

City Council Agenda Items
and
Contracts, Leases or Agreements

3/19/2013

City Council Meeting Date
Agenda Items Only

Quin Thompson
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 12-4203: Vacation (HALSELL ROAD SEWER EASEMENTS, 482): Submitted by PLANNING STAFF for properties located on HALSELL ROAD, OLIVER AVENUE AND MAPLE STREET. All properties are zoned RSF-4, Residential Single-family, 4 units per acre. The request is to vacate several existing "blanket" easements in the neighborhood.

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

Henry C. Pace
Department Director 03-01-2013
Date

Previous Ordinance or Resolution # _____

Kenner
City Attorney 3-1-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paula Behn
Finance and Internal Services Director 3-1-2013
Date

Received in City Clerk's Office 03-01-13 10:57 RCVD
King J.

Ann Man
Chief of Staff 3-1-13
Date

Received in Mayor's Office
ENTERED
3/1/13
[Signature]

Louise Jordan
Mayor 3/4/13
Date

Comments:

cc: Jesse Fulcher

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Current Planner

Date: February 13, 2013

Subject: VAC 12-4203 (Halsell Road Sewe Easements)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate several "blanket" easements along Halsell Road, Oliver Avenue and Maple Street.

BACKGROUND

The subject properties are located on Halsell Road, Oliver Avenue and Maple Street. There are a total of 11 separate parcels that are impacted by "blanket" water and sewer easements that were obtained by the City of Fayetteville in the 1950's. The Utilities Department for the City of Fayetteville has reviewed the matter and determined that the blanket easements can be replaced with a standard 20 foot easement centered on the existing sewer line.

The City of Fayetteville, on behalf of multiple property owners, is requesting to vacate the existing blanket easements shown on the attached maps and replace them with a standard 20 foot utility easement.

Because the subject easement is only for water and sewer use, staff did not contact representatives from other utility providers. All adjacent property owners were notified of the vacation, pursuant to State law and City ordinance.

Each of the impacted property owners were required to sign and return application forms agreeing to the vacation. Staff sent two separate letters to the owners; however, only seven (7) owners responded. The remaining blanket easements will remain in place unless signed authorization is received before the vacation is reviewed by the City Council on March 19, 2013. The remaining property owners may apply for a vacation at any time in the future.

DISCUSSION

On February 25, 2013 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 12-4203 SUBMITTED BY THE CITY OF FAYETTEVILLE FOR SEVERAL BLANKET EASEMENTS ALONG HALSELL ROAD, MAPLE STREET AND OLIVER AVENUE.

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 easements are 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 easements 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. The vacation shall not be valid until a 20 foot water and sewer easement has been dedicated by the property owner. Each property owner is responsible for completing this task independently.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"



EXHIBIT "B"
VAC 12-4203

765-14493-000
420 N. OLIVER AVENUE (EARL ALLEN)
BOOK 489 PAGE 15

PART OF THE NW/4 NE/4 SEC. 17-16N-30W, DESCRIBED AS BEGINNING AT A POINT 209 FEET WEST AND 416.5 FEET SOUTH OF THE NE/C OF SAID 40-ACRE TRACT, RUNNING THENCE SOUTH 153.5; THENCE WEST 190 FEET; THENCE 153.5 NORTH; THENCE EAST 190 FEET TO THE PLACE OF BEGINNING.

765-14501-000
1623 W. MAPLE STREET (JACQUELINE WILLIAMS)
BOOK 489 PAGE 16

PART OF THE NW/4 NW/4 NE/4 SEC. 17-16N-30W, DESCRIBED AS BEGINNING AT A POINT WHICH IS 296 FEET EAST OF THE NW/C OF SAID 10-ACRE TRACT AND RUNNING THENCE SOUTH 330 FEET; THENCE EAST 100 FEET; THENCE NORTH 330 FEET; THENCE WEST 100 FEET TO THE PLACE OF BEGINNING, CONTAINING .76 ACRES MORE OR LESS.

765-14472-000
410 N. OLIVER AVENUE (JOHN LATOUR)
BOOK 489 PAGE 17

PART OF THE NW/4 NE/4 SEC. 17-16N-30W, DESC. AS BEGINNING AT A POINT WHICH IS 209 FEET WEST AND 570 FEET SOUTH OF THE NE/C OF SAID 40 ACRE TRACT, AND RUNNING THENCE SOUTH 90 FEET; THENCE WEST 190 FEET; THENCE NORTH 90 FEET; THENCE EAST 190 FEET TO THE PLACE OF BEGINNING.

EXHIBIT "B"
VAC 12-4203

765-14505-000

1641 W. HALSELL ROAD (WILLIAM ORTON)
BOOK 489 PAGE 18

COMMENCING AT A POINT WHICH IS 264 FEET EAST AND 330 FEET NORTH OF THE SW/C OF THE NW/4 NE/4 SEC. 17-16N-30W, THENCE RUNNING NORTH 330 FEET; THEN WEST 264 FEET; THENCE SOUTH 330 FEET; THENCE EAST 264 FEET TO THE PLACE OF BEGINNING, EXCEPT A ROAD OR STREET ON THE NORTHERN SIDE, CONTAINING 2 ACRES, MORE OR LESS.

765-14504-000

1663 W. HALSELL ROAD (LISA ORTON)
BOOK 489 PAGE 18

COMMENCING AT A POINT WHICH IS 264 FEET EAST AND 330 FEET NORTH OF THE SW/C OF THE NW/4 NE/4 SEC. 17-16N-30W, THENCE RUNNING NORTH 330 FEET; THEN WEST 264 FEET; THENCE SOUTH 330 FEET; THENCE EAST 264 FEET TO THE PLACE OF BEGINNING, EXCEPT A ROAD OR STREET ON THE NORTHERN SIDE, CONTAINING 2 ACRES, MORE OR LESS.

765-14490-000

1647 W. MAPLE STREET (LARRY & JUDITH LANINGHAM)
BOOK 489 PAGE 20

PART OF THE NW/4 NE/4 SEC. 17-16N-30W, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 196 FEET EAST OF THE NW/C OF SAID 40 ACRE TRACT, AND RUNNING THENCE EAST 100 FEET; THENCE SOUTH 330 FEET; THENCE WEST 100 FEET; THENCE NORTH 330 FEET TO THE PLACE OF BEGINNING, CONTAINING .76 OF AN ACRE.

EXHIBIT "B"
VAC 12-4203

765-14494-000

426 OLIVER AVENUE (SEAN & KIMBERLY VOLLENDORF)
BOOK 489 PAGE 21

PART OF THE NW/4 NE/4 SEC. 17-16N-30W DESCRIBED AS FOLLOWS; BEGINNING 209 FEET WEST AND 316.5 FEET SOUTH OF NE/C OF SAID 40-ACRE TRACT, THENCE RUNNING SOUTH 100 FEET; THENCE WEST 190 FEET; THENCE NORTH 100 FEET; THENCE EAST 190 FEET TO PLACE OF BEGINNING.

765-14486-000

1660 W. MARKHAM ROAD (ROGER & KATHRYN WIDDER)
BOOK 489 PAGE 22

PART OF THE NW/4 NE/4 SEC. 17-16N-30W DESCRIBED AS FOLLOWS: BEGINNING 20 FEET EAST OF SW/C OF SAID 40-ACRE TRACT, THENCE RUNNING EAST 90 FEET; THENCE NORTH 330 FEET; THENCE WEST 110 FEET; THENCE SOUTH 210 FEET; THENCE EAST 20 FEET; THENCE SOUTH 120 FEET TO THE PLACE OF BEGINNING.

765-14482-000 (1666 W. HALSELL ROAD)

765-14482-001 (UNDEVELOPED)

765-14480-000 (1624 W. HALSELL ROAD)

BOOK 489 PAGE 24

PART OF THE NW/4 NE/4 SEC. 17-16N-30W, DESCRIBED AS BEGINNING AT A POINT WHICH IS 330 FEET SOUTH OF NW/C OF SAID 40-ACRE TRACT, AND RUNNING THENCE EAST 396 FEET; THENCE SOUTH 300 FEET; THENCE WEST 396 FEET; THENCE NORTH 330 FEET TO THE POINT OF BEGINNING, CONTAINING 2.98 ACRES, MORE OR LESS.



PC Meeting of February 25, 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: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~February 20, 2013~~ Updated February 28, 2013

VAC 12-4203: Vacation (HALSELL ROAD SEWER EASEMENTS, 482): Submitted by PLANNING STAFF for properties located on HALSELL ROAD, OLIVER AVENUE AND MAPLE STREET. All properties are zoned RSF-4, Residential Single-family, 4 units per acre. The request is to vacate several existing "blanket" easements in the neighborhood. Planner: Jesse Fulcher

Findings:

Property Description and Background: The subject properties are located on Halsell Road, Oliver Avenue and Maple Street. There are a total of 11 separate parcels that are impacted by "blanket" water and sewer easements that were obtained by the City of Fayetteville in the 1950's. The Utilities Department for the City of Fayetteville has reviewed the matter and determined that the blanket easements can be replaced with a standard 20 foot easement centered on the existing sewer line.

Request: The City of Fayetteville, on behalf of multiple property owners, is requesting to vacate the existing blanket easements shown on the attached maps and replace them with a standard 20 foot utility easement.

Notification: Because the subject easement is only for water and sewer use, staff did not contact representatives from other utility providers. All adjacent property owners were notified of the vacation, pursuant to State law and City ordinance.

Each of the impacted property owners were required to sign and return application forms agreeing to the vacation. Staff sent two separate letters to the owners; however, only seven (7) owners responded. The remaining blanket easements will remain in place unless signed authorization is received before the vacation is reviewed by the City Council on March 19, 2013. The remaining property owners may apply for a vacation at any time in the future.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No Objection. A 20 foot easement shall be dedicated over the existing utility lines.

Public Comment: Staff has spoken with many of the property owner and neighbors in this area. No one has objected to the vacation.

Recommendation: Staff recommends forwarding **VAC 12-4203** to the City Council with a recommendation for approval subject to the following condition:

1. A new 20 foot water and sewer shall be dedicated to the City of Fayetteville before this approval is valid.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: Forwarded Denied Tabled

Date: February 25, 2013

Motion: Cook

Second: Hoskins

Vote: 9-0-0

Notes: _____

UTILITY APPROVAL FORM

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

DATE: 02/20/2013

UTILITY COMPANY: City of Fayetteville WTS

APPLICANT NAME: _____ APPLICANT PHONE: _____

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.)

Retain 20' Easement contained on water or sewer lines as
currently installed

No objections provided the following conditions are met:


Signature of Utility Company Representative

Utilities Engineer
Title

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Your application will not be placed on the Planning Commission agenda until this information is furnished.*

Application:

Indicate one contact person for this request: Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: City of Fayetteville (Jesse Fulcher)

Name: _____

Address: 125 W. Mountain Street

Address: _____

Phone: (479) 575-8267

Phone: () _____

Email: jfulcher@ci.fayetteville.ar.us

Email: _____

Fax: (479) 575-8202

Fax: () _____

Site Address / Location: 1647 & 1623 Maple; 426, 420 & 410 Oliver; 1641, 1663, 1624 & 1666 Halsell; 1660 Markham

Legal description of area to be vacated (attach separate sheet if necessary): See attached

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-14493-000, 765-14501-000, 765-14472-000, 765-14505-000, 765-14529-000, 765-14490-000, 765-14494-000, 765-14486-000, 765-14482-000, 765-14482-001, 765-14480-000

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jesse Fulcher Date: 11/13/12

Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): SEAN VOLLENDORF

Address: 426 N. OLIVER AVE

Signature: [Signature]

FAYETTEVILLE AR 72701

Date: 1-6-2013

Phone: (479) 283-9694

Name (printed): KIM VOLLENDORF

Address: 426 N. OLIVER AVE

Signature: [Signature]

FAYETTEVILLE AR 72701

Date: 1-6-2013

Phone: (479) 283-7699

**SIGN
HERE**

PROPERTY OWNER NOTIFICATION FORM

**FOR RIGHT- OF- WAY, ALLEY, AND
EASEMENT VACATION REQUESTS**

Date: 12/3/2012

Address / location of vacation: 426 N. Oliver

Property address: 426 N. Oliver

Lot: _____ Block: _____ Subdivision: Fayetteville outlots

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

Part of the NW/4 NE/4 Sec. 17-16N-30W described as follows; Beginning 209 feet West and 316.5 feet South of NE/c of said 40-acre tract, thence running South 100 feet; thence West 190 feet; thence North 100 feet; thence East 190 feet to place of beginning.

ADJACENT PROPERTY OWNERS COMMENTS:

I have been notified of the requested vacation and decline to comment.

I *do not object* to the vacation described above.

I *do object* to the requested vacation because:

Project Name

SEAN AND Kim Vollendorf

Name of Property Owner (*printed*)

Kimberly Vollendorf
Signature of Property Owner

B

SEWER LINE EASEMENT

BOOK 489 PAGE 21

KNOW ALL MEN BY THESE PRESENTS:

That we, Jennie Cate, hereinafter Jeylod Grantors, for and in consideration of the payment of One Dollar and other valuable considerations to us in hand paid, do hereby grant, sell and convey to the City of Fayetteville, a municipal corporation, Washington County, Arkansas, its successors and assigns, a right of way and easement to construct, maintain, lay, remove, relay and operate a sewer line and appurtenances thereto, on, over, across and under the following described lands situate in Washington County, Arkansas, to-wit:

Part of the NW/4 NE/4 Sec. 17-16N-30W desc. as follows: Beginning 209' West and 316 1/2' South of NE/c of said 40-acre tract, thence running South 100'; thence West 190'; thence North 100'; thence East 190' to place of beginning.

TO HAVE AND TO HOLD unto the City of Fayetteville, its successors and assigns, so long as such line and/or appurtenances thereto shall be maintained, with ingress to and egress from the premises for the purpose of constructing, inspecting, repairing, maintaining and operating said line and appurtenances, and the removal and renewal of such line at will, in whole or in part.

And I, ~~Wife of the said Jennie Cate~~ for and in consideration of said sum of money paid as consideration for the foregoing, do hereby release and relinquish unto the City of Fayetteville, aforesaid, all my rights of dower and homestead in and to the above described lands to the extent of the rights hereinabove granted. All covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, legal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands this 28 day of Feb. 1956.

Jennie Cate

Acknowledgment

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting Jennie Cate to me well known as the grantors in the foregoing instrument and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 28 day of February, 1956.

FILED FOR RECORD

WASHINGTON COUNTY ARKANSAS

Paul Thompson

My commission expires:

Sept. 1, 1958

SEP 5 1956

AT

Paul Thompson SEWER IMPROVEMENT DISTRICT #2
CIRCUIT CLERK Fayetteville, Arkansas

Chad No 10108

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PPH:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Your application will not be placed on the Planning Commission agenda until this information is furnished.*

Application:

Indicate one contact person for this request: Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: City of Fayetteville (Jesse Fulcher)

Name: _____

Address: 125 W. Mountain Street

Address: _____

Phone: (479) 575-8267

Phone: () _____

Email: jfulcher@ci.fayetteville.ar.us

Email: _____

Fax: (479) 575-8202

Fax: () _____

Site Address / Location: 1647 & 1623 Maple; 426, 420 & 410 Oliver; 1641, 1663, 1624 & 1666 Halsell; 1660 Markham

Legal description of area to be vacated (attach separate sheet if necessary): See attached

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-14493-000, 765-14501-000, 765-14472-000, 765-14505-000, 765-14529-000, 765-14490-000, 765-14494-000, 765-14486-000, 765-14482-000, 765-14482-001, 765-14480-000

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jesse Fulcher Date: 11/13/12

Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): Roger H. Widder Address: _____
Signature: Roger H. Widder _____
Date: Feb. 4, 2013 Phone: () _____

Name (printed): KATHRYN H. WIDDER Address: _____
Signature: Kathryn H. Widder _____
Date: 2/4/2013 Phone: () _____


**SIGN
HERE**

PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 12/3/2012

Address / location of vacation: 1660 W. Markham Road

Property address: 1660 W. Markham Road

Lot: _____ Block: _____ Subdivision: Fayetteville outlots

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

Part of the NW/4 NE/4 Sec. 17-16N-30W described as follows: Beginning 20 feet East of SW/c of said 40-acre tract, thence running East 90 feet; thence North 330 feet; thence West 110 feet; thence South 210 feet; thence East 20 feet; thence South 120 feet to the place of beginning.

