City of Conway, Arkansas
Ordinance No. 0-13-12

AN ORDINANCE CLOSING THE 10-FOOT EASEMENT AND 15-FOOT RIGHT-OF-WAY LOCATED AT 2050 DAVE WARD DRIVE, HARLAN PARK SUBDIVISION; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the December 31st, 2012 asking the City Council to vacate and abandon all that portion of the 10-foot utility easement being a portion of Harlan Park Subdivision to the City of Conway, Arkansas, as shown on Plat Book A at Page 212 and a 15-foot Right-of-Way and easement according to Deed Book 385 at Page 656, both in the public records of 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 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 10-foot utility easement being a portion of Harlan Park Subdivision to the City of Conway, Arkansas, as shown on Plat Book A at Page 212 and a 15-foot Right-of-Way and easement according to Deed Book 385 at Page 656, both in the public records of Faulkner County, Arkansas 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 10-foot utility easement being a portion of Harlan Park Subdivision to the City of Conway, Arkansas, as shown on Plat Book A at Page 212 and a 15-foot Right-of-Way and easement according to Deed Book 385 at Page 656, both in the public records of Faulkner County, Arkansas.

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 10-foot utility easement being a portion of Harlan Park Subdivision to the City of Conway, Arkansas, as shown on Plat Book A at Page 212 and a 15-foot Right-of-Way and Easement according to Deed Book 385 at Page 656, both in the public records of Faulkner County, Arkansas designated as follows:

COMMENCING at a ¾ inch open top pipe being the Northeast Corner of Lot 4 of said Harlan Park Subdivision; Thence along the East line of said Lot 4 South 01°54’01” West, a distance 10.00 feet to the POINT OF BEGINNING;

Thence leaving said East line, South 89°07’31” East a distance of 5.00 feet to the East line of a said 10 foot Utility Easement; Thence along said East line, 501°54’01” West, a distance of 149.85 feet to the common line of Lot 7 and Lot 8 of said Harlan Park, and the North line of said 15 foot Right-of-Way and Easement; Thence along said North line, South 89°03’25” East, a distance of 10.00 feet to the East line of said 15 foot Right-of-Way and Easement line; Thence along said East line, South 01°54’01” West a distance of 80.17 feet to the North Right-of-Way of Dave Ward Drive per AHTD Job #080122; Thence along said North Right-of-Way the following two (2) courses:

(1) North 88°11’26” West a distance of 15.00 feet to a found Mag Nail with washer (LS#1304)
(2) North 81°36'58" West a distance of 5.03 feet to the West line of said 10 foot Utility easement

Thence along said West line North 01°54'01" East a distance of 229.13 feet; Thence South 89°07'31" East, a distance of 5.00 feet to the POINT OF BEGINNING and containing 3,097 square feet and 0.07 acres, more or less.

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 22nd day of January 2013.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer