

Jim Burton
City Attorney

September 8, 1987



City Hall
314 W. Washington
P.O. Box 580
Jonesboro, Arkansas 72403-0580
(501) 932-0917

Mr. Dan B. Mulhollen, P.E.
Mulhollen & Associates, Inc.
P.O. Drawer 9
Jonesboro, AR 72403

RE: Drainage Easement Reduction
Lot 11, Shelby Acres
Jonesboro, Arkansas

Dear Mr. Mulhollen:

At your request I have reviewed the legal aspects of a request by your client, Citizens Bank, to modify an existing drainage easement across Lot 11 which was originally platted for 40 feet for the creation of a drainage ditch to an easement of 20 feet, with five feet reserved for utilities, and a balance of 15 feet dedicated for drainage works.

My review of the pertinent law reveals no statutory prohibition against the modification of an existing easement by ordinance, so long as the public interest is served by the user providing for sufficient drainage across the property by other means than those originally contemplated in the larger original easement.

I would recommend that you provide the City Engineer and the Council with drawings of the original of the plat in question depicting both the original easement and the proposed modification for their review. If you have any additional questions in this matter please contact me.

Sincerely yours,


Jim Burton

JRB/mm

cc: Mr. Jeff Gibson, Director of Public Works, City of Jonesboro
Citizens Bank of Jonesboro