

Vetted by  
Mayor Rogers

AN ORDINANCE VACATING AND ABANDONING A PORTION OF WEST UNION AVENUE LYING BETWEEN NORTH MAIN STREET AND NORTH CHURCH STREET IN THE CITY OF MONTICELLO, AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS a petition signed by First Baptist Church of Monticello was duly filed with the City Council of Monticello, Arkansas, on the 15th day of November, 2007, asking the Council to vacate and abandon a portion of West Union Avenue described as follows:

All that portion of West Union Avenue lying between Main Street and Church Street beginning with the western right of way of North Main Street and continuing in a westward direction to the eastern right of way of North Church Street.

Union Avenue is a platted street having a right of way 40 feet in width; the portion thereof involved in this petition is bounded on the south by Block 10 and on the north by Block 3 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 West Union Avenue has heretofore been dedicated to the public use as a street; that the petitioner, First Baptist Church of Monticello, is the owner of all property abutting upon said portion of West Union Avenue, and has filed with the Council its written petition for such abandonment, and that the public interest and welfare will not be adversely affected by the abandonment of said portion of West Union Avenue;

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 portion of West Union Avenue. The absolute ownership of said abandoned portion of West Union Avenue shall vest in First Baptist Church of Monticello, which is the owner of all property abutting thereon, and such ownership shall be free from the easement of the City for public use as a street; provided, however, that the First Baptist

Church of Monticello shall be responsible for all expenses and liability for the removal and/or relocation of all utilities which may be caused by or associated with the abandonment of the public's rights in and to the above-described portion of West Union Avenue.

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 West Union Avenue. Therefore, an emergency is declare 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, 2007.

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

APPROVED on this 20 day of December, 2007:

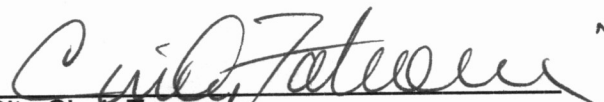
  
\_\_\_\_\_  
Mayor

CERTIFICATION

STATE OF ARKANSAS)  
COUNTY OF D R E W)

I, the undersigned CINDY FAKOURI, hereby certify that I am the City Clerk-Treasurer of the City of Monticello, Arkansas, that the attached and foregoing constitutes a true and complete copy of Ordinance No. \_\_\_\_\_ duly adopted by the City Council of Monticello in the regular meeting held on the 20th day of December, 2007, and that such ordinance appears in the written minutes of said meeting, of which minutes I am the official custodian.

WITNESS HEREUNTO my hand and the official seal of the City of Monticello on this 20 day of December, 2007.

  
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City Clerk-Treasurer

(SEAL)