

47 LEGAL DESCRIPTION OF
48 A 0.38 ACRE STREET RIGHT-OF-WAY VACATION
49 PART OF FINANCIAL DRIVE
50

51 Situated in the City of Searcy, County of White and State of Arkansas and known as being in the
52 NE 1/4 of the SW 1/4 of Section 9, Township 7 North, Range 7 West and further known as being
53 a vacation of a part of Financial Court in the First State Plaza as shown by plat recorded in Plat
54 Cabinet C-1, Sleeve 40 in the White County Circuit Clerk's Office, and is further bounded and
55 described as follows:

56
57 Beginning at a capped iron rebar found at the Southeasterly corner of Lot 4 in said First State
58 Plaza, said corner being the intersection of the Westerly right-of-way of First State Court (50 feet
59 wide) with the Northerly right-of-way of said Financial Drive;

60
61 Thence South 00°52'41" West a distance of 50.00 feet to the Northeasterly corner of Lot 3 in said
62 First State Plaza also being the intersection of the Westerly right-of-way line of said First State
63 Court with the Southerly right-of-way of said Financial Drive; thence along said Southerly right-
64 of-way North 89°06'36" West a distance of 195.32 feet to a point of curvature; thence along the
65 arc of a curve deflecting to the left a distance of 39.28 feet, said curve having a radius of 25.00
66 feet and a chord which bears South 45°53'03" West, 35.36 feet to a point of tangency; thence
67 along the Easterly right-of-way of said Financial Drive South 00°52'41" West a distance of
68 103.82 feet to an iron rebar set; thence North 89°07'19" West a distance of 30.00 feet to an iron
69 rebar set in the Westerly right-of-way of said Financial Drive; thence along said right-of-way
70 North 00°52'41" East a distance of 177.82 feet to an angle point therein; thence along the
71 Northerly right-of-way of said Financial Drive South 89°06'36" East a distance of 250.33 feet to
72 the Place of Beginning containing 16,485 Square Feet or 0.38 acres of land as surveyed,
73 calculated and described in December, 2011 by Earl T Beckwith, Ar. P.S. 1589. Bearings used
74 herein refer to the Arkansas State Plane Coordinate System, North Zone.

75
76 (the "Right of Way"); and
77

78 WHEREAS, said agent represents the owners of Lots 1, 2, 3, 4, 5, 6, 7 and 8 that about the
79 rights-of-way to be vacated by affidavits of the owners: and
80

81 WHEREAS, that the portion of Right of Way all situated in the City of Searcy, Arkansas,
82 described in the Petition filed with the office of the Clerk-Treasurer of the City of Searcy,
83 Arkansas, has not been used by the public generally since the property was platted in March
84 2008; and
85

86 WHEREAS, after due notice as required by law, the Searcy City Council has, at the time
87 and place mentioned in the notice, heard all persons desiring to be heard on the question and has
88 ascertained that the right of way dedicated to the public and sought to be vacated and abandoned
89 is no longer needed for public right-of-way, that public interest and welfare will not be adversely
90 affected by the abandonment, and the streets should be closed under the City's general police
91 power authority pursuant to Ark. Code Ann. §14-54-104.
92

93 NOW, THEREFORE, be it ordained by the City Council of the City of Searcy, Arkansas:
94

95 **Section 1.** That the City of Searcy, Arkansas, hereby releases, vacates and abandons
96 all of its rights, together with the rights of the public generally, in and to that portion of First
97 State Court lying north of northern boundary line of Lot 9 and that portion of Financial Drive
98 lying north of the northern boundary line of Lot 1 in First State Plaza Subdivision, more
99 particularly described above, located and being situated in the City of Searcy, Arkansas, and that
100 the same be, and is hereby, abandoned and vacated as a dedicated street, road or way and that fee
101 simple title to the Right of Way is hereby vested, assigned and granted to the owners of land
102 abutting said Right-of-Way.
103

104 **Section 2.** That a copy of this Ordinance, duly certified by the City Clerk of the City
105 of Searcy, Arkansas, shall be recorded in the office of the Circuit Clerk and ex officio recorder of
106 White County, Arkansas.
107

108 **Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause,
109 phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such
110 declaration or adjudication shall not affect the remaining portions of the ordinance which shall
111 remain in full force and effect as if the portion so declared or adjudged to be invalid or
112 unconstitutional were not originally a part of this ordinance.
113

114 **Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same that are
115 inconsistent with the provisions of this ordinance are hereby repealed to the extent of such
116 inconsistency.
117

118 Adopted this 10th day of January, 2012.
119

120
121 The City of Searcy, Arkansas

122
123 By: /s/ David Morris
124 Mayor
125

126 Attest:

127
128 /s/ Margaret Meads
129 Searcy City Clerk-Treasurer