



City of Conway, Arkansas
CITY COUNCIL
Agenda • August 8th, 2023

www.conwayarkansas.gov

Elected Officials

Mayor Bart Castleberry
City Clerk Michael O. Garrett
City Attorney Charles Finkenbinder

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Anne Tucker
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Cindy Webb
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

5:30pm:

No Committee Meeting

6:00pm:

City Council Meeting • City Council Chambers • 1111 Main Street

Call to Order:

Bart Castleberry, Mayor

Roll Call:

Michael O. Garrett, Clerk/Treasurer

Minutes Approval:

July 11th, 2023

Monthly Financial Report:

June 30th, 2023

A. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)

1. Consideration to approve waiving all three readings for the ordinances on the August 8th, 2023 City Council agenda.
2. Consideration to approve the request to waive the 12 month waiting period for the resubmittal of a rezoning request for property (±11.6 acres) located East of the Spencer Lake Drive and Padgett Road intersection.
3. Resolutions requesting the Faulkner County Tax Collector to place a lien on various locations for expenses incurred by the City.
4. Resolution to approve a corporate ground lease with MVV Partnership at the Conway Regional Airport.
5. Ordinance accepting and appropriating grant funds from the FAA for the runway rehab project for the Conway Regional Airport.
6. Resolution to approve the partnership with the Arkansas Department of Transportation for widening Hwy 286 from Thomas G. Wilson to East German Lane.
7. Ordinance appropriating funds for the relocation of a sewer line for the Hogan Road and Hwy 64 Intersection Improvement Project.
8. Ordinance amending Ordinance O-15-133 for the purpose of adding to and correcting the legal description of the property zoned at S. Amity Road and North of Dave Ward Drive/AR Hwy 286 from I-1, I-3, and A-1 to C-3.
9. Resolution to approve an Impact Fee Credit Agreement for Lands' End Subdivision Phase I.
10. First Reading of Impact Fee Agreement for Lands' End Subdivision Phase 2.
11. First Reading of Impact Fee Agreement for Centerstone Subdivision Phase 4, Lot 8.

B. Public Safety Committee (Animal Welfare, Communication Emergency Operations Center, Department of Information Systems & Technology, District Court, Fire, Office of the City Attorney, & Police)

1. Ordinance appropriating donation funds for the Conway Fire Department.

Adjournment



City of Conway, Arkansas
Monthly Financial Reports
June 30, 2023

City of Conway
 Monthly Financial Report - General Fund
 For the month ended June 30, 2023



Revenues	Budget	Month	Year to Date	Encumbered	(Over)/Under	%
		Activity			Budget	Expend/Collect
Ad Valorem Tax	4,200,000	153,574	2,107,234		2,092,766	50%
Payments in Lieu of Tax	20,000	-	36,225		(16,225)	181%
State Tax Turnback	950,000	58,658	431,684		518,316	45%
Insurance Tax Turnback - LOPFI	1,300,000	-	-		1,300,000	0%
Sales Tax	28,200,000	2,419,950	14,310,301		13,889,699	51%
Beverage Tax	600,000	-	270,251		329,749	45%
Franchise Fees	3,829,200	333,847	2,264,562		1,564,638	59%
Office Space Leases	67,400	5,617	33,700		33,700	50%
Permits	560,500	43,782	407,739		152,761	73%
Public Safety	2,249,629	342,357	1,208,516		1,041,114	54%
Parks	630,000	85,949	498,428		131,572	79%
Insurance Proceeds	267,180	3,521	275,350		(8,170)	103%
Federal Grant Revenues	221,900	-	90,768		131,132	41%
State Grant Revenues	100,000	-	100,000		-	100%
Interest Income	123,000	107,249	607,439		(484,439)	494%
Proceeds from Sale of Assets	-	4,004	5,034		(5,034)	-
Donations	1,500	2,000	3,500		(2,000)	233%
Miscellaneous Revenues	121,867	10,969	126,684		(4,817)	104%
Transfers from Other Funds	820,000	-	-		820,000	0%
Total Revenues	44,262,177	3,571,478	22,777,416		21,484,761	51%
Expenditures						
Admin (Mayor, HR)	1,136,641	105,939	494,132	45,311	597,198	43%
Finance	509,830	64,327	192,519	5,883	311,428	38%
City Clerk/Treasurer	170,444	12,667	75,910	1,785	92,749	45%
City Council	99,297	10,189	37,655	-	61,643	38%
Planning	712,567	48,383	258,685	46,423	407,459	36%
Physical Plant	936,928	70,935	392,520	2,995	541,413	42%
Information Technology	1,927,853	73,818	580,395	9,271	1,338,186	30%
Permits and Inspections	574,676	63,884	241,287	1,075	332,313	42%
Nondepartmental	1,786,992	60,367	1,133,725	1,966	651,301	63%
Police	16,628,361	1,320,760	7,575,228	160,456	8,892,678	46%
CEOC	1,721,095	94,482	607,413	3,135	1,110,546	35%
Animal Welfare	651,043	37,123	220,288	80,390	350,365	34%
Municipal District Court	1,021,716	73,012	530,793	270	490,653	52%
City Attorney	650,696	42,394	255,453	18	395,225	39%
Fire	15,740,987	1,336,895	6,975,824	311,896	8,453,267	44%
Parks	3,791,949	323,251	1,792,900	53,075	1,945,973	47%
Total Expenditures	48,061,074	3,738,426	21,364,729	723,949	25,972,396	44%
Net Revenue/(Expense)	(3,798,897)		1,412,687			

*All figures are unaudited

Notes:

1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
General Fund
2023



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	570,000
O-23-27	3/28/23	District Court building repair	12,242
O-23-32	4/25/23	Police overtime for ballparks	120,000
O-23-35	4/25/23	Downtown landscape maintenance; flower watering	30,000
			<hr/>
			\$ 732,242
			<hr/>

City of Conway
 Balance Sheet - General Fund
 As of June 30, 2023



Cash - Operating	17,694,826
Cash - Reserve	1,758,285
Petty Cash	715
Taxes Receivable	5,001,922
Accounts Receivable	4,907,617
Due from Other Funds	5,532
Due from Street	127,701
Due from Component Unit	252,255
Due from Municipal Court	55,548
Fuel Inventory	(16,264)
General Inventory	585
<i>Assets</i>	<u>29,788,724</u>
Accounts Payable	(54,147)
Insurance and Benefits Payable	271,343
Event Deposits	5,050
Held for Others - Crimestopper Reward	5,000
Held for Others - Performance Bonds	5,195
Due to Other Funds	16,078
Deferred Revenue	4,388,247
Unearned Revenue - City Hall Lease	960,000
<i>Liabilities</i>	<u>5,596,767</u>
<i>Fund Balance</i>	<u>24,191,957</u>
<i>Total Liabilities & Fund Balance</i>	<u>29,788,724</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Street Fund
 For the month ended June 30, 2023



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Ad Valorem Tax	1,500,000	56,383	781,477		718,523	52%
Payments in Lieu of Tax	6,000	-	-		6,000	0%
State Tax Turnback	3,000,000	262,856	1,399,750		1,600,250	47%
State Tax Turnback - Other	1,800,000	164,908	972,347		827,653	54%
Severance Tax	279,000	7,291	120,138		158,862	43%
State Tax Turnback - Wholesale	400,000	34,202	199,580		200,420	50%
Sales Tax	400,000	33,908	200,513		199,487	50%
Sign Permits	-	-	480		(480)	-
Engineering Fees	15,000	-	3,775		11,225	25%
Interest Income	100,000	17,444	109,291		(9,291)	109%
Proceeds from Sale of Assets	-	-	24,600		(24,600)	-
Miscellaneous Revenues	-	-	759		(759)	-
Total Revenues	7,500,000	576,991	3,812,709	-	3,687,291	51%
Expenditures						
Personnel Costs	3,358,630	215,783	1,247,511	-	2,111,119	37%
Other Operating Costs	4,240,370	119,768	2,217,993	82,297	1,940,081	52%
Total Operating Costs	7,599,000	335,552	3,465,503	82,297	4,051,200	46%
Capital Outlay	902,022	-	432,120	-	469,902	48%
Total Expenditures	8,501,022	335,552	3,897,623	82,297	4,521,102	46%
Net Revenue/(Expense)	(1,001,022)		(84,914)			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
Street Fund
2023



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	110,000

City of Conway
Balance Sheet - Street Fund
As of June 30, 2023



Cash - Operating	3,569,810
Taxes Receivable	70,086
Accounts Receivable	2,171,818
Due from Other Funds	9,647
<i>Assets</i>	<u>5,821,361</u>
Insurance and Benefits Payable	(2,782)
Due to General	127,701
Deferred Revenue	1,614,736
<i>Liabilities</i>	<u>1,739,655</u>
<i>Fund Balance</i>	<u>4,081,704</u>
<i>Total Liabilities & Fund Balance</i>	<u>5,821,361</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Sanitation
 For the month ended June 30, 2023



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Sanitation Fee Rev-Residential	9,800,000	873,620	5,028,032		4,771,968	51%
Proceeds - Recycled Materials	350,000	6,585	201,060		148,940	57%
Landfill Fees - General	250,000	28,136	138,156		111,844	55%
Insurance Proceeds	-	-	194,349		(194,349)	-
Interest Income	200,000	98,737	558,120		(358,120)	279%
Proceeds from Sale of Assets	-	57,421	59,768		(59,768)	-
Total Revenues	10,600,000	1,064,500	6,179,484	-	4,420,516	58%
Expenditures						
Personnel Costs	5,898,153	490,183	2,748,367	300	3,149,486	47%
Other Operating Costs	3,703,439	283,492	1,526,449	118,098	2,058,891	41%
Total Operating Costs	9,601,592	773,675	4,274,816	118,398	5,208,377	45%
Capital Outlay	2,765,316	650	1,176,611	1,159,591	429,114	43%
Total Expenditures	12,366,908	774,325	5,451,427	1,277,989	5,637,491	44%
Net Revenue/(Expense)	(1,766,908)		728,057			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
Sanitation Fund
2023



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	310,000

City of Conway
 Balance Sheet - Sanitation
 As of June 30, 2023



Cash - Operating	15,295,662
Petty Cash	200
Post Closure Cash Account	6,462,928
Due from Component Unit	938,781
General Inventory	2,122
Land & Buildings	2,325,821
Infrastructure	735,789
Machinery, Equipment & Vehicles	2,600,651
Deferred Outflows of Resources	1,333,878
Deferred Outflows of Resources-OPEB	263,454
<i>Assets</i>	<u>29,959,287</u>
Accounts Payable	1,448
Insurance and Benefits Payable	5,220
Compensated Absences	229,958
Net Pension Obligation	12,456,380
Deferred Inflows of Resources	1,982,402
Deferred Inflows of Resources-OPEB	114,568
Net OPEB Liability	1,069,934
Due to Other Funds	4,104
Landfill Close/Post Close	8,362,165
<i>Liabilities</i>	<u>24,226,179</u>
<i>Net Position</i>	<u>5,733,108</u>
<i>Total Liabilities and Net Position</i>	<u>29,959,287</u>

*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway
 Monthly Financial Report - Airport
 For the month ended June 30, 2023



