

City Council Agenda Items
and
Contracts, Leases or Agreements

3/5/2013

City Council Meeting Date
Agenda Items Only

Quin Thompson
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 13-4298: Vacation (1253 W. SHOWROOM DR./FIAT OF FAYETTEVILLE, 284): Submitted by CRAFTON TULL AND ASSOCIATES for property located at 1352 WEST SHOWROOM DRIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL, and contains 5.66 acres. 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

Budget Adjustment Attached

[Signature]
Department Director 02-14-2013
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney 2-14-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Babin
Finance and Internal Services Director 2-15-2013
Date

Received in City Clerk's Office 02-14-13 10:14 *rcvd.*
Kim J.

[Signature]
Chief of Staff 2-15-13
Date

Received in Mayor's Office
ENTERED
2/15/13
[Signature]

[Signature]
Mayor 2/19/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: February 13, 2013

Subject: VAC 13-4298 (FIAT of Fay)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate an apparently unused water/sewer easement internal to the subject property.

BACKGROUND

The subject property is located at 1253 Showroom Dr on the northwest corner of I-540 and State Highway 112, and is part of the Fayetteville Auto Park near Interstate 540. City staff reviewed and approved an addition to an existing auto dealership building (SIP 12-4186) on July 31, 2012. The addition is proposed over a portion of existing water and sewer easement contained within the subject property, requiring that it be vacated before the building permits can be issued. There are no existing utility lines within this portion of the easement.

DISCUSSION

On February 11, 2013 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4298 SUBMITTED
BY CRAFTON TULL AND ASSOCIATES FOR PROPERTY
LOCATED AT 1253 WEST SHOWROOM DRIVE TO VACATE
AN UTILITY EASEMENT, A TOTAL OF 0.08 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 vacates and abandons the following described utility easement 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 Conditions of Approval and shall not be in effect until the condition is met.

1. Relocation of or damage to any existing utilities will be at the owner's expense.
2. The engineer of record shall produce a record drawing that accurately reflects the original construction as well as any new improvements prior to issuance of Certificate of Occupancy.

PASSED and APPROVED this day of , 2013.

APPROVED:

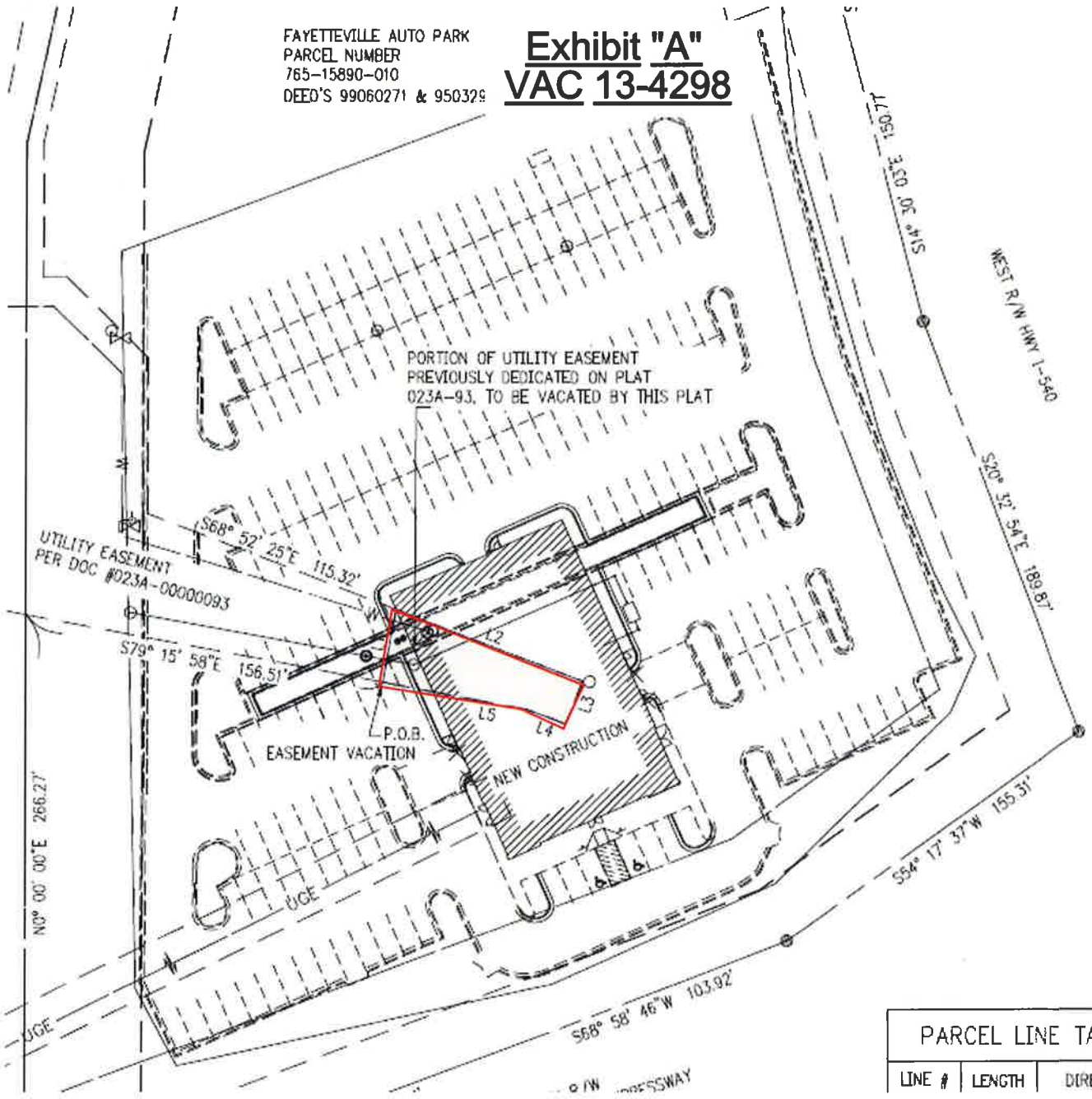
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE AUTO PARK
 PARCEL NUMBER
 765-15890-010
 DEED'S 99060271 & 950329

Exhibit "A"
VAC 13-4298



PARCEL LINE T&E		
LINE #	LENGTH	DIREC

EXHIBIT "B"
VAC 13-4298

DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED:

A PORTION OF AN EXISTING UTILITY EASEMENT AS SHOWN ON PLAT RECORD 023A-93 AS RECORDED IN THE CIRCUIT CLERK'S OFFICE FOR WASHINGTON COUNTY, ARKANSAS LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 34, TOWNSHIP 17 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER OF SECTIONS 27, 28,33,34; THENCE S8r00'52"E ALONG THE COMMON LINE OF SECTIONS 27 AND 34 A DISTANCE OF 336.13 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 71 (NOW U.S. INTERSTATE 1-540); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 71 THE FOLLOWING COURSES AND DISTANCES; S13°26'17"W 145.14 FEET; THENCE S0r52'20"E 194.00 FEET; THENCE S14°30'03"E 150.77 FEET; THENCE S20032'54"E 189.87 FEET; THENCE S54°17'37"W 155.31 FEET; THENCE S68°58'46"W 103.92 FEET; THENCE S69°17'31"W 247.55 FEET TO A POINT ON THE COMMON LINE OF SECTIONS 33 AND 34; THENCE N00°00'00"E 266.27 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING UTILITY EASEMENT AS SHOWN ON SAID PLAT RECORD 023A-93; THENCE ALONG SAID SOUTH LINE S79°15'58"E 156.51 FEET TO THE POINT OF BEGINNING FOR THE FOLLOWING DESCRIBED TRACT; THENCE N10044'02"E 32.00 FEET TO THE NORTH LINE OF SAID EXISTING EASEMENT; THENCE ALONG SAID NORTH LINE S68°52'25"E 85.95 FEET; THENCE S21°07'35"W 20.00 FEET TO THE SOUTH LINE OF SAID EXISTING EASEMENT; THENCE ALONG SAID SOUTH LINE N68°52'25"W 17.62 FEET; THENCE N79°15'58"W 63.60 FEET TO THE POINT OF BEGINNING, CONTAINING 0.047 ACRES (2,053 SQUARE FEET), MORE OR LESS.

EXHIBIT "B"
VAC 13-4298

DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED:

A PORTION OF AN EXISTING UTILITY EASEMENT AS SHOWN ON PLAT RECORD 023A-93 AS RECORDED IN THE CIRCUIT CLERK'S OFFICE FOR WASHINGTON COUNTY, ARKANSAS LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 34, TOWNSHIP 17 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE COMMON CORNER OF SECTIONS 27, 28,33,34; THENCE S8r00'52"E ALONG THE COMMON LINE OF SECTIONS 27 AND 34 A DISTANCE OF 336.13 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 71 (NOW U.S. INTERSTATE 1-540); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 71 THE FOLLOWING COURSES AND DISTANCES; S13°26'17"W 145.14 FEET; THENCE SOr52'20"E 194.00 FEET; THENCE S14°30'03"E 150.77 FEET; THENCE S20032'54"E 189.87 FEET; THENCE S54°17'37"W 155.31 FEET; THENCE S68°58'46"W 103.92 FEET; THENCE S69°17'31"W 247.55 FEET TO A POINT ON THE COMMON LINE OF SECTIONS 33 AND 34; THENCE N00°00'00"E 266.27 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING UTILITY EASEMENT AS SHOWN ON SAID PLAT RECORD 023A-93; THENCE ALONG SAID SOUTH LINE S79°15'58"E 156.51 FEET TO THE POINT OF BEGINNING FOR THE FOLLOWING DESCRIBED TRACT; THENCE NI0044'02"E 32.00 FEET TO THE NORTH LINE OF SAID EXISTING EASEMENT; THENCE ALONG SAID NORTH LINE S68°52'25"E 85.95 FEET; THENCE S21°07'35"W 20.00 FEET TO THE SOUTH LINE OF SAID EXISTING EASEMENT; THENCE ALONG SAID SOUTH LINE N68°52'25"W 17.62 FEET; THENCE N79°15'58"W 63.60 FEET TO THE POINT OF BEGINNING, CONTAINING 0.047 ACRES (2,053 SQUARE FEET), MORE OR LESS.



PC Meeting of February 11, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~January 28, 2013~~ UPDATED February 13, 2013

VAC 13-4298: Vacation (1352 W. SHOWROOM DR./FIAT OF FAYETTEVILLE, 284): Submitted by CRAFTON TULL & ASSOCIATES for property located at 1352 WEST SHOWROOM DRIVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL, and contains a total of 5.66 acres. The request is to vacate an easement.

Planner: Quin Thompson

Findings:

Property Description and Background: The subject property is located at 1253 Showroom Dr on the northwest corner of I-540 and State Highway 112, and is part of the Fayetteville Auto Park near Interstate 540. City staff reviewed and approved an addition to an existing auto dealership building (SIP 12-4186) on July 31, 2012. The addition is proposed over a portion of existing water and sewer easement within the subject property, requiring that it be vacated before the building permits can be issued. There are no existing utility lines within this portion of the easement.

Request: The applicant's request is to vacate the area shown in the submitted plan. The Water and Sewer Division has reviewed this request and does not object to the vacation.

Easement Vacation Approval: The applicant has submitted the required easement vacation notification forms to the City of Fayetteville and utility companies with the results summarized below.

UTILITIES

RESPONSE

AEP/SWEPCO	No Objections
Ozarks Electric Cooperative	No Objections
Cox Communications	No Objections
Source 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 13-4298** to the City Council with a recommendation for approval subject to the following condition:

1. Relocation of or damage to any existing utilities will be at the owner's expense.
2. The engineer of record shall produce a record drawing that accurately reflects the original construction as well as any new improvements before the final project is accepted.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: X Forwarded Denied Tabled

Date: February 11, 2013

Motion: CHESSER

Second: COOK

Vote: 8-0-0

Notes: _____



Crafton Tull

architecture | engineering | surveying

Conway
Little Rock
Oklahoma City
Rogers
Russellville
Tulsa

December 21, 2012

Andrew Garner
Fayetteville Planning Commission
113 W. Mountain
Fayetteville, AR

RE: Fiat of Fayetteville
Easement Vacation

Dear Mr. Garner:

On behalf of my client, Fiat of Fayetteville, we are requesting an Easement Vacation on the site improvements that were previously approved. The area of easement to be vacated has no utilities and no adjacent property owners.

Thank you for your assistance on this matter.

Sincerely,

Daniel P. Ellis, P.E.
Vice President

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

DATE: 01/14/2013

UTILITY COMPANY: City of Fayetteville Water & Sewer
APPLICANT NAME: Don Nelms, General Partner, Nelms, LLC APPLICANT PHONE: 479-251-2175
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**)

** 1325 W. Showroom, 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:

The engineer of record is unable to produce a record drawing of the original construction of water and sewer lines in this area. The engineer of record shall produce a record drawing that accurately reflects the original construction as well as any new improvements before the final project is accepted.



Signature of Utility Company Representative

Utilities Engineer

Title

UTILITY APPROVAL FORM

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

DATE: 10/29/2012

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Don Nelms, General Partner, Nelms, LLC APPLICANT PHONE: 479-251-2175

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**)

** 1325 W. Showroom, Fayetteville, AR

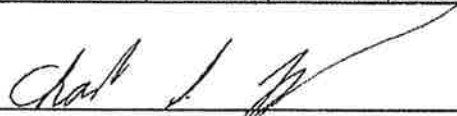
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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:

Any damage to or relocation of our existing utilities will be at
the owners/developers expense.



Signature of Utility Company Representative

Construction Planner III

Title

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

DATE: 12-21-2012

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Don Nelms, General Partner, Nelms, LLC APPLICANT PHONE: 479-251-2175

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**)

** 1325 W. Showroom, 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:

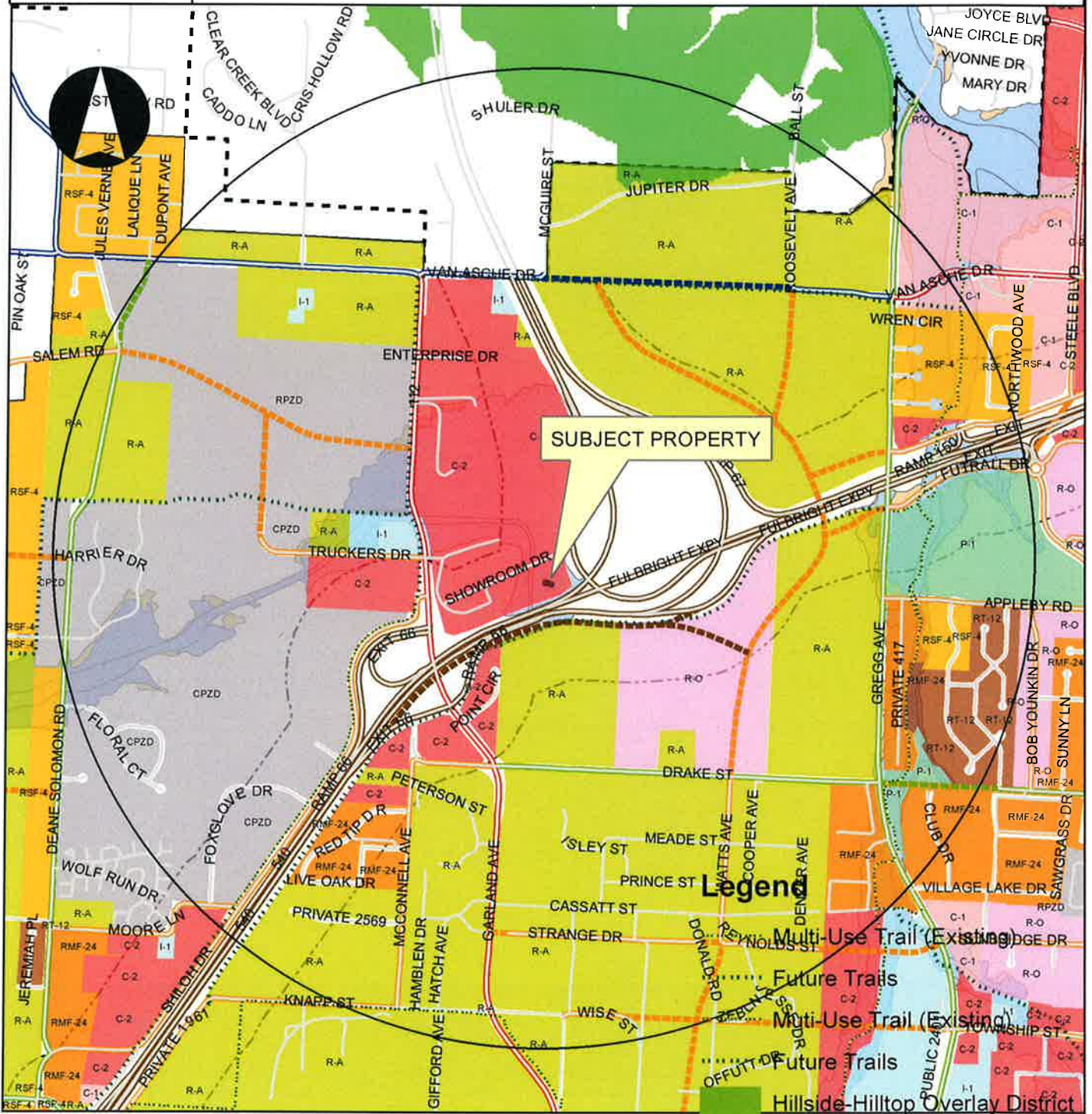
Greg McGee
Signature of Utility Company Representative

Lead Staking Tech
Title

VAC13-4298

FIAT OF FAYETTEVILLE

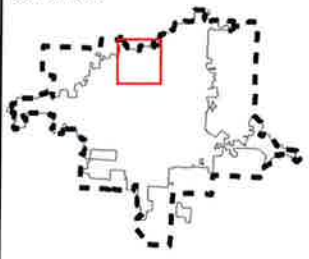
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

Overview



Legend

Subject Property

VAC13-4298

Boundary



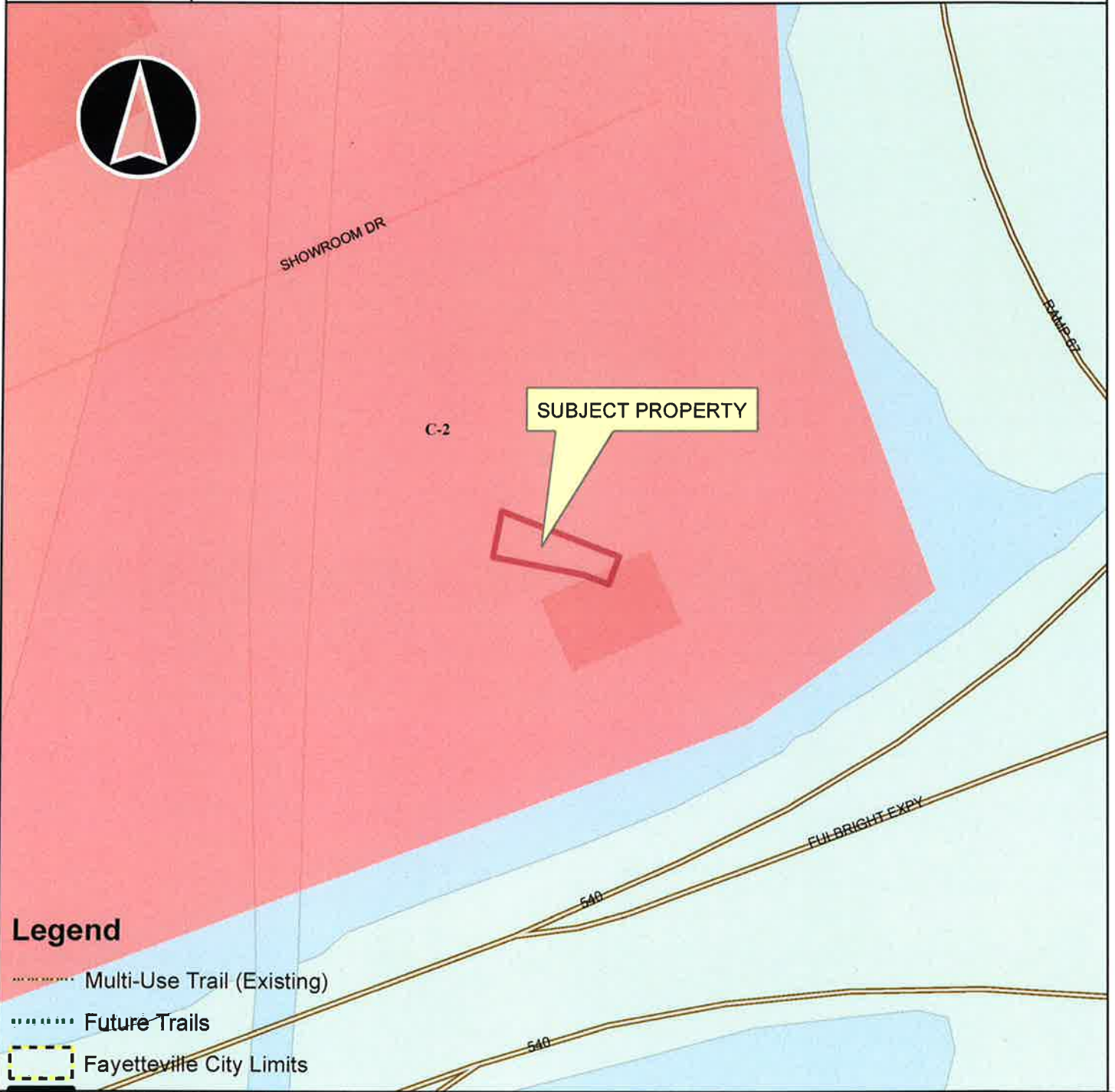
- VAC13-4298
- Design Overlay District
- Planning Area
- Fayetteville

Miles

VAC13-4298

FIAT OF FAYETTEVILLE

Close Up View



Legend

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

Overview VAC13-4298

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

