

City of Conway

R-14998

ORDINANCE NO. 0-2003-67

AN ORDINANCE ALTERING AND VACATING PORTIONS OF AMITY ROAD AND LACHOWSKY DRIVE; REPEALING ANY ORDINANCES IN CONFLICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Arkansas Code Annotated §14-54-104 grants cities of the first class the authority to alter or change the width or extent of streets and other public grounds, and to vacate such portions thereof as may not be required for corporate purposes; AND,

WHEREAS, the Arkansas State Highway Commission, as an abutting property owner maintaining the right-of-way for Interstate 40 in Conway, has consented to such vacation and abandonment, and has specifically waived any claim or rights to any portion of the property being vacated and abandoned; AND

WHEREAS, Nabholz Properties, Inc., previously donated the entire right of way of the tract now under consideration for vacation.

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

Section 1. That the City of Conway hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the streets and those portions thereof designated and described as follows:

Being a part of the Lachowsky Drive, a part of Amity Road, and a part of Lot 8 1-40 South Replat as shown on Plat of Record in Plat Book J, Page 33 to the Faulkner County Records; more particularly described as beginning at the SW corner of Lot 9 1-40 South Replat;

of-way of Interstate 40. The ownership of the tract being vacated shall be free from any easement of the city for public use as a street.

Section 5: That any ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 6: That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 27th day of May, 2003.

APPROVED:



MAYOR TAB TOWNSELL

ATTEST:



MICHAEL O. GARRETT (a/k/a MOG)
CITY CLERK

thence along the North right of way of Amity Road S41°44'37" E 75.00 feet; thence along the North right of way of Lachowsky Drive to a point N48°15'23" E 180.42 feet; thence leaving said right of way along a curve to the right having a radius of 295.50 feet and a bearing and distance of S21°26'12" W 26.11 feet; thence along a curve to the left having a radius of 345.00 feet and a bearing and distance of S04°16'07" E 372.26 feet to the South right of way of Amity Road; thence along said right of way to a point N42°37'23" W 44.54 feet; thence to a point N41°44'37" W 259.20 feet; thence leaving said right of way North 105.14 feet to the point of beginning containing 0.58 acres more or less. Subject to all roadways, easements and reservations that are of record or physically in place.

Section 2: That the City of Conway finds that the above described property is no longer needed or required for its corporate purposes.

Section 3: That a copy of this ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county, together with a copy of the letter from the Arkansas State Highway Commission which specifically waives any and all claim in and to the above-described property, all to be recorded in the deed records of Faulkner County.

Section 4: That inasmuch as Nabholz Properties, Inc. previously donated to the City of Conway all the property described above, the absolute ownership of the property vacated or abandoned shall upon adoption of this ordinance revert in its entirety to Nabholz Properties, Inc., pursuant to the holding of the Arkansas Court of Appeals in Kralicek v. Chaffey, 67 Ark. App. 273, 998 S. W. 2d 765 (1999). With respect to lands abutting the right-of-way of Interstate 40, the landowner shall take title to the right-