Revenues	Budget	Month Activity	Year to Date	Encumbered	(Over)/Under Budget	% Expend/Collect
Sales Tax	25,000	3,810	22,505		2,495	90%
Airport Fuel Sales	1,638,224	163,117	940,547		697,677	57%
T-Hangar Rent	183,780	5,315	132,151		51,629	72%
Community Hangar Rent	48,000	4,000	23,000		25,000	48%
Ground Leases	20,257	-	-		20,257	0%
Misc Revenue - Non air	9,700	400	12,508		(2,808)	129%
Proceeds from Sale of Assets	2,000	8,713	8,713		(6,713)	436%
Miscellaneous Revenues	20,090	3,419	11,219		8,871	56%
Total Revenues	1,947,051	188,774	1,150,643	-	796,408	59%
Expenditures						
Personnel Costs	408,999	34,135	169,307	-	239,692	41%
Fuel for Resale	1,100,000	97,475	770,231	-	329,769	70%
Other Operating Costs	193,300	22,756	95,355	5,647	92,298	49%
Total Operating Costs	1,702,299	154,366	1,034,893	5,647	661,759	61%
Capital Outlay	110,400	-	24,918	-	85,482	23%
Total Expenditures	1,812,699	154,366	1,059,811	5,647	747,241	58%
Net Revenue/(Expense)	134,352		90,832			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
Airport Fund
2023



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	10,000
O-23-31	4/11/23	Add a Line Technical position	35,210
			<u>\$ 45,210</u>

City of Conway
 Balance Sheet - Airport
 As of June 30, 2023



Cash - Operating	297,298
Taxes Receivable	6,101
Accounts Receivable - Fuel Vendor	40,534
Fuel Inventory	92,345
Land	1,254,473
Buildings	5,173,716
Machinery & Equipment	121,754
Infrastructure	22,007,474
Deferred Outflows of Resources-OPEB	10,784
<i>Assets</i>	<u>29,004,479</u>
Compensated Absences	17,855
Net OPEB Liability	43,795
Deferred Inflows of Resources-OPEB	4,690
Due to General	1,429
Note Payable	600,000
<i>Liabilities</i>	<u>667,769</u>
<i>Net Position</i>	<u>28,336,710</u>
<i>Total Liabilities & Net Position</i>	<u>29,004,479</u>

*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway
Monthly Financial Report - Major Project Funds
As of June 30, 2023



Parks and Rec A&P Tax

Balance, 5/31/23	2,906,370
Receipts	440,382
Payments	(511,546)
Balance, 6/30/23	\$ 2,835,207

Pay as you go Sales Tax

Balance, 5/31/23	10,287,388
Receipts	736,806
Payments	(121,109)
Balance, 6/30/23	\$ 10,903,086

Street Impact Fees

Balance, 5/31/23	2,483,873
Receipts	75,743
Payments	(11,123)
Balance, 6/30/23	\$ 2,548,492

Parks Impact Fees

Balance, 5/31/23	627,899
Receipts	14,928
Payments	(5,223)
Balance, 6/30/23	\$ 637,604

Street Sales Tax

Balance, 5/31/23	22,935,810
Receipts	107,621
Payments	(28,190)
Balance, 6/30/23	\$ 23,015,240

City of Conway, Arkansas
Office of the Mayor

Memo:

To: Mayor Bart Castleberry
CC: City Council Members
From: Felicia Rogers
Date: August 3rd, 2023
Re: August 8th, 2023 City Council Agenda

The following ordinances are included on the August 8th agenda for consideration of waiving the three readings of each ordinance:

1. A-5 Ordinance accepting and appropriating grant funds from the FAA for the runway rehab project for the Conway Regional Airport.
2. A-7 Ordinance appropriating funds for the relocation of a sewer line for the Hogan Road and Hwy 64 Intersection Improvement Project.
3. A-8 Ordinance amending Ordinance O-15-133 for the purpose of adding to and correcting the legal description of the property zoned at S. Amity Road and North of Dave Ward Drive/AR Hwy 286 from I-1, I-3, and A-1 to C-3.
4. B-1 Ordinance appropriating donation funds for the Conway Fire Department.



CITY OF CONWAY | 1111 Main Street
 Planning and Development | Conway, AR 72032
 T 501.450.6105
 F 501.450.6144
 www.conwayarkansas.gov

MEMO

To: Mayor Bart Castleberry
 Cc: City Council Members
 Re: WAIVER REQUEST: 12 MONTH ZONING AMENDMENT MORATORIUM AFTER DENIAL

From: Kris Paxton, Director of Planning & Development
 Date: July 14, 2023

Re: Request to waive the 12-month waiting period before a rezoning may be submitted after denial.

On behalf of the applicant, Mr. Landon Sanders has requested the waiver to submit an amendment application to the Planning Commission to rezone the lot from A-1 Agricultural to R-1 One Family Residential. If approved by a two-thirds majority, the applicant must adhere to all applicable rezoning requirements such as applications, fees, and public notice requirements. The item would be heard by the Planning Commission after all submittal requirements are met. If approved by the Planning Commission, the rezoning will be forwarded to the City Council for consideration.

At the July 11th meeting of the City Council, the Appeal of the Planning Commission's Denial for a requested rezone of ±11.6 Acres east of the intersection of Spencer Lake Dr and Padgett Rd from A-1 to PUD was denied. Some City Council members indicated that an R-1 zoning would be an appropriate consideration, however, the Zoning Code prohibits a rezoning application within one (1) year from the effective date of final denial action unless authorized by the City Council by a two-thirds vote.

Staff recommendation: Staff recommends **APPROVAL** of the request.

Please advise if you have any questions.

Thank you,

Kris Paxton, MGIS, CARPO, CFM
 Director of Planning & Development
 City of Conway, Arkansas



Landon T. Sanders, J.D. Attorney-at-Law
Preston T. Sanders, J.D. Attorney-at-Law

7/12/2023

Kris Paxton
Planning Director – City of Conway
1111 Main Street
Conway, AR 72032

RE: *Waiver of 12 Month Rezone Moratorium – Rezone of Planning Commission’s decision on Property Commonly described as 11.60 Acres south of Woodrow Cummins Elementary School on Padgett Road.*

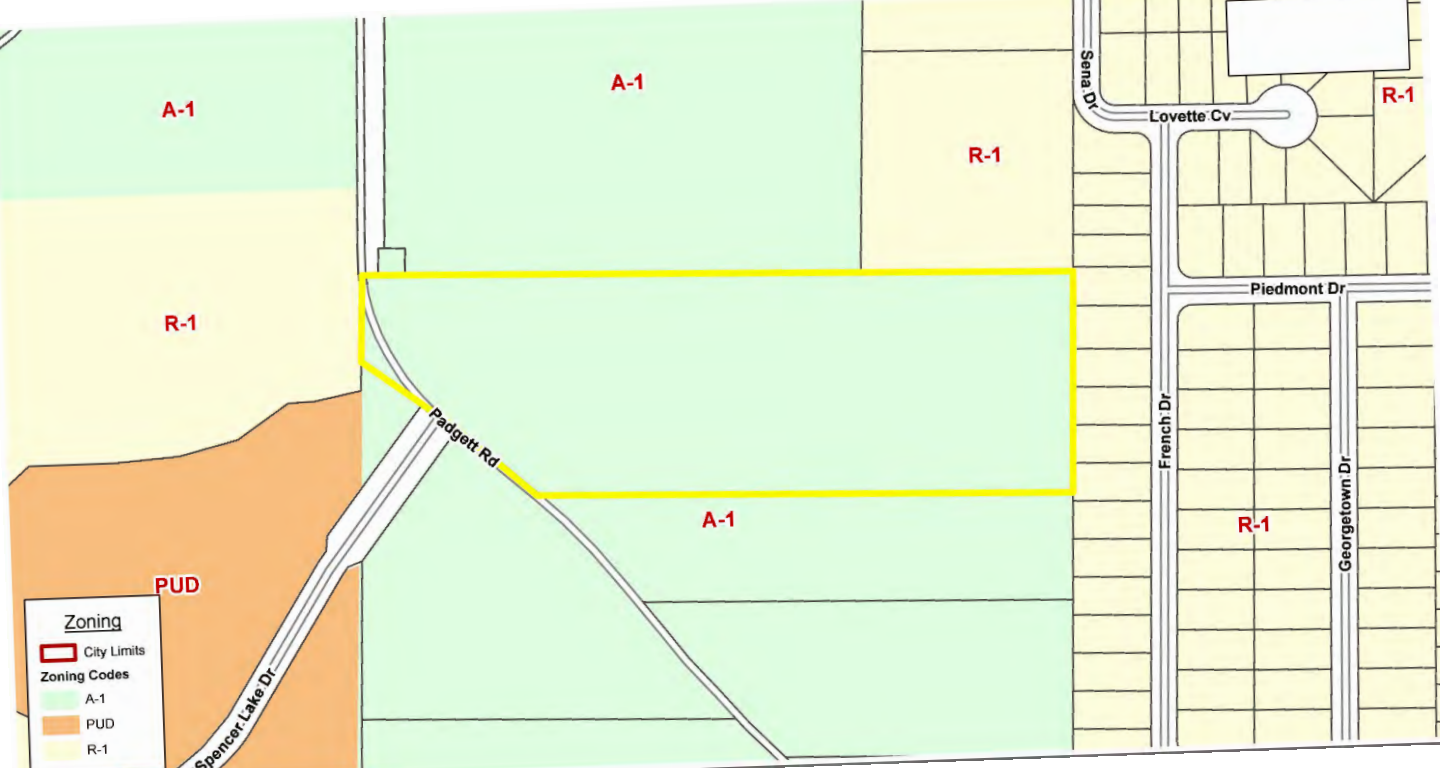
Dear Mr. Paxton,

As you are aware, the City Council approved the Planning Commission’s denial of the rezone request from A-1 to PUD for the above-reference rezone application. The applicant hereby requests to be placed on the August 8th City Council agenda with a request to waive the 12-month moratorium for applying for a rezone of the subject property.

Thank you for your attention, and I look forward to discussing this more with you soon.

Sincerely,

Landon Sanders
THE SANDERS FIRM PLLC
306 Salem Road, Suite 106
Conway, AR 72034
Office: (501) 327-2704
Fax: (501) 327-2379
landon@sandersfirmpllc.com





MEMO

TO: Mayor Bart Castleberry
CC: City Council Members
FROM: Lily Couch
DATE: August 8th, 2023
SUBJECT: Certified Liens – Code Enforcement

The following resolutions are included for a request to the Faulkner County Tax collector to place a certified lien against real property as a result of incurred expenses by the City.

The properties & amount (plus a ten percent collection penalty) are as follows:

- | | |
|-----------------------|----------|
| 1. 7 Azalea Loop | \$146.89 |
| 2. 3980 Ledbetter Dr. | \$146.89 |
| 3. 1607 Jones Dr. | \$180.89 |
| 4. 3990 Ledbetter Dr. | \$181.54 |

Please advise if you have any questions.

Thank you for your consideration.



