



## CITY OF TEXARKANA ARKANSAS

### DEPARTMENT OF PUBLIC WORKS

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## MEMORANDUM

**TO:** Tyler Richards, Acting City Manager

**FROM:** Jamie Finley, City Planner

**DATE:** June 12, 2024

**SUBJECT:** Board of Directors Agenda item for 7-1-2024, Request a public hearing to vacate a dedicated public access easement (ROW) – Petition by Bill and Vickey Whiseant, 1262 S. Rondo Road, Texarkana, AR. 71854, to abandon an undeveloped public right-of-way.

**LEGAL DESCRIPTION:** Princeton Street between Parcel 00549300 and 2812 East Street, Salem Street between East Street and Princeton Street and the alley running east and west starting at Lots 27 and 8 and ending at Lots 20 and 15 in ROSELAWN ADDITION and consisting of .6072 acres more or less.

**REASON FOR REQUEST:** The applicant owns seven of the nine parcels adjacent to the rights-of-way and alley. Applicant wishes to consolidate his property for the long range purpose of constructing a strip mall or shopping center.

**EXISTING LAND USES:** Site: ROW  
North: Wooded  
East: Commercial  
South: Residential  
West: Wooded

**EXISTING ZONING:** Site: C3 Open Display Commercial  
North: C3 Open Display Commercial  
East: C3 Open Display Commercial  
South: C3 Open Display Commercial and W1 Warehousing and Wholesale  
West: C3 Open Display Commercial

**COMPATIBILITY  
WITH EXISTING  
ZONING:**

Property is designated at “Mixed Use Commercial” (MUC). Mixed Use Commercial is described as “Mixed use commercial areas allow for people to live, work, shop and play in the same area. Designed to accommodate a mix of uses and development in the City with a variety of buildings. Development is encouraged to take place in a more traditional square, node, or downtown-like development pattern when possible.” Property owner owns all the lots with the exception of two and wishes to consolidate his property.

**UTILITIES & TRANSPORTATION NETWORK:**

Responses from utility companies when asked if they objected to the abandonment request or requested an easement:

Summit – Still awaiting response at this time.

    Emails sent: May 21, 2024

                    May 29, 2024

Southwest Arkansas Telephone – Nathan Hyman, May 29, 2024

*“We do not currently have any facilities in this ROW.”*

Southwest Arkansas Electric – David McDowell, May 21, 2024:

*“Southwest Arkansas Electric is good with this.”*

Windstream – Still awaiting response at this time.

    Emails sent: May 21, 2024

                    May 29, 2024

Cableone/Sparklight – Joe Langley, May 22, 2024:

*“No problem that I can see.”*

TWU – Gary Smith, June 3, 2024:

1. *“There is an existing twelve-inch (12”) sanitary sewer main parallel and adjacent to the northern ROW of US Highway 71 and an existing six-inch (6”) water main parallel and adjacent to a portion of the northern ROW of US Highway 71.*
2. *The Utility does not object to the abandonment of the ROW’s shown if a minimum 20’ utility easement is retained over our water and sewer mains.”*

The Arkansas Code of 1987 Annotated (14-56-422B) requires the following – “All plans, recommended ordinances, and regulations

shall be adopted through the following procedure for adoption of plans and regulations:

- (1) (A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.  
  
(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.
- (2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.
- (3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.
- (4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.
- (5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, May 26, 2024, edition of the Texarkana Gazette.

ROW abandonments do not require additional notification as all adjacent property owners are petitioners.

**OPPOSITION:**

None

**PLANNING COMMISSION CERTIFICATION:**

The Planning Commission met on June 11, 2024, and certified recommendation to abandon the unused, undeveloped public easement described previously in this document under "Legal Description". A motion was made by Commissioner Randall Hickerson seconded by Commissioner Adger Smith. Motion passed with a roll call vote of 7-0, with none absent.

Anderson Neal, Chairperson	Yes
Anita Pickett	Yes
Adger Smith	Yes
Chris Owens	Yes
Jason Dupree	Yes
Randall Hickerson	Yes
Boots Thomas	Yes

**BOARD ACTION  
REQUESTED:**

The City Board is requested to:

Adopt a resolution to set a date for a hearing on July1, 2024.  
Hold a public hearing July 15, 2024.

To abandon the ROW, the *Arkansas Code of 1987 Annotated* requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.