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City of Conway

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By _____ D. C.

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[Signature]



**City of Conway, Arkansas
Ordinance No. O-15-44**

AN ORDINANCE GRANTING A TEMPORARY FRANCHISE TO SAM MCFADIN, OWNER OF 912 FRONT STREET TO UTILIZE THE WEST END OF THE CITY SERVICE ALLEY THAT EXTENDS WEST TO EAST FROM FRONT STREET TO CHESTNUT STREET AND BETWEEN 912 FRONT STREET AND 918 FRONT FOR APPROXIMATELY THREE MONTHS, DURING CONSTRUCTION ON THE PROPERTY AT 912 FRONT STREET; AND FOR OTHER PURPOSES.

Whereas, SAM MCFADIN, MCFADIN GLOBAL INC., desires to utilize the alley between 912 Front Street and 918 Front Street in downtown Conway for construction and safety purposes.

Whereas, the City of Conway has control of such streets, alleyways and public grounds and parks and find it advantageous to grant a franchise for the use of the west end of the city service alley that extends west to east from Front Street to Chestnut Street and between 912 Front Street and 918 Front Street.

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

Section 1: A temporary franchise that shall be in effect until July 31st, 2015 hereby granted from the City of Conway (hereinafter referred to as "City") to Sam McFadin and McFadin Global Inc., (hereinafter referred to as "Franchisee") for the purpose of the west end of the city service alley (approx. 80 Ft.) that extends east to west front Chestnut Street to Front Street and between 912 Front Street and 918 Front Street within the City of Conway. Franchisee, in the conduct demolition & construction shall be authorized to utilize the west end of the city service alley (approx. 80 ft.) that extends west to east from Front Street to Chestnut Street and between 912 Front Street and 918 Front Street.

Section 2: This franchise is exclusive and for the Franchisee for the sole, stated purpose listed in this ordinance.

Section 3. Fees – A fee of \$250 shall be charged for this franchise.

Section 4. Franchisee shall be responsible for obtaining insurance in the amount of \$5000 per person for bodily injury claims with a \$100,000 aggregate limit for bodily injury claims and \$1,000,000 for property damages, and that this franchise shall not be valid without such insurance. A copy of this insurance should be on file in the City Clerk/Treasurer's office.

Section 5. This franchise shall not be transferred to any other party.

Section 6. That franchisee shall be responsible for keeping the west end of the city service alley (approx. 80 Ft.) that extends west to east from Front Street to Chestnut Street and between 912 Front Street and 918 Front Street clean of all waste and trash that is generated by the operations of this franchise. That failure to do comply will be adequate grounds for revocation of this franchise.

Section 7. All operations and facilities shall be maintained in a safe manner and licensed and inspected as required by the City of Conway and the State of Arkansas. That failure to comply will be adequate grounds for revocation of this franchise.

Section 8. That the City assumes no maintenance or liability responsibility for Franchisee's plant or appurtenances.

Section 9. That the Mayor, Police Chief or Fire Chief may temporarily revoke this franchise or restrict the free exercise of this franchise if it is determined that a situation exists that requires such revocation or restriction for the public safety or for abatement of a public nuisance. Upon such temporary revocation or restriction, Franchisee shall remove equipment and appurtenances from the west end of the city service alley (approx. 80 Ft.) that extends west to east from Front Street to Chestnut Street and between 912 Front Street and 918 Front Street at his expense until further notice from the city.

Section 10. That all ordinances or parts of ordinances of a permanent and general nature in effect at the time of this ordinance, and not included herein, are hereby repealed where they are in conflict with this ordinance.

PASSED this 14th day of April, 2015.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer

