

RESOLUTION No.1-2011

WHEREAS, the Town of Gilbert Arkansas has previously authorized the institution of legal action in the Circuit Court filed as The Town of Gilbert v. Benjamin Fruehauf II, and

WHEREAS, this litigation has been instituted in order to insure the Town maintains full control over and the integrity of its streets and other public passage ways; and

WHEREAS, the Circuit Court has rendered a decision finding, in part, the Town's claimed right-of-way, commonly referred to as Spring Street had been part of the prior right-of-way of the St. Louis and North Arkansas Railroad, and that title to such right-of-way has reverted to the Defendant, Benjamin Fruehauf II; and

WHEREAS, this decision, if allowed to stand, would have an adverse impact on the Town's ability to utilize the public right-of-ways for the citizens now, and in the future, thereby establishing unacceptable consequences; and

WHEREAS, the Circuit Court has indicated that the other matters and issues pending the same styled cause are to be scheduled for future trial; and

WHEREAS, the sum of \$20,000 appropriated by Resolution No. 1-2010 has been fully dispensed,

THEREFORE, BE IT RESOLVED that the Town Council of the Town of Gilbert hereby authorizes as follows:

A. The continued retention of Attorneys Stephen Giles and James Stanley to represent the Town in its current litigation with the Defendant, Benjamin Fruehauf II, in the trial of the case pending in the Circuit Court of Searcy County as well as continuing the appeal in the Arkansas Court of Appeals and/or the Arkansas Supreme Court, and

WHEREAS the Town hereby appropriates the sum of \$ 20,000 for fees and costs for the purposes of this pending litigation and appeal, and

WHEREAS the Town Council authorizes the Mayor of the Town of Gilbert to enter into any appropriate agreement with Attorney Stephen Giles and/or other attorneys in order to prosecute any appeals and/or represent the Town in any trial or other appropriate litigation on behalf of the case of The Town of Gilbert v. Benjamin Fruehauf II currently pending in the Circuit Court of Searcy County.


MITCH MORTVEDT/MAYOR

Attest:


WILLIAM WEIDMAN
RECORDER/TREASURER

TOWN OF GILBERT RESOLUTION NO. 02-2011

A RESOLUTION GRANTING FRANCHISE TO JIM AND DAWN CLONTZ

WHEREAS, on the Town Council of the Town of Gilbert, Arkansas passed Ordinance No. 02-2011 to restrict to non-vehicular use that portion of Hill Street lying east of May Street to Spring Street and a certain Alley that runs North to South in the center of Block One; and

WHEREAS, Jim and Dawn Clontz, jointly as Husband and Wife operating as Clontz Enterprises Inc., (hereinafter called "Clontz") own all of the property in Block One, and Seven abutting said portion of Hill Street and Alley; and

WHEREAS, Jim and Dawn Clontz have agreed that no camper may stay at Gilbert R.V. Campground for more than fourteen days in a thirty day period; and

WHEREAS, this Franchise (the "Clontz Franchise") is granted for the sole purpose of allowing Clontz to construct and maintain a septic system leach field for the Gilbert R.V. Campground within the right-of-way of Hill Street and the Alley as stated herein; and

WHEREAS any other use of described property that is not directly related to the normal operations of the R. V. Campground shall be considered a violation of the Clontz Franchise and may be subject to termination by the Town Council, and no other use of the street and alley referenced herein shall be permitted without a separate franchise expressly approved by the Town Council; and

WHEREAS; Clontz shall maintain the surface of the street and alley and the Campground in a clean and orderly condition and shall keep the area mowed and free of litter and debris; and

WHEREAS, this Clontz Franchise shall continue so long as the terms and conditions are met and the use is in compliance with applicable state and local laws and regulations; and

WHEREAS, Clontz agrees to pay to the Town of Gilbert the sum of \$ 25.00 per year for this Franchise.

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

Section 1. This Resolution of the Town Council is adopted for the purposes stated herein; it is granted exclusively to Jim and Dawn Clontz to operate Gilbert R. V. Campground, to use that portion of Hill Street East of May to Spring Street and that certain Alley that runs North to South in the center of Block One for the sole purpose of developing and maintaining a septic system leach field for the campground.

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 16th day of May, 2011.

TOWN OF GILBERT

By: Mitch Mortvedt
Mitch Mortvedt, Mayor

Attest:

William Weidman
William Weidman, Recorder/Treasurer