City of Conway

009610

ORDINANCE NO. O-07-35

AN ORDINANCE TO VACATE AND ABANDON A PORTION OF WEST SIMMS STREET (UNIMPROVED BETWEEN HUBBARD AND DENISON); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 10th day of April, 2007 asking the City Council to vacate and abandon a portion of West Simms Street.

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 right-of-way or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street right-of-way 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 West Simms Street 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 portion of West Simms Street.

WHEREAS, the following exception and utility drainage shall be in place: the 15 foot utility easement remains centered on the existing utility due to an electric/CATV line in the said portion of West Simms.

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

Section 1. The City of Conway releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to West Simms Street designated as follows:

West Simms Street (unimproved between Denison and Hubbard Road)

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 and approval.

Passed this 10th day of April, 2007.

Approved:

Mayor Tab Townsell

Doc#2007- 9514
Date 05/08/2007
08:23:07 AM
Filed & Recorded in
Official Records of
Faulkner County
RHONDA LONG
FAULKNER COUNTY CIRCUIT CLERK
Fees $11.00
by _____ D.C.

288810

ATTEST:

Michael O. Garrett
City Clerk/Treasurer