

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY OR ALLEY

APPLICATION:

Indicate one contact person for application: _____ Applicant _____ Representative

Applicant (owner)

Representative (engineer, attorney, realtor, etc)

Name: _____

Name: _____

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

E-Mail: _____

E-Mail: _____

Site Address/Location: _____

Legal Description of area to be vacated (attach separate sheet if necessary): _____

Assessor's Parcel Number for Subject Property: _____

Reason for Request: _____

Current Status of Right-of-Way/Easement: _____

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury 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 if it is determined following review of the application by city staff that ongoing utility interests must be protected through easement dedications, the applicant or his authorized agent shall be required to develop and submit a fully executed easement. Additionally, I understand that the applicant or agent will be required to execute a Memorandum of Understanding regarding any right-of-way abandonments and understand that no action will be taken by the Board of Directors on an abandonment request until said utility easement, if determined by staff is necessary, and Memorandum of Understanding are on file with the city.

I understand that I shall bear the expense of publication of notice given by the City in addition to the expense of publication of the ordinance after adoption by the Board of Directors.

Name: (printed) _____

Signature: _____ Date: _____

Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.*

Note: If application is signed by authorized agent, all owners must sign and submit “Authorization of Agent” form.

Application Checklist:

- A list from the Sebastian County Assessor’s Office showing all property owners within 300 feet of all perimeter points of the tract being considered for abandonment. (*County Assessor is located in Room 107 of the Sebastian County Courthouse*).
- Abstractor’s Certificate of Ownership stating names of all owners of property abutting the property to be vacated
- Petition with signatures of all abutting property owners
- Metes and Bounds legal description of the area to be vacated (Provide hard copy and CD containing legal description in MS Word)
- Hard copy and PDF of survey of the site depicting the perimeter property lines and area within the property to be vacated
- Application Fee of \$150.00. This fee is non-refundable.

The Planning Department will post a sign like the one shown below at area proposed for vacation. Once the sign is posted, it must be left in place until the vacation is approved by the Board of Directors. The planning staff will remove the sign the following day after by the Board of Directors meeting.



SAMPLE PETITION TO VACATE

(This is a sample petition. Applicants are responsible for submitting a petition which accurately reflects their specific request.)

PETITION TO VACATE (an alley, easement, right-of-way) _____ LOCATED IN

(Subdivision, Block, and Lot)____, CITY OF FORT SMITH, SEBASTIAN COUNTY,

ARKANSAS.

TO: Fort Smith Board of Directors

We, the undersigned, being all of the owners of the real estate abutting the (alley, easement, right-of-way) herein sought to be abandoned and vacated, lying in (Subdivision, Block, Lot), City of Fort Smith, Sebastian County, Arkansas, a municipal corporation, petition to vacate (an alley, easement, right-of-way) which is described as follows:

(Legal Description of Area to be Vacated)

That the abutting real estate affected by said abandonment of the (alley, right-of-way, easement) are (Subdivision, Block, Lot of each property adjoining property to be vacated) has not been used by the public for a period of years, and that the public interest and welfare would not be adversely affected by the abandonment of the above-described (alley, easement, right-of-way)

The petitioners pray that the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that the above-described real estate be used for the respective benefit and purpose as now approved by law.

The petitions further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREAS, the undersigned petitioners respectfully pray that the governing body of the City of Fort Smith, Arkansas, abandon and vacate the above-described real estate, subject to existing public utility easements, water line easements, sewer easements, or drainage easements as required, and that title to said real estate sought to be abandoned be vested in the abutting owners as provided by law.

Dated this _____ day of _____, _____

Printed Name

Signature

Printed Name

Signature

AUTHORIZATION OF AGENT

If an agent is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, hereby authorize
_____ to act as our agent.
(Print Name of Agent)

(Type or clearly print)

<u>NAME & ADDRESS OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. _____ _____ _____	_____
2. _____ _____ _____	_____
3. _____ _____ _____	_____
4. _____ _____ _____	_____