

BEFORE THE CITY COUNCIL OF OZARK, ARKANSAS

**PETITION TO VACATE AND ABANDON A PLATTED
BUT UNOPENED ALLEY LOCATED WITHIN THE CITY OF OZARK**

COME NOW the undersigned, and respectfully petition the City Council pursuant to the provisions of Ark. Code Ann. §14-301-301, et seq., to vacate and abandon that platted but unopened alley described in the body of this Petition, and in support hereof state:

I.

Petitioner, First United Methodist Church of Ozark, Arkansas, is the record title holder of the real property more particularly described below which is part of the Original Town of Ozark, Arkansas:

All of Lots Four (4), Five (5), Six (6), Seven (7) and Eight (8), and the West forty feet of Lot Three (3) all in Block Six (6), to the Original City of Ozark, Franklin County, Arkansas.

II.

Frontenac Properties, Inc. is the record title holder of the following described real property which abuts the alley Petitioners seek to close and vacate by virtue of this proceeding:

Lots one (1) and two (2) and the East 20 feet of Lot three (3), all in Block six (6) of the Original City of Ozark, Franklin County, Arkansas, and the North half of a twenty (20) foot alley lying immediately South of the above described lands. All lying in Franklin County, Ozark, Arkansas.

III.

Jurisdiction of this matter is properly placed in the City Council pursuant to the provisions of Ark. Code Ann. §14-301-301(a).

IV.

This Petition seeks adoption of an ordinance by this Council to close, vacate and abandon the following described alley in the City of Ozark which was platted as a part of the Town of Ozark many years ago. To the Petitioner's knowledge, that portion of the alley in question has never been utilized by the public at any time, but certainly not within five (5) years prior to the date of filing of this Petition.

Petitioner would respectfully request that the alley hereinafter described be closed, abandoned and vacated, to-wit:

Beginning at the Southeast Corner of Lot 1 in Block 6 of the Original Town of Ozark, running thence West along the South line of Lots 1, 2, 3 and 4 of the said Block 6 to the Southwest Corner of Lot 4, Block 6, running thence South 20' or to the Northwest Corner of Lot 5 in Block 6, running thence East along the North line of Lots 5, 6, 7 and 8, Block 6, to the Northeast Corner of Lot 8, Block 6, running thence North 20' to the Southeast Corner of Lot 1, Block 6, the point of beginning.

Attached to this Petition as Exhibit "A" is a true photostatic copy of a plat of the Original Town of Ozark which depicts in yellow the aforementioned alley sought to be closed, vacated and abandoned by virtue of this proceeding.

V.

The Petitioner believes and would show to the Council that the closure, vacation and abandonment of the alley more particularly described above will not be injurious to the public health, safety or well being, and that no individual or entity will be prejudiced thereby.

WHEREFORE, Petitioners pray that an ordinance of this Council be adopted in accordance with the provisions of Ark. Code Ann. §14-301-304 closing, vacating and abandoning that portion

of the alley more particularly identified above and for any and all other relief to which they may show themselves entitled.

Respectfully submitted:

FIRST UNITED METHODIST CHURCH
OF OZARK, ARKANSAS

BY:


RALPH JOHNSON, JR., CHAIRMAN
BOARD OF TRUSTEES

ATTEST:


MARILYN OTT, SECRETARY

Sworn Proof of Publication

STATE OF ARKANSAS
COUNTY OF FRANKLIN

I, Bill J. Bivill,
publisher or business manager of The Spectator,
a newspaper published in Ozark, Franklin Coun-
ty, Arkansas, do solemnly swear that the notice
or advertisement or legal, of which the annexed
is a true copy, was published in The Spectator

2 times in the complete editions dated
as follows: September 10 & 17
1997

And that said newspaper was published and had
a bona fide circulation in Franklin County more
than one year prior to the first insertion,
(established Aug. 1, 1911) and during the time of
publication of said attached notice.

Subscribed and sworn to before me this 17
day of September, 19 97.
Patricia Ann Bevil

My Commission Expires
10-9-99

Publication Cost \$ 72.00

NOTICE OF PUBLIC HEARING REGARDING ALLEY CLOSURE

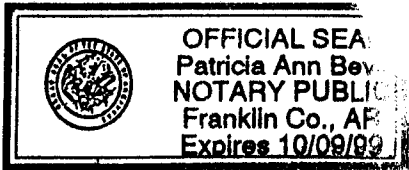
All interested parties are hereby notified
that a public hearing will be conducted by
the Ozark City Council on the 13th day of
October, 1997, at 6:45 p.m., at the Ozark
City Hall for the purpose of considering
and acting upon a certain Petition filed by
First United Methodist Church of Ozark,
Arkansas, to close a platted but unopened
alley more particularly described below:

Beginning at the Southeast Corner of
Lot 1 in Block 6 of the Original Town of
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thence East along the North line of Lots 5,
6, 7 and 8, Block 6, to the Northeast Corner
of Lot 8, Block 6, running thence North 20'
to the Southeast Corner of Lot 1, Block 6,
the point of beginning.

At the public hearing the Council will
hear all persons interested in the matter,
whether for or against said closure, and at
the conclusion thereof will determine
whether the alley described above should
be closed, vacated and abandoned by the
City.

WITNESS MY HAND as the Clerk of
the City of Ozark this 8th day of Septem-
ber, 1997.

Carol Sneath,
City Clerk
9-10-17



6:45 Public Hearing for Alley Closing
Signature

Cowd Kneth
Vernon McDaniel
Susan Chiner
~~Alvin~~
Mara Wilson
Sandy Key
Bill BROCKETT
Mark A. Deere
Oelbert Anderson
Ed Stanberry
Craig C. B.
Peg Anderson
Tom Edg
W. W. House
John. Verhoy

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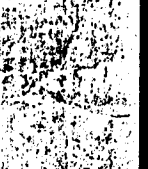
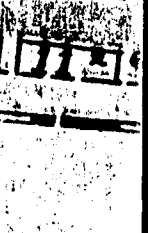
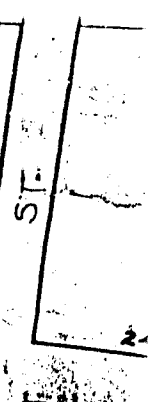
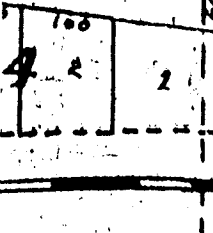
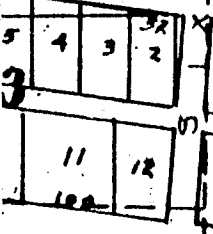
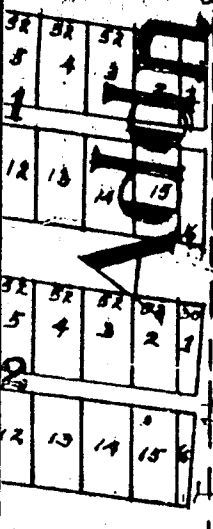
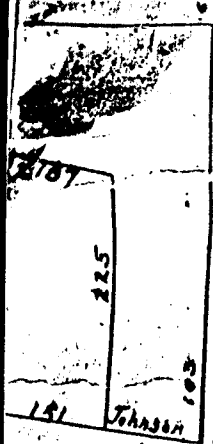
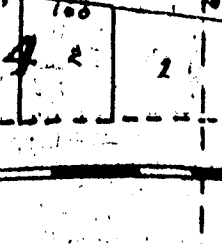
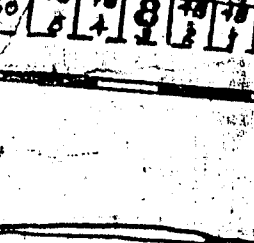
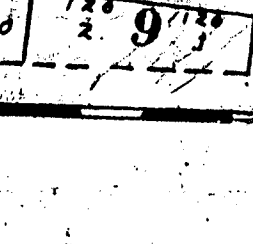
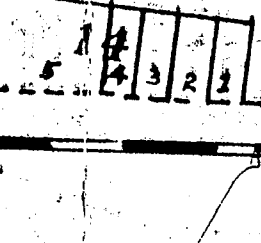
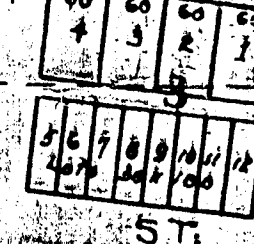
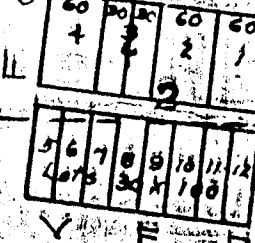
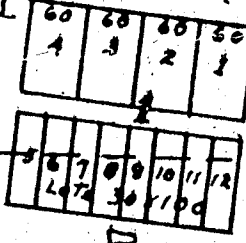
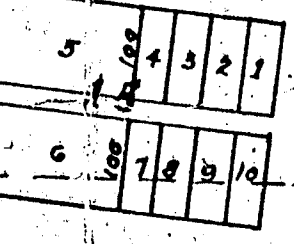
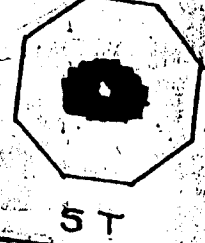
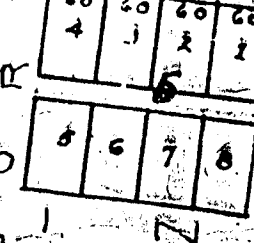
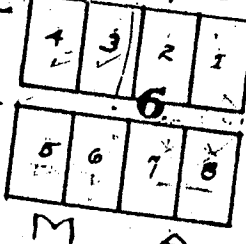
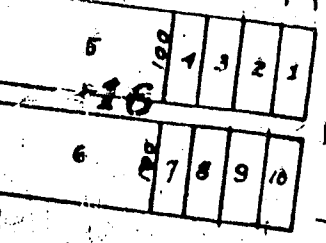
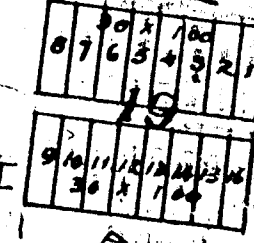
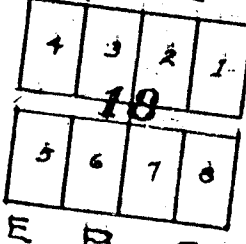
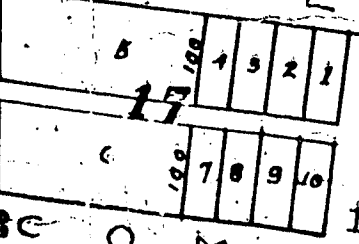
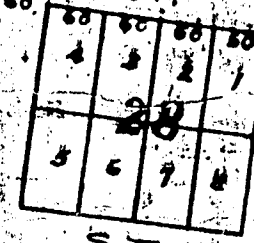
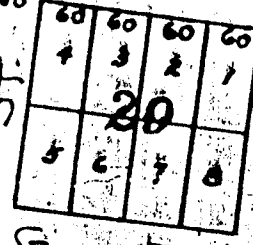
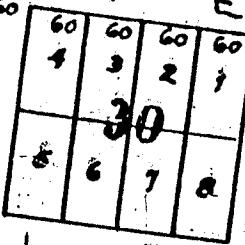
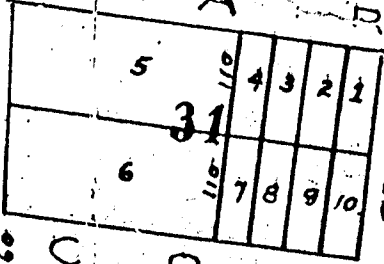
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Dr. Carter

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241.6



**CONSENT TO CLOSURE AND
ABANDONMENT OF PORTIONS OF A CERTAIN ALLEY**

WE, the undersigned, having full authority to execute this document on behalf of Frontenac Properties, Inc. do hereby affix our signatures thereto for the purpose of evidencing Frontenac Properties, Inc.'s consent to the closure and abandonment by the City of Ozark of a platted but unopened alley in the Original City of Ozark more particularly described below, to-wit:

Beginning at the Southeast Corner of Lot 1 in Block 6 of the Original Town of Ozark, running thence West along the South line of Lots 1, 2, 3 and 4 of the said Block 6 to the Southwest Corner of Lot 4, Block 6, running thence South 20' or to the Northwest Corner of Lot 5 in Block 6, running thence East along the North line of Lots 5, 6, 7 and 8, Block 6, to the Northeast Corner of Lot 8, Block 6, running thence North 20' to the Southeast Corner of Lot 1, Block 6, the point of beginning.

IN WITNESS WHEREOF we have hereunto affixed our hands this 29th day of August,

1997.

FRONTENAC PROPERTIES, INC.

BY: _____

[Handwritten Signature]

PRESIDENT

ATTEST:

SECRETARY

(SEAL)

CITY OF OZARK, ARKANSAS

GENERAL ORDINANCE NO. 1997-13

BE IT ORDAINED by the City Council of Ozark, Arkansas:

WHEREAS, a "Petition to Vacate and Abandon a Platted But Unopened Alley Located Within the City of Ozark" was duly filed with the City Council of the City of Ozark, Arkansas, on the 29th day of August, 1997, asking the City Council to vacate and abandon all that portion of that certain platted but unopened alley described in Section 1 hereof in the Original Town of Ozark, Arkansas, the said alley being reflected on the plat attached as Exhibit "A" to said Petition previously filed with the City Clerk; and

WHEREAS, after due notice as required by law, the Council did, at the time and place mentioned in the notice, hear all persons desiring to be heard on the question and did ascertain that the alley, hereinafter described, has heretofore been dedicated to the public use; that it has not been actually used by the public generally for a period of at least five (5) years prior to the filing of the aforementioned Petition; that the only other owner of the property abutting upon the portion of the alley to be vacated, Frontenac Properties, Inc., has filed with the Council its written Consent to the alley closure; and that public interest and welfare will not be adversely affected by the abandonment and closure of the said alley.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ozark, Arkansas:

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

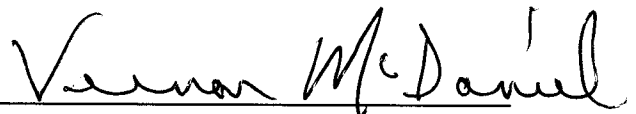
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Section 2. The City retains the right to the existing utility easements.

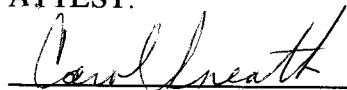
Section 3. A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the Circuit Clerk Franklin County and recorded in the deed records.

Section 4. This Ordinance shall take effect and be in force within the time provided by law.

Passed this 13th day of October, 1997, at a regular meeting of the City Council of the City of Ozark, Arkansas.


VERNON McDANIEL, MAYOR

ATTEST:


CAROL SNEATH, CITY CLERK
(SEAL)

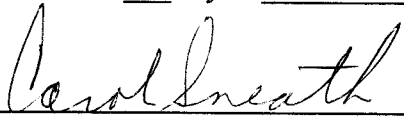
NOTICE OF PUBLIC HEARING
REGARDING ALLEY CLOSURE

All interested parties are hereby notified that a public hearing will be conducted by the Ozark City Council on the 13 day of October, 1997, at 6:45 p.m., at the Ozark City Hall for the purpose of considering and acting upon a certain Petition filed by First United Methodist Church of Ozark, Arkansas, to close a platted but unopened alley more particularly described below:

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At the public hearing the Council will hear all persons interested in the matter, whether for or against said closure, and at the conclusion thereof will determine whether the alley described above should be closed, vacated and abandoned by the City.

WITNESS MY HAND as the Clerk of the City of Ozark this 8th day of September, 1997.



CAROL SNEATH, CITY CLERK

(SEAL)

Sworn Proof of Publication

STATE OF ARKANSAS
COUNTY OF FRANKLIN

I, Bill J. Bail,
publisher or business manager of The Spectator,
a newspaper published in Ozark, Franklin Coun-
ty, Arkansas, do solemnly swear that the notice
or advertisement or legal, of which the annexed
is a true copy, was published in The Spectator

2 times in the complete editions dated
as follows: September 10 & 17
1997

And that said newspaper was published and had
a bona fide circulation in Franklin County more
than one year prior to the first insertion,
(established Aug. 1, 1911) and during the time of
publication of said attached notice.

Subscribed and sworn to before me this 17
day of September, 1997.
Patricia Ann Bey

My Commission Expires
10-9-99

Publication Cost \$ 72.00

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At the public hearing the Council will
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whether for or against said closure, and at
the conclusion thereof will determine
whether the alley described above should
be closed, vacated and abandoned by the
City.

WITNESS MY HAND as the Clerk of
the City of Ozark this 8th day of Septem-
ber, 1997.

Carol Sneath,
City Clerk
9-10-17

