

016890

ORDINANCE NO. 0-07-70

AN ORDINANCE CLOSING THE 15' ALLEY (RUNNING THROUGH BLOCK A AND BLOCK B IN THE ROBINSON AVENUE REPLAT; WITHIN THE CITY LIMITS OF CONWAY, ARKANSAS, AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 26th day of June, 2007 asking the City Council to close two alleys described as Block A (running east to west **between** the South boundary of Lots 4-8, and the North boundary of Lots 9-13 and Block B (the south boundary of Lots 1-10, and the North boundary of Lots 11-20, Smith subdivision); **also the** additional 2.50' right of way for any alley shown on the plat of CRMC Replat along **the** north line of Lots 1 & 2; within the City limits of Conway, AR.

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 (**however** shall retain those portions for use **as** a utility and **drainage** easement (full width) in said **alley**),**as** follows:

Alley Closure (Block A)

Being that certain 15' alley running in an East and West **direction** which lies **between** the South boundary of Lots **4, 5, 6, 7,** and 8 and the North boundary of Lots **9, 10, 11, 12 and** 13 all in Block A, Smith **Subdivision** of a part of **Donaghey** Addition to the City of **Conway, Arkansas, Faulkner** County, **Arkansas,** as shown on Plat of Records in Plat Book A, at page 46 of the **Faulkner** County records.

Alley Closure (Block B)

Being that certain 15' **alley running** in an East and West direction which lies along the South **boundary** of Lots **1, 2, 3, 4, 5, 6, 7, 8, 9 and** 10 and the North boundary of lots **11, 12, 13, 14, 15, 16, 17, 18, 19,** and 20 all in Block B, Smith **Subdivision** of a part of **Donaghey** Addition to the City of **Conway, Faulkner** County, **Arkansas,** as shown on Plat of **Records** in Plat **Book** A, at page 46 of **the** Faulkner County records.

Alley Closure (CRMC Replat)

- Also the additional 2.50' right of way for any alley shown on the plat of **CRMC Replat** along the North line of Lots 1 and 2 **as shown** on the plat of records in plat book J at Page 342 to the **Faulkner** County Records.

Section 2. **Conway** Corp does maintain a water **main** along the east side of Augusta Avenue and **an electric/CATV** line in said **alley**, **as long as** said portion **remains** an accessible utility easement, **Conway** Corp has no objections. Any **relocation** or removal or existing utilities in said alley ways will be at **the** expense of the developers.

Section 3. 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 4. This **d i c e** shall take effect and be in force **from** and **after** its passage.


PASSED this 26th day of June, 2007

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer