

RESOLUTION NO. 35

RESOLUTION TO FIX A HEARING FOR THE PETITION OF
P.A.M. TRANSPORT, INC., GABRIEL D. AND ELSIE
M. PIANALTO, EUGENE G. AND ELEANOR M. PIANALTO,
AND ODA MARGARET BENUZZI TO CLOSE AN ALLEY IN
BLOCK 30 IN THE ORIGINAL TOWN OF TONTITOWN,
ARKANSAS

WHEREAS, P.A.M. Transport, Inc., Gabriel D. and Elsie
M. Pianalto, Eugene G. and Eleanor M. Pianalto, and Oda
Margaret Benuzzi, have filed a petition with the City Clerk
asking the City Council of Tontitown, Arkansas, to close an
alley in Lot 30 of the Original Town of Tontitown, Arkansas.

WHEREAS, the aforesaid petition has been filed within
the provisions of law, among other things, reciting that the
said alley has been abandoned for the time prescribed by law.

WHEREAS, the petition alleges that all abutting property
owners to said alley have consented to its closing and the
consent by said abutting property owners has been incorporated
within the petition.

NOW, THEREFORE, BE IT RESOLVED that the City Council of
Tontitown, Arkansas set the 19th day of April,
1983, for hearing of this petition and directs the City Clerk
to give notice by publication within the provisions of law.

PASSED AND APPROVED this 5th day of April, 1983.

H. L. Bausirgh
Mayor

ATTEST:

Francis Franco
City Clerk

STATE OF ARKANSAS
COUNTY OF WASHINGTON ss.

I do solemnly swear that I am general manager of THE SPRINGDALE NEWS, a daily newspaper published in said county, and that I was general manager on the dates of publication hereinafter stated, and that said newspaper had a bona fide circulation in said county on said dates, and had been regularly published in said county for a period of one month next before the date of publication of advertisement hereto annexed, and that said advertisement was published in said newspaper 2 times for _____ weeks consecutively, the first insertion therein having been made on the 8 day of April, 19 83 and the last on the 15 day of April, 1983.

Dan Smith

General Manager

Subscribed and sworn before me this 15 day of April, 19 83.

Theresa M. Guback

Notary Public.

My commission expires 4-1, 19 90.

Cost of publication: \$ 59.40

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WHEREAS, P.A.M. Transport, Inc., Gabriel D. and Elsie M. Pianalto, Eugene G. and Eleanor M. Pianalto, and Oda Margaret Benuzzi, have filed a petition with the City Clerk asking the City Council of Tontitown, Arkansas, to close an alley in Lot 30 of the Original Town of Tontitown, Arkansas.

WHEREAS, the aforesaid petition has been filed within the provisions of law, among other things, reciting that the said alley has been abandoned for the time prescribed by law.

WHEREAS, the petition alleges that all abutting property owners to said alley have consented to its closing and the consent by said abutting property owners has been incorporated within the petition.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Tontitown, Arkansas set the 19th day of April, 1983, for hearing of this petition and directs the City Clerk to give notice by publication within the provisions of law.

PASSED AND APPROVED this 5th day of April, 1983.

H.L. Bausinger, Mayor

ATTEST:

Frances Franco, City Clerk
April 8, 1983

CONSENT TO ALLEY ABANDONMENT

This consent agreement is made and entered into this _____ day of March, 1983, by and between the undersigned, the owners of all the Lots abutting the alley to be closed, and the undersigned property owners of Lots 1 through 18 in Block 30 of the Original Town of the City of Tontitown, Arkansas, as per plat of said subdivision on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, which plat is attached hereto and made a part hereof as though set out herein word for word.

WHEREAS, an unnamed alley exists between Lots 1 through 6 and Lots 7 through 18 in Block 30 of said Original Town of the City of Tontitown, Arkansas, as per original plat of said subdivision; and,

WHEREAS, the undersigned, are the sole owners of said Lots 1 through 18 of said Block 30; and,

WHEREAS, said alley has not been actually used by the public as a street or alley for a period of more than five years, and the public interest and welfare will not be adversely affected by the abandonment of such alley.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

1. It is agreed by the undersigned parties that the alley, as described above, shall be closed, vacated and abandoned, and this agreement evidences their consent to such closing, vacating and abandonment of said alley.

2. It is further agreed that this consent agreement shall be binding upon and inure to the benefit of the respective parties

hereto, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.

All property owners of Lots 1 through 18, Block 30, in the Original Town of Tontitown, Arkansas:

OWNERS OF LOTS 1, 2 and 3:

Eugene D. Pianalto
Eugene D. Pianalto

Eleanor M. Pianalto
Eleanor M. Pianalto

OWNER OF LOT 4:

Ida Margaret Benuzzi
Ida Margaret Benuzzi

OWNER OF LOTS 5, 6, 7 and 8:

Paul A. Masters President
P.A.M. Transport, Inc.

OWNERS OF LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18

Gabriel D. Pianalto
Gabriel D. Pianalto

Elsie M. Pianalto
Elsie M. Pianalto

PETITION

TO THE CITY COUNCIL OF THE
CITY OF TONTITOWN, ARKANSAS

Come now the undersigned petitioners, and for their
petition herein state:

1. That the undersigned petitioners are the owners of Lots 1 through 18, Block 30, of the Original Town of Tontitown, Arkansas, as indicated on the photostatic copy of the plat of the Original Town of Tontitown, Arkansas, which copy is labelled "Exhibit A", attached hereto and made a part hereof as though set out herein word for word.

2. That Lots 1 through 6 and Lots 7 through 18 of said addition are divided by an alley, which alley is the alley sought to be vacated.

3. That said alley has not been dedicated to the public use of the City of Tontitown by causing the plat, marked "Exhibit A" to be filed for record.

4. That said alley has not been actually used by the public as an alley for a period of more than five years.

5. That all of the owners of the property abutting upon the alley to be vacated have filed with the Council their written consent to such abandonment, which consent is labelled "Exhibit B", and attached hereto and made a part hereof as though set out herein, word for word.

6. That the closing, abandoning and vacating of said alley as described above would be to the best interest to the parties hereto and the public generally, and that the public interest and welfare will not be adversely effected by the abandonment of such alley.

7. That on the closing, abandoning and vacating of the alley described above, all right, title, interest and absolute ownership of the property abandoned by the City shall vest in the petitioners, as owners of the real estate abutting thereon, and each such abutting owner shall take title to the centerline of the alley so abandoned, and such ownership shall be free from the easement of the City for public use as an alley.

WHEREFORE, petitioners pray that by a proper ordinance the City Council of the City of Tontitown, Arkansas, vacate, close and abandon the above described alley, and that thereafter title to said alley shall be fully vested in the owner of the real estate abutting thereon, with each such abutting owner to take title to the centerline of the alley so abandoned.

OWNERS OF LOTS 1, 2 and 3:

Eugene D. Pianalto
Eugene D. Pianalto

Eleanor M. Pianalto
Eleanor M. Pianalto

OWNER OF LOT 4:

Ida Margaret Benuzzi
Ida Margaret Benuzzi

OWNER OF LOTS 5, 6, 7 and 8:

Paula Maestri President
P.A.M. Transport, Inc.

OWNERS OF LOTS 9, 10, 11,
12, 13, 14, 15, 16, 17 and 18

Gabriel D. Pianalto
Gabriel D. Pianalto

Elsie M. Pianalto
Elsie M. Pianalto