

016891

ORDINANCE NO. O-07-71

AN ORDINANCE TO ABANDON THE EXISTING 25 FOOT UTILITY EASEMENT AND EXTEND THE EXISTING 20' UTILITY EASEMENT TO 35' UTILITY AND ACCESS EASEMENT AS SHOWN ON THE BROWNE REPLAT, BEING REPLAT OF LOT 22-RA MUSEUM ROAD 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 an existing 25' utility easement being part of the Lot 22-RA Museum Road Replat and extend the existing 20' utility easement to a 35' utility and access easement on Lot 22-RA Museum Road, 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 as follows:

Area to be closed:

Being a part of Lot 22-RA Museum Road Replat to the City of Conway, Arkansas, Faulkner County as shown on Plat of Record in Plat Book K, Page 237, Records of Faulkner County, Arkansas; more particularly described as beginning at the SW corner of said Lot 22-RA; thence N35°06'25"W 31.14 feet to the point of beginning; thence continue N35°06'25"W 279.08 feet to the NW corner of Lot 22-RA; thence S88°02'55"E 31.33 feet; thence S35°06'25"E 278.77 feet; thence N88°30'35"W 31.13 feet to the point of beginning.

Area to be extended:

Being a part of Lot 22-RA Museum Road Replat to the City of Conway, Arkansas, Faulkner County as shown on Plat of Record in Plat Book K, Page 237, Records of Faulkner County, Arkansas, and also the W1/2 of Museum Road closed by Ordinance 1-05-115, Records of Faulkner County, Arkansas that abuts said Lot 22-RA all in the W1/2 NW1/4 of Section 8, T-5-N, R-13-W; more particularly described as beginning at the SW

corner of said Lot 22-RA; thence N88°30'35"W 43.93 feet; thence N35°06'25"W 282.10 feet; thence N01°48'35"E 22.79 feet; thence S88°02'55"E 27.04 feet to the NW corner of said Lot 22-RA; thence S35°06'25"E 279.08 feet; thence S88°30'35"E 258.43 feet; thence S02°03'45"W 25.00 feet; thence N88°30'35"W 239.27 feet to the point of beginning.

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 26th day of June, 2007

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer