

City of Fayetteville Item Review Form

2014-0025

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

VAC 13-4587: Vacation (1285 E. MILLSAP ROAD/CHRISTIAN LIFE CATHEDRAL, 213): Submitted by JORGENSEN AND ASSOCIATES for property located at 1285 E. MILLSAP ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 14 acres. The request is to vacate unconstructed right-of-way.

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	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

01-17-14 11:28 V20130812 RCVD

Previous Ordinance or Resolution # \_\_\_\_\_  
Original Contract Number: \_\_\_\_\_

Comments:

*dmw*  
*Ken* 1-17-14

ENTERED  
1-17-14  
QA

*MSCPA*  
*Paul a. Beck*  
*Paul a. Beck for Don Mann*  
*Timothy D. Johnson*

## CITY COUNCIL AGENDA MEMO

---

**To:** Mayor Jordan, City Council

**Thru:** Don Marr, Chief of Staff  
Andrew Garner, Director of Planning *amy*

**From:** Jesse Fulcher, Senior Planner

**Date:** January 16, 2014

**Subject:** VAC 13-4587: Vacation (1285 E. Millsap Road/Christian Life Cathedral)

---

### RECOMMENDATION:

The Planning Commission and Planning Division staff recommend approval of an ordinance to vacate unconstructed right-of-way for Millsap Road.

### BACKGROUND:

The subject property is located at the east end of Millsap Road and is developed with a church and parking lot. The church and the unconstructed right-of-way for Millsap Road date back to 1984 when Millsap Road only extended to Hemlock Street. At that time the church was approved to construct a new building and parking lot, subject to extending Millsap Road to their west property line. Additionally, right-of-way for the future extension of Millsap Road was required to the east property line (see attached). There is a small gap of property between the church property and Sussex that is a remnant piece of common area property for an adjacent development (Summerhill Subdivision).

Then in 1989, a second phase of development was approved for the church, and the City agreed to vacate the existing right-of-way, subject to the church dedicating right-of-way for Millsap Road along the north side of the property and providing a stub-out to the north and east (see attached).

Since that time, Brookhaven Subdivision was constructed to the east of the property, providing a stub-out for connectivity. Only a small section of this street (Sussex Drive) was constructed due to steep topography. No additional development has occurred on the church property and Millsap Road still ends at their west property line.

The applicant's request is to vacate the existing 50 foot right-of-way for Millsap Road. The church has plans to construct additional facilities, walking paths and parking areas on the east and northeast portions of the property. The current location of the Millsap Road right-of-way conflicts with these future plans.

### RECOMMENDATION:

City staff strongly supports street connectivity, especially in locations where there is a lack of east/west connections, which Millsap could provide. However, in this particular situation, extending Millsap Road approximately 1,500 feet and over a deep ravine is highly unlikely especially if you consider that the cost of this project would either be borne by the property owner or by the City of Fayetteville. Given that the church property has already seen two phases of development and has never been required to extend Millsap through the property, it is highly unlikely that any future development would warrant constructing a quarter of a mile of

street. It is also very unlikely that the City would dedicate Capital Improvement Funds or street bond money to a local street connection.

In staff's opinion there's also a more feasible option to increase connectivity in the area. Rather than connecting Millsap and Sussex, a shorter and less difficult connection would be to the north where Vantage Drive is proposed to be extended to connect to Sain Street. This would increase east/west connectivity and provide surrounding neighborhoods with convenient access to several surrounding major streets and commercial districts.

**DISCUSSION:**

On January 13, 2014 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 13-4587 SUBMITTED BY JORGENSEN AND ASSOCIATES FOR PROPERTY LOCATED AT 1285 EAST MILLSAP ROAD, TO VACATE UNCONSTRUCTED RIGHT-OF-WAY FOR MILLSAP ROAD, A TOTAL OF 1.58 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 right-of-way 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 right-of-way 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.

1. The right-of-way for Millsap Road shall remain until it crosses Private Drive 1285, which provides a private drive connection to Sain Street.
2. Any relocation or damage to utilities shall be at the owner/developer's expense.
3. A new water and sewer easement shall be dedicated over the existing water line with final approval required by the Utilities Department. This vacation is not valid until this easement is recorded.

**PASSED** and **APPROVED** this    day of    , 2014.

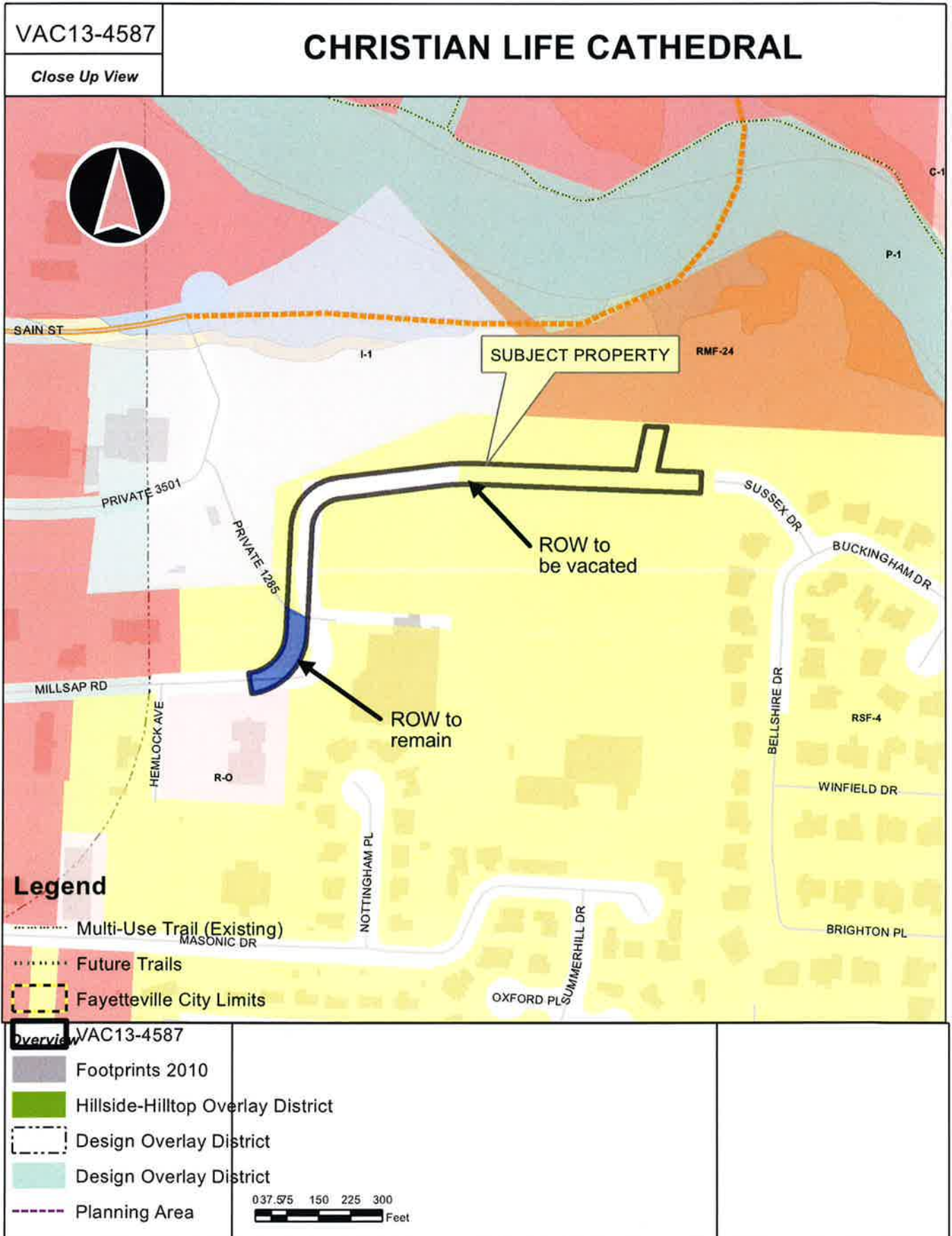
APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

# EXHIBIT "A"



**EXHIBIT "B"**  
**VAC 13-4587**

A 50' RIGHT OF WAY DEDICATED FOR RIGHT OF WAY PURPOSES AND BEING DESCRIBED AS FOLLOWS, PART OF THE NE 1/4, SE 1/4 OF SECTION 26 AND PART OF THE NW 1/4, SW 1/4 OF SECTION 25, T17N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE 1/4, SE 1/4 THENCE WEST 468.62 FEET, THENCE SOUTH 660.77 FEET TO THE P.O.B., WHICH IS ON THE CENTER OF SAID 50' RIGHT OF WAY, THENCE ALONG A CURVE TO THE LEFT 174.12 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING AND DISTANCE OF N39°54'19"E 160.38 FEET, THENCE NORTH 256.56 FEET, THENCE ALONG A CURVE TO THE RIGHT 139.63 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A CHORD BEARING AND DISTANCE OF N40°00'04"E 128.56 FEET, THENCE N80°00'00"E 244.73 FEET, THENCE ALONG A CURVE TO THE RIGHT 82.78 FEET, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CHORD BEARING AND DISTANCE OF N84°44'35"E 82.69 FEET, THENCE N89°29'09" 539.23 FEET TO THE END OF SAID RIGHT OF WAY. ALSO, A 50' RIGHT OF WAY TO THE NORTH BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE 1/4, SE 1/4 THENCE N89°29'09"E 467.88 FEET TO THE P.O.B., WHICH IS AT THE CENTER OF SAID 50' RIGHT OF WAY, THENCE S08°33'30"W 134.66 FEET TO THE INTERSECTION OF THE PREVIOUSLY DESCRIBED CENTER.



PC Meeting of January 13, 2014

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: Andrew Garner, City Planning Director  
 DATE: ~~January 3, 2014~~ Updated January 16, 2014

**VAC 13-4587: Vacation (1285 E. MILLSAP ROAD/CHRISTIAN LIFE CATHEDRAL, 213):** Submitted by JORGENSEN AND ASSOCIATES for property located at 1285 E. MILLSAP ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 14.00 acres. The request is to vacate unconstructed right-of-way for Millsap Road. Planner: Jesse Fulcher

**Findings:**

*Property and Background:* The subject property is located at the east end of Millsap Road and is developed with a church and parking lot. The church and the unconstructed right-of-way for Millsap Road date back to 1984 when Millsap Road only extended to Hemlock Street. At that time the church was approved to construct a new building and parking lot, subject to extending Millsap Road to their west property line. Additionally, right-of-way for the future extension of Millsap Road was required to the east property line (see attached). There is a small gap of property between the church property and Sussex that is a remnant piece of common area property for an adjacent development (Summerhill Subdivision).

Then in 1989, a second phase of development was approved for the church, and the City agreed to vacate the existing right-of-way, subject to the church dedicating right-of-way for Millsap Road along the north side of the property and providing a stub-out to the north and east (see attached).

Since that time, Brookhaven Subdivision was constructed to the east of the property, providing a stub-out for connectivity. Only a small section of this street (Sussex Drive) was constructed due to steep topography. No additional development has occurred on the church property and Millsap Road still ends at their west property line. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1  
 Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Undeveloped	I-1, Heavy Commercial/Light Industrial/RMF-24, Residential Multi-family
South	Residential/Summerhill Racquet Club	RSF-4, Residential Single-family
East	Residential	RSF-4, Residential Single-family
West	Office/Undeveloped	RSF-4, Residential Single-family



*Request:* The applicant's request is to vacate the existing 50 foot right-of-way for Millsap Road. The church has plans to construct additional facilities, walking paths and parking areas on the east and northeast portions of the property. The current location of the Millsap Road right-of-way conflicts with these future plans.

*Right-of-way Vacation Approval:* The applicant has submitted the required vacation forms to the City Utility Departments and applicable franchise utilities, with no objections. The area being vacated is surrounded entirely by property owned by the applicant, with the exception of a small sliver of undeveloped property between each right-of-way.

**UTILITIES**

**RESPONSE**

Cox Communications	No objections
Southwestern Electric Power Company	No objections
Source Gas	No objections
AT&T	No objections

**CITY OF FAYETTEVILLE:**

**RESPONSE**

Water/Sewer	No objections. Subject to retaining a 10 foot easement east of the existing water line.
Solid Waste	No objections

**Public Comment:** No public comment has been received.

**Recommendation:** City staff strongly supports street connectivity, especially in locations where there is a lack of east/west connections, which Millsap could provide. However, in this particular situation, extending Millsap Road approximately 1,500 feet and over a deep ravine is highly unlikely especially if you consider that the cost of this project would either be borne by the property owner or by the City of Fayetteville. Given that the church property has already seen two phases of development and has never been required to extend Millsap through the property, it is highly unlikely that any future development would warrant constructing a quarter of a mile of street. It is also very unlikely that the City would dedicate Capital Improvement Funds or street bond money to a local street connection.

In staff's opinion there's also a more feasible option to increase connectivity in the area. Rather than connecting Millsap and Sussex, a shorter and less difficult connection would be to the north where Vantage Drive is proposed to be extended to connect to Sain Street. This would increase east/west connectivity and provide surrounding neighborhoods with convenient access to several surrounding major streets and commercial districts.

Based on this information, staff recommends forwarding **VAC 13-4587** to the City Council with a recommendation for approval subject to the following conditions:

**Conditions of Approval:**

1. The existing right-of-way for Millsap Road shall remain until it crosses Private Drive 1285, which provides a private drive connection to Sain Street.
2. Any relocation or damage to utilities shall be at the owner/developer's expense.
3. A new water and sewer easement shall be dedicated over the existing water line with final approval required by the Utilities Department. This vacation is not valid until this easement is recorded.

---

**CITY COUNCIL ACTION: Required**

**PLANNING COMMISSION ACTION: Required**

**Planning Commission Action:             Forwarded    Denied    Tabled**

**Date: January 13, 2014**

**Motion: Cook**

**Second: Autry**

**Vote: 7-0-0**

**Notes:**

## PROJECT HISTORY



# FAYETTEVILLE, ARKANSAS

P. O. DRAWER F

72701

(501) 521-7700

November 9, 1984

Mr. Red Dixon  
Christian Life Center  
P. O. Box 1213  
Springdale, AR 72764

Re: Church at 1285 East Millsap Road

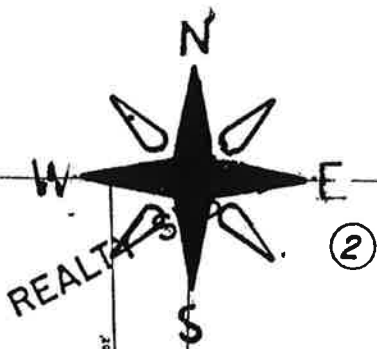
Dear Mr. Dixon:

The Planning Commission approved your conditional use request to construct a church at 1285 East Millsap Road on October 8, 1984. Please note that this approval is for a church only and does not include approval for any parochial school or child care facility, both of which are also conditional uses in this R-1, Low Density Residential District.

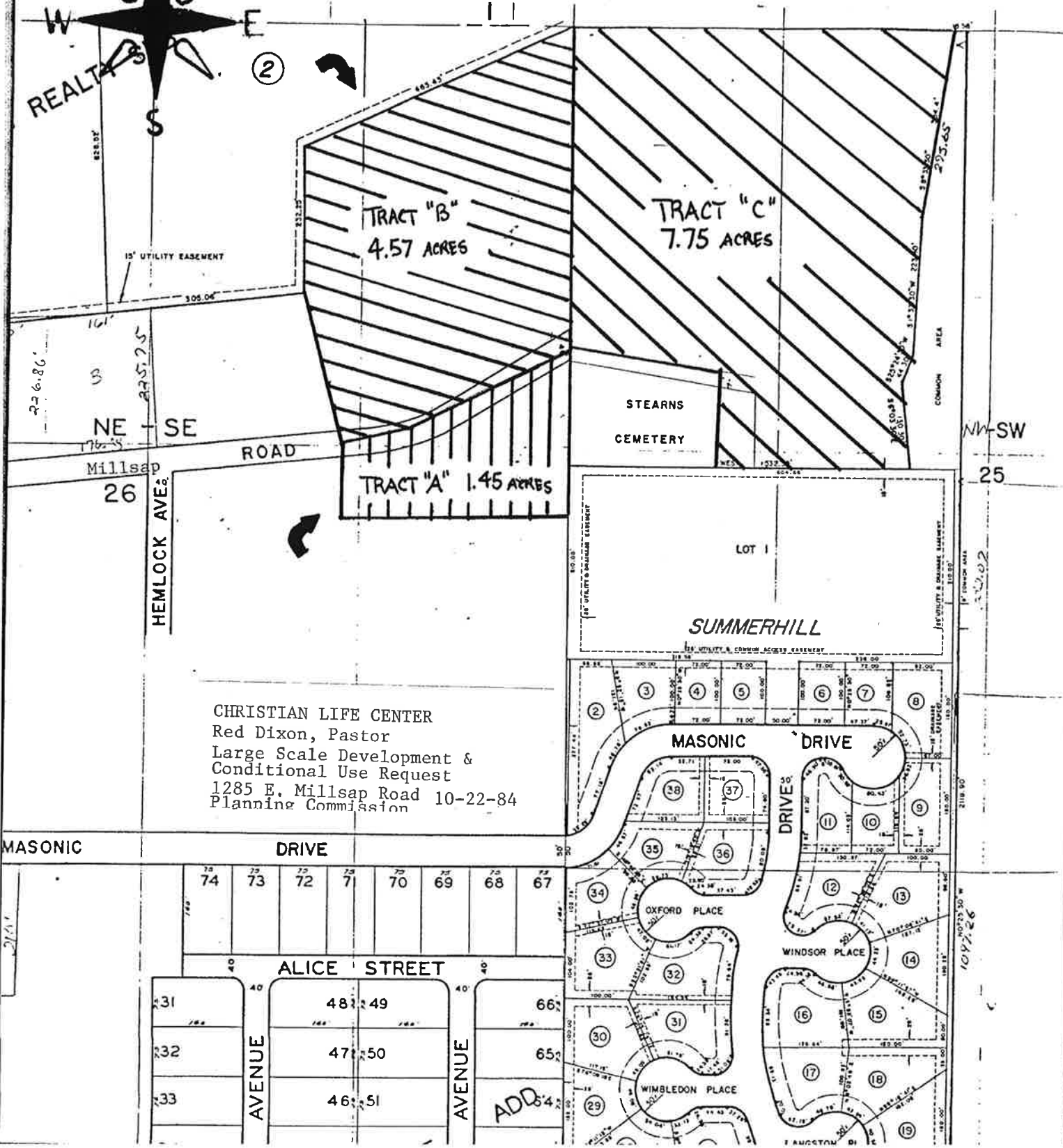
On October 22, 1984, the Planning Commission approved your large scale development plan for the construction of a church building conditioned upon:

1. Compliance with Plat Review Comments of September 20, 1984.
2. Installation of two 18-inch diameter drainage culverts across Millsap Road as shown on the plan.
3. Sewage disposal being taken care of in one of two ways:
  - a. By a septic tank and leach field approved by the County Sanitarian's Office; or
  - b. By a septic tank to handle the solids and a pump to pump liquids only into the City's sewer main. This would require the approval of both the County Sanitarian and the City Engineer.
4. You dedicate a 50 ft. right-of-way for the future extension of Millsap Road to the east line of this development site. When the street is built in the future, it may be necessary for you and the City to clarify and/or adjust this right-of-way location should the street not align as dedicated at this time.
5. A waiver of the requirement that the building be located 50 ft. from any property zoned "R" be granted to enable the building to be 25 ft. from the East property line.
6. The requirement that the East, South and West property lines be screened with a view-obscuring fence or vegetation be waived, and that permanent landscaping of 10% of the area of those lines be required in lieu of screening.





(2)



TRACT "B"  
4.57 ACRES

TRACT "C"  
7.75 ACRES

TRACT "A" 1.45 ACRES

CHRISTIAN LIFE CENTER  
Red Dixon, Pastor  
Large Scale Development &  
Conditional Use Request  
1285 E. Millsap Road 10-22-84  
Planning Commission

STEARNS  
CEMETERY

SUMMERHILL

MASONIC DRIVE

DRIVE

ALICE STREET

OXFORD PLACE

WINDSOR PLACE

WIMBLEDON PLACE

MASONIC

31

32

33

AVENUE

AVENUE

ADD 54

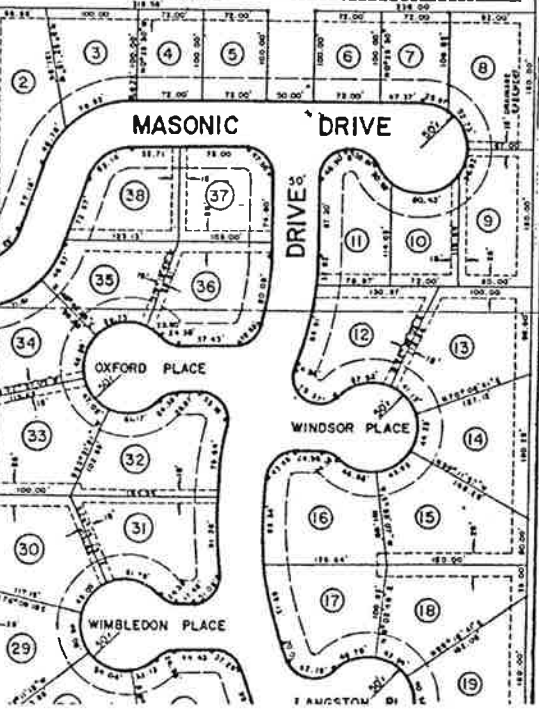
74 73 72 71 70 69 68 67

48 49

47 50

46 51

DRIVE

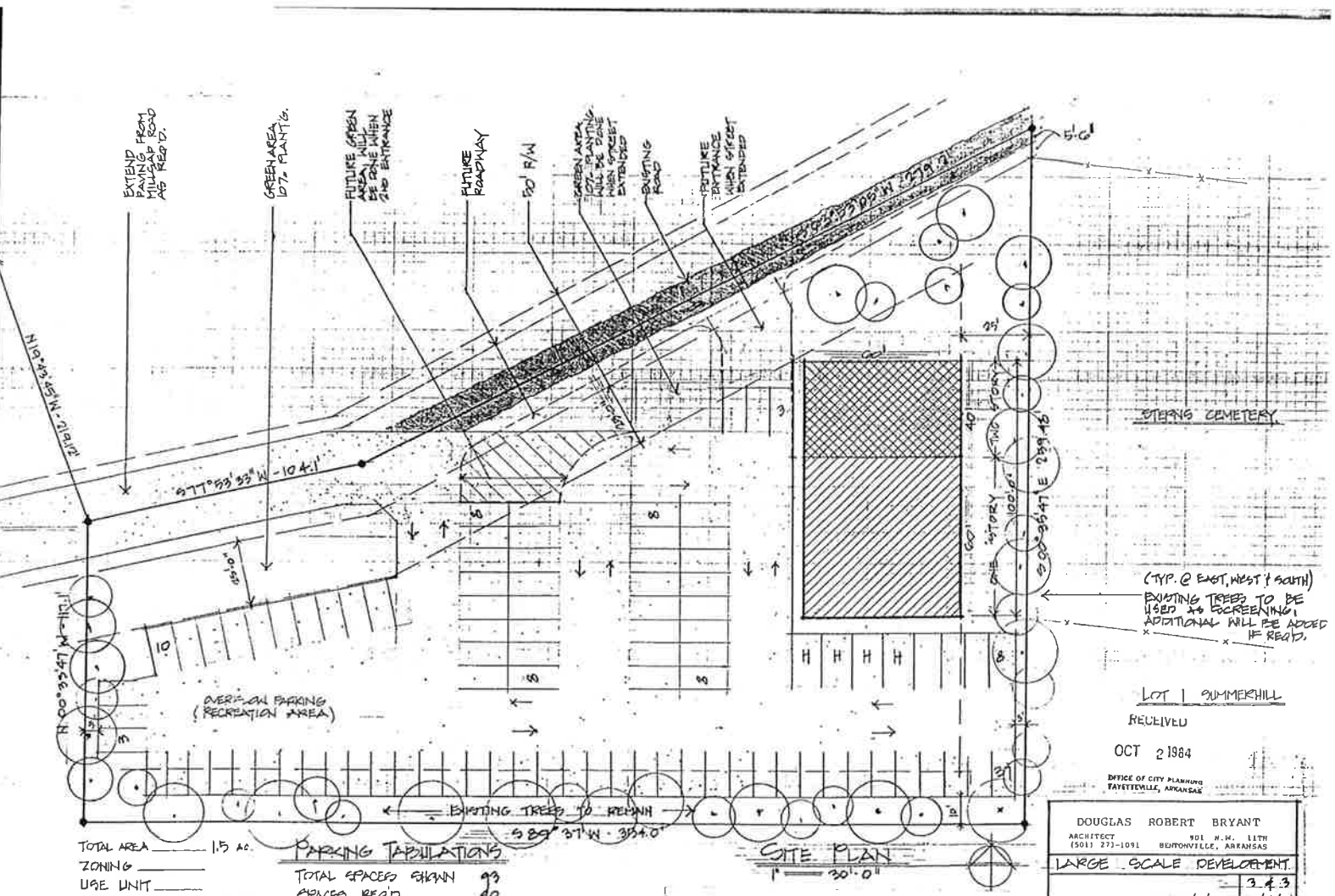


1' DRIVE AREA  
350.02

1097.26

1097.26

1984  
C. 7



TOTAL AREA \_\_\_\_\_ 1.5 AC.  
 ZONING \_\_\_\_\_  
 USE UNIT \_\_\_\_\_  
 PROPOSED USE \_\_\_\_\_ CHURCH

**PARKING TABULATIONS**

TOTAL SPACES SHOWN	93
SPACES REQ'D	40

**SITE PLAN**  
 30' 0"

(TYP. @ EAST, WEST & SOUTH)  
 EXISTING TREES TO BE USED IN SCREENING. ADDITIONAL WILL BE ADDED IF REQ'D.

LOT 1 SUMMERHILL

RECEIVED

OCT 2 1984

OFFICE OF CITY PLANNING  
 FAYETTEVILLE, ARKANSAS

DOUGLAS ROBERT BRYANT	
ARCHITECT	901 N.W. 11TH
(501) 273-1091	BENTONVILLE, ARKANSAS
<b>LARGE SCALE DEVELOPMENT</b>	
REV. 10/1/84	9/14/84

CHRISTIAN LIFE CENTER  
 Red Dixon, Pastor  
 Large Scale Development &  
 Conditional Use Request  
 1285 E. Millsap Road  
 Planning Commission 10-22-84

FILED FOR RECORD

'90 APR 27 PM 3 36

ORDINANCE NO. 3469

WASHINGTON GO AR  
A. KOLLMEYER

AN ORDINANCE VACATING AND ABANDONING A PORTION OF THE STREET RIGHT-OF-WAY FOR A PORTION OF MILLSAP ROAD AND DEDICATING A NEW PORTION TO ALLOW FUTURE DEVELOPMENT.

WHEREAS, the Board of Directors has the authority under Ark. Code Ann. §14-54-104 (1987) to vacate portions of streets which are not required for corporate purposes; and

WHEREAS, the Board of Directors has determined that the following described portion of the street right-of-way on Millsap Road be vacated and to accept the dedication of a new right-of-way on Millsap Road.

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

Section 1. That the City of Fayetteville hereby vacates and abandons all of its rights together with the rights of the public generally, subject to the reservation of a utility easement in and to the Millsap Road right-of-way attached hereto as Exhibit "A" and made a part hereof.

Section 2. The City of Fayetteville hereby accepts the dedication of a new 50 foot right-of-way on Millsap Road as shown in Exhibit "B" attached hereto and made a part hereof.

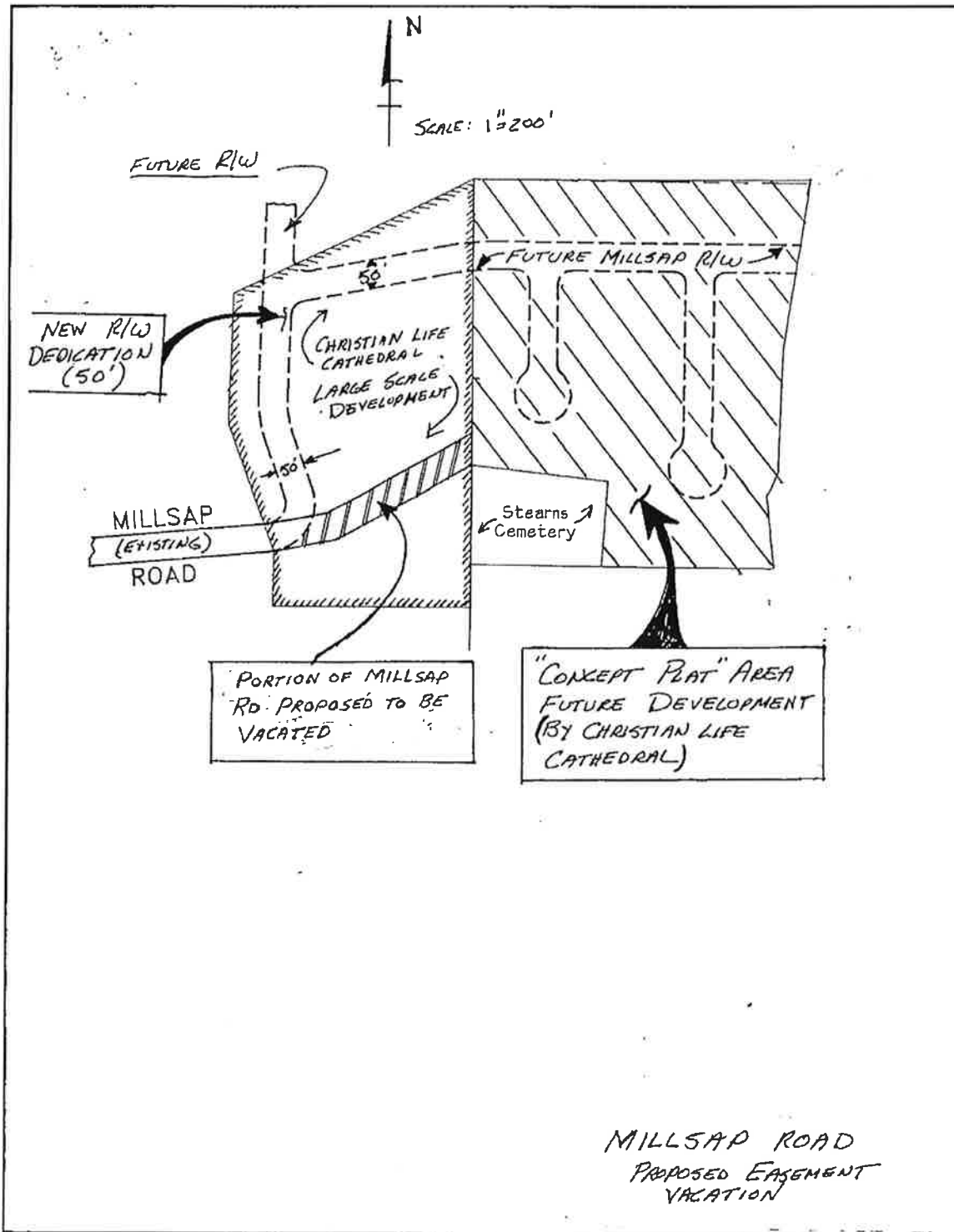
Section 3. The City of Fayetteville reserves an easement on, over, across and under the above described street right-of-ways to construct, lay, remove, relay, enlarge, and maintain public utility lines.

Section 4. As a condition of the abandonment of said street right-of-way the City shall be held free and harmless from liability as to any claims of the contiguous property owners for damages to the property described herein, which damage may result from the City, or other utility companies removing and relocating public utility lines located in or upon said vacated street right-of-way.

