

MINUTE ORDER NO. 84-117

Hot Springs Sewer Ban - Briarwood
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Whereas the Commission on Pollution Control and Ecology (Commission) reinstated a prohibition on the construction of private sewage systems in Piney Sewer Improvement District on December 8, 1983, with a specific condition that the ban was to be lifted only upon acceptance of the necessary completed sewerage appurtenances by the effected district, and

Whereas Piney Sewer Improvement District is a viable, legally constituted sewerage improvement district, and

Whereas Piney Sewer Improvement District applied for and was awarded a grant for the construction of such facilities on September 27 , 1984, and

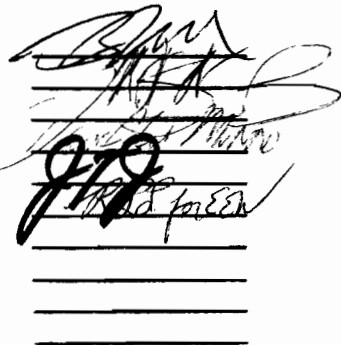
Whereas the development of Briarwood, formerly known as Fairwood, Phase II and III (Briarwood) would benefit the Piney Sewer Improvement District by (1) timely construction of a force main and pump station necessary to connect portions of the sewer improvement district to the Hot Springs Regional Sewage Treatment Plant, (2) reduce the per capita assessment cost of the district, (3) hasten the elimination of a point source of pollution (Garland County Industrial Park Sewage Treatment Plant), and (4) enhance the marketability of bonds necessary to finance the local share of the cost of construction.

Now therefore be it resolved that Piney Sewer Improvement District is to be commended for its continued efforts to control the pollution of Lake Hamilton, and

Be it further resolved that the Commission finds that the construction of the proposed facilities to serve Briarwood and portions of Piney Sewer Improvement District is consistent with the intent of the Commission's Order of December 8, 1983, and

Be it further resolved that the sewer ban be lifted with regard to Briarwood at the time the contract is awarded by Piney Sewer Improvement District for construction of the facilities depicted in the approved plan and specifications provided that construction of the sewerage appurtenances to serve Piney Sewer Improvement District is coincident with the construction of sewerage appurtenances to serve Briarwood, and

COMMISSIONERS





CHAIRMAN

SUBMITTED BY: Bob Blanz DATE PASSED: 9/28/84

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Be it further resolved that in the event of third party action which effectively delays or halts construction of the approved facilities to serve Piney Sewer Improvement District at no fault of Piney Sewer Improvement District or the developers (Dixon Realty) of Briarwood, the construction of sewerage appurtenances to serve Briarwood shall be allowed to continue provided that the developers (Dixon Realty) thereof continue to support the construction of the approved facilities for Piney Sewer Improvement District by (1) payment of all proper assessments by Piney Sewer Improvement District, and/or (2) taking such actions as are necessary to reform, redraw, or revise the Piney Sewer Improvement District or to join another sewer improvement district, including, but not limited to, voting favorably on such actions and placing a legally enforceable covenant in the Bill of Assurances for Briarwood which effectively requires all purchasers to support such actions or which effectively permits the developer to exercise such vote.

Be it further resolved that as a show of good faith Dixon Realty shall, prior to undertaking any construction of the sewage appurtenances hereinabove mentioned, place in an interest bearing escrow account, in favor of and in a form acceptable to the Commission, the amount of Ten Thousand Dollars (\$10,000) as security for the actions necessary to support the construction of the approved plans and specifications to serve Piney Sewer Improvement District and that such amount and accrued interest shall be forfeited upon a finding by the Commission that reasonable diligence and good faith was not exercised in the pursuit of such performance by Dixon Realty. Such performance bond with accrued interest shall be released by the Commission upon acceptance by the City of Hot Springs of the approved sewerage appurtenances to serve Piney Sewer Improvement District as part of the municipal sewerage system.

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