

AN ORDINANCE TO VACATE A PORTION OF A STREET

Whereas, a petition was duly filed with the Town Council of the town of Cotter, Arkansas, on the 2nd day of July, 1958, asking the Town Council to vacate and abandon the East half of that portion of Second Street extending from Hartigan Avenue to Pyeatt Avenue abutted by lots 1717 and 1718 as designated on the plat of the town of Cotter now appearing of record in plat book 1 at page 8 in the office of the Circuit Clerk and Ex-Officio Recorder for Baxter County.

Whereas, after due notices 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 Second Street hereinbefore described has heretofore been dedicated to public use as a street herein described; has not been actually used by the public generally for a period of at least five years subsequent to the filing of the plat; that the Petitioners, Standard Milling Company, is the sole owner of the property abutting upon the portion of the street to be vacated and by its petition has consented to such abandonment; and that public interest and welfare will not be adversely affected by the abandonment of that portion of Second Street.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COTTER, ARKANSAS:

Section 1. The town of Cotter, Arkansas, hereby releases, vacates and abandons all its rights together with the rights of the public generally in and to the portion of Second Street designated as follows: that portion of Second Street extending from Hartigan Avenue to Pyeatt Avenue abutted by lot 1717 and lot 1718 as designated on the plat of the town of Cotter, Arkansas, now appearing of record in plat book 1 at page 8 in the office of the Circuit Clerk and Ex-Officio Recorder for Baxter County. Except and provided that the Westerly half of that portion of Second Street lying and being situated between Hartigan Avenue and Pyeatt Avenue shall not by Standard Milling Company its successors or assigns be permanently obstructed. The town of Cotter, Arkansas, specifically reserves the right to enter upon and across the West half thereof for the purpose of laying, constructing, maintaining and servicing a water lines and/or sewer lines at such time and in such manner as the said town of Cotter may hereafter determine and find necessary.

Section 2. A copy of the ordinance duly certified by the Town Recorder shall be filed in the office of the Circuit Clerk and Ex-Officio Recorder for Barter County.

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

After having been duly read and considered according to law upon a call of the roll of councilmen their voted 4 yea and 1 nay for passage.

Approved:

E. H. Truman
Mayor

Attested:

Paul B. Magnus
Town Recorder

BEFORE THE CITY COUNCIL OF COTTER, ARKANSAS

Ex Parte Petition Of:

Standard Milling Company,
Deleware Corporation

P E T I T I O N

Comes Standard Milling Company, a corporation, by its attorney, Thomas B. Tinnon, and for its petition to the City Council of Cotter, Arkansas, respectfully submits:

1. That the portion of Second Street as shown by the plat of the town of Cotter, Arkansas, as recorded in record of plats, book 1 at page 8 in the office of the Circuit Clerk and Ex-Officio Recorder for Baxter County, extending from the southerly boundary line of Hartigan Avenue in a southeasterly direction to the northwesterly boundary line of Pyeatt Avenue abutted on the east by lot 1718 and on the west by lot 1717 has not been actually used by the public as a street for more than five years last past;

2. That this petitioner is the owner of lots 1717 and lot 1718 and lot 1719 which are the only lots abutting upon that portion of Second Street, this petitioner is requesting be vacated as a public street.

Therefore Standard Milling Company, a corporation, respectfully petitions the Town Council for the town of Cotter, Arkansas, to vacate the East half of that portion of Second Street lying and being situated between Hartigan Avenue and Pyeatt Avenue as a public street. That the said City Council by resolution fix a day for the hearing of this petition and direct the town recorder to give notice of such meeting by publication once a week for two consecutive weeks in the Baxter Bulletin, a weekly newspaper in Baxter County having a general circulation in the town of Cotter.

Petitioners further respectfully request that the Council determine at the hearing on this petition that from the standpoint of public interest and welfare the East half of that portion of Second Street lying and being situated between Hartigan Avenue and Pyeatt Avenue, should be vacated and abandoned.

#105 A

Respectfully submitted,

STANDARD MILLING COMPANY,
A CORPORATION

By Thomas B. Tinnon
Thomas B. Tinnon, its attorney

STATE OF ARKANSAS)
County of Baxter) ss.

VERIFICATION

I, Thomas B. Tinnon, attorney for Standard Milling Company, the petitioners herein, having been first duly sworn on my oath state that the facts contained in the foregoing Petition are true and correct to the best of my knowledge and belief.

Thomas B. Tinnon

Subscribed and sworn to before me the undersigned Notary Public on this the 2nd day of July, 1958.

J. Adele Tinnon

My Commission Expires:
August 15, 1961