

City of Fayetteville Staff Review Form

2014-0354

Legistar File ID

8/19/2014

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

Jesse Fulcher

7/29/2014

City Planning /
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 14-4776: Vacation (3535 N. COLLEGE AVE./SJ COLLINS, 213): Submitted by JORGENSEN AND ASSOCIATES for property located at 3535 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 6.60 acres. The request is to vacate an existing 25' 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	\$ -

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

[Handwritten signature] 8-1-14
Paul a. Belen 8-1-2014
Jan Man 8-1-14

ENTERED
 8-1-14

ENTERED
 8/1/14

[Handwritten signature]

V20140710

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 19, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: June 25, 2014

SUBJECT: **VAC 14-4776: Vacation (3535 N. COLLEGE AVE./SJ COLLINS, 213):**
Submitted by JORGENSEN AND ASSOCIATES for property located at 3535 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 6.60 acres. The request is to vacate an existing 25' utility easement.

RECOMMENDATION:

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

BACKGROUND:

The property is located at 3535 N. College Avenue, is zoned C-2, Thoroughfare Commercial and contains approximately 6.60 acres. The Planning Commission approved a large scale development on the property on May 12, 2013 and the existing car dealership on the property has recently been demolished.

The applicant is requesting approval to vacate an existing utility easement on the south side of the property that conflicts with one of the proposed new buildings. There is an existing gas line within the easement that will be relocated by the developer at the time of construction.

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 14-4776 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 3535 NORTH COLLEGE AVENUE TO VACATE AN EXISTING UTILITY EASEMENT, A TOTAL OF 6,300 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 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 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 damage or relocation of existing facilities shall be at the owner/developer's expense.
2. The vacation shall not be effective unless and until the gas line is relocated and a new easement is dedicated.

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

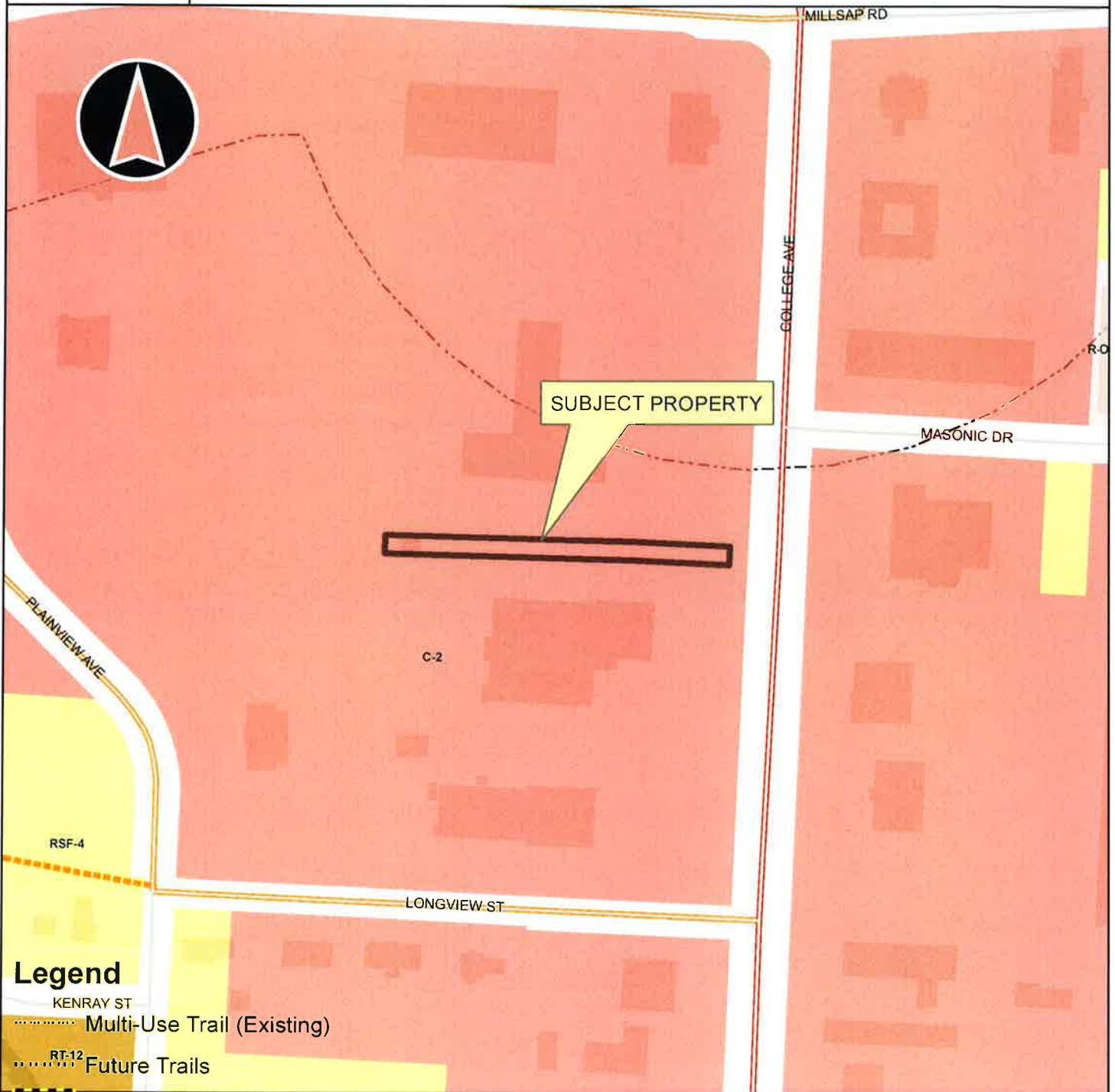
EXHIBIT 'A'

14-4776

VAC14-4776

SJ COLLINS

Close Up View



Legend

- KENRAY ST
- Multi-Use Trail (Existing)
- RT-12 Future Trails

Overview Fayetteville City Limits

- VAC14-4776
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

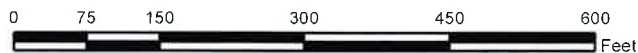


EXHIBIT 'B'

14-4776

LEGAL DESCRIPTION: EASEMENT TO BE VACATED

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 26, T17N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SW1/4, SE1/4 THENCE S02°56'19"W 166.40 FEET, THENCE N87°05'21"W 64.23 FEET TO THE P.O.B., THENCE N87°05'21"W 133.08 FEET, THENCE N88°30'31"W 334.38 FEET, THENCE N01°20'33"E 25.00, THENCE S88°30'31"E 334.75 FEET, THENCE S87°05'21"E 133.36 FEET, THENCE S02°51'04"W 25.00 FEET TO THE P.O.B.; CONTAINING 0.145 ACRES (6,316.98 S.F.) MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jesse Fulcher, Senior Planner

THRU: Andrew Garner, City Planning Director

MEETING DATE: ~~July 28, 2014~~ Updated July 30, 2014

SUBJECT: **VAC 14-4776: Vacation (3535 N. COLLEGE AVE./SJ COLLINS, 213):**
 Submitted by JORGENSEN AND ASSOCIATES for property located at 3535 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 6.60 acres. The request is to vacate an existing 25' utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4776** to the City Council with a recommendation for approval.

BACKGROUND:

The property is located at 3535 N. College Avenue, is zoned C-2, Thoroughfare Commercial and contains approximately 6.60 acres. The Planning Commission approved a large scale development on the property on May 12, 2013 and the existing car dealership on the property has recently been demolished.

Table 1
 Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Office	C-2, Thoroughfare Commercial
South	Lewis car dealership	C-2, Thoroughfare Commercial
East	Commercial	C-2, Thoroughfare Commercial
West	Undeveloped; office	C-2, Thoroughfare Commercial

Proposal: The applicant is requesting approval to vacate an existing utility easement on the south side of the property that conflicts with one of the proposed new buildings. There is an existing gas line within the easement that will be relocated by the developer at the time of construction.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections, provided that the existing gas line is relocated and a new easement is dedicated.

UTILITIES

RESPONSE

Cox Communications

No objections with conditions

AEP/SWEPCO

No objections with conditions

Ozarks Electric

No objections with conditions

Source Gas

The existing gas line must be relocated and a new easement dedicated.

AT&T

No objections with conditions

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections

Transportation

No objections

Recycling and Trash Collection

No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 14-4776** 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. The existing gas line shall be relocated and a new easement shall be dedicated over the new line.
3. Prior to being placed on the City Council agenda the applicant shall provide utility approval forms signed by Source Gas, AT&T and City Transportation.

PLANNING COMMISSION ACTION: Required

Date: July 28, 2014

Tabled

Forwarded

Denied

Motion: **Winston**

Second: **Cook**

Vote: **9-0-0**

CITY COUNCIL ACTION: Required

Date: _____

Approved

Denied

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter

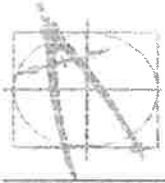
Petition to Vacate

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.

Attached please find a drawing which shows a 25' utility easement to be vacated. This is located North of the Lewis Ford property and is on the property to be developed for Whole Foods. This 25' easement has an existing gas line in it to be relocated. We are requesting a response from you for this vacation. Please see the attached and e-mail me at (dave@jorgensenassoc.com).

Thank you very much

Sincerely


David L. Jorgensen, P.E.

PETITION TO VACATE an easement, **LOCATED IN** the **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 easement hereinafter sought to be abandoned and vacated, lying in, the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows: (See attached)

That the abutting real estate affected by said abandonment used by the public for a period of many years, and the public interest and welfare would not be adversely affected by the abandonment of the above described easement,

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described easement.

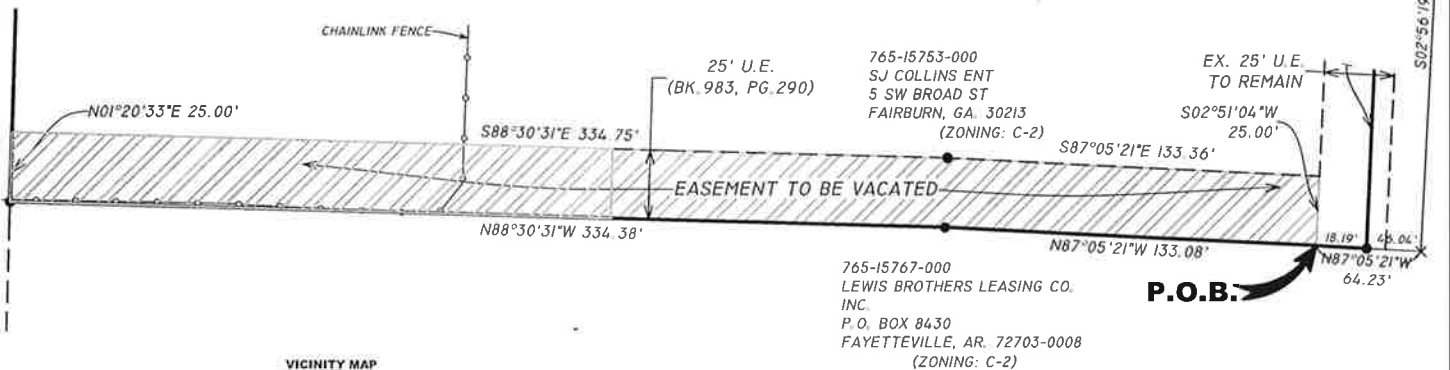
Dated this 16th day of June, 2014
College Marketplace (Fayetteville), LLC

Printed Name
Signature

Printed Name
Signature

LEGAL DESCRIPTION: EASEMENT TO BE VACATED

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 26, T17N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SW1/4, SE1/4 THENCE S02°56'19"W 166.40 FEET, THENCE N87°05'21"W 64.23 FEET TO THE P.O.B., THENCE N87°05'21"W 133.08 FEET, THENCE N88°30'31"W 334.38 FEET, THENCE N01°20'33"E 25.00, THENCE S88°30'31"E 334.75 FEET, THENCE S87°05'21"E 133.36 FEET, THENCE S02°51'04"W 25.00 FEET TO THE P.O.B.; CONTAINING 0.145 ACRES (6,316.98 S.F.) MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



JORGENSEN & ASSOCIATES
 CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: 1"=50'	DATE REVISD: 17JUNE14	CHECKED BY: DLJ	DRAWN BY: SEM
DATE: 24APR2014			Z:\LSD\2013\2010ESMT VAC

EASEMENT VACATION FOR
COLLEGE MARKET PLACE (FAYETTEVILLE) LLC



**UTILITY WORK AGREEMENT
(DEVELOPER)**

Developer: College Market Place "Fayetteville" LLC
Developer's Address: 5 SW Broad Street, Suite B, Fairburn, GA 30213
Job Location: 3425 N. College Ave., Fayetteville, AR 72703

This Utility Work Agreement ("Agreement") is made and entered into this 1st day of July, 2014, by and between College Market Place "Fayetteville" LLC (hereinafter referred to as "Developer"), and SourceGas Arkansas Inc. (hereinafter referred to as "SourceGas").

WHEREAS, Developer proposes to make certain improvements at the location designated above, and as a result of such improvements, SourceGas must adjust, enhance, locate, observe, and/or relocate certain of its existing facilities, or construct additional facilities; and

WHEREAS, in connection with Developer's proposed improvements, Developer wishes SourceGas to do the following: Relocate 345' of 4" steel high pressure distribution main for new Whole Foods store in Fayetteville, Arkansas. Beginning on the west side of Highway 71B at Masonic Drive start at longitude -94.145238 latitude 36.113012 then proceed west 230' to longitude -94.146006 latitude 36.112999 then proceed south 115' to longitude -94.146085 latitude 36.112670 to make tie-ins.

(hereinafter referred to as the "Work"); and

WHEREAS, such Work is shown in detail in SourceGas' plans, sketches, estimate of cost, and specifications (when applicable), which are attached to this Agreement and made a part hereof; and

WHEREAS, Developer agrees to pay for the cost of such Work to the extent herein agreed upon.



NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND OTHER VALUABLE CONSIDERATION HEREIN ACKNOWLEDGED, DEVELOPER AND SOURCEGAS AGREE AS FOLLOWS:

1. Where applicable hereunder by reason of new utility occupancy or crossing of Developer's property, Developer hereby grants to SourceGas an easement or license to install and operate utility facilities on or across Developer's property as shown on the approved plans or sketch maps attached hereto and made a part hereof. Prior to SourceGas beginning the Work, Developer will, at no cost to SourceGas, furnish SourceGas with all necessary easements, rights of way and permits. Those easements, rights of way and permits shall release SourceGas from any and all claims for damage done to streets, land, fences, and crops arising out of the performance of the Work.
2. Where applicable hereunder by reason of new construction on existing utility rights of way, SourceGas hereby grants to Developer the right to use for Developer's purposes the lands within the limits of the improvement project limits on or across which SourceGas holds a valid property interest antedating Developer's rights which were subsequently acquired in the same lands, and which property rights SourceGas shall retain so long as SourceGas, its successors or assigns continues such use and occupancy and does not abandon, and thereby release, such property interest to Developer through removal of facilities in performing the Work or by subsequent removal of facilities for SourceGas' convenience; and Developer hereby agrees that SourceGas, by granting said right and by said continued joint use and occupancy, does not waive any future claim for reimbursement for any costs as may be eligible for reimbursement by reason of such prior property interest, nor does SourceGas waive any other legal or property right held under the laws or Constitution of the State of Arkansas or the United States.
3. In the event that future construction, reconstruction, expansion, relocation, rehabilitation, betterment, maintenance, or other work on the facilities owned and operated by either Developer or SourceGas in the area jointly occupied or used under either or both Paragraphs 1 or 2 of this Agreement will disturb, detrimentally affect, interfere, or be inconvenient to the facilities or responsibilities of either party, the parties hereto shall reach agreement in writing as to locations, extent, and methods of such work before the work is undertaken. In a case of emergency, and where immediate action is necessary for the protection of the public and to minimize damage to or loss of investment in the property of Developer or of SourceGas, either party hereto may, at its own responsibility and risk, make any necessary emergency repairs, and shall notify the other party hereto of such action as soon as practicable.