ADJACENT PROPERTY OWNERS COMMENTS:

- I have been notified of the requested vacation and decline to comment.
- I do not object to the vacation described above.
- I do object to the requested vacation because:

Project Name

Roger H. Widder
Name of Property Owner (*printed*)

Roger H. Widder
Signature of Property Owner

SEWER LINE EASEMENT

BOOK 489 PAGE 22

KNOW ALL MEN BY THESE PRESENTS:

That we, Roger H. Widdor and Kathryn H. Widdor his wife, hereinafter styled grantors, for and in consideration of the payment of One Dollar and other valuable considerations to us in hand paid, do hereby grant, sell and convey to the City of Fayetteville, a municipal corporation, Washington County, Arkansas, its successors and assigns, a right of way and easement to construct, maintain, lay, remove, relay and operate a sewer line and appurtenances thereto, on, over, across and under the following described lands situate in Washington County, Arkansas, to-wit:

Part of NW/4 NE/4 Sec. 17-16N-30W desc. as follows: Beginning 20' East of SW/c of said 40-acre tract, thence running East 90'; thence North 330'; thence West 110'; thence South 210'; thence East 20'; thence South 120' to place of beginning.

NOTE: It being expressly understood that the City, within a reasonable time, shall restore any area disturbed by future maintenance to as near as possible the existing condition at the time of the disturbance. Also that this Easement is for Sanitary Sewer Mains as Constructed by Fayetteville Sewer Improvement District No. 2, and as existing as of this date. TO HAVE AND TO HOLD unto the City of Fayetteville, its successors and assigns, so long as such line and/or appurtenances thereto shall be maintained, with ingress to and egress from the premises for the purpose of constructing, inspecting, repairing, maintaining and operating said line and appurtenances, and the removal and renewal of such line at will, in whole or in part.

And I, Kathryn H. Widdor, wife of the said Roger H. Widdor for and in consideration of said sum of money paid as consideration for the foregoing, do hereby release and relinquish unto the City of Fayetteville, aforesaid, all my rights of dower and homestead in and to the above described lands to the extent of the rights hereinabove granted.

All covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, local representatives and assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands this 24 day of April 1956.

Roger H. Widdor
Kathryn H. Widdor

Acknowledgment

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting to me well known as the grantors in the foregoing instrument and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 24 day of April 1956.

FILED FOR RECORD

My commission expires: WASHINGTON COUNTY ARKANSAS

February 14, 1960

SEP 5 1956

AT 1048 1/2 1048 1048
Head measure
CIRCUIT CLERK

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign-Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: City of Fayetteville (Jesse Fulcher)

Name: _____

Address: 125 W. Mountain Street

Address: _____

Phone: (479) 575-8267

Phone: () _____

Email: jfulcher@ci.fayetteville.ar.us

Email: _____

Fax: (479) 575-8202

Fax: () _____

Site Address / Location: 1647 & 1623 Maple; 426, 420 & 410 Oliver; 1641, 1663, 1624 & 1666 Halsell; 1660 Markham

Legal description of area to be vacated (attach separate sheet if necessary): See attached

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-14493-000, 765-14501-000, 765-14472-000, 765-14505-000, 765-14529-000, 765-14490-000, 765-14494-000, 765-14486-000, 765-14482-000, 765-14482-001, 765-14480-000

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jesse Fulcher Date: 11/13/12

Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): Barbara Fraleigh

Address: _____

Signature: Barbara Fraleigh

Date: 1/31/2013

Phone: () _____

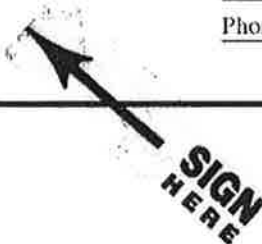
Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: () _____



PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 12/3/2012

Address / location of vacation: 1624 W. Halsell Road (Two Parcels: 765-14482-001 & 765-14480-000)

Property address: 1624 W. Halsell Road (Two Parcels: 765-14482-001 & 765-14480-000)

Lot: _____ Block: _____ Subdivision: Fayetteville outlots

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

Part of the NW/4 NE/4 Sec. 17-16N-30W, described as beginning at a point which is 330 feet South of NW/c of said 40-acre tract, and running thence East 396 feet; thence South 300 feet; thence West 396 feet; thence North 330 feet to the point of beginning, containing 2.98 acres, more or less.

ADJACENT PROPERTY OWNERS COMMENTS:

- I have been notified of the requested vacation and decline to comment.
- I *do not object* to the vacation described above.
- I *do object* to the requested vacation because:

Project Name

Barbara Fraleigh Barbara Fraleigh
Name of Property Owner (*printed*)

Barbara Fraleigh
Signature of Property Owner

Parcel No. 765-14482-001
Parcel No. 765-14480-000

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Barbara Fraleigh, formerly Barbara McCluskey, a single person**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Book 1410 at Page 331 and Deed Ref. 92-55656)

Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section Seventeen (17), Township Sixteen (16) North, Range Thirty (30) West of the Fifth Principal Meridian, being more particularly described as follows, to-wit: Beginning at a point that is 330.0 feet South and 226.0 feet East of the Northwest (NW) corner of said forty (40) acre tract and running thence East 70 feet, thence South 310 feet, thence West 70 feet, thence North 310 feet, to the point of beginning.

AND

Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section Seventeen (17) in Township Sixteen (16) North of Range Thirty (30) West, being more particularly described as follows, to-wit: Beginning at a point 330 feet South and 296 feet East of the Northwest Corner (NW/C) of said 40-acre tract, and running thence South 330 feet, thence East 100 feet, thence North 300 feet, thence West 100 feet to the point of beginning.

PERMANENT EASEMENT DESCRIPTION:

A twenty (20) foot wide permanent easement, being ten (10) feet either side of the centerline of the sewer line as constructed across the property hereinabove described and as shown in the attached Exhibit "A". This easement is to correct and replace that which was recorded in Deed Book 489 at Page 24.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

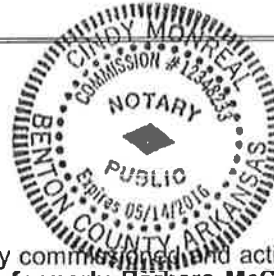
It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 31st day of January, 2017. 3

Barbara Fraleigh
Barbara Fraleigh,
formerly Barbara McCluskey

February 25, 2013
Planning Commission
VAC 12-4203 Halsell Road
Agenda Item 2
Page 15 of 48

ACKNOWLEDGMENT



STATE OF ARKANSAS

COUNTY OF WASHINGTON }
Benton

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Barbara Fraleigh, formerly Barbara McCluskey, a single person**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 31st day of JANUARY, 2013

MY COMMISSION EXPIRES:

05/14/2016

Cindy Monreal
Notary Public

BOOK 489 PAGE 24

That I, the undersigned, grantors, for and in consideration of the payment in full of all and other valuable and legal claims to the same, have hereby sold, aliened, conveyed to the City of Fayetteville, a limited and partial easement, right, title, interest, possession and assignment, including all and several appurtenances thereto, to the City of Fayetteville, and operate the same, including the easement, right, title, interest, possession and assignment, the following described lands, to wit: the following described lands, to wit:

Part of NW/4NE/4 Sec. 17, in Twp. 35N., R. 20E., S. 20E., described as beginning at a point which has 2500 feet north of the NW corner of said 40-acre tract, then running thence East 250 feet, thence North 250 feet, thence West 250 feet to the point of beginning, containing 1.25 acres, more or less.

TO HAVE AND TO HOLD unto the City of Fayetteville, its successors and assigns, so long as such line and/or appurtenances thereto shall be maintained with ingress to and egress from the premises for the purpose of constructing, inspecting, repairing, maintaining and operating said line and appurtenances, and the removal and removal of such line, at will, in whole, or in part.

And I, the undersigned, grantor, of the said land, for and in consideration of said sum of money paid as consideration for the foregoing, do hereby release and relinquish unto the City of Fayetteville, aforesaid, all my rights of power and interest in and to the above described lands to the extent of the rights herein above granted.

All covenants and agreements herein contained shall extend to and be binding upon heirs, executors, administrators, legal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands this _____ day of _____, 1956.

Marshall Johnson

Acknowledgment

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting as such, *Marshall Johnson* to me well known as the grantors in the foregoing instrument and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNES my hand and seal as such Notary Public this _____ day of _____, 1956.
FILED FOR RECORD
WASHINGTON COUNTY, ARKANSAS

By commission expired _____
JAN 23 1956

P_rNW/4NE/4 17-16-30
489-24

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign Fees \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PPH:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: City of Fayetteville (Jesse Fulcher)

Name: _____

Address: 125 W. Mountain Street

Address: _____

Phone: (479) 575-8267

Phone: () _____

Email: jfulcher@ci.fayetteville.ar.us

Email: _____

Fax: (479) 575-8202

Fax: () _____

Site Address / Location: 1647 & 1623 Maple; 426, 420 & 410 Oliver; 1641, 1663, 1624 & 1666 Halsell; 1660 Markham

Legal description of area to be vacated (attach separate sheet if necessary): See attached

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-14493-000, 765-14501-000, 765-14472-000, 765-14505-000, 765-14529-000, 765-14490-000, 765-14494-000, 765-14486-000, 765-14482-000, 765-14482-001, 765-14480-000

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): J-fulcher / Jesse Fulcher

Date: 1/31/13

Signature: Acqueline Williams

2/3/13

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): JACQUELINE WILLIAMS Address: _____

Signature: Jacqueline Williams _____

Date: 2/3/2013 Phone: () _____

Name (printed): _____ Address: _____

Signature: _____

Date: _____ Phone: () _____

PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 11/13/2012

Address / location of vacation: 1623 W. Maple Street

Property address: 1623 W. Maple Street

Lot: _____ Block: _____ Subdivision: Fayetteville outlots

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

Part of the NW/4 NW/4 NE/4 Sec. 17-16N-30W, described as beginning at a point which is 296 feet East of the NW/c of said 10-acre tract and running thence South 330 feet; thence East 100 feet; thence North 330 feet; thence West 100 feet to the place of beginning, containing .76 acres more or less.

ADJACENT PROPERTY OWNERS COMMENTS:

- I have been notified of the requested vacation and decline to comment.
- I do not object to the vacation described above.
- I do object to the requested vacation because:

Project Name _____

Jacqueline Jackson Williams
Name of Property Owner (printed)

Jacqueline Williams
Signature of Property Owner

Parcel No. 765-14501-000

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Jacqueline A. Williams, Executrix of the Estate of Carl L. Williams, M.D., deceased**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Ref. 2012-00030116 and 99-082137)

Part of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section Seventeen (17) in Township Sixteen (16) North of Range Thirty (30) West, more particularly described as beginning at a point which is two hundred ninety six (296) feet East of the Northwest corner of said ten acre tract, and running, thence South three hundred thirty (330) feet; thence East one hundred (100) feet; thence North three hundred thirty (330) feet; thence West one hundred (100) feet to the Point of Beginning, containing seventy six hundredth (0.76) of an acre, more or less.

PERMANENT EASEMENT DESCRIPTION:

A twenty (20) foot wide permanent easement, being ten (10) feet either side of the centerline of the sewer line as constructed across the property hereinabove described and as shown in the attached Exhibit "A". This easement is to correct and replace that which was recorded in Deed Book 489 at Page 16.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2012.

Jacqueline A. Williams
Executrix of the Estate of Carl L. Williams, M.D. deceased

ACKNOWLEDGMENT

STATE OF ARKANSAS)
 }
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Jacqueline A. Williams, Executrix of the Estate of Carl L. Williams, M.D., deceased**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2012.

MY COMMISSION EXPIRES:

Notary Public

Sewer Easement

BOOK 489 PAGE 16

Know all men by these presents, that William A. Lewis and Pauline B. Lewis, his wife, of the County of Washington, State of Arkansas, do hereby grant, sell and convey to the City of Fayetteville, a municipal corporation in Washington County, Arkansas, the successors and assigns, a right of way and easement to construct, maintain, lay, locate, relay and operate a Sewer line and appurtenances thereto, on, over, across and under the following described lands situated in Washington County, Arkansas, to-wit:

Part of the NW/4 NW/4 NE/4, Sec. 17-16N-30W, described as beginning at a point which is 296 feet East of the NW/c of said 10-acre tract and running thence South 330 feet; thence East 100 feet; thence North 330 feet; thence West 100 feet to place of beginning, containing .76 acres more or less.

TO HAVE AND TO HOLD unto the City of Fayetteville, its successors and assigns, so long as such line and/or appurtenances thereto shall be maintained with ingress to and egress from the premises for the purpose of constructing, inspecting, repairing, maintaining and operating said line and appurtenances, and the removal and renewal of such line at will, complete or in part.

And by Pauline B. Lewis wife of the said W. A. Lewis for and in consideration of said sum of money paid as consideration for the foregoing, to have and to hold unto the City of Fayetteville, aforesaid, all the rights of title and hereinafter, and to the above described lands to the extent of the rights hereinbefore granted.

All covenants and agreements herein contained shall extend to and be binding upon heirs, executors, administrators, legal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands this 29 day of August, 1956.

Pauline B. Lewis
William A. Lewis

Acknowledgment

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

TO IT WELL KNOWN that on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting William A. Lewis and Pauline B. Lewis, his wife to be well known as the grantors in the foregoing instrument and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESSES my hand and seal of my Notary Public office this 22 day of August, 1956.

FILED FOR RECORD
WASHINGTON COUNTY, ARKANSAS
SEP 10 1956

P NW/4 NW/4 NE/4 17-16-30

489 16

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign-Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Your application will not be placed on the Planning Commission agenda until this information is furnished.*

Application:

Indicate one contact person for this request: Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: City of Fayetteville (Jesse Fulcher)

Name: _____

Address: 125 W. Mountain Street

Address: _____

Phone: (479) 575-8267

Phone: () _____

Email: jfulcher@ci.fayetteville.ar.us

Email: _____

Fax: (479) 575-8202

Fax: () _____

Site Address / Location: 1647 & 1623 Maple; 426, 420 & 410 Oliver; 1641, 1663, 1624 & 1666 Halsell; 1660 Markham

Legal description of area to be vacated (attach separate sheet if necessary): See attached

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-14493-000, 765-14501-000, 765-14472-000, 765-14505-000, 765-14529-000, 765-14490-000, 765-14494-000, 765-14486-000, 765-14482-000, 765-14482-001, 765-14480-000

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jesse Fulcher Date: 11/13/12

Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): Elizabeth M. ~~John~~ LaTour

Signature: 

Date: 12-6-12 + Elizabeth M. LaTour

Address: 112 W. Center, Ste. 560
Fayetteville, AR 72701

Phone: (479) 283-3433

Name (printed): _____

Signature: 

Date: 12-5-12

(office)
Address: 112 W. Center St., Ste. 560
Fayetteville, AR 72701

Phone: (479) 443-7878


**SIGN
HERE**

PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 12/3/2012

Address / location of vacation: 410 N. Oliver Avenue

Property address: 410 N. Oliver Avenue

Lot: _____ Block: _____ Subdivision: Fayetteville outlots

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

Part of the NW/4 NE/4 Sec. 17-16N-30W, desc. as beginning at a point which is 209 feet West and 570 feet South of the NE/c of said 40 acre tract, and running thence South 90 feet; thence West 190 feet; thence North 90 feet; thence East 190 feet to the place of beginning.

ADJACENT PROPERTY OWNERS COMMENTS:

- I have been notified of the requested vacation and decline to comment.
- I *do not object* to the vacation described above.
- I *do object* to the requested vacation because:

Project Name

John LaTour
Name of Property Owner (*printed*)

John LaTour
Signature of Property Owner

← **SIGN
HERE**

Parcel No. 765-14472-000

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **John S. LaTour**, a ^{married} ~~single~~ person, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Book 1212 at Page 194)

Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of Section Seventeen (17), Township Sixteen (16) North, Range Thirty (30) West, described as beginning at a point which is South 89 degrees 31 minutes 09 seconds West 209 feet and South 0 degrees 30 minutes 41 seconds West 570 feet from the Northeast corner of said 40 acre tract; thence South 0 degrees 30 minutes 41 seconds West 102.37 feet to an existing iron pipe; thence North 89 degrees 31 minutes 16 seconds West 190 feet; thence North 0 degrees 30 minutes 41 seconds East 99.18 feet; thence North 89 degrees 31 minutes 09 seconds East 190 feet to the point of beginning, being situated in the City of Fayetteville, Arkansas.

PERMANENT EASEMENT DESCRIPTION:

A twenty (20) foot wide permanent easement, being ten (10) feet either side of the centerline of the sewer line as constructed across the property hereinabove described and as shown in the attached Exhibit "A". This easement is to correct and replace that which was recorded in Deed Book 489 at Page 17.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.


The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 5th day of December, 2012.



John S. LaTour



[spouse]

WATER/SEWER EASEMENT
Page 2 of 2

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

}
ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **John S. LaTour** and Elizabeth M. LaTour, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 5TH day of DECEMBER, 2012.

MY COMMISSION EXPIRES:

AUG 31 2020



Stan Rodgers
Notary Public

BOOK 489 PAGE 17

SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That we, E. J. Ball and Gladys B. Ball, his wife, hereinafter styled grantors, for and in consideration of the payment of One Dollar and other valuable considerations to us in hand paid, do hereby grant, sell and convey to the City of Fayetteville, a municipal corporation, Washington County, Arkansas, its successors and assigns, a right of way and easement to construct, maintain, lay, remove, relay and operate a sewer line and appurtenances thereto, on, over, across and under the following described lands situate in Washington County, Arkansas, to-wit:

Part of the NW/4 NE/4 Sec. 17-16N-30W, desc. as beginning at a point which is 209' West and 570' South of the NE/4 of said 40 acre tract, and running thence South 90'; thence West 190'; thence North 90'; thence East 190' to the place of beginning.

TO HAVE AND TO HOLD unto the City of Fayetteville, its successors and assigns, so long as such line and/or appurtenances thereto shall be maintained, with ingress to and egress from the premises for the purpose of constructing, inspecting, repairing, maintaining and operating said line and appurtenances, and the removal and renewal of such line at will, in whole or in part.

And I, Gladys B. Ball, wife of the said E. J. Ball for and in consideration of said sum of money paid as consideration for the foregoing, do hereby release and relinquish unto the City of Fayetteville, aforesaid, all my rights of dower and homestead in and to the above described lands to the extent of the rights hereinabove granted.

All covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, legal representative and assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands this 20 day of February, 1956.

E. J. Ball
Gladys B. Ball

Acknowledgment

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting E. J. Ball & Gladys B. Ball to me well known as the grantors in the foregoing instrument and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 20 day of February, 1956.

My commission expires: March 10, 1957

FILED FOR RECORD
WASHINGTON COUNTY ARKANSAS

SEP 5 1956

AT Leah P. McCarroll
CIRCUIT CLERK

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	Fee: \$200.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Your application will not be placed on the Planning Commission agenda until this information is furnished.*

Application:

Indicate one contact person for this request: Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: City of Fayetteville (Jesse Fulcher)

Name: _____

Address: 125 W. Mountain Street

Address: _____

Phone: (479) 575-8267

Phone: () _____

Email: jfulcher@ci.fayetteville.ar.us

Email: _____

Fax: (479) 575-8202

Fax: () _____

Site Address / Location: 1647 & 1623 Maple; 426, 420 & 410 Oliver; 1641, 1663, 1624 & 1666 Halsell; 1660 Markham

Legal description of area to be vacated (attach separate sheet if necessary): See attached

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-14493-000, 765-14501-000, 765-14472-000, 765-14505-000, 765-14529-000, 765-14490-000, 765-14494-000, 765-14486-000, 765-14482-000, 765-14482-001, 765-14480-000

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jesse Fulcher

Date: 11/13/12

Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): _____

Address: _____

Signature: _____

Date: _____

Phone: () _____

Name (printed): Lisa M. Orton

Address: 1663 W. Halsell Rd.

Signature: Lisa M. Orton

Fayetteville, Arkansas

Date: 12/10/2012

72701
Phone: (416) 674-8440

PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 12/3/2012

Address / location of vacation: 1663 Halsell Road

Property address: 1663 Halsell Road

Lot: _____ Block: _____ Subdivision: Fayetteville outlots

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

Commencing at a point which is 264 feet East and 330 feet North of the SW/c of the NW/4 NE/4 Sec. 17-16N-30W, thence running North 330 feet; then west 264 feet; thence South 330 feet; thence East 264 feet to the place of beginning, except a road or street on the northern side, containing 2 acres, more or less.

ADJACENT PROPERTY OWNERS COMMENTS:

- I have been notified of the requested vacation and decline to comment.
- I do not object to the vacation described above.
- I do object to the requested vacation because:

Project Name

Lisa M. Orton
Name of Property Owner (*printed*)

Lisa M. Orton
Signature of Property Owner

Parcel No. 765-14504-000

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Lisa Marion Orton**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Ref. 2012-00014743)

Part of the South Half of the Northwest Quarter of the Northeast Quarter of Section Seventeen (17) Township Sixteen (16) North, of Range Thirty (30) West, described as follows: Beginning at a point which is One Hundred Thirty-two (132) feet East and Three Hundred Thirty (330) feet North of the Southwest corner of said twenty acre tract, and running thence North Three Hundred Thirty (330) feet; thence West One Hundred Thirty-two (132) feet; thence South Three Hundred Thirty (330) feet, thence East One Hundred Thirty-two (132) feet to the place of beginning, containing one (1) acre, more or less, except the road or street on the North side thereof. Subject to covenants, easements and rights of way, if any. Subject to all prior mineral reservations and oil and gas leases.

PERMANENT EASEMENT DESCRIPTION:

A twenty (20) foot wide permanent easement, being ten (10) feet either side of the centerline of the sewer line as constructed across the property hereinabove described and as shown in the attached Exhibit "A". This easement is to correct and replace that which was recorded in Deed Book 489 at Page 18.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 3 day of Jan, 2013


Lisa Marion Orton

N/A
[spouse]

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lisa Marlon Orton** and _____, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 3 day of January, 2013

MY COMMISSION EXPIRES:

Aug 2 2016

Tandi Taylor
Notary Public

TANDI L. TAYLOR
Washington County
Notary Public - Arkansas
My Commisison Expires: Aug. 2, 2016

T
B

SEWER LINE EASEMENT BOOK 489 PAGE 18

KNOW ALL MEN BY THESE PRESENTS:

That we, WILLIAM R. ORTON, JR and MARION R. ORTON
Lucile M. Loden and Lucile M. Loden
his wife, hereinafter styled grantors, for and in consideration of the payment
of One Dollar and other valuable considerations to us in hand paid, do hereby
grant, sell and convey to the City of Fayetteville, a municipal corporation,
Washington County, Arkansas, its successors and assigns, a right of way and
easement to construct, maintain, lay, remove, relay and operate a sewer line
and appurtenances thereto, on, over, across and under the following described
lands situate in Washington County, Arkansas, to-wit:

Commencing at a point which is 264' East and 330' North of the SW/c of the
NW/4 NE/4 Sec. 17-16N-30W, thence running North 330'; thence West 264';
thence South 330'; thence East 264' to the place of beginning, except
a road or street on the northern side, containing 2 acres, more or less.

TO HAVE AND TO HOLD unto the City of Fayetteville, its successors and
assigns, so long as such line and/or appurtenances thereto shall be maintained,
with ingress to and egress from the premises for the purpose of constructing,
inspecting, repairing, maintaining and operating said line and appurtenances,
and the removal and renewal of such line at will, in whole or in part.

And I, MARION R. ORTON wife of the said WILLIAM R. ORTON, JR
Lucile M. Loden do hereby release and relinquish unto the City of Fayetteville,
aforesaid, all my rights of dower and homestead in and to the above described
lands to the extent of the rights hereinabove granted.

All covenants and agreements herein contained shall extend to and be
binding upon the heirs, executors, administrators, local representatives and
assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands this 21 day of March
1956.

William R. Orton, Jr
Marion R. Orton

Acknowledgment

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public,
within and for the County aforesaid, duly commissioned and acting William R.
Orton & Marion R. Orton to me well known as the grantors in the foregoing
instrument and stated that they had executed the same for the consideration
and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 21 day of March, 1956.

FILED FOR RECORD E. J. Ball
My commission expires WASHINGTON COUNTY ARKANSAS

5-5-56 SEPS 1956
AT Lloyd McConner

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign-Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: City of Fayetteville (Jesse Fulcher)

Name: _____

Address: 125 W. Mountain Street

Address: _____

Phone: (479) 575-8267

Phone: () _____

Email: jfulcher@ci.fayetteville.ar.us

Email: _____

Fax: (479) 575-8202

Fax: () _____

Site Address / Location: 1647 & 1623 Maple; 426, 420 & 410 Oliver; 1641, 1663, 1624 & 1666 Halsell; 1660 Markham

Legal description of area to be vacated (attach separate sheet if necessary): See attached

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-14493-000, 765-14501-000, 765-14472-000, 765-14505-000, 765-14529-000, 765-14490-000, 765-14494-000, 765-14486-000, 765-14482-000, 765-14482-001, 765-14480-000

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jesse Fulcher Date: 11/13/12

Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): _____

Address: _____

Signature: _____

Date: 1/22/13

Phone: () _____

Name (printed): William R. Orton III

Address: _____

Signature: William R. Orton III

Date: 1/22/13

Phone: () _____


**SIGN
HERE**

PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 12/3/2012

Address / location of vacation: 1641 W. Halsell Rd.

Property address: 1641 W. Halsell Rd.

Lot: _____ Block: _____ Subdivision: Fayetteville outlots

REQUESTED VACATION:

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

Commencing at a point which is 264 feet East and 330 feet North of the SW/c of the NW/4 NE/4 Sec. 17-16N-30W, thence running North 330 feet; then west 264 feet; thence South 330 feet; thence East 264 feet to the place of beginning, except a road or street on the northern side, containing 2 acres, more or less.

ADJACENT PROPERTY OWNERS COMMENTS:

- I have been notified of the requested vacation and decline to comment.
- I *do not object* to the vacation described above.
- I *do object* to the requested vacation because:

Project Name

William R. Onten III
Name of Property Owner (*printed*)

William R. Onten III
Signature of Property Owner

Parcel No. 765-14505-000

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **William R. Orton, III**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Ref. 2012-00014744)

Part of the South Half of the Northwest Quarter of the Northeast Quarter of Section Seventeen (17) Township Sixteen (16) North, of Range Thirty (30) West, described as follows: Beginning at a point which is One Hundred Thirty-two (132) feet East and Three Hundred Thirty (330) feet North of the Southwest corner of said twenty acre tract, and running thence North Three Hundred Thirty (330) feet; thence East One Hundred Thirty-two (132) feet; thence South Three Hundred Thirty (330) feet, thence West One Hundred Thirty-two (132) feet to the place of beginning, containing one (1) acre, more or less, except the road or street on the North side thereof. Subject to covenants, easements and rights of way, if any. Subject to all prior mineral reservations and oil and gas leases.

PERMANENT EASEMENT DESCRIPTION:

A twenty (20) foot wide permanent easement, being ten (10) feet either side of the centerline of the sewer line as constructed across the property hereinabove described and as shown in the attached Exhibit "A". This easement is to correct and replace that which was recorded in Deed Book 489 at Page 18.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

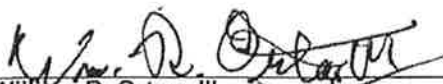
The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 10 day of December, 2012.


William R. Orton, III

[spouse]

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

}
} ss.

TANDI L. TAYLOR
Washington County
Notary Public - Arkansas
My Commission Expires: Aug. 2, 2018

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **William R. Orton, III** and _____, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 10 day of December, 2012.

MY COMMISSION EXPIRES:

8-2-16

Tandi Taylor
Notary Public

T
B

SEWER LINE EASEMENT BOOK 489 PAGE 18

KNOW ALL MEN BY THESE PRESENTS:

That we, WILLIAM R. ORTON, JR and MARION R. ORTON
Lucas H. Loden and Louise M. Loden
his wife, hereinafter styled "grantors," for and in consideration of the payment
of One Dollar and other valuable considerations to us in hand paid, do hereby
grant, sell and convey to the City of Fayetteville, a municipal corporation,
Washington County, Arkansas, its successors and assigns, a right of way and
easement to construct, maintain, lay, remove, relay and operate a sewer line
and appurtenances thereto, on, over, across and under the following described
lands situate in Washington County, Arkansas, to-wit:

Commencing at a point which is 264' East and 330' North of the SW/c of the
NW/4 NE/4 Sec. 17-16N-30W, thence running North 330'; thence West 264';
thence South 330'; thence East 264' to the place of beginning, except
a road or street on the northern side, containing 2 acres, more or less.

TO HAVE AND TO HOLD unto the City of Fayetteville, its successors and
assigns, so long as such line and/or appurtenances thereto shall be maintained,
with ingress to and egress from the premises for the purpose of constructing,
inspecting, repairing, maintaining and operating said line and appurtenances,
and the removal and renewal of such line at will, in whole or in part.

And I, MARION R. ORTON
Lucas H. Loden, wife of the said WILLIAM R. ORTON, JR
for and in consideration of said sum of money paid as consideration for the
foregoing, do hereby release and relinquish unto the City of Fayetteville,
aforesaid, all my rights of dower and homestead in and to the above described
lands to the extent of the rights hereinabove granted.

All covenants and agreements herein contained shall extend to and be
binding upon the heirs, executors, administrators, local representatives and
assigns of the parties hereto.

IN WITNESS WHEREOF we have hereunto set our hands this 21 day of March
1956.

William R. Orton, Jr
Marion R. Orton

Acknowledgment

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public,
within and for the County aforesaid, duly commissioned and acting William R.
Orton & Marion R. Orton to me well known as the grantors in the foregoing
instrument and stated that they had executed the same for the consideration
and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 21 day of March, 1956.

