

City Council Agenda Items
and
Contracts, Leases or Agreements

9/17/2013

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 13-4460: VACATION (423 PRAIRIE AVE, 523): Submitted by JACOBS NEWELL for property located at 423 Prairie Ave. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.16 acres. The request is to vacate an access easement.

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

Budgeted Item

Budget Adjustment Attached

William C. Beck
Department Director

8-29-2013
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney

8-29-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beck
Finance and Internal Services Director

8-29-2013
Date

Received in City Clerk's Office

[Signature]
Chief of Staff

8-30-13
Date

Received in Mayor's Office

[Signature]
Mayor

8/30/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, Senior Planner

Date: August 29, 2013

Subject: VAC 13-4460 (423 Prairie Avenue/Jacobs Newell)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate an access easement.

BACKGROUND

The subject property is located northeast of the intersection of West Avenue and Prairie Street in downtown Fayetteville. A few years ago a mixed use development was approved for this property and improvements to the alley adjacent to the eastern portion of the site were planned. The alley was to be widened slightly and re-routed through a new parking lot in the site. To accommodate the alley improvements outside of the right-of-way an access easement was platted. The mixed use development is not taking place and the current property owners are developing the site for single family homes. These homes do not require widening the alley and the access easement is no longer necessary.

The applicant's request is to vacate the access easement on their property as indicated on the submitted exhibit.

As this is only an access easement on the applicant's property, not a utility easement, permission from the franchise utilities and City utility departments is not needed.

DISCUSSION

On August 26, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4460 SUBMITTED BY JACOBS NEWELL COMPANY FOR PROPERTY LOCATED AT 423 PRAIRIE STREET, TO VACATE AN ACCESS EASEMENT, A TOTAL OF 0.02 ACRES.

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

WHEREAS, the City Council has determined that the following described portion of the platted access easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described access easement in Exhibit B (attached).

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

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

423 PRAIRIE AVE.

VAC13-4460

Close Up View



Legend

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

Overview

- VAC13-4460
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

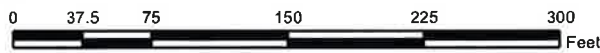


EXHIBIT "B"
VAC 13-4460

ACCESS EASEMENT VACATION LEGAL DESCRIPTION

A PART OF LOT 10, 11 & 12 OF BLOCK 13 IN FERGUSON'S ADDITION IN FAYETTEVILLE, ARKANSAS, AS PER PLAT RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 12 THENCE S02°40'43"W 118.13 FEET, THENCE ALONG A CURVE TO THE RIGHT 0.67 FEET, SAID CURVE HAVING A RADIUS OF 32.00 FEET AND A CHORD BEARING OF S41°47'46"W 0.67 FEET, THENCE S42°23'59"W 25.34 FEET, THENCE ALONG A CURVE TO THE LEFT 12.27 FEET, SAID CURVE HAVING A RADIUS OF 15.0' AND A CHORD BEARING OF S18°57'45"W 11.93 FEET, THENCE N87°24'20"W 21.80 FEET, THENCE N42°23'59"E 50.26 FEET, THENCE ALONG A CURVE TO THE LEFT 13.70 FEET, SAID CURVE HAVING A RADIUS OF 20.0 FEET AND A CHORD BEARING OF N22°46'41"E 13.43 FEET, THENCE S86°50'36"E 1.78 FEET, THENCE N05°59'53"E 18.45 FEET, THENCE N01°17'32"E 41.49 FEET, THENCE N03°21'38"E 38.44 FEET, THENCE S88°14'29"E 2.73 FEET TO THE P.O.B.; CONTAINING 0.02 ACRES (964 S.F.) MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting of August 26, 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: August 20, 2013 *Updated August 29, 2013*

VAC 13-4460: VACATION (423 PRAIRIE AVE, 523): Submitted by JACOBS NEWELL for property located at 423 Prairie Ave. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.16 acres. The request is to vacate an access easement.
 Planner: Andrew Garner

Findings:

Property and Background: The subject property is located northeast of the intersection of West Avenue and Prairie Street in downtown Fayetteville. A few years ago a mixed use development was approved for this property and improvements to the alley adjacent to the eastern portion of the site were planned. The alley was to be widened slightly and re-routed through a new parking lot in the site. To accommodate the alley improvements outside of the right-of-way an access easement was platted. The mixed use development is not taking place and the current property owners are developing the site for single family homes. These homes do not require widening the alley and the access easement is no longer necessary. 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	Greenhouse Grille restaurant	MSC, Main Street Centre
East	Multi-family and single-family residential	MSC, Main Street Centre
West	Undeveloped property/Frisco multi-use trail corridor	DG, Downtown General

Request: The applicant's request is to vacate the access easement on their property as indicated on the submitted exhibit.

Easement Vacation Approval: As this is only an access easement, not a utility easement, permission from the franchise utilities and City utility departments is not needed.

Public Comment: No public comment has been received.

Recommendation: The access easement is not necessary as the public alley is being retained and provides adequate access to the adjacent properties. Staff recommends forwarding VAC 13-4460 to the City Council with a recommendation for approval.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: Forwarded Denied Tabled

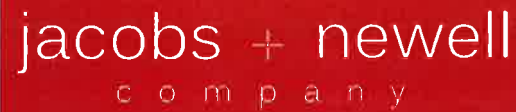
Date: August 26, 2013

Motion: Cook

Second: Chesser

Vote: 7-0-0

Notes: On consent agenda



July 17, 2013

Andrew M. Garner
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: Tract D – Access Easement Vacation Request

Mr. Garner,

We are requesting a vacation of an existing access easement located within Tract D - Parcel # 765 - 05481 - 000, and running North into Tract A, Tract B, Tract C – Parcel # 765 – 05482 – 000, found on the Southeast corner of S West Avenue and W Prairie Street in Fayetteville, Arkansas. This access easement is a section of a once planned parking lot from a previous site plan dating back to October 2, 2007. Along with the required documentation for this vacation request, you will find a reference copy of the previous site plan from October 2, 2007 specifically highlighting the area of vacation in closer detail.

- The scope, nature, and intent of this request is for an existing access easement inherited from the previous property owner's site plan, be vacated to allow proper future arrangement of a new development by Jacobs + Newell Company.

Sincerely,

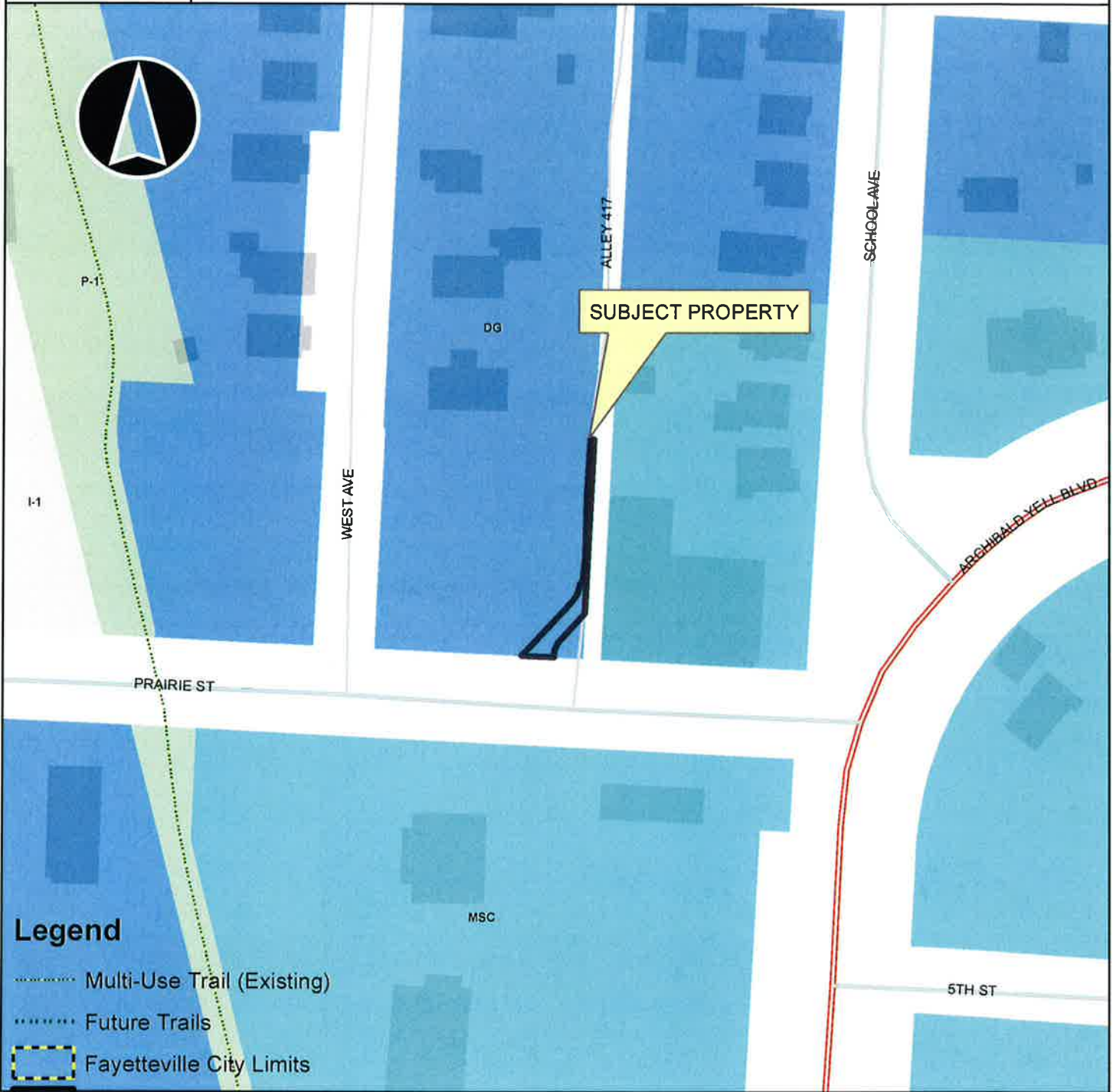
A handwritten signature in black ink, appearing to read "B. Cochran".

Bill Cochran, Project Manager
Jacobs + Newell Company
bcochran@jacobsnewellcompany.com
501.282.6353

VAC13-4460

423 PRAIRIE AVE.

Close Up View



Legend

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

..... Future Trails

..... Fayetteville City Limits

Overview VAC13-4460

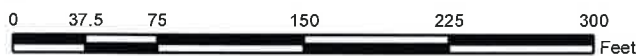
■ Footprints 2010

■ Hillside-Hilltop Overlay District

□ Design Overlay District

□ Design Overlay District

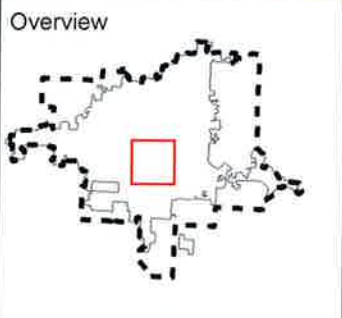
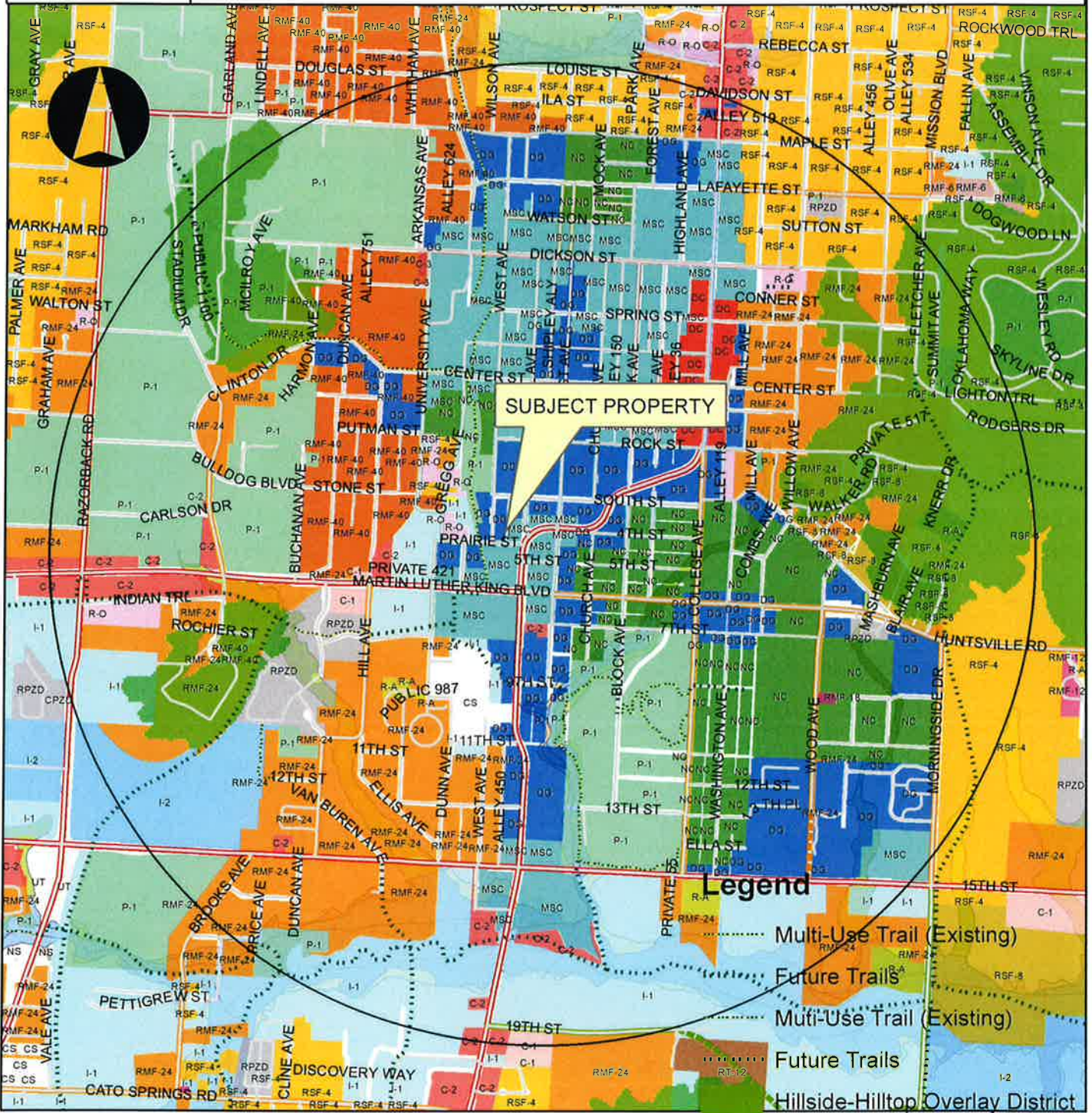
--- Planning Area



VAC13-4460

423 PRAIRIE AVE.

One Mile View



Legend

- Subject Property
- VAC13-4460
- Boundary
- VAC13-4460
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles