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Faulkner County

RHONDA WHARTON

FAULKNER COUNTY CIRCUIT CLERK

Fees \$25.00

by

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LB

D. C.

City of Conway, Arkansas

Ordinance No. O-09-50

AN ORDINANCE GRANTING A FRANCHISE TO OLD CHICAGO PIZZA TO UTILIZE SPECIFIC STREET RIGHT-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, Old Chicago Pizza desires to be able to accommodate guests by providing an adequate outdoor waiting area, and

Whereas, the current front entryway to Old Chicago Pizza abuts street right-of-way on both its east and south sides, 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:

Section 1: That a franchise is hereby granted from the City of Conway, Arkansas, to the owner of Lot 13, Block 5, of the Robinson's Plan currently occupied by Old Chicago Pizza and/or the owner's successors and assigns for ten (10) years, for the placement of outdoor benches on public right-of-way on the west side of Court Street adjacent to Lot 13, Block 5, of the Robinson's Plan to the City of Conway, Arkansas.

Section 2: That the franchise shall be granted starting from a point at the southeast corner of the existing structure thence east three feet (3') to a point approximately eight feet (8') from the Court Street curb, thence north forty feet (40'), thence west three feet (3') to the wall of the existing structure, thence south forty feet (40') along said wall to the point at beginning. Benches may contain no signage or advertising. Franchisee shall maintain a minimum of eight feet (8') horizontal clearance between easternmost edge of said benches and Court Street curb. Franchisee shall designate the area as a "Tobacco-Free Zone" and shall install prominent signage indicating that all forms of tobacco products are prohibited in the area.

Section 3: That the furniture 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.

Section 4: That the City of Conway assumes no maintenance responsibility for the permitted furniture. The City shall not be responsible for damage to the furniture by the City or by utility (public or franchised private) crews while performing normal maintenance 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, and the applicant shall indemnify and hold the City harmless from actions, claims, costs, damages, and expenses to which the City may be subjected arising out of the placement of the permitted furniture in the public rights-of-way.

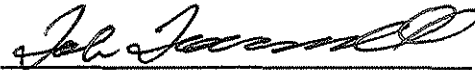
Section 5: That upon notice from the appropriate City departments (as established by the Mayor), the franchisee shall remove the permitted items from the public rights-of-way or easements at its own expense for any public improvement project or if the situation becomes a public nuisance.

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 28TH DAY OF APRIL, 2009.

APPROVED:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett
City Clerk/Treasurer