



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0450**Agenda Date:** 11/6/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Ordinance**Agenda Number:** C. 3

AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ZION ROAD AND WATERSIDE COURT TO VACATE EXISTING 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 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 conditions of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2014-0450

Legistar File ID

11/6/2014

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

Jeremy Pate

10/14/2014

City Planning /
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 14-4849: Vacation (NORTHWEST CORNER ZION AND WATERSIDE COURT/TIMBERLAKE OFFICE PARK, 135):
 Submitted by BATES & ASSOCIATES for property located at the NORTHWEST CORNER OF ZION AND WATERSIDE
 COURT. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 0.95 acres. The request is to
 vacate a portion of an existing 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?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: October 14, 2014

SUBJECT: **VAC 14-4849: Vacation (NORTHWEST CORNER ZION AND WATERSIDE CT./TIMBERLAKE OFFICE PARK, 135):** Submitted by BATES & ASSOCIATES for property located at NORTHWEST CORNER OF ZION AND WATERSIDE CT. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 0.95 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 an existing utility easement.

BACKGROUND:

The subject 0.95 acre property contains two lots and is located on the corner of Zion Road and Waterside Court. There is a platted 15' wide utility easement centered on the property line that divides the two lots. The applicant plans to develop both lots with a single building and the easement is no longer required.

DISCUSSION:

On October 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

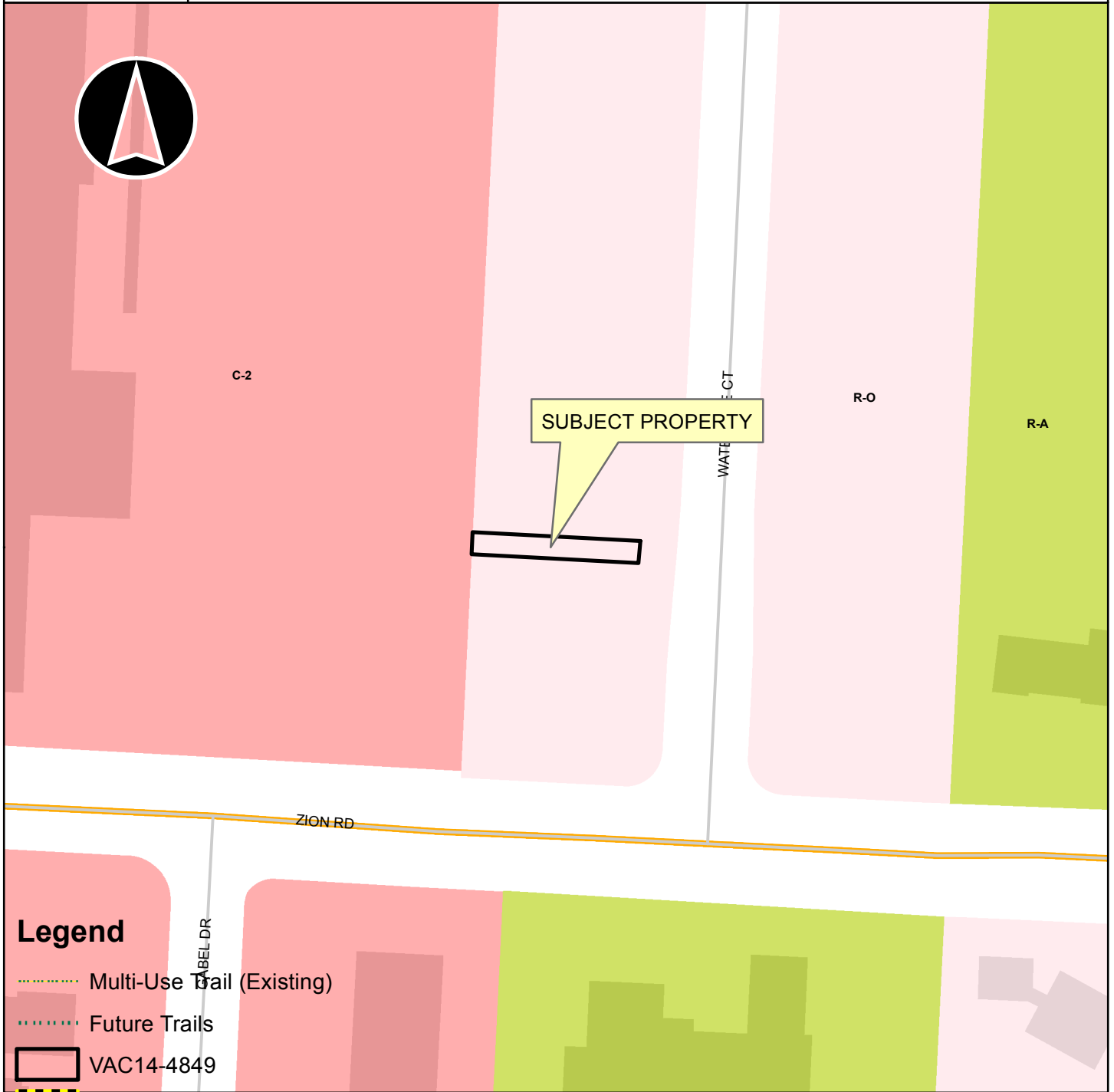
Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

VAC14-4849

TIMBERLAKE OFFICE PARK

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4849

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

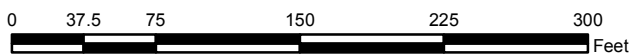


EXHIBIT 'B'
14-4849

Easement Vacation for Parcels 765-27690-000 & 765-27691-000

Legal Description

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHWEST CORNER OF SAID LOT 18, AND RUNNING THENCE N02°29'14"E 7.50', THENCE S87°30'41"E 114.23', THENCE S04°42'31"W 15.01', THENCE N87°30'41"W 113.65', THENCE N02°29'14"E 7.50', TO THE POINT OF BEGINNING.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~October 13, 2014~~ **UPDATED OCTOBER 15, 2014**

SUBJECT: **VAC 14-4849: Vacation (NORTHWEST CORNER ZION AND WATERSIDE CT./TIMBERLAKE OFFICE PARK, 135):** Submitted by BATES & ASSOCIATES for property located at NORTHWEST CORNER OF ZION AND WATERSIDE CT. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 0.95 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4849** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject 0.95 acre property contains two lots and is located on the corner of Zion Road and Waterside Court. There is a platted 15' wide utility easement centered on the property line that divides the two lots. 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	R-O, Residential Office
South	Commercial/Institutional	C-2, Thoroughfare Commercial/R-A, Residential Agricultural
East	Professional Office	R-O, Residential Office
West	Commercial	C-2, Thoroughfare Commercial

Proposal: The applicant requests vacation of a utility easement as indicated on the attached survey, in order to develop the two lots with one building.

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

Any damage to or relocation of our existing facilities will be at the owners/developers expense.

AEP/SWEPCO

No objections/No comments

Ozarks Electric

No objections/No comments

Source Gas

No objections/No comments

AT&T

No objections/No comments

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections/No comments

Transportation

No objections/No comments

Recycling & Solid Waste

No objections/No comments

Public Comment:

Staff has received no public comment.

Recommendation:

Staff recommends forwarding **VAC 14-4849** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION: Required			
Date: <u>October 13, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: COOK	Second: SELBY	Vote 8-0-0	
CITY COUNCIL ACTION: Required			
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

Bates & Associates, Inc.

Civil Engineering & Surveying

91 Colt Square Drive, Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 / FAX: 479-521-9350

September 3, 2014

To: City of Fayetteville Planning Commission and City Council

RE: Timberlake Office park Lots 17 & 18 Utility Easement Vacation

This letter is to state the intent to vacate an existing Utility Easement between the shared lots line of Lots 17 & 18 of Timberlake Office Park. The existing 15-foot easement lies across the South boundary of Lot 17 and the North boundary of Lot 18. The lots are owned by First Security Bank, and the proposed developer is Greg Sims. Mr. Sims intends combine lots 17 & 18 in order to construct a building across the two parcels, rendering the existing easement unnecessary. We have obtained written approval of all the applicable utilities and the City of Fayetteville without any conditions or comments.

Sincerely,

Derrick Thomas
Bates & Associates, Inc.



Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr./ Fayetteville, AR 72703

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

**PETITION TO VACATE A UTILITY EASEMENT LOCATED IN LOTS 17 & 18 OF
TIMBERLAKE OFFICE PARK, 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 utility easement hereinafter sought to be abandoned and vacated, lying in lots 17 & 18 of Timberlake Office Park, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a utility easement which is described as follows:

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHWEST CORNER OF SAID LOT 18, AND RUNNING THENCE N02°29'14"E 7.50', THENCE S87°30'41"E 114.23', THENCE S04°42'31"W 15.01', THENCE N87°30'41"W 113.65', THENCE N02°29'14"E 7.50', TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the alley are Lots 1, 2, 3, & 16 of Timberlake Office Park, a parcel to the South owned by The Church of Jesus Christ of Latter Day Saints, Lot 15 of Perimeter Plaza, and a parcel to the West owned by Lowe's Home Centers, 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 utility easement.

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 3rd day of September, 2014.

Tonya L Patrick, V.P. First Security Bank
Printed Name
Tonya L Patrick, V.P.
Signature

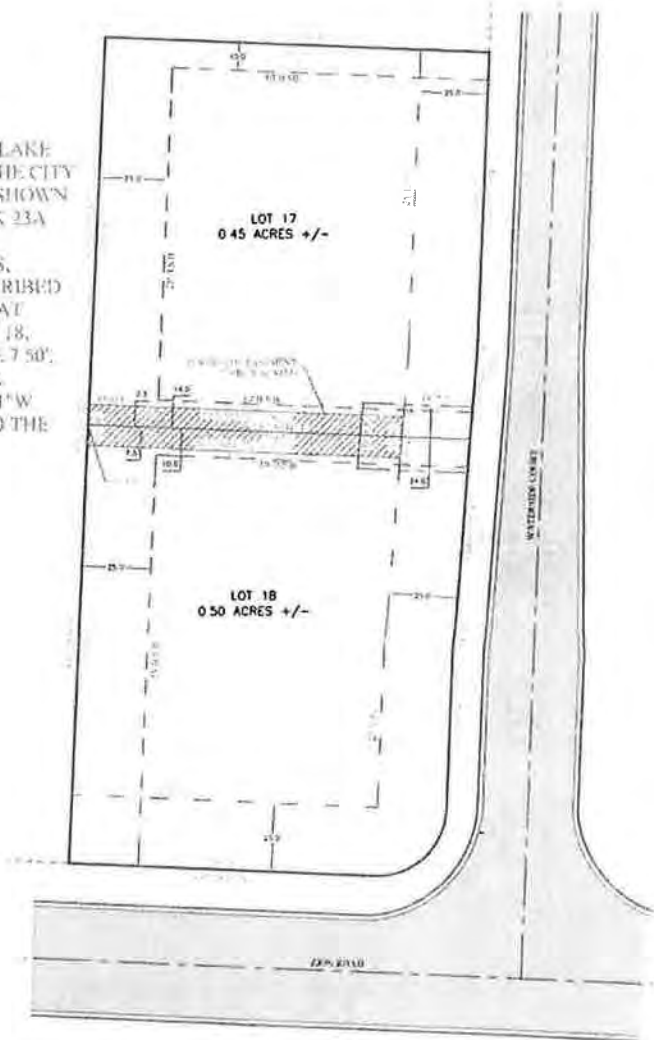
Printed Name

Signature

EASEMENT VACATION EXHIBIT

PORTION TO BE VACATED:
 A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHWEST CORNER OF SAID LOT 18, AND RUNNING THENCE N02°29'14"E 7 50', THENCE S87°30'41"E 114.23', THENCE S04°42'31"W 15.01', THENCE N87°30'41"W 113.65', THENCE N02°29'14"E 7 50', TO THE POINT OF BEGINNING

