

City Council Agenda Items
 and
 Contracts, Leases or Agreements

1/3/2012

City Council Meeting Date
 Agenda Items Only

Dara Sanders
 Submitted By


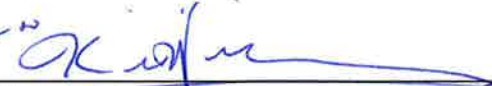
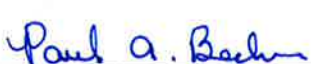



Planning
 Division

Development Services
 Department

Action Required:

VAC 11-3970: Vacation (862 & 846 Hoddle Place/Slavens, 569): Submitted by JORGENSEN & ASSOCIATES for property located at 862 & 846 HODDLE PLACE IN ADDISON ACRES SUBDIVISION. The property is zoned RSF-7, RESIDENTIAL SINGLE-FAMILY, 7 UNITS PER ACRE. The request is to vacate 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 <input type="checkbox"/>		Budget Adjustment Attached <input type="checkbox"/>	

 Department Director	12-20-2011 Date	Previous Ordinance or Resolution # _____
 City Attorney	12-20-2011 Date	Original Contract Date: _____
 Finance and Internal Services Director	12-20-2011 Date	Original Contract Number: _____
 Chief of Staff	12/20/11 Date	<div data-bbox="909 1438 1494 1575" style="border: 1px solid black; padding: 5px;"> Received in City Clerk's Office 21-11A11:15 RCVD  </div> <div data-bbox="909 1606 1494 1743" style="border: 1px solid black; padding: 5px;"> Received in Mayor's Office </div>
 Mayor	12/21/11 Date	

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director 

From: Dara Sanders, Current Planner

Date: December 20, 2011

Subject: VAC 11-3970 (Slavens)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate an existing general utility easement on the subject property.

BACKGROUND

The subject properties are located in the Addison Acres subdivision at 846 and 862 Hoddle Place, north of Huntsville Road/Highway 16. Since this subdivision was platted in 2007 with 18 buildable lots, seven single-family homes have been constructed to date.

The applicant's request is to vacate an existing utility easement, as indicated on the attached survey. This utility easement is located between Lots 9 and 10 and currently does not contain any utilities. Instead, all utilities serving this and adjacent properties are located within the 25 ft. utility easement that was dedicated along both sides of Hoddle Place.

DISCUSSION

On November 14, 2011, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 11-3970 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 862 & 846 HODDLE PLACE IN ADDISON ACRES SUBDIVISION TO VACATE A UTILITY EASEMENT, A TOTAL OF 0.57 ACRES

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 vacate and abandon the following platted utility easement as 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 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:

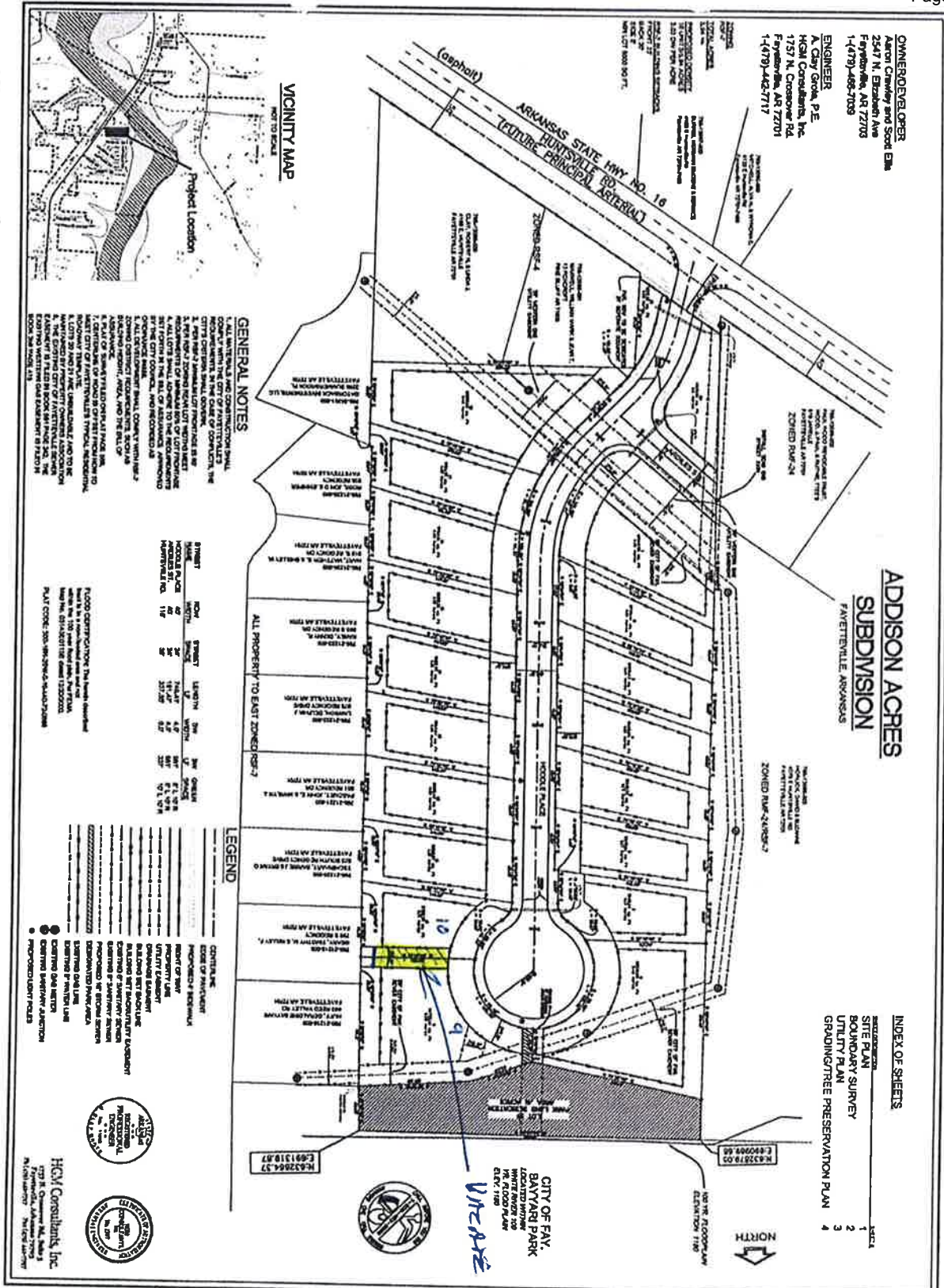
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

- 1) Copy of Final Plat
- 2) ADI. Pr. Owners (5)
- 3) Parcel # of Lots 9 & 10



SHEET # 1	SHEET: SITE PLAN PROJECT: ADDISON ACRES 4230 HUNTSVILLE RD. FAYETTEVILLE, ARKANSAS	DATE: 07-21-08 REVISION #: 5 PRJ. NO.: HGM08010 ENGINEER: ACG DESIGNER: ETH	HGM Consultants, Inc. 1757 CROSSOVER ROAD, SUITE 5 FAYETTEVILLE, ARKANSAS 72701 PH: (479)442-7717	HGM CONSULTANTS, INC.
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EXHIBIT "B"
VAC 11-3970

COMMENCING AT THE NE CORNER OF SAID LOT 10, THENCE S02°19'50"W 10.00 FEET, THENCE N87°56'23"W 10.00 FEET TO THE P.O.B. THENCE N87°56'23"W 76.60 FEET THENCE ALONG A CURVE TO THE LEFT 20.30 FEET SAID CURVE HAVING A RADIUS OF 83.00 FEET AND A CHORD BEARING AND DISTANCE OF N10°59'21"E 20.25 FEET, THEN S87°56'23"E 73.55 FEET, THEN S02°19'50"W 20.00 FEET TO THE P.O.B.; CONTAINING 1,493 S.F. MORE OR LESS



PC Meeting of November 14, 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: Dara Sanders, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: November 7, 2011

VAC 11-3970: Vacation (862 & 846 HODDLE PLACE/SLAVENS, 569): Submitted by JORGENSEN & ASSOCIATES for properties located at 862 & 846 HODDLE PLACE IN ADDISON ACRES SUBDIVISION. The property is zoned RSF-7, RESIDENTIAL SINGLE-FAMILY, 7 UNITS PER ACRE and contains approximately 0.57 acre. The request is to vacate a utility easement. Planner: Dara Sanders

Property Description and Background: The subject properties are located in the Addison Acres subdivision at 846 and 862 Hoddle Place, north of Huntsville Road/Highway 16. Since this subdivision was platted in 2007 with 18 buildable lots, seven single-family homes have been constructed to date.

Request: The applicant's request is to vacate an existing utility easement, as indicated on the attached survey. This utility easement is located between Lots 9 and 10 and currently does not contain any utilities. Utilities are located within 25 ft. utility easement that was dedicated along both sides of Hoddle Place.

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

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 11-3970** 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: November 14, 2011

Motion:

Second:

Vote:

Note:



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

C. 2
VAC 11-3970 (862 & 846
Huddle Place/Slavens)
Page 8 of 20

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

City of Fayetteville
113 W. Mountain Str
Fayetteville, AR 72701

9/22/11

Att; Planning
Re : Vacation Request

Attached please find a utility easement vacation request. This is located along the property line between lot 9 & 10 of Addison Acres Subdivision just North of Hwy 16 East. There are no utilities in this easement and our client owns both lots 9 & 10. All utilities have signed off on this vacation.

Please place this on the next available Planning Commission agenda. Also please call concerning any questions you may have.

Thank you.

Sincerely;



David L. Jorgensen, P.E.

FILE COPY

Petition to vacate a 20' utility easement between lots 9 & 10 of Addison Acres
Subdivision, City of Fayetteville, Arkansas

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

We, the undersigned, being all the owner of real estate abutting a 20' utility easement hereinafter sought to be abandoned and vacated, located between lots 9 & 10 of Addison Acres Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said 20' utility easement being described as follows;

LEGAL DESCRIPTION

Commencing at the NE Corner of said lot 10, thence S 02°19'50"W 10.00 Feet, thence N 87°56'23"W 10.00 Feet to the P.O.B. thence N 87°56'23"W 76.60 Feet, thence along a curve to the left 20.30 Feet, said curve having a radius of 83.00 Feet and a chord bearing and distance of N 10°59'21"E 20.25 Feet, thence S 87°56'23"E 73.55 Feet, thence S 02°19'50"W 20.00 Feet to the P.O.B.; Containing 1,493 S.F. more or less.

That the abutting real estate affected by said abandonment of said 20' utility easement and that the public interest and welfare would not be adversely affected by the abandonment of the above described utility easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and that the above describe real estate be used for their respective further pray that the above described real estate be vested in the abutting property owners as provided by law.

Whereof, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate.

Dated this 22 day of Sept., 2011.

Misty Slavens
Printed Name

Lugan Slavens

M Slavens
Signature

Lugan Slavens

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 9-12-11

Utility Company: AT&T (Sue Clouser)

Applicant Name: Cobblestone Homes (Aaron Wirth) Applicant Phone: 479 651-5524

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 (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

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

No objections provided the following conditions are met:

Susan K. Clouser

Signature of Utility Company Representative

OSP DESIGN ENGINEER

Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 9/23/11

Utility Company: FAREXTERRE TRANSPORTATION DIST

Applicant Name: Catherine Howard (Arvin Wilroy) Applicant Phone: APR 651-5524

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 (alley, easement, right-of-way), described as follows:
General location / Address (referring to attached document- must be completed)**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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.)

No objections provided the following conditions are met:

Terry J. Kelley
Signature of Utility Company Representative

Transportation Director
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 8/12/11

Utility Company: Source Gas

Applicant Name: Cobblestone Homes (AARON WILK) Applicant Phone: 479 651-5524

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 (alley, easement, right-of-way), described as follows:
General location / Address (referring to attached document- must be completed**)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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.)

No objections provided the following conditions are met:

Jerry England
Signature of Utility Company Representative

Director Operating Manager
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 8/12/11
Utility Company: Cox (Jason Combs)
Applicant Name: Cobblestone Homes (Amen Wind) Applicant Phone: 479 651-5324

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 (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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.)

No objections provided the following conditions are met:

Any damage or relocation of existing facilities
will be at the developer's expense

[Signature]
Signature of Utility Company Representative

Field Engineer
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 9/22/11

Utility Company: FAYETTEVILLE WATERWORKS

Applicant Name: COBLESTONE HOMES (Amanda Wirth) Applicant Phone: 478 651-5324

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 (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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.)

No objections provided the following conditions are met:

Dilean Simon
Signature of Utility Company Representative

OPERATIONS MANAGER
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY BASEMENT VACATIONS

Date: 9/22/11

Utility Company: FAYETTEVILLE SOLID WASTE

Applicant Name: COBBLESTONE HOMES (AARON WORTH) Applicant Phone: 479 651-5524

REQUESTED VACATION (applicant must check all that apply):

fax 582-4807

- 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 (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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.)

No objections provided the following conditions are met:

Brian Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

Date: 8/12/11

Utility Company: AEP/SWERC (Jim Sargent)

Applicant Name: Cobblestone Homes (AEP/Wind) Applicant Phone: 479 651-5324

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 (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

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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.)

No objections provided the following conditions are met:

Trong Lu
Signature of Utility Company Representative

DISTRIBUTION ENGINEER
Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

Date: 9/21/11
Utility Company: Ozarks Electric (Greg McGree)
Applicant Name: Collins Home Homes (Aaron Wilson) Applicant Phone: 479 657-5524

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 (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

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

No objections provided the following conditions are met:

Mike Phlips
Signature of Utility Company Representative

SYSTEM STAKING TECH
Title

VAC11-3970

SLAVENS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

- VAC11-3970
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



VAC11-3970

SLAVENS

One Mile View

