

ORDINANCE NO. 0-91- 31

AN ORDINANCE AMENDING ORDINANCE NO. 0-91-25 WHICH CLOSED AND ABANDONED THE CITY'S RIGHTS IN AND TO THE STREET DESIGNATED AS LUCILLE STREET BETWEEN CENTER AND DAVIS; RESERVING ANY AND ALL UTILITY EASEMENTS AND RIGHT-OF-WAYS EXPRESSLY GRANTED OR EXISTING BY USE OR PRESCRIPTION; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES :

WHEREAS, The City Council of the City of Conway, Arkansas on the 28th day of May, 1991, passed Ordinance No. 0-91-25, which purported to abandon all its rights, together with the rights of the public generally, in and to the streets designated as Lucille Street between Center Street and Davis Street; and

WHEREAS, there exists a sewer line across the street designated as Lucille Street; and

WHEREAS, the City Council did not intend to release, vacate or abandon any rights of the City or the public generally with respect to any utility easements or right-of-ways either expressly granted or existing by use or prescription; and

WHEREAS, the public interest and welfare would be adversely affected by the abandonment of the interests set out above.

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

SECTION 1: That Ordinance No. 0-91-25 is hereby amended to expressly reserve to the City of Conway any and all utility easements, right-of-ways and right of entry to service utility lines presently existing on those premises designated as Lucille Street between Center and Davis Streets, including, but not limited to, a sewer line presently existing.

SECTION 2: This reservation shall include all such easements, right-of-ways and right of entry existing by express grant or by use or prescription.

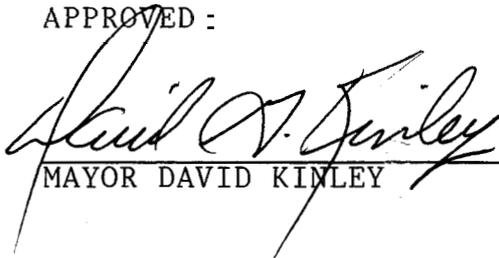
SECTION 3: A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

SECTION 4: That all ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 5: 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.

PASSED this 11th day of June, 1991.

APPROVED :


MAYOR DAVID KINLEY

ATTEST :


CITY CLERK

C E R T I F I C A T E

STATE OF ARKANSAS)
COUNTY OF FAULKNER)
CITY OF CONWAY)

I, Martha Hartwick, the duly elected, qualified, and acting Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the above and foregoing *is* a true and correct copy of *a* certain Ordinance duly passed and adopted by the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 11th day of June, 1991, and same is duly recorded in the minutes of meeting of said Council.

WITNESS, my hand and the seal of the City of Conway, Arkansas this 11th day of June, 1991.

Martha Hartwick
City Clerk-Treasurer

Seal

CERTIFICATE OF RECORD

STATE OF ARKANSAS)
COUNTY OF FAULKNER }SS

I, SHARON RIMMER, Circuit Clerk and Ex Officio Recorder with and for the county and state aforesaid, do hereby certify that the aforesaid and foregoing instrument of writing was filed for record in my office on the 18th day of June, 1991, at 12:10 o'clock P.M. and the same is now duly recorded, with acknowledgement _____ and certificate thereon in, Deed Record Book 483, Page 647.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 19th day of June, 1991.

SHARON RIMMER, Clerk
by *Sharon Rimmer* DC.