

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



City Council Members

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 –
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

Tuesday, October 26th, 2021, City Council Agenda

Conway Municipal Building - City Council Chambers - 1111 Main Street, Conway, AR 72032

<u>5:30pm Committee:</u>	No Committee Meeting
<u>6:00pm:</u>	City Council Meeting
<u>Call to Order:</u>	Bart Castleberry, Mayor
<u>Roll Call:</u>	Michael O. Garrett, Clerk/Treasurer
<u>Minutes Approval:</u>	October 12 th , 2021
<u>Monthly Financial Report Approval:</u>	Month ending September 30 th , 2021

- A. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development,)
1. Ordinance accepting & deeding a donation for highway purposes to the Arkansas State Highway Commission for the Transportation Department.
 2. Ordinance amending restrictions on the use of motorized vehicles on bicycle lanes and pedestrian pathways.
 3. Ordinance to approve the rezoning of property located at 1320 E German Lane from R-1 to MF-1.
 4. Ordinance to approve the rezoning of +/- 48.525 acres located at 5690 & 5700 Tyler Street from A-1 to R-1.
 5. Consideration to approve a conditional use permit to allow auto-related sales or service establishment in the C-MU zoning district of the Markham Street Neighborhood Specific Plan for property located at 1601 Markham Street and 1056 Spencer Street.
 6. Consideration to approve the impact fee credit agreement and improvements made to Conrad Court Subdivision for the Planning Department.

Adjournment



City of Conway, Arkansas
Monthly Financial Reports
September 30, 2021

City of Conway
 Monthly Financial Report - General Fund
 For the month ended September 30, 2021



Revenues	Budget	Month	Year to Date	Encumbered	(Over)/Under	%
		Activity			Budget	Expend/Collect
Ad Valorem Tax	4,000,000	93,853	2,104,229		1,895,771	53%
Payments in Lieu of Tax	15,000	158,227	161,490		(146,490)	1077%
State Tax Turnback	930,000	60,137	787,821		142,179	85%
Insurance Tax Turnback - LOPFI	1,300,000	236,643	807,364		492,636	62%
Sales Tax	20,500,000	2,187,163	18,415,189		2,084,811	90%
Beverage Tax	325,000	-	228,031		96,969	70%
Franchise Fees	3,427,200	23,613	2,419,551		1,007,649	71%
Office Space Leases	59,400	5,617	50,550		8,850	85%
Permits	458,500	44,767	537,036		(78,536)	117%
Public Safety	2,341,274	64,520	1,417,204		924,070	61%
Parks	633,250	44,226	554,626		78,624	88%
Insurance Proceeds	171,113	877	206,057		(34,944)	120%
Interest Income	123,000	95	126,169		(3,169)	103%
Proceeds from Sale of Assets	8,218	84	25,953		(17,735)	316%
Donations	19,500	150	10,391		9,109	53%
Miscellaneous Revenues	101,000	10,850	100,861		139	100%
Transfers from Other Funds	770,000	-	121,750		648,250	16%
Total Revenues	35,182,454	2,930,822	28,074,272	-	7,108,182	80%
Expenditures						
Admin (Mayor, HR)	1,271,795	81,086	663,525	72,548	535,722	52%
Finance	448,445	37,282	362,310	131	86,004	81%
City Clerk/Treasurer	149,813	11,284	105,140	-	44,674	70%
City Council	82,148	6,370	51,791	-	30,357	63%
Planning	1,085,961	83,538	736,170	2,135	347,656	68%
Physical Plant	761,534	56,358	518,071	14,260	229,204	68%
Information Technology	1,279,978	64,386	886,812	28,110	365,056	69%
Nondepartmental	1,179,013	20,862	915,103	5,109	258,800	78%
Police	13,435,102	940,793	8,869,038	191,726	4,374,338	66%
CEOC	1,424,261	103,654	919,754	5,973	498,534	65%
Animal Welfare	489,698	31,855	318,462	15,868	155,368	65%
Municipal District Court	915,987	66,893	672,531	175	243,281	73%
City Attorney	508,995	33,971	319,612	372	189,010	63%
Fire	11,304,657	760,494	8,095,022	132,470	3,077,165	72%
Parks	2,968,522	250,858	2,098,048	63,284	807,190	71%
Total Expenditures	37,305,908	2,549,684	25,531,390	532,161	11,242,358	68%
Net Revenue/(Expense)	(2,123,454)		2,542,882			

*All figures are unaudited

Notes:

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

City of Conway
General Fund
2021



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-21-12	1/12/21	Purchase property adjacent to Fire Station 7	150,000
O-21-13	1/21/21	Employee bonuses	583,000
O-21-31	3/9/21	Restructure job titles and salaries at CEOC	125,000
O-21-36	3/23/21	Add Safety and Training Manager to Admin dept	54,000
O-21-37	3/23/21	Purchase various capital items not included in original budget	81,000
O-21-38	3/23/21	Partnership with Conway Public School - Bus cameras	23,250
O-21-76	6/22/21	Employee pay adjustments from Salary Study Committee	57,000
O-21-78	6/22/21	Police department pay adjustments	195,000
O-21-95	9/14/21	Fire department overtime	105,000
O-21-96	9/14/21	Police department overtime, fuel, Operation Shop Secure	200,000
			<u>\$ 1,573,250</u>

City of Conway
 Balance Sheet - General Fund
 As of September 30, 2021



Cash - Operating	10,019,748
Cash - Reserve	1,251,327
Petty Cash	715
Taxes Receivable	4,046,802
Accounts Receivable	4,633,430
Due from Street	32,845
Due from Component Unit	219,902
Due from Municipal Court	58,583
Fuel Inventory	(683)
General Inventory	585
<i>Assets</i>	<u>20,263,257</u>
Accounts Payable	(50,903)
Salaries Payable	4,323
Insurance and Benefits Payable	(133,008)
Event Deposits	3,150
Held for Others - Crimestopper Reward	5,000
Held for Others - Performance Bonds	5,195
Deferred Revenue	4,122,332
Unearned Revenue - City Hall Lease	1,000,000
<i>Liabilities</i>	<u>4,956,090</u>
<i>Fund Balance</i>	<u>15,307,168</u>
<i>Total Liabilities & Fund Balance</i>	<u>20,263,257</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Street Fund
 For the month ended September 30, 2021



