

City of Fayetteville Staff Review Form

C. 1
 VAC 12-4141 (555 W.
 Maple St./555 Maple)
 Page 1 of 24

City Council Agenda Items
 and
 Contracts, Leases or Agreements

9/18/2012

City Council Meeting Date
 Agenda Items Only

Jesse Fulcher
 Submitted By

Planning
 Division

Development Services
 Department

Action Required:

VAC 12-4141: Vacation (555 W. MAPLE ST./555 MAPLE, 484): Submitted by MCCLELLAND CONSULTING ENGINEERS, INC. for property located at 555 WEST MAPLE STREET. The property is zoned DG, DOWNTOWN GENERAL. The request is to vacate a portion of the Lafayette Street right-of-way.

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

Jesse Fulcher
 Department Director

08-31-2012
 Date

Previous Ordinance or Resolution # _____

K. Kaufman
 City Attorney

8-31-12
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beck
 Finance and Internal Services Director

9-4-2012
 Date

Received in City Clerk's Office 08-31-12 A09:56 RCVD
USG

Ann Man
 Chief of Staff

9-4-12
 Date

Received in Mayor's Office
 ENTERED 9/4/12
PH

L. Jordan
 Mayor

9/5/12
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council
Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director JP
From: Jesse Fulcher, Current Planner
Date: August 30, 2012
Subject: VAC 12-4141 (555 W. MAPLE ST./555 MAPLE)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a portion of Lafayette Street right-of-way.

BACKGROUND

The subject property is bounded by Maple Street, West Avenue and Lafayette Street, and is currently being developed with the Maple Street Apartments (555 Maple).

There is approximately 1,306q. ft. of remnant street right-of-way on the north side of Lafayette Street that has not been used for public purposes since approximately 1940, when Lafayette Street was realigned to allow for a railroad crossing (see attached plans). An additional area of right-of-way, containing approximately 436 square feet, is located adjacent to the building face and outside of the area required by the Master Street Plan. This area is being vacated to allow steps to be constructed from the public sidewalk to the building entrance, which is slightly elevated above the street.

The applicant's request is to vacate a portion of Lafayette Street right-of-way. There will still be at minimum 45' of right-of-way, the minimum requirement of the Master Street Plan (see Exhibit "A").

DISCUSSION

On June 25, 2012, 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 12-4141 SUBMITTED BY MCCLELLAND CONSULTING ENGINEERS, INC. FOR PROPERTY LOCATED AT 555 WEST MAPLE STREET TO VACATE A PORTION OF LAFAYETTE STREET RIGHT-OF-WAY, A TOTAL OF 0.04 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 right-of-way 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 right-of-way 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 relocation of existing utilities shall be at the owner/developer’s expense.”

PASSED and **APPROVED** this day of , 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

