

City of Fayetteville Staff Review Form

2014-0351

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 14-4768: Vacation (2622 E. GOLDEN OAKS DR./HERRIMAN, 332): Submitted by ARLIS HERRIMAN for property located at 2622 E. GOLDEN OAKS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.31 acres. The request is to vacate a portion of an existing utility easement.

Budget Impact:

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

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

Quin Thompson
Ordinance needs amendment now okay 8-5-14
OK w/r 8-1-14 Kit
Paul A. Becker 8-5-2014




Approval Date: _____

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 19, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director *andy*

FROM: Quin Thompson, Current Planner

DATE: July 29, 2014

SUBJECT: **VAC 14-4768: Vacation (2622 E. GOLDEN OAKS DR./HERRIMAN, 332):**
Submitted by ARLIS HERRIMAN for property located at 2622 E. GOLDEN OAKS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.31 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate existing utility easement.

BACKGROUND:

The subject 0.31 acre property is located at 2622 E. Golden Oaks Drive, is zoned RSF-4, Residential Single Family and is currently developed with a single family residence of approximately 2035 square feet. There is existing easement area in the backyard that is not required for City or franchise utility use.

The applicant requests vacation of a portion of a general utility and water/sewer easement in the backyard of the property as shown on the attached plat.

DISCUSSION:

On July 28, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4768 SUBMITTED BY ARLIS HERRIMAN FOR PROPERTY LOCATED AT 2622 EAST GOLDEN OAKS ROAD TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT, A TOTAL OF 275 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 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 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 condition of approval:

1. 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

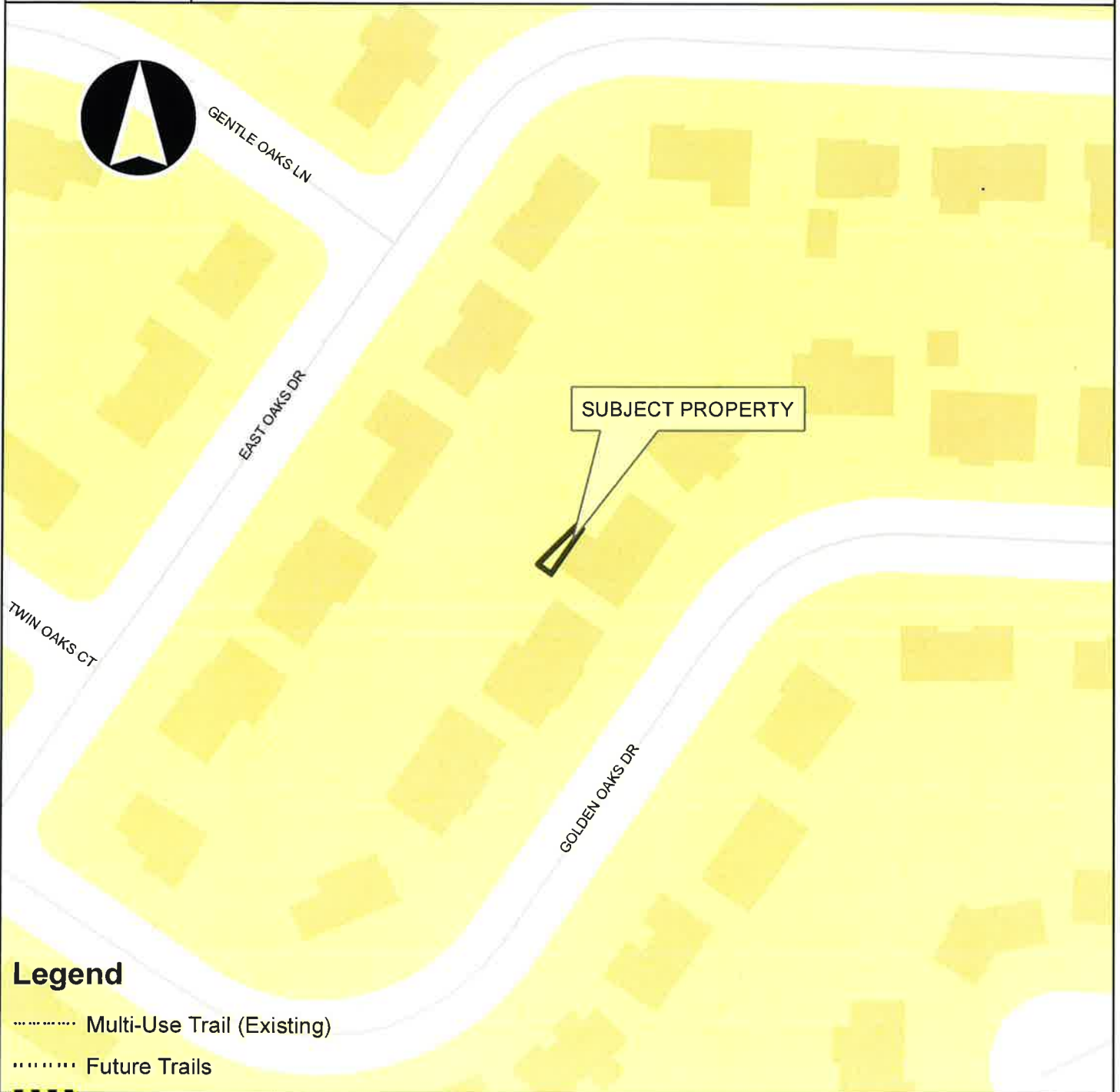
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT 'A' 14-4768

