ORDINANCE NO. 2023-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO VACATE A 10 FOOT UTILITY EASEMENT LOCATED AT EAST BAKER AVENUE (PARCEL NOS. 830-38059-000 AND 830-38058-000) WITHIN THE CITY OF TONTITOWN, ARKANSAS.

WHEREAS, after being duly advertised, a public hearing was held on December 5, 2023, to hear public input to the question of closing a 10-foot utility easement at East Baker Avenue, more particularly described as Parcel Nos. 830-38059-000 and 830-38058-000; 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 City Council has the authority pursuant to Ark. Code Ann. § 14-54-104 to vacate public grounds or portions thereof which are not required for public purposes.

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

Section 1.   That a 10-foot utility easement at East Baker Avenue, Parcel Nos. 830-38059-000 and 830-38058-000, more particularly described in the legal description 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   All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.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____ day December 2023.

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APPROVED:

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_____
Angela Russell, Mayor

ATTEST:

_____
Rhonda Ardemagni, Clerk-Treasurer
(SEAL)