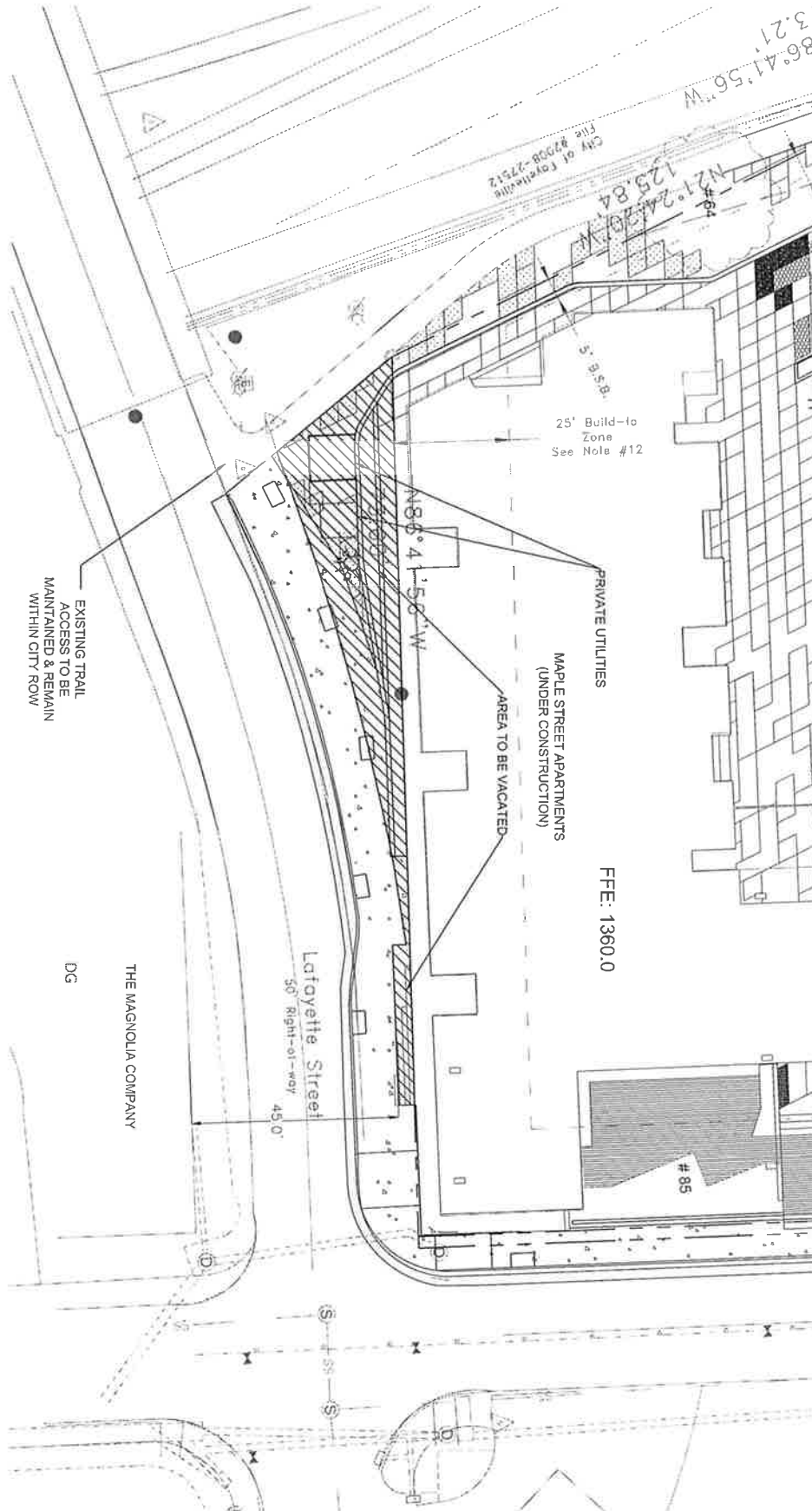


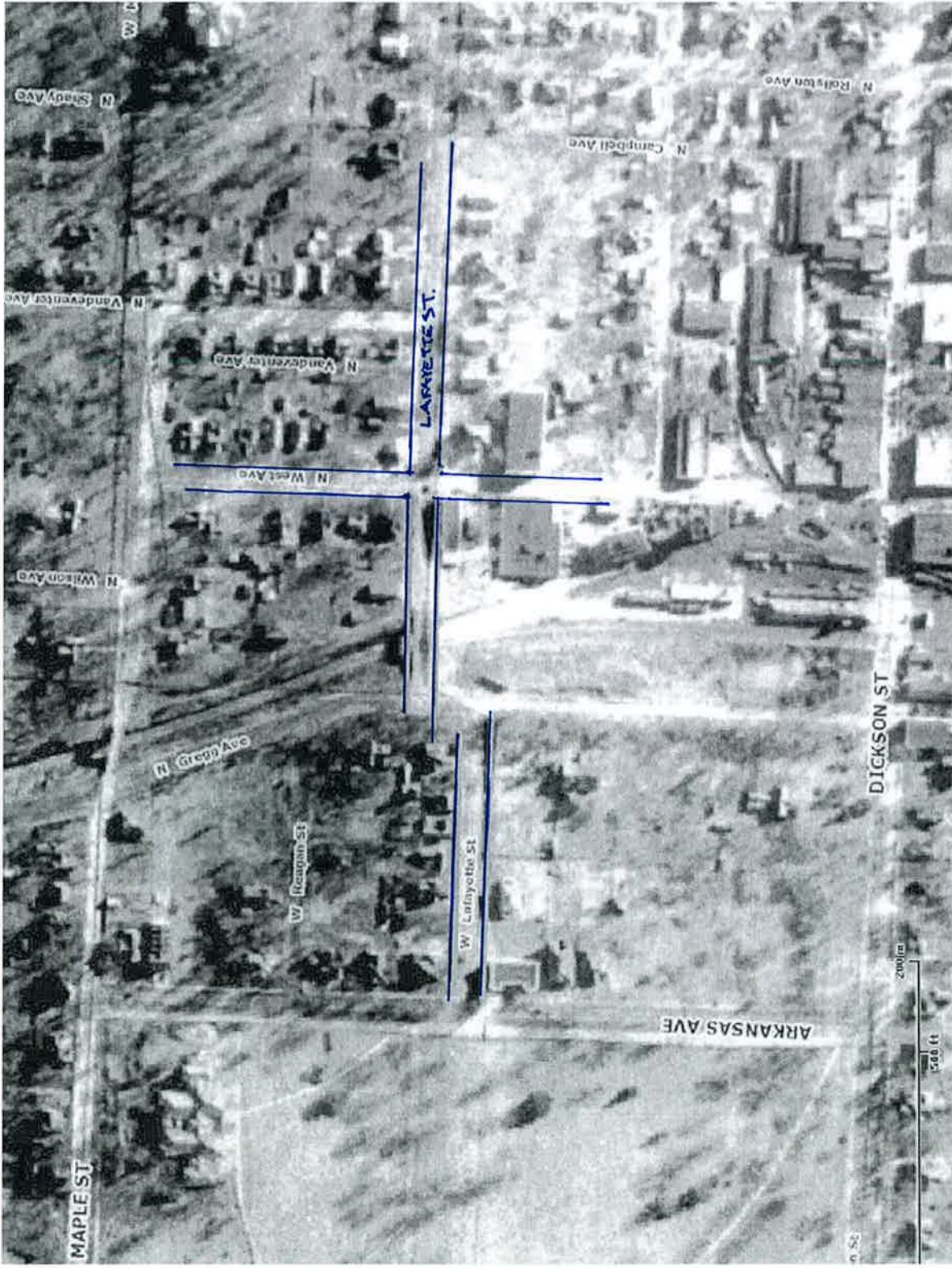
EXHIBIT "B"
VAC 12-4141

PROPERTY DESCRIPTION FOR ABANDONMENT

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF SAID NE 1/4; THENCE SOUTH 02 DEGREES 39 MINUTES 13 SECONDS WEST A DISTANCE OF 52.59 FEET; THENCE SOUTH 74 DEGREES 47 MINUTES 55 SECONDS EAST A DISTANCE OF 115.08 FEET; THENCE SOUTH 82 DEGREES 17 MINUTES 48 SECONDS EAST A DISTANCE OF 62.79 FEET; THENCE SOUTH 86 DEGREES 41 MINUTES 56 SECONDS EAST A DISTANCE OF 184.18 FEET; THENCE SOUTH 02 DEGREES 48 MINUTES 42 SECONDS WEST A DISTANCE OF 429.62 FEET TO THE SOUTH LINE OF LOT 3, BLOCK 5 OF COUNTY COURT ADDITION; THENCE ALONG SAID SOUTH LINE NORTH 86 DEGREES 41 MINUTES 56 SECONDS WEST A DISTANCE OF 31.22 FEET TO THE POINT OF BEGINNING (P.O.B.); THENCE LEAVING SAID SOUTH LINE SOUTH 02 DEGREES 51 MINUTES 42 SECONDS WEST A DISTANCE OF 3.43 FEET; THENCE NORTH 87 DEGREES 08 MINUTES 18 SECONDS WEST A DISTANCE OF 35.00 FEET; THENCE NORTH 03 DEGREES 18 MINUTES 04 SECONDS EAST A DISTANCE OF 3.01 FEET TO A POINT OF CURVATURE; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 47.32 FEET, SAID CURVE HAVING A RADIUS OF 413.16 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 84 DEGREES 05 MINUTES 39 SECONDS WEST 47.29 FEET; THENCE LEAVING SAID CURVE, ALONG A NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 39.93 FEET, SAID CURVE HAVING A RADIUS OF 429.60 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 78 DEGREES 15 MINUTES 58 SECONDS WEST 39.91 FEET; THENCE LEAVING SAID CURVE, ALONG A NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 24.21 FEET, SAID CURVE HAVING A RADIUS OF 971.80 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 76 DEGREES 21 MINUTES 51 SECONDS WEST 24.21 FEET; THENCE LEAVING SAID CURVE NORTH 34 DEGREES 58 MINUTES 00 SECONDS WEST A DISTANCE OF 32.69 FEET TO THE SOUTH LINE OF LOT 3, BLOCK 5 OF COUNTY COURT ADDITION; THENCE ALONG SAID SOUTH LINE SOUTH 86 DEGREES 41 MINUTES 56 SECONDS EAST A DISTANCE OF 163.61 FEET TO THE POINT OF BEGINNING (P.O.B.), CONTAINING 1589 SQUARE FEET OR 0.04 ACRES.

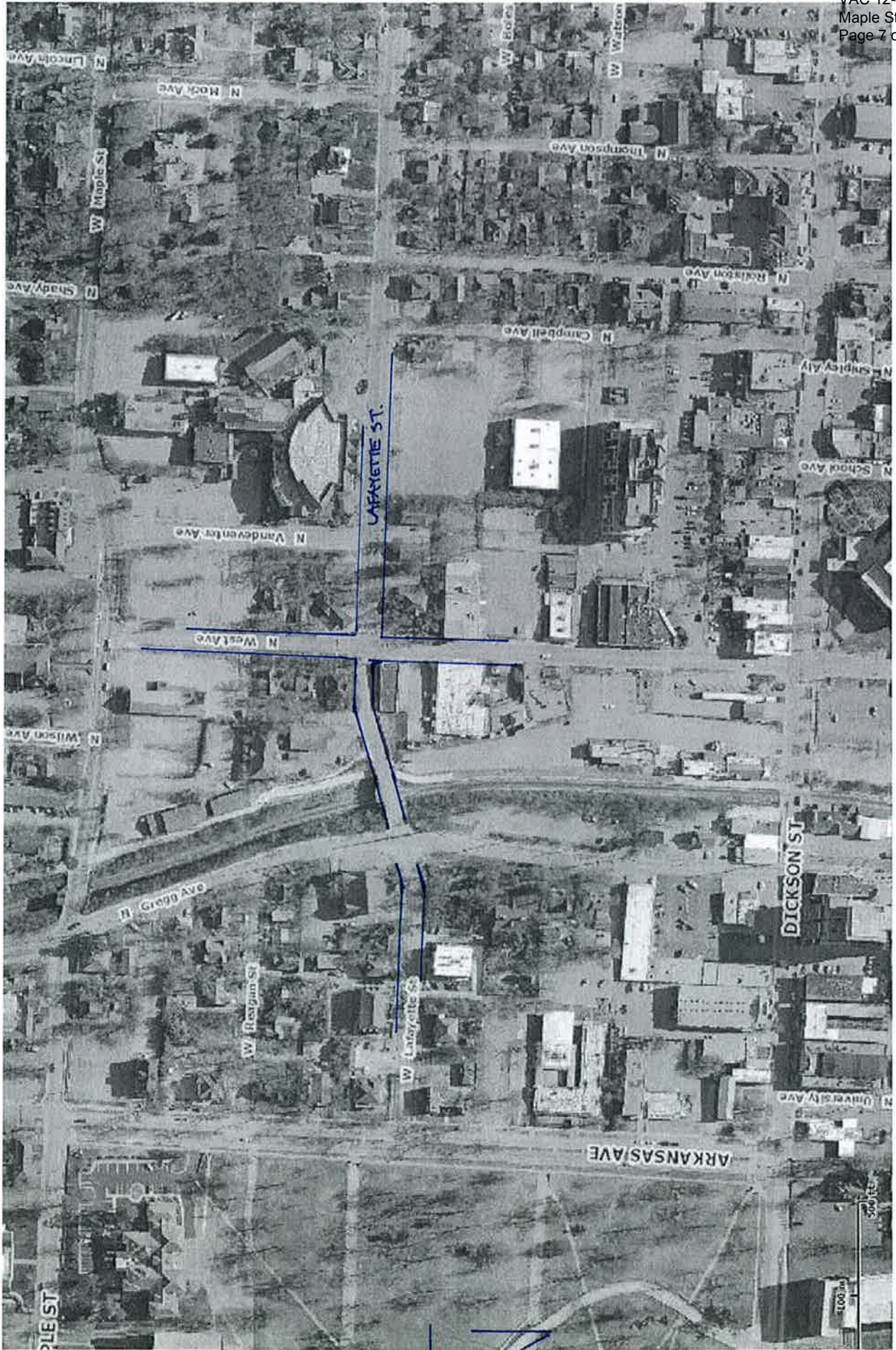
07

1926



2011 Esri. All rights reserved. Wed Jun 20 2012 02:26:07 PM.

2012



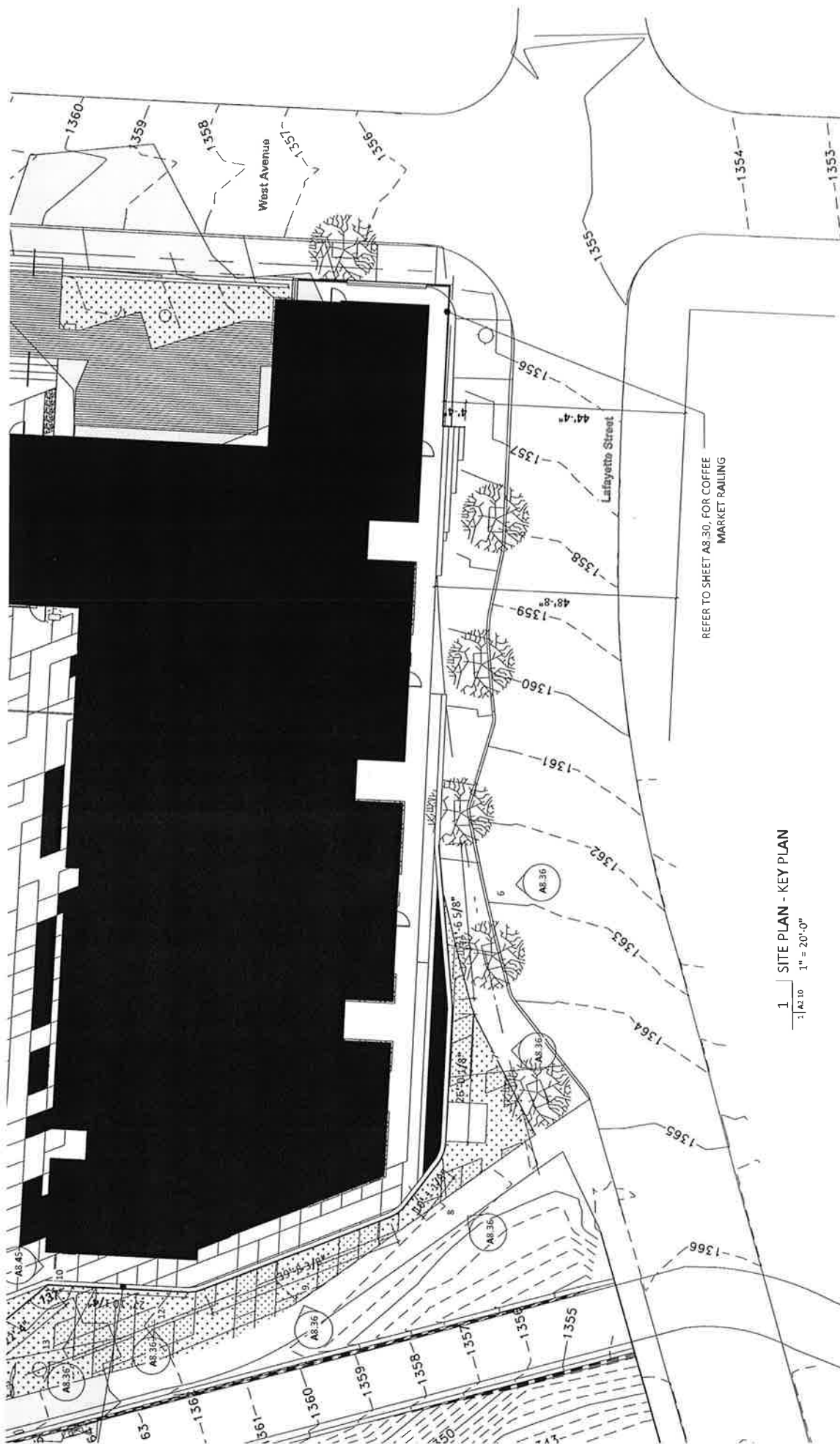




EXHIBIT B

9b ST 45 8/10/9

Design Service Volume:

Traffic Lanes:

Parking:

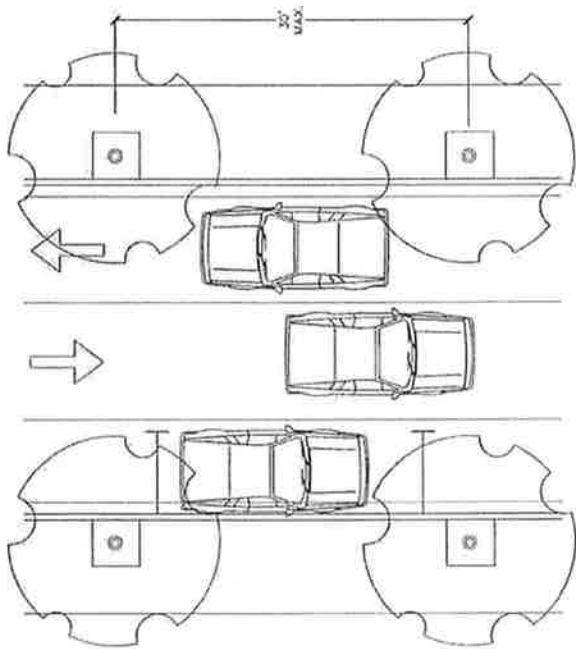
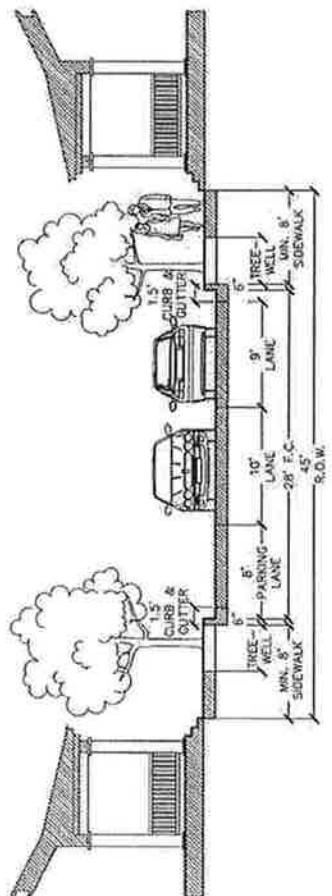
Paved Width:

Right of Way:

Sidewalks:

Greenpace:

- < 300 vpd
- One 10' lane,
- one 9' lane
- One 8' lane
- 28' from face of curb
- 45'
- Both sides of street, min. 8' wide with grated tree wells against curb
- Both sides of street, tree wells





PC Meeting of June 25, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~June 20, 2012~~ Updated June 28, 2012

VAC 12-4141: Vacation (555 W. MAPLE ST./555 MAPLE, 484): Submitted by MCCLELLAND CONSULTING ENGINEERS, INC. for property located at 555 WEST MAPLE STREET. The property is zoned DG, DOWNTOWN GENERAL. The request is to vacate a portion of Lafayette Street right-of-way. Planner: Jesse Fulcher

Findings:

Property Description and Background: The subject property is bounded by Maple Street, West Avenue and Lafayette Street, and is currently being developed with the Maple Street Apartments (555 Maple).

There is approximately 1,489 sq. ft. of remnant street right-of-way on the north side of Lafayette Street that has not been used for public purposes since approximately 1940, when Lafayette Street was realigned to allow for a railroad crossing (see attached plans). An additional area of right-of-way, containing approximately 436 square feet, is located adjacent to the building face and outside of the area required by the Master Street Plan. This area is being vacated to allow steps to be constructed from the public sidewalk to the building entrance, which is slightly elevated above the street.

Request: The applicant's request is to vacate a portion of Lafayette Street right-of-way. There will still be at minimum 45' of right-of-way, the minimum requirement of the Master Street Plan (see Exhibit "A").

Right-of-way Vacation Approval: The applicant has submitted the required right-of-way 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 12-4141** to the City Council with a recommendation for approval subject to the following condition:

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: Forwarded Denied Tabled

Date: June 25, 2012

Motion: Chesser

Second: Cook

Vote: 9-0-0

Notes: _____

May 16, 2012

RE: Maple Street Apartments

555 Maple Street

Right Of Way Vacation

Dear Planning Commissioners & City Council Members,

Due to site constraints, it has become necessary to vacate a portion of existing City ROW at the southwestern corner of the Maple Street Apartment (555 Maple) site, north of Lafayette Street. This ROW vacation, due to its location, will have no impact on adjacent properties. Ample ROW, in accordance with the City's Master Street Plan, will remain after this area of ROW is vacated.

I have enclosed a reduced sized copy of the ALTA survey prepared by MCE that illustrates the location of this ROW vacation (.03 Acres). The hatched area located at the southwest corner of the site indicated as "Area of Tract 1 Lying South of the ROW Line of Lafayette Street", is the portion of ROW we seek to have vacated.

As required by the City, I have also enclosed executed Utility Approval Forms, as well as delivered notifications to all adjacent property owners.

If you should have any questions, concerns, or need any additional information regarding this ROW Vacation Application package, please don't hesitate to contact me.

Sincerely,

Leslie Tabor

ltabor@mcclelland-engrs.com

PETITION TO VACATE

PETITION TO VACATE (ROW) LOCATED IN (Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Frisco Addition, an Addition to the City of Fayetteville, Arkansas, and Lot 3 and Lot 4, Block 5, of the County Court Addition to the **CITY OF FAYETTEVILLE, ARKANSAS**

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

We, the undersigned, being all the owners of the real estate abutting **ROW** hereinafter sought to be abandoned and vacated, lying in Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Frisco Addition, an Addition to the City of Fayetteville, Arkansas, and Lot 3 and Lot 4, Block 5, of the County Court Addition to the **CITY OF FAYETTEVILLE, ARKANSAS**, a municipal corporation, petition to vacate **ROW** which is described as follows:

METES AND BOUNDS DESCRIPTION OF ROW TO BE VACATED

Part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:
Commencing at the Northwest corner of the NW 1/4 of said NE 1/4; thence South 02 degrees 39 minutes 13 seconds West a distance of 52.59 feet; thence South 74 degrees 47 minutes 55 seconds East a distance of 115.08 feet; thence South 82 degrees 17 minutes 48 seconds East a distance of 62.79 feet; thence South 86 degrees 41 minutes 56 seconds East a distance of 184.18 feet; thence South 02 degrees 48 minutes 42 seconds West a distance of 429.62 feet to the south line of Lot 3, Block 5 of County Court Addition; thence along said south line North 86 degrees 41 minutes 56 seconds West a distance of 31.22 feet to the POINT OF BEGINNING (P.O.B.); thence leaving said south line South 02 degrees 51 minutes 42 seconds West a distance of 3.43 feet; thence North 87 degrees 08 minutes 18 seconds West a distance of 35.00 feet; thence North 03 degrees 18 minutes 04 seconds East a distance of 3.01 feet to a point of curvature; thence along a non-tangent curve to the left, an arc distance of 47.32 feet, said curve having a radius of 413.16 feet, and a chord bearing and distance of South 84 degrees 05 minutes 39 seconds West 47.29 feet; thence leaving said curve, along a non-tangent curve to the left, an arc distance of 39.93 feet, said curve having a radius of 429.60 feet, and a chord bearing and distance of South 78 degrees 15 minutes 58 seconds West 39.91 feet; thence leaving said curve, along a non-tangent curve to the left, an arc distance of 24.21 feet, said curve having a radius of 971.80 feet, and a chord bearing and distance of South 76 degrees 21 minutes 51 seconds West 24.21 feet; thence leaving said curve North 34 degrees 58 minutes 00 seconds West a distance of 32.69 feet to the south line of Lot 3, Block 5 of County Court Addition; thence along said south line South 86 degrees 41 minutes 56 seconds East a distance of 163.61 feet to the POINT OF BEGINNING (P.O.B.), containing 1589 square feet or 0.04 acres.

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 easement.

Dated this ___ day of _____, 20__.

Specialized Sterling Joint Venture I, LP
U of Ark, Inc
By: General Partner

Seth Mims
Printed Name

Signature

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

DATE: 3/8/12

UTILITY COMPANY: SWEPED

APPLICANT NAME: Leslie Taber (representing 555 Maple) APPLICANT PHONE: 479-443-2377
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**)

** 555 MAPLE FAYETTEVILLE, AR

(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:

Jim Dargatz
Signature of Utility Company Representative

ENGINEER I
Title

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

DATE: 3/8/12

UTILITY COMPANY:

APPLICANT NAME: Leslie Tabor (representing 555 Maple) APPLICANT PHONE: 719.443.2317
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**)

555 MAPLE FAYETTEVILLE, AR

(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:

Randy Drake
Signature of Utility Company Representative
Field Coordinator
Title

UTILITY APPROVAL FORM

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

DATE: 3/8/12

UTILITY COMPANY:

APPLICANT NAME: Leslie Tabor (representing 555 Maple) APPLICANT PHONE: 479.443.2317
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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General location / Address (referring to attached document- must be completed)**

** 555 MAPLE FAYETTEVILLE, AR

(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:

All conduits are placed as requested by Cox Communications
and all relocations cost will be paid by developer.

Chad A. Hodge
Signature of Utility Company Representative

Chad A. Hodge
Title

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

DATE: 3/8/12

UTILITY COMPANY: AT&T

APPLICANT NAME: Leslie Tabor (representing 555 Maple) APPLICANT PHONE: 479.443.2317
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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General location / Address (referring to attached document- must be completed**)

**555 MAPLE FAYETTEVILLE, AR

(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:
RELOCATION OF OR DAMAGE TO ANY EXISTING ATT FACILITIES
WILL BE AT THE PROPERTY OWNER OR DEVELOPER'S EXPENSE

Leslie Tabor
Signature of Utility Company Representative

MANAGER - OSP ENGINEER
Title

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

DATE: 3/8/12

UTILITY COMPANY: City of Fayetteville Water/Sewer

APPLICANT NAME: Leslie Tabor (representing 555 Maple) APPLICANT PHONE: 479.442.2377
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**)

555 MAPLE FAYETTEVILLE, AR

(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:

Shannon Jones
Signature of Utility Company Representative

Utilities Engineer
Title

UTILITY APPROVAL FORM

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

DATE: 3/8/12

UTILITY COMPANY: Solid Waste + Recycling

APPLICANT NAME: Leslie Taber (representing 555 Maple) APPLICANT PHONE: 419-443-2377
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)**

** 555 MAPLE FAYETTEVILLE, AR

(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:

Rein DeP
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

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

DATE: 3/8/12

UTILITY COMPANY: CITY OF FAYETTEVILLE TRANSPORTATION DIVISION

APPLICANT NAME: Leslie Taber (representing 555 Maple) APPLICANT PHONE: 479-443-2277

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

** 555 MAPLE FAYETTEVILLE, AR

(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:

[Signature]

Signature of Utility Company Representative

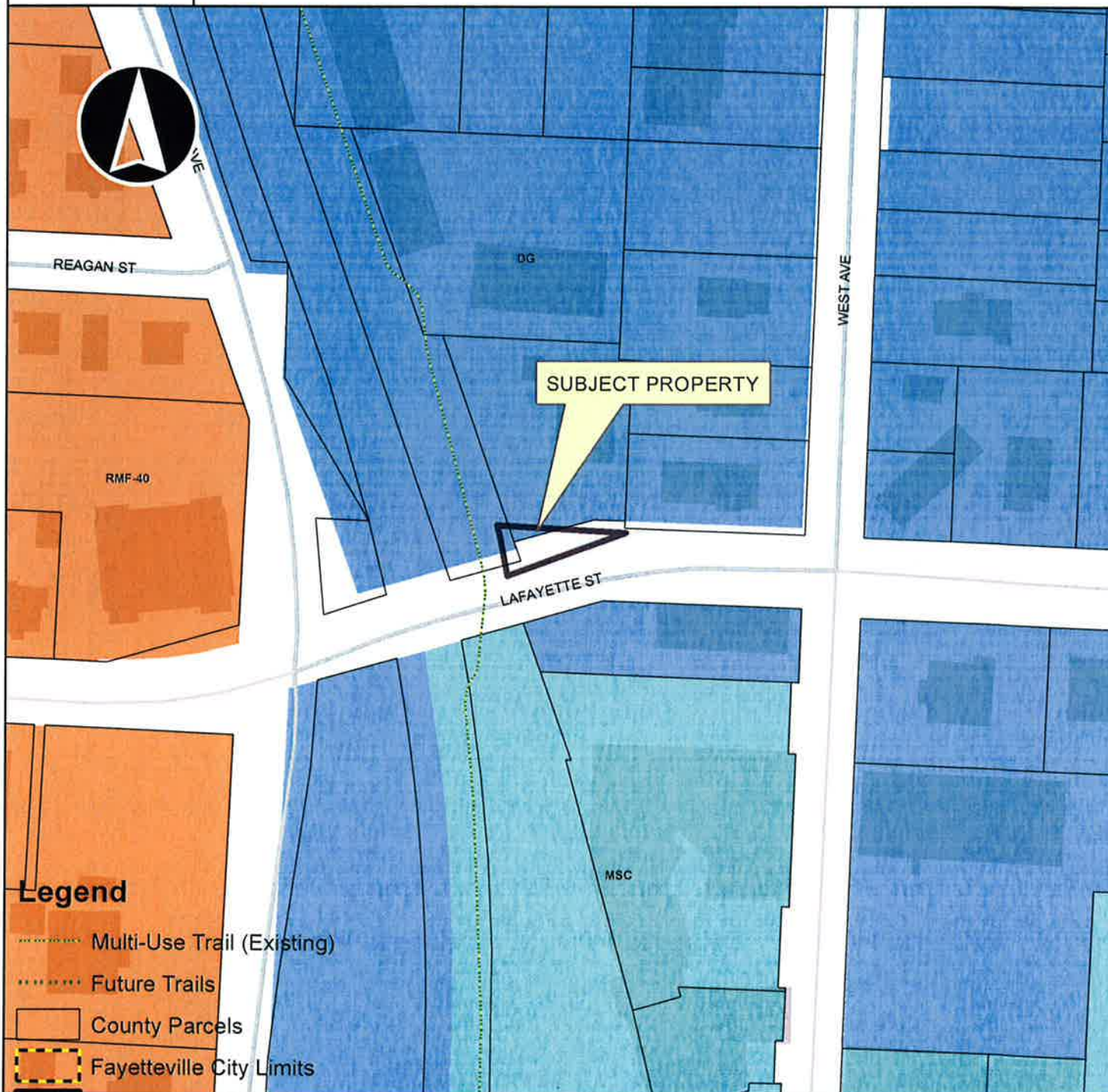
ASSISTANT TRANSPORT MANAGER

Title
CITY OF FAYETTEVILLE

VAC12-4141

555 MAPLE

Close Up View

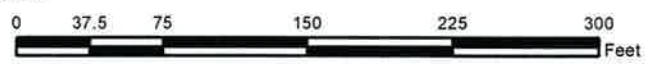


Legend

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

Overview VAC12-4141

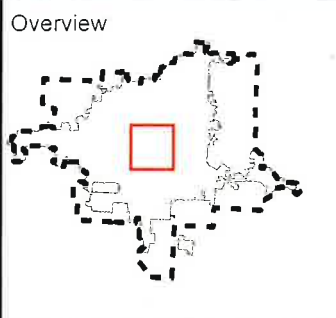
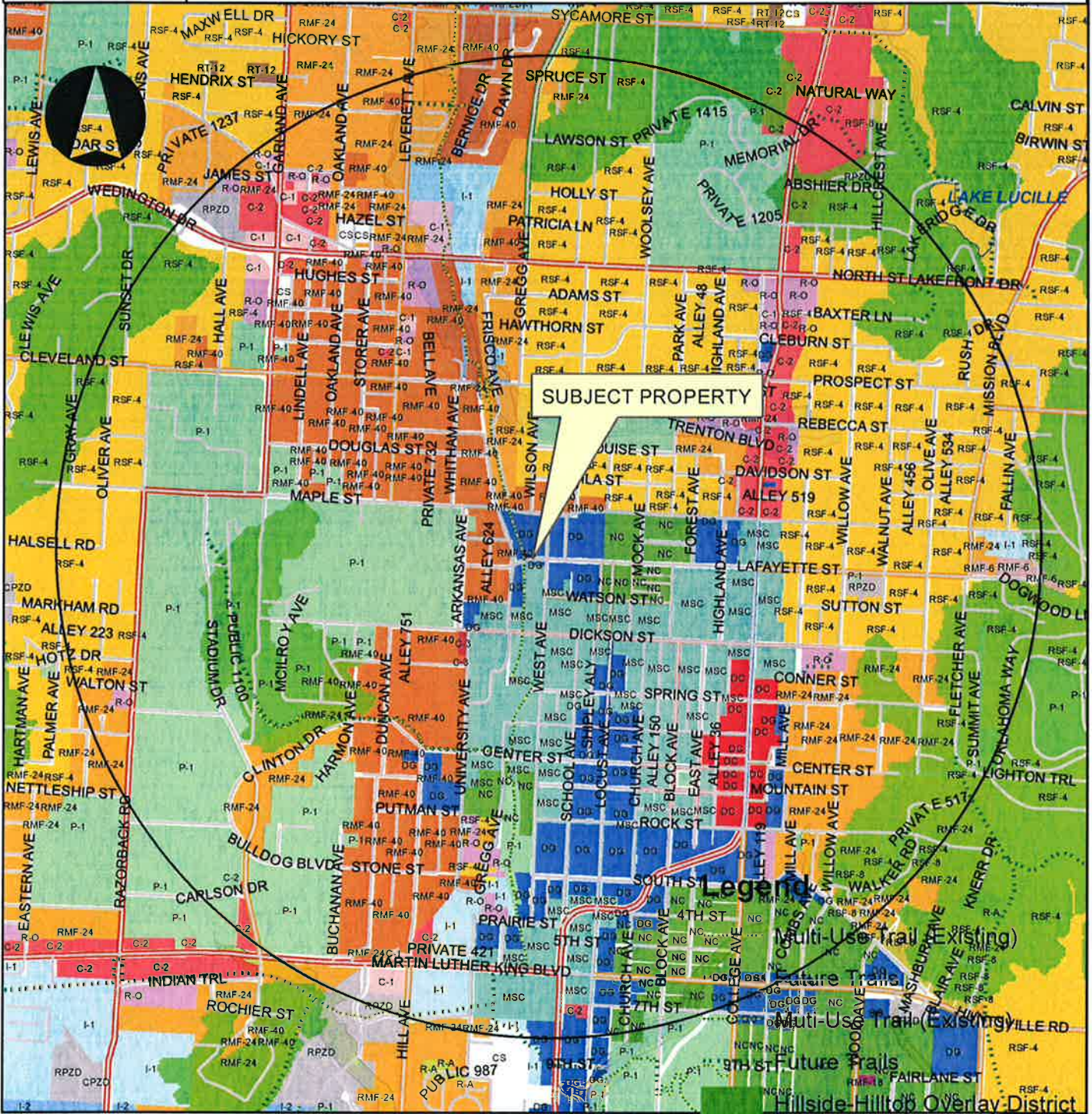
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



VAC12-4141

555 MAPLE

One Mile View



Legend

- Subject Property
- VAC12-4141
- Boundary
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1
 Miles

