

# BENTON CITY COUNCIL MEETING

NOVEMBER 23, 2015

7:00 PM



AGENDA MEETING - 6:30 PM



BENTON MUNICIPAL COMPLEX  
114 SOUTH EAST STREET  
COUNCIL CHAMBERS

**DAVID MATTINGLY, MAYOR**

**REGULAR SESSION**  
**November 23, 2015**  
**7:00 PM**  
**AGENDA**

- |              |   |   |
|--------------|---|---|
| <b>I.</b>    | <b>Call to Order</b>  | <b>Mayor Mattingly</b>                            |
| <b>II.</b>   | <b>Invocation</b>   |   |
| <b>III.</b>  | <b>Pledge of Allegiance</b>   | <b>Alderman Lee</b>                               |
| <b>IV.</b>   | <b>Roll Call</b>  | <b>City Clerk</b>                                 |
| <b>V.</b>    | <b>Approval of Minutes</b>  | <b>November 9, 2015</b><br><i>Public Hearing</i>  |
| <b>VI.</b>   | <b>Approval of Minutes</b>  | <b>November 9, 2015</b><br><i>Regular Meeting</i> |
| <b>VII.</b>  | <b>Youth of the Month</b><br><i>November 2015, Cason Maertens</i>   | <b>MYAC</b>                                       |
| <b>VIII.</b> | <b>Employee of the Month</b><br><i>October 2015, Officer Justin Dorsey</i>  | <b>Alderman Donnor</b>                            |
| <b>IX.</b>   | <b>RESOLUTION NO. 62 OF 2015</b><br><i>A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID FOR A SCBA CASCADE COMPRESSOR FOR THE FIRE DEPARTMENT; AND FOR OTHER PURPOSES</i>                             | <b>Mayor Mattingly</b>                            |
| <b>X.</b>    | <b>COMMITTEE REPORTS &amp; MOTIONS</b>  |   |
|              | <b>1. Finance Committee</b>   | <b>Alderman Ponder</b>                            |
|              | <b>2. Community Services/Animal Control</b>   | <b>Alderwoman Reed</b>                            |
|              | <b>A.) ORDINANCE NO. 59 OF 2015</b><br><i>AN ORDINANCE PROVIDING FOR A CONDITIONAL USE FOR RETAIL COMMERCIAL SERVICES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES</i>                              |   |
|              | <b>B.) ORDINANCE NO. 60 OF 2015</b><br><i>AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON, SALINE COUNTY, ARKANSAS, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i>                       |   |
|              | <b>3. Streets &amp; Drainage Committee</b>  | <b>Alderman Cunningham</b>                        |
|              | <b>4. Personnel/Health &amp; Safety Committee</b>   | <b>Alderman Donnor</b>                            |
|              | <b>5. Parks Committee</b>   | <b>Alderman Lee</b>                               |
|              | <b>A.) ORDINANCE NO. 61 OF 2015</b><br><i>AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING AND RATIFYING THE MAKING OF CONTRACTS WITH UCI, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES</i> |   |

**B.) RESOLUTION NO. 63 OF 2015**

*A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SOPA INC.; APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES*

**6. Public Utilities Commission Alderman Herzfeld**

**A.) RESOLUTION NO. 64 OF 2015**

*A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT OF PHIL MILLER AS COMMISSIONER TO THE PUBLIC UTILITIES COMMISSION; AND FOR OTHER PURPOSES*

**7. A & P Commission Alderman Donnor/Ponder**

**XI. Unfinished Business**

**XII. New Business**

**XIII. Old Business**

**XIV. Announcements**

**XV. Adjourn**

**Public Hearing Minutes  
City of Benton  
November 9, 2015  
Benton Municipal Complex**

**The Mayor called the public hearing to order at 6:50 p.m. The purpose of the hearing was to give citizens an opportunity to speak concerning Ordinance 58 of 2015 – An Ordinance Vacating and Closing Valley Road in the City of Benton, Declaring an Emergency; and For Other Purposes. The Mayor asked if there was anyone who wanted to speak for or against the vacating of Valley Road. No one came forward to speak for or against.**

**The Mayor closed the public hearing at 6:52 p.m.**

**\_\_\_\_\_  
Cindy Stracener, City Clerk**

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David Mattingly, Mayor**

**MINUTES OF THE BENTON CITY COUNCIL**  
**Regular Session**  
**November 9, 2015**  
**Benton Municipal Complex**

**The Benton City Council was called to order for a regular session at 7:00 p.m.**

**The Mayor gave the invocation.**

**Alderman Herzfeld led the pledge of allegiance.**

**Roll was called.**

**The following persons were in attendance:**

<b>Alderman Frank Baptist</b>	<b>Alderman Kerry Murphy</b>
<b>Alderman Charles Cunningham</b>	<b>Alderman Evelyn Reed</b>
<b>Alderman Jerry Ponder</b>	<b>Alderman James Herzfeld</b>
<b>Alderman Steve Lee</b>	<b>Alderman Lori Terrell</b>
<b>Brent Houston, City Attorney</b>	<b>Cindy Stracener, City Clerk</b>
<b>David Mattingly, Mayor</b>	

**When roll was called eight (8) council members were present. A quorum was declared. Alderman Donnor and Alderman Hart were absent.**

**The Mayor requested approval for the October 26, 2015 city council meeting minutes. Alderman Lee made a motion to approve the minutes. Seconded by Alderman Cunningham. The Mayor called for a voice vote on the approval of the minutes. All aldermen replied in the affirmative. The minutes for the October 26, 2015 council meeting were approved with 8 affirmative and 2 absent votes.**

**The Mayor read a proclamation declaring the month of November as “National Health Care Month” in the city of Benton. See attached.**

**Terry McKinney was recognized for 10 years of service with the city.**

**Alderman Reed made a motion to adopt Resolution 59 of 2015 – Extending the Cable Television Franchise Agreement and Pole Attachment Agreement with CoBridge Broadband, LLC dba Fidelity Communications Until December 31, 2020; and For Other Purposes. Seconded by Alderman Cunningham. The resolution was read by the city clerk. The Mayor asked for any comments. Mr. Houston stated that this agreement simply extends the current agreement with Fidelity for an additional 5 years under the terms and conditions that presently exist. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 59 of 2015 was adopted with 8 affirmative and 2 absent votes.**

**The next item on the agenda was committee reports and motions. Alderman Ponder was recognized for the Finance Committee report. Alderman Ponder asked for the second reading of Ordinance 55 of 2015 – An Ordinance Adopting the City of Benton Accounting Policies and Procedures; and For Other Purposes. Seconded by Alderman Terrell. The**

ordinance was read by title only. Alderman Ponder made a motion to suspend the rules. Seconded by Alderman Reed. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend the rules was approved with 8 affirmative and 2 absent votes. Alderman Ponder made a motion to adopt Ordinance 55 of 2015 on its third reading. Seconded by Alderman Herzfeld. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 55 of 2015 was adopted with 8 affirmative votes and 2 absent.

Alderman Reed was recognized for a report from the Community Service/Animal Control Committee. Alderman Reed asked for the first reading of Ordinance 58 of 2015 – An Ordinance Vacating and Closing Valley Road in the City of Benton, Declaring an Emergency; and For Other Purposes. Seconded by Alderman Cunningham. The ordinance was read by the city clerk. A public hearing was held prior to the council meeting and no one spoke for or against the vacating and closing of Valley Road. The Mayor asked for any comments. None. Alderman Reed made a motion to suspend the rules for the second and third readings of Ordinance 58 of 2015. Seconded by Alderman Herzfeld. The Mayor asked that the roll be called on the motion to suspend. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Motion to suspend was approved with 8 affirmative and 2 absent votes. Alderman Reed made a motion to adopt Ordinance 58 of 2015 on its second and third readings. Seconded by Alderman Lee. The ordinance was read by title only. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Ordinance 58 of 2015 was adopted with 8 affirmative and 2 absent votes. Alderman Reed made a motion to approve the emergency clause. Seconded by Alderman Cunningham. The Mayor asked that the roll be called for the emergency clause. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. The emergency clause was approved with 8 affirmative and 2 absent votes.

Alderman Reed made a motion to adopt Resolution 60 of 2015 – A Resolution Ratifying and Confirming the Reappointment of Kevin Malone as Commissioner to the Benton Historic District Commission; and For Other Purposes. Seconded by Alderman Ponder. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 60 of 2015 was approved with 8 affirmative and 2 absent votes.

Alderman Reed made a motion to adopt Resolution 61 of 2015 – A Resolution Ratifying and Confirming the Reappointment of Shelly Reed as Commissioner to the Benton Historic

District Commission; and For Other Purposes. Seconded by Alderman Baptist. The resolution was read by the city clerk. The Mayor asked for any comments. None. The Mayor asked that the roll be called. Roll called resulted in Alderman Baptist yes, Alderman Murphy yes, Alderman Cunningham yes, Alderman Reed yes, Alderman Donnor absent, Alderman Ponder yes, Alderman Hart absent, Alderman Herzfeld yes, Alderman Lee yes, and Alderman Terrell yes. Resolution 61 of 2015 was approved with 8 affirmative and 2 absent votes.

Alderman Cunningham was recognized for the Streets and Drainage Committee report. He stated that the committee will meet tomorrow.

There was not a report from Personnel/Health & Safety Committee.

Alderman Lee was recognized for the Parks Committee report. He stated that he had nothing to report. The committee will meet on November 17, 2015.

Alderman Herzfeld was recognized for a report from the Public Utility Commission. He stated that the commission met last Monday. He gave his report. See attached.

Alderman Ponder was recognized for the Advertising and Promotion Commission report. He stated that he had nothing to report.

There was not any unfinished, new or old business.

The Mayor stated that Glitz and Garland is this weekend with Ladies Night Out being Thursday evening. The city of Benton has again received the Volunteer Community of the Year distinction. A press conference will be held November 19, 2015 at 11:00 am at the Benton Event Center. City Hall will be closed on Veterans Day and November 26 and 27 for the Thanksgiving holiday. The 2016 budget should be given to aldermen by December 1<sup>st</sup> with a Finance Committee meeting tentatively set for December 8<sup>th</sup> for budget purposes. The council will only meet once in December on December 21, 2015.

The meeting adjourned at 7:27 p.m.

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Cindy Stracener, City Clerk

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David Mattingly, Mayor

~ PROCLAMATION ~

Whereas, home care services provide high quality and compassionate health care services to those in need, especially at times of community or personal health care crisis; and

Whereas, home care is the most preferred method of health care delivery among disabled, elderly, and chronically ill individuals eager to live independently in their own homes as long as they possibly can; and

Whereas, home care services allows families to stay together, and provide for greater health, dignity and comfort in our communities; and

Whereas, home care in the United States is a growing alternative to hospitalization or other institution-based forms of health care for acute and chronic illnesses, providing care to millions of Americans each year; and

Whereas, thousands of everyday heroes such as home care nurses, therapists and aides work tirelessly to provide professional health and palliative care and support to millions of Americans in need of quality health services; and

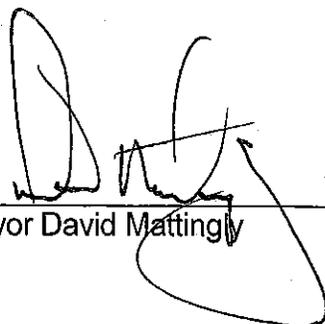
Whereas, these dedicated home care professionals and volunteers form a support network that continues to play a vital role in health care delivery for our nation's disabled, infirm and aging population; and

Whereas, Elite Home Health, the National Association for Home Care & Hospice, and thousands of home care agencies across the United States have declared the month of November 2015 as National Home Care Month and are calling on all Americans to observe these occasions with appropriate ceremonies and activities.

Now, therefore, I, David Mattingly, acting under my authority as Mayor of the City of Benton, do hereby proclaim November 2015 as NATIONAL HOME CARE MONTH in the City of Benton, Arkansas, and encourage the support and participation of all citizens in learning more about the home care and hospice concepts of care for the elderly, disabled, and infirm.

IN WITNESS HEREOF, I have hereunto set my hand and caused the Seal of the City of Benton, Arkansas, to be affixed at City Hall this 9th day of November in the year of our Lord, two thousand and fifteen.



  
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Mayor David Mattingly

## Public Utility Commission Meeting Summary of the November 2, 2015 Meeting

1.)

Presentation by Cindy Hawkins on the September financials. Mrs. Hawkins said she revised August financials. She said some of them had notice that in August they did not have all of the information on the new bond issue, so they did a "best guess". She was finally able to get all of that last month and get it corrected. To note the things that have changed, and she believes the Commissioners have a copy, on page 2 from August; the difference is that we actually ended up \$12,954 better off revenues over expenses than what they show, so she said she would entertain a motion to approve the corrected financials for August. A motion was made and seconded to approve the corrected August financials. A vote was taken and unanimous approval given. Moving on to September financials, you will see that September was not as quite as good as August but they were still \$526,076 revenues over expenses. For the year you see \$1,969,492. That is not to say that the next 2 months are going to be great months because typically, in November and December we do go into the red again. A motion was made and seconded to accept the financials as presented. A vote was taken and unanimous approval given. Mrs. Hawkins then went through the 2016 budget and explained the way that she had broken it down. She said in the very front you will see a budget summary for 2016. The top is expenses and the bottom portion is revenue. This just the initial budget. It is not finalized. The next page is a breakdown of how she came up with the revenues. It is broken down by classification the way it is in everyone's budget. The next 26 pages is the line item for each department. After that is the tabs for all of the different departments with justification sheets for them in case you have any questions as to why the departments are asking for each amount of money for each line item. They are in the same order as the summary sheet. A decision was made to have a work session on Monday, November 9<sup>th</sup> at 4:00 p.m. to work on the 2016 budget.

2.)

Discussion and possible approval to purchase two (2) reclosures for the North Benton Substation to accommodate the double circuit being built to serve the growth in North Benton area and GBT project. The cost is \$29,448. Mr. Jeff Barnett, Electric Department Manager explained it's not because of or in lieu of the GBT project; they need to build a double circuit at the North Benton Substation. The transformer itself has more available capacity than one circuit so we need to build a double circuit out there in order to accommodate growth and the GBT project. In order to do that we need protective devices on those circuits which would require two reclosures for each of those circuits. A motion was made and seconded to purchase these reclosures. A vote was taken with unanimous approval given.

3.)

Discussion and possible approval to pay FECC, approximately \$30,000 to upgrade a single phase line to three phase and supply us a metering point at the location of our substation property. This will enable us to divide the Hurricane Lake load between two different feeds. This will assure us the ability to carry the load during next summer's heat days. Mr. Barnett explained that back in August he spoke with Mr. John James who is the Vice President with AECl First Electric about getting a metering point, which is basically the same thing we have at the entrance into Hurricane Lake from Entergy. This would be the same installation provided by First Electric but Entergy doesn't have any power at that location. This would be located at Severn's Landing at the site of the future substation. We are going to build a circuit from Severn's Landing into the subdivision this winter sometime. The metering point will be placed at the site of the substation and that is where we will get power to serve the better most part of Hurricane Lake. A motion was made and seconded to pay FECC approximately \$30,000 to upgrade from single phase to

three phase on the north side as Mr. Burnett has described. A vote was taken with unanimous approval given.

4.)

Possible approval of successful bidder for forklift for Water Treatment Department. Ms. Mollie Wright explained this was her first bid she ever opened and sent out. Mr. Steve DiCicco, Water Purification Manager approached her regarding an internal combustion lift truck. There were 5 requesting bid packets with 4 being returned. The cheapest and the one we recommend is a Clark Forklift. It comes from National Lift of Arkansas in the amount of \$21,492.50. After discussion a motion was made and seconded to purchase the forklift a Clark Forklift from National Lift of Arkansas. A vote was taken an unanimous approval given.

5.)

Discussion on driveway issue with Mrs. Carolyn Courtney. Responding to a claim that we caused driveway cracking. Mrs. Courtney had contacted them about a problem with the concrete that had failed that was put in her driveway 3 years ago. The reason it came to the Commissioners is that it is setting precedence and Mr. McKinney would like the Commissioners vote on it. Mr. DiCicco said that Mrs. Courtney called him about her driveway. It is an unusual situation because it has been 3 years and he did not feel good about making a decision. Apparently, 11 years ago the first section had been broke up and repaired by the Water Department, and then 3 years ago the section behind it was broken out. He went over and took a bunch of pictures to try to show everything. He told Mrs. Courtney that the best thing to do is bring it here and let ya'll see the pictures to decide. He said you can see the driveway and the patch there from the air facing Janet Street. Her house is on Karen Street. He took a picture from the road and it kind of showed a crack there in the middle. He got a little closer and the crack is running up and down the drive. He got off to one side and took another picture. That is the 11 year old repair that we did out by the road. Another picture was taken from the garage out to the road. The crack does carry over into the older part of the concrete. The soil in that area is similar to Commissioner Martin's soil that is a lot of clay and does a lot of shifting when it is dry. Let left side of the driveway has dropped about 1/2 inch over the right hand side in that section. He did notice that the cracks in the older section, even though they were hairline cracks, they remained even and did not settle. He showed the right side looking down Janet Street at the original repair. He showed where the new section met the 11 year old section. He showed what the crack looked like from the top in the newer section. It didn't carry over on that side but it did carry over into the older section by the house- the original section which was 1976. He stepped it off and it is about 14X14 that is 196 a square foot. It would take about 2 1/2 yards to concrete and pour a section 4" thick. He is trying to give them a ballpark idea of what we are looking at to make a decision. It is about \$100 a yard which may be a little bit high right now. It will cost about \$250. He thinks they have some reinforcement wire if it is needed. It doesn't cost much if we don't have it. It is an easy pour that he could finish if he has to and if you decide to do this and save money. Member Ferrell asked if there is wire in there now or and Mr. DiCicco said there is nothing in that. He feels like it may be in the original part and the repaired part because of the way it didn't settle. Member Best said that dropping 1/2 inch makes him think that. After more presentations by both Mr. DiCicco, Mr. Hood and Mrs. Cortney a motion was made and seconded to repair Mrs. Courtney's concrete with reinforcement of rebar and or fiberglass. A vote was taken with all members voting yes with the exception of Member Ferrell.

6.)

Discussion and possible approval of change order No. 5 on the Alcoa Road Project. Mr. Byron Hicks of McClelland Engineers explained this was a change order and there were a couple of things that are taking place that made this change order necessary. Near the intersection at Boone Road and Alcoa Road, we were originally going to bore under Alcoa Road to the pump station at the CITGO to get rid of

that pump station. During construction he thinks they realized there were a lot of grade conflicts in trying to bore where we had shown to bore. It just so happens at the same time, there was a property owner nearby about 250 feet north that wanted a sewer connection and commercial meter. What we ended up doing was moving the bore about 250 feet to get away from the conflicts, set a manhole there for that property to tie into and then run 250' of sewer back up to the Citgo to catch that pump station. That is what this change order is about is adding that sewer and a commercial water meter to that property for a total of \$17,962. Chairman Ferrell asked if that was the Burton's and Mr. Hawkins said it was Landers development. Mr. McKinney said they will be paying us a proportional share because it was extended over there. The State has told us that they approved it to be in the contract but not to pay. That is the reason we are bringing it to you gentlemen to pay for that, because it is not a part of the project. Chairman Martin asked how much the change order was and Mr. Hicks said it was a combination of additions and deducts, but it is a net increase of \$17,962.20. Member Ferrell asked if it will still be prorated so it will probably be 2/3 of that and Mr. McKinney said he didn't personally think it would be more than 2/3. Mr. Hawkins said it will be a swap out of moving the line crossing the north which was part of the project all along. That crossing will just be moved to the north by 200 feet and to get back to the station we will have to run a new line up the west side of Alcoa to the CITGO lift station. That is where the extra expense comes in there. A motion was made and seconded to approve the change as explained. A vote was taken and unanimous approval given.

7.)

Discussion on current issues with the 750 Kw generator at the Wastewater Treatment Plant. Mr. Jonathan Buff, Wastewater Manager said he gave them a handout and it was a Kohler generator that they have at the south end of the plant. This generator handles about less than 1/3 of the plant we have now because of the expansion. Before they put a smaller generator down at the head works to handle some of the lift stations. That took a lot of the load off of this. The engine is a Detroit diesel, a 2 cycle, 16 valve with a total of 634 hours on it which is not many hours really. The generator was actually installed back in 1995 when the first oxidation ditch came on. We started looking at this because the electric department is trying to get rid of the ariel transformers that were mounted on the ground and they are putting pad mount transformers in. We checked our loading on the plant when they were looking at that and they are actually downsizing that transformer on the south end of the plant next to this generator from about a 750 to about 500Kw on a transformer pad. That tells you right there that the generator is probably a lot larger than what is needed with our plant loading. He also looked at the loading and usage of power with Mr. Barnett. Their highest usage was 335 Kw for the last 12 months or so. We are pretty light load with what they have coming in the plant. Cummins came out this year and started running into some problems with the load bank testing on the generator. It is only carrying about a 60% load under the load testing. Once it reached about 60 then 65 and 70% we started getting a pre alarm high temp and if it gets much past that the engine will shut down. We have gone in and found out the radiator was clogged up pretty bad and they tried flushing it out and cleaning it real good but ended up having to have the radiator re-cored. Southwest did that work. We have replaced the perm cast in the unit and fan belts. There was some talk that maybe some of the exhaust leak that they had was going into the radiator and making it overheat. They made a full circle like clamp that they put on there to stop the exhaust from going into the radiator that has helped. The cooling system has been tested and they have checked temperature at the lower and upper part of the engine. They are getting a 20% degree difference between it. They are saying they don't think that it is a water pump and that we are moving water. The recommendation from Cummins was that the reliability and dependability could become questionable. They said the generator maybe being oversized for the load that we have in the

plant right now which could cause a condition they call "wet stacking" where the generator is not able to burn enough fuel and some of the soot building up over time can either stop the exhaust up or eventually build up some carbon inside there that is not getting burned off. He got a couple of proposals for the replacement costs. A 500 Kw generator should be a sufficient size for the loading that we've got and would be around \$70,000. The 2 quotes he got were under that. If we were to do this it would go through the bid process. He is going to take do more diagnostics on the current generator and will let them know in December what he has found.

8.)

Update on negotiations with FECC on new franchise agreement with City of Benton. Mr. McKinney said they will be meeting Wednesday at 9:00 with John Joyce who is the Senior Vice President of First Electric. He will be here Wednesday morning with a group of people to talk to us about the 4 areas that we plan to take and also meeting on the metering point too. That is at 9:00 if you can make it. We will be working on that. We have also sent the letter to First Electric indicating our intent to take those areas. We have to give them notice, and we notified them that we plan to take it within the next 6 months. Also, he and Chairman Martin met with the Mayor last week and the Mayor had a concern over losing the franchise money and Mr. Dave Wilson has been hired to be the lead attorney on this. Mr. Brent Houston, City Attorney sent Mr. Wilson an email on Friday informing him that Dave Wilson will be the contact person for us. He is in the process of putting together an agreement that they will continue to collect the franchise fee as long as productive negotiations continue. We need both sides to sign that. Mr. Houston, Mr. Wilson and himself will be meeting on that tomorrow and hopefully we can get that worked out tomorrow and get it sent to First Electric. Things are progressing. Right now the way the agreement is set is that we have told them that as the City grows and we annex territories in the areas that First Electric calls their territory. Me. Wilson has made it very clear to them that the state statute says the city has the right to do that and we will do it if we feel it is right thing to do. What we are working on now is what has already been done that we are training on. We have 3 years by statute to do that and that is why we have to do this now. We have told them there are 4 areas, one being the golf course where Lindsey is building 792 units, also on Highway 5 down to Alcoa Road, of course 114 across the interstate and the full annexation of the GBT property. There is not very many customers in that area at this time. We are not trying to take customers from First Electric, but as the City grows and annexes, we put the sewer and water in and that leaves electric and we have a right to do that. What we have been talking about now is that every time the city does and annexation that affects that area, we would sit down and talk about it and say yes, that is better for you or maybe better for us. We will try to work something out like that. It is going pretty good right now and hopefully will work something out pretty quick. If he has it right, Selig is the attorney for First Electric and he seems pretty open to negotiations and they had to put their deal out that said they wanted to keep everything. We had to go back and tell them what we were going to take and now we are coming back to where we are getting realistic. It looks like we may be able to come to a reasonable negotiation on this. Chairman Martin said it looks encouraging at this point in time. Mr. McKinney said we don't have anything in writing but we are working on it.

Meeting adjourned at 7:35 p.m.

RESOLUTION NO. 62 OF 2015

A RESOLUTION ACCEPTING THE LOWEST ACCEPTABLE BID  
FOR A SCBA CASCADE COMPRESSOR FOR THE FIRE  
DEPARTMENT; AND FOR OTHER PURPOSES

WHEREAS, the City of Benton after having advertised for bids has determined that the bid submitted by Metropolitan Fire Extinguisher in Little Rock is the lowest acceptable bid for purchase of a SCBA Cascade Compressor for the Fire Department and that the City should award the purchase contract to this lowest acceptable bidder.

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

SECTION 1: The bid of Metropolitan Fire Extinguisher in Little Rock in the amount of \$48,999.86 is the lowest acceptable bid for the SCBA Cascade Compressor said bid should be, and is hereby, accepted and awarded to Metropolitan Fire Extinguisher in Little Rock.

SECTION 2: The Mayor is hereby authorized to execute, on behalf of the City of Benton, a purchase contract for the project with the successful bidder and to execute such other documents as may be necessary and convenient to accomplish this purpose. The Mayor is likewise authorized to pay to Metropolitan Fire Extinguisher in Little Rock for the purchase.

PASSED AND APPROVED this the \_\_\_\_\_ day of November, 2015.

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David J. Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

**ORDINANCE NO. 59 OF 2015**

**AN ORDINANCE PROVIDING FOR A CONDITIONAL USE  
FOR RETAIL COMMERCIAL SERVICES;  
DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

WHEREAS, an application for a Conditional Use Permit was filed with the Planning Commission of the City of Benton, Arkansas, by Benton Investment Partners, LLC requesting that 1202 Highway 5 North be issued a Conditional Use for the operation of retail commercial services.

WHEREAS, the Planning Commission ordered a public hearing to be held on November 10, 2015 at 6:00 P.M., for the purposes of hearing said application, that notice of said hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas, evidence having been submitted that all property owners or lessees within 300 feet of the property hereinafter described having either consented to or been notified of said hearing and at said hearing the Planning Commission resolved to recommend to the City Council of the City of Benton, that the Application for a Conditional Use Permit be granted.

WHEREAS, the City Council of the City of Benton desires to grant a Conditional Use to Benton Investment Partners, LLC for retail commercial services.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Benton that Benton Investment Partners, LLC is granted a Conditional Use for the operation of retail commercial services to-wit:

1202 Highway 5 North, Saline County, Benton, AR 72019 to wit:

Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Commencing at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence North 1°18'46" East, 37.78 feet along the East line of said Southwest Quarter of the Northeast Quarter to the point of beginning; thence North 87°58'08" West, 228.13 feet; thence South 2°46'38" West, 492.51 feet; thence North 88°01'54" West, 39.66 feet; thence South 1°34'23" West, 500.86 feet to a point on the North right of way of Interstate 30; thence South 65°07'28" West, 569.24 feet along said North right of way; thence leaving said North right of way, North 36°30'44" West, 574.18 feet; thence North 45°43'44" East, 100.34 feet; thence North 45°25'23" East, 145.22 feet; thence North 45°27'56" East, 99.62 feet; thence North 21°01'05" West, 163.20 feet; thence North 3°27'44" West, 177.18 feet to a point on the South right of way of Arkansas State Highway No. 5; thence North 45°20'12" East, 396.64 feet along said South right of way; thence around a tangent curve to the right having a radius of 1887.06 feet, an arc length of 274.13 feet a chord bearing of North 49°29'54" East and a chord length of 273.89 feet along said South right of way; thence North 53°39'36" East, 217.11 feet along said South right of way; thence leaving said South right of way, South 26°56'39" East, 203.87 feet; thence North 72°52'51" East, 199.92 feet; thence North 68°23'31" East, 135.64 feet to a point on the East line of said Southwest Quarter, Northeast Quarter; thence South 1°18'46" West, 296.68 feet along said East line to the point of beginning. Contains 23.012 acres of land, more or less.

It is hereby found and determined that there is an immediate need to authorize the conditional use of the property to allow for the operation of retail commercial services. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

City Clerk

DESIGNATED FOR PUBLICATION

Staff Use:

DATE SUBMITTED \_\_\_\_\_  
DATE OF NEXT MEETING \_\_\_\_\_  
AD MUST RUN NOT LATER THAN \_\_\_\_\_

Application and Procedural Requirements for Conditional Use Permit

Applicant's Name GBT Realty Corporation (on behalf of Benton Investment Partners, LLC)

Address of Subject Property 1202 Highway 5 North, Benton, AR 72019

Legal Description of Subject Property (may be attached on separate sheet)

see attached

Assessor's Parcel Number of Subject Property 805-04916-000

Zoning District of Subject Property CH

Proposed Use See attached

Please attach vicinity map of the property, 8.5 x 11 inch size. Additional required information is detailed on p. 2.

I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of Mt. Carmel Investment Co., LLC, who is the owner of said property; or that I am the employee or agent of GBT Realty Corp., which is a public utility company or other agency with the powers of eminent domain, and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

Signed 

Mailing Address 9010 Overlook Blvd.

Brentwood, TN 37027

Phone Number 615-370-0670

Subscribed and certified to me this 26 day of October, 2015

\_\_\_\_\_  
Community Development Dept Representative



**GBT REALTY CORPORATION**

October 26, 2015

David Vondran  
City of Benton  
Community Development Director  
114 S. East Street  
Benton, AR 72015

To the Benton City Planning Commission:

To further our retail development located at this site, we are requesting a conditional use permit for the approximately 23.13 acre parcel located at 1202 Highway 5 North, Benton, Arkansas, to CH zoning. Below is a list of potential retail uses, and we are requesting a conditional use permit for any uses that fall outside the approved uses for CH zoning. We ask that the conditional use permit be contingent on Benton Investment Partners, LLC buying the property.

Potential Uses:

- Clothing, home furnishing, jewelry and other soft goods sales
- Outdoor sales areas on sidewalks only with no screening
- Pet store including pet boarding, grooming and veterinary services
- Restaurants
- Personal grooming services (i.e., spas, hair and nail salons, etc.)
- Banking
- Automotive repair and tire store
- Medical and office uses
- Health Clubs and gyms
- Tutoring Classes
- Grocery/Bakery/Deli
- Liquor Store
- Pharmacy

Sincerely,

Fiona Haulter  
GBT Realty Corporation  
Vice President of Development  
Shopping Center Division

No 39575 DATE 11-03 20 15

**CITY OF BENTON, ARKANSAS**  
**GENERAL FUND**

RECEIVED OF Ozark Civil Engineering \$ 30.00

FOR Conditional Use Application @  
Mt. Carmel Property 1202 HWY 5  
Check #10541

P. McKamde  
RECEIVED BY:

Notice is hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on November 10, 2015 at 6:00pm at 114 South East Street, Benton, AR for a conditional use petition made by GBT Realty Corporation for property located at 1202 Highway 5 North, Saline County, Benton, AR 72019 to wit:

# Proof of Publication

STATE OF ARKANSAS  
County of Saline

I, Maribeth Bueche, do solemnly swear that I am Legal Advertising Clerk for The Saline Courier, a daily newspaper printed in said county, and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county since the year 1876 before the date of the first publication of the advertisement hereto annexed, and that said advertisement was published in said newspaper 1 times for 1 issues, the first insertion therein having been made on 10-23-2015, and the last insertion on 10-23-2015.

Billed Account YB3 Realty Corp.

Ad Number 70346

Maribeth Bueche  
Legal Advertising Clerk

Sworn to and subscribed before me on 11-2-15

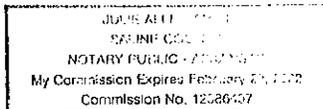
Julie Aabustan  
Notary Public

## FEE FOR PRINTING

\$ 133.60 Cost of Notice

\$ 2.60 Cost of Proof

\$ 136.20 Total



**Legal Notices**

**NOTICE IS** hereby given that a hearing will be held by the Planning Commission of the City of Benton, AR on November 10, 2015 at 6:00pm at 114 South East Street, Benton, AR for a conditional use petition made by Benton Investment Partners, LLC for property located at 1202 Highway 5 North, Saline County, Benton, AR 72019 to wit: Part of the Southwest Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West of the 5th P.M., Saline County, Arkansas, described as follows: Commencing at the Northeast corner, Northwest Quarter, Southeast Quarter of said Section 30; thence North 1°18'46" East, 37.78 feet along the East line of said Southwest Quarter of the Northeast Quarter to the point of beginning; thence North 87°58'08" West, 228.13 feet; thence South 2°46'38" West, 492.51 feet; thence North 88°01'54" West, 39.66 feet; thence South 1°34'23" West, 500.86 feet to a point on the North right of way of Interstate 30; thence South 65°07'28" West, 569.24 feet along said North right of way; thence leaving said North right of way, North 36°30'44" West, 574.18 feet; thence North 45°43'44" East, 100.34 feet; thence North 45°25'23" East, 145.22 feet; thence North 45°27'56" East, 99.62 feet; thence North 21°01'05" West, 163.20 feet; thence North 31°27'44" West, 177.18 feet to a point on the South right of way of Arkansas State Highway No. 5; thence North 45°20'12" East, 396.64 feet along said South right of way; thence around a tangent curve to the right having a radius of 1887.06 feet, an arc length of 274.13 feet a chord bearing of North 49°29'54" East and a chord length of 273.89 feet along said South right of way; thence North 53°39'36" East, 217.11 feet along said South right of way; thence leaving said South right of way, South 26°56'39" East, 203.87 feet; thence North 72°52'51" East, 199.92 feet; thence North 68°23'31" East, 135.64 feet to a point on the East line of said Southwest Quarter, Northeast Quarter; thence South 1°18'46" West, 296.68 feet along said East line to the point of beginning. Contains 23.012 acres of land, more or less.

# Proof of Publication

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County of Saline

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Billed Account H.B.T. Realty Corp.

Ad Number 70346  
Maribeth Bueche  
Legal Advertising Clerk

Sworn to and subscribed before me on 10.26.15  
Julie Allbritton  
Notary Public

FEE FOR PRINTING

\$ 133.60 Cost of Notice  
\$ 2.60 Cost of Proof  
\$ 136.20 Total

JULIE ALLBRITTON  
SALINE COUNTY  
NOTARY PUBLIC - ARKANSAS  
My Commission Expires February 22, 2022  
Commission No. 12586197

## Legal Notices

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September 25, 2015

Benton Investment Partners, LLC  
c/o GBT Realty Corporation  
9010 Overlook Boulevard  
Brentwood, Tennessee 37027  
Attention: Fiona Haulter

Re: Authorization for Submittals

Dear Ms. Haulter:

As Owner of 23.13 acres of real property described as parcel number 805-04916-000 in Saline County, Arkansas, Benton Investment Partners, LLC and GBT Realty Corporation to act on Owner's behalf to request and apply for all city, county, and state approvals necessary for the intended development of the Property under contract with Franklin Land Associates, L.L.C. as "Buyer", including, without limitation, submissions for rezoning, annexation, platting, variance and permit applications.

All costs associated with the city, county, state approvals, submissions for rezoning, annexation, platting, variance, and permit applications shall be paid by Benton Investments, LLC and GBT Realty Corporation.

Owner:

Randy Jones MT CARMEL INVESTMENTS

Date: 10. 1. 2015

\_\_\_\_\_  
Date: \_\_\_\_\_

State of Arkansas  
County of Saline

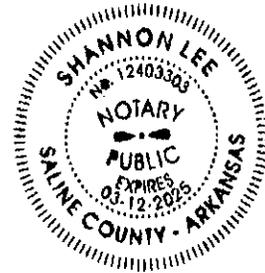
Before me the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Randy Jones, with whom I am personally acquainted and who upon his/her oath acknowledged himself/herself to be the PARTNER of Mt. Carmel the within named bargainer, a corporation, and that, he/she as such PARTNER, being authorized to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such PARTNER.

Witness my hand and official seal at Benton, Arkansas, this 1 day of October, 2015.

Shannon Lee

My Commission Expires: March 12, 2015

Notary Public



Potential uses:

Clothing, home furnishing, jewelry and other soft goods sales

Outdoor sales areas on sidewalks only with no screening

Pet store including pet boarding, grooming and veterinary services

Restaurants

Personal grooming services (i.e., spas, hair and nail salons, etc.)

Banking

Automotive repair and tire store

Medical and office uses

Health Clubs and gyms

Tutoring Classes

Grocery/Bakery/Deli

Liquor Store

Pharmacy

Newspaper Ad Proof:

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Vesting Deeds

QUITCLAIM DEED

FILED  
SALINE COUNTY  
CIRCUIT CLERK

2007 MAY 23 PM 2:29

KNOW ALL MEN BY THESE PRESENTS:

THAT, Mt. Carmel Community, LLC, an Arkansas limited liability company, acting by and through its duly qualified and acting Managing Member, GRANTOR, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration paid by Mt. Carmel Investment Company, LLC, an Arkansas limited liability company, GRANTEE, the receipt of which is hereby acknowledged, does grant, sell and quitclaim unto the said GRANTEE, and unto its successors and assigns forever, all its right, title, interest and claim in and to the following lands lying in the County of Saline and State of Arkansas, to-wit:

For legal description see EXHIBIT A attached hereto and made a part hereof.

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

IN TESTIMONY WHEREOF, The name of the GRANTOR is hereunto affixed by its duly qualified and acting Managing Member pursuant to his authority as such, this 10<sup>th</sup> day of May, 2007.

07 057539

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument. Exempt from consideration paid if none shown.  
GRANTEE or AGENT

Mt. Carmel Community, LLC

BY: Jimmy Elrod  
Jimmy Elrod, Managing Member

GRANTEE'S ADDRESS 2528 S 1-30  
Payant, AR 71022

This Deed prepared by Grantor

A  
#4

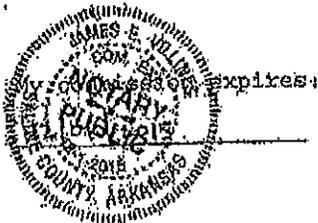
ACKNOWLEDGMENT

STATE OF ARKANSAS }  
COUNTY OF SALINE }

BE IT REMEMBERED, that on this day came before me, the undersigned, a Notary Public, duly commissioned, qualified and acting within and for said County and State, the within named Jimmy Hired, to me personally well known, who stated that he was the Managing Member of Mt. Carmel Community, LLC, an Arkansas limited liability company, and was duly authorized in his capacity as Managing Member to execute the foregoing Deed for and in the name and behalf of said Company, and further stated and acknowledged that he had so signed, executed and delivered said foregoing Deed for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 14<sup>th</sup> day of May, 2007.

07 057540



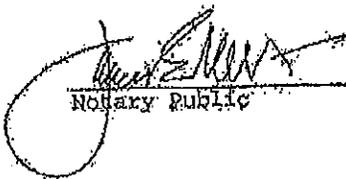
  
Notary Public

EXHIBIT A

Part of the Southwest Quarter of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter of Section 30, Township 1 South, Range 14 West, Saline County, Arkansas, more particularly described as follows: Commencing at the Northwest corner of the said SW 1/4 of NE 1/4; thence along the West line of said SW 1/4 of NE 1/4 and the NW 1/4 of SE 1/4, South 1836 feet to the South line of Arkansas State Highway #5; thence leaving the West line, along the South line of said Highway #5, the following courses and distances: North 44 deg. 16 min. 36 sec. East 408.00 feet to the point of beginning, a found 1/2 inch steel rod, being the Northeast corner of lands described in Quitclaim Deed filed as Saline County Document No. 2004 034147; thence North 44 deg. 01 min. 26 sec. East 396.64 feet to the P.C. of a 1987.06 foot radius curve to the right; thence 274.13 feet along said curve for a chord bearing and distance of North 48 deg. 11 min. 08 sec. East 273.89 feet to the P.T.; thence North 52 deg. 20 min. 50 sec. East 277.11 feet to a found 3/8 inch rebar, being the Northwest corner of lands described in Quitclaim Deed filed as Saline County Document No. 2004 033190; thence leaving the South line of said Highway #5, South 28 deg. 15 min. 28 sec. East 203.87 feet to a found 3/8 inch rebar, being the Southwest corner of lands described in said Document No. 2004 033190; thence North 71 deg. 34 min. 03 sec. East 199.92 feet to a found 1/2 inch steel rod, being the Southwest corner of lands described in Warranty Deed filed in Saline County Deed Record Book 278 at page 320; thence North 67 deg. 04 min. 45 sec. East 135.64 feet to a found 1/2 inch rebar on the East line of the SW 1/4 of NE 1/4, being the Southeast corner of lands described in said Deed Book 278 at page 320; thence along the East line of the said SW 1/4 of NE 1/4, South 00 deg. 00 min. 00 sec. East 296.63 feet to a set 5/8 inch rebar and cap at a fence line in the West, being the Northeast corner of lands described in Quitclaim Deed filed in Saline County Deed Record Book 310 at page 442, said set 5/8 inch rebar being North 00 deg. 00 min. 00 sec. East 37.78 feet from a found 3/8 inch rebar; thence leaving the East line and run along the fence, North 89 deg. 16 min. 24 sec. West 228.13 feet to a cross tie fence post with fences to the East and South being the Northwest corner of lands described in said Deed Book 310 at page 442; thence along the fence, South 01 deg. 27 min. 52 sec. West 492.61 feet to a set 5/8 inch rebar and cap which lies Northerly 1.00 feet from a cross tie fence post with fences to the North and West; thence leaving the fence line and continuing along the common line with lands described in said Deed Book 310 at page 442, North 89 deg. 20 min. 40 sec. West 39.66 feet to a found axle which lies Northerly 1.00 feet from a cross tie fence post with fences to the East and South; thence South 00 deg. 15 min. 37 sec. West 500.86 feet to a found axle on the North line of the Interstate #30 North Frontage Road, being the Southwest corner of lands described in said Deed Book 310 at page 442; thence along the North line of the said Frontage Road, South 69 deg. 48 min. 42 sec. West 869.24 feet to a found 3/8 inch rebar being the centerline of Mt. Carmel Road and the Southeast corner of lands described second (2nd) on Exhibit "A" in Trustee's Deed filed as Saline County Document No. 2002 23815; thence leaving the North line of the said Frontage Road and running along the centerline of said Mt. Carmel Road, North 87 deg. 49 min. 38 sec. West 874.18 feet to a found axle, being the Southwest corner of lands described in Warranty Deed filed in Saline County Deed Record Book 150 at page 369; thence North 44 deg. 24 min. 58 sec. East 100.34 feet to a found 2 inch pipe; thence North 44 deg. 06 min. 37 sec.

07 057541

East 145.92 feet, along the South line of lands described in Quitclaim Deed filed in Saline County Document No. 2003-120853, to a found 1/2 inch rebar; thence North 44 deg. 09 min. 10 sec. East 99.62 feet, to a found 5/8 inch rebar being the Southeast corner of lands described in Saline County Document No. 2004-034147; thence North 22 deg. 19 min. 51 sec. West 163.30 feet, along the East line of lands described in said Document No. 2004-034147, to a set 5/8 inch rebar and cap; thence, continuing along the East line of lands described in said Document No. 2004-034147, North 32 deg. 49 min. 51 sec. West 176.94 feet to the point of beginning, containing 25.07 acres, more or less.

