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by _____ D. C.

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**City of Conway, Arkansas
Ordinance No. O-09-142**

AN ORDINANCE TO ABANDON A PORTION OF THE WESTERN AVENUE RIGHT OF WAY AT THE NORTHEAST CORNER & SOUTHEAST CORNER OF PRINCE STREET AND WESTERN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES;

WHEREAS, a request has been made before the City Council of the City of Conway, Arkansas on the December 8th, 2009 asking the City Council to the abandon the right of way at the Northeast & Southeast at the corner of Prince Street & Western Avenue.

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 right of way or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street right of way herein described; is no longer required for use as a street right of way by the general public; that all the owners of the property abutting upon the portion of the right of way to be abandoned are not adversely impacted by the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the right of way.

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

Section 1. The City of Conway, Arkansas hereby abandons a portion of Western Avenue being situated adjacent to and west of Lot 1 Block 5, H.P. Merrit Addition to the City of Conway in part of the of the SE ¼, SE ¼, Section 2, Township 5 North, Range 14 West in Faulkner County, Arkansas, being more particularly described as follows:

Commencing at the Southwest corner of said Lot 1 thence N02°09'02"E, 5.00 feet along the west line of said Lot 1 to the Point of Beginning; thence continuing along the west line of said Lot 1 N02°09'02"E, 120.00 feet; thence S24°42'07"W, 65.19 feet; thence S02°09'02"W, 25.00 feet; thence S33°32'31"E, 42.85 feet to the Point of Beginning and containing 0.04 acres more or less.

Also, the City of Conway hereby abandons a portion of Western Avenue being situated adjacent to and west of Block 2, of the NE ¼, NE ¼, NE ¼ Section 11, Township 5 North, Range 14 West in Faulkner County, Arkansas as shown on survey and plat made by B.F. Stermer on November 7, 1945 being more particularly described as follows:

Commencing at the point of intersection of the South Line of Prince Street (50 foot ROW) with the East line of Western Avenue (60 foot ROW) thence S02014'20"W, 5.00 feet along the East line of Western Avenue to the Point of Beginning; thence continuing along the East line of Western Avenue S02014'20"W, 120.00 feet; thence N34049'40"W,

49.77 feet; thence N02014'20"E, 40.00 feet; thence N38054'41"E, 50.23 feet to the Point of Beginning and containing 0.05 acres more or less.

Section 2. The entire area of right of way abandoned as described above shall be retained as a "Utility and Drainage Easement" for use by existing and future public and private utilities and for use by the city for existing and future drainage purposes. Said easement shall give the city and utility companies the right to excavate and backfill as required to inspect, install, maintain and replace utilities and storm drainage facilities.

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

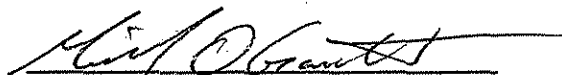
Passed this 8th day of December, 2009.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer