



**CITY COUNCIL AGENDA MEMO**

Council Meeting of June 5, 2012

**To:** Mayor and City Council

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

**From:** Chris Brown, City Engineer

**Date:** May 7, 2012

**Subject:** **A resolution authorizing the donation of right-of-way to the Arkansas State Highway Commission for the Fulbright Expressway/Hwy 71B Flyover Project**

**PROPOSAL:**

The City of Fayetteville has been presented with a request from the Arkansas State Highway & Transportation Department (AHTD) to donate 0.38 acres or 16,682 square feet of right of way that was set aside in the Final Plat of CMN Business Park II for the proposed construction of the 71B Flyover to the Arkansas State Highway Commission.

**RECOMMENDATION:**

Staff recommends executing the documents presented by the Arkansas State Highway and Transportation Department.

**BUDGET IMPACT:**

No Impact.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION AUTHORIZING THE DONATION OF RIGHT-OF-WAY TO THE ARKANSAS STATE HIGHWAY COMMISSION TO FACILITATE COMPLETION OF THE FULBRIGHT EXPRESSWAY/HIGHWAY 71B FLYOVER PROJECT

WHEREAS, the City Council of the City of Fayetteville specifically finds that certain real property described in the attached Exhibit "A" is no longer needed for municipal purposes; and

WHEREAS, said property is needed by the Arkansas State Highway Commission for completion of the Fulbright Expressway/Highway 71B flyover project,

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the donation of right-of-way described in the proposed deed attached to this Resolution as Exhibit "A", to the Arkansas State Highway Commission to facilitate completion of the Fulbright Expressway/Highway 71B Flyover Project.

**PASSED and APPROVED** this 5<sup>th</sup> day of June, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

Job No. 040535  
Tract No. 2


**DONATION  
WARRANTY DEED  
WITH CONTROL OF ACCESS**

**KNOW ALL MEN BY THESE PRESENTS:**

That the City of Fayetteville, Arkansas, Grantor, Lioneld Jordan and Sondra Smith, Mayor and City Clerk, respectively, by statute duly authorized so to act, for and in consideration of the mutual covenants and benefits inuring to the parties hereto, does hereby grant, bargain, deliver, quitclaim and donate to the Arkansas State Highway Commission, Grantee and unto its successors and assigns, the following land, together with all abutter's existing, future and potential common law or statutory rights of access between the herein described property and the Grantors' remaining abutting and contiguous land, but saving and excepting such minerals therein and thereunder, as oil, gas, distillate, condensate, salt water and its component parts, and all other hydrocarbons which do not interfere with the surface use for highway purposes, lying and being described as follows, to-wit:

Part of the Southwest Quarter of the Northeast Quarter of Section 26, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a ½ inch rebar with cap 1466 being used as the southeast corner of Lot 17D of the CMN Business Park II, Phase II, Lot 17 Subdivision to the City of Fayetteville; thence South 40° 18' 38" West along the south line of said Lot 17D a distance of 37.42 feet to a point on the Northwesterly right of way line of U.S. Highway 71B (Fulbright Expressway) as established by AHTD Job 040535, for the POINT OF BEGINNING; thence South 76° 41' 21" East along said right of way line a distance of 45.91 feet to a point; thence North 53° 50' 19" East along said right of way line a distance of 99.13 feet to a point on the Northerly right of way line of U.S. Highway 71B (Fulbright Expressway) as established by AHTD Job 9447; thence South 40° 16' 51" West

 This instrument was prepared by  
David S. Long, Title Attorney  
Arkansas State Highway and Transportation Dept.  
P.O. Box 2261, Little Rock, Arkansas 72203



along said right of way line a distance of 251.08 feet to a point; thence South 59° 06' 52" West along said right of way line a distance of 199.27 feet to a point; thence North 40° 18' 38" East a distance of 124.10 feet to a point on the south line of said Lot 17D and also being the Northwesterly right of way line of U.S. Highway 71B (Fulbright Expressway) as established by AHTD Job 040535; thence North 40° 18' 38" East along said south line of Lot 17D and Northwesterly right of way line of U.S. Highway 71B, a distance of 198.39 feet to the POINT OF BEGINNING and containing 0.38 acres, more or less, or 16,682 square feet, more or less.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and unto its successors and assigns forever.

And the Grantor hereby covenants with Grantee that Grantor will forever warrant and defend the title to said land against all lawful claims, whatsoever.

**IN WITNESS WHEREOF**, City of Fayetteville, Arkansas, has caused these presents to be executed by its Mayor and City Clerk on this \_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF FAYETTEVILLE, ARKANSAS**

By: \_\_\_\_\_  
**Lioneld Jordan, Mayor**

By: \_\_\_\_\_  
**Sondra Smith, City Clerk**

ACKNOWLEDGMENT

STATE OF ARKANSAS)

COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared the within named Lioneld Jordan and Sondra Smith, who has been authorized by statute to execute the above instrument, to me well personally known, who stated that they were the Mayor and City Clerk of the City of Fayetteville, Arkansas, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and on the behalf of said City of Fayetteville, Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal on this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
, Notary Public

My Commission Expires: \_\_\_\_\_

