

AN ORDINANCE CLOSING THAT PART OF PYEATT AVE., WHICH LIES BETWEEN THIRD ST. AND THE SW CORNER OF LOT 1715 IN COTTER, ARK.

WHEREAS, petition has been made to the City of Cotter, Ark., herein called City, by Steakhouse Marketing Company, Inc., herein called Marketing, and Cotter Manufacturing Company, Inc., herein called Manufacturing, to close part of Pyeatt Ave. hereinafter more particularly described;

WHEREAS, the Cotter City Planning Commission has considered said petition and recommended such closing; and

WHEREAS, Marketing is the owner of the lands abutting that part of the southerly line of Pyeatt Ave. sought to be closed and Manufacturing is the owner of the lands abutting the northerly line thereof; notice of hearing on said petition was twice published in the Baxter Bulletin in accordance with law setting the regular council meeting of the City at 7:30 p.m. on May 20, 1981, at the Cotter City Hall as the time and place for hearing and no person appeared thereat to be heard against such closing;

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

SECTION I: The City hereby releases, vacates and abandons all of its right, together with the right of the public generally, in and to that part of Pyeatt Ave. which lies between Third St. and the SW corner of Lot No. 1715 in Cotter, Ark., Marketing being the owner of lands abutting the Southerly line, and Manufacturing the owner of lands abutting the northerly line, thereof;

EXCEPT, however, that the City retains an easement and right of way therein for utility lines, a sewer line owned by the City being presently located under said part of Pyeatt Ave., and nothing shall be placed thereon which will obstruct servicing of said sewer line or the placing and servicing of other utility lines thereon.

SECTION II: Until such time as proposed Ark. State Highway No. 345 can be used for vehicular traffic from First St. to Third St., Marketing and Manufacturing shall allow free flow of vehicular traffic, either across the subject lands or lands adjacent thereto.

SECTION III: A copy of this Ordinance, duly certified by the City Recorder, shall be recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Baxter County, Ark.,

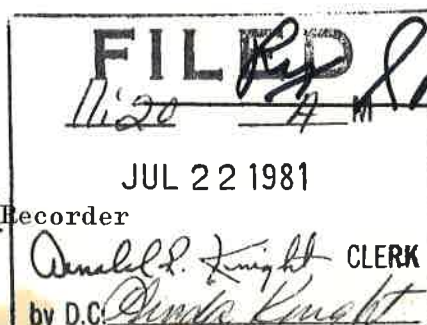
SECTION IV: This Ordinance shall take effect and be in full force and effect from and after its passage and publication.

PASSED MAY 20, 1981.

ATTEST:

Shirley C. Caudle

(1 Publication)



Rep. J. B. Boyles Mayor

3304-81

STATE OF ARKANSAS)
) ss.
COUNTY OF BAXTER)

Theodore X. Cramlet, upon oath, states that he is the duly elected recorder of the City of Cotter, Arkansas; that he has in his charge the records of said city; that the above ordinance is an ordinance given No. 4-1981 passed by the City Council of the City of Cotter, Arkansas, on May 20, 1981; that upon its recording by the City Clerk and Ex-Officio Recorder of Baxter County, Arkansas, it will be placed and kept in the ordinance records of said City of Cotter, Arkansas, which are under his care and control.

Theodore X. Cramlet

SUBSCRIBED and sworn to before me, a notary public, on this the 20th day of July 1981.

Jennie F. Pond
Notary Public

My commission expires:

Jan 11, 1982

CERTIFICATE OF RECORD

THE STATE OF ARKANSAS)
) ss.
COUNTY OF BAXTER)

I, Arnold R. Knight Circuit Clerk and Ex-Officio Recorder for the county aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 22nd day of July A. D. 19 81 at 11:20 o'clock A. M., and the same is now duly recorded, with the acknowledgment and certificate thereon in "Record ~~XXX~~ Instrument ~~XXX~~ # 3304-81

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 22nd day of July 19 81

Arnold R. Knight
Clerk and Ex-Officio Recorder
R. Bishop

3304A-81