

ORDINANCE NO. 2023-____

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 All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.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

APPROVED:

Angela Russell, Mayor

ATTEST:

Rhonda Ardemagni, Clerk-Treasurer
(SEAL)