

ORDINANCE NO. 2008-3

AN ORDINANCE TO ALTER Spring Street right of way as it pertains to All of Block 20 of the original town of Ozark, Arkansas, together with any adjoining property belonging to sellers

WHEREAS, a Petition was duly filed with the City Clerk and Recorder of the City of Ozark, Arkansas on the 20th day of December, 2007, asking the City council to alter the Spring Street right of way as it pertains to All of Block 20 of the original town of Ozark, Arkansas, together with any adjoining property belonging to sellers; and

WHEREAS, after due notice as required by the 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:

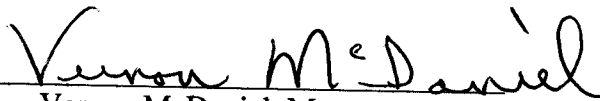
SECTION 1: The City of Ozark, Arkansas, hereby releases, vacates and abandons any and all rights, together with the public generally for ingress and egress, except for any applicable easements for the laying, operating, construction and maintaining of utilities and utility lines, in and to the street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

Altering south 5' of Spring Street Right of Way pertaining to All of Block 20 of the original town of Ozark, Arkansas, together with any adjoining property belonging to sellers.


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 1st day of February, 2008.


Vernon McDaniel, Mayor

ATTEST:


Carol Sneath, City Clerk

RESOLUTION 2008-1

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

BE IT RESOLVED THAT:

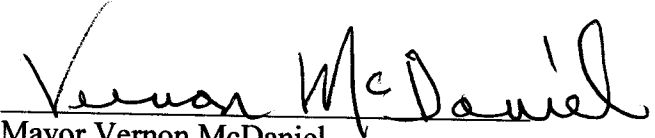
I.

A petition was duly filed with the City Clerk of the City of Ozark, Arkansas on the 20th of December 2007 asking the City Council to close the south 5 feet of Spring Street adjacent to and along the north side of All of Block 20 (Harold F Jones) in the City of Ozark, Arkansas.

II.


The Petition submitted by Marye Jayne Pendleton, Executrix for Harold F. Jones shall be discussed in a public hearing, which is to take place on the 1st day of Feb, 2008 1:00'clock p.m. in the Ozark Municipal Complex.

Passed and approved this 14th day of January 2008.



Mayor Vernon McDaniel

ATTEST:



City Clerk, Carol Sneath

LONNIE C. TURNER

Attorney at Law
801 E. Commercial
Ozark, Arkansas 72949
Phone No. (479) 667-2155
Fax No. (479) 667-4700

Office Hours:
Mon. - Thurs. 8:00 a.m. - 4:30 p.m.
except holidays

LONNIE C. TURNER

DENA L. STOBAUGH

December 20, 2007

VERNON McDANIEL
MAYOR
CITY OF OZARK
OZARK AR 72949

Re: Harold F. Jones Estate

Dear Mayor:

Enclosed please find a Petition signed by the personal representative requesting the assistance of the city on the street in front of Harold F. Jones' place. You can see from the survey, we had another overlap like down on River Street. I'd like very much if you could expedite this as quickly as possible as the place has been sold, loans are pending and we'd like to get the buyers in as quickly as possible. If there are any questions, problems, or concerns, please let me know.

Yours very truly,



LONNIE C. TURNER

LCT/ss

Enclosure

cc: Marye Jayne Pendelton

PETITION TO ALTER CITY STREET

Comes now Marye Jayne Pendleton, being the personal representative of the estate of Harold F. Jones, deceased, who was the owner of the following described real estate located in Franklin County, Arkansas, to-wit:

All of Block 20 of Walker's Addition to the City of Ozark North of the channel of Gar Creek and the U. S. Government Corps of Engineers' taking line and West of Third Street in the City of Ozark, Arkansas, together with any adjoining property belonging to decedent.

That the aforesaid property belonged to Harold F. Jones, deceased. Petitioner is the personal representative of his estate. Attached hereto as Exhibit "A" is Petitioner's Letters Testamentary as filed August 27, 2007, with the Notice published in *The Spectator* identified and attached hereto as Exhibit "B".

That the Petitioners commissioned a survey for said property, a copy of which is attached hereto as Exhibit "C". The said survey discloses that decedent's home located on said property extends into the street right of way of Spring Street.

That the said City Council of the City of Ozark has addressed such problems in the past by Ordinance closing a part of such streets with similar encroachments. Petitioner requests the City Council likewise close the south five feet of Spring Street adjacent to and along the north side of their property. That said portion of the street has not been used by the public for the last five years nor many years before then.

WHEREFORE, Petitioner requests an ordinance in accordance with the information provided, and for any other proper relief.

HAROLD F. JONES ESTATE

By: Mary Jayne Pendleton
MARYE JAYNE PENDLETON
Executrix

STATE OF ARKANSAS)
 :ss.
COUNTY OF Franklin)

VERIFICATION

I, Marye Jayne Pendleton, do hereby certify that I have read the above and foregoing and state that same is true and correct to the best of my knowledge and belief.

Mary Jayne Pendleton
MARYE JAYNE PENDLETON

Subscribed and sworn to before me this 20 day of Dec., 2007.

Stirley Schaefer
NOTARY PUBLIC

My Commission Expires:

8-1-2010

(SEAL)

FILED
FOR RECORD
AT 3:15 O'CLOCK P.M.

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ARKANSAS
OZARK DISTRICT
PROBATE DIVISION

AUG 27 2007
RECORDED IN BOOK _____ PAGE _____
SHARON NEEDHAM
COUNTY PROBATE CLERK
BY Sharon Needham D.C.

IN THE MATTER OF THE ESTATE OF)
HAROLD F. JONES, DECEASED)

NO. PR-2007-53

LETTERS TESTAMENTARY

BE IT KNOWN:

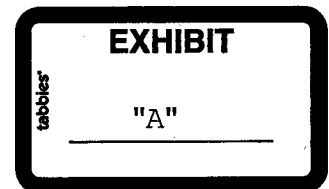
That Marye Jayne Pendleton, a/k/a Mary Jane Pendleton, whose address is 10704 Old Harbor Rd., Fort Smith, AR 72903, having been appointed executrix of the estate of Harold F. Jones, deceased, who died on or about August 15, 2007, and having qualified as such executrix, is hereby authorized to act as such executrix for and on behalf of the estate and to take possession of the property thereof as authorized by law.

ISSUED this 22nd day of August, 2007.

SHARON NEEDHAM, CLERK

BY: Nancy Myers DC

(SEAL)



AUG 27 2007

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ARKANSAS
OZARK DISTRICT
PROBATE DIVISION

STANLEY W. EDHAM
COUNTY AND PROBATE CLERK
BY M. Jones

IN THE MATTER OF THE ESTATE OF)
HAROLD F. JONES, DECEASED) NO. PR-2007-53

NOTICE

Last known address of decedent: 205 W. Spring St., Ozark, AR 72949

Date of Death: August 15, 2007

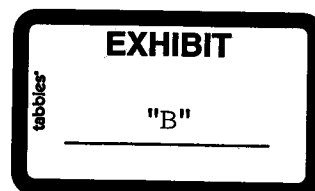
An instrument dated March 7, 2005, was on the 23 day of Aug., 2007, admitted to probate as the Last Will of the above named decedent and the undersigned has been appointed executrix thereunder. A contest of the probate of the will can be effected only by filing a petition within the time provided by law.

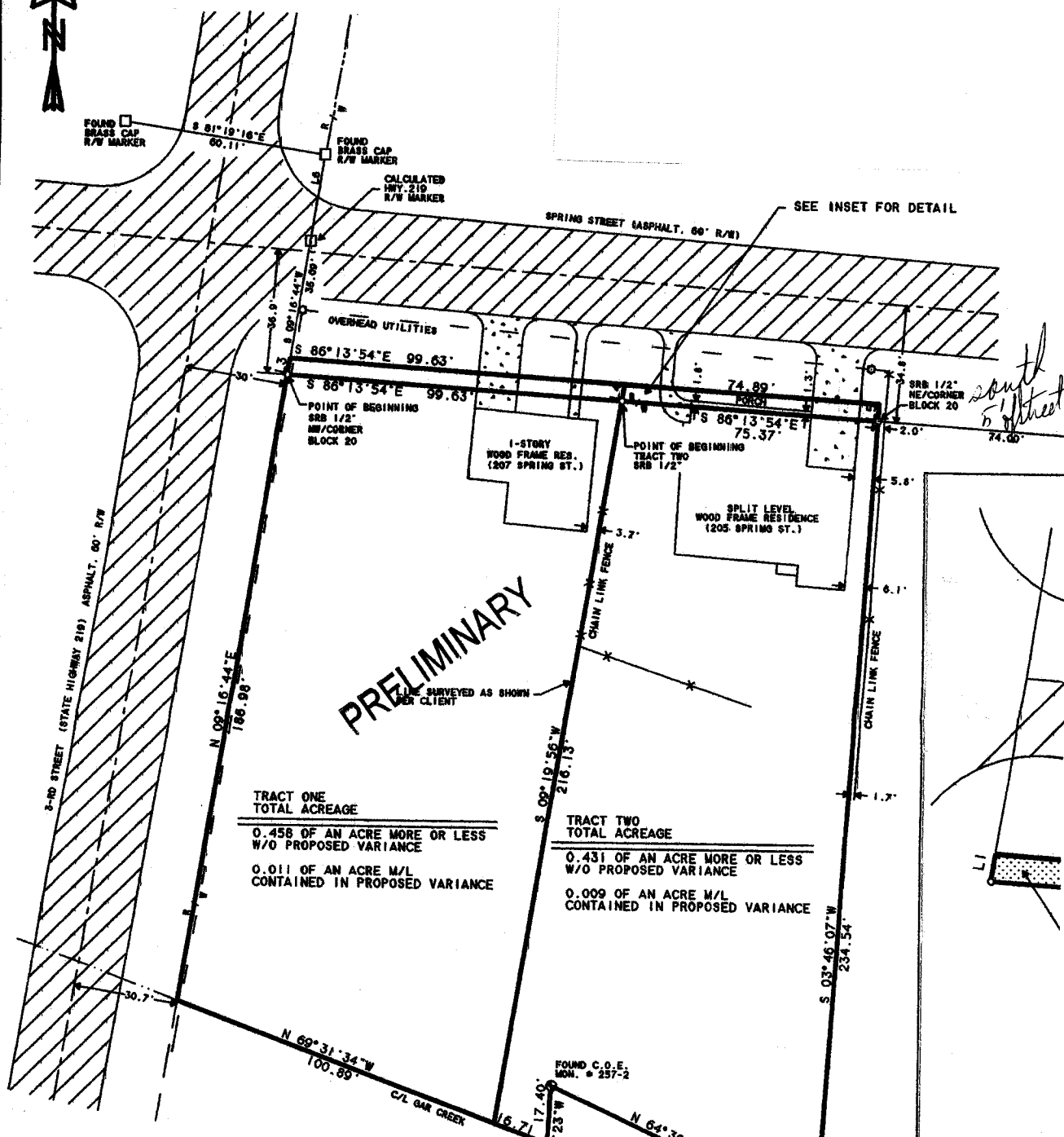
All persons having claims against the estate must exhibit them, duly verified, to the undersigned personal representative or filed with the Court within three (3) months from the date of the first publication of this notice, or they shall be forever barred and precluded from any benefit in the estate. Provided, that claims for injury or death caused by the negligence of the decedent shall be filed within six (6) months from the date of the first publication of the notice, or they shall be forever barred and precluded from any benefit in such estate.

This notice first published 29 day of Aug., 2007.

/s/ Mary Jane Pendleton
10704 Old Harbor Rd.
Fort Smith, AR 72903

LONNIE C. TURNER
801 E. COMMERCIAL
OZARK AR 72949
479 667-2155
ATTORNEY FOR ESTATE





PRELIMINARY

TRACT ONE
TOTAL ACREAGE
0.458 OF AN ACRE MORE OR LESS
W/O PROPOSED VARIANCE
0.011 OF AN ACRE M/L
CONTAINED IN PROPOSED VARIANCE

TRACT TWO
TOTAL ACREAGE
0.431 OF AN ACRE MORE OR LESS
W/O PROPOSED VARIANCE
0.009 OF AN ACRE M/L
CONTAINED IN PROPOSED VARIANCE

LINE	BEARING	DISTANCE
L 1	N 09° 18' 44" E	5.02
L 2	S 09° 19' 56" W	5.02
L 3	S 03° 46' 07" W	5.00

FOUND C.O.E.
MON. # 257-2

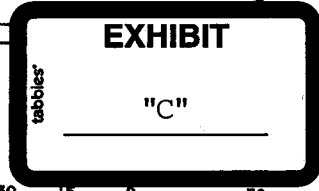
FOUND C.O.E.
MON. # 258-2

FOUND C.O.E.
MON. # 257-2

FOUND C.O.E.
MON. # 258-2

ARKANSAS RIVER VALLEY SURVEYING, INC.
SURVEYING THE NATURAL STATE
POST OFFICE BOX 301
ALTUS, ARKANSAS 72921-0301
PHONE NO. : 479-468-2471
FAX NO. : 479-468-8885
CLIENT: JOE PENDELTON JOB NO.: 6130
LEVEL: FT. BLOCK 20 BOLER ADD. COUNTY: FRANKLIN
TYPE OF SURVEY: BOUNDARY DATE: 12/07/07

Q - SET 1/2" REBAR
X - FENCE LINE



SCALE: 1" = 30'

SURVEYOR'S NOTES:
1) ALL SET 1/2" REBARS ARE MARKED WITH A WITH THE SURVEYOR'S REGISTRATION NO. 1
2) ALL RIGHT-OF-WAYS SHOWN WERE CALCULATE
REFERENCE DOCUMENTS USED:
1) WARRANTY DEED FOR J.L. AND ORA JONES
2) PLAT OF THE CITY OF OZARK, ARKANSAS.
3) G.L.O. NOTES AND PLAT.
4) U.S.A.C.O.E. BOUNDARY PLAT.

BASIS OF BEARING: STATE PLANE GRID NORTH
BASIS OF SURVEY: PLAT OF BOLER ADDITION
DRAWN BY: S. CRIBBAGE

PUBLIC HEARING
South 5' of Spring St. Right of Way
Harold F Jones
February 1, 2008 - 1:00 PM

Vernon McDaniel

Jim Miller
Re Anderson

Steve Fort

Tom R. McCall

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Vernon McDaniel, Mayor

ATTEST:


Carol Sneath, City Clerk