

City of Fayetteville Staff Review Form

**2014-0347**

**Legistar File ID**

**8/19/2014**

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

Quin Thompson

7/29/2014

City Planning /  
 Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

VAC 14-4777: Vacation (NORTHEAST CORNER OF DRAKE & MCCONNELL/NELMS, 248): Submitted by JORGENSEN AND ASSOCIATES for a street stub-out located at the NORTHEAST CORNER OF DRAKE & MCCONNELL. The property is the existing street stub-out for McConnell Avenue which contains approximately 0.64 acres. The request is to vacate an existing street right-of-way and a portion of utility easement.

**Budget Impact:**

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

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

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

Approval Date: \_\_\_\_\_

Comments:

*Jorgensen*  
*Quin Thompson* 8/1/14  
 Paul a. Baker 8-1-2014  
 Don Ma 8-1-14

ENTERED  
 8-1-14  
 ENTERED  
 8/1/14  
 1-14

*Kevin J. Drake*

## CITY COUNCIL AGENDA MEMO

### MEETING OF AUGUST 19, 2014

**TO:** Fayetteville City Council

**THRU:** Andrew Garner, City Planning Director

**FROM:** Quin Thompson, Current Planner

**DATE:** July 29, 2014

**SUBJECT:** **VAC 14-4777: Vacation (NORTHEAST CORNER OF DRAKE & MCCONNELL/NELMS, 248):** Submitted by JORGENSEN AND ASSOCIATES for a street stub-out located at NORTHEAST CORNER OF DRAKE & MCCONNELL. The property is the existing street stub-out for McConnell Avenue which contains approximately 0.64 acres. The request is to vacate an existing street right-of-way and a portion of utility easement.

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#### RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate an existing street right-of-way and a portion of a utility easement.

#### BACKGROUND:

The subject property is the McConnell Avenue street stub-out located northeast of Drake Street and McConnell Avenue and contains approximately 0.64 acres. This section of street right-of-way has become unnecessary for general public access with the construction of I-540/I-49 which cut off McConnell from continuing north. This dead-end street section provides access only to the two adjacent parcels to the east and west. There are active municipal water and sewer lines as well as franchise utilities within the subject property.

The applicant requests vacation of the McConnell Avenue right-of-way north of Drake Street, and a portion of a general utility and water/sewer easement along the west boundary of the property, as shown on the attached plat. The vacation of these areas is requested in anticipation of development on the property at the northeast corner of Drake Street and McConnell Avenue.

#### DISCUSSION:

On July 28, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-1-0, with Commissioner Hoskins voting 'no'.

#### BUDGET/STAFF IMPACT:

N/A

#### Attachments:

CC Ordinance, Exhibit A, Exhibit B, Planning Commission Staff Report

**ORDINANCE NO.**

AN ORDINANCE APPROVING VAC 14-4777 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF MCCONNELL AND DRAKE TO VACATE AN EXISTING STREET RIGHT-OF-WAY AND PORTION OF A UTILITY EASEMENT.

**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 street right-of-way and utility easement 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 portions of street right-of-way and 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.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer’s expense.
2. The vacation is not effective until the active water and sewer lines and fire hydrant are relocated and easements platted according to the requirements of the Water and Sewer Department.
3. The City retains a multi-use trail easement within the right-of-way area being vacated. The details of the easement language and location shall be subject to review and approval by the City Trails Coordinator.
4. The existing 30’ easement for overhead electric lines shall remain.
5. The vacation is not effective until all existing utilities are relocated and placed in easements at the owner/developer’s expense.
6. A new gas line/easement shall be provided as approved by Source Gas.

