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City of Conway, Arkansas Ordinance No. <u>0-11-76</u>

AN ORDINANCE CLOSING THE SOUTHERNMOST 250 FEET OF SIMON STREET (UNPAVED) LOCATED AT 650 SIMON ROAD; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 7th day of June, 2011 asking the City Council to vacate and abandon that portion of Simon Street that is the southernmost 250 feet.

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 an 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 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 street.

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 southernmost 250 feet of Simon Street designated as follows except that a 20 foot easement centered on an active sewer main in the existing right of way shall be maintained for Conway Corporation even after closure:

Being a part of the E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8, T-5-N, R-13-W Faulkner County, Arkansas; more particularly described as beginning at the SW corner of said E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$; thence N 01°44'31" E 1078.14 feet; thence S 88°24'16" E 150.0 feet to the point of beginning; thence S 01°44'31" W 250.0 feet; thence S 88°36'48" E 50.0 feet; thence N 01°44'31" E 250.0 feet; thence N 88°36'48" W 50.0 feet to the point of beginning containing 0.28 acres more or less; and except for that northern 15' feet is retained as a drainage easement.

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 27th day of September, 2011.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett City Clerk/Treasurer