PROPERTY ZONED
 R-40



DRAWING 14-238	LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING	FOR THE ARCHITECT: GREG SIMS	Bates & Associates, Inc. Civil Engineering • Land Surveying • Landscape Architecture 91 W. Colt Square Dr. Fayetteville, Arkansas 72705 479.442.9350 Fax 479.524.9350				
	_____ BOUNDARY LINE _____ EASEMENT OR EASE _____ PLAT OF RECORD _____ PLAT OF RECORD (EXCLUDED) _____ EASEMENT OR EASE _____ EASEMENT OR EASE _____ EASEMENT OR EASE	CITY OF FAYETTEVILLE WASHINGTON COUNTY, ARKANSAS					
	DATE: 8/14/14	SCALE: 1"=50'					
	LOCATION: LOTS 17 & 18 TIMBERLAKE	<table border="1"> <tr> <td>DESIGNED BY:</td> <td>GM/S</td> </tr> <tr> <td>CHECKED BY:</td> <td>JT</td> </tr> <tr> <td>REVIEWED BY:</td> <td>DT</td> </tr> </table>		DESIGNED BY:	GM/S	CHECKED BY:	JT
DESIGNED BY:	GM/S						
CHECKED BY:	JT						
REVIEWED BY:	DT						

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

DATE: 8-21-14

UTILITY COMPANY: AEP

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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 utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

- (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)
See Attached Exhibit

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

Dist. Engineer
Title

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

DATE: 8-21-14

UTILITY COMPANY: AEP

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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

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- 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

Dist. Engineer
Title

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

DATE: 08/15/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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 utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

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See Attached Exhibit

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

MGR OSP PLNG & ENGRG DESIGN
Title

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

DATE: 9/4

UTILITY COMPANY: Solid Waste C.O.F.

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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 utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)
See Attached Exhibit

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

Commercial Sales Rep

Title

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

DATE: 8-20-2014

UTILITY COMPANY: City of Fayetteville

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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 utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

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See Attached Exhibit

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

Keith Shreve

Assistant Transportation Manager

Title

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

DATE: 9/10/2014

UTILITY COMPANY: CITY OF FAYETTEVILLE

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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 utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)
See Attached Exhibit

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:

Raym Nyke 9/10/2014
Signature of Utility Company Representative

CONSTRUCTION MANAGER
Title

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

DATE: 8/15/2014

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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 utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

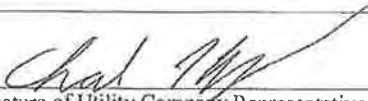
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UTILITY COMPANY COMMENTS:

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- 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.



Signature of Utility Company Representative

Construction Planner III NWA

Title

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

DATE: 8/28/2014

UTILITY COMPANY: SourceGas

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

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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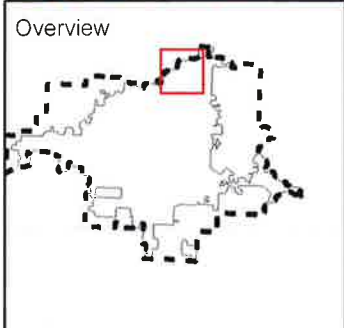
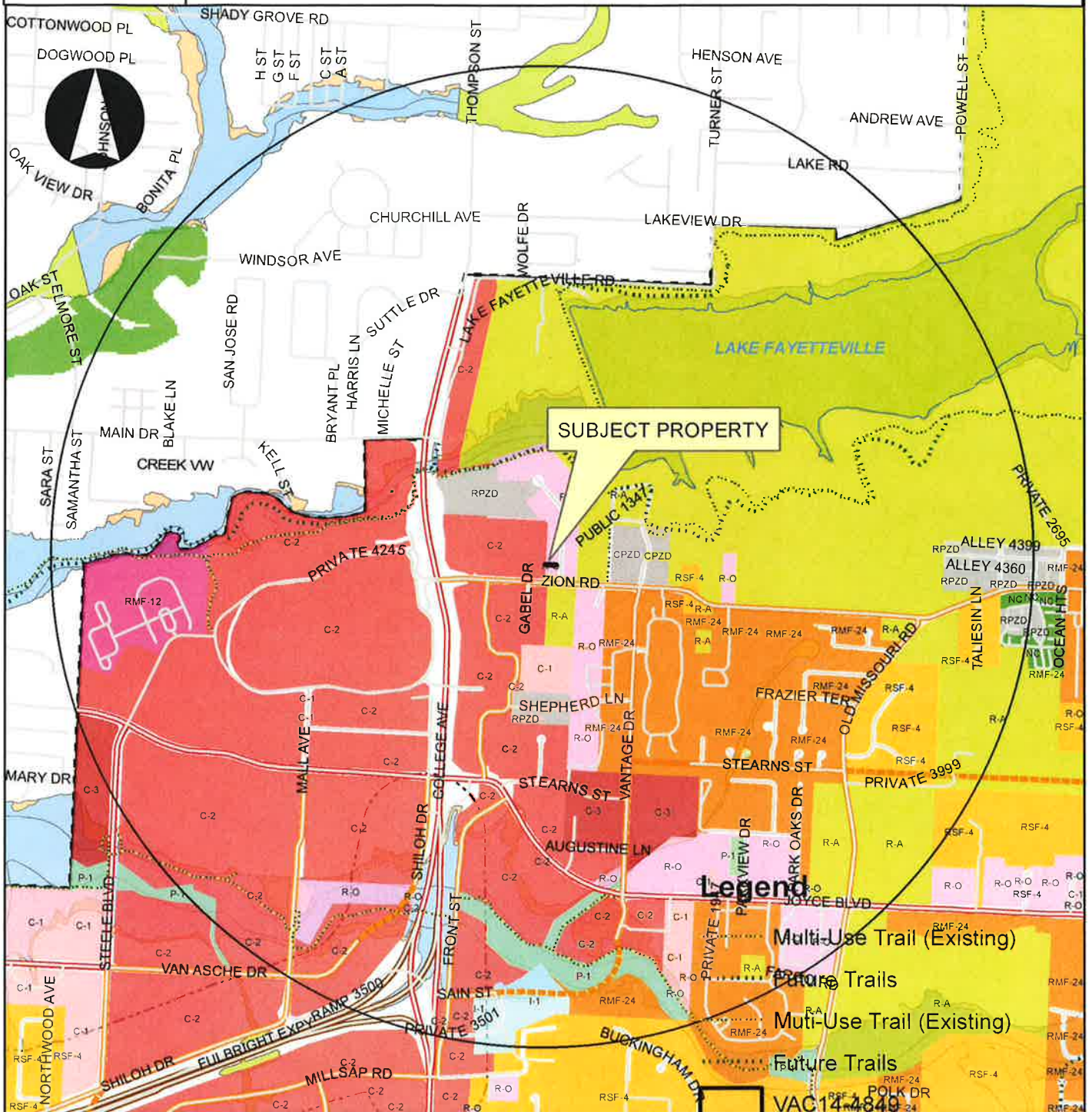
Signature of Utility Company Representative






Title

VAC14-4849

TIMBERLAKE OFFICE PARK

One Mile View



Legend	 Hillside-Hilltop Overlay District
Subject Property	 Design Overlay District
Boundary	 Planning Area
	 Fayetteville

0 0.25 0.5 1 Miles

VAC14-4849

TIMBERLAKE OFFICE PARK

Close Up View

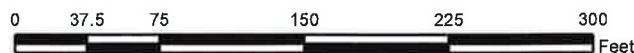


Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4849

Overview Fayetteville City Limits

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



ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ZION ROAD AND WATERSIDE COURT TO VACATE EXISTING 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 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 conditions 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