City Council Agenda Items and Contracts, Leases or Agreements

11/5/2013

City Council Meeting Date Agenda Items Only

	Agenda items On	•	
Quin Thompson	Planning	- N	Development Services
Submitted By	Division		Department
1	Action Require		
VAC 13-4491: Vacation (2315 & 23- ASSOCIATES for properties located NEIGHBORHOOD CONSERVATIO easement that runs through both pro-	d at 2315 AND 2319 NORTH N and contains approximatel	MARKS MILL LANE	E. The properties are zoned
Oct (III)	\$	2# 3 <u>-</u>	
Cost of this request	Category / Project B	Budget	Program Category / Project Na
	\$::=:	<u> </u>
Account Number	Funds Used to D	ate	Program / Project Category Na
	\$	9 2 5	
Project Number	Remaining Balar	nce	Fund Name
Budgeted Item	Budget Adjustment Att	ached	
Department Birector City Attorney	(b.1:.1o(3) Date	Previous Ordinand Original Contract	
Finance and Internal Services Director a. Bellin for Ham Wa	Date	Received in City Clerk's Office	10/18/13
Chief of Staff Trond Jordan	Date 10-22-2013 Date 10/32//3	Received in Mayor's Office	ENTERED 1921/3
Mayor	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: October 17, 2013

Subject: VAC 13-4491 [2315 & 2319 Marks Mill Ln (Zweig)]

RECOMMENDATION

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

BACKGROUND

The subject property is located south of Township Street and northwest of Marks Mill Lane in the Summit Place subdivision. The applicant is in the process of adjusting the property lines of three adjacent lots (PLA 13-4441,) which will result in the elimination of the center lot. A General Utility Easement is platted on a boundary line that will be moved; the easement will be unnecessary and at the same time restrict development of the lot on which it is located. There are currently no utilities within the subject easement.

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

Permissions from the franchise utilities and City utility departments have been granted.

DISCUSSION

On October 14, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4491 SUBMITTED BY ALAN REID AND ASSOCIATES FOR PROPERTIES LOCATED AT 2315 & 2319 NORTH MARKS MILL LANE TO VACATE AN UTILITY EASEMENT, A TOTAL OF 1,363 SQUARE FEET

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

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

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

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

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

Section 3: That this vacation approval is subject to the 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:	By:

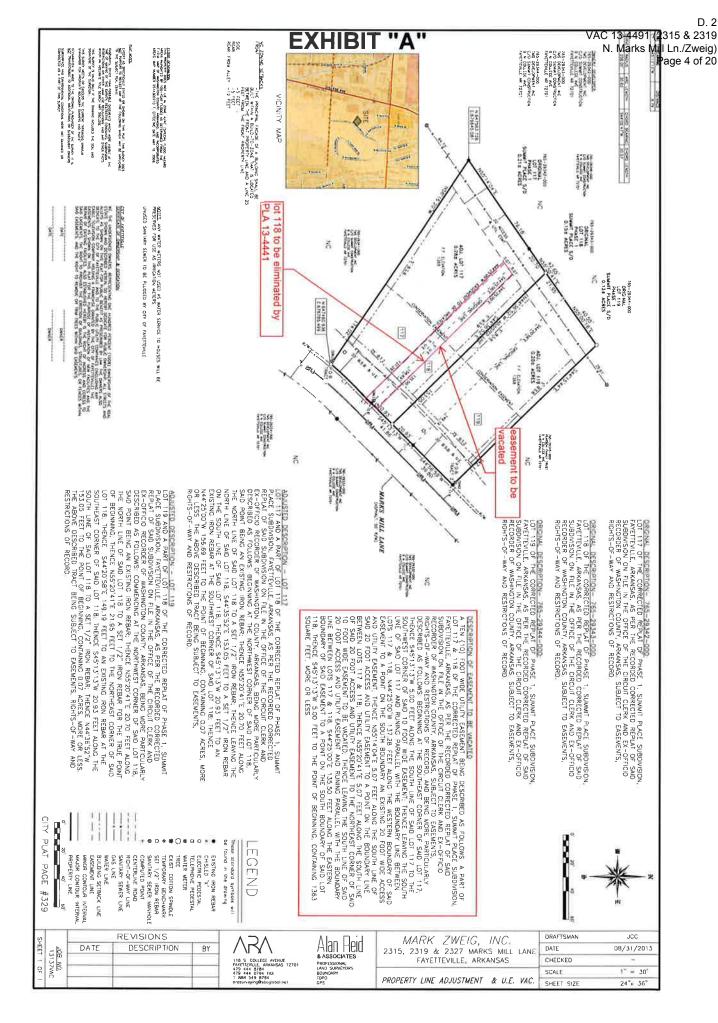


EXHIBIT "B" VAC 13-4491

DESCRIPTION OF EASEMENT TO BE VACATED

A TEN (10) FOOT WIDE UTILITY EASEMENT BEING DESCRIBED AS FOLLOWS: A PART OF LOT 117 & 118 OF THE CORRECTED REPLAT OF PHASE 1, SUMMIT PLACE SUBDIVISION, FAYETTEVILLE, ARKANSAS, AS PER THE RECORDED CORRECTED REPLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS. SUBJECT TO EASEMENTS. RIGHTS OF WAY AND RESTRICTIONS OF RECORD, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 117; THENCE S45°13'13"W 5.00 FEET ALONG THE SOUTH LINE OF SAID LOT 117 TO THE SOUTHWEST CORNER OF SAID 10 FOOT WIDE EASEMENT; THENCE LEAVING THE SOUTH LINE OF SAID LOT 117 AND RUNING PARALLEL WITH THE BOUNDARY LINE BETWEEN LOTS 117 & 118. N44°25'00"W 137.28 FEET ALONG THE WESTERN BOUNDARY OF SAID EASEMENT TO A POINT ON THE SOUTH BOUNDARY OF AN EXISTING 20 FOOT WIDE ACCESS AND UTILITY EASEMENT: THENCE N55°14'04"E 5.07 FEET ALONG THE SOUTH LINE SAID 20 FOOT ACCESS AND UTILITY EASEMENT TO A POINT ON THE BOUNDARY LINE BETWEEN LOTS 117 & 118; THENCE N55°20'41"E 5.07 FEET ALONG THE SOUTH LINE OF SAID 20 FOOT ACCESS AND UTILITY EASEMENT TO THE NORTHEAST CORNER OF SAID 10 FOOT WIDE EASEMENT TO BE VACATED; THENCE LEAVING THE SOUTH LINE OF SAID 20 FOOT ACCESS AND UTILITY EASEMENT AND RUNING PARALLEL WITH THE BOUNDARY LINE BETWEEN LOTS 117 & 118, S44°25'OO"E 135.50 FEET ALONG THE EASTERN BOUNDARY OF SAID EASEMENT TO A POINT ON THE SOUTH BOUNDARY OF SAID LOT 118: THENCE S45° 13'13"W 5.00 FEET TO THE POINT OF BEGINNING.



PC Meeting of October 14, 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: October 8, 2013 UPDATED October 17, 2013

VAC 13-4491: Vacation (2315 & 2319 N. MARKS MILL LN./ZWEIG, 329): Submitted by ALAN REID AND ASSOCIATES for properties located at 2315 AND 2319 NORTH MARKS MILL LANE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contains a total of 0.36 acres. The request is to vacate a utility easement.

Planner: Quin Thompson

Findings:

Property and Background: The subject property is located south of Township Street and northwest of Marks Mill Lane in the Summit Place subdivision. The applicant is in the process of adjusting the property lines of three adjacent lots (PLA 13-4441,) which will result in the elimination of the center lot. A General Utility Easement is platted on a boundary line that will be moved; the easement will be unnecessary and at the same time restrict development of the lot on which it is located. There are currently no utilities within the subject easement.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Stormwater Detention/Undeveloped	NC, Neighborhood
		Conservation
South	Single family residential	NC, Neighborhood
	-	Conservation
East	Single family residential	NC, Neighborhood
		Conservation
West	Mixed Commerical / Single family	C-2, Thoroughfare Commercial/
	residential	NC, Neighborhood
		Conservation

Request: The applicant requests a vacation of an unused general utility easement as indicated on the submitted exhibit.

Easement Vacation Approval: Permissions from the franchise utilities and City utility departments have been granted.

Public Comment: No public comment has been received.

