

ORDINANCE NO. 134

**AN ORDINANCE VACATING A PORTION OF SALSBURY ROAD
PURSUANT TO ARK. CODE ANN. §14-54-105(2) and §§ 14-301-301 et seq.,
AND FOR OTHER PURPOSES**

WHEREAS, Ark. Code Ann. §14-54-105(2) and §§ 14-301-301 et seq., confers authority upon a city of the second class such as Goshen to vacate portions of streets which are not required for corporation (City) purposes; and,

WHEREAS, a petition has been filed by Johnelle Hunt, individually and as trustee of the Johnelle E. Hunt Revocable Trust, seeking to vacate a road pursuant to Ark. Code Ann. §§ 14-301-301 et seq.; and,

WHEREAS, notice of the hearing on the petition filed by Johnelle Hunt to be held April 11, 2017 at 6:30 p.m. at the Goshen City Hall was published twice in the Democrat-Gazette ; and,

WHEREAS, the portion of Salsbury Road described in Exhibit "A," attached hereto and incorporated herein, is not a connecting road and is not used by the public and has not been for more than 5 years; and,

WHEREAS, the portion of roadway being vacated is no longer improved and is no longer required for corporation (City) purposes; and,

WHEREAS, Ark. Code Ann. §§ 14-301-306 (a) provides: "Upon the adoption of the ordinance, the absolute ownership of the property abandoned by the city or town shall vest in the owners of the real estate abutting thereon. Each such abutting owner shall take title to the center line of the street or alley so abandoned, and the ownership shall be free from the easement of the city or town for public use as a street or alley;" and,

WHEREAS, Johnelle Hunt, as Trustee of the Johnelle E. Hunt Revocable Trust, is the owner of the property on both sides of the portion of Salsbury Road which is sought to be vacated and by having filed her petition indicates her consent, and such has demonstrated that all adjoining property owners affected hereby have consented in writing as required by statute.

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 street or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street herein described; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

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

SECTION 1: That the portion of Salsbury Road described in Exhibit A hereto is hereby determined to not be required for corporation (City) purposes at this time or in the foreseeable future.

SECTION 2: The City of Goshen, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street designated in Exhibit A to Johnelle Hunt, as trustee of the Johnelle E. Hunt Revocable Trust, as the record title owner of the real property adjacent to the western portion of Salsbury Road which is no longer needed for corporation purposes.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: A copy of the ordinance duly certified by the City Recorder shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

SECTION 5: This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 11th day of April, 2017.



Max Poye, Mayor

ATTEST:



Sharon Baggett, City Recorder

APPROVED AS TO FORM:



Charles L. Harwell, City Attorney

ROLL CALL VOTE ADOPTING THE ORDINANCE

Names Of Those Voting YEA

Paula Anderson
Andy Bethell
Brian Buell
Cathy Oliver
Lanny Samuels
Dick Seddon

Absent

Names Of Those Voting NAY

EXHIBIT A

A proposed vacation of a portion of Salsbury Road located in Sections 31 and 32, Township 17 North, Range 28 West, Washington County, Arkansas, and being more particularly described along the centerline of said Salsbury Road as follows:

COMMENCING at a 1-inch pipe found at the Northeast corner of the SW 1/4 of said Section 32, as shown on the Plat of Survey recorded as File 2008-00011629 at the Washington County Circuit Clerk's office;

THENCE West, a distance of 1305.33 feet;

THENCE South, a distance of 101.19 feet to the intersection of the existing centerline of Salsbury Road and a proposed gate for the POINT OF BEGINNING;

THENCE along the centerline of said Salsbury Road the following ten (10) courses:

- 1.) South 57°17'18" West, a distance of 21.24 feet;
- 2.) South 41°31'17" West, a distance of 24.24 feet;
- 3.) South 38°37'46" West, a distance of 133.30 feet;
- 4.) South 38°16'40" West, a distance of 88.04 feet;
- 5.) South 34°41'19" West, a distance of 245.49 feet;
- 6.) South 29°47'09" West, a distance of 748.09 feet;
- 7.) 164.16 feet along a curve to the right having a central angle of 62°42'19", a radius of 150.00 feet, a chord that bears South 61°08'19" West, a chord distance of 156.09 feet;
- 8.) North 87°30'32" West, a distance of 2524.33 feet;
- 9.) 79.36 feet along a curve to the left having a central angle of 90°56'18", a radius of 50.00 feet, a chord that bears South 47°01'19" West, a chord distance of 71.29 feet;
- 10.) South 01°33'10" West, a distance of 521.62 feet to the POINT OF TERMINATION, for the Total Length of 4,549.87 feet.

Basis of Bearings: NAD 83 / Arkansas State Plane Coordinate System, North Zone, established with GPS observations.

CERTIFICATION

I, Sharon Baggett, certify that I am the Recorder for the City of Goshen; that I am the person authorized to certify documents from the official records of the City of Goshen; that on April 11, 2017 at a regular meeting of the City Council of Goshen, the attached Ordinance No. 134 was presented as required by statute; that the ordinance was adopted by motion properly made and duly seconded, by a majority vote of the aldermen of the Goshen City Council, as duly noted at the end of the ordinance; and that subsequently the ordinance was posted in five public places within the City of Goshen, consistent with the ordinances of the City of Goshen and state law; and therefore is, by ordinance and by law, considered effective, thirty (30) days after its posting; and that said ordinance having properly adopted and now effective, is officially part of the records of the City of Goshen.

This certification is executed this 12th of May, 2017 in my official capacity as Recorder of the City of Goshen.

WITNESS MY HAND AND SEAL ON THE DATE HEREINABOVE STATED.



Sharon Baggett, Recorder



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