

② Same

Doc#2007- 16749

016902

ORDINANCE NO. O-07-82

**AN ORDINANCE ABANDONING A PORTION OF TOPAZ DRIVE IN THE CRESTHAVEN SUBDIVISION, PHASE II; 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 10<sup>th</sup> day of June, 2007 asking the City Council to vacate and abandon a portion of Topaz Drive described as being the part of Topaz Drive beginning at the Southeast corner of Lot 25 and running to the southwest corner of Lot 24 Cresthaven Phase II subdivision and then running along the arc of the cul de sac South of Lots 25& 24 of same Subdivision; within the City limits of Conway, AR., Faulkner County.

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:

A part of Topaz Drive as shown on the Cresthaven Phase 2 Subdivision plat to the City of Conway, Arkansas, as shown in Plat Book K on Page 51, being more particularly described as beginning at the southeast corner of lot twenty-five (25) of said subdivision and running thence S89°38'33"E, 56.42 Feet to the southwest corner of Lot 24 of said subdivision; thence run along an arc to the left having a chord being of S34°27'00"E, chord length of 9.58 feet, radius of 25.00 feet, and arc length of 9.64 feet; thence run along an arc to the right having a chord bearing of N87°18'33" W, chord length of 66.67 feet, to the left having a chord bearing of N42°50'50"E, chord length of 6.99 feet, radius of 25.00 feet, and arc length of 7.01 feet to the point of beginning.

**Section 2.** Centerpoint Energy does have an existing 2" natural gas main located around the cul-de-sac of requested street closure and must retain the existing utility easement for extension, repair, and or maintenance purposes.

**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 ordinance shall take effect upon the recording of the plat for Cresthaven Phase III.

PASSED this 10<sup>th</sup> day of July, 2007

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett  
City Clerk/Treasurer