

Right-of-Way Abandonment Process

Overview

Upon request, the City of Jonesboro may consider abandonment of public Right-of-Way (ROW).

Arkansas State Code, Section 14-301-110 gives the Jonesboro City Council the authority to abandon street ROW following a public hearing and a determination that the abandonment:

- Is not contrary to the public interest.
- Does not deprive any individual(s) that own property nearby of reasonable means of ingress and egress to their property.

The Jonesboro Engineering and Planning Departments shall be responsible for administering the City's ROW/Easement Abandonment Program.

The majority of the City's ROW has been dedicated to the City, meaning that it was not purchased. When ROW is abandoned at these locations, the land reverts to the adjacent property owner(s), at no cost, should City Council approve the abandonment request.

Typically, ROW considered for abandonment is:

- Unimproved ROW that has no pavement, curb/gutter or sidewalk.
- ROW that exceeds the minimum width requirements, based on street classification.
- Residual (leftover) ROW resulting from a street or intersection realignment project.
- ROW that is not necessary to support the City's street connectivity policy.
- ROW that supports redevelopment.

Process

The City's review process takes approximately 2-4 months. Some of the items that are included in the review process are:

- Notification and request for comments to adjacent property.
- Notification and request for comments to all public and private facilities.
- Vote by City Council.

Cost

The application fee for this process is \$100 for the administrative fee (proposed) plus publication fees (adopted). The petitioner is responsible for all other associated costs, including the boundary survey and

metes-and-bounds description.

Right-of-Way Abandonment Petition Requirements

- A letter of request with contact information (name, address, phone number) for the petitioner and full description of project.
- One completed and signed original copy of the Right-of-Way Abandonment Petition.
- Memorandum of Understanding or letter of consent from the abutting property owners.
- Scaled drawings of a survey showing the ROW to be abandoned, including a vicinity map. The survey shall be labeled Exhibit A and shall be signed and sealed by a duly licensed professional land surveyor. All drawings must be 8-1/2" by 11" or 11" by 17" in size.
- A Metes and Bounds description of the ROW to be abandoned. The description shall be labeled Exhibit B and shall be signed and sealed by a duly licensed professional land surveyor.

Check payable to the City of Jonesboro in the amount of \$100.00 + publication fee (current Jonesboro Sun publication rate amount per word). **Fees:** Resolution No.: 09:046: The publication cost shall be paid to and calculated by the Collections department for the City of Jonesboro, Arkansas at the same rate being charged by the local newspaper in which the publication is being run. It shall be the responsibility of the City Collector to determine the current rate, calculate that rate based on the cost per word, and collect the publication fee.

Staff recommends a fee schedule amendment to include a \$100.00 administration fee.

- For additional information about submittal requirements and to obtain the [right-of-way abandonment petition form](#)*, please contact the Planning Department or the Engineering Department.

Arkansas State Code

Arkansas State Code Section: 14-301-301. Power and authority to vacate.

(a) Cities of the first and second class and incorporated towns are given power and authority to vacate public streets and alleys within the cities and towns under the conditions and in the manner herein provided.

(b) In all cases where the owner of property within a city or town shall have dedicated, or may hereafter dedicate, a portion of the property to the public use as streets or alleys by platting the property and causing the plat to be filed for record, as provided by law, and any street or alley, or section thereof, shown on the plat so filed shall not have been actually used by the public as a street or alley for a period of five (5) years and in all cases where all property abutting any street or alley, or section thereof, is owned by any educational institution or college, whether the property shall have been actually used by the public as a street or alley for a period of five (5) years or not, the city or town council shall have power to vacate and abandon the street or alley, or any portion thereof, by proceeding in the manner set forth in this subchapter.

History. Acts 1945, No. 17, §§ 1, 2; 1947, No. 88, § 1; 1949, No. 98, § 1; A.S.A. 1947, §§ 19-3824, 19-3825.

14-301-302. Petition to vacate — Notice of hearing.

(a) The owners of any property abutting upon a street or alley referred to in § 14-301-301, may file a petition with the city or town council requesting the council to vacate the street or alley, or a portion thereof.

(b) The petition shall designate the street or alley, or a portion thereof, to be vacated, and there shall be filed with the petition a certified or photostatic copy of the portion of the plat filed in the office of the county recorder which shows the street or alley to be vacated, together with the lot and block numbers of each lot which abuts upon the street or alley to be vacated.

(c) At the next regular or special meeting of the council, the council shall, by resolution, fix a day for the hearing of the petition and shall direct the city clerk or town recorder to give notice of the meeting by publication once a week for two (2) consecutive weeks in some newspaper published in the county and having a general circulation in the city or town.

(d) The notice shall:

(1) State the names of the persons who sign the petition;

(2) State the name of the street or alley, or the portion thereof, to be vacated. If the street or alley is not named on the plat, the notice shall identify the street or alley by the abutting lot or block numbers; and

(3) Advise all persons that on a certain day named in the notice, the council will hear and determine whether the street or alley shall be vacated.

History. Acts 1945, No. 17, § 3; A.S.A. 1947, § 19-3826.

14-301-303. Hearing — Written consent of abutting owners.

At the meeting of the council as designated in the notice, any property owner affected by the petition shall be heard. The council shall then determine whether, from the standpoint of public interest and welfare, the street or alley should be vacated as proposed in the petition. However, no street or alley, or any portion thereof, shall be abandoned or vacated unless there has been filed with the council the written consent of the owners of all lots abutting on the street or alley, or the portion thereof, to be vacated.

History. Acts 1945, No. 17, § 4; A.S.A. 1947, § 19-3827.

14-301-304. Ordinance vacating street or alley.

(a) If the council shall find by a majority vote of its members that the petition should be granted, either in whole or in part, the decision of the council shall be incorporated in an ordinance to that effect which shall be substantially as follows:

“Whereas, a petition was duly filed with the City (or Town) Council of the City (or Town) of, Arkansas, on theday of -----, 20, asking the City (or Town) Council to vacate and abandon all that portion of the street (or alley) designated on the plat of the Addition to the City (or Town) now appearing of record in plat book, page, in the office of the recorder of County, beginning at and ending at

“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 street (or alley) or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street (or alley) 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 street (or alley) 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 street (or alley).

“Now, therefore, be it ordained by the City (or Town) Council of the City (or Town) of, Arkansas:

“Section 1. The City (or Town) of, Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street (or alley) designated as follows:

“(Here will be designated the street or alley to be abandoned by reference to the official plat.)

“Section 2. A copy of the ordinance duly certified by the city clerk or town recorder 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.”

History. Acts 1945, No. 17, § 5; A.S.A. 1947, § 19-3828.

14-301-305. Suit to reject ordinance — Evidence of consent.

(a) The determination, findings, and ordinance of the council shall be conclusive unless, within thirty (30) days after the passage of the ordinance, suit is brought to reject the ordinance in the chancery court of the county where the city or town is located.

(b) In determining whether all abutting property owners have consented to the abandonment, the council and chancery court shall be limited by the record of deeds in the office of the recorder of the county and shall not consider unrecorded instruments.

History. Acts 1945, No. 17, § 6; A.S.A. 1947, § 19-3829.

14-301-306. Ownership of street or alley vesting in abutting owners — Pending suits unaffected.

(a) Upon the adoption of the ordinance, the absolute ownership of the property abandoned by the city or town shall vest in the owners of the real estate abutting thereon. Each such abutting owner shall take title to the center line of the street or alley so abandoned, and the ownership shall be free from the easement of the city or town for public use as a street or alley.

(b) This subchapter shall not affect suits now pending in any of the courts of this state.

History. Acts 1945, No. 17, § 7; A.S.A. 1947, § 19-3830.

14-199-103. Vacation of public utility easements.

(a) Cities of first and second class and incorporated towns are given power and authority to vacate public utility easements or segments thereof, within such cities and towns under the conditions and in the manner provided for the vacation of streets and alleys by §§ 14-301-301 — 14-301-306.

(b) A petition requesting the vacation of a public utility easement, signed by the property owners through whose property the easement extends shall be filed with the municipal legislative body and dealt with in the manner provided for by law.

(c) Upon the adoption of an ordinance vacating a public utility easement, or a segment thereof, the ownership of the lot, block, or parcel of real property through which the easement extends shall cease to be burdened with the easement.

(d) Nothing in this section shall be construed as empowering first-class and second-class cities and incorporated towns to vacate utility easements still in use or to vacate utility easements owned by utilities

without just compensation therefore.

(e) This section shall be cumulative to §§ 14-301-301 — 14-301-306.