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

**APPROVED:**

**ATTEST:**

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

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

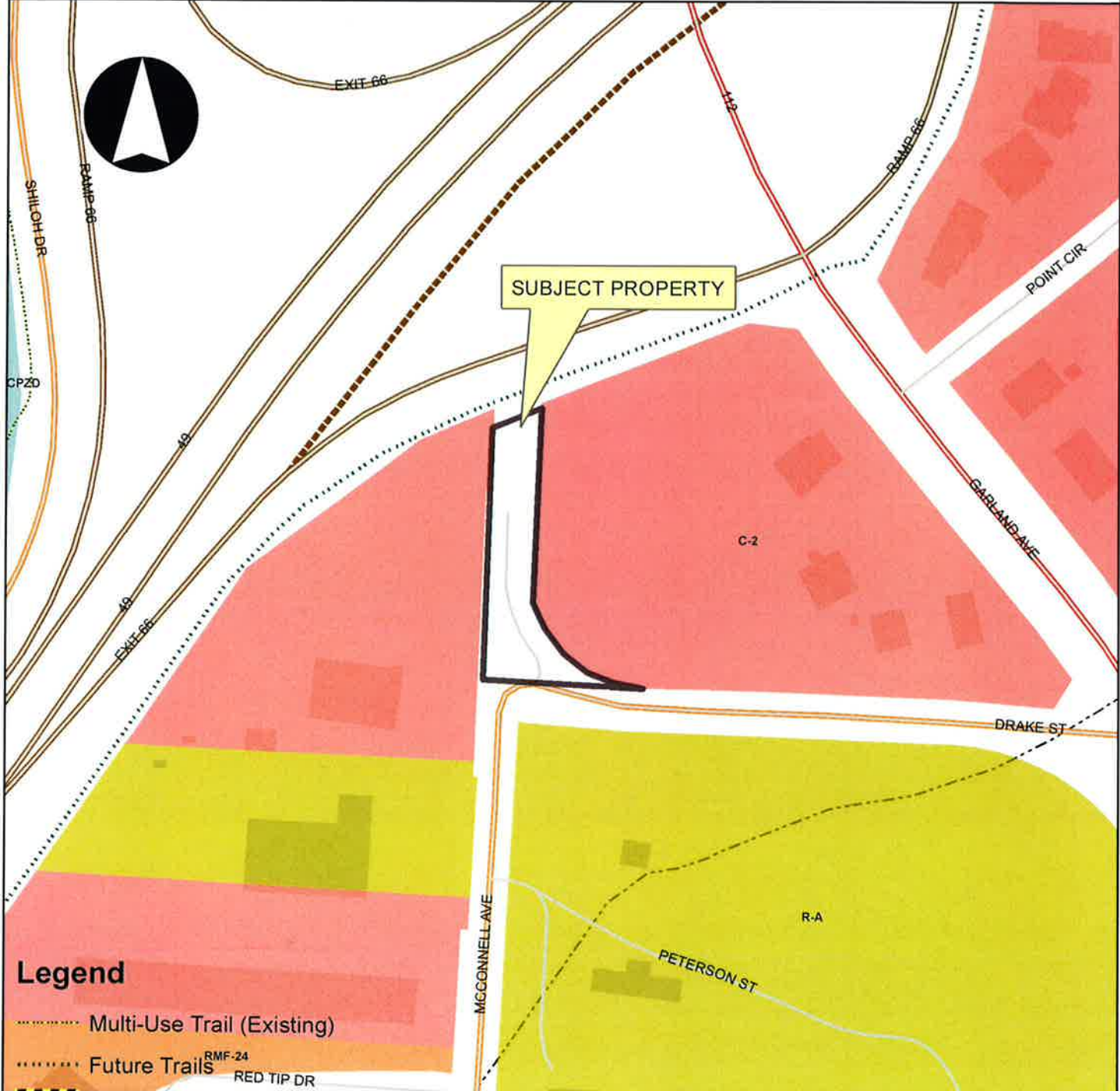
# EXHIBIT 'A'

## 14-4777

VAC14-4777

### NELMS

Close Up View



#### Legend

- ..... Multi-Use Trail (Existing)
- ..... Future Trails

Overview Fayetteville City Limits

- VAC14-4777
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



## **EXHIBIT 'B'**

### **14-4777**

#### LEGAL DESCRIPTION: EASEMENT TO BE VACATED

THE NORTH PORTION OF McCONNEL AVENUE BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SE CORNER OF THE SE 1/4, NE 1/4 OF SECTION 33, T-17-N, R-30-W THENCE WEST 818.38 FEET, THENCE NORTH 30.00 FEET, THENCE S88°17'56"W 151.57 FEET, THENCE N81°15'47"W 40.96 FEET, THENCE N72°06'21"W 37.21 FEET TO THE POINT OF BEGINNING, THENCE WEST 216.54 FEET, THENCE N00°57'54"W 341.08 FEET, THENCE N64°47'00"E 72.32 FEET, THENCE S00°35'04"E 264.25 FEET, THENCE S28°36'13"E 39.42 FEET, THENCE S39°17'09"E 41.42 FEET, THENCE S54°55'50"E 40.53 FEET TO THE POINT OF BEGINNING, CONTAINING 27,705.86 SQUARE FEET.



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Quin Thompson, Current Planner

**MEETING DATE:** ~~July 28, 2014~~ **UPDATED 7-30-2014**

**SUBJECT:** **VAC 14-4777: Vacation (NORTHEAST CORNER OF DRAKE & MCCONNELL/NELMS, 248):** Submitted by JORGENSEN AND ASSOCIATES for a street stub-out located at NORTHEAST CORNER OF DRAKE & MCCONNELL. The property is the existing street stub-out for McConnell Avenue which contains approximately 0.64 acres. The request is to vacate an existing street right-of-way and a portion of utility easement.

**RECOMMENDATION:**

Staff recommends forwarding **VAC 14-4777** to the City Council with a recommendation for approval.

**BACKGROUND:**

*Property and background:* The subject property is the McConnell Avenue street stub-out located northeast of Drake Street and McConnell Avenue and contains approximately 0.64 acres. This section of street right-of-way has become unnecessary for general public access with the construction of I-540/I-49 which cut off McConnell from continuing north. This dead-end street section provides access only to the two adjacent parcels to the east and west. There are active municipal water and sewer lines as well as franchise utilities within the subject property. Surrounding zoning and land use is depicted in Table 1.

**Table 1  
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Interstate I-49	NA/AHTD right-of-way
South	Agricultural/undeveloped	R-A, Residential Agricultural
East	Commercial/Gas Station	C-2, Thoroughfare Commercial
West	Commercial/United Rentals	C-2, Thoroughfare Commercial

*Proposal:* The applicant requests vacation of the McConnell Avenue right-of-way north of Drake Street, and a portion of a general utility and water/sewer easement along the west boundary of the property, as shown on the attached plat. The vacation of these areas is requested in anticipation of development on the property at the northeast corner of Drake Street and McConnell Avenue.

**DISCUSSION:**

*Vacation Approval:* The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

<u>UTILITIES</u>	<u>RESPONSE</u>
Cox Communications	Conditional Approval
AEP/SWEPCO	Conditional Approval
Source Gas	Conditional Approval
AT&T	Conditional Approval

<u>CITY OF FAYETTEVILLE:</u>	<u>RESPONSE</u>
Water/Sewer	Conditional Approval
Trash & Recycling	No objections
Transportation	No objections

**Public Comment:**

No public comment has been received.

**Recommendation:**

Staff recommends forwarding **VAC 14-4777** to the City Council with a recommendation for approval subject to the following conditions:

**Conditions of Approval:**

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. The vacation is not effective until the active water and sewer lines and fire hydrant are relocated and easements platted according to the requirements of the Water and Sewer Department.
3. The City retains a multi-use trail easement within the right-of-way area being vacated. The details of the easement language and location shall be subject to appeal by the City Trails Coordinator.
4. The existing 30' easement for overhead electric lines shall remain.
5. The vacation is not effective until all existing utilities are relocated and placed in easements at the owner/developer's expense.
6. Prior to City Council agenda request being submitted for this item, the applicant shall provide written permission from the City Recycling & Trash Collection and Transportation divisions.
7. A new gas line/easement shall be provided as approved by Source Gas.



<b>PLANNING COMMISSION ACTION: Required</b>			
Date: <u>July 28, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: CHESSER	Second: COOK _	Vote: <u>8-1-0</u>	
<b>CITY COUNCIL ACTION: Required</b>			
Date: <u>8-19-2014</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

Request Letter

Petition to Vacate

Adjacent Property Owner Consent

Utility Approvals

Easement Vacation Exhibit

Trails Coordinator Comments

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.

City of Fayetteville  
113 W Mountain  
Fayetteville, AR. 72701

6/6/14

Att: Planning Dept.  
Re : Vacate R/W of N. McConnel

This is information pertaining to the vacation of right of way of N. McConnel Road. All utilities will be contained in easements as needed. This north portion does not serve any purpose and if this is vacated then the west half would revert to the United Rental property and the east portion would revert to our clients property. Access to United Rental would be at the same location.

Please call concerning any questions you may have.

Thank you.

Sincerely;

  
David L. Jorgensen, P.E.

**PETITION**

**PETITION TO VACATE THE NORTH LEG OF RIGHT-OF-WAY OF McCONNEL AVENUE, CITY OF FAYETTEVILLE, ARKANSAS**

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

We, the undersigned, being all the owners of the real estate abutting the Right-of-Way hereinafter sought to be abandoned and vacated, lying in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said Right-of-Way which is described as follows:

**(SEE ATTACHMENT – EXHIBIT 'A')**

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

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, 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 request that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully request 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 public for the use of said Right-of-Way.

Dated this 18 day of JUNE, 2014.

Dennis Nelms

Printed Name

X Both Price on authority of Dennis Nelms

Signature

ADJACENT PROPERTY OWNER NOTIFICATION FORM

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

Date: 6/5/14  
Address / location of vacation: North leg of McConnell Ave  
Adjacent property address: 2795 McConnell Ave Fayetteville Ar 72703  
Lot:      Block:      Subdivision:     

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)

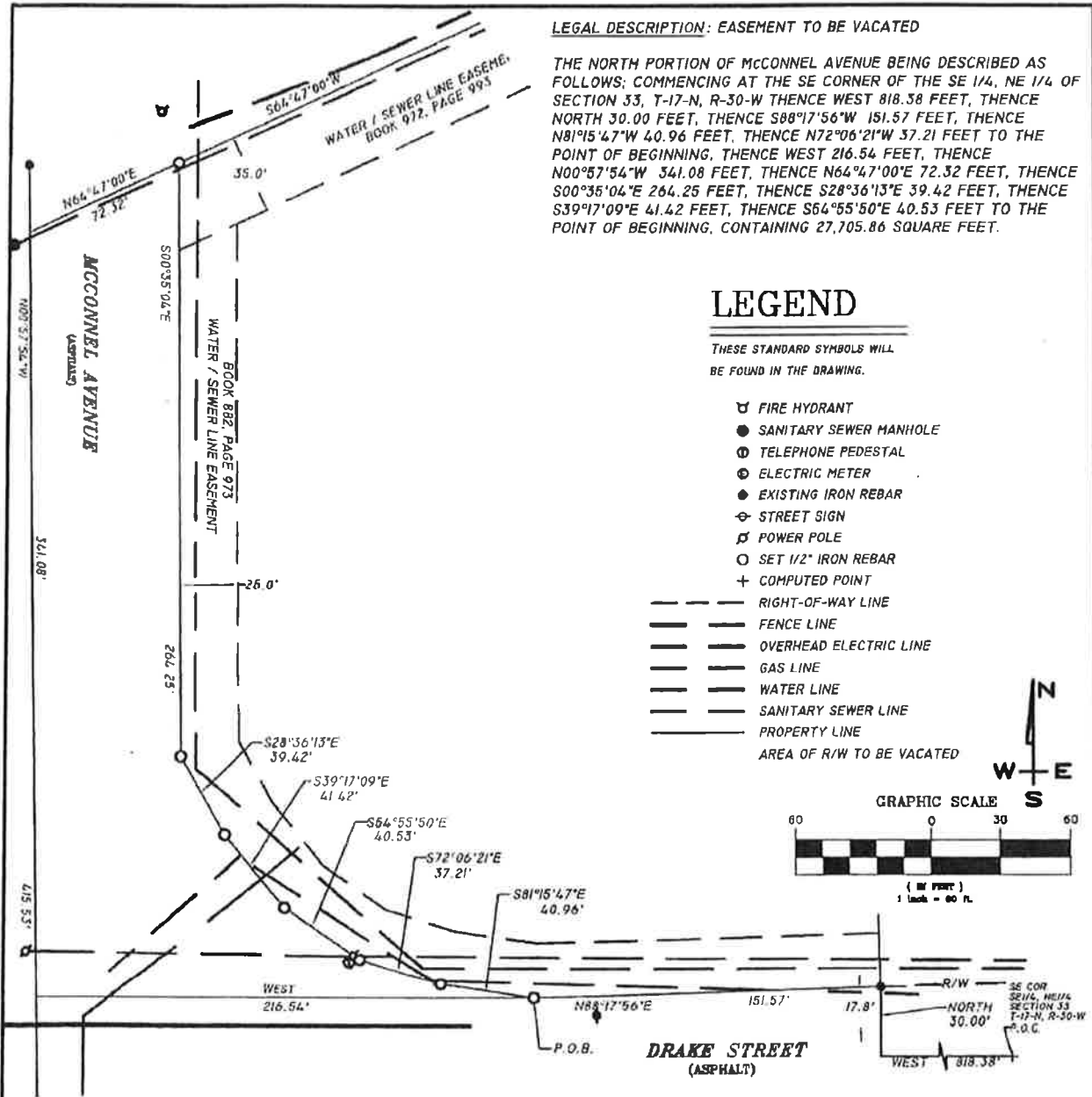
ADJACENT PROPERTY OWNERS COMMENTS:

- 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:

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

United Rentals (North America), Inc. successor by merger to  
 Project Name  
US Rentals, Inc / D Fischer & Co.  
 Name of Adjacent Property Owner (printed)  
Irene Moshouris  
 Signature of Adjacent Property Owner  
**Irene Moshouris**  
 Senior Vice President  
 and Treasurer

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



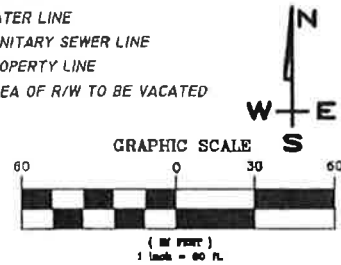
**LEGAL DESCRIPTION: EASEMENT TO BE VACATED**

THE NORTH PORTION OF MCCONNELL AVENUE BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SE CORNER OF THE SE 1/4, NE 1/4 OF SECTION 33, T-17-N, R-30-W THENCE WEST 818.58 FEET, THENCE NORTH 30.00 FEET, THENCE S88°17'56\"W 151.57 FEET, THENCE N81°15'47\"W 40.96 FEET, THENCE N72°06'21\"W 37.21 FEET TO THE POINT OF BEGINNING, THENCE WEST 216.54 FEET, THENCE N00°57'54\"W 341.08 FEET, THENCE N64°47'00\"E 72.32 FEET, THENCE S00°35'04\"E 264.25 FEET, THENCE S28°36'13\"E 39.42 FEET, THENCE S39°17'09\"E 41.42 FEET, THENCE S64°55'50\"E 40.53 FEET TO THE POINT OF BEGINNING, CONTAINING 27,705.86 SQUARE FEET.

**LEGEND**

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- ⊕ FIRE HYDRANT
- SANITARY SEWER MANHOLE
- ⊙ TELEPHONE PEDESTAL
- ⊙ ELECTRIC METER
- EXISTING IRON REBAR
- ⊕ STREET SIGN
- ⊕ POWER POLE
- SET 1/2\" IRON REBAR
- + COMPUTED POINT
- - - RIGHT-OF-WAY LINE
- == FENCE LINE
- == OVERHEAD ELECTRIC LINE
- == GAS LINE
- == WATER LINE
- == SANITARY SEWER LINE
- == PROPERTY LINE
- AREA OF R/W TO BE VACATED



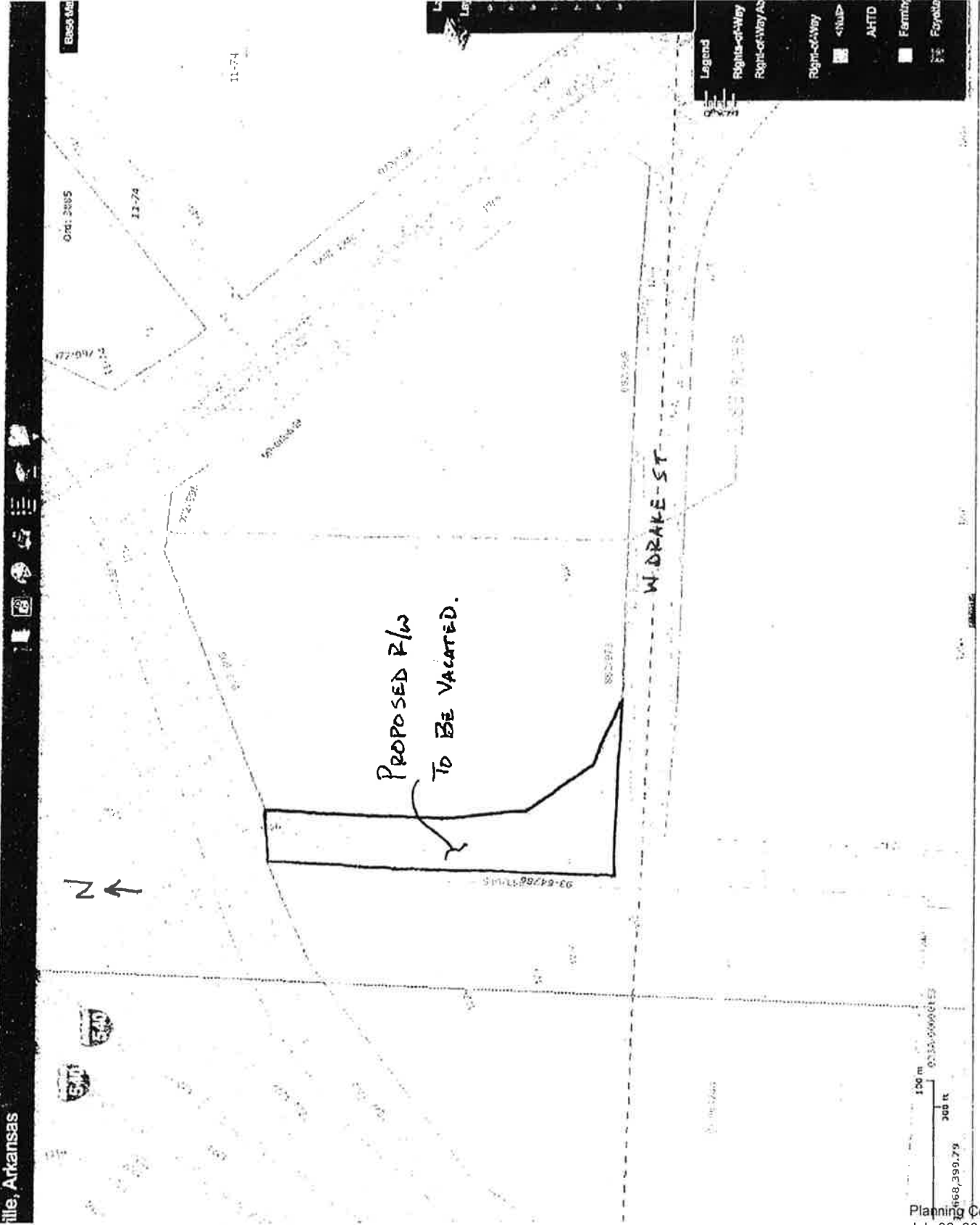
**EXHIBIT 'A'**

**JORGENSEN & ASSOCIATES**  
 CIVIL ENGINEERS • SURVEYORS

SCALE: 1"=60'	DATE REVISED	CHECKED BY: DLJ	DRAWN BY: PMM
DATE: 17JUN14			Z:\LSD\2014\0701ESMT VAC

**EASEMENT VACATION FOR  
 McCONNELL AVENUE R/W**

121 WEST SUBURBIDGE, SUITE 3 • FAYETTEVILLE, ARKANSAS 72704 • (479) 440-9127 • FAX (479) 552-1807





June, 20<sup>th</sup> 2014

Jorgensen & Associates

Engineering Division – Trails Comments

**14-477 VAC Drake and McConnell (Nelms)**

TRAIL COMMENTS

The Fayetteville Alternative Transportation and Trails Mater Plan designates a trail to be constructed within the right of way proposed to be vacated. To make this connection in the future a 30 foot wide multi-use trail easement will need to be retained along the west edge of the proposed vacated area. The easement will also need to turn back east at the north end to align with the existing water and sewer easement heading to the intersection of I-49 and Garland. Please Matt Mihalevich, Trails coordinator at 575-3416 with any question about the easement location.

Multi-Use Trail Easement Language:

**A permanent easement to construct, maintain, repair and/or replace a multi-use trail for public access, together with all appurtenances thereto including lighting and public art, on, over, across, and through the following described land labeled City of Fayetteville multi-use trail easement on this final plat. The Grantor agrees not to erect any buildings, fences or structures in said permanent easement.**

Thank you,  
Matt

Matt Mihalevich  
Trails Coordinator  
[mmihalevich@fayetteville-ar.gov](mailto:mmihalevich@fayetteville-ar.gov)  
(479) 444-3416



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

DATE: 16 JULY 2014

UTILITY COMPANY: WATER & SEWER

APPLICANT NAME: JORGENSEN APPLICANT PHONE: JORGENSEN ASSOC 442-9127

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 NORTH OF DRAKE & McCONNELL

(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.)

EASEMENT CANNOT BE VACATED DUE TO ACTIVE WATER & SEWER LINES PRESENT. APPROVAL

NO OBJECTIONS PROVIDED THE FOLLOWING CONDITIONS ARE MET  
CAN BE APPLIED FOR AGAIN ONCE LINES ARE REMOVED & RELOCATED

  
Signature of Utility Company Representative

INTERIM DIRECTOR FOR WATER & SEWER FUNCTIONS  
Title

UTILITY APPROVAL FORM

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

DATE: 5/28/14  
UTILITY COMPANY: AT&T  
APPLICANT NAME: Dennis Nelms APPLICANT PHONE: 442-9127  
Jorgensen & Assoc  
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 North R/W of McConnell Ave  
East of United Rental

- (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:  
AT&T agrees to vacate stated easement. However if any damage to or if facilities require relocation  
will be the responsibility of the property owner/developer

[Signature]  
Signature of Utility Company Representative

Manager OSP Plan & Engr Design  
Title

**UTILITY APPROVAL FORM**

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

DATE: 5/28/14

UTILITY COMPANY: Source Gas

APPLICANT NAME: Dennis Nelms APPLICANT PHONE: 442-9129

Jorgensen & Assoc

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 North R/W of McConnell Ave  
East of United Rental

(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

Will not vacate until new line/easement created

\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title

UTILITY APPROVAL FORM

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

DATE: 07/28/14

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Dennis Nelms APPLICANT PHONE: 442-9127

Jorgensen Assoc.

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 North R/W of McConnell Ave  
East of United Rental

(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.)

Ozarks has an existing 30 foot easement (15 foot on either side of the center of the line)  
for the existing overhead power line. This easement will need to remain.

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 5/28/14

UTILITY COMPANY: SIOUXPCO - AEP

APPLICANT NAME Deanis Nelms 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 North Plw of McConnell Ave  
East of United Rental

(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.

