

016894

ORDINANCE NO. O-07-74

**AN ORDINANCE AMENDING THE CONWAY SUBDIVISION ORDINANCE REVISING SIDEWALK ASSURANCE PROCEDURES, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:**

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

**Section 1:** That ARTICLE V, SECTION 9, SIDEWALKS of the **Conway Subdivision Ordinance** as adopted by **Ordinance O-00-03** on January 25,2000 is hereby **amended** to add the following language:

- (5) **Sidewalks Along Collectors and Above:** Sidewalks along **streets** classified as a collector or above shall be constructed by the subdivision developer **concurrently** with **construction** of the **other subdivision infrastructure**. Such construction shall be completed or assurance of **construction equal** to that required for other **infrastructure** improvements provided **prior** to the filing of the **final plat** Such **sidewalk construction, location, and responsibility** shall be clearly **identified** and be a **requirement** of the final plat. **In cases where homes are constructed with access along a street classified as a collector or above, the Planning Commission may approve assurance of construction as outlined in (6) Sidewalks Along Residential Streets below.**
- (6) **Sidewalks Along Residential Streets:** Sidewalks along **streets** classified as **residential** shall be **constructed** by the **homeowner/builder**. The sidewalk shall be installed **prior** to the final **inspection** and issuance of a **certificate of occupancy**. Sidewalks on lots **that are not built out** within three (3) years of **final platting** shall be the **responsibility** of the developer. A separate assurance for this completion shall be **required** prior to the **filing** of the **final plat**. **This assurance shall be equal to 50 % of the amount necessary to complete all sidewalks required within** the subdivision **at** the end of the three year **bonding** period. This **amount shall** be **determined** by the City **Engineer**. These **funds shall** be in the form of a **credit, performance bond, or cash deposit**. The amount of sidewalk build out **will be reviewed** on an **annual basis** and this **assurance** shall be **adjusted according** to the **percent of sidewalk completion**.

**Section 2:** That any **ordinances** or parts of **ordinances** in effect at the time of the **passage** of this **ordinance** that are in **conflict** with this **ordinance** are **repealed** to the extent of the **conflict**.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 will be in full **force** and **effect** from and after its **passage** and **approval**.

PASSED this 26<sup>th</sup> day of June, 2007.

APPROVED:

  
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Mayor Tab **Townsell**

ATTEST:

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