

## O-94-5

### **AN ORDINANCE VACATING PORTIONS OF McMILLAN STREET AND NORTH 7TH STREET, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, the purpose of this Ordinance is to provide that the City, under the provisions of ACA 14-54-104(2), would vacate and abandon a portion of McMillan Street and North Seventh Street in Hardy & Barkman addition and B.S. Duncan's addition to the City of Arkadelphia, Arkansas, as more accurately described herein, and

**WHEREAS**, the vacating of these streets has been the subject of more than one previous city board meeting, and

**WHEREAS**, the only abutting property owners are Dr. Erwin S. Janek and Hattie Janek, husband and wife, and Ouachita Baptist University, all of whom have consented to the vacation and abandonment of said street, and

**WHEREAS**, the street to be vacated and abandoned is not required for corporate purposes and the public interest and welfare will not be adversely affected by the vacation and abandonment of said street,

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Arkadelphia, Arkansas:

Section 1. The City of Arkadelphia, Arkansas, subject to the rights of any utility companies, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to that portion of McMillan Street and North Seventh Street described as follows:

Beginning at a 3/8" rebar at the northeast corner of lot 11, of Hardy & Barkman addition to Arkadelphia, thence N86 58'48"E 47.39 feet, thence N03 01'10"W 7.38 feet to a 1/2" rebar at THE POINT OF BEGINNING, thence around a curve to the left having a radius of 22.00 feet and a delta angle of 83 10'29", a chord direction of N09 53'41"E and a chord distance of 29.21 feet to a 1/2" rebar, thence N65 15'38"E 21.13 feet to a 1/2" rebar, thence N86 26'33"E 37.97 feet, thence N05 40'27"W 72.28 feet to a 1/2" rebar, thence N13 50'15"E 10.14 feet to a 1/2" rebar, thence N86 37'47"E 22.21 feet to a 1/2" rebar, thence S13 46'38"W 17.26 feet to a 1/2" rebar, thence S07 23'22"E 57.43 feet to a 1/2" rebar, thence S46 16'00"E 11.00 feet to a 1/2" rebar, thence N86 08'48"E 208.29 feet to a 1/2" rebar, thence S03 27'02"E 21.96 feet, thence S86 05'47"W 236.16 feet to a 1/2" rebar, thence S86 05'47"W 35.12 feet to a 1/2" rebar, thence S62 21'28"W 33.06 feet to THE POINT OF BEGINNING, containing 0.191 acres more or less.

It is the intention of the above legal description to vacate and abandon all that portion of McMillan Street located between North Sixth and North Seventh Streets in Arkadelphia, Arkansas, and all that portion of North Seventh Street that is located north of McMillan Street and being all east of a cul-de-sac to be built at the north end of North Seventh Street which is presently under construction.

Section 2. Said street vacation and abandonment is subject to the retention of easements by all utilities using said property including but not limited to the following easements which are specifically retained by the City of Arkadelphia, Arkansas, for the use of its water and sewer utilities described as follows:

Fifteen (15) foot wide waterline easement, beginning at a 3/8" rebar at the northeast corner of lot 11, in Hardy & Barkman addition to Arkadelphia, thence N86 58'48"E 53.92 feet, thence N03 01'10"W 35.84 feet to a 1/2" rebar as THE POINT OF BEGINNING of the easement, thence 7.5 feet on each side of the following described line: thence N65 15'38"E 21.13 feet to a 1/2" rebar, thence N86 13'28"E 275.00 feet to a 1/2" rebar at the termination point of this easement.

Fifteen (15) foot wide sewerline easement, beginning at a 3/8" rebar at the northeast corner of lot 11, in Hardy & Barkman addition to Arkadelphia, thence S86 58'48"W 3.88 feet, thence S03 01'10"E 44.83 feet to a sewer manhole as THE POINT OF BEGINNING of this easement, thence 7.5 feet on each side of the following described line; thence N72 50'20"E 355.74 feet to a sewer manhole as the termination point of this easement, along with any additional necessary ingress and egress to maintain said utilities.

Section 3. A copy of this Ordinance, duly certified 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 4. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed

Section 5. Due to the recent growth in student population of Ouachita Baptist University and the need to build additional dormitory space for said students near or on that portion of the hereinabove described street vacated and abandoned, an emergency is declared and this Ordinance being necessary for the preservation of public peace, health, and safety shall be in full force and effect from and after its passage.

APPROVED:

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Kitty Holland, Mayor

ATTEST:

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Shirley Loy, City Clerk