

RESOLUTION 2013- 13

**A RESOLUTION EXPRESSING THE INTENT OF THE
ELKINS CITY COUNCIL TO ACCEPT MAINTENANCE
RESPONSIBILITY FOR CERTAIN PRIVATE ROADS
UPON THE OCCURRENCE OF SPECIFIED EVENTS**

WHEREAS, there are several private roads within the Elkins city limits that serve several residences and numerous citizens.

WHEREAS, City Ordinances require that roads dedicated to the City meet specific criteria and construction standards.

WHEREAS, the physical circumstances and layout of some of these roads make it extremely unlikely that the adjoining lands will ever be developed so as to financially support improvement of the roads to City construction standards.

WHEREAS, the Council desires to assume responsibility for maintenance of a few of these roads so as to provide minimally safe passage for the citizens that utilize said roads.

WHEREAS, the Council is willing to assume such responsibility only if easements are provided to the City for ingress, egress, public utilities and uses.

WHEREAS, the Council desires to improve such roads to the City construction standards over time as resources and funds may allow to the point where they may become City streets/roads.

BE IT RESOLVED BY THE CITY COUNCIL OF ELKINS, ARKANSAS, That:

Section 1: As soon as resources and funds allow, the City will obtain adequate legal descriptions and ownership information to prepare documents to convey to the City of Elkins permanent easements and right-of-way over, under, across and above the private roadways herein after described.

Section 2: As the easements/right-of-ways referred to herein are prepared they shall be provided to the owners of lands abutting the hereinafter described private roads, seeking donation to the City of the interest in real property described in such documents.

Section 3: Upon receipt of properly signed, notarized original easement/right-of-way documents from all owners of record abutting one of the hereinafter described private roads or the hereinafter described portions of a private road, the Mayor shall report same to the Council and the Council will authorize the City to accept responsibility for future maintenance of such roads (portion of the road) in accordance with then current City practices and capability.

Section 4: Upon the occurrence of Section 3 hereof, the administration shall develop plans to eventually improve such roadways, at one time, in stages, in incremental steps or otherwise, to the then current city street standards so eventually the designated roads (portion of road) may be accepted as a City road/street.

Section 5: The following private roads (or portions of private roads) are hereby designated for the above and foregoing program:

- a) Van Brundt Road from its intersection with Lacy Lane to the end of Van Brundt Road previously dedicated to the City, with a minimum width of 60 feet along the portion being accepted.
- b) Smith Road from its intersecting with Lacy Lane to the spot on the hill where the road forks, with a minimum width of 60 feet along the portion being accepted.
- c) Parker Lane from its intersection with Ark-Highway 16 to the tire shop, with a minimum width of 60 feet along the portion being accepted.

Section 6: Any private improvements, structures or uses currently in/on the proposed easement/right-of-way area may be continued until such time as maintenance, improvement or public use requires discontinuance.

PASSED AND APPROVED this 18th day of July, 2013.



L. BRUCE LEDFORD, Mayor



DELIA FOSTER, Recorder-Treasurer