ORDINANCE NO. 2006-03

AN ORDINANCE TO WAIVE BID REQUIREMENTS FOR REPAIR OF A MIDDLE-OF-THE-ROAD WATER LEAK, AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR SAID PROJECT, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, A water leak has surfaced in the center of Highway 917 which is the road to Vine Prairie Park; and

WHEREAS, Despite repeated efforts the source of the water leak has not been located.

WHEREAS, The State Highway Department has required that the water leak be repaired as expeditiously as possible with the least amount of damage to the highway, and has permitted that repair to their specifications.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. That the City Council has determined that an exceptional situation exists where the advertisement for competitive bidding on material and construction for road repair and also partially relocating the water line is not practical or reasonable.

SECTION 2. That the provisions of City Ordinance 2001-13 and ACA 22-9-203 are hereby waived and the Mayor and Recorder are hereby authorized to purchase supplies and enter into contracts for partially relocating the water line and repairing the State Highway. All prior actions taken in regard to this project are hereby ratified.

SECTION 3. That funds currently budgeted in the Water Fund and/or the Water Improvement Sales Tax Fund, up to $19,000.00, will be used for this Project.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby Repealed.

SECTION 5. If any provision of this ordinance is held invalid or unconstitutional it shall be deemed severable and separable, and the remaining provisions shall remain in full force and effect.

SECTION 6. It is hereby ascertained and declared that in order to facilitate prompt action to this crisis and to ensure compliance with State Highway Department requirements, an emergency is declared to exist. The provisions of this ordinance, being necessary for the protection of public health, shall be in full force and effect from and after their passage and approval.

PASSED AND APPROVED THIS 21ST DAY OF FEBRUARY, 2006.

APPROVED: Betty Feller

Betty Feller, Mayor

ATTEST: Jerry Dickerson

Jerry Dickerson, Recorder-Treasurer

ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT

HIGHWAY-UTILITY PERMIT

PERMIT: UD-04-06-040

ISSUE DATE: 02/14/2006

CITY OF MULBERRY
P. O. BOX 448
MULBERRY, AR 72947

EXPIRATION DATE: 02/14/2007

ROUTE	SECTION	COUNTY
917	0	Crawford

Attention: Brad Morse

DEPOSIT: 1000.00 By Bond

Your request of 01/02/2006, to place facilities or perform work on highway right of way as described in the application and shown on the plans is hereby approved. This approval is subject in all respects to State Law, Property Rights, and applicable regulations of the Arkansas State Highway Commission. The installation of facilities covered by this Permit shall conform to the requirements of applicable federal, state, local, industry, health and safety codes.

If at any time a change or improvement in the highway necessitates an adjustment or removal of the facility installed under this permit, it shall be at the expense of the owner within a reasonable time after request by the Department.

Permit is approved for work as shown on the attached sketch and permit request on the right of way of Highway 917.

The utility owner or his contractor shall maintain all existing highway, street and county road regulator, warning, guide and informational signs in an effective location at all times for the duration of the work and shall install them at the correct location upon completion of work. Any signs damaged during work under this permit shall be replaced at no cost to the State. Beginning of any work covered by this Permit shall constitute full acceptance by you of all applicable terms and conditions contained and referenced herein. All work on the highway right of way is subject to the approval of the District Engineer.

SPECIAL CONDITIONS: The open cut for utility crossing shall be repaired with a T-patch and asphalt overlay in accordance with the attached drawing. Additional pavement damage shall be repaired by scarifing, recompacting and overlay with 2" of asphalt as directed. This work is to be coordinated with District Permit Officer, Jeb Baldwin, (479) 646-5501.

Three days prior to starting work, you must notify the Department's District Permit Officer, Jeb Baldwin, P.O. Box 1424, Fort Smith, AR 72902, 479-646-5501.

Ralph Williams
Section Head - Utilities
Right of Way Division

cc: District 4
Area Maintenance Supv.

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

DEPOSIT ACKNOWLEDGEMENT AND REFUND REQUEST FORM

(Return Original to District Engineer Upon Completion of Installation)

PERMIT: UD-04-06-040

ISSUE DATE: 02/14/2006

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P. O. BOX 448
MULBERRY, AR 72947

EXPIRATION DATE: 02/14/2007

ROUTE	SECTION	COUNTY
917	0	Crawford

Attention: Brad Morse

This will acknowledge your guarantee in the amount of 1000.00 for restoration of highway property after completion of installations, as described in permit numbered above.

When the work has been completed, in accordance with the specifications, return the original of this form to the Department's District Engineer at Fort Smith Arkansas. After the work area has been inspected and it has been determined that the right of way has been restored satisfactorily your Bond will be released.

Ralph Williams
Section Head - Utilities
Right of Way Division

cc: Permit Officer
Fiscal Services

Fiscal Services
Little Rock, Arkansas

All of the conditions of the permit referred to above have been satisfactorily complied with, and the finished results meet with my approval.

Date

District Engineer

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

DEPOSIT ACKNOWLEDGEMENT AND REFUND REQUEST FORM

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Section Head - Utilities
Right of Way Division

cc: Permit Officer
Fiscal Services

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Little Rock, Arkansas

All of the conditions of the permit referred to above have been satisfactorily complied with, and the finished results meet with my approval.

Date

District Engineer

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

APPLICATION FOR UTILITY PERMIT

Part I - TO BE COMPLETED BY UTILITY OWNER Date 1-2-06

Name City of Mulberry Telephone No. 479-997-1321

Address 203 N. Main (Street) Mulberry (City) Ar. (State) 72947 (Zip Code)

The undersigned requests permission to install or maintain facilities, as described below, located on the right of way of Highway No. 917 in Crawford County, Arkansas, near the City of Mulberry.

TYPE AND DESCRIPTION OF FACILITIES: Bridge Attach.___

Tele.__ Gas__ Water X Sewer__ Power__ Television__ Aerial__ Buried__ Parallel__ Crossing__

Size 6" Length 1320 Ft Working Press. 60 psi Design Press.____

LOCATION 175 Ft From Railroad Tracks to road bore and then under the road to East Side And then Extend down east side right of Way 1320 Ft to hook to Existing 6" main

The location and description of the proposed facilities are shown in more detail on the plans attached to this application.

It is understood and agreed that any installation or work covered by any permit issued as a result of this application shall be subject to State Law and the applicable rules and regulations prescribed by the Arkansas State Highway Commission. Work performed under such permit shall constitute full acceptance of all applicable requirements of such laws, rules, regulations, and the specific terms and provisions as set forth in or attached to the Permit. All work shall be completed to the satisfaction of the District Engineer.

Signature Brad Morse, Title Public Works Director

Part II - TO BE COMPLETED BY AHTD DISTRICT ENGINEER

Amount of Deposit Required $ 1,000.00 Route 917 Section 0

Deposit Enclosed Yes___ No X Pavement Cut Approved Yes___ No X Bridge Attach.___

Highway Improvement Proposed? Yes___ No X Job Number ____

In situations where the proposed facilities will be located in the ditch line or more than five (5) feet from the right of way line, please explain N.A.

Note: See attached sheet for additional special requirements

Recommended 2/9/06 (Date) for District Engineer, District 4

Note: The open cut for utility crossing shall be repaired with a T patch and asphalt overlay in accordance with the attached drawing. Additional pavement damage shall be repaired by scarifying, reshaping and overlay with 2" of asphalt. As directed.

Part III - TO BE COMPLETED BY AHTD UTILITIES SECTION

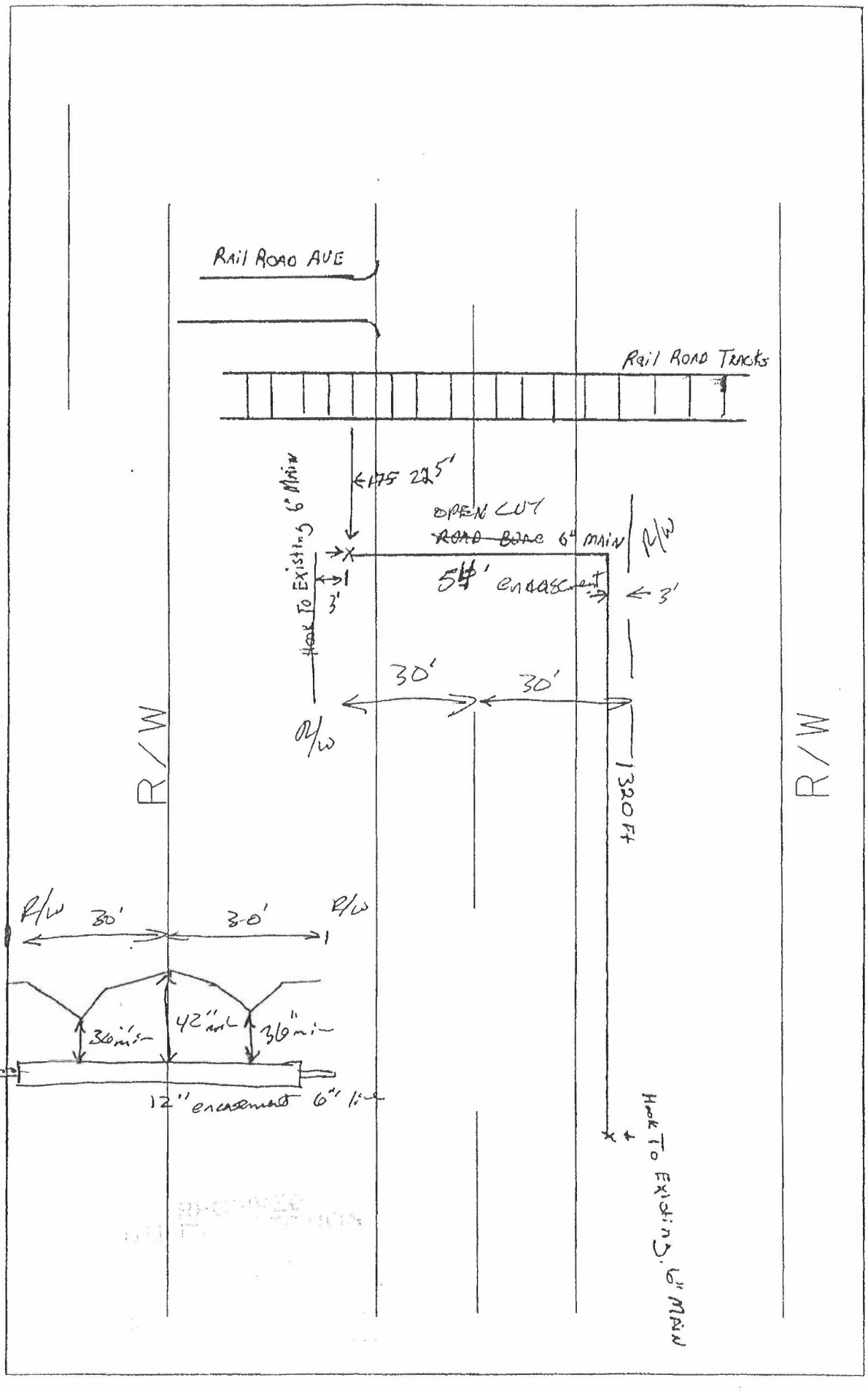
59

Permit No. UD 04-06-040

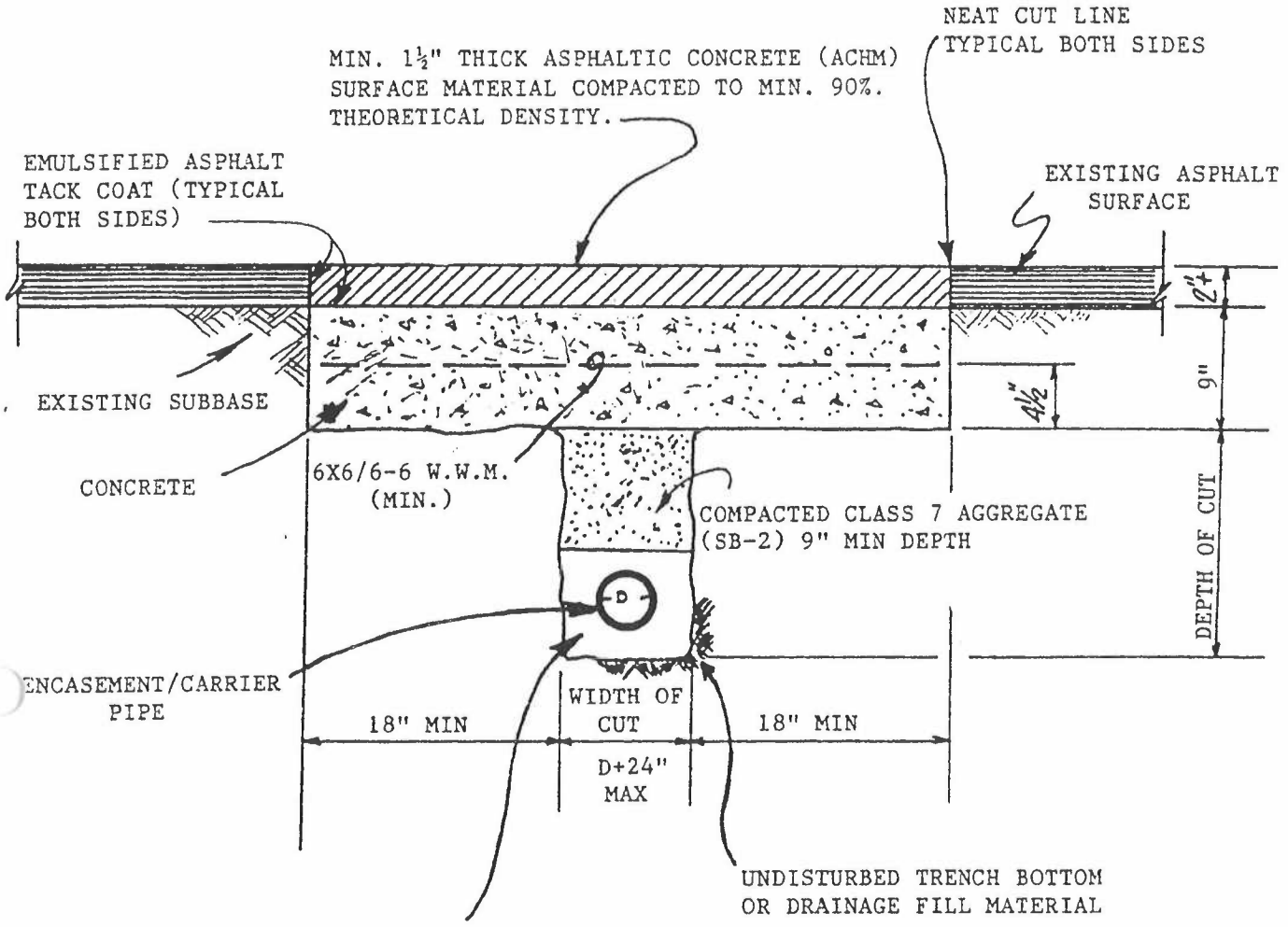
Route 917 Section 0

County Crawford

Deposit $ 1,000.00 By Bond/Check


Rail Road AVE
Rail Road Tracks
475 225'
Hook To Existing 6" Main
OPEN CUT
ROAD BORE 6" MAIN
54' encasement
3'
R/W
30'
30'
R/W
1320 Ft
R/W
R/W 30' 30' R/W
36" min
42" min
36" min
12" encasement 6" line
Hook To Existing 6" Main

SELECT BACKFILL MATERIAL - SHALL CONSIST OF FINE GRANULAR MATERIAL, FREE OF CLUMPS, CLODS, STONES, ROOTS, DEBRIS AND FROZEN MATERIAL CONSOLIDATION OF BACKFILL BY SATURATION OR PONDING WITH WATER SHALL NOT BE PERMITTED.



TYPICAL SECTION OF REPAIR FOR UTILITY CUT ON PAVED HIGHWAYS

FIGURE 8

NOTICE!

STORM WATER CONSTRUCTION PERMITS

Please be advised that you are required to follow all laws and regulations concerning erosion control. The Arkansas Department of Environmental Quality requires a Phase II Storm Water Construction Permits on sites that have a "disturbed soil area" of one acre or more. For questions or permit requirements for a Storm Water Construction Permit, contact (ADEQ) at 501-682-0627 or at 501-682-0621.
This permit is separate from any work order, permit or approval from the Arkansas Highway and Transportation Department.

