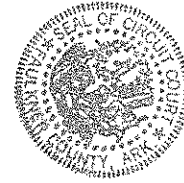


3)



City of Conway, Arkansas
Ordinance No. O-18-06



L201801545
CERTIFICATE OF RECORD
FAULKNER CO, AR FEE \$25.00
RECORDED: 01-29-2018 02:08:56 PM
CRYSTAL TAYLOR
CIRCUIT CLERK
BY: DIANA VARNER, D.C.

ORDINANCE
3 Pages

AN ORDINANCE DEDICATING CERTAIN LANDS FOR PUBLIC USE AS A PARK; AND FOR OTHER PURPOSES:

Whereas, the Hal Crafton and RUSH-HAL DEVELOPMENT, LLC (developer) has applied and received preliminary plat approval for the development of the Charleston Place Subdivision, and;

Whereas, said developer wishes to donate a portion of land in said development for pedestrian/bike trails and other public park purposes:

Tract #1 - A part of the SW ¼ NE ¼ , Section 4, T-5-N, R-14-W, Faulkner County, Arkansas being more particularly described as follows:

COMMENCING AT THE SE CORNER OF SAID SW 1/4 NE 1/4; THENCE ALONG THE SOUTH LINE OF SAID SW 1/4 NE 1/4 N88°14'09"W A DISTANCE OF 443.92'; THENCE LEAVING SAID SOUTH LINE N01°45'45"E A DISTANCE OF 40.00' TO THE POINT OF BEGINNING; THENCE CONTINUE N01°45'45"E A DISTANCE OF 800.00' TO A FOUND 1/2" REBAR BEING ON THE SOUTHERLY BOUNDARY LINE OF ST.JOHN'S SUBDIVISION; THENCE ALONG SAID BOUNDARY LINE THE FOLLOWING CALLS: S88°14'09"E A DISTANCE OF 100.88'; THENCE N02°12'53"E A DISTANCE OF 253.79'; THENCE N78°01'37"E A DISTANCE OF 46.42'; THENCE LEAVING SAID BOUNDARY LINE S02°12'53"W A DISTANCE OF 179.81'; THENCE S88°14'09"E A DISTANCE OF 24.73'; THENCE S01°35'56"W A DISTANCE OF 240.00'; THENCE N88°14'09"W A DISTANCE OF 135.00'; THENCE S01°35'56"W A DISTANCE OF 500.00'; THENCE S88°14'09"E A DISTANCE OF 145.00'; THENCE S01°35'56"W A DISTANCE OF 145.00'; THENCE N88°14'09"W A DISTANCE OF 183.81' TO THE POINT OF BEGINNING, CONTAINING 1.97 ACRES MORE OR LESS.

Whereas, it is the express intention of the city council of the City of Conway that said lands shall be dedicated for use as a pedestrian/bike trail and other public park purposes; and

Whereas, it is the express intention of the city council of the City of Conway said lands are considered of a public nature, to be held in trust by the public and for the public to have standing to enforce the terms herein, solely for the purposes of a pedestrian/bike trail and other public park purposes, regardless of said land's present or future zoning classifications; and

Whereas, it is the express intention of the city council of the City of Conway that, pursuant to said public dedication, said lands shall not be leased for uses not related to pedestrian/bike trails and other public park purposes; further, said lands shall not be sold by the City; and

Whereas, it is the express intention of the city council of the City of Conway to rely upon the distinctions set out in the case of *Lester v. Walker*, 177 Ark. 1097 (1928) and other consistent authority for accomplishing the purposes set out herein.

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

Section 1. That the conveyance and acceptance of the lands described above is made subject to the express condition that the City shall, acting in trust for the public and for the public to have standing to enforce the terms herein, use these lands for pedestrian/bike trails and other public park purposes, regardless of the current or future zoning classification of said lands.

Section 2. That the City of Conway shall not lease said lands for uses not related to pedestrian/bike trails or other public park purposes; further, said lands shall not be sold by the City.

Section 3. That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

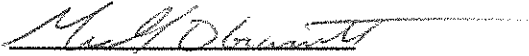
PASSED this 9th day of January, 2018.

Approved:



Mayor Bart Castleberry

Attest:



Michael O. Garrett
City Clerk/Treasurer

