

ORDINANCE NO. 2012-_____

AN ORDINANCE VACATING AND ABANDONING ALL OF THE RIGHT-OF WAY OF GREENWOOD STREET (UNIMPROVED) LYING BETWEEN BLOCKS 4 AND 5 OF SOUTH HEIGHTS ADDITION TO THE CITY OF SEARCY, ARKANSAS, AND FOR OTHER PURPOSES

WHEREAS, Q4 Properties, LLC, by and through its member **John Q. Hite**, being certain adjoining landowner desires to abandon and vacate all of the Right-of-Way of Greenwood Street (unimproved) lying between Blocks 4 and 5 of the South Heights Addition to the City of Searcy, Arkansas, and having filed a Petition asking the Searcy City Council to vacate and abandon said property; and

WHEREAS, said landowner represents that the Right-of-Way of Greenwood Street (unimproved) lying between Blocks 4 and 5 of the South Heights Addition to the City of Searcy, Arkansas described in the Petition filed with the City Clerk's Office for the City of Searcy, Arkansas, has not been actually used by the public for a period of five (5) years; and

WHEREAS, the Petitioner owns all of the adjoining real property to the Right-of-Way of Greenwood Street (unimproved) lying between Blocks 4 and 5 of the South Heights Addition to the City of Searcy, Arkansas.

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 property sought to be vacated and abandoned had heretofore been dedicated to the public but has not been actually used by the public for a period of time of at least 5 years.

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

Section 1: That the City of Searcy, Arkansas, hereby releases, vacates, and abandons all its rights, together with the rights of the public generally, to the Right-of-Way of Greenwood Street (unimproved) lying between Blocks 4 and 5 of the South Heights Addition to the City of Searcy, Arkansas. That the same be and hereby is abandoned and vacated as a platted street and that the fee simple title thereto be, and hereby is, vested in said landowners as the abutting property owners, its successors and assigns subject to the following reserved easements:

- A. Reserved rights of way required to serve existing Entergy customers in accordance with Entergy polices.
- B. Reserved rights of way required to serve existing White County Cable customers in accordance with White County Cable polices.
- C. Reserved rights of way required to serve existing AT&T customers in accordance with AT&T polices.
- D. Reserved rights of way required to serve existing Centerpoint Energy customers in accordance with Centerpoint Energy polices.
- E. Reserved rights of way required to serve existing Searcy Water & Sewer customers in accordance with Searcy Water & Sewer polices.

Section 2: 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 Recorder of White County, Arkansas.

Section 3: This Ordinance shall take effect and be in force from and after its passage.

PASSED AND ADOPTED this _____ day of January, 2012.

DAVID MORRIS, MAYOR

ATTEST:

MARGARET MEADS, CITY CLERK