

ORDINANCE NO. 0-78-4

AN ORDINANCE VACATING A PORTION OF A CERTAIN ALLEY IN BLOCK 76, BOULEVARD ADDITION TO THE CITY OF CONWAY, ARKANSAS.

WHEREAS, a petition was duly filed with the City Council of the city of Conway, Arkansas, on the 18 day of November, 1977, asking the City Council to vacate and abandon all that portion of the alley designated on the plat of Boulevard Addition to the city of Conway, Arkansas, and now appearing of record in Plat Book A, page 6, in the office of the recorder of Faulkner County, Arkansas, more particularly described as follows:

Beginning at the Northeast corner of Lot 5, Block 76, Boulevard Addition to the city of Conway, Arkansas, and run thence South along the East line of Lot 5, 6, 7, 8, 9, 10, 11, 12, and 13 to the Southeast corner of Lot 13; run thence East 20 feet; run thence North along the West line of Lots 26, 25, 24, 23, 22, 21, 20, 19, and 14 to the Northwest corner of Lot 14; run thence West 20 feet to the point of beginning, all in Block 76, Boulevard Addition to the city of Conway, Arkansas.

WHEREAS, the City Council has heard persons desiring to be heard on the question and has ascertained that the alley or the portion thereof, hereinbefore described has heretofore been dedicated to the public as an alley herein described; has not been actually used by the public generally for a period of at least ten years subsequent to the filing of the plat, and prior to the filing of said petition; that all the owners of the property abutting upon the portion of the alley to be vacated have filed with the Council their written consent to such abandonment; and that public interest and welfare will not be adversely affected by the abandonment of such alley, save and except that it is necessary for the city of Conway to retain an easement over the South 420.3 feet of this alley to allow the city access to the utility lines which are lying in that area to maintain and improve those utility lines as the city and Conway Corporation see fit.

NOW, THEREFORE, be it ordained by the city council of the city of Conway, Arkansas:

SECTION 1. The city of Conway, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally in and to that part of this alley designated as follows:

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Beginning at the Northeast corner of Lot 5, Block 76, Boulevard Addition to the city of Conway, Arkansas, and run thence South along the East line of Lot 5; run thence East 20 feet; run thence North along the West line of Lot 14 to the Northwest corner of Lot 14; run thence West 20 feet to the point of beginning, all in Block 76, Boulevard Addition to the city of Conway, Arkansas.

SECTION 2. The city of Conway, Arkansas hereby abandons that part of this alley designated as follows:

Beginning at the Southeast corner of Lot 5, Block 76, Boulevard Addition to the city of Conway, Arkansas, and run thence South along the East line of Lot 6, 7, 8, 9, 10, 11, 12, and 13 to the Southeast corner of Lot 13; run thence East 20 feet; run thence North along the West line of Lots 26, 25, 24, 23, 22, 21, 20, 19 and to the Southwest corner of Lot 14; run thence West 20 feet to the point of beginning, all in Block 76, Boulevard Addition to the city of Conway, Arkansas.

Reserving, however, over the immediately above described alley in this section an easement in the city of Conway, Arkansas, for the purpose of allowing the city access to the utility lines which are lying over the South 420.3 feet to maintain and improve those utility lines as the city and Conway Corporation see fit.

SECTION 3. A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

SECTION 4. This ordinance being necessary for the public safety and welfare, an emergency is hereby declared to exist and this ordinance shall be enforced and shall take effect and be in force from and after its passage and publication.

PASSED: January 24, 1978.

APPROVED:

Jim Hoggard
JIM HOGGARD - MAYOR

ATTEST:

Doris Nunn
DORIS NUNN - CITY CLERK

(Seal)

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ACKNOWLEDGMENT

State of Arkansas)
County of Faulkner)ss

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the county aforesaid, duly commissioned and acting Jim Hoggard, Mayor and Doris Nunn, City Clerk to me well known in the foregoing Ordinance and acknowledged that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 24th day of January, 1978.

Becky Taylor
Notary Public

My Commission Expires:

6-19-81