ORDINANCE O-04-55

AN ORDINANCE ABANDONING A UTILITY EASEMENT ON LOT 194 WESTIN PARK PHASE 2 AT 5300 APRIL DRIVE

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 21st day of May 2004 asking the City Council to vacate and abandon an easement on the western lot line of Lots 194 and Lots 195 Westin Park Phase 2.

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 a 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 easement 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 easement.

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 easement designated as follows:

> **The eastern 5 ' of the 15' easement along the western lot line of Lot 194 and 195 of Westin Park Phase 2 at address 5300 April Drive**

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 ____ **8 th** ____ day of ____ **June** ____, 2004

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Mayor Tab Townsell

Attest:

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Michael O. Garrett, City Clerk

Arkansas State Statue Code 14-301-304

06/11/04