ORDINANCE NO. O-07-74

AN ORDINANCE AMENDING THE CONWAY SUBDIVISION ORDINANCE REVISING SIDEWALK ASSURANCE PROCEDURES, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

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

Section 1: That ARTICLE V, SECTION 9, SIDEWALKS of the Conway Subdivision Ordinance as adopted by Ordinance O-00-03 on January 25, 2000 is hereby amended to add the following language:

(5) Sidewalks Along Collectors and Above: Sidewalks along streets classified as a collector or above shall be constructed by the subdivision developer concurrently with construction of the other subdivision infrastructure. Such construction shall be completed or assurance of construction equal to that required for other infrastructure improvements provided prior to the filing of the final plat. Such sidewalk construction, location, and responsibility shall be clearly identified and be a requirement of the final plat. In cases where homes are constructed with access along a street classified as a collector or above, the Planning Commission may approve assurance of construction as outlined in (6) Sidewalks Along Residential Streets below.

(6) Sidewalks Along Residential Streets: Sidewalks along streets classified as residential shall be constructed by the homeowner/builder. The sidewalk shall be installed prior to the final inspection and issuance of a certificate of occupancy. Sidewalks on lots that are not built out within three (3) years of final platting shall be the responsibility of the developer. A separate assurance for this completion shall be required prior to the filing of the final plat. This assurance shall be equal to 30% of the amount necessary to complete all sidewalks required within the subdivision at the end of the three year bonding period. This amount shall be determined by the City Engineer. These funds shall be financed with a performance bond, or cash deposit. The amount of sidewalk build out will be reviewed on an annual basis and this assurance shall be adjusted according to the percent of sidewalk completion.

Section 2: That any ordinances or parts of ordinances in effect at the time of the passage of this ordinance that are in conflict with this ordinance are repealed to the extent of the conflict.

Section 3: That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance will be in full force and effect from and after its passage and approval.

PASSED this 26th day of June, 2007.

APPROVED:

[Signature]
Mayor Tab Townsell

ATTEST:

[Signature]
Michael O. Garrett
City Clerk/Treasurer