

TOWN OF GILBERT ORDINANCE NO. 02-2011

AN ORDINANCE RESTRICTING TO NON-VEHICULAR TRAFFIC THAT PORTION OF HILL STREET LYING EAST OF MAY STREET TO SPRING STREET AND THE ALLEY LYING NORTH AND SOUTH IN THE CENTER OF BLOCK ONE.

WHEREAS, Jim and Dawn Clontz, jointly as Husband and Wife operating as Clontz Enterprises Inc., d/b/a Gilbert R. V. Campground, own all of the property abutting Hill Street lying between May Street and Spring Street, and also the property abutting the platted alley running north/south in Block One in the Town of Gilbert plat; and

WHEREAS, in order to satisfy certain requirements for on site waste and water absorption or disposal field the State of Arkansas Department of Health says is necessary to implement the proposed business plan, the restriction of the use of those portions of Hill Street and the Alley in Block One is imperative.

NOW, THEREFORE, be it ordained by the Town Council of the Incorporated Town of Gilbert, Arkansas:

Section 1: That portion of Hill Street lying between May Street and Spring Street, and also that portion of the platted alley running north/south in Block One in the Town of Gilbert, shall hereby be restricted to non-vehicular traffic and use.

Section 2. To assure the Arkansas State Department of Health that the septic system leach field will be protected from vehicular traffic, and so long as Jim and Dawn Clontz, jointly as Husband and Wife operating as Clontz Enterprises Inc., d/b/a Gilbert R.V. Campground, and for that purpose only, shall accept and remain in compliance with and abide with the terms of Resolution No. 02-2011 which granted a franchise to Clontz for the use of that portion of Hill Street and the Alley located in Block One for a septic system leach field as described in the Resolution, this Ordinance shall remain in full force and effect; a copy of Resolution No. 02-2011 is attached hereto as Exhibit A.

Section 3: Repealer

All ordinances, resolutions, bylaws, and other matters inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4: Severability

In the event any title, section, paragraph, 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 portions of the ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

Section 2. So long as all conditions and agreements set forth in this Resolution are maintained in compliance with the Clontz Franchise, this franchise and Ordinance No. 02-2011 restricting the use of said portion of Hill Street and said Alley in the center of Block One to non-vehicular use only shall remain in full force and effect.

Adopted this 16<sup>th</sup> day of May, 2011.

TOWN OF GILBERT

By: Mitch Mortvedt  
Mitch Mortvedt, Mayor

Attest:

William Weidman  
William Weidman, Recorder/Treasurer