Recommendation: The subject general utility easement is not necessary and restricts development of the proposed lot on which it occurs. Staff recommends forwarding VAC 13-4491 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: October 14, 2013
Motion: WINSTON
Second: CHESSER

Vote: 8-0-0

Notes: CONSENT AGENDA



Alan Reid & Associates, LLC Professional LAND SURVEYORS

September 3, 2013

City of Fayetteville Planning & Engineering 125 West Mountain Street Fayetteville, Arkansas 72701

Re: Utility Easement Vacation

Dear Planner,

On behalf of my clients, TMS Development and Mark Zweig, Inc., I am submitting for your review a proposed utility easement vacation. The easement is ten (10) feet in width and is centered on the boundary line between Lots 117 & 118 of Summit Place Subdivision.

My client is in the process of obtaining a property line adjustment of Lots 117, 118 & 119 of said Summit Place Subdivision. His intent is to eliminate Lot 118, thus enlarging the remaining two lots. An easement vacation is being requested to remove that easement which would restrict his new building area.

The easement which is being asked to be vacated contains no utility services. Arkansas One Call has visited the site and confirms this. I have received approval to vacate the easement from all utilities companies.

If you have any questions or comments, please contact me at: 479-444-8784.

Best regards,

Alan Reid

Professional Land Survyeor

DATE	11/15/13
UTILI	TY COMPANY: COX
APPL.	ICANT NAME: MATUR TUELY TIMES DEV APPLICANT PHONE: 508-380-0419 IESTED VACATION (applicant innest check all that apply):
×	Utility Easement
Ω	Right-of-way for alley or streets and all utility essements located within the vacated right- of- way.
ב	Alley
ū	Street right-of-way
] have	been notified of the petition to vacate the following (alley are more right-of-way), described as follows:
Gener	al location / Address (referring to attached document- must be completed**)
** 2	315/2319 March Muc Lone, 72703
	(ATTACH legal description and graphic representation of what is being vocated-SURVEY)
UTILI	TY COMPANY COMMENTS:
D	No objections to the vacation(s) described above.
5	No objections to the vacation(s) described above, provided following described essements are retained. (State the location, dimensions, and purpose below.)
X Any	No objections provided the following conditions are met: damage to or relocation of existing facilities will be at oweners/developers expense.
Rec	uest a final plat showing this easement vacation be sent to my office via email.
Signati	had A. Mare of Utility Company Representative
Cor	struction Planner III

DATE:	8/15/13
טזוגוז	Y COMPANY: AEP SWEP 60
APPLIO REQUE	CANT NAME: MANY ZWEIG/TUS DEU: APPLICANT PHONE: 508-380-0419 ISTED VACATION (applicant units cliect all that apply):
×	Utility Essement
۵	Right-of-way for alley or streets and all utility ensuments located within the vacated right-of-way.
ם	Alley
	Street right-of-way
I have b	neen notified of the petition to vacate the following (alley comment, right of way), described as follows:
Genera	al location / Address (referring to attached document- must be completed**)
* 2	315/2319 MARK'S KIM LOVE, 72703
	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)
UTILIT	TY COMPANY COMMENTS:
0	No objections to the vacation(s) described above.
0	No objections to the vacation(s) described above, provided following described essements are retained. (State the location, dimensions, and purpose below.)
_	No objections provided the following conditions are met:
K.	C 11 C 1
	the owners expense.
K	Carl R Betran
Signatu	are of Utility Company Representative
Par	yect Engiteer



DATE:	8/15/13
UTILIT	Y COMPANY: OECC
APPLIC REQUE	CANT NAME: MAIL ZWEIG TUS DEV APPLICANT PHONE: 506-380-040 CESTED VACATION (applicant must check all that apply):
×	Utility Easement
۵	Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
۵	Alley
	Street right-of-way
I have b	peen notified of the petition to vacate the following (alley, answers, right-of-way), described as follows:
	al location / Address (referring to attached document-must be completed**)
23	315,2319 MATHE'S HILL LAKE, 72703
	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)
UTILIT	TY COMPANY COMMENTS:
Ø	No objections to the vacation(s) described above.
O	No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
0	No objections provided the following conditions are met:
	T McGee ure of Utility Company Representative
Lead Title	Staking Tech.

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

DAT	E: 11/15/13
	ITY COMPANY: AWY - SOURCE ONE
APPI REQI	JICANT NAME: MAPLE ZUELY THS DEU: APPLICANT PHONE: 508-380-0467 UESTED VACATION (applicant must check all that apply):
X	Utility Easement
	Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
Ω	Alley
	Street right-of-way
I have	been notified of the petition to vacate the following (alley, casement) right-of-way), described as follows:
	ral location / Address (referring to attached document- must be completed**)
**	2315/2319 MARK'S MULLANE, 72703
UTILI	TY 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.)
0	No objections provided the following conditions are met:
Do	
Signati	are of Utility Company Representative
Title	sistal Moneger

August 2012 Page 5

DATE	± 8/15/13
UTIL	TY COMPANY: TRANSPORTATION
APPL REQU	ICANT NAME: MAILY TWELY TWO DEV APPLICANT PHONE 508-380-0449 JESTED VACATION (applicant mass check all that apply):
X	Utility Essement
а	Right-of-way for alloy or streets and all utility essentests located which the vacated right- of-way.
۵	Alley
۵	Street right-of-way
I beve	been notified of the petition to vacate the following (alleg, accounty) right-of-way), described as follows:
Gener	ral location / Address (referring to attached document-must be completed**)
** 2	315/2319 MARKS HULL LANE, 72703
	(ATTACE legal description and graphic representation of what is being vacated-SURVEY)
UTILI	TY COMPANY COMMENTS:
X	No objections to the vacation(s) described above.
	No objections to the vacation(s) described above, provided following described ensements are retained. (State the location, dissensions, and purpose below.)
<u> </u>	No objections provided the following conditions are met:
	The Coles
Signat	Lef Utility Company Representative
ASS	SISTANT TRANSPORTATION MANAGER
Title	



DATE	<u>8/15/13</u>
UTILI	TY COMPANY: SOUD WASTE
APPLI REQU	ICANT NAME: MALK ZUEIG/TIAS DEV APPLICANT PHONE: 506-380-04C' JESTED VACATION (applicant must check all that apply):
X	Utility Easement
	Right-of-way for alley or streets and all utility easements located within the vacated right- of-way.
O	Alley
	Street right-of-way
I have	been notified of the petition to vacate the following (alley fasement, right-of-way), described as follows:
	at location / Address (referring to attached document- must be completed**)
** 7	2315/2319 MARKS MILL LALE. 72703
	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)
UTILI	TY 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.)
<u> </u>	No objections provided the following conditions are met:
2.	in Pur
Signatu	re of Utility Company Representative
Nas	le Roduction Coordinator
Title	The State of the S

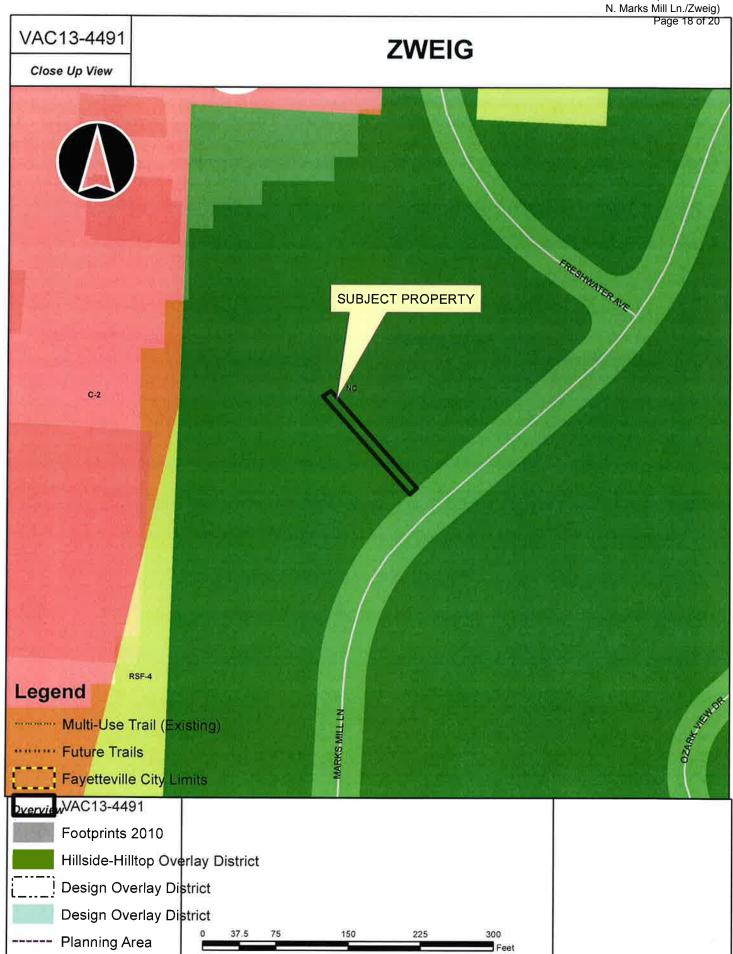
DATE	8/15/13
UTILI	TY COMPANY: WATER SELER
APPLI REQU	ESTED VACATION (applicant must check all that apply):
N.	Utility Easement
0	Right-of-way for alloy or streets and all utility easements located within the vacated right- of- way.
0	Alley
۵	Street right-of-way
I have	been notified of the petition to vacate the following (allege casement, right-of-way), described as follows:
	315/2319 MANUS MULL LAKE, 72703
	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)
ונגוודט	TY COMPANY COMMENTS:
×	No objections to the vacation(a) described above.
0	No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)
0	No objections provided the following conditions are met:
	* ***
1	comment to
UL-	Thes Engineer
Title	

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

DATE: 11/15/13
UTILITY COMPANY: ATI
APPLICANT NAME: MARK ZWEIG/THS Day. APPLICANT PHONE: 508-380-0469
Utility Essenant
Right-of-way for alloy or streets and all utility essentents located within the vacated right-of-way.
□ Alley
Street right-of-way
I have been notified of the petition to vecate the following (alley, (assument) right-of-way), described as follows:
General lecation / Address (referring to attached document-most be completed**)
2315/2319 Maris Muc Lave, 72703
(ATTACE ingel description and graphic representation of what is being recents \$1/24/27)
UTILITY COMPANY COMMENTS:
□ No objections to the vacation(s) described above.
No objections to the vacation(s) described above, provided following described essencers are retained. (State the location, diseaseloss, and purpose below.)
No objections provided the following conditions are met:
BELOCATION OF OR DAMAGE TO ANY EXISTING ATE!
SWOT PLANT WILL BE @ THE APPLICANT'S EXPENSE
Susan K Clouser
OSP DESIGN ENGINEER
Title

2012 تستوط 5 Page 5

N. Marks Mill Ln./Zweig) VAC13-4491 Page 17 of 20 **ZWEIG** One Mile View HAROLD ST SARAL BRIARCLIFF ST CORTLAND ST RSF 4 FURMAN ST R-0 R-0 ROLLING HILLS DE DRAKE ST MEADE ST BOWERSST RPZD MADRID ST CASSATT ST CASSATT ST PE NOLDS ST SUNBRIDGE DR SUBJECT PROPERTY CENTURIOSCPZO RSF-4 STEWART ST ELM ST ELMW000 ELM ST PRIVATE 1927 POPLAR ST MILLER ST AMBER OR DEBRA DR ASH ST ASH ST RSF-4 EDNA ST VIEW R-A HAMMOND ST CALVIN ST RSF 4 BIRWIN ST Future Trails RSF-4 Muti-UserEgil (Existing) Hope of Future Trails HOLLY ST PATRICIA LN RSF-4 RSF-4 Hillside Hilltop Overlay District NORTH ST Overview Legend VAC13-4491 Subject Property Design Overlay District VAC13-4491 Planhing Area Boundary Fayetteville 0.25 0.5 0 Miles



PETITION TO VACATE A TEN (10) FOOT WIDE UTILITY EASEMENT BETWEEN LOT ONE HUNDRED SEVENTEEN (117) AND ONE HUNDRED EIGHTEEN (118), SUMMIT PLACE SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

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

We, the undersigned, being all the owners of the real estate abutting the utility easement hereinafter sought to be abandoned and vacated, lying between Lots 118 & 119, Summit Place Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate of said easement which is described as follows:

DESCRIPTION OF EASEMENT ENCROACHMENT

A TEN (10) FOOT WIDE UTILITY EASEMENT, SAID EASEMENT BEING FIVE (5) FEET EACH SIDE OF THE BOUNDARY LINE BETWEEN LOTS 117 & 118 OF SUMMIT PLACE SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT OF SAID SUBDIVISION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS.

That the abutting real estate affected by said abandonment of the utility easement is (1) Lot 117, Summit Place Subdivision, (2) Lot 118, Summit Place Subdivision, (3) Lot 125, an existing detention pond out lot lying to the North of the petitioners property and (4) the street right-of-way of Mark's Mill Lane, lying South of the petitioners property and, and that the public interest and welfare would not be adversely affected by the abandonment of the above described utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described utility easement.

Dated this day of	2012
Printed name	ener ou energy of the state
Signature	
Printed name	
Signature	