

City of Fayetteville Item Review Form

2014-0182

Legistar File Number

05/06/2014

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

Quin Thompson

Submitted By

Development Services

Department

Action Required:

VAC 14-4656: Vacation (2693 VALENCIA AVE./RIVERWOOD HOMES, 290): Submitted by RIVERWOOD HOMES for property located at 2693 VALENCIA AVE. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.22 acres. The request is to vacate part of a utility 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	Program or Project Category
_____	\$0.00	_____
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:

WMS
K. [Signature] 4-18-14
Paul A. Becher 4-22-2014
Don Ma 4-22-14
[Signature]

ENTERED
4/18/14
[Signature]

ENTERED
4/21/14
SEP



CITY COUNCIL AGENDA MEMO

MEETING OF MAY 06, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director *mg*

FROM: Quin Thompson, Current Planner

DATE: April 14, 2014

SUBJECT: **VAC 14-4656: Vacation (2693 VALENCIA AVE./RIVERWOOD HOMES, 290):** Submitted by RIVERWOOD HOMES for property located at 2693 VALENCIA AVE. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.22 acres. The request is to vacate part of a utility easement and drainage easement.

RECOMMENDATION:

The Planning Commission recommends approval of an ordinance to vacate portions of two easements as requested. Planning Division staff recommends approval of the request.

BACKGROUND:

The subject property is located at 2693 Valencia Avenue and contains 0.22 acres within the Sunbridge Villas R-PZD. There is a 30' general utility and a 30' drainage easement on the northeast property line that was platted with the subdivision.

The applicant requests vacation of a portion of two platted easements, consisting of a general utility easement and a drainage easement to make it feasible to construct a home on this unusually shaped lot.

The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections. The areas being vacated are surrounded entirely by property owned by the applicant.

DISCUSSION:

On April 14, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4656 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT 2693 VALENCIA AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT, A TOTAL OF APPROXIMATELY 42 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 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 portion of utility easement described in Exhibit "B" attached hereto and 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.

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

VAC14-4656

RIVERWOOD HOMES

Close Up View



Legend

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

Overview

VAC14-4656

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

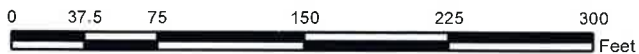


EXHIBIT 'B'

VAC 14-4656

LEGAL DESCRIPTION: (PARCEL #765-27330-000)

Lot 60 of the Concurrent Plat of Sunbridge Villas Subdivision as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas

LEGAL DESCRIPTION: (PORTION TO BE VACATED)

A part of Lot 60 of the Concurrent Plat of Sunbridge Villas Subdivision as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Commencing at the NW corner of said Lot 60 thence S28°33'42"E 137.11 feet, thence S61°26'18"W 13.71 feet to the P.O.B.; thence S25°52'07"W 7.73 feet, thence N28°33'42"W 13.29 feet, thence S64°07'53"E 10.81 feet to the P.O.B.; containing 42 square feet more or less.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: April 14, 2014 UPDATED 4-17-2014

SUBJECT: **VAC 14-4656: Vacation (2693 VALENCIA AVE./RIVERWOOD HOMES, 290):** Submitted by RIVERWOOD HOMES for property located at 2693 VALENCIA AVE. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.22 acres. The request is to vacate part of a utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4656** to the City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject property is located at 2693 Valencia Avenue and contains 0.22 acres within the Sunbridge Villas R-PZD. There is a 30' 10' general utility and a 30' drainage easement on the northeast property line that was platted with the subdivision.

The applicant requests vacation of a portion of two platted easements, consisting of a general utility easement and a drainage easement to make it feasible to construct a home on this unusually shaped lot.

DISCUSSION:

Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Two-family residential	RMF-24, Residential Multi-family 24 Units/acre
South	Single-family residential	R-PZD
East	Single-family residential	R-PZD
West	Two-family residential	RMF-24, Residential Multi-family 24 Units/acre

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections. The areas being vacated are surrounded entirely by property owned by the applicant.

UTILITIES

Cox Communications

RESPONSE

No objections

Ozarks Electric Power Company

No objections

Source Gas

No objections

AT&T

No objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections

Recycling & Trash Collection

No objections

Transportation

No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 14-4656** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. 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:

Forwarded Denied Tabled

Date: April 14, 2014

Motion: Chesser

Second: Cook

Vote: 9-0-0

Notes: On Consent Agenda

BUDGET/STAFF IMPACT:

None

Attachments:

Petition to Vacate

Vacation Plat

Utility Approvals

One Mile Map

Close Up Map

PETITION TO VACATE EASEMENT LOCATED IN LOT 60, SUNBRIDGE SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission

The Fayetteville City Council

I, the undersigned, being all owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 60, Sunbridge Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate and easement which is described in the attached legal description.

That the abutting real estate affected by said abandonment of the easement are Lots #59, # 1A, Sunbridge Subdivision, and Greens at Lakeside Village, City of Fayetteville used by the public for a period of many years, and that public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.


The petitioners pray that the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easement as required, 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, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to the particular land the owners be free from the easements of the public for the use of said easement.

Dated this 4th day of March, 2014.

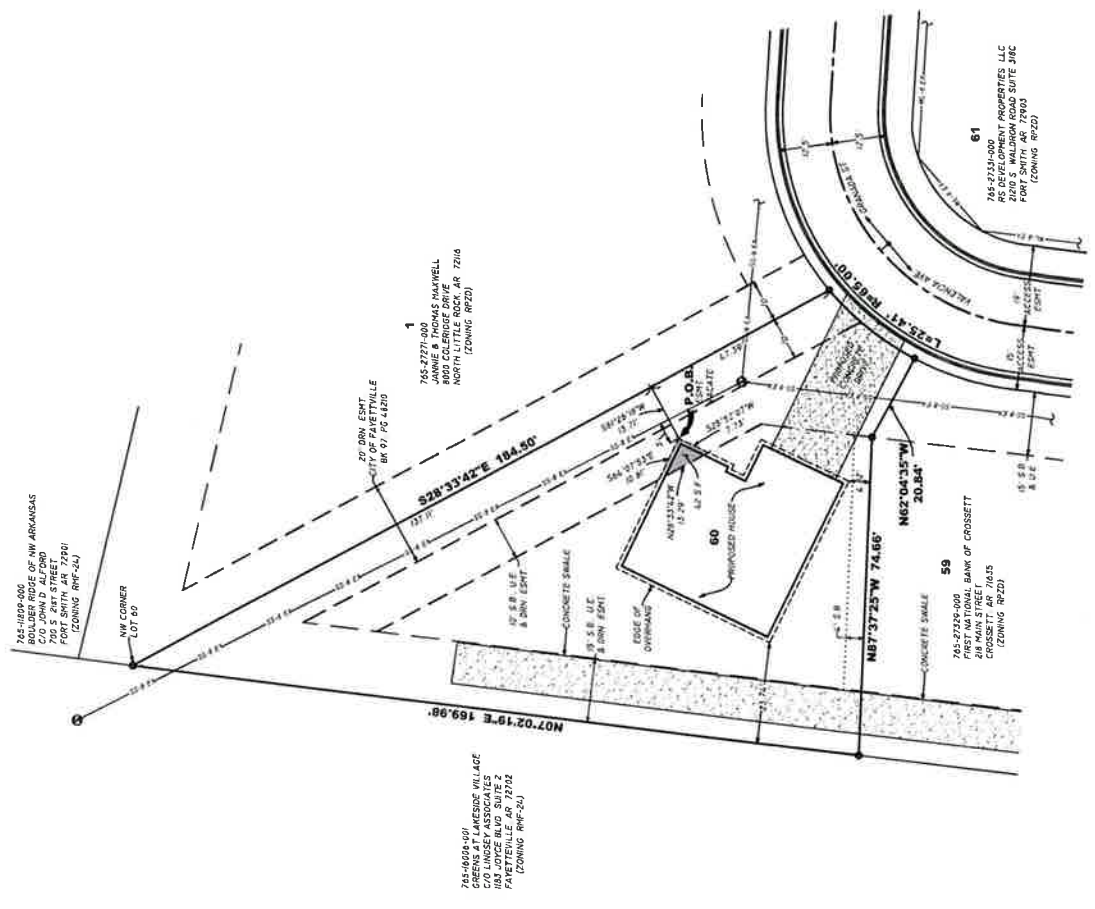
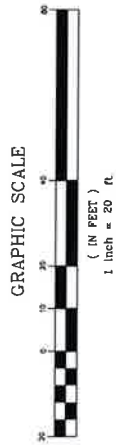
Mark Marquess – Riverwood Homes, LLC

A handwritten signature in black ink, appearing to be "Mark Marquess", is written over a horizontal line. The signature is stylized and cursive.

<p>PREPARED BY JORGENSEN & ASSOCIATES ESTABLISHED 1968 CIVIL ENGINEERING SURVEYING</p>  <p>12400 SHARBROOK DRIVE FAYETTEVILLE, AR 72704 PHONE: (479) 444-9137 FAX: (479) 560-1887</p>	<p>PROJECT LOCATION: FAYETTEVILLE, AR.</p>
	<p>PROJECT TITLE: PRESENT VACATION</p>
<p>REVISIONS:</p>	<p>DATE: 12/27/14 DRAWN BY: JRM PROJECT # 20947 FILE # 14-4656 (2693 VALANCIA AVE) SCALE: 1" = 40'</p>
<p>LEGEND</p> <ul style="list-style-type: none"> X CALCULATED POINT ○ SET IRON PIN & CAP ● SEWER MANHOLE — EXISTING 8" SEWER LINE — EXISTING WATERLINE — CENTERLINE STREET — SIDE BUILDING SETBACK (S.B.) — BUILDING SETBACK (S.B.) — UTILITY EASEMENT 	<p>PROJECT DETAILS</p>



- NOTES**
- 1) PLAT PAGE #290
 - 2) CURRENT ZONING - RP2D
 - 3) PARCEL NUMBERS 745-27315-000
 - 4) BASIS OF DATA: THIS CONCURSIVE PLAT OF SUMMERHILL WAS SUBMITTED BY GEOMATIC CONSULTANTS INC. FILE #4934-00080289
 - 5) THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #0812C00P DATED MAY 16, 2009



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

DATE: 2/27/14

UTILITY COMPANY: City of Fayetteville *W/S*

APPLICANT NAME: Riverwood Homes, LLC APPLICANT PHONE: 479-282-0406

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 Utility Easement on Lot #60 Sunbridge Subdivision, Fayetteville, AR
42 square feet, more or less

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above, and no comments.
 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: 2/27/14

UTILITY COMPANY: Broom Pugh -Solid Waste

APPLICANT NAME: Riverwood Homes, LLC APPLICANT PHONE: 479-282-0406

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:

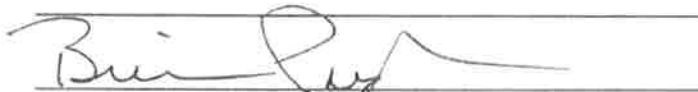
General location / Address Utility Easement on Lot #60 Sunbridge Subdivision, Fayetteville, AR

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above, and no comments.
- 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

Waste Reduction Coordinator
Title

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

DATE: 2/27/14

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Riverwood Homes, LLC APPLICANT PHONE: 479-282-0406

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 Utility Easement on Lot #60 Sunbridge Subdivision, Fayetteville, AR

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above, and no comments.
- No objections to the vacation(s) described above, provided following described easements are retained.
(State the locat.on, dimensions, and purpose below.)

No objections provided the following conditions are met:
Any damage to or relocations of existing facilities will be at the owners/developers expense.



Signature of Utility Company Representative

Construction Planner III NWA

Title

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

DATE: 2/27/14

UTILITY COMPANY AT&T

APPLICANT NAME: Riverwood Homes, LLC APPLICANT PHONE: 479-282-0406

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 Utility Easement on Lot #60 Sunbridge Subdivision, Fayetteville, AR

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

UTILITY COMPANY COMMENTS

- No objections to the vacation(s) described above, and no comments.
- 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:
If AT&T facilities need to be relocated or are damaged the property owner will be
responsible.

Jeff Hesse
Signature of Utility Company Representative

Mgr. Osp Plng & Enrg Design

Title

2/27/14
2:00

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

DATE: 2/27/14

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Riverwood Homes, LLC APPLICANT PHONE: 479-282-0406

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above, and no comments.
- 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: 2/27/14

UTILITY COMPANY: Jeff Coles - Transportation

APPLICANT NAME: Riverwood Homes, LLC APPLICANT PHONE: 479-282-0406

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 Utility Easement on Lot #60 Sunbridge Subdivision, Fayetteville, AR

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above, and no comments.
 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 D. Hully
Signature of Utility Company Representative

TRANS. Services Dir
Title

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

DATE: 2/27/14

UTILITY COMPANY: Source Gas

APPLICANT NAME: Riverwood Homes, LLC APPLICANT PHONE: 479-282-0406

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, and no comments.
- 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