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Ad Valorem Tax	1,400,000	34,342	774,751		625,249	55%
Payments in Lieu of Tax	6,000	-	-		6,000	0%
State Tax Turnback	2,700,000	230,320	2,078,173		621,827	77%
State Tax Turnback - Other	1,440,000	139,737	1,218,965		221,035	85%
Severance Tax	-	12,108	87,775		(87,775)	-
State Tax Turnback - Wholesale	360,000	33,875	288,041		71,959	80%
Sales Tax	280,000	30,646	258,030		21,970	92%
Sign Permits	-	480	900		(900)	-
Engineering Fees	15,000	4,525	16,300		(1,300)	109%
Interest Income	72,000	-	55,211		16,789	77%
Proceeds from Sale of Assets	48,055	7,500	55,555		(7,500)	116%
Miscellaneous Revenues	-	-	2,592		(2,592)	-
Total Revenues	6,321,055	493,533	4,836,294	-	1,484,761	77%
Expenditures						
Personnel Costs	3,161,073	187,031	1,809,000	-	1,352,073	57%
Other Operating Costs	<u>3,704,913</u>	<u>675,126</u>	<u>2,094,985</u>	<u>208,114</u>	<u>1,401,814</u>	<u>57%</u>
Total Operating Costs	6,865,986	862,157	3,903,985	208,114	2,753,887	57%
Capital Outlay	<u>852,486</u>	<u>-</u>	<u>241,995</u>	<u>306,919</u>	<u>303,571</u>	<u>28%</u>
Total Expenditures	7,718,472	862,157	4,145,981	515,033	3,057,458	54%
Net Revenue/(Expense)	(1,397,417)		690,313			

*All figures are unaudited

Notes:

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

City of Conway
Street Fund
2021



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-21-13	1/21/21	Employee bonuses	51,000

City of Conway
Balance Sheet - Street Fund
As of September 30, 2021



Cash - Operating	6,482,355
Taxes Receivable	56,703
Accounts Receivable	2,004,762
<i>Assets</i>	<u>8,543,820</u>
Accounts Payable	(1,981)
Insurance and Benefits Payable	(2,622)
Due to General	32,845
Deferred Revenue	1,517,818
<i>Liabilities</i>	<u>1,546,060</u>
<i>Fund Balance</i>	6,997,760
<i>Total Liabilities & Fund Balance</i>	<u>8,543,820</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Sanitation
 For the month ended September 30, 2021



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Sanitation Fees	9,000,000	(71,235)	6,227,803		2,772,197	69%
Proceeds - Recycled Materials	350,000	62,865	545,463		(195,463)	156%
Landfill Fees - General	200,000	21,322	191,308		8,692	96%
Insurance Proceeds	-	-	13,802		(13,802)	-
Interest Income	200,000	-	145,666		54,334	73%
Proceeds from Sale of Assets	33,858	-	47,013		(13,155)	139%
Miscellaneous Revenues	-	-	525		(525)	-
Total Revenues	9,783,858	12,952	7,171,580	-	2,612,278	73%
Expenditures						
Personnel Costs	5,487,301	370,515	3,705,051	630	1,781,620	68%
Other Operating Costs	<u>3,253,927</u>	<u>177,884</u>	<u>1,725,541</u>	<u>148,976</u>	<u>1,379,410</u>	<u>53%</u>
Total Operating Costs	8,741,228	548,399	5,430,592	149,606	3,161,030	62%
Capital Outlay	<u>1,242,562</u>	<u>-</u>	<u>9,504</u>	<u>823,100</u>	<u>409,958</u>	<u>1%</u>
Total Expenditures	9,983,789	548,399	5,440,095	972,706	3,570,988	54%
Net Revenue/(Expense)	(199,932)		<u>1,731,484</u>			

*All figures are unaudited

Notes:

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

City of Conway
Sanitation Fund
2021



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-21-13	1/21/21	Employee bonuses	104,000

City of Conway
 Balance Sheet - Sanitation
 As of September 30, 2021



Cash - Operating	12,085,918
Petty Cash	200
Post Closure Cash Account	6,106,252
Accounts Receivable	13,968
Due from Component Unit	878,787
General Inventory	2,122
Land & Buildings	2,194,464
Infrastructure	828,939
Machinery, Equipment & Vehicles	3,440,747
Deferred Outflows of Resources	2,194,273
Deferred Outflows of Resources-OPEB	285,019
<i>Assets</i>	<u>28,030,687</u>
Accounts Payable	5,210
Insurance and Benefits Payable	(7,417)
Compensated Absences	248,057
Net Pension Obligation	13,981,351
Deferred Inflows of Resources	1,198,395
Deferred Inflows of Resources-OPEB	126,025
Net OPEB Liability	1,006,173
Landfill Close/Post Close	8,362,165
<i>Liabilities</i>	<u>24,919,959</u>
<i>Net Position</i>	<u>3,110,728</u>
<i>Total Liabilities and Net Position</i>	<u>28,030,687</u>

*All figures are unaudited

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

City of Conway
 Monthly Financial Report - Airport
 For the month ended September 30, 2021



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
Revenues						
Sales Tax	15,000	2,107	13,844		1,156	92%
Airport Fuel Sales	700,000	74,782	638,678		61,322	91%
T-Hangar Rent	162,000	3,800	79,426		82,574	49%
Community Hangar Rent	33,600	2,800	23,800		9,800	71%
Ground Leases	125,000	17,315	98,666		26,335	79%
Misc Revenue - Non air	3,700	300	3,043		657	82%
Federal Grant Revenues	23,000	-	21,191		1,809	92%
Loan Proceeds	600,000	-	-		600,000	0%
Miscellaneous Revenues	15,000	1,659	16,314		(1,314)	109%
Total Revenues	1,677,300	102,763	894,962	-	782,338	53%
Expenditures						
Personnel Costs	327,116	24,131	232,194	-	94,922	71%
Fuel for Resale	600,000	54,073	433,650	-	166,350	72%
Other Operating Costs	156,440	10,052	107,590	14,722	34,128	69%
Total Operating Costs	1,083,556	88,256	773,434	14,722	295,400	71%
Capital Outlay	750,000	-	-	-	750,000	0%
Total Expenditures	1,833,556	88,256	773,434	14,722	1,045,400	42%
Net Revenue/(Expense)	(156,256)		121,529			

*All figures are unaudited

Notes:

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

City of Conway
Airport Fund
2021



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-21-13	1/21/21	Employee bonuses	7,000
O-21-58	5/25/21	Funds to supplement grant for new T-hangar	150,000
			<u>\$ 157,000</u>

City of Conway
 Balance Sheet - Airport
 As of September 30, 2021



Cash - Operating	508,701
Taxes Receivable	2,389
Accounts Receivable - Fuel Vendor	15,451
Fuel Inventory	63,405
Land	1,254,473
Buildings	3,688,493
Machinery & Equipment	399,379
Vehicles	1,828
Infrastructure	23,912,309
Deferred Outflows of Resources-OPEB	11,666
<i>Assets</i>	<u>29,858,094</u>
Compensated Absences	5,127
Deferred Inflows of Resources	41,185
Deferred Inflows of Resources-OPEB	5,159
<i>Liabilities</i>	<u>51,471</u>
<i>Net Position</i>	<u>29,806,623</u>
<i>Total Liabilities & Net Position</i>	<u>29,858,094</u>

*All figures are unaudited

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

City of Conway
Monthly Financial Report - Major Project Funds
As of September 30, 2021



Parks and Rec A&P Tax

Balance, 8/31/21	2,347,076
Receipts	357,480
Payments	(523,567)
Balance, 9/30/21	\$ 2,180,989

Pay as you go Sales Tax

Balance, 8/31/21	5,790,323
Receipts	562,869
Payments	(151,201)
Balance, 9/30/21	\$ 6,201,991

Street Impact Fees

Balance, 8/31/21	1,519,569
Receipts	35,595
Payments	(3,117)
Balance, 9/30/21	\$ 1,552,047

Parks Impact Fees

Balance, 8/31/21	931,186
Receipts	15,234
Payments	(1,318)
Balance, 9/30/21	\$ 945,102

Street Sales Tax

Balance, 8/31/21	11,453,595
Receipts	616,461
Payments	(515,445)
Balance, 9/30/21	\$ 11,554,611



City of Conway, Arkansas
Ordinance No. O-21-

AN ORDINANCE ACCEPTING REAL ESTATE DONATION FOR HIGHWAY PURPOSES AND DEEDING REAL ESTATE TO THE ARKANSAS STATE HIGHWAY COMMISSION; AND FOR OTHER PURPOSES

WHEREAS, First Security Bank has donated a parcel of land to the City of Conway in fee simple for part of the Hwy 64 {Oak St} Traffic Operations Improvements; and

WHEREAS, The parcel that was donated by First Security Bank is located at 1110 E. Oak St., Conway, AR 72032; and

WHEREAS, The legal description for the donated parcel is as follows:

PART OF LOT 1-A CEN-ARK PARK REPLAT OF LOT 1, AS SHOWN IN PLAT BOOK J, PAGE 46 RECORDS OF FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3/4" REBAR FOR THE SE CORNER OF SAID LOT 1-A, SAID POINT BEING ON THE NORTH RIGHT OF WAY OF ARKANSAS STATE HIGHWAY NO. 64; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 AND NORTH LINE OF SAID HIGHWAY RIGHT OF WAY THE FOLLOWING CALLS; S87°33'08"W A DISTANCE OF 71.11'; THENCE N88°24'56"W A DISTANCE OF 79.07' TO THE POINT OF BEGINNING; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 39 .27', WITH A RADIUS OF 25.00', WITH A CHORD BEARING OF N43°24'56"W, WITH A CHORD LENGTH OF 35.36' TO A POINT BEING ON THE EAST RIGHT OF WAY OF BOB COURTWAY DRIVE; THENCE LEAVING SAID EAST RIGHT OF WAY S43°24'56"E A DISTANCE OF 35.36' TO THE POINT OF BEGINNING, CONTAINING 178.37 SQUARE FEET {0.0041 ACRES}, MORE OR LESS.

WHEREAS, The City of Conway wishes to convey an exclusive right of way and easement to the Arkansas State Highway Commission for traffic control equipment and other purposes as part of the Oak Street Traffic Operations Improvements Project.

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

Section 1. The City of Conway shall accept the donation for the parcel of land located at 1110 E. Oak St., Conway, AR 72032

Section 2. The City of Conway hereby conveys and warrants to the Arkansas State Highway Commission an exclusive right of way and easement for traffic control equipment and other purposes as part of the Highway 64 {Oak St} Traffic Operations Improvements Project.

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

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 26th day of October 2021.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Ordinance No. O-21-

AN ORDINANCE AMENDING EXISTING RESTRICTIONS ON THE USE OF MOTORIZED VEHICLES ON CITY BICYCLE LANES AND PEDESTRIAN PATHWAYS; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; REPEALING OTHER ORDINANCES IN CONFLICT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway has established designated bicycle lanes and pedestrian pathways for the use and enjoyment of its citizens, Ordinance 0-98-95; and

WHEREAS, these pathways should be free of motorized vehicles subject to the exceptions set out herein; and

WHEREAS, it has become necessary to amend the current restrictions to increase the safety of bicyclists and pedestrians, and to clarify to operators of motorized vehicles the restrictions and exceptions.

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

Section 1. The current restrictions, set forth in Chapter 8.56 – Bicycle and Pedestrian Pathways, is amended as follows:

8.56.01 - Definitions.

Bicycle means a human-powered vehicle with two (2) or more wheels in tandem, designed to transport by the act of pedaling one (1) or more persons seated on one (1) or more saddle seats on its frame.

Bicycle Lane means part of a roadway designated by official signs or markings for exclusive use by persons riding bicycles, electric bicycles, or electric motorized scooters.

Motor Vehicle means every vehicle which is self-propelled, including, but not limited to, "all-terrain vehicles" (ATVs), "four wheelers", golf carts, cars and trucks, whether propelled by electricity, solar, gas or diesel engines or motors. Electric bicycles and Electric Motorized Scooters, as defined by the Arkansas Electric Bicycle Act and the Arkansas Electric Motorized Scooter Act, are not motor vehicles for purposes of this Chapter.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three (3) wheels in contact with the ground.

Pedestrian Pathway means a path separate from a roadway designated by official signs or markings for exclusive use by pedestrians, which are defined as persons afoot.

Shared Use Path means a path separate from a roadway designated by official signs or markings for exclusive use by bicyclists, electric bicycles, electric motorized scooters, and pedestrians.

Vehicle means every device in, upon or by which any person or property is, or may be, transported or drawn upon a street or highway. The term vehicle does not mean bicycles, electric bicycles, or electric motorized scooters.

8.56.02 - Operation.

Except as permitted by Section 8.56.03, it shall be unlawful for any person to operate, park, or leave standing any vehicle, motor vehicle or motorcycle upon property designated as a City Bicycle Lane, Pedestrian Pathway, or Shared Use Path. Electric bicycles and electric motorized scooters, as defined by Arkansas law, are exempt from this prohibition to the extent permitted by the Arkansas Electric Bicycle Act and the Arkansas Electric Motorized Scooter Act; however, no electric bicycle or electric motorized scooter shall be operated on a Pedestrian Pathway or Shared Use Path at a speed greater than fifteen (15) miles per hour.

8.56.03 - Exceptions.

A. Person(s) utilizing a wheelchair due to a physical handicap, whether motorized or not.

B. Any emergency vehicle and personnel while acting within the scope of their duties.

C. Any vehicle owned, leased or maintained by the City of Conway, and duly authorized personnel, while acting within the scope of their duties.

D. Any vehicle owned ~~owner~~, leased or maintained by any utility corporation, and duly authorized personnel, while acting within the scope of their duties.

E. A person operating a vehicle, motor vehicle, or motorcycle, may enter a Bicycle Lane, Pedestrian Pathway, or Shared Use Path, to enter or exit the roadway, enter or leave a parking space, or prepare for a turn, but only after yielding the right of way to all bicyclists or pedestrians lawfully within the lane, pathway, or path.

8.56.04 - Fine.

Any person, firm and/or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) for each offense.

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

PASSED this 26th day of October 2021.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-21-**

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 1320 E GERMAN LANE FROM R-1 TO MF-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 **R-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Being a part of the NW ¼ SW ¼ of Section 4, T5N, R13W, Faulkner County, Arkansas being more particularly described as follows:
Commencing at the NW corner of said NW ¼ SW ¼; thence along the west line of said NW ¼ SW ¼, S 01°21'39" W a distance of 933.30 feet to the point of beginning; thence leaving said west line, S 88°38'21" E a distance of 420.00 feet; thence S 01°21'39" W a distance of 103.70 feet; thence N 88°38'21" W a distance of 420 feet to the west line of said NW ¼ SW ¼; thence along said west line N 01°21'39" E a distance of 103.70 feet to the point of beginning, containing 1.0 acres more or less.

to those of **MF-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 26th day October 2021.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Brandon Ruhl, 2021 Planning Commission Chairman
Date: October 26, 2021

Re: Request to rezone from R-1 to MF-1 ± 1.00 acre located at 1320 E German Lane

Terry Burruss, has requested to rezone from R-1 to MF-1 ± 1.00 acre located at 1320 E German Lane, with the legal description:

Being a part of the NW ¼ SW ¼ of Section 4, T5N, R13W, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the NW corner of said NW ¼ SW ¼; thence along the west line of said NW ¼ SW ¼, S 01°21'39" W a distance of 933.30 feet to the point of beginning; thence leaving said west line, S 88°38'21" E a distance of 420.00 feet; thence S 01°21'39" W a distance of 103.70 feet; thence N 88°38'21" W a distance of 420 feet to the west line of said NW ¼ SW ¼; thence along said west line N 01°21'39" E a distance of 103.70 feet to the point of beginning, containing 1.0 acres more or less.

The applicant is seeking to rezone the property from R-1 to MF-1 for the purpose of low-density residential development. Moderate density residential development of the property would serve as an appropriate transition between the multi-family uses to the south and east and the single-family residential uses to the north.

The Planning Commission reviewed the request at its regular meeting on October 18, 2021 and voted 9-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

Zoning Map:
REZ-0921-0109

WOODSIDE DR

R-1

R-1




R-1

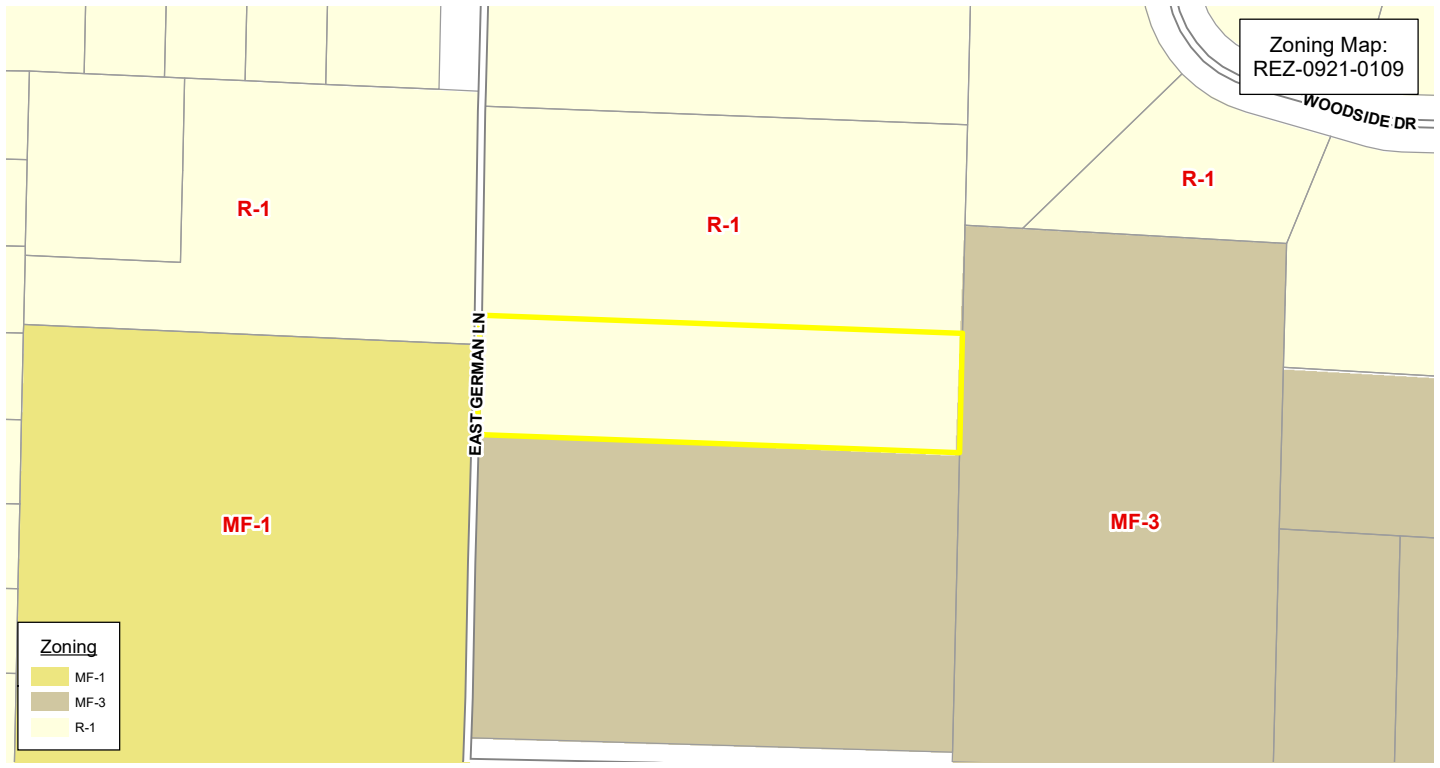
EAST GERMAN LN

MF-1

MF-3

Zoning

	MF-1
	MF-3
	R-1





City of Conway, Arkansas
Ordinance No. O-21-

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 5690 & 5700 W TYLER STREET FROM A-1 TO R-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 **A-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

A PART OF THE NE1/4 NE1/4 AND PART OF THE SE1/4 NE1/4, ALL IN SECTION 6, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND CHAIR LEG FOR THE NE CORNER OF SAID SE1/4 NE1/4, SAID POINT BEING THE SE CORNER OF THE RESERVE AT CENTENNIAL SUBDIVISION PH 2, SHOWN IN PLAT BOOK L, PAGE 135, RECORDS OF FAULKNER COUNTY, ARKANSAS; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION S88°41'28"E A DISTANCE OF 30.00' TO A SET 1/2" REBAR W/CAP (1363); THENCE LEAVING SAID SOUTH LINE, PARALLEL TO THE EAST LINE OF SAID SE1/4 NE1/4 S01°58'18"W A DISTANCE OF 777.89' TO A SET 1/2" REBAR BEING ON THE NORTH LINE OF CENTENNIAL WEST SUBDIVISION AS SHOWN IN PLAT BOOK J, PAGE 213, RECORDS OF FAULKNER COUNTY, ARKANSAS; THENCE LEAVING SAID PARALLEL LINE AND ALONG THE NORTH LINE OF SAID CENTENNIAL WEST SUBDIVISION N81°42'30"W A DISTANCE OF 30.26' TO A FOUND TIM TYLER CAP FOR THE NW CORNER OF SAID CENTENNIAL WEST SUBDIVISION, SAID POINT BEING ON THE EAST LINE OF SAID SE1/4 NE1/4; THENCE LEAVING SAID EAST LINE N88°30'50"W A DISTANCE OF 98.90' TO A FOUND TIM TYLER CAP; THENCE S01°54'36"W A DISTANCE OF 232.97' TO A SET 1/2" REBAR W/CAP (1363); THENCE N88°12'06"W A DISTANCE OF 321.63' TO A SET 1/2" REBAR W/CAP (1363); THENCE S01°57'57"W A DISTANCE OF 311.26' TO A SET MAG NAIL BEING ON THE SOUTH LINE OF SAID SE1/4 NE1/4; THENCE ALONG SAID SOUTH LINE N88°12'46"W A DISTANCE OF 466.33' TO A SET MAG NAIL; THENCE LEAVING SAID SOUTH LINE N01°47'14"E A DISTANCE OF 40.00' TO A SET 1/2" REBAR W/CAP (1363); THENCE N88°12'46"W A DISTANCE OF 106.55' TO A SET 1/2" REBAR W/CAP (1363); THENCE N02°01'03"E A DISTANCE OF 441.37' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°12'06"E A DISTANCE OF 106.33' TO A SET 1/2" REBAR W/CAP (1363); THENCE N02°15'47"E A DISTANCE OF 50.00' TO SET 1/2" REBAR W/CAP (1363); THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 43.88', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF N46°54'29"E, WITH A CHORD LENGTH OF 39.52' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°26'49"E A DISTANCE OF 50.00' TO SET 1/2" REBAR W/CAP (1363); THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 44.09', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF S43°05'31"E, WITH A CHORD LENGTH OF 39.67' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°12'06"E A DISTANCE OF 106.33' TO A SET 1/2" REBAR W/CAP (1363); THENCE N02°01'03"E A DISTANCE OF 1164.75' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°25'36"E A DISTANCE OF 673.21' TO A SET 1/2" REBAR W/CAP (1363) BEING ON THE EAST LINE OF SAID NE1/4 NE1/4, SAID POINT BEING ON THE WEST LINE OF SAID THE RESERVE AT CENTENNIAL SUBDIVISION PH 2; THENCE ALONG SAID EAST LINE AND SAID WEST SUBDIVISION LINE S01°58'56"W A DISTANCE OF 379.67' TO THE POINT OF BEGINNING, CONTAINING 26.97 ACRES MORE OR LESS.

and

A PART OF THE E1/2 NE1/4, SECTION 6, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 3.5' ALUMINUM MONUMENT FOR THE SE CORNER OF SAID E1/2 NE1/4; THENCE ALONG THE SOUTH LINE OF SAID E1/2 NE1/4 N88°12'46"W A DISTANCE OF 886.63' TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE N88°12'46"W A DISTANCE OF 436.51' TO THE SW CORNER OF SAID E1/2 NE1/4; THENCE ALONG THE WEST LINE OF SAID E1/2 NE1/4 N01°58'51"E A DISTANCE OF 1693.63'; THENCE LEAVING SAID WEST LINE S88°25'36"E A DISTANCE OF 649.78'; THENCE S02°01'03"W A DISTANCE OF 1164.75'; THENCE N88°12'06"W A DISTANCE OF 106.33'; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 44.09', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF N43°05'31"W, WITH A CHORD LENGTH OF 39.67'; THENCE N88°26'49"W A DISTANCE OF 50.00'; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 43.88', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF S46°54'29"W, WITH A CHORD LENGTH OF 39.52'; THENCE S02°15'47"W A DISTANCE OF 50.00'; THENCE N88°12'06"W A DISTANCE OF 106.33'; THENCE S02°01'03"W A DISTANCE OF 441.37'; THENCE S88°12'46"E A DISTANCE OF 106.55'; THENCE S01°47'14"W A DISTANCE OF 40.00' TO THE POINT OF BEGINNING, CONTAINING 21.55 ACRES MORE OR LESS.

to those of **R-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 26th day October 2021.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Brandon Ruhl, 2021 Planning Commission Chairman
Date: October 26, 2021

Re: Request to rezone from A-1 to R-1 ± 48.52 acres located at 5690 & 5700 W Tyler Street
Central Arkansas Professional Surveying, has requested to rezone from A-1 to R-1 ± 48.52 acres located at 5690 & 5700 W Tyler Street, with the legal description:

A PART OF THE NE1/4 NE1/4 AND PART OF THE SE1/4 NE1/4, ALL IN SECTION 6, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND CHAIR LEG FOR THE NE CORNER OF SAID SE1/4 NE1/4, SAID POINT BEING THE SE CORNER OF THE RESERVE AT CENTENNIAL SUBDIVISION PH 2, SHOWN IN PLAT BOOK L, PAGE 135, RECORDS OF FAULKNER COUNTY, ARKANSAS; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION S88°41'28"E A DISTANCE OF 30.00' TO A SET 1/2" REBAR W/CAP (1363); THENCE LEAVING SAID SOUTH LINE, PARALLEL TO THE EAST LINE OF SAID SE1/4 NE1/4 S01°58'18"W A DISTANCE OF 777.89' TO A SET 1/2" REBAR BEING ON THE NORTH LINE OF CENTENNIAL WEST SUBDIVISION AS SHOWN IN PLAT BOOK J, PAGE 213, RECORDS OF FAULKNER COUNTY, ARKANSAS; THENCE LEAVING SAID PARALLEL LINE AND ALONG THE NORTH LINE OF SAID CENTENNIAL WEST SUBDIVISION N81°42'30"W A DISTANCE OF 30.26' TO A FOUND TIM TYLER CAP FOR THE NW CORNER OF SAID CENTENNIAL WEST SUBDIVISION, SAID POINT BEING ON THE EAST LINE OF SAID SE1/4 NE1/4; THENCE LEAVING SAID EAST LINE N88°30'50"W A DISTANCE OF 98.90' TO A FOUND TIM TYLER CAP; THENCE S01°54'36"W A DISTANCE OF 232.97' TO A SET 1/2" REBAR W/CAP (1363); THENCE N88°12'06"W A DISTANCE OF 321.63' TO A SET 1/2" REBAR W/CAP (1363); THENCE S01°57'57"W A DISTANCE OF 311.26' TO A SET MAG NAIL BEING ON THE SOUTH LINE OF SAID SE1/4 NE1/4; THENCE ALONG SAID SOUTH LINE N88°12'46"W A DISTANCE OF 466.33' TO A SET MAG NAIL; THENCE LEAVING SAID SOUTH LINE N01°47'14"E A DISTANCE OF 40.00' TO A SET 1/2" REBAR W/CAP (1363); THENCE N88°12'46"W A DISTANCE OF 106.55' TO A SET 1/2" REBAR W/CAP (1363); THENCE N02°01'03"E A DISTANCE OF 441.37' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°12'06"E A DISTANCE OF 106.33' TO A SET 1/2" REBAR W/CAP (1363); THENCE N02°15'47"E A DISTANCE OF 50.00' TO SET 1/2" REBAR W/CAP (1363); THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 43.88', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF N46°54'29"E, WITH A CHORD LENGTH OF 39.52' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°26'49"E A DISTANCE OF 50.00' TO SET 1/2" REBAR W/CAP (1363); THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 44.09', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF S43°05'31"E, WITH A CHORD LENGTH OF 39.67' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°12'06"E A DISTANCE OF 106.33' TO A SET 1/2" REBAR W/CAP (1363); THENCE N02°01'03"E A DISTANCE OF 1164.75' TO A SET 1/2" REBAR W/CAP (1363); THENCE S88°25'36"E A DISTANCE OF 673.21' TO A SET 1/2" REBAR W/CAP (1363) BEING ON THE EAST LINE OF SAID NE1/4 NE1/4, SAID POINT BEING ON THE WEST LINE OF SAID THE RESERVE AT CENTENNIAL SUBDIVISION PH 2; THENCE ALONG SAID EAST LINE AND SAID WEST

SUBDIVISION LINE S01°58'56"W A DISTANCE OF 379.67' TO THE POINT OF BEGINNING, CONTAINING 26.97 ACRES MORE OR LESS.

and

A PART OF THE E1/2 NE1/4, SECTION 6, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

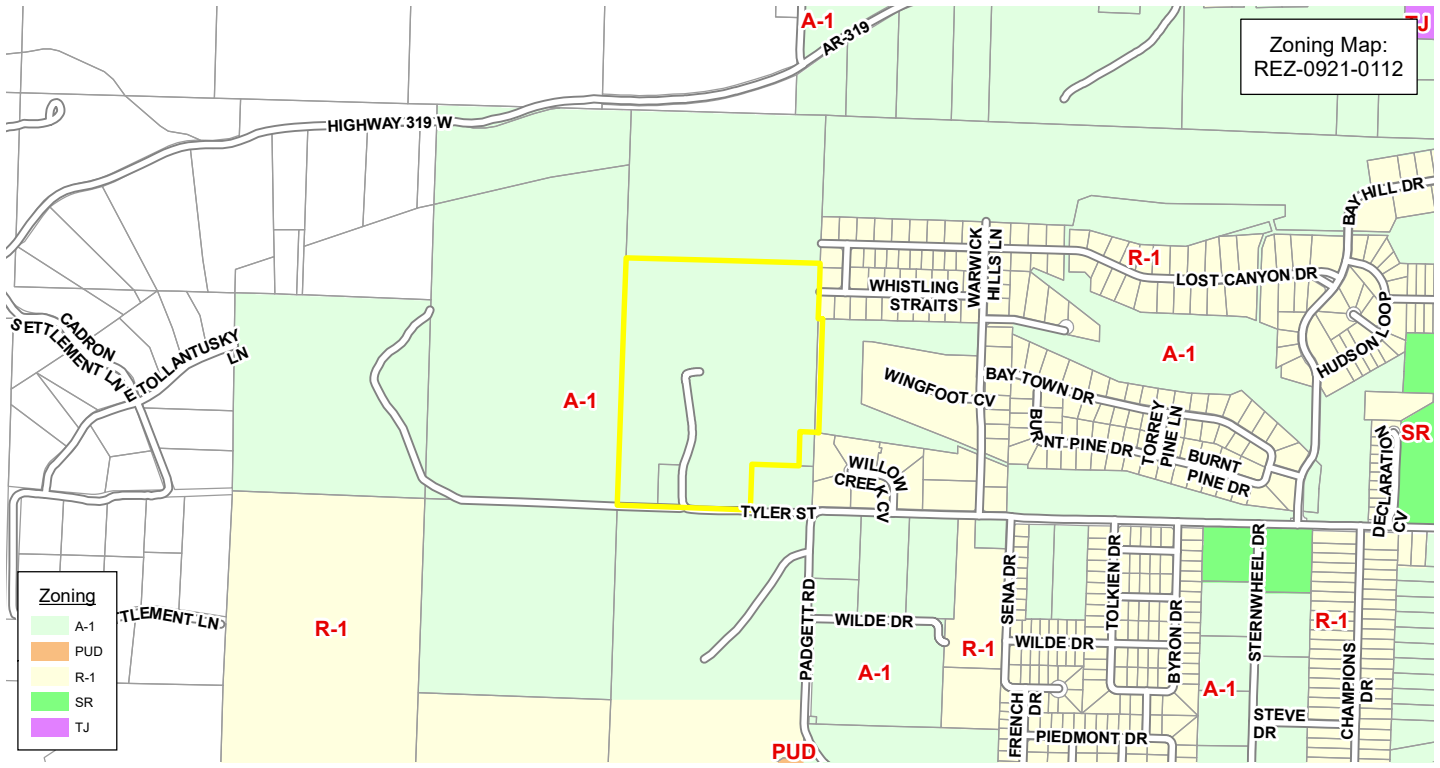
COMMENCING AT A FOUND 3.5' ALUMINUM MONUMENT FOR THE SE CORNER OF SAID E1/2 NE1/4; THENCE ALONG THE SOUTH LINE OF SAID E1/2 NE1/4 N88°12'46"W A DISTANCE OF 886.63' TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE N88°12'46"W A DISTANCE OF 436.51' TO THE SW CORNER OF SAID E1/2 NE1/4; THENCE ALONG THE WEST LINE OF SAID E1/2 NE1/4 N01°58'51"E A DISTANCE OF 1693.63'; THENCE LEAVING SAID WEST LINE S88°25'36"E A DISTANCE OF 649.78'; THENCE S02°01'03"W A DISTANCE OF 1164.75'; THENCE N88°12'06"W A DISTANCE OF 106.33'; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 44.09', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF N43°05'31"W, WITH A CHORD LENGTH OF 39.67'; THENCE N88°26'49"W A DISTANCE OF 50.00'; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 43.88', WITH A RADIUS OF 28.00', WITH A CHORD BEARING OF S46°54'29"W, WITH A CHORD LENGTH OF 39.52'; THENCE S02°15'47"W A DISTANCE OF 50.00'; THENCE N88°12'06"W A DISTANCE OF 106.33'; THENCE S02°01'03"W A DISTANCE OF 441.37'; THENCE S88°12'46"E A DISTANCE OF 106.55'; THENCE S01°47'14"W A DISTANCE OF 40.00' TO THE POINT OF BEGINNING, CONTAINING 21.55 ACRES MORE OR LESS.






The applicant is seeking to rezone the property from A-1 to R-1 for the purpose of developing single-family residential development. The rezoning would not likely result in harm to adjacent property as the surrounding area is predominantly single-family residential and rural/undeveloped.

The Planning Commission reviewed the request at its regular meeting on October 18, 2021 and 9-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

Zoning Map:
REZ-0921-0112



Zoning	
	A-1
	PUD
	R-1
	SR
	TJ

A-1
AR-319

HIGHWAY 319 W

CADRON SETTLEMENT LN
TOLLANTUSKY LN

A-1

WHISTLING STRAITS

WINGFOOT CV

TYLER ST

WILLOW CREEK CV

WARWICK HILLS LN

R-1

LOST CANYON DR

BAY HILL DR

HUDSON LOOP

A-1

BAY TOWN DR

BURNT PINE DR
TORREY PINE LN

BURNT PINE DR

DECLARATION CV SR

R-1

PADGETT RD

WILDE DR

A-1

R-1

SENA DR

WILDE DR

TOLKIEN DR

A-1

BYRON DR

STEVE DR

R-1

CHAMPIONS DR

PUD

FRENCH DR
PIEDMONT DR

STERNWHEEL DR



1111 MAIN STREET • CONWAY, AR 72032
 (501) 450-6105 • planningcommission@conwayarkansas.gov

MEMO

To: Mayor Bart Castleberry
 cc: City Council Members

From: Arthur Ingram, 2021 Planning Commission Vice-Chairman
 Date: October 26, 2021

Re: Conditional Use request to allow auto-related sales or services establishment in the C-MU zoning district of the Markham Street Neighborhood Specific Plan for property located at 1061 Markham Street and 1056 Spencer Street

Brandon Ruhl, has requested a conditional use permit to allow an auto-related sales or services establishment in the C-MU zoning district of the Markham Street Neighborhood Specific Plan for property located at 1061 Markham Street and 1056 Spencer Street, with the legal description:

LOT 4 BRUCE ADDITION TO THE CITY OF CONWAY, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK A, PAGE 46, RECORDS OF FAULKNER COUNTY, ARKANSAS. LESS AND EXCEPT: PART OF LOT 4, BRUCE ADDITION TO THE CITY OF CONWAY, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK A, PAGE 46, RECORDS OF FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT A POINT 128.00 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 4; THENCE RUN NORTH 0 DEGREES 35 MINUTES EAST PARALLEL WITH THE WEST LINE OF SAID LOT 4, 100.00 FEET TO THE NORTH LINE OF SAID LOT 4; THENCE EAST ALONG SAID NORTH LINE 125.6 FEET TO THE WEST RIGHT OF WAY OF MARKHAM STREET; THENCE SOUTH 1 DEGREE 43 MINUTES 48 SECONDS WEST ALONG SAID WEST RIGHT OF WAY 100.03 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE WEST 123.60 FEET TO THE POINT OF BEGINNING.

The applicant is proposing to renovate the existing structures for the purpose of establishing an automotive accessory sales and installation business.

Staff recommends approval of the conditional use permit with the following 8 conditions:

- 1) Vehicle sales of any kind are prohibited. This includes, but is not limited to, automobiles, trucks, motorcycles, and all-terrain vehicles.
- 2) Sales shall be limited to OEM and after-market parts and may include on-site installation.
- 3) Storage, staging, and outdoor display of vehicles within parking or loading areas along Smith St and Spencer St shall be prohibited.
- 4) No tires, merchandise, or parts for sale shall be displayed outside.
- 5) All repair or installation work shall be conducted indoors.
- 6) Any equipment stored outside shall be screened from view from a public street or right-of-way.
- 7) Car shows and similar special events shall be prohibited.
- 8) Hours of operation shall be limited to 7 AM to 7 PM, Monday through Saturday. Outside of these hours operation of the site shall be closed to the public, but staff may operate inside with all exterior accesses closed to limit the trespass of noise.

The Planning Commission reviewed the request at its regular meeting on October 18, 2021 and voted 8-0-1 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

Zoning Map:
CUP-0821-0098

SGS

CMU

SPENCER ST

MARKHAM ST

GARLAND ST

CMU

CMU

SMITH ST

CMU

CMU

Zoning

- CMU
- SGS



MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: James Walden, AICP – Planning Director
Date: October 19, 2021


Re: Impact fee agreement and improvements made to Conrad Court Subdivision

The impact fee credit agreement for Rivendale Cove Subdivision was brought to the City Council for a first reading at the October 12th council meeting. The item is currently on the agenda for final approval of the impact fee credit agreement.

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

The applicant constructed Blake Lane as part of the subdivision improvements. These improvements were built to collector standards. The street work on Blake Lane is a major roadway system improvement. Based on the submitted documentation the developer is requesting a credit totaling \$83,182.00.

Please advise if you have any questions.



James P. Walden, AICP
Planning Director

IMPACT FEE CREDIT AGREEMENT

THIS IMPACT FEE CREDIT AGREEMENT, (hereinafter referred to as this “Agreement”) is entered into between New Home Estates, an Arkansas corporation (hereinafter referred to as “New Home Estates”), and the City of Conway, Arkansas (hereinafter referred to as the “City”) to be effective as of _____, 2021 (the “Effective Date”).

WHEREAS,

A. New Home Estates is the developer of Rivendale Cove P.U.D. Subdivision, an addition to the City, which is created pursuant to the Plat recorded on 08-10-2020 at 11:38:22 am in the real estate records of Faulkner County, Arkansas, as Plat P202000045 (along with future phases, if any, hereinafter referred to as the Neighborhood”).

B. New Home Estates created and developed as part of the Neighborhood a new road and “collector” level street designated as Blake Lane of Rivendale Cove P.U.D. Subdivision (the “Road”), which will connect to another section of Blake Lane, run through the Neighborhood, and intersect with Bill Lucy Dr. across from Raymond and Phyllis Simon Middle School (hereinafter referred to as the “Road”) at approximately 1630 Bill Lucy Dr. The Road will include asphalt, curb, and gutter.

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

D. Pursuant to Section 12(K) of the Ordinance, developers of Major Roadway System Improvements (as defined by the Ordinance) are entitled to credits (hereinafter referred to as the “Credit”) for costs incurred in the construction of new roads against road impact fees otherwise payable under the Ordinance (“Road Impact Fees”).

E. The City and New Home Estates desire to enter into this Agreement to evidence their determination that the Road is a Major Roadway System Improvement, that the development within the Neighborhood is entitled to the Credit and the amount of the Credit.

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

1. The Road is a Major Roadway System Improvement (as defined by the Ordinance), qualifying the Neighborhood and New Home Estates for the Credit.

2. The City hereby acknowledged that New Home Estates is eligible for a Credit in the amount of \$83,182. The amount of the Credit is determined pursuant to Section 12(K)(2) of the Ordinance based on the cost of construction and development of the Road.

3. The City hereby acknowledges that New Home Estates is eligible for a Credit in the amount of \$83,182 (the “Awarded Credit”), otherwise applicable to Impact-Generating Development (as defined by the Ordinance) within the Neighborhood, in addition to current and

future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15. New Home Estates shall have the exclusive right to use the designated amount of the Awarded Credit, provided that New Home Estates may in its sole discretion assign the right to use the designated amount of the Awarded Credit to offset the Road Impact Fee applicable to a project developed by the assignee within the Neighborhood, current and future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15. Any such assignment shall be in writing signed by New Home Estates or its successors and assigns and delivered to the City Planning Department or other department serving as administrator of Road Impact Fees. The Awarded Credit shall also be available to New Home Estates and its designated successors and assigns to offset Road Impact Fees applicable to Impact-Generating Development in any and all future phases of the Neighborhood, in addition to current and future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15.

4. New Home Estates will not be reimbursed for any excess Credit beyond the Road Impact Fees that would otherwise be due from New Home Estates or its assigns from Impact Generating Development in the Neighborhood and any and all current and future phases of King's Ridge Estates Phases I, II, III, which are currently platted and approved under Twin Rivendale Phase I, and all property annexed by the City pursuant to O-21-15.

[Signature Page Follows]

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

New Home Estates,

By: _____
Tim Files, Operating Manager

City of Conway, Arkansas

By: _____
Bart Castleberry, Mayor

ATTEST:

By: _____
City Clerk/Treasurer

THIS INSTRUMENT PREPARED BY:

Debby L. Ferguson
Ark. Bar No. 2001146
Gill Ragon Owen
425 W. Capitol Ave., Ste. 3800
Little Rock, Arkansas 72201
(501) 376-3800