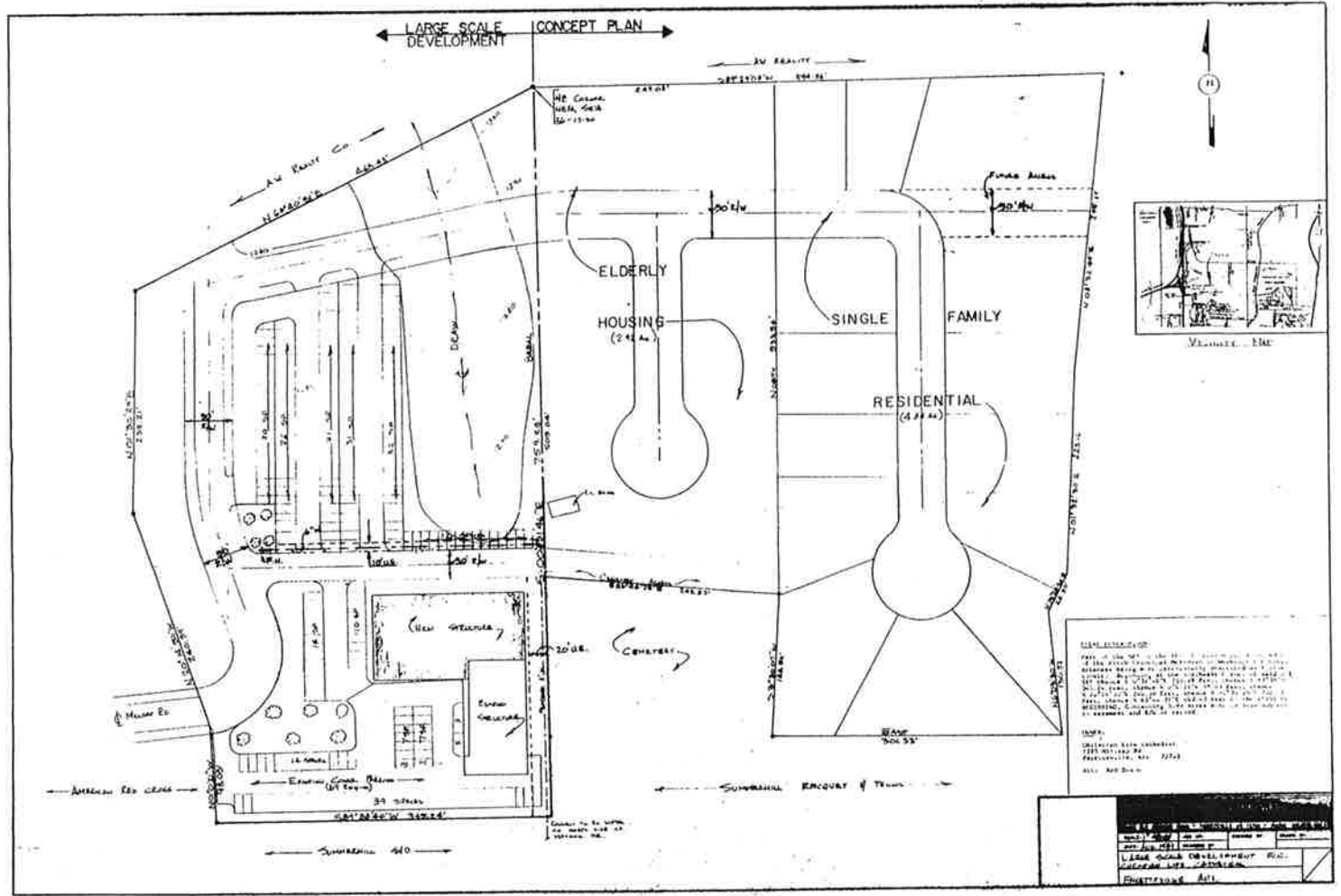
Section 5. A copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this 16th day of January, 1990.

From  
of  
from  
n  
1







STATE OF TEXAS  
COUNTY OF DALLAS  
CITY OF DALLAS  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF ENGINEERING  
PROJECT NO. 13-4587  
DATE: 10/15/88  
BY: [Signature]  
TITLE: [Title]

DWG. 13-4587-17  
REVISED 10/15/88  
D.C. 10-20-88  
P.C. 10-25-88

Planning Commission  
September 25, 1989  
Page 10

cemetery. Chairman Jacks clarified that Mr. Dockery is saying that the 30' right-of-way that is being suggested to be closed really belongs to the cemetery. Mr. Dockery added that Mr. Jorgensen had told him that there were no plans to run the road all the way through there.

Commissioner Hanna stated that the plat shows the road running way to the North of the cemetery so the right-of-way that they are giving to get to the cemetery will end at the cemetery property. Chairman Jacks advised that the right-of-way that they are asking to be vacated is only on Christian Life Property not in front of the cemetery. Mr. Bunn stated that is correct. Mr. Dockery was shown a copy of the plat reflecting this.

Mr. Dockery stated that he was mistaken and they have no other opposition to this.

MOTION

Commissioner Hanna moved to approve the large scale development plan subject to the recommendations of the staff, that the Board of Directors close the existing 50' right-of-way, extension of fire protection, dedication on a separate instrument moving the road to the north for access to the east, construction of the road to the North being done subject to a Bill of Assurance by the church that it will be built as the need arises, the recording of the instruments as requested by staff, seconded by Seiff. **The motion passed 8-0-0.**

Don Bunn asked if they have a comment on the concept plat. Chairman Jacks noted that it wasn't on their agenda. Mr. Bunn stated that he felt they should discuss it. He added that there weren't that many comments on it except a note that they were recommending a 50' right-of-way shown on the plat which extends to the east and would tie those together. Also, on the large scale development itself, there is a little spur right-of-way that goes to the North that could tie into Vantage Square.

Commissioner Hanna clarified that this would give access to the North to the Arkansas Western development and also to the East possibly behind Stubblefield. Mr. Bunn stated that was correct. Commissioner Hanna stated that the only cul-de-sac that they might need a variance on is if they develop down that single-family area shown on the plat which would have to be addressed when they bring in the plan on it. According to the drawing that Mr. Bunn submitted, there is another possible connection to the East which would really give another access to this development if they needed it. When and if the concept plat is brought in for large scale development as a R-1 subdivision, they should consider cutting the road through to the East.

WAIVER OF THE SUBDIVISION REGULATIONS - LOT SPLITS #1 & 2  
JOHN DOCKERY - DOCKERY LANE, N OF HUNTSVILLE RD, E OF RAY AVE

The sixth item on the agenda was a request for a waiver of the subdivision regulations - Lot Splits 1 & 2 submitted by John Dockery and represented by

DISCUSSION:

The proposed addition to the Church is located on street right of way dedicated to the City by the Christian Life Cathedral in 1984. In order to complete the project as shown that right of way must be abandoned by the Fayetteville City Board. The street shown around to the north and east appears to meet the intent of the original street dedication and the Staff would have no objections to the closing in order to construct the addition.

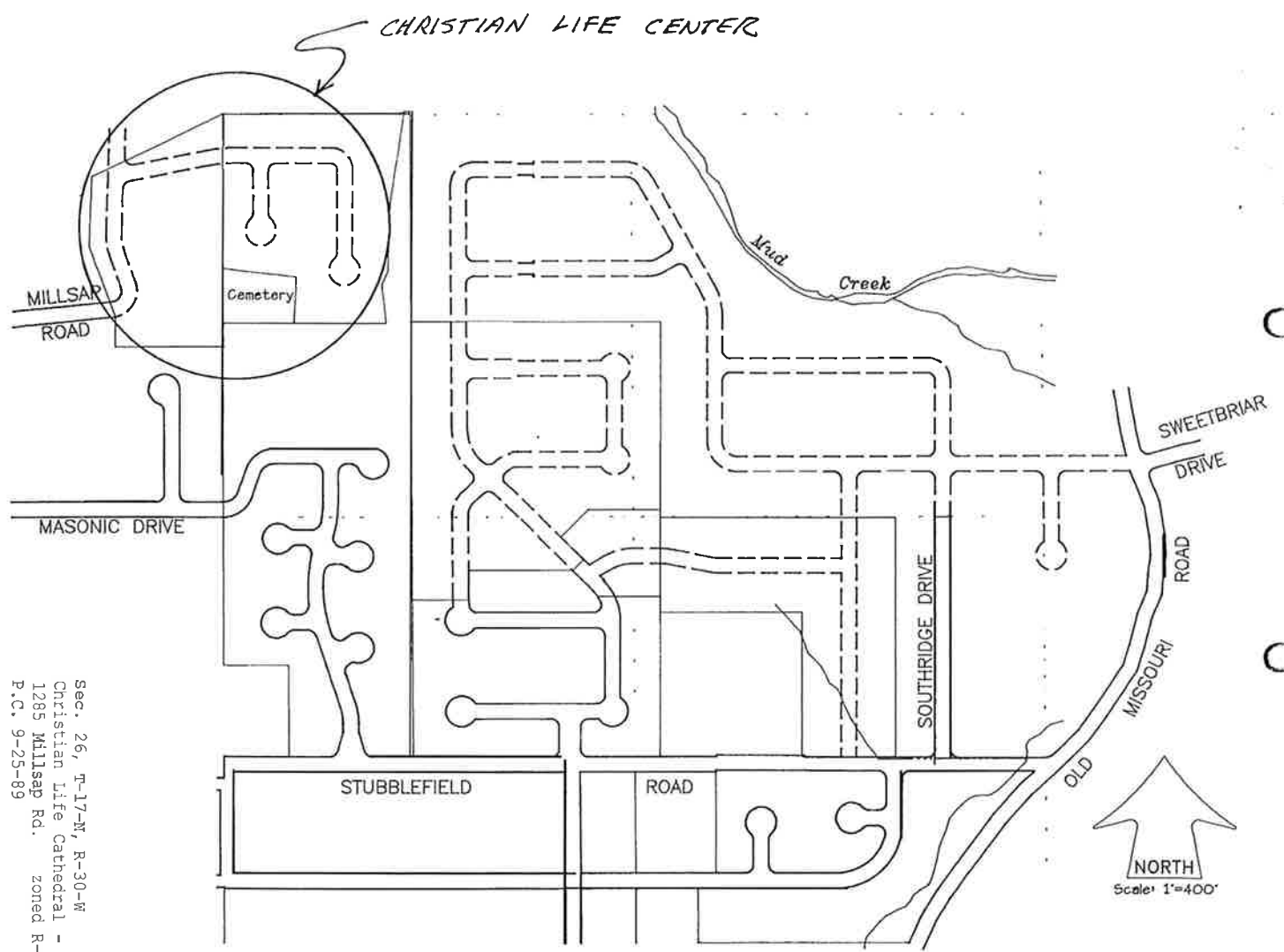
The Concept Plat is somewhat of a problem because it extends an existing cul-de-sac with not much promise of an eventual tie to any other street. The street shown extending to the north will depend upon whether one particular lot in Vantage Square is developed and upon development in between. No connection is shown to the east.

I have attached a Plat which shows possible future development to the east and how that lines up with this concept plat. As seen on the Plat, there is a street which nearly lines up with Millsap Road as shown to be extended. The problem with the extension is that there is a ravine between the two developments which would be expensive to cross. However, I believe that regardless of the extra expense that might be involved provisions should be made for the possible tie. Therefore the Staff would recommend that a 50 foot right of way be dedicated which would allow for the extension of Millsap Road on to the east.

It is the recommendation of the Staff that the Large Scale Development be approved subject to:

1. Board of Director's closing of the existing 50 foot right of way,
2. The extension of fire protection to the development,
3. Dedication by separate instrument of a 50 foot street easement across the property as shown in the Plat,
4. The construction of Millsap Road at least to the northwest corner of the development with a Bill of Assurance for the construction of the entire street the rest of the way through the property,
5. Approval of a Conditional Use for the Church if one is not already in place, and
6. The recording of an legal instrument granting the existing Cemetery Association and the general public permanent access to the Cemetery.

1989



Sec. 26, T-17-N, R-30-W  
Christian Life Cathedral - LSD  
1285 Millsap Rd. zoned R-1  
P.C. 9-25-89



## APPLICANT'S DOCUMENTS

**PETITION TO VACATE street right of way shown by the attached easement vacation plat LOCATED IN the CITY OF FAYETTEVILLE, ARKANSAS**

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

We, the undersigned, being the owners of the real estate of the attached easement vacation plat hereinafter sought to be abandoned and vacated as shown on attached easement vacation plat, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said right of way easements which is shown on the attached easement vacation plat.

( SEE ATTACHED )

That the abutting real estate affected by said vacation would not be adversely affected.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate said right of way easement, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided 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, 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 be free from the easements of the public for the use of said right of way.

Dated this 6<sup>th</sup> day of January, 2014.

STEVEN D. DIXON  
Printed Name

  
Signature

(RED) C. L. DIXON  
Printed Name

  
Signature

## RIGHT OF WAY VACATION

A 50' RIGHT OF WAY DEDICATED FOR RIGHT OF WAY PURPOSES AND BEING DESCRIBED AS FOLLOWS. PART OF THE NE1/4, SE1/4 OF SECTION 26 AND PART OF THE NW1/4, SW1/4 OF SECTION 25, T17N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE1/4, SE1/4 THENCE WEST 468.62 FEET, THENCE SOUTH 660.77 FEET TO THE P.O.B., WHICH IS ON THE CENTER OF SAID 50' RIGHT OF WAY, THENCE ALONG A CURVE TO THE LEFT 174.12 FEET, SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING AND DISTANCE OF N39°54'19"E 160.38 FEET, THENCE NORTH 256.56 FEET, THENCE ALONG A CURVE TO THE RIGHT 139.63 FEET, SAID CURVE HAVING A RADIUS OF 100.00 FEET AND A CHORD BEARING AND DISTANCE OF N40°00'04"E 128.56 FEET, THENCE N80°00'00"E 244.73 FEET, THENCE ALONG A CURVE TO THE RIGHT 82.78 FEET, SAID CURVE HAVING A RADIUS OF 500.00 FEET AND A CHORD BEARING AND DISTANCE OF N84°44'35"E 82.69 FEET, THENCE N89°29'09" 539.23 FEET TO THE END OF SAID RIGHT OF WAY. ALSO, A 50' RIGHT OF WAY TO THE NORTH BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID NE1/4, SE1/4 THENCE N89°29'09"E 467.88 FEET TO THE P.O.B., WHICH IS AT THE CENTER OF SAID 50' RIGHT OF WAY, THENCE S08°33'30"W 134.66 FEET TO THE INTERSECTION OF THE PREVIOUSLY DESCRIBED CENTER.





# JORGENSEN & ASSOCIATES

## CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.  
JUSTIN L. JORGENSEN, P.E.  
BLAKE E. JORGENSEN, P.E.

City of Fayetteville  
113 W Mountain  
Fayetteville, AR. 72701

10/24/13

Att: Jesse Fulcher  
Re : Christian Life Cathedral

On behalf of the church, we are requesting the vacation of the MSP right of way that crosses their property. As you know, the church has requested removal of this ROW due to terrain etc. I notice that you mentioned to Andy Lack (Architect) that the staff said that there is limited benefit of this extension and this construction would be very challenging. The church is interested in granting ROW as required and if needed in the NE Corner of their property.

Therefore on their behalf we are requesting this vacation of the ROW

Thank you.

Sincerely;

  
David L. Jorgensen, P.E.

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

DATE: 11/4/2013

UTILITY COMPANY: Cox Communications  
APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: dave@442-9127  
REQUESTED VACATION (applicant must check all that apply): dave@jorgensenassoc.com

- 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\*\*)

\*\* LLC Property (See Attached)

(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 relocations of existing facilities will be at owners/developers expense.

Chad A. Housh  
Signature of Utility Company Representative

Construction Planner III NWA  
Title

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

DATE: 11/5/13

UTILITY COMPANY: AEP

APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: dave@442-9127  
REQUESTED VACATION (applicant must check all that apply): dave@jorgensenassoc.com

- 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\*\*)

\*\* LLC Property (See Attached)

(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:

John Payne  
Signature of Utility Company Representative

Dist. Engineer  
Title

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

DATE: 11-6-13

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: dave@442-9127  
REQUESTED VACATION (applicant must check all that apply): dave@jorgensenassoc.com

- 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)\*\*

\*\* 266 Property (See Attached)

(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:

\_\_\_\_\_  
\_\_\_\_\_

Mike Phypis  
Signature of Utility Company Representative

SYSTEM STAKING TECH  
Title

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

DATE: \_\_\_\_\_

UTILITY COMPANY: Source Gas

APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: Jorgensen & Assoc.  
REQUESTED VACATION (applicant must check all that apply): dave@jorgensenassoc.com  
AAZ-9127

- 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\*\*)

\*\* City Property (See Attached)

(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]  
Signature of Utility Company Representative

Division Manager  
Title

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

DATE: 11-14-2013

UTILITY COMPANY: AT&T

APPLICANT NAME: Christian Life Cathedral  
REQUESTED VACATION (applicant must check all that apply):

APPLICANT PHONE: daye @ 442-9127  
daye@jorgensenassoc.com

- 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\*\*)

\*\* ALL Property (See Attached)

(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 CARED FOR AT THE PROPERTY  
OWNER'S EXPENSE

Jensen K Clouser  
Signature of Utility Company Representative

DSP DESIGN  
Title

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

DATE: 11-8-13

UTILITY COMPANY: Franklinville Solid Waste

APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: 704-442-9127  
REQUESTED VACATION (applicant must check all that apply): dave@jorgensenassoc.com

- 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\*\*)

\*\* 266 Property (See Attached)

(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:

Ben Papp  
Signature of Utility Company Representative

Waste Reduction Coordinator  
Title

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

DATE: 11/12/2013

UTILITY COMPANY: FAYETTEVILLE Water & Sewer

APPLICANT NAME: Christian Life Cathedral APPLICANT PHONE: dave@442-9127

REQUESTED VACATION (applicant must check all that apply):

dave@jorgensenassoc.com

- 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)\*\*

\*\* LL Property (See Attached)

(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.)

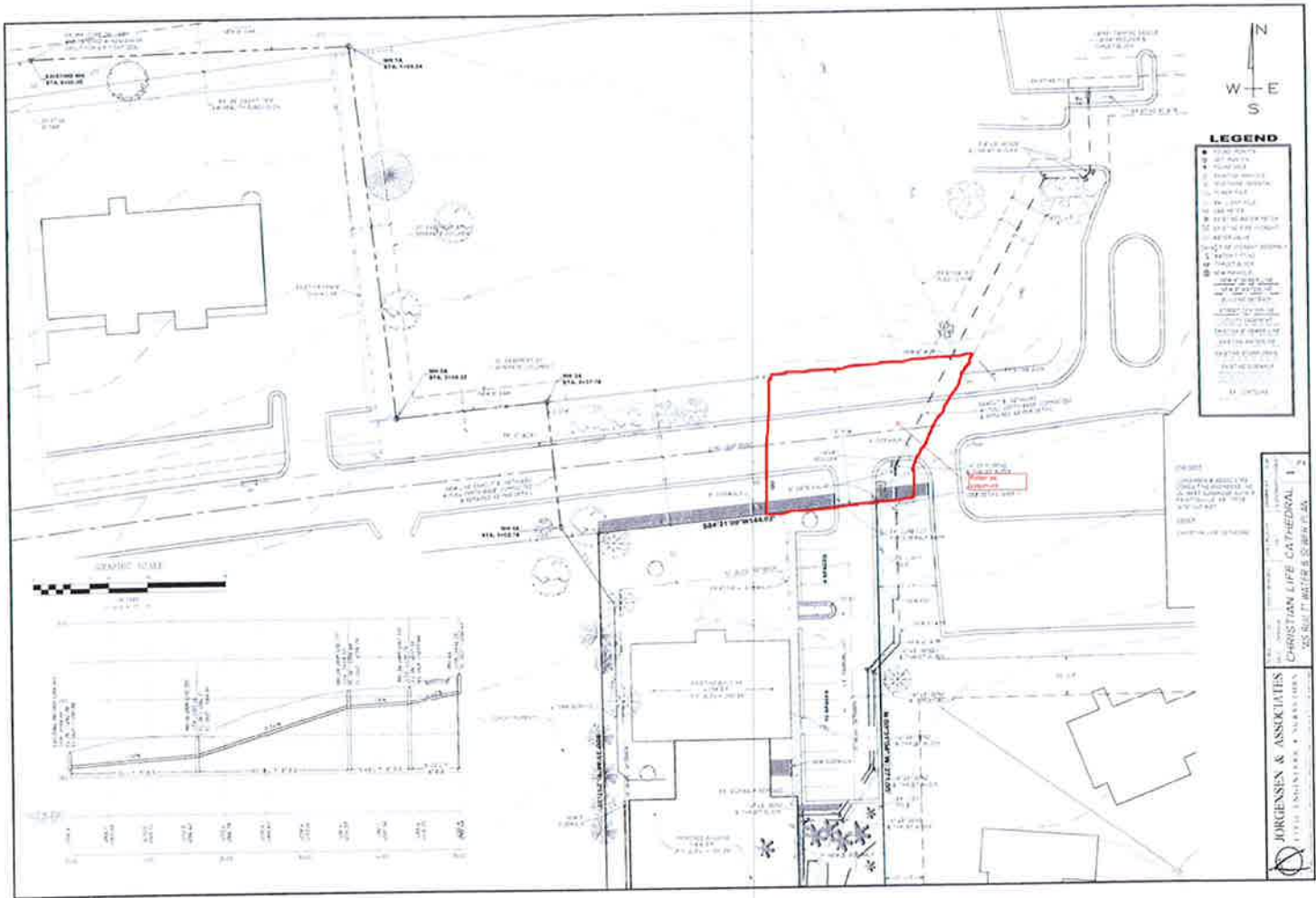
Retain easement 10' east of existing water line to west boundary of  
vacation request

- No objections provided the following conditions are met:

Shannon J...  
Signature of Utility Company Representative

Utilities Engineer  
Title





JORGENSEN & ASSOCIATES  
 CIVIL ENGINEERS & SURVEYORS  
 205 SOUTH MILLERS ROAD, SUITE 100  
 CHICAGO, ILLINOIS 60605  
 PHONE: (773) 644-1111  
 FAX: (773) 644-1112  
 WWW: WWW.JORGENSEN-AND-ASSOCIATES.COM

**ADJACENT PROPERTY OWNER NOTIFICATION FORM**

**FOR RIGHT- OF- WAY, ALLEY, AND  
EASEMENT VACATION REQUESTS**

Date: 11/4/13

Address / location of vacation: 50' RIGHT OF WAY THROUGH CLLC

Adjacent property address: CRAIG CURZON @ 3235 N. Warwick Way

Lot: — Block: — Subdivision: Parcel # 765-19595-001

**REQUESTED VACATION:**

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

*(Include legal description and graphic representation of what is being vacated)*

**ADJACENT PROPERTY OWNERS COMMENTS:**

- I have been notified of the requested vacation and decline to comment.
- I do not object to the vacation described above.
- I do object to the requested vacation because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Name \_\_\_\_\_

Name of Adjacent Property Owner (*printed*) \_\_\_\_\_

Signature of Adjacent Property Owner \_\_\_\_\_

Applicant Name \_\_\_\_\_

**ADJACENT PROPERTY OWNER NOTIFICATION FORM**

**FOR RIGHT- OF- WAY, ALLEY, AND  
EASEMENT VACATION REQUESTS**

Date: 11/4/13

Address / location of vacation: 50' RIGHT OF WAY THROUGH CLC

Adjacent property address: 3595 N. Belleshire Dr.

Lot: — Block: — Subdivision: Parcel # 765-19595-001

**REQUESTED VACATION:**

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

*(Include legal description and graphic representation of what is being vacated)*

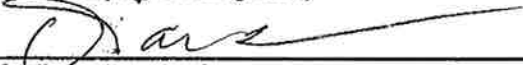
**ADJACENT PROPERTY OWNERS COMMENTS:**

- I have been notified of the requested vacation and decline to comment.
- I do not object to the vacation described above.
- I do object to the requested vacation because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project Name \_\_\_\_\_

Name of Adjacent Property Owner (*printed*) Diana St. Clair

Signature of Adjacent Property Owner 

Applicant Name \_\_\_\_\_













2013 concept

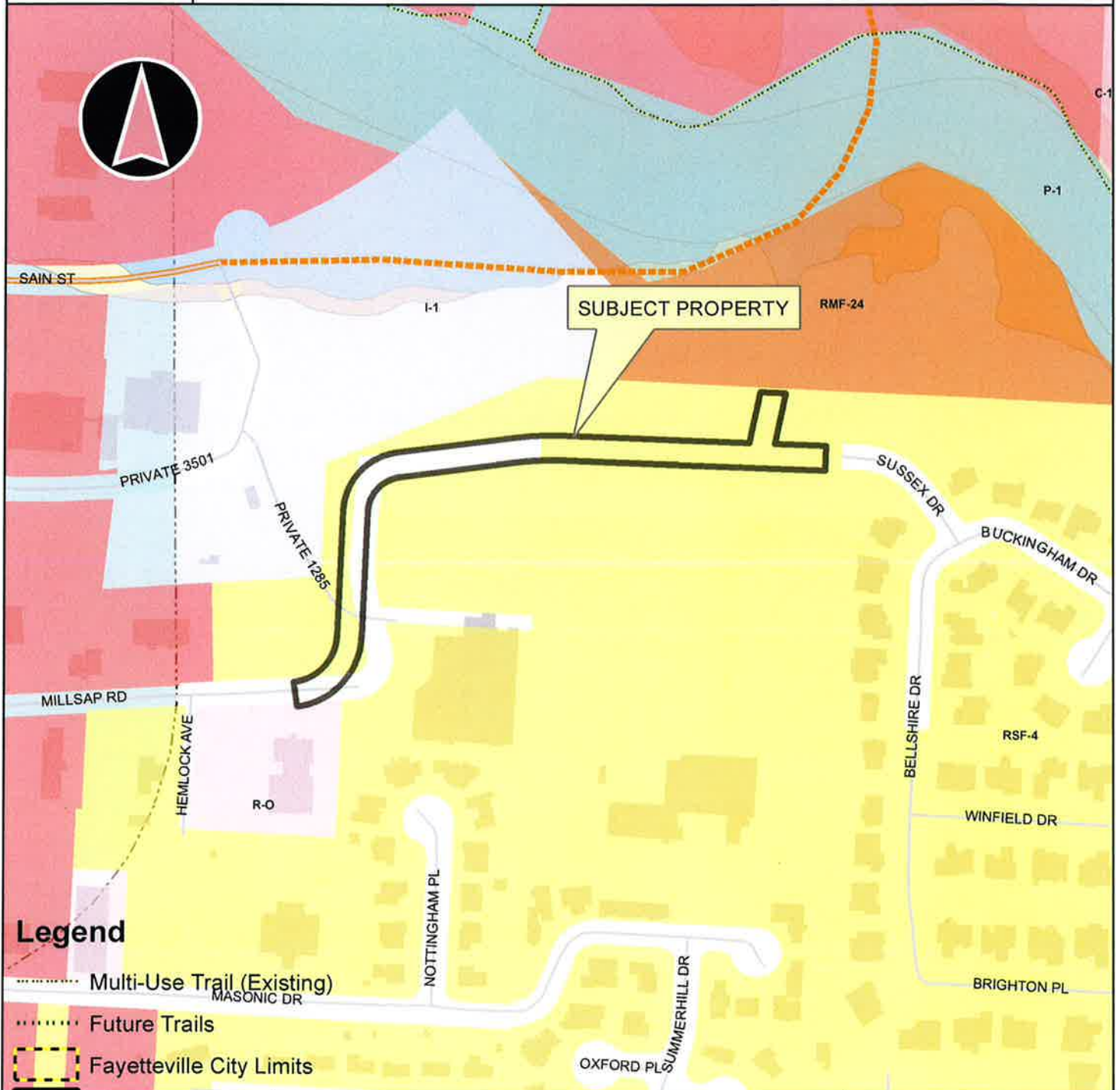




VAC13-4587

# CHRISTIAN LIFE CATHEDRAL

Close Up View

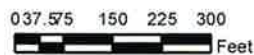


## Legend

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

**Overview** VAC13-4587

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

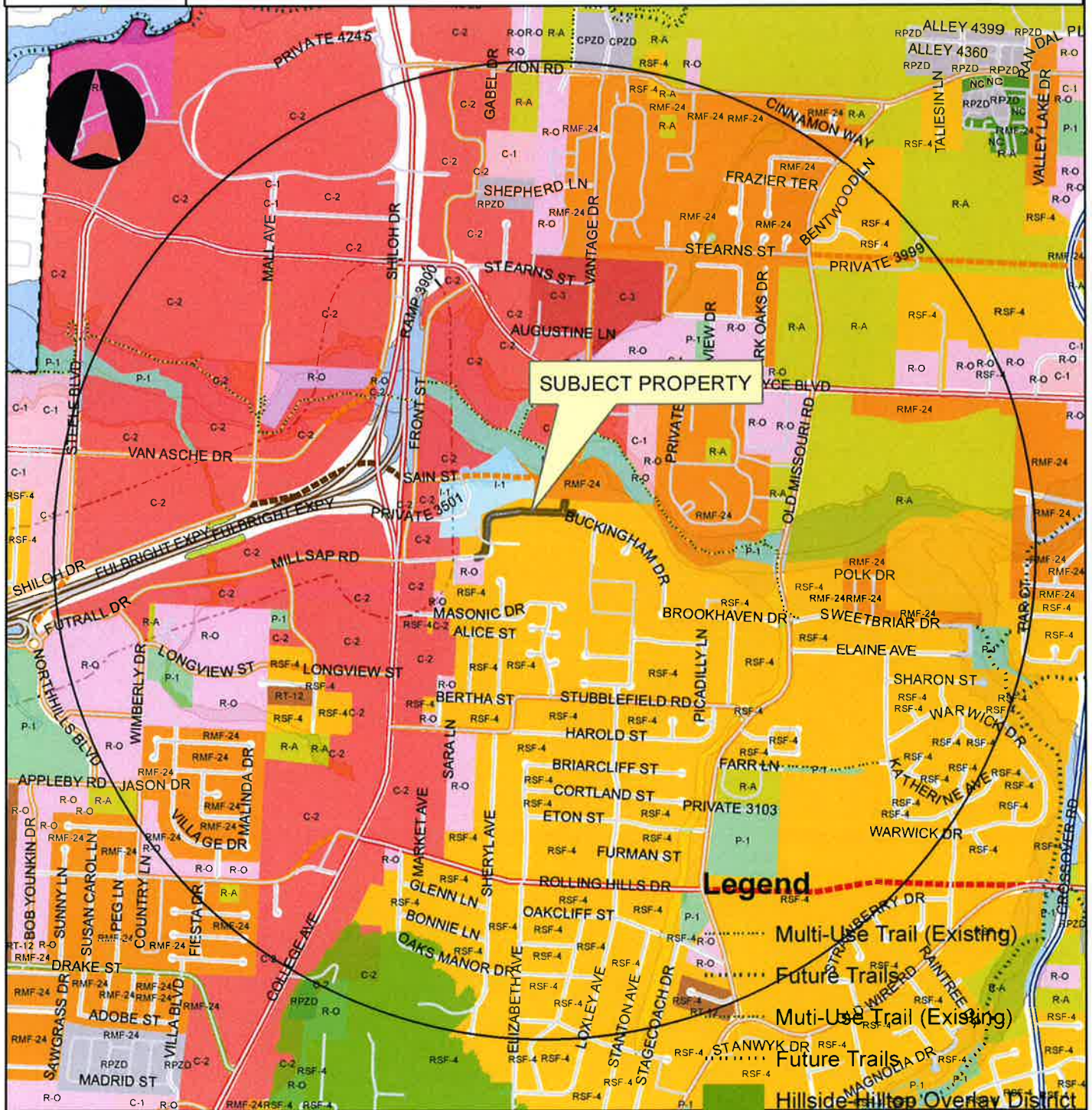




VAC13-4587

# CHRISTIAN LIFE CATHEDRAL

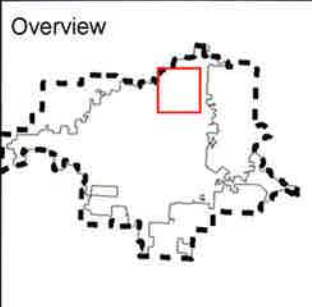
One Mile View






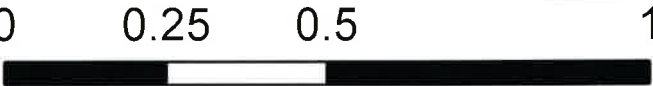


SUBJECT PROPERTY

### Legend

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



<p>Legend</p> <p>Subject Property</p> <p> VAC13-4587</p> <p>Boundary</p>	<p> VAC13-4587</p> <p> Design Overlay District</p> <p> Planning Area</p> <p> Fayetteville</p>
<p>0      0.25      0.5</p> <p></p> <p>Miles</p>	