4. The estimated cost of the Work is **\$33,445.00**. After it has completed the Work, SourceGas will bill Developer for the actual cost of the Work. Developer shall pay such invoice within 30 days of Developer's receipt of the invoice. If Developer fails to pay any such invoice within 30 days of receipt, the amount due under the invoice shall accrue interest at the rate of 10 per cent per annum until paid.
5. SourceGas will perform the Work, as described on the first page of this Agreement. SourceGas will endeavor to perform the Work within a reasonable time period, subject to applicable laws, rules and regulations of governmental authorities, and subject to any delay occasioned by lack of right of way, availability of materials and supplies, force majeure or events or conditions of whatsoever nature reasonably beyond SourceGas' control, and further conditioned upon the receipt of all required approvals and consents in form and substance acceptable to SourceGas. SourceGas shall not be obligated to commence the Work unless and until, at no cost to SourceGas, all necessary easements and rights of way have been executed, acknowledged and delivered to SourceGas in a form acceptable to SourceGas.
6. Title to and ownership of facilities which are the subject of the Work shall forever be and remain exclusively and unconditionally vested in SourceGas. Developer understands, acknowledges and agrees that Developer shall have no title to, interest in, or ownership of those facilities.
7. It is mutually agreed by the parties hereto that the provisions of this Agreement pertaining to property rights, right of way occupancy permission, access for servicing when applicable, and joint use of rights of way shall continue in full force and effect from the date of this Agreement, and shall be perpetually binding upon each party, and its representatives, successors and assigns.
8. Developer and SourceGas acknowledge that there are no agreements or understandings, either written or oral, between the parties related to the Work, other than as set forth in this Agreement, and that this Agreement (including any attachments hereto) contains the entire agreement between the parties regarding the Work.
9. This Agreement shall be governed in accordance with the laws of the State of Arkansas, the rules and regulations of the Arkansas Public Service Commission, and the Tariff of SourceGas. In the event of a conflict between this



Agreement and any such laws, rules, regulations or Tariff, such laws, rules, regulations or Tariff shall control.

10. In the event SourceGas is required to initiate litigation to enforce the terms and conditions of this Agreement, then SourceGas shall have the right to recover from Developer SourceGas' costs and expenses of such litigation, including reasonable attorney fees.

11. Developer acknowledges that it has been afforded an opportunity to have its attorney review and explain the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized representatives on the date stated above.

SOURCEGAS ARKANSAS INC.

COLLEGE MARKET PLACE
"FAYETTEVILLE" LLC

By: _____
Douglas Whitefoot

By: Steve Collins
Steve Collins

Its: ~~Source Gas~~ Vice President Operations

Its: Managing Member

DW
681AEG4D04D2418...

Federal Tax I.D.No.:470963281

DS
DB

DS
DC

DS
JW

DS
MG

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

DATE: _____

UTILITY COMPANY: Source Gas

APPLICANT NAME: S. J. Collins APPLICANT PHONE: 442-9127

REQUESTED VACATION (applicant must check all that apply): Jorgensen & Assoc. S

- 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 25' U.E North of Lewis Ford (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, and no comments.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

Will not vacate until new gas line installed

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: 7-23-14

UTILITY COMPANY: City of Fayetteville - Transportation

APPLICANT NAME: S. J. Collins APPLICANT PHONE: 442-91257

REQUESTED VACATION (applicant must check all that apply): Jorgensen & Assoc S

- 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 25' U.E. North of Lewis Ford (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, 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

UTILITY APPROVAL FORM

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

DATE: 7-28-2014

UTILITY COMPANY: AT&T

APPLICANT NAME: S.J. Collins 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 25' U.E North of Lewis Ford (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, and no comments.
- No objections to the vacation(s) described above, provided following described easements are retained. (Specify location, dimensions, and purpose below.)

No objections provided the following conditions are met:
AT&T agrees to the vacation of the above stated easement. If any AT&T facilities
require relocation or are damaged will be the responsibility of the Developer/Owner.

Jeff Hamel
Signature of Utility Company Representative
Manager OSP PIng & Engrg Design
Title

UTILITY APPROVAL FORM

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

DATE: 5-5-14

UTILITY COMPANY: City Of Fayetteville Solid Waste

APPLICANT NAME: S. J. Collins APPLICANT PHONE: 442-9127
Jorgensen & Assoc. S

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 25' D.E North of Lewis Ford (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, 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: 5/6/2014

UTILITY COMPANY: Cox

APPLICANT NAME: S. J. Collins APPLICANT PHONE: 442-9127

REQUESTED VACATION (applicant must check all that apply): Jorgensen & Assoc S

- 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 25' U.E. North of Lewis Ford (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, 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 owners/developers expense.

Shal J. M.
Signature of Utility Company Representative

Construction Planner III NWA
Title

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

DATE: _____

UTILITY COMPANY: OZARKS Electric

APPLICANT NAME: S. J. Collins 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 25' D.E North of Lewis Ford (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, 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:

Greg McGee
Signature of Utility Company Representative

Title

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

DATE: 5/8/14
UTILITY COMPANY: SWEPCO - AEP
APPLICANT NAME: S. J. Collins APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): Jorgensen & Assoc. S

- 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 25' U.E North of Lewis Ford (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, 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 Payer
Signature of Utility Company Representative

Dist. Engineer
Title

UTILITY APPROVAL FORM

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

DATE: 14 MAY 2014

UTILITY COMPANY: City of Fayetteville Water & Sewer

APPLICANT NAME: S. J. Collins APPLICANT PHONE: 442-9127
Jorgensen & Assoc S

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 25' U.E. North of Lewis Ford (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, 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:

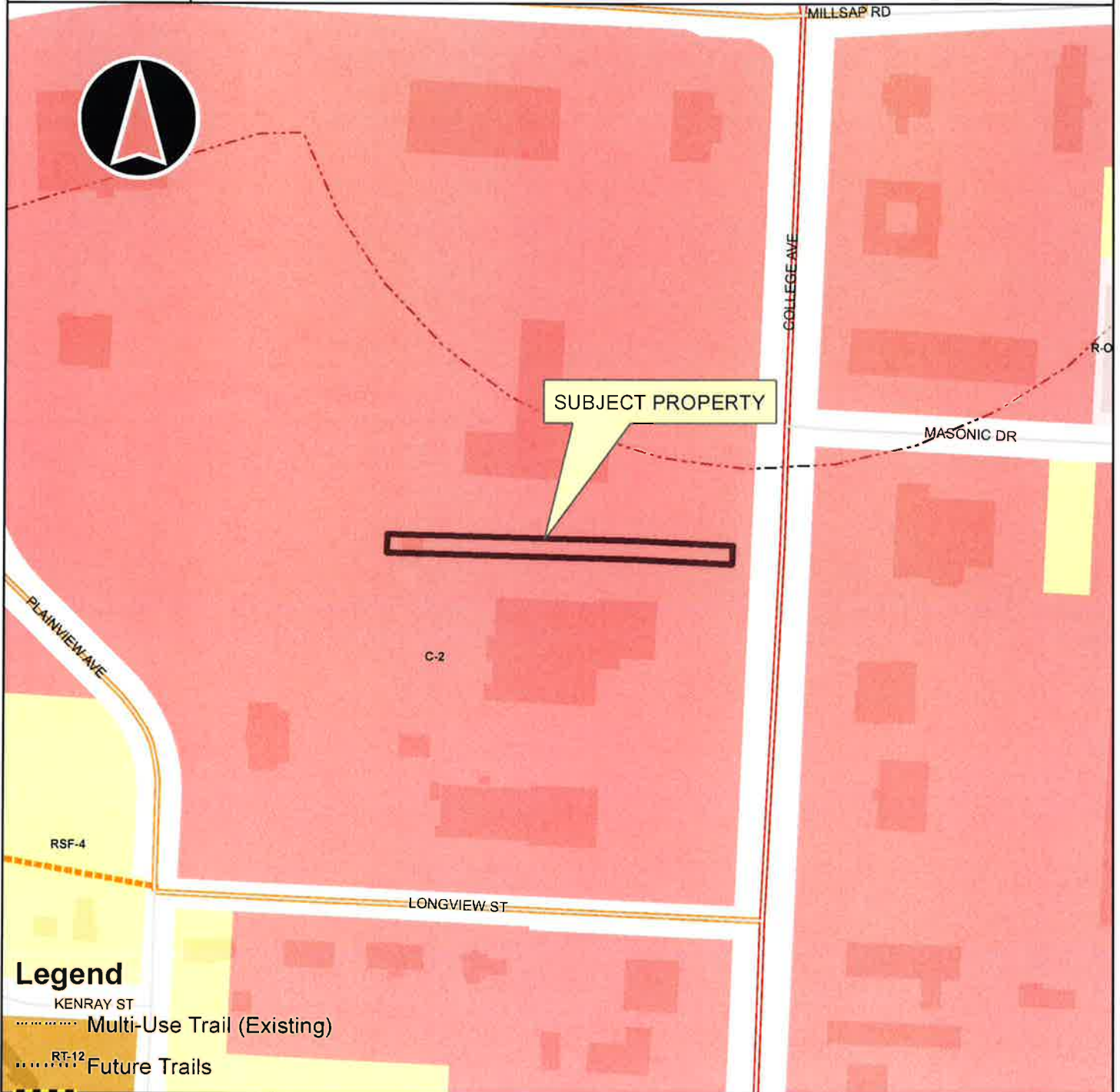
Tom Reynolds
Signature of Utility Company Representative

INTERIM UTILITY DIRECTOR
Title

VAC14-4776

SJ COLLINS

Close Up View

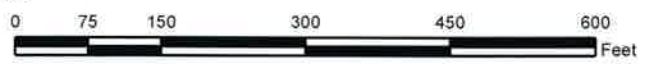


Legend

- KENRAY ST
- Multi-Use Trail (Existing)
- RT-12 Future Trails

Overview Fayetteville City Limits

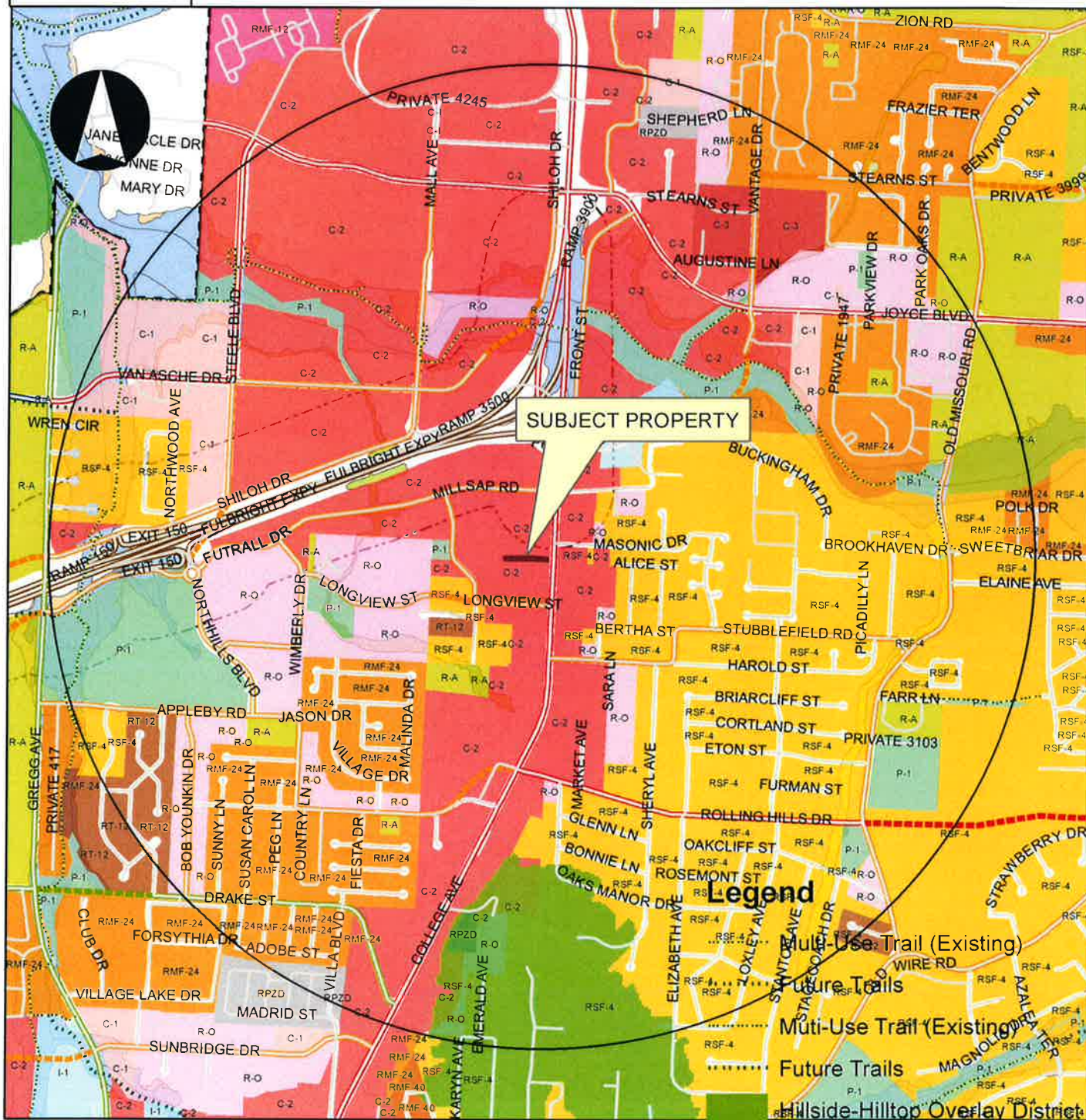
- VAC14-4776
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



VAC14-4776

SJ COLLINS

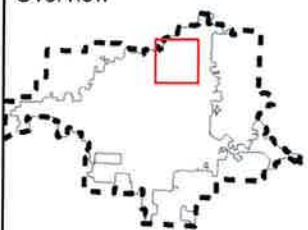
One Mile View



Legend

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

Overview



Legend

Subject Property

VAC14-4776

Boundary

VAC14-4776

Design Overlay District

Planning Area

Fayetteville



