

City of Fayetteville Item Review Form

2014-0178

Legistar File Number

5/20/14

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Casey

Submitted By

Development Services

Department

Action Required:

Approval of a resolution granting Utility Easements to City of Elkins for water and sewer relocations for the Highway 16 bridge project.

Does this item have a cost? No

_____	_____	_____
Cost of this request	Category or Project Budget	Program or Project Name
	\$0.00	
_____	_____	_____
Account Number	Funds Used to Date	Program or Project Category
	\$0.00	
_____	_____	_____
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/> No	Budget Adjustment Attached? <input type="checkbox"/> No	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

ENTERED
4/22/14 DM

ENTERED
4/22/14

Comments:

[Signature] 4/22/14
Paul a. Barber 4-22-2014

[Signature] 4/22/14
[Signature]

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 20, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services
Chris Brown, City Engineer

FROM: Matt Casey, Engineering Design Manager

DATE: April 21, 2014

SUBJECT: Utility Easements for City of Elkins

RECOMMENDATION:

Staff recommends approval of a resolution granting Utility Easements to City of Elkins for water and sewer relocations for the Highway 16 bridge project.

BACKGROUND:

AHTD is replacing the Highway 16 bridge across the Middle Fork of the White River. As part of the utility relocations for this project, the City of Elkins will be relocating a water line and a sewer force main. The City of Fayetteville owns the property on both sides of the bridge in this location. Utility easements are necessary for the water and sewer relocations.

DISCUSSION:

McClelland Consulting Engineers have prepared the easement documents which are attached along with a letter from the Mayor of Elkins. The easement request has been reviewed by the Parks Department and the Water and Sewer Department. Both departments are in agreement with the dedication of the utility easements on this property.

BUDGET/STAFF IMPACT:

There will be no budget impact for this item.

Attachments:

Letter from the Mayor of Elkins
Easement documents



City of Elkins

Mayor- Bruce Ledford
bruceledford@elkins.arkansas.gov
Office Manager: Gayla Stahman
gaylastahman@elkins.arkansas.gov
www.elkins.arkansas.gov

1874 Stokenbury Rd
Elkins AR 72727
479-643-3400 Phone
479-643-3368 Fax

April 1, 2014

Mayor Lioneld Jordan
City of Fayetteville
113 W Mountain St.
Fayetteville, AR 72701

Re: Easements at Lake Sequoyah

Dear Mayor Jordan:

The Arkansas Highway and Transportation Department has advised the City of Elkins that they intend to replace the Highway 16 Bridge across the Middle Fork of White River. This is at the upper end of the Lake Sequoyah property owned by the City of Fayetteville.

In order to accommodate this bridge work, the City of Elkins needs to replace a segment of its water main on the south side of Highway 16, east of the river. Elkins also needs to replace a segment of its sewage force main, which currently is attached to the north side of the existing bridge. McClelland Consulting Engineers, Inc., has prepared plans for these replacements. The plans propose that the existing force main be replaced by a 20-inch diameter polyethylene casing being directionally bored under the river, then a 12-inch polyethylene carrier pipe being pulled through the casing. Both the casing and carrier pipe will be watertight, to prevent any leaks under the river.

Easement for these two areas have been prepared and reviewed with Ms. Holly Jones. She has passed these easements and the plans along to Mr. Matt Casey. Your City's approval of these two easements will be appreciated, so that this highway project can proceed. If there are questions, or if you need additional information, please contact me or Robert White at McClelland Consulting Engineers.

Thank you for your assistance on this matter.

Very Truly Yours,

Bruce Ledford, Mayor
City of Elkins

cc: Mr. Matt Casey, City of Fayetteville
Ms. Holly Jones, City of Fayetteville

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF UTILITY EASEMENTS TO THE CITY OF ELKINS FOR WATER AND SEWER LINE RELOCATIONS FOR THE HIGHWAY 16 BRIDGE PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute the utility easements attached hereto as Exhibits "A" and "B" in favor of the City of Elkins for the purpose of relocating water and sewer lines on property owned by the City of Fayetteville as required for the Highway 16 bridge project.

PASSED and APPROVED this 20th day of May, 2014.

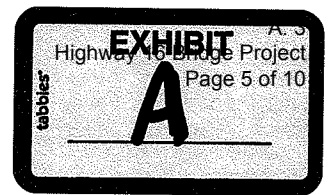
APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Parcel No. 765-13188-000
Parcel No. 765-13178-000
North Side of Highway 16



WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT WE, **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Elkins, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement and a temporary construction and grading easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

A part of the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Section 22 and a part of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 21, ALL in T-16-N, R-29-W, as described in Deed Book 535 at Page 276 and in Deed Book 544 at Page 353 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

PERMANENT EASEMENT DESCRIPTION:

A 30 foot permanent utility easement of equal and uniform width, being more particularly described as follows: From the NW corner of SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 21, thence South 2°42'15" West – 234.35 feet to a point on the North Right of Way line of Arkansas Highway 16, thence along said North Right of Way line South 55°56'34" East – 48.17 feet, thence continuing along said North Right of Way line South 55°56'59" East – 196.00 feet, thence leaving said North Right of Way line North 34°03'01" East – 20.00 feet to the POINT OF BEGINNING, thence North 34°03'01" East – 30.00 feet; thence South 55°56'59" East – 964.30 feet; thence South 34°03'01" West – 30.00 feet; thence North 55°56'59" West – 964.30 feet to the POINT OF BEGINNING, containing 28,929 square feet (0.66 acres), more or less.

The basis of bearings used for the above described 30 foot permanent utility easement is referenced from AHTD Job 040641.

TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION:

A 15 foot temporary construction easement of equal and uniform width located along the North side of the above permanent utility easement, PLUS two additional 45' x 60' temporary construction easements located at both the East and West ends of this said described 15 foot temporary construction easement, and in ALL contains 19,864 square feet (0.46 acres), more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary construction and grading easement as conditioned above, shall terminate when the hereinabove referenced project has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

It is expressly understood that the above temporary construction and grading easement shall exclude any permanent structure presently located within said temporary construction and grading easement area.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

WATER/SEWER EASEMENT
Page 2 of 2

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2014.

CITY OF FAYETTEVILLE, ARKANSAS
A Municipal Corporation

By:

ATTEST:

Lioneld Jordan, Mayor

Sondra Smith, City Clerk

[SEAL]

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF

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ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk**, respectively, of the **City of Fayetteville, Arkansas, a Municipal Corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said City of Fayetteville, Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2014.

