

ORDINANCE NO. 2018- 12

**AN ORDINANCE VACATING A COMBINED DRAINAGE/UTILITY EASEMENT ACROSS LOTS 18 & 19, OF PHASE 1, CLEAR CREEK SUBDIVISION, (5734 AND 5756 DORNOCH DRIVE) AND FOR OTHER PURPOSES.**

**WHEREAS**, there exists special circumstances relative to Lots 18 and 19, Phase 1, Clear Creek Subdivision, regarding limitations on construction of improvements as a result of an existing drainage/utility easement.

**WHEREAS**, all utility providers operating in the area of Lot 18 & 19, Phase 1, have signed off on an Easement Vacation Plat and said Plat has been filed with the City.

**WHEREAS**, EDA acting as Engineer for the City has approved the vacation of the combined drainage/utility easement and is satisfied that a 100 year storm event will be contained within other existing drainage easements.

**WHEREAS**, the Johnson Planning Commission approved Petition 2018-23 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 drainage/utility easement across Lots 18 & 19, Phase I, Clear Creek Subdivision 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 purposes nor corporation (City) purposes at this time or in the foreseeable future and other existing drainage structures are adequate to contain expected flows.

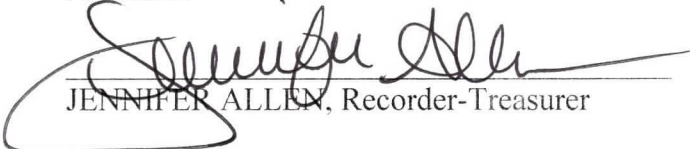
**Section 2:** That Steve Timmerman and Michelle Timmerman are the owners of Lots 18 & 19 and the drainage/utility easement as is described on Exhibit A is hereby vacated in favor of said owners, one-half to each lot.

**Section 3:** All other easements which constitute a burden on Lots 18 & 19, Phase 1, of Clear Creek Subdivision are confirmed and continue as a burden on said Lots 18 & 19, Phase 1.

**PASSED AND APPROVED** this 9<sup>th</sup> day of October, 2018.

  
CHRIS KEENEY, Mayor

ATTEST:

  
JENNIFER ALLEN, Recorder-Treasurer

**EXHIBIT "A"**

**A PART OF BOTH LOT 18 & 19 OF CLEAR CREEK SUBDIVISION, PHASE 1, AN ADDITION TO THE CITY OF JOHNSON, ARKANSAS, AS SHOWN ON THE FINAL PLAT OF CLEAR CREEK, PHASE 1, RECORDED IN PLAT BOOK 23A, AT PAGE 39, IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 19; THENCE SOUTH 77°40'18" WEST 25.02 FEET ALONG THE SOUTH LINE OF SAID LOT 19 TO THE POINT OF BEGINNING; THENCE LEAVING SAID SOUTH LINE AND RUNNING SOUTH 9°33'39" EAST 10.01 FEET TO A POINT; THENCE SOUTH 77°40'18" WEST 171.47 FEET TO A POINT; THENCE NORTH 8°06'49" EAST 10.29 FEET TO A POINT; THENCE NORTH 31° 14'28" WEST 10.95 FEET TO A POINT; THENCE NORTH 77°40'18" EAST, 172.39 FEET TO A POINT; THENCE SOUTH 9°33'39" EAST 10.01 FEET TO THE POINT OF BEGINNING.**