

ORDINANCE NO. 0-76-30

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the 10th day of August, 1976, asking the City Council to vacate and abandon a portion of Erbach Street lying South of and adjacent to Block Seven (7), of College Oaks Addition to the City of Conway, Arkansas, a more particular description of said portion of such 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 such portion of Erbach Street, together with the lot numbers of each lot and the description of all land which abuts on the said portion of such 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 Erbach 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 years subsequent to the filing of the above mentioned plat and before the filing of the above petition; that all the owners of property abutting upon said alley 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 that portion of said street.

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, subject to the limitation hereinafter set out, all its rights, together with the rights of the general public generally, in and to that portion of Erbach Street lying South of and adjacent to Lot 24, Block 7, College Oaks Addition to the City of Conway, Arkansas, a more particular description of said alley being as follows:

Begin at the Southwest corner of Lot 24, Block 7, College Oaks Addition to the City of Conway, Arkansas, which point is on the East line of the right of way of Mitchell Street and the North line of the right of way of Erbach Street, and run thence South a distance of 60 feet to the South line of the right of way of Erbach Street; thence East, along and with the South line of Erbach Street a distance of 125 feet and to a point 60 feet South of the Southeast corner of said Lot 24, Block 7, College Oaks Addition, and which is also the Eastern terminus of said Erbach Street; thence North 60 feet to the Southeast corner of said Lot 24; thence West along and with the South line of said Lot 24, which is also the North line of the right of way of Erbach Street, a distance of 125 feet and to the point of beginning.

All of said property being as shown on plat of record in Plat Book A, page 87, of the records of Faulkner County, Arkansas. Such release, vacating and abandonment is expressly made subject to all easements for utility services which are now in being on, over, across or through said lands.

Section 2. A copy of this ordinance, duly certified by the Clerk-Treasurer, shall be filed in the office of the Recorder of Deeds of Faulkner County, Arkansas.

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

PASSED: 14 day of September, 1976.

APPROVED: [Signature]
Mayor

ATTEST: [Signature]
Clerk-Treasurer

CERTIFICATE

STATE OF ARKANSAS,
County of Faulkner.

I, Doris Nunn, Clerk-Treasurer of the City of Conway, Arkansas,

JIM HARRIS & ASSOCIATES

CERTIFICATE OF RECORD

STATE OF ARKANSAS, }
County of Faulkner } SS. } SS.

I, LUCY GLOVER Clerk of the Circuit Court and Ex-Officio

Recorder for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 17th day of September A. D. 19 76 at 11:05 o'clock A. M., and the same is now duly recorded, with the acknowledgment and certificate thereon, in Record Book, Vol. 238 Page 751

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 20th day of September, A. D. 19 76

LUCY GLOVER Clerk.
By [Signature] Deputy Clerk.