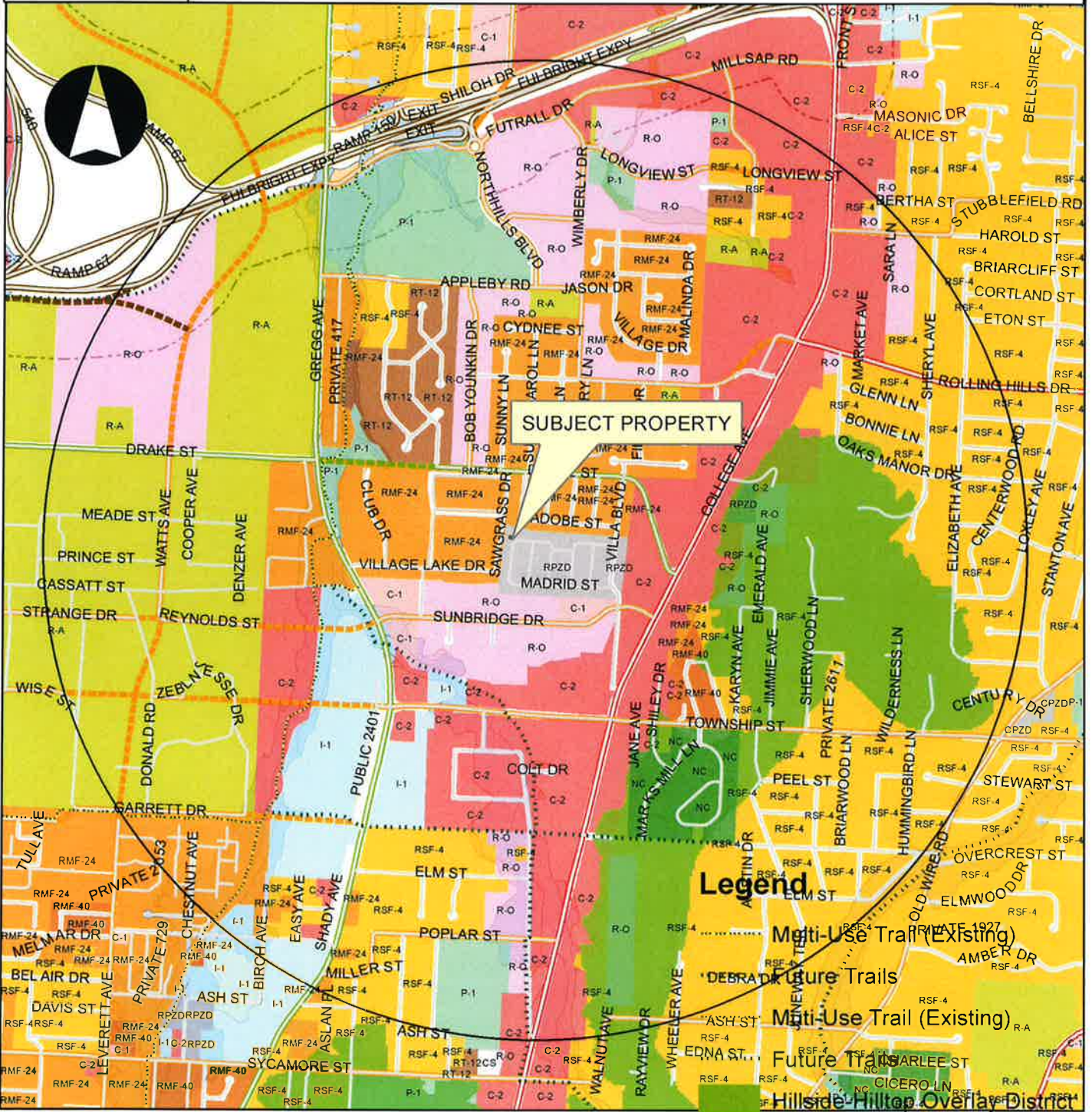
Fayetteville Division Manager

Title

VAC14-4656

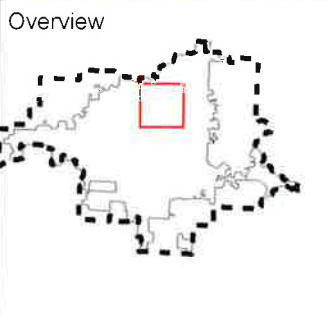
RIVERWOOD HOMES

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
- VAC14-4656
- Design Overlay District
- Planning Area
- Fayetteville

Boundary

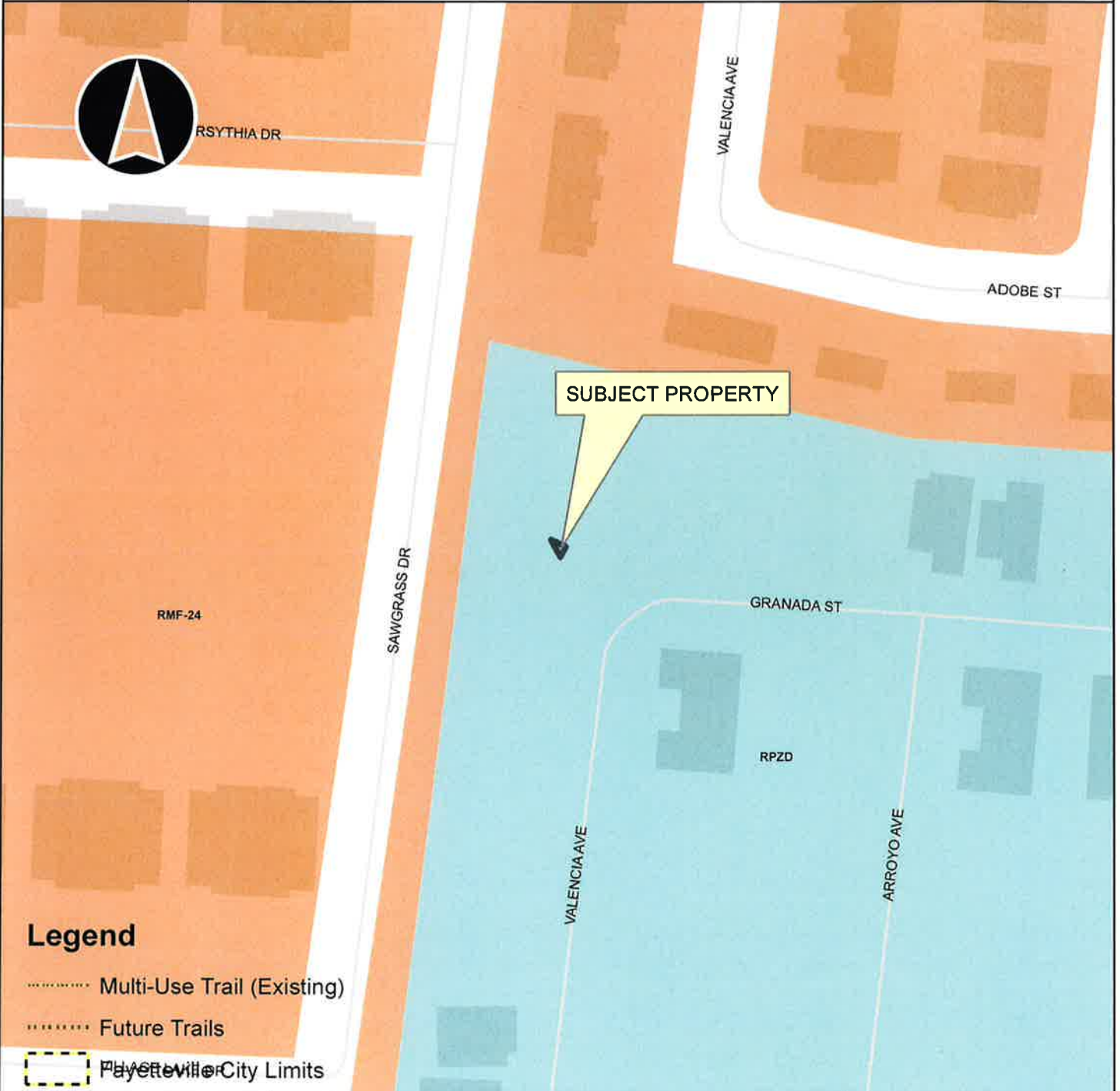
0 0.25 0.5 1 Miles

- VAC14-4656
- Design Overlay District
- Planning Area
- Fayetteville

VAC14-4656

RIVERWOOD HOMES

Close Up View



Overview VAC14-4656

■ Footprints 2010

■ Hillside-Hilltop Overlay District

□ Design Overlay District

□ Design Overlay District

--- Planning Area