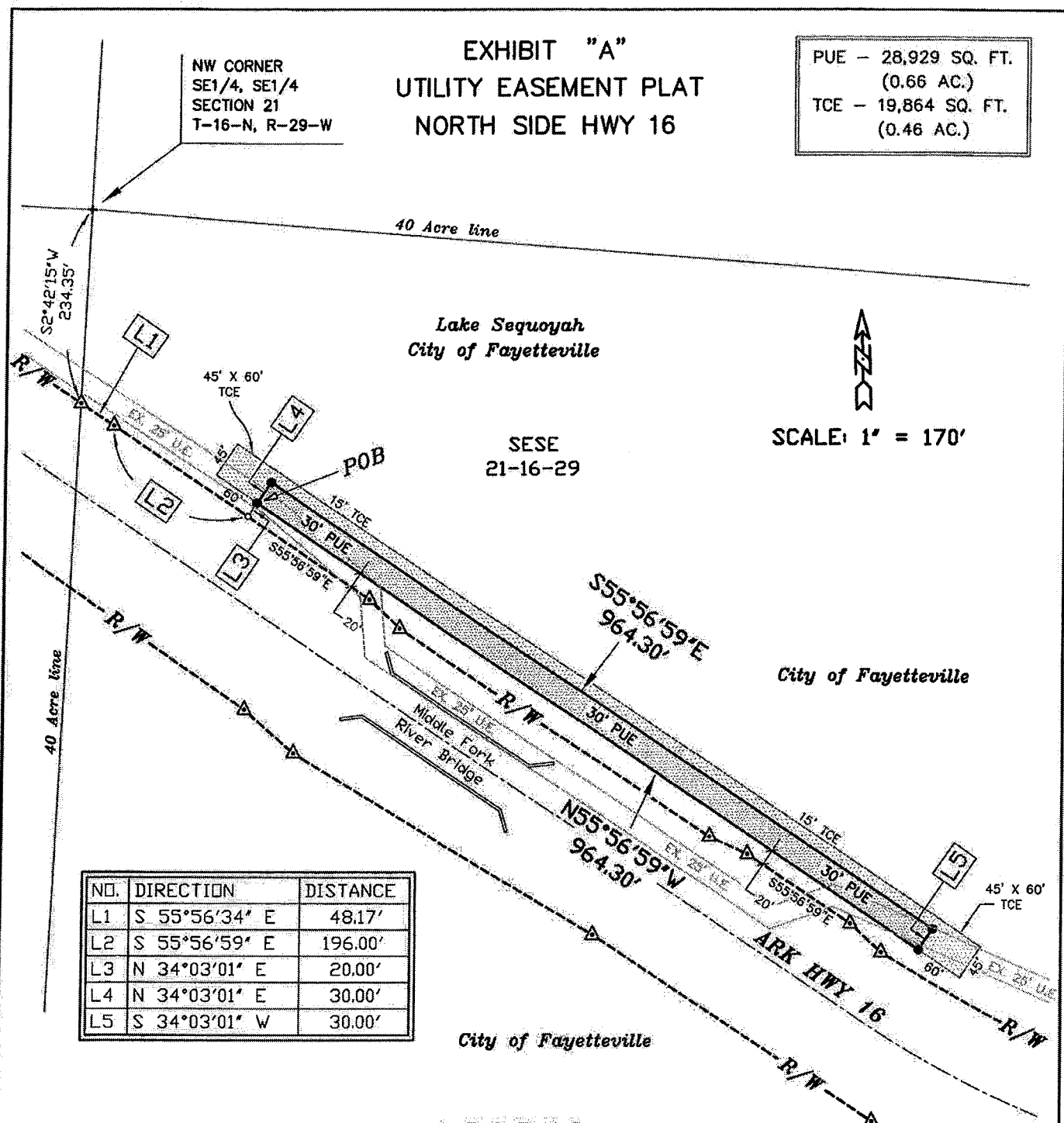
Notary Public

MY COMMISSION EXPIRES:

EXHIBIT "A"
UTILITY EASEMENT PLAT
NORTH SIDE HWY 16

PUE - 28,929 SQ. FT.
 (0.66 AC.)
 TCE - 19,864 SQ. FT.
 (0.46 AC.)

NW CORNER
 SE1/4, SE1/4
 SECTION 21
 T-16-N, R-29-W



SCALE: 1" = 170'

NO.	DIRECTION	DISTANCE
L1	S 55°56'34" E	48.17'
L2	S 55°56'59" E	196.00'
L3	N 34°03'01" E	20.00'
L4	N 34°03'01" E	30.00'
L5	S 34°03'01" W	30.00'

LEGEND

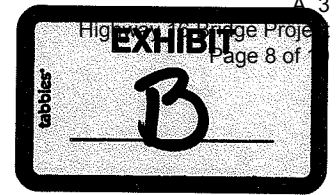
- Permanent Utility Easement
- Temporary Construction Easement
- Corner of Permanent Utility Easement
- Existing Hwy Right of Way Marker
- 765-13188-000 & 765-13178-000 Tax Parcel Number
- 535-276 & 544-353 Deed Books & Pages
- PUE — Permanent Utility Easement
- TCE — Temporary Construction Easement

CITY OF FAYETTEVILLE
 Water & Sewer Department

Property Owner : City of Fayetteville
 Drawn by : McClelland Consulting Engineers
 Date: April 2014
 Project No. 122109
 Scale : 1" = 170'
 AHTD Tract No. 4

Project Name :
 Ar Hwy 16 W/S Line Relocation
 No. Revisions Date
 North side Hwy. 16

Parcel No. 765-13197-000
Parcel No. 765-13178-000
South Side of Highway 16



WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT WE, **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Elkins, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement and a temporary construction and grading easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

A part of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21 and a part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22 and a part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27 and a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28, ALL in T-16-N, R-29-W, as described in Deed Book 522 at Page 368 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

PERMANENT EASEMENT DESCRIPTION:

A 20 to 25 foot wide permanent utility easement of variable width, being more particularly described as follows: From the SW corner of said Section 22, thence South 2°56'39" West - 64.02 feet to a corner of the City of Fayetteville Property, thence along the East line of said Property North 59°50'39" East - 172.92 feet, thence continuing along the East line of said Property North 30°25'39" East - 136.44 feet to the POINT OF BEGINNING, thence continuing along the East line of said Property North 30°25'39" East - 21.28 feet to a point on the South Right of Way line of Arkansas Highway 16; thence along said South Right of Way line North 79°31'40" West - 146.41 feet; thence continuing along said South Right of Way line North 74°24'15" West - 213.92 feet; thence continuing along said South Right of Way line North 64°33'04" West - 216.31 feet; thence continuing along said South Right of Way line North 56°17'44" West - 151.00 feet; thence leaving said South Right of Way line South 33°42'16" West - 25.00 feet; thence South 58°10'27" East - 152.52 feet; thence South 64°33'04" East - 219.47 feet; thence South 74°24'15" East - 216.54 feet; thence South 79°31'40" East - 140.04 feet to the POINT OF BEGINNING, containing 14,942 square feet (0.34 acres), more or less.

The basis of bearings used for the above 20 to 25 foot wide permanent utility easement is referenced from AHTD Job 040641.

TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION:

A 15 foot temporary construction easement of equal and uniform width located along the South and West sides of the above 20 to 25 foot wide permanent utility easement and containing 11,537 square feet (0.26 acres), more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary construction and grading easement as conditioned above, shall terminate when the hereinabove referenced project has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

It is expressly understood that the above temporary construction and grading easement shall exclude any permanent structure presently located within said temporary construction and grading easement area.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

WATER/SEWER EASEMENT
Page 2 of 2

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2014.

CITY OF FAYETTEVILLE, ARKANSAS
A Municipal Corporation

By:

ATTEST:

Lioneld Jordan, Mayor

Sondra Smith, City Clerk

[SEAL]

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF

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ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk**, respectively, of the **City of Fayetteville, Arkansas, a Municipal Corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said City of Fayetteville, Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

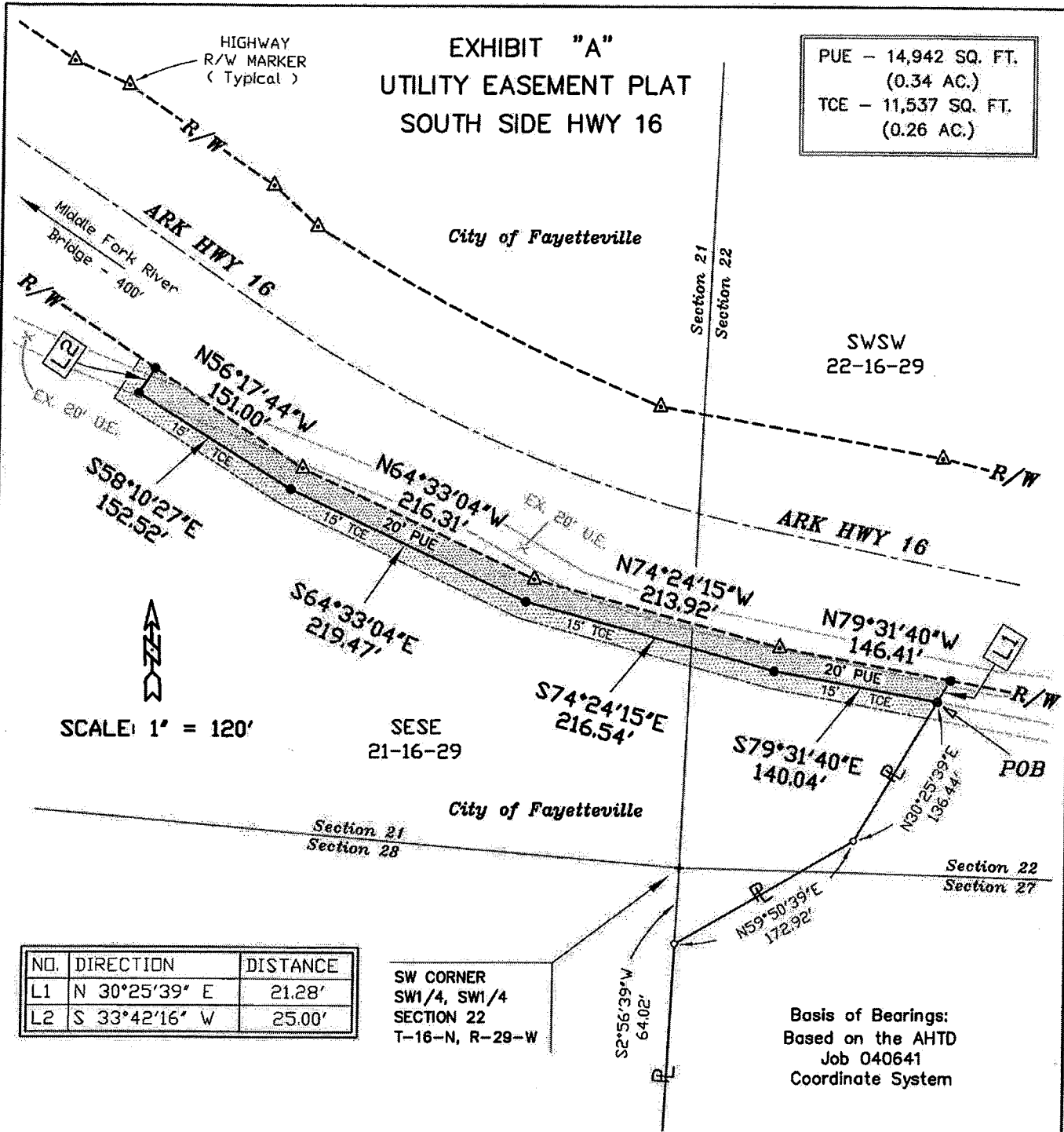
WITNESS my hand and seal on this _____ day of _____, 2014.

Notary Public

MY COMMISSION EXPIRES:

EXHIBIT "A"
UTILITY EASEMENT PLAT
SOUTH SIDE HWY 16

PUE - 14,942 SQ. FT.
 (0.34 AC.)
 TCE - 11,537 SQ. FT.
 (0.26 AC.)



SCALE: 1" = 120'

NO.	DIRECTION	DISTANCE
L1	N 30°25'39" E	21.28'
L2	S 33°42'16" W	25.00'

SW CORNER
 SW1/4, SW1/4
 SECTION 22
 T-16-N, R-29-W

Basis of Bearings:
 Based on the AHTD
 Job 040641
 Coordinate System

LEGEND

- Permanent Utility Easement
- Temporary Construction Easement
- — Corner of Permanent Utility Easement
- △ — Existing Hwy Right of Way Marker
- 765-13197-000 & 765-13178-000 — Tax Parcel Number
- 522-368 — Deed Book & Page
- PUE — Permanent Utility Easement
- TCE — Temporary Construction Easement

<p>CITY OF FAYETTEVILLE Water & Sewer Department</p>	Property Owner : City of Fayetteville		Project Name :		
	Drawn by : McClelland Consulting Engineers		Ar Hwy 16 W/S Line Relocation		
	Date: April 2014	Scale : 1" = 120'	No.	Revisions	Date
	Project No. 122109	AHTD Tract No. 4	South side Hwy. 16		