



Legislation Details (With Text)

**File #:** ORD-22:049    **Version:** 1    **Name:** VACATE AND ABANDON A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED WITHIN LOTS 1 AND 2 OF THE CAVENAUGH AUTO GROUP MINOR PLAT IN JONESBORO, ARKANSAS AS REQUESTED BY CAVENAUGH PROPERTIES, LLC.

**Type:** Ordinance    **Status:** Passed

**File created:** 12/1/2022    **In control:** City Council

**On agenda:**    **Final action:** 1/3/2023

**Title:** AN ORDINANCE TO VACATE AND ABANDON A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED WITHIN LOTS 1 AND 2 OF THE CAVENAUGH AUTO GROUP MINOR PLAT IN JONESBORO, ARKANSAS AS REQUESTED BY CAVENAUGH PROPERTIES, LLC.

**Sponsors:**

**Indexes:** Abandonment, Drainage Easement, Utility Easement

**Code sections:**

**Attachments:** 1. Plat, 2. petition, 3. Letters, 4. NOTICE OF PUBLIC HEARING, 5. CWL Letter 12012022

Date	Ver.	Action By	Action	Result
1/3/2023	1	City Council	Passed	Pass
12/20/2022	1	City Council	Waived Second Reading	Pass

AN ORDINANCE TO VACATE AND ABANDON A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED WITHIN LOTS 1 AND 2 OF THE CAVENAUGH AUTO GROUP MINOR PLAT IN JONESBORO, ARKANSAS AS REQUESTED BY CAVENAUGH PROPERTIES, LLC.

AN ORDINANCE TO VACATE AND ABANDON A UTILITY EASEMENT AND A DRAINAGE EASEMENT LOCATED WITHIN LOTS I AND 2 OF THE CAVENAUGH AUTO GROUP MINOR PLAT IN JONESBORO, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

DESCRIPTION - UTILITY EASEMENT

A UTILITY EASEMENT 20 FEET IN WIDTH LOCATED IN LOTS 1 AND 2 OF THE CAVENAUGH AUTO GROUP MINOR PLAT AS RECORDED AT 2022R-022S22 IN THE PUBLIC RECORDS FOR CRAIGHEAD COUNTY AT JONESBORO, ARKANSAS, BEING MORE PARTICULARIY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 OF SAID CAVENAUGH AUTO GROUP MINOR PLAT, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF ARKANSAS HIGHWAY NO. 1 (STADIUM BLVD.), THENCE SOUTH 01°10'18" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 78.73 FEET TO A POINT, THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°10'18" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 20 FEET TO A POINT; THENCE SOUTH 89°46'36" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 760.29 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF MALIBU DRIVE; THENCE NORTH 00°54'50" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY OF MALIBU DRIVE, A DISTANCE OF 20 FEET TO A POINT; THENCE NORTH 89°46'36" EAST, DEPARTING SAID RIGHT-OF

WAY OF MALIBU DRIVE, A DISTANCE OF 350.38 FEET TO A POINT; THENCE NORTH 00°53'58" EAST, A DISTANCE OF 297.76 FEET TO A POINT; THENCE NORTH 89°44'42" EAST, A DISTANCE OF 20.00 FEET TO A POINT; THENCE SOUTH 00°53'58" WEST, A DISTANCE OF 297.77 FEET TO A POINT; THENCE NORTH 89°46'36" EAST, A DISTANCE OF 390.00 FEET TO THE POINT OF BEGINNING;

CONTAINING IN ALL SOME 21,161 SQ. FT. OR 0.486 ACRES, MORE OR LESS.

SUBJECT TO ALL RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHT-OF-WAY OF RECORD.

AND DESCRIPTION - DRAINAGE EASEMENT

A DRAINAGE EASEMENT 10 FEET IN WIDTH LOCATED IN LOT 2 OF THE CAVENAUGH AUTO GROUP MINOR PLAT AS RECORDED AT 2022R-022522 IN THE PUBLIC RECORDS FOR CRAIGHEAD COUNTY AT JONESBORO, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2 OF SAID CAVENAUGH AUTO GROUP MINOR PLAT, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF ARKANSAS HIGHWAY NO. 1 (STADIUM BLVD.), THENCE SOUTH 01°10'18" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 88.73 FEET TO A POINT, THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01 °10'18" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 10 FEET TO A POINT; THENCE SOUTH 89°46'36" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 760.29 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF MALIBU DRIVE; THENCE NORTH 00°54'50" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY OF MALIBU DRIVE, A DISTANCE OF 10 FEET; THENCE NORTH 89°46'36" EAST, DEPARTING SAID RIGHT-OF-WAY OF MALIBU DRIVE, A DISTANCE OF 760.29 FEET TO THE POINT OF BEGINNING;

CONTAINING IN ALL SOME 7,600 SQ. FT. OR 0.175 ACRES, MORE OR LESS.

SUBJECT TO ALL RESTRICTIONS, RESERVATIONS, EASEMENTS AND RIGHT-OF-WAY OF RECORD.

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas, that:

SECTION ONE: The City of Jonesboro, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally, in and to the right-of-way designated as follows:

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WAY, A DISTANCE OF 78.73 FEET TO A POINT, THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°10'18" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 20 FEET TO A POINT; THENCE SOUTH 89°46'36" WEST, DEPARTING SAID WESTERLY RIGHT-OF-WAY, A DISTANCE OF 760.29 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF MALIBU DRIVE; THENCE NORTH 00°54'50" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY OF MALIBU DRIVE, A DISTANCE OF 20 FEET TO A POINT; THENCE NORTH 89°46'36" EAST, DEPARTING SAID RIGHT-OF-WAY OF MALIBU DRIVE, A DISTANCE OF 350.38 FEET TO A POINT; THENCE NORTH 00°53'58" EAST, A DISTANCE OF 297.76 FEET TO A POINT; THENCE NORTH 89°44'42" EAST, A DISTANCE OF 20.00 FEET TO A POINT; THENCE SOUTH 00°53'58" WEST, A DISTANCE OF 297.77 FEET TO A POINT; THENCE NORTH 89°46'36" EAST, A DISTANCE OF 390.00 FEET TO THE POINT OF BEGINNING;

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SECTION TWO: The abandonment of the utility easement is conditioned on the following: CWL requires full completion of the sewer extension agreement, including all lien releases and record drawings associated with the new 8" sewer main, replacing the existing 8" sewer drain.

SECTION THREE: A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the recorder of Craighead County, Arkansas and shall be filed in the Deed Records of such office.

SECTION FOUR: Whereas, it is necessary for obtaining final building permits, provide for traffic safety and continue construction activities, now therefore an emergency is hereby declared to exist and this ordinance

being necessary for the preservation of the public peace, health and safety shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED THIS 3RD DAY OF JANUARY 2023.