

Instrument #201715837

Real Estate Book

Ordinance

Filed: 10/06/2017 08:30 am

Faulkner County, Arkansas

Crystal Taylor, Circuit Clerk

By: Liz Baumgartner, D.C.

3 Pages

\$25.00

③ City



**City of Conway, Arkansas
Ordinance No. O-17-96**

AN ORDINANCE GRANTING A FRANCHISE TO STREETSIDE CREPERIE AND STUDIO M SALON TO UTILIZE SPECIFIC STREET RIGHTS OF WAY ON THE SOUTH SIDE OF OAK STREET IN BLOCK 20, ROBINSON'S PLAN TO THE CITY OF CONWAY; AND FOR OTHER PURPOSES:

Whereas, Streetside Creperie and Studio M Salon desire to be able to accommodate guests by providing an adequate outdoor waiting / dining area, and

Whereas, the current front/north facing entryway to Streetside Creperie and Studio M Salon abuts street right-of-way being the South portion of the Right of Way on Oak Street, and

Whereas, the City of Conway wishes to encourage the protection and enhancement of the City's appearance, identity, and economic vitality and the preservation and enhancement of the general quality of life of residents and visitors.

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

Section 1: That a franchise is hereby granted from the City of Conway, Arkansas, to the owner of Pt 1, Block 20, of the Robinson's Plan and its current occupants only, who are Streetside Creperie and Studio M Salon, for the placement of a half wall with plantings partition along with chairs and tables on public rights-of-way on the south side of Oak Street adjacent to Pt 1, Block 20, of the Robinson's Plan to the City of Conway, Arkansas. Said franchise shall expire upon transfer of ownership or lease, at which time any new owner or leaseholder shall apply for a franchise with the City of Conway.

Section 2: That the franchise shall be granted starting from a point on the face of the existing structure, being approximately 12" west of the Northeast corner of the building, thence north five feet four inches (5' 4") to a point approximately five feet (5') from the Oak Street curb, thence west approximately sixteen feet (16') where the proposed half wall will end, thence west approximately nine feet (9') to a point where the half wall will begin again, thence west approximately ten feet (10') to the point of ending, with an optional extension towards the northwest corner of the existing building structure for stability if needed. The proposed half wall structures may contain no signage or advertising, and should be constructed as not to conflict with accessible ingress/egress to building entry's and perimeters of building structure.

Section 3: That the all items permitted by this franchise shall be constructed, erected, maintained, repaired and operated in a strict compliance with all City codes, ordinances, and regulations for the life of the franchise and shall be approved as to its design by the City Council and designee(s) and the City Engineer. In addition, owner is responsible for sidewalk maintenance directly in front of the building for the life of the franchise, including any repair to sidewalk upon the structures removal.

Section 4: That the City of Conway assumes no maintenance responsibility for the permitted furniture or structures. The City shall not be responsible for damage to or loss of anything placed in the space covered under this franchise, including by City, utility crews or contractors while performing work in the public rights-of-way or easements. The City assumes no liability for personal injury or property damage as a result of the placement of the permitted furniture or structures, and the applicant shall indemnify and hold the City and its employees, agents and officials harmless from actions, claims, costs, damages, and expenses to which the City may be subjected to arising out of the placement of the permitted furniture or structures or any activity occurring in the public rights-of-way which may occur as a result of granting this franchise.

Section 5: That upon notice from City, the franchisee shall remove the permitted items from the public rights-of-way or easements at its own expense for any public improvement project or if the situation becomes a public nuisance as determined by the City.

Section 6: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

PASSED this 12th day of September, 2017.

Approved:



Mayor Bart Castleberry

Attest:



Michael O. Garrett
City Clerk/Treasurer



CERTIFICATE

**STATE OF ARKANSAS
COUNTY OF FAULKNER
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 22th day of August, 2017 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 18th Day of September, 2017.


CITY CLERK-TREASURER

