1	ORDINANCE NO			
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3	AN ORDINANCE TO GRANT A FRANCHISE FOR THE INSTALLATION			
4	OF SELF-OPENING AND SELF-CLOSING GATES ON CHATEAUS			
5	LANE IN THE CHATEAUS ON STAGECOACH SUBDIVISION; AND FOR			
6	OTHER PURPOSES.			
7				
8	WHEREAS, a majority the residents of Chateaus on Stagecoach have legally established, the Chateaus			
9	on Stagecoach Property Owners Association, they now request a franchise, and agree to provide, install,			
10	operate, power and maintain a self-opening and closing gate, at their expense, across Chateaus Lane; and,			
11	WHEREAS, the installation of the requested gates will define the entrance to the Chateaus on			
12	Stagecoach residential neighborhood and will not adversely affect the public interest; and,			
13	WHEREAS, Chateaus on Stagecoach Property Owners understands and agrees that the City of Little			
14	Rock assumes no responsibility to provide, operate, maintain, power or replace any part of the proposed			
15	gate placed in the public right-of-way; and,			
16	WHEREAS, Chateaus on Stagecoach Property Owners Association acknowledges that it has agreed			
17	to hold the City harmless from any and all damages, liability and expenses, including attorney's fees, that			
18	arise out of any claim against the City by any person, firm, corporation, partnership or company for which			
19	the City may become liable as a result of any act, omission or negligence of the applicant as it relates to the			
20	installation, ownership and operation of the Franchised Items installed and operated by the applicant in the			
21	public right-of-way.			
22	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY			
23	OF LITTLE ROCK, ARKANSAS:			
24	Section 1. A franchise for the installation of self-opening and self-closing gates across Chateaus Lane,			
25	approximately 180 feet west from Stagecoach Road, at the east end of the divided section of Chateaus Lane,			
26	in the Chateaus on Stagecoach Subdivision, as shown on the attached map, is hereby granted to the			
27	proposed Chateaus on Stagecoach Property Owners Association with the conditions as stated herein .			
28	Section 2. It the responsibility of said proposed Chateaus on Stagecoach Property Owners Association			
29	to guarantee:			
30	• No access is to be denied to the traveling public.			
31	• A vehicle turn-around area is to be created east of the gate.			
32	• The gates, which are to be provided, installed, powered and maintained by said proposed			
33	Chateaus on Stagecoach Property Owners Association, will be at no expense to the City.			

- The City will not be responsible for repair of damages to the gate and control systems caused as a result of maintenance performed in the public right-of-way or the construction of improvements in the right-of-way.
- The gates are to open automatically as vehicles approach and close when the vehicles clear. In
 the event of power failure, the gates are to be open and stay open. As the gates will not remain
 open automatically during power outages, said Chateaus on Stagecoach Property Owners
 Association will be required to take responsibility to manually remove a key/pin and leave the
 gates open.

• Post contact phone numbers on the gate for emergencies.

Said Chateaus on Stagecoach Property Owners Association is required to obtain insurance or
 bonding for this permitted activity.

12 Section 3. To prevent excessive delay to the traveling public, the gates are to remain open during 13 peak morning and afternoon traffic periods. The times the gates are to remain open are subject to review 14 and approval by the City Manager.

15 **Section 4.** No surveillance cameras will be placed within the public right-of-way.

16 Section 5. The proposed Chateaus on Stagecoach Property Owners Association will obtain all 17 necessary permits and plan approvals prior to construction. It shall be the responsibility of the said Chateaus 18 on Stagecoach Property Owners Association to get all design aspects of the gate installation completed and 19 roadway plans submitted to City staff for review and approval. If the Chateaus on Stagecoach Property 20 Owners Association is never established, this franchise ordinance is immediately revoked.

Section 6. The franchise will remain in effect unless modified or revoked by the City Board of Directors. If the Chateaus on Stagecoach Property Owners Association is dissolved, the gate and equipment shall be removed immediately and this franchise is immediately revoked. The franchise is granted for a period of ten (10) years following the effective date of this ordinance, and may be extended by the City Manager for additional five (5)-year terms thereafter.

Section 7. *Severability*. In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance, as if such invalid or unconstitutional provision was not originally a part of this ordinance.

30 Section 8. *Repealer*. All ordinances, resolutions, bylaws, and other matters inconsistent with this 31 ordinance are hereby repealed to the extent of such inconsistency.

32 **ADOPTED:** March 3, 2015

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1	ATTEST:	APPROVED:	
2			
3 4	Susan Langley, City Clerk	Mark Stodola, Mayor	
5	APPROVED AS TO LEGAL FORM:	Mark Stouola, Mayor	
6	ATTROVED AS TO LEGAL FORM.		
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8	Thomas M. Carpenter, City Attorney		
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