

ORDINANCE NO. 21-870

CITY OF GENTRY, ARKANSAS

**AN ORDINANCE VACATING A PORTION OF AN ALLEY
RUNNING NORTH AND SOUTH BETWEEN SOUTH OTIS
STREET AND SOUTH MCKINNON AVENUE; AND FOR
OTHER PURPOSES.**

WHEREAS, a petition was duly filed with the City of Gentry, Arkansas, asking the City Council to vacate and abandon a portion of an alley within the City, described as: running North and South between South Otis Street and South McKinnon Avenue, and bordered by Lots 14-15, 18-19, and 22-23, Block 3, Pierson's Addition to the Town of Gentry, Arkansas on the West, and by Lots 13, 16-17, 20-21, and 24, Block 3, Pierson's Addition to the Town of Gentry, Arkansas on the East, and more particularly described as follows:

**BEGINNING AT THE NORTHWEST CORNER OF LOT 13 BLOCK 3 PIERSONS
ADDITION, TO THE CITY OF GENTRY, BENTON COUNTY, ARKANSAS;
THENCE S03°31'38"W, A DISTANCE OF 92.25 FEET; THENCE S03°31'44"W, A
DISTANCE OF 258.25 FEET; THENCE N86°28'16"W, A DISTANCE OF 20.00 FEET;
THENCE N03°31'43"E, A DISTANCE OF 300.07 FEET; THENCE S87°17'49"E, A
DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING. CONTAINING
6,004.0 SQUARE FEET, OR 0.138 ACRES, MORE OR LESS.**

WHEREAS, after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the said alley, as described above, has previously been dedicated to the public use as an alley as herein described; has not been actually used by the public generally for at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed their written consent with the Council to the abandonment; and that the public interest and welfare will not be adversely affected by the abandonment of the alley.

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

Section 1: The City of Gentry, Arkansas hereby releases, vacates and abandons the above-described alley, together with the rights of the public generally, in and to such alley.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the office of the Recorder of Benton County, Arkansas, and recorded in the Deed Records of Benton County, Arkansas.

Section 3: This Ordinance shall take effect and be in force from and after its passage.

PASSED and APPROVED in regular session this 6th day of December, 2021.


Kevin Johnston, Mayor

ATTEST:


Tonya Carney, Director of Finance



This publication was paid for by the City of Gentry clerk's office, in the amount of \$ _____

HOPE

CONSULTING

ENGINEERS + SURVEYORS

@keepARbeautiful

Tuesday August 24, 2021

Mark Smithson
City of Gentry

RE: Crye-Leike Gentry
Vacate Alley
Part of Block 3 Pierson's Addition

Dear Mr. Smithson,

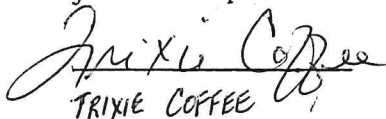
I represent Crye-Leike, in the above-captioned matter. We are filing a petition to vacate the alley detailed in the attached exhibit within Block 3, Pierson's Addition, to The City of Gentry, Benton County, Arkansas

Please feel free to contact me with any questions or concerns or if I can be of any further assistance.

Sincerely,



Jonathan Hope


TRIXIE COFFEE

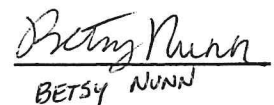
Land Owners



Harold Crye

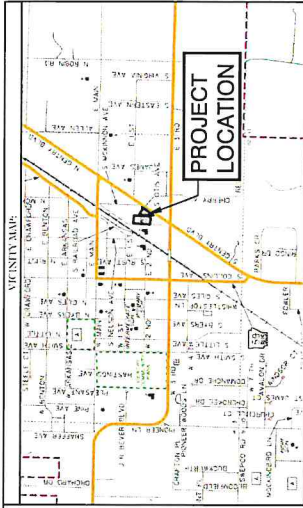

DONALD EVANS

Mike Nunn


BETSY NUNN

117 SOUTH MARKET ST. BENTON, ARKANSAS 72015
501-315-2626
WWW.HOPECONSULTING.COM





LEGAL DESCRIPTION:
 BEGINNING AT THE NORTHWEST CORNER OF LOT 13 BLOCK 3 PIERSONS ADDITION, TO THE CITY OF GENTRY, BENTON COUNTY, ARKANSAS; THENCE S87°17'49"E, A DISTANCE OF 122.23 FEET, THENCE S87°31'44"W, A DISTANCE OF 58.25 FEET, THENCE N82°23'14"E, A DISTANCE OF 300.07 FEET, THENCE S87°17'49"E, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,004.0 SQUARE FEET, OR 0.138 ACRES, MORE OR LESS.

By affixing my seal and signature, I Jonathan L. Hope, Arkansas PLS No. 1762, hereby certify that this drawing correctly depicts a survey compiled by me or under my direct supervision.

NOTE: This survey was based on legal descriptions and title work furnished by others and does not represent a title search.

No portion of the property described hereon lies within the 100 year floodplain, according to the Flood Insurance Rate Map, panel # 05007C0215J, Dated: 09/28/2007.

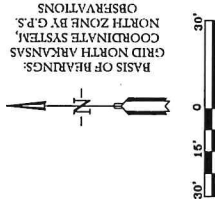
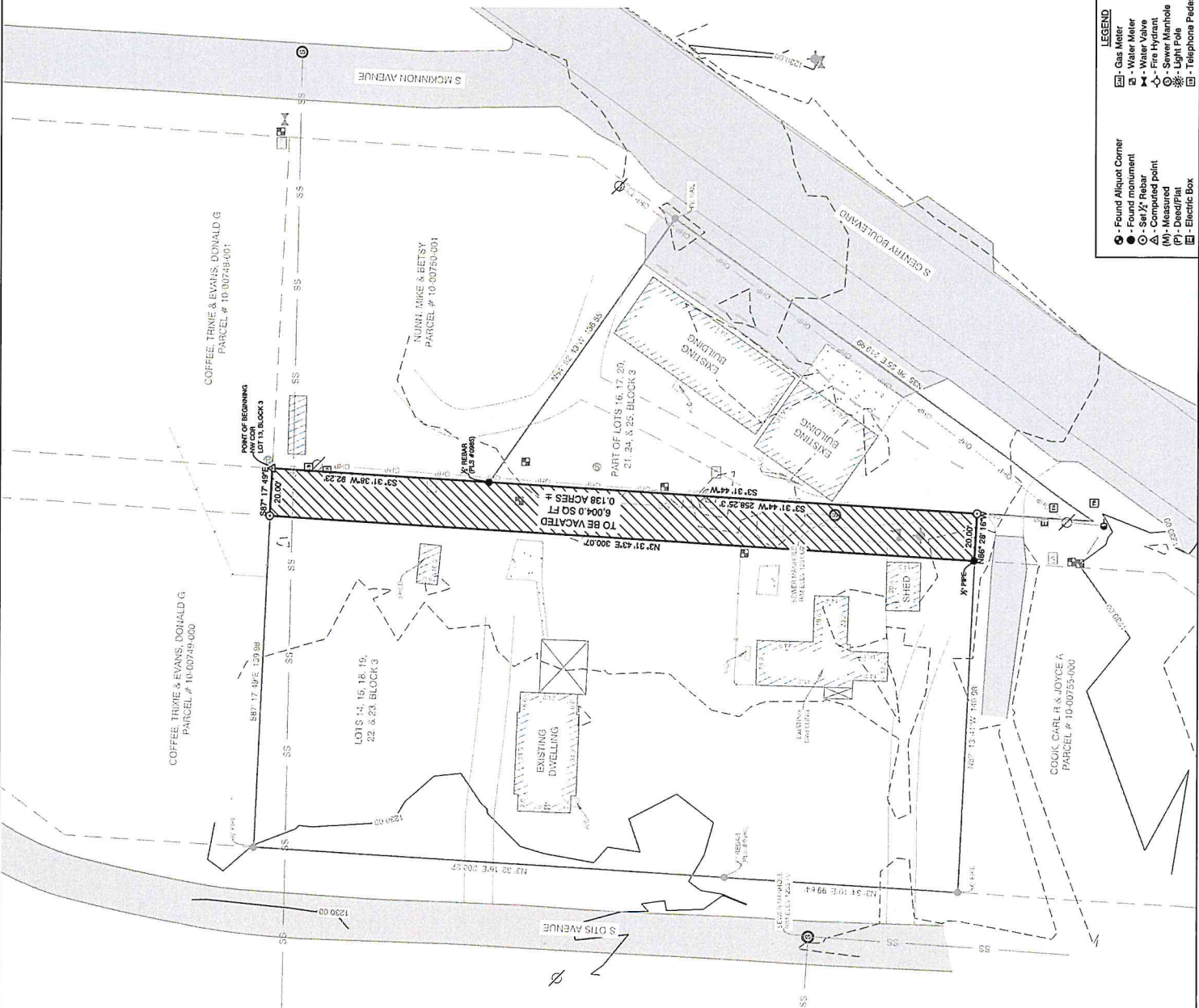
HOPE CONSULTING
 ENGINEERS - SURVEYORS
 117 S. Market Street,
 Benton, Arkansas 72015
 PH. (501) 315-2626
 FAX (501) 315-0024
 www.hopeconsulting.com

FOR USE AND BENEFIT OF:

HAROLD CRYE

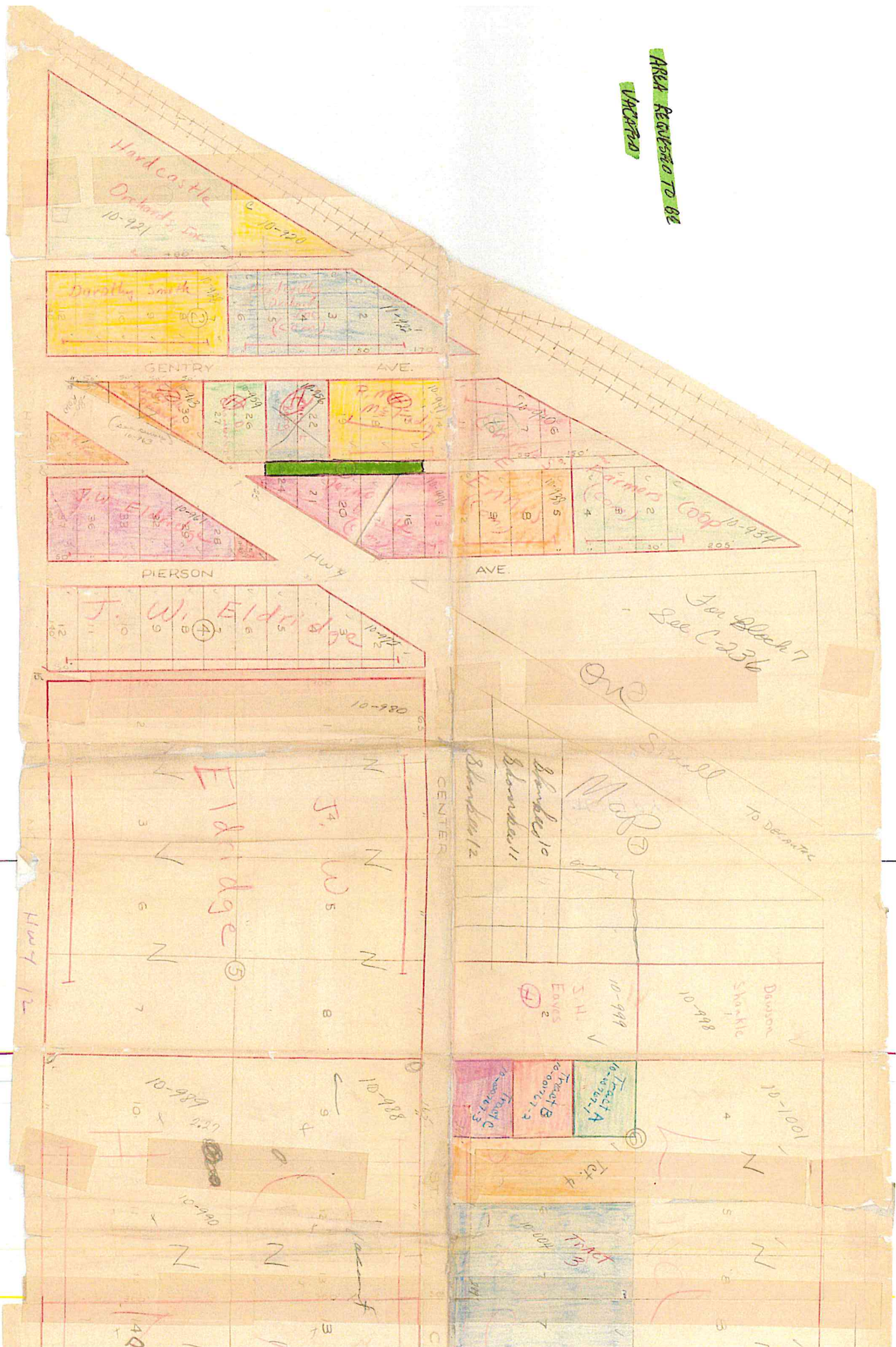
EXHIBIT TO VACATE
 216 S OTIS AVENUE
 GENTRY, ARKANSAS 72134

DATE:	08/03/2020	C.A.D. BY:	JPP	DRAWING NUMBER:	
REVISED:		CHECKED BY:			20-0501
SHEET:	500	SCALE:	1"= 30'		
	18N	33W	0 03 240 04		1762



- LEGEND**
- Found Aliqua Corner monument
 - Gas Meter
 - Water Meter
 - Power Pole w/Anchor
 - Fire Hydrant
 - Telephone Line
 - Overhead Power
 - Sewer Manhole
 - Light Pole
 - 6" Sewer Line
 - Telephone Pedestal
 - Electric Box
 - Compared point
 - Measured
 - Dead/Flat
 - Electric Box

1424720





October 21, 2021

- graphicsLayer0

Streets

Parcels

Major Roads

Cities

AVOCA

BELLA VISTA
- BENTONVILLE

BETHEL HEIGHTS

CAVE SPRINGS

CENTERTON

DECATUR

ELM SPRINGS

GARFIELD

GATEWAY

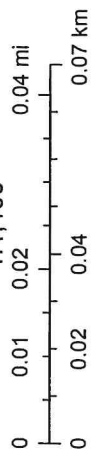
GENTRY

GRAVETTE

HIGHFILL

LITTLE FLOCK

1:1,400



EASEMENT ACQUISITION AGREEMENT

WHEREAS, Harold E. Crye, Trustee of the Harold E. Crye Revocable Living Trust dated January 16, 1995 ("Petitioner") has petitioned the City of Gentry, Arkansas (the "City") to vacate an alley (the "Alley") adjacent to Petitioner's property;

WHEREAS, the City currently has various utility lines and fixtures located within the Alley; and

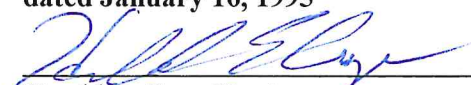
WHEREAS both Petitioner and the City would like the City to continue to be able to access and service said utilities;

NOW THEREFORE, Petitioner hereby agrees that he shall, upon vacation of the rights of the public in and to the Alley, grant to the City an Easement over that portion of the Alley that accrues to Petitioner via a separate Easement and Right-of-Way Grant, in a form substantially similar to that attached hereto as Exhibit "A".

IN WITNESS WHEREOF, Petitioner has executed this Agreement this 15 day of Nov., 2021.

PETITIONER

Harold E. Crye Revocable Living Trust
dated January 16, 1995



Harold E. Crye, Trustee

@keepARbeautiful



EASEMENT ACQUISITION AGREEMENT

WHEREAS, Mike Nunn and Betsy Nunn, husband and wife ("Petitioners") have petitioned the City of Gentry, Arkansas (the "City") to vacate an alley (the "Alley") adjacent to Petitioners' property;

WHEREAS, the City currently has various utility lines and fixtures located within the Alley; and

WHEREAS both Petitioners and the City would like the City to continue to be able to access and service said utilities;

NOW THEREFORE, Petitioners hereby agree that they shall, upon vacation of the rights of the public in and to the Alley, grant to the City an Easement over that portion of the Alley that accrues to Petitioners via a separate Easement and Right-of-Way Grant, in a form substantially similar to that attached hereto as Exhibit "A".

IN WITNESS WHEREOF, Petitioners have executed this Agreement this 19th day of November, 2021.

PETITIONERS


Mike Nunn


Betsy Nunn

RESOLUTION NO. 21-657

CITY OF GENTRY, ARKANSAS

RESOLUTION SETTING FOR HEARING PETITION TO
VACATE A PORTION OF AN ALLEY RUNNING NORTH
AND SOUTH BETWEEN SOUTH OTIS AVENUE AND SOUTH
McKINNON AVENUE ON DECEMBER 6, 2021,

WHEREAS, a Petition to Vacate an unnamed platted street within the City of Gentry Arkansas has been filed with the City of Gentry with respect to an alley running North and South between South Otis Avenue and South McKinnon Avenue, bordered by Lots 14-15, 18-19, and 22-23, Block 3, Pierson's Addition to the Town of Gentry, Arkansas on the West, and by Lots 13, 16-17, 20-21, and 24, Block 3, Pierson's Addition to the Town of Gentry, Arkansas on the East, and more particularly described as follows:

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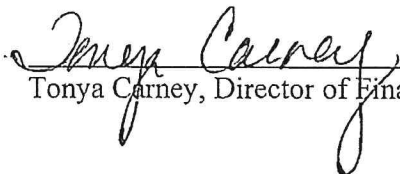
NOW THEREFORE BE IT RESOLVED by the City Council for the City of Gentry, Arkansas:

- Section 1. Said Petition to Vacate shall be set for public hearing on the 6th day of December, 2021, at 6:30 p.m.; and
- Section 2. The City Finance Director shall give notice of the meeting by publication once a week for two (2) consecutive weeks in some newspaper published in the county and having a general circulation in the City.

PASSED, APPROVED AND ADOPTED THIS 1st day of November 2021.


Kevin Johnston, Mayor

ATTEST:


Tonya Carney, Director of Finance



AFFIDAVIT OF PUBLICATION

I, Brittany Smith, solemnly swear that I am the Accounting Legal Clerk
for the Northwest Arkansas Newspapers, LLC, and I do solemnly swear that
the attached advertisement:

City of Gentry
Public Hearing

was published in the following weekly paper(s):

☐ Bella Vista Weekly Vista
☐ Pea Ridge Times
☐ Siloam Springs Herald Leader
☐ Siloam Sunday (Section of Arkansas Democrat Gazette)
☒ Westside Eagle Observer

Of general and bona fide circulation in Benton County, Arkansas

Date(s) of Publication: November 17 & 24, 2021

Publication Charges: \$153.36

Brittany Smith
Brittany Smith

Subscribed and sworn to before me
This 24 day of Nov, 2021.

Cathy Wiles
Notary Public
My Commission Expires: 2/20/24

Cathy Wiles
Benton COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires 02-20-2024
Commission No. 12397118

****NOTE****

Please do not pay from Affidavit.
Invoice will be sent.

Public Notice

You are hereby notified that a public hearing will be held at 6:30 p.m. on December 6, 2021, in the Gentry Council Chambers located at 104 E. Main St., Gentry, Arkansas. At the hearing, the Gentry City Council will consider a petition filed by Mike Nunn and Betsy Nunn; Trixie Coffee and Donald G. Evans; and Harold E. Crye, Trustee of the Harold E. Crye Revocable Living Trust dated January 16, 1995, seeking to vacate a certain platted street in Gentry, Arkansas, described as: A portion of an alley running North and South between South Otis Avenue and South McKinnon Avenue, bordered by Lots 14-15, 18-19, and 22-23, Block 3, Pierson's Addition to the Town of Gentry, Arkansas on the West, and by Lots 13, 16-17, 20-21, and 24, Block 3, Pierson's Addition to the Town of Gentry, Arkansas on the East. Comments from any property owner affected by the petition will be heard and considered, and the Council will then determine whether the said street shall be vacated. If you are unable to attend the meeting, you may provide comments by phone (479-736-2555, ex. 103) or in writing to the City of Gentry, 101 W. Main Street, Gentry, AR 72734. November 17 & 24, 2021
City of Gentry Administration
75483772