

CITY OF HOPE
PROCEDURES FOR CLOSING STREET OR ALLEY

The following procedures are taken from Arkansas Statutes 14-301-301, 14-301-302, 14-301-303, 14-301-304, and 14-301-305.

1. The owners of property abutting a street or alley may file a petition with the Board of Directors requesting the city to vacate the street or alley, or a portion thereof.
2. The petition shall designate the street and shall have attached a certified or photo static copy of the portion of the plat that is on file with the county recorder, together with the lot and block number of each lot or block which abuts upon the street or alley to be vacated.
3. Once the petition is filed, the Board of Directors at the next regular or special session shall, by resolution, fix a day for the hearing of the petition and shall direct the city clerk to give notice of the meeting by publication once a week for two (2) consecutive weeks.
 - a. The notice shall state the names of the persons who sign the petition.
 - b. State the name of the street or alley, or the portion thereof, to be vacated.
 - c. Advise all persons that on a certain day named in the notice (the date of the public hearing set by the Board) the Board of Directors will hear and determine whether the street or alley shall be vacated.
4. At the public hearing any property owner affected by the petition shall be heard. The Board will determine whether it is in the public interest and welfare for the street to be closed. The written consent of all property owners abutting the street or alley must also be obtained.
5. If the Board of Directors find that by a majority vote of the member that the petition should be granted either in whole or in part then, the decision shall be incorporated in an ordinance to that effect which shall be substantially like the attached ordinance.
6. The determination, findings, and ordinance shall be conclusive unless, within thirty (30) days after the passage of the ordinance, suit is brought to reject the ordinance in chancery court.

SUMMARY

To summarize the above steps: A petition must be filed with the Board of Directors or City Clerk asking that the street or alley be closed or abandoned. The Board passes a resolution setting a public hearing on the matter. A public hearing notice is published once a week on two subsequent weeks informing the public of the proposed closing. A public hearing is held (usually in conjunction with a meeting of the Board of Directors). Public comments are taken. Written consent of the property owners abutting the street or alley must be obtained. If the Board finds that it is in the public interest then an ordinance closing the street or alley must be passed by majority vote of the Board. Ordinance can be challenged in chancery court; by filing of suit within thirty days.

NOTICE OF PUBLIC HEARING

The City of Hope Board of Directors will hold a public hearing for an alley closing located at (location) in the city of Hope now appearing of record in plat book (plat book) in the office of the recorder of Hempstead County in the City Hall Board Room on the (date) at 7:00 p.m. All interested persons are invited to attend.

Leneta Hare
City Clerk

PETITION

TO: BOARD OF DIRECTORS OF THE CITY OF HOPE, ARKANSAS

Comes the undersigned, and for their Petition to the Board of Directors of the City of Hope, Arkansas and state:

That this Petition is being filed in accordance with Arkansas Statutes Annotated Sections 19-3825 thru 19-3830, the same being Act 17 of 1945 of the General Assembly of the State of Arkansas. That the Petitioners desire that the City of Hope, Arkansas acting through its Board of Directors of the City of Hope, Arkansas, close and abandon that certain alley situated between Lots 1, 2, 3, 4, 5, 6 and 7, 8, 9, 10, 11, 12 of Block 13 of the Boswell Addition to the City of Hope, Arkansas. That a plat of said property hereinabove described is recorded in the Hempstead County, Arkansas Recorder's Office. That said alley was dedicated to the public use for a period of five years last, past, and prior to the filing of this Petition, and that said alley has never been used by the public.

That attached hereto is a photo static copy of the portion of the plat as filed in the Office of the Recorder of Hempstead County, Arkansas, which reflects the portion of the alley to be vacated, and reflects the lot numbers of each lot which abut upon the portion of the alley to be vacated.

That the undersigned Petitioners own all of the above described lots between where said alley should be vacated passes. That their signatures on this Petition constitute in addition to their request that the alley be closed their complete agreement to the closing of same.

WHEREFORE, premises considered, the Petitioners pray that this Petition be approved for action by the City Board of Directors of the City of Hope, Arkansas. That the Board of Directors of the City of Hope, Arkansas should fix a day for hearing of said Petition, and should cause notice to be given by the City Clerk of the City of Hope, Arkansas, for such meeting by publication once a week for two consecutive weeks in the Hope Star, a daily newspaper published in Hempstead County, Arkansas. That upon a hearing by the Board of Directors of the City of Hope, Arkansas, that said Board should allow the closure of the portion of the alley, hereinabove mentioned and the abandonment of the same, and for all other just and proper relief to which the Petitioners may be entitled.
