

City Council Agenda Items
and
Contracts, Leases or Agreements

11/5/2013

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 13-4493: Vacation (491 E. FAIRWAY LN./JARRETT, 680): Submitted by GRAY ROCK, LLC. for property located at 491 EAST FAIRWAY LANE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 1.15 acres. The request is to vacate utility easements on the subject 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

Jesse Fulcher
Department Director 10-17-2013
Date

Previous Ordinance or Resolution # _____

OK
City Attorney 10-18-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Baker
Finance and Internal Services Director 10-18-2013
Date

Received in City Clerk's Office 10-13-13 11:01 RCVD
dm

Dr. Mar
Chief of Staff 10-15-13
Date

Received in Mayor's Office
ENTERED 10/18/13
PH

Fiswell Jordan
Mayor 11/2/13
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council
Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
From: Jesse Fulcher, Current Planner
Date: October 17, 2013
Subject: VAC 13-4493 (491 E. FAIRWAY/JARRETT)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate utility easements on the subject property.

BACKGROUND

The property is located at 491 E. Fairway Lane in the Masters Subdivision on the east side of the Fayetteville Country Club. The property is developed with a single-family residence that was constructed in 2005. A recently completed survey indicates that the home is located within a 25 foot utility easement along the south property.

The applicant's request is to vacate a 25 foot utility easement on the south property line and a portion of a 20 foot utility easement on the west property line.

DISCUSSION

On October 14, 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 13-4493 SUBMITTED BY GRAY ROCK LLC. FOR PROPERTY LOCATED AT 491 EAST FAIRWAY LANE, TO VACATE UTILITY EASEMENTS, A TOTAL OF 0.13 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 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 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"

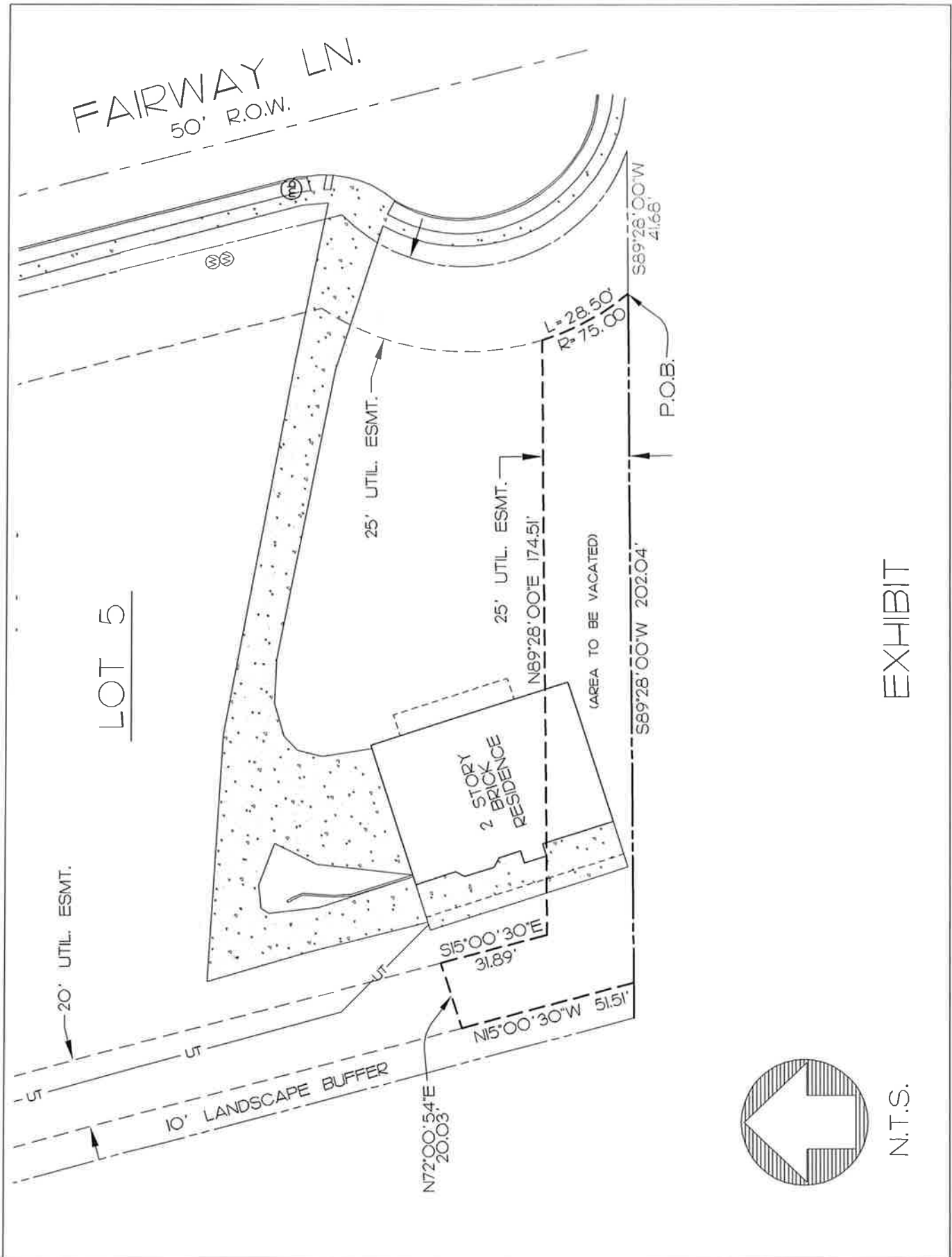


EXHIBIT "B"
VAC 13-4493

PART OF LOT 5 OF THE MASTERS SUBDIVISION, CITY OF FAYETTEVILLE,
WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY
DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE
SOUTH BOUNDARY LINE OF SAID LOT 5 S89°28'00"W 41.68 FEET TO THE POINT OF
BEGINNING; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY LINE
S89°28'00"W 202.04 FEET; THENCE LEAVING SAID SOUTH BOUNDARY LINE
N15°00'30"W 51.51 FEET; THENCE N72°00'54"E 20.03 FEET; THENCE S15°00'30"E 31.89
FEET; THENCE N89°28'00"E 174.51 FEET; THENCE ALONG A CURVE TO THE LEFT,
SAID CURVE HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 28.50 FEET, A
CENTRAL ANGLE OF 21°46'25", AND A CHORD BEARING AND DISTANCE OF
S28°35'41"E 28.33 FEET TO THE POINT OF BEGINNING, CONTAINING 5,515.39
SQUARE FEET OR 0.13 ACRES, MORE OR LESS.



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: Jesse Fulcher, Current Planner
 THRU: Jeremy Pate, Development Services Director
 DATE: ~~October 14, 2013~~ Updated October 16, 2013

VAC 13-4493: Vacation (491 E. FAIRWAY LN./JARRETT, 680): Submitted by GRAY ROCK, LLC for property located at 491 EAST FAIRWAY LANE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains a total of 1.15 acres. The request is to vacate a utility easement. Planner: Jesse Fulcher

Findings:

Property Description & Background: The property is located at 491 E. Fairway Lane in the Masters Subdivision on the east side of the Fayetteville Country Club. The property is developed with a single-family residence that was constructed in 2005. A recently completed survey indicates that the home is located within a 25 foot utility easement along the south property. Surrounding land uses are listed in *Table 1*.

**Table 1
 Surrounding Land Use/Zoning**

Direction from Site	Land Use	Zoning
North and East	Residential Single-family	RSF-4
South	Undeveloped	RSF-4
West	Golf Course	RSF-4

Request: The applicant's request is to vacate a 25 foot utility easement on the south property line and a portion of a 20 foot utility easement on the west property line (exhibit attached).

Easement Vacation Approval: The applicant has submitted the required easement vacation forms to adjacent property owners and all utility companies with no objections.

UTILITIES

RESPONSE

Ozarks Electric

N/A

Cox Communications

No Objections

AEP/SWEPCO No Objections

Source Gas No Objections

AT&T No Objections

CITY OF FAYETTEVILLE: **RESPONSE**

Water/Sewer No Objections

Transportation No Objections

Solid Waste N/A

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding VAC 13-4493 to the City Council with a recommendation for approval.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: Forwarded Denied Tabled

Date: October 14, 2013

Motion: Winston

Second: Chesser

Vote: 9-0-0

Notes:



GRAY ROCK, LLC.
Civil Engineering and Landscape Architecture
5204 Village Parkway, Suite 11 PMB #111
Rogers, AR 72758 479.966.4413

October 8, 2013

Jesse Fulcher
City of Fayetteville Planning Department
Fayetteville, AR 72701

**Re: Calvin Jarrett Utility Vacation
Fayetteville, AR**

Jesse,

Calvin Jarrett proposes to vacate the utility easement on his southern property line due to the house being accidentally built within the utility easement. He also proposes to vacate a portion of the western utility easement directly behind the residence. The western vacation is requested so that a swimming pool can be constructed in that area. In both instances, there are no existing utilities and all utility companies have agreed to the proposed utility vacations.

Thank you,

A handwritten signature in cursive script, appearing to read 'M. Dirk Thibodaux'.

M. Dirk Thibodaux, ASLA, PLA
Gray Rock, LLC

PETITION TO VACATE AN (easement) LOCATED IN (lot 5, The Masters Subdivision), 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 easement hereinafter sought to be abandoned and vacated, lying in lot 5, The Masters Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

(Legal Description to be vacated)

That the abutting real estate affected by said abandonment of the easement are lot 5, The Masters Subdivision, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements 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.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility 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 to be free from the easements of the public for the use of said alley.

Dated the 3rd day of September, 2013.

Jarrett

Calvin Jarrett

Calvin Jarrett

Signature

Planning/Sidewalk Requirements – Check List

Site Address: 491 E Fairway Ln Date Received: 1/28/05

1. A/P #: 14904 Setbacks: N. 7.5 S. 25 E. 25 W. 30

2. Go into Arc Map to retrieve the following info:

- Zoning ~~RSF-4~~ RSF-4
- Plat Page 680
- Parcel Number 765-15323-000
- Section/Township/Range 27-16-30
- Subdivision/Phase MASTERS
- Lot and Block 005
- Transportation Zone (TAZ) 5024

601-2503
 Raymond

3. Pull Plat – Look for utility easements, setbacks and sidewalk;

- Does it match final plat? Y N
- Is Property in the Floodplain? Y N
- Measure Site Plan – Does it Scale? Y N
- Is street shown on the Site Plan? Y N
- Are setbacks and Easements marked? Y N
- Setback meet min. and are measured from property line to the overhangs
 Y N
- Sidewalk Required Y N
- Sidewalk Measurements _____
- When sidewalk is located on a corner lot, allow 20' for each radius on each sidewalk length, Each radius = 40'

4. Check Height Limit: (No height limit in RSF-4)

- Over 20' Y N
- Setback an additional 1' for each foot over 20'

5. Curb Cuts

- Minimum of 5' off side of property line. Y N
- Min. of 40' from intersections (corner lot) Y N

Enter required info into Hansen on the 1 – 2 Family Info Tab.

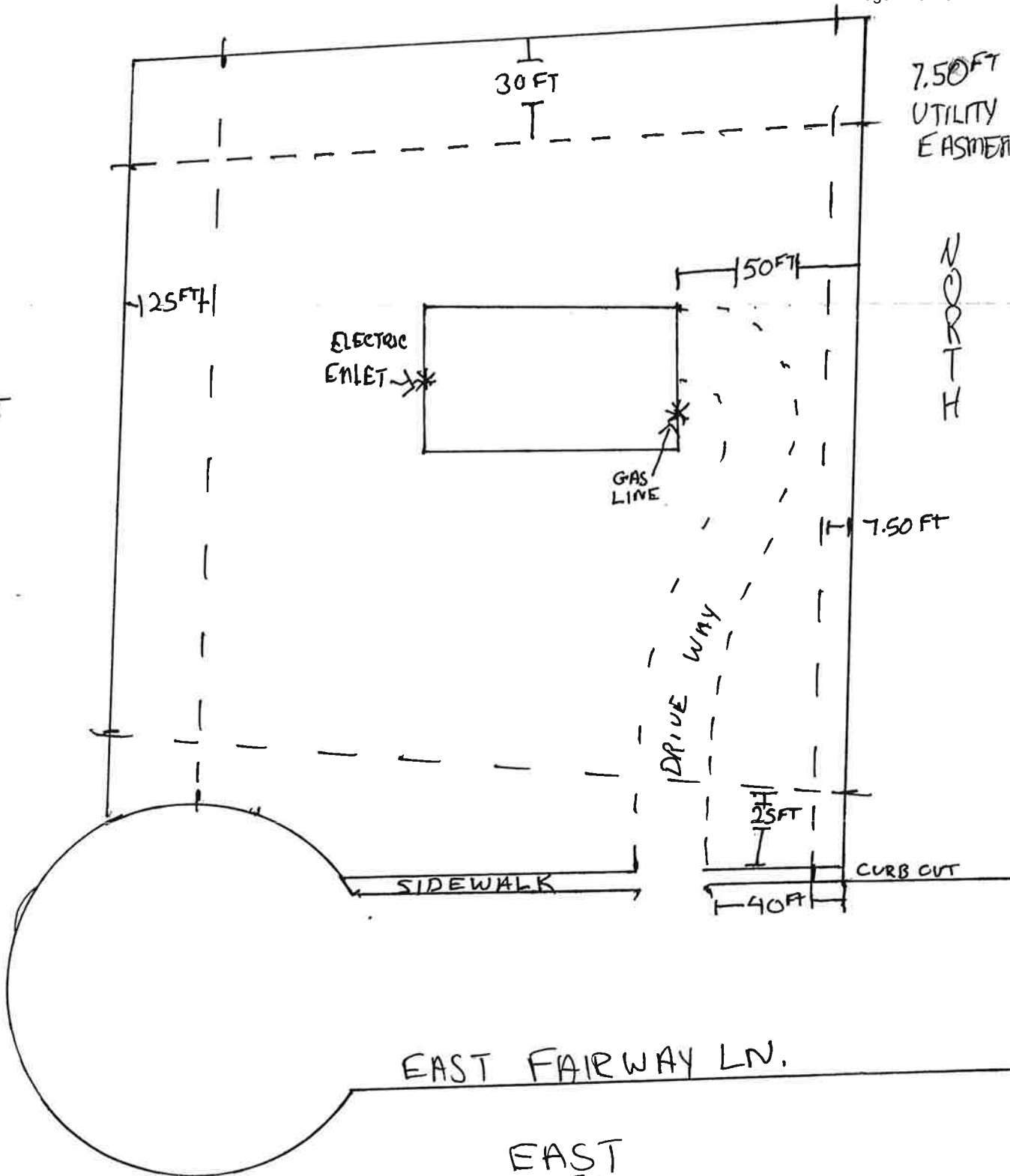
10^{FT} LANDSCAPE EASM. WEST
20^{FT} UTILITY EASMENT.

new plan

SOUTH
25^{FT}
UTILITY
EASMENT

7.50^{FT}
UTILITY
EASMENT

N
O
R
T
H



491 EAST
FAIRWAY LN.

EAST
25^{FT}
UTILITY
EASMENT

1" = 40^{FT}

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

DATE: September 3, 2013

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Calvin B. Jarrett APPLICANT PHONE: 479-957-1831
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**)

** 491 East Fairway Lane, Fayetteville, AR 72701

(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.)

No objections provided the following conditions are met:

Any damage to or relocation of existing facilities will be at the owners/develops expense.

Chad A. [Signature]
Signature of Utility Company Representative

Construction Planner III
Title

UTILITY APPROVAL FORM

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

DATE: September 3, 2013

UTILITY COMPANY: AEP / SWEPCO

APPLICANT NAME: Calvin B. Jarrett APPLICANT PHONE: 419-957-1831
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**)

** 491 East Fairway Lane, Fayetteville, AR 72701
(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.)

- No objections provided the following conditions are met:

Calvin B. Jarrett
Signature of Utility Company Representative

Distribution Engineer
Title

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

DATE: September 3, 2013

UTILITY COMPANY: Arkansas Western Gas

APPLICANT NAME: Calvin B. Jarrett APPLICANT PHONE: 479-957-1831
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)**

** 491 East Fairway Lane, Fayetteville, AR 72701
(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.)

- No objections provided the following conditions are met:



Signature of Utility Company Representative

Division Manager
Title

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

DATE: September 3, 2013

UTILITY COMPANY: AT&T

APPLICANT NAME: Calvin B. Jarrett APPLICANT PHONE: 419-957-1831
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**)

** 491 East Fairway Lane, Fayetteville, AR 72701

(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.)

No objections provided the following conditions are met:

DAMAGE TO OR RELOCATION OF ANY EXISTING AT&T/SWBT
FACILITIES WILL BE AT THE LAND 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: September 3, 2013

UTILITY COMPANY: Fayetteville Water & Sewer

APPLICANT NAME: Calvin B. Jarrett APPLICANT PHONE: 479-957-1831
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**)

** 491 East Fairway Lane, Fayetteville, AR 72701

(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.)

- No objections provided the following conditions are met:

Shannon Jones
Signature of Utility Company Representative

Utilities Engineer
Title

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

DATE: September 3, 2013

UTILITY COMPANY: Fayetteville Transportation

APPLICANT NAME: Calvin B. Jarrett APPLICANT PHONE: 479-957-1831
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**)

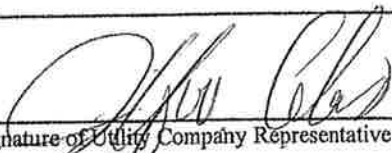
** 491 East Fairway Lane, Fayetteville, AR 72701

(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.)

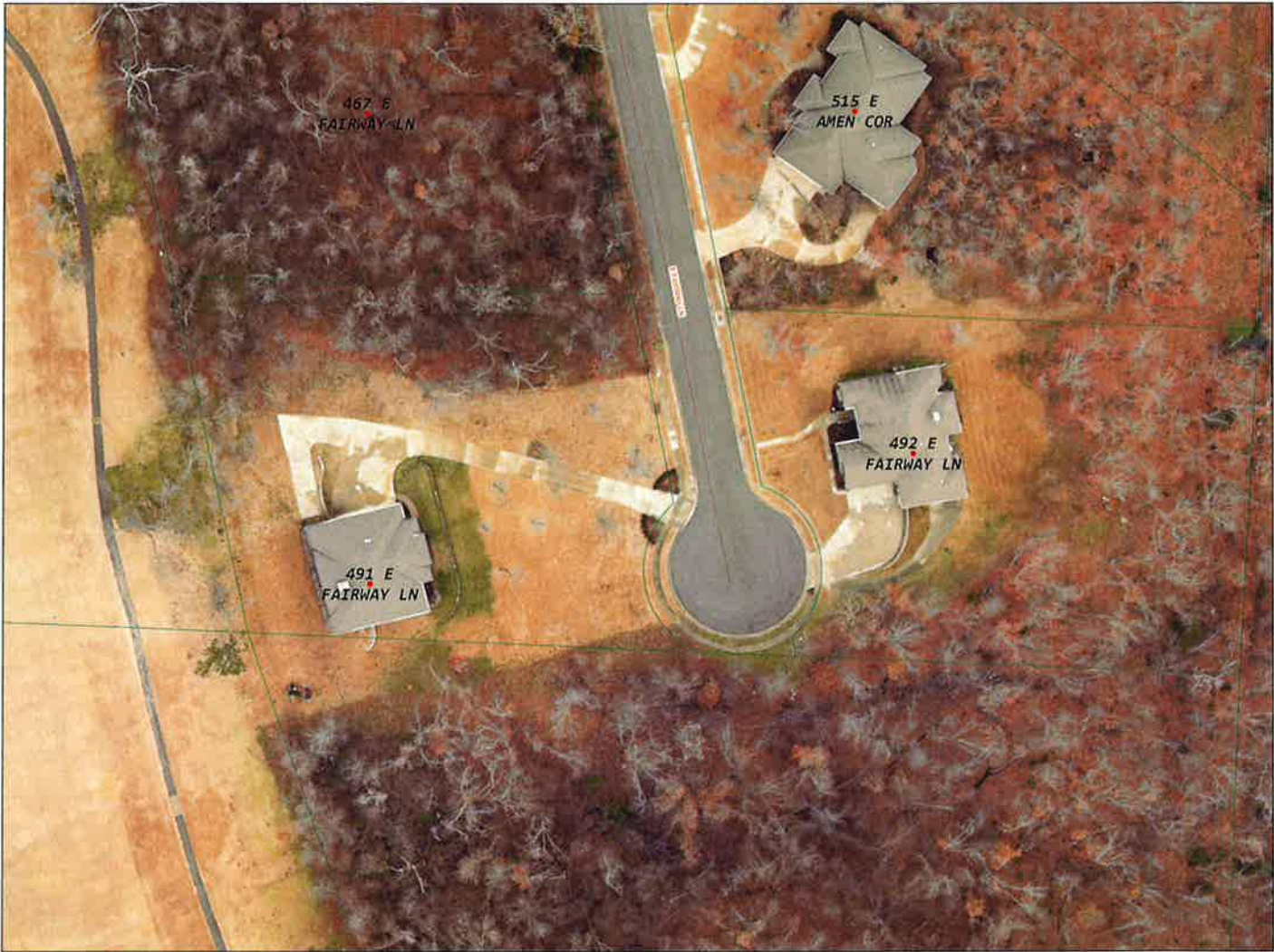
- No objections provided the following conditions are met:



Signature of Utility Company Representative

ASSISTANT TRANSPORTATION MANAGER

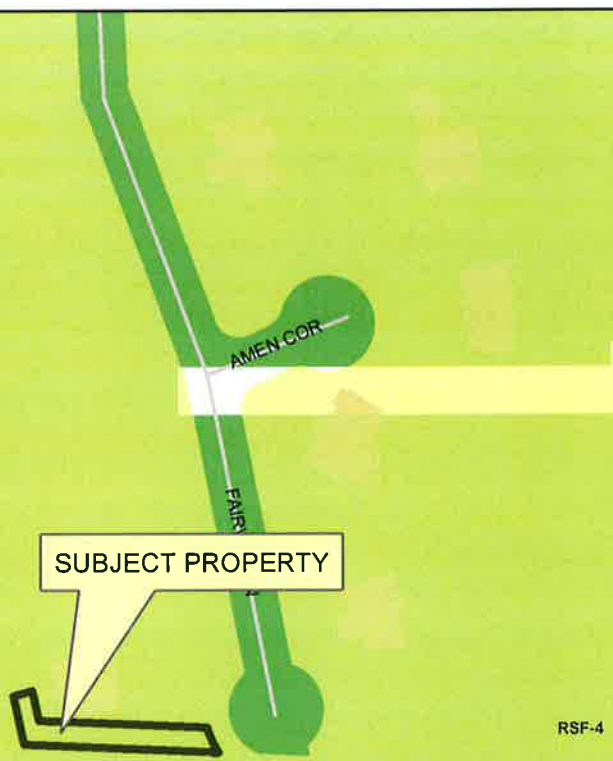
Title



VAC13-4493

JARRETT

Close Up View



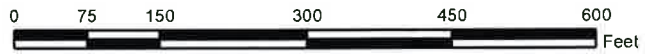
Legend

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

Overview

VAC13-4493

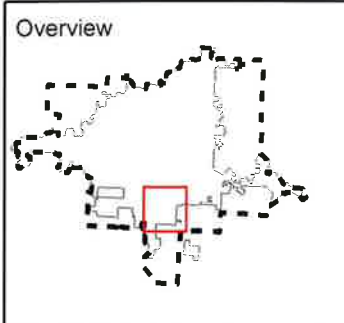
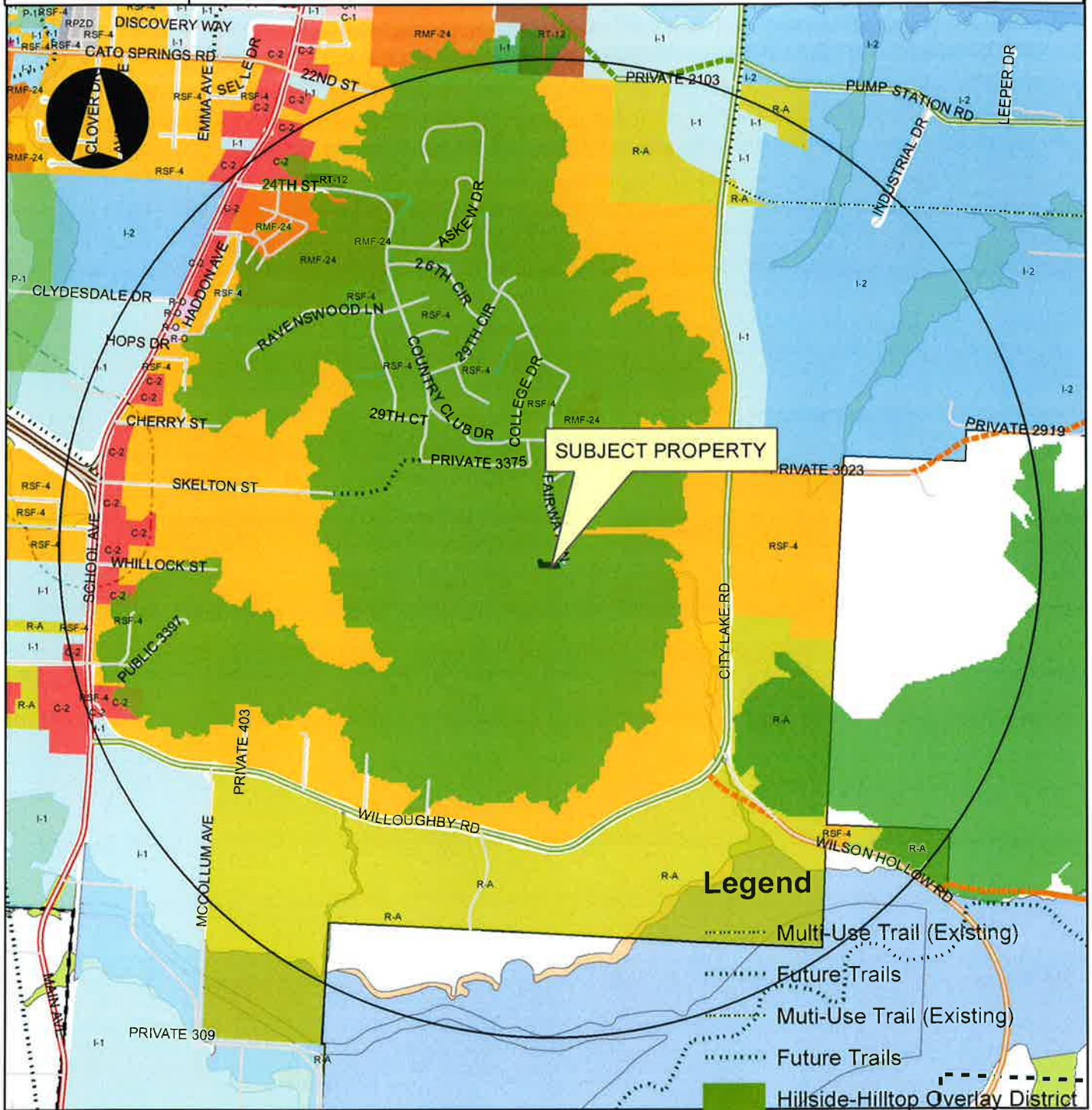
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



VAC13-4493

JARRETT

One Mile View



<p>Legend</p> <p>Subject Property</p> <p>VAC13-4493</p> <p>Boundary</p>	<p>VAC13-4493</p> <p>Design Overlay District</p> <p>Planning Area</p> <p>Fayetteville</p>
<p>0 0.25 0.5 1</p> <p>Miles</p>	