



City of Conway
Vacating of Public Utility Easements

In order to vacate and/or abandon a public utility easement, petitioner must submit a petition and a resolution, and a public hearing of the request conducted (on a date Council sets by resolution), and an ordinance passed by the Council. The resolution setting the public hearing date occurs at the first council meeting. Notice of the public hearing date is then published once a week for two consecutive weeks in the local newspaper. Following the public hearing, the Council will vote on adoption of the ordinance to vacate the public utility easement. The fee for any request for the closing of an easement shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable. **This fee is due upon filing the request to the Conway Planning & Development Department, 2nd floor, City Hall, 1201 Oak Street (501.450.6105).**

**PETITIONER MUST PROVIDE THE FOLLOWING TO THE
PLANNING & DEVELOPMENT DEPARTMENT:**

- A petition 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.
- A resolution (must be submitted electronically) setting the public hearing and directing the city clerk to give notice of the meeting by publication once a week for two (2) consecutive weeks.
- The Planning & Development Department will submit the resolution to be placed on the council agenda by **noon, Tuesday** the week prior to the Conway City Council meeting if petition and all supporting documents are as required upon submission to the Planning & Development Department **eleven (11) days prior to the city council meeting**. (See attachment for council deadlines and meeting dates.) There is a charge to publish the resolution in the *Log Cabin Democrat*. **Petitioner** will be billed for this charge.
- Letters from all utility companies approving the request
 - **AT&T**
Engineering - ROW
501.373.5255
lynda.palmer@att.com

- **CenterPoint Energy**
 Conway, AR
 501-450-3549
 501.377.4791
 501.336.8372 (fax)
 Dennis Fisher, Marketing Consultant
- **Conway Corporation**
 Engineering & Planning
 450-6050
- **City of Conway City Engineer**
 450-6165

(All letters must include an accurate legal description of the property)

- A copy of the plat showing the easement (if petitioner does not have a copy of the plat, the Conway Planning & Development Department may have one)
- A drawing indicating the area of the easement (may be obtained from the Conway Planning & Development Department)
- An ordinance adopting the vacation of the easement (see attachment). This must be submitted in electronic format. There is a charge to publish the ordinance in the *Log Cabin Democrat*. The **Petitioner** will be billed for this charge.
- To vacate an easement requires at least *two city council meetings*, one to set a public hearing date by resolution and a subsequent meeting for the public hearing and adoption of the ordinance if closure is approved.

- All information must be turned in no later than **noon, eleven (11) days** prior to the Conway City Council meeting. For further information, please contact Lileha Rhea, Planning and Development Department, 501.450.6105 or 6106.
- After an ordinance has been approved by City Council, it will be filed at the Circuit Clerk's office, which can take up to two weeks to be returned back to the City. If you would like a copy of the signed ordinance or resolution, please contact Karen Francis in the City Clerk's office at karen.francis@cityofconway.org or at 501.450.6610



**City of Conway, Arkansas
Resolution No. O-12- _____**

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF
AN EASEMENT LOCATED:**

WHEREAS, a petition has been filed with the City Council of the City of Conway, 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 Conway, 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
CONWAY, ARKANSAS;**

1. That the City Council shall hear said petition at its regular meeting to be held at Russel L. "Jack" Roberts District Court Building, 810 Parkway Street, Conway, Arkansas, on the _____ day of _____ 2012 at 6:30 p.m.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this _____ day of _____, 2012.

APPROVED:

ATTEST:

Mayor Tab Townsell

**Michael O. Garrett
City Clerk/Treasurer**



**City of Conway, Arkansas
Ordinance No. O-12- _____**

**AN ORDINANCE CLOSING THE EASEMENT LOCATED AT _____;
AND FOR OTHER PURPOSES;**

WHEREAS, a petition was duly filed with the City Council of the City of Conway, Arkansas on the _____ day of _____, 2012 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 a 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY ARKANSAS:

Section 1. The City of Conway, Arkansas releases, vacates, and abandons all its rights, 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. This ordinance shall take effect and be in force from and after its passage.

Passed this ____ day of _____, 2012.

Approved:

Mayor Tab Townsell

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



City of Conway – Mayor’s Office
2012 City Council Meeting
&
Deadline Dates



All requests for placement on the Conway City Council Agenda, ***along with all written backup materials, must be in the Mayor’s Office no later than 12:00pm*** (noon) seven (7) days prior to the meeting.

All information should be submitted electronically, including ordinances, resolutions, letters, etc. to Felicia Rogers @ felicia.rogers@cityofconway.org .

Here are the meeting and deadline dates for 2011:

<u>Meeting Date</u>	<u>Deadline</u>	<u>Meeting Date</u>	<u>Deadline</u>
January 10	Noon, January 3	July 10	Noon, July 3
January 24	Noon, January 17	July 24	Noon, July 17
February 14	Noon, February 7	August 14	Noon, August 7
February 28	Noon, February 21	August 28	Noon, August 21
March 13	Noon, March 6	September 11	Noon, September 4
March 27	Noon, March 20	September 25	Noon, September 18
April 10	Noon, April 3	October 9	Noon, October 2
April 24	Noon, April 17	October 23	Noon, October 16
May 8	Noon, May 1	November 13	Noon, November 6
May 22	Noon, May 15	November 27	Noon, November 20
June 12	Noon, June 5	December 11	Noon, December 4
June 26	Noon, June 19	December 25*	Noon, December 18

****This City Council meeting will be moved due to the Christmas Holidays***

All dates are subject to change

If you have any questions, please contact Felicia Rogers @ 450-6110