

ORDINANCE NO. 12-1981

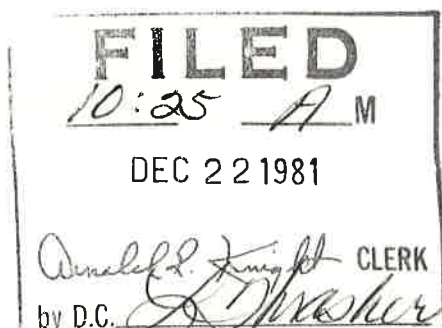
ORDINANCE VACATING THAT PART OF AN ALLEY WHICH LIES BETWEEN LEAH AND MAY STREETS, SHOWN ON THE RECORDED PLAT OF COTTER HEIGHTS, (NOW A PART OF COTTER, BAXTER COUNTY, ARKANSAS)

WHEREAS, the petition of John Heard and Jeanette Heard, his wife, and Henry L. White and Gladys White, his wife, was duly filed with, and approved by, the Cotter City Planning Commission, requesting the City Council of Cotter, Arkansas, to vacate and abandon part of an alley, more particularly hereinafter described, in Cotter Heights, (now a part of the City of Cotter, Arkansas), as shown on the recorded plat thereof; and

WHEREAS, after due notice as required by law, said Council has heard all persons desiring to be heard on the question; has ascertained that the part of said alley hereinafter described has heretofore been dedicated to the public use; that the only owners of property abutting upon that part of said alley sought to be vacated and abandoned are John Heard and Jeanette Heard, and Gladys White, she being the survivor of an estate by the entirety with the aforementioned Henry L. White who died on or about December 12, 1981; and that the public interest and welfare will not be adversely affected by the vacation and abandonment thereof;

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

I. The City of Cotter, Arkansas, except as hereinafter set forth, hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to that part of an alley shown on the recorded plat of Cotter Heights (now a part of the City of Cotter, Baxter County, Arkansas) which lies between Lots Nos. 474 through 471, both inclusive, on South side of said alley, and Lots or parts of Lots Nos. 475 through 478, both inclusive, on North side of said alley, running from Leah Street on the East into May Street on the West (now into U.S. Highway 62), the City of Cotter, Arkansas, hereby retaining to itself, its successors and assigns, an easement and right-of-way over, under



and across said land shown as alley on the recorded plat of Cotter Heights for the purpose of constructing, erecting, maintaining and repairing utility lines of whatsoever kind and nature thereon or thereunder. Said John Heard, Jeanette Heard and Gladys White, their heirs and assigns, shall keep the same free from any encumbrances or impediments such as structures, shrubbery or plants. The City of Cotter, Arkansas, its agents, employees, successors and assigns, shall be held harmless from damage to the lands by its use of said easement and right-of-way, the City, however, to clear the land after each use from debris accumulating because of such use.

II. A copy of this Ordinance duly certified by the City Recorder shall be filed in the office of the County Clerk and Ex-Officio Recorder of Baxter County, Arkansas, and recorded in the records of said County.

III. This Ordinance being necessary for the welfare and prosperity of the residents of Cotter, Arkansas, an emergency is declared and this Ordinance shall be in full force and effect from and after its passage and publication.

PASSED: December 17, 1981

CITY OF COTTER, ARKANSAS

By

Ray S. B. Oyler
Mayor

ATTEST:

John A. Cumber
Recorder

CERTIFICATE

The undersigned, Theodore X. Cramlet, City Recorder of the City of Cotter, Arkansas, hereby certify that the attached Cotter Ordinance No. 12-1981 was passed by the City Council of said City at its regular session held on December 17, 1981, at the Cotter City Hall, its regular meeting place, at 7:30 p.m. and that said Ordinance is of record in the Ordinance Records of the City of Cotter, Arkansas, now in my possession.

GIVEN under my hand and the Seal of said City on this, the 17th day of December, 1981.



CITY RECORDER

SEAL

CERTIFICATE OF RECORD

STATE OF ARKANSAS)
COUNTY OF BAXTER) ss.

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 December A. D. 1981 at 10:25 o'clock A. M., and the same is now duly recorded, with the acknowledgment and certificate thereon in "~~XXXX~~ XXX ~~XXXXXX~~ Instrument# 5733-81"

IN WITNESS WHEREOF, I, have hereunto set my hand and affixed the seal of said Court, this 22nd day of December 1981

Arnold R. Knight

Clerk and Ex-Officio Recorder



5733B-81