FILED FOR RECORD E. J. Ball

My commission expires: WASHINGTON COUNTY, ARKANSAS

5-5-56 SEP 5 1956
AT Lloyd McCaskey



www.accessfayetteville.org

EXAMPLE:
LETTER #1

C. 2
VAC 12-4203 (Halsell
Road Sewer Easements)
Page 49 of 54

THE CITY OF FAYETTEVILLE, ARKANSAS

TDD (Telecommunications Device for the Deaf)
(479) 521-1316

PLANNING DIVISION CORRESPONDENCE

December 3, 2012

Roger & Kathryn Widder
1660 W. Markham Road
Fayetteville, AR 72701

Re: 1660 W. Markham Road – water and sewer easement

Mr. & Mrs. Widder,

This letter is in regards to a water and sewer easement located across your property at 1660 W. Markham Road. A property owner on Halsell Road brought to our attention a large easement across their property that was obtained by the City of Fayetteville in the 1950's. During our research it was discovered that there are in fact 11 separate properties in this area that are impacted, and the easements cover the entire property (blanket easement). Because of the limitations imposed by a utility easement, we feel that the easements should be reduced to only what is necessary to allow continued service and maintenance of the existing utility lines. The Utilities Department for the City of Fayetteville has reviewed the matter and determined that the blanket easement could be replaced with a standard 20 foot easement centered on the existing sewer line.

The process to vacate a utility easement is set by Arkansas state law and requires that the affected property owner agree to the vacation. Attached is a vacation application and property owner notification form. If you would like the City to replace the existing blanket easement that impacts your entire property with a standard 20 foot easement that impacts only the area where the utility line is located, then please sign the second page of the application and mark the "I do not object" box on the notification form. The attached water and sewer easement document must also be signed, but a notary needs to be present at the time. The City has several notaries on staff that can be available at a time that is convenient for you.

The vacation request will be presented to the Planning Commission and City Council. However, the exact date of the meetings won't be determined until we've made contact with each of the affected property owners. We will contact each owner again once these dates have been set.

This is somewhat unique situation, so please don't hesitate to contact me if you have any questions or concerns. Thank you for taking time to review this information.

Sincerely,

Jesse Fulcher
Current Planner
City of Fayetteville

cc: Jeremy Pate, Development Services Director
David Jurgens, Utilities Director



www.accessfayetteville.org

EXAMPLE :

LETTER # 2

C. 2
VAC 12-4203 (Halsell
Road Sewer Easements)
Page 50 of 54

THE CITY OF FAYETTEVILLE, ARKANSAS

TDD (Telecommunications Device for the Deaf)
(479) 521-1316

PLANNING DIVISION CORRESPONDENCE

January 18, 2013

Roger & Kathryn Widder
1660 W. Markham Road
Fayetteville, AR 72701

Re: 1660 W. Markham Road – water and sewer easement

Mr. & Mrs. Widder,

This is a follow-up to my letter dated December 3, 2012 concerning the blanket water and sewer easement on your property. In the last month I've spoken with several of your neighbors on Halsell, Oliver and Maple that are also impacted by this blanket easement. I informed them that the City would process the vacation applications for those that returned signed applications and notification forms. To date I've received four signed applications.

In order to keep moving forward towards a resolution for the impacted properties, staff will be presenting these four vacation requests to the Planning Commission on February 25, 2013 and the City Council on March 19, 2013. If you would like to be a part of this joint request then we must receive the signed vacation application and notification form no later than February 6, 2013. You can always submit your signed documents at a later date, either individually or with another group of property owners.

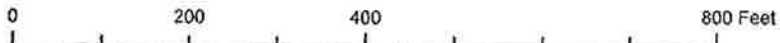
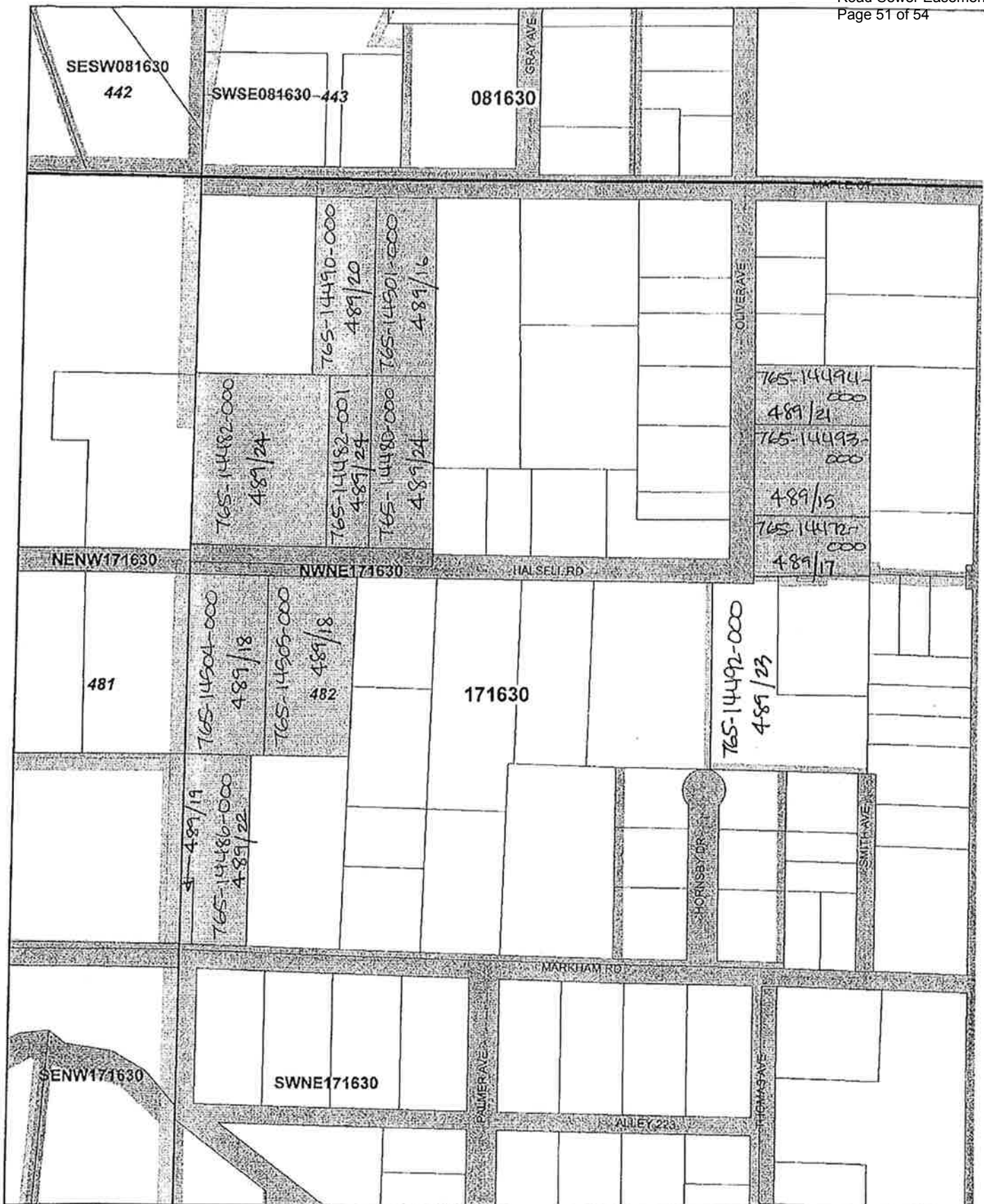
There is no obligation for any property owner who returns the signed application to attend the public meetings. However, you are welcome to attend and speak at both meetings. Staff is attempting to correct this situation and limit the amount of time that the property owners have to devote to the matter.

Please don't hesitate to contact me if you have any questions or concerns. Thank you for taking time to review this information.

Sincerely,

Jesse Fulcher
Current Planner
City of Fayetteville

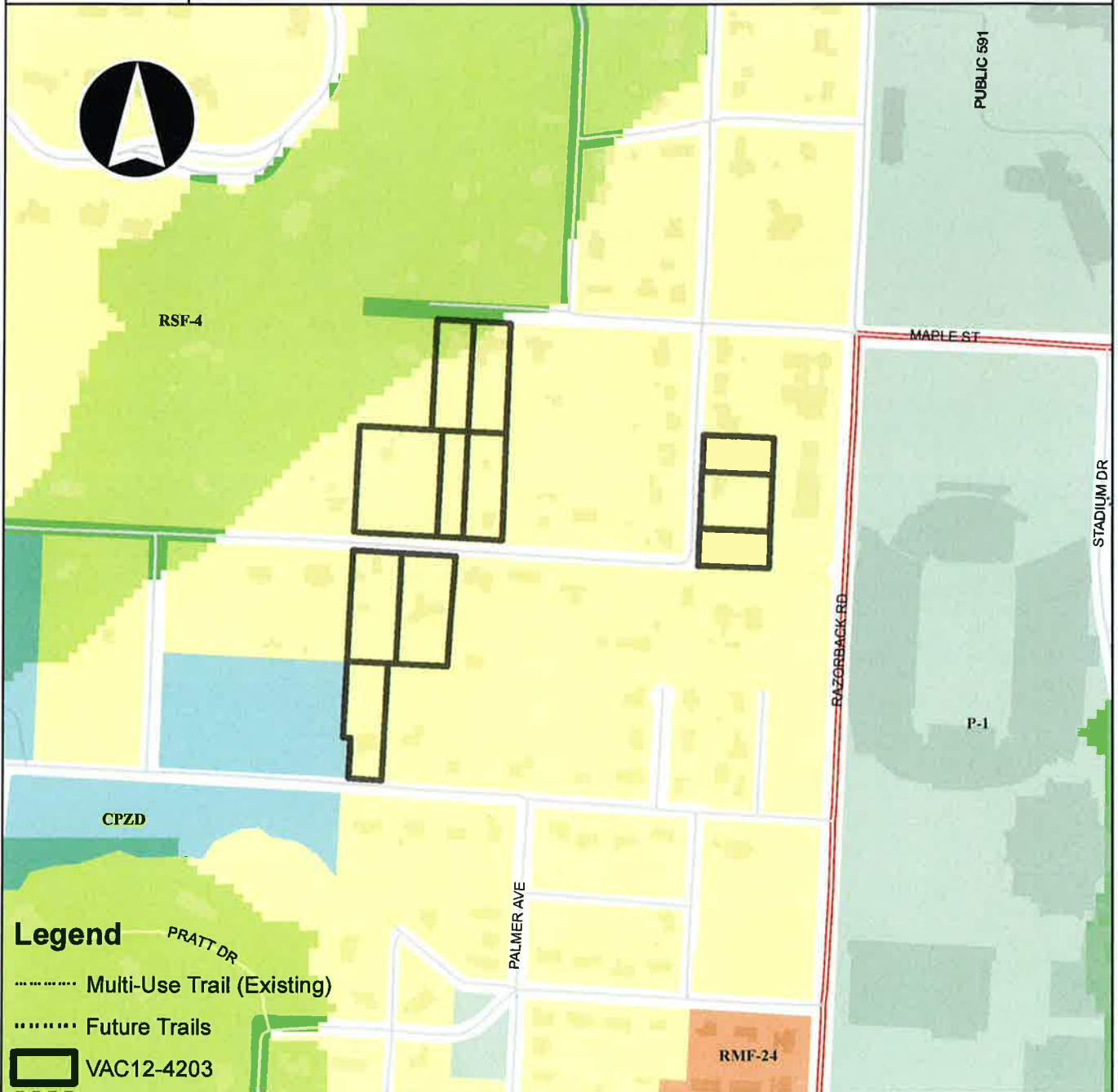
cc: Jeremy Pate, Development Services Director
David Jurgens, Utilities Director



VAC12-4203

HALSELL RD SEWER EASEMENTS

Close Up View

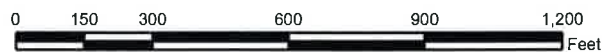


Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC12-4203

Overview Fayetteville City Limits

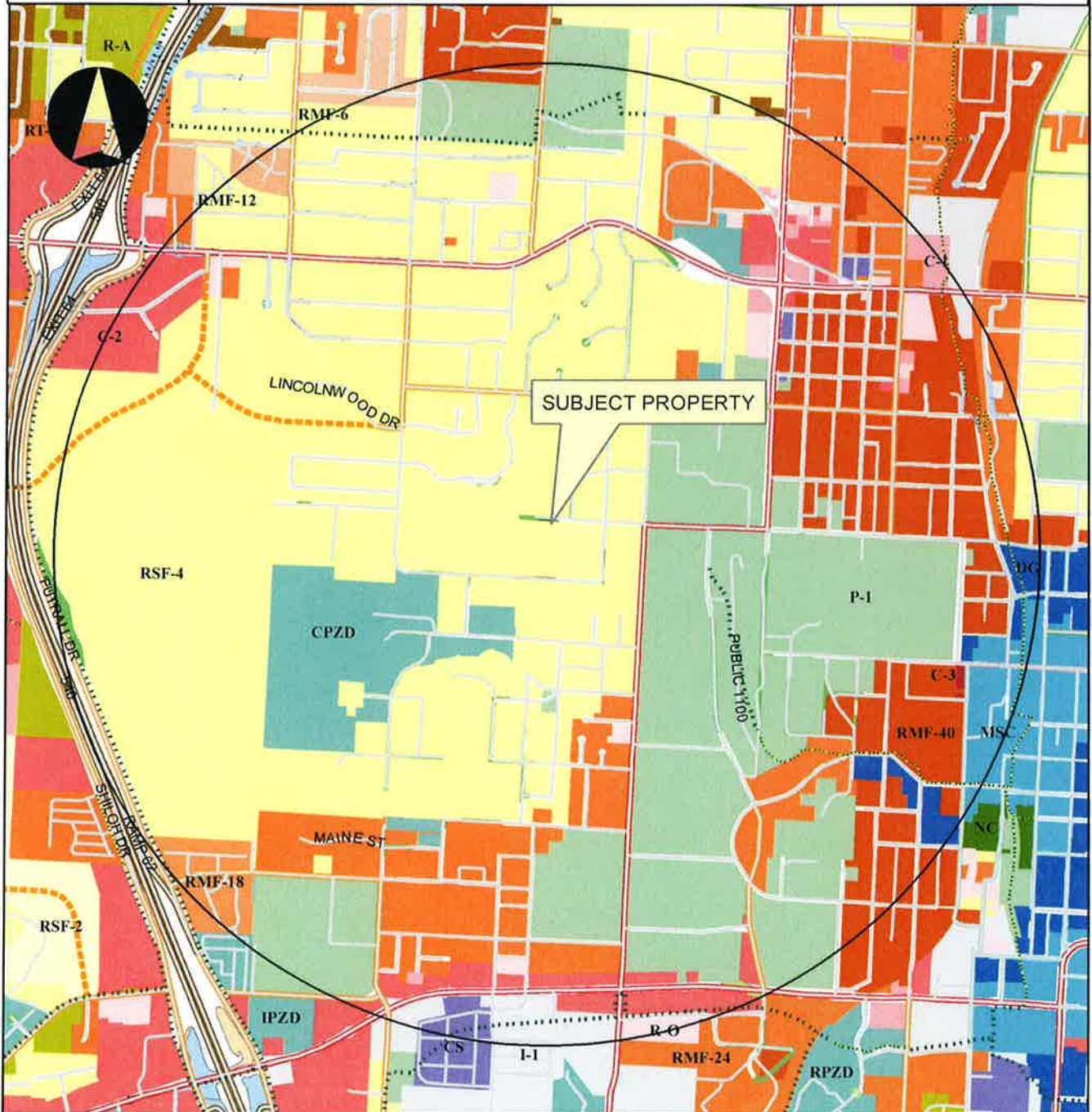
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



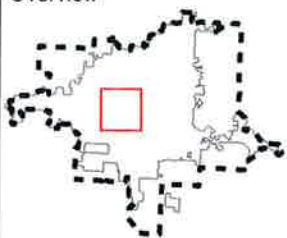
VAC12-4203

HALSELL RD SEWER EASEMENTS

One Mile View



Overview



Legend

Subject Property
VAC12-4203

Boundary



Miles

