

FILED
FOR RECORD
'83 MAY 20 PM 2 54

WASHINGTON COUNTY AR
ALMA KOLLMAYER
CIRCUIT CLERK

ORDINANCE NO. 76

AN ORDINANCE RELEASING, VACATING, AND ABANDONING
A CERTAIN ALLEY IN THE CITY OF TONTITOWN, ARKANSAS

WHEREAS, a petition was duly filed with the City Council of the City of Tontitown, Arkansas, on the 20th day of March, 1983, asking the City Council to vacate and abandon all that portion of the alley described on the plat of Block 30 of the Original Town of Tontitown, Arkansas, now appearing of record in Plat Book 3 at page 415 in the Office of the Recorder of Washington County, Arkansas.

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 alley, hereinbefore described has heretofore been dedicated to the public use as an alley herein described; has not been actually used by the public generally for a period of at least five years subsequent to the filing of the plat; that all of the owners of the property abutting upon the portion of the alley to be vacated have filed with the Council their written consent to such abandonment; and that public interest and welfare will not be adversely affected by the abandonment of such alley.

NOW, THEREFORE, be it ordained by the City Council of the City of Tontitown, Arkansas:

SECTION 1. The City of Tontitown, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the alley designated as follows: The alley sought to be abandoned is the alley which separates Lots 1 through 6, Block 30, from Lots 7 through 18, Block 30 of the Original Town of Tontitown, Arkansas, as per the recorded plat of said Addition, a copy of which is attached

hereto and made a part hereof as though set forth herein word for word.

SECTION 2. A copy of the Ordinance duly certified to 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 3. It is hereby declared that an emergency exists, and this Ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Tontitown, Arkansas, shall become effective immediately upon its passage and approval.

PASSED AND APPROVED THIS 3rd day of May,

1983.



Francis Franco
City Clerk

H. Bausinger
Mayor

CERTIFICATE OF RECORD

STATE OF ARKANSAS)
Washington County) SS.
I, James L. Kell, Jr., Circuit Clerk and Ex-Officio Recorder of
Washington County, do hereby certify that the aforesaid and for-
going instrument was filed for record in my office on the 20th
of May, 1983 at 2:54 P.
duly recorded in deed record 1078 at page 478
Witness my hand and seal this 23 day of May, 1983
James L. Kell, Jr.
Circuit Clerk and
Ex-Officio Recorder
By _____
Deputy Clerk

1078 479

PETITION TO VACATE ALLEY

To the Mayor, and City Council of Tontitown, Arkansas:

Comes Olivia Roso, Richard Roso, Jr., and Southwestern Bell Telephone Company for their petition to vacate an alley, state:

1. That they are the owners of all of Block 31 of the original Town of Tontitown, Arkansas.
2. That an alley runs east and west through the center of Block 31, and said alley has never been used by the public as an alley for a period of more than five (5) years and as provided by law, same is subject to be closed by the Town of Tontitown, Arkansas.
3. Petitioners ask that the Mayor and City Council, pass a resolution fixing a day for hearing of this Petition and direct the Clerk of Tontitown, Arkansas to give notice by publication once a week for two (2) consecutive weeks in some newspaper published in Washington County, Arkansas, and having a general circulation in Tontitown, Arkansas. The notice to state the names of the persons who have signed the Petition and the location of the alley to be vacated, and advise all persons that on a certain day named, the Council will hear and determine whether the alley shall be vacated.

WHEREFORE Petitioners pray, that the council pass a resolution directing the City Clerk to publish said notice of hearing, and that proper notice be given as required by law as to the time and place of said hearing.

DATED this 18th day of May, 1983.

Richard Roso Jr.
RICHARD ROSO, JR.

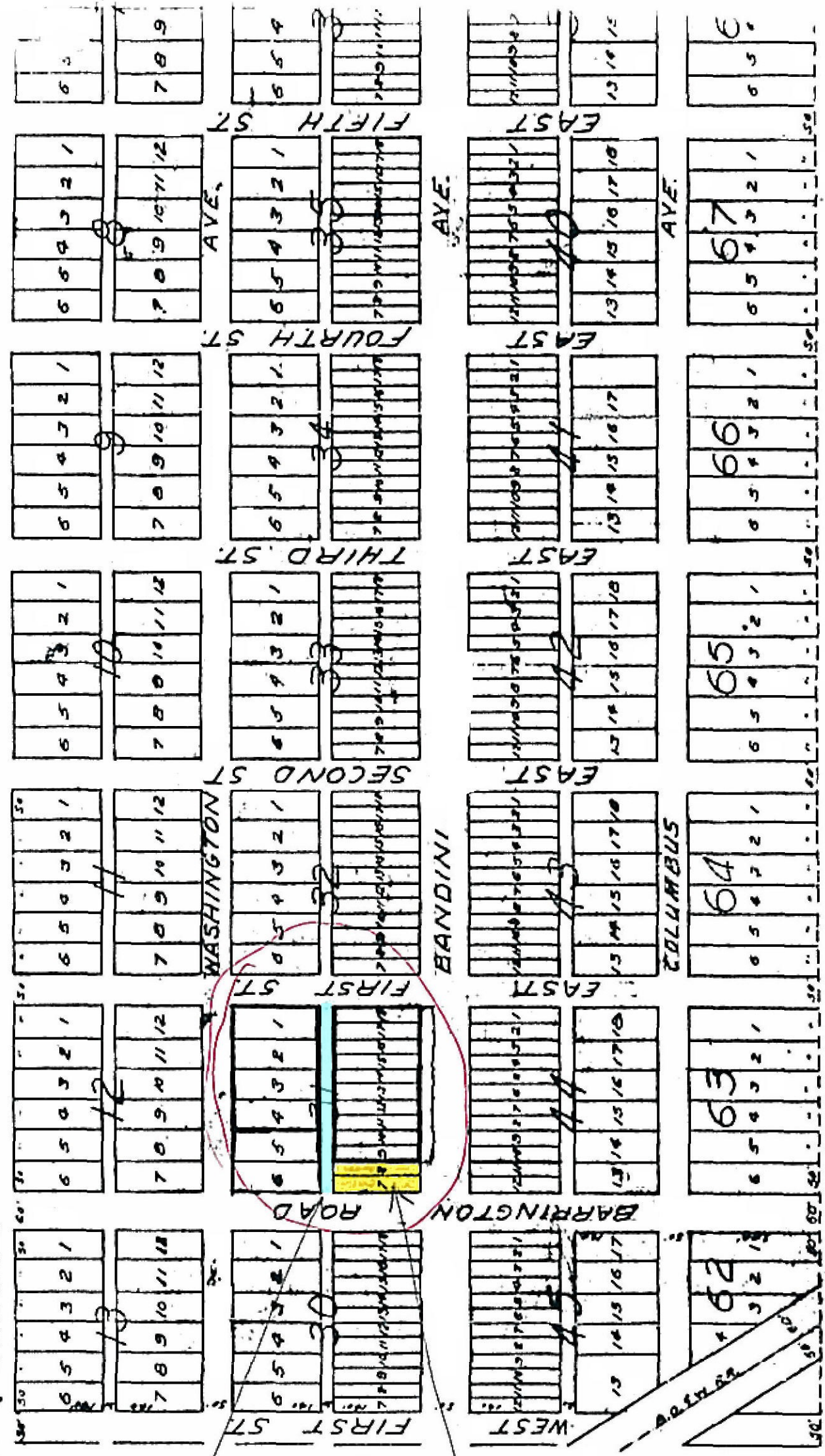
Olivia Roso
OLIVIA ROSO

W. G. Gansle
SOUTHWESTERN BELL TELEPHONE CO., by
Warren Gansle
District Staff Manager - Real Estate and
Architecture

APPROVED AS TO FORM:

Timothy Brown
GENERAL ATTORNEY
5-5-83

TONI TOWN



Alley to Be Closed

SW Bell Property