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City of Conway, Arkansas

Ordinance No. O-15-117

AN ORDINANCE CLOSING OF CERTAIN EASEMENTS LOCATED IN APPROXIMATELY 15.46 ACRES ON THE FORMER SITE OF THE LEWIS LIVESTOCK AUCTION, 1250 SOUTH AMITY ROAD; AND FOR OTHER PURPOSES:

Whereas, a petition was duly filed with the City of Conway, Arkansas on the 1st of October, 2015 by CEI Engineering Associates, Inc. asking the City Council to vacate and abandon certain easements located 1250 South Amity Road, Lewis Crossing 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, have heretofore been dedicated to the public use as easements herein described; have 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 easements to be vacated have filed with the council their written consent to the abandonment [**not required in this instance**]; and the public interest and welfare will not be adversely affected by the abandonment of these easements.

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 its rights, together with the rights of the public generally, in and to the portions of the easements as follows:

- (1) Being all of the Right-of-Way & Easement to the City of Conway, AR per Doc. #2014-11260
- (2) Being all of the Right-of-Way & Easement to the City of Conway, AR per Doc. #2014-11259
- (3) Being all of the Right-of-Way & Easement to the City of Conway, AR per Doc. #2011-8375
- (4) Being a portion of the Right-of-Way & Easement to the City of Conway, AR per Record Book 331, Page 354
- (5) Being a portion of the Right-of-Way & Easement to the City of Conway, AR per Record Book 312, Page 65
- (6) Being a portion of the Right-of-Way & Easement to the City of Conway, AR per Record
- (7) and also the following sewer easement described as Book 194, Page 567 Being a portion of the Right-of-Way & Easement to the City of Conway, AR Record Book 254, Page 344. The closure of this easement shall become effective at the point in time that the construction of the relocated gravity sewer main is complete, Conway Corporation has approved said construction, certified contractor's affidavit is received, and gravity sewer main is killed out and service restored through the relocated infrastructure.

that are situated on, over, or across the subject property. The subject property being described herein:

A tract of land situated in part of the Southwest Quarter (SW1/4) of Section 17 and part of the Northwest Quarter (NW1/4) of Section 20, all in Township 5 North, Range 13 West, Faulkner County, Arkansas, being more particularly described as follows:

Commencing at the Southeast corner of the said Southwest Quarter (SW1/4); Thence along the West line of said Northwest Quarter of Section 20, South 01°58'13" West a distance of 280.49 feet to a found 1/2" rebar (LS#1363); Thence leaving said West line of North 86°55'21" West a distance of 867.13 feet to a found 2" aluminum cap and the Point of Beginning;

Thence North 86°55'21" West a distance of 455.00 feet to a found 5"x4" grader blade; Thence North 88°19'45" West a distance of 402.90 feet to a found 3/8" rebar on the East Right-of-Way Amity Road per AHTD Job No. 8457; Thence along said Right-of-Way the following 4 (four) courses:

- (1) North 03°40'43" West a distance of 485.40 feet to a found 1/2" rebar with cap;
- (2) North 01°22'59" East a distance of 388.11 feet to a found 1/2" rebar with cap (LS# 1363);
- (3) North 28°08'10" East a distance of 112.47 feet 4'x4' post in concrete;
- (4) North 51°58'02" East of distance of 148.00 feet to a found 2" aluminum cap (LS#1717);

Thence leaving said Right-of-Way South 86°56'41" East a distance of 162.79 feet to a found aluminum cap (LS#1717); Thence South 41°55'20" East a distance of 71.46 feet to a found 2" aluminum cap (LS#1717); Thence South 03°04'40" West a distance of 101.68 feet to a found 2" aluminum cap (LS#1717); Thence South 86°55'20" East a distance of 221.09 feet to a found 2" aluminum cap (LS #1717); Thence North 03°04'39" East a distance of 159.86 feet to a found 2" aluminum cap (LS#1717); Thence along a tangent curve to the left, with a length of 55.71 feet, having a radius of 90.00 feet, through a central angle of 35°27'46", and having a chord which bears North 14°39'14" West, a distance of 54.82 feet to a found 2" aluminum cap (LS#1717); Thence North 57°36'53" East a distance 55.00 feet to a found aluminum cap (LS#1717); Thence along a tangent curve to the right, with a length of 89.75 feet, having a radius of 145.00 feet, through a central angle of 35°27'47", and having a chord which bears South 14°39'14" East, a distance of 88.32 feet to a found 2" aluminum cap (LS#1717); Thence South 03°04'39" West a distance of 156.86 feet to a found 2" aluminum cap (LS#1717); Thence North 86°55'21" West a distance of 5.00 feet to a found 2" aluminum cap (LS#1717); Thence South 03°04'39" West a distance of 722.16 feet to a found 2" aluminum cap (LS#1717); Thence South 86°55'21" East a distance of 282.76 feet to a found 2" aluminum cap (LS#1717); Thence South 03°04'39" West a distance of 187.61 feet to the point of beginning and containing 673,470 square feet and 15.46 acres, more or less.

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.

PASSED this 27th day of October, 2015.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer