

Filed For Record  
Drew Co. AR  
Key Craig Circuit Clerk

FEB 22 2002

42715

ORDINANCE NO. 712

AM /8/9/10/11/12/1/2/3/4/5 PM

AN ORDINANCE VACATING AND ABANDONING A PORTION OF DILLARD STREET LYING BETWEEN McCLOY AND TROTTER STREETS IN THE CITY OF MONTICELLO, AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, a petition signed by Alford Branch, Moderator, and Lee O. Brooks, Secretary, of Local Session of Holmes Chapel Presbyterian Church and John Scott McClendon and Robin McClendon, as partners of Strong Partnership, was duly filed with the City Council of Monticello, Arkansas, on the 15th day of November, 2001, asking the Council to vacate and abandon a portion of Dillard Street described as follows:

All that part of Dillard Street lying between Blocks 98 and 108 of the City of Monticello.

AND WHEREAS, after due notice published as required by law, the Council has, at the time and place mentioned in said notice, heard all persons desiring to be heard on the question and has ascertained that the above-described portion of Dillard Street had heretofore been dedicated to the public use as a street; that the petitioners, Alford Branch, Moderator, and Lee O. Brooks, Secretary, of Local Session of Holmes Chapel Presbyterian Church and John Scott McClendon and Robin McClendon, as partners of Strong Partnership, are the owners of property abutting upon said

portion of Dillard Street, and have filed with the Council their written petition for such abandonment, and that the public interest and welfare will not be adversely affected by the abandonment of said portion of Dillard Street.

AND WHEREAS the Metropolitan A.M.E. Zion Church, the owner of the remaining parcel of abutting property, has consented to the closure of the said portion of Dillard Street:

NOW, THEREFORE, BE IT ORDAINED by the City Council of Monticello, Arkansas, as follows:

Section 1. The City of Monticello hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the above-described said portion of Dillard Street. The absolute ownership of said abandoned portion of Dillard Street shall vest in Presbytery of the Pines of Presbyterian Church (USA), Strong Partnership and Metropolitan A.M.E. Zion Church, who are the owners of the property abutting thereon, and such ownership shall be free from the easement of the City for public use as a street.

Section 2. A copy of this ordinance, duly certified by the City Clerk-Treasurer, shall be filed in the office of the Circuit Clerk and Ex-Officio Recorder of Drew County and recorded in the Deed Records of this county.

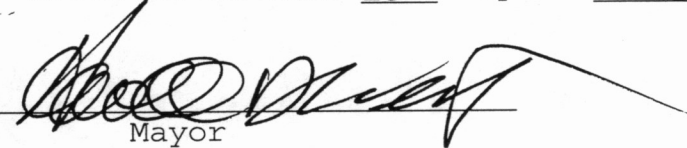
Section 3. It is found that an urgent need exists for the

vacating of said portion of Dillard Street. Therefore, an emergency is declared to exist; and this ordinance, being necessary for the preservation of the public peace, safety, health and welfare, shall take effect and be in force from and after its adoption.

ORDAINED on this 20 day of December, 2001.

  
City Clerk- Treasurer

APPROVED on this 20 day of December, 2001.

  
Mayor

CERTIFICATE OF RECORD

STATE OF ARKANSAS }  
COUNTY OF DREW } SS

I, Kay Craig, Clerk of the Circuit Court 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 22 day of Feb, A.D. 2002 at 3:00 o'clock P.M., and the same is now duly recorded, with the acknowledgement thereon, in Record Book 42715 Page 2 of the records of my said office. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court this 22 day of Feb, A.D. 2002  
Clerk. Kay Craig  
By Cyde Swain

# Proof of Publication

STATE OF ARKANSAS  
COUNTY OF DREW.

I, Tom White; do swear that I am Editor, Chief Accountant of the ADVANCE  
MONTICELLONIAN, a weekly newspaper published in Drew County, Arkansas, having an actual and  
bona fide circulation in the City of Monticello and in said county and that the NOTICE, of which the  
annexed and attached is a true copy, was published for 1 consecutive weeks, as  
follows, to wit: 1/2

Subscribed and sworn to before me this 15<sup>th</sup> day of Feb 2002

Deborah A. Carter  
Notary Public Clerk

My Commission Expires 10-5-11

### ORDINANCE NO. 712

AN ORDINANCE VACATING A  
PORTION OF DILLARD STREET LYING  
BETWEEN MCCLOY AND TROTTER  
STREETS IN THE CITY OF  
MONTICELLO AND DECLARING AN  
EMERGENCY TO EXIST

WHEREAS, a petition signed by Alford Branch, Moderator, and Lee O. Brooks, Secretary, of Local Session of Holmes Chapel Presbyterian Church and John Scott McClendon and Robin McClendon, as partners of Strong Partnership, was duly filed with the City Council of Monticello, Arkansas, on the 15th day of November, 2001, asking the Council to vacate and abandon a portion of Dillard Street described as follows:

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AND WHEREAS, after due notice published as required by law, the Council has, at the time and place mentioned in said notice, heard all persons desiring to be heard on the question and has ascertained that the above-described portion of Dillard Street had heretofore been dedicated to the public use as a street; that the petitioners, Alford Branch, Moderator, and Lee O. Brooks, Secretary, of Local Session of Holmes Chapel Presbyterian Church and John Scott McClendon and Robin McClendon, as partners of Strong Partnership, are the owners of property abutting upon said portion of Dillard Street, and have filed with the Council their written petition for such abandonment, and that the public interest and welfare will not be adversely affected by the abandonment of said portion of Dillard Street.

AND WHEREAS the Metropolitan AME Zion Church, the owner of the remaining parcel of abutting property, has consented to the closure of the said portion of Dillard Street:

NOW, THEREFORE, BE IT ORDAINED by the City Council of Monticello, Arkansas, as follows:

Section 1. The City of Monticello hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the above-described said portion of Dillard Street. The absolute ownership of said abandoned portion of Dillard Street shall vest in Presbtery of the Pines of Presbyterian



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AN ORDINANCE VACATING AND ABANDONING A PORTION  
OF DILLARD STREET LYING BETWEEN McCLOY AND  
TROTTER STREETS IN THE CITY OF MONTICELLO, AND  
DECLARING AN EMERGENCY TO EXIST

WHEREAS, a petition signed by Alford Branch, Moderator, and Lee O. Brooks, Secretary, of Local Session of Holmes Chapel Presbyterian Church and John Scott McClendon and Robin McClendon, as partners of Strong Partnership, was duly filed with the City Council of Monticello, Arkansas, on the 15th day of November, 2001, asking the Council to vacate and abandon a portion of Dillard Street described as follows:

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AND WHEREAS, after due notice published as required by law, the Council has, at the time and place mentioned in said notice, heard all persons desiring to be heard on the question and has ascertained that the above-described portion of Dillard Street had heretofore been dedicated to the public use as a street; that the petitioners, Alford Branch, Moderator, and Lee O. Brooks, Secretary, of Local Session of Holmes Chapel Presbyterian Church and John Scott McClendon and Robin McClendon, as partners of Strong Partnership, are the owners of property abutting upon said

portion of Dillard Street, and have filed with the Council their written petition for such abandonment, and that the public interest and welfare will not be adversely affected by the abandonment of said portion of Dillard Street.

AND WHEREAS the Metropolitan A.M.E. Zion Church, the owner of the remaining parcel of abutting property, has consented to the closure of the said portion of Dillard Street:

NOW, THEREFORE, BE IT ORDAINED by the City Council of Monticello, Arkansas, as follows:

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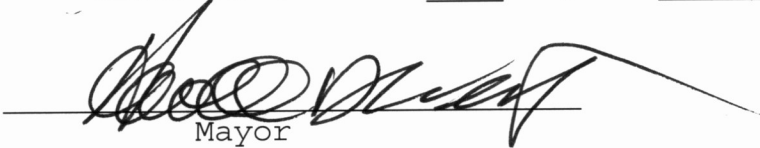
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vacating of said portion of Dillard Street. Therefore, an emergency is declared to exist; and this ordinance, being necessary for the preservation of the public peace, safety, health and welfare, shall take effect and be in force from and after its adoption.

ORDAINED on this 20 day of December, 2001.

  
\_\_\_\_\_  
City Clerk- Treasurer

APPROVED on this 20 day of December, 2001.

  
\_\_\_\_\_  
Mayor

BEFORE THE CITY COUNCIL OF MONTICELLO, ARKANSAS

IN THE MATTER OF VACATING A CERTAIN  
PORTION OF DILLARD STREET IN THE  
CITY OF MONTICELLO, ARKANSAS

PRESBYTERY OF THE PINES OF THE  
PRESBYTERIAN CHURCH (USA) AND  
STRONG PARTNERSHIP, . . . . . PETITIONERS

CONCURRENCE IN PETITION

Comes now Clemell Lyles, Flora Binns, Calvin Lambert, and Mary Lou Walker, as trustees of the Metropolitan A.M.E. Zion Church, and states as follows:

1. That they have read the petition of Strong Partnership and the Holmes Chapel Presbyterian Church concerning the closing of a certain alleyway or unopened street known as Dillard Street between Blocks 98 and 108 of the City of Monticello.

2. That the Metropolitan A.M.E. Zion Church is situated at the Northwest corner of said Block 108 and adjacent to the alleyway to be abandoned.

3. That the said trustees joined in the petition of Strong Partnership and Holmes Chapel Presbyterian Church seeking the closure of the said alley and abandonment of the same to the abutting property owner.

DONE this 25<sup>th</sup> day of February, 2002.

AS of the 25 day of February, 2002.

METROPOLITAN A.M.E. ZION CHURCH

By Clemell Lyles  
Clemell Lyles, Trustee, Chairperson

By Flora Binns  
Flora Binns, Trustee

By Calvin Lambert X  
Calvin Lambert, Trustee

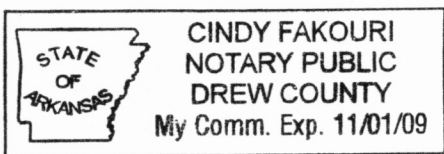
By Mary Lou Walker  
Mary Lou Walker, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS)  
COUNTY OF D R E W)

On this the 25 day of February, 2002, before me, the undersigned Notary Public in and for said County and State, personally appeared **CLEMELL LYLES, FLORA BINNS, CALVIN LAMBERT and MARY LOU WALKER**, as Trustees of the Metropolitan A.M.E. Zion Church, known to me to be the persons whose names are subscribed to the within instrument and they acknowledged having executed the same for the consideration and purposes therein expressed.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



Cindy Fakouri  
Notary Public

My commission expires 11-1-09