



Mayor - Sandy Sanders

City Administrator - Ray Gosack

City Clerk - Sherri Gard

Board of Directors

Ward 1 - Steve Tyler

Ward 2 - Andre' Good

Ward 3 - Don Hutchings

Ward 4 - George Catsavis

At Large Position 5 - Pam Weber

At Large Position 6 - Kevin Settle

At Large Position 7 - Philip H. Merry Jr.

AGENDA

Fort Smith Board of Directors

Regular Meeting

October 2, 2012 ~ 6:00 P.M.

Fort Smith Public Schools Service Center

3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE SEPTEMBER 18, 2012 REGULAR MEETING

ITEMS OF BUSINESS:

1. Oath of Office Ceremony: Fire Marshal Ronnie Rogers appointment to State Fire Prevention Commission *(appointed by Governor Mike Beebe)*
2. Ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Transitional (T) by classification located at 8900 Massard Road)*
3. Ordinance approving development plan and rezoning identified property and amending the zoning map *(from Not Zoned to Commercial Employment Mixed Use (CEMU) by classification located at 7900 Collier Street)*
4. Ordinance rezoning identified property and amending the zoning map *(from Transitional (T) to Commercial Light (C-2) by extension located at 314 South 17th Street)*
5. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(Land Use Chart - Industrial Land Uses)*

6. Resolution approving and authorizing implementation of the five-year (2013-2017) Sales Tax Program for Streets, Bridges and related Drainage Improvements, and implementation of the 2013 Sidewalk Program ~ *Hutchings/Good placed on agenda at the September 25, 2012 study session ~*
7. Millage Ordinances
 - A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2012 for general purposes
 - B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
 - C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
 - D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
8. Consent Agenda
 - A. Resolution to accept completion of and authorize final payment for the construction of Traffic Signal Improvements, Project No. 11-09-A (\$68,870.72 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
 - B. Resolution to accept the bids and authorize contracts for the construction of the May Branch Outfall Culvert Replacement, Project No. 12-06-E (\$5,493,847.78 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
 - C. Resolution authorizing the acquisition of real property interests from David Love and Becky Love for Tract 5 of the City of Fort Smith Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A, AHTD Job No. 040471 (\$1,000.00 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
 - D. Resolution authorizing the Mayor to execute a quitclaim deed conveying the Bailey Hill Reservoir property to the Fort Smith Housing Authority
 - E. Resolution accepting bid for the purchase of a street sweeper (\$197,947.20 / *Street Maintenance Department / Budgeted - Sinking Fund*)

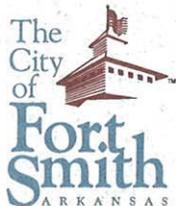
- F. Resolution authorizing the Mayor to execute Authorization No. 3 to the agreement with Hawkins-Weir, Inc. for engineering services for the Zero Street Pump Station Wet Weather Improvements - Site Remediation (\$210,000.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds)
- G. Resolution authorizing the City Administrator to accept offer made by property owner for the acquisition of real property interests for the Chaffee Crossing Water Improvements (\$70,000.00 - Utility Department / Budgeted - 2012 Sales Tax Bonds)
- H. Resolution authorizing Amendment No. 2 to Authorization No. 2 with RJN Group, Inc. for engineering services for the South 28th Street Sewer Replacement Project (\$8,900.00 / Utility Department / Budgeted - 2009 Sales Tax Bonds)
- I. Resolution authorizing Change Order No. 3 with Forsgren, Inc. for the construction of the South 28th Street Sewer Replacement Project (Adding days only)
- J. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the South 28th Street Sewer Replacement Project (\$69,456.89 / Utility Department / Budgeted - 2009 Sales Tax Bonds)
- K. Resolution authorizing the City Administrator to accept offer made by property owner for the acquisition of real property interests for Lake Fort Smith Water Supply Project (\$12,500.00 / Utility Department / Budgeted - 6505 Capital Improvement Fund)
- L. Ordinance declaring an exceptional situation waiving the requirement of competitive bidding and authorizing the purchase from Motorola Solutions, Inc. of twenty (20) new portable radios for use by the Fire Department (\$76,049.20 / Fire Department / Budgeted - Sales Tax Revenue)

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- ▶ Mayor
- ▶ Directors
- ▶ City Administrator

ADJOURN



FORT SMITH FIRE DEPARTMENT

200 NORTH FIFTH STREET
FORT SMITH, ARKANSAS 72901
479-783-4052 • FAX: 479-783-5338



Mike Richards
Fire Chief

1

Memo

To: Ray Gosack, City Administrator
From: Mike Richards, Fire Chief
Date: September 26, 2012
Re: Ronnie Rogers Appointment to the State Fire Prevention Commission

Governor Mike Beebe has appointed Fort Smith Fire Department Battalion Chief/Fire Marshal Ronnie Rogers to the State Fire Prevention Commission. This is a significant appointment as the goal of the Commission is to bring public awareness to the dangers of fires in homes and occupied structures and provide information on how to reduce those risks.

The State Fire Prevention Commission is made up of fire prevention professionals, volunteers, and members of the general public that have a sincere wish to stop the loss of life and property to fire and fire related incidents. The Commission serves the State of Arkansas and the fire service community by networking with the Arkansas Fire Academy, the Arkansas Fire Marshal's Office, and the Arkansas Department of Emergency Management. All members of the Commission are appointed by the Governor.

Chief Rogers is a 29-year veteran of the Fort Smith Fire Department and has served as a Fire Marshal for over four (4) years. Chief Rogers has many certifications in fire prevention and investigation and is an adjunct instructor for the Arkansas Department of Emergency Management.

District Judge David P. Saxon will be present at the October 2, 2012 Board of Directors meeting to administer the Oath of Office for the State Fire Prevention Commission to Chief Rogers.



STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

September 21, 2012

Mr. Ronnie Rogers
200 North Fifth Street
Fort Smith, AR 72901

Dear Ronnie:

I am very pleased to appoint you to the State Fire Prevention Commission for a term to expire on July 18, 2015.

I appreciate your willingness to serve the public, and I am counting on your wise counsel and advice as you accept this position of responsibility. I look forward to your help and involvement as we work toward building a better future for all Arkansans.

Enclosed, please find instructions for taking the oath of office.

Sincerely,

A handwritten signature in black ink, appearing to read "MB", written over a horizontal line.

Mike Beebe

MB:le/jb

Enclosure

Cc: The Honorable Jake Files
The Honorable Tracy Pennartz



STATE OF ARKANSAS
MIKE BEEBE
GOVERNOR

OFFICIAL APPOINTMENT

Date: September 21, 2012

TO THE SECRETARY OF STATE:

Under the provisions of Arkansas Code Annotated § 20-22-202,

I have, on this date, appointed Ronnie Rogers,

whose address is 1512 North 43rd Street, Fort Smith, AR 72904, Sebastian County,

and whose telephone number is w: 479-288-1214; c: 479-739-6501

as a member of the State Fire Prevention Commission

for the term which expires July 18, 2015.

Replaces: Kevin McDonald

A handwritten signature in black ink, appearing to read "Mike Beebe", written over a horizontal line.

Mike Beebe, Governor

ORDINANCE NO. _____

**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 21-9-12 to rezone certain properties hereinafter described, and, having considered said request, recommended on September 11, 2012, that said change be made;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1: That the following properties to-wit:

Part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 7; thence along the South line of said Southeast Quarter, N 87°12'44"W, 1326.59 feet; thence leaving said South Line, N 02°35'13"E, 1050.88 feet to a point on the southerly right-of-way line of Massard Road; thence along said right-of-way line, N 59°58'39"W, 76.86 feet to the Point of Beginning and an existing ½" rebar with cap stamped "MWC 1369"; thence leaving said right-of-way line, S 30°01'21"W, 340.73 feet to an existing ½" rebar with cap stamped "MWC 1369"; thence N 54°04'02"W, 341.04 feet to an existing ½" rebar with cap stamped "MWC 1369"; thence N 30°49'21"E, 220.02 feet to an existing ½" rebar with cap stamped "MWC 1369"; thence 64.17 feet along the arc of a curve to the right, said curve having a radius of 845.00 feet and being subtended by a chord having a bearing of N 32°59'52"E, and a distance of 64.15 feet to an existing ½" rebar with cap stamped "MWC 1369"; thence N 35°10'23"E, 23.70 feet to a point on said southerly right-of-way line of Massard Road and an existing ½" rebar with cap stamped "MWC 1369"; thence 66.18 feet along the arc of a curve to the left in said right-of-way line, said curve having a radius of 1070.00 feet and being subtended by a chord having a bearing of S58°12'20"E, and a distance 66.17 feet to an existing ½" rebar with cap stamped "MWC 1369"; thence continuing along said right-of-way line S 59°58'39"E, 264.56 feet to the Point of Beginning, containing 2.50 acres, more or less.

more commonly known as 8900 Massard Road, should be, and is hereby rezoned from Not

Zoned to Transitional (T) by Classification.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:



Publish One Time

September 25, 2012

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #21-9-12; A request by Mike Richards, City of Fort Smith Fire Chief, for a zone change from Not Zoned to Transitional (T) by Classification located at 8900 Massard Road.

On September 11, 2012, the City Planning Commission held a public hearing to consider the above rezoning request.

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to allow for the construction of a 12,540 square foot fire station with the associated parking and maneuvering areas. Mr. Bailey stated that a neighborhood meeting was held on August 15, 2012, at the Janet Huckabee Nature Center at Chaffee Crossing and there were no objections to the proposed project.

Chief Richards was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Chairman Griffin then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

 Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

Memo

To: City Planning Commission

From: Planning Staff

Date: August 23, 2012

Re: Rezoning #21-9-12 - A request by Mike Richards, City of Fort Smith Fire Chief, for Planning Commission consideration of a zone request from Not Zoned to Transitional (T) by classification at 8900 Massard Road (Companion to items #2 & #17)

LOT LOCATION AND SIZE

The subject property is on the southeast intersection of Massard Road and an unnamed road to the west. The tract contains an area of 2.5 acres with approximately 330 feet of street frontage along Massard Road and approximately 284 feet of street frontage along the unnamed road.

EXISTING ZONING

The property is currently Not Zoned.

REQUESTED ZONING

Characteristics of the Transitional (T) zone are as follows:

Purpose: To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Detached, Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses: Single family detached, duplexes, family group home, retirement housing, banking establishments and offices.

Conditional Uses: Assisted living, nursing homes, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, daycare homes, hospital, substance abuse treatment facility, senior citizen center and churches.

Area Regulations:

Minimum Lot Area – 5,000 square feet

Maximum Lot Area by classification – 2 acres

Front Yard Setback – 20 feet

Side Yard Setback – 5 feet

Side Yard on Street Side of Corner Lot – 20 feet

Rear Yard Setback – 10 feet

IA

Density – 3 dwelling units/acre single family homes, 6 dwelling units/acre two-family homes
Separation of Buildings – 10 feet-Residential/per current building fire codes-Non-Residential
Maximum Height – 35 feet

SURROUNDING ZONING AND LAND USE

The areas to the north and south are not zoned and undeveloped.

The area to the east is not zoned and developed as a gas well pumping station.

The area to the west is not zoned and developed as Ben Geren Regional Park.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan* currently classifies the site as Institutional. Approval of the zone change will not conflict with the goals and objectives of the Chaffee Crossing Redevelopment Plan.

PROPOSED ZONING

The proposed Transitional (T) zoning will allow for the development of a Fort Smith Fire Station subject to approval of the companion Conditional Use and the Variance applications.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Wednesday, August 15th at the Janet Huckabee Nature Center at Chaffee Crossing. Nine people were present at the neighborhood meeting. There were no objections to the proposed project. A copy of the attendance record and meeting summary are enclosed.

The proposed zoning conforms to Chaffee's land use plan and is compatible with the surrounding area.

Staff recommends approval of the zoning request contingent upon Board of Zoning Adjustment approval of the variance application for maximum lot size.

1B

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location JANET HUCKABEE NATURE CENTER

Meeting Time & Date AUGUST 15, 2012 @ 3:00 PM

Meeting Purpose FIRE STATION #11

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Mike Richards	FSFD 200 N 5 th FS	479-734-6502
2.	Terry Bigler	FSFD 200 N 5 th FS	479-739-6503
3.	Carmen News	8300 Wellstone Rd FS	474-452-3993
4.	Lilla Mulder	" " "	" "
5.	James Reddick	602 Edison	479-782-4085
6.	Brenna Cufus	Fort Smith Plant	784-2219
7.	Karen Westcamp Johnson		806-7404
8.	Kendra Ingle		452-3993
9.	Acie J Coward		452-3993
10.			
11.			

1C

**REPORT ON NEIGHBORHOOD MEETING FOR
FIRE STATION #11
8900 Massard Road
Fort Smith, Arkansas**

A Neighborhood meeting concerning the zoning and conditional use request for the construction of a new Fort Smith Fire Station was held on August 15, 2012 at the Janet Huckabee Nature Center at Chaffee Crossing. Nine people were present including Mike Richards, Fire Chief, Terry Bigler, Assistant Fire Chief, James Reddick, Architect and Brenda Andrews of the Fort Smith Planning Department. The project design was presented and the participants were able to ask questions and to provide comments. There were no negative comments about the project or the proposed zoning and the citizens who attended seemed very pleased about having fire fighters and first responders near the Nature Center in the near future.

10

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 7; Thence along the South Line of said Southeast Quarter, N87°12'44"W, 1326.59 feet; Thence leaving said South Line, N02°35'13"E, 1050.88 feet to a point on the southerly right-of-way line of Massard Road; Thence along said right-of-way line, N59°58'39"W, 76.86 feet to the Point of Beginning and an existing ½" rebar with cap stamped "MWC 1369"; Thence leaving said right-of-way line, S30°01'21"W, 340.73 feet to an existing ½" rebar with cap stamped "MWC 1369"; Thence N54°04'02"W, 341.04 feet to an existing ½" rebar with cap stamped "MWC 1369"; Thence N30°49'21"E, 220.02 feet to an existing ½" rebar with cap stamped "MWC 1369"; Thence 64.17 feet along the arc of a curve to the right, said curve having a radius of 845.00 feet and being subtended by a chord having a bearing of N32°59'52"E, and a distance of 64.15 feet to an existing ½" rebar with cap stamped "MWC 1369"; Thence N35°10'23"E, 23.70 feet to a point on said southerly right-of-way line of Massard Road and an existing ½" rebar with cap stamped "MWC 1369"; Thence 66.18 feet along the arc of a curve to the left in said right-of-way line, said curve having a radius of 1070.00 feet and being subtended by a chord having a bearing of S58°12'20"E, and a distance 66.17 feet to an existing ½" rebar with cap stamped "MWC 1369"; Thence continuing along said right-of-way line S59°58'39"E, 264.56 feet to the Point of Beginning, containing 2.50 acres, more or less.

2. Address of property: 8900 Massard Road
3. The above described property is now zoned: Not Zoned
4. Application is hereby made to change the zoning classification of the above described property to Transitional by Classification.
5. Why is the zoning change requested?
Construction of Fort Smith Fire Station #11.
6. Submit any proposed development plans that might help explain the reason for the request.
See attached.

1 E

Signed:

Mike Richards, Fire Chief
Fort Smith Fire Department
200 North 5th Street
Fort Smith, AR 72901
479-783-4052 Office
479-739-6502 Cell



Owner

James Reddick, AIA
Guest Reddick Architects
602 Garrison Avenue #800
Fort Smith, AR 72901
(479) 782-4085

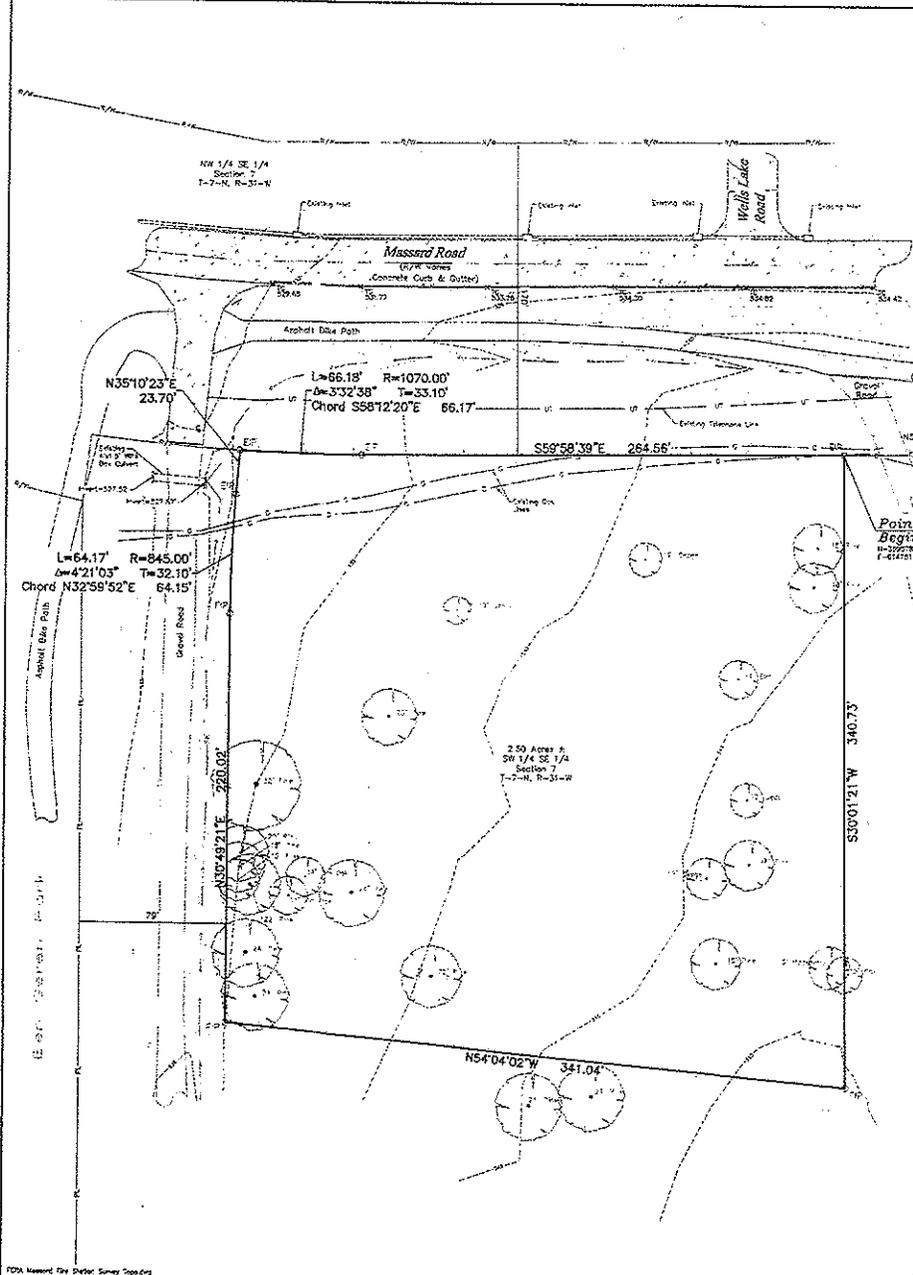
Agent

IF

Rezoning #21-9-12: From Not Zoned to Transitional (T)

8900 Massard Road





LEGEND

- = EXISTING IRON PILE "B" REBAR w/CAP STAMPED "MVC 1360"
- ▭ = CONCRETE ROAD
- ▭ = GRAVEL ROAD
- ▭ = ASPHALT ROAD
- R/W— = RIGHT OF WAY LINE
- P— = PRESERVE LINE
- T— = UNDERGROUND TELEPHONE LINE
- G— = GAS LINE
- ⊙ = SIGN
- = TREE

BOUNDARY DESCRIPTION

Part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

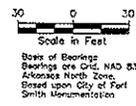
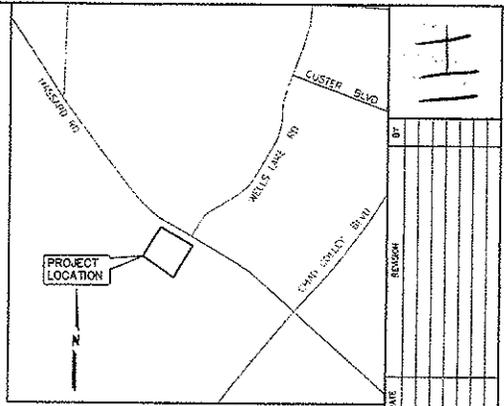
Commencing at the Southeast Corner of said Section 7, Thence along the South Line of said Southeast Quarter, N87°12'44"W, 1326.59 feet Thence along said South Line, N02°35'13"E, 1050.88 feet to a point on the southerly right-of-way line of Massard Road, Thence along said right-of-way line, N59°58'39"W, 76.86 feet to the Point of Beginning and an existing "B" rebar with cap stamped "MVC 1360", Thence along said right-of-way line, S30°49'21"W, 340.73 feet to an existing "B" rebar with cap stamped "MVC 1360", Thence N54°04'02"W, 341.04 feet to an existing "B" rebar with cap stamped "MVC 1360", Thence N30°49'21"E, 260.02 feet to an existing "B" rebar with cap stamped "MVC 1360", Thence 64.17 feet along the arc of a curve to the right, said curve having a radius of 845.00 feet and being subtended by a chord having a bearing of N32°59'52"E, and a distance of 64.15 feet to an existing "B" rebar with cap stamped "MVC 1360", Thence N59°58'39"E, 264.56 feet to a point on said southerly right-of-way line of Massard Road and an existing "B" rebar with cap stamped "MVC 1360", Thence 66.18 feet along the arc of a curve to the left in said right-of-way line, said curve having a radius of 1070.00 feet and being subtended by a chord having a bearing of S88°12'20"E, and a distance of 66.17 feet to an existing "B" rebar with cap stamped "MVC 1360", Thence continuing along said right-of-way line S59°58'39"E, 264.56 feet to the Point of Beginning, containing 2.50 acres, more or less.

CERTIFICATION

I hereby certify that said described property is located within or near having a Zone Designation _____ by the Secretary of Housing and Urban Development, on Road Insurance Rate Map No. 001100000000, with date of identification of _____, for Community No. 000000, in _____ County, State of Arkansas, which is the current Road Insurance Rate Map for the Community in which said premises is situated.

I hereby certify that I have had surveyed this site under my supervision the described property. The property is in accordance with established property lines and any improvements and encroachments are as shown. This survey is made for the exclusive use of the present owners of the property and also those who purchase, exchange, or otherwise title thereto and as to them I warrant the accuracy of said survey and map.

[Signature]
 DONALD R. WAGNER
 Arkansas Registered Professional Surveyor
 No. 13861
 Exp. 12/31/2011



Engineers-Consultants-Surveyors
 (479) 684-4444
 P.O. Box 466
 Fort Smith, Arkansas 72304-0466

MICKLE WAGNER COLEMAN

BOUNDARY & TOPO SURVEY
FORT SMITH FIRE STATION SITE
MASSARD ROAD @ WELLS LAKE ROAD
 PART OF SECTION 7, T-7-N, R-31-W
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DRAWN BY:	J. WELSH
CHECKED BY:	D. BRIDGEC
DATE:	11-20-11
SCALE:	1" = 20'
N. POINT:	N/A
DATE:	OCTOBER 2011
JOB NO.:	EM011512

Sebastian County
35 South 6th Street
Fort Smith, AR 72901

Fort Chaffee Redevelopment Trust
7020 Taylor Avenue
Fort Smith, AR 72916

Fort Chaffee Redevelopment
Authority
7020 Taylor Avenue
Fort Smith, AR 72916

Arkansas Game & Fish Commission
8000 Taylor Avenue
Fort Smith, AR 72917

ORDINANCE NO. _____

**AN ORDINANCE APPROVING DEVELOPMENT PLAN AND REZONING
IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 23-9-12 for a development plan and to rezone certain properties hereinafter described, and, having considered said request, recommended on September 11, 2012, that said change be made;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF
DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:**

SECTION 1: That the following properties to-wit:

Part of the Northwest Quarter of the Northeast Quarter, and part of the Southwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Northeast Corner of said Northwest Quarter of the Northeast Quarter; thence along the east line of said Northwest Quarter of the Northeast Quarter, S 02°41'53"W, 873.23 feet; thence S 44°04'21"W, 236.25 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning; thence continuing S 44°04'21"W, 501.22 feet to a set ½" rebar with cap stamped MWC 1369 on the northeasterly right-of-way of Roberts Boulevard; thence along said right-of-way, N 45°50'51"W, 86.78 feet to a set ½" rebar with cap stamped MWC 1369; thence leaving said right-of-way, N 44°02'24"E, 501.01 feet to a set ½" rebar with cap stamped MWC 1369; thence S 45°59'07"E, 87.07 feet to the Point of Beginning, containing 1.0 acre, more or less.

more commonly known as 7900 Collier Street, should be, and is hereby rezoned from Not Zoned to Commercial Employment Mixed Use (CEMU) by Classification and shall be developed in accordance with the development plan attached as Exhibit "A".

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:

A rectangular box containing a handwritten signature in black ink. The signature is cursive and reads "Jerry Confield".

Publish One Time

DEVELOPMENT PLAN

7900 COLLIER STREET

The development plan for 7900 Collier Street shall consist of the following criteria and the attached drawings (pages 2-4).

PERMITTED LAND USES

1) Non-commercial storage; 2) Non-commercial workshop; 3) Non-commercial craft and hobby workshop; and 4) Non-commercial recreation.

ARCHITECTURAL FEATURES

The building shall be constructed in accordance with the attached development plan and shall include brick on the front façade with metal on the remaining facades.

BUILDING HEIGHT

The height of the building shall be 15' at its highest point.

BUILDING SETBACKS

The building setbacks as established by the development plan shall be: front – 25'; rear – 10'; northeast side – 10'; southwest side – 25'.

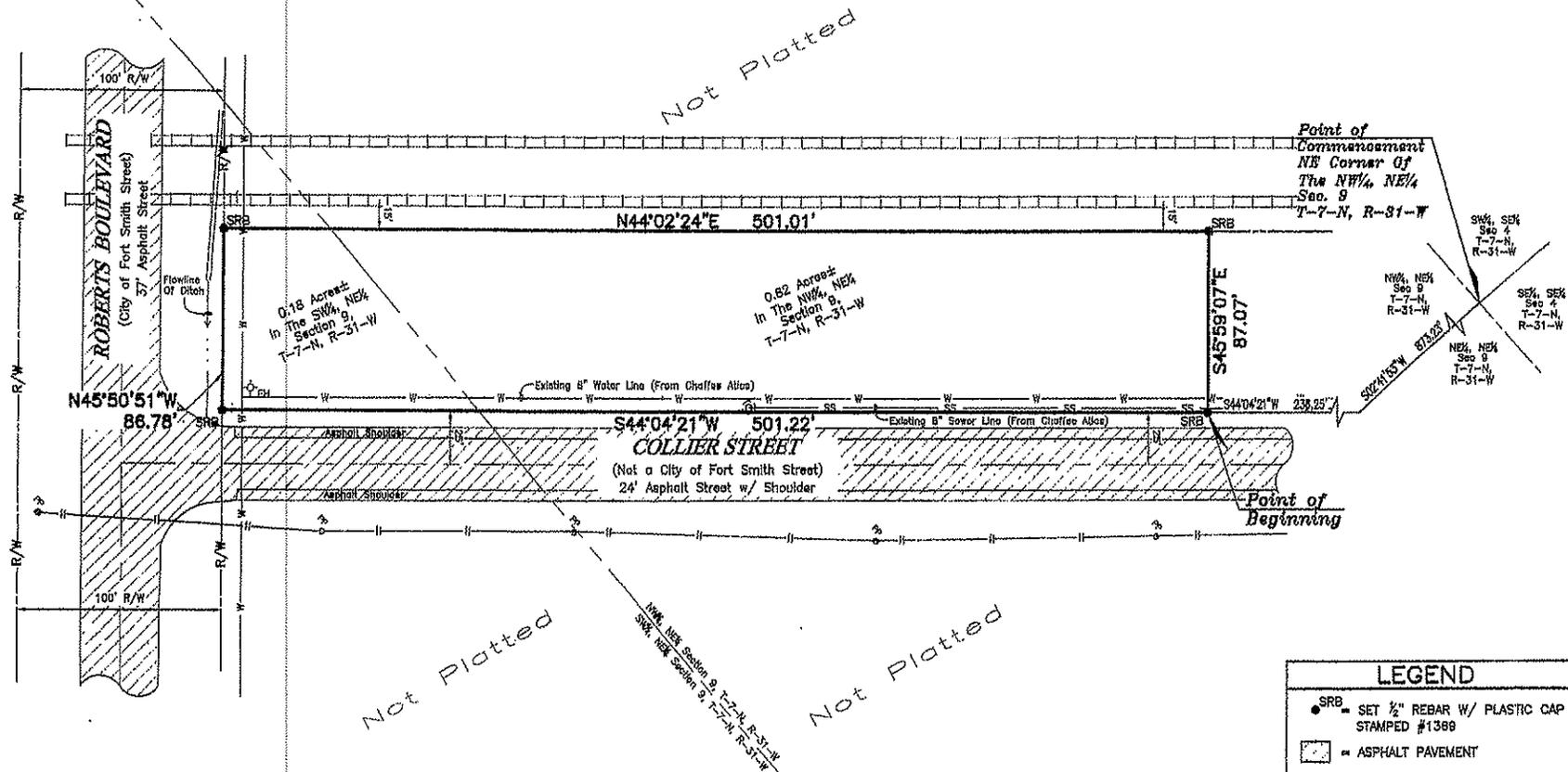
OPEN SPACE

The development shall consist of approximately 95% open space.

LANDSCAPING

The site shall be landscaped with trees and shrubs as established by the attached landscaping plan.

EXHIBIT A - DEVELOPMENT PLAN



LEGEND	
	SET 1/2" REBAR W/ PLASTIC CAP STAMPED #1389
	ASPHALT PAVEMENT
	RIGHT OF WAY LINE
	SANITARY SEWER LINE
	WATER LINE
	OVERHEAD POWER LINE
	SANITARY SEWER MANHOLE
	POWER POLE
	FIRE HYDRANT

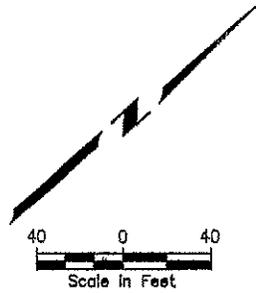
BOUNDARY DESCRIPTION

Part of the Northwest Quarter of the Northeast Quarter, and part of the Southwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the Northeast Corner of said Northwest Quarter of the Northeast Quarter; Thence along the east line of said Northwest Quarter of the Northeast Quarter, S02°41'53"W, 873.23 feet; Thence S44°04'21"W, 238.25 feet to a set 1/2" rebar with cap stamped MWC 1389 and the Point of Beginning; Thence continuing S44°04'21"W, 501.22 feet to a set 1/2" rebar with cap stamped MWC 1389 on the northeasterly right-of-way of Roberts Boulevard; Thence along said right-of-way, N45°50'51"W, 88.78 feet to a set 1/2" rebar with cap stamped MWC 1389; Thence leaving said right-of-way, N44°02'24"E, 501.01 feet to a set 1/2" rebar with cap stamped MWC 1389; Thence S45°59'07"E, 87.07 feet to the Point of Beginning, containing 1.0 acre, more or less.

