

ORDINANCE NO. 2023-06-1056

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS
AN ORDINANCE TO VACATE A PORTION OF A 20 FOOT
UTILITY EASEMENT LOCATED AT 244 S. MAESTRI RD.
PARCEL NO. 830-38677-004 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 244 S. Maestri Rd., more particularly described as Parcel No. 830-38677-004 located at Lot 7C of Venezia Piazza Addition, Lot Split 7A; and

WHEREAS, upon information provided to the City Council of the City of Tontitown, 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 244 S. Maestri Rd., Parcel No. 830-38677-004 located on Lot 7C of Venezia Piazza Addition, Lot Split 7A, 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 All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.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 20 day June 2023.

APPROVED:

Angela Russell
Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni
Rhonda Ardemagni, Clerk-Treasurer
(SEAL)

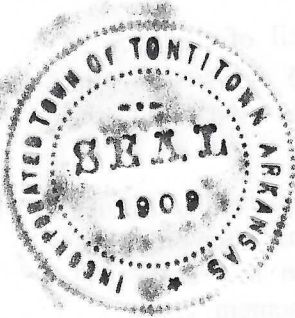


EXHIBIT "A"

LEGAL DESCRIPTION

A twenty-foot wide utility easement to be vacated, being located on tract 7c, Venezia Piazza addition to the City of Tontitown, Washington County, Arkansas, as shown on the lot split of 7a, Venezia Piazza addition, filed as instrument no. 2021-00037095, being more particularly described as follows:

Commencing at the northwest corner of tract 7c, 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 S 02°39'40" W 39.99 feet to a point, and thence running S 87°32'35" E 8.71 feet to a point, and thence running S 87°22'18" E 156.46 feet to the true point of beginning. Thence leaving the point of beginning running S 87°22'18" E 20.00 feet to a point; thence running S 02°27'03" W 57.00 feet to a point; thence running N 87°22'18" W 20.00 feet to a point; thence running N 02°27'03" E 57.00 feet to the point of beginning.



EXHIBIT "A"
LEGAL DESCRIPTION

A twenty-foot wide utility easement to be created, being located on part of the Western Platte section in the City of Washington, Washington County, Arkansas, as shown on the plat of the Western Platte section filed as instrument no. 2023-00017326, being more particularly described as follows:

Commencing at the northeast corner of tract 16, Western Platte section in the City of Washington, Arkansas, as shown on plat filed 2023-00017326, on the line in the office of the County Clerk and as-surveyor of Washington County, Arkansas, and thence running S 65° 24' 00" W 30.00 feet to a point, and thence running S 87° 22' 14" E 30.00 feet to the new point of beginning, thence running S 87° 22' 14" E 30.00 feet to a point, thence running S 87° 22' 14" E 30.00 feet to a point, thence running S 87° 22' 14" E 30.00 feet to a point, thence running S 87° 22' 14" E 30.00 feet to the point of beginning.



Washington County, AR
I certify this instrument was filed on
07/07/2023 09:21:59 AM
and recorded in Real Estate
File Number 2023-00017326
Kyle Sylvester - Circuit Clerk

by