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City of Conway, Arkansas
Ordinance No. O-10-134

AN ORDINANCE GRANTING A FRANCHISE TO THE GREEN'S AT NUTTER CHAPEL LLP TO UTILIZIE RIGHT-OF-WAY FOR A LIGHTED FLAGPOLE IN THE ROUNDABOUT LOCATED AT OR NEAR 1705 S. SALEM ROAD; AND FOR OTHER PURPOSES:

Whereas, The Green at Nutter Chapel LLP, located at 1705 S. Salem Road LLP, has requested to located a light flagpole in the roundabout near the complex in the city's right of way; and

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

Section 1: That a franchise is hereby granted from the City of Conway, Arkansas to the Green's at Nutter Chapel LLP to utilize the public right of way (roundabout) to place and maintain a lighted flagpole.

Section 2: That the flagpole 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.

Section 3: That the City of Conway assumes no maintenance responsibility for the permitted flag pole. The City shall not be responsible for damage to the flagpole 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 inquiry or property damages as of a result of the placement of the flagpole 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 flagpole in the public right-of-way.

Section 4: 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Section 5: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

PASSED this 14th day of December, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer