

ORDINANCE NO. A- 463

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 11 day of June, 1944, asking the City Council to vacate and abandon that portion of South Railroad Avenue lying adjacent to and immediately East of Block 13 of Daviess & Garvin's Annex to the City of Conway, Arkansas, and lying adjacent to and immediately West of the right-of-way of the Missouri Pacific Railroad Company, a more particular description of said street being set forth in said petition and in Section One (1) of this Ordinance; and

WHEREAS, attached to said petition is a certified copy of the portion of the plat filed in the office of the Recorder of Faulkner County, Arkansas, showing the said portion of such street, together with the lot numbers of each lot which abuts on the said street hereinafter described; and

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 said portion of said street hereinabove mentioned and hereinafter described has heretofore been dedicated to the public use as a street, and has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the above mentioned plat and before the filing of the above petition; and that all the owners of property abutting upon said street sought to be vacated have filed with the City Council their written consent to such abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of such portion of said street;

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

SECTION ONE (1). The City of Conway, Arkansas hereby releases, vacates and abandons all its rights, subject to the limitations and reservations set out in Section Two (2), hereof, together with the rights of the public generally, in and to that portion of South

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Railroad Avenue lying adjacent to and immediately East of Block Thirteen (13) of Daviess & Garvin's Annex to the City of Conway, Arkansas, and lying adjacent to and immediately West of the right-of-way of the Missouri Pacific Railroad Company, a more particular description of that portion of said street being as follows, to-wit:

beginning at the Southeast corner of Lot Nine (9) of Block Thirteen (13) of Daviess and Garvin's Annex to the City of Conway, Arkansas and run thence North and North-westerly along the East lines of Lots Nine (9), Eight (8), Seven (7), Six (6), Five (5), Four (4), Three (3), Two (2) and One (1) of said Block Thirteen (13); and to the Northeast corner of said Lot One (1), which is on the South line of the right-of-way of McKay Avenue; thence East along a continuation of the South line of McKay Avenue a distance of Fifty Three (53) feet, more or less, and to the East line of a right-of-way of said South Railroad Avenue and the West line of the right-of-way of the Missouri Pacific Railroad Company; thence Southeasterly and South along and with said East right-of-way of South Railroad Avenue and the West right-of-way of the Missouri Pacific Railroad Company, and parallel with the East line of said Block Thirteen (13), to a point which is Fifty (50) feet East of the Southeast corner of Lot Nine (9) of said Block Thirteen (13), which point is on the North line of the right-of-way of Bruce Street; thence West Fifty (50) feet to the point of beginning.

All of said property being as shown on Map of said City of Conway made by B. G. Wilson and filed for record in July, 1917.

SECTION TWO (2). It is expressly provided that a perpetual right-of-way and easement on, over and under the hereinabove described portion of said Street, with full right of ingress and egress at all times, and without cost or damage of any kind, is reserved and retained by the City of Conway, Arkansas for itself, its successors, assigns, lessees, lessors or licensees, and for and on behalf of any person, firm or corporation, heretofore or hereafter authorized by the City of Conway to operate and maintain any public utility within said City, for the purpose of entering upon said portion of such street and constructing, re-constructing, laying, re-laying, maintaining or repairing any pipes, mains, lines, poles, or other appliances or appurtenances of any and all kinds, and the doing of any and all work necessary to be done in connection therewith, by any water, light, power, sewer, telephone, gas, or other public utility company that has been heretofore or may hereafter

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be authorized by said City to operate and maintain any such public utility within said City, and for the further purpose of providing an easement and right of way for flowage rights or drainage purposes.

SECTION THREE (3). A copy of this ordinance, duly certified by the Clerk-Treasurer of the City of Conway, shall be filed in the office of the Recorder of Deeds of Faulkner County, Arkansas.

SECTION FOUR (4). This ordinance shall take effect and be in form from and after its passage and publication.

APPROVED: Walter Dumas

ATTEST: Doris Nunn
Clerk-Treasurer

CERTIFICATE

STATE OF ARKANSAS,
County of Faulkner.

I, Doris Nunn, Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. A-463, which ordinance was duly adopted by the City Council of the City of Conway, Arkansas; at a regular meeting of said council, duly held on the 9th day of July, 1968.

Doris Nunn
City of Conway, Arkansas

CERTIFICATE OF RECORD

STATE OF ARKANSAS
County of Faulkner

I, Wendell Bryant, Clerk and Ex-Officio Recorder of said County and for the County and State aforesaid, do hereby certify that the foregoing instrument of writing was filed for record in my office on the 6th day of August, 1968 at 3:00 P.M., and the same is now duly acknowledged with acknowledgment and certificate thereon to the Deed Record Book 184, Page 285 in Testimony Whereof I have hereunto set my hand and official seal on this 7th day of August, 1968.

WENDELL BRYANT, Clerk

By Dean A. Shaw