

City of Fayetteville Item Review Form

2014-0110

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

VAC 14-4621: Vacation (EAST OF BEECHWOOD/SOUTH OF THE RAILROAD TRACKS/SPECIALIZED REAL ESTATE, 560): Submitted by JORGENSEN AND ASSOCIATES for property located EAST OF BEECHWOOD AND SOUTH OF THE RAILROAD TRACKS. The property is zoned CS, Community Services and contains approximately 16.30 acres. The request is to vacate a 20-foot utility easement throughout the property.

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"/>	

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Comments:

*George P... 3-3-14*  
*Paul a. Beech*  
*Ray... 3-4-14*  
*Lionel Jordan*

ENTERED  
3/3/14  
PK

V20130812  
ENTERED  
DM  
2/28/14

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan, City Council

**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director *J*  
Andrew Garner, City Planning Director *ang*

**From:** Quin Thompson, Current Planner

**Date:** February 26, 2014

**Subject:** VAC 14-4621: Vacation (East of Beechwood Avenue)

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### **RECOMMENDATION:**

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

### **BACKGROUND:**

The subject property is located on Beechwood Drive and contains approximately 16.30 acres developed primarily with warehouses. The applicant intends to entirely redevelop this property. Existing utility easements throughout the property conflict with the proposed development plan. New utilities and easements would be installed to serve the new development at a later time.

The applicant's request is to vacate existing platted or prescriptive general utility easements as indicated on the attached exhibit.

### **DISCUSSION:**

On February 24, 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 14-4621 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED EAST OF BEECWHOOD AVENUE TO VACATE 20' UTILITY EASEMENTS THROUGHOUT THE PROPERTY.

**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 general 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 as shown on Exhibit "A" attached hereto and a made a part thereof.

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 following Conditions of Approval and shall not be in effect until the conditions are met:

1. This vacation will not be complete until all active customers have disconnected and cable relocation has been completed. Relocation shall be at the owner/developer's expense. Existing aerial facilities along the east side of Beechwood Avenue must be shown within a utility easement, or are to be included in the relocation costs.
2. New easements for electric utilities shall be provided along Beechwood Avenue.
3. The easements may be vacated after new water lines and sewer lines have been approved and installed as part of the future planned project. The new easement plat shall supersede existing easements proposed to be vacated.
4. Any relocation or damage to utilities shall be at the owner/developer's expense.

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

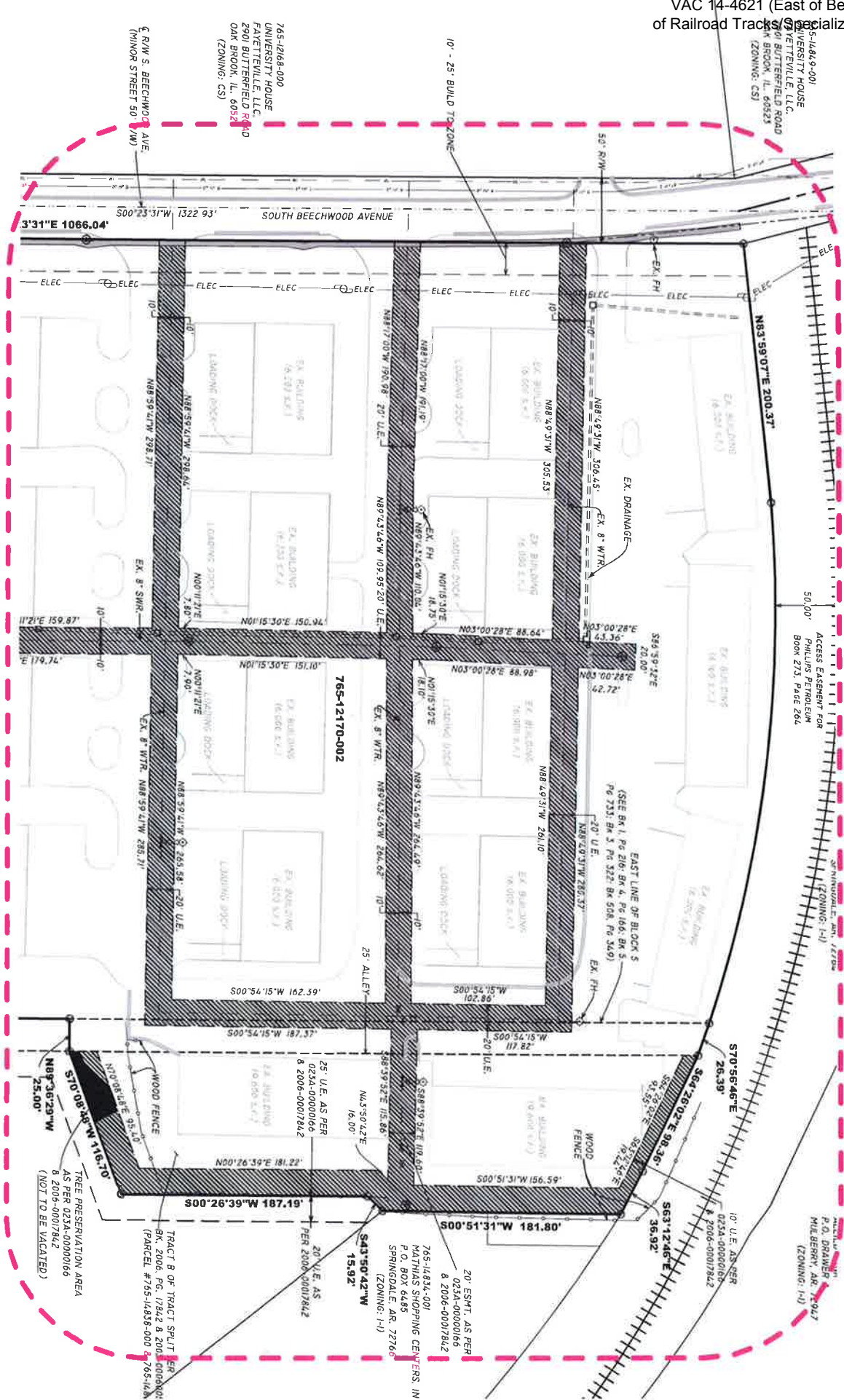
APPROVED:

ATTEST:

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

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





VAC 14-4621  
EXHIBIT A  
SHEET 2 OF 3

765-12168-000  
UNIVERSITY HOUSE  
FAYETTEVILLE LLC  
2901 BUTTERFIELD ROAD  
OAK BROOK, IL 60521  
(ZONING: CS)

5-14849-001  
INVESTMENT HOUSE  
OF BATTLEFIELD LLC  
501 BUTTERFIELD ROAD  
OAK BROOK, IL 60521  
(ZONING: CS)

ACCESS EASEMENT FOR  
PHILLIPS PETROLEUM  
BOOK 273, PAGE 284

P.O. DRAWING  
MILBERRY AR 171962  
(ZONING: I-1)

TRACT B OF TRACT SPLIT PER  
BK 2006, PG 17842 & 2006-0000186  
(PARCEL #765-14536-000 & 765-14536-001)

765-14534-001  
PHILLIPS SHOPPING CENTERS, INC  
P.O. BOX 6489  
SPRINGDALE, AR 72766  
(ZONING: I-1)  
20' EMT. AS PER  
023A-0000186  
& 2006-00017842

25' U.E. AS PER  
023A-0000186  
& 2006-00017842

TREE PRESERVATION AREA  
AS PER 023A-0000186  
& 2006-00017842  
(NOT TO BE VACATED)





PC Meeting of February 24, 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: Quin Thompson, Current Planner  
 THRU: Andrew Garner, City Planning Director  
 DATE: February 18, 2014 UPDATED 2-26-2014

**VAC 14-4621: Vacation (EAST OF BEECHWOOD/SOUTH OF THE RAILROAD TRACKS/SPECIALIZED REAL ESTATE, 560):** Submitted by JORGENSEN AND ASSOCIATES for property located EAST OF BEECHWOOD AND SOUTH OF THE RAILROAD TRACKS. The property is zoned CS, Community Services and contains approximately 16.30 acres. The request is to vacate a 20-foot utility easement throughout the property. Planner: Quin Thompson

**Findings:**

*Property and Background:* The subject property is located on Beechwood Drive and contains approximately 16.30 acres developed primarily with warehouses. The applicant intends to entirely redevelop this property and existing utility easements throughout the property conflict with the proposed development plan. New utilities and easements would be installed to serve the new development at a later time. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1  
 Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Industrial/Commercial	I-1, Heavy Commercial and Light Industrial/CS, Community Services
South	Industrial	I-2, General Industrial
East	Undeveloped/Multi-family Housing	R-PZD/ I-1, Heavy Commercial and Light Industrial
West	Interstate 540 ROW	N/A

*Request:* The applicant's request is to vacate existing utility easements in order to prepare for demolition of the existing buildings and redevelopment of the property.

