

ORDINANCE NO. 094-46

An Ordinance closing Fourth Avenue running in a north to south direction from Second Avenue to Cedar Street located in the R.L. Hayes Addition, Block 13, City of Conway, Arkansas

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas, on the 19th of August, 1994, asking the City Council to close Fourth Avenue, running in a north to south direction from Second Street to Cedar Street, located in the R.L. Hayes Addition, Block 13, of the City of Conway, Arkansas; and

WHEREAS, after due notice is 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 Fourth Avenue, running in a north to south direction from Second Street to Cedar Street, located in the R.L. Hayes Addition, Block 13, of the City of Conway, Arkansas, has been heretofore dedicated to the public as a street, has never been used by the public generally for a period of at least the last 30 years, 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, vacates and abandons all its right, together with the rights of the public generally, in and to Fourth Avenue running in a north to south direction from Second Street to Cedar Street, located in the R.L. Hayes Addition, Block 13 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, ARKLA and SWB Telephone Co.

SECTION 2, upon such closing, title to the east 20 feet of Fourth Avenue running in a north to south direction from Second Street to Cedar Street in the R.L. Hayes Addition, Block 13, of the City of Conway, Arkansas, shall be vested in the persons owning land adjacent to the east boundary of the street; that title to the west 20 feet of Fourth Avenue running in a north to south direction from Second Street to Cedar Street, located in the R.L. Hayes Addition, Block 13, of the City of Conway, Arkansas, be vested in the owners of the land adjoining the western boundary, subject to any utility easements in favor of Conway Corporation, ARKLA and SWB Telephone Co.

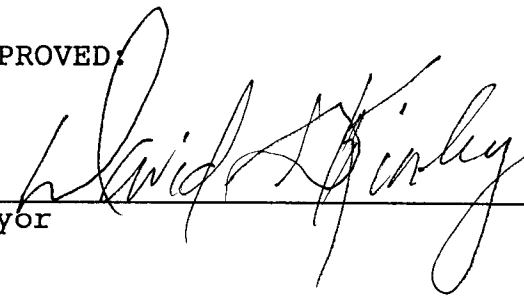
SECTION 3, a copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of Faulkner County, Arkansas.

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 this Ordinance shall take effect and be in force from and after its passage and publication.

PASSED this 13th day of September, 1994.

APPROVED:



Mayor

ATTEST:



City Clerk-Treasurer