City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 7 Azalea Loop, within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$146.89 (\$106.26 + Penalty \$14.69 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas a hearing for the purpose of determine such lien has been set for **August 8th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 8th day of August, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

**City of Conway
Code Enforcement &
Public Works**

822 Locust Ave
Conway, Arkansas 72034
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

DIAZ, MARICELCI ORTIZ & LOPEZ, ISAAC VELAZQUEZ
7 AZALEA LOOP
Conway AR 72032

Parcel # 711-00028-000

**RE: Nuisance Abatement at 7 Azalea Loop., Conway AR
Cost of Clean-Up, Amount Due: \$106.26**

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 8th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway Code Enforcement** and mail to **822 Locust Ave Conway Arkansas 72034** with the **attention to Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement

INVOICE

City of Conway
Code Enforcement &
Public Works Dept.

DATE: JULY 6TH, 2022

822 Locust St.
Conway, AR 72034
Phone: 501-450-6191
Fax 501-450-6144
Lily.couch@conwayarkansas.gov

TO DIAZ, MARICELCI ORTIZ & LOPEZ, ISAAC VELAZQUEZ
7 AZALEA LOOP
Conway AR 72032

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
7 AZALEA LOOP. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
MICHAEL DAVIS	711-00028-000		August 8th, 2023

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	MOWING & DEBRIS REMOVAL BY C.E.P.P.	31.50	31.50
	Maintenance Fee (Mower/bush hog/weed eat)	25.00	25.00
1	Administrative Fee (Code Enforcement)	20.00	20.00
1	Administrative Fee (Code Officer)	17.46	17.46
2	Regular Letter	.55	1.10
2	Certified Letter	5.60	11.20
	(10% penalty + \$30.00 filing fees= \$40.63)		

TOTAL \$106.26

- **Total amount due after August 8th, 2023 includes collection penalty & filing fees**

TOTAL
WITH PENALTY &
FILING FEES \$146.89

Make all checks payable to City of Conway Code Enforcement @ 822 Locust St. Conway Arkansas 72032



CODE CASE HISTORY REPORT RESPROP-0623-0444 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
06/21/2023	Michael Davis	Code Case added			Code Case (RESPROP-0623-0444)
06/21/2023	Michael Davis	Due Date	[none]	6/21/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.4 Grass or Weeds)
06/29/2023	Michael Davis	Due Date	[none]	6/21/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Code Case Workflow Step Start Date	[none]	6/29/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Failed	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Violation Compliance Date	6/28/2023	7/5/2023	Violation (3.2.4 Grass or Weeds)
07/05/2023	Michael Davis	Code Case Status	Open	Schedule City Clean up	Code Case (RESPROP-0623-0444)
07/14/2023	Michael Davis	Date Closed	[none]	7/14/2023	Code Case (RESPROP-0623-0444)
	Michael Davis	Code Case Status	Schedule City Clean up	Closed - Resolved	Code Case (RESPROP-0623-0444)
	Michael Davis	Complete	No	Yes	Code Case (RESPROP-0623-0444)
07/14/2023	Michael Davis	Due Date	[none]	6/21/2023	Code Case Workflow Step (Letter Phase)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Letter Phase)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Started	Code Case Workflow Step Action (Code Enforcement Final Investigation)
	Michael Davis	Inspection Actual Arrival Date	6/29/2023	[none]	Inspection (ICODE-3006-2023)
	Michael Davis	Inspection Status	In Violation	City Cleanup Performed	Inspection (ICODE-3006-2023)
	Michael Davis	Action Workflow Status	Failed	Started	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Due Date	6/21/2023	6/29/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Started	Passed	Code Case Workflow Step (Violations)
	Michael Davis	Violation Resolved Date	[none]	7/14/2023	Violation (3.2.4 Grass or Weeds)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (3.2.4 Grass or Weeds)
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.4 Grass or Weeds)



City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 3980 Ledbetter Dr., within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$146.89 (\$106.26 + Penalty \$10.63 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas, a hearing for the purpose of determine such lien has been set for **August 8th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 8th day of August, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

**City of Conway
Code Enforcement &
Public Works**

822 Locust Ave
Conway, Arkansas 72032
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

K S R Properties
2885 Wineberry
Conway AR 72032

Parcel # 712-11915-038

**RE: Nuisance Abatement at 3980 Ledbetter Dr., Conway AR
Cost of Clean-Up, Amount Due: 106.26**

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 8th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **822 Locust Ave Conway Arkansas 72032** with the **attention** to **Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement

INVOICE

City of Conway
Code Enforcement &
Public Works Dept.

DATE: JULY 6TH, 2022

822 Locust St.
Conway, AR 72034
Phone: 501-450-6191
Fax 501-450-6144
Lily.couch@conwayarkansas.gov

TO K S R PROPERTIESS LLC
2885 WINEBERRY
Conway AR 72032

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
3980 LEDBETTER DR. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
CHARLES GANN	712-11915-038		August 8th, 2023

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	MOWING & DEBRIS REMOVAL BY C.E.P.P.	31.50	31.50
	Maintenance Fee (Mower/bush hog/weed eat)	25.00	25.00
1	Administrative Fee (Code Enforcement)	20.00	20.00
1	Administrative Fee (Code Officer)	17.46	17.46
2	Regular Letter	.55	1.10
2	Certified Letter	5.60	11.20
	(10% penalty + \$30.00 filing fees= \$40.63)		

TOTAL \$106.26

- Total amount due after August 8th, 2023 includes collection penalty & filing fees

TOTAL WITH PENALTY & FILING FEES \$146.89

Make all checks payable to City of Conway Code Enforcement @ 822 Locust St. Conway Arkansas 72032



CODE CASE HISTORY REPORT RESPROP-0623-0404 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
06/08/2023	Charles Gann	Code Case added			Code Case (RESPROP-0623-0404)
06/08/2023	Charles Gann	Due Date	[none]	6/8/2023	Code Case Workflow Step (Violations)
	Charles Gann	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.1 Sanitation)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.4 Grass or Weeds)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
06/16/2023	Charles Gann	Violation Compliance Date	6/15/2023	6/22/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Compliance Date	6/15/2023	6/22/2023	Violation (3.2.1 Sanitation)
	Charles Gann	Violation Compliance Date	6/15/2023	6/22/2023	Violation (3.2.4 Grass or Weeds)
06/27/2023	Charles Gann	Date Closed	[none]	6/27/2023	Code Case (RESPROP-0623-0404)
	Charles Gann	Code Case Status	Open	Closed - Resolved	Code Case (RESPROP-0623-0404)
	Charles Gann	Complete	No	Yes	Code Case (RESPROP-0623-0404)
	Charles Gann	Due Date	6/8/2023	6/16/2023	Code Case Workflow Step (Violations)
	Charles Gann	Step Workflow Status	Started	Passed	Code Case Workflow Step (Violations)
	Charles Gann	Violation Resolved Date	[none]	6/27/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Resolved Date	[none]	6/27/2023	Violation (3.2.1 Sanitation)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.2.1 Sanitation)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.1 Sanitation)
	Charles Gann	Violation Resolved Date	[none]	6/27/2023	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.4 Grass or Weeds)
06/27/2023	Charles Gann	Date Closed	6/27/2023	[none]	Code Case (RESPROP-0623-0404)
	Charles Gann	Code Case Status	Closed - Resolved	Schedule City Clean up	Code Case (RESPROP-0623-0404)
	Charles Gann	Violation Resolved Date	6/27/2023	[none]	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Status	Resolved	In Violation	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Action Workflow Status	Passed	Started	Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Resolved Date	6/27/2023	[none]	Violation (3.2.1 Sanitation)
	Charles Gann	Violation Status	Resolved	In Violation	Violation (3.2.1 Sanitation)
	Charles Gann	Action Workflow Status	Passed	Started	Code Case Workflow Step Action (3.2.1 Sanitation)
	Charles Gann	Violation Resolved Date	6/27/2023	[none]	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Violation Status	Resolved	In Violation	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Action Workflow Status	Passed	Started	Code Case Workflow Step Action (3.2.4 Grass or Weeds)

CODE CASE HISTORY REPORT RESPROP-0623-0404

Changed On	User	Description	Before	After	Additional Info
07/10/2023	Charles Gann	Date Closed	[none]	7/10/2023	Code Case (RESPROP-0623-0404)
	Charles Gann	Code Case Status	Schedule City Clean up	Closed - Resolved	Code Case (RESPROP-0623-0404)
	Charles Gann	Complete	No	Yes	Code Case (RESPROP-0623-0404)
	Charles Gann	Due Date	6/16/2023	6/27/2023	Code Case Workflow Step (Violations)
	Charles Gann	Violation Resolved Date	[none]	7/10/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Resolved Date	[none]	7/10/2023	Violation (3.2.1 Sanitation)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.2.1 Sanitation)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.1 Sanitation)
	Charles Gann	Violation Resolved Date	[none]	7/10/2023	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.4 Grass or Weeds)



City of Conway, Arkansas
Resolution No. R-23-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 1607 Jones Dr, within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$180.89 (\$137.17+ Penalty \$13.72+ filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas a hearing for the purpose of determine such lien has been set for **August 8th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 8th day of August, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

**City of Conway
Code Enforcement &
Public Works**

822 Locust Ave
Conway, Arkansas 72032
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

RKVC, LLC
1620 Warwick Hills Ln
Conway, Ar 72034

Parcel # 710-08853-154

**RE: Nuisance Abatement at 1607 Jones Dr., Conway AR
Cost of Clean-Up, Amount Due: \$137.17**

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **July 11th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **822 Locust Ave., Conway Arkansas 72032** with the **attention** to **Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement

INVOICE

City of Conway
Code Enforcement &
Public Works Dept.

DATE: JUNE 12, 2023

822 Locust St.
Conway, AR 72034
Phone: 501-450-6191
Fax 501-450-6144
Lily.couch@conwayarkansas.gov

TO RKVC, LLC
1620 Warwick Hills Ln
Conway, AR 72034

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
1607 Jones Dr., Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Michael Davis	710-03017-000		August 8th, 2023

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	MOWING & DEBRIS REMOVAL BY C.E.P.P.	32.41	32.41
	Maintenance Fee (Mower/bush hog/weed eat)	25.00	25.00
	Grass Poison	30.00	30.00
1	Administrative Fee (Code Enforcement)	20.00	20.00
1	Administrative Fee (Code Officer)	17.46	17.46
2	Regular Letter	.55	1.10
2	Certified Letter	5.60	11.20
	(10% penalty + \$30.00 filing fees= \$43.72)		

TOTAL \$137.17

- Total amount due after August 8th, 2023 includes collection penalty & filing fees

TOTAL WITH PENALTY & FILING FEES \$180.89

Make all checks payable to City of Conway Code Enforcement @ 1111 Main Street Conway Arkansas 72032



CODE CASE HISTORY REPORT RESPROP-0523-0305 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
05/18/2023	Michael Davis	Code Case added			Code Case (RESPROP-0523-0305)
05/18/2023	Michael Davis	Due Date	[none]	5/18/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (4.1.3 Illustrative Enumeration of a Nuisance (A-O))
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (4.1.3.(B) (Tires))
05/23/2023	Michael Davis	Date Closed	[none]	5/23/2023	Code Case (RESPROP-0523-0305)
	Michael Davis	Code Case Status	Open	Closed - Resolved	Code Case (RESPROP-0523-0305)
	Michael Davis	Complete	No	Yes	Code Case (RESPROP-0523-0305)
05/23/2023	Michael Davis	Due Date	[none]	5/18/2023	Code Case Workflow Step (Courtesy Notice)
	Michael Davis	Code Case Workflow Step Start Date	[none]	5/23/2023	Code Case Workflow Step (Courtesy Notice)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Courtesy Notice)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Passed	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Due Date	5/18/2023	5/18/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Started	Passed	Code Case Workflow Step (Violations)
	Michael Davis	Violation Resolved Date	[none]	5/23/2023	Violation (4.1.3 Illustrative Enumeration of a Nuisance (A-O))
	Michael Davis	Violation Status	In Violation	Resolved	Violation (4.1.3 Illustrative Enumeration of a Nuisance (A-O))
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (4.1.3 Illustrative Enumeration of a Nuisance (A-O))
	Michael Davis	Violation Resolved Date	[none]	5/23/2023	Violation (4.1.3(B) Tires)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (4.1.3(B) Tires)
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (4.1.3.(B) (Tires))
	Michael Davis	Violation Resolved Date	[none]	5/23/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)



City of Conway, Arkansas
Resolution No. R-23-_____

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 3990 Ledbetter Dr., within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$181.54 (\$137.76 + Penalty \$13.78 + filing fee \$30.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas, a hearing for the purpose of determine such a lien has been set for **August 8th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Conway, Arkansas that:

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forwarded to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 8th day of August, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer

**City of Conway
Code Enforcement &
Public Works**

822 Locust Ave
Conway, Arkansas 72034
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

K S R PROPERTIES
2885 WINEBERRY
Conway AR 72034

Parcel # 712-11915-037

**RE: Nuisance Abatement at 3990 Ledbetter Dr., Conway AR
Cost of Clean-Up, Amount Due: \$137.76**

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **August 8th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway Code Enforcement** and mail to **822 Locust Ave Conway Arkansas 72034** with the **attention to Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement

INVOICE

City of Conway
Code Enforcement &
Public Works Dept.

DATE: JULY 6TH, 2022

822 Locust St.
Conway, AR 72034
Phone: 501-450-6191
Fax 501-450-6144
Lily.couch@conwayarkansas.gov

TO K S R PROPERTIES
2885 WINEBERRY
Conway AR 72034

Description: Mowing/Clean-up/Admin Fees
associated with the nuisance abatement at
3990 LEDBETTER DR. Conway Arkansas

CODE ENFORCEMENT OFFICER	PARCEL NUMBER	PAYMENT TERMS	DUE DATE
Charles Gann	712-11915-037		August 8th, 2023

HOURS	DESCRIPTION	UNIT PRICE	LINE TOTAL
2	MOWING & DEBRIS REMOVAL BY C.E.P.P.	31.50	63.00
	Maintenance Fee (Mower/bush hog/weed eat)	25.00	25.00
1	Administrative Fee (Code Enforcement)	20.00	20.00
1	Administrative Fee (Code Officer)	17.46	17.46
2	Regular Letter	.55	1.10
2	Certified Letter	5.60	11.20
	(10% penalty + \$30.00 filing fees= \$43.78)		

- **Total amount due after August 8th, 2023 includes collection penalty & filing fees**

TOTAL	\$137.76
TOTAL WITH PENALTY & FILING FEES	\$181.54

Make all checks payable to City of Conway Code Enforcement @ 822 Locust St. Conway Arkansas 72032



CODE CASE HISTORY REPORT RESPROP-0623-0405 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
06/08/2023	Charles Gann	Code Case added			Code Case (RESPROP-0623-0405)
06/08/2023	Charles Gann	Due Date	[none]	6/8/2023	Code Case Workflow Step (Violations)
	Charles Gann	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.1 Sanitation)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.2.4 Grass or Weeds)
	Charles Gann	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
06/16/2023	Charles Gann	Violation Compliance Date	6/15/2023	6/22/2023	Violation (3.2.1 Sanitation)
	Charles Gann	Violation Compliance Date	6/15/2023	6/22/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Compliance Date	6/15/2023	6/22/2023	Violation (3.2.4 Grass or Weeds)
06/27/2023	Charles Gann	Code Case Status	Open	Schedule City Clean up	Code Case (RESPROP-0623-0405)
07/10/2023	Charles Gann	Date Closed	[none]	7/10/2023	Code Case (RESPROP-0623-0405)
	Charles Gann	Code Case Status	Schedule City Clean up	Closed - Resolved	Code Case (RESPROP-0623-0405)
	Charles Gann	Complete	No	Yes	Code Case (RESPROP-0623-0405)
	Charles Gann	Due Date	6/8/2023	6/16/2023	Code Case Workflow Step (Violations)
	Charles Gann	Step Workflow Status	Started	Passed	Code Case Workflow Step (Violations)
	Charles Gann	Violation Resolved Date	[none]	7/10/2023	Violation (3.2.1 Sanitation)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.2.1 Sanitation)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.1 Sanitation)
	Charles Gann	Violation Resolved Date	[none]	7/10/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
	Charles Gann	Violation Resolved Date	[none]	7/10/2023	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Violation Status	In Violation	Resolved	Violation (3.2.4 Grass or Weeds)
	Charles Gann	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.2.4 Grass or Weeds)



**City of Conway, Arkansas
Resolution No. R-23-_____**

A RESOLUTION APPROVING A CORPORATE GROUND LEASE AGREEMENT WITH MVW PARTNERSHIP, LLC WITH THE CONWAY REGIONAL AIRPORT

Whereas, the Conway Regional Airport desires to enter into a corporate ground lease with MVW Partnership, LLC to construct an aircraft hangar on city-owned property; and

Whereas, the Conway Regional Airport desires to lease and grant, and each Lessee desires to lease and use, certain premises and facilities on the Airport, together with certain rights, licenses, and privileges thereon; and

Whereas, each corporate ground lease with each Lessee will be for a period of 40 years and will pay the City in advance for the annual rental of the premises at the rate of .30 per square foot per year, as calculated on an annual basis.

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

Section 1. The City Council hereby authorizes the Mayor and City Clerk to enter into a lease agreement with the Lessee (MVW Partnership, LLC) to build a corporate hangar at the Conway Regional Airport.

Section 2. All resolutions in conflict herewith are repealed to the extent of the conflict.

PASSED this 8th day of August, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-23-____

AN ORDINANCE ACCEPTING AND APPROPRIATING GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION FOR THE RUNWAY 4-22 REHABILITATION PROJECT FOR THE CONWAY AIRPORT; AND FOR OTHER PURPOSES

Whereas, the Conway City Council previously approved the Conway Regional Airport five year capital improvement plan and professional engineering and support services for the Runway 4-22 Rehabilitation Project through R-22-47. Through R-23-09 City Council allowed the City to apply for the Federal Aviation Administration (FAA) grant and accept the lowest bid for the above stated project; and

Whereas, the City of Conway has received \$364,410 from the FAA and request Council appropriate said funds into the Construction in Progress (CIP) account; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The City of Conway shall appropriate \$364,410 from the Airport Grant Fund Balance Appropriation Account 303-000-4900 into the Airport CIP Account 303-000-5900 from the Federal Aviation Administration grant.

Section 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 8th day of August 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Resolution No. R-23-_____**

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CONWAY TO PARTNER WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE JOB 080493, THOMAS G. WILSON DR. – EAST GERMAN LN. (CONWAY) (S)

Whereas, the City of Conway the Arkansas Department of Transportation (Department) has identified a need for improvements along Highway 286; and

Whereas, the City of Conway (City) has expressed interest in partnering with the Department to widen Highway 286 from Thomas G. Wilson Drive to East German Lane; and

Whereas, the City agrees to provide twenty percent of the project cost toward construction; and

Whereas, the City will also be financially responsible for the relocation of all city owned utilities that are deemed non-reimbursable for the Federal-aid funding; and

Whereas, the Transportation Department will oversee all phases of the project.

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

Section 1. The City will participate in accordance with its designated responsibilities in the projects.

Section 2. The Mayor, or his designated representative, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite design and construction of the projects.

Section 3. The City pledges its full support and hereby requests that the Arkansas Department of Transportation initiate action to implement these improvements.

PASSED this 8th day of August, 2023.

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



City of Conway, Arkansas
Ordinance No. O-23-_____

AN ORDINANCE APPROPRIATING FUNDS FOR THE RELOCATION OF A SANITARY SEWER FORCE MAIN TO ACCOMMODATE THE CONSTRUCTION OF THE PROPOSED ROUNDABOUT LOCATED AT HOGAN AND HWY 64 INTERSECTION; DECLARING AN EMERGENCY; AND OTHER PURPOSES

Whereas, the City of Conway has partnered with the Arkansas Department of Transportation to build a proposed roundabout at the intersection of Hogan and Highway 64 (ARDOT Job #080634); and

Whereas, the sanitary sewer force main managed by Conway Corporation is the sole service line of the Department of Sanitation located at 4550 Hwy 64 West, will need to be relocated during this project improvement; and

Whereas, the project scope did not include funds for the sewer main relocation.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The City of Conway shall approve Conway Corporation to relocate the sanitary sewer force main as ARDOT requires to accommodate the construction of the proposed roundabout at Hogan and US. Highway 64.

Section 2. The City of Conway shall appropriate \$300,000 from the Sanitation Fund Balance Appropriation Account 510.510.4990 into the Sanitation CIP Account 510.510.5990.

Section 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 4. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 8th day of August, 2023,

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-23- _____

AN ORDINANCE AMENDING ORDINANCE O-15-133 FOR THE PURPOSE OF ADDING TO AND CORRECTING THE LEGAL DESCRIPTION OF THE PROPERTY REZONED LOCATED EAST OF S AMITY ROAD AND NORTH OF DAVE WARD DRIVE/AR HWY 286 FROM I-1, I-3, AND A-1 TO C-3; AND FOR OTHER PURPOSES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1: That the legal description in Section 1 of Ordinance O-15-133, mistakenly excluded the property defined in the following legal description:

THAT PART OF LOT 3 OF LEWIS RANCH PH 1, FILED L/281, LOT 1 OF LEWIS RANCH REPLAT, FILED P2019/67, AND LOT 2A OF REPLAT OF LOT 2 OF LEWIS RANCH REPLAT, FILED P2020/21, WHICH LIES IN THE W ½ OF NW ¼ OF SECTION 17, TOWNSHIP 5 NORTH RANGE 13 WEST.

Section 2: This additional description completes the missing sections from the original ordinance to reflect the appropriate C-3 zoning designation for all 3 lots.

Section 3: All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 8th day of August, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



CITY OF CONWAY | 1111 Main Street
Planning and Development | Conway, AR 72032
T 501.450.6105
F 501.450.6144
www.conwayarkansas.gov

August 3, 2023

MEMO - Correction Ordinance for O-15-133

To: Mayor, Council Members

The original ordinance provided for the rezoning of property east of S Amity Road and North of Dave Ward Drive when approved by the Planning Commission on November 16, 2015, and by City Council on November 24, 2015, to rezone from I-1, I-3, and A-1 to C-3 had an incomplete legal description for the area entailed. Planning staff discovered the discrepancy in the legal description when researching a parcel along S Amity that was split zoned.

This ordinance correction will combine the section of legal description that was mistakenly excluded from the original ordinance with what was actually rezoned.

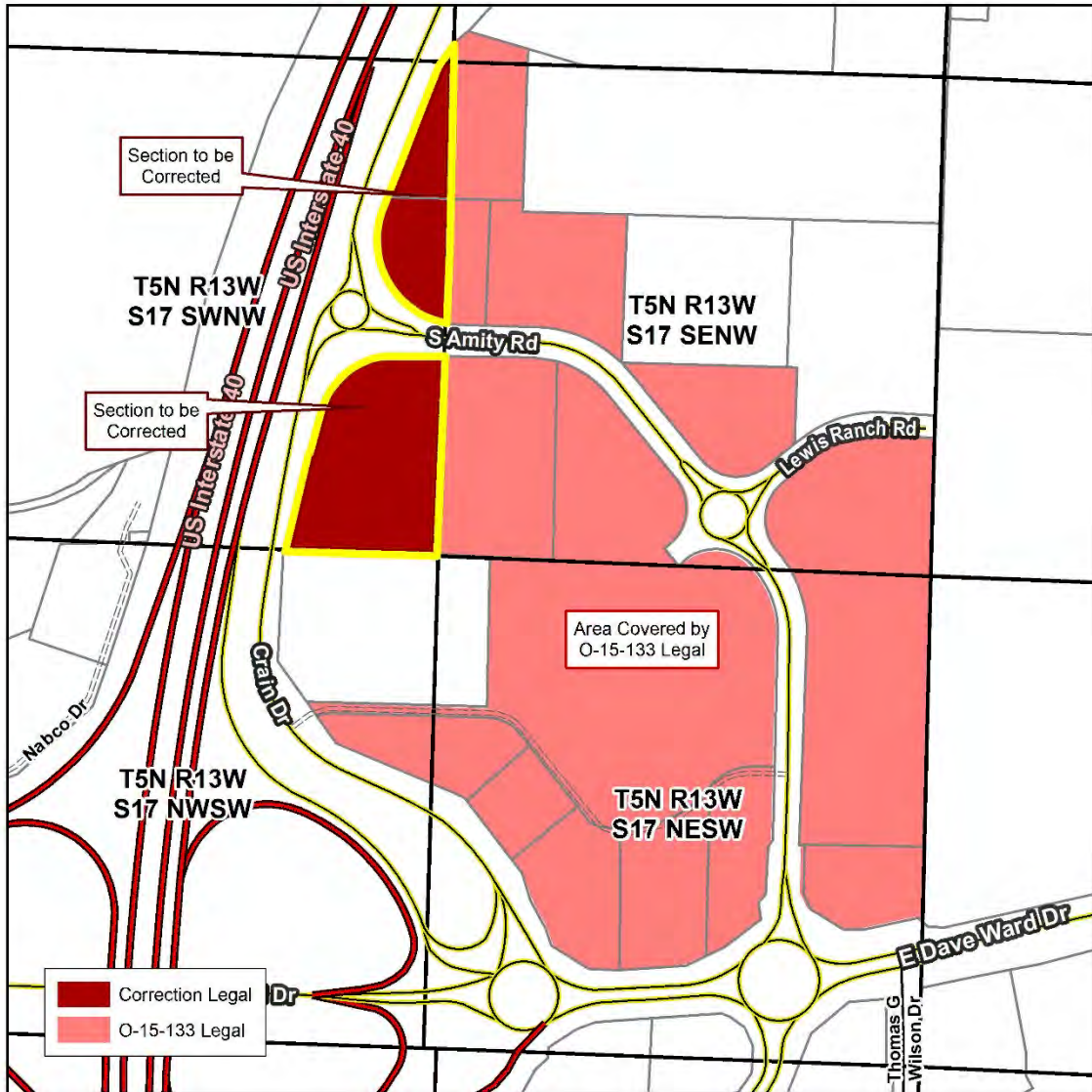
Please contact me at (501) 450-6105 or kris.paxton@conwayarkansas.gov if you have any questions or concerns.

Respectfully,

Kris Paxton
Director of Planning and Development

Exhibit 1 Attached

Exhibit 1





City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION AUTHORIZING THE MAYOR OF CONWAY TO SIGN AN AGREEMENT FOR AN IMPACT FEE CREDIT AGREEMENT BETWEEN RUSH-HAL DEVELOPMENT, LLC, THE HAROLD HALTER CRAFTON REVOCABLE TRUST, AND THE CITY OF CONWAY, ARKANSAS FOR LANDS END SUBDIVISION PHASE I; AND FOR OTHER PURPOSES

Whereas, the Impact Fee Ordinance as amended by Ordinance No. O-04-38, passed on the 27th day of April, 2004 states that “All impact fee credits shall have a reading at one regularly scheduled City Council meeting prior to its passage and approval at any subsequent regularly scheduled City Council meeting”; and

Whereas, the Impact Fee Credit Agreement was presented and provided to the City Council of the City of Conway on the 11th day of July, 2023 at a regularly scheduled meeting; and

Whereas, the Impact Fee Credit Agreement was reviewed by the City Engineer, Director of Planning and Development, and the City Attorney, and appears to demonstrate all minimum requirements as defined in Section 12 of the City of Conway Subdivision Code; and

Whereas, Lands End is a multiphase development at the intersection of Padgett Road and Tyler Street for which the City requested full extension of Tyler Street to the west end of the Lands End addition, lengthening the street to follow the Master Street Plan in which requisite ancillary construction of storm drain, sidewalks, etc. were also completed.

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

Section 1. The City Council of the City of Conway authorizes the Mayor of Conway to sign said agreement to authorize said Impact Fee Credit Agreement.

Section 2. The Director of Permitting or a representative thereof, in conjunction with the Director of Planning and Development, shall maintain a record of impact fees credited and notify the developer, or subsequent owner of the development as defined within Section 12 of the City of Conway Subdivision Code, when all fees are expended.

Section 3. The maximum impact fees credited per this contract shall be defined herein as an attachment of this resolution, also known as “Exhibit A”. Also see Exhibits B & C herein.

PASSED this 8th day of August 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton – Planning Director
Date: August 8, 2023

Re: Impact fee agreement and improvements made to Lands End Subdivision Phase 1

The impact fee credit agreement for Lands End Subdivision Phase 1 was brought to the City Council for a first reading at the July council meeting. The item is currently on the agenda for final approval of the impact fee credit agreement.

A developer is entitled to impact fee credits for road impact fees when improvements are made to the city's major roadway system. The developer constructed improvements and are submitting an impact fee credit agreement for approval by City Council.

Lands End is a multiphase development at the intersection of Padgett Road and Tyler Street. The city requested full extension of Tyler Street to the west end of the Lands End addition, lengthening the street to follow the Master Street Plan. Requisite ancillary construction of storm drain, sidewalks, etc. were also completed.

The street work on Tyler Street is a major roadway system improvement. Based on the submitted documentation the developer is requesting a credit totaling \$342,886.14 for Phase 1.

Please advise if you have any questions.

Kris Paxton, MGIS, CARPO, CFM
Director of Planning & Development
City of Conway, Arkansas

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (hereinafter referred to as this "*Agreement*") is entered into between **Rush-Hal Development, LLC**, an Arkansas Limited Liability Company, the **Harold Halter Crafton Revocable Trust** (hereinafter collectively referred to as "*the Applicant*"), and the **City of Conway, Arkansas** (hereinafter referred to as the "*City*") to be effective as of _____, 2023 (the "*Effective Date*").

RECITALS:

- A. The applicant is the developer of Lands End, an addition to the City of Conway, Phase I of which is created pursuant to the Plat recorded on March 22, 2023, in the real estate records of Faulkner County, Arkansas, as Document Number P202300019 (along with future phases, if any, hereinafter referred to as the "*Neighborhood*")
- B. Lands End is a multiphase development at the intersection of Padgett Road and Tyler Street. The city requested full extension of Tyler Street to the west end of the Lands End addition, lengthening the street to follow the Master Street Plan. Requisite ancillary construction of storm drain, sidewalks, etc. were also completed as demonstrated in Exhibit "A" as attached and incorporated hereto. The applicant has conveyed the roadways of the development in fee simple to the City.
- C. The City has enacted Ordinance O-03-98, levying road and park impact fees upon Impact-Generating Development within the City of Conway (hereinafter referred to as the "*Ordinance*").
- D. Pursuant to Article VI, Section 12(K)(1)(a) of the Ordinance, developers of major roadway improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the "*Credit*") against impact fees otherwise payable under the Ordinance ("*Impact Fees*" – both street and park).
- E. The City and The Applicant desire to enter into this Agreement to evidence their determination that the street work on Tyler Street is a Major Roadway System Improvement, that development within the Neighborhood and all properties included in Exhibit "B" as attached and incorporated hereto are entitled to the Credit and the amount of the Credit.

Exhibit A: Impact Fee Credit Agreement (2 of 3)

NOW, THEREFORE, in consideration of the recitals herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The street work for Tyler Street with the subdivision of Lands End is a Major Roadway System Improvement (as defined by the Ordinance), qualifying the Neighborhood and The Applicant for the Credit;
2. The City hereby acknowledges that The Applicant is eligible for a Credit in the amount of \$342,886.14. The amount of the Credit is determined pursuant to Section 12(K)(2) of the Ordinance based on the cost of construction and development of the Roadway System;
3. The City hereby approves awarding the Applicant a Credit to offset Road Impact Fees, not to exceed \$342,886.14 (the "Awarded Credit"), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Subdivision, in addition to current and future phases of the real properties attached in Exhibit "B" as attached and incorporated hereto. The Applicant shall have the exclusive right to use the Awarded Credit, provided that the Applicant may in its sole discretion assign the right to use the designated amount of the Awarded Credit to offset the Road Impact Fee applicable to a project developed by the assignee within the Subdivision and current and future phases of the real properties attached in Exhibit "B" as attached and incorporated hereto. Any such assignment shall be in writing signed by the Applicant or its successors and assigns and delivered to the City Planning Department or other department serving as administrator of Road Impact Fees. The Awarded Credit shall also be available to the Applicant and its designated successors and assigns to offset Road Impact Fees applicable to Impact-Generating Development in any and all future phases of the Subdivision, in addition to current and future phases of the real properties attached in Exhibit "B" as attached and incorporated hereto.
4. The Applicant will not be reimbursed for any excess Credit beyond the Road Impact Fees that would otherwise be due from the Applicant or its assigns from Impact Generating Development in the above referenced property.

[Signature Page Follows]

Exhibit A: Impact Fee Credit Agreement (3 of 3)

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date and year first written above.

Rush-Hal Development, LLC

By: _____
Harold H. Crafton, Operating Manger

Harold Halter Crafton Revocable Trust

By: _____
Harold H. Crafton, Trustee

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:

Landon T. Sanders
Ark. Bar No. 2016131
The Sanders Firm PLLC
306 Salem Rd., Suite 106
Conway, Arkansas 72034
(501) 327-2704

Exhibit B: Project Area



Landon T. Sanders, J.D. Attorney at Law
Preston T. Sanders, J.D. Attorney at Law

**Costs Incurred by Applicant,
Rush-Hal Development, LLC and the Harold Halter Crafton Revocable Trust**

The Applicant incurred costs in the amount of **\$342,886.14** for the following:

Street improvements for Tyler Street starting at the intersection of Tyler Street & Padgett Road; thence west to Southwinds Drive. Project area as seen in **Exhibit A** below.

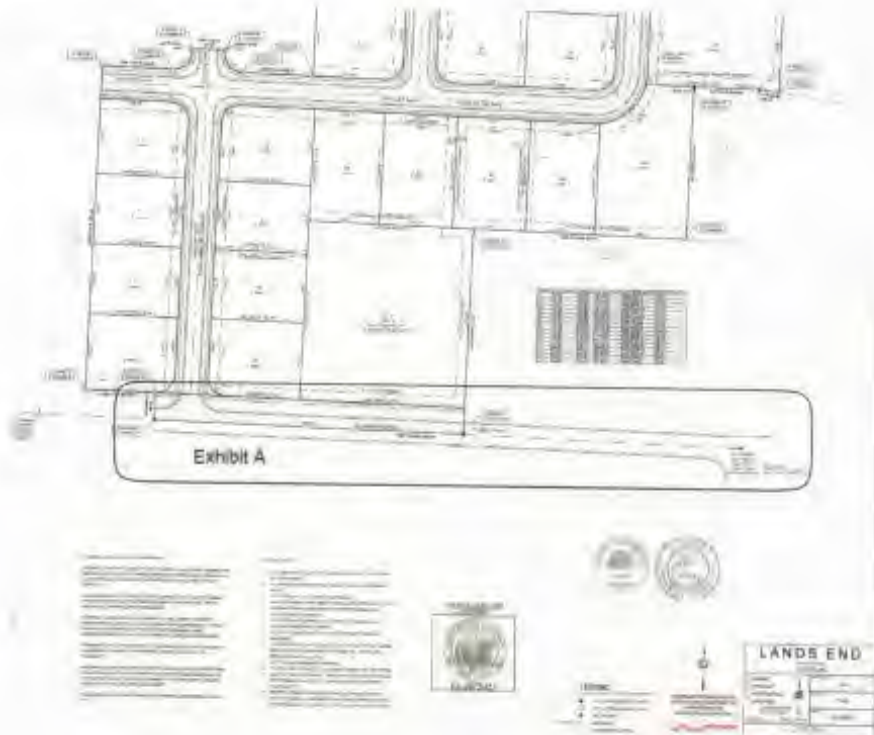


Exhibit C: Legal Descriptions (1 of 2)



Landon T. Sanders, J.D. Attorney at Law
Preston T. Sanders, J.D. Attorney at Law

Exhibit "B"
TO
IMPACT FEE CREDIT AGREEMENT

1. LANDS END SUBDIVISION;
2. LUXE LANDING, otherwise described as:

Part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as follows: Commencing at the Southeast Corner of the Southeast Quarter Northeast Quarter, thence along the East line of said Southeast Quarter Northeast Quarter North 02 Degrees 10 Minutes 08 Seconds East a Distance of 748.00 feet to the point of beginning, thence continue along said East Line North 02 Degrees 10 Minutes 08 Seconds East a distance of 467.94 feet, thence leaving said East Line North 87 degrees 38 Minutes 13 Seconds West a distance of 63.38 feet, thence South 76 Degrees 37 Minutes 35 Seconds West a Distance of 108.46 feet; Thence South 64 Degrees 23 Minutes 16 Seconds West a Distance of 306.43 feet, thence South 68 Degrees 06 Minutes 12 Seconds West a Distance of 69.23 feet, thence South 21 Degrees 36 minutes 41 Seconds East a Distance of 294.50 feet. Thence South 88 Degrees 03 Minutes 00 Seconds East a Distance of 383.45 feet to the point of beginning, containing 4.11 acres, more or less.

3. Part of the $W\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$; Section 33, T6N, R13W, Faulkner County, Arkansas being more particularly described as follows: Beginning at the Southwest corner of said $W\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$; thence North 01 degrees 35 minutes 38 seconds East along the West line of said $W\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$, a distance of 2089.55 feet to the center line of Lower Ridge Road; thence South 86 degrees 44 minutes 56 seconds East, along said center line, a distance of 659.53 feet to a point on the East line of said $W\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$; thence South 01 degrees 28 minutes 18 seconds West along said east line, a distance of 2071.22 feet to the Southeast corner of said $W\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$; thence North 88 degrees 20 minutes 29 seconds West along the South line of said $W\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$, a distance of 663.67 feet to the point of beginning.

Exhibit C: Legal Descriptions (2 of 2)



London T. Sanders, J.D. Attorney at Law
Preston F. Sanders, J.D. Attorney at Law

4. 1550 Old Military Road - York Military Road Property.

Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T5N, R14W, Faulkner County, Arkansas, being more particularly described as follows: Beginning at the West $\frac{1}{4}$ corner of said Section 22; thence run South 89 degrees 37 minutes 11 seconds East, 25.00 feet to the East right of way line of Old Military Road and also the point of beginning; thence continue South 89 degrees 37 minutes 11 seconds East, 466.69 feet; thence South 00 degrees 00 minutes 00 seconds West, 466.70 feet; thence North 89 degrees 37 minutes 11 seconds West, 466.69 feet to the East right of way line of Old Military Road; thence North 00 degrees 00 minutes 00 seconds East along said right of way line 466.70 feet to the point of beginning, containing 5 acres, more or less.

5. Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 5 North, Range 14 West, Faulkner County, Arkansas being more particularly described as follows: Commencing at the Northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ run from thence South 87 degrees 39 minutes 07 seconds East, along the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 491.69 feet to the point of beginning; thence continue along said North line, 663.35 feet; thence run South 01 degree 52 minutes 10 seconds West, parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1522.72 feet to the South line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence run North 87 degrees 35 minutes 32 seconds West, along said South line, 1130.05 feet to the East right of way line of Old Military Road; thence run North 01 degree 52 minutes 10 seconds East, parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 854.84 feet; thence leaving said right of way, run South 87 degrees 39 minutes 07 seconds East, parallel to the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 466.69 feet; thence run North 01 degree 52 minutes 10 seconds East parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 466.70 feet to the point of beginning. Said tract contains 29.30 acres, more or less.



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton – Planning Director
Date: August 8, 2023

Re: Impact fee agreement and improvements made to Lands End Subdivision Phase 2

The impact fee credit agreement for Lands End Subdivision Phase 2 is being presented to the City Council for a first reading. The item will appear on the next City Council agenda for final approval of the impact fee credit agreement.

A developer is entitled to impact fee credits for road impact fees when improvements are made to the city's major roadway system. The developer must submit an impact fee credit agreement for approval by City Council prior to construction of the improvements. The impact fee credit is only valid once full construction of the improvements are complete.

Lands End is a multiphase development at the intersection of Padgett Road and Tyler Street. The city is requesting full extension of Tyler Street to the west end of the Lands End addition, lengthening the street to follow the Master Street Plan. Requisite ancillary construction of storm drain, sidewalks, etc. are also required.

The street work on Tyler Street is a major roadway system improvement. Based on the submitted documentation the developer is requesting a credit totaling \$210,038.81 for Phase 2.

Please advise if you have any questions.

A handwritten signature in black ink, appearing to read "Kris Paxton".

Kris Paxton, MGIS, CARPO, CFM
Director of Planning & Development
City of Conway, Arkansas

First Reading Only - 8.08.2023

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (hereinafter referred to as this “*Agreement*”) is entered into between **Rush-Hal Development, LLC**, an Arkansas Limited Liability Company, the **Crafton-Fowler Family Limited Partnership LLLP**, an Arkansas Limited Liability Limited Partnership, and **Harding-Crafton Investment Properties, LLC**, an Arkansas Limited Liability Company (hereinafter collectively referred to as “*the Applicant*”), and the **City of Conway, Arkansas** (hereinafter referred to as the “*City*”) to be effective as of _____, 2023 (the “*Effective Date*”).

RECITALS:

A. The applicant is the developer of Lands End Phases I & II, an addition to the City of Conway, Phase II of which is recorded on Deed of Record filed on January 24, 2023, in the real estate records of Faulkner County, Arkansas, as Document Number P202300992 (along with future phases, if any, hereinafter referred to as the “*Neighborhood*”

B. Lands End is a multiphase development at the intersection of Padgett Road and Tyler Street. The city requested full extension of Tyler Street to the west end of the Lands End addition, lengthening the street to follow the Master Street Plan. Requisite ancillary construction of storm drain, sidewalks, etc. are agreed to be completed as demonstrated in Exhibit “A” as attached and incorporated hereto. The applicant has conveyed the roadways of the development in fee simple to the City.

C. The City has enacted Ordinance O-03-98, levying road and park impact fees upon Impact-Generating Development within the City of Conway (hereinafter referred to as the “*Ordinance*”).

D. Pursuant to Article VI, Section 12(K)(1)(a) of the Ordinance, developers of major roadway improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the “*Credit*”) against impact fees otherwise payable under the Ordinance (“*Impact Fees*” – both street and park).

E. The City and The Applicant desire to enter into this Agreement to evidence their determination that the street work on Tyler Street is a Major Roadway System Improvement, that

development within the Neighborhood and all properties included in Exhibit "B" as attached and incorporated hereto are entitled to the Credit and the amount of the Credit.

NOW, THEREFORE, in consideration of the recitals herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The street work for Tyler Street with the subdivision of Lands End is a Major Roadway System Improvement (as defined by the Ordinance), qualifying the Neighborhood and The Applicant for the Credit;

2. The City hereby acknowledges that The Applicant is eligible for a Credit in the amount of \$210,038.81. The amount of the Credit is determined pursuant to Section 12(K)(2) of the Ordinance based on the cost of construction and development of the Roadway System;

3. The City hereby approves awarding the Applicant a Credit to offset Road Impact Fees, not to exceed \$210,038.81 (the "Awarded Credit"), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Subdivision, in addition to current and future phases of the real properties attached in Exhibit "B" as attached and incorporated hereto. The Applicant shall have the exclusive right to use the Awarded Credit, provided that the Applicant may in its sole discretion assign the right to use the designated amount of the Awarded Credit to offset the Road Impact Fee applicable to a project developed by the assignee within the Subdivision and current and future phases of the real properties attached in Exhibit "B" as attached and incorporated hereto. Any such assignment shall be in writing signed by the Applicant or its successors and assigns and delivered to the City Planning Department or other department serving as administrator of Road Impact Fees. The Awarded Credit shall also be available to the Applicant and its designated successors and assigns to offset Road Impact Fees applicable to Impact-Generating Development in any and all future phases of the Subdivision, in addition to current and future phases of the real properties attached in Exhibit "B" as attached and incorporated hereto.

4. The Applicant will not be reimbursed for any excess Credit beyond the Road Impact Fees that would otherwise be due from the Applicant or its assigns from Impact Generating Development in the above referenced property.

[Signature Page Follows]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date and year first written above.

Rush-Hal Development, LLC

Harding-Crafton Investment Properties, L.L.C.

