

ORDINANCE NO. O-06-72

AN ORDINANCE GRANTING A FRANCHISE TO CAJUN BROTHERS, INC. TO UTILIZE SPECIFIC STREET RIGHT-OF-WAY ON THE WEST SIDE OF FRONT STREET IN BLOCK 14, ROBINSON'S PLAN TO THE CITY OF CONWAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

**Whereas**, Cajun Brothers, Inc. desires to be able to unload tractor-trailer delivery trucks at their showroom facility, and

**Whereas**, the current site of Cajun Brothers Furniture is a series of interconnected zero-lot line buildings landlocked on the north and east by street right-of-ways, by another zero lot line building immediately adjacent to the south, and by railroad right-of-way inaccessible to tractor-trailer delivery trucks to the west, and

**Whereas**, current unloading of delivery trucks to Cajun Brothers requires that delivery trucks be canted such that the southbound lane of Front Street is blocked during unloading operations, and

**Whereas**, the City of Conway is proceeding with plans to construct a new police station on the corner of Front and Prairie Streets utilizing land immediately across Front Street from this site which will increase the traffic along this section of roadway, and

**Whereas**, the provision of a loading dock for this facility in the public right-of-way yet out of the southbound travel lane in addition to a mountable curb in any future streetscape project alongside this business would allow delivery trucks to "square up" with the building and park out of the travel line during unloading operations

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

Section 1: That a franchise is hereby granted from the City of Conway, Arkansas to the owner of Lot 10, Block 14 of the Robinson's Plan currently occupied by Cajun Brothers, Inc. and/or the owner's successors and assigns for fifty (50) years, for the placement of a loading dock on public right-of-way on the west side of Front Street adjacent to Lot 10 of Block 14, Robinson's Plan to the City of Conway, Arkansas.

Section 2: That the franchise be granted starting from a point on the western edge of the Front Street right-of-way no closer than twenty feet from southern edge of Lot 10, Block 14, of Robinson's Plan proceeding eastward no more than eight feet, one inch (8' 1") proceeding northward no more than fifteen feet (15') then westward back to the western edge of the Front Street right-of-way no further north than fifteen feet (15') from the starting point. A solid structure for the purposes of a loading dock may be constructed in said franchise easement no higher than the finish floor elevation of the building immediately adjacent to said franchise or in any case no higher than four (4) feet above the sidewalk or surrounding pavement. A perimeter handrail may be placed on the southern and eastern sides of the structure above the finish floor elevation to provide for the safety of those using the loading dock. The handrail must be constructed in such a fashion as to provide clear viewing through it above the finish floor elevation of the dock. Protective poles may also be placed abutting the eastern corners of the loading dock but must also be located within the dimensions of the franchise easement.

Section 3: The franchisee is also guaranteed by grant of this franchise that the public right-of-way immediately north of the franchised loading dock and immediately adjacent to the eastern side of the existing store location be preserved as a parking area for delivery trucks regardless of whether it is continued to be used for general parking or is eventually redeveloped as sidewalk.

Section 4: That the structure permitted by this franchise shall be constructed, erected, maintained, repaired and operated in a strict compliance with all City codes, ordinances, and regulations for the life of the franchise and shall be approved as to its design by the city engineer. Further, the exterior vertical surfaces of the loading dock must be constructed out of brick, decorative block, or architecturally molded concrete as approved by the city engineer.

Section 4: That the City of Conway assumes no maintenance responsibility for the permitted loading dock. The City shall not be responsible for damage to the loading dock by the City or by utility (public or franchised private) crews while performing normal maintenance work in the public right-of-way or easements. The City assumes no liability for personal injury or property damages as of a result of the placement of the permitted loading dock and the applicant shall indemnify and hold the City harmless from actions, claims, costs, damages, and expenses to which the City may be subjected arising out of the placement of the permitted loading dock in the public right-of-way.

Section 5: That upon notice from the appropriate city departments (as established by the Mayor), the franchisee shall remove the permitted items from the public right-of-way or easement at their own expense for any public improvement project or if the situation becomes a public nuisance.

Section 6: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

Section 7: That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and publication and shall benefit and run in favor of all future owners of the property and their successors and assigns.

**PASSED** this 13<sup>th</sup> day of June, 2006

**Approved:**

  
**Mayor Tab Townsell**

**Attest:**

  
**Michael O. Garrett**  
City Clerk/Treasurer