



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, February 7, 2017

5:30 PM

Municipal Center

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

Council Chambers, Municipal Center

NOMINATING & RULES COMMITTEE SPECIAL CALLED MEETING AT 5:20 P.M.

Council Chambers, Municipal Center

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-17:007](#) STATE OF THE CITY PRESENTATION BY MAYOR HAROLD PERRIN

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-17:008](#) Minutes for the City Council meeting on January 17, 2017

Attachments: [Minutes](#)

[RES-17:004](#) RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO CERTIFY FOR THE CITY OF JONESBORO FOR THE 2017 ANNUAL FEDERAL TRANSIT ADMINISTRATION (FTA) CERTIFICATIONS AND ASSURANCES FOR THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM (JET)

Sponsors: Grants and JETS

Attachments: [2017 FTA Certs and Assurances](#)

Legislative History

1/31/17	Finance & Administration Council Committee	Recommended to Council
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[RES-17:006](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS

REQUESTING CITY WATER & LIGHT (CWL) PAY FOR THE REMAINDER OF THE
PIERCE 107 FOOT AERIAL LADDER TRUCK

Sponsors: Finance and Fire Department

Legislative History

1/31/17 Finance & Administration Recommended to Council
Council Committee

RES-17:011

A RESOLUTION TO CONTRACT WITH THE BELFORD GROUP TO PROVIDE AN
ONLINE REGISTRATION PROGRAM FOR THE CITY OF JONESBORO PARKS AND
RECREATION.

Sponsors: Parks & Recreation and Finance

Attachments: [Online Signup Agreement-Jonesboro Parks and Recreation Final.pdf](#)

Legislative History

1/31/17 Finance & Administration Recommended to Council
Council Committee

RES-17:015

RESOLUTION TO SET THE JUDGES, CLERKS AND ALTERNATE WORKERS FOR
THE 2017 CITY WATER AND LIGHT ELECTION.

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-17:001

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017
CAPITAL IMPROVEMENT FUND TO ADD \$35,404 FOR ROOF REPAIRS TO THE
ENTIRE FACILITY OF THE OLD JUSTICE COMPLEX, 410 W. WASHINGTON.

Attachments: [old justice roof repair](#)

EMERGENCY CLAUSE

Legislative History

1/31/17 Finance & Administration Recommended to Council
Council Committee

ORD-17:002

AN ORDINANCE AUTHORIZING THE MODIFICATION OF A GENERAL REVENUE
PROMISSORY NOTE (MIRACLE LEAGUE PARK PROJECT REFUNDING), SERIES
2016; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON
THE NOTE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS
RELATING THERETO.

Sponsors: Finance and Parks & Recreation

Attachments: [2017-1-13 Miracle League Note modification](#)

EMERGENCY CLAUSE

Legislative History

1/31/17 Finance & Administration Recommended to Council
Council Committee

ORD-17:003

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE
OF REPAIRS ON THE CAT 966 LOADER.

Attachments: [image0001.pdf](#)

EMERGENCY CLAUSE

Legislative History

1/31/17	Public Works Council Committee	Recommended to Council
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ORD-17:004 AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 ANNUAL BUDGET FOR THE FIRE DEPARTMENT

Sponsors: Fire Department and Finance

Attachments: [Bid 2017-02 Fire Pumper Truck Tabulation](#)

EMERGENCY CLAUSE

Legislative History

1/31/17	Finance & Administration Council Committee	Recommended to Council
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RESOLUTIONS TO BE INTRODUCED

RES-17:014 RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF AN UNDEVELOPED UTILITY EASEMENT AT 5509 VINEY CREEK LANE AS REQUESTED BY LEE & CHRISTINE MOTT

Attachments: [Engineering & Planning Department Letters](#)

[Petition](#)

[Survey](#)

[Utility Letters](#)

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-16:082 AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-33, AMENDING THE PROCEDURES FOR AMENDING TEXTUAL PROVISION OF THE CHAPTER, AND THE OTHER BEING A CHANGE OF BOUNDARY IN A ZONING DISTRICT, WITHIN THE CITY LIMITS OF JONESBORO, ARKANSAS

Sponsors: Planning and Metropolitan Area Planning Commission

Attachments: [Sec 117 \(rezoning changes\)](#)

[Zoning Changes](#)

Legislative History

1/3/17	Public Works Council Committee	Recommended to Council
1/17/17	City Council	Held at one reading

ITEMS THAT HAVE BEEN HELD IN COUNCIL

ORD-16:033 AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RS-1 TO I-1 FOR PROPERTY LOCATED AT 6106 SOUTHWEST DRIVE AS REQUESTED BY PAULETTE QUINN

Attachments: [Plat](#)
[Planning Dept. Report](#)

Legislative History

6/21/16	City Council	Waived Second Reading
7/5/16	City Council	Postponed Temporarily

RES-16:132 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 1207 French Street, owner Duwayne Veteto.

Sponsors: Code Enforcement

Attachments: [Title Report](#)
[inspection report](#)
[County Data](#)
[Pic 1](#)
[Pic 2](#)
[Pic 3](#)
[Pic 4](#)
[Pic 5](#)

Legislative History

10/18/16	Public Safety Council Committee	Recommended to Council
12/20/16	City Council	Postponed Temporarily

RES-16:133 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 2208 Barnhill, owner Kathrine Elrod.

Sponsors: Code Enforcement

Attachments: [County Data](#)
[inspection report](#)
[Title Report](#)
[Pic 1](#)
[Pic 2](#)
[Pic 3](#)
[Pic 4](#)
[Pic 5](#)

Legislative History

10/18/16	Public Safety Council Committee	Recommended to Council
12/20/16	City Council	Postponed Temporarily

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-17:007 **Version:** 1 **Name:** State of the City Presentation by Mayor Harold Perrin
Type: Other Communications **Status:** To Be Introduced
File created: 1/27/2017 **In control:** City Council
On agenda: 2/7/2017 **Final action:**
Title: STATE OF THE CITY PRESENTATION BY MAYOR HAROLD PERRIN
Sponsors: Mayor's Office
Indexes: State of the City Addresses
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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STATE OF THE CITY PRESENTATION BY MAYOR HAROLD PERRIN



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-17:008 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 1/19/2017 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on January 17, 2017
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the City Council meeting on January 17, 2017



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, January 17, 2017

5:30 PM

Municipal Center

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

APPEAL HEARING AT 5:15 P.M.

Regarding the appeal by Neil Stallings Properties #1, LLP, and Stallings & Gibson, Inc. concerning the decision of the MAPC to grant a conditional use permit to Chris Kidd for a self-service laundry at 2404 E. Matthews

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

Present 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

4. SPECIAL PRESENTATIONS

5. CONSENT AGENDA

Approval of the Consent Agenda

Councilman Street abstained from voting on the consent agenda. RES-17:002 pertains to the City Water & Light and he is a member of their Board of Directors. Councilman Frierson also abstained due to being the attorney for the City Water & Light.

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

Aye: 10 - Darrel Dover; Ann Williams; Chris Moore; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

Abstain: 2 - Charles Frierson and John Street

[MIN-17:004](#)

Minutes for the City Council meeting on January 3, 2017

Attachments: [Minutes](#)

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

RES-16:165 A RESOLUTION TO CONTRACT WITH JENNIE FINCH SOFTBALL FOR HOSTING A TWO-DAY SOFTBALL CAMP AT SOUTHSIDE SOFTBALL COMPLEX ON NOVEMBER 4-5, 2017

Sponsors: Parks & Recreation

Attachments: [Jennie Finch Contract.pdf](#)

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

Enactment No: R-EN-001-2017

RES-17:001 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A CONTRACT WITH CRAIGHEAD COUNTY JONESBORO PUBLIC LIBRARY FOR PUBLIC SERVICE

Attachments: [Contract](#)

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

Enactment No: R-EN-002-2017

RES-17:002 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO SELL PROPERTY TO CITY WATER AND LIGHT

Sponsors: Mayor's Office

Attachments: [CWL Purchase Agreement.pdf](#)
[Appraisal Dan Ave 25 acres.pdf](#)

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

Enactment No: R-EN-003-2017

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-16:082 AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-33, AMENDING THE PROCEDURES FOR AMENDING TEXTUAL PROVISION OF THE CHAPTER, AND THE OTHER BEING A CHANGE OF BOUNDARY IN A ZONING DISTRICT, WITHIN THE CITY LIMITS OF JONESBORO, ARKANSAS

Sponsors: Planning and Metropolitan Area Planning Commission

Attachments: [Sec 117 \(rezoning changes\)](#)
[Zoning Changes](#)

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

Councilman Street asked that the ordinance be held at one reading in order to give everyone plenty of time to review it. Mayor Perrin agreed to holding it since it is a procedural change. He also noted that City Planner Derrel Smith is working with the

home builders and contractors to let them know about the changes.

This item was Held at one reading.

7. UNFINISHED BUSINESS

COM-16:106

Decision by the City Council regarding the appeal by Neil Stallings Properties #1, LLP, and Stallings & Gibson, Inc. concerning the decision of the MAPC to grant a conditional use permit to Chris Kidd for a self-service laundry at 2404 E. Matthews

Attachments: [Appeal hearing request](#)
[Exhibit A](#)
[Exhibit B](#)
[Property Owner Affidavit with Exhibits](#)
[Stallings additional information](#)
[VAB Enterprises Letter](#)
[Additional information from Kidd](#)

Attorney Bobby Gibson represented the Stallings entities, who filed the appeal. He provided the City Council with a packet of information regarding the appeal (see attached information packet). He discussed the history of the conditional use approval. Kidd Investments applied for a conditional use permit for property that was already zoned I-1, but intends to install a laundromat. The Stallings own property contiguous to the lot Kidd Investments would like to develop. The Stallings have inquired about the property and wanted to be a good neighbor. But, they have expressed some concerns with it. Those concerns were communicated to the City Planner by Cathy Buchanan, one of the principals of the entities involved. Those concerns are related to the safety of the residents and the businesses in the area of the laundromat. There are substantial concerns his clients have about the laundromat being installed there, but there were several technical deficiencies that occurred. If you drive down to that area, you'll see the Stallings and several others have improved the area over the last decade. They have renovated their office complex, built new offices, installed a city park across the street just across the street from where the laundromat is to be installed. If you look at the technical issues, the Council should pause and think about what to do with this proposal.

When the Stallings went to the MAPC meeting, they were caught off guard because it had been represented to them that the laundromat would be attended. They were surprised to find out that had changed, as had the proposed hours of operation. After the decision was made, they were concerned about what was going next to their property. Mr. Gibson then discussed the site plan for the property. The site plan shows the property line is right on the Stallings property. After the meeting, the Stallings looked at their property and found a survey steak that was next to their building. In response, the Stallings have filed a quiet title because they dispute the property line. They contend the property line is actually fifteen feet over to the west. There is a ditch you can see in the photographs located within their documentation that the Stallings have maintained for many decades. That ditch is the only drainage structure and if you look at the site plan there's no provisions for drainage in that area, which also concerns the Stallings. You'll also see on the pictures that the proposal is to build up the lot. The MAPC didn't take into consideration that water would be pushed off onto neighbors to the east and west. He noted there is a daycare in the area.

The MAPC, according to Sec. 117-198 of the Code of Ordinances, was supposed to have given special attention to things such as ingress, egress, parking, safety and

general attractiveness. Landscaping and screening are also supposed to be considered, as well as the compatibility of the laundromat to the area in order to not adversely affect the surrounding area. That consideration was supposed to be made, but wasn't.

The procedure is to apply to the MAPC and that application is to be made by the property owner. The city ordinance goes on to add that it has to be verified. The application in question was not signed by the property owner, nor was it verified. So, it wasn't compliant with city ordinances causing it to be defective. In the event this issue is appealed to Circuit Court, they won't have to get into substantive issues; rather, they can focus on the technical issues that exist and may kick it back to the MAPC a year from now for consideration. He noted in their documentation they provided a copy of the warranty deed showing the property wasn't conveyed to Kidd Investments until several weeks after the MAPC decision.

The ordinance says you are also supposed to include, with the application, a graphic representation, such as site plan, showing details of the project. There was no plan with the application; rather, there was just a basic site plan showing the building and parking spaces with no specifics towards things such as drainage.

He added one thing he thinks the MAPC failed to consider is the parking requirements. With a laundromat the number of parking spaces is set by the standard which is the number of washers. The general standard would be at least two spaces per 100 pounds of capacity. In this instance, it would require more than the eleven spaces as shown on the site plan. If more washers are installed later, the question will become will the spaces shown on the site plan be enough. There were no conditions placed on the conditional use as to the number of washers and dryers that could be located in the facility.

The ordinance also requires the applicant is to present evidence to the city planner that all the property owners within 200 feet of the boundaries have been notified at least 10 prior to the hearing of the time, date and place of the hearing. There's no clarity as to how. In the packet that was made public at the MAPC meeting, there were copies of letters supposedly sent out but nothing indicating the letters had been sent. The city planner then provided them with receipts showing the letters were sent out on September 29th, which would mean the letters were sent out at least 10 days prior, but not necessarily received 10 days prior to the hearing. One of the requirements of proving the property owners were notified is that the applicant is supposed to submit a plat that shows the 200 feet radius and the ownership within that area, so it can be determined everyone has been notified. This was not done. It cannot be truly determined that everyone was notified. And, as indicated in their documentation, the 200 feet would include a railroad easement and ASU property. ASU was not notified.

The most concerning is the fact that if Kidd Investments decides to sell in the future, what does the purchaser have that will tell them there are limitations on the operation of a laundromat. Is there any way to tell there are limitations to hours or staffing? The motion reflected in the MAPC minutes didn't attach any conditions concerning hours, attendants, security, parking, drainage or landscaping as the ordinance would require them to consider. The intention was to place some conditions, but there is no legislation showing those intentions. He thinks the intent was to place restrictions on it, so he thinks that is defective as well.

What should be done tonight? One option is to continue to allow them to present evidence to the substantive issues, such as safety concerns or crimes committed on unattended laundromats. The lack of an attendant, by industry standards, indicates

things won't be picked up as much and the property will be dirtier and run down quicker, which is a concern. The preferred location for laundromats is in the midst of a large concentration of apartments. That is not the case here; rather, it's being put in the middle of offices, daycares and parks. They can discuss the substantive issues more, but just the technical issues indicate it can be taken back to the MAPC so the application can be supplemented, signed by the owner, verified, meet all the requirements of Code Sec. 117-199, the hearing be properly noticed and all land owners be notified, as well as the MAPC take into consideration all of those items listed in Code Sec. 117-198 and 199. Details should be made for conditions of approval. Without all of that, this is a situation with a lot of ambiguity and certainly an opportunity for appeal.

Councilman Moore asked if their concerns had been presented to the MAPC. Mr. Gibson stated he wasn't present at the MAPC meeting. As indicated earlier, the Stallings attended the meeting but, as shown in the packet of information, it was represented to them that there were conditions that would be presented that the Kidd's were okay with. When they got to the meeting, everything changed.

Councilman Moore then asked the city attorney if a survey dispute by the adjoining property owners a condition to deny a conditional use permit. City Attorney Duncan stated she doesn't know if it would have bearing on a conditional use. It just might limit what can be done with the conditional use. Councilman Moore stated anyone can dispute a property line. They could decide they don't like what is going in next door, so they dispute the property line. Ms. Duncan explained she just doesn't think it will affect conditional use. It could affect setback, where you put the building, how big the building can be, things such as that, which doesn't affect the conditional use itself unless the conditional use required a certain size building.

Councilman Frierson explained the plat presented to them is what they're dealing with, not some plat in the future. If the plat reflects the 15 feet in dispute is part of the plan, then he doesn't think they should be fooling with it. Ms. Duncan stated she thinks there are different issues other than that. She doesn't think that is decisive in and of itself. Councilman Frierson stated when they are presented with a plat and they're talking about what kind of business is going in there and there's a 15-foot dispute, including a drain that has been an issue, then he doesn't think they should fool with it. Ms. Duncan noted that it wasn't presented to MAPC that there was a dispute on the property line. Councilman Frierson agreed, and added that the MAPC minutes state the conditional use was approved with several conditions attached yet the conditions weren't included. Ms. Duncan agreed that was a problem and stated she has already spoken with the Planning Department about the issue with the minutes. Councilman Gibson indicated that due to the problems presented the issue should be taken back to the MAPC.

Councilman Dover questioned the survey stake that is against the Stallings building. Mr. Gibson explained that was from a survey. It's supposed to show the property line as shown by the site plan presented by Kidd Investments. Councilman Long added the stake shows the floor line of the building being several inches above the grade. Mr. Gibson further explained that is one of the points because that line will not provide the Stallings access to maintain the side of their building. On the site plan, Kidd Investments proposes a fence that will be against the side of the Stallings building.

Councilman Moore stated he is failing to see how the dispute between the property owners concerning the property line affects the city considering there is an engineer's stamp on the site plan that shows the property line is clearly to the west of the Stallings property. Until there's evidence presented that contradicts that, then he

questioned what relevance does the position of the Stallings building have to do with the conditional use on adjoining land. Mr. Gibson explained while the Stallings building isn't on the Kidd Investments property, the wall of the Stallings building pretty much serves as the property line. While the property line dispute isn't something the Council can determine, the fact that the building is on the property line leaving the Stallings no access to that side of their building should cause the Planning Department and the City to consider what the effect will be on the Stallings building when this new building is constructed above the grade. He noted the conditional use ordinance, like the zoning ordinance, says things such as drainage should have on adjoining land owners.

Councilman Moore then asked what the floor elevation of the proposed building has to do with the drainage. Mr. Gibson explained Terry Bare is conducting a survey on their behalf. Mr. Bare couldn't be at the meeting, but he has expressed concern about the grade being above that of an adjoining property because the water will have to go somewhere. Often there are detention ponds or drainage structures indicated, but that is not on the site plan. He thinks that is another issue that should've been considered. Ms. Duncan questioned what that has to do with the conditional use because the property owners could build something on that property today that could cause the same issues. Mr. Gibson stated he is referring to the conditional use ordinance that sets out what the MAPC was supposed to consider, but they did not consider it.

Councilman Hafner asked about the setback of the proposed building as shown on the site plan. He noted it indicated there would be a 10-foot setback between the proposed building and the Stallings property. Mr. Gibson explained the classification requires a 10-foot setback. But, if the Stallings are successful in their quiet title action and the property line is actually 15 feet further west than indicated on the site plan that would shift the setback causing them to move their building at least 5 foot to the west, as well as shifting their ingress and egress and parking spaces.

Councilman Johnson asked about the stipulations put on the conditional use that aren't listed in the minutes. City Planner Derrel Smith explained they listened to audio and video of the meeting and found the stipulations concerning lighting code, adequate parking to meet city code, hours of operation from 6 a.m. to 10 p.m. but being having the doors open until 11 p.m. for customers to leave, and then everything else had to meet city code. Councilman Dover stated the conditional use goes with the property, so if there are new owners then they will have to follow the conditional use as well. Mr. Smith agreed. Councilman Dover added that is why it's important the stipulations be outlined.

Mr. Smith explained the reason the MAPC didn't ask for a full site plan, other than the one they got, is because the zoning is I-1, meaning it will have to go back to the MAPC with a full site plan. Councilman Johnson stated he just wanted clarification that there's no reason to send this back to the MAPC because there are stipulations, they're just not in front of them. Mr. Smith further explained according to the audio there are stipulations. Ms. Duncan then questioned whether the MAPC reflected those stipulations in their motion or whether it's a problem with the minutes. Mr. Smith explained it was a long meeting. The MAPC started off talking about parking, then lighting and hours of operation. The Stallings asked about the attendant, which caused an hour's worth of conversation over that issue. They started the motion with the requirement that lighting and parking meet city code. Then, there was more discussion concerning the hours of operation and what hours they could agree on. Then the last stipulation was that it meet code. But, the motion didn't contain all of that information. Ms. Duncan noted that is her concern. Mr. Smith explained those were the stipulations he heard after listening to and watching the video, but that was

not included in the motion and wasn't written. Ms. Duncan added she has already spoken with Mr. Smith and Mr. Gibson and expressed to them all stipulations should be included in the motion and that the minutes reflect those stipulations so there's no doubt about the stipulations.

Councilman Hafner asked if there is a procedure allowing the minutes to be changed if there's a discrepancy. Ms. Duncan answered she thinks you can, but her concern is with the motion itself. City Clerk Donna Jackson added you can discuss something, but if it's not included in the motion then it doesn't go.

Councilman Dover stated the conditional use is really due to the hours since the rest of the proposal has to meet city code. Councilman Vance clarified the conditional use is to put a laundromat in that location because the zoning is I-1. The stipulations were on top of that. He added there's also questions about the number of parking spaces and if they number of spaces should be increased because of the use. Mr. Smith stated they are using commercial standard. Councilman Vance agreed, explaining there could be some question as to the city code based on the different use in a different zoning.

Councilman Street asked if there was an issue because the owner of the property at the time of the conditional use application didn't file the application. Mr. Smith explained the owner didn't sign the application because, it is his understanding, the owner was out of town. They did have the property owner provide an affidavit saying they were aware of the proceedings and they had their permission. Councilman Hafner questioned when the affidavit was filed. Ms. Duncan answered it was filed after the MAPC decision. Councilman Street asked if the filing of the application in the way that is was is in violation of the city code. Ms. Duncan answered technically yes, it is in violation of city code. Councilman Street stated that alone could cause it to go back to MAPC.

Councilman Moore explained if it's going back to MAPC then they need to outline the circumstances and the information they are requesting. Councilman Vance stated the Council doesn't see this unless it is in appeal. If it goes back to MAPC and they take action, the Council may never see it again unless someone appeals it. Councilman Moore clarified what he's hearing from Mr. Gibson is that all property owners within 200 feet were not notified and the stipulations were not listed. The survey is in dispute but he doesn't think that has anything to do with the city. The elevation of the building is higher, but he doesn't think that has any bearing on the conditional use itself. Ms. Duncan added there's a dispute about the property owners not signing the application, which she thinks is the biggest dispute. Mr. Smith stated the Planning Department was allowing applicants to sign in place of the property owner on the application up until that time. Ms. Duncan noted that is no longer being allowed.

Ms. Duncan explained she doesn't think this body needs to tell the MAPC what to do. They just need to say they affirm or deny the appeal. If it's affirmed and you find there was a problem, then MAPC then can hear it from the beginning. The conditional use can go back to MAPC and they can hear it again.

Attorney Don Parker, representing Chris and Abby Kidd who own Kidd Investments, discussed the history of the conditional use. He provided the City Council with a packet of information (see attached supporting documentation). The Kidd's purchased the property at 2404 East Matthews. He noted the property in question is a block and a half away from the Police Department and a half block away from a Wendy's that is open until 1 a.m. It's also less than a block away from the JETS station located on the corner of Caraway and Matthews.

In September, 2016, the Kidd's filed a conditional use application to build and operate a self-service unattended laundromat. All property owners to their knowledge were notified. In accordance to city procedure, all of the adjoining property owners within 200 feet are provided by the city. The city provides the applicant with mailing labels to mail the certified letters. The applicant takes the labels, attaches them to envelopes with the letters inside, takes them to the post office with the green cards attached, pays the postage and mails it. The green cards are returned and given to the city. The green cards for the Kidd's were not part of the applicant's package due to an oversight in the Planning Department, but the department has provided them as well as Mr. Gibson with copies of all of the letters, green cards and receipts with the list provided by the city.

On October 11, 2016, the MAPC met. After a three-hour meeting and a lot of discussion about this measure, Mr. Kidd agreed to opening at 6 a.m. and lock the doors at 10 p.m. with all patrons out by 11 p.m. He already planned to install a security system with security cameras he can access remotely. If an alarm goes off, the first two calls will go to Mr. and Mrs. Kidd. There will not be a call made to the Police Department unless authorized by the Kidd's.

After considering the criteria, the MAPC voted unanimously to approve the conditional use. He pointed the Council to the documentation within the packet. In the documentation he included a letter he wrote to Mr. Smith where he had raised the question where the conditions are. Mr. Smith replied to his email with the conditions, after listening to the audio of the meeting. The conditions were adequate lighting (which would be considered with the site plan), hours of operation, and to meet all of the city codes. He noted a lot of the deficiencies raised by Mr. Gibson would be addressed at the site plan phase of the project. Since this is an I-1 property, there is a requirement for them to get the site plan approved. Issues such as the drainage and elevation being too high or too low would all be addressed during site plan review. Based on the MAPC approval, the Kidd's closed on the property on October 24th. The property had been vacant for several years and was on the market for two years.

Mr. Parker stated the Stallings claim the unattended laundromat is not safe and there is minimal parking. As they've already discussed, and the city engineer can verify if needed, the parking was based on commercial use, not industrial use. There is one space per 250 square feet. There's actually two extra spaces for parking than is required by city code under the commercial section.

One condition the MAPC stipulated is the project must meet all city code, including lighting and parking. The Stallings also claim the surrounding properties are managed during working hours and cater to vehicular traffic. He enclosed pictures of the adjacent businesses in the packet of information. There a couple of barber shops and hair salons, a pizza restaurant, a couple of second hand stores, a t-shirt shop, a gun shop, a bookkeeping service and temporary staffing, as well as several vacancies. Across the street is a Mexican restaurant that is open until 9 p.m. Some of the adjacent buildings are in somewhat of disrepair. There have been efforts to rehabilitate by owners and landlords, but he would be hard pressed to call the area upscale, retail or commercial. In fact, the Chateau Apartments are across the street on the other side of a vacant lot.

The Stallings claim the use is incompatible and will adversely affect adjacent property. There's no detail of facts offered to support that claim. The properties located on the north side are all zoned I-1. Under I-1 owners could have automated teller machines operated 24-hours day or a self-serve car wash operated 24 hours a day. There could be a cemetery, a communications tower, an RV park opened 24

hours, a service station open 24-hours a day, a used car lot, mini storage with 24 hour access, vehicle storage yard. All of these uses are permitted within I-1, meaning the Kidd's wouldn't have to do anything at the MAPC level to do take part in any of those uses.

Adjacent property is also I-1. He asked the Planning Department about the I-1 property, which as retail services on the property, and when they got their conditional use to operate the retail space. They discovered there is no conditional use permit granted on file with the city for the adjacent property owners, even with the commercial businesses.

Another claim made by the Stallings is the conditions weren't attached. He raised that issue with Mr. Smith, as shown in the earlier mentioned email between him and Mr. Smith. If that was a technical violation, that is something that could be fixed by the MAPC amending their minutes without sending the issue back to MAPC to correct the deficiency.

He explained before this issue was raised the city department would routinely accept conditional use applications signed by someone other than the owner, usually a potential buyer that would make it a condition of their closing. Obviously, that is in violation of the letter of the ordinance but it had been standard operating procedure in the city until this appeal. He stated he doesn't think the Kidd's should be penalized for what has been standard operating procedure in the city. By what they have presented, the allegations made by the Stallings have been either disproved or shown to be inaccurate or incorrect.

There was a lot of discussion about the Planning Commission and what they are required to review to fulfill their duties. It starts with the application the Kidd's filed in September. Before the MAPC even considers the issue, a staff report is made containing the history, code analysis and applicant's proposal. The staff report is part of their information packet. He read from the staff report. It was noted the zoning code requires the request by approved by the MAPC. Staff anticipated no issues with the application and will meet all other requirements. Staff found the requested use would be a proper fit in the general vicinity.

They also included in their packet pictures of what the proposed laundromat will look like. The pictures come from properties in Paragould and Springdale. They are conceptual designs.

Councilman McClain asked if there were comments or questions from other neighbors surrounding the property. Mr. Parker stated they have not heard from any other neighbor than the Stallings and Ms. Buchanan who was present at the MAPC meeting. Councilman Moore then asked if there were any other citizens who spoke about the proposal at the MAPC meeting. Mr. Parker answered according to the minutes Harold Carter discussed the proposal as well. Mr. Carter came to the podium. He stated if the business is successful it will attract a lot of customers and some will be on foot from the apartments nearby. There's no crosswalk there for people to use to cross the street. He was primarily concerned with people being in an unattended facility. It will attract people who will use it as a warm place to hang out. He expressed concern about it attracting a bunch of people hanging around and sitting at the property while there's not an attendant.

Councilman Hafner stated he thinks they have to be careful not to make decisions based on speculation. Facts would be things such as people who have been hit by vehicular traffic while crossing the street from the apartments to Wendy's. But, they should be careful about speculation.

Mr. Parker explained while the laundromat will be unattended, the Kidd's will be active in managing the property and being present a significant amount of time. They hope the business will be successful enough to offer a wash, dry, fold service where an attendant may be present part of the day. They will spend \$600,000 in the facility, so it's not like they're going to let it run down. They will protect the investment. They laundromats like those shown in the pictures are not seedy, don't attract crime especially because they are well lit.

Mr. Parker pointed out that Jerry Gibson, with Allied Equipment, is also in attendance. He will supply the Kidd's with equipment if the laundromat is approved. Previously to being employed with Allied, Mr. Gibson was employed with Maytag. He has seen a lot in terms of the industry and is qualified to speak about the new generation laundromats and how they operate. They serve over 100 laundromats in Arkansas, as well as hotels and other facilities with commercial grade services. All of the laundromats they serve are unattended with about 25% having the wash, dry, fold service part of the day. He says crime is virtually non-existent. In the eleven years he's been with Allied, he's only aware of two instances of theft or other crime associated with the laundromat.

The picture that is being painted is that it will bring crime into the neighborhood. He reminded them it is only a block and a half from the police station. All of the technical violations show they aren't really violations and, if they are, the Kidd's should not be penalized for what has been routinely approved by the city.

Mr. Parker asked the Council to deny the appeal.

Councilman Hafner asked for the more details concerning the security camera system. Chris Kidd, property owner, explained there will be security cameras inside and outside of the building, with an alarm system as well. He discussed a friend of his with a camera system at his business. The friend is able to pull up camera feed on his iPhone, so as long as you have cell phone service you can view what is going on at the building. They will have interior lights on different circuits, so when it gets closer to closing time the lighting will help notify customers about the upcoming closing time. At 10 p.m. the doors will lock, so people won't be able to get in. At 11 p.m. the security system will engage. He will get calls if someone triggers the alarm system. It was also suggested to him to have a PA system, but he has not looked into that yet. But, after the alarm system goes off if anyone moves inside the building it will set the alarm off. They will also be checking on the store every night from their home before they go to bed to make sure everyone is out of the building.

Councilman Hafner stated his understanding from the MAPC meeting is for Mrs. Kidd to be present at the store during the day if she's available. But, with the camera system they will be able to watch the store even if someone's not there. Mr. Kidd explained in the very beginning she will be present to do cleaning or whatever needs to be done. As business picks up, they hope to hire part-time cleaners and a full-time wash, dry, fold service. But, they will have to work up to that. He added this is a big investment for him, so it's in his best interest to keep it up and keep it nice. Councilman Hafner stated he hopes someone will be monitoring the business so people aren't just hanging out on the property and not doing laundry, which will help address some of Mr. Carter's concerns.

Councilman Dover asked if Mr. Kidd agreed with the hours. Mr. Kidd answered yes, he was happy with what the MAPC decided. Councilman Dover then asked how they can ensure those hours stay with the property. Councilman McClain asked if the Council can set hours. Ms. Duncan answered yes, the Council can set hours. She

does think there needs to be clarification. The cleanest way would be for MAPC to clarify their motion, which would cover two issues. They need to address the ownership issue as well. She thinks the minutes could be changed without it being sent back, but the motion wasn't very specific which is her bigger concern. If the minutes weren't specific, those could be amended. But, she has concerns about the stipulations not being in the motion. Councilman Frierson added that those amended minutes would need to be before them, as a Council, when a decision is made. Ms. Duncan explained the MAPC should clarify the stipulations and the address the ownership issue.

Councilman Street motioned, seconded by Councilman Frierson, to send the issue back to the MAPC for a corrected motion.

Councilman Moore asked if they would also address the ownership issue. Ms. Duncan noted that will be taken care of since the Kidd's are now the property owners.

Mr. Gibson explained there was also a question of all the land owners being notified. Ms. Duncan stated they can then express their concerns at the MAPC meeting. Mr. Gibson disagreed, stating if the Council is just sending the issue back to Council with the motion of correcting the minutes, then they're not solving all of the other issues they raised. Ms. Duncan explained anticipate the MAPC will hear and deal with it from the start.

Mr. Gibson then read a letter from VAB Enterprises, who own property adjoining the Kidd Investment property (see the attached opposition letter). They were notified of the conditional use proposal. They own properties directly across the street. Mr. Gibson explained a big part of the conversation at the MAPC was concerning staffing. He expressed appreciation to Councilman Hafner for getting the details concerning security, but there's an issue with what happens with future landowners.

Councilman Frierson noted there's a motion on the floor.

Councilman Frierson motioned they will send the issue back to MAPC to resolve all necessary issues, including the amendment of the motion itself to reflect the conditions and to handle everything. Councilman Street seconded the motion. All voted aye.

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The Revenue Enhancement Committee met and reviewing fees. They hope to bring the Finance Committee a presentation showing current fees and proposed fee changes, with the reasons for the change.

Last year while they were visiting Washington, D.C. they agreed to help the Department of Justice by holding a seminar concerning body cameras. They will be here on January 26th. They will also be discussing data storage issues and legal concerns, as well as DOJ grants. It will be from 9-2 at the Convocation Center.

While they were in Little Rock for the Municipal League Conference last week, they met with the Little Rock staff regarding a land bank. The city is averaging 50 demolitions in a year resulting in liens, along with mowing liens. The city probably has multi-millions in liens that haven't been collected. They have been working with the county in those regards. They hope to have the lien information available on their computers so the city can access those records at any time. They will also be looking at whether they are going to be filing lawsuits on some issues. The city spent a

considerable amount of money in 2015 and 2016 on mowing and demolition. He noted it's not the tax collectors job to collect the city's liens, so he is going to pull all the information and show it to the Council.

They also met with First Security Bank in Little Rock to discuss the Citizen's Bank building. The city has had a lot of interest in the property. MBC Holdings, owned by Bruce Burrows, own the building. He has also visited with Ralph Waddell who has a large file of information on the property because of the owners of the land and the property owners to the west. They are going to keep pushing the project to get something done. It is a landmark for the city and should be showcased.

He thought the Municipal League Convention was good and it had several good speakers. The Council has several new aldermen. He is going to get information to them so they can get certified and start attending classes. He encouraged them to take all of the classes.

Ms. Duncan stated the subject of prayer at the beginning of meetings came up during their city attorney's conference during this past week. This has also been addressed by the court in Arkansas. She asked the Council to look at this and be knowledgeable of what the law says concerning prayer. She explained the law is clear that the Council can't have the same person opening prayer every time. The Council should consider a rotation. Every Council member will be assigned a prayer. They can say the prayer themselves, or invite a local pastor or citizen to say the prayer. The Council members can be assigned weeks during the year. She strongly encouraged the Council to consider that policy and some sort of rotation. Mayor Perrin stated they will look at a policy.

COM-17:002

Airport Commission financial statement for December 31, 2016

Sponsors: Municipal Airport Commission

Attachments: [Financial Statement](#)

This item was Filed.

9. CITY COUNCIL REPORTS

Councilman Street stated he thinks the land bank is a good idea. They have some good ideas that the city can put to work. He's looking forward to trying to implement that. Mayor Perrin added a few city staff will be attending their meeting on February 15th to gather more information.

Councilwoman Williams asked for an update concerns the visit from the Walton Foundation. Mayor Perrin explained the representatives are still in town. He will be meeting with them after this meeting is over. They toured the city toward and will give a recap of their findings to him. Once they do that, he will share it with the Council.

Councilman Moore clarified Bruce Burrows is now the owner of record of the Citizen's Bank building. Mayor Perrin stated Mr. Burrows is the owner, but the building went back to the state due to unpaid taxes. If someone paid those taxes, Mr. Burrows, by state law, has six months to come back.

10. PUBLIC COMMENTS

11. ADJOURNMENT

A motion was made by Councilman Joe Hafner, seconded by Councilman Chris Moore, that this meeting be Adjourned. The motion PASSED with the following vote:

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk



Legislation Details (With Text)

File #:	RES-17:004	Version:	1	Name:	Certification of the 2017 FTA Certifications and Assurances for JETS
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	1/17/2017	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:			
Title:	RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO CERTIFY FOR THE CITY OF JONESBORO FOR THE 2017 ANNUAL FEDERAL TRANSIT ADMINISTRATION (FTA) CERTIFICATIONS AND ASSURANCES FOR THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM (JET)				
Sponsors:	Grants, JETS				
Indexes:	Grant				
Code sections:					
Attachments:	2017 FTA Certs and Assurances				

Date	Ver.	Action By	Action	Result
1/31/2017	1	Finance & Administration Council Committee		

RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY TO CERTIFY FOR THE CITY OF JONESBORO FOR THE 2017 ANNUAL FEDERAL TRANSIT ADMINISTRATION (FTA) CERTIFICATIONS AND ASSURANCES FOR THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM (JET)

WHEREAS, the City of Jonesboro receives annual funding from the Federal Transit Administration (FTA) to assist in the operations and capital improvements of the Jonesboro Economical Transportation System (JET) public transit service, and

WHEREAS, as a requirement for receiving this funding, the City of Jonesboro must sign annually the FTA Certifications and Assurances, attesting to the fact that the City of Jonesboro complies with all of the regulations set forth in 49 U.S.C 53 for the operations of JET,

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

SECTION 1: The Mayor and City Attorney shall be the authorized for the City of Jonesboro in attesting to the compliance of each section of the FTA Certifications and Assurances for this calendar year.

SECTION 2: The Transit Director is hereby authorized to submit and pin the 2017 Certifications and Assurances to FTA via TrAMS (electronic interface).

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

PREFACE

Before the Federal Transit Administration (FTA or We) may award federal assistance for public transportation in the form of a federal grant, cooperative agreement, loan, line of credit, loan guarantee, master credit agreement, or State Infrastructure Bank (SIB) cooperative agreement certain pre-award Certifications and Assurances are required, except as FTA determines otherwise in writing. The Applicant must authorize a representative (Authorized Representative) to select and sign its Certifications and Assurances and bind the Applicant's compliance. You, as your Applicant's Authorized Representative, must select and sign all Certifications and Assurances that your Applicant must provide to support each application it submits to FTA for federal assistance during federal fiscal year (FY) 2017.

We request that you read each Certification and Assurance and select those that will apply to any application for which your Applicant might seek FTA assistance during FY 2017. As provided by federal laws, regulations, and requirements, FTA may award federal assistance only if the Applicant's Authorized Representative selects adequate Certifications and Assurances.

We have consolidated our Certifications and Assurances into twenty-three (23) Categories. At a minimum, you must select the Assurances in Category 01. If your Applicant requests more than \$100,000 in federal assistance, you must select the "Lobbying" Certification in Category 02, except if your Applicant is an Indian tribe, Indian organization, or an Indian tribal organization. Depending on the nature of your Applicant and the Award it seeks, you may also need to select one or more Certifications and Assurances in Categories 03 through 23. Instead of selecting individual Categories of Certifications and Assurances, however, you may make a single selection that will encompass all twenty-three (23) Categories of Certifications and Assurances that apply to our various programs.

FTA, the Applicant, and the Applicant's Authorized Representative, understand and agree that not every provision of these twenty-three (23) Categories of Certifications and Assurances will apply to every Applicant or every Award or Project included in an Award, even if you make a single selection encompassing all twenty-three (23) Categories. Nor will every provision of each Certification or Assurance within a single Category apply if that provision does not apply to your Applicant or the Award it seeks. The type of Applicant and its application will determine which Certifications and Assurances apply.

Your Applicant is ultimately responsible for compliance with the Certifications and Assurances selected that apply to its Award, itself, any Subrecipient, or any other Third Party Participant in its Award, except as FTA determines otherwise in writing. For this reason, we strongly encourage your Applicant to take appropriate measures, including,

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

but not limited to, obtaining sufficient documentation from each Subrecipient and any other Third Party Participant as necessary to assure your Applicant's compliance with the applicable Certifications and Assurances selected on its behalf.

Except as FTA determines otherwise in writing, if your Applicant is a team, consortium, joint venture, or partnership, it understands and agrees that you must identify the activities that each member will perform and the extent to which each member will be responsible for compliance with the selected Certifications and Assurances. You also must identify each member's role in the Award, whether as a Recipient, Subrecipient, Third Party Contractor, or other Third Party Participant.

It is important that you and your Applicant also understand that these Certifications and Assurances are pre-award requirements, generally imposed by federal law or regulation, and do not include all federal requirements that may apply to it or its Award. We expect you to submit your Applicant's FY 2017 Certifications and Assurances and its applications for federal assistance in FTA's electronic award and management system, currently the Transit Award Management System (TrAMS). You must be registered in TrAMS to submit your Applicant's FY 2017 Certifications and Assurances. TrAMS contains fields for selecting among the twenty-three (23) Categories of Certifications and Assurances and a designated field for selecting all twenty-three (23) Categories of Certifications and Assurances. If FTA agrees that you are unable to submit your Applicant's FY 2017 Certifications and Assurances electronically, you must submit the Signature Pages at the end of this document, as FTA directs, marked to show the Categories of Certifications and Assurances that you are submitting.

Be aware that these Certifications and Assurances have been prepared in light of:

- The Fixing America's Surface Transportation (FAST) Act, Public Law No. 114-94, December 4, 2015, and other authorizing legislation to be enacted, and*
- Appropriations Acts or Continuing Resolutions funding the U.S. Department of Transportation during Fiscal Year 2017.*

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

CATEGORY 01. REQUIRED CERTIFICATIONS AND ASSURANCES FOR EACH APPLICANT.

Before FTA may provide federal assistance for your Applicant's Award, you must select the *Certifications and Assurances in Category 01 in addition to any other applicable Certifications and Assurances, except as FTA determines otherwise in writing.*

Any provision of the Certifications and Assurances in Category 01 that does not apply will not be enforced.

01.A. Certifications and Assurances of Authority of the Applicant and Its Authorized Representative.

You certify and affirm that in signing these Certifications, Assurances, and Agreements, both you, as your Applicant's Authorized Representative, and your Applicant's attorney who is authorized to represent your Applicant in legal matters, may undertake the following activities on your Applicant's behalf, in compliance with applicable state, local, or Indian tribal laws, regulations, and requirements and your Applicant's by-laws or internal rules:

1. Execute and file its application for federal assistance,
2. Execute and file its Certifications, Assurances, Charter Service Agreement, and School Bus Agreement, as applicable, binding its compliance,
3. Execute its Grant Agreement, Cooperative Agreement, Loan, Loan Guarantee, Line of Credit, Master Credit Agreement, or State Infrastructure Bank (SIB) Cooperative Agreement for which the Applicant is seeking federal assistance from FTA,
4. Comply with applicable federal laws, regulations, and requirements, and
5. Follow applicable federal guidance.

01.B. Standard Assurances.

On behalf of your Applicant, you assure that it understands and agrees to the following:

1. It will comply with all applicable federal laws, regulations, and requirements in implementing its Award.
2. It is under a continuing obligation to comply with the terms and conditions of its Grant Agreement or Cooperative Agreement with FTA for each Award, including the FTA Master Agreement and other documents incorporated by reference and made part of its Grant Agreement or Cooperative Agreement, or latest amendment thereto.
3. It recognizes that federal laws, regulations, and requirements may be amended from time to time and those amendments may affect the implementation of its Award.
4. It understands that Presidential executive orders and federal guidance, including federal policies and program guidance, may be issued concerning matters affecting it or its Award.
5. It agrees that the most recent federal laws, regulations, requirements, and guidance will apply to its Award, except as FTA determines otherwise in writing.
6. Except as FTA determines otherwise in writing, it agrees that requirements for FTA programs may vary depending on the fiscal year for which the federal assistance for those programs was appropriated or made available.

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

01.C. Intergovernmental Review Assurance.

(This assurance in this Category 01.C does not apply to an Indian tribe, an Indian organization, or an Indian tribal organization that applies for federal assistance made available under 49 U.S.C. § 5311(c)(1), which authorizes FTA's Tribal Transit Programs.)

As required by U.S. Department of Transportation (U.S. DOT) regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17, on behalf of your Applicant, you assure that it has submitted or will submit each application for federal assistance to the appropriate state and local agencies for intergovernmental review.

01.D. Nondiscrimination Assurance.

On behalf of your Applicant, you assure that:

1. It will comply with the following laws, regulations, and requirements so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in, any U.S. DOT or FTA assisted program or activity (particularly in the level and quality of transportation services and transportation-related benefits) on the basis of race, color, national origin, religion, sex, disability, or age including:
 - a. Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination on the basis of race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity),
 - b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d,
 - c. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (prohibiting discrimination on the basis of race, color, religion, sex, (including gender identity and sexual orientation) or national origin),
 - d. Executive Order No. 11246, "Equal Employment Opportunity" September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it in part and is applicable to federal assistance programs,
 - e. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*,
 - f. U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 49 C.F.R. part 25,
 - g. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, *et seq.*,
 - h. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*,
 - i. U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21,
 - j. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
 - k. Any other applicable federal statutes that may be signed into law, federal regulations that may be issued, or federal requirements that may be imposed.
2. It will comply with federal guidance implementing federal nondiscrimination laws, regulations, or requirements, except as FTA determines otherwise in writing.
3. As required by 49 CFR § 21.7:

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- a. It will comply with 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 in the manner that:
 - (1) It implements its Award,
 - (2) It undertakes property acquisitions, and
 - (3) It operates all parts of its facilities, as well as its facilities operated in connection with its Award.
- b. This assurance applies to its Award and to all parts of its facilities, as well as its facilities used to implement its Award.
- c. It will promptly take the necessary actions to carry out this assurance, including the following:
 - (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA Headquarters Office of Civil Rights, and
 - (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.
- d. If it transfers U.S. DOT or FTA assisted real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:
 - (1) While the property is used for the purpose that the federal assistance is extended, or
 - (2) While the property is used for another purpose involving the provision of similar services or benefits.
- e. The United States has a right to seek judicial enforcement of any matter arising under:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, or
 - (3) This assurance.
- f. It will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:
 - (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
 - (2) U.S. DOT regulations, 49 CFR part 21, and
 - (3) Federal transit law, 49 U.S.C. § 5332.
- g. It will comply with applicable federal guidance issued to implement federal nondiscrimination requirements, except as FTA determines otherwise in writing.
- h. It will extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each Third Party Participant, including any:
 - (1) Subrecipient,
 - (2) Transferee,
 - (3) Third Party Contractor or Subcontractor at any tier,
 - (4) Successor in Interest,
 - (5) Lessee, or
 - (6) Other Participant in its Award, except FTA and the Applicant (and later, the Recipient).
- i. It will include adequate provisions to extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each third party agreement, including each:
 - (1) Subagreement at any tier,
 - (2) Property transfer agreement,

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- (3) Third party contract or subcontract at any tier,
- (4) Lease, or
- (5) Participation agreement.
- j. The assurances you have made on your Applicant's behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
 - (1) Federal assistance is provided for its Award,
 - (2) Its property acquired or improved with federal assistance is used for a purpose for which the federal assistance is extended, or for a purpose involving similar services or benefits,
 - (3) It retains ownership or possession of its property acquired or improved with federal assistance provided for its Award, or
 - (4) FTA may otherwise determine in writing.
4. As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR § 27.9, and consistent with 49 U.S.C. § 5332, you assure that:
 - a. It will comply with the following prohibitions against discrimination on the basis of disability listed below in subsection 4.b of this Category 01.D Assurance, of which compliance is a condition of approval or extension of any FTA assistance awarded to:
 - (1) Construct any facility,
 - (2) Obtain any rolling stock or other equipment,
 - (3) Undertake studies,
 - (4) Conduct research, or
 - (5) Participate in any benefit or obtain any benefit from any FTA administered program.
 - b. In any program or activity receiving or benefiting from federal assistance that U.S. DOT administers, no qualified individual with a disability will, because of his or her disability, be:
 - (1) Excluded from participation,
 - (2) Denied benefits, or
 - (3) Otherwise subjected to discrimination.

01.E. Suspension and Debarment, Tax Liability, and Felony Convictions Certifications.

01.E.1 Suspension and Debarment.

On behalf of your Applicant, you certify that:

- a. It will comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 CFR part 180.
- b. To the best of its knowledge and belief, that its Principals and Subrecipients at the first tier:
 - (1) Are eligible to participate in covered transactions of any federal department or agency and are not presently:
 - (a) Debarred,
 - (b) Suspended,

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- (c) Proposed for debarment,
 - (d) Declared ineligible,
 - (e) Voluntarily excluded, or
 - (f) Disqualified.
- (2) Within a three-year period preceding its latest application or proposal, its management has not been convicted of or had a civil judgment rendered against any of them for:
- (a) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction, or contract under a public transaction,
 - (b) Violation of any federal or state antitrust statute, or
 - (c) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property.
- (3) It is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses listed in the preceding subsection 2.b of this Certification.
- (4) It has not had one or more public transactions (federal, state, or local) terminated for cause or default within a three-year period preceding this Certification.
- (5) If, at a later time, it receives any information that contradicts the preceding statements of subsections 2.a – 2.d of this Category 01.E Certification, it will promptly provide that information to FTA.
- (6) It will treat each lower tier contract or subcontract under its Award as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it:
- (a) Equals or exceeds \$25,000,
 - (b) Is for audit services, or
 - (c) Requires the consent of a federal official.
- (7) It will require that each covered lower tier contractor and subcontractor:
- (a) Comply and facilitate compliance with the federal requirements of 2 CFR parts 180 and 1200, and
 - (b) Assure that each lower tier participant in its Award is not presently declared by any federal department or agency to be:
 - 1 Debarred from participation in any federally assisted Award,
 - 2 Suspended from participation in any federally assisted Award,
 - 3 Proposed for debarment from participation in any federally assisted Award,
 - 4 Declared ineligible to participate in any federally assisted Award,
 - 5 Voluntarily excluded from participation in any federally assisted Award, or
 - 6 Disqualified from participation in any federally assisted Award.
- c. It will provide a written explanation if it or any of its principals, including any of its first tier Subrecipients or its Third Party Participants at a lower tier, is unable to certify compliance with the preceding statements in this Category 01.E.1 Certification.

01.E.2. Tax Liability.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

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- a. Your Applicant and its prospective Subrecipients have no unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when issued.

01.E.3. Felony Convictions.

If your Applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, on behalf of your Applicant, you certify that:

- a. Your Applicant and its prospective Subrecipients have not been convicted of a felony criminal violation under any federal law within the preceding 24 months.
- b. Your Applicant and its Subrecipients will follow applicable U.S. DOT guidance when it is issued.

01.F. U.S. OMB Assurances in SF-424B and SF-424D.

The assurances in this Category 01.F are consistent with the U.S. OMB assurances required in the U.S. OMB SF-424B and SF-424D, and updated as necessary to reflect changes in federal laws, regulations, and requirements.

1. *Administrative Activities.* On behalf of your Applicant, you assure that:
 - a. For any application it submits for federal assistance, it has adequate resources to plan, manage, and properly complete the tasks to implement its Award, including:
 - (1) The legal authority to apply for federal assistance,
 - (2) The institutional capability,
 - (3) The managerial capability, and
 - (4) The financial capability (including funds sufficient to pay the non-federal share of the cost of incurred under its Award).
 - b. As required, it will give access and the right to examine materials related to its Award to the following entities or individuals, including, but not limited to:
 - (1) FTA,
 - (2) The Comptroller General of the United States, and
 - (3) The State, through an appropriate authorized representative.
 - c. It will establish a proper accounting system in accordance with generally accepted accounting standards or FTA guidance.
 - d. It will establish safeguards to prohibit employees from using their positions for a purpose that results in:
 - (1) A personal or organizational conflict of interest or personal gain, or
 - (2) An appearance of a personal or organizational conflict of interest or personal gain.
2. *Specifics of the Award.* On behalf of your Applicant, you assure that:
 - a. It will begin and complete work within the period of performance that applies following receipt of an FTA Award.
 - b. For FTA assisted construction Awards:

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- (1) It will comply with FTA provisions concerning the drafting, review, and approval of construction plans and specifications,
 - (2) It will provide and maintain competent and adequate engineering supervision at the construction site to assure that the completed work conforms to the approved plans and specifications,
 - (3) It will include a covenant to assure nondiscrimination during the useful life of the real property financed under its Award in its title to that real property,
 - (4) To the extent FTA requires, it will record the federal interest in the title to FTA assisted real property or interests in real property, and
 - (5) It will not alter the site of the FTA assisted construction or facilities without permission or instructions from FTA by:
 - (a) Disposing of the underlying real property or other interest in the site and facilities,
 - (b) Modifying the use of the underlying real property or other interest in the site and facilities, or
 - (c) Changing the terms of the underlying real property title or other interest in the site and facilities.
- c. It will furnish progress reports and other information as FTA or the state may require.
3. *Statutory and Regulatory Requirements.* On behalf of your Applicant, you assure that:
- a. Your Applicant will comply with all federal laws, regulations, and requirements relating to nondiscrimination that apply, including, but not limited to:
 - (1) The prohibitions against discrimination on the basis of race, color, or national origin, as provided in Title VI of the Civil Rights Act, 42 U.S.C. § 2000d.
 - (2) The prohibitions against discrimination on the basis of sex, as provided in:
 - (a) Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 – 1683, and 1685 – 1687, and
 - (b) U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25.
 - (3) The prohibitions against discrimination on the basis of age in federally assisted programs, as provided in the Age Discrimination Act of 1975, as amended, 42 U.S.C. §§ 6101 – 6107.
 - (4) The prohibitions against discrimination on the basis of disability in federally assisted programs, as provided in section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.
 - (5) The prohibitions against discrimination on the basis of disability, as provided in the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 .
 - (6) The prohibitions against discrimination in the sale, rental, or financing of housing, as provided in Title VIII of the Civil Rights Act, 42 U.S.C. § 3601 *et seq.*
 - (7) The prohibitions against discrimination on the basis of drug abuse, as provided in the Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. § 1101 *et seq.*
 - (8) The prohibitions against discrimination on the basis of alcohol abuse, as provided in the Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, as amended, 42 U.S.C. § 4541 *et seq.*

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- (9) The confidentiality requirements for records of alcohol and drug abuse patients, as provided in the Public Health Service Act, as amended, 42 U.S.C. § 290dd – 290dd-2.
 - (10) The prohibitions against discrimination in employment as provided in Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*,
 - (11) The nondiscrimination provisions of any other statute(s) that may apply to its Award.
- b. As provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), 42 U.S.C. § 4601 *et seq.*, and 49 U.S.C. § 5323(b), regardless of whether federal assistance has been provided for any real property acquired or improved for purposes of its Award:
- (1) It will provide for fair and equitable treatment of any displaced persons or any persons whose property is acquired or improved as a result of federally assisted programs.
 - (2) It has the necessary legal authority under state and local laws, regulations, and requirements to comply with:
 - (a) The Uniform Relocation Act. 42 U.S.C. § 4601 *et seq.*, as specified by 42 U.S.C. §§ 4630 and 4655, and
 - (b) U.S. DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR part 24, specifically 49 CFR § 24.4.
 - (3) It has complied with or will comply with the Uniform Relocation Act and implementing U.S. DOT regulations because:
 - (a) It will adequately inform each affected person of the benefits, policies, and procedures provided for in 49 CFR part 24.
 - (b) As provided by 42 U.S.C. §§ 4622, 4623, and 4624, and 49 CFR part 24, if its Award results in displacement, it will provide fair and reasonable relocation payments and assistance to:
 - 1 Displaced families or individuals, and
 - 2 Displaced corporations, associations, or partnerships.
 - (c) As provided by 42 U.S.C. § 4625 and 49 CFR part 24, it will provide relocation assistance programs offering the services described in the U.S. DOT regulations to such:
 - 1 Displaced families and individuals, and
 - 2 Displaced corporations, associations, or partnerships.
 - (d) As provided by 42 U.S.C. § 4625(c)(3), within a reasonable time before displacement, it will make available comparable replacement dwellings to families and individuals.
 - (e) It will do the following:
 - 1 Carry out the relocation process to provide displaced persons with uniform and consistent services, and
 - 2 Make available replacement housing in the same range of choices with respect to such housing to all displaced persons regardless of race, color, religion, or national origin.
 - (f) It will be guided by the real property acquisition policies of 42 U.S.C. §§ 4651 and 4652.

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- (g) It will pay or reimburse property owners for their necessary expenses as specified in 42 U.S.C. §§ 4653 and 4654, understanding that FTA will provide federal assistance for its eligible costs of providing payments for those expenses, as required by 42 U.S.C. § 4631.
 - (h) It will execute the necessary implementing amendments to FTA assisted third party contracts and subagreements.
 - (i) It will execute, furnish, and be bound by such additional documents as FTA may determine necessary to effectuate or implement these assurances.
 - (j) It will incorporate these assurances by reference into and make them a part of any third party contract or subagreement, or any amendments thereto, related to its Award that involves relocation or land acquisition.
 - (k) It will provide in any affected document that these relocation and land acquisition provisions must supersede any conflicting provisions.
- c. It will comply with the Lead-Based Paint Poisoning Prevention Act, specifically 42 U.S.C. § 4831(b), which prohibits the use of lead-based paint in the construction or rehabilitation of residence structures.
- d. It will, to the extent applicable, comply with the protections for human subjects involved in research, development, and related activities supported by federal assistance of:
- (1) The National Research Act, as amended, 42 U.S.C. § 289 *et seq.*, and
 - (2) U.S. DOT regulations, “Protection of Human Subjects,” 49 CFR part 11.
- e. It will, to the extent applicable, comply with the labor standards and protections for federally assisted Awards of:
- (1) The Davis-Bacon Act, as amended, 40 U.S.C. §§ 3141 – 3144, 3146, and 3147,
 - (2) Sections 1 and 2 of the Copeland “Anti-Kickback” Act, as amended, 18 U.S.C. § 874, and 40 U.S.C. § 3145, respectively, and
 - (3) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. § 3701 *et seq.*
- f. It will comply with any applicable environmental standards prescribed to implement federal laws and executive orders, including, but not limited to:
- (1) Complying with the institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 – 4335 and following Executive Order No. 11514, as amended, 42 U.S.C. § 4321 note.
 - (2) Following the notification of violating facilities provisions of Executive Order No. 11738, 42 U.S.C. § 7606 note.
 - (3) Following the protection of wetlands provisions of Executive Order No. 11990, 42 U.S.C. § 4321 note.
 - (4) Following the evaluation of flood hazards in the floodplains provisions of Executive Order No. 11988, May 24, 1977, 42 U.S.C. § 4321 note, and Executive Order No. 13690 “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, January 30, 2015.
 - (5) Complying with the assurance of consistency with the approved state management program developed pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §§ 1451 – 1465.

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- (6) Complying with the Conformity of Federal Actions to State (Clean Air) Implementation Plans requirements under section 176(c) of the Clean Air Act of 1970, as amended, 42 U.S.C. §§ 7401 – 7671q.
- (7) Complying with protections for underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. § 300f – 300j-6.
- (8) Complying with the protections for endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. §§ 1531 – 1544.
- (9) Complying with the environmental protections for federal transportation programs, including, but not limited to, protections for parks, recreation areas, or wildlife or waterfowl refuges of national, state, or local significance or any land from a historic site of national, state, or local significance to be used in a transportation Award, as required by 49 U.S.C. § 303 (also known as “Section 4f”).
- (10) Complying with the protections for national wild and scenic rivers systems, as required under the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. §§ 1271 – 1287.
- (11) Complying with and facilitating compliance with:
 - (a) Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. § 300108,
 - (b) The Archaeological and Historic Preservation Act of 1974, as amended, 54 U.S.C. § 312501 *et seq.*, and
 - (c) Executive Order No. 11593 (identification and protection of historic properties), 54 U.S.C. § 300101.
- g. To the extent applicable, it will comply with the following federal requirements for the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported with federal assistance:
 - (1) The Animal Welfare Act, as amended, 7 U.S.C. § 2131 *et seq.*, and
 - (2) U.S. Department of Agriculture regulations, “Animal Welfare,” 9 CFR subchapter A, parts 1, 2, 3, and 4.
- h. To the extent applicable, it will obtain a certificate of compliance with the seismic design and construction requirements of U.S. DOT regulations, “Seismic Safety,” 49 CFR part 41, specifically 49 CFR § 41.117(d), before accepting delivery of any FTA assisted buildings.
- i. It will comply with and assure that each of its Subrecipients located in special flood hazard areas will comply with section 102(a) of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. § 4012a(a), by:
 - (1) Participating in the federal flood insurance program, and
 - (2) Purchasing flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- j. It will comply with:
 - (1) The Hatch Act, 5 U.S.C. §§ 1501 – 1508, 7324 – 7326, which limits the political activities of state and local agencies and their officers and employees whose primary employment activities are financed in whole or part with federal assistance, including a federal loan, grant agreement, or cooperative agreement, and
 - (2) 49 U.S.C. § 5323(l)(2) and 23 U.S.C. § 142(g), which provide an exception from Hatch Act restrictions for a nonsupervisory employee of a public transportation

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- system (or of any other agency or entity performing related functions) receiving federal assistance appropriated or made available under 49 U.S.C. chapter 53 and 23 U.S.C. § 142(a)(2) to whom the Hatch Act does not otherwise apply.
- k. It will perform the financial and compliance audits as required by the:
 - (1) Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*,
 - (2) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR part 200, and
 - (3) Most recent applicable U.S. OMB Compliance Supplement, 2 CFR part 200, appendix XI (previously known as the U.S. OMB Circular A-133 Compliance Supplement).
 - l. It will comply with all other federal laws, regulations, and requirements that apply.
 - m. It will follow federal guidance governing it and its Award, except as FTA has expressly approved otherwise in writing.

CATEGORY 02. LOBBYING.

Before FTA may provide federal assistance for a grant or cooperative agreement exceeding \$100,000 or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, you must select the Lobbying Certifications in Category 02, unless your Applicant is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 31 U.S.C. § 1352, and/or except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 02 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. As required by 31 U.S.C. § 1352 and U.S. DOT regulations, “New Restrictions on Lobbying,” specifically 49 CFR § 20.110:
 - a. The lobbying restrictions of this Certification apply to its requests:
 - (1) For \$100,000 or more in federal assistance for a grant or cooperative agreement, and
 - (2) For \$150,000 or more in federal assistance for a loan, line of credit, loan guarantee, or loan insurance, and
 - b. Your Certification on your Applicant’s behalf applies to the lobbying activities of:
 - (1) The Applicant,
 - (2) Its Principals, and
 - (3) Its Subrecipients at the first tier.
2. To the best of your knowledge and belief:
 - a. No federal appropriated funds have been or will be paid by your Applicant or on its behalf to any person to influence or attempt to influence:
 - (1) An officer or employee of any federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:

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- (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
 - b. Your Applicant will submit a complete OMB Standard Form LLL (Rev. 7-97), “Disclosure of Lobbying Activities,” consistent with the instructions on that form, if any funds other than federal appropriated funds have been or will be paid to any person to influence or attempt to influence:
 - (1) An officer or employee of any federal agency regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance, or
 - (2) A Member of Congress, an employee of a member of Congress, or an officer or employee of Congress regarding the award of a:
 - (a) Federal grant or cooperative agreement, or
 - (b) Federal loan, line of credit, loan guarantee, or loan insurance.
 - c. Your Applicant will include the language of this Certification in its Award documents under a federal grant, cooperative agreement, loan, line of credit, or loan insurance including, but not limited to:
 - (1) Each third party contract,
 - (2) Each third party subcontract,
 - (3) Each subagreement, and
 - (4) Each third party agreement.
3. Your Applicant understands that:
- a. This Certification is a material representation of fact that the Federal Government relies on, and
 - b. It must submit this Certification before the Federal Government may award federal assistance for a transaction covered by 31 U.S.C. § 1352, including a:
 - (1) Federal grant or cooperative agreement, or
 - (2) Federal loan, line of credit, loan guarantee, or loan insurance.
4. Your Applicant understands that any person who does not file a required Certification will incur a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 03. PROCUREMENT AND PROCUREMENT SYSTEMS.

We request that you select the Procurement and Procurement Systems Certification in Category 03 on behalf of your Applicant, especially if your Applicant is a state, local, or Indian tribal government with a certified procurement system, as provided in 2 CFR § 200.324(c)(2), incorporated by reference in 2 CFR part 1201 or former 49 CFR § 18.36(g)(3)(ii).

Any provision of the Certification in Category 03 that does not apply will not be enforced.

On behalf of your Applicant, you certify that its procurements and its procurement system will comply with all federal laws, regulations, and requirements in accordance with applicable federal guidance, except as FTA has approved otherwise in writing.

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CATEGORY 04. PRIVATE SECTOR PROTECTIONS.

Before FTA may provide federal assistance for an Award that involves the acquisition of public transportation property or the operation of public transportation facilities or equipment, you must select the Private Property Protections Assurances in Category 04.A and enter into the Agreements in Category 04.B and Category 04.C on behalf of your Applicant, except as FTA determines otherwise in writing.

Any provision of the Assurances and Agreements in Category 04 that does not apply will not be enforced.

04.A. Private Property Protections.

If your Applicant is a state, local government, or Indian tribal government and seeks federal assistance from FTA to acquire the property of a private transit operator or operate public transportation in competition with or in addition to a public transportation operator, the Private Property Protections Assurances in Category 04.A apply to your Applicant, except as FTA determines otherwise in writing.

To facilitate FTA's ability to make the findings required by 49 U.S.C. § 5323(a)(1), on behalf of your Applicant, you assure that:

1. Your Applicant has or will have:
 - a. Determined that the federal assistance it has requested is essential to carrying out its Program of Projects as required by 49 U.S.C. §§ 5303, 5304, and 5306,
 - b. Provided for the participation of private companies engaged in public transportation to the maximum extent feasible, and
 - c. Paid just compensation under state or local laws to the company for any franchise or property acquired.
2. Your Applicant has completed the actions described in the preceding section 1 of this Category 04.A Certification before:
 - a. It acquires the property or an interest in the property of a private provider of public transportation, or
 - b. It operates public transportation equipment or facilities:
 - (1) In competition with transportation service provided by an existing public transportation operator, or
 - (2) In addition to transportation service provided by an existing public transportation operator.

04.B. Charter Service Agreement.

If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the Charter Service Agreement in Category 04.B applies to your Applicant, except as FTA determines otherwise in writing.

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To comply with 49 U.S.C. § 5323(d) and (g) and FTA regulations, “Charter Service, 49 CFR part 604, specifically 49 CFR § 604.4, on behalf of your Applicant, you are entering into the following Charter Service Agreement:

1. FTA’s “Charter Service” regulations apply as follows:
 - a. FTA’s Charter Service regulations restrict transportation by charter service using facilities and equipment acquired or improved under an Award derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. §§ 133 or 142, or
 - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
 - b. FTA’s charter service restrictions extend to:
 - (1) Your Applicant, when it receives federal assistance appropriated or made available for:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. §§ 133 or 142, or
 - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
 - (2) Any Third Party Participant that receives federal assistance derived from:
 - (a) Federal transit laws, 49 U.S.C. chapter 53,
 - (b) 23 U.S.C. §§ 133 or 142, or
 - (c) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
 - c. A Third Party Participant includes any:
 - (1) Subrecipient at any tier,
 - (2) Lessee,
 - (3) Third Party Contractor or Subcontractor at any tier, and
 - (4) Other Third Party Participant in its Award.
 - d. You and your Applicant agree that neither it nor any governmental authority or publicly owned operator that receives federal public transportation assistance appropriated or made available for its Award will engage in charter service operations, except as permitted under:
 - (1) Federal transit laws, specifically 49 U.S.C. § 5323(d) and (g),
 - (2) FTA regulations, “Charter Service,” 49 CFR part 604, to the extent consistent with 49 U.S.C. § 5323(d) and (g),
 - (3) Any other federal Charter Service regulations, or
 - (4) Federal guidance, except as FTA determines otherwise in writing.
 - e. You and your Applicant agree that the latest Charter Service Agreement selected in its latest annual Certifications and Assurances is incorporated by reference and made part of the Underlying Agreement accompanying its Award of federal assistance from FTA.
 - f. You and your Applicant agree that:
 - (1) FTA may require corrective measures or impose remedies on it or any governmental authority or publicly owned operator that receives federal assistance from FTA that has demonstrated a pattern of violating of FTA’s Charter Service regulations by:
 - (a) Conducting charter operations prohibited by federal transit laws and FTA’s Charter Service regulations, or

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- (b) Otherwise violating its Charter Service Agreement selected in its latest annual Certifications and Assurances.
- (2) These corrective measures and remedies may include:
 - (a) Barring your Applicant or any Third Party Participant operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA,
 - (b) Withholding an amount of federal assistance as provided by Appendix D to FTA's Charter Service regulations, or
 - (c) Any other appropriate remedy that may apply.
- 2. In addition to the exceptions to the restrictions in FTA's Charter Service regulations, FTA has established the following additional exceptions to those restrictions:
 - a. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. §§ 5307 or 5311 to be used for Job Access and Reverse Commute (JARC) activities that would have been eligible for assistance under former 49 U.S.C. § 5316 in effect in FY 2012 or a previous fiscal year, provided that it uses that federal assistance from FTA for those program purposes only.
 - b. FTA's Charter Service restrictions do not apply to your Applicant if it seeks federal assistance appropriated or made available under 49 U.S.C. § 5310 to be used for New Freedom activities that would have been eligible for assistance under former 49 U.S.C. § 5317 in effect in FY 2012 or a previous fiscal year, provided it uses that federal assistance from FTA for those program purposes only.
 - c. An Applicant for assistance under 49 U.S.C. chapter 53 will not be determined to have violated the FTA Charter Service regulations if that Recipient provides a private intercity or charter transportation operator reasonable access to that Recipient's federally assisted public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes, as provided in 49 U.S.C. § 5323(r).

04.C. School Bus Agreement.

If your Applicant seeks federal assistance from FTA to acquire or operate transit facilities or equipment, the School Bus Agreement in Category 04.C applies to your Applicant, except as FTA determines otherwise in writing.

To comply with 49 U.S.C. § 5323(f) and (g) and FTA regulations, "School Bus Operations," 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g), your Applicant agrees to enter into the following School Bus Agreement:

- 1. FTA's "School Bus Operations" regulations at 49 CFR part 605 restricts school bus operations using facilities and equipment acquired or improved with federal assistance derived from:
 - a. Federal transit laws, 49 U.S.C. chapter 53,
 - b. 23 U.S.C. §§ 133 or 142, or
 - c. Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- 2. FTA's school bus operations restrictions extend to:
 - a. Your Applicant, when it receives federal assistance appropriated or made available for:

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- (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. §§ 133 or 142, or
 - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
- b. Any Third Party Participant that receives federal assistance derived from:
 - (1) Federal transit laws, 49 U.S.C. chapter 53,
 - (2) 23 U.S.C. §§ 133 or 142, or
 - (3) Any other Act that provides federal public transportation assistance, unless otherwise excepted.
3. A Third Party Participant includes any:
 - a. Subrecipient at any tier,
 - b. Lessee,
 - c. Third Party Contractor or Subcontractor at any tier, and
 - d. Any other Third Party Participant in the Award.
4. You and your Applicant agree, and will obtain the agreement of any Third Party Participant, that it will not engage in school bus operations in competition with private operators of school buses, except as permitted under:
 - a. Federal transit laws, specifically 49 U.S.C. § 5323(f) and (g),
 - b. FTA regulations, “School Bus Operations,” 49 CFR part 605, to the extent consistent with 49 U.S.C. § 5323(f) and (g),
 - c. Any other federal School Bus regulations, or
 - d. Federal guidance, except as FTA determines otherwise in writing.
5. You and your Applicant agree that the latest School Bus Agreement selected on its behalf in FTA’s latest annual Certifications and Assurances is incorporated by reference and made part of the Underlying Agreement accompanying its Award of federal assistance.
6. You and your Applicant agree that after it is a Recipient, if it or any Third Party Participant has violated this School Bus Agreement, FTA may:
 - a. Bar your Applicant or Third Party Participant from receiving further federal assistance for public transportation, or
 - b. Require the Applicant or Third Party Participant to take such remedial measures as FTA considers appropriate.

CATEGORY 05. ROLLING STOCK REVIEWS AND BUS TESTING.

Before FTA may provide federal assistance for an Award to acquire rolling stock for use in revenue service or to acquire a new bus model, you must select the Rolling Stock Reviews and Bus Testing Certifications in Category 05, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 05 that does not apply will not be enforced.

05.A. Rolling Stock Reviews.

If your Applicant seeks federal assistance from FTA to acquire rolling stock for use in revenue service, the Rolling Stock Reviews Certifications in Category 05.A apply to your Applicant, except as FTA determines otherwise in writing.

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On behalf of your Applicant, you certify that, when procuring rolling stock for use in revenue service:

1. Your Applicant will comply with:
 - a. Federal transit laws, specifically 49 U.S.C. § 5323(m), and
 - b. FTA regulations, “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases,” 49 CFR part 663, and
2. As provided in 49 CFR § 663.7:
 - a. Your Applicant will conduct or cause to be conducted the required pre-award and post-delivery reviews of that rolling stock, and
 - b. It will maintain on file the Certifications required by 49 CFR part 663, subparts B, C, and D.

05.B. Bus Testing.

If your Applicant seeks federal assistance from FTA to acquire a new bus model, the Bus Testing Certifications in Category 05.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. FTA’s bus testing requirements apply to all acquisitions of new buses and new bus models that require bus testing as defined in FTA’s Bus Testing regulations, and it will comply with:
 - a. 49 U.S.C. § 5318, and
 - b. FTA regulations, “Bus Testing,” 49 CFR part 665.
2. As required by 49 CFR § 665.7, when acquiring the first bus of any new bus model or a bus model with a major change in components or configuration, your Applicant will not spend any federal assistance appropriated under 49 U.S.C. chapter 53 to acquire that new bus or new bus model until:
 - a. That new bus or new bus model has been tested at FTA’s bus testing facility, and
 - b. It has received a copy of the test report prepared for that new bus or new bus model.
3. It will ensure that the new bus or new bus model that is tested has met the performance standards consistent with those regulations, including the:
 - a. Performance standards for:
 - (1) Maintainability,
 - (2) Reliability,
 - (3) Performance (including braking performance),
 - (4) Structural integrity,
 - (5) Fuel economy,
 - (6) Emissions, and
 - (7) Noise, and
 - b. Minimum safety performance standards established under 49 U.S.C. § 5329, when issued.
4. After FTA regulations authorized by 49 U.S.C. § 5318(e)(2) are in effect, it will ensure that the new bus or new bus model that is tested has received a passing aggregate test score under the “Pass/Fail” standard established by regulation.

CATEGORY 06. DEMAND RESPONSIVE SERVICE.

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Before FTA may provide federal assistance to a public entity that operates demand responsive service for an Award to acquire a non-rail vehicle that is not accessible, you must select the Demand Responsive Service Certifications in Category 06, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 06 that does not apply will not be enforced.

As required by U.S. DOT regulations, "Transportation Services for Individuals with Disabilities (ADA)," 49 CFR part 37, specifically 49 CFR § 37.77(d), on behalf of your Applicant, you certify that:

1. Your Applicant offers public transportation services equivalent in level and quality of service to:
 - a. Individuals with disabilities, including individuals who use wheelchairs, and
 - b. Individuals without disabilities.
2. Viewed in its entirety, your Applicant's service for individuals with disabilities is:
 - a. Provided in the most integrated setting feasible, and
 - b. Equivalent to the service it offers individuals without disabilities with respect to:
 - (1) Response time,
 - (2) Fares,
 - (3) Geographic service area,
 - (4) Hours and days of service,
 - (5) Restrictions on priorities based on trip purpose,
 - (6) Availability of information and reservation capability, and
 - (7) Constraints on capacity or service availability.

CATEGORY 07. INTELLIGENT TRANSPORTATION SYSTEMS.

Before FTA may provide federal assistance for an Award in support of an Intelligent Transportation System (ITS), you must select the Intelligent Transportation Systems Assurances in Category 07, except as FTA determines otherwise in writing.

Any provision of the Assurances in Category 07 that does not apply will not be enforced.

On behalf of your Applicant, you and your Applicant:

1. Understand that, as used in this Assurance, the term Intelligent Transportation System is defined to include technologies or systems of technologies that provide or significantly contribute to the provision of one or more Intelligent Transportation System (ITS) user services as defined in the "National ITS Architecture."
2. Assure that, as provided in 23 U.S.C. § 517(d), any Award that includes an ITS or related activity financed with appropriations made available from the Highway Trust Fund, including amounts made available to deploy ITS facilities or equipment, will conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under 23 U.S.C. § 517(a) or (c), unless it obtains a waiver as provided in 23 U.S.C. § 517(d)(2).

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CATEGORY 08. INTEREST AND FINANCING COSTS AND ACQUISITION OF CAPITAL ASSETS BY LEASE.

Before FTA may award federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support the interest, financing, or leasing costs of any Award financed under the Urbanized Area Formula Grants Program, Fixed Guideway Capital Investment Grants Program, any program to which the requirements of 49 U.S.C. § 5307 apply, or any other program as FTA may specify, you must select the Certifications in Category 08, except as FTA may determine otherwise in writing.

Any provision of the Certifications and Assurances in Category 08 that does not apply will not be enforced.

08.A. Interest and Financing Costs.

If your Applicant intends to use federal assistance to support the interest or any other financing costs for an Award financed under the Urbanized Area Formula Grants Program, the Fixed Guideway Capital Investment Grants Program, the New Starts, Small Starts, and Core Capacity Programs, any program that must comply with the requirements of 49 U.S.C. § 5307, or any other program as FTA may specify, the Interest and Financing Costs Certifications in Category 08.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that:

1. It will not seek reimbursement for interest or any other financing costs unless:
 - a. It is eligible to receive federal assistance for those costs, and
 - b. Its records demonstrate that it has shown reasonable diligence in seeking the most favorable financing terms, as FTA may require.
2. It will comply with the same favorable financing cost provisions for Awards financed under:
 - a. The Urbanized Area Formula Grants Program,
 - b. A Full Funding Grant Agreement,
 - c. An Early Systems Work Agreement,
 - d. The Fixed Guideway Capital Investment Program financed by previous FTA enabling legislation,
 - e. Any program that must comply with the requirements of 49 U.S.C. § 5307, or
 - f. Any other program as FTA may specify.

08.B. Acquisition of Capital Assets by Lease.

If your Applicant seeks federal assistance from FTA to acquire capital assets (other than rolling stock or related equipment) through a lease, the Acquisition of Capital Assets by Lease Certifications and Assurances in Category 08.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, as required by FTA regulations, “Capital Leases,” 49 CFR part 639, to the extent consistent with the FAST Act, if your Applicant

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acquires any capital asset (other than rolling stock or related equipment) through a lease financed with federal assistance appropriated or made available under 49 U.S.C. chapter 53, it will not enter into a capital lease for which FTA can provide only incremental federal assistance unless it has adequate financial resources to meet its future lease obligations if federal assistance is not available.

CATEGORY 09. TRANSIT ASSET MANAGEMENT PLAN, PUBLIC TRANSPORTATION AGENCY SAFETY PLAN, AND STATE SAFETY OVERSIGHT REQUIREMENTS.

Before FTA may provide federal assistance appropriated or made available under 49 U.S.C. chapter 53 to support an Award, you must select the Certifications in Category 09, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 09 that does not apply will not be enforced.

09.A. Transit Asset Management Plan.

If your Applicant applies for funding appropriated or made available for 49 U.S.C. chapter 53, the Transit Asset Management Certifications in Category 09.A apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it and each of its Subrecipients will:

1. Comply with FTA regulations, "Transit Asset Management," 49 CFR part 625, and
2. Follow federal guidance that will implement the regulations at 49 CFR part 625.

09.B. Public Transportation Safety Program.

If your Applicant applies for funding under 49 U.S.C. chapter 53 and it is a State, local government authority, or any other operator of a public transportation system, the particular provisions under the Public Transportation Safety Program in Category 09.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify that it will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

09.C. State Safety Oversight Requirements.

On behalf of your Applicant, depending on how far the Recipient has progressed in developing a State Safety Oversight program fully compliant with 49 U.S.C. § 5329(e) and FTA regulations, "State Safety Oversight," 49 C.F.R. part 674, your applicant certifies that it will comply as follows:

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1. States With a Fully Compliant Program. The Recipient agrees that FTA regulations, “State Safety Oversight,” 49 C.F.R. part 674, will apply when its State Safety Oversight program is fully compliant with FTA’s requirements, but
2. States Without a Fully Compliant Program. The Recipient agrees that FTA regulations, “Rail Fixed Guideway Systems; State Safety Oversight,” 49 C.F.R. part 659, will continue to apply to those states that have not yet implemented a fully compliant Public Transportation Safety Program.

CATEGORY 10. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If your Applicant must comply with the alcohol and controlled substance testing requirements of 49 U.S.C. § 5331 and its implementing regulations, before FTA may provide federal assistance for an Award, you must select the Certifications in Category 10, except as FTA may determine otherwise in writing.

Any provision of the Certifications in Category 10 that does not apply will not be enforced.

As required by 49 U.S.C. § 5331, and FTA regulations, “Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations,” 49 CFR part 655, subpart I, specifically 49 CFR § 655.83, on behalf of your Applicant, including an Applicant that is a state, and on behalf of its Subrecipients and Third Party Contractors, you certify that:

1. Your Applicant, its Subrecipients, and Third Party Contractors to which these testing requirements apply have established and implemented:
 - a. An alcohol misuse testing program, and
 - b. A controlled substance testing program.
2. Your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with all applicable requirements of 49 CFR part 655 to the extent those regulations are consistent with 49 U.S.C. § 5331.
3. Consistent with U.S. DOT Office of Drug and Alcohol Policy and Compliance Notice, issued October 22, 2009, if your Applicant, its Subrecipients, or its Third Party Contractors to which these testing requirements apply reside in a state that permits marijuana use for medical or recreational purposes, your Applicant, its Subrecipients, and its Third Party Contractors to which these testing requirements apply have complied or will comply with the federal controlled substance testing requirements of 49 CFR part 655.

CATEGORY 11. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS PROGRAM (NEW STARTS, SMALL STARTS, AND CORE CAPACITY IMPROVEMENT).

Before FTA may provide federal assistance for an Award financed under the New Starts, Small Starts, or Core Capacity Improvement Program authorized under 49 U.S.C. § 5309, you must select the Certifications in Category 11, except as FTA may determine otherwise in writing.

Any provision of the Certifications in Category 11 that does not apply will not be enforced.

Except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

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1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR part 625,
4. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304, and
5. It will comply with FTA guidance, “Final Interim Policy Guidance, Federal Transit Administration Capital Investment Grant Program,” June 2016.

CATEGORY 12. STATE OF GOOD REPAIR PROGRAM.

Before FTA may provide federal assistance for an Award financed under the State of Good Repair Program authorized under 49 U.S.C. § 5337, you must select the Certifications in Category 12, except as FTA determines otherwise in writing.

Any provision of the Assurance in Category 12 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award,
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient’s transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR part 625, and
4. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

CATEGORY 13. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS

Before FTA may provide federal assistance for an Award under the Buses and Bus Facilities Program authorized under 49 U.S.C. § 5339, as amended by the FAST Act, which authorizes grants for formula and competitive Bus and Bus Facilities Grants and Low or No Emission buses or an award under the Low or No Emission Vehicle Development Program authorized under former 49 U.S.C. § 5312(d)(5), you must select the Certifications in Category 13, except as FTA determines otherwise in writing.

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Any provision of the Certifications in Category 13 that does not apply will not be enforced.

13.A. Grants for Buses and Bus Facilities Program

The following Certifications for the Grants for Buses and Bus Facilities Program are required by 49 U.S.C. § 5339, as amended by the FAST Act, which provides that the requirements of 49 U.S.C. § 5307 shall apply to recipients of grants made in urbanized areas and the requirements of 49 U.S.C. § 5311 shall apply to recipients of grants made in rural areas. Therefore:

1. If your Applicant is in an urbanized area, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
 - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5339 during non-peak hours for transportation, recipients in an urbanized area will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - (1) Any senior,
 - (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
 - e. When carrying out a procurement under 49 U.S.C. § 5339, it will comply with:
 - (1) The applicable general provisions of 49 U.S.C. § 5323, and
 - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
 - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
 - g. As required by 49 U.S.C. § 5307(d):
 - (1) It has or will have the amount of funds required for the non-federal share,
 - (2) It will provide the non-federal share from sources approved by FTA, and
 - (3) It will provide the non-federal share when needed.
 - h. It will comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

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- i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation service.
 - j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
2. Except as FTA determines otherwise in writing, if your Applicant is in a rural area, you certify, on behalf of your Applicant, that:
- a. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
 - c. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
 - e. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service with transportation service financed by other federal sources.
 - f. Its Awards and Subawards in its Formula Grants for Rural Areas Program are included in:
 - (1) The statewide transportation improvement program, and
 - (2) To the extent applicable, a metropolitan transportation improvement program.
 - g. With respect to the non-federal share:
 - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5311(g),
 - (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
 - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
 - h. It may transfer a facility or equipment acquired or improved under its Award to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - (1) The Recipient possessing the facility or equipment consents to the transfer, and
 - (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.

13.B. Low or No Emission Vehicle Deployment.

If your Applicant seeks federal assistance from FTA for an Award financed under the Low or No Emission Vehicle Development Program authorized under former 49 U.S.C. § 5312(d)(5), the

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Certifications and Assurances in Category 13.B apply to your Applicant, except as FTA determines otherwise in writing.

Former section 5312(d)(5)(C)(i) of title 49, United States Code, requires the following Certifications for Low or No Emission Vehicle Deployment Program before awarding federal assistance appropriated or made available under MAP-21. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify and assure that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with the Recipient's transit management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When using or involving a facility or equipment acquired or improved with federal assistance under former 49 U.S.C. § 5312(d)(5) during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour to the following individuals:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, a congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or who has semi-ambulatory capability) and is unable to use a public transportation service or a public transportation facility effectively without special facilities, special planning, or special design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
5. When carrying out a procurement under this Program, it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
 - a. It has informed or will inform the public of the amounts of its federal assistance available under this Program,
 - b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities to be financed,
 - c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on the proposed Projects and its performance as an Applicant,
 - d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
 - e. It has assured or will assure that its proposed Program of Projects provides for coordination of public transportation services assisted under 49 U.S.C. § 5336, as amended by the FAST Act, with federally assisted transportation services supported by other federal sources,

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- f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
 - g. It has made or will make the final list of Projects for which an Award is sought available to the public.
7. With respect to the non-federal share:
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share from sources approved by FTA, and
 - c. It will provide the non-federal share when needed.
 8. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
 9. It has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation service.
 10. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

CATEGORY 14. URBANIZED AREA FORMULA GRANTS PROGRAMS AND PASSENGER FERRY GRANT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, which authorizes federal assistance for Job Access and Reverse Commute (JARC) activities, and the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), you must select the Certifications in Category 14, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 14 that does not apply will not be enforced.

14.A. Urbanized Area Formula Grants Program under the FAST Act.

If your Applicant seeks federal assistance from FTA for an Award financed under the Urbanized Area Formula Grants Program authorized under 49 U.S.C. § 5307, as amended by the FAST Act, the Certifications in Category 14.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Urbanized Area Formula Grants Program under 49 U.S.C. § 5307, as amended by the FAST Act, are required by 49 U.S.C. § 5307(c)(1). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

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3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625,
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307 during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
5. When carrying out a procurement under 49 U.S.C. § 5307, it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. It has complied with or will comply with 49 U.S.C. § 5307(b) because:
 - a. It has made or will make available to the public information on the amounts of federal assistance available to it under 49 U.S.C. § 5307,
 - b. It has developed or will develop, in consultation with interested parties including private transportation providers, its proposed Program of Projects for activities for which federal assistance is sought,
 - c. It has published or will publish its proposed Program of Projects in a way that affected individuals, private transportation providers, and local elected officials will have an opportunity to examine and submit comments on its proposed Program of Projects and its performance as an Applicant or Recipient,
 - d. It has provided or will provide an opportunity for a public hearing to obtain the views of individuals on its proposed Program of Projects,
 - e. It has ensured or will ensure that its proposed Program of Projects provides for coordination of transportation services financed by FTA under 49 U.S.C. § 5336, as amended by the FAST Act, with transportation services supported by other Federal Government sources,
 - f. It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final Program of Projects, and
 - g. It has made or will make its final Program of Projects available to the public.
7. As required by 49 U.S.C. § 5307(d):
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share from sources approved by FTA, and
 - c. It will provide the non-federal share when needed.
8. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and

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- b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
9. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation.
10. Each fiscal year:
 - a. It will assure that at least one (1) percent of the amount of federal assistance under 49 U.S.C. § 5307 apportioned to its urbanized area must be expended for Public Transportation Security activities as described in 49 U.S.C. § 5307(c)(1)(J)(i) including:
 - (1) Increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages),
 - (2) Increased camera surveillance of an area in or adjacent to that system,
 - (3) Emergency telephone line or lines to contact law enforcement or security personnel in an area in or adjacent to that system, and
 - (4) Any other activity intended to increase the security and safety of an existing or planned public transportation system, or
 - b. The Designated Recipients in its urbanized area certify that such expenditures for Public Transportation Security activities are not necessary.
11. If it serves an urbanized area with a population of at least 200,000 individuals, as determined by the Bureau of the Census:
 - a. It will provide a report by the end of the fourth quarter of the preceding federal fiscal year that lists projects carried out in the preceding fiscal year under this section for associated transit improvements as defined in 49 U.S.C. § 5302, and
 - b. The report of its Associated Transit Improvements or related activities is or will be incorporated by reference and made part of its Certifications and Assurances.
12. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

14.B. Passenger Ferry Grant Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Passenger Ferry Grant Program authorized under 49 U.S.C. § 5307(h), as amended by the FAST Act, the Certifications in Category 14.B apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications for the Passenger Ferry Grant Program are required by 49 U.S.C. § 5307(c)(1) or (h). Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.

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3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When using or involving a facility or equipment acquired or improved with federal assistance under 49 U.S.C. § 5307(h) during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - a. Any senior,
 - b. Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - c. Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
 - d. Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
5. When carrying out a procurement under 49 U.S.C. § 5307(h), it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
6. As required by 49 U.S.C. § 5307(d):
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share from sources approved by FTA, and
 - c. It will provide the non-federal share when needed.
7. As required by 49 U.S.C. § 5307(c)(1)(H), it will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
8. As required by 49 U.S.C. § 5307(c)(1)(I), it has a locally developed process to solicit and consider public comment before:
 - a. Raising a fare, or
 - b. Implementing a major reduction of public transportation service.
9. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

CATEGORY 15. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

Before FTA may provide federal assistance for an Award financed under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized under 49 U.S.C. § 5310, as amended by the FAST Act, or the Pilot Program for Innovated Access and Mobility under Section 3006(b) of the FAST Act, you must select the Certifications in Category 15, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 15 that does not apply will not be enforced.

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1. The following Certifications for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program are required by 49 U.S.C. § 5310. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. Each Subrecipient is:
 - (1) A private nonprofit organization, or
 - (2) A state or local governmental authority that:
 - (a) Is approved by a state to coordinate services for seniors and individuals with disabilities, or
 - (b) Certifies that there are no private nonprofit organizations readily available in the area to provide the services authorized for support under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program.
 - b. Your Applicant will comply with the following selection and planning requirements:
 - (1) The Projects it has selected or will select for an Award or Subaward of federal assistance appropriated or made available under 49 U.S.C. § 5310 are included in a public transit-human services transportation plan that has been:
 - (a) Locally developed, and
 - (b) Coordinated.
 - (2) The public transit-human services transportation plan was developed and approved through a process that included participation by:
 - (a) Seniors,
 - (b) Individuals with disabilities,
 - (c) Representatives of public, private, and nonprofit transportation providers,
 - (d) Representatives of public, private, and nonprofit human services providers, and
 - (e) Other members of the public.
 - (3) Within its Award, the Projects selected to receive federal assistance will assist in providing transportation services for seniors and individuals with disabilities are included in its Program of Projects submitted to FTA annually.
 - (4) To the maximum extent feasible, the services financed by 49 U.S.C. § 5310 will be coordinated with transportation services financed by other federal departments and agencies, including any transportation activities carried out by a recipient of federal assistance from the Department of Health and Human Services.
 - c. As required by 49 U.S.C. § 5310(e)(2)(B), it certifies that if it allocates federal assistance received under 49 U.S.C. § 5310 to any Subrecipient, it will have allocated that federal assistance on a fair and equitable basis.
 - d. It will not transfer a facility or equipment acquired or improved with federal assistance appropriated or made available for a grant under 49 U.S.C. § 5310 to any other recipient eligible to receive assistance under 49 U.S.C. chapter 53, unless:
 - (1) The recipient possessing the facility or equipment consents to the transfer, and
 - (2) The facility or equipment will continue to be used as required under 49 U.S.C. § 5310.
 - e. As required by 49 U.S.C. § 5310(b)(2), it will use at least fifty-five (55) percent of the federal assistance it receives for Capital Projects to meet the special needs of seniors and individuals with disabilities.

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- f. The requirements of 49 U.S.C. § 5307, as determined by FTA, will apply to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program authorized by 49 U.S.C. § 5310.
2. FTA has determined that certain requirements of 49 U.S.C. § 5307 are appropriate for the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, some of which require Certifications. Therefore, as specified under 49 U.S.C. § 5307(c)(1), your Applicant certifies that:
 - a. It has or will have and will require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have and will require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award or Subaward.
 - c. It will maintain and will require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award or Subaward, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. When carrying out a procurement under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program, it will require each Subrecipient to comply with:
 - (1) The applicable general provisions of 49 U.S.C. § 5323, and
 - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
 - e. With respect to the non-federal share:
 - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5310,
 - (2) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and
 - (3) It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
 - f. It has complied or will comply and will require each Subrecipient to comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.
 - g. To the extent applicable, it will and will require its Subrecipients to comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

CATEGORY 16. RURAL AREAS AND APPALACHIAN DEVELOPMENT PROGRAMS.

Before FTA may provide federal assistance for an Award financed under the Formula Grants for Rural Areas Program authorized under 49 U.S.C. § 5311(b), as amended by FAST Act, and the Appalachian Development Public Transportation Assistance Program authorized under

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49 U.S.C. § 5311(c)(2), as amended by FAST, you must select the Certifications in Category 16, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 16 that does not apply will not be enforced.

16.A. Formula Grants for Rural Areas Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Formula Grants for Rural Areas Program authorized under 49 U.S.C. § 5311, as amended by FAST Act, the Certifications in Category 16.A apply to your Applicant, except as FTA determines otherwise in writing.

The following Certifications apply to each state or state organization serving as your Applicant for federal assistance appropriated or made available for the Rural Areas Formula Program financed under 49 U.S.C. § 5311(b), as amended by FAST Act. On its behalf, you certify and assure that:

1. It has or will have and require each Subrecipient to have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have and require each Subrecipient to have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain and require each Subrecipient to maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. It will and will require each Subrecipient to comply with applicable regulations and guidance that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.
5. Its state program has provided for a fair distribution of federal assistance appropriated or made available under 49 U.S.C. § 5311(b) within the state to eligible entities, including Indian reservations.
6. Its program provides or will provide the maximum feasible coordination of federal assistance for public transportation service authorized by 49 U.S.C. § 5311(b) with transportation service financed by other federal sources.
7. Its Awards and Subawards in its Formula Grants for Rural Areas Program are included in:
 - a. The statewide transportation improvement program, and
 - b. To the extent applicable, a metropolitan transportation improvement program.
8. With respect to the non-federal share:
 - a. It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by former 49 U.S.C. § 5311(g),
 - b. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share from sources approved by FTA, and

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- c. It will provide and, as necessary, will require each Subrecipient to provide the non-federal share when needed.
9. It may transfer a facility or equipment acquired or improved under its Award to any other Recipient eligible to receive assistance under 49 U.S.C. chapter 53, if:
 - a. The Recipient possessing the facility or equipment consents to the transfer, and
 - b. The facility or equipment will continue to be used as required under 49 U.S.C. § 5311.
10. Each fiscal year:
 - a. It will spend at least fifteen (15) percent of its federal assistance authorized under 49 U.S.C. § 5311 and available that fiscal year for eligible activities to develop and support intercity bus transportation within the state including:
 - (1) Planning and marketing for intercity bus transportation,
 - (2) Capital grants for intercity bus facilities,
 - (3) Joint-use facilities,
 - (4) Operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects, and
 - (5) Coordinating rural connections between small public transportation operations and intercity bus carriers, or
 - b. It will provide to FTA a Certification from the governor of the state that:
 - (1) It has consulted with the affected intercity bus service providers about the intercity bus needs of the state, and
 - (2) The state's intercity bus service needs are being met adequately.

16.B. Appalachian Development Public Transportation Assistance Program.

If your Applicant seeks federal assistance from FTA for an Award financed under the Appalachian Development Public Transportation Assistance Program authorized under 49 U.S.C. § 5311(c)(2), the Certifications in Category 16.B apply to your Applicant, except as FTA determines otherwise in writing.

On behalf of your Applicant, you certify and assure that, if it is unable to use its federal assistance made available or appropriated for public transportation operating assistance, in accordance with 49 U.S.C. § 5311(c)(2)(D), it may use the federal assistance for a Highway Project only after:

1. It provides notice and an opportunity for comment and appeal to affected public transportation providers,
2. It approves such use in writing, and
3. In approving the use, it determines that local transit needs are being addressed.
4. It complies or will comply, to the extent applicable, with the recipient's transit asset management plan consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625, and
5. It complies or will comply, to the extent applicable, with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

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CATEGORY 17. TRIBAL TRANSIT PROGRAMS (PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS PROGRAMS).

Before FTA may provide federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), you must select the Certifications in Category 17, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 17 that does not apply will not be enforced.

FTA has established terms and conditions for Tribal Transit Program grants financed with federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). On behalf of your Applicant, you certify and assure that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.4. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
4. With respect to its procurement system:
 - a. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 1201, which incorporates by reference U.S. OMB regulatory guidance, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR part 200, for Awards made on or after December 26, 2014,
 - b. It will have a procurement system that complies with U.S. DOT regulations, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 49 CFR part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
 - c. It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
5. It will comply with the Certifications, Assurances, and Agreements in:
 - a. Category 03.B and 03.C (Charter Service Agreement and School Bus Agreement),
 - b. Category 05.B (Bus Testing),
 - c. Category 06 (Demand Responsive Service),
 - d. Category 07 (Intelligent Transportation Systems), and
 - e. Category 10 (Alcohol and Controlled Substances Testing).

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CATEGORY 18. STATE SAFETY OVERSIGHT GRANT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the State Safety Oversight Grant Program authorized under 49 U.S.C. § 5329(e)(6), you must select the Certifications in Category 18, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 18 that does not apply will not be enforced.

On behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with the Recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
4. When carrying out a procurement under its Award, it will comply with:
 - a. The applicable general provisions of 49 U.S.C. § 5323, and
 - b. The applicable third party contract provisions of 49 U.S.C. § 5325.
5. As required by 49 U.S.C. § 5329(e)(6)(C):
 - a. It has or will have the amount of funds required for the non-federal share,
 - b. It will provide the non-federal share only from sources approved by FTA, and will not be met by:
 - (1) Any federal assistance,
 - (2) Any funds received from a public transportation agency, or
 - (3) Any revenues earned by a public transportation agency, and
 - c. Will provide the non-federal share when needed.
6. Depending on how far the Recipient has progressed in developing a State Safety Oversight program fully compliant with 49 C.F.R. part 674, the following FTA regulations will apply:
 - a. States With a Fully Compliant Program. The Recipient agrees that FTA regulations, "State Safety Oversight," 49 C.F.R. part 674, will apply when its State Safety Oversight program is fully compliant with FTA's requirements;
 - b. States Without a Fully Compliant Program. The Recipient agrees that FTA regulations, "Rail Fixed Guideway Systems; State Safety Oversight," 49 C.F.R. part 659, will continue to apply to those states that have not yet implemented a fully compliant Public Transportation Safety Program.

CATEGORY 19. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Public Transportation Emergency Relief Program authorized under 49 U.S.C. § 5324, you must select the Certifications in Category 19, except as FTA determines otherwise in writing.

Any provision of the Assurance in Category 19 that does not apply will not be enforced.

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As required by 49 U.S.C. § 5324(d), on behalf of your Applicant, you assure that it will:

1. Comply with the requirements of the Certifications and Assurances as FTA determines will apply to an Applicant for federal assistance appropriated or made available for the Public Transportation Emergency Relief Program, and
2. Comply with FTA regulations, “Emergency Relief,” 49 C.F.R. part 602.

CATEGORY 20. EXPEDITED PROJECT DELIVERY PILOT PROGRAM.

Before FTA may provide federal assistance for an Award financed under the Expedited Project Delivery Pilot Program authorized under section 3005(b) of the FAST Act, you must select the Certifications in Category 20, except as FTA determines otherwise in writing.

To the extent that any Certification in Category 20 does not apply, it will not be enforced.

As required by section 3005(b)(3)(B) of the FAST Act, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:

1. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
2. It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
3. It will maintain its equipment and facilities acquired or improved under its Award in accordance with the recipient’s transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR part 625.
4. It will comply with:
 - a. The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - b. The statewide and nonmetropolitan transportation planning requirements of 49 U.S.C. § 5304.

CATEGORY 21. INFRASTRUCTURE FINANCE PROGRAMS.

Before FTA may provide credit assistance for an Award that also is or will be financed under the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program authorized under 23 U.S.C. §§ 601 – 609, or the State Infrastructure Banks (SIB) Program authorized under 23 U.S.C. § 610, you must select the Certifications in Category 21.

If the Applicant does not receive credit assistance under the TIFIA or SIB programs, the Certifications and Assurances in Category 21 will not be enforced.

21.A. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.

If your Applicant seeks federal assistance from FTA for an Award that also is or will be financed under the TIFIA Program authorized under 23 U.S.C. §§ 601 – 609 the Certifications and Assurances in Category 21.A apply to your Applicant. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.

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On behalf of your Applicant, you certify and assure, as required by 49 U.S.C. § 5323(o), that federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, apply to any Project under 49 U.S.C. chapter 53 that receives TIFIA credit assistance under 23 U.S.C. §§ 601 – 609.

1. To comply with 49 U.S.C. §5307, specifically 49 U.S.C. § 5307(c)(1), on your Applicant's behalf, you certify that:
 - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
 - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. For transportation during non-peak hours and using or involving a facility or equipment of an Award financed using 49 U.S.C. § 5307 funds, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - (1) Any senior,
 - (2) Any individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
 - e. When carrying out a TIFIA-financed procurement, the Applicant will comply with:
 - (1) The applicable provisions of 49 U.S.C. § 5323, and
 - (2) The applicable provisions of 49 U.S.C. § 5325.
 - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
 - g.
 - (1) It has or will have no more than 80 percent of the Total Award Budget as the sum of all federal grants and any TIFIA-financed awards,
 - (2) It will provide the non-federal share from sources approved by FTA, and
 - (3) It will provide the non-federal share when needed.
 - h. It will comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
 - i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.
 - j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of 49 U.S.C. § 5329(b)-(d), except as FTA determines otherwise in writing.

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2. To comply with the interest and financing costs restrictions of 49 U.S.C. chapter 53, it agrees that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award that must be in compliance with those requirements unless:
 - a. It is eligible to receive federal assistance for those expenses, and
 - b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, to the extent FTA may require.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*).
4. Pursuant to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 5321 *et seq.*, the Project will qualify for an environmental categorical exclusion or receive a finding of no significant impact or a record of decision under NEPA before the Applicant undertakes activities for which it expects to receive federal assistance.
5. It agrees that it will adopt a transit asset management plan that complies with regulations implementing 49 U.S.C. § 5326(d).

21.B. State Infrastructure Banks (SIB) Program.

If your Applicant is a state and seeks federal assistance from FTA for a project that also is or will be financed under the SIB Program authorized under 23 U.S.C. § 610, the Certifications and Assurances in Category 21.B apply to your state and its Award, except as the Secretary determines in writing. In administering this Program, the FAST Act cross-cutting requirements supersede inconsistent former requirements.

On behalf of the state Applicant for federal assistance for its SIB Program, you certify and assure that:

1. It will comply with the following applicable federal laws establishing the various SIB Programs since 1995:
 - a. 23 U.S.C. § 610,
 - b. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or
 - c. Section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181.
2. It will comply with or follow the Grant Agreement between it and FTA that provides federal assistance to the SIB, including the FTA Master Agreement, which is incorporated by reference into the Grant Agreement, except that, unless FTA determines otherwise in writing, a provision of the FTA Master Agreement incorporated by reference into that Grant Agreement will not apply if it conflicts with any provision of:
 - a. 23 U.S.C. § 610, as amended by the FAST Act,
 - b. 23 U.S.C. § 610 or its predecessor before the FAST Act was signed into law,
 - c. Section 1511 of TEA-21, 23 U.S.C. § 181 note, or section 350 of the National Highway System Designation Act of 1995, as amended, 23 U.S.C. § 181 note,
 - d. Federal guidance pertaining to the SIB Program,
 - e. The SIB Cooperative Agreement establishing the state's SIB Program,
 - f. The Grant Agreement with FTA.
3. As required by 49 U.S.C. § 5323(o), federal transit laws, specifically 49 U.S.C. § 5307, 49 U.S.C. § 5309, and 49 U.S.C. § 5337, as amended by the FAST Act, apply to any Award

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under 49 U.S.C. chapter 53 that receives SIB support or financing under title 23, United States Code.

4. As required by 49 U.S.C. § 5323(o) and 49 U.S.C. § 5307(c)(1):
 - a. It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. It has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
 - c. It will maintain its equipment and facilities acquired or improved under its Award, in accordance with the recipient's transit asset management plan and consistent with FTA regulations, "Transit Asset Management," 49 CFR part 625.
 - d. When using or involving a facility or equipment acquired or improved with federal assistance under a SIB-financed Award during non-peak hours for transportation, it will charge a fare not exceeding fifty (50) percent of the peak hour fare to the following individuals:
 - (1) Any senior,
 - (2) Any individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), is unable to use a public transportation service or a public transportation facility effectively without special facilities, planning, or design,
 - (3) Any individual presenting a Medicare card issued to that individual under title II of the Social Security Act (42 U.S.C. § 401 *et seq.*), and
 - (4) Any individual presenting a Medicare card issued to that individual under title XVIII of the Social Security Act (42 U.S.C. § 1395 *et seq.*).
 - e. When carrying out a procurement under a SIB-financed Award, it will comply with:
 - (1) The applicable general provisions of 49 U.S.C. § 5323, and
 - (2) The applicable third party contract provisions of 49 U.S.C. § 5325.
 - f. It has complied with or will comply with 49 U.S.C. § 5307(b).
 - g. It has or will have or provide:
 - (1) The amount of funds required for the non-federal share by the SIB Program, but not less than twenty-five (25) percent of each capitalization grant,
 - (2) The non-federal share from sources approved by FTA, and
 - (3) The non-federal share when needed.
 - h. It will comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
 - i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.
 - j. It will comply with applicable regulations, guidance, and directives that implement the Public Transportation Safety Program provisions of § 5329(b)-(d), except as FTA determines otherwise in writing.
5. As required by 49 U.S.C. chapter 53, it certifies that it will not seek reimbursement for interest or any other financing costs incurred in connection with its Award unless:
 - a. It is eligible to receive federal assistance for those expenses, and

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- b. Its records demonstrate that it has used reasonable diligence in seeking the most favorable financing terms underlying those costs, as FTA may require.
6. It agrees that it will adopt a transit asset management plan that complies with FTA regulations, "Transit Asset Management," 49 CFR part 625.

CATEGORY 22. PAUL S. SARBANES TRANSIT IN PARKS PROGRAM

Before FTA may provide federal assistance for an Award financed under the Paul S. Sarbanes Transit in Parks Program authorized under former 49 U.S.C. § 5320, in effect in FY 2012 or a previous fiscal year, except as superseded by FAST Act requirements, you must select the Certifications in Category 22, except as FTA determines otherwise in writing.

Any provision of the Certifications and Assurances in Category 22 that does not apply will not be enforced.

1. Except as superseded by the FAST Act cross-cutting requirements, the following Certifications and Assurances for the Paul S. Sarbanes Transit in Parks Program (Parks Program) are required by former 49 U.S.C. § 5320, in effect in FY 2012 or a previous fiscal year. Therefore, except as FTA determines otherwise in writing, on behalf of your Applicant, you certify that:
 - a. It will consult with the appropriate federal land management agency during the planning process, and
 - b. The requirements of former 49 U.S.C. § 5307, as determined by FTA, will apply to the Parks Program authorized by former 49 U.S.C. § 5320.
2. FTA has determined certain requirements of former 49 U.S.C. § 5307 to be appropriate for the Parks Program, of which some require Certifications. Therefore, as specified under former 49 U.S.C. § 5307(d)(1), except as superseded by the FAST Act cross-cutting requirements that apply, you certify that your Applicant:
 - a. Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
 - b. Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
 - c. Will maintain its equipment and facilities acquired or improved under its Award.
 - d. When carrying out a procurement under former 49 U.S.C. § 5320, it will comply and will require each Subrecipient to comply with the following provisions:
 - (1) Competitive procurement (as defined or approved by FTA) requirements of 49 U.S.C. § 5325(a),
 - (2) The prohibition against exclusionary or discriminatory specifications in its procurements under 49 U.S.C. § 5323(h),
 - (3) "Buy America" requirements under 49 U.S.C. § 5323(j), as amended by the FAST Act, and FTA regulations, "Buy America Requirements," 49 CFR part 661,
 - (4) Applicable pre-award and post-delivery requirements of 49 U.S.C. § 5323(m),
 - (5) Applicable railcar option restrictions of 49 U.S.C. § 5325(e), and
 - (6) "Veterans Preference/Employment" requirements under 49 U.S.C. § 5325(k).
 - e. It will comply with other applicable requirements under 49 U.S.C. § 5323 and § 5325.

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

- f. It has complied or will comply with the requirements of former 49 U.S.C. § 5307(c), and specifically:
 - (1) It has made or will make available to the public information on the amounts available for the Parks Program, former 49 U.S.C. § 5320, and the Projects it proposes to implement under its Award,
 - (2) It has developed or will develop, in consultation with interested parties including private transportation providers, Projects to be financed under its Award,
 - (3) It has published or will publish a list of proposed Projects in a way that affected citizens, private transportation providers, and local elected officials have the opportunity to examine the proposed Projects and submit comments on the proposed Projects and its performance,
 - (4) It has provided or will provide an opportunity for a public hearing to obtain the views of citizens on the proposed Projects,
 - (5) It has considered or will consider the comments and views received, especially those of private transportation providers, in preparing its final list of Projects, and
 - (6) It has made or will make the final list of Projects for which an Award is sought available to the public.
- g. With respect to the non-federal share:
 - (1) It has or will have and, as necessary, will require each Subrecipient to have the amount of funds required for the non-federal share, as required by 49 U.S.C. § 5320,
 - (2) It will provide the non-federal share from sources approved by FTA, and
 - (3) It will provide the non-federal share when needed.
- h. It has complied or will comply with and will require each Subrecipient to comply with:
 - (1) The metropolitan transportation planning requirements of 49 U.S.C. § 5303, and
 - (2) The statewide and nonmetropolitan planning requirements of 49 U.S.C. § 5304.
- i. It has a locally developed process to solicit and consider public comment before:
 - (1) Raising a fare, or
 - (2) Implementing a major reduction of public transportation.

CATEGORY 23. CONSTRUCTION HIRING PREFERENCES.

Before FTA may provide federal assistance for a third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C. using a geographic, economic, or any other hiring preference not otherwise authorized by federal law or regulation, you must select the Certifications in Category 23 on behalf of your Applicant, except as FTA determines otherwise in writing.

Any provision of the Certifications in Category 23 that does not apply will not be enforced.

As provided by section 192 of division L, title I of the Consolidated Appropriations Act, 2017, Public Law No. 114-113, on behalf of your Applicant, you certify that if, in connection with any third party contract for construction hiring financed under title 49 U.S.C. or title 23 U.S.C., it uses a geographic, economic, or any other hiring preference not otherwise authorized by law or prohibited under 2 CFR § 200.319(b):

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

1. Except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the third party contract requires resides in the jurisdiction where the work will be performed,,
2. It will include appropriate provisions in its bid document ensuring that its third party contractor(s) do not displace any of its existing employees in order to satisfy such hiring preference, and
3. That any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

Selection and Signature Page(s) follow.

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

**FEDERAL FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

(Signature pages alternative to providing Certifications and Assurances in TrAMS)

Name of Applicant: Jonesboro Economical Transportation System
(JET)

The Applicant agrees to comply with applicable provisions of (Categories 01 – 23. _____)
OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	_____
02.	Lobbying.	_____
03.	Procurement and Procurement Systems.	_____
04.	Private Sector Protections.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Financing Costs and Acquisition of Capital Assets by Lease.	_____
09.	Transit Asset Management Plan, Public Transportation Safety Program, and State Safety Oversight Requirements.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity Improvement).	_____
12.	State of Good Repair Program.	_____
13.	Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs.	_____
14.	Urbanized Area Formula Grants Programs and Passenger Ferry Grant Program.	_____
15.	Enhanced Mobility of Seniors and Individuals with Disabilities Programs.	_____
16.	Rural Areas and Appalachian Development Programs.	_____
17.	Tribal Transit Programs (Public Transportation on Indian Reservations Programs).	_____
18.	State Safety Oversight Grant Program.	_____
19.	Public Transportation Emergency Relief Program.	_____
20.	Expedited Project Delivery Pilot Program.	_____
21.	Infrastructure Finance Programs.	_____
22.	Paul S. Sarbanes Transit in Parks Program.	_____
23.	Construction Hiring Preferences.	_____

FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2017 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for federal assistance to be awarded by FTA and all FTA Grantees with an active Capital or Formula Award)

AFFIRMATION OF APPLICANT

Name of the Applicant: Jonesboro Economical Transportation System (JET)

Name and Relationship of the Authorized Representative: Harold Perrin, Mayor

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2017, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2017.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name Harold Perrin, Mayor
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): _____

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name Carol Duncan
Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA and each FTA Recipient with an active Capital or Formula Project or Award must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within FTA's electronic award and management system, provided the Applicant has on file and uploaded to FTA's electronic award and management system this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.



Legislation Details (With Text)

File #: RES-17:006 **Version:** 1 **Name:** Request for CWL to pay remainder of ladder truck
Type: Resolution **Status:** Recommended to Council
File created: 1/24/2017 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS
REQUESTING CITY WATER & LIGHT (CWL) PAY FOR THE REMAINDER OF THE PIERCE 107
FOOT AERIAL LADDER TRUCK
Sponsors: Finance, Fire Department
Indexes: Other
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
1/31/2017	1	Finance & Administration Council Committee		

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS REQUESTING
CITY WATER & LIGHT (CWL) PAY FOR THE REMAINDER OF THE PIERCE 107 FOOT AERIAL
LADDER TRUCK

WHEREAS, CWL desires to donate \$418,491.95 towards the remainder of the truck.

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

1. CWL is hereby requested to donate \$418,491.95 out of its surplus funds to be used to purchase the remaining portion of the 107 foot aerial ladder truck.
2. That Mayor Harold Perrin and City Clerk Donna Jackson are authorized to execute the necessary documents to effectuate this donation.



Legislation Details (With Text)

File #:	RES-17:011	Version:	1	Name:	Contract with the Belford Group to Provide an Online Registration Program for Parks & Recreation
Type:	Resolution	Status:			Recommended to Council
File created:	1/25/2017	In control:			Finance & Administration Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO CONTRACT WITH THE BELFORD GROUP TO PROVIDE AN ONLINE REGISTRATION PROGRAM FOR THE CITY OF JONESBORO PARKS AND RECREATION.				
Sponsors:	Parks & Recreation, Finance				
Indexes:	Contract				
Code sections:					
Attachments:	Online Signup Agreement-Jonesboro Parks and Recreation Final.pdf				

Date	Ver.	Action By	Action	Result
1/31/2017	1	Finance & Administration Council Committee		

A RESOLUTION TO CONTRACT WITH THE BELFORD GROUP TO PROVIDE AN ONLINE REGISTRATION PROGRAM FOR THE CITY OF JONESBORO PARKS AND RECREATION.

WHEREAS, the City of Jonesboro owns and operates all registrations for the City of Jonesboro Softball

WHEREAS, the Belford Group will collect all registration fees via secure credit card processing center and will issue reimbursement payments on the 15th and the last day of each month totaling the amount of registration dollars due.

These funds will be accompanied by a detailed report.

WHEREAS, a convenience fee will be added to each participant’s regular registration fee to cover the cost of onlinesignup.org and the credit card procession fees.

WHEREAS, Changes, modifications, or amendments in scope, price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in

Scope, cost or fees.

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 the Jennie Finch Softball to host a two day

Softball camp at the 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.



The Belford Group

The Belford Group
68 W. Sunbridge
Fayetteville AR 72703
Office: 479-443-9945
January 9, 2017

Presented to: Jonesboro
Parks & Recreation
RE: OnlineSignup.org
Agreement

This Agreement is entered into and executed on the date indicated below the signature block by and between The Belford Group and the Jonesboro Parks & Recreation for an online registration program for the Jonesboro Parks & Recreation.

The Belford Group Will Provide:

- A web-based, user-friendly program capable of handling multiple classes/ages/payments.
- System handles events/tournaments/leagues/memberships.
- A username and password for each staff member needing to access data.
- Technical support in case of errors or the need for refunds.
- Initial set up including custom header to match your website.
- Real time reporting.
- Custom waiver and release language.

Payment & Terms:

The initial cost to the organization for enrolling in OnlineSignup.org is \$0.00.

A convenience fee will be added to each participant's regular registration fees to cover the cost of OnlineSignup.org and Credit Card Processing fees. **This fee will be \$2.00 plus 3.0%.**

_____ Convenience fee paid by registrant _____ Convenience fee paid by Jonesboro Parks & Recreation

The Belford Group will collect ALL course registration fees via their secure credit card processing center and will issue reimbursement payments on the 15th and the last day of each month totaling the amount of registration dollars due. These funds will be accompanied by a detailed report of the number of participants and the total dollars collected.

The payment schedule is set up in the following manner:

Cutoff dates for processing registrations Friday for payment purposes only. Deposits will be made weekly after the first week.

Payments will be issued via ACH payment (ACH form attached).

Maintenance

It is the organizations responsibility to maintain and upload all course data to the OnlineSignup.org website. The Belford Group is not responsible for errors in or maintenance of this data.

The Belford Group can maintain and upload all additional course/event data for a fee of \$25 per month for ongoing clients or \$25 per event if you only use the system at certain times of the year. This fee will be held out of your registration fee payment. **Otherwise the organization can setup all class data at no additional charge.**

_____ Acceptance of \$25 maintenance fee (Ongoing) _____ Acceptance of \$25 maintenance fee (per event)

_____ Client chooses to set up events for no additional fee

It is the organizations responsibility to maintain and upload all course data to the OnlineSignup.org website. The

Belford Group is not responsible for errors in or maintenance of this data.

Changes and Termination

Changes, modifications, or amendments in scope, price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council **in advance** of the change in scope, cost or fees.

The obligation to provide further services under this Agreement may be terminated by either party upon sixty days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, through no fault of the terminating party.

Freedom of Information Act

City of Jonesboro contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Jonesboro, all parties will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

Applicable Law and Jurisdiction

In the event of any controversy concerning the interpretation or effect of any provision hereof, the laws of the State of Arkansas shall apply.

WITNESSTH

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date and year first herein written.

FOR THE JONESBORO PARKS & RECREATION:

By: _____ Attest: _____

Date: _____

FOR THE BELFORD GROUP:

By: Angela Belford
Angela Belford, President

Attest: Angela Belford

Date: 1/24/2017

Credit Authorization
(To Single Account)

I (we) hereby authorize (The Belford Group), hereinafter called COMPANY, to initiate credit entries for (Application) to my (our) account indicated below and the financial institution named below, hereinafter called Arvest Bank, to credit the same to such account. I (we) acknowledge that the origination of ACH transactions to my (our) account must comply with the provisions of U.S. law.

_____ (Financial Institution Name) _____ (Branch)

_____ (Address) _____ (City/State) _____ (Zip)

_____ Type of Acct: ___ Checking ___ Savings
(Routing Number) (Account Number)

This authority is to remain in full force and effect until COMPANY has received written notification from me (or either of us) of its termination in such time and manner as to afford COMPANY and Arvest Bank a reasonable opportunity to act on it.

_____ (Print Individual Name) _____ (Signature)

_____ (Print Individual ID Number) _____ (Date)

PLEASE ATTACH COPY OF VOIDED CHECK TO THIS FORM!



Legislation Details (With Text)

File #:	ORD-17:001	Version:	1	Name:	Amend Capital Improvement Fund for repairs to the Justice Complex
Type:	Ordinance	Status:		Status:	First Reading
File created:	1/5/2017	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 CAPITAL IMPROVEMENT FUND TO ADD \$35,404 FOR ROOF REPAIRS TO THE ENTIRE FACILITY OF THE OLD JUSTICE COMPLEX, 410 W. WASHINGTON.				
Sponsors:					
Indexes:	Budget amendment				
Code sections:					
Attachments:	old justice roof repair				

Date	Ver.	Action By	Action	Result
1/31/2017	1	Finance & Administration Council Committee		

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 CAPITAL IMPROVEMENT FUND TO ADD \$35,404 FOR ROOF REPAIRS TO THE ENTIRE FACILITY OF THE OLD JUSTICE COMPLEX, 410 W. WASHINGTON.

WHEREAS, the City of Jonesboro passed the 2017 Budget in Ordinance 16:085, which will need to be amended in order to effectuate said increase in the Capital Improvement Fund Budget for the roof repairs to the old justice complex, the budgeted amount for the capital improvement budget will need to be increased a total of \$35,404.

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

1. The 2017 Capital Improvement Fund Budget is hereby amended to provide for an increase in the capital improvement fund of \$35,404 for the roof repairs on the old justice complex building. The money for said increase will come from monies in reserves.
2. This ordinance being necessary for the financial continuity of the City of Jonesboro, Arkansas an emergency is declared to exist and this ordinance shall take effect from and after its passage and approval.



JONESBORO ROOFING CO.

TRUSTED TO COVER THE MID-SOUTH

2900 WEST WASHINGTON SPUR
P.O. BOX 9016
JONESBORO, ARKANSAS 72403
Phone: (870) 935-4221 • Fax: (870) 935-7670

Contract 2092415

Proposal Prepared For:	
City of Jonesboro 515 W. Washington Ave. Jonesboro, Ar 72401	
Project	Old Justice Complex, 410 W. Washin...

PROPOSAL

Date	Estimate #
12/27/2016	10141

Work Description	Total
<p>Roof Repairs to the entire facility of the Old Justice Complex, 410 W. Washington, Jonesboro, AR :</p> <ol style="list-style-type: none"> 1. Remove fasteners at all closure, hip and ridge trim locations, save closures, hip and ridge trims for reinstallation. 2. Clean and prepare closure, hip and ridge trim areas for new sealants and fasteners. 3. Reinstall all closures, hip and ridge trims using new butyl sealant and fasteners. 4. Remove existing damaged/deteriorated wood at all low eave conditions at perimeter of the facility. 5. Furnish and install new treated woodblocking at all low eave conditions at the perimeter of the facility to replace the damaged and deteriorated that was removed. 6. Furnish and install new oversized roof screws to refasten all existing roof panels at all low eave conditions at the perimeter of the facility. 7. Furnish and install all necessary shop fabricated metal trims/flashings necessary at all low eave conditions to protect woodblocking that is currently exposed or not sized appropriately for the existing conditions. 8. Furnish all necessary personnel lifting equipment necessary to safely and efficiently perform the scope of work listed above. 9. (1) One year contractor workmanship warranty. 10. Clean up and dispose of all job related debris. <p>Any work to be performed that is not mentioned in the scope of work above to be done on a time and material basis in addition to this proposal. Proposal excludes any work to any other portion of the facility not mentioned specifically in the scope of work above. Proposal excludes the replacement of any roof panels, hip and ridge trims, roof to wall flashings, counterflashings, EIFS Building Finish or any other item not specifically listed in the scope of work above.</p>	
Total	<i>See Page 2</i>

Jonesboro Roofing Co., Inc. Signature



JONESBORO ROOFING CO.

TRUSTED TO COVER THE MID-SOUTH

2900 WEST WASHINGTON SPUR
P.O. BOX 9016
JONESBORO, ARKANSAS 72403
Phone: (870) 935-4221 • Fax: (870) 935-7670

Proposal Prepared For:

City of Jonesboro
515 W. Washington Ave.
Jonesboro, Ar 72401

PROPOSAL

Project Old Justice Complex, 410 W. Washin...

Date

Estimate #

12/27/2016

10141

Work Description

Total

We will perform all work listed in a good workmanship manner for the sum of: THIRTY FIVE THOUSAND FOUR HUNDRED FOUR DOLLARS AND NO CENTS

35,404.00

Total

\$35,404.00

Payment will be paid upon completion of work. Jonesboro Roofing reserves the right to 1% interest on all balances due. This proposal includes the payment of social security, withholding, unemployment tax, Workman's compensation, and public liability insurance on all workmen performing work in this proposal. This quote is valid for 30 days.

I, or we agree no extra work shall be performed, materials furnished, or additions made until cost of labor and material required to do any extra work is agreed upon and a written contract for said extra work is executed by contractor and owner and all sums due contractor for extra work shall be payable on completion of work. Acceptance of the proposal shall constitute and bind the parties hereto:

Accepted this _____ day of _____, 20__

Owner or Administrator _____

Jonesboro Roofing Co., Inc. Signature



Legislation Details (With Text)

File #:	ORD-17:002	Version:	1	Name:	Modification of promissory note for the Miracle League Park park refunding
Type:	Ordinance	Status:		Status:	First Reading
File created:	1/19/2017	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:			
Title:	AN ORDINANCE AUTHORIZING THE MODIFICATION OF A GENERAL REVENUE PROMISSORY NOTE (MIRACLE LEAGUE PARK PROJECT REFUNDING), SERIES 2016; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO.				
Sponsors:	Finance, Parks & Recreation				
Indexes:	Contract				
Code sections:					
Attachments:	2017-1-13 Miracle League Note modification				

Date	Ver.	Action By	Action	Result
1/31/2017	1	Finance & Administration Council Committee		

AN ORDINANCE AUTHORIZING THE MODIFICATION OF A GENERAL REVENUE PROMISSORY NOTE (MIRACLE LEAGUE PARK PROJECT REFUNDING), SERIES 2016; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Jonesboro, Arkansas (the "City") is authorized and empowered under the provisions of Amendment 78 to the Arkansas Constitution and the provisions of Arkansas Code Annotated Section 14-78-1001 *et seq* (the "Act") to issue notes and expend the proceeds thereof for purpose of acquiring, constructing, installing and renting real property; and

WHEREAS, the City is indebted to First Security Bank on a Note dated February 5, 2016 in the original principal amount of \$400,000 issued pursuant to the Act (the "Note") the proceeds of which were utilized to refund a loan made by Bancorp South made for certain improvements to Miracle League Park in the City (the "Miracle League Park Project").

WHEREAS, the Note matures on February 5, 2017; and

WHEREAS, the City proposes to extend the maturity date of the Note for one (1) year until February 5, 2018; and

WHEREAS, the Note is secured by a pledge of a Certificate of Deposit account in the amount of \$400,000.00 issued by the Lender.

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

Section 1. The Mayor and City Clerk are hereby authorized to execute and deliver a modification agreement by which the maturity of the Note is extended until February 5, 2018 at the same rate of interest and the same

security as provided in the Note.

Section 2. As provided in Amendment No. 78, the debt service payments on the Note in each fiscal year shall be charged against and paid from the general revenues of the City for such fiscal year. For the purpose of making the debt service payments, there is hereby, and shall be appropriated to pay the Note, an amount of general revenues of the City sufficient for such purposes.

Section 3. The City reaffirms all covenants with the Lender as found in Ordinance No. 16:009 of 2016.

Section 4. If there be any default in the payment of the principal of or interest on the Note, or in the performance of any of the other covenants contained in this Ordinance, Lender may, in addition to any other remedies available to Lender, by proper suit, compel the performance of the duties of the officials of the City under the laws of Arkansas. No remedy conferred upon or reserved to Lender is intended to be exclusive of any other remedy or remedies, and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Ordinance or by law. Lender may waive any default which shall have been remedied before the entry of final judgment or decree in any suit, action or proceeding instituted under the provisions of this Ordinance or the Note, or before the completion of the enforcement of any other remedy, but no such waiver shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies of Lender with respect thereto. No delay or omission of Lender to exercise any right or power accrued upon any default shall impair any such right of power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Ordinance to Lender may be exercised from time to time and as often as may be deemed expedient. In any proceeding to enforce the provisions of this Ordinance or the Note, Lender shall be entitled to recover from the City all costs of such proceeding, including reasonable attorney's fees.

Section 5. The terms of this Ordinance and Ordinance No 16:009 of 2016 shall constitute a contract between the City and the Lender and no variation or change in the undertaking herein set forth shall be made while the Note is outstanding, except as may be agreed in writing as between the City and Lender.

Emergency Clause. The need to extend the maturity of the Note being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby found to exist and this Ordinance shall be in full force and effect from and after its passage.

UNITED STATES OF AMERICA
CITY OF JONESBORO, CRAIGHEAD COUNTY, ARKANSAS
GENERAL REVENUE PROMISSORY NOTE
(MIRACLE LEAGUE PARK PROJECT REFUNDING)
SERIES 2016
REGISTERED R-1

Principal Amount: \$400,000.00
Maturity Date: February 5, 2018
Interest Rate: 1.55%
Dated: February 5, 2017

MODIFICATION OF NOTE

The General Revenue Promissory Note dated February 5, 2016 in the original principal sum of \$400,000.00 due from the City of Jonesboro, Arkansas to First Security Bank (the "Note") is hereby modified as follows:

The Maturity Date is extended to February 5, 2018. All other terms of the Note are ratified and confirmed.

IN WITNESS WHEREOF, the City of Jonesboro, Arkansas has caused this Note to be executed by its Mayor and City Clerk, with its seal impressed hereon, as of the date first above mentioned.

CITY OF JONESBORO, ARKANSAS

By: _____
Harold Perrin, Mayor

ATTEST:

Donna Jackson, City Clerk

(SEAL)



Legislation Details (With Text)

File #: ORD-17:003 **Version:** 1 **Name:** Waive bidding to repair CAT 966 loader
Type: Ordinance **Status:** First Reading
File created: 1/19/2017 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF REPAIRS ON THE CAT 966 LOADER.
Sponsors:
Indexes: Property purchase - personal, Waive competitive bidding
Code sections:
Attachments: [image0001.pdf](#)

Date	Ver.	Action By	Action	Result
1/31/2017	1	Public Works Council Committee		

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF REPAIRS ON THE CAT 966 LOADER.

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

SECTION ONE: That the City of Jonesboro, Arkansas needs the CAT 966 loader to be remanufactured to Caterpillar Certified Powertrain Rebuild Standards.

SECTION TWO: That said remanufacture may be purchased and performed by JA Riggs, 3703 East Parker Road, Jonesboro, Arkansas, district sole source, for the sum of \$147,995.00, plus all taxes, to be paid from the Street Department budget.

SECTION THREE: That the City Council in accord with the terms of A.C.A. Section 14-58-302 hereby waives the requirement of competitive bidding and directs the Purchasing Agent to purchase the above described for the price set forth in Section 2 above.

SECTION FOUR: It is further found that due to immediate need to remanufacture the loader for continued use, an emergency is declared to exist and this ordinance being necessary for the preservation of the public peace, health and safety, it shall take effect from and after its passage and approval.

RIGGS CATERPILLAR

CUSTOMER: CITY OF JONESBORO MODEL 966 S/N DATE 1/5/2017

MACHINE LOCATION ADDRESS CITY STATE AR

CONDITION APPRASIAL REPORT DATE 1/5/2017 APPRASIER

RIGGS CAT OFFERS TO REMANUFACTURE YOUR MACHINE IDENTIFIED ABOVE TO RIGGS CATERPILLAR POWERTRAIN STANDARDS for the base price of \$ 131,989.00

POWERTRAIN REPAIRS INCLUDE

- CLEAN MACHINE
R & I / RECONDITION ENGINE INCLUDING REMAN STARTER AND ALTERNATOR
R & I / RECONDITION RADIATOR/ COOLERS/ FAN PUMP AND MOTOR
R & I / RECONDITION TRANSMISSION/TRANSFER GEARS/TORQUE CONVERTER & PUMP
R & I / RECONDITION BOTH AXLES INCLUDING FINAL DRIVES/BRAKES & DIFFERENTIAL
R & I / RECONDITION DRIVELINES & PARKING BRAKE
REPLACE ALL POWERTRAIN HOSES
REPLACE NECESSARY POWERTRAIN WIRING HARNESSSES AND ECM'S
REPLACE COOLANT, ENGINE, DRIVETRAIN OILS, HYDRAULIC OIL AND RELATED FLITERS
PAINT AND DECAL MACHINE
TRANSPORT MACHINE
12 MONTH/5000 HR POWERTRAIN WARRANTY

All work will be performed to procedures and standards outlined on the opposite page. Upon delivery of the completed machines to the Customer, the following Warranty(s) and Guarantee will be issued by Riggs Cat.

The owner will be responsible for mileage, overtime, premium time and any freight charges needed to expedite repairs. Machine will carry a 12 month POWERTRAIN WARRANTY

In addition to work covered by the Basic Price, we propose that the following items be included at the prices indicated. ATTACHMENTS (DESCRIPTION / S/N, etc.) Price

Initials for approval

Grid for initials for approval

Initial for approval

Grid for initial for approval

Table with columns for Description, Price, and Total. Includes a row for 'TOTAL PRICE' with a value of 0.

PLUS REPAIRS

Table listing repairs: REPAIR CAB AND CAB CONTROLS (\$4,994.00) and SEP. & CON./ RECON. ARTICULATION HITCH (INCLUDES MACHINE SHOP) (\$11,012.00).

TOTAL PRICE \$16,006.00

Summary table showing: BASE CERTIFIED REBUILD (\$131,989.00), ADDITIONAL ATTACHMENTS COST (\$16,006.00), PLUS REPAIRS (\$147,995.00), ESTIMATED TAX (\$147,995.00), and TOTAL REBUILD PRICE (\$147,995.00).

This price quotation shall be in effect for 90 days from date shown above

PICK UP DATE
DELIVERY DATE

SUBMITTED BY
CUSTOMER SIGNATURE



Legislation Details (With Text)

File #: ORD-17:004 **Version:** 1 **Name:** Amend 2017 Budget for the Fire Department
Type: Ordinance **Status:** First Reading
File created: 1/25/2017 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 ANNUAL BUDGET FOR THE FIRE DEPARTMENT
Sponsors: Fire Department, Finance
Indexes: Budget amendment, Property purchase - personal
Code sections:
Attachments: [Bid 2017-02 Fire Pumper Truck Tabulation](#)

Date	Ver.	Action By	Action	Result
1/31/2017	1	Finance & Administration Council Committee		

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 ANNUAL BUDGET FOR THE FIRE DEPARTMENT

WHEREAS, Ordinance Number ORD-16-085 adopted the 2017 Budget; and

WHEREAS, the City of Jonesboro is in need of a Pumper Fire Truck; and

WHEREAS, CWL is willing to partner on the purchase; and

WHEREAS, the 2017 Fire Department Budget will be increased by the amount of \$489,021 in order to prepay and save \$22,312; and

WHEREAS, the offer expires February 16, 2017.

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

SECTION 1: The sum of \$489,021 will be added to the Fire Department budget under line item 01-102-0232-00 with said sum coming from unappropriated reserve funds.

SECTION 2: This ordinance being necessary to receive the discount of \$22,312 an emergency is declared to exist and this ordinance shall be in effect from and after its passage and approval.





Amount







Legislation Details (With Text)

File #: RES-17:014 **Version:** 1 **Name:** Set a public hearing regarding an abandonment at 5509 Viney Creek Lane

Type: Resolution **Status:** Recommended Under New Business

File created: 1/27/2017 **In control:** City Council

On agenda: **Final action:**

Title: RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF AN UNDEVELOPED UTILITY EASEMENT AT 5509 VINEY CREEK LANE AS REQUESTED BY LEE & CHRISTINE MOTT

Sponsors:

Indexes: Abandonment, Public hearing

Code sections:

Attachments: [Engineering & Planning Department Letters](#)
[Petition](#)
[Survey](#)
[Utility Letters](#)

Date	Ver.	Action By	Action	Result
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RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF AN UNDEVELOPED UTILITY EASEMENT AT 5509 VINEY CREEK LANE AS REQUESTED BY LEE & CHRISTINE MOTT

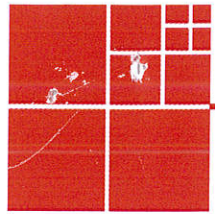
WHEREAS, Lee Raymond Mott & Christine J. Mott, Susan Wells and Jay Edward Wheeler has filed a petition with the City Clerk of the City of Jonesboro, Arkansas, requesting that the City abandon and vacate the undeveloped utility easement in:

THE 15' UTILITY EASEMENT LYING WITHIN LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET "C", PAGE 193, PUBLIC RECORDS OF CRAIGHEAD COUNTY, AT JONESBORO, ARKANSAS, RECORDED APRIL 22, 2008.

WHEREAS, the petition has been presented to the City of Jonesboro, Arkansas; and

WHEREAS, Arkansas law requires notice of such public hearing

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jonesboro, Arkansas, that the City Clerk is directed to publish a notice advising the public od such request to vacate and abandon the above mentioned utility easement and that this matter will be heard before the City Council on _____, at _____ o'clock, pm at the Council Chambers in the Municipal Center 300 S. Church St., Jonesboro, Arkansas.



December 1, 2016

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

RE: Request to Abandon 15' Utility Easement within Lot 49
Replat To Add Lot 48, Southbend Subdivision Phase One

Dear Mr. Light:

This 15' utility easement is shown on the Replat To Add Lot 48, Southbend Subdivision Phase One, filed in Plat Cabinet "C", Page 193, Public Records of Craighead County, at Jonesboro, Arkansas. Copies of this plat and the Boundary Survey for Lot 49 are 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 requirement for closure of the easement. 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 15' utility easement shown on the original plat of this subdivision. Please sign and return one copy of this letter.

If I can be of further assistance or if additional information is needed, please contact me at your convenience.

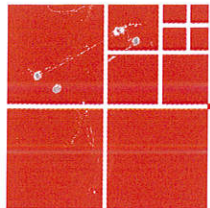
Sincerely,
Benchmark Land Surveying, Inc.

Kenneth L. Scrape, PS

I, CRAIG LIGHT (print name), concur in the closure of the 15' utility easement within lot 49 as shown on the Replat To Add Lot 48, Southbend Subdivision Phase One as shown.

CAL

(Signature)
Craig Light, PE—City Engineer



December 1, 2016

Planning Department
City of Jonesboro
300 S. Church Street
Jonesboro, AR 72401

RE: Request to Abandon 15' Utility Easement within Lot 49
Replat To Add Lot 48, Southbend Subdivision Phase One

Dear Mr. Smith:

This 15' utility easement is shown on the Replat To Add Lot 48, Southbend Subdivision Phase One, filed in Plat Cabinet "C", Page 193, Public Records of Craighead County, at Jonesboro, Arkansas. Copies of this plat and the Boundary Survey for Lot 49 are 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 requirement for closure of the easement. 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 15' utility easement shown on the original plat of this subdivision. Please sign and return one copy of this letter.

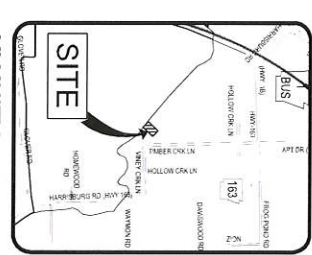
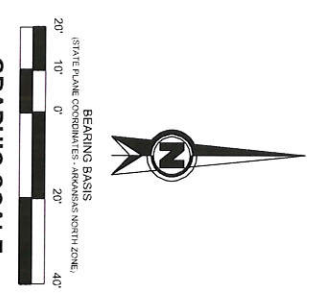
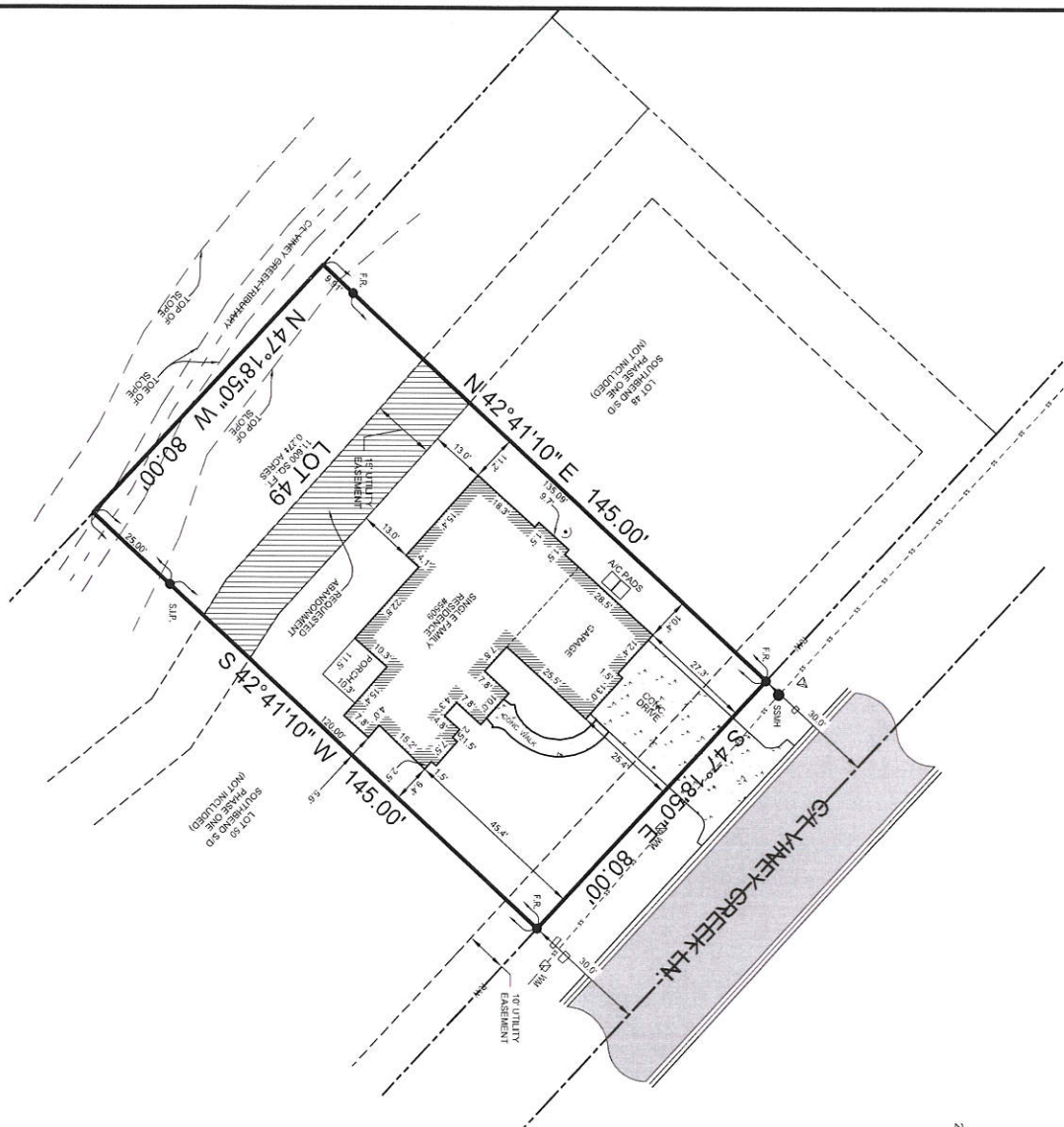
If I can be of further assistance or if additional information is needed, please contact me at your convenience.

Sincerely,
Benchmark Land Surveying, Inc.

Kenneth L. Scrape, PS

I, _____ (print name), concur in the closure of the 15' utility easement within lot 49 as shown on the Replat To Add Lot 48, Southbend Subdivision Phase One as shown.

(Signature)
Derrel Smith—City Planner



- ### LEGEND
- BOUNDARY LINE
 - - - ADJACENT LOT LINES
 - - - EXISTING EASEMENT LINES
 - FOUND REBAR
 - SET 1-1/2" IRON PIPE W/ 1.5" #137 CAP
 - EXISTING SANITARY SEWER LINE
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING WATER METER
 - ▲ TELEPHONE MASTHEAD

SURVEYOR'S NOTES

1. THIS BOUNDARY SURVEY WAS PREPARED FOR CHRISTY MOTT.
 2. NO IMPROVEMENTS WERE FOUND ON LOT 49 OR LOT 48.
 3. RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY.
 4. PROPERTY ADDRESS: 5509 VINEY CREEK LANE.
- THE FOLLOWING DOCUMENTS WERE USED TO PREPARE THIS SURVEY:
- A. REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET 'C', PAGE 193, PUBLIC RECORDS OF GARFIELD COUNTY, AT JONESBORO, ARKANSAS.

DESCRIPTION

LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET 'C', PAGE 193, PUBLIC RECORDS OF GARFIELD COUNTY, AT JONESBORO, ARKANSAS.

CONTAINING IN ALL 11,560 FT. OR 0.27 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY-OF-RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO APPARENT ABOVE-GROUND ENCUMBRANCES AFFECTING THIS PROPERTY.

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS AND PLATS IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY: 11/14/2016

© Copyright 2016 BML, INC.

BENCHMARK LAND SURVEYING, INC.
 LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES
 2500 ALEXANDER DR., SUITE A
 P.O. BOX 1921 - JONESBORO, AR 72403
 FAX: 870-336-2060 PH: 870-336-2059

BOUNDARY SURVEY

CHRISTY MOTT

LOT 49, REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS

CERTIFICATE OF AUTHORIZATION
 STATE OF ARKANSAS
 BENCHMARK LAND SURVEYING, INC.
 NO. 3920
 ANKASAS CO. A. #2020

REGISTERED PROFESSIONAL SURVEYOR
 STATE OF ARKANSAS
 KEVIN L. SCARLE
 DATE: 11/17/16
 ADDITIONAL INFORMATION: TO BE ABANDONED

500-13K-04E-0-09-420-16-1637
 CADD FILE: 16224-01.RVT SCALE: 1"=20'
 DATE: 11/17/16 SHEET: 1 OF 1
 DWG#: 041004-020-011

PETITION

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

PETITION TO VACATE AN UNDEVELOPED UTILITY EASEMENT,

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

THE 15' UTILITY EASEMENT LYING WITHIN LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET "C", PAGE 193, PUBLIC RECORDS OF CRAIGHEAD COUNTY, AT JONESBORO, ARKANSAS.

Herewith file and present this petition to the City Council of the City of Jonesboro, Arkansas to have the 15' utility easement described above closed and abandoned.

Dated this 25th day of January, 2017

Lee Raymond Mott & Christine J. Mott
5509 Viney Creek Ln.
Jonesboro, AR 72404

Lee Raymond Mott 1-25-17
Signature Date

Christine J Mott 1-25-17
Signature Date

Susan Wells
5505 Viney Creek Ln.
Jonesboro, AR 72404

Susan Wells 1/25/17
Signature Date

Jay Edward Wheeler
5513 Viney Creek Ln.
Jonesboro, AR 72404

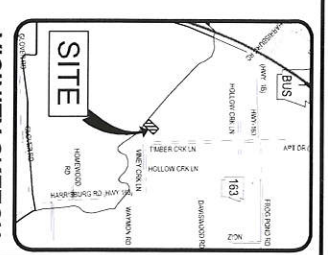
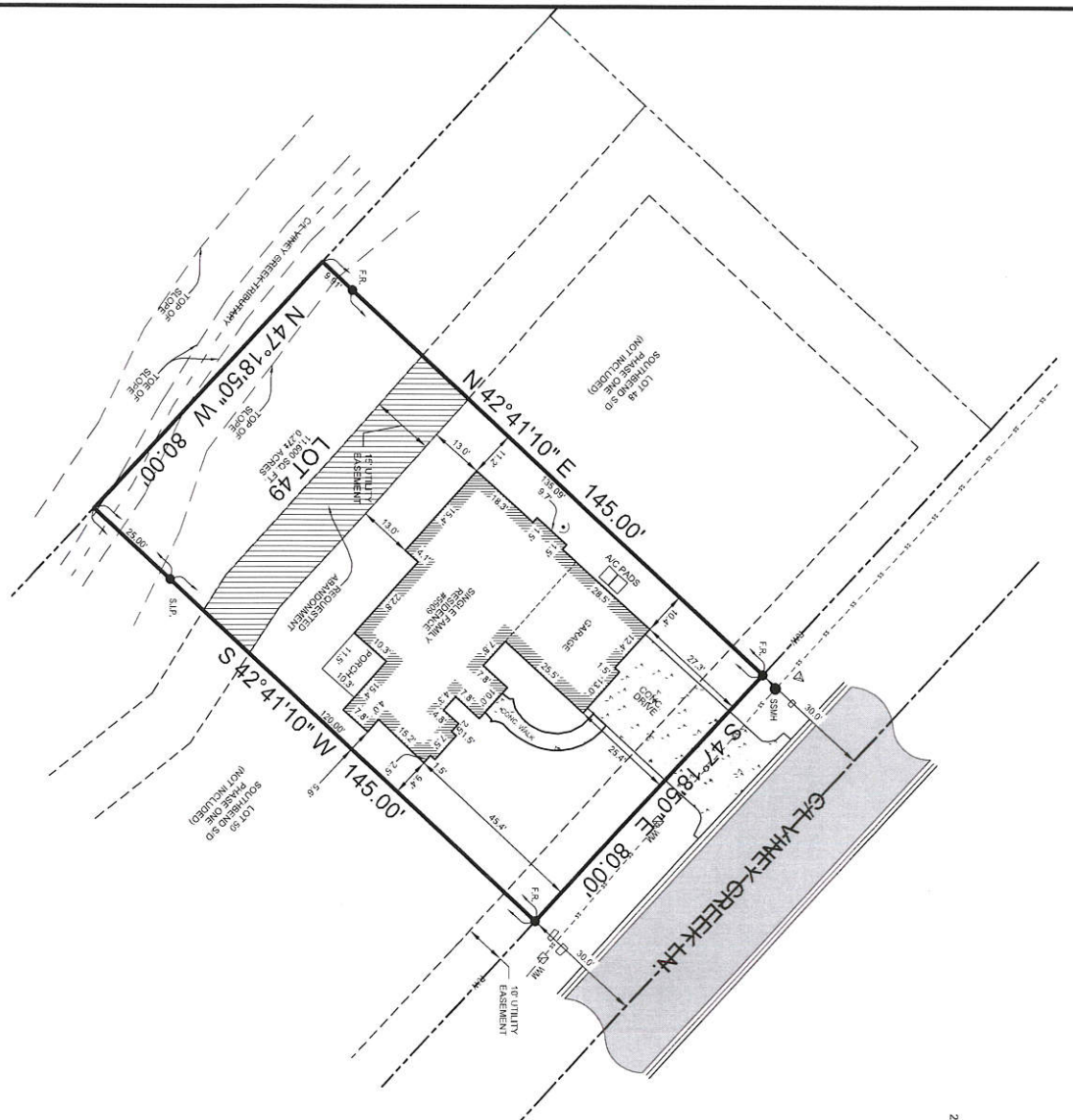
Jay Wheeler 1/25/17
Signature Date

Subscribed and sworn to before me this 25th day of January, 2017.

Cindy Howard
Notary

Expiration Date: 11/10/2023

CINDY HOWARD
MISSISSIPPI COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires November 10, 2023
Commission No. 12396495



- LEGEND**
- BOUNDARY LINE
 - - - ADJACENT LOT LINES
 - - - EXISTING EASEMENT LINES
 - FOUND REBAR
 - SET 1-1/4" IRON PIPE W/IN S #1817 CAP
 - EXISTING SANITARY SEWER LINE
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING SANITARY SEWER CLEANOUT
 - EXISTING WATER METER
 - TELEPHONE PEDESTAL

- SURVEYOR'S NOTES**
1. THIS SUBDIVISION SURVEY WAS PERFORMED FOR CONVEYANCE.
 2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR FOR EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY.
 3. PROPERTY ADDRESS: 3509 WEST CREEK LANE
 4. THE FOLLOWING DOCUMENTS WERE USED TO PREPARE THIS SURVEY:
 - A. REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY JONESBORO, ARKANSAS.
 - B. REPLAT TO ADD LOT 44, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY JONESBORO, ARKANSAS.

DESCRIPTION

LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET NO. 3222, AND THE REVISION OF SOUTHBEND COUNTY, AR, CONTAINING IN ALL 11.6927 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY-OF-RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCORDANCE WITH THE SURVEYING STANDARDS OF THE STATE OF ARKANSAS AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY SURVEYS AND PLATS IN EFFECT ON THIS DATE.

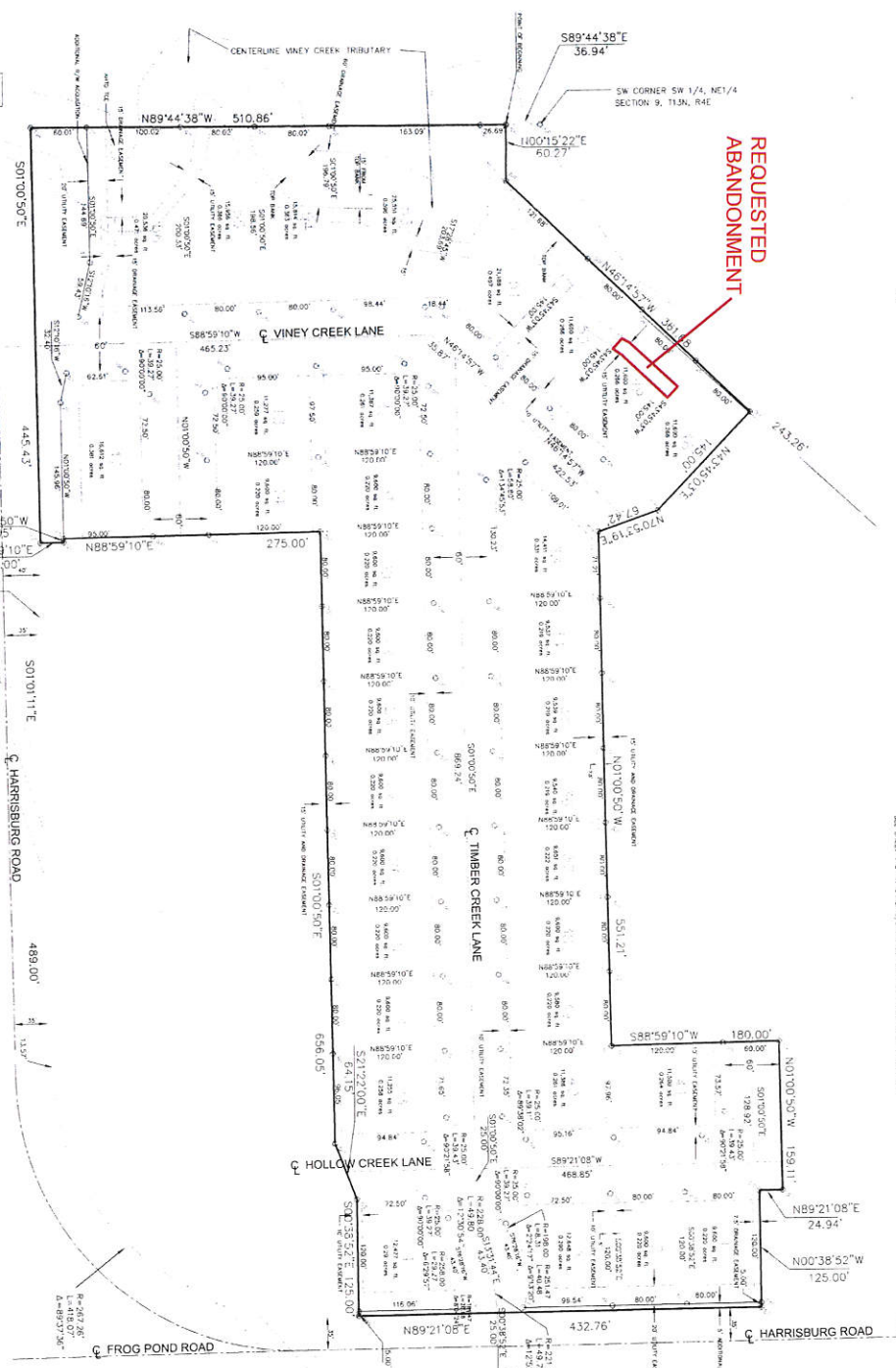
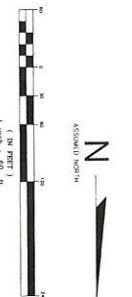
DATE OF BOUNDARY SURVEY: 11/14/2016

<p>BOUNDARY SURVEY</p> <p>CHRISTY MOTT</p> <p>LOT 49, REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS</p>	<p>BENCHMARK LAND SURVEYING, INC.</p> <p>LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES</p> <p>2500 ALEXANDER DR., SUITE A P.O. BOX 1921 - JONESBORO, AR 72403 FAX: 870-336-2060 PH: 870-336-2059</p>
<p>500-13N-04E-03-420-18-1637</p> <p>CADD FILE: 16224-03-181 SCALE: 1"=40'</p> <p>DATE: 11/16/16</p> <p>DRAWN: DA1304-03-181</p>	<p>REVIEW: SCORPE</p> <p>APPROVED: [Signature]</p> <p>DATE: 11/22/16</p> <p>KLS: TO BE ABANDONED</p> <p>ADJACENT: [Signature]</p> <p>DATE: 11/16/16</p> <p>SHEET 1 OF 1</p>

FILED
 Approved by
 Council Meeting
 1/11/17
 SMC
 City of Jonesboro
 Planning Department
 1000 W. Main Street
 Jonesboro, AR 72403
 870-932-1234

LEGEND
 - (DASH) BOUNDARY OF PREVIOUS LOT
 - (DASH) BOUNDARY OF PREVIOUS SUBDIVISION
 - (DASH) BOUNDARY OF PREVIOUS TRACT
 - (DASH) BOUNDARY OF PREVIOUS SECTION

CITY OF JONESBORO
 1000 W. MAIN STREET
 JONESBORO, AR 72403
 870-932-1234
 PLANNING DEPARTMENT
 1000 W. MAIN STREET
 JONESBORO, AR 72403
 870-932-1234



THE DESIGN PROFESSIONAL (ARCHITECT, ENGINEER, OR LANDSCAPE ARCHITECT) SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SUBDIVISION AND FOR THE PREPARATION OF THE RECORD PLAT FROM THE INFORMATION PROVIDED BY THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SUBDIVISION AND FOR THE PREPARATION OF THE RECORD PLAT FROM THE INFORMATION PROVIDED BY THE DESIGNER. THE DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE SUBDIVISION AND FOR THE PREPARATION OF THE RECORD PLAT FROM THE INFORMATION PROVIDED BY THE DESIGNER.

NOTES
 1. SURVEY FOR 1000 W. MAIN AND 800 HARRISBURG
 2. AS SHOWN BY 11500 RESURVEY STATE WAY HOLDERS
 3. DESIGNER'S RECORD PLAT 44 C (1/23/17)
 4. DESIGNER'S RECORD PLAT 44 C (1/23/17)
 5. DESIGNER'S RECORD PLAT 44 C (1/23/17)
 6. DESIGNER'S RECORD PLAT 44 C (1/23/17)
 7. DESIGNER'S RECORD PLAT 44 C (1/23/17)
 8. DESIGNER'S RECORD PLAT 44 C (1/23/17)
 9. DESIGNER'S RECORD PLAT 44 C (1/23/17)
 10. DESIGNER'S RECORD PLAT 44 C (1/23/17)

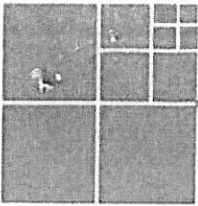
TOTAL ACRES 13.196 ACRES

OWNER'S CERTIFICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND HAVE CAUSED THIS RECORD PLAT TO BE PREPARED AND RECORDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ARKANSAS SUBDIVISION ACT AND THE CITY OF JONESBORO. I HAVE CAUSED THIS RECORD PLAT TO BE PREPARED AND RECORDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ARKANSAS SUBDIVISION ACT AND THE CITY OF JONESBORO.

CLARENCE W. MACALISTER, P.E., P.L.S.
 MCAALISTER ENGINEERING
 1000 W. MAIN STREET
 JONESBORO, AR 72403
 870-932-1234

REPLAT TO ADD LOT 48
 SOUTHBEND SUBDIVISION PHASE ONE
 JONESBORO, ARKANSAS

APR 11 2018



BENCHMARK LAND SURVEYING, INC.

Land Surveying and Construction Layout Services

December 1, 2016

Alice Martin
Ritter Communications, Inc.
2400 Ritter Drive
Jonesboro, AR 72401

RE: Request to Abandon 15' Utility Easement within Lot 49
Replat To Add Lot 48, Southbend Subdivision Phase One

Dear Ms. Martin:

This 15' utility easement is shown on the Replat To Add Lot 48, Southbend Subdivision Phase One, filed in Plat Cabinet "C", Page 193, Public Records of Craighead County, at Jonesboro, Arkansas. Copies of this plat and the Boundary Survey for Lot 49 are 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 requirement for closure of the easement. 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 15' utility easement shown on the original plat of this subdivision. Please sign and return one copy of this letter.

If I can be of further assistance or if additional information is needed, please contact me at your convenience.

Sincerely,
Benchmark Land Surveying, Inc.

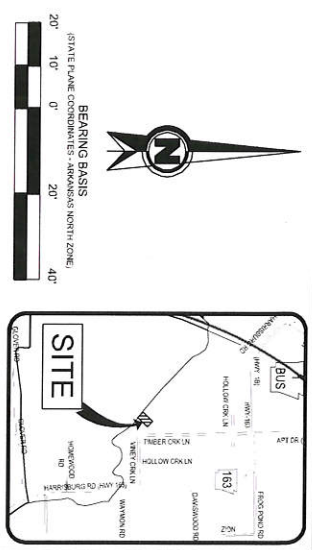
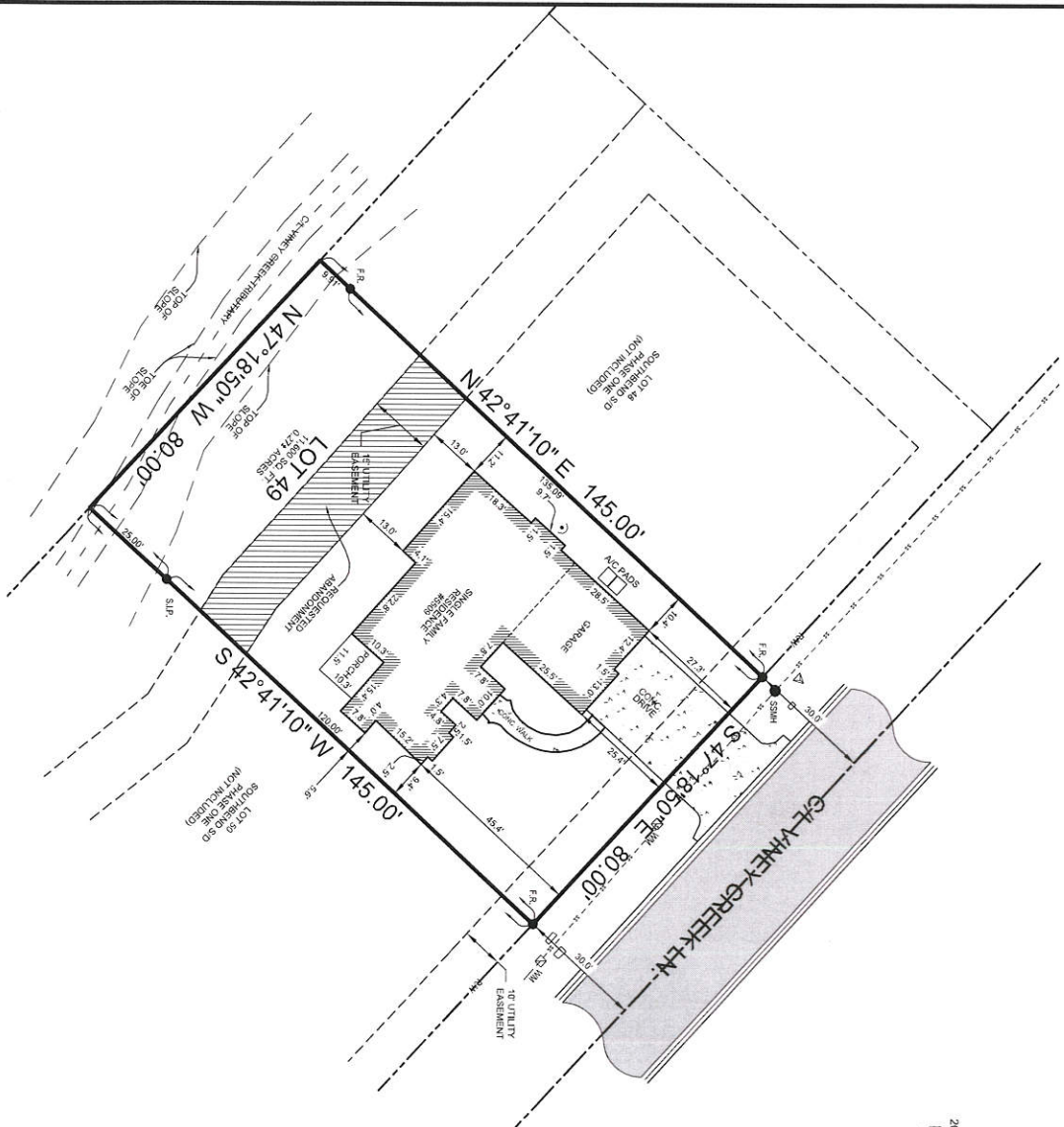
Kenneth L. Scrape, PS

I, Alice Martin (print name), concur in the closure of the 15' utility easement within lot 49 as shown on the Replat To Add Lot 48, Southbend Subdivision Phase One as shown.

