

RESOLUTION NO. 118

**A RESOLUTION APPROVING THE WITHDRAWAL
OF THE CITY OF CAVE SPRINGS, ARKANSAS
FROM THE OSAGE BASIN WASTEWATER DISTRICT**

WHEREAS, in order to provide an adequate sewer system with the ability to effectively treat wastewater, the cities of Tontitown, Cave Springs, Elm Springs, and Highfill, Arkansas, did establish the Osage Basin Wastewater District (hereinafter "District"), pursuant to an Order of the Washington County, Arkansas, Circuit Court dated January 6, 2000; and

WHEREAS, the City of Cave Springs has informed the District and all members of the District, that, after evaluation of various options available to Cave Springs for managing its wastewater collection and treatment needs, it has determined that funding resources available to it were and are insufficient to continue participation in the District without creating an undue financial hardship on the City of Cave Springs and its citizens; and

WHEREAS, the City Council of the City of Cave Springs passed and approved Resolution No. 2004-22 on December 13, 2004 by which the City resolved to withdraw from the District; and

WHEREAS, the City of Cave Springs has filed a Petition to Withdraw from the Osage Basin Wastewater District in the Circuit Court of Washington County, Arkansas, requesting a court order allowing the City of Cave Springs to withdraw from the District, ordering the City of Cave Springs to be released, indemnified, and held harmless for liabilities, indebtedness, and all other obligations of the District, reconfiguring the boundaries of the District to encompass only the incorporated city limits of Tontitown and Highfill, Arkansas, and removing all directors representing the City of Cave Springs from the Board of Directors for the District; and

WHEREAS, the City of Cave Springs has requested the approval of the cities of Tontitown and Highfill, Arkansas of the foregoing order allowing Cave Springs to withdraw as a member of the District;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Tontitown, Arkansas as follows:

The City Council of the City of Tontitown, Arkansas, hereby approves the withdrawal of the City of Cave Springs from the Osage Basin Wastewater District in accordance with the terms of the Petition to Withdraw from the Osage Basin Wastewater District filed in the Circuit Court of Washington County, Arkansas in Case No. CIV 99-1194, and the Order prepared in connection therewith, copies of which are attached hereto and incorporated herein by reference.

ATTEST:

Sherry Pianalto

Sherry Pianalto, City Recorder Acting Mayor

APPROVED AS TO FORM:

Charles Harwell, City Attorney



ROLL CALL

Names Of Those Voting YEA

Riggins
Arthur Penzo
Piazza
Andy Penzo
Smith
Robertson

Names Of Those Voting NAY