



# Application for RIGHT-OF-WAY, ALLEY, AND EASEMENT VACATION

CITY OF CENTERTON ♦ PLANNING DEPARTMENT ♦ 290 MAIN ST., P.O. BOX 208 • CENTERTON, AR 72719  
PHONE (479)795-2750 • FAX (479)795-2545 x21  
planning@centertonar.us

### FOR STAFF USE ONLY

Project No.: VAC\_\_ - \_\_\_\_\_

Date Submitted: \_\_\_\_\_  
Date Complete: \_\_\_\_\_  
Date of Hearing \_\_\_\_\_  
Ordinance Number: 20\_\_ - \_\_\_\_\_  
Ordinance Date: \_\_\_\_\_

**APPLICATION FEE: \$150** Date Paid \_\_\_\_\_  
Receipt No. \_\_\_\_\_ Ck No. \_\_\_\_\_  
**PUBLISHING: AMT** \_\_\_\_\_ Date Paid \_\_\_\_\_  
Receipt No. \_\_\_\_\_ Ck No. \_\_\_\_\_  
**RECORDING: AMT** \_\_\_\_\_ Date Paid \_\_\_\_\_  
Receipt No. \_\_\_\_\_ Ck No. \_\_\_\_\_

**Application:** Please fill out this form completely, supplying all necessary information and documentation to support your request - see checklist on page 2. **Your application will not be placed on the City Council agenda until this information is furnished. Fees: \$150 + Publication and Recording Fees (As of 11/14/14)**

Type of Vacation Being Requested: \_\_\_\_\_  
(ROW, Alley, Utility Easement, Drainage Easement, Etc.)

### General Information:

Representative: \_\_\_\_\_ Day Phone: ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ Fax Number: ( ) \_\_\_\_\_  
email: \_\_\_\_\_  
Owner: \_\_\_\_\_ Day Phone: ( ) \_\_\_\_\_  
Address: \_\_\_\_\_ Fax Number: ( ) \_\_\_\_\_  
email: \_\_\_\_\_

**Property Description:** \_\_\_\_\_ PID #: \_\_\_\_\_ S-T-R: \_\_\_\_\_  
Site Location (Address/Subdivision/Lot/Etc.): \_\_\_\_\_

**Legal Description of Property:** May be found on deed or current survey of property. (Attach copy to this application):

**Applicant/Representative:** I/We 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/We understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination or approval. I/We understand that the City might not approve what I/We am/are applying for, or might set conditions on approval.

✓

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Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

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

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Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

CITY OF CENTERTON  
Street, Alley, & Easement Right-of-Way Vacation  
**PROCEDURES & CHECKLIST**

**I. FILE PETITION**

- A. Petition to vacate street R.O.W., alley or easement signed by the property owners through whose property the easement extends. The petition shall state the names of the persons requesting the petition and state the legal description of the easement or portion of easement to be vacated. (Sample Petition on page 4.)
- B. A copy of the plat on record in the Circuit Clerk's Office which shows the street, alley and or easement to be vacated, together with the lot and block numbers of each lot which abuts upon the street or alley to be vacated.
- C. Abstractor's Certificate of Ownership stating names of all owners of property abutting the street R.O.W, alley, or easement to be vacated.
- D. Submit all the above at least 7 days prior to scheduled council meeting.

**II. NOTICE OF HEARING**

- A. At the next council meeting, the council shall by resolution (Sample Resolution on page 5) fix a day for the hearing of the petition and arrange for publication.
- B. Publication in some newspaper published in the county and having a general circulation in the city or town at least once a week for two (2) consecutive weeks prior to hearing date. There is a charge to publish the notice of hearing and petitioner will be billed for this charge, unless the petitioner incurs the cost directly.

**III. HEARING**

- A. Submit certificate of publication.
- B. Written consent of all owners of property abutting street R.O.W., alley, or easement to be vacated.
- C. Comments from all utility companies concerning the street R.O.W., alley or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken.

Contact Information for Utility Companies: Revised: 02/22/18

- Black Hills Energy  
1301 Federal Way P.O. Box 2129  
Lowell, AR 72745-2129  
479-333-7009  
**Joshua Knight:** (479) 721-4543  
[joshua.knight@blackhillscorp.com](mailto:joshua.knight@blackhillscorp.com)
- Carroll Electric  
P.O. Box 329  
Bentonville, AR 72712  
479-273-2421 or 800-432-9720  
Derek Thurman Ext. 2690  
[dthurman@carrollecc.com](mailto:dthurman@carrollecc.com)  
or  
Ryan Butler Ext. 1415  
[rbutler@carrollecc.com](mailto:rbutler@carrollecc.com)
- AEP – SWEPCO  
415 W. Stribling Dr.  
Rogers, AR 72764  
479-986-1004  
Mark Beasley, Field Engineer  
[mbeasley@aep.com](mailto:mbeasley@aep.com)  
Or  
Ron Bertrum (More than 50 Lots)  
[rbertram@aep.com](mailto:rbertram@aep.com)  
Fayetteville District W  
(479) 973-2333  
101 W. Township  
Fayetteville, AR 72703-2823
- CenturyLink Phone Company  
Mike Edwards  
2601 Waukesha Road  
Siloam Springs, AR 72761  
479-524-9943  
479-524-9936 Fax  
Mike Edwards  
[Michael.edwards@centurylink.com](mailto:Michael.edwards@centurylink.com)
- Cox Communications (Cable)  
4901 S. 48<sup>th</sup> St.  
Springdale, AR 72762  
(479) 717-3610 Office  
  
Kip Smith  
(479) 871-8806 (cell)  
[Kip.smith@cox.com](mailto:Kip.smith@cox.com)  
  
Larry Alexander  
(479) 871-7606  
[Larry.alexander@cox.com](mailto:Larry.alexander@cox.com)
- Centerton Utilities  
Frank Holzkamper, Director  
P.O. Box 208  
500 Keller Road  
Centerton, AR 72719  
479-795-0222  
[frank@cwsonline.com](mailto:frank@cwsonline.com)

**IV. ORDINANCE**

1. Following the public hearing, the Council will vote on adoption of the ordinance to vacate the public utility easement. (Sample Ordinance on page 6.)
2. After the ordinance has been approved by the City Council, it will be filed at the Benton County Circuit Clerk's Office.

# Sample Petition

## PETITION TO VACATE AN ALLEY LOCATED IN BLOCK 1, DUNCAN'S ADDITION, 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 alley hereinafter sought to be abandoned and vacated, lying in Block 1, Duncan's Addition to the city of Centerton, Arkansas, a municipal corporation, petition to vacate an alley which is described as follows:

(Legal Description)

That the abutting real estate affected by said abandonment of the alley are Lots 3 and 4 block 1 and Lots 5 and 6 Block 2, Duncan's Addition to the City of Centerton, Arkansas, a certified copy of the original plat located in the Circuit Clerk's Office for the County of Benton, State of Arkansas, is attached hereto, marked Exhibit A, and made a part hereof as though set out herein word for word.

Petitioners state that the above described real estate is not open and has not been used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described alley.

The petitioners pray that the City of Centerton, Arkansas, abandoned and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, 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 in 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 real estate, subject to said utility and sewer easements, 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 alley.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Signature

# Sample Resolution

City of Centerton  
Resolution No. \_\_\_\_\_

A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE  
CLOSING OF A PUBLIC RIGHT-OF-WAY or EASEMENT LOCATED:

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

WHEREAS, a petition has been filed with the City Council of the City of Centerton, Arkansas by (*name of petitioners*) to abandon an (*easement*) located in the (*name of Subdivision or Addition*) within the corporate limits of the City of Centerton, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

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

1. That the City Council shall hear said petition at its regular meeting to be held at the meeting room of the Centerton City Hall, 290 Main Street, Centerton, Arkansas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 at 6:00 pm.
2. That the City Clerk is hereby directed to publish notice of filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
BILL EDWARDS, Mayor

ATTEST:

\_\_\_\_\_  
TODD WRIGHT, City Recorder

# Sample Ordinance

City of Centerton  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING THE PUBLIC RIGHT-OF-WAY or EASEMENT LOCATED AT  
\_\_\_\_\_; AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Centerton, Arkansas on the \_\_\_\_ day of \_\_\_\_\_, 2015 asking the City Council to vacate and abandon (*all or part*) portion of the (*easement description*).

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 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 for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the (*easement description*) 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 description*).

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 description*) designated as follows:

<PLEASE INSERT PROPERTY LEGAL DESCRIPTION>

**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 \_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
BILL EDWARDS, Mayor

ATTEST:

\_\_\_\_\_  
TODD WRIGHT, City Recorder

CITY OF CENTERTON  
**UTILITY APPROVAL FORM**

*FOR: STREET, ALLEY, AND UTILITY EASEMENT RIGHT-OF-WAY VACATIONS*

DATE: \_\_\_\_\_

UTILITY COMPANY: \_\_\_\_\_

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

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ PID # \_\_\_\_\_

REQUESTED VACATION: [Mark applicable item(s)]

- \_\_\_\_\_  Street Right-of-Way (and any Utility easement rights-of-way included)
- \_\_\_\_\_  Alley Right-of-Way (and any Utility easement rights-of-way included)
- \_\_\_\_\_  Utility Easement(s) as specifically noted
- \_\_\_\_\_  Drainage Easement(s) as specifically noted
- \_\_\_\_\_  Access Easement(s) as specifically noted
- \_\_\_\_\_  (other) \_\_\_\_\_

I have been notified of the petition to vacate the above noted items, described on the **attached legal description and drawing**. (Please initial approval beside those items marked above.)

UTILITY COMPANY COMMENTS:

- ( ) No objections to the vacation(s) described above.
  - ( ) No objections to the vacation(s) described above, provided following described easements are retained. (State the specific location, dimensions, and purpose below and show on drawing)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Printed Name and Title

DATE: \_\_\_\_\_

CITY OF CENTERTON  
**ADJACENT PROPERTY OWNER NOTIFICATION FORM**  
*FOR: STREET, ALLEY, AND UTILITY EASEMENT RIGHT-OF-WAY VACATIONS*

DATE: \_\_\_\_\_

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

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

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

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

REQUESTED VACATION: [Mark applicable item(s)]

- \_\_\_\_\_  Street Right-of-Way (and any Utility easement rights-of-way included)
- \_\_\_\_\_  Alley Right-of-Way (and any Utility easement rights-of-way included)
- \_\_\_\_\_  Utility Easement(s) as specifically noted
- \_\_\_\_\_  Drainage Easement(s) as specifically noted
- \_\_\_\_\_  Access Easement(s) as specifically noted
- \_\_\_\_\_  (other) \_\_\_\_\_

I have been notified of the petition to vacate the above noted items, described on the **attached legal description and drawing**. (Please initial approval beside those items marked above.)

ADJACENT PROPERTY OWNERS COMMENTS:

( ) I do not object to the vacation described above.

( ) I do object to the requested vacation because:

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

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

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date Signed