

City of Fayetteville Staff Review Form

**2014-0326**

**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 14-4780: Vacation (1414 HAPPY HOLLOW RD./QUALITY COLLISION, 565): Submitted by BLEW & ASSOCIATES for property located at 1414 HAPPY HOLLOW ROAD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.67 acres. The request is to vacate a portion of an existing street right-of-way.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance <span style="border: 1px solid black; padding: 2px;">\$ -</span>
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>No</u>	Budget Adjustment
	Remaining Budget <span style="border: 1px solid black; padding: 2px;">\$ -</span>

Previous Ordinance or Resolution # \_\_\_\_\_ V20140710

Original Contract Number: \_\_\_\_\_ Approval Date: \_\_\_\_\_

Comments:

*[Handwritten signatures and dates]*  
 Paul a. Buler 8-1-2014  
 Don Man 8-9-14  
 This ordinance was left on the first reading at the 8/19/14 City Council Meeting.

## 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 14-4780: Vacation (1414 HAPPY HOLLOW RD./QUALITY COLLISION, 565):** Submitted by BLEW & ASSOCIATES for property located at 1414 HAPPY HOLLOW ROAD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.67 acres. The request is to vacate a portion of an existing street right-of-way.

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### RECOMMENDATION:

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

### BACKGROUND:

The subject 0.67 acre property is located at 1414 S. Happy Hollow, is zoned C-2, Commercial Thoroughfare and is developed with a small auto body repair shop, paint booth, and associated parking. There is existing excess right-of-way along the western boundary that is not required for City or franchise utility use.

On July 15, 2014, the City Council vacated right-of-way for a section of Happy Hollow road located adjacent and to the south of this property.

The applicant requests vacation of right-of-way that is not needed and replacement with a 25' general utility easement, as indicated on the attached survey. The applicant wishes to expand his business and this vacation would allow his business to grow and remain at this location.

### 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 14-4780 SUBMITTED  
BY BLEW & ASSOCIATES FOR PROPERTY LOCATED AT  
1414 S. HAPPY HOLLOW ROAD TO VACATE EXISTING  
STREET RIGHT-OF-WAY.

**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 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 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. Existing utility easements shall not be vacated by this ordinance.
3. The vacated right-of-way will be retained as easement for general utility use.

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

APPROVED:

ATTEST:

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

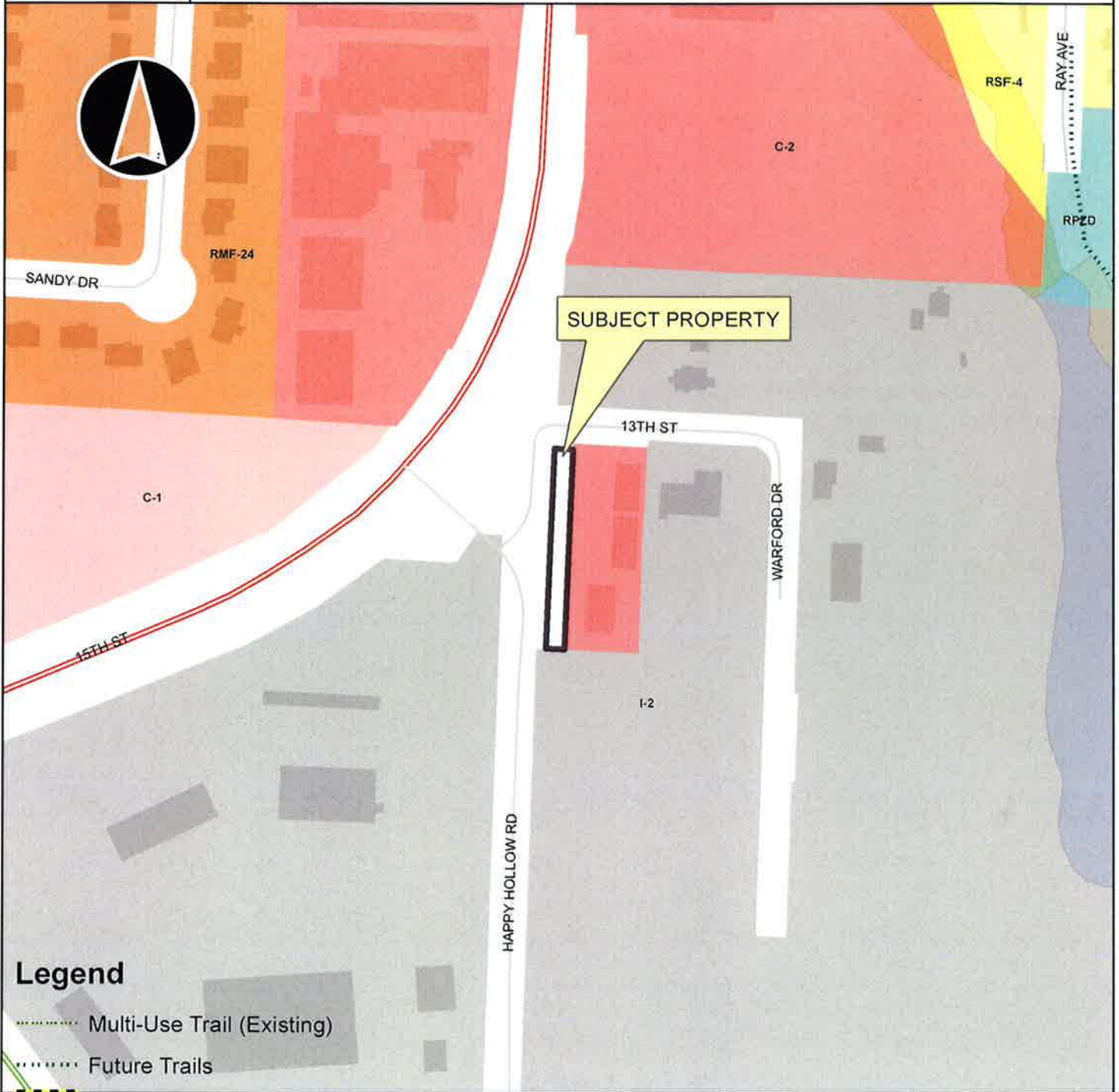
By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

# EXHIBIT 'A' 14-4780

VAC14-4780

Close Up View

## QUALITY COLLISION



### Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview Fayetteville City Limits

- VAC14-4780
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



## **EXHIBIT 'B'**

### **14-4780**

#### AREA TO BE VACATED

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-THREE (23) IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT N02°34'13"E 369.95' AND S86°38'58"E 10.05' FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) SAID POINT BEING A FOUND IRON PIN; THENCE N02°34'14"E, 271.14'; THENCE S87°12'21"E, 25.00' TO A SET IRON PIN; THENCE S02°34'11"W, 271.39' TO A SET IRON PIN; THENCE N86°38'58"W, 25.00' TO THE POINT OF BEGINNING. CONTAINING 8712 SQUARE FEET (0.2 ACRES) MORE OR LESS.

#### SURVEY DESCRIPTION

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWENTY-THREE (23) IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A SET IRON PIN N02°34'13"E 369.95' AND S86°38'58"E 35.01' FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) SAID POINT BEING A FOUND IRON PIN; THENCE N02°34'11"E, 271.39' TO A SET IRON PIN; THENCE S87°12'21"E, 104.99' TO A SET IRON PIN; THENCE S02°32'55"W, 272.44' TO A SET IRON PIN; THENCE N86°38'58"W, 105.00' TO THE POINT OF BEGINNING. CONTAINING 28543.4 SQUARE FEET (0.7 ACRES) MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS AND/OR RIGHTS 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 14-4780: Vacation (1414 HAPPY HOLLOW ROAD/QUALITY COLLISION, 565):** Submitted by BLEW & ASSOCIATES for property located at 1414 HAPPY HOLLOW ROAD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.67 acres. The request is to vacate a portion of an existing street right-of-way.

**RECOMMENDATION:**  
Staff recommends forwarding **VAC 14-4780** to the City Council with a recommendation for approval.

**BACKGROUND:**  
*Property and background:* The subject 0.67 acre property is located at 1414 S. Happy Hollow, is zoned C-2, Commercial Thoroughfare and is developed with a small auto body repair shop, paint booth, and associated parking. There is existing excess right-of-way along the western boundary that is not required for City or franchise utility use.

On July 15, 2014, the City Council vacated right-of-way for Happy Hollow road located adjacent to the south of this property. 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/Single-family residential	I-2, General Industrial
South	City Recycling Drop-off	I-2, General Industrial
East	Commercial/Industrial	I-2, General Industrial
West	City of Fayetteville Fleet/Parks & Recreation offices	I-2, General Industrial

*Proposal:* The applicant requests vacation of right-of-way that is not needed and replacement with a 25' general utility easement, as indicated on the attached survey.

**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

Transportation

No objections

Recycling & Trash

No objections

**Public Comment:**

No public comment has been received.

**Recommendation:**

Staff recommends forwarding **VAC 14-4780** 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 vacated right-of-way will be retained as easement for general utility use.
3. Prior to the City Council agenda request being submitted, the applicant shall provide signed utility permission forms from Source Gas and from the City Transportation and Recycling & Trash Collection Divisions.

<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: <b>CHESSER</b>	Second: <b>COOK</b>	Vote: <u>9-0-0</u>	<b>PASSED ON CONSENT</b>
<b>CITY COUNCIL ACTION: Required</b>			
Date: _____	<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





524 W. Sycamore Street Suite #4 Fayetteville, AR 72703  
PH: 479-443-4506 \* FAX: 479-582-1883  
<http://www.blewinc.com>

February 14, 2014

City of Fayetteville Planning Commission and  
City of Fayetteville City Council.

We would like to present for your consideration a request for a right of way vacation on behalf of Quality Collision Repair located at 1414 S. Happy Hollow Road.

We ask for the right of way along the west side of the property as shown on the attached to be vacated to bring the west property line more in line with the adjoining properties to the north and south.

Since the property lines of the property line is approximately 25' east of the adjacent property lines, this would bring the right of way to a more uniform line.

Thank you for your consideration on this matter.

Michael Million  
Project Manager

PETITION TO VACATE

A RIGHT-OF-WAY LOCATED IN SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23,  
TOWNSHIP 16 NORTH, RANGE 30 WEST, 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 at 1414 S. Happy Hollow Road City of Fayetteville, Arkansas,  
a municipal corporation, petition to vacate a RIGHT-OF-WAY which is described as follows:

AREA TO BE VACATED:

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION  
TWENTY-THREE (23) IN TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, CITY OF  
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS, TO-WIT: BEGINNING AT A POINT N02°34'13"E 369.95' AND S86°38'58"E 10.05' FROM THE  
SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4),  
SAID POINT BEING A FOUND IRON PIN; THENCE N02°34'14"E, 271.14'; THENCE S87°12'21"E, 25.00' TO A  
SET IRON PIN; THENCE S02°34'11"W, 271.39' TO A SET IRON PIN; THENCE N86°38'58"W, 25.00' TO THE  
POINT OF BEGINNING. CONTAINING 8712 SQUARE FEET (0.2 ACRES) MORE OR LESS.

That the abutting real estate affected by said abandonment of the alley are parcel numbers 765-15261-  
003, 765-19940-000 and 765-15258-000 located adjacent to the area requested to be vacated. City of  
Fayetteville used by the public for a period of many years, and that the public interest and welfare  
would not be adversely affected by the abandonment of the portion of the above described RIGHT-OF-  
WAY.

The petitioners pray 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 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 \_\_\_ day of \_\_\_\_\_, 2014.

Printed Name Ray Lovell

Signature Ray Cornell

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_



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

DATE: July 1, 2014

UTILITY COMPANY: Fayetteville Transportation Dept

APPLICANT NAME: Roy Lovell APPLICANT PHONE: 479.521.6088

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** 1414 Happy Hollow Rd. Fayetteville, AR

(*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. Bullock  
Signature of Utility Company Representative

TRANS Services Dir  
Title

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

DATE: 6-4-2014

UTILITY COMPANY: Source Gas

APPLICANT NAME: Roy Lovell APPLICANT PHONE: (471) -521-6088

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 1414 Happy Hollow RD Fayetteville AR

(*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

Division Manager

Title

**UTILITY APPROVAL FORM**

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

DATE: July 1, 2014

UTILITY COMPANY: Fayetteville Solid Waste Division

APPLICANT NAME: Roy Lovell APPLICANT PHONE: 479.521.6088

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 1414 Happy Hollow Rd. Fayetteville, AR

(*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

UTILITY APPROVAL FORM

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

DATE: 2-13-14

UTILITY COMPANY: COX COMMUNICATIONS

APPLICANT NAME: ROY LOVELL APPLICANT PHONE: 521-6088

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 1414 HAPPY HOLLOW RD. FAYETTEVILLE AR.

- (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:  
Existing electric easement that covers this aerial line is converted to a general utility easement.  
Any damage to or relocation of our existing facilities will be at owners/developers expense.

Chad L. J...  
Signature of Utility Company Representative

Construction Planner NWA  
Title



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

DATE: 6-4-2014

UTILITY COMPANY: ATT

APPLICANT NAME: Roy Lovell APPLICANT PHONE: 521-6088

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:

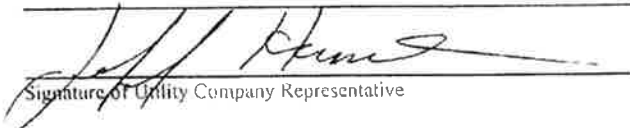
General location / Address 1414 Happy Hollow RD. Fayetteville AR.

(*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 the ROW vacation with the retained 25 ft easement.

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

\_\_\_\_\_  
Manager OSP Plng & Engrg Design

\_\_\_\_\_  
Title

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

DATE: 2-13-14

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: BOY LOVELL APPLICANT PHONE: 521-6088

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 1414 HAPPY HOLLOW RD. FAYETTEVILLE AR.

- (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 a 30 foot easement that must remain for the overhead power lines in this requested vacate area

- 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: 6-11-2014

UTILITY COMPANY: AEP/SWEP/CO

APPLICANT NAME: Roy Leavelle APPLICANT PHONE: (479)-521-6088

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 1414 Happy Hollow RD Fayetteville AR

(*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 Ray  
Signature of Utility Company Representative

Dist. Engineer  
Title

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

DATE: 6-11-2014

UTILITY COMPANY: W. I. ...

APPLICANT NAME: Tim Lovell APPLICANT PHONE: (907) 521-1234

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 1414 Happy Hollow Rd Fayetteville AK

(*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.)

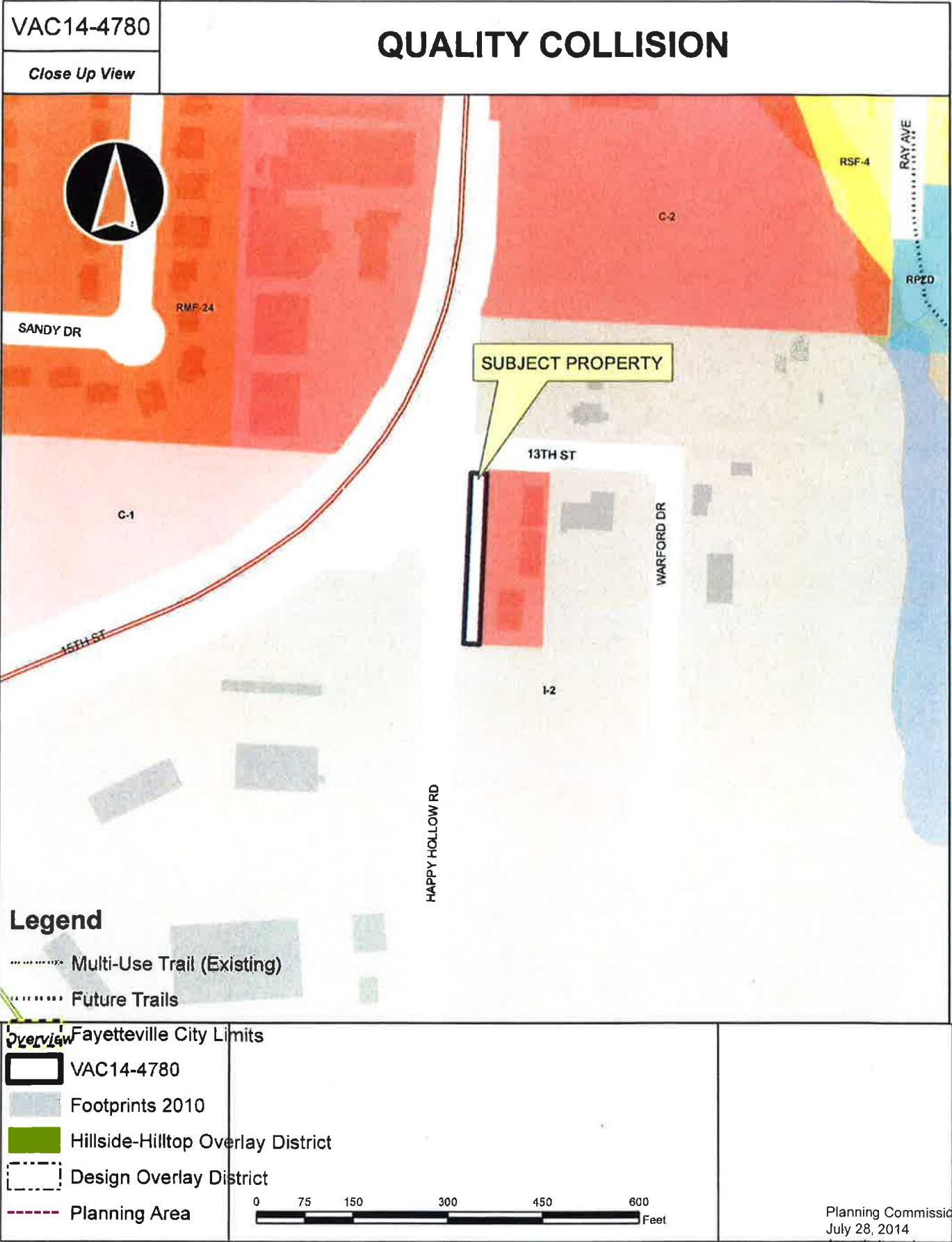
\_\_\_\_\_

No objections provided the following conditions are met:

\_\_\_\_\_

*Tim Lovell*  
Signature of Utility Company Representative

INTERIM DIR. FOR WATER & SEWER  
Title

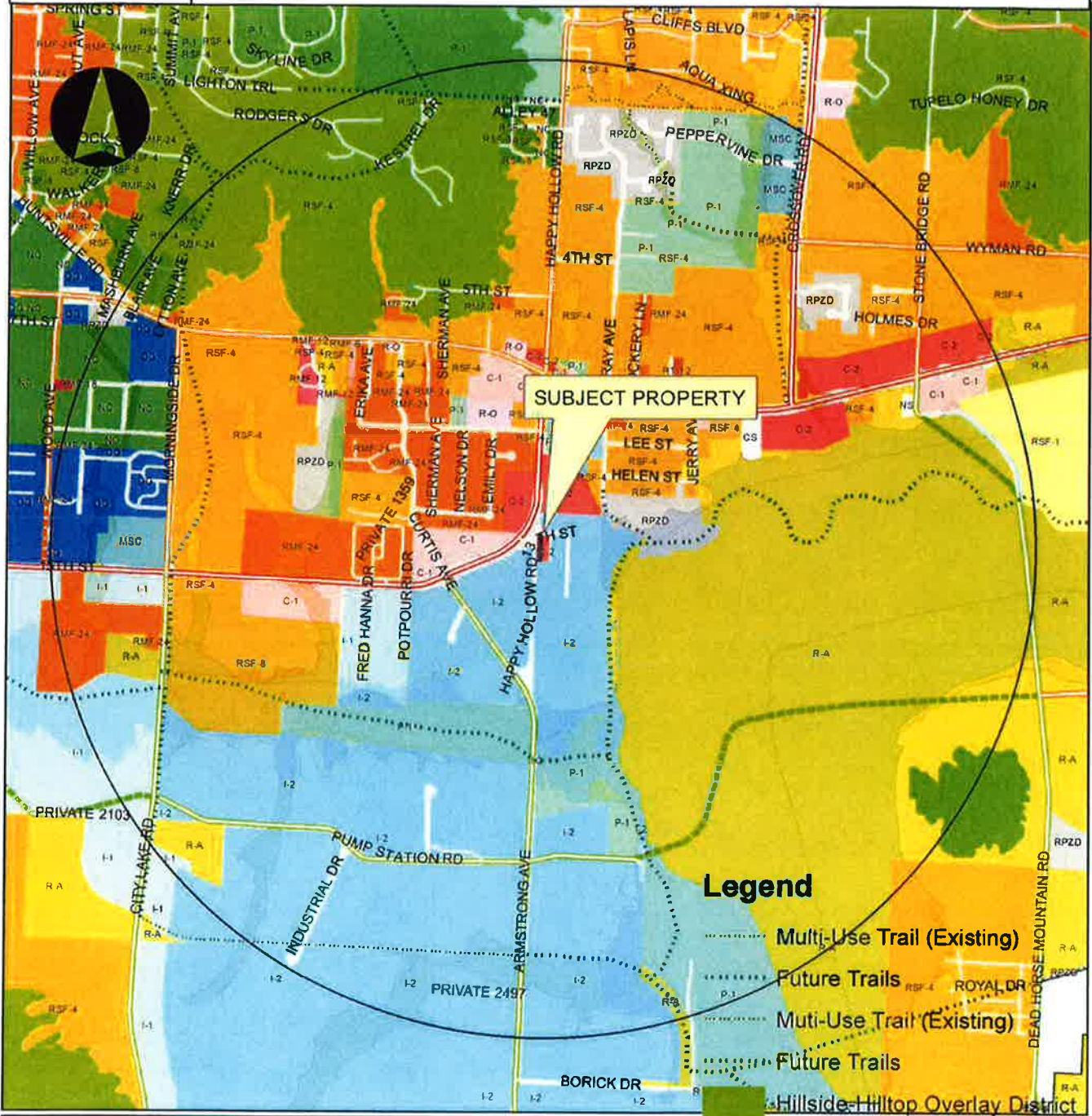




VAC14-4780

# QUALITY COLLISION

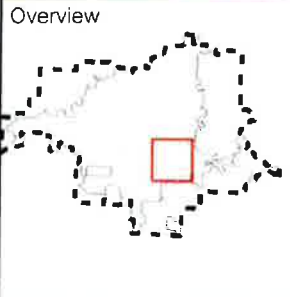
One Mile View



SUBJECT PROPERTY

## Legend

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



Legend

Subject Property

VAC14-4780

Design Overlay District

Planning Area

Fayetteville

Boundary

0 0.25 0.5 1 Miles