

Conway, Ark.
③. R20820

ORDINANCE NO. O-99-102

AN ORDINANCE GRANTING A FRANCHISE TO AMERICAN MANAGEMENT CORPORATION TO UTILIZE SPECIFIC ALLEY RIGHT-OF-WAY IN BLOCK 12, ROBINSON'S PLAN TO THE CITY OF CONWAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, American Management Corporation desires to connect two of their buildings across a public alley right-of-way by way of an elevated walkway, and

Whereas, the City of Conway has control of the right-of-way of such alley and finds it advantageous to grant a franchise for the use of elevated air rights to allow the construction of such walkway:

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 American Management Corporation and to its successors and assigns for fifty (50) years, for air rights above the North/South Alley in the North One-Half of Block 12, Robinson's Plan to the City of Conway, which is also that block bounded by **Oak** Street, Chestnut Street, Main Street and Front Street, for the purpose of constructing a second floor, elevated, enclosed walkway connecting buildings on either side of that alley.

Section 2: That the lowest elevation of such air rights shall start no less than fourteen (14) feet from the finish elevation of such alley. That such air rights shall be twenty-two (22) feet in a north-south dimension, shall be twenty (20) feet in an east-west dimension and shall be twenty (20) feet in a vertical dimension.

Section 3: That the structure permitted by this franchise shall be constructed, erected, maintained, repaired and operated in strict compliance with all City codes, ordinances and regulations for the life of the franchise.

Section 4: That the City of Conway (hereinafter referred to as the City) assumes no maintenance responsibility for the permitted walkway. The City shall not be responsible for damage to the walkway 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 injury or property damage as a result of the placement of the permitted walkway 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 walkway in the public right-of-way.

Section 4: That upon notice from the appropriate city department (as established by the Mayor), the franchisee shall remove the permitted items from the public right-of-

way or easements 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 of a permanent and general nature in effect at the time of adoption of this ordinance, and not included herein, are hereby repealed where they are in conflict with this ordinance.

Section 6: 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 12th day of October, 1999.

APPROVED:



Mayor

ATTEST:


City Clerk