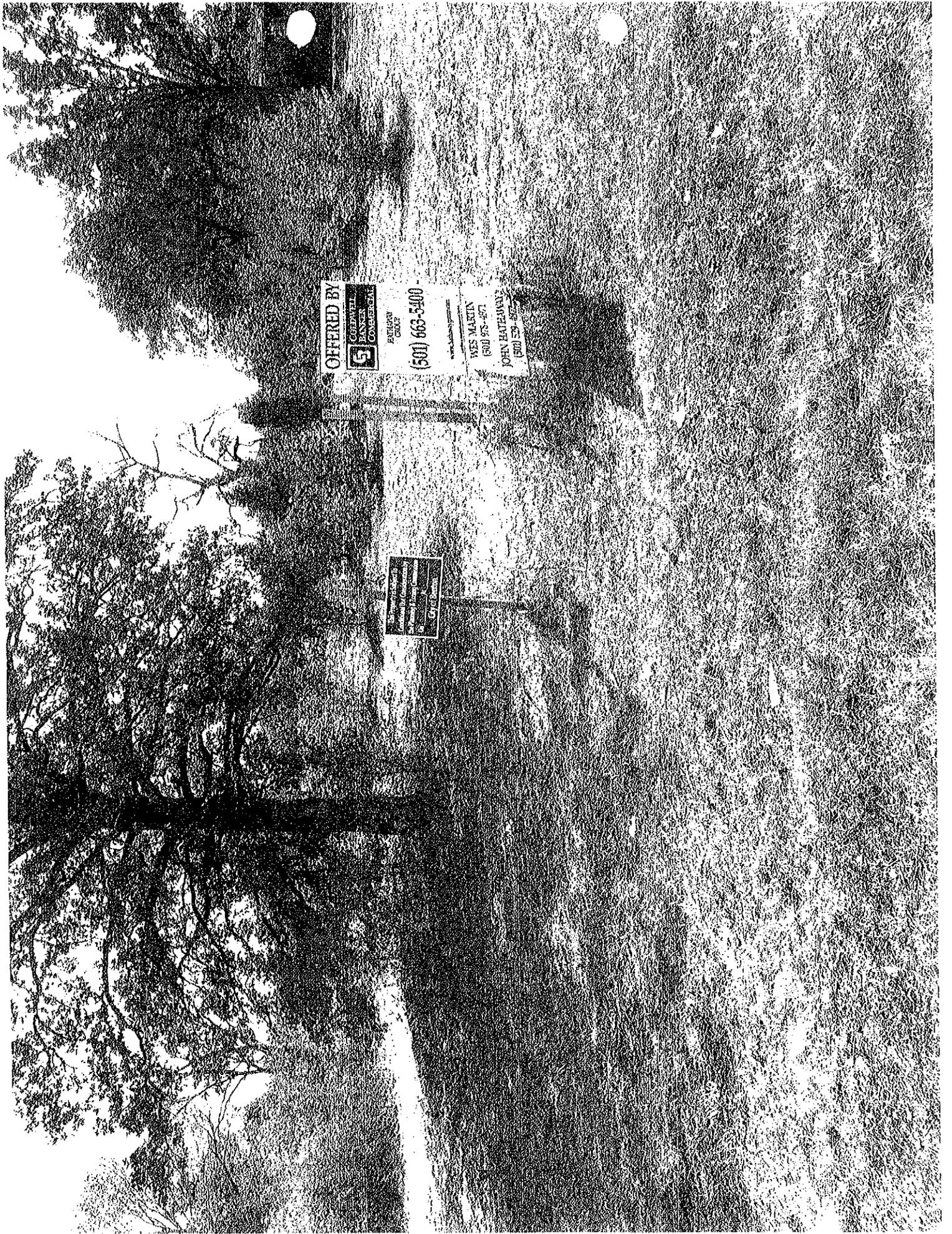


FILED FOR RECORD  
In DOC Book 07 Page 57539

MAY 23 2007

at 2:29 o'clock P M  
DOUG KIDD, CIRCUIT CLERK  
BY: *M. J. [Signature]* DO

07 057542



OFFERED BY  
COLUMBIAN REALTY COMPANY  
RESIDENTIAL  
COMMERCIAL  
EQUITY GROUP  
(501) 663-5400  
WES MALEIN  
(501) 663-5471  
JOHN HATHEWAY  
(501) 663-5472

1500 W. 10th St.  
Little Rock, AR 72202  
Call Wes Malein  
(501) 663-5471  
Call John Hatheway  
(501) 663-5472  
COLUMBIAN REALTY COMPANY

**SALINE COUNTY ABSTRACT & GUARANTY COMPANY, INC.**

P.O. Box 118  
Benton, AR 72018-0118  
(mailing address)

316 N. Main Street  
Benton, AR 72015

Phone: (501) 315-2471  
Fax: (501) 315-4128

October 23, 2015

Stewart Title  
Attn: Joy Griffin  
5901 Peachtree Dunwoody Road, Suite B-540  
Atlanta Georgia

RE: 300' ownership search  
1202 Hwy 5 North & 2030 Interstate 30, Benton

To Whom It May Concern::

The list attached as Exhibit "A" is a list of apparent property owners filed in the real estate records of Saline County, Arkansas, within 300 feet of the land as set forth in Deeds filed as Document No. 07 57539 in the name of Mt. Carmel Investment Company, LLC and Document No. 09 70776 in the name of MPE Properties Inc.

We hereby certify that the following list is the owners of the last deed of record as of effective date October 7, 2015 at 12:01 a.m.

This search does not purport to state the ownership of the property, but only involving those persons listed above appearing to claim ownership or have claimed ownership by matters of record, consequently said search must not be used for any purposes where actual ownership must be ascertained. Liability of this company for errors in the information in this report is limited to the amount paid \$420.00 for said information.

Sincerely,



Denise Carpenter  
Title Insurance Dept.

cc: file  
Encl.



Exhibit "A"

Name

Address

Document No.

1. Landers Land Company #2, LLC	P.O. Box 1649 Benton, Ar 72018	1995-33696
2. Austin E. Brightop	2415 Silver Maple Dr. Little Rock, AR 72210	2010-108517
3. Richard R. or Joy Brightop	4915 Katy Lane Benton, AR 72019	2000-21589
4. Richard R. or Joy Brightop	4915 Katy Lane Benton, AR 72019	295-611
5. Arelio Lopez	8970 Stonehedge Trail Benton, AR 72019	2004-107727, 2006-60928
6. Matzie Walden	P.O. Box 117 Benton, AR 72018	265-173
7. Lillian St. Church of Christ	1500 Lillian Benton, AR 72019	278-320
8. Dennis Properties	1420 Hwy 5 North Benton, AR 72019	2004-83190
9. Mathias Shopping Center	c/o Harp's P.O. Box 48 Springdale, AR 72766	2009-78288
10. Kenneth P. Page	1401 Hwy 5 North Benton, AR 72019	2013-54028
11. Charles or Alma F. Raper	1319 Hwy 5 North Benton, Ar 72019	2000-39870
12. Ronald I or Loretta Kaye Daugherty	1325 Hwy 5 North Benton, AR 72019	2014-72270
13. George J. Matejan	1301 Hwy 5 North Benton, AR 72019	2011-65235
14. Douglas C. or Lisa B. Groves	3916 Robinwood Cir Bryant, Ar 72022	1999-51352
15. Douglas C. or Lisa B. Groves	3916 Robinwood Cir Bryant, Ar 72022	1999-51352
16. William L. Dillon	1122 Hwy 5 North Benton, AR 72019	2004-34147

17. William P. Lawson	1110 Hwy 5 North Benton, AR 72019	2003-120856
18. William J. Tiner	992 Hwy 5 North Benton, AR 72019	2013-14679
19. William J. Tiner	992 Hwy 5 North Benton, AR 72019	2013-14679
20. Michael H. & Brenda sue Targett	4117 Edison Ave. Benton, AR 72015	1999-7932
21. Parker Hannifin Corp	6035 Parkland Blvd. Cleveland OH 44124	245-622
22. The Apostolic Christian Church	20141 I-30 Benton, AR 72019	365-619
23. William G. Lenz	20251 I-30 South Benton, AR 72015	1995-38060
24. William G. Lenz	20251 I-30 South Benton, AR 72015	2001-15526
25. American Freightways Corp	c/o Altus Group U.S. Inc 21001 N. Tatum Blvd Ste. 1630-630 Phoenix, AZ 85050	2002-17123
26. Fed Ex Freight East, Inc.	c/o Burke & Associates 3336 East 32nd St. #217 Tulsa OK 74135	2007-91738
27. Centerpoint Church	20383 I-30 South Benton, AR 72019	342-274

**ORDINANCE NO. 60 OF 2015**

**AN ORDINANCE REZONING CERTAIN LAND IN THE CITY OF BENTON,  
SALINE COUNTY, ARKANSAS,  
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, an application for zoning was filed with the Planning Commission of the City of Benton, Arkansas by LPN Properties, LLC, requesting the lands hereinafter described be zoned to Highway Commercial (CH) zoning; and,

WHEREAS, the Planning Commission ordered a Public Hearing be held on November 10, 2015 at 6:00 p.m. for the purpose of hearing said application; the notice of such hearing having been published in a newspaper having a bona fide circulation in Saline County, Arkansas; with evidence having been submitted that all property owners or lessees within 300 feet of the property having been notified of said hearing; and at said hearing, the Planning Commission recommended to the City Council that such request be granted; and,

WHEREAS, the City Council of the City of Benton, Arkansas desires to zone the following property as Highway Commercial (CH) zoning.

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

SECTION 1. The following described property is hereby rezoned from Single Family Residential R 1-7.5 to Highway Commercial (CH)

PROPERTY DESCRIPTION (AS SURVEYED)

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 15 WEST, SALINE COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10; THENCE SOUTH 86°28'49" EAST ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER 147.00 FEET; THENCE SOUTH 02°31'42" WEST LEAVING SAID NORTH LINE 19.45 FEET; THENCE SOUTH 02°30'06" WEST 208.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 86°31'41" EAST 115.41 FEET; THENCE SOUTH 02°31'35" WEST 358.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET; THENCE NORTH 86.53'44" WEST ALONG SAID NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET 215.01 FEET; THENCE NORTH 02°31'35" EAST LEAVING SAID NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET 299.17 FEET; THENCE SOUTH 86°40'18" EAST 99.64 FEET; THENCE NORTH 02°30'06" EAST 59.96 FEET TO THE POINT OF BEGINNING. CONTAINING 1.63 ACRES, MORE OR LESS.

SECTION 2. The City Council, having found that the immediate rezoning of this property will allow construction to commence thereon which will be of benefit to the local economy, hereby declares an emergency and this Ordinance shall be in full force and effect after its passage and approval.

PASSED AND APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

DESIGNATED FOR PUBLICATION

CITY OF BENTON  
COMMUNITY DEVELOPMENT DEPARTMENT

David Vondran, P.E.  
Director | City Engineer  
Phone: (501) 776-5938  
Email: [dvondran@bentonar.org](mailto:dvondran@bentonar.org)



114 South East Street  
Benton, Arkansas 72015  
Fax: (501) 776-5922  
Web: [www.bentonar.org](http://www.bentonar.org)

MEMORANDUM

TO: Pam Gibson, Chair  
Planning & Zoning Commission

FROM: David Vondran, Director  
Department of Community Development

DATE: 05 NOV 2015

RE: Rezone request for 1219/1223/1229 South Street  
Single-Family Residential (R1-7.5) to Highway Commercial (CH)

---

Staff has reviewed the proposed rezone request and recommends approval. All requirements have been met for this rezone and the required documentation is attached and fees have been received.

Please contact the Community Development office if we may be of further assistance.

Staff Use:  
DATE SUBMITTED 10-23-15  
DATE OF NEXT MEETING 11-10-15  
AD MUST RUN NOT LATER THAN 10-26-15

Application and Procedural Requirements for Rezone Permit

Applicant's Name LNP Properties, LLC

Address of Subject Property 1229, 1223 & 1219 W. South St.

Legal Description of Subject Property (may be attached on separate sheet)

SEE EXHIBIT A

Assessor's Parcel Number of Subject Property Part of: 805-17688-000  
805-17700-000

Zoning District of Subject Property R 1.75 AND CH

Proposed Use COMMERCIAL DEVELOPMENT

Please attach vicinity map of the property, 8.5 x 11 inch size. Additional required information is detailed on p. 2.

I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of LNP Properties, LLC, who is the owner of said property; or that I am the employee or agent of \_\_\_\_\_, which is a public utility company or other agency with the powers of eminent domain, and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

Signed LNP Properties, LLC By Charles Best

Mailing Address 3007 FRENDALE

BENTON, AR

Phone Number 501-847-7282

Subscribed and certified to me this 23 day of October, 2015

W. M. Ramm  
Community Development Dept Representative

Certificate of Compliance With The  
Real Estate Transfer Tax Law

The undersigned Grantee does hereby certify,  
under penalty of false swearing, that the instrument  
evidencing this conveyance requires no documentary  
stamps as a gift with consideration of less than \$100.00.

FILED  
SALINE COUNTY  
CLERK

2015 SEP 11 AM 11:37

Grantee: Jeffrey D. Nalley  
L N P Properties, LLC  
Jeffrey D. Nalley, Manager  
711 Shenandoah  
Benton, AR 72019

JD

\_\_\_\_\_  
This Space for Recorder's Use Only

**QUITCLAIM DEED**

**THIS DEED**, made this 10th day of August, 2015, BETWEEN Patsy R. Nalley, the survivor of LeRoy Nalley and Patsy R. Nalley, Trustees of the LeRoy Nalley and Patsy R. Nalley Joint Revocable Trust ("Grantor") and L N P Properties, LLC, an Arkansas Limited Liability Company, ("Grantee"), whose address is 711 Shenandoah, Benton, AR 72019,

WITNESSETH, That Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) to Grantor in hand paid by the Grantee, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and Quitclaimed, and by these presents does remise, release, sell, convey and Quitclaim unto Grantee, its successors and assigns forever, all the right, title, interest, claim and demand which Grantor has in and to the following described real property situate, lying and being in the County of Saline and State of Arkansas to-wit:

Tract 1

A part of the Southeast Quarter of the Southeast Quarter of Section 33, Township 2 south, Range 13 West, and, a part of the North Half of the Northeast Quarter of Section 4, Township 3 South, Range 13 West, Saline County, Arkansas, being more particularly described as follows: Beginning at the Northeast corner of said Section 4; thence North 87 deg. 02 min. 34 sec. West 174.24 feet, along the North line of said Section 4 to the Southeast corner of said Section 33 and a set 1/2 inch rebar; thence North 03 deg. 04 min. 09 sec. East 71.43 feet to a point in the centerline of Miller Road right of way; thence North 89 deg. 47 min. 12 sec. West 44.49 feet, along said centerline to a point; thence South 02 deg. 53 min. 30 sec. West 69.30 feet to the North line of said Section 4; thence continue South 02 deg. 53 min. 30 sec. West 706.38 feet to a set 1/2 inch rebar; thence South 87 deg. 02 min. 34 sec. East 210.96 feet to a set 1/2 inch rebar in Miller Road right of way; thence North 03 deg. 30 min. 00 sec. East 706.41 feet, in Miller Road right of way, to the point of beginning, containing 3.55 acres, more or less. SUBJECT to an easement for Miller Road along the North line thereof, and, along the East line varying in width from 50 feet at the Northeast corner to 25 feet at the Southeast corner.

