



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Signature Copy

Ordinance: O-EN-041-2015

File Number: ORD-15:050

Enactment Number: O-EN-041-2015

AN ORDINANCE ABANDONING AND VACATING A PORTION OF MADISON STREET RIGHT-OF-WAY LOCATED IN:

Commencing at the recognized and accepted Northeast corner of the Northwest Quarter of Section 30, Township 14 North, Range 4 East, City of Jonesboro, Craighead County, Arkansas; thence West a distance of 604.28 feet to a point; thence South 36.08 feet to a point in the proposed south line of West Highland Avenue (40 feet from centerline) said point being in the east line of Madison Street and being the true point of beginning; thence South 00 degrees 55 minutes 23 seconds West with the east line of Madison Street and the west line of the Porter property as described in Book 278 Page 164 and Book 227 Page 86 a distance of 250.02 feet to a point; thence North 89 degrees 03 minutes 24 seconds West a distance of 60.00 feet to a point in the east line of the Harp's Food Stores, Inc. property as described in Instrument JB2011R 018805 and being the west line of Madison Street; thence North 00 degrees 55 minutes 23 seconds East with the east line of Harp's Food Stores, Inc. property a distance of 250.00 feet to a point in the proposed south line of West Highland Avenue; thence South 89 degrees 04 minutes 37 seconds east with the south line of proposed West Highland avenue a distance of 60.00 feet to the point of beginning and containing 15,001 square feet.

WHEREAS, the City Council at its regular meeting on August 4, 2015, pursuant to Ark. Code Ann. Section 14-54-104(2) heard the request of Harp's Food Stores, Inc. and Sharon Porter to abandon public street rights-of-way; and

WHEREAS, the City Council held a public hearing and heard all persons desiring to be heard in connection with this matter; and

WHEREAS, the respective utilities have consented to said abandonment with conditions that utilities will not be relocated or removed until all fees are paid, a twenty foot electric easement is provided for CWL with ten feet either side of the proposed underground three phase electric line as constructed running north and south along the proposed west line, and the existing Madison Street Right of Way is preserved until the twenty foot electric easement is properly granted and proposed underground three phase electric line is in operation; and

WHEREAS, the vacated portion of Madison Street is not required for corporate purposes and the abandonment of said street rights-of-way will not adversely affect the City of Jonesboro, and would be in the best interest of all parties concerned.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that:

SECTION 1. Pursuant to Ark. Code Ann. Section 14-54-104(2), the City of Jonesboro, Arkansas hereby vacates and abandons all of its rights together with the right of the public generally, in and to the rights-of-way commencing at the recognized and accepted Northeast corner of the Northwest Quarter of Section 30, Township 14 North, Range 4 East, City of Jonesboro, Craighead County, Arkansas; thence West a distance of 604.28 feet to a point; thence South 36.08 feet to a point in the proposed south line of West Highland Avenue (40 feet from centerline) said point being in the east line of Madison Street and being the true point of beginning; thence South 00 degrees 55 minutes 23 seconds West with the east line of Madison Street and the west line of the Porter property as described in Book 278 Page 164 and Book 227 Page 86 a distance of 250.02 feet to a point; thence North 89 degrees 03 minutes 24 seconds West a distance of 60.00 feet to a point in the east line of the Harp's Food Stores, Inc. property as described in Instrument JB2011R 018805 and being the west line of Madison Street; thence North 00 degrees 55 minutes 23 seconds East with the east line of Harp's Food Stores, Inc. property a distance of 250.00 feet to a point in the proposed south line of West Highland Avenue; thence South 89 degrees 04 minutes 37 seconds east with the south line of proposed West Highland avenue a distance of 60.00 feet to the point of beginning and containing 15,001 square feet.

SECTION 2. This abandonment will be subject to the requirement that a new plat of the subject properties being filed before MAPC relocating and realigning the northern terminus of Madison Street to extend to West Highland Avenue and to provide a bond to guarantee the completion of the roadway. And, access to West Highland Avenue shall be maintained during the construction of the newly proposed retail establishment. Improvement and construction of said relocated street right-of-way shall be completed and accepted by the city prior to issuance of final occupancy certification.

SECTION 3. A copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of Craighead County at Jonesboro, Arkansas, and recorded in the Deed of Records of Craighead County, Arkansas.

SECTION 4. The closing, vacating and abandonment by the City of its rights and the rights of the public generally in the above described rights-of-way are in the public interest and will promote the public peace and welfare.

PASSED AND APPROVED this 15th day of September, 2015.