(Signature)

Alice Martin
OSP Engineering Supervisor, Ritter Communications, Inc.

16224-011



GRAPHIC SCALE
IN FEET

VICINITY SKETCH
NOT TO SCALE

- LEGEND**
- BOUNDARY LINE
 - - - ADJACENT LOT LINES
 - - - EXISTING EASEMENT LINES
 - FOUND REBAR
 - SET 1-1/2" IRON PIPE W/ H. S. IN ROST CAP
 - EXISTING SANITARY SEWER LINE
 - EXISTING SANITARY SEWER MAN-HOLE
 - EXISTING SANITARY SEWER CLEANOUT
 - EXISTING WATER METER
 - TELEPHONE PEDESTAL
 - S.M.
 - S.W.
 - S.P.
 - S.M.
 - S.W.
 - S.P.

SURVEYOR'S NOTES

1. THIS BOUNDARY SURVEY WAS PREPARED FOR CHRISTY MOTT.
2. RESEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS, RESTRICTIONS, ENCUMBRANCES, AND OTHER MATTERS AFFECTING THIS PROPERTY.
3. PROPERTY ADDRESS: 5609 WINDY CREEK LANE, JONESBORO, ARKANSAS.
4. THE FOLLOWING POLYLINE DESCRIBES THE SURVEY PLAT RECORDED IN PLAT CBNBET 'C' PAGE 193, PUBLIC RECORDS OF CRAWFORD COUNTY AT JONESBORO, ARKANSAS.
 - A. REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, AS SHOWN BY PLAT CBNBET 'C' PAGE 193, PUBLIC RECORDS OF CRAWFORD COUNTY AT JONESBORO, ARKANSAS.

DESCRIPTION

LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT CBNBET 'C' PAGE 193, PUBLIC RECORDS OF CRAWFORD COUNTY AT JONESBORO, ARKANSAS, CONTAINING IN ALL 1.1660 FT. OR 0.27 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY-OF-RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. LIKE THE DATE ABOVE, HAS CONDUCTED A COMPLETE AND ACCURATE SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO APPARENT ENCUMBRANCES, EASEMENTS, RESTRICTIONS, RESERVATIONS, OR RIGHTS-OF-WAY-OF-RECORD AFFECTING THIS SURVEY. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF A LICENSED SURVEYOR IN THE STATE OF ARKANSAS. THE DATE OF BOUNDARY SURVEY: 11/14/2016

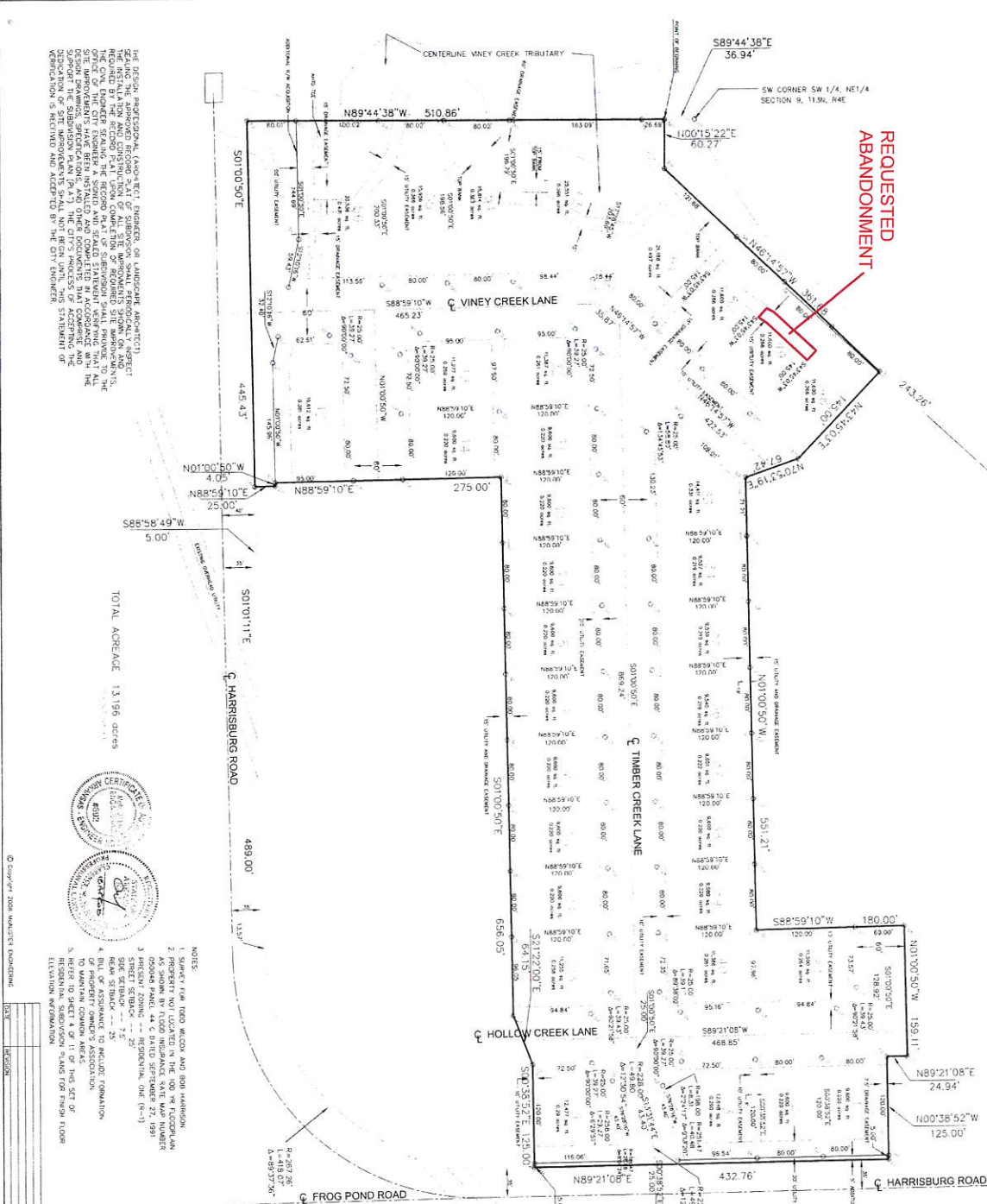
<p>BOUNDARY SURVEY</p> <p>CHRISTY MOTT</p> <p>LOT 49, REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS</p>	<p>BENCHMARK LAND SURVEYING, INC.</p> <p>LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES</p> <p>2500 ALEXANDER DR., SUITE A P.O. BOX 1921 - JONESBORO, AR 72403 FAX: 870-336-2060 PH: 870-336-2059</p>
<p>STATE OF ARKANSAS BENCHMARK LAND SURVEYING, INC. AR 3920 NO. 3920 AR 3920 AR 3920</p>	
<p>DATE: 11/16/16 BY: KEVIN L. SCARF AR 3920 AR 3920 AR 3920</p>	
<p>DATE: 11/22/16 BY: J. L. BARNETT AR 3920 AR 3920 AR 3920</p>	
<p>500-13N-04E-0-09-420-16-1637 CADD FILE: 16244-001-01 SCALE: 1"=60' DATE: 11/16/16 SHEET: 1 OF 1 DWG#: 041596-000-01</p>	

FILED
 08/03/2025
 1:35 PM
 CLARENCE W. MCALISTER, P.E.
 CLARENCE W. MCALISTER, P.E.

LEGEND
 - (Symbol) 100' W. of Hwy. of State
 - (Symbol) 100' W. of Hwy. of State
 - (Symbol) 100' W. of Hwy. of State
 - (Symbol) 100' W. of Hwy. of State

CITY OF JONESBORO
 PLANNING DEPARTMENT
 PREPARED BY: CLARENCE W. MCALISTER, P.E.
 DATE: 08/03/2025

DISPOSITION
 1. (Symbol) 100' W. of Hwy. of State
 1. (Symbol) 100' W. of Hwy. of State



REPLAT TO ADD LOT 48
 SOUTH BEND SUBDIVISION PHASE ONE
 JONESBORO, ARKANSAS

MCALISTER ENGINEERING
 CIVIL ENGINEERING AND LAND SURVEYING
 CLARENCE W. MCALISTER, P.E., PLS

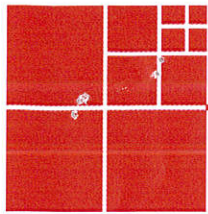
OWNERS CERTIFICATION
 I, CLARENCE W. MCALISTER, PROFESSIONAL SURVEYOR NO. 11031, APRIL 16, 2008, HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE PROPERTY BOUNDARY SURVEY AND PLATS AND THAT ALL BEARINGS AND DISTANCES HAVE BEEN CORRECTLY ESTABLISHED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTES
 1. SURVEY FOR 100' WIDE AND 800' HARRISBURG ROAD
 2. PROPERTY NOT LOCATED IN THE 100' W. FLOOR PLAN AS SHOWN BY FLOOR INSPECTION DATE 22/09/2025
 3. HARRISBURG ZONING -- RESIDENTIAL, ONE (R-1)
 4. SHEET TRACK -- 22
 5. BILL OF ASSURANCE TO INCLUDE FOUNDATION OF PROPERTY OWNER'S ASSOCIATION
 6. REFER TO SHEET 4 OF 11 OF THIS SET OF RESIDENTIAL SUBDIVISION PLANS FOR FINISH FLOOR ELEVATION INDICATION

LEGEND
 - (Symbol) 100' W. of Hwy. of State
 - (Symbol) 100' W. of Hwy. of State
 - (Symbol) 100' W. of Hwy. of State
 - (Symbol) 100' W. of Hwy. of State

DISPOSITION
 1. (Symbol) 100' W. of Hwy. of State
 1. (Symbol) 100' W. of Hwy. of State

DISPOSITION
 1. (Symbol) 100' W. of Hwy. of State
 1. (Symbol) 100' W. of Hwy. of State



December 1, 2016

Joey Roach
Suddenlink Communications, Inc.
1520 S. Caraway Road
Jonesboro, AR 72401

RE: Request to Abandon 15' Utility Easement within Lot 49
Replat To Add Lot 48, Southbend Subdivision Phase One

Dear Mr. Roach:

This 15' utility easement is shown on the Replat To Add Lot 48, Southbend Subdivision Phase One, filed in Plat Cabinet "C", Page 193, Public Records of Craighead County, at Jonesboro, Arkansas. Copies of this plat and the Boundary Survey for Lot 49 are 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 requirement for closure of the easement. 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 15' utility easement shown on the original plat of this subdivision. Please sign and return one copy of this letter.

If I can be of further assistance or if additional information is needed, please contact me at your convenience.

Sincerely,
Benchmark Land Surveying, Inc.

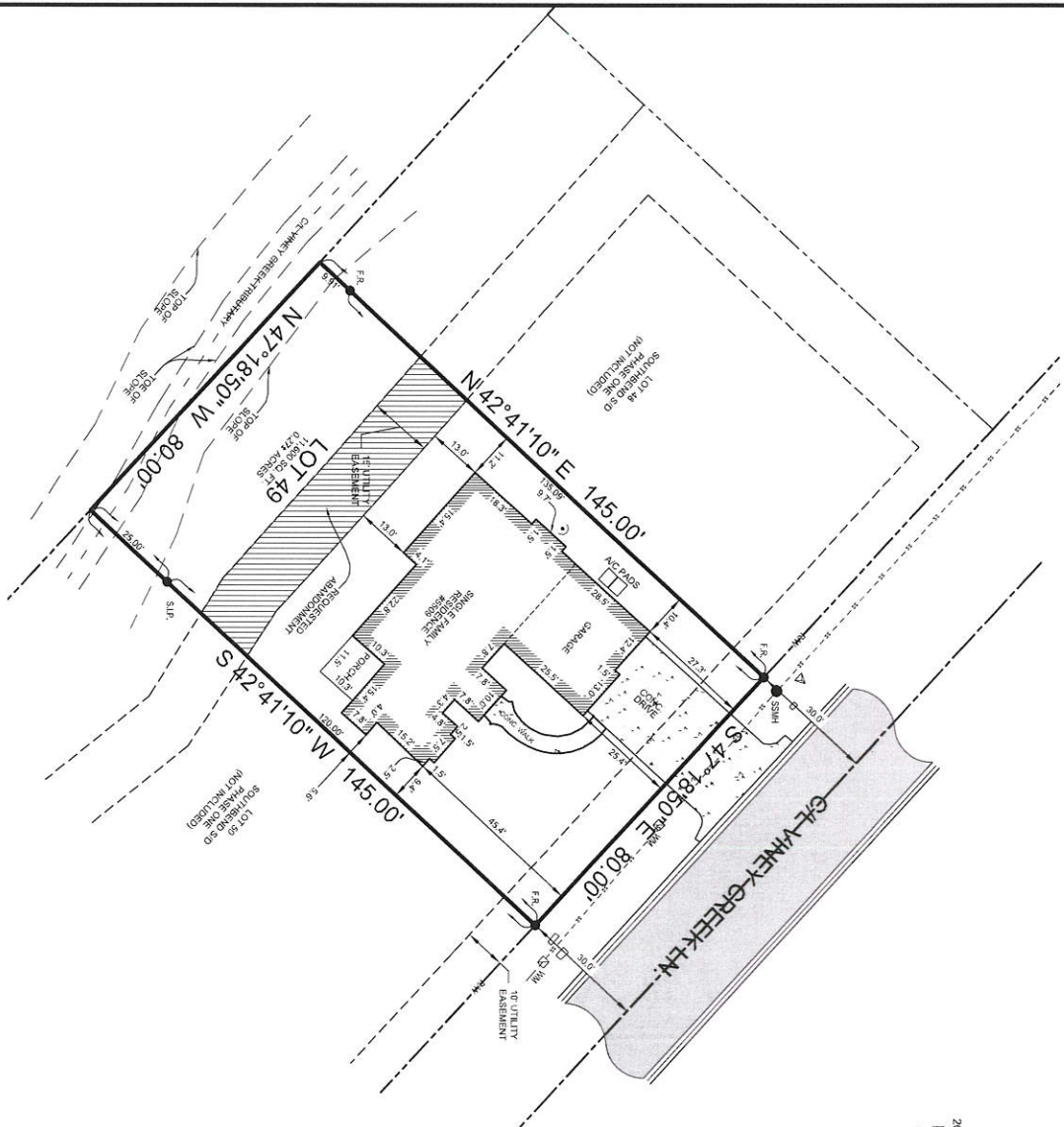
Kenneth L. Scrape, PS

I, Joey Roach (print name), concur in the closure of the 15' utility easement within lot 49 as shown on the Replat To Add Lot 48, Southbend Subdivision Phase One as shown.

(Signature)
Joey Roach

(Position)

Utility Company Representative



- LEGEND**
- BOUNDARY LINE
 - - - ADJACENT LOT LINES
 - - - EXISTING EASEMENT LINES
 - FOUND NEBBAR
 - SET 1-1/4" IRON PIPE W/ 1/8" S.F. 807 CAP
 - EXISTING SANITARY SEWER LINE
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING SANITARY SEWER CLEANOUT
 - EXISTING WATER METER
 - TELEPHONE PEDESTAL
 - SSMH
 - SLP
 - NM
 - A

SURVEYOR'S NOTES

1. THIS BOUNDARY SURVEY WAS PREPARED FOR CHRISTY MOTT.
2. THIS SURVEY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY.
3. PROPERTY ADDRESS: 1639 VIEW CREEK LANE, JONESBORO, ARKANSAS.
4. THE FOLLOWING DOCUMENT, COMMISSION AND ZONING ORDINANCES PERTAINING TO THIS SURVEY, ARE FILED WITH THIS PLAT:
 - A. REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET "C", PAGE 100, PUBLIC RECORDS OF CRAWFORD COUNTY, AT JONESBORO, ARKANSAS.

DESCRIPTION

LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET "C", PAGE 100, PUBLIC RECORDS OF CRAWFORD COUNTY, AT JONESBORO, ARKANSAS.




CONTAINING IN ALL, 11,692 FT. OR 0.27 ACRES, MORE OR LESS.

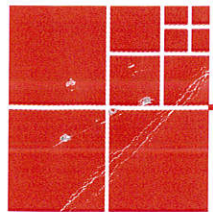
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY-OF-RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO APPARENT ENCUMBRANCES, EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS SURVEYING STANDARDS FOR BOUNDARY SURVEYS AND PLATS IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY: 11/16/16

 BENCHMARK LAND SURVEYING, INC. LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES 2500 ALEXANDER DR., SUITE A P.O. BOX 1921 - JONESBORO, AR 72403 FAX: 870-336-2060 PH: 870-336-2059	
BOUNDARY SURVEY CHRISTY MOTT LOT 49, REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS	
	
DATE: 11/16/16 BY: KEVIN L. SCARFE TITLE: SURVEYOR TO BE BOUNDARIED:	500-13N-04E-0-09-420-16-1637 CAD FILE: R24-03141 SCALE: 1"=20' DATE: 11/16/16 SHEET: 1 OF 1 DWG#: 041504-003R01



December 1, 2016

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

RE: Request to Abandon 15' Utility Easement within Lot 49
Replat To Add Lot 48, Southbend Subdivision Phase One

Dear Mr. Martinez:

This 15' utility easement is shown on the Replat To Add Lot 48, Southbend Subdivision Phase One, filed in Plat Cabinet "C", Page 193, Public Records of Craighead County, at Jonesboro, Arkansas. Copies of this plat and the Boundary Survey for Lot 49 are 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 requirement for closure of the easement. 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 15' utility easement shown on the original plat of this subdivision. Please sign and return one copy of this letter.

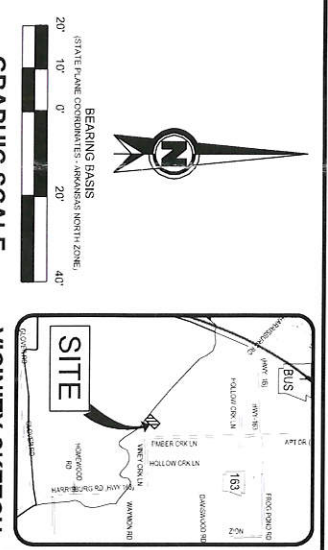
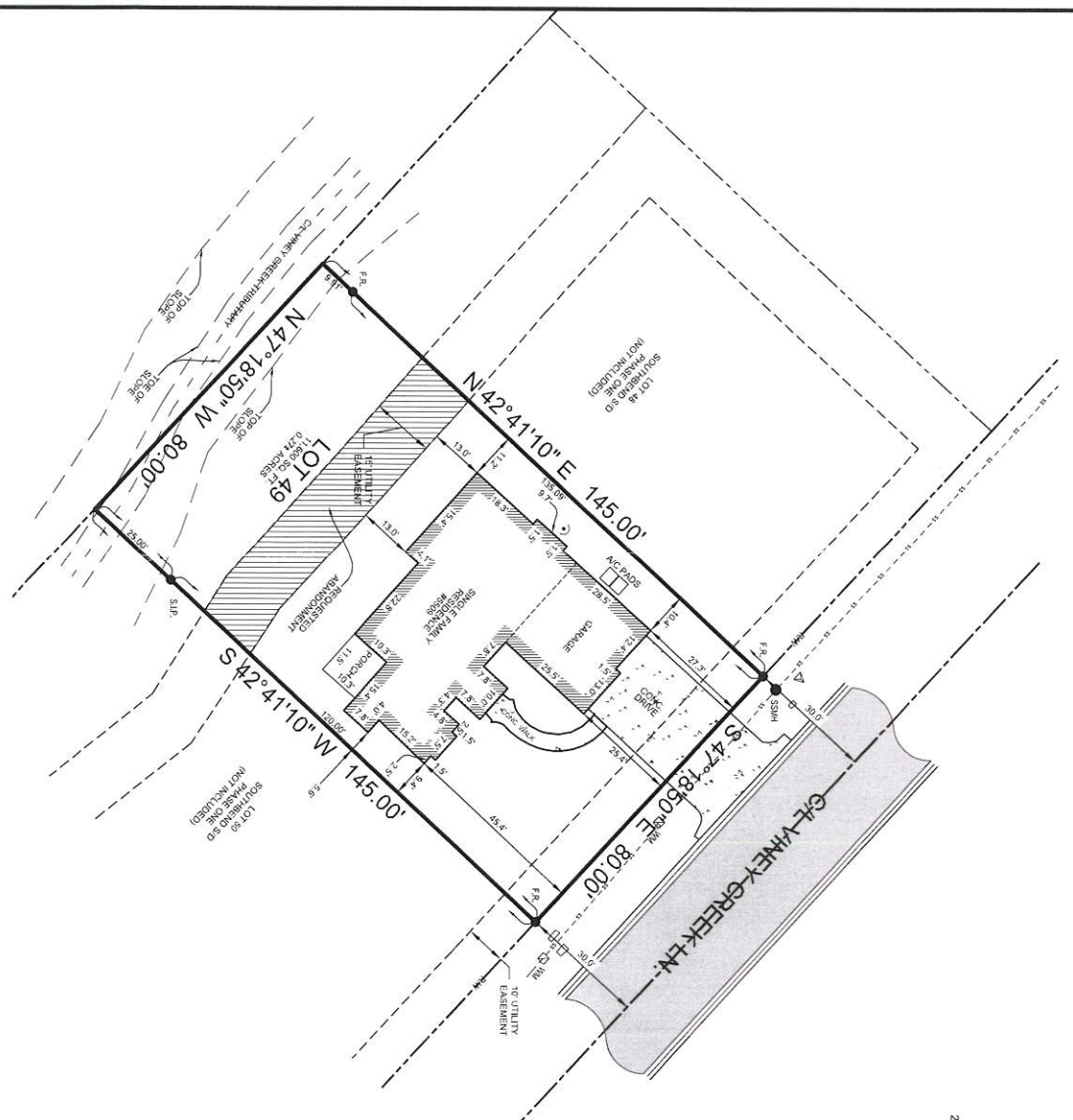
If I can be of further assistance or if additional information is needed, please contact me at your convenience.

Sincerely,
Benchmark Land Surveying, Inc.

Kenneth L. Scrape, PS

I, ANTHONY MARTINEZ (print name), concur in the closure of the 15' utility easement within lot 49 as shown on the Replat To Add Lot 48, Southbend Subdivision Phase One as shown.

(Signature)
Anthony Martinez
Manager-Lead OSP Planning & Engineering Design



BEARING BASIS
STATE PLANE COORDINATE ARKANSAS NORTH ZONE
GRAPHIC SCALE
IN FEET

LEGEND

- BOUNDARY LINE
- - - ADJACENT LOT LINES
- - - EXISTING EASEMENT LINES
- FOUND REMAIN
- SET 1-1/4" IRON PIPE W/IN S # 1637 CAP
- EXISTING SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING WATER METER
- ▲ TELEPHONE PEDESTAL

SURVEYOR'S NOTES

1. THIS BOUNDARY SURVEY WAS REQUESTED FOR EASEMENT.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY.
3. PROPERTY ADDRESS - 3508 NINE OAKS LANE
4. THE FOLLOWING DOCUMENTS WERE USED TO IMPROVE THIS SURVEY:
 - A. REPLAT TO ADD TO SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY CABINET 'C', PAGE 103, PUBLIC RECORDS OF DORCHESTER COUNTY, AT JONESBORO, ARKANSAS.

DESCRIPTION

LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET 'C', PAGE 103, PUBLIC RECORDS OF DORCHESTER COUNTY, AT JONESBORO, ARKANSAS, CONTAINING IN ALL 11.667 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCORDANCE WITH THE ARKANSAS SURVEYING ACT AND THE RULES AND REGULATIONS THEREUNDER AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROFESSIONAL SURVEYING AND PLAYS NO EFFECT ON THIS DATE.

<p>BOUNDARY SURVEY</p> <p>CHRISTY MOTT</p> <p>LOT 49, REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS</p>	<p>BENCHMARK LAND SURVEYING, INC.</p> <p>LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES</p> <p>2500 ALEXANDER DR., SUITE A P.O. BOX 1921 - JONESBORO, AR 72403 FAX: 870-336-2060 PH: 870-336-2059</p>
<p>DATE: 11/22/16</p> <p>BY: KMS</p> <p>TO: ADD EASEMENT</p> <p>RE: TO BE ABANDONED</p>	<p>900-13N-04E-09-420-16-1637</p> <p>DATE: 11/16/16</p> <p>SCALE: 1"=20'</p> <p>SHEET: 1 OF 1</p>



* J B 2 0 1 7 R - 0 0 0 5 6 1 4 *

JB2017R-000561

CANDACE EDWARDS

CRAIGHEAD COUNTY

RECORDED ON:

01/12/2017 02:16PM

Type of Instrument:
Grantor(s): City Water & Light Plant
of the City of Jonesboro, Arkansas
Grantee(s): Record Owners of Title



BY  , D. C.

This Instrument Prepared By:
Waddell, Cole & Jones, P.A.
Attorneys at Law
P.O. Box 1700
Jonesboro, AR 72403

After Recording, Return To:
City Water & Light Plant
of the City of Jonesboro, Arkansas
400 East Monroe
PO Box 1289
Jonesboro, AR 72403-1289

QUITCLAIM DEED FOR RELINQUISHMENT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That, CITY WATER & LIGHT PLANT OF THE CITY OF JONESBORO, ARKANSAS, a consolidated municipal improvement district, Grantor, by its Manager, duly authorized by its Board of Directors, for good and valuable consideration, the sufficiency of which is hereby acknowledged, does hereby grant, convey, sell and quitclaim unto the record owners of title to the Property (as defined below) ("Grantee"), and unto their heirs, successors and assigns forever, all its right, title, interest and claim in and to the lands lying in Craighead County, Arkansas, and more particularly as shown in the **Exhibit "A" & Exhibit "B"** attached hereto and incorporated herein by reference (the "Property"), with the intent that any easement of Grantor in the Property shall be forever extinguished, and the Grantee, its successors, heirs and assigns, shall have and enjoy the Property, free and absolutely discharged from any easement of Grantor in the Property.

To have and to hold the same unto the said Grantee, and unto their heirs, successors and assigns forever, with all appurtenances thereunto belonging.

IN TESTIMONY WHEREOF, this instrument is hereby executed by the aforescribed officer of Grantor this 10th day of JANUARY, 2017.

CITY WATER & LIGHT PLANT
OF THE CITY OF JONESBORO, ARKANSAS

By: [Signature]
Name: Jake Rice III
Title: Manager

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned, a Notary Public, within and for the County and State aforesaid, duly qualified, commissioned and acting, personally appeared Jake Rice, to me well known, and who subscribed to the foregoing instrument and stated and acknowledged that he was the Manager of City Water & Light Plant of the City of Jonesboro, Arkansas, a corporation, and that he as such corporate officer, being authorized so to do, had signed, executed, and delivered the foregoing instrument for the consideration, uses, and purposes therein contained, by signing himself as such officer and executing on behalf of the corporation as such officer.

WITNESS my hand and seal on this 10th day of January, 2017.

[Signature]
Notary Public

My Commission Expires:
3-2-2025



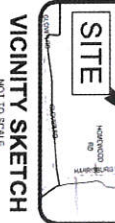
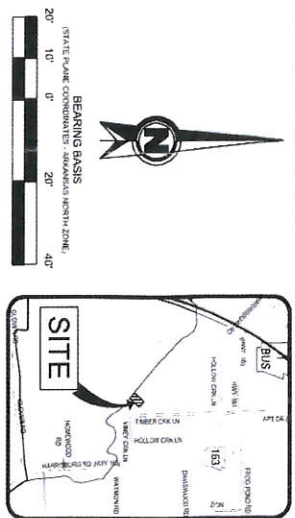
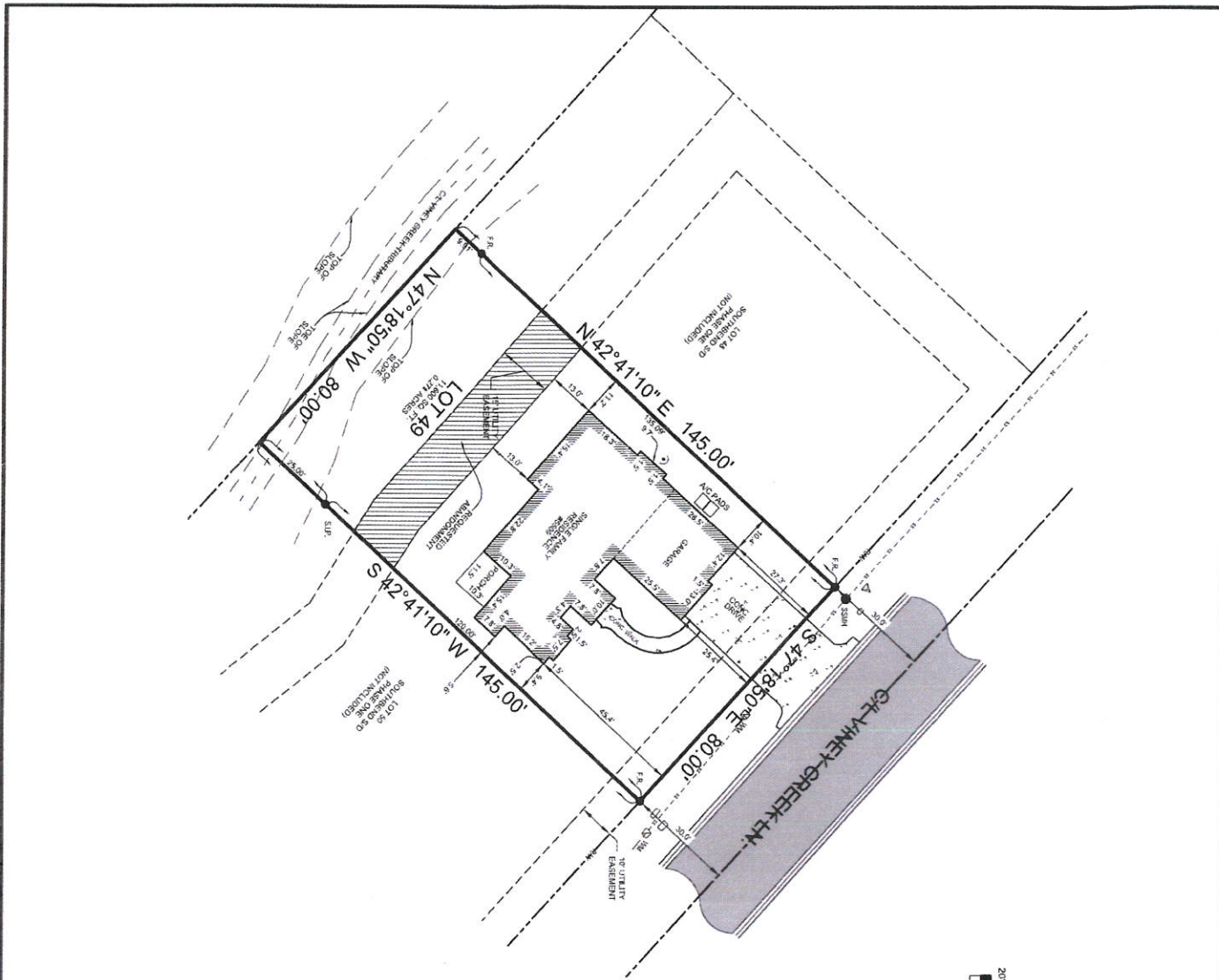
AMOUNT OF TAX \$ 0

I certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument. Exempt or no consideration paid if none shown.

CITY WATER & LIGHT
Grantee or Agent

Grantee's Address: 400 E MONROE
JONESBORO, AR 72401

EXHIBIT "A"



- LEGEND**
- BOUNDARY LINE
 - ADJACENT LOT LINES
 - EXISTING EASEMENT LINES
 - FOUND NEBMA
 - SET 1.5" IRON PIPE W/ 1/2" AIRY CAP
 - EXISTING SANITARY SEWER LINE
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING SANITARY SEWER CLEANOUT
 - EXISTING WATER METER
 - TELEPHONE PENETRAL

- SURVEYOR'S NOTES**
1. THIS BOUNDARY SURVEY WAS REQUESTED FOR COMBUSTION UNIT.
 2. NO SURVEY OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR FOR EASEMENT RESTRICTIONS.
 3. RESERVATIONS ON RIGHT OF WAY ARE NOT SHOWN ON THIS PLAT.
 4. THE FOLLOWING DOCUMENTS WERE REFERRED TO IN PREPARING THIS SURVEY:
 - A. THE PLAT RECORDS OF THE SURVEY OF JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDS IN PLAT C-1, PAGE 90, PUBLIC RECORDS OF GROESBECK COUNTY AT JONESBORO, ARKANSAS.

DESCRIPTION

LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDS IN PLAT JONESBORO, ARKANSAS, CONTAINING ALL 11,969 FT. OR 0.27 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING LAND SURVEYING WAS DONE AND THIS STATE DATE, BEARING BASIS, AND SCALE OF THE ABOVE DESCRIBED PROPERTY AS SHOWN, ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO APPARENT ENCUMBRANCES, EASEMENTS, RESERVATIONS, RESTRICTIONS, OR RIGHTS OF WAY AFFECTING THE PROPERTY SURVEYED AND PLAT'S IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY: 11/14/2016

<p>BOUNDARY SURVEY</p> <p>CHRISTY MOTT</p> <p>LOT 49, REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS</p>	<p>BENCHMARK LAND SURVEYING, INC.</p> <p>LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES</p> <p>2500 ALEXANDER DR., SUITE A</p> <p>P.O. BOX 1921 - JONESBORO, AR 72403</p> <p>FX: 870-336-2060 PH: 870-336-2059</p>
<p>500-13N-04E-009-12E-16-1637</p> <p>CADD FILE: 6224-401.HR SCALE: 1"=40'</p> <p>DATE: 11/16/16 SHEET: 1 OF 1</p>	<p>DATE: 11/16/16</p> <p>BY: [Signature]</p> <p>DESCRIPTION: REPLAT TO ADD LOT 48 TO LOT 49, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS</p> <p>TOTAL BANNED: [Blank]</p>

EXHIBIT "B"

THE CITY ENGINEER HAS REVIEWED THE RECORD PLAT AND HAS DETERMINED THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT AND THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE CITY ENGINEERING DEPARTMENT. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE RECORD PLAT AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE RECORD PLAT AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.

NOTES:
 1. SUBJECT LOT 1000 ACRES AND 800 HUNDREDths
 2. PROJECT NOT TO BE CONSIDERED FOR THE 1000 ACRES LOT 1000 ACRES AND 800 HUNDREDths
 3. PROJECT ZONING -- RESIDENTIAL, RMA (R-1)
 4. ALL OF ACCORDANCE TO RECORD PLAT
 5. REFER TO SHEET 4 OF 11 OF THIS SET OF RECORD PLAT FOR FURTHER INFORMATION

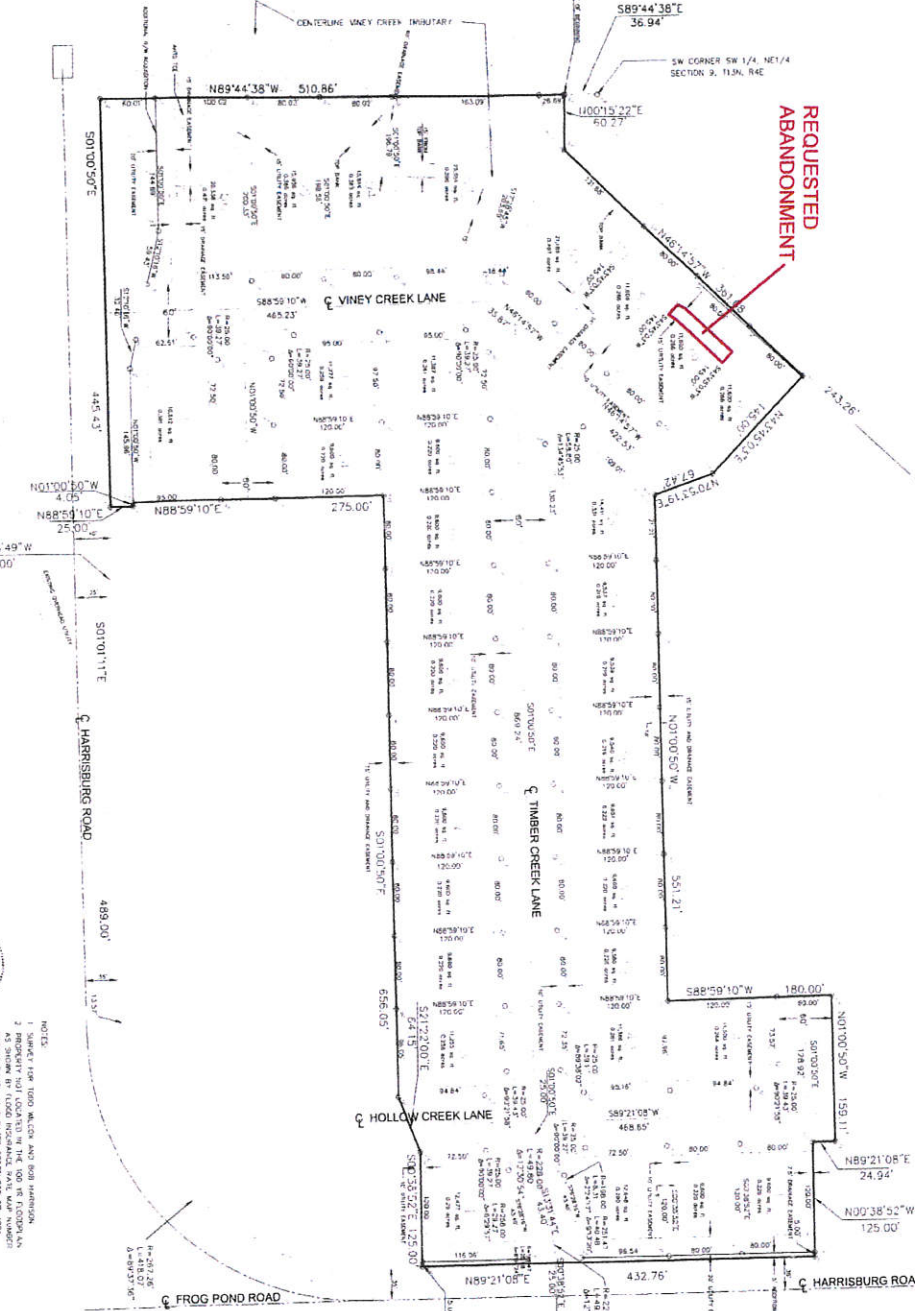
TOTAL ACREAGE 13196 ACRES



CLARENCE W. McALLISTER, P.E. RLS
 11/1/2008

REPLAT TO ADD LOT 48
 SOUTHBEND SUBDIVISION PHASE ONE
 JONESBORO, ARKANSAS

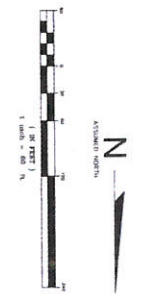
McALLISTER ENGINEERING
 1118 PINE STREET
 JONESBORO, ARKANSAS 72403
 PHONE: 870-932-1118
 FAX: 870-932-1119
 WWW.MCALLISTERENGINEERING.COM



FILED
 08/11/2008
 1:30 PM
 CLARENCE W. McALLISTER, P.E.
 1118 PINE STREET
 JONESBORO, ARKANSAS 72403

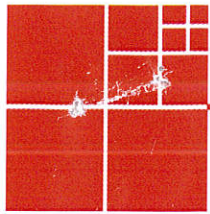
LEGEND
 --- 1/4" = 1' SCALE
 --- 1/8" = 1' SCALE
 --- 1/16" = 1' SCALE

CITY OF JONESBORO
 PLANNING DEPARTMENT
 11/1/2008



INDEXED CERTIFICATION
 I, CLARENCE W. McALLISTER, PROFESSIONAL ENGINEER, NO. 4102, STATE OF ARKANSAS, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE RECORD PLAT AND THAT THE INFORMATION CONTAINED THEREIN IS TRUE AND CORRECT AND THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE CITY ENGINEERING DEPARTMENT. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE RECORD PLAT AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.

RECORD PLAT
 11/1/2008



December 1, 2016

Charles Mantione
CenterPoint Energy
3013 Ole Feedhouse Road
Jonesboro, AR 72404

RE: Request to Abandon 15' Utility Easement within Lot 49
Replat To Add Lot 48, Southbend Subdivision Phase One

Dear Mr. Mantione:

This 15' utility easement is shown on the Replat To Add Lot 48, Southbend Subdivision Phase One, filed in Plat Cabinet "C", Page 193, Public Records of Craighead County, at Jonesboro, Arkansas. Copies of this plat and the Boundary Survey for Lot 49 are enclosed for your records.

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

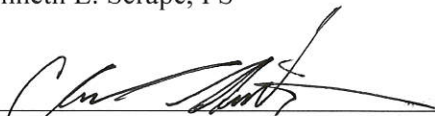
State law stipulates that the proper procedure for abandonment of an easement requires the passage of an ordinance by majority vote of the elected City Council. Simply recording the replat does not satisfy the legal requirement for closure of the easement. City officials need written evidence from all 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 15' utility easement shown on the original plat of this subdivision. Please sign and return one copy of this letter.

If I can be of further assistance or if additional information is needed, please contact me at your convenience.

Sincerely,
Benchmark Land Surveying, Inc.

Kenneth L. Scrape, PS

I,  (print name), concur in the closure of the 15' utility easement within lot 49 as shown on the Replat To Add Lot 48, Southbend Subdivision Phase One as shown.

(Signature)
Charles Mantione
Engineer I, CenterPoint Energy



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: 1/9/2017

Requested Abandonment: Abandon 15' Utility Easement within Lot 49, South bend Subdivision Phase One.

Legal Description:

15' utility easement within Lot 49 as shown on the replat to add Lot 48, Southbend Subdivision Phase One in Jonesboro, AR.

UTILITY COMPANY COMMENTS:

No objections to the abandonment(s) described above.

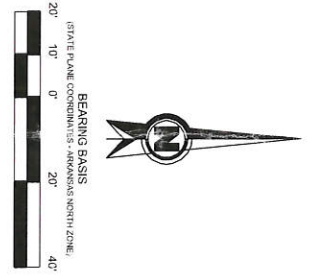
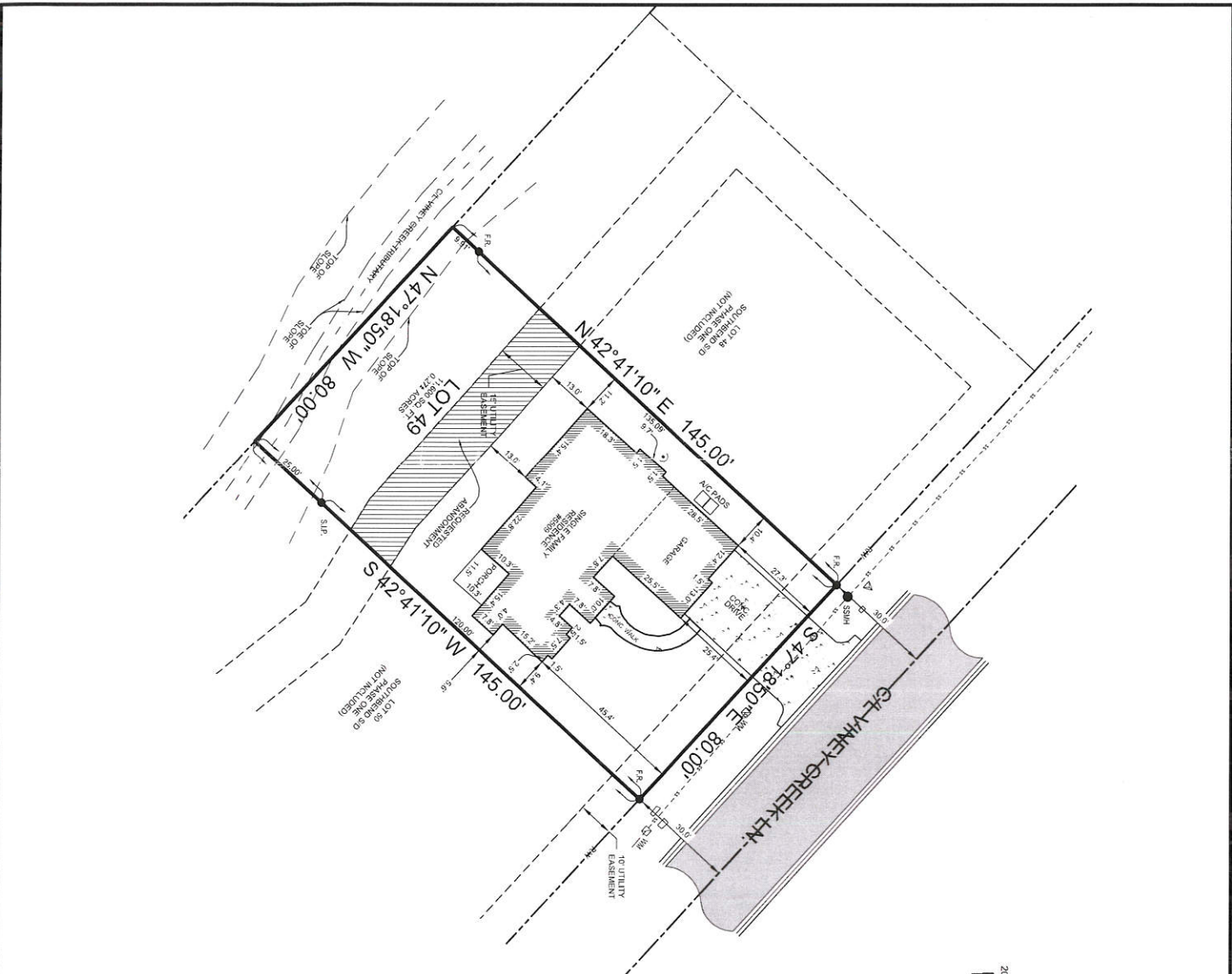
No objections to the abandonment (s) described above, provided the following easements are retained (Exhibit A).

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

Described reasons for objection or easements to be retained.


Signature of Utility Company Representative

Engineer I
Title



LEGEND

- BOUNDARY LINE
- - - ADJACENT LOT LINES
- - - EXISTING EASEMENT LINES
- FOUND REBAR
- SET 1-1/2" IRON PIPE W/ 1.5" H 1ST CAP
- EXISTING SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER CLEANOUT
- EXISTING WATER METER
- ▲ TELEPHONE PEDESTAL
- S.S.H.
- S.I.P.
- F.R.
- ADJACENT LOT (NOT INCLUDING DIS OBLIGATIONS BY LOT)
- BOUNDARY OF ADJACENT LOT (NOT INCLUDING DIS OBLIGATIONS BY LOT)

SURVEYOR'S NOTES

1. THIS SURVEY FOR SURVEY HAS BEEN MADE FOR CHEROKEE MOTT.
2. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY.
3. PROPERTY ADDRESS: 3000 WALKER CREEK LANE, JONESBORO, ARKANSAS.
4. THE FOLLOWING DOCUMENTS WERE USED TO REVEAL THIS SURVEY:
 - A. REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY CABINET 'C', PAGE 100, PUBLIC RECORDS OF CHANDLER COUNTY AT JONESBORO, ARKANSAS.
 - B. REPLAT TO ADD LOT 49, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY CABINET 'C', PAGE 100, PUBLIC RECORDS OF CHANDLER COUNTY AT JONESBORO, ARKANSAS.

DESCRIPTION

LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY CABINET 'C', PAGE 100, PUBLIC RECORDS OF CHANDLER COUNTY AT JONESBORO, ARKANSAS, CONTAINING IN ALL, 11,987 FT. OR 0.27 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT BENCHMARK LAND SURVEYING, INC. HAS THIS DATE MADE A BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCORDANCE WITH THE ARKANSAS SURVEYING ACT AND THE RULES AND REGULATIONS THEREUNDER AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE ARKANSAS SURVEYING STANDARDS FOR PROPERTY SURVEYS AND PLATS IN EFFECT ON THIS DATE.

DATE OF BOUNDARY SURVEY: 11/16/16

BENCHMARK LAND SURVEYING, INC.
 LAND SURVEYING - CONSTRUCTION LAYOUT SERVICES
 2500 ALEXANDER DR., SUITE A
 P.O. BOX 1921 - JONESBORO, AR 72403
 FAX: 870-336-2060 PH: 870-336-2059

BOUNDARY SURVEY

CHRISTY MOTT

LOT 49, REPLAT TO ADD LOT 48, SOUTHBEND S/D PHASE ONE, JONESBORO, ARKANSAS

CERTIFICATE OF AUTHORIZATION
 BENCHMARK LAND SURVEYING, INC.
 NO. 3020
 JONESBORO, ARKANSAS 72403

ARIZONA STATE SURVEYOR
 STATE OF ARIZONA
 CHRISTY MOTT
 11/16/16

DATE:	BY:	DESCRIPTION:
11/22/16	K.S.	ADD EASEMENT TO BE ABANDONED
DATE:	BY:	DESCRIPTION:
11/16/16	K.S.	BOUNDARY SURVEY
500-13N-04E-03-09-16-1637		
CD00 FILE: 1624-001-R1		SCALE: 1"=20'
		SHEET 1 OF 1



Legislation Details (With Text)

File #: ORD-16:082 **Version:** 1 **Name:** Amend Section 117-33 of the Code of Ordinances
Type: Ordinance **Status:** Second Reading
File created: 12/1/2016 **In control:** Public Works Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-33, AMENDING THE PROCEDURES FOR AMENDING TEXTUAL PROVISION OF THE CHAPTER, AND THE OTHER BEING A CHANGE OF BOUNDARY IN A ZONING DISTRICT, WITHIN THE CITY LIMITS OF JONESBORO, ARKANSAS
Sponsors: Planning, Metropolitan Area Planning Commission
Indexes: Code of Ordinances amendment
Code sections: Chapter 117 - Zoning
Attachments: [Sec 117 \(rezoning changes\)](#)
[Zoning Changes](#)

Date	Ver.	Action By	Action	Result
1/17/2017	1	City Council		
1/3/2017	1	Public Works Council Committee		

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-33, AMENDING THE PROCEDURES FOR AMENDING TEXTUAL PROVISION OF THE CHAPTER, AND THE OTHER BEING A CHANGE OF BOUNDARY IN A ZONING DISTRICT, WITHIN THE CITY LIMITS OF JONESBORO, ARKANSAS

WHEREAS, The City of Jonesboro desires to encourage orderly development and provide clarity within the existing code of ordinance in relation to zoning procedures.

WHEREAS, The City of Jonesboro Code of Ordinances currently gives the Metropolitan Area Planning Commission authority to hold public hearings, review, and make recommendation to the Jonesboro City Council on matters related to the zoning code.

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

SECTION ONE: Section 117-34, Zoning shall be amended as follows:

Sec 117-34. - Amendments.

Two types of amendments to this zoning chapter are recognized; one being a revision in the textual provisions of the chapter, and the other being a change of boundary in a zoning district.

- (1) *Amendment to text.* Amendments to the text may be initiated by the planning commission, the city council, or by the mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.
 - a. *Notice.* The city planner shall be responsible for scheduling a public hearing before the planning commission. He shall prepare the content of a public notice, and ensure that the notice is published

in the newspaper of general circulation with the city at least 15 days before the public hearing.

- b. *Hearing and recommendation by the planning commission.* The planning commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing the commission shall determine its recommendation regarding the proposed amendment and make such know to the city council.
- c. *Action by the city council.* After receiving the recommendation of the planning commission, the city council:
 1. May approve the amendment as submitted;
 2. May approve a revised version they deem appropriate;
 3. Refer it back to the planning commission for further study and consideration;
 4. Table it; or
 5. Deny it.

If the city council action does not take place within six months after the planning commission's public hearing, the amendment process must begin anew.

(2) *Change in district boundary.* A change in a district boundary, also referred to as a map amendment or rezoning, may be proposed by the city council, the planning commission, or by a property owner or his legal agent. Such amendments shall be considered in accordance with the procedures set forth in this section.

- a. *Application submittal.* A complete application for change in district boundary or map amendment, hereafter referred to as a rezoning, shall be submitted to the city planner in a form established by him, along with a nonrefundable processing fee established in [section 117-35](#).

Applications shall be filed according to the submittal schedule available online or in the planning office in order to be placed on the planning commission agenda for the subsequent meeting. No application shall be processed until the city planner determines that the application is complete and the required fee has been paid.

- b. *Notice.*

1. Promptly upon determining that the application is complete, the city planner shall schedule a public hearing date before the planning commission, notify the applicant of the hearing date, and provide at least 15 days notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time and place of the public hearing; give the general location and description of the property, such as the street address and acreage involved; describe the nature, scope and purpose of the application; and indicate where additional information about the application can be obtained.
2. The applicant shall:
 - (i) Post notice on weatherproof signs provided by the city;
 - (ii) Notify all property owners within 200' by certified mail return receipt requested 15 days prior to the meeting;
 - (iii) Provide notification to the school district serving the area by sending notice to the Superintendent of the School District of the zoning request. The school board shall send their opinion in writing to the office of the city planner within 15 days. Lack of a response will be considered as "no opinion" when considering the request.
 - (iv) Place the signs on the property that is the subject of the application at least 15 days before the public hearing; and
 - (v) Ensure that the signs remain continuously posted until a final decision is made by the city council. At least one sign shall be posted by the applicant for each 150 feet of street frontage, up to a maximum of five signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passerby. There shall be a minimum of one sign along each abutting street.

- c. *Hearing and recommendation by the planning commission.* The planning commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission shall recommend approval as submitted; may recommend approval of less area and/or of a lesser intense, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application, and submit an accurate written summary of the proceedings to the city council.
- d. *Hearing and action by the city council.* After the planning commission recommends approval of an application, the applicant shall be responsible for preparing the appropriate ordinance and requesting that the city clerk place it on the city council's agenda. Agenda item request and all documentation shall be submitted in a form established by the city clerk, and be accompanied by a publication fee prescribed by law.
1. If the planning commission does not recommend approval of an application, the city council may consider the matter after an appeal is filed by the property owner with the city clerk, and a special public hearing is set and subsequently held. Applicant responsibility with regard to filing documents with the city clerk and paying said fee as is also applicable.
 2. In considering an application for approval, whether on appeal or not, the city council may reduce the amount of land area included in the application, but not increase it and may change the requested classification in whole or in part, to a less intense zoning district classification that was indicated in the planning commissions required public notice.
- e. *Approval criteria.* The criteria for approval of a rezoning are set out in this subsection. Not all criteria must be given equal consideration by the planning commission or city council in reaching a decision. If any project doesn't meet all the criteria in this section the planning commission or city council can require the owner to provide additional information to determine if the rezoning should move forward. Additional information may include but not be limited to; traffic studies, drainage considerations, crime reports, noise and light studies, wetlands and historical considerations. The criteria to be consider shall include, but not be limited to, the following:
1. Consistency of the proposal with the comprehensive plan;
 2. Consistency of the proposal with the purpose of this chapter;
 3. Compatibility of the proposal with the zoning, uses and character of the surrounding area including adjacent neighbors that have a direct impact to the property;
 4. Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
 5. 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;
 6. Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, emergency medical services, and school districts.
- f. *Successive applications.* In the event that the city council denies an application for a rezoning, a similar application shall not be considered by the planning commission for six months from the date of the denial by the city council, unless the planning commission, upon recommendation by the city planner, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area by the proposed rezoning.
- g. *Withdrawal of application.*
1. Only one withdrawal shall be allowed as a right following the application filing for a rezoning, annexation or conditional use;
 2. On or after the second time withdrawal granted, the applicant must wait 90 days before resubmitting the same or similar petition involving the same land use, and, under extenuating

(emergency) circumstances, the planning commission or city council may consider and grant a request to waive the 90 day restriction on the second time request for withdrawals;

3. Third-time withdrawal requests will default to the most current ordinance requirement for denied rezoning petitions.

Sec 117-34. – Amendments.

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2. The applicant shall:
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 - (ii) **Notify all property owners within 200' by certified mail return receipt requested 15 days prior to the meeting;**
 - (iii) **Provide notification to the school district serving the area by sending notice to the Superintendent of the School District of the zoning request. The school board shall send their opinion in writing to the office of the city planner within 15 days. Lack of a response will be considered as "no opinion" when considering the request.**
 - (iv) Place the signs on the property that is the subject of the application at least 15 days before the public hearing; and
 - (v) Ensure that the signs remain continuously posted until a final decision is made by the city council. At least one sign shall be posted by the applicant for each 150 feet of street frontage, up to a maximum of five signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passerby. There shall be a minimum of one sign along each abutting street.
- c. *Hearing and recommendation by the planning commission.* The planning commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission shall recommend approval as submitted; may recommend approval of less area and/or of a lesser intense, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application, and submit an accurate written summary of the proceedings to the city council.
- d. *Hearing and action by the city council.* After the planning commission recommends approval of an application, the applicant shall be responsible for preparing the appropriate ordinance and requesting that the city clerk place it on the city council's agenda. Agenda item request and all documentation shall be submitted in a form established by the city clerk, and be accompanied by a publication fee prescribed by law.
 1. If the planning commission does not recommend approval of an application, the city council may consider the matter after an appeal is filed by the property owner with the city clerk, and a special public hearing is set and subsequently held. Applicant responsibility with regard to filing documents with the city clerk and paying said fee as is also applicable.
 2. In considering an application for approval, whether on appeal or not, the city council may reduce the amount of land area included in the application, but not increase it and may change the requested classification in whole or in part, to a less intense zoning district classification that was indicated in the planning commissions required public notice.

- e. *Approval criteria.* The criteria for approval of a rezoning are set out in this subsection. Not all criteria must be given equal consideration by the planning commission or city council in reaching a decision. **If any project doesn't meet all the criteria in this section the planning commission or city council can require the owner to provide additional information to determine if the rezoning should move forward. Additional information may include but not be limited to; traffic studies, drainage considerations, crime reports, noise and light studies, wetlands and historical considerations.** The criteria to be consider shall include, but not be limited to, the following:
1. Consistency of the proposal with the comprehensive plan;
 2. Consistency of the proposal with the purpose of this chapter;
 3. Compatibility of the proposal with the zoning, uses and character of the surrounding area **including adjacent neighbors that have a direct impact to the property;**
 4. Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
 5. 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;
 6. ~~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~~
 7. Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, emergency medical services, **and school districts.**
- f. *Successive applications.* In the event that the city council denies an application for a rezoning, a similar application shall not be considered by the planning commission for six months from the date of the denial by the city council, unless the planning commission, upon recommendation by the city planner, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area by the proposed rezoning.
- g. *Withdrawal of application.*
1. Only one withdrawal shall be allowed as a right following the application filing for a rezoning, annexation or conditional use;
 2. On or after the second time withdrawal granted, the applicant must wait 90 days before resubmitting the same or similar petition involving the same land use, and, under extenuating (emergency) circumstances, the planning commission or city council may consider and grant a request to waive the 90 day restriction on the second time request for withdrawals;
 3. Third-time withdrawal requests will default to the most current ordinance requirement for denied rezoning petitions.

Changes to Section 117 Zoning

- (2)a Changed the time of submittal. Original said submittal on the 17th of the month. This has been changed to a time on the submittal schedule online or in the planning office.
- 2.(ii) changed from 10 days to 15 days the notification time
- 2(iii) Require notification of the school district by sending notice to the Superintendent of the school district
- 2(iv) require signs to be placed on the property 15 days instead of 10 days prior to the meeting.
- 2e Approval Criteria. Added a second sentence *If any project doesn't meet all the criteria in the section the planning commission or city council can require the owner to provide additional information to determine if the rezoning should move forward. Additional information may include but not be limited to; traffic studies, drainage considerations, crime reports, noise and light studies, wetlands and historical considerations.*
- 2e3 added *including adjacent neighbors that have a direct impact to the property*
- 2e6 removed this consideration.
- 2e7 added *and school districts*



Legislation Details (With Text)

File #: ORD-16:033 **Version:** 1 **Name:** Rezoning at 6106 Southwest Drive
Type: Ordinance **Status:** Held in Council
File created: 6/15/2016 **In control:** City Council
On agenda: **Final action:**
Title: AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RS-1 TO I-1 FOR PROPERTY LOCATED AT 6106 SOUTHWEST DRIVE AS REQUESTED BY PAULETTE QUINN
Sponsors:
Indexes: Rezoning
Code sections:
Attachments: [Plat](#)
[Planning Dept. Report](#)

Date	Ver.	Action By	Action	Result
7/5/2016	1	City Council	Postponed Temporarily	Pass
6/21/2016	1	City Council	Waived Second Reading	Pass

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES WHEREAS, Paulette Quinn is the owner of the following real estate in Jonesboro, Craighead County, Arkansas:

A PART OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST QUARTER OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, THENCE SOUTH 00°15'54" WEST, ALONG THE EAST LINE OF SAID LOT 1, 267.12 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 00°15'54" WEST, ALONG SAID EAST LINE, 2330.61 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°28'06" WEST, ALONG SAID SOUTH LINE, 247.95 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°15'54" EAST, ALONG SAID WEST LINE 2332.12 FEET; THENCE SOUTH 89°07'04" EAST, LEAVING SAID WEST LINE, 247.96 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 13.27 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

The "Airstrip Property."

WHEREAS, the Airstrip Property is located within certain real estate that was annexed into Jonesboro in 2008, the legal description of which is more particularly set forth in Ordinance No. 08-045 (the "Annexed Property").

WHEREAS, the current zoning classification for the Annexed Property is RS-1, with the following nonconforming uses:

- A. Airstrip used in connection with a certain crop-dusting (agri-chemical application) business located

upon adjoining property within the City of Jonesboro, Arkansas, and currently zoned I-1; and

B. Agriculture, crops.

WHEREAS, the owner of the Airstrip Property has requested that the Airstrip Property be zoned I-1; and

WHEREAS, it appears to the City Council that all applicable laws of the State of Arkansas and of the City of Jonesboro 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: Chapter 117, known as the Zoning Ordinance of the City of Jonesboro, Arkansas, codified as Title 14 of the Jonesboro Municipal Code, should be, and it hereby is amended so that the Airstrip Property is zoned from RS-1 (Non-conforming use) to I-1, L.U.O. (Industrial District - Limited Use Overlay).

SECTION II: The rezoning of the Airstrip Property shall be subject to the following stipulations, running with the land:

A. Use of the Airstrip Property is limited to that of an airstrip used in connection with a certain crop-dusting (agri-chemical application) business located upon adjoining property within the City of Jonesboro, Arkansas, and currently zoned I-1. No other Industrial use shall be permitted.

B. Upon the issuance of a building permit for the construction of residential housing on any portion of the Annexed Property, the I-1, L.U.O. designation shall expire and the Airstrip Property shall automatically revert back to the RS-1 district classification without further action of the City Council. The City Clerk shall be authorized to amend the official zoning district boundary map upon proof of the building permit being issued.

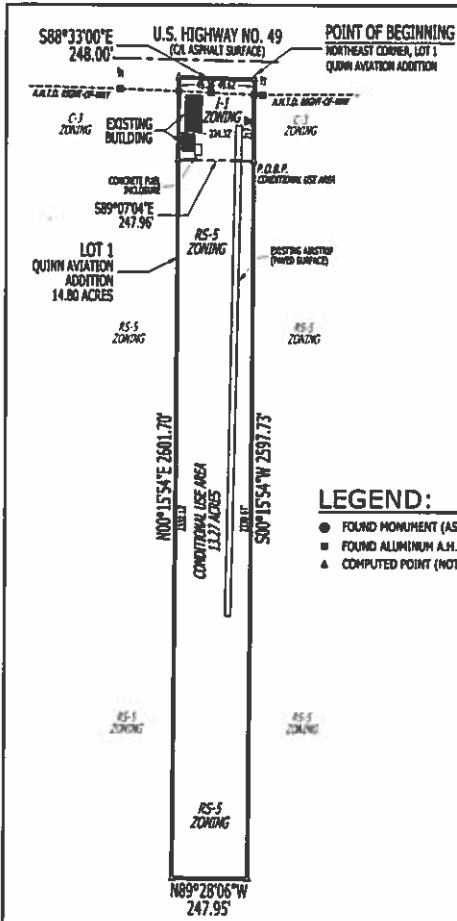
C. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.

D. 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.

E. Any change of use shall be subject to Planning Commission approval in the future.

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 lands described hereinabove so that the zoning classification of said lands shall be in accordance with the provisions of this Ordinance.



LEGEND:

- FOUND MONUMENT (AS NOTED)
- ▲ FOUND ALUMINUM A.H.T.D. MONUMENT
- ▲ COMPUTED POINT (NOT MONUMENTED)

SURVEYOR'S NOTES:

1. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
2. THE FOLLOWING DOCUMENTS WERE USED TO COMPLETE THIS SURVEY:
 - PLAT OF SURVEY, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK H, PAGE 32, DATED SEPTEMBER 26, 1963.
 - RECORD PLAT, QUINN AVIATION ADDITION, BY TERRY G. BARE, P.S. 1048, RECORDED IN BOOK B, PAGE 79, DATED SEPTEMBER 27, 1991.
 - PLAT OF SURVEY, BY JASON H. BRANCH, P.S. 1596, SLS NO. 200807090024, DATED APRIL 16, 2008.
 - RIGHT-OF-WAY PLANS, A.H.T.D. JOB NO. 100611, DATED APRIL 15, 2013.
3. THE SUBJECT PROPERTY LIES OUTSIDE THE 100 YEAR SPECIAL FLOOD HAZARD ZONE, AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP: PANEL NO. 65031C0150C, DATED SEPTEMBER 27, 1991.
4. SUBJECT PROPERTY IS I-1, LIMITED INDUSTRIAL DISTRICT AND RS-5, SINGLE-FAMILY RESIDENTIAL DISTRICT.
5. ZONING REQUIREMENTS:
 - I-1 ZONING:
 - STREET SETBACK - 25'
 - SIDE SETBACK - 10'
 - REAR SETBACK - 20'
 - RS-5 ZONING:
 - STREET SETBACK - 25'
 - SIDE SETBACK - 7.5'
 - REAR SETBACK - 20'
6. FIELD WORK WAS COMPLETED ON DECEMBER 04, 2015.

DESCRIPTION: (CONDITIONAL USE AREA)

A PART OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST QUARTER OF LOT 1 OF QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS; THENCE SOUTH 00°15'54" WEST, ALONG THE EAST LINE OF SAID LOT 1, 267.12 FEET TO THE POINT OF BEGINNING PROPER; THENCE CONTINUE SOUTH 00°15'54" WEST, ALONG SAID EAST LINE, 2330.61 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°28'06" WEST, ALONG SAID SOUTH LINE, 247.95 FEET TO THE WEST LINE OF SAID LOT 1; THENCE NORTH 00°15'54" EAST, ALONG SAID WEST LINE, 2332.12 FEET; THENCE SOUTH 89°07'04" EAST, LEAVING SAID WEST LINE, 247.96 FEET TO THE POINT OF BEGINNING PROPER, CONTAINING 13.27 ACRES, MORE OR LESS, SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.



