

ORDINANCE NUMBER 2020-20

AN ORDINANCE ABANDONING AND VACATING THE INTERESTS OF THE CITY OF SEARCY IN AND TO A PORTION OF A RIGHT OF WAY ALONG PLEASURE 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, Searcy Board of Realtors is the owner of property abutting Pleasure 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 Pleasure Street; and

WHEREAS, the Searcy Board of Realtors requires access to the Right of Way for parking 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(a)(2) and 14-301-301; 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(a)(2) and 14-301-301, 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 the Searcy Board of Realtors, 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, CenterPoint Energy, and White County Video.

Section 2. The Searcy Board of Realtors 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 Pleasure 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 12th day of June, 2020.

The City of Searcy, Arkansas

By: /s/ Kyle Osborne
Mayor of Searcy

Attest:

/s/ Jerry Morris
City Clerk/Treasurer

Exhibit A

[Real Property Description]

A part of the NE1/4 of Sec9-T7N-R7W being more particularly described as follows: Commencing at a found rebar for the Center Corner of said Section 9, thence S89°17'30"E along the South line of the NE1/4 a distance of 131.65' to a calculated point; thence departing from said South line, N06°14'39"W a distance of 10.36' to a calculated point; thence S89°17'30"E parallel with the South line of the NE1/4 a distance of 887.72' to a found 1/2" rebar; thence N00°14'27"E a distance of 188.45' to a found 1/2" rebar; thence N89°17'30"W a distance of 6.17' to a calculated point; thence N00°14'59"W a distance of 138.97' to a calculated point; thence S76°05'40"W a distance of 187.46' to a found 1/2" rebar; thence N25°02'24"W a distance of 143.58' to a found 3/8" rebar on the existing South right of way line of Pleasure Street for the POINT OF BEGINNING; thence continuing N25°02'24"W a distance of 5.97' to a calculated point; thence N64°45'04"E a distance of 64.95' to a calculated point; thence N67°02'03"E a distance of 57.43' to a calculated point; thence N70°47'56"E a distance of 77.07' to a calculated point; thence N74°10'59"E a distance of 71.66' to a calculated point; thence S04°03'20"W a distance of 22.50' to a found 1/2" rebar on the existing South right of way line of Pleasure Street: thence along said right of way line the following 2 courses: (1) S79°22'00"W a distance of 43.95' to a found 1/2" rebar: (2) thence S71°16'26"W a distance of 217.55' to the point of beginning, containing 0.10 Acres, more or less, as shown on survey by PS #1737. Subject to all existing easements for roads or other purposes.