ORDINANCE NO. O-07-70

AN ORDINANCE CLOSING THE 15' ALLEY (RUNNING THROUGH BLOCK A AND BLOCK B IN THE ROBINSON AVENUE REPLAT; WITHIN THE CITY LIMITS OF CONWAY, ARKANSAS, AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 26th day of June, 2007 asking the City Council to close two alleys described as Block A (running east to west between the South boundary of Lots 4-8, and the North boundary of Lots 9-13 and Block B (the south boundary of Lots 1-10, and the North boundary of Lots 11-20, Smith subdivision); also the additional 2.50' right of way for any alley shown on the plat of CRMC Replat along the north line of Lots 1 & 2; within the City limits of Conway, AR.

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 (however shall retain those portions for use as a utility and drainage easement (full width) in said alley), as follows:

Alley Closure (Block A)

Being that certain 15' alley running in an East and West direction which lies between the South boundary of Lots 4, 5, 6, 7, and 8 and the North boundary of Lots 9, 10, 11, 12 and 13 all in Block A, Smith Subdivision of a part of Donaghey Addition to the City of Conway, Arkansas, Faulkner County, Arkansas, as shown on Plat of Records in Plat Book A, at page 46 of the Faulkner County records.

Alley Closure (Block B)

Being that certain 15' alley running in an East and West direction which lies along the South boundary of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 and the North boundary of lots 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 all in Block B, Smith Subdivision of a part of Donaghey Addition to the City of Conway, Faulkner County, Arkansas, as shown on Plat of Records in Plat Book A, at page 46 of the Faulkner County records.

Alley Closure (CRMC Replat)
Also the additional 2.50' right of way for any alley shown on the plat of CRMC Replat along the North line of Lots 1 and 2 as shown on the plat of records in plat book J at Page 342 to the Faulkner County Records.

Section 2. Conway Corp does maintain a water main along the east side of Augusta Avenue and an electric/CATV line in said alley, as long as said portion remains an accessible utility easement. Conway Corp has no objections. Any relocation or removal or existing utilities in said alley ways will be at the expense of the developers.

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

PASSED this 26th day of June, 2007

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer