

**RESOLUTION R-06-10**

**WHEREAS**, the Class 4 Landfill at the City of Conway has been closed according to the regulations of the Federal Environmental Protection Agency and the Arkansas Department of Environmental Quality (ADEQ); and

**WHEREAS**, ACA 8-6-1404 and ADEQ Chapter 13 of Regulation 22 require that certain restrictions be placed on such closed landfills to run with the land and be binding on all owners, present and future.

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

**Section 1.** The Mayor of Conway, Arkansas is hereby authorized to sign a Permanent Land Use Restriction on the Class 4 Landfill with the legal description as follows:

Part of the NE ¼ of NE ¼ and Part of the NW ¼ of NE ¼ of Section 32, T-6-N, R-14-W, Faulkner County, Arkansas.

**Section 2.** That the restriction shall be that it shall be unlawful for any person, partnership, company, corporation or other entity to build, erect or construct any house, home or building to be used for residential purposes within the areas delineated above as having previously received solid waste, and the use of such areas is permanently restricted.

Passed this 25<sup>th</sup> day of April, 2006

**APPROVED:**

  
**Mayor Tab Townsell**

**ATTEST:**

  
**Michael O. Garrett**  
City Clerk/Treasurer

**PERMANENT LAND USE RESTRICTION**

Tab Townsell, Mayor, Conway, Arkansas hereby affirms and represents that the City of Conway, Arkansas is the sole owner of certain real property described in EXHIBIT A, attached hereto. Tab Townsell hereby makes the following declarations as to limitations, restrictions, and uses to which that portion of the property shown on EXHIBIT A may be put, due to disposal of solid waste on the property and as specified by ACA 8-6-1404 and Chapter 13 of Arkansas Regulation 22. Tab Townsell further specifies that it is intended that such declarations run with the land as provided by law and be binding on all parties claiming under by Tab Townsell.

It shall be unlawful for any person, partnership, company, corporation or other entity to build, erect, or construct any house, home, or building to be used for a residential purposes within the areas delineated as having previously received solid waste, and the use of such areas is permanently restricted.

Dated this 25<sup>th</sup> day of April, 2006

BY: 


Tab Townsell, Mayor  
City of Conway, Arkansas

STATE OF ARKANSAS

COUNTY OF FAULKNER

On this day personally appeared before me Tab Townsell who acknowledges that he executed and signed the foregoing Permanent Land Use Restriction, for the reasons and purposes contained.

WITNESS my hand and seal this 15<sup>th</sup> day of May 2006

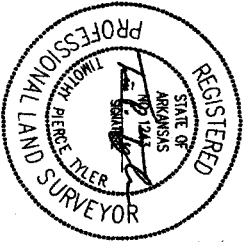
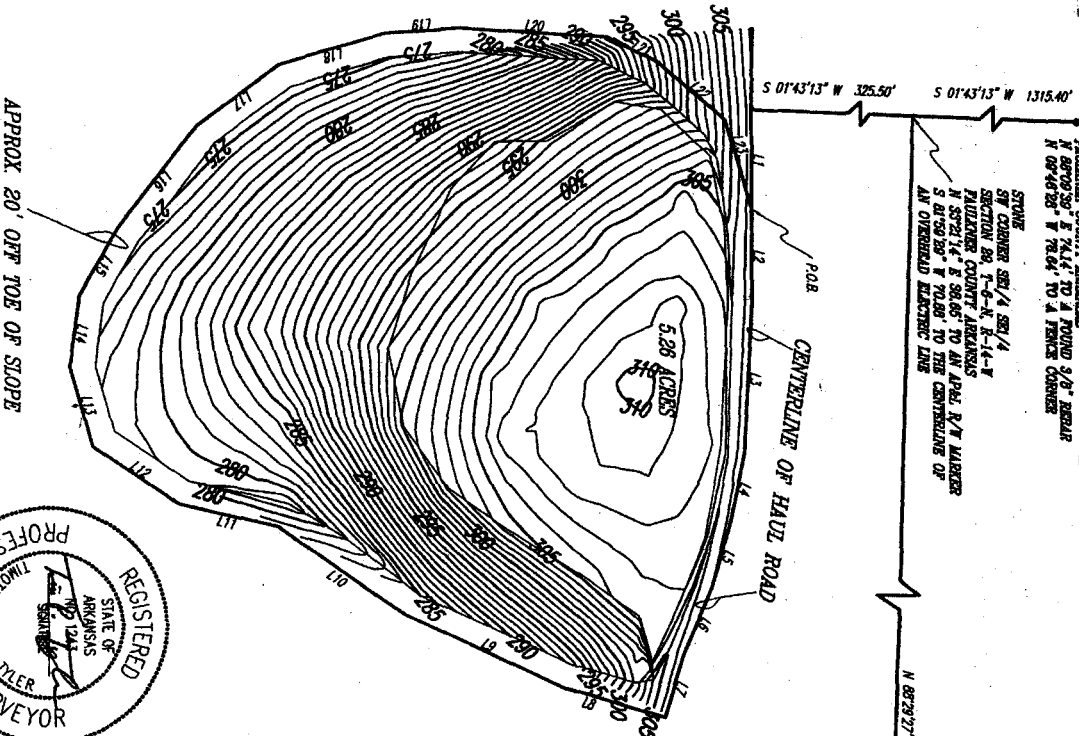
  
Notary Public

My Commission Expires: 11-10-15

**EXHIBIT A  
DRAWING OF BOUNDARY SURVEY WITH LEGAL  
DESCRIPTION PREPARED AND SIGNED BY REGISTERED LAND  
SURVEYOR**

FOUND 9/8" BEARING  
 NW CORNER SEC 1/4 SEC 1/4  
 SECTION 29, T-4-N, R-14-W  
 FULTON COUNTY, ARKANSAS  
 N 89°43'28" E 74.04 TO A RANGE CORNER  
 N 09°43'28" E 74.04 TO A RANGE CORNER

STONE  
 SW CORNER SEC 1/4 SEC 1/4  
 SECTION 29, T-4-N, R-14-W  
 FULTON COUNTY, ARKANSAS  
 N 87°21'4" E 30.66 TO AN ALUM. P/W MARKER  
 N 87°59'39" E 70.88 TO THE CENTERLINE OF  
 AN OVERHEAD ELECTRIC LINE



Survey for: City of Conway Landfill  
 Date: 3-22-06  
 Scale: 1 inch equals 100 feet  
 ● denotes iron pins found  
 ○ denotes iron pins set

The error of closure exceeds 1:10,000  
 Basis of bearings is the South line of the SE 1/4 SE 1/4 being N 88°29'27" W according to Arkansas State Plane Grid North and existing Cogs Monuments in the area

I hereby certify that I have surveyed a part of the NE 1/4 NE 1/4 and also a part of the NW 1/4 NE 1/4 Section 32, T-6-N, R-14-W, Fulton County, Arkansas, being more particularly described as beginning at a found stone at the SE corner of the SE 1/4 SE 1/4 Section 29; thence N 88°29'27" W 1329.30 feet to a stone at the SW corner of said SE 1/4 SE 1/4 Section 29; thence S 01°43'13" W 325.50 feet to the centerline of Haul Road; thence along said centerline N 89°43'57" E 80.62 feet to the point of beginning; thence along said centerline N 89°43'57" E 78.16 feet; thence along said centerline S 87°14'01" E 126.17 feet; thence along said centerline S 78°25'19" E 55.70 feet thence along said centerline S 74°16'49" E 56.71 feet; thence along said centerline S 67°35'12" E 60.12 feet; thence along said centerline S 72°55'42" E 53.46 feet; thence leaving said centerline S 16°12'05" W 87.54 feet; thence S 25°27'36" W 143.12 feet; thence S 34°47'19" W 127.64 feet; thence S 12°43'28" W 82.97 feet; thence S 34°06'16" W 84.11 feet; thence S 74°16'16" W 68.57 feet; thence N 82°43'02" W 59.75 feet; thence N 60°53'38" W 63.97 feet; thence N 62°23'36" W 105.60 feet; thence N 37°09'58" W 83.47 feet; thence N 16°50'48" W 90.91 feet; thence N 03°57'31" W 61.26 feet; thence N 04°19'08" E 122.30 feet; thence N 26°41'21" E 47.19 feet; thence N 47°04'36" E 72.51 feet; thence N 73°16'53" E 75.14 feet to the point of beginning containing 5.26 acres more or less. Subject to all goodways, easements and reservations that are of record or physically in place. Property corners are located in accordance with existing monuments in the area. Improvements are as shown. Visible encroachments if any are as shown. This property is not in the 100 year flood plain according to Flood Insurance Rate Map #0504500131C, panel 130 of 250, effective date June 2, 1994.

Tim P. Tyler, Arkansas Professional Land Surveyor #1243

FOUND STONE  
 SW CORNER SEC 1/4 SEC 1/4  
 SECTION 29, T-4-N, R-14-W  
 FULTON COUNTY, ARKANSAS  
 N 87°59'39" E 70.88 TO A RANGE CORNER  
 N 09°43'28" E 74.04 TO A RANGE CORNER

LINE	BEARING	DISTANCE
11	N 89°43'57" E	80.62
12	N 89°43'57" E	78.16
13	S 87°14'01" E	126.17
14	S 78°25'19" E	55.70
15	S 74°16'49" E	56.71
16	S 67°35'12" E	60.12
17	S 72°55'42" E	53.46
18	S 16°12'05" W	87.54
19	S 25°27'36" W	143.12
20	S 34°47'19" W	127.64
21	S 12°43'28" W	82.97
22	S 34°06'16" W	84.11
23	S 74°16'16" W	68.57
24	N 82°43'02" W	59.75
25	N 60°53'38" W	63.97
26	N 62°23'36" W	105.60
27	N 37°09'58" W	83.47
28	N 16°50'48" W	90.91
29	N 03°57'31" W	61.26
30	N 04°19'08" E	122.30
31	N 26°41'21" E	47.19
32	N 47°04'36" E	72.51
33	N 73°16'53" E	75.14



DESIGNED BY: [Blank]  
 DRAWN BY: KT  
 CHECKED BY: RG  
 DATE: 3-22-06  
 STATE CODE: 500-06N-14W-0-32-110-23-1243

**TIM TYLER SURVEYING AND MAPPING, INC.**  
 240 HWY. 65 N.  
 CONWAY, ARKANSAS 72032  
 PH: 501-328-1400 FAX: 501-327-3872

SCALE: 1"=100'  
 JOB NO: 106-0871  
 SHEET NO: 1 OF 1

500-06N-14W-0-32-110-23-1243