VAC14-4768

HERRIMAN

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview Fayetteville City Limits

- VAC14-4768
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

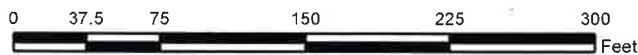


EXHIBIT 'B'
14-4768

PORTION OF EASEMENT TO BE VACATED:

A PART OF LOT 8 IN BLOCK 8 OF EAST OAKS SUBDIVISION PHASE 1, FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID LOT 8 THENCE $557^{\circ}56'05''E$ 39.03 FEET, THENCE $N32^{\circ}03'55''E$ 5.00 FEET TO THE P. O. B., THENCE PARALLEL TO AN EXISTING SEWER LINE $N42^{\circ}51'57''E$ 37.68 FEET, THENCE $S57^{\circ}56'05''E$ 3.91 FEET, THENCE $S32^{\circ}03'55''W$ 37.01 FEET, THENCE $N57^{\circ}56'05''W$ 10.97 FEET TO THE P. O. B. CONTAINING 275 SQUARE FEET MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



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 14-4768: Vacation (2622 EAST GOLDEN OAKS DR./HERRIMAN, 332):** Submitted by ARLIS HERRIMAN for property located at 2622 E. GOLDEN OAKS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.31 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4768** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject 0.31 acre property is located at 2622 E. Golden Oaks Drive, is zoned RSF-4, Residential Single Family and is currently developed with a single family residence of approximately 2035 square feet. There is existing easement area in the backyard that is not required for City or franchise utility use. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Single Family Residential	RSF-4, Residential Single Family-4 units/acre
South	Single Family Residential	RSF-4, Residential Single Family-4 units/acre
East	Single Family Residential	RSF-4, Residential Single Family-4 units/acre
West	Single Family Residential	RSF-4, Residential Single Family-4 units/acre

Proposal: The applicant requests vacation of a portion of a general utility and water/sewer easement in the backyard of the property as shown on the attached plat.

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

RESPONSE

No objections

AEP/SWEPCO

No objections

Source Gas

No objections.

AT&T

No objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections

Trash & Recycling

No objections

Transportation

No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 14-4768** 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.
2. An easement shall be retained with a minimum distance of 5' on each side of the existing gas main that is parallel and adjacent to the rear of the property line.

PLANNING COMMISSION ACTION: Required			
Date: <u>July 28, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: CHESSE	Second: COOK	Vote: <u>9-0-0</u>	PASSED ON CONSENT
CITY COUNCIL ACTION: Required			
Date: <u>8-19-2014</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter

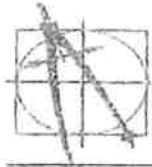
Petition to Vacate

Utility Approvals

Easement Vacation Exhibit

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

1/30/2014

Att: Jesse Fulcher
Re : Partial Easement Vacation (Herriman Property)

I am hereby requesting a partial easement vacation as shown on the attached documents.

Please call concerning any question you may have.

Thank you.

Sincerely;

Arlis Herriman

• PUBLIC WORKS • LAND DEVELOPMENT • WATER SYSTEMS • WASTEWATER SYSTEMS • LAND SURVEYING •

**PETITION TO VACATE a portion of a utility easement
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 sought to be vacated as shown on attached easement vacation plat, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said portion of an easement as shown.

(SEE ATTACHED)

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

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate said portion of easement, and that the above described real estate be used for their respective benefit and purpose as now approved 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, 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 right of way.

Dated this 8 day of June, 2014.

ARLIS HERRIMAN

Printed Name

Arlis Herriman

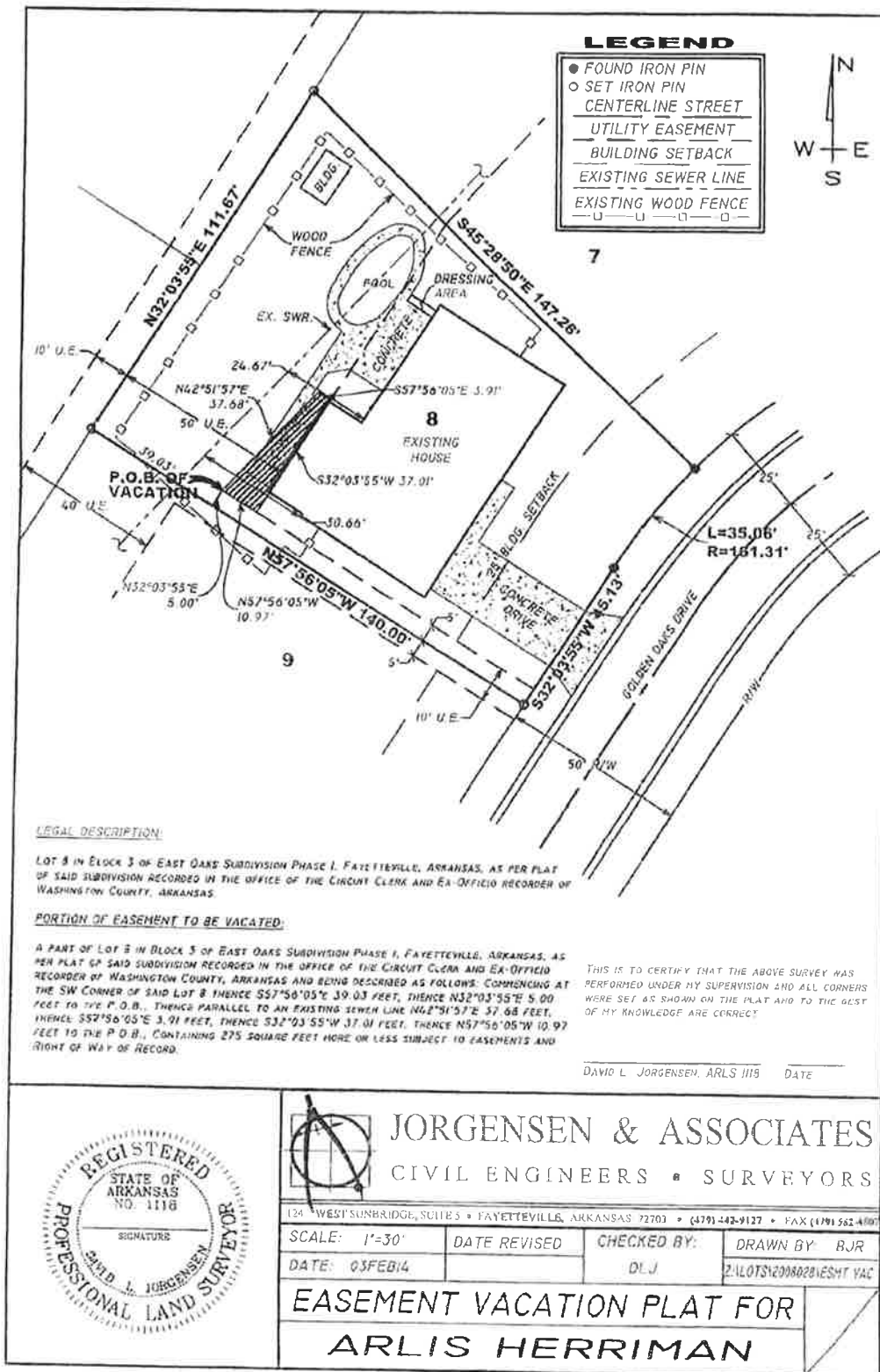
Signature

KATHY L. HERRIMAN

Printed Name

Kathy L Herriman

Signature



UTILITY APPROVAL FORM

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

DATE: 3-21-2014

UTILITY COMPANY: AT & T

APPLICANT NAME: ARLIS HERRIMAN APPLICANT PHONE: 479-445-2927

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 2622 E GOLDEN OAKS DR, FAYETTEVILLE, AR 72703
AKA: LOT 8, BLOCK 3 of EAST OAKS Subdivision Phase I

(*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:
Any damages to AT&T facilities will be paid for by the home owner.

Mr. Herriman.

Layne Rhodes
Signature of Utility Company Representative

Manager, Outside Plant Engineering/Design AT&T
Title

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

DATE: 3-21-2014

UTILITY COMPANY: AEP / SWEP CO

APPLICANT NAME: ARLIS HERRIMAN APPLICANT PHONE: 479-445-2927

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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AKA: LOT 8, BLOCK 3 of EAST OAKS Subdivision Phase I

(*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

Distribution Engineer
Title

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

DATE: 3-21-2014

UTILITY COMPANY: Source Gas

APPLICANT NAME: ARLIS HERRIMAN APPLICANT PHONE: 479-445-2927

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 2622 E. GOLDEN OAKS DR., FAYETTEVILLE, AR 72703
AKA: LOT 8, BLOCK 3 of EAST OAKS Subdivision Phase I

- (*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.)

A utility easement is retained with a minimum distance of 5'
on each side of the existing gas main that is parallel and
adjacent to the rear property line.

- No objections provided the following conditions are met:



Signature of Utility Company Representative

Division Manager

Title

UTILITY APPROVAL FORM

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

DATE: 3-21-2014

UTILITY COMPANY: Cox Communications

APPLICANT NAME: ARLIS HERRIMAN APPLICANT PHONE: 479-445-2927

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 2622 E GOLDEN OAKS DR, FAYETTEVILLE, AR 72703
AKA: LOT 8, BLOCK 3 of EAST OAKS Subdivision Phase I

(*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:
Any damage to or relocation of existing facilities will be at the owner/developers expense.

All other utility easements on this property are retained with the exception of this vacated portion.

Chad L. JF
Signature of Utility Company Representative

Construction Planner NWA III
Title

UTILITY APPROVAL FORM

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

DATE: 3-21-2014

UTILITY COMPANY: OZARK ELECTRIC

APPLICANT NAME: ARLIS HERRIMAN APPLICANT PHONE: 479-445-2927

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 2622 E GOLDEN OAKS DR, FAYETTEVILLE, AR 72703
AKA: LOT 8, BLOCK 3 of EAST OAKS Subdivision Phase I

(*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:

Jrag McGee
Signature of Utility Company Representative

Lead Staking Tech
Title

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

DATE: 3-21-2014

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: ARLIS HERRIMAN APPLICANT PHONE: 479-445-2927

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:

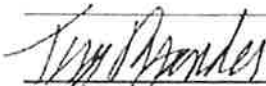
General location / Address 2622 E GOLDEN OAKS DR, FAYETTEVILLE, AR 72703
AKA: LOT 8, BLOCK 3 of EAST OAKS Subdivision PHASE I

(*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

INTERIM UTILITIES DIRECTOR

Title

UTILITY APPROVAL FORM

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

DATE: 3-21-2014

UTILITY COMPANY: FAYETTEVILLE SOLID WASTE

APPLICANT NAME: ARLIS HERRIMAN APPLICANT PHONE: 479-445-2927

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 2622 E GOLDEN OAKS DR, FAYETTEVILLE, AR 72703
AKA: LOT 8, BLOCK 3 of EAST OAKS Subdivision Phase I

(*ATTACH legnt 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:

Brian Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

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

DATE: July 9, 2014

UTILITY COMPANY: Fayetteville Transportation Dept

APPLICANT NAME: Arlis Herriman APPLICANT PHONE: 479.445.2927

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 2622 E. Golden Oaks Dr.