*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.



**UTILITIES**

**RESPONSE**

Cox Communications	No objections with conditions
Arkansas Electric Power	No objections with conditions
Ozarks Electric	No objections
Source Gas	No objections
AT&T	No objections with conditions

**CITY OF FAYETTEVILLE:**

**RESPONSE**

Water/Sewer	No objections with conditions
Solid Waste	No objections
Transportation	No objections

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

**Recommendation:**

Staff recommends forwarding **VAC 14-4621** to the City Council with a recommendation for approval subject to the following conditions:

**Conditions of Approval:**

1. The request to be placed on the City Council agenda to vacate the subject easements shall not be processed by staff until the following two items have been addressed:
    - a. A signed Petition to Vacate following the City's accepted format shall be submitted.
    - b. A legal description of all the easements to be vacated or an adequate exhibit as approved by the City's GIS Division shall be submitted.
  2. This vacation will not be complete until all active customers have disconnected and cable relocation has been completed. Relocation shall be at the owner/developer's expense. Existing aerial facilities along the east side of Beechwood Avenue must be shown within a utility easement, or are to be included in the relocation costs.
  3. New easements for electric utilities shall be provided along Beechwood Avenue.
  4. The easements may be vacated after new water lines and sewer lines have been approved and installed as part of the future planned project. The new easement plat shall supersede existing easements proposed to be vacated.
  5. Any relocation or damage to utilities shall be at the owner/developer's expense.
-

**CITY COUNCIL ACTION: Required**

**PLANNING COMMISSION ACTION: Required**

**Planning Commission Action:           X Forwarded    Denied    Tabled**

**Date: February 24, 2014**

**Motion: COOK**

**Second: CHESSER**

**Vote: 7-0-0**

**Notes: CONSENT AGENDA**

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

DATE: 1/10/14

UTILITY COMPANY: Fayetteville Transportation (Terry or Jeff)

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127  
REQUESTED VACATION (applicant must check all that apply): Jorgensen

- 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)\*\*

\*\* East of Beechwood/South of Railroad

(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

ASSISTANT TRANSPORTATION MANAGER  
Title

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

DATE: 12/19/13

UTILITY COMPANY: Fayetteville Solid Waste

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127  
REQUESTED VACATION (applicant must check all that apply): Jorgensen Assoc.

- 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\*\*)

\*\* East of Beechwood Ave South of Railroad 16.5 Ac ±  
(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 Puff  
Signature of Utility Company Representative  
Waste Reduction Coordinator  
Title

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

DATE: 1/10/14

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127  
REQUESTED VACATION (applicant must check all that apply):

Jorgensen ↗

- 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\*\*)

\*\* East of Beechwood / South of Railroad

(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:

Will not vacate until all active customers have disconnected and cable relocation has been done. Relocation cost will be at the developers expense. Existing aerial facilities along the east side of Beechwood must be shown within a utility easement or are to be included in the relocation costs.

Chad A. V.  
Signature of Utility Company Representative

Planner III NWA  
Title

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

DATE: 1/10/14

UTILITY COMPANY: AT&T (Sue Clouser)

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127  
REQUESTED VACATION: (applicant must check all that apply): Jorgensen

- 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\*\*)**

\*\* East of Beechwood / South of Railroad

*(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 relocation or damage of working facilities will be paid for by the land owners.

[Signature]  
Signature of Utility Company Representative

MGR OSP Engineering/Design  
Title

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

DATE: 1/3/17

UTILITY COMPANY: AEP

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:

NEW Easement to be provided for electric utilities  
Along BEECHWOOD

Jim Dargent  
Signature of Utility Company Representative

ENGINEER I  
Title

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

DATE: 1/10/14

UTILITY COMPANY: Source Gas

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127

REQUESTED VACATION *(applicant must check all that apply):*

Jorgensen

- 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\*\*)

\*\* East of Beechwood/South of Railroad

*(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:

Bruce A. Daput  
Signature of Utility Company Representative

Supervisor  
Title



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

DATE: 12-18-2013

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Specialized Real Estate 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:

\_\_\_\_\_

\_\_\_\_\_

Greg McGee  
Signature of Utility Company Representative

Lead Staking Tech  
Title

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

DATE: 12/19/13

UTILITY COMPANY: Fayetteville Water/sewer

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: AA2-9127  
REQUESTED VACATION (applicant must check all that apply): Jorgensen J

- 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\*\*)

\*\* East of Beechwood/South of Railroad

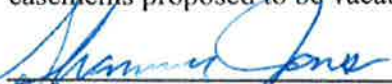
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

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 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:

The easements may be vacated AFTER new water lines and sewer lines have been approved and installed as part of the future planned project. The new easement plat shall supersede existing easements proposed to be vacated.

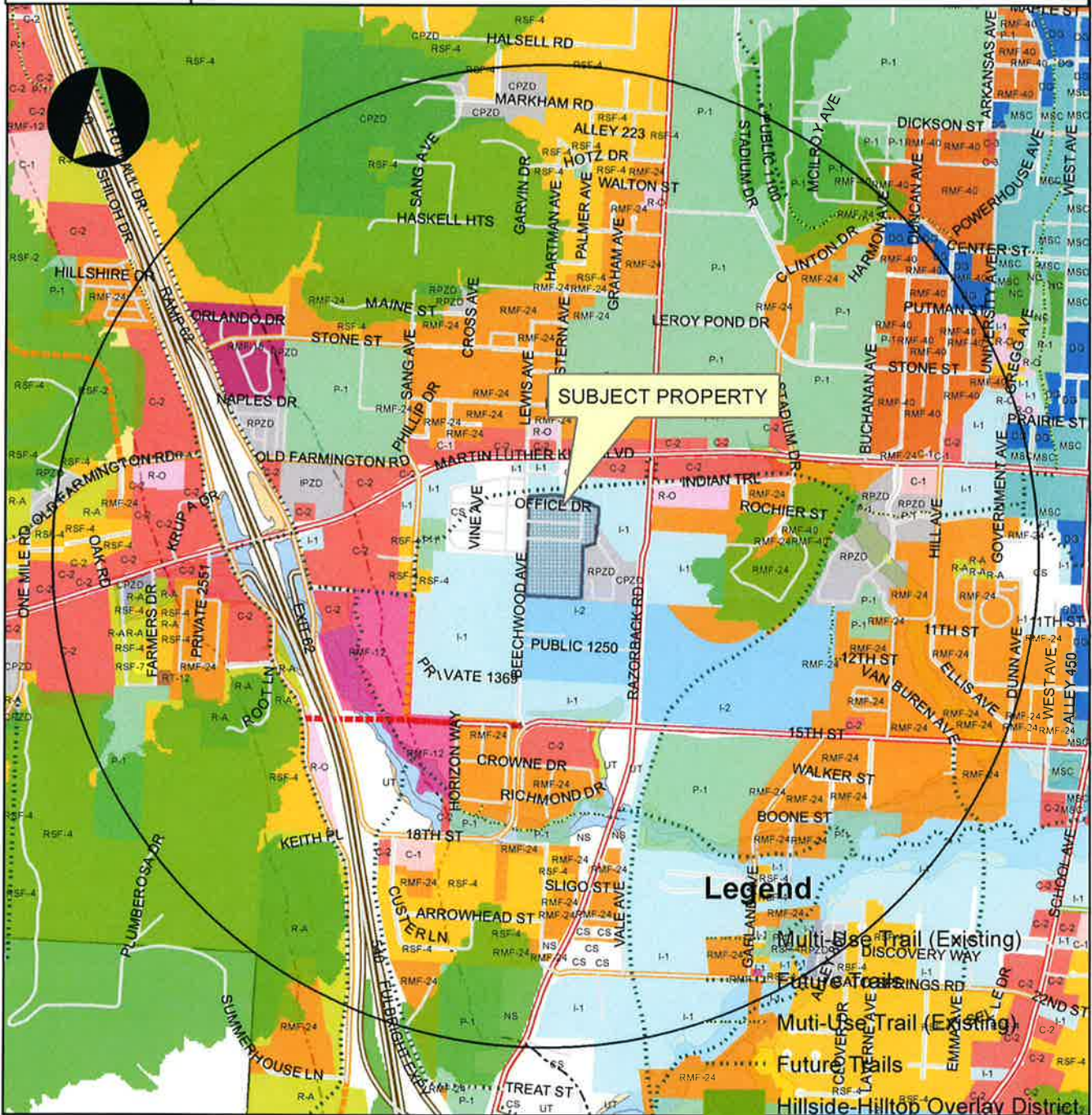
  
Signature of Utility Company Representative

Utilities Engineer  
Title

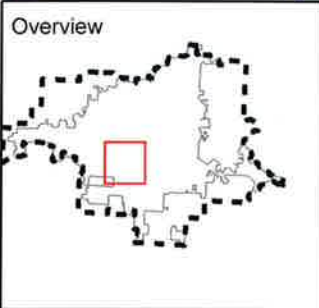
VAC14-4621










# SPECIALIZED REAL ESTATE

One Mile View



- 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> VAC14-4621</p>	<p>Boundary</p> <p> VAC14-4621</p> <p> Design Overlay District</p> <p> Planning Area</p> <p> Fayetteville</p>	<p> VAC14-4621</p> <p> Design Overlay District</p> <p> Planning Area</p> <p> Fayetteville</p>
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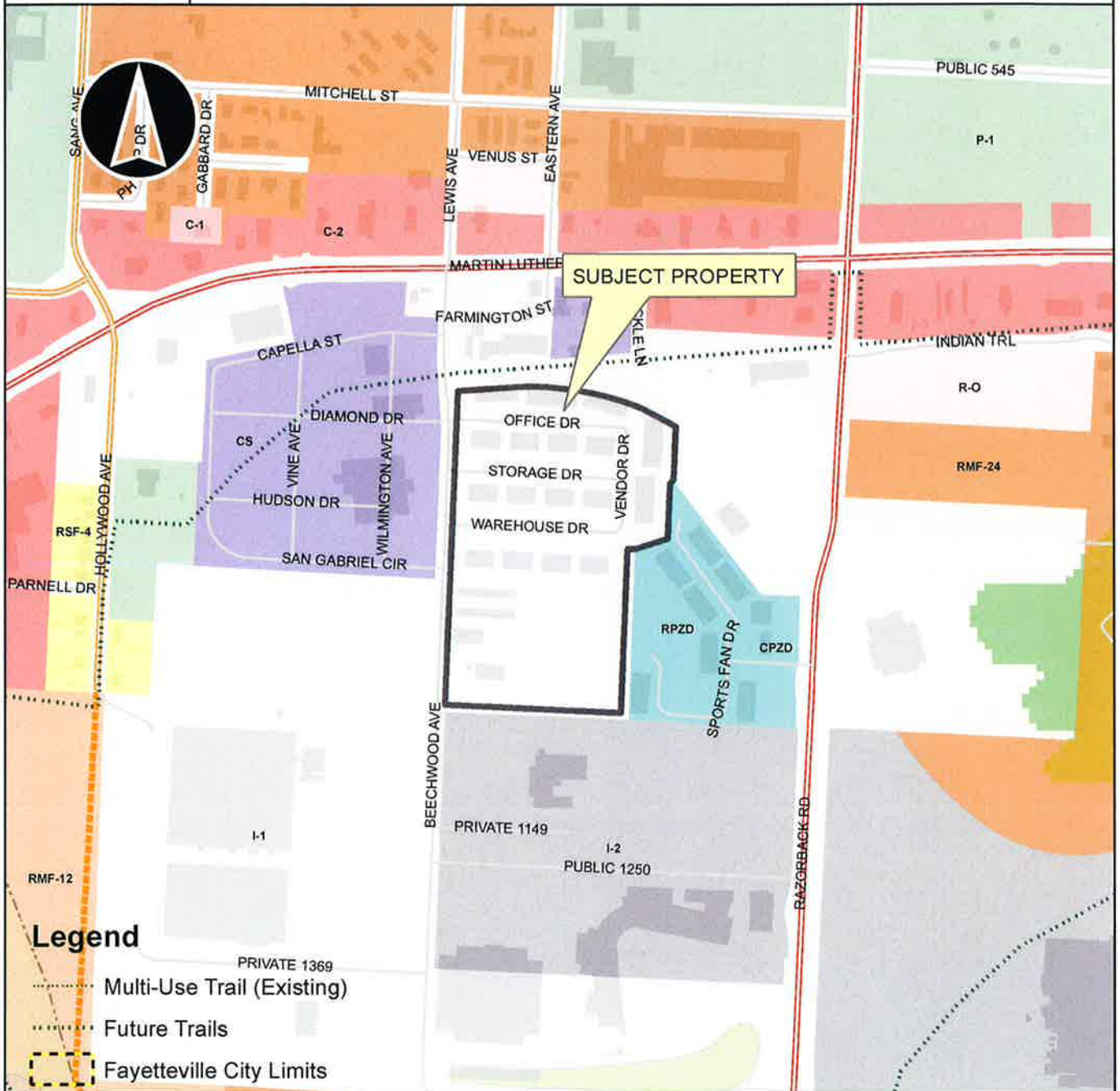
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**Miles**

VAC14-4621

# SPECIALIZED REAL ESTATE

Close Up View



**Overview** VAC14-4621

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

