

**City Council Agenda Items
and
Contracts, Leases or Agreements**

10/15/2013

City Council Meeting Date
Agenda Items Only

Quin Thompson
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 13-4478: Vacation (TWIN CREEKS VILLAGE LOT 19B4, 211): Submitted by MCCLELLAND CONSULTING for property located at 163 VAN ASCHE LOOP. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.18 acres. The request is to vacate a portion of a drainage easement on property.

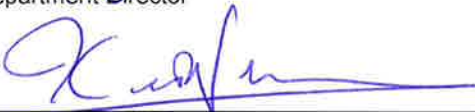
Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

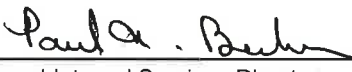

Department Director 09-27-2013
Date


Previous Ordinance or Resolution # _____


City Attorney 9-27-13
Date

Original Contract Date: _____

Original Contract Number: _____


Finance and Internal Services Director 9-27-2013
Date

Received in City Clerk's Office 09-27-13 P02:52 RCVD



Chief of Staff 9-30-13
Date

Received in Mayor's Office



Mayor 9/30/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: September 25, 2013

Subject: VAC 13-4478 (TWIN CREEKS VILLAGE)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a portion of a drainage easement.

BACKGROUND

The subject property is located south of Van Asche Loop, a private street. The property is a part of Twin Creeks Village (PPL 09-3265,) a commercial sub-division approved in 2009. The original project included an open drainage and associated easements. A revised design has been constructed, which routes all storm water through an underground system, makes the original open drainage easement unnecessary.

The applicant's request is to vacate the drainage easement as indicated in "Exhibit A."

The City Transportation Department, has approved the request. No other approvals are required for a drainage easement.

DISCUSSION

On September 23, 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 13-4478 SUBMITTED BY MCCLELLAND ENGINEERING CONSULTING FOR PROPERTY LOCATED AT 163 VAN ASCHE LOOP, TO VACATE A PORTION OF A DRAINAGE EASEMENT, A TOTAL OF 0.03 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 drainage 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 drainage easement in Exhibit B (attached).

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

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

“Any relocation of existing utilities shall be at the owner/developer’s expense.”

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

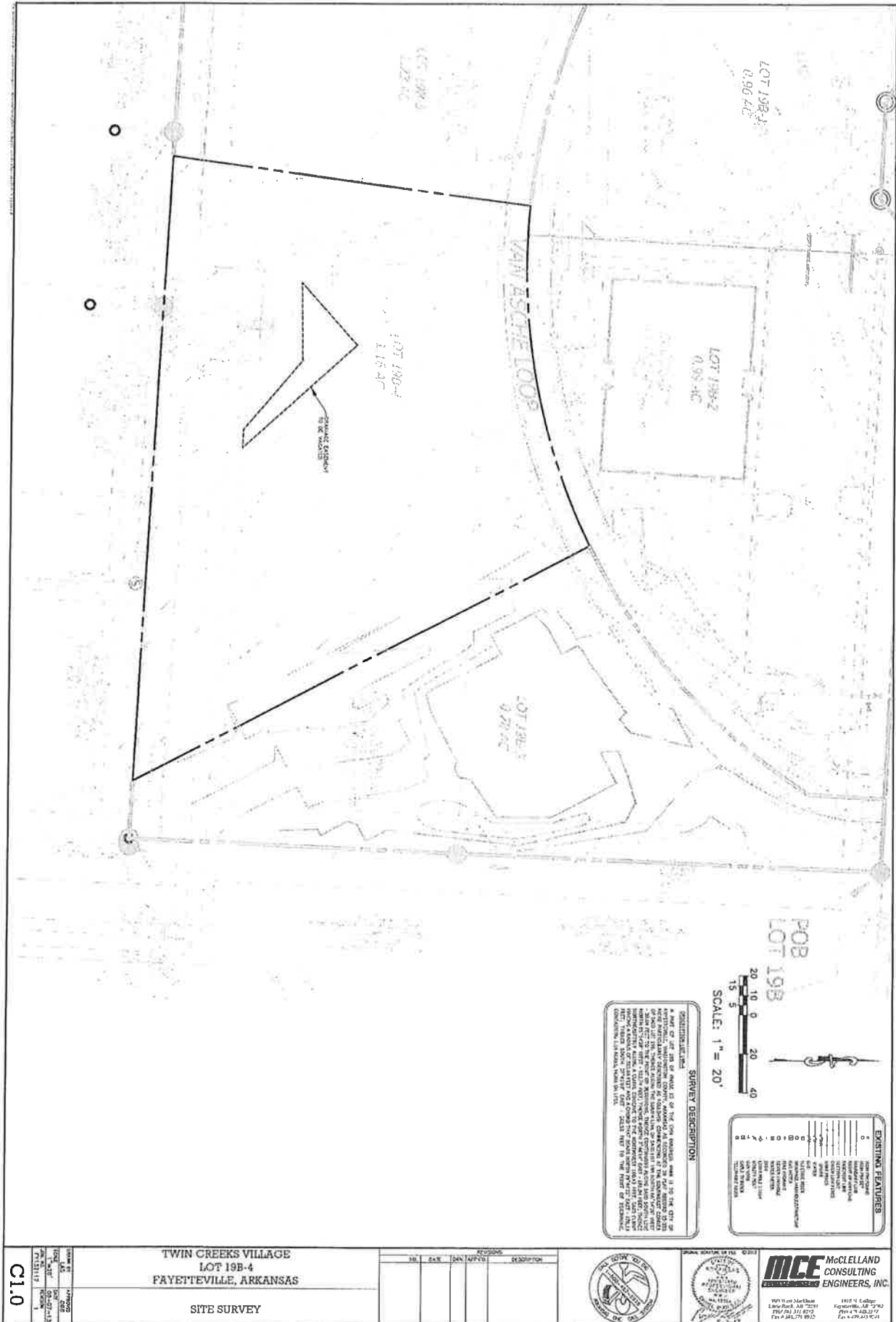


EXHIBIT "B"
VAC 13-4478

A PART OF LOT 19B-4, OF TWIN CREEKS VILLAGE, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS PER THE PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EXOFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST COMER OF SAID LOT 19B-4, THENCE ALONG THE WEST LINE OF SAID LOT NORTH 07 DEGREES 46 MINUTES 14 SECONDS EAST A DISTANCE OF 70.49 FEET; THENCE LEAVING SAID WEST LOT LINE SOUTH 87 DEGREES 21 MINUTES 55 SECONDS EAST A DISTANCE OF 55.32 FEET TO THE POINT OF BEGINNING (P.O.B.); THENCE NORTH 48 DEGREES 05 MINUTES 32 SECONDS EAST A DISTANCE OF 43.28 FEET; THENCE SOUTH 41 DEGREES 54 MINUTES 28 SECONDS EAST A DISTANCE OF 79.53 FEET; THENCE NORTH 86 DEGREES 54 MINUTES 28 SECONDS WEST A DISTANCE OF 9.50 FEET; THENCE NORTH 49 DEGREES 29 MINUTES 47 SECONDS WEST A DISTANCE OF 46.78 FEET; THENCE SOUTH 89 DEGREES 07 MINUTES 43 SECONDS WEST A DISTANCE OF 40.27 FEET TO THE POINT OF BEGINNING (P.O.B.), CONTAINING 1219.94 SQUARE FEET, 0.03 ACRES.



PC Meeting of September 23, 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: ~~September 16, 2013~~ UPDATED SEPTEMBER 24, 2013

VAC 13-4478: Vacation (TWIN CREEKS VILLAGE LOT 19B4, 211): Submitted by MCCLELLAND CONSULTING for property located at 163 VAN ASCHE LOOP. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.18 acres. The request is to vacate a portion of a drainage easement on property.

Planner: Quin Thompson

Findings:

Property and Background: The subject property is located south of Van Asche Loop, a private street. The property is a part of Twin Creeks Village (PPL 09-3265,) a commercial sub-division approved in 2009. The original project included an open drainage and associated easements. This design was later revised and a new easement platted with PPL 09-3265. the revised design routes all stormwater into an underground system, where previously it flowed in an open ditch across the site. The revised design has been constructed, making the original open drainage easement redundant.

**Table 1
 Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Professional Office/Undeveloped	C-1, Neighborhood Commercial
South	Single family residential	RSF-4, Residential Multi-family
East	Professional Office/Undeveloped	C-1, Neighborhood Commercial
West	Professional Office/Undeveloped	C-1, Neighborhood Commercial

Request: The applicant requests a vacation of a drainage easement as indicated on the submitted exhibit.

Easement Vacation Approval: As this is an easement exclusively for drainage, which is under the jurisdiction of the City of Fayetteville Transportation Department. Permissions from the franchise utilities and City utility departments are not needed.

Public Comment: No public comment has been received.

Recommendation: The subject drainage easement is not necessary any longer, as the original design

has been revised and constructed to pipe stormwater underground. Staff recommends forwarding VAC 13-4478 to the City Council with a recommendation for approval.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: X Forwarded Denied Tabled

Date: September 23, 2013

Motion: Winston

Second: Pennington

Vote: 4-0-1

Notes: CONSENT AGENDA, HOSKINS ABSTAINED

August 6, 2013

RE: Vacating a portion of a drainage easement at proposed project # 13-4425, 163 W. Van Asche Loop

Dear Planning Commission, and City Council,

Northwest Arkansas Oral & Maxillofacial Surgery and McClelland Consulting Engineers, Inc., are requesting the abandonment of a portion of a drainage easement located in the CMN business park.

The easement is no longer needed as the drainage path was contained in an enclosed box culvert as part of a previous improvement. A sufficient easement will remain to service the drainage culvert.

Please don't hesitate to contact me if you should have any questions or concerns regarding this notification.

Sincerely,



Ryan Gill, P.E.
rgill@mcclelland-engrs.com



EXISTING FEATURES

- As-Built Utility Lines
- As-Built Structures
- As-Built Easements
- As-Built Survey
- As-Built Right of Way
- As-Built Property Lines
- As-Built Easement Lines
- As-Built Other Features

PROVISIONS:
 The Surveyor shall be held liable for the accuracy of the data furnished to him by the client. The Surveyor shall be held liable for the accuracy of the measurements made by him or his assistants. The Surveyor shall be held liable for the accuracy of the calculations made by him or his assistants. The Surveyor shall be held liable for the accuracy of the drawings made by him or his assistants. The Surveyor shall be held liable for the accuracy of the report made by him or his assistants. The Surveyor shall be held liable for the accuracy of the work done by him or his assistants.

SURVEY DESCRIPTION:
 This is a site survey for the proposed subdivision of Lot 19B-4, Lot 19B-3, and Lot 19B-2, as shown on the attached plat. The survey was conducted on August 15, 2013, and the results are shown on this plat. The survey was conducted in accordance with the provisions of the Arkansas Surveying and Mapping Act, Chapter 103, and the rules and regulations of the Board of Surveying and Mapping, created by the Arkansas General Assembly. The survey was conducted by MCE Consulting Engineers, Inc., a professional engineering firm. The survey was conducted under the supervision of the Senior Engineer, who is a duly licensed Professional Engineer in the State of Arkansas. The survey was conducted in accordance with the provisions of the Arkansas Surveying and Mapping Act, Chapter 103, and the rules and regulations of the Board of Surveying and Mapping, created by the Arkansas General Assembly. The survey was conducted by MCE Consulting Engineers, Inc., a professional engineering firm. The survey was conducted under the supervision of the Senior Engineer, who is a duly licensed Professional Engineer in the State of Arkansas.

POB LOT 19B

SCALE: 1" = 20'

NO.	DATE	DESCRIPTION	REVISIONS

TWIN CREEKS VILLAGE
 LOT 19B-4
 FAYETTEVILLE, ARKANSAS

SITE SURVEY

C1.0

MCE McLELLAND
 CONSULTING
 ENGINEERS, INC.
 914 W. 4th Street
 Fayetteville, AR 72703
 Phone: 479-477-2727
 Fax: 479-477-8851
 E-mail: mce@mceinc.com

Description of part of drainage easement to be vacated:

A part of Lot 19B-4, of Twin Creeks Village, a subdivision to the City of Fayetteville, Arkansas per the plat of said subdivision on file in the office of the circuit clerk and Ex-Officio Recorder of Washington County, Arkansas, and said part being more particularly described as follows:

Commencing at the southwest corner of said Lot 19B-4,
thence along the west line of said Lot
North 07 degrees 46 minutes 14 seconds East a distance of 70.49 feet;
thence leaving said west lot line
South 87 degrees 21 minutes 55 seconds East a distance of 55.32 feet
to the POINT OF BEGINNING (P.O.B.);
thence North 48 degrees 05 minutes 32 seconds East a distance of 43.28 feet;
thence South 41 degrees 54 minutes 28 seconds East a distance of 79.53 feet;
thence North 86 degrees 54 minutes 28 seconds West a distance of 9.50 feet;
thence North 49 degrees 29 minutes 47 seconds West a distance of 46.78 feet;
thence South 89 degrees 07 minutes 43 seconds West a distance of 40.27 feet to the
POINT OF BEGINNING (P.O.B.), containing 1219.94 square feet, 0.03 acres.

August 1, 2013

K:\2013\132117 - Lot 19B-4 Dr Cross Office\Drainage Easement Vacation\Drainage
easement vacation description.docx

UTILITY APPROVAL FORM
FOR DRAINAGE EASEMENT VACATION

DATE: 8-7-13

UTILITY COMPANY: Fayetteville Transportation Department

APPLICANT NAME: NWA Oral & Maxillofacial Surgery

APPLICANT PHONE: 479-966-4004

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
- OTHER: (Drainage Easement)

I have been notified of the petition to vacate the following *drainage easement*, described as follows:

General Location / Address: Fayetteville Project # 13-4425, 163 W. Van Asche Loop
(see ATTACHED legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

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

No objections provided the following conditions are met:

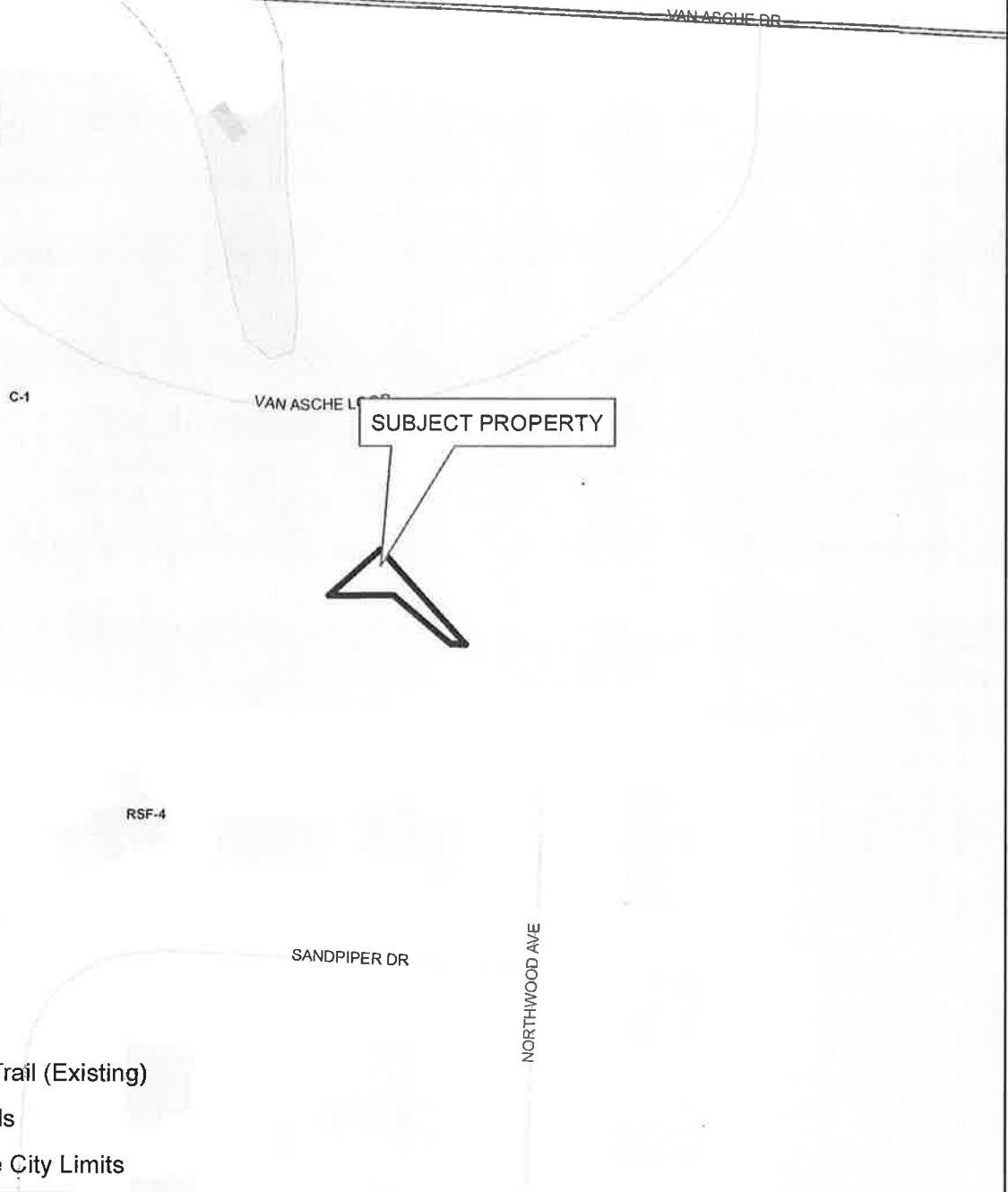
Terry Z. Gulley
Signature of Utility Company Representative

Transportation Services Director
Title

VAC13-4478

TWIN CREEKS VILLAGE LOT 19B4

Close Up View



Legend

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

Overview

VAC13-4478

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



