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 Washington County, AR
 Kyle Sylvester Circuit Clerk
 File **2023-00013157**

ORDINANCE NO. 2023-05-1052

TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO VACATE A PORTION OF A 20 FOOT UTILITY EASEMENT LOCATED AT 184 & 244 S. MAESTRI RD. (PARCEL NOS. 830-38677-000 & 830-38677-001) WITHIN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, after being duly advertised, a public hearing was held on April 25, 2023 and all persons desiring to be heard were asked to attend or provide comment on the subject of closing a portion of a 20-foot utility easement at 184 & 244 S. Maestri Rd. (Parcel Nos. 830-38677-000 & 830-38677-001) located on part of Lot 6, Venezia Piazza Addition; and

WHEREAS, upon information provided to the City Council of the City of Totntiown, the public interest and welfare would not be adversely affected by the abandonment of the portion of the utility easement more particularly described in the attached Exhibit "A"; and

WHEREAS, the owner has secured the written consents of all utility service providers for the easement to be vacated and all notice required by law has been provided, and the Tontitown Planning Commission has reviewed the Petition to Vacate and recommends the City Council to approve request to vacate the utility easement; 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.

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

Section 1. That a 20-foot utility easement at 184 & 244 S. Maestri Rd. (Parcel Nos. 830-38677-000 & 830-38677-001) located on part of Lot 6, Venezia Piazza Adddtion, more particularly described in the legal description as set forth in the attached Exhibit "A", is hereby vacated by the City of Tontitown.

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 All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.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 16 day May 2023.

APPROVED:


Angela Russell, Mayor

ATTEST:


Rhonda Ardemagni, Clerk-Treasurer
(SEAL)



Exhibit "A"

A twenty-foot wide utility easement to be vacated, being located on part of Lot 6, Venezia Piazza Addition to the City of Tontitown, Washington County, Arkansas, as shown on the replat of Lot 5, Venezia Piazza Addition, filed as instrument No.023A-00000347 and also located on part of tract 7B, Venezia Piazza Addition to the City of Tontitown, Washington County, Arkansas, as shown on the lot split of lot 7A, Venezia Piazza Addition, filed as instrument No. 2021-00037095, being more particularly described as follows: commencing at the northeast corner of tract 7B, Venezia Piazza Addition to the City of Tontitown, Arkansas, as shown on plat filed #2021-00037095, on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and thence running N87°32'35"W 78.61 feet, and thence S02°27'25"W 39.99 feet, and thence N87°32'35"W 39.64 feet to the true point of beginning. Thence running S02°27'25"W 243.88 feet; thence S61°37'21"W 23.29 feet; thence N02°27'25"E 72.79 feet; thence S61°37'21"W 79.77 feet; thence N28°22'40"W 20.00 feet; thence N61°37'21"E 91.39 feet; thence N02°27'25"E 159.74 feet; thence S87°32'35"E 20.00 feet to the point of beginning.



