

ORDINANCE NO. 6436

AN ORDINANCE VACATING THE UNDEVELOPED PORTION OF MOUNTAIN STREET RIGHT-OF-WAY LOCATED IN GARLAND COUNTY, ARKANSAS; AND FOR OTHER PURPOSES.

**WHEREAS**, pursuant to A.C.A. 14-54-104 et seq., a Petition was duly filed with the Board of Directors of the City of Hot Springs, by Property Owner, Hochatown Mining Company, Inc. dba Grateful Head Pizza & Beer Garden, seeking to vacate the undeveloped portion of a certain city right-of-way commonly known as Mountain Street to which the National Park Service joined; and that,

**WHEREAS**, after due notice as required by law, the Board of Directors 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 city right-of-way, hereinafter described, has heretofore been dedicated to the public use herein described; that all the owners of the property abutting upon the portion of the right-of-way to be vacated have filed with the Board of Directors their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of this right-of-way.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Hot Springs, Arkansas, as follows:

**SECTION 1.** The City of Hot Springs, Arkansas, subject to retention of any and all existing utility easements and the conditions set forth herein, hereby releases, vacates and abandons its rights, together with the right of the public generally, in the undeveloped portion of Mountain Street located in Garland County, Arkansas being specifically described as follows:

*Beginning at the southeast corner of HSR BLK 89, Lot 51 in a southwest direction approx. 31'-0" to the northeast corner of HSR BLK 131, Lot 1; then west along the north property line of Lot 1 continuing westward to the east right-of-way of West Mountain Dr. for approx. 351'-0"; then northeast along the east edge of West Mountain Dr. right-of-way approx. 31'-0"; thence, southeast approx. 349'-0" to point of beginning all of which begins in the northwest ¼ of the southwest ¼ of Section 33, Township 2S, Range 19 West and ends in the northeast ¼ of the southeast ¼ of Section 32, Township 2S, Range 19 West.*

**SECTION 2.** The vacation of the above-described subject area that lies between Parcel No. 55362 and Parcel Nos. 54821 and 54822 together, is contingent on the following condition:

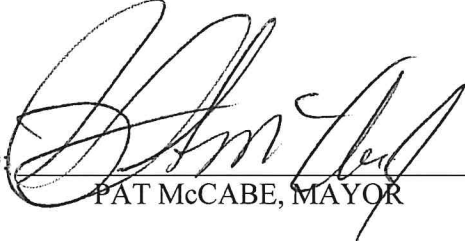
*On or before December 31, 2022, petitioner, Hochatown Mining Company, Inc., shall combine its three parcels; RPID # 54821, 54822 & 55362, and the undeveloped portion of the subject right-of-way that if vacated would belong to petitioner, into a single parcel. Further, petitioner may request one 3-month extension from the Planning and Development Department for such action if unforeseen circumstances prevent the completion of the action by the stated deadline.*

**SECTION 3.** The vacation of the above-described subject area that is surrounded by Hot Springs National Park land is contingent on the acceptance of said land into the boundary of the U.S. National Park lands by the Department of the Interior, National Park Service.

**SECTION 4.** Upon satisfaction of the conditions, a copy of this ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of Garland County, Arkansas.

PASSED: August 2, 2022

APPROVED:

  
PAT McCABE, MAYOR

ATTEST: Harmony Morrissey  
HARMONY MORRISSEY, CITY CLERK

APPROVED AS TO LEGAL FORM:

  
BRIAN W. ALBRIGHT, CITY ATTORNEY