

ORDINANCE NO. 2026-____

CITY OF TONTITOWN, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY CONSISTING OF THE ENTIRETY OF SOUTHWEST 1ST STREET AND A PORTION OF WEST WASHINGTON AVENUE WITHIN THE CITY OF TONTITOWN, ARKANSAS; FINDING THAT THE RIGHT-OF-WAY IS NO LONGER NEEDED FOR ANY PRESENT MUNICIPAL PURPOSES; PROVIDING FOR THE RETENTION OF ANY NECESSARY UTILITY EASEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, a petition has been submitted requesting that the City of Tontitown vacate a portion of the public right-of-way consisting of the entirety of Southwest 1st Street and the remaining local section of West Washington Avenue, as more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference; and

WHEREAS, the Tontitown Planning Commission has reviewed the request and recommended approval of the proposed right-of-way vacation; and

WHEREAS, the Tontitown City Council finds that the subject right-of-way is no longer required for any present or reasonably foreseeable municipal purposes and that its vacation will not adversely affect traffic circulation, public access, emergency services, or future public infrastructure planning; and

WHEREAS, the Tontitown City Council further finds that vacating the subject right-of-way will allow for more efficient use of the adjoining property while serving the public interest; and

WHEREAS, the Tontitown City Council desires to retain any existing utility easements or require the establishment of such easements as may be necessary to protect existing public utilities and infrastructure.

WHEREAS, the City Council is authorized pursuant to Arkansas law, including applicable provisions of the Arkansas Code governing municipal streets and public rights-of-way, to vacate public streets and rights-of-way that are no longer required for municipal purposes.

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

SECTION 1. The Tontitown City Council hereby finds that the public right-of-way described in **Exhibit "A"**, attached hereto and incorporated herein by reference, is no longer required for public street purposes and should be vacated.

SECTION 2. The City of Tontitown hereby vacates and abandons the public right-of-way described in **Exhibit "A"**, subject to the conditions set forth herein.

SECTION 3. This vacation shall not extinguish any existing public utility easements unless specifically released by the affected utility provider. Any required utility easements shall remain

in full force and effect and no ordinance vacating the right-of-way shall be recorded until the City has received written confirmation from all affected utility providers that existing easements are adequate or that replacement easements have been executed.

SECTION 4. The effectiveness of this vacation is expressly conditioned upon the Applicant completing the following requirement. The Applicant shall:

- a. Obtain all required approvals from affected utility providers;
- b. Prepare and record all documents necessary to complete the right-of-way vacation with the Washington County Circuit Clerk;
- c. Be responsible for all surveying, legal descriptions, recording fees, and any other costs associated with the vacation; and
- d. Obtain any additional permits or approvals required by the City of Tontitown or any other governmental agency.

SECTION 5. The Mayor and City Clerk are authorized to execute any documents necessary to carry out the intent of this Ordinance, including acknowledgment of plats, easements, and recording documents.

SECTION 6. If any provision of this Ordinance is held invalid or unenforceable, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. This Ordinance shall become effective immediately upon its passage, approval, and publication as required by law provided that the vacation shall not become operative until the conditions of Section 4 have been satisfied.

PASSED AND APPROVED on this _____ day of July 2026.

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, City Clerk-Treasurer
(SEAL)

SPONSORSHIP AND LEGISLATIVE HISTORY

Sponsor (Initiated By): _____

Motion to Introduce Made By: _____

Seconded By: _____

Adopted / Passed: _____

Vote: Ayes ____ Nays ____ Abstain ____ Absent ____

This requirement is in addition to, and does not supersede, any authentication, attestations, or signature requirements imposed by state law or other provisions of the Tontitown Municipal Code.



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
479-361-2700
planning@tontitownar.gov

Meeting: **June 30, 2026**
Project: **SW 1st St. and W.
Washington Ave
ROW Vacation Request**
Planner: Brad Spurlock

EXHIBIT A

AGENDA ITEM

PC 1

ROW VACATION

Entire SW 1st and the remaining local section W. Washington Ave.

SUMMARY: The applicant is requesting approval to vacate an existing public right-of-way located at the subject property. The purpose of the request is to eliminate a used public right-of-way that no longer serves a public transportation purpose and to incorporate the vacated area into the adjoining property.

CURRENT ZONING: C-2, (General Commercial)

PROPOSED USE: C-2, (General Commercial)

CITY WARD: 3 – Aldermen Tim Burress and Mike Woshkowiak

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: Tontitown Water

Sewer: Tontitown Sewer

Electric: Ozarks Electric

Cable: Cox Communications

Phone: AT&T

Natural Gas: Black Hills Energy

School District: Springdale

PROJECT SYNOPSIS:

The subject property is owned by Pam Transportation, Inc. and was originally dedicated as part of the Tontitown Master Street Plan. Staff have determined that the right-of-way is presently being utilized for public roadway purposes and the applicant would like to have this portion removed. It also not anticipated to be required for future public transportation needs.

REVIEW:

Staff have reviewed the requests and find the following:

- The right-of-way is currently listed as a public street as part of the Tontitown MSP.
- The proposed vacation will not adversely affect traffic circulation or public access.
- Utility providers have been contacted regarding the existence of public utilities within the right-of-way. Any existing utility easements of facilities shall remain protected or be addressed prior to recording of vacation, if necessary.
- The vacation will not negatively impact emergency services or future public infrastructure planning.
- The request is consistent with the City's Comprehensive Plan by allowing more efficient use of private property while eliminating unnecessary public right-of-way.

FINDINGS OF FACT:

Staff find that:



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1. The right of way is no longer necessary for public street purposes.
2. Vacating the right of way will not deprive surrounding properties of legal access.
3. The request will not create adverse impacts to adjacent properties.
4. Existing public utilities, if any, will be protected through retained utility easements or relocation agreements as required.
5. The proposed vacation serves the public interest by removing unnecessary public right of way while allowing more efficient use of the adjoining property.

STAFF RECOMMENDATION

Staff recommend approval of the requested right-of-way vacation subject to the following conditions:

1. Any required utility easements shall be retained or established prior to recording the vacation.
2. All necessary approvals from utility providers shall be obtained before the vacation becomes effective.
3. The applicant shall prepare and record all documents required to complete vacation with the Washington County Circuit Clerk.
4. The applicant shall be responsible for all costs associated with surveying, legal descriptions, recording fees and other expenses related to vacation.
5. Approval shall not relieve the applicant from obtaining additional permits or approvals required by the City of Tontitown or other governmental agencies.



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Figure 1: Vicinity Map



PETITION TO VACATE

which is described as follows:

PETITION TO VACATE AN TWO LOCAL STREETS: SW 1st St. & W. Washington Ave.
LOCATED AT 297 W. HENRI DE TONTI BLVD.

CITY OF TONTITOWN, ARKANSAS

TO: The Tontitown City Council

We, the undersigned, being all the owners of the real estate of or adjacent to the Local Streets
to be vacated hereinafter sought to be abandoned and vacated, lying in Tontitown, Arkansas, a municipal
corporation, petition to vacate an TWO LOCAL STREETS which is described as follows:

Legal Description to of area to be vacated: SW 1st Street in its entirety and the remaining local
section of W. Washington Ave., both streets as shown on the plat of Tontitown, Arkansas.

That the real estate affected by said abandonment of the two local streets
located at 297 W. Henri de Tonti Blvd.

to the City of Tontitown, Arkansas, a certified copy of the original plat located in the Circuit Clerk's Office for the
County of Washington, State of Arkansas, is attached hereto, and made part hereof as though set out herein word
for word.

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and
would also not be adversely affected by the abandonment of the above described two local streets

The petitioners recommend that the City of Tontitown, Arkansas, abandon and vacate the above described real
estate, subject, however, to the existing utility easements as required, and that the above described real estate be
used for their respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully recommend that the governing body of the City of
Tontitown, Arkansas, abandon and vacate the above described real estate, subject to said utility easements and as
to the particular land the owner be free from the easements of the public for the use of said real property.

Dated this 20 day of November, 2025.

Rebecca Klitz

Printed Name


Signature

Printed Name

Signature



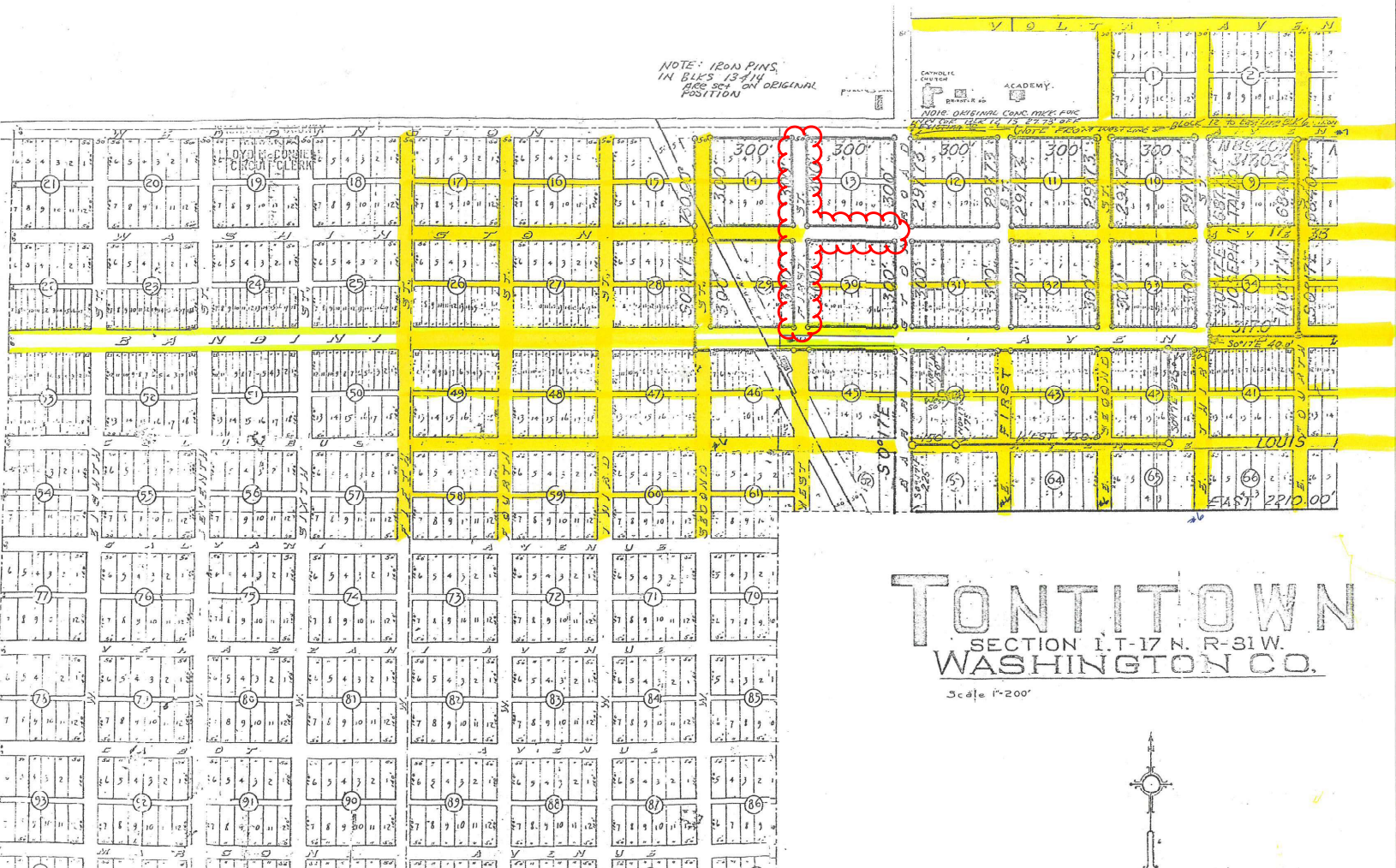
Surrounding Parcels
all owned by PAM:

1. 830-37512-000
2. 830-37519-000
3. 830-37531-000
4. 830-37507-000
5. 830-37509-000
6. 830-37510-000
7. 830-37511-000
8. 830-37532-000
9. 830-37533-000
10. 830-37534-000
11. 830-37535-000
12. 830-37536-000
13. 830-37537-000

NOTE: IRON PINS,
IN BLS 13-14
ARE SET ON ORIGINAL
POSITION

NOTE: ORIGINAL CONC. MADE FOR
SECTION 13-14 15 16 17 18 19 20

NOTE: FEEDS TO TRAIL LINE OF BLOCK 12 TO EAST LINE OF 13-14



TONTITOWN
SECTION 1, T-17 N. R-31 W.
WASHINGTON CO.
Scale 1"=200'





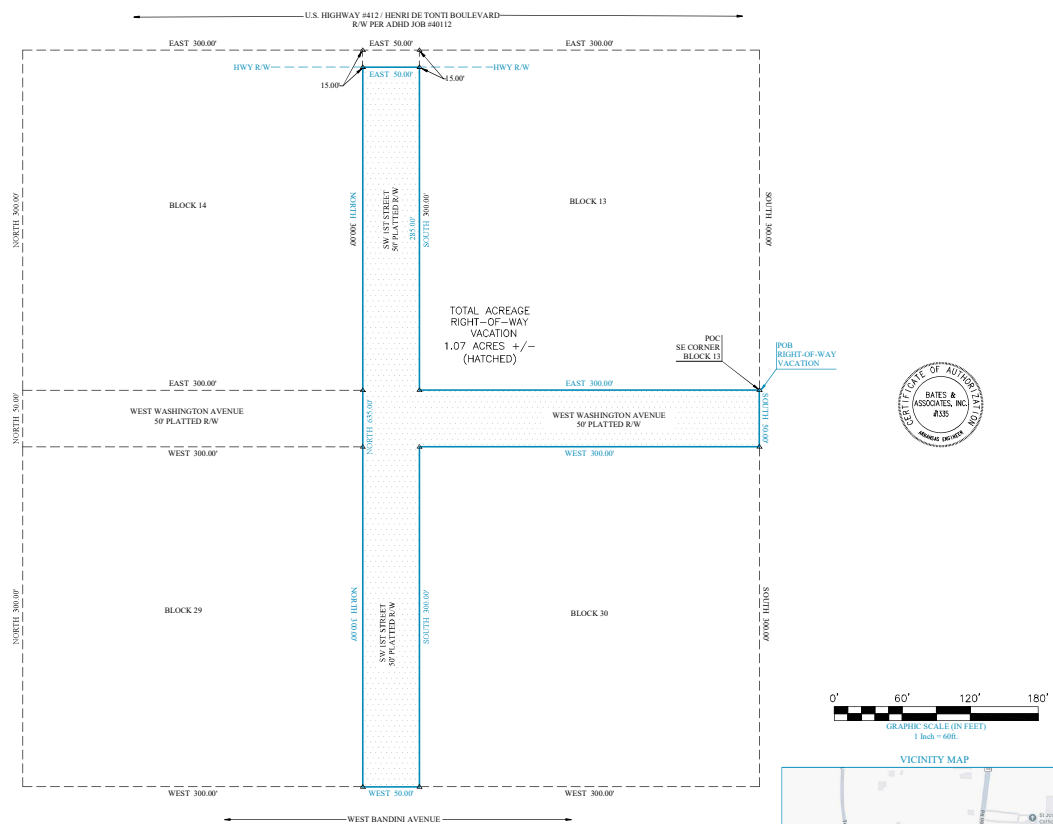
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704

PH: (479) 442-9350 / batesnwa.com

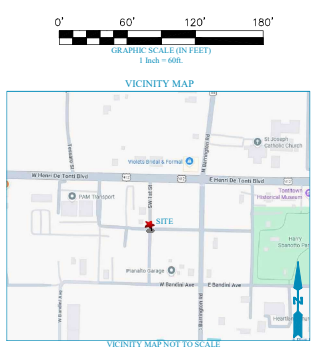
RIGHT-OF-WAY VACATION DESCRIPTION:

A PORTION OF WEST WASHINGTON AVENUE RIGHT-OF-WAY ADJACENT TO THE SOUTH LINE OF BLOCK 13 AND ADJACENT TO THE NORTH LINE OF BLOCK 30 AND ALSO A PORTION OF SOUTHWEST 1ST STREET RIGHT-OF-WAY ADJACENT TO THE WEST LINE OF BLOCKS 13 AND 30 AND ADJACENT TO THE EAST LINE OF BLOCKS 14 AND 29, ALL BEING LOCATED IN THE ORIGINAL TOWN OF TONTITOWN, ARKANSAS AS SHOWN ON THE PLAT OF SAID ORIGINAL TOWN OF TONTITOWN, ARKANSAS ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY OF WEST WASHINGTON AVENUE MARKING THE SOUTHEAST CORNER OF SAID BLOCK 13 AND RUNNING THENCE SOUTH 50.00' TO THE SOUTH RIGHT-OF-WAY OF WEST WASHINGTON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY WEST 300.00' TO THE EAST RIGHT-OF-WAY OF SOUTHWEST 1ST STREET, THENCE ALONG SAID RIGHT-OF-WAY SOUTH 300.00' TO THE NORTH RIGHT-OF-WAY OF WEST BANDINI AVENUE, THENCE ALONG SAID RIGHT-OF-WAY WEST 50.00' TO THE WEST RIGHT-OF-WAY OF SOUTHWEST 1ST STREET, THENCE ALONG SAID RIGHT-OF-WAY NORTH 635.00' TO THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY #412, THENCE ALONG SAID RIGHT-OF-WAY EAST 50.00' TO THE EAST RIGHT-OF-WAY OF SOUTHWEST 1ST STREET, THENCE ALONG SAID RIGHT-OF-WAY SOUTH 285.00' TO THE NORTH RIGHT-OF-WAY OF WEST WASHINGTON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY EAST 300.00' TO THE POINT OF BEGINNING, CONTAINING 1.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

R/W VACATION EXHIBIT



RIGHT-OF-WAY VACATION DESCRIPTION:
A PORTION OF WEST WASHINGTON AVENUE RIGHT-OF-WAY ADJACENT TO THE SOUTH LINE OF BLOCK 13 AND ADJACENT TO THE NORTH LINE OF BLOCK 30 AND ALSO A PORTION OF SOUTHWEST 1ST STREET RIGHT-OF-WAY ADJACENT TO THE WEST LINE OF BLOCKS 13 AND 30 AND ADJACENT TO THE EAST LINE OF BLOCKS 14 AND 29, ALL BEING LOCATED IN THE ORIGINAL TOWN OF TONTTOWN, ARKANSAS AS SHOWN ON THE PLAT OF SAID ORIGINAL TOWN OF TONTTOWN, ARKANSAS ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-GRATIA RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY OF WEST WASHINGTON AVENUE MARKING THE SOUTHEAST CORNER OF SAID BLOCK 13 AND RUNNING THENCE SOUTH 80.00' TO THE SOUTH RIGHT-OF-WAY OF WEST WASHINGTON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY WEST 300.00' TO THE EAST RIGHT-OF-WAY OF SOUTHWEST 1ST STREET, THENCE ALONG SAID RIGHT-OF-WAY SOUTH 300.00' TO THE NORTH RIGHT-OF-WAY OF WEST WASHINGTON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY WEST 300.00' TO THE WEST RIGHT-OF-WAY OF SOUTHWEST 1ST STREET, THENCE ALONG SAID RIGHT-OF-WAY NORTH 63.00' TO THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY #412, THENCE ALONG SAID RIGHT-OF-WAY EAST 50.00' TO THE EAST RIGHT-OF-WAY OF SOUTHWEST 1ST STREET, THENCE ALONG SAID RIGHT-OF-WAY SOUTH 28.50' TO THE POINT OF BEGINNING, CONTAINING 1.07 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



RECORDING NUMBER DATE

LEGEND:

--- INFORMATION FOR OPERATIONS

--- PROPERTY LINE

--- RIGHT-OF-WAY

--- RIGHT-OF-WAY VACATION

FOR THE USE AND BENEFIT OF:

PAM TRUCKING, INC.

DATE: 06/26/24

SCALE: 1"=60'

PROJECT: West Washington Avenue # 1st Street

TOWN: TONTTOWN

COUNTY: WASHINGTON

STATE: ARKANSAS

CDM #335

FOR THE SURVEYOR:

DATE: 06/26/24

SCALE: 1"=60'

PROJECT: West Washington Avenue # 1st Street

TOWN: TONTTOWN

COUNTY: WASHINGTON

STATE: ARKANSAS

CDM #335