



# BELLA VISTA

*A place to call home*

MEETING: **CITY COUNCIL WORK SESSION**  
DATE AND TIME: **Monday, November 21, 2016 at 5:30PM**  
Location: City Hall Conference Room  
101 Town Center, Bella Vista, Arkansas

- I. **CALL TO ORDER**: This meeting has been given public notice in accordance with the Section 25-19-106 of the Freedom of Information Act, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.
- II. **ROLL CALL**: Mayor Peter Christie, Aldermen Frank Anderson, John Flynn, Becky Morgan, James Wozniak and Larry Wilson
- III. **BUSINESS**:
  - A- **R2016- RESOLUTION-** APPOINTING DOUG FOWLER AS ALDERMAN OF THE CITY OF BELLA VISTA TO FILL THE VACANCY IN WARD 3, POSITION 1, FOR THE REMAINDER OF THE UNEXPIRED TERM ENDING DECEMBER 31, 2016.
  - B- **R2016- RESOLUTION-** REVISING AND APPROVING NEW SERVICE CHARGES FOR AMBULANCE SERVICES PROVIDED THROUGH THE FIRE DEPARTMENT.
  - C- **R2016- RESOLUTION-** AMENDING THE 2016 CITY BUDGET TO AUTHORIZE THE ADDITION OF ONE POLICE DEPARTMENT PATROL OFFICER.
  - D- **R2016- RESOLUTION-** RESCHEDULING CITY COUNCIL MEETING DATES AND TIMES FOR DECEMBER 2016.
  - E- **R2016- RESOLUTION-** ADOPTING A CITY BUDGET FOR THE CITY OF BELLA VISTA FOR THE CALENDAR YEAR 2017, APPROPRIATING MONEY FOR EACH ITEM OF EXPENDITURE, AND FOR OTHER PURPOSES.
  - F- **R2016- RESOLUTION-** A RESOLUTION SETTING CITY COUNCIL MEETING DATES FOR CALENDAR YEAR 2017; AND FOR OTHER PURPOSES.
  - G- **R2016- RESOLUTION-** AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH FLEMING ELECTRIC IN THE AMOUNT OF \$76,283.12

FOR THE PURCHASE OF AN EMERGENCY POWER BACKUP GENERATOR FOR THE STREET DEPARTMENT BUILDING.

- H- R2016- RESOLUTION-** A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO AN AGREEMENT WITH TRAFFIC ENGINEERING CONSULTANTS, INC. FOR THE US HIGHWAY 71 TRAFFIC SIGNAL RETIMING PROJECT; AND FOR OTHER PURPOSES.
  
- I- ORDINANCE NO 2016-** ACCEPTING AND CONFIRMING NEW EASEMENTS DEDICATED TO THE PUBLIC ON PARCELS 16-37766-000 AND 16-37767-000 KNOWN AS 17 AND 16 TORRIDO LANE, AND FOR OTHER PURPOSES.( Staff requests move to third and final reading.)
  
- J- ORDINANCE NO 2016-** REPEALING SECTION 109-249(1) OF THE MUNICIPAL CODE, AND FOR OTHER PURPOSES. (Staff requests move to third and final reading.)

### **ADJOURNMENT**

\*\*\* Please note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the City Clerk at 479-876-1255.

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**APPOINTING DOUG FOWLER AS ALDERMAN OF THE CITY OF BELLA VISTA TO FILL THE VACANCY IN WARD 3, POSITION 1, FOR THE REMAINDER OF THE UNEXPIRED TERM ENDING DECEMBER 31, 2016**

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

**SECTION 1:** The City Council of the City of Bella Vista, Arkansas, pursuant to the authority granted to it by law, hereby appoints Doug Fowler as Alderman for the City of Bella Vista to fill the vacancy in Ward 3, Position 1, for the remainder of the unexpired term ending December 31, 2016.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

\_\_\_\_\_  
City Clerk Wayne Jertson

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**REVISING AND APPROVING NEW SERVICE CHARGES FOR  
AMBULANCE SERVICES PROVIDED THROUGH THE FIRE  
DEPARTMENT**

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

**SECTION 1:** The City Council of the City of Bella Vista, Arkansas hereby approves service charges for ambulance services provided through the Fire Department as depicted in the attached rate sheets which are incorporated into this resolution as Exhibit "A" as if set out word for word herein.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

Attest:

\_\_\_\_\_  
City Clerk Wayne Jertson

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney

Name:	Run #
6-1-2008 Base Rate + \$100" ↑ \$550	Chest Seal Added \$30.00
Professional Service Fee \$100	Cricothyrotomy Added \$300
6-1-2008 Covered Mileage + \$5" mile ↑ \$10.00	Adenocard 6/12/12mg ea + \$2" \$50
Oxygen \$40	ASA / Aspirin ↑ \$2
Pulse Ox \$15	Atropine 1mg \$13
BVM \$30	Ativan 2mg + \$7.50 ↑ \$12.50
Oral Airway \$7	Albuterol Updraft \$12
Nasal Airway \$8	Amiodarone 150mg \$50
Suction \$10	Benedryl 25 mg \$7
Cpap/Bipap \$40	Cardizem 50mg \$30
OG/NG tubes Added \$6.50	Cefazolin Added \$3
Capnography \$20	D50 \$12
King Vision Added \$60	Decadron min. of 3 \$8
ET tubes \$38	Dopamine 400mg + \$21" ↑ \$30
King Airway Added \$85	Epi 1:1000 1mg \$9.50
Lucas \$40	Epi 1:10000 1mg \$9.50
Ventilator \$50	Etomidate \$46.50
IV Setup \$30	Fentanyl 1-100 mcg \$20
Normal Saline 500ml + \$10" ↑ \$30	Glucagon + \$350" ↑ \$520
Lac. Ringers 1000ml + \$17" ↑ \$30	Ipratoprium \$3
D5W 500ml + \$13" ↑ \$25	Ketamine 1-500 mg + \$26" ↑ \$35
IV Pump \$50	Lasix 80mg + \$1" ↑ \$8
IO drill set up \$170	Labetalol 10-100 mg \$22
EKG Charge \$100	Lidocaine 10mg \$10
Defib Supplies \$85	Lidocaine drip + \$4" ↑ \$15
Pacemaker \$80	Mag Sulfate \$10
3rd Attendent \$50	Morphine 4mg \$8
Backboard / stairchair/scoop \$25	Na Bicarb 50MEQ \$9
Bandages \$9	Narcan .4 mg \$9
C-Collar \$13	Nitro Drip Added \$35
Disposable Supplies \$25	Nitro Tabs Added \$30
Fracture Immobilization \$20	Nitro Spray + ↑ 10" ↑ \$30
Hot/Cold Pack \$6	Oral Glucose \$5
Glucometer \$11.00	Racemic Epi Added \$4
Spinal Immob, \$55	Roccuronium + \$15" ↑ \$60
Sterile Water \$6	Succinylcholine + \$15" ↑ \$95
Auto Extrication \$400	TXA + \$20" ↑ \$100
Burn Sheets + \$2" ↑ \$10	Valium 10mg + \$3" ↑ \$10
OB Kit Added \$40	Versed 1-5mg \$11
Needle Decompression + \$20" ↑ \$100	Zofran 4mg/phen 12.5 + \$8" ↑ \$15
Tournaquet Added \$55	RSI / PAI \$400

☐ yellow - needs increased

☐ pink - supplies/med added

TOTAL

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Old Charge Sheet

Name:		Run #	
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Base Rate	\$550
No Pick Up	\$100
Covered Mileage	\$10.00
Oxygen	\$40
Pulse Ox	\$15
BVM	\$30
Oral Airway	\$7
Nasal Airway	\$8
Suction	\$10
Cpap Machine / <i>bi pap</i>	\$40
ET tubes	\$38
Lucas	\$40
Ventilator	\$50
IV Set Up / Supplies	\$30
Normal Saline <i>increased</i>	\$20
Lac. Ringers <i>increased</i>	\$13
D5W <i>increased</i>	\$12
IO Drill / Set up	\$170
12 Lead EKG	\$100
Defib Supplies	\$85
Pacemaker	\$80
3rd Attendant	\$50
<del>Charcoal</del>	\$15
Backboard (only)	\$25
Bandages	\$9
Burn Sheets	\$8
C-collar (Only)	\$12
Disposable Supplies	\$25
Auto Extracation	\$400
Fracture Immob.	\$20
Glucometer	\$11
Hot / cold Pack	\$6.00
Spinal Immob,	\$55

Old Charge Sheet

Sterile Water	\$6.00
Capnography	\$20
Adenocard	\$48
Aspirin	\$2
Atropine	\$13
Ativan	\$5
Albuterol Updraft	\$12
Amiodarone 150 mg	\$50
Benedryl	\$7
Cardizem	\$30
D50	\$12
Decadron	\$8
Dopamine	\$11.00
Epi 1:1000	\$9.50
Epi 1:10000	\$9.50
Fentanyl	\$20
Ipratratonium	\$3
Ketamine	\$9
Lasix	\$7
Labetalol 10 mg	\$22
Lidocaine 100 mg	\$10
Lidocaine Drip	\$11
Mag. Sulfate	\$10
Morphine	\$8
Na Bicarb	\$9
Narcan	\$9
Nitro Spray	\$20
<del>Normadyne</del>	\$18
Valuim	\$7
<del>Verapamil</del>	\$10
Versed	\$11
Zofran / phenergan	\$7
Total:	

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**AMENDING THE 2016 CITY BUDGET TO AUTHORIZE THE ADDITION  
OF ONE POLICE DEPARTMENT PATROL OFFICER**

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

**SECTION 1:** The City Council of the City of Bella Vista, Arkansas, hereby amends the 2016 City Budget to authorize the addition of one (1) Police Department patrol officer position. Said position shall be paid for through previously budgeted funding.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

\_\_\_\_\_  
City Clerk Wayne Jertson

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**RESCHEDULING CITY COUNCIL MEETING DATES AND TIMES FOR  
DECEMBER 2016**

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

**SECTION 1:** Notwithstanding any other provision of any resolution to the contrary, the Bella Vista City Council meetings scheduled for December 2016 shall be as follows: a work session on Monday, December 12, 2016 at 5:30 p.m. at the Bella Vista Street Department facility, and a regular session on Monday, December 19, 2016 at 6:30 p.m. at American Legion Post 341.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

\_\_\_\_\_  
City Clerk Wayne Jertson

Requested by Mayor Christie  
Prepared by Jason Kelley, Staff Attorney

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF BELLA VISTA, ARKANSAS**

**ADOPTING A CITY BUDGET FOR THE CITY OF BELLA VISTA FOR  
THE CALENDAR YEAR 2017, APPROPRIATING MONEY FOR EACH  
ITEM OF EXPENDITURE, AND FOR OTHER PURPOSES**

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

**Section 1:** The City Council of the City of Bella Vista, Arkansas hereby approves the attached operating budgets for the City of Bella Vista for calendar year 2017, reflecting estimated revenues and expenditures.

**Section 2:** The expenditure of funds appropriated by this Resolution shall not be restricted to the line item expenditure, but shall be restricted to office/departmental expenditures. Personnel expenditures shall not exceed the number of employees specified in the detailed annual budget or any amendment thereto.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

\_\_\_\_\_  
Wayne Jertson  
City Clerk

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

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

MEETING DATE: November 28, 2016 - Regular Meeting

AGENDA ITEM:

ITEM TITLE: A Resolution Setting City Council Meeting Dates for Calendar Year 2017, and For Other Purposes.

SUBMITTED BY: Christopher Suneson, PLA, AICP

SUMMARY EXPLANATION: The attached resolution sets City Council meeting dates for calendar year 2017. The proposed dates generally follow having work sessions scheduled for the third (3<sup>rd</sup>) Monday of the month and regular meetings scheduled for the fourth (4<sup>th</sup>) Monday of the month. A few exceptions to these rules:

1. The January 2017 work session was adjusted to the following Tuesday due to the Martin Luther King, Jr. Day holiday.
2. The February 2017 work session was adjusted to the following Tuesday due to the President's Day holiday.
3. The December 2017 meeting dates were adjusted one (1) week ahead for the Christmas Eve and Christmas holidays.

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION: The administration is recommending approval of this resolution.

ACTION REQUESTED:  
Motion to adopt

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION SETTING CITY COUNCIL MEETING DATES FOR  
CALENDAR YEAR 2017; AND FOR OTHER PURPOSES**

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**WHEREAS**, the City Council meets monthly at work sessions and regular meetings to discuss items of business; and

**WHEREAS**, the public should be adequately informed of City Council meeting dates to fully participate in local governance.

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

**SECTION 1:** The following dates for work sessions and regular meetings of the City Council are hereby adopted for the 2017 calendar year:

<b>Work Session Date</b>	<b>Regular Meeting Date</b>
1/17/2017	1/23/2017
2/21/2017	2/27/2017
3/20/2017	3/27/2017
4/17/2017	4/24/2017
5/15/2017	5/22/2017
6/19/2017	6/26/2017
7/17/2017	7/24/2017
8/21/2017	8/28/2017
9/18/2017	9/25/2017
10/16/2017	10/23/2017
11/20/2017	11/27/2017
12/11/2017	12/18/2017

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PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion .

APPROVED:

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Mayor Peter Christie

ATTEST:

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Wayne Jertson  
City Clerk

APPROVED AS TO FORM:

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Jason B. Kelley, Staff Attorney

*Prepared by: Christopher Suneson, PLA, AICP, Director of Community Development Services*

# Memorandum

November 17, 2016

To: Mayor Peter Christie and Bella Vista City Council

From: Mike Button, City of Bella Vista Street Superintendent

RE: Request for Bid, Street Department Generator

Requests for Bid were sent out to 12 different vendors for the installation of a generator to be located at the new Street Department Facility. One bid was received from Fleming Electric being \$76,283.12. This Vendor meets all specifications provided in the bid packet. The budgeted amount for the entire project was in the amount of \$100,000.00.

The purpose for having the generator is to ensure that our new Fuel Depot is operational during lengthy power outages as well as being able to operate other aspects of the Street Department Building during the same situation.

With that being said, I recommend that Bella Vista City Council award bid to Fleming Electric, in the amount of \$76,283.12 for an emergency backup generator for the new Street Department.

Respectfully Submitted,

Mike Button

City of Bella Vista Street Superintendent,

# City of Bella Vista

STATE OF ARKANSAS

## **INVITATION TO BID**

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

### **Street Department Generator**

Specifications may be obtained at the office of the Bella Vista Street Department, 2471 Forest Hills Blvd, Bella Vista, AR 72715 or call 479-876-1204 and a copy will be sent to you. Sealed bids must be submitted to the City of Bella Vista, c/o Mike Button, 2471 Forest Hills Blvd, Bella Vista, AR 72715 prior to the bid opening at 9:00 AM CST on Tuesday, November 15, 2016. Envelope must be marked as follows: **“Street Department Generator”**.

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

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

Michael Button  
Street Superintendent

Published: October 28, 2016

### Bidders Packet List - 2016 Street Dept. Generator

Company Name	Contact	Phone No.	E-Mail	Address	Date
GES Generated Energy Solutions	Jarryd Fleming	501-551-6340	<a href="mailto:jfleming@ges-ar.com">jfleming@ges-ar.com</a>	212 McClanahan Dr, Bryant, AR 72022	31-Oct
Dolle Electric	Jerry Oliver	479-464-8452	<a href="mailto:dolleelectric@gmail.com">dolleelectric@gmail.com</a>	2724 Champions Dr, Rogers, AR 72758	31-Oct
Mr. Electric of Rogers	Jerry Brown	479-689-7848	<a href="mailto:jerry.brown@mail.mrelectric.com">jerry.brown@mail.mrelectric.com</a>	201 S. 20th St, Rogers, AR 72758	31-Oct
AMP Electrical Services	Mary	479-426-4740	<a href="mailto:ampelectricinfo@gmail.com">ampelectricinfo@gmail.com</a>	208 SE 3rd St, Bentonville, AR 72712	31-Oct
Northside Power	Jeannie & Greg	501-315-7213	<a href="mailto:jeannie@northsidepower.com">jeannie@northsidepower.com</a>	6834 Congo Rd, Benton, AR 72019	31-Oct
Matlock Electric Co Inc		479-646-4469	-	3324 Vicksburg St, Fort Smith, AR 72903	
Paschal Corp		479-751-0195	-		
E=Plan	Raven	573-447-7130	<a href="mailto:eplan@eplanbidding.com">eplan@eplanbidding.com</a>		31-Oct
Mall Energy	Kendall Archer	903-844-7010	<a href="mailto:karcher@mallenergy.com">karcher@mallenergy.com</a>		31-Oct
United Engines	Adam Penland	501-590-3664	<a href="mailto:apenland@unitedengines.com">apenland@unitedengines.com</a>		2-Nov
Fleming Electric Co	Warren Fleming	501-551-6301	<a href="mailto:jfleming@fleminc.com">jfleming@fleminc.com</a>		4-Nov
Dodge Planning	Bonny	321-972-2194	<a href="mailto:bony.mangold@construction.com">bony.mangold@construction.com</a>		7-Nov
			-		

RESOLUTION NO. \_\_\_\_\_

CITY OF BELLA VISTA, ARKANSAS

**AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH FLEMING ELECTRIC IN THE AMOUNT OF \$76,283.12 FOR THE PURCHASE OF AN EMERGENCY POWER BACKUP GENERATOR FOR THE STREET DEPARTMENT BUILDING**

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

**Section 1:** The City Council of the City of Bella Vista, Arkansas hereby award the bid and authorizes the Mayor and City Clerk to enter into a contract with Fleming Electric in the amount of \$76,283.12 for the purchase of an emergency power backup generator for the Street Department building.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

\_\_\_\_\_  
Wayne Jertson  
City Clerk

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

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

MEETING DATE: November 28, 2016 - Regular Meeting

AGENDA ITEM:

ITEM TITLE: A Resolution Authorizing the Mayor and Clerk to Enter into an Agreement with Traffic Engineering Consultants, Inc. for the US Highway 71 Retiming Project, and For Other Purposes.

SUBMITTED BY: Christopher Suneson, PLA, AICP

SUMMARY EXPLANATION: The US Highway 71 corridor is the major traffic conveyance through Bella Vista. In 2015, the Arkansas Highway and Transportation Department counted 20,000 vehicle trips near the Missouri border and 48,000 vehicle trips south of the McNelly Rd (Benton County 40) intersection. These traffic volumes will only continue to increase year over year, even when the Bella Vista bypass is completed.

The administration has met with AHTD on several occasions, and it has been pointed out that the congestion along Highway 71 is a capacity issue – too much traffic with too little lane capacity.

Retiming and coordination of the traffic signals along Hwy 71 will not solve the congestion issue, but will help traffic operate more efficiently until more permanent solutions can be devised. To assist in this ongoing maintenance need, the administration placed a request for qualification to traffic engineers in late October. After a thorough evaluation and selection process, Traffic Engineering Consultants was carefully chosen as the most qualified respondent.

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION: The administration is recommending approval of this resolution.

ACTION REQUESTED:  
Motion to adopt

**AGREEMENT BETWEEN  
THE CITY OF BELLA VISTA, ARKANSAS  
AND  
TRAFFIC ENGINEERING CONSULTANTS, INC.  
FOR PROFESSIONAL SERVICES**

Agreement, made as of November \_\_\_\_, 2016 between the City of Bella Vista, Arkansas, a municipal corporation (hereinafter called the "**CITY**") and TRAFFIC ENGINEERING CONSULTANTS, INC located at 6000 South Western Avenue, Suite 300, Oklahoma City, Oklahoma (hereinafter called the "**CONSULTANT**").

WHEREAS the CITY is authorized and empowered to contract with the CONSULTANT for the purpose of obtaining traffic engineering and design services for a transportation project in the CITY; and

WHEREAS, the CONSULTANT is licensed in accordance with the laws of the State of Arkansas and is qualified to perform the services desired by the CITY.

WHEREAS, CITY and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance of professional engineering services by ENGINEER and the payment for those services by CITY as set forth below.

NOW, THEREFORE, in consideration of the mutual understanding herein contained, THE PARTIES AGREE AS FOLLOWS:

**ARTICLE I  
SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT**

The scope of services, deliverables, schedule, and fee to be provided by the CITY and the CONSULTANT is described in Attachment A.

**ARTICLE II RESPONSIBILITIES  
OF THE CITY**

1. To review traffic signal timing plans submitted by the CONSULTANT and provide comments in a timely manner.
2. To make available relevant data, plans, or studies that the CITY may have.
3. The CITY will designate in writing a person to act as its representative in respect to the work to be performed under this Agreement, and such person shall have complete authority to transmit instructions, interpret, and define CITY's policies and decisions with respect to materials, equipment, elements, and systems pertinent to the services covered in this Agreement.

**ARTICLE III  
SCHEDULE**

This agreement will expire when the signal timing project is complete to the satisfaction of the CITY. The CONSULTANT shall complete the scope of services as described in ARTICLE I -SCOPE OF SERVICES and Attachment A and time specified in the written notice to proceed.

The contract can be renewed on an annual basis for up to five (5) subsequent years with approval and agreement in writing by both parties. The Fee for each year will be negotiated prior to agreement.

**ARTICLE IV  
COMPENSATION**

The CITY agrees to pay for services on a monthly basis for work completed. Claims of payment will be processed to cover work as it is completed during the contract period. Payment to the CONSULTANT for completion of the basic services will be based upon the fee amount described in Attachment A to this agreement.

**ARTICLE V GENERAL  
CONSIDERATIONS**

1. The CONSULTANT shall perform all services, which shall be satisfactory and acceptable to the CITY, under this Agreement in accordance with the professional standards of the consulting profession. All of the CONSULTANT'S instruments of service shall belong to the CITY.
2. The CONSULTANT reserves the right to renegotiate this Agreement if this Agreement is not signed by the CITY within sixty (60) days.
3. The scope of services described in ARTICLE I -SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT shall be subject to the modification or supplement upon the written agreement of the contracting parties. Any such modification in the scope of services and/or equitable adjustments will be made in writing by the parties in the time of performance and the compensation to be paid on the project.
4. The CONSULTANT agrees to maintain, throughout the duration of this Agreement, insurance in the following amounts and to furnish the CITY with certification thereof:
  - a. Workers' Compensation and Employers' Liability:                      Statutory

b. Comprehensive Automobile Liability:	
Bodily Injury	\$ 125,000 each Person \$ 500,000 each Accident \$1,000,000 each Occurrence
c. Comprehensive General Liability:	
Bodily Injury	\$ 125,000 each Person \$1,000,000 each Accident
Property Damage	\$ 25,000 each Occurrence
d. Professional Liability:	\$1,000,000 per claim and Aggregate

The City of Bella Vista, Arkansas shall be named additional insured on the Comprehensive General Liability policy in amounts equal to the liability limits shown above. Provided, however, this shall not preclude the CONSULTANT from carrying insurance in amounts exceeding said liability limits.

5. This Agreement may be terminated by the CITY for convenience at any time upon ten (10) days prior written notice to the CONSULTANT. This Agreement may be terminated for cause by the non-breaching party in the event the other party materially breaches this Agreement and provided the non-breaching party provides the breaching party ten (10) days prior written notice and the opportunity to cure such breach(es) specified in the notice. In the event termination is for the convenience of the CITY, payment will be made for the value of all services rendered up to the time of termination on the basis of the compensation provisions of this Agreement. In the event termination is for breach of contract by the CONSULTANT, payment will be made only for the value of those services satisfactorily performed as determined by mutual agreement.
6. The CONSULTANT agrees to save the CITY and their authorized representatives harmless from any and all costs, liabilities, expenses, suits, judgments and damages to persons or property to the proportionate extent caused by the CONSULTANT, its agents, employees or subcontractors and resulting from negligent acts, errors, mistakes or omissions from the CONSULTANT'S operation in connection with the services to be performed hereunder.
7. This Agreement shall be binding upon the undersigned parties, their successors, partners, assigns, and legal representatives

IN WITNESS WHEREOF, said parties have caused this Agreement to be signed by their duly authorized officers.

City Of Bella Vista, Arkansas A  
municipal corporation

*Traffic Engineering Consultants, Inc.*

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

City Clerk

Secretary

(seal)

(seal)

Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_

City Attorney

**CITY OF BELLA VISTA,  
ARKANSAS  
AND  
TRAFFIC ENGINEERING CONSULTANTS, INC.,  
TRAFFIC ENGINEERING SERVICES  
  
ATTACHMENT A**

**GENERAL SCOPE OF SERVICES**

The following general scope of services shall be made a part of the Agreement dated  
November \_\_\_\_\_, 2016

CONSULTANT shall, except as may be otherwise specifically provided for herein, furnish all services, labor, equipment, and incidentals as required for this Agreement.

1. Project Description – The consultant shall perform traffic engineering services necessary to comply with CITY request's for the project as follows. The project will include the calculation of and field implementation of traffic signal timing plans for the Hwy 71 corridor in Bella Vista. The intersections include:
  - a. W. McNelly Road (Benton County Road)
  - b. Mercy Way
  - c. Riordan Road
  - d. Trafalgar Road
  - e. Bear Hollow Road

There are no communications to the intersections of Trafalgar Road and Bear Hollow Road. The other three intersections are run by a Master Controller and a radio system.

The first step of the project would be to inventory the existing system and understand how it works. With the assistance of staff, if there is equipment not working or additional equipment needed to have the system operate effectively, recommendations will be made detailing the needs. There are a total of five intersections that the city wishes to coordinate. Three of the intersections communicate with each other using a wireless radio system. A field master controls the three intersections. The other two intersections have no communications between them. IT will be necessary to install some type of mechanism to keep the time clocks and the two intersections synched. Also, as part of the field inventory, sufficient data will be gathered to build a Trafficware Synchro 9 Model for signal timing purposes.

Before and After Travel Time Studies will be conducted to document the change in traffic patterns and travel times. Three travel runs will be made during the weekday a.m., noon, and p.m. peak hours both before and after the signal timing is completed to document the improvement in traffic flow. As an alternative TEC may use blue tooth data collectors to conduct the before and after studies. Camera information will also be collected to help identify improvements.

Traffic volume data will be collected to design, calculate and implement traffic signal timing plans for the corridor. Both Peak Hour Turning Movement counts and 24 daily traffic counts will be collected to assist in the timing of the traffic signals. Peak hour turning movement counts will be collected at each intersection on an average weekday with school in session for the a.m. peak hour, the noon peak hour and the p.m. peak hour. 24 hour traffic data will be collected in two locations on Hwy 71 and in two locations at the highest volume side streets from a Thursday through a Sunday. The data will be analyzed to determine the peak hours for both Saturday and Sunday. Two hours of turning movement data will be collected at each intersection on both Saturday and Sunday.

A minimum of three traffic plans will be developed. Based on the traffic count analysis and data collected on the weekends, up to an additional two traffic plans will be developed for a total of five traffic plans.

The corridor will be modeled using Trafficware Synchro 9 software and traffic signal timing plans calculated. The traffic signal timing plans will be based on the peak hour data collected. The local signal timing will be reviewed and recommendations made as to how it could be improved. The signal timing plans would include all of the parameters necessary to implement coordination timing along the corridor.

At a mutually agreeable time, the timing plans will be field implemented and adjusted based on the local traffic. The timing plans would be entered in the field. It will be necessary to program each traffic signal controller individually. All of the parameters would be programmed. When the system is running, all plans would be observed in the field and field adjustments made. The field implementation is typically a two day minimum process. An effort will be made to document the improvement in traffic with the system working by photographic means as well as the "After" travel runs noted above.

A final summary report will be submitted documenting the work completed. The report will document the traffic plans, the field inventory, and all of the traffic data collected. The report will also include any recommendations that might improve traffic flow in the area. The purpose of the report is to provide the City with documentation for the project for future reference.

1. Notice to Proceed – The CITY shall issue a notice to proceed to initiate the project. The notice to proceed should include the agreed upon fee for services, and schedule for completion of the work order. Any change in the scope of services or additional time for completion must be requested in writing by the CONSULTANT and accepted by the CITY.
2. Deliverables- The work product delivered by the CONSULTANT shall consist of deliverables as outlined above for the final report.

3. Schedule – The field inventory, traffic data collection, and “Before” Travel run studies would be completed within 60 days from a notice to proceed from the CITY of Bella Vista, Arkansas. The field implementation of the timing plans will be completed in an additional 30 days. The final report would be submitted to the CITY in an additional 30 days. Acceptance of the final report by the CITY will constitute the completion of the project. However, the CONSULTANT would be available to review the operation of the timing plans during the summer and make adjustments if necessary.
  
4. Fee – The fee for the CONSULTANT services shall be a lump sum fee of \$ 25,000.00. The fee shall be paid on a monthly basis for work completed to date. The CONSULTANT shall submit documentation with an invoice monthly for payment. It is the responsibility of the CITY to pay monthly claims in a timely manner.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO AN AGREEMENT WITH TRAFFIC ENGINEERING CONSULTANTS, INC. FOR THE US HIGHWAY 71 TRAFFIC SIGNAL RETIMING PROJECT; AND FOR OTHER PURPOSES**

---

**WHEREAS**, US Highway 71, the major traffic conveyance in Bella Vista, suffers from massive congestion in north-south traffic flows; and

**WHEREAS**, some of this traffic congestion may be relieved by properly timing and coordinating traffic signals along the highway's corridor through Bella Vista, starting at Bear Hollow Road to Benton County 40 (McNelly Road); and

**WHEREAS**, the need to monitor traffic signalization is an ongoing concern to maintain the functionality of the US Highway 71 corridor.

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

**SECTION 1:** The Mayor and Clerk are hereby authorized to enter into a contract with Traffic Engineering Consultants, Inc. in the lump sum amount of \$25,000 for the retiming of traffic signals along the US Highway 71 corridor.

**SECTION 2:** The fees for this contract shall be paid from unspent sums in the 15-5700, Contracts Professional Fees account in the Community Development Services budget. In the event that the work is not completed by the end of 2016, any carry forward contractual obligations shall be paid from the same account from the approved 2017 Community Development Services budget.

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PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion .

APPROVED:

---

Mayor Peter Christie

ATTEST:

---

Wayne Jertson  
City Clerk

APPROVED AS TO FORM:

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Jason B. Kelley, Staff Attorney

*Prepared by: Christopher Suneson, PLA, AICP, Director of Community Development Services*

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

MEETING DATE: November 28, 2016

AGENDA ITEM: Ordinance-2016-

ITEM TITLE: Accepting and Confirming New Easements Dedicated to the Public on Parcels 16-37766-000 (addressed 17 Torrido Lane) and 16-37767-000 (addressed 16 Torrido Lane) and for other purposes

SUBMITTED BY: Jennifer Bonner, Senior Planner

SUMMARY: The Planning Commission reviews PLA-2016-24023 on September 12, 2016, where it received a unanimous vote to accept the required easement and right-of-way dedications depicted.

The survey instrument incorporated into the ordinance adjusts a property line between two subject parcels. The survey is the 2<sup>nd</sup> re-plat of these 2 lots in Eddleston Subdivision. The City's subdivision regulations requires the dedication of easements and right-of-way when subdividing land.

ATTACHMENT: Ordinance  Resolution  Other

RECOMMENDATION: Planning Commission and Staff both recommend approval of this ordinance. We are also requesting that the City Council waive its normal three (3) readings to expedite the dedications to the public as well to accommodate a loan closing that is scheduled to occur as soon as the plat can be signed and recorded at the County offices.

ACTION REQUESTED: Motion to adopt

**ORDINANCE NO. 2016-\_\_\_\_\_**

**ACCEPTING AND CONFIRMING NEW EASEMENTS DEDICATED TO THE PUBLIC ON PARCELS 16-37766-000 AND 16-37767-000, KNOWN AS 17 AND 16 TORRIDO LANE, AND FOR OTHER PURPOSES.**

**WHEREAS**, A.C.A. 14-301-102 requires that publicly dedicated easements be accepted and confirmed by an ordinance specifically passed for that purpose; and

**WHEREAS**, the Planning Commission held a public hearing on September 12, 2016, and heard all interested parties related to PLA-2016-24023; and

**WHEREAS**, the Planning Commission unanimously recommends acceptance of the easements to the City Council of the City of Bella Vista.

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

**Section 1:** The publicly dedicated easements shown in the attached Exhibit A, which is attached hereto and made a part of, are hereby accepted and confirmed for public use.

Motion to adopt made by \_\_\_\_\_ and seconded by \_\_\_\_\_ .

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Motion was passed by a majority vote.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Wayne Jertson  
City Clerk

\_\_\_\_\_  
Peter Christie  
Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jason Kelley  
Staff Attorney

Miscellaneous Notes

COMPLETED FIELD WORK:  
JULY 29, 2016

BASIS OF BEARING:  
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS

1. WARRANTY DEED FILED IN DEED BOOK 2016 AT PAGE 19315.
2. RECORD REPLAT FILED IN PLAT BOOK 25 AT PAGE 25.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

HATCHED AREA REPRESENTS LANDSCAPED AREA



HATCHED AREA REPRESENTS APPROXIMATE LOCATION OF SEPTIC TANK



CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC STREETS, ALLEYS, DRIVES, AND EASEMENTS AS SHOWN ON SAID PLAT.

SIGNED: \_\_\_\_\_ NOTARY PUBLIC  
NAME & ADDRESS: \_\_\_\_\_

DATE OF EXECUTION: \_\_\_\_\_

SOURCE OF TITLE: DEED RECORD: \_\_\_\_\_ PAGE: \_\_\_\_\_

ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF BENTON

ON THIS DAY BEFORE THE UNDERSIGNED, A NOTARY PUBLIC DULY QUALIFIED AND ACTING IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED

SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) APPEAR(S) AS THE OWNER(S) IN THE FOREGOING INSTRUMENT, AND STATED THAT HE/SHE/THEY HAS/HAVE EXECUTED THE SAME FOR THE CONSIDERATION, USES AND PURPOSES THEREIN STATED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_ NOTARY PUBLIC: \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_ NOTARY PUBLIC: \_\_\_\_\_

CERTIFICATE OF SURVEYING ACCURACY

I, \_\_\_\_\_ HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYS HAVE BEEN MET.

SIGNED: \_\_\_\_\_  
REGISTERED LAND SURVEYOR

DATE OF EXECUTION: \_\_\_\_\_

STATE OF ARKANSAS REGISTRATION NO. \_\_\_\_\_

CERTIFICATE OF APPROVAL

PURSUANT TO THE CITY OF BELLA VISTA SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVALS HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER AUTHORITY OF THE SAID RULES AND REGULATIONS.

SIGNED: \_\_\_\_\_  
MAYOR, CITY OF BELLA VISTA

UTILITIES

SIGNED: \_\_\_\_\_ AT&T  
BVPOA OR ACC

SIGNED: \_\_\_\_\_ CARROLL ELECTRIC  
COX CABLE

SIGNED: \_\_\_\_\_ BVPOA WATER

DEVELOPER CONSENT

COOPER COMMUNITIES, INC., A DELAWARE CORPORATION (SUCCESSOR TO JOHN A. COOPER COMPANY BY REASON OF MERGER) DEVELOPER, HEREBY CONSENTS TO THE RESUBDIVISION OF SAID PROPERTY FOR PURPOSES OF AGREEMENT TO ANY CHANGES CREATED HEREBY IN LOCATION OF UTILITY AND DRAINAGE EASEMENTS RESERVED TO SAID DEVELOPER PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

COOPER COMMUNITIES, INC.

BY: \_\_\_\_\_  
PRESIDENT

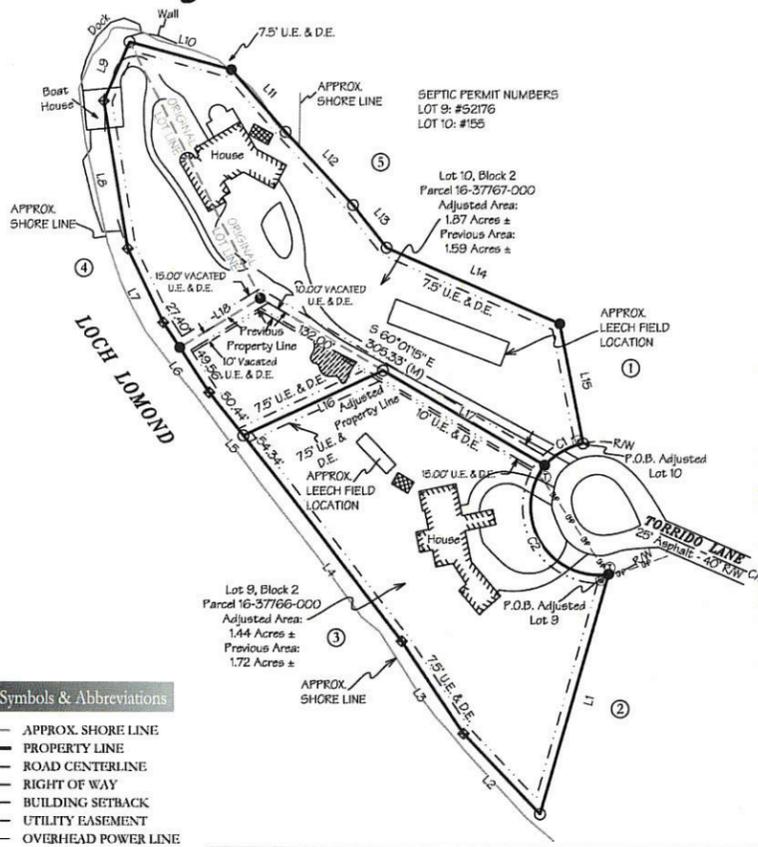
BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE APPROVAL:

THE BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE HEREBY APPROVES THE RESUBDIVISION AS SHOWN HEREON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

BY: \_\_\_\_\_  
CHAIRMAN

# LOT LINE ADJUSTMENT - SECOND REPLAT



Legend of Symbols & Abbreviations

- APPROX. SHORE LINE
- PROPERTY LINE
- ROAD CENTERLINE
- RIGHT OF WAY
- BUILDING SETBACK
- UTILITY EASEMENT
- OVERHEAD POWER LINE
- SET/FOUND 1/2" REBAR
- TELEPHONE PEDISTAL
- WATER METER
- LIGHT POLE

Owner

PARCEL 16-37766-000  
FOX, ROGER & MICHELLE  
17 TORRIDO LN  
BELLA VISTA AR 72715-5505

PARCEL 16-37767-000  
SWALVE, RICHARD B & LINDA K  
PO BOX 1029  
DEWEY AZ 86327-1029

Zoning & Setback Information

CURRENT ZONING: R-1

BUILDING SETBACKS:  
FRONT - 20'  
SIDE - 10'  
REAR - 20'

PROPERTY ABUTTING ANY LAKE,  
COMMON PROPERTY OR  
RECREATIONAL AMENITY - 20'

Adjacent Land Owners

1. SCAD USA PROPERTIES LLC  
840 E OAKLAND PARK  
BOULEVARD  
STE 124  
OAKLAND PARK, FL 33334  
LOT 11 BLOCK 2  
PARCEL #16-37768-000  
ZONED: R-1
2. JACKSON, VIRGIL W. &  
SILA VANDENBUSCH, TRUSTEES  
5040 CYPRESS POINT DRIVE  
LA QUINTA, CA 92253  
LOT 9 BLOCK 2  
PARCEL #16-37765-000  
ZONED: R-1
3. BVPOA  
98 CLUBHOUSE DRIVE  
BELLA VISTA, AR 72715  
PARCEL #16-70285-000  
ZONED: P-1
4. BVPOA  
98 CLUBHOUSE DRIVE  
BELLA VISTA, AR 72715  
PARCEL #16-72502-000  
ZONED: P-1
5. BVPOA  
98 CLUBHOUSE DRIVE  
BELLA VISTA, AR 72715  
PARCEL #16-37839-001  
ZONED: P-1

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1 (M)	S 15°59'44" W	229.56'	L1 (R)	S 17°13'37" W	233.38'
L2 (M)	N 43°49'52" W	102.63'	L2 (R)	N 43°07'21" W	102.63'
L3 (M)	N 34°05'34" W	102.32'	L3 (R)	N 33°23'03" W	102.32'
L4 (M)	N 37°47'50" W	184.96'	L4 (R)	N 37°05'19" W	184.96'
L5 (M)	N 38°40'52" W	104.78'	L5 (R)	N 37°58'21" W	104.78'
L6 (M)	N 33°50'49" W	76.96'	L6 (R)	N 33°08'18" W	76.96'
L7 (M)	N 26°10'21" W	75.36'	L7 (R)	N 25°27'50" W	75.36'
L8 (M)	N 09°31'09" W	137.42'	L8 (R)	N 08°48'38" W	137.42'
L9 (M)	N 23°48'45" E	59.22'	L9 (R)	N 24°31'6" E	59.22'
L10 (M)	S 74°59'37" E	97.68'	L10 (R)	S 73°28'23" E	95.05'
L11 (M)	S 41°31'52" E	76.26'	L11 (R)	S 42°43'23" E	77.76'
L12 (M)	S 43°18'04" E	91.94'	L12 (R)	S 42°36'33" E	91.94'
L13 (M)	S 38°36'08" E	50.05'	L13 (R)	S 37°52'35" E	50.05'
L14 (M)	S 68°38'47" E	175.22'	L14 (R)	S 68°59'46" E	175.24'
L15 (M)	S 11°12'46" E	111.56'	L15 (R)	S 10°26'36" E	111.70'
L16 (M)	N 43°08'03" E	140.01'			
L17 (M)	S 60°01'15" E	173.33'			
L18 (M)	N 58°48'32" E	87.11'			

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1 (M)	69.74'	41.4'	40.80'	S 60°21'19" E
C2 (M)	62.60'	148.66'	116.06'	S 30°28'52" E
C1 (R)	60.00'	41.0'	40.30'	S 59°50'28" W
C2 (R)	60.00'	150.89'	114.16'	S 31°49'48" E

Survey Description

PREVIOUS DESCRIPTION:  
LOTS 9 & 10, IN A REPLAT OF LOTS 9 & 10, BLOCK 2, EDDLESTON SUBDIVISION TO THE CITY OF BELLA VISTA, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS, AS SHOWN IN RECORD REPLAT 25 AT PAGE 25.

ADJUSTED DESCRIPTION LOT 9  
A PART OF LOT 9, IN A REPLAT OF LOTS 9 & 10, BLOCK 2, EDDLESTON SUBDIVISION TO THE CITY OF BELLA VISTA, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEY RECORD 25 AT PAGE 25, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE EASTERNMOST CORNER OF SAID LOT 9, SAID POINT BEING A FOUND IRON PIN AND RUNNING THENCE S15°59'44" W 229.56' TO A SET IRON PIN, THENCE N43°49'52" W 102.63', THENCE N34°05'34" W 102.32', THENCE N37°47'50" W 184.96', THENCE N38°40'52" W 104.78' TO A SET IRON PIN, THENCE N33°50'49" W 76.96', THENCE N26°10'21" W 75.36' TO A FOUND IRON PIN, THENCE N09°31'09" W 137.42', THENCE N23°48'45" E 59.22' TO A SET IRON PIN, THENCE S74°59'37" E 97.68', THENCE S41°31'52" E 76.26', THENCE S43°18'04" E 91.94', THENCE S38°36'08" E 50.05', THENCE S68°38'47" E 175.22' TO A SET IRON PIN, THENCE S11°12'46" E 111.56' TO A SET IRON PIN, THENCE N43°08'03" E 140.01', THENCE S60°01'15" E 173.33', THENCE N58°48'32" E 87.11' TO A SET IRON PIN, THENCE S60°21'19" E 40.80', THENCE S30°28'52" E 116.06' TO THE POINT OF BEGINNING, CONTAINING 1.44 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ADJUSTED DESCRIPTION LOT 10  
A PART OF LOT 10, IN A REPLAT OF LOTS 9 & 10, BLOCK 2, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE TO THE CITY OF BELLA VISTA, BENTON COUNTY, ARKANSAS, AS SHOWN IN SURVEY RECORD 25 AT PAGE 25, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE EASTERNMOST CORNER OF SAID LOT 10 AND RUNNING THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 69.74', AN ARC LENGTH OF 41.4', AND A CHORD BEARING AND DISTANCE OF S60°21'19" W 40.80' TO A FOUND IRON PIN, THENCE N69°15'15" W 173.33' TO A SET IRON PIN, THENCE S65°15'42" W 142.80' TO A SET IRON PIN, THENCE S38°40'52" W 104.78', THENCE N33°50'49" W 76.96', THENCE N26°10'21" W 75.36', THENCE N09°31'09" W 137.42', THENCE N23°48'45" E 59.22' TO A SET IRON PIN, THENCE S74°59'37" E 97.68' TO A FOUND IRON PIN, THENCE S41°31'52" E 76.26' TO A SET IRON PIN, THENCE S43°18'04" E 91.94' TO A SET IRON PIN, THENCE S38°36'08" E 50.05' TO A SET IRON PIN, THENCE S68°38'47" E 175.22' TO A FOUND IRON PIN, THENCE S11°12'46" E 111.56' TO THE POINT OF BEGINNING, CONTAINING 1.87 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NOTES CONSTITUTING A PART OF THIS LOT LINE ADJUSTMENT-SECOND REPLAT AND TO BE READ IN CONNECTION WITH THE LOT LINE ADJUSTMENT-SECOND REPLAT AND ALL PROPERTY REFLECTED THEREON.

COOPER COMMUNITIES, INC., HEREINAFTER REFERRED TO AS DEVELOPER, FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER FOR BENTON COUNTY, ARKANSAS, THE FOLLOWING PLAT DESIGNATING CERTAIN LANDS REFLECTED THEREON AS BLOCKS 1 THROUGH 8, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS WHICH REFLECTED LOTS 9 & 10, BLOCK 2, EDDLESTON SUBDIVISION, WHICH PLAT WAS THERE RECORDED ON FEBRUARY 27, 1987, IN BOOK 11, PAGE 86 ("ORIGINAL PLAT"). THEREAFTER THE OWNERS OF LOTS 9 AND 10, BLOCK 2, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS JOINED BY THE BELLA VISTA VILLAGE ARCHITECTURAL CONTROL COMMITTEE ("ACC") AND THE DEVELOPER RESUBDIVIDED LOTS 9 AND 10, BLOCK 2 OF EDDLESTON SUBDIVISION, WHICH RECORD REPLAT WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER FOR BENTON COUNTY, ARKANSAS ON AUGUST 31, 1993, IN BOOK 25, PAGE 25 ("FIRST REPLAT"). THE OWNERS OF LOTS 9 AND 10, BLOCK 2, EDDLESTON SUBDIVISION, NOW JOINED BY THE ACC, DEVELOPER, AND CITY OF BELLA VISTA ("CITY"), HEREBY RESUBDIVIDE LOTS 9 AND 10, BLOCK 2, EDDLESTON SUBDIVISION BY A "LOT LINE ADJUSTMENT-SECOND REPLAT" FOR THE PURPOSE OF MODIFYING THE PROPERTY LINE BETWEEN LOTS 9 AND 10, BLOCK 2, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, AND HEREBY RESUBDIVIDES THE PORTION OF THAT LAND REFLECTED HEREON, SUBJECT TO THE FOLLOWING PROVISIONS (HEREINAFTER REFERRED TO AS "SECOND REPLAT"):

1. THIS SECOND REPLAT IS EXECUTED BY ROGER FOX AND MICHELLE FOX, OWNERS OF LOT 9, BLOCK 2, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, CITY OF BELLA VISTA, BENTON COUNTY, ARKANSAS AND BY RICHARD B. SWALVE AND LINDA K. SWALVE, OWNERS OF LOT 10, BLOCK 2, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, CITY OF BELLA VISTA, BENTON COUNTY, ARKANSAS, JOINED BY THE ACC, THE DEVELOPER, AND THE CITY, FOR THE PURPOSE OF MOVING THE PROPERTY LINE BETWEEN LOT 9 AND LOT 10 IN BLOCK 2, EDDLESTON SUBDIVISION AS REFLECTED ON THE FIRST REPLAT, THEREBY DECREASING THE ACREAGE OF LOT 9 AND INCREASING THE ACREAGE OF LOT 10.
2. COOPER COMMUNITIES, INC., (FORMERLY NAMED COOPER ACQUISITION CORPORATION AND SUCCESSOR IN INTEREST TO THE PREDECESSOR COOPER COMMUNITIES, INC. AND JOHN A. COOPER COMPANY BY REASON OF MERGER, THE SAID JOHN A. COOPER COMPANY FORMERLY BEING NAMED CHEROKEE VILLAGE DEVELOPMENT COMPANY, INC.), HEREINAFTER CALLED "DEVELOPER", AND JOINED BY BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, FORMERLY BELLA VISTA COUNTRY CLUB, A NON-PROFIT CORPORATION, EXECUTED ON THE 18TH DAY OF MAY, 1965, A DECLARATION WITH PROTECTIVE COVENANTS ATTACHED THERETO AS EXHIBIT 1 AND FORMING A PART OF SAID DECLARATION, WHICH DECLARATION WAS FILED FOR RECORD AT 10:00 O'CLOCK A.M. ON THE 18TH DAY OF MAY, 1965, IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS, WHICH IS THERE RECORDED IN BOOK 373, PAGE 08 ET SEQ. ("DECLARATION"). A SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR BLOCKS 1 THROUGH 8, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, ARKANSAS, EXECUTED BY THE DEVELOPER WAS RECORDED CONTEMPORANEOUSLY WITH THE FILING OF THE AFORESAID ORIGINAL PLAT, WHICH HAD THE EFFECT OF BRINGING THE LANDS REFLECTED ON THE ORIGINAL PLAT WITHIN THE PROVISIONS OF THE AFORESAID DECLARATION RECORDED ON MAY 18, 1965, AND THE DECLARATION AFORESAID IN ITS ENTIRETY WAS BY REFERENCE MADE A PART OF THAT ORIGINAL PLAT. SAID SUPPLEMENTAL DECLARATION WAS FILED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER IN AND FOR BENTON COUNTY, ARKANSAS ON FEBRUARY 27, 1987 IN BOOK 666, PAGES 25 ET SEQ. ("SUPPLEMENTAL DECLARATION"). IN ALL OTHER RESPECTS THE ORIGINAL PLAT INCLUDING THE NOTES CONTAINED ON SAID PLAT REMAINS UNCHANGED AND THE LANDS REMAIN COMMITTED TO THE PROVISIONS OF THE DECLARATION AND TO THE SUPPLEMENTAL DECLARATION IDENTIFIED ON THE ORIGINAL PLAT. THE DECLARATION AFORESAID AND THE SUPPLEMENTAL DECLARATION AFORESAID ARE IN THEIR ENTIRETY BY REFERENCE MADE A PART OF THIS SECOND REPLAT AND THE PROVISIONS THEREOF SHALL CONTROL AS TO THE SECOND REPLAT EXCEPT ONLY AS TO PROVISIONS CONTAINED HEREON OR INCONSISTENT WITH THIS SECOND REPLAT.

3. IN THE EVENT THERE IS A CONFLICT BETWEEN TERMS OF THE ABOVE MENTIONED ORIGINAL PLAT, SUPPLEMENTAL DECLARATION, OR THE FIRST REPLAT AND WITH THE TERMS AND CONDITIONS OF THE SECOND PLAT NOTES REFLECTED HEREON, THIS SECOND REPLAT AND THE NOTES REFLECTED HEREON SHALL CONTROL.
4. SETBACK LINES AS PRESCRIBED BY THE ACC OR THE CITY, WHICHEVER SETBACK LINES ARE GREATER, SHALL CONTROL AS TO CONSTRUCTION OF ANY STRUCTURES UPON THE LOTS REFLECTED THEREON, SUBJECT, HOWEVER, TO THE PROVISIONS OF THE DECLARATION AFORESAID.
5. UTILITY AND DRAINAGE EASEMENTS LOCATED PARALLEL TO THE "NEW LOT LINE" ON THE FIRST REPLAT AND LOCATED PARALLEL TO THE "PREVIOUS PROPERTY LINE" ON THE SECOND REPLAT SEPARATING LOTS 9 AND 10, BLOCK 2, EDDLESTON SUBDIVISION, AND PREVIOUSLY RESERVED BY THE DEVELOPER PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID, SHALL HEREBY BE VACATED.
6. UNLESS SHOWN OTHERWISE ON THE SECOND REPLAT, THE LOTS HAVE A SEVEN AND ONE-HALF FOOT UTILITY AND DRAINAGE EASEMENT RESERVED BY THE DEVELOPER ON THE INTERIOR OF ALL LOT LINES, SUCH EASEMENTS TO BE PARALLEL WITH THE CORRESPONDING LOT LINE.
7. UTILITY AND DRAINAGE EASEMENTS ARE RESERVED BY THE DEVELOPER UPON ALL PROPERTY COVERED BY THE SECOND REPLAT PURSUANT TO ARTICLE IV OF THE DECLARATION AFORESAID UNLESS SPECIFICALLY DESIGNATED OTHERWISE ON THE SECOND REPLAT OR IN THE NOTES.
8. ALL LOTS REFLECTED ON THE SECOND REPLAT ARE ZONED AS RESIDENTIAL LOTS AND ONLY SINGLE FAMILY DETACHED STRUCTURES MAY BE BUILT AND CONSTRUCTED THEREON PURSUANT TO THE PROVISIONS, RESTRICTIONS, AND PROTECTIVE COVENANTS AS CONTAINED IN THE DECLARATION AFORESAID. NO SINGLE FAMILY DETACHED STRUCTURES SHALL BE CONSTRUCTED WHICH SHALL HAVE A FLOOR SPACE OF LESS THAN 1,000 SQUARE FEET, EXCEPT SINGLE FAMILY DETACHED STRUCTURES ON LAKESHORE LOTS WHICH SHALL NOT HAVE A FLOOR SPACE OF LESS THAN 1,200 SQUARE FEET.
9. SETBACK LINES AS INDICATED ON THE PLAT SHALL CONTROL AS TO THE CONSTRUCTION OF A STRUCTURE UPON THE LOTS REFLECTED HEREON SUBJECT, HOWEVER, TO THE PROVISIONS OF THE DECLARATION AFORESAID.
10. THE PROPERTY LINE ALONG THE LAKE IS A MEANDER LINE AT A CONSTANT ELEVATION ONE FOOT HIGHER THAN THE ORDINARY HIGH WATER MARK WHICH IS A PERMANENT ELEVATION 1120 M.G.L. +/- 0.5', AS DETERMINED FROM FENCE MARK 1318, C.W.A. 1934 (U.S.G.S.).
11. NO STRUCTURES OF ANY TYPE SHALL BE BUILT UPON ANY LOT BETWEEN THE FLOOD LINE AS REFLECTED UPON THE PLAT AND THE LAKESHORE PROPERTY LINE WITHOUT CONSENT IN WRITING BY THE DEVELOPER, ITS SUCCESSORS AND ASSIGNS AND BY THE ACC. THE FLOOD LINE REPRESENTS THE POSSIBLE LEVEL OF THE FLOOD POOL THAT COULD OCCUR ON THE LAKE REFLECTED UPON THE PLAT.

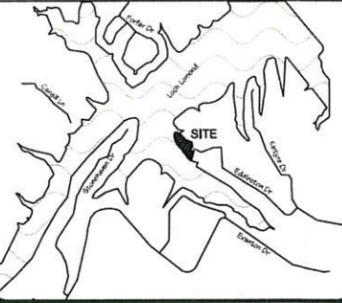
12. ALL STREETS AND ROADS, IF ANY, REFLECTED UPON THE SECOND REPLAT ARE DEDICATED TO THE GENERAL PUBLIC AS WELL AS TO THE OWNERS, PRESENT AND FUTURE, OF LANDS REFLECTED UPON THE PLAT.
13. OWNERS SHALL COMPLY WITH THE PROVISIONS OF PARAGRAPH 16 OF THE PROTECTIVE COVENANTS WHICH COVENANTS ARE EXHIBIT 1 OF THE DECLARATION AFORESAID, AS TO ALL AREAS INDICATED AS PROTECTIVE SCREENING AREAS UPON THE PLAT.

14. THE COMMON PROPERTIES, IF ANY, REFLECTED UPON THE SECOND REPLAT ARE INTENDED TO BE DEVOTED TO THE COMMON USE AND ENJOYMENT OF THE OWNERS OF THE LOTS REFLECTED UPON SAID ORIGINAL PLAT AND UPON SAID SECOND REPLAT AS WELL AS OWNERS OF ALL THE PROPERTIES AS SO DEFINED IN THE DECLARATION AFORESAID AND SHALL IN NOWISE BE CONSIDERED AS DEDICATED FOR USE TO THE GENERAL PUBLIC.
15. THE RESERVED PROPERTIES, IF ANY, REFLECTED UPON THE SECOND REPLAT ARE NOT A PART OF THE SECOND REPLAT AND ARE PARTICULARLY AND SPECIFICALLY RESERVED BY THE DEVELOPER THEREFROM.

16. DEVELOPER, ITS SUCCESSORS AND ASSIGNS, HEREBY RESERVES A PERPETUAL BLANKET EASEMENT, PRIVILEGE AND RIGHT IN, UPON, OVER AND ACROSS THE COMMON PROPERTIES REFLECTED HEREON, IF ANY, FOR THE PURPOSES OF CONSTRUCTING AND MAINTAINING SUCH ROADS, STREETS, OR HIGHWAYS, AS IT SHALL DETERMINE TO BE NECESSARY OR DESIRABLE IN ITS SOLE DISCRETION, INCLUDING SUCH CUTS, GRADING, LEVELING, FILLING, DRAINING, PAVING, BRIDGES, CULVERTS, RAMPS AND ANY AND ALL OTHER ACTIONS OR INSTALLATIONS WHICH IT DEEMES NECESSARY OR DESIRABLE FOR SUCH ROADS, STREETS, OR HIGHWAYS TO BE SUFFICIENT FOR ALL PURPOSES OF TRANSPORTATION AND TRAVEL. THE WIDTH AND LOCATION OF THE RIGHT OF WAY FOR SUCH STREETS, ROADS, OR HIGHWAYS SHALL BE WITHIN THE SOLE DISCRETION OF DEVELOPER, ITS SUCCESSORS AND ASSIGNS, PROVIDED, HOWEVER, THAT DEVELOPER, ITS SUCCESSORS AND ASSIGNS, WILL USE ITS BEST EFFORTS CONSISTENT WITH ITS PURPOSES TO LESSEN ANY DAMAGE OR INCONVENIENCE TO IMPROVEMENTS WHICH HAVE THERETOFORE BEEN LOCATED UPON THE PROPERTY. DEVELOPER, ITS SUCCESSORS AND ASSIGNS, FURTHER RESERVES THE UNRESTRICTED AND THE SOLE RIGHT AND POWER OF DESIGNATING SUCH ROADS, STREETS, OR HIGHWAYS AS PUBLIC OR PRIVATE AND OF ALIENATING AND RELEASING THE PRIVILEGES, EASEMENTS AND RIGHTS RESERVED HEREIN.

17. ROGER FOX AND MICHELLE FOX, HUSBAND AND WIFE, ARE OWNERS OF LOT 9, BLOCK 2, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, ARKANSAS, AS REFLECTED UPON THE FIRST REPLAT.
18. RICHARD B. SWALVE AND LINDA K. SWALVE, HUSBAND AND WIFE, ARE OWNERS OF LOT 10, BLOCK 2, EDDLESTON SUBDIVISION, BELLA VISTA VILLAGE, ARKANSAS, AS REFLECTED UPON THE FIRST REPLAT.

Vicinity Map



Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPEARANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS REQUEST FOR GROUND MARKINGS OF UNDERGROUND UTILITY LINES



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 7TH DAY OF SEPTEMBER, 2016.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

BLEW & ASSOCIATES, PA  
CIVIL ENGINEERS & LAND SURVEYORS

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FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479.443.4506  
FAX: 479.582.1883  
www.BLEWINC.com

Certificate of Authorization # 1534

DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
JH 9-7-16	H.M.	G.A.C.
COUNTY & STATE:	JOB NUMBER:	
BENTON COUNTY, AR	16-1016	

FOR THE USE AND BENEFIT OF:  
**ROGER & MICHELLE FOX  
RICHARD & LINDA SWALVE**

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

MEETING DATE: November 28, 2016 – Regular Meeting

AGENDA ITEM:

ITEM TITLE: An Ordinance Repealing Sections 109-249(1) of the Municipal Code, and For Other Purposes

SUBMITTED BY: Christopher Suneson, PLA, AICP

SUMMARY EXPLANATION: In August of 2016, the City Council adopted amendments to the municipal code affecting the placement of fences. The most recently adopted section 109-248(a) of the code states in part:

*“Generally...Fences may be located directly adjacent to existing fencing or attached to such fencing with the consent of the fence owner.”*

This section conflicts with language, not considered at the time by the City Council, contained in section 109-249(1) which state:

*“Connection required. In instances where a fence exists on an adjacent property and a proposed fence will be built on the common property line, the existing and proposed fences shall be connected or be offset as provided in section 109-248(a).”*

In addition to the conflict, the above section contains a reference in the updated code about an offset requirement which no longer exists.

In order to have consistent regulation in harmony with the Council’s most recently adopted fence language, the following ordinance would repeal section 109-249(1).

ATTACHMENT: ORDINANCE  RESOLUTION  OTHER

RECOMMENDATION: Staff is recommending approval of this ordinance.

ACTION REQUESTED:  
Motion to adopt

**ORDINANCE No. 2016-\_\_**

**REPEALING SECTION 109-249(1) OF THE MUNICIPAL CODE, AND FOR OTHER PURPOSES**

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**WHEREAS**, the City Council adopted regulations affecting the placement of fences in August of 2016 which allowed new fences to be erected adjacent to existing fences; and

**WHEREAS**, Section 109-249(1), unaffected by the recent regulation update, requires the connection of new fences to existing fences; and

**WHEREAS**, it is in the best interest of the City of Bella Vista to have clear, consistent regulations for fences.

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

**Section 1:** That Section 109-249(1) of the municipal code is hereby repealed.

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PASSED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

Motion to adopt made by:

Ayes:

Nays:

Motion:

APPROVED:

\_\_\_\_\_  
Mayor Peter Christie

ATTEST:

\_\_\_\_\_  
Wayne Jertson  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jason B. Kelley, Staff Attorney

*Prepared by: Christopher Suneson, PLA, AICP, Director of Community Development Services*