

271839

City of Conway

ORDINANCE NO. O-06-43

by *[Signature]* D. C.

AN ORDINANCE VACATING AND ABANDONING A CERTAIN RAILWAY RIGHT OF WAY; AND FOR OTHER PURPOSES

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 11th day of April, 2006 asking the City Council to vacate and abandon a certain railway of the original Conway Industrial Park.

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 Part of Block C-1, Conway Industrial Park as shown on Plat of Record in Plat Book C, Page 88, 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 Part of Block C-1, Conway Industrial Park as shown on Plat of Record in Plat Book C, Page 88.

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

Section 1. As part of the development of the original Conway Industrial Park, the Conway Development Corporation caused to be filed a plat of the industrial park dated December 20, 1963, and recorded in the plat records of the Faulkner County Circuit Clerk's office in Plat Book C at Page 47. This plat reflected numerous rights of way to provide rail service. Many of these spurs were actually built out, and continue to be used at the current time.

Section 2. A portion of one of these rights of way has never been built out or used for any purpose, and constitutes a hindrance and burden to the adjacent landowners. This portion of that right of way is more particularly described as follows:

Part of Block C-1, Conway Industrial Park as shown on Plat of Record in Plat Book C, Page 88, Plat Records of Faulkner County, Arkansas, described as commencing at the NW corner of said Block C-1 and run south 88 degrees 00 minutes East along the south right of way of Commerce Road, 138.4 feet; thence south 87 degrees 54 minutes east along said south right of way 70.6 feet to the point of beginning; thence south 33 degrees 37 minutes east 37.7 feet; thence south 33 degrees 58 minutes east 219.7 feet to the P. C. of a curve to the right; thence along said curve to a point south 16 degrees 00 minutes 05 seconds east 272.80 feet to the P. T. of said curve; thence south 2 degrees 13 minutes west 389.77 feet; thence south 7 degrees 52 minutes west 182.3 feet to the north right of way of an existing Railroad Spur; thence along said right of way along a curve to the right to a point north 26 degrees 12

minutes 40 seconds east 108.06 feet; thence leaving said existing Railroad Spur north 2 degrees 13 minutes east 472.46 feet to the P. C. of a curve to the left; thence along said curve to a point north 15 degrees 59 minutes 33 seconds west 288.95 feet to the P. T. of said curve; thence north 33 degrees 58 minutes west 219.64 feet; thence north 33 degrees 37 minutes west 18.91 feet to the south right of way of Commerce Road; thence north 87 degrees 54 minutes west along said south right of way 32.02 feet to the point of beginning.

Section 3. The owners of all the real property abutting the right of way proposed for abandonment have signed the necessary consents to the petition.

Section 4. The right of way described shall be vacated and abandoned, with title to the lands vested in the landowners on either side pursuant to Arkansas Code Annotated Section 14-301-301, et seq.

Section 5. That all ordinances in conflict herewith are repealed to the extent of the conflict.

Section 3. That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 25th, day of April, 2006.

APPROVED:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett
City Clerk/Treasurer