

RESOLUTION NO. 2023- 26

**A RESOLUTION OF THE  
CITY OF FAIRFIELD BAY, ARKANSAS,  
FIXING DAY FOR CITY COUNCIL  
HEARING OF PETITION TO VACATE  
CERTAIN PORTIONS OF  
BEAR RUN, AND CERTAIN PORTION OF  
TOMAHAWK TRAIL  
IN THE CITY OF FAIRFIELD BAY,  
CLEBURNE COUNTY  
[SCOTT LIVELY PETITION];  
AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Fairfield Bay, by vote of the Planning Commission after notice and hearing, and by voice vote of the City Council, has approved an application by Scott Lively *et al.* to vacate certain portions of Bear Run and Tomahawk Trail in Cleburne County;

**WHEREAS**, the Arkansas Code states that the City shall pass a Resolution setting the matter for final hearing before the City Council, Ark. Code Annotated Section 14-301-302(c);

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS**, that:


1. The City Council hereby fixes January 8, 2024, as the next regular meeting of the City Council, for the hearing of the Scott Lively Petition to vacate portions of Bear Run and Tomahawk Trail in Cleburne County, Arkansas. The meeting will begin, as usual, at 5:30 p.m., and the Vacation of Bear Run and Tomahawk Trail, by Ordinance, will be on the agenda. The public hearing will take place as an agenda item on the regular council agenda after the "first reading" of the Ordinance, and before any vote of the Council on the proposed Ordinance. Public comment will be accepted for those persons attending the meeting in person, who provide the Recorder-Treasurer with notice before the meeting begins.
2. The Recorder-Treasurer shall cause publication of the Notice of Public Hearing, for two consecutive weeks, in a newspaper of general circulation in Cleburne County, Arkansas. The Notice shall name the persons who signed the petition,

the name of the streets, and portions of thereof to be vacated, and shall identify the street by the abutting lot or block numbers, accordingly. The notice shall advise all persons that on January 8, 2024, at 5:30 p.m., in City Hall, Fairfield Bay, Arkansas (at the City Council meeting room), the Council will hear and determine whether the portions of those two streets shall be vacated, in accordance with the recommendation of the Planning Commission and the previous voice vote of the City Council. An affirmative vote on the Ordinance vacating the streets shall be sufficient to show that the Council has voted in favor of vacating those certain portions of Bear Run and Tomahawk Trail, on the recommendation of the Planning Commission.


3. The Mayor, the Recorder-Treasurer, and the Building Official be, and they are hereby, **AUTHORIZED TO TAKE** any and all appropriate actions necessary in accordance with this Resolution.
4. This authorization is effective immediately following its approval by the City Council. A copy of the Resolution shall be posted and published by newspaper in accordance with the City's normal practices. A copy of the legal description of the proposed portions of the streets to be vacated is attached hereto as an unmarked exhibit and shall be published with this Resolution.

**IT IS SO CONSIDERED, RESOLVED, AND APPROVED by the City Council on this 11<sup>th</sup> day of December, 2023.**

**APPROVED:**

  
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**Honorable Jackie Sikes**  
Mayor, City of Fairfield Bay, Arkansas

**Attest:**

  
\_\_\_\_\_  
**Rose O. Owen, Recorder-Treasurer**

**Prepared by:**  
**AJ Kelly**  
**Kelly Law Firm, PLC**  
**Rev: 12/11/23**

SURVEY DESCRIPTION BEAR RUN VACATION

PART OF BLOCK 8, INDIAN HILLS SUBDIVISION AS FILED IN THE RECORDS OF CLEBURNE COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY MOST CORNER OF LOT 146 OF SAID BLOCK 8, INDIAN HILLS SUBDIVISION BEING ON THE SOUTHERLY RIGHT OF WAY OF BEAR RUN; THENCE ALONG SAID RIGHT OF WAY N52°29'34"W A DISTANCE OF 455.21 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY N66°58'13"W A DISTANCE OF 100.00 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY AND SAID CURVE A CHORD BEARING OF N37°30'26"E AND A CHORD LENGTH OF 100.00 FEET; THENCE LEAVING SAID CURVE AND CONTINUE ALONG SAID RIGHT OF WAY S38°00'55"E A DISTANCE OF 100.00 FEET; THENCE CONTINUE S52°29'34"E A DISTANCE OF 428.20 FEET TO THE SOUTHEAST CORNER OF LOT 151 OF SAID BLOCK 8, INDIAN HILLS SUBDIVISION; THENCE LEAVING SAID RIGHT OF WAY S09°07'54"W A DISTANCE OF 56.83 FEET TO THE POINT OF BEGINNING. CONTAINING 0.76 ACRES, MORE OR LESS.

SURVEY DESCRIPTION TOMAHAWK TRAIL VACATION

PART OF BLOCK 8, INDIAN HILLS SUBDIVISION AS FILED IN THE RECORDS OF CLEBURNE COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 146 OF SAID BLOCK 8, INDIAN HILLS SUBDIVISION; THENCE N85°19'19"W A DISTANCE OF 50.02 FEET TO THE SOUTHEAST CORNER OF LOT 166 OF SAID BLOCK 8, INDIAN HILLS SUBDIVISION BEING ON THE WESTERLY RIGHT OF WAY OF TOMAHAWK TRAIL; THENCE ALONG SAID RIGHT OF WAY N06°18'28"E A DISTANCE OF 198.60 FEET TO THE NORTHEAST CORNER OF LOT 165 OF SAID BLOCK 8, INDIAN HILLS SUBDIVISION BEING ON THE SOUTHERLY RIGHT OF WAY OF BEAR RUN; THENCE ALONG SAID RIGHT OF WAY S52°29'34"E A DISTANCE OF 58.45 FEET TO THE NORTHWEST CORNER OF AFORMENTIONED LOT 146 BEING ON THE EASTERLY RIGHT OF WAY OF TOMAHAWK TRAIL; THENCE ALONG SAID RIGHT OF WAY S06°18'28"W A DISTANCE OF 166.90 FEET TO THE POINT OF BEGINNING. CONTAINING 0.21 ACRES, MORE OR LESS.