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City of Conway, Arkansas

Ordinance No. O-12-12

AN ORDINANCE DEDICATING CERTAIN LANDS FOR PUBLIC USE AS A FAIRGROUND AND PARKS; AND FOR OTHER PURPOSES:

WHEREAS, the City has acquired title to the following real property for use as a fairground and other public park purposes:

Tract #1 – A part of the NW¼ NE¼ of Section 9, Township 5 North, Range 13 West, Faulkner County, Arkansas being more particularly described as follows:

Commencing at the SW corner of said NW¼ NE¼ Thence S88-49-04E, 710.99 feet along the south line of said NW¼ NE¼ to the point of beginning; thence leaving said south line N00-07-07W, 518.76 feet to a point; thence S89-15-47E, 297.48 feet to a point on the west right of way line of the fairgrounds access road; thence along said west right of way S00-06-50E, 521.07 feet to a point on the south line of said NW¼ NE¼ thence along said south line N88-49-04W, 297.48 feet to the point of beginning, containing 3.55 acres more or less.

Tract #2 - A part of the NW¼ NE¼ of Section 9, Township 5 North, Range 13 West, Faulkner County, Arkansas being more particularly described as follows:

Beginning at the SW corner of the NW¼ NE¼ Section 9, thence along the west line of said NW¼ NE¼ N00-11-48W, 685.17 feet to a point; thence leaving said west line S89-15-47E, 259.96 feet to a point; thence S00-11-48E, 171.93 feet to a point; thence S89-15-47E, 451.62 feet to a point; thence S00-07-07E, 518.76 feet to a point on the south line of said NW¼ NE¼, thence along said line N88-49-04W, 710.99 feet to the point of beginning, containing 9.45 acres more or less.

WHEREAS, it is the express intention of the city council of the City of Conway that said lands shall be dedicated for use as a fairground, exposition center and other public park purposes; and

WHEREAS, it is the express intention of the city council of the City of Conway said lands are considered of a public nature, to be held in trust by the public and for the public to have standing to enforce the terms herein, solely for the purposes of a fairground, exposition center or public park, regardless of said land's present or future zoning classifications; and

WHEREAS, it is the express intention of the city council of the City of Conway that, pursuant to said public dedication, said lands shall not be leased for uses not related to fairgrounds, exposition center, or public park purposes; further, said lands shall not be sold by the City; and

WHEREAS, it is the express intention of the city council of the City of Conway to rely upon the distinctions set out in the case of *Lester v. Walker*, 177 Ark. 1097 (1928) and other consistent authority for accomplishing the purposes set out herein.

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

Section 1: That the conveyance and acceptance of the lands described above is made subject to the express condition that the City shall, acting in trust for the public and for the public to have standing to enforce the terms herein, use these lands for fairgrounds, exposition center or public park purposes, regardless of the current or future zoning classification of said lands.

Section 2: That the City of Conway shall not lease said lands for uses not related to fairgrounds, exposition center, or public park purposes; further, said lands shall not be sold by the City.

Section 3: That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Passed this 28th day of February, 2012.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer