**MAYOR**

George B McGill

**ACTING CITY
ADMINISTRATOR**

Jeff Dingman

CITY CLERK

Sherri Gard

BOARD OF DIRECTORS

Ward 1 - Jarred Rego

Ward 2 - Andre' Good

Ward 3 - Lee Kemp

Ward 4 - George Catsavis

At-Large Position 5 - Christina Catsavis

At-Large Position 6 - Kevin Settle

At-Large Position 7 - Neal Martin

AGENDA

Fort Smith Board of Directors

REGULAR MEETING

January 6, 2026 ~ 6:00 p.m.

Blue Lion

101 North 2nd Street

Fort Smith, Arkansas

***THIS MEETING IS BEING TELECAST LIVE ON THE
CITY OF FORT SMITH GOVERNMENT ACCESS CHANNEL (COX CHANNEL 214)
AND ONLINE AT THE FOLLOWING LINK:***

https://fortsmithar.granicus.com/ViewPublisher.php?view_id=1

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

APPROVE MINUTES OF DECEMBER 15, 2025 SPECIAL MEETING AND DECEMBER 16, 2025 REGULAR MEETING

ITEMS OF BUSINESS

1. Ordinance rezoning identified property and amending the zoning map (*Residential Single-family Duplex Low/Density (RSD-2) to Transitional (T) at 1401 Old Greenwood Road*) (Planning & Zoning)
2. Resolution amending Resolution R-158-25 authorizing acquisition of sewer utility easements in connection with the 2017 SSA Remedial Measures, Sub-Basin MC06, Project No. 19-15-C1 (\$5,640.00 / Budgeted / Engineering-Utilities - 2025 Sales and Use Tax Bonds) (Engineering) ♦ ●

3. Resolution amending Resolution R-156-25 authorizing acquisition of a temporary construction easement in connection with the 2017 SSA Remedial Measures, Sub-Basin P009, Project No. 19-18-C1 (\$150.00 / Budgeted / Engineering-Utilities - 2025 Sales and Use Tax Bonds) (Engineering) ♦ ●
4. Resolution authorizing acquisition of sewer utility easements and temporary construction easements in connection with the 2017 SSA Remedial Measures, Sub-Basin FL02, Project No. 19-19-C1 (\$8,929.40 / Budgeted / Engineering-Utilities - 2025 Sales & Use Tax Bonds) (Engineering) ♦ ●
5. Resolution authorizing the Mayor to execute Change Order No. 1 with Vortex Services, LLC for the SSA Remedial Measures, Sub-Basins MC07, P004, S006 and Z001 and Capacity Improvements, Sub-Basin SK01, Project No. 23-19-C2 Pipe Burst (-\$1,060,398.19 and reduction 56 days / Budgeted / Engineering-Utilities - 5/8% Sales and Use Tax) (Engineering) ♦ ●
6. Resolution accepting the project as complete and authorizing final payment to Vortex Services, LLC for the SSA Remedial Measures, Sub-Basins MC07, P004, S006 and Z001 and Capacity Improvements, Sub-Basin SK01, Project No. 23-19-C2 Pipe Burst (\$165,555.80 / Budgeted / Engineering-Utilities - 5/8% Sales and Use Tax) (Engineering) ♦ ●
7. Consent Agenda
 - 7A. Resolution authorizing Amendment No. 1 to extend the professional services agreement with Converge Strategies, LLC related to the Mission Installation Resilience Grant to March 31, 2026 (add 90 days) (City Administrator)

OFFICIALS FORUM - presentation of information requiring no official action

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

- Review applications of recently interviewed candidates for position of City Administrator
~ Kemp/Settle placed on agenda at the December 16, 2025 regular meeting ~

ADJOURN



MEMORANDUM

TO: Jeff Dingman, Acting City Administrator
FROM: Maggie Rice, Deputy City Administrator
DATE: December 16, 2025
SUBJECT: Rezoning from Residential Single Family Duplex Low/Density (RSD-2) to Transitional (T) at 1401 Old Greenwood Road

SUMMARY

On December 9, 2025, the Planning Commission held a public hearing to consider rezoning property located at 1401 Old Greenwood Road from Residential Single Family Duplex Low/Density (RSD-2) to Transitional (T). The property, containing an area of 0.70 acres, is located on the east side of Old Greenwood Road, south of South M Street. The proposed rezoning allows the Western Arkansas Council of the Boy Scouts of America to lease office space in the existing building in support of the Boy Scout mission.

The applicant received a waiver of the neighborhood meeting in accordance with UDO Section 27-304-1. As requested, the applicant sent letters and a project description to surrounding property owners. To date, the applicant has not received any concerns from neighboring property owners. At the Planning Commission meeting, William Jackson Butt II was present to represent the application. There were none present to speak in favor or opposition to the item.

The Planning Commission voted seven (7) in favor, zero (0) opposed, to recommend the Board of Directors amend the Zoning Map.

Please contact me if you have any questions.

ATTACHMENTS

1. [1401_OGR_Ordinance.pdf](#)
2. [1401 OGR Backup.pdf](#)

**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission herefore held a public hearing upon request 34-12-25 to rezone certain property hereinafter described, and, having considered said request, recommended on December 9, 2025, that said change be made.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1:

The following described property in the City of Fort Smith, Sebastian County, Arkansas:

Beginning at a point 40 feet east and 387 feet south of the northwest (NW) corner of the Northeast quarter (NE1/4) of the northwest quarter (NW1/4) section twenty-two (22), township eight (8) North, Range thirty-two (32) west, thence south 200 feet, thence east 170.8 feet o the Missouri Pacific railroad Company right-of-way, thence in a Northwesterly direction along the Missouri Pacific right-of-way to a point due east of point of beginning, thence west 135.5 feet to the point of beginning

more commonly known as 1401 Old Greenwood Road, is hereby rezoned from Residential Single-family Duplex Low/Density (RSD-2) to Transitional (T). The zoning map of the City of Fort Smith is hereby amended to reflect said zoning.

SECTION 2: It is hereby found and determined that the adoption of the amendment to the zoning map is necessary to alleviate an emergency relative to the regulation of uses of property within the City of Fort Smith so that the protection of the health, safety, welfare, and property of the inhabitants of the City requires that the above amendment be effective, and the amendment is hereby made effective, as of date of approval of this Ordinance.

PASSED AND APPROVED THIS _____ DAY OF _____, 2026.


ATTEST:

APPROVED:

City Clerk

Mayor

Approved as to form:



Publish One Time

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
BLUE LION DOWNTOWN, 101 N 2ND ST
DECEMBER 9, 2025
5:30 P.M**

- 1. Rezoning #34-12-25- A request by William Jackson Butt II, agent for Natural State Council of the Boy Scouts of America, Inc., for a zone change from Residential Single-Family Duplex Low/Medium Density (RSD-2) to Transitional (T) zone at 1401 Old Greenwood Road.**

Chairman McCaffrey introduced items 2 and 3 as companion items. Mr. Kaelin delivered the staff report indicating the subject property was located on the east side of Old Greenwood Road and south of South M Street. He said approval of this item would allow the property to be zoned Transitional.

Mr. William Jackson Butt II and Shanna Richardson were present to represent the item. There were none present to speak in favor or opposition of the item. Chairman McCaffrey asked if the property is subject to the Greenwood Overlay District. Ms. Rice responded and said that is already subject to the overlay district. Commissioner Hanna asked if there is any new exterior signage being proposed. Mr. Butt responded and said that there isn't any presently. Mr. Rice stated that the signage would be required to comply with the Greenwood Overlay District.

Chairman McCaffrey called for a motion on item 2. Commissioner Tyler moved, seconded by Commissioner Newton, to approve with staff comments.

Chairman McCaffrey called for a vote on item 2. The vote was seven (7) in favor and zero (0) opposed.

- 2. Development Plan #23-12-25 – A request by William Jackson Butt II, agent for Natural State Council of the Boy Scouts of America, Inc., for an office, in a proposed Transitional (T) zone at 1401 Old Greenwood Road.**

Mr. Kaelin delivered the staff report and stated the approval of the development plan and companion rezoning request will allow Transitional (T) zone land uses to operate within the existing building.

Mr. William Jackson Butt II and Shanna Richardson were present to represent the item. There were none present to speak in favor or opposition of the item.

Chairman McCaffrey called for a motion on item 3. Commissioner Wilson moved, seconded by Commissioner Taylor, to approve with staff comments. Chairman McCaffrey called for a vote. The vote was seven (7) in favor and zero (0) opposed.



**Fort Smith
Planning Commission**

Item Number: Rezoning #34-12-25

Hearing Date: December 9, 2025

Report Prepared by:

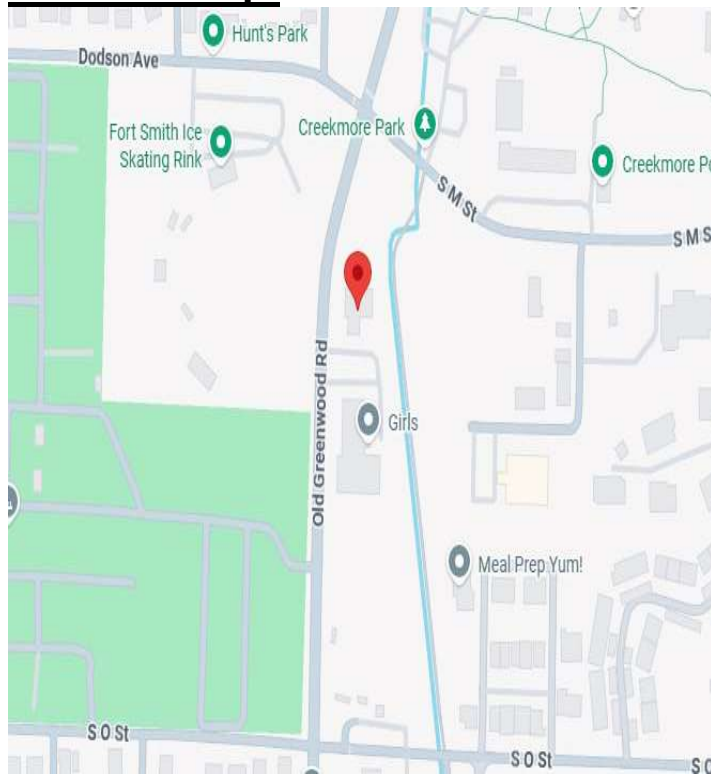
Planning Staff

Owner and Applicant Information:

Applicant: William Jackson Butt II

Owner: Natural State Council of the
Boy Scouts of America Inc.

Location Map:



Applicant Proposal:

Address: 1401 Old Greenwood Road

Present Use: Boy Scout Office

Summary: A zone change request
from Residential Single-Family
Duplex Low/Density (RSD-2) to
Transitional (T) to accommodate
office use

Total Tract Size: 0.70 Acres

Location: East side of Old Greenwood
Road and south of South M Street

Existing Zoning:

RSD-2

Master Land Use Plan:

Institutional

Staff Recommendation:

Approval

Memo

To: City Planning Commission

From: Planning Staff

Date: December 9, 2025

Re: Rezoning #34-12-25 - A request by William Jackson Butt II, agent for the Natural State Council of the Boy Scouts of America, for a zone change from Residential Single-Family Duplex Low Density (RSD-2) to Transitional (T) at 1401 Old Greenwood Road.

PROPOSED ZONING

Approval of the rezoning allows the property to be zoned Transitional.

LOT LOCATION AND SIZE

The subject property is on the east side of Old Greenwood Road and south of South M Street. The tract contains an area of .70 acres with approximately 200 feet of street frontage along Old Greenwood.

REQUESTED ZONING

The requested zoning on this tract is Transitional (T).
Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet
Maximum Lot Size – 40,000 square feet
Minimum Lot Width at Building Line – 50 feet
Minimum Street Frontage – 50 feet
Front Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet (residential), non-residential to be determined by current City building and fire code.

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 65%

SURROUNDING ZONING AND LAND USE

Direction	Land use	Zoning
North	City of Fort Smith (Creekmore Park)	Residential Single Family Duplex Low/Medium Density (RSD-2)
East	Undeveloped	Residential Single Family Duplex Low/Medium Density (RSD-2)
South	City of Fort Smith (Girls Inc. of Fort Smith)	Residential Single Family Duplex Low/Medium Density (RSD-2)
West	Fort Smith Boys Club (Hunts Park)	Residential Single Family Duplex Medium/High Density (RSD-3)

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Old Greenwood Road as a Major Arterial.

MASTER LAND USE PLAN

The Master Land Use Plan classifies the site as Institutional. This classification is intended to provide for needed community services of both a public and quasi-public nature.

NEIGHBORHOOD MEETING

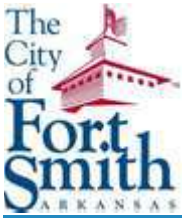
The applicant received a waiver of the neighborhood meeting in accordance with UDO Section 27-304-1. As required, the applicant sent letters and a project description to all contiguous property owners. To date, the applicant has not received any concerns from neighboring property owners.

STAFF COMMENTS

The subject property was conveyed to the local Council of the Boy Scouts of America to be utilized for the promotion of Boy Scouts through a resolution passed by the Board of Commissioners on October 4, 1962. The Boy Scouts institution constructed the existing building to be utilized for office space, conference rooms, and retail shops for scouting attire. The current zoning for the tract is RSD-2, and the current operating Boy Scouts institution is legal non-conforming. The Scouts desire to lease space within the existing building to support the Boy Scouts mission.

STAFF RECOMMENDATIONS

Staff recommends approval.



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

REZONING APPLICATION

CITY OF FORT SMITH, ARKANSAS Rezoning

FOR STAFF USE ONLY	FEE: \$350
Date Application Submitted:	Zone:
Date Accepted as Complete:	
Project Number:	
Public Hearing Date:	

Application:

Indicate one contact person for this request:

☐ Applicant

☒ Agent

Applicant (person making request):

Name: Natural State Council of the Boy Scouts of America, Inc.

E-mail: shanna.richardson@naturalstatecouncil.com

Address:

3220 CANTRELL RD
LITTLE ROCK, AR 72202

Phone: (501) 664-4780

Fax: (501) 859-9705

Site Address / Location: 1401 Old Greenwood Rd, Fort Smith, AR 72901

Current Zoning District: RSD-2 (Residential Single Family-Duplex Low/Medium Density)

Requested Zoning District: T (Transitional)

Assessor's Parcel Number(s) for property: 18883-0000-00919-00

Agent (engineer, surveyor, realtor, etc.):

Name: William Jackson Butt II

E-mail: jbutt@dbtcfirm.com

Address:

P.O. Box 1224
Fayetteville, AR 72702

Phone: (479) 521-7600

Fax: (479) 521-7661

www.fortsmithar.gov/index.php/planning-zoning



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

REZONING APPLICATION

Total Acreage: .7 being 7/10

Legal Description of property:

Attach legal description in

word format.

☒ Restrictive Covenants Apply (attach to application)

Companion items:

☒ Development Plan (\$100 when submitted with another application)

☐ Master Land Use Plan Map Amendment (\$100 when submitted with a rezoning)

Note: Fees cover the administrative costs of advertising and notifying neighboring property owners. Fees are Non-Refundable.

Describe Proposed Zoning Request, including the development of any construction on the property:

This property was gifted by the City of Fort Smith to Westark Area Council, Boy Scouts of America, Inc. in 1962, for use for scouting purposes, preceding the current zoning regulations. The Scouts constructed an office building on the site which has since been exclusively occupied and used by the Scouts for scouting purposes, being offices, conferences and a retail scout shop. Subsequent zoning designated the tract RSD-2 and thus but for its grandfathered status, its current zoning is inapt for its use. In 2023, by formal merger, that owner has merged into and with the the Natural State Council of the Boy Scouts of American, Inc. As currently owned, the Scouts desire to lease some or all of the space to third parties for uses permitted by the City's Transitional ("T") Zoning; the existing land and improvements are not practical or suitable for use under its current zoning status of RSD-2.

PROPERTY OWNER(S) / AUTHORIZED REPRESENTATIVE: The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830. Once deemed completed, no modification may be made unless requested or agreed upon by the Planning Department. Should modification to the application be requested after advertising, it shall be at the discretion of the Planning Commission to review or continue. Re-advertising fee may apply.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Name and Signature	Date
William Jackson Butt II <small>I hereby certify that I am the owner of the property described in this application. I am the author of this document. Date: 2025 10 15 13:34:00</small>	October 15, 2025

www.fortsmithar.gov/index.php/planning-zoning

623 Garrison Avenue, Rm 331
Fort Smith, AR 72901
479-784-2216 planning@fortsmithar.gov

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize **William Jackson Butt II** to act as our agent in the (Print Name of Agent) matter.

(Type or clearly print)

NAMES OF ALL OWNERS.

1.	Natural State Council of the Boy Scouts of America, Inc.
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

SIGNATURE OF ALL OWNERS.

Shanna Richardson, CEO

This form is necessary only when the person representing this request does not own all the property.

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

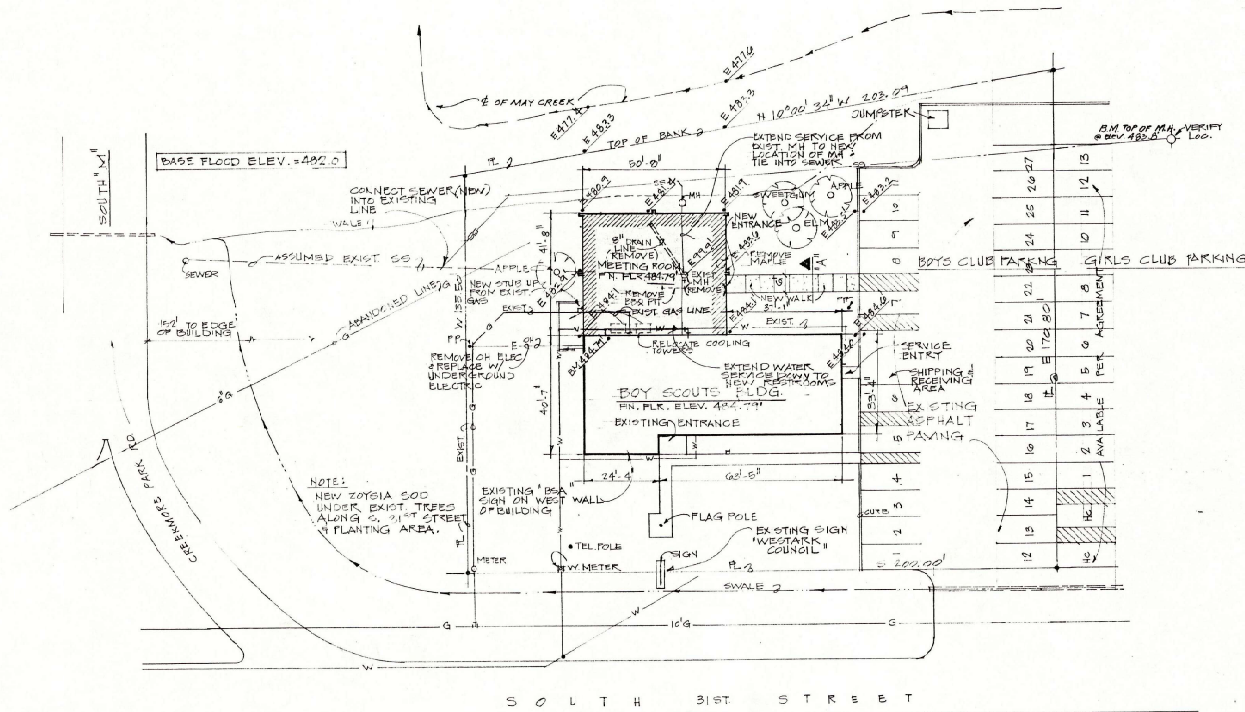
List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME

Natural State Council of the Boy Scouts of America, Inc.

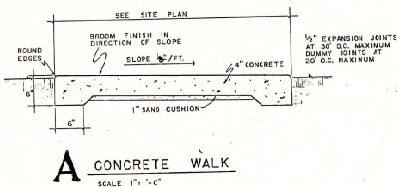
ADDRESS

1401 Old Greenwood Rd, Fort Smith, AR 72901



SITE PLAN

SCALE: 1" = 20'-0"



A TRACT OF LAND IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 8 NORTH, RANGE 32 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN SEBASTIAN COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE EAST 40.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SOUTH 31ST STREET; THENCE SOUTH 187.00 FEET ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH ALONG SAID RIGHT-OF-WAY 200.00 FEET TO A POINT; THENCE EAST 100.00 FEET TO A POINT; THENCE N 10°00'34" W, 202.00 FEET ALONG SAID RAILROAD RIGHT-OF-WAY TO A POINT; THENCE WEST 135.50 FEET TO THE POINT OF BEGINNING, CONTAINING 0.70 ACRES MORE OR LESS.

ADDRESS: 1401 S. 31 STREET FORT SMITH, AR 72101
ZONING: R2-CP-DP

SITE LEGEND	
	PROPERTY LINE
	EXISTING CONTOUR
	FINISH CONTOUR
	SPOT ELEVATION
	WATER LINE
	GAS LINE
	ELECTRIC SERVICE
	SANITARY SEWER
	CONCRETE WALK OR CURB
	CONCRETE OR ASPHALT PAVING

DRAWING INDEX

- 1 SITE PLAN
- 2 FOUNDATION & ROOF FRAMING PLAN
- 3 FLOOR PLAN
- 4 ELEVATIONS
- 5 BUILDING SECTIONS & DETAIL PLAN
- 6 MILLWORK, SCHEDULE & REFL. CLG. PLAN
- 7 PLUMBING & HVAC PLAN
- E1 ELECTRICAL PLAN
- E2 ELECTRICAL SCHEDULES

DATE 8-26-74
PLAN NO. 003
REVISIONS



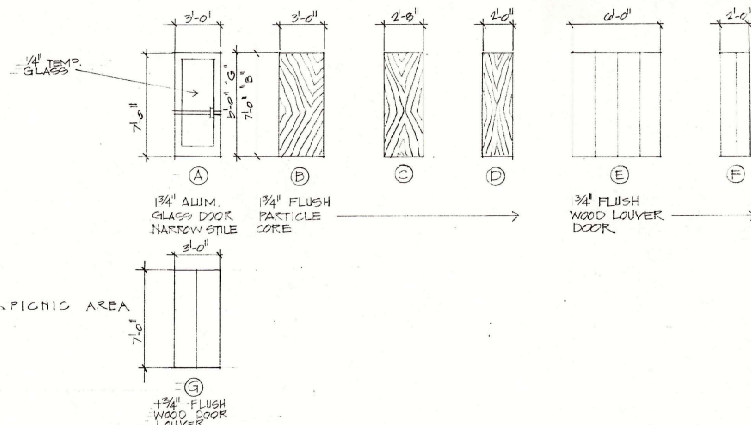
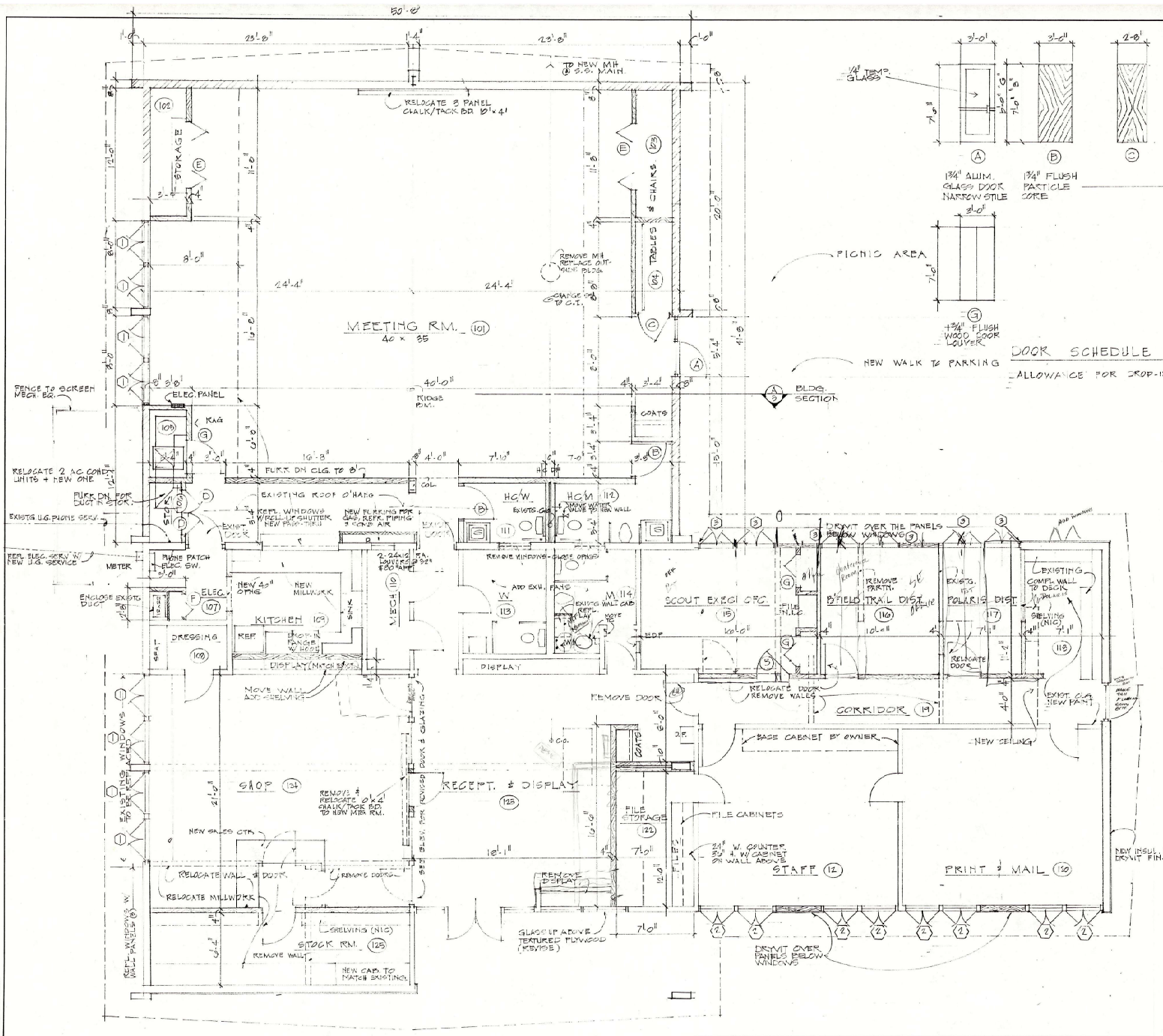
DRIMMEL & STATION
ARCHITECTS
301 SOUTH MAIN STREET
FORT SMITH, ARKANSAS
681.783.0263 72901-01



ADDITIONS TO:
BOY SCOUTS OF AMERICA
WESTARK AREA COUNCIL
FORT SMITH, ARKANSAS

1

OF 7



DOOR SCHEDULE SCALE: 1/4" = 1'-0"

MATERIALS LEGEND	
CONCRETE FILL	FINISH WOOD OR WOOD STUD PARTITION
CONCRETE	CONCRETE
STONE OR PLASTER	PLYWOOD
CONCRETE OR LIGHTWEIGHT BLOCK	CEILING
STONE	ACoustic TILE
FACE BRICK	INSULATION (FILL OR BATT)
	GYPSON BOARD
	STEEL STUD PARTITION

SYMBOLS LEGEND	
detail	Section Reference
elevation	Elevation Reference
detail	Detail Reference
1	Door Number
W	Window Number

FLOOR PLAN SCALE: 1/4" = 1'-0"

DATE 8-26-94
PLAN NO. 958
REVISIONS
8-26-94



DRIMMEL & STATON
ARCHITECTS
3101 SOUTH "H" STREET
FORT SMITH, ARKANSAS
501.782.0263 78581-4627

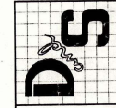


ADDITIONS TO:
BOY SCOUTS OF AMERICA
WESTARK AREA COUNCIL
FORT SMITH, ARKANSAS

FLOOR PLAN
SCALE 1/4" = 1'-0"

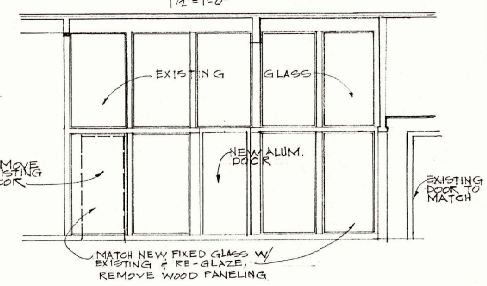
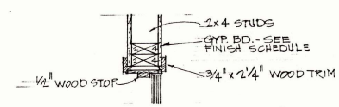
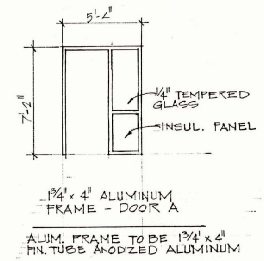


DRIMMEL & STATON
 ARCHITECTS
 AIA
 2101 SOUTH "H" STREET
 FORT SMITH, ARKANSAS 72901-4047



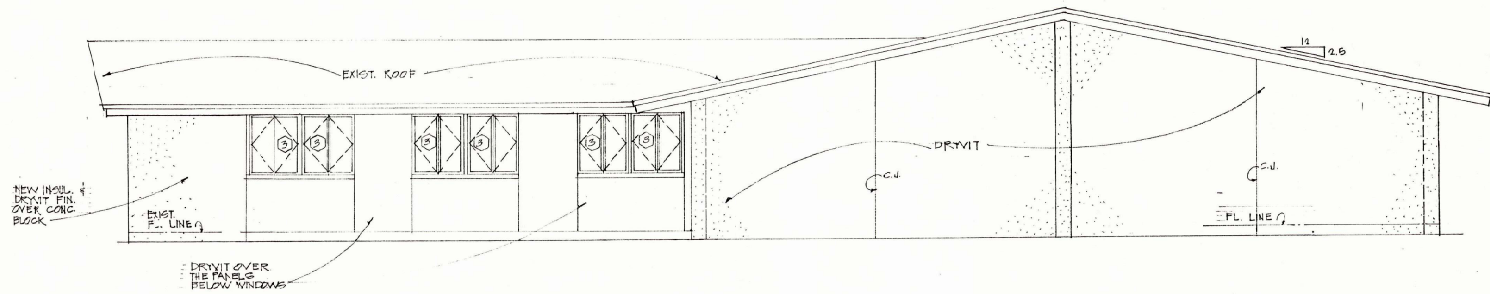
ADDITIONS TO:
 BOY SCOUTS OF AMERICA
 WESTARK AREA COUNCIL
 FORT SMITH, ARKANSAS

ELEVATIONS

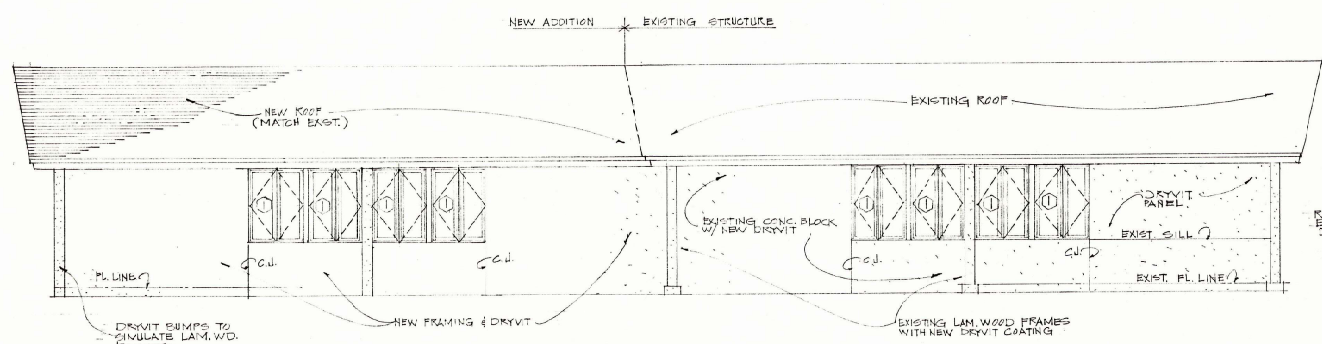


A ELEVATION - NO. WALL OF RCPT. & DISPLAY
 SCALE: 3/8" = 1'-0"

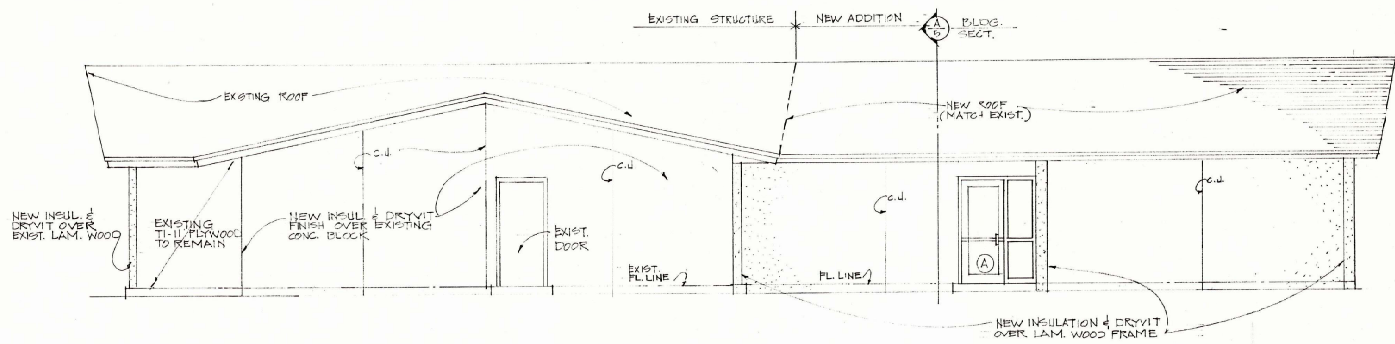
- WINDOW SCHEDULE**
 CUSTOM VINYL WINDOWS BY HARRY G. BARR
 SC (VERIFY OPENING SIZES)
- 1 44" x 40" DBL. VENT CASEMENT W/ CLEAR GLASS
 - 2 & 3 36" x 40" DBL. VENT CASEMENT
 (2 HAS 10" E" GLASS
 (3 HAS CLEAR GLASS)



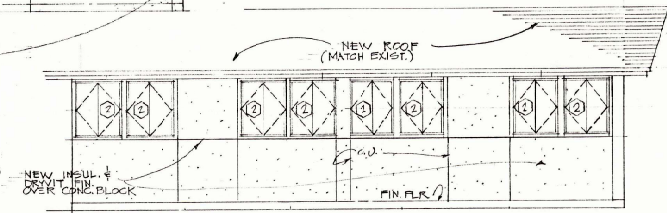
EAST ELEVATION
 SCALE: 1/2" = 1'-0"



NORTH ELEVATION



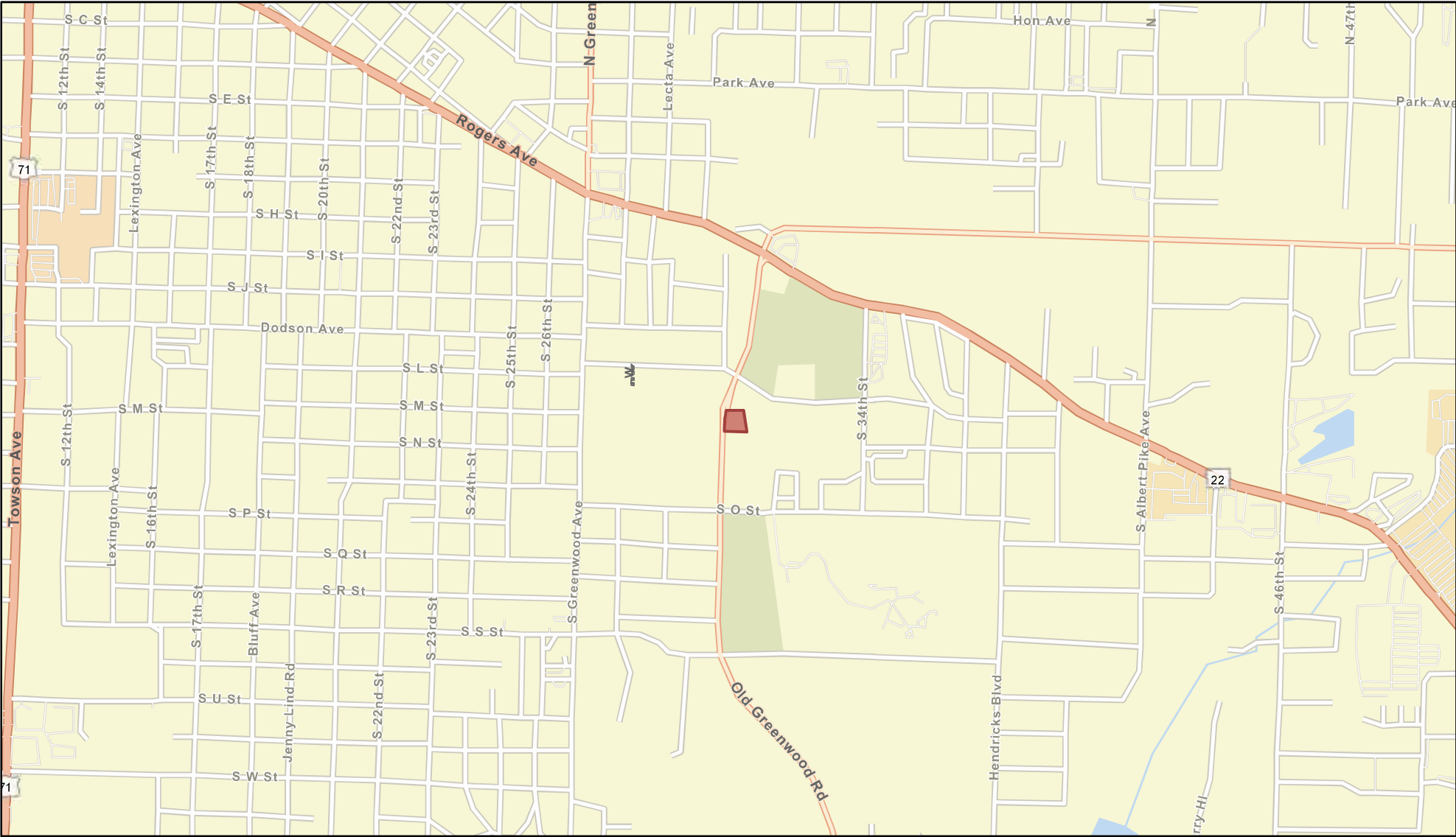
SOUTH ELEVATION



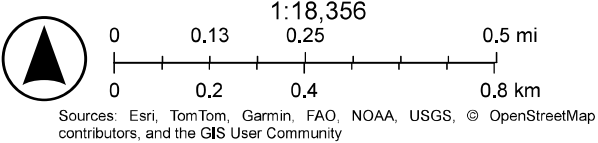
WEST ELEVATION
 1/2" = 1'-0"



Rezoning #34-12-25 - A request by William Jackson Butt II, agent for Natural State Council of the Boy Scouts of America, Inc., for a zone change from Residential Single-Family Duplex Low/Medium Density (RSD-2) to Transitional (T) zone at 1401 Old Greenwood Road.



11/21/2025, 8:55:07 AM

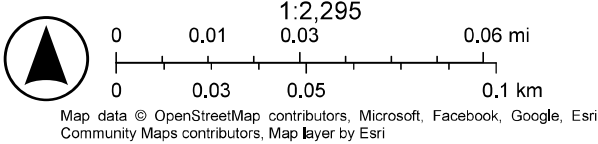


Rezoning #34-12-25 - A request by William Jackson Butt II, agent for Natural State Council of the Boy Scouts of America, Inc., for a zone change from Residential Single-Family Duplex Low/Medium Density (RSD-2) to Transitional (T) zone at 1401 Old Greenwood Road.

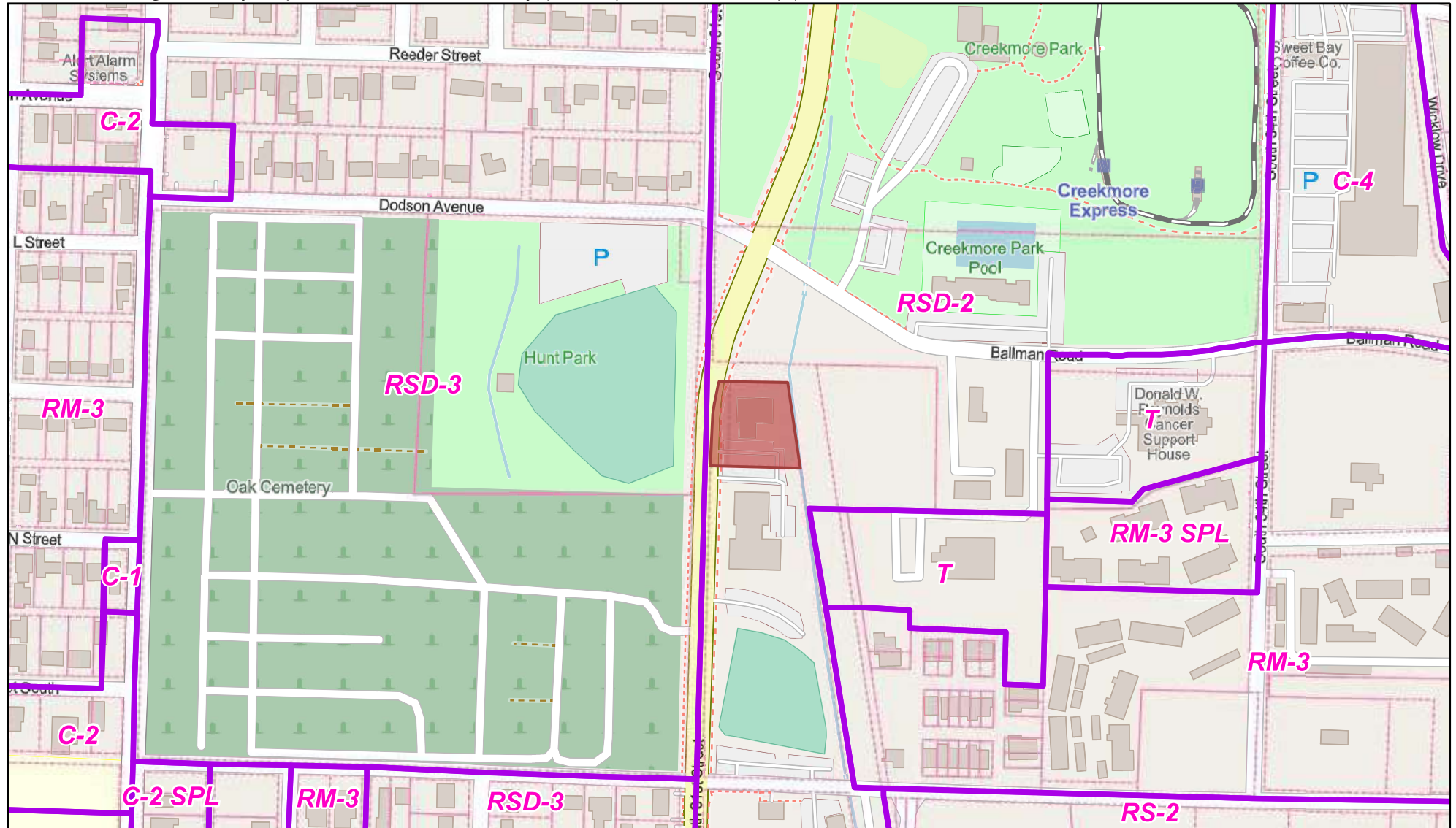


11/21/2025, 8:59:41 AM

- Addresses
- Parcels
- Roads



Rezoning #34-12-25 - A request by William Jackson Butt II, agent for Natural State Council of the Boy Scouts of America, Inc., for a zone change from Residential Single-Family Duplex Low/Medium Density (RSD-2) to Transitional (T) zone at 1401 Old Greenwood Road.



11/21/2025, 8:51:47 AM

 Zoning
 Parcels



1:4,589
0 0.03 0.06 0.12 mi
0 0.05 0.1 0.2 km

Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri
Community Maps contributors, Map layer by Esri



MEMORANDUM



TO: Jeff Dingman, Acting City Administrator
CC: Maggie Rice, Deputy City Administrator
FROM: Todd Mittge, Director of Engineering
DATE: January 5, 2026
SUBJECT: Easement Acquisition-2017 SSA Remedial Measures, Sub-Basin MC06, Project No. 19-15-C1

SUMMARY

As part of the Consent Decree requirements, the City of Fort Smith is undergoing a complete assessment of its wastewater collection and transmission system. The City, and its contractors, are performing Sanitary Sewer Assessments (SSA) and repairs in various Sub-Basins throughout the city. These assessments are necessary to evaluate the condition of the pipes in the City's Sub-Basins to determine if rehabilitation or replacement is required.

Sewer Utility Easements are required as part of this project for the following properties:

Tract	Parcel	Type	Owner	Address	Sq.Ft.	Offer
6	18883-0000-01913-00	SUE	Tina Marie Browder-Ben.	1618 S. Osage	5,362	\$2,215.00
11	18883-0000-01955-00	SUE	Dusti Standridge	Towson	11,621	\$2,100.00
27	18883-0000-02000-00	SUE	Nancy R. Stell Rev. Trust	Jenny Lind	7,868	<u>\$1,325.00</u>
					Total	\$5,640.00

Upon the advice of the city attorney, requested easements valued in excess of \$5,000.00 by city staff were assigned to an independent appraiser to determine value. This resolution is for approval of valuations determined by the appraisal; there were no changes to the easements themselves. Property owners were notified by mail on December 12, 2025 of the change to the valuation, and date, time and location of the Board meeting. Copies of the notifications are included in the board packet.

In the event the named landowner declines to grant the easements, staff recommend that the city attorney be allowed to move forward under eminent domain to obtain the needed easements.

Because of the project's scheduling, staff recommend that the attached Resolution, which includes authorizing the city administrator and city attorney to proceed with eminent domain actions to acquire the sewer line easements needed if the landowner declines to accept the city's offer, be submitted to the Board for approval. As always, representatives of the city will

continue to negotiate with the property owners to reach a mutually agreeable settlement.

This project aligns with the goals of the comprehensive plan policy TI5.2 (ensure that utility and infrastructure systems can meet the city's long-term needs).

ATTACHMENTS

1. [1-6-26_Item_ID_2442_Resolution_Engineering-Utilities.pdf](#)
2. [1-6-26 Item ID 2442 Attachment Engineering-Utilities.pdf](#)

FISCAL IMPACT: \$5,640.00

BUDGET INFORMATION: Budgeted / Engineering-Utilities - 2025 Sales and Use Tax Bonds

CONSENT DECREE

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION R-158-25 AUTHORIZING ACQUISITION OF
SEWER UTILITY EASEMENTS IN CONNECTION WITH THE 2017 SSA REMEDIAL
MEASURES, SUB-BASIN MC06, PROJECT NO. 19-15-C1

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS, that:

SECTION 1: Exhibit A to Resolution R-158-25 is amended to reflect the following offer amounts for the acquisition of the identified sewer utility easements for the 2017 SSA Remedial Measures, Sub-Basin MC06, Project Number 19-15-C1:

Tract	Parcel	Type	Owner	Address	Sq.Ft.	Offer
6	18883-0000-01913-00	SUE	Tina Marie Browder-Ben.	1618 S. Osage	5,362	\$2,215.00
11	18883-0000-01955-00	SUE	Dusti Standridge	Towson	11,621	\$2,100.00
27	18883-0000-02000-00	SUE	Nancy R. Stell Rev. Trust	Jenny Lind	7,868	\$1,325.00

SECTION 2: The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire the easements for the above listed offer amounts. The total offer amount for the three easements identified in Section 1 is \$5,640.00.

SECTION 3: In the event the easements described herein cannot be acquired by negotiation, the City Administrator and the City Attorney are hereby authorized to commence eminent domain proceedings to obtain the necessary easements herein described and make deposits of just compensation of the values of the easements listed herein. All such actions previously taken for this project are hereby confirmed.

SECTION 4: Except as amended herein, Resolution R-158-25 remains in full force and effect and is hereby ratified and affirmed.

This Resolution adopted this _____ day of January 2026.


APPROVED:

Mayor

Attest:

City Clerk

APPROVED AS TO FORM:


_____npr

CONSENT DECREE

RESOLUTION NO. **R-158-25**RESOLUTION AUTHORIZING ACQUISITION OF SEWER UTILITY EASEMENTS IN
CONNECTION WITH THE 2017 SSA REMEDIAL MEASURES, SUB-BASIN MC06,
PROJECT NO. 19-15-C1

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS, that:

SECTION 1: Values for the acquisition of sewer utility easements for construction purposes for the 2017 SSA Remedial Measures, Sub-Basin MC06, Project Number 19-15-C1, Attached as Exhibit A are approved, and acquisition of the easements for the amounts listed on Exhibit A are hereby authorized for a total amount of \$70,260.00.

SECTION 2: The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire the easements for the above listed amounts.

SECTION 3: In the event the easements described herein cannot be acquired by negotiation, the City Administrator and the City Attorney are hereby authorized to commence eminent domain proceedings to obtain the necessary easements herein described and make deposits of just compensation of the values of the easements listed herein. All such actions previously taken for this project are hereby confirmed.

This Resolution adopted this 16th day of September 2025.

APPROVED:

J-B
Vice-Mayor Jarred Rego

Attest:

Shirley Gadd

City Clerk

APPROVED AS TO FORM:

Jerry Confield npr

TRACT		PAR#		OWNER	PROPERTY	SQFT	OFFER
1		18835-0028-00000-00	SUE	Micheal L Purkey 10016 E Highway 10 Greenwood, AR 72936	3907 Towson Ave	895	\$ 895.00
2		18835-0028-00000-02	SUE	Rieder, Ciara R & Howard, Alexandria R 1217 Knoxville St Fort Smith, AR 72901	1217 Knoxville St	1,906	\$ 1,906.00
3		18835-0026-00000-02	SUE	First Generation Investment Properties, LLC 731 Powerhorn Cir Van Buren, AR 72956	1216 S Jackson St	3,611	\$ 3,611.00
4		18835-0027-00000-00	SUE	Micheal L Purkey 10016 E Highway 10 Greenwood, AR 72936	3901 Towson Ave	2,086	\$ 2,086.00
5		15359-0001-00000-00	SUE	Doris M & David L Columbus 4224 S 17th St Fort Smith, AR 72901	4224 S 17th St	3,297	\$ 3,297.00
6		18883-0000-01913-00	SUE	Tina Maria Browder (Benef) 1618 S Osage St Fort Smith, AR 72901	1618 S Osage St	5,365	\$ 5,365.00
7		18883-0000-01916-00	SUE	MCW Developments, LLC 1701 Phoenix Ave Fort Smith, AR 72901	1701 Phoenix Ave	6,318	\$ 6,318.00
8		RAILROAD	SUE	Union Pacific Railroad		595	\$ 595.00
9		17145-0190-00000-00	SUE	Mantzke, Frank Duane & V Lou Living 4902 S 16th Ter Fort Smith, AR 72901	4902 S 16th Ter	61	\$ 100.00
10		17145-0191-00000-00	SUE	Michael Wayne Morris 4906 S 16th Terr Fort Smith, AR 72901	4906 S 16th Ter	367	\$ 367.00
11		18883-0000-01955-00	SUE	Dusti Standridge PO Box 5485 Fort Smith, AR 72913	Towson Ave	11,621	\$ 11,621.00
13		17145-0138-00000-01	SUE	Robbins, Carle Jr & Loughridge, Dor PO Box 3908 Fort Smith, AR 72913	S Savannah Dr	235	\$ 235.00
14		17145-0138-00000-00	SUE	Kathy M Jones 10404 Meandering Ct Fort Smith, AR 72901	1603 S Savannah Dr	874	\$ 874.00
15		17145-0137-00000-00	SUE	Pilar Huitron-Chavez 1609 Savannah Dr Fort Smith, AR 72901	1609 Savannah Dr	890	\$ 890.00
16		17145-0136-00000-00	SUE	Molina, Angel Jose Paredes & Rubio, Wendy Gissela Armijo 1615 Savannah Dr Fort Smith, AR 72901	1615 Savannah Dr	815	\$ 815.00
17		17145-0135-00000-00	SUE	Kyuho Lee 1701 Savannah Dr Fort Smith, AR 72901	1701 Savannah Dr	613	\$ 613.00
18		17145-0134-00000-00	SUE	Litton Loan Servicing LP 1707 Savannah Dr Fort Smith, AR 72901	1707 Savannah Dr	403	\$ 403.00
19		17145-0133-00000-00	SUE	Joyce, Taylor A & Glenda D (BNEF) 1716 Savannah Dr Fort Smith, AR 72901	1716 Savannah Dr	86	\$ 100.00

20	17145-0012-00000-00	SUE	Delia & Robert Pfaff 1703 S Utica St Fort Smith, AR 72901	1703 S Utica St	1,333	\$ 1,333.00
21	18842-0002-00000-00	SUE	Canterbury Family LLP 319 S 18th St Fort Smith, AR 72903	1200 S 71 Hwy	1,292	\$ 1,292.00
22	18842-0001-00000-00	SUE	Narendra C & Ullas Brahmbhatt 12131 Arbor Mesa San Antonio, TX 78249	5715 Towson Ave	4,792	\$ 4,792.00
23	14612-0000-00000-00	SUE	M&C Management, LTD 5517 Wheeler Ave Fort Smith, AR 72901	5517 Wheeler Ave	169	\$ 169.00
24	18883-0000-01838-00	SUE	Ronnie & Traci Lewellen 2021 Alma Hwy Van Buren, AR 72956	5624 Towson Ave	535	\$ 535.00
25	18504-0001-00000-00	SUE	Ronnie & Traci Lewellen 2021 Alma Hwy Van Buren, AR 72956	5700 Towson Ave	247	\$ 247.00
26	18883-0000-02003-00	SUE	Sutherland Lumber & Bldg Hdq 3008 West Main St Jenks, OK 74037-3464	1801 S Zero St	217	\$ 217.00
27	18883-0000-02000-00	SUE	Stell, Nancy R Revoc Trst 2 Batterson Park Rd Farmington, CT 06032	Jenny Lind Rd	7,868	\$ 7,868.00
28	18883-0000-01960-00	SUE	Chaffey Rentals, LLC 8710 Royal Ridge Dr Fort Smith, AR 72903	5101 Towson Ave	5,261	\$ 5,261.00
29	18883-0000-01969-00	SUE	5121 Towson Ave, LLC 5121 Towson Ave Fort Smith, AR 72901	5121 Towson Ave	3,394	\$ 3,394.00
30	18883-0000-01972-00	SUE	Genaro Cabrea 5301 Towson Ave #1/2 Fort Smith, AR 72901	5301 Towson Ave	3,388	\$ 3,388.00
31	18883-0000-01971-00	SUE	Faithful Steward Properties, LLC 216 Hollywood Pl Lavaca, AR 72941	5305 Towson Ave	1,255	\$ 1,255.00
32	18883-0000-01973-00	SUE	Vasiliki Investments, LLC 2611 Towson Ave Fort Smith, AR 72901	5307 Towson Ave	418	\$ 418.00

WARD 3

All Properties located within square.

TRACT	PARCEL#	TYPE	OWNER	ADDRESS	SUE SQFT	OFFER
6	18883-0000-01913-00	SUE	Tina Maria Browder (Benef)	1618 S Osage St	5362	\$ 2,215.00
11	18883-0000-01955-00	SUE	Dusti Standridge	Towson Ave	11621	\$ 2,100.00
27	18883-0000-02000-00	SUE	Stell, Nancy R Revoc Trst	Jenny Lind Rd	7868	\$ 1,325.00

Ken Colley & Associates, Inc.

4111 Massard Rd, Fort Smith, AR 72903
Email (Ken) – appraisals@kencolleyinc.com
Email (Lisa) – lkdaniel@kencolleyinc.com
Website - www.kencolleyinc.com

REAL ESTATE APPRAISAL REPORT FILE #10099

PROPOSED PERMANENT UTILITY EASEMENT

TINA MARIA BROWDER
1618 OSAGE ST
FORT SMITH, AR 72901

REQUESTED BY

CHAD BETHEL
CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INTENDED USERS

CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INSPECTION/VALUE DATE

NOVEMBER 17, 2025

BY

KEN COLLEY – AR #CG0298, OK #10860CGA
LISA K DANIEL – AR #CR1214

Ken Colley & Associates, Inc.

Ken Colley, Owner
Real Estate Appraisers
Commercial & Residential

4111 Massard Rd
Fort Smith, AR 72903

Phone: 479-452-0078
Fax: 479-452-6202

Email: appraisals@kencolleyinc.com
Website: www.kencolleyinc.com

November 20, 2025

Chad Bethel
City of Fort Smith
801 Carnell Ave, Suite 500
Fort Smith, AR 72901

RE: Tina Maria Browder
Proposed Permanent Utility Easement
1618 Osage St
Fort Smith, AR 72901

Dear Mr. Bethel:

In accordance with your request, the above captioned property has been inspected for the purpose of estimating the market value of fee simple interest to determine before and after value of the taking and the market rent of the temporary construction easement in order to establish just compensation to the property owner. This is an appraisal report in accordance with USPAP Standards Rule 2-2. This appraisal is intended for the sole use of the client.

To the best of my knowledge, this report conforms to the current requirements prescribed by the Uniform Standards of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation (as required by the Financial Institutions Reform, Recovery and Enforcement Act "FIRREA").

An inspection of the subject property was made by Ken Colley and Lisa Daniel. A description of the subject property's site and easement descriptions is included in the appraisal report. Data pertinent to the subject property was analyzed, selected data is included in the appraisal, and an opinion of value was determined. It is my opinion that the estimated market value of the fee simple interest for the subject property of the before value in "as is" condition and after value in "as completed" condition, as of November 17, 2025, is estimated to be:

Value Before Taking	\$ 99,900
Value After Taking	\$ 97,686
Value Difference	\$ 2,214
Rounded To:	\$ 2,215

The reader should review the limiting conditions and certification included in this report. Should you need further information or have any questions, please call.

Sincerely,



Ken Colley, IFA
AR #CG0298; OK #10860CGA

Ken Colley & Associates, Inc.

4111 Massard Rd, Fort Smith, AR 72903
Email (Ken) – appraisals@kencolleyinc.com
Email (Lisa) – lkdaniel@kencolleyinc.com
Website - www.kencolleyinc.com

REAL ESTATE APPRAISAL REPORT FILE #10086

PERMANENT UTILITY EASEMENT
DUSTI STANDRIDGE
1400 BLOCK PHOENIX AVE
FORT SMITH, AR 72901

REQUESTED BY
CHAD BETHEL
CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INTENDED USERS
CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INSPECTION/VALUE DATE
NOVEMBER 17, 2025

BY
KEN COLLEY – AR #CG0298, OK #10860CGA
LISA K DANIEL – AR #CR1214

Ken Colley & Associates, Inc.

Ken Colley, Owner
Real Estate Appraisers
Commercial & Residential

4111 Massard Rd
Fort Smith, AR 72903

Phone: 479-452-0078
Fax: 479-452-6202

Email: appraisals@kencolleyinc.com
Website: www.kencolleyinc.com

November 20, 2025

Chad Bethel
City of Fort Smith
801 Carnell Ave, Suite 500
Fort Smith, AR 72901

RE: Permanent Utility Easement
Dusti Standridge
1400 Block Phoenix Ave
Fort Smith, AR 72901

Dear Mr. Bethel:

In accordance with your request, the above captioned property has been inspected for the purpose of estimating the market value of fee simple interest to determine before and after value of the taking and the market rent of the temporary construction easement in order to establish just compensation to the property owner. This is an appraisal report in accordance with USPAP Standards Rule 2-2. This appraisal is intended for the sole use of the client.

To the best of my knowledge, this report conforms to the current requirements prescribed by the Uniform Standards of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation (as required by the Financial Institutions Reform, Recovery and Enforcement Act "FIRREA").

An inspection of the subject property was made by Ken Colley and Lisa Daniel. A description of the subject property's site and easement descriptions is included in the appraisal report. Data pertinent to the subject property was analyzed, selected data is included in the appraisal, and an opinion of value was determined. It is my opinion that the estimated market value of the fee simple interest for the subject property of the before value in "as is" condition and after value in "as completed" condition, as of November 17, 2025, is estimated to be:

Value Before Taking	\$ 140,700
Value After Taking	\$ 138,600
Value Difference/Compensation	\$ 2,100

The reader should review the limiting conditions and certification included in this report. Should you need further information or have any questions, please call.

Sincerely,



Ken Colley, IFA
AR #CG0298; OK #10860CGA

Ken Colley & Associates, Inc.

4111 Massard Rd, Fort Smith, AR 72903
Email (Ken) – appraisals@kencolleyinc.com
Email (Lisa) – lkdaniel@kencolleyinc.com
Website - www.kencolleyinc.com

REAL ESTATE APPRAISAL REPORT FILE #10098

PROPOSED PERMANENT UTILITY EASEMENT
NANCY R STELL REVOCABLE TRUST
5400-5500 BLOCK JENNY LIND RD
FORT SMITH, AR 72908

REQUESTED BY
CHAD BETHEL
CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INTENDED USERS
CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INSPECTION/VALUE DATE
NOVEMBER 17, 2025

BY
KEN COLLEY – AR #CG0298, OK #10860CGA
LISA K DANIEL – AR #CR1214

Ken Colley & Associates, Inc.

Ken Colley, Owner
Real Estate Appraisers
Commercial & Residential

4111 Massard Rd
Fort Smith, AR 72903

Phone: 479-452-0078
Fax: 479-452-6202

Email: appraisals@kencolleyinc.com
Website: www.kencolleyinc.com

November 20, 2025

Chad Bethel
City of Fort Smith
801 Carnell Ave, Suite 500
Fort Smith, AR 72901

RE: Proposed Permanent Utility Easement
Nancy R Stell Revocable Trust
5400-5500 Block Jenny Lind Rd
Fort Smith, AR 72908

Dear Mr. Bethel:

In accordance with your request, the above captioned property has been inspected for the purpose of estimating the market value of fee simple interest to determine before and after value of the taking and the market rent of the temporary construction easement in order to establish just compensation to the property owner. This is an appraisal report in accordance with USPAP Standards Rule 2-2. This appraisal is intended for the sole use of the client.

To the best of my knowledge, this report conforms to the current requirements prescribed by the Uniform Standards of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation (as required by the Financial Institutions Reform, Recovery and Enforcement Act "FIRREA").

An inspection of the subject property was made by Ken Colley and Lisa Daniel. A description of the subject property's site and easement descriptions is included in the appraisal report. Data pertinent to the subject property was analyzed, selected data is included in the appraisal, and an opinion of value was determined. It is my opinion that the estimated market value of the fee simple interest for the subject property of the before value in "as is" condition and after value of the taking in "as completed" condition, as of November 17, 2025, is estimated to be:

Value Before Taking	\$ 580,800
Value After Taking	\$ 579,480
Value Difference	\$ 1,320
Rounded To:	\$ 1,325

The reader should review the limiting conditions and certification included in this report. Should you need further information or have any questions, please call.

Sincerely,



Ken Colley, IFA
AR #CG0298; OK #10860CGA

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THERE PRESENTS:

That I, **Tina Maria Browder (Benef)**, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

Said tract being part of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 33, Township Eight (8) North, Range Thirty-Two (32) West, Sebastian County, Arkansas. Said easement being more particularly described as follows:

COMMENCING from a ½" rebar at the Southeast Corner of Lot 13, Replat of Phoenix Industrial Park Addition, Sebastian County, Arkansas, filed for record July 25, 1975; Thence North 90°00'00" East a distance of 108.28 feet to a point on the East right-of-way line of the Union Pacific Railroad; Thence following said right-of-way line South 17°41'24" East a distance of 503.25 feet; Thence South 17°57'27" East a distance of 128.43 feet; Thence South 06°45'27" East a distance of 40.43 feet to the POINT OF BEGINNING; Thence leaving said right-of-way along the Southern right-of-way of Osage Street, South 86°37'59" East a distance of 22.06; Thence leaving said right-of-way, South 21°37'03" East a distance of 268.10 feet to the South line of Browder tract, parcel number 18883-0000-01913-00; Thence along said South line, North 86°36'43" West a distance of 22.07 feet; Thence leaving said South line, North 21°37'03" West a distance of 268.09 feet to the POINT OF BEGINNING.

Said permanent utility easement as described containing a total of 0.12 acres (5,362 sqft), more or less.

See Exhibit A attached hereto and herby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as

GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

After completion of construction, Grantees shall restore the land in this permanent easement to as near its original condition as possible, subject to both parties acting in a reasonable manner. The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 20____.

Tina Maria Browder (Benef)

ACKNOWLEDGMENT

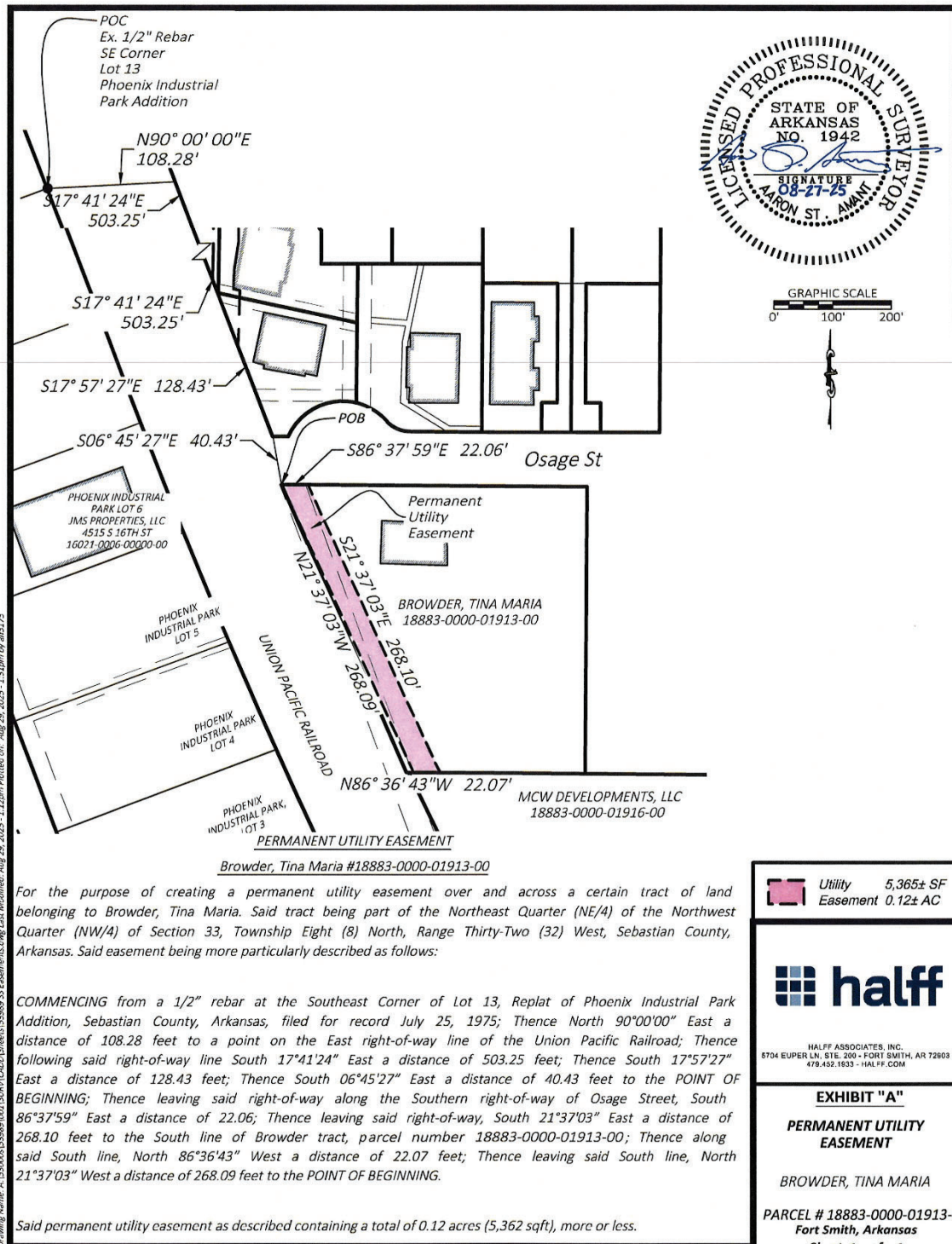
STATE OF ARKANSAS)
SS)
County of _____

On this _____ day of _____, 20____, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this day of _____, 20____.

Notary Public

My Commission Expires:



SEWER UTILITY EASEMENT

KNOW ALL MEN BY THERE PRESENTS:

That I, Dusti Standridge, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

Said tract being part of the Northwest Quarter (NW/4) of Section 33, Township Eight (8) North, Range Thirty-Two (32) West, Sebastian County, Arkansas. Said easement being more particularly described as follows:

COMMENCING from a ½" rebar at the Southeast Corner of Lot 190, Southbrook Addition, Sebastian County, Arkansas, filed for record August 23, 1955; Thence along the South property line South 56°20'36" West a distance of 195.35 feet to the Southwest corner of said Lot and the POINTOF BEGINNING; Thence along the West line of Lot 191, South 03° 22'30" West a distance of 25.47 feet; Thence leaving said West line , North 87°34'01" West a distance of 315.97 feet to a point on the East line of Mill Creek drainage easement; Thence along said East line , North 39°36'28" West a distance of 47.13 feet; Thence leaving said Ease line, South 87°34'01" East a distance of 348.10 feet to the West line of the aforementioned Lot 190; thence along said West line of said Lot, South 03°22'30" West for a distance of 9.54 feet to the POINTOF BEGINNING.

Said permanent utility easement as described containing a total of 0.3 acres (11,621 sqft), more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by

GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

After completion of construction, Grantees shall restore the land in this permanent easement to as near its original condition as possible, subject to both parties acting in a reasonable manner. The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 20____.

Dusti Standridge

ACKNOWLEDGMENT

STATE OF ARKANSAS)

SS)

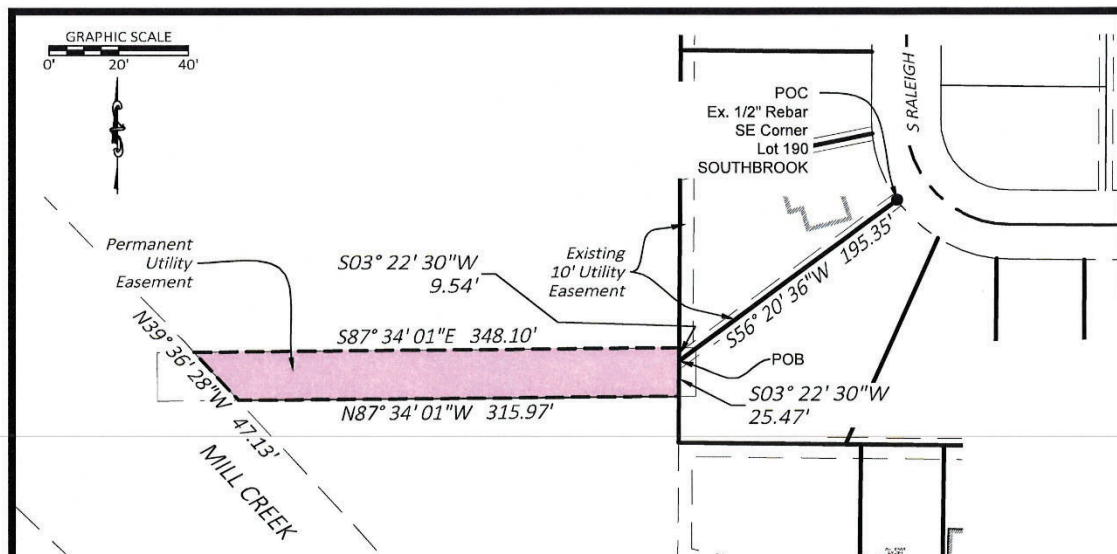
County of _____

On this _____ day of _____, 20____, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this day of _____, 20_____.

Notary Public

My Commission Expires:



PERMANENT UTILITY EASEMENT

Standridge, Dusti #18883-0000-01955-00

For the purpose of creating a permanent utility easement over and across a certain tract of land belonging to Standridge, Dusti. Said tract being part of the Northwest Quarter (NW/4) of Section 33, Township Eight (8) North, Range Thirty-Two (32) West, Sebastian County, Arkansas. Said easement being more particularly described as follows:

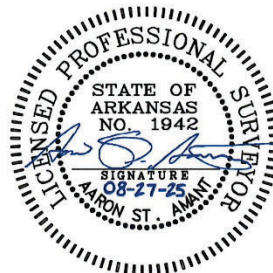
COMMENCING from a 1/2" rebar at the Southeast Corner of Lot 190, Southbrook Addition, Sebastian County, Arkansas, filed for record August 23, 1955; Thence along the South property line, South 56°20'36" West a distance of 195.35 feet to the Southwest corner of said Lot and the POINT OF BEGINNING; Thence along the West line of Lot 191, South 03°22'30" West a distance of 25.47 feet; Thence leaving said West line, North 87°34'01" West a distance of 315.97 feet to a point on the East line of Mill Creek drainage easement; Thence along said East line, North 39°36'28" West a distance of 47.13 feet; Thence leaving said East line, South 87°34'01" East a distance of 348.10 feet to the West line of the aforementioned Lot 190; Thence along said West line of said Lot, South 03°22'30" West for a distance of 9.54 feet to the POINT OF BEGINNING.

Said permanent utility easement as described containing a total of 0.3 acres (11,621 sqft), more or less.



Utility Easement

11,621± SF
0.3± AC



NOT A SURVEY OR PLAT



HALFF ASSOCIATES, INC.
8704 EUPER LN, S1E, 200 - FORT SMITH, AR 72903
479.452.1933 - HALFF.COM

EXHIBIT "A"

**PERMANENT UTILITY
EASEMENT**

STANDRIDGE, DUSTI

PARCEL # 18883-0000-01955-00
Fort Smith, Arkansas
Sheet 1 of 1

Drawing Name: A:\30000\153883\001\SURV\CAD\DWG\SS Easements.dwg Last Modified: Aug 28, 2025 - 1:12pm Plotted on: Aug 29, 2025 - 1:38pm by ah5125

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THERE PRESENTS:

That I, _____ of **Nancy R Stell Revoc Trst**, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the **City of Fort Smith**, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

For the purpose of creating a permanent utility easement over and across a certain tract of land belonging to Stell, Nancy R. Revocable Trust. Said tract being part of the Northwest Quarter (NW/4) of Section 33, Township Eight (8) North, Range Thirty-Two (32) West, Sebastian County, Arkansas. Said easement being more particularly described as follows:

BEGINNING at the Northwest corner of the Sutherland Lumber & BLDG. HDQ. tract; Thence along the East line of Standiford, North 03°40'12" East a distance of 4.97 feet to the Northeast corner of Standiford; Thence along the North line of Pollock Subdivision, North 86°41'48" West a distance of 114.99 feet; Thence leaving said North line, North 00°52'13" East a distance of 5.83 feet; Thence South 89°07'47" East a distance of 471.58 feet; Thence South 00°52'13" West a distance of 20.00 feet; Thence to a point on the North property line of said tract North 89°07'47" West a distance of 256.34 feet; Thence along said North property line North 86°40'09" a distance of 100.69 feet to the POINT OF BEGINNING.

Said permanent utility easement as described containing a total of 0.20 acres (7,868 sqft), more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

After completion of construction, Grantees shall restore the land in this permanent easement to as near its original condition as possible, subject to both parties acting in a reasonable manner. The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 20____.

PRINT NAME

TITLE

SIGN

ACKNOWLEDGMENT

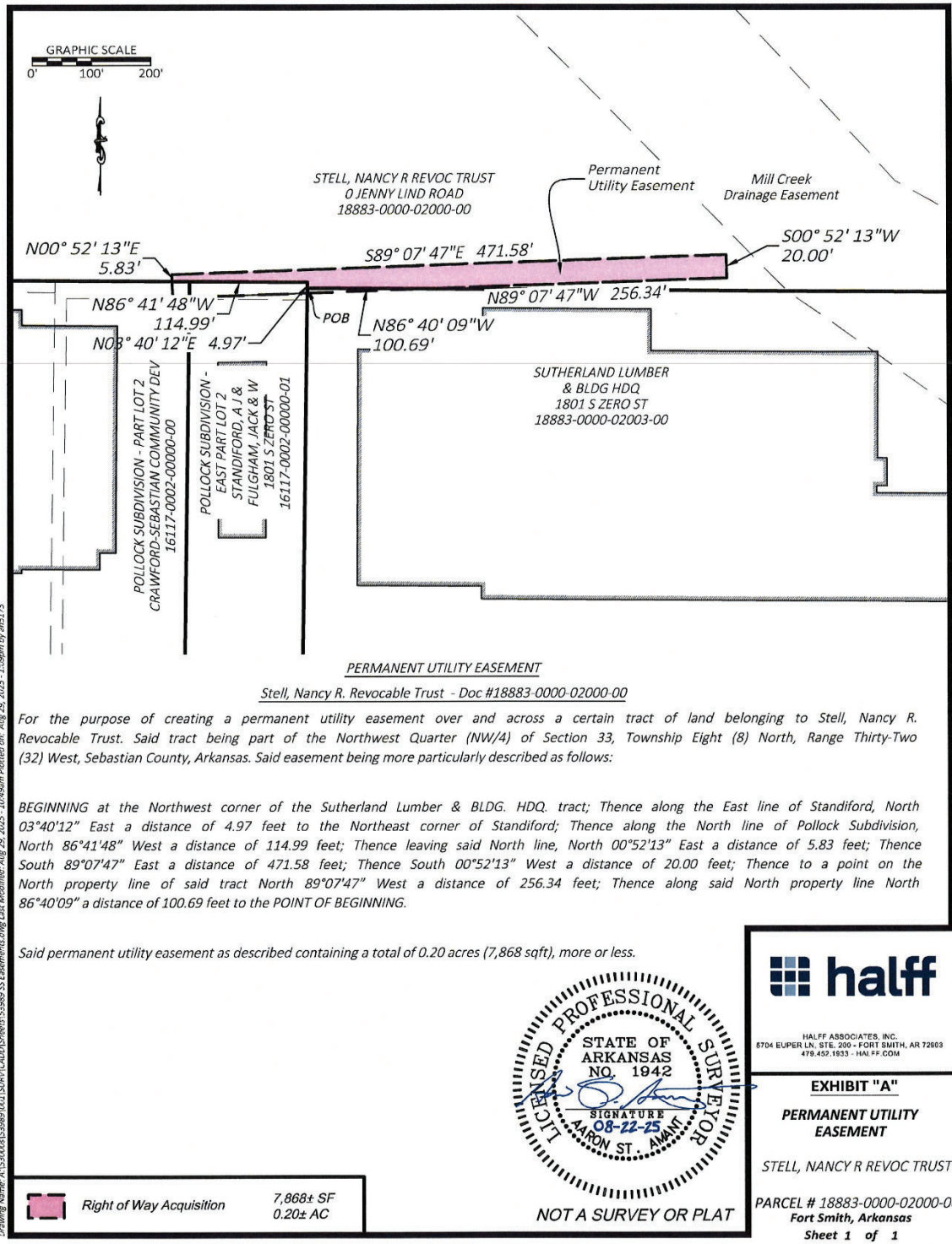
STATE OF ARKANSAS)
SS)
County of _____

On this _____ day of _____, 20____, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this day of _____, 20____.

Notary Public

My Commission Expires:





December 12, 2025

Dear **Dusti Standridge**:

The City of Fort Smith is currently undergoing a complete examination of its Wastewater Collection and Transmission System. The City, and its contractors, are performing SSA (Sanitary Sewer Assessment) activities in various Sub-Basins throughout the City. These SSA activities are necessary to assess the condition of the pipes in the City's Sub-Basins to determine if repair or replacement is needed.

As the City takes measures to increase the overall capacity of its Wastewater Collection and Transmission System, several components of said system are being upgraded throughout the City. These repair(s) and replacement(s) to the Sub-Basins, will have an impact on your property located at **Towson Avenue Parcel #18883-0000-01955-00, Fort Smith, AR**. The City of Fort Smith is needing a Sewer Utility Easement on your property. An exhibit showing the easement area across your property is enclosed for your reference. The consideration being offered by the City is **\$2,100.00**. This value was established by an independent state certified appraiser.

The Utility Department will be taking this project that includes your property to the Fort Smith Board of Directors on **January 6th, 2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-15: 2017 SSA Remedial Measures, Sub-Basin MC06

Property Tract Number is –

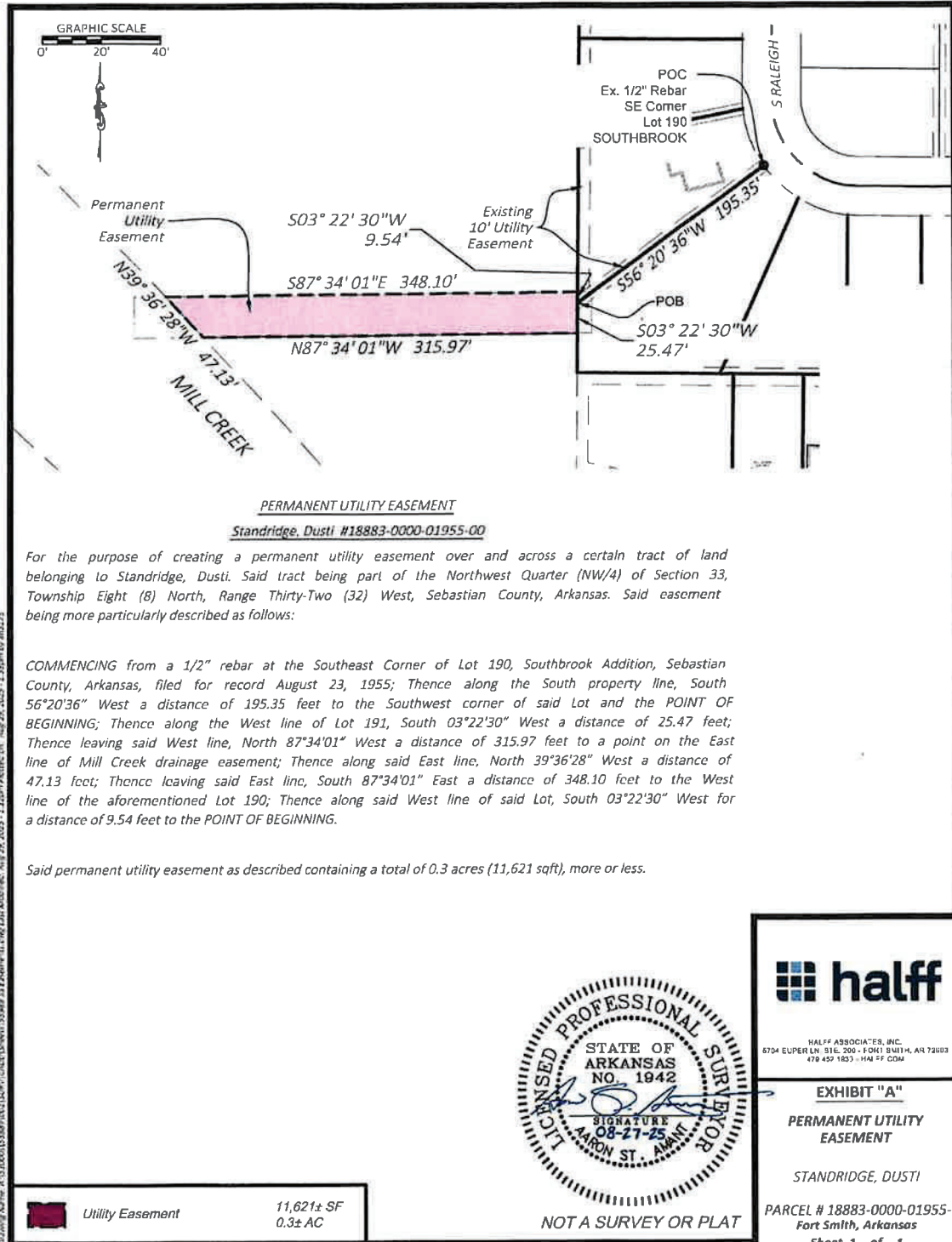
Tract 11

Should you have any questions or concerns, please feel free to contact Chris Wilson at 479-221-6722 or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "CBethel", written over a light blue circular stamp.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures





December 12, 2025

Dear Nancy R Stell Revocable Trust:

The City of Fort Smith is currently undergoing a complete examination of its Wastewater Collection and Transmission System. The City, and its contractors, are performing SSA (Sanitary Sewer Assessment) activities in various Sub-Basins throughout the City. These SSA activities are necessary to assess the condition of the pipes in the City's Sub-Basins to determine if repair or replacement is needed.

As the City takes measures to increase the overall capacity of its Wastewater Collection and Transmission System, several components of said system are being upgraded throughout the City. These repair(s) and replacement(s) to the Sub-Basins, will have an impact on your property located at **Jenny Lind Rd Parcel #18883-0000-02000-00, Fort Smith, AR**. The City of Fort Smith is needing a Sewer Utility Easement on your property. An exhibit showing the easement area across your property is enclosed for your reference. The consideration being offered by the City is **\$1,325.00**. This value was established by an independent state certified appraiser.

The Utility Department will be taking this project that includes your property to the Fort Smith Board of Directors on **January 6th, 2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-15: 2017 SSA Remedial Measures, Sub-Basin MC06

Property Tract Number is –

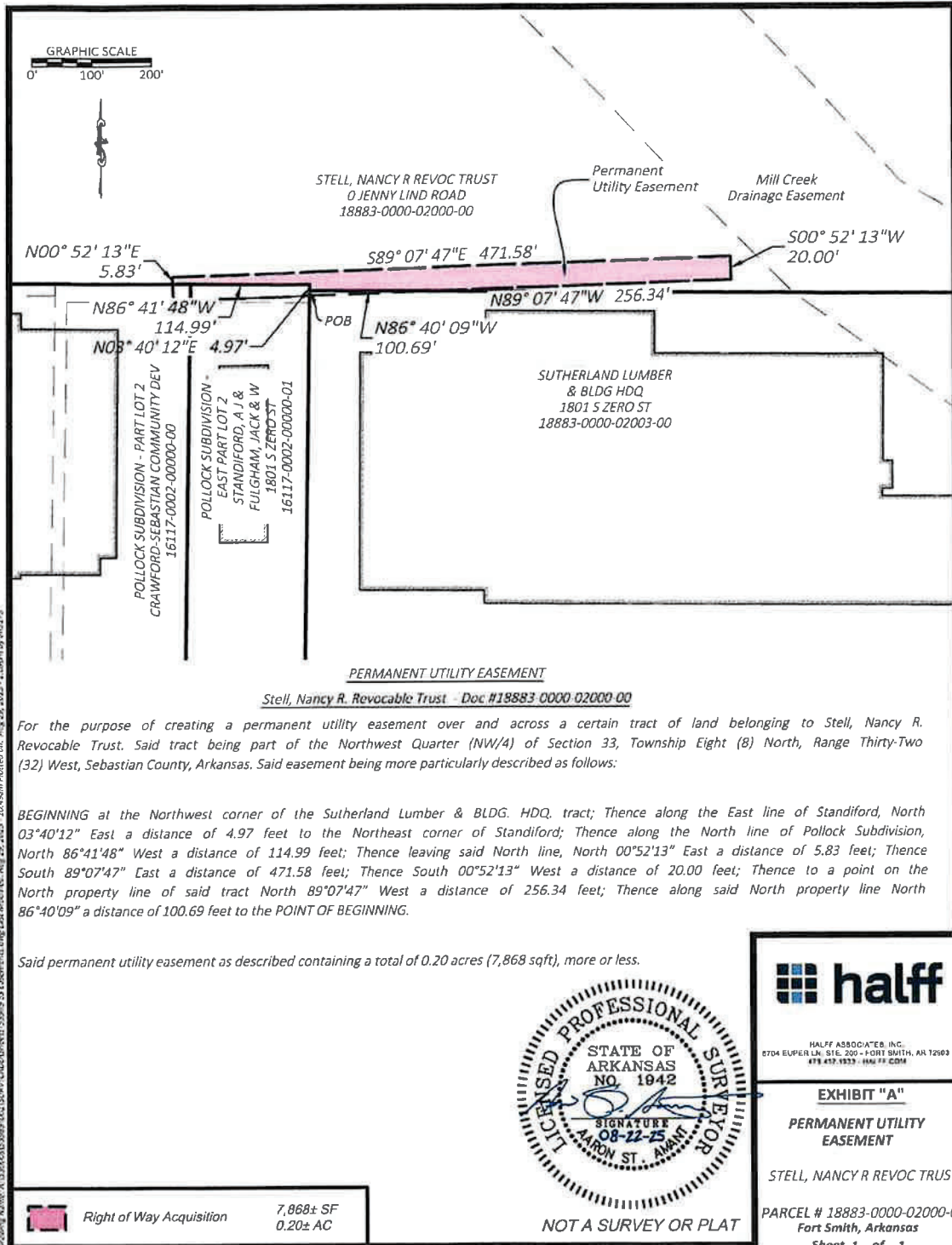
Tract 27

Should you have any questions or concerns, please feel free to contact Chris Wilson at 479-221-6722 or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel", written over a yellow rectangular background.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures





December 12, 2025

Dear **Tina Maria Browder:**

The City of Fort Smith is currently undergoing a complete examination of its Wastewater Collection and Transmission System. The City, and its contractors, are performing SSA (Sanitary Sewer Assessment) activities in various Sub-Basins throughout the City. These SSA activities are necessary to assess the condition of the pipes in the City's Sub-Basins to determine if repair or replacement is needed.

As the City takes measures to increase the overall capacity of its Wastewater Collection and Transmission System, several components of said system are being upgraded throughout the City. These repair(s) and replacement(s) to the Sub-Basins, will have an impact on your property located at **1618 S Osage Street, Fort Smith, AR**. The City of Fort Smith is needing a Sewer Utility Easement on your property. An exhibit showing the easement area across your property is enclosed for your reference. The consideration being offered by the City is **\$2,215.00**. This value was established by an independent state certified appraiser.

The Utility Department will be taking this project that includes your property to the Fort Smith Board of Directors on **January 6th, 2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-15: 2017 SSA Remedial Measures, Sub-Basin MC06

Property Tract Number is –

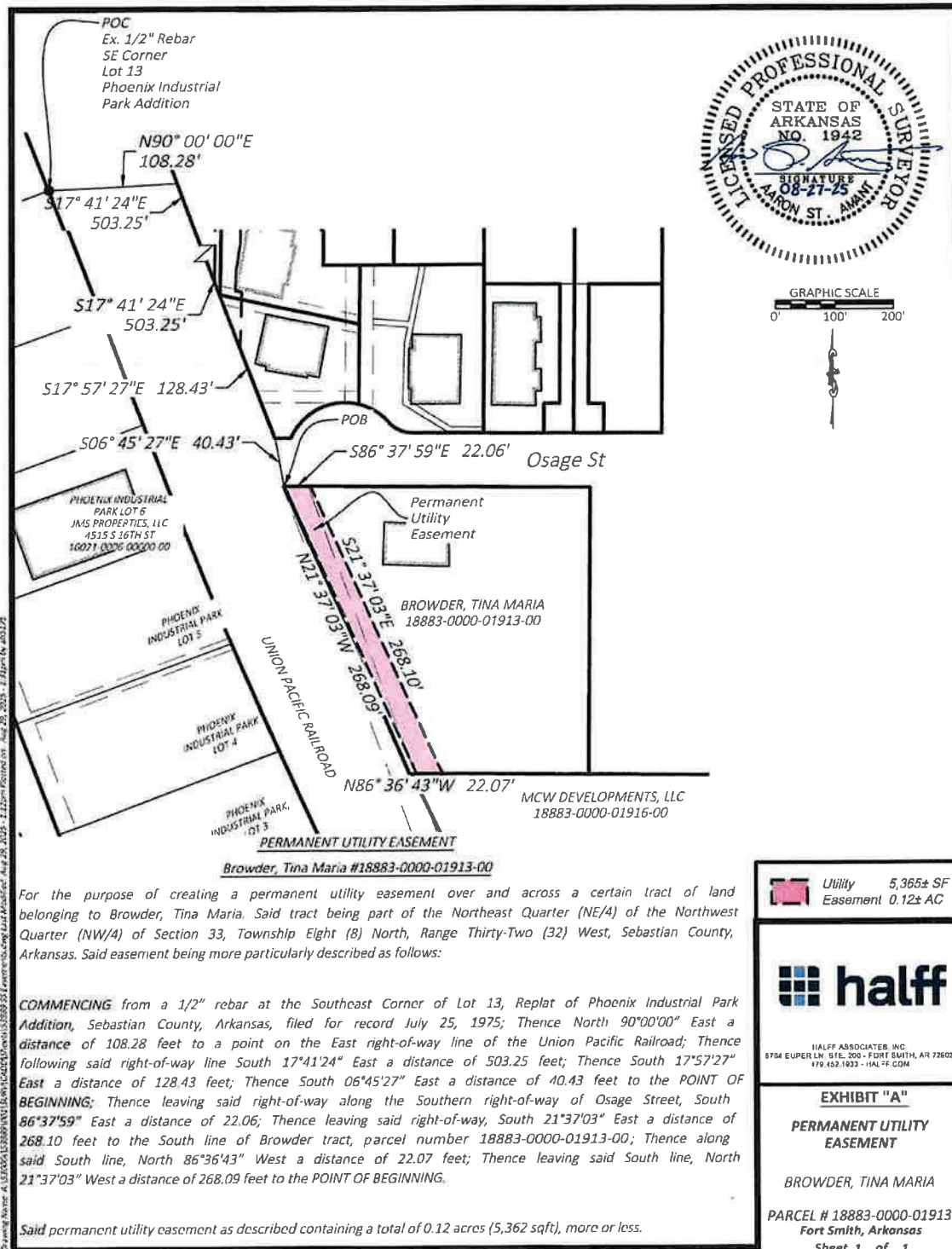
Tract 6

Should you have any questions or concerns, please feel free to contact Chris Wilson at 479-221-6722 or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "CBethel", written over a light blue circular stamp.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures



For the purpose of creating a permanent utility easement over and across a certain tract of land belonging to Browder, Tina Maria. Said tract being part of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 33, Township Eight (8) North, Range Thirty-Two (32) West, Sebastian County, Arkansas. Said easement being more particularly described as follows:

COMMENCING from a 1/2" rebar at the Southeast Corner of Lot 13, Replat of Phoenix Industrial Park Addition, Sebastian County, Arkansas, filed for record July 25, 1975; Thence North 90°00'00" East a distance of 108.28 feet to a point on the East right-of-way line of the Union Pacific Railroad; Thence following said right-of-way line South 17°41'24" East a distance of 503.25 feet; Thence South 17°57'27" East a distance of 128.43 feet; Thence South 06°45'27" East a distance of 40.43 feet to the POINT OF BEGINNING; Thence leaving said right-of-way along the Southern right-of-way of Osage Street, South 86°37'59" East a distance of 22.06; Thence leaving said right-of-way, South 21°37'03" East a distance of 268.10 feet to the South line of Browder tract, parcel number 18883-0000-01913-00; Thence along said South line, North 86°36'43" West a distance of 22.07 feet; Thence leaving said South line, North 21°37'03" West a distance of 268.09 feet to the POINT OF BEGINNING.

Said permanent utility easement as described containing a total of 0.12 acres (5,362 sqft), more or less.



December 12, 2025

Dear **Dusti Standridge**:

The City of Fort Smith is currently undergoing a complete examination of its Wastewater Collection and Transmission System. The City, and its contractors, are performing SSA (Sanitary Sewer Assessment) activities in various Sub-Basins throughout the City. These SSA activities are necessary to assess the condition of the pipes in the City's Sub-Basins to determine if repair or replacement is needed.

As the City takes measures to increase the overall capacity of its Wastewater Collection and Transmission System, several components of said system are being upgraded throughout the City. These repair(s) and replacement(s) to the Sub-Basins, will have an impact on your property located at **Towson Avenue Parcel #18883-0000-01955-00, Fort Smith, AR**. The City of Fort Smith is needing a Sewer Utility Easement on your property. An exhibit showing the easement area across your property is enclosed for your reference. The consideration being offered by the City is **\$2,100.00**. This value was established by an independent state certified appraiser.

The Utility Department will be taking this project that includes your property to the Fort Smith Board of Directors on **January 6th, 2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-15: 2017 SSA Remedial Measures, Sub-Basin MC06

Property Tract Number is –

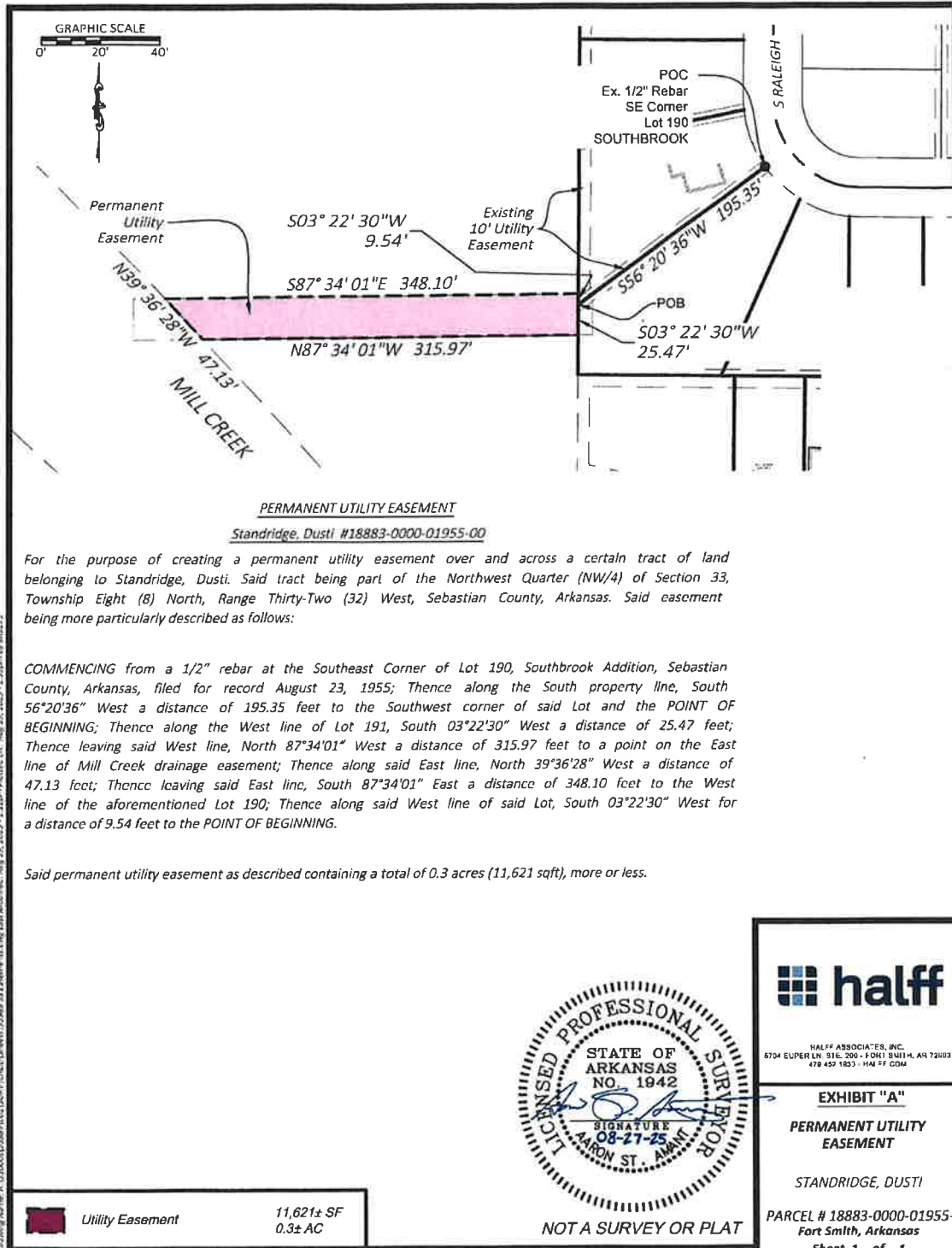
Tract 11

Should you have any questions or concerns, please feel free to contact Chris Wilson at 479-221-6722 or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "CBethel", written over a horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures





December 12, 2025

Dear **Nancy R Stell Revocable Trust:**

The City of Fort Smith is currently undergoing a complete examination of its Wastewater Collection and Transmission System. The City, and its contractors, are performing SSA (Sanitary Sewer Assessment) activities in various Sub-Basins throughout the City. These SSA activities are necessary to assess the condition of the pipes in the City's Sub-Basins to determine if repair or replacement is needed.

As the City takes measures to increase the overall capacity of its Wastewater Collection and Transmission System, several components of said system are being upgraded throughout the City. These repair(s) and replacement(s) to the Sub-Basins, will have an impact on your property located at **Jenny Lind Rd Parcel #18883-0000-02000-00, Fort Smith, AR**. The City of Fort Smith is needing a Sewer Utility Easement on your property. An exhibit showing the easement area across your property is enclosed for your reference. The consideration being offered by the City is **\$1,325.00**. This value was established by an independent state certified appraiser.

The Utility Department will be taking this project that includes your property to the Fort Smith Board of Directors on **January 6th, 2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-15: 2017 SSA Remedial Measures, Sub-Basin MC06

Property Tract Number is –

Tract 27

Should you have any questions or concerns, please feel free to contact Chris Wilson at 479-221-6722 or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel".

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures



December 12, 2025

Dear **Tina Maria Browder**:

The City of Fort Smith is currently undergoing a complete examination of its Wastewater Collection and Transmission System. The City, and its contractors, are performing SSA (Sanitary Sewer Assessment) activities in various Sub-Basins throughout the City. These SSA activities are necessary to assess the condition of the pipes in the City's Sub-Basins to determine if repair or replacement is needed.

As the City takes measures to increase the overall capacity of its Wastewater Collection and Transmission System, several components of said system are being upgraded throughout the City. These repair(s) and replacement(s) to the Sub-Basins, will have an impact on your property located at **1618 S Osage Street, Fort Smith, AR**. The City of Fort Smith is needing a Sewer Utility Easement on your property. An exhibit showing the easement area across your property is enclosed for your reference. The consideration being offered by the City is **\$2,215.00**. This value was established by an independent state certified appraiser.

The Utility Department will be taking this project that includes your property to the Fort Smith Board of Directors on **January 6th, 2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-15: 2017 SSA Remedial Measures, Sub-Basin MC06

Property Tract Number is –

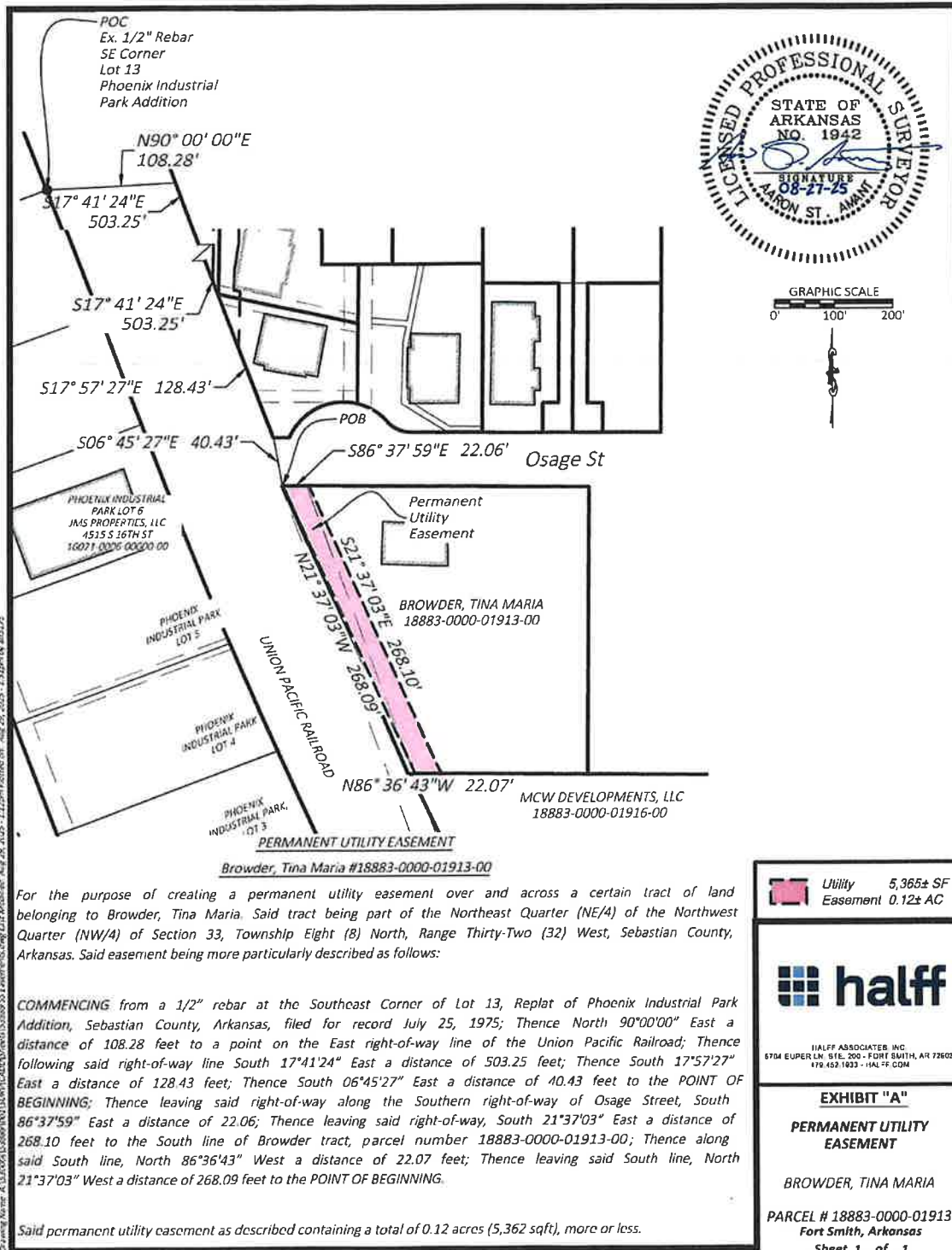
Tract 6

Should you have any questions or concerns, please feel free to contact Chris Wilson at 479-221-6722 or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "CBethel", written over a horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures





MEMORANDUM



TO: Jeff Dingman, Acting City Administrator
CC: Maggie Rice, Deputy City Administrator
FROM: Todd Mittge, Director of Engineering
DATE: January 5, 2026
SUBJECT: Temporary Construction Easement-2017 SSA Remedial Measures, Sub-Basin P009, Project No. 19-18-C1

SUMMARY

As part of the Consent Decree requirements, the City of Fort Smith is undergoing a complete assessment of its wastewater collection and transmission system. The City, and its contractors, are performing Sanitary Sewer Assessments (SSA) and repairs in various Sub-Basins throughout the city. These assessments are necessary to evaluate the condition of the pipes in the City's Sub-Basins to determine if rehabilitation or replacement is required.

A Temporary Construction Easement is required for the following property:

Parcel	Type	Owner	Address	Sq. Ft.	Value
17315-0005-00000-00	TCE	Pereira, Gareth N.	3701 Dallas St.	415	\$150.00

In the event the named landowner declines to grant the easements, staff recommend the city attorney be allowed to move forward under eminent domain to obtain the needed easements.

Because of the project's scheduling, staff recommends that the attached Resolution, which includes authorizing the city administrator and city attorney to proceed with eminent domain actions to acquire the needed temporary construction easement should the landowner decline to accept the city's offer, be submitted to the Board for approval. As always, representatives of the city will continue to negotiate with the property owners to reach a mutually agreeable settlement.

This project aligns with the goals of the comprehensive plan policy TI5.2 (ensure that utility and infrastructure systems can meet the city's long-term needs).

Please contact me should you or members of the Board have any questions or desire additional information.

ATTACHMENTS

1. [1-6-26_Item_ID_2443_Resolution_Engineering-Utilities.pdf](#)
2. [1-6-26_Item_ID_2443_Attachment_Engineering-Utilities.pdf](#)

<i>FISCAL IMPACT:</i>	<i>\$150.00</i>
<i>BUDGET INFORMATION:</i>	<i>Budgeted / Engineering-Utilities - 2025 Sales and Use Tax Bonds</i>

CONSENT DECREE

RESOLUTION NO. _____

RESOLUTION AMENDING RESOLUTION R-156-25 AUTHORIZING ACQUISITION OF A TEMPORARY
CONSTRUCTION EASEMENT IN CONNECTION WITH THE
2017 SSA REMEDIAL MEASURES, SUB-BASIN P009, PROJECT NO. 19-18-C1

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Exhibit A to Resolution R-156-25 is amended to reflect the following offer amount for the acquisition of the identified temporary construction easement for the 2017 SSA Remedial Measures, Sub-Basin P009, Project Number 19-18-C1:

Tract	Parcel	Type	Owner	Address	Sq.Ft.	Offer
12	17315-0005-00000-00	TCE	Pereira, Gareth N.	3701 Dallas St.	415	\$150.00

SECTION 2: The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire the above easement for the above listed offer amount.

SECTION 3: In the event the easement described herein cannot be acquired by negotiation, the City Administrator and the City Attorney are hereby authorized to commence eminent domain proceedings to obtain the necessary easement herein described and make a deposit of just compensation for the value of the easement listed herein. All such actions previously taken for this project are hereby confirmed.

SECTION 4: Except as amended herein, Resolution R-156-25 remains in full force and effect and is hereby ratified and affirmed.

This Resolution adopted this _____ day of January, 2026.

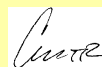
APPROVED:

Mayor

Attest:

City Clerk

APPROVED AS TO FORM:



npr



Ken Colley & Associates, Inc.

4111 Massard Rd, Fort Smith, AR 72903
Email (Ken) – appraisals@kencolleyinc.com
Email (Lisa) – lkdaniel@kencolleyinc.com
Website - www.kencolleyinc.com

REAL ESTATE APPRAISAL REPORT FILE #10097

TEMPORARY CONSTRUCTION EASEMENT

GARETH N PEREIRA
3701 DALLAS ST
FORT SMITH, AR 72903

REQUESTED BY

CHAD BETHEL
CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INTENDED USERS

CITY OF FORT SMITH
801 CARNELL AVE, SUITE 500
FORT SMITH, AR 72901

INSPECTION/VALUE DATE

NOVEMBER 17, 2025

BY

KEN COLLEY – AR #CG0298, OK #10860CGA
LISA K DANIEL – AR #CR1214

Ken Colley & Associates, Inc.

Ken Colley, Owner
Real Estate Appraisers
Commercial & Residential

4111 Massard Rd
Fort Smith, AR 72903

Phone: 479-452-0078
Fax: 479-452-6202

Email: appraisals@kencolleyinc.com
Website: www.kencolleyinc.com

November 20, 2025

Chad Bethel
City of Fort Smith
801 Carnell Ave, Suite 500
Fort Smith, AR 72901

RE: Temporary Construction Easement
Gareth N. Pereira
3701 Dallas St
Fort Smith, AR 72903

Dear Mr. Bethel:

In accordance with your request, the above captioned property has been inspected for the purpose of estimating the market value of fee simple interest to determine before and after value of the taking and the market rent of the temporary construction easement in order to establish just compensation to the property owner. This is an appraisal report in accordance with USPAP Standards Rule 2-2. This appraisal is intended for the sole use of the client.

To the best of my knowledge, this report conforms to the current requirements prescribed by the Uniform Standards of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation (as required by the Financial Institutions Reform, Recovery and Enforcement Act "FIRREA").

An inspection of the subject property was made by Ken Colley and Lisa Daniel. A description of the subject property's site and easement descriptions is included in the appraisal report. Data pertinent to the subject property was analyzed, selected data is included in the appraisal, and an opinion of value was determined. It is my opinion that the estimated market value of the market rent of the temporary construction easement, as of November 17, 2025, is estimated to be:

Temporary Construction Easement Rental	\$ 139
Rounded To:	\$ 150

The reader should review the limiting conditions and certification included in this report. Should you need further information or have any questions, please call.

Sincerely,



Ken Colley, IFA
AR #CG0298; OK #10860CGA

2017 SSA Remedial Measures Sub-Basin P009
Project #: 19-18-ED2
Tract #: 12
Date: September 4, 2025

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Gareth N. Pereira, GRANTOR(S), for and in consideration of the sum of \$1.00 and other good and valuable consideration paid by the CITY OF FORT SMITH, ARKANSAS, a municipal corporation, hereinafter called GRANTEE, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey to said GRANTEE, its contractors and assigns, a temporary easement for the construction of street, public and/or franchised utilities and/or storm drainage improvements with the right to excavate, fill, grade and level the surface area and to remove trees, bushes, undergrowth or other obstructions interfering with the construction of said project, within the following described lands lying in the City of Fort Smith, Sebastian County, Arkansas, to wit:

The South 5.00' of the North 10.00' of Lot 5, Southridge Place Addition
(filed for record March 30, 1961), City of Fort Smith, Sebastian County, Arkansas,
containing 415 square feet or 0.01 acres more or less.

See Exhibit A attached hereto and hereby made a part of this instrument, with right of ingress and egress to and from the same.

It is agreed that the GRANTEE will, after completion of construction, restore the land in this temporary easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner.

This temporary easement as conditioned above shall terminate when the construction project has been completed and accepted by the GRANTEE.

The consideration paid by the GRANTEE is received and accepted by the GRANTOR(S) in full satisfaction of every right hereby conveyed.

IN WITNESS WHEREOF, the GRANTOR(S) herein have hereunto caused these presents to be executed on this _____ day of _____, 2025.

GRANTOR(S):

ACKNOWLEDGMENT

STATE OF ARKANSAS)
 SS)
COUNTY OF _____)

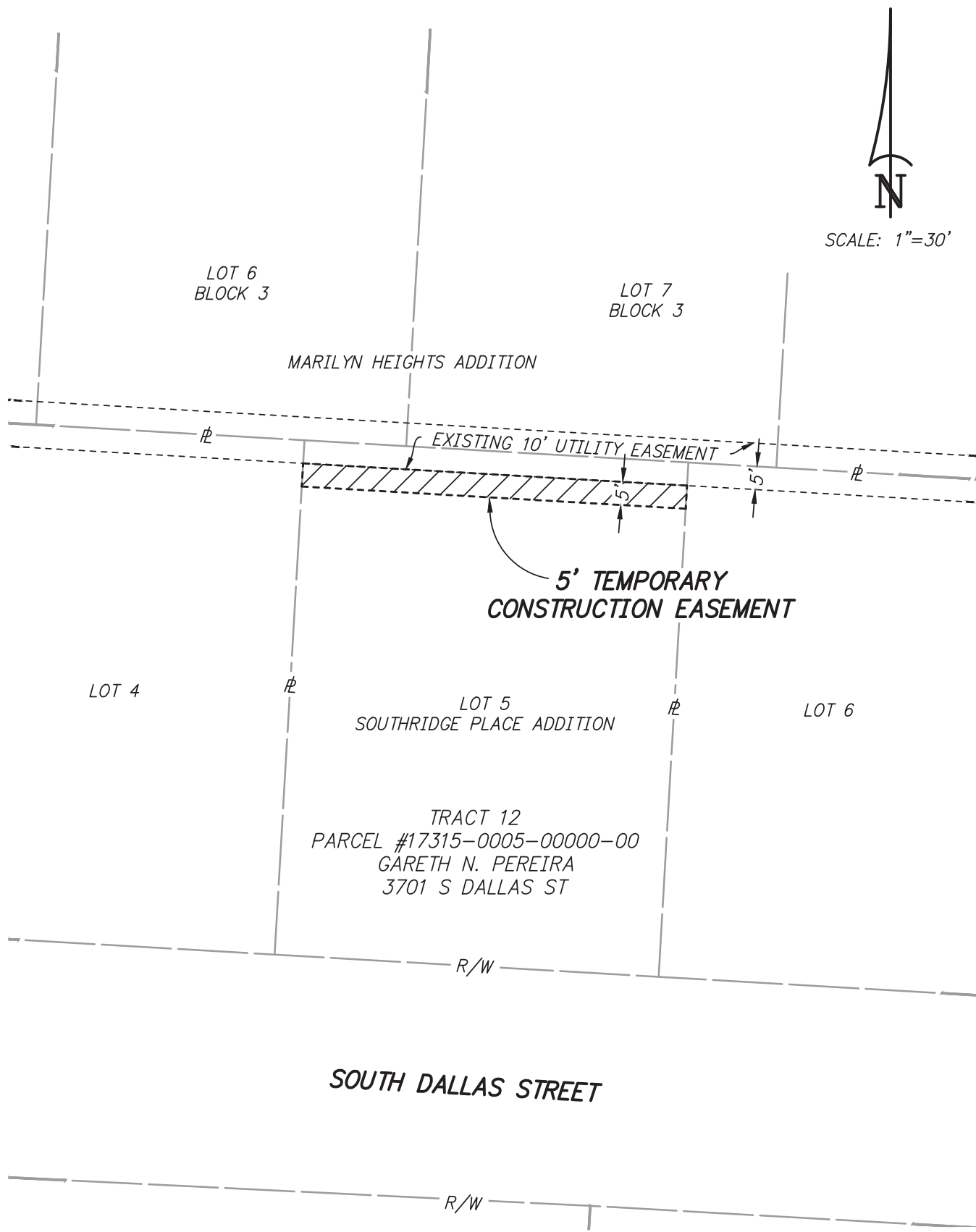
On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared _____, known to me or satisfactorily proven to be the person(s) whose name(s) is(are) subscribed to the within instrument and acknowledged the execution of the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My Commission Expires:

Z:\19\19-18-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN P009\EASEMENTS\TRACT 12 - GARETH N. PEREIRA.DWG, 9/4/2025 9:18 AM, ANDREW MCCOLLUM, LAYOUT1



Van Buren (479) 474-1227	Fort Smith (479) 242-4685	Fayetteville (479) 455-2206	Little Rock (501) 374-4846
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www.hawkins-weir.com

EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN P009
TRACT 12 - GARETH N. PEREIRA

FOR: CITY OF FORT SMITH

DATE: 09/04/25

SCALE: 1"= 30'

JOB NO. 19-18-ED2



December 12, 2025

To Gareth N. Pereira,

The City of Fort Smith is in the initial stages of planning a sanitary sewer system capacity improvement project. This project is necessary to bring the City's sanitary sewer system into compliance with a settlement agreement entered into by the City of Fort Smith and the United States of America. This project is intended to increase the capacity of the sewer mains during wet weather events which stress the capacity of the sanitary sewer system. The sewer main is to be relocated in conjunction with a planned drainage improvement project to be undertaken in the new future. The design of the project is now complete and the route for the new pipe has been established which will impact your property located at **3701 Dallas St, Fort Smith, Arkansas.**

The City is requesting a Temporary Construction Easement on your property to allow the work to be done. No land or land rights will be kept by the City upon the completion of this project, this **Easement is only temporary**. The improvements to **Sub-Basin P009**, will have an impact on your property. An exhibit showing the temporary easement area across your property is enclosed. The consideration being offered by the City is **\$150.00**. This value was established by an independent certified appraiser.

