



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, March 1, 2016

5:30 PM

Municipal Center

PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

Council Chambers, Municipal Center

PUBLIC HEARING AT 5:20 P.M.

Regarding the abandonment of an undeveloped alleyway located north of Griffin Street as requested by Bob Harrison and Cesar Islas

PUBLIC HEARING AT 5:25 P.M.

Regarding the abandonment of an undeveloped street right-of-way located near East Street and Cate Avenue as requested by Oak Street Properties, LLC

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

COM-16:015 Presentation of the City of Distinction Award to Mayor Harold Perrin by Mr. Paul Phillips

Sponsors: Mayor's Office

5. CONSENT AGENDA

All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.

MIN-16:019 Minutes for the City Council meeting on February 16, 2016

Attachments: [Minutes](#)

RES-16:015 RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - CRAIGHEAD FOREST PARK TRAILWAY

Sponsors: Grants, Parks & Recreation and Engineering

Attachments: [Craighead Forest Trailway Phase 2 Agreement](#)
[Certification for Craighead Forest Trailway Phase 2](#)
[Craighead Forest Trailway \(Phase 2\) Budget Amendment](#)
[Designated Employee Letter for Craighead Forest Trail \(Phase 2\)](#)

Legislative History

2/23/16 Finance & Administration Recommended to Council
 Council Committee

RES-16:016 RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - RACE STREET SIDEWALKS AND UPRR PEDESTRIAN CROSSING

Sponsors: Grants and Engineering

Attachments: [Race St. Sidewalks & RR Ped. Crossing Agreement](#)
[Certification for Race St. & RR Ped Crossing](#)
[Race St. Sidewalks & RR Ped. Crossing Budget Amendment](#)
[Designated Employee Letter for Race St. Sidewalks & RR Ped Crossing](#)

Legislative History

2/23/16 Finance & Administration Recommended to Council
 Council Committee

RES-16:017 RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 ARKANSAS RECREATIONAL TRAILS NONMOTORIZED PROGRAM (RTP) - GREENWAY PEDESTRIAN BRIDGE

Sponsors: Grants, Parks & Recreation and Engineering

Attachments: [Greenway Ped. Bridge RTP Agreement](#)
[Certification for Greenway Ped Bridge](#)
[Designated Employee Letter for Greenway Ped. Bridge](#)

Legislative History

2/23/16 Finance & Administration Recommended to Council
 Council Committee

RES-16:018 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ESTABLISH AND APPOINT A MAYORS TASK FORCE TO END HOMELESSNESS FACILITATED BY THE GRANTS AND COMMUNITY DEVELOPMENT DEPARTMENT

Sponsors: Grants, Mayor's Office and Community Development

Legislative History

2/16/16 Nominating and Rules Recommended to Council
 Committee

RES-16:021 A RESOLUTION TO CONTRACT WITH EAB BROADCASTORS INC FOR RENTAL OF CRAIGHEAD FORREST PARK

Sponsors: Parks & Recreation

Attachments: [Eab Fourth in the Forest 2016.pdf](#)

Legislative History

2/23/16 Finance & Administration Recommended to Council
 Council Committee

RES-16:023

A RESOLUTION AUTHORIZING THE MAYOR'S SALARY RECOMMENDATION FOR THE POSITION OF COMMUNICATIONS DIRECTOR FOR COMPLIANCE WITH THE SALARY SCHEDULE AND ADMINISTRATION POLICY

Sponsors: Mayor's Office

Legislative History

2/23/16 Finance & Administration Recommended to Council
 Council Committee

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-16:015

AN ORDINANCE VACATING AN UNDEVELOPED STREET RIGHT- OF- WAY ON EAST STREET AND CATE AVENUE AS REQUESTED BY OAK STREET PROPERTIES, LLC

Attachments: [Planning & Engineering Letter](#)

[Plat](#)

[Utility Letters](#)

[Petition](#)

ORD-16:016

AN ORDINANCE ABANDONING AND VACATING PARTS OF UNUSED ALLEYWAY LOCATED NORTH OF GRIFFIN STREET AS REQUESTED BY BOB HARRISON AND CESAR ISLAS

Attachments: [Petition](#)

[Plat](#)

[Utility Letters](#)

[Engineering & Planning Letter](#)

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-16:011

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-8 LOCATED ON AGGIE ROAD AS REQUESTED BY DEAN TYRER

Attachments: [Plat](#)

[MAPC Report](#)

Legislative History

2/16/16 City Council Held at one reading

ORD-16:014 AN ORDINANCE ACCEPTING THE DONATION OF A PORTION OF DAYTON AVENUE DESCRIBED AS FOLLOWS: The East 60 feet of Lot 7 as shown on the Replat of Lot 6 of Floyred Commons, Recorded in Plat Cabinet "C", Page 221 in the public records of Craighead County at Jonesboro, Arkansas.

Sponsors: Mayor's Office

Legislative History

2/16/16 City Council Held at one reading

ORDINANCES ON THIRD READING

ORD-16:013 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 & C-2 LUO TO C-1 LUO FOR PROPERTY LOCATED AT 903 EAST MATTHEWS AS REQUESTED BY JOSH OLSON

Attachments: [Plat](#)
[MAPC Report](#)

Legislative History

2/16/16 City Council Waived Second Reading

8. MAYOR'S REPORTS

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

Public Comments are limited to 5 minutes per person for a total of 15 minutes.

11. ADJOURNMENT



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: COM-16:015 **Version:** 1 **Name:** City of Distinction Award Presentation
Type: Other Communications **Status:** To Be Introduced
File created: 2/22/2016 **In control:** City Council
On agenda: **Final action:**
Title: Presentation of the City of Distinction Award to Mayor Harold Perrin by Mr. Paul Phillips
Sponsors: Mayor's Office
Indexes: Mayor's Commendations
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Presentation of the City of Distinction Award to Mayor Harold Perrin by Mr. Paul Phillips



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-16:019 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 2/18/2016 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on February 16, 2016
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the City Council meeting on February 16, 2016



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, February 16, 2016

5:30 PM

Municipal Center

PUBLIC SAFETY COMMITTEE MEETING AT 5:00 P.M.

NOMINATING & RULES COMMITTEE MEETING AT 5:15 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Councilman Vance left at 6:08 p.m.

Present 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

4. SPECIAL PRESENTATIONS

COM-16:012 State of the City presentation by Mayor Perrin

Sponsors: Mayor's Office

Attachments: [2016 State of the City Address](#)
[2016 State of the City Address Slides](#)
[2016 State of the City Address Presentation](#)

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, to Approve the Consent Agenda. The motioned PASSED

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

MIN-16:015 Minutes for the City Council meeting on February 2, 2016

Attachments: [Minutes](#)

This item was **APPROVED** on the consent agenda.

RES-16:007

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH GILLIS, INC. FOR THE CRAIGHEAD FOREST PARK CENTENNIAL & FORT ROTARY PARK DRAINAGE IMPROVEMENTS - 2016:01

Sponsors: Engineering

Attachments: [Bid Tab](#)
[Contract Documents 2016.01](#)

This item was **APPROVED** on the consent agenda.

Enactment No: R-EN-010-2016

RES-16:010

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR SUMS RECEIVED AND COSTS ASSOCIATED WITH OFFENSES AND/OR VIOLATIONS COMMITTED WITHIN THE CORPORATE LIMITS JONESBORO, ARKANSAS BETWEEN THE CITY OF JONESBORO AND CRAIGHEAD COUNTY

Sponsors: Mayor's Office

Attachments: [Interlocal Agreement](#)

This item was **APPROVED** on the consent agenda.

Enactment No: R-EN-011-2016

RES-16:013

A RESOLUTION TO CONTRACT WITH THE JONESBORO JETS

Sponsors: Parks & Recreation

Attachments: [2016 City Pool Contract.pdf](#)

This item was **APPROVED** on the consent agenda.

Enactment No: R-EN-012-2016

RES-16:020

RESOLUTION TO SET THE JUDGES, CLERKS AND ALTERNATE WORKERS FOR THE CITY WATER AND LIGHT PLANT ELECTION FOR 2016

This item was **APPROVED** on the consent agenda.

Enactment No: R-EN-013-2016

6. NEW BUSINESS

Councilman Street motioned, seconded by Councilman Dover, to suspend the rules and place ORD-16:014 on the agenda and hold it to one reading. All voted aye, with the exception of Councilmen Johnson and Vance who abstained from voting.

ORD-16:014

AN ORDINANCE ACCEPTING THE DONATION OF A PORTION OF DAYTON

AVENUE DESCRIBED AS FOLLOWS: The East 60 feet of Lot 7 as shown on the Replat of Lot 6 of Floyred Commons, Recorded in Plat Cabinet "C", Page 221 in the public records of Craighead County at Jonesboro, Arkansas.

Sponsors: Mayor's Office

Councilman Dover offered the ordinance for first reading by title only.

Councilman Dover asked that the ordinance was held at one reading.

Mayor Perrin explained he asked the Engineering Department to calculate the cost of bringing the road up to code. The cost of improving the street from Fairpark to the sign on Lot 7 is around \$81,000 with a 20% contingency. To improve it from Fairpark to Red Wolf Boulevard the total cost would be \$223,531. He would like to contact some of the owners next to the road, such as Centennial Bank, to see if they would share in the cost of bringing the road up to code and bring that back to Council. He wants the Council to get all of the facts and figures before making a decision.

Bankruptcy attorney Rick Ramsey stated he is under some time constraints due to the bankruptcy, but that doesn't mean he can't petition the bankruptcy court for an extension which is a possibility. He discussed the property, explaining the property is under bankruptcy by the Craighead County Fairgrounds Association. He has been appointed as a distribution agent for the confirmed bankruptcy plan to liquidate the assets of the estate. The property as subdivided into lots, but the road that he is discussing was not dedicated to the city. He has Lot 7 under contract to sell. He explained the reasons for an exception by the city for this case. He noted the road is an important connector to two main arteries in the city. If the city decides not to accept the donation, there's a possibility the road could be closed and that should be a factor that is considered. There is no requirement that the road be brought up to code. He also stated they will give the city enough land in the donation that if they decide to bring the road up to code, then there will be ample room for the improvements. Mr. Ramsey further discussed the road. He noted the property will be sold, if not through him then in a point in the future. He stated if the city wants the road, he is now offering it to the city at no cost.

Councilman Dover asked how many other lots are adjacent to this road. Mr. Ramsey answered none because Academy Sports is on the other side of the road. Mayor Perrin added Centennial Bank is also adjacent to the road.

This ordinance was Held at one reading.

ORDINANCES ON FIRST READING

ORD-16:011

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-8 LOCATED ON AGGIE ROAD AS REQUESTED BY DEAN TYRER

Attachments: [Plat](#)
[MAPC Report](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Street asked if the city planner will be discussing the rezoning. City Attorney Carol Duncan explained the requirement by the court is that the Council go through all of the criteria that the city has set out for rezonings. Discussion will have to be held at some point in the process. Mayor Perrin stated he has asked the city

planner to present his comments to the rezoning that way it can be discussed at the next Council meeting.

A motion was made by Councilman Darrel Dover, seconded by Councilman Chris Moore, that this matter be Held at one reading . The motion PASSED with the following vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

ORD-16:012

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2016 ANNUAL BUDGET TO ADD \$1,079,325 FOR SALARY INCREASES AND DECLARING AN EMERGENCY FOR THE OPERATIONAL CONTINUITY OF THE CITY OF JONESBORO, ARKANSAS

Sponsors: Mayor's Office and Finance

Attachments: [Exhibit A](#)
[Salary Administration Plan revision Feb 2016 Final](#)
[Presentation from Feb. 16 meeting](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Gibson abstained from voting and discussion on this ordinance due to a potential conflict of interest.

Chief Financial Officer Suzanne Allen gave a presentation to the Council detailing the salary increases (see presentation attached to ordinance). She noted the Salary/Longevity Committee will be meeting in the future concerning an incentive plan and make their recommendation. She also explained everyone will be at least at the minimum for their salary grade. The plan moves the city 3% closer to market. Ms. Allen stated the committee will also be looking at some job positions due to the jobs not being rated since 2012. Some jobs may have shifted since then. She explained the salary plan will be funded through sales tax growth and reserves. A committee will be formed to make recommendations for the amount the city should hold in reserves.

Employees in their current position for at least two years and less than 9 will receive a \$75 increase per year in their base pay up to a maximum of \$600 for compression pay. Department heads are excluded from compression pay. Longevity pay will be \$75 per year of service starting at year two and capping at year 30. The incentive plan will be brought forth in the future.

Councilman Dover thanked the committee for their work. He explained they worked very diligently and they had a lot of good meetings. They came up with a lot of good ideas. From his standpoint, this plan is fair and equitable.

Larry Jackson, 614 Forrest Park Road, stated he thinks, as does the rest of the Employee Representative Committee, that this plan is a good start. He noted there are city employees who receive government subsidies because of their pay. The employees should have salaries in which they also get food stamps or free lunches for their children. He questioned why the longevity pay stops at 30 years. But, he noted he thinks most of the employees think it's a good plan.

Councilman Dover noted this is just a start and will be reviewed each year. The plan may change in the future depending on the funding available. Mayor Perrin also commended the committee for their work. He stated it was a big project.

Wayne Rogers, 5437 Summer Place, stated he was on the committee and they did work very hard. He thinks the Police Department is still underpaid and that should be addressed in the future.

Harold Carter stated the police think there are going to be more issues that may require more money to solve their original problems. He then questioned how the plan would be paid for on an ongoing basis because it cannot be paid for just out of reserves. Mayor Perrin explained the plan would be paid for through sales tax income and reserves. The sales tax brings in about \$800,000 per year and the balance will come out of reserves. He added that is why they would like to look at how much Jonesboro really needs in reserves. He hopes they don't have to pull too much money out of reserves. It may have to be adjusted in the future or the city may have to ask for a tax to pay for other things. Ms. Allen further explained they have looked at the sales tax projections. They will have to take from reserves for a few years, but hope that after a while the sales tax income will pay for the plan.

Councilman Street motioned, seconded by Councilman Dover, to suspend the rules and waive the second and third readings. All voted aye, with the exception of Councilman Gibson who abstained from voting.

After passage of the ordinance, Councilman Coleman motioned, seconded by Councilman Frierson, to adopt the emergency clause. All voted aye, with the exception of Councilman Gibson who abstained from voting.

Mayor Perrin thanked the Council for approving the ordinance.

A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED with the following vote.

Aye: 9 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Abstain: 1 - Chris Gibson

Enactment No: O-EN-010-2016

ORD-16:013

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 & C-2 LUO TO C-1 LUO FOR PROPERTY LOCATED AT 903 EAST MATTHEWS AS REQUESTED BY JOSH OLSON

Attachments: [Plat](#)
[MAPC Report](#)

Councilman Johnson offered the ordinance for first reading by title only.

Councilman Dover asked if there was any opposition to the rezoning. City Planner Otis Spriggs answered no.

A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, to Waive Second Reading . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

RESOLUTIONS TO BE INTRODUCED

RES-15:171

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 3628 E. Nettleton, Owner: David Abernathy

Sponsors: Code Enforcement

- Attachments:** [3628 E. Nettleton inspection report](#)
[Abernathy county data](#)
[Abernathy title search](#)
[Abernathy 1](#)
[Abernathy 2](#)
[Abernathy 3](#)
[Abernathy 4](#)

A motion was made by Councilman Darrel Dover, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Enactment No: R-EN-014-2016

RES-16:005

RESOLUTION SETTING A PUBLIC HEARING REGARDING THE ABANDONMENT OF AN UNDEVELOPED ALLEYWAY LOCATED NORTH OF GRIFFIN STREET AS REQUESTED BY BOB HARRISON AND CESAR ISLAS

- Attachments:** [Plat](#)
[Petition](#)
[Engineering & Planning Letter](#)
[Utility Letters](#)

A motion was made by Councilman John Street, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Enactment No: R-EN-015-2016

RES-16:014

RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF AN UNDEVELOPED STREET RIGHT-OF-WAY ON EAST STREET AND CATE AVENUE AS REQUESTED BY OAK STREET PROPERTIES, LLC.

Attachments: [Petition](#)
[Plat](#)
[Utility Letters](#)
[Engineering & Planning Dept. Letter](#)

A motion was made by Councilman John Street, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Enactment No: R-EN-016-2016

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-16:010

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 3008 ROOK ROAD AS REQUESTED BY THE ROOK FAMILY

Attachments: [Plat](#)
[MAPC Report](#)

A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Enactment No: O-EN-011-2016

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

He, along with Ms. Allen and Grants Administrator Kimberly Marshall visited Washington, D.C. last week. They met with all of the delegation, as well as the Department of Justice. There is a Violence Reduction Conference in Little Rock today which Ms. Marshall attended to look at grants. There will also be a new grant to monitor prescription drug usage. Discussion with the EPA was also held concerning north Jonesboro. Some of the homes in north Jonesboro are not hooked up to sewer and they have been doing that with CDBG funding, at about 8 to 10 per year. At the Department of Transportation, they learned of a new Tiger Grant the city will be applying for. The grant will be used to add the Unicom system at more intersections in Jonesboro. It will be used for the police and fire vehicles. Jonesboro may also be a pilot program for the state for this service.

They are also looking at partnering with the National Park Services for grant funding.

He was asked to serve on a national committee through the EPA.

This Thursday, Arkansas Game & Fish will be in town to meet with the city concerning the firing range.

Mark Roberts will be in town to discuss the International Property Maintenance Code tomorrow during two meetings. The meetings will be held in the Council Chambers.

They are discussing the Zika virus with Vector Mosquito to see how they plan on combating that in Jonesboro. He stated this is a very serious disease, so they want to make sure the vendor is doing everything they can.

City Attorney Duncan gave an update concerning the condemnation on the old home ice business. The property owner filed a notice of appeal to appeal the condemnation in Circuit Court in September, 2015. Since then, the property owner has done nothing. They have since determined the property owner's time has run out to file a claim. In response, the city filed a motion to dismiss in which they found out today that Judge Honeycutt approved the motion to dismiss with prejudice. So, Code Enforcement can move forward with the condemnation process.

COM-16:014

Financial statement for the Jonesboro Airport Commission for January 31, 2016

Sponsors: Municipal Airport Commission

Attachments: [Financial statement](#)

This item was Filed.

9. CITY COUNCIL REPORTS

Councilman Street asked about recycling program. Mayor Perrin explained all of the mayors in the county met at Legacy Landfill two weeks ago and came up with the idea of a 50 cent tipping fee increase to cover the cost of the recycling program. They are also looking at doing tote bags instead of the blue bags. They will be meeting again next month.

Councilman Johnson motioned, seconded by Councilman Dover, to suspend the rules and place ORD-16:008 on the agenda. All voted aye.

ORD-16:008

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF LAW ENFORCEMENT PISTOLS FOR THE POLICE DEPARTMENT

Sponsors: Finance and Police Department

Councilman Dover offered the ordinance for first reading by title only.

Councilman Johnson motioned, seconded by Councilman Dover, to suspend the rules and waive the second and third readings. All voted aye.

After passage of the ordinance, Councilman Johnson motioned, seconded by Councilman Dover, to adopt the emergency clause. All voted aye.

Mayor Perrin noted if there is an emergency clause on an ordinance the department heads need to state what the emergency is. A lot of times the clause isn't enough to justify an emergency.

A motion was made by Councilman Darrel Dover, seconded by Councilman John Street, that this matter be Passed . The motion PASSED with the following vote:

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Enactment No: O-EN-012-2016

Councilman Street, Johnson, Dover and Woods thanked the Salary/Longevity Committee for the work they put in on the salary plan.

Councilman Burton motioned, seconded by Councilman Dover, to suspend the rules and place RES-16:022 on the agenda. All voted aye, with the exception of Councilmen Street and Frierson who abstained from voting.

RES-16:022

RESOLUTION TO MAKE APPOINTMENTS & REAPPOINTMENTS TO THE CITY WATER AND LIGHT BOARD AND THE JONESBORO PARKS & RECREATION ADVISORY BOARD AS RECOMMENDED BY MAYOR PERRIN

Sponsors: Mayor's Office

A motion was made by Councilman Chris Gibson, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED with the following vote:

Aye: 8 - Darrel Dover;Ann Williams;Chris Moore;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Abstain: 2 - Charles Frierson and John Street

Enactment No: R-EN-017-2016

10. PUBLIC COMMENTS

Phillip Cook, 5216 Richardson Drive, stated he doesn't think the Salary/Longevity Committee went as far as he would have liked them to, but he understands because there was only so much money to work with. He added he was proud of the law enforcement and Fire Department response to the recent lockdown at Arkansas State.

11. ADJOURNMENT

A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this matter be Adjourned . The motion PASSED with the following vote:

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk



Legislation Details (With Text)

File #:	RES-16:015	Version:	1	Name:	Agreement with AHTD for 2015 TAP for the Craighead Forest Park Trailway
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	2/2/2016	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:			
Title:	RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - CRAIGHEAD FOREST PARK TRAILWAY				
Sponsors:	Grants, Parks & Recreation, Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Craighead Forest Trailway Phase 2 Agreement Certification for Craighead Forest Trailway Phase 2 Craighead Forest Trailway (Phase 2) Budget Amendment Designated Employee Letter for Craighead Forest Trail (Phase 2)				

Date	Ver.	Action By	Action	Result
2/23/2016	1	Finance & Administration Council Committee		

RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - CRAIGHEAD FOREST PARK TRAILWAY

WHEREAS, the City of Jonesboro was awarded the FY 2015 Transportation Alternative Program Grant in the amount of \$377,545 of which \$302,036 are Federal-aid funds (80%); and

WHEREAS, the City of Jonesboro will match the Federal-aid funds with \$75,509 in local funds of said trail; and

WHEREAS, the City of Jonesboro will accept all accounting, reporting, and project responsibilities for said grant; and

WHEREAS, the City of Jonesboro will use said funds for the construction of of the Craighead Forest Park Trailway Phase 2 as part of the Greenway Trailway, a master trail system that would provide pedestrian and bicycle accessibility to the recreational complexes throughout the City.

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

SECTION 1: The City of Jonesboro will enter into agreement with the Arkansas State Highways and Transportation Department to accept the 2015 TAP - Craighead Forest Park Trail (Phase 2) Grant in the amount of \$377,545; and

SECTION 2: The Mayor, City Clerk, and the City Attorney are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this contractual agreement.

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF JONESBORO

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation Federal Highway Administration

RELATIVE TO

Implementation of **Job 100856, Craighead Forest Park Trail (Ph. 2) (Jonesboro) (TAP-15) (S)** (hereinafter called the "Project") as an Arkansas Transportation Alternatives Program project.

WHEREAS, funding in the Moving Ahead for Progress in the 21st Century Act (MAP-21) includes 80% Federal-aid funds to be matched with 20% non-federal funds for approved Transportation Alternatives Program projects; and

WHEREAS, the **City of Jonesboro** (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible Project and to provide necessary matching for such funds; and

WHEREAS, the Sponsor has transmitted to the Arkansas State Highway and Transportation Department (hereinafter called the "Department") a signed and sealed Resolution from the Sponsor's governing body authorizing the Sponsor's CEO or their designated representative to execute agreements and contracts with the Department for the Project; and

WHEREAS, funding participation will be as follows, subject to a limit of **\$302,036** maximum Federal-aid approved for the Project:

	<u>Maximum</u> <u>Federal %</u>	<u>Minimum</u> <u>Sponsor %</u>
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Construction:	80	20
Project Construction Inspection:	0	100

WHEREAS, the Sponsor knows of no legal impediments to the completion of the Project; and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for DBE participation in the Project ranging from 0% to 100% that are practical and related to the potential availability of DBEs in desired areas of expertise; and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to

maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Notify the Department in writing who the Sponsor designates as its full-time employee to be in responsible charge of the day to day oversight of the Project (Attachment B). The duties and functions of this person are:
 - Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
 - Maintains familiarity of day to day project operations, including project safety issues;
 - Makes or participates in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
 - During construction, visits and reviews the project on a daily basis;
 - Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
 - Directs project staff, Sponsor or consultant, to carry out project administration and contract oversight, including proper documentation;
 - Be aware of the qualifications, assignments and on-the-job performance of the Sponsor and consultant staff at all stages of the project.
2. Sponsors that require a reduction in the scope of their project will submit the Revision of Project Scope and Budget (Attachment C) with the signed Agreement of Understanding.
3. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer or licensed architect must sign the plans and specifications for the project if the project includes design of structural components. Plans which include the design of only non-infrastructure components will not require a registered stamp.
4. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, FHWA Recreational Trails Program Guidance, and any other Federal, State, and/or local laws, rules and/or regulations. (See Attachment D for items to be included in the bid proposal).
5. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right-of-way and adjusting utilities in conformance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**
6. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act").
7. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be

used for the Project and the land is accessible to the general public for public recreational purposes (See Attachment E).

8. Ensure the preparation of utility adjustment and right-of-way plans are in accordance with Arkansas State Highway Commission Policy.
9. Submit a certification letter (Attachment F), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.
10. Advertise for bids in accordance with federal procedures as shown in Attachment G. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**
11. Forward a copy of all addenda to the Project during the advertisement to the Department.
12. After bids are opened and reviewed, submit a certification (Attachment H), including all items noted, to the Department and request concurrence in award of the contract.
13. Prior to issuing the notice to proceed to the Contractor, the Sponsor must hold a pre-construction meeting with the Contractor and **must invite the Department's Resident Engineer assigned to the Project.**
14. Prior to executing the work, submit change orders to the contract to the Department's Resident Engineer assigned to the Project for review and approval for program eligibility.
15. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
16. Perform construction inspection in accordance with Attachment I.
17. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Attachment J). Requests for reimbursement must be made at least once every six months that construction projects are active in order to avoid being put on the FHWA inactive project list.
18. Attach Report of Daily Work Performed (Attachment K) for all days that correspond with each CCRR submittal.
19. Upon project completion hold a final acceptance meeting for the Project and submit the Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Attachment L). This form must be signed by the engineer/architect performing construction inspection on the Project, the Department's Resident Engineer assigned to the project, the Sponsor's full-time employee in responsible charge, and the Sponsor's CEO.
20. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of

FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.

21. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.
22. To the extent permitted by law, indemnify and hold harmless the Arkansas State Highway Commission, the Department, its officers and employees from any and all claims, lawsuits, judgments, damages, costs, expenses, and losses, including those arising from claims before the Arkansas Claims Commission or lawsuits brought in any other legal forum, sustained on account of the operations or actions of the Sponsor, including any act of omission, neglect or misconduct of the Sponsor. Further, the Sponsor shall take no action to compromise the immunity from civil suits afforded the State of Arkansas, the State Highway Commission, Arkansas Code 19-10-305, or the 11th Amendment of the United State Constitution. This obligation of indemnification shall survive the termination or expiration of this Agreement. It is acknowledged that the Sponsor is entitled to certain immunities provided by A.C.A. §21-9-301 and that nothing contained herein shall be construed as a waiver of any such statutory immunities.
23. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
24. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Retention and access requirements for records (Attachment M).
25. Grant the right of access to Sponsor's records pertinent to this Project and the right to audit by the Department and Federal Highway Administration officials.
26. Be responsible for its portion of the total project cost and 1% of the contract amount for Department administration.
27. Be responsible for 100% of all project costs incurred should the Project not be completed as specified.
28. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.
29. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Attachment N), which is necessary for Project participation.
30. Repay to the Department the federal share of the cost of any portion of this Project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents,

its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's Motor Fuel Tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the Project as specified, or fail to adequately maintain or operate the Project.

31. Repay all federal funds if this is determined necessary for any reason.
32. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the Project as approved;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of a project due to the Project's obsolescence.
33. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of all future Federal-aid funds.
34. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the Sponsor expends more than \$500,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the Sponsor's fiscal year. The \$500,000 threshold is subject to change after OMB periodic reviews.
35. Promptly notify the Department if the Project is rendered unfit for continued use by natural disaster or other cause.
36. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Attachment O).

THE DEPARTMENT WILL:

1. Maintain an administrative file for the Project and be responsible for administering Federal-aid funds.
2. Request review from the Arkansas Historic Preservation Program (AHPP).
3. Provide routine environmental documentation for the Project.
4. Notify the Sponsor when right-of-way and/or utility plans are approved and the Sponsor may proceed with right-of-way acquisition and/or utility adjustments.
5. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.

6. Review plans and specifications for project/program eligibility.
7. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
8. Advise the Sponsor when to proceed with advertisement of the Project for construction bids.
9. Review bid tabulations and concur in award of the construction contract for the Project.
10. Participate in the Sponsor's preconstruction and final acceptance meetings.
11. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
12. Review and approve any necessary change orders for project/program eligibility.
13. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the CCR form (Attachment J). This reimbursement will be limited to the maximum Federal-aid amount and to the federal amount available at the time payment is requested. If the payment requested exceeds the Federal-aid available at the time, the difference will be reimbursed as additional Federal-aid for the Project becomes available.
14. Subject to the availability of Federal-aid allocated for the Project, pay the Sponsor the remaining amount due upon completion of the Project and submittal of the certified Final Acceptance Report form (Attachment L).
15. Reserve the right to cancel the Project if there is an unreasonable delay in project development or completion of the project, there is a lack of progression toward project development or completion of the project, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process or the Sponsor is unresponsive to Department requests.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the Project or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the Sponsor's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____ day of _____, 2016.

ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT

CITY OF JONESBORO

Scott E. Bennett, P.E.
Director of Highways and Transportation

Harold Perrin
Mayor

Donna Jackson
City Clerk

Carol Duncan
City Attorney

**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**

NOTICE OF NONDISCRIMINATION

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ahtd.ar.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed \$100,000, and that all such sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of Jonesboro

Sponsor:

Signature:

Harold Perrin, Mayor

Name:



CITY OF JONESBORO

February 2, 2016

Mr. Jared Wiley
Division Engineer – Program Management
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: **Job # 100856**
Craighead Forest Trail (Phase 2)
Craighead County

Dear Mr. Wiley:

The scope and/or budget for the project has/have been revised. I certify that:

- 1) The length of the project will be _____ feet and be _____ feet wide with a/an _____ surface.
- 2) Other project changes are as follows: _____.
- 3) Two maps are attached. One is the project location map, and the other is a close up map that shows the project termini.
- 4) The revised budget is \$302,036 Federal-aid and \$101,509 Sponsor funds for a total project budget of \$403,545.

Any substantial changes to the above information will be submitted in writing to AHTD.

Sincerely,

Harold Perrin
Mayor

cc: Wixson Huffstetler, Director of Parks and Recreation
Craig Light P.E., City Engineer
Kimberly Marshall, Grants Administrator



CITY OF JONESBORO

February 2, 2016

Mr. Emanuel Banks
Deputy Director and Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: **Job #100856**
Craighead Forest Trail (Phase 2) (Jonesboro)
Craighead County

Dear Mr. Banks:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be Wixson Huffstetler. This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreement of Understanding.

Sincerely,

Harold Perrin
Mayor

cc: Wixson Huffstetler, Director of Parks and Recreation
Craig Light P.E., City Engineer
Kimberly Marshall, Grants Administrator



Legislation Details (With Text)

File #:	RES-16:016	Version:	1	Name:	Agreement with AHTD for 2015 TAP for Race Street sidewalks and pedestrian crossing
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	2/2/2016	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:		Final action:	
Title:	RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - RACE STREET SIDEWALKS AND UPRR PEDESTRIAN CROSSING				
Sponsors:	Grants, Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Race St. Sidewalks & RR Ped. Crossing Agreement Certification for Race St. & RR Ped Crossing Race St. Sidewalks & RR Ped. Crossing Budget Amendment Designated Employee Letter for Race St. Sidewalks & RR Ped Crossing				

Date	Ver.	Action By	Action	Result
2/23/2016	1	Finance & Administration Council Committee		

RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - RACE STREET SIDEWALKS AND UPRR PEDESTRIAN CROSSING

WHEREAS, the City of Jonesboro was awarded the FY 2015 Transportation Alternative Program Grant in the amount of \$90,847.50 of which \$72,678 are Federal-aid funds (80%); and

WHEREAS, the City of Jonesboro will match the Federal-aid funds with \$18,169.50 in local funds (20%) of said project; and

WHEREAS, the City of Jonesboro will accept all accounting, reporting, and project responsibilities for said grant; and

WHEREAS, the City of Jonesboro will use said funds for the improvement of existing crossing and the addition of new sidewalks along Race Street to provide safer routes for the Nettleton Schools and Allen Community Center pedestrian traffic in at area.

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

SECTION 1: The City of Jonesboro will enter into agreement with the Arkansas State Highways and Transportation Department to accept the 2015 TAP - Race Street Sidewalks and RR Pedestrian Crossing Grant in the amount of \$90,847.50; and

SECTION 2: The Mayor, City Clerk, and the City Attorney are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this contractual agreement.

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF JONESBORO

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation Federal Highway Administration

RELATIVE TO

Implementation of **Job 100857, Race St. Sidewalks and RR Ped. Crossing (Jonesboro) (TAP-15) (S)** (hereinafter called the "Project") as an Arkansas Transportation Alternatives Program project.

WHEREAS, funding in the Moving Ahead for Progress in the 21st Century Act (MAP-21) includes 80% Federal-aid funds to be matched with 20% non-federal funds for approved Transportation Alternatives Program projects; and

WHEREAS, the **City of Jonesboro** (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible Project and to provide necessary matching for such funds; and

WHEREAS, the Sponsor has transmitted to the Arkansas State Highway and Transportation Department (hereinafter called the "Department") a signed and sealed Resolution from the Sponsor's governing body authorizing the Sponsor's CEO or their designated representative to execute agreements and contracts with the Department for the Project; and

WHEREAS, funding participation will be as follows, subject to a limit of **\$72,678** maximum Federal-aid approved for the Project:

	<u>Maximum</u> <u>Federal %</u>	<u>Minimum</u> <u>Sponsor %</u>
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Construction:	80	20
Project Construction Inspection:	0	100

WHEREAS, the Sponsor knows of no legal impediments to the completion of the Project; and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for DBE participation in the Project ranging from 0% to 100% that are practical and related to the potential availability of DBEs in desired areas of expertise; and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to

maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Notify the Department in writing who the Sponsor designates as its full-time employee to be in responsible charge of the day to day oversight of the Project (Attachment B). The duties and functions of this person are:
 - Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
 - Maintains familiarity of day to day project operations, including project safety issues;
 - Makes or participates in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
 - During construction, visits and reviews the project on a daily basis;
 - Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
 - Directs project staff, Sponsor or consultant, to carry out project administration and contract oversight, including proper documentation;
 - Be aware of the qualifications, assignments and on-the-job performance of the Sponsor and consultant staff at all stages of the project.
2. Sponsors that require a reduction in the scope of their project will submit the Revision of Project Scope and Budget (Attachment C) with the signed Agreement of Understanding.
3. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer or licensed architect must sign the plans and specifications for the project if the project includes design of structural components. Plans which include the design of only non-infrastructure components will not require a registered stamp.
4. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, FHWA Recreational Trails Program Guidance, and any other Federal, State, and/or local laws, rules and/or regulations. (See Attachment D for items to be included in the bid proposal).
5. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right-of-way and adjusting utilities in conformance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**
6. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act").
7. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be

used for the Project and the land is accessible to the general public for public recreational purposes (See Attachment E).

8. Ensure the preparation of utility adjustment and right-of-way plans are in accordance with Arkansas State Highway Commission Policy.
9. Submit a certification letter (Attachment F), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.
10. Advertise for bids in accordance with federal procedures as shown in Attachment G. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**
11. Forward a copy of all addenda to the Project during the advertisement to the Department.
12. After bids are opened and reviewed, submit a certification (Attachment H), including all items noted, to the Department and request concurrence in award of the contract.
13. Prior to issuing the notice to proceed to the Contractor, the Sponsor must hold a pre-construction meeting with the Contractor and **must invite the Department's Resident Engineer assigned to the Project.**
14. Prior to executing the work, submit change orders to the contract to the Department's Resident Engineer assigned to the Project for review and approval for program eligibility.
15. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
16. Perform construction inspection in accordance with Attachment I.
17. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Attachment J). Requests for reimbursement must be made at least once every six months that construction projects are active in order to avoid being put on the FHWA inactive project list.
18. Attach Report of Daily Work Performed (Attachment K) for all days that correspond with each CCRR submittal.
19. Upon project completion hold a final acceptance meeting for the Project and submit the Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Attachment L). This form must be signed by the engineer/architect performing construction inspection on the Project, the Department's Resident Engineer assigned to the project, the Sponsor's full-time employee in responsible charge, and the Sponsor's CEO.
20. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of

FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.

21. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.
22. To the extent permitted by law, indemnify and hold harmless the Arkansas State Highway Commission, the Department, its officers and employees from any and all claims, lawsuits, judgments, damages, costs, expenses, and losses, including those arising from claims before the Arkansas Claims Commission or lawsuits brought in any other legal forum, sustained on account of the operations or actions of the Sponsor, including any act of omission, neglect or misconduct of the Sponsor. Further, the Sponsor shall take no action to compromise the immunity from civil suits afforded the State of Arkansas, the State Highway Commission, Arkansas Code 19-10-305, or the 11th Amendment of the United State Constitution. This obligation of indemnification shall survive the termination or expiration of this Agreement. It is acknowledged that the Sponsor is entitled to certain immunities provided by A.C.A. §21-9-301 and that nothing contained herein shall be construed as a waiver of any such statutory immunities.
23. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
24. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Retention and access requirements for records (Attachment M).
25. Grant the right of access to Sponsor's records pertinent to this Project and the right to audit by the Department and Federal Highway Administration officials.
26. Be responsible for its portion of the total project cost and 1% of the contract amount for Department administration.
27. Be responsible for 100% of all project costs incurred should the Project not be completed as specified.
28. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.
29. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Attachment N), which is necessary for Project participation.
30. Repay to the Department the federal share of the cost of any portion of this Project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents,

its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's Motor Fuel Tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the Project as specified, or fail to adequately maintain or operate the Project.

31. Repay all federal funds if this is determined necessary for any reason.
32. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the Project as approved;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of a project due to the Project's obsolescence.
33. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of all future Federal-aid funds.
34. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the Sponsor expends more than \$500,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the Sponsor's fiscal year. The \$500,000 threshold is subject to change after OMB periodic reviews.
35. Promptly notify the Department if the Project is rendered unfit for continued use by natural disaster or other cause.
36. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Attachment O).

THE DEPARTMENT WILL:

1. Maintain an administrative file for the Project and be responsible for administering Federal-aid funds.
2. Request review from the Arkansas Historic Preservation Program (AHPP).
3. Provide routine environmental documentation for the Project.
4. Notify the Sponsor when right-of-way and/or utility plans are approved and the Sponsor may proceed with right-of-way acquisition and/or utility adjustments.
5. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.

6. Review plans and specifications for project/program eligibility.
7. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
8. Advise the Sponsor when to proceed with advertisement of the Project for construction bids.
9. Review bid tabulations and concur in award of the construction contract for the Project.
10. Participate in the Sponsor's preconstruction and final acceptance meetings.
11. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
12. Review and approve any necessary change orders for project/program eligibility.
13. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the CCR form (Attachment J). This reimbursement will be limited to the maximum Federal-aid amount and to the federal amount available at the time payment is requested. If the payment requested exceeds the Federal-aid available at the time, the difference will be reimbursed as additional Federal-aid for the Project becomes available.
14. Subject to the availability of Federal-aid allocated for the Project, pay the Sponsor the remaining amount due upon completion of the Project and submittal of the certified Final Acceptance Report form (Attachment L).
15. Reserve the right to cancel the Project if there is an unreasonable delay in project development or completion of the project, there is a lack of progression toward project development or completion of the project, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process or the Sponsor is unresponsive to Department requests.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the Project or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the Sponsor's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____ day of _____, 2016.

**ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT**

CITY OF JONESBORO

Scott E. Bennett, P.E.
Director of Highways and Transportation

Harold Perrin
Mayor

Donna Jackson
City Clerk

Carol Duncan
City Attorney

**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**

NOTICE OF NONDISCRIMINATION

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Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed \$100,000, and that all such sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of Jonesboro

Sponsor:

Signature:

Harold Perrin, Mayor

Name:



CITY OF JONESBORO

February 2, 2016

Mr. Jared Wiley
Division Engineer – Program Management
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: **Job # 100857**
Race Street Sidewalks and RR Pedestrian Crossing (Jonesboro)
Craighead

Dear Mr. Wiley:

The scope and/or budget for the project has/have been revised. I certify that:

- 1) The length of the project will be _____ feet and be _____ feet wide with a/an _____ surface.
- 2) Other project changes are as follows: _____.
- 3) Two maps are attached. One is the project location map, and the other is a close up map that shows the project termini.
- 4) The revised budget is \$72,678.00 Federal-aid and \$18,169.50 Sponsor funds for a total project budget of \$90,847.50.

Any substantial changes to the above information will be submitted in writing to AHTD.

Sincerely,

Harold Perrin
Mayor

cc: Craig Light P.E., City Engineer
Kimberly Marshall, Grants Administrator



CITY OF JONESBORO

February 2, 2016

Mr. Emanuel Banks
Deputy Director and Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: **Job #100857**
Race St. Sidewalks and RR Pedestrian (Jonesboro)
Craighead

Dear Mr. Banks:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be Craig Light. This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreement of Understanding.

Sincerely,

Harold Perrin
Mayor

cc: Craig Light P.E., City Engineer
Kimberly Marshall, Grants Administrator



Legislation Details (With Text)

File #:	RES-16:017	Version:	1	Name:	Agreement with AHTD for 2015 TAP for the Greenway pedestrian bridge
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	2/2/2016	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:		Final action:	
Title:	RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 ARKANSAS RECREATIONAL TRAILS NONMOTORIZED PROGRAM (RTP) - GREENWAY PEDESTRIAN BRIDGE				
Sponsors:	Grants, Parks & Recreation, Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Greenway Ped. Bridge RTP Agreement Certification for Greenway Ped Bridge Designated Employee Letter for Greenway Ped. Bridge				

Date	Ver.	Action By	Action	Result
2/23/2016	1	Finance & Administration Council Committee		

RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 ARKANSAS RECREATIONAL TRAILS NONMOTORIZED PROGRAM (RTP) - GREENWAY PEDESTRIAN BRIDGE

WHEREAS, the City of Jonesboro was awarded the FY 2015 Arkansas Recreation Trails Program Grant in the amount of \$99,995 of which \$79,996 are Federal-aid funds (80%); and

WHEREAS, the City of Jonesboro will match the Federal-aid funds with \$19,999 in local funds (20%) of said project; and

WHEREAS, the City of Jonesboro will accept all accounting, reporting, and project responsibilities for said grant; and

WHEREAS, the City of Jonesboro will use said funds for the construction of a pedestrian bridge connecting the Greenway Trail over the Turtle Creek running parallel to the Turtle Creek Mall.

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

SECTION 1: The City of Jonesboro will enter into agreement with the Arkansas State Highways and Transportation Department to accept the 2015 RTP - Greenway Pedestrian Bridge Grant in the amount of \$99,995; and

SECTION 2: The Mayor, City Clerk, and the City Attorney are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this contractual agreement.

GREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF JONESBORO

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation Federal Highway Administration

RELATIVE TO

Implementation of **Job 100852, Greenway Ped. Bridge (Jonesboro) (RTP-15) (S)** (hereinafter called the "Project") as an Arkansas Recreational Trails NonMotorized Program project.

WHEREAS, funding in the Moving Ahead for Progress in the 21st Century Act (MAP-21) includes 80% Federal-aid funds to be matched with 20% non-federal funds for approved Recreational Trails Program projects; and

WHEREAS, the **City of Jonesboro** (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible Project and to provide necessary matching for such funds; and

WHEREAS, the Sponsor has transmitted to the Arkansas State Highway and Transportation Department (hereinafter called the "Department") a signed and sealed Resolution from the Sponsor's governing body authorizing the Sponsor's CEO or their designated representative to execute agreements and contracts with the Department for the Project; and

WHEREAS, funding participation will be as follows, subject to a limit of **\$79,996** maximum Federal-aid approved for the Project:

	<u>Maximum</u> <u>Federal %</u>	<u>Minimum</u> <u>Sponsor %</u>
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Construction:	80	20
Project Construction Inspection:	0	100

WHEREAS, the Sponsor knows of no legal impediments to the completion of the Project; and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for DBE participation in the Project ranging from 0% to 100% that are practical and related to the potential availability of DBEs in desired areas of expertise; and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to

maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Notify the Department in writing who the Sponsor designates as its full-time employee to be in responsible charge of the day to day oversight of the Project (Attachment B). The duties and functions of this person are:
 - Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
 - Maintains familiarity of day to day project operations, including project safety issues;
 - Makes or participates in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
 - During construction, visits and reviews the project on a daily basis;
 - Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
 - Directs project staff, Sponsor or consultant, to carry out project administration and contract oversight, including proper documentation;
 - Be aware of the qualifications, assignments and on-the-job performance of the Sponsor and consultant staff at all stages of the project.
2. Sponsors that require a reduction in the scope of their project will submit the Revision of Project Scope and Budget (Attachment C) with the signed Agreement of Understanding.
3. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer or licensed architect must sign the plans and specifications for the project if the project includes design of structural components. Plans which include the design of only non-infrastructure components will not require a registered stamp.
4. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, FHWA Recreational Trails Program Guidance, and any other Federal, State, and/or local laws, rules and/or regulations. (See Attachment D for items to be included in the bid proposal).
5. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right-of-way and adjusting utilities in conformance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**
6. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act").
7. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be

used for the Project and the land is accessible to the general public for public recreational purposes (See Attachment E).

8. Ensure the preparation of utility adjustment and right-of-way plans are in accordance with Arkansas State Highway Commission Policy.
9. Submit a certification letter (Attachment F), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.
10. **Refrain from any Project construction** for which the Sponsor expects monetary reimbursement **until a Notice to Proceed is received from the Department.**
11. If the project is to be advertised, it must be done in accordance with federal procedures as shown in Attachment G. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**
12. Forward a copy of all addenda to the Project during the advertisement to the Department.
13. After bids are opened and reviewed, submit a certification (Attachment H), including all items noted, to the Department and request concurrence in award of the contract.
14. Prior to issuing the notice to proceed to the Contractor, the Sponsor must hold a pre-construction meeting with the Contractor and **must invite the Department's Resident Engineer assigned to the Project.**
15. Prior to executing the work, submit change orders to the contract to the Department's Resident Engineer assigned to the Project for review and approval for program eligibility.
16. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
17. Perform construction inspection in accordance with Attachment I.
18. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Attachment J). Requests for reimbursement must be made at least once every six months that construction projects are active in order to avoid being put on the FHWA inactive project list.
19. Attach Report of Daily Work Performed (Attachment K) for all days that correspond with each CCRR submittal.
20. Upon project completion hold a final acceptance meeting for the Project and submit the Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Attachment L). This form must be signed by the engineer/architect performing construction inspection on the Project, the Department's Resident Engineer assigned to the project, the Sponsor's full-time employee in responsible charge, and the Sponsor's CEO.

21. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.
22. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.
23. To the extent permitted by law, indemnify and hold harmless the Arkansas State Highway Commission, the Department, its officers and employees from any and all claims, lawsuits, judgments, damages, costs, expenses, and losses, including those arising from claims before the Arkansas Claims Commission or lawsuits brought in any other legal forum, sustained on account of the operations or actions of the Sponsor, including any act of omission, neglect or misconduct of the Sponsor. Further, the Sponsor shall take no action to compromise the immunity from civil suits afforded the State of Arkansas, the State Highway Commission, Arkansas Code 19-10-305, or the 11th Amendment of the United State Constitution. This obligation of indemnification shall survive the termination or expiration of this Agreement. It is acknowledged that the Sponsor is entitled to certain immunities provided by A.C.A. §21-9-301 and that nothing contained herein shall be construed as a waiver of any such statutory immunities.
24. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
25. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Retention and access requirements for records (Attachment M).
26. Grant the right of access to Sponsor's records pertinent to this Project and the right to audit by the Department and Federal Highway Administration officials.
27. Be responsible for 100% of all project costs incurred should the Project not be completed as specified.
28. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.
29. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Attachment N), which is necessary for Project participation.

30. Repay to the Department the federal share of the cost of any portion of this Project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's Motor Fuel Tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the Project as specified, or fail to adequately maintain or operate the Project.
31. Repay all federal funds if this is determined necessary for any reason.
32. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the Project as approved;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of a project due to the Project's obsolescence.
33. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of all future Federal-aid funds.
34. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the Sponsor expends more than \$500,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the Sponsor's fiscal year. The \$500,000 threshold is subject to change after OMB periodic reviews.
35. Promptly notify the Department if the Project is rendered unfit for continued use by natural disaster or other cause.
36. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Attachment O).
37. Private or Non-Profit Organizations must review and submit Attachment P with all documents requested to the Department. A Notice to Proceed will not be granted to these organizations without the documents being submitted in full.

THE DEPARTMENT WILL:

1. Maintain an administrative file for the Project and be responsible for administering Federal-aid funds.
2. Request review from the Arkansas Historic Preservation Program (AHPP).
3. Provide routine environmental documentation for the Project.

4. Notify the Sponsor when right-of-way and/or utility plans are approved and the Sponsor may proceed with right-of-way acquisition and/or utility adjustments.
5. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.
6. Review plans and specifications for project/program eligibility.
7. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
8. Advise the Sponsor when to proceed with Project construction or advertisement of the Project for construction bids.
9. Review bid tabulations and concur in award of the construction contract for the Project.
10. Participate in the Sponsor's preconstruction and final acceptance meetings.
11. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
12. Review and approve any necessary change orders for project/program eligibility.
13. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the CCR form (Attachment J). This reimbursement will be limited to the maximum Federal-aid amount and to the federal amount available at the time payment is requested. If the payment requested exceeds the Federal-aid available at the time, the difference will be reimbursed as additional Federal-aid for the Project becomes available.
14. Subject to the availability of Federal-aid allocated for the Project, pay the Sponsor the remaining amount due upon completion of the Project and submittal of the certified Final Acceptance Report form (Attachment L).
15. Reserve the right to cancel the Project if there is an unreasonable delay in project development or completion of the project, there is a lack of progression toward project development or completion of the project, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process or the Sponsor is unresponsive to Department requests.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the Project or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the Sponsor's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____ day of _____, 2016.

ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT

CITY OF JONESBORO

Scott E. Bennett, P.E.
Director of Highways and Transportation

Harold Perrin
Mayor of Jonesboro

Donna Jackson
City Clerk

Carol Duncan
City Attorney

**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**

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Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed \$100,000, and that all such sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of Jonesboro

Sponsor:

Signature:

Harold Perrin, Mayor

Name:



**CITY OF
JONESBORO**

February 2, 2016

Mr. Emanuel Banks
Deputy Director and Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: **Job #100852**
Greenway Pedestrian Bridge (Jonesboro)
Craighead

Dear Mr. Banks:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be Wixson Huffstetler. This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreement of Understanding.

Sincerely,

Harold Perrin
Mayor

cc: Wixson Huffstetler, Director of Parks and Recreation
Craig Light P.E., City Engineer
Kimberly Marshall, Grants Administrator



Legislation Details (With Text)

File #: RES-16:018 **Version:** 1 **Name:** Establish and appoint members to a task force to end homelessness

Type: Resolution **Status:** Recommended to Council

File created: 2/3/2016 **In control:** Nominating and Rules Committee

On agenda: **Final action:**

Title: RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ESTABLISH AND APPOINT A MAYORS TASK FORCE TO END HOMELESSNESS FACILITATED BY THE GRANTS AND COMMUNITY DEVELOPMENT DEPARTMENT

Sponsors: Grants, Mayor's Office, Community Development

Indexes: Appointment/Reappointment, Board/Commission

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/16/2016	1	Nominating and Rules Committee		

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ESTABLISH AND APPOINT A MAYORS TASK FORCE TO END HOMELESSNESS FACILITATED BY THE GRANTS AND COMMUNITY DEVELOPMENT DEPARTMENT

WHEREAS, the City of Jonesboro Grants and Community Development Department has identified ten citizens that are daily carrying out business in the Jonesboro community directly related to the issue of homelessness; and

WHEREAS, the City of Jonesboro will establish a Task Force to be charged with (1) conducting a gaps analysis of services to the homeless population, (2) developing a strategic plan for decreasing homelessness in Jonesboro, Arkansas, and (3) identifying a host agency for implementing the plan; and

WHEREAS, the host agency will agree to partner with the City of Jonesboro to identify and secure funds for implementation of said plan: and

WHEREAS, the members of this Mayors Task Force to End Homelessness are as follows:

Larry Turner, Jennifer Francamona, Jessica Thomas, Melissa Threadgill, Cpt. Betty Price, Marty Timmons, Sharon Poe, Vermalene Smith, Michael Sullivan, Dana Moore and Mollie Everett.

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

Section I: That the recommended appointments as listed above are hereby confirmed to serve on the Mayor's Taskforce to End Homelessness.

Section II: That the terms for all members will expire when the responsibilities are fully satisfied.



Legislation Details (With Text)

File #:	RES-16:021	Version:	1	Name:	Contract with EAB Broadcaster for rental of Craighead Forrest Park
Type:	Resolution	Status:			Recommended to Council
File created:	2/9/2016	In control:			Finance & Administration Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO CONTRACT WITH EAB BROADCASTORS INC FOR RENTAL OF CRAIGHEAD FORREST PARK				
Sponsors:	Parks & Recreation				
Indexes:	Contract				
Code sections:					
Attachments:	Eab Fourth in the Forest 2016.pdf				

Date	Ver.	Action By	Action	Result
2/23/2016	1	Finance & Administration Council Committee		

A RESOLUTION TO CONTRACT WITH EAB BROADCASTORS INC FOR RENTAL OF CRAIGHEAD FORREST PARK

WHEREAS, the City of Jonesboro owns and maintains Craighead Forrest Park located at 4910 South Culberhouse;

WHEREAS, EAB Broadcastors Inc is seeking rental for Fourth in the Forrest fireworks at Craighead Forrest Park; and

WHEREAS, EAB Broadcastors Inc is renting the complex for the sum of \$1,500.00.

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

SECTION 1: That the City of Jonesboro, Arkansas shall contract with EAB Broadcastors Inc for the rental of Southside Softball Complex. A copy of said contract is attached as Exhibit A.

SECTION 2: The Mayor, Harold Perrin and City Clerk, Donna Jackson are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate the agreement.

RENTAL AGREEMENT

THIS AGREEMENT made this 15th day of March, 2016 is between CITY OF JONESBORO, hereinafter called Lessor and EAB Broadcasters, Inc. hereinafter called Lessee.

Lessor leases to Lessee, property in Jonesboro, Arkansas commonly known as the Craighead Forrest Park under the following conditions:

1. **TERM:** The term of this lease shall be for three (3) days, beginning on July 3, 2016, and ending at midnight on July 5, 2016.
2. **RENT:** Rent is payable in advance, no later than June 27, 2016 and shall be made in a single payment of one thousand and five hundred dollars (\$1,500.00). Said payment shall be delivered to the Lessor at 300 South Church Street, Jonesboro, Arkansas 72401.
3. **USE:** Lessee agrees to use said premises for the purpose of a July 4th Event, and for no other purpose.
4. **SUBLET:** Lessee may not sublet the property or assign this lease without written consent of lessor.
5. **USE:** The property shall be used for a July 4th Event. Lessee shall be responsible for the following:
 - a. Supplying and removing portable toilets to be placed on the premises for the use of the public during the activities on the property.
 - b. Cleaning up the property following the event, to include trash pick up and repair of any damages caused by the public or the Lessee to the property during their use. Property must be left in the same condition as it was in prior to the event hosted by the Lessee.
 - c. Lessee is responsible for providing for the smooth flow of traffic into and out of the event. In addition, Lessee will provide traffic control to ensure that no persons are parking in areas on the property which are restricted and not designated for parking of vehicles.

d. Lessee will barricade restricted access areas to prevent the public from entering.

e. Lessee will coordinate with fire and police and follow all safety requirements determined by them.

f. Lessee will ensure that all food and/or drink vendors have all required licenses and permits.

g. Lessee will ensure that all vendors providing entertainment services to the public have all required license, permits and liability insurance policies.

6. RISK OF LOSS: Lessee shall be solely responsible for losses including but not limited to any losses caused by fire on the premises during the rental period. In addition, Lessee shall be responsible for any damages caused by the public to the premises during the rental period. Lessee shall be required to maintain insurance to cover any losses caused by fire, damage, or otherwise to existing structures or to the premises as a whole.

7. INDEMNIFICATION: Lessee releases lessor from liability for and agrees to indemnify lessor against all losses incurred by lessor as a result of:

(a) Lessee's failure to fulfill any condition of this agreement;

(b) Any damage or injury happening in or about the house or premises to lessee's invitees or licensees or such person's property; and

(c) Lessee's failure to comply with any requirements imposed by any governmental authority.

8. FAILURE OF LESSOR TO ACT: Failure of lessor to insist upon strict compliance with the terms of this agreement shall not constitute a waiver of lessor's right to act on any violation.

9. REMEDIES CUMULATIVE: All remedies under this agreement or by law or equity shall be cumulative. If a suit for any breach of this agreement establishes a breach by lessee, lessee shall pay to lessor all expenses incurred in connection therewith.

10. NOTICES: Any notices required by this agreement shall be in writing and shall be deemed to be given if delivered personally or mailed by registered or certified mail.

11. COMPLIANCE WITH LAWS: Lessee agrees not to violate any

law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises. There shall be no alcoholic beverages allowed on the premises.

12. **SEVERABILITY:** Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

13. **ENTIRE AGREEMENT:** This agreement and any attached addendum constitute the entire agreement between the parties and no oral statements shall be binding.

14. **INTERPRETATION:** This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year set forth below.

CITY OF JONESBORO

LESSOR, HAROLD FERRIN, MAYOR

Harold Ferrin
LESSEE, EAB Broadcastors,

Inc.

ATTEST:

DONNA JACKSON,
CITY CLERK



Legislation Details (With Text)

File #: RES-16:023 **Version:** 1 **Name:** Salary recommendation for the Communications Director position in the Mayor's Office

Type: Resolution **Status:** Recommended to Council

File created: 2/12/2016 **In control:** Finance & Administration Council Committee

On agenda: **Final action:**

Title: A RESOLUTION AUTHORIZING THE MAYOR'S SALARY RECOMMENDATION FOR THE POSITION OF COMMUNICATIONS DIRECTOR FOR COMPLIANCE WITH THE SALARY SCHEDULE AND ADMINISTRATION POLICY

Sponsors: Mayor's Office

Indexes: Employee benefits, Position - creation/amendment

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/23/2016	1	Finance & Administration Council Committee		

A RESOLUTION AUTHORIZING THE MAYOR'S SALARY RECOMMENDATION FOR THE POSITION OF COMMUNICATIONS DIRECTOR FOR COMPLIANCE WITH THE SALARY SCHEDULE AND ADMINISTRATION POLICY

WHEREAS, the Jonesboro City Council adopted the Salary Schedule and Administration Policy as recommended by the Johanson Group on December 15, 2009; and

WHEREAS, the Salary Schedule and Administration Policy requires any salary recommendation greater than the halfway point between minimum and mid-point, of any salary range of the grade to be approved by the Mayor and City Council; and

WHEREAS, the position of Communications Director with a Pay Grade of 119 has the following pay range:

Minimum	Midpoint	Maximum
\$44,334	\$55,416	\$66,500

NOW THEREFORE, BE IT RESOLVED BY THE JONESBORO CITY COUNCIL that the salary for the position of Communications Director be approved at the midpoint of the pay range for the Pay Grade of 119 as established by the Salary Schedule and Administration Policy. This would make the actual salary \$55,416.00.



Legislation Details (With Text)

File #:	ORD-16:015	Version:	1	Name:	Abandonment on East Street and Cate Avenue
Type:	Ordinance	Status:		Status:	First Reading
File created:	2/17/2016	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE VACATING AN UNDEVELOPED STREET RIGHT- OF- WAY ON EAST STREET AND CATE AVENUE AS REQUESTED BY OAK STREET PROPERTIES, LLC				
Sponsors:					
Indexes:	Abandonment				
Code sections:					
Attachments:	Planning & Engineering Letter Plat Utility Letters Petition				

Date	Ver.	Action By	Action	Result
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AN ORDINANCE VACATING AN UNDEVELOPED STREET RIGHT- OF- WAY LOCATED IN:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

WHEREAS, the City Council at its regular meeting on March 1, 2016, pursuant to Ark. Stats. Section 14-301-302 through 14-301-304 heard the request of Oak Street Properties LLC to vacate an undeveloped street right-of-way; and

WHEREAS, the City Council held a public hearing and heard all persons desiring to be heard in connection with this matter; and

WHEREAS, the respective utilities have consented to said abandonment; and

WHEREAS, the abandonment of said portion of an undeveloped street will not adversely affect the City of Jonesboro, and would be in the best interest of all parties concerned.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that;

SECTION 1: The City of Jonesboro, Arkansas hereby vacates and abandons all of its rights together with the right of the public generally, in and to the undeveloped street right-of-way described above.

SECTION 2: A copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of Craighead County of Jonesboro, Arkansas, and recorded in the Deed Records of Craighead County, Arkansas.

SECTION 3: The vacating and abandonment by the City of its rights and the rights of the public generally in the above described undeveloped street are in the public interest and will promote the public peace and welfare.



February 3, 2016

Travis Fischer
Tralan Engineering, Inc.
2916 Wood Street
Jonesboro, AR 72404

Re: Intersection of East Street and Cate Avenue ROW Abandonment

Dear Mr. Fischer:

The City of Jonesboro Engineering and Planning Departments concur with the abandonment of the undeveloped street right-of-way located in a part of the northwest quarter of the southeast quarter of Section 18, Township 14 North, Range 4 East, Craighead County, Arkansas, being more particularly described as follows:

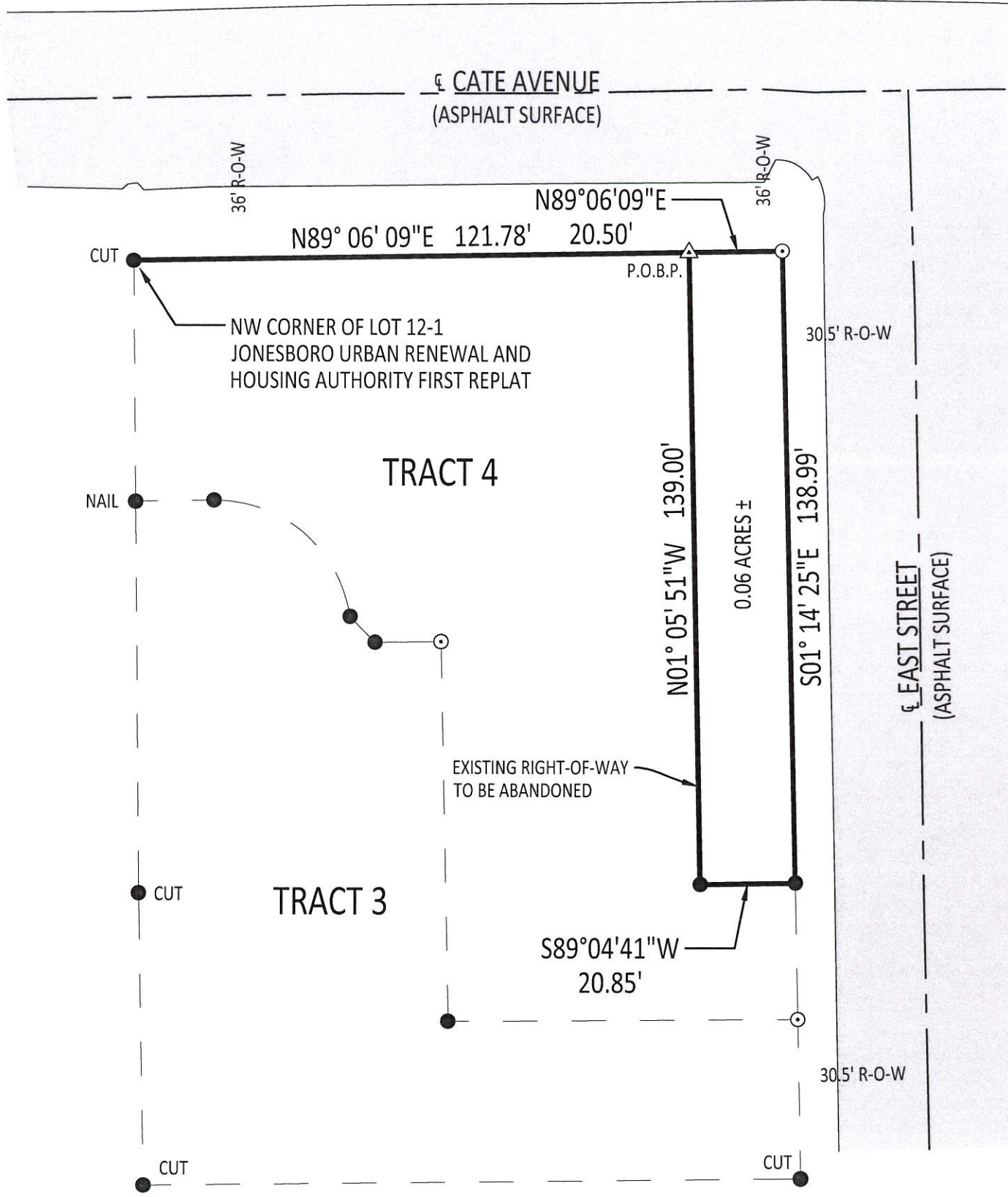
Beginning at the northwest corner of Lot 12-1 of Jonesboro Urban Renewal and Housing Authority first replat; Thence N89°06'09"E, a distance of 121.78 feet to the point of beginning proper; Thence continue N89°06'09"E, a distance of 20.85 feet; Thence N01°05'51"W, a distance of 139.00 feet to the point of beginning proper, containing 0.06 acres, more or less, subject to all rights-of-way and easements of record.

Please call if more information is needed.

Sincerely,

Craig Light, PE, CFM
City Engineer

Otis Spriggs, AICP
City Planner



DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

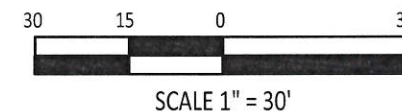
BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SURVEYOR'S NOTES

1. BASIS OF BEARING: ARKANSAS STATE PLANE, GRID NORTH ZONE(0301).
2. ALL MONUMENTS SET ARE 5/8" REBAR WITH BLUE PLASTIC CAP STAMPED BEARD PS 1691, UNLESS OTHERWISE NOTED.
3. REFERENCE DOCUMENTS USED IN THIS SURVEY:
 - WARRANTY DEED JB2013R-007074, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
 - WARRANTY DEED JB2013R-007076, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
 - COBB'S SURVEY OF THE NW 1/4, SE 1/4, SEC 18, T 14 N, R 4 E, DATED 5/20/1917.
 - JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT BY J.L. SCRAPE P.S. 515, DATED 4/9/1975.
 - PLAT OF SURVEY BY TERRENCE D. MOORE P.S. 1293, DATED 3/22/2013.
4. THERE HAS BEEN NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.

LEGEND

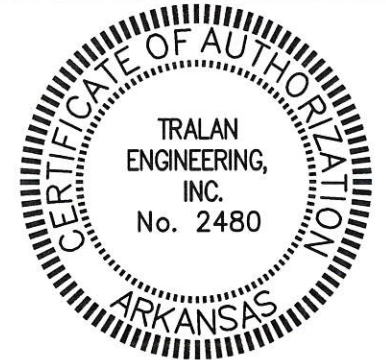
- FOUND 1/2" REBAR P.S. 1293 (UNLESS NOTED OTHERWISE)
- ⊙ SET MONUMENT
- △ CALCULATED (NOT SET)



RIGHT-OF-WAY ABANDONMENT

INTERSECTION OF EAST STREET AND CATE AVENUE
SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST
CRAIGHEAD COUNTY, JONESBORO, ARKANSAS

COMPANY INFO:
2916 WOOD STREET
JONESBORO, AR 72404
PH: 1-870-203-9939
WWW.TRALANENG.COM



DRAWING INFO

DRAWN BY:	JDB	SCALE:	1" = 30'
DATE:	5/19/2015	JOB NO.:	15-050

OAK STREET PROPERTIES, LLC

SHEET NUMBER:

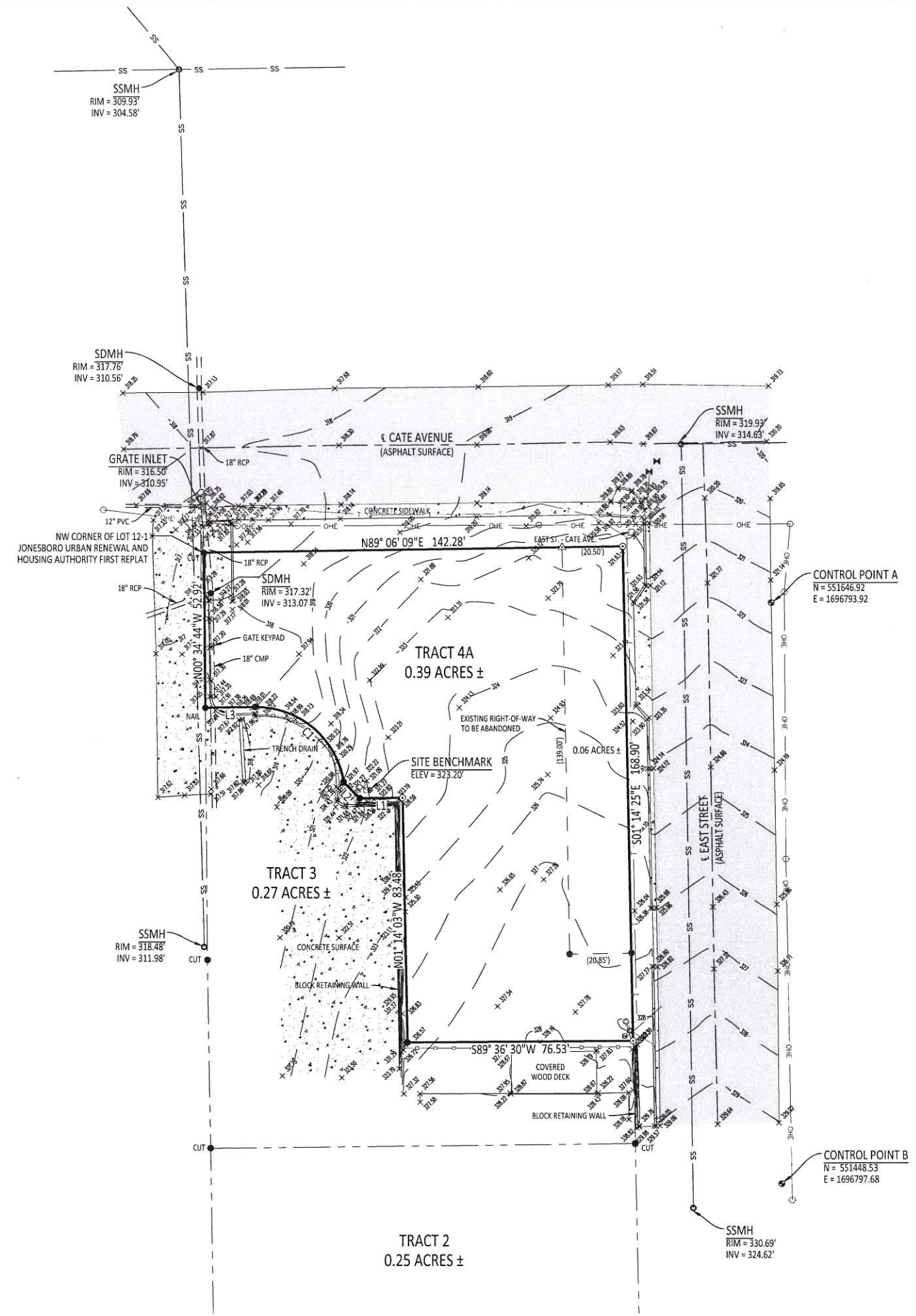
1 of **1**

COMPANY INFO:
 2916 WOOD STREET
 JONESBORO, AR 72404
 PH: 1-870-203-9939
 WWW: TRALANENG.COM

TRALAN ENGINEERING



VICINITY MAP
 NOT TO SCALE



DESCRIPTION

PART OF LOT 10 OF COBB'S SURVEY OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, AND PART OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09\"E ALONG THE SOUTHERLY RIGHT-OF-WAY OF CATE AVENUE, A DISTANCE OF 142.28 FEET TO THE WESTERLY RIGHT-OF-WAY OF EAST STREET; THENCE S01°14'25\"E ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 168.90 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY, S89°36'30\"W, A DISTANCE OF 76.53 FEET; THENCE N01°14'03\"W, A DISTANCE OF 83.48 FEET; THENCE S89°15'02\"W, A DISTANCE OF 14.49 FEET; THENCE N44°33'30\"W, A DISTANCE OF 7.84 FEET TO A POINT ON A CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 43.11 FEET, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CHORD BEARING OF N49°35'22\"W, AND A CHORD DISTANCE OF 39.50 FEET; THENCE S89°15'21\"W, A DISTANCE OF 17.00 FEET; THENCE N00°34'44\"W, A DISTANCE OF 52.92 FEET TO THE POINT OF BEGINNING, CONTAINING 0.39 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

LINE TABLE

LINE #	DIRECTION	DISTANCE
L1	S89°15'02\"W	14.49'
L2	N44°33'30\"W	7.84'
L3	S89°15'21\"W	17.00'

CURVE TABLE

CURVE #	CHORD DIRECTION	CHORD DISTANCE	RADIUS	ARC LENGTH	DELTA
C1	N49°35'22\"W	39.50'	30.00'	43.11'	82.3359°

CERTIFICATION

I, JASON D. BEARD, PROFESSIONAL LAND SURVEYOR NO. 1691, DO HEREBY CERTIFY THAT A BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THIS PLAT ACCURATELY REFLECTS MONUMENTS, BOTH FOUND AND SET, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

SURVEYOR'S NOTES

- SUBJECT PROPERTY IS CURRENTLY ZONED C-1.
- BASIS OF BEARING: ARKANSAS STATE PLANE, GRID NORTH ZONE(0301).
- THE SITE VERTICAL BENCHMARK IS A CUT SQUARE ON THE EAST SIDE OF A CONCRETE LIGHT POLE BASE AS SHOWN ON PLANS. ELEV = 323.20'
 VERTICAL CONTROL - NAVD 88
 HORIZONTAL CONTROL - AR STATE PLANE GRID NORTH ZONE-NAD 83
- ALL MONUMENTS SET ARE 3/4\" REBAR WITH BLUE PLASTIC CAP STAMPED BEARD PS 1691, UNLESS OTHERWISE NOTED.
- REFERENCE DOCUMENTS USED IN THIS SURVEY:
 • WARRANTY DEED JB2013R-007074, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
 • WARRANTY DEED JB2013R-007076, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
 • COBB'S SURVEY OF THE NW 1/4, SE 1/4, SEC 18, T 14 N, R 4 E, DATED 5/20/1917.
 • JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT BY J.L. SCRAPE P.S. 515, DATED 4/9/1975.
 • PLAT OF SURVEY BY TERENCE D. MOORE P.S. 1293, DATED 3/22/2013.
- NOTES ARE RECORDED IN SURVEY BOOK 1, PAGES 11-12.
- THE LOCATIONS AND SIZES OF EXISTING UNDERGROUND UTILITIES SHOWN ARE BASED FIELD MEASUREMENTS AND EXISTING UTILITY MAPS. TRALAN ENGINEERING, INC. MAKES NO GUARANTEE TO THE EXACT LOCATION OF THE UTILITIES SHOWN ON THESE PLANS. LOCATIONS OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM LOCATIONS SHOWN. NO EXCAVATIONS WERE MADE TO LOCATE BURIED UTILITIES OR STRUCTURES. ARKANSAS ONE CALL TICKET # 150422-1022
- THERE HAS BEEN NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.

LEGEND

- FOUND 3/4\" REBAR P.S. 1293 (UNLESS NOTED OTHERWISE)
- SET MONUMENT
- △ CALCULATED (NOT SET)
- ⊕ CONTROL POINT
- ⊙ BENCHMARK
- ⊙ GUY WIRE
- ⊙ UTILITY POLE
- ⊙ ELECTRIC METER
- ⊙ ELECTRIC BOX
- ⊙ TELECOMMUNICATION PEDESTAL SIGN (AS NOTED)
- ⊙ SANITARY SEWER MANHOLE
- ⊙ STORM SEWER MANHOLE
- ⊙ GRATE INLET
- ⊙ FIRE HYDRANT
- ⊙ WATER METER
- ⊙ WATER VALVE
- ⊙ GAS METER
- OHE OVERHEAD ELECTRIC LINE
- UGE UNDERGROUND ELECTRIC LINE
- T TELECOMMUNICATION LINE
- W WATER LINE
- SS SANITARY SEWER LINE
- GAS GAS LINE
- WOOD PRIVACY FENCE

TOPOGRAPHIC SURVEY

PART OF LOT 10 OF COBB'S SURVEY OF THE NW 1/4, SE 1/4 OF SEC. 18, T 14 N, R 4 E AND A PART OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT



REVISIONS

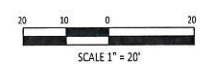
DATE	BY	DESCRIPTION

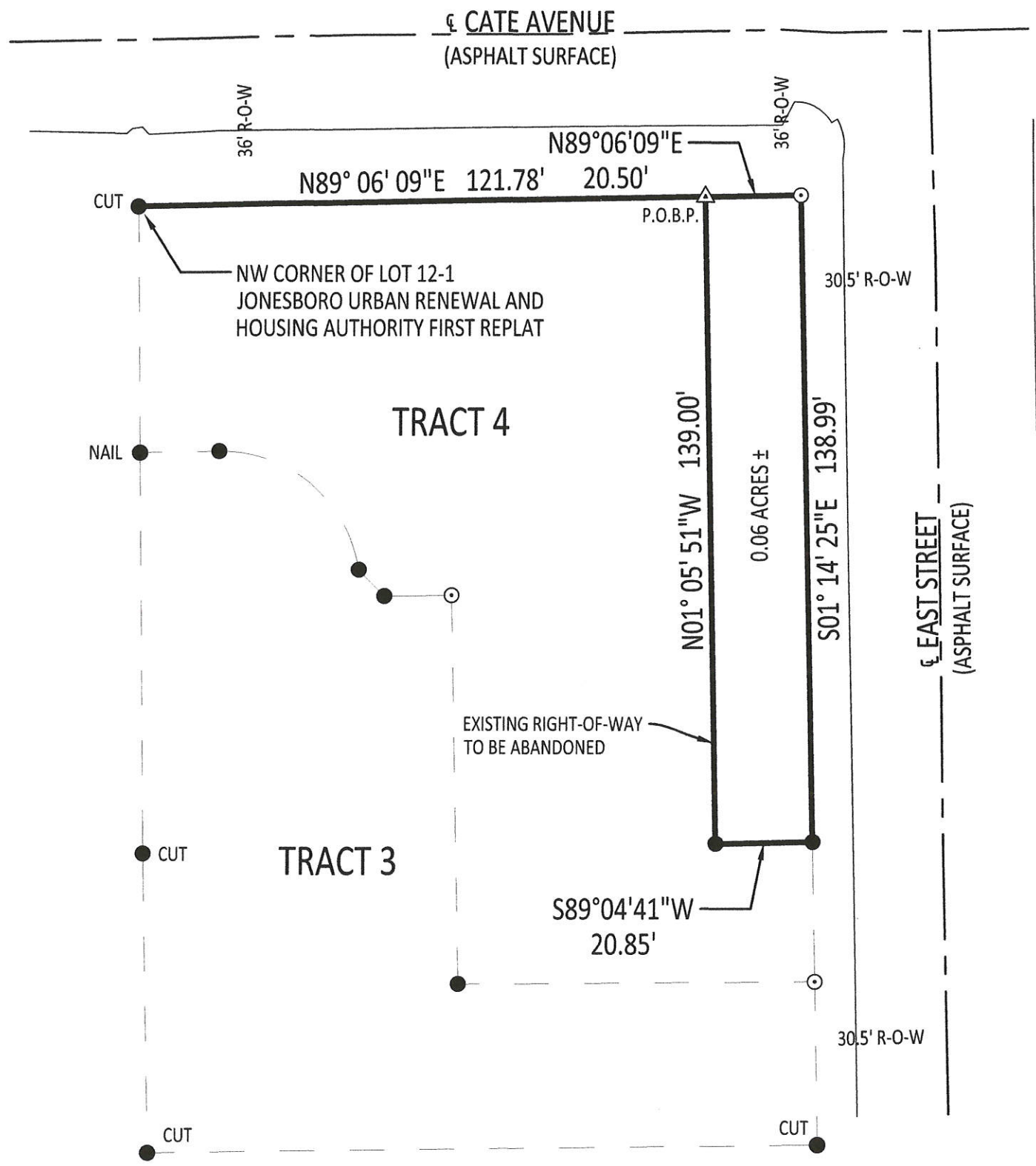
DRAWING INFO.

DRAWN BY:	JDB
DATE:	4/28/2015
SCALE:	1\"=20'
JOB NO.:	15-050
CAD NO.:	

CLIENT:
 OAK STREET PROPERTIES, LLC

SHEET NUMBER:
1 of **1**





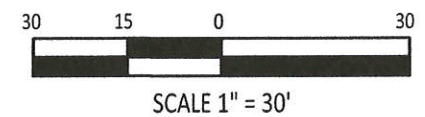
DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SURVEYOR'S NOTES

1. BASIS OF BEARING: ARKANSAS STATE PLANE, GRID NORTH ZONE(0301).
2. ALL MONUMENTS SET ARE 5/8" REBAR WITH BLUE PLASTIC CAP STAMPED BEARD PS 1691, UNLESS OTHERWISE NOTED.
3. REFERENCE DOCUMENTS USED IN THIS SURVEY:
 - WARRANTY DEED JB2013R-007074, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
 - WARRANTY DEED JB2013R-007076, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
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 - PLAT OF SURVEY BY TERRENCE D. MOORE P.S. 1293, DATED 3/22/2013.
4. THERE HAS BEEN NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.



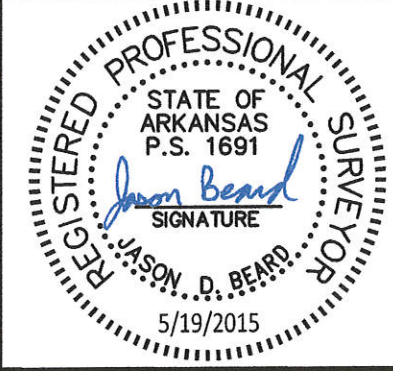
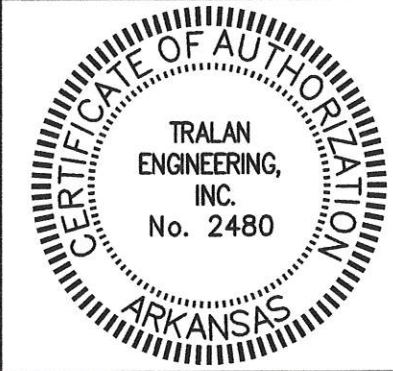
LEGEND

- FOUND 1/2" REBAR P.S. 1293 (UNLESS NOTED OTHERWISE)
- ⊙ SET MONUMENT
- △ CALCULATED (NOT SET)

RIGHT-OF-WAY ABANDONMENT

INTERSECTION OF EAST STREET AND CATE AVENUE
SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST
CRAIGHEAD COUNTY, JONESBORO, ARKANSAS

COMPANY INFO:
2916 WOOD STREET
JONESBORO, AR 72404
PH: 1-870-203-9939
WWW.TRALANENG.COM



DRAWING INFO

DRAWN BY:	JDB	SCALE:	1" = 30'
DATE:	5/19/2015	JOB NO.:	15-050

OAK STREET PROPERTIES, LLC

SHEET NUMBER:

1 of **1**



To: Tralan Engineering
From: Suddenlink Communications, Inc.
Date: June 4, 2015
Re: East Street Apartments
Right-of-Way Abandonment

Suddenlink Communications, Inc. has no objection to the partial abandonment of the East Street right-of-way, located in Jonesboro, Craighead County, Arkansas, provided this does not affect any existing utility infrastructures.

Respectfully,

Joey Roach

Construction Planner
Suddenlink Communications, Inc.



phone 870.336.3434

1.888.336.4249

fax 870.336.3401

office 2400 Ritter Drive, Jonesboro, AR 72401

UTILITY RELEASE FORM

Telecommunications Easement Abandonment Request

I have been notified of the petition to vacate the following described as follows:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objects to the vacation(s) described above, reason described below:

Alice Martin - Project Engce III

ALICE MARTIN
Project Engineer

t: 870.336.3476
f: 870.336.1449
m: 870.243.5681
alice.martin@rittermail.com

3306 Southwest Drive
Jonesboro, Arkansas 72404





AT&T
723 S. Church ST.
B27
Jonesboro, AR
72401
USA

T 870.972.7601
F 870.972.7558
rv3617@att.com
att.com

UTILITY RELEASE FORM

TELECOMMUNICATIONS EASEMENT ABANDONMENT REQUEST

I have been notified of the petition to vacate the following described as follows:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

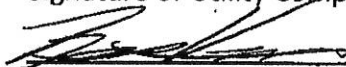
No objections to the vacation(s) described above, provided the following described easements are retained.

Objections to the vacation(s) described above, reason described below:

Rodney Vanhoozer

MGR. AT&T ENGINEERING

Signature of Utility Company Representative

 DATE: 5-27-15



AT&T
723 S. Church ST.
B27
Jonesboro, AR
72401
USA

T 870.972.7601
F 870.972.7558
rv3617@att.com
att.com

May 27, 2015

Rodney Vanhoozer
AT&T
723 S. Church ST.
B27
Jonesboro, AR 72401

Dear Mr. Fischer,

Please see page 2 of this document for approval of abandonment of the utility easement in question: **A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**
BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD. Be aware that this approval will not take effect until a hard copy has been delivered to the City of Jonesboro city clerk (Donna Jackson). The delivery of the hard copy is to be completed by Tralan Engineering or an associate of theirs.



CenterPoint Energy
401 W. Capitol, Suite 600
Little Rock, AR 72201
CenterPointEnergy.com

UTILITY RELEASE FORM

General Utility Easement, Public Access Easement, Alley, Street, R.O.W.

Utility Company: CenterPoint Energy Date: 10/8/2014

Requested Abandonment: Section of the ROW near the intersection of East Street and Cate Ave. in Jonesboro, Arkansas

Legal Description:

A part of the NW ¼ of the SE ¼ of section 18, township 14N, Range 4E, Craighead County, Arkansas being more particularly described as follows: Beginning at the NW corner of Lot 12-1 of Jonesboro Urban Renewal and Housing Authority first Re-plat; thence N89°06'09"E, A distance of 121.78' to the point of beginning proper; thence continue N89°06'09"E, A distance of 20.50 ft.; thence S01°14'25"E a distance of 138.99 ft.; thence S89°04'41"W, a distance of 20.85 ft.; thence N01°05'51"W, a distance of 139 ft. to the point of beginning proper, containing 0.06 acres, more or less, subject to all rights-of-way and easements of record.

UTILITY COMPANY COMMENTS:

No objections to the abandonment(s) described above and illustrated in Exhibit A.

No objections to the abandonment (s) described above, provided the following easements are retained (Exhibit A).

Objects to the abandonment(s) described above, reason described below.

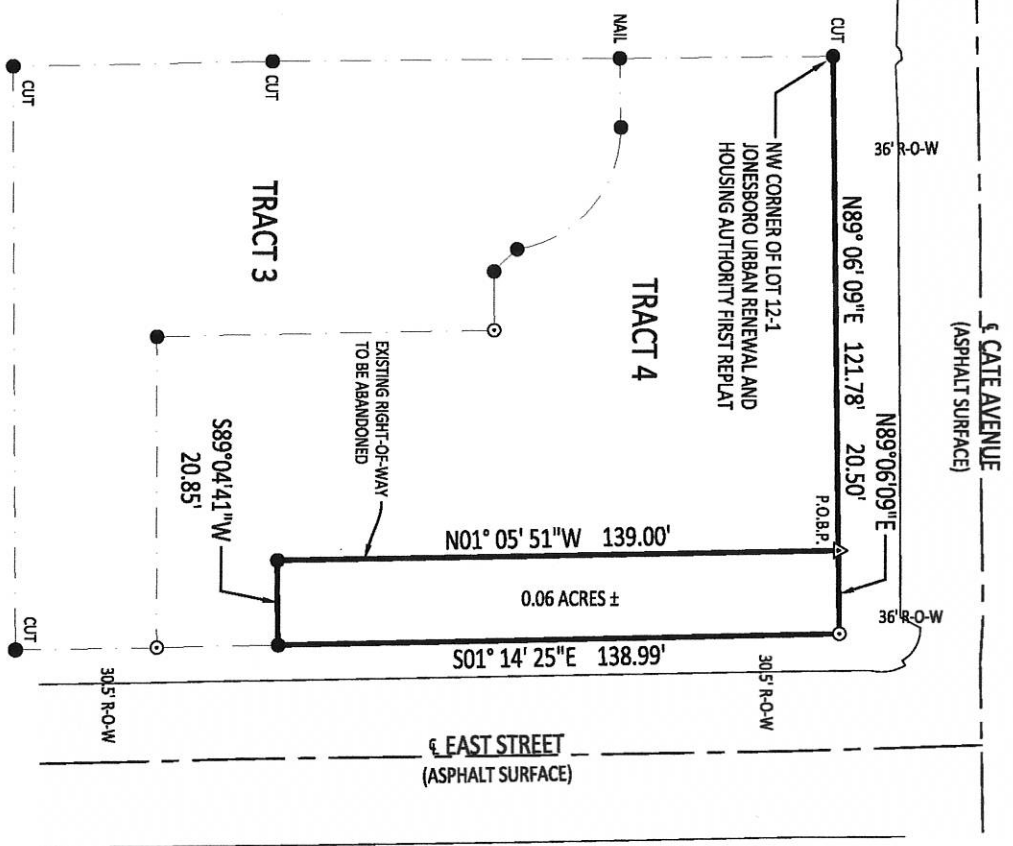
Described reasons for objection or easements to be retained.

N/A

ENGINEER II

Signature of Utility Company Representative

Title



DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E, A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SURVEYOR'S NOTES

1. BASIS OF BEARING: ARKANSAS STATE PLANE, GRID NORTH ZONE(0301).
2. ALL MONUMENTS SET ARE 3/4" REBAR WITH BLUE PLASTIC CAP STAMPED BEARD PS 1691, UNLESS OTHERWISE NOTED.
3. REFERENCE DOCUMENTS USED IN THIS SURVEY:
 - WARRANTY DEED JB2013R-007074, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
 - WARRANTY DEED JB2013R-007076, RECORDED IN THE CRAIGHEAD COUNTY COURTHOUSE, JONESBORO, ARKANSAS.
 - COBB'S SURVEY OF THE NW 1/4, SE 1/4, SEC 18, T 14 N, R 4 E, DATED 5/20/1917.
 - JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT BY J.L. SCRAPER P.S. 515, DATED 4/9/1975.
 - PLAT OF SURVEY BY TERRENCE D. MOORE P.S. 1293, DATED 3/22/2013.
4. THERE HAS BEEN NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE TITLE SEARCH MAY DISCLOSE.



- LEGEND**
- FOUND 3/4" REBAR P.S. 1293 (UNLESS NOTED OTHERWISE)
 - SET MONUMENT
 - △ CALCULATED (NOT SET)

RIGHT-OF-WAY ABANDONMENT

INTERSECTION OF EAST STREET AND CATE AVENUE
SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST
CRAIGHEAD COUNTY, JONESBORO, ARKANSAS

TRALAN ENGINEERING

COMPANY INFO:
2916 WOOD STREET
JONESBORO, AR 72404
PH: 1-870-203-9939
WWW.TRALANENG.COM



DRAWING INFO			
DRAWN BY:	JOB	SCALE	1" = 30'
DATE:	5/19/2015	JOB NO.:	15-060
OAK STREET PROPERTIES, LLC			
SHEET NUMBER:		1 of 1	



Owned by the Citizens of Jonesboro

February 1, 2016

City of Jonesboro
P.O. Box 1845
Jonesboro, AR 72403
Attn: Donna Jackson, City Clerk

Re: Letter of Consent of R.O.W. Abandonment (East Street)

Dear Donna:

City Water and Light Plant of the City of Jonesboro (CWL) has received a request to consent to the vacation and abandonment of a portion of East Street described as follows ("Existing Right of Way"):

Beginning at the Northwest Corner of Lot 12-1 of Jonesboro Urban Renewal and Housing Authority First Replat; thence N89°06'09" E, a distance of 121.78 feet to the point of beginning proper; thence continue N89°06'09" E, a distance of 20.50 feet; thence S01°14'25" E a distance of 138.99 feet; thence S89°04'41" W, a distance of 20.85 feet; thence N01°05'51" W, a distance of 139.00 feet to the point of beginning proper, containing 0.06 acres, lying in a part of the Northwest Quarter of the Southeast Quarter of Section 18, Township 14 North, Range 4 East, Craighead County, Arkansas.

CWL has no objection to the abandonment of the existing R.O.W. of East Street subject however to the following condition. As a condition of the abandonment of the existing R.O.W. on East Street, CWL requires a 5 foot utility easement, running north and south parallel and adjacent to the new proposed western R.O.W. line.

The new easement may be reflected in the approved final plat or by separate express written easement. Upon receipt of proper documentation reflecting the new easement, CWL will proceed with executing any necessary documentation to reflect abandonment on the existing R.O.W.

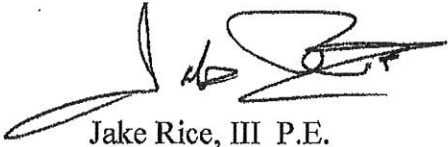
As required by Section 113-49 & 113-50 of the Jonesboro Municipal Code, please present the preliminary plat and final plat to CWL for its consideration and approval.

Further, please confirm that the vacating ordinance contains provisions that preserve the Existing Right of Way until the New Easement is properly granted.

Jake Rice III, MANAGER

CITY WATER & LIGHT • 400 East Monroe • P.O. Box 1289 • Jonesboro, Arkansas 72403-1289 • 870/935-5581

Please call if you have questions.

A handwritten signature in black ink, appearing to read 'Jake Rice, III', with a stylized flourish extending to the left.

Jake Rice, III P.E.
Manager, City Water & Light

JR3
Enclosure

Cc: Tralan Engineering

PETITION

To: Honorable Harold Perrin, Mayor, and Members of the City Council of the City of Jonesboro, Arkansas

PETITION TO VACATE AN UNDEVELOPED STREET RIGHT-OF-WAY

We, the undersigned, being the owner(s) of property adjoining the following described property:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


BEGINNING AT THE NORTHWEST CORNER OF LOT 12-1 OF JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY FIRST REPLAT; THENCE N89°06'09"E, A DISTANCE OF 121.78 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE N89°06'09"E, A DISTANCE OF 20.50 FEET; THENCE S01°14'25"E A DISTANCE OF 138.99 FEET; THENCE S89°04'41"W, A DISTANCE OF 20.85 FEET; THENCE N01°05'51"W, A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 0.06 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have the street right-of-way described above closed and abandoned.

Dated this 5 day of MAY, 2015.

PROPERTY OWNER, NAME AND ADDRESS

Oak Street Properties, LLC
2614 E. Nettleton
Jonesboro, AR 72401



5/20/15

Signature

Date

Signature

Date

Subscribed and sworn to before me this 20 day of May, 2015.



Notary

Expiration Date: 01-01-25





Legislation Details (With Text)

File #:	ORD-16:016	Version:	1	Name:	Abandonment north of Griffin Street
Type:	Ordinance	Status:		Status:	First Reading
File created:	2/17/2016	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE ABANDONING AND VACATING PARTS OF UNUSED ALLEYWAY LOCATED NORTH OF GRIFFIN STREET AS REQUESTED BY BOB HARRISON AND CESAR ISLAS				
Sponsors:					
Indexes:	Abandonment				
Code sections:					
Attachments:	Petition Plat Utility Letters Engineering & Planning Letter				

Date	Ver.	Action By	Action	Result
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AN ORDINANCE ABANDONING AND VACATING PARTS OF UNUSED ALLEYWAY LOCATED IN:

THAT PART OF A 12 FOOT ALLEY EVENLY BETWEEN LOT 15 OF COBB AND LEE'S SURVEY OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4, NW1/4) OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 4 EAST AND THE EAST 50 FEET OF LOTS 1 THROUGH 5, BLOCK 1 OF WATT'S ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON IN SECTION 27, TOWNSHIP 14 NORTH, RANGE 4 EAST, RUNNING NORTHERLY AND SOUTHERLY ADJOINING AFOREMENTIONED LOT 15 AND THE EAST 50 FEET OF LOTS 1 THROUGH 5, BLOCK 1 OF WATT'S ADDITION ON THE WEST AND EAST SIDES RESPECTIVELY; COBB AND LEE'S SURVEY FILED IN PLAT BOOK 48 AT PAGE 110, AND WATT'S ADDITION FILED IN PLAT BOOK 18 AT PAGE 621, BOTH IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.

WHEREAS, the City Council at its regular meeting on March 1, 2016, pursuant to Ark. Stats. Section 14-301-302 through 14-301-304 heard the requests of Bob Harrison and Cesar Islas to abandon public alleyway; and

WHEREAS, the City Council held a public hearing and heard all persons desiring to be heard in connection with this matter; and

WHEREAS, the respective utilities have consented to said abandonment; and

WHEREAS, the abandonment of said alleyway will not adversely affect the City of Jonesboro, and would be in the best interest of all parties concerned.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that;

SECTION 1. The City of Jonesboro, Arkansas hereby vacates and abandons all of its rights together with the

right of the public generally, in and to the portion of an alleyway, as shown on the recorded plat of COBB AND LEE'S SURVEY OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4, NW1/4) OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 4 EAST, FILED IN PLAT BOOK 48 AT PAGE 110 IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.

SECTION 2. A copy of the Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of Craighead County at Jonesboro, Arkansas, and recorded in the Deed Records of Craighead County, Arkansas.

SECTION 3. The closing, vacating, and abandonment by the City of its rights and the rights of the public generally in the above described alleyway are in the public interest and will promote the public peace and welfare.

PETITION

To: Honorable Harold Perrin, Mayor, and Members of the City Council of the City of Jonesboro, Arkansas.

PETITION TO VACATE A PORTION OF UNUSED 12 FOOT ALLEYWAY,

We, the undersigned, being the owner(s) of the property adjoining the following described property:

THAT PART OF A 12 FOOT ALLEY EVENLY BETWEEN LOT 15 OF COBB AND LEE'S SURVEY OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE1/4, NW1/4) OF SECTION 27, TOWNSHIP 14 NORTH, RANGE 4 EAST AND THE EAST 50 FEET OF LOTS 1 THROUGH 5, BLOCK 1 OF WATT'S ADDITION TO THE CITY OF JONESBORO, FORMERLY THE TOWN OF NETTLETON IN SECTION 27, TOWNSHIP 14 NORTH, RANGE 4 EAST, RUNNING NORTHERLY AND SOUTHERLY ADJOINING AFOREMENTIONED LOT 15 AND THE EAST 50 FEET OF LOTS 1 THROUGH 5, BLOCK 1 OF WATT'S ADDITION ON THE WEST AND EAST SIDES RESPECTIVELY; COBB AND LEE'S SURVEY FILED IN PLAT BOOK 48 AT PAGE 110, AND WATT'S ADDITION FILED IN PLAT BOOK 18 AT PAGE 621, BOTH IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, ARKANSAS.

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have the alleyway described above closed and abandoned.

Dated this 4th day of Jan, 2016

PROPERTY OWNER NAME AND ADDRESS

Bob Harrison
P.O. BOX 19118
Jonesboro, AR 72403

Cesar Islas
2105 Rockwood Cove
Jonesboro, AR 72404

Bob Harrison

1/4/2016

Bob Harrison

Date

Cesar Islas

12/29/2015

Cesar Islas

Date

State ARKANSAS

County CRAIGHEAD

Subscribed and sworn to before me this 4th day of January, 2016.

Joshua Hurd
Notary

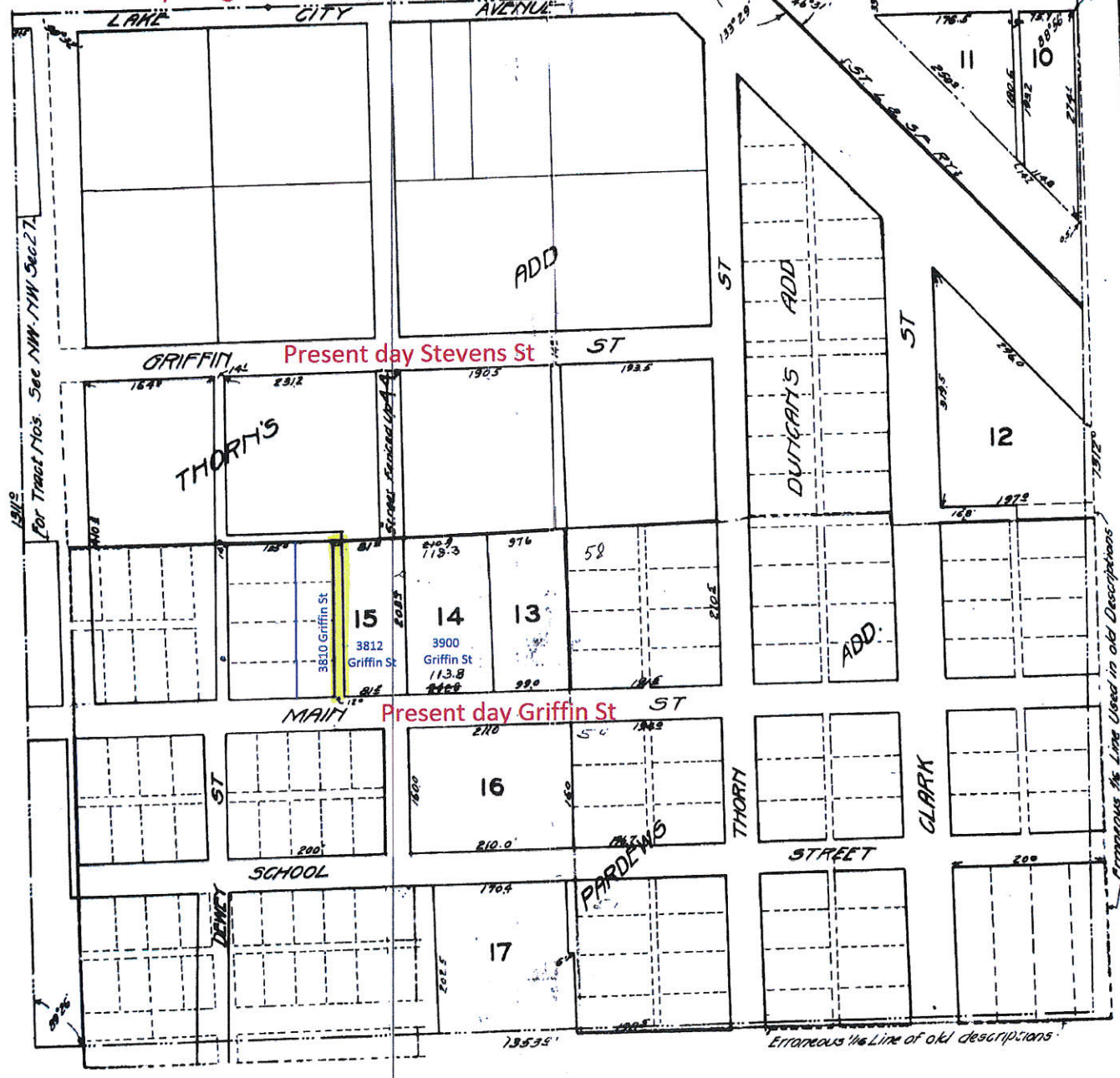
My Commission Expires: 11-20-23

OFFICIAL SEAL - #12396570
JOSHUA HURD
NOTARY PUBLIC-ARKANSAS
CRAIGHEAD COUNTY
MY COMMISSION EXPIRES: 11-20-23

1106

Present day E Highland Drive / Hwy 18 E

1962 Z



NE 1/4 NW 1/4 SEC. 27, TWP. 14 N., R. 4 E.

SCALE 1"=100'

Surveyed and Platted September 1926 by Order Craighead County Court Entered

CASS & LEE ENGINEERS
JONESBORO, ARK



Owned by the Citizens of Jonesboro

January 19, 2016

City of Jonesboro
P.O. Box 1845
Jonesboro, AR 72403
Attn: Donna Jackson, City Clerk

Re: Alley Abandonment
Cobb & Lee Survey
North of Griffin St/South of Stevens St
Jonesboro, Craighead County, Arkansas

Dear Donna:

City Water and Light has no objection with the closing of a 12 foot alley lying west of Lot 15 (3812 Griffin St.) of the Cobb & Lee Survey, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: A 12' x 200' alley on the west side of Lot 15 (3812 Griffin St.) as platted on Cobb & Lee Survey of the Northeast Quarter of the Northwest Quarter of Section 27, Township 14 North, Range 4 East as recorded in Book 48, Page 110 in the Office of the Circuit Clerk for Jonesboro, Craighead County, Arkansas.

Please call if you have questions.

A handwritten signature in black ink, appearing to read 'Jake Rice, III', is written over a horizontal line.

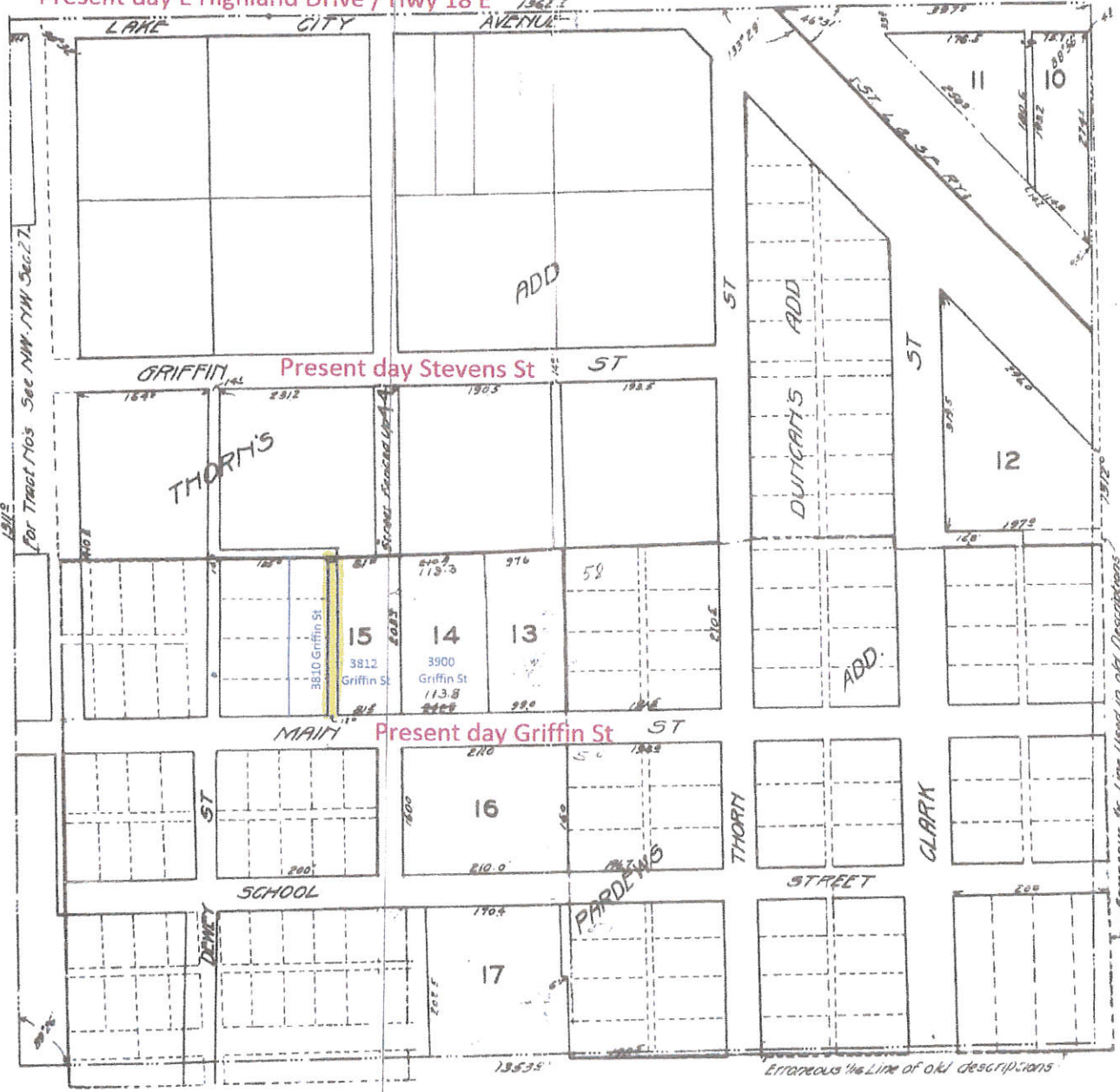
Jake Rice, III P.E.
Manager, City Water & Light

JR3
Enclosure

Cc: McAlister Engineering

1106

Present day E Highland Drive / Hwy 18 E



NE 1/4 NW 1/4 SEC. 27, TWP. 14 N., R. 4 E.

SCALE 1"=100'

Surveyed and Platted September 1926 by Order Craighead
County Court Entered

COBB & LEE ENGINEERS
JOHNSBORO, ARK

McALISTER ENGINEERING
CIVIL ENGINEERING AND LAND SURVEYING

December 30, 2015

AT&T Services Inc.
723 S. Church Street
Jonesboro, AR 72401

RE: Request to Abandon 12' Alleyway

To whom it may concern:

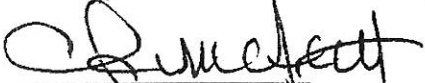
This alleyway is shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East recorded in Book 48, page 110, in the Office of the Circuit Clerk for Craighead County, AR, in Jonesboro, AR. A copy of this plat is enclosed for your records.

A petition, resolution, and ordinance will be presented to the City Council for their decision.

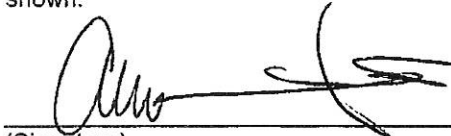
State law stipulates that the proper procedure for abandonment of an easement requires the passage of an ordinance by majority vote of the elected City Council. Simply recording the replat does not satisfy the legal requirements for closure of the easements. City officials need written evidence from all utility service providers agreeing with the closure before passing the required ordinance.

A space has been provided below for your signature acknowledging your concurrence with this proposed action to close the alleyway shown on the original plat of this subdivision. Please sign and return one copy of this letter.

Sincerely,


Clarence W. "Mac" McAlister, RE, PS

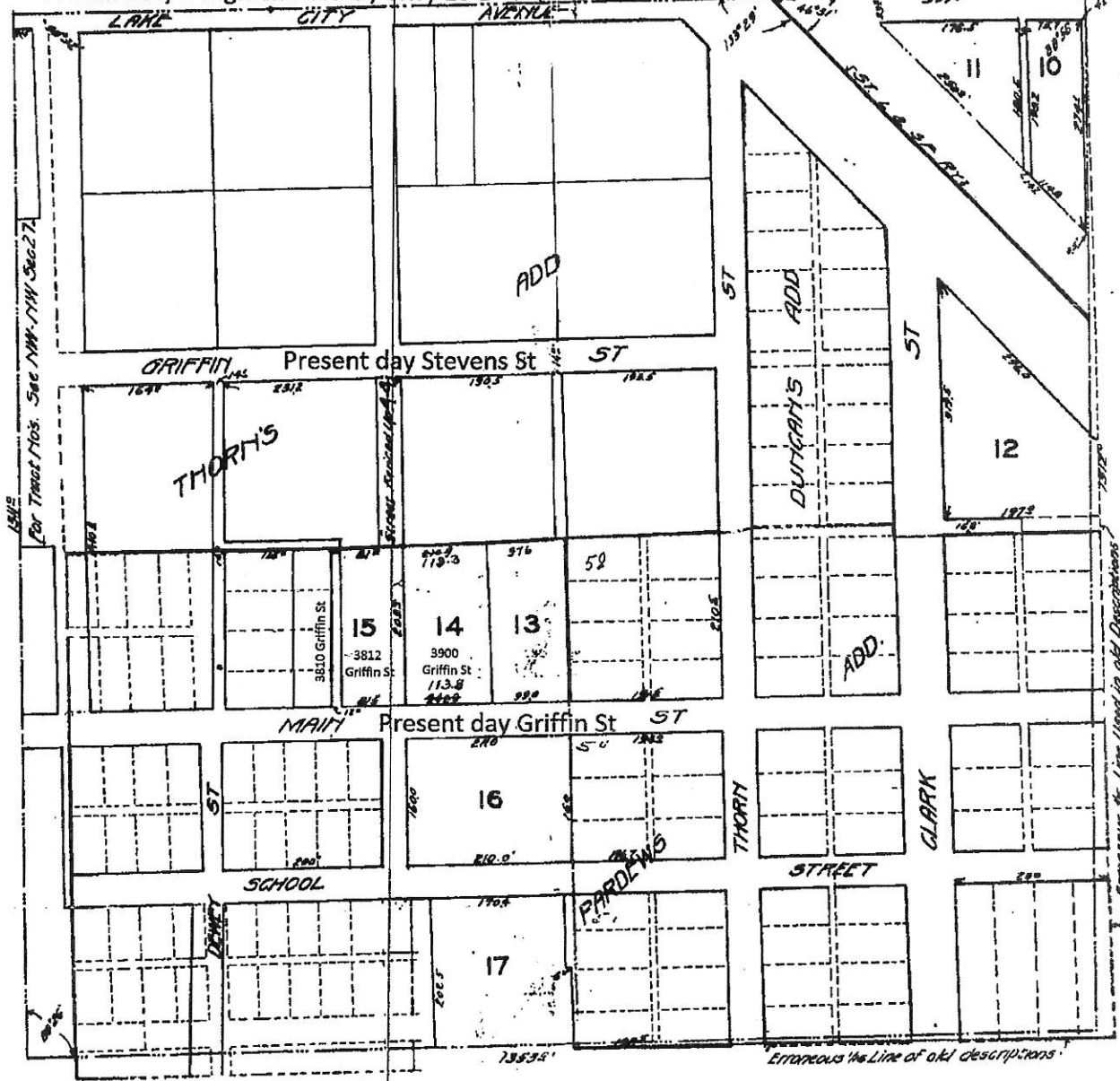
I, Anthony Martinez (print name), concur in the closure of the alleyway as shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East as shown.


(Signature) Utility Company Representative

LEAD OSP PLANNING & ENGINEERING DESIGN
(Position)

1106

Present day E Highland Drive / Hwy 18 E



NE 1/4 NW 1/4 SEC. 27, TWP. 14 N., R. 4 E.

SCALE 1"=100'

Surveyed and Platted September 1926 by Order Straightened
County Court Entered

COBB & LEE ENGINEERS
JONESBORO, ARK.



Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
870.972.7596 Phone
870.972.7558 Fax

February 1, 2016

Anthony Martinez
AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401

Dear Mr. McAlister,

Please see page 2 of this document for approval of abandonment of the utility easement in question Re: Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East recorded in Book 48, page 110, in the Office of the Circuit Clerk for Craighead County, AR, in Jonesboro, AR. Please be aware that this approval will not take effect until a hard copy has been delivered to the City of Jonesboro city clerk (Donna Jackson). The delivery of the hard copy must to be completed by Bradley P. Hancock Surveying & Mapping or an associate of theirs.

Sincerely,

A handwritten signature in black ink, appearing to read "AM" followed by a long horizontal flourish.

Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design



Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

AT&T - Arkansas
723 S. Church, Rm. B27
Jonesboro, AR 72401
870.972.7596 Phone
870.972.7558 Fax

UTILITY RELEASE FORM

TELECOMMUNICATIONS EASEMENT ABANDONMENT REQUEST

I have been notified of the petition to vacate the following described as follows:

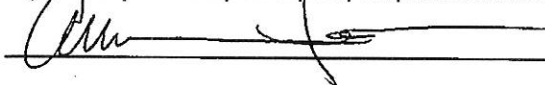
Re: Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East recorded in Book 48, page 110, in the Office of the Circuit Clerk for Craighead County, AR, in Jonesboro, AR

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objections to the vacation(s) described above, reason described below:

Anthony Martinez
Manager-Lead OSP Planning
& Engineering Design

Signature of Utility Company Representative:



Date: FEB 1, 2016



To: McAlister Engineering

From: Suddenlink Communications, Inc.

Date: January 8, 2015

Re: Request to Abandon 12' Alleyway

Suddenlink Communications, Inc. has no objection to the abandonment of the existing 12' alleyway shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE ¼, NW ¼) of Section 27, Township 14 North, Range 4 East recorded in Book 48, page 110, in the Office of the Circuit Clerk, located in Jonesboro, Craighead County, Arkansas.

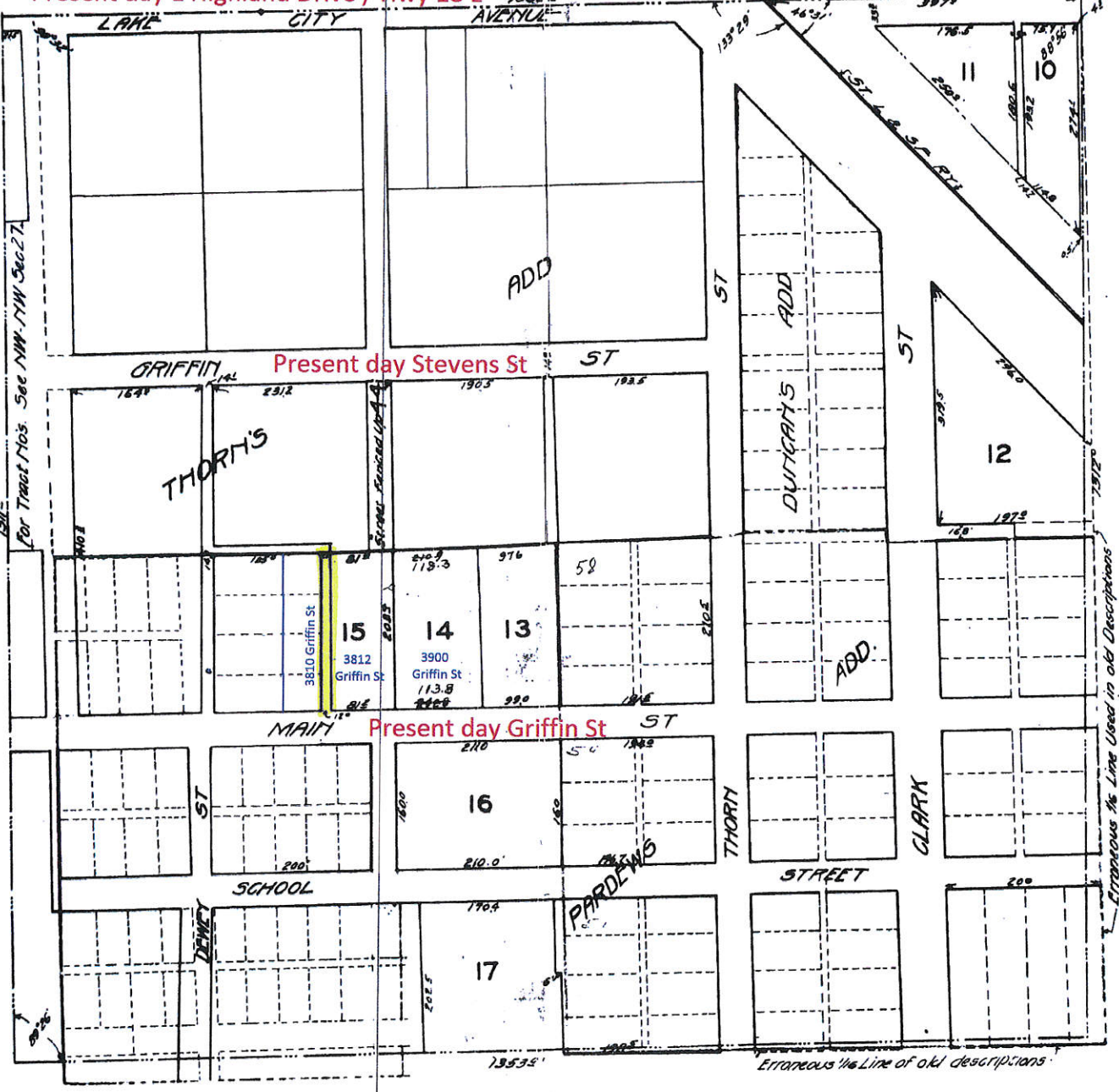
Respectfully,

Joey Roach

Construction Planner
Suddenlink Communications, Inc.
870.897.5697 | Email: joey.roach@suddenlink.com

1166

Present day E Highland Drive / Hwy 18 E



NE 1/4 NW 1/4 SEC. 27, TWP. 14 N., R. 4 E.

SCALE 1"=100'

Surveyed and Platted September 1926 by Order Craighead County Court Entered

COBB & LEE ENGINEERS JONESBORO, ARK.

McALISTER ENGINEERING
CIVIL ENGINEERING AND LAND SURVEYING

December 30, 2015

Ritter Communications Inc.
3306 ~~Southwest Drive~~ 2400 Ritter Drive
Jonesboro, AR 72404 72401

RE: Request to Abandon 12' Alleyway

To whom it may concern:

This alleyway is shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East recorded in Book 48, page 110, in the Office of the Circuit Clerk for Craighead County, AR, in Jonesboro, AR. A copy of this plat is enclosed for your records.

A petition, resolution, and ordinance will be presented to the City Council for their decision.

State law stipulates that the proper procedure for abandonment of an easement requires the passage of an ordinance by majority vote of the elected City Council. Simply recording the replat does not satisfy the legal requirements for closure of the easements. City officials need written evidence from all utility service providers agreeing with the closure before passing the required ordinance.

A space has been provided below for your signature acknowledging your concurrence with this proposed action to close the alleyway shown on the original plat of this subdivision. Please sign and return one copy of this letter.

Sincerely,


Clarence W. "Mac" McAlister, RE, PS

I, ALICE MARTIN (print name), concur in the closure of the alleyway as shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East as shown.

Alice Martin
(Signature)
Utility Company Representative

Project Eng.
(Position)

McALISTER ENGINEERING
CIVIL ENGINEERING AND LAND SURVEYING

December 30, 2015

CenterPoint Energy
3013 Ole Feedhouse Road
Jonesboro, AR 72404

RE: Request to Abandon 12' Alleyway

To whom it may concern:

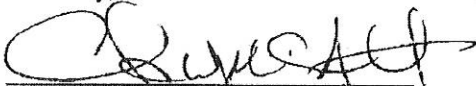
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Sincerely,


Clarence W. "Mac" McAlister, PE, PS

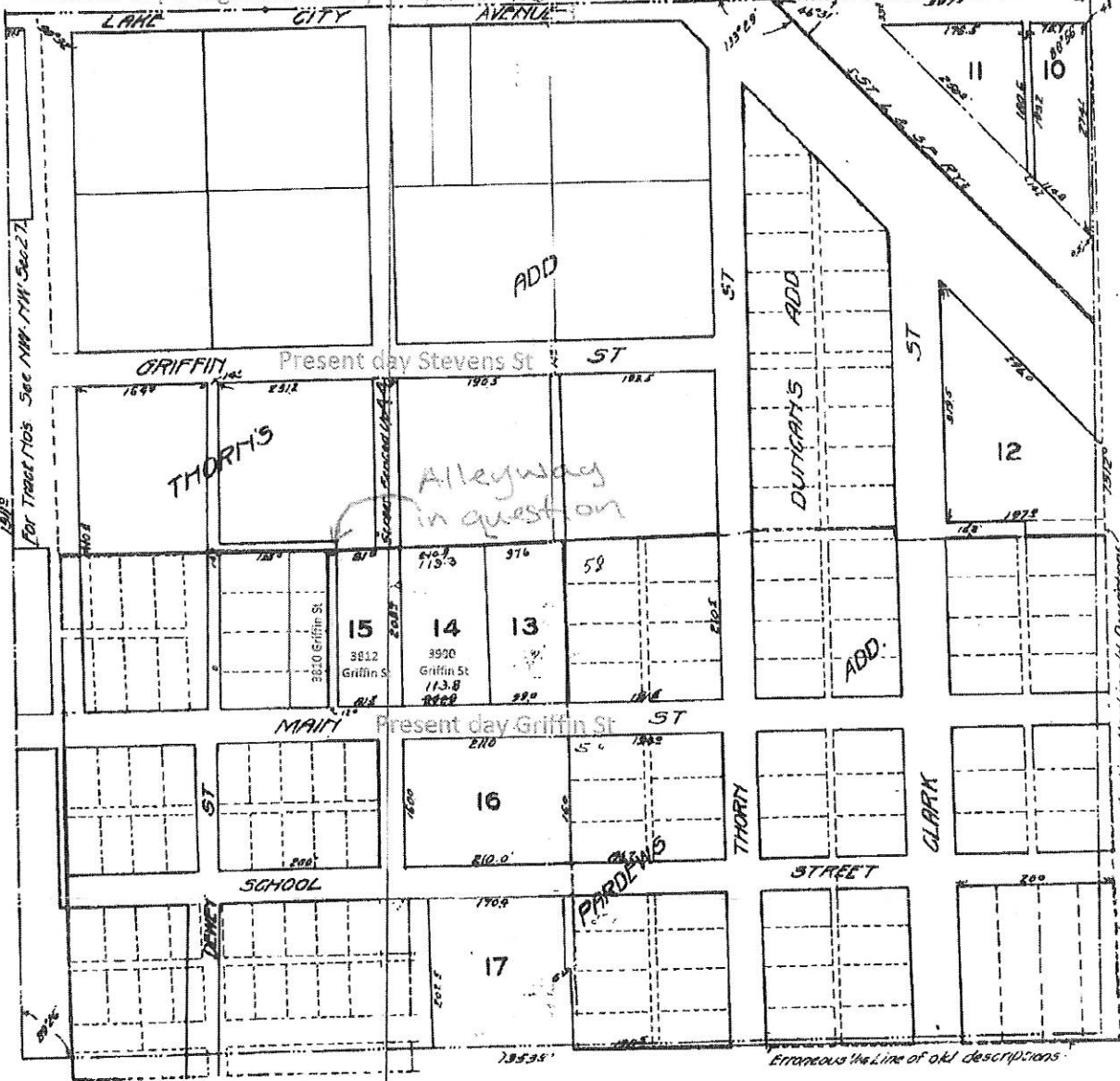
I, NICKLAS TIMBERLAKE (print name), concur in the closure of the alleyway as shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East as shown.


(Signature)
Utility Company Representative

ENGINEER II
(Position)

1106

Present day E Highland Drive / Hwy 18 E



NE 1/4 NW 1/4 SEC. 27, TWP. 14 N., R. 4 E.

SCALE 1"=100'

Surveyed and Platted September 1926 by Order Greighthead
County Court Entered

CASA & LEE ENGINEERS
JONESBORO, ARK.



November 16, 2015

Clarence W. "Mac" McAlister, PE, PS
4508 Stadium Blvd, Suite D
Jonesboro, AR 72404

Re: Alley Abandonment

Dear Mr. McAlister:

The City of Jonesboro Engineering and Planning Departments concur with the abandonment of the 12' alleyway as shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East recorded in Book 48, page 110, in the Office of the Circuit Clerk for Craighead County, AR in Jonesboro, AR.

Please call if more information is needed.

Sincerely,

Craig Light, PE, CFM
City Engineer

Otis Spriggs, AICP
City Planner

McALISTER ENGINEERING
CIVIL ENGINEERING AND LAND SURVEYING

December 30, 2015

Engineering Department
c/o City of Jonesboro
300 S. Church Street
Jonesboro, AR 72401

RE: Request to Abandon 12' Alleyway

Dear Mr. Light:

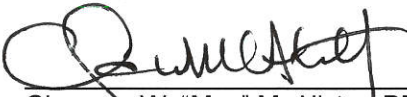
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A petition, resolution, and ordinance will be presented to the City Council for their decision.

State law stipulates that the proper procedure for abandonment of an easement requires the passage of an ordinance by majority vote of the elected City Council. Simply recording the replat does not satisfy the legal requirements for closure of the easements. City officials need written evidence from the engineering department agreeing with the closure before passing the required ordinance.

A space has been provided below for your signature acknowledging your concurrence with this proposed action to close the alleyway shown on the original plat of this subdivision. Please sign and return one copy of this letter.

Sincerely,



Clarence W. "Mac" McAlister, PE, PS

I, _____ (print name), concur in the closure of the alleyway as shown on Cobb & Lee's Survey of the Northeast Quarter of the Northwest Quarter (NE1/4, NW1/4) of Section 27, Township 14 North, Range 4 East as shown.

(Signature)

Craig Light PE – City Engineer

1106

Present day E Highland Drive / Hwy 18 E



NE 1/4 NW 1/4 SEC. 27, TWP. 14 N., R. 4 E.

SCALE 1"=100'

Surveyed and Platted September 1926 by Order Craighead County Court Entered

COSB & LEE ENGINEERS' JOHN S. COSB, BARK



Legislation Details (With Text)

File #: ORD-16:011 **Version:** 1 **Name:** Rezoning on Aggie Road
Type: Ordinance **Status:** Second Reading
File created: 1/27/2016 **In control:** City Council
On agenda: **Final action:**

Title: AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-8 LOCATED ON AGGIE ROAD AS REQUESTED BY DEAN TYRER

Sponsors:

Indexes: Rezoning

Code sections:

Attachments: [Plat](#)
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
2/16/2016	1	City Council		

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES WHEREAS, the following described lands located in Jonesboro, Craighead County, Arkansas, are currently zoned R-1, residential use classification:

A part of the Southeast Quarter of the Northeast Quarter, and a part of the Northeast Quarter of the Southeast Quarter, both in Section 15, Township 14 North, Range 4 East, Craighead County, Arkansas, to wit:

From the Northeast corner of said Section 15, thence S00°10'39"E, along the east line thereof, a distance of 1,325.85 feet to a point, said point being the Northeast Corner of said Southwest Quarter of the Northeast Quarter; thence S89°49'32"W, along the north line thereof, a distance of 336.60 feet to a point, said point being the POINT OF BEGINNING; thence S00°10'39"E, a distance of 2,201.82 feet to a point; thence S62°14'36"W, a distance of 951.38 feet to a point; thence N89°42'00"W, a distance of 165.42 feet to a point; thence N00°06'35"E, a distance of 1,247.00 feet to a point; thence S89°22'57"E, a distance of 652.64 feet to a point; thence N00°00'08"W, a distance of 752.79 feet to a point; thence S87°40'00"W, a distance of 150.00 feet to a point; thence N00°00'08"W, a distance of 655.86 feet to a point; thence N89°49'32"E, a distance of 495.44 feet to a point; said point being the POINT OF BEGINNING, said tract containing 37.86 acres, and said tract being subject to existing utility easements and the right-of-way of Aggie Road.

WHEREAS, all applicable laws, rules and regulations have been complied with in presenting this Ordinance to the City Council.

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

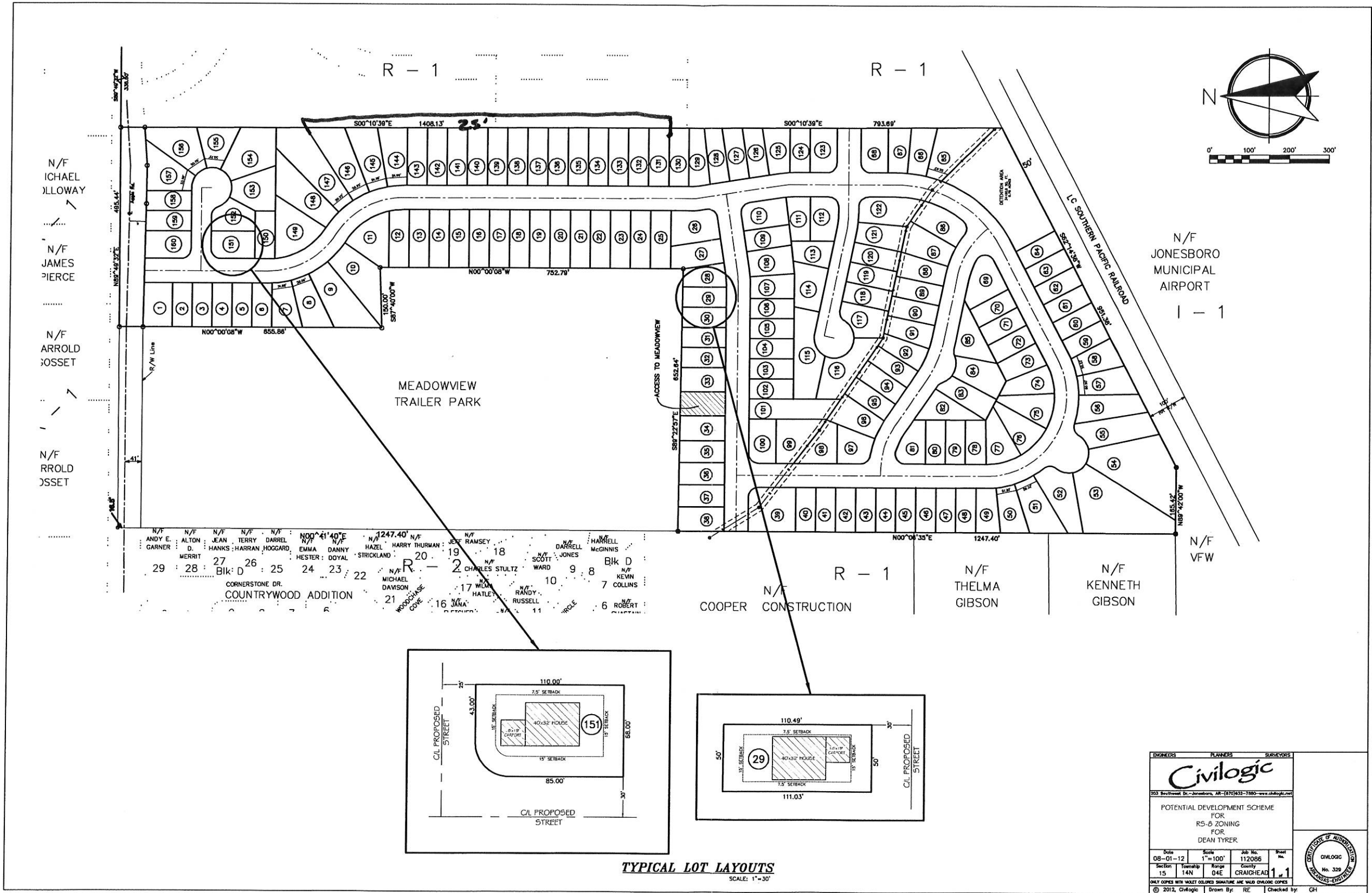
SECTION I: The Zoning Ordinance of the City of Jonesboro, Arkansas, codified as Title 14 of the Jonesboro Municipal Code, should be, and hereby is amended so that the Property described herein shall be zoned as RS-8 Limited Use Overlay (LUO).

SECTION II: The following conditions are required pursuant to the RS-8 LUO rezoning for the subject property:

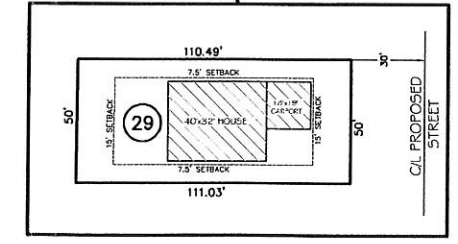
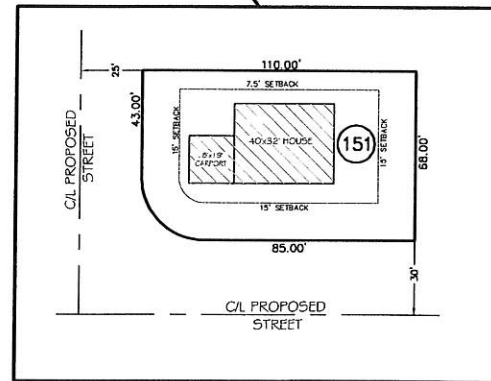
1. That subdivision development plans be submitted and reviewed by the MAPC prior to any future redevelopment of the site.
2. A maximum of one hundred-sixty (160) lots will be developed on the subject property.
3. The proposed development shall satisfy all requirements of the City of Jonesboro, all requirements of the current Stormwater Drainage Design Manual, and Building Inspection Department, and shall be submitted to the Metropolitan Area Planning Commission, as well as the City of Jonesboro, for staff review and approval, as is prescribed by the traditional subdivision development process.
4. Extensions of streets within the development are to be developed so as to provide connectivity to the undeveloped land to the east and to the west.
5. A strip of land shall be reserved along the southern line of the Meadowview Manufactured Home Park that shall serve to provide connectivity, primarily for emergency access through the park at a later date. The side line setback of the lots adjacent to the aforementioned connectivity strip shall remain at seven and one half feet (7.5') in the event that strip becomes dedicated as right-of-way.
6. The rear setback of the proposed lots 130 through 147, inclusively, and lot 154, all as shown and as numbered on the proposed 160 lot, RS-8 layout, prepared by Civilogic, dated 08/01/12, under job number 112086, which lots are adjacent to the current existing development known as Prospect Farms (as of September 11, 2012) shall be increased from the prescribed fifteen feet (15') to a dimension of twenty five feet (25').
7. That the maximum lot density of the development shall not exceed an average of 4.23 lots/acre.
8. That the size of each residence shall be no less than eleven hundred square feet (1,100 sq. ft.).

SECTION III: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: The City Clerk is hereby directed to amend the official zoning district boundary map of the City of Jonesboro, Arkansas, insofar as it relates to the Property, so that the zoning classification of the Property shall be in accordance with the provisions of this Ordinance.



N/F ANDY E. GARNER 29
 N/F ALTON D. MERRIT 28
 N/F JEAN HANKS 27
 N/F TERRY HARRAN 26
 N/F DARREL HOGGARD 25
 N/F EMMA HESTER 24
 N/F DANNY DOYAL 23
 N/F HAZEL STRICKLAND 22
 N/F HARRY THURMAN 20
 N/F JEFF RAMSEY 19
 N/F CHARLES STULTZ 18
 N/F WILSON SCOTT 17
 N/F RANDY HATLEY 16
 N/F RUSSELL 15
 N/F ROBERT 14
 N/F DARRELL JONES 9
 N/F KEVIN BIK D 8
 N/F KEVIN COLLINS 7
 N/F ROBERT 6
 N/F MICHAEL DAWSON 21
 N/F WOODCHUCK COLE 20
 N/F WILSON HATLEY 17
 N/F RANDY RUSSELL 16
 N/F ROBERT 15
 N/F DARRELL JONES 9
 N/F KEVIN BIK D 8
 N/F KEVIN COLLINS 7
 N/F ROBERT 6



TYPICAL LOT LAYOUTS

SCALE: 1"=30'

ENGINEERS	PLANNERS	SURVEYORS
Civilogic		
203 South Street Dr., Jonesboro, GA (678) 933-7880 www.civilogic.net		
POTENTIAL DEVELOPMENT SCHEME FOR RS-6 ZONING FOR DEAN TYRER		
Date 08-01-12	Scale 1"=100'	Job No. 112086
Section 15	Township 14N	Range 04E
County CRAIGHEAD	Sheet No. 1 of 1	
© 2012, Civilogic Drawn By: RE Checked by: GH		





City of Jonesboro City Council
Staff Report – RZ 12-17: 4501 Aggie Road
Huntington Building - 900 W. Monroe
For Consideration by the Council on September 18, 2012

REQUEST: To consider a rezoning of a parcel of land containing 37.86 acres more or less.

PURPOSE: A request to consider a recommendation to Council for a rezoning from R-1 Single to RS-8 Single Family Residence by the MAPC for 160 single family homes.

**OWNER/
APPLICANT:** Dr. Dean Tyrer, 2603 Brown’s Lane, Jonesboro, AR

LOCATION: 4501 Aggie Road, (South Side of Aggie, directly west of Prospect Farm Road (Subdivision). Directly east of Meadowview Trailer Park)).

SITE DESCRIPTION: Tract Size: Approx. +/- 37.86 acres (1,649,070 sq. ft.)
 Frontage: 495.44’ ft. along Aggie Road.
 Topography: Flat
 Existing Development: 8-Bedroom Single Family Residence and pastured land.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	I-2	Airport/Railroad
East:	R-1	Residential
West:	R-2/R-1	Mobile Home Park/Single Residential

HISTORY: None.

ZONING ANALYSIS: City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

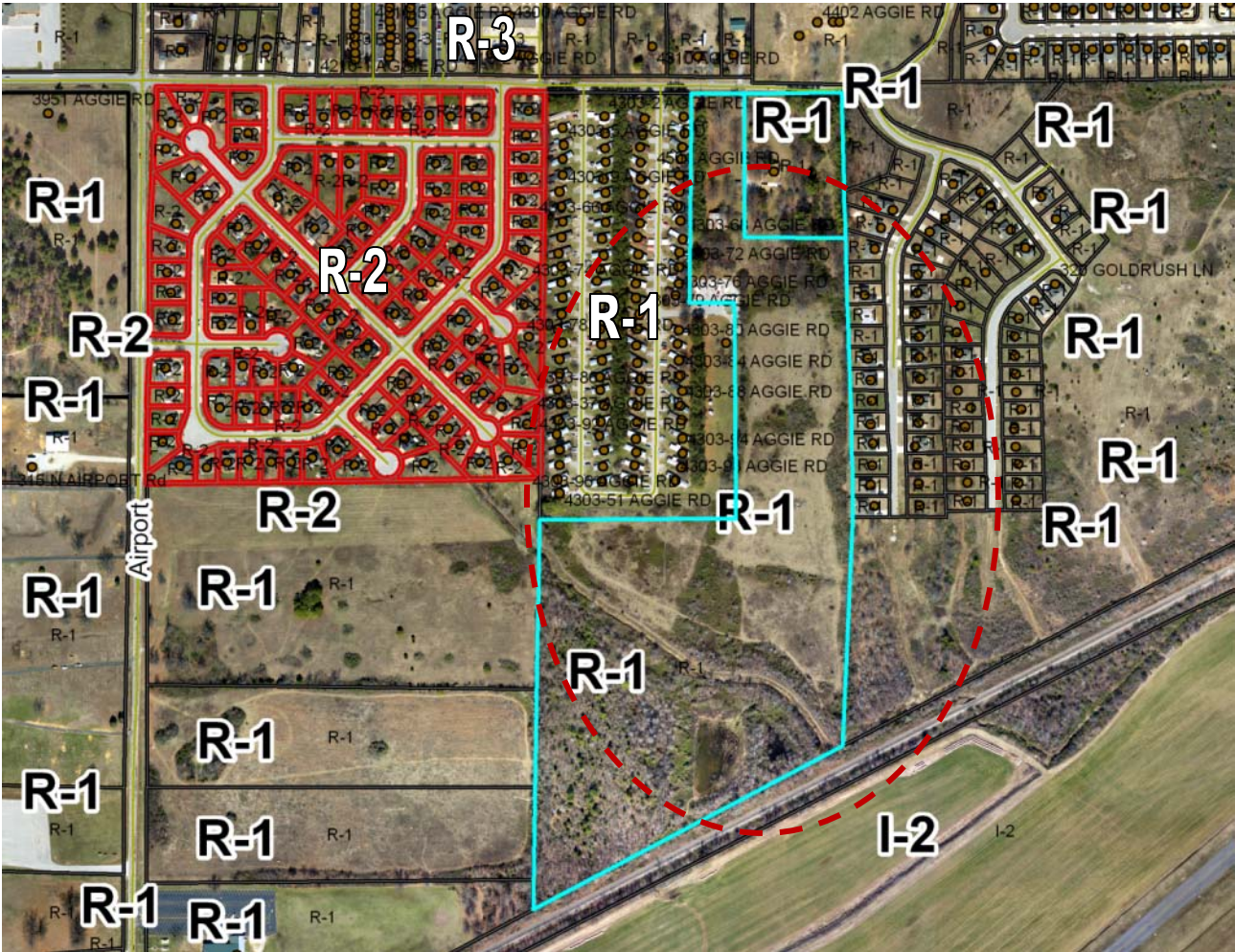
The Current/Future Land Use Map recommends this location as Single Family Residential. The proposed rezoning is consistent with the land use map as a single family development.

Approval Criteria- Section 117-34- Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;

- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by Aggie Road has a proposed right of way totaling 80 ft. (Collector Street min. 80’); The proposal is in compliance; applicant has proposed a 41’ right of way from the center line of street.

Zoning Code Compliance Review:

The applicant is requesting a change from single family R-1 to a RS-8 Single Family Zoning District. Current R-1 Single Family density is 5.4 units per acre, the applicant is proposing 8 units per acre gross density.

The applicant hopes to respond to the market needs for smaller affordable homes/lots to provide a transition between the mobile home park to the west and the Prospect Farms Subdivision to the east. The idea is to provide a single family unit/property that will require less maintenance. The railroad and airport to the south justifies the type of product being marketed, as well. The subdivision will be served by public road access and will have public sewer and utilities.

Buildable setbacks proposed are the following: 15 ft.- front-yard and rear-yard setbacks; and, 7.5' - side-yard setback. Lot width: 50 ft. RS-8—Single-family residential district minimum 5,445 sq. ft. lot size is required.

MAPC Record of Proceedings: Public Hearing held September 11, 2012

Applicant: Mr. George Hamman, Civilogic - presented the Case to MAPC and noted that he prepared the application on behalf of his client- Dr. Dean Tyrer. This request is for a district classification that has not been used much: RS-8. We are requesting 8 units per acre as Single Family homes.

Mr. Hamman made reference to the Staff Report and noted that Staff stated that the request is consistent with the City's Comprehensive Housing Study, which recommends policies to encourage affordable housing. This meets some of that need. Not everyone can afford an 8,200 sq. ft. lot with a 2,600 sq. ft. house on it. This is a single family alternative to that, with public street right of ways. The MAPC will see each phase of this twice. There will be a bill of assurance of the subdivision, which means that it will be maintained by one company and done in a uniform fashion. This also provides for a transitional zone. To the west of this is a Manufactured Home Park (has been there for about 25 years); to the east is standard R-1 single family and to the south is the railroad and the airport.

Staff: Mr. Spriggs gave the Staff summary of the report. The adjacent uses were discussed as noted. The issues of compatibility and density were discussed. The applicant is requesting RS-8 in which the 8 units per acre is a gross density calculation. The applicant has proposed a layout of 160 maximum lots; which equates to 4 +/- units per acre.

The Comprehensive Land Use Plan was reviewed and consistency is achieved as single family residential, which is recommended. The Master Street Plan requires a collector road designation and the applicant has concurred with the minimum right- of-way of 41-ft. from the centerline of street. All of the average lot restrictions and setbacks are complied with in terms of the RS-8.

Public Input/Opposition:

Mr. Todd Burton - 4303 Cypress Springs Rd. Spoke in opposition. Major concern that was voiced is the apartments denied on the Gosset property. This would exceed the Gosset proposal by 10 units, if you were to put that same thing. The trailer park has been there for 25 years and we have the apartments there that we are dealing with. In our community we are at our maximum, in terms of density. We are growing fast and little has been done to improve our infrastructure. This RS-8 District hasn't been used much and we are concerned. We understand the need to want a transitional

area, and maybe R-1 is not the answer to that, having a density of 8 units per acre, although it's been said to come down lower.

Mr. Burton continued: Density is a concern. A lot of people are out there (in audience) that want to develop land out there. They are waiting to see how this will turn out. We are concerned about what precedent is set. Mr. Burton spoke about increased crime in the area with the recent 5 - car break-ins on September 5th, and the Police Chief's comments about development and crime in the area. I am really glad to look at residential housing, but I and my neighbors are very concerned about that dense of a development. Question was raised: One company was mentioned to maintain the property - Will the houses be single family owned or rented out?

Mr. Hamman: The internet for the maintenance is to reduce the obligation of the owners; it mentions in the Bill of Assurance that it is not the owners that will be doing the maintenance but the property owners association.

Opposition: Attorney Joshua Roberts: Snowgrove Law Firm spoke on behalf of his client: B & J and P&G Land Co. Stated that Dr. Tyrer's desire to develop this property is admirable with Jonesboro's growth and need for affordable housing. However, in this case, P &G and P&J feels that there are three (3) factors under your staff analysis criteria and Staff Report that favor a denial Dr. Tyrer's proposal.

No.1: The compatibility of Dr. Tyrer's request. The current and active development to the east, Prospect Farm and Wildwood Subdivisions are R-1 Single Family. But, the density of RS-8 is too dense.

Mr. Roberts: In this area, the 60 ft. width is the norm; in fact, the R-2 subdivision to the west is single family as well. The RS-8 District will be incompatible with those minimums. Dr. Tyrer is not currently prevented from developing this parcel: He still can develop his property under the R-1 District. The RS-8 allows him to build more houses on the same parcel, which means more money or profit margin than R-1 restrictions would. This request is in competition with the people in the community that purchased their homes relying on the R-1 restrictions, and this is factored in the Zoning Criteria "D" and "E" in the report of the zoning criteria. Mr. Roberts cited a case in law in Arkansas, where a rezoning based solely on the peculiar interests and justification of making a parcel its most profitable status is not enough.

Applicant: Attorney Jim Lyons, representing Dr. Tyrer spoke in favor of the rezoning, citing the existing conditions as noted the trailer park to the west and the Comprehensive Housing Study of which we are consist with. If we are going to spend money on these studies, then we need to use them in the manner in which they were intended. This area is proposed to be used precisely for which it was supposed be used for. Mr. Lyons continued describing the uses surrounding: I-2 Industrial property to the south, with a railroad, and the trailer park property to the west. To say that this is incompatible is just simply incorrect.

Mr. Lyons: There is R-2 zoning is to the west. And if you recall that on September 11th, eleven (11) years ago, we had a measure to rezone this as trailer park property, at the meeting that was postponed and delayed 2 - weeks and MAPC returned and voted to recommend approval. (The case went to court).

Mr. Lyons: We are seeking to rezone this property to RS-8, which is compatible and consistent with the Jonesboro Housing Comprehensive Study. This is also consistent with what the planners and others are saying is a proper use for this property. There has to be a transition somewhere. It is not proper to jump directly from R-1 Single Family to I-2 Industrial or to a trailer park. So it is proper to

have a transition area which is exactly what we are seeking. These 37.8 acres at 5.4 units per acre could result in 204 lots under the R-1 Single Family District. Dr. Tyrer is only seeking 160 lots. Mr. Lyons: It simply is a fact of life that there is a need for this type of use. We understand that this is going to increase traffic, but traffic is occurring everywhere in Jonesboro simply by growth. That is not something that can be avoided. If everyone is going to say that we will stop growth, then we can attempt to do that. But that is not the role of the Planning Commission. And it will be improper, based on the zoning criteria and with the comments of the City Planner, to deny this request and not grant the RS-8.

Mr. Hoelscher addressed Mr. Lyons: There is a difference between the density of what is being offered and the graphic showing the lot layout- Is your client willing to live with a stipulation that would limit the number of lots? Mr. Lyons and his client concurred with the stipulation, noting that this is lower than what the maximum could be at with R-1.

Mr. Todd Burton: If it is going to a lower number of units, then why rezone it to the higher level? When you look at the land use plan, although it does follow it because it is residential; it doesn't really follow it with density in that area. Mr. Burton also commented on the rezoning mentioned by Mr. Lyons on the trailer park, the fact that the citizens of the area filed a law suit against the City that over turned the decision to rezone by Council and MAPC.

Mr. Hamman: Clarified: the density calculation was done by taking the net acreage and dividing it by the minimums with the 160 units being in compliance. There are quite a few lots that are larger than what are required of the Rs-8. This is an odd shape property and there is a question of geometry in fitting the houses in there. There are lots in that area which are narrower as well as some that area more wide. It becomes a question of the geometry to make it work from a density standpoint.

Mr. Spriggs gave comment on property circulation in terms of emergency response and alternative ways out. If the subdivision were to go forth, are there alternative access points, in terms of emergency and connectivity and stub streets.

Mr. Hamman: Gave a response on the layout which shows stub streets to the east and west. Mr. Hamman also noted the cross hatched lot to the north that will not be built on, and will be used for future accessibility to the Meadow's Trailer Park, which will provide another outlet out to Aggie Rd. He noted that they are in agreement to any stipulations on the connectivity. There are no trailers on the south end of the park.

Mr. Kelton: On the east side shown, Prospect Farm Rd. doesn't go down that far. Mr. Hamman: They own all the land to the railroad. Mr. Kelton expressed concerns with the 15 ft. rear yard setback. These houses will back up to the rear of the homes in Prospect Farm. It is awfully close.

Mr. Hamman noted that the houses will be closer to the front setback due to the long depth of the lots (131-146). They will have larger rear yards. Mr. Kelton spoke on homeowners taking pride and doing their lawns when he visited the site. He suggested code enforcement attention to a lot that had high weeds and grass.

Mr. Kelton suggested a stipulation to assure that the homes be set back further. Mr. Hamman agreed on Lots 131 -146 that the setback will be 25 ft.

Mr. Kelton further asked about the size of the detention pond - will it be that large. Mr. Hamman noted that it will be a dry pond and will be sized perhaps smaller when the engineering is done.

Mr. Hoelscher asked for any other Staff Departmental comments. Mr. Morris noted there no engineering comments. Mr. Spriggs summarized department request for review forms, noting all reports received from Engineering, Streets, Sanitation, Jets Transportation, Fire and Police noting that there were no comments on this petition.

Commission Action:

Motion was made by Mr. Kelton that to place Case: RZ-12-17 on the floor for consideration and for recommendation to City Council for a rezoning from “R-1 to “RS-8” L.U.O., Single Family Residential District, subject to the 1 Staff Condition. The MAPC finds that the use will be compatible and suitable with the zoning, uses and character of the surrounding area.

The following conditions were read.

1. A maximum of one hundred sixty (160) lots are to be developed.
2. The proposed development shall satisfy all requirements of the City of Jonesboro, Including the Planning Department, Engineering Department, including satisfaction of all requirements of the current Stormwater Drainage Design Manual, and Building Inspection Department, and shall be submitted to the Metropolitan Area Planning Commission and the City of Jonesboro for staff review and approval, as is prescribed by the traditional subdivision development process.
3. Extensions of streets within the development are to be developed so as to provide connectivity to the undeveloped land to the east and to the west.
4. A strip of land shall be reserved along the southern line of the Meadowview Manufactured Home Park that shall serve to provide connectivity, primarily for emergency access through the park at a later date.
5. That the rear yard setback shall be 25 ft. on Lots 131-146

Motion was seconded by Mr. Scurlock.

Roll Call Vote: Mr. Scurlock- Aye; Mr. Hoelscher- Aye; Ms. Elmore- Aye; Ms. Nix- Aye; Mr. Kelton- Aye; Absent were: Mr. Dover; Mr. Tomlinson, Mr. Reece.

Motion passed with a 5-0 Vote.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Dr. Dean Tyrer should be evaluated based on the above observations and criteria, of Case RZ 12-17 noted above, a request to rezone property from “R-1” to “RS-8” Single Family Residential District. The MAPC and Staff feels that the petition should be approved by City Council and follows good land use principles and promotes provisions for affordable homes, which is recommended by the recent Jonesboro Housing Comprehensive Study, subject to the following conditions:

1. That subdivision development plans be submitted and reviewed by the MAPC prior to any future redevelopment of the site.

Respectfully Submitted for Council Consideration,

A handwritten signature in black ink, appearing to read "Otis T. Spriggs". The signature is fluid and cursive, with the first name being the most prominent.

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking Southwesterly towards subject property



View looking East along Aggie Road



View looking West along Aggie Road



View looking South at subject property.



View looking Southwest towards property



View looking North from property



View looking West along Aggie Rd. Frontage



View From Site looking South



View from Site looking West



View looking north from site



View looking South From Site



View looking east from site



View looking southeast on site



Legislation Details (With Text)

File #: ORD-16:014 **Version:** 1 **Name:** Portion of Dayton Avenue land donation
Type: Ordinance **Status:** Second Reading
File created: 2/12/2016 **In control:** City Council
On agenda: **Final action:**

Title: AN ORDINANCE ACCEPTING THE DONATION OF A PORTION OF DAYTON AVENUE DESCRIBED AS FOLLOWS: The East 60 feet of Lot 7 as shown on the Replat of Lot 6 of Floyred Commons, Recorded in Plat Cabinet "C", Page 221 in the public records of Craighead County at Jonesboro, Arkansas.

Sponsors: Mayor's Office
Indexes: Other
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
2/16/2016	1	City Council		

AN ORDINANCE ACCEPTING THE DONATION OF A PORTION OF DAYTON AVENUE DESCRIBED AS FOLLOWS: The East 60 feet of Lot 7 as shown on the Replat of Lot 6 of Floyred Commons, Recorded in Plat Cabinet "C", Page 221 in the public records of Craighead County at Jonesboro, Arkansas.

WHEREAS, the City Council at its regular meeting on February 16, 2016, heard the request of Richard L. Ramsay, Distribution Agent in the Chapter 11 Bankruptcy case of Craighead County Fair Association; and

WHEREAS, the subject property is on private property owned by the Chapter 11 Debtor and is a private road; however, the public and city police and fire vehicles can and do use the subject property in the course of their day to day operations; and

WHEREAS, the subject property is part of a road that is an important connection between major arterial roads in the City of Jonesboro and, therefore, is important for corporate purposes; and

WHEREAS, the current landowner has the option to consider closing the road; and

WHEREAS, despite the City of Jonesboro's stated policy against accepting road donations unless the existing road is up to city code, the Council finds that special circumstances exist that call for an exception to the policy as to this specific tract of land; and

WHEREAS, it has been specifically agreed by the current landowner that the City will be under no obligation to bring the existing road being donated up to city code and, further, that any subsequent improvements will be at the City's discretion; and

WHEREAS, the donated portion of Dayton Avenue is required for corporate purposes and the acceptance of the same will be beneficial to the City of Jonesboro, and would be in the best interest of all parties concerned.

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

SECTION 1. The City of Jonesboro, Arkansas hereby accepts the donation of a portion of Dayton Avenue, more particularly described as the East 60 feet of Lot 7 as shown on the Replat of Lot 6 of Floyred Commons, Recorded in Plat Cabinet "C", Page 221 in the public records of Craighead County at Jonesboro, Arkansas under the conditions set forth herein.

SECTION 2. A copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of Craighead County at Jonesboro, Arkansas, and recorded in the Deed of Records of Craighead County, Arkansas.

SECTION 3. Acceptance of the road by the City is in the public interest and will promote the public peace and welfare.



Legislation Details (With Text)

File #: ORD-16:013 **Version:** 1 **Name:** Rezoning at 903 E. Matthews
Type: Ordinance **Status:** Third Reading
File created: 2/11/2016 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 & C-2 LUO TO C-1 LUO FOR PROPERTY LOCATED AT 903 EAST MATTHEWS AS REQUESTED BY JOSH OLSON
Sponsors:
Indexes: Rezoning
Code sections:
Attachments: [Plat](#)
[MAPC Report](#)

Date	Ver.	Action By	Action	Result
2/16/2016	1	City Council		

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 1: 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATIONS AS FOLLOWS:

FROM RESIDENTIAL, R-2 MULTI-FAMILY LOW DENSITY DISTRICT AND C-2 L.U.O. DOWNTOWN FRINGE COMMERCIAL DISTRICT TO C-1 DOWNTOWN CORE DISTRICT, MIXED USE L.U.O., THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

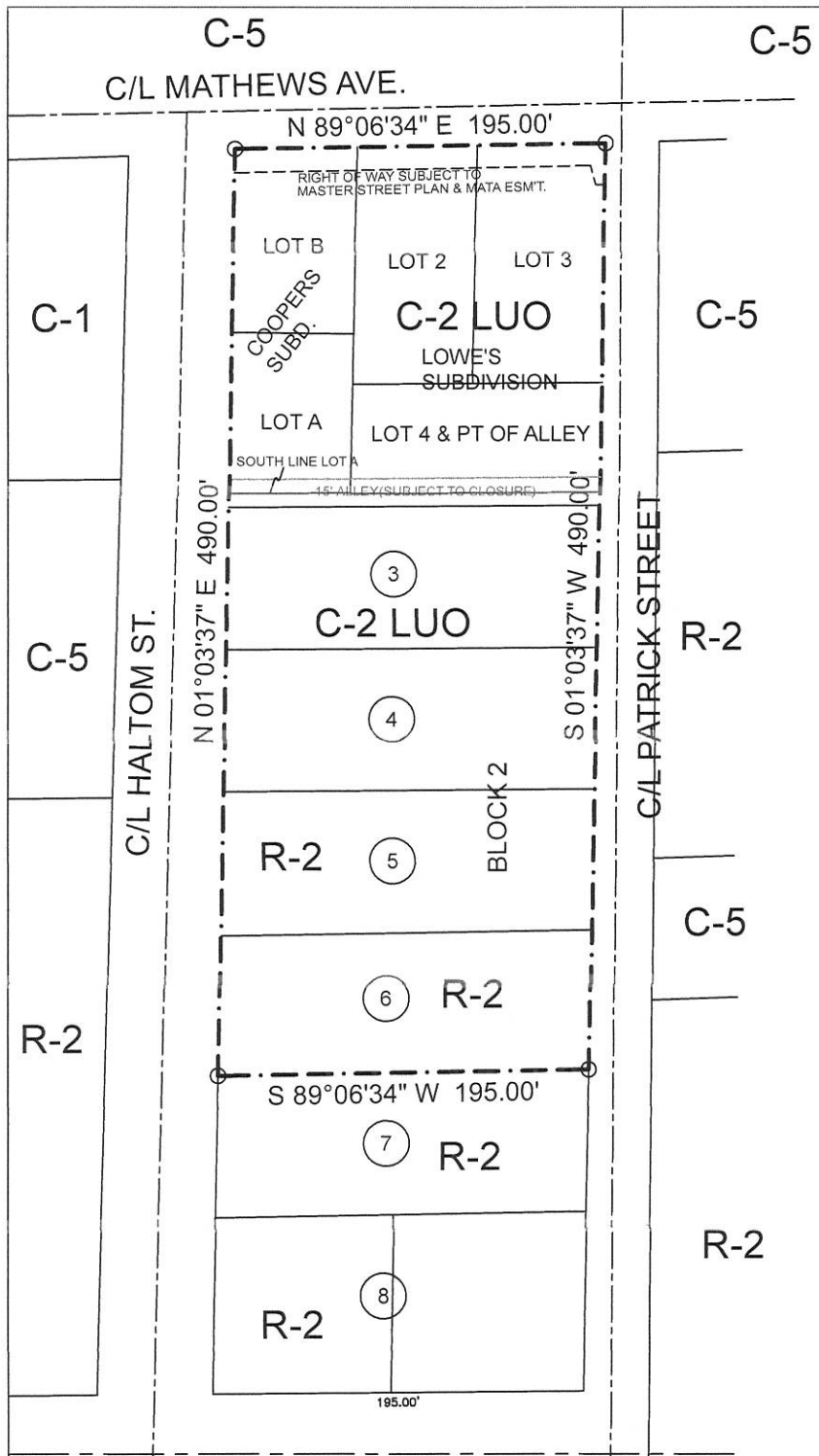
Lots A and B of Cooper Subdivision of Lot 1 of Lowe’s Subdivision of Lots 1 and 2 in Block 2 of Haltom’s Addition and Lots 2, 3, and 4 of Lowe’s Subdivision of Lots 1 and 2 in Block 2 of Haltom’s Addition and Lots 3, 4, 5, and 6 in Block 2 of Haltom’s Addition to the City of Jonesboro, Arkansas (including 15’ Alley), in the Northeast Quarter of the Northeast Quarter of Section 19, Township 14 North, Range 4 East, Craighead County, Arkansas.

SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A conceptual and final site plan layout of the residential product should be presented to the MAPC for approval, prior to any redevelopment of the property.
3. Compliance with the Master Street Plan shall be required prior to any redevelopment of the said site, unless waivers are granted by the MAPC.

4. The attached residential uses shall be limited to maximum of 2- story structures within the new district boundary of 2.19 acres.

SECTION 3: THE CITY CLERK IS HEREBY DIRECTED TO AMEND THE OFFICIAL ZONING DISTRICT BOUNDARY MAP OF THE CITY OF JONESBORO, ARKANSAS, INsofar AS IT RELATES TO THE LANDS DESCRIBED HEREIN ABOVE SO THAT THE ZONING CLASSIFICATION OF SAID LANDS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.



DESCRIPTION:

LOTS A & B OF COOPER SUBDIVISION OF LOT 1 OF LOWE'S SUBDIVISION OF LOTS 1 & 2 IN BLOCK 2 OF HALTOM'S ADDITION AND LOTS 2,3 AND 4 OF LOWE'S SUBDIVISION OF LOT 1 & 2 IN BLOCK 2 OF HALTOM'S ADDITION AND LOT 3, 4, 5 AND 6 IN BLOCK 2 OF HALTOM'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS (INCLUDES 15' ALLEY) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

Commencing at the Northeast corner of Lot 3 of Lowe's Subdivision(also know as Northeast corner of Block 2, Haltom Addition), Jonesboro, Arkansas;
 thence South 01°03'37" West 490.00 feet; thence South 89°06'34" West 195.00 feet; thence North 01°03'37" East 490.00 feet; thence North 89°06'34" East 195.00 feet to the point of beginning proper, having an area of 95494.62 square feet, 2.19 acres more or less and being subject to all public and private roads and easements. All being in the Northeast Quarter of the Northeast Quarter of Section 19, Township 14 North, Range 4 East, Craighead County, Arkansas

OWNER CERTIFICATION:

WE HEREBY CERTIFY THAT WE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE ADOPT THE PLAN OF THE SUBDIVISION AND DEDICATED PERPETUAL USE OF ALL STREETS AND EASEMENTS AS NOTED AND WE FURTHER CERTIFY THAT WE HAVE READ AND ACKNOWLEDGED THE FOLLOWING STATEMENT.

KCL2, LLC.

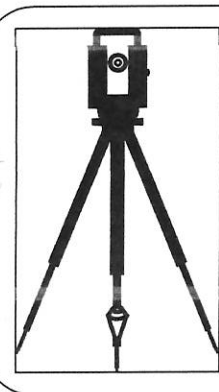
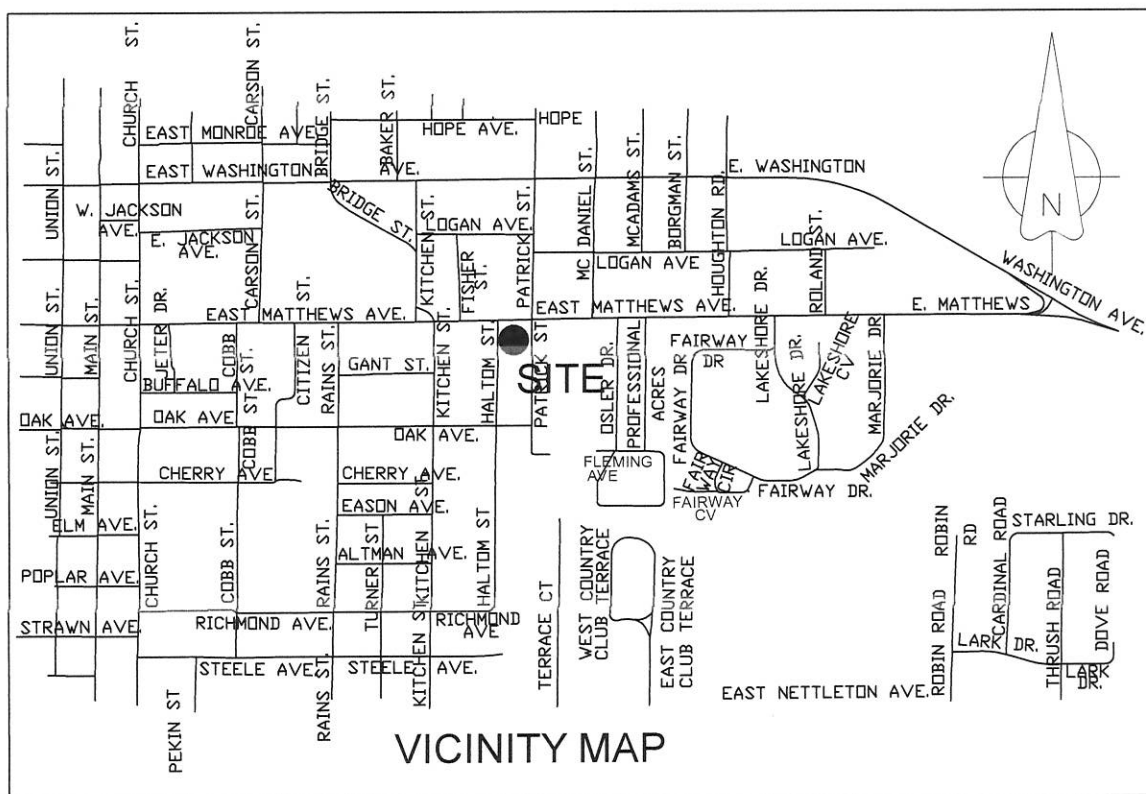
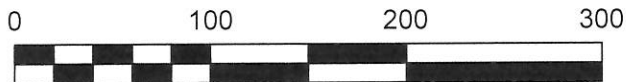
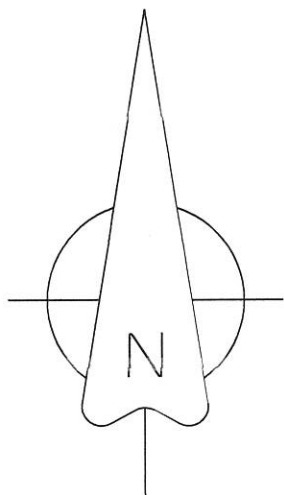
KENNETH & CYNTHIA GIBSON

MIDTOWN DEVELOPMENT, LLC

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIFY I HAVE ON THIS DATE SURVEYED THE ABOVE DESCRIBED PROPERTY IN ACCORDANCE WITH MONUMENTS FOUND THIS PLAT CONFORMS TO THAT SURVEYED.

H&S HIME PROFESSIONAL SURVEYING SERVICES
 2619 CARAWAY RD. STE. "D"
 JONESBORO, ARKANSAS 72401



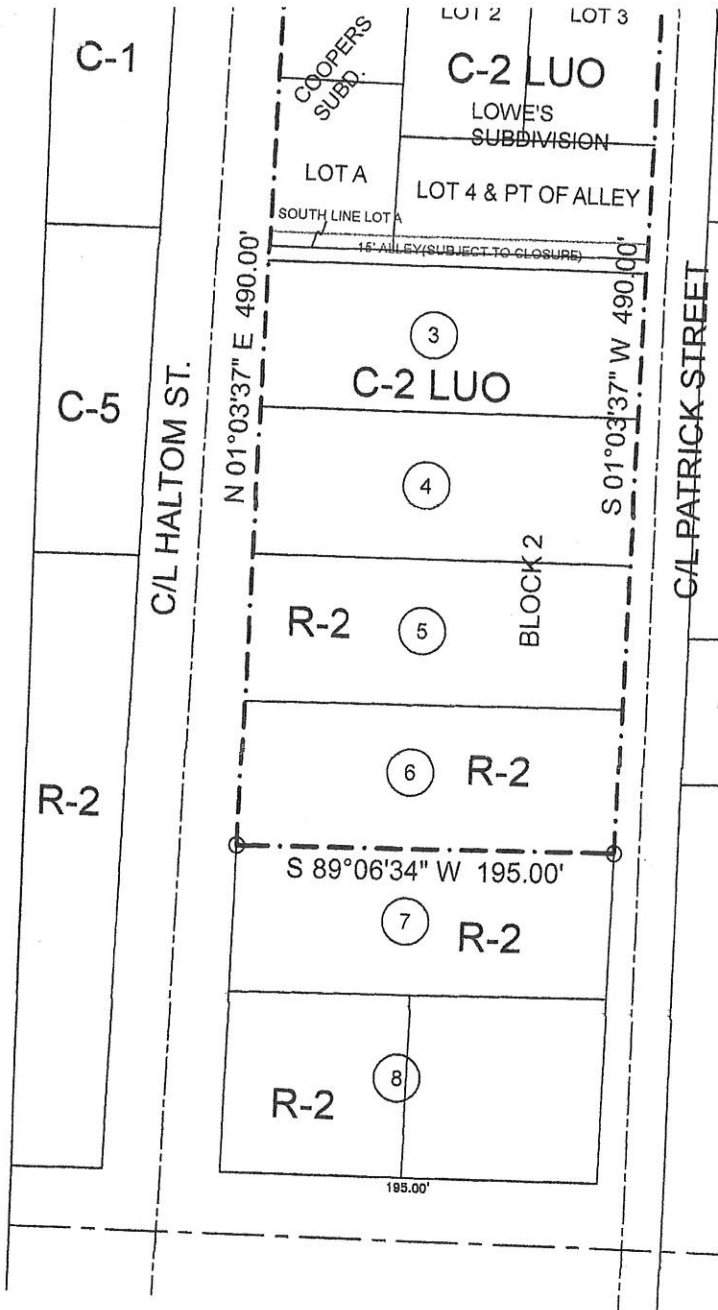
H&S HIME PROFESSIONAL SURVEYING SERVICES

2619 CARAWAY RD - STE. "D"
 JONESBORO, ARKANSAS 72401

PHONE: 870-972-1288
 FAX: 870-972-1011
 E-MAIL: hshime_butch@yahoo.com

REZONING PLAT

drawn: H. HIME	C-2 LUO & R-2 EXISTING C-1 REQUESTED
date: 1-19-2016	
scale: 1" = 100'	client: KCL2, LLC. MIDTOWN DEVELOPMENT, LLC



ADDITION TO THE CITY OF JON (INCLUDES 15' ALLEY) AND BEIN DESCRIBED AS FOLLOWS;
 Commencing at the Northeast cc Subdivision(also know as Northeast Addition), Jonesboro, Arkansas; thence South 01°03'37" West 49 89°06'34" West 195.00 feet; thence North 89°06'34" East 1 beginning proper, having an area of acres more or less and being subje roads and easements. All being in tl Northeast Quarter of Section 19, To East, Craighead County, Arkansas

OWNER CERTIFICATION:
 WE HEREBY CERTIFY THAT WE THE OWNERS OF THE HEREON AND THAT WE ADOPT THE PLAN OF THE SUBDIVIS OF ALL STREETS AND EASEMENTS AS NOTED AND WE FUR AND ACKNOWLEDGED THE FOLLOWING STATEMENT.

DocuSigned by:
 Ken Gibson

FD2E1B0838474E1
 KCL2, LLC.

1/20/16

DocuSigned by:
 Ken Gibson

ED2E1B0838474E1

DocuSigned by:
 Cynthia D Gibson

98B707B536C044C...

1/20/16

KENNETH & CYNTHIA GIBSON

R-2

DocuSigned by:
 "AGENT"
 MIDTOWN DEVELOPMENT, LLC

1/2

City of Jonesboro City Council
Staff Report – RZ 16-02: 903 E Matthews. Rezoning
 Municipal Center - 300 S. Church St.
For Consideration by the Council on February 16, 2016

REQUEST: To consider a rezoning of one tract of land containing 2.19 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC for a rezoning from “R-2” & “C-2 LUO” to “C-1” Downtown Core District, L.U.O. Mixed Use.

**APPLICANTS/
OWNER:** Midtown Development, LLC, 308 E. Cherry St., Jonesboro, AR 72401

LOCATION: 903 E. Matthews Ave., Jonesboro, AR 72401

SITE DESCRIPTION: Tract Size: Approx. 2.19 Acres
 Street Frontage: 195’ Matthews, 490’ Haltom & Patrick.
 Topography:
 Existing Development: Vacant lots.

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	C-5 Commercial Office/ Residential Homes
South	R-2 Residential and Vacant Land
East	C-5/R-2 Vacant Commercial and Residential
West	C-1/C-5 Commercial Bank & Vacant Land

HISTORY: Property was approved for rezoning from R-2 Multi-Family Low Density District to C-2 L.U. Overlay Downtown Fringe Commercial with a list of uses on April 1, 2008 by Council.

ZONING ANALYSIS:

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

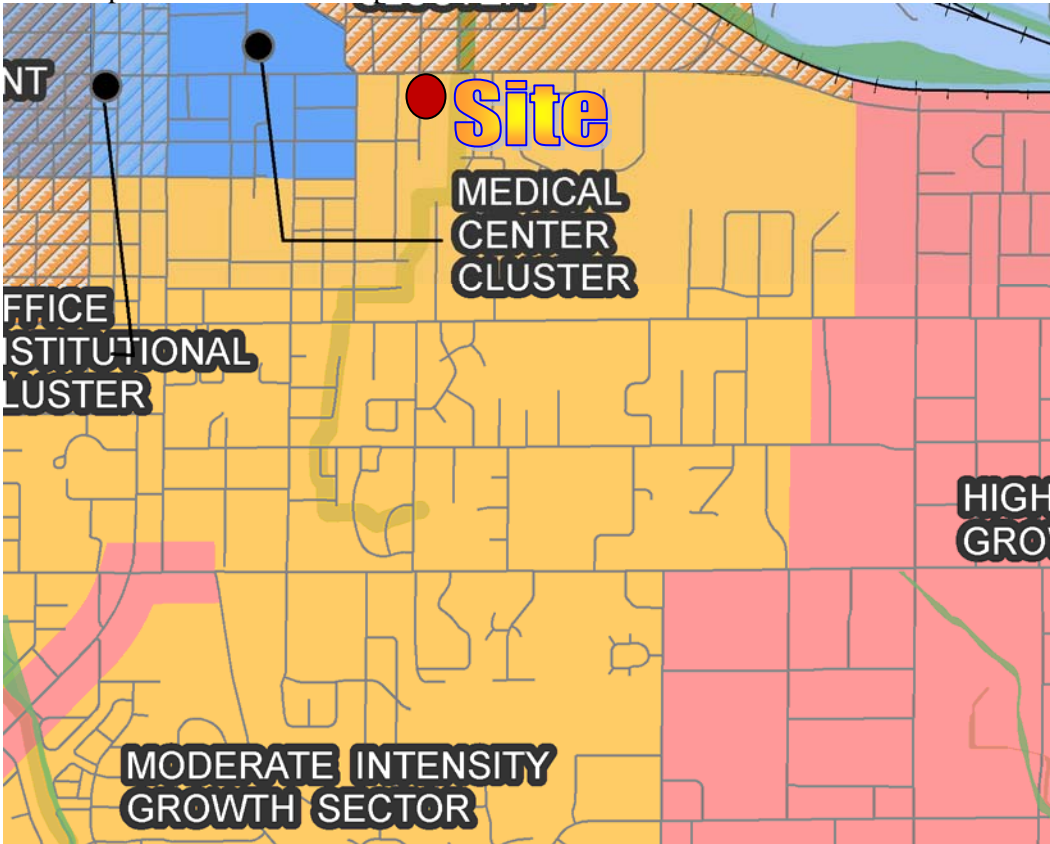
COMPREHENSIVE PLAN LAND USE MAP:

The Current/Future Land Use Map recommends this location as Moderate Intensity Growth Sector. The proposed rezoning is consistent with the adopted Land Use Plan for the existing and proposed use if proper controls are implemented. Highway commercial is typical for this area.

Moderate Intensity Recommended Use Types Include: Neighborhood retail, neighborhood services, office parks, small medical offices, libraries, schools, other public facilities, senior living centers, nursing homes, community-serving retail, small super market, convenience store, bank, and multiple housing.

Master Street Plan/Transportation

The subject site is served by E. Matthews Ave., which on the Master Street Plan is defined as a Minor Arterial; the street right-of-ways must adhere to the Master Street Plan recommendation upon replatting and redevelopment as noted on the plat.









Adopted Land Use Map



Aerial/Zoning Map

Approval Criteria- Chapter 117 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the MAPC or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following:

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map.	The proposed C-1 Downtown District rezoning is consistent with the Future Land Use Plan, which was categorized as Moderate Intensity Growth Sector with the mix of uses described in the application.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all C-1 District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This is adjacent to Medical Mile and the proposed uses would compliment said district as noted.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	Conventional zoning restraints does not support innovative design ideas for clustering housing in an urban fashion, with reduced front setback and zero lot line parameters.	
(e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property.	The proposed uses are said to compliment and increase curb appeal to the midtown area. No detrimental or adverse impacts are predicted.	
(f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant.	Property is semi-vacant and in transition for redevelopment and revitalization.	
(g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.	Minimal impact if rezoned due to the fact that businesses and residential currently exist or did as of recent.	

Staff Findings:

Applicant's Purpose

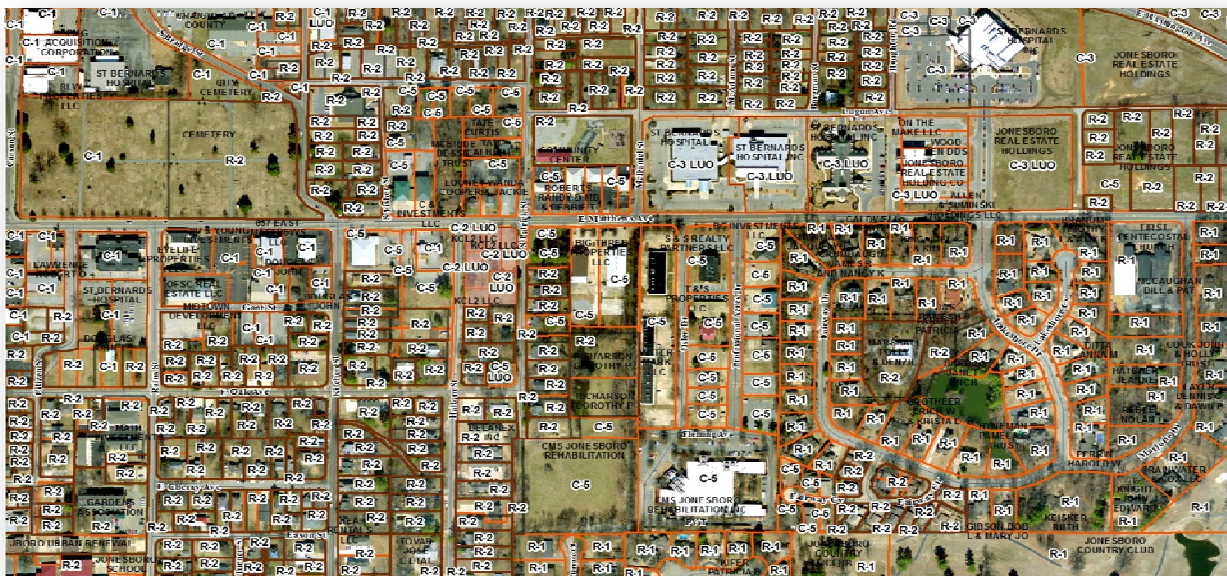
The applicants hope to consolidate all of the subject property and generate a suitable size area for a mixed use development which would showcase commercial space along the Matthews frontage that would blend in with what's now known as the Medical Mile Corridor, and situate residential attached/or detached dwellings on the southern side of the development. This theme will be carried throughout as the developers strive to create a living/working environment that would increase the appeal of the midtown area for professional and developing community. Currently this planning area has a vast amount of land zoned as R-2 low density multi-family. Current development trends have shown a gradual infill of duplexes and four-plexes in this area as previous homes have been demolished and replaced.

Unless a Limited Use Overlay District is requested and agreed on by the applicant(s), no conditions by the Commission or Council can be placed on a successful rezoning. Staff has had an opportunity to speak with the development group and such as development has received much success in Northwest Arkansas and will set the mark of how this midtown area could be a Jonesboro asset if implemented smartly. With a suggested Limited Use Overlay, the MAPC will be afforded an opportunity to gain more detailed information that will give assurance of a well-designed infill development that will enhance the area. During deliberation the applicants agreed to modify the request as such.

Chapter 117 of the City Code of Ordinances/Zoning defines C-1/Downtown Core District as follows:

Definition: C-1, downtown core commercial district. This district is characterized by concentrated development of permitted uses, including office and institutional, service, convenience and specialty retail, entertainment and housing. Redevelopment of the area is contemplated, with emphasis on an art and entertainment cluster. Accordingly, it is anticipated that one or more overlay or other special districts will be established to help foster transformation of the area.

View of Larger Area Showing Current Zoning



Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No objections to this rezoning to date.	Attended the Meeting.
Streets/Sanitation	No objections to this rezoning to date.	
Police	No objections to this rezoning to date.	
Fire Department	No objections to this rezoning to date.	
MPO	No objections to this rezoning to date.	
Jets	No objections to this rezoning to date.	
Utility Companies	No objections to this rezoning to date.	

Zoning Code Allowable Uses:

Below is the Table of Permitted Uses regarding the requested C-1, Downtown Core District. Certain commercial uses are permitted as of right- “P”, while others require a Conditional Use- “C” approval by the MAPC, or not permitted where blank within the Zoning Ordinance Chapter 117:

Uses	C-1	Uses	C-1
Loft apartment * Conditional Use for Apartments on First Level	P/C	Utility, major	C
Bed and Breakfast	P	Utility, minor	P
Hospital	P	Vehicle repair, limited	C
Auditorium or stadium	C	Vocational school	P
Automated teller machine	P	Agriculture, farmers market	P
Bank or financial institution	P	Sign, off-premises*	C
Cemetery	P	Retail/service	P
Church	C	Safety services	P
College or university	P	School, elementary, middle and high	P
Communication tower	C	Service station	C
Funeral Home	C	Museum	P
Convenience store	C	Office, general	P
Day care, limited (family home)	P	Parking lot, commercial	P
Day care, general	C	Parks and recreation	P
Golf Course	P	Nursing Home	C
Government service	P	Post office	P
Hotel/Motel	P	Recreation/entertainment, indoor	P
Library	P	Carwash	C
Medical service/office	P	Restaurant, fast-food	C
		Restaurant, general	P

Record of Proceedings: MAPC Meeting held February 9, 2016

Applicant: Carlos Wood, Engineer and Agent for the Applicants appeared before the Commission with Mr. Joshua Olson.

Mr. Wood: We want to rezone lots on the south side of Matthews Ave., between Haltom and Patrick St., to a C-1 District.

Joshua Olson, Residential and Commercial Real Estate Broker in Jonesboro, explained the reasoning of wanting the change as requested by **Mr. Kelton**. **Mr. Olson** passed out a development package with a mission statement. The idea is to do a present a preliminary plan with mix use commercial on the front, with higher density residential on the back. This would include lots they own in midtown development as well. The project will tie Medical Mile to Midtown and Downtown Jonesboro. The commercial part of the project will anchor development for future single family and infill positions. As a real estate developer, he has had questions of professionals looking for housing in that area. Examples of façades of the residential in the rear, and commercial towards the front on Matthews were presented.

Mr. Kelton: Do you have any information about the density. **Mr. Olson:** Originally we laid it out with 48 units of residential in back. The front has 10,000 s.f. of commercial space, which will include restaurant and light office. The density will depend on if we a can rezone, and exactly what we can be laid out there.

Staff:

Mr. Spriggs gave staff comments, presenting the surrounding conditions and zoning classifications. The Ordinance adopting the C-2 L.U.O. was attached to the agenda. The Land Use Plan recommends this area as a moderate intense growth sector. Because of the adjacency to other C-1 Downtown Uses and the general area, the proposed uses will be compatible. The list of suggested uses were read. Regarding the Master Street Plan, Matthews is a minor arterial. However, there are future plans to extend Patrick south as a widened corridor. The rezoning criteria list was read, noting consistency and compatibility with the overall area. **Mr. Spriggs** added, staff has seen examples by the developers from Northwest Arkansas, of which the project architect has implemented successfully. The mixed use approach would be fitting in regards to what is being promoted on the Miracle Mile/ Greenway corridor. **Mr. Spriggs** noted that at application, this request was not submitted as a Limited Use Overlay which raised concerns by staff; however with the details presented today it would satisfy the L.U.O. approach.

Mr. Olson: The idea is not to cram as many units on as possible; we want to comfortably place an environment that will lead to a more professional feel. **Mr. Spriggs** noted that none of the requested departments or agencies returned any comments objecting to the proposal. **Mr. Olson** concurred with the Limited Use Overlay modification.

Mr. Bailey: Asked with the proposed sidewalks, will it address a traffic corridor running through there? **Mr. Michael Morris**, Engineering stated that they would have to include sidewalks. The on-street parking and width of right-of way would be an issue. **Mr. Spriggs** noted that the C-1 District will afford them the ability to utilize zero-lot lines with no front setback being required, which would allow more corridor width.

Mr. Olson: The residential units will be only 2-story.

Mr. Scurlock commented on the density. **Mr. Spriggs** stated that with the available acreage proposed, if the height is limited, the maximum number of units will be restricted greatly with the proposed parking included.

Mr. Reese: Commented on the need for the right-of-way. **Mr. Morris** stated that the proposed (un-adopted) Master Street Plan would have Patrick as an arterial. **Mr. Olson:** We would want to work with the City.

Public Input: None Present. **Mr. Spriggs** noted that staff received an inquiry from St. Bernards regarding the proposed change. **Mr. Olson:** when they heard that it would be a mixed they were ok with it.

Commission Action:

Mr. Reese made a motion to place Case: RZ-16-02 on the floor for consideration of a recommendation by MAPC to the City Council with the noted conditions and that he Master street plan be adhered to on Patrick, a zone change from “R-2” Single Family and “C-2, L.U.O.” to “C-1”, Downtown Core District, Mixed Use L.U.O., Limited Use Overlay and it will be compatible and suitable with the zoning, uses, and character of the surrounding area, subject to the Final Site Plan review and approval by the MAPC in the future; Motion was second by **Mr. Cooper**.

Conditions:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A conceptual and final site plan layout of the residential product should be presented to the MAPC for approval, prior to any redevelopment of the property.
3. Compliance with the Master Street Plan shall be required prior to any redevelopment of the said site, unless waivers are granted by the MAPC.
4. The attached residential uses shall be limited to maximum of 2- story structures within the district boundary of 2.19 acres.

Roll Call Vote: 5-0 Approved.

Mr. Cooper- Aye; Mr. Scurlock- Aye; Mr. Bailey- Aye; Mr. Reese- Aye; Mr. Kelton- Aye.

Absent were: Mr. Roberts, Mr. Hoelscher, Mr. Stripling, Mr. Perkins.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zoning Change submitted for subject parcel, should be approved based on the above observations and criteria of Case RZ 16-02, a request to rezone property from “R-2” Single Family and “C-2, L.U.O.” to “C-1”, Downtown Core District, Mixed Use L.U.O., Limited Use Overlay subject to final site plan approval by the MAPC subject to the following:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A Conceptual layout of the residential product should be presented to the MAPC for approval.
3. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
4. Compliance with the Master Street Plan shall be required prior to any redevelopment of the said site, unless waivers are granted by the MAPC.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP, Planning & Zoning Director

Site Photographs



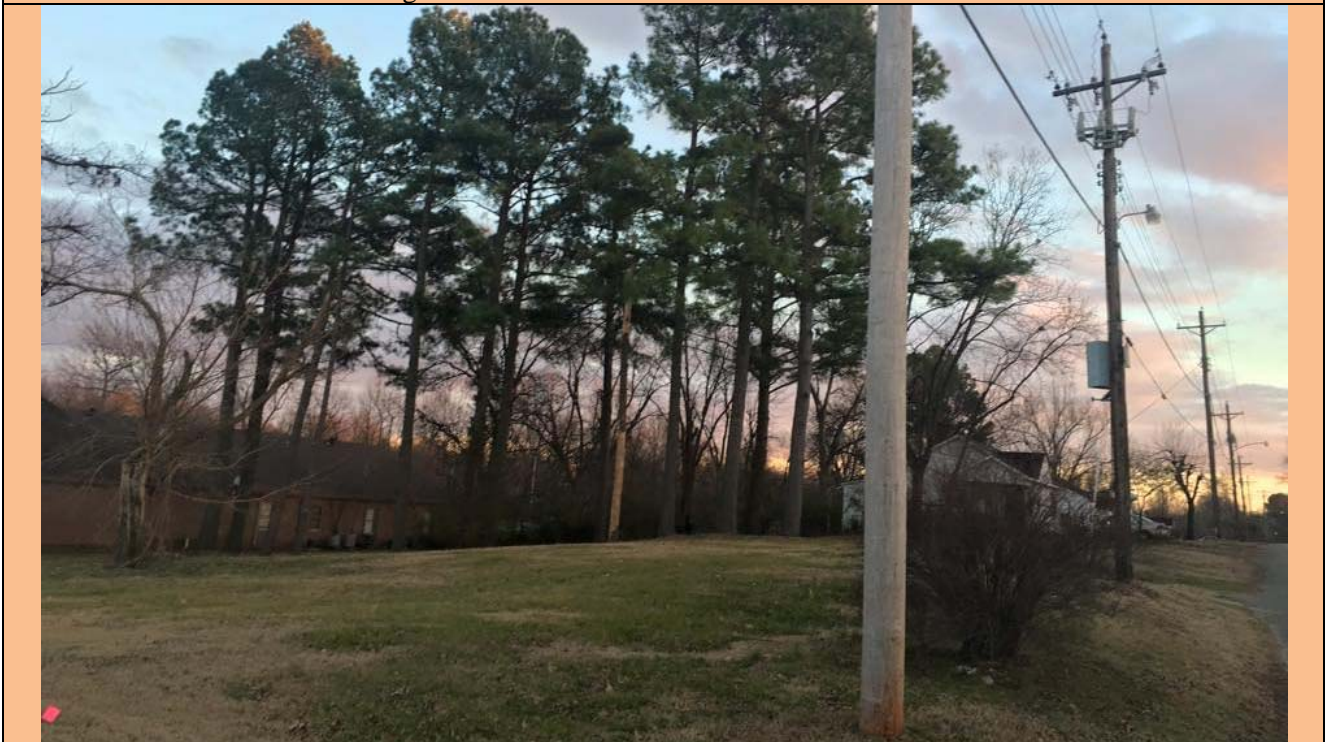
View looking Northwest Properties across Matthews Ave.



View looking South on Patrick St., Site to the Right



View looking West toward Site from Patrick St. & E. Matthews Ave.



View looking South from the Intersection of Patrick St. & E. Matthews Ave.



View looking East from the Intersection of Patrick St. & E. Matthews Ave.



View looking West toward site from the Intersection of Patrick St. & E. Matthews Ave.



View looking West toward site from the Intersection of Patrick St. & E. Matthews Ave.



View looking North on Patrick St. toward E. Matthews Ave.



View looking Northeast on Patrick St. toward E. Matthews Ave.



View looking South on Patrick St. at homes to the East of Site



View looking Southwest on Patrick St. toward Site



View looking North on Patrick St. toward E. Matthews Ave.



View looking North on Patrick St. Site on Left



View looking North on Patrick St., Homes to east of site



View looking North on Patrick St. Site on Left



View looking Southeast Toward the Intersection of Haltom St. & E. Oak Ave.



View looking Southeast from Haltom St. toward Site- Homes to be Removed



View looking North on Haltom St. towards E. Matthews Ave.



View looking East along E. Matthews, Commercial on West side of Site



View looking Southwest at Bank, West of Site



View looking Northwest at Homes across E. Matthews from Site