

City of Fayetteville Staff Review Form


2015-0058

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

1/30/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 14-4933: Vacation (PERSIMMON AND MTN. RANCH BLVD./PARKHILL AT MTN. RANCH SUBDIVISION, 478/479): Submitted by JORGENSEN AND ASSOCIATES for property located SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT PARK HILL AT MOUNTAIN RANCH and contains approximately 2.72 acres. The request is to vacate a portion of an existing utility easement.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 17, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, Director of City Planning

DATE: January 30, 2015

SUBJECT: **VAC 14-4933: Vacation (PERSIMMON & MTN. RANCH BLVD./PARKHILL AT MTN. RANCH SUBDIVISION, 478/479):** Submitted by JORGENSEN & ASSOCIATES for property located at PERSIMMON & MTN. RANCH BLVD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT PARK HILL AT MOUNTAIN RANCH and contains approximately 2.72 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

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

BACKGROUND:

The property contains approximately 2.23 acres located in the Mountain Ranch Phase I Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. The property is a part of the Park Hill at Mountain Ranch Residential Planned Zoning District that was approved by City Council on May 7, 2013 (R-PZD 12-4284) for 13 single family dwellings.

DISCUSSION:

There is an existing utility easement in the front yards of all of the lots in the vicinity of homes to be built with the PZD. At the time the PZD was approved it was identified that a portion of this easement would need to be vacated prior to construction of homes. The applicant is in the process of moving forward with this project and requests vacation of a portion of the utility easement, as shown on the attached plat. The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities with no objections. On January 26, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: January 26, 2015 *Updated with Planning Commission action*

SUBJECT: **VAC 14-4933: Vacation (PERSIMMON & MTN. RANCH BLVD./PARKHILL AT MTN. RANCH SUBDIVISION, 478/479):** Submitted by JORGENSEN & ASSOCIATES for property located at PERSIMMON & MTN. RANCH BLVD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT PARK HILL AT MOUNTAIN RANCH and contains approximately 2.72 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4933** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The property contains approximately 2.23 acres located in the Mountain Ranch Phase I Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. The property is a part of the Park Hill at Mountain Ranch Residential Planned Zoning District that was approved by City Council on May 7, 2013 (R-PZD 12-4284) for 13 single family dwellings. Surrounding zoning and land use is depicted in Table 1.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Single family residential (under development)	C-PZD Forest Hills
South and West	Single family residential	RSF-4, Single Family Residential, 4 Units/acre
East	Mountain Ranch Apartments	RMF-24, Residential Multi-Family 24 Units/acre

Proposal: There is an existing utility easement in the front yards of all of the lots in the vicinity of homes to be built with the PZD. At the time the PZD was approved it was identified that a portion of this easement would need to be vacated prior to construction of homes. The applicant is in the process of moving forward with this project and requests vacation of a portion of the utility easement, as shown on the attached plat.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

UTILITIES

Cox Communications

RESPONSE

No response; a response is required prior to City Council

AEP/SWEPCO

No objections

Source Gas

No objections

AT&T

No objections with conditions

Ozarks Electric

No objections with conditions

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections

Trash & Recycling

No objections

Transportation

No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 14-4933** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. This item will not be submitted to City Council until a utility permission form signed by Cox Communications is provided to City Planning staff by the applicant, and the utility vacation exhibit is revised with appropriate dimensions and bearings, or other information needed approved by the GIS Division to accurately determine the extent of the easement vacation.
2. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
3. Existing easements to remain until utilities are relocated into new easement at the owners expense.

PLANNING COMMISSION ACTION: Required

Date: January 26, 2015 Tabled Forwarded Denied

Motion: Cook Second: Chesser Vote: 8-0-0

CITY COUNCIL ACTION: Required

Date: February 17, 2015 Approved Denied

BUDGET/STAFF IMPACT:

None

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- Park Hill R-PZD site plan
- One Mile Map
- Close Up Map



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

DAVID L. JORGENSEN, P.E., P.L.S.

JUSTIN L. JORGENSEN, P.E.

BLAKE E. JORGENