

ORDINANCE NUMBER 2022 - 39

AN ORDINANCE ABANDONING AND VACATING  
THE INTERESTS OF THE CITY OF SEARCY IN AND TO A  
PORTION OF A RIGHT OF WAY ALONG SPRUCE STREET IN  
THE CITY OF SEARCY, ARKANSAS; DECLARING AN  
EMERGENCY; AND FOR OTHER PURPOSES

The City Council of the City of Searcy, Arkansas, meeting in regular session, makes the following findings of fact and enacts the following provisions:

WHEREAS, First Baptist Church Searcy is the owner of property abutting a portion of Spruce Street, a dedicated street in the City of Searcy, Arkansas, more particularly described on Exhibit A, attached hereto and made a part hereof by this reference (the "Right of Way"); and

WHEREAS, said landowner represents that the portion of the Right of Way, is all situated in the City of Searcy, Arkansas, described in the Petition filed with the office of the Clerk-Treasurer of the City of Searcy, Arkansas is not necessary for the flow of traffic along Spruce Street; and

WHEREAS, First Baptist Church Searcy requires access to the Right of Way for parking, safe pedestrian access, and for the development of land adjacent to the Right of Way; and

WHEREAS, abandonment of the Right of Way will provide for the continued and further development of lands adjacent to the Right of Way and closure may be authorized by Ark. Code Ann. §§ 14-54-104(2); and

WHEREAS, after due notice as required by law, the Searcy City 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 right of way dedicated to the public and sought to be vacated and abandoned is necessary for the development of lands adjacent to the Right of Way.

NOW, THEREFORE, be it ordained by the City Council of the City of Searcy, Arkansas:

Section 1. That pursuant to Ark. Code Ann. §§ 14-54-104(2), the City of Searcy, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally, in and to that portion of the Right of Way located and being situated in the City of Searcy, Arkansas, and that the same be, and is hereby, abandoned and vacated by the City of Searcy and that fee simple title to the Right of Way is hereby vested, assigned and granted to First Baptist Church Searcy, its successors and assigns subject to all utility easements that may be filed of record in favor of, without limitation, Searcy Water Utilities, Entergy, AT&T, Summit Utilities, Ritter Communications, and White County Video.

Section 2. First Baptist Church Searcy shall work with the City of Searcy and Searcy Water Utilities to provide for drainage along the Right of Way that shall provide for the drainage

of Spruce Street in a manner no less favorable than that exists prior to the abandonment of the Right of Way.

Section 3. That a copy of this Ordinance, duly certified by the City Clerk of the City of Searcy, Arkansas, shall be recorded in the office of the Circuit Clerk and ex officio recorder of White County, Arkansas.

Section 4. Emergency Clause. The need to provide for the continued development of real property within the City of Searcy, being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared and this ordinance shall be in full force an effect from and after its passage.

Adopted this 13<sup>th</sup> day of December, 2022.

The City of Searcy, Arkansas

By: /s/ Kyle Osborne  
Mayor of Searcy

Attest:

/s/ Jerry Morris  
City Clerk/Treasurer

Exhibit A (Legal Description)

All that part of Right of Way of South Spruce Street lying East of Block 10 and West of Block 13 Original Town of Searcy between West Center Street and West Pleasure Avenue.