

City Council Members

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Mark Vaught
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Jim Rhodes
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones, Jr.
Ward 4 Position 2 – Shelia Whitmore

City Council Meeting - Tuesday, April 26th, 2011 @ 6:30pm

Judge Russell L. "Jack" Roberts District Court Building – 810 Parkway St., Conway, AR 72032

5:30pm - Committee Meeting:

No Committee Meeting

Call to Order

Roll Call

Minutes: **April 12th, 2011**

Announcements / Proclamations / Recognition: Employee Service Awards

Recognition of CPD/Special Olympics Torch Run

1. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)

1. Consideration of a warranty deed for transfer of property at the proposed Tupelo Wastewater Plant.
2. Consideration for condemnation proceedings for easements only on the Harkrider widening project.
(Additional Information will be provided)
3. Consideration to amend the power purchase agreement for Conway Corporation.
(Agreement will be provided)
4. Resolution establishing the intent of the City of Conway to annex certain lands comprised of 57.64 acres located South of Dave Ward Drive and west of Lollie Road and East of Sand Gap Road with the possible address of 3605 Lollie Road or 3600 Sand Gap Road.
5. Ordinance adopting by reference the City of Conway Airport height and land use zoning overlay district.

B. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

1. Resolution setting a public hearing to discuss closing a utility easement located within the Axiom Corporate Campus.
2. Consideration to accept bids on the demolition of a structure located at 1415 Lincoln Street.
3. Ordinance to rezone property located at 1544-1546, 1550-1552, 1605, 1606, 1616, 1619, 1625 Clifton Street; 1503 ½, 1505, 1531, 1541, 1545, 1551, 1553, 1605, 1615 Washington Ave; Vacant Lots at Front and Independence East of Railroad tracks; and the parking lot at Harkrider and Markham from MF-3 AND C-3 TO S-1.

Old Business

1. Resolution creating a City of Conway Reserve Account.

New Business**Adjournment**

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, Conway Corporation, for and in consideration of Ten and no/100 (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged by Grantors do hereby grant, bargain, sell and convey unto the city of Conway, Arkansas, absolutely and in fee simple, and unto its successor and assigns forever, the following described lands situated in Faulkner County, Arkansas.

A TRACT OF LAND IN THE E1/2, W1/2, SEC 19, T-5-N, R-14-W, FAULKNER COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 1 1/4" IRON PIPE AT THE SOUTHEAST CORNER OF THE SAID SECTION 19; THENCE N 88°39'32" W 2671.57 FEET ALONG THE SOUTH LINE OF SEC 19 TO A FOUND PK NAIL IN THE CENTERLINE OF LOLLIE ROAD AT THE SOUTHEAST CORNER OF THE E1/2, W1/2, SEC 19 SAID POINT BEING THE POINT OF BEGINNING; THENCE N 88°35'13" W 1296.62 FEET TO FOUND 1" INSIDE DIAMETER (I.D.) PIPE; THENCE N01°42'08" E 764.99 FEET TO A SET 5/8" REBAR AND CAP; THENCE S70°08'34" E 1368.02 FEET TO A SET PK NAIL ON THE EAST LINE OF SAID E1/2, W1/2, SEC 19; THENCE S 02°16'23" W 332.19 FEET ALONG SAID EAST LINE OF THE E1/2, W1/2, SEC 19 TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 16.36 ACRES MORE OR LESS.

Provided however, the following covenants apply:

1. The land shall be reserved for future utility use if approved by the City of Conway and the Federal Aviation Authority.
2. The land shall be secured and maintained by Conway Corporation.

THE CONSIDERATION HEREIN IS LESS THAN \$100.00

To have and to hold, the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunder belonging.

And we, the Grantor, hereby covenant with said Grantee that we will forever warrant and defend the title to said lands against all claims whatever.

IN TESTIMONY WHEREOF, the name of the Grantor is hereunto affixed by its duly authorized officer on this ___ day of _____, 2011

Conway Corporation

By: _____

Attest:



TERRY KELLEY - 15' EASEMENT - 8" SEWER - THE WEST 15' ADJACENT TO WEST PROPERTY LINE.

Conway Corporation Utilities

1 inch = 100 feet

Conway Corporation Disclaimer
The data contained herein was compiled from various sources for the sole use and benefit of the Conway Corporation. Any use of the data by anyone other than the Conway Corporation is at the sole risk of the user, and by acceptance of this data, user does hereby hold the Conway Corporation harmless and without liability from any claims, costs or damages of any nature against the Conway Corporation, including costs of defense arising from litigation use of data, or use by another party.
Acceptance or use of this data is done without any expressed or implied warranties.



CASEY JONES - 10' EASEMENT - 8" WATER MAIN - 10' ADJACENT TO HWY 65B
 RIGHT OF WAY

Conway Corporation Utilities

1 inch = 100 feet

Conway Corporation
 This document is prepared from various sources for the sole use and benefit of the City of Conway. Conway Corporation does not warrant the accuracy or completeness of the data or information shown hereon. Conway Corporation is not responsible for any errors or omissions in this document. Conway Corporation is not responsible for any damage or injury to any person or property arising from the use of this document. Conway Corporation is not responsible for any loss of data or information. Conway Corporation is not responsible for any loss of time or money. Conway Corporation is not responsible for any loss of business or other financial loss. Conway Corporation is not responsible for any loss of reputation or other intangible loss. Conway Corporation is not responsible for any loss of data or information. Conway Corporation is not responsible for any loss of time or money. Conway Corporation is not responsible for any loss of business or other financial loss. Conway Corporation is not responsible for any loss of reputation or other intangible loss.



WALGREENS - 15' EASEMENT - FOR 8" WATER - ADJACENT TO HWY 65B
 RIGHT OF WAY



1 inch = 100 feet

Conway Corporation Utilities

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 Acceptance of use of this data is done without any expressed or implied warranties.
 6/19/00



City of Conway, Arkansas
Resolution No. R-11- _____

A RESOLUTION ESTABLISHING THE INTENT OF THE CITY OF CONWAY TO ANNEX CERTAIN LANDS COMPRISED OF 57.64 ACRES LOCATED SOUTH OF DAVE WARD DRIVE AND WEST OF LOLLIE ROAD AND EAST OF SAND GAP ROAD WITH THE POSSIBLE ADDRESSES OF 3605 LOLLIE ROAD OR 3600 SAND GAP ROAD:

WHEREAS, the City of Conway, Arkansas, wishes to declare its intent to annex and to petition for release from the County Court of Faulkner County, Arkansas, for annexation into the City of Conway, Arkansas, the following described lands in Faulkner County, Arkansas

A part of the E ½ SE ¼ of Section 2, T-4-2-N, R-15-W, described as beginning at a found ½" rebar at the NE Corner of said E ½ SE ¼ thence along East line of said Section 2, S 01-37-29 W 1220.67 ft to a ½" rebar; thence leaving said East line S 45-04-03 W 1706.20 ft to a set ½" rebar; thence N 44-55-57 W 202.17 ft to a set ½" rebar on the West line of said E ½ SE ¼; thence along said West line N 01-37-30 E 2322.17 feet to a to a set ½" rebar at the NW corner of the NE ¼ SE ¼; thence along the North line of said NE ¼ SE ¼ 130.01 ft to the point of beginning containing 39.96 acres in the NE ¼ SE ¼ and 17.68 acres in the SE ¼ SE ¼, making a total of 57.64 acres more or less.

Whereas, it is desired to indicate unto the County Court of Faulkner County, Arkansas, the attitude of the City of Conway, Arkansas, toward such annexation.

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

SECTION 1: That said City Council does hereby declare its willingness to accept said lands as a part of the City of Conway, Arkansas, to be zoned **I-3**.

Passed this 26th day of April, 2011.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

April 19, 2011

Council Members
Conway, AR 72032

Dear Council Members:

City of Conway request for annexation with **I-3** zoning for property located south of Dave Ward Drive and east of Sand Gap Road and west of Lollie Road with the legal description

A part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2, T-4-2-N, R-15-W, described as beginning at a found $\frac{1}{2}$ " rebar at the NE Corner of said E $\frac{1}{2}$ SE $\frac{1}{4}$ thence along East line of said Section 2, S 01-37-29 W 1220.67 ft to a $\frac{1}{2}$ " rebar; thence leaving said East line S 45-04-03 W 1706.20 ft to a set $\frac{1}{2}$ " rebar; thence N 44-55-57 W 202.17 ft to a set $\frac{1}{2}$ " rebar on the West line of said E $\frac{1}{2}$ SE $\frac{1}{4}$; thence along said West line N 01-37-30 E 2322.17 feet to a to a set $\frac{1}{2}$ " rebar at the NW corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence along the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 130.01 ft to the point of beginning containing 39.96 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 17.68 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, making a total of 57.64 acres more or less.

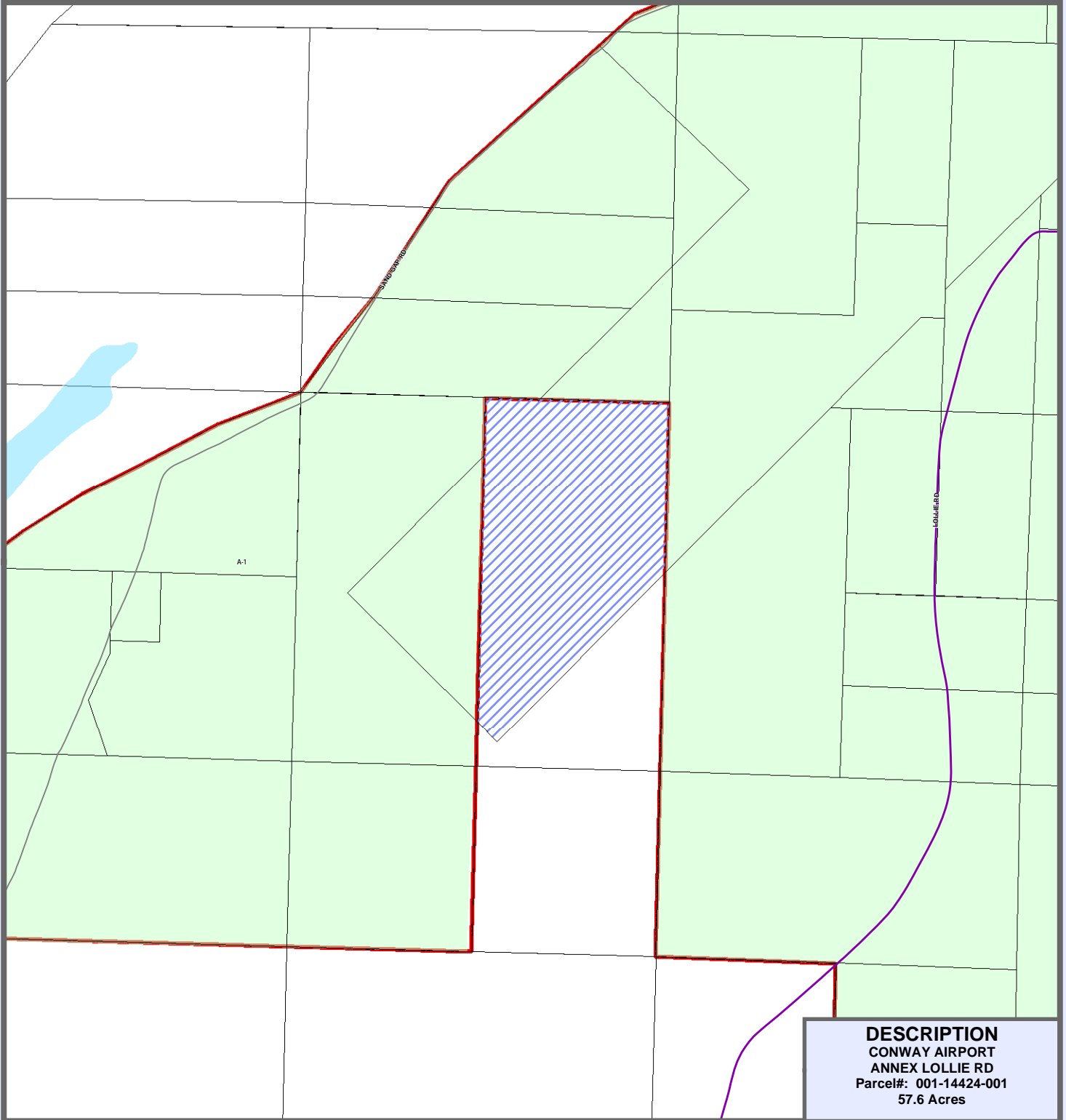
was reviewed by the Planning Commission at its regular meeting on April 18, 2011. The Planning Commission voted 6 – 0 that the request for annexation with **I-3** zoning be sent to the City Council with a recommendation for approval.

Submitted by,

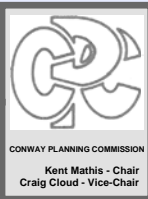
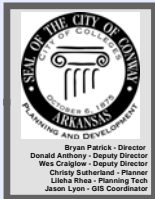
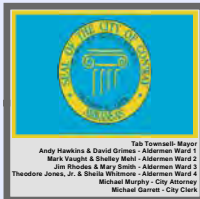
Kent Mathis, Chairman
Planning Commission

CITY OF CONWAY

CONWAY AIRPORT ANNEXATION



DESCRIPTION
CONWAY AIRPORT
ANNEX LOLLIE RD
Parcel#: 001-14424-001
57.6 Acres



<ul style="list-style-type: none"> — INTERSTATE — MAJOR ARTERIAL — MINOR ARTERIAL — COLLECTOR — RESIDENTIAL — PRIVATE ROAD — INTERSTATE RAMP — RAILROADS 	<ul style="list-style-type: none"> — LOT LINE — STREAMS — LAKES & PONDS — CITY LIMITS 	<p>Residential</p> <ul style="list-style-type: none"> R-1 R-2A R-2 HR SR 	<p>Industrial</p> <ul style="list-style-type: none"> MF-1 MF-2 MF-3 RMH 	<p>Commercial</p> <ul style="list-style-type: none"> C-1 C-2 C-3 C-4 	<p>Office</p> <ul style="list-style-type: none"> O-1 O-2 O-3 	<p>Industrial</p> <ul style="list-style-type: none"> I-1 RU-1 I-3 <p>Special</p> <ul style="list-style-type: none"> SP S-1 A-1 PUD
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THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK GIS WEBSITE:
 gis.cityofconway.org (INDEX DEVELOPMENT)
 E-MAIL: Jason.Lyon@CityOfConway.org



City of Conway, Arkansas
Ordinance No. O-11-__

AN ORDINANCE ADOPTING BY REFERENCE THE CITY OF CONWAY AIRPORT HEIGHT AND LAND USE ZONING OVERLAY DISTRICT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, "The Airport Zoning Enabling Act," Act 116, Acts of Arkansas, 1941 (as amended) gives the City of Conway the authority for establishing restrictions around Airports for the health and safety of the public. It is hereby found that an obstruction to navigable airspace has the potential for endangering the lives of property and users of the Conway Municipal Airport, and property or occupants of land in its vicinity; that such obstruction may affect existing and future instrument approach minimums of the Conway Municipal Airport; and that such obstructions may reduce the size of areas available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Conway Municipal airport and the public investment therein.

WHEREAS, certain agricultural crops, constructed water impoundments and other land use practices may create bird and waterfowl attractants in the vicinity of the Airport. Birds and waterfowl in the vicinity of the runway may create a safety hazard for aircraft using the Conway Municipal Airport. Therefore, the City of Conway desires to establish land use controls to minimize the potential for creating new bird or waterfowl attractants in the vicinity of the a Conway Municipal Airport. Preexisting land uses may be exempt from these bird and waterfowl attract controls if uses can be documented prior to the effective date of this ordinance. This land use restricting may extend beyond the City Limits of Conway into the unincorporated lands of Faulkner County as provided in Arkansas State Code ACA 14-56-413.

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

SECTION 1. The City of Conway Airport Height and Land Use Overlay District is hereby adopted by reference which was approved following notice as required by law, such ordinance consisting of the text and graphics, of which not less than three (3) copies have been and now are filed in the office of the Clerk of the City of Conway, Arkansas.

SECTION 2. All ordinances in conflict herewith 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 shall be in full force and effect from and after its passage and approval.

PASSED this 26th day of April, 2011.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett, City Clerk/Treasurer

CITY OF CONWAY

CONWAY AIRPORT OVERLAY DISTRICT

PERRY COUNTY

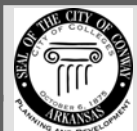
FAULKNER COUNTY

DESCRIPTION

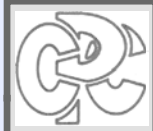
**CONWAY AIRPORT
PROPOSED OVERLAY
10,000 FT ZONE FROM RUNWAY**



Tab Townsash - Mayor
Andy Hawkins & David Grimes - Aldermen Ward 1
Mark Vaughn & Shelby Mahi - Aldermen Ward 2
Jim Rhodes & Mary Smith - Aldermen Ward 3
Theodore Jones, Jr. & Sheila Whitmore - Aldermen Ward 4
Michael Murphy - City Attorney
Michael Garrett - City Clerk



Bryan Patrick - Director
Donald Anthony - Deputy Director
Wes Craiglow - Deputy Director
Christy Sutherland - Planner
Liliana Rivera - Planning Tech
Jason Lyon - GIS Coordinator



CONWAY PLANNING COMMISSION
Kent Mathis - Chair
Craig Cloud - Vice-Chair

	INTERSTATE		LOT LINE
	MAJOR ARTERIAL		STREAMS
	MINOR ARTERIAL		LAKES & PONDS
	COLLECTOR		CITY LIMITS
	RESIDENTIAL		
	PRIVATE ROAD		
	INTERSTATE RAMP		
	RAILROADS		

Residential		Industrial	
	R-1		MF-1
	R-2A		MF-2
	R-2		MF-3
	HR		RMH
	SR		
Commercial		Office	
	C-1		O-1
	C-2		O-2
	C-3		O-3
	C-4		
Special			SP
			S-1
			A-1
			PUD

0 375 750 1,500 2,250 Feet

1 in = 4,000 ft

APRIL 2011

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CONTACT INFORMATION
LANDMARK GIS WEBSITE
gis.cityofconway.org (UNDER DEVELOPMENT)
E-MAIL: Jason.Lyon@CityOfConway.org

Printing Date: 4/1/2011
File Name: gis\maps\2011\04APR2011\CITY AIRPORT OVERLAY.mxd
Drawing File: 201104APR2011\CITY AIRPORT OVERLAY.mxd



City of Conway, Arkansas
Adopted by Reference Ordinance No. O-11-____

CITY OF CONWAY AIRPORT HEIGHT AND LAND USE ZONING OVERLAY DISTRICT

A ZONING OVERLAY DISTRICT TO LIMIT HEIGHT OF OBJECTS AND OTHER LAND USE CONTROLS IN THE VICINITY OF THE CONWAY MUNICIPAL AIRPORT.

AN OVERLAY DISTRICT REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE CONWAY MUNICIPAL AIRPORT, BY CREATING APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE "CONWAY MUNICIPAL AIRPORT HEIGHT ZONING MAP," WHICH IS INCORPORATED IN AND MADE A PART OF THIS OVERLAY DISTRICT; PROVIDING FOR ENFORCEMENT; ESTABLISHING ADMINISTRATIVE RESPONSIBILITY; AND IMPOSING PENALTIES.

WHEREAS, "The Airport Zoning Enabling Act," Act 116, Acts of Arkansas, 1941 (as amended) gives the City of Conway the authority for establishing restriction around Airports for the health and safety of the public. It is hereby found that an obstruction to navigable airspace has the potential for endangering the lives of property and users of the Conway Municipal Airport, and property or occupants of land in its vicinity; that such obstruction may affect existing and future instrument approach minimums of the Conway Municipal Airport; and that such obstructions may reduce the size of areas available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Conway Municipal airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Conway Municipal Airport;
- (2) that it is necessary in the interest of the public health, safety and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented;
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and
- (4) that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

WHEREAS, certain agricultural crops, constructed water impoundments and other land use practices may create bird and waterfowl attractants in the vicinity of the Airport. Birds and waterfowl in the vicinity of the runway may create a safety hazard for aircraft using the Conway Municipal Airport. Therefore, the City of Conway desires to establish land use controls to minimize the potential for creating new bird or waterfowl attractants in the vicinity of the a Conway Municipal Airport. Preexisting land uses shall be exempt from these bird and waterfowl attract controls if uses can be documented prior to the effective date of this Overlay District. This land use restricting may extend beyond the City Limits of Conway into the unincorporated lands of Faulkner County as provided in Arkansas State Code ACA 14-56-413.

IT IS HEREBY ORDAINED BY THE CONWAY CITY COUNCIL OF CONWAY, ARKANSAS, AS FOLLOWS:

SECTION I: SHORT TITLE

This Overlay District shall be known and may be cited as the “City of Conway Airport Height and Land Use Zoning Overlay District.”