FLOOD INFORMATION

Based upon review of FEMA Firm 05131C0145, with a revision date of May 20, 2010, and by graphic plotting only, the subject property is determined to be in zone "X" or area determined to be outside the 0.2% Annual Chance Floodplain.



Basis of Bearings: Bearings are grid, Arkansas State Plane, North Zone, NAD 83, Based Upon City of Fort Smith Monuments.

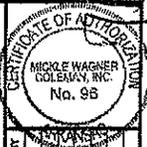
CERTIFICATION

I hereby certify that I have had surveyed this date under my supervision the described property. This property is in accordance with established property lines and any improvements and encroachments are as shown. This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage, or guarantee title thereto and as to them I warrant the accuracy of said survey and map.

Douglas Ray Willock
 DOUGLAS RAY WILLOCK, Professional Surveyor
 Arkansas Registered Professional Surveyor



Survey for: Fort Chaffee Redevelopment Authority
 (Phil Taylor)
 500-07N-31W-0-09-100-65-1369

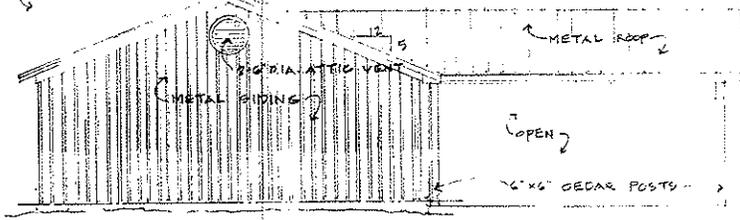
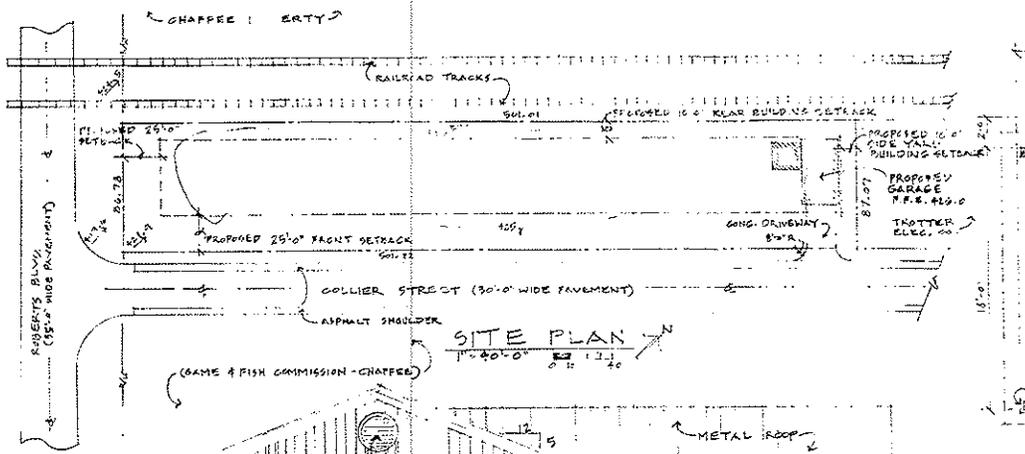


MICKLE WAGNER COLEMAN
 Engineers-Consultants-Surveyors
 2614 Country Club Ave.
 P.O. Box 157
 Fort Smith, Arkansas
 Tel: (479) 684-9881
 Fax: (479) 684-9883
 mcolem@eng.com

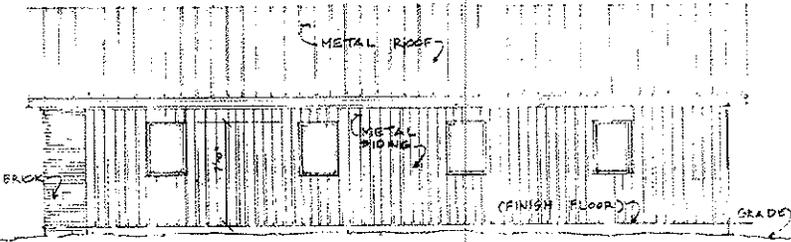
BOUNDARY SURVEY
 PART OF THE NW 1/4, NE 1/4 AND PART
 OF THE SW 1/4, NE 1/4
 SECTION 9, T-7-N, R-31-W
 FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DRAWN BY:	J. OWENS
CHECKED BY:	D. WINDLOR
SCALE:	1" = 40'
DATE:	N/A
JOB NO.:	PHD 1369

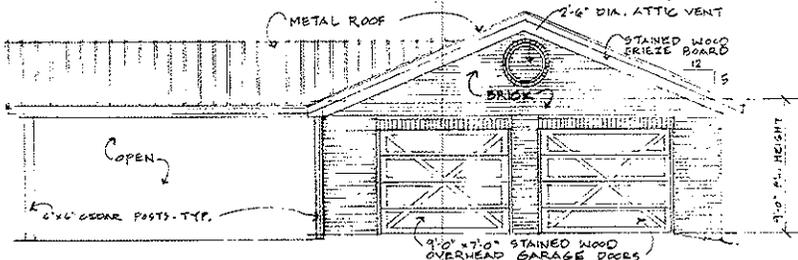
West-Dixie/VCC/Phil Taylor Boundary Survey-11676/VCC/Phil Taylor Boundary Survey-11676 Boundary Survey, Legend, 7/12/2010 4:06:34 PM, LMK



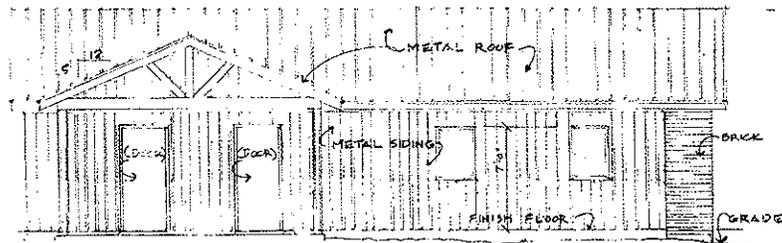
NORTHWEST ELEVATION



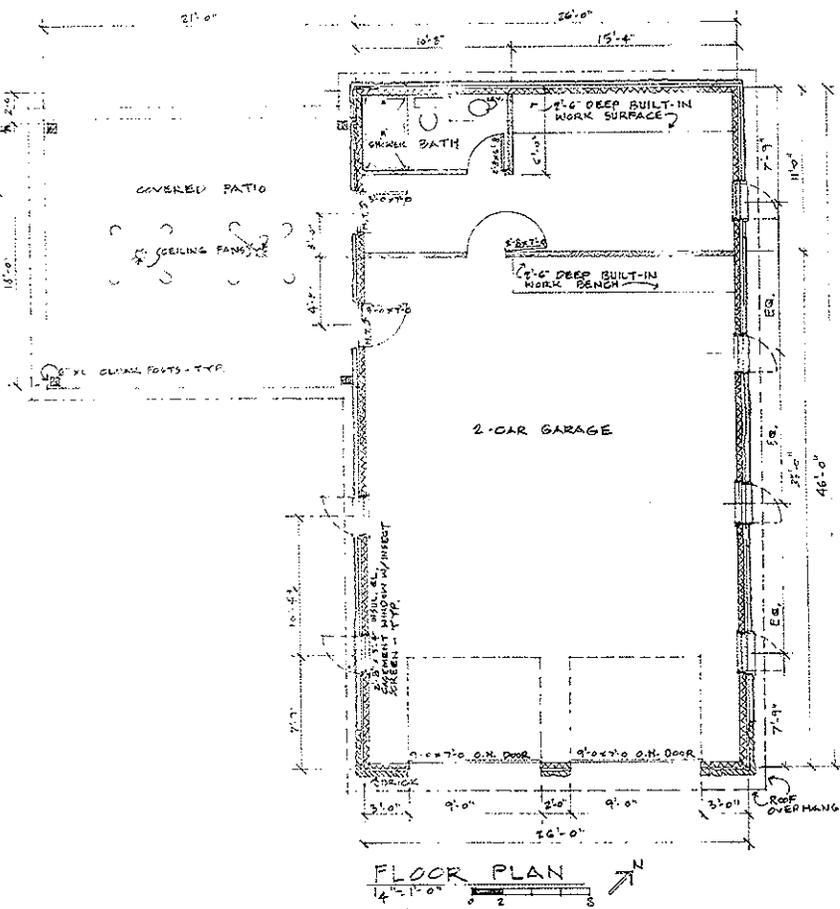
NORTHEAST ELEVATION



SOUTHEAST ELEVATION



SOUTHWEST ELEVATION



FLOOR PLAN

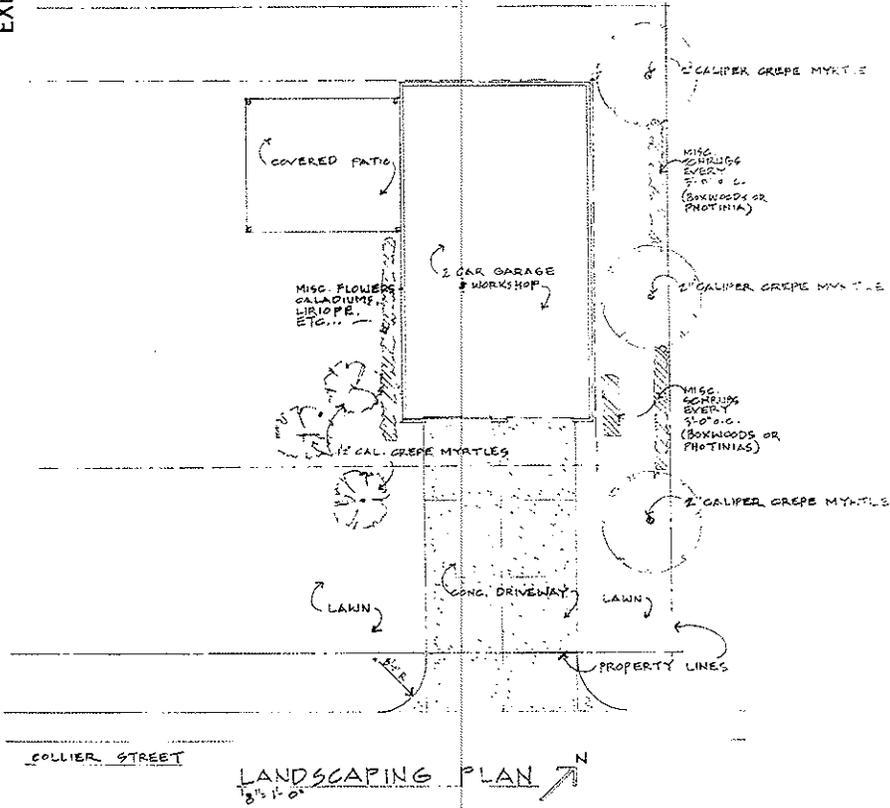
ARCHITECTURE PLUS, INC.
 207 SOUTH 11TH STREET, FORT SMITH, ARKANSAS 72501
 501-783-4889

REVISIONS:
 AUG. 30, 2012

PROJECT: 12-48
 DATE: AUG. 17, 2012
 SHEET 1 OF 2



**A TWO-CAR GARAGE FOR
 JANICE & PHILIP TAYLOR**
 CORNER OF ROBERTS BLVD. & COLLIER STREET
 CHAFFEE CROSSING
 FORT SMITH, ARKANSAS



**A TWO-CAR GARAGE FOR
JANICE & PHILLIP TAYLOR**
CORNER OF ROBERTS BLVD. & COLLIER STREET
CHAFFEE CROSSING
FORT SMITH, ARKANSAS

ARCHITECTURE PLUS, INC.
607 South 7th Street Fort Smith, Arkansas 71703-0006
717-775-1006

REVISIONS:
AUGUST 30, 2012

PROJECT: 12-48

DATE: AUG. 17, 2012

SHEET 2 OF 2



September 25, 2012

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #23-9-12; A request by Tony Leraris, agent, for development plan and zone change from Not Zoned to Commercial Employment Mixed Use (CEMU) by Classification located at 7900 Collier Street.

On September 11, 2012, the City Planning Commission held a public hearing to consider the above development plan and rezoning request.

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow for the development of a multi-purpose building for the owners personal use and storage of boats and other items. Ms. Andrews noted that the use complies with the Chaffee Crossing Redevelopment Plan Future Land Use Plan. Ms. Andrews stated that a neighborhood meeting was held on August 7, 2012, at 11:00 a.m. at the Fort Chaffee Redevelopment Authority offices at 7020 Taylor Avenue and no objections or concerns were expressed at this meeting.

Mr. Tony Leraris was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Chairman Griffin then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

MEMO

To: City Planning Commission

From: Planning Staff

Date: September 4, 2012

Subject: Development Plan – 7900 Collier Street

The Planning Department is in receipt of a preliminary development plan from Tony Leraris, agent, for Phil and Janice Taylor for the construction of a multipurpose building on land currently undeveloped at 7900 Collier Street.

TRACT LOCATION AND SIZE

The subject property is located in Chaffee Crossing on the northwest corner of Roberts Boulevard and Collier Street. The tract contains an area of 1.0 acre with approximately 87 feet of street frontage along Roberts Boulevard and approximately 501 feet of street frontage along the Collier Street.

EXISTING ZONING

The property is currently Not Zoned.

PROPOSED ZONING

The requested zoning is Commercial Employment Mixed Use (CEMU). Characteristics of the CEMU zone are as follows:

Purpose: To provide for residential and commercial mixed use developments to serve the community and provide flexibility and innovation in layout and development designs. The CEMU is appropriate in the Mixed Use Employment, and Commercial Neighborhood classification of the Master Land Use Plan. It is also appropriate in the Mixed Use: Historic Area classification of the Chaffee Crossing Redevelopment Future Land Use Plan.

SURROUNDING LAND USE

The area to the north is not zoned and includes undeveloped land and a site developed as an electrical contractor's shop

The area to the south includes property not zoned and undeveloped and property zoned Industrial Moderate (I-2) and developed as a petroleum distribution facility.

The area to the east is Not Zoned and developed as office use for the Arkansas Game and Fish Commission.

The area to the west is not zoned and developed as railroad tracks and a warehouse.

PROPOSED DEVELOPMENT PLAN

The proposed development plan consists of an approximately 1,200 s.f. one-story multi-purpose building with a 378 s.f. covered patio. The building contains a two-bay garage, bathroom, and workbench areas and will be utilized by the owners for personal use and storage of boats and other items.

INGRESS/EGRESS/TRAFFIC CIRCULATION

It is proposed that ingress and egress into the site will be provided with one approximately 20' concrete driveway on Collier Street.

EASEMENTS/UTILITIES

The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the city's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction.

RIGHT-OF-WAY DEDICATION

No additional right-of-way is required.

SITE DESIGN

Landscaping – The development plan indicates that the area around the building will be landscaped with crepe myrtles, ornamental grasses, and evergreen shrubbery such as boxwoods or photinias.

A companion application has been submitted by the owners requesting a variance from the perimeter landscaping requirement adjacent to Roberts Boulevard. Collier Street is not a public street and is exempt from the perimeter landscaping requirement.

Parking – Parking for the development will be provided by the concrete driveway and two-bay garage.

Signage – No signage is proposed.

Lighting – The development plan did not provide details on exterior lighting. The final development plan must provide details on the proposed exterior lighting that complies with Section 27-602-5 Commercial and Outdoor Lighting requirements.

Architectural Features – The multi-purpose is a traditional architectural design with a gabled metal roof. The front elevation (southeast) facing Collier Street is a brick façade with two stained wood overhead garage doors. The back elevation (northwest) is a metal façade with no window or door openings. The northeast side elevation is a metal façade with an approximately 3' column of brick and four window openings. The southwest

side elevation is a metal façade with an approximately 3' column of brick and two door openings and two window openings. A covered patio area anchored with cedar posts is attached to this side of the building.

A companion application has been submitted by the owners requesting a variance from installing a minimum of 51% of high-quality exterior materials on the rear and side elevations.

Height – The height of the building is 15' at the highest point of the roof.

Setbacks – The development plan indicates the following setbacks: 1) front – 25'; 2) rear – 10'; 3) Side (northeast) – 10'; 4) Side (southwest) – 25'.

Open Space - The CEMU zoning district requires that a minimum of 20% of the land included in the total project area be set aside and maintained as permanent and usable open space. The proposed development consists of 95% open space.

<u>Criteria for Approval of the Development's Design and Layout:</u>	<u>Compliance</u>
1. The proposed development allows a diversity of surrounding land uses which are in close proximity to each other within a limited area. -	YES
2. The proposed development preserves the overall character of the area.	YES
3. The proposed development promotes a balance of land uses.	YES
4. The proposed development promotes the opportunity for people to work, meet, shop, and use services in the vicinity of their residences.	YES
5. The proposed development provides opportunities for the development of housing.	NO
6. The proposed development provides opportunities for a mixture of uses within the same building.	YES
7. The proposed development promotes a pedestrian friendly environment.	NO
8. The proposed development facilitates integrated physical designs.	NO
9. The proposed development promotes a high level of design quality in conformance with the Fort Smith Design Guidelines of Section 27-620 et seq.	NO*

10. The proposed development encourages the development of flexible space for small and emerging businesses. YES

11. The proposed development is responsive to current and future market demands and conditions. YES

*Owners have submitted an application for a variance from high-quality exterior materials.

STAFF COMMENTS

Staff finds that the preliminary development plan essentially complies with the criteria for a Commercial Employment Mixed Use Zoning District and is compatible with the surrounding land uses.

Staff recommends approval of the preliminary development plan with the following conditions:

1. Planning Commission approval of the requested Commercial Employment Mixed Use Zoning District.
2. Board of Zoning Adjustment approval of the variance requests for perimeter landscaping and minimum 51% high-quality materials on the rear and side elevations.
3. All construction must be built in accordance with the submitted development plan.
4. The final development plan must provide details on the proposed exterior lighting that complies with Section 27-602-5 Commercial and Outdoor Lighting requirements.
5. Approval of the development plan and variances by the FCRA/DRC.

Memo

To: City Planning Commission
From: Planning Staff
Date: September 4, 2012
Re: Rezoning #23-9-12 - A request by Tony Leraris, agent, for Phil and Janice Taylor, for Planning Commission consideration of a zone change from Not Zoned to Commercial Employment Mixed Use (CEMU) by classification at 7900 Collier Street (companion to items #7B and #16)

LOT LOCATION AND SIZE

The subject property is located in Chaffee Crossing on the northwest corner of Roberts Boulevard and Collier Street. The tract contains an area of 1.0 acre with approximately 87 feet of street frontage along Roberts Boulevard and approximately 501 feet of street frontage along the Collier Street.

EXISTING ZONING

The property is currently Not Zoned.

REQUESTED ZONING

The requested zoning is Commercial Employment Mixed Use (CEMU). Characteristics of the CEMU zone are as follows:

Purpose: To provide for residential and commercial mixed use developments to serve the community and provide flexibility and innovation in layout and development designs. The CEMU is appropriate in the Mixed Use Employment, and Commercial Neighborhood classification of the Master Land Use Plan. It is also appropriate in the Mixed Use: Historic Area classification of the Chaffee Crossing Redevelopment Future Land Use Plan.

Permitted Uses: Permitted uses and development patterns shall be established in the development plan and approved in the ordinance governing the creation of the district. Permitted uses and development patterns shall be in compliance with the purpose statement.

Specific uses include land uses designed as permitted, accessory, or conditional uses in any of the single family, multifamily, or commercial districts unless limited by the CEMU regulations. The planning commission may recommend and the Board of Directors approve limitations, restrictions, or exclusions of any specific land use, structure, or building type that is not in conformance with the area surrounding the district of purpose statement.

AREA REGULATIONS:

Minimum Development Size

Mixed use development sites shall be two (2) acres in size unless two or more of the following conditions are met:

Criteria for Designation:	Compliance Noted
<ul style="list-style-type: none">• Development is consistent with the Comprehensive Plan and Master Land Use Plan	Development is consistent with Chaffee Crossing's Future Land Use Plan
<ul style="list-style-type: none">• Site is contiguous to or across the street from a location that is a Mixed use project pursuant to UDO regulations.	NO
<ul style="list-style-type: none">• Site is contiguous or across the street from property that is Developed commercial and does not create conditions that lead To strip commercial uses or encroachment into established Residential	Site is across the street from land developed as commercial
<ul style="list-style-type: none">• Land use would not impose adverse impacts on public facilities, utilites, transportation, or storm drainage systems of adjoining Properties	Land use will not adversely impact infrastructure

Setbacks

Commercial and office setbacks shall be established in the individual Mixed Use District through the approval of the development plan.

Height

The height of all buildings shall be established in the individual Mixed Use district through the approval of the development plan.

SURROUNDING ZONING AND LAND USE

The area to the north is not zoned and includes undeveloped land and a site developed as an electrical contractor's shop.

The area to the south includes property not zoned and undeveloped and property zoned Industrial Moderate (I-2) and developed as a petroleum distribution facility.

The area to the east is Not Zoned and developed as office use for the Arkansas Game and Fish Commission.

The area to the west is not zoned and developed as railroad tracks and a warehouse.

LAND USE PLAN COMPLIANCE

The *Chaffee Crossing Redevelopment Plan Future Land Use Plan* currently classifies the site as Mixed Use: Historic Area. The Commercial Employment Mixed Use Zone is compatible with this land use classification.

MASTER STREET PLAN CLASSIFICATION

Roberts Boulevard is classified as a Boulevard Street. Collier Street is a local street, but has not been accepted into the city's street system.

PROPOSED ZONING

The proposed Commercial Employment Mixed Use zoning will allow for the development of an approximately 1,200 s.f. multi-purpose building for the owners personal use and storage of boats and other items. The use complies with the *Chaffee Crossing Redevelopment Plan Future Land Use Plan*.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held August 7, 2012, 11 a.m., at the Fort Chaffee Redevelopment Authority offices at 7020 Taylor Avenue. There were no objections or concerns expressed at the meeting. A copy of the attendance record and meeting summary are enclosed.

Based on compliance with the Commercial Mixed Use Employment regulations, the rezoning is compatible with the land use and surrounding uses. Staff recommends approval of the request contingent upon approval of the companion development plan and variance application.

7A-3

Fort Chaffee Redevelopment Authority

Neighborhood Meeting
Phillip & Janice Taylor Property
August 7, 2012 - 11:00 a.m.

7A-4

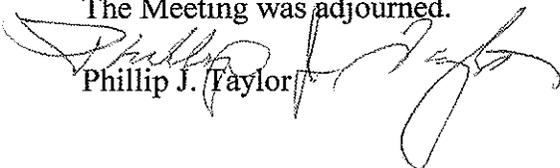
Printed Name	Company/Organization	Phone
Phil Taylor		474-651-3784
Randy Coleman	MVC -	649-2484
Drew Anderson	Fort Smith Planning Dept	784-2216
Bob Cooper	RH Chan	478-6161

Neighborhood Meeting Minutes

A notice was given to owners within 300 feet. The same is attached hereto. Rick Millican of Trotter Electric did respond and his response is attached hereto. Rick did not attend meeting. A copy of the sign in sheet of those in attendance is attached hereto. Randy Coleman also represented the Fort Chaffee Redevelopment Trust.

The meeting was held on August 7, 2012 at 11:00 a.m. in the FCRA conference room at 7020 Taylor Avenue, Fort Smith, Arkansas. Matters discussed were: 1) Collier Street not being a Fort Smith City Street and if we will need an access easement; 2) No landscaping was necessary on Collier Street since the City had not accepted it as a public street; 3) The need to have a sprinkler for landscaping ; and, 4) Landscaping within 20 foot strip along Robert's Blvd. and whether that landscaping will be required since that end of the property is not being developed at this time.

The Meeting was adjourned.


Phillip J. Taylor

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description) Sse attached Exhibit "A"

2. Address of property: 1 acre located at the NW corner of Collier Street and Roberts Blvd. South of 7800 Collier Street, F.S., Ar. *7900 Collier Street*

3. The above described property is now zoned: Not zoned

4. Application is hereby made to change the zoning classification of the above described property to Commercial Employ- ment Mixed Use (CEMU) by Classification (Extension or classification)

5. Why is the zoning change requested?
To purchase and use property

6. Submit any proposed development plans that might help explain the reason for the request. The Same is furnished with this Petition

Anthony "Tony" S. Leraris
Owner or Agent Name
(please print)

Owner: PO Box 3392, FS, Ar. 72913
Agent: 907 So. 21st, F.S., Ar,
Owner or Agent Mailing Address

Owner: 479-651-3784
Agent: 479-783-8395
Owner or Agent Phone Number

Signed:
Phillips J. Taylor
Jessica K Taylor
Owner

or
Anthony S. Leraris
Agent

FCRA Phil Taylor Survey Legal Roberts & Collier

Part of the Northwest Quarter of the Northeast Quarter, and part of the Southwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

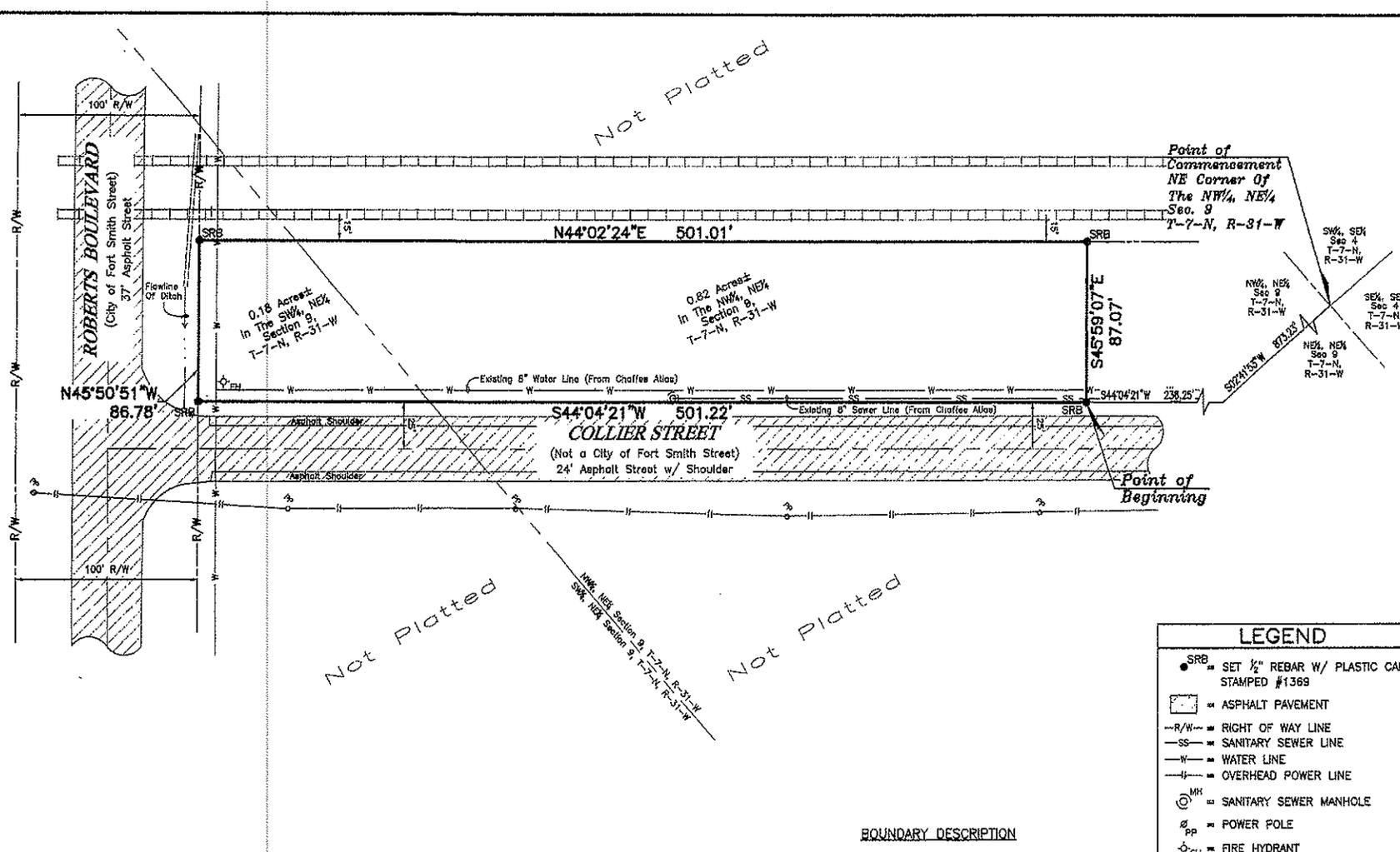
Commencing at the Northeast Corner of said Northwest Quarter of the Northeast Quarter; Thence along the east line of said Northwest Quarter of the Northeast Quarter, S02°41'53"W, 873.23 feet; Thence S44°04'21"W, 236.25 feet to a set ½" rebar with cap stamped MWC 1369 and the Point of Beginning; Thence continuing S44°04'21"W, 501.22 feet to a set ½" rebar with cap stamped MWC 1369 on the northeasterly right-of-way of Roberts Boulevard; Thence along said right-of-way, N45°50'51"W, 86.78 feet to a set ½" rebar with cap stamped MWC 1369; Thence leaving said right-of-way, N44°02'24"E, 501.01 feet to a set ½" rebar with cap stamped MWC 1369; Thence S45°59'07"E, 87.07 feet to the Point of Beginning, containing 1.0 acre, more or less.

Exhibit "A" to Petition

Rezoning #23-9-12: From Not Zoned to Commercial Employment Mixed Use (CEMU)

7900 Collier Street





Not Platted

Not Platted

Not Platted

Point of Commencement NE Corner Of The NW 1/4, NE 1/4 Sec. 9 T-7-N, R-31-W

Point of Beginning

LEGEND	
● SRB	SET 1/2" REBAR W/ PLASTIC CAP STAMPED #1369
▭	ASPHALT PAVEMENT
---R/W---	RIGHT OF WAY LINE
SS	SANITARY SEWER LINE
W	WATER LINE
— —	OVERHEAD POWER LINE
⊙ MH	SANITARY SEWER MANHOLE
⊙ PP	POWER POLE
⊙ FH	FIRE HYDRANT

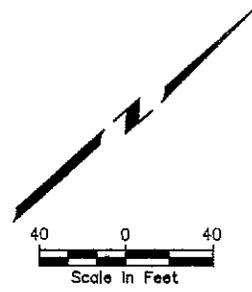
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FLOOD INFORMATION

Based upon review of FEMA Firm 0513100145, with a revision date of May 20, 2010, and by graphic plotting only, the subject property is determined to be in zone "X" or areas determined to be outside the 0.2% Annual Chance Floodplain.

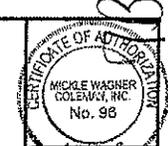


Basis of Bearings: Bearings are grid, Arkansas State Plane, North Zone, NAD 83, Based Upon City of Fort Smith Monuments.

CERTIFICATION

I hereby certify that I have had surveyed this date under my supervision the described property. The property is in accordance with established property lines and any improvements and encroachments are as shown. This survey is made for the exclusive use of the present owners of the property and also those who purchase, mortgage, or guarantee title thereto and as to them I warrant the accuracy of said survey and map.

Douglas Ray Phil Taylor
 DOUGLAS RAY PHIL TAYLOR, Professional Surveyor
 Arkansas Registered Professional Surveyor



BY	
REVISION	
DATE	

Mickle Wagner Coleman
 Engineers-Consultants-Surveyors
 384 Country Club Ave.
 P.O. Box 1507
 Fort Smith, Arkansas
 (479) 649-9461
 Fax (479) 649-9466
 micklemc-eng.com

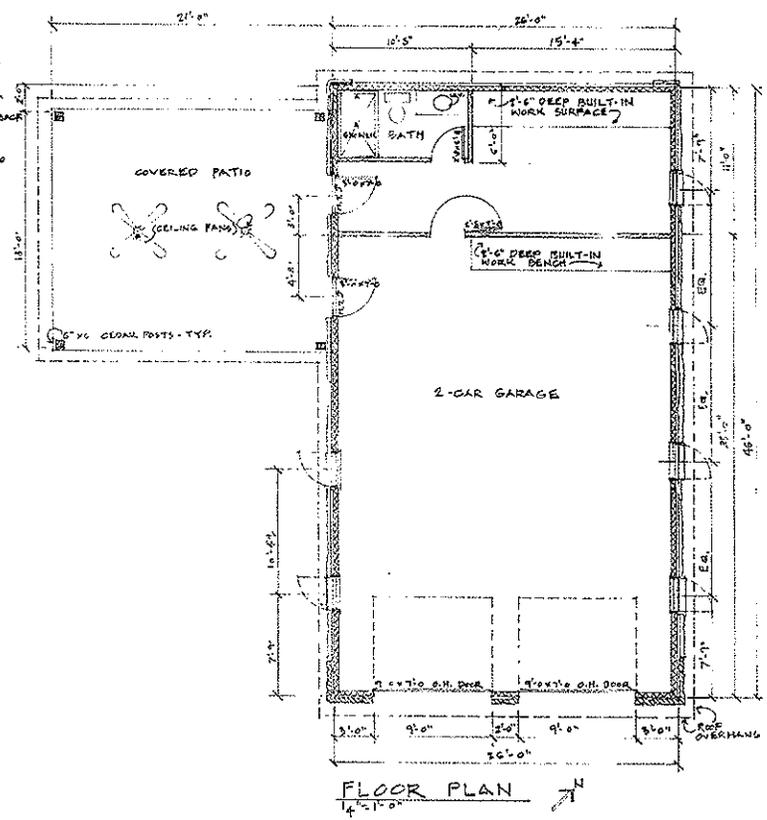
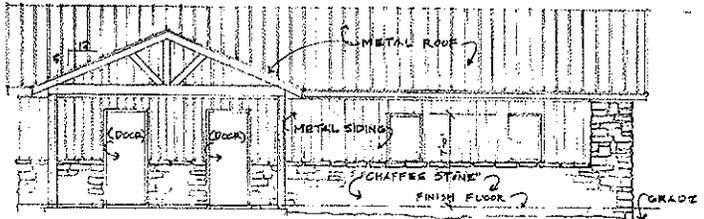
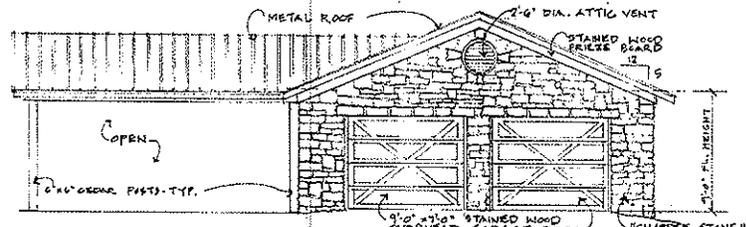
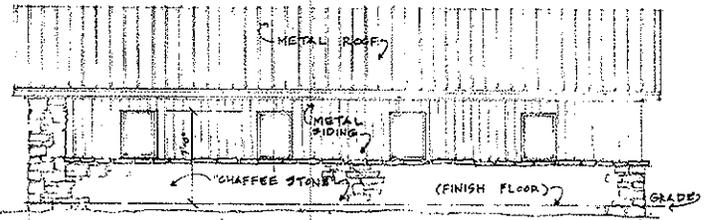
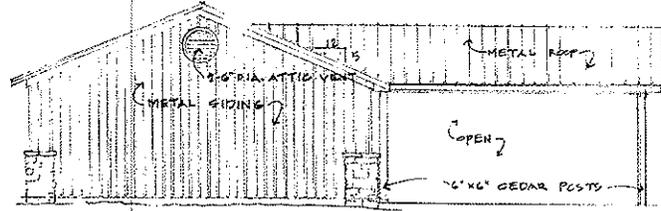
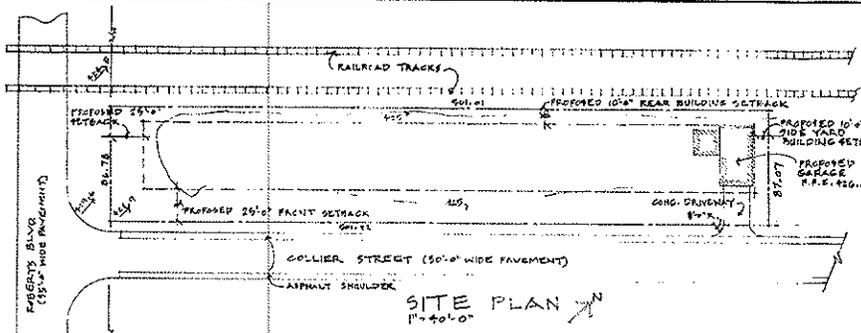
BOUNDARY SURVEY
 PART OF THE NW 1/4, NE 1/4 AND PART OF THE SW 1/4, NE 1/4 SECTION 9, T-7-N, R-31-W FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

DRAWN BY	J. DUNN
APPROVED BY	D. WHEATLOAK
TITLE	1" = 40'
DATE	JULY 2012
JOB NO.	PHD 11678

SHEET 1 OF 1

Survey for: Fort Chaffee Redevelopment Authority (Phil Taylor)
 500-07N-31W-0-09-100-65-1369

Word Online VCR21-Phil Taylor Boundary Survey-11678 Boundary Survey.dwg, 7/12/2012 4:56:54 PM, 141kb



**A TWO-CAR GARAGE FOR
JANICE & PHILLIP TAYLOR**
CORNER OF ROBERTS BLVD. & COLLIER STREET
CHAFFEE CROSSING
FORT SMITH, ARKANSAS

ARCHITECTURE PLUS, INC.
107 SOUTH 10TH STREET
FORT SMITH, ARKANSAS 72530-2000
PH: 479-782-2000

REVISIONS:

PROJECT 12-42
DATE 06-17-2002
SHEET 1 OF 2

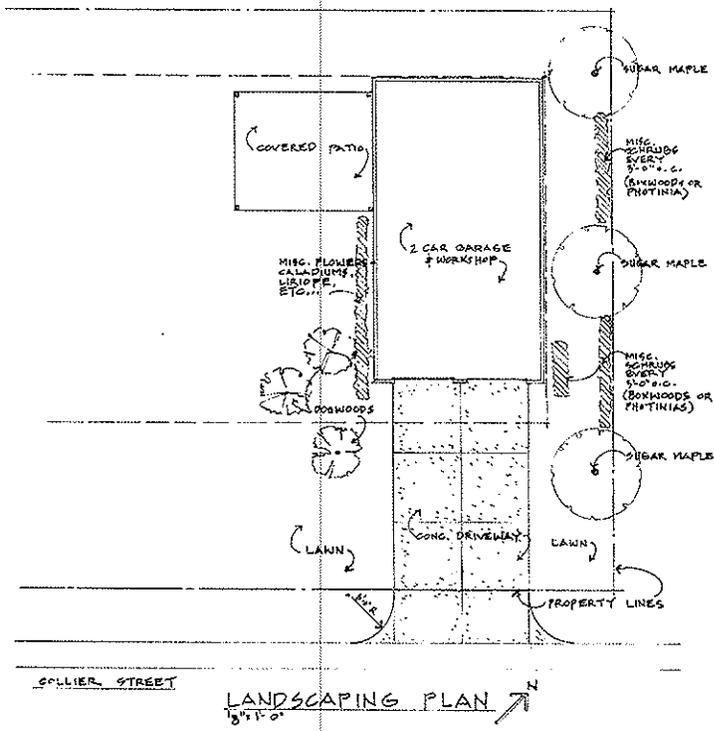
ARCHITECTS - PLANNERS

**A TWO-CAR GARAGE FOR
JANICE & PHILLIP TAYLOR**
CORNER OF ROBERTS BLVD. & COLLIER STREET
CHAFFEE CROSSING
FORT SMITH, ARKANSAS

ARCHITECTURE PLUS, INC.
1017 SOUTH 11TH WEST AVENUE
FORT SMITH, ARKANSAS 72533-2909

REVISIONS:

PROJECT: 12-48
DATE: AUG. 17, 2012
SHEET 2 OF 2



Richard & Jennifer Millican
8308 Canopy Oaks Drive
Fort Smith, AR 72903

Fort Chaffee Redevelopment Trust
P. O. Box 11165
Fort Smith, AR 72917

Mr. Alan Love
Fort Smith Public Schools
P. O. Box 1948
Fort Smith, AR 72902

ORDINANCE NO. _____

AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request No. 24-9-12 to rezone certain properties hereinafter described, and, having considered said request, recommended on September 11, 2012, that said change be made;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1: That the following properties to-wit:

Block U, Fitzgerald Addition, Lots 9-11

more commonly known as 314 South 17th Street, should be, and is hereby rezoned from Transitional (T) to Commercial Light (C-2) by Extension.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:



Publish One Time

September 25, 2012

Honorable Mayor and Board of Directors
City of Fort Smith, Arkansas

Re: Rezoning #24-9-12; A request by Robert Makepeace, agent, for a zone change from Transitional (T) to Commercial Light (C-2) by Extension located at 314 South 17th Street.

On September 11, 2012, the City Planning Commission held a public hearing to consider the above rezoning request.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to facilitate the reuse of a vacant building and parking lot. Ms. Rice stated that the proposed rezoning would facilitate the reuse of the vacant building as a full service bakery and confectionary shop and the agents are proposing to utilize the building without making any additions to the structure. Ms. Rice noted that a neighborhood meeting was held on August 15, 2012, at 2:00 p.m. with two adjacent property owners in attendance.

Mr. Robert Makepeace, 8415 North Highway 59, Van Buren, Arkansas, was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Chairman Griffin then called for the vote on the rezoning request. The vote was 8 in favor and 0 opposed.

The Planning Commission hereby certifies this zoning map amendment to the Board of Directors in accordance with A.C.A. 14-56-422.

Respectfully Submitted,

CITY PLANNING COMMISSION

Steve Griffin, Chairman

SG/lp

cc: File
City Administrator

Memo

To: City Planning Commission
From: Planning Staff
Date: August 28, 2012
Subject: Rezoning #24-9-12; A request by Robert Makepeace, agent for John Canterbury, for Planning Commission consideration of a zone change from Transitional (T) to Commercial Light (C-2) by extension at 314 South 17th Street, companion item to item #15.

LOT LOCATION AND SIZE

The subject property is located on the west side of South 17th Street between South "B" Street and South "C" Street. The site contains approximately 27,860 square feet (.64 acres) with approximately 127 feet of frontage on South "B" Street and approximately 190 feet of frontage on South 17th Street.

EXISTING ZONING

The property is currently zoned Transitional (T).

REQUESTED ZONING

The requested zoning on this tract is Commercial Light (C-2). Characteristics of this zone are as follows:

The C-2 zone was established for business activities located at the edge of residential areas but which serve an area larger than adjacent neighborhoods.

Permitted Uses: A wide variety of retail uses including clothing stores, restaurants, grocery stores and specialty shops. Commercial-2 zones also allow professional offices and multi-family apartments.

Conditional Uses allowed in C-2 zones include churches, schools, day care centers and taverns.

Area Regulations:

Minimum Lot Size - 7,000 square feet
Street Right-of-Way Setback - 25 feet

Density Regulations:

Maximum Lot Coverage - 60%

8A

Interior Side Yard Setback - 10 feet
Rear Yard Setback - 10 feet
Separation of Buildings determined by current City building and fire codes
Maximum Height - 35 feet

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Light (C-2) and is a vacant lot. Across Rogers Avenue the property is developed as the new Regional Art Museum, dry cleaners and doctors office.

The area to the east is zoned Commercial Light (C-2) and developed as shopping center.

The area to the south is zoned Transitional (T) and is developed as an office for Habitat for Humanity and a single family residence.

The area to the west is zoned Transitional (T) and is developed as Academy of Salon & Spa.

PROPOSED REZONING

The proposed zoning will facilitate the reuse of a vacant building.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies this development as Mixed Use Residential. This classification provides for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South "B" Street and South 17th Street as Local Roads. A companion variance application has been submitted to allow a Commercial Light (C-2) access off of a Local Road.

STAFF COMMENTS AND RECOMMENDATIONS

The proposed rezoning will facilitate the reuse of the vacant building as a full service bakery and confectionary shop. The agents are proposing to utilize the building without making any additions to the structure. A neighborhood meeting was held August 15th at 2:00 p.m. with two adjacent property owners in attendance. A summary of the meeting is enclosed.

Staff recommends approval of the rezoning contingent upon approval of the companion variance application.

SB

Rice, Maggie

From: Robert Makepeace [anwenmakepeace@hotmail.com]
Sent: Wednesday, August 15, 2012 4:47 PM
To: Rice, Maggie
Subject: 314 s 17th street meeting

A neighbourhood meeting was held at 2pm Aug 15th at the site of the proposed rezoning (314 S 17th Street) and was attended primarily by the agents Robert D.

Makepeace and Shannon R. Makepeace. Representing the city was Maggie Rice who began and witnessed the meeting.

Two neighbours arrived from lot 8, immediately adjacent to the rezoning in question in order to inquire as to the extent of the rezoning. They showed a desire of opening

a thrift store and had hopes that the proposed changes would benefit them by default. Despite some disappointment that the rezoning would not stretch that far, they gave

their full approval of the rezoning plan for a bakery. The two neighbours returned home.

Jimmy Kliensmidt, consultant and baker (not a neighbouring resident), showed up to join the meeting that was subsequently adjourned with no further questions or

concerns.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Block U Fitzgerald 9-11

2. Address of property: 314 South 17th Street

3. The above described property is now zoned: Transitional

4. Application is hereby made to change the zoning classification of the above described property to C-2 by extension.
(Extension or classification)

5. Why is the zoning change requested?

in order to operate a full line bakery from the locations.

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Robert D. Makepeace
Owner or Agent Name
(please print)

Owner

805 Jayeteville Rd. Van Buren
Owner or Agent Mailing Address AR 72956

or

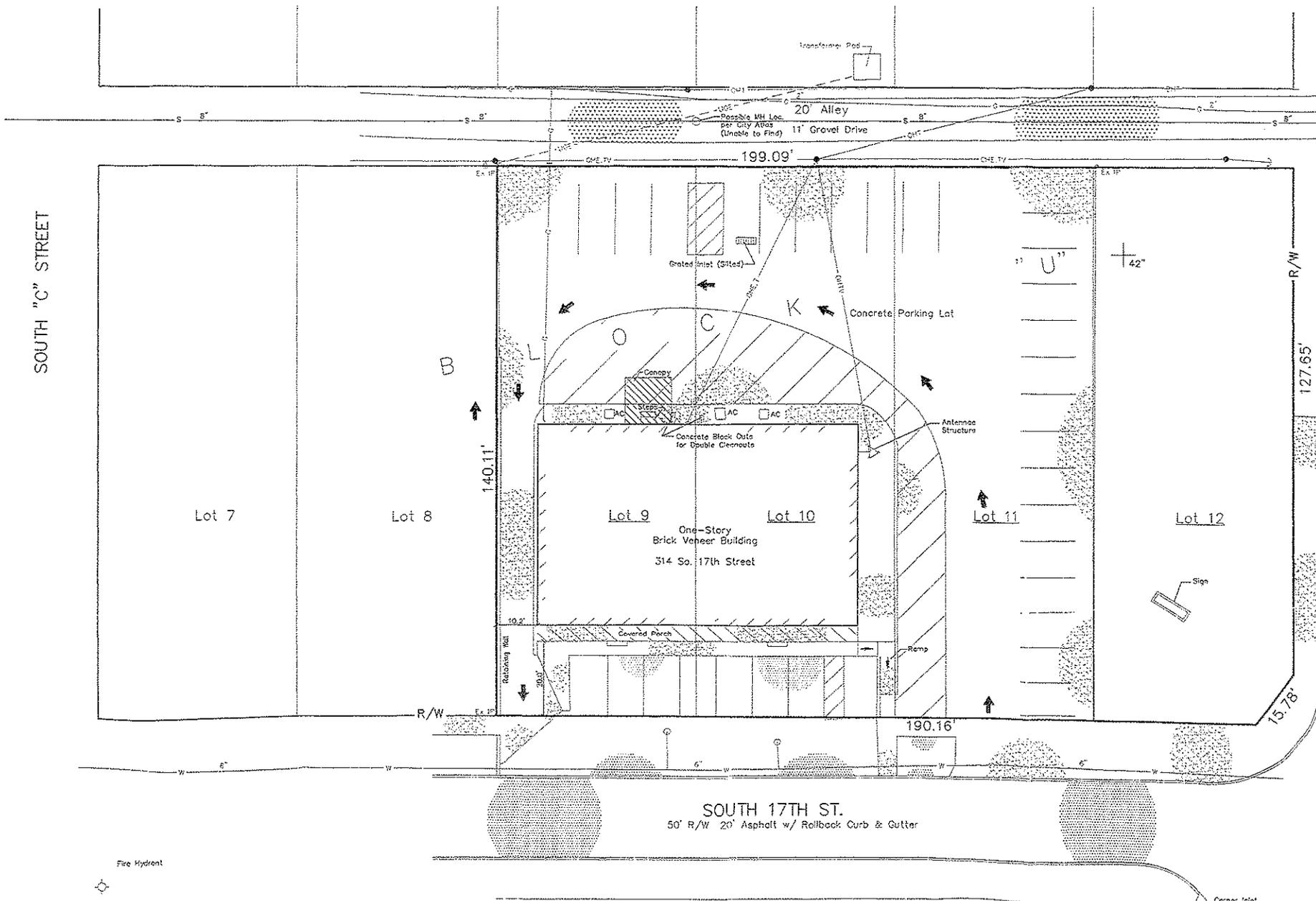
R. W. [Signature]
Agent

(479) 763 5359
Owner or Agent Phone Number

Rezoning #24-9-12: From Transitional (T) to Commercial Light (C-2)

314 South 17th Street





Alan & Patricia Anderson
311 South 16th Street
Fort Smith, AR 72901

Heart to Heart Pregnancy
216 N. Greenwood Avenue #A
Fort Smith, AR 72901

Johnson & Sharon Selig
401 South 17th Street
Fort Smith, AR 72901

John Canterbury
319 South 18th Street
Fort Smith, AR 72901

Mountain Bar Investments, Inc.
P. O. Box 143
Fort Smith, AR 72902

Albert & Helen Standiford
301 South 16th Street
Fort Smith, AR 72901

Jesus Resendiz
5117 Lovette Lane
Fort Smith, AR 72904

Fort Smith HMA, LLC
c/o Property Valuation Service
14400 Metcalf Avenue
Overland Park, KS 66223

Robin Westphal Clegg
109 North 6th Street
Fort Smith, AR 72901

Alan & Patricia Anderson
311 South 16th Street
Fort Smith, AR 72901

Fort Smith Art Center, Inc.
423 North 6th Street
Fort Smith, AR 72901

Eugene & Teija Nelson
2301 South 65th Street
Fort Smith, AR 72903

Michael & Karen Lindemann
822 Fayetteville Road
Van Buren, AR 72956

Heather Parks
323 South 17th Street
Fort Smith, AR 72901

Next Step Day Room, Inc.
P. O. Box 3814
Fort Smith, AR 72913

United Way of Fort Smith, Inc.
320 South 18th Street
Fort Smith, AR 72901

Uptown Shop-n-Go
1523 Rogers Avenue
Fort Smith, AR 72901

Louis & Leisa Gramlich
1614 North "A"
Fort Smith, AR 72901

American Home Investors, Inc.
1223 Viewpoint Drive
Fayetteville, AR 72701

Arkansas Valley Habitat
318 South 17th Street
Fort Smith, AR 72901

Hannah House, Inc.
P. O. Box 3644
Fort Smith, AR 72913

Van Hoang
3008 South 106th Circle
Fort Smith, AR 72903

MJR Management, LLC
523 Garrison Avenue
Fort Smith, AR 72901

Medical Office Buildings of AR
P. O. Box 17006
Fort Smith, AR 72917

William Thompson, et al
P. O. Box 818
Fort Smith, AR 72902

Mountain Bar Investments, Inc.
P. O. Box 143
Fort Smith, AR 72902

Charles & Marilyn Click
2023 Hendricks Blvd.
Fort Smith, AR 72903

James & Barbara Saviers
400 South 18th Street
Fort Smith, AR 72901

JC Jordan Properties LLC
1520 Rogers Avenue
Fort Smith, AR 72901

Carole J. Bercher Living Trust
2209 North 47th Terrace
Fort Smith, AR 72903

Otis Adams, Jr.
222B South 16th Street
Fort Smith, AR 72901

Tree of Life Foundation
Melody Miner
P. O. Box 1672
Fort Smith, AR 72902

Mr. Alan Love
Fort Smith Public Schools
P. O. Box 1948
Fort Smith, AR 72902

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on September 11, 2012, that said changes be made; and,

WHEREAS, three (3) copies of October 2012 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH THAT:

SECTION 1: The October 2012 Amendments to the Unified Development Ordinance (Industrial Land Use Amendments – Appendix A) are hereby adopted.

SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack

of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

Memorandum

To: Ray Gosack, City Administrator
From: Wally Bailey, Director of Development Services
Date: 9/20/2012
Re: Industrial Land Use Amendments -- Appendix A
Unified Development Ordinance

After receiving several questions concerning land uses permitted in the Industrial land uses, the planning staff conducted research and reviewed the land uses allowed in the Industrial zoning districts within Appendix A of the Unified Development Ordinance.

We compared the uses allowed in the previously existing ordinance, contacted the Chamber of Commerce for assistance with manufacturing designations/descriptions and we spent time as a staff reviewing land uses based on the questions we receive. We also examined some of the conditional uses and recommended changing many from conditional to permitted uses.

The proposed amendments expand, broaden and add more clarity for land uses permitted in Industrial zones. We presented this information to the Planning Commission at the September 11, 2012, meeting. We did not receive any negative comments regarding our recommendation. The Planning Commission voted 9-0 to recommend the amendments to the Board of Directors.

An Ordinance will be presented to The Board of Directors at the October 2, 2012 regular meeting. Before the regular meeting, we will present the amendments for review at the September 25, 2012 study session. We will be prepared to discuss the amendments with the Board in more detail at the study session.

All changes are highlighted on the attachment. Strikethrough indicates a deleted text. Underline indicates new text.

Please contact me if you have any questions.

OCTOBER 2012
AMENDMENTS TO THE UNIFIED
DEVELOPMENT ORDINANCE

Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	
Professional Services																											
	Abstract services															P	P	P	P	P	P	P	P	P			
	Accounting, tax, bookkeeping, payroll															P	P	P	P	P	P	P	P	P			
	Advertising and media services															P	P	P	P	P	P	P	P	P			
	Architectural, engineering															P	P	P	P	P	P	P	P	P			
	Carpet and upholstery cleaning																				P	P	P	P	P	P	
	Consulting services															P	P	P	P	P	P	P	P	P			
	Extermination and pest control																					P	P	P	P	P	
	Graphic, industrial, interior design															P	P	C	P	P	P	P	P	P	P	P	
	Investigation and security services																				P	P	P	P	P	P	
	Janitorial services																				P	P	P	P	P	P	
	Legal services															P	P	P	P	P	P	P	P	P	P	P	
	Medical laboratory																						C-P	C-P	C-P	C-P	
	Medical laboratory (no animal research/testing)																						C	C	C	C	
	Offices, corporate															P	P	P	P	P	P	P	P	P	P	P	
	Offices, general															P	P	P	P	P	P	P	P	P	P	P	
	Property management services (office only)															P	P	P	P	P	P	P	P	P	P	P	
	Real estate agency															P	P	P	P	P	P	P	P	P	P	P	
	Travel arrangement and reservation services															P	P	P	P	P	P	P	P	P	P	P	
Administrative Services																											
	Business support services															P	P	P	P	P	P	P	P	P	P	P	
	Collection agency															P	P	P	P	P	P	P	P	P	P	P	
	Employment agency																				P	P	P	P	P	P	
	Employment agency (day labor)																					P	P	P	P	P	
	Facilities support services															P	P	P	P	P	P	P	P	P	P	P	
	Office and administrative services															P	P	P	P	P	P	P	P	P	P	P	
	Telemarketer/call center																				P	P	P	P	P	P	
Food Services																											
	Bar or tavern																		C	C	C	P	P	P			
	Beer garden																			C	C	C	P	C			
	Catering service																		P	P	P	P	P	P			
	Food distribution center																							P	P		
	Mobile food services																					P	P	P	P		
	Restaurant															P		C	P	P	P	P	P	P			
	Restaurant (with drive-in services)																				P	P	P	P			
	Restaurant (with drive-through services)																		C	P	P	P	P	P			
	Restaurant (with outdoor dining)																		C	C	C	C	P	C			
	Vending																					P	P	P	P		
Personal Services																											
	Bail bonds office																					P	P	P	P		
	Barber shop/salon/spa/massage services															P		C	P	P	P	P	P	P			
	Laundry (commercial/industrial)																							P	P	P	
	Laundry and cleaning facilities (self-service)																							P		P	

Appendix A

		Districts										T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	
		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T1,2,3					
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H						
	Laundry, cleaner																					
	Laundry, cleaner (drop-off station)																					
	Photocopy shop																					
	Photography studio																					
	Print shop																					
	Shoe repair shop																					
	Tailor shop																					
	Tanning salons																					
	Tattoo/body piercing parlor																					
	Weight loss centers																					
	Pet and animal services																					
	Animal and pet services (indoor)																					
	Animal and pet services (outdoor)																					
	Animal shelter																					
	Equestrian facilities																					
	Kennels																					
	Pet cemetery																					
	Pet shop																					
	Pet supply store																					
	Veterinary clinic (no outdoor kennels)																					
	Veterinary clinic (with outdoor kennels)																					
	Automobile Parking Facilities																					
	Parking garage																					
	Parking lot (commercial)																					
	Parking lot (off site)																					
	Manufacturing and Wholesale Trade																					
	Food, Textiles and Related Products																					
	Animal food processing																					
	Clothing manufacturing																					
	Food and beverage processing																					
	Leather and allied products																					
	Textiles																					
	Tobacco manufacturing																					
	Wood, Paper and Printing Products																					
	Cabinet and woodwork shop																					
	Furniture or home furnishings																					
	Manufacturing, boxes/containers/corrugated																					
	Manufacturing, packaging material																					
	Paper and printing materials																					
	Wood products manufacturing plant																					
	Chemicals, Metals, Machinery, and Electronics Mfg.																					
	Acid manufacturing																					
	Asphalt or concrete batching plant (permanent)																					

Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4	
	Chemicals, plastics and rubber industry																										C	C-P	
	Electrical equipment, appliance and components mfg.																									P	P	P	
	Explosives manufacturing																											C	
	Foundry or metal-works facility																										C-P	P	
	Laboratory (manufacturing)																								P	P	P	P	
	Machine, welding, or sheet metal shop																								P	P	P	P	
	Nonmetallic manufacturing																										C	P	
	Petroleum and coal products																											C	
	Pharmaceutical manufacturing																								P	P	P	P	
	Refinery																											C	
	Tire retreading																											P	
	Miscellaneous Manufacturing																												
	Auto manufacturing																										P	P	
	Barge and ship manufacturing																											P	
	Boat manufacturing																								P	P	P	P	
	Dolls, toys, games, musical instruments																									P	P	P	
	Jewelry and silverware																									P	P	P	
	Manufacturing, batteries																								P	P	P	P	
	Manufacturing, fibergass																										P	P	
	Manufacturing, foam products																										P	P	
	Manufacturing, heavy																										P	P	
	Manufacturing, light																								P	P	P	P	
	Manufacturing, medium																										P	P	
	Manufacturing, motors, drives, and generators																										P	P	
	Office supplies																									P	P	C-P	
	Wholesale Trade Establishment																												
	Durable goods																								P	P	P	P	P
	Electrical, plumbing, heat & air conditioning																										P	P	
	Nondurable goods																								P	P	P	P	
	Warehouse and Storage Services																												
	Auto salvage yard																											P	
	Building materials salvage yard																										P	P	
	Bulk petroleum storage																											C-P	
	Container storage																							P	P	P	P	P	
	Mini storage warehouse																							P	P	P	P	P	
	Packaging and distribution center																										P	P	
	Petroleum distribution facility																									C	C-P	C-P	
	Portable storage Unit																								P	P	P	P	
	Vehicle storage yard																								P	P	P	P	
	Warehouse																									P	P	P	
	Transportation, Communication, Information and Utilities																												
	Transportation Services																												
	Airport																									P	P	P	