Tract 2

That part of the Northwest Quarter of the Southwest Quarter of Section 13, Twonship 1 South, Range 15 West, more fully described as follows: Commencing at a big nail positioned at the Northwest corner of the Northwest Quarter of Southwest Quarter and run thence South 00 deg.

15 071267

15 071268

30 min. 00 sec. West along the West line thereof for 423.60 feet (Deed 420) to the Northwest corner of property describes in Saline County Deed Record Book 96 at Page 283 said point also being the point of beginning of property herein described; thence South 89 deg. 31 min. 50 sec. East along the North line of said property (Book 96 Page 283) for 257.83 feet to the Northwest corner of property described in Saline County Document Book 2000 Page 48238; thence South 00 deg. 29 min. 59 sec. West along the West line of said property (Document 2000 Page 48238) for 173.82 feet to the North line of property described in Saline County Document Book 1998 at Page 50989; thence South 89 deg. 53 min. 36 sec. West along the North line of said property (Document 1998 at Page 50989) for 257.85 feet to the West line of said Northwest Quarter of Southwest Quarter; thence North 0 deg. 30 min. 00 sec. East along the West line of Northwest Quarter of Southwest Quarter for 176.48 feet to the point of beginning.

Tract 3

A part of the Northwest Quarter of the Southwest Quarter of section 13, township 1 South, Range 15 West, Saline County, Arkansas, describes as follows: Commencing at the Southeast corner of the said Northwest Quarter of the Southwest Quarter and run thence North 89 deg. 53 min. 27 sec. West along the South boundary of said Northwest Quarter of Southwest Quarter a distance of 672.9 feet to the point of beginning; thence continue North 89 deg. 53 min. 27 sec. West a distance of 45.53 feet; thence North 00 deg. 57 min. 56 sec. East a distance of 600.00 feet; thence North 89 deg. 53 min. 27 sec. West a distance of 30.00 feet; thence North 00 deg. 57 min. 56 sec. East a distance of 311.66; thence South 89 deg. 04 min. 35 sec. East a distance of 500.39 feet; thence South 01 deg. 42 min. 24 sec. West a distance of 713.29 feet; thence South 89 deg. 05 min. 18 sec. West a distance of 148.03 feet; thence South 00 deg. 03 min. 59 sec. West a distance of 190.40 feet to the point of beginning containing 5.56 acres more or less.

LESS AND EXCEPT:

A part of the Northwest Quarter of the Southwest Quarter Section 13, Township 1 South, Range 15 West, Saline County, Arkansas, described as follows: Commencing at the Southeast corner of the said Northwest Quarter of the Southwest Quarter and run thence North 89 deg. 53 min. 27 sec. West along the South boundary line of said Northwest Quarter of the Southwest Quarter a distance of 672.9 feet; thence North 0 deg. 03 min. 59 sec. East 190.40 feet; thence North 89 deg. 05 min. 18 sec. East 83.03 feet to the point of beginning; thence continue North 89 deg. 05 min. 18 sec. East 65 feet; thence North 01 deg. 42 min. 24 sec. East 210 feet; thence south 89 deg. 05 min. 18 sec. West 65 feet; thence South 01 deg. 42 min. 24 sec. West 210 feet to the point of beginning.

Tract 4

The North 66.2 feet of the following described property: All that part of the Northwest Quarter of the Southwest Quarter of Section 13, Township 1 South, Range 15 West, more fully described as follows: Commencing at the Southwest corner of said Northwest Quarter of the Southwest Quarter and run thence North 0 deg. 0 min. East along the West line thereof for 525 feet to the point of beginning; thence North 0 deg. 0 min. East along the West line for 216.2 feet; thence North 89 deg. 58 min. 10 sec. East for 420 feet; thence South 0 deg. 0 min. East parallel with the West line thereof for 216.2 feet; thence South 89 deg. 58 min. 10 sec. West for 420 feet to the point of beginning.

Tract 5

15 071269

A part of the Northwest Quarter of the Southwest Quarter of Section 13, Township 1 South, Range 15 West, Saline County, Arkansas described as follows: Commencing at the Northwest corner of said Northwest Quarter of Southwest Quarter and run thence South 00 deg. 30 min. 00 sec. West, along the West line thereof for 423.79 feet; thence South 89 deg. 37 min. 07 sec. East 257.83 feet to the point of beginning; thence continue South 89 deg. 37 min. 07 sec. East , 161.71 feet to a found 5/8 inch rebar; thence South 00 deg. 26 min. 10 sec. West, 172.26 feet; South 89 deg. 49 min. 48 sec. West 161.91 feet; thence North 00 deg. 30 min. 00 sec. East, 173.82 feet to the point of beginning, containing 0.64 acres, more or less.

Tract 6

Beginning at a point 525 feet North of the Southwest corner of Northwest Quarter of Southwest Quarter, Section 13, Township 1 South, Range 15 West, and run thence North 150 feet; thence East 420 feet; thence South 150 feet; thence West 420 feet to the point of beginning.

Tract 7

All that part of the Northeast Quarter of Southeast Quarter of Section 5, Township 2 South, Range 15 West, which lies East of the County Road, more fully described as follows: Beginning at the Northeast corner of said Northeast Quarter of Southeast Quarter and run thence West 317.5 feet to the center of the Peeler Bend Road; thence Southeasterly along center of said road 548.4 feet to a point; thence North 429 feet to the point of beginning, containing 1 ½ acres more or less.

Tract 8

All that part of Block 35, Original Town, now City of Benton, Saline County, Arkansas, described as follows: Beginning at a point 140 feet South of the Northwest corner of the said Block 35 and run thence North 48 feet; thence East 58 feet; thence South 48 feet; thence West 58 feet to the point of beginning.

Tract 9

Part of Block 35 of the Original Town, now City of Benton, Arkansas described as follows: Beginning at a point on the West line of said Block 35 that is 100 feet North of the Southwest corner thereof and from said point run thence East 140 feet; thence North 50 feet; thence West 90 feet; thence North 10 feet; thence West 50 feet to the West line of said Block 35; run thence South 60 feet to the point of beginning.

Tract 10

A part of the East Half of Block 39 of the Original City of Benton, Arkansas, more particularly described as follows: Beginning at a point 225 feet South of the Northeast corner of said Block 39 and running thence South 88.6 feet to a point which is 195 feet North of the Southeast corner of said Block; thence West for 150 feet; thence North 88.6 feet to a point which is due West of the point of beginning; thence East to the point of beginning, the above described lands being now Lot 8 of Block 39.

Tract 11

A part of Block 39 of the Original City of Benton, Arkansas, more particularly described as follows: Beginning 95 feet North of the Southeast corner of said Block 39; run thence North for 100 feet; run thence West for 150 feet; run thence South for 100 feet; run thence East for 150 feet to the point of beginning.

Tract 12

15 071270

Part of Block Thirty-nine, in the Original Town, now City of Benton, Arkansas, more particularly described as follows: Beginning at a point 150 feet East of the Southwest corner of Block 39; thence North 95.5 feet; thence East 150 feet; thence South 95.5 feet; thence West 150 feet to the point of beginning.

Tract 13

That part of Block 40 of Original Town, City of Benton, Arkansas, described as follows: Beginning at the Southwest corner of said Block and run thence North along the West line thereof, 100 feet for a point of beginning for the land herein conveyed and from said point run thence East 150 feet thence North 75 feet to street; thence West along said street, 150 feet to the West line of said Block: thence South 75 feet to the point of beginning.

Tract 14

That part of Block 40 of the Original Town, now City of Benton, Arkansas described as follows: Beginning at a point on the Easterly right-of way line of Main Street that is 408.30 feet in a Southerly direction from the Northwest corner of said Block 40; run thence in an Easterly direction parallel with the existing centerline of Vine Street for 150 feet; run thence South to a point that is 100.00 feet North of the South line of said Block 40; run thence West for 150.00 feet to the West line of said Block 40; run thence Northerly to the point of beginning.

Tract 15

All that part of Block 40 of the Original Town, now City of Benton, Arkansas, described as follows: Beginning at the Southwest corner of said Block 40; run thence North 50 feet; run thence East 135 feet; run thence South 50 feet; run thence West 135 feet to the point of beginning.

Tract 16

The North Half of Lots 10, 11 and 12, Block 45 of Allen's Addition to the City of Benton, Saline County, Arkansas.

Tract 17

The South Half of Lots 10, 11 and 12, Block 45 of Allen's Addition to the City of Benton, Saline County, Arkansas.

Tract 18

Lots 9 and 10, Block 51 of the Allen's Addition to the City of Benton, Saline County, Arkansas.

Tract 19

All of Lot 7, Block 57 of Allen's Addition to the City of Benton, Saline County, Arkansas, LESS and EXCEPT the South 60 feet thereof.

AND

All of Lot 8, Block 57 of Allen's Addition to the City of Benton, Saline County, Arkansas, LESS and EXCEPT the South 50 feet thereof.

Tract 20

The South 50 feet of Lots 7 and 8, Block 57 of Allen's Addition to the City of Benton, Saline County, Arkansas.

Tract 21

Lots 9 and 10, Block 57 of Allen's Addition to the town, now City of Benton, Saline County, Arkansas.

Tract 22

Lot 6, Block 58, Allen's Addition to the Town, now City of Benton, Saline County, Arkansas.

Tract 23

Lot 8, Block 9 of Cloud's Addition to the City of Benton, Arkansas.

Tract 24

Lot 9, 10 and 11, Block 9 of Cloud's Addition to the City of Benton, Arkansas.

Tract 25

That part of the Lot 2 of Highland Acres, being a subdivision of a part of the East Half of Section 18, Township 2 South, Range 14 West, Saline County, Arkansas described as follows: Commencing at a point 15 feet East of the Northwest corner of said Lot 2 and run thence South 200 feet; thence East 101 feet; thence North 200 feet to the Northeast corner of said Lot 2; thence West along the North line thereof for 101 feet to the point of beginning.

Tract 26

Lots 1, 2, and 3 of Block 9 of Hilliard's Addition to the City of Benton, Saline County, Arkansas.

Tract 27

Lots 32 and 33, Block 2 of Houston's Addition to the Town, now City of Benton, Saline County, Arkansas.

Tract 28

Lots 8 and 9 Block 3, Hughes Addition to the City of Benton, Saline County, Arkansas.

Tract 29

Lot 8, Block 1 of George R. Kelley's Second Addition to the City of Benton, Saline County Arkansas.

Tract 30

Lot 8, Block 1 of George R. Kelley's Second Addition to the City of Benton, Saline County Arkansas.

Tract 31

Lot 28, Mack Thomas Addition to the City of Benton, Saline County, Arkansas.

Tract 32

The West Half of Lots 16, 17, 18 and 19 Block 5 of Neeley's Addition to the Town, now the City of Benton, Arkansas.

Tract 33

All of Lot 8 and Part of Lots 9, 2 and 3 all in Block 11 of A.C. Speer's Second Addition to the City of Benton, Arkansas, more particularly described as follows: Beginning at the Northwest corner of Lot 8; thence North 89 deg. 21 min. 19 sec. East for a distance of 183.19 feet to a rebar on the north line of Lot 3; thence South 00 deg. 06 min. 01 sec. West for a distance of 64.06 feet to a rebar on the South line of the North 15.00 feet of Lot 2; thence South 89 deg. 05 min. 47 sec. West for a distance of 183.08 feet to a rebar on the South line of the North 15.00 feet of Lot 9; thence North 00 deg. 00 min. 00 sec. West for a distance of 64.89 feet to the point of beginning.

AND

The North 15 feet of Lot 2, Block 11, A.C. Speers Second Addition to the City of Benton, Saline County, Arkansas.

15 071271

15 071272

Tract 34

Lots 6 and 7, Block 1 of White's Addition to the City of Benton, Saline County, Arkansas.

Tract 35

That part of the Northeast Quarter of the Southwest Quarter of Section 35, Township 1 South, Range 15 West, described as follows: Beginning at the Southeast corner of said Northeast Quarter of Southwest Quarter and run thence North along the East line of said Northeast Quarter of Southwest Quarter, 230 feet; thence West 190 feet; thence South 230 feet to the South line of said Northeast Quarter of Southwest Quarter; thence East 190 feet to the point of beginning, in Saline County, Arkansas.

Tract 36

That part of the Southeast Quarter of the Southwest Quarter of Section 35, Township 1 South, Range 15 West, described as follows: Beginning at the Northeast corner of said Southeast Quarter of Southwest Quarter and run thence West 212 feet along the North line of said Southeast Quarter of Southwest Quarter; thence South 462 feet; thence East 212 feet; thence North 462 feet to the point of beginning.

AND

That part of the East Half of the Southeast Quarter of the Southwest Quarter of Section 35, Township 1 South, Range 15 West, described as follows: Beginning at a point 354 feet East of the Northwest corner of said East Half of Southeast Quarter of Southwest Quarter of said Section, and from said point run thence South 462 feet; thence East 94 feet; thence North 462 feet; thence West 94 feet to the point of beginning, containing one acre more or less.

AND

Beginning at the Northeast corner of the Southeast Quarter of Southwest Quarter of Section 35, Township 1 South, Range 15 West, going South 462 feet to the point of beginning; thence West 306 feet; thence South 462 feet; thence East 306 feet; thence North 462 feet to the point of beginning, containing 3 acres more or less.

Tract 37

A part of the Southwest Quarter of Northeast Quarter and Part of the Northwest Quarter of Southeast Quarter of Section 35, Township 1 South, Range 15 West, described as follows: Begin 260 feet South of the Northwest corner of Southeast Quarter of Section 35, Township 1 South, Range 15 West; thence East 185 feet; thence South 400 feet; thence South 89 deg. 22 min. East along fence 1118 feet to fence corner; thence Northerly along fence 576.3 feet; thence West 1069 feet; thence South 17 deg. 45 min. East 141 feet; thence West 291.7 feet; thence South 30 feet to point of beginning; containing 13.90 acres more or less.

**LESS AND EXCEPT:**

All that part of the Southwest Quarter of the Northeast Quarter and Part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 1 South, Range 15 West, more fully described as follows: Commencing at the Northeast corner of the said Northwest Quarter of Southeast Quarter and run thence South 00 deg. East, along the East line thereof for 65.7 feet; thence North 90 deg. West, parallel with the North line said Northwest Quarter of Southeast Quarter for 470 feet to the point of beginning of land herein described; run thence South 00 deg. 59 min. East parallel with the East line said Northwest

Quarter of Southeast Quarter for 542 feet; thence South 89 deg. 50 min. 05 sec. West, for 646.71 feet; thence North 00 deg. East for 380 feet; thence South 89 deg. 57 min. 27 sec. East, for 100.67 feet; thence North 17 deg. 45 min. West, for 308.93 feet to the South line of Phase one Fox Ridge Addition to Benton, Arkansas, run thence South 87 deg. 34 min. 14 sec. East, along South line of Phase One for 648.62 feet; thence South 09 deg. 26 min. West for 104.6 feet to the point of beginning, containing 9.39 acres, more or less.

**AND**

All that part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 1 South, Range 15 West, more fully described as follows: Commencing at the Northeast corner of said Northwest Quarter of Southeast Quarter and run thence South along the East line thereof for 25 feet to the Southeast corner of Fox Ridge Addition, Phase I, to the City of Benton, Arkansas, said point being the point of beginning of lands herein described; thence South 90 deg. West along the South line of said Fox Ridge Addition for 463.28 feet to the Southwest corner of Lot 19 of said Fox Ridge Addition, Phase I; thence South 9 deg. 26 min. West along the East line of Lot 54 of Fox Ridge Addition Phase II, to the City of Benton, Arkansas for 41.2 feet to the Northwest corner of property owned by Leroy Nalley; thence North 90 deg. East along the North line of property owned by Leroy Nalley for 470 feet more or less to a point that is 40.7 feet due South of the point of beginning; thence North for 40.7 feet to the point of beginning, containing 0.43 acres, more or less.

Tract 38

15 071273

15 071274

That part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 1 South, Range 15 West, more fully described as follows: Commencing at the Southwest Corner of said Northwest Quarter of the Southeast Quarter and run thence North 00 deg. 00 min. 00 sec. East along the West line of said Northwest Quarter of the Southeast Quarter for 980.65 feet to the Northwest Corner of property described in Warranty Deed filed in Saline County, Arkansas, Document 02 28204, said point being the point of beginning of property herein described; thence continuing North 00 deg. 00 min. 00 sec. East along the West line of said Northwest Quarter of the Southeast Quarter for 119.74 feet to the Southwest corner of property described in a Warranty Deed filed for record in Deed Record Book 185 at page 100 in Saline County, Arkansas; thence South 89 deg. 54 min. 04 sec. East along the South line of said property (Book 185 page 100) for 187.14 feet to a point on the West line of Fox Ridge Addition Phase 2, to the City of Benton, Arkansas; thence South 00 deg. 00 min. 00 sec. East along the West line of said Fox Ridge Addition for 100.73 feet to the Northeast corner of said property (Doc 02 28204); thence South 84 deg. 17 min. 04 sec. West along the North line of said property (Doc 02 28204) for 187.69 feet to the point of beginning, containing 0.476 acres more or less.

Tract 39

That part of the Northwest Quarter of Southeast Quarter of Section 9, Township 2 South, Range 15 West, described as follows: Beginning at a point on the South line of said Northwest Quarter of Southeast Quarter 920 feet West of the Southeast corner thereof; thence South 15 deg. 45 min. West 22.5 feet to the North line of Highway 67-70; thence North 73 deg. 05 min. West along North line of said Highway for 182.5 feet to the point of beginning; thence North 31 deg. 15 min. East 163.2 feet; thence South 65 deg. 19 min. East 84.7 feet; thence South 82 deg. 16 min. East 29.4 feet; thence South 87 deg. 46 min. East 63 feet; thence North 04 deg. 36 min. East 128.85 feet; thence North 05 deg. 14 min. West 42 feet; thence North 10 deg. 49 min. East 136 feet; thence North 42 deg. 28 min. West 44.3 feet; thence North 70 deg. 08 min. West 57.1 feet; thence North 49 deg. 46 min. West 102.1 feet; thence South 49 deg. 15 min. West 43.8 feet; thence South 31 deg. 40 min. West 201.5 feet; thence South 56 deg. 35 min. East 85.9 feet; thence South 27 deg. 52 min. West 277.3 feet to the North line of said Highway; thence South 70 deg. 31 min. East along said North line of Highway 27.7 feet to the point of beginning, containing 2.2 acres more or less.

Tract 40

Part of the Southwest Quarter of Southeast Quarter and Part of the Northwest Quarter of Southeast Quarter of Section 9, Township 2 South, Range 15 West, described as follows: Beginning at a point on the South line of the said Northwest Quarter of Southeast Quarter that is 920 feet West of the Southeast corner of said Northwest Quarter of Southeast Quarter; thence South 15 deg. 45 min. West for 22.5 feet to North line of Highway; thence North 73 deg. 05 min. West along North line of Highway 19.8 feet to the point of beginning of land herein described; from said point run thence North 73 deg. 05 min. West along North line of Highway 162.7 feet; thence North 31 deg. 15 min. East for 163.2 feet; thence South 63 deg. 19 min. East 84.7 feet; thence South 82 deg. 16 min. East for 15 feet; thence in a Southerly direction 147 feet to the point of beginning.

Tract 41

15 071275

That part of the Northeast Quarter of Southwest Quarter, Section 10, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 207 feet West of a stake which is 8.75 chains East of the Northeast corner of the Northwest Quarter of Southwest Quarter, said Section 10 and from said point run thence West 50 feet; thence South 100 feet; thence East 50 feet; thence North 100 feet to the point of beginning.

Tract 41

That part of the Northeast Quarter of the Southwest Quarter, Section 10, Township 2 South, Range 15 West described as follows: Beginning at a point that is 410.5 feet East of the Northwest corner of said Northeast Quarter of Southwest Quarter and run thence South 265 feet for a point of beginning for the lands herein described and from said point run thence South 180 feet; thence West 50 feet; thence South 150 feet to North line of right of way of Highway 67; thence West along said Highway right of way 140.5 feet; thence North 165 feet; thence West 75 feet; thence North 5 feet; thence East 2 feet; thence North 160 feet; thence East 263.5 feet to the point of beginning.

Tract 42

A part of the Northeast Quarter of the Southwest Quarter, Section 10, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 257 feet West of a stake which is 8.75 chains East of the Northeast corner of the Northwest Quarter of Southwest Quarter, said Section, Township and Range, and running thence South 100 feet; thence East 50 feet; thence South 128 feet; thence West 126.5 feet; thence North 228 feet; thence East 76.5 feet to the point of beginning.

Tract 43

That part of the Northeast Quarter of Southwest Quarter, Section 10, Township 2 South, Range 15 West, described as follows: Beginning at a point 595 feet South and 146.5 feet East of the Northwest corner of said Northeast Quarter of Southwest Quarter and from said point run thence East 75 feet; thence North 165 feet; thence West 75 feet; thence South 165 feet to the point of beginning.

Tract 44

All that part of the Northeast Quarter of Southwest Quarter, Section 10, Township 2 South, Range 15 West, Saline County, Arkansas, described as follows: Beginning at the point that 445 feet South and 410.5 feet East of the Northwest corner of said Northeast Quarter of Southwest Quarter and run thence South 150 feet to the North right of way line of West South Street; thence West along said right of way line 50 feet; thence North 150 feet; thence East 50 feet to the point of beginning.

Tract 45

All that part of the Northeast Quarter of Southwest Quarter, Section 10, Township 2 South, Range 15 West, Saline County, Arkansas, described as follows: Beginning at a point 147 feet East of the Northwest corner of said Northeast Quarter of Southwest Quarter of said Section 10, and run thence South, to a point 300 feet North of the North line of Highway #67, as said highway is now located; thence West 50 feet for a point of beginning for the land herein described; and, from said point, run thence West 50 feet; thence South 300 feet, more or less to said Highway #67; thence East 50 feet; thence North to the point of beginning.

And

All that part of the Northeast Quarter of the Southwest Quarter of Section 10, Township 2 South, Range 15 West, Saline County, Arkansas, described as follows: Beginning at a point that is 147 feet East of the Northwest corner of said Northeast Quarter of Southwest Quarter of said Section 10 and run thence South 583 feet, more or less, to Highway #67, as now located, for a point of beginning for the land herein described; and, from said point, run thence North 300 feet; thence West 50 feet; thence South 300 feet, more or less, to Highway #67; thence East 50 feet to the point of beginning.

Tract 46

That part of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter, Section 11, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 3.21 ½ chains North of the Southeast corner of said Northwest Quarter of Northwest Quarter of Northwest Quarter of said Section 11 and from said point run thence West 2.05 chains; thence South 50 feet; thence East 2.05 chains; thence North 50 feet to the point of beginning.

ALSO, that part of the Northwest Quarter of Northwest Quarter of Northwest Quarter, Section 11, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 3.21 ½ chains North of the Southeast corner of said Northwest Quarter of Northwest Quarter of Northwest Quarter of said Section 11 and from said point run thence West 2.05 chains; thence North along Street 5 feet; thence in an Easterly direction 2.05 chains to the point of beginning.

ALSO, that part of the North half of the Northwest Quarter of Northwest Quarter, Section 11, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 162.19 feet North of the Southeast corner of Northwest Quarter of Northwest Quarter of Northwest Quarter, said Section 11 and run thence West 135.3 feet; thence South 12 feet; thence East 184.5 feet; thence North 12 feet; thence West 49.2 feet to the point of beginning.

ALSO, that part of the Northeast Quarter of Northwest Quarter of Northwest Quarter, Section 11, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 3.21 ½ chains North of the Southwest corner of said Northeast Quarter of Northwest Quarter of Northwest Quarter, said Section 11 and from said point run thence East 49.2 feet; thence South 50 feet; thence West 49.2 feet; thence North 50 feet to the point of beginning.

Tract 47

15 071276

15 071277

That part of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter, Section 11, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 212.9 feet North of the Southeast corner of that said Northwest Quarter of the Northwest Quarter of the Northwest Quarter, said Section 11, and from said point run thence North 89 deg. 38 min. 44 sec. West 122.44 feet to the East line of Main Street; thence North along street 5 feet; thence South 84 deg. 28 min. 54 sec. East, 122.54 feet to the point of beginning.

Tract 48

That part of the Southeast Quarter of the Northwest Quarter, Section 14, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 14 feet North and 37 feet West of the center corner of said Section 14 and from said point run thence West 94 feet; thence North 136.3 feet; thence East 94 feet; thence South 136.3 feet to the point of beginning.

Tract 49

Part of the Northwest Quarter of the Northeast Quarter of Section 15, Township 2 South, Range 15 West, described as follows: Beginning at a point that is 14.96 chains South of the Northeast corner of said Northwest Quarter of Northeast Quarter and run thence North 86 deg. West 700 feet for a point of beginning, and from said point of beginning, run thence North 86 deg. West 50 feet; thence North 167 feet; thence South 84 deg. East 50 feet; thence South 165 feet to the point of beginning.

Tract 50

That part of the Southwest Quarter of the Southeast Quarter, Section 32, Township 2 South, Range 15 West, described as follows: Commencing at the Southwest corner of Southwest Quarter of Southeast Quarter, thence North 100 feet; thence East 200 feet; thence South 100 feet; thence West 200 feet to the point of beginning. Subject to a 10 foot wide easement across the West boundary.

This conveyance is subject to all easements, rights of way, mineral leases, conveyances and reservations, that may be of record.

Being the same land conveyed to LeRoy Nalley and Patsy R. Nalley, Trustees of the LeRoy Nalley and Patsy R. Nalley Joint Revocable Trust, by Deed recorded in Deed Record Book 08, Page 104794, Saline County, Arkansas.

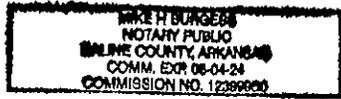
To Have and to Hold the Same, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee, its successors and assigns forever.

In Witness Whereof, The Grantor has hereunto set her hand and seal the day and year first above written.

LeRoy Nalley and Patsy R. Nalley Joint Revocable Trust

By: Patsy R. Nalley  
Patsy R. Nalley, Trustee

STATE OF ARKANSAS )  
COUNTY OF Saline ) SS.



BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting, Patsy R. Nalley, to me well known, as the Grantor in the foregoing deed, and stated that she had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 3rd day of September, 2015.

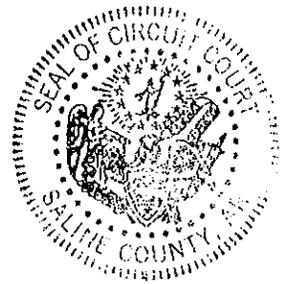
My commission expires: 8/4/2024.

Mike H. Burger  
Notary Public

WHEN RECORDED MAIL TO:  
L N P Properties, LLC  
711 Shenandoah  
Benton, AR 72019

Prepared by:  
Patsy R. Nalley  
711 Shenandoah  
Benton, AR 72019

Document Filed for Record  
In BK 15 PG 71267  
SEP 11 2015  
at 11:37 am/pm  
Myka Sample, Circuit Clerk  
By J. Drennon DC



15 071278

EXHIBIT A

PROPERTY DESCRIPTION (AS SURVEYED)

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 15 WEST, SALINE COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10; THENCE SOUTH 86°28'49" EAST ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER 147.00 FEET; THENCE SOUTH 02°31'42" WEST LEAVING SAID NORTH LINE 19.45 FEET; THENCE SOUTH 02°30'06" WEST 208.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 86°31'41" EAST 115.41 FEET; THENCE SOUTH 02°31'35" WEST 358.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET; THENCE NORTH 86°53'44" WEST ALONG SAID NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET 215.01 FEET; THENCE NORTH 02°31'35" EAST LEAVING SAID NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET 299.17 FEET; THENCE SOUTH 86°40'18" EAST 99.64 FEET; THENCE NORTH 02°30'06" EAST 59.96 FEET TO THE POINT OF BEGINNING. CONTAINING 1.63 ACRES, MORE OR LESS.

October 21, 2015

To Benton City Planning Commission:

It is my intent to re-zone property on W. South Street near Leander Street (see Exhibit A). Therefore, I am requesting that the above named property be re-zoned from One-Family Residential (R1- 7.5) to Highway Commercial (CH).

Attached:

- \$30 Rezone Fee
- Application
- List of names and addresses of owners within 300 feet
- Representative/agent authorization
- Public Notice
- Legal Description - Exhibit A
- 15 copies of Vicinity Map
- 15 copies - Boundary Survey
- 15 copies - Zoning Map

Proof of ownership, proof of publication in Saline Courier, certified mail receipts, certified mail green returned cards and picture of posted notice sign, all to be submitted before P&Z meeting.

Sincerely,

LNP Properties, LLC by Charles Best

3007 Frendall

Benton, AR 72015

**Jeff Nalley  
LNP Properties, LLC  
3007 Frendall  
Benton, AR 72015**

October 12, 2015

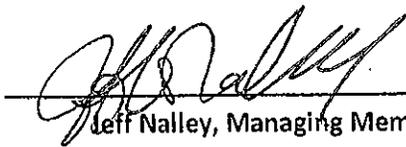
City of Benton  
Community Development Department  
114 South East Street  
Benton, AR 72015

RE: 1229, 1223, 1219 W South, Benton, AR—Commercial Development  
Appointment of Agent for Rezoning

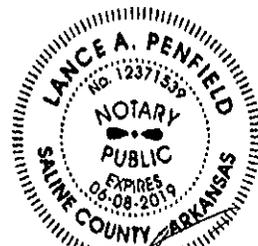
To Whom It May Concern,

As owner of the above referenced property, we hereby appoint Doug Hendrix, Andy Hicks and Charlie Best to act as our agents in the regard to secure rezoning for the construction of a commercial development on the referenced property.

Sincerely,

  
\_\_\_\_\_  
Jeff Nalley, Managing Member  
LNP Properties, LLC

10/12/2015



DATE 10-23 2015

No 39539

**CITY OF BENTON, ARKANSAS**

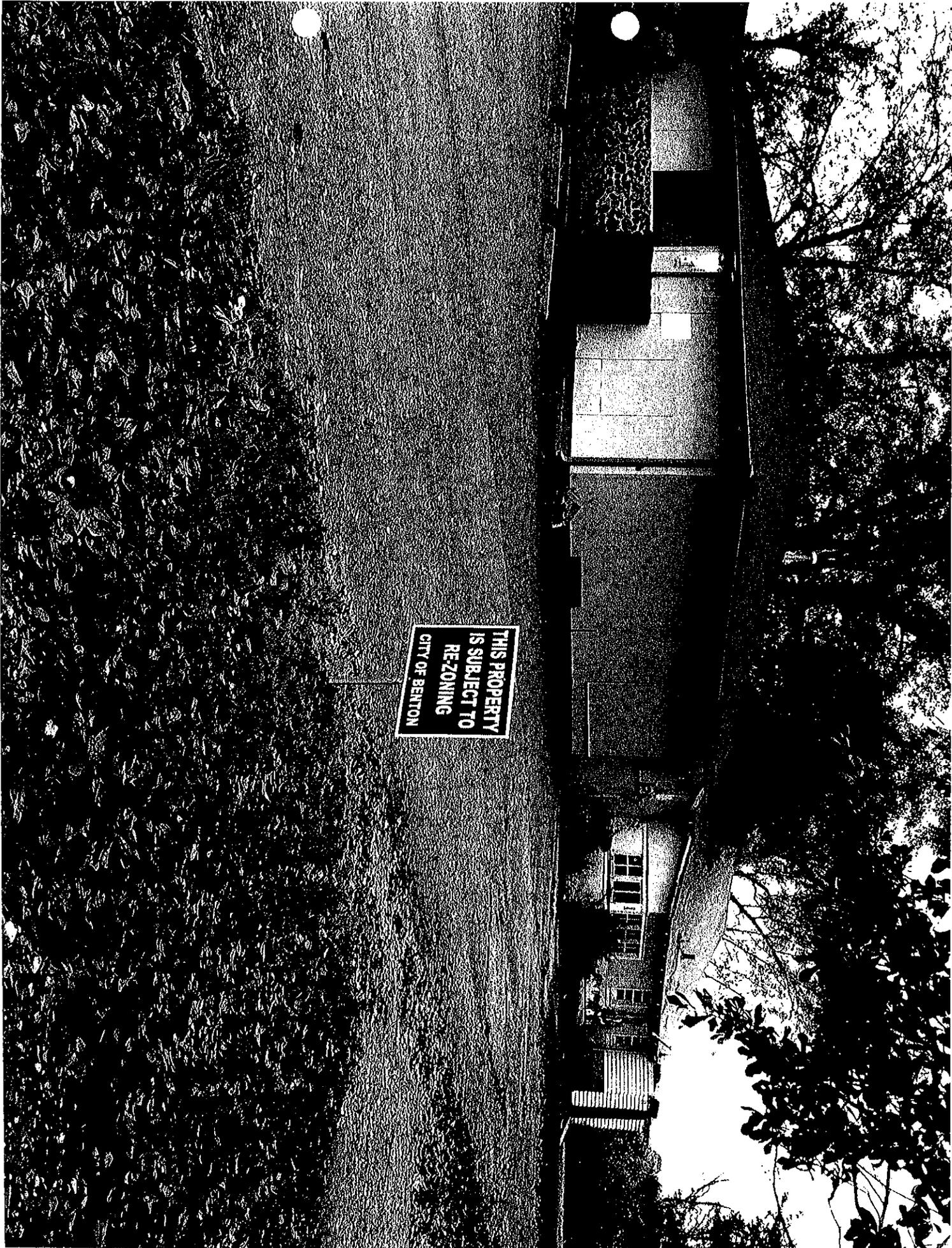
**GENERAL FUND**

RECEIVED OF Hurricane Valley Inc \$ 30.<sup>00</sup>

FOR Rezone App. Fee for W. South  
Street Parcel 805-17688-000 & 805-17700-0

Check # D. M. Ramler

RECEIVED BY:



THIS PROPERTY  
IS SUBJECT TO  
REZONING  
CITY OF BENTON

## PUBLIC NOTICE

Notice is hereby given that a hearing will be held by the Planning and Zoning Commission of the City of Benton, Arkansas on Tuesday, the 10 day of November, 2015 at 6:00 p.m. at Benton City Hall, Benton, Arkansas for a Rezoning Petition for the following property located on W. South Street, Benton, AR 72015 to wit:

### EXHIBIT A

#### PROPERTY DESCRIPTION (AS SURVEYED)

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 2 SOUTH, RANGE 15 WEST, SALINE COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10; THENCE SOUTH 86°28'49" EAST ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER 147.00 FEET; THENCE SOUTH 02°31'42" WEST LEAVING SAID NORTH LINE 19.45 FEET; THENCE SOUTH 02°30'06" WEST 208.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 86°31'41" EAST 115.41 FEET; THENCE SOUTH 02°31'35" WEST 358.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET; THENCE NORTH 86°53'44" WEST ALONG SAID NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET 215.01 FEET; THENCE NORTH 02°31'35" EAST LEAVING SAID NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET 299.17 FEET; THENCE SOUTH 86°40'18" EAST 99.64 FEET; THENCE NORTH 02°30'06" EAST 59.96 FEET TO THE POINT OF BEGINNING. CONTAINING 1.63 ACRES, MORE OR LESS.

Said property currently zoned F . 1.75 and CH. It is proposed to be rezoned from its current zoning to where all of the said property is zoned CH.

The petitioner is LNP Properties, LLC, 3007 Frendall, Benton, AR 72015.

# Proof of Publication

STATE OF ARKANSAS  
County of Saline

I, Maribeth Bueche, do solemnly swear that I am Legal Advertising Clerk for The Saline Courier, a daily newspaper printed in said county, and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county since the year 1876 before the date of the first publication of the advertisement hereto annexed, and that said advertisement was published in said newspaper 1 times for 1 issues, the first insertion therein having been made on 11-04-2015, and the last insertion on 11-04-2015.

Billed Account Sumnerwood Partners

Ad Number 70826

Maribeth Bueche  
Legal Advertising Clerk

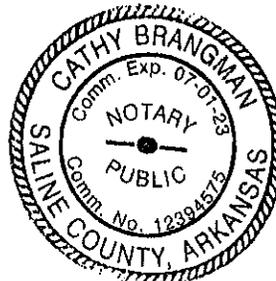
Sworn to and subscribed before me on 11/4/2015  
Cathy Brangman  
Notary Public

## FEE FOR PRINTING

\$ 124.80 Cost of Notice

\$ 2.60 Cost of Proof

\$ 127.40 Total



## Legal Notices

### PUBLIC NOTICE

Notice is hereby given that a hearing will be held by the Planning and Zoning Commission of the City of Benton, Arkansas on Tuesday, the 10 day of November, 2015 at 6:00 p.m. at Benton City Hall, Benton, Arkansas for a Rezoning Petition for the following property located on W. South Street, Benton, AR 72015 to wit:

PROPERTY DESCRIPTION (AS SURVEYED) THAT PART OF THE NORTH-EAST QUARTER OF THE SOUTHWEST QUARTER, SECTION COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 15 WEST, SALINE COUNTY, ARKANSAS, AS DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, THENCE SOUTH 86°28'49" EAST ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER 147.00 FEET; THENCE SOUTH 02°31'42" WEST LEAVING SAID NORTH LINE 19.45 FEET; THENCE SOUTH 02°30'06" WEST 208.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 86°31'41" EAST 115.41 FEET; THENCE SOUTH 02°31'35" WEST 358.00 FEET TO A POINT ON THE NORTH OF NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET; THENCE NORTH 86°53'44" WEST ALONG SAID RIGHT OF WAY LINE WEST SOUTH STREET 215.01 FEET; THENCE NORTH 02° 31'35" EAST LEAVING SAID NORTH RIGHT OF WAY LINE OF WEST SOUTH STREET 299.17 FEET; THENCE SOUTH 86°40'18" EAST 99.64 FEET; THENCE NORTH 02°30'06" EAST 56.96 FEET TO THE POINT OF BEGINNING. CONTAINING 1.63 ACRES, MORE OR LESS.

EXHIBIT A Said property currently zoned RM 1.75 and CH. It is proposed to be rezoned from its current zoning to where all of the said property is zoned CH. The petitioner is LNP Properties, LLC, 3007 Frendall, Benton, AR 72015

# Proof of Publication

STATE OF ARKANSAS  
County of Saline

I, Maribeth Bueche, do solemnly swear that I am Legal Advertising Clerk for The Saline Courier, a daily newspaper printed in said county, and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county since the year 1876 before the date of the first publication of the advertisement hereto annexed, and that said advertisement was published in said newspaper 2 times for 2 issues, the first insertion therein having been made on 10-24-2015, and the last insertion on 10-25-2015.

Billed Account Sumnerwood Partners

Ad Number 70532

Maribeth Bueche  
Legal Advertising Clerk

Sworn to and subscribed before me on 10-26-15

Jolie Alabastion  
Notary Public

FEE FOR PRINTING  
\$ 84.50 Cost of Notice

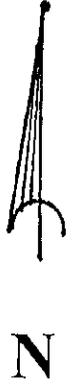
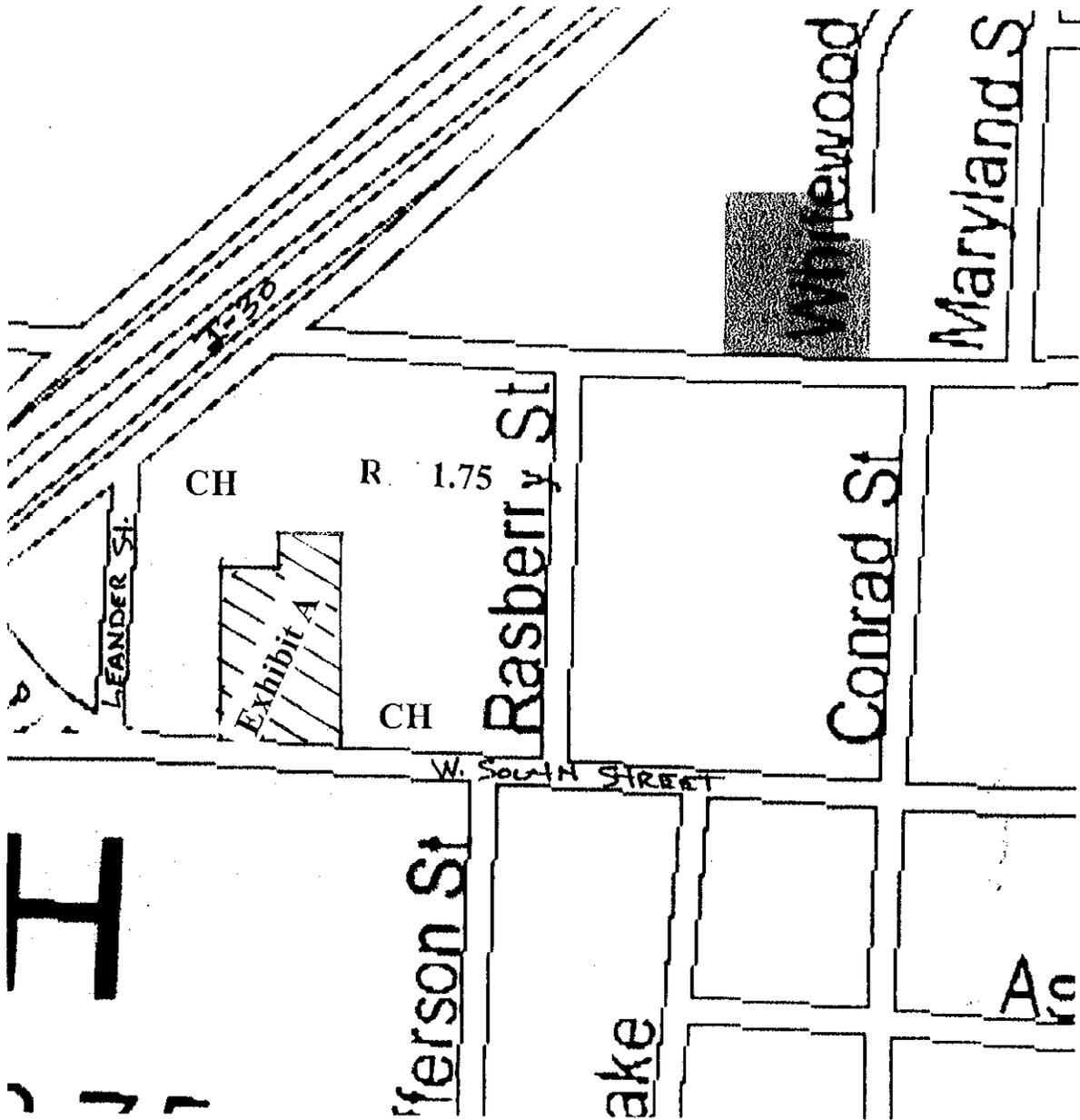
\$ 2.60 Cost of Proof

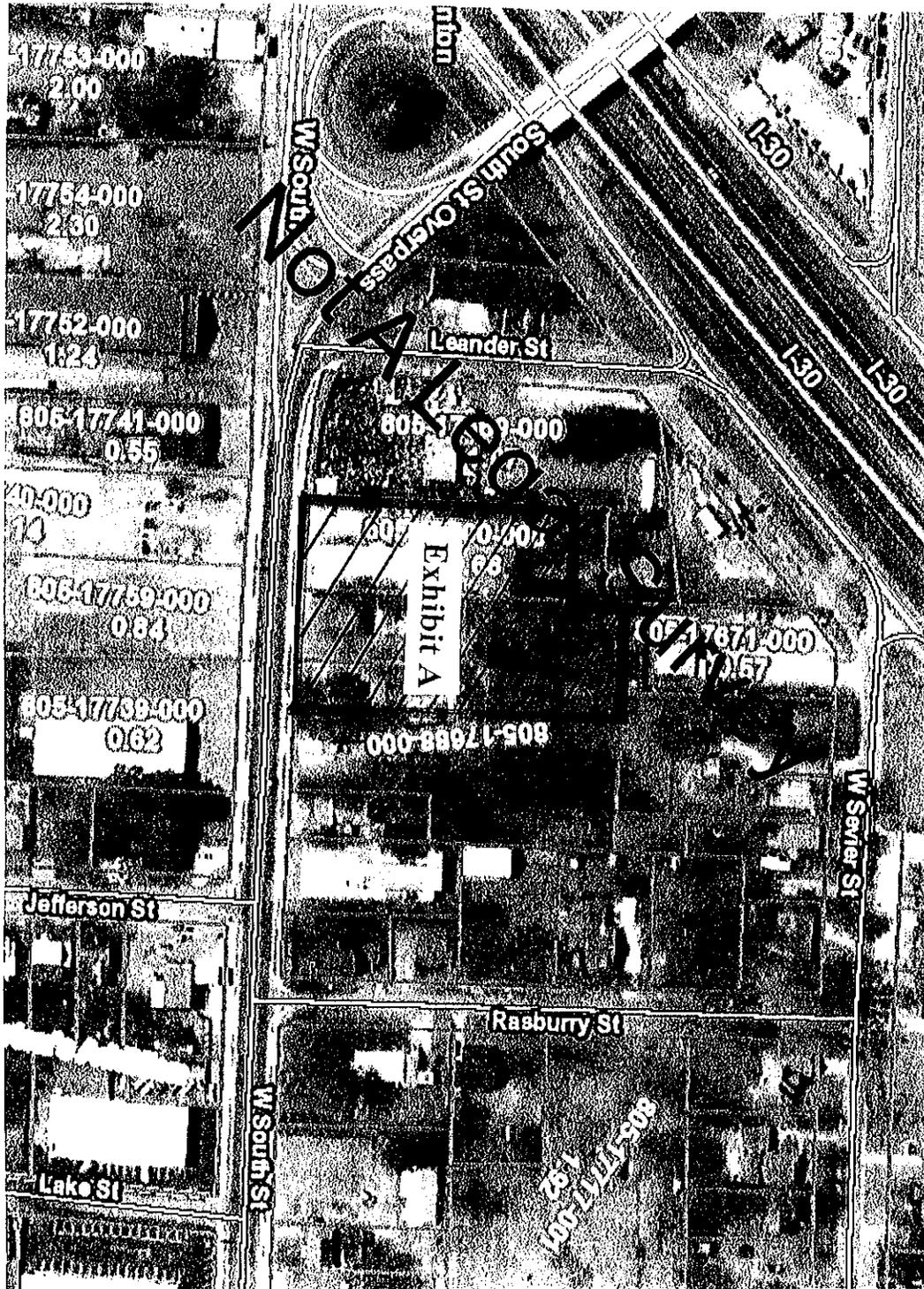
\$ 86.80 Total

## Legal Notices

**PUBLIC NOTICE**  
Notice is hereby given that a hearing will be held by the Planning and Zoning Commission of the City of Benton, Arkansas on Tuesday, the 10 day of November, 2015 at 6:00 p.m. at Benton City Hall, Benton, Arkansas for a Rezoning Petition for the following property located on W. South Street, Benton, AR 72015 to wit:  
**EXHIBIT A** Said property currently zoned RM 1.75 and CH. It is proposed to be rezoned from its current zoning to where all of the said property is zoned CH.  
The petitioner is LNP Properties, LLC, 3007 Frendall, Benton, AR 72015.

ZONING MAP





VICINITY MAP



FIRST NATIONAL TITLE COMPANY  
216 West Sevier Street  
Benton, AR 72015

October 19, 2015

LNP Properties, LLC  
711 Shenandoah  
Benton, Arkansas 72019

Re: Part of the NE 1/4 of the SW 1/4,  
Section 10, Township 2 South,  
Range 15 West, Saline County,  
Arkansas

We have searched the public records of Saline County, Arkansas, and the records and indices of First National Title Company up to October 1, 2015 at 12:01 A.M. and find the following Grantees in the last Deeds of record conveying those lands in Saline County, Arkansas, lying within 300 feet of the lands described in EXHIBIT A attached hereto and made a part hereof. We make no representations as to the status of any titles.

Eagle's Nest of Benton, LLC  
2014 East Watts Road  
Benton, AR 72019

Dodd S. Bowden  
1218 West Sevier Street  
Benton, AR 72015

Bambi Bowden  
P.O. Box 1305  
Mountain Home, AR 72654

Bryan Larsen and Lance Larsen  
1408 Rampart Range Circle  
Benton, AR 72019

Robert F. Wise and Carolyn W. Wise  
503 West South Street  
Benton, AR 72015

Richard Stephen Holland  
816 Leigh Street  
Benton, AR 72019

Raymond R. Moore and Juanita Ernestine  
Moore Revocable Trust  
913 Leigh Street  
Benton, AR 72019

Jimmie Wayne Holland  
P.O. Box 765  
Benton, AR 72018

Keith Miller Duplissey  
1414 Longview, Apt 7  
Benton, AR 72015

Larsen's Rental, LLC  
1408 Rampart Range Circle  
Benton, AR 72019

Trustees of the Benton First Church  
of the Nazarene  
1203 West Sevier Street  
Benton, AR 72015

B & T Enterprises Benton Skate Center Inc.  
P.O. Box 2130  
Benton, AR 72018

Eagle Properties of Saline County, LLC  
2014 Watts Road, Apt E  
Benton, AR 72016

Deborah L. White  
206 South Market Street  
Benton, AR 72015

Jade Properties, LLC  
6413 Caribbean Drive West  
Benton, AR 72019

Carl Patrick Hampel  
P.O. Box 391  
Benton, AR 72018

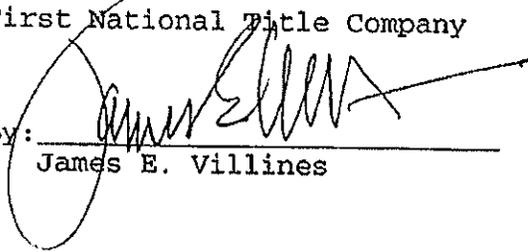
Kokopelli's Mexican Grill, LLC  
7214 East Shadow Ridge  
Benton, AR 72019

Douglas Britton Ramsey, Trustee of the  
Douglas Britton Ramsey Revocable Trust  
6950 Red Oak Drive  
Benton, AR 72019

Dewaine R. Stone and Rose Marie Stone  
110 Jefferson Street  
Benton, AR 72015

Thank you for this opportunity to be of service.

First National Title Company

By: 

James E. Villines

**ORDINANCE NO. 61 OF 2015**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING  
AND RATIFYING THE MAKING OF CONTRACTS WITH  
UCI, DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES**

WHEREAS, the Mayor and the City Council has determined that the City should make a contract with UCI for Data and Communications wiring for Riverside Park which mirrors the existing contract for services between UCI and the City of Benton ; and

WHEREAS, the City Council wishes to authorize and approve the transaction described below.

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

SECTION 1: Section 1: It is in the best interest of the City to enter into a contract with UCI to provide materials and labor for the materials and labor for installation of data and communications services for Riverside Park. The total cost of the material and labor will be based on the existing terms and rates included in the current contract for services between UCI and the City of Benton.

SECTION 2: The Mayor is hereby authorized and directed to enter into a contract with UCI.

SECTION 3: The requirement of competitive bidding for the purchase hereby authorized is deemed not feasible or practical and therefore is waived.

SECTION 4: All sums necessary for the cost of the project authorized herein are hereby appropriated and authorized for expenditure.

SECTION 5: The Mayor and City Clerk are hereby authorized and directed to execute such additional documentation as may be necessary or convenient to affect the purposes of this ordinance.

SECTION 6: There is an immediate need to begin work on the Data and Communications wiring at Riverside Park in order to coordinate with construction schedules. Therefore, an emergency exists and this ordinance is necessary for the preservation of the public peace, health and safety. It shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this the \_\_\_\_\_ day of November, 2015.

\_\_\_\_\_  
David Mattingly, Mayor

\_\_\_\_\_  
Cindy Stracener, City Clerk

**RESOLUTION NO. 63 OF 2015**

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SOPA INC.;  
APPROPRIATING FUNDS FOR THIS PURPOSE; AND FOR OTHER PURPOSES

WHEREAS, the City Council desires to purchase seating and athletic equipment for the River Center and Boys and Girls Club facility at Riverside Park; and

WHEREAS, the purchase and installation of the equipment will be made using the TIPS/TAPS purchasing cooperative, which obtains competitive pricing on products for local governments; and

WHEREAS, the City desires to enter into a contract with SOPA Inc. for the purchase and installation of the equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benton, Arkansas, that;

SECTION 1: The City Council does hereby authorize the Mayor and City Clerk to execute all necessary documents to enter into an agreement with SOPA Inc. for the purpose of purchasing and installing seating and athletic equipment at the Riverside Park Complex. A copy of the quote is attached hereto as Exhibit "1" to this Resolution.

SECTION 2: The funding for the purchase contract is hereby deemed appropriated.

PASSED AND APPROVED this the \_\_\_\_\_ day of October, 2015.

---

David J. Mattingly, Mayor

---

Cindy Stracener, City Clerk

# SOPA Inc.

*Helping Build Tomorrow*

## QUOTE

TIPS TAPS Vendor  
#6111512  
Contractor  
Lic#0062600416

501-663-5500  
[scott@sopainc.com](mailto:scott@sopainc.com)

Attention: John Eckart  
Benton Parks and Recreation Dept.  
913 E. Sevier St.  
Benton, AR 72015

Date: 11/14/15

Project Title: Benton  
Athletic Equipment Proposal

Athletic Equipment	Quantity	Unit Price	Cost
Performance Sports Systems Ceiling Suspended Basketball Goals. Accessories: PMCE Back Board padding, 2000+ Breakaway rims, Electric Adjust a Goals. Controller: TSC Touch Screen Control to operate goals and divider curtains	8	\$ 7,860.37	\$ 62,883.00
Gared Pro S Portable Basketball Goals for championship court	2	\$ 27,425.00	\$ 27,425.00
PSS Model 4020 Fold Up Divider Curtains	3	\$ 28,935.00	\$ 28,935.00
(4) PSS Rallyline Volleyball 2 Court Systems (8) Referee Stands, (4) Volleyball Equipment storage carts, (20) Volleyball Sleeves and Coverplates.	1	\$ 29,335.00	\$ 29,335.00
40 LF of Wall Padding	1	\$ 4,555.00	\$ 4,555.00
<b>Total</b>			<b>\$153,133.00</b>

All prices are inclusive of material, installation, freight, and 9% AR sales tax.

Sincerely yours,

Scott Greene  
Vice President

# SOPA Inc.

*Helping Build Tomorrow*

## QUOTE

TIPS TAPS Vendor  
 #6111512  
 Contractor  
 Lic#0062600416

501-663-5500  
[scott@sopainc.com](mailto:scott@sopainc.com)

Attention: John Eckart  
 Benton Parks and Recreation Dept.  
 913 E. Sevier St.  
 Benton, AR 72015

Date: 11/14/15

Project Title: Benton Boys & Girls Club  
 Athletic Equipment Proposal

Athletic Equipment	Quantity	Unit Price	Cost
Performance Sports Systems Ceiling Suspended Basketball Goals. Accessories: PMCE Back Board padding, 2000+ Breakaway rims, Electric Adjust a Goals. Controller: TSC Touch Screen Control to operate goals and divider curtains	14	\$ 5,885.20	\$ 82,392.80
PSS Model 4020 Fold Up Divider Curtains	2	\$ 11,784.10	\$ 23,568.20
(5) PSS Rallyline Volleyball 1 Court Systems (5) Referee Stands, (2) Volleyball Equipment storage carts. (10) Volleyball Sleeves and Coverplates.	1	\$ 14,217.40	\$ 14,217.40
40 LF of Wall Padding	1	\$ 3,100.00	\$ 3,100.00
<b>Total</b>			\$123,278.40

All prices are inclusive of material, installation, freight, and 9% AR sales tax.

Sincerely yours,

Scott Greene  
 Vice President

# SOPA Inc.

*Helping Build Tomorrow*

## QUOTE

TIPS TAPS Vendor

#2121611

Contractor

Lic#0062600416

501-663-5500

[scott@sopainc.com](mailto:scott@sopainc.com)

2323 Cantrell Rd.

Little Rock, AR 72212

Attention: John Eckart

Benton Parks and Recreation Dept.

913 E. Sevier St.

Benton, AR 72015

Date: 11/14/15

Project Title: Benton River Center

Seating Proposal

Telescopic & Natatorium Bleachers	Quantity	Unit Price	Cost
Hussey Seating: Telescopic Bleacher System: 3 Banks @ 3495 Net Seats. Natatorium: 255 Concrete Mounted Bench Seats. Maxam 1 Tip N Roll Bleachers: Seats 200 - Not Fixed Equipment Total Price includes backrests on Bank A only. Add for Banks B & C Listed below.	1	\$674,013.00	\$674,013.00
Add for Coliseum Backrests on Banks B & C.	1	\$ 60,593.00	\$ 60,593.00
<b>Total</b>		<b>\$734,606.00</b>	<b>\$734,606.00</b>
EAST SIDE SEATING			
National Public Seating Portable Riser System. - Not Fixed Equipment	1	\$ 27,795.00	\$ 27,795.00
Clarín 3400 Premium Portable Chairs Not Fixed Equipment	200	\$ 133.42	\$ 26,685.00
<b>Total</b>			<b>\$ 54,480.00</b>

All prices are inclusive of material, installation, freight, and 9% AR sales tax.

Sincerely yours,

Scott Greene

Vice President

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# SOPA Inc.

*Helping Build Tomorrow*

## QUOTE

TIPS TAPS Vendor  
#2121611  
Contractor  
Lic#0062600416

501-663-5500  
[scott@sopainc.com](mailto:scott@sopainc.com)

Attention: John Eckart  
Benton Parks and Recreation Dept.  
913 E. Sevier St.  
Benton, AR 72015

Date: 11/14/15

Project Title: Benton Boys & Girls Club  
Fixed Seating Proposal

Hussey Seating Fixed Bench Seats	Quantity	Unit Price	Cost
Hussey Seating Fixed Courtside Bench Seats	729	\$ 50.14	\$ 36,550.48
<b>Total</b>			<b>\$ 36,550.48</b>

All prices are inclusive of material, installation, freight, and 9% AR sales tax.

Sincerely yours,

Scott Greene  
Vice President

**RESOLUTION NO. 64 OF 2015**

**A RESOLUTION RATIFYING AND CONFIRMING THE REAPPOINTMENT OF  
PHIL MILLER AS COMMISSIONER TO THE PUBLIC UTILITIES COMMISSION;  
AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Benton created the Public Utilities Commission by Ordinance 46 of 2004; and

**WHEREAS**, the City Council desires to reappoint Phil Miller to the position of Commissioner of the Public Utilities Commission, with a term of office ending December 31, 2020;

**NOW, THEREFORE, BE IT RESOLVED** BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS;

**SECTION 1:** Phil Miller is hereby confirmed as a member of the Public Utilities Commission.

PASSED AND APPROVED this the \_\_\_\_ day of November, 2015.

X

\_\_\_\_\_  
David J. Mattingly, Mayor

X

\_\_\_\_\_  
Cindy Stracener, City Clerk