

City
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021267

ORDINANCE 0-04-~~094~~

**AN ORDINANCE ABANDONING A PATHWAY EASEMENT
BETWEEN LOTS 173 AND 174 AND MOVING IT TO BETWEEN
LOTS 169 and 170 OF SOUTHWIND PHASE II**

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 14th day of September 2004 asking the City Council to vacate and abandon a pathway easement between Lots 173 and 174 and moving it to between lots 169 and 170 of Southwind Phase II subdivision; however the drainage easement located between lots 173 and 174 will remain intact;

WHEREAS, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be 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 pathway easement herein described; has not been actually used by the public generally ; 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 the easement as a pathway but not as a drainage easement, with the rights of the public generally, in and to the easement designated as follows:

Vacating the pathway easement between Lots 173 and 174 of Southwind Phase II Subdivision and moving the pathway easement to between Lots 169 and 170 with the drainage easement remaining intact between Lots 173 and 174

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. This ordinance shall take effect and be in force from and after its passage.

Passed this 14th day of September, 2004

Tab Townsell

Mayor Tab Townsell

Attest:

Michael O. Garrett

Michael O. Garrett, City Clerk

Doc#2004- 21038
Date 10/07/2004
03:29:09 PM
Filed & Recorded in
Official Records of
Faulkner County
SHARON RIMMER
FAULKNER COUNTY CIRCUIT CLERK
Fees \$11.00
by _____ D.C.

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