

City of Fayetteville Item Review Form

2013-0196

Legistar File Number

12-17-2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

VAC 13-4533: Vacation (2732 & 2734 WILDWOOD/LEGACY, 363): Submitted by BATES & ASSOCIATES for property located at the 2732 & 2734 WILDWOOD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 1.15 acre. The request is to vacate a utility and drainage easement.

Does this item have a cost? No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date \$0.00	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

11-27-13 4:09:18 PM RCVD

[Signature]
Paul A. Baker

[Signature]
11/27/13

[Signature]
Nov 27, 2013



[Signature]
12/2/13

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: November 26, 2013

Subject: VAC 13-4533 Vacation (Drainage and General Utility Easement/Wildwood Drive)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a drainage and general utility easement near Wildwood Drive.

BACKGROUND

The property was originally platted as Lot 6 in the Pine Valley Sub-division. Multiple attempts to develop the property have been abandoned in recent years by different developers, including a multi-family residential project, a replat, a lot split, and a pair of variance requests, since 2000. A lot split was approved earlier this year (PLA_LSP 13-4388,) dividing the property into three building lots. There is an existing 16' drainage and general utility easement platted on the property that remains from a previous attempt to develop the property. The easement is no longer required under the current development proposal.

The applicant requests that this existing 16' drainage and general utility easement be vacated.

DISCUSSION

On November 25, 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 13-4533 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT 2732 AND 2734 WILDWOOD TO VACATE A UTILITY AND DRAINAGE EASEMENT.

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 and 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 utility and 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:

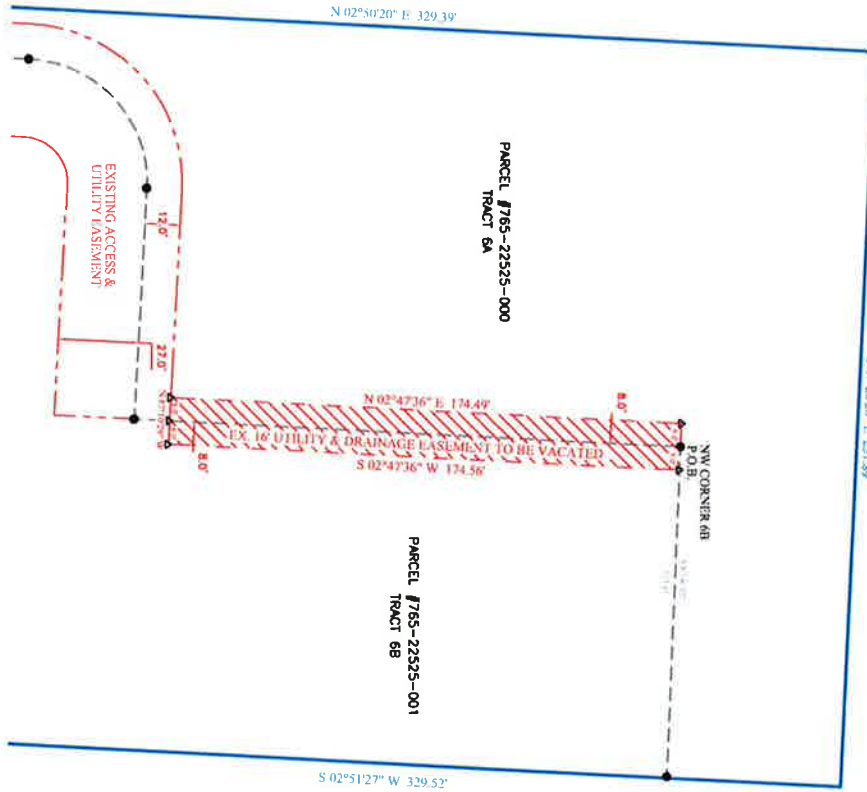
By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

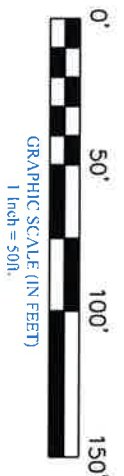


EASEMENT VACATION EXHIBIT



PORTION TO BE VACATED:

A PART OF LOT 6A AND 6B OF THE REPLAT (PLAT BOOK 23 AT PAGE 911) OF LOT 6, PINE VALLEY, PHASE 1, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 12 AT PAGE 88, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 6B AND RUNNING THENCE S87°41'43\"/>



LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING

	BOUNDARY LINE
	PARCEL LINE (EXISTING)
	UTILITY & DRAINAGE EASEMENT
	ACCESS & UTILITY EASEMENT
	FOUND REBAR
	COMPUTED POINT

FOR USE AND BENEFIT OF:

LEGACY VENTURES

ADDRESS:
**CITY OF FAYETTEVILLE
 WASHINGTON COUNTY, ARKANSAS**

DATE: 10/15/13	SCALE: 1" = 50'
LOCATION: PINE VALLEY ADDITION	SURVEYED: XX DRAFTED: DT
	REVIEWED: DT

Bates & Associates, Inc.
 Civil Engineering - Land Surveying - Landscape Architecture

91 W. Colt Square Dr., Fayetteville, Arkansas 72703 • 479.442.9350 • Fax 479.521.9350

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 This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is provided by copyright. No use including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation of the accuracy of record, encroachments, restrictive covenants, ownership title, easements, or any other fact which a complete and accurate title search may disclose. Any flood information provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

DRAWING# 13-095

EXHIBIT "B"
VAC 13-4533

PORTION TO BE VACATED:

APART OF LOT 6A AND 6B OF THE REPLAT (PLAT BOOK 23 AT PAGE 91) OF LOT 6, PINE VALLEY, PHASE I, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 12 AT PAGE 88, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 6B AND RUNNING THENCE S87°41'43"E 8.00', THENCE S02°47'36"W 174.56', THENCE N87°10'29"W 16.00', THENCE N02°47'36"E 174.49', THENCE S87°41'43"E 8.00' TO THE POINT OF BEGINNING.



PC Meeting of November 25, 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: Quin Thompson, Current Planner
 THRU: Andrew Garner, City Planning Director
 DATE: ~~November 19, 2013~~ **UPDATED 11-26-2013**

VAC 13-4533: Vacation (2732 & 2734 WILDWOOD/LEGACY, 363): Submitted by BATES & ASSOCIATES for property located at the 2732 & 2734 WILDWOOD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 1.9 acres. The request is to vacate a utility and drainage easements.
 Planner: Quin Thompson

Findings:

Background: The property was originally platted as Lot 6 in the Pine Valley Sub-division. Multiple attempts to develop the property have been abandoned in recent years by different developers, including a multi-family residential project, a replat, a lot split, and a pair of variance requests, since 2000. A lot split was approved earlier this year (PLA_LSP 13-4388), dividing the property into three building lots.

Property Description: The subject property is located at 2732 W. Wildwood Drive, is currently zoned RMF-24, Residential Multi-family, and contains approximately 1.9 acres. A substantial amount of the rear of the subject property lies within designated floodplain. The entire build-to-zone (front) of all three lots is encompassed with a 27-foot utility easement adjacent to the street and a substantial portion of two of the lots is protected by an existing tree preservation easement. Surrounding land use is depicted below in Table 1.

**Table 1
 Surrounding Land Use/Zoning**

Direction from Site	Land Use	Zoning
North	Undeveloped	RSF-4, Single-Family Residential, 4 Units per Acre
South	Residential	RMF-24, Multi-Family Residential
East	Industrial	I-1, Heavy Commercial-Light Industrial
West	Residential	RMF-24, Multi-Family Residential

Request: The applicant's request is to vacate a general utility and drainage easement as shown in the submitted exhibit.

Easement Vacation Approval: The applicant has submitted the required right-of-way vacation forms to the City Utilities Departments, franchise utilities, and adjacent property owners with no objections., however no response has been provided from AT&T.

Public Comment: No public comment has been received.

Recommendation: The existing easement was made redundant by the lot split approved earlier this year where other easements for development were dedicated. Staff recommends forwarding VAC 13-4533 to the City Council with a recommendation for approval with the following conditions:

1. Any relocation or damage to any existing utility facilities shall be repaired at the property owner's expense.
2. The agenda request for this item will not be submitted until the applicant provides City Planning Staff the written permission form from AT&T.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: Forwarded Denied Tabled

Date: November 25, 2013

Motion: COOK

Second: CHESSER

Vote: 8-0-0

Notes: ON CONSENT

LEGACY VENTURES, LLC P.O. BOX 8216 FAYETTEVILLE, AR 72703

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

October 16, 2013

Fayetteville City Council and Fayetteville Planning Commission:

Please accept this letter as a petition to vacate the existing drainage and utility easement located between lots 6A and 6B in the Pine Valley Addition Phase V to the City of Fayetteville.