\_\_\_\_\_

John Boyer  
Signature of Utility Company Representative

Dist. Engineer  
Title

USE ONLY (10/11)  
2/20/13

UTILITY APPROVAL FORM

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

DATE: 5/28/14

UTILITY COMPANY: Cox

APPLICANT NAME: Dennis Nelms APPLICANT PHONE: 442-9127  
Jorgensen & Assoc

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 North R/W of McConnell Ave  
East of United Rental

- (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.)

Has Communication line in R/W that if needs to be relocated  
will be @ developer expense. Needs easement.

- No objections provided the following conditions are met:

\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title

**UTILITY APPROVAL FORM**

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

DATE: 5/28/14

UTILITY COMPANY: Fayetteville Transportation

APPLICANT NAME: Dennis Nelms APPLICANT PHONE: 442-9129

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 North R/W of McConnell Ave  
East of United Rental

(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 Gully  
Signature of Utility Company Representative

Trans Service DR  
Title

**UTILITY APPROVAL FORM**

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

DATE: 7-31-14

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: Dennis Nelms APPLICANT PHONE: 442-9127 (Jorgensen)

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** \_\_\_\_\_  
\_\_\_\_\_


- (*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.)

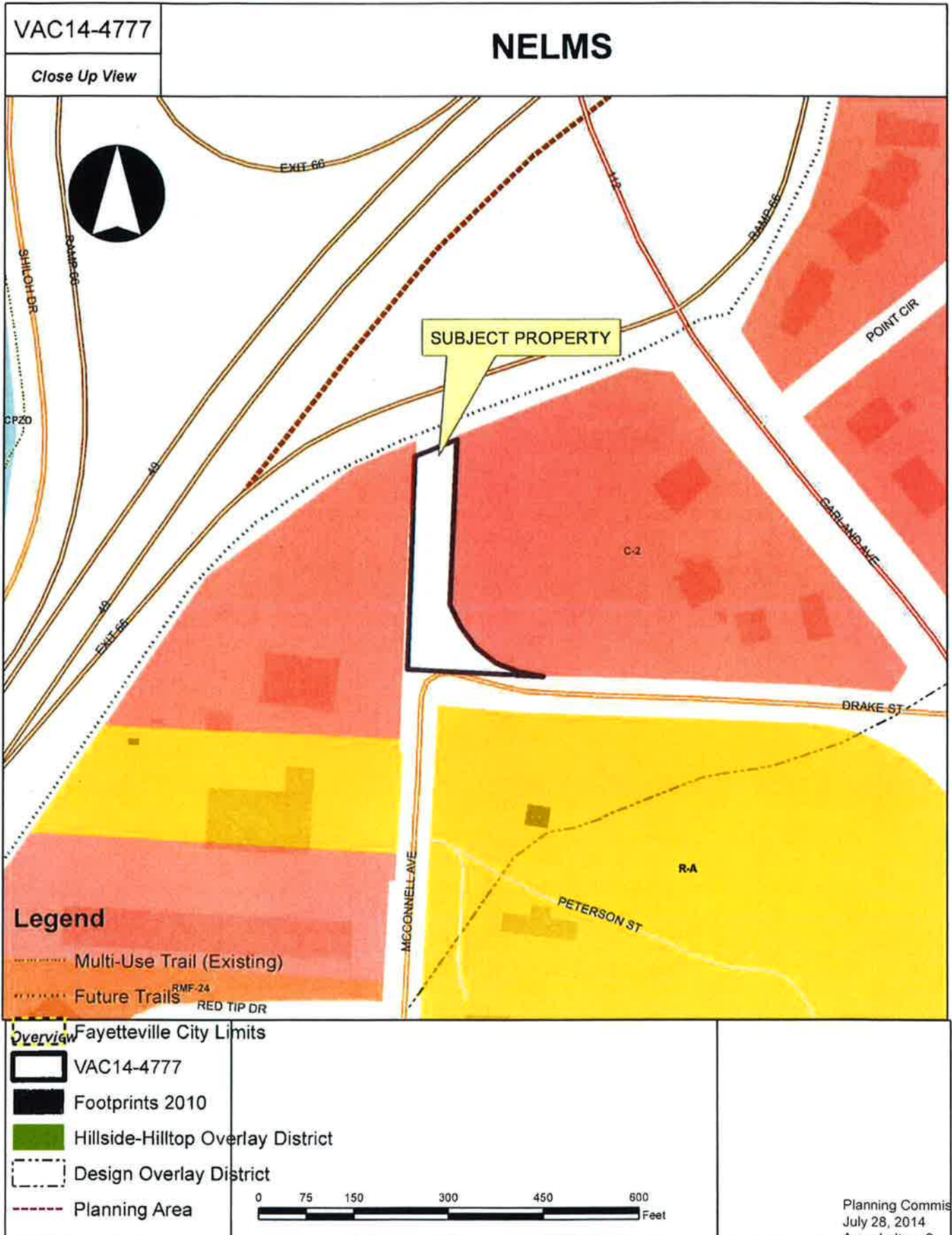
\_\_\_\_\_  
\_\_\_\_\_

- No objections provided the following conditions are met:  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Signature of Utility Company Representative

Waste Reduction Coordinator  
Title

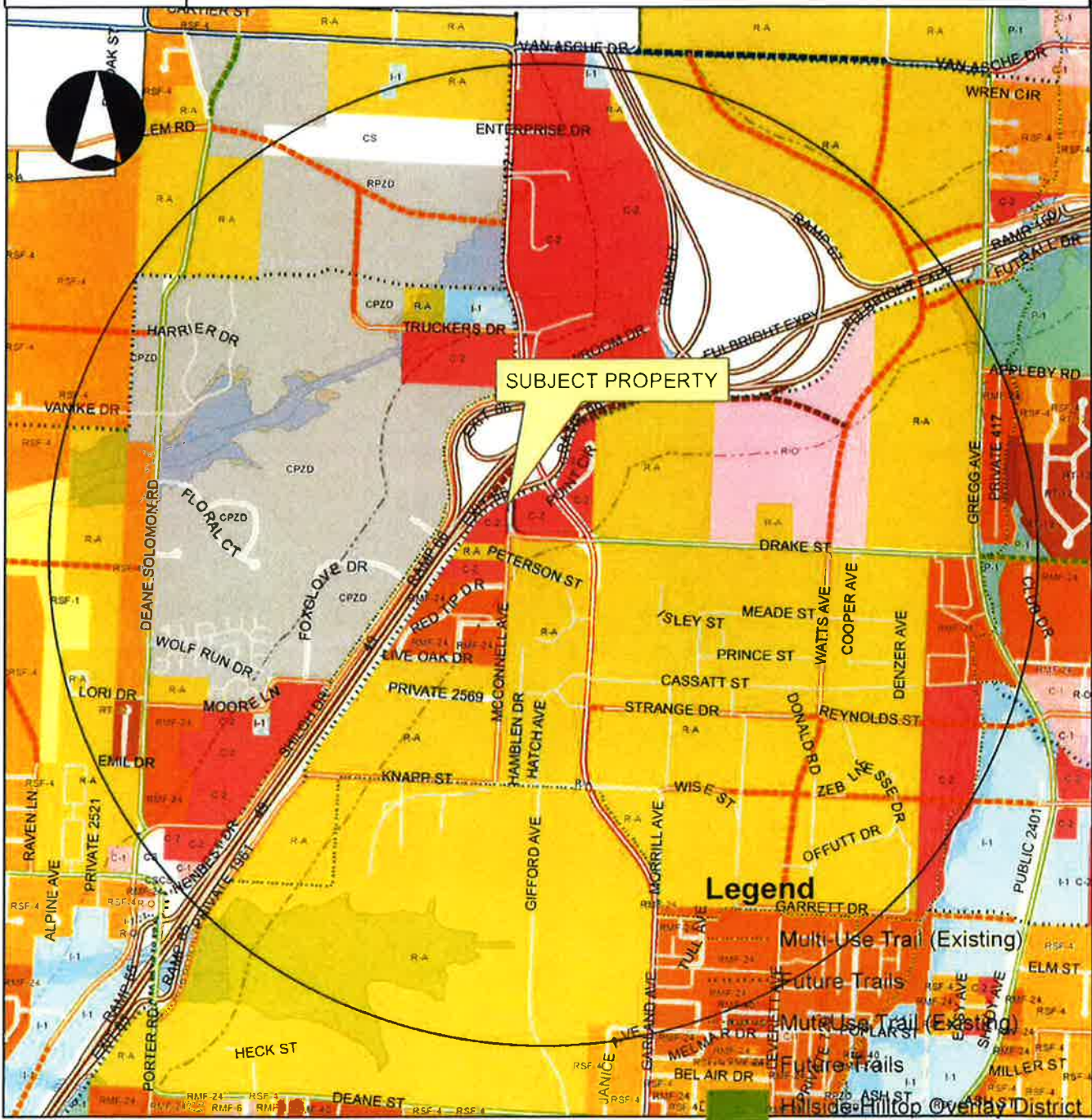




VAC14-4777

# NELMS

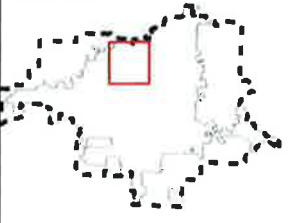
One Mile View



### Legend

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

Overview



### Legend

- Subject Property
- VAC14-4777
- Boundary
- Design Overlay District
- Planning Area
- Fayetteville

