

City of Conway

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FAULKNER COUNTY CIRCUIT CLERK
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370611

AV D.C.



City of Conway, Arkansas
Ordinance No. O-12-54

AN ORDINANCE CLOSING A 10 FOOT UTILITY EASEMENT LOCATED IN LOT 2B OF REPLAT OF LOT 2R CONWAY MARKETPLACE EAST PHASE 2 AND FURTHER DESCRIBED AS THE 10 FOOT UTILITY EASEMENT ON THE NORTH LOT LINE LESS AND EXCEPT THE EAST 15 FEET, AND THE 10 FOOT UTILITY EASEMENT ON THE SOUTH LOT LINE LESS AND EXCEPT THE EAST 15 FEET AND THE WEST 45 FEET, AND REMOVE THE 15 FOOT CROSS ACCESS EASEMENT ON THE WEST LOT LINE; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on May 15th, 2012 asking the City Council to vacate and abandon all that portion of a 10 foot utility easement located in lot 2B of Replat of Lot 2R Conway Marketplace East Phase 2 to the City of Conway as shown on Plat Book K, on Page 270, Records of Faulkner County, Arkansas and further described as the 10 foot utility easement on the north lot line less and except the east 15 feet, and the 10 foot utility easement on the south lot line less and except the east 15 feet and the west 45 feet, and remove the 15 foot cross access easement on the west lot line.

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, has heretofore been dedicated to the public use as a easement herein described; has 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 easement to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the easement.

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 all its rights, together with the rights of the public generally, in and to the all that portion of a 10 foot utility easement located in lot 2B of Replat of Lot 2R Conway Marketplace East Phase 2 to the City of Conway as shown on Plat Book K, on Page 270, Records of Faulkner County, Arkansas and further described as the 10 foot utility easement on the north lot line less and except the east 15 feet, and the 10 foot utility easement on the south lot line less and except the east 15 feet and the west 45 feet, and remove the 15 foot cross access easement on the west lot line designated as follows:

A 10 foot utility easement located in lot 2B of Replat of Lot 2R Conway Marketplace East Phase 2 to the City of Conway as shown on Plat Book K, on Page 270, Records of Faulkner County, Arkansas and further described as the 10 foot utility easement on the north lot line less and except the east 15 feet, and the 10 foot utility easement on the south lot line less and except the east 15 feet and the west 45 feet, and remove the 15 foot cross access easement on the west lot line

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.

Section 3. This ordinance shall take effect and be in force from and after its passage.

Passed this 12th day of June, 2012.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer