

City Council Members

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Mark Vaught
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Jim Rhodes
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones, Jr.
Ward 4 Position 2 – Shelia Whitmore

City Council Meeting - Tuesday, May 10th, 2011 @ 6:30pm
Judge Russell L. "Jack" Roberts District Court Building – 810 Parkway St., Conway, AR 72032
5:30pm - Committee Meeting:
No Committee Meeting

Call to Order

Roll Call

Minutes: *April 12th, 2011 & April 26th, 2011*

Announcements / Proclamations / Recognition:

1. Report of Standing Committees:

A. Public Hearing:

1. Public Hearing: Ordinance closing a utility easement located within the Axiom Corporate Campus.

B. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)

1. Consideration of a warranty deed for transfer of property at the proposed Tupelo Wastewater Plant.
2. Consideration for condemnation proceedings for easements on the Harkrider widening project.
(Additional Information will be provided)
3. Resolution establishing the intent of the City of Conway to annex certain lands comprised of 57.64 acres located South of Dave Ward Drive and west of Lollie Road and East of Sand Gap Road with the possible address of 3605 Lollie Road or 3600 Sand Gap Road.
4. Ordinance adopting by reference the City of Conway Airport height and land use zoning overlay district.

C. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

1. Consideration to accept bids on the demolition of a structure located at 1415 Lincoln Street.
2. Ordinance to rezone property located at 1544-1546, 1550-1552, 1605, 1606, 1616, 1619, 1625 Clifton Street; 1503 ½, 1505, 1531, 1541, 1545, 1551, 1553, 1605, 1615 Washington Ave; Vacant Lots at Front and Independence East of Railroad tracks; and the parking lot at Harkrider and Markham from MF-3 AND C-3 TO S-1.
3. Consideration of a conditional use permit by Basic Unit, LLC to allow mobile home replacement for property located at 1930 South Amity Road.

4. Consideration of a RFQ for Prince Street Right of way appraisal and land acquisition services for the City of Conway.
5. Consideration of a RFQ for property appraisal services for the existing Conway Municipal Airport.

D. Public Service Committee (Sanitation, Parks & Recreation & Physical Plant)

1. Consideration to accept bids for a 4x4 Service Truck, 11yd Commercial Rear Load Refuse Truck, & Commercial Rear Load Refuse Truck for the Conway Sanitation Department.
2. Ordinance appropriating & accepting restitution funds from The Hartford Insurance for the Conway Parks Department.
3. Ordinance to waive bids for the construction of a washout bay at Conway Expo Center and Fairgrounds.
4. Consideration to approve additional parking at Conway Station Park.
5. Discussion regarding work done along Beaverfork Lake shoreline at property located at 62 Southshore.

Old Business

New Business

Adjournment



**City of Conway, Arkansas
Ordinance No. O-11- _____**

**AN ORDINANCE CLOSING A UTILITY EASEMENT LOCATED WITHIN
THE ACXIOM CORPORATE CAMPUS AND FOR OTHER PURPOSES;**

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 13th day of April, 2011 asking the City Council to vacate and abandon a portion of a utility easement, as recorded in the records of the Circuit Clerk, at Deed Book 187, Page 489, Faulkner County, Arkansas.

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a easement herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the utility easement to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the utility easement.

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

Section 1. The City of Conway, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the portion of utility easement described as follows:

Part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of Lot 1, Acxiom Commercial Addition as filed for record in plat book J, page 381; thence N 88°35'21" W, a distance of 3.82 feet to the POINT OF BEGINNING; thence N 88°35'21" W, a distance of 492.83 feet; thence N 01°29'11" E, a distance of 14.58 feet; thence S 88°40'27" E, a distance of 492.83 feet; thence S 01°29'12" W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.

Section 2. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 3. This ordinance shall take effect and be in force from and after its passage.

Passed this 10th day of May, 2011.

Approved:

Mayor Tab Townsell

Attest:

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

**Petition of Written Consent for the
Vacating of Easement
For the Intent of Public Use**

Utility Easement Abandonment Description:

Part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of Lot 1, Acxiom Commercial Addition as filed for record in plat book J, page 381; thence N 88°35'21" W, a distance of 3.82 feet to the POINT OF BEGINNING; thence N 88°35'21" W, a distance of 492.83 feet; thence N 01°29'11" E, a distance of 14.58 feet; thence S 88°40'27" E, a distance of 492.83 feet; thence S 01°29'12" W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.

Abutting property owner:

ACXIOM CORPORATION

BY: Danny Coenichan
Engineering Construction Advisor



ROW ABANDONMENT INFORMATION:

OWNER: ACXIOM CORPORATION

LAND AREA: ±2.28 AC

CURRENT ZONING: C-3, HIGHWAY SERVICE & OPEN DISPLAY DISTRICT

SOURCE OF DEDICATION: ORIGINALLY DEDICATED BY INSTRUMENT AND RECORDED IN DEED BOOK 411, PAGE 730

EASEMENT ABANDONMENT DESCRIPTION:

Part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of Lot 1, Acxiom Commercial Addition as filed for record in plat book J, page 381; thence N 88°35'21" W, a distance of 3.82 feet to the POINT OF BEGINNING; thence N 88°35'21" W, a distance of 492.83 feet; thence N 01°29'11" E, a distance of 14.58 feet; thence S 88°40'27" E, a distance of 492.83 feet; thence S 01°29'12" W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.



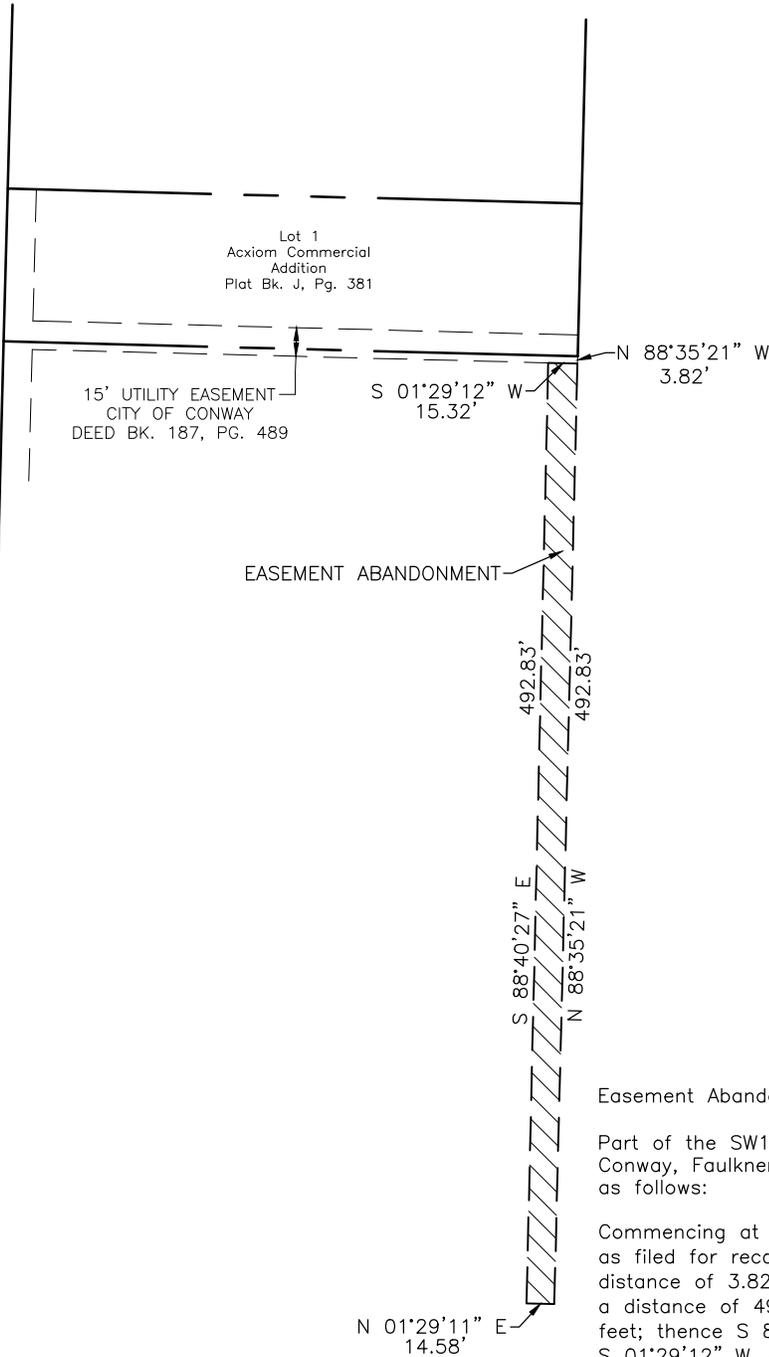
NORTH

**AERIAL EXHIBIT FOR
EASEMENT ABANDONMENT
AT ACXIOM CAMPUS**

EXHIBIT A

3/7/11

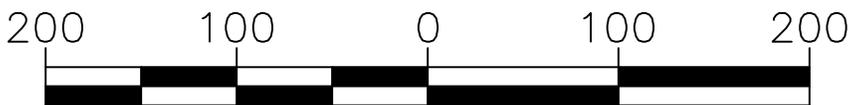
DAVE WARD DRIVE/AR HWY. 65-B



Easement Abandonment Description

Part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of Lot 1, Axiom Commercial Addition as filed for record in plat book J, page 381; thence N 88°35'21" W, a distance of 3.82 feet to the POINT OF BEGINNING; thence N 88°35'21" W, a distance of 492.83 feet; thence N 01°29'11" E, a distance of 14.58 feet; thence S 88°40'27" E, a distance of 492.83 feet; thence S 01°29'12" W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.



GRAPHIC SCALE 1" = 100'



March 31, 2011

Robert M. Brown
Development Consultants, Inc.
2200 North Rodney Parham Road, Ste 220
Little Rock, Arkansas 72212

Dear Mr. Brown,

Centerpoint Energy has reviewed the proposed final plat for the Acxiom Corporate Campus in Conway and no changes or additional easements are needed for property description listed below.

Utility Easement Abandonment Description:

Part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of Lot 1, Acxiom Commercial Addition as filed for record in plat book J, page 381; thence N $88^{\circ}35'21''$ W, a distance of 3.82 Feet to the POINT OF BEGINNING; thence $88^{\circ}35'21''$ W, a distance of 492.83 feet; thence N $01^{\circ}29'11''$ E, a distance of 14.58 feet; hence S $88^{\circ}40'27''$ E, a distance of 492.83 feet; thence S $01^{\circ}29'12''$ W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.

Tanya Malcolm
Senior Marketing Consultant
501-472-4363

Dennis Fisher
Utility Leader
501-377-4791



Lynda Palmer
AT&T Arkansas
Mgr.-OSP Plng. & Engrg. Design
Right-of-Way
Joint Use of Poles

1111 West Capitol, Rm 941
Little Rock, AR 72201
(501) 373.5255 Phone
(501) 373.0229 Fax
lynda.palmer@att.com

March 25, 2011

Development Consultants, Inc.
Attn: Robert M. Brown
2200 North Rodney Parham Road, Suite 220
Little Rock, AR 72212

Dear Mr. Brown:

AT&T has no objection to the closing of the following described utility easement:

Part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows: Commencing at the SW corner of Lot 1, Acxiom Commercial Addition as filed for record in plat book J, page 381; thence N 88°35'21" W, a distance of 3.82 feet to the POINT OF BEGINNING; thence N 88°35'21" W, a distance of 492.83 feet; thence N 01°29'11" E, a distance of 14.58 feet; thence S 88°40'27" E, a distance of 492.83 feet; thence S 01°29'12" W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.

Our engineer for this area has confirmed that we have no need for the utility easement.

Sincerely,

A handwritten signature in cursive script that reads "Lynda Palmer".

CC: David Cain



Conway
Corporation

Operators of the City-owned Electric, Electronic & Water Systems

March 31, 2011

The Honorable Tab Townsell
Mayor of Conway
City Hall
1201 Oak Street
Conway, AR 72032

Re: Closing of utility easement in part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, as recorded in Plat Book J, page 381, Records of Faulkner County, Arkansas.

Dear Mayor Townsell:

Conway Corporation has no objections to the request to close the existing 15 foot utility easement located on the following described property, in Conway Arkansas.

Part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of Lot 1, Axiom Commercial Addition as filed for record in plat book J, page 381; thence N 88°35'21" W, a distance of 3.82 feet to the POINT OF BEGINNING; thence N 88°35'21" W, a distance of 492.83 feet; thence N 01°29'11" E, a distance of 14.58 feet; thence S 88°40'27" E, a distance of 492.83 feet; thence S01°29'12" W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.

If you have any questions, please let me know.

Respectfully yours,

CONWAY CORPORATION

Leslie Guffey
Engineering and Planning

cc: Robert Brown

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, Conway Corporation, for and in consideration of Ten and no/100 (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged by Grantors do hereby grant, bargain, sell and convey unto the city of Conway, Arkansas, absolutely and in fee simple, and unto its successor and assigns forever, the following described lands situated in Faulkner County, Arkansas.

A TRACT OF LAND IN THE E1/2, W1/2, SEC 19, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1 1/4" IRON PIPE AT THE SOUTHEAST CORNER OF THE SAID SECTION 19; THENCE N 88°39'32" W 2671.57 FEET ALONG THE SOUTH LINE OF SEC 19 TO A FOUND PK NAIL IN THE CENTERLINE OF LOLLIE ROAD AT THE SOUTHEAST CORNER OF THE E1/2, W1/2, SEC 19 SAID POINT BEING THE POINT OF BEGINNING; THENCE N 88°35'13" W 1296.62 FEET TO FOUND 1" INSIDE DIAMETER (I.D.) PIPE; THENCE N01°42'08" E 764.99 FEET TO A SET 5/8" REBAR AND CAP; THENCE S70°08'34" E 1368.02 FEET TO A SET PK NAIL ON THE EAST LINE OF SAID E1/2, W1/2, SEC 19; THENCE S 02°16'23" W 332.19 FEET ALONG SAID EAST LINE OF THE E1/2, W1/2, SEC 19 TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 16.36 ACRES MORE OR LESS.

Provided however, the following covenants apply:

1. The land shall be reserved for future utility use if approved by the City of Conway and the Federal Aviation Authority.
2. The land shall be secured and maintained by Conway Corporation.

THE CONSIDERATION HEREIN IS LESS THAN \$100.00

To have and to hold, the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunder belonging.

And we, the Grantor, hereby covenant with said Grantee that we will forever warrant and defend the title to said lands against all claims whatever.

IN TESTIMONY WHEREOF, the name of the Grantor is hereunto affixed by its duly authorized officer on this ___ day of _____, 2011

Conway Corporation

By: _____

Attest:



City of Conway, Arkansas
Resolution No. R-11- _____

A RESOLUTION ESTABLISHING THE INTENT OF THE CITY OF CONWAY TO ANNEX CERTAIN LANDS COMPRISED OF 57.64 ACRES LOCATED SOUTH OF DAVE WARD DRIVE AND WEST OF LOLLIE ROAD AND EAST OF SAND GAP ROAD WITH THE POSSIBLE ADDRESSES OF 3605 LOLLIE ROAD OR 3600 SAND GAP ROAD:

WHEREAS, the City of Conway, Arkansas, wishes to declare its intent to annex and to petition for release from the County Court of Faulkner County, Arkansas, for annexation into the City of Conway, Arkansas, the following described lands in Faulkner County, Arkansas

A part of the E ½ SE ¼ of Section 2, T-4-2-N, R-15-W, described as beginning at a found ½" rebar at the NE Corner of said E ½ SE ¼ thence along East line of said Section 2, S 01-37-29 W 1220.67 ft to a ½" rebar; thence leaving said East line S 45-04-03 W 1706.20 ft to a set ½" rebar; thence N 44-55-57 W 202.17 ft to a set ½" rebar on the West line of said E ½ SE ¼; thence along said West line N 01-37-30 E 2322.17 feet to a to a set ½" rebar at the NW corner of the NE ¼ SE ¼; thence along the North line of said NE ¼ SE ¼ 130.01 ft to the point of beginning containing 39.96 acres in the NE ¼ SE ¼ and 17.68 acres in the SE ¼ SE ¼, making a total of 57.64 acres more or less.

Whereas, it is desired to indicate unto the County Court of Faulkner County, Arkansas, the attitude of the City of Conway, Arkansas, toward such annexation.

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

SECTION 1: That said City Council does hereby declare its willingness to accept said lands as a part of the City of Conway, Arkansas, to be zoned **I-3**.

Passed this 10th day of May, 2011.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

April 19, 2011

Council Members
Conway, AR 72032

Dear Council Members:

City of Conway request for annexation with **I-3** zoning for property located south of Dave Ward Drive and east of Sand Gap Road and west of Lollie Road with the legal description

A part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2, T-4-2-N, R-15-W, described as beginning at a found $\frac{1}{2}$ " rebar at the NE Corner of said E $\frac{1}{2}$ SE $\frac{1}{4}$ thence along East line of said Section 2, S 01-37-29 W 1220.67 ft to a $\frac{1}{2}$ " rebar; thence leaving said East line S 45-04-03 W 1706.20 ft to a set $\frac{1}{2}$ " rebar; thence N 44-55-57 W 202.17 ft to a set $\frac{1}{2}$ " rebar on the West line of said E $\frac{1}{2}$ SE $\frac{1}{4}$; thence along said West line N 01-37-30 E 2322.17 feet to a to a set $\frac{1}{2}$ " rebar at the NW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence along the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 130.01 ft to the point of beginning containing 39.96 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 17.68 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, making a total of 57.64 acres more or less.

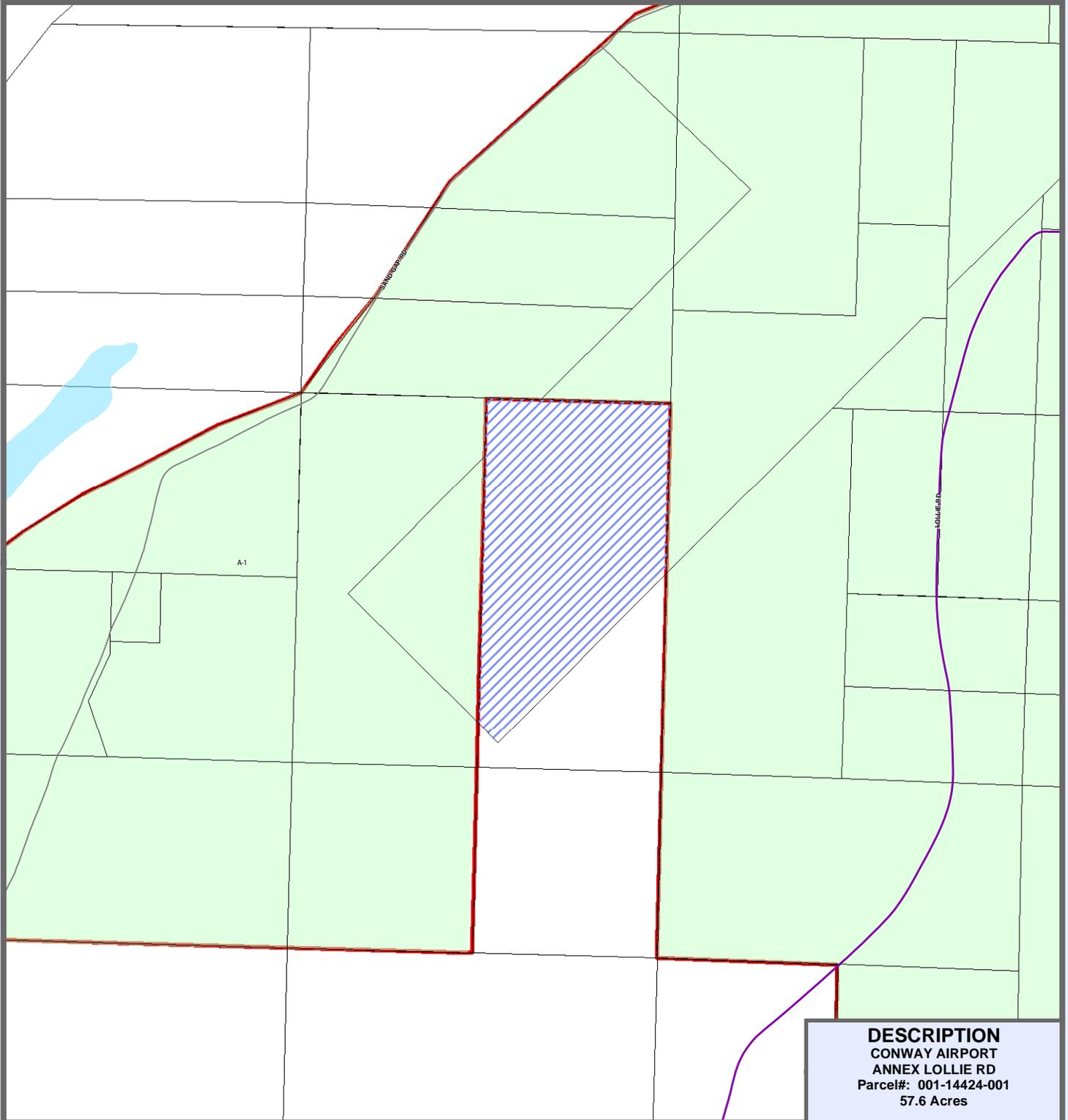
was reviewed by the Planning Commission at its regular meeting on April 18, 2011. The Planning Commission voted 6 – 0 that the request for annexation with **I-3** zoning be sent to the City Council with a recommendation for approval.

Submitted by,

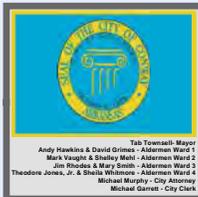
Kent Mathis, Chairman
Planning Commission

CITY OF CONWAY

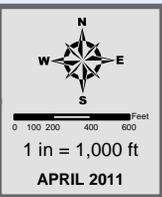
CONWAY AIRPORT ANNEXATION



DESCRIPTION
CONWAY AIRPORT
ANNEX LOLLIE RD
Parcel#: 001-14424-001
57.6 Acres



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		Commercial	Office
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	Special
			SP
			S-1
			A-1
			PUD



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK GIS WEBSITE:
 gis.cityofconway.org (INDEX DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway, Arkansas
Ordinance No. O-11-__

AN ORDINANCE ADOPTING BY REFERENCE THE CITY OF CONWAY AIRPORT HEIGHT AND LAND USE ZONING OVERLAY DISTRICT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, "The Airport Zoning Enabling Act," Act 116, Acts of Arkansas, 1941 (as amended) gives the City of Conway the authority for establishing restrictions around Airports for the health and safety of the public. It is hereby found that an obstruction to navigable airspace has the potential for endangering the lives of property and users of the Conway Municipal Airport, and property or occupants of land in its vicinity; that such obstruction may affect existing and future instrument approach minimums of the Conway Municipal Airport; and that such obstructions may reduce the size of areas available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Conway Municipal airport and the public investment therein.

WHEREAS, certain agricultural crops, constructed water impoundments and other land use practices may create bird and waterfowl attractants in the vicinity of the Airport. Birds and waterfowl in the vicinity of the runway may create a safety hazard for aircraft using the Conway Municipal Airport. Therefore, the City of Conway desires to establish land use controls to minimize the potential for creating new bird or waterfowl attractants in the vicinity of the a Conway Municipal Airport. Preexisting land uses may be exempt from these bird and waterfowl attract controls if uses can be documented prior to the effective date of this ordinance. This land use restricting may extend beyond the City Limits of Conway into the unincorporated lands of Faulkner County as provided in Arkansas State Code ACA 14-56-413.

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

SECTION 1. The City of Conway Airport Height and Land Use Overlay District is hereby adopted by reference which was approved following notice as required by law, such ordinance consisting of the text and graphics, of which not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Conway, Arkansas.

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

SECTION 3. That this ordinance is necessary for the protection of the public peace, health and safety, and 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 10th day of May, 2011.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Adopted by Reference Ordinance No. O-11-___

CITY OF CONWAY AIRPORT HEIGHT AND LAND USE ZONING OVERLAY DISTRICT

A ZONING OVERLAY DISTRICT TO LIMIT HEIGHT OF OBJECTS AND OTHER LAND USE CONTROLS IN THE VICINITY OF THE CONWAY MUNICIPAL AIRPORT.

AN OVERLAY DISTRICT REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE CONWAY MUNICIPAL AIRPORT, BY CREATING APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEROF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HERIN; REFERRING TO THE "CONWAY MUNICIPAL AIRPORT HEIGHT ZONING MAP," WHICH IS INCORPORATED IN AND MADE A PART OF THIS OVERLAY DISTRICT; PROVIDING FOR ENFORCEMENT; ESTABLISHING ADMINISTRATIVE RESPONSIBILITY; AND IMPOSING PENALTIES.

WHEREAS, "The Airport Zoning Enabling Act," Act 116, Acts of Arkansas, 1941 (as amended) gives the City of Conway the authority for establishing restriction around Airports for the health and safety of the public. It is hereby found that an obstruction to navigable airspace has the potential for endangering the lives of property and users of the Conway Municipal Airport, and property or occupants of land in its vicinity; that such obstruction may affect existing and future instrument approach minimums of the Conway Municipal Airport; and that such obstructions may reduce the size of areas available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Conway Municipal airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Conway Municipal Airport;
- (2) that it is necessary in the interest of the public health, safety and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented;
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and
- (4) that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

WHEREAS, certain agricultural crops, constructed water impoundments and other land use practices may create bird and waterfowl attractants in the vicinity of the Airport. Birds and waterfowl in the vicinity of the runway may create a safety hazard for aircraft using the Conway Municipal Airport. Therefore, the City of Conway desires to establish land use controls to minimize the potential for creating new bird or waterfowl attractants in the vicinity of the a Conway Municipal Airport. Preexisting land uses shall be exempt from these bird and waterfowl attract controls if uses can be documented prior to the effective date of this Overlay District. This land use restricting may extend beyond the City Limits of Conway into the unincorporated lands of Faulkner County as provided in Arkansas State Code ACA 14-56-413.

IT IS HEREBY ORDAINED BY THE CONWAY CITY COUNCIL OF CONWAY, ARKANSAS, AS FOLLOWS:

SECTION I: SHORT TITLE

This Overlay District shall be known and may be cited as the “City of Conway Airport Height and Land Use Zoning Overlay District.”

SECTION II: DEFINITIONS

As used in this Overlay District, unless the context otherwise requires:

1. AIRPORT: Conway Municipal Airport located in the southwest portion of the City of Conway, Arkansas.
2. AIRPORT ELEVATION: 275 feet above mean sea level.
3. AIRPORT MANAGER: The person responsible for the day-to-day operations and management of the Conway Municipal Airport appointed by the Conway City Council.
4. APPROACH SURFACE: An imaginary plane longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the appropriate approach zone height limitation slope set forth in Section IV of this Overlay District. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in Section III of this Overlay District.
6. City Council: Shall mean the City of Conway’s City Council.
7. CONICAL SURFACE: An imaginary surface extended outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
8. GRANDFATHERED IN: A term used to indicate a condition or practice in existence prior to the enactment of restriction or rules impacting the condition or practice and allowed to be exempt from the rules and restriction and continue because of the preexisting condition.
9. HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.
10. HEIGHT: For the purpose of determining the height limits in all zones set forth in this Overlay District and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
11. HORIZONTAL SURFACE: An imaginary horizontal plane 150 feet above the airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. The actual elevation of the horizontal surface is 428.6 feet above mean sea level.
12. NONCOMFORMING USE: Any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions contained herein at the time of the adoption of this Overlay District or any amendment thereto.
13. NONPRECISION INSTRUMENT RUNWAY: A runway have an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
14. OBSTRUCTION: Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Overlay District.
15. PERSON: Any individual, firm, partnership, public or private corporation, company, association, joint stock association or government entity, and includes any trustee, receiver, assignee or other similar representative thereof.
16. PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Precision Approach Radar (PAR), Microwave Landing System (MLS), or Precision Global Positioning System (GPS). It also

- means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
17. PRIMARY SURFACE: An imaginary surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section III of this Overlay District. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway (pavement) centerline.
 18. RUNWAY: An area prepared for landing and takeoff of aircraft along its length.
 19. STRUCTURE: Any object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.
 20. CONWAY AIRPORT COMMISSION: A Commission consisting of seven (7) members to be appointed by the Conway City Council to oversee the operations and management of the Conway Municipal Airport. Until a Conway Airport Commission is appointed, the Conway City Council will serve as this body.
 21. TRANSITIONAL SURFACES: These imaginary surfaces extend outward at 90 degree angles to the runway centerline (and the extended runway centerline) at a slope of (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
 22. TREE: Any object of natural growth.

SECTION III: AIRPORT ZONES

In order to carry out the provision of this Overlay District, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surface, horizontal surface and conical surface as they apply to the Conway Municipal Airport. Such zones are shown on the "Conway Municipal Airport Height Zoning Maps 1 & 2," consisting of two sheets, prepared by Garver, LLC dated March 2011 and subsequent updates thereof, which is attached to this Overlay District and made part hereof. A legal description attached as "Exhibit A" further describes the land area included in the land use restrictions. An area located in more than one of the following zones is considered to be only in the zone with more restrictive height limitation. The various height restriction zones are hereby established and defined as follows.

1. Nonprecision Instrument Approach Zone (Runway 5) - the inner edge of this approach zone coincides with width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at the horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Precision Instrument Approach Zone (Runway 23) - The inner edge of this approach zone coincided with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Transitional Zones - Area beneath the transitional surfaces.
4. Horizontal Zone - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. Conical Zone - The area that commences at the periphery of the horizontal zone and extends outward for a horizontal distance of 4,000 feet.

Furthermore, there are hereby created and established zones which include all the land lying beneath the runway protection zones as they apply to the Conway Municipal Airport. The runway protection zones are hereby established and defined as follows:

1. Runway Protection Zone (Runway 5) – The inner edge of the zone begins 200 feet beyond the end of the runway and it is trapezoidal in shape and centered about the extended runway centerline. The inner width is 1,000 feet, the outer width is 1,510 feet and the length is 1,700 feet, containing 48.978 acres, more or less.
2. Runway Protection Zone (Runway 23) – The inner edge of the zone begins 200 feet beyond the end of the runway and it is trapezoidal in shape and centered about the extended runway centerline. The inner width is 1,000 feet, the outer width is 1,750 feet and the length is 2,500 feet, containing 78.914 acres, more or less.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Overlay District, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Overlay District to a height in excess of the applicable height limitation herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

1. Nonprecision Instrument Approach Surface (Runway 5) - Slopes thirty-four (34) feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface, and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. Precision Instrument Approach Surface (Runway 23) - Slopes fifty (50) feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface, and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes outward forty (40) feet horizontally for each foot upward to an additional horizontal distance of 40,000 feet along the extended runway centerline.
3. Transitional Surface - Slope seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation or 428.6 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface and horizontal surface. Where a precision instrument runway approach surface projects beyond the conical surface, there are established height limits sloping seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet, measured at 90 degree angles to the extended runway centerline.
4. Horizontal Surface – Established at 150 feet above the airport elevation or at a height of 428.6 feet above mean sea level.
5. Conical Surface - Slopes twenty (20) feet outward for each foot upward, beginning at the periphery of the horizontal surface and at 150 feet above the airport elevation, and extending to a height 350 feet above the airport elevation or at a height of 628.6 feet above mean sea level.
6. Excepted Height Limitations - Nothing in this Overlay District shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land (unless the object penetrates the approach surface).

An area covered by two or more zones shall be controlled by the more restrictive height limitations.

SECTION V: LAND USE RESTRICTION

In order to minimize the potential for developing bird, waterfowl and wildlife attractants in the vicinity of the Conway Municipal Airport, the following restrictions are placed on lands in Faulkner County and the City of Conway that are within 10,000 feet of the runway (ultimate 7,000 foot planned runway length) located on the Conway Municipal Airport. **These land use controls will not prohibit existing and historical land use practices or existing and historical activities on lands from continuing as preexisting non-conforming uses on lands within the area covered by this Overlay District. The area covered by these restrictions lies east of the Arkansas River and is described in detail in Exhibit A attached hereto.**

1. The establishment of an artificially flooded area or water impoundment is prohibited. This includes creating dams, levees, depressions, holes or other water retention structures that results in ponding of surface water. Natural streams, lakes, sloughs, swamp areas or waterponded areas that are in existence at the effective date of this Overlay District are exempt from this provision.
2. Causing the flooding of unharvested agricultural crops, flooding of crop land after harvest of the crop or flooding of any lands for the purpose of attracting waterfowl or leading to the attracting of waterfowl is prohibited. Installing devices to prevent the natural runoff of water is prohibited. Pumping water from a well or natural body of water for the purpose of flooding an area of land is prohibited. The practice of flooding agricultural crops during the growing season (April thru September) for crops historically grown on grounds is exempt from this provision.
3. The planting and growing of cereal grains, rice and other bird attractant crops as listed in AC 150/5200-33B is prohibited unless "grandfathered in". The existing properties and lands with established history of growing these crops will be considered a pre-existing condition and their activities "grandfathered in" and not be impacted by this restriction. **The usual annual changing of crops due to crop rotation or changing of crops or change in crop due to market conditions will not be deemed as a discontinuing the growing any crops.**
4. Cereal grain and rice storage facilities not in existence at the effective date of this Overlay District shall incorporate special provisions to prevent the spilling, scattering and availability of the bird and wildlife access to grains.
5. The scattering or distribution of grain on the ground surface for the purpose of or leading to the attraction of birds and waterfowl is prohibited.
6. Any site grading or reshaping of the land surface be completed in a manner that would prevent trapped or standing water.
7. Prohibit land uses listed in AC 150/5200-33B that are potentially bird, waterfowl or wildlife attractants are prohibited unless "grandfathered in" or unless specific approval is given by FAA for the proposed land use.
8. Prohibit any activity, improvement, change in land use or other actions that **results in** electrical interference with navigational signals or radio communications between the airport and aircraft is prohibited.
9. Prohibit any activities, improvements or land use changes that make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airports, impair visibility in the vicinity of the airport or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

SECTION VI: NONCONFORMING USES

1. Regulations Not Retroactive - Notwithstanding the provisions of Section VI, paragraph 3 hereof, the regulations prescribed in this Overlay District shall not be construed to **prohibit existing and historical land uses and agricultural practices from continuing; prohibit existing and historical crops grown on lands from continuing; prohibit existing and historical activities on lands from continuing; or** require removal, lowering, or other change or alteration of any Nonconforming Use, or otherwise interfere with the continuance of a Nonconforming Use.

Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District or any duly enacted amendment thereto, and is diligently prosecuted.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing Nonconforming Use is hereby required to permit the installation, operation and maintenance thereon of such markings and lights, as shall be deemed necessary by the Conway Municipal Airport Commission, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markings and lights shall be installed, operated and maintained at the expense of Conway Municipal Airport Commission.
3. Lowering or Removal of Nonconforming Uses - In order to eliminate or mitigate existing hazards to landing and taking-off at the Conway Municipal Airport, to improve and make safer the Conway Municipal Airport, and to permit public use of any obstruction navigable airspace needed for such use, the Conway Municipal Airport Commission may acquire, by purchase, grant or condemnation, such estate or interest in any Nonconforming Use for which a permit has been granted in accordance with Section VII, paragraph 3 hereof, as is necessary to permit lowering or removal of such Nonconforming Use to the extent necessary to conform to the applicable height limitation prescribed in this Overlay District or any duly enacted amendment thereto. In cases of imminent danger to the health, safety and general welfare of the public, the Conway Municipal Airport Commission shall take such immediate steps as necessary to remove said danger, and a hearing shall thereafter be held to determine what compensation, if any, should be made to the owner of the structure or tree causing said danger.

SECTION VII: PERMITS

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created, which exceeds fifty (50) feet in height, unless a permit therefor shall have been applied for and granted by the Conway Municipal Airport Commission. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity for it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Overlay District shall be granted unless a variance has been approved in accordance with Section VII, paragraph 6.
 - a In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or

topographic features, would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Overlay District, except as set forth in Section IV, paragraph 6.

2. Existing Uses- No permit shall be granted that would allow the establishment or creation of an obstruction, or that would allow a Nonconforming Use to become a greater hazard to air navigation than it was on the effective date of this Overlay District (or any duly enacted amendments thereto) or than it is when the application for a permit is made. Except as indicated, all applications for such a permit for existing uses shall be granted.
3. Continuance of Nonconforming Uses- The owner of any Nonconforming Use shall be granted a permit authorizing continuance of such Nonconforming Use, upon application made by him; provided that, if such application is not made within ninety (90) days of the effective date of this Overlay District or any duly enacted amendment thereto the Conway Municipal Airport Commission shall by appropriate action compel the owner of the Nonconforming Use, at his own expense to lower or remove such object to the extent necessary to conform to the regulations. Notwithstanding the foregoing provisions, no permit allowing the continuation of any Nonconforming use shall be granted where such use is at the time a permit is applied for, not in conformity with the regulations in effect immediately prior to the enactment of any ordinance amending this Article, including but not limited to changes in the height zoning map incorporated herein which may from time to time be amended to eliminated or mitigate existing hazards to landing and taking off at the Conway Municipal Airport, to ensure compliance with all applicable federal laws, or for any other lawful reason.
4. Change and Repair of Nonconforming Uses- Before any Nonconforming Use for which a permit has been issued in accordance with Section VII, paragraph 3 hereof, may be altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the Conway Municipal Airport Commission authorizing such change or repair. No such permit shall be granted that would permit the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the permit for its continuance was granted.
5. Nonconforming Uses Abandoned or Destroyed- Whenever the Conway Municipal Airport Commission determines that a Nonconforming Use has been abandoned or more than 50 percent (%) torn down or destroyed, whether voluntarily, by act of God or otherwise, or has become more than 50% deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. In such cases of 50% destruction, deterioration or decay, whether application is made for a permit for repair or not, the Conway Municipal Airport Commission shall, by appropriate action, compel the owner of the Nonconforming Use, at his own expense to lower or remove such object to the extent necessary to conform to the applicable height limit.
6. Variances- Any person desiring to erect increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Overlay District, must apply to the Conway Municipal Airport Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Variances shall be allowed where it is duly found that a literal application or enforcement of

the regulations will result in practical difficulty or unnecessary hardship, and the relief will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with this Overlay District. No application for variance may be considered by the Conway Municipal Airport Commission unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application for a variance within fifteen days after receipt, the Conway Municipal Airport Commission may act on its own to grant or deny the application.

7. Obstruction Marking and Lighting- Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this Overlay District and be reasonable in the circumstances, be conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Conway Municipal Airport Commission, this condition may be modified to require the owner to permit the Conway Municipal Airport Commission, at its own expense, to install, operate and maintain the necessary markings and lights.
8. Notice of Hearing of Application for Permits and Variances; Introduction of Evidence- In all cases of applications for permits and variances as provided for in Section VII hereof a public notice shall be published in the manner prescribed by law for publication of legal notices, of a public hearing upon the application in question; a public hearing shall be held at which any person having an interest in the proceeding shall have an opportunity to offer evidence for or in opposition to the application in question; and written findings of fact and conclusions of law shall be made by the Conway Municipal Airport Commission, based upon the evidence offered at the public hearing.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Conway Municipal Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Manager upon a form published for that purpose. Applications required by this Overlay District to be submitted to the Airport Manager shall be promptly considered and granted or denied.

SECTION IX: City Council

1. The City Council shall have and exercise the following powers: to hear and decide appeals from any order, requirement, decision or determination made by the Conway Municipal Airport Commission in the enforcement of this Overlay District.
2. The City Council shall adopt rules governing the discharge of its duty in harmony with the provisions of this Overlay District. Meetings of the City Council shall be public. The City Council shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the County Clerk and on due cause shown,
3. The City Council shall make written findings of facts and conclusions of law, giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this Overlay District.

SECTION X: APPEALS

1. Any person aggrieved, or any taxpayer affected, by any decision of the Conway Municipal Airport Commission made in the administration of this Overlay District, may appeal to the City Council.
2. All appeals hereunder must be taken within **30 days time**, by filing with the Conway Municipal Airport Commission **a notice of appeal specifying the grounds thereof. The Conway Airport Commission shall**

forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed unless the Conway Municipal Airport Commission certifies to the City Council, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate, a stay would in the opinion of the Conway Municipal Airport Commission cause imminent peril to life or property. In such case, proceedings shall not be stayed by order of the City Council on notice to the Conway Municipal Airport Commission and on due cause shown.
4. The City Council shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in the interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
5. The City Council may, in conformity with the provisions of this Overlay District, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from any may make such order, decision, requirement, decision or determination as may be appropriate under the circumstances.

SECTION XI: JUDICIAL REVIEW

Any person aggrieved, aggrieved, or any taxpayer affected, by any decision of the City Council may, within thirty days thereof, appeal therefrom to the Circuit Court of Faulkner County, as provided in Section 6 of the "Airport Enabling Act", Act 116, Acts of Arkansas, 1941. Appeals from the Circuit Court shall be in accordance with statutes governing such appeals in force and effect at the time an appeal is taken.

SECTION XII: PENALTIES

Each violation of this Overlay District, or of any regulation, order or ruling promulgated hereunder, shall constitute a misdemeanor and be punishable by a fine of not more than 500 dollars, or imprisonment for not more than 180 days, or both; and each day a violation continues to exist shall constitute a separate offense. In addition, the Conway Municipal Airport Commission may institute in any court of competent jurisdiction, an appropriate action or proceeding to prevent, restrain, correct or abate any violation of the regulations of this Overlay District, or any order or ruling made in connection with its administration or enforcement, and the court shall adjudge then to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to carry out and effectuate the purpose of this Overlay District and the orders and rulings made pursuant to the authority herein given.

SECTION XIII: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Overlay District and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIV: SEVERABILITY

If any of the provisions of this Overlay District or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of this Overlay District which can be given effect without the invalid provision or application, and to this end, the provisions of this Overlay District are declared to be severable.

SECTION XV: EFFECTIVE DATE

Adopted by the Conway City Council by referring ordinance O-11- ____ April, 26, 2011.

Approved:

Mayor Tab Townsell

ATTEST:

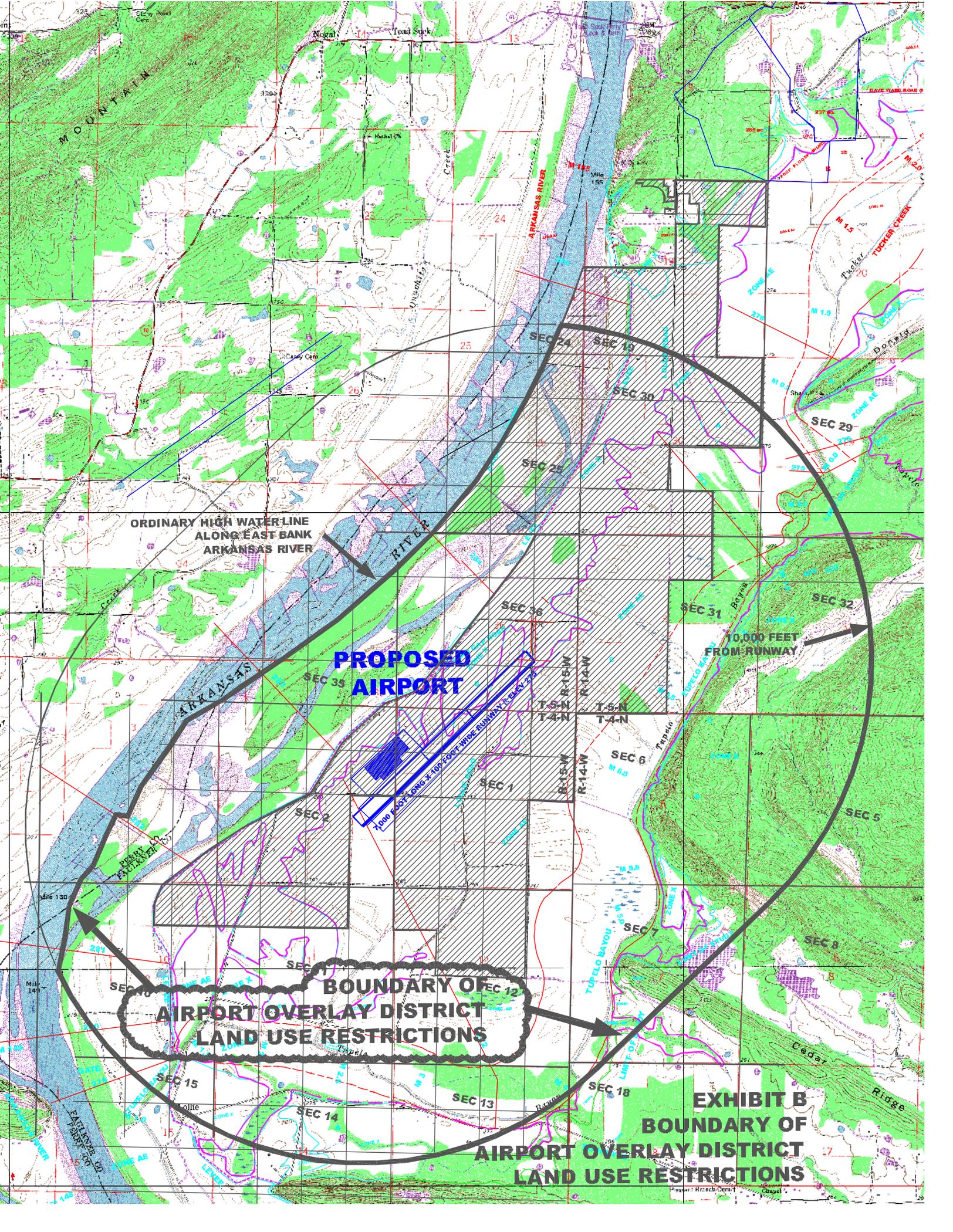
Michael O. Garrett
City Clerk/Treasurer

EXHIBIT A

CONWAY AIRPORT LAND USE ZONING OVERLAY DISTRICT LEGAL DESCRIPTION

All lands lying within 10,000 feet of the **ultimate** 7,000 foot long Runway at the City of Conway Municipal Airport as shown on the Conway Municipal Airport Height Zoning Map dated March 2011 and lying east of the ordinary high water line along the easterly bank (left descending bank) of the Arkansas River. The Sections and portions of Sections of lands included in this area are as follows:

Part of S $\frac{1}{2}$, SW $\frac{1}{4}$ Section 19, T-5-N, R-14-W; Part of NE $\frac{1}{4}$ Section 30, T-5-N, R-14-W; the NW $\frac{1}{4}$ Section 30, T-5-N, R-14-W; the S $\frac{1}{2}$ Section 30, T-5-N, R-14-W; Part of SW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 29, T-5-N, R-14-W; Part of SW $\frac{1}{4}$ Section 29, T-5-N, R-14-W; Section 31, T-5-N, R-14-W; the W $\frac{1}{2}$ Section 32, T-5-N, R-14-W; Part of the W $\frac{1}{2}$, NE $\frac{1}{4}$, Section 32, T-5-N, R-14-W; Part of the W $\frac{1}{2}$, SE $\frac{1}{4}$ Section 32, T-5-N, R-14-W; Section 6, T-4-N, R-14-W; Part of the W $\frac{1}{2}$, Section 5, T-4-N, R-14-W; Part of W $\frac{1}{2}$, NE $\frac{1}{4}$, Section 5, T-4-N, R-14-W; The NW $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the NE $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the SW $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 18, T-4-N, R-14-W; Part of the N $\frac{1}{2}$, Section 13, T-4-N, R-15-W; Part of the NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 13, T-4-N, R-15-W; Part of N $\frac{1}{2}$ Section 14, T-4-N, R-15-W, Part of N $\frac{1}{2}$, SE $\frac{1}{4}$ Section 14, T-4-N, R-15-W; Part of NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 14, T-4-N, R-15-W; Part of the NE $\frac{1}{4}$ Section 15, T-4-N, R-15-W; Part of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 15, T-4-N, R-15-W; Part of SW $\frac{1}{4}$ Section 10, T-4-N, R-15-W; Part of the NW $\frac{1}{4}$ Section 10, T-4-N, R-15-W; the E $\frac{1}{2}$ Section 10, T-4-N, R-15-W; Section 11, T-4-N, R-15-W; Section 12, T-4-N, R-15-W; Section 1, T-4-N, R-15-W; Section 2, T-4-N, R-15-W; Part of the Se $\frac{1}{4}$ Section 3, T-4-N, R-15-W; Part of the E $\frac{1}{2}$, SW $\frac{1}{4}$ Section 3, T-4-N, R-15-W; Part of the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 3, T-4-N, R-15-W; Part of the E $\frac{1}{2}$, NE $\frac{1}{4}$, Section 3, T-4-N, R-15-W; Part of SW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 35, T-5-N, R-15-W; Part of the E $\frac{1}{2}$, SW $\frac{1}{4}$ Section 35 T-5-N, R-15-W; Part of the SE $\frac{1}{4}$ Section 35, T-5-N, R-15-W; Part of the S $\frac{1}{2}$, NE $\frac{1}{4}$ Section 35, T-5-N, R-15-W; Part of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 35, T-5-N, R-15-W; The E $\frac{1}{2}$ Section 36, T-5-N, R-15-W; The SW $\frac{1}{4}$ Section 36, T-5-N, R-15-W; Part of the NW $\frac{1}{4}$ Section 36 T-5-N, R-15-W; Part of the S $\frac{1}{2}$, SW $\frac{1}{4}$ Section 25, T-5-N, R-15-W; Part of the NE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 25, T-5-N, R-15-W; The SE $\frac{1}{4}$ Section 25, T-5-N, R-15-W; The E $\frac{1}{2}$, NE $\frac{1}{4}$ Section 25, T-5-N, R-15-W; Part of the W $\frac{1}{2}$, NE $\frac{1}{4}$, Section 25, T-5-N, R-15-W; Part of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 24.



ORDINARY HIGH WATER-LINE
ALONG EAST BANK
ARKANSAS RIVER

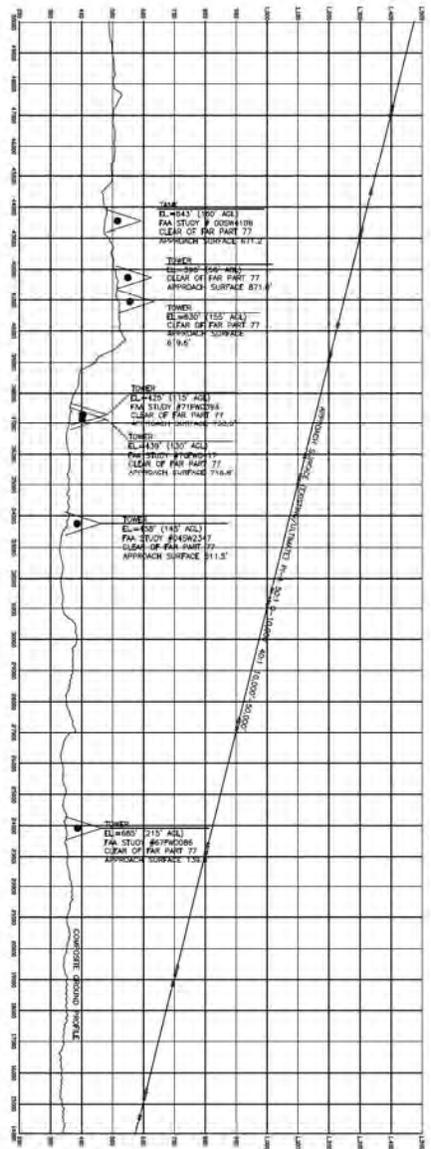
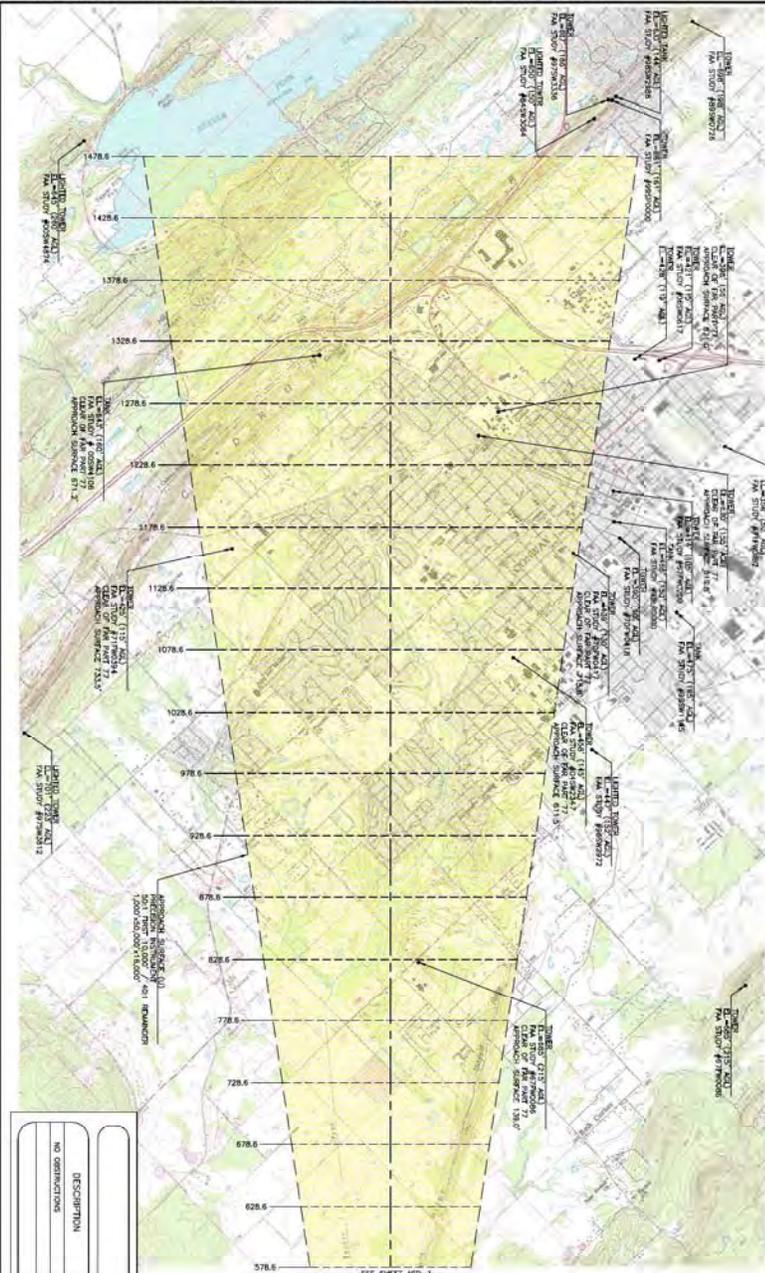
**PROPOSED
AIRPORT**

7,000 FOOT ONE-YARD-DEPT WIDE RUNWAY STRIP

**BOUNDARY OF
AIRPORT OVERLAY DISTRICT
LAND USE RESTRICTIONS**

10,000 FEET
FROM RUNWAY

**EXHIBIT B
BOUNDARY OF
AIRPORT OVERLAY DISTRICT
LAND USE RESTRICTIONS**



NO OBSTRUCTION SEARCH SHOULD BE COMPLETED IN ORDER TO DETERMINE THE PROPER SPECIFICATIONS OF AIRBORNE OBSTRUCTIONS.

1" = 15' E
 (OR 7" W CHANGE FROM 1000)

2,000' 0 2,000' 4,000' 6,000'

VERTICAL SCALE: 1" = 2,000'
 HORIZONTAL SCALE: 1" = 200'

GENERAL REMARKS: 1. THIS MAP IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY.
 2. THE USER SHALL BE RESPONSIBLE FOR VERIFYING ALL DATA AND INFORMATION.
 3. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

LEGEND:
 Zone A: Runway Surface
 Zone B: Approach Surface
 Zone C: Transition Surface
 Zone D: Horizontal Surface
 Zone E: Obstacle Surfaces

DESCRIPTION	TOP ELEVATION	SURFACE PENETRATION	PENETRATION IN FEET	LOCATION	DISPOSITION
NO OBSTRUCTIONS					

RUNWAY 5-23 OBSTRUCTION/DISPOSITION TABLE

CONWAY MUNICIPAL AIRPORT
 CONWAY, ARKANSAS

AIRPORT HEIGHT ZONING MAP 2

CGS NO. 08050523
 DATE: MARCH, 2007
 DESIGNED BY: RRF
 DRAWN BY: RRF

Sheet No. 2 of 2
 Project No. 08050523
 Scale: As Shown

HZM-2

REV.	DATE	DESCRIPTION	BY



CITY OF CONWAY

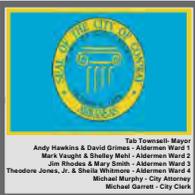
CONWAY AIRPORT OVERLAY DISTRICT

PERRY COUNTY

FAULKNER COUNTY

DESCRIPTION

**CONWAY AIRPORT
PROPOSED OVERLAY
10,000 FT ZONE FROM RUNWAY**



— INTERSTATE	— LOT LINE	— R-1	— MF-1	— I-1
— MAJOR ARTERIAL	— STREAMS	— R-2A	— MF-2	— RU-1
— MINOR ARTERIAL	— LAKES & PONDS	— R-2	— MF-3	— I-3
— COLLECTOR	— CITY LIMITS	— HR	— RMH	— S-1
— RESIDENTIAL		— SR		— A-1
— PRIVATE ROAD				— PUD
— INTERSTATE RAMP		— C-1	— O-1	
— RAILROADS		— C-2	— O-2	
		— C-3	— O-3	
		— C-4		

— Commercial	— Office	— Special
— C-1	— O-1	— SP
— C-2	— O-2	— S-1
— C-3	— O-3	— A-1
— C-4		— PUD

0 375 750 1,500 2,250 Feet
1 in = 4,000 ft
APRIL 2011

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK GIS WEBSITE:
gis.cityofconway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org

City of Conway

Code Enforcement
1201 Oak Street
Conway, Arkansas 72032
501.450.6191
www.cityofconway.org



Ottie Cowgill
Code Enforcement Officer
Barbara McElroy
Code Enforcement Assistant

To: Mayor Tab Townsell
City Council Members

Date: April 19, 2011

From: Barbara McElroy
Code Enforcement Department

Subject: 1415 Lincoln Street, Conway Arkansas

The Code Enforcement Department open bids for the demolition of structure on property located at 1415 Lincoln Street.

Bids were opened on April 19th, 2011 in the City Hall Downstairs at 10:00am and two bids were submitted.

They are as follows:

- | | |
|------------------------------|--------|
| ▪ Paladino Construction Inc. | \$2200 |
| ▪ Hobb's Construction | \$5950 |

Code Enforcement recommends Paladino Construction, Inc be award the project for the low bid of \$2200.

Sincerely,

Barbara McElroy

City of Conway – Mayor's Office
Bid Tab Summary
2011-20_Demolition of Structure_1415 Lincoln Street
Bid Opening Date: Tuesday, April 19th, 2011
City Hall - Downstairs Conference Room @ 10:00am

Total Cost of Bid \$ 2,200.00

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

Paladino Construction, Inc
Company Name

Mark Paladino
Company Representative Name

Mark Paladino
Representative's Signature

10 Blake Lane Paladino@conwaycorp.net
Address Email Address

Conway AR 72032
City State Zip

501-505-0472 501-513-4078
Telephone Number Fax Number

4/19/11
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.



City of Conway, Arkansas
Ordinance No. O-11- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 1544-1546, 1550-1552, 1605, 1606, 1616, 1619, 1625 CLIFTON STREET; 1503 ½, 1505, 1531, 1541, 1545, 1551, 1553, 1605, 1615 WASHINGTON AVENUE; VACANT LOTS AT FRONT AND INDEPENDENCE EAST OF RAILROAD TRACKS; AND THE PARKING LOT AT HARKRIDER AND MARKHAM FROM MF-3 AND C-3 TO S-1:

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

SECTION 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **MF-3** and **C-3** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lots 3 & 4, Blk 2, Clifton Addition

Lot 1, Huntington Place Apartments Addition

S 80' of W 90' Lot 8, Block 2, Stonewall Addition; Part of Lot 7, Block 2, Stonewall Addition, W 128'; West part of S 1/2 Lot 6, Block 2, Stonewall Addition; N 40' of W 1/2 Lot 8, Block 2 and E 1/2 of S 1/2 Lot 9, Block 2, Stonewall Addition; E 1/2 of S 60', Lot 8, Block 2, Stonewall Addition; East part (about 65') Lot 7, Block 2, Stonewall Addition; N 1/2 Lot 6, Block 2, Stonewall Addition except W 81'; E part of S 1/2 Lot 6, Block 2, Stonewall Addition; E 100' Lot 5, Block 2, Stonewall Addition; N 96' Lot 4, Block 2 Stonewall Addition except W 105'; E 132' Lot 2 & E 132' of S 1/2 Lot 3, Block 2, Stonewall Addition; W 100' Lot 2 & W 100' of S 1/2 Lot 3, Block 2, Stonewall Addition; E 110' of N 34' Lot 1, Block 2, Stonewall Addition; Lots 248A and 248B, Fiddlers Survey; Lots 1 & 2, Block 11, Vaughns Addition; Blocks 3 and 4 S part, Burns Addition.

to those of **S-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

PASSED this 10th day of May, 2011.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

April 19, 2011

Council Members
Conway, AR 72032

Dear Council Members:

Hendrix College request for rezoning from MF-3 and C-3 to S-1 for property located at 1544-1546, 1550-1552, 1605, 1606, 1616, 1619, 1625 Clifton Street; 1503 ½, 1505, 1531, 1541, 1545, 1551, 1553, 1605, 1615 Washington Avenue; vacant lots at Front and Independence east of railroad tracks; and the parking lot at Harkrider and Markham with the legal description:

Lots 3 & 4, Blk 2, Clifton Addition

Lot 1, Huntington Place Apartments Addition

S 80' of W 90' Lot 8, Block 2, Stonewall Addition; Part of Lot 7, Block 2, Stonewall Addition, W 128'; West part of S 1/2 Lot 6, Block 2, Stonewall Addition; N 40' of W 1/2 Lot 8, Block 2 and E 1/2 of S 1/2 Lot 9, Block 2, Stonewall Addition; E 1/2 of S 60', Lot 8, Block 2, Stonewall Addition; East part (about 65') Lot 7, Block 2, Stonewall Addition; N 1/2 Lot 6, Block 2, Stonewall Addition except W 81'; E part of S 1/2 Lot 6, Block 2, Stonewall Addition; E 100' Lot 5, Block 2, Stonewall Addition; N 96' Lot 4, Block 2 Stonewall Addition except W 105'; E 132' Lot 2 & E 132' of S 1/2 Lot 3, Block 2, Stonewall Addition; W 100' Lot 2 & W 100' of S 1/2 Lot 3, Block 2, Stonewall Addition; E 110' of N 34' Lot 1, Block 2, Stonewall Addition; Lots 248A and 248B, Fiddlers Survey; Lots 1 & 2, Block 11, Vaughns Addition; Blocks 3 and 4 S part, Burns Addition.

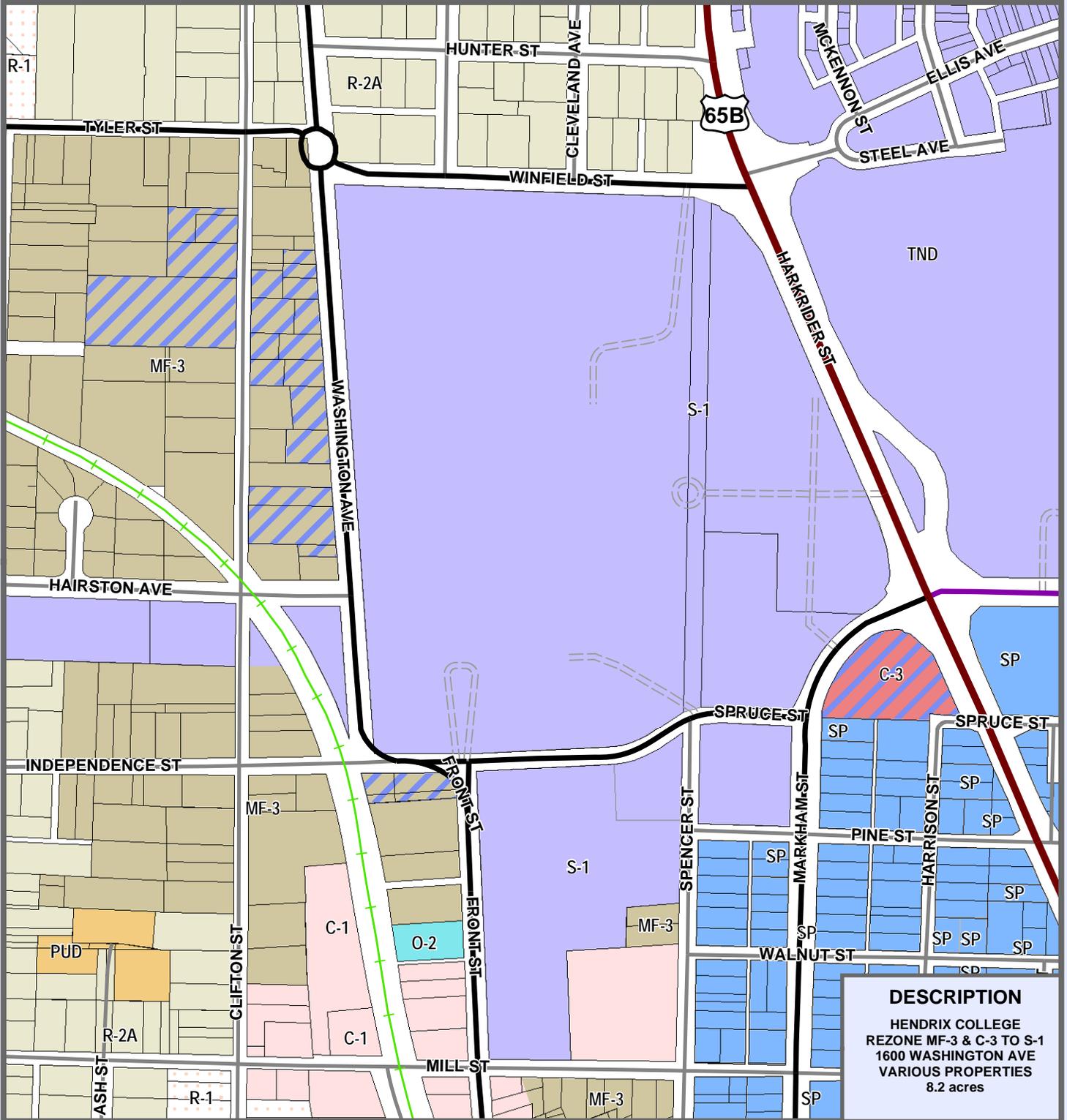
was reviewed by the Planning Commission at its regular meeting on April 18, 2011. The Planning Commission voted 6 – 0 – 1 that the request be sent to the City Council with a recommendation for approval. Planning Commissioner Jon Arms abstained from voting.

Submitted by,

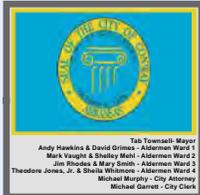
Kent Mathis, Chairman
Planning Commission

CITY OF CONWAY

HENDRIX COLLEGE REZONE -- PROPERTIES TO S-1

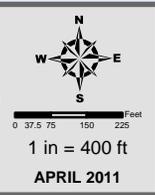


DESCRIPTION
HENDRIX COLLEGE
REZONE MF-3 & C-3 TO S-1
1600 WASHINGTON AVE
VARIOUS PROPERTIES
8.2 acres



— INTERSTATE	— LOT LINE	— R-1	— MF-1	— I-1
— MAJOR ARTERIAL	— STREAMS	— R-2A	— MF-2	— RU-1
— MINOR ARTERIAL	— LAKES & PONDS	— R-2	— MF-3	— I-3
— COLLECTOR	— CITY LIMITS	— HR	— RMH	
— RESIDENTIAL		— SR		
— PRIVATE ROAD				
— INTERSTATE RAMP		— C-1	— O-1	— SP
— RAILROADS		— C-2	— O-2	— S-1
		— C-3	— O-3	— A-1
		— C-4	— PUD	

— Commercial	— Office	— Special
— C-1	— O-1	— SP
— C-2	— O-2	— S-1
— C-3	— O-3	— A-1
— C-4	— PUD	



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK GIS WEBSITE:
gis.cityofconway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

April 19, 2011

Council Members
Conway, AR 72032

Dear Council Members:

Basic Unit, LLC request for a conditional use permit to allow mobile home replacement for property located at 1930 South Amity Road with the legal description:

A part of the SW 1/4 NW 1/4, Section 21, Township 5 North, Range 13 West, Faulkner County, Arkansas, more particularly described as follows:

Beginning at a point 424 feet east of the southwest corner of said SW 1/4 NW 1/4, Section 21, T5N, R13W; thence run north 330 feet; thence east 132 feet; thence south 330 feet; thence west 132 feet to the point of beginning, containing 1 acre, more or less.

was reviewed by the Planning Commission at its regular meeting on April 18, 2011. The Planning Commission voted 6 – 0 that the request be sent to the City Council with a recommendation for approval with the condition stated below.

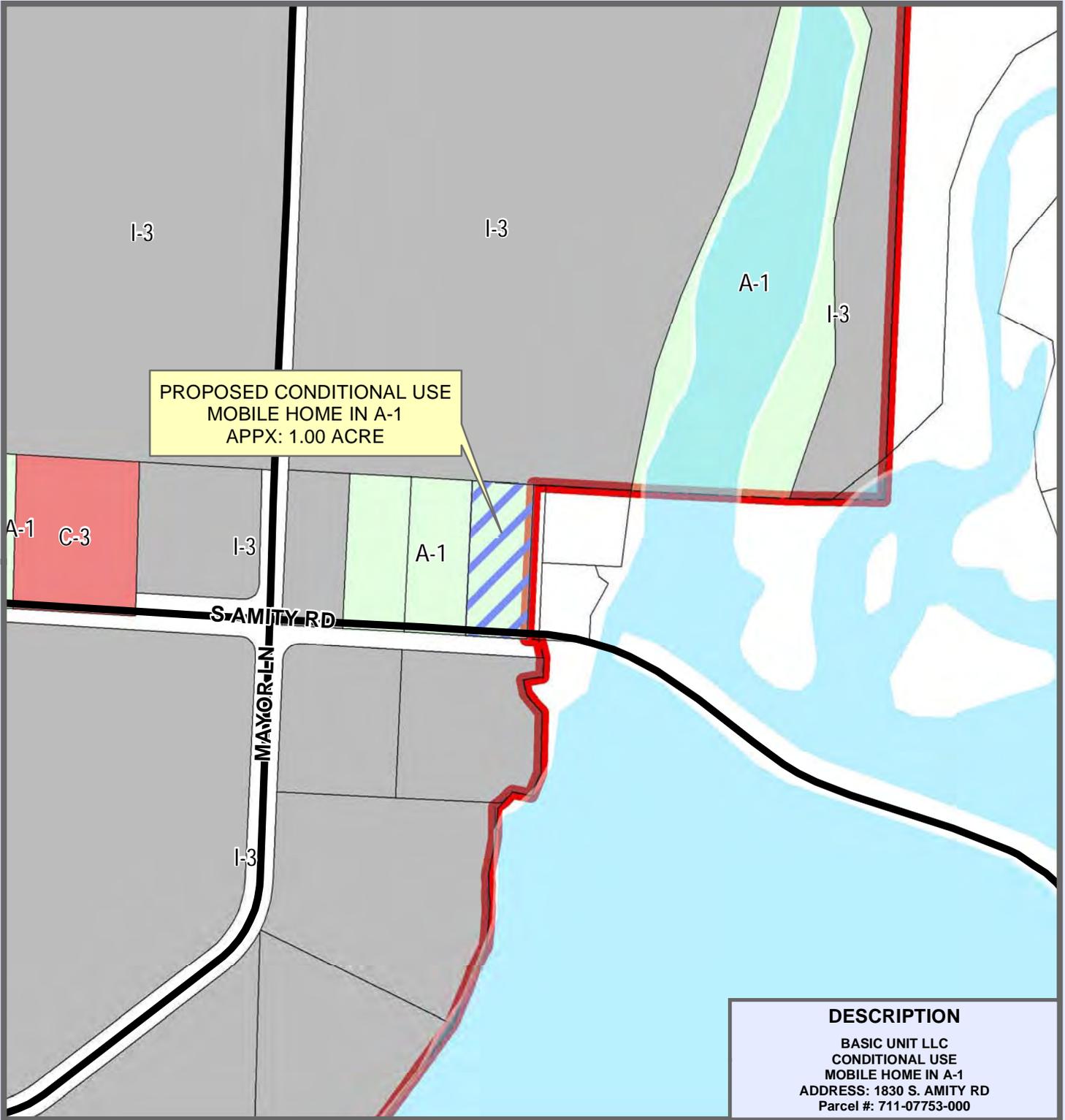
1. Conditional use is limited to Basic Unit, LLC only.

Submitted by,

Kent Mathis, Chairman
Planning Commission

CITY OF CONWAY

BASIC UNIT LLC CONDITIONAL USE -- 1830 S. AMITY RD



PROPOSED CONDITIONAL USE
MOBILE HOME IN A-1
APPX: 1.00 ACRE

DESCRIPTION
BASIC UNIT LLC
CONDITIONAL USE
MOBILE HOME IN A-1
ADDRESS: 1830 S. AMITY RD
Parcel #: 711-07753-000



Andy Hawkins & David Orsini - Aldermen Ward 1
 Mark Vaughn & Shelley Math - Aldermen Ward 2
 Jim Rhoads & Mary Smith - Aldermen Ward 3
 Theodore Jones, Jr. & Sheila Westmore - Aldermen Ward 4
 Michael Mursley - City Attorney
 Michael Garrett - City Clerk



Bryan Patrick - Director
 Donald Anthony - Deputy Director
 Wes Craiglow - Deputy Director
 Charity Satterfield - Planner
 Lisha Rhea - Planning Tech
 Jason Lyon - GIS Coordinator



Kent Mathis - Chair
Craig Cloud - Vice-Chair

— INTERSTATE	— LOT LINE
— MAJOR ARTERIAL	— STREAMS
— MINOR ARTERIAL	— LAKES & PONDS
— COLLECTOR	— CITY LIMITS
— RESIDENTIAL	
— PRIVATE ROAD	
— INTERSTATE RAMP	
— RAILROADS	

Residential		Industrial	
R-1	MF-1	I-1	
R-2A	MF-2	RU-1	
R-2	MF-3	I-3	
HR	RMH		
SR			
Commercial		Office	
C-1	O-1		
C-2	O-2		
C-3	O-3		
C-4			


 0 25 50 100 150 Feet
1 in = 300 ft
APRIL 2011

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK: HIS WEBSITE:
gis.cityofconway.org (UNDER DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityofConway.org



City of Conway
Street and Engineering Department
100 East Robins Street
Conway, AR 72032

Ronnie Hall, P.E.
City Engineer
ronnie.hall@cityofconway.org
501-450-6165

May 5, 2011

Mayor Tab Townsell
City Hall
1201 Oak Street
Conway, Arkansas 72032

Re: Prince Street Improvements - Western Ave. to Shady Lane
Right of Way Appraisal & Acquisition Services

Dear Mayor Townsell;

In response to our advertisement for "Request for Qualifications" for appraisal and land acquisition services for the City of Conway, four Appraisal firms submitted their qualifications for this work. The firms were as follows:

O.R. Colan Associates – Little Rock, Arkansas
Richard A. Stephens & Associates – Little Rock, Arkansas
Coats Appraisal Services, Inc. – Conway, Arkansas
Pinnacle Consulting Management Group, Inc. Oklahoma City, Oklahoma

After review of the qualifications submitted, the consultant selection committee recommended O. R. Colan Associates of Little Rock, Arkansas for the property acquisition services for all the parcels along Prince Street and appraisal services for 19 of the 29 parcels to be acquired for right of way along Prince Street.

The selection Committee selected Coats Appraisal Services of Conway, Arkansas to provide appraisals for 10 of the parcels along Prince Street.

At our request O. R. Colan Associates has presented the city with a contract to perform the property acquisition services and 19 of the parcel appraisals. The proposed fee for property acquisition services is based on a time and materials basis with a maximum amount of \$81,200. The proposed fee for the property appraisal services is based on a per parcel cost as listed with 11 parcels at \$3,150 per each with 3 parcels at \$850 each and 5 parcels at \$5,250 each for a total of \$63,450.00. This gives a total O.R. Colan contract amount of \$144,650.00. At this time we do not have a proposed contract amount from Coats Appraisal Services, but are of the opinion that his rate will be in the \$850 per each amount range.

I am requesting approval of the use of O.R. Colan for the Property Acquisition Services and appraisal services on 19 (parcels 1-19) of the 29 parcels.

Please advise if you have questions or need additional information.

Sincerely,

Ronnie Hall, P.E.

Professional Services Agreement Between
City of Conway, Arkansas
And
O. R. Colan Associates of Florida, LLC

THIS AGREEMENT, entered into this _____ day of _____, 2011 by and between **City of Conway, Arkansas (CITY)**, whose address is 1201 Oak Street, Conway, AR 72034, and **O. R. Colan Associates of Florida, LLC (ORC)** d/b/a, O. R. Colan Associates, whose address is 2311 Biscayne Drive, Suite 207, Little Rock, AR 72227.

WHEREAS, the CITY proposes to acquire certain property rights or interests in certain tracts or parcels of land for the Prince Street Project, located in Faulkner County, Arkansas; and,

WHEREAS, ORC has specific expertise to provide these land acquisition and related services;

NOW, THEREFORE, both parties enter into this Agreement to outline the service to be provided and to set methods of payments for such services.

I. ORC SCOPE OF SERVICES

Under the direction of the CITY, ORC shall provide certain land acquisition services for twenty-nine parcels commonly known as Parcels 1 through 29 and certain real estate appraisal services for nineteen parcels, commonly known as Parcels 1 through 19.

1. General

- a. Provide qualified, professional technical and administrative personnel to perform necessary land acquisition services on twenty-nine parcels and real estate appraisal services on nineteen parcels.
- b. Provide appraisal reports in compliance with Uniform Standards for Federal Land Acquisitions (USFLA) and Uniform Standards of Professional Appraisal Practice (USPAP).
- c. Upon receipt of CITY approval of the initial offer of just compensation, prepare offer letters, contracts to sell and other documents necessary for presentation of offers to property owners.

d. Present CITY's offers to property owners, in person if at all possible, providing the written offer letter, contract to sell and copy of CITY approved appraisal.

e. Conduct negotiations, including explanation of the appraisal as the basis for just compensation. Address property owner questions and concerns and submit possible counteroffers to CITY with recommendation for settlement.

f. Present executed Contracts to Sell, Taxpayer I.D. number and any other information necessary for closing to CITY or CITY appointed Title Company. If resolution cannot be reached with property owner, provide file to CITY with recommendation for condemnation.

g. Maintain all acquisition record files containing all documents required by the Uniform Relocation and Real Property Acquisition Policies Act of 1970, including a written record of all significant contacts.

h. Make all records available for inspection by representatives of the CITY at any reasonable hour. ORC shall take all necessary steps to ensure that no member of its staff or organization divulges any information concerning reports and records except duly authorized representatives of the CITY or until authorized in writing by the CITY to reveal the documentation or communication to other designated parties.

II. TERM

It is mutually agreed upon by both parties hereto that the term of the Agreement shall commence on the date of the notice to proceed and terminate when the work covered in this Agreement is completed, but no later than 9 months after receipt of a written Notice to Proceed provided by CITY to ORC.

Either party may terminate this agreement without liability for any reason by providing written notice of such termination. In the event the agreement is terminated, the City shall pay ORC for work actually performed up to the date of the work stoppage.

III. CITY'S RESPONSIBILITIES

a. Provide overall project supervision and a point of contact person.

b. Provide ORC with the plans, title reports, legal descriptions, surveys, environmental reports and stationery necessary to perform under this contract.

- c. Provide approval of initial offer of just compensation.
- d. Provide all legal services related to the land acquisition activities, including direct payment by CITY to any expert witness, including the appraiser.
- e. Provide payment of costs of all acquisitions related to the project.
- f. Provide ORC with a detailed list of the parcels of right of way and/or easements to be acquired.
- g. Ensure that all funds are available to complete the project within the time frames of this agreement.
- h. Provide all title work and closing services.

IV. FEES AND PAYMENTS

The fees to be paid to ORC by the CITY for the performance of land acquisition and management services called for in this agreement shall be on a Time and Materials basis, with a not to exceed amount of \$81,200.00. ORC's costs are estimated as follows:

<u>Position</u>	<u>Hourly Rate</u>	<u>Hours</u>	<u>Total</u>
Principle	\$153.70	9	\$ 1,383.30
Project Manager	\$115.66	504	\$58,292.64
Sr. Agent	\$117.99	160	\$18,878.40
Expenses: including mileage, postage, etc.			\$ 2,645.71

Expenses are to be reimbursed at actual cost as supported by a receipt. Mileage is reimbursable at \$0.51 per mile and copy costs at \$0.15 per copy.

The fees to be paid to ORC by the CITY for the performance of real estate appraisal services called for in this agreement shall be based on the following fees per parcel:

Tract	Fee
1	\$3,150
2	\$3,150
3	\$5,250
4	\$5,250
5	\$3,150
6	\$5,250
7	\$3,150
8	\$3,150

9	\$5,250	
10	\$3,150	
11	\$850	
12	\$850	
13	\$850	
14	\$3,150	
15	\$3,150	
16	\$3,150	
17	\$3,150	
18	\$5,250	
19	\$3,150	
Total Appraisal Cost		\$63,450.00

The total not to exceed amount for this contract including management, acquisition services and appraisals as listed above is \$144,650.00 (One Hundred Forty Four Thousand Six Hundred Fifty Dollars and No Cents). ORC will invoice not more than monthly and the CITY will pay as soon as practicable.

APPROVED

Tab Townsell, Mayor
City of Conway, Arkansas
1201 Oak Street
Conway, AR 72034



Stephen Toth, Chief Operating Officer
O. R. Colan Associates of Florida, LLC
2311 Biscayne Drive, Suite 207
Little Rock, AR 72227



City of Conway
Street and Engineering Department
100 East Robins Street
Conway, AR 72032

Ronnie Hall, P.E.
City Engineer
ronnie.hall@cityofconway.org
501-450-6165

May 5, 2011

Mayor Tab Townsell
City Hall
1201 Oak Street
Conway, Arkansas 72032

Re: Prince Street Right of Way
Appraisal & Acquisition Services

Dear Mayor Townsell;

In response to our advertisement for "Request for Qualifications" for appraisal and land acquisition services for the City of Conway, four Appraisal firms submitted their qualifications for this work. The firms were as follows:

O.R. Colan Associates – Little Rock, Arkansas
Richard A. Stephens & Associates – Little Rock, Arkansas
Coats Appraisal Services, Inc. – Conway, Arkansas
Pinnacle Consulting Management Group, Inc. Oklahoma City, Oklahoma

After review of the qualifications submitted, the consultant selection committee recommended Richard A. Stephens & Associates of Little Rock, Arkansas for the appraisal work to determine the current market value of the existing 151 acres of property associated with Cantrell Field. This appraisal is needed to address FAA's requirement to determine the market value of the existing airport and invest that amount in aviation facilities at new airport in the Lollie Bottoms.

At our request Richard A. Stephens and Associates has presented the city with a contract to perform the appraisal work associated with determining the value of existing Cantrell Field. The proposed fee is based on an hourly rate charge with a maximum amount of \$10,500.

I am request approval of the use of Richard A. Stephens & Associates for this work and the approval of the contract submitted.

Please advise if you have questions or need additional information.

Sincerely,

Ronnie Hall, P.E.

REAL ESTATE SPECIALISTS | **Richard A. Stephens & Associates**

APPRAISALS
ANALYSIS
COUNSELING
FEASIBILITY

May 1, 2011

The Honorable Tab Townsell
Mayor, City of Conway
1201 Oak Street
Conway, Arkansas 72032

SUBJECT: Proposal to Provide Real Property Appraisal Services for existing Conway Municipal Airport, 151 acres, more or less, Conway, Faulkner County, Arkansas.

Dear Mayor Townsell:

Thank you for allowing us the opportunity of submitting this engagement letter to you for providing real estate appraisal/consulting services relating to the real property described as the existing Conway Municipal Airport, Conway, Faulkner County, Arkansas.

Richard A. Stephens and Associates, Inc. would be retained as an independent real estate appraiser whose primary responsibility would be to provide an opinion of value of the subject property.

Underlying conditions in our investigation and any written document will be predicated on the hypothesis that the real estate is a tract that is owned in a fee simple estate. The use of the report is expected to be employed as the basis for internal asset review and to assess the "Use Value" of the property. Users are expected to be the client.

Due to the physical characteristics of the subject property, it is classified as a "Limited Market - Special Purpose" entity and since there have been relatively few market based transactions with similar characteristics, a "Value in Use" for the betterments is most appropriate and will be presented to assist in assessing the "Value in Use" of the subject property.

Definition of "Use Value"

Use Value - the value a specific property has for a specific use; may be the highest and best use of the property or some other use specified as a condition of the appraisal; may

be used where legislation has been enacted to preserve farmland, timberland, or other open space on urban fringes¹

Value in Use - the value a specific property has to a specific person or specific firm as opposed to the value to persons or the market in general. Special-purpose properties such as churches, schools, and public buildings, which are seldom bought and sold in the open market can be valued on the basis of value in use. The value in use to a specific person may include a sentimental value component, The value in use to a specific firm may be the value of the plant as part of an integrated multiplant operation.²

Use value is a concept based on the productivity of an economic good. In estimating use value, the appraiser focuses on the value the real estate contributes to the enterprise of which it is a part, without regard to the property's highest and best use or the monetary amount that might be realized from its sale. Use value may vary depending on the management of the property and external conditions such as changes in business operations. For example, a manufacturing plant designed around a particular assembly process may have one use value before a major change in assembly technology and another use value afterward.

Real property may have a use value and a market value. An older factory that is still used by the original firm may have considerable use value to that firm, but only a nominal market value for another use.

Use value appraisal assignments may be performed to value assets, including real property, for mergers, acquisitions, or security issues. This type of assignment is sometimes encountered in appraising industrial real estate when the existing business enterprises include real property.

Court decisions and specific statutes may also create the need for use value appraisals. For instance, many states require agricultural use appraisals of farmland for property tax purposes rather than value estimates based on highest and best use. The current IRS regulation on estate taxes allows land under an interim agricultural use to be valued according to this alternative use even though the land has development potential.

When appraising a type of property that is not commonly exchanged or rented, it may be difficult to determine whether an estimate of market value can be reasonably supported. Such limited-market properties can cause special problems for appraisers. *A limited-market property is a property that has relatively few potential buyers at a particular time, sometimes because of unique design features or changing market conditions.* Large manufacturing plants, railroad sidings, and research and development properties are examples of limited-market properties that typically appeal to relatively few potential purchasers.

Many limited-market properties include structures with unique designs, special construction materials, or layouts that restrict their utility to the use for which they were originally built. These properties usually have limited conversion potential and, consequently, are often called *special-purpose or special-design properties*. Examples of such properties include houses of worship, museums, schools, public buildings, and clubhouses.

Limited-market properties may be appraised for market value based on their current use or the most likely alternative use. Due to the relatively small markets and lengthy market

¹The Appraisal Institute, The Dictionary of Real Estate Appraisal, Fifth Edition (Chicago: Textbook and Dictionary Revision Committee, 2010), 303.

²Ibid., page 306.

exposure needed to sell such properties, there may be little evidence to support a market value estimate based on their current use. The distinction between market properties and limited-market properties is subject to availability of relevant market data. If a market exists for a limited-market property, the appraiser must search diligently for whatever evidence of market value is available.

If a property's current use is so specialized that there is no demonstrable market for it, but the use is viable and likely to continue, the appraiser may render an estimate of use value if the assignment reasonably permits a type of value other than market value. Such an estimate should not be confused with an opinion of market value. If no market can be demonstrated, or if data are not available, the appraiser cannot develop an opinion of market value and should state so in the appraisal report.³

In contrast to the definition of “Value in Use,” Market Value is defined as a type of value, stated as an opinion, that presumes the transfer of a property (i.e., a right of ownership or a bundle of such rights), as of a certain date, under specific conditions set forth in the definition of the term identified by the appraiser as applicable in an appraisal.

Comment: Forming an opinion of market value is the purpose of many real property appraisal assignments, particularly when the client’s intended use includes more than one intended user.

The conditions included in market value definitions establish market perspectives for development of the opinion. These conditions may vary from definition to definition but generally fall into three categories:

1. the relationship, knowledge, and motivation of the parties (i.e., seller and buyer);
2. the terms of sale (e.g., cash, cash equivalent, or other terms); and
3. the conditions of sale (e.g., exposure in a competitive market for a reasonable time prior to sale).

Appraisers are cautioned to identify the exact definition of market value, and its authority, applicable in each appraisal completed for the purpose of market value⁴

Or, as developed in Advisory Opinion 22:

“Market value appraisals are distinct from appraisals using other types of value because market value appraisals are based on a market perspective and on a normal or typical premise. These criteria are illustrated in the following definition of Market Value*, provided here only as an example, Advisory Opinions 22 and 30:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;

³The Appraisal Institute, The Appraisal of Real Estate, 13th Edition (Chicago: 2008), p. 25.

⁴ *Uniform Standards of Professional Appraisal Practice*, The Appraisal Foundation, 2010-2011.

2. both parties are well informed or well advised and acting in what they consider their own best interest;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This example definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and the Office of Comptroller of the Currency (OCC). The definition is also referenced in regulations jointly published by the OCC, OTS, FRS, and FDIC on June 7, 1994, and in the *Interagency Appraisal and Evaluation Guidelines*, dated October 27, 1994.”⁵

As also illustrated in Standards Rule 1-2(c), “Identify the type and definition of value, and if the value opinion to be developed is market value, ascertain whether the value is to be the most probable price:

- (i) in terms of cash; or
- (ii) in terms of financial arrangements equivalent to cash; or
- (iii) in other precisely defined terms; and
- (iv) if the opinion of value is to be based on non-market financing or financing with unusual conditions or incentives, the terms of such financing must be clearly identified and the appraiser's opinion of their contributions to or negative influence on value must be developed by analysis of relevant market data;”

In addition:

“Comment: When developing an opinion of market value, the appraiser must also develop an opinion of reasonable exposure time linked to the value opinion.”⁶

There are a number of definitions of *market value* in the United States and in other countries. Although the wording differs, most definitions are similar in concept. Because most appraisals are used by third parties rather than the client alone, the intended use, not the user, of an appraisal determines which definition of market value is applicable to a specific assignment. Client wishes or instructions do not change the basic requirement that the appraiser must identify an appraisal's intended use and cite an appropriate definition of market value for that use. Appraisers must understand why a particular definition of market value should be used, apply that definition according to established standards, and communicate these requirements clearly to the clients they serve.

⁵ *Ibid.*, pp. A-75 and A-105.

⁶ *Ibid.*, p. U-17.

Despite differing opinions on individual aspects of the market value definition, it is generally agreed that market value results from the collective value judgments of market participants. An opinion of market value must be based on objective observation of the collective actions of the market. Because the standard measure of these activities is cash, the increases or diminutions in market value caused by financing and other terms of sale are measured against an all-cash value.

The definition that follows incorporates the concepts that are most widely accepted, such as willing, able, and knowledgeable buyers and sellers who act prudently as of a given date, and this definition gives the appraiser a choice among three bases: all cash, terms equivalent to cash, or other precisely revealed terms. The definition also requires increments or diminutions from the all-cash market value to be quantified in terms of cash.

“Market Value -The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.”⁷

Market Value for Federally Insured Financial Institutions

“The following definition of market value is used by agencies that regulate federally insured financial institutions in the United States:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

This federal definition is compatible with the definition of market value cited in the current edition of *The Dictionary of Real Estate Appraisal*. The federal definition requires that the effect on property value of any special or creative financing or sales concessions be determined and that the opinion of value reflect cash equivalent terms. Special financing or sales concessions often characterize transactions in depressed markets. This definition was developed to address

⁷The Appraisal Institute, *The Appraisal of Real Estate*, 13th Edition (Chicago: 2008), p. 23.

select categories of appraisal assignments in a real estate market characterized by unique circumstances.”⁸

The Uniform Appraisal Standards for Federal Land Acquisitions (also known as The Yellow Book) includes the following definition of market value which must be used in appraisals made under those standards:

Market value is the amount in cash, or in terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.⁹

Market Value in International Standards

According to the international Valuation Standards Committee, *market value* is defined for the purposes of international standards as follows:

Market value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.¹⁰

Appraisal Institute Definition

In 1993 the Appraisal Institute adopted the following definition of market value, which was developed by the Appraisal Institute Special Task Force on Value Definitions to clarify distinctions among market value, disposition value, and liquidation value.

The most probable price which a specified interest in real property is likely to bring under all the following conditions:

1. Consummation of a sale occurs as of a specified date.
2. An open and competitive market exists for the property interest appraised.
3. The buyer and seller are each acting prudently and knowledgeably.
4. The price is not affected by undue stimulus.
5. The buyer and seller are typically motivated.
6. Both parties are acting in what they consider their best interest.
7. Marketing efforts were adequate and a reasonable time was allowed for exposure in the open market.

⁸*Ibid.*, pp. 22-23.

⁹*Ibid.*, p. 25.

¹⁰*Ibid.*, p. 23.

8. Payment was made in cash in U.S. dollars or in terms of financial arrangements comparable thereto.
9. The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.¹¹

Other Definitions of Market Value

“Market value definitions can be found in a variety of sources, including appraisal texts, real estate dictionaries, and court decisions. The Uniform Standards caution appraisers to use the exact definition of market value that applies in the jurisdiction in which the services are being performed. International standards further emphasize that appraisers should recognize the jurisdiction in which the appraisal will be used. Government and regulatory agencies redefine or reinterpret market value from time to time, so individuals performing appraisal services for these agencies or institutions under their control must be sure to use the applicable definition.”¹²

"The essence of these explanations of Market Value rely on the prerequisite factors of utility, scarcity, desire, and effective purchasing power and expresses value as a result that should prevail if the parties to the transaction are under no undue influences, motivations, or conditions not typical of the market. The interpretations are sufficiently broad to encompass most transactions. In reviewing value estimates, federal and state court decisions have resulted in examples of market value that are worded differently even though they are generally predicated on the same 'willing buyer, willing seller' concept as the definitions above."

There is a marked difference between market value and market price. "Market Value, as applied to real estate, represents an expected price that should result under specific market conditions. A price represents what a single purchaser agreed to pay and a particular seller agreed to accept under the unique circumstances surrounding their transaction." The essential difference between market price and market value, as characterized above, lies in the premise of intelligence, knowledge and willingness, all of which are contemplated in market value, but not in market price. Stated differently, at any given moment of time, Market Value connotes what a property is actually worth and market price, what it may be sold for.

As your real estate advisers we will:

1. Inspect the subject property, review applicable sales data for the underlying site, and provide an estimate of the use value of the subject.
2. Define economic conditions present in the local market at the effective date of value that have relevance to the underlying real property in the topic ownership.
3. Interview and consult with real estate brokers, agents, and individuals with expertise in the prices of similar tracts of land in the area to identify and forecast the forces that interact with ownerships competitive with the subject. Because of the utilization of use value, a directed highest and best use for the subject property is established as the existing improvements.

¹¹ Ibid., p. 24.

¹² Ibid., p. 23

4. Research the immediate market area with respect to sales of tracts of ground that have competitive identity characteristics with the subject. With an absence of arms length transfers of municipal airports having quality and features similar to the subject, the Sales Comparison Approach for the improvements will not be pursued. The Sales Comparison Approach for the topic site will be developed, and market data will be collected, verified with at least one party to the sales, relating to sales of similar sites within the market area of the subject, the Income Capitalization Approach will also not be developed.
5. Costs included in the analysis will be developed from a national service. Exponential depreciation applied to the data to arrive at an estimated cost to replace the topic buildings.
6. Undertake such additional duties as are necessary to render the value opinion.
7. Consult with you and/or your representative regarding the estimated use value of the parcel.
8. Prepare two copies of a "Summary Appraisal Report" setting out our conclusions.

To complete the assignment, we will require the following information:

- Legal description and copy of boundary survey/site plan.
- Copy of building plans, if available
- Copy of all leases encumbering the structures
- List of any capital improvements undertaken since the structures were built and the cost of the work.
- Copies of any environmental studies, land use or flood plain studies available for the tract.

Our fee for providing you with two copies of a Summary Appraisal Report will be in the range of not to exceed \$10,500.00.

Additional services may be developed, however, that will be classified as "supplementary tasks." For the additional duties, however, those undertakings that include litigation support, depositions, court testimony, meetings, negotiations and other actions which will require increased hours and responsibilities will be termed as supplementary assignments. These services will be performed on an hourly basis in accordance with the schedule below:

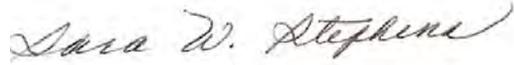
PERSONNEL:

<u>NAME</u>	<u>DUTY</u>	<u>RATE</u>
Richard A. Stephens	Principal	\$250 per hour
Sara W. Stephens	Principal	\$175 per hour

Other than the services outlined in this document, no ancillary actions will be undertaken without your express approval.

Thank you for allowing us to submit this engagement agreement to you. If the foregoing terms are acceptable, please indicate by returning one of the enclosed copies of this letter with your signature. You may retain one copy of the letter for your files. We are looking forward to working with you on this project.

RICHARD A. STEPHENS & ASSOCIATES, INC.



By: _____

Sara W. Stephens, CRE, MAI
President, Richard A. Stephens and Associates, Inc.

Accepted and Approved:

By: _____

Tab Townsell, Mayor
City of Conway



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
4550 Hwy. 64 West
Conway, AR 72033
(501) 450-6155
Fax: (501) 450-6157*

Cheryl Harrington
Director

April 25, 2011

Mayor Tab Townsell
1201 Oak Street
Conway, AR 72032

Re: 2011 4X4 Service Truck

Dear Mayor Townsell,

Bids were submitted at 10.00 am, Tuesday, April 19, 2011 at City of Conway City Hall for a 2011 4X4 Service Truck. Three bids were submitted:

Smith Ford, Inc	\$82,180.16
Crain Ford	\$84,956.00
May Avenue Ford, LLC	\$87,483.00

I recommend accepting Bid #1 from Smith Ford, Inc., Inc for \$82,180.16
This was the lowest bid and met all bid specs.

Please advise if you have questions or need additional information.

Sincerely,

Cheryl Harrington
Sanitation Director

BID SUMMARY
2011 4X4 Service Truck

Bid #1 submitted by Smith Ford, Inc.
2011 Ford 550 Reg Cab 4X4
\$82,180.16
Delivery time August 1, 2011

Bid #2 submitted by Crain Ford
2011 Ford F-450
\$84,956.00
Delivery time 90 Days ARO

Bid #2 submitted by May Avenue Ford LLC
2011 Ford F450 Reg Cab 4x4
\$87,483.00
Delivery time 9-11 weeks ARO

I recommend accepting the bid from Smith Ford, Inc. with a bid of \$82,180.16. This truck meets all specifications. Prices include tax and delivery costs.

City of Conway – Mayor's Office
 Bid Sheet
 2011-15 –4x4 Service Truck
 Bid Opening Date: Tuesday, April 19th, 2011
 City Hall - Downstairs Conference Room @ 10:00am

Total Bid Amount \$ 82,180.16 + ^{SALES TAX If Applicable} 4987.06 = \$87167.22
WITH TAX

Description of Tuck 2011 Ford F550 Reg Cab 4X4

Anticipated Delivery Date August 1st, 2011

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

Smith Ford Inc
Company Name

Roger Langley
Company Representative Name

Roger Langley
Representative's Signature

908 EAST OAK ST.
Address

Roger.Langley@SmithFord.com
Email Address

CONWAY
City

AK
State

72032
Zip

501-329-9881
Telephone Number

501-329-3384
Fax Number

4/16/2011
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.



Dennie Spencer
Commercial Sales Manager

City of Conway - Mayor's
Bid Sheet
2011-15-4x4 Service T
Bid Opening Date: Tuesday, Ap
City Hall - Downstairs Conference R

501-993-8204 Cell

501-221-3673 Store

501-542-6123 Fax

www.crainteam.com

CRAIN FORD CHENAL
15400 Chenal Parkway
Little Rock, AR 72211

Total Bid Amount 4,956.00 Truck & Body
Description of Truck 2011 FORD F-450
Anticipated Delivery Date 90 DAYS ARO

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

CRAIN FORD
Company Name

DENNIE SPENCER
Company Representative Name

[Signature]
Representative's Signature

15400 CHENAL PARK denniespencer@crainteam
Address Email Address .NET

LITTLE ROCK AR 72211
City State Zip

(501) 570-3728 (501) 542-6511
Telephone Number Fax Number

4-18-2010
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.



ROBERT W WILSON

Government Sales

Commercial Fleet Sales

rwilson@davidstanleyautogroup.com

DAVID STANLEY FORD
2800 W I-44 Service Road
Oklahoma City, OK 73112

(405) 946-3381 phone
(405) 601-3131 direct line
(405) 306-5544 cellular
(800) 773-2038 toll free

City of Conway – Mayor’s Office
Bid Sheet

2011-15 –4x4 Service Truck

Bidding Date: Tuesday, April 19th, 2011

Cityownstairs Conference Room @ 10:00am

Total Bid Amount \$87,483.00

Description of Truck 2011 Ford F450 Regular Cab 4x4 with Knapheide Service body and Auto Crane

Anticipated Delivery Date 9-11 weeks after receipt of Purchase Order Unit currently in stock

Enclosed is Window Sticker on chassis, Knapheide Crane Body Lit, and Auto Crane Lit enclosed.

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

May Avenue Ford LLC

Company Name

Robert Wilson

Company Representative Name

Representative’s Signature

2800 W I-44 Service Road

Address

rwilson@davidstanleyautogroup.com

Email Address

Oklahoma City, OK 73112

City

State

Zip

405-601-3131 Direct

Telephone Number

Cell 405-306-5544

405-601-5070 Direct

Fax Number

04/15/2011

Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.

Duns # 108548871
Tax Id # 43-1950190
Cage Code 60RE6
CCR Registered



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
4550 Hwy. 64 West
Conway, AR 72033
(501) 450-6155
Fax: (501) 450-6157*

Cheryl Harrington
Director

April 25, 2011

Mayor Tab Townsell
1201 Oak Street
Conway, AR 72032

Re: 2011-11yd Commercial Rear Load Refuse Truck

Dear Mayor Townsell,

Bids were submitted at 10.00 am, Tuesday, April 19, 2011 at City of Conway City Hall for a 2011-11yd Commercial Rear Load Refuse Truck. Four bids were submitted:

River City Hydraulics, Inc.	\$117,072.00
Diamond Int'L of Little Rock	\$117,700.00
River City Hydraulics, Inc.	\$117,795.00

I recommend accepting Bid #2 from Diamond Int'L of Little Rock for \$117,700.00.

This was the lowest bid and met all bid specs.

Please advise if you have questions or need additional information.

Sincerely,

Cheryl Harrington
Sanitation Director

BID SUMMARY
2011 11yd Commercial Rear Load Refuse Truck

Bid #1 submitted by River City Hydraulics, Inc.
1-2011 11yd Commercial Rear Load Refuse Truck
\$117,072.00
Delivery time 120-140 Days

Bid #2 submitted by Diamond Int'L
1-2011 11yd Commercial Rear Load Refuse Truck
\$117,700.00
Delivery time 45 to 60 Days

Bid #3 submitted by River City Hydraulics, Inc
1-2011 11yd Commercial Rear Load Refuse Truck
\$117,795.00
Delivery time 60-75 Days

I recommend accepting the bid from Diamond Int'L with a bid of \$117,700.00. This truck meets all specifications. Prices include tax and delivery costs. The lowest bid did not meet all specifications.

City of Conway – Mayor's Office
Bid Sheet
2011-16 – 2011 11yd Commercial Rear Load Refuse Truck
Bid Opening Date: Tuesday, April 19th, 2011
City Hall - Downstairs Conference Room @ 10:00am

Total Bid Amount \$ 117,072.00

Description of Truck Freightliner model m2-106 - Heil 4000

Anticipated Delivery Date 120 - 240 DAYS AFO

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

River City Hydraulics Inc
Company Name

Roger Williams
Company Representative Name

Roger Williams
Representative's Signature

132 Magnet Dr rchroger@sbcglobal.net
Address Email Address

Sherwood AR 72120
City State Zip

501-835-5230 501-834-1233
Telephone Number Fax Number

4-18-11
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.

2011-16

City of Conway – Mayor's Office
 Bid Sheet
 2011-16 – 2011 11yd Commercial Rear Load Refuse Truck
 Bid Opening Date: Tuesday, April 19th, 2011
 City Hall - Downstairs Conference Room @ 10:00am

Total Bid Amount \$ 117,700⁰⁰

Description of Tuck Int'l. 4300 w/ Heil 4000 - 13yd

Anticipated Delivery Date 45 to 60 days

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

Diamond Intl
Company Name

Joe Moore
Company Representative Name

Joe Moore
Representative's Signature

11401 Diamond Dr. Joe.Moore@diamondtrucks.com
Address Email Address

MO. L.R. Rte 72117 9.
City State Zip

800 844 4388 501-945-8480
Telephone Number Fax Number

4/18/11
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.

City of Conway – Mayor's Office
Bid Sheet
2011-16 – 2011 11yd Commercial Rear Load Refuse Truck
Bid Opening Date: Tuesday, April 19th, 2011
City Hall - Downstairs Conference Room @ 10:00am

Total Bid Amount \$ 117,795.00

Description of Tuck International 4300 SBA - Heil 4000

Anticipated Delivery Date 60 - 75
~~30 - 45~~ - Days ARO

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

River City Hydraulics Inc
Company Name

Roger Williams
Company Representative Name

Roger Williams
Representative's Signature

132 Magnet Dr rchröger@sbcglobal.net
Address Email Address

Sherwood AR 72120
City State Zip

501-835-5230 501-834-1233
Telephone Number Fax Number

4-18-2011
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
4550 Hwy. 64 West
Conway, AR 72033
(501) 450-6155
Fax: (501) 450-6157*

Cheryl Harrington
Director

April 25, 2011

Mayor Tab Townsell
1201 Oak Street
Conway, AR 72032

Re: 2011-25yd Commercial Rear Load Refuse Truck

Dear Mayor Townsell,

Bids were submitted at 10.00 am, Tuesday, April 19, 2011 at City of Conway City Hall for a 2011-25yd Commercial Rear Load Refuse Truck. Four bids were submitted:

River City Hydraulics, Inc.	\$114,788.00
River City Hydraulic, Inc	\$114,825.00
Diamond Int'L of Little Rock	\$115,825.00
Diamond Int'L of Little Rock	\$122,224.00

I recommend accepting Bid #2 from River City Hydraulics, Inc for \$114,825.00. This was the lowest bid and met all bid specs.

Please advise if you have questions or need additional information.

Sincerely,

Cheryl Harrington
Sanitation Director

BID SUMMARY
2011 25yd Commercial Rear Load Refuse Truck

Bid #1 submitted by River City Hydraulics, Inc.
1-2011 25yd Freightliner M2 106 w/ Heil 5000 Body
\$114,788.00
After trade-in
Delivery time 120-140 Days

Bid #2 submitted by River City Hydraulics, Inc.
1-2012 25yd International Truck 7500 SBA w/ Heil 5000 Body
\$114,825.00
After Trade-in
Delivery time 90-120 Days

Bid #3 submitted by Diamond Int'L of Little Rock
1-2012 25yd Int'L 7500 6x4 w/Heil 5000
\$115,825.00
After Trade-in
Delivery time 90-120

Bid #4 submitted by Diamond Int'L
1- 2012 25yd Int'L 7500 6x4 w/ Leach 2R111
\$122,224.00
After Trade-in
Delivery time 120-150

I recommend accepting the bid from River City Hydraulics, Inc. with a bid of \$114,825.00. This truck meets all specifications. Prices include tax and delivery costs. The Lowest bid not meet Specifications.

City of Conway – Mayor's Office
Bid Sheet
2011-16 – 2011 Commercial Rear Load Refuse Truck
Bid Opening Date: Tuesday, April 19th, 2011
City Hall - Downstairs Conference Room @ 10:00am

Bid Amount for 2011 Commercial Rear Load Refuse Truck \$ 149,788.00
 Trade Amount for 2005 Sterling VIN# 2FZHATDC95AU04662 \$ 35,000.00
 Trade Amount for 2005 Heil 5000 25yrd. Ser# FP5017143 _____
 Total Bid Amount w/ Trade In Amounts: \$ 114,788.00

Description of Truck Freightliner m2 106 - HEIL 5000
 Anticipated Delivery Date 120 - 140 DAYS ARO

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

River City Hydraulics, Inc
Company Name

Roger Williams
Company Representative Name

Roger Williams
Representative's Signature

132 Magnet Dr rchroger@skglobal.net
Address Email Address

Sherwood AR 72120
City State Zip

501-835-5230 501-834-1233
Telephone Number Fax Number

4-18-2011
Date

City of Conway – Mayor's Office
Bid Sheet
2011-16 – 2011 Commercial Rear Load Refuse Truck
Bid Opening Date: Tuesday, April 19th, 2011
City Hall - Downstairs Conference Room @ 10:00am

Bid Amount for 2011 Commercial Rear Load Refuse Truck \$ 149,825.00
 Trade Amount for 2005 Sterling VIN# 2FZHATDC95AU04662 \$ 35,000.00
 Trade Amount for 2005 Heil 5000 25yrd. Ser# FP5017143 —
 Total Bid Amount w/ Trade In Amounts: \$ 114,825.00

Description of Truck 2012 INTERNATIONAL - 7500 SBA

Anticipated Delivery Date 90 - 120 - ~~90~~ Days ARO

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

RIVER CITY HYDRAULICS INC
Company Name

Roger Williams
Company Representative Name

Roger Williams
Representative's Signature

132 Magnet Dr rchrger@sbcglobal.net
Address Email Address

Sherwood AR 72120
City State Zip

501.835.5230 501.834.1233
Telephone Number Fax Number

4-18-2011
Date

2011-17

City of Conway – Mayor's Office
 Bid Sheet
 2011-16 – 2011 Commercial Rear Load Refuse Truck
 Bid Opening Date: Tuesday, April 19th, 2011
 City Hall - Downstairs Conference Room @ 10:00am

Bid Amount for 2011 Commercial Rear Load Refuse Truck \$ 149,825⁰⁰
 Trade Amount for 2005 Sterling VIN# 2FZHATDC95AU04662 } _____
 Trade Amount for 2005 Heil 5000 25yrd. Ser# FP5017143 } 34,000⁰⁰
 Total Bid Amount w/ Trade In Amounts: \$ 115,825⁰⁰

Description of Truck 2012 Int'L 7500 6x4 w/Heil 5000

Anticipated Delivery Date 90 to 120 days

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

Diamond Int'l of L.R.
Company Name

Joe Moore
Company Representative Name

Joe Moore
Representative's Signature

11401 Diamond Dr Joe.Moore@diamondtrucks.com
Address Email Address

NO. Little Rock Ark 72117
City State Zip

800-844-4388 501 945 8490
Telephone Number Fax Number

4/18/11
Date

2011-17
w/Trade-in

City of Conway – Mayor’s Office
Bid Sheet
2011-17 – 2011 Commercial Rear Load Refuse Truck
Bid Opening Date: Tuesday, April 19th, 2011
City Hall - Downstairs Conference Room @ 10:00am

Bid Amount for 2011 Commercial Rear Load Refuse Truck 153,225⁰⁰
Trade Amount for 2005 Sterling VIN# 2FZHATDC95AU04662 }
Trade Amount for 2005 Heil 5000 25yrd. Ser# FP5017143 } 30,950⁰⁰
Total Bid Amount w/ Trade In Amounts: 122,224

Description of Tuck 2012 Int'l 7500 6x4 w/ LEACH 2R111
Anticipated Delivery Date 120 to 150 days

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

Diamond Int'l
Company Name

Joe Moore
Company Representative Name

Joe Moore
Representative's Signature

11401 Diamond DR
Address
NO. Little Rock AR 72117
City State Zip

Telephone Number Fax Number

Date



City of Conway, Arkansas
Ordinance No. O-11-_____

**AN ORDINANCE APPROPRIATING & ACCEPTING RESTITUTION FUNDS FROM THE HARTFORD
 INSURANCE TO THE CONWAY PARKS DEPARTMENT**

WHEREAS, The Conway Parks Department has received restitution funds in the amount of \$2,295 from The Hartford Insurance as a property damage settlement for the damage to the Don Owen Sports Center fence.

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

SECTION 1. The City of Conway shall accept restitution funds in the amount of \$2,295 from insurance proceeds revenue account (001.119.4360) and shall appropriate to the Conway Parks Department's grounds maintenance account (001.140.5430).

SECTION 2: All ordinances in conflict herewith are repealed to the extent to the conflict.

PASSED this 10th day of May, 2011.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-11-_____

AN ORDINANCE WAIVING THE REQUIREMENT TO OBTAIN COMPETITIVE BIDS FOR CONTRACTOR SERVICES IN CONSTRUCTION OF A WASHOUT BAY CANOPY AT THE CONWAY EXPO CENTER AND FAIRGROUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Conway Corporation is requiring a washout bay canopy to be constructed at the Conway Expo Center and Fairgrounds to prevent surface water from entering the sewer system, and

WHEREAS, Salter Construction was approved as the General Contractor for the building of the Conway Expo Center and Fairgrounds and The City of Conway Parks Department will benefit from their expertise and in depth knowledge of the site, and

WHEREAS, there is an immediate need for this project to be completed,

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

SECTION 1. The City of Conway shall waive the requirements to obtain competitive bids for the construction of the washout bay canopy at the Conway Expo Center and Fairgrounds and award the work to Salter Construction in the quoted amount of \$101,859.00.

SECTION 2: All ordinances in conflict herewith are repealed to the extent to the conflict.

SECTION 3. 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 10th day of May, 2011.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



Steve Ibbotson
Director

10 Lower Ridge Road
Conway, Arkansas 72032
(501) 450-6186 Fax (501) 450-6189
www.conwayparks.com

May 10, 2011

Mayor Tab Townsell and Conway City Council
1201 Oak Street
Conway AR 72032

Re: Consideration to approve the construction of a washout bay canopy at Conway Expo Center and Fairgrounds

Mayor:

The Conway Parks Department would like to get approval from the city council for a washout bay canopy in the amount of \$101,859 to be constructed at the Conway Expo Center and Fairgrounds. *(Please see attached cost proposal and scope of work outline for details).*

This washout bay canopy is needed to prevent surface water from entering the sewer system.

We are requesting that this project be funded by the Parks Department Special Revenue A&P Account (252-000-5800). Money was previously budgeted in 2011 in this account as undesignated contingency.

If you have any questions on any of the items please feel free to contact me.

Sincerely,

Steve Ibbotson
Parks Director

SDI: rfc

S.C.I.

General Contractor

April 20, 2011

Mr. Steve Ibbotson
City of Conway
Parks and Recreation
#10 Lower Ridge Road
Conway, AR 72032

Re: Conway Expo Center and Fairgrounds
Washout Bay Canopy

Dear Steve,

Below, please find out cost proposal and scope of work outline for the Washout Bay Canopy.

Cost Estimate	\$ 97,009.00
Contractor's Fee (5%)	<u>\$ 4,850.00</u>
Total Cost	\$101,859.00

Scope of Work:

Supervision
Layout
Structural Footings, Reinforcing Steel and Anchor Bolts
6" Structural Columns and Base Plates
W8x21 Steel Beams
W12x26 Steel Beams
31/2x3 Steel
24" U-Dek Roofing (24 ga.)
8" Zee's
Rake/Soffit Struts and Transitions
Purlin Clips
Relocation of Existing Gutter
Steel Fabrication and Erection
Metal Priming and Painting

Should you have any questions, please feel free to give me a call.

Sincerely

Michael Todd
Project Manager

201 Lee Andrew Lane (72034) • P.O. Box 1778 • Conway, Arkansas 72033
www.salterconst.com

Office: 501.327.2807 Fax: 501.327.2855

Salter Construction, Inc.



Steve Ibbotson
Director

10 Lower Ridge Road
Conway, Arkansas 72032
(501) 450-6186 Fax (501) 450-6189
www.conwayparks.com

May 10, 2011

Mayor Tab Townsell and Conway City Council
1201 Oak Street
Conway AR 72032

Re: Consideration to approve additional parking at Conway Station Park

Mayor:

The Conway Parks Department would like to get approval from the city council for additional parking at Conway Station Park.

Ronnie Hall received an estimated cost of placing gravel on the grass at the northeast corner of Conway Station Park (480'x180') as follows:

Crushed Stone hauled to site by Webco at annual bid price-	2,000 ton @ \$11.40 / ton = \$22,800
Spread and compact crushed stone by F.P.Bivens Construction-	2,000 ton @ \$ 5.00 / ton = \$10,000

The total estimated cost of this project is \$32,800.

Ronnie had another quote of \$6.50 / ton for spreading and compacting the crushed stone from Millsap Construction.

We are requesting that this project be funded by the Parks Department Special Revenue A&P Account (252-000-5800). Money was previously budgeted in 2011 in this account as undesignated contingency.

If you have any questions on any of the items please feel free to contact me.

Sincerely,

Steve Ibbotson
Parks Director

SDI: rfc



Memo

To: Mayor Tab Townsell
CC: Conway City Council
From: James Burnside, Beaverfork Lake Caretaker
Date: May 05, 2011
Re: Unauthorized Work Done at 62 Southshore

The Conway Parks Department would like to get a recommendation from the City Council concerning work that was done at 62 Southshore.

Mr. Kyzer has built a retaining wall type cove along the shoreline without proper approval. *(Please see attached pictures).*

If you have any questions please feel free to contact me.

Sincerely,

James Burnside
Beaverfork Lake Caretaker



