We currently own both lots abutting this drainage and utility easement and to my knowledge it is no longer needed with the proposed development strategy. We have received approval for a lot split/lot line adjustment and ultimately the construction of three duplex homes on the subject property of 1.91 acres. I have attached a survey showing the lot boundaries, as well as, our site plan illustrating the location and layout of the future improvements. The engineered site plan/grading plan takes into account all drainage in and around our planned improvements. Furthermore, there are no utilities currently located in this easement. We are proposing to vacate the existing easement; however, are dedicating another such easement approximately twenty feet to the east. The proposed easement is the same width but extends to the north approximately 30 feet further than the existing easement on record. The proposed easement will be dedicated when the lot split/lot line adjustment plat is filed. In the event of any future use or need for an easement in this location it will be available.

The easement we are seeking to be abandoned and vacated is more completely described as follows:

(Legal Description of area to be vacated)

The abutting real estate affected by said abandonment of the drainage and utility easement is limited to lots 6A and 6B in the Pine Valley Addition Phase V to the City of Fayetteville.

We respectfully request that the City of Fayetteville Planning Commission and City Council vacate the above described drainage and utility easement and allow it to be relocated to the east per the attached plat. This will allow us the opportunity to construct improvements consistent with the current development pattern in this area.

Thank you for consideration of our request.

Sincerely,



Tim Brisiel



Petition page 2 of 2

PORTION TO BE VACATED:

A PART OF LOT 6A AND 6B OF THE REPLAT (PLAT BOOK 23 AT PAGE 91) OF LOT 6, PINE VALLEY, PHASE 1, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 12 AT PAGE 88, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 6B AND RUNNING THENCE S87°41'43"E 8.00', THENCE S02°47'36"W 174.56', THENCE N87°10'29"W 16.00', THENCE N02°47'36"E 174.49', THENCE S87°41'43"E 8.00' TO THE POINT OF BEGINNING.

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

DATE: 10/16/2013

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE: 479-790-3315

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**)

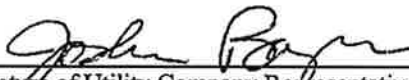
** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(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

Dist. Engineer
Title

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

DATE: 10/16/2013

UTILITY COMPANY: Source Gas

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE: 479-790-3315

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**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(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:

Brian A. Oanput
Signature of Utility Company Representative

SUPERVISOR - FAYETTEVILLE DIVISION
Title

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

DATE: 10/16/2013

UTILITY COMPANY: City of Fayetteville - Water and Sewer

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE: 479-790-3315

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

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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: 10-16-13

UTILITY COMPANY: Solid waste & Recycling

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

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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:

Brian Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

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

DATE: 10-16-13

UTILITY COMPANY: City of Fayetteville

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

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General location / Address (referring to attached document- must be completed**)

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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 J. Gully
Signature of Utility Company Representative

Transportation Services Director
Title

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

DATE: 10/16/2013

UTILITY COMPANY: Ozark Electric

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE: 479-790-3315

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**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(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:

Greg McGee
Signature of Utility Company Representative

Lead Staking Tech.
Title

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

DATE: 10/16/2013

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE 479-790-3315
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

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General location / Address (referring to attached document- must be completed**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(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/developers request.


Signature of Utility Company Representative

Construction Planner III NWA
Title

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

DATE: 10/16/2013

UTILITY COMPANY: AT&T

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE: 479-790-3315

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

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** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

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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 NEED TO RELOCATE OR ANY DAMAGE TO EXISTING
ATT/SWBT FACILITIES WILL BE AT THE OWNER/DEVELOPER'S
EXPENSE

Susan K. Clouser

Signature of Utility Company Representative

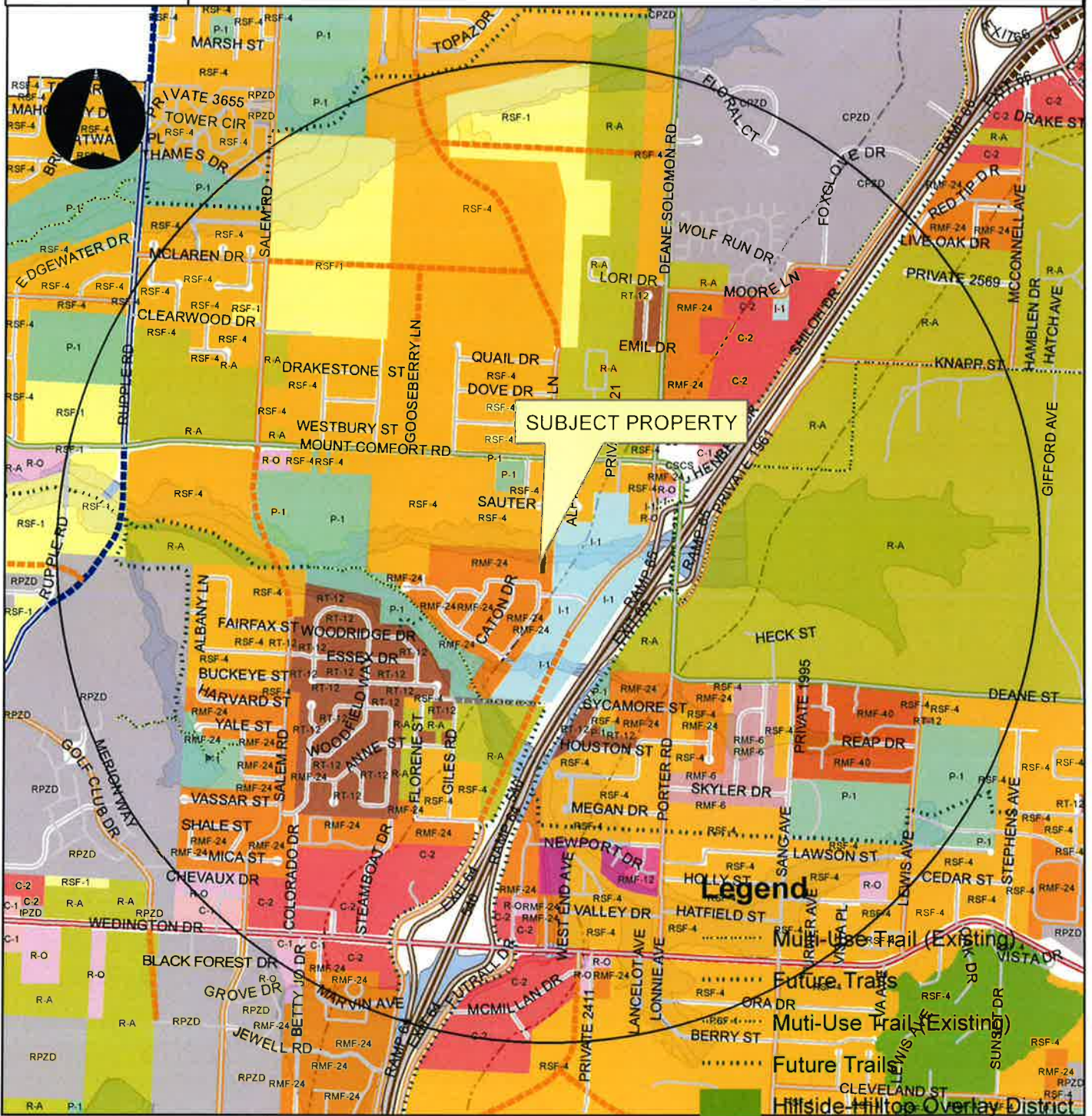
OSP DESIGN ENGINEER

Title

VAC13-4533

LEGACY

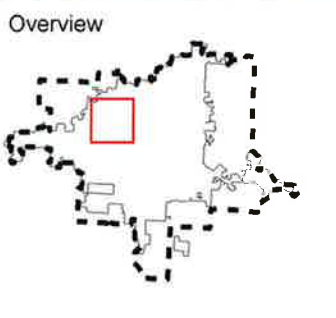
One Mile View



SUBJECT PROPERTY

Legend

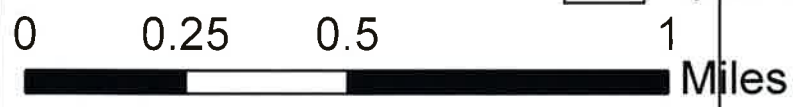
- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside Hilltop Overlay District



Legend

- Subject Property
- VAC13-4533
- Boundary

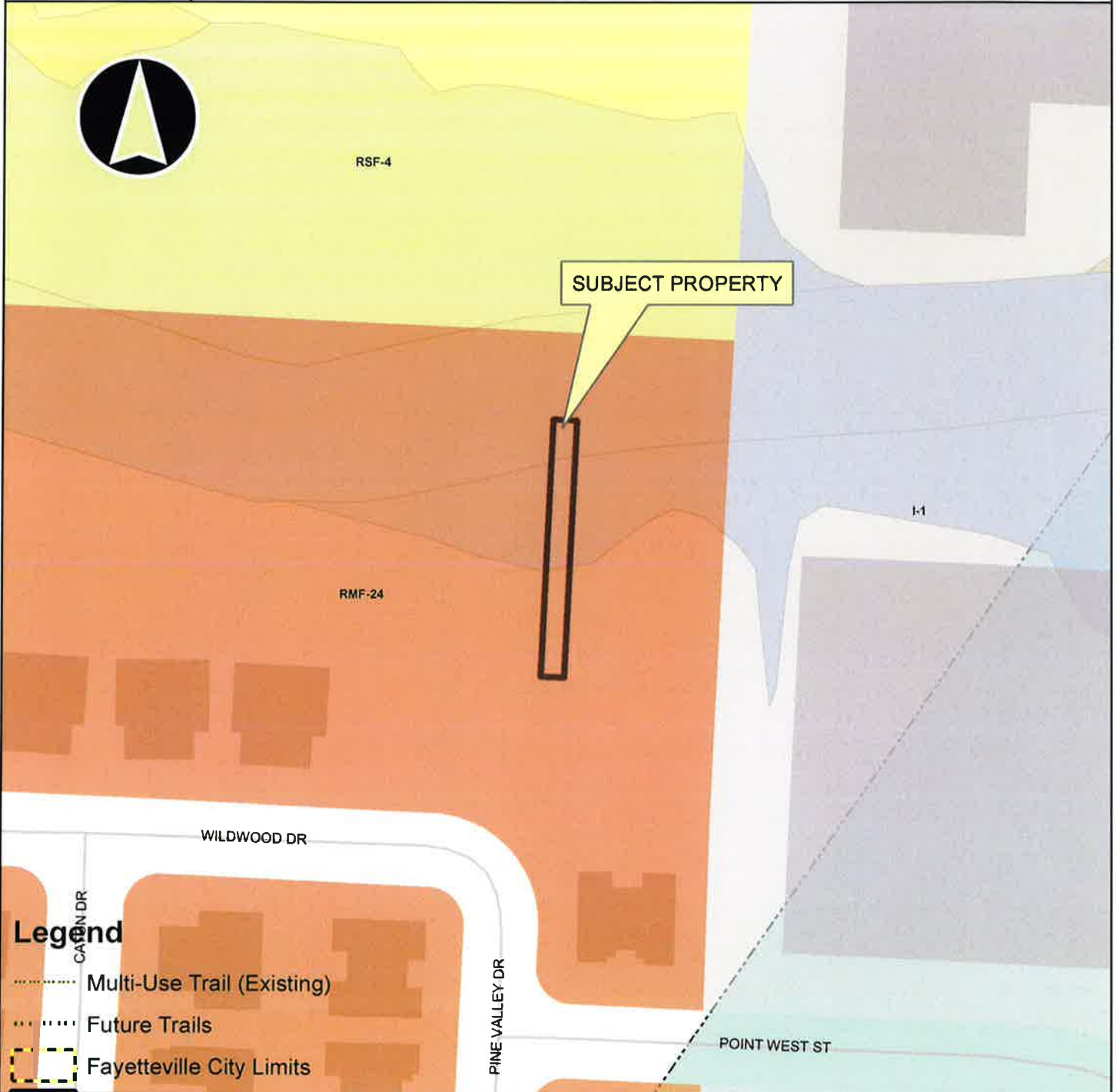
- VAC13-4533
- Design Overlay District
- Planning Area
- Fayetteville



VAC13-4533

LEGACY

Close Up View



Legend

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

Overview VAC13-4533

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

