

**BE IT ADOPTED BY THE CITY COUNCIL
OF THE CITY OF PERRYVILLE, COUNTY
OF PERRY, STATE OF ARKANSAS, AN
ORDINANCE TO BE ENTITLED:**

**ABANDONING, CLOSING AND VACATING CITY AND PUBLIC
RIGHTS TO ONE BLOCK OF THIRD STREET BETWEEN
MAGNOLIA AND PINE STREETS.**

WHEREAS, The First Baptist Church has requested the City Council of the City of Perryville to vacate and abandon that certain one block section of Third Street situated between the streets of Pine and Magnolia, and

WHEREAS, at a Public Meeting concerning this request conducted on December 28, 1998, the Council heard all persons desiring to be heard on the question at issue, and

WHEREAS, pursuant to this hearing the Council has found and determined that the street or portion thereof as described above, has heretofore been dedicated to the public use as a street, that it is presently little used and that the aforementioned Church is the sole owner of the property abutting upon that portion of the street to be vacated, and

WHEREAS, the Council has found and determined that the aforementioned section of Third Street is not needed presently or prospectively for use by the city of Perryville, that closing said street will not work a hardship on the public, nor is it now or prospectively needed for access by emergency vehicles,

NOW THEREFORE, BE IT ENACTED BY THE PERRYVILLE CITY COUNCIL:

Section 1. To the First Baptist Church of Perryville, the City of Perryville, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to that portion of Third Street situated between Pine and Magnolia streets.

Section 2. An agreement, duly approved and executed by the legally designated Board of Trustees of the First Baptist Church, clarifying and assigning certain responsibilities regarding an integral component of the city's drainage system situated beneath said street, is attached to and thereby incorporated herein with the provisions thereof ordained as an essential, operative and substantive augmentation of this ordinance.

Section 3. A copy of this ordinance duly certified by the city recorder/treasurer shall be filed in the appropriate county office and recorded in the deed records of the county.

(Continued)


99-4

Section 4. This ordinance shall take effect and be in force from and after its passage and approval.

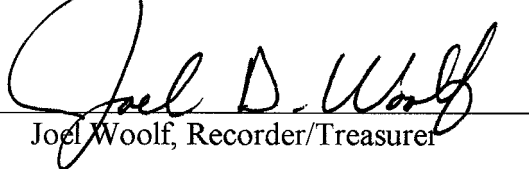
IT IS SO PROCLAIMED,

Approved and adopted this 11th day of March, 1999.

APPROVED:

Signature: 
Kenneth Brandon, Mayor

ATTEST:

Signature: 
Joel Woolf, Recorder/Treasurer

THE FIRST BAPTIST CHURCH OF PERRYVILLE ENTERS INTO THIS AGREEMENT WITH THE CITY OF PERRYVILLE

The church agrees to one of the following:

The church will not build a permanent structure across or on top of the drain that would Prohibit or restrict work, repair, or replacement of this tile.


OR

If the church decides to build a permanent structure over the drain, they may replace the current drain with a properly designed and built permanent structure large enough to accommodate the water flow for now and for the future. This drain will be designed by an engineer. This engineer will be one agreed upon by the church and the city. If it is felt that the church desires an engineer and the city desires an engineer, it may be accomplished in this manner. First Baptist Church further agrees to properly maintain the drain for now and in the future at no cost to the city.

Any and all cost involved with this drain tile, all engineers costs and any cost whatsoever will be paid for by the church.

This agreement will be in full force when an ordinance closing and deeding to First Baptist Church of Perryville one block of Third Street between Magnolia and Pine Streets is passed by the Perryville City Council.


The following signatures are authorized to sign this agreement and conduct business on behalf of the Perryville First Baptist Church.



F. W. Dicus



Jean Watts



Refus Caldwell



Mark Roland

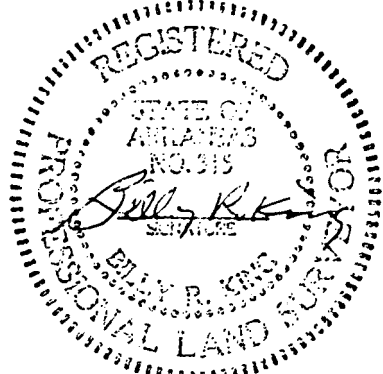
ACKNOWLEDGMENT
STATE OF ARKANSAS
COUNTY OF PERRY

On this day, personally appeared before me

Known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.



BASIS OF BEARING FROM SURVEY BY RLS 1019

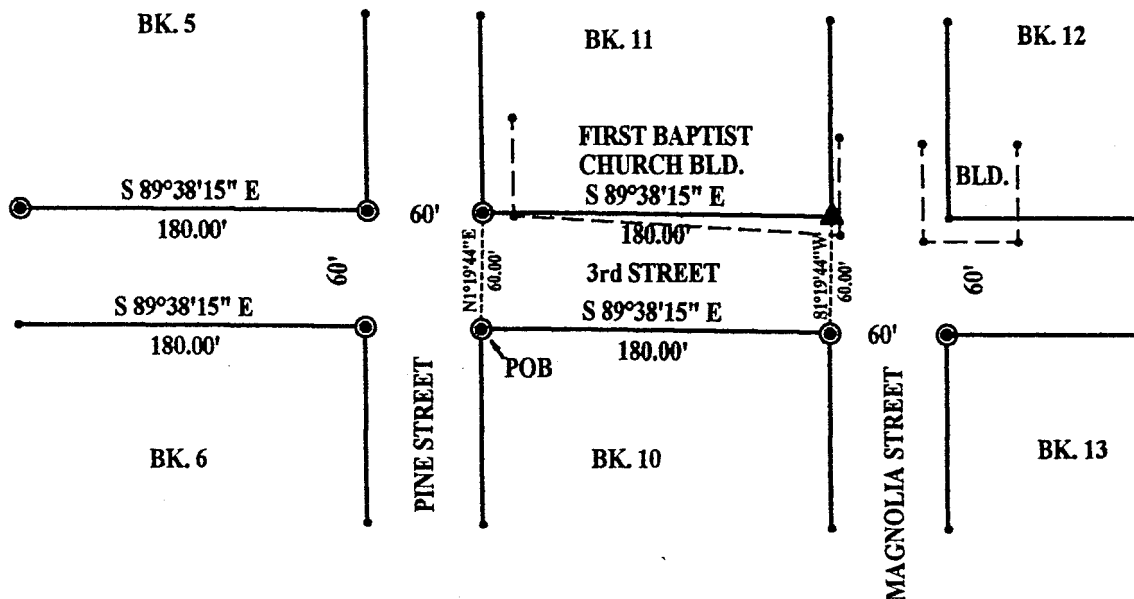
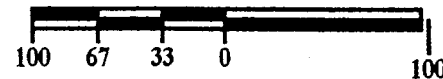


THE ABOVE SIGNATURE WILL BE RED ON THE ORIGINAL

"LEGEND"

●	FD. REBAR SET BY RLS #1019
▲	COMPUTED COR.

BLOCK BOUNDARY —————



DESCRIPTION:

THAT PART OF THIRD (3rd) STREET BETWEEN PINE STREET AND MAGNOLIA STREET LYING BETWEEN BLOCK 10 AND 11 BEING A PART OF THE TOWN OF NEW PERRYVILLE AND A PART OF THE NW1/4SE1/4 OF SECTION 10, T4N-R17W, 5th P. M., PERRY COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NW CORNER OF BLOCK 10; THENCE N°19'44"E 60.00 FEET ALONG THE EAST SIDE OF PINE STREET TO THE SOUTH SIDE OF BLOCK 11 AND THE NORTH SIDE OF 3rd STREET; THENCE S89°38'15"E 180.00 FEET ALONG THE SOUTH SIDE OF BLOCK 11 AND THE NORTH SIDE OF 3rd STREET TO THE WEST SIDE OF MAGNOLIA STREET; THENCE S°19'44"W 60.00 FEET ALONG THE WEST SIDE OF MAGNOLIA STREET TO THE NORTH SIDE OF BLOCK 10 AND THE SOUTH SIDE OF 3rd STREET; THENCE N89°38'15"W 180.00 FEET ALONG THE SOUTH SIDE OF 3rd STREET AND THE NORTH SIDE OF BLOCK 10 TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATION

I CERTIFY THAT I SURVEYED AND PLATTED THIS TRACT MYSELF AND THE CORNERS ARE SET AS SHOWN TO THE BEST OF MY KNOWLEDGE AND ABILITY.

TOWN OF NEW PERRYVILLE
 NW1/4SE1/4 SEC. 10, T4N-R17W
 PART OF BLOCKS 5, 6, 10, 11, 12 AND 13

SURVEYED BY: B. KING
 PLATTED BY: B. KING
 DATE: APRIL 20, 1999
 JOB NO: 2699

King's Surveying, Inc.
 P. O. BOX 599
 PERRYVILLE, AR 72126
 501-889-5456

SURVEYED FOR THE EXCLUSIVE USE OF:
FIRST BAPTIST CHURCH
 PERRYVILLE, AR 72126