

ORDINANCE NO. 2021-11-968

AN ORDINANCE TO VACATE A 100-FOOT UTILITY EASEMENT LOCATED AT LOT 5 OF THE FANTINEL BUSINESS PARK, 105 FANTINEL BLVD., IN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, upon information provided to the City Council of the City of Tontitown, the utility easement more particularly described hereinbelow 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 that the easement be abandoned, and;

WHEREAS, the owner has secured the written consents of all property owners adjacent or abutting the portion of the easement requested to be vacated and all notice as required by law has been provided; and

WHEREAS, a public hearing was held on November 2, 2021 and all persons desiring to be heard were asked to attend or provide comment; and

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

WHEREAS, the City Council of the City of Tontitown has determined the portion of 100-foot utility easement to be vacated on Lot 5 described herein is no longer needed for city purposes and should therefore be abandoned and vacated and the owner's petition thereby approved to the extent reflected by this Ordinance.

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

Section 1. That the 100-foot utility easement located on private property located at, more specifically identified on the attached Exhibit "A" and also described in the legal description set forth below is hereby vacated by the City of Tontitown:

Location/Description: 195 Fantinel Blvd, Tontitown, AR – Parcel No. 830-37867-000

A portion of an easement approximately 100 feet in width for a Sanitary Sewage Disposal System further depicted on the Final Plat of Fantinel Business Park recorded at Book 16, Page 45 in Washington County, AR.

Portion to be Vacated: 100-foot easement on west side from property line on the Lot 5, Fantinel Business Park Final Plat. The 20 -foot utility

easement as well as the 15-foot drainage and water easements on north property line shall remain.

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 All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

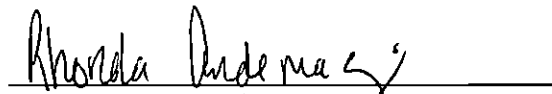
Section 3. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this ordinance shall be adjudged invalid, unenforceable or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the 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 2 day of NOV, 2021.

APPROVED:


Paul Colvin, Jr., Mayor

ATTEST:


Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)