

CITY OF OZARK, ARKANSAS

GENERAL ORDINANCE NO. 1997-2

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

WHEREAS, a Petition was duly filed with the City Council of the City of Ozark, Arkansas, on the 13 day of January, 1997, asking the City Council to vacate and abandon all that portion of the streets hereinafter described appearing on the plat of the Sunny Slope Addition to the City of Ozark filed for record in plat book GG, page 165, in the office of the Circuit Clerk and Ex-Officio Recorder and and for Franklin County, Arkansas; and

WHEREAS, after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the streets or the portions thereof, hereinafter described, have heretofore been dedicated to the public use as the streets herein described; have not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the aforementioned plat; that all the owners of the property abutting upon the portion of the streets to be vacated have filed with the Council their written Petition requesting the abandonment or have consented thereto; and that public interest and welfare will not be adversely affected by the abandonment of the streets.

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 streets designated as follows:

- (1) All that part of College Avenue lying between the east line of Lot 15 of Block 2 and the east line of Lot 2 of Block 5 of the Sunny Slope Addition, to the east line of Lot 7 of Block 1 and the east line of Lot 7 of Block 6 of the said Sunny Slope Addition,

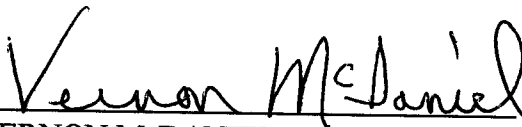
being more particularly described as commencing at the Northeast corner of Lot 2 of Block 5 running thence North to the Southeast corner of Lot 15 of Block 2, thence East to the Southeast corner of Lot 7 of Block 1, thence South to the Northeast corner of Lot 7 of Block 6, thence West to the Northeast corner of Lot 1 in Block 5 to the point of beginning.

- (2) All that part of Hill Street of the Sunny Slope Addition lying between the North right-of-way line of US Highway #64 in its present location and where the said Hill Street intersects with College Avenue as platted on the Sunny Slope Addition, and being more particularly described as beginning at the Northeast corner of Lot 1 in Block 5 of said Addition, running thence East to the Northwest corner of Lot 8 in Block 6, thence South to the North right-of-way line of State Highway #64 in its present location, thence in a Northwesterly direction following said right-of-way to the East line of Lot 1 in Block 5 to the point of beginning.

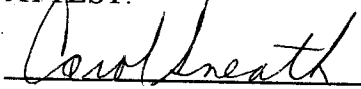
Section 2. A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the Circuit Clerk Franklin County and recorded in the deed records.

Section 3. This Ordinance shall take effect and be in force within the time provided by law.

Passed this 10 day of February, 1997, at a regular meeting of the City Council of the City of Ozark, Arkansas.


VERNON McDANIEL, MAYOR

ATTEST:


CAROL SNEATH, CITY CLERK
(SEAL)

RESOLUTION NO. 1997-2

BE IT RESOLVED BY THE CITY COUNCIL OF OZARK, ARKANSAS:

WHEREAS, a Petition has been filed with this Council by Gregory G. Morris and Charlene M. Morris, husband and wife, seeking the closure, vacation and abandonment of that portion of College and Hill Streets located in the Sunny Slope Addition to the City of Ozark, more particularly described as follows, to-wit:

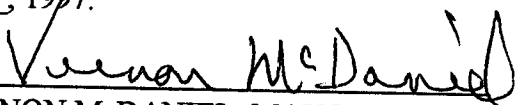
- (1) All that part of College Avenue lying between the east line of Lot 15 of Block 2 and the east line of Lot 2 of Block 5 of the Sunny Slope Addition, to the east line of Lot 7 of Block 1 and the east line of Lot 7 of Block 6 of the said Sunny Slope Addition, being more particularly described as commencing at the Northeast corner of Lot 2 of Block 5 running thence North to the Southeast corner of Lot 15 of Block 2, thence East to the Southeast corner of Lot 7 of Block 1, thence South to the Northeast corner of Lot 7 of Block 6, thence West to the Northeast corner of Lot 1 in Block 5 to the point of beginning.
- (2) All that part of Hill Street of the Sunny Slope Addition lying between the North right-of-way line of U.S. Highway #64 in its present location and where the said Hill Street intersects with College Avenue as platted on the Sunny Slope Addition, and being more particularly described as beginning at the Northeast corner of Lot 1 of Block 5 of said Addition, running thence East to the Northwest corner of Lot 8 of Block 6, thence South to the North right-of-way line of State Highway #64 in its present location, thence in a Northwesterly direction following said right-of-way to the East line of Lot 1 of Block 5 to the point of beginning.


and;

WHEREAS, it is the duty of this Council to fix by resolution a day for the hearing of that Petition and to direct the City Clerk to cause notice of such hearing to be published once a week for two consecutive weeks in a newspaper published in Franklin County, Arkansas, and having a general circulation in the City of Ozark;

NOW, THEREFORE, the City Clerk should be and is hereby directed to cause a notice of the hearing provided for in Ark. Code Ann. §14-301-302(c) advising the public that such hearing shall be conducted by this Council on the 10 day of February, 1997, at 6:45 p.m., at the Ozark City Hall.

DONE THIS 13 DAY OF January, 1997.


VERNON McDANIEL, MAYOR

ATTEST: 
CAROL SNEATH, CITY CLERK
(SEAL)

Sworn Proof of Publication

STATE OF ARKANSAS
COUNTY OF FRANKLIN

I, Bob O'Neil,
publisher or business manager of The Spectator,
a newspaper published in Ozark, Franklin County,
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: January 22 + 29
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 29

day of January, 1997.
Patricia Ann Bevil

My Commission Expires
10-9-99

Publication Cost \$ 118.50

NOTICE OF PUBLIC HEARING REGARDING STREET CLOSURE

All interested parties are hereby notified
that a public hearing will be conducted by
the Ozark City Council on the 10th day of
February, 1997, at 6:45 p.m., at the Ozark
City Hall for the purpose of considering
and acting upon a certain Petition filed by
Gregory G. Morris and Charlene Marie
Morris, husband and wife, to close a por-
tion of those streets more particularly de-
scribed below:

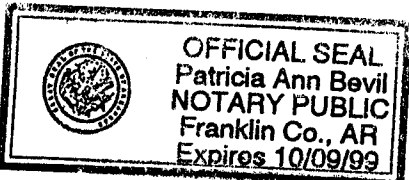
(1) All that part of College Avenue
lying between the east line of Lot 15 of
Block 2 and the east line of Lot 2 of Block
5 of the Sunny Slope Addition, to the east
line of Lot 7 of Block 1 and the east line of
Lot 7 of Block 6 of the said Sunny Slope
Addition, being more particularly described
as commencing at the Northeast corner of
Lot 2 of Block 5 running thence North to
the Southeast corner of Lot 15 of Block 2,
thence East to the Southeast corner of Lot 7
of Block 1, thence South to the Northeast
corner of Lot 7 of Block 6, thence West to
the Northeast corner of Lot 1 in Block 5 to
the point of beginning.

(2) All that part of Hill Street of the
Sunny Slope Addition lying between the
North right-of-way line of U.S. Highway 64
in its present location and where the said
Hill Street intersects with College Avenue
as placed on the Sunny Slope Addition, and
being more particularly described as begin-
ning at the Northeast corner of Lot 1 of
Block 5 of said Addition, running thence
East to the Northwest corner of Lot 8 of
Block 6, thence South to the North right-of-
way line of State Highway 64 in its present
location, thence in a Northwesterly direc-
tion following said right-of-way to the East
line of Lot 1 of Block 5 to the point of be-
ginning.

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 that portion of the streets described
above should be closed, vacated and aban-
doned by the City.

WITNESS MY HAND as the Clerk of
the City of Ozark this 13th day of January,
1997.

/s/Carol Sneath
City Clerk
1-22 & 29



Closing College + Hill Streets

Public Hearing

Susan Oliver

Larry Randolph

Marina ~~at~~

Boya Latta

Kerrin Ends

~~Boya Latta~~
~~John Satt~~

Laura Juetz

Joe Satt

Ralph M. Kinsey

Billie W. Smith

Diana Wilson

Jim Marshall

Ray Anderson

Tom Ed

W. House

John B. Vandenberg

Henry M. Daniel

Carl Sheath

CITY OF OZARK, ARKANSAS

GENERAL ORDINANCE NO. _____

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

WHEREAS, a Petition was duly filed with the City Council of the City of Ozark, Arkansas, on the ____ day of January, 1997, asking the City Council to vacate and abandon all that portion of the streets hereinafter described appearing on the plat of the Sunny Slope Addition to the City of Ozark filed for record in plat book GG, page 165, in the office of the Circuit Clerk and Ex-Officio Recorder and and for Franklin County, Arkansas; and

WHEREAS, after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the streets or the portions thereof, hereinafter described, have heretofore been dedicated to the public use as the streets herein described; have not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the aforementioned plat; that all the owners of the property abutting upon the portion of the streets to be vacated have filed with the Council their written Petition requesting the abandonment or have consented thereto; and that public interest and welfare will not be adversely affected by the abandonment of the streets.

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 streets designated as follows:

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being more particularly described as commencing at the Northeast corner of Lot 2 of Block 5 running thence North to the Southeast corner of Lot 15 of Block 2, thence East to the Southeast corner of Lot 7 of Block 1, thence South to the Northeast corner of Lot 7 of Block 6, thence West to the Northeast corner of Lot 1 in Block 5 to the point of beginning.

- (2) All that part of Hill Street of the Sunny Slope Addition lying between the North right-of-way line of US Highway #64 in its present location and where the said Hill Street intersects with College Avenue as platted on the Sunny Slope Addition, and being more particularly described as beginning at the Northeast corner of Lot 1 in Block 5 of said Addition, running thence East to the Northwest corner of Lot 8 in Block 6, thence South to the North right-of-way line of State Highway #64 in its present location, thence in a Northwesterly direction following said right-of-way to the East line of Lot 1 in Block 5 to the point of beginning.

Section 2. 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 3. This Ordinance shall take effect and be in force within the time provided by law.

Passed this ___ day of _____, 1997, at a regular meeting of the City Council of the City of Ozark, Arkansas.

VERNON McDANIEL, MAYOR

ATTEST:

CAROL SNEATH, CITY CLERK
(SEAL)

TURNER & MAINARD
ATTORNEYS AT LAW
110 WEST COMMERCIAL
OZARK, ARKANSAS 72949
PHONE NO. (501) 667-2155
FAX NO. (501) 667-4700

LONNIE C. TURNER
JAMES C. MAINARD
DENA L. TURNER

January 10, 1997

VIA HAND DELIVERY

Carol Sneath
City Clerk
Ozark City Hall
Ozark, AR 72949

Re: Petition for Street Closure of Greg and Charlene Morris

Dear Carol:

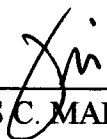
Attached to this letter is the original and two copies of a "Petition to Vacate and Abandon a Portion of Certain Streets Located Within the City of Ozark" I'm submitting for filing on behalf of Greg and Charlene Morris along with the original and three copies of a Resolution for the Council's consideration at its regular meeting this coming Monday, January 13th. As you can see, the Resolution simply provides for publication of the statutory notice in the local newspaper. Accordingly, if you'll place this on the agenda and request that the Council approve it Monday night, I'd greatly appreciate it.

If you have any questions, please feel free to call me.

Yours very truly,

TURNER AND MAINARD

BY:



JAMES C. MAINARD

JCM:ckn
Enclosures
cc: Mr. and Mrs. Greg Morris

NOTICE OF PUBLIC HEARING
REGARDING STREET CLOSURE

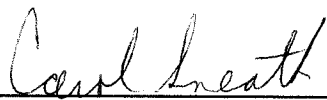
All interested parties are hereby notified that a public hearing will be conducted by the Ozark City Council on the 10 day of February, 1997, at 6:45 p.m., at the Ozark City Hall for the purpose of considering and acting upon a certain Petition filed by Gregory G. Morris and Charlene Marie Morris, husband and wife, to close a portion of those streets more particularly described below:

- (1) All that part of College Avenue lying between the east line of Lot 15 of Block 2 and the east line of Lot 2 of Block 5 of the Sunny Slope Addition, to the east line of Lot 7 of Block 1 and the east line of Lot 7 of Block 6 of the said Sunny Slope Addition, being more particularly described as commencing at the Northeast corner of Lot 2 of Block 5 running thence North to the Southeast corner of Lot 15 of Block 2, thence East to the Southeast corner of Lot 7 of Block 1, thence South to the Northeast corner of Lot 7 of Block 6, thence West to the Northeast corner of Lot 1 in Block 5 to the point of beginning.

- (2) All that part of Hill Street of the Sunny Slope Addition lying between the North right-of-way line of U.S. Highway #64 in its present location and where the said Hill Street intersects with College Avenue as platted on the Sunny Slope Addition, and being more particularly described as beginning at the Northeast corner of Lot 1 of Block 5 of said Addition, running thence East to the Northwest corner of Lot 8 of Block 6, thence South to the North right-of-way line of State Highway #64 in its present location, thence in a Northwesterly direction following said right-of-way to the East line of Lot 1 of Block 5 to 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 that portion of the streets described above should be closed, vacated and abandoned by the City.

WITNESS MY HAND as the Clerk of the City of Ozark this 13 day of January, 1997.



CITY CLERK

(SEAL)

BEFORE THE CITY COUNCIL OF OZARK, ARKANSAS

**PETITION TO VACATE AND ABANDON
A PORTION OF CERTAIN STREETS
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 portion of the streets described in the body of this Petition, and in support hereof state:

I.

Petitioners Gregory G. Morris and Charlene Marie Morris are the record title holders of the real property more particularly described as follows which is part of the Sunny Slope Addition to the City of Ozark:

A certain tract of land located in the Northeast Quarter of the Southwest Quarter of Section 35, Township 10 North, Range 27 West in Franklin County, Arkansas, being more particularly described as follows and as shown on Arkansas River Valley Surveying Plat No. 2315:

Commencing at a one-half inch rebar at the Northeast corner of said Northeast Quarter of the Southwest Quarter; thence South 01 degree 33 minutes 16 seconds West 216.44 feet along the East line of said Northeast Quarter of the Southwest Quarter; thence North 88 degrees 14 minutes 07 seconds West 301.00 feet parallel with the North line of said Northeast Quarter Southwest Quarter to a one-half inch rebar, the point of beginning; thence South 01 degree 33 minutes 16 seconds West 189.96 feet to a one-half inch rebar on the North right-of-way of State Highway No. 64; thence North 77 degrees 30 minutes 35 seconds West 198.61 feet along said right-of-way to a one-half inch rebar; thence North 01 degree 33 minutes 16 seconds East 153.00 feet leaving said right-of-way to a one-half inch rebar; thence South 88 degrees 14 minutes 07 seconds East 195.00 feet to the point of beginning, containing 0.768 of an acre more or less and being subject to all easements of record.

II.

Calvary Missionary Baptist Church is the record title holder of the following described real property which abuts that portion of College Avenue which Petitioners seek to vacate by virtue of

this proceeding:

Lot 16 of Block 2, Sunny Slope Addition to the City of Ozark, Arkansas.

and

All of Lot 6 and the West two (2) feet of Lot 7, all in Block 1 of Sunny Slope Addition to the City of Ozark.

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 streets in the City of Ozark which were platted as a part of the Sunny Slope Addition to the City many years ago. To the Petitioners' knowledge, that portion of the streets in question have never been utilized by the public at any time, but certainly not within five (5) years from the date of filing of the Sunny Slope Addition plat.

Petitioners would respectfully request that those portions of the streets hereinafter described be closed, abandoned and vacated, to-wit:

- (1) All that part of College Avenue lying between the east line of Lot 15 of Block 2 and the east line of Lot 2 of Block 5 of the Sunny Slope Addition, to the east line of Lot 7 of Block 1 and the east line of Lot 7 of Block 6 of the said Sunny Slope Addition, being more particularly described as commencing at the Northeast corner of Lot 2 of Block 5 running thence North to the Southeast corner of Lot 15 of Block 2, thence East to the Southeast corner of Lot 7 of Block 1, thence South to the Northeast corner of Lot 7 of Block 6, thence West to the Northeast corner of Lot 1 in Block 5 to the point of beginning.
- (2) All that part of Hill Street of the Sunny Slope Addition lying between the North right-of-way line of U.S. Highway #64 in its present location and where the said Hill Street intersects with College Avenue as platted on the Sunny Slope Addition, and being more particularly described as beginning at the Northeast corner of Lot 1 of Block 5 of said Addition, running thence East to the Northwest corner of Lot 8 of Block 6, thence South to the North right-of-way line of State Highway #64 in its present location, thence in a Northwesterly direction following said right-of-way to the East line of Lot 1 of Block 5 to the point of beginning.

Attached to this Petition as Exhibit "A" is a true photostatic copy of a plat of the Sunny Slope Addition which depicts in yellow that portion of the aforementioned streets sought to be closed, vacated and abandoned by virtue of this proceeding.

V.

The Petitioners believe and would show to the Council that the closure, vacation and abandonment of those portions of the streets 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.

This Counsel has previously closed College Avenue where it formerly abutted Petitioners' property on the west by Ordinance No. 247 dated July 13, 1976.

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

Respectfully submitted:



GREGORY G. MORRIS, PETITIONER



CHARLENE MARIE MORRIS,
PETITIONER

**CONSENT TO CLOSURE AND
ABANDONMENT OF PORTIONS OF CERTAIN STREETS**

WE, the undersigned, having full authority to execute this document on behalf of Calvary Missionary Baptist Church, do hereby affix our signatures thereto for the purpose of evidencing the Church's consent to the closure and abandonment by the City of Ozark of those portions of Hill Street and College Avenue in the Sunny Slope Addition more particularly described below, to-wit:

- (1) All that part of College Avenue lying between the east line of Lot 15 of Block 2 and the east line of Lot 2 of Block 5 of the Sunny Slope Addition, to the east line of Lot 7 of Block 1 and the east line of Lot 7 of Block 6 of the said Sunny Slope Addition, being more particularly described as commencing at the Northeast corner of Lot 2 of Block 5 running thence North to the Southeast corner of Lot 15 of Block 2, thence East to the Southeast corner of Lot 7 of Block 1, thence South to the Northeast corner of Lot 7 of Block 6, thence West to the Northeast corner of Lot 1 in Block 5 to the point of beginning.

- (2) All that part of Hill Street of the Sunny Slope Addition lying between the North right-of-way line of U.S. Highway #64 in its present location and where the said Hill Street intersects with College Avenue as platted on the Sunny Slope Addition, and being more particularly described as beginning at the Northeast corner of Lot 1 of Block 5 of said Addition, running thence East to the Northwest corner of Lot 8 of Block 6, thence South to the North right-of-way line of State Highway #64 in its present location, thence in a Northwesterly direction following said right-of-way to the East line of Lot 1 of Block 5 to the point of beginning.

IN WITNESS WHEREOF we have hereunto affixed our hands this 9th day of February 1997,

1997.

CALVARY MISSIONARY BAPTIST CHURCH

BY: _____

BY: _____

Pastor R. Allen
James E. Young Deacon
Quinn Lane Deacon
Benny Patta Deacon

PREPARED BY
Adams Abstract Co.
 Ozark, Arkansas

PREPARED BY

Adams Abstract Co.
 3-10-1919

Sunny Slope Addition
 Main Street Block

10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	32	33	34	35	36	37
38	39	40	41	42	43	44
45	46	47	48	49	50	51

Cedar Street

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
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Main Street

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
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Collector's Block

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
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Hill Street

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60
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Block 11 C
 corner of 12 blocks
 to the N & E corner
 of the S W 1/4
 by J. S. Adams
 25-10-1919

Adams Abstract Co.
 3-10-1919

H. W. Adams
 President

PREPARED BY
Adams Abstract Co.
 Ozark, Arkansas

PREPARED BY