By: _____
Harold H. Crafton, Operating Manger

By: _____
Harold H. Crafton, Manager

Crafton-Fowler Family Limited Partnership LLLP

By: _____
Harold H. Crafton, General Partner

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:

Landon T. Sanders
Ark. Bar No. 2016131
306 Salem Rd., Suite 106
Conway, Arkansas 72034



Landon T. Sanders, J.D. Attorney-at-Law
Preston T. Sanders, J.D. Attorney-at-Law

Costs Incurred by Applicant,
Rush-Hal Development, LLC, Crafton-Fowler Family Limited Partnership
LLLP, and Harding-Crafton Investment Properties, LLC

The Applicant incurred costs in the amount of **\$210,038.81** for the following:

Street improvements for Tyler Street starting at the intersection of Tyler Street & Southwinds Drive; thence west to the intersection of Tyler Street & Lands End Drive. Project area as seen in **Exhibit A below.**



EXHIBIT A



Landon T. Sanders, J.D. Attorney at Law
Preston T. Sanders, J.D. Attorney at Law

Exhibit "B"
TO
IMPACT FEE CREDIT AGREEMENT

1. LANDS END SUBDIVISION – ALL PHASES, INCLUDING BUT NOT LIMITED TO THE THE FOLLOWING DESCRIPTION FOR PHASE 2:

A part of the E1/2 NE1/4, Section 06, T-05-N, R-14-W, Faulkner County, Arkansas, being more particularly described as follows:

Beginning at a set mag nail for the SW corner of said E1/2 NE1/4; Thence along the West line of said E1/2 NE1/4 N01°59'07"E a distance of 1363.10' to a set 1/2" rebar w/cap (1363); thence leaving said West line S88°00'37"E a distance of 330.99' to a set 1/2" rebar w/cap (1363); Thence N02°01'35"E a distance of 162.69' to a set 1/2" rebar w/cap (1363); Thence S88°25'04"E a distance of 98.88' to a set 1/2" rebar w/cap (1363); Thence N01°34'56"E a distance of 170.00' to a set 1/2" rebar w/cap (1363); Thence S88°25'04"E a distance of 221.32' to a found RDF cap for the NW corner of Lands End Subdivision Phase 1; Thence along the boundary of said subdivision the following calls: S02°01'35"W a distance of 1164.75' to a found RDF cap; Thence N88°11'34"W a distance of 106.33' to found RDF cap; Thence with a curve turning to the right with an arc length of 44.09', with a radius of 28.00', with a chord bearing of N43°04'59"W, with a chord length of 39.67' to a found RDF cap; Thence N02°01'35"E a distance of 4.79' to a found RDF cap; Thence N88°11'34"W a distance of 50.00' to a found RDF cap; Thence S02°01'35"W a distance of 5.00' to a found RDF cap; Thence with a curve turning to the right with an arc length of 43.88', with a radius of 28.00', with a chord bearing of S46°55'01"W, with a chord length of 39.52' to a found RDF cap; Thence N88°11'34"W a distance of 106.54' to a found RDF cap; Thence S02°01'35"W a distance of 491.23' to a found RDF cap; Thence S88°11'44"E a distance of 106.55' to a found RDF cap; Thence S01°48'16"W a distance of 40.00' found mag being on the South line of said E1/2 NE1/4; Thence leaving said boundary line and along said South line N88°11'44"W a distance of 436.71' to the point of beginning, containing 18.53 acres, more or less.

2. LUXE LANDING, otherwise described as:

Part of the Southeast Quarter of the Northeast Quarter of Section 21, Township 5 North, Range 14 West, Faulkner County, Arkansas, being more particularly described as follows: Commencing at the Southeast Corner of the Southeast Quarter Northeast Quarter, thence along the East line of said Southeast Quarter Northeast Quarter North 02 Degrees 10 Minutes 08 Seconds East a Distance of



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748.00 feet to the point of beginning, thence continue along said East Line North 02 Degrees 10 Minutes 08 Seconds East a distance of 467.94 feet, thence leaving said East Line North 87 degrees 38 Minutes 13 Seconds West a distance of 63.38 feet, thence South 76 Degrees 37 Minutes 35 Seconds West a Distance of 108.46 feet; Thence South 64 Degrees 23 Minutes 16 Seconds West a Distance of 306.43 feet, thence South 68 Degrees 06 Minutes 12 Seconds West a Distance of 69.23 feet, thence South 21 Degrees 36 minutes 41 Seconds East a Distance of 294.50 feet, Thence South 88 Degrees 03 Minutes 00 Seconds East a Distance of 383.45 feet to the point of beginning, containing 4.11 acres, more or less.

3. Part of the $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; Section 33, T6N, R13W, Faulkner County, Arkansas being more particularly described as follows: Beginning at the Southwest corner of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; thence North 01 degrees 35 minutes 38 seconds East along the West line of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$, a distance of 2089.55 feet to the center line of Lower Ridge Road; thence South 86 degrees 44 minutes 56 seconds East, along said center line, a distance of 659.53 feet to a point on the East line of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; thence South 01 degrees 28 minutes 18 seconds West along said east line, a distance of 2071.22 feet to the Southeast corner of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$; thence North 88 degrees 20 minutes 29 seconds West along the South line of said $W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$, a distance of 663.67 feet to the point of beginning.

4. 1550 Old Military Road - York Military Road Property.

Part of the $NW\frac{1}{4} SW\frac{1}{4}$ of Section 22, T5N, R14W, Faulkner County, Arkansas, being more particularly described as follows: Beginning at the West $\frac{1}{4}$ corner of said Section 22; thence run South 89 degrees 37 minutes 11 seconds East, 25.00 feet to the East right of way line of Old Military Road and also the point of beginning; thence continue South 89 degrees 37 minutes 11 seconds East, 466.69 feet; thence South 00 degrees 00 minutes 00 seconds West, 466.70 feet; thence North 89 degrees 37 minutes 11 seconds West, 466.69 feet to the East right of way line of Old Military Road; thence North 00 degrees 00 minutes 00 seconds East along said right of way line 466.70 feet to the point of beginning, containing 5 acres, more or less.



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5. Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 5 North, Range 14 West, Faulkner County, Arkansas being more particularly described as follows: Commencing at the Northwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ run from thence South 87 degrees 39 minutes 07 seconds East, along the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 491.69 feet to the point of beginning; thence continue along said North line, 663.35 feet; thence run South 01 degree 52 minutes 10 seconds West, parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1322.72 feet to the South line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence run North 87 degrees 35 minutes 32 seconds West, along said South line, 1130.05 feet to the East right of way line of Old Military Road; thence run North 01 degree 52 minutes 10 seconds East, parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 854.84 feet; thence leaving said right of way, run South 87 degrees 39 minutes 07 seconds East, parallel to the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 466.69 feet; thence run North 01 degree 52 minutes 10 seconds East parallel to the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 466.70 feet to the point of beginning. Said tract contains 29.30 acres, more or less.

6. Lot 1-R Sunderlin Park Subdivision Replat as shown on plat of record in Faulkner County Plat Book J at Page 262.

AND

Part of the W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Township 5 North, Range 14 West, Faulkner County, Arkansas described as beginning at the Northwest corner of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence along the North line of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, North 89 degrees 52 minutes 18 seconds East 781.76 feet to the point of beginning; thence continuing North 89 degrees 52 minutes 18 seconds East 205.72 feet to the Northeast corner of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence along the East line of said W $\frac{3}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, South 0 degrees 43 minutes 35 seconds West 620.69 feet; thence South 89 degrees 52 minutes 18 seconds West 184.72 feet; thence North 1 degree 12 minutes 45 seconds East 620.74 feet to the point of beginning.

(Commonly known as 4551 & 4553 W Tyler Street, Conway, AR 72034)

7. Tract 1: Part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as commencing at the Southeast Corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ and run North 89 degrees 54 minutes 49 seconds West along the South line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 877.3 feet to the point of beginning; thence continue North 89 degrees 54 minutes 49 seconds West 188.7 feet; thence



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North 02 degrees 53 minutes 39 seconds West 436.56 feet; thence South 89 degrees 54 minutes 49 seconds East 210.75 feet; thence South 436 feet to the point of beginning.

AND

Part of the NE 1/4 NW 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southwest corner thereof and run thence North 160 feet; thence North 69 degrees 07 minutes 55 seconds East 259.95 feet; thence South 2 degrees 53 minutes 40 seconds East 253.3 feet to the South line of the NE 1/4 NW 1/4; thence North 89 degrees 54 minutes 49 seconds West along the South line of said NE 1/4 NW 1/4 255.69 feet to the point of beginning.

AND

Part of the NE 1/4 NW 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southeast corner thereof, and run North 89 degrees 54 minutes 49 seconds West along the South line of said NE 1/4 NW 1/4 877.3 feet to a found pipe; thence North 329.97 feet; thence North 69 degrees 09 minutes 46 seconds East 816.25 feet; thence North 74 degrees 56 minutes 56 seconds East to the East line of the NE 1/4 NW 1/4, Section 6; thence South to the point of beginning.

AND

SE 1/4 NW 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas.

AND

Part of the W 1/2 NE 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as commencing at the Northeast corner of the NW 1/4 NE 1/4, Section 6, Township 5 North, Range 14 West and run thence South 375.0 feet along the East line of said NW 1/4 NE 1/4 to the point of beginning; thence South 78 degrees 00 minutes 54 seconds West 547.87 feet; thence South 74 degrees 56 minutes 56 seconds West to the West line of said NW 1/4 NE 1/4; thence South along the West line to the Southwest corner of the W 1/2 NE 1/4; thence East along the South line of the W 1/2 NE 1/4 to the Southeast corner of said W 1/2 NE 1/4; thence North along the East line of said W 1/2 NE 1/4 to a point which is 375.0 feet South of the Northeast corner of said W 1/2 NE 1/4, which point is the point of beginning.



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Tract 2:

All that part of the SE 1/4 SE 1/4 Section 31, T6N, R14W, Faulkner County, Arkansas, lying South of State Hwy #319.

Tract 3:

A tract of land lying in the SW 1/4 NW 1/4 Section 5, T5N, R14W, Faulkner County, Arkansas better described as beginning at the Northwest corner of said SW 1/4 NW 1/4 thence along the North line of said SW 1/4 NW 1/4 North 89 degrees 03 minutes 58 seconds East 30.00 feet; thence leaving said North line South 00 degrees 10 minutes 55 seconds East 777.29 feet; thence North 83 degrees 49 minutes 46 seconds West 30.19 feet to the West line of said SW 1/4 NW 1/4; thence along said West line North 00 degrees 10 minutes 55 seconds West 773.56 feet to the true point of beginning.

AND

Part of the SE 1/4 of the NE 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, more particularly described as follows: Beginning at a point 903.5 feet West of the Southeast corner of said SE 1/4 NE 1/4 and running thence West 150 feet; thence North 290.4 feet; thence East 150 feet; thence South 290.4 feet to the point of beginning.

AND

Part of the SE 1/4 NE 1/4, Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southeast corner of said SE 1/4 NE 1/4; thence South 89 degrees 35 minutes 00 seconds West along the South line of said SE 1/4 NE 1/4 828.50 feet to the point of beginning; thence continuing South 89 degrees 35 minutes 00 seconds West 75.0 feet; thence North 00 degrees 25 minutes 00 seconds West 290.40 feet; thence South 89 degrees 35 minutes 00 seconds West 150.0 feet; thence North 00 degrees 25 minutes 00 seconds West 850.0 feet; thence North 89 degrees 35 minutes 00 seconds East 350.0 feet; thence South 00 degrees 25 minutes 00 seconds East 390.40 feet; thence South 89 degrees 35 minutes 00 seconds West 125.0 feet; thence South 00 degrees 25 minutes 00 seconds East 750.0 feet to the point of beginning.

