

ORDINANCE NO. 2003-17

AN ORDINANCE TO CLOSE, VACATE AND ABANDON MAIN STREET BETWEEN 10TH AND 11TH STREET TO 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 9th day of October, 2003, asking the City Council to vacate and abandon Main Street Between 10th and 11th Streets to the City of Ozark, and;

WHEREAS, after due notice 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 hereinabove described has been duly dedicated to the public use as a street or by the City of Ozark, with the exception of utility easements, which shall be defined as 30 feet in width, 15 feet either side of the center line, of said street 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 affected by the abandonment of the described street;

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

SECTION I: 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 an easement for the laying, operating, constructing, and maintaining of utilities and utility lines, in and to the street described as follows:

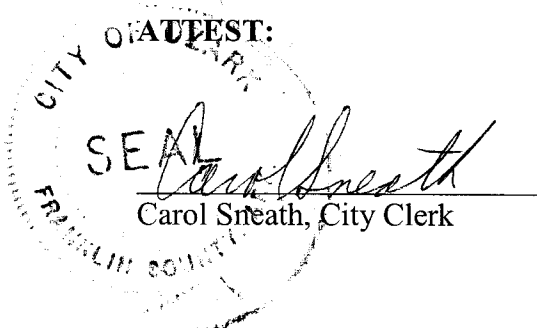
Main Street between 10th and 11th Streets to the City of Ozark, Arkansas

SECTION II: 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 III: 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 10th day of November, 2003,

C.L. Coley
C.L. "Bat" Coley, Mayor



STATE OF ARKANSAS, COUNTY OF FRANKLIN
OZARK DISTRICT
FILED FOR RECORD THE 12 DAY OF December
2003 AT 1:15 O'CLOCK P M. AND RECORDED
IN BOOK 218 PAGE 494
WILMA GRAGG - BRUSHWOOD
CIRCUIT CLERK AND RECORDER
BY Carol Beard D.C.

Petition to the Ozark City Council

The undersigned are petitioning for closure
of the following unused street right-of-ways
in the city of Ozark, Franklin County, AR:

1. Main Street between 10th and 11th Streets
2. 10th Street between Main St. and River St.
3. Alley between 10th and 11th Streets, but only
the portion located in Block 20 of Fleeman Addition
to the City of Ozark.

Billy R. Matthews 10-9-03
Billy R. Matthews Date

Milane T. Matthews 10-9-03
Milane T. Matthews Date

William N. Bice
William N. Bice Date 10-9-03

Bernice T. Bice
Bernice T. Bice Date 10-9-03

Date

TWO TRACTS OF LAND LOCATED IN BLOCK 20 OF FLEEMANS ADDITION TO THE CITY OF OZARK IN FRANKLIN COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

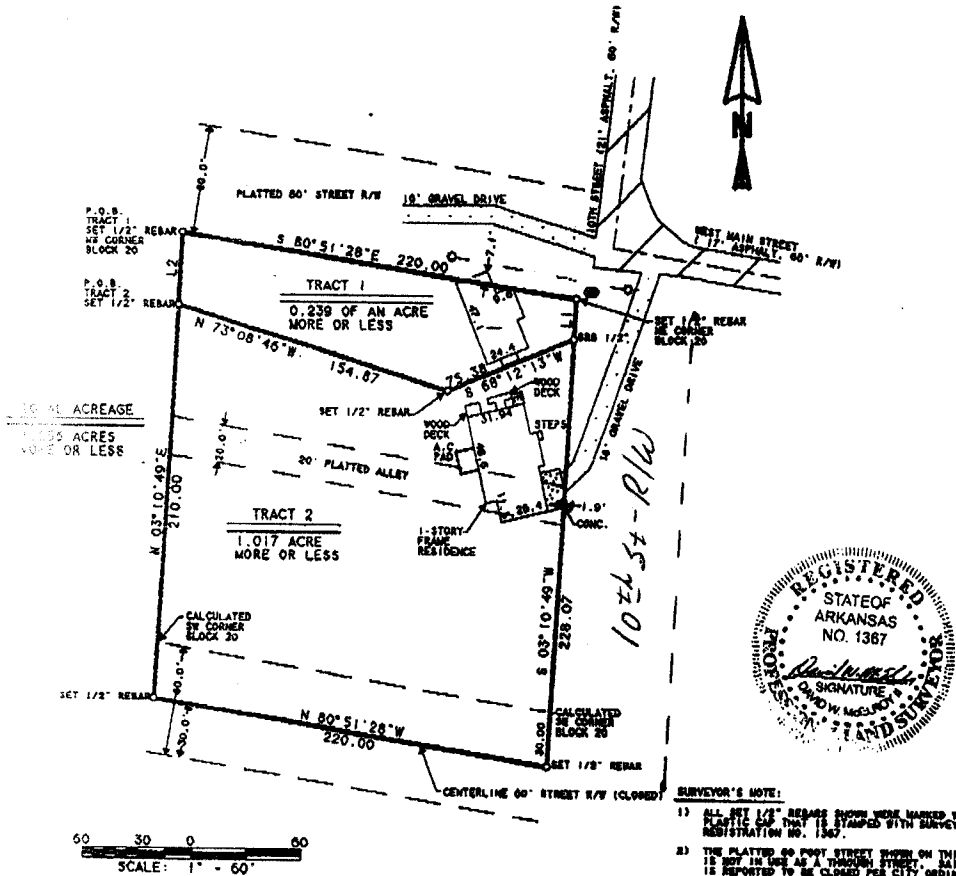
TRACT 1:

BEGINNING AT A SET 1/2" REBAR AT THE NW CORNER OF SAID BLOCK 20;
 THENCE: S 80°51'28"E 220.00 FEET TO A SET 1/2" REBAR AT THE NE CORNER OF SAID BLOCK 20;
 THENCE: S 03°10'49"W 21.93 FEET ALONG THE EAST LINE OF SAID BLOCK 20 TO A SET 1/2" REBAR;
 THENCE: S 68°12'13"W 75.38 FEET TO A SET 1/2" REBAR;
 THENCE: N 73°08'46"W 154.87 FEET TO A SET 1/2" REBAR ON THE WEST LINE OF SAID BLOCK 20;
 THENCE: N 03°10'49"E 49.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.239 OF AN ACRE MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS OF RECORD AND AS SHOWN ON ARKANSAS RIVER VALLEY SURVEYING JOB NO. 4910.

TRACT 2:

COMMENCING AT A SET 1/2" REBAR AT THE NW CORNER OF SAID BLOCK 20;
 THENCE: S 03°10'49"W 40.00 FEET ALONG THE WEST LINE THEREOF TO A SET 1/2" REBAR. THE POINT OF BEGINNING;
 THENCE: S 73°08'46"E 154.87 FEET TO A SET 1/2" REBAR;
 THENCE: N 68°12'13"E 75.38 FEET TO A SET 1/2" REBAR ON THE EAST LINE OF SAID BLOCK 20;
 THENCE: S 03°10'49"W 228.07 FEET TO A SET 1/2" REBAR AT THE CENTERLINE OF A 60 FOOT CLOSED STREET;
 THENCE: N 80°51'28"W 220.00 FEET ALONG SAID CENTERLINE TO A SET 1/2" REBAR;
 THENCE: N 03°10'49"E 210.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.017 ACRE MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS OF RECORD AND AS SHOWN ON ARKANSAS RIVER VALLEY SURVEYING JOB NO. 4910.

THE TRACTS OF LAND SHOWN ON THIS PLAT ARE LOCATED IN ZONE "X" AN AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN ACCORDING TO FIRM MAP NO. 05047C0330 C, PANEL NO. 050358-0330 C. EFFECTIVE DATE 07/17/97.



SURVEYOR'S NOTE:
 1) ALL SET 1/2" REBARS SHOWN WERE MARKED WITH A PLASTIC CAP THAT IS STAMPED WITH SURVEYOR'S REGISTRATION NO. 1367.
 2) THE PLATTED 80 FOOT STREET SHOWN ON THIS PLAT IS NOT IN USE AS A THROUGH STREET. SAID STREET IS REPORTED TO BE CLOSED PER CITY ORDINANCE.

REFERENCE DOCUMENTS USED:
 1) WARRANTY DEED FROM GLENN D. A/K/A JOE AND VIRGINIA NICHOLS TO BILLY AND HILARIE MATTHEWS (FILING STATUS UNKNOWN).
 2) RAILROAD PLAT OF THE CITY OF OZARK.

LINE	BEARING	DISTANCE
L 1	S 03° 10' 49" W	21.93
L 2	N 03° 10' 49" E	40.00

I, the Surveyor, have made an independent search or investigation for titles, easements, encroachments, restrictive covenants, or other facts which an accurate survey of the land shown on this plat may disclose. I have made no other search or investigation. Unless otherwise stated only the corners were set and no lines were marked.
 This property has been surveyed under my direction and supervision, and the plat is prepared for the client, those and may be used by this client for any purpose. This plat represents an opinion of the Surveyor based on instructions and descriptions furnished by the client. This plat is not valid if used by anyone other than the client shown on this plat, any such use may be a violation of copyright laws.
 All property visible improvements, encroachments and easements are shown to the best of my knowledge and ability.

Arkansas River Valley Surveying
 Surveying The Natural State
 P.O. Box 321
 Altus, Arkansas 72021
 Ph: 479-453-2471
 Fax: 479-458-8885

Surveyed by: **MARCO TITTE / BILL MATTHEWS**
 Legal: **Block 20 FLEEMANS ADDITION**
 Date: **09/25/03**

● - Prd. or sub. mark	□ - electric box
○ - Prd. rubber	○ - gas meter
⊕ - Prd. iron pipe	○ - asphalt
✕ - Prd. T-post	○ - power pole
■ - Prd. stone	□ - telephone box
□ - Prd. R/W marker	○ - water meter
▲ - Prd. spike	■ - storm tank
○ - set 1/2" rebar w/cap	○ - tree
✕ - set T-post	○ - sign hydrant
△ - set spike	
— = fence	

BASED UPON RECENT STATE PLANE GRID NORTH
 BASED UPON RAILROAD PLAT OF OZARK

FROM : ARUS

FAX NO. : 4794688885

Sep. 29 2003 09:59AM P1

