



City of Conway, Arkansas
Ordinance No. 0-22-128



CERTIFICATE OF RECORD
FAULKNER CO, AR FEE \$25.00

I hereby certify that this instrument was
Filed and Recorded in the Official Records

In Doc Num **L202300129** 3 Pages

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NANCY EASTHAM

FAULKNER COUNTY CIRCUIT CLERK

BY: SHAWN MIX, D.C.

ORDINANCE

AN ORDINANCE GRANTING A FRANCHISE TO BRICK AND FORGE TO UTILIZE SPECIFIC STREET RIGHTS OF WAY ON THE WEST SIDE OF COURT STREET IN BLOCK 5, ROBINSON'S PLAN TO THE CITY OF CONWAY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, Brick and Forge desires to be able to accommodate guests by providing an adequate outdoor waiting / dining area, and

Whereas, an entry to Brick and Forge on Lot 11 of Block 5 of Robinson's Plan abuts street right-of-way on Court 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 Alliance Investment Group, LLC of Conway, Arkansas being the owner of Lot 13 and Part of Lots 11-12, Block 5, of Robinson's Plan and its current occupant only, who is Brick and Forge, for the placement of an outdoor dining area on public rights-of-way on the west side of Court Street adjacent to Lot 11, Block 5, 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 for those areas of the sidewalk along Court Street abutting Lot 11 of Block 5 of Robinson's Plan which are south of the existing electrical transformer. An area for pedestrian use, at least 5 feet wide, shall be maintained in a consistent with the American Disabilities Act to allow use of sidewalk by the public for passage.

Section 3: That 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 Engineer and Planning and Development Director. 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 structure's 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.

Section 7: 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 13th day of December, 2022.

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 13th day of December, 2022 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 27th day of December, 2022.


CITY CLERK-TREASURER

