



City of Farmington  
354 W. Main Street  
P.O. Box 150  
Farmington, AR 72730  
479-267-3865  
479-267-3805 (fax)

***PLANNING COMMISSION AGENDA***

***February 27, 2023***

**A meeting of the Farmington Planning Commission will be held on  
Monday, February 27, 2023, at 6:00 p.m. at City Hall  
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes – January 23, 2023
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be limited to three minutes per person.
4. **PUBLIC HEARINGS**
  - A. **Rezoning** –From R-1 to PUD  
**Property owned by:** Riverwood Homes LLC  
**Property Location:** S. Grace Lane  
**Presented by:** Crafton Tull
  - B. **Large Scale Development** – Farmington Vet Clinic  
**Property owned by:** Farmington Clinic Properties, LLC  
**Property Location:** 30 W. Main St.  
**Presented by:** Engineering Services, Inc.

## City of Farmington Application for Rezoning

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission until all information is furnished.

Applicant: Riverwood Homes LLC Day Phone: 479-435-2088

Address: 3420 N Plainview Ave, Fax: \_\_\_\_\_  
Fayetteville, AR 72703

Representative: Crafton Tull; Ali Karr Day Phone: 479-878-2468

Address: 901 N 47th, Suite 400 Fax: \_\_\_\_\_  
Rogers, AR 72756

Property Owner: Riverwood Homes LLC Day Phone: 479-435-2088

Address: 3420 N Plainview Ave, Fax: \_\_\_\_\_  
Fayetteville, AR 72703

Indicate where correspondence should be sent (circle one): Applicant  Representative  Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description

Site Address -- S Grace Ln

Current Zoning -- R-1 Proposed Zoning -- PUD

Attach legal description and site plan (a scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of zoning requested and reason for request:

We are requesting to rezone this property to PUD to set lot, street, and landscape standards for the future phases to Engels Mill.

Responsibilities of the Applicant:

1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy

of notice) shall be filed with the City of Farmington no later than seven (7) days prior to the meeting date. A sample notice is attached.

2. Pay a \$25.00 application fee

3. Provide a copy of the deed of the property.

4. Written authorization from the property owner if someone other than the owner will be representing the request.

5. Publish the following notice of public hearing in a newspaper serving the City (*Northwest Times, the Morning News, Arkansas Democrat-Gazette or The Farmington Post*). **THE NOTICE MUST APPEAR IN THE PAPER A MINIMUM OF 15 DAYS BEFORE THE PUBLIC HEARING DATE.**

**NOTICE OF PUBLIC HEARING**

A petition to rezone the property as described below has been filed with the City of Farmington on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

*PLACE LEGAL DESCRIPTION OF PROPERTY HERE*

A public hearing to consider this request to rezone the above described property from \_\_\_\_\_ to \_\_\_\_\_ will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

A copy of the proof of publication from the newspaper must be provided to the City 10 days before the meeting.

The City will post a sign on the property at a location visible to the public, notifying the public of the intent to rezone the property.

*Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

Alw Karr Date 1.23.23  
Applicant Signature

*Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)*

\_\_\_\_\_  
Owner/Agent Signature Date \_\_\_\_\_

**AGENT AUTHORIZATION**

I (We), Riverwood Homes LLC, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), Crafton Tull, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City of Farmington considering this application and to act in all respects as our agent in matters pertaining to the attached application.

  
Property Owner - Signature

MARK MARQUESS  
Property Owner - Print

\_\_\_\_\_  
Property Owner - Signature

\_\_\_\_\_  
Property Owner - Print

Rezone DESCRIPTION:

BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 31 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 87° 54' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 1322.97 FEET TO FOUND 2" ALUMINUM MONUMENT CAP #905 MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 51' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 661.39 FEET TO A FOUND 3" ALUMINUM MONUMENT CAP # 905; THENCE NORTH 02° 04' 37" EAST A DISTANCE OF 1319.76 FEET; THENCE SOUTH 87° 44' 41" EAST ALONG THE SOUTH BOUNDARY OF THE GROVE AT ENGELS MILL PHASE II, A DISTANCE OF 138.48 FEET; THENCE NORTH 19° 30' 18" EAST A DISTANCE OF 53.02 FEET; THENCE SOUTH 57° 43' 18" EAST A DISTANCE OF 50.00 FEET; THENCE NORTH 32° 26' 05" EAST A DISTANCE OF 185.00 FEET; THENCE SOUTH 57° 43' 18" EAST A DISTANCE OF 470.70 FEET; THENCE SOUTH 29° 46' 30" EAST A DISTANCE OF 114.00 FEET; THENCE SOUTH 02° 15' 19" WEST A DISTANCE OF 111.97 FEET; THENCE SOUTH 87° 46' 03" EAST A DISTANCE OF 1228.79 FEET TO THE EAST LINE OF AFOREMENTIONED SECTION 27; THENCE SOUTH 02° 11' 31" WEST ALONG SAID EAST LINE, A DISTANCE OF 1056.65 FEET TO THE POINT OF BEGINNING CONTAINING 49.73 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

RECEIVED

FEB 09 2023

CITY OF FARMINGTON

**NOTICE OF PUBLIC HEARING BEFORE  
THE FARMINGTON PLANNING COMMISSION  
ON AN APPLICATION TO REZONE PROPERTY**

To All Owners of land lying adjacent to the property at:

S Grace Ln

---

Location

Riverwood Homes, LLC

---

Owned by

NOTICE IS HEREBY GIVEN THAT an application has been filed for REZONING of the above property from R-1 to PUD.

A public hearing on said application will be held by the Farmington Planning Commission at Farmington City Hall, 354 W. Main St. on February 27th, 2023 at 6:00 p.m.

All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865.

RECORD INFORMATION

SEAL

THIS REZONE SKETCH IS A REPRESENTATION OF THE S SHAPE, AND LOCATION OF REZONE WHICH IT IS ATTA THIS DRAWING IS NOT A P SURVEY

REZONE THE GROVE AT ENGLER PHASES 1 THROUGH

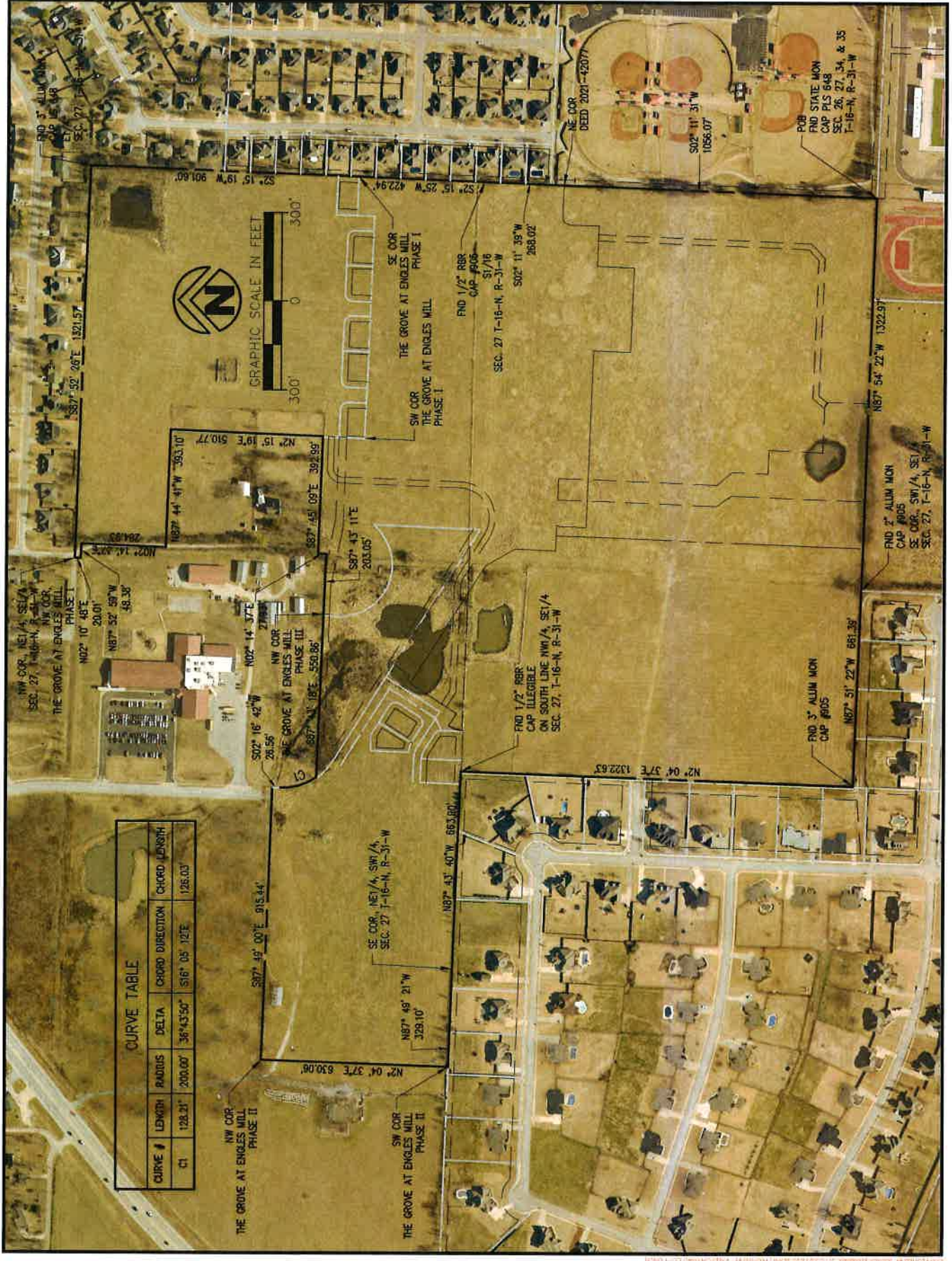
PREPARED FOR: CITY OF FARMINGTC PLANNING COMMISS

ISSUE DATE: PROJECT NO: CONTACT:



© 2023 Crafter, Ltd & Associates, LLC	
DATE	DESCRIPTION

SHEET NO.:



CRATER, LTD. 1000 W. 30TH STREET, SUITE 100, FARMINGTON, UT 84201-4801. TEL: (435) 734-8300. FAX: (435) 734-8301. WWW.CRATER.LTD.

REZONE DESCRIPTION:

BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER ALL IN SECTION 27, TOWNSHIP 16 NORTH, RANGE 31 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 27 BEING A FOUND ALUMINUM STATE MONUMENT FOR SECTIONS 26, 27, 34, AND 35 WITH CAP PLS 648; THENCE NORTH 87° 54' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 1322.97 FEET TO FOUND 2" ALUMINUM MONUMENT CAP #905 MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 51' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 661.39 FEET TO A FOUND 3" ALUMINUM MONUMENT CAP # 905; THENCE NORTH 02° 04' 37" EAST A DISTANCE OF 1322.63 FEET A FOUND 1/2" REBAR WITH AN ILLEGIBLE CAP ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 43' 40" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 663.90 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 49' 21" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 329.10 FEET TO THE SOUTHWEST CORNER OF THE GROVE AT ENGLS MILL PHASE II; THENCE NORTH 02° 04' 37" EAST ALONG THE WEST LINE OF SAID PHASE II, A DISTANCE OF 630.06 FEET TO THE NORTHWEST CORNER OF SAID PHASE II; THENCE ALONG THE NORTH BOUNDARY OF SAID PHASE II FOR THE FOLLOWING FOUR (4) CALLS:

- 1) SOUTH 87° 49' 00" EAST A DISTANCE OF 915.44 FEET;
- 2) SOUTH 02° 16' 42" WEST A DISTANCE OF 26.56 FEET TO A CURVE TO THE LEFT;
- 3) 128.21 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 200.00 FEET SUBTENDED BY A CHORD BEARING SOUTH 16° 05' 12" EAST A DISTANCE OF 126.03 FEET;
- 4) SOUTH 87° 43' 18" EAST A DISTANCE OF 550.86 FEET TO THE NORTHWEST CORNER OF THE GROVE AT ENGLS MILL PHASE III;

THENCE ALONG THE NORTH BOUNDARY OF SAID PHASE III FOR THE FOLLOWING THREE (3) CALLS:

- 1) CONTINUING SOUTH 87° 43' 11" EAST A DISTANCE OF 203.05 FEET;
- 2) NORTH 02° 14' 37" EAST A DISTANCE OF 27.93 FEET;
- 3) SOUTH 87° 45' 09" EAST A DISTANCE OF 392.99 FEET TO A POINT ON THE WEST BOUNDARY OF THE GROVE AT ENGLS MILL PHASE I;

THENCE ALONG SAID WEST BOUNDARY FOR THE FOLLOWING FIVE (5) CALLS:



- 1) NORTH 02° 15' 19" EAST A DISTANCE OF 510.77 FEET;
- 2) NORTH 87° 44' 41" WEST A DISTANCE OF 393.10 FEET;
- 3) NORTH 02° 14' 37" EAST A DISTANCE OF 284.93 FEET;
- 4) NORTH 87° 52' 59" WEST A DISTANCE OF 48.38 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF AFOREMENTIONED SECTION 27;
- 5) THENCE NORTH 02° 10' 48" EAST ALONG SAID WEST LINE, A DISTANCE OF 20.01 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27;

THENCE SOUTH 87° 52' 26" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 1321.57 FEET TO A FOUND 3" ALUMINUM MONUMENT CAP LS 648 MARKING THE EAST QUARTER CORNER OF SAID SECTION 27; THENCE ALONG THE EAST LINE OF SAID SECTION 27 FOR THE FOLLOWING FOUR (4) CALLS:

- 1) SOUTH 02° 15' 19" WEST A DISTANCE OF 901.60 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED PHASE I;
- 2) SOUTH 02° 15' 25" WEST A DISTANCE OF 422.94 FEET TO AN FOUND 1/2" REBAR CAP #905 MARKING THE SOUTH 1/16<sup>TH</sup> CORNER OF SAID SECTION 27;
- 3) THENCE SOUTH 02° 11' 39" WEST A DISTANCE OF 268.02 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED BY DEED 2021-42077;
- 4) THENCE SOUTH 02° 11' 31" WEST A DISTANCE OF 1056.07 FEET

TO THE POINT OF BEGINNING CONTAINING 116.55 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

# NORTHWEST ARKANSAS Democrat Gazette

P.O. BOX 1607, FAYETTEVILLE, AR, 72702 • 479-442-1700 • FAX: 479-695-1118 • WWW.NWADG.COM

## AFFIDAVIT OF PUBLICATION

I, Paola Lopez, do solemnly swear that I am the Accounting Legal Clerk of the Northwest Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of: Notice pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.


Crafton Tull  
PH – RZN S Grace Ln

Was inserted in the Regular Edition on:  
February 12, 2023

Publication Charges: \$56.24

  
\_\_\_\_\_  
Paola Lopez

Subscribed and sworn to before me  
This 13 day of Feb, 2023.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:



### NOTICE OF PUBLIC HEARING BEFORE THE FARMINGTON PLANNING COMMISSION ON AN APPLICATION TO REZONE PROPERTY

To All Owners of Land lying adjacent to the property at: S Grace Ln, and owned by Riverwood Homes, LLC  
NOTICE IS HEREBY GIVEN THAT an application has been filed for REZONING of the above property from R-1 to PUD

A public hearing on said application will be held by the Farmington Planning Commission at Farmington City Hall, 354 W. Main St. on February 27th, 2023 at 6:00 pm

All parties interested in this matter may appear and be heard at said time and place: or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865  
75652225 Feb 12, 2023

**\*\*NOTE\*\***

Please do not pay from Affidavit.  
Invoice will be sent.

Order No: 23-43906-143 -Engels Mill-300 ft- Adjacent Owners  
Prepared For: Crafton Tull

January 27, 2023

We hereby certify that we have searched the records of Washington County, Arkansas, for the property owners located within 300 feet adjacent to the rezone description shown on the attached Exhibit "A", carved from parcel number(s) **760-01911-904, 760-01911-905 & a part of 760-01911-906**, and the following information was found:

1. **Parcel Number 760-01911-902**  
**RIVERWOOD HOMES LLC**  
**3420 N PLAINVIEW AVE**  
**FAYETTEVILLE, AR 72703**
2. **Parcel Number 760-04456-000**  
**JERI LYNN SNODGRASS & CHESTER E SNODGRASS**  
**464 S EMERALD WOODS RUN**  
**FARMINGTON , AR 72730**
3. **Parcel Number 760-04457-000**  
**WILLIAM A DAHLGREN & LISA S DAHLGREN**  
**458 S EMERALD WOODS RUN**  
**FARMINGTON, AR 72730**
4. **Parcel Number 760-04484-000**  
**RIVERWOOD HOMES LLC**  
**3420 N PLAINVIEW AVE**  
**FAYETTEVILLE, AR 72703**
5. **Parcel Number 760-04458-000**  
**JASON MATTHEWS SNEAD**  
**452 S EMERALD WOODS RUN**  
**FARMINGTON, AR 72730**
6. **Parcel Number 760-04459-000**  
**JUSTIN KAZEMI**  
**446 S EMERALD WOODS RUN**  
**FARMINGTON , AR 72730**

7. Parcel Number 760-04460-000  
ERIN LARA SELLERS & JIMMY JO SELLERS  
440 S EMERALD WOODS RUN  
FARMINGTON, AR 72730
8. Parcel Number 760-04461-000  
EVELYN FRAZIER  
434 S EMERALD WOODS RUN  
FARMINGTON, AR 72730
9. Parcel Number 760-04483-000  
RIVERWOOD HOMES LLC  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703
10. Parcel Number 760-04482-000  
RIVERWOOD HOMES LLC  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703
11. Parcel Number 760-04481-000  
RYAN STANLEY RUSCH & JULIA GAIL RUSCH  
441 S EMERALD WOODS RUN  
FARMINGTON, AR 72730
12. Parcel Number 760-04480-000  
RIVERWOOD HOMES LLC  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703

13. Parcel Number 760-04479-000  
RIVERWOOD HOMES LLC  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703
14. Parcel Number 760-04478-000  
RIVERWOOD HOMES LLC  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703
15. Parcel Number 760-02775-000  
BRADY W SPRINGER  
312 DRIFTWOOD DR  
FARMINGTON, AR 72730
16. Parcel Number 760-02776-000  
JAMES R HEDRICK & AMANDA L HEDRICK  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703
17. Parcel Number 760-02777-000  
BRAD W RISNER & LEAH A RISNER  
338 S DRIFTWOOD DR  
FARMINGTON, AR 72730
18. Parcel Number 760-02778-000  
MIKE TRAW & JOANN TRAW  
354 S DRIFTWOOD DR  
FARMINGTON, AR 72730

19. Parcel Number 760-02779-000  
Co-Trustee(s) of the JAMAR FAMILY TRUST  
360 DRIFTWOOD DR  
FARMINGTON, AR 72730
20. Parcel Number 760-02780-000  
TAMRA E JONES & DEBORAH S PAVEL  
372 DRIFTWOOD DR  
FARMINGTON, AR 72730
21. Parcel Number 760-02781-000  
JOHN R HAMILTON & MAXINE L HAMILTON  
386 DRIFTWOOD DR  
FARMINGTON, AR 72730
22. Parcel Number 760-02782-000  
Trustee(s) of the JERRY AND PAMELA MARCH REVOCABLE LIVING TRUST  
398 DRIFTWOOD DR  
FARMINGTON, AR 72730
23. Parcel Number 760-02783-000  
HOWARD L CARTER & MILDRED DIANE CARTER  
PO BOX 481  
FARMINGTON, AR 72730-0481
24. Parcel Number 760-02774-000  
RAYMOND DEAN HOUSER & JEANNETE HOUSER  
376 W EAGLE RIDGE DR  
FARMINGTON, AR 72730

25. Parcel Number 760-02793-000  
GREGORY HOUSER & DEBRA COLLINS-HOUSER  
329 S DRIFTWOOD DR  
FARMINGTON, AR 72730
26. Parcel Number 760-02792-000  
BRIAN ROBINSON & AMANDA ROBINSON  
335 DRIFTWOOD DR  
FARMINGTON, AR 72730
27. Parcel Number 760-02791-000  
JOSEPH L RYAN & CRYSTAL L RYAN  
347 S DRIFTWOOD DR  
FARMINGTON, AR 72730
28. Parcel Number 760-02790-000  
PAUL J CONDRON & JENNIFER M CONDRON  
359 S DRIFTWOOD DR  
FARMINGTON, AR 72730
29. Parcel Number 760-02789-000  
Trustee(s) of the HOLTQUIST FAMILY TRUST  
383 W TWIN FALLS DR  
FARMINGTON, AR 72730
30. Parcel Number 760-02788-000  
Trustee(s) of the JUSTIN SCOTT WARD TRUST  
387 DRIFTWOOD DR  
FARMINGTON, AR 72730

31. Parcel Number 760-02787-000  
JONATHON BYRD & MANDIE R BYRD  
399 DRIFTWOOD DR  
FARMINGTON, AR 72730
32. Parcel Number 760-02786-000  
Trustee(s) of the BARBER FAMILY TRUST  
382 CLAYBROOK DR  
FARMINGTON, AR 72730
33. Parcel Number 760-02784-000  
WADE WILMOTH & CATHERINE WILMOTH  
361 CLAYBROOK DR  
FARMINGTON, AR 72774
34. Parcel Number 760-02858-000  
BRIAN COMSTOCK & NICOLE COMSTOCK  
345 W CLAYBROOK DR  
FARMINGTON, AR 72730-3081
35. Parcel Number 760-02833-000  
APRIL STEINER BENNETT & CAMERON ROBERT BENNETT  
344 CLAYBROOK DR  
FARMINGTON, AR 72730
36. Parcel Number 760-02834-000  
MATTHEW D BYRD & APRIL D BYRD  
332 CLAYBROOK DR  
FARMINGTON, AR 72730



37. Parcel Number 760-02835-000  
TRESA S HANNAH & CURTIS HANNAH  
318 CLAYBROOK DR  
FARMINGTON, AR 72730
38. Parcel Number 760-02836-000  
NORMAN B TOERING & JILL ANN TOERING  
306 CLAYBROOK DR  
FARMINGTON, AR 72730
39. Parcel Number 760-02839-000  
LARRY ANGLEA & MARGARET ANGLEA  
329 W CLAYBROOK DR  
FARMINGTON, AR 72730
40. Parcel Number 760-02838-000  
Co-Trustee(s) of the EVELYN L BEMBRY & CONSTANCE S BRYANT REVOCABLE LIVING TRUST  
317 CLAYBROOK DR  
FARMINGTON, AR 72730
41. Parcel Number 760-02837-000  
MARK S MEYERS & SHERRIE MEYERS  
305 CLAYBROOK DR  
FARMINGTON, AR 72730
42. Parcel Number 760-03106-000  
D R HORTON - NW ARKANSAS LLC  
1341 HORTON CIR  
ARLINGTON, TX 76011

43. Parcel Number 760-03106-001  
FARMINGTON SCHOOL DISTRICT NO. 6 OF WASHINGTON COUNTY, ARKANSAS  
42 S DOUBLE SPRINGS RD  
FARMINGTON, AR 72730-2506
44. Parcel Number 760-03199-000  
FARMINGTON SCHOOL DISTRICT NO. 6 OF WASHINGTON COUNTY, ARKANSAS  
42 S DOUBLE SPRINGS RD  
FARMINGTON, AR 72730-2506
45. Parcel Number 760-03008-000  
CITY OF FARMINGTON  
PO BOX 150  
FARMINGTON, AR 72730
46. Parcel Number 760-02576-000  
JOHN M ASKEGAARD & TERRI M ASKEGAARD  
310 S BRIARHILL DR  
FARMINGTON, AR 72730-8651
47. Parcel Number 760-02575-000  
RUSSEL C WILSON & MARY C WILSON  
304 S BRIARHILL DR  
FARMINGTON, AR 72730
48. Parcel Number 760-02574-000  
PHILLIP GERLAD HARP III & EMILY CAMILLE HARP  
298 S BRIARHILL DR  
FARMINGTON, AR 72730

- 49. Parcel Number 760-02577-000  
JASON E WALLIS & CYNTHIA J WALLIS  
309 S BRIARHILL DR  
FARMINGTON, AR 72730-8646
- 50. Parcel Number 760-02578-000  
COREY L. WOOD & LAURA A WOOD  
303 S BRIARHILL DR  
FARMINGTON, AR 72730
- 51. Parcel Number 760-02579-000  
KELLY O ALFORD & SHELLY R ALFORD  
297 S BRIARHILL DR  
FARMINGTON, AR 72730
- 52. Parcel Number 760-02580-000  
CORNELIUS AARON CANTRELL & SHANNON E CANTRELL  
291 S BRIARHILL DR  
FARMINGTON, AR 72730
- 53. Parcel Number 760-01911-906  
RIVERWOOD HOMES LLC  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703
- 54. Parcel Number 760-04485-000  
RIVERWOOD HOMES LLC  
3420 N PLAINVIEW AVE  
FAYETTEVILLE, AR 72703

This report is an adjacent property owners search of the records and is not to be construed as a title insurance binder, legal opinion or commitment to insure. Elite Title Company Inc. is neither expressing or attempting to express any opinion as to the validity of the title to property described above nor expressing or attempting to express the validity of any encumbrances, either recorded or unrecorded, that might pertain to the property described above. Although Elite Title Company Inc. considers the information stated above to be accurate, no assurances are made nor does Elite Title Company Inc. assume any liability for either the inaccuracy of any information stated herein or omissions of information hereto. Liability herein is limited to the amount paid for this certificate. The adjacent property owner search is intended for the exclusive use of the addressee for informational purposes only. For assurances as to the title to the property described above, addressee should obtain a title insurance commitment/policy.

Elite Title Company, Inc.

By: 

Raymond D Mansell

## Exhibit "A"

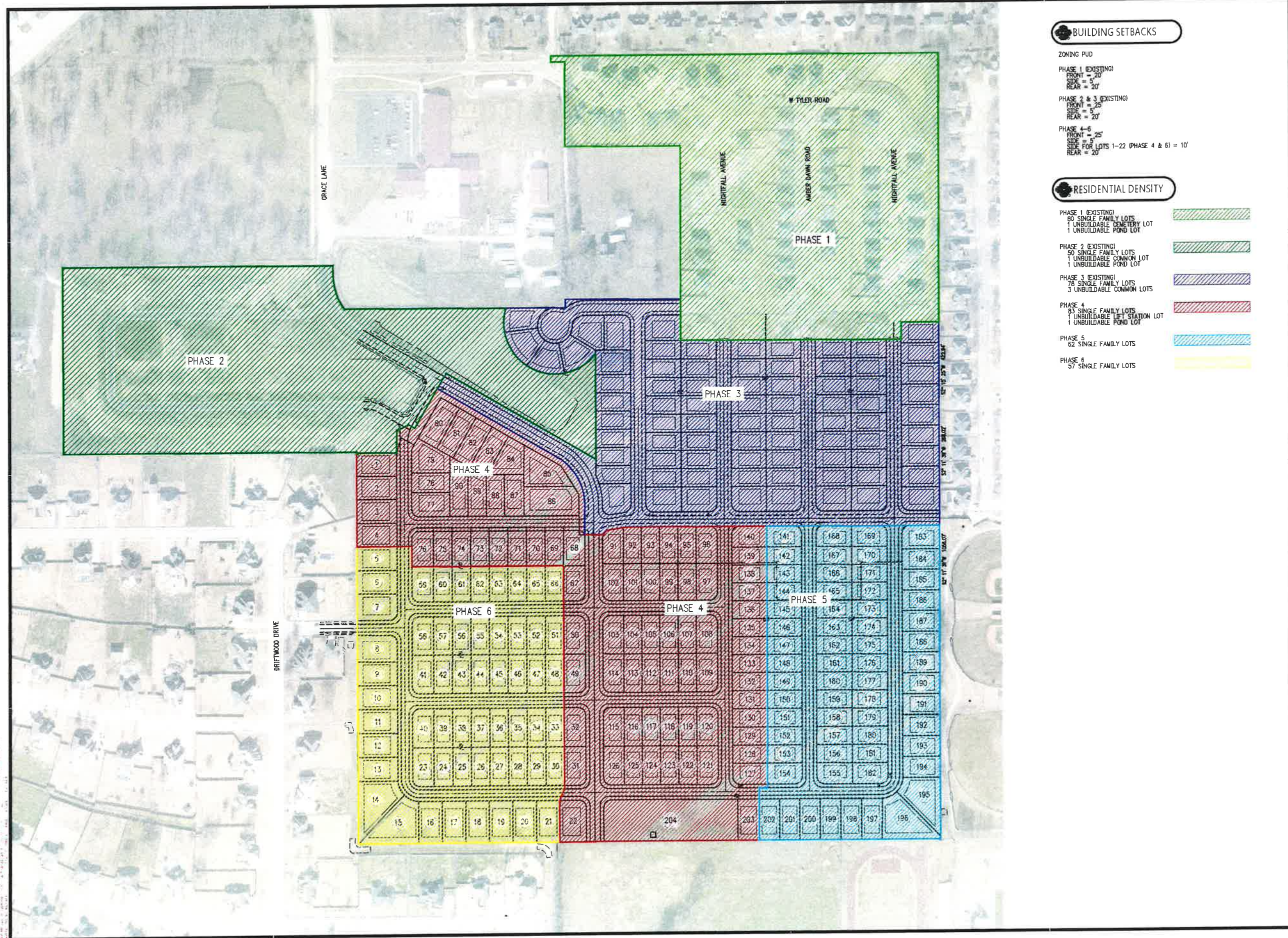
### REZONE DESCRIPTION:

BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 31 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 87° 54' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 1322.97 FEET TO FOUND 2" ALUMINUM MONUMENT CAP #905 MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 51' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 661.39 FEET TO A FOUND 3" ALUMINUM MONUMENT CAP # 905; THENCE NORTH 02° 04' 37" EAST A DISTANCE OF 1319.76 FEET; THENCE SOUTH 87° 44' 41" EAST ALONG THE SOUTH BOUNDARY OF THE GROVE AT ENGELS MILL PHASE II, A DISTANCE OF 138.48 FEET; THENCE NORTH 19° 30' 18" EAST A DISTANCE OF 53.02 FEET; THENCE SOUTH 57° 43' 18" EAST A DISTANCE OF 50.00 FEET; THENCE NORTH 32° 26' 05" EAST A DISTANCE OF 185.00 FEET; THENCE SOUTH 57° 43' 18" EAST A DISTANCE OF 470.70 FEET; THENCE SOUTH 29° 46' 30" EAST A DISTANCE OF 114.00 FEET; THENCE SOUTH 02° 15' 19" WEST A DISTANCE OF 111.97 FEET; THENCE SOUTH 87° 46' 03" EAST A DISTANCE OF 1228.79 FEET TO THE EAST LINE OF AFOREMENTIONED SECTION 27; THENCE SOUTH 02° 11' 31" WEST ALONG SAID EAST LINE, A DISTANCE OF 1056.65 FEET TO THE POINT OF BEGINNING CONTAINING 49.73 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.







### BUILDING SETBACKS

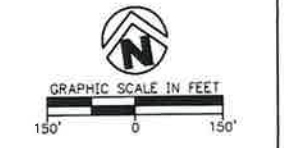
- ZONING PUD
- PHASE 1 (EXISTING)  
FRONT = 20'  
SIDE = 5'  
REAR = 20'
- PHASE 2 & 3 (EXISTING)  
FRONT = 25'  
SIDE = 5'  
REAR = 20'
- PHASE 4-6  
FRONT = 25'  
SIDE = 5'  
REAR = 20'
- SIDE FOR LOTS 1-22 (PHASE 4 & 6) = 10'

### RESIDENTIAL DENSITY

- PHASE 1 (EXISTING)  
60 SINGLE FAMILY LOTS  
1 UNBUILDABLE CEMETERY LOT  
1 UNBUILDABLE POND LOT
- PHASE 2 (EXISTING)  
50 SINGLE FAMILY LOTS  
1 UNBUILDABLE COMMON LOT  
1 UNBUILDABLE POND LOT
- PHASE 3 (EXISTING)  
78 SINGLE FAMILY LOTS  
3 UNBUILDABLE COMMON LOTS
- PHASE 4  
83 SINGLE FAMILY LOTS  
1 UNBUILDABLE LIFT STATION LOT  
1 UNBUILDABLE POND LOT
- PHASE 5  
62 SINGLE FAMILY LOTS
- PHASE 6  
57 SINGLE FAMILY LOTS

12/13/2009  
12/21/2009  
12/21/2009

**Crafton Tull**  
Architecture/Engineering/Interiors  
475 E. Main St., Suite 400  
Farmingington, AR 72701



THE GROVE AT  
ENGLES MILL  
FARMINGTON, ARKANSAS

No.	Description	Date

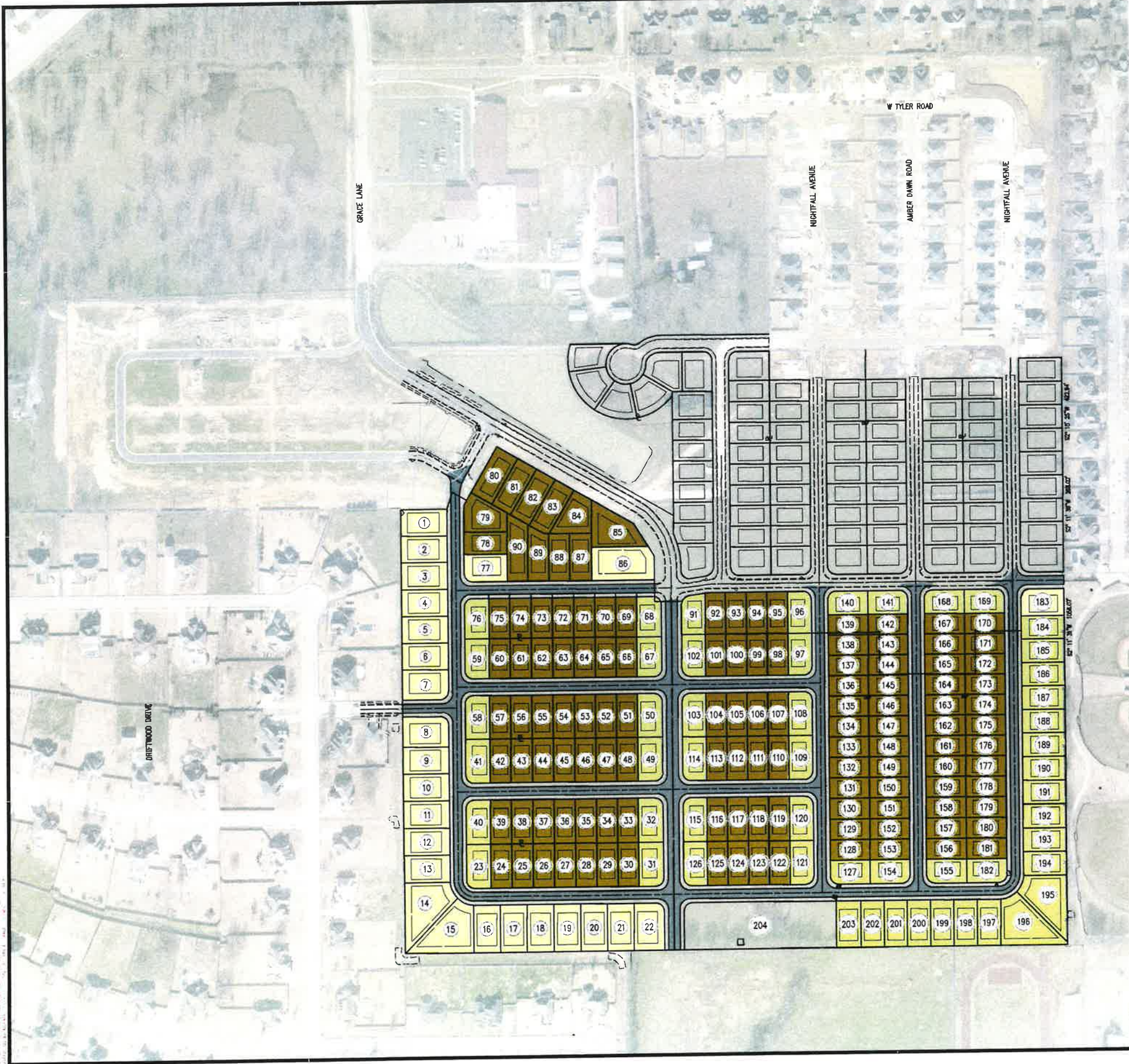
This document, plus the sheets which it supplements, represents the preliminary architectural and engineering plan of the project of Crafton Tull & Associates, Inc. It is intended solely for informational purposes and is not to be used for any other purpose without the written authorization of Crafton Tull & Associates, Inc.

12/21/2009  
12/21/2009  
12/21/2009

**PRELIMINARY PLANS**

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL SIGNED AND SEALED DOCUMENT

PHASING PLAN



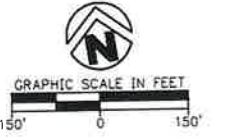
**BUILDING SETBACKS**

ZONING PUD  
 PHASE 4-8  
 FRONT = 25'  
 SIDE = 5'  
 SIDE FOR LOTS 1-22 (PHASE 4 & 6) = 10'  
 REAR = 20'

**RESIDENTIAL DENSITY**

TOTAL LOTS (INCLUDING LIFT STATION AND POND): 204 LOTS TOTAL

- 126- 60' LOT WIDTHS
- 52- 70' LOT WIDTHS
- 25- 80'+ LOT WIDTHS



**THE GROVE AT  
 ENGLES MILL**  
 FARMINGTON, ARKANSAS

No.	Describe	Date

This document and the design and construction details herein are the property of the undersigned and shall remain the property of Crafton Tull Associates, P.C. and shall not be used in whole or in part for any other project without the written authorization of Crafton Tull Associates, P.C.

Project No. 22-11000  
 Date: 05-23-2023  
 05-23-2023

**PRELIMINARY PLANS**

**THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL SIGNED AND SEALED DOCUMENT**

© 2023 Crafton Tull Associates, P.C.

OVERALL SITE PLAN



## Planned Unit Development

# The Grove at Engles Mill

Phases 1-6

Prepared for:



**RIVERWOOD  
HOMES**

Submitted to:

City of Farmington  
Planning Department  
354 W Main St  
Farmington, AR 72730

**CT JOB NO. 22111000**

Prepared by:



**Crafton Tull**



# INDEX

---

## Contents

Property Description .....	3
Scope & Concept .....	4
Master Development Plan.....	5
Development Standards.....	5
Landscaping and Screening.....	6
Streets .....	6
Phasing .....	6
Platting .....	7
Restrictive Covenants.....	7

## Property Description

BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER ALL IN SECTION 27, TOWNSHIP 16 NORTH, RANGE 31 WEST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 27 BEING A FOUND ALUMINUM STATE MONUMENT FOR SECTIONS 26, 27, 34, AND 35 WITH CAP PLS 648; THENCE NORTH 87° 54' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 1322.97 FEET TO FOUND 2" ALUMINUM MONUMENT CAP #905 MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 51' 22" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 661.39 FEET TO A FOUND 3" ALUMINUM MONUMENT CAP # 905; THENCE NORTH 02° 04' 37" EAST A DISTANCE OF 1322.63 FEET A FOUND 1/2" REBAR WITH AN ILLEGIBLE CAP ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 43' 40" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 663.90 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 27; THENCE NORTH 87° 49' 21" WEST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 329.10 FEET TO THE SOUTHWEST CORNER OF THE GROVE AT ENGLS MILL PHASE II; THENCE NORTH 02° 04' 37" EAST ALONG THE WEST LINE OF SAID PHASE II, A DISTANCE OF 630.06 FEET TO THE NORTHWEST CORNER OF SAID PHASE II; THENCE ALONG THE NORTH BOUNDARY OF SAID PHASE II FOR THE FOLLOWING FOUR (4) CALLS:

- 1) SOUTH 87° 49' 00" EAST A DISTANCE OF 915.44 FEET;
- 2) SOUTH 02° 16' 42" WEST A DISTANCE OF 26.56 FEET TO A CURVE TO THE LEFT;
- 3) 128.21 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 200.00 FEET SUBTENDED BY A CHORD BEARING SOUTH 16° 05' 12" EAST A DISTANCE OF 126.03 FEET;
- 4) SOUTH 87° 43' 18" EAST A DISTANCE OF 550.86 FEET TO THE NORTHWEST CORNER OF THE GROVE AT ENGLS MILL PHASE III;

THENCE ALONG THE NORTH BOUNDARY OF SAID PHASE III FOR THE FOLLOWING THREE (3) CALLS:

- 1) CONTINUING SOUTH 87° 43' 11" EAST A DISTANCE OF 203.05 FEET;
- 2) NORTH 02° 14' 37" EAST A DISTANCE OF 27.93 FEET;
- 3) SOUTH 87° 45' 09" EAST A DISTANCE OF 392.99 FEET TO A POINT ON THE WEST BOUNDARY OF THE GROVE AT ENGLS MILL PHASE I;

THENCE ALONG SAID WEST BOUNDARY FOR THE FOLLOWING FIVE (5) CALLS:

- 1) NORTH 02° 15' 19" EAST A DISTANCE OF 510.77 FEET;
- 2) NORTH 87° 44' 41" WEST A DISTANCE OF 393.10 FEET;
- 3) NORTH 02° 14' 37" EAST A DISTANCE OF 284.93 FEET;
- 4) NORTH 87° 52' 59" WEST A DISTANCE OF 48.38 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF AFOREMENTIONED SECTION 27;

5) THENCE NORTH 02° 10' 48" EAST ALONG SAID WEST LINE, A DISTANCE OF 20.01 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27 BEING COINCIDENT WITH THE NORWEST CORNER OF THE GROVE AT ENGLS MILL PHASE I;

THENCE SOUTH 87° 52' 26" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 1321.57 FEET TO A FOUND 3" ALUMINUM MONUMENT CAP LS 648 MARKING THE EAST QUARTER CORNER OF SAID SECTION 27; THENCE ALONG THE EAST LINE OF SAID SECTION 27 FOR THE FOLLOWING FOUR (4) CALLS:

- 1) SOUTH 02° 15' 19" WEST A DISTANCE OF 901.60 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED PHASE I;
- 2) SOUTH 02° 15' 25" WEST A DISTANCE OF 422.94 FEET TO AN FOUND 1/2" REBAR CAP #905 MARKING THE SOUTH 1/16<sup>TH</sup> CORNER OF SAID SECTION 27;
- 3) THENCE SOUTH 02° 11' 39" WEST A DISTANCE OF 268.02 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED BY DEED 2021-42077;
- 4) THENCE SOUTH 02° 11' 31" WEST A DISTANCE OF 1056.07 FEET

TO THE POINT OF BEGINNING CONTAINING 116.55 ACRES MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

### **Scope & Concept**

The Grove at Engles Mill is an existing subdivision in Farmington, Arkansas. Phases 1-3 are built out and Phases 4-6 are planned future phases. The original PUD and final plat property descriptions for Phases 1 and 2 did not match. This caused a portion of the platted land in Phases 1 and 2 to not have the correct zoning. In addition, Phase 3 was never rezoned. This PUD will cover all Phases 1-6.

The Grove at Engles Mill will include 1 unbuildable cemetery lot, 3 unbuildable detention/retention pond lots, 1 unbuildable lift station lot, 4 unbuildable common lots and 410 single family lots. The single family lots will include Cottage Lots, Manor Lots and Estate Lots.

The development will be accessed through connections to Grace Lane in both Phase 1 and 2 and from Driftwood Drive in Phase 4-6. There will be a stubout provided to the east in Phase 3 and to the south in Phase 4.

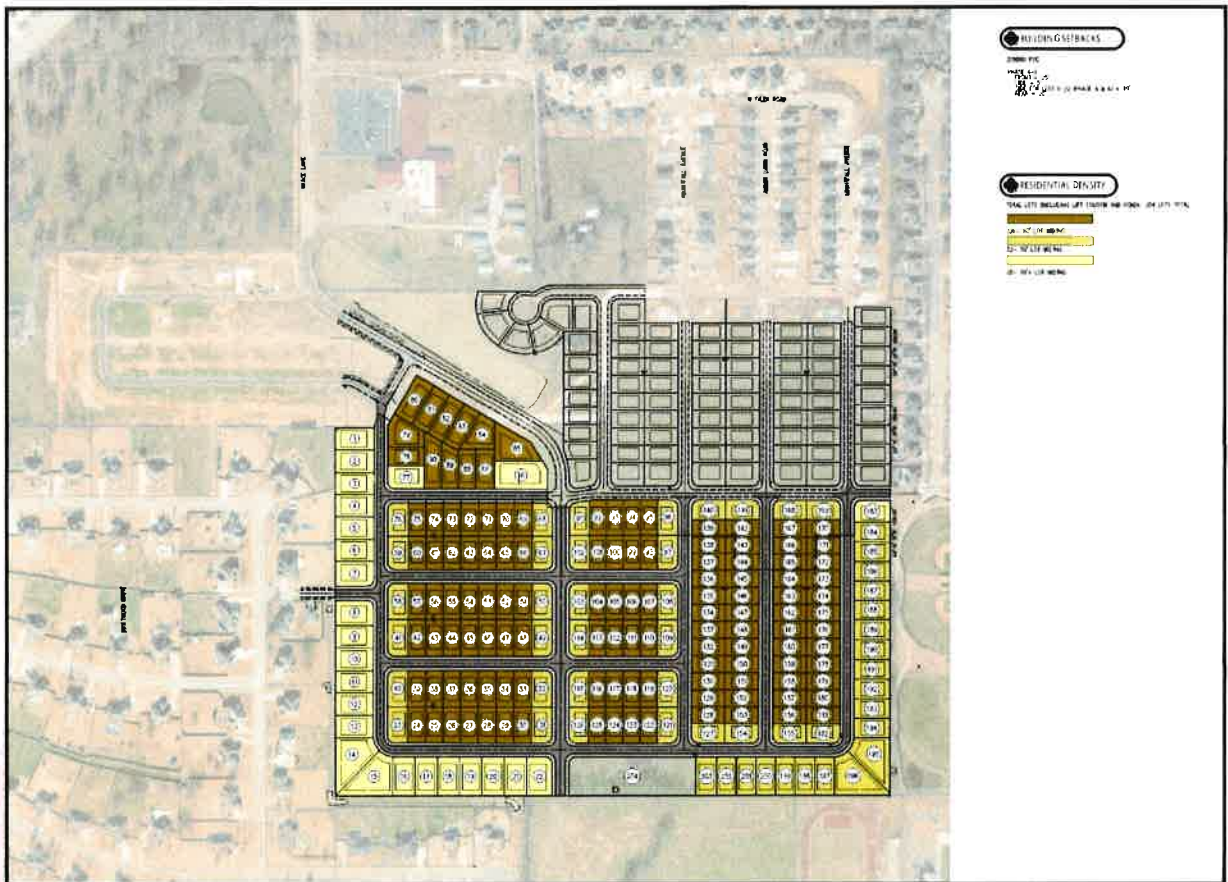
Phases 1-3 have sanitary sewer that gravity flows north to existing City of Fayetteville sewer mains. A lift station will be designed and installed in Phase 4 to service Phases 4-6. This will be permitted and reviewed through the City of Fayetteville and Arkansas Department of Health. This lift station will be dedicated to the City of Fayetteville for ownership and maintenance following construction.

The stormwater pond that was originally designed in Phase 3 will be regraded and modified to serve Phases 4-6. The stormwater pond will meet all City of Farmington drainage regulations.

Phases 4-6 will require a fee to be paid in lieu of parkland dedication in the amount of \$121,200.00 based on 202 single family units at \$600.00 each, per Section 14.04.25.

### Master Development Plan

Phases 1-3 are already platted and home construction is complete or in progress. The lot layout and street configuration for Phases 4-6 is shown below.



### Development Standards

This PUD shall be governed by the use and development regulations of the City of Farmington Zoning code except as follows:

Phase 1:

- Min. lot width = 60'
- Min. lot depth = 120'
- Min. lot sq ft = 7,200 sq ft

Front setback = 20'

Side setback = 5'  
Rear setback = 20'

Phase 2 & 3:

Min. lot width = 60'  
Min. lot depth = 120'  
Min. lot sq ft = 7,200 sq ft

Front setback = 25'  
Side setback = 5'  
Rear setback = 20'

Phases 4-6:

Min. lot width = 60'  
Min. lot depth = 115'  
Min. lot sq ft = 6,900 sq ft

Front setback = 25'  
Side setback = 5', except lots 1-22 that border Twin Falls, side setback = 10'  
Rear setback = 20'

## Landscaping and Screening

One tree will be installed per single family lot at the time of home construction.

All existing ponds in Phases 1-3 will be sodded and properly maintained. The proposed pond in Phase 4 will be sodded prior to final acceptance.

Improvements to the existing cemetery located on Nightfall Avenue will include adequate landscaping, removal of the existing barbed wire fence and installation of new wrought iron fence. The developer will work with the City and/or County Cemetery Division in creating a maintenance agreement for the area.

## Streets

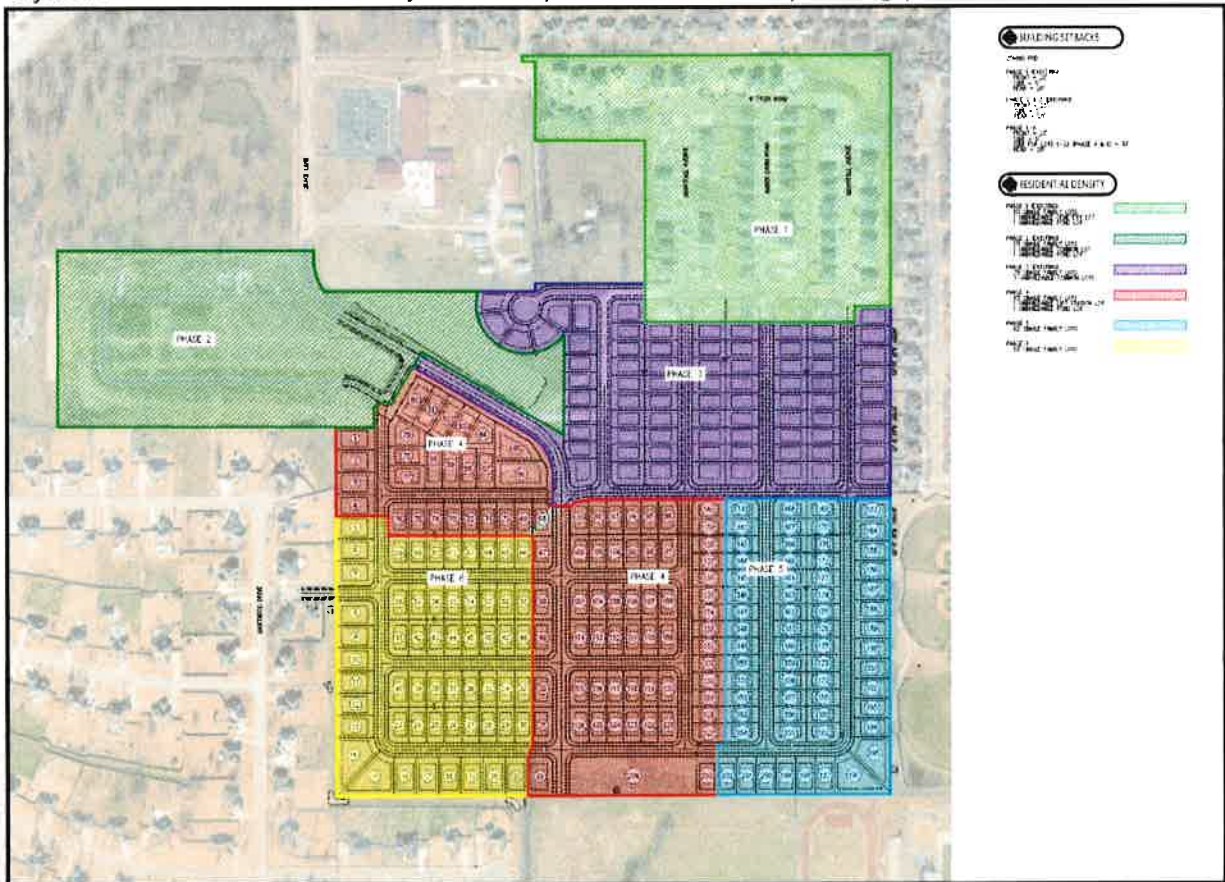
All streets with Phases 1-6 will be local streets with 50' right of way dedicated to the City of Farmington, except for Grace Lane. The local street section will include 5' sidewalks, 6' greenspace, and 27' roadway width. The roadways will have 2-11.5' drive lanes and 2' wide, 4" tall mountable curb. Grace Lane will have a 60' right of way dedicated to the City of Farmington. Its street section will include 5' sidewalks, 6' greenspace, and 37' roadway width. The roadway will have 2-16.5' drive lanes and 2' wide, 6" tall barrier curb. Pavement design will be provided based on a geotechnical recommendation and will be included in construction plans.

## Phasing

Phase 1 included 80 single family lots, 1 unbuildable cemetery lot and 1 unbuildable detention pond lot. Phase 2 included 50 single family lots, 1 unbuildable common lot and 1 unbuildable retention pond lot. Phase 3 included 82 single family lots, 3 unbuildable

common lots and 2 outlots. Phase 4 will replat outlots 1 and 2 from Phase 3, and will include a total of 83 single family lots, 1 lift station lot and 1 pond lot. Phase 5 will replat 4 single family lots from Phase 3, and will include to total of 62 single family lots. Phase 6 will have 57 single family lots. Based on current market conditions, it is forecasted that Phases 4-6 will be built out over a 4 to 6 year period.

Each phase will have its own preliminary plat, construction plans and final plat. Associated streets, drainage improvements, water and sanitary sewer will be designed and installed in accordance with City of Farmington regulations and Washington Water Authority or City of Fayetteville Water and Sanitary Sewer Specifications. The phasing plan is included below.



### Platting

No building permit shall be issued until a final plat has been approved by the City of Farmington. Each phase will have its own final plat and each plat will comply with the Planned Unit Development.

### Restrictive Covenants

Restrictive covenants shall be adopted and recorded for the PUD with each phase's final plat. Phases 1-3 have platted covenants. A copy of restrictive covenants and POA for Phase 3 of The Grove at Engles Mill are provided. Phases 4-6 will have similar covenants.

**File# 2022-00038271**

**DECLARATION OF RESTRICTIVE COVENANTS,  
RESTRICTIONS AND BILL OF ASSURANCES  
FOR "THE GROVE AT ENGLS MILL"  
PHASE III  
A RESIDENTIAL SUBDIVISION  
IN THE  
CITY OF FARMINGTON, ARKANSAS.**

---

**KNOW ALL BY THESE PRESENTS:**

WHEREAS the undersigned, hereinafter referred to a "Declarant" is the owner, developer, and sub-divider of all the Lots in THE GROVE AT ENGLS MILL, Phase III, a residential subdivision to the City of Farmington, Arkansas, hereinafter by designation an execution hereof, enters and declares the following assurances, covenants, and restrictions with respect to the Subdivision.

**1. OWNERSHIP:**

The declarant is the developer of the following described real property being developed as The Grove at Engles Mill, Phase III, of the City of Farmington, County of Washington, State of Arkansas, to-wit:

SEE ATTACHED AS ATTCH #1

**2. SINGLE-FAMILY LAND USE:**

Lots within The Grove at Engles Mill are developed as a Neighborhood Conservation (NC) zone to promote and protect neighbor character, and, shall be in compliance with or exceed the regulations for zoning as defined and interpreted by the City of Farmington, Arkansas, and Courts of competent jurisdiction, and in compliance with the assurances, covenants, restrictions, and conditions set out and contained herein, on the date these covenants and restrictions were executed.

**3. BUILDING LIMITATIONS AND REQUIREMENTS:**

The subdivision and building codes of the City of Farmington, Arkansas, as such presently exist or are hereafter amended, shall be and are hereby made applicable to all



Lots in The Grove at Engles Mill Subdivision. All improvements, including dwellings, constructed, erected, placed, altered, remodeled, maintained, or permitted on any Lot shall comply with any and all applicable, federal, state, county, and municipal zoning and building restrictions, including, but not limited to grading, clearing, construction of impervious surfaces, building and other construction rules and regulations. All dwellings, other structures, and/or improvements shall comply with said laws, regulations, codes, and ordinances as such exist on the date of such construction. Any conflicts between such ordinances and the provisions of the conditions, and covenants restrictions shall be resolved in favor of the more restrictive provisions. Building, architectural, and design in Farmington, Arkansas, and specifically those pertaining to the development of Land zoned NC Neighborhood Conservation.

**Individual Homes (NC) Neighborhood Conservation:**

- a) All dwelling structures constructed upon the Lots of The Grove at Engles Mill Subdivision shall contain the following prescribed minimum square feet of heated/cooling living space:

(1) Manor Lots: One Hundred Thirty-One (131); One Hundred Thirty-two (132); One Hundred Thirty-three (133); One Hundred Thirty-four (134); One Hundred Thirty-five (135); One Hundred Thirty-six (136); One Hundred Thirty-seven (137); One Hundred Thirty-eight (138); One Hundred Thirty-nine (139); One Hundred Forty (140); One Hundred Forty-one (141); -One Hundred Forty-five (145); One Hundred Fifty-four (154); One Hundred Sixty-three (163); One Hundred Sixty-four (164); One Hundred Eighty-one (181); One Hundred Eighty-two (182); One Hundred Ninety-nine (199); Two Hundred (200); Two Hundred One (201); Two Hundred Two (202); Two Hundred Three (203); Two Hundred Four (204); Two Hundred Five (205); Two Hundred Six (206); Two Hundred Seven (207); Two Hundred Eight (208); Two Hundred Nine (209); Two Hundred Ten (210); Two Hundred Eleven (211); and Two Hundred Twelve (212, each having a minimum of One Thousand Seven-Hundred Fifty (1750) sq. ft.

(2) Cottage Lots: One Hundred Forty-Two (142); One Hundred Forty-Three (143); One Hundred Forty-Four (144); One Hundred Forty-Six (146); One Hundred Forty-Seven (147); One Hundred Forty-Eight (148); One Hundred Forty-Nine (149); One Hundred Fifty (150); One Hundred Fifty-One (151); One Hundred Fifty-Two; One Hundred Fifty-Three (153); One Hundred Fifty-Five (155); One Hundred Fifty-Six (156); One Hundred Fifty-Seven (157); One Hundred Fifty-Eight (158); One Hundred Fifty-Nine (159); One Hundred Sixty (160); One Hundred Sixty-One (161); One Hundred Sixty-Two (162); One Hundred Sixty-Five (165); One Hundred Sixty-Six (166); One Hundred Sixty-Seven (167); One Hundred Sixty-Eight (168); One Hundred Sixty-Nine (169); One Hundred Seventy (170); One Hundred Seventy-One (171); One Hundred Seventy-Two (172); One Hundred Seventy-Three (173); One Hundred Seventy-Four (174); One Hundred Seventy-Five (175); One Hundred Seventy-Six (176); One

**Hundred Seventy-Seven (177); One Hundred Seventy-Eight (178); One Hundred Seventy-Nine (179); One Hundred Eighty (180); One Hundred Eighty-Three (183); One Hundred Eighty-Four (184); One Hundred Eighty-Five (185); One Hundred Eighty-Six (186); One Hundred Eighty-Seven (187); One Hundred Eighty-Eight (188); One Hundred Eighty-Nine (189); One Hundred Ninety (190); and One Hundred Ninety-One (191), each having, a minimum of One Thousand Three Hundred and Forty-nine (1349) sq. ft.**

- b) Each dwelling shall have a private garage for not less than two (2) vehicles. All garage interiors must be dry-walled and finished. All garage doors must be of section type, with automatic garage door openers with appropriate child safety features.
- c) Each dwelling is required to have a concrete driveway.
- d) All homes and/or other structures constructed within The Grove at Engles Mill must have an architectural asphalt, tile, or wood shingle roof.
- e) No roof pitch on any structure shall be less than an 8/12
- f) All homes must have eighty percent (80%) brick, stone, or stucco on all exterior walls up to the top plate of the 1st floor. The total percentage of brick, stone or stucco on all exterior walls of each house must equal seventy percent (70%) of the wall surfaces.
- g) Variance. Any Lot owner may petition the Architectural Committee (“AC”) for a variance from the building limitation and requirements. Each application for a variance will be considered individually based on the overall design of the proposed house in relationship to its compatibility with the other homes in The Grove at Engles Mill Subdivision. Any application for a variance shall include all documentation that supports the quality of the proposed construction that will be equal to or greater than the requirements set forth in these building limitations and requirements.
- h) All setbacks required by the City of Farmington and identified on the final plat shall be adhered to.
- i) Approval of any Plans with regard to a Lot shall not be deemed a waiver of the Architectural Committee’s right, in its discretion, to disapprove Similar Plans and Specifications or any features or elements included therein, for any other Lot. As a condition of approval, each Lot Owner, on behalf of such Lot Owner and such Owner’s successor in interest shall assume all responsibilities for maintenance, repair, replacement, and insurance to and on any charge, modification, addition, or alteration. In the discretion of the AC, the Owner made be made to verify such condition of approval by a recordable written instrument acknowledged by such Owner, on behalf of such Owner, and such Owner’s successors-in-interest. Any member of AC or its representative shall have the right, during reasonable hours and after reasonable notice, to enter upon any subdivision property to inspect for the purposes of ascertaining whether or not these restrictive covenants have been or are being complied with. Such Persons or Persons shall not be deemed guilty of trespass by reason of such entry. If the AC shall determine that such Plans have not to be approved or that the Plans are not be followed or adhered to, the AC may, with prior consent of the Board of Directors of The Grove at Engles Mill Property Owners’

Association, in its discretion, gives the Owner of such Lot written notice of such violation. If such a violation is not corrected, the Board of Directors shall have the right to enjoin further construction and/or require the removal or correction of any work in a place that does not comply with approved plans or this Declaration, the Bylaws or under applicable law.

- j) If construction has not commenced within one (1) year from the date the Plans are approved, then the approval given pursuant to this Declaration shall be deemed to be automatically revoked by the AC, unless the AC extends the time for commencing construction. In any event, all work covered by such approval shall be completed within nine (9) months of the commencement thereof unless the AC extends the time for completion, or such period of time is rendered impossible or would result in great hardship due to strikes, fires, national emergencies, critical material shortages or other intervening forces of nature beyond the control of the Owner.

Compliance with the above-referenced ordinances, conditions, and restrictions, and any future revisions and/or additions to said ordinances, conditions, and restrictions, shall be judged, determined by, and require prior approval by the Architectural Committee. The Architectural Committee shall view and approve all exterior plans and specifications for all structures prior to construction and be given the power to amend and/or alter any design plans or specifications prior to construction and be given power to amend and/or alter design plans or specifications prior to construction and be given the power to amend and/or alter any design plans or specifications prior to approval for construction within The Grove at Engles Mill Subdivision. Any alterations or recommendations made by the Architectural Committee must be revised on said plans and be resubmitted to the Architectural Committee for approval prior to construction. Revisions to prior approved architectural plans are discouraged; however, any revisions made to said exterior plans must be resubmitted again to the Architectural Committee for approval.

In order to be apprised of current requirements, all owners and builders should contact the Architectural Committee prior to the commencement of construction. The specifications and requirements for NC zoning designation shall be deemed minimal requirements for the architectural and design specifications for The Grove at Engles Subdivision. The City of Farmington specifications may be supplemented from time to time where not inconsistent with the original plans and architectural intent of The Grove at Engles Mill Subdivision.

PLANS AND SPECIFICATIONS ARE NOT APPROVED FOR ENGINEERING OR STRUCTURAL DESIGN OR QUALITY OF MATERIALS, AND BY APPROVING SUCH PLANS AND SPECIFICATIONS NEITHER THE AC, THE MEMBERS THEREOF, NOR THE GROVE AT ENGLES MILL PROPERTY OWNERS' ASSOCIATION ASSUMES LIABILITY OR RESPONSIBILITY THEREFOR, NOR FOR ANY DEFECT IN ANY STRUCTURE CONSTRUCTED FROM SUCH PLANS AND SPECIFICATIONS. NEITHER DECLARANT, MEMBERS, EMPLOYEES, AND AGENTS OF ANY OF THEM SHALL BE LIABLE FOR DAMAGES TO ANYONE SUBMITTING PLANS AND SPECIFICATIONS TO ANY OF THEM FOR APPROVAL, OR TO ANY OWNER OF PROPERTY

AFFECTED BY THESE RESTRICTIONS BY REASON OF MISTAKE IN JUDGMENT, NEGLIGENCE OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE OF THE ENDORSEMENT OR DISAPPROVAL OR FAILURE TO APPROVE OR DISAPPROVE ANY SUCH PLANS OR SPECIFICATIONS. EVERY PERSON WHO SUBMITS PLANS OR SPECIFICATIONS AND EVERY OWNER AGREES THAT SUCH PERSON OR OWNER WILL NOT BRING ANY ACTION OR SUIT AGAINST THE DECLARANT, THE ASSOCIATION, THE AC, OR THE OFFICERS, DIRECTORS, MEMBERS, EMPLOYEES, AND AGENTS OR ANY OF THEM TO RECOVER DAMAGES AND HEREBY RELEASES, QUITCLAIMS, AND COVENANTS NOT TO SUE FOR ALL CLAIMS, DEMANDS, AND CAUSES OF ACTION ARISING OUT OF OR IN CONNECTION WITH ANY JUDGMENT, NEGLIGENCE, OR NONFEASANCE AND HEREBY WAIVES PROVISIONS OF ANY LAW WHICH PROVIDES THAT A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS, DEMANDS, AND CAUSES OF ACTION NOT KNOWN AT THE TIME THE RELEASE IS GIVEN.

#### **4. BUILDING LOCATION AND YARD RESTRICTIONS:**

District NC Zoning – The location of all buildings on a Lot shall be reviewed and approved by the Architectural Committee and conform to the NC zoning district. If two adjacent Lots are purchased for the purposes of constructing only one home, the interior side yard line limitations may be removed.

No Lots within the subdivision may be subdivided, except as follows: If owners on both sides of a vacant joining Lot elect to purchase said Lot, they may subdivide only one time. This Lot split of an adjoining Lot then increases the size of both adjacent Lots and for building purposes, the interior side Lot line limitation would be associated with and measured from the new property line created by the division. If both portions of the split Lot were ever recombined for purposes of serving as a building Lot, then the original restriction as to setback would apply.

The front yard, the side yards, and the backyard shall be fully grass sodded within sixty (60) days and ninety (90) days, respectfully, following the date on which the dwelling is eligible for the issuance by the City of Farmington of a temporary certificate of occupancy. Any variance must be submitted and approved by the Grounds Committee. All front yards shall be maintained and groomed as required to be consistent with the other homes within the subdivision and to comply with the overall architectural objectives of the Subdivision.

#### **5. BUILDERS AND CONTRACTORS:**

Prior to the commencement of any site work or construction, a Lot owner shall submit the name, address, and telephone number of the Lot owner; the name, address, and telephone number of the building contractor; a complete set of construction plans including exterior colors and finishes; and a plat plan reflecting the location or all improvements, and set back lines, collectively referred to as "Building Packet" to the

Architectural Committee for review and approval. Within thirty (30) days after receipt of the Building packet, the Architectural Committee shall act upon the request and provide the Lot owner approval or disapproval in writing. A building contractor is defined as a general contractor, building contractor, construction contractor or consultant, architect, design-builder, or the owner if it/he/she acts as their own contractor.

If the Building Packet is complete and the Architectural Committee fails to respond to a Lot owner within the specified time period, said member may approach the Board of Directors of The Grove at Engles Mill Property Owners' Association and request immediate action be taken to approve or disapprove the owner's submission. The Board of Directors shall have the authority to approve or disapprove the submission; however, must act within fifteen (15) working days of receipt of the owner's written request.

If both the Architectural Committee and the Board of Directors fail to act, if no suit to halt the proposed construction is commenced prior to the completion of said construction, and if said construction is in compliance with the ordinances of the City of Farmington, Arkansas, written approval from the Architectural Committee shall no longer be required and the completed construction shall be deemed in compliance with The Grove at Engles Mill Subdivision conditions, covenants, and restrictions.

No building materials shall be placed or stored on a Lot prior to the approval of the Building Packet and the scheduled date on which construction is to commence. Construction sites shall be kept neat and orderly. Construction sites are to be cleaned daily of trash and scrap material. Trash shall be contained on the construction site and disposed of the property. One fifty (50) cubic feet trash container (minimum size) shall be located on the building site. If said requirements are not adhered to, Property Owners' Association may hire a cleanup crew to perform the task. Should The Grove at Engles Mill Property Owners' Association incur expenses associated with the cleanup of a construction site, said expense shall be deemed a lien upon the lot until paid. Portable toilets, one (1) for every three (3) residential Lots, must be maintained on all job sites during construction. Upon completion of the building project all remaining materials, trash, dumpsters, toilets, etc. shall be removed from the lot and subdivision within ten (10) days. No storage of trash, Brick, or concrete will be allowed on any Lot within the subdivision.

## **6. HOME OCCUPATION AND OCCUPANTS BOUND:**

Use of any home for any business or occupation, not permitted or defined by the Codes, Regulations, and Ordinances of the City of Farmington, Arkansas, is strictly prohibited.

All provisions of the Declaration, Bylaws, and Rules and Regulations which govern the conduct of the Owners and which provide for sanctions against the Owners shall also apply to all occupants and guests even though occupants and guests are not specifically mentioned. An Owner is responsible for the conduct of his/her family members, guest, occupants and invitees and may risk fines for any of their family

members, guests, tenants, occupants, and invitees in violation of the Declaration, Bylaws, or Rules and Regulations.

**7. FENCES:**

Fencing of the front yard is prohibited. Fencing of rear and side yards must be of brick or wood privacy construction. Except for fencing constructed for the purpose of screening by Declarant, no fencing may exceed six (6) feet in height. All fences shall be recessed at least ten (10) feet from the front of the dwelling. No wire or chain link fencing is allowed. Fencing shall not infringe on neighboring Lots or the Common Area grounds of The Grove at Engles Mill subdivision. All fencing plans and materials must be submitted to and approved by the Architectural Committee.

**8. SIDEWALKS, DRIVEWAYS, AND STREETS:**

A Lot owner may not cut or cause to be cut a street within The Grove at Engles Mill Subdivision for any reason. Concrete driveways and street access points are to be constructed and completed by the owner prior to or completion of the dwelling project. All driveways are to be of concrete base and may have a decorative type finish, for example, brick lines, brick expansions, aggregate finish pattern concrete, etc. Concrete sidewalks shall be constructed at the expense of the Lot owner and shall be completed at the time the driveway is constructed. Sidewalks shall be Five (5) feet in width and constructed as designed and shown on the final plat.

Sidewalks shall be made of concrete with a light broom finish, expansion joints are to be cut on eight (8) foot centers. The length of sidewalks will vary with each Lot; the sidewalk shall be the full street side width of the Lot. All handicapped ramps are the responsibility of the Lot owner and must be constructed according to City of Farmington specifications. Yellow truncated domes must be installed by a Contractor approved by the Developer.

**9. UTILITIES:**

All utilities situated within The Grove at Engles Mill subdivision shall be underground and overhead service is not permitted. Easements for utilities are identified on the filed final plat.

**10. ANTENNAE SATELLITE DISHES:**

Satellite antenna dishes shall be twenty-four (24) inches or less in diameter and shall not be visible from the street viewpoint. If utilized, locations in backyards or on the rear of the property are preferred. No radio antenna, television antenna, cellular or microwave antenna or tower shall be placed on the property.

**11. CABLE TELEVISION:**

Cable television access shall be supplied to each Lot within the development.

**12. OUTBUILDINGS AND PORTABLE BUILDINGS:**

No portable structures are allowed. Outbuildings may be allowed and constructed for use as storage of outside, lawn, and flower garden equipment and supplies provided the structure is similar in design to the home. All plans for such structures must be presented to and approved by the Architectural Committee prior to construction and must comply with the City of Farmington Codes.

**13. EASEMENTS:**

Easements for installation and maintenance of utilities, drainage facilities, and any other such easements are reserved as shown on the recorded plat. Lot owners are discouraged from constructing structures or improvements, or landscaping located within an easement since it is subject to being damaged, destroyed or removed by the easement owner without compensation or replacement being provided to the Lot owner.

**14. OIL AND MINING OPERATIONS:**

No operations associated with the testing for, location, or recovery of, and refining or processing of oil, gas, or minerals found upon or underneath The Grove at Engles Mill Subdivision shall be permitted or located within The Grove at Engles Mill Subdivision.

**15. LIVESTOCK, POULTRY, AND DOMESTICATED PETS:**

No livestock, poultry, exotic, wild, semi-domesticated, undomesticated, captive-bred, tamable, or other such animals or pets (except as noted within) shall be kept, raised, sheltered, or maintained on any residential building Lot or Common Area within The Grove at Engles Mill Subdivision; provided, however, there shall be no pit bull or Rottweiler dogs, full breed or any such breed of any percentage. Domesticated dogs, cats, and other household pets may be kept, provided they are not raised or bred for commercial purposes. The outside living area for approved pets must be maintained and kept clean at all times and screened from public view. All living areas for such pets must be in the rear or side yard. The walking of permitted animals and pets on a leash is allowed on sidewalks and common areas grounds, provided an owner/walker picks up any dropping from said animal or pet. No animals or pets shall be allowed to make an unreasonable amount of noise or to become a nuisance. Continuously "barking dogs" are considered a nuisance and are a violation of City Ordinances and such ordinances will be enforced.

**16. PARKING OF VEHICLES:**

All vehicles, except recreational vehicles, shall be parked in the garage or driveway of the owner's respective Lot. The Subdivision's streets shall not be used as a place to park or store vehicles. Licensed, non-licensed and expired licensed recreational vehicles, of any type, shall not be parked on the streets of the subdivision or on any Lot within the subdivision.

The above restrictions apply to, but shall not be limited to recreational equipment, motor homes, boats, travel trailers, campers, transport trailers, and the like. Any large trucks, tandem wheel tractors, or large commercial vehicles are strictly prohibited within the subdivision except for moving, and delivery purposes and development of a Lot, and new home construction.

**17. INOPERATIVE VEHICLES:**

No inoperative, non-licensed or expired licensed vehicle shall be left stored on any subdivision street.

**18. TEMPORARY STRUCTURES:**

No temporary structure shall be used for human or animal habitation. The builders and contractors are allowed such structures during the construction phase for storage and construction use only. All such structures must be removed prior to or at completion of the building project.

**19. SIGNS AND POSTERS:**

No signs or posters are allowed except as noted below:

- a. A professionally made sign noting the property is for sale.
- b. A professionally made construction sign noting the builder of the improvements, which sign shall be removed once the improvements are completed or occupied.
- c. Political, garage sale, and commercial signs or posters are permitted but only for the duration of their intended purpose.
- d. Any Lot owner may apply for a waiver of a sign or for permission to place a sign on a Lot by submission of a sign design, intended duration, and purpose to The Grove at Engles Mill Grounds Committee. Application for waiver shall be submitted prior to placement of a non-permitted sign.
- e. All signs are to be placed on the owner's Lot only and shall not be placed at any entrance to The Grove at Engles Mill or on any sidewalk in The Grove at Engles Subdivision.

**20. SIGHT DISTANCE AT INTERSECTIONS:**

Walls, fencing, shrubs, hedges, trees, or other improvements constructed or made near or at the intersections of streets within Grove at Engles Mill Subdivision shall be



located and constructed in compliance with the Codes, Regulations, and Ordinances of the City of Farmington.

**21. MAILBOXES AND HOUSE NUMBERS:**

Prior to occupancy of any dwelling, the structure owner shall install an approved mailbox, Barcelona style, and WHITE in color. House numbers shall be placed on the residence and maintained as required by the City of Farmington.

**22. STREETLIGHTS:**

All streetlights shall be installed by The Grove at Engles Mill Subdivision developer and dedicated to the City of Farmington, Arkansas for public use and maintenance by the City and serving electric utility.

**23. CLOTHESLINES:**

Outdoor clotheslines or poles are prohibited.

**24. RECREATIONAL, EXERCISE, AND/OR SPORTS FACILITIES OR EQUIPMENT:**

All outdoor recreational, exercise, and/or sports facilities or equipment including but not limited to basketball nets/goals must be installed or located in the back or side yards. This includes swimming or wading pools, hot tubs, trampolines, basketball goals and any other type of recreational facilities or equipment.

**25. TREE REQUIREMENTS:**

Each Lot owner shall be responsible for the health of all planted trees on the Lot and shall be bound for the maintenance, care, and monitoring of each tree planted. Each Lot within The Grove at Engles Mill Subdivision is required to plant and maintain two (2) 1-1/2 to 2-inch diameter Native American trees in the front yard per City requirements before the structure is certified for occupancy. If at any time said tree is damaged significantly or dies, it must be replaced within a two-month period. A list of types of trees permitted will be provided by the Grounds Committee. Failure to replant or maintain the tree after notice by The Grove at Engles Mill Property Owner's Association could result in an assessment and a lien upon the Lot for the cost of planting and maintaining the tree. The Lot owner agrees a lien that results from a failure to pay any assessment may be foreclosed in the same manner provided by Arkansas Law for the foreclosure of a real estate mortgage.

**26. NUISANCES:**

No noxious, destructive, or offensive activity as defined by City Ordinance and State or Federal laws or regulations shall be carried on or upon any Lot or street, nor shall anything be done thereupon which may be or may become an annoyance or nuisance

to The Grove at Engles Mill community and its homeowners.

**27. ENTRYWAY, DETENTION POND, AND MEDIAN MAINTENANCE AND UPKEEP:**

Entryways, detention ponds and surrounding areas, public areas and parks, and common areas and improvements are an integral part of The Grove at Engles Mill and it is in the best interest of The Grove at Engles Mill that said such entryways, medians, retention ponds, and surrounding areas, public areas and parks, and common areas and improvements are maintained at all times.

The cost of the routine upkeep, maintenance and repair, and replacement of entryways, medians, detention ponds, and surrounding and common areas and improvements shall be shared by each Lot owner through annual or special assessments. Any upkeep, maintenance, and repair of public areas and parks shall be at the discretion of the Board of Directors of The Grove at Engles Mill Property Owners' Association.

**28. SWIMMING POOLS:**

Swimming pools must be underground and placed in the back yard and properly fenced in accordance with all code requirements.

**29. STREETS:**

All streets within The Grove at Engles Mill development shall be dedicated to the City of Farmington, Arkansas for public use and maintenance by the City.

**30. DETENTION/HOLDING POND/CONSERVATION AREA:**

The Grove at Engles Mill Property Owners' Association shall be responsible for the designated holding pond within the subdivision development.

**31. GOVERNING STRUCTURE:**

The declarant as the owner, developer, and sub-divider of the Lots and common area of the subdivision, will be in control of the Property Owners' Association, during each phase of construction. Declarant will release control of the POA to the Lot owners when eighty percent (80%) of the Lots in all Phases have been sold.

By accepting ownership of property within The Grove at Engles Mill Subdivision, each owner acknowledges said property is now or will be subject to periodic assessments to be established and used for the construction development, improvement, repair and replacement of the entryways, detention ponds, and surrounding areas, and common areas and improvements by the Board of Directors of the Property Owners' Association and agrees if said assessments are not timely and fully paid said assessment and all costs, including legal fees, associated with the cost of collection of same shall be

deemed a lien on the property so assessed.

The owner(s) of each Lot in The Grove at Engles Mill Subdivision shall be entitled to one (1) vote on any proposition or action placed before the membership of the Property Owners' Association for a vote. If more than one person or entity owns a single Lot, the owners must collectively agree upon their single vote before casting the same. If one or more entities own more than one Lot, the owner(s) are entitled to one (1) vote per Lot owned.

### **32. ARCHITECTURAL COMMITTEE:**

The Architectural Committee is established to insure, within its limited ability, that all dwellings and/or other exterior structures within The Grove at Engles Mill Subdivision are compatible with the other dwelling and structures constructed or to be constructed within the subdivision.

The Architectural Committee shall consist of one (1) builder, appointed by the Developer and owning Lots in the Subdivision. At such a time when each of the two builders has sold all owned Lots and homes in the Subdivision, those positions on the Architectural Committee will then be appointed by the Property Owner's Association.

The Architectural Committee shall be appointed and shall serve at the discretion of the Board of Directors of the Property Owners Association. The Architectural Committee shall have no less than one (1) member and shall have no more than three (3) members who shall either own or be designated representatives of the owners of Lots within the Subdivision.

### **33. GROUNDS COMMITTEE:**

The Grounds Committee is established to ensure the streets, sidewalks, common areas, and improvements located thereupon, unimproved Lots and the front and side yards of improved Lots, are maintained, groomed, and kept in good order. The Grounds Committee shall note any problems with mailboxes, entryways, retention ponds and areas surrounding the same, public areas and parks, common areas, and improvements within the Subdivision. Any problems or violations noted by the committee shall be written up and reported for repair or correction to the proper parties. If the needed repair or violation is directed to a lot/homeowner, said the owner has fifteen (15) days in which to correct the problem. If the owner fails to take measures to correct the problem, the Grounds Committee may report the violation or problem to the Board of Directors of the Property Owners' Association for further action and follow-up.

The Grounds Committee shall be appointed and serve at the discretion of the Board of Directors of the Property Owners' Association. The Grounds Committee shall consist of no less than one (1) member and shall have no more than three (3) members, who will be owners or representatives of owners of Lots within the Subdivision.

**34. VIOLATIONS:**

Any and all violations against a Lot/homeowner(s) may result in a levy of a fine against the owner and the property by the Board of Directors of the Property Owners' Association. All violations should be considered of the utmost importance and be addressed and responded to in a timely manner. Correction of the item in violation should begin, as soon as possible. If the property owner believes the violation is wrong or incorrect, the property owner should contact the issuing party of the violation as soon as possible.

**35. ASSESSMENTS:**

Lots owned by Riverwood Homes, LLC and/or its assigns, shall not be assessed an annual assessment fee as long as the Lot remains an undeveloped Lot. Once the title of a Lot is transferred from Riverwood Homes, LLC and/or its assigns, there will be due an annual assessment of One Hundred dollars (\$100.00), which assessment shall be for a full calendar year. Initial assessments to parties other than as listed above shall be at the closing of the Lot purchase. Assessments will be due January 1st of each year. For any Lot purchased in mid-year, the Lot owner at closing shall be assessed and pay the annual assessment prorated for the remainder of that year. Assessments shall be collected by and paid to the Property Owners' Association. Assessments shall be used for the repair, maintenance, upkeep, and replacement of the entryways, detention ponds and surrounding areas, common areas and improvements, public areas and parks and , golf course and to pay the costs associated with the operations of the Property Owner's Association, including costs and fees paid to lawyers and accountants. By a two-thirds (2/3) vote of the Board of Directors of the Property Owners' Association or a majority vote of the owners of Lots in the Property Owner's Association the assessment may be periodically increased or decreased. By acceptance of ownership of a Lot within the Subdivision, a Lot owner is agreeing to pay current and future assessments and is agreeing assessments shall be deemed a lien against the Lot. The lot owner agrees a lien which results from a failure to pay an assessment may be foreclosed in the same manner provided by Arkansas Law for the foreclosure of a real estate mortgage. Each Lot owner agrees to pay the Property Owners' Association costs and legal fees associated with the collection of delinquent assessments of foreclosure of liens.

**36. DURATION OF COVENANTS AND RESTRICTIONS:**

These restrictions and covenants are hereby declared to be covenants running with the Lots and shall be fully binding upon all persons acquiring property in said subdivision whether by decent, devise, purchase or otherwise, and any person by the acceptance of title to any Lot in this subdivision shall hereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

These covenants are to run with the land and shall be binding for a period of twenty-five (25) years from the date signed by the Declarant. Said covenants and restrictions may be extended for successive five (5) year terms if approved by a majority of the Lot

owners before the expiration date..

**37. BINDING EFFECTS AND AMENDMENTS OF COVENANTS:**

All natural persons or other legal entities, who shall acquire any Lot within the Subdivision shall be deemed to agree, accept, conform to and observe the restrictions, covenants, and stipulations contained herein, and the By-Laws of The Grove at Engles Mill Property Owners' Association and accepts membership in The Grove at Engles Mill Property Owners' Association.

Any amendment of these covenants and restrictions requires approval by a vote of seventy-five percent (75%) of the Lot/homeowners of all phases within the Property Owners' Association.

No changes in the covenants and restrictions shall be valid unless the amended covenants and restrictions are properly recorded in the recorder's office of Washington County, Arkansas. No amendment shall be allowed which would be in violation of NC zoning in effect at the time of the amendment.

**38. SEVERABILITY:**

Invalidation of any restriction or portion of a restriction set forth herein, or any part thereof, by an order, judgment, or decree of any court, or otherwise, shall not invalidate or affect any of the other restrictions, or any part thereof, as set forth herein, but they shall remain in full force and effect.

**39. SEXUAL OFFENDERS:**

No person(s) required to register as a sex offender pursuant to the Sex Offenders Registration Act of 1977, as codified at Arkansas Code Annotated § 12-12-901, et seq, as amended from time to time, or any other similar federal, state, county or local law, regulation, code, or ordinance may rent, reside in/on, own, or occupy any Lot or dwelling within The Grove at Engles Mill Subdivision either permanent or temporary.

**40. NOTICE OF SALE:**

In the event an Owner sells such Owner's Lot, the Owner shall give Notice to the Property Owners' Association, in writing, prior to the effective date of such sale, the name of the purchaser of the Lot and such other information as the Property Association Board may require.

**41. AMENDMENTS:**

Any and all of the covenants, provisions or restrictions set forth in the Declaration of Restrictive Covenants may be amended, modified, extended, changed or canceled,

in whole or in part, by a recorded written instrument signed and acknowledged as follows:

- a) As long as Grantor is the developer of the Lots subject to this phase; then an amendment or modification is effective when signed by Grantor.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand this 22nd day of November, 2022. **Riverwood Homes, LLC**

BY: [Signature]  
Mark Marquess, Managing Member

**ACKNOWLEDGEMENT**

STATE OF ARKANSAS )  
 ) ss.  
COUNTY OF Benton )

Before me, a Notary Public, within and for the County and State aforesaid, duly qualified, commissioned and acting, personally appeared Mark Marquess, as Manager of Riverwood Homes, LLC, to me well known to be the declarant of The Grove at Engles Mill Subdivision, and stated that he had executed and delivered the same for the consideration, purposes and uses therein mentioned and set forth.

WITNESS my hand and seal on this 22nd day of November, 2022.

[Signature]  
Notary Public

My Commission Expires:

06-01-2027



PREPARED BY:  
RAYMOND C. SMITH, ATTORNEY  
FAYETTEVILLE, ARKANSAS

PHASE III LEGAL DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR WHICH IS 502° 15' 19"W 901.60' FROM AN EXISTING ALUMINUM MONUMENT MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE 502° 15' 19"W 422.95' TO AN EXISTING REBAR, THENCE S01° 11' 31" W 265.13', THENCE N57° 44' 41" W 130.30', THENCE S02° 15' 19" W 125.00', THENCE N57° 44' 41" W 353.95', THENCE N02° 15' 19" E 125.00', THENCE N57° 44' 41" W sss.ss', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00' FOR A CHORD BEARING AND DISTANCE OF S6° 45' 45" W 4.74', THENCE ss1° 22' 15" W 43.44', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00' FOR A CHORD BEARING AND DISTANCE OF S54° 03' 35" W 5.34', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00' FOR A CHORD BEARING AND DISTANCE OF S45° 00' 05" W 33.94', THENCE NSS° 02' 24" W 60.00', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00' FOR A CHORD BEARING AND DISTANCE OF N42° 44' 41" W 35.36', THENCE N02° 15' 19" E 50.00', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00' FOR A CHORD BEARING AND DISTANCE OF N47° 15' 19" E 35.36', THENCE N02° 15' 19" E 11.92', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 155.00' FOR A CHORD BEARING AND DISTANCE OF N27° 44' 10" W 157.93', THENCE N57° 43' 15" W 445.74, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00' FOR A CHORD BEARING AND DISTANCE OF S77° 16' 41" W 35.36', THENCE N32° 16' 42" E 55.00' TO AN EXISTING REBAR, THENCE S57° 43' 15" W 559.04' TO AN EXISTING REBAR, THENCE N02° 15' 19" E 355.25' TO AN EXISTING REBAR, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 170.00' FOR A CHORD BEARING AND DISTANCE OF N72° 05' 05" W 317.75' TO AN EXISTING REBAR, THENCE N02° 16' 42" E 70.00' TO AN EXISTING REBAR, THENCE S57° 43' 15" E 203.05', THENCE N02° 14' 37" E 27.93' TO AN EXISTING REBAR, THENCE S57° 45' 09" E 392.99', THENCE S02° 15' 19" W 140.29' TO AN EXISTING REBAR, THENCE S57° 44' 41" E 120.00' TO AN EXISTING REBAR, THENCE S56° 43' 12" E 50.01' TO AN EXISTING REBAR, THENCE S57° 44' 41" E 550.00' TO AN EXISTING REBAR, THENCE N02° 15' 19" E 55.14' TO AN EXISTING REBAR, THENCE S57° 44' 41" E

130.00' TO THE POINT OF BEGINNING, CONTAINING 21.71 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Washington County, AR  
I certify this instrument was filed on  
11/28/2022 3:54:44 PM  
and recorded in REAL ESTATE

File# 2022-00038271  
Kvle Sylvester - Circuit Clerk







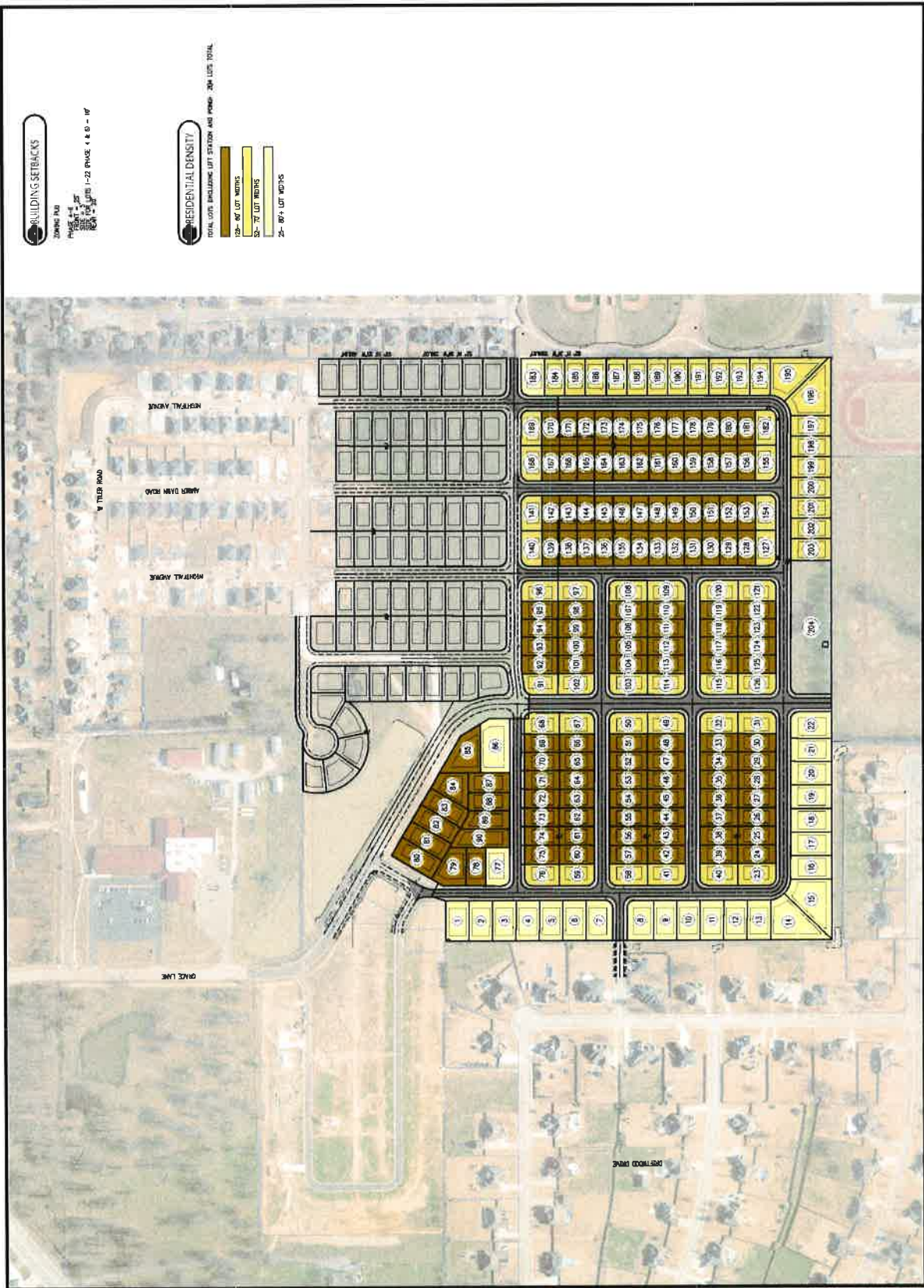




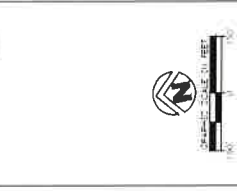
**THE GROVE AT  
ENGLISHTOWN**  
FARMINGTON, ARKANSAS




Crafion Tull







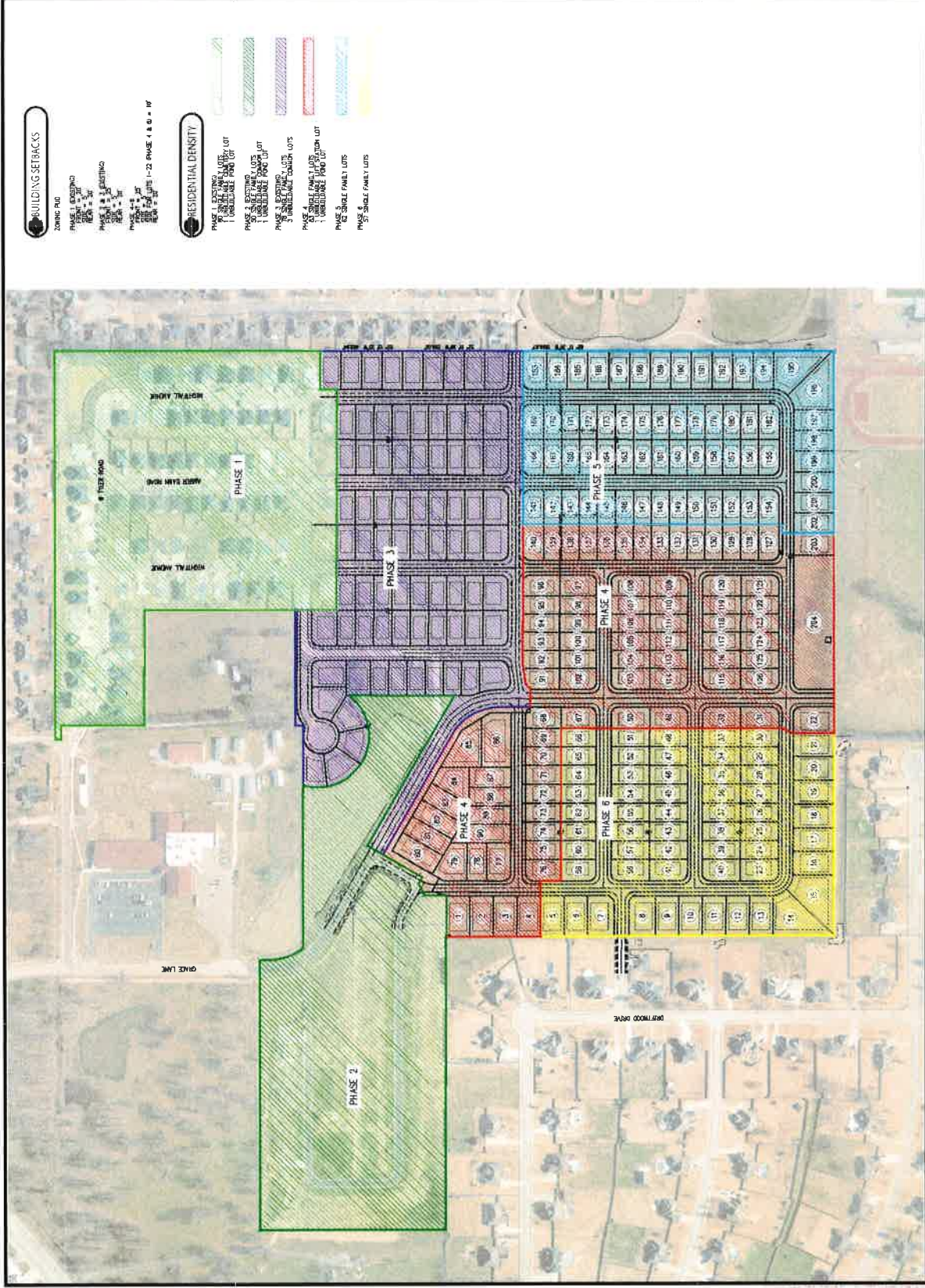
# THE GROVE AT ENGLERS MILL

PHASE 1-6 SUBDIVISION

NO.	DESCRIPTION	AREA (SQ. FT.)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		
51		
52		
53		
54		
55		
56		
57		
58		
59		
60		
61		
62		
63		
64		
65		
66		
67		
68		
69		
70		
71		
72		
73		
74		
75		
76		
77		
78		
79		
80		
81		
82		
83		
84		
85		
86		
87		
88		
89		
90		
91		
92		
93		
94		
95		
96		
97		
98		
99		
100		
101		
102		
103		
104		
105		
106		
107		
108		
109		
110		
111		
112		
113		
114		
115		
116		
117		
118		
119		
120		
121		
122		
123		
124		
125		
126		
127		
128		
129		
130		
131		
132		
133		
134		
135		
136		
137		
138		
139		
140		
141		
142		
143		
144		
145		
146		
147		
148		
149		
150		
151		
152		
153		
154		
155		
156		
157		
158		
159		
160		
161		
162		
163		
164		
165		
166		
167		
168		
169		
170		
171		
172		
173		
174		
175		
176		
177		
178		
179		
180		
181		
182		
183		
184		
185		
186		
187		
188		
189		
190		
191		
192		
193		
194		
195		
196		
197		
198		
199		
200		
201		
202		
203		
204		
205		
206		
207		
208		
209		
210		
211		
212		
213		
214		
215		
216		
217		
218		
219		
220		
221		
222		
223		
224		
225		
226		
227		
228		
229		
230		
231		
232		
233		
234		
235		
236		
237		
238		
239		
240		
241		
242		
243		
244		
245		
246		
247		
248		
249		
250		
251		
252		
253		
254		
255		
256		
257		
258		
259		
260		
261		
262		
263		
264		
265		
266		
267		
268		
269		
270		
271		
272		
273		
274		
275		
276		
277		
278		
279		
280		
281		
282		
283		
284		
285		
286		
287		
288		
289		
290		
291		
292		
293		
294		
295		
296		
297		
298		
299		
300		



PHASE 1-6 SUBDIVISION



- BUILDING SETBACKS**
- ZONING PD
- PHASE 1 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 2 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 3 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 4 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 5 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 6 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK

- RESIDENTIAL DENSITY**
- PHASE 1 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 2 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 3 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 4 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 5 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK
- PHASE 6 EXISTING  
 1. 10' SIDE YARD SETBACK  
 2. 10' FRONT SETBACK  
 3. 10' REAR SETBACK

Type: REAL ESTATE  
Kind: WARRANTY DEED  
Recorded: 11/2/2021 8:33:49 AM  
Fee Amt: \$35.00 Page 1 of 5  
Washington County, AR  
Kyle Sylvester Circuit Clerk

**File# 2021-00042077**



Please Return To:

Lenders Title Company  
3761 N Mall Avenue, Suite 1  
Fayetteville AR, 72703  
Phone: 479-444-3333  
Fax: 479-443-4256

File Number: 21-064963-500

This deed form prepared under the supervision of:  
J. Mark Spradley, Attorney at Law  
1501 N. University, Suite 155  
Little Rock, AR 72202

Transactional data completed by Lenders Title Company

Warranty Deed - LLC (Letter).rtf

FOR RECORDER'S USE ONLY

**WARRANTY DEED**  
(LIMITED LIABILITY COMPANY)

**KNOW ALL MEN BY THESE PRESENTS:**

That, Farmington Commercial LLC, Grantor, organized under and by virtue of the laws of the State of Arkansas, by and through its Members, duly authorized and empowered hereto by its Operating Agreement and law, for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS---(\$10.00)--- and other good and valuable consideration in hand paid by, Riverwood Homes, LLC, Grantee(s), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee(s) and unto its successors and assigns forever, the following described land, situated in the County of Washington and the State of Arkansas to-wit:

**Legal Description: See Attached Exhibit "A"**

Subject to any recorded: assessments, building lines, easements, mineral reservations and/or conveyances, and restrictions, if any.

**TO HAVE AND TO HOLD** the above described lands unto the Grantee(s) and unto its successors and assigns forever, with all tenements, appurtenances, and hereditaments thereunto belonging.

And the Grantor hereby covenants with the Grantee(s) that it will forever warrant and defend the title to the above described lands against all claims whatsoever.

**IN TESTIMONY WHEREOF**, The name of the Grantor is hereunto affixed by its Members and its seal affixed  
this **29th day of October, 2021**.

I certify under penalty of false swearing  
that documentary stamps or a documentary  
symbol in the legally correct amount has  
been placed on this instrument. Exempt or no  
consideration paid if none shown.

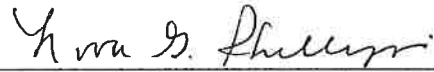
GRANTEE OR AGENT: \_\_\_\_\_  
Riverwood Homes, LLC

GRANTEE'S ADDRESS: 3420 N Plainview Ave  
Fayetteville, AR 72703

**Farmington Commerical LLC**  
**(an Arkansas limited liability company)**


**BY: The Paul E. Phillips Revocable  
Trust under Agreement dated June 29,  
2006-MEMBER**

  
\_\_\_\_\_  
**BY: Paul E. Phillips, Co-Trustee**

  
\_\_\_\_\_  
**BY: Nova G. Phillips, Co-Trustee**

**BY: The Carole J. Tyree Revocable  
Trust under Agreement dated June 29,  
2006 -MEMBER**

  
\_\_\_\_\_  
**BY: Carole J. Tyree, Co-Trustee**

  
\_\_\_\_\_  
**BY: Roger E. Tyree, Co-Trustee**

ACKNOWLEDGMENT

STATE OF ARKANSAS )  
 ) SS.  
COUNTY OF WASHINGTON )

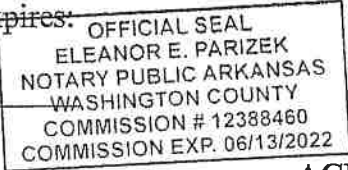
BE IT REMEMBERED that on this 29th day of October, 2021, came before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, Paul E. Phillips and Nova G. Phillips, to me personally well known (or satisfactorily proven to be), who stated that they were the Co-Trustees of the Paul E. Phillips Revocable Trust under Agreement dated June 29, 2006, said Trust being a Member of Farmington Commercial LLC, a limited liability company, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of said limited liability company, and further stated and acknowledged that they had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 29th day of October, 2021.

*Eleanor E Parizek*  
\_\_\_\_\_  
Notary Public

My commission Expires:

6/13/22



ACKNOWLEDGMENT

STATE OF ARKANSAS )  
 ) SS.  
COUNTY OF WASHINGTON )

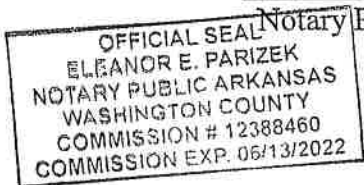
BE IT REMEMBERED that on this 29th day of October, 2021, came before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, Carole J. Tyree and Roger E. Tyree, to me personally well known (or satisfactorily proven to be), who stated that they were the Co-Trustees of the Carole J. Tyree Revocable Trust under Agreement dated June 29, 2006, said Trust being a Member of Farmington Commercial LLC, a limited liability company, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of said limited liability company, and further stated and acknowledged that they had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 29th day of October, 2021.

*Eleanor E Parizek*  
\_\_\_\_\_  
Notary Public

My commission Expires:

6/13/22



**EXHIBIT "A"**

**A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST LINE OF THE OF SAID FORTY ACRE TRACT WHICH IS S02°15'19"W 1324.54' AND S02°11'31"W 268.02' FROM AN EXISTING ALUMINUM MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27 AND RUNNING THENCE ALONG SAID EAST LINE S02°11'31"W 1056.07' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE ALONG THE SOUTH LINE THEREOF N87°54'22"W 1179.97', THENCE LEAVING SAID SOUTH LINE N02°15'34"E 1034.30', THENCE S87°48'54"E 33.95', THENCE S24°23'36"W 11.78', THENCE S01°59'36"W 89.16', THENCE S87°44'41"E 592.56', THENCE S02°15'19"W 125.00', THENCE S87°44'41"E 288.00', THENCE N02°15'19"E 125.00', THENCE S87°44'41"E 137.95', THENCE N02°15'19"E 100.00', THENCE N27°10'47"E 21.26', THENCE N72°37'40"E 17.03', THENCE S87°48'29"E 105.30' TO THE POINT OF BEGINNING, CONTAINING 24.86 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.**



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 21-064963-500

Grantee: RIVERWOOD HOMES LLC  
Mailing Address: 3420 N PLAINVIEW AVE  
FAYETTEVILLE AR 727030000

Grantor: FARMINGTON COMMERCIAL LLC  
Mailing Address: 127741 TYLER ROAD  
FARMINGTON AR 727300000

Property Purchase Price: \$598,350.00  
Tax Amount: \$1,976.70

County: WASHINGTON  
Date Issued: 11/01/2021  
Stamp ID: 806021120

Washington County, AR  
I certify this instrument was filed on  
11/2/2021 8:33:49 AM  
and recorded in REAL ESTATE

File# 2021-00042077  
Kvle Svlvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Jed Beach  
Grantee or Agent Name (signature): Jed Beach Date: 11/01/2021  
Address: 3420 N Plainview Ave  
City/State/Zip: Fayetteville, Ar, 72703

**File# 2021-00046026**



Please Return To:

Lenders Title Company  
3761 N Mall Avenue, Suite 1  
Fayetteville AR, 72703  
Phone: 479-444-3333  
Fax: 479-443-4256

File Number: 21-065027-500

This deed form prepared under the supervision of:  
J. Mark Spradley, Attorney at Law  
1501 N. University, Suite 155  
Little Rock, AR 72202

Transactional data completed by Lenders Title Company

Warranty Deed - LLC (Letter).rtf

FOR RECORDER'S USE ONLY

**WARRANTY DEED**  
(LIMITED LIABILITY COMPANY)

**KNOW ALL MEN BY THESE PRESENTS:**

That, Farmington Commercial LLC, Grantor, organized under and by virtue of the laws of the State of Arkansas, by and through its Members, duly authorized and empowered hereto by its Operating Agreement and law, for and in consideration of the sum of ---TEN AND 00/100--- DOLLARS---(\$10.00)--- and other good and valuable consideration in hand paid by, Riverwood Homes, LLC, Grantee(s), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee(s) and unto its successors and assigns forever, the following described land, situated in the County of Washington and the State of Arkansas to-wit:

**See attached Exhibit "A"**

Subject to any recorded: assessments, building lines, easements, mineral reservations and/or conveyances, and restrictions, if any.

**TO HAVE AND TO HOLD** the above described lands unto the Grantee(s) and unto its successors and assigns forever, with all tenements, appurtenances, and hereditaments thereunto belonging.

And the Grantor hereby covenants with the Grantee(s) that it will forever warrant and defend the title to the above described lands against all claims whatsoever.

**IN TESTIMONY WHEREOF**, The name of the Grantor is hereunto affixed by its Members and its seal affixed  
this **30th day of November, 2021**.

I certify under penalty of false swearing  
that documentary stamps or a documentary  
symbol in the legally correct amount has  
been placed on this instrument. Exempt or no  
consideration paid if none shown.

GRANTEE OR AGENT:

*Agent*  
\_\_\_\_\_  
Riverwood Homes, LLC

GRANTEE'S ADDRESS: 3420 N. Plainview Ave  
Fayetteville, AR 72703

**Farmington Commerical LLC**  
**(an Arkansas limited liability company)**

**BY: The Paul E. Phillips Revocable**  
**Trust under Agreement dated June 29,**  
**2006 -MEMBER**

*Paul E. Phillips*  
\_\_\_\_\_

**BY: Paul E. Phillips, Co-Trustee**

*Nova G. Phillips*  
\_\_\_\_\_

**BY: Nova G. Phillips, Co-Trustee**

**BY: The Carole J. Tyree Revocable**  
**Trust under Agreement dated June 29,**  
**2006 -MEMBER**

*Carole J. Tyree*  
\_\_\_\_\_

**BY: Carole J. Tyree, Co-Trustee**

*Roger E. Tyree*  
\_\_\_\_\_

**BY: Roger E. Tyree, Co-Trustee**

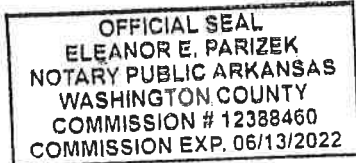


ACKNOWLEDGMENT

STATE OF ARKANSAS )
)
COUNTY OF WASHINGTON ) SS.

BE IT REMEMBERED that on this 30th day of November, 2021, came before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, Paul E. Phillips and Nova G. Phillips, to me personally well known (or satisfactorily proven to be), who stated that they were the Co-Trustees of the Paul E. Phillips Revocable Trust under Agreement dated June 29, 2006, said Trust being a member of Farmington Commercial, LLC, a limited liability Company, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of said limited liability company, and further stated and acknowledged that they had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 30th day of November, 2021.



[Handwritten Signature]
Notary Public

My commission Expires:

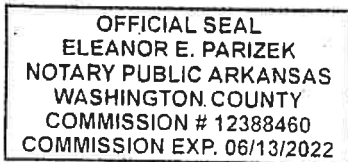
6/13/22

ACKNOWLEDGMENT

STATE OF ARKANSAS )
)
COUNTY OF WASHINGTON ) SS.

BE IT REMEMBERED that on this 30th day of November, 2021, came before me, the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, Carole J. Tyree and Carole J. Tyree, Co-Trustees of the Carole J. Tyree Revocable Trust under Agreement dated June 29, 2006, said Trust being a member of Farmington Commercial, LLC, a limited liability Company, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on behalf of said limited liability company, and further stated and acknowledged that they had so signed, executed and delivered the foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 30th day of November, 2021.



[Handwritten Signature]
Notary Public

My commission Expires:

6/13/22

**EXHIBIT "A"**

**A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM AN EXISTING ALUMINUM MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27 AND RUNNING THENCE ALONG THE EAST LINE THEREOF S02°15'19"W 1324.54' TO AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27, THENCE ALONG THE EAST LINE THEREOF S02°11'31"W 1324.09' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27, THENCE ALONG THE SOUTH LINE THEREOF N87°54'22"W 1179.97' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE ALONG SAID SOUTH LINE N87°54'22"W 143.00' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 27, THENCE ALONG THE SOUTH LINE THEREOF N87°51'22"W 661.39' TO AN EXISTING ALUMINUM MONUMENT, THENCE LEAVING SAID SOUTH LINE N02°04'37"E 1319.76', THENCE S87°44'41"E 138.48', THENCE N19°30'18"E 53.02', THENCE S57°43'18"E 50.00', THENCE N32°26'05"E 185.00', THENCE S57°43'18"E 470.70', THENCE S29°46'30"E 114.00', THENCE S02°15'19"W 137.17', THENCE S87°25'23"E 50.00', THENCE S02°15'18"W 1034.00' TO THE POINT OF BEGINNING, CONTAINING 24.86 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.**



STATE OF ARKANSAS  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
MISCELLANEOUS TAX SECTION  
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 21-065027-500

Grantee: RIVERWOOD HOMES LLC  
Mailing Address: 3420 N PLAINVIEW AVE  
FAYETTEVILLE AR 727030000

Grantor: FARMINGTON COMMERCIAL LLC  
Mailing Address: 127741 TYLER ROAD  
FARMINGTON AR 727300000

Property Purchase Price: \$598,350.00  
Tax Amount: \$1,976.70

County: WASHINGTON  
Date Issued: 12/01/2021  
Stamp ID: 707454976

Washington County, AR  
I certify this instrument was filed on  
12/1/2021 12:52:53 PM  
and recorded in REAL ESTATE

File# 2021-00046026  
Kvle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Joel Beach

Grantee or Agent Name (signature): Joel Beach Date: 12/1/2021

Address: 3420 N Plainview Ave

City/State/Zip: Fayetteville, Ar, 72703

City of Farmington  
Application and Checklist  
Large Scale Development

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Technical Plat Review or Planning Commission until all information is furnished.

Farmington Clinic  
 Applicant: Properties, LLC Day Phone: 479-267-3276  
PO Box 609  
 Address: Farmington, AR 72730 Fax: \_\_\_\_\_  
 Representative: Engineering Services, Inc. Day Phone: (479)-751-8733  
1207 S. Old Missouri Rd.  
 Address: Springdale, AR 72764 Fax: \_\_\_\_\_  
 Property Owner: Same as applicant Day Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Fax: \_\_\_\_\_

Indicate where correspondence should be sent (circle one): Applicant - Representative - Owner

Fee: A non-refundable review fee of **\$500** is required at the time the application is accepted. *In the event engineering review fees and costs exceed \$500, the owners and/or developers shall reimburse the City of Farmington for all additional expenses incurred prior to review by the Farmington Planning Commission. In the event the Farmington Planning Commission requires modifications to the large scale development and additional engineering fees and costs are incurred, the owners and/or developers shall reimburse the City of Farmington before the large scale development is resubmitted to the Farmington Planning Commission.*

For office use only:

Fee paid \$ \_\_\_\_\_ Date \_\_\_\_\_ Receipt # \_\_\_\_\_

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description 30 West Main St.  
 Site Address -- Farmington, AR 72730  
 Current Zoning -- C-2  
 Attach legal description

Financial Interests

The following entities or people have a financial interest in this project:

Farmington Clinic Properties LLC

*Applicant/Representative I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

[Signature] Date 12/20/22  
 Applicant Signature

*Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)*

[Signature] Date 12-20-2022  
 Owner/Agent Signature

Farmington Clinic Properties LLC  
180 Wesley Stevens Rd  
Farmington, AR 72730

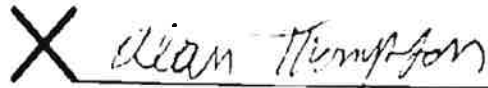
December 19, 2022

City of Farmington Planning Commission  
Farmington City Hall  
354 W Main St  
Farmington, AR 72730

Re: Representation Authorization  
Farmington Veterinary Clinic Facility Expansion  
30 W. Main Street  
Farmington, AR

We hereby authorize Engineering Services, Inc. to represent us and make decisions on our behalf for the referenced project to be presented to the Farmington Planning Commission.

**Farmington Clinic Properties LLC**

  
Signature

Alan Thompson  
Print Name / Title

**NOTICE OF PUBLIC HEARING BEFORE  
THE FARMINGTON PLANNING COMMISSION  
ON AN APPLICATION FOR LARGE SCALE DEVELOPMENT**

**To All Owners** of land lying adjacent to the property at:

30 W. Main Street, Farmington, AR

Location

FARMINGTON CLINIC PROPERTIES, LLC

Owned by

NOTICE IS HEREBY GIVEN THAT an application has been filed for LARGE SCALE DEVELOPMENT of the above property .

A public hearing on said application will be held by the Farmington Planning Commission at Farmington City Hall, 354 W. Main St. on January 23, 2023 at 6:00 p.m.

All parties interested in this matter may appear and be heard at said time and place; or may notify the Planning Commission of their views on this matter by letter. All persons interested in this request are invited to call or visit the City Business Manager at City Hall, 354 W. Main, 479-267-3865.

## NOTICE OF PUBLIC HEARING

A petition for Large Scale Development and waivers for the property as described below has been filed with the City of Farmington on the 20<sup>th</sup> day of December, 2022.

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 26, SAID POINT BEING A FOUND STATE MONUMENT "DEPARTMENT OF COMMERCE"; THENCE ALONG THE NORTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°39'07"W A DISTANCE OF 428.04 FEET TO A SET IRON PIN WITH CAP "PS 1559" AND THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE, S02°20'53"W A DISTANCE OF 274.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 62 (WEST MAIN STREET) AND A SET IRON PIN WITH CAP "PS 1559"; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N88°17'43"W A DISTANCE OF 123.97 FEET TO A SET IRON PIN WITH CAP "PS 1559"; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, N02°20'53"E A DISTANCE OF 275.39 FEET TO A SET IRON PIN WITH CAP "PS 1559" ON THE NORTH LINE OF SAID NE 1/4 OF THE NW 1/4; THENCE ALONG SAID NORTH LINE, S87°39'07"E A DISTANCE OF 123.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.78 ACRES (34,052 SQUARE FEET), MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

The large scale development includes construction of an approximately 4300 square foot commercial building and parking, drainage, landscaping and other site improvements. The Owner/Developer is requesting waivers from constructing master street plan improvements to White Street and to from constructing cross-access connectivity to the neighboring property to the east.

A public hearing to consider this Large Scale Development and waivers will be held on the 23rd day of January, 2023, at six o'clock p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

## LSD/Subdivision Application Checklist:

	Yes	No	N/A, why?
1. Completed application form which includes: name and address of person preparing application, name and address of property owner, including written, notarized documentation to verify that the applicant has permission to locate on property, zoning district, size of property, postal address and tax parcel number.	X		
2. Payment of application fee.	X		
3. A descriptive statement of the objective(s) for the new facility or material modification and the need for the type of facility and/or capacity requirements.	X		
4. Fifteen (15) copies of the site plan <b>folded</b> to a size of no greater than 10" X 10 ½ ".	X		
5. List of adjacent property owners and copy of notification letter sent. *	X		
6. White receipts from post office and green cards from registered letters (at least 7 days prior to the meeting).	X		
7. Proof of publication of public hearing notice, should be published a minimum of 15 days prior to planning commission meeting (proof must be provided at least 7 days prior to the meeting).	X		
<b>The Following Shall Appear on the Site Plan:</b>			
1. Names, addresses and telephone numbers of the record owners, applicant, surveyor, architect, engineer and person preparing the plat.	X		
2. Names, addresses and property lines and zoning of all property owners adjacent to the exterior boundaries of the project including across streets and rights of way shall be located at the <u>general location</u> of their property.*	X		
3. North arrow, graphic scale, acreage, date of preparation, zoning classification and proposed use.	X		
4. Complete and accurate legend.	X		
5. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawings, date and revision.	X		
6. Note regarding wetlands determination, if any. Note if Army Corps of Engineers determination is in progress.	X		
7. Written legal description. (If the project is in more than one tract the legal for each individual tract must be provided.)	X		
8. P.O.B. from a permanent well-defined reference point, P.O.B. must be clearly labeled.	X		
9. Clear representation of the FEMA Designated 100-year Floodplain and or Floodway and base flood elevations. Reference the FIRM panel number and effective date and the Corps of Engineers Flood Hazard Study.	X		
10. Status of regulatory permits:			X
a. NPDES Storm water Permit			X
b. 404 Permit			X
c. Other			X
11. Provide a benchmark, clearly defined with a precision of 1/100 <sup>th</sup> of a foot. This benchmark must be tied to NAVD 88 datum; Benchmarks include but are not limited to, the following: fire hydrant, manhole rim, drainage structure	X		



abutment, etc.			
12. Spot elevations at grade breaks along the flow line of drainage swales.	X		
13. A general vicinity map of the project at a scale of 1" = 2000'	X		
14. The location of all existing structures. Dimensions of buildings and setbacks from the building to property lines.	X		
15. Street right-of-way lines clearly labeled. The drawing shall depict any future ROW needs as determined by the AHTD and/or Master Street Plan. Future ROW as well as existing ROW and center lines should be shown and dimensioned.	X		
16. Existing topographic information with source of the information noted. Show:	X		
a. Two foot contour for ground slope between level and ten percent.	X		
b. Four foot contour interval for ground slope exceeding 10%.	X		
17. Preliminary grading plan.	X		
<b>Existing Utilities and Drainage Improvements (Copy of the <u>Drainage Criteria Manual</u> can be obtained from the City of Farmington)</b>			
1. Show all known on site and off-site existing utilities, drainage improvements and easements (dimensioned) and provide the structures, locations, types and condition and note them as "existing" on the plat.	X		
2. Existing easements shall show the name of the easement holder, purpose of the easement, and book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect should be placed on the plan.	X		
<b>Proposed Utilities</b>			
1. Regarding all proposed storm sewer structures and drainage structures:	X		
a. Provide structure location and types.	X		
b. Provide pipe types and sizes.	X		
2. Regarding all proposed sanitary sewer systems	X		
a. Provide pipe locations, sizes and types.	X		
b. Manhole locations.	X		
3. Note the occurrence of any previous sanitary sewer overflow problems on-site or in the proximity of the site	X		
4. If a septic system is to be utilized, note that on the plat. Show the location and test data for all percolation tests.	X		
5. Regarding all proposed water systems on or near the site:	X		
a. Provide pipe locations, sizes and types.	X		
b. Note the static pressure and flow of the nearest hydrant.	X		
c. Show the location of proposed fire hydrants, meters, valves, backflow preventers and related appurtenances.	X		
6. All proposed underground or surface utility lines if determined: (this category includes but is not limited to telephone, electrical, natural gas and cable.)	X		
a. Locations of all related structures.	X		
b. Locations of all lines above and below ground.	X		
c. A note shall be placed where streets will be placed under the existing overhead facilities and the	X		

approximate change in the grade for the proposed street.	X		
7. The width, approximate locations and purposes of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.	X		
<b>Proposed and Existing Streets, Rights-of –way and Easements</b>			
1. The location, widths and names (avoid using first names of people for new streets) of all existing and proposed streets, allies, paths and other rights-of-way, whether public or private within and adjacent to the project; private easements within and adjacent to the project; and the centerline curve data; and all curb return radii. Private streets shall be clearly identified and named.	X		
2. A layout of adjoining property sufficient detail to show the affect of proposed and existing streets (including those on the master street plan), adjoining lots and off-site easements. This information can be obtained from the Master Street Plan.	X		
3. The location of all existing and proposed street lights (at every intersection, cul-de-sac and every 300 feet, and associated easements to serve each light.)	X		
<b>Site Specific Information</b>			
1. Provide a note describing any off site improvements.	X		
2. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments and underground structures within the project.	X		
3. The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased.)	X		
4. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.)	X		
5. The boundaries, acreage and use of existing and proposed public area in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.	X		
6. For large scale residential development, indicate the use and list in a table the number of units and bedrooms.	X		
7. For non-residential use, indicate the gross floor area and if for multiple uses, the floor area devoted to each type of use. (Large Scale Developments only.)	X		
8. The location and size of existing and proposed signs, if any.	X		
9. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.	X		
10. Location, size, surfacing, landscaping and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided and handicapped accessible parking spaces. (Large Scale Developments only.)	X		
11. Location of buffer strips, fences or screen walls, where required (check the zoning ordinance).	X		
12. Location of existing and purposed sidewalks.	X		
13. Finished floor elevation of existing and purposed structures.	X		
14. Indicate location and type of garbage service (Large Scale	X		

Developments only.) Dimension turnaround area at dumpster location.	X		
15. A description of commonly held areas, if applicable.	X		
16. Draft of covenants, conditions and restrictions, if any.	X		
17. Draft POA agreements, if any.	X		
18. A written description of requested variances and waivers from any city requirements.	X		
19. Show required building setbacks for large scale developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.	X		
20. Preliminary drainage plan as required by the consulting engineer.	X		

*\*All applicants submitting preliminary plats and Large Scale Developments before the Farmington Planning Commission shall provide written notice of the time and place of the regular or special meeting to the owners of all real property adjacent to the project. The notice shall include the name and address of the applicant, location of the project, and the time and place of the scheduled meeting. Notices shall be sent by certified mail, return receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax Collector's Office. (A sample notification and affidavit is attached.) Applicants must submit a verified affidavit attesting to the delivery of the notice to all owners of real property adjacent to the project, a copy of the notice to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to above must be submitted seven (7) days prior to the regular or special meeting of the planning commission.*

EXECUTED November 15, 2018.

GRANTOR:

THOMPSON FAMILY TRUST DATED JULY 2, 2003

*Alan Kehs Thompson*  
\_\_\_\_\_  
Alan Kehs Thompson, Co-Trustee

*Mary Thompson*  
\_\_\_\_\_  
Mary Carla Thompson, Co-Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS

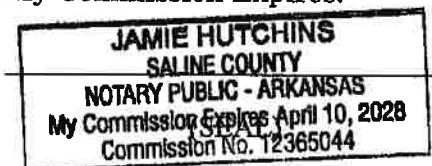
COUNTY OF PULASKI

On this the 15<sup>th</sup> day of November, 2018, before me, the undersigned officer, personally appeared Alan Kehs Thompson and Mary Carla Thompson, known to me (or satisfactorily proven), who stated that they are the Co-Trustees of the Thompson Family Trust, and are duly authorized in such capacity to execute the foregoing instrument for and in the name and behalf of said Trust, and further stated and acknowledged that they so signed, executed, and delivered the same for the consideration, uses, and purposes therein mentions and set forth.

In witness whereof, I hereunto set my hand and official seal.

*Jamie Hutchins*  
\_\_\_\_\_  
Notary Public

My Commission Expires:



Washington County, AR  
I certify this instrument was filed on  
11/20/2018 2:00:04 PM  
and recorded in REAL ESTATE

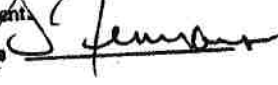
File# 2018-00034610  
Kvle Sylvester - Circuit Clerk

*Kvle Sylvester*

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Grantee

Address



Doc ID: 007402270002 Type: REL  
Recorded: 08/28/2004 at 01:42:59 PM  
Fee Amt: \$11.00 Page 1 of 2  
Washington County, AR  
Bette Stamps Circuit Clerk  
File 2004-00025398

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, Alan K. Thompson and Mary C. Thompson, Husband and Wife, hereinafter called Grantors, for and in consideration of the sum of One Dollar (\$1) and other good and valuable consideration to us in hand paid by the THOMPSON FAMILY TRUST, Alan Kehs Thompson and Mary Carla Thompson, Co-Trustees, U/A DTD 2<sup>nd</sup> day of July, 2003, hereinafter called Grantee, do hereby grant, bargain and sell unto the said Grantee and Grantee's heirs and assigns in and to the following described land, situate in Washington County, State of Arkansas, to-wit:

Part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty Six (26) in Township Sixteen (16) North of Range Thirty One (31) West, more particularly described as follows, to wit:

Beginning at a point 428.04 feet West of the Northeast Corner of said forty (40) acre tract, thence West 123.96 feet, thence South 296.9 feet, thence N88°43'E to a point 294.82 feet South of the beginning point, thence North 294.82 feet to the point of beginning, containing 0.85 acres, more or less.

TO HAVE AND TO HOLD the said land and appurtenances thereunto belonging unto the said Grantee and Grantee's heirs and assigns, forever. And we, the said Grantors, hereby covenant that we are lawfully seized of said land and premises, that the same is unencumbered, and that we will forever warrant and defend the title to the said lands against all legal claims whatever.

And we, the respective Grantors, hereby release and

relinquish unto the said Grantee our respective dower/curtesy and homestead in and to said lands.

WITNESS our hands and seals this 27<sup>th</sup> day of June, 2004.

Alan K. Thompson  
Alan K. Thompson

Mary C. Thompson  
Mary C. Thompson

**ACKNOWLEDGMENT**

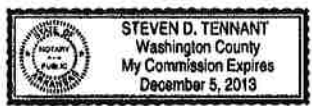
STATE OF ARKANSAS            )  
  )SS  
COUNTY OF WASHINGTON    )

On this the 27<sup>th</sup> day of June, 2004, before me, a notary public, personally appeared Alan K. Thompson and Mary C. Thompson, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the purposes therein set forth.

In witness whereof I hereunto set my hand and official seal.

[Signature]  
Notary Public

My Commission Expires:



Prepared By:  
**STEVEN D. TENNANT**  
Attorney at Law  
P. O. Box 120 - 8 E. Main  
Farmington, AR 72730  
(479) 267-2060

# NORTHWEST ARKANSAS Democrat Gazette

P.O. BOX 1007 FAYETTEVILLE, AR 72702 • 479-442-1700 • FAX: 479-695-3118 • WWW.NWADG.COM

## AFFIDAVIT OF PUBLICATION

I, Paola Lopez, do solemnly swear that I am the Accounting Legal Clerk of the Northwest Arkansas Democrat-Gazette, a daily newspaper printed and published in said County, State of Arkansas; that I was so related to this publication at and during the publication of the annexed legal advertisement the matter of: Notice pending in the Court, in said County, and at the dates of the several publications of said advertisement stated below, and that during said periods and at said dates, said newspaper was printed and had a bona fide circulation in said County; that said newspaper had been regularly printed and published in said County, and had a bona fide circulation therein for the period of one month before the date of the first publication of said advertisement; and that said advertisement was published in the regular daily issues of said newspaper as stated below.

Engineering Services Inc  
PH – Large Scale Development

Was inserted in the Regular Edition on:  
February 5, 2023

Publication Charges: \$156.56

  
Paola Lopez

Subscribed and sworn to before me  
This 8 day of Feb, 2023.

  
Notary Public  
My Commission Expires:



### NOTICE OF PUBLIC HEARING

A petition for Large Scale Development and waivers for the property as described below has been filed with the City of Farmington on the 23rd day of January, 2023.

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NE 1/4 OF THE NW 1/4 OF SAID SECTION 26, SAID POINT BEING A FOUND STATE MONUMENT "DEPARTMENT OF COMMERCE"; THENCE ALONG THE NORTH LINE OF SAID NE 1/4 OF THE NW 1/4, N87°39'07"W A DISTANCE OF 428.04 FEET TO A SET IRON PIN WITH CAP "PS 1559" AND THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE, S02°20'53"W A DISTANCE OF 274.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 62 (WEST MAIN STREET) AND A SET IRON PIN WITH CAP "PS 1559"; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N88°17'43"W A DISTANCE OF 123.97 FEET TO A SET IRON PIN WITH CAP "PS 1559"; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, N02°20'53"E A DISTANCE OF 275.39 FEET TO A SET IRON PIN WITH CAP "PS 1559" ON THE NORTH LINE OF SAID NE 1/4 OF THE NW 1/4; THENCE ALONG SAID NORTH LINE, S87°39'07"E A DISTANCE OF 123.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.78 ACRES (34,052 SQUARE FEET), MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT. The large scale development includes construction of an approximately 4300 square foot commercial building and parking, drainage, landscaping and other site improvements. The Owner/Developer is requesting waivers from constructing master street plan improvements to White Street and to from constructing cross-access connectivity to the neighboring property to the east.

A public hearing to consider this Large Scale Development and waivers will be held on the 27th day of February, 2023, at six o'clock p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend. 75650678 Feb 15, 2023

**\*\*NOTE\*\***

Please do not pay from Affidavit.  
Invoice will be sent.

10-2261

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PARCEL: 760-01584-000  
CHICK PROPERTIES, LLC  
PO BOX 258  
FARMINGTON, AR 72730



9590 9402 7283 2028 6158 68

2. Article Number (Transfer from service label)  
7022 2410 0000 1740 8576

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *RJ Chick*  Agent  Addressee

B. Received by (Printed Name) *RJ Chick* C. Date of Delivery *4/9/08*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt

NB-2267

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PARCEL: 760-01550-001  
ARKANSAS STATE HIGHWAY COMMISSION  
PO BOX 2261  
LITTLE ROCK, AR 72203-2261



9590 9402 7283 2028 6158 75

2. Article Number (Transfer from service label)  
7022 2410 0000 1740 8569

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]*  Agent  Addressee

B. Received by (Printed Name) *[Name]* C. Date of Delivery *2-6-08*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt

NB-2267

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PARCEL: 760-01577-000  
WESTPHAL PROPERTIES INC  
109 N 6TH ST  
FORT SMITH AR, 72901



9590 9402 7812 2152 5975 86

2. Article Number (Transfer from service label)  
7022 2410 0000 1740 8552

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]*  Agent  Addressee

B. Received by (Printed Name) *KENN KEEFUEEN* C. Date of Delivery *2-6-23*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No


3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt




NB-22967

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Cara Harriman</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>Cara Harriman</i> <i>2-6-23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>PARCEL: 760-01547-000 CHURCH OF CHRIST 41 W. MAIN ST FARMINGTON, AR 72730</p>	
 <p>9590 9402 7283 2028 6158 44</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0000 1740 8590</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

NB-22967

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Jeff</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>Sam Stonecypher</i> <i>2/9/23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>PARCEL: 760-01391-000 STONECYPHER, JEFF &amp; SAMATHA 32 W WHITE ST. FARMINGTON, AR 72730</p>	
 <p>9590 9402 7812 2152 5996 34</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0000 1740 8514</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

NB-22967

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Jonathan Blake</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p><i>Jonathan Blake</i> <i>2/6/23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>PARCEL: 760-1552-001 HENDRICKS, JONATHAN BLAKE &amp; HEATHER LYNN PO BOX 1604 FARMINGTON, AR 72730</p>	
 <p>9590 9402 7812 2152 5996 65</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7022 2410 0000 1740 8545</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

NB-22967

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PARCEL: 760-01390-000  
 SHIELDS, ALTON M & VIRGINIA  
 40 W WHITE ST  
 FARMINGTON, AR 72730



9590 9402 7812 2152 5996 41

2. Article Number (Transfer from service label)

7022 2410 0000 1740 8521

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery



# CITY OF FARMINGTON

354 W Main ST, Farmington, AR 72730

---

TRANSACTION #	10709323-3789
DATE	01/23/2023 2:58 PM
RESULT	APPROVED
TRANSACTION METHOD	CASH
TRANSACTION TYPE	SALE
REFERENCE NUMBER	CK #011307 DEV. FEES FOR FARMINGTON VET CLINIC

---

1 × Development Fee	\$500.00
Subtotal	\$500.00

---

TOTAL	<b>\$500.00</b>
-------	-----------------

---

Receipt sent via SwipeSimple, powered by CardFlight  
© CardFlight, Inc. 2023

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Farmington Clinic Properties, LLC

Date: February 7, 2023

Project Name: Thrive Pet Healthcare LSD

Engineer/Architect: Engineering Services, Inc.

---

Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: KMS Engineering/Farmington

Name: Christopher Brackett, P.E.

1. Note that the instructions above say that the technical plat comments must be addressed prior to the re-submission, and that a narrative for each comment must be submitted along with the revised plat.
2. Along with the hard copies required for the City, one digital copy of everything included in the submission shall be emailed to KMS at [chris@kms-engr.com](mailto:chris@kms-engr.com).
3. All work within the state's right-of-way will have to be permitted by ArDOT. The Permit Officer for District 4 is Jimmy Vault ([james.vaught@ardot.gov](mailto:james.vaught@ardot.gov), 479-484-5306).
4. Revise the note for the sod in the detention pond to include sod to the top of the bank. The detention pond must have a minimum of 1' of freeboard above the 100-year WSE.
5. The concentrated discharge into the field north of this development will not be allowed. The Predevelopment condition is sheet flow into this field. There currently isn't a ditch to discharge this concentrated flow. This flow will need to be extended to the creek or you will need to prove that you can convert this flow back to a sheet flow condition for the larger storms.
6. Drainage Report:
  - Model Issue**
    - a. There is more than a quarter of this site that doesn't drain into the detention pond (It's a quarter if you route the roof drains directly into the pond, much more if not). You need to account for this bypass in your model.
  - Minor Issues**
    - b. Don't block out the map with your labels on the drainage area maps.
    - c. The Grass Area should have a C=0.45 based on your slopes.
    - d. The Two-year 24-hr precip. is 4.08, not 3.12 as shown in your Tc Worksheet.
    - e. Include the Pond Report from Hydraflow in your report.

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

---



**Fire Department**  
 City of Farmington, AR  
 372 W. Main St.  
 Farmington, AR 72730  
 479-267-3338



Date: 2/6/23

William Hellard

Fire Chief

Farmington Fire Department

372 W Main St. Farmington, AR, 72730

Subject: Farmington Veterinarian Clinic

**Fire Lane Access**

Fire lane access may be required with the future expansion plan.

The fire department access roads also need to be located so that any portion of the building or facility is not more than 150 ft (46 m) from fire department access roads as measured around the exterior of the building or facility. This requirement ensures that first responders can reach most parts of the building with their hose lines.

Access roads need to allow adequate access to the building and room to setup and perform manual suppression operations. Fire department access roads require 20 ft (6.1 m) of unobstructed width, 13.5 ft (4.1 m) of unobstructed vertical clearance and an appropriate radius for turns in the roads and dead ends for the vehicles apparatus to turn around.

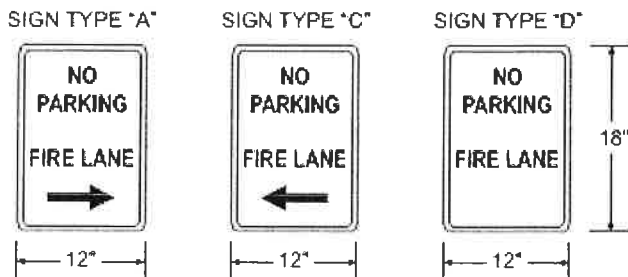
**Fire Lane Signage**

Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

**D103.6.2 Roads More Than 26 Feet in Width**

Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

Fire lane signs shall be placed in all non-designated areas of the parking lot.





**Fire Department**  
 City of Farmington, AR  
 372 W. Main St.  
 Farmington, AR 72730  
 479-267-3338



**C105.1 Hydrant Spacing**

If the fire flow requirement is over 2000 gpm, two hydrants will be required.

The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

**TABLE C105.1  
 NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN Hydrants <sup>b, c</sup> (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A Hydrant
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more	200	120

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Farmington Clinic Properties, LLC.

Date: 2/7/2023

Project Name: Farmington Vet Clinic (LSD)

Engineer/Architect: Engineering Services Inc.

---

Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting**. The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: City of Farmington Name: Melissa McCarville

1. Engineering fees will accumulate as the development continues. We will bill the engineering fees monthly.
2. Adjacent property owners must be notified by certified mail; receipts should be submitted by one week prior to the Planning Commission meeting.
3. An advertisement regarding the development should be in the paper no later than 15 days prior to the planning commission meeting. Proof of publication must be provided when it is available. The Democrat Gazette only publishes legal notices on Sunday and the Washington County Enterprise Leader is published on Wednesday. **With this in mind, the ad <sup>has</sup> had to be in the paper by Sunday, February 12, 2023 to meet the deadline.**
5. Please submit a revised plan as soon as possible. The City requires 15 copies for planning commission. Plans must be folded with all sheets included in one set. We don't need all the detail for the planning commission, a site plan and landscape plan would probably be sufficient. If I can also get a PDF version that can be distributed to the public and added to Facebook and our website that would be great.
6. A revised copy of the plan and drainage plan should be delivered to City Hall for Chris Brackett; he will also accept digital copies.
7. Planning Commission meeting will be **Monday February 27, 2023 at 6:00 pm.**

**CITY OF FARMINGTON  
TECHNICAL PLAT REVIEW COMMITTEE REPORT**

Applicant: Farmington Clinic Properties, LLC

Date: 2/7/2023

Project Name: Farmington Vet Clinic (Large Scale Development)

Engineer/Architect: Engineering Services, Inc.

---

Following are **recommendations** from the Technical Plat Review Committee that **must be addressed prior to your application being submitted to the Planning Commission at its next regular meeting.** The information must be submitted to the Planning Office before **12 noon** the following Tuesday from the date above in order for the item to be placed on the agenda for the Commission meeting. A narrative addressing each comment must be submitted along with the revised plat.

---

Representing: City of Fayetteville Engineering Name: Melissa Boyd

No comments. Water and sanitary sewer are available to this site. No utility main extensions are proposed with this development.

---

---

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





## Earthplan Design Alternatives, PA

Civil Engineering / Landscape Architecture

### CONSTRUCTION REVIEW LETTER

---

**Project: Farmington Vet Clinic LSD**

**EDA project #: 2452\_F**

**TPR Meeting: February 7, 2023**

**Letter creation: February 7, 2023**

---

Mrs. McCarville,

We have reviewed the LSD plans submittal by ESI for the project known as Farmington Vet Clinic LSD received by EDA on February 1, 2023. The date in the landscape plan sheet's title block is 1/23/23. EDA only reviewed the landscape sheets in this plan set; the other sheets are reviewed by other entities. Based on our review, we offer the following comments:

Sheet 06:

1. All below items shall be addressed on the plans and a narrative letter describing how said items have been addressed must be submitted with the resubmittal. Submit a copy to the City and to Sarah Geurtz at [sdg@eda-pa.com](mailto:sdg@eda-pa.com).
2. Show the code's required 10'x10' sight triangles for the southern entrance and for the northern dumpster access.
3. For further clarity, please add to the legend the symbol that represents existing trees. Also, for the on-site tree to be saved, show tree protection fencing and add a callout stating that the tree is to be protected during construction.
4. Show proposed utilities on this sheet for confirmation that there is no conflict with the proposed trees. Show any existing utilities that will be remaining (we acknowledge the existing gas line off W. Main St).
5. Street Frontage Buffer:
  - a. W Main St: the proposed trees are shown on top of an existing gas line. Shift appropriately.
  - b. W. White St frontage: The City considers W. White St to be a secondary street frontage for this lot. However, since the code's landscaping requirements for buffering residential lots are more stringent than those for secondary street frontage landscaping, the more stringent applies. Please see the below Perimeter Side and Back Buffers, c.
6. Perimeter Side and Back Buffers:
  - a. Eastern side: The side buffer is required to extend front the front property line to the front edge of the building. Please extend the eastern shrub planting to meet this code requirement (14.04.20, (b)). Please also meet the code's requirement within this distance of 1 tree per 35' of linear feet. Note that additional trees may be added north of the front



## Responses to Comments

The proposed preliminary plat for Thrive Pet Healthcare LSD was reviewed by the City of Farmington and utilities. Comments on the ESI submission were generated and returned to ESI on February 07, 2023. ESI has revised the plans and added material as described below to respond to all comments.

### Plans

Comments regarding are addressed by department or entity.

#### *Building Inspection/Fire Department*

<b>Review Comment</b>	<b>ESI Response</b>
Fire access may be required with future expansion plan.	Acknowledged.
The fire department access roads also need to be located so that any portion of the building or facility is not more than 150 ft (46m) from fire department access roads as measured around the exterior of the building or facility. This requirement ensures that first responders can reach most parts of the building with their hose lines.	Acknowledged.
Access roads need to allow adequate access to the building and room to setup and preform manual suppression operations. Fire department access roads require 20 ft (6.1 m) of unobstructed width, 13.5 ft (4.1 m) of unobstructed vertical clearance and an appropriate radius for turns in the roads and dead ends for the vehicle apparatus to turn around.	Acknowledged.
Fire line signs as specified in section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925mm).	Acknowledged.
Fire lane signs as specified in section D103.6 shall be posted on one side of fire access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).	Acknowledged
Fire lane signs shall be placed in all non-designed areas of the parking lot.	Acknowledged
If the fire flow requirement is over 2,000 gpm, two hydrants will be required.	Acknowledged.
The average spacing between fire hydrants shall not exceed that listed in Table C105.1. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.	Acknowledged.

#### *Engineering Department*

<b>Review Comment</b>	<b>ESI Response</b>
Note that the instructions above say that the technical plat comments must be addressed prior to the re-submission, and that a narrative for each comment must be submitted along with the revised plat.	Acknowledged.
Along with the hard copies required for the City, one digital copy of everything included in the submission shall be emailed to KMS at chirs@kms-engr.com.	Acknowledged.
All work within the state's right of way will have to be permitted by ARDOT. The Permit Officer for District 4 is Jimmy Vault.	Acknowledged.
Revise the note for the sod in the detention pond to include sod to the top of the bank. Detention pond must have a minimum of 1' of freeboard above the 100 year WSE.	Note revised, freeboard provided.

Review Comment	ESI Response
The concentrated discharge into the field north of this development will not be allowed. The pre-development condition is sheet flow into this field. There currently isn't a ditch to discharge this concentrated flow. This flow will need to be extended to the creek or you will need to prove that you can convert this flow back to a sheet flow condition for the larger storms.	A drainage ditch will be graded from the site's discharge point down to the creek.
There is more than a quarter of this site that doesn't drain directly into the detention pond (it's a quarter if you route the roof drains directly into the pond, much more if not). You need to account for this bypass in your model.	Routing has been adjusted to show the water bypassing our pond, the roof drains will be directed into the pond.
Don't block out the map with your labels on the drainage area maps.	Acknowledged.
The grass Area should have a C=0.45 based on your slopes.	C value has been adjusted.
The two-year 24-hr precip. Is 4.08 not 3.12 as shown in your Tc worksheet.	Rainfall intensity has been adjusted per TP 40.
Include the pond report from hydraflow in your report.	This has been added.

### Planning Department

Review Comment	ESI Response
Engineering fees will accumulate as the development continues. We will bill the engineering fees monthly.	Acknowledged.
Adjacent property owners must be notified by certified mail; receipts should be submitted by one week prior to the planning commission meeting.	Acknowledged.
An advertisement regarding the development should be in the paper no later than 15 days prior to the planning commission meeting. Proof of publication must be provided when it is available. The ad has to be in the paper by Sunday, February 12, 2023 to meet the deadline.	Acknowledged.
Please submit a revised plan as soon as possible. The city requires 15 copies for planning commission. Plans must be folded with all sheets included in one set. We don't need all the detail for planning commission, a site plan and landscape plan would probably be sufficient. If I can also get a PDF version that can be distributed to the public and added to Facebook and our website that would be great.	Acknowledged.
A revised copy of the plan and drainage plan should be delivered to City Hall for Chris Brackett; he will also accept digital copies.	Acknowledged.
Planning Commission meeting will be Monday February 27, 2023 at 6:00 pm.	Acknowledged.

### Landscape Review

Review Comment	ESI Response
All below items shall be addressed on the plans and a narrative letter describing how said items have been addressed must be submitted with the resubmittal. Submit a copy to the city and to Sarah Geurtz at <a href="mailto:sdq@eda-pa.com">sdq@eda-pa.com</a> .	Acknowledged.
Show the code's required 10'x10' sight triangles for the southern entrance and for the northern dumpster access.	Added.
For further clarity, please add to the legend the symbol that represents existing trees. Also, for the on-site tree to be saved, show tree protection	Added.

Review Comment	ESI Response
<p>fencing and add a callout stating that the tree is to be protected during construction.</p> <p>Show proposed utilities on this sheet for confirmation that there is no conflict with the proposed trees. Show any existing utilities that will be remaining (we acknowledge the existing gas line off W. Main St).</p>	<p>Added.</p>
<p>Street Frontage Buffer:</p> <ul style="list-style-type: none"><li>a. W Main St: the proposed trees are shown on top of an existing gas line. Shift appropriately.</li><li>b. W. White St frontage: The City considers W. White St to be a secondary street frontage for this lot. However, since the code's landscaping requirements for buffering residential lots are more stringent than those for secondary street frontage landscaping, the more stringent applies. Please see the below Perimeter Side and Back Buffers, c.</li></ul>	<ul style="list-style-type: none"><li>a. Trees have been adjusted.</li><li>b. Seeking a waiver.</li></ul>
<p>Perimeter Side and Back Buffers:</p> <ul style="list-style-type: none"><li>a. Eastern side: The side buffer is required to extend front the front property line to the front edge of the building. Please extend the eastern shrub planting to meet this code requirement (14.04.20, (b)). Please also meet the code's requirement within this distance of 1 tree per 35' of linear feet. Note that additional trees may be added north of the front building corners, if you desire (and as shown, assuming there are no proposed utility conflicts).</li><li>b. Western side: Please provide the required shrubs on the western side to meet the code requirement (14.04.20, (b)). Please also meet the code's requirement within this distance of 1 tree per 35' of linear feet. Note that additional trees may be added north of the front building corners, if you desire (and as shown, assuming there are no proposed utility conflicts).</li><li>c. Rear adjacent to residential: A 6' tall privacy fence is required along the entire northern property line since it faces a residential lot. Additionally, the code requires landscaping in front of the fence (on the fence side facing the neighbors). Per code section 14.04.20, (b) (6), b: "Landscaping in front of the barrier shall consist of as many trees and shrubs as necessary, and of suitable size and density to provide 60% coverage of the physical</li></ul>	<ul style="list-style-type: none"><li>A. This has been adjusted.</li><li>B. Acknowledged.</li><li>C. Seeking a waiver.</li></ul>

Review Comment	ESI Response
barrier within two years of planting.” Detention Pond and Water Quality Pond Landscaping requirements (14.04.23 (a)): provide. Trash and mechanical screening requirements of code 14.04.23 (b) and (c): a. Mechanical Equipment: Show where the mechanical equipment will be located and how it will be screened. b. Trash: I. The trash storage is required to be located a minimum of 50’ from the northern residential property. If the design meets this requirement, provide a measurement showing this being met. If 50’ is not being met, provide the 50’ distance and dimension the distance to show it meets the code requirement. II. The dumpster is required to be landscaped with some type of vegetation planted in front of the sides seen from the street and adjacent residential properties. The screening shall be equally effective in all seasons of the year. III. Provide a detail of the proposed dumpster in this plan set.	Added.               Mechanical equipment will be roof mounted. Dumpster is 64’ away from northern residential property. Landscaping has been provided to meet code.
Please check the plant quantities given in the Index of Shrubs chart — the shrub count in the drawing is mostly different from the counts given in the chart All lighting must be shielded to project the light downward to meet “Dark Sky” standards.	This has been updated.    Acknowledged. Design will comply

Z:\Engineers\00 - Engineer Projects\22967 - Farmington Vet Clinic\03 Pre-Construction Plan Submittals\2023-02-07 Submittal #1 City Comments\Response to Comments.docx