

Regular Meeting: January 8, 2024

ORDINANCE NO. 2024- 04

**AN ORDINANCE VACATING AND CLOSING
CERTAIN PORTIONS OF BEAR RUN,
AND CERTAIN PORTIONS OF
TOMAHAWK TRAIL,
PART OF BLOCK 8,
INDIAN HILLS SUBDIVISION,
IN THE CITY OF FAIRFIELD BAY,
CLEBURNE COUNTY,
[SCOTT LIVELY PETITION];
DECLARING AN EMERGENCY;
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, and the City Council duly passed a Resolution setting the matter for final hearing before the City Council in accordance with Arkansas Code Annotated Section 14-301-302(c);

WHEREAS, notice has been duly published, with a copy of the Resolution and the legal description, in accordance with state statutes; and

WHEREAS, the matter is set for a public hearing after the first read of this proposed Ordinance, so that any person attending the public hearing held during the regular City Council meeting when first read has the opportunity to be heard;

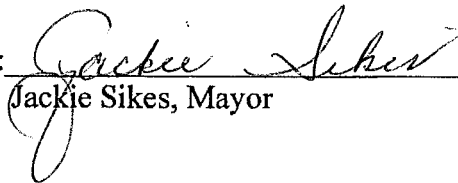
**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF FAIRFIELD BAY, ARKANSAS:**

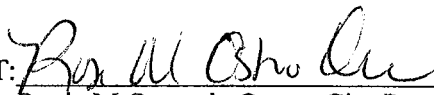
1. That the Petition was filed with the City of Fairfield Bay in 2023, asking the City Council to vacate and abandon certain portions of Bear Run and Tomahawk Trail, designated on the plat of Block 8, Indian Hills Subdivision of the City of Fairfield Bay, Cleburne County, Arkansas.

2. That all formalities have been duly followed, after notice and hearing before the Planning Commission, and after approval by the City Council and passage of a Resolution setting it for public hearing this 8th day of January, 2024.
3. The City, after an initial reading of this Ordinance, has heard all persons desiring to be heard on the question and has ascertained that the portions of Bear Run and Tomahawk Trail, as set forth on the legal description attached hereto, and made a part hereof, as if set forth herein, word for word, should be vacated and abandoned; that all statutory formalities have been followed, and that the public interest and welfare will not be adversely affected by the abandonment of the street.
4. The City of Fairfield Bay, Arkansas, HEREBY RELEASES, VACATES, AND ABANDONS all of its rights, together with the rights of the public generally, in and to that portion of Bear Run, as set forth on the attached legal description, and in and to that portion of Tomahawk Trail, as set forth on the attached legal description, without objection heard at the public hearing.
5. A copy of this Ordinance, with the real property description (vacating those certain parts of Bear Run and Tomahawk Trail), attached to the Ordinance as a part of the Ordinance, shall be filed with the County Clerk in Cleburne County, Arkansas. The Recorder-Treasurer, the Mayor, and the Building Official are hereby authorized to take any and all steps necessary to accomplish the purposes set forth herein.
6. **EMERGENCY CLAUSE.** It is necessary for the efficient operation of Municipal Government that the City close those parts of Bear Run and Tomahawk Trail (described on the attached legal descriptions), and, recorded with the Cleburne County Clerk; now, therefore, **AN EMERGENCY IS DECLARED TO EXIST**, and this Ordinance being necessary for the preservation of the public peace, health, safety, and welfare, for the accuracy of its street and road records, it shall take effect and be in force immediately from and after its passage and approval.
7. **NOT TO BE CODIFIED:** This Ordinance, concerning closure of portions of certain streets, shall not be codified in the Municipal Code, but shall be included on maps of the City of Fairfield Bay, Arkansas. The Building Official is authorized to take all such actions necessary, including providing updates to state officials, and other mapping authorities, accordingly.
8. **SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance,

which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

DATED: 8th day of January, 2024.

APPROVED: 
Jackie Sikes, Mayor

ATTEST: 
Rosie M Ostronic Owen, City Recorder/Treasurer

Reviewed and approved:
AJ Kelly
Kelly Law Firm, PLC
PO Box 251570
Little Rock AR 72225-1570
Rev: 1/8/24