RESOLUTION R-06-10

WHEREAS, the Class 4 Landfill at the City of Conway has been closed according to the regulations of the Federal Environmental Protection Agency and the Arkansas Department of Environmental Quality (ADEQ); and

WHEREAS, ACA 8-6-1404 and ADEQ Chapter 13 of Regulation 22 require that certain restrictions be placed on such closed landfills to run with the land and be binding on all owners, present and future.

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

Section 1. The Mayor of Conway, Arkansas is hereby authorized to sign a Permanent Land Use Restriction on the Class 4 Landfill with the legal description as follows:

Part of the NE ¼ of NE ¼ and Part of the NW ¼ of NE ¼ of Section 32, T-6-N, R-14-W, Faulkner County, Arkansas.

Section 2. That the restriction shall be that it shall be unlawful for any person, partnership, company, corporation or other entity to build, erect or construct any house, home or building to be used for residential purposes within the areas delineated above as having previously received solid waste, and the use of such areas is permanently restricted.

Passed this 25th day of April, 2006

APPROVED:

[Signature]
Mayor Tab Townsell

ATTEST:

[Signature]
Michael O. Garrett
City Clerk/Treasurer
PERMANENT LAND USE RESTRICTION

Tab Townsell, Mayor, Conway, Arkansas hereby affirms and represents that the City of Conway, Arkansas is the sole owner of certain real property described in EXHIBIT A, attached hereto. Tab Townsell hereby makes the following declarations as to limitations, restrictions, and uses to which that portion of the property shown on EXHIBIT A may be put, due to disposal of solid waste on the property and as specified by ACA 8-6-1404 and Chapter 13 of Arkansas Regulation 22. Tab Townsell further specifies that it is intended that such declarations run with the land as provided by law and be binding on all parties claiming under by Tab Townsell.

It shall be unlawful for any person, partnership, company, corporation or other entity to build, erect, or construct any house, home, or building to be used for a residential purposes within the areas delineated as having previously received solid waste, and the use of such areas is permanently restricted.

Dated this 25th day of April, 2006

BY: Tab Townsell, Mayor
City of Conway, Arkansas

STATE OF ARKANSAS
COUNTY OF FAULKNER

On this day personally appeared before me Tab Townsell who acknowledges that he executed and signed the foregoing Permanent Land Use Restriction, for the reasons and purposes contained.

WITNESS my hand and seal this 15th day of May, 2006

Selena Greene
Notary Public

My Commission Expires: 11-10-15
EXHIBIT A
DRAWING OF BOUNDARY SURVEY WITH LEGAL DESCRIPTION PREPARED AND SIGNED BY REGISTERED LAND SURVEYOR