

Hi Tim,

My name is Rusty Nicholson and I am currently a resident of Scissortail subdivision, in the city of Rogers. My family is originally from central Arkansas (Conway), but work took us to Apex, NC just before the pandemic. We were fortunate enough to have the opportunity to move back to Arkansas last summer, and we chose the Rogers/Bentonville area for our family.

We're huge Razorback fans - but additionally, we moved here because of:

- The schools - best in the state
- Rogers amenities - utilities, emergency services and reputation
- Fun activities and things to do - amazing downtown areas, shopping, restaurants, walking and biking trails, and so much more - this location is magical
- Investment - future of my property value
- The people

We moved to Rogers last summer and have LOVED the area! We specifically chose the Scissortail subdivision because of the proximity to Fayetteville, Bentonville, Rogers, and Cave Springs...while having Rogers emergency services, Rogers utilities, and Bentonville Schools. It is important to note that we would not have moved here had this subdivision been a part of Cave Springs.

News of the land swap that is being proposed between the cities of Rogers and Cave Springs has hit my family and community hard.

Primarily because we feel that Cave Springs does not have the infrastructure that Rogers has, cannot provide the same level of safety to my family and the Evening Star Elementary (included in this swap), and will cost the residents that are affected by this swap thousands of extra dollars per year. My worries are detailed below, but if you want, you can skip to the bottom...as I challenge the moralities and purpose of this land swap.

Our worries with the land swap (I have sent the following section to city council members in the cities of Rogers and Cave Springs):

The infrastructure and costs associated:

- I've seen and driven on the roads in Cave Springs - does Cave Springs have the resources to support the added maintenance (and costs) that this "land swap" will bring?
- I've heard stories about delayed police and fire response times - does Cave Springs have the resources to support the added houses and area this land swap will bring?
- I've heard stories of sewage overflowing into people's yards and the proper city officials being difficult, or even impossible, to reach - this worries me...if the city is already stretched for resources, what effect will this many more families and territory have on those resources?
- I've researched how many police officers, paid firemen, and officials the city of Cave Springs has - I would think that the city is currently stretched already to support so many people in such a sprawling area. This concerns me, not only for our family, and the school (also impacted by this change) but also for the current residents of Cave Springs.
- I've shaken my head every single time that I've played chicken with other cars at the intersection of 112 and 264 - again, it appears to me that the city is stretched for resources, as it is obvious that this intersection needs a stoplight.

I'm worried for Evening Star Elementary (included in this "land swap"), and the over 800 students who attend school there:

- What resources does the city of Cave Springs have to provide emergency services to the school, in the event of a fire, trespasser, or much worse - an active shooter situation? Looking into the city, they have significantly fewer resources than Rogers - a partially volunteer fire department does not make me warm and fuzzy, as I have a child who attends school there. Added resources, extended to the school, would undoubtedly take away from resources provided to the community...without additional expenses in this area...expenses that add up quickly.
- To add to my worry above, an ISO rating is a score given to fire departments by the Insurance Services Office (ISO) that reflects how well they are prepared to protect a community and home from fires. I felt safe moving to an area (Rogers) with an ISO rating of 1, which is the very best available. A partial volunteer fire department with the same ISO rating of 4 does not make us feel as safe...our worries apply to both our home and Evening Star Elementary, where my 8-year-old daughter attends school. This land swap adds additional pressure to the existing emergency response systems, for all Cave Springs residents.

I'm worried about the precedence that this sets for the rest of the NWA area:

- This feels dirty and entirely political - I feel like I'm unwanted by one city and the other just wants me for tax \$. Doesn't this just feel wrong to you?....
- I listened to Randall, the Cave Springs mayor, speak at the city council meeting...all I heard was talk of added tax revenue - nothing about added costs that this will no doubt bring to the City of Cave Springs - this does nothing to ease my other worries. I feel that this will add some costs, not currently being considered. It is difficult to weigh these costs in such a small window of time.
- What area is safe from future swaps and annexations? I'm seriously thinking - if we did move...where would it be in this area, so that we're safe from this kind of thing happening once again? I feel that a move such as this leaves a stain on the community, especially when it negatively affects so many residents...and so many oppose it.

Finally, there's the cost to residents:

- Utilities - I know Cave Springs is more expensive (twice the water bill) but I'm also worried about what we don't know. It will take \$ to transition utilities to Cave Springs, and that will mean additional costs to all Cave Springs residents.
- Insurance premiums - we've already looked up the fire department ratings (and spoke about those above) - 1 for Rogers versus a 4 for Cave Springs - this will undoubtedly mean that insurance premiums for us will rise...including car insurance. Many residents work from a budget, and after speaking to insurance companies, most families impacted by this change would be looking at an additional \$1500+ per year, simply in home insurance premiums and car insurance.
- Taxes - completely unknown (as I haven't researched) but with the costs that this transition of utilities alone would bring, I would imagine that taxes would need to be increased for all Cave Springs residents.
- I'm sure there are so many other worries here - but there are more questions provided to us than answers at this point...and quite honestly, it sounds as if the cities have just as many questions as we residents do...questions that will most likely result in more \$ paid by everyone involved.
- Home values - all of these worries can impact home values - even if homes continue to rise, I cannot see how they would at the same rate. The above worries will no doubt keep some people from looking to move to this area.

I've heard from so many of my fellow Scissortail residents. Someone hosted a poll on our neighborhood facebook page, where it asked who supported and opposed this "land swap" - the results were 107 opposed, while not a single person supported it. I feel that the community opposes this to the point of legal action. I care deeply for my

neighborhood and the surrounding cities; this would be harmful to all of us...but I also feel that the residents are left with no other choice if this were to pass.

Why this land swap is wrong - moral and legality:

We live in Scissortail Subdivision - the subdivision was started around 2017 and is almost complete; however, the builder (a man by the name of Bob David) and his business partner (Julie Vaught) still control the POA...and have no plans of relinquishing control. Purchases and budgets for the POA have seen scrutiny in the past from residents, without explanation of discrepancies. Now Bob David pays his own leadership company almost \$50k per year out of the POA budget and it does not appear that the POA can do anything about it - this, however, is not why I write to you.

Around two years ago Bob purchased county land north of our subdivision, adjacent to it, and requested that the city of Rogers annex this newly purchased land into the city...so that they could run utilities to the land and he could develop it. The city of Rogers denied his request...so Bob filed a lawsuit with the city (his investment company is named "Three Flags"). To avoid this lawsuit, the city of Rogers has proposed a "land swap" with the city of Cave Springs, providing that the City of Cave Springs agrees to annex this property and allow development. The proposal was issued and accepted under an emergency clause (one that was supposed to only be used if a public health hazard, to our understanding) so that the timeline was severely accelerated (most likely to limit public disapproval/voice). The land swap is bad for the residents that it affects (for reasons I posted above) and is a ploy for the city of Rogers to avoid litigation, while the city of Cave Springs acquires additional tax revenue (their mayor mentioned nothing of additional expenses in a city council meeting that was recorded)...all at the expense of residents who are innocently caught in the crossfire. I have included below a screenshot of the draft of the annexation agreement between the two cities:

7. **Joint Planning.** Rogers and Cave Springs agree to coordinate the design and construction of additional development in the annexation area during the periods of temporary sewer service provisions of sewer service described herein above. Rogers will provide additional water service capacity or additional sewer service to the annexation area at any time.

8. **Benton County Parcel No. 18-091153-00** is currently annexing a certain parcel currently located in an unincorporated area, namely Benton County Parcel No. 18-091153-00, owned by Three Flags LLC ("Three Flags"). Cave Springs requests that Rogers provide sewer service to the parcel for purposes of facilitating the annexation of the parcel into the City of Cave Springs. The Agreement between Three Flags Investments, LLC and the Commission and RWU. Rogers is willing to provide sewer service to the Parcel provided that Three Flags (a) enters into an agreement with the Commission and RWU (in a form acceptable to the Commission) pursuant to which, *inter-alia*, Three Flags will pay for the extension of water service and sewer service to the parcel; (b) releases from all claims arising from its annexation petition and dismisses with prejudice litigation currently pending in the RWU as further described herein below. "Outside

There are so many other worries that I have regarding this land swap...and there are so many unanswered questions. It appears that these questions will remain unanswered because of the emergency issuance and push of this swap. I'm deeply concerned, and it feels like we residents are extremely powerless...outside of our voice in front of the City Councils. My entire family and so many of my neighbors beg of you to oppose this land swap.

Thank you so much for your time in reading this lengthy email. Our neighborhood is organized in our purpose, and would love any help that your office could provide us. Please reach out to me, if you have any questions.

Thank you for everything that you do for the great state of Arkansas!

Rusty Nicholson

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