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City-Env.



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Faulkner County
RHONDA WHARTON
FAULKNER COUNTY CIRCUIT CLERK
Fees \$20.00
by WB D.C.

City of Conway, Arkansas
Ordinance No. O-08-155

AN ORDINANCE TO CLOSE A UTILITY & DRAINAGE EASEMENT LOCATED AT LOT 65 AND 66 IN THE CRESTHAVEN SUBDIVISION, PHASE III, 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 16th of December, 2008 asking the City Council to close the fifteen foot drainage and utility easement located on the southern lot line of lot 65 Cresthaven Subdivision Phase III and the fifteen foot drainage and utility easement on the western lot line of lot 66 as shown in Plat book k on page 326, Record of Faulkner County, 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 utility and drainage 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:

The south 15 foot utility and drainage easement located on Lot 65, and the existing west 15 foot utility and drainage easement located on Lot 66, in Cresthaven Subdivision Phase III; as shown in Plat book K, on page 326, Record of Faulkner County, AR.

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 is necessary for the protection of the public peace, health and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 23rd day of December, 2008

Approved:

Mayor Tab Townsell

Attest:

**Michael O. Garrett
City Clerk/Treasurer**