

ORDINANCE NO. 0-97- 40

AN ORDINANCE VACATING AND ABANDONING TWO UTILITY EASEMENTS LOCATED IN CONWAY INDUSTRIAL PARK "EAST", TO THE CITY OF CONWAY, ARKANSAS; AND DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

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

WHEREAS, a petition was duly filed with the City Council on July 22<sup>nd</sup>, 1997, requesting the City Council to vacate and abandon a 20-foot strip of land dedicated for utility purposes, which strip of land is more definitely described as follows:

The East 20 feet of the following described lands: Part of Blocks 4 and 5 and also that part of S. T. Smith Drive lying within Blocks 4 and 5 Conway Industrial Park "East" lying in the W 1/2 of the NE 1/4 of Section 20, Township 5 North, Range 13 West, Faulkner County, Arkansas, more particularly described as beginning at the northeast corner of the W 1/2 NE 1/4 of Section 20, thence south 0 degree 15 minutes 00 seconds east 1241.70 feet to the northeast corner of Block 5, Conway Industrial Park "East", being the point of beginning, thence continue along the east line of said W 1/2 NE 1/4, 757.0 feet to a point being 595.50 feet north 0 degree 15 minutes 00 second west of the southeast corner of the W 1/2 NE 1/4; thence west 524.70 feet; thence north 0 degree 15 minutes 00 second west 757.0 feet to the north line of Block 5, Conway Industrial Park "East"; thence along the north line east 524.70 feet to the northeast corner of Block 5 to the point of beginning, and

WHEREAS, said petition further requested the City Council to vacate and abandon that portion of a 20-foot sewer easement located upon the above-described lands which runs in an east-west direction immediately south of a street previously dedicated and known as S. T. Smith Drive, which street was vacated by Ordinance 90-22 but through oversight the sewer easement was not vacated at the same time.

WHEREAS, after due notice as required by law, the City 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 neither of the utility easements has provided service to any property within the last five years and Conway Corporation has physically abandoned the easements

by removing all utility conduits therefrom, that the easements are of no further use, that closing of the easements will result in no harm to the City or the public in general and will not effect any other utility easements or adjacent landowners.

NOW, THEREFORE, be it ordained by the City Council of the City of Conway, Arkansas;

SECTION 1: The City of Conway, Arkansas, hereby releases, vacates and abandons all its right, together with the rights of the public in general to use the utility easements located on the above-described lands as set out above.

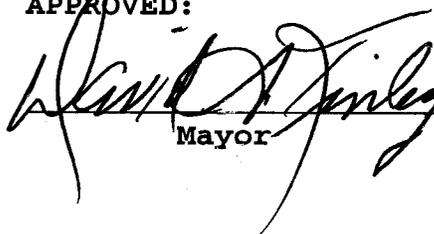
SECTION 2. The above-described lands shall no longer be subject to the two utility easements vacated and abandoned by this ordinance.

SECTION 3. A copy of this ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of Faulkner County, Arkansas, and recorded in the deed records of Faulkner County, Arkansas.

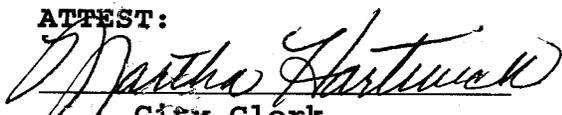
SECTION 4. That this ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 26<sup>th</sup> day of August, 1997.

APPROVED:

  
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Mayor

ATTEST:

  
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City Clerk