

RESOLUTION NO. R-02- 32

**A RESOLUTION DECLARING FENCES IN THE WATERS OF
BEAVERFORK LAKE TO BE INCONVENIENT AND DANGEROUS**

WHEREAS, the City of Conway owns Beaverfork Lake, which is a valuable part of the City's parks and recreation assets and which provides the public in general, and Faulkner County residents in particular, with continued access to its waters and environs for the enjoyment of many leisure pastimes, including but not limited to: fishing, swimming, boating and water skiing. And,

WHEREAS, during the middle part of the 20th century, when the City acquired lands for the creation of Beaverfork Lake, the City agreed, pursuant to specific deed reservations, to grant certain landowners easements for the purpose of placing and maintaining fences "so long as same does not interfere with the reasonable and beneficial use of said lands by the City of Conway." And,

WHEREAS, from time to time, the City has been made aware of concerns expressed regarding the conditions created by such fences as they extend into the waters of the lake, including but not limited to the following: Feces from livestock wading in the lake being deposited into the water; boats or their motors striking submerged and exposed posts and fencing wire, and otherwise presenting a substantial danger of physical injury and inconvenience to boaters, skiers and fishermen.

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

SECTION 1: That the city council of the City of Conway hereby finds that the existence of fences which lie in the waters of Beaverfork Lake is both an inconvenience, threat, and danger to the public health, safety and welfare of the public which utilizes the lake.

SECTION 2: That the city council of the City of Conway hereby finds that the fences interfere with the reasonable and beneficial use of the lake property, and, pursuant to the City's rights under each deed, such fences should be relocated to the boundary line between the City and each of the parties to such deed reservations, or to some location mutually agreeable between the parties and the City.

SECTION 3: That where required by the specific deed reservation, said relocation of the fences shall be made and constructed by and at the sole expense of the City of Conway.

SECTION 4: That the Mayor is hereby authorized to initiate discussions with each affected landowner in order to achieve the objectives of this resolution in an amicable and expeditious manner.

PASSED this 14th day of May 2002.

APPROVED:



MAYOR TAB TOWNSELL

ATTEST:



MICHAEL O. GARRETT, CITY CLERK