

RESOLUTION R-06-06

AN RESOLUTION ALLOWING THE CLEAN UP OF AN EXCAVATION NEAR THE VICINITY OF THE INTERSECTION OF HIGHWAY 64 WEST AND HIGHWAY 25.

Whereas, An excavation of property adjoining and a part of Cadron Ridge in the vicinity of the intersection of Highway 64 West and Highway 25 was recently shut down by city personnel in violation of the zoning prohibitions of mining in the city jurisdiction, and

Whereas, The affected property owners have stated their desire to simply clear their property for the purposes of development and/or resale and not for the purposes of mining, and

Whereas, The city does prohibit mining and excavations associated with mining but does not currently prohibit the excavations associated with development, and

Whereas, The property in question is now partially excavated, undevelopable in its current state, and an eyesore,

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

Section 1. That for the purposes of zoning, the partially excavated land in the vicinity of the intersection of Highway 64 west /Old Morrilton Highway and Highway 25 and located west and south of the Hess Convenience Store (former Mockingbird Store) and east of the Veterans of Foreign Wars property shall be deemed to be being excavated for the purposes of site preparation/development and not for the purposes of mining.

Section 2. As an excavation for the purposes of site preparation, this site shall be allowed to continue to be excavated in order to create a finished elevation that is uniformly level but including proper drainage and in order to clean the site of all unsightly, unsanitary, and dangerous conditions such as partially excavated areas, piles of debris, access for dumping, and other conditions prohibited by city codes. All work is to be completed according to a submitted site plan approved by the city engineer, the city building inspector, and the city code enforcement officer prior to continuance of excavations, further, provided that a building permit is obtained whose square footage is equal to the general area of the excavation, a performance bond of six months duration of fifty thousand (\$50,000) dollars is posted to insure completion of the approved site and all work is completed no later than two weeks prior to the expiration of the performance bond. All land owners affected in this excavation should also submit to the city written permission to enter the affected properties and

satisfactorily complete the excavation if the work has not been completed within allowed time.


Section 3. This allowance does not constitute a waiver of the city's prohibitions against mining in general nor does this designation constitute a general excavation allowance for all such properties now or in the future. The city council reserves the right to judge every case of possible mining and/or excavation separately.

PASSED this 28th day of March, 2006

APPROVED:

ATTEST:


Mayor Tab Townsell


Michael O. Garrett
City Clerk/Treasurer