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City of Conway, Arkansas
Ordinance No. O-12-02

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FAULKNER COUNTY CIRCUIT CLERK
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by RJW D. C.

363876

AN ORDINANCE CLOSING ALL PORTIONS OF THOSE STREETS LOCATED WITHIN TURNBERRY SUBDIVISION PUD AND SPECIFICALLY IDENTIFIED AS TURNBERRY DRIVE AND EDINBURGH DRIVE, CONWAY, ARKANSAS; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 22ND day of December, 2011 asking the City Council to vacate and abandon all portions of the streets identified as Turnberry Drive and Edinburgh Drive.

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, hereinbefore described, has heretofore been dedicated to the public use as a easement herein described; has not been actually used by the public generally; that all the owners of the property abutting upon the streets 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 streets.

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

Section 1. The City of Conway releases the rights for public access and public maintenance in and to the streets designated as follows:

Turnberry Drive and Edinburgh Drive within the Turnberry Subdivision PUD as shown in Plat of Records, Plat Book No. L, Page 42, Faulkner County, Arkansas.

The city will not repair or maintain the street pavement or curb and gutter within said existing street right of way. The maintenance shall be the responsibility of the property owners along the existing street right of way or as otherwise provided for by the property owners.


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. In addition, the existing street right of way shall be retained as an access easement for ingress and egress to the various property owners along said existing street right of way; an easement for ingress and egress for utility owners to access, maintain, repair and service the utilities in or along said existing street rights of way and an easement for ingress and egress for use by the city to access, maintain, repair and service the storm drainage system in or along said existing street rights of way.

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 24th day of January, 2012.

Approved:


Mayor Tab Townsell

Attest:


Michael O. Garrett
City Clerk/Treasurer