trades 546
Plumbers Needed with Experience.
Start today. Top pay. NWA area. No travel. Plenty of work. Call 479-312-9731



PETS & LIVESTOCK
Dogs 710
AKC TOY Poodle puppies. Toy poodle puppies available now-3 black males, 100% on vaccinations and deworming. PARENTS ARE show dog \$1000. 1-479-719-0443



General Employment 501

Dogs 710
DACHSHUND PUPPIES. CKC, LH, RTG Dec. 15, vet checked, puppy shots, wormed, code tested. 1 female, 3 males. Text for pictures. 479-220-1314. Mena area. \$800. 870-326-4666

GOLDENDOODLE & AUSSIEDOODLE PUPPIES Available Now. \$700. 501-514-1028 or www.platinumgoldendoodles.com
GOLDEN RETRIEVER. Puppies, AKC fully reg. papers, 1st shots & dewormed. M. \$500 F \$600 479-244-9630



HAWAIIAN. MOTHER is registered Hawaiian. Father is registered Toy poodle. These are intelligent puppies with great personalities. Should weigh 8-12 pounds when fully grown. Neither breed sheds. Puppies will be ready in a couple weeks. 4 males, 1 female (the black and white) \$1200 for female, \$1000 for male. These puppies will not last long. Text or call 870-291-0307. Raised in our home. References if desired. \$1000. 870-291-0307

B & T KENNEL- MALTESE, YORKIE, PUGS, & CHIHUAHUA PUPPIES. Call/text for more info. 479-428-3756

MALTESE PUPPIES, 10 weeks old, AKC Reg. shots up to date. Males, \$500. Call 501-388-1878. Stacy Ark.

MALTIPOGS and dark red Toy & miniature poodles. \$2500 & up. fishermountainpuppies.com 918-649-7040 Fayetteville

Great DEAL
MINIATURE DACHSHUND, 4 Females. Ready to go. \$8W. \$400 & Up. 501-743-9389
Your one stop Real Estate Marketplace is in Democrat-Gazette Classified. Fairfield Bay, Saline County, Beaver Lake, Eudora, Madison County, Lake Hamilton, Marshall, Greenbrier, Harrison, Vilonia, Rogers, Hot Springs Village, Greers Ferry Lake, Sheridan, Mountain Home, Bryant, Fort Smith, Texarkana, White River, Beebe, Cleburne County, Dandanele, Lake Ouachita, Osage, Scott, Keo, Hensley, Classified is everywhere!

General Employment 501

Dogs 710
STANDARD POODLE. AKC pups, reds, apricots, creams, black and adult black female, prices vary \$600-1200. \$1000. 479-437-4070

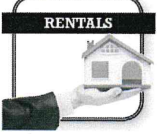
Horse Equipment & Supplies 716
USE Happy Jack® mange medicine to treat horse mange dandruff & lice. At Orschlien Farm & Home (www.fleabeacon.com)



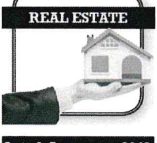
BUY IT/SELL IT
Articles Sale 810
PYLE DBL cassette decks w/ audio mixed tape capabilities. N \$120 479-442-7387

Guns & Ammunition 843
ARKANSAS' LARGEST! Over 440 Tables

Gun & Knife Show
Conway, AR
Fairgrounds Expo Center
2505 East Oak, 72032
December 10th - 11th
Sat. 9a-5p • Sun. 9a-4p
Admission \$12
918-659-2201 G&S Promotions
\$2 OFF ADMISSION WITH AD \$2 OFF ADMISSION FOR ACTIVE DUTY & RETIRED MILITARY W/ID



RENTALS
Houses/ Other Areas N938
Hindsville area: 3bd/1ba. No pets. \$850/mo \$850 dep. Call 479-530-5520



REAL ESTATE
Lots & Acreage 1042
GRAPEVINE ARKANSAS. 1 Corner Acre Lot For Sale. Good area. Septic tank already in the ground & has access to city



MANUFACTURED HOMES
Mfg. Homes for Sale by Size 1105
J&M HOMES announces its Red Tag Sale. Stock units, doubles & singles reduced by thousands. Call for details 870-535-1524



LEGAL NOTICES
Legal Notices 1201
Attention Billy Aaron, Lydia Aaron has filed a court case against you.
756235924

LEGAL NOTICE
In compliance with Act 434 of 1967, the Arkansas Administrative Procedures Act, as amended, notice is hereby given that the Department of Finance and Administration Office of the Arkansas Lottery intends to adopt Administrative Rules, Operational Rules, and Retailer Rules, titled, Rules of the DFA Office of the Arkansas Lottery. The proposed rules are intended to update and establish provisions applicable to the administration, operation, and retailer rules for the DFA Office of the Arkansas Lottery. The public hearing will be held December 21, 2022, at 9:00 A.M. in the 3rd floor conference room of the Union Plaza Building, 124 West Capitol Street, Little Rock, Arkansas 72201. All interested parties may attend and present their views on the proposed rules. Written comments may be mailed to the Department of Finance and Administration Office of the Arkansas Lottery, P.O. Box 3238, Little Rock, Arkansas 72203.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS
PUBLIC NOTICE
United States Magistrate Judge Patricia S. Harris's current term will expire on 30 July 2023. She has indicated her willingness to accept reappointment. The United States District Court is required by law to establish a Merit Selection Panel of citizens to consider the reappointment of Magistrate Judge Harris to a new eight-year term. The Court has appointed this Panel.

The duties of the Magistrate Judge in this Court include the following: (1) conducting most preliminary proceedings in criminal cases; (2) handling trial and disposition of misdemeanor cases; (3) conducting various pretrial matters and evidentiary proceedings.

Legal Notices 1201
and disposition of civil cases upon consent of the litigants.
On behalf of the Panel, the Clerk of the Court, the members of the Bar and the public about whether Magistrate Judge Harris should be reappointed for reappointment. Comments should be directed to: Merit Selection Panel c/o United States District Court Clerk's Office 600 West Capitol Avenue, Suite A149 Little Rock, Arkansas 72201 Comments must be received no later than 30 December 2022. 756202281

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Bids/Requests 1210
The current Police Department space will be demolished to accommodate up to 8,000 sq. ft., consisting of living quarters and day use area for current central fire station personnel. The engine bays will consist of old and new area square footage up to 7,000 square feet. The office space remodel will consist of around 5,000 square feet. Current paving around the site will need to be removed and/or replaced. Project area will consist of around 20,000 +/- square feet of remodel and new construction. The building sits on about 2-acre parcel with the closer half of US Highway 71 and Arkansas Highway 340.
Professional services required include:
1. Architect selection
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Cost reduction and control
8. Project coordination
9. Project close out
10. Warranty
To be considered, statements shall be received at City Hall, 101 Town Center, Bella Vista, AR before 9 AM local time December 19, 2022. No late submissions shall be accepted.
All interested parties shall be qualified to do business and licensed in accordance with all applicable laws of the State of Arkansas, Benton County, and the City of Bella Vista.
Pursuant to Arkansas Code Annotated §22-9-203, the City of Bella Vista encourages all qualified small, minority, and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, the City of Bella Vista encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.
The City of Bella Vista reserves

LEGAL NOTICES
Legal Notices 1201
Attention Billy Aaron, Lydia Aaron has filed a court case against you.
756235924

LEGAL NOTICE
In compliance with Act 434 of 1967, the Arkansas Administrative Procedures Act, as amended, notice is hereby given that the Department of Finance and Administration Office of the Arkansas Lottery intends to adopt Administrative Rules, Operational Rules, and Retailer Rules, titled, Rules of the DFA Office of the Arkansas Lottery. The proposed rules are intended to update and establish provisions applicable to the administration, operation, and retailer rules for the DFA Office of the Arkansas Lottery. The public hearing will be held December 21, 2022, at 9:00 A.M. in the 3rd floor conference room of the Union Plaza Building, 124 West Capitol Street, Little Rock, Arkansas 72201. All interested parties may attend and present their views on the proposed rules. Written comments may be mailed to the Department of Finance and Administration Office of the Arkansas Lottery, P.O. Box 3238, Little Rock, Arkansas 72203.

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS
PUBLIC NOTICE
United States Magistrate Judge Patricia S. Harris's current term will expire on 30 July 2023. She has indicated her willingness to accept reappointment. The United States District Court is required by law to establish a Merit Selection Panel of citizens to consider the reappointment of Magistrate Judge Harris to a new eight-year term. The Court has appointed this Panel.

The duties of the Magistrate Judge in this Court include the following: (1) conducting most preliminary proceedings in criminal cases; (2) handling trial and disposition of misdemeanor cases; (3) conducting various pretrial matters and evidentiary proceedings.

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Bids/Requests 1210
Professional Services required include:
1. Ensure all funds are spent in accordance with State of Arkansas Procurement laws
2. Guaranteed maximum price construction
3. Estimating
4. Sub-contractor bidding
5. Project and change order pricing
6. Schedule control
7. Management of demolition and reconstruction
8. Cost reduction and control
9. Project coordination with the design engineer and the City of Fayetteville.
10. Project close out
11. Warranty
The solicitation RFQ & addendums shall be obtained from the City of Fayetteville Purchasing Division's electronic bidding platform at <http://fayetteville-ar.gov/bids>. Statements of qualification shall be received by Thursday, December 29, 2022 before 2:00:00 PM, local time, utilizing the electronic bidding platform. No late proposals shall be accepted. The City of Fayetteville shall not be responsible for late or misdirected proposals, or for failure of proposer's technical equipment.
A non-mandatory pre-proposal conference will be held on Wednesday, December 14, 2022 at 2:00 PM via Zoom. Meeting information can be found on the City's online bidding platform.
Statements of qualification submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local government where the project is located.
Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all qualified small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to qualified small, minority and women business enterprises.

Foreclosures Garland Co.
owners in the property. THE TERMS OF SALE ARE CASH THE DAY OF SALE AND ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF THE PURCHASER.
WHEREAS, the property secured under the Mortgage is located in Garland County, Arkansas more particularly described as follows:
Lot 8, Block 7 of Reclamo Subdivision, Hot Springs Village, according to the Plat recorded in Book 7 at Page 167 of the Plat Records of Garland County.
Street Address: 19 Jabali Lane, Hot Springs Village, AR 71909
WHEREAS on July 26, 2006, Edmond A. Singleton and Sammie L. Singleton executed a Mortgage in favor of Mortgage Electronic Registration Systems, Inc., as mortgagee, as nominee for WMC Mortgage Corp., which was recorded on August 14, 2006 in Book 2733, Page 119, in the real estate records of Garland County, Arkansas. The beneficial interest of said Mortgage has been assigned to Deutsche Bank et al., which is the party initiating foreclosure. The party initiating foreclosure is Deutsche Bank National Trust Company, as Trustee for HSI Asset Securitization Corporation Trust 2006-HE2, Mortgage Pass-Through Certificate, Series 2006-HE2 and can be contacted at or in care of its service initiating foreclosing, LLC, 6200 S. Quebec, Suite 300, Greenwood Village, CO 80111, at Telephone Number 800-315-4757; and
WHEREAS, there may be tenants that claim an interest in the real property herein based upon said mortgage; and
WHEREAS, the undersigned is the attorney for the mortgagee and is acting on and with consent and authority of mortgagee who exercises power of sale under Ark. Ann. §16-50-115 which imparts power of sale in every mortgage of real property situated in state that is duly acknowledged and recorded; and default occurred in the payment of indebtedness, and the said now therefore wholly due; an holder of the debt has requested the undersigned to sell the property to satisfy said indebtedness.
The undersigned is an active, licensed member of the Bar of the Supreme Court of the State of Arkansas, and the law firm c undersigned maintains an c at 415 N. McKinley St., Suite 1177, Little Rock, AR 72205 is located within the State of Arkansas, is accessible to the public during regular business h and has the ability to accept from a grantor, mortgage obligor to reinstate or pay off a mortgage or deed of trust.
WITNESS my hand this October 10th, 2022
TIMOTHY D. PADGETT
SUBSTITUTE TRUSTEE
UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING
By: /s/Emily Reg
Emily Reynolds, Ark. Ba
201
Timothy D. Padgett
6267 Old Water Oak I
Suite
Tallahassee, FL 3
(850) 422-
756121591

Foreclosures - Lincoln
States Department of Agriculture which was recorded on Jul 2002 in Book MTG 143, i 523, in the real estate records of Lincoln County, Arkansas. Lincoln County, Arkansas, party initiating foreclosure United States Department of Agriculture, Rural Housing Service and can be contacted at or in its service initiating fore sure at: USDA Rural Develop 4300 Goodfellow Blvd., i 1055, P.O. 215, St. Louis 63120, at Telephone Nu 314-206-2800; and
WHEREAS, there may be ants that claim an interest i real property herein based said mortgage; and
WHEREAS, the undersign the attorney for the mortg and is acting on and with consent and authority o mortgagee who exercises power of sale under Ark. Ann. §16-50-115 which imparts power of sale in every mortgage of real property situated in state that is duly acknowledged and recorded; and default occurred in the payment of indebtedness, and the said now therefore wholly due; an holder of the debt has requested the undersigned to sell the property to satisfy said indebtedness.
The undersigned is an active, licensed member of the Bar of the Supreme Court of the State of Arkansas, and the law firm c undersigned maintains an c at 415 N. McKinley St., Suite 1177, Little Rock, AR 72205 is located within the State of Arkansas, is accessible to the public during regular business h and has the ability to accept from a grantor, mortgage obligor to reinstate or pay off a mortgage or deed of trust.
WITNESS my hand this October 10th, 2022
TIMOTHY D. PADGETT
SUBSTITUTE TRUSTEE
UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING
By: /s/Emily Reg
Emily Reynolds, Ark. Ba
201
Timothy D. Padgett
6267 Old Water Oak I
Suite
Tallahassee, FL 3
(850) 422-
756121591

Foreclosures - Pope
MORTGAGEE'S NOTICE OF DEFAULT AND INTENTION TO SELL
YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION
NOTICE IS HEREBY GIVEN on January 6, 2023, at or c 01:00 PM, the subject real property described herein below be sold at the Main Entrance of the Pope County Courthouse, West Main, Russellville, AR 7 to the highest bidder for c The sale will extinguish all e sts, including those of ex lien holders or previous own the property. THE TERMS OF ARE CASH THE DAY OF SALE ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF PURCHASER.
WHEREAS, the property curred under the Mortgage i cated in Pope County, Ark more particularly described

Foreclosures - Pope
MORTGAGEE'S NOTICE OF DEFAULT AND INTENTION TO SELL
YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION
NOTICE IS HEREBY GIVEN on January 6, 2023, at or c 01:00 PM, the subject real property described herein below be sold at the Main Entrance of the Pope County Courthouse, West Main, Russellville, AR 7 to the highest bidder for c The sale will extinguish all e sts, including those of ex lien holders or previous own the property. THE TERMS OF ARE CASH THE DAY OF SALE ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF PURCHASER.
WHEREAS, the property curred under the Mortgage i cated in Pope County, Ark more particularly described

Foreclosures - Pope
MORTGAGEE'S NOTICE OF DEFAULT AND INTENTION TO SELL
YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION
NOTICE IS HEREBY GIVEN on January 6, 2023, at or c 01:00 PM, the subject real property described herein below be sold at the Main Entrance of the Pope County Courthouse, West Main, Russellville, AR 7 to the highest bidder for c The sale will extinguish all e sts, including those of ex lien holders or previous own the property. THE TERMS OF ARE CASH THE DAY OF SALE ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF PURCHASER.
WHEREAS, the property curred under the Mortgage i cated in Pope County, Ark more particularly described

Foreclosures - Pope
MORTGAGEE'S NOTICE OF DEFAULT AND INTENTION TO SELL
YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION
NOTICE IS HEREBY GIVEN on January 6, 2023, at or c 01:00 PM, the subject real property described herein below be sold at the Main Entrance of the Pope County Courthouse, West Main, Russellville, AR 7 to the highest bidder for c The sale will extinguish all e sts, including those of ex lien holders or previous own the property. THE TERMS OF ARE CASH THE DAY OF SALE ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF PURCHASER.
WHEREAS, the property curred under the Mortgage i cated in Pope County, Ark more particularly described

Foreclosures - Pope
MORTGAGEE'S NOTICE OF DEFAULT AND INTENTION TO SELL
YOU MAY LOSE YOUR PROPERTY IF YOU DO NOT TAKE IMMEDIATE ACTION
NOTICE IS HEREBY GIVEN on January 6, 2023, at or c 01:00 PM, the subject real property described herein below be sold at the Main Entrance of the Pope County Courthouse, West Main, Russellville, AR 7 to the highest bidder for c The sale will extinguish all e sts, including those of ex lien holders or previous own the property. THE TERMS OF ARE CASH THE DAY OF SALE ALL TRANSFER TAXES WILL BE THE RESPONSIBILITY OF PURCHASER.
WHEREAS, the property curred under the Mortgage i cated in Pope County, Ark more particularly described

RESOLUTION NO. _____

CITY OF BELLA VISTA, ARKANSAS

**AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A
NINTH AMENDED ANIMAL SERVICES CONTRACT FOR ANIMAL
SHELTERING SERVICES WITH BELLA VISTA ANIMAL SHELTER,
INC.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA,
ARKANSAS:**

Section 1: The Mayor and City Clerk are hereby authorized to enter into a Ninth Amended Animal Services Contract with Bella Vista Animal Shelter, Inc. for animal sheltering services. A copy of the Amendment is attached and incorporated into this Resolution as if set out word for word herein.

ADOPTED THIS _____ DAY OF _____, 2023.

APPROVED:

Mayor John D. Flynn

ATTEST:

City Clerk Wanda Krug

Requested by: Mayor
Prepared by: Jason Kelley, Staff Attorney

AMENDMENT No. 9
ANIMAL SERVICES CONTRACT

The Animal Services Contract entered into December 22, 2014, for a period beginning January 1, 2015, by and between the Bella Vista Animal Shelter, Inc. ("Shelter") and the City of Bella Vista, Arkansas ("City"), as amended by Amendment No. 1 on April 27, 2015, and further amended by Amendment No. 2 on November 16, 2015, and further amended by Amendment No. 3 in calendar year 2017, and as further amended by Amendment No. 4 on December 19, 2017, and as further amended by Amendment No. 5 in 2018, and as further amended by Amendment No. 6 in 2018, and as further amended by Amendment No. 7 in 2019, and as further amended by Amendment No. 8 in 2020, for consideration herein stated and to foster continued cooperation between the parties concerning issues of mutual concern, is hereby further amended, so that after amendment certain provisions of the Contract shall provide as stated herein.

1. In Paragraph 1 of the Contract, as amended, reference to "\$4,000.00 per month" is hereby amended to "\$5,000.00 per month".
2. In Paragraph 7 of the Contract, as amended, reference to "January 1, 2021" is hereby amended to "January 1, 2023".
3. The terms of previous Amendment No. 8 to the Animal Services Agreement are agreed by the parties to have been in full force and effect during all portions of calendar year 2022. All other terms and conditions of the Contract, as previously amended, remain in full force and effect.

This Amendment No. 9 to the Animal Services Contract is entered into by the undersigned on this 10 day of January, 2023.

BELLA VISTA ANIMAL SHELTER, INC.

CITY OF BELLA VISTA, ARKANSAS

Curt Strope
President

Mayor John D. Flynn

Nancy Gidiri
Executive Director

Attest: _____
City Clerk Wanda Krug