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Washington County, AR
Bette Stamps Circuit Clerk
File **2012-00029800**

ORDINANCE NO. 4-17-2012

AN ORDINANCE ABANDONING A PORTION OF A PUBLIC SEWER EASEMENT AS REQUESTED IN PETITION OF CVM, INC. AN ARKANSAS CORPORATION, AND OTHER MATTERS RELATED THERETO.

“WHEREAS, a petition was duly filed with the City Council of the City of Elkins, Arkansas, on the 19th day of April, 2012, asking the City Council to vacate and abandon a portion of the public sewer easement designated on the plat of the Fox Trail Village Subdivision an addition to the City now appearing of record in plat book 15, page 45, in the office of the recorder of Washington County, the portion beginning at the East side of Lot A and ending at the West side of Lot A.

“WHEREAS, after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the public sewer or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a public sewer herein described; is not being actually used by the public generally; that all the owners of the property abutting upon the portion of the public sewer to be vacated have filed with the Council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of that portion of the public sewer.

WHEREAS, ACA § 14-54-105 provides for abandoning of public easements when they no longer serve a public need and are not needed for purposes of the City or the public.

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

“Section 1: Based upon the Petition filed herein by CMV, Inc., the statements of the Planning Administrator and the report of the City’s engineer, it is hereby determined that the portions of the public sewer easement hereinafter described and that portion of the public sewer on such easement are no longer needed for the purposes of the City or the public, therefore, the City of Elkins, Arkansas, releases, and abandons all its rights, together with the rights of the public generally, in and to the public sewer easement described as follows:


EXISTING 20' WIDE UTILITY EASEMENT TO BE ABANDONED:
AN EXISTING UTILITY EASEMENT 20' IN WIDTH BEING A PART OF TRACT "A1" OF THE ORIGINAL TRACT "A" IN FOX TRAIL VILLAGE SUBDIVISION TO THE CITY OF ELKINS, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS IN PLAT BOOK 15 AT PAGE 45 & TRACT SPLIT FILED IN BOOK 2012 AT PAGE 4613, SAID TRACT "A1" BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, SAID 20' UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A

POINT WHICH IS N89°57'20"E 200.00' AND N00°02'40"W 33.97' FROM THE
SOUTHWEST CORNER OF SAID TRACT "A1" AND RUNNING THENCE
N00°02'40"W 20.94', THENCE N72°47'52"W 183.24', THENCE S00°02'32"E
20.94', THENCE S72°47'52"E 183.24' TO THE POINT OF BEGINNING.

Section 2: A copy of the Ordinance duly certified by the City Recorder-Treasurer shall be filed in the office of the recorder of Washington County and recorded in the deed records of Washington County.

Section 3: This Ordinance shall take effect and be in force from and after its passage"

PASSED AND APPROVED this 20th day of Sept., 2012.



L. BRUCE LEDFORD, Mayor

ATTEST:



JASON BATHON, Recorder-Treasurer