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Tontitown 72770

ORDINANCE NO. 95

FILED FOR RECORD
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WASHINGTON CO AR

AN ORDINANCE RELEASING, VACATING AND ABANDONING PORTIONS OF CERTAIN STREETS IN THE CITY OF TONTITOWN, AND DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, the City Council of Tontitown, Arkansas has proposed to vacate and abandon certain portions of East Second Street and Washington Avenue (collectively referred to herein as "streets") situate in Tontitown, Washington County, Arkansas, to-wit:

A portion of East Second Street and a portion of Washington Avenue which are situate between Lots 10 and 11 and Lots 32 and 33, as reflected in the plat of Tontitown, Arkansas, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and said portions of said streets are more particularly described as: That portion of East Second Street from the point where same intersects with the South right-of-way of Arkansas State Highway 412 (formerly Arkansas State Highway #68), thence South to a point where said East Second Street intersects with the North right-of-way of Bandini Avenue, and that part of Washington Avenue commencing at a point where Washington Avenue intersects with the East right-of-way line of East First Street, and running thence East to a point where said Washington Avenue intersects with the West right-of-way line of East Third Street, all as per the above mentioned plat.

AND WHEREAS, the City Council of the City of Tontitown passed a resolution setting a public hearing for the 26th day of October, 1992 at 7:00 P.M.

AND WHEREAS, after due notice as required by law, the City Council of the City of Tontitown did, at the time and place mentioned in the notice, hear all persons desiring to be heard on the question and has ascertained that the portions of the streets hereinbefore described should be abandoned and vacated.

AND WHEREAS, the closing, abandoning and vacating of such streets will not affect surrounding landowners for the reason that

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there are no lands adjacent to those portions of the streets which are sought be closed except those owned by the City. That the streets are not needed for highway or city purposes; that the welfare of the City will be enhanced and promoted by the closing and abandoning of said streets; that the public interest and welfare will not be adversely affected by the abandonment of such streets; and the utilities and utility companies in Tontitown, Arkansas have consented to said closing.

AND WHEREAS, the City is the owner of the property located on each side of the streets to be abandoned.

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 portions of the streets described above.

Section 2: The City of Tontitown, Arkansas shall remain the owner of the abandoned streets, such ownership being free from the easements of the public use as a street.

Section 3: A copy of this Ordinance, duly certified by the City Clerk, along with any written agreement or instruments referred to above, if any, shall be filed in the Office of the

Circuit Clerk and Recorder and recorded in the Deed Records of the County.

Section 5: It is hereby declared that an emergency exists and this Ordinance, being necessary for the preservation, health, safety and welfare of the citizens of Tontitown, Arkansas, shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this 4th day of November, 1992.



Fredie B. Zallo
Mayor

Frances Franco
City Clerk

NOTICE

This notice is hereby given by the City Clerk of the City of Tontitown, Arkansas, that the City of Tontitown, Arkansas proposes to close a portion of East Second Street and Washington Avenue, described as follows:

A portion of East Second Street and a portion of Washington Avenue which are situate between Lots 10 and 11 and Lots 32 and 33, as reflected in the plat of Tontitown, Arkansas, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and said portions of said streets are more particularly described as: That portion of East Second Street from the point where same intersects with the South right-of-way of Arkansas State Highway 412 (formerly Arkansas State Highway #68), thence South to a point where said East Second Street intersects with the North right-of-way of Bandini Avenue, and that part of Washington Avenue commencing at a point where Washington Avenue intersects with the East right-of-way line of East First Street, and running thence East to a point where said Washington Avenue intersects with the West right-of-way line of East Third Street, all as per the above mentioned plat.

Notice is hereby given that the City Council of the City of Tontitown has set the 26th day of October, 1992 as the date for hearing arguments for and against the closing of said streets. Said hearing to be in the Council room of Tontitown City Hall, Tontitown, Arkansas, at 7:00 P.M.

This notice is signed this 6th day of October, 1992.

Frances Franco
City Clerk

*no one showed up
Sept 7:20*