

3

17782

Doc#2011- 17528
Date 11/02/2011
02:23:22 PM
Filed & Recorded in
Official Records of
Faulkner County
RHONDA WHARTON
FAULKNER COUNTY CIRCUIT CLERK
Fees \$25.00
by _____ D.C.

365249
RWP



City of Conway, Arkansas
Ordinance No. O-11-81

AN ORDINANCE PURSUANT TO ARK. CODE ANN. § 14-54-104(2) CLOSING A PORTION OF THE STREET RIGHT-OF-WAYS KNOWN AS COLLEGE AVENUE BETWEEN A POINT 150 FEET WEST OF THE RAILROAD AND HARKRIDER STREET; A PORTION OF FRONT STREET BETWEEN ELM STREET AND COLLEGE AVENUE; A PORTION OF CHESTNUT STREET BETWEEN COLLEGE AVENUE AND HARKRIDER; AND A PORTION OF ELM STREET BETWEEN FRONT STREET AND THE RAILROAD ALL SITUATED IN THE CITY OF CONWAY, FAULKNER COUNTY, ARKANSAS, AND FOR OTHER PURPOSES;

WHEREAS, an agreement was entered into with St. Joseph Catholic Parish to relocate a portion of College Avenue between Locust Street and Harkrider Street to the follow a portion of the current Elm Street Right of Way. St Joseph Catholic Parish agreed to donate the additional Street Right of Way in exchange for the closing of the portions of College Avenue, Front Street and Chestnut Street as described below. The relocated College Avenue construction is nearing completion.

WHEREAS, pursuant to Ark. Code Ann. § 14-54-104(2), 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 street 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; is no longer required as public street right of way due to the street relocation; that closing a portion of said streets would not work a hardship on the public; that no abutting landowners are being deprived access to and egress from their property due to the closing or relocation; and that public interest and welfare will not be adversely affected by the abandonment of the street right-of-way.

WHEREAS, as described in Section 2 below, the full street right of way area abandoned is reserved as a "Utility and Drainage Easement" to allow for maintenance, operation and replacement of the existing utility and drainage infrastructure within these street right of ways.

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

Section 1. The City of Conway, Arkansas pursuant to Ark. Code Ann. § 14-54-104(2), releases, vacates, and abandons its rights to use said lands for Public Street Purposes, together with the rights of the public, subject to the provisions of the reservations in Section 2 below, generally, in and to the right-of-way designated as follows:

Parcel No 1 – College Avenue West of Railroad

A portion of College Avenue lying west of the Union Pacific Railroad between Lot 4 Block 24 Robinson's Plan and Lot 2 Block 9 Daviess & Garvins Annex being situated in the City of Conway, Faulkner County, Arkansas more particularly described as follows:

Beginning at the Northeast Corner of said Lot 2, Block 9, Daviess & Garvins Annex thence southwesterly along the northerly line of said Lot 2, 150 feet; thence N35° 06'07"E, 107.69 feet to a Point on the southerly line of said Lot 4 (said Point being 110.26 feet from the northeasterly corner of said Lot 4); thence northeasterly along said southerly line of said Lot 4, 110.26 feet to the southeasterly corner of said Lot 4 and the westerly Right of Way Line (100' Right of Way Width) of the Union Pacific Railroad; thence southeasterly along said westerly Union Pacific Right of Way Line 60 feet; thence southwesterly 50 feet to the Point of Beginning and containing 0.214 acres more or less.

Parcel No 2 – College Avenue East of Railroad

That portion of College Avenue lying east of the Union Pacific Railroad bounded on the north by Lots 1 and Lot 4 Block 16 Robinson's Plan and on the south by Lot 1, Block 17 Robinson's Plan being situated in the City of Conway, Faulkner County, Arkansas more particularly described as follows:

Beginning at the Northeasterly Corner of said Lot 1 Block 17 thence southwesterly along the northerly line of said Lot 1 Block 17, 450 feet to the easterly right of way line of the Union Pacific Railroad ((100' Right of Way Width); thence northwesterly 60 feet to the Southwesterly Corner of said Lot 4 Block 16; thence Northeasterly 450 feet along the southerly line of Lot 4 Block 16 and Lot 1 Block 16 to the southeasterly

corner of said Lot 1 Block 16; thence Southeasterly 60 feet to the Point of Beginning and containing 0.620 acres more or less.

Parcel No 3 – Front Street (Conway Street) between College Avenue and Elm Street

A portion of Front Street (Conway Street) bounded on the west by Lot 2, 3, & 4 of Block 16 and bounded on the east by Lot 1 Block 16 Robinson's Plan being situated in the City of Conway, Faulkner County, Arkansas more particularly described as follows:

Beginning at a Point of the west line of said Lot 1 4 feet southeasterly of the Northwest Corner of said Lot 1; thence southeasterly 296 feet along the west line of said Lot 1, 296 feet to the southwest corner of said Lot 1; thence southwesterly 50 feet to the southeast corner of said Lot 4; thence Northwesterly along the east line of said Lots 4, 3 & 2, 296 feet to a Point on the east line of said Lot 2 (said Point being 4 feet southeasterly of the Northeast Corner of said Lot 2); thence northeasterly 50 feet to the Point of Beginning and containing 0.340 acres more or less.

Parcel No 4 – Portion of the North side of Elm Street between the Union Pacific Railroad and Front Street.

A portion of Elm Street adjacent to the south line of Lot 6 Block 15 Robinson's Plan being situated in the City of Conway, Faulkner County, Arkansas more particularly described as follows:

Beginning at the southeast corner of said Lot 6 thence southwesterly along the south line of said Lot 6 S69° 17'17"W, 175.00 feet to the southwesterly corner of said Lot 6; thence along the easterly right of way line of the Union Pacific Railroad (100' Right of Way) S21° 20'19"E, 25.30 feet; thence along a curve to the right having a radius of 112.50 feet and a chord bearing N48° 03'23"E, 34.07 feet; thence along a curve to the right having a radius of 355.50 feet and a chord bearing N63° 01'37"E, 77.54 feet; thence N20° 42'43"W, 4.50 to the Point of Beginning and Containing 0.033 acres more or less.

Parcel No 5 – College Avenue – Chestnut Street Intersection

A portion of College Avenue and Chestnut Street right of way situated in the City of Conway, Faulkner County, Arkansas more particularly described as follows:

Beginning at the Northeast Corner of Lot 1 Block 17 Robinson's Plan thence S21° 20'16"E along the easterly line of said Lot 1, 117.73 feet; thence N01° 46'44"E, 192.81 feet to a point of the southerly line of Lot 3 Block 9 Robinson's Plan (said Point being 15.7 feet easterly of the southwesterly corner of said Lot 3); thence S68° 58'25"W along said southerly line of said Lot 3 to the southwesterly corner of said Lot 3; thence continuing S68° 58'25"W, 60 feet to the southeasterly corner of Lot 1 Block 16 Robinson's Plan, thence S21° 20'16"E, 60 feet to the Point of Beginning and containing 0.154 acres more of less.

Section 2. The entire area of the street right of ways closed by this ordinance shall be retained as a Utility and Drainage Easement for the purpose of managing, maintaining, operating, replacing and construction additional utilities lines and storm drainage facilities within said easement.

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 upon completion and passage and publication.

Passed this 11th day of October, 2011.

Approved:


Mayor Tab Townsell

Attest:


Michael O. Garrett
City Clerk/Treasurer