

ORDINANCE 0-94-1

AN ORDINANCE TO VACATE A UTILITY AND DRAINAGE EASEMENT PRESENTLY LOCATED BETWEEN LOTS 185 AND 186, NORTH PARK ADDITION TO THE CITY OF ARKADELPHIA, ARKANSAS, AND ACCEPTING A NEW 10-FOOT WIDE EASEMENT ACROSS LOT 186, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Board of Directors of the City of Arkadelphia, Arkansas.

WHEREAS, a Petition was duly filed with the Board of Directors of the City of Arkadelphia, Arkansas, on the 9th day of December, 1993, asking the Board of Directors to vacate and abandon all that portion of a utility and drainage easement designated on the Plat of the North Park Addition to the City of Arkadelphia, Arkansas, now appearing of record in Plat Book 2, Page 73, in the office of the Circuit Clerk and recorder of Clark County, Arkansas, and which utility and drainage easement is ten feet in width and located between Lots 185 and 186, and

WHEREAS, after due notice was required by law, the Board has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and ascertained that the easement heretofore described has heretofore been dedicated to the public use as a utility and drainage easement; that the owner thereof has constructed a new sewer line replacing the one in existence between Lots 185 and 186, and that the owner of the property abutting the utility and drainage easement to be vacated, Harrington Construction, Inc., has petitioned for the abandonment of said easement and that the public interest and welfare will not be adversely affected by the said abandonment of the easement and that the Arkadelphia Water and Sewer utilities is the only utility user in said easement and they have agreed to the abandonment and relocation of their sewer lines.

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

SECTION I.

That the Board of Directors of Arkadelphia, Arkansas releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the drainage and utility easement designated as follows:

That easement 10 feet in width located between Lots 185 and 186, North Park Addition to the City of Arkadelphia, Arkansas, as shown in Plat Book 2, Page 73, in the Office of the Circuit Clerk and Recorder of Clark County, Arkansas.

SECTION II.

The owner of Lots 185 and 186 has this date executed and delivered to the City of Arkadelphia, Arkansas, a 10-foot utility easement across Lot 186, replacing the easement being vacated.

SECTION III.

A copy of the Ordinance duly certified by the City Clerk and the easement granted to the City for the purpose of relocating the sewer line shall be filed in the Office of the Circuit Clerk and Recorder of Clark County, Arkansas, and recorded in the Deed records of said county.

SECTION IV.

As all property owners and utilities have agreed to the relocation of this easement and as the new sewer line has already been constructed and is in place and in use, an emergency is therefore declared and this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

Date Passed: January 6th, 1994

Attest: *Kitty Holland*
Mayor
Attest: *Shirley R. Loy*
City Clerk