

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 13-4501: Vacation (3466 E. JASPER LN./KINNEY, 061): Submitted by ERIC HELLER for property located at 3466 EAST JASPER LANE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.32 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

[Signature]
Department Director 10-17-2013
Date

Previous Ordinance or Resolution # _____

[Signature] (typo in title)
City Attorney 10-18-13
Date

Original Contract Date: _____

Original Contract Number: _____

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

Received in City Clerk's Office 10-13-13 11:01 RCVD
[Signature]

[Signature]
Chief of Staff 10-18-13
Date

Received in Mayor's Office
ENTERED 10/18/13
[Signature]

[Signature]
Mayor 10/20/13
Date

Comments:

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 13-4501 (3466 JASPER LANE/KINNEY)

RECOMMENDATION

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

BACKGROUND

The property is located at 3466 E. Jasper Lane in the Copper Creek Subdivision. The property is developed with a single-family residence. There are two separate easements between the home and the north property line; a 15 foot drainage easement and then a 15 foot general utility easement.

The applicant's request is to vacate a portion of the existing 15 foot drainage easement.

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 13-4501 SUBMITTED BY ERIC HELLER FOR PROPERTY LOCATED AT 3466 EAST JASPER LANE, TO VACATE A PORTION OF A DRAINAGE EASEMENT, A TOTAL OF 750 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 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"



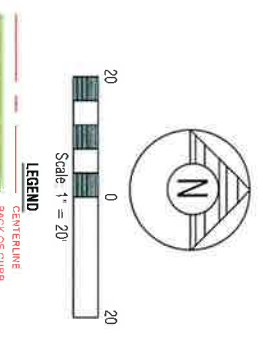
LOT 14
0.32 AC. +/-
13,982 SQ FT

A PART OF LOT FOURTEEN (14) OF THE COPPER CREEK SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT THAT IS S89°42'42\"/>

15 X 50.0 FEET DRAINAGE EASEMENT VACATION

- OWNER/DEVELOPER
765-22449-000
3466 E JASPER LN
LOT 14 COPPER CREEK SUBDIVISION
FAYETTEVILLE, AR
- LEGAL DESCRIPTION:
LOT 14 OF THE COPPER CREEK SUBDIVISION, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.
- EXISTING UTILITY EASEMENTS
20' FRONT BOTH STREETS
15' UTILITY ALONG NORTH
15' DRAINAGE ADJACENT TO SAID NORTH
- CURRENT RSF - 4 BUILDING SETBACKS
FRONT 15'
SIDE 5'
REAR 10'

OWNER/DEVELOPER
765-22449-000
3466 E JASPER LN
LOT 14 COPPER CREEK SUBDIVISION
FAYETTEVILLE, AR



- ① 765-22450-000 JACKSON, KEITH & LAURA
2590 E CARRAVATION CT
FAYETTEVILLE, AR 72703
- ② 765-24091-000 NONDCASTER VINEYARDS INC
1942 E BROOKHAVEN DR
FAYETTEVILLE, AR 72703
- ③ 765-22448-000 HANNAH, KEVIN & KIMBERLY
2604 RAVENSWOOD DR
JOHNSON, AR 72741
- ④ 765-22464-000 BAKER, RONALD GENE & ANN S
3487 E JASPER LN
SPRINGDALE, AR 72764
- ⑤ 765-22463-000 HUNNICUTT, DONALD B & CLAUDETTE S
4758 N RUNNING SPRINGS DR
FAYETTEVILLE, AR 72701-3452
- ⑥ 765-22462-000 BIRCH, SCOTT W & CANDY E
3427 E JASPER LN
FAYETTEVILLE, AR 72703

DRAINAGE EASEMENT VACATION
FOR
KINNEY, REGINALD L & JACQUELINE
SCALE: 1" = 20' DATE: 10/08/13
JOB No: 13-09-04 DRAWN BY: ETH

EXHIBIT "B"
VAC 13-4501

A PART OF LOT FOURTEEN (14) OF THE COPPER CREEK SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS S89°42'42"E 20.00 FEET AND S00°17'18"W 15.0 FEET FROM THE NORTHWEST CORNER OF SAID LOT FOURTEEN (14); THENCE S89°42'42"E 50.0' FEET; THENCE S00°17'18"W 15.0 FEET; THENCE N89°42'42"W 50.0 FEET; THENCE N00°17'18"E 15.0 FEET TO THE POINT OF BEGINNING; CONTAINING 750.0 SQ FT, MORE OR LESS.

October 9, 2013

City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: 3466 Jasper Ln
Drainage Easement Vacation

To whom it may concern,

Jacqueline & Reginald Kinney as owners of Lot 14 of Copper Creek Subdivision located at 3466 Jasper Ln. would like to vacate a 15' x 50' drainage easement. The reason for this vacating is to create a small tool shed for storage.

Reasoning for approval are

1. This meets all current building setback regulations
2. As a drainage easement this would affect storm water runoff, the vacating of this easement affects no adjacent owners in any harmful way. As we are a corner lot at the crest of a knoll.

We so no reasons to not allow us to vacate this easement.

Thank you for your consideration,

Jacqueline & Reginald Kinney

PETITION TO VACATE 15' x 24' DRAINAGE EASEMENT LOCATED ON LOT 14 OF THE COPPER CREEK SUBDIVISION, IN THE CITY OF FAYETTEVILLE, ARKANSAS

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

FROM: Kinney, Reginald & Jacqueline, current owners & residents of Lot 14 of Copper Creek Subdivision.

We, the undersigned, being all the owners of the real estate herein after seek to abandon and vacate a portion of an existing 15 foot wide drainage easement located within Lot 14 of the Copper Creek Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said drainage easement is described as follows:

**15' X 23.6' DRAINAGE
EASEMENT VACATION**

**A PART OF LOT FOURTEEN (14) OF THE COPPER CREEK SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT THAT IS S89°42'42"E 20.00 FEET AND S00°17'18"W 15.0 FEET FROM THE NORTHWEST CORNER OF SAID LOT FOURTEEN (14); THENCE S89°42'42"E 23.60 FEET; THENCE S00°17'18"W 15.0 FEET; THENCE N89°42'42"E 23.60 FEET; THENCE N00°17'18"E 15.0 FEET TO THE POINT OF BEGINNING; CONTAINING 354.0 SQ FT, MORE OR LESS.**

Reasons for vacating is to add an addition to our current garage, listed below are our reasons for acceptance.

1. Doesn't affect any adjacent lots
2. The lot is in a unique location at the top of a hill, @ the Northeast corner of an intersection so there is no water draining through the vacated area. Please see attached map.
3. The remaining 20' utility easement is still greater than the current RSF-4 ZONING regulations.

That the abutting real estate affected by said abandonment of said 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 drainage easement.

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

OWNERS

DATE

OWNERS

DATE

15 X 50.0 FEET DRAINAGE
EASEMENT VACATION

A PART OF LOT FOURTEEN (14) OF THE COPPER CREEK SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LOT 14
 0.32 AC. +/-
 13,982 SQ FT

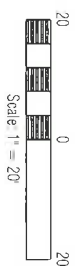
OWNER/DEVELOPER
 765-22449-000
 3466 E JASPER LN
 LOT 14 COPPER CREEK SUBDIVISION
 FAYETTEVILLE, AR

LEGAL DESCRIPTION:
 LOT 14 OF THE COPPER CREEK
 SUBDIVISION, TO THE CITY OF
 FAYETTEVILLE, WASHINGTON COUNTY,
 ARKANSAS.

EXISTING UTILITY EASEMENTS:
 20' FRONT BOTH STREETS
 15' UTILITY ALONG NORTH
 15' DRAINAGE ADJACENT TO SAID NORTH
 CURRENT RSF-4 BUILDING SETBACKS
 FRONT 15'
 SIDE 5'
 REAR 10'

15 X 50.0 FEET DRAINAGE
 EASEMENT VACATION

A PART OF LOT FOURTEEN (14) OF THE COPPER CREEK SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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LEGEND

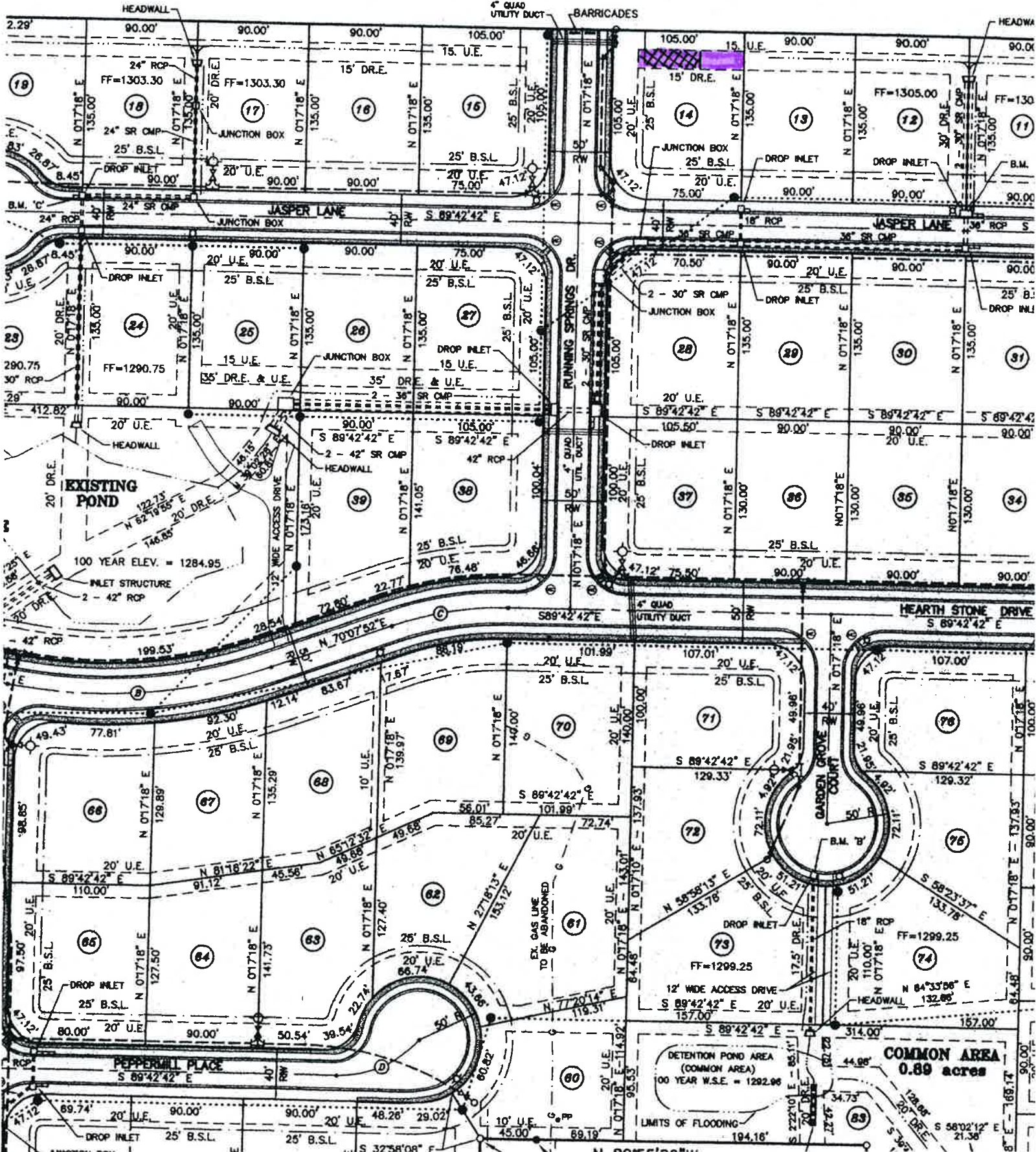
| | |
|--|---------------------------|
| | CONTRIBUTOR |
| | BACKSAP COURSE |
| | BOUNDARY LINE |
| | EXISTING EASEMENT |
| | EX-BUILDING SETBACK LINE |
| | SHARPER EASEMENT LINE |
| | HENCE LINE |
| | DRAINAGE PATH |
| | VACATED DRAINAGE EASEMENT |

- ① 765-22450-000 JACKSON, KEITH & LAURA
2990 E CARNATION CT
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- ② 765-24091-000 NONONASTER VINEYARDS INC
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FAYETTEVILLE, AR 72703
- ③ 765-22448-000 HANNAH, KEVIN & KIMBRLY
2604 RAVENSWOOD DR
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- ④ 765-22464-000 BAKER, RONALD GENE & ANN S
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4758 N RUNNING SPRINGS DR
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- ⑥ 765-22462-000 BROOK, SCOTT W & CANDY E
3427 E JASPER LN
FAYETTEVILLE, AR 72703

DRAINAGE EASEMENT VACATION
 FOR
KINNEY, REGINALD L & JACQUELINE
 SCALE: 1" = 20' DATE: 10/08/13
 JOB No. 13-09-04 DRWN BY: ETH



S 89°42'42" E - 1321.45'



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

DATE: 9-27-13

UTILITY COMPANY: City of Fayetteville (Transportation)

APPLICANT NAME: _____ APPLICANT PHONE: _____

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**)

**

(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:

Terry Z. Gullett
Signature of Utility Company Representative

Transportation Director
Title

VAC13-4501

KINNEY

Close Up View



SUBJECT PROPERTY



RUNNING SPRINGS DR

JASPER LN

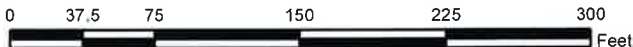
RSF-4

Legend

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

Overview VAC13-4501

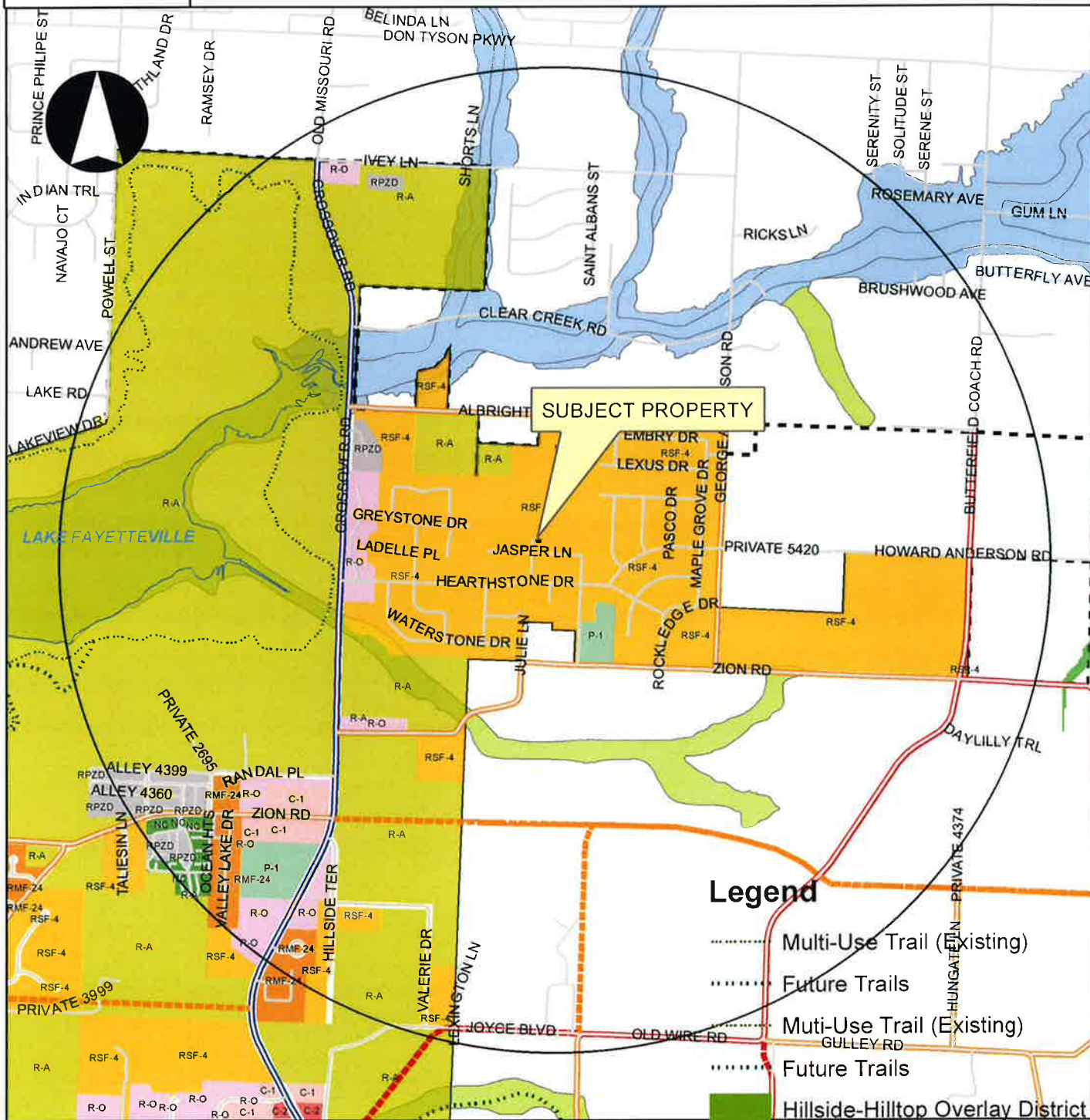
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



VAC13-4501

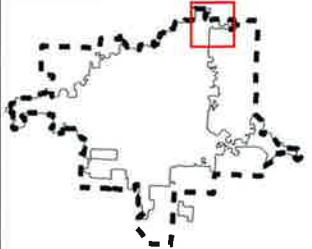
KINNEY

One Mile View



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

Overview



Legend

- Subject Property
- VAC13-4501

Boundary

- VAC13-4501
- Design Overlay District
- Planning Area
- Fayetteville

