

ORDINANCE NUMBER 2020 - 04

AN ORDINANCE ABANDONING AND VACATING THE INTERESTS OF THE CITY OF SEARCY IN AND TO A PORTION OF MARKET AVENUE 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 First United Methodist Church is the owner of property abutting Market Avenue, a dedicated street in the City of Searcy, Arkansas, more particularly described, to-wit:

All that portion of Market Avenue located between Blocks 20 and 21 of the Original Town of Searcy, White County, Arkansas

(the “Right of Way”); and

WHEREAS, said landowner represents that the portion of Right of Way 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; and

WHEREAS, Searcy First United Methodist Church operates, and has operated, a day care and pre-school facility, at which children move from buildings south of the Right of Way to buildings to the North of the Right of Way, and back again; and

WHEREAS, the day care and pre-school facility is an educational institution in that it teaches and improves its pupils and provides for education of pre-kindergarten pupils and provides for the mental, moral and physical development of these pupil; and

WHEREAS, closure of the Right of Way will provide for the continued and further education and instruction of pupils removed from the dangers of street traffic 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 continued safety of pupils at Searcy First United Methodist Church and in furtherance of the mental, moral and physical development of these pupils.

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 Market Avenue more particularly described

as 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 as a dedicated street, road or way and that fee simple title to the Right of Way is hereby vested, assigned and granted to Searcy First United Methodist Church, 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. Searcy First United Methodist Church 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 Main Street in a manner no less favorable than that exists prior to the abandonment of the Right of Way.

Section 3. Searcy First United Methodist Church shall work with the City of Searcy to provide for access to structures that abut the Right of Way by fire fighting vehicles.

Section 4. 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.

Adopted this 11th day of February, 2020.

The City of Searcy, Arkansas

By: /s/ Kyle Osborne
Mayor of Searcy

Attest:

/s/ Jerry Morris
Searcy City Clerk