

Brenda DeShields-Circuit Clerk
Benton County, AR
Book/Pg: 2012/12612
Term/Cashier: CASH2/Teresa Baber
04/11/2012 1:54PM
Tran: 187804
Total Fees: \$20.00

ORDINANCE NO. 92

AN ORDINANCE VACATING A PORTION OF WEST ORCHARD STREET IN THE TOWN OF AVOCA, ARKANSAS, LOCATED BETWEEN THE WESTERLY RIGHT-OF-WAY OF ARKANSAS & MISSOURI RAILROAD AND THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #62 NORTH; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, petitions were filed with the Town Recorder and submitted to the Town Council on March 13, 2012, requesting that the Town Council vacate a portion of West Orchard Street described as follows:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 29, WEST, IN THE TOWN OF AVOCA, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE SOUTH 66 FEET OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER SITUATED BETWEEN THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY #62 NORTH AND THE EASTERLY RIGHT-OF-WAY OF ARKANSAS & MISSOURI RAILROAD.

WHEREAS, after due notice as required by law, the 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 portion of West Orchard Street above described has heretofore been dedicated to public use as a street; that the owners of property abutting this portion of West Orchard Street to be vacated filed with the Council their petition for such abandonment; and that the public interest, convenience and well fair will not be adversely affected by the abandonment of such street.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Avoca, Arkansas:

Section 1: The Town of Avoca, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public, generally, in and to that portion of West Orchard Street described above.

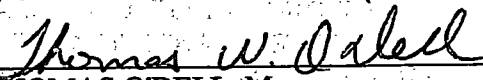
Section 2: All existing utility easements, rights-of-way and franchise grants located in the described portion of West Orchard Street shall remain in place and be un-effected by the abandonment of said street.

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Recorded in the Above
DEED Book & Page
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Section 3: A copy of this Ordinance, duly certified by the Town Recorder, shall be filed with the office of the Recorder of Benton County, Arkansas, and filed in the deed records of Benton County, Arkansas.

Section 4: The Town Council of the Town of Avoca, Arkansas, has determined that an emergency is hereby found to exist and this Ordinance, being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this 10th day of April, 2012.



THOMAS O'DELL, Mayor

ATTEST:



DIANE BOWEN, Town Recorder/Treasurer

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Recorded in the Above
DEED Book & Page
04/11/2012

Benton County, AR
I certify this instrument was filed
04/11/2012 1:54PM
and recorded in DEED Book
2012 at pages 12612 - 12613
Brenda DeShields-Circuit Clerk

**NOTICE OF PUBLIC HEARING BEFORE
THE TOWN COUNCIL OF THE TOWN OF AVOCA ON A
PETITION TO CLOSE AND/OR VACATE A PORTION OF WEST ORCHARD**

To all owners of lands abutting the boundary of an alley or street described as:

Location/Description: **CLOSE AND/OR VACATE A PORTION OF WEST ORCHARD STREET LYING WEST OF THE EAST LINE OF THE RAILROAD AND LYING EAST OF THE EAST LINE OF HWY 62.**

Owner: **Michael W. Hartwig**

Agent or Attorney: **Paxton R. Singleton, President -- Global Surveying Consultants, Inc.**

Telephone Number: **501-455-4984**

Address: **6511 Heilman Court, North Little Rock, Arkansas 72118**

Notice is hereby given that a public hearing on the said petition will be held by the Town Council of the Town of Avoca at the Town Hall, 222 N. Old Wire Road on

April 10, 2012 at 7:00 P.M.

All parties in interest may appear and be heard at said time and place or may notify the Town Council of their views on this matter by letter. All persons interested in this petition are invited to call or visit Town Hall, 222 N. Old Wire Rd. The staff contact person is Diane Bowen, 479-621-5921.