- (*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:

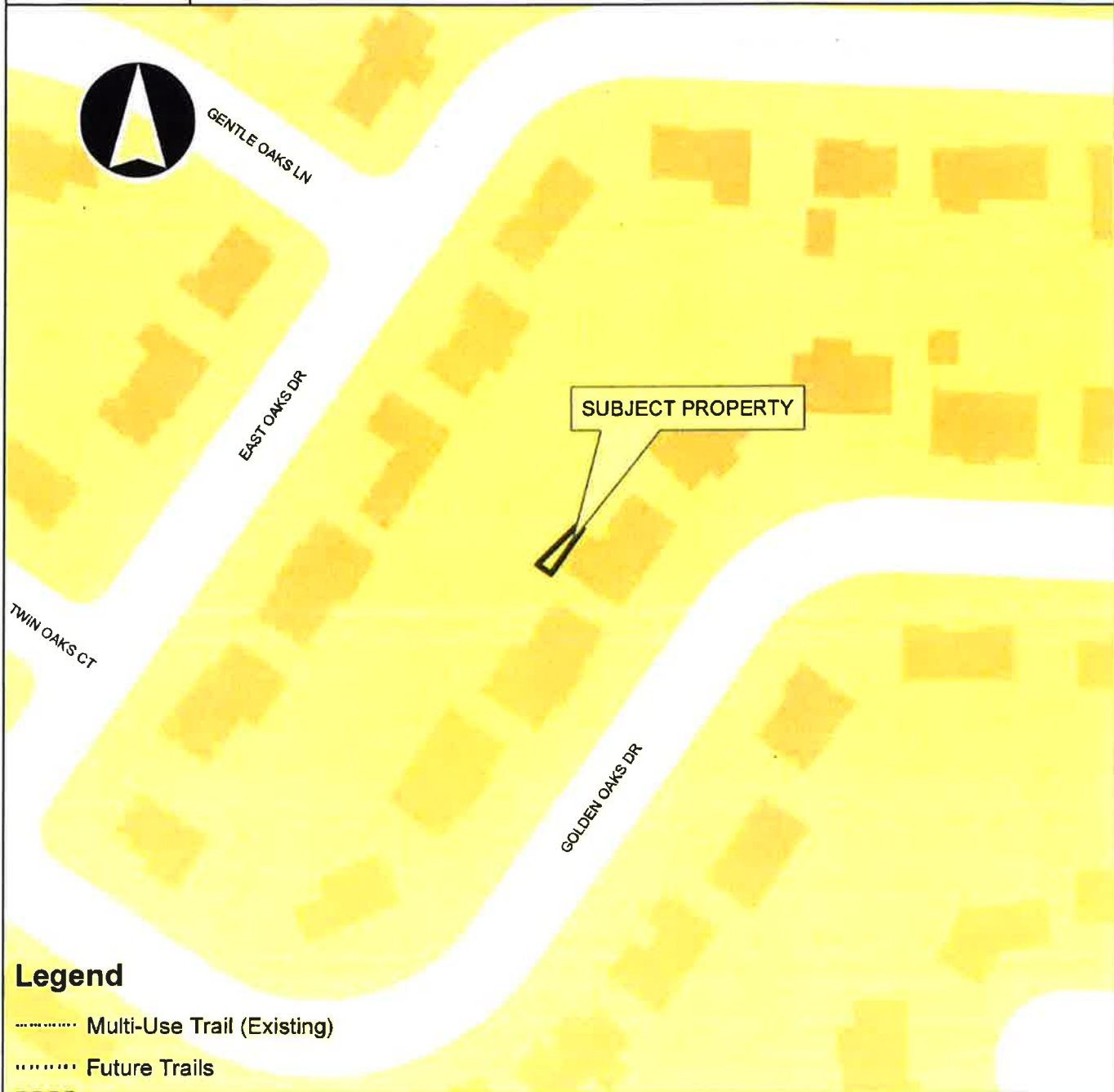
Terry J. Gully
Signature of Utility Company Representative

TRANSPORTATION DIRECTOR
Title

VAC14-4768

HERRIMAN






Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

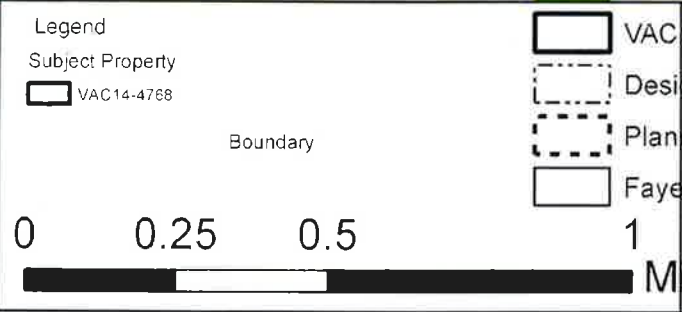
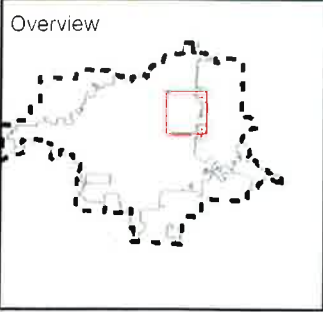
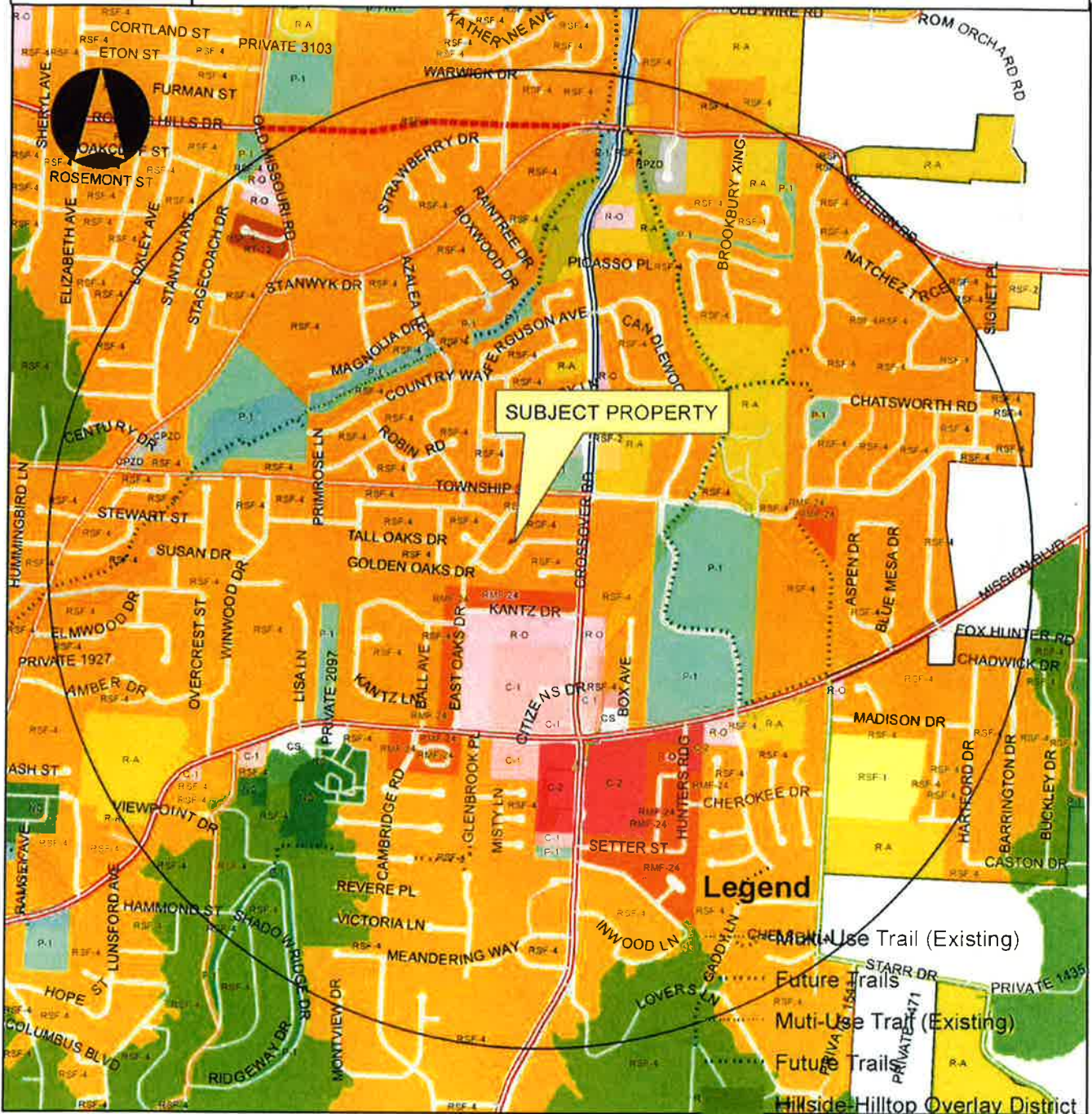
Overview Fayetteville City Limits

-  VAC14-4768
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Planning Area



VAC14-4768
 One Mile View

HERRIMAN



VAC14-4768
 Design Overlay District
 Planning Area
 Fayetteville