

ORDINANCE NO. 2018- 10

**AN ORDINANCE VACATING A UTILITY EASEMENT LOCATED ACROSS PART OF LOTS 73 AND 74, CLEAR CREEK SUBDIVISION, PHASE 3 AND FOR OTHER PURPOSES.**

**WHEREAS**, there exists special circumstances relative to Lots 73 and 74, Clear Creek Subdivision, Phase 3, regarding limitations as a result of an existing utility easement.

**WHEREAS**, all utility providers operating in the area of Lot 73 and 74 have signed off on an Easement Vacation Plat prepared by Bates and Associates, Inc. and said Plat was filed with the City and presented to the Planning Commission.

**WHEREAS**, EDA acting as Engineer for the City has approved the vacation of this utility easement and is satisfied that no public services will be affected.


**WHEREAS**, the Johnson Planning Commission approved vacation petition 2018-20 on July 5, 2018 and recommends passage of this Ordinance to the Council.

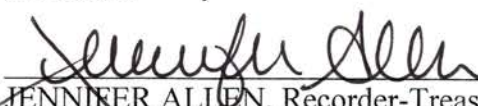
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, That:**

**Section 1:** That the utility easement located between Lots 73 and 74, Clear Creek Subdivision, Phase 3, to the City of Johnson, AR as described on Exhibit A hereto having not been utilized for a period in excess of five (5) years is not required for utility/corporation (City) purposes at this time or in the foreseeable future.

**Section 2:** Michael Green and Tandi Green are the owners of said Lots 73 and 74 and said utility easement as described on Exhibit A is hereby vacated in favor of said owners, one-half to each lot.

**PASSED AND APPROVED** this 14th day of August, 2018.

  
CHRIS KEENEY, Mayor

ATTEST:  
  
JENNIFER ALLEN, Recorder-Treasurer

20' UTILITY EASEMENT VACATION DESCRIPTION:

A 20' WIDE UTILITY EASEMENT LOCATED IN A PART OF LOTS 73 AND 74, CLEAR CREEK SUBDIVISION, PHASE 3, TO THE CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER AT PAGE 023A AT PAGE 64, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT WHICH IS N70°10'48"W 26.26' FROM THE NORTHEAST CORNER OF SAID LOT 73 AND RUNNING THENCE S37°38'51"W 10.50', THENCE N70°10'48"W 329.54', THENCE N03°06'59"W 14.20', THENCE N72°16'02"E 11.35', THENCE S70°10'48"E 332.50', THENCE S37°38'51"W 10.50' TO THE POINT OF BEGINNING, CONTAINING 0.15 ACRES, MORE OR LESS.

*Exhibit A*