

ORDINANCE NO. 492

**ORDINANCE TO CLOSE, VACATE AND ABANDON
WINTERGREEN AVENUE WITHIN THE CITY OF BARLING,
ARKANSAS**

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, THAT:

WHEREAS, a petition by Fort Chaffee Redevelopment Authority as property owner was duly filed with the Board of Directors of the City of Barling, Arkansas, asking the Board of Directors to close, vacate and abandon the portion of Wintergreen Avenue that lies between Fort Chaffee Boulevard and Tuscany Street, within the City of Barling, Arkansas, situated and described as follows:

A 60' wide right-of-way crossing part of the S/2, Section 3, Township 7 North, Range 31 West, Barling, Sebastian County, Arkansas, said right-of-way being 30' wide on each side of the centerline described as follows:

Commencing at the Southeast corner of said Section 3; thence N 02° 43'36"E along the east line of said Section 3, 647.72'; thence N 87° 16'24"W 782.57'; thence N 69° 16'26"W 1126.00' to the Point of Beginning at the centerline intersection of Tuscany Street and Wintergreen Avenue being S 69° 22'21"E 105.24' from city limit Monument #30; thence N 20° 41'11"E along said centerline of Wintergreen Avenue, 1841.89' to the Point of Termination on the centerline of Fort Chaffee Boulevard.; and,

WHEREAS, after due notice as required by law, the Board of Directors 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 known as Wintergreen Avenue is no longer required by the City of Barling for its corporate purposes; and has further ascertained that said street heretofore described should be closed, vacated and abandoned to better provide for the public welfare, safety, and convenience of the inhabitants of the City of Barling, Arkansas; that petitioner is the owner of a portion of the property abutting on said street; and that the public interest and welfare will not be adversely affected by the abandonment of that street known as Wintergreen Avenue in question; and,

WHEREAS, the Board of Directors found specifically at said hearing that the public welfare, safety, comfort and convenience of the inhabitants of the City of Barling, Arkansas will be benefited by the closure, vacation and abandonment of that street aforementioned as described herein and that same should be wholly closed, vacated and abandoned since same is no longer required for the City of Barling's corporate purposes;

NOW, THEREFORE, be it enacted by the Board of Directors for the City of Barling, Arkansas:

SECTION 1. The City of Barling, Arkansas, hereby releases, closes, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street known as Wintergreen Avenue designated as follows:

A strip of land platted as Wintergreen Avenue, the same having been dedicated to the City of Barling for street purposes on or about May 15, 2003, by the Fort Chaffee Redevelopment Authority in the original plat filed therein of Fort Chaffee in the office of the Circuit Clerk for the Greenwood District of Sebastian County, Arkansas.

SECTION 2. A copy of the Ordinance duly certified by the City Clerk shall be filed in the appropriate office of the county and recorded in the deed records of the county.

SECTION 3. An emergency is hereby declared to exist in that the health, safety, and welfare of the population of the City of Barling requires that this Ordinance shall be effective from the date of its passage and therefore this Ordinance shall take effect and be in force from and after the date of its passage by the Board of Directors.

PASSED AND APPROVED this 25th day of October 2022.



Wally Gattis, Mayor

ATTEST:



Florene Brown, City Clerk

