

**ORDINANCE NO. 09-07**

**AN ORDINANCE CLOSING THE EASEMENT LOCATED BETWEEN LOTS 6 AND 7, McKISSIC CREEK ESTATES, CENTERTON, ARKANSAS; AND FOR OTHER PURPOSES;**

**WHEREAS**, a petition was duly filed with the City Council of the City of Centerton, Arkansas on the 31st day of October, 2008 asking the City Council to vacate and abandon a portion of the utility and drainage easement located between Lots 6 & 7 designated on the plat of the McKissic Creek Estates subdivision now appearing on record in plat book 2005, page 1435, in the office of the recorder of Benton County, Arkansas; and,

**WHEREAS**, after due notice as required by law, the council has, at the time and place mentioned in the notice (December 9, 2008 at 6:30 pm), heard all persons desiring to be heard on the question and has ascertained that the easement, or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as an easement herein described; has not been actually used by the public generally; that all the owners of the property abutting upon the portion of the easement 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 the easement; and,

**WHEREAS**, the City is authorized to abandon utility easements pursuant to A.C.A. § 14-54-104.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CENTERTON, ARKANSAS;**

Section 1: The City of Centerton, Arkansas releases, vacates, and abandons all its right, together with the rights of the public generally, in and to the easement designated as follows:

Part of Lot 6 and Lot 7 of McKissic Creek Estates in the City of Centerton, Benton County, Arkansas as recorded in Plat Book 2005 at page 1435, in the office of the Circuit Clerk and Recorder of Benton County, Arkansas, more particularly as follows:

Commencing at the Northeast corner of said Lot 6 McKissic Creek Estates S01°43'13"W along the Easterly line of said Lot 6 McKissic Creek Estate also the Westerly line of said Lot 7 McKissic Creek Estates 25.00 feet to the Point of Beginning; thence leaving the Easterly line of said Lot 6 McKissic Creek Estates also the Westerly Line of said Lot 7 McKissic Creek Estates S88°03'37"E a distance of 15.00 feet; thence S01°43'13"W a distance of 179.17 feet; thence

Ord. 09-07 McKissic Creek Estates  
Vacating Easement Lots 6 & 7

N85°48'13" W a distance of 296.97 feet; thence N15°35'55"W a distance of 31.47 feet; thence N56°48'06E a distance of 0.64 feet; thence S85°48'13"E a distance of 275.80 feet; thence N01°43'13"E a distance of 147.96 feet; thence S88°03'37"E a distance of 15.00 feet to the Point of Beginning. Containing 0.31 acres, more or less.

Section 2: A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 3: The City Council of the City of Centerton, Arkansas, has determined that an emergency is hereby found to exist, and this Ordinance, being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage, approval, and publication.

**PASSED AND APPROVED** this 14<sup>th</sup> day of April, 2009

APPROVED:

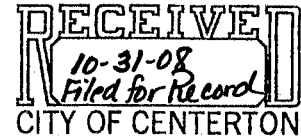
\_\_\_\_\_  
BOBBIE GRIFFITH, Mayor

ATTEST:

\_\_\_\_\_  
TODD WRIGHT, City Clerk







**PETITION TO VACATE AN EASEMENT LOCATED IN LOT 6 AND LOT 7, McKISSIC CREEK ESTATES, CITY OF CENTERTON, ARKANSAS**

To: The City Planning Commission  
The Centerton City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 6 and Lot 7, McKissic Creek Estates to the city of Centerton, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

Part of Lot 6 and Lot 7 of McKissic Creek Estates in the City of Centerton, Benton County, Arkansas as recorded in Plat Book 2005 at page 1435, in the office of the Circuit Clerk and Recorder of Benton County, Arkansas, more particularly as follows:

Commencing at the Northeast corner of said Lot 6 McKissic Creek Estates  $S01^{\circ}43'13''W$  along the Easterly line of said Lot 6 McKissic Creek Estates also the Westerly line of said Lot 7 McKissic Creek Estates 25.00 feet to the Point of Beginning; thence leaving the Easterly line of said Lot 6 McKissic Creek Estates also the Westerly Line of said Lot 7 McKissic Creek Estates  $S88^{\circ}03'37''E$  a distance of 15.00 feet; thence  $S01^{\circ}43'13''W$  a distance of 179.17 feet; thence  $N85^{\circ}48'13''W$  a distance of 296.97 feet; thence  $N15^{\circ}35'55''W$  a distance of 31.47 feet; thence  $N56^{\circ}48'06''E$  a distance of 0.64 feet; thence  $S85^{\circ}48'13''E$  a distance of 275.80 feet; thence  $N01^{\circ}43'13''E$  a distance of 147.96 feet; thence  $S88^{\circ}03'37''E$  a distance of 15.00 feet to the Point of Beginning. Containing 0.31 acres, more or less.

That the abutting real estate affected by said abandonment of the easement are on Lots 6 and 7, McKissic Creek Estates to the City of Centerton, Arkansas, a copy of the original plat located in the Circuit Clerk's Office for the County of Benton, State of Arkansas, is attached hereto, marked McKissic Creek Estates being a Replat of Lot 1, Scannell Subdivision to the City of Bentonville, Benton County, Arkansas, and made a part hereof as though set out herein word for word.

Petitioners state that the above described easement is open and has not been used by the public for utilities or drainage improvements, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.


The petitioners pray that the City of Centerton, Arkansas, abandoned and vacate the above described easement, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested to the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Centerton, Arkansas, abandon and vacate the above described easement, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owner be free from the easements of the public for the use of said real estate.

Dated this 30 day of October, 2008.

Michael Bower  
Print Name

  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature