

**ORDINANCE NO. 2020-\_\_\_\_\_**

**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE TO VACATE CERTAIN DRAINAGE EASEMENT, ACCESS EASEMENT, AND UTILITY EASEMENT LOCATED AT LOT 1 OF VENEZIE PIAZZA WITHIN THE CITY OF TONTITOWN, ARKANSAS.**

**WHEREAS**, a Petition to Vacate was filed by Tom Sims requesting the City of Tontitown to abandon certain drainage, access and utility easements more particularly described herein and depicted on the attached Exhibit “A” prepared by Civil Design Engineers, Inc.; and

**WHEREAS**, following due notice as required by law, a public hearing in which all members of the public were invited to attend was held by Tontitown Planning Board; and

**WHEREAS**, the Tontitown Planning Board has reviewed the Petition to Vacate and recommends to the City Council that this request be approved; and

**WHEREAS**, the Tontitown Planning Board received all written consents required by law on or before the public hearing; and

**WHEREAS**, the City Council of the City of Tontitown is empowered to vacate an easement in which it concludes is no longer needed for city purposes; and

**WHEREAS**, the City Council for the City of Tontitown hereby finds that such easements are no longer needed for city purposes and should be abandoned and vacated.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS, THAT:**

**Section 1.** The drainage easement located at located at E Henri De Tonti; 830-38673-000 and 830-38677-001 located within the City of Tontitown, Washington County, Arkansas, more particularly described in Exhibit “A” is hereby vacated by the City of Tontitown:

**Section 2.** The access easement located at E Henri De Tonti; 830-38673-000 and 830-38677-001 within the City of Tontitown, Washington County, Arkansas, more particularly described in Exhibit “A” is hereby vacated by the City of Tontitown:

**Section 3.** The utility easement located at E Henri De Tonti; 830-38673-000 and 830-38677-001 located within the City of Tontitown, Washington County, Arkansas, more particularly described in the legal description described in Exhibit “A” is hereby vacated by the City of Tontitown:

**Section 4.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 5.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this ordinance shall be adjudged invalid, unenforceable or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid, unenforceable or unconstitutional, and the remaining provisions of this ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**PASSED AND APPROVED** this \_\_\_\_\_ day \_\_\_\_\_, 2020.

**APPROVED:**

\_\_\_\_\_  
Paul Colvin, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Rhonda Ardemagni, City Clerk-Treasurer  
(SEAL)

**EXHIBIT "A"**

**Drainage Easement to be Vacated:**

PART OF LOT 1 AS SHOWN ON A FINAL PLAT OF VENEZIA PIAZZA ADDITION, LOTS 1-5 RECORDED IN PLAT BOOK 23A AT PAGE 325 AND PART OF LOT 7A AS SHOWN ON A LOT LINE ADJUSTMENT OF VENEZIA PIAZZA ADDITION LOTS 7 AND 8, RECORDED IN PLAT BOOK 2010 AT PAGE 2649 MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE SOUTH RIGHT-OF-WAY LINE OF E. HENRY DE TONTI BLVD (ARKANSAS STATE HIGHWAY 412) THENCE S02°24'40"W 191.94-FEET TO AN IRON PIN; THENCE S03°33'17"W 49.96- FEET TO THE POINT OF BEGINNING, BEING A POINT ON THE EAST PROPERTY LINE OF SAID LOT 1; THENCE S03°33'17"W 40.87- FEET; THENCE S78°34'12"W 18.49- FEET; THENCE N87°36'52"W 178.45- FEET; THENCE N02°25'23"E 45.95- FEET; THENCE S87°25'07"W 197.21- FEET TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES OR 8,935 SQUARE- FEET MORE OR LESS.

**Access Easement to be Vacated:**

BEGINNING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE SOUTH RIGHT-OF-WAY LINE OF E. HENRY DE TONTI BLVD (ARKANSAS STATE HIGHWAY 412) THENCE S02°24'40"W 191.94- FEET TO AN IRON PIN; THENCE S03°33'17"W 69.96- FEET TO THE POINT OF BEGINNING, BEING A POINT ON THE EAST PROPERTY LINE OF SAID LOT 1; THENCE ALONG SAID EAST PROPERTY LINE S03°33'17"W 30.00- FEET; THENCE N87°25'07"W 196.22- FEET; THENCE N02°25'23"E 30.00- FEET; THENCE S87° 25'07"E 196.82- FEET TO THE POINT OF BEGINNING, CONTAINING 0.135 ACRES OR 5,896 SQUARE- FEET MORE OR LESS.

**Utility Easement to be Vacated:**

BEGINNING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, BEING ON THE SOUTH RIGHT-OF-WAY LINE OF E. HENRY DE TONTI BLVD (ARKANSAS STATE HIGHWAY 412) THENCE S02°24'40"W 25.00- FEET TO A POINT ON THE EAST PROPERTY LINE OF SAID LOT 1; THENCE N87°20'43"W 10.00- FEET TO THE POINT OF BEGINNING; THENCE S02°40'29"W 216.90- FEET; THENCE S87°25'07"E 10.00- FEET TO A POINT ON THE EAST PROPERTY LINE OF SAID LOT 1; THENCE ALONG SAID EAST PROPERTY LINE S03°33'17"W 20.00- FEET; THENCE LEAVING SAID EAST PROPERTY LINE N87°25'07"W 196.82- FEET; THENCE N02°25'23"E 20.00- FEET; THENCE S87°25'07"E 177.21- FEET; THENCE N02°40'27"E 216.92- FEET; THENCE S87° 20'43"E 10.00- FEET TO THE POINT OF BEGINNING, CONTAINING 0.14 ACRES OR 6,109 SQUARE- FEET MORE OR LESS.