

ORDINANCE NO. 2008-9

AN ORDINANCE TO CLOSE, VACATE AND ABANDON the portion of the alley running generally east and west that lies between Main & Commercial and 8th & 9th Streets in Block 10, Lots 1 through 8 of the Fleeman Addition of the original town 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 9th day of May, 2008 asking the City council to vacate and abandon the portion of the alley running generally east and west that lies between Main & Commercial and 8th & 9th Streets in Block 10, Lots 1 through 8 of the Fleeman Addition of the original town of Ozark, Arkansas; 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 alley hereinbefore described has been dedicated to the public use as a alley 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 alley and the City Council, have determined that the public interest and welfare will not be adversely effected by the abandonment of the described 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 alleyway described as follows:

The portion of the alley running generally east and west that lies between Main & Commercial and 8th & 9th Streets in Block 10, Lots 1 through 8 of the Fleeman Addition of the original town 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 12th day of June, 2008.

Vernon McDaniel
Vernon McDaniel, Mayor

ATTEST:

Carol Sneath
Carol Sneath, City Clerk

STATE OF ARKANSAS, COUNTY OF FRANKLIN
OZARK DISTRICT
FILED FOR RECORD THE 11 DAY OF June
2008 AT 2:05 O'CLOCK P.M. AND RECORDED
IN BOOK 89 PAGE 664
WILMA GRAGG - BRUSHWOOD
CIRCUIT CLERK AND RECORDER
BY Carol Sneath D.C.

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Vernon McDaniel
Vernon McDaniel, Mayor

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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:

Alley running east and west between Main & Commercial and 8th & 9th Streets in Block 10, Lots 1 through 8 of the Fleeman Addition. Map of area is attached.

Nona A. Harrell Date: *May 1, 2008*
Shawn & Nona Harrell

Gene Hogan
Norma Hogan Date: *5/5/2008*
Gene & Norma Hogan

Thula Jones Date: *5-8-08*
Gary & Thula Jones

Carol Sneath Date: *May 1, 2008*
Carol Sneath