



City of Rogers Vacating Streets and Alleys

In order to vacate a street or alley a petition must be submitted, a public hearing of the request conducted (a date Council sets by resolution), and an ordinance passed by the Council. The resolution setting the public hearing date occurs at the first council meeting. Notice of the public hearing date is then published once a week for two consecutive weeks in the local newspaper. Following the public hearing, the Council will vote on adopting the ordinance to vacate the street or alley.

Petitions to Vacate a Street/Alley should be filed with:

**City of Rogers Planning & Transportation Department
City Hall
301 W. Chestnut Street
Rogers, AR 72756
(Phone: 479-621-1186)**

PETITIONER MUST PROVIDE THE FOLLOWING TO THE PLANNING & DEVELOPMENT DEPARTMENT IN ADDITION TO THE INITIAL PETITION:

- A copy of the plat showing the easement (if petitioner does not have a copy of the plat, the Rogers Planning & Development Department may have one).
- A drawing indicating the area of the easement (The Rogers Planning & Development Department may be able to provide one).
- A resolution setting the public hearing and directing the city clerk to give notice of the meeting by publication once a week for two (2) consecutive weeks. (Date is set by Council at first meeting) – See attached sample
- The Planning & Transportation Department will submit the resolution to be placed on the council agenda by **noon, Tuesday** the week prior to the Rogers City Council meeting if petition and all supporting documents are as required upon submission to the Planning & Development Department **eleven (11) days prior to the city council meeting**. There is a charge to publish the resolution in the newspaper. Petitioner shall bear the responsibility and the charge of the publication.

ADDITIONAL DOCUMENTATION THAT MUST BE PROVIDED PRIOR TO THE HEARING OF THE PETITION TO VACATE

- A petition signed by all property owners through whose property the street or alley extends and / or abuts. The petition shall state the name(s) of the person(s) initiating the petition and state the legal description of the street or alley or portion of street or alley to be vacated.
- Letters from all utility companies approving the request must be received prior to the ordinance being approved.
 - **AT&T**
 - **Carroll Electric Cooperative Corporation**
 - **Swepco**
 - **Rogers Water Utilities**
 - **Any other utility providers with interest or utilities on the property**

(All letters must include an accurate legal description of the property)

- In order for the City Council to pass the ordinance to vacate, Petitioners will need to submit evidence showing that the street/alley or portion requested vacated, shall not have been actually used by the public as a street or alley for a period of five (5) years. Such evidence can include, but is not limited to, items such as Affidavits, etc. It is important to submit sufficient evidence for the Council’s review and for successful adjudication of the Petition to Vacate.
- An ordinance adopting the vacation of road/alley. This must be submitted. If the Council adopts the ordinance at the second meeting, it will be published in the *Arkansas Democrat Gazette*. There is a charge to publish the ordinance in the *Arkansas Democrat Gazette*. Petitioner shall bear the responsibility and the charge of the publication.

- All information must be turned in no later than **noon, eleven (11) days** prior to the Rogers City Council meeting. For further information, please contact :
- To vacate a street or close an alley requires at least **two city council meetings**, one to set a public hearing date by resolution and a succeeding meeting for the public hearing and adoption of the ordinance if closure is approved.
- After an ordinance has been approved by City Council, it is filed with the Office of the Benton County Circuit Clerk and it can take up to two weeks for the filed copy to be returned back to the City. If you would like a copy of the signed ordinance or resolution, please contact: City Clerk’s Office

Resolution No. R-15- _____

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF
A PORTION OF A STREET AND A PORTION OF AN ALLEY.**

WHEREAS, Pursuant to Rogers City Code §14-523, a petition has been filed with the City Council of the City of Rogers, Arkansas by _____, to vacate a portion of a street and a portion of an alley within the corporate limits of the City of Rogers, Arkansas; and described as follows:

<PLEASE INSERT PROPERTY LEGAL DESCRIPTION >

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROGERS, ARKANSAS;

Section 1: That the City Council shall hear said petition at its regular meeting to be held at the Rogers City Hall, 301 W. Chestnut Street, Rogers, Arkansas, on the _____ day of _____ 2015 at 6:30 p.m.

Section 2: That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

Section 3: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Resolution shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Resolution as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Resolution shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Resolutions- All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2015.

APPROVED:

C. GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

Prepared by:

Ordinance No. 15- _____

AN ORDINANCE CLOSING THE STREET/ALLEY LOCATED AT

AND FOR OTHER PURPOSES;

WHEREAS, a petition was duly filed with the City Council of the City of Rogers, Arkansas on the _____ day of _____, 2015 asking the City Council to vacate and abandon all that portion of the street (or alley) designated on the plat of the _____ Addition to the City, now appearing of record in plat book _____, page _____, in the office of the recorder of Benton County.

WHEREAS, pursuant to Rogers City Code §14-523, 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 to vacate and abandon (all or part) portion of the (street or alley).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS ARKANSAS:

Section 1. The Rogers City Council makes a finding that (street or alley) has not been actually used by the public generally for a period of at least five (5) years preceding the date of the filing of the petition.

Section 2. That all the owners of the property abutting upon the portion of (street or alley) to be vacated have filed with the council their written consent to the abandonment.

Section 3. That public interest and welfare will not be adversely affected by the abandonment of (street or alley).

Section 4. The City of Rogers, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to (street or alley) designated as follows:

<PLEASE INSERT PROPERTY LEGAL DESCRIPTION >

Section 5. A copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

Section 6. This ordinance shall take effect in 30 days from and after its passage.

Section 7. Each abutting owner shall take title to the center line of the street or alley so abandoned, and the ownership shall be free from easement of the City for public use as a street or alley.

Section 7: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid,

unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 8: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

Passed this _____ day of _____, 2015.

Approved:

C. Greg Hines
Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by:

Prepared by:
