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Faulkner County

RHONDA WHARTON

FAULKNER COUNTY CIRCUIT CLERK

Fees \$20.00

by

LB

D. C.



City of Conway, Arkansas

Ordinance No. O-10-54

AN ORDINANCE CLOSING A RIGHT OF WAY LOCATED AT BETWEEN LOTS 65-74 OF CREEKWOOD SUBDIVISION AND LOTS 1-7 OF CHARLES PLACE SUBDIVISION KNOWN AS THE OLD DONAGHEY RIGHT OF WAY; AND FOR OTHER PURPOSES;

WHEREAS, a request was duly filed with the City Council of the City of Conway, Arkansas on the 8th day of June, 2010, asking the City Council to vacate and abandon the right of way known as the Old Donaghey Right of Way in the City of Conway, Faulkner County Arkansas.

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 right of way 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 right of way.

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 property know as the Old Donaghey Right of Way in the City of Conway, Faulkner County Arkansas designated as follows:

Being Lots 65-74 of Creekwood Subdivision as shown on Plat of Records in Plat Book D, Page 19 and Lots 1-7 of Charles Place Subdivision as shown on Plat Book I Page 128 and also known as the Old Donaghey Right of Way, of Faulkner County, Arkansas.

Section 2. Centerpoint Energy has no conflict, Conway Corporation has no objection to the closures as long as the property remains a utility drainage easement, AT&T has no objections to the closure subject to and conditioned upon the City dedicating a utility easement to encompass our existing buried cable and for future use. ATT has a large copper feeder cable within this right of way, so the utility easement will need to be wide enough to compass it in either side. Arkansas One Call has located and marked the cable.

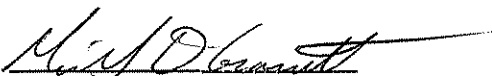
Section 3. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

PASSED this 22nd day of June, 2010.

APPROVED:


Mayor Tab Townsell

ATTEST:


Michael O. Garrett
City Clerk/Treasurer