



## EASEMENT / R.O.W. VACATION

### Application & Checklist

**Fee: None**

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

#### Property Information

Address: \_\_\_\_\_

*Attach legal description of property to this application.  
May be found on warranty deed or current survey.*

#### Property Type Being Vacated

- ☐ Alley Right-of-Way  
☐ Street Right-of-Way  
☐ Utility Easement  
☐ Drainage Easement  
☐ Other: \_\_\_\_\_

#### Owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

☐ Select if this is the primary contact

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### Applicant/Representative

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

☐ Select if this is the primary contact

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

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.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff Use Only	Date Application Submitted	Date Accepted as Complete	PC Meeting Date

## Easement / R.O.W. Vacation Checklist

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- ☐ **1. Completed Application Form.**
- ☐ **2. Utility Release Forms.** Submit the signed release forms from ALL outside agency utility companies.
- ☐ **3. Certified List.** Submit a certified list of all adjacent property owners (excludes utility easements).
- ☐ **4. Neighbor Notification Forms.** Submit the signed forms of all adjacent property owners (excludes utility easement).
- ☐ **5. Vicinity Map.** Submit an exhibit / 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 easement or right-of-way 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 the application.

## **Easement / R.O.W. Vacation Pre-Application Checklist**

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

- ☐ 1. Create an accurate exhibit / vicinity map which clearly portrays what you are proposing to vacate.
- ☐ 2. Obtain an accurate legal description of what you are proposing to vacate.
- ☐ Complete the Utility Release Form included within this application.
- ☐ Attach the exhibit / vicinity map and the legal description to the release form.
- ☐ 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 Harrison. **\*Include your return address.** The utility company must know where to send the signed release form.

**Cox Communication:** Dale Donovan, 479-225-5527, dale.donovan@cox.net

**Windstream:** Walter "Tom" Harris, 870-416-9532, walter.thomas.harris@windstream.com

**Ritter:** Mitch Brasel, 870-365-6383, mitch.brasel@rittercommunications.com

**Entergy:** Glen Nelle, 870-414-1476, gnelle@entergy.com

**Black Hills Energy (natural gas):** Sam Pianalto, 870-416-2550, sam.pianalto@blackhillscorp.com

### **B. Notification of Adjacent Property Owners:**

- ☐ 1. Obtain a certified list of all adjacent property owners.
- ☐ 2. Complete the *Adjacent Property Owner Notification Form* included with 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 and the list. Must receive signed release forms before applying to the City of Harrison. **\*Don't forget to include your return address.**

## Easement / R.O.W. 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 utility easement vacations).
3. **Receipt of Signed Notifications.** The applicant will receive all sign notifications forms before applying.
4. **Application.** Applicant applies to the City of Harrison per the checklist.

### City Responsibility:

1. **Legal Description Check.** The Department of Public Works will review the legal description for accuracy.
2. **Planning Commission Review.** Once the application is complete and release forms have been received, request will be reviewed by the City of Harrison Planning Commission. Planning Commission will make a recommendation to the City Council regarding the request: (1) recommend to approve, (2) recommend to approve with conditions, or (3) recommend to deny.
3. **City Council Review and Ordinance.** If the Planning Commission recommends approval or the request is otherwise placed on the City Council agenda, the City will draft an ordinance and a public hearing will be schedule. The City Clerk advertises the proposed vacation and public hearing in the newspaper. Public hearings are typically scheduled to coincide with City Council committee or regular business meetings.
4. **Approval.** If approved, the City of Harrison files the Ordinance with Boone County.
5. **Denial.** If denied, the City of Harrison will notify the application in writing. The applicant may then contact the City Clerk for the appeals process should they choose.

## **PETITION TO VACATE**

which is described as follows:

PETITION TO VACATE AN \_\_\_\_\_ (vacation type)

LOCATED AT \_\_\_\_\_ (address)

We, the undersigned, being all the owners of the real estate of or adjacent to the \_\_\_\_\_  
\_\_\_\_\_ (vacation type) to be vacated hereinafter sought to be abandoned and vacated,  
lying in the City of Harrison, Arkansas, a municipal corporation, petition to vacate a(n) \_\_\_\_\_  
\_\_\_\_\_ (vacation type) which is described as follows:

Legal Description of Area to Be Vacated:

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That the real estate affected by said abandonment of the \_\_\_\_\_ (vacation type)  
located at \_\_\_\_\_ (address).

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 vacation.

WHEREOF, the undersigned petitioners respectfully recommend that the governing body of the City of  
Harrison, 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

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

## **UTILITY RELEASE FORM**

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

Utility Company: \_\_\_\_\_ Date: \_\_\_\_\_

Requested Vacation Type: \_\_\_\_\_

I have been notified of the petition to vacate the following \_\_\_\_\_

\_\_\_\_\_ (vacation type), described as follows:

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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 remain.
- ☐ Objects to the vacation(s) described above, reason provided below.

Reasons for objection or easements to be retained: \_\_\_\_\_

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

\_\_\_\_\_  
Title

## **ADJACENT PROPERTY OWNER NOTIFICATION**

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 \_\_\_\_\_ (vacation type)  
described as follows:

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\*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 Owner:

\_\_\_\_\_ Date: \_\_\_\_\_

Note: Property owners may contact the Department of Public Works at (870) 741-3434 with questions regarding this request; however, comments must be received in writing for presentation to the Planning Commission and/or City Council