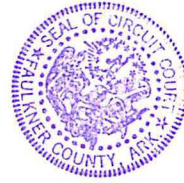


3

CERTIFICATE of RECORD



**City of Conway, Arkansas
Ordinance No. O-16-95**

Instrument #201614171

Real Estate Book

Ordinance

Filed: 09/13/2016 03:43 pm

Faulkner County, Arkansas

Rhonda Wharton, Circuit Clerk

By: Diana Varner, D.C.

3 Pages

\$25.00

AN ORDINANCE GRANTING A FRANCHISE TO S.A.M. Group, LLC, TO UTILIZE SPECIFIC RIGHT-OF-WAY ON THE EAST SIDE OF FRONT STREET AT 910 AND 912 FRONT STREET AND JUST NORTH OF 912 FRONT STREET IN THE ALLEY OF BLOCK 11, ROBINSON'S PLAN TO THE CITY OF CONWAY:

Whereas, S.A.M. Group, LLC, desires to be able to construct an unenclosed balcony along the front of the new building at 910 & 912 Front Street and an unenclosed stair in the alley North of 912 Front Street.

Whereas, the City of Conway owns the Right-Of-Way along Front Street and entire alley, and

Whereas, based on the dimensions of the proposed unenclosed balcony and unenclosed stair, it does not appear that such building elements shall impede or hamper any current use or activity along Front Street or in the alley, and

Whereas, construction of an unenclosed balcony at this location shall serve as a betterment and provide vibrancy for downtown activity. It will also provide sidewalk cover as protection to pedestrians. Construction of an unenclosed stair at this location shall provide private access to 2nd story loft apartments and also contribute to the vibrancy and density of the downtown urban environment.

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 owners of the Central 1/3 and North 25' of Lot 9, Block 11 of the Robinson's Plan and/or the owner's successors and assigns for the life of the building, for the placement of an unenclosed balcony within public right-of-way on the Eastern side of Front Street along the said Central 1/3 and North 25' of Lot 9, Block 11 of the Robinson's Plan to the City of Conway, Arkansas. Franchise shall also grant from the City of Conway, Arkansas to the owners of the Central 1/3 and North 25' of Lot 9, Block 11 of the Robinson's Plan and/or the owner's successors and assigns for the life of the building, for the placement of an unenclosed stair within public right-of-way on the Southern side of alley from Front Street to Chestnut street, North of said Central 1/3 and North 25' of Lot 9, Block 11 of the Robinson's Plan to the City of Conway, Arkansas.

Section 2: That the franchise area for the unenclosed balcony shall be granted as described: Starting at 15 feet above the ground, at the Southwest corner of Lot 9, Block 11, Central 1/3, Robinson's Plan; thence Northerly 6 feet along the west property line of Central 1/3 of Lot 9 to the point of beginning; thence Westerly 6 feet 4 inches into the ROW; thence Northerly 39 feet 4 inches to the North property line of the North 25 feet of Lot 9; thence continue Northerly 5 feet into the alley; thence Easterly 6 feet 4 inches to the West property line of Lot 9; thence continue Easterly 33 feet 8 inches along the North property line of Lot 9 and parallel to the alley; thence Southerly 5 feet back to the North property line of Lot 9. A steel structured, composite concrete deck balcony for the purposes of outdoor dining and festival observance may be constructed in said franchise easement at 15 feet above finish floor elevation of the building immediately adjacent to said franchise.

That the franchise area for the unenclosed stair shall be granted as described: Starting at the Northwest corner of Lot 9, Block 11, Robinson's Plan; thence Easterly 28 feet 6 inches along the North property line of North 25 feet of Lot 9 to the point of beginning; thence Northerly 6 feet into the alley; thence Easterly 37 feet 6 inches; thence Southerly 6 feet back to the North property line of Lot 9. A steel structured stair and composite concrete deck landing for the purposes of accessing 2nd story loft apartments

may be constructed in said franchise easement originating at grade level and terminating at 16 feet 8 inches above finish floor elevation of the building immediately adjacent to said franchise.

Section 3: That the structures permitted by this franchise shall be constructed, erected, maintained, repaired and operated in a strict compliance with all state, federal and City codes, ordinances, and regulations for the life of the franchise and shall be approved as to its design by the city authorities having jurisdiction. Further, the exterior vertical surfaces of the handicap entrance 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 unenclosed balcony or unenclosed stair. The City assumes no liability for personal injury or property damages as of a result of the placement of the permitted unenclosed balcony or unenclosed stair 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 unenclosed balcony or unenclosed stair 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 23rd day of August, 2016.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer

