



# Vacate Permit

## Application & Checklist

Application can be found at [www.tontitown.com](http://www.tontitown.com)

### PERMIT FEES WILL DOUBLE IF WORK BEGINS BEFORE PERMIT IS APPROVED

Fill out this form completely, supplying all necessary information and documentation to support your request.

<b>Property Information</b>	Address _____	<b>Project Information</b>	<b>Select the property type being vacated:</b>	
	Parcel No. _____		<input type="checkbox"/> Alley R-O-W	<input type="checkbox"/> Drainage Easement
	Subdivision. _____		<input type="checkbox"/> Street R-O-W	<input type="checkbox"/> Public Access Easement
			<input type="checkbox"/> Utility Easement	<input type="checkbox"/> Other

<b>Property Owner</b>	Property Owner _____	Office Phone _____
	Business Name _____	Cell Phone _____
	Mailing Address _____	E-mail _____
		<input type="checkbox"/> Check here if this is the primary contact.

<b>Applicant/ Representative</b>	Representative _____	Office Phone _____
	Business Name _____	Cell Phone _____
	Mailing Address _____	E-mail _____
		<input type="checkbox"/> Check here if this is the primary contact.

### **SUBMITTAL CHECKLIST: (All items must be submitted before the application will be processed)**

- 1. Fee.** Submit an accurate and complete application and the fee.
- 2. Utility Release Forms.** Submit the signed release forms from ALL outside agency utility companies.
- 3. Neighbor Notification Forms.** Submit the signed forms of all adjacent property owners (exclude utility easements).
- 4. Certified List.** Submit the *certified list* of all adjacent property owners (exclude utility easements).
- 5. Vicinity Map.** Submit an exhibit / vicinity map which clearly portrays the easement you are proposing to vacate.
- 6. Recorded Plat.** Submit a copy of the recorded plat or copy of the filed document(s) that created the general utility easement, drainage easement, public access easement, street right-of-way or alley you are proposing to vacate.
- 7. Legal Description.** Attach an accurate legal description of the area being vacated. (may be found on warranty deed or current survey of property).
- 8. Petition to Vacate Form.** Submit an accurate and complete Petition to Vacate Form, which is included in this application.

**Applicant/ Representative:** I certify that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Property Owner/ Authorized Agent:** I certify that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on hid/her behalf).

Signature \_\_\_\_\_ Date \_\_\_\_\_

<b>Staff Use Only</b>	Date Submitted: _____ Zone _____	Fee: \$ _____ Receipt# _____
	CC Meeting Date _____ Date Approved _____	<input type="checkbox"/> Cash <input type="checkbox"/> Check _____ <input type="checkbox"/> Credit Card _____



## Vacate Pre-Application Checklist

---

Prior to applying for an easement or alley vacation, the following items must be complete and appropriate persons and agencies notified.

### **A. Notification of Utility Companies**

- 1. Create an accurate exhibit / vicinity map which clearly portrays what you are proposing to vacate. Aerial maps can be printed from <http://tontitowngis.com/>.
- 2. Obtain an accurate legal description of what you are proposing to vacate.
- 3. Complete the *Utility Release Form* included within this application.
- 4. Attach the exhibit / vicinity map and the legal description to the release form.
- 5. Send the release form with the attached exhibit / vicinity map and legal description to the following outside agency utility companies. Must receive signed release forms before applying to the City of Tontitown. \*Include your return address! The utility company must know where to send the signed release form.

### **B. Notification of Adjacent Property Owners (excludes general utility & drainage easements)**

- 1. Obtain a *certified list* of all adjacent property owners.
- 2. Complete the *Adjacent Property Owner Notification Form* included within this application and attach the legal description and an exhibit / vicinity map.
- 3. Send the *Adjacent Property Owner Notification Form* with the attached legal description and vicinity map to all adjacent property owners on the *certified list*. Must receive signed release forms before applying to the City of Tontitown. \*Include your return address! The adjacent property owners must know where to send the signed release form.

### **APPLICANT RESPONSIBILITY IS COMPLETE UNLESS NOTIFIED BY THE CITY**

#### **City Responsibility:**

- 1. Legal Description Check.** The Planning Department is notified and checks the legal description of the proposed vacation for accuracy. If the legal description or exhibit / vicinity map that was sent to the outside agency utility companies or adjacent property owners is inaccurate, the applicant will be notified and an accurate exhibit / vicinity map and a new release form must be resent to the outside agency utility companies and adjacent property owners. New release forms must be obtained by the applicant and submitted to the City of Tontitown before the vacation can be placed on the City Council agenda.
- 2. Release Forms.** The City of Tontitown sends the release form to the City utilities departments (water / sewer, streets and engineering).
- 3. Ordinance.** Once all signed release forms are obtained the proposed vacation is placed on the City Council agenda as an Ordinance. If a City utility department denies the proposed vacation, the applicant will be notified by mail. The Ordinance goes to City Council.
- 4. Approval.** If approved, the City of Tontitown files the Ordinance with Washington County.
- 5. Denial.** If denied, the City of Tontitown will notify the applicant by mail. The applicant must then contact the City Clerk for the appeals process.

**PETITION TO VACATE**

which is described as follows:

PETITION TO VACATE AN \_\_\_\_\_

LOCATED AT \_\_\_\_\_

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 \_\_\_\_\_  
to be vacated hereinafter sought to be abandoned and vacated, lying in Tontitown, Arkansas, a municipal  
corporation, petition to vacate an \_\_\_\_\_ which is described as follows:

Legal Description to of area to be vacated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

That the real estate affected by said abandonment of the \_\_\_\_\_

located at \_\_\_\_\_  
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 \_\_\_\_\_

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 \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

# UTILITY RELEASE FORM

Utility Company \_\_\_\_\_ Date \_\_\_\_\_

Requested Vacation \_\_\_\_\_

I have been notified of the petition to vacate the following \_\_\_\_\_  
described as follows:

Legal Description to of area to be vacated: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

UTILITY COMPANY COMMENTS (Send release form to the applicant's provided address).

- No objections to the vacation(s) described above,
- No objections to the vacation(s) described above, provided the following described easements are retained.
- Objects to the vacation(s) described above, reason described below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Printed Name & Title of Utility Company Representative

\_\_\_\_\_  
Signature

**ADJACENT PROPERTY OWNER NOTIFICATION FORM**

General Utility Easement, Drainage Easement, Public Access Easement, Alley, Street, R.O.W.

Address of Vacation \_\_\_\_\_

Adjacent Property Address \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

**Requested Vacation:**

I have been notified of the petition to vacate the following \_\_\_\_\_  
described as follows:

Legal Description to of area to be vacated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ADJACENT PROPERTY OWNERS COMMENTS (Send release form to the applicant's provided address).

- I do not object to the requested vacation(s) described above,
- I do to the requested vacation(s) described above, reason described below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature