

ORDINANCE O-06-01

City of Conway

AN ORDINANCE REDUCING THE UTILITY/ACCESS EASEMENT (OF VARIED WIDTH) TO 15 FEET, SAID PROPERTY LYING IN THE SE ¼ NW ¼ OF SECTION 23 T-5-N R-14 W, FAULKNER COUNTY ARKANSAS DESCRIBED AS BEING ADJACENT TO THE SOUTH PROPERTY LINE OF LOT 205 SOUTHWIND SUBDIVISION PHASE II, CONWAY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;

WHEREAS, a request was duly filed with the City Council of the City of Conway, Arkansas on the 27th day of December, 2005 asking the City Council to vacate and abandon (all or part) portion of the easement designated on the plat of the Southwind Subdivision, Phase II, 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 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 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:

BEING ALL THAT PART OF A UTILITY & ACCESS EASEMENT LYING ALONG AND ADJACENT TO THE SOUTH PROPERTY LINE OF LOT 205 SOUTHWIND SUBDIVISION, PHASE II, TO THE CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS, AS SHOWN ON PLAT OF RECORDS IN PLAT BOOK OF RECORDS, PLAT BOOK K, PAGE 6, LESS AND EXCEPT THE SOUTH 15.0 FEET ADJACENT TO SAID PROPERTY LINE.

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 10th day of January, 2006.

APPROVED:


Mayor Tab Townsell

Attest:


Michael O. Garrett
City Clerk/Treasurer

CERTIFICATE

**STATE OF ARKANSAS
COUNTY OF FAULKNER
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 10th day of January 2006, same is duly recorded in the minutes of meeting of said Council.

Witness, my hand and seal of the City of Conway, Arkansas, this 17th day of January 2006.


CITY CLERK-TREASURER

Seal

Doc#2006- 1889
Date 01/26/2006
08:10:58 AM
Filed & Recorded in
Official Records of *266084*
Faulkner County
SHARON RIMMER
FAULKNER COUNTY CIRCUIT CLERK
Fees \$11.00
by *SR* _____ D. C.

CERTIFICATE OF RECORD
Doc#2006- 1889
01/26/2006
08:10:58 AM
Filed and Recorded in Official Records of
FAULKNER COUNTY
SHARON RIMMER
FAULKNER COUNTY CIRCUIT CLERK
by *Sharon Rimmer* _____ D. C.