MARKING OF UTILITIES

When any utility owner, or its assigned contractor and/or representative is required, or requested to locate and mark the location of its underground lines/facilities inside highway right of way on pavement, sidewalks, curbs, gutters, structures, etc., the marks shall be made with non-permanent materials (chalk, keel, non-permanent paint, etc.). Failure to comply with this requirement will result in removal of the markings by the utility owner at no expense to the Department.

Special Requirements
For Permittees Working within
Highway Right of Way
District 4

All areas, within the highway right of way, disturbed in conjunction with this permit shall be fully restored to the original condition and as determined to be satisfactory in the opinion of the District Engineer. Generally, this restoration shall include reshaping the ground to the original contours, thoroughly compacting backfill of pits, holes, and trenches such that future settlement or erosion will not occur, and reestablishing vegetation by seeding and mulching or sodding in accordance with the AHTD Standard Specifications for Highway Construction most recent edition. All areas completed shall be permanently or temporarily seeded and mulched or sodded within 14 days after completion of the work and areas temporarily abandoned shall be stabilized within 14 days if work is not to resume within 21 days. Temporary erosion control measures shall be implemented as conditions necessitate throughout the duration of the project. This requirement does not relieve nor supercede any requirements contained in any Storm Water Construction Permit issued by the ADEQ for this work.

Lane Closure Information

Lane closures on the highway associated with this permit must be coordinated with the Department. A Lane Closure Request form should be completed and delivered to the District Headquarters a minimum of four business days prior to the requested lane closure. Concurrence from the Department for the lane closure must be granted before work to close any lanes on the highway can be undertaken. Signing and advance warning devices for all lane closures must be in accordance with the MUTCD.

NOTICE!

STORM WATER CONSTRUCTION PERMITS

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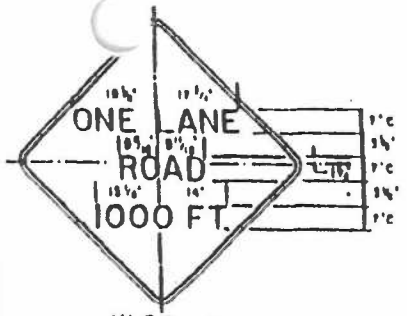

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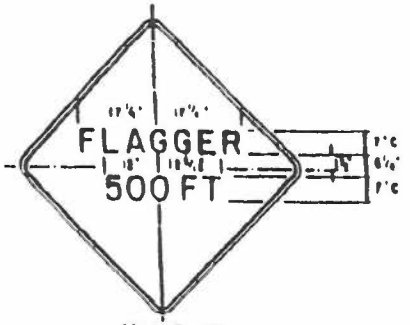

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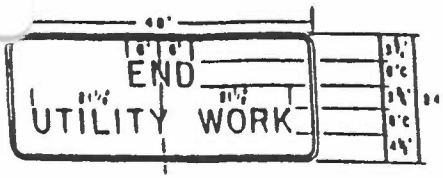

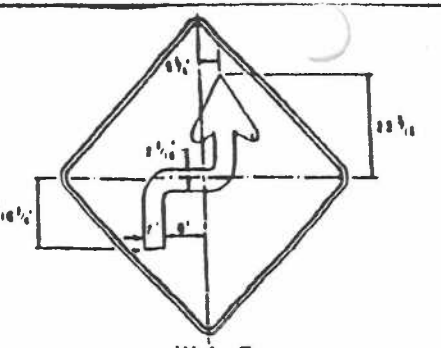

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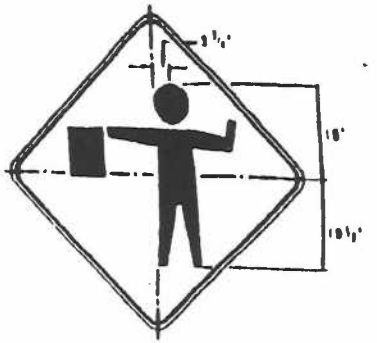

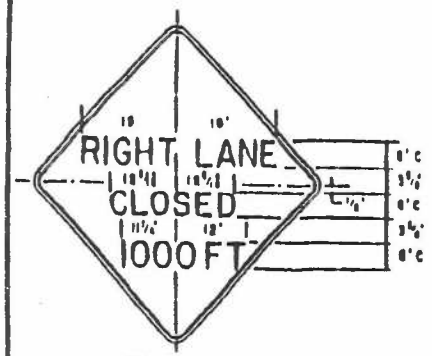

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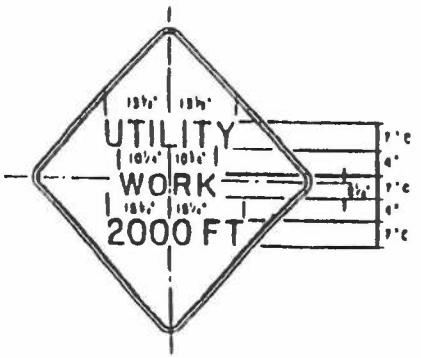
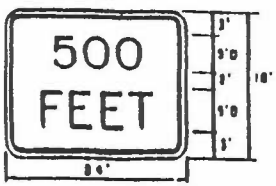
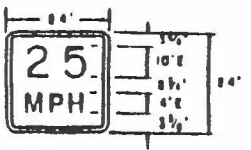
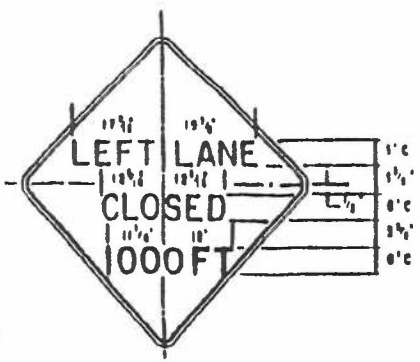




W 20-7a



W 13-1



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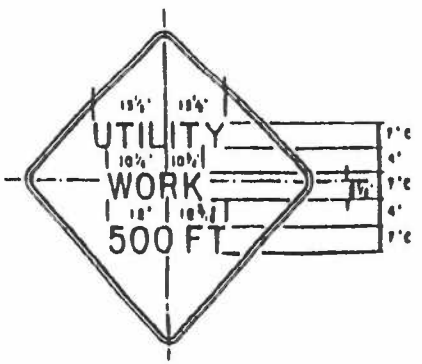

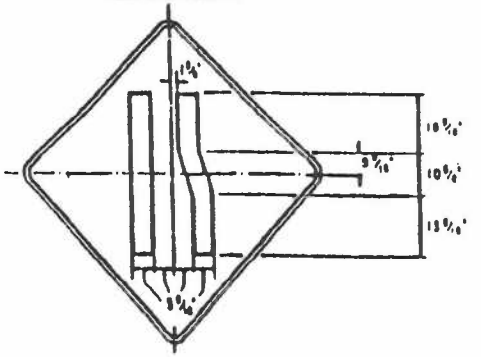

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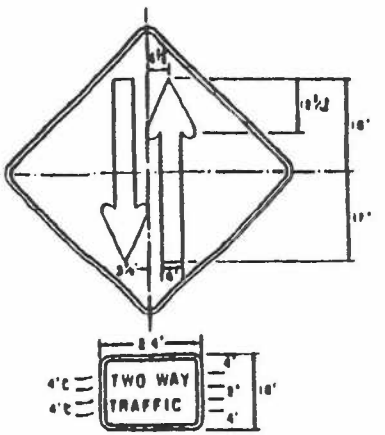

W 6-3

NOTICE: THESE ARE EXAMPLES OF TRAFFIC CONTROL DEVICES AND THEIR LOCATION FOR YOUR INFORMATION ONLY. PLEASE REFER TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" FOR PROPER SIGNING FOR YOUR OPERATION.

NOTE: THE DESIRABLE SIZE FOR WARNING SIGNS IS 48" X 48" AS SHOWN. THE MINIMUM SIZE IS 36" X 36" WHEN THE MINIMUM SIZE IS USED, AN 18" X 18" W13-1 WILL BE ALLOWED.

FIGURE 17