RIDGE SURVEYING & CONSULTING, PLLC.

211 South Church St., Jonesboro, AR 72401 870-263-4940

CONDITIONAL USE SURVEY

CLIENT: KEVIN CARPENTER
PART OF LOT 1, QUINN AVIATION ADDITION, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS



DRAWING INFO

DRAWN BY: JBM | JOB NO.: 15217 | SHEET: 1 OF 2
DATE: 12 / 14 / 2015 | SCALE: 1" = 300'

REVISIONS

500-16N-06E-0-06-440-28-1709

City of Jonesboro Council
Staff Report – RZ 16-09: 6106 Southwest Drive
Municipal Center - 300 S. Church St.
For Consideration by the Commission on June 21, 2016

REQUEST: To consider a rezoning of one tract of land containing 13.27 acres more or less.

PURPOSE: A request to consider recommendation to Council by the MAPC a rezoning of 13.27 acres of land located at 6106 Southwest Drive, from RS-1 LUO to I-1 Industrial District.

**APPLICANTS/
OWNER:** Paulette Quinn and Robert J. Gibson, P.O. Box 1700, Jonesboro, AR

LOCATION: 6106 Southwest Drive, Jonesboro, AR 72401

**SITE
DESCRIPTION:** **Tract Size:** Approx. 13.27 Acres
Street Frontage: 248 feet along Southwest Drive
Topography: Undeveloped flat.
Existing Development: Undeveloped

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	R-1 Single Family, C-3 General Commercial, and I-1 Industrial
South	Undeveloped farm land in Craighead County
East	Undeveloped farm land in Craighead County
West	Single Family Housing in Craighead County

HISTORY: Currently undeveloped.

ZONING ANALYSIS

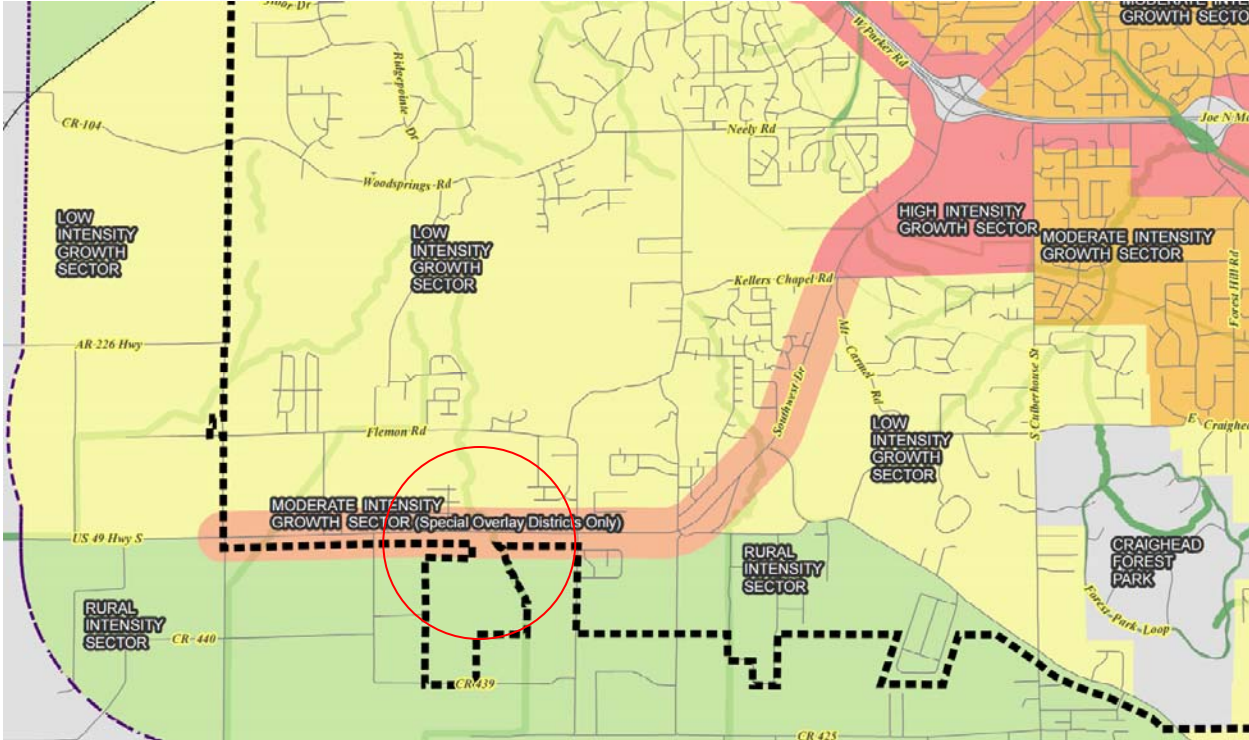
City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP

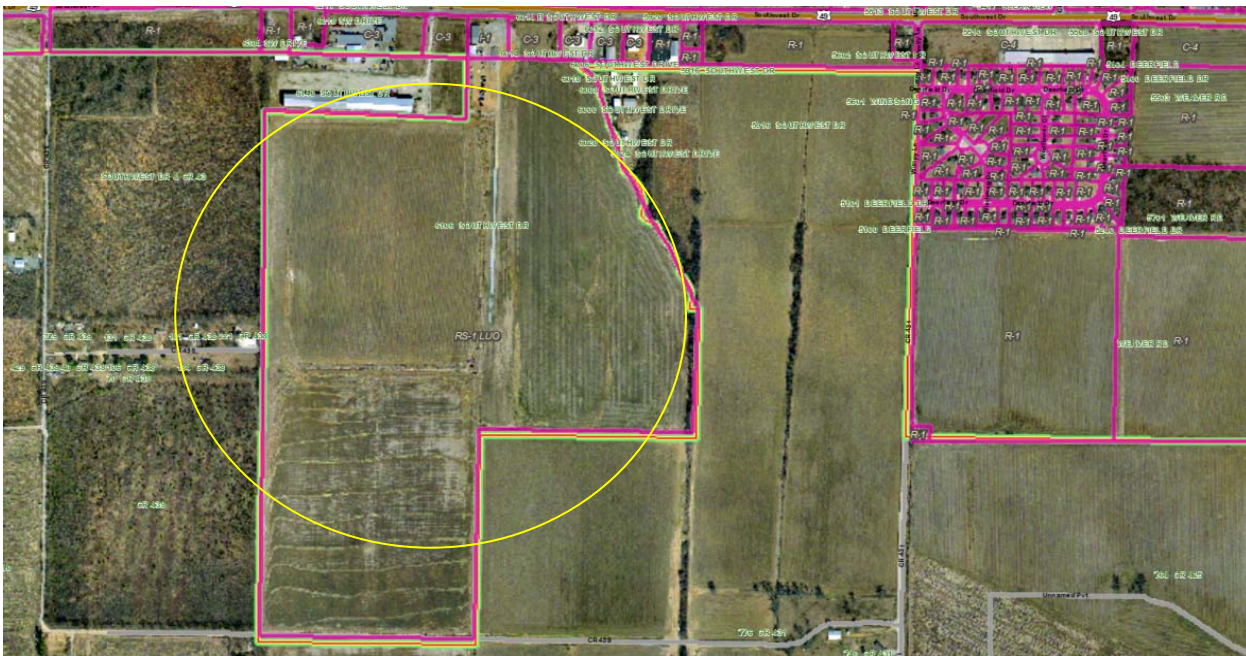
The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overlay Districts Only), with a combination of rural growth section on the southern half of the site.

Master Street Plan/Transportation

The subject site is served by Hwy. 49, which on the Master Street Plan is defined as a Principal Arterial; the street right-of-ways must adhere to the Master Street Plan recommendation upon replatting and redevelopment. The recommended right-of-way is 120 feet. Any replat should satisfy the minimum requirement.










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 Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overlay Districts Only), with a combination of rural growth section on the southern half of the site. Partial consistency is achieved. Full will occur after airstrip expires.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, once the single family use is implemented.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved. This area already has several commercial developments along Southwest Drive. Including agricultural crop forming.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.	Property has continued to be used as an airstrip.	
(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.	This site and use should not be a detriment to the area if controls are implemented to screen and buffer any environmentally sensitive surrounding uses of future residential and the airstrip were discounted.	
(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 not vacant.	
(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 business currently exist with only minor upgrades. No immediate changes are inevitable	

MAPC RECORD OF PROCEEDINGS: MAPC Meeting Held on June 14, 2016

Applicant:

Attorney Robert Gibson, Jr. appeared before the Commission explaining the basis of the case.

Public Input: None Present.

Staff:

Mr. Otis Spriggs gave Staff comments as follows:

The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector (Special Overlay Districts Only) and Rural Intensity Sector in the Rear. The site is partially consistent. The airport landing strip was deemed non-conforming with an expiring term. This parcel was part of a larger annexation in 2008. The purpose of the annexation was to develop residential property to the south, which would have resulted in relocation or terminator of the airstrip. Residential development has not occurred and the proper zoning for the airstrip is I-1. The property is currently zoned as RS-1 but recognizing a preexisting non-conforming use as it is defined in the chapter 117 of the Jonesboro municipal code. The airstrip is used for (agri-chemical application). The location of the business is upon adjoining property within the city of Jonesboro, Arkansas and currently zoned as I-1. Chapter 117 of the Jonesboro municipal code intends to apply to the non-conforming uses described above. The property above is due to expire August 19th, 2018 as conditioned in the ordinance ORD-08:045. In order to renew the permit to use the airstrip there should be an agreement that if the property were developed as residential, the airstrip will automatically be expired, and reverted back to residential.

Motion to approve was made by Mr. Kelton, seconded by Mr. Scurlock with the following conditions were read:

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 final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. The owner agrees that if and when the property were developed as residential RS-1, the airstrip will automatically be expired, and the subject I-1 property will automatically be reverted back to residential RS-1.

The motion PASSED with the following (8-0) vote.

Voting Aye: 8 - Mr. Ron Kelton; Mr. Hoelscher; Mr. Jim Scurlock; Mr. Kevin Bailey; Mr. Jimmy Cooper; Mr. Reece; Mr. Perkins and Rick Stripling. Lonnie Roberts was Chair.

Staff Findings:

Applicant’s Purpose:

This parcel was part of a larger annexation in 2008. The purpose of the annexation was to develop residential property to the south, which would have resulted in relocation or terminator of the airstrip. Residential development has not occurred and the proper zoning for the airstrip is I-1.

The property is currently zoned as RS-1 but recognizing a preexisting non-conforming use as it is defined in the chapter 117 of the Jonesboro municipal code. The airstrip is used for (agri-chemical application). The location of the business is upon adjoining property within the city of Jonesboro, Arkansas and currently zoned as I-1. Chapter 117 of the Jonesboro municipal code intends to apply to the non-conforming uses described above. The property above is due to expire August 19th, 2018 as conditioned in the ordinance ORD-08:045. In order to renew the approval to use the airstrip there should be an agreement that if the property were developed as residential, the airstrip will automatically be expired, and reverted back to residential.

Chapter 117 of the City Code of Ordinances/Zoning defines Commercial District as follows:

I-1, Limited Industrial District. This district is to accommodate freight terminals, warehousing, wholesaling, packaging, storage, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Certain commercial uses are also permitted. Suitable transportation facilities are a necessity to this district.

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.	
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-3, L.U.O. General 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:

Uses	I-1	Uses	I-1
Manufactured housing unit	C	Utility, major	C
Airport or airstrip	C	Utility, minor	P
Animal care, general	C	Vehicle and equipment sales	P
Auditorium or stadium	C	Vehicle repair, general	P
Automated teller machine	P	Vehicle repair, limited	P
Bank or financial institution	P	Vocational school	P
Carwash	P	Warehouse, residential (mini) storage	P
Cemetery	P	Vehicular and equipment storage yard	P
Church	P	Asphalt or concrete plant	C
College or university	P	Auto wrecking or salvage yard	C
Communication tower	P	Basic industry	C
Construction sales and service	P	Freight terminal	P
Convenience store	C	Landfill (private)	
Day care, limited (family home)	C	Manufacturing, general	P
Day care, general	C	Manufacturing, limited	P
Entertainment, adult	C	Mining or quarrying	C
Government service	P	Oil and gas drilling	
Indoor firing range	C	Research services	P
Library	P	Solid waste incinerator	C
Medical service/office	P	Warehousing	P
Museum	C	Welding or machine shop	P
Office, general	C	Agriculture, animal	C
Parking lot, commercial	C	Agriculture, crop	C
Parks and recreation	C	Agriculture, farmers market	P
Pawn shops	C	Agriculture, product sales	C
Post office	C	Sign, off-premises*	P
Recreation/entertainment, indoor	C	Retail/service	P
Recreation/entertainment, outdoor	C	Safety services	P
Recreational vehicle park	P	School, elementary, middle and high	P
Restaurant, fast-food	P	Service station	P
Restaurant, general	P	Sign, off-premises*	P

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 16-09, a request to rezone property from “RS-1 LUO” to “I-1”, subject to final site plan approval by the MAPC and the following 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 final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. The owner agrees that if and when the property were developed as residential RS-1, the airstrip will automatically be expired, and the subject I-1 property will automatically be reverted back to residential RS-1.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking south toward property site



View looking North East



View looking at property west of the site



View looking West



View Looking west on Hwy. 49 S.



View Looking East On Hwy. 49 S.



Legislation Details (With Text)

File #: RES-16:132 **Version:** 1 **Name:** Condemnation at 1207 French Street
Type: Resolution **Status:** Held in Council
File created: 9/22/2016 **In control:** Public Safety Council Committee
On agenda: 2/7/2017 **Final action:**
Title: RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 1207 French Street, owner Duwayne Veteto.
Sponsors: Code Enforcement
Indexes: Condemnation
Code sections:
Attachments: [Title Report](#)
[inspection report](#)
[County Data](#)
[Pic 1](#)
[Pic 2](#)
[Pic 3](#)
[Pic 4](#)
[Pic 5](#)

Date	Ver.	Action By	Action	Result
12/20/2016	1	City Council	Postponed Temporarily	Pass
10/18/2016	1	Public Safety Council Committee	Recommended to Council	Pass

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 1207 French Street, owner Duwayne Veteto.

WHEREAS, the above mentioned property has been inspected and has been determined unsuited for human habitation.

WHEREAS, all of the stipulations have been met in the condemnation process to proceed with the condemnation of this property.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT: the city should proceed with the condemnation of the property located at: 1207 French Street.



LENDERS TITLE
C O M P A N Y

2207 Fowler Avenue
Jonesboro, Arkansas 72401
Phone: 870-935-7410
FAX: 870-935-6548

LIMITED TITLE SEARCH

Date: June 27, 2016
Prepared For: Michael Tyner
File Number: 16-070972-300

Lenders Title Company hereby certifies that the records of the Circuit Clerk of Craighead County, Arkansas have been examined as to the following described property from March 15, 1988 at 7:30 AM to May 31, 2016 at 7:30 AM:

Lots 3 and 4 in Block 12 of Cartwright and French's Addition to the City of Jonesboro, Arkansas.

The following instruments were found of record during the aforementioned period which affect the above described property:

WARRANTY DEED from James C. Veteto and Betty Veteto, his wife, to Duawayne Veteto, dated November 10, 1987, filed March 15, 1988 at 2:45 PM, recorded in Deed Book 357 Page 297 in the records of Jonesboro, Craighead County, Arkansas.

TAX LIEN executed by Michael Tyner, against Duawayne Veteto, approved by Carol Duncan Jonesboro City Attorney, dated August 3, 2015, filed August 12, 2015 at 11:38 PM, recorded in Document Number JB2015R-012649 in the records of Jonesboro, Craighead County, Arkansas.

TAX LIEN executed by Michael Tyner, against Duawayne Veteto, approved by Carol Duncan Jonesboro City Attorney, dated October 1, 2015, filed October 26,, 2015 at 1:52 PM, recorded in Document Number JB2015R-016754 in the records of Jonesboro, Craighead County, Arkansas.

STATE TAX LIEN executed by Timothy J. Leathers, Director of the Department of Finance and Administration, State of Arkansas, against Duawayne Veteto, dated December 31, 2015, filed January 7, 2016 at 2:23 PM, recorded in Document Number JB2016J-000089 in the records of Jonesboro, Craighead County, Arkansas.

REAL ESTATE TAXES for the year 2014 have not been paid and are now delinquent, real estate taxes for the year 2015 have not been paid and are now due. (Parcel Number 01-144073-11800)

Judgments have been checked on Duawayne Veteto during the aforementioned period, and the following were found:

See Above

This Limited Title Search is intended for the exclusive use of the addressee for informational purposes only. Lenders Title Company is not expressing or attempting to express an opinion as to the validity of the title to the above described property nor as to the validity of any encumbrances, both recorded and unrecorded, that pertain to the above described property. While Lenders Title Company believes that the information stated above is accurate, no assurances are made nor is any liability assumed by Lenders Title Company for any incorrect information stated herein or omitted herefrom. For assurances as to the title to the above described property, addressee should obtain a title insurance policy.

Sincerely,

Lenders Title Company

A handwritten signature in cursive script that reads "Rachel Hendrix". The signature is written in black ink and is positioned above a horizontal line.

By: Rachel Hendrix



DEPARTMENT OF INSPECTION AND CODE ENFORCEMENT

RESIDENTIAL BUILDING INSPECTION REPORT


DATE OF INSPECTION:	5-13-16					
PROPERTY ADDRESS:	1207 FRENCH					
PROPERTY OWNER:	DUWAYNE VETETO ETAL					
OCCUPIED:	YES NO X					
BUILDING ELEMENT	1 thru 5 CONDITION					NOTES & COMMENTS
	VERY POOR				VERY GOOD	
Foundation Type: Piers Solid Slab	5					MOBILE HOME ON PIERS, IN BAD SHAPE
Front Porch Type: Wood Concrete		4				WOODEN PORCH IN BAD SHAPE , ROTTED AND FALLING DOWN
Exterior Doors and Windows Type: Wood Vinyl Aluminum		4				METAL MOBILE HOME DOORS , ROTTED AND WEATHERED WATER DAMAGED
Roof Underlay Type: OSB/ Plywood 1x6 metal			3			OLD ROOF , MOBILE HOME ROOF
Roof Surface Type: Metal 3-Tab Shingles Dimensional Shingles						MOBILE HOME ROOF
Chimney						N/A
Siding Type: Wood Lap Vinyl Masonite Aluminum			3			OLD METAL SIDING, WEATHERED AND NEEDS REPLACED OR PAINTED
Fascia and Trim Type Wood Vinyl Coil						N/A
Interior Doors Type: Hollow Wood Solid Wood						HOLLOW DOORS IN BAD SHAPE, NEEDS REPLACED

Interior Walls Type Wood Frame Metal Frame Sheetrock Stucco		4				WEATHERED AND ROTTED,NEEDS REPLACED
Ceilings Type: Sheetrock Stucco Ceiling Tile		4				SHEETROCK CEILINGS NEED REPLACED
Flooring Underlay Type: 1x6 center match OSB Plywood	5					OSB UNDERLAY FALLING IN AND ROTTED THROUGHOUT THE HOME
Flooring Surfaces Type: Carpet Linoleum Hard Wood Vinyl		4				OLD CARPET AND LINOLEUM NEEDS REPLACED
Electrical	5					NOT TO CODE
Heating	5					NOT TO CODE
Plumbing	5					NOT TO CODE

In my opinion, this structure		is	<input checked="" type="checkbox"/>	is not	Suitable for human habitation.
In my opinion this structure		is	<input checked="" type="checkbox"/>	is not	Physically feasible for rehabilitation.
In my opinion, this structure		is	<input checked="" type="checkbox"/>	is not	Economically feasible for rehabilitation.
In my opinion, this structure	<input checked="" type="checkbox"/>	is		is not	A public safety hazard and should be condemned immediately.

EMERGENCY ACTION IS WARRANTED: YES X NO

HOUSE WAS NOT SECURED AT TIME OF INSPECTION

Tim Renshaw, Chief Building Inspector				Other Signature
				

Municipal Building, 300 South Church Jonesboro, Ar./ Phone 870-336-7194/ Fax 870-336-1358

VETETO DUWAYNE ETAL

1207 FRENCH ST
JONESBORO, AR 72401-1648

[Basic](#)

[Land](#)

[Sales](#)

[Valuation](#)

[Improvements](#)

[Map View](#)

Basic Info

Parcel Number:	01-144073-11800
County Name:	Craighead County
Ownership Information:	VETETO DUWAYNE ETAL 1207 FRENCH ST JONESBORO, AR 72401-1648 Map This Address
Billing Information :	VETETO DUAWAYNE 1207 FRENCH ST JONESBORO AR 72401-1648
Total Acres:	0.00
Timber Acres:	0.00
Sec-Twp-Rng:	07-14-04
Lot/Block:	3-4/12
Subdivision:	CARTWRIGHT & FRENCH ADD
Legal Description:	CARTWRIGHT & FRENCH ADD LOTS 3-4
School District:	J JB JONESBORO CITY
Homestead Parcel?:	No
Tax Status:	Taxable
Over 65?:	No











Legislation Details (With Text)

File #: RES-16:133 **Version:** 1 **Name:** Condemnation at 2208 Barnhill
Type: Resolution **Status:** Held in Council
File created: 9/22/2016 **In control:** Public Safety Council Committee
On agenda: 2/7/2017 **Final action:**
Title: RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 2208 Barnhill, owner Kathrine Elrod.
Sponsors: Code Enforcement
Indexes: Condemnation
Code sections:
Attachments: [County Data](#)
[inspection report](#)
[Title Report](#)
[Pic 1](#)
[Pic 2](#)
[Pic 3](#)
[Pic 4](#)
[Pic 5](#)

Date	Ver.	Action By	Action	Result
12/20/2016	1	City Council	Postponed Temporarily	Pass
10/18/2016	1	Public Safety Council Committee	Recommended to Council	Pass

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 2208 Barnhill, owner Kathrine Elrod.

WHEREAS, the above mentioned property has been inspected and has been determined unsuited for human habitation.

WHEREAS, all of the stipulations have been met in the condemnation process to proceed with the condemnation of this property.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT: the city should proceed with the condemnation of the property located at: 2208 Barnhill.

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PARCEL DETAILS

[New Search](#) [Search Results](#)

Basic Information

Parcel Number: 01-145272-00600
County Name: Craighead County
Ownership Information: ELROD KATHERINE D
 2208 BARNHILL RD
 JONESBORO, AR
[Map This Address](#)
Billing Information : ELROD KATHERINE D
 2208 BARNHILL RD
 JONESBORO AR 72401-
Total Acres: 1.00
Timber Acres: 0.00
Sec-Twp-Rng: 27-14-05
Lot/Block: 1/
Subdivision: ELROD MINOR PLAT
Legal Description: ELROD MINOR PLAT PT SW NW
School District: BY JB BAY JONESBORO
Improvement Districts: Drainage Dist Sub 1-28
Homestead Parcel?: No
Tax Status: Taxable
Over 65?: No

Land Information

Land Divisions:	Land Type	Quantity	Front Width	Rear Width	Depth 1	Depth 2	Quarter
	RESHS	1 lots [0 sqft]	209	209	209	209	

Valuation Information

	Appraised	Assessed
Land:	10,000	2,000
Improvements:	15,800	3,160
Total Value:	25,800	5,160
Taxable Value:		5,160
Millage:		0.0508
Estimated Taxes [?]:		\$262.13
Assessment Year:		2015

[View Prior Year Information](#)

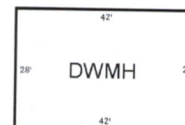
Sales History

No sales history available

Improvement Information

Residential Improvements

Residential Improvement #1



Living Area 1st Floor	1,176
Living Area 2nd Floor	0
Living Area Total SF	1,176

Occupancy Type: Mobile Home
Grade: D5

Story Height: 1 Story

Year Built: Year Built Not Available

Basement Unfinished	0
Basement Finished w/Partitions	0
Basement Finished w/o Partitions	0
Basement Total SF	0

Effective Age: 25

Construction Type:

Roof Type: *Unkown*

Heat / AC: None

Fireplace: 0

Bathrooms:

Foundation Type: *Unkown*

Floor Type: *Unkown*

Floor Covering:

What do these
OBYI
abbreviations
mean?

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DEPARTMENT OF INSPECTION AND CODE ENFORCEMENT

RESIDENTIAL BUILDING INSPECTION REPORT

DATE OF INSPECTION:	11-23-15					
PROPERTY ADDRESS:	2208 BARNHILL					
PROPERTY OWNER:	KATHERINE D ELROD					
OCCUPIED:	YES NO <input checked="" type="checkbox"/>					
BUILDING ELEMENT	1 thru 5 CONDITION					NOTES & COMMENTS
-	VERY POOR				VERY GOOD	
Foundation Type: Piers Solid Slab		2				MOBILE HOME ,PIERS
Front Porch Type: Wood Concrete		2				WOOD DECKING AND STEPS ,OLD ROTTED NEEDS REPLACED
Exterior Doors and Windows Type: Wood Vinyl Aluminum		2				SOME BROKEN ,SOME ROTTED NEEDS REPLACED OR REPAIRED
Roof Underlay Type: OSB/ Plywood 1x6 metal	1					WOOD DECKING IS EXPOSED AND ROTTED AND NEEDS REPLACED
Roof Surface Type: Metal 3-Tab Shingles Dimensional Shingles	1					SHINGLES ARE MISSING AND OLD ,NEEDS REPLACED
Chimney						N/A
Siding Type: Wood Lap Vinyl Masonite Aluminum			3			IN FAIR SHAPE , EXPOSED AT SEAMS AND NEEDS PAINT
Fascia and Trim Type Wood Vinyl Coil		2				WOOD FACIA IS WEATHERED AND ROTTED IF NOT MISSING IN PLACES, NEEDS REPLACED
Interior Doors Type: Hollow Wood Solid Wood			3			DOORS ARE MISSING OR WARPED FROM WATER LEAKING FROM ROOF

Interior Walls Type Wood Frame Metal Frame Sheetrock Stucco			3			WOOD FRAME WALLS, EXPOSED FROM SHEETROCK MISSING , ROTTED FROM WATER LEAKS
Ceilings Type: Sheetrock Stucco Ceiling Tile		2				ROTTED AND MOLDED FROM WATER LEAKING FROM ROOF, NEEDS REPLACED
Flooring Underlay Type: 1x6 center match OSB Plywood			3			FLOORS DAMAGED FROM WATER LEAKS, NEEDS REPLACED
Flooring Surfaces Type: Carpet Linoleum Hard Wood Vinyl		2				DAMEAGED FROM WATER LEAKING OR EVEN MISSING IN AREAS ,NEEDS REPLACED
Electrical		2				NOT TO CODE
Heating		2				NOT TO CODE
Plumbing		2				NOT TO CODE
In my opinion, this structure		is	X	is not		Suitable for human habitation.
In my opinion this structure		is	X	is not		Physically feasible for rehabilitation.
In my opinion, this structure		is	X	is not		Economically feasible for rehabilitation.
In my opinion, this structure	X	is		is not		A public safety hazard and should be condemned immediately.
EMERGENCY ACTION IS WARRANTED: YES X NO						
PROPERTY WAS SECURED AT TIME OF INSPECTION						
Tim Renshaw, Chief Building Inspector						Other Signature
						
Municipal Building, 300 South Church Jonesboro, Ar./ Phone 870-336-7194/ Fax 870-336-1358						



LENDERS TITLE
C O M P A N Y

2207 Fowler Avenue
Jonesboro, Arkansas 72401
Phone: 870-935-7410
FAX: 870-935-6548

LIMITED TITLE SEARCH

Date: February 2, 2016
Prepared For: City of Jonesboro - Michael Tyner
File Number: 16-070077-300

Lenders Title Company hereby certifies that the records of the Circuit Clerk of Craighead County, Arkansas have been examined as to the following described property from January 10, 1983 at 7:30 AM to January 7, 2016 at 7:30 AM:

Lot 1 of Elrod's Minor Plat as shown by Plat recorded in Plat Cabinet "C" Page 9 at Jonesboro, Arkansas, subject to easements as shown on recorded plat, being more particularly described as follows: A part of the Southwest Quarter of the Northwest Quarter of Section 27, Township 15 North, Range 5 East, Craighead County, Arkansas and being more particularly described as follows: Commencing at the Northwest Corner of the Southwest Quarter of the Northwest Quarter of said Section 27; thence South 834.84 feet to the point of beginning proper; thence North 88 degrees 59 minutes East 208.71 feet; thence South 208.71 feet; thence South 88 degrees 59 minutes West 208.71 feet; thence North 208.71 feet to the point of beginning proper, containing 1.0 acres more or less and being subject to all public and private roads and easements.

The following instruments were found of record during the aforementioned period which affect the above described property:

LAST WILL AND TESTAMENT OF A. H. BARNHILL, SR. filed January 10, 1983 and recorded in Will Record F Page 567 at Jonesboro, Craighead County, Arkansas, leaving caption land to Katherine Deloris Barnhill Elrod.

LAST WILL AND TESTAMENT OF HELEN BARNHILL filed January 10, 1983 and recorded in Will Record F Page 572 at Jonesboro, Craighead County, Arkansas, leaving caption land to Katherine Deloris Barnhill Elrod.

QUITCLAIM DEED from Barry lee Elrod and Rayetta Elrod, his wife, to Katherine Deloris Barnhill Elrod, dated November 14, 1983, filed November 16, 1983 at 9:00 A.M., and recorded in Deed Record 85 Page 136 at Lake City, Craighead County, Arkansas.

ORDER AUTHORIZING FINAL DISTRIBUTION OF ESTATE ASSETS in the Matter of the Estate of Willie Helen Barnhill, Deceased, filed July 30, 1984 and recorded in Probate Record X Page 321 at Jonesboro, Craighead County, Arkansas.

ORDER AUTHORIZING FINAL DISTRIBUTION OF ESTATE ASSETS in the Matter of the

Estate of Alfred Hensley Barnhill, Sr., Deceased, filed July 30, 1984 and recorded in Probate Record X Page 325 at Jonesboro, Craighead County, Arkansas.

MORTGAGE executed by Dallas S. Elrod and Katherine D. Elrod, in favor of United States of America Farmer's Home Administration, dated April 12, 1985, filed April 12, 1985 at 10:20 AM, recorded in Mortgage Book 288 Page 35 in the records of Jonesboro, Craighead County, Arkansas, securing the amount of \$43,000.00.

MORTGAGE executed by Dallas S. Elrod and Katherine D. Elrod, in favor of United States of America Farmer's Home Administration, dated April 10, 1987, filed April 10, 1987 at 10:05 AM, recorded in Mortgage Book 329 Page 190 in the records of Jonesboro, Craighead County, Arkansas, securing the amount of \$110,227.83.

MORTGAGE executed by Dallas S. Elrod and Katherine Elrod, his wife, in favor of Pocahontas Federal Savings and Loan Association, dated September 18, 1997, filed September 25, 1997 at 3:18:00 PM, recorded in Mortgage Book 695 Page 455 in the records of Jonesboro, Craighead County, Arkansas, securing the amount of \$3,000.00.

RELEASE OF MORTGAGE executed by Pocahontas Federal Savings and Loan Association in favor of Dallas S. Elrod and Katherine Elrod, as husband and wife, dated May 10, 2000, filed May 12, 2000 at 8:55:45 AM, recorded in Deed Book 591 Page 434 in the records of Jonesboro, Craighead County, Arkansas, releasing Mortgage 695 page 455.

MORTGAGE executed by Dallas S. Elrod and Katherine Elrod, as husband and wife, in favor of Pocahontas Federal Savings and Loan Association, dated May 5, 2000, filed May 12, 2000 at 8:55:46 AM, recorded in Mortgage Book 804 Page 591 in the records of Jonesboro, Craighead County, Arkansas, securing the amount of \$3,500.00.

RELEASE OF MORTGAGE executed by Pocahontas Federal Savings & Loan Association, in favor of Dallas S. Elrod and Katherine Elrod, as husband and wife, dated December 18, 2000, filed December 22, 2000 at 10:17:50 AM, recorded in Deed Book 600 Page 167 in the records of Jonesboro, Craighead County, Arkansas.

REAL ESTATE TAXES for the year 2014 have been paid, real estate taxes for 2015 are not yet due and payable. SPECIAL ASSESSMENTS for Sub-District Number 1 to Drainage District 28 have been paid for 2014 and all prior years, special assessments for 2015 have not been paid and are delinquent, special assessments for 2016 are not yet due and payable. (Parcel Number 01-145272-00600)

Judgments have been checked on Katherine Elrod during the aforementioned period, and the following were found:

NONE

If tax information was requested, please see the attached tax certificate for the real property tax information as to the above described property.

This Limited Title Search is intended for the exclusive use of the addressee for informational purposes only. Lenders Title Company is not expressing or attempting to express an opinion as to the validity of the title to the above described property nor as to the validity of any encumbrances, both recorded and unrecorded, that pertain to the above described property. While Lenders Title Company believes that the information stated above is accurate, no

assurances are made nor is any liability assumed by Lenders Title Company for any incorrect information stated herein or omitted herefrom. For assurances as to the title to the above described property, addressee should obtain a title insurance policy.

Sincerely,

Lenders Title Company

Rachel Hendrix

By: Rachel Hendrix









