

City of Conway  
A-2385

RESOLUTION R-02-17

**WHEREAS**, the Blaney Hill Landfill of the City of Conway has been closed according to the regulations of the federal Environmental Protection Agency and the Arkansas Department of Environmental Quality; and

**WHEREAS**, ACA 8-6-1404 and ADEQ Regulation 22.1304 require that certain restrictions be placed on such closed landfills to run with the land and be binding on all owners, present and future;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:**

**Section 1.** The mayor of Conway, Arkansas is hereby authorized to sign a Permanent Land Use Restriction on the Blaney Hill Landfill with the legal description as follows:

Being a part of the S 1/2 NW 1/4 and a part of the N 1/2 SW 1/4 all in Section 26, T-6-N, R-14-W, Faulkner County, Arkansas; more particularly described as beginning at the NE corner of the SW 1/4 NW 1/4 of Section 26; thence S-03-20-27-W 675.00 feet to the SW corner of Beaverfork Heights Subdivision, said point being the point of beginning; thence S-87-59-43-E 1344.00 feet to the east line of the W 1/2 of Section 26; thence along said east line S-02-28-30-W 1317.43 feet; thence leaving said west line N-87-31-30-W 1362.45 feet; thence N-55-38-50-W 780.61 feet; thence N-39-47-00-E 1124.18 feet to the point of beginning containing 50.78 acres more or less. Subject to all roadways, easements and reservations that are of record or physically in place.

**Section 2.** That the restriction shall be that it shall be unlawful for any person, partnership, company, corporation or other entity to build, erect or construct any house, home or building to be used for residential purposes within the areas delineated above as having previously received solid waste, and the ~~use~~<sub>use</sub> of such areas is permanently restricted.

Passed this 26<sup>th</sup> day of March 2002.

APPROVED:

Tab Townsell  
Mayor Tab Townsell

ATTEST:

Michael O. Garrett  
City Clerk Michael O. Garrett

Doc#2004- 2359  
Date 02/06/2004  
03:00:44 PM  
Filed & Recorded in  
Official Records of  
Faulkner County  
SHARON RIMMER  
FAULKNER COUNTY CIRCUIT CLERK  
Fees \$17.00  
by [Signature] D.C.

PERMANENT LAND USE RESTRICTION

Tab Townsell, Mayor, Conway, Arkansas hereby affirms and represents that the City of Conway, Arkansas is the sole owner of certain real property described in Exhibit A, attached hereto. Tab Townsell hereby makes the following declarations as to limitations, restrictions, and uses to which that portion of the property shown on Exhibit A may be put, due to disposal of solid waste on the property and as specified by ACA 8-6-1404 and Regulation 22.1304 of Arkansas Pollution Control and Ecology Commission. Tab Townsell further hereby specifies that it is intended that such declarations run with the land as provided by law and be binding on all parties claiming under by Tab Townsell.

It shall be unlawful for any person, partnership, company, corporation or other entity to build, erect, or construct any house, home or building to be used for residential purposes within the areas delineated as having previously received solid waste, and the use of such areas is permanently restricted.

Dated this 26<sup>th</sup> day of March, 2002.

BY: Tab Townsell  
Tab Townsell, Mayor  
City of Conway, Arkansas

STATE OF ARKANSAS )  
  )  
COUNTY OF FAULKNER)

On this day personally appeared before me Tab Townsell who acknowledges that he executed and signed the foregoing Permanent Land Use Restriction, for the reasons and purposes contained.

WITNESS my hand and seal this 26<sup>th</sup> day of March, 2002

Brenda S. Blackshire  
Notary Public

My Commission Expires: March 21, 2006