

CITY OF DYER, ARKANSAS

ORDINANCE NO. 2012-10-23-1

AN ORDINANCE VACATING AN ALLEY AND FOR OTHER RELATED PURPOSES.

WHEREAS, a petition was duly filed with the City Council of the City of Dyer, Arkansas, on the 27th day of September, 2012, asking the City Council to vacate and abandon the alley lying between blocks I, H, and G designated on the plat of the City now appearing of record in the plat book of the City of Dyer and in the office of the recorder of Crawford County;

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 alley or portion thereof, hereinbefore described, has heretofore been dedicated to the public use as an alley 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 the owners of the property abutting upon the portion of the alley 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 alley;

WHEREAS, pursuant to Ark. Code Ann. § 14-301-301 *et seq.* the City of Dyer has the authority and power to vacate alleys under the prescribed procedure, and in the instant case the statutory requirements have been met permitting the vacation of the alley between blocks I, H, and G of the City of Dyer as recorded on the city plat;

WHEREAS, pursuant to Ark. Code Ann. § 14-54-105(2) the City of Dyer has the authority and power to vacate alleys not presently required for corporation purposes;

WHEREAS, the City Council of the City of Dyer, Arkansas, has after inquiry determined that the alley between blocks I, H, and G of the city has never been used for a public purpose and is not now nor foreseen in the future to be required for corporation purposes, and as such the council wishes to vacate the said alley.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DYER, ARKANSAS, AS FOLLOWS:

SECTION 1: The City of Dyer, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally in and to the alley designated as follows:

The alley located between Block I and Block H and Block G on the recorded plat of the City of Dyer, Arkansas.

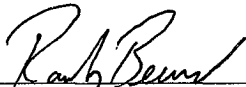
SECTION 2: Title to the said alley shall vest in the adjoining landowners as follows:

The landowners of Block I shall have title to the west half of the vacated alley consistent with their current property boundary lines intersecting the alley. The landowners of Blocks H and G shall have title to the east half of the vacated alley consistent with their current property boundary lines intersecting the alley.

SECTION 3: 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.

PASSED AND APPROVED THIS 23RD DAY OF OCTOBER 2012.

APPROVED:



MAYOR

ATTESTED:


RECORDER/TREASURER

CERTIFICATION

I, the City Recorder/Treasurer of Dyer, Arkansas, certify that the foregoing ordinance was passed by a vote of 5 to 0 and a prior motion suspending the reading rule permitting the ordinance to be read one time only by number and title was passed by separate vote of 5 to 0 by the City Council of Dyer, Arkansas, at its regular meeting held on October 23, 2012 such that the ordinance was duly adopted and approved.


Recorder/Treasurer