

ORDINANCE NO. 2006-1

AN ORDINANCE TO CLOSE, VACATE AND ABANDON THAT PORTION OF 6TH STREET BETWEEN MAIN AND COMMERCIAL STREETS AND ALLEYWAY RUNNING EAST AND WEST BETWEEN 5TH STREET AND 7TH STREET IN THE CITY OF OZARK, ARKANSAS; DECLARING AN EMERGENCY THEREFORE; AND FOR OTHER PURPOSES.

WHEREAS, a Petition was duly filed with the City Clerk and Recorder of the City of Ozark, Arkansas on the 4th day of January, 2006, asking the City council to vacate and abandon 6th Street and Alleyway between Main and Commercial Streets in Ozark, Arkansas; and

WHEREAS, after due notice as required by law was published, the City Council has, at the time and place provided in said notice, heard all persons desiring to be heard on the question and has ascertained that the portion of the street and alley hereinbefore described has been duly dedicated to the public use as a street or by the City of Ozark, with the exception of applicable utility easements, which shall remain in place and in existence, and that the owners on all property adjacent to that portion of the street described above have consented to the closing of said street and the City Council, have determined that the public interest and welfare will not be adversely effected by the abandonment of the described street and alleyway;

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS:

SECTION 1: The City of Ozark, Arkansas, hereby releases, vacates, and abandons any and all rights, together with the public generally for ingress and egress, except for any applicable easements for the laying, operating, construction, and maintaining of utilities and utility lines, in and to the street and alleyway described as follows:

6th Street and Alleyway between Main and Commercial Streets in the City of Ozark, Arkansas.

SECTION 2: A copy of this ordinance, duly certified by the City Clerk, shall be filed of record with the Circuit Clerk of Franklin County, Arkansas, Ozark District, and shall be recorded in the deed records of the County.

SECTION 3: The City Council of the City of Ozark, Arkansas having determined that an emergency exists, and that it would be in the best interest of the City that this ordinance be adopted immediately, this ordinance shall be in full force and effect immediately upon its passage and publication.

PASSED AND APPROVED by a majority vote of the City Council of the City of Ozark, Arkansas, this 19th day of January, 2006.

Mayor, C. L. Coley

ATTEST:

City Clerk, Carol Sneath

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NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS:

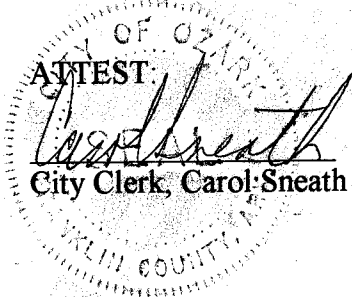
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PASSED AND APPROVED by a majority vote of the City Council of the City of Ozark, Arkansas, this 19th day of January, 2006.



C. L. Coley
Mayor, C. L. Coley

STATE OF ARKANSAS, COUNTY OF FRANKLIN
OZARK DISTRICT
FILED FOR RECORD THE 23rd DAY OF January
2006 AT 9:35 O'CLOCK A M. AND RECORDED
IN BOOK 43 PAGE 249
WILMA GRAGG - BRUSHWOOD
CIRCUIT CLERK AND RECORDER
BY Sharon Madison D.C.

PUBLIC HEARING
6TH STREET & ALLEYWAY
BETWEEN COMMERCIAL & MAIN
BANK OF THE OZARKS
JANUARY 19, 2006 - 7:00 PM

C. L. Caley

Carl Smith

Vernon McDaniel

Lisa Medlock

Mrs. Patty L. House

Roxie Hall

Deby Doray

Doyle E. Brown

Frank Burdette

Larry M. Deeks

He. J. C.

Theresa Smith

Dawn M. Smith

Bill Smith

NOTICE OF HEARING ON PETITION FOR VACATION OF ROADWAY EASEMENT

A Petition has been filed with the City Council for the City of Ozark, Arkansas for the purpose of vacating Alleyway running east and west from 5th Street to 7th Street between Main and Commercial Street and 6th Street between Main and Commercial Streets.

The Petition for Vacation of Roadway Easement was filed by the adjoining land owners, namely Bank of the Ozarks, Ozark Methodist Church, Burns Drug Store, Bret D. Ridge and Ruby Moore Occhiuzzo.

A hearing has been set for the discussion and determination as to whether or not the alleyway and street should be vacated by the City Council. The hearing on said Petition will take place on January 19, 2006 at 7:00 p.m. at the Ozark Municipal Complex. Any person objecting to the vacation of this roadway easement should be present at the hearing.

Neva Witt, City Attorney

RESOLUTION NO. 2006-1

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OZARK,
ARKANSAS**

BE IT RESOLVED THAT:

I.

A Petition was duly filed with the City Clerk of the City of Ozark, Arkansas on the 6th day of January, 2006 asking the City Council to vacate and abandon Alleyway running east and west between Main & Commercial Streets, and 6th Street between Main and Commercial Streets.

II.

The Petition submitted by Bank of the Ozarks shall be discussed in a public hearing which is to take place on the 19th day of January, 2006 at 1:00 O'clock p.m. in the Ozark Municipal Complex.

Passed and approved this 9th day of January, 2006.

C. L. Coley
C. L. Coley, Mayor

ATTEST:

Carol Sneath
Carol Sneath, City Clerk


PETITION TO THE CITY OF OZARK, ARKANSAS

To: Mayor and City Council of Ozark, Arkansas

We, the undersigned, petition the City of Ozark, Arkansas for the purpose of vacating:

(1) South 6th Street between Commercial Street and Main Street; (2) the alley running east and west through the center of Block 2 of Kenner Addition to the City of Ozark and (3) the alley running east and west through Block 16 of original town of Ozark, Arkansas. A map of the area including streets and its alleys is attached to this document.

BANK OF THE OZARKS

By: 
Mark D. Ross, President & COO

Date: 12/29/05

OZARK METHODIST CHURCH

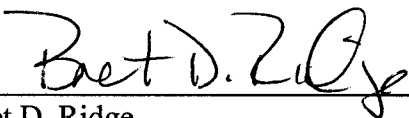
By: _____

Date: _____

BURNS DRUG STORE

By: _____
Don Burns

Date: _____


Bret D. Ridge

Date: 1/3/06

Ruby Moore Occhiuzzo

Date: _____

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By: _____
Mark D. Ross, President & COO

Date: _____

OZARK METHODIST CHURCH

By: 

Date: 1-5-06

BURNS DRUG STORE

By: _____
Don Burns

Date: _____

Bret D. Ridge

Date: _____

Ruby Moore Occhiuzzo

Date: _____

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Mark D. Ross, President & COO


Date: _____

OZARK METHODIST CHURCH

By: _____

Date: _____

BURNS DRUG STORE

By:  _____
Don Burns

Date: 12-29-05

Bret D. Ridge

Date: _____

Ruby Moore Occhiuzzo

Date: _____

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OZARK METHODIST CHURCH

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Date: _____



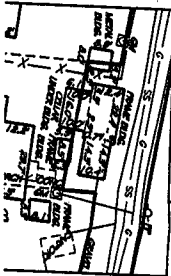
Ruby Moore Occhiuzzo

Date: 12-29-05

PARKING SPACE TABLE			
TYPE OF SPACE	TOTAL COUNTING	REQUIRED BY ZONING	PROVIDED
REGULAR	1/48	NM	NM
HANDICAP	3	NM	NM
TOTAL	149		

SURVEYOR'S NOTE: This property does not lie within the 100-year Flood Zone according to the Flood Map for Eastern Carroll, Arkansas Community Form No. 0808200300C, Dated: JULY 12, 1992.

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to locate all improvements, utility encroachments, structures and related matters. Utilities located if requested according to utility company records, and/or above ground inspection turned on this plot. Surveyor has made investigation or independent search for encroachments of record encroachments.



NOTE: ELEVATIONS ASSIGNED FROM 100.00
STATIONARY ON SURROUNDING ELEVATIONS



TAM = TOTAL
OF THE TRACT
ENV. = 67.76

U.S. HIGHWAY 64 R/W
ARKANSAS HIGHWAY 219 (COMMERCIAL STREET)
175,517.61 SQ. FT. TOTAL
4.08 ACRES TOTAL

SOUTH 6TH STREET
R/W VARIES
N 05°54'10" E 99.99'

SOUTH 6TH STREET
3 05°24'25" W 99.47'

TRACT 6
9,142.54 SQ. FT.
0.21 ACRES

TRACT 5
9,963.66 SQ. FT.
0.23 ACRES

TRACT 3
9,963.66 SQ. FT.
0.23 ACRES

TRACT 4
9,963.66 SQ. FT.
0.23 ACRES

TRACT 5
9,963.66 SQ. FT.
0.23 ACRES

TRACT 6
9,963.66 SQ. FT.
0.23 ACRES

TRACT 7
9,963.66 SQ. FT.
0.23 ACRES

TRACT 8
9,963.66 SQ. FT.
0.23 ACRES

TRACT 9
9,963.66 SQ. FT.
0.23 ACRES

TRACT 10
9,963.66 SQ. FT.
0.23 ACRES

TRACT 11
9,963.66 SQ. FT.
0.23 ACRES

TRACT 12
9,963.66 SQ. FT.
0.23 ACRES

TRACT 13
9,963.66 SQ. FT.
0.23 ACRES

TRACT 14
9,963.66 SQ. FT.
0.23 ACRES