



# Easement / Alley Vacation

## Application & Checklist

**Fee: \$50.<sup>00</sup>**

Please fill out this form completely, supplying all necessary information and documentation to support your request. **Your application will not be placed on the City Council agenda until the application is completed and required information provided.**

Property Information	Address _____	Project Information	<b>Select the property type being vacated:</b>	
	<i>Attach legal description of property to this application. May be found on warranty deed or current survey of property.</i>		<input type="checkbox"/> Alley R-O-W	<input type="checkbox"/> Drainage Easement
			<input type="checkbox"/> Street R-O-W	<input type="checkbox"/> Public Access Easement
			<input type="checkbox"/> Utility Easement	<input type="checkbox"/> Other

Owner	Name _____	Phone _____	<input type="checkbox"/> Select if this is the primary contact
	Address _____	Fax _____	
	City, State, Zip _____	E-mail _____	

Applicant / Representative	Name _____	Phone _____	<input type="checkbox"/> Select if this is the primary contact
	Address _____	Fax _____	
	City, State, Zip _____	E-mail _____	

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

\_\_\_\_\_  
Date \_\_\_\_\_

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

\_\_\_\_\_  
Date \_\_\_\_\_

Staff Use Only	Date Application Submitted	HTE Project No.	CC Meeting Date
	Date Accepted as Complete	Atlas page	Zone

REV: Sep 2013

## Easement / Alley Vacation Application Checklist

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The following items must be submitted with the application form in order for the application to be complete.

- ☐ **1. Application and Fee.** Submit an accurate and complete application and the \$50 fee.
- ☐ **2. Utility Release Forms.** Submit the signed release forms from ALL THREE outside agency utility companies.
- ☐ **3. Neighbor Notification Forms.** Submit the signed forms of all adjacent property owners (excludes utility easements).
- ☐ **4. Certified List.** Submit the *certified list* of all adjacent property owners (excludes utility easements).
- ☐ **5. Vicinity Map.** Submit an exhibit / vicinity map which clearly portrays the easement you are proposing to vacate.
- ☐ **6. Recorded Plat.** Submit a copy of the recorded plat or copy of the filed document that created the general utility easement, drainage easement, public access easement, street right-of-way or alley you are proposing to vacate.
- ☐ **7. Legal Description.** Submit an accurate legal description of the area being vacated.
- ☐ **8. Petition to Vacate Form.** Submit an accurate and complete Petition to Vacate form, which is included in this application on page 5.

# Easement / Alley Vacation Pre-Application Checklist

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Prior to applying for an easement or alley vacation, the follow items must be complete and appropriate persons and agencies notified.

## **A. Notification of Utility Companies:**

- ☐ 1. Create an accurate exhibit / vicinity map which clearly portrays what you are proposing to vacate (contact Jim Wheelles @ 271-5926 for assistance, if needed).
- ☐ 2. Obtain an accurate legal description of what you are proposing to vacate.
- ☐ 3. Complete the *Utility Release Form* included within this application.
- ☐ 4. Attach the exhibit / vicinity map and the legal description to the release form.
- ☐ 5. Send the release form with the attached exhibit / vicinity map and legal description to the following outside agency utility companies. Must receive signed release forms before applying to the City of Bentonville. \*Include your return address! The utility company must know where to send the signed release form.

- **Cox Communications** (cable): Lynn Hogan, 4901 S. 48th Street, Springdale, AR 72762  
Fax # (479) 872-0174 , Phone #(479) 717-3600  
E-mail: lynn.hogan@cox.com
- **AT&T:** John Hill, 627 White Road, PO Box 7449 Springdale, AR 72766  
Fax # (479) 442-3771 , Phone # (479) 442-1963, Cell # 479-856-5743  
E-mail: jh7313@att.com
- **SourceGas:** Dana Scott, 1255 N. 13th Street, Rogers, AR 72756  
Fax # (479) 636-3467, Phone # (479) 636-8404  
E-mail: dana.scott@sourcegas.com

## **B. Notification of Adjacent Property Owners (excludes general utility & drainage easements)**

- ☐ 1. Obtain a *certified list* of all adjacent property owners.
- ☐ 2. Complete the *Adjacent Property Owner Notification Form* included within this application and attach the legal description and an exhibit / vicinity map.
- ☐ 3. Send the *Adjacent Property Owner Notification Form* with the attached legal description and vicinity map to all adjacent property owners on the *certified list*. Must receive signed release forms before applying to the City of Bentonville. \*Include your return address! The adjacent property owners must know where to send the signed release form.

# Easement / Alley Vacation Process

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## Applicant Responsibility:

1. **Notify Utility Companies.** Applicant notifies outside agency utility companies and receives signed release forms from outside agency utility companies.
2. **Notify Adjacent Property Owners.** Applicant notifies adjacent property owners by sending the adjacent property owner notification form and receives signed notification forms from adjacent property owners (Excludes general utility easement vacations).
3. **Receipt of Signed Notifications.** The applicant will receive all signed notification forms before applying.
4. **Application.** Applicant applies to the City of Bentonville per the checklist on page 2.

### **APPLICANT RESPONSIBILITY IS COMPLETE UNLESS NOTIFIED BY THE CITY**

## City Responsibility:

1. **Legal Description Check.** The Planning Department is notified and checks the legal description of the proposed vacation for accuracy. The Planning Department creates an exhibit / vicinity map.

If the legal description or the exhibit / vicinity map that was sent to the outside agency utility companies or adjacent property owners by the applicant is inaccurate, the applicant will be notified and an accurate exhibit / vicinity map and a new release form must be resent to the outside agency utility companies and adjacent property owners. New release forms must be obtained by the applicant and submitted to the City of Bentonville before the vacation can be placed on the City Council agenda.
2. **Release Forms.** The City of Bentonville sends the release form to the City utilities departments (water / sewer, streets, engineering, and electrical).
3. **Resolution.** Once all signed release forms are obtained the proposed vacation is placed on the City Council agenda as a Resolution. If a City utility department denies the proposed vacation, the applicant will be notified by mail. The Resolution goes to City Council.
4. **Public Notification.** The City Clerk advertises the proposed vacation in the newspaper two times.
5. **Ordinance.**
  - a. An Ordinance is drafted.
  - b. The Ordinance is placed on the City Council agenda and a public hearing takes place.
  - c. The Ordinance for the vacation is voted on by City Council and either approved or denied.
6. **Approval.** If approved, the City of Bentonville files the Ordinance with Benton County.
7. **Denial.** If denied, the City of Bentonville will notify the applicant by mail. The applicant must then contact the City Clerk for the appeals process.

## **PETITION TO VACATE**

which is described as follows:

PETITION TO VACATE AN

LOCATED AT

CITY OF BENTONVILLE, ARKANSAS.

TO: The Bentonville City Council

We, the undersigned, being all the owners of the real estate of or adjacent to the

to be vacated hereinafter sought to be abandoned and vacated, lying in Bentonville, Arkansas, a municipal corporation,

petition to vacate an

which is described as follows:

Legal  
Description  
of area to  
be vacated

That the real estate affected by said abandonment of the

located at

to the City of Bentonville, 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, and made a part hereof as though set out herein word for word.

Petitioners state that the above described real estate will not adversely affect the public interest and welfare and would also not be adversely affected by the abandonment of the above described

The petitioners recommend that the City of Bentonville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully recommend that the governing body of the City of Bentonville, Arkansas, abandon and vacate the above described real estate, subject to said utility easements and as to that particular land the owner be free from the easements of the public for the use of said real property.

Dated this

day of

, 20

Printed Name

Signature

Printed Name

Signature

## **UTILITY RELEASE FORM**

General Utility Easement, Drainage Easement, Public Access Easement, Alley, Street, R.O.W.

Utility Company

Date

Requested Vacation

I have been notified of the petition to vacate the following described as follows:

Legal  
Description

UTILITY COMPANY COMMENTS (Send release form to the applicant's provided address).

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided the following described easements are retained.
- ☐ Objects to the vacation(s) described above, reason described below.

Describe  
reasons for  
objection or  
easements to be  
retained

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

\_\_\_\_\_  
Title

## **ADJACENT PROPERTY OWNER NOTIFICATION FORM**

General Utility Easement, Drainage Easement, Public Access Easement, Alley, Street, R.O.W.

Address of Vacation

Adjacent Property Address

Lot

Block

Subdivision

### **Requested Vacation:**

I have been notified of the petition to vacate the following:  
described as follows:

Legal  
Description:

**\*Attach exhibit and/or vicinity map of what is being vacated.**

### **ADJACENT PROPERTY OWNERS COMMENTS:**

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

☐ I do object to the requested vacation(s) described above because:

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

\_\_\_\_\_  
Date