The Utility Department will be taking this project, that includes the above property, to the Fort Smith Board of Directors on **1/6/2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-18: 2017 SSA Remedial Measures, Sub-Basin P009

Property Tract Number is –

Tract 12

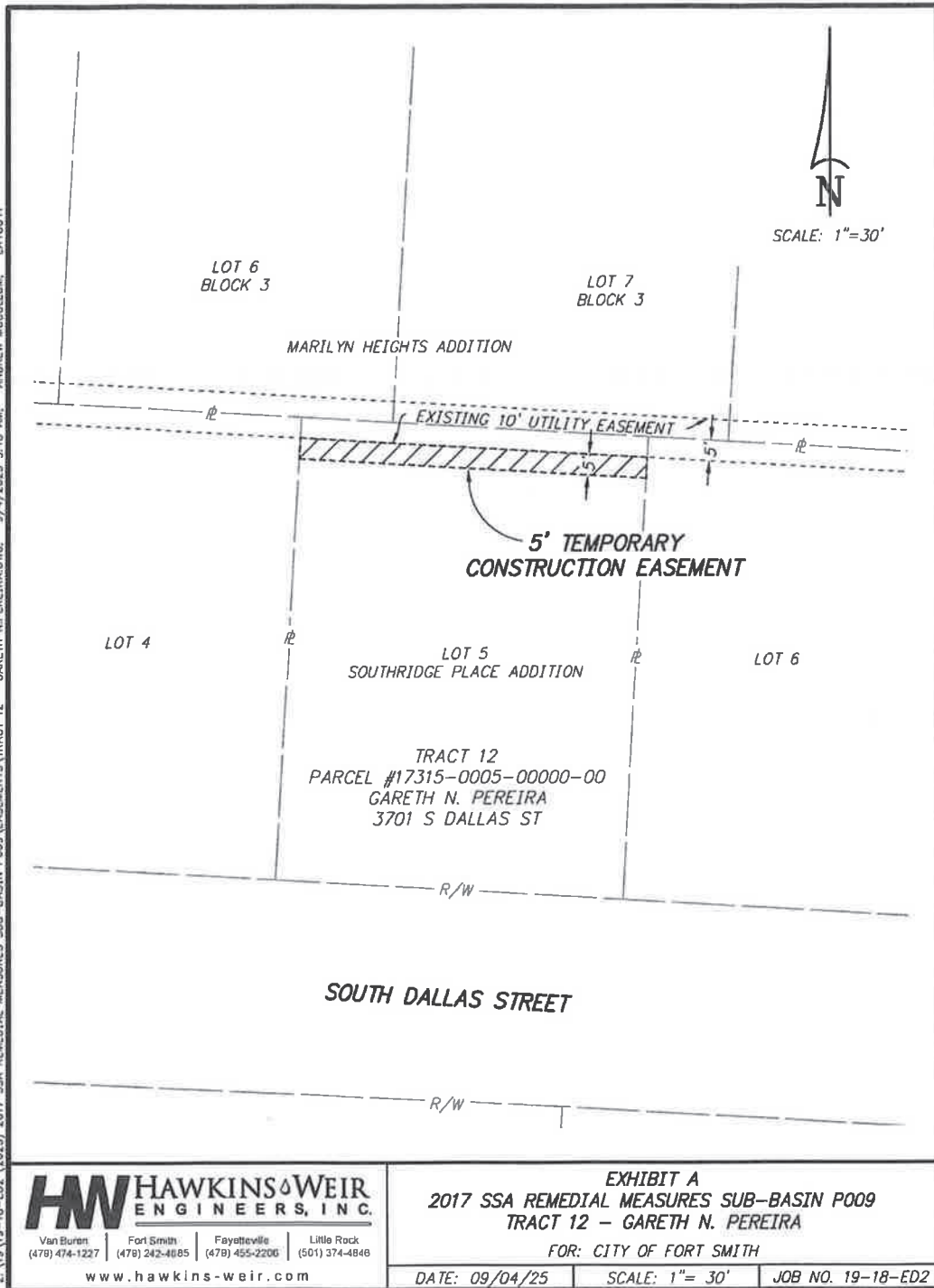
Should you have any questions or concerns, please feel free to contact Lorne Matthews at 479-221-0677 or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel", written over a light blue horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures

Z:\19\18-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN P009\EASEMENTS\TRACT 12 - GARETH N PEREIRA.DWG 9/4/2025 9:18 AM. ANDREW MCCOLLUM, LAYOUT1





MEMORANDUM



TO: Jeff Dingman, Acting City Administrator
CC: Maggie Rice, Deputy City Administrator
FROM: Todd Mittge, Director of Engineering
DATE: January 5, 2026
SUBJECT: 2017 SSA Remedial Measures, Sub-Bain FL02, Project No. 19-19-C1-Easement Acquisition

SUMMARY

As part of the Consent Decree requirements, the City of Fort Smith is undergoing a complete assessment of its wastewater collection and transmission system. The City, and its contractors, are performing Sanitary Sewer Assessments (SSA) and repairs in various Sub-Basins throughout the city. These assessments are necessary to evaluate the condition of the pipes in the City's Sub-Basins to determine if rehabilitation or replacement is required. Sewer Utility and Temporary Construction Easements are required for the following properties as part of this project:

Tract	Parcel	Type	Owner	Address	SUE	TCE	Offer
6	15224-0008-00023-00	SUE/TCE	Correra, David A. & Felicitas Correra	3825 High	499	458	\$590.60
9	15224-0005-00023-00	SUE/TCE	Perew, Bernice & Claude Alfred	4001 High	2,147	1,431	\$2,433.20
11	15224-0003-00023-01	SUE/TCE	Summerhill, Donna Sue	4021 High	904	602	\$1,024.40
12	15224-0003-00023-00	SUE/TCE	Rodgers, Bonnie Annadale LT	4023 High	901	601	\$1,021.20
14	15224-0002-00023-01	SUE/TCE	Le, Francis Vien & Tran, Mary Tri	4103 High	3,573	1,437	\$2,500.00
20	15224-0013-00023-01	SUE/TCE	Young, Lloyd G. and Phillip R.	4108 N.	1,275	425	\$1,360.00

In the event the named landowner declines to grant the easements, staff recommend that the city attorney be allowed to move forward under eminent domain to obtain the needed easements.

Because of the project's scheduling, staff recommends that the attached Resolution, which includes authorizing the city administrator and city attorney to proceed with eminent domain actions to acquire the needed sewer line easements if the landowner declines to accept the city's offer, be submitted to the Board for approval. As always, representatives of the city will continue to negotiate with the property owners to reach a mutually agreeable settlement.

This project aligns with the goals of the comprehensive plan policy TI5.2 (ensure that utility and infrastructure systems can meet the city's long-term needs).

Please contact me should you or members of the Board have any questions or desire additional information.

ATTACHMENTS

1. [1-6-26_Item_ID_2464_Resolution_Engineering-Utilities.pdf](#)
2. [1-6-26 Item ID 2464 Attachment Engineering-Utilities.docx.pdf](#)

FISCAL IMPACT: \$8,929.40

BUDGET INFORMATION: Budgeted / Engineering-Utilities - 2025 Sales & Use Tax Bonds

RESOLUTION NO. _____

RESOLUTION AUTHORIZING ACQUISITION OF SEWER UTILITY EASEMENTS AND
TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION WITH THE 2017 SSA
REMEDIAL MEASURES, SUB-BASIN FL02,
PROJECT NO. 19-19-C1

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS, that:

SECTION 1: The following values for the acquisition of sewer utility easements and temporary construction easements for the 2017 SSA Remedial Measures, Sub-Basin FL02, Project Number 19-19-C1 are approved, and acquisition of the easements for the values listed are hereby authorized:

Tract	Parcel	Type	Owner	Address	SUE Sq. Ft	TCE Sq. Ft.	Value
6	15224-0008-00023-00	SUE/TCE	Correra, David A & Felicitas Correra	3825 High	499	458	\$590.60
9	15224-0005-00023-00	SUE/TCE	Perew, Bernice & Claude Alfred	4001 High	2,147	1,431	\$2,433.20
11	15224-0003-00023-01	SUE/TCE	Summerhill, Donna Sue	4021 High	904	602	\$1,024.40
12	15224-0003-00023-00	SUE/TCE	Rodgers, Bonnie Annadale LT	4023 High	901	601	\$1,021.20
14	15224-0002-00023-01	SUE/TCE	Le, Franics Vien & Tran, Mary Tri	4103 High	3,573	1,437	\$2,500.00
20	15224-0013-00023-01	SUE/TCE	Young, Lloyd G. & Phillip R	4108 N St	1,275	425	\$1,360.00

SECTION 2: The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire the easements for the above listed values totaling \$8,929.40.

SECTION 3: In the event the easements described herein cannot be acquired by negotiation, the City Administrator and the City Attorney are hereby authorized to commence eminent domain proceedings to obtain the necessary easements herein described and make deposits of just compensation of the values of the easements listed herein. All such actions previously taken for this project are hereby confirmed.

This Resolution adopted this _____ day of January 2026.

APPROVED:

Mayor

Attest:

City Clerk

APPROVED AS TO FORM:



npr

A map of a residential area labeled "WARD 2". A black rectangle highlights a specific section of the map. The text "Ward 2" is placed inside this rectangle. To the right of the rectangle, a leader line points from the text "All properties located in square" to the highlighted area. The map shows various streets including Spradling Avenue, Kelley Highway, North 22nd Street, North 20th Street, North 18th Street, North 16th Street, North 14th Street, North 12th Street, North 10th Street, North 8th Street, North 6th Street, North 4th Street, and North 2nd Street. It also shows Midland Boulevard and US Highways 64, 71B, and 71. Other features include Forest Park Cemetery, Georgia Pacific, and several bodies of water or wetlands.

T

TRACT	PARCEL#	TYPE	OWNER	ADDRESS	SUE SQFT	TCESQFT	OFFER
6	15224-0008-00023-00	SUE/TCE	Correa, David A & Felicitas & Correa, Rodriquez	3825 High St	499	458	\$ 590.60
9	15224-0005-00023-00	SUE/TCE	Perew, Bernice & Claude Alfred	4001 High St	2147	1431	\$ 2,433.20
11	15224-0003-00023-01	SUE/TCE	Summerhill, Donna Sue	4021 High St	904	602	\$ 1,024.40
12	15224-0003-00023-00	SUE/TCE	Rodgers, Bonnie Annadale Living Trust	4023 High St	901	601	\$ 1,021.20
14	15224-0002-00023-01	SUE/TCE	Le, Francis Vien & Tran, Mary Tri	4103 High St	3573	1437	\$ 2,500.00
20	15224-0013-00023-01	SUE/TCE	Young, Lloyd G & Philip R	4108 N ST	1275	425	\$ 1,360.00

ESTIMATED MARKET VALUE LOSS DUE TO A

**3,573 SF PERMANENT SANITARY SEWER
UTILITY EASEMENT ACQUISITION**

and a

1,437 SF TEMPORARY CONSTRUCTION EASEMENT

for a

**2017 SSA REMEDIAL MEASURE
SUB-BASIN FL02
PROJECT #19-19-ED2**

for the

CITY OF FORT SMITH

on

TRACT NO. 14

On The Property Located At

**4103 HIGH
STREET**

***East Half of Lot 2, Block 23, Midland Heights
Fort Smith, Sebastian County, Arkansas***

FRANCIS VIEN LE & MARY TRAN, Property Owners

by

**TOMMY M. MATTHEWS, MAI SRA
REAL ESTATE APPRAISER
P. O. BOX 3176
LITTLE ROCK, AR 72203**

as of

NOVEMBER 4, 2025

Tommy M. Matthews, MAI SRA

Real Estate Appraiser
501-412-4206
matthewsmai@yahoo.com



November 8, 2025

Mr. Chad Bethel
Real Property Manager
Utilities Department
CITY OF FORT SMITH
801 Carnall Avenue, Suite 500
Fort Smith, AR 72904

RE: Summary Appraisal Report, before and after a proposed 3,573 SF Permanent Sanitary Sewer Easement Acquisition, plus a 1,437 SF Temporary Construction Easement from a +/- 21,655 SF lot improved with a single-family residence, located at 4103 High Street, for the upgrading of the Sanitary Sewer system for the neighborhood in Fort Smith, Sebastian County, Arkansas. Francis Vien Le and Mary Tran, Property Owners

Mr. Bethel:

At your request, I have prepared an appraisal on the aforementioned property for the purpose of estimating the market value of the real estate (land only) in fee simple, before and after a proposed Permanent Sanitary Sewer Easement being 15' wide and running parallel and adjacent to the east side property line for 186.73', then dissecting the lot near the center of the lot.

The purpose of the proposed sanitary sewer easement is to install a new sewer line (8" PVC) via "open cut" which is excavating the easement area to install the new sewer line. The intended use of this appraisal is for negotiations between the City of Fort Smith and the property owner regarding the purchase of the Permanent Sanitary Sewer Easement and Temporary Construction Easement. The only intended user of this report is the City of Fort Smith. It is understood that the property owner will have access to this report but is not an intended user. No others are considered intended users of this report.

The scope of the appraisal (which will be discussed in more detail in the appraisal report) is to provide you, the client, with a narrative appraisal report which conforms to the requirements of the Uniform Standards of Professional Appraisal Practice. The whole property and remainder property were analyzed to determine if there would be any damages to the remainder (improved property or site) due to the acquisition.

The whole property after the permanent easement acquisition is the remainder property. Thus, Damages can be inside and outside the proposed easement area. Damages within the easement and outside the easement, if any, will be addressed separately.

The determination of no damages to the existing residence was after an analysis of the property with special attention regarding any adverse causes regarding the use of the property as improved. Since there are no damages to the remainder improved property (residence) outside the easement after an analyses of the easement acquisition, the improved property has not been appraised, only the land. Damages to the land is based on the Highest and Best Use of the lot “as if” vacant since the easement has little affect on the current use of the property as improved. Improved residential property is valued based on either a direct comparison of similar properties or via estimating the cost new of the improvements, less depreciation from all causes and adding the land value. The proposed easement will affect the contributory value of the land and is considered a reasonable estimate of a total value loss. The direct comparison method cannot be used since there are no similar improved property sales with an easement similar to the subject on a similar tract of land. There was also no vacant lot sales with a similar easement which could be paired with similar land sales with and without a similar easement.

According to the City, the contractor will replace all improvements, including any drives, walks and/or landscaping in the easement area that is affected by the construction in at least as good a condition as before the acquisition. Thus, no improvements would be included in the value loss.

A view of aerials indicated a tree in, or near, the northeast corner of the tract. The tree will be in the proposed easement if it is on the subject lot. This appraisal is based on an Extraordinary Assumption that this tree will not be removed due to the construction of the proposed sewer line. Trees add value to single family residences; however, this tree is at the back of a very deep lot and the contributory value would be minimal, if any.

It appears from aerials that there is no fence along the east property line/proposed easement. Any fencing removed for the construction will be replaced in equal or better condition along the property line, not along the west side of the easement.

The method of appraising the property was to search the market for data which could be compared to the subject property to estimate value. All three approaches to value, the Cost Approach, the Income Approach and the Direct Sales Comparison Approach, were considered. Only the Direct Sales Comparison Approach was processed in valuing the subject site.

The City of Fort Smith requires appraisals be based on the Federal Rule which is an “immediately before” and an “immediately after” scenario. The “immediately after” is as if the sewer improvements were complete and the site returned to equal or better condition. This method is hypothetical but is the required method of appraisal for a Permanent Easement.

Thus, there is no loss estimated for inconvenience, noise, etc. The above value estimate is contingent on no environmental hazards on the site. The City will have the right to enter the easement area in case of any required maintenance on the line, which is a very rare occurrence, especially on a new line. The City also retains the right to replace the sewer line in the future but the easement is not a license to install other utilities by the City or other utility companies. I am not an agent for the City (my client), thus, any assumptions and specifically Extraordinary Assumptions in this appraisal are the appraiser's understanding but not binding on the City.

The proposed Sanitary Sewer Easement is a subsurface easement. Drives, walks and parking can be placed in the easement area; however, no permanent above ground structures can be placed in the easement area. The rear and side yard building setback is 5' feet per City zoning requirements, the permanent easement is 15 feet wide. No permanent structures can be placed in the proposed easement area after the acquisition. Buildings could have been placed on the site in the easement area (outside the building setbacks), however, buildings within 5' of a property line are not typical for this neighborhood. This easement area can be used for setbacks and density requirements.

The estimated Loss in Value is contingent on the following in any area where there is excavation or surface disturbance: (1) the surface area of the easement will be returned to at least equal condition as before the easement with top soil replaced and easement area seeded or sodded. Any drives walks, fences, shrubs or landscaping lost or disturbed will be replaced or relocated by the contractor in at least equal condition as before the acquisition, and (2) any excavation will not disturb any root systems, killing or damaging trees and shrubs outside the easement area on the subject property. These are not only contingencies of the value loss but are Extraordinary Assumptions. The value is contingent on the extraordinary assumptions and hypothetical conditions discussed in the following report.

Since the acquisition is an easement, the land area of the subject will not be reduced but the land area will be subject to the easement restrictions.

The Temporary Construction Easement (hereafter often referred to as TCE) is calculated separately and not in the before and after valuation. The value loss due to the Temporary Construction Easement is different from the loss in market value of the permanent easement. The TCE is based on a rental loss of the land area for the duration of the construction. Construction time is unknown and the City has asked me to consider one year, although construction will likely be significantly less.

This report is prepared for the City of Fort Smith and a City (Area) and Neighborhood Analysis has not been included due to the City's knowledge of this data. The Area and Neighborhood data has been considered in my valuation process.

After an inspection and analysis of the subject property, the subject neighborhood and relevant market data, it is my opinion that the market value loss of the subject due to the proposed permanent sanitary sewer easement and rental loss due to the TCE as of November 8, 2025 is as follows:

TOTAL ESTIMATED VALUE LOSS	\$2,200
TEMPORARY CONSTRUCTION EASEMENT	<u>\$ 300</u>
TOTAL	\$2,500

Your attention is directed to the following appraisal report which sets forth my descriptions, analysis and conclusions as to the final value estimate with the location and physical description of the subject property being more specifically defined.

Respectfully submitted,



Tommy M. Matthews, MAI SRA
Certified General License #CG0488



Property Valuation Report

Property Owner(s): Correa, David A & Felicitas & Correa, Rodriquez MA -
Tract 6

Property Address: 3825 High St
Fort Smith, AR

Type of Acquisition: Sewer Utility Easement
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 50% value for SUE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.


Calculation of Value
of Easement:

A. SUE:	499	sqft	2.00	per sqft
50% value equals	\$	499.00		

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 499.00 Sewer Utility Easement



Jimmie Johnson
Deputy Director of Engineering



Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Correa, David A & Felicitas & Correa, Rodriquez MA -
Tract 6

Property Address: 3825 High St
Fort Smith, AR

Type of Acquisition: **Temporary Construction Easement**
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 10% value for TCE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.

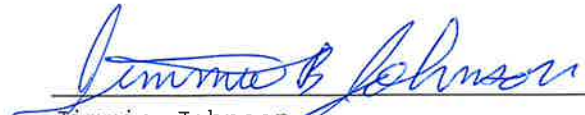
Calculation of Value

of Easement:	A. TCE:	<u>458</u>	sqft	<u>2.00</u>	per sqft
	10% value equals	<u>\$</u>	<u>91.60</u>		

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to be paid to Property Owner:	\$	91.60 Temporary Construction Easemen
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Jimmie Johnson
Deputy Director of Engineering



Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Perew, Bernice & Claude Alfred - Tract 9

Property Address: 4001 High St
Fort Smith, AR

Type of Acquisition: Sewer Utility Easement
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 50% value for SUE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.

Calculation of Value
of Easement:

A. SUE:	<u>2,147</u> sqft	<u>2.00</u> per sqft
50% value equals	<u>\$ 2,147.00</u>	

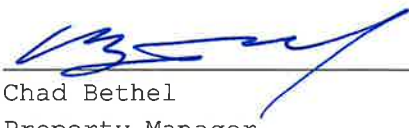
**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 2,147.00 Sewer Utility Easement



Jimmie Johnson
Deputy Director of Engineering



Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Perew, Bernice & Claude Alfred - Tract 9

Property Address: 4001 High St
Fort Smith, AR

Type of Acquisition: **Temporary Construction Easement**
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 10% value for TCE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.

Calculation of Value
of Easement:

A. TCE:	<u>1,431</u> sqft	<u>2.00</u> per sqft
10% value equals	<u>\$ 286.20</u>	

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 286.20 Temporary Construction Easement


Jimmie Johnson
Deputy Director of Engineering


Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Summerhill, Donna Sue - Tract 11

Property Address: 4021 High St
Fort Smith, AR

Type of Acquisition: Sewer Utility Easement
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 50% value for SUE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.

Calculation of Value
of Easement:

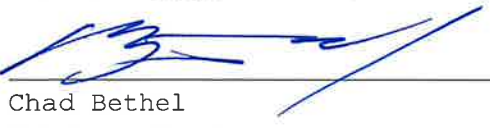
A. SUE:	904	sqft	2.00	per sqft
50% value equals	\$	904.00		

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 904.00 Sewer Utility Easement


Jimmie Johnson
Deputy Director of Engineering


Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Summerhill, Donna Sue - Tract 11

Property Address: 4021 High St
Fort Smith, AR

Type of Acquisition: **Temporary Construction Easement**
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 10% value for TCE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.


Calculation of Value
of Easement:

A. TCE:	602	sqft	2.00	per sqft
10% value equals	\$	120.40		

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 120.40 Temporary Construction Easement


Jimmie Johnson
Deputy Director of Engineering


Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Rodgers, Bonnie Annadale Living Trust - Tract 12

Property Address: 4023 High St
Fort Smith, AR

Type of Acquisition: Sewer Utility Easement
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 50% value for SUE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.

Calculation of Value
of Easement:

A. SUE:	901	sqft	2.00	per sqft
50% value equals	\$	901.00		

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 901.00 Sewer Utility Easement



Jimmie Johnson
Deputy Director of Engineering



Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Rodgers, Bonnie Annadale Living Trust - Tract 12

Property Address: 4023 High St
Fort Smith, AR

Type of Acquisition: **Temporary Construction Easement**
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 10% value for TCE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.

Calculation of Value
of Easement:

A. TCE: 601 sqft 2.00 per sqft
10% value equals \$ 120.20

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 120.20 Temporary Construction Easement


Jimmie Johnson
Deputy Director of Engineering


Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Young, Lloyd G & Philip R - Tract 20

Property Address: 4108 N St
Fort Smith, AR

Type of Acquisition: Sewer Utility Easement
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 50% value for SUE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.


Calculation of Value
of Easement:

A. SUE:	<u>1,275</u> sqft	<u>2.00</u> per sqft
50% value equals	<u>\$ 1,275.00</u>	


**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 1,275.00 Sewer Utility Easement



Jimmie Johnson
Deputy Director of Engineering



Chad Bethel
Property Manager

Property Valuation Report

Property Owner(s): Young, Lloyd G & Philip R - Tract 20

Property Address: 4108 N St
Fort Smith, AR

Type of Acquisition: **Temporary Construction Easement**
*Method of Property Valuation: Calculated at \$2.00 a sqft @ 10% value for TCE. Values based off appraisal for 4103 High St, a neighboring property, by Tommy Matthews on 11/4/2025.

Calculation of Value
of Easement:


A. TCE:	425	sqft	2.00	per sqft
10% value equals	\$	85.00		

**Calculation for
Damages, if any, to
Landscaping Crops,
Improvements or other
Miscellaneous approved
items:

To be replaced by contractor

Total Calculation of Value to
be paid to Property Owner: \$ 85.00 Temporary Construction Easement


Jimmie Johnson
Deputy Director of Engineering


Chad Bethel
Property Manager

2017 SSA Remedial Measures Sub-Basin FL02
Project #: 19-19-ED2
Tract #: 6
Date: September 4, 2025

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That David A. & Felicitas Correa, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

A 15.00' wide easement being a part of Lot 8, Block 23, Midland Heights Addition (filed for record July 9, 1902) City of Fort Smith, Sebastian County, Arkansas, the centerline of which being more particularly described as follows:

Commencing at the Southeast corner of said Lot 8; thence along the East line of said Lot N02°47'05"E 153.21' to the centerline of an existing 6" sewer line and the Point of Beginning; thence S87°02'34"W 33.26' to the Point of Termination, containing 499 square feet or 0.01 acres more or less.

For the purpose of construction, it is agreed that the GRANTEE, its contractors, servants, agents, and assigns shall have the temporary right, until completion and acceptance by the GRANTEE of the work, to enter upon and use as described below. Together with the right to excavate, fill, grade and level the surface area and to remove trees, bushes, undergrowth or other obstruction thereon interfering with the construction of the project. It is agreed that the GRANTEE will, after completion of construction, restore the land within the temporary easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner. The temporary easement, as conditioned above shall terminate when the construction projects been completed and accepted by the GRANTEE.

A 5.00' wide temporary easement lying parallel and adjacent to the North, South and West lines of the above described permanent easement, containing 458 square feet or 0.01 acres more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

GRANTEE shall provide temporary access to the property during construction and shall coordinate any temporary drives or closures of driveways during construction with GRANTOR.

After completion of construction, GRANTEES shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 2025.

ACKNOWLEDGMENT

STATE OF ARKANSAS)
 SS)
County of _____)

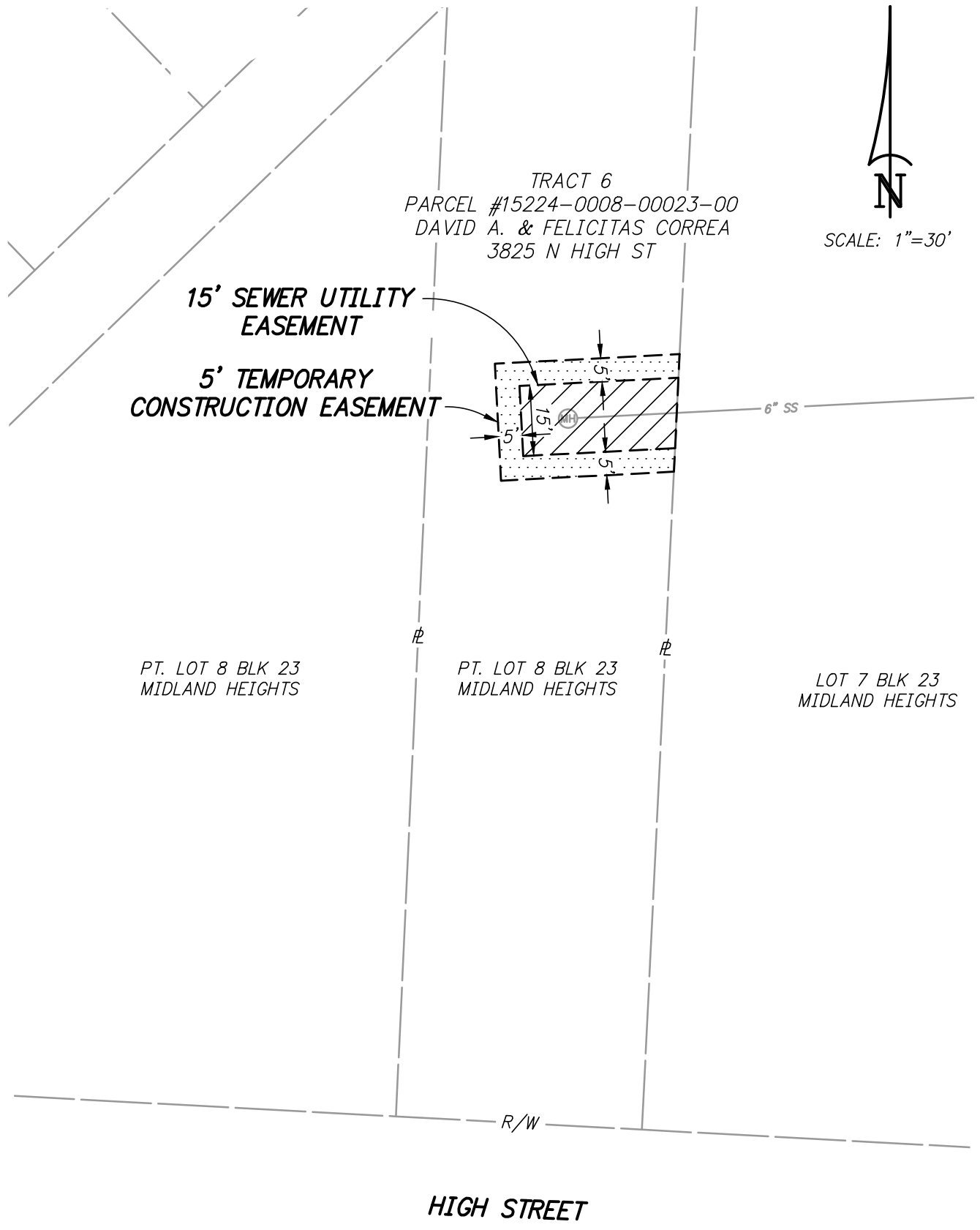
On this ____ day of _____, 2025, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named _____, _____ to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2025.

Notary Public

My Commission Expires:

Z:\19\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 6 - CORREA.DWG, 9/4/2025 10:21 AM, JOSH NICHOLS, LAYOUT1



HW HAWKINS & WEIR ENGINEERS, INC.

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EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 6 - DAVID A. & FELICITAS CORREA
FOR: CITY OF FORT SMITH

DATE: 09/04/25	SCALE: 1"= 30'	JOB NO. 19-19-ED2
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2017 SSA Remedial Measures Sub-Basin FL02
Project #: 19-19-ED2
Tract #: 9
Date: September 4, 2025

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Bernice & Claude Alfred Perew, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

A 15.00' wide easement over part of Lot 5, Block 23, Midland Heights Addition (filed for record July 9, 1902) City of Fort Smith, Sebastian County, Arkansas, the centerline of which being more particularly described as follows:

Commencing at the Southwest corner of said Lot 5; thence along the West line of said Lot N02°47'05"E 165.55' to the centerline of an existing 6" sewer line and the Point of Beginning; thence along said centerline S85°25'18"E 143.12' to the East line of said Lot and the Point of Termination, containing 2,147 square feet or 0.05 acres more or less.

For the purpose of construction, it is agreed that the GRANTEE, its contractors, servants, agents, and assigns shall have the temporary right, until completion and acceptance by the GRANTEE of the work, to enter upon and use as described below. Together with the right to excavate, fill, grade and level the surface area and to remove trees, bushes, undergrowth or other obstruction thereon interfering with the construction of the project. It is agreed that the GRANTEE will, after completion of construction, restore the land within the temporary easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner. The temporary easement, as conditioned above shall terminate when the construction projects been completed and accepted by the GRANTEE.

A 5.00' wide temporary easement lying parallel and adjacent to the North and South lines of the above described permanent easement, containing 1,431 square feet or 0.03 acres more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

GRANTEE shall provide temporary access to the property during construction and shall coordinate any temporary drives or closures of driveways during construction with GRANTOR.

After completion of construction, GRANTEES shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 2025.

ACKNOWLEDGMENT

STATE OF ARKANSAS)

SS)

County of _____)

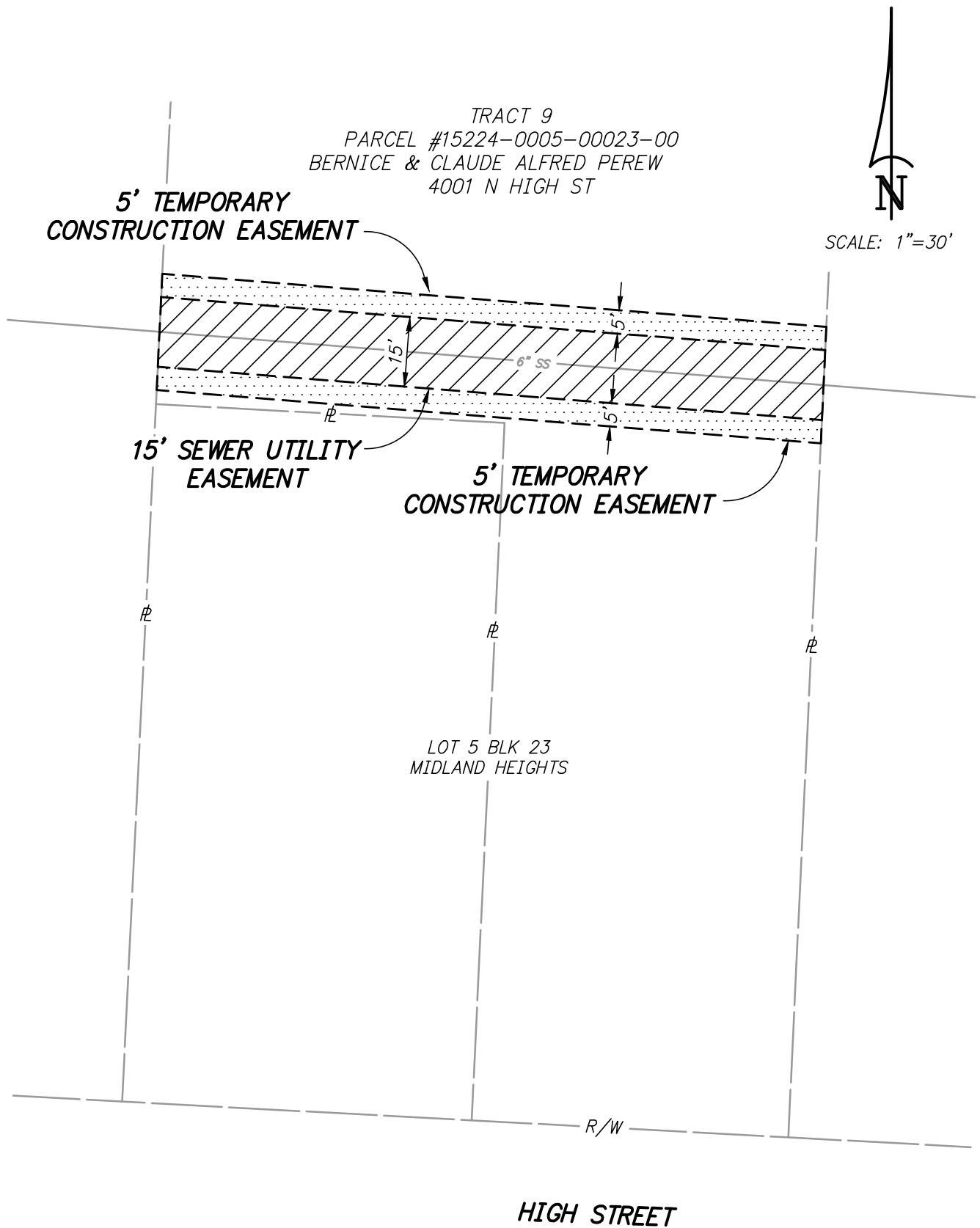
On this _____ day of _____, 2025, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named _____, _____ to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2025.

Notary Public

My Commission Expires:

Z:\19\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 9 - BERNICE & CLAUDE ALFRED PEREW.DWG, 9/4/2025 10:47 AM, JOSH NICHOLS, LAYOUT1



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EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 9 - BERNICE & CLAUDE ALFRED PEREW

FOR: CITY OF FORT SMITH

DATE: 09/04/25

SCALE: 1"= 30'

JOB NO. 19-19-ED2

2017 SSA Remedial Measures Sub-Basin FL02
Project #: 19-19-ED2
Tract #: 11
Date: September 4, 2025

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Donna Sue Summerhill, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

A 15.00' wide easement over part of Lot 3, Block 23, Midland Heights Addition (filed for record July 9, 1902) City of Fort Smith, Sebastian County, Arkansas, the centerline of which being more particularly described as follows:

Commencing at the Southwest corner of said Lot 3; thence along the West line of said Lot N02°41'03"E 152.91' to the centerline of an existing 6" sewer line; thence along said centerline S82°06'43"E 22.75 to the Point of Beginning; thence continuing along said centerline S82°06'43"E 60.25' to the Point of Termination, containing 904 square feet or 0.02 acres more or less.

For the purpose of construction, it is agreed that the GRANTEE, its contractors, servants, agents, and assigns shall have the temporary right, until completion and acceptance by the GRANTEE of the work, to enter upon and use as described below. Together with the right to excavate, fill, grade and level the surface area and to remove trees, bushes, undergrowth or other obstruction thereon interfering with the construction of the project. It is agreed that the GRANTEE will, after completion of construction, restore the land within the temporary easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner. The temporary easement, as conditioned above shall terminate when the construction projects been completed and accepted by the GRANTEE.

A 5.00' wide temporary easement lying parallel and adjacent to the North and South lines of the above described permanent easement, containing 602 square feet or 0.01 acres more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

GRANTEE shall provide temporary access to the property during construction and shall coordinate any temporary drives or closures of driveways during construction with GRANTOR.

After completion of construction, GRANTEES shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 2025.

ACKNOWLEDGMENT

STATE OF ARKANSAS)

SS)

County of _____)

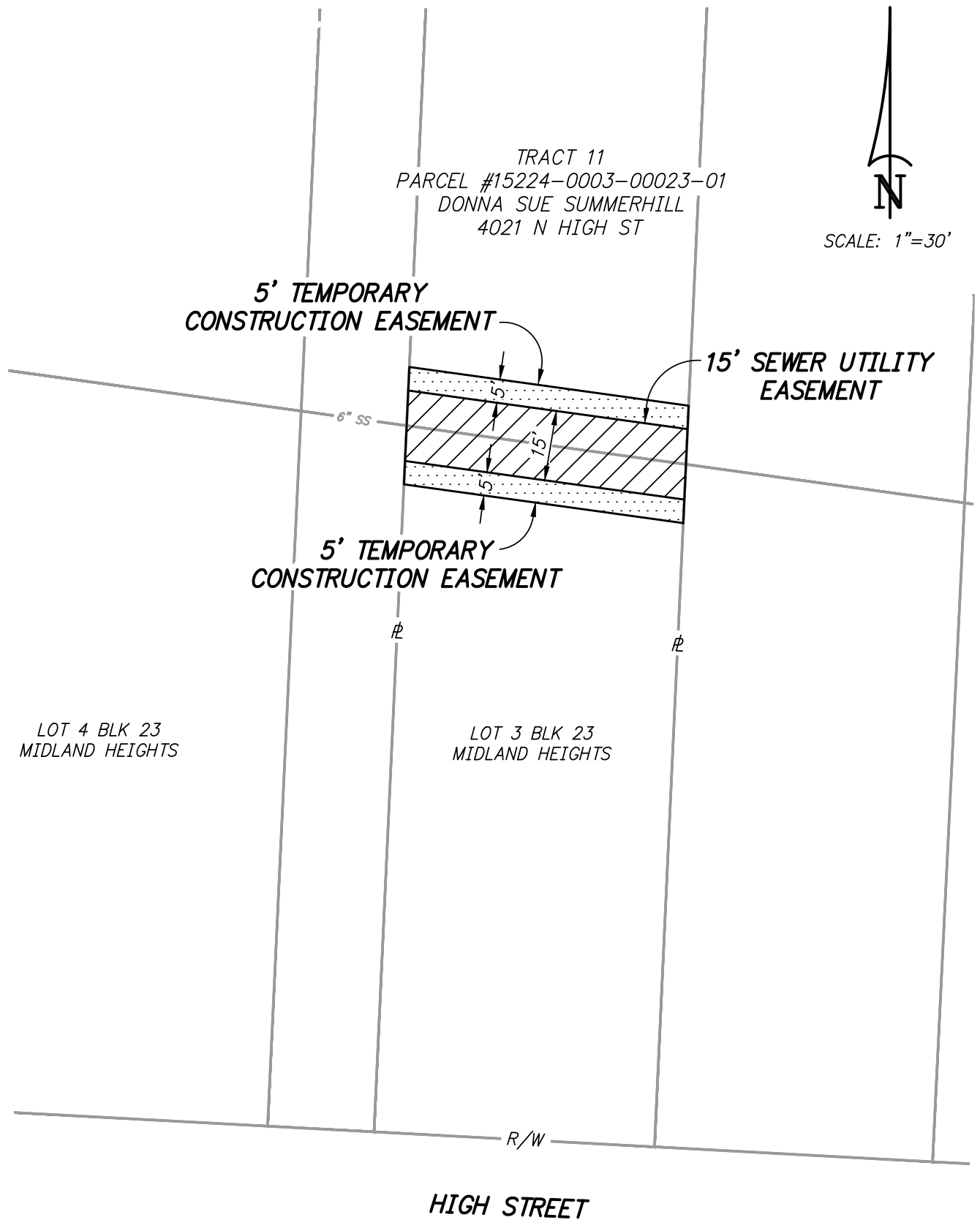
On this ____ day of _____, 2025, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named _____, _____ to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2025.

Notary Public

My Commission Expires:

Z:\19\19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 11- DONNA SUE SUMMERHILL.DWG, 9/3/2025 3:46 PM, ANDREW MCCOLLUM, LAYOUT1



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EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 11 - DONNA SUE SUMMERHILL

FOR: CITY OF FORT SMITH

DATE: 09/04/25

SCALE: 1"= 30'

JOB NO. 19-19-ED2

2017 SSA Remedial Measures Sub-Basin FL02
Project #: 19-19-ED2
Tract #: 12
Date: September 4, 2025

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Bonnie Annadale Rodgers Living Trust, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

A 15.00' wide easement over part of Lot 3, Block 23, Midland Heights Addition (filed for record July 9, 1902) City of Fort Smith, Sebastian County, Arkansas, the centerline of which being more particularly described as follows:

Commencing at the Southeast corner of said Lot 3; thence along the East line of said Lot N02°47'05"E 140.90' to the centerline of an existing 6" sewer line and the Point of Beginning; thence along said centerline N82°06'43"W 60.10' to the Point of Termination, containing 901 square feet or 0.02 acres more or less.

For the purpose of construction, it is agreed that the GRANTEE, its contractors, servants, agents, and assigns shall have the temporary right, until completion and acceptance by the GRANTEE of the work, to enter upon and use as described below. Together with the right to excavate, fill, grade and level the surface area and to remove trees, bushes, undergrowth or other obstruction thereon interfering with the construction of the project. It is agreed that the GRANTEE will, after completion of construction, restore the land within the temporary easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner. The temporary easement, as conditioned above shall terminate when the construction projects been completed and accepted by the GRANTEE.

A 5.00' wide temporary easement lying parallel and adjacent to the North and South lines of the above described permanent easement, containing 601 square feet or 0.01 acres more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

GRANTEE shall provide temporary access to the property during construction and shall coordinate any temporary drives or closures of driveways during construction with GRANTOR.

After completion of construction, GRANTEES shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

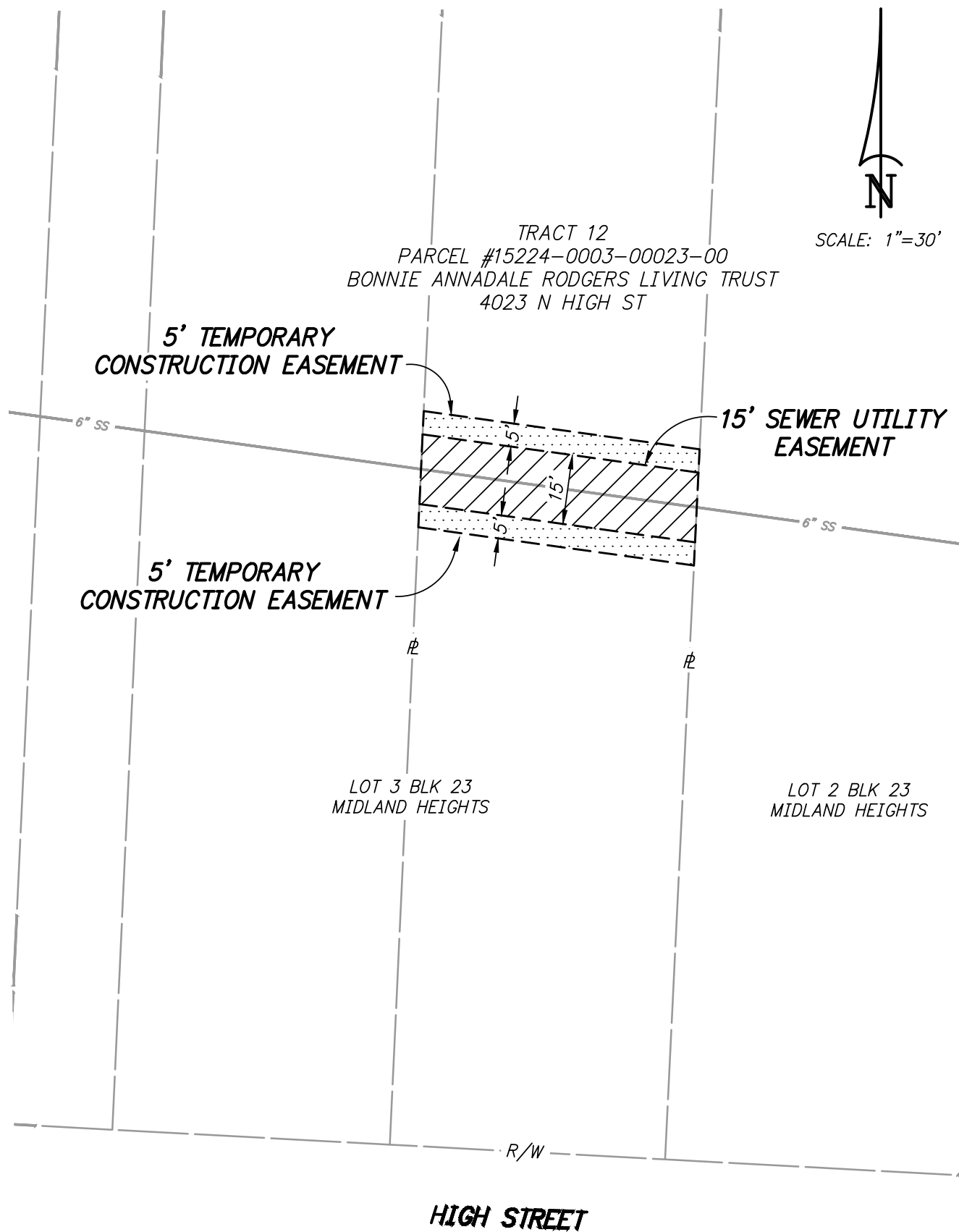
Witness our hands and seals on this _____ day of _____, 2025.

STATE OF ARKANSAS)
 SS)
County of _____)

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2025.

My Commission Expires:

Z:\19\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 12- BONNIE ANNADALE RODGERS LIVING TRUST.DWG, 9/3/2025 3:47 PM, ANDREW MCCOLLUM, LAYOUT1



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EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 12 - BONNIE ANNADALE RODGERS LIVING TRUST

FOR: CITY OF FORT SMITH

DATE: 09/04/25

SCALE: 1"= 30'

JOB NO. 19-19-ED2

2017 SSA Remedial Measures Sub-Basin FL02
Project #: 19-19-ED2
Tract #: 14
Date: September 4, 2025

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Francis Vien Le & Mary Tran, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

A 15.00' wide easement over part of Lot 2, Block 23, Midland Heights Addition (filed for record July 9, 1902) City of Fort Smith, Sebastian County, Arkansas, the centerline of which being more particularly described as follows:

Beginning at the Northeast corner of said Lot 2; thence along the East line of said Lot S02°47'05"W 183.67'; thence N82°06'43"W 70.19'; thence N02°38'45"E 15.06'; thence S82°06'43"E 55.18'; thence N02°47'05"E 167.34' to the North line of said Lot; thence along said North line S86°55'30"E 15.00' to the Point of Beginning, containing 3,573 square feet or 0.08 acres more or less.

For the purpose of construction, it is agreed that the GRANTEE, its contractors, servants, agents, and assigns shall have the temporary right, until completion and acceptance by the GRANTEE of the work, to enter upon and use as described below. Together with the right to excavate, fill, grade and level the surface area and to remove trees, bushes, undergrowth or other obstruction thereon interfering with the construction of the project. It is agreed that the GRANTEE will, after completion of construction, restore the land within the temporary easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner. The temporary easement, as conditioned above shall terminate when the construction projects been completed and accepted by the GRANTEE.

A 5.00' wide temporary easement lying parallel and adjacent to the North, South and West lines of the above described permanent easement, containing 1,437 square feet or 0.03 acres more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

GRANTEE shall provide temporary access to the property during construction and shall coordinate any temporary drives or closures of driveways during construction with GRANTOR.

After completion of construction, GRANTEES shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

Witness our hands and seals on this _____ day of _____, 2025.

ACKNOWLEDGMENT

STATE OF ARKANSAS)

SS)

County of _____)

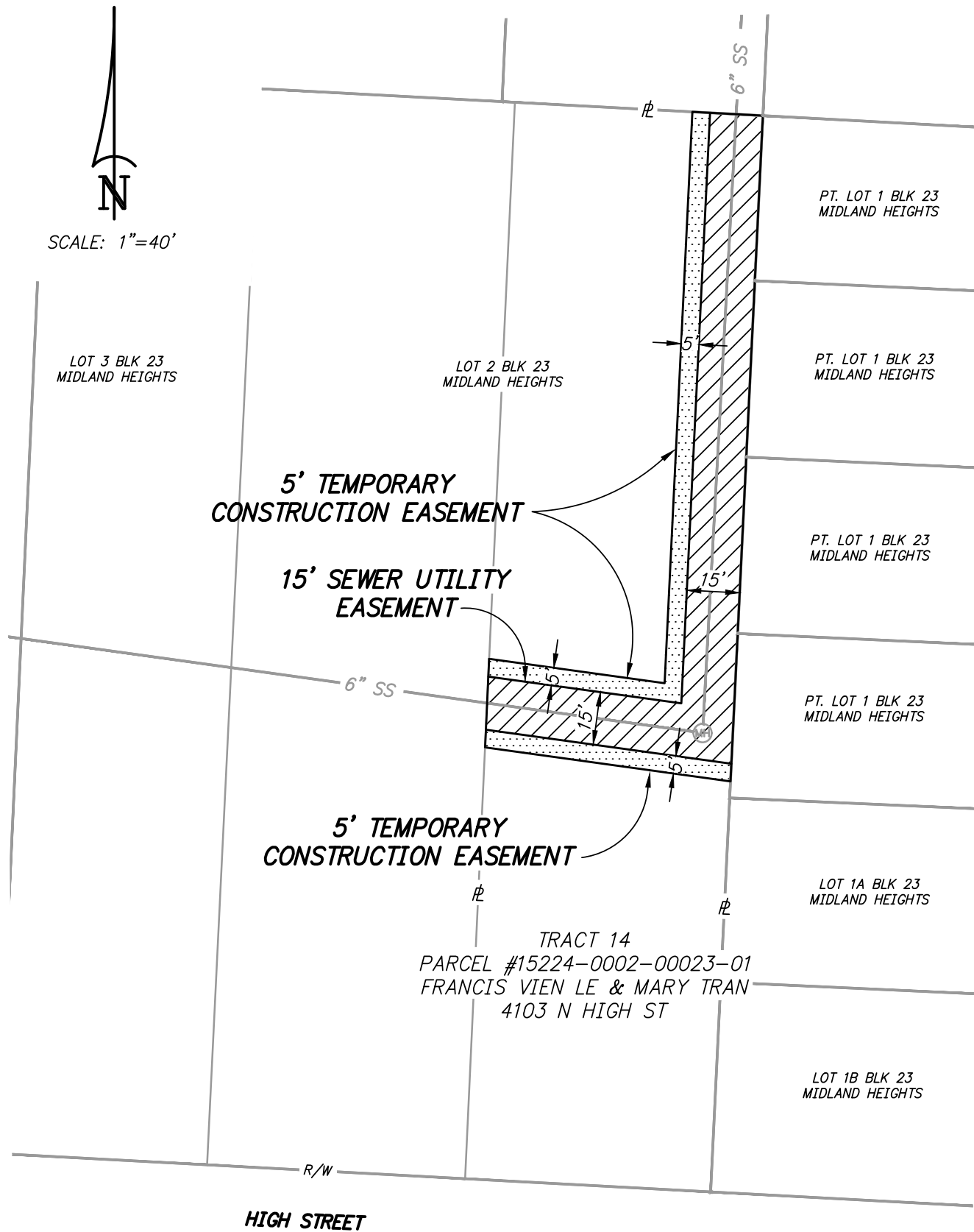
On this _____ day of _____, 2025, before me, a Notary Public, duly commissioned, qualified and acting, within and for the County of _____, Arkansas, appeared in person the within named _____, _____ to me personally well known or proven to be the persons whose names appear upon the within and foregoing instrument, and stated and acknowledged that they had executed the same for the consideration, uses and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2025.

Notary Public

My Commission Expires:

Z:\19\19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 14- FRANCIS VIEN LE & MARY TRAN.DWG, 9/3/2025 3:48 PM, ANDREW MCCOLLUM, LAYOUT1



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EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 14 - FRANCIS VIEN LE & MARY TRAN

FOR: CITY OF FORT SMITH

DATE: 09/04/25

SCALE: 1"= 40'

JOB NO. 19-19-ED2

2017 SSA Remedial Measures Sub-Basin FL02
Project #: 19-19-ED2
Tract #: 20
Date: September 4, 2025

SEWER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Lloyd G. & Philip R. Young, their heirs, successors, and assigns, GRANTORS, for and in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the City of Fort Smith, Arkansas, a municipal corporation, its agents, successors, and assigns, GRANTEES, a permanent easement for the construction, operation, and maintenance of public (GRANTEES owned) sewer utilities with all appurtenances thereto, together with the right to remove trees, brushes, undergrowth or other obstructions interfering with construction, operation and maintenance of said sewer utilities over, under and upon the following lands situated in Fort Smith, Sebastian County, Arkansas, to wit:

The East 15.00' of the South 85.00' of Lot 13, Block 23, Midland Heights Addition (filed for record July 9, 1902), City of Fort Smith, Sebastian County, Arkansas, containing 1,275 square feet or 0.03 acres more or less.

For the purpose of construction, it is agreed that the GRANTEE, its contractors, servants, agents, and assigns shall have the temporary right, until completion and acceptance by the GRANTEE of the work, to enter upon and use as described below. Together with the right to excavate, fill, grade and level the surface area and to remove trees, bushes, undergrowth or other obstruction thereon interfering with the construction of the project. It is agreed that the GRANTEE will, after completion of construction, restore the land within the temporary easement to a mutually acceptable condition, subject to both parties acting in a reasonable manner. The temporary easement, as conditioned above shall terminate when the construction projects been completed and accepted by the GRANTEE.

A 5.00' wide temporary easement lying parallel and adjacent to the West line of the above described permanent easement, containing 425 square feet or 0.01 acres more or less.

See Exhibit A attached hereto and hereby made a part of this instrument,

with rights of ingress and egress to and from the same.

To have and to hold said easement unto GRANTEES forever.

GRANTORS shall have the right to use the surface of the property above described as long as GRANTORS wish, provided, that GRANTORS shall not interfere with the use thereof by GRANTEES, and further, GRANTORS shall not erect a permanent building or other structure within said easement, and further, GRANTORS shall provide gates acceptable to GRANTEES if said easement is fenced.

GRANTEE shall provide temporary access to the property during construction and shall coordinate any temporary drives or closures of driveways during construction with GRANTOR.

After completion of construction, GRANTEES shall restore the land in this permanent/ temporary easement (whichever the case, or both) to as near its original condition as possible, subject to both parties acting in a reasonable manner.

The consideration paid by GRANTEES is received and accepted by GRANTORS in full satisfaction of every right hereby conveyed.

GRANTORS do hereby covenant with GRANTEES that GRANTORS are lawfully seized and possessed of the real estate above described and that GRANTORS have a good and lawful right to convey the same or any part thereof.

It is hereby understood that party securing this grant in behalf of GRANTEES is without authority to make any covenant or agreement not herein expressed.

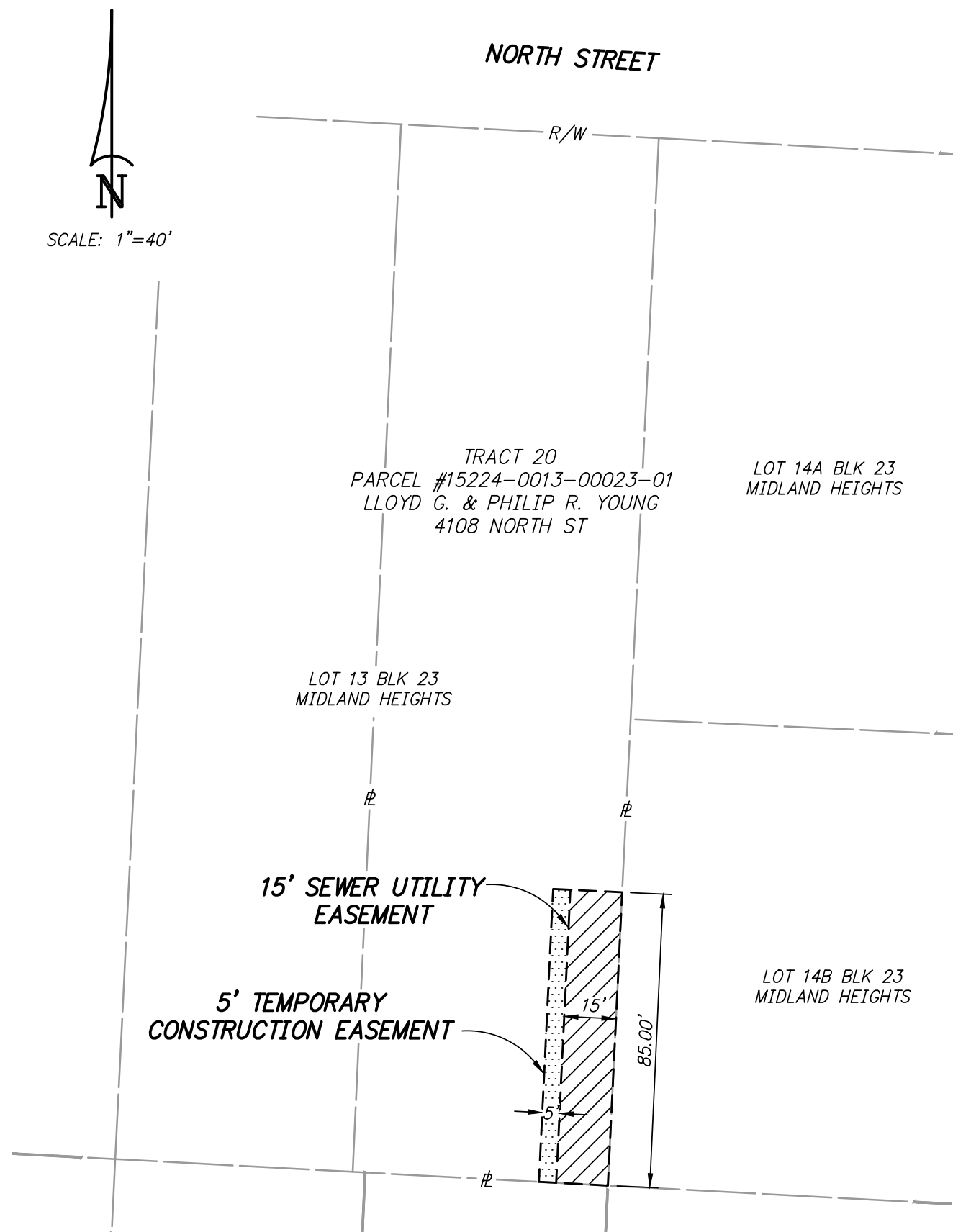
Witness our hands and seals on this _____ day of _____, 2025.

[illegible]

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 2025.

My Commission Expires:

Z:\19\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 20 - LLOYD G. & PHILIP R. YOUNG.DWG, 9/3/2025 4:00 PM, ANDREW MCCOLLUM, LAYOUT1



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EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 20 - LLOYD G. & PHILIP R. YOUNG

FOR: CITY OF FORT SMITH

DATE: 09/04/25

SCALE: 1"= 40'

JOB NO. 19-19-ED2



December 12, 2025

To David Correa et al,

The City of Fort Smith is in the initial stages of planning a sanitary sewer system capacity improvement project. This project is necessary to bring the City's sanitary sewer system into compliance with a settlement agreement entered into by the City of Fort Smith and the United States of America. This project is intended to increase the capacity of the sewer mains during wet weather events which stress the capacity of the sanitary sewer system. The sewer main is to be relocated in conjunction with a planned drainage improvement project to be undertaken in the new future. The design of the project is now complete and the route for the new pipe has been established which will impact your property located at **3825 High St, Fort Smith, Arkansas**.

The City is requesting a Sewer Utility Easement and a Temporary Construction Easement on your property to allow the work to be done. The improvements to **Sub-Basin FL02**, will have an impact on your property. An exhibit showing the Sewer Utility Easement and the Temporary Construction Easement area across your property is enclosed. The consideration being offered by the City is **\$590.60**.

The Utility Department will be taking this project, that includes the above property, to the Fort Smith Board of Directors on **1/6/2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-19: 2017 SSA Remedial Measures, Sub-Basin FL02

Property Tract Number is –

Tract 6

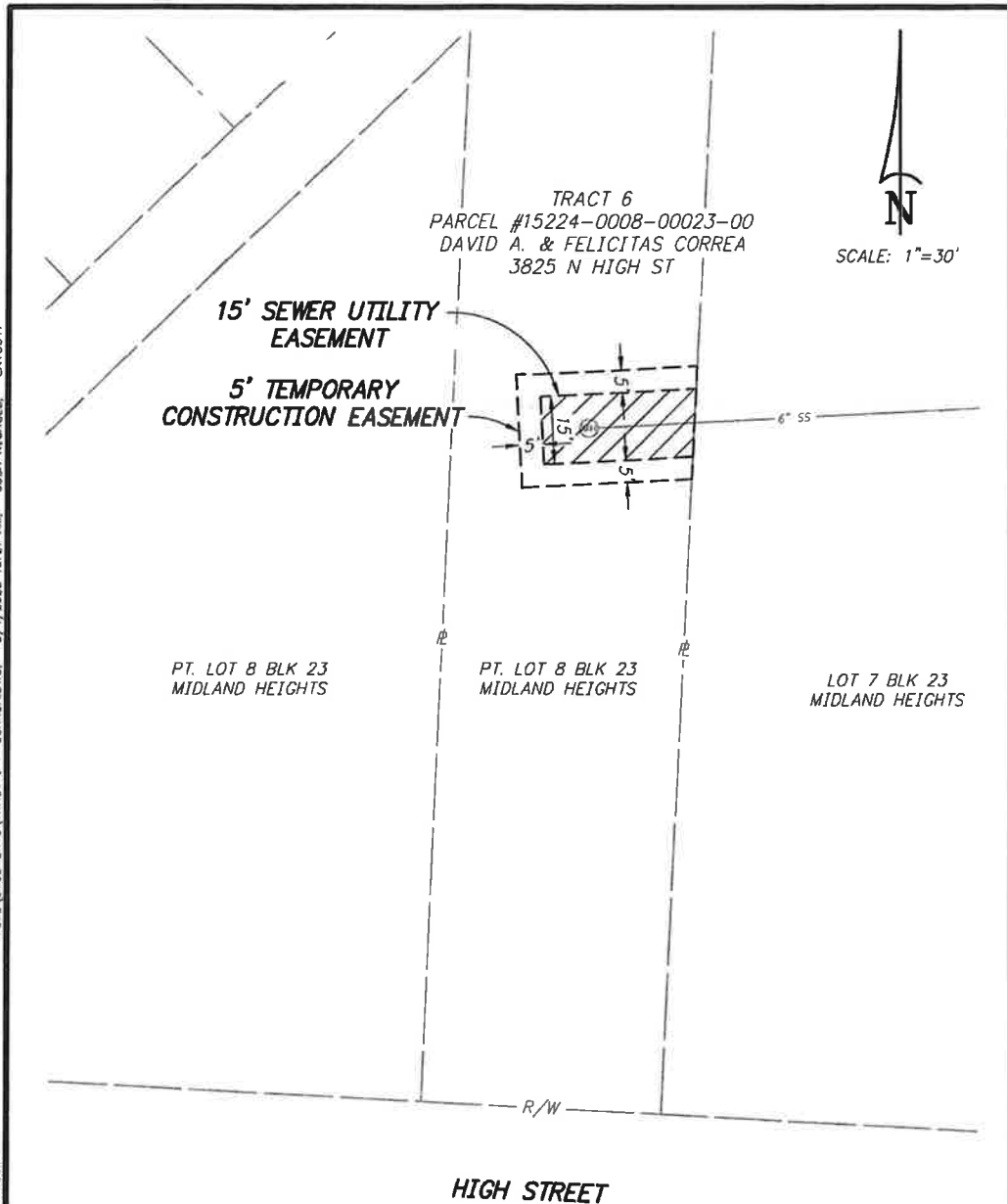
Should you have any questions or concerns, please feel free to contact **Lorne Matthews at 479-221-0677** or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "CBethel", written over a light blue horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures

Z:\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2 EASEMENTS\TRACT 6 - CORREA.DWG. 9/4/2025 10:21 AM. JOSH NICHOLS. LAYOUT1



HW HAWKINS & WEIR
ENGINEERS, INC.

Van Buren | Fort Smith | Fayetteville | Little Rock
(479) 474-1227 | (479) 242-4685 | (479) 455-2208 | (501) 374-4846

www.hawkins-weir.com

EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 6 - DAVID A. & FELICITAS CORREA

FOR: CITY OF FORT SMITH

DATE: 09/04/25

SCALE: 1"= 30'

JOB NO. 19-19-ED2



December 12, 2025

To Bernice & Claude Perew,

The City of Fort Smith is in the initial stages of planning a sanitary sewer system capacity improvement project. This project is necessary to bring the City's sanitary sewer system into compliance with a settlement agreement entered into by the City of Fort Smith and the United States of America. This project is intended to increase the capacity of the sewer mains during wet weather events which stress the capacity of the sanitary sewer system. The sewer main is to be relocated in conjunction with a planned drainage improvement project to be undertaken in the new future. The design of the project is now complete and the route for the new pipe has been established which will impact your property located at **4001 High St, Fort Smith, Arkansas.**

The City is requesting a Sewer Utility Easement and a Temporary Construction Easement on your property to allow the work to be done. The improvements to **Sub-Basin FL02**, will have an impact on your property. An exhibit showing the Sewer Utility Easement and the Temporary Construction Easement area across your property is enclosed. The consideration being offered by the City is **\$2,433.20**.

The Utility Department will be taking this project, that includes the above property, to the Fort Smith Board of Directors on **1/6/2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-19: 2017 SSA Remedial Measures, Sub-Basin FL02

Property Tract Number is –

Tract 9

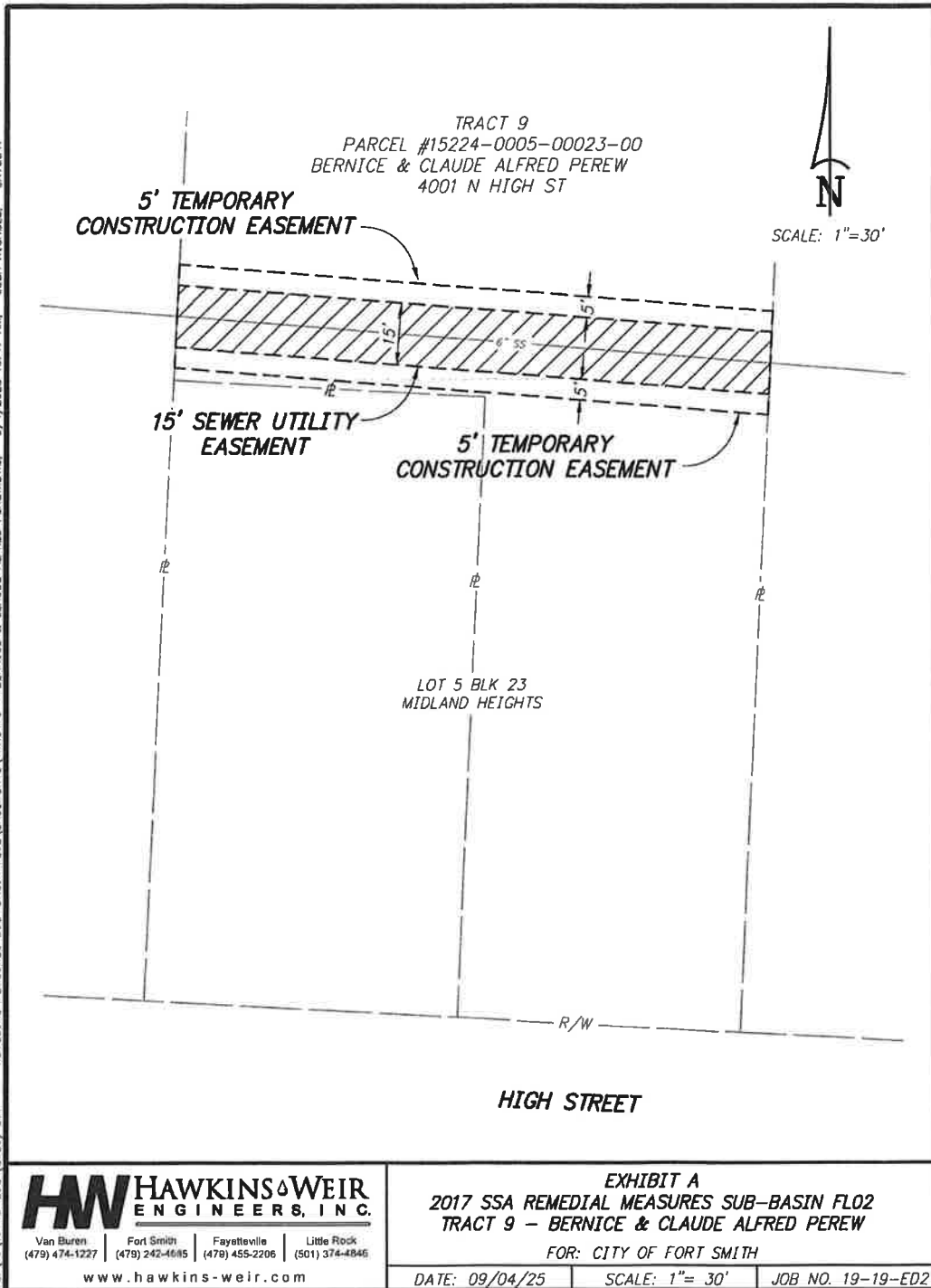
Should you have any questions or concerns, please feel free to contact **Lorne Matthews at 479-221-0677** or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel", written over a horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures

Z:\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 9 - BERNICE & CLAUDE ALFRED PEREW.DWG, 9/4/2025 10:47 AM, JOSH NICHOLS, LAYOUT1





December 12, 2025

To Donna Sue Summerhill,

The City of Fort Smith is in the initial stages of planning a sanitary sewer system capacity improvement project. This project is necessary to bring the City's sanitary sewer system into compliance with a settlement agreement entered into by the City of Fort Smith and the United States of America. This project is intended to increase the capacity of the sewer mains during wet weather events which stress the capacity of the sanitary sewer system. The sewer main is to be relocated in conjunction with a planned drainage improvement project to be undertaken in the new future. The design of the project is now complete and the route for the new pipe has been established which will impact your property located at **4021 High St, Fort Smith, Arkansas.**

The City is requesting a Sewer Utility Easement and a Temporary Construction Easement on your property to allow the work to be done. The improvements to **Sub-Basin FL02**, will have an impact on your property. An exhibit showing the Sewer Utility Easement and the Temporary Construction Easement area across your property is enclosed. The consideration being offered by the City is **\$1,024.40**.

The Utility Department will be taking this project, that includes the above property, to the Fort Smith Board of Directors on **1/6/2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-19: 2017 SSA Remedial Measures, Sub-Basin FL02

Property Tract Number is –

Tract 11

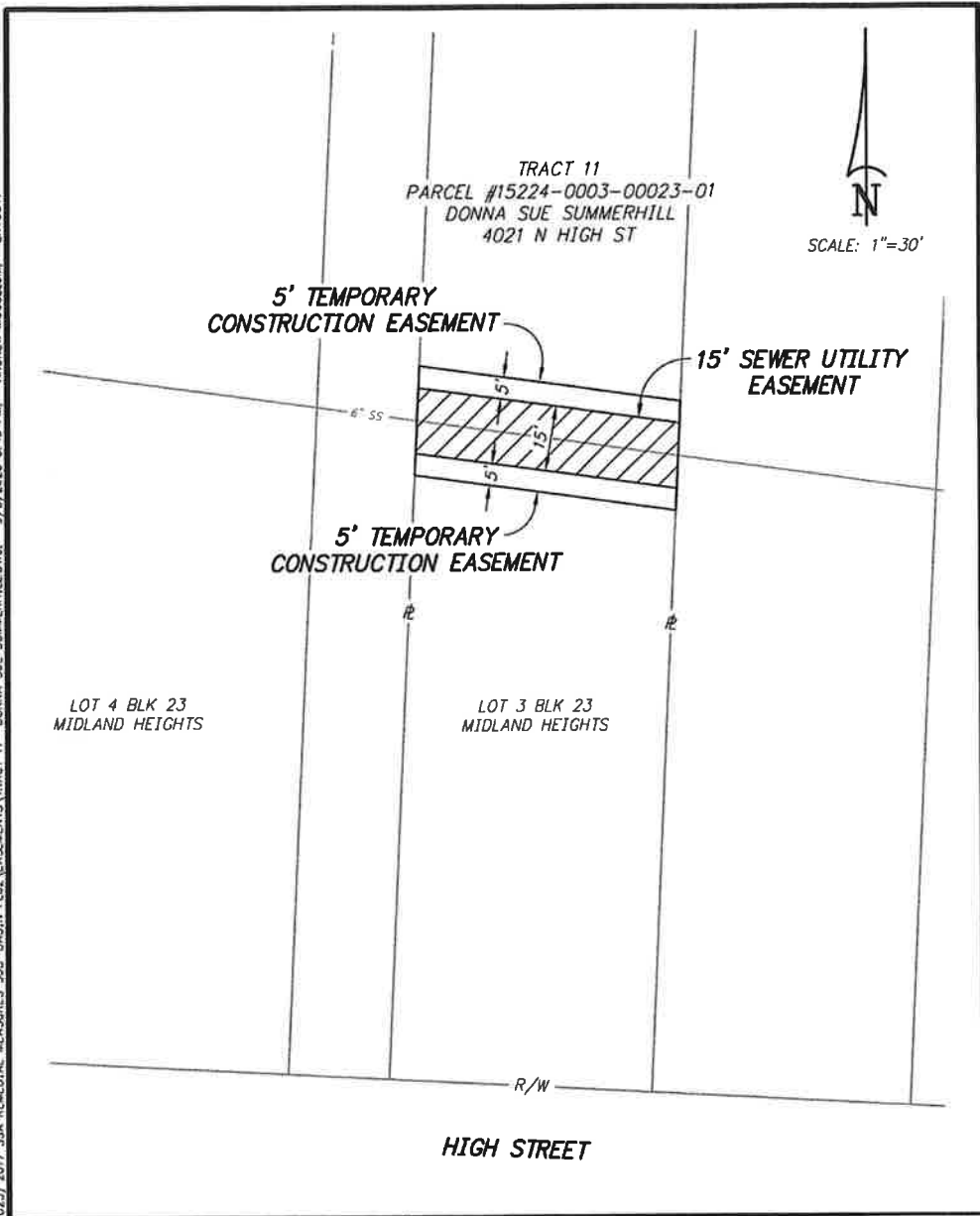
Should you have any questions or concerns, please feel free to contact **Lorne Matthews at 479-221-0677** or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel", written over a horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures

2:\19\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 11- DONNA SUE SUMMERHILL.DWG. 9/3/2025 3:48 PM. ANDREW MCCOLLUM, LAYOUT1



HW HAWKINS & WEIR
ENGINEERS, INC.

Van Buren (479) 474-1227	Fort Smith (479) 242-4685	Fayetteville (479) 455-2206	Little Rock (501) 374-1846
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www.hawkins-weir.com

EXHIBIT A
2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2
TRACT 11 - DONNA SUE SUMMERHILL
FOR: CITY OF FORT SMITH

DATE: 09/04/25	SCALE: 1"= 30'	JOB NO. 19-19-ED2
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December 12, 2025

To Bonnie A Rodgers Living Trust,

The City of Fort Smith is in the initial stages of planning a sanitary sewer system capacity improvement project. This project is necessary to bring the City's sanitary sewer system into compliance with a settlement agreement entered into by the City of Fort Smith and the United States of America. This project is intended to increase the capacity of the sewer mains during wet weather events which stress the capacity of the sanitary sewer system. The sewer main is to be relocated in conjunction with a planned drainage improvement project to be undertaken in the new future. The design of the project is now complete and the route for the new pipe has been established which will impact your property located at **4023 High St, Fort Smith, Arkansas.**

The City is requesting a Sewer Utility Easement and a Temporary Construction Easement on your property to allow the work to be done. The improvements to **Sub-Basin FL02**, will have an impact on your property. An exhibit showing the Sewer Utility Easement and the Temporary Construction Easement area across your property is enclosed. The consideration being offered by the City is **\$1,021.20**.

The Utility Department will be taking this project, that includes the above property, to the Fort Smith Board of Directors on 1/6/2026. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-19: 2017 SSA Remedial Measures, Sub-Basin FL02

Property Tract Number is –

Tract 12

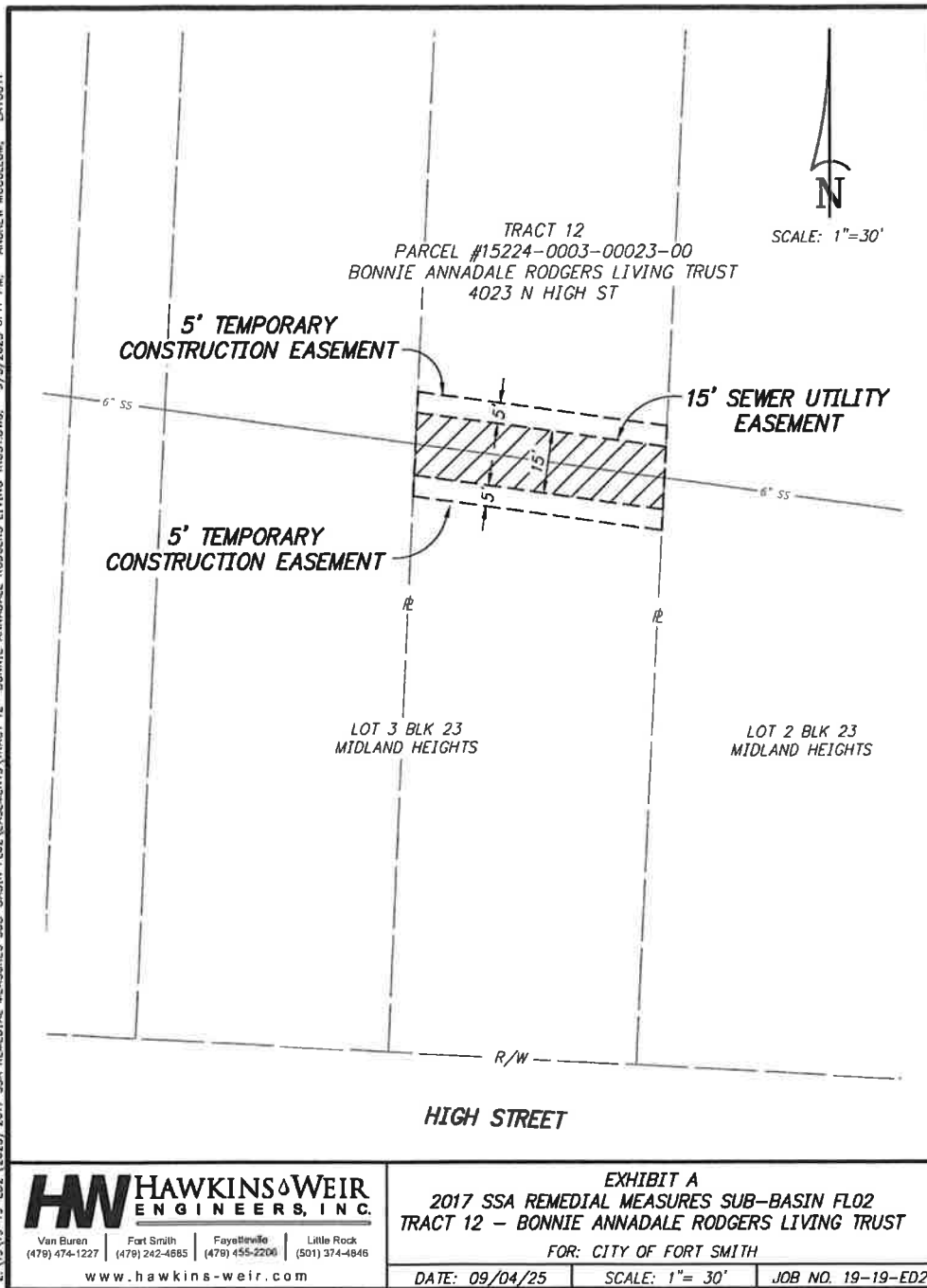
Should you have any questions or concerns, please feel free to contact **Lorne Matthews at 479-221-0677** or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel", written over a horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures

Z:\19\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2\EASEMENTS\TRACT 12- BONNIE ANNADALE RODGERS LIVING TRUST.DWG. 9/3/2025 3:47 PM, ANDREW MCCOLLUM, LAYOUT1





December 12, 2025

To Francis Vien Le & Mary Tri Tran,

The City of Fort Smith is in the initial stages of planning a sanitary sewer system capacity improvement project. This project is necessary to bring the City's sanitary sewer system into compliance with a settlement agreement entered into by the City of Fort Smith and the United States of America. This project is intended to increase the capacity of the sewer mains during wet weather events which stress the capacity of the sanitary sewer system. The sewer main is to be relocated in conjunction with a planned drainage improvement project to be undertaken in the new future. The design of the project is now complete and the route for the new pipe has been established which will impact your property located at **4103 High St, Fort Smith, Arkansas**.

The City is requesting a Sewer Utility Easement and a Temporary Construction Easement on your property to allow the work to be done. The improvements to **Sub-Basin FL02**, will have an impact on your property. An exhibit showing the Sewer Utility Easement and the Temporary Construction Easement area across your property is enclosed. The consideration being offered by the City is **\$2,500.00**.

The Utility Department will be taking this project, that includes the above property, to the Fort Smith Board of Directors on **1/6/2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-19: 2017 SSA Remedial Measures, Sub-Basin FL02

Property Tract Number is –

Tract 14

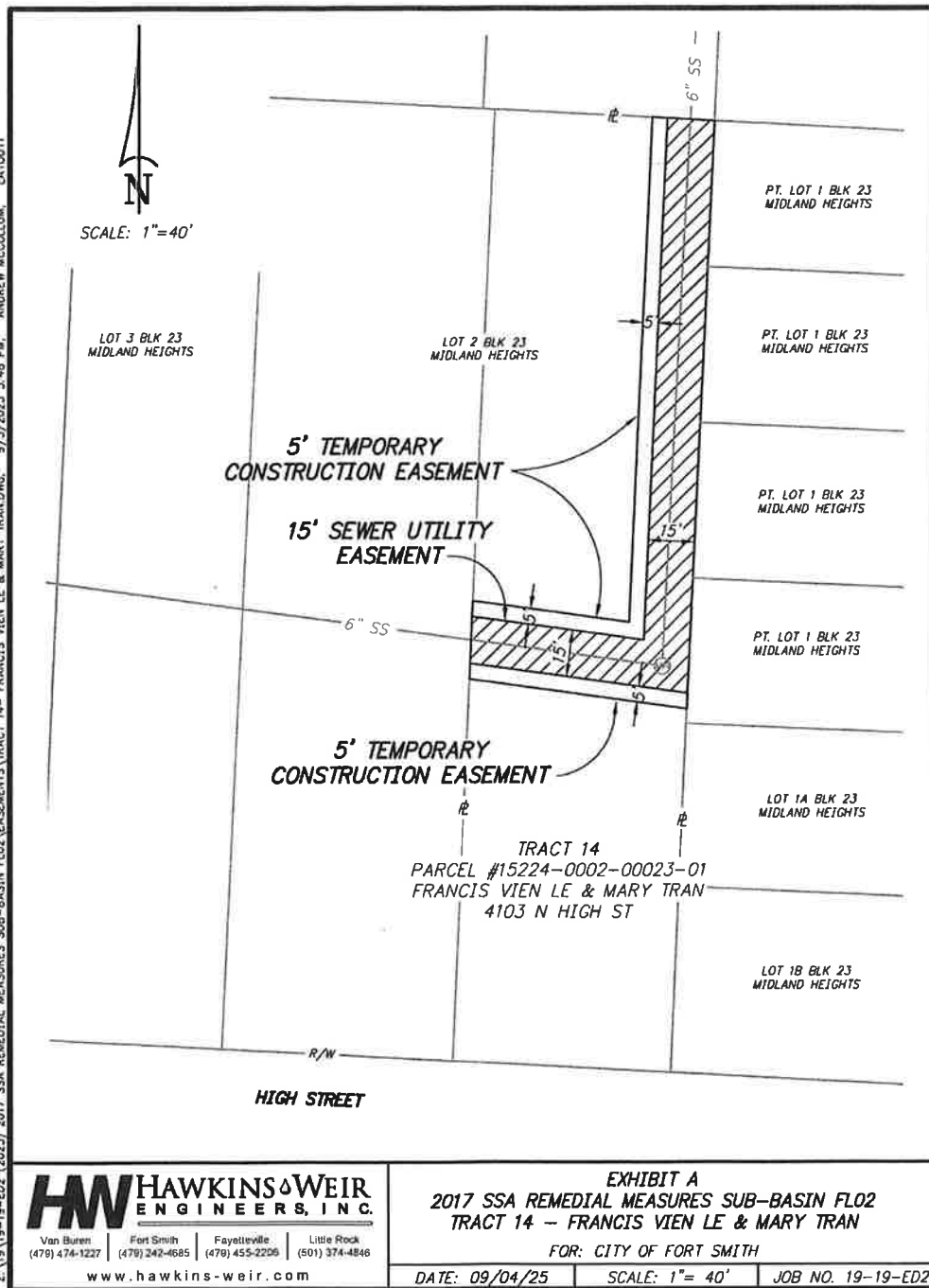
Should you have any questions or concerns, please feel free to contact **Lorne Matthews at 479-221-0677** or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel", written over a horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures

2:\19\19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2 EASEMENTS\TRACT 14- FRANCIS VIEN LE & MARY TRAN.DWG. 9/3/2025 3:48 PM. ANDREW MCCOLLUM, LAYOUT





December 12, 2025

To Lloyd G & Phillip R Young,

The City of Fort Smith is in the initial stages of planning a sanitary sewer system capacity improvement project. This project is necessary to bring the City's sanitary sewer system into compliance with a settlement agreement entered into by the City of Fort Smith and the United States of America. This project is intended to increase the capacity of the sewer mains during wet weather events which stress the capacity of the sanitary sewer system. The sewer main is to be relocated in conjunction with a planned drainage improvement project to be undertaken in the new future. The design of the project is now complete and the route for the new pipe has been established which will impact your property located at **4108 N Street, Fort Smith, Arkansas.**

The City is requesting a Sewer Utility Easement and a Temporary Construction Easement on your property to allow the work to be done. The improvements to **Sub-Basin FL02**, will have an impact on your property. An exhibit showing the Sewer Utility Easement and the Temporary Construction Easement area across your property is enclosed. The consideration being offered by the City is **\$1,360.00**.

The Utility Department will be taking this project, that includes the above property, to the Fort Smith Board of Directors on **1/6/2026**. The meeting will be held at The Blue Lion on 101 North 2nd Street in Fort Smith, AR 72901. The meeting will be at 6:00 p.m. You are welcome to attend and speak to the Board on this matter.

The project information is –

19-19: 2017 SSA Remedial Measures, Sub-Basin FL02

Property Tract Number is –

Tract 20

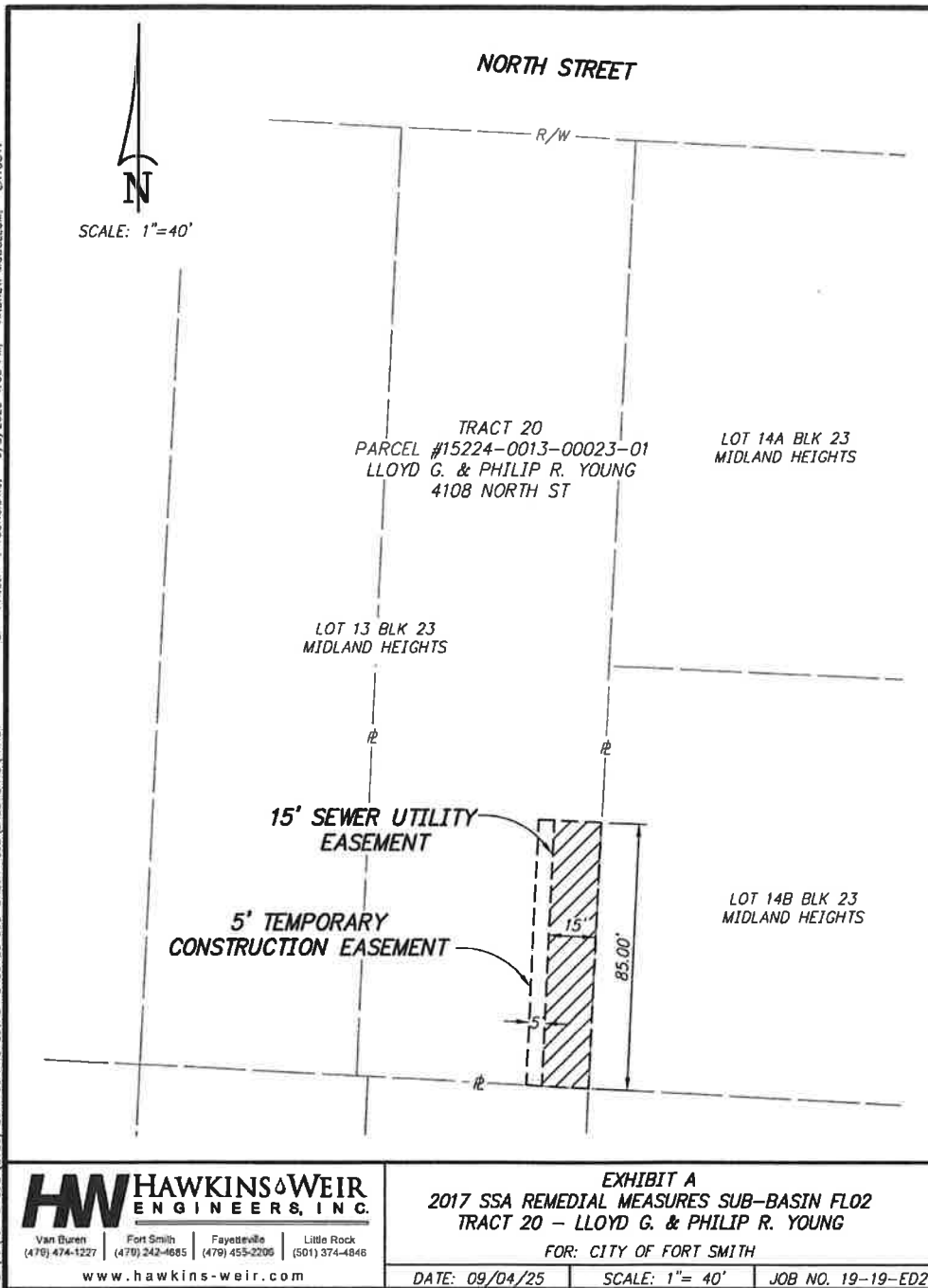
Should you have any questions or concerns, please feel free to contact **Lorne Matthews at 479-221-0677** or me at 479-522-7246 or CBethel@fortsmithar.gov. Your earliest attention to this matter is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chad Bethel", written over a horizontal line.

Chad Bethel
Real Property/Land Manager
The City of Fort Smith Utility Department
Enclosures

19-19-ED2 (2025) 2017 SSA REMEDIAL MEASURES SUB-BASIN FLO2 EASEMENTS TRACT 20 - LLOYD G. & PHILIP R. YOUNG.DWG. 9/25/2025 4:00 PM. ANDREW MCCOLLUM, LAYOUT





MEMORANDUM



TO: Jeff Dingman, Acting City Administrator
CC: Maggie Rice, Deputy City Administrator
FROM: Todd Mittge, Director of Engineering
DATE: January 5, 2026
SUBJECT: Reconciliation Change Order 1, Project 23-19-C2-Pipe Burst, Vortex Services LLC

SUMMARY

On May 07, 2024, the Board of Directors approved the bid of Vortex Services, LLC in the amount of \$ 4,371,514.10 (R-79-24). As part of this Consent Decree project, the contractor performed the replacement of approximately 10,810 linear feet of 8-inch HDPE sanitary sewer main utilizing the pipe-bursting method and replaced 39 sanitary sewer manholes.

The project is complete, and a Reconciliation Change Order is required to adjust the contract to reflect the work performed. The change order provides for a deduction of \$1,060,398.19 from the contract amount and a reduction of 56 days from the contract time. The adjusted contract amount is \$3,311,115.91, and the adjusted contract time is 514 calendar days. Attached are the change order and a project summary for your review.

A resolution authorizing the Mayor to execute Change Order Number 1, which reflects a reduction of \$1,060,398.19 in the contract amount and a reduction of 56 days from the contract time, is attached.

This project aligns with the goals of the comprehensive plan policy TI5.2 (ensure that utility and infrastructure systems can meet the city's long-term needs).

Please contact me should you or members of the Board have any questions or desire additional information.

ATTACHMENTS

1. [1-6-26_Item_ID_2468_Resolution_Engineering-Utilities \(1\).pdf](#)
2. [1-6-26 Item ID 2468 Attachment Engineering-Utilities.pdf](#)

FISCAL IMPACT: *-\$1,060,398.19 and reduction 56 days*

BUDGET INFORMATION: *Budgeted / Engineering-Utilities - 5/8% Sales and Use Tax*

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 WITH VORTEX SERVICES, LLC FOR THE SSA REMEDIAL MEASURES, SUB-BASINS MC07, P004, S006 AND Z001 AND CAPACITY IMPROVEMENTS, SUB-BASIN SK01, PROJECT NO. 23-19-C2 PIPE BURST

BE IT RESOLVED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Change Order No. 1 with Vortex Services, LLC for the construction of the SSA Remedial Measures, Sub-Basins MC07, P004, S006 and Z001 and Capacity Improvements, Sub-Basin SK01, Project No. 23-19-C2 Pipe Burst is hereby approved.

SECTION 2: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute Change Order No. 1 with Vortex Services LLC approved by Section 1 hereof, reducing the contract amount by \$1,060,398.19 and reducing the number of days by 56, resulting in the total contract amount of \$3,311,115.91 for a period of 514 days for final completion.

This Resolution adopted this _____ day of _____, 2026.

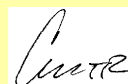
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



npr

CHANGE ORDER

Change Order No.: 1

Project: SSA Remedial Measures Sub-Basins MC07, P004, S006, Z001 and Capacity Improvements Sub-Basin SK01

Project No.: 23-19-C2 Pipe Burst

Contractor: Vortex Services, LLC

Description: Change Order No. 1 authorizes a reduction of the total contract amount by \$1,060,398.19 and a decrease of 56 calendar days from the contract time. This results in an adjusted contract amount of \$3,311,115.91 and a revised contract duration of 514 calendar days.

Counterparts and Electronic Signatures: This agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. The facsimile, email or other electronically delivered signatures of the parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals. Signatures delivered by facsimile, email or other electronic means shall bind the signatory notwithstanding any subsequent failure or refusal to deliver an original signature signed in ink.

Change To The Project Price:

Original Contract Price	\$	4,371,514.10
Contract Price for Change Orders To Date	\$	-
The Contract Price for this Change Order	\$	(1,060,398.19)
The Contract Price Following This Change Order Will Be	\$	3,311,115.91
Previous Payments	\$	3,145,560.11
Contract Balance Remaining for Final Payment	\$	165,555.80

Change To The Project Time:

Original Contract Time for Complete Project (Days)		570
Additional Contract Time for Complete Project Due to Change Orders To Date (Days)		-
Reduce Contract Time for Complete Project Due to This Change Order (Days)		(56)
Contract Time for Complete Project (Days) Following This Change Order Will Be (Days)		514

Signatures:

Vortex Services, LLC
Michael Mirabella

Date: 12/16/25

Owner, City of Fort Smith, AR

George McGill, Mayor

Date:

ATTEST:

City Clerk

PROJECT SUMMARY

Project Name: SSA Remedial Measures Sub-Basins MC07, P004, S006, Z001 and Capacity Improvements Sub-Basin SK01	Project Status: Complete
Project Number: 23-19-C2 Pipe Burst	Today's Date: December 17, 2025
Project Engineer: Parth Modi	Staff Contact Name: Jimmie Johnson
Project Contractor: Vortex Services, LLC	Staff Contact Phone: 479-784-2274
Notice to Proceed Issued: 07/08/2024	

Contact Breakdown		
	Dollar Amount	Contract Time (Days)
Original Contract Amount:	\$ 4,371,514.10	570
Change Order No. 1:	\$ (1,060,398.19)	-56
Total Change Orders:	\$ (1,060,398.19)	-56
Adjusted Contract:	\$ 3,311,115.91	514

Contract Payment Breakdown		
	Dollar Amount	
Previous Payments	\$ 3,145,560.11	
Contract Balance Remaining	\$ 165,555.80	

Final Comments:
 This project has been completed 24.25% less than original contract amount and completed in 514 Calendar days (56 days under original contract time).



MEMORANDUM



TO: Jeff Dingman, Acting City Administrator
CC: Maggie Rice, Deputy City Administrator
FROM: Todd Mittge, Director of Engineering
DATE: January 5, 2026
SUBJECT: Final Payment to Vortex Services, LLC, Consent Decree Project No. 23-19-C2

SUMMARY

On May 07, 2024, the Board of Directors approved the bid of Vortex Services, LLC in the amount of \$ 4,371,514.10 (R-79-24). For the scope of this Consent Decree project, the contractor performed the replacement of approximately 10,810 linear feet of 8-inch HDPE sanitary sewer main utilizing the pipe-bursting method and replaced 39 sanitary sewer manholes. A project summary and presentation are attached for your review.

The reconciliation change order presented tonight reduced the contract amount by \$1,060,398.19 and reduced contract duration by 56 days, adjusting the contract amount to \$3,311,115.91 and the contract time to 514 calendar days.

This Project was completed 24.25 % below the contract amount, and the final completion date is December 05, 2025.

A Resolution accepting the project as complete and authorizing final payment to Vortex Services, LLC., for \$ 165,555.80 is attached.

This project aligns with the goals of the comprehensive plan policy TI5.2 (ensure that utility and infrastructure systems can meet the city's long-term needs).

Please contact me should you or members of the Board have any questions or desire additional information.

ATTACHMENTS

1. [1-6-26_Item_ID_2469_Resolution_Engineering-Utilities \(1\).pdf](#)
2. [1-6-26 Item ID 2469 Attachment Engineering-Utilities.pdf](#)

FISCAL IMPACT: \$165,555.80

BUDGET INFORMATION: Budgeted / Engineering-Utilities - 5/8% Sales and Use Tax

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING
FINAL PAYMENT TO VORTEX SERVICES, LLC FOR THE
SSA REMEDIAL MEASURES, SUB-BASINS MC07, P004, S006 AND Z001 AND
CAPACITY IMPROVEMENTS, SUB-BASIN SK01,
PROJECT NO. 23-19-C2 PIPE BURST

BE IT RESOLVED AND ENACTED BY THE BOARD OF DIRECTORS OF THE
CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The construction of the SSA Remedial Measures, Sub-Basins MC07,
P004, S006 and Z001 and Capacity Improvements, Sub-Basin SK01, Project No. 23-19-
C2 Pipe Burst is hereby accepted as complete.

SECTION 2: Final payment to Vortex Services LLC, in the amount of \$165,555.80
is hereby approved.

This Resolution adopted this _____ day of _____, 2026.

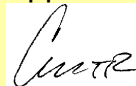
APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



npr

PROJECT SUMMARY

Project Name: SSA Remedial Measures Sub-Basins MC07, P004, S006, Z001 and Capacity Improvements Sub-Basin SK01	Project Status: Complete
Project Number: 23-19-C2 Pipe Burst	Today's Date: December 17, 2025
Project Engineer: Parth Modi	Staff Contact Name: Jimmie Johnson
Project Contractor: Vortex Services, LLC	Staff Contact Phone: 479-784-2274
Notice to Proceed Issued: 07/08/2024	

Contact Breakdown		
	Dollar Amount	Contract Time (Days)
Original Contract Amount:	\$ 4,371,514.10	570
Change Order No. 1:	\$ (1,060,398.19)	-56
Total Change Orders:	\$ (1,060,398.19)	-56
Adjusted Contract:	\$ 3,311,115.91	514

Contract Payment Breakdown		
	Dollar Amount	
Previous Payments	\$ 3,145,560.11	
Contract Balance Remaining	\$ 165,555.80	

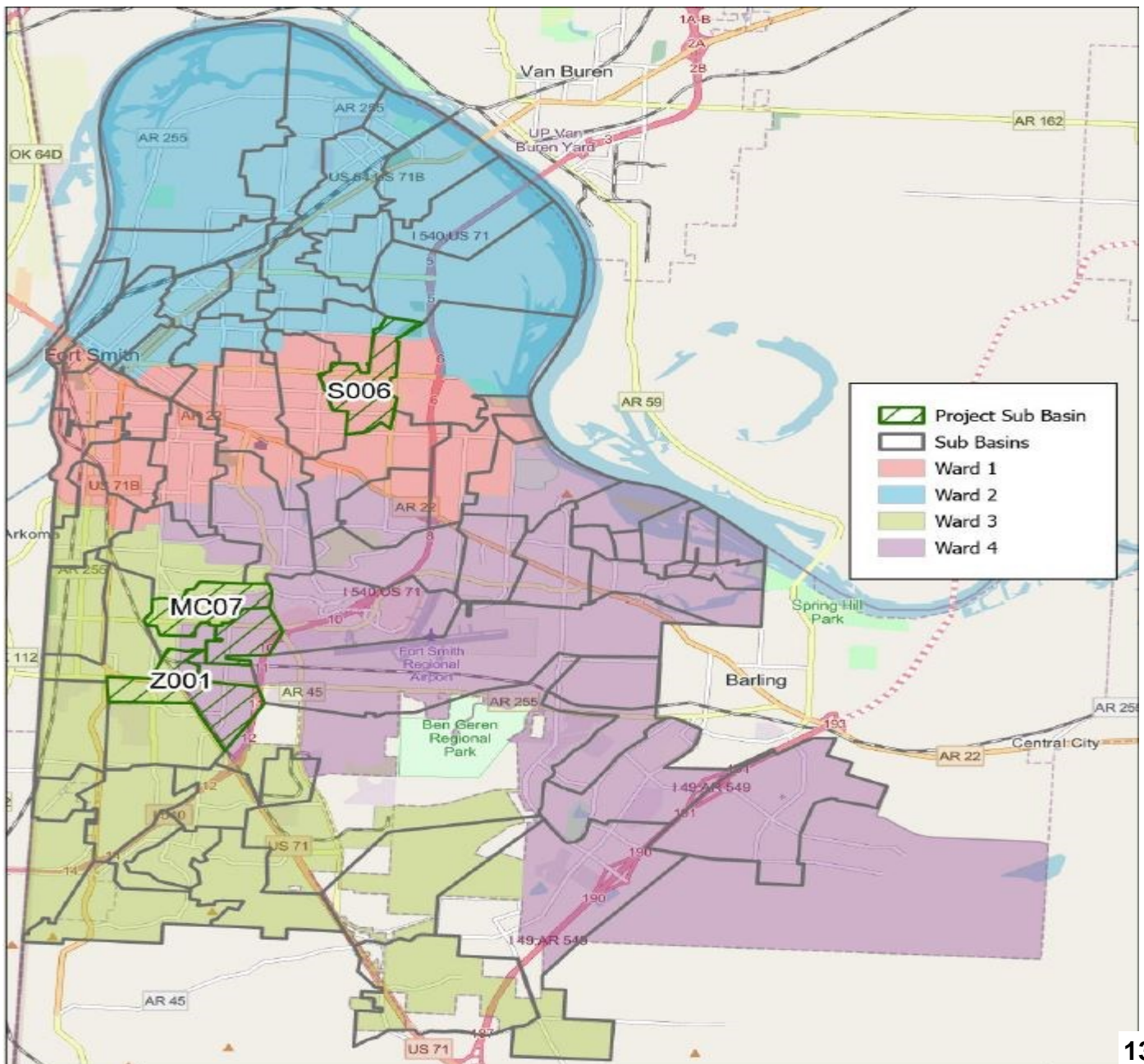
Final Comments:
 This project has been completed 24.25% less than original contract amount and completed in 514 Calendar days (56 days under original contract time).

SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006, Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01 PROJECT NO. 23-19-C2 PIPE BURST

SUMMARY

This project consists of the replacement or rehabilitation of approximately 8,590 linear feet of sanitary sewer mains by the pipe burst method, and the replacement of approximately 50 sanitary sewer manholes.

LOCATION MAP



SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006, Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01 PROJECT NO. 23-19-C2 PIPE BURST

PROJECT COST

- Original Construction Contract Amount: \$4,371,514.10
- Change Order No. 1: -\$1,060,398.19 & -56 Days
- Adjusted Contract Amount: \$3,311,115.91 (75.75 %)

PROJECT SCHEDULE

- Notice To Proceed: July 08, 2024
- Substantial Completion (Contract): December 31, 2025
- Substantial Completion (Actual): November 05, 2025
- Final Completion (Contract): January 30, 2026
- Final Completion (Actual): December 05, 2025

PROJECT INFORMATION

- Design Engineer: RJN Group, Inc.
- Construction Contractor: Vortex Services, LLC
- Full Inspection Services: In-House



**SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006,
Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01
PROJECT NO. 23-19-C2 PIPE BURST**

PROJECT REPORT

Description	Total Estimated Quantity	Total Completed Quantity
Pipe Bursting Pipe (LF)	8,590	10,810
Replacement of Manholes	50	39
Sewer Service Line (LF)	1,780	2,378

The original scope of work for Project 23-19-C2 included the pipe bursting of 8,590 linear feet of sanitary sewer pipe and the replacement of 50 manholes. As other contractors were working at the same time in Sub-Basins MC07, S006, and Z001, the City of Fort Smith Engineering–Utility staff made adjustments, using engineering judgment, to better coordinate the work and improve overall cost efficiency across projects.

**SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006,
Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01
PROJECT NO. 23-19-C2 PIPE BURST**

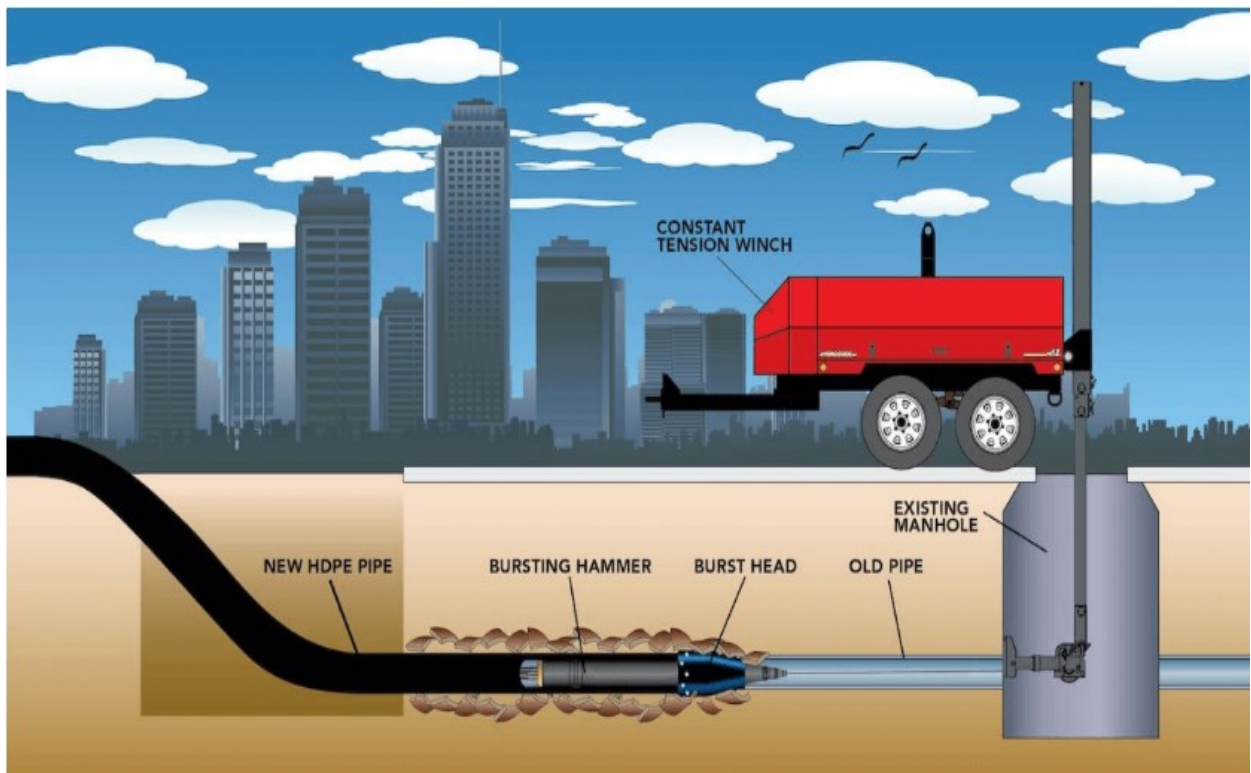


PRE-REPLACEMENT CLEANING WORK IN SANITARY SEWER LINE



PRE-REPLACEMENT CCTV INSPECTION

**SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006,
Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01
PROJECT NO. 23-19-C2 PIPE BURST**



PIPE BURSTING PROCESS

**SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006,
Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01
PROJECT NO. 23-19-C2 PIPE BURST**



OLD BRICK MANHOLE



NEW MANHOLE

**SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006,
Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01
PROJECT NO. 23-19-C2 PIPE BURST**



CAST-IN-PLACE MANHOLE CONSTRUCTION PROCESS



NEW MANHOLE

**SSA REMEDIAL MEASURES SUB-BASINS MC07, P004, S006,
Z001 AND CAPACITY IMPROVEMENTS SUB-BASIN SK01
PROJECT NO. 23-19-C2 PIPE BURST**



CONCRETE CAP FOR MANOLE PROTECTION



POST-CCTV SEWER MAIN LINE



MEMORANDUM

TO: Jeff Dingman, Acting City Administrator
CC: Maggie Rice, Deputy City Administrator
FROM: Chris Hoover, Grants and Government Relations Manager
DATE: December 19, 2025
SUBJECT: Converge Strategies LLC Contract-Amendment No. 1

SUMMARY

In August of 2024 the City of Fort Smith was awarded a Mission Installation Resilience (MIR) Grant through the Office of Local Defense Community Cooperation. This grant program was designed to help communities address deficiencies in infrastructure, supportive of a military installation, in order to enhance military value, installation resilience, and military family quality of life. Through the MIR grant a study has been ongoing to identify vulnerable infrastructure (this includes water, gas, electric, sewer, etc.) that supports the 188th Ebbing Air National Guard Base within the City of Fort Smith. When complete, the City of Fort Smith can take this study to various state and federal agencies as a justification for grant monies to help address identified needs.

Due to the federal government shutdown in Q4 of 2025 and a delay in contracting with Converge Strategies LLC, a no cost extension is being requested until March 31, 2026.

ATTACHMENTS

1. [Item_2466_Resolution.pdf](#)
2. [City of Fort Smith_Converge Strategies_Contract Amendment \(R-13-25\) \(1\).pdf](#)

FISCAL IMPACT: *add 90 days*

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO EXTEND THE
PROFESSIONAL SERVICES AGREEMENT WITH CONVERGE STRATEGIES, LLC RELATED TO THE
MISSION INSTALLATION RESILIENCE GRANT TO MARCH 31, 2026

WHEREAS, the City of Fort Smith entered into an agreement, authorized per Resolution No. R-13-25, with Converge Strategies, LLC for the purpose of serving as a study contractor for the Mission Installation Resilience grant awarded by the Office of Local Defense Community Cooperation; and

WHEREAS, due to the federal government shutdown from October 1, 2025-November 13, 2025, meetings with essential stakeholders were delayed which impacted the grant timeline and deliverables.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS THAT:

The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute Amendment No. 1 to the professional services agreement with Converge Strategies, LLC for services related to the Mission Installation Resilience Grant extending the agreement to March 31, 2026.

This Resolution adopted this _____ day of _____, 2026.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to form:



No Publication Required



AMENDMENT #1 TO Professional Services Agreement (R-13-25)

City of Fort Smith
and Converge Strategies, LLC

This Amendment is entered into as of December 17, 2025 (the "Effective Date") and modifies the agreement between the City of Fort Smith (the "CITY") and Converge Strategies, LLC ("CONSULTANT") dated January 01, 2025. The revisions to the contract are limited to the provisions specified below. All other provisions of the contract, including the fee, remain in effect.

5. **TERM.** This agreement shall be in effect through **March 31, 2026.**

The City and the Consultant agree to extend the end date of this contract from December 31, 2025 to March 31, 2026. The Consultant will complete all obligations under this project no later than the end date, as amended. Costs incurred after the amended end date are not eligible for reimbursement under this contract.

This modification will come at no cost to the City of Fort Smith.

EXECUTED as of the day first above-stated:

City of Fort Smith

By: _____

CONSULTANT

By: _____

Meredith Pringle
COO, Converge Strategies, LLC