SECTION II: DEFINITIONS

As used in this Overlay District, unless the context otherwise requires:

1. AIRPORT: Conway Municipal Airport located in the southwest portion of the City of Conway, Arkansas.
2. AIRPORT ELEVATION: 275 feet above mean sea level.
3. AIRPORT MANAGER: The person responsible for the day-to-day operations and management of the Conway Municipal Airport appointed by the Conway City Council.
4. APPROACH SURFACE: An imaginary plane longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the appropriate approach zone height limitation slope set forth in Section IV of this Overlay District. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
5. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in Section III of this Overlay District.
6. City Council: Shall mean the City of Conway’s City Council.
7. CONICAL SURFACE: An imaginary surface extended outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
8. GRANDFATHERED IN: A term used to indicate a condition or practice in existence prior to the enactment of restriction or rules impacting the condition or practice and allowed to be exempt from the rules and restriction and continue because of the preexisting condition.
9. HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.
10. HEIGHT: For the purpose of determining the height limits in all zones set forth in this Overlay District and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
11. HORIZONTAL SURFACE: An imaginary horizontal plane 150 feet above the airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone. The actual elevation of the horizontal surface is 428.6 feet above mean sea level.
12. NONCOMFORMING USE: Any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions contained herein at the time of the adoption of this Overlay District or any amendment thereto.
13. NONPRECISION INSTRUMENT RUNWAY: A runway have an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
14. OBSTRUCTION: Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Overlay District.
15. PERSON: Any individual, firm, partnership, public or private corporation, company, association, joint stock association or government entity, and includes any trustee, receiver, assignee or other similar representative thereof.
16. PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), Precision Approach Radar (PAR), Microwave Landing System (MLS), or Precision Global Positioning System (GPS). It also

- means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
17. PRIMARY SURFACE: An imaginary surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section III of this Overlay District. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway (pavement) centerline.
 18. RUNWAY: An area prepared for landing and takeoff of aircraft along its length.
 19. STRUCTURE: Any object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.
 20. CONWAY AIRPORT COMMISSION: A Commission consisting of seven (7) members to be appointed by the Conway City Council to oversee the operations and management of the Conway Municipal Airport. Until a Conway Airport Commission is appointed, the Conway City Council will serve as this body.
 21. TRANSITIONAL SURFACES: These imaginary surfaces extend outward at 90 degree angles to the runway centerline (and the extended runway centerline) at a slope of (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
 22. TREE: Any object of natural growth.

SECTION III: AIRPORT ZONES

In order to carry out the provision of this Overlay District, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surface, horizontal surface and conical surface as they apply to the Conway Municipal Airport. Such zones are shown on the "Conway Municipal Airport Height Zoning Maps 1 & 2," consisting of two sheets, prepared by Garver, LLC dated March 2011 and subsequent updates thereof, which is attached to this Overlay District and made part hereof. A legal description attached as "Exhibit A" further describes the land area included in the land use restrictions. An area located in more than one of the following zones is considered to be only in the zone with more restrictive height limitation. The various height restriction zones are hereby established and defined as follows.

1. Nonprecision Instrument Approach Zone (Runway 5) - the inner edge of this approach zone coincides with width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at the horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Precision Instrument Approach Zone (Runway 23) - The inner edge of this approach zone coincided with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Transitional Zones - Area beneath the transitional surfaces.
4. Horizontal Zone - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
5. Conical Zone - The area that commences at the periphery of the horizontal zone and extends outward for a horizontal distance of 4,000 feet.

Furthermore, there are hereby created and established zones which include all the land lying beneath the runway protection zones as they apply to the Conway Municipal Airport. The runway protection zones are hereby established and defined as follows:

1. Runway Protection Zone (Runway 5) – The inner edge of the zone begins 200 feet beyond the end of the runway and it is trapezoidal in shape and centered about the extended runway centerline. The inner width is 1,000 feet, the outer width is 1,510 feet and the length is 1,700 feet, containing 48.978 acres, more or less.
2. Runway Protection Zone (Runway 23) – The inner edge of the zone begins 200 feet beyond the end of the runway and it is trapezoidal in shape and centered about the extended runway centerline. The inner width is 1,000 feet, the outer width is 1,750 feet and the length is 2,500 feet, containing 78.914 acres, more or less.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Overlay District, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Overlay District to a height in excess of the applicable height limitation herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

1. Nonprecision Instrument Approach Surface (Runway 5) - Slopes thirty-four (34) feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface, and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. Precision Instrument Approach Surface (Runway 23) - Slopes fifty (50) feet outward for each foot upward, beginning at the end of and at the same elevation as the primary surface, and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes outward forty (40) feet horizontally for each foot upward to an additional horizontal distance of 40,000 feet along the extended runway centerline.
3. Transitional Surface - Slope seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation or 428.6 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface and horizontal surface. Where a precision instrument runway approach surface projects beyond the conical surface, there are established height limits sloping seven (7) feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet, measured at 90 degree angles to the extended runway centerline.
4. Horizontal Surface – Established at 150 feet above the airport elevation or at a height of 428.6 feet above mean sea level.
5. Conical Surface - Slopes twenty (20) feet outward for each foot upward, beginning at the periphery of the horizontal surface and at 150 feet above the airport elevation, and extending to a height 350 feet above the airport elevation or at a height of 628.6 feet above mean sea level.
6. Excepted Height Limitations - Nothing in this Overlay District shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

An area covered by two or more zones shall be controlled by the more restrictive height limitations.

SECTION V: LAND USE RESTRICTION

In order to minimize the potential for developing bird, waterfowl and wildlife attractants in the vicinity of the Conway Municipal Airport, the following restrictions are placed on lands in Faulkner County and the City of Conway that are within 10,000 feet of the runway (ultimate 7,000 foot planned runway length) located on the Conway Municipal Airport. **These land use controls will not prohibit existing and historical land use practices or existing and historical activities on lands from continuing as preexisting non-conforming uses on lands within the are covered by this Overlay District. The area covered by these restrictions lies east of the Arkansas River and is described in detail in Exhibit A attached hereto.**

1. The establishment of an artificially flooded area or water impoundment is prohibited. This includes creating dams, levees, depressions, holes or other water retention structures that results in ponding of surface water. Natural streams, lakes, sloughs, swamp areas or waterponded areas that are in existence at the effective date of this Overlay District are exempt from this provision.
2. Causing the flooding of unharvested agricultural crops, flooding of crop land after harvest of the crop or flooding of any lands for the purpose of attracting waterfowl or leading to the attracting of waterfowl is prohibited. Installing devices to prevent the natural runoff of water is prohibited. Pumping water from a well or natural body of water of water for the purpose of flooding an area of land is prohibited. The practice of flooding agricultural crops during the growing season (April thru September) for crops historically grown on grounds is exempt from this provision.
3. The planting and growing of cereal grains, rice and other bird attractant crops as listed in AC 150/5200-33A is prohibited unless "grandfathered in". The existing properties and lands with established history of growing these crops will be considered a pre-existing condition and their activities "grandfathered in" and not be impacted by this restriction. **The usual annual changing of crops due to crop rotation or changing of crops or change in crop due to market conditions will not be deemed as a discontinuing the growing any crops.**
4. Cereal grain and rice storage facilities not in existence at the effective date of this Overlay District shall incorporate special provisions to prevent the spilling, scattering and availability of the bird and wildlife access to grains.
5. The scattering or distribution of grain on the ground surface for the purpose of or leading to the attraction of birds and waterfowl is prohibited.
6. Any site grading or reshaping of the land surface be completed in a manner that would prevent trapped or standing water.
7. Prohibit land uses listed in AC 150/5200-33B that are potentially bird, waterfowl or wildlife attractants are prohibited unless "grandfathered in" or unless specific approval is given by FAA for the proposed land use.
8. Prohibit any activity, improvement, change in land use or other actions that **results in** electrical interference with navigational signals or radio communications between the airport and aircraft is prohibited.
9. Prohibit any activities, improvements or land use changes that make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airports, impair visibility in the vicinity of the airport or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

SECTION VI: NONCONFORMING USES

1. Regulations Not Retroactive - Notwithstanding the provisions of Section VI, paragraph 3 hereof, the regulations prescribed in this Overlay District shall not be construed to **prohibit existing and historical land uses and agricultural practices from continuing; prohibit existing and historical crops grown on lands from continuing; prohibit existing and historical activities on lands from continuing; or** require removal, lowering, or other change or alteration of any Nonconforming Use, or otherwise interfere with the continuance of a Nonconforming Use. Nothing contained herein shall require any change in the construction, alteration, or

intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Overlay District or any duly enacted amendment thereto, and is diligently prosecuted.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing Nonconforming Use is hereby required to permit the installation, operation and maintenance thereon of such markings and lights, as shall be deemed necessary by the Conway Municipal Airport Commission, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markings and lights shall be installed, operated and maintained at the expense of Conway Municipal Airport Commission.
3. Lowering or Removal of Nonconforming Uses - In order to eliminate or mitigate existing hazards to landing and taking-off at the Conway Municipal Airport, to improve and make safer the Conway Municipal Airport, and to permit public use of any obstruction navigable airspace needed for such use, the Conway Municipal Airport Commission may acquire, by purchase, grant or condemnation, such estate or interest in any Nonconforming Use for which a permit has been granted in accordance with Section VII, paragraph 3 hereof, as is necessary to permit lowering or removal of such Nonconforming Use to the extent necessary to conform to the applicable height limitation prescribed in this Overlay District or any duly enacted amendment thereto. In cases of imminent danger to the health, safety and general welfare of the public, the Conway Municipal Airport Commission shall take such immediate steps as necessary to remove said danger, and a hearing shall thereafter be held to determine what compensation, if any, should be made to the owner of the structure or tree causing said danger.

SECTION VII: PERMITS

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created, which exceeds fifty (50) feet in height, unless a permit therefor shall have been applied for and granted by the Conway Municipal Airport Commission. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity for it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Overlay District shall be granted unless a variance has been approved in accordance with Section VII, paragraph 6.
 - a In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - b In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - c In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Overlay District, except as set forth in Section IV, paragraph 6.

2. Existing Uses- No permit shall be granted that would allow the establishment or creation of an obstruction, or that would allow a Nonconforming Use to become a greater hazard to air navigation than it was on the effective date of this Overlay District (or any duly enacted amendments thereto) or than it is when the application for a permit is made. Except as indicated, all applications for such a permit for existing uses shall be granted.
3. Continuance of Nonconforming Uses- The owner of any Nonconforming Use shall be granted a permit authorizing continuance of such Nonconforming Use, upon application therefor made by him; provided that, if such application is not made within ninety (90) days of the effective date of this Overlay District or any duly enacted amendment thereto the Conway Municipal Airport Commission shall be appropriate action compel the owner of the Nonconforming Use, at his own expense to lower or remove such object to the extent necessary to conform to the regulations. Notwithstanding the foregoing provisions, no permit allowing the continuation of any Nonconforming use shall be granted where such use is at the time a permit is applied for, not in conformity with the regulations in effect immediately prior to the enactment of any ordinance amending this Article, including but not limited to changes in the height zoning map incorporated herein which may from time to time be amended to eliminated or mitigate existing hazards to landing and taking off at the Conway Municipal Airport, to ensure compliance with all applicable federal laws, or for any other lawful reason.
4. Change and Repair of Nonconforming Uses- Before any Nonconforming Use for which a permit has been issued in accordance with Section VII, paragraph 3 hereof, may be altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the Conway Municipal Airport Commission authorizing such change or repair. No such permit shall be granted that would permit the structure or tree in question to be made higher or become a greater hazard to air navigation than it was when the permit for its continuance was granted.
5. Nonconforming Uses Abandoned or Destroyed- Whenever the Conway Municipal Airport Commission determines that a Nonconforming Use has been abandoned or more than 50 percent (%) torn down or destroyed, whether voluntarily, by act of God or otherwise, or has become more than 50% deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. In such cases of 50% destruction, deterioration or decay, whether application is made for a permit for repair or not, the Conway Municipal Airport Commission shall, by appropriate action, compel the owner of the Nonconforming Use, at his own expense to lower or remove such object to the extent necessary to conform to the applicable height limit.
6. Variances- Any person desiring to erect increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Overlay District, must apply to the Conway Municipal Airport Commission for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship, and the relief will not be contrary to the public interest, will not create a hazard to air navigation, will do

substantial justice and will be in accordance with this Overlay District. No application for variance may be considered by the Conway Municipal Airport Commission unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application for a variance within fifteen days after receipt, the Conway Municipal Airport Commission may act on its own to grant or deny the application.

7. Obstruction Marking and Lighting- Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this Overlay District and be reasonable in the circumstances, be conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Conway Municipal Airport Commission, this condition may be modified to require the owner to permit the Conway Municipal Airport Commission, at its own expense, to install, operate and maintain the necessary markings and lights.
8. Notice of Hearing of Application for Permits and Variances; Introduction of Evidence- In all cases of applications for permits and variances as provided for in Section VII hereof a public notice shall be published in the manner prescribed by law for publication of legal notices, of a public hearing upon the application in question; a public hearing shall be held at which any person having an interest in the proceeding shall have an opportunity to offer evidence for or in opposition to the application in question; and written findings of fact and conclusions of law shall be made by the Conway Municipal Airport Commission, based upon the evidence offered at the public hearing.

SECTION VIII: ENFORCEMENT

It shall be the duty of the Conway Municipal Airport Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Manager upon a form published for that purpose. Applications required by this Overlay District to be submitted to the Airport Manager shall be promptly considered and granted or denied.

SECTION IX: City Council

1. The City Council shall have and exercise the following powers: to hear and decide appeals from any order, requirement, decision or determination made by the Conway Municipal Airport Commission in the enforcement of this Overlay District.
2. The City Council shall adopt rules governing the discharge of its duty in harmony with the provisions of this Overlay District. Meetings of the City Council shall be public. The City Council shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the County Clerk and on due cause shown,
3. The City Council shall make written findings of facts and conclusions of law, giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this Overlay District.

SECTION X: APPEALS

1. Any person aggrieved, or any taxpayer affected, by any decision of the Conway Municipal Airport Commission made in the administration of this Overlay District, may appeal to the City Council.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the City Council, by filing with the Conway Municipal Airport Commission shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed unless the Conway Municipal Airport Commission certifies to the City Council, after the notice of appeal has been filed

with it, that by reason of the facts stated in the certificate, a stay would in the opinion of the Conway Municipal Airport Commission cause imminent peril to life or property. In such case, proceedings shall not be stayed by order of the City Council on notice to the Conway Municipal Airport Commission and on due cause shown.

4. The City Council shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in the interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
5. The City Council may, in conformity with the provisions of this Overlay District, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from any may make such order, decision, requirement, decision or determination as may be appropriate under the circumstances.

SECTION XI: JUDICIAL REVIEW

Any person aggrieved, aggrieved, or any taxpayer affected, by any decision of the City Council may, within thirty days thereof, appeal therefrom to the Circuit Court of Faulkner County, as provided in Section 6 of the "Airport Enabling Act", Act 116, Acts of Arkansas, 1941. Appeals from the Circuit Court shall be in accordance with statutes governing such appeals in force and effect at the time an appeal is taken.

SECTION XII: PENALTIES

Each violation of this Overlay District, or of any regulation, order or ruling promulgated hereunder, shall constitute a misdemeanor and be punishable by a fine of not more than 500 dollars, or imprisonment for not more than 180 days, or both; and each day a violation continues to exist shall constitute a separate offense. In addition, the Conway Municipal Airport Commission may institute in any court of competent jurisdiction, an appropriate action or proceeding to prevent, restrain, correct or abate any violation of the regulations of this Overlay District, or any order or ruling made in connection with its administration or enforcement, and the court shall adjudge then to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to carry out and effectuate the purpose of this Overlay District and the orders and rulings made pursuant to the authority herein given.

SECTION XIII: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Overlay District and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XIV: SEVERABILITY

If any of the provisions of this Overlay District or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of this Overlay District which can be given effect without the invalid provision or application, and to this end, the provisions of this Overlay District are declared to be severable.

SECTION XV: EFFECTIVE DATE

Adopted by the Conway City Council by referring ordinance O-11- ____ April, 26, 2011.

Approved:

Mayor Tab Townsell

ATTEST:

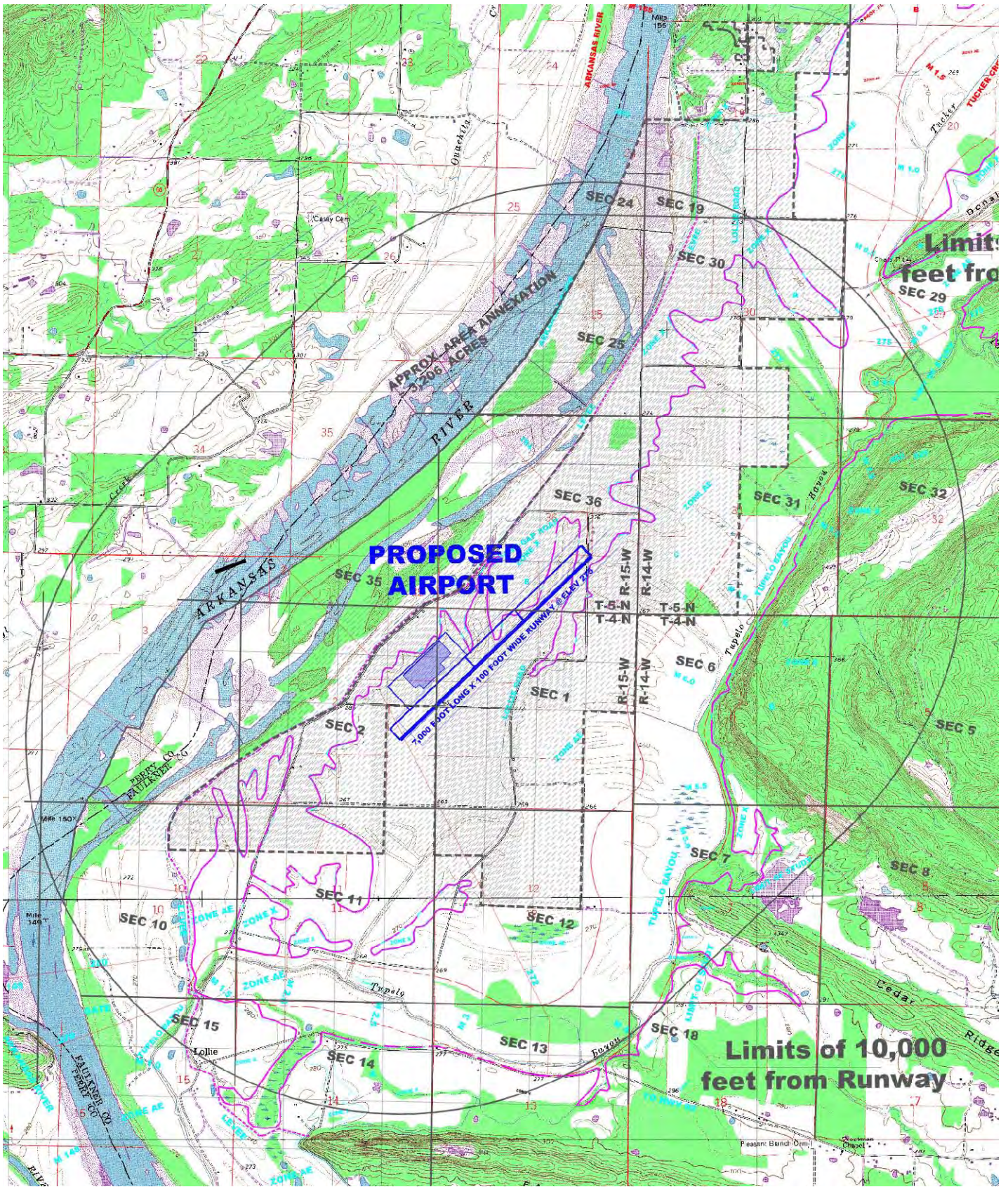
Michael O. Garrett
City Clerk/Treasurer

EXHIBIT A

CONWAY AIRPORT LAND USE ZONING OVERLAY DISTRICT LEGAL DESCRIPTION

All lands lying within 10,000 feet of the intimate 7,000 foot long Runway at the City of Conway Municipal Airport as shown on the Conway Municipal Airport Height Zoning Map dated March 2011 and lying east of the ordinary high water line along the easterly bank (left descending bank) of the Arkansas River. The Sections and portions of Sections of lands included in this area are as follows:

Part of S $\frac{1}{2}$, SW $\frac{1}{4}$ Section 19, T-5-N, R-14-W; Part of NE $\frac{1}{4}$ Section 30, T-5-N, R-14-W; the NW $\frac{1}{4}$ Section 30, T-5-N, R-14-W; the S $\frac{1}{2}$ Section 30, T-5-N, R-14-W; Part of SW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 29, T-5-N, R-14-W; Part of SW $\frac{1}{4}$ Section 29, T-5-N, R-14-W; Section 31, T-5-N, R-14-W; the W $\frac{1}{2}$ Section 32, T-5-N, R-14-W; Part of the W $\frac{1}{2}$, NE $\frac{1}{4}$, Section 32, T-5-N, R-14-W; Part of the W $\frac{1}{2}$, SE $\frac{1}{4}$ Section 32, T-5-N, R-14-W; Section 6, T-4-N, R-14-W; Part of the W $\frac{1}{2}$, Section 5, T-4-N, R-14-W; Part of W $\frac{1}{2}$, NE $\frac{1}{4}$, Section 5, T-4-N, R-14-W; The NW $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the NE $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the SW $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 7, T-4-N, R-14-W; Part of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ Section 18, T-4-N, R-14-W; Part of the N $\frac{1}{2}$, Section 13, T-4-N, R-15-W; Part of the NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 13, T-4-N, R-15-W; Part of N $\frac{1}{2}$ Section 14, T-4-N, R-15-W, Part of N $\frac{1}{2}$, SE $\frac{1}{4}$ Section 14, T-4-N, R-15-W; Part of NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 14, T-4-N, R-15-W; Part of the NE $\frac{1}{4}$ Section 15, T-4-N, R-15-W; Part of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 15, T-4-N, R-15-W; Part of SW $\frac{1}{4}$ Section 10, T-4-N, R-15-W; Part of the NW $\frac{1}{4}$ Section 10, T-4-N, R-15-W; the E $\frac{1}{2}$ Section 10, T-4-N, R-15-W; Section 11, T-4-N, R-15-W; Section 12, T-4-N, R-15-W; Section 1, T-4-N, R-15-W; Section 2, T-4-N, R-15-W; Part of the Se $\frac{1}{4}$ Section 3, T-4-N, R-15-W; Part of the E $\frac{1}{2}$, SW $\frac{1}{4}$ Section 3, T-4-N, R-15-W; Part of the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 3, T-4-N, R-15-W; Part of the E $\frac{1}{2}$, NE $\frac{1}{4}$, Section 3, T-4-N, R-15-W; Part of SW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 35, T-5-N, R-15-W; Part of the E $\frac{1}{2}$, SW $\frac{1}{4}$ Section 35 T-5-N, R-15-W; Part of the SE $\frac{1}{4}$ Section 35, T-5-N, R-15-W; Part of the S $\frac{1}{2}$, NE $\frac{1}{4}$ Section 35, T-5-N, R-15-W; Part of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 35, T-5-N, R-15-W; The E $\frac{1}{2}$ Section 36, T-5-N, R-15-W; The SW $\frac{1}{4}$ Section 36, T-5-N, R-15-W; Part of the NW $\frac{1}{4}$ Section 36 T-5-N, R-15-W; Part of the S 1/2, SW $\frac{1}{4}$ Section 25, T-5-N, R-15-W; Part of the NE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 25, T-5-N, R-15-W; The SE $\frac{1}{4}$ Section 25, T-5-N, R-15-W; The E $\frac{1}{2}$, NE $\frac{1}{4}$ Section 25, T-5-N, R-15-W; Part of the W 1/2, NE $\frac{1}{4}$, Section 25, T-5-N, R-15-W; Part of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 24.



CONWAY MUNICIPAL AIRPORT HEIGHT ZONING MAP



**City of Conway, Arkansas
Resolution No. R-11- _____**

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF A UTILITY EASEMENT
LOCATED WITHIN THE ACXIOM CORPORATE CAMPUS**

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by Acxiom Corporation, a Delaware Company, to abandon a utility easement located in the Acxiom Corporate Campus within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

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

1. That the City Council shall hear said petition at its regular meeting to be held at the Russell L. "Jack" Roberts District Court Building, 810 Parkway Street, Conway, Arkansas, on the **May 10th, 2011 at 6:30 p.m.**
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this 26th day of April, 2011.

Approved:

Attest:

Mayor Tab Townsell

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

**Petition of Written Consent for the
Vacating of Easement
For the Intent of Public Use**

Utility Easement Abandonment Description:

Part of the SW1/4 SE1/4 of Section 18, T-5-N, R-13-W, City of Conway, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of Lot 1, Acxiom Commercial Addition as filed for record in plat book J, page 381; thence N 88°35'21" W, a distance of 3.82 feet to the POINT OF BEGINNING; thence N 88°35'21" W, a distance of 492.83 feet; thence N 01°29'11" E, a distance of 14.58 feet; thence S 88°40'27" E, a distance of 492.83 feet; thence S 01°29'12" W, a distance of 15.32 feet to the POINT OF BEGINNING, containing 0.17 Acres (7,368 sq. ft.) more or less.

Abutting property owner:

ACXIOM CORPORATION

BY: Dany Creemichan
Engineering Construction Advisor

City of Conway

Code Enforcement
1201 Oak Street
Conway, Arkansas 72032
501.450.6191
www.cityofconway.org



Ottie Cowgill
Code Enforcement Officer
Barbara McElroy
Code Enforcement Assistant

To: Mayor Tab Townsell
City Council Members

Date: April 19, 2011

From: Barbara McElroy
Code Enforcement Department

Subject: 1415 Lincoln Street, Conway Arkansas

The Code Enforcement Department open bids for the demolition of structure on property located at 1415 Lincoln Street.

Bids were opened on April 19th, 2011 in the City Hall Downstairs at 10:00am and two bids were submitted.

They are as follows:

- | | |
|------------------------------|--------|
| ▪ Paladino Construction Inc. | \$2200 |
| ▪ Hobb's Construction | \$5950 |

Code Enforcement recommends Paladino Construction, Inc be award the project for the low bid of \$2200.

Sincerely,

Barbara McElroy

City of Conway – Mayor's Office
Bid Tab Summary
2011-20_Demolition of Structure_1415 Lincoln Street
Bid Opening Date: Tuesday, April 19th, 2011
City Hall - Downstairs Conference Room @ 10:00am

Total Cost of Bid \$ 2,200.00

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

Paladino Construction, Inc
Company Name

Mark Paladino
Company Representative Name

Mark Paladino
Representative's Signature

10 Blake Lane Paladino@conwaycorp.net
Address Email Address

Conway AR 72032
City State Zip

501-505-0472 501-513-4078
Telephone Number Fax Number

4/19/11
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.



City of Conway, Arkansas
Ordinance No. O-11- _____

AN ORDINANCE AMENDING SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING ORDINANCE TO REZONE PROPERTY LOCATED AT 1544-1546, 1550-1552, 1605, 1606, 1616, 1619, 1625 CLIFTON STREET; 1503 ½, 1505, 1531, 1541, 1545, 1551, 1553, 1605, 1615 WASHINGTON AVENUE; VACANT LOTS AT FRONT AND INDEPENDENCE EAST OF RAILROAD TRACKS; AND THE PARKING LOT AT HARKRIDER AND MARKHAM FROM MF-3 AND C-3 TO S-1:

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

SECTION 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **MF-3** and **C-3** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

Lots 3 & 4, Blk 2, Clifton Addition

Lot 1, Huntington Place Apartments Addition

S 80' of W 90' Lot 8, Block 2, Stonewall Addition; Part of Lot 7, Block 2, Stonewall Addition, W 128'; West part of S 1/2 Lot 6, Block 2, Stonewall Addition; N 40' of W 1/2 Lot 8, Block 2 and E 1/2 of S 1/2 Lot 9, Block 2, Stonewall Addition; E 1/2 of S 60', Lot 8, Block 2, Stonewall Addition; East part (about 65') Lot 7, Block 2, Stonewall Addition; N 1/2 Lot 6, Block 2, Stonewall Addition except W 81'; E part of S 1/2 Lot 6, Block 2, Stonewall Addition; E 100' Lot 5, Block 2, Stonewall Addition; N 96' Lot 4, Block 2 Stonewall Addition except W 105'; E 132' Lot 2 & E 132' of S 1/2 Lot 3, Block 2, Stonewall Addition; W 100' Lot 2 & W 100' of S 1/2 Lot 3, Block 2, Stonewall Addition; E 110' of N 34' Lot 1, Block 2, Stonewall Addition; Lots 248A and 248B, Fiddlers Survey; Lots 1 & 2, Block 11, Vaughns Addition; Blocks 3 and 4 S part, Burns Addition.

to those of **S-1**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

SECTION 2: All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 26th day of April, 2011.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

April 19, 2011

Council Members
Conway, AR 72032

Dear Council Members:

Hendrix College request for rezoning from MF-3 and C-3 to S-1 for property located at 1544-1546, 1550-1552, 1605, 1606, 1616, 1619, 1625 Clifton Street; 1503 ½, 1505, 1531, 1541, 1545, 1551, 1553, 1605, 1615 Washington Avenue; vacant lots at Front and Independence east of railroad tracks; and the parking lot at Harkrider and Markham with the legal description:

Lots 3 & 4, Blk 2, Clifton Addition

Lot 1, Huntington Place Apartments Addition

S 80' of W 90' Lot 8, Block 2, Stonewall Addition; Part of Lot 7, Block 2, Stonewall Addition, W 128'; West part of S 1/2 Lot 6, Block 2, Stonewall Addition; N 40' of W 1/2 Lot 8, Block 2 and E 1/2 of S 1/2 Lot 9, Block 2, Stonewall Addition; E 1/2 of S 60', Lot 8, Block 2, Stonewall Addition; East part (about 65') Lot 7, Block 2, Stonewall Addition; N 1/2 Lot 6, Block 2, Stonewall Addition except W 81'; E part of S 1/2 Lot 6, Block 2, Stonewall Addition; E 100' Lot 5, Block 2, Stonewall Addition; N 96' Lot 4, Block 2 Stonewall Addition except W 105'; E 132' Lot 2 & E 132' of S 1/2 Lot 3, Block 2, Stonewall Addition; W 100' Lot 2 & W 100' of S 1/2 Lot 3, Block 2, Stonewall Addition; E 110' of N 34' Lot 1, Block 2, Stonewall Addition; Lots 248A and 248B, Fiddlers Survey; Lots 1 & 2, Block 11, Vaughns Addition; Blocks 3 and 4 S part, Burns Addition.

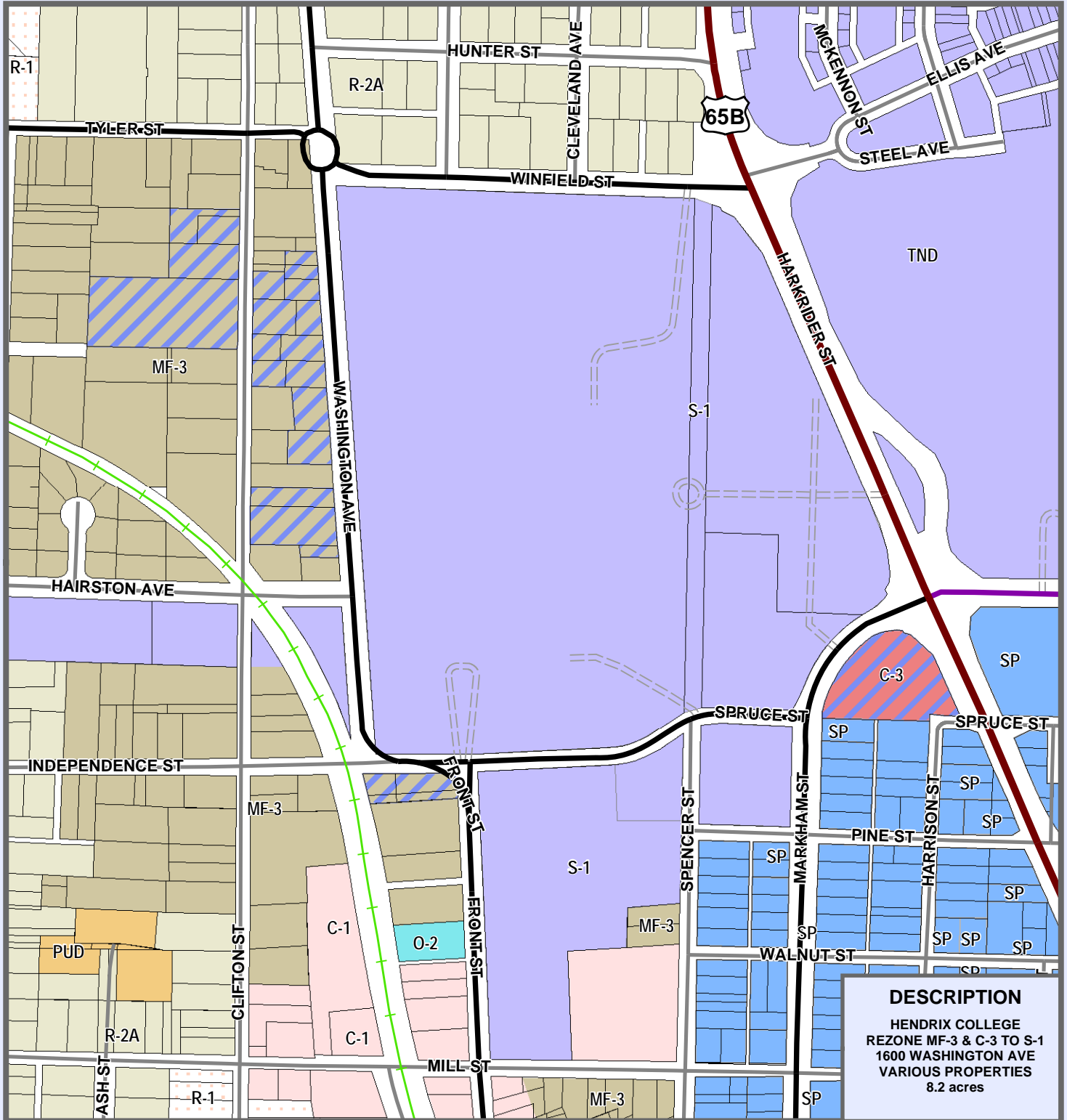
was reviewed by the Planning Commission at its regular meeting on April 18, 2011. The Planning Commission voted 6 – 0 – 1 that the request be sent to the City Council with a recommendation for approval. Planning Commissioner Jon Arms abstained from voting.

Submitted by,

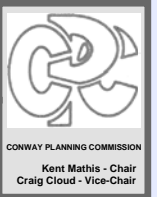
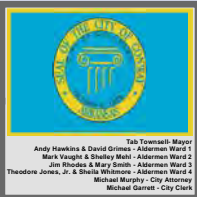
Kent Mathis, Chairman
Planning Commission

CITY OF CONWAY

HENDRIX COLLEGE REZONE -- PROPERTIES TO S-1



DESCRIPTION
HENDRIX COLLEGE
REZONE MF-3 & C-3 TO S-1
1600 WASHINGTON AVE
VARIOUS PROPERTIES
8.2 acres



INTERSTATE	LOT LINE	Residential	Industrial
MAJOR ARTERIAL	STREAMS	R-1	MF-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	MF-2
COLLECTOR	CITY LIMITS	R-2	MF-3
RESIDENTIAL		HR	RMH
PRIVATE ROAD		SR	
INTERSTATE RAMP		Commercial	Office
RAILROADS		C-1	O-1
		C-2	O-2
		C-3	O-3
		C-4	
		Special	SP
			S-1
			A-1
			PUD



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