

Regular Meeting: August 8, 2022  
First Read: August 8, 2022

ORDINANCE NO. 2022-25

**AN ORDINANCE VACATING AND  
CLOSING A PART OF  
LAKEWIND COURT,  
BLOCK 16, INDIAN HILLS SUBDIVISION,  
CITY OF FAIRFIELD BAY,  
CLEBURNE COUNTY,  
ARKANSAS;  
PROVIDING FOR THE FILING OF  
WRITTEN CONSENT OF ALL ADJOINING  
PROPERTY OWNERS ON  
LAKEWIND COURT;  
DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES.**

**WHEREAS**, The City Council previously received the Petition for Abandonment and Vacation of a certain part of Lakewind Court, Block 16, Indian Hills Subdivision, City of Fairfield Bay, Cleburne County, Arkansas; and

**WHEREAS**, the City Council directed notice to be given, and a public hearing to be held at the Planning Commission, after appropriate notice to all affected property owners; and

**WHEREAS**, the City Planning Commission conducted a public hearing, at which there were no objections from adjacent property owners, or other interested persons; and

**WHEREAS**, the Petition purports to be from the sole owners of the adjacent real property for that part of Lakewind Court being vacated and abandoned; and

**WHEREAS**, the City and the State require that the agreement of all adjoining property owners be set forth in writing, with appropriate Acknowledgments, and recorded with the County Clerk in Cleburne County;

**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 on or about May 19, 2022, asking the City Council to vacate and abandon an unpaved portion of Lakewind Court, designated on the plat of the Indian Hills Subdivision of the City of Fairfield Bay, Cleburne County, Arkansas.

2. The City has heard all persons desiring to be heard on the question and has ascertained that the portion of Lakewind Court, as set forth on the legal description attached hereto, and made a part hereof, as if set forth herein, word for word, shall be deemed to have been dedicated to the public use as a street herein described, and is not now, and never has been paved, has not been actually used by the public generally for a period of more than five (5) years; and that the owners of the property abutting upon the portion of Lakewind Court to be vacated have indicated to the Council their consent to the abandonment, and that the public interest and welfare will not be adversely affected by the abandonment of the street.
3. The City of Fairfield Bay, Arkansas, releases, vacates, and abandons all of its rights, together with the rights of the public generally, in and to Lakewind Court (as set forth on the attached legal description), upon receipt of the written consent of all property owners on Lakewind Court, properly acknowledged, with a notation that the written consent has been recorded with the Cleburne County Clerk; such written consent to be attached hereto, and made a part hereof.
4. The applicant shall have thirty (30) days from the City Council's passage of this Ordinance in which to have the written consent acknowledged and recorded with the Cleburne County Clerk.
5. A copy of this Ordinance, with the real property description (vacating the part of Lakewind Court), and with the written, acknowledged consent of all property owners on Lakewind Court, attached to the Ordinance as a part of the Ordinance, shall be filed with the County Clerk in Cleburne County, Arkansas.
6. **EMERGENCY CLAUSE.** It is necessary for the efficient operation of Municipal Government that the City close Lakewind Court (the part described herein), AND FURTHER that the City obtain the written consent, with a proper acknowledgment, from all property owners on Lakewind Court, 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 accounting records, it shall take effect and be in force THIRTY-ONE (31) days from and after its passage and approval.
7. **NOT TO BE CODIFIED:** This Ordinance, concerning accounting and bookkeeping matters concerning the City's accounts, shall not be codified in the Municipal Code.
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: 8 of August, 2022.

APPROVED: Linda A Duncan  
Linda A Duncan, Mayor

ATTEST: Rosie M Ostronic Owen  
Rosie M Ostronic Owen, City Recorder/Treasurer

Reviewed and approved:  
AJ Kelly  
Kelly Law Firm, PLC  
PO Box 251570  
Little Rock AR 72225-1570  
Rev2: 8/8/22 (by C.Council)

LEGAL DESCRIPTION FOR PARTIAL ROAD VACATION

COMMON PROPERTY, BLOCK 16, INDIAN HILLS SUBDIVISION, FAIRFIELD BAY, CLEBURNE COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERNMOST CORNER OF LOT 20 OF SAID BLOCK 16; THENCE N11°24'38"E A DISTANCE OF 62.93 FEET TO THE WESTERNMOST CORNER OF LOT 12 BEING ON THE EASTERLY RIGHT OF WAY OF LAKEWIND COURT AND ON A CURVE TO THE RIGHT HAVING A RADIUS OF 119.70 FEET; THENCE ALONG SAID RIGHT OF WAY AND SAID CURVE A CHORD BEARING OF S25°39'25"E AND A CHORD LENGTH OF 104.91 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY S14°08'36"E A DISTANCE OF 100.01 FEET TO THE SOUTHWEST CORNER OF LOT 14 BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET; THENCE ALONG SAID RIGHT OF WAY AND SAID CURVE A CHORD BEARING OF N89°40'00"W AND A CHORD LENGTH OF 100.00 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY N14°48'36"E A DISTANCE OF 100.01 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 69.70 FEET; THENCE ALONG SAID RIGHT OF WAY AND SAID CURVE A CHORD BEARING OF N13°35'00"W AND A CHORD LENGTH OF 33.53 FEET TO THE POINT OF BEGINNING. CONTAINING 0.34 ACRES, MORE OR LESS.