SEAL OF THE CIRCUIT COURT ★ POPE COUNTY ★ ARKANSAS ★

CLERKS CERTIFICATE OF RECORD
STATE OF ARKANSAS - COUNTY OF POPE
I, FERN TUCKER, Circuit Clerk and Recorder of the County attested do hereby certify that this instrument was filed for record the 02/08/2010 a 09:42:37 AM, and the same is now duly recorded in Miscellaneous Book 2010-7 Page 458 - 459
Witness my hand and the seal of said court this the 02/08/2010
Fern Tucker - Circuit Clerk and Recorder
By _____ D.C.

ORDINANCE NO. 2009- 04

AN ORDINANCE VACATING A PORTION OF AVENUE ONE NE IN THE CITY OF ATKINS, ARKANSAS, AND FOR OTHER PURPOSES

WHEREAS, Avenue One NE is a street located in the City of Atkins, Arkansas, running North and South, and at one point intersecting with NE 8th Street in close proximity to the NE 8th Street entrance of McClaren Park, a public park owned by the City of Atkins and in part operated by the Atkins Civic Team where sporting activities are conducted, including baseball and softball; and

WHEREAS, Raymond Lee Pearce who owns property adjoining Avenue One NE to the East of that street where Avenue One NE intersects NE 8th Street, and the Atkins First Freewill Baptist Church which owns property to the West of Avenue One NE where Avenue One NE intersects NE 8th Street have petitioned the City Council to close and vacate the Northern 130 feet of Avenue One NE, beginning at the Southern boundary of NE 8th Street and running South 130 feet from that point along Avenue One NE; and

WHEREAS, the Atkins Civic Team has indicated in writing that it does not oppose the Petition to Vacate that 130 feet of Avenue One NE, and has stated in writing that the use of the ball fields at McClaren Park would not be adversely affected by the closing of that portion of Avenue One NE as described above; and

WHEREAS, the Atkins City Council has determined that the closing of that portion of Avenue One NE would cause little inconvenience to persons and motor vehicle traffic; and

WHEREAS, the Atkins City Council has found that traffic along that portion of Avenue One NE could be readily carried by other nearby streets and alleys, and

10-7-458

WHEREAS, the Atkins City Council has determined that property owners living in the vicinity of the portion of Avenue One NE proposed to be vacated still have access to and egress from their property; and

WHEREAS, the Atkins City Council has found that traffic along that portion of Avenue One NE has declined and that closing that portion of the street would not work a hardship on any people.

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

SECTION 1: The following described portion of Avenue One NE in the City of Atkins, Arkansas, is hereafter closed and vacated for all purposes, to-wit:

> Beginning at the Northwest Corner of said Block "G" of the Highland Addition to the Town of Atkins, Arkansas; and running South 130 feet; thence West 30 feet to the Western boundary of Avenue One NE; thence North 130 feet; thence East to the Point of Beginning.

SECTION 2: This ordinance being necessary for the public peace, health and safety of the citizens of Atkins, an emergency is declared and this Ordinance shall become effective immediately upon its passage and approval.

DATED this 12th day of January, 2010.

Jerry D. Barrett

JERRY DON BARRETT, Mayor

Brenda Graves

BRENDA GRAVES, City Clerk

CITY OF ATKINS POPE COUNTY ARKANSAS

MARY KAY HETTEL
Pope County
My Commission Expires
April 12, 2011

I certify that is is the original Ordinance No 2009-04 that is on file at Atkins City Hall. Dated this 3rd of February, 2010 Mary Kay Hettel
My commission expires April 12, 2011

10-7-459