



**City of Conway, Arkansas
Resolution No. R-13-46**

A RESOLUTION RESCINDING RESOLUTION R-11-28 AND ORDERING THE CONTINUED MONITORING OF A STRUCTURE LOCATED ON 912 FRONT STREET AS TO ITS STRUCTURAL INTEGRITY.

WHEREAS, Arkansas Code Annotated §14-56-201(1) states that municipal corporations shall have the power to regulate the erection, construction, reconstruction, alteration, and repair of buildings; and

WHEREAS, there is a structure located at 912 Front Street which was determined in 2011 to be unsafe and the council ordered by and through Resolution No. R-11-28 that the property be brought up city code by the owner therefore; and

WHEREAS, since that time the building has been monitored for indicators of lack of structural integrity and danger of collapse; and

WHEREAS, an analysis of prior monitoring and inspections was received from Robert B. Paullus, Jr. of Paullus Structural Consultants dated the 8th day of August, 2013. A copy of said analysis is attached hereto and incorporated into this Resolution as if set out word for word; and

WHEREAS, among Mr. Paullus' conclusions, it was noted that "... to date, there have been no real noticeable changes in the position of the crack monitors. As reported previously, it seems that most of the building movement and the extreme out-of-plumb conditions occurred much earlier in the buildings life."

WHEREAS, as a result of continued monitoring and including the inspection, evaluation and analysis performed by Paullus Structural Consultants, it is the City Council's best information and belief that there is no imminent danger to the public health or safety due to the structural integrity of the structure located at 912 Front Street and therefore, Resolution No. R-11-28 should be rescinded; and

WHEREAS, in order be diligent and monitor the continued structural integrity of the structure, it is prudent to continue to monitor the structure by use of accepted practices.

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

SECTION 1: As a result of continued monitoring and including the inspection, evaluation and analysis performed by Paullus Structural Consultants, including an analysis of prior monitoring and inspections received from Paullus Structural Consultants dated the 8th day of August, 2013, it is the City Council's best information and belief that there is no imminent danger to the public health or safety due to the structural integrity of the structure located at 912 Front Street. Therefore, Resolution No. R-11-28 is hereby rescinded.

SECTION 2: That the Paullus analysis further noted: "That the structure still needs repair before continued occupancy should be considered." Therefore, prior to occupancy of the structure at 912 Front Street in Conway, Arkansas, because of the past indications of cracks in the masonry and other indicators of structural stresses and age of the building, the building is hereby ordered to be monitored and tested in a manner recommended by Paullus Structural Consultants and as otherwise approved by the City using accepted industry standards, with the costs of such monitoring and testing being borne by the owner therefore.

SECTION 3: That a copy of this Resolution be forwarded to the owner of said property by certified mail, return receipt requested, and regular mail, directing that said owner shall pay the costs associated with the reasonable monitoring and testing of the structure in a manner approved by the City using accepted industry standards. Said owner shall have thirty (30) days after receipt of notice of the Resolution to petition the city council in writing and request an opportunity to be heard on the matters ordered herein.

PASSED this 27th day of August, 2013.

Approved:



Mayor Tab Townsell

Attest:



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