

Ordinance No. 41

An Ordinance vacating certain streets and alleys in the Original Town of Tontitown, Arkansas.

WHEREAS, a petition was filed with the Town Council of the Town of Tontitown, Arkansas, on the 12th day of February, 1964, asking that the Town Council vacate and abandon the following described streets and alleys situated in the Original Town of Tontitown, Arkansas, to-wit:

- (a) Columbus Avenue from West Second Street to East Third Street.
- (b) East First Street from Pandini Avenue to the South line of the Original Town of Tontitown.
- (c) East Second Street from Pandini Avenue to the South line of the Original Town of Tontitown.
- (d) East Third Street from Pandini Avenue to the South line of the Original Town of Tontitown.
- (e) An East and West alley extending West from East Third Street to the Southwest corner of Lot 8, Block 44 and the Northwest corner of Lot 15, Block 44 of the Original Town of Tontitown and running through Blocks 42, 43 and a part of 44.
- (f) An East and West alley extending West from Barrington Road to West Fifth Street and running through Blocks 45 to 49 inclusive.
- (g) An East and West alley extending West from Farrington Road to West Fifth Street and running through Blocks 58 to 62 inclusive.
- (h) An East and West alley extending from West First Street to West Fifth Street and running through Blocks 26 to 29 inclusive.

WHEREAS, after due notices 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 streets and alleys hereinbefore described have heretofore been dedicated to the public use as streets and alleys herein described; that petitioners are the sole owners of the property abutting all said streets and alleys; and that public interest and welfare will not be adversely affected by the abandonment of said streets and alleys.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Tontitown, Arkansas:

- I The Town of Tontitown, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally in and to the streets and alley designated as follows:

- (a) Columbus Avenue from West Second Street to East Third Street.
- (b) East First Street from Bandini Avenue to the South line of the Original Town of Tontitown.
- (c) East Second Street from Bandini Avenue to the South line of the Original Town of Tontitown.
- (d) East Third Street from Bandini Avenue to the South line of the Original Town of Tontitown.
- (e) An East and West alley extending West from East Third Street to the Southwest corner of Lot 8, Block 44 and the Northwest corner of Lot 15, Block 44 of the Original Town of Tontitown and running through Blocks 42, 43 and a part of 44.
- (f) An East and West alley extending West from Farrington Road to West Fifth Street and running through Blocks 45 to 49 inclusive.
- (g) An East and West alley extending West from Farrington Road to West Fifth Street running through Blocks 58 to 62 inclusive.
- (h) An East and West alley extending from West First Street to West Fifth Street and running through Blocks 26 to 29 inclusive.

II A copy of the Ordinance duly certified by the Town Recorder shall be filed in the office of the Recorder of the county, and recorded in the Deed Record of the county.

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

Passed this 3rd day of March, 1964.

Harry Sbanotto Mayor

Attest:

Richard M. Ardemagni
Town Recorder

STATE OF ARKANSAS }
COUNTY OF WASHINGTON } ss.

ACKNOWLEDGMENT

On this day before me the undersigned, a Notary Public duly qualified, commissioned and acting within and for the said county and state, appeared in person the within named Harry Sbanotto and Richard M. Ardemagni, to me personally well known, who stated that they were the Mayor and Town Recorder, respectively, of the Town of Tontitown, Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal as such Notary Public this 3rd day of March 1964.

Doris Hilburn
Notary Public

My commission expires:
May 25, 1964

PETITION TO THE TOWN COUNCIL OF
TONTITOWN, ARKANSAS

The undersigned, being the sole and only owners of the lands abutting upon the hereinafter described streets and alleys, hereby submit their petition to the Town Council of Tontitown, Arkansas, to vacate said streets and alleys, and for their petition herein, state:

1. That the petitioners are the sole and only legal owners of the lands which abut upon the following described streets and alleys in the Original Town of Tontitown, Arkansas.

2. That a copy of a portion of the plat of the Original Town of Tontitown, Arkansas is attached hereto and made a part hereof, as though set out herein word for word, and that the streets and alleys situated in said area which petitioners desire to close, are described as follows:

- (a) Columbus Avenue from West Second Street to East Third Street
- (b) East First Street from Bandini Avenue to the South line of the Original Town of Tontitown
- (c) East Second Street from Bandini Avenue to the South line of the Original Town of Tontitown
- (d) East Third Street from Bandini Avenue to the South line of the Original Town of Tontitown
- (e) An East and West alley extending West from East Third Street to the Southwest corner of Lot 8, Block 44 and the Northwest corner of Lot 15, Block 44 of the Original Town of Tontitown and running through Flocks 42, 43 and a part of 44
- (f) An East and West alley extending West from Barrington Road to West Fifth Street and running through Flocks 45 to 49 inclusive
- (g) An East and West alley extending West from Barrington Road to West Fifth Street and running through Flocks 58 to 62 inclusive
- (h) An East and West alley extending from West First Street to West Fifth Street, and running through Flocks 26 to 29 inclusive.

3. That so far as is known by these petitioners, no other persons, firms or coprorations are abutting owners to said streets and alleys as above described.

4. That said streets and alleys as designated on the plat of said Original Town of Tontitown have not been open or actually used by the public as streets or alleys for a period of five (5) years last past.

WHEREFORE, petitioners pray that by a proper resolution, the Town Council fix a day for hearing on this petition, and that after hearing as required by law, pray an Ordinance be enacted vacating said streets and alleys and vesting ownership

of said streets and alleys so vacated in the petitioners herein, as the legal and equitable owners thereof, as the sole abutting owners.

Mrs. Elvina Ceola

Rinaldo Ceola

Louis Perona

Margaret Perona

CHRISTOPHERS CLUI, INC.
BY _____

Elmer A. Orkey
President

STATE OF ARKANSAS }
COUNTY OF WASHINGTON } ss.

VERIFICATION

Courtney C. Crouch, being duly sworn, states on oath that he is one of the attorneys for the petitioners; that he has read the above and foregoing Petition and that the facts set forth therein are true and correct to the best of his knowledge and belief.

Courtney C. Crouch

Subscribed and sworn to before me this 28th day of Jan., 1964.

Susan Lauck
Notary Public

My commission expires:
Sept. 1, 1966