

0-98-8

AN ORDINANCE TO VACATE AND ABANDON CERTAIN RIGHTS-OF-WAY RUNNING EAST AND WEST BETWEEN BLOCKS B AND D OF THE SIXTEENTH SECTION ADDITION; AND RUNNING NORTH AND SOUTH BETWEEN BLOCKS D AND E OF THE SIXTEENTH SECTION ADDITION TO THE CITY OF ARKADELPHIA, ARKANSAS, AND DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, a Petition was filed before the Board of Directors of the City of Arkadelphia, Arkansas on March 24, 1998 asking the City of Arkadelphia to vacate and abandon the following to wit:

- A. A certain right-of-way running East and West between Blocks B and D of the Sixteenth Section Addition to the City of Arkadelphia, Arkansas; and
- B. A certain right-of-way running North and South between Blocks D and E of the Sixteenth Section Addition to the City of Arkadelphia, Arkansas.

Said, rights-of-way appear of record in Plat Book L Page 369-70 of the Records of Clark County, Arkansas.

WHEREAS, after due notices as required by law, the Board of Directors has, at the time and place mentioned in the notice which was April 16, 1998, heard all persons desiring to be heard on the question and has ascertained that the rights-of-way or the portion thereof heretofore described, have heretofore been dedicated to public use as a street or alley but has not been actually used by the general public for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street or alley be vacated have filed with the Board of Directors their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street or alley.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS THAT:

Section 1. The City of Arkadelphia, Arkansas releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the street or alley designated as follows:

A right-of-way extending East and West between Blocks B and D of the Sixteenth Section Addition to the City of Arkadelphia, Arkansas; and


A right-of-way extending North and South between Blocks D and E of the Sixteenth Section Addition to the City of Arkadelphia, Arkansas.

Section 2. A copy of the 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 Clark County, Arkansas.


Section 3. All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. The property affected by this ordinance was heavily damaged by the tornado of March 1, 1997. There is an urgent need to complete the reconstruction of the improvements which cannot occur without the title of the property being cleared by the abandonment of these rights-of-way. The health and safety of the public could be in danger by the damaged and destroyed buildings. Therefore, an emergency is declared and this Ordinance, being necessary for the preservation of the public peace, health and safety, shall be in force upon its passage and approval.

Passed and approved this 7th day of May, 1998.


Michael L. Kolb, Mayor

ATTEST:


Nancy Anderson, City Clerk