



# City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

## Text File

**File Number: 2014-0446****Agenda Date:** 11/6/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Ordinance**Agenda Number:** C. 4

AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT 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 condition of approval:

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

City of Fayetteville Staff Review Form

2014-0446

Legistar File ID

11/6/2014

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

Jeremy Pate

10/17/2014

City Planning /  
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 14-4853: Vacation (INTERSECTION OF JAMES ST. AND MT. COMFORT RD./ JAMES ST. RIGHT-OF-WAY, 404): Submitted by CITY STAFF for property located at the INTERSECTION OF JAMES ST. AND MT. COMFORT RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, C-2, THOROUGHFARE COMMERCIAL, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.06 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?	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 14-4853: Vacation (INTERSECTION OF JAMES ST. AND MT. COMFORT RD./JAMES ST. RIGHT-OF-WAY, 404):** Submitted by CITY STAFF for property located at INTERSECTION OF JAMES ST. AND MT. COMFORT RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, C-2, THOROUGHFARE COMMERCIAL, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.06 acres. The request is to vacate a portion of an existing street right-of-way.

### RECOMMENDATION:

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

### BACKGROUND:

The subject 0.06 acre property is a portion of right-of-way recently abandoned during a street re-alignment project at the intersection of Garland Avenue, James Street, and Mt Comfort Road. Parcels on either side of this property are under the same ownership, and the vacated land will become part of these existing parcels.

On March 5, 2013 the City Council approved **Resolution 42-13** which in part agreed to vacate the subject property upon completion of street improvements on Mt. Comfort Road and James Street.

### 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:

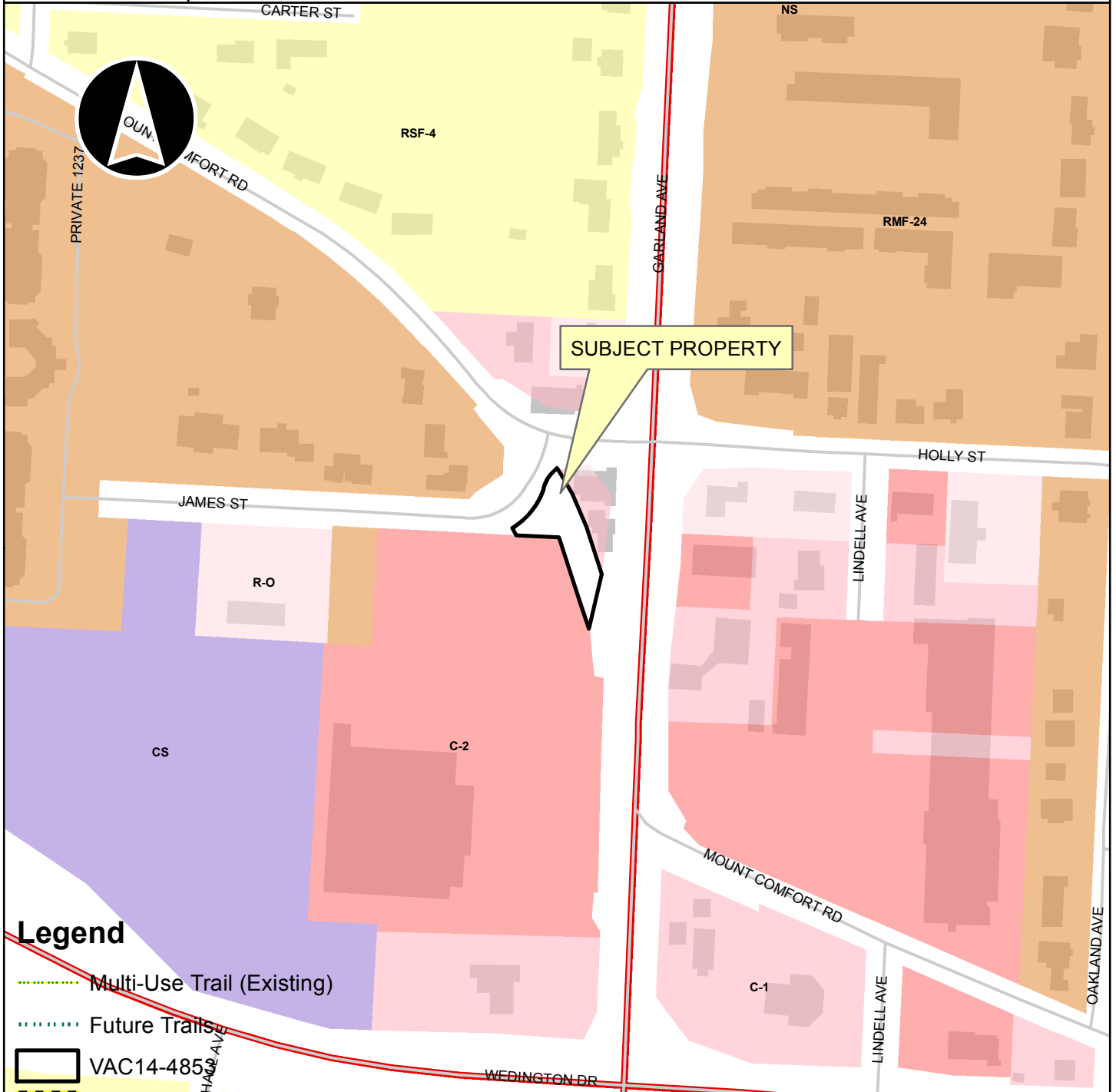
CC Ordinance  
Exhibit A  
Exhibit B  
Planning Commission Staff Report

**EXHIBIT 'A'**  
**14-4853**

VAC14-4853

**JAMES ST. RIGHT-OF-WAY**

Close Up View



**Legend**

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4853

**Overview** Fayetteville City Limits

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

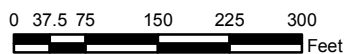


EXHIBIT "B"  
14-4853  
Right-of-Way Vacation

Description:

A part of the Southeast Quarter (SE  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Eight (8), Township Sixteen (16) North, Range (30) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at a 3 inch aluminum monument being the Southeast Corner of said Southeast Quarter (SE  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Eight (8); thence along the Easterly line of said tract North 02°36'57" East 679.31 feet; thence leaving said Easterly line North 87°23'03" West 62.92 feet to the POINT OF BEGINNING; thence South 13°05'36" West 75.92 feet to the Easterly line of Lot Seven (7), McCormick Addition to the City of Fayetteville; thence along said Easterly line of said Lot Seven (7) North 18°42'09" West 32.92 feet to the Southeast corner of Lot Six (6) of said McCormick Addition; thence along the Easterly line of said Lot Six (6) North 18°42'09" West 91.71 feet to the existing Southerly right-of-way James Street; thence along said Southerly right-of-way North 86°38'48" West 74.78 feet; thence North 77°43'08" East 15.51 feet; thence leaving said Southerly right-of-way North 31°44'47" West 11.23 feet to the beginning of a curve to the left having a delta angle of 40°08'43" and a radius of 100.00 feet; thence along said curve an arc length of 70.07 feet and a chord bearing and distance of North 38°10'51" East 68.64 feet to the beginning of a reverse curve to the right having a delta angle of 14°04'17" and a radius of 50.79 feet; thence along said curve an arc length of 12.47 feet and a chord bearing and distance of North 21°03'24" East 12.44 feet to the beginning of a curve to the right having a delta angle of 23°58'49" and a radius of 50.79 feet; thence along said curve an arc length of 21.26 feet and a chord bearing and distance of North 40°04'57" East 21.10 feet to the Westerly line of a property described as "Tract No. 1X" in Instrument No. 2011-24071 as filed with the Circuit Clerk of said county; thence along said Westerly line South 31°19'43" East 8.30 feet to the Northwest corner of a property described as "Tract No. 1XR1" in Instrument No. 2014-10155 as filed with said Circuit Clerk; thence along said Westerly line the following courses:

South 31°19'43" East 31.93 feet; South 23°32'48" East 49.01 feet; South 18°42'09" East 67.30 feet to the Point of Beginning,

Containing 9071 square feet, more or less.

8/28/2014

**RESOLUTION NO. 42-13**

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH GLEN DAVID WILSON, TRUSTEE, TIMOTHY HINKLE, TRUSTEE, AND LINDA HINKLE REGARDING CONDEMNATION LITIGATION FILED AS PART OF THE N. GARLAND AVENUE WIDENING AND IMPROVEMENT PROJECT

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the agreement with Glen David Wilson, Trustee, Timothy Hinkle, Trustee and Linda Hinkle, as full and final settlement of condemnation litigation (City of Fayetteville v. Wilson, et al., Washington County Circuit Court Case No. CV 2012-656-2) filed as part of the N. Garland Avenue Widening and Improvement Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby understands its obligation to adopt at a future date a street vacation of portions of Mt. Comfort Road and James Street as described in the settlement.

**PASSED and APPROVED** this 5<sup>th</sup> day of March, 2013.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer



City Council Agenda Items  
and  
Contracts, Leases or Agreements

~~3/6/2012~~ 3-5-13

City Council Meeting Date  
Agenda Items Only

Chris Brown <sup>CB</sup>  
Submitted By

Engineering  
Division

Development Services  
Department

Action Required:

Approval of a Resolution authorizing settlement of the Condemnation Case with Glen David Wilson on Garland Avenue (North to Melmar) Water and Sewer Relocation Project.

\$ -  
Cost of this request

\$ -  
Category / Project Budget

Transportation Bond Program  
Program Category / Project Name

-  
Account Number

\$ -  
Funds Used to Date

Land Acquisition  
Program / Project Category Name

-  
Project Number

\$ -  
Remaining Balance

Sales Tax Capital Improvements  
Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]  
Department Director 02-14-2013  
Date

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

[Signature]  
City Attorney 2-15-13  
Date

Original Contract Date: \_\_\_\_\_

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

Paul a. Buhn  
Finance and Internal Services Director 2-15-2013  
Date

Received in City Clerk's Office 02-14-13 P04:39 RCV-  
[Signature]

[Signature]  
Chief of Staff \_\_\_\_\_  
Date

Received in Mayor's Office  
ENTERED 3/15/13  
[Signature]

[Signature]  
Mayor 2/19/13  
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS  
DEPARTMENT CORRESPONDENCE

## CITY COUNCIL AGENDA MEMO

City Council Meeting of March 5, 2013

**To:** Mayor Jordan and City Council

**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Director of Development Services &

**From:** Chris Brown CB

**Date:** February 14, 2013

**Subject:** Approval of a Resolution authorizing settlement of the Condemnation Case with Glen David Wilson on Garland Avenue (North to Melmar) Water and Sewer Relocation Project.

### PROPOSAL:

Improvements to Garland Avenue (Highway 112) are planned as part of a City of Fayetteville and Arkansas State Highway and Transportation Department (AHTD) partnering project. Our agreement with AHTD provides that the City is responsible for 50% of the construction cost, up to \$1.5 million, and all of the cost of right of way acquisition and relocation of utility facilities.

Construction of roadway improvements, including construction of a 4-lane roadway with intermittent medians, bike lanes, pedestrian sidewalks, and three new signals, will be administered by AHTD. This construction is currently in the very preliminary stages, and is planned for completion in mid-2014.

Prior to the roadway construction, all utilities, including those owned by the City of Fayetteville Water and Sewer Division, were relocated out of the limits of the planned roadway construction. In order to complete the relocation, utility easements were needed from several property owners, including property owned by the Glen David Wilson Trust and Linda Hinkle. This property includes the Harp's Grocery Store and the vacant lot to the north of Harp's.

City staff was unable to acquire the necessary easement on this property by negotiation; therefore, it was necessary to acquire it by condemnation. The City Council authorized condemnation in March of 2012, and the City Attorney filed the condemnation complaint with the Circuit Court and received the Order of Possession soon thereafter. A deposit of \$30,700, representing the appraised value of the easement, was made into the Registry of the Court at the time of filing.

Since that time, City staff and representatives of Mr. Wilson have worked together to come to a proposed settlement, which is detailed in the attached document. If approved by the City Council, the settlement provisions will include:



- 1) The property owners agree to dedicate a utility easement (at no cost to the City) just outside the right of way of Garland Avenue. This easement was intended to be dedicated as part of the development of the Harp's store, but the easement document was never recorded. The easement area has been used by utilities since the store was built, and the signatures of the property owners on the easement document simply confirms and ratifies the easement.
- 2) The City agrees to vacate the right of way of Mount Comfort Road, as depicted by the cross-hatched areas in the attached Exhibit "B". This vacation will occur after Mount Comfort Road is re-aligned to Holly Street, and the existing area of Mount Comfort is no longer needed for public street purposes. A utility easement will be retained as needed for use by public utilities.
- 3) The City will receive the \$30,700 deposited with the Court back, to be returned in the project account.

**RECOMMENDATION:**

Staff recommends approval of the settlement..

**BUDGET IMPACT:**

This action will reduce the cost of the project by \$30,700.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH GLEN DAVID WILSON, TRUSTEE, TIMOTHY HINKLE, TRUSTEE, AND LINDA HINKLE REGARDING CONDEMNATION LITIGATION FILED AS PART OF THE N. GARLAND AVENUE WIDENING AND IMPROVEMENT PROJECT

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

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Section 2: That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby understands its obligation to adopt at a future date a street vacation of portions of Mt. Comfort Road and James Street as described in the settlement.

**PASSED and APPROVED** this 5<sup>th</sup> day of March, 2013.

APPROVED:

ATTEST:

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

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



Departmental Correspondence

LEGAL  
DEPARTMENT

www.accessfayetteville.org

Kit Williams  
City Attorney

Jason B. Kelley  
Assistant City Attorney

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: JASON KELLEY, ASST. CITY ATTORNEY

CC: KIT WILLIAMS, CITY ATTORNEY

DATE: FEBRUARY 15, 2013

RE: GLEN DAVID WILSON, ET. AL, CONDEMNATION SETTLEMENT PROPOSAL

---

I am pleased to present a very advantageous condemnation settlement related to the necessary taking of a utility easement on the "Harps property" along N. Garland Avenue which will result in the city obtaining an easement deed and saving nearly \$31,000.00 on the Project.

In 2012, the Council authorized our office to file an eminent domain lawsuit to obtain a utility easement on the property as part of the N. Garland Avenue Widening and Improvement Project. The City's appraiser valued the taking at \$30,700.00, which was the sum placed on court deposit when the lawsuit was filed. During negotiation and after historical research, it was agreed by the parties that a 25 foot utility easement along the property and adjacent to the Garland Avenue right-of way was to have been dedicated to the City as part of the original large-scale development approval for the Harps construction in the late 1980s. No record exists showing this was ever formally accomplished. In exchange for all the current property owners signing a utility easement deed to the City clarifying the 25 foot easement, the City agreed, subject to your approval, to vacate the portions of Mt. Comfort Road and James Street which the City and Highway Department had already planned to destroy and remove as part of the realignment of the Mt. Comfort Road/Garland Avenue intersection at Holly Street. The City will retain a utility easement along the vacated area for utilities already in place in the area.

In short, this settlement allows the City to obtain the necessary easement (which we already should have had) for the N. Garland Avenue Widening and Improvement Project without additional monetary cost to the Project, so long as we vacate the portions of Mt. Comfort and James Street we already planned to destroy and remove. *The \$30,700.00 currently on court deposit would be returned to the City.*

Assuming this settlement is accepted by you, a separate street vacation agenda item will be presented in the future which the Council will be contractually obligated to adopt, since it will be an approved term of settlement in the condemnation litigation. Needless to say, I recommend the approval of this settlement.

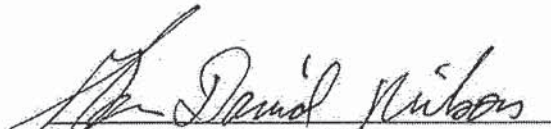
SETTLEMENT FRAMEWORK

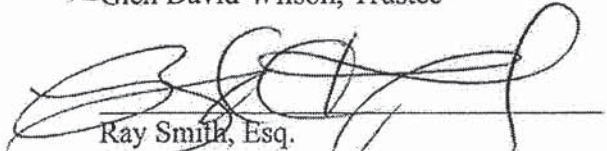
The City of Fayetteville, subject to approval of its Mayor and City Council, and Glen David Wilson, Trustee, hereby enter into this settlement framework for purposes of settling all issues related to utility easement acquisition at issue in eminent domain litigation currently pending in Washington County Circuit Court Case No. CV 12-656-2 (City of Fayetteville v. Wilson, Trustee et al.). The settlement framework is as follows:

1. Glen David Wilson, Trustee (hereinafter "Wilson") agrees to execute a General Utility Easement Deed and to assist in obtaining the signatures of Timothy Hinkle and Linda Kay Hinkle (hereinafter "Hinkles"), to an agreed upon and existing twenty-five foot (25') utility easement along property jointly owned by Wilson and the Hinkles. A copy of the easement deed and description is attached to this settlement framework as Exhibit "A".


2. The City of Fayetteville (hereinafter "Fayetteville"), agrees to vacate portions of the current Mount Comfort Road and James Street, described as Tracts A and B in the attached Exhibit "B", within ninety (90) days of activation of the new traffic signal at the newly relocated Mount Comfort Road and Garland Avenue intersection which is being constructed as part of the Garland Avenue Widening and Improvement Project (hereinafter the "Project"). Wilson and Fayetteville agree that Fayetteville will retain utility easements through Tracts A and B for existing utilities currently located in the area to be vacated. Fayetteville states that the re-alignment of James Street and Mount Comfort Road to connect to Holly Street as part of the Project will render Tracts A and B of no use to the public for street right of way.

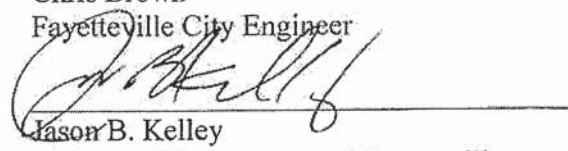
3. Wilson and Fayetteville agree that once the General Utility Easement Deed (Exhibit "A") is fully executed by Wilson and the Hinkles and delivered to Fayetteville, that the parties will agree to a dismissal of the pending eminent domain suit, Washington County Circuit Court Case No. CV 12-656-2. Any court registry deposit for estimated compensation related to the litigation shall be returned by the court to Fayetteville.

  
Glen David Wilson, Trustee

  
Ray Smith, Esq.  
Attorney for Glen David Wilson, Trustee

Date: 02.01.03

  
Chris Brown  
Fayetteville City Engineer

  
Jason B. Kelley  
Assistant City Attorney of Fayetteville

Date: 1-30-13

Garland Avenue Improvements  
Parcel No. 765-13768-000

## GENERAL UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT Glen David Wilson, Trustee, Glen David Wilson Trust Agreement of 2001, u/d July 13, 2001 (1/2 interest), Linda Kay Hinkle (1/4 interest) and Timothy C. Hinkle, Trustee of the Timothy C. Hinkle Trust u/d/t December 1, 1995 (1/4 interest), hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the City of Fayetteville, Arkansas, a municipal corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement for the purpose of construction, maintenance, repair and/or replacement, enlargement and operations of roadway, drainage, sidewalks, and general utilities including water and/or sanitary sewer pipe line or lines, manholes, natural gas, electrical power, telephone, fiber optic cable(s) and television communication line or lines, and appurtenances thereto, on over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Ref. 2007-00023583, seventh description, and Deed Refs. 2002-094498 and 2007-42911)

Part of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Eight (8), Township Sixteen (16) North, Range Thirty (30) West in Washington County, Arkansas, and being more particularly described as follows, to-wit: From the Southeast (SE) corner of said forty-acre tract, run North 190.0 feet; thence West 36.80 feet to the POINT OF BEGINNING; thence running West 401.51 feet; thence North 0°39'00" East 376.94 feet; thence East 2.48 feet; thence North 89°59'14" East 369.56 feet to a point on the right-of-way line of Mt. Comfort Road, thence along the right-of-way of Mt. Comfort Road and Highway 112 the following: South 20°44'29" East 71.16 feet; thence South 310.46 feet to the POINT OF BEGINNING, and containing 3.437 acres, more or less, subject to easements and rights-of-way, if any.

PERMANENT EASEMENT DESCRIPTION:

A part of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 8, Township 16 North, Range 30 West and being more particularly described as follows, to-wit: Commencing at the Northeast corner of said Section 8, thence South 02°36'57" West 2,079.97 feet, thence North 87°23'03" West 70.51 feet to the Westerly right-of-way of Arkansas State Highway 112 (Garland Avenue), thence along said right-of-way South 05°21'15" East 20.83 feet, to the Point of Beginning; thence continuing along said right-of-way South 05°21'15" East 3.20 feet; thence South 74°00'01" East 13.35 feet; thence South 02°04'14" West 101.10 feet; thence South 01°23'28" West 189.75 feet; thence North 88°18'37" West 5.0 feet; thence South 05°06'45" West 34.83 feet; thence South 32°15'42" East 21.79 feet; thence leaving said right-of-way North 87°38'26" West 24.79 feet; thence North 02°04' 49" East 349.92 feet to the Point of Beginning and containing 5,381 square feet, more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

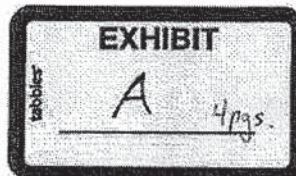
TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement is relinquished, abandoned or vacated and so long as such pipe line or lines, electrical power, telephone and/or television lines or cables, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, lines and/or cables where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above water.

The Grantor agrees no to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines, electric power lines, telephone and/or television lines or cables upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.



GENERAL UTILITY EASEMENT  
Page 2 of 3

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 1<sup>st</sup> day of Feb., 2013.

Glen David Wilson Trust Agreement of 2001,  
u/t/d July 13, 2001

By: *Glen David Wilson*  
Glen David Wilson, Trustee

\_\_\_\_\_  
Linda Kay Hinkle

Timothy C. Hinkle Trust u/d/t December 1, 1995

By: \_\_\_\_\_  
Timothy C. Hinkle, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS )  
COUNTY OF WASHINGTON ) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Glen David Wilson, Trustee, Glen David Wilson Trust Agreement of 2001, u/t/d July 13, 2001**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 1<sup>st</sup> day of February, 2013.

MY COMMISSION EXPIRES:



*Lisa Neeley*  
Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS )  
COUNTY OF WASHINGTON ) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Linda Kay Hinkle**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

MY COMMISSION EXPIRES:

\_\_\_\_\_  
Notary Public

GENERAL UTILITY EASEMENT  
Page 3 of 3

---

**ACKNOWLEDGMENT**

STATE OF ARKANSAS  
COUNTY OF WASHINGTON

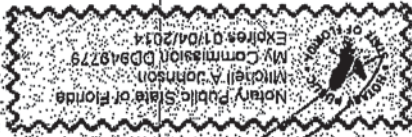
}  
}      ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Timothy C. Hinkle, Trustee of the Timothy C. Hinkle Trust u/d/t December 1, 1995**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

MY COMMISSION EXPIRES:

\_\_\_\_\_  
Notary Public



Notary Public

1/14/2014  
MY COMMISSION EXPIRES

WITNESS my hand and seal on this 16 day of January 2013

BE IT REMEMBERED that on this date before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Linda Kay Hinkle, to me well known as the person who executed the foregoing document and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

STATE OF ARKANSAS }  
COUNTY OF WASHINGTON } COCKER  
SS

ACKNOWLEDGMENT

Notary Public

MY COMMISSION EXPIRES

WITNESS my hand and seal on this 16 day of January 2013

BE IT REMEMBERED that on this date before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Glen David Wilson, Trustee, Glen David Wilson, Trust Agreement of 2001, u/w/d July 13, 2001, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

STATE OF ARKANSAS }  
COUNTY OF WASHINGTON }  
SS

ACKNOWLEDGMENT

By: Timothy C. Hinkle, Trustee

Timothy C. Hinkle Trust u/d/d December 1, 1995

By: Glen David Wilson, Trustee

*[Signature]*  
Linda Kay Hinkle

Glen David Wilson, Trust Agreement of 2001, u/w/d July 13, 2001

WITNESS the execution hereof on this 16 day of January 2013

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

FAY 479-575-8315



GENERAL UTILITY EASEMENT  
Page 2 of 3

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 16<sup>th</sup> day of January, 2013.

Glen David Wilson Trust Agreement of 2001,  
u/d July 13, 2001

By: Glen David Wilson, Trustee

Linda Kay Hinkle

Timothy C. Hinkle Trust u/d/t December 1, 1995

By: Timothy C. Hinkle, Trustee  
Timothy C. Hinkle, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF WASHINGTON

} ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Glen David Wilson, Trustee, Glen David Wilson Trust Agreement of 2001, u/d July 13, 2001**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

MY COMMISSION EXPIRES:

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF WASHINGTON

} ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Linda Kay Hinkle**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

MY COMMISSION EXPIRES:

\_\_\_\_\_  
Notary Public

GENERAL UTILITY EASEMENT  
Page 3 of 3

**ACKNOWLEDGMENT**

STATE OF Pennsylvania  
COUNTY OF Huntingdon

} ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Timothy C. Hinkle, Trustee of the Timothy C. Hinkle Trust u/d/t December 1, 1995**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 16th day of January, 2013.

MY COMMISSION EXPIRES:

May 11, 2014

Amber D. Reed  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
AMBER D. REED, Notary Public  
Huntingdon Boro, Huntingdon County  
My Commission Expires May 11, 2014



GLEN DAVID WILSON TRUST  
 765-08235-000

SE, NE  
 8-16-30

GLEN DAVID WILSON TRUST  
 785-13768-000  
 Inst. No. 2007-23583

P.O.C.  
 NE Corner  
 SEC. 8  
 T-18-N, R-30-W

GARLAND AVENUE

Section Line

CL

MT. COMFORT ROAD

EXHIBIT  
 JAN. 2013

UTILITY EASEMENT  
 GLEN DAVID  
 WILSON TRUST

 PROP. UTILITY  
 EASEMENT—5,381 Sq. Ft.

S 05°21'16" E  
 20.03'

P.O.B.

N 87°23'03" W 70.51'

S 05°21'15" E - 3.20'

S 74°00'01" E - 13.35'

S 02°04'14" W 101.10'

25.0'

N 02°40'48" E 348.92'

S 01°23'28" W 188.75'

34.85'

S 05°08'45" W

N 88°18'37" W 5.00'

S 32°16'42" E 21.79'

N 87°38'28" W 24.79'

R/W

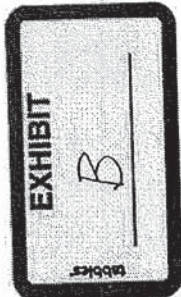
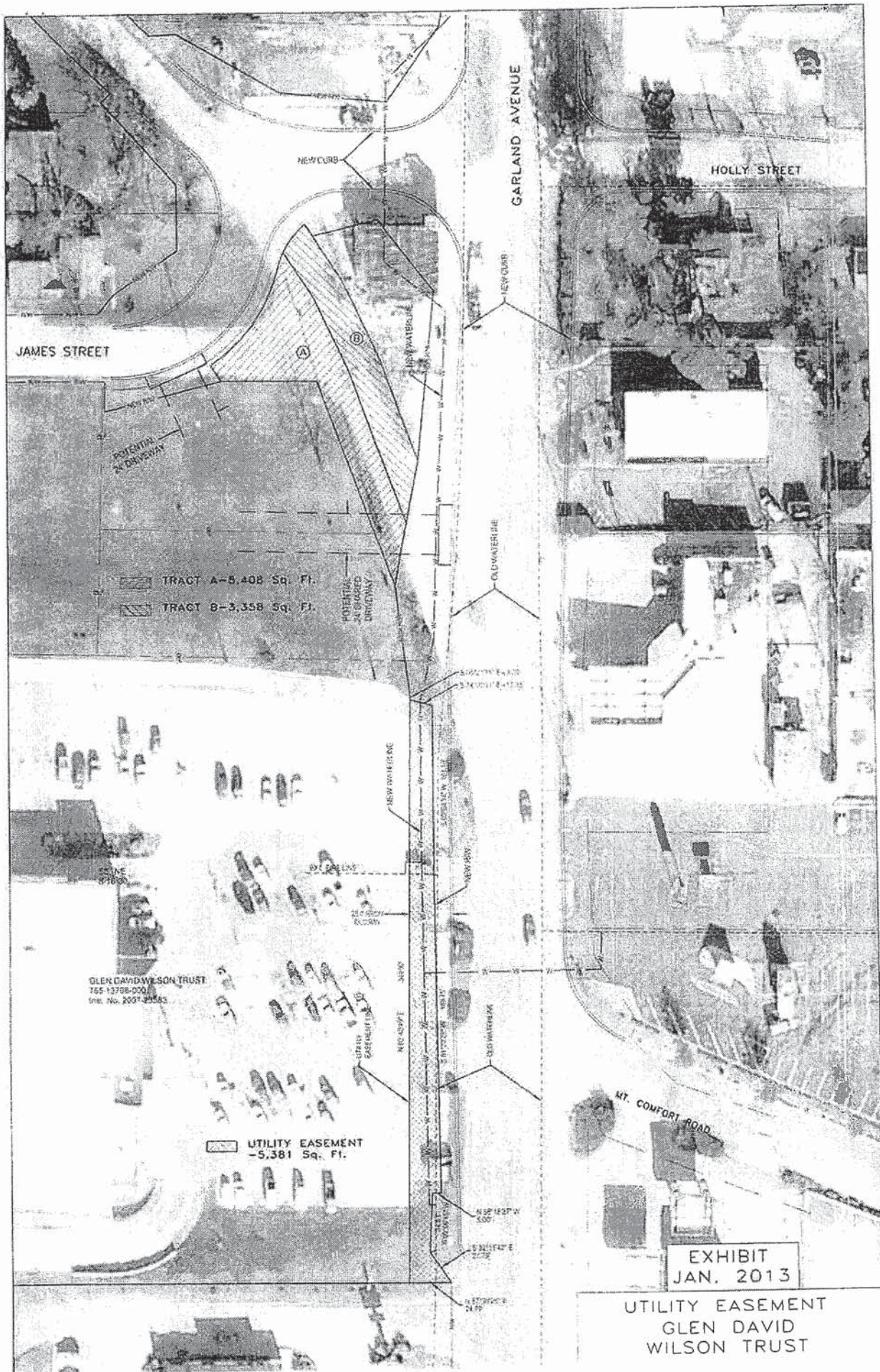


EXHIBIT  
JAN. 2013  
UTILITY EASEMENT  
GLEN DAVID  
WILSON TRUST



## 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 14-4853: Vacation (INTERSECTION OF JAMES ST. AND MT. COMFORT RD./JAMES ST. RIGHT-OF-WAY, 404):** Submitted by CITY STAFF for property located at INTERSECTION OF JAMES ST. AND MT. COMFORT RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, C-2, THOROUGHFARE COMMERCIAL, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.06 acres. The request is to vacate a portion of an existing street right-of-way.

**RECOMMENDATION:**

Staff recommends forwarding **VAC 14-4853** to the City Council with a recommendation for approval.

**BACKGROUND:**

*Property and background:* The subject 0.06 acre property is a portion of right-of-way recently abandoned during a street realignment project at the intersection of Garland Avenue, James Street, and Mt Comfort Road. Parcels on either side of this property are under the same ownership, and the vacated land will become part of these existing parcels.

**Table 1  
 Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Undeveloped/residential	C-1, Neighborhood Commercial/RMF-24, Residential Multi-family, 24 units/acre
South	Commercial	C-2, Thoroughfare Commercial
East	Commercial	C-1, Neighborhood Commercial/ C-2, Thoroughfare Commercial
West	Undeveloped	C-2, Thoroughfare Commercial

*Proposal:* The applicant requests vacation of a portion of right-of-way 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. Source Gas approval has not been provided.

**UTILITIES**

**RESPONSE**

Cox Communications

No objections/No comments

AEP/SWEPCO

No objections/Retain the entire vacated ROW as utility easement.

Ozarks Electric

No objections/No comments

Source Gas

No signature provided

AT&T

No objections/need to retain 15' Utility Easement where AT&T facilities leave Garland Ave going east paralleling south side of James St.

**CITY OF FAYETTEVILLE:**

**RESPONSE**

Water/Sewer

No objections/Retain the entire vacated ROW as utility easement, active water and sewer lines are present.

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 14-4853** 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. Source Gas approval must be provided before the item will be placed on the City Council agenda.

**PLANNING COMMISSION ACTION: Required**

Date: October 13, 2014       Tabled       Forwarded       Denied

Motion: **COOK**      Second: **SELBY**      Vote **8-0-0**

**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



September 3, 2014

Development Services  
City of Fayetteville  
113 W. Mountain Street  
72704

RE: James Street @ Garland Avenue right-of-way vacation

Dear Sir(s),

We are requesting for the vacation of a portion of James Street as shown on the accompanying exhibits. The need for the right-of-way is unnecessary since the widening of Garland Avenue and the re-alignment of James Street.

Sincerely,

**Daryl V. Doyal, P.S.**  
Professional Surveyor  
City of Fayetteville, Arkansas  
479.444.3418  
[ddoyal@fayetteville-ar.gov](mailto:ddoyal@fayetteville-ar.gov)





PETITION

**PETITION TO VACATE A PORTION OF JAMES STREET RIGHT-OF-WAY LOCATED IN FAYETTEVILLE, ARKANSAS.**

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

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

A part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Eight (8), Township Sixteen (16) North, Range (30) West, Washington County, Arkansas, being more particularly described as follows:  
Commencing at a 3 inch aluminum monument being the Southeast Corner of said Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Eight (8); thence along the Easterly line of said tract North 02°36'57" East 679.31 feet; thence leaving said Easterly line North 87°23'03" West 62.92 feet to the POINT OF BEGINNING; thence South 13°05'36" West 75.92 feet to the Easterly line of Lot Seven (7), McCormick Addition to the City of Fayetteville; thence along said Easterly line of said Lot Seven (7) North 18°42'09" West 32.92 feet to the Southeast corner of Lot Six (6) of said McCormick Addition; thence along the Easterly line of said Lot Six (6) North 18°42'09" West 97.22 feet to the Northerly line of said Lot Six (6); thence along said Northerly line North 87°33'27" West 57.79 feet; thence leaving said Northerly line North 31°44'47" West 11.22 feet; to the beginning of a curve to the left having a delta angle of 40°08'43" and a radius of 100.00 feet; thence along said curve an arc length of 70.07 feet and a chord bearing and distance of North 38°10'51" East 68.64 feet to the beginning of a reverse curve to the right having a delta angle of 14°04'17" and a radius of 50.79 feet; thence along said curve an arc length of 12.47 feet and a chord bearing and distance of North 21°03'24" East 12.44 feet to the beginning of a curve to the right having a delta angle of 23°58'49" and a radius of 50.79 feet; thence along said curve an arc length of 21.26 feet and a chord bearing and distance of North 40°04'57" East 21.10 feet to the Westerly line of a property described as "Tract No. 1X" in Instrument No. 2011-24071 as filed with the Circuit Clerk of said county; thence along said Westerly line South 31°19'43" East 8.30 feet to the Northwest corner of a property described as "Tract No. 1XR1" in Instrument No. 2014-10155 as filed with said Circuit Clerk; thence along said Westerly line the following courses: South 31°19'43" East 31.93 feet; South 23°32'48" East 49.01 feet; South 18°42'09" East 67.30 feet to the Point of Beginning,  
Containing 8,767 square feet, more or less.

That the abutting real estate affected by said abandonment of the street right of way of James Street are parcel numbers 765-13768-000, 765-08234-000 which are owned by the Glen David Wilson Trust and 765-08235-000, 765-13751-002 which are owned by David Wilson and will not be used by the public as a street because of the realignment of Garland Avenue, Mt. Comfort Road and James Street and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described street 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.

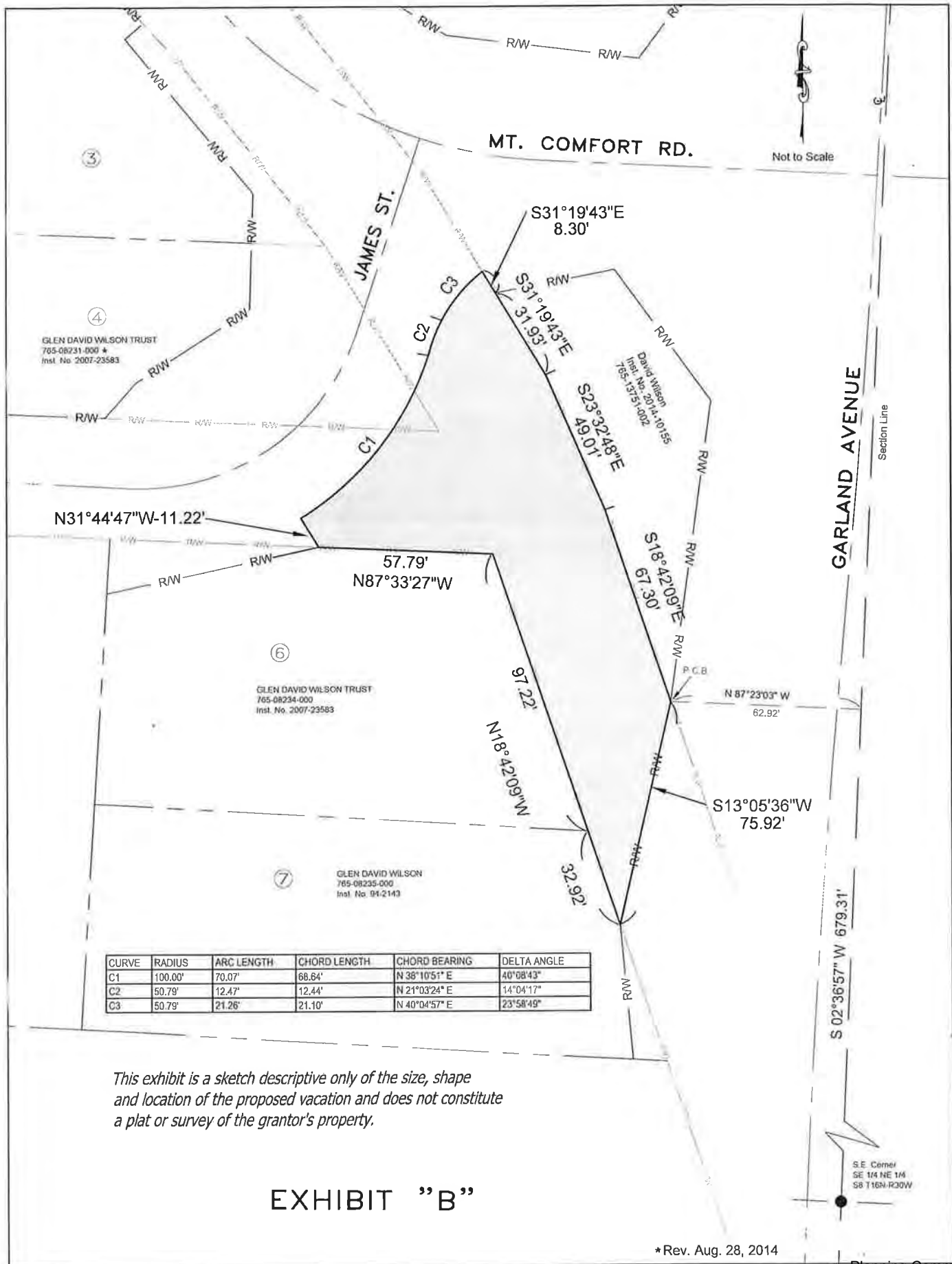
Dated this 7 day of OCTOBER, 20 14.

DARYL V. DOYAL  
Printed Name

  
Signature

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

\_\_\_\_\_  
Signature



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

DATE: 08/15/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: \_\_\_\_\_ APPLICANT PHONE: \_\_\_\_\_

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

- Utility Easement
- Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- Alley
- Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows

General location / Address  
\_\_\_\_\_

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

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.  
(State the location, dimensions, and purpose below.)

Need to retain 15 FT Utility Easement where AT&T facilities leave N Garland Ave  
going East paralleling South side of James St.

No objections provided the following conditions are met:

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

MGR OSP Ping & Engrn Design

UTILITY APPROVAL FORM

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

DATE: 8/22/2014

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Daryl V. Doyal APPLICANT PHONE: 479-444-3418

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 James Street at Garland Avenue

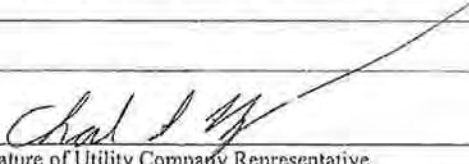
(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

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

Construction Planner III  
Title

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

DATE: 8-18-2014

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: James St. Vacate APPLICANT PHONE: \_\_\_\_\_

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 James Street and Mount Comfort Road/Garland Ave.  
Fayetteville, Arkansas

*(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

Lead Staking Tech  
Title

**UTILITY APPROVAL FORM**

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

DATE: 09/03/2014

UTILITY COMPANY: C.O.F. Solid Waste

API APPLICANT NAME: Daryl Doyal C.O.F. APPLICANT PHONE: 479-444-3418

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:

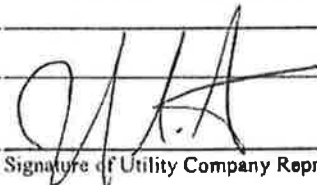
General location / Address James Street at Garland.

(**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

Commercial Sales Rep  
Title

August 2014  
Page 5

**UTILITY APPROVAL FORM**

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

DATE: 8/15/14  
UTILITY COMPANY: AEP - SWEPCO  
APPLICANT NAME: City of Fay. APPLICANT PHONE: \_\_\_\_\_

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

- Utility Easement
- Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- Alley
- Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address \_\_\_\_\_  
\_\_\_\_\_

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above, and no comments.
- No objections to the vacation(s) described above, provided following described easements are retained.  
(State the location, dimensions, and purpose below.)

Retain the entire vacated ROW as  
utility easement.

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: 8-14-14

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: City of Fayetteville APPLICANT PHONE: 444-3418

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 Portion of James Street

(*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

TRAN Services DIR  
Title

**UTILITY APPROVAL FORM**

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

DATE: 25 AUG 2014

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: DARYL DOYAL APPLICANT PHONE: 444-3418

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 JAMES ST. PARTIAL VACATION AT GARLAND  
& MT COMFORT

(*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 DIRECTOR FOR WATER/SEWER FUNCTIONS

Title

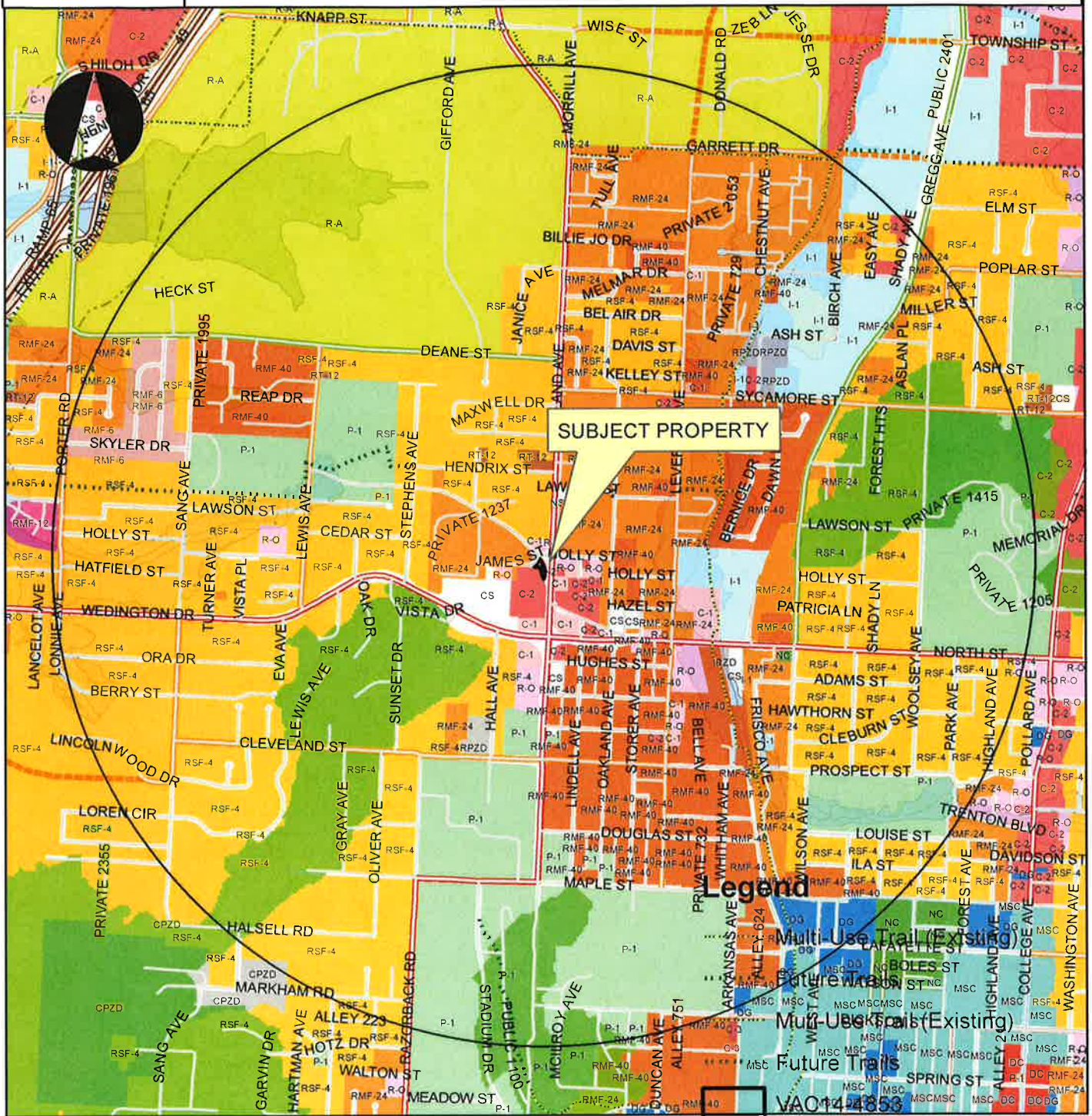
WE CANNOT VACATE THIS EASEMENT  
BECAUSE WATER & SEWER ARE STILL  
LOCATED IN IT.

August 2014  
Page 5

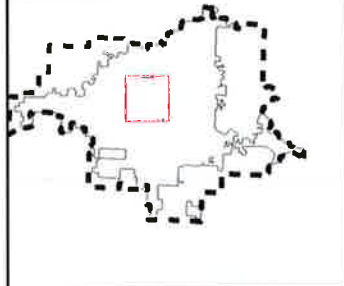
VAC14-4853

# JAMES ST. RIGHT-OF-WAY

One Mile View



Overview



Legend

Subject Property

Boundary

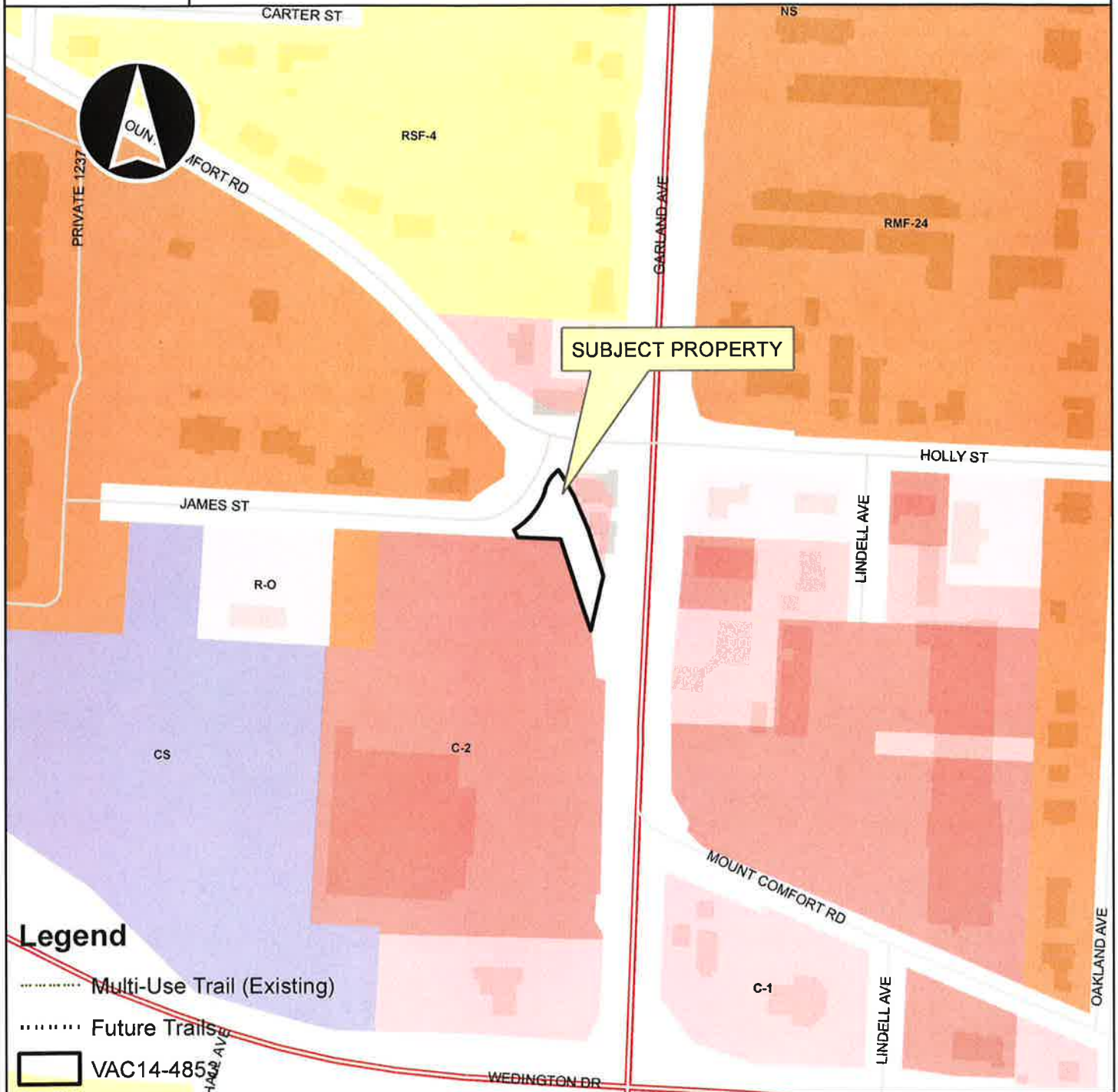
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Planning Area
-  Fayetteville



VAC14-4853

# JAMES ST. RIGHT-OF-WAY

Close Up View

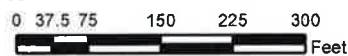


## Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4853

Fayetteville City Limits

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



**ORDINANCE NO.**

AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT 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.

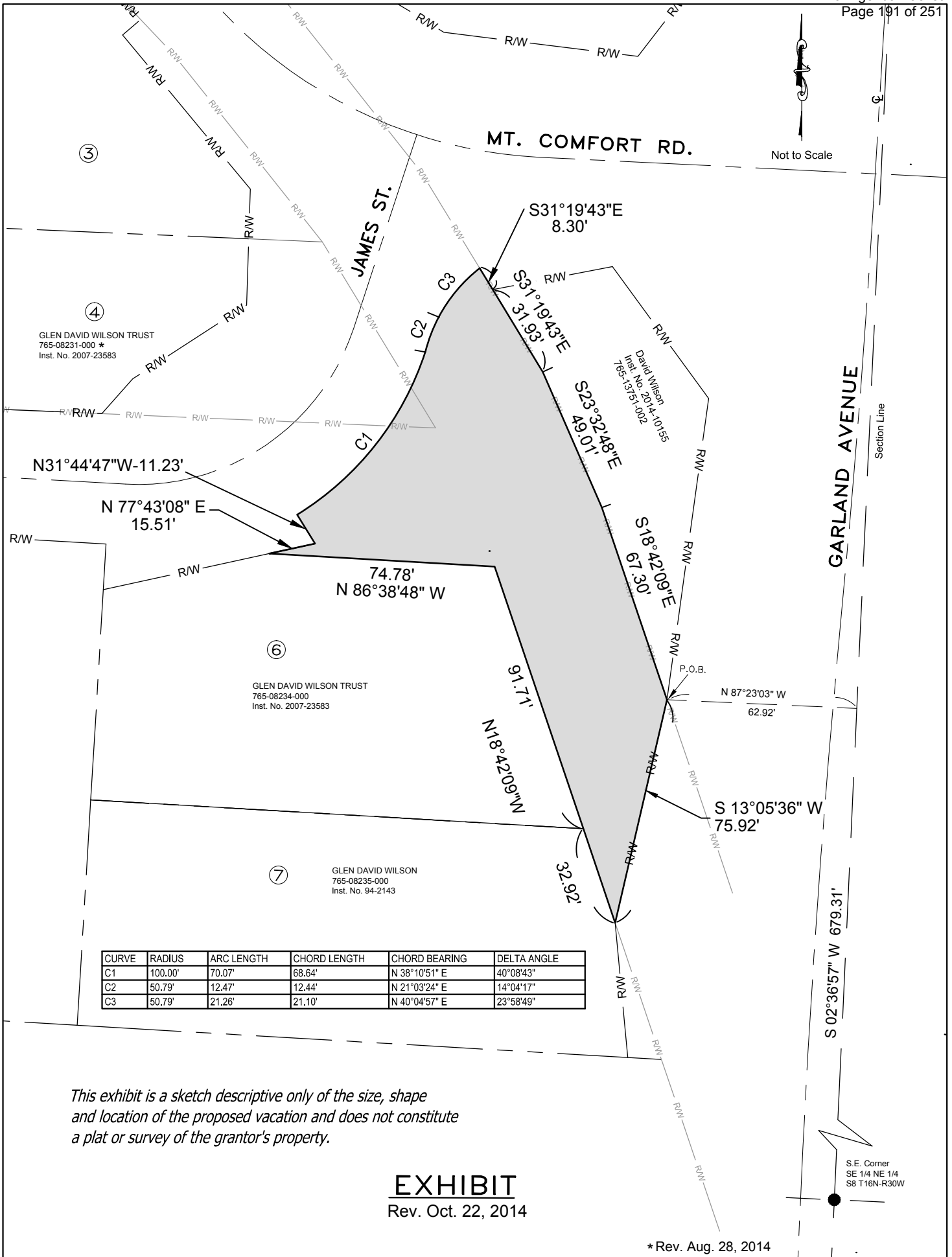
**PASSED** and **APPROVED** this     day of     , 2014.

APPROVED:

ATTEST:

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

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



Not to Scale

Section Line

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.00'	70.07'	68.64'	N 38°10'51" E	40°08'43"
C2	50.79'	12.47'	12.44'	N 21°03'24" E	14°04'17"
C3	50.79'	21.26'	21.10'	N 40°04'57" E	23°58'49"

*This exhibit is a sketch descriptive only of the size, shape and location of the proposed vacation and does not constitute a plat or survey of the grantor's property.*

**EXHIBIT**  
Rev. Oct. 22, 2014

\*Rev. Aug. 28, 2014

S.E. Corner  
SE 1/4 NE 1/4  
S8 T16N-R30W



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
479-575-8323 TDD -  
479-521-1316

## Text File

File Number: 2014-0446

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT 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.