

**ORDINANCE NO. 2018-\_\_\_\_\_**  
**CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS**

**AN ORDINANCE TO VACATE A UTILITY EASEMENT  
LOCATED AT 489 ARLINGTON WAY WITHIN THE  
BARRINGTON HEIGHTS SUBDIVISION IN THE CITY OF  
TONTITOWN, ARKANSAS.**

**WHEREAS**, upon information provided to the Mayor and City Council of the City of Tontitown, the utility easement more particularly described herein is of no use for any public purpose and has no value to the citizens of the City of Tontitown, and;

**WHEREAS**, it has been requested by the owner of the property on which the utility easement sits that the utility easement be abandoned, and;

**WHEREAS**, appropriate city staff has reviewed the Petition to Vacate and recommends to the City Council that this request be approved; and

**WHEREAS**, the City Council of the City of Tontitown is empowered to vacate a utility easement which concludes is no longer needed for city purposes.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Council of the City of Tontitown as follows:

**Section 1.** That portion of approximately five feet of a twenty-foot utility easement located on private property on the edge of Lot 12 of the Barrington Heights Subdivision to the City of Tontitown, Washington County, Arkansas as shown on plat record 23 at page 185, located at 489 Arlington Way, as depicted in the plat diagram attached hereto as Exhibit "A"

**Section 2.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 3.** That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance be adjudged invalid 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 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 of \_\_\_\_\_, 2018.

**APPROVED:**

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

**ATTEST:**

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