

City of Fayetteville Item Review Form

2014-0212

Legistar File Number

05/20/2014

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

Andrew Garner

Submitted By

Development Services

Department

Action Required:

VAC 14-4674: Vacation (MOORE LANE IN THE PINES AT SPRINGWOODS S/D, 286): Submitted by JORGENSEN & ASSOCIATES for property located at MOORE LANE IN THE PINES AT SPRINGWOOD. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 4.42 acres. The request is to vacate utility and access easements within 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"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

ENTERED
5/2/14
pjt


ENTERED
5/2/14
WSP

Legistar Print
Garner
Paul a. Butler
Dr. May 5/5/14
David Jordan

CITY COUNCIL AGENDA MEMO

MEETING OF MAY 20, 2014

TO: Fayetteville City Council

THRU: Jeremy Pate, Development Services Director 

FROM: Andrew Garner, City Planning Director

DATE: May 1, 2014

SUBJECT: **VAC 14-4674: Vacation (MOORE LANE IN THE PINES AT SPRINGWOODS S/D, 286):** Submitted by JORGENSEN & ASSOCIATES for property located at MOORE LANE IN THE PINES AT SPRINGWOOD S/D. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 4.42 acres. The request is to vacate utility and access easements within the property.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate utility and access easements as requested.

BACKGROUND:

The subject property is located north and west of the intersection of Foxglove Drive and Moore Lane. The property is within a Commercial Planned Zoning District and contains approximately 4.42 acres. This undeveloped property was originally planned to be part of the Pines at Springwoods neighborhood, a patio home development. During the planning phase, utility and access easements were platted throughout the property in anticipation of the build-out of this property. Phase I of the Pines at Springwoods has been almost entirely completed, however, the property owner has determined that the subject property will not be developed or utilized as originally intended for patio homes. The current plan is to utilize the property for large lot single family homes. The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections.

DISCUSSION:

On April 28, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Planning Commission Staff Report

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4674 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT MOORE LANE IN THE PINES AT SPRINGWOOD TO VACATE UTILITY AND ACCESS EASEMENTS.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility and access 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 and access easements as shown on Exhibit "A" 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.

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. The required fire access road for the Pines at Springwoods Phase I shall be retained through the subject property, and adequate vehicular connectivity between the Pines at Springwoods Phase I and the subject property shall be provided at the time of development of the subject property, pending review and approval of appropriate connectivity by City Planning staff or Planning Commission at the time of development.
2. Subject to the installation of new water/sewer lines to serve the adjusted lots.
3. Any damage or relocation of existing facilities 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



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: ~~April 28, 2014~~ Updated May 1, 2014

SUBJECT: **VAC 14-4674: Vacation (MOORE LANE IN THE PINES AT SPRINGWOODS S/D, 286):** Submitted by JORGENSEN & ASSOCIATES for property located at MOORE LANE IN THE PINES AT SPRINGWOOD S/D. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 4.42 acres. The request is to vacate utility and access easements within the property.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4674** to the City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject property is located north and west of the intersection of Foxglove Drive and Moore Lane. The property is within a Commercial Planned Zoning District and contains approximately 4.42 acres. This undeveloped property was originally planned to be part of the Pines at Springwoods neighborhood, a patio home development. During the planning phase, utility and access easements were platted throughout the property in anticipation of the build-out of this property. Phase I of the Pines at Springwoods has been almost entirely completed, however, the property owner has determined that the subject property will not be developed or utilized as originally intended for patio homes. The current plan is to utilize the property for large lot single family homes. 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	C-PZD Springwoods
South	Commercial and light industrial businesses	C-2, Thoroughfare Commercial; I-1, Heavy Commercial/Light Industrial
East	Undeveloped	C-PZD Springwoods
West	Rural residential; Pines at Springwoods neighborhood	C-PZD Springwoods; R-A, Residential Agricultural;

REQUEST:

The applicant requests vacation of platted utility and access easements throughout the property in order to allow development different than originally planned.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections.

UTILITIES

Cox Communications
Ozarks Electric Power Company
Source Gas
AT&T

RESPONSE

No objections
No objections
No objections
No objections

CITY OF FAYETTEVILLE:

Water/Sewer
Transportation

RESPONSE

No objections
No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 14-4685** 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.

PLANNING COMMISSION ACTION: Required			
Date: <u>April 28, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Winston</u>	Second: <u>Autry</u>	Vote: <u>8-0-0</u>	
CITY COUNCIL ACTION: Required			
Date: <u>May 20, 2014</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter
Petition to Vacate
Vacation Plat
Utility Approvals
One Mile Map
Close Up Map



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.

Swepeco-AEP
Ozark Electric
Cox Communications
AT&T
AWG (Source Gas)
Fayetteville Water & Sewer
Fayetteville Solid Waste
Fayetteville Transportation

8/20/13

Attached please find an easement vacation plat which shows easements to be vacated (shaded areas). These easements were dedicated by an easement plat recorded at 0023-00000277 and they do not have any utilities in them and they are not required now. This property was planned for an extension of the pines but is now planned for three single family lots. Please review and call concerning any questions you may have. Please sign the attached form.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

PETITION TO VACATE access and utility easements 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 in of the attached easement
vacation plat, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate
said access and utility easements which is shown on the attached easement vacation plat.

(SEE ATTACHED)

That the abutting real estate affected by said abandonment and that would not be
adversely affected.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate said
access and utility easements, subject, however, to the existing utility easements and sewer
easements 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 that
particular land the owners be free from the easements of the public for the use of said
alley.

Dated this 18th day of March, 2014.

Scott Hancock
Printed Name

[Signature]
Signature

Printed Name

Signature

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

DATE: 11-25-13

UTILITY COMPANY: Fayetteville Solid Waste

APPLICANT NAME: Scott Moncock APPLICANT PHONE: 442-9127

REQUESTED VACATION (applicant must check all that apply): dave jorgensen (eng) ↑

- 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**)

** Moore Lane (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 Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

August 2012
Page 5

UTILITY APPROVAL FORM

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

DATE: 11/25/2013

UTILITY COMPANY: Franklinville Water & Sewer

APPLICANT NAME: Scott Hancock APPLICANT PHONE: 442-9127

REQUESTED VACATION (applicant must check all that apply): Dave Jorgensen (Eng) ↑

- 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**)
** Moore Lane (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:
Pending subject to the installation of new water/sewer lines to serve
the adjusted lots.

[Signature]
Signature of Utility Company Representative

Utilities Engineer
Title

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

DATE: 11/25/13

UTILITY COMPANY: SWEPco - AEP

APPLICANT NAME: Scott Hancock APPLICANT PHONE: 442-9027

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

** Moore Lane (the Pines) 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 Barnes
Signature of Utility Company Representative

Dist. Engineer
Title

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

DATE: 11-26-13

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Scott Hancock APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): c/o of Dave 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**)

** Moore Lane (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 Phipps
Signature of Utility Company Representative

SYSTEM STAKING TECH
Title

UTILITY APPROVAL FORM

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

DATE: 12/2/2013

UTILITY COMPANY: COX COMMUNICATIONS

APPLICANT NAME: SCOTT MANCOCK APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): Jorgensen & Assoc (Eng. ⤴)

- 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**)

.. Moore Lane (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 relocation of our existing facilities will be a the developers/owners expense.

Chad F. Kelly
Signature of Utility Company Representative

Construction Planner NWA
Title

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

DATE: _____

UTILITY COMPANY: AWG (Source Gas)

APPLICANT NAME: Scott Hancock APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): c/o DAVE JOHNSON

- 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**)

** Moore Lane (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: 12-11-13

UTILITY COMPANY: AT&T

APPLICANT NAME: Scott Hancock APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): Go Dave 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**)

** Moore Lane - the Pines 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:

RELOCATION OF OR DAMAGE TO ANY EXISTING AT&T
SWBT FACILITIES WILL BE CARED FOR AT THE OWNER
DEVELOPER'S EXPENSE.

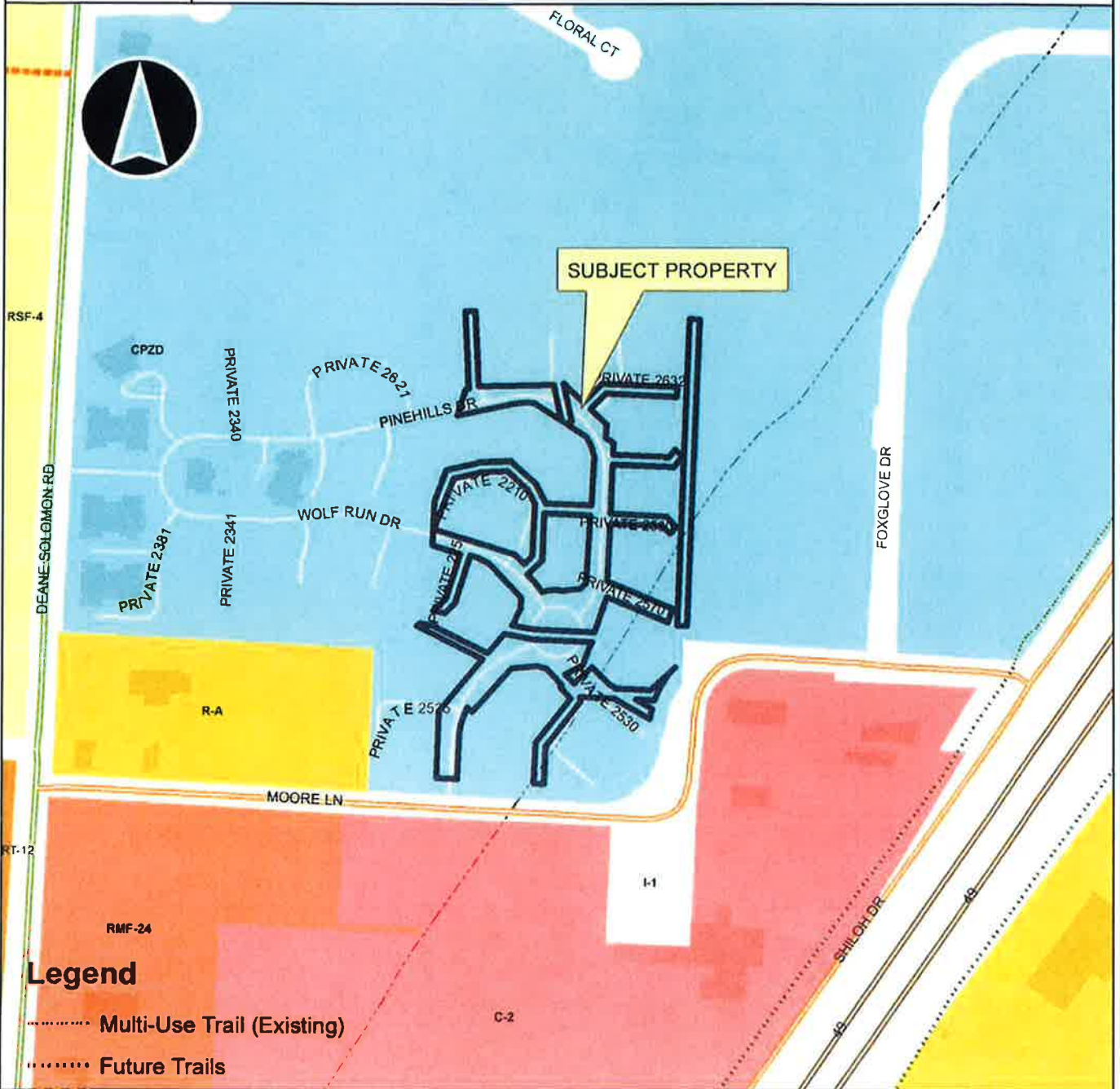
Susan K Clouser
Signature of Utility Company Representative

OSP DESIGN ENGINEER
Title

VAC14-4674

MOORE LN THE PINES AT SPRINGWOODS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview Fayetteville City Limits

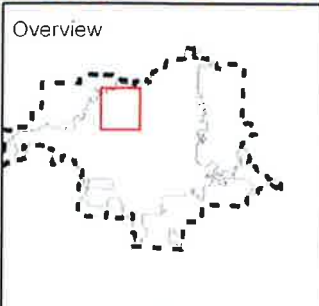
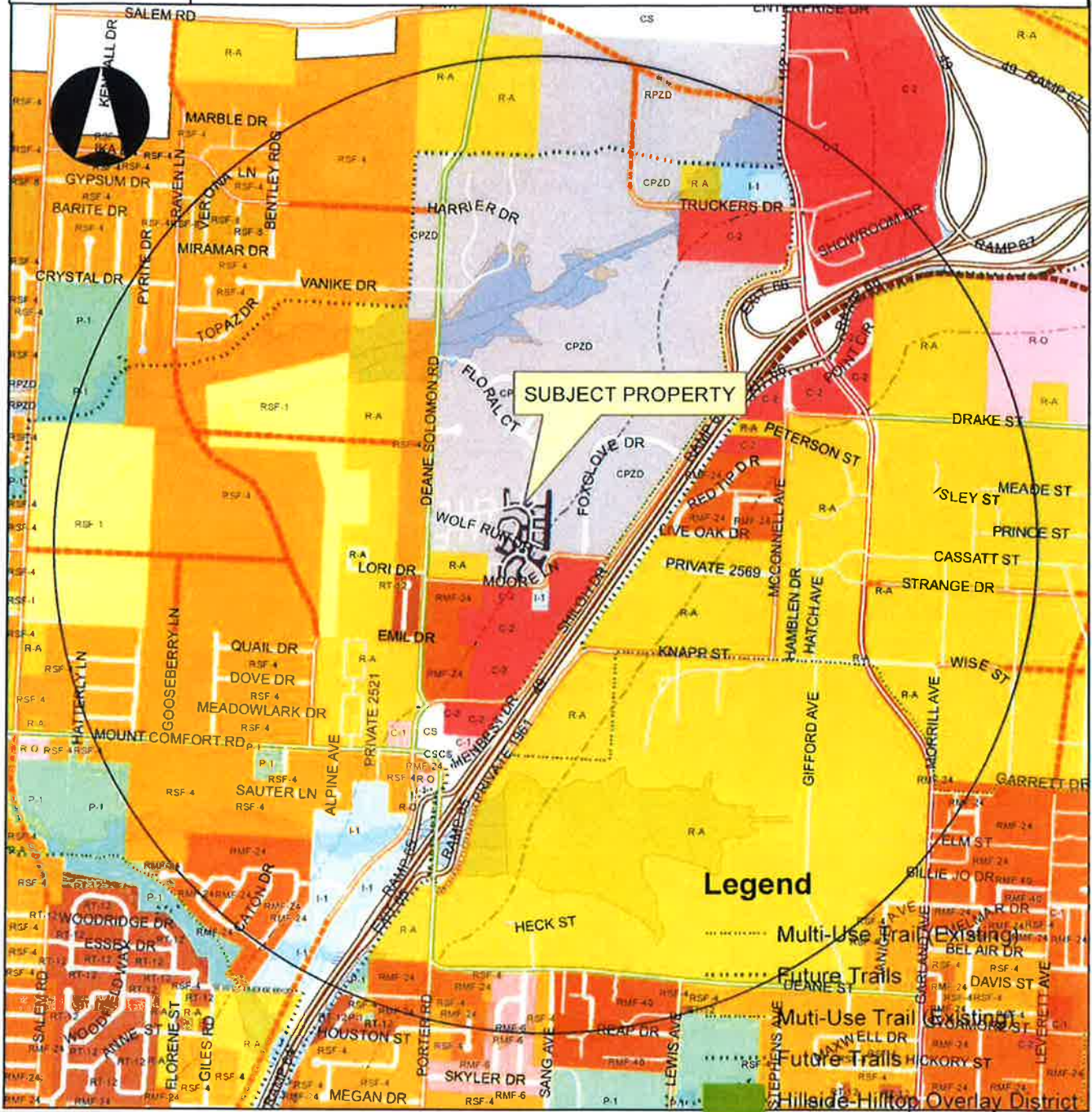
- VAC14-4674
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



VAC14-4674

MOORE LN THE PINES AT SPRINGWOODS

One Mile View



Legend	VAC 14-4674
Subject Property	Design Overlay District
VAC 14-4674	Planning Area
	Fayetteville

Boundary

0 0.25 0.5 1

Miles

