

ORDINANCE NO. 2022-04

AN ORDINANCE VACATING PART OF HOT SPRING STREET WITHIN THE CITY OF MALVERN, ARKANSAS

Whereas, a petition was duly filed with the City Council of the City of Malvern, Arkansas, on the 11th day of February, 2022, by Gracepointe Apostolic Church asking the City Council to vacate and abandon all that portion of Hot Spring Street running north and south which are described as:

Part of Block 22, Baker Hill Addition to the City of Malvern, Arkansas, being further described as follows: Beginning at the Southwest corner of Block 22 being a found ¾" iron pipe; thence N01°05'56"E 244.42' to a found 5/8" rod on the Southwesterly side of Highway #270 (Martin Luther King Blvd); thence along the Southwesterly side of Highway #270 (Martin Luther King Blvd), the following courses and distances S51°01'42"E 57.39', S42°20'10"E 193.60', S60°21'10"E 125.70', and S46°01'10"E 7.00' to a found 5/8" rebar; thence leaving the Southwesterly side of Highway #270 (Martin Luther King Blvd) N89°38'10"W 293.98' to the point of beginning. Containing .75 acres, more or less.

"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, herein before described, has heretofore been dedicated to the public use as a street herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all 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 of the City of Malvern, Arkansas:

Section 1. The City of Malvern, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to that undeveloped portion of Hot Spring Street designated above.

Section 2. A copy of the ordinance duly certified by the city clerk or town recorder shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 3. This ordinance shall take effect and be in force from and after its passage.

Passed this 13th day of June, 2022.

Approved:

Brenda J. Weldon, Mayor

Attest:

Phyllis Dial, City Clerk