Appendix A

		Districts																								
		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T 1,2,3									
	Bus station and terminal																									
	Courier and messenger services																		C	P	P	P	P	P	P	P
	Ferry boat facility																							P	P	P
	Heliport																				A	A	A	P	P	P
	Limousine service																					P	C	P	P	P
	Mail services																		C	C	P	P	P			
	Marina																						P	P	P	P
	Motor freight terminal																							P	P	P
	Moving and storage																							P	P	P
	Moving company																					P		P	P	P
	Pipeline transportation																								P	P
	Port facility																								P	P
	Rail transportation																						P	P	P	P
	Taxicab service																						P	P	P	P
	Communications and Information																									
	Commercial communication towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C	C	P	P	P	C	P	P
	Data processing facility																		C		P	P	P	P		
	Motion pictures and sound recording studios																				P	P	P	P	P	P
	Printing commercial/industrial																						P	P	P	P
	Telecommunications and broadcasting studios																				P	P	P	P	P	P
	Utilities and Utility Services																									
	Amateur radio transmitting towers			C	C	C	C	C	C	C	C	C	C	C	C				C	C	P	P	P	C	P	P
	Electric power plant																							C	C	P
	Hazardous waste treatment and disposal																									C
	Incinerator																									C-P
	Nuclear power plant																									C
	Radio, television, and microwave transmitting towers																			C	P	P	P	C	P	P
	Recycling center																							C	P	P
	Recycling collection station																			C	C	C	C	C	P	P
	Sanitary landfill																									P
	Solid waste collection																								P	P
	Utility shop, storage yard or building																						C	P	P	P
	Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	P	P	P
	Wastewater treatment plant																								P	P
	Arts, Entertainment, and Recreation																									
	Performing Arts or Supporting Establishments																									
	Drive-in theater																						C			
	Movie theater																									
	Performance theater																P									
	Carnival or circus (temporary with permit)																			P	P	P	P	P	P	P
	Fairground/rodeo ground																							P	P	
	Museums and Other Special Purpose Recreational Institutions																									
	Historical or archaeological institution																P						C			

Appendix A

		Districts																									
		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	
		P = Permitted Use, C = Conditional Use, A = Accessory Use																									
	Museum			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3										
	Zoos, botanical gardens, arboreta																P										
	Amusement, Sports, or Recreation Establishment																										
	Amusement center (indoor)																		P	P	P	P	P				
	Amusement center (outdoor)																		C	C	P	P	P	P			
	Convention/Event center																				P	P	P				
	Bingo parlor																										
	Casino gaming business																										
	Country club	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C					
	Dance hall/night club																				P	P	P				
	Private club																				P	P	P				
	Race track																										
	Fitness, Recreational Sports, Athletic Club																										
	Bowling alley																										
	Community recreation center											C	C	C	C	C				C	P	P	P				
	Driving range (outdoor)																										
	Golf course			C	C	C	C	C	C	C	C	C	C	C	C						C	P	P				
	Pistol Range (Indoor)																										
	Health club																P				C	C	P	P	P		
	Fitness studio																P				P	P	P				
	Indoor Games Facility																										
	Miniature golf course																										
	Pool hall																										
	Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																				C	C	C	P	P		
	Skating rink																				P	P	P				
	Sports complex/athletic field																										
	Swimming pool																										
	Water park																										
	Camps, Camping, and Related Establishments																										
	Camps, camping, and related establishments																										
	Natural and Other Recreational Parks																										
	Park or playground (public and nonpublic)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C					
	Education, Public Administration, Health Care and Other Institutions																										
	Educational Services																										
	College, university, or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C				C	C					
	Fine art and performance education																										
	Library or public arts complex			C	C	C	C	C	C	C	C	C	C	C	C		C				C	C					
	Nursery school	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C				C	C					
	Preschool	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C				C	C					
	Primary and secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C				C	C					
	School, business professional																										
	School, technical or trade																										
	Public Administration - Government																										

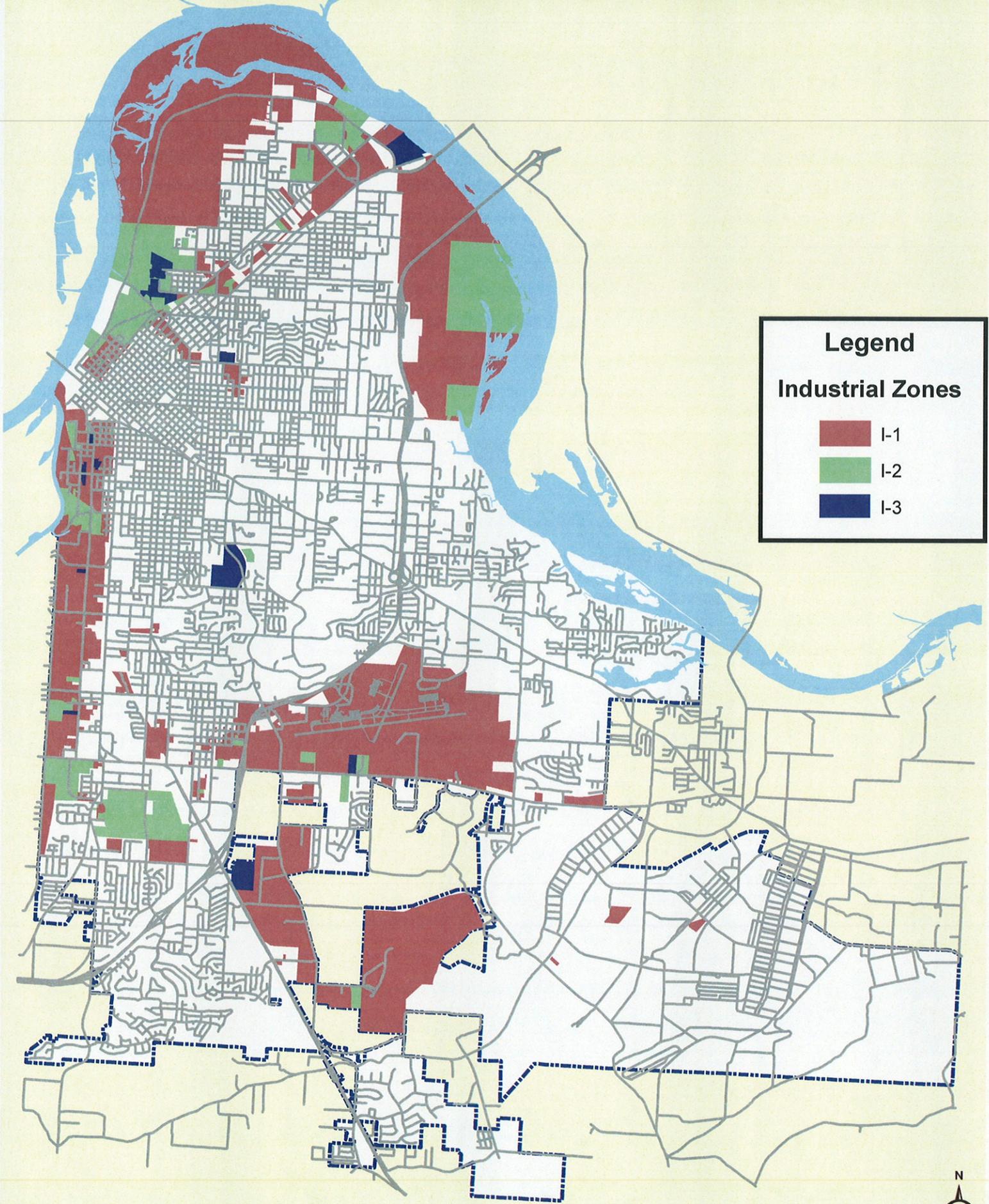
Appendix A

		Districts							RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
		RE3	RE1	RS-1	RS-2	RS-3	RS-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4					
		P = Permitted Use, C = Conditional Use, A = Accessory Use																															
	Criminal justice facility																																
	Detention facility																																
	Government office																																
	Public Safety																																
	Emergency response station																																
	Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	Police station																																
	Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	Health and Human Services																																
	Community health and welfare clinic																																
	Diagnostic laboratory testing facility																																
	Doctor office and clinic																																
	Hospice residential care facility																																
	Hospital																																
	Mental health hospital																																
	Nursing home																																
	Substance abuse treatment facility																																
	Social Assistance, Welfare, and Charitable Services																																
	Child and youth services (office)																																
	Day care Home (12 or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	Day care center																																
	Community food services																																
	Emergency and relief services																																
	Family support services																																
	Senior citizen center																																
	Vocational rehabilitation																																
	Religious Institutions																																
	Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
	Rectory, convent, monastery																																
	Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership																																
	Wedding chapel																																
	Death Care Services																																
	Cemetery, mausoleum, crematorium, funeral home, & mortuary																																
	Monument (manufacturing)																																
	Monument (sales)																																
	Associations, Nonprofit Organizations																																
	Lodge or fraternal organization																																
	Construction-Related Businesses																																
	Contractor's office																																
	Contractor's shop and storage yard																																
	Glass sales and service																																
	Landscaping contractor																																

Appendix A

Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	
P = Permitted Use, C = Conditional Use, A = Accessory Use				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3										
	Sign contractor																					C		P	P	P	
Mining and Extraction Establishments																											
	Coal mining																									C	
	Metallic mining																								C	P	
	Non-metallic manufacturing and mining																								C	P	
Agriculture, Forestry, Fishing, and Hunting																											
	Grain storage and processing																									C	P
	Steekyard Livestock yard, feed lot, holding pens, and auction facility																									C	C
	Commercial grower																						P	P	P	P	
Tanning and Slaughtering of Animals or Fowl																											
	Animal slaughter and processing																									C	C
Note: Section 4-5 of the Fort Smith Municipal Code prohibits the collection or keeping of hogs or swine within the Fort Smith city limits																											
Forestry and Logging																											
Fishing, Hunting and Trapping, Game Preserves																											
	Taxidermy shop																					P		P	P		

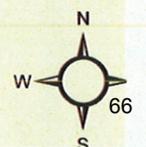
Fort Smith Industrial Zones



Legend

Industrial Zones

- I-1
- I-2
- I-3



RESOLUTION NO. _____

**A RESOLUTION APPROVING AND AUTHORIZING
IMPLEMENTATION OF THE FIVE YEAR (2013-2017)
SALES TAX PROGRAM FOR STREETS, BRIDGES
AND RELATED DRAINAGE IMPROVEMENTS AND
IMPLEMENTATION OF THE 2013 SIDEWALK PROGRAM**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The Five Year (2013-2017) Sales Tax Program for streets, bridges and related drainage improvements as identified and specified in the attachment hereto is hereby approved.

SECTION 2: The 2013 Sidewalk Program as identified and specified in the attachment hereto is hereby approved.

SECTION 3: The staff is directed to proceed with implementation of the 2013 Sales Tax Program and 2013 Sidewalk Program.

This Resolution adopted this _____ day of October, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

MEMORANDUM

To: Ray Gosack, City Administrator

From: Stan Snodgrass, P.E., Director of Engineering

Subject: Five Year Capital Improvement Program (2013-2017)
Streets, Bridges and Drainage Sales Tax Funds
and the 2013 Sidewalk Program

Date: September 27, 2012

Attached is a summary of the 5-Year Capital Improvement Program for the street, bridge and drainage sales tax funds and the 2013 Sidewalk Program. This was reviewed with the Board of Directors at the September 25 study session. The funding for the streets, bridges and drainage program is provided by the one-cent sales tax. Funding for the sidewalk program is generated from building permit assessment fees. Determination of projects is based on numerous factors including citizen input, interdepartmental requests, pavement rating of streets, rating of sidewalks and input from the Board of Directors.

The proposed program includes a combination of neighborhood street improvements, major street projects, local and basin wide drainage improvements, traffic signals and sidewalk improvements. The program totals \$38.5 million for the year 2013 and \$135 million for the five year period from 2013 to 2017. The five year plan supports the Board's goals of neighborhood vitality, riverfront development, jobs creation and beautification.

The attached spreadsheet outlines the anticipated revenues and expenditures for the various projects. A narrative description, project lists and exhibits for some of the projects shown on the spreadsheet are also included.

A Resolution to approve and implement the 5-year (2013-2017) Sales Tax Program for streets, bridges and related drainage improvements and the 2013 Sidewalk Program is attached. I recommend that the resolution be adopted by the Board at the next regular meeting.

Enclosure

CITY OF FORT SMITH

9/27/12

Five-Year Capital Improvement Program for Streets Bridges and Drainage (2013-2017) and Sidewalk Program (2013)

	2012	2013	2014	2015	2016	2017
Beginning Balance	15,527,826	20,811,879	7,375,748	4,045,929	589,000	891,304
Current Year Revenues						
Sales Tax	19,903,772	20,202,329	20,505,364	20,915,471	21,333,780	21,760,456
Grants/Other Participation	1,867,633	4,851,428	4,178,398	228,398	428,398	408,398
Interest	5,136	11,662	3,620	2,202	526	562
Total - Current Year Revenues	21,776,541	25,065,419	24,687,381	21,146,071	21,762,704	22,169,416
Total Funds Available	37,304,367	45,877,298	32,063,129	25,192,000	22,351,704	23,060,720
1 Street Overlays & Reconstruction	4,544,218	9,310,528	7,000,000	7,000,000	9,500,000	9,500,000
2 Neighborhood Drainage Improvements	1,274,635	8,902,945	1,000,000	1,000,000	2,250,000	2,250,000
3 Town Branch / Carnall Drainage	195,714	1,500,000	500,000	0	0	1,000,000
4 May Branch Outfall Culvert Replacement	200,000	5,300,000	0	0	0	0
5 North B Truck Route	6,000	190,000	1,710,000	0	0	0
6 Intersection and Signal Improvements	710,437	450,000	300,000	300,000	300,000	300,000
7 Spradling Extension at Riverfront Drive	0	170,000	1,700,000	1,530,000	0	0
8 Jenny Lind Road - Zero to Cavanaugh	700,000	3,300,000	9,000,000	8,000,000	0	0
9 Dallas St. (Massard to 91st)	0	300,000	0	0	0	0
10 May Branch Drainage Project	140,000	900,000	1,500,000	2,500,000	4,600,000	4,500,000
11 Levee Certification & Repair	2,621,722	2,449,000	0	0	0	0
12 Streetscape - Garrison Av. & Towson Av.	2,489,841	560,000	0	0	0	0
13 Overlays/Drainage by Street Department	150,000	150,000	150,000	150,000	150,000	150,000
14 Aerial Mapping	50,000	550,000	0	0	0	0
15 Traffic Studies	48,000	25,000	25,000	25,000	25,000	25,000
16 Sidewalk Program	284,019	200,000	200,000	200,000	170,000	160,000
17 FCRA Development	482,802	1,476,077	1,000,000	1,000,000	1,000,000	1,000,000
18 FSHA - Street & Drainage	0	0	1,100,000	0	0	0
19 Jenny Lind - Dallas to Phoenix	0	0	0	0	500,000	500,000
20 Engineering Dept. and Other Depts.	2,505,100	2,568,000	2,632,200	2,698,000	2,765,400	2,834,500
21 Contingency	90,000	200,000	200,000	200,000	200,000	200,000
TOTAL	16,492,488	38,501,550	28,017,200	24,603,000	21,460,400	22,419,500
Ending Balance	20,811,879	7,375,748	4,045,929	589,000	891,304	641,220

Grants/Other Participation

Jenny Lind Road - Zero to Cavanaugh	83,815	2,600,000	3,900,000	0	0	0
Streetscape - Garrison and Towson	950,000	1,270,000	0	0	0	0
McClure Drive (FCRA)	205,526	363,030	0	0	0	0
Flagstone Road Ext. (FCRA)	25,875	300,000	0	0	0	0
Jenny Lind Road - Dallas to Phoenix	0	0	0	0	250,000	250,000
Sidewalk Fund	602,417	318,398	278,398	228,398	178,398	158,398
TOTAL	1,867,633	4,851,428	4,178,398	228,398	428,398	408,398

**Five Year Capital Improvement Program (2013-2017)
Streets, Bridges and Drainage Sales Tax Funds
and 2013 Sidewalk Program**

**Descriptions of Selected Projects
September 19, 2012**

- 1. Street Overlays and Reconstruction.** The proposed 2013 projects are shown on the attached list and exhibits. The total length of streets to be improved is approximately 7.3 miles. The estimated cost for the 2013 street overlays and reconstruction projects is \$6.2 million. The total cost shown in 2013 is \$9.3 million which includes \$3.1 million in ongoing construction for the 2012 projects. (See pages 5-8)
- 2. Neighborhood Drainage Improvements.** The projects identified in the 2013 drainage program include neighborhood drainage improvements in the areas shown on the attached list and exhibits. The total estimated cost for this work is \$2.4 million and includes 8 different locations. The majority of these projects are associated with structure flooding. The total cost shown for the neighborhood drainage projects in 2013 is \$8.9 million which includes \$6.5 million of remaining work for the 2012 drainage projects. (See pages 9-11)
- 3. Town Branch - Carnall Drainage.** This project is associated with the flooding that occurs in the downtown area and areas just north of downtown. The Town Branch area is a subbasin to the May Branch watershed. The \$2.0 million split between 2013 and 2014 is for improving the upstream outfall beginning at the South G Street/Towson intersection and extending to the west. This outfall is currently restricted which is contributing to the flooding in the downstream areas. (See page 12)
- 4. May Branch Outfall Culvert Replacement.** The May Branch outfall culvert is a 12 foot diameter culvert that was constructed approximately 100 years ago. It serves as the outlet for the May Branch drainage basin. The culvert is severely deteriorated and in need of replacement. This project includes replacement of approximately 1300 feet of the culvert. Construction plans have been completed and the project is currently being advertised for construction bids. This section of culvert will still be required in association with the future May Branch drainage project. (See page 13)

5. **North B Street Truck Route.** This project is the modification of North B Street from 5th Street west to Riverfront Drive to accommodate two way truck traffic. This is in lieu of the current one way split that exists along this section of North A and B Streets. The project is based on the concept of closing a section of North A Street between North 1st and 2nd Streets to add more green space and allow for construction of a splash pad. The total estimated cost of \$1.9 million includes \$1.2 million for intersection and radius improvements at North 5th and B Streets plus an additional \$700,000 to improve the remaining sections of North A Street which would be removed from the truck route. This cost does not include any property or right of way acquisition costs, but does include demolition of the building at the southwest corner of North 5th and B Streets. This street work is being designed in 2013 with construction scheduled for 2014. (See page 14)

6. **Intersection and Signal Improvements.** This project includes replacement of the traffic signals at the intersections of North 10th Street with both North “A” and “B” Streets. Also included with this item is the proposed construction of a new traffic signal at the intersection of Zero Street with Ben Geren Park which will serve the traffic associated with the new water park. (See page 15)

7. **Spradling Avenue Extension at Riverfront Drive.** This project includes the new construction of Spradling Avenue eastward from Riverfront Drive. The project is being designed in two phases. Phase 1 will serve the proposed ball fields on the City’s 51 acre tract. Phase 2 will extend the street further east and tie to the existing Spradling Avenue at North 23rd Street. (See page 16)

8. **Jenny Lind Road - Zero to Cavanaugh Road.** This project includes improvements to Jenny Lind Road between Zero and Cavanaugh Road. It also includes improvements to Ingersoll Avenue from U.S. Hwy 271 to Jenny Lind and the extension of Ingersoll Avenue from Jenny Lind to U.S. Highway 71B. Plans are generally complete and the appraisal and right of way acquisition process is ongoing. Approximately 55 tracts of properties are affected. Thirteen tracts have been acquired, eight have offers that have been submitted, twenty one have appraisals that are under review by the AHTD, eleven have appraisals that have not been finalized and there are two that we are seeking donations on. Construction is expected to begin in late 2013. Federal funding in the amount of \$7.2 million will benefit this project. (See page 17)

9. **Dallas Street – Massard Road to 91st Street.** This project includes removal and replacement of the severely cracked sections of concrete pavement and then diamond grinding of the street surface to improve the smoothness. This \$300,000 project is estimated to extend the life of the street several years. (See page 18)

10. May Branch Drainage Project. This project is to reduce flooding along May Branch from the Arkansas River to Park Avenue. It consists of constructing a drainage channel to replace the existing deteriorated and hydraulically inadequate concrete pipe. The project is currently being designed by the Corps of Engineers. The City continues to lobby for federal funding to assist with the project as the total cost is in excess of \$30 million. The Corps of Engineers have indicated that the most downstream section of the project (from approximately N. 7th Street to the river) can be constructed entirely with City funds with an agreement that the City's cost would be credited towards the future cost sharing on the project when federal funds become available. The Corps of Engineers is preparing an agreement that will allow this to occur. The anticipated construction will follow preparation of final plans, right of way acquisition and utility relocations. Construction of the lower section will reduce flooding for both the lower May Branch area and the Town Branch sub basin. (See page 12)

11. Levee Certification and Repair. This project includes items associated with flood protection and the levee certification evaluation in accordance with federal design criteria. Work is ongoing to repair the washed out section of the Rice Carden levee, replace and repair the floodwall, construct street closure devices and repair of the outlet culverts. The construction contract for the pump station repairs is scheduled for advertisement early next year. (See page 19)

12. Streetscape – Garrison Avenue and Towson Avenue. This project includes the ongoing Garrison Avenue Streetscape along both sides from 9th Street to 13th Street which is scheduled for completion later this fall. It also includes another project that will provide streetscaping along Towson Avenue south of Garrison Avenue and replacement of the traffic signal at Rogers Avenue and Towson Avenue. Federal grants in the amount of \$270,000 will benefit this project. Anticipated construction of the Towson project is in 2013 and this first phase would extend to South "A" Street. (See page 20)

14. Aerial Mapping. This project consists of aerial survey and photogrammetry services for the city limits of Fort Smith and the extra territorial jurisdictional area south of the city, comprising a total area of 90 square miles. The project includes performing aerial photography, providing topographic maps, digital photos, and other related tasks. The current aerial mapping of the city was performed in 2003. This project will provide current aerial mapping data that will be utilized extensively on street and drainage projects.

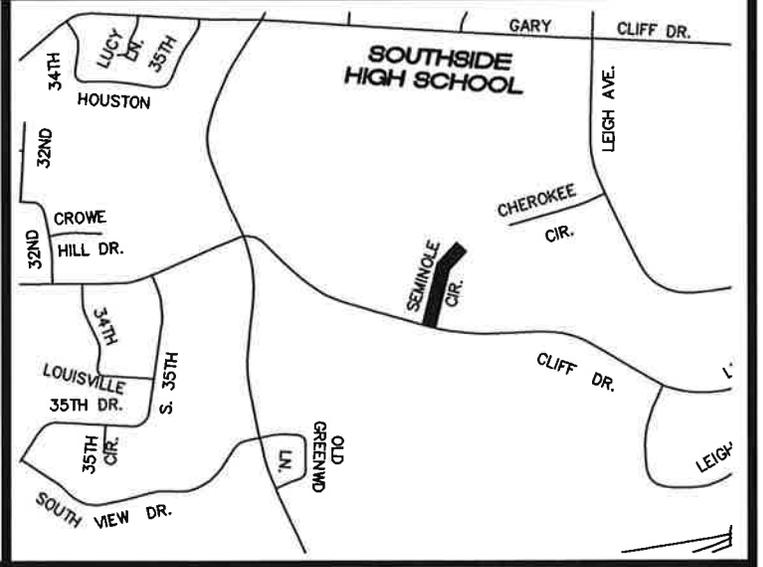
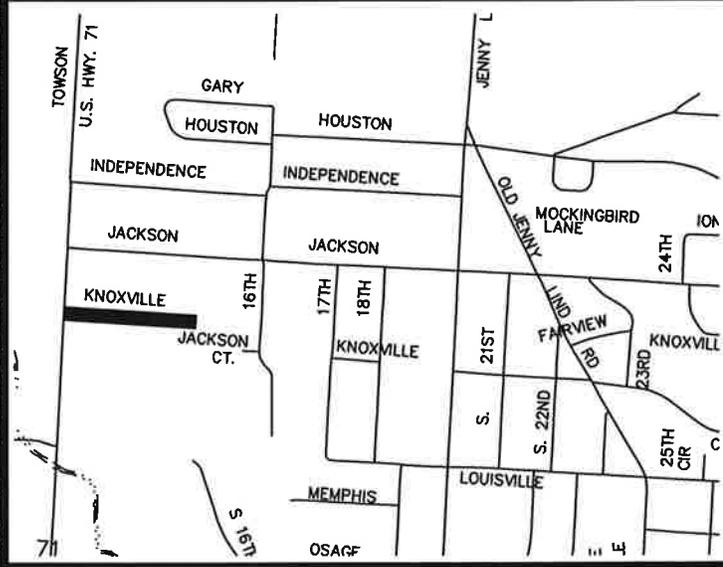
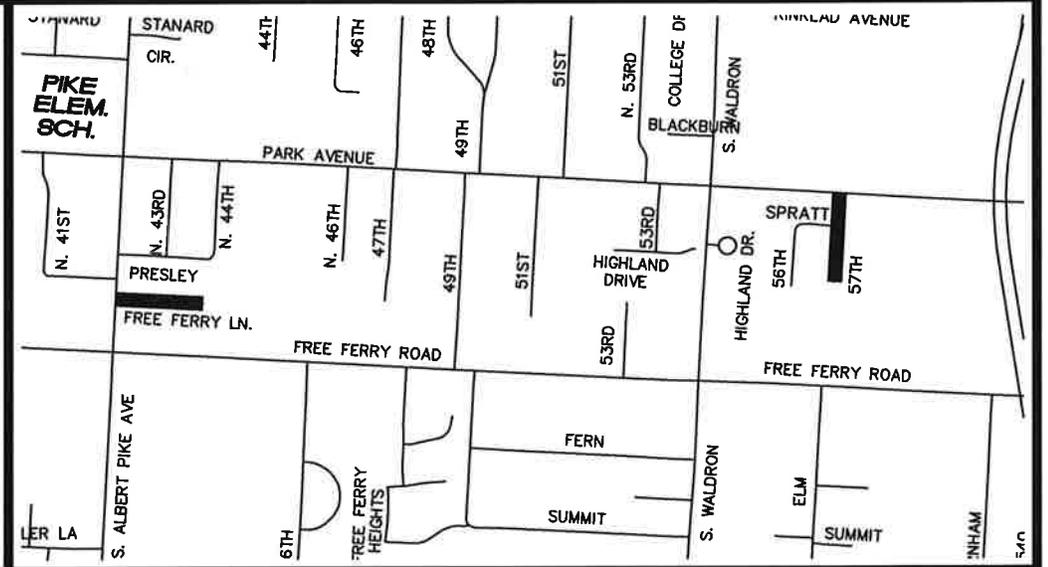
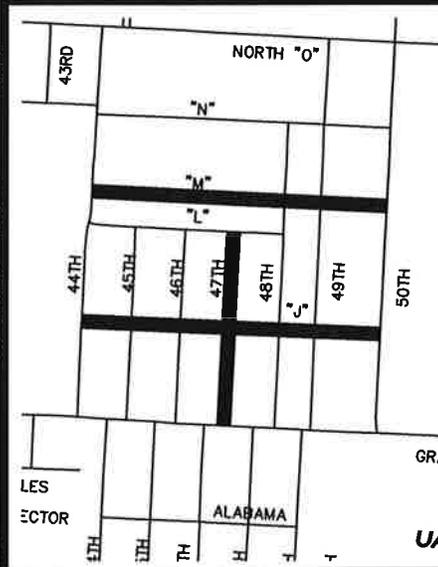
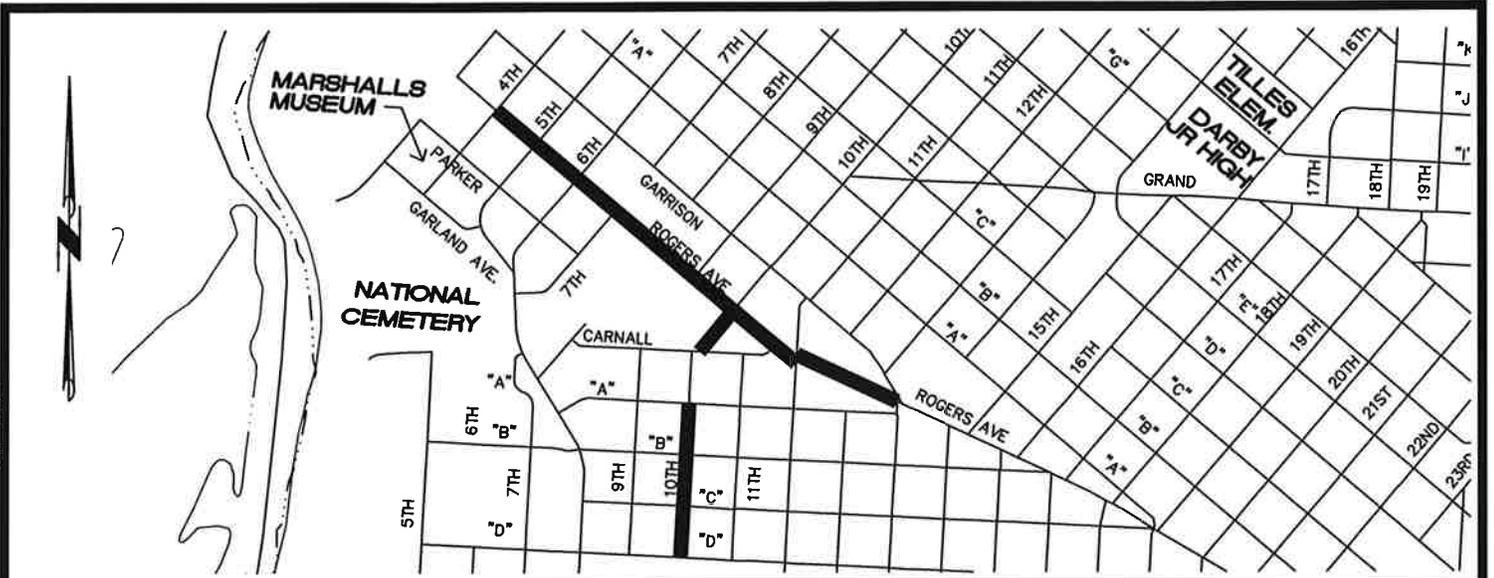
16. Sidewalk Program. The 2013 sidewalk program includes repairing the sidewalks in the locations shown on the attached exhibit. (See page 21)

17. FCRA Development. This item includes the construction of a new street to serve the McClure Amphitheater and an extension of Flagstone Road to serve the Old Dominion freight line terminal. Both of these projects are being cost shared equally with the Fort Chaffee Redevelopment Authority. This item also includes construction of a 500 foot new street section on the west side of Fire Station #11. (See page 22)

18. FSHA – Street and Drainage. This item includes assistance for the street and drainage construction associated with two Fort Smith Housing Authority residential developments. One project is located at the old Bailey Hill Reservoir site and the other is southwest of the current Northpointe housing development.

**2013 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION**

STREET	FROM	TO	LENGTH	COST
FREE FERRY LN.	ALBERT PIKE AVE.	END OF ROAD	591	\$92,196.00
ROGERS AVE.	4TH ST.	14TH ST.	3408	\$1,122,368.00
10TH ST.	CARNALL AVE.	ROGERS AVE.	348	\$60,320.00
ROOSEVELT RD.	VICTORY CR.	CHURCHILL DR.	3230	\$492,180.00
NORTH J ST.	44TH ST.	50TH ST.	2016	\$209,664.00
NORTH M ST.	44TH ST.	50TH ST.	1990	\$206,960.00
47TH ST.	GRAND AVE.	NORTH L ST.	1315	\$136,760.00
57TH ST.	END OF ROAD	PARK ST.	608	\$94,848.00
HARPER DR.	BALL RD.	ST HWY. 45	1052	\$230,972.44
BALL RD.	PLANTERS RD.	HARPER DR..	2770	\$608,168.89
ALLEN LN.	6TH ST.	REED LN.	1438	\$132,935.11
PRYOR AVE.	35TH ST.	36TH ST.	362	\$37,648.00
35TH ST.	KELLEY HWY.	BIRNIE AVE.	666	\$61,568.00
36TH ST.	KELLEY HWY.	BIRNIE AVE.	666	\$61,568.00
SEMINOLE CR.	CLIFF DR.	END OF ROAD	608	\$94,848.00
14TH ST.	US HWY. 71	VICKSBURG ST.	1381	\$303,206.22
VICKSBURG ST.	TOWSON AVE.	14TH ST.	650	\$142,711.11
XAVIER CR.	14TH ST.	END OF ROAD	190	\$41,715.56
33RD ST.	LINDEN ST.	WILLOW ST.	881	\$101,804.44
LINDEN ST.	33RD ST.	MUSSETT RD.	312	\$32,448.00
CAVANAUGH RD.	US HWY. 271	JENNY LIND RD.	2831	\$384,788.44
TAYLOR AVE.	WARD AVE.	TERRY ST.	1535	\$301,542.22
50TH ST.	KELLEY HWY.	WIRSING AVE.	988	\$114,168.89
NORTH R ST.	13TH ST.	14TH ST.	351	\$40,560.00
6TH ST.	REED LN.	HARRIET LN.	2417	\$335,157.33
KNOXVILLE ST.	TOWSON AVE.	END OF ROAD	895	\$93,080.00
39TH ST.	KELLEY HWY.	BIRNIE AVE.	667	\$69,368.00
37TH ST.	JOHNSON ST.	YOUNG ST.	350	\$24,266.67
38TH ST.	JOHNSON ST.	YOUNG ST.	329	\$28,513.33
YOUNG ST.	END OF ROAD	END OF ROAD	1032	\$107,328.00
10TH ST.	SOUTH D ST.	SOUTH A ST.	1051	\$182,173.33
DIVISION ST.	EDWARDS ST.	CHURCHHILL RD.	1675	\$274,444.44
			38603	
TOTAL FOR 2013 STREET OVERLAYS/RECONSTRUCTION PROGRAM				\$6,220,280.44
BALANCE OF 2012 PROJECTS CURRENTLY UNDERCONSTRUCTION				\$3,090,248.00
TOTAL				\$9,310,528.44



2013 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION



Project: 2013 OVERLAYS

Date: SEPT. 2012

Scale: NONE

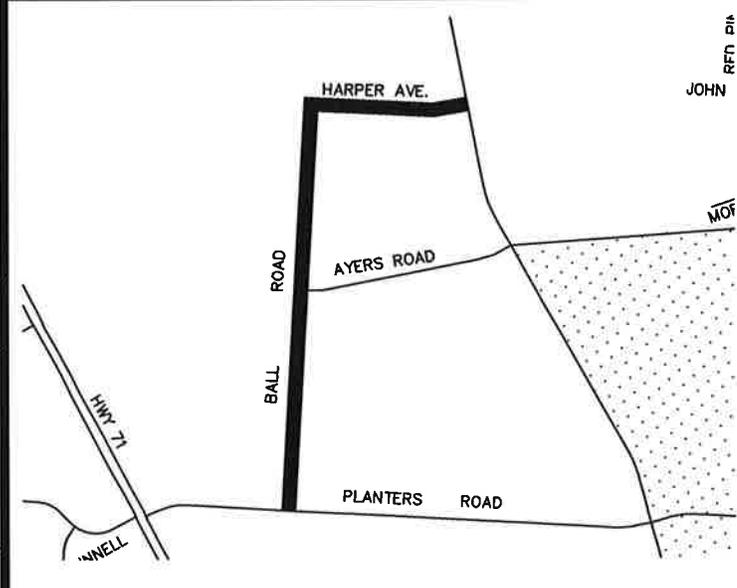
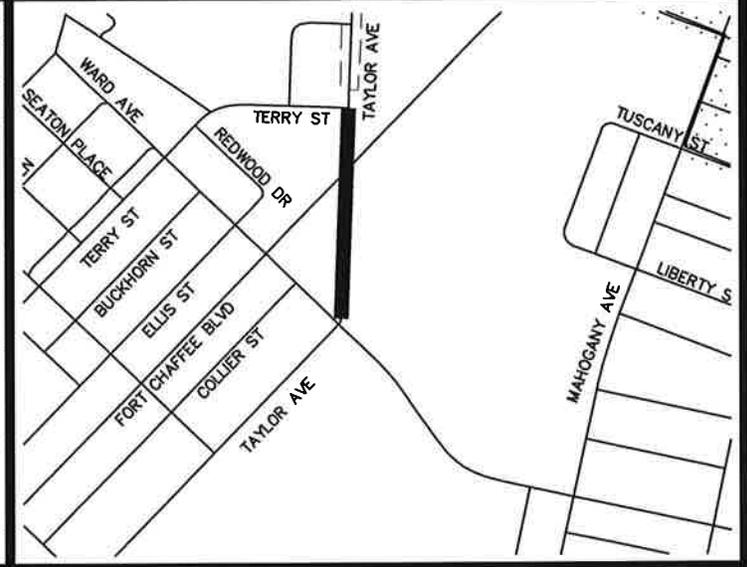
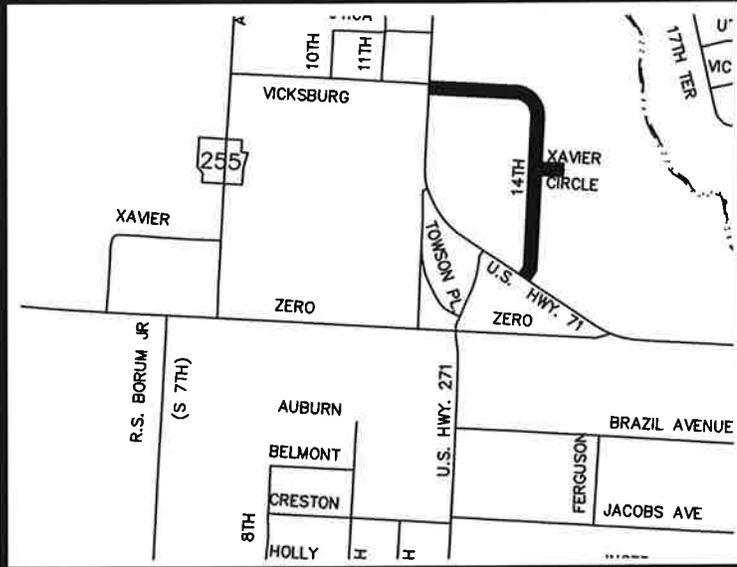
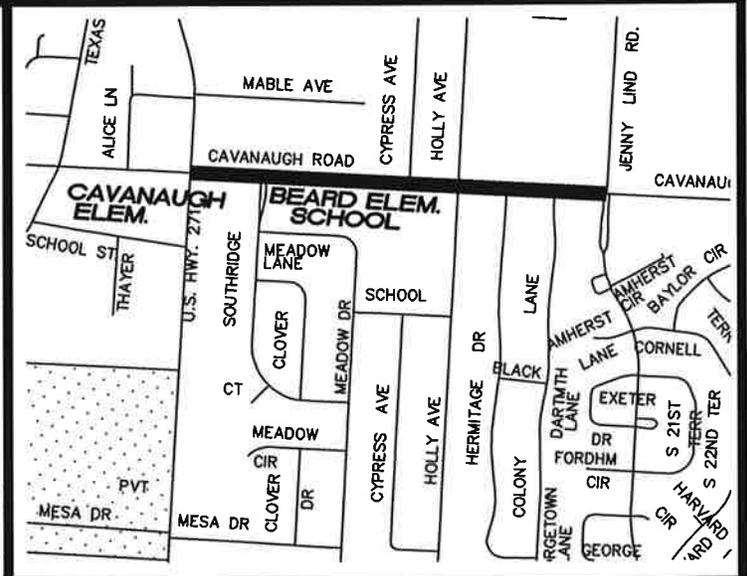
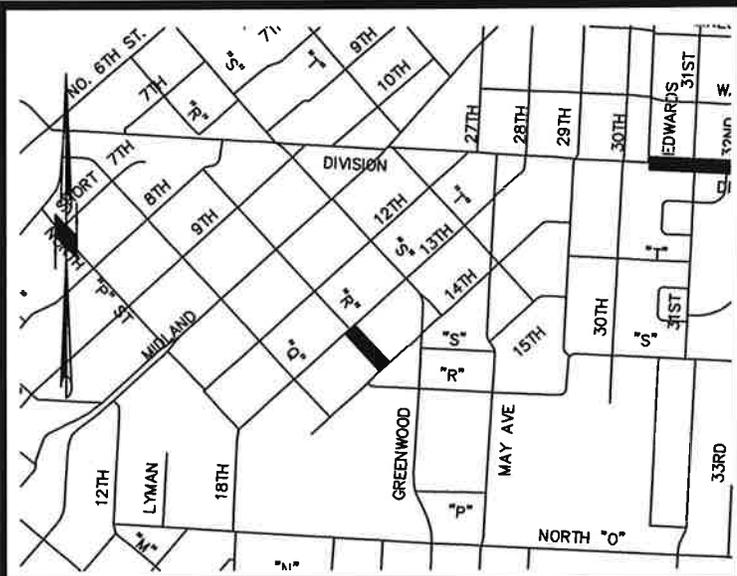
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2013 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION

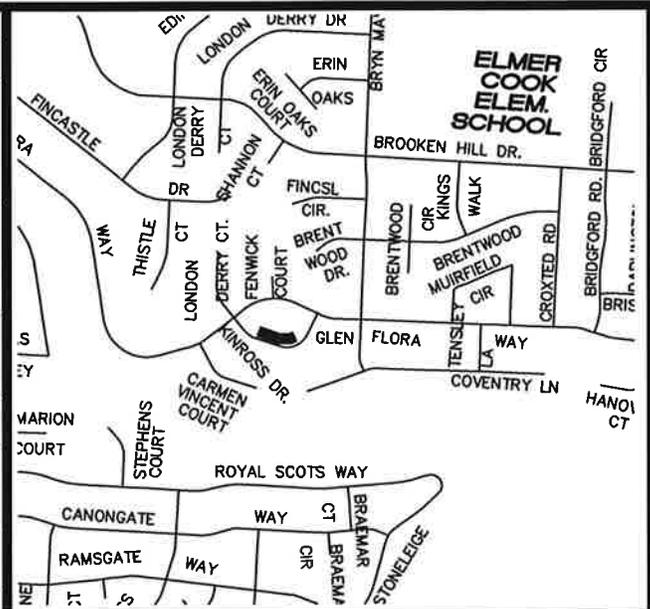
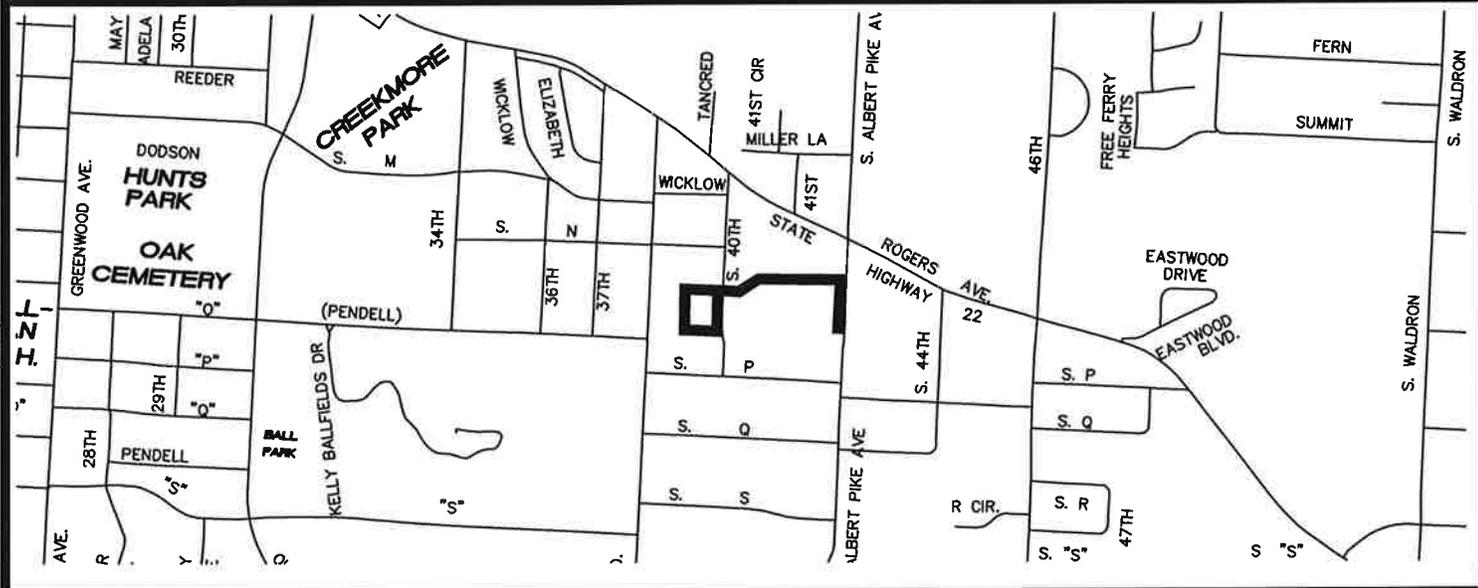
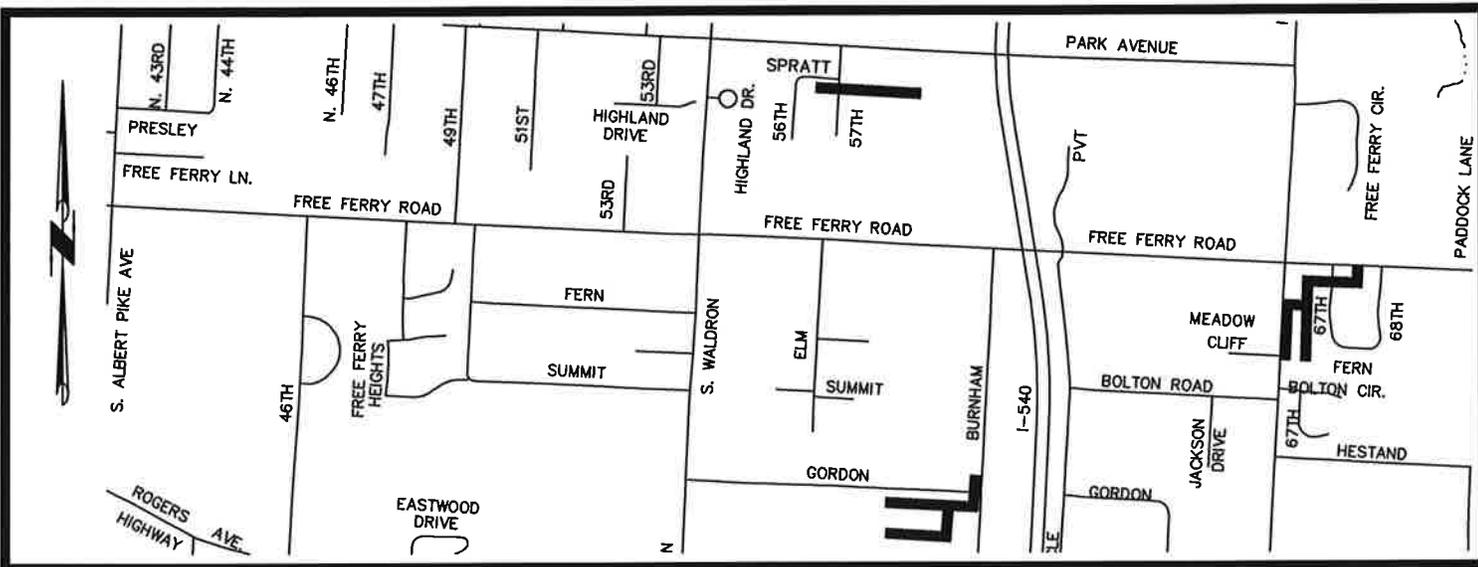


Project: 2013 OVERLAYS
Date: SEPT. 2012
Scale: NONE
Drawn By: RBR

2013 Neighborhood Drainage Projects

Project	Estimated Cost
<p>Knoxville Street & Cliff Drive Area</p> <p>This project will replace an undersized earthen channel and undersized storm drains with a concrete box storm drain. Two houses are experiencing flooding in this area, severe street and yard flooding are occurring, and the existing system is difficult to maintain (see page 11).</p>	<p>\$ 750,000</p>
<p>3300 Block of Kinross Drive</p> <p>This project will add inlets and a storm drain to intercept runoff from the hillside. One house is experiencing flooding in this area, and severe street and yard flooding are also occurring (see page 11).</p>	<p>\$ 70,000</p>
<p>200 Block of North 57th Street</p> <p>This project will add inlets and a storm drain to intercept runoff from the hillside, and it will complete a previous drainage project. Two houses are experiencing flooding in this area, and severe street flooding is also occurring (see page 11).</p>	<p>\$ 150,000</p>
<p>5800 & 5900 Blocks of Gordon Lane</p> <p>This project will replace an undersized earthen channel and driveway culverts with a storm drain and concrete swales. Two houses are experiencing flooding in this area, and severe street and yard flooding are occurring. Erosion has also become a problem in some of the yards and the earthen channel (see page 11).</p>	<p>\$ 320,000</p>
<p>South 66th Street and South 67th Lane Area</p> <p>This project will replace an undersized storm drain, earthen channel, and concrete channel with a concrete box storm drain and concrete channels. Three houses are experiencing flooding in this area, and severe yard flooding is also occurring (see page 11).</p>	<p>\$ 550,000</p>
<p>1500 Block of South 40th Street</p> <p>This project will replace a concrete channel and add earthen channels and storm drains to intercept and carry runoff. Two houses and an apartment complex are flooding in this area, and severe yard flooding is also occurring (see page 11).</p>	<p>\$ 360,000</p>

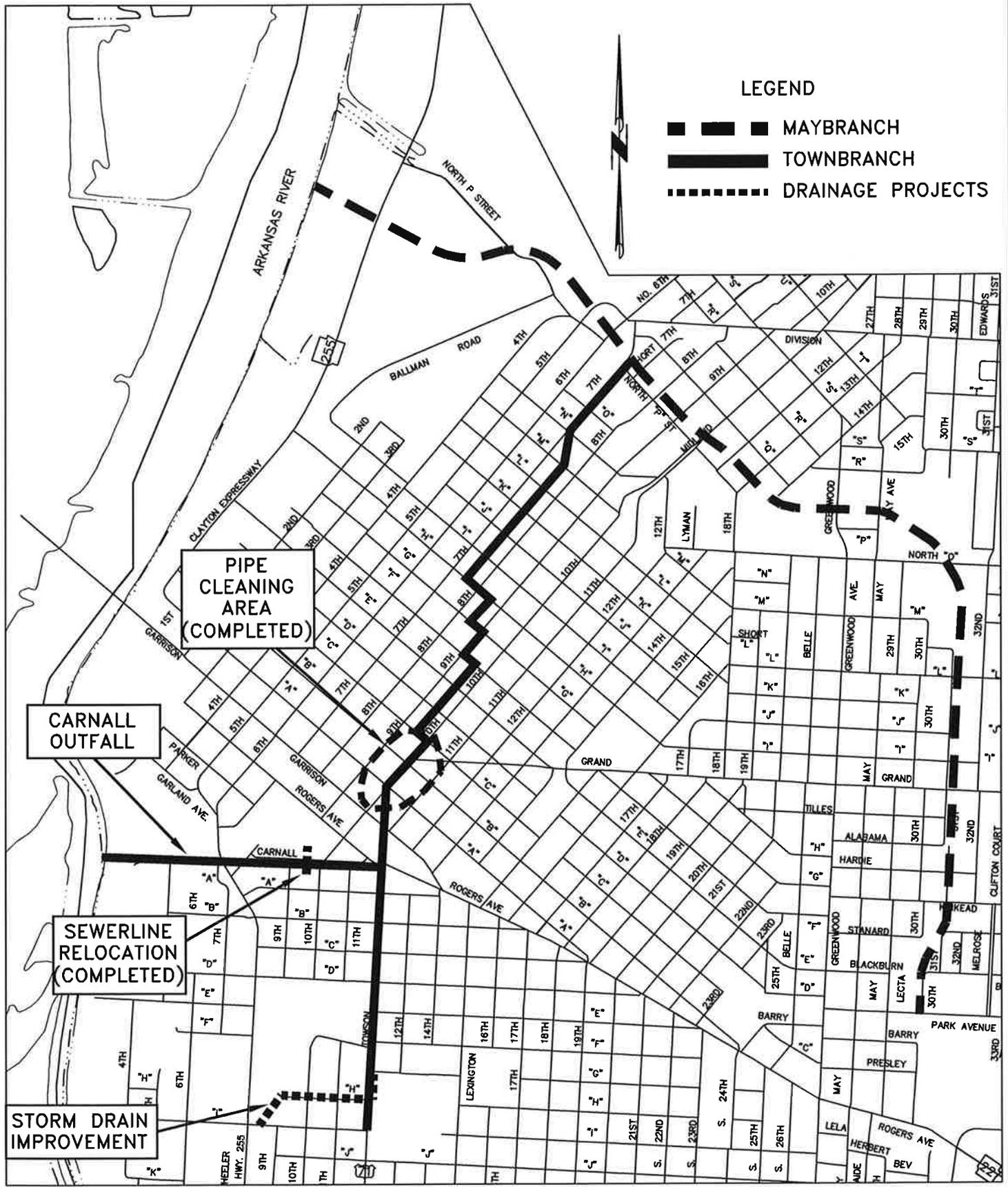
3100 Block of South 100th Street	\$	140,000
<p>This project will replace an undersized earthen channel and storm drain. One house is flooding in this area, and severe yard flooding is also occurring (see page 11).</p>		
3100 Block of South 106th Street	\$	30,000
<p>This project will add a concrete channel to intercept runoff from the adjacent properties. One house is flooding in this area, and severe yard flooding is also occurring (see page 11).</p>		
Total	\$	2,370,000



2013 CAPITAL IMPROVEMENTS PROGRAM
DRAINAGE IMPROVEMENTS



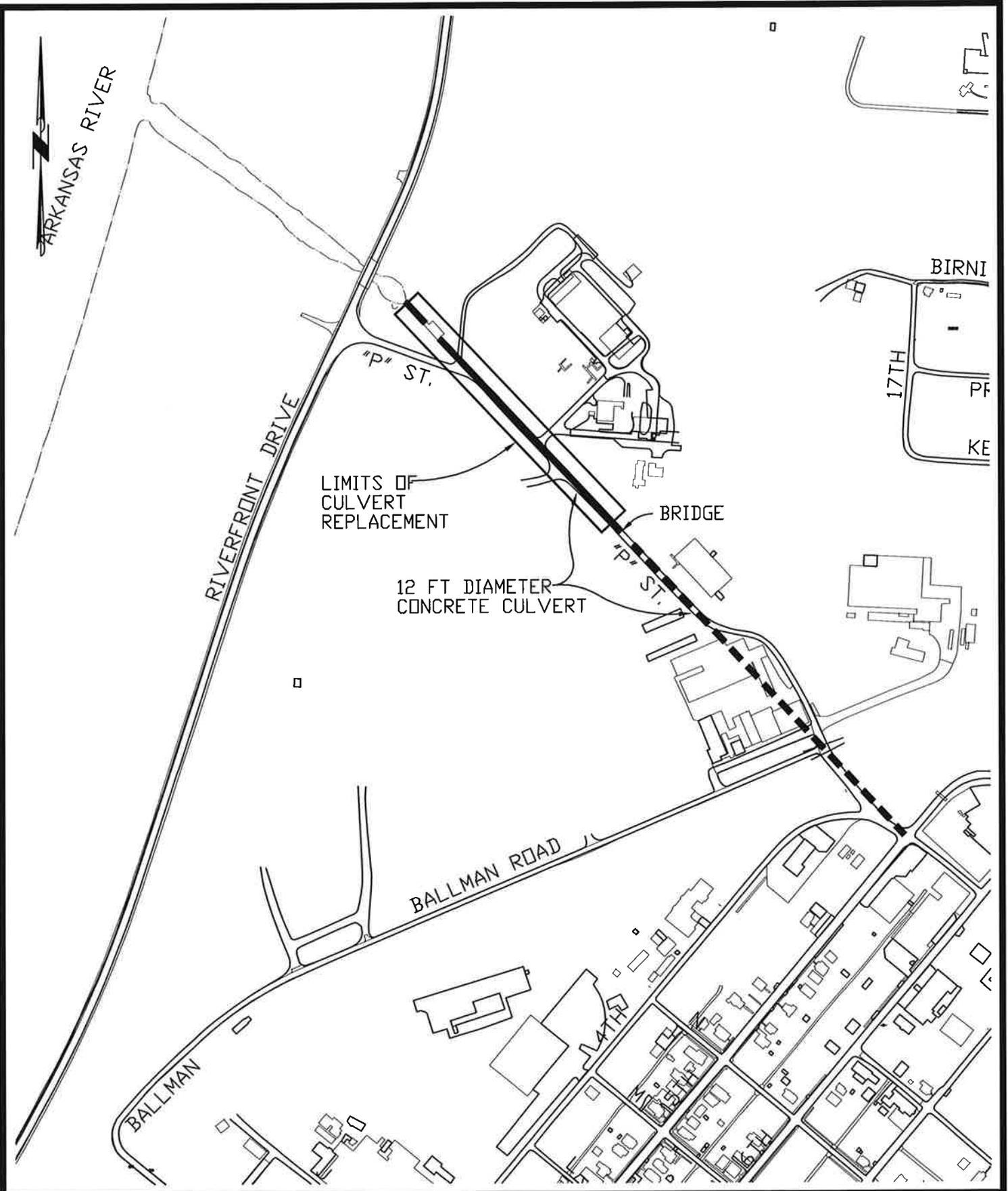
Project:	2013 DRAINAGE
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR
	Page 11



2013 CAPITAL IMPROVEMENTS PROGRAM
 DRAINAGE IMPROVEMENTS
 MAYBRANCH & TOWN BRANCH



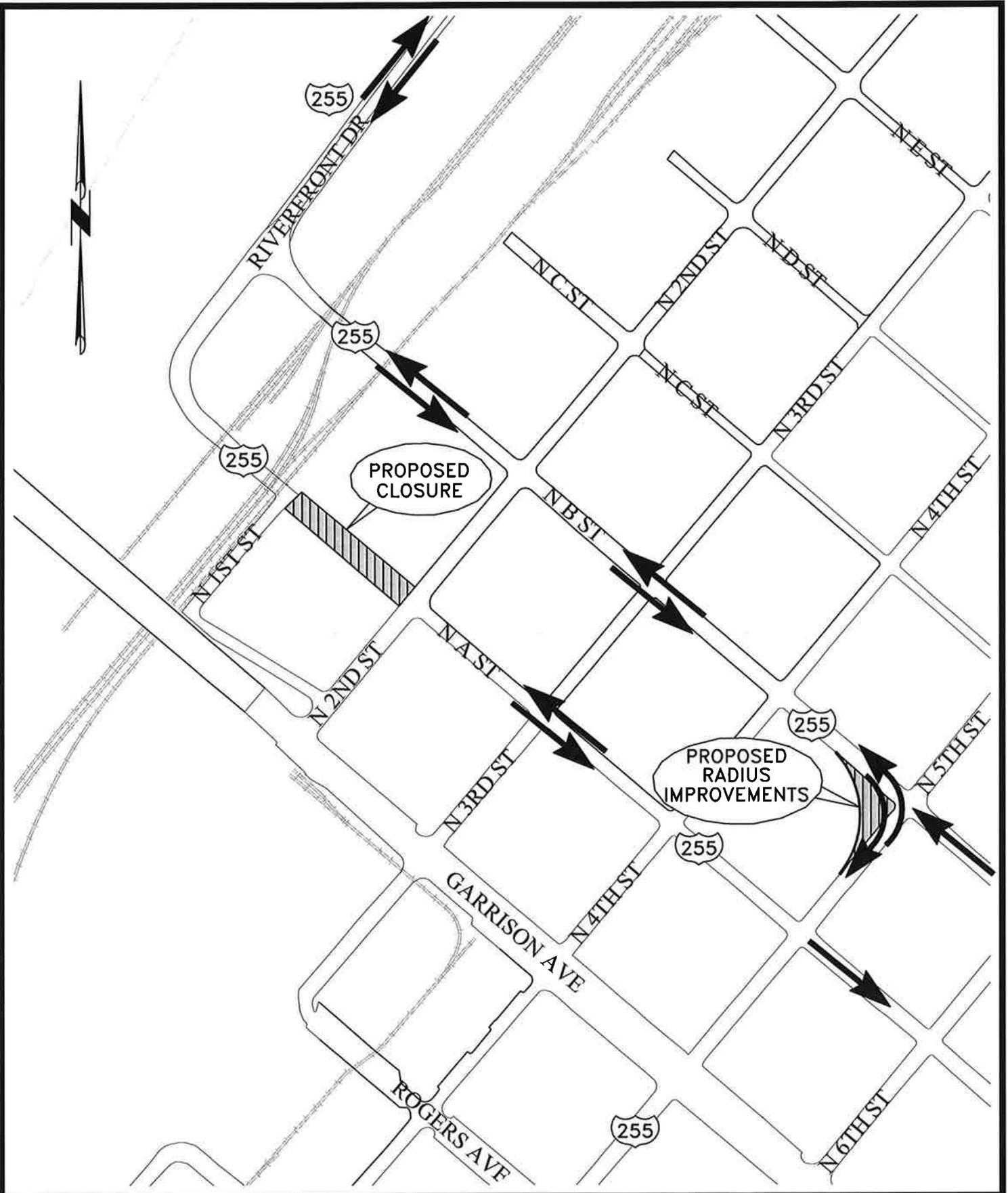
Project:	
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR
	Page 12



2013 CAPITAL IMPROVEMENTS PROGRAM
 MAYBRANCH OUTFALL
 CULVERT REPLACEMENT



Project:	
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR Page 13



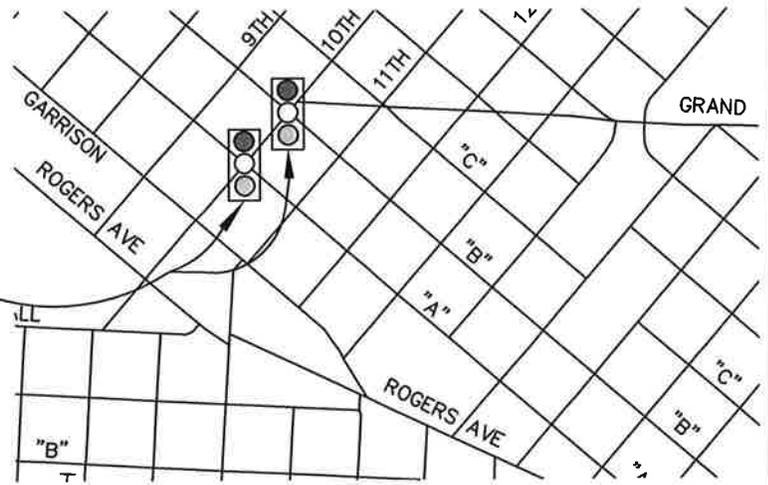
2013 CAPITAL IMPROVEMENT PROGRAM
 NORTH B TRUCK ROUTE
 FORT SMITH, ARKANSAS



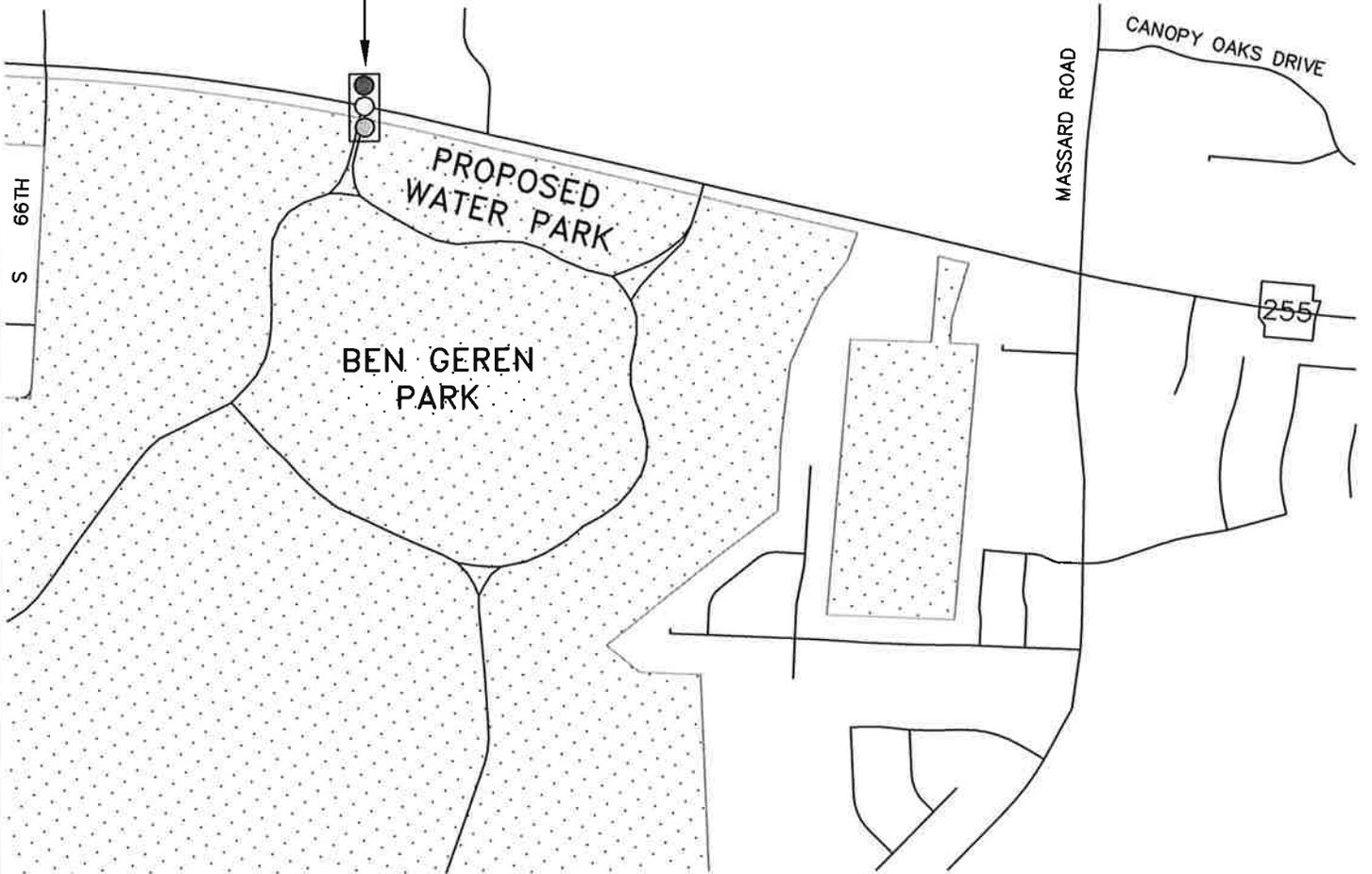
Project:	
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR Page 14



PROPOSED SIGNAL REPLACEMENT



PROPOSED NEW TRAFFIC SIGNAL



2013 CAPITAL IMPROVEMENTS PROGRAM
SIGNAL IMPROVEMENTS

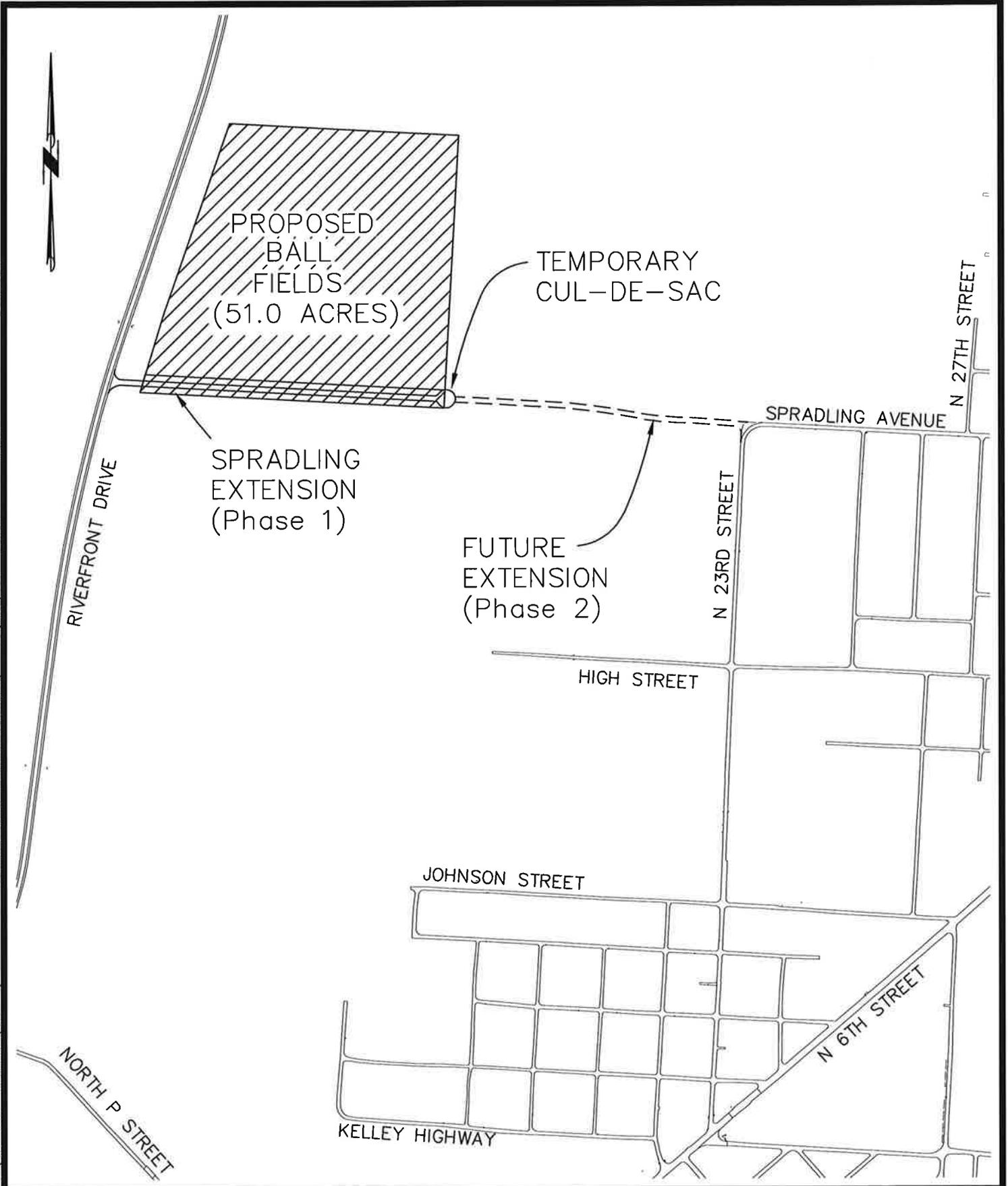


Project:

Date: SEPT. 2012

Scale: NONE

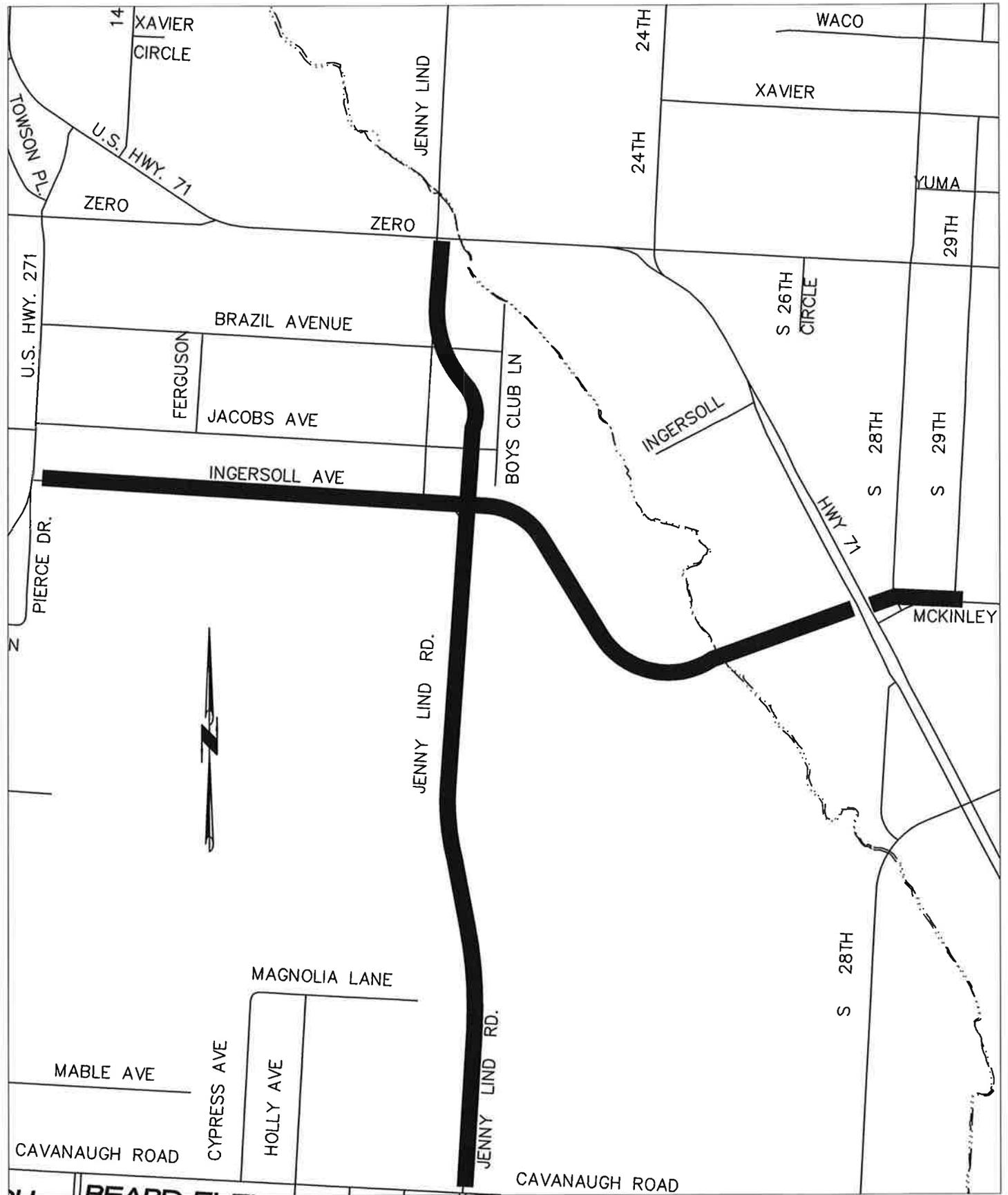
Drawn By: RBR



2013 CAPITAL IMPROVEMENTS PROGRAM
 SPRADLING EXTENSION
 FORT SMITH, ARKANSAS



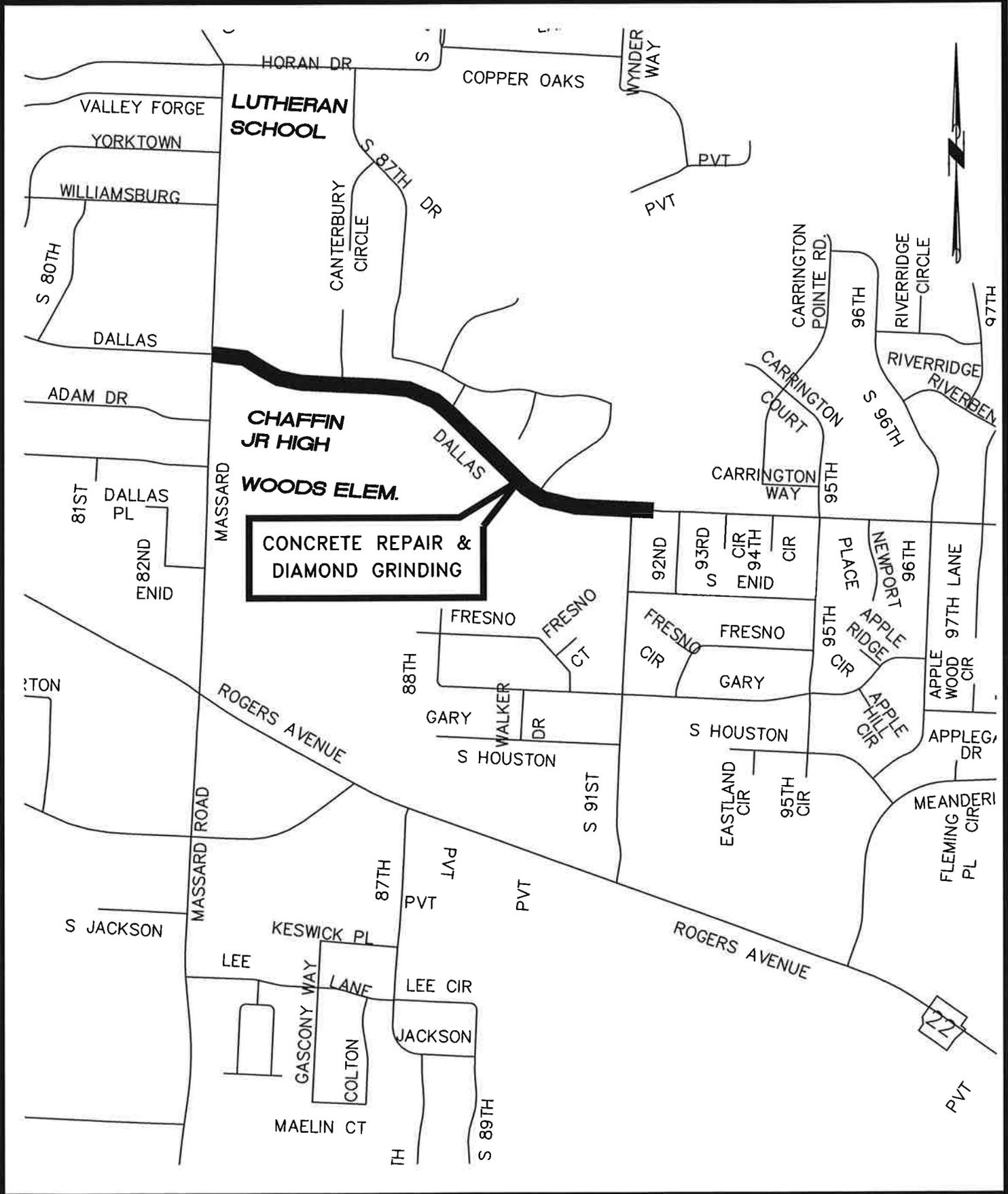
Project:	
Date:	SEPTEMBER 2012
Scale:	NONE
Drawn By:	RBR
	Page 16



2013 CAPITAL IMPROVEMENTS PROGRAM
 JENNY LIND
 ZERO STREET TO CAVANAUGH ROAD



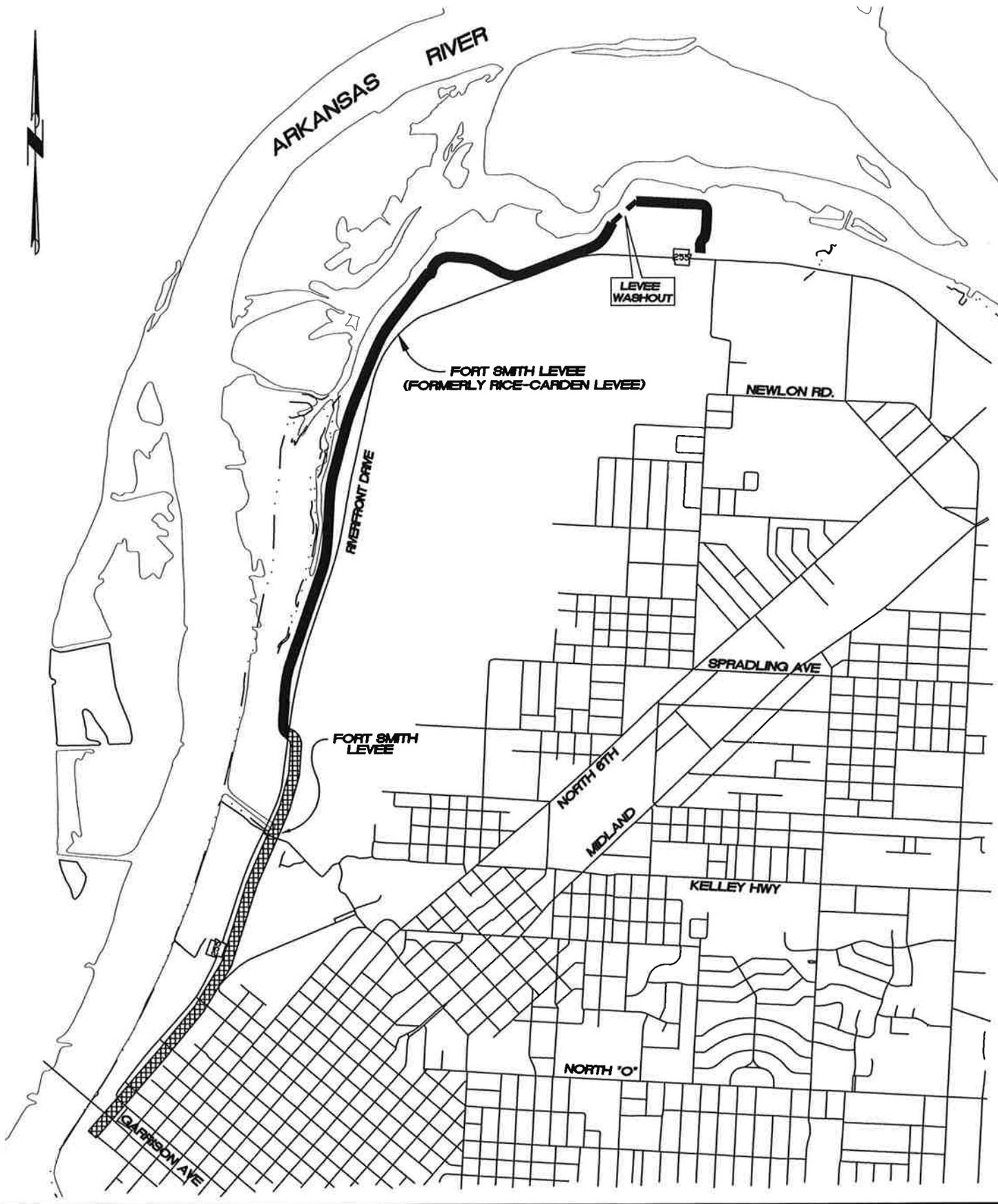
Project:	
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR
	Page 17



2013 CAPITAL IMPROVEMENTS PROGRAM
 DALLAS STREET



Project:	
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR
	Page 18



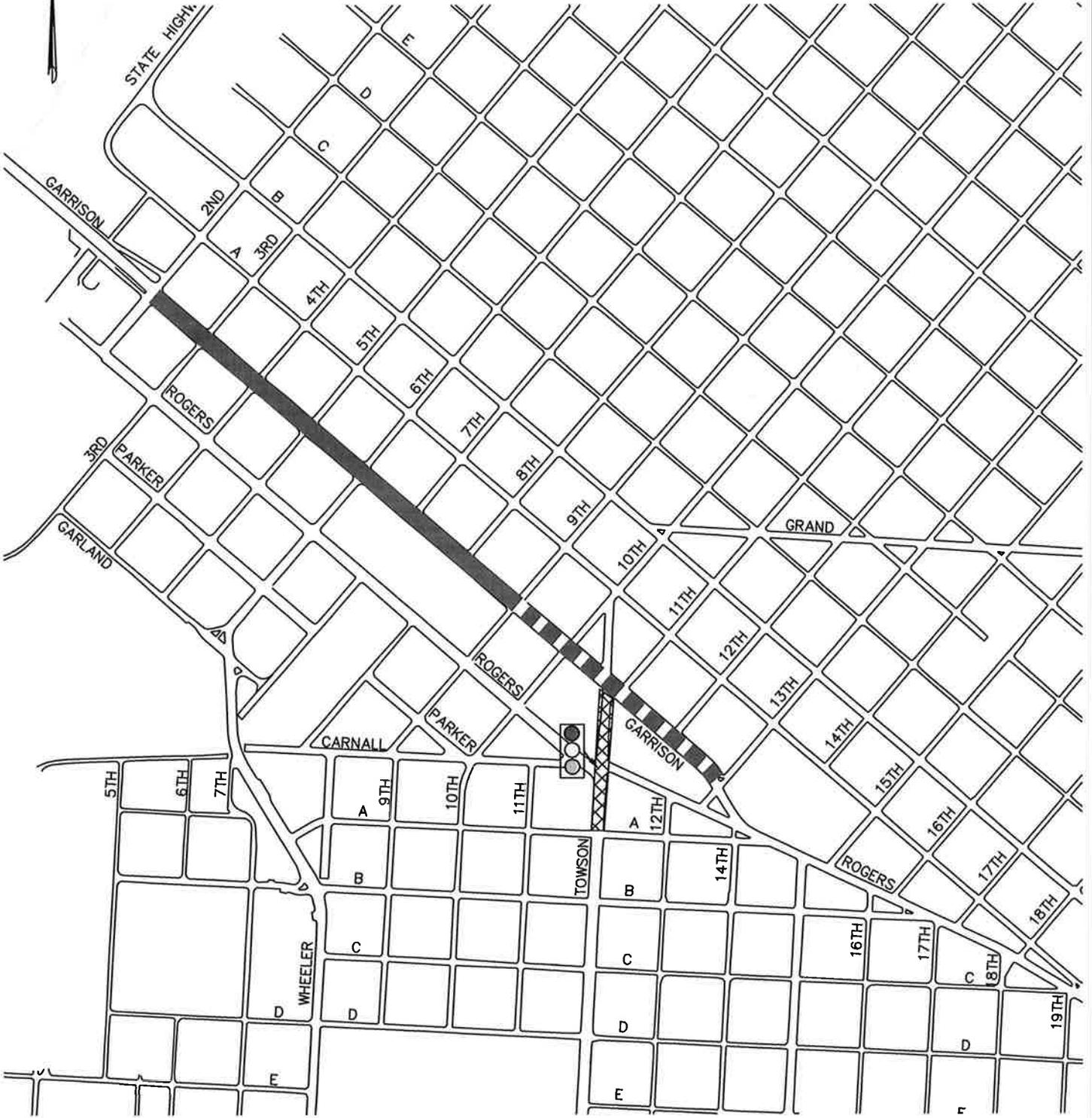
2013 CAPITAL IMPROVEMENTS PROGRAM
 LEVEE CERTIFICATION & REPAIR
 FORT SMITH, ARKANSAS



Project:	
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR



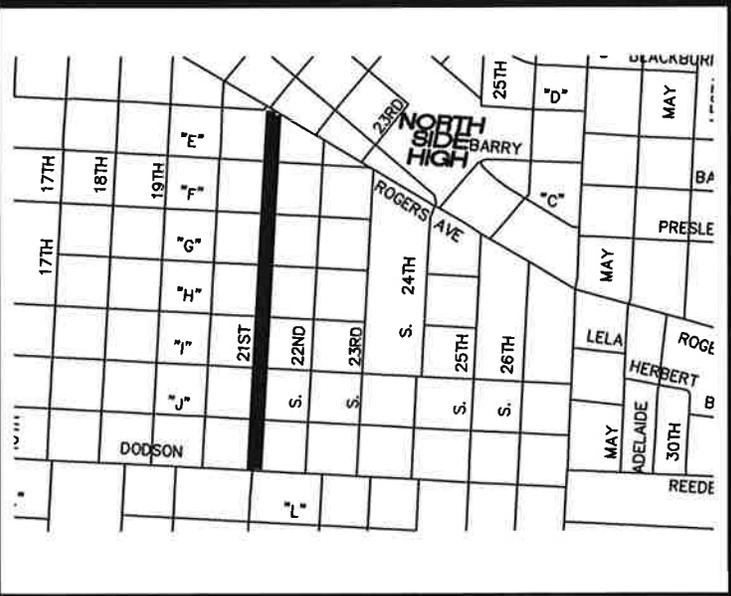
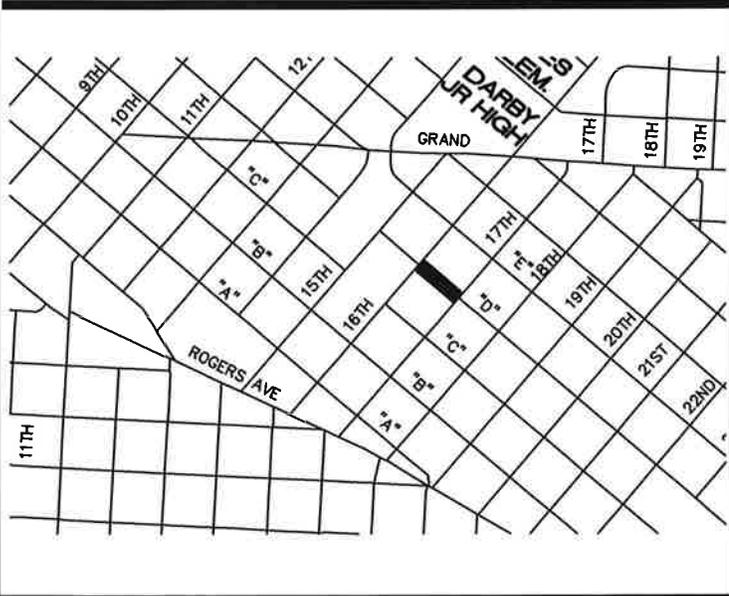
-  COMPLETED
-  GARRISON STREETScape PROJECT
-  TOWSON STREETScape PROJECT



2013 CAPITAL IMPROVEMENTS PROGRAM
 GARRISON/TOWSON STREETS CAPES
 FORT SMITH, ARKANSAS



Project:	
Date:	SEPT. 2012
Scale:	N/A
Drawn By:	RBR Page 20



2013 SIDEWALK PROGRAM



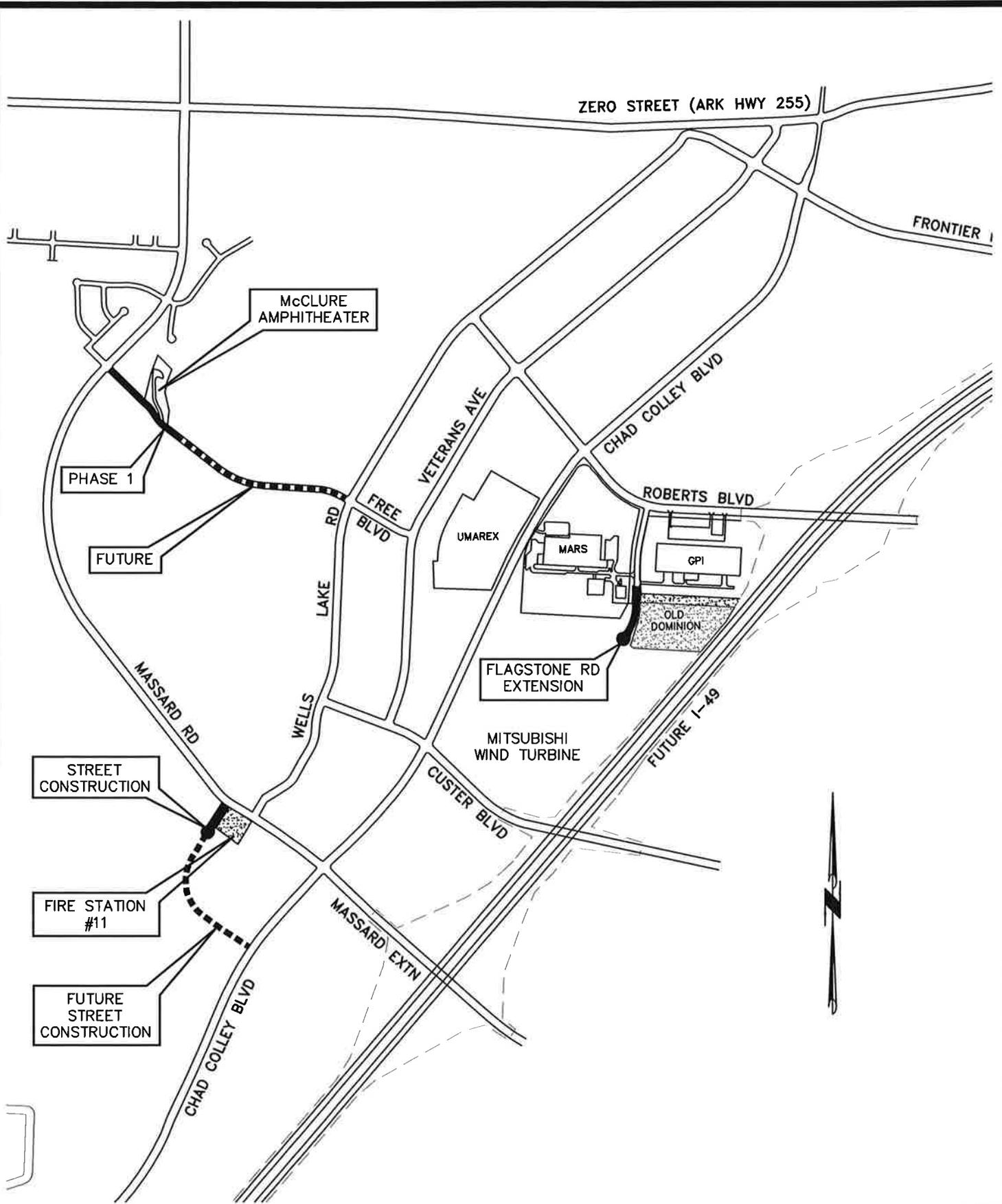
Project: 2013 SIDEWALKS

Date: SEPT. 2012

Scale: NONE

Drawn By: RBR

G:\DRAWINGS\CIP\00-00_CIPALL\2013\FCRA AREA.dwg RBR 09/18/12-15:17 EXHIBIT



2013 CAPITAL IMPROVEMENTS PROGRAM
FCRA DEVELOPMENT



Project:	
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR
	Page 22

ORDINANCE NO. _____

AN ORDINANCE FIXING THE RATE OF AND LEVYING FIVE (5.0) MILLS UPON ALL TAXABLE REAL AND PERSONAL PROPERTY IN THE CITY OF FORT SMITH, ARKANSAS FOR THE YEAR 2012 FOR GENERAL PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The rate of taxation of all real and personal property in the City of Fort Smith, Arkansas, for the year 2012 for general purposes under the authority of Section 4, Article 12 of the Constitution of 1874 of the State of Arkansas is hereby fixed at five (5.0) mills on the dollar of assessed valuation of all taxable real and personal property subject to taxation in the City of Fort Smith, Arkansas.

SECTION 2: The City Clerk is hereby directed to transmit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected as required by law.

PASSED AND APPROVED this 2nd day of October, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY TO BE USED FOR MAINTENANCE OF A PUBLIC-CITY LIBRARY PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 30 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2012 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into a fund to be used for the maintenance of the Fort Smith Public-City Library.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith as are now levied and collected and that the proceeds of such tax shall be segregated by the City Directors and used only for the purpose of maintenance of a Public-City Library.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County, Arkansas, for the Fort Smith District, to the end that said taxes may be extended upon the books of said County and collected together with other taxes.

PASSED AND APPROVED this 2nd day of October, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR POLICE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2012 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Police Retirement and Pension Fund for the purpose of such fund as provided by law.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

PASSED AND APPROVED this _____ 2nd _____ day of October, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

ORDINANCE NO. _____

AN ORDINANCE TO LEVY ONE (1) MILL TAX UPON EACH DOLLAR OF ASSESSED VALUE OF TAXABLE REAL AND PERSONAL PROPERTY FOR FIRE RETIREMENT AND PENSION FUND, PURSUANT TO THE PROVISIONS OF AMENDMENT NO. 31 OF THE CONSTITUTION OF THE STATE OF ARKANSAS OF 1874 ADOPTED NOVEMBER 5, 1940, AND FOR OTHER RELATED PURPOSES

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: There is hereby levied for the year 2012 a one (1) mill tax on the assessed value of taxable real and personal property located within the City, the proceeds from the collection of which shall be paid into the Fire Retirement and Pension Fund for the purpose of such fund as provided by law.

SECTION 2: The said tax shall be levied, collected and paid over to said fund to be used for said purpose at the time and in the manner as the law now provides for the levy, collection and payment over of other general taxes of the City of Fort Smith; provided, the person who thereby collects said tax shall pay the same directly to said fund, or the trustee or custodians, thereof.

SECTION 3: The City Clerk of the City of Fort Smith is hereby directed to submit a certified copy of this ordinance to the County Clerk of Sebastian County for the Fort Smith District to the end that said taxes may be extended on the tax books of said District of said County and collected together with other taxes.

PASSED AND APPROVED this 2nd day of October, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



Publish One Time

MEMORANDUM
September 28, 2012

TO: Ray Gosack, City Administrator
FROM: Sherri Gard, City Clerk
RE: Millage Ordinances

The attached ordinances represent the City's annual levy of eight mills from all taxable real and personal property in Fort Smith for the year 2012 (to be collected in 2013), and are described as follows:

<u>Category</u>	<u>Millage</u>
City General	5
Public Library	1
Fire Retirement & Pension	1
Police Retirement & Pension	1

There are no changes to the current millage rates. Upon approval, the ordinances will be submitted to the Sebastian County Clerk for presenting to the Quorum Court at their November meeting (when millage for all cities in Sebastian County is considered).

If there are any questions, please let me know.

c: Kara Bushkuhl, Director of Finance

RESOLUTION _____

**A RESOLUTION TO ACCEPT COMPLETION OF AND
AUTHORIZE FINAL PAYMENT FOR THE CONSTRUCTION OF
TRAFFIC SIGNAL IMPROVEMENTS
PROJECT NO. 11-09-A**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the construction of the Traffic Signal Improvements, Project No. 11-09-A, as complete.

SECTION 2: Final payment is authorized in the amount of \$68,870.72 to the contractor All Service Electric, Inc., for the Traffic Signal Improvements, Project No. 11-09-A.

This resolution adopted this _____ day of October, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: September 27, 2012

SUBJECT: Traffic Signal Improvements
Project No. 11-09-A

The above subject project included the upgrading of traffic signals at intersections along Zero Street (Hwy 255) and North 11th Street (Hwy 64). The locations of these intersections are shown on the attached map. A project summary sheet is also attached.

The upgrade on Zero Street provides for operational improvements, signal coordination, and timing to improve traffic flow. Improvements were made at five intersections along Zero Street, including the complete replacement of all traffic signal equipment and poles at the intersection of Zero Street and Highway 271.

This project also included the complete replacement of all outdated traffic signal equipment and poles at the North 11th Street intersections with North "A" Street and North "B" Street.

Attached is a resolution to accept the project as complete and authorize final payment to the contractor. I recommend that the resolution be accepted by the Board of Directors at the next regular meeting.

PROJECT SUMMARY

City of Fort Smith
 Project Status: Complete
 Today's Date: 9/17/2012
 Staff Contact Name: Stan Snodgrass
 Staff Contact Phone: 784-2225
 Contract Time (no of days): 180
 Notice to Proceed Issued: 3/5/2012

Project Name: Traffic Signal Improvements
 Project Number: 11-09-A
 Project Engineer: T.E.C.
 Project Contractor: All Service Electric

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$778,364.17	12/11/2011	9/1/2012
Change orders:			
1			
2			
3			
Adjusted contract amount	\$778,364.17		
Payments to date (as negative):	\$684,498.00		
Amount of this payment	\$68,870.72		
Contract balance remaining	\$24,995.45		
Retainage held		0%	
Final payment	\$68,870.72		
Amount under adjusted contract amount as a percentage		3.2%	

Final Comments: The project was substantially complete on August 24, 2012



PROPOSED SIGNAL REPLACEMENT



PROPOSED SIGNAL INTRECONNECT

2011 CAPITAL IMPROVEMENTS PROGRAM
SIGNAL IMPROVEMENTS



Project:	11-09-A
Date:	DEC. 2011
Scale:	NONE
Drawn By:	RBR

RESOLUTION _____

**A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE
CONTRACTS FOR THE CONSTRUCTION OF
MAY BRANCH OUTFALL CULVERT REPLACEMENT
PROJECT NO. 12-06-E**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The bid of Mobley Contractors, Inc. received September 25, 2012, for the construction of the May Branch Outfall Culvert Replacement, Project No. 12-06-E, in the amount of \$5,490,387.78 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Mobley Contractors, Inc. subject to the terms set forth in Section 1 above.

SECTION 3: The bid of Ark-Con Testing, Inc., received September 25, 2012, for quality control testing services for the construction of the May Branch Outfall Culvert Replacement, Project No. 12-06-E, in the amount of \$3,460.00 be accepted.

SECTION 4: The Mayor is authorized to execute a contract with Ark-Con Testing, Inc., subject to the terms set forth in Section 3 above.

SECTION 5: Payment for construction authorized by Section 1 and Section 3 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this _____ day of October, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form



No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator
FROM: Stan Snodgrass, P.E., Director of Engineering
DATE: September 27, 2012
SUBJECT: May Branch Outfall Culvert Replacement
Project No. 12-06-E

The May Branch outfall culvert is a 12 foot diameter concrete culvert that serves as the outfall for the May Branch drainage basin and the P Street wastewater treatment plan (WWTP). It is also known as the North P Street outfall which was constructed approximately 100 years ago. During the levee certification, this culvert required inspection and was found to be in severe condition and in danger of collapse. This project will replace approximately 1300 feet of the outfall pipe with a pre-cast 12'x10' concrete box culvert.

Construction plans and specifications were prepared by Mickle Wagner Coleman, Inc. of Fort Smith. An advertisement was published and bids were received on September 25, 2012. Ten contractors requested plans and specifications and three bids were received which are summarized as follows:

CONTRACTOR	AMOUNT	CONTRACTOR	AMOUNT
1. Mobley Contractors Morrilton, AR	\$5,490,387.78	3. Kraus Construction Fort Smith, AR	\$8,985,888.00
2. Goodwin & Goodwin Fort Smith, AR	\$7,143,980.00	Engineers Estimate	\$4,300,000.00

Although the engineer's estimate is considerably below the lowest bid, I still recommend that the lowest bid be accepted and that the construction contract be awarded to Mobley Contractors, Inc. As previously noted this is the outfall for the May Branch drainage basin and the P Street WWTP. Collapse of this culvert could cause significant flooding issues along the May Branch and Town Branch drainage basins and create major operational issues with the WWTP. The complexity of the project due to significant dewatering and sheet piling issues along with excavation depths of nearly 30 feet resulted in the higher than estimated bids. The estimated notice to proceed date for this contract is November 5, 2012. Based on the contract duration of 365 days, the estimated completion date would be November 4, 2013.

Also, one bid was received on September 25, 2012, for project quality assurance testing. The bid is summarized as follows:

<u>TESTING FIRM</u>	<u>AMOUNT</u>
Ark-Con Testing Service, Inc. Van Buren, AR	\$3,460.00

I recommend that the quality assurance testing contract be awarded to Ark-Con Testing, Inc. Attached is a Resolution to accomplish the above two recommendations. Funds are available in the Sales Tax Program (1105) for the construction and testing.

G:\DRAWINGS\CIP\00-00 CIPALL\2012\DRAINAGE\ 2012 Drng.dwg 09/20/11-13:12 RBR Maybranch

ARKANSAS RIVER

RIVERFRONT DRIVE

BALLMAN ROAD

MAY BRANCH PUMP STATION

"P" ST.

BRIDGE

LIMITS OF CULVERT REPLACEMENT

12 FT DIAMETER CONCRETE CULVERT

"P" ST.



2012 CAPITAL IMPROVEMENTS PROGRAM
MAYBRANCH OUTFALL CULVERT REPLACEMENT
DRAINAGE IMPROVEMENTS



Project:	
Date:	SEPT. 2011
Scale:	NONE
Drawn By:	RBR Page: 10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FROM DAVID LOVE AND BECKY LOVE FOR TRACT 5 OF THE CITY OF FORT SMITH JENNY LIND ROAD AND INGERSOLL AVENUE WIDENING PROJECT NO. 07-01-A, AHTD JOB NO. 040471

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: The following appraised value required for the Acquisition of Tract 5 of the City of Fort Smith Jenny Lind Road Street Improvement Project is approved and acquisition of the interest for the appraised amount is hereby authorized:

<u>Tract Number</u>	<u>Owner(s) of Record</u>	<u>Appraised Value</u>
5	David Love and Becky Love	\$1000.00

Section 2: The City Administrator, or his designated agents, and the City Attorney are hereby authorized to acquire the required fee interest with respect to the tract referred to in Section 1 hereof, for the above listed appraisal amount.

Section 3: The City Administrator and the City Attorney are further hereby authorized to commence eminent domain proceedings if necessary to obtain the aforementioned property interest with respect to the tract referred to in Section 1 hereof and to make a deposit of just compensation of the appraised value of the said property interest.

This Resolution adopted this _____ day of September, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Fort Smith City Attorney
No Publication Required

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
ROBERT R. BRIGGS, P.A. +
C. MICHAEL DAILY +
L. MATTHEW DAVIS
COLBY ROE

58 SOUTH 6TH STREET
POST OFFICE BOX 1446
FORT SMITH, ARKANSAS 72902
TELEPHONE (479) 782-0361
FACSIMILE (479) 782-6160

JAMES E. WEST
PHILLIP J. NORVELL
DALE CARLTON
OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

* CERTIFIED MEDIATOR
+ ALSO LICENSED IN OKLAHOMA

WRITER'S E-MAIL ADDRESS:
MDAILY@DAILYWOODS.COM

September 27, 2012

Mr. Stan Snodgrass
Director of Engineering
City of Fort Smith
Engineering Department
The Stephens Building
623 Garrison, Fifth Floor
Fort Smith, Arkansas 72901

Re: City of Fort Smith Jenny Lind Street Improvement Project –Fee Simple Acquisition
David Love and Becky Love, Landowners
Tract 5

Dear Mr. Snodgrass:

Mr. David Love and Mrs. Becky Love are the record owners of Tract 5 with reference to the captioned street improvement project. Pursuant to the City's acquisition policy, Fort Smith Code 2-214, the City's engineering staff obtained an appraisal of just compensation of \$1000.00 for the acquisition of Tract 5, containing approximately 299 square feet, for the said project from the landowners, which included \$400.00 in compensation for fence relocation.

The City entered into negotiations with the landowners in February of 2012 for the purchase of the subject real property for the appraised value. The City offered the landowners the appraised amount as compensation for Tract 5. The landowners requested that the City make additional improvements to the site, however, the City's staff determined that it was not able to agree to the landowners' request.

Our firm then made initial contact with the landowners on March 9, 2012, and requested that they again consider the City's original offer. On March 20, 2012, Attorney Troy Gaston contacted me by letter, advised me that the landowners had retained him as their counsel and requested that the City make all future communications through him and his law firm.

Our firm then made various attempts to contact the landowners' legal counsel. On July 31, 2012, Mr. Gaston informed me that he had retained an expert, Shawn Looper, to examine the Love's property. Mr. Gaston did not provide me with a written market analysis, but rather, informed me that Mr. Looper would be willing to testify on behalf of the landowners at trial. According to Mr. Gaston, Mr. Looper believed that the landowners' property held a present value of \$123,827, however, after condemnation, the landowners' property value would decrease to \$103,185. According to Mr. Gaston, Mr. Looper's analysis was based on the belief that the building currently located on the property was more valuable for sale as a commercial building before the new intersection is installed.

Throughout the month of August and the beginning of September, our firm made several requests to Mr. Gaston's office to obtain a full written appraisal, but without any success. As the engineering schedule requires possession of the subject real property, and as the City has not been able to successfully negotiate the matter with the landowners or their legal counsel, we believe it is appropriate to now seek authority to file an eminent domain action with respect to Tract 5.

We have prepared the enclosed Resolution that will authorize the filing of an eminent domain lawsuit with respect to Tract 5. We understand that this resolution will be placed on the agenda for the next board meeting.

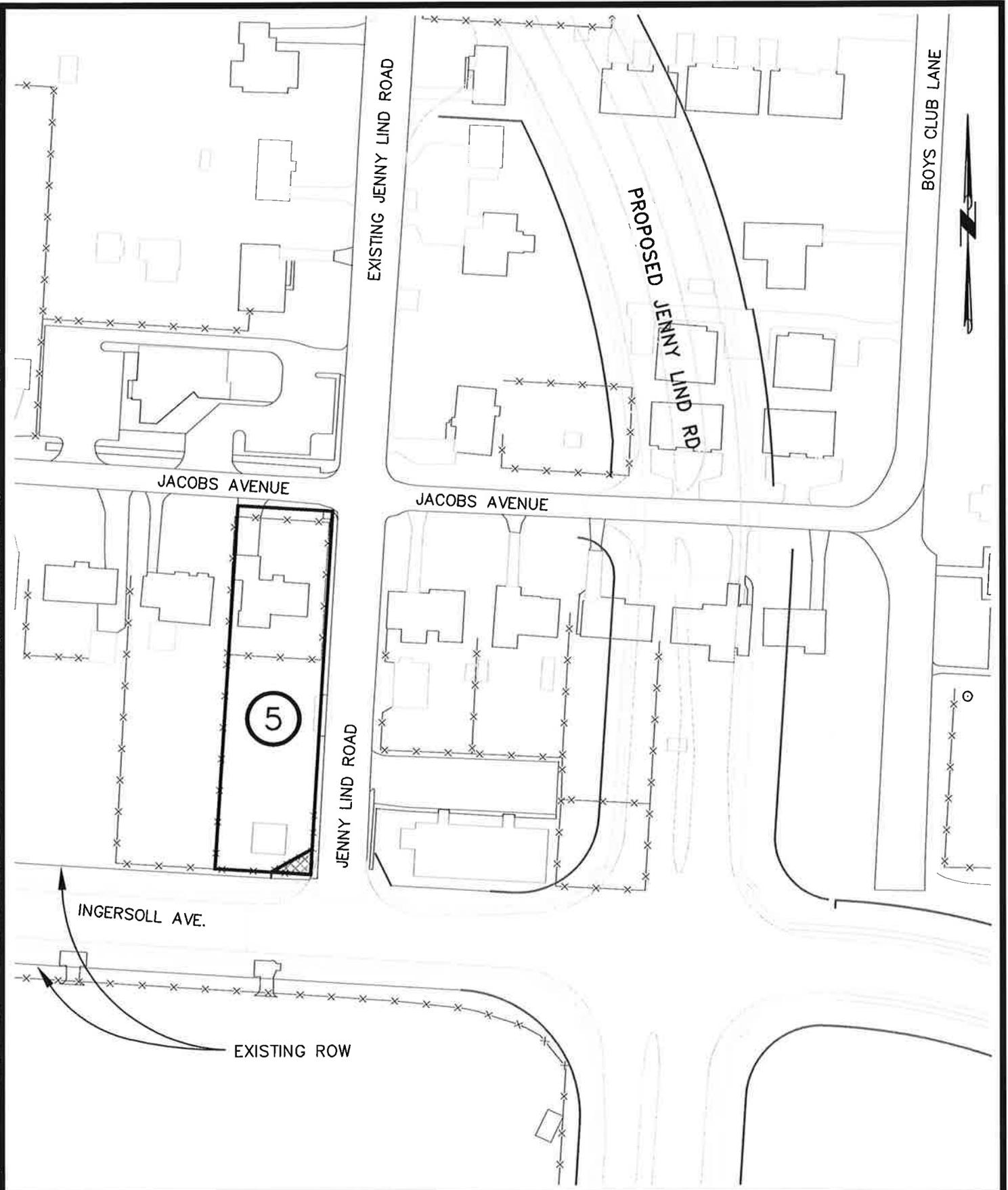
Thank you for your attention to this matter.

Yours very truly,



C. Michael Daily
jaj

Enclosure



PROPERTY LOCATION MAP
 JENNY LIND - INGERSOLL
 TRACT 5
 FORT SMITH, ARKANSAS



Project:	07-01-A
Date:	MARCH 2012
Scale:	NONE
Drawn By:	RBR

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING THE BAILEY HILL RESERVOIR PROPERTY TO THE FORT SMITH HOUSING AUTHORITY

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached quitclaim deed conveying identified Bailey Hill Reservoir property to the Fort Smith Housing Authority.

This Resolution adopted this _____ day of September, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Fort Smith City Attorney

No Publication Required

Memo



To: Ray Gosack, City Administrator
From: Jeff Dingman, Deputy City Administrator
Date: 9/27/2012
Re: Transfer of Bailey Hill Reservoir property to FSHA

Following direction provided by the Board of Directors at the August 28, 2012 Study Session, staff has asked the city attorney to prepare documents facilitating the transfer of city-owned property located near the intersection of South S & South 16th Streets, known as the Bailey Hill reservoir property, to the Fort Smith Housing Authority (FSHA) for the purposes of redevelopment as single-family dwelling units that will be managed as rental properties by the FSHA. These documents are attached.

As you will recall, the FSHA proposes to build approximately 65 single family dwelling units on two properties, the Bailey Hill reservoir property and a property immediately south of the North Pointe development on North 6th St. Although there will be two separate sites, the properties will be managed as one single project through construction and operation. The city also is considering participating in the funding of the street & storm drainage infrastructure through its 5-year capital improvements plan.

The project requires that the FSHA acquire ownership of the Bailey Hill reservoir property. This is excess property owned by the city, and it contains an obsolete water reservoir that has been decommissioned and out of service to the water utility for many years. Upon acquiring the property from the city, the FSHA will bear the cost of removing the structure and preparing the site for development.

Please find attached an resolution authorizing the mayor to execute a quitclaim deed conveying the city's interest in the Bailey Hill reservoir property to the FSHA. Please contact me if you have questions regarding this agenda item.

"I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument."

Grantee or Grantee's Agent

Grantee's Address*

QUITCLAIM DEED

That the City of Fort Smith, Arkansas, a municipal corporation of the State of Arkansas, GRANTOR, duly authorized by proper resolution of its Board of Directors, for and in consideration of ten dollars (\$10.00) and other good and valuable consideration exchanged, in hand paid by the Fort Smith Housing Authority, GRANTEE, the receipt of which is hereby acknowledged, does hereby grant, sell and quitclaim unto the Grantee, and unto its heirs, successors, and assigns forever, the following described land lying in the County of Sebastian, and State of Arkansas, to-wit:

SEE ATTACHED EXHIBIT "A"

Grantor reserves from this grant permanent easements of 25 feet in width lying 12.5 feet on each side of existing pipelines running across or throughout, or lying beneath the property. Said easements shall terminate at the time of filing in the records of the County Clerk for the Fort Smith District of Sebastian County of a plat of the described property, which plat (1) is approved by the Director of Utilities of the City of Fort Smith and (2) provides easements for Fort Smith utility pipelines. Grantor reserves all oil, gas and other mineral rights on the property that is conveyed.

TO HAVE AND TO HOLD, the same unto the said, Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the City of Fort Smith, Arkansas, the Grantor has caused these presents to be signed by its Mayor and City Clerk, being thereunto duly authorized on this _____ day of _____, 2012.

ATTEST:

City Clerk

City of Fort Smith, Arkansas

Mayor

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)SS
COUNTY OF SEBASTIAN)

On this _____ day of _____, 2012, before me, the undersigned notary public, personally appeared _____ and _____, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

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

Notary Public

My Commission Expires:

Document Prepared By:
C. Michael Daily
Daily & Woods, P.L.L.C.
P.O. Box 1446
Fort Smith, AR 72902-1446

EXHIBIT "A"

Legal description provided by Grantor. No title examination or survey requested.

All of Block 49, Bailey addition to the City of Fort Smith and also a rectangular tract of ground lying immediately East of said Block 49, being more particularly described as follow, to wit: beginning at the Northeast corner of said Block 49; thence South along the East line of said Block 49 to the South line of the North Half of Section 21, Township 8 North, Range 32 West; thence east along said South line of the North Half of Section 21 to the intersection of said South line with the West line of South Sixteenth Street; thence North along the West line of South Sixteenth Street (if projected) to the South line of South "S" Street (if projected); thence West to the point of beginning; and

Also, all of Lot 12 of Block E of Sulphur Spring Addition to the City of Fort Smith, Arkansas, and all that part of Block 11 of Block E of Sulphur Spring Addition, to the City of Fort Smith, Arkansas, less and except that part of Block 11 of Block E lying North of a line which is parallel to and 25 feet North of the Center line of South "S" Street, and that was deeded to Ronald Bromley and Pamela Bromley as evidenced by the instrument recorded at Book 565, Page 981 in the Sebastian County Real Estate Records; and

Also, all that part of the North half of Lots 5 and 6 of Block 50 of Bailey's Addition to the City of Fort Smith, Arkansas; and

A part of the N/2 of the NW/4 of the SW/4 of Section 21, Township 8 North, Range 32 West in Sebastian County, Arkansas, as follows: Beginning at the NW/c of said SW/4 thence East along the North line of said tract a distance of 456 feet to a stone, which is the point of beginning; thence South 8 degrees 33' East a distance of 200.64 feet to a "X" on a stone in site; thence South 59 degrees 26' East a distance of 225.72 feet to a "X" on a stone in site; thence South 76 degrees 56' East a distance of 185.74 feet to an iron pipe; thence North 88 degrees 19' East a distance of 133.32 feet to an iron pipe; thence East a distance of 333.8 feet to an iron pipe on the East line of the NW/4 of the SW/4 of said Section 21, thence North to the NE/c of the said NW/4 of the SW/4, thence West to the point of beginning. It being the intent of the Grantor to convey all of its interest in the Bailey Hill Reservoir, not previously conveyed.

RESOLUTION NO. _____

**RESOLUTION ACCEPTING BID FOR THE PURCHASE OF A
STREET SWEEPER**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY
FORT SMITH, ARKANSAS, THAT:**

The bid, as indicated by enclosure for the purchase of a street sweeper from Scruggs Equipment Co. for \$197,947.20, is accepted.

This Resolution adopted this _____ day of October, 2012.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

8E

Interoffice Memorandum

TO: Ray Gosack, City Administrator
COPY TO: Greg Riley, Director of Streets/Traffic Control
FROM: Alie Bahsoon, Purchasing Manager 
SUBJECT: Street Sweeper Purchase
DATE: September 27, 2012



In December of 2005, the Board of Directors approved Ordinance 93-05, thereby authorizing the city to participate in the State Cooperative Purchasing program. This process has enabled us to take advantage of other negotiated contracts that the State of Arkansas currently participates in.

One of these contracts is the National Joint Powers Alliance (NJPA), a national municipal contracting agency offering national contract purchasing solutions by facilitating and awarding national competitively bid contracts. Because of their contract, local governments nationwide are permitted to purchase through their cooperative purchasing program. For your information, I have attached a copy of the State of Arkansas Statute which authorizes inter-local cooperative activities.

The Street Department (Program 5304) has budgeted \$186,500 for this purchase for which funding has been appropriated for in the 2012 City Budget in the "Reserve for Equipment-Sinking Fund Account". Because of the NJPA contract, bids were not solicited and we are therefore acquiring this sweeper from Scruggs Equipment Company of Memphis, TN in the amount of \$197,947.20. You will find attached a memorandum from the Street Department with additional information about this purchase.

Please be advised that this purchase fulfills all of the purchasing obligations as mandated by both state and local purchasing requirements; I am therefore recommending that the enclosed resolution be approved.

Please let me know if should require any additional information.

Interoffice Memorandum

TO: Ray Gosack, City Administrator
FROM: Greg Riley, Director of Street/Traffic Control
SUBJECT: Asset 3017 Pelican Sweeper Replacement
DATE: September 9, 2012



The street department runs two street sweepers periodically throughout the year. This equipment contains many moving parts and requires significant maintenance affecting the life span of the equipment. We currently depreciate these machines on a 9 year life span which, based on our experience, appears to be the maximum useful life to meet our needs without going into a huge repair budget. We are replacing a 2003 Pelican Sweeper this year that was approved as part of the 2012 budget. The condition of this sweeper does warrant replacement at this time. The additional cost over the budgeted amount can be absorbed by the sinking fund and should be replaced by funds acquired in the sale of the old sweeper once the new sweeper is on hand.

SCRUGGS EQUIPMENT CO.
1940 CHANNEL AVE MEMPHIS, TN 38113
901-942-9311 FAX 901-942-4595

NJPA Contract: 03-1710-FCS

<u>Quantity</u>	<u>Item</u>
1	Pelican P Dual 99HP
1	Vogel Auto Lube – Dual
1	Conveyor Cleanout
1	Conveyor Stall Alarm
1	Charge Press Gauge – Loose
1	Pelican P Operators Manual
1	Pelican P Parts Book
1	John Deere 4045 TR-3 Parts Book
1	John Deere 4045 TR-3 Operator Manual
1	LED Clearance Lights
1	(2) Rear Floods & Backup Lights
1	Package 13: LED Arrowstick (ONLY)
1	25' Waterfill Hose (ILO 16' 8")
1	Air Conditioner
1	Washdown System
1	Left Hand Side Broom Tilt With Indicator
1	Right Hand Side Broom Tilt With Indicator

- 1 Right Hand Bostrom Air Ride Mid Back Cloth
- 1 Left Hand Bostrom Air Ride Mid Back Cloth
- 1 Triangle Reflective Flares (3)
- 1 Battery Disconnect Switch
- 1 Hydrant Wrench
- 1 Pelican Powertrain 3rd Year Parts/Labor
- 1 Life line hopper
- 1 Heavy duty Limb guard – left and right side

Base price of unit:	\$168,375.00
Base price of options:	\$29,070.00
Total price with options	\$197,445.00
Less 4% for NJPA discount	<u>-\$7,897.80</u>
Contract price less discount	\$189,547.20
Additional charges	
Freight inbound to Fort Smith	\$5,600.00
Training (onsite) both operators and maintenance and PDI of unit.	\$2,800.00
Total price of unit is as follows	<u>\$197,947.20</u>

Quote submitted by Ernie Carson

State of Arkansas Statutes

Arkansas Code

19-11-206 Definitions concerning intergovernmental relations

As used in this subchapter, unless the context otherwise requires:

(1) "State public procurement unit" means the Office of State Procurement and any other procurement agency of this state;

(2) "Local public procurement unit" means:

(A) Any county, city, town, state agency, and any other subdivision of the state or public agency thereof,

(B) Any fire protection district;

(C) Any regional water distribution district;

(D) Any rural development authority;

(E) Any public authority;

(F) Any public educational, health, or other institution;

(G) Any nonprofit corporation during such time that it contracts with the Division of Developmental Disabilities Services of the Department of Human Services to provide services to the developmentally disabled, provided the contract exceeds seventy-five thousand dollars (\$75,000) per year

(H) Any nonprofit corporation providing fire protection services to a rural area or providing drinking water to the public in a rural area;

(I) Any nonprofit corporation which contracts with the Department of Human Services, provided that the contract includes provisions for transportation services, and the contract exceeds seventy-five thousand dollars (\$75,000) per year; and

(J) To the extent not prohibited by law, any other entity which expends public funds for the acquisition or leasing of commodities and services;

(3) "Public procurement unit" means either a local public procurement unit or a state public procurement unit;

(4)(A) "External procurement activity" means any buying organization not located in this state which, if located in this state, would qualify as a public procurement unit.

(B) An agency of the federal government is an external procurement activity; and

(5) "Cooperative procurement" means procurement conducted by, or on behalf of, more than one (1) public procurement unit or by a public procurement unit with an external procurement activity.

19-11-249 Cooperative purchasing.

Any public procurement unit may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the acquisition of any commodities or services with one (1) or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open ended state public procurement unit contracts which are made available to local public procurement units.

RESOLUTION NO. _____

8 F

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION
NUMBER THREE TO THE AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC.,
FOR ENGINEERING SERVICES FOR THE ZERO STREET PUMP STATION
WET WEATHER IMPROVEMENTS - SITE REMEDIATION

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS, that:

SECTION 1: Authorization Number Three with Hawkins-Weir Engineers, Inc., for
engineering construction phase services associated with the Zero Street Pump Station Wet Weather
Improvements - Site Remediation, Project Number 09-17-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Authorization Number Three in
the amount of \$210,000.00, for performance of said services.

This Resolution adopted this _____ day of October 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: September 24, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: Zero Street Pump Station Wet Weather Improvements
Site Remediation - Project Number 09-17-EC1

The Board of Directors approved the Zero Street Pump Station Wet Weather Improvements - Site Remediation project at its September 18th meeting. The site acquired for the new pump station and equalization storage is the old smelter site at 5100 Jenny Lind Road. The site is registered under the Arkansas Brownsfield Program with the Arkansas Department of Environmental Quality and contains approximately 14.59 acres.

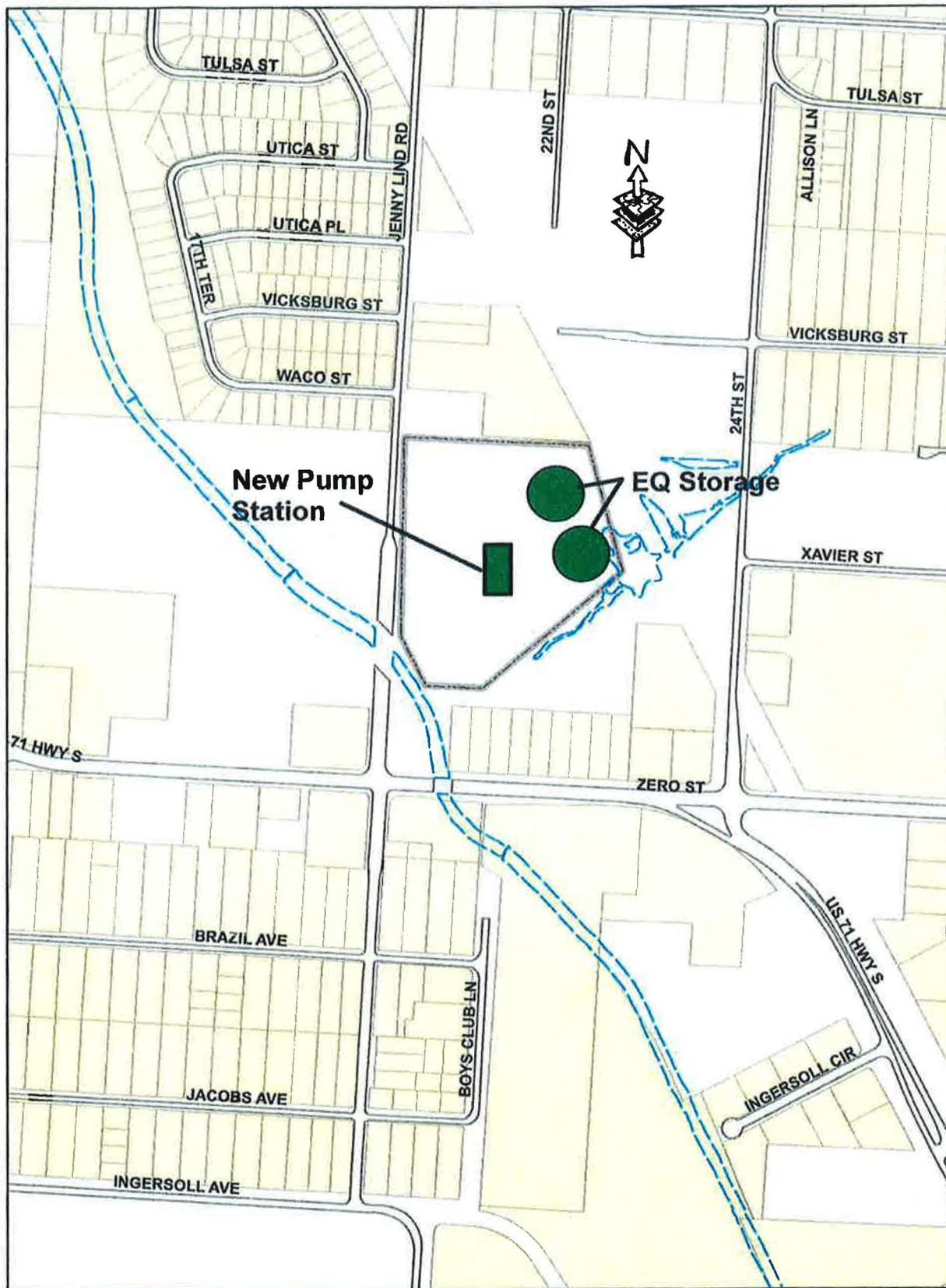
The objective of the site remediation project is to accomplish the required disposal of the contaminated soils from the former smelter operations and establish the initial grading for the second construction contract for the pump station and equalization tanks. An exhibit showing the first contract site remediation area and second contract improvements is attached. The construction engineering services include developing and implementing a system to account for the amount of contaminated material removed and document its proper disposal at the city landfill. Services also include ensuring storm water is controlled to prevent contaminated soil from being washed into Mill Creek and providing base material for the entry road.

Attached is a Resolution authorizing the Mayor to execute Authorization Number Three to the Agreement for engineering services with Hawkins-Weir Engineering, Inc., for construction observation in the amount of \$210,000.00. Funding for this work is available from the 2012 sales tax and use tax bonds issued for continuation of wet weather sewer improvements.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



**Zero Street Pump Station Wet Weather Improvements
Site Remediation
Project No. 09-17-C1**

RESOLUTION NO. _____

8 G

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT
OFFER MADE BY PROPERTY OWNER FOR THE ACQUISITION OF REAL PROPERTY
INTERESTS FOR THE CHAFFEE CROSSING WATER IMPROVEMENTS**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS that:

The City Administrator is hereby authorized to execute an offer and acceptance made
by the following property owner:

Tract 10 GRW Properties, Inc. \$70,000.00

and make payment for same, and any applicable closing costs, in connection with the acquisition
of the real property for the Chaffee Crossing Water Improvements, Project 12-04-P, said property
being Lot 36 and Lot 37 of the Cisterna Villa subdivision.

This Resolution adopted this _____ day of October 2012.

APPROVED:

ATTEST:

APPROVED AS TO FORM:



_____ npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: September 24, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Improvements
Project 12-04-P

As part of the overall water improvements project to Chaffee Crossing, the city is planning to construct a water pump station on property located at the intersection of Massard Road and Cisterna Way. A vicinity map showing the pump station site is attached.

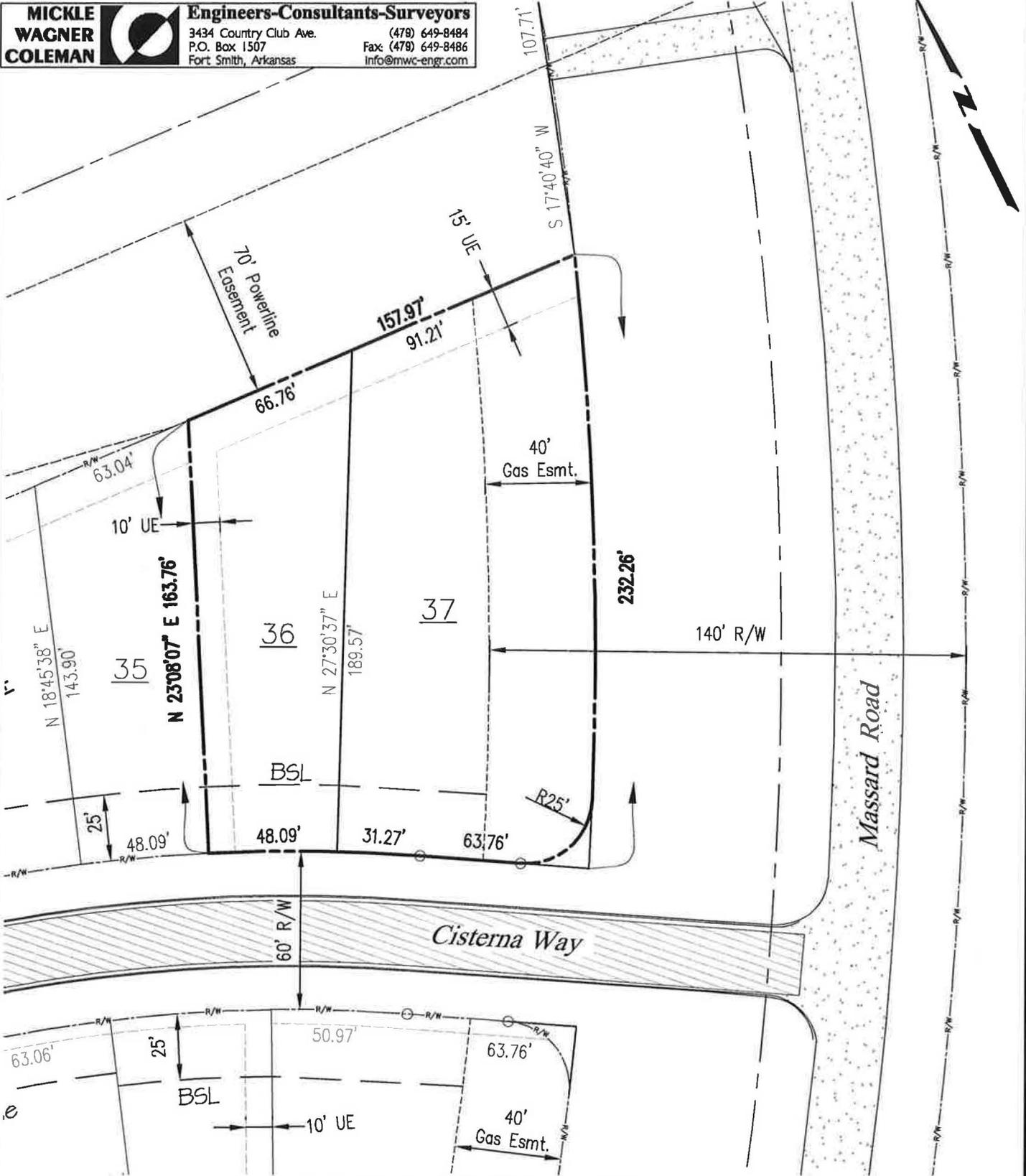
Staff has been discussing the needed pump station site and purchase of Lots 36 and 37 in Cisterna Villa subdivision with the owners of the lots and subdivision developers, GRW Properties. The owners are receptive to selling the two lots for \$70,000.00 and have executed an offer and acceptance. Calmo Realty Services previously appraised the property for \$72,200.00. As part of the discussions with GRW, staff has agreed that the design for any structure constructed on the site will conform to the appearance and landscaping of the structures within Cisterna Villa subdivision. An exhibit showing the proposed pump station site is attached.

Staff recommends that the Board approve this Resolution at their next scheduled meeting, authorizing the City Administrator to accept the offer made by the property owners for the purchase of the site for \$70,000.00. Funding for this project is available from the 2012 sales tax and use tax bonds issued for water transmission system improvements

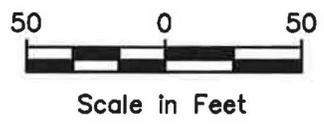
Should you or the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



Lot 36 & 37, Cisterna Villa
Chaffee Crossing Pump Station Site
 Scale: 1" = 50'
 Chaffee Crossing Water Line Improvements



RESOLUTION NO. _____

8 H

RESOLUTION AUTHORIZING AMENDMENT NUMBER TWO TO AUTHORIZATION NUMBER TWO WITH RJN GROUP, INC., FOR ENGINEERING SERVICES FOR THE SOUTH 28TH STREET SEWER REPLACEMENT PROJECT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Amendment Number Two to Authorization Number Two under the Agreement with RJN Group, Inc., to provide construction phase services for the South 28th Street Sewer Replacement, Project 09-20-E2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number Two in the amount of \$8,900.00, for construction phase services, adjusting Authorization Number Two to the amount of \$119,994.45.

This Resolution adopted this _____ day of October 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: September 25, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: South 28th Street Sewer Replacement Project
Project Number 09-20-E2

The South 28th Street sewer replacement project constructed approximately 4,900 feet of 8-through 18-inch diameter sewer main to increase wet weather sewer capacity in the vicinity of the Greenbrier South and Fianna Hills subdivisions. The contractor Forsgren, has requested the city grant an extension of the contract time by 39 days due to weather related delays. Staff has reviewed this request and determined that is reasonable.

The additional time to complete the project has also created an overrun of time required by RJN Group, the engineering consultant providing construction observation services. RJN has requested an adjustment to their contract in the amount of \$8,900.00 for this additional time. Staff has reviewed this request and determined that the amount of the request is justified.

Attached is a Resolution approving Amendment Number Two to Authorization Number Two for engineering services with RJN Group for \$8900.00 and adjusting the contract amount to \$119,994.45. It is my recommendation that the Resolution be approved.

Should you or members of the Board have any questions or need additional information, please let me know.

attachment

pc: Jeff Dingman

RESOLUTION NO. _____

8 I

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER THREE
WITH FORSGREN, INC., FOR THE CONSTRUCTION OF THE
SOUTH 28TH STREET SEWER REPLACEMENT PROJECT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

Change Order Number Three to the contract with Forsgren, Inc., for the construction of
the South 28th Street Sewer Replacement, Project Number 09-20-C1, adding 39 days to the
contract time, is hereby approved.

This Resolution adopted this _____ day of October 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION NO. _____

8 J

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING
FINAL PAYMENT TO FORSGREN, INC., FOR CONSTRUCTION OF
THE SOUTH 28TH STREET SEWER REPLACEMENT PROJECT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

SECTION 1: The construction of the South 28th Street Sewer Replacement, Project
09-20-C1, is accepted as complete.

SECTION 2: Final payment to Forsgren, Inc., in the amount of \$69,456.89, is
hereby approved.

This Resolution adopted this _____ day of October 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: September 25, 2012

FROM: Steve Parke, Director of Utilities

SUBJECT: South 28th Street Sewer Improvements
Project Number 09-20-C1

The South 28th Street sewer replacement project constructed approximately 4,900 feet of 8-through 18-inch diameter sewer main to increase wet weather sewer capacity in the vicinity of the Greenbrier South and Fianna Hills subdivisions. The contractor, Forsgren, has requested that the city grant an extension of the contract time by 39 calendar days due to weather related delays. Staff has reviewed this request and determined that is reasonable. A project summary is attached for your review.

Forsgren has now completed the project. A Resolution authorizing Change Order Three adding 39 days to the contract time and providing a total contract period of 269 days is attached for the Board's consideration. Also attached is a Resolution accepting the project as complete and authorizing final payment to Forsgren in the amount of \$69,456.89. It is my recommendation that the Resolutions be approved.

Should you or members of the Board have any questions or need additional information, please let me know.

attachment

pc: Jeff Dingman

Project Summary

Project status: Complete

Project name: South 28th Street Sewer Replacement

Today's date: September 25, 2012

Project number: **09-20-C1**

Staff contact name: Steve Parke

Project engineer: RJN Group, Inc.

Staff contact phone: 784-2231

Project contractor: Forsgren, Inc.

Notice to proceed issued: December 5, 2011

Completion date: August 29, 2012

	Dollar Amount	Contract Time (Days)
Original contract	\$1,012,014.70	180
Change orders:		
Change Order No. 1	\$10,445.00	10
Change Order No. 2	\$0.00	40
Change Order No. 3	\$0.00	39
Total change orders	<u>\$10,445.00</u>	269
Adjusted contract	\$1,022,459.70	
Payments to date (as negative):	-\$948,565.00	
Amount of this payment	\$69,456.89	
Retainage held	\$0.00	
Contract balance remaining	\$4,437.81	
Amount under original as a percentage	-0.4%	

Final Comments:

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: September 25, 2012

FROM: Steve Parke,  Director of Utilities

SUBJECT: Watershed Protection Acquisitions
Lake Fort Smith Water Supply

Over the past several years staff has been discussing with Darlene Engelhoven, the need to acquire watershed protection for her property. Mrs. Engelhoven's property is included in the watershed boundary area around the lake that the city proposes to acquire for watershed protection, either by a watershed protection easement or by fee title acquisition. A location map of the property and a watershed boundary map are attached for your review.

Mrs. Engelhoven purchased this 1.38 acre parcel of vacant land on Boston Mountain Road in 2001 as a site for a home near the lake. The property is located off Highway 71 approximately 3 miles north of Mountainburg. The property's south side borders a sharp incline from the top of the ridge with surface water draining toward the lake. The property could be subdivided into two smaller building sites. Mrs. Engelhoven has decided not to construct a home at this location and to sell the property to the city.

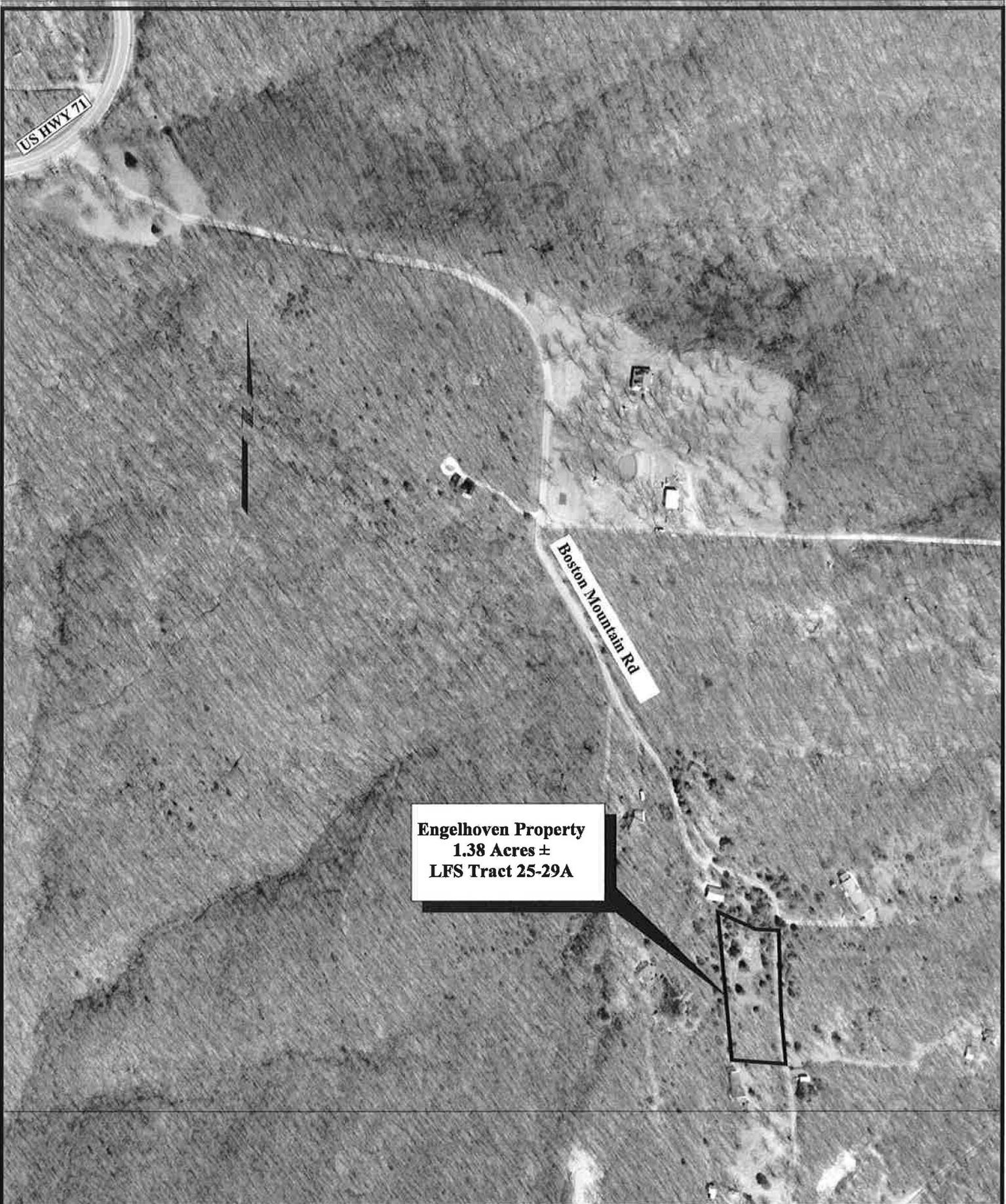
The city's appraiser, Matthews and Associates, appraised the property in 2008 for \$11,000.00. Mrs. Engelhoven had her property recently appraised by a Arkansas State Certified Appraiser for an estimated value of \$13,000.00. Both appraisals are similar to previous appraisals of watershed protection properties purchased by the city in the area. After several discussions, Mrs. Engelhoven has offered to sell the property to the city for the \$12,500.00.

Staff feels that the owner's offer to sell the property in fee title to the city for \$12,500.00 is reasonable and that the administrative costs associated with acquiring the property through other means is not the best alternative. Therefore, staff recommends that the Board approve this Resolution and accept the owner's offer at its next scheduled meeting.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman



**LAKE FORT SMITH WATER SUPPLY PROJECT NO 99-01
PROPOSED WATERSHED PROTECTION PROPERTY PURCHASE
ENGELHOVEN PROPERTY**

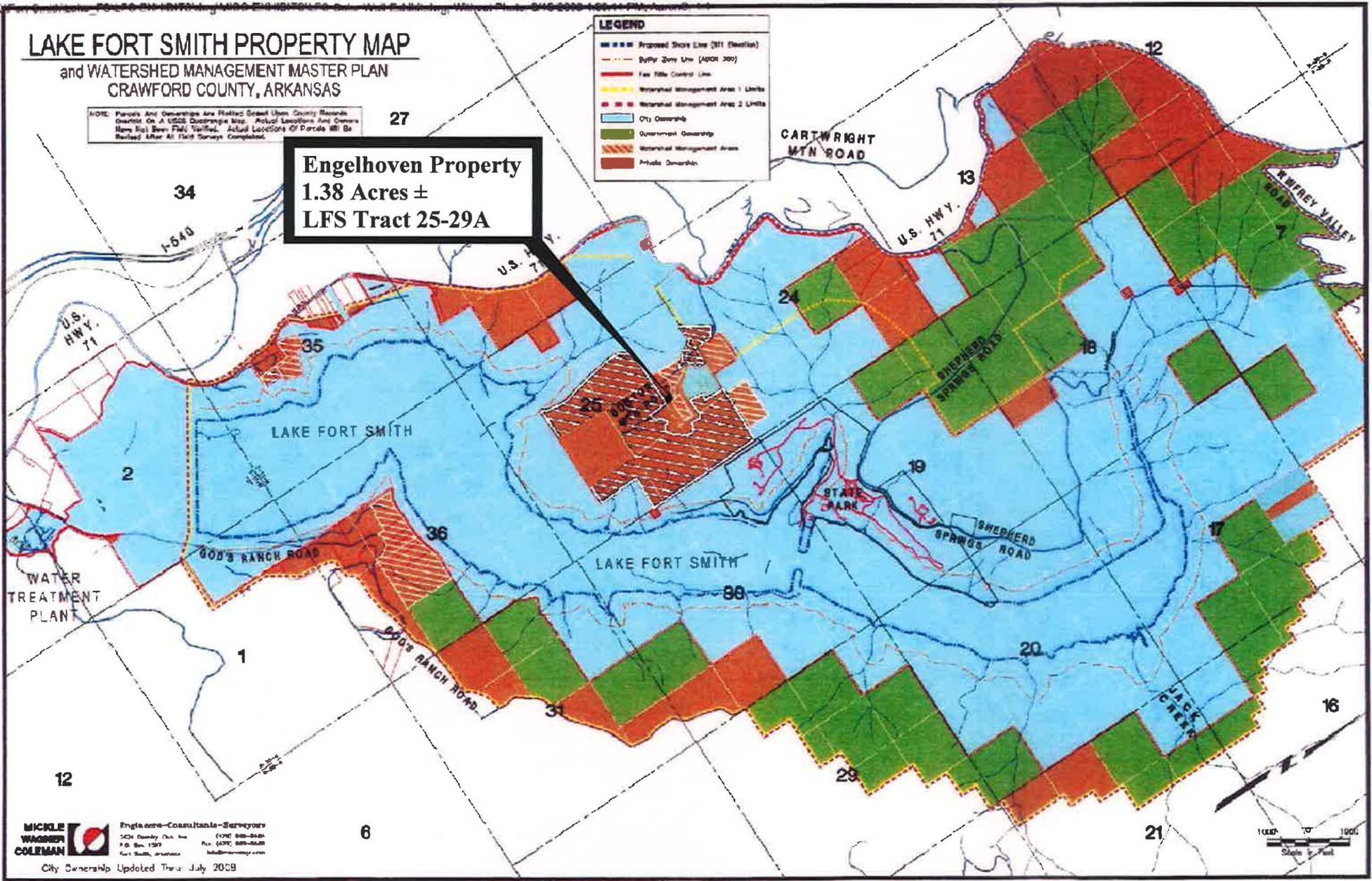
LAKE FORT SMITH PROPERTY MAP and WATERSHED MANAGEMENT MASTER PLAN CRAWFORD COUNTY, ARKANSAS

NOTE: Parcels And Ownerships are Plotted Based Upon County Records Overlaid On A USGS Quadrangle Map. Actual Locations And Ownerships May Not Be As Plotted. Actual Locations Of Parcels Will Be Verified After All Field Surveys Completed.

LEGEND

- Proposed Shore Line (2011 Revision)
- Buffer Zone Line (April 2007)
- Fee Title Control Line
- Watershed Management Area 1 Units
- Watershed Management Area 2 Units
- City Ownership
- Government Ownership
- Watershed Management Area
- Private Ownership

Engelhoven Property
1.38 Acres ±
LFS Tract 25-29A



MICKLE WAGNER COLEMAN Engineers—Consultants—Surveyors
2524 County Club Lane Fort Smith, Arkansas 72506
(479) 646-6646 Fax: (479) 646-6648
mick@mwcm.com

City Ownership Updated Thru July 2009

AN ORDINANCE DECLARING AN EXCEPTIONAL SITUATION WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZING THE PURCHASE FROM MOTOROLA SOLUTIONS, INC., OF TWENTY (20) NEW PORTABLE RADIOS FOR USE BY THE FIRE DEPARTMENT

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: An exceptional situation is declared to exist requiring the waiving of competitive bidding with reference to the purchase of twenty (20) portable radios for use by the Fire Department. Specifically, radios that would have otherwise been ordered during 2013 may be obtained from the seller source, i.e., Motorola Solutions, Inc., at a savings to the City of approximately \$ 32,000.00, if purchased at this time. Motorola Solutions, Inc., is the sole source of radios currently being used by the Fire Department and, because of a surplus created by a sale cancellation involving another customer, is presently able to sell the radios to the City at a significant discount.

Section 2: The Mayor, his signature being attested by the City Clerk, is authorized to execute a purchase with Motorola Solutions, Inc., for the purchase of twenty (20) portable radios in the amount of \$76,049.20.

Section 3: There is hereby approved the sum of \$76,049.20 from the 4803 account code set up from the ¼ % sales tax passed in March, 2012 for use in fire department operations.

PASSED AND APPROVED THIS _____ day of October, 2012.

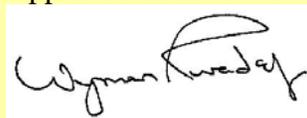
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



8L



Fort Smith Fire Department

200 North Fifth Street
Fort Smith, Arkansas 72901
479-783-4052



Mike Richards
Fire Chief

Memo

To: Ray Gosack, City Administrator
From: Mike Richards, Fire Chief
Date: September 28, 2012
Re: Portable Radio Purchase

Motorola Solutions, Inc. has contacted us regarding a significant discount on a limited number of new portable radios they have in inventory. These radios are classified as surplus due to another customer's cancellation of an existing order. These are the exact same portable radios we have budgeted in our 2013 4803 account for the operations of Fire Station 11 and new aerial fire apparatus. Motorola is offering these radios to their customers on a first come basis at a cost of \$3802.46 (including tax). We had budgeted twenty (20) radios at \$5,430.00 each based on a previous quote we obtained from Motorola back in the summer.

If we place the order for the twenty (20) radios now instead of waiting until 2013, we can save the City a total of approximately \$32,550.00. I have talked to Finance Director Kara Bushkuhl about the funding to purchase the radios now. She advised that we will have the funding available from the fire department's share of the ¼ % sales tax in 2012 and will deduct the original requested amount from the fire department's 2013 budget.

We recommend approval of this purchase request due to the significant savings to the City by placing this order now instead of waiting until January, 2013.