AND

Part of the E 1/2 NE 1/4, Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, described as beginning at the Southeast corner of the SE 1/4 NE



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1/4. Section 6: thence along the South line of said SE 1/4 NE 1/4 South 89 degrees 35 minutes 00 seconds West 420.30 feet to the point of beginning; thence continue South 89 degrees 35 minutes 00 seconds West 408.20 feet; thence North 00 degrees 25 minutes 00 seconds West 750.0 feet; thence North 89 degrees 35 minutes East 125.0 feet; thence North 00 degrees 25 minutes 00 seconds West 390.40 feet; thence South 89 degrees 35 minutes 00 seconds West 350.0 feet; thence South 00 degrees 25 minutes 00 seconds East 1,140.40 feet to the South line of said SE 1/4 NE 1/4; thence South 89 degrees 35 minutes 00 seconds West along the South line 274.20 feet to the Southwest corner of said SE 1/4 NE 1/4; thence North 00 degrees 02 minutes 15 seconds East 2,697.20 feet to the Northwest corner of the NE 1/4 NE 1/4 Section 6; thence North 89 degrees 12 minutes 14 seconds East along the North line of said NE 1/4 NE 1/4, 1,326.01 feet to the Northeast corner of said NE 1/4 NE 1/4; thence South 2,394.97 feet to a point 311.0 feet North of the Southeast corner of said SE 1/4 NE 1/4; thence South 89 degrees 35 minutes 00 seconds West 420.30 feet; thence South 311.0 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED LANDS:

Part of the SE 1/4 NE 1/4 of Section 6, Township 5 North, Range 14 West, Faulkner County, Arkansas, more particularly described as beginning at the Southeast corner of said SE 1/4 NE 1/4; thence along the East line of said SE 1/4 NE 1/4 North 00 degrees 10 minutes 55 seconds West 311.00 feet to the point of beginning; thence leaving said East line South 89 degrees 23 minutes 57 seconds West 98.62 feet; thence North 00 degrees 13 minutes 48 seconds West 233.62 feet; thence North 89 degrees 21 minutes 00 seconds East 98.82 feet to the East line of said SE 1/4 NE 1/4; thence along said East line South 00 degrees 10 minutes 55 seconds East 233.70 feet to the point of beginning.

8. CHARLESTON PLACE SUBDIVISION - \$13,281.00 of Credits may be assigned to Charleston Place Subdivision.



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton – Planning Director
Date: August 8, 2023

Re: Impact fee credit agreement for Centerstone Lot 8 and Moix Meadows Lot 8

The impact fee credit agreement for Centerstone Lot 8 and Moix Meadows Lot 8 is being presented to the City Council for a first reading. The item will appear on the next City Council agenda for final approval of the impact fee credit agreement.

A developer is entitled to impact fee credits when park improvements are made to the city. The developer must submit an impact fee credit agreement for approval by City Council. The impact fee credit is only valid once full construction of the improvements are complete or dedication of all park lands is made.

The city and Salter Acquisitions, LLC, desire to enter into this agreement as evidence that the lots are park system improvements. The value of any land required to be dedicated shall be based upon "fair market value" of the land. Based on the submitted documentation, the developer is requesting a credit totaling \$75,000, the appraisal value of the dedicated land.

Please advise if you have any questions.

A handwritten signature in black ink, appearing to read "Kris Paxton".

Kris Paxton, MGIS, CARPO, CFM
Director of Planning & Development
City of Conway, Arkansas

First Reading Only - 08.08.2023

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (the “Agreement”) is entered into between SALTER ACQUISITIONS, LLC, an Arkansas Limited Liability Company (“SA”), and the CITY OF CONWAY, ARKANSAS (the “City”) to be effective as of _____, 2023 (the “Effective Date”).

A. SA is the developer of (i) Lot 8 (“Centerstone Lot 8”) of the Centerstone Subdivision, Phase IV, an addition to the City of Conway, which was created pursuant to the Plat recorded on November 16, 2012 in the real estate records of Faulkner County, Arkansas, as Plat Book L, Page 133 (the “Centerstone Neighborhood”) and (ii) Lot 8 (“Moix Meadows Lot 8”) of the Moix Meadows Subdivision, an addition to the City of Conway, which was created pursuant to the Plat recorded on May 5, 2004 as Plat Book K, Page 34 (“the “Moix Meadows Neighborhood”, ”, which, together with the Centerstone Neighborhood and any future phases, if any, are collectively referred to as the “Neighborhoods”).

B. Centerstone Lot 8 is approximately 1.52 acres and Moix Meadows Lot 8 is approximately 1.08 acres and each of the Lots is a natural area and preserve appropriate for public recreational purposes..

C. Contemporaneously herewith, SA has donated Centerstone Lot 8 and Moix Meadows Lot 8 (individually a “Lot” and collectively, the “Lots”) via Warranty Deed in fee simple to the City for the benefit of the public (hereinafter referred to as the “Deed”). The Deed is effective as of _____, 2023 and is recorded in the real estate records of Faulkner County, Arkansas as Document No. _____.

D. The City has enacted Ordinance O-03-98, as amended, levying road and park impact fees upon Impact-Generating Development within the City of Conway (hereinafter referred to as the “Ordinance”).

E. Pursuant to Section 12(K) of the Ordinance, developers of Park System Improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the “Credit”) against park impact fees otherwise payable under the Ordinance (“Park Impact Fees”).

F. The City and SA desire to enter into this Agreement to evidence their determination that the Lots are Park System Improvements, that development within the Neighborhoods is entitled to the Credit and the amount of the Credit.

NOW, THEREFORE, in consideration of the recitals herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Each Lot is a Park System Improvement (as defined by the Ordinance), qualifying it for the Credit.

2. The City hereby acknowledges that SA is eligible for a Credit in the amount of \$75,000.00. The amount of the Credit is determined pursuant to Section 12(K)(2) of the Ordinance based on its appraised value.

3. The City hereby approves awarding SA a Credit to offset Park Impact Fees, not to exceed \$75,000.00 (the "Awarded Credit"), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Neighborhoods, in addition to current and future phases of Brentwood Village. SA shall have the exclusive right to use the Awarded Credit, provided that SA may in its sole discretion assign the right to use all or a portion of the designated amount of the Awarded Credit to offset the Park Impact Fee applicable to a project developed by the assignee within the Neighborhoods, or current and future phases of Brentwood Village. Any such assignment shall be in writing signed by SA or its successors and assigns and delivered to the City Planning Department or other department serving as administrator of Park Impact Fees.

4. SA will not be reimbursed for any excess Credit beyond the Park Impact Fees that would otherwise be due from SA or its successors or assigns from Impact Generating Development in the Neighborhoods or the Assignee Real Estate.

5. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall together constitute the same instrument. For purposes of this Agreement, a facsimile or digital image of a signature shall be sufficient to bind that party.

6. This Agreement shall inure to the benefit of and shall be binding upon the successors and assigns of the parties hereto.

[This Space Intentionally Left Blank Signature Page Follows]

[Signature Page to Impact Credit Agreement]

IN WITNESS WHEREOF, the undersigned have executed this Impact Credit Agreement as of the date and year first written above.

Salter Acquisitions, LLC

By: _____
Brent Salter, Member

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

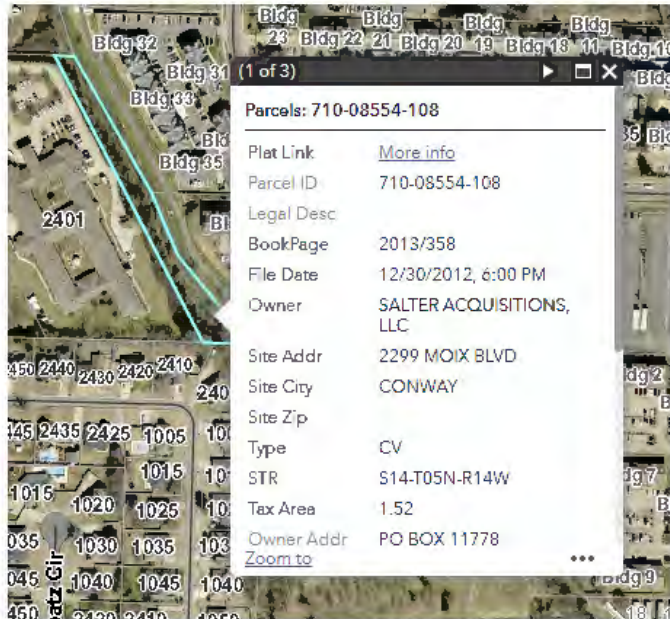
By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:
Gill Ragon Owen, P.A.
425 West Capitol Ave., Suite 3800
Little Rock, Arkansas 72201
501-376-3800

EXHIBIT A

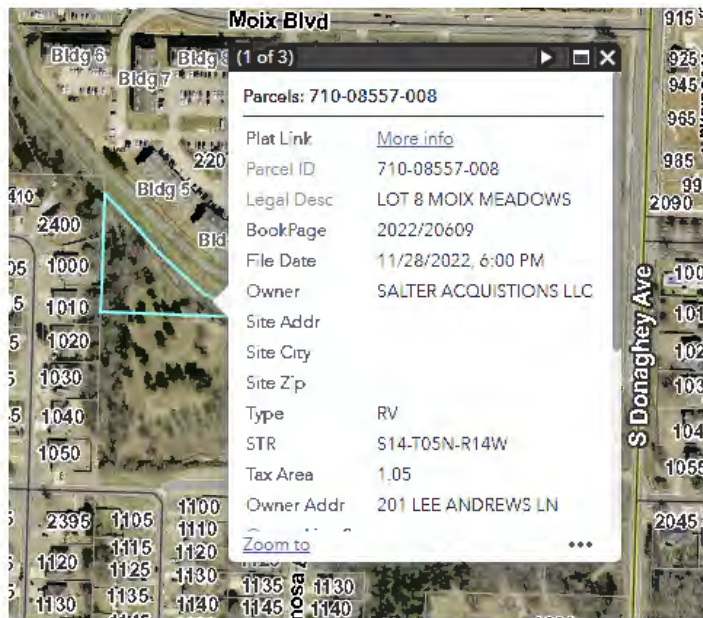
Parcel 1: 710-08554-108

Lot 8 of Re-Plat of Centerstone
Subdivision, Phase IV



Parcel 2: 710-08557-008

Lot 8 of Moix Meadows Subdivision



(shown on the following plats)



**City of Conway, Arkansas
Ordinance No. O-23-___**

AN ORDINANCE APPROPRIATING FUNDS FOR THE CONWAY FIRE DEPARTMENT FOR SAFETY PROMOTIONAL PRODUCTS; AND FOR OTHER PURPOSES

Whereas, the Conway Fire Department requests \$5,000 for the use of purchasing fire safety promotional products, including coloring books; and

Whereas, funds in the amount of \$5,000 were received from Centennial Bank to be used for such purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The City of Conway shall appropriate \$5,000 from the General Fund Revenue Donation Account (001.131.4705) to the Fire Department Miscellaneous Supplies Operating Account (001.136.5699).

Section 2. All ordinances in conflict herewith are repealed to that extent of the conflict.

PASSED this the 8th day of August 2023.

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**