

ORDINANCE NO. 36-18**AN ORDINANCE DEDICATING FOR PUBLIC USE A STREET RIGHT OF WAY  
ON REAL PROPERTY ADJACENT TO FIRE STATION NO. 11 LOCATED ON  
MASSARD ROAD IN FORT SMITH, ARKANSAS**

WHEREAS, On February 7, 2012, the Fort Chaffee Redevelopment Authority conveyed the City of Fort Smith certain real property (hereinafter referred to as the “subject property”), the legal description of which is attached hereto as Exhibit “A,” situated immediately to the west of the now constructed Fire Station No. 11; and

WHEREAS, the 2013 construction of Fire Station No. 11 included the construction of an approximately 500 foot in length public street segment across the subject property; and

WHEREAS, the street segment (being twenty seven feet (27') in width and situated within a mostly sixty foot (60') wide right-of-way) was constructed on City owned property, but never formally dedicated as a public right-of-way; and

WHEREAS, the right-of-way to be dedicated is depicted in yellow on the attached Exhibit “B” and is identified herein so as to not include the twenty foot (20') wide gas easement shown on the attached Exhibit “C,” a copy of an easement survey by Brixey Engineering of part of the SW/4 of the SE/4 of Section 7, T-7-N, R-31-W; and

WHEREAS, the City now wishes to dedicate the street right-of-way as public-right-of-way.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: Pursuant to the authority granted under Ark. Code Ann. § 14-54-601, a right-of-way, being mostly sixty (60') feet in width but being eighty (80') feet in width for approximately twenty (20') feet in length at the northern end thereof, transversing the subject property, all as more particularly shown on the attached Exhibits "B" and "C," is hereby dedicated to the public for use as public street right-of-way and is hereby so accepted.

SECTION 2: Emergency Clause. In order to provide essential street maintenance and other public service activities regarding public streets, the Board of Directors determines that there is an immediate need for the effectiveness of the dedication of public roadway within areas recently annexed to the City of Fort Smith. Based on that determination and for this reason, an emergency is declared to exist and this Ordinance will be in full force and effect from this date.

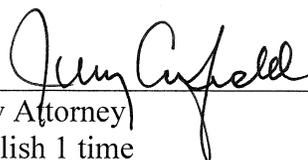
This Ordinance adopted this 15<sup>th</sup> day of May, 2018.

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney  
Publish 1 time

## EXHIBIT "A"

### REAL PROPERTY DESCRIPTION

#### Parcel Adjacent to Massard Fire Station

Part of the Southwest Quarter of the Southeast Quarter of Section 7, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of said Section 7; Thence along the South Line of said Southeast Quarter, N87°12'44"W, 1326.59 feet; Thence leaving said South Line, N02°35'13"E, 1050.88 feet to a point on the southerly right-of-way line of Massard Road; Thence along said right-of-way line, N59°58'39"W, 76.86 feet to an existing ½" rebar with cap stamped MWC 1369 at the northeast corner of the Massard Fire Station Property as described in Document Number 7252363 filed for record August 24, 2008; Thence along said right-of-way line, N59°58'39"W, 264.56 feet to an existing ½" rebar with cap stamped MWC 1369; Thence continuing along said right-of-way line and 66.18 feet along the arc of a curve to the right, said curve having a radius of 1070.00 feet and being subtended by a chord having a bearing of N58°12'20"W and a distance of 66.17 feet to an existing ½" rebar with cap stamped MWC 1369 at the northwest corner of said Fire Station Property and the Point of Beginning; Thence along the westerly line of said Fire Station Property the following courses: S35°10'23"W, 23.70 feet to an existing ½" rebar with cap stamped MWC 1369; 64.17 feet along the arc of a curve to the left, said curve having a radius of 845.00 feet and being subtended by a chord having a bearing of S32°59'52"W and a distance of 64.15 feet to an existing ½" rebar with cap stamped MWC 1369; S30°49'21"W, 220.02 feet to an existing ½" rebar with cap stamped MWC 1369 at the southwest corner of said Fire Station Property; Thence N59°26'01"W, 78.59 feet to a point on the easterly line of the Ben Geren Park Property as described in Document Number 7068799 filed for record March 29, 2002; Thence along said easterly line, N30°33'59"E, 279.30 feet to the northeast corner of said Park Property, said point also being on said southerly right-of-way line of Massard Road; Thence along said right-of-way line, N37°50'59"E, 35.88 feet; Thence continuing along said right-of-way line and 79.99 feet along the arc of a curve to the left, said curve having a radius of 1070.00 feet and being subtended by a chord having a bearing of S54°17'31"E and a distance of 79.97 feet to the Point of Beginning, containing 0.57 acres, more or less.

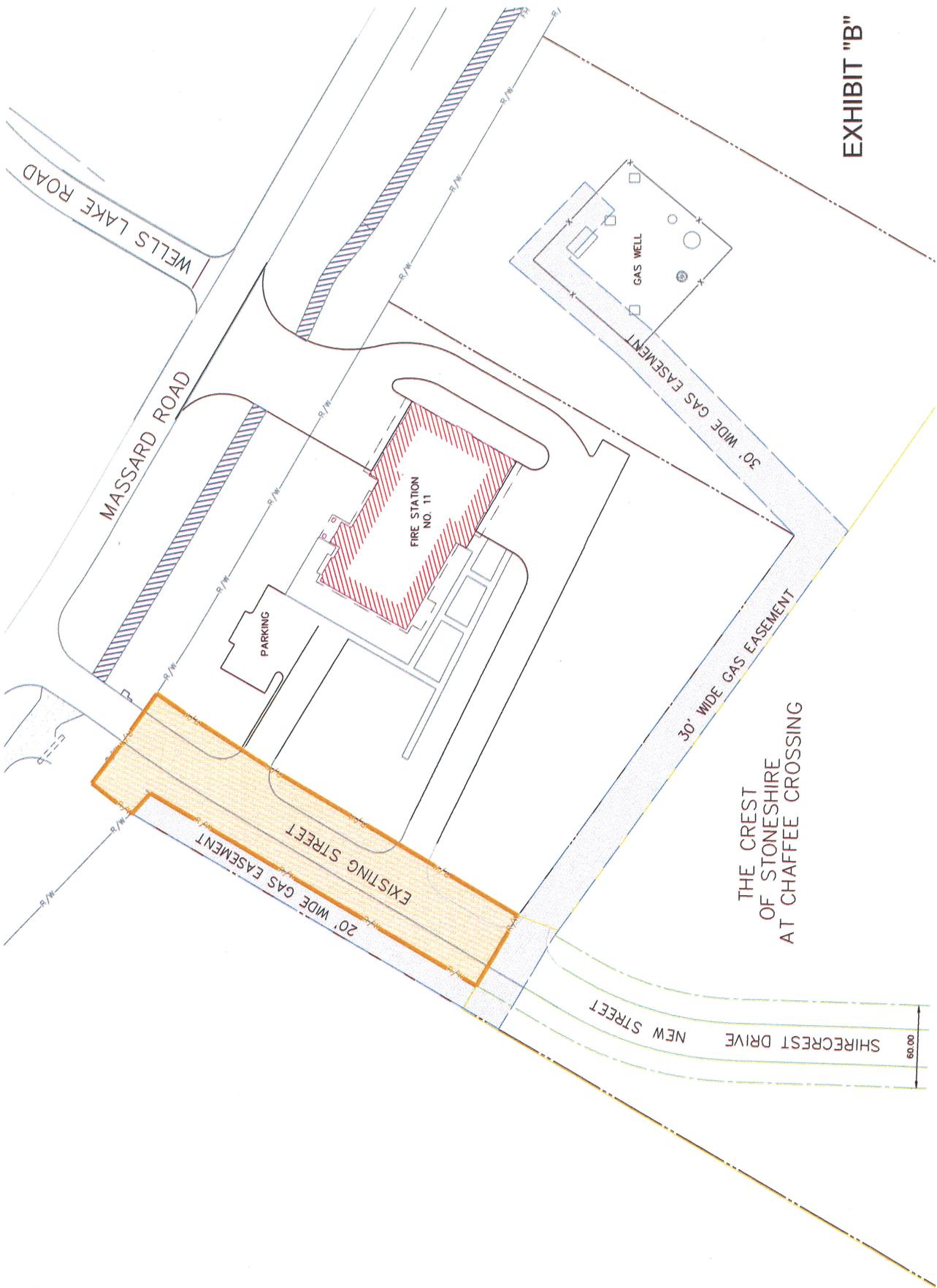


EXHIBIT "B"

