

City Council Agenda Items
and
Contracts, Leases or Agreements

11/1/2011

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 11-3944: Vacation (3670 N. Laliq Ln./VPR Investments, 169): Submitted by BATES AND ASSOCIATES for property located at 3670 NORTH LALIQUE LANE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE. The request is to vacate a portion of a utility easement.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Jimmy C. Bate
Department Director 10-13-2011
Date

Previous Ordinance or Resolution # _____

John A. Kelley
City Attorney 10-13-11
Date

Original Contract Date: _____

Paul A. Buh
Finance and Internal Services Director 10-13-2011
Date

Original Contract Number: _____

Don Man
Chief of Staff 10-13-11
Date

Received in City Clerk's Office 10-13-11 P03:28 RCVD
King

Franklin D. Jordan
Mayor 10/13/11
Date

Received in Mayor's Office
ENTERED 10/13/11 Bep

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: October 12, 2011

Subject: VAC 11-3944 (VPR Investments Easement Vacation)

RECOMMENDATION

Planning Staff and the Planning Commission recommend approval of an ordinance vacating a portion of a utility easement.

BACKGROUND

The subject property is located in the Belclaire subdivision at 3670 Laliq Lane. On March 16, 2011 a building permit was approved to construct a house on the property. A survey prepared in August 2011 prior to completion of the home revealed that the southern portion of the home encroaches 2.5 feet into a utility easement that runs along the southern property line. The applicant's request is to vacate a portion of the existing utility easement to accommodate the recently constructed home, as indicated on the attached survey. Everything for the home has been inspected; however, the final certificate of occupancy has not been issued, pending approval of this vacation request.

During a typical single family building permit application review, the permit clerk compares the submitted site plan to the recorded final plat to check for setbacks, easements and other known building issues. The easement was noted in the review for this home. During this particular building permit review there were apparently three or four revisions to the site plan submitted prior to the City issuing the permit, with the house changing footprint and location on the lot. The final permitted site plan (attached) correctly shows a 10-foot side utility easement, but along the north property line when it should have been shown along the south property line. The site plan was reviewed and permitted correctly except for this easement location. The home was built as permitted. The utility companies have indicated no objections or conditions to the request; all utilities are installed, and none exist within the easement.

DISCUSSION

On October 10, 2011, the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 11-3944 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT 3670 LALIQUE LANE TO VACATE A UTILITY EASEMENT, A TOTAL OF 150.15 SQUARE FEET

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following Condition of Approval and shall not be in effect until the condition is met herein.

“Any damage or relocation of existing utilities shall be at the owner/developer’s expense.”

PASSED and **APPROVED** this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

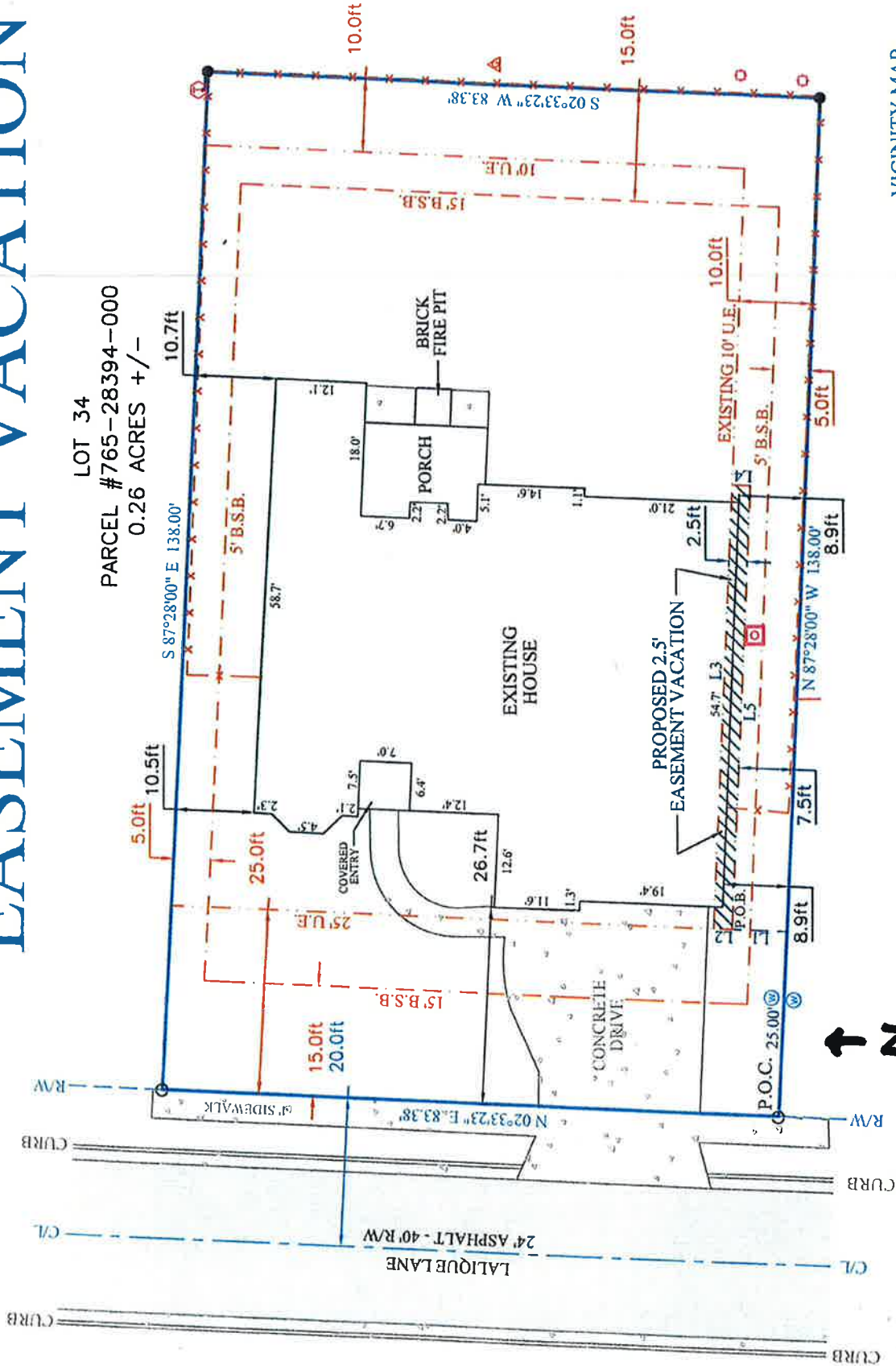
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EASEMENT VACATION PI

FIELD W AUGUST
BASIS O FINAL P FILED IN
REFERE: 1) FINAL FILEC
PROPER RSF-1
NO. THE C OB SERV ALI THO G VENE SOME U SHOWS
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D. 4
VAC 11-3944 (3670 N. Lafique Lane/VPR Investments)
Page 4 of 22

LOT 34
PARCEL #765-28394-000
0.26 ACRES +/-



VICINITY MAP

SURVEY DESCRIPTION:
LOT 34 IN BELCLAIRE ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

PROPOSED EASEMENT VACATION:

← 2 -

EXHIBIT "B"
VAC 11-3944

A PART OF LOT 34 IN BELCLAIRE ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MOR PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°28'00"E 25.00' AND N02°33'23"E 7.50' FROM THE SOUTHWEST CORNER OF SAID LOT 34 AND RUNNING THENCE N02°33'23"E 2.50' THENCE S87°28'00"E 60.06', THENCE S02°33'23"W 2.50', THENCE N87°28'00"W 60.06' TO THE POINT OF BEGINNING.

PLOT PLAN

Scale
1" = 20'

Belcraire Estates
Fayetteville, AR

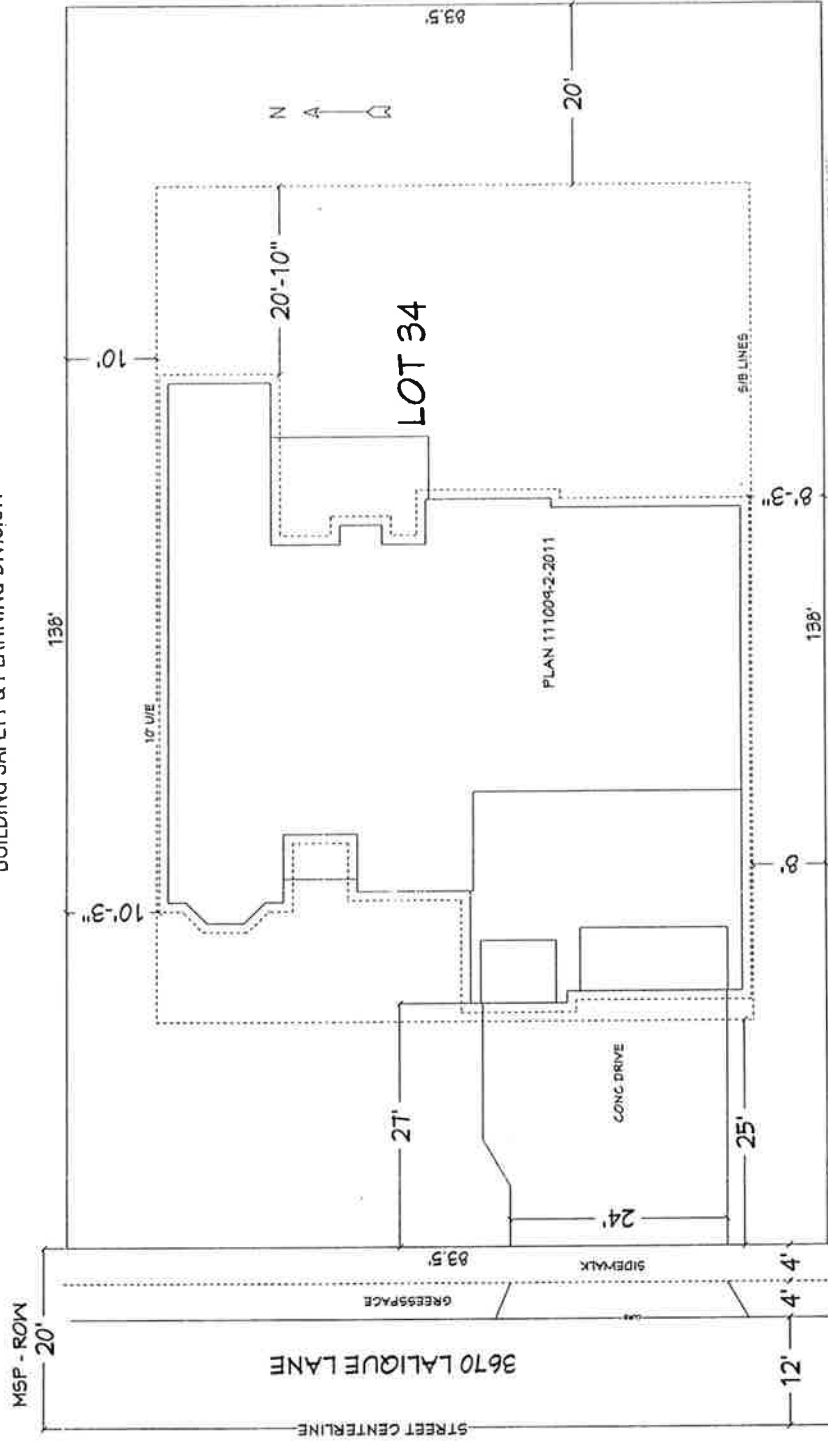
3670 N Lalique Ln
ADDRESS 45939

PERMIT #
CONSTRUCTION CONFORMS TO SITE DRAWING
SUBMITTED FOR APPROVAL AND MINIMUM SET
BACKS ARE NOT VIOLATED.

OWNER/APPLICANT *Steve J. Linder* DATE 3-21-11
BUILDING OFFICIAL *[Signature]* DATE

FAYETTEVILLE
BUILDING SAFETY & PLANNING DIVISION

August 22, 2010
Revised: Sept. 16, 2010
Revised: March 3, 2011
3rd Revision: March 9, 2011



Front Setback 25'
Side Setback 8'
Rear Setback 20'

REVISD 3-21-11
MAR 10 2011
FAYETTEVILLE
BUILDING SAFETY DIVISION



PC Meeting of October 10, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~October 4, 2011~~ *Updated October 12, 2011*

VAC 11-3944: Vacation (3670 N. LALIQUE LN./VPR INVESTMENTS, 169):
Submitted by BATES AND ASSOCIATES for properties located at 3670 NORTH LALIQUE LANE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.26 acre. The request is to vacate a portion of a utility easement.
Planner: Andrew Garner

Property Description and Background: The subject property is located in the Belclaire subdivision at 3670 Laliq Lane. On March 16, 2011 a building permit was approved to construct a house on the property. A survey prepared in August 2011 revealed that southern portion of the home encroaches 2.5 feet into a utility easement that runs along the southern property line.

Request: The applicant's request is to vacate a portion of the existing utility easement to accommodate the recently constructed home, as indicated on the attached survey.

The applicant has submitted the required easement vacation notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
AT&T	No Objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 11-3944** to the City Council with a recommendation for approval subject to the following conditions:

1. Any damage or relocation of utilities shall be at the owner/developer's expense.
-

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: Forwarded Denied Tabled

Date: October 10, 2011

Motion: Earnest

Second: Cook

Vote: 7-0-0

Note: On consent agenda.

Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr./ Fayetteville, AR 72703

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

To the City of Fayetteville's Planning Commission & City Council:

Our client, VPR INVESTMENTS LLC, is proposing a utility easement vacation within the City of Fayetteville City Limits. The subject easement is adjacent to the south line of lot 34 in Belclaire Estates (3670 Laliq Lane). Our client wishes to vacate a portion of the ten foot utility easement due to an existing house encroaching into said easement. If you have any questions please feel free to contact us.

Sincerely,



Derrick Thomas PLS

EASEMENT VACATION PI

FIELD W/
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BASIS O
FINAL P
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PROPER
RSF-4

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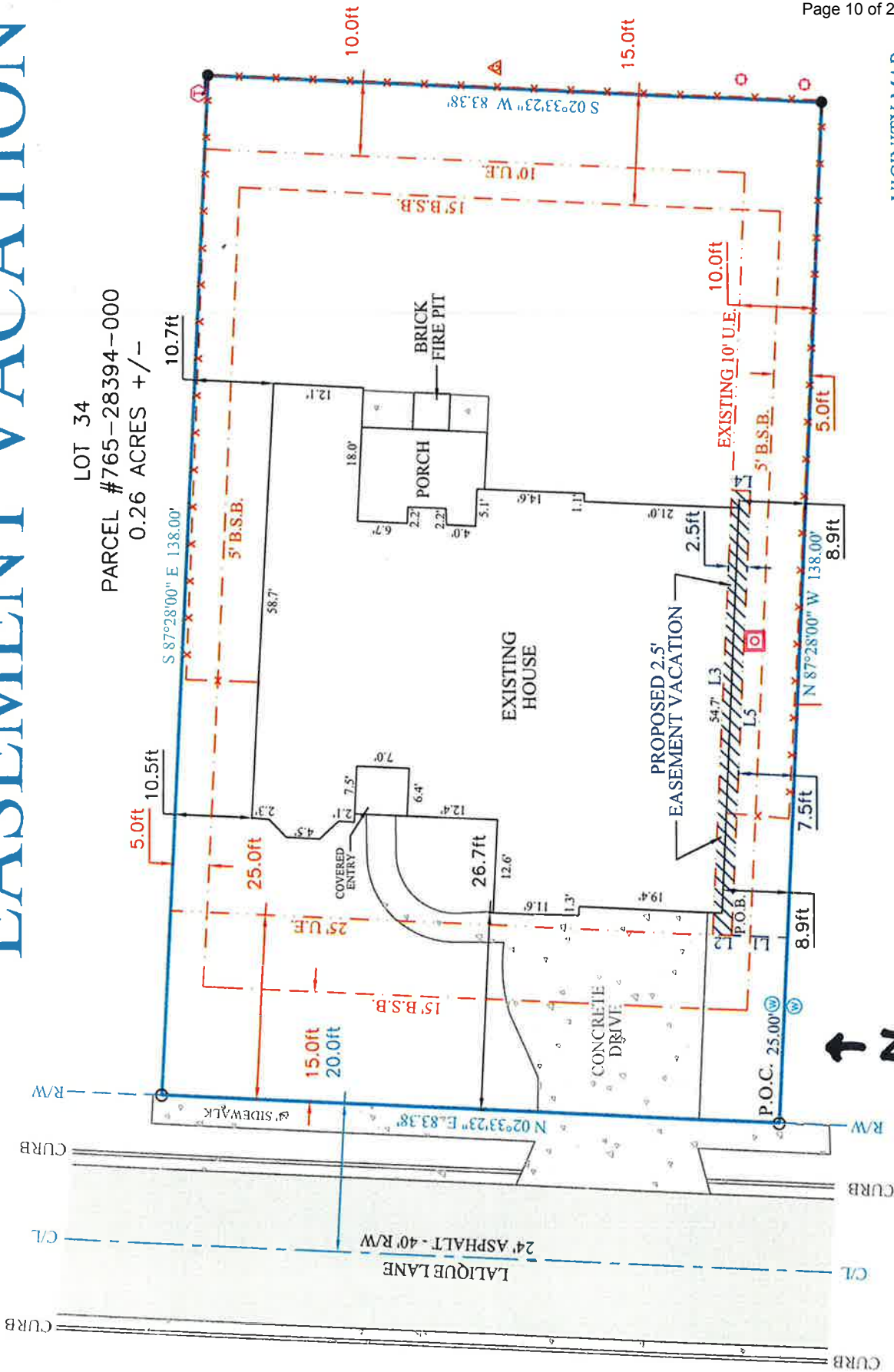
LINE TA
LINE
L1
L2
L3
L4
L5

D. 4
VAC 11-3944 (3670 N. Laliq
Lane/VPR Investments)
Page 10 of 22

VICINITY MAP



LOT 34
PARCEL #765-28394-000
0.26 ACRES +/-



SURVEY DESCRIPTION:
LOT 34 IN BELCLAIRE ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

PROPOSED EASEMENT VACATION:

PETITION

PETITION TO VACATE A UTILITY EASEMENT LOCATED ON LOT 34, BELCLAIRE ESTATES , CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the *utility easement* hereinafter sought to be abandoned and vacated, lying *LOT 34, BELCLAIRE ESTATES*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a *UTILITY EASEMENT* which is described as follows:

A PART OF LOT 34 IN BELCLAIRE ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°28'00"E 25.00' AND N02°33'23"E 7.50' FROM THE SOUTHWEST CORNER OF SAID LOT 34 AND RUNNING THENCE N02°33'23"E 2.50', THENCE S87°28'00"E 60.06', THENCE S02°33'23"W 2.50', THENCE N87°28'00"W 60.06' TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the utility easement is *LOT 34, BELCLAIRE ESTATES*, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described *utility easement*.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

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

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 31st day of August, 2011.

