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City Clerk
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FAULKNER COUNTY
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by

222923

ORDINANCE NO. 0-03-72

**AN ORDINANCE ABANDONING A UTILITY EASEMENT ; REPEALING ANY
ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES**

D. C.

WHEREAS, a petition was duly filed with he City Council of the City of Conway, Arkansas on the 20th day of May 2003 asking the City Council to vacate and abandon (all or part) portion of the easement designated on the plat of the St. Johns Subdivision Phase 3 Addition to the City of Conway,

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard on the question and has ascertained that the easement or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a easement herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the easement to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the easement.

NOW, THEREFORE, BE IT ORDAINED BY **THE** CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS,

SECTION 1. The City of Conway, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the easement designated as follows:

All that part of Lot 3 of St. John's Subdivision phase 3 that lies West of a line starting 82.20' East of the SW corner of said Lot 3 extending NNE to a point 117.65' East of the NW corner of Lot 3. Retaining as easements that portion of Lot 3 that lies East of said line starting 82.20' East of the SW corner of said Lot 3 extending NNE to a point 117.65' East of the NW corner of Lot 3 as well as the North 20', the West 7.5' and the South 10' of Lot 3 St. John's Subdivision Phase 3.

SECTION 2. 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 3. That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 4. That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, Arkansas, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 27th day of May, 2003.

APPROVED:



MAYOR TAB TOWNSELL

ATTEST:


MICHAEL O. GARRETT, CITY CLERK