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ORDINANCE NO. O-05-46

AN ORDINANCE ACCEPTING CERTIFICATION OF THE SUFFICIENCY OF A REFERENDUM PETITION REGARDING ORDINANCE NO. O-05-22; ORDERING A SPECIAL ELECTION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on April 22nd, 2005, a petition for referendum regarding Ordinance No. O-05-22 was filed with the office of the City Clerk/Treasurer of the City of Conway; and,

WHEREAS, after notice and hearing as required by ordinance, the City Council and City Clerk heard all persons interested on the question whether such petition is signed by the requisite number of petitioners; and

WHEREAS, the City Clerk has, pursuant to Amendment 7 of the Arkansas Constitution, certified the sufficiency of such petition to the City Council; and,

WHEREAS, pursuant to Amendment 7, as interpreted by the Arkansas Supreme Court in *Wright v. Ward*, 170 Ark. 464 (1926) it is the sole duty and responsibility of the City Council to order a special election and name the date for such election. A copy of the *Wright* decision is attached hereto and incorporated by reference herein, as if set out word for word;

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

Section 1: The City Council of the City of Conway finds, after notice and hearing and pursuant to the certification as given by the City Clerk, that the petition for referendum filed on April 22nd, 2005 is signed by the requisite number of petitioners pursuant to Amendment 7 to the Arkansas Constitution.

Section 2: That pursuant to Ordinance No. A-193, Section 3 and Amendment 7 to the Arkansas Constitution, the city council hereby orders a special election to be held on the 14th day of June 2005, for the referendum on Ordinance O-05-22.

Section 3: That a copy of this ordinance shall be provided by the city clerk to the Faulkner County Clerk and to the Faulkner County Election Commission.

Section 4: That the city clerk and city attorney are authorized to do all things necessary and proper to carry out the requirements of Amendment 7 and this ordinance.

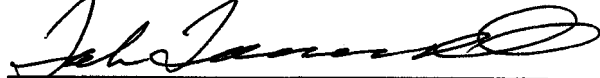
Section 5: That any ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: That the Arkansas Supreme Court has found that in calling special

elections for a referendum on local ordinances, a city council should act promptly and without undue delay, and that landowners of, nearby or adjacent to the area affected by Ordinance O-05-22 should have a prompt resolution as to the ultimate zoning of the subject property and, therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 10th day of May, 2005.

APPROVED:



MAYOR TAB TOWNSELL

ATTEST:


MIKE GARRETT, CITY CLERK