Jeff Roth
printed name

[Signature]
signature

printed name

signature

**UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION**

D. 4
VAC 11-3944 (3670 N. Laliq
Lane/VPR Investments)
Page 12 of 22

DATE: August, 23, 2011

UTILITY COMPANY: Cox Communications

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following *utility easement*, described as follows:

General location / Address: 3670 Laliq Lane, Fayetteville, AR

PROPOSED 2.5' UTILITY EASEMENT VACATION DESCRIPTION:

A PART OF LOT 34 IN BELCLAIRE ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°28'00"E 25.00' AND N02°33'23"E 7.50' FROM THE SOUTHWEST CORNER OF SAID LOT 34 AND RUNNING THENCE N02°33'23"E 2.50', THENCE S87°28'00"E 60.06', THENCE S02°33'23"W 2.50', THENCE N87°28'00"W 60.06' TO THE POINT OF BEGINNING.

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)


Signature of Utility Company Representative

Field Engineer
Title

**UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION**

DATE: August, 23, 2011

UTILITY COMPANY: OZARKS Electric

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following *utility easement*, described as follows:

General location / Address: 3670 Laliq Lane, Fayetteville, AR

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UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

[Signature]
Signature of Utility Company Representative

Lead Staking Tech
Title

UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION

DATE: August, 23, 2011

UTILITY COMPANY: AEP-SWEPCO

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following *utility easement*, described as follows:

General location / Address: 3670 Laliq Lane, Fayetteville, AR

PROPOSED 2.5' UTILITY EASEMENT VACATION DESCRIPTION:

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UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

No objections to the vacation(s) described above, provided following described casements are retained.
(State the location, dimensions, and purpose below.)


Signature of Utility Company Representative

Dist. Engr.
Title

UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION

DATE: August, 23, 2011

UTILITY COMPANY: Solid Waste & Recycling

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following *utility easement*, described as follows:

General location / Address: 3670 Laliq Lane, Fayetteville, AR

PROPOSED 2.5' UTILITY EASEMENT VACATION DESCRIPTION:

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UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Bevin Duff
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION

DATE: August, 23, 2011

UTILITY COMPANY: CITY OF FAYETTEVILLE - WATER / SEWER

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following *utility easement*, described as follows:

General location / Address: 3670 Laliue Lane, Fayetteville, AR

PROPOSED 2.5' UTILITY EASEMENT VACATION DESCRIPTION:

A PART OF LOT 34 IN BELCLAIRE ESTATES SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°28'00"E 25.00' AND N02°33'23"E 7.50' FROM THE SOUTHWEST CORNER OF SAID LOT 34 AND RUNNING THENCE N02°33'23"E 2.50', THENCE S87°28'00"E 60.06', THENCE S02°33'23"W 2.50', THENCE N87°28'00"W 60.06' TO THE POINT OF BEGINNING.

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

Shannon W. Jones
Signature of Utility Company Representative

Utilities Engineer
Title

UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION

D. 4
VAC 11-3944 (3670 N. Laliq
Lane/VPR Investments)
Page 17 of 22

DATE: August, 23, 2011

UTILITY COMPANY: AT+T

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

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UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Susan K. Clouse
Signature of Utility Company Representative

Manager ENG. DESIGN
Title

UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION

DATE: August, 23, 2011

UTILITY COMPANY: CITY OF FAYETTEVILLE TRANSPORTATION DIV.

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

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UTILITY COMPANY COMMENTS:

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(State the location, dimensions, and purpose below.)



Signature of Utility Company Representative

ASST. TRANSPORTATION MGR.

Title

UTILITY APPROVAL FORM
FOR UTILITY EASEMENT VACATION

DATE: August, 23, 2011

UTILITY COMPANY: Southern GAS

Applicant Name: Bates & Associates

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

Alley

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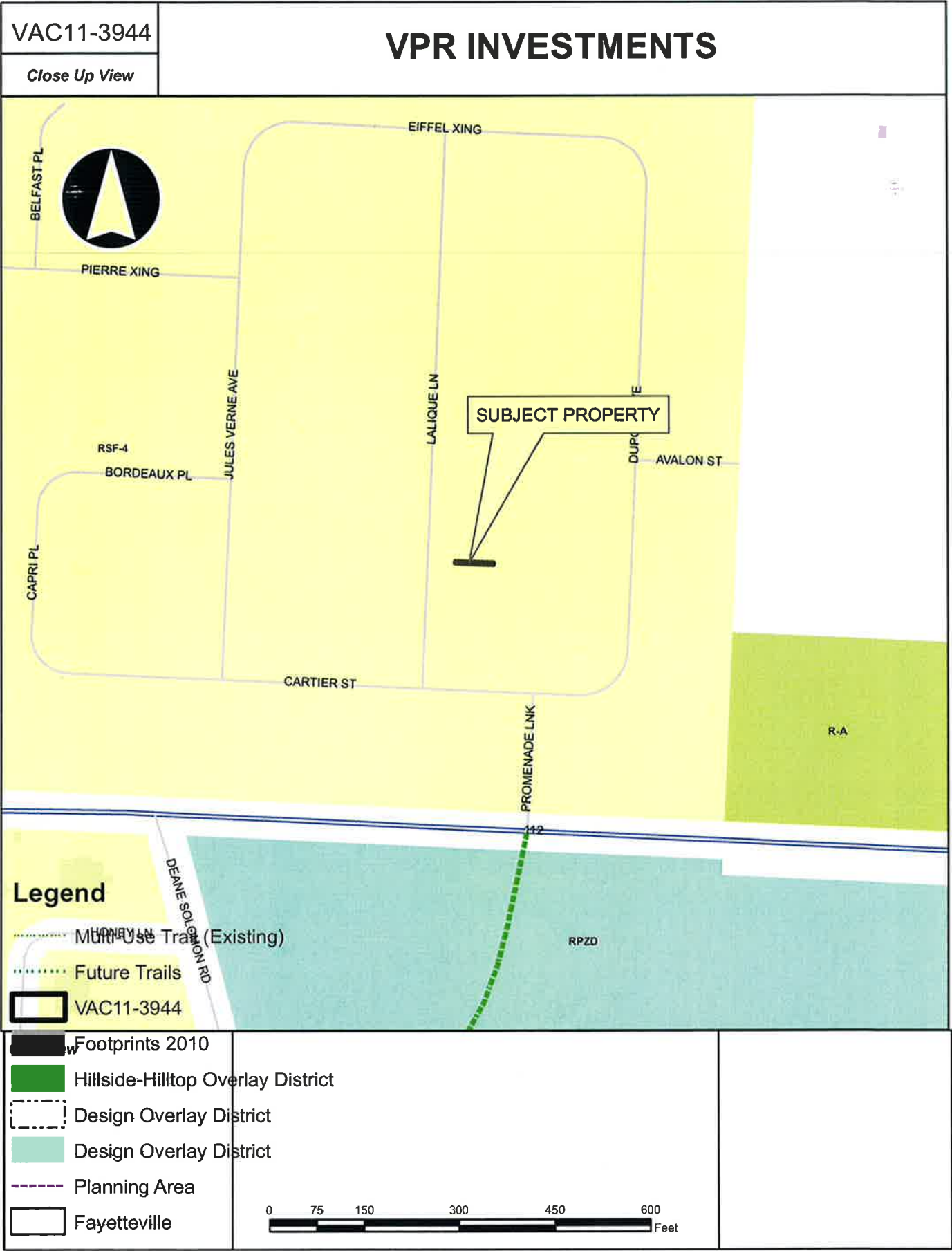
UTILITY COMPANY COMMENTS:

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Signature of Utility Company Representative

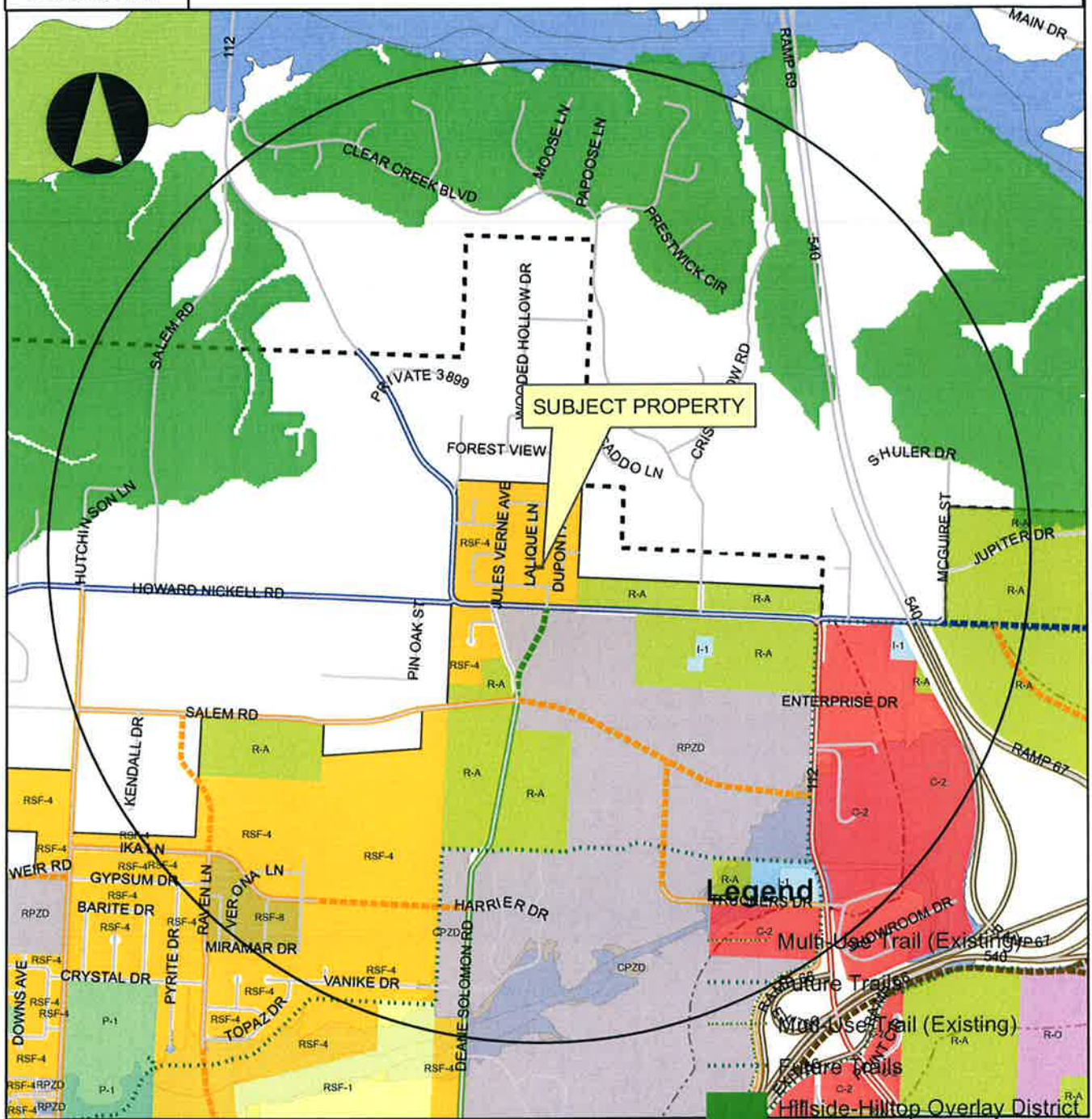

Title



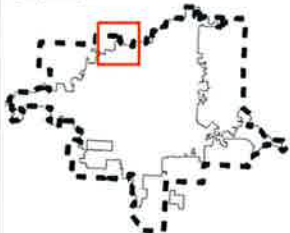
VAC11-3944

VPR INVESTMENTS

One Mile View



Overview



Legend

Subject Property
 VAC11-3944

Boundary

- VAC11-3944
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5

1 Miles

