

City Council Agenda Items  
and  
Contracts, Leases or Agreements

5/21/2013

City Council Meeting Date  
Agenda Items Only

Andrew Garner  
Submitted By

Planning  
Division

Development Services  
Department

Action Required:

VAC 13-4346: Vacation (902 S. SCHOOL ST./FERGUSON'S ADDITION, 562): Submitted by CITY STAFF for property located around 902 SOUTH SCHOOL STREET. The property is zoned DG, DOWNTOWN GENERAL. The request is to vacate a 60 foot right-of-way.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]  
Department Director      04-24-2013  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

[Signature]  
City Attorney      4-26-13  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Paul A. Babin  
Finance and Internal Services Director      4-29-2013  
Date

Received in City Clerk's Office -23-13P03:50 RCVD  
[Signature]

[Signature]  
Chief of Staff      4-29-13  
Date

Received in Mayor's Office  
[Signature]  
ENTERED  
4/24/13

[Signature]  
Mayor      4/29/13  
Date

Comments:

[Empty box for comments]

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan, City Council

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

**From:** Andrew Garner, Senior Planner

**Date:** April 23, 2013

**Subject:** VAC 13-4346 (902 S. SCHOOL AVE./FERGUSON'S ADDITION )

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### RECOMMENDATION

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

### BACKGROUND

The subject property is undeveloped right-of-way for Locust Street, between Seventh Street and Ninth Street, east of South School Avenue. The right-of-way is 60 feet wide and approximately 600 in length. The property contains the confluence of two creeks, Spout Spring Branch and Tanglewood Branch, and is almost entirely within floodplain of those creeks.

The City is in the design and construction process of a multi-use trail connection from the existing Frisco Trail, which ends at Martin Luther King Boulevard, south to Walker Park. The property is in the vicinity of the trail connection and the City proposes to vacate this undeveloped right-of-way for the two adjacent private property owners in an effort to facilitate the trail connection through a portion of their property.

The applicant's request is to vacate the undeveloped right-of-way for Locust Avenue as indicated on the submitted exhibit.

### DISCUSSION

On April 22, 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 13-4346 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AROUND 902 SOUTH SCHOOL STREET (FERGUSON'S ADDITION) TO VACATE A 60 FOOT RIGHT-OF-WAY

**WHEREAS**, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

**WHEREAS**, the City Council has determined that the following described portion of the platted right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described 60 foot right-of-way in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Condition of Approval and shall not be in effect until the condition is met.

1. The City shall retain a water and sewer easement for the entire 60-foot right-of-way width for the entire length of the property that is being vacated.

**PASSED** and **APPROVED** this    day of    , 2013.

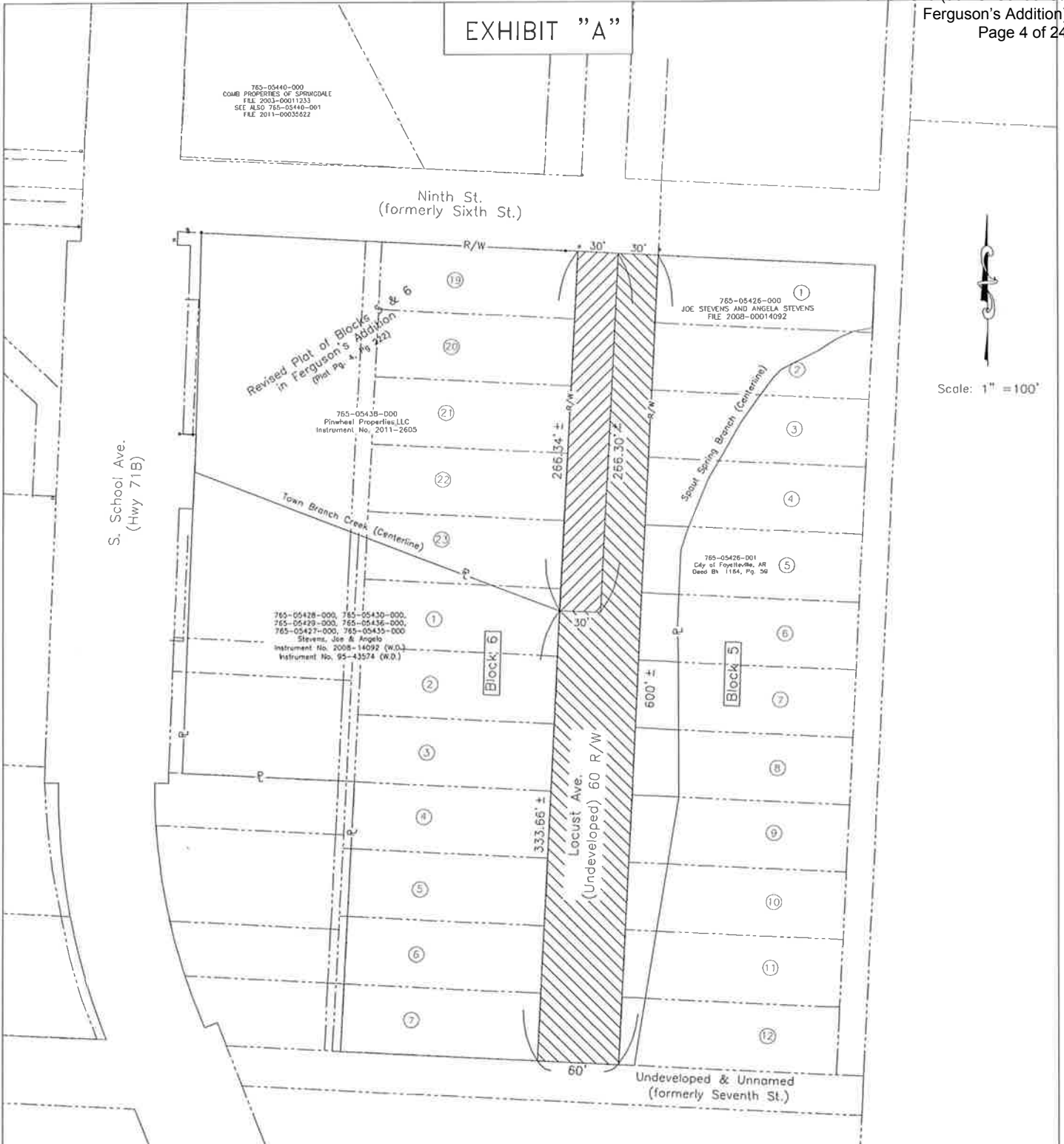
APPROVED:

ATTEST:

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

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

EXHIBIT "A"



Property Description:

That portion of a undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.

- Reverts Ownership to Stevens, Joe & Angela
- Reverts Ownership to Pinwheel Properties, LLC



**EXHIBIT "B"**  
**VAC 13-4346**

THAT PORTION OF THE UNDEVELOPED 60' RIGHT-OF-WAY KNOWN AS LOCUST AVENUE BEING BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY OF SIXTH STREET (NOW KNOWN AS NINTH STREET) AND BOUNDED ON THE SOUTH BY THE NORTHERLY RIGHT-OF-WAY OF SEVENTH STREET (NOW UNNAMED AND UNDEVELOPED) AS PER THE REVISED PLAT OF BLOCKS 5 & 6 IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE PER PLAT BOOK 4, PAGE 222 AS RECORDED WITH THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS.



PC Meeting of April 22, 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: Andrew Garner, Senior Planner  
 THRU: Jeremy Pate, Development Services Director  
 DATE: ~~April 15, 2013~~ Updated April 23, 2013

**VAC 13-4346: Vacation (902 S. SCHOOL ST./FERGUSON'S ADDITION, 562):**  
 Submitted by CITY STAFF for properties located around 902 SOUTH SCHOOL STREET.  
 The property is zoned DG, DOWNTOWN GENERAL. The request is to vacate a 60 foot  
 right-of-way. Planner: Andrew Garner

**Findings:**

*Property:* The subject property is undeveloped right-of-way for Locust Street, between Seventh Street and Ninth Street, east of South School Avenue. The right-of-way is 60 feet wide and approximately 600 in length. The property contains the confluence of two creeks, Spout Spring Branch and Tanglewood Branch, and is almost entirely within floodplain of those creeks. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1  
 Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Single family residence	DG, Downtown General
South	Undeveloped alley/City Lumber	DG, Downtown General
East	Undeveloped floodplain/Walker Park	P-1, Institutional; DG, Downtown General
West	Undeveloped property/used car sales	DG, Downtown General

*Background:* The City is in the design and construction process of a multi-use trail connection from the existing Frisco Trail, which ends at Martin Luther King Boulevard, south to Walker Park. The property is in the vicinity of the trail connection and the City proposes to vacate this undeveloped right-of-way for the two adjacent private property owners in an effort to facilitate the trail connection through a portion of their property.

*Request:* The applicant's request is to vacate the undeveloped right-of-way for Locust Avenue as indicated on the submitted exhibit.

*Easement Vacation Approval:* The applicant has submitted the required right-of-way vacation

forms to the City Utilities Department, franchise utilities, and the two adjacent private property owners with no objections.

<u>UTILITIES</u>	<u>RESPONSE</u>
Ozarks Electric	No objections
Cox Communications	No objections
Southwestern Electric Power Company	No objections
Source Gas	No objections
AT&T	No objections

<u>CITY OF FAYETTEVILLE:</u>	<u>RESPONSE</u>
Water/Sewer	No objections
Transportation	No objections
Solid Waste	No objections

<u>ADJACENT PROPERTY OWNER:</u>	<u>RESPONSE</u>
Pinwheel Properties, LLC	No objections
Joe Stevens and Angela Stevens	No objections

**Public Comment:** No public comment has been received.

**Recommendation:** The undeveloped right-of-way for Locust Street is encompassed with creeks and floodplain. A street connection is not feasible in this location and it is appropriate to vacate this right-of-way and let it revert to the adjacent property owners. Staff recommends forwarding **VAC 13-4346** to the City Council with a recommendation for approval subject to the following conditions:

1. The City shall retain a water and sewer easement for the entire 60-foot right-of-way width for the entire length of the property that is being vacated.
2. A formal Petition to Vacate the right-of-way and an Abstractor's Certificate of Ownership shall be provided in accordance with UDC Section 171.05.

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**CITY COUNCIL ACTION: Required**

**PLANNING COMMISSION ACTION: Required**

**Planning Commission Action:     Forwarded     Denied     Tabled**

**Date: April 22, 2013**

**Motion: Cook**

**Second: Chesser**

**Vote: 9-0-0**

**Notes: On consent agenda**



www.accessfayetteville.org

April 17, 2013

City of Fayetteville Planning Commission  
113 W. Mountain St.  
Fayetteville, AR 72701

Re: 13-4346 VAC Ferguson's Addition (Locust Street)

Dear Planning Commissioners:

The City of Fayetteville is in the final steps to proceed with construction of the Frisco Trail Southern Extension connecting Frisco Trail south to Walker Park. Near the trail connection to Walker Park south of Ninth Street, there is an undeveloped 60 foot wide right of way for Locust Avenue that is not planned to be extended. The new trail will cross two properties adjacent to the undeveloped right of way and the owners have requested the City vacate the right of way in exchange for the multi-use trail easements. The multi-use trail easements have been signed by the property owners and letters of support have been included. All utility companies have been contacted and the only comment was from the City Water/Sewer department to request a Water/Sewer easement to remain over the entire 60 foot right of way.

Sincerely,

Matt Mihalevich  
Trails Coordinator



**PETITION TO VACATE A RIGHT-OF-WAY LOCATED IN REVISED PLAT OF BLOCKS 5 & 6  
IN FERGUSON'S ADDITION, CITY OF FAYETTEVILLE, ARKANSAS**

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

I, the undersigned, being a City of Fayetteville staff member, petition to vacate a right-of-way which is described as follows:

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

That the real estate affected by said abandonment of the Locust Avenue right-of-way has not been used by the public for a period of many years for right-of-way, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described right-of-way.

The petitioner prays that the City of Fayetteville, Arkansas, abandons and vacates the above described real estate, subject, however, to the existing water and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioner further prays that the above described real estate be vested in the abutting property owners as provided by law.

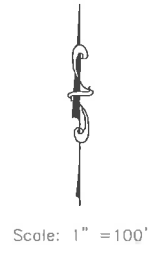
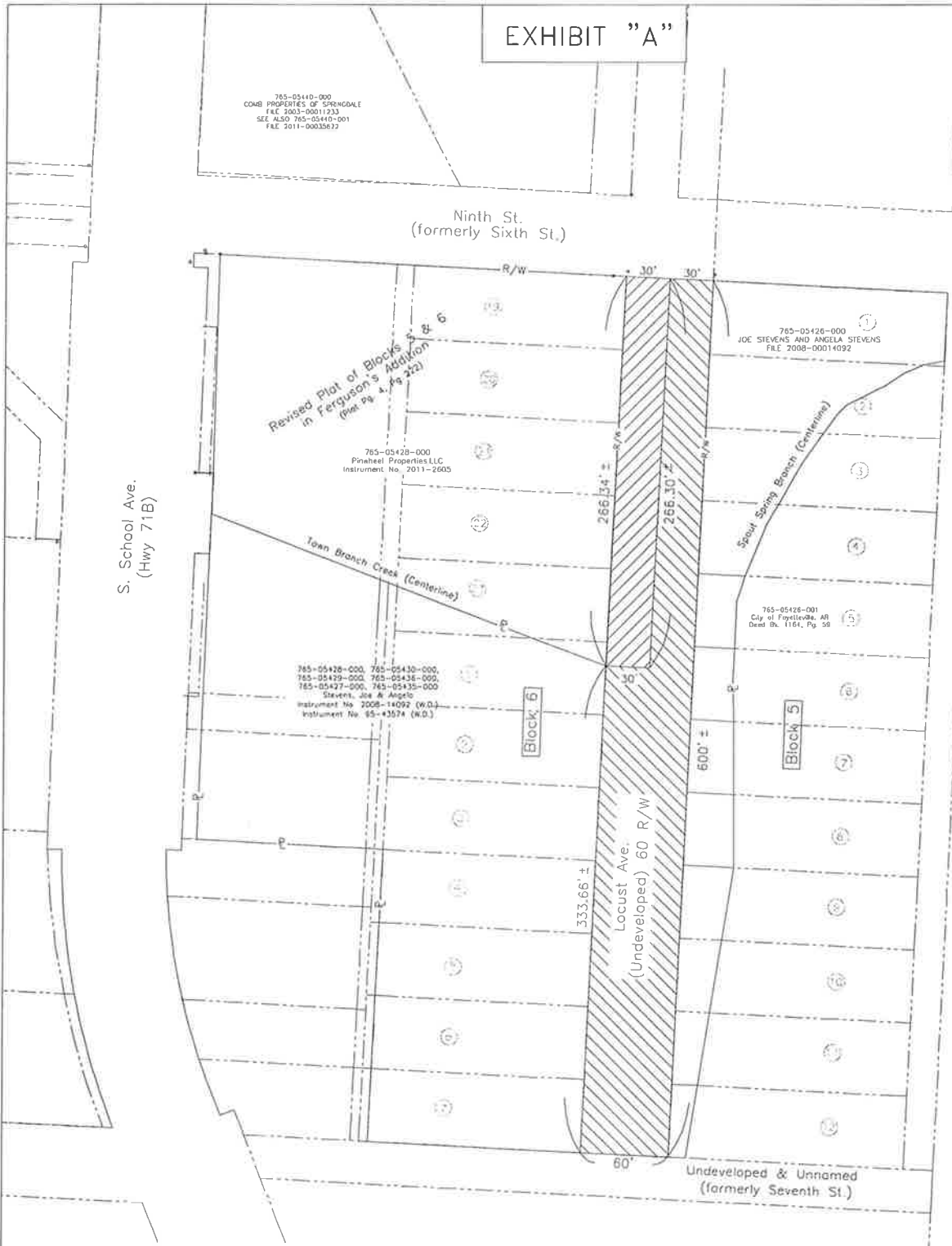
WHEREFORE, the undersigned petitioner respectfully prays that the governing body of the City of Fayetteville, Arkansas, abandons and vacates the above described real estate, subject to said water and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the public for the use of said right-of-way.

Dated this 4 day of APRIL, 2013.

MATT MIHALEVICH  
Printed Name

  
Signature

EXHIBIT "A"



Property Description:

That portion of a undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Baok 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.

-  Reverts Ownership to Stevens, Joe & Angelo
-  Reverts Ownership to Pinwheel Properties, LLC





Frisco Trail Southern Extension  
Stevens Property Exhibit



February 2013



### UTILITY APPROVAL FORM

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

DATE: 2-25-2013

UTILITY COMPANY: AT&T / SWBT

APPLICANT NAME: City of Fayetteville                      APPLICANT PHONE: 479-444-3416

REQUESTED VACATION (*applicant must check all that apply*):

- Landscape (sidewalk) 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\*\*)

902 & 1020 S. School Ave. – Locust Avenue south of Ninth Street

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

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

\_\_\_\_\_  
\_\_\_\_\_

No objections provided the following conditions are met:

RELOCATION OF ANY EXISTING AT&T/SWBT FACILITIES WILL  
BE @ THE PROPERTY OWNER'S EXPENSE

Susan K Clouser  
Signature of Utility Company Representative

OSP DESIGN ENGINEER  
Title

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

DATE: 2-25-2013

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: City of Fayetteville                      APPLICANT PHONE: 479-444-3416  
REQUESTED VACATION (*applicant must check all that apply*):

Landscape (sidewalk) Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X 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\*\*)

902 & 1020 S. School Ave. - Locust Avenue south of Ninth Street

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

UTILITY COMPANY COMMENTS:


No objections to the vacation(s) described above.

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

\_\_\_\_\_  
\_\_\_\_\_

No objections provided the following conditions are met:

\_\_\_\_\_  
\_\_\_\_\_

  
Signature of Utility Company Representative  
Lead Staking Tech  
Title

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

DATE: 2-25-2013

UTILITY COMPANY: Cox Communications

APPLICANT NAME: City of Fayetteville                      APPLICANT PHONE: 479-444-3416

REQUESTED VACATION (*applicant must check all that apply*):

Landscape (sidewalk) Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X 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\*\*)

902 & 1020 S. School Ave. – Locust Avenue south of Ninth Street

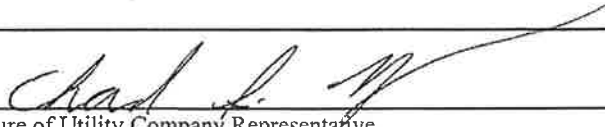
*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

UTILITY COMPANY COMMENTS:

X No objections to the vacation(s) described above.

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

No objections provided the following conditions are met:

  
\_\_\_\_\_  
Signature of Utility Company Representative

Construction Planner III NWA

\_\_\_\_\_  
Title

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

DATE: 2-25-2013

UTILITY COMPANY: Solid Waste & Recycling

APPLICANT NAME: City of Fayetteville      APPLICANT PHONE: 479-444-3416  
REQUESTED VACATION (*applicant must check all that apply*):

- Landscape (sidewalk) 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\*\*)

902 & 1020 S. School Ave. – Locust Avenue south of Ninth Street

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

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:

\_\_\_\_\_  
\_\_\_\_\_

Ben Puff  
Signature of Utility Company Representative  
Waste Reduction Coordinator  
Title

**UTILITY APPROVAL FORM**

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

DATE: 2-25-2013

UTILITY COMPANY: SourceGas

APPLICANT NAME: City of Fayetteville                      APPLICANT PHONE: 479-444-3416

REQUESTED VACATION (*applicant must check all that apply*):

Landscape (sidewalk) Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X 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\*\*)

902 & 1020 S. School Ave. – Locust Avenue south of Ninth Street

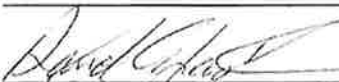
*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

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

No objections provided the following conditions are met:



Signature of Utility Company Representative

Field Coordinator

Title



**UTILITY APPROVAL FORM**

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

DATE: 2-25-2013

UTILITY COMPANY: CITY OF FAYETTEVILLE - TRANSPORTATION

APPLICANT NAME: City of Fayetteville                      APPLICANT PHONE: 479-444-3416

REQUESTED VACATION (*applicant must check all that apply*):

Landscape (sidewalk) Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X Street right-of-way

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

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

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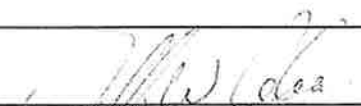
*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

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

No objections provided the following conditions are met:

  
Signature of Utility Company Representative

ASST. TRANSPORTATION MANAGER  
Title

**UTILITY APPROVAL FORM**

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

DATE: 2-25-2013

UTILITY COMPANY: AEP-SWEPCO

APPLICANT NAME: City of Fayetteville                      APPLICANT PHONE: 479-444-3416

REQUESTED VACATION (*applicant must check all that apply*):

Landscape (sidewalk) Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X 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\*\*)

902 & 1020 S. School Ave. – Locust Avenue south of Ninth Street

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

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:

\_\_\_\_\_  
\_\_\_\_\_

John Bayon  
Signature of Utility Company Representative

Dist. Engineer  
Title

**UTILITY APPROVAL FORM**

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

DATE: 2-25-2013

UTILITY COMPANY: City of Fayetteville Water and Sewer

APPLICANT NAME: City of Fayetteville APPLICANT PHONE: 479-444-3416

REQUESTED VACATION (*applicant must check all that apply*):

Landscape (sidewalk) Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

X 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\*\*)

902 & 1020 S. School Ave. - Locust Avenue south of Ninth Street

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

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

The City shall retain a water and sewer easement for the entire 60' right of way width for the entire length.

No objections provided the following conditions are met:



Signature of Utility Company Representative

Utilities Engineer

Title

**ADJACENT PROPERTY OWNER NOTIFICATION FORM**

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

Date: 3-6-2013

Address / location of vacation: Locust Ave. and Ninth Street

Adjacent property address: 902 S. School Ave.

Lot: 1-23 & 1-12 Block: 5 & 6 Subdivision: Ferguson's Addition

REQUESTED VACATION:

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

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

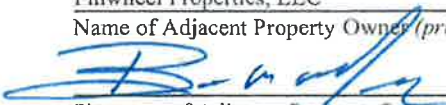
ADJACENT PROPERTY OWNERS COMMENTS:

- 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Frisco Trail Southern Extension  
Project Name

Pinwheel Properties, LLC  
Name of Adjacent Property Owner (printed)

  
Signature of Adjacent Property Owner

City of Fayetteville  
Applicant Name

**ADJACENT PROPERTY OWNER NOTIFICATION FORM**

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

Date: 3-6-2013

Address / location of vacation: Locust Ave. and Ninth Street

Adjacent property address: 1020 S. School Ave.

Lot: 1-23 & 1-12 Block: 5 & 6 Subdivision: Ferguson's Addition

REQUESTED VACATION:

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

*That portion of the undeveloped 60' right-of-way known as Locust Avenue being bounded on the North by the Southerly right-of-way of Sixth Street (now known as Ninth Street) and bounded on the South by the Northerly right-of-way of Seventh Street (now unnamed and undeveloped) as per the Revised Plat of Blocks 5 & 6 in Ferguson's Addition to the City of Fayetteville per Plat Book 4, Page 222 as recorded with the Circuit Clerk of Washington County, Arkansas.*

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:

Frisco Trail Southern Extension  
Project Name

Joe Stevens and Angela Stevens Angela Stevens  
Name of Adjacent Property Owner (*printed*)

[Signature]  
Signature of Adjacent Property Owner

City of Fayetteville  
Applicant Name



**Legend**

- ..... Multi-Use Trail (Existing)
- Future Trails

Project Area

VAC 13-4346 (9-10-13)  
 Fergus (Addition)  
 Page 2 of 4

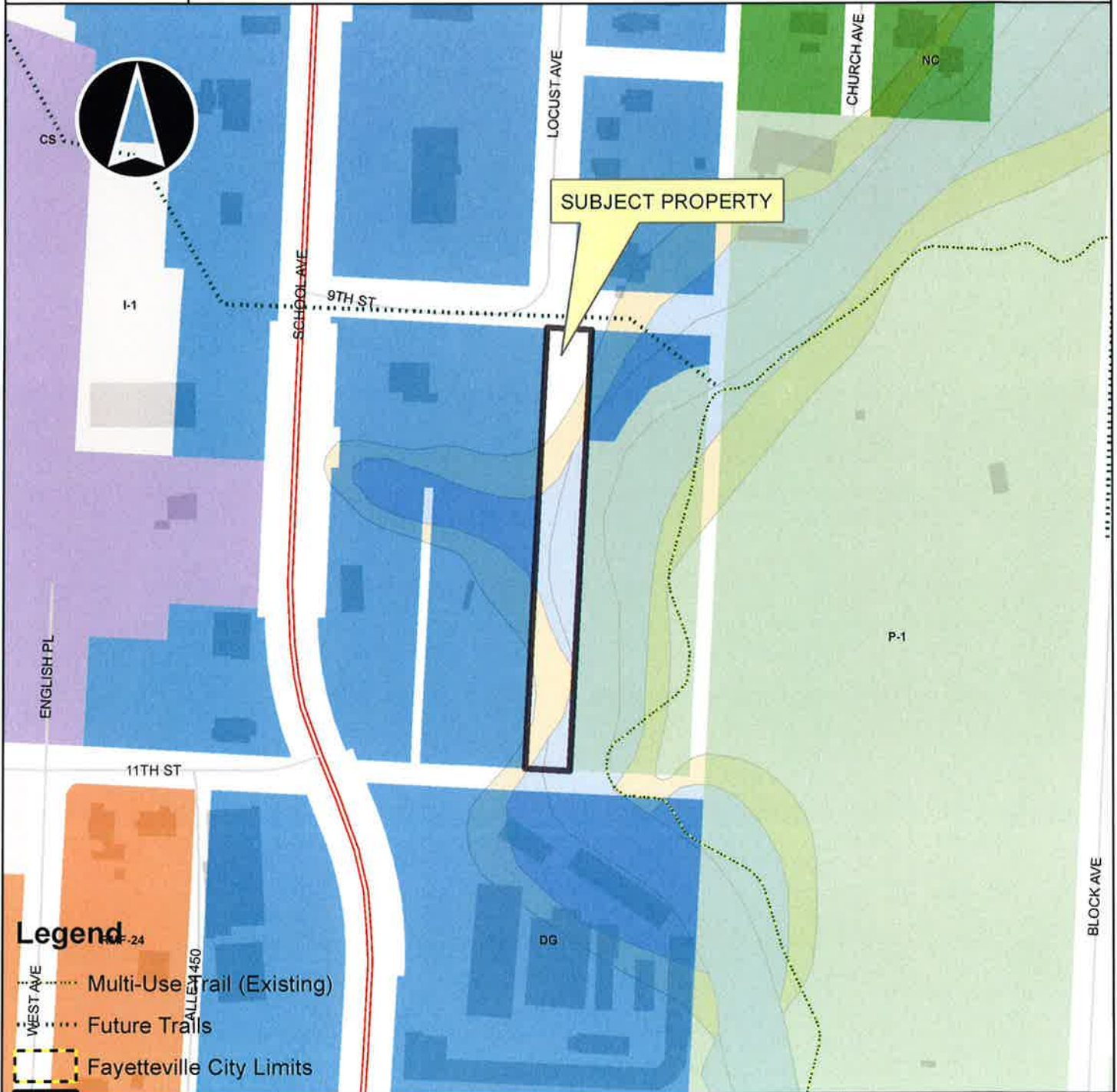


1 inch = 500 feet  
 0 25 50 75 100 Feet

VAC13-4346

# FERGUSON'S ADDITION

Close Up View



## Legend

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

## Overview

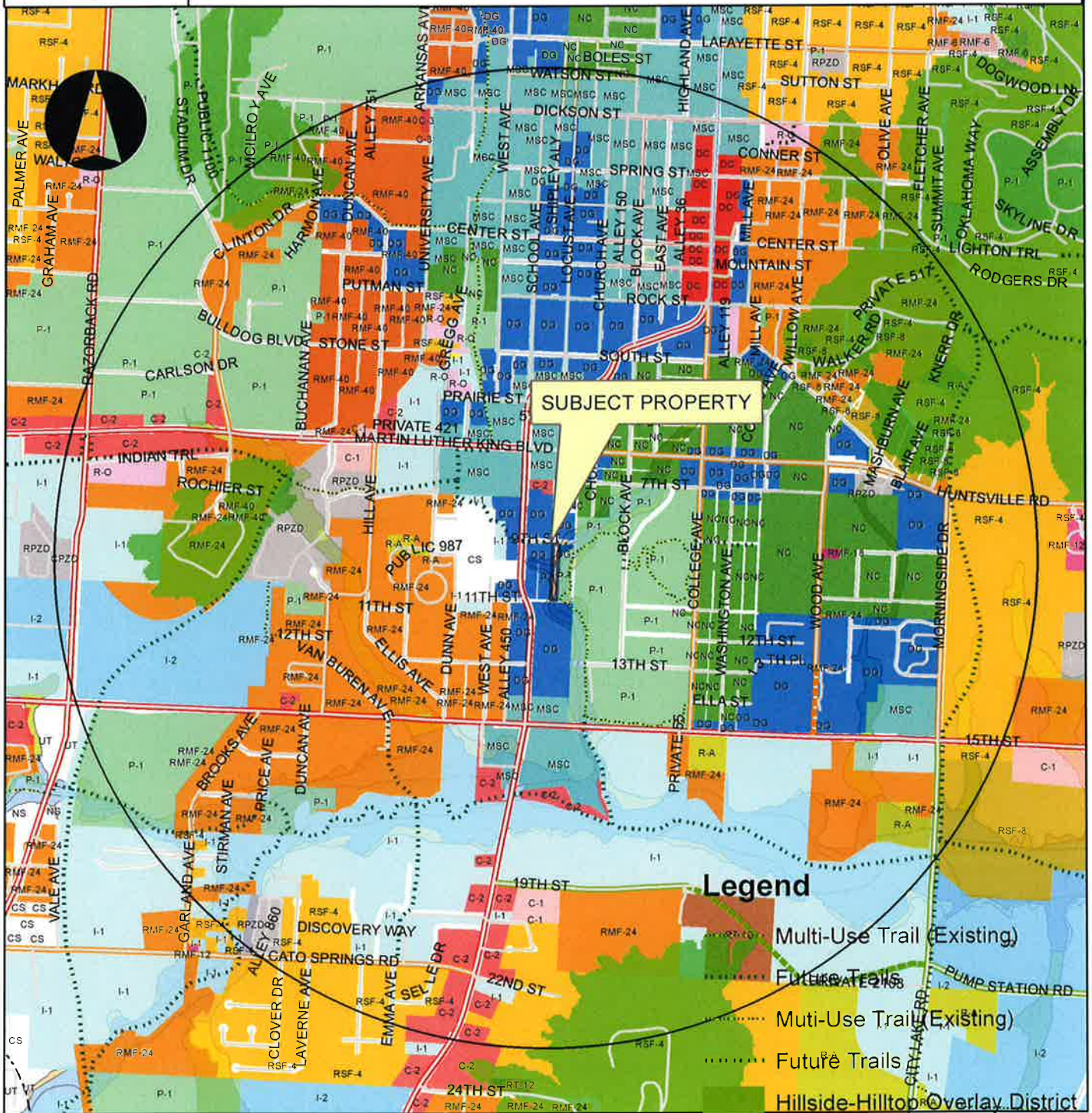
- VAC13-4346
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



VAC13-4346

# FERGUSON'S ADDITION

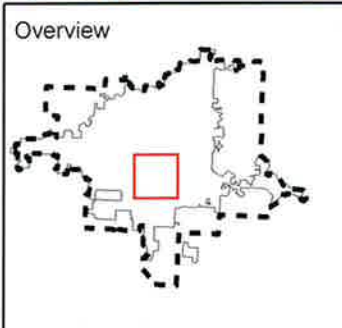
One Mile View



**SUBJECT PROPERTY**

### Legend

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



<p>Legend</p> <p>Subject Property</p> <p> VAC13-4346</p> <p>Boundary</p>	<p> VAC13-4346</p> <p> Design Overlay District</p> <p> Planning Area</p> <p> Fayetteville</p>
<p>0      0.25      0.5      1</p> <p> Miles</p>	