MULBERRY, ARKANSAS

ORDINANCE NO. 154-76

AN ORDINANCE OF THE CITY OF MULBERRY, ARKANSAS, FOR THE PURPOSE OF DIRECTING THE ISSUANCE AND DELIVERY OF A ROAD TO CRAWFORD COUNTY, ARKANSAS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, the City of Mulberry, Arkansas, is duly incorporated under the laws of the State of Arkansas with all the powers, authority and duties of such municipal corporations of the State of Arkansas, and

WHEREAS, the purpose of this ordinance is the carrying out of a prior contract and agreement with Crawford County, Arkansas, which was necessary for the preservation of the health, safety and welfare of the inhabitants of the City of Mulberry, Arkansas, with reference to construction of a dam and lake for municipal water supply, and a delay in the execution and delivery of said deed to Crawford County, Arkansas, would impose upon said municipality and its inhabitants its financial obligations and responsibilities which said city is not able to accept or perform, an emergency exists which requires that this ordinance become immediately effective and of full force and effect, immediately, and , thereof,

BE IT ORDAINED by the City Council of the City of Mulberry, Arkansas:

1. That said Council hereby finds and declares that the facts herein set out are true and correct.

2. The City of Mulberry, Arkansas, having previously contracted with Crawford County, Arkansas, to obtain and construct a road to replace county roads destroyed by reason of the construction of a dam and lake for municipal water supply, and the same has been completed, and until delivered to Crawford County, Arkansas, it is the responsibility of the City of Mulberry, Arkansas, to maintain, which it is unable to do, and in order to keep full faith with the said Crawford County, Arkansas, with reference to the contract for construction and delivery of said road to replace county roads so destroyed, this ordinance has become necessary.

3. The Mayor and City Clerk of the City of Mulberry, Arkansas, are hereby directed to execute and immediately deliver to Crawford County, Arkansas, a warranty deed to the following described real estate located in Crawford County, Arkansas, to-wit:

Part of Sections 3, 4, 9 and 10 of Township 10 North, Range 9 West, more particularly described as being a tract of land 80 feet wide, 40 feet either side of a center line more particularly described as beginning 299.3 feet West and 214 feet North of the Southeast Corner (SE/C) of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section 10, which is a point in the center of an existing county road; thence North 43 degrees 59 minutes West 101.0 feet; thence North 20 degrees03 minutes West 753.0 feet; thence North 19 degrees 42 minutes West 550.2 feet; thence North 20 degrees 43 minutes West 962.2 feet; thence North 35 degrees 16 minutes West 106.7 feet; thence North

44 degrees 18 minutes West 111.7 feet; thence North 64 degrees 37 minutes West 78.0 feet; thence North 87 degrees 16 minutes West 199.8 feet; thence North 85 degrees 01 minutes West 174.4 feet; thence North 89 degrees 43 minutes West 626.0 feet; thence North 89 degrees 06 minutes West 456.5 feet; thence North 88 degrees 39 minutes West 386.7 feet; thence North 67 degrees 24 minutes West 166.7 feet; thence North 51 degrees 55 minutes West 124.5 feet; thence North 44 degrees 20 minutes West 82.0 feet; thence North 55 degrees 23 minutes West 181.1 feet, thence North 43 degrees 33 minutes West 186.8 feet; thence North 33 degrees 56 minutes West 314.0 feet; thence North 24 degrees 19 minutes West 390.1 feet; thence North 25 degrees 16 minutes West 88.0 feet; thence North 14 degrees 16 minutes West 177.9 feet; thence North 52 degrees 36 minutes West 65.8 feet; thence North 78 degrees 04 minutes West 83.5 feet; thence North 88 degrees 34 minutes West 405.3 feet; thence North 58 degrees 37 minutes West 102.0 feet; thence North 38 degrees 37 minutes West 82.8 feet; thence North 26 degrees 31 minutes West 204.1 feet; thence North 49 degrees 11 minutes West 72.4 feet; thence North 70 degrees 59 minutes West 63.9 feet; thence North 89 degrees 55 minutes West 303.5 feet; thence South 72 degrees 12 minutes West 167.7 feet; thence South 47 degrees 11 minutes West 419.0 feet to a point in the center of an existing county road.

In order that said county might accept said road and the responsibility of maintaining same.

4. The purpose hereof being immediately necessary for the protection of the health, welfare and safety of the inhabitants of the City of Mulberry, Arkansas, and an emergency existing, an emergency is hereby found to exist and declared and this ordinance shall be and become immediately effective upon its passage and adoption by the City Council of the City of Mulberry, Arkansas.

5. The various paragraphs hereof and portions thereof being severable, should any part hereof be declared invalid, for any reason, the remainder hereof shall continue in full force and effect.

IN WITNESS WHEREOF, the City of Mulberry, Arkansas, by its city council, did pass the foregoing ordinance at its meeting held on the 3rd day of August, 1976, with the Yea and Nay vote as follows:

Dalton Edwards	Alderman	YEA
Herman Almond	Alderman	YEA
Earl Reeves	Alderman	YEA
Royce Adams	Alderman	YEA
Joe Kirksey	Alderman	YEA
David Beneux	Alderman	YEA

The emergency clause hereof having been separately considered and voted upon, upon motion duly made and seconded, the Yea and Nay vote thereon was as follows:

Dalton Edwards	Alderman	YEA
Herman Almond	Alderman	YEA
Earl Reeves	Alderman	YEA
Royce Adams	Alderman	YEA
Joe Kirksey	Alderman	YEA
David Beneux	Alderman	YEA

On the question of dispensing with the requirement for reading of said ordinance on three separate days having been considered after the first reading of said proposed ordinance, upon motion duly made and seconded, the Yea and Nay vote thereon was as follows:

Dalton Edwards	Alderman	YEA
Herman Almond	Alderman	YEA
Earl Reeves	Alderman	YEA
Royce Adams	Alderman	YEA
Joe Kirksey	Alderman	YEA
David Beneux	Alderman	YEA

Said ordinance having been approved and adopted by more than two-thirds of all of the members of said City Council authorized to vote thereon, at a valid and legal meeting of said City Council, and upon affirmative vote of more than two-thirds of all members elected to said City Council, who have a right to vote thereon, the statutory requirement for the reading of said ordinance on three separate days has been dispensed with, the emergency clause has been duly approved by an affirmative vote of more than two-thirds of all members elected to said City Council who have a right to vote thereon, and we, the undersigned Mayor and City Clerk of the City of Mulberry, Arkansas, do hereby certify that said ordinance has been passed and adopted and is hereby approved.

IN WITNESS WHEREOF, we have hereunto set our hands on this 3rd day of August, 1976.

Oswald D. Feller
MAYOR

ATTEST:

CITY CLERK