

ORDINANCE NO. 2022 - 07

**AN ORDINANCE VACATING AND ABANDONING ALL OF THE EAST-WEST PUBLIC UTILITY EASEMENT LYING WITHIN LOT A OF THE REPLAT OF PART OF SOUTHWEST ADDITION AND PART OF CARNES ADDITION BOTH TO THE CITY OF SEARCY, ARKANSAS**

**WHEREAS**, The South Grove at Searcy, LP, an Arkansas limited partnership, being the adjoining landowner of the East-West public utility easement lying within Lot A of the Replat of Part of the Southwest Addition and Part of Carnes Addition both the City of Searcy, Arkansas and having filed a Petition asking the Searcy City Council to vacate and abandon said Utility Easement; and

**WHEREAS**, said landowner represents that the Utility Easement described in the Petition filed with the City Clerk's Office for the City of Searcy, Arkansas, has not actually been used by the public for at least the last five (5) years; and

**WHEREAS**, Petitioner owns all of the adjoining real property to the Utility Easement within Lot A of the Replat of Part of the Southwest Addition and Part of Carnes Addition both the City of Searcy, Arkansas; and

**WHEREAS**, after due notice as required by law, the Searcy City 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 sought to be vacated and abandoned had heretofore been dedicated to the public but has not been actually used by the public for a period of time of at least five (5) years.

**NOW, THEREFORE**, be it hereby ordained by the City Council of the City of Searcy, Arkansas:

**Section 1:** That the City of Searcy, Arkansas, hereby releases, vacates, and abandons all of its rights, together with the rights of the public generally, to the East-West Public Utility Easement within Lot A of the Replat of Part of the Southwest Addition and Part of Carnes Addition both the City of Searcy, Arkansas, and as shown on the Vacation Plat attached hereto as Exhibit A. That the same be and hereby is abandoned and vacated as a public utility and that the fee simple title thereto be, and hereby is, vested in said landowner as the abutting property owner, its successors and assigns.

**Section 2:** That a copy of this Ordinance, duly certified by the City Clerk of the City of Searcy, Arkansas, shall be recorded in the office of the Recorder of White County, Arkansas.

**Section 3:** This Ordinance shall take effect and be in force from and after its passage.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of April, 2022.

**/s/ Kyle Osborne  
Mayor of Searcy**

**ATTEST:**

**/s/ Jerry Morris  
City Clerk**

