

ORDINANCE NO. 094-23

AN ORDINANCE CLOSING THE FOLLOWING DESCRIBED STREET:

PART OF THE SE 1/4 - NW 1/4, SECTION 5, T-5-N R-13-W, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS COMMENCING AT THE NE CORNER OF SAID SE 1/4 - NW 1/4 AND RUN WEST ALONG THE NORTH LINE OF SAID SE 1/4 - NW 1/4 1153.3' TO THE POINT OF BEGINNING; THENCE CONTINUE WEST 50.0'; THENCE SOUTH 1320.0' TO A POINT 1248' WEST OF THE SE CORNER OF SAID SW 1/4 - NW 1/4; THENCE EAST 50.0'; NORTH 1320' TO THE POINT OF BEGINNING.

WHEREAS, A PETITION WAS DULY FILED WITH THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, ON THE 22 OF MARCH 1994, ASKING THE CITY COUNCIL TO CLOSE THE ABOVE DESCRIBED STREET BEING PART OF COUNTRY GARDEN ESTATES LOCATED IN CONWAY, ARKANSAS AND

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 CLOSING OF ABOVE DESCRIBED PROPERTY LOCATED IN COUNTRY GARDEN ESTATES OF THE CITY OF CONWAY, ARKANSAS HAS BEEN HERETOFORE DEDICATED TO THE PUBLIC AS A STREET, HAS NOT BEEN ACTUALLY USED BY THE PUBLIC GENERAL FOR A STREET, AND THAT ALL OWNERS OF THE PROPERTY ABUTTING UPON THE STREET TO BE CLOSED HAVE FILED WITH THE COUNCIL THEIR WRITTEN CONSENT TO THE CLOSING, AND THAT THE PUBLIC INTEREST AND WELFARE WILL NOT BE ADVERSELY AFFECTED BY THE CLOSING OF SUCH STREET.

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

SECTION 1. THE CITY OF CONWAY, ARKANSAS; HEREBY RELEASES, VACATAES AND ABANDONS ALL ITS RIGHT, TOGETHER WITH THE RIGHTS OF THE PUBLIC GENERALLY, IN AND TO THE ABOVE DESCRIBED STREET IN COUNTRY GARDEN ESTATES OF THE CITY OF CONWAY, ARKANSAS, SUCH ABANDONMENT BEING MADE SUBJECT TO ANY UTILITY EASEMENTS OVER, ACROSS, AND THROUGH SAID STREET IN FAVOR OF CONWAY CORPORATION.

SECTION 2. UPON SUCH CLOSING, TITLE TO THE 50' STREET SHALL BE VESTED IN THE PERSONS OWNING LAND ADJACENT TO THE WEST BOUNDARY OF STREET, SUBJECT TO ANY UTILITY EASEMENTS IN FAVOR OF CONWAY CORPORATION.

SECTION 3. A COPY OF THIS ORDINANCE DULLY CERTIFIED BY THE CITY CLERK SHALL BE FILED IN THE OFFICE OF THE RECORDER OF FAULKNER COUNTY, ARKANSAS, AND RECORDED IN THE DEED RECORDS OF FAULKNER COUNTY, ARKANSAS.

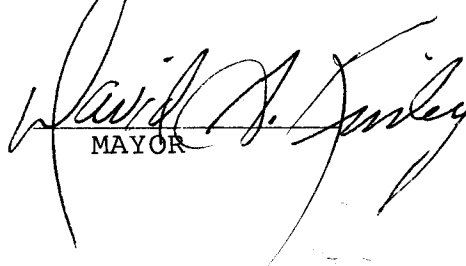
SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FOR AND AFTER ITS PASSAGE.

IT IS HEREBY ASCERTAINED AND DECLARED THAT IT IS NECESSARY

FOR THE PROTECTION AND PRESERVATION OF THE PUBLIC HEALTH AND SAFETY THAT THE FOREGOING ORDINANCE BE PASSED AND ADOPTED; THAT AN EMERGENCY EXISTS; AND THAT THE ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE AND PUBLICATION.

PASSED THIS 12th DAY OF ~~MARCH~~ ^{april}, 1994.

APPROVED:


MAYOR

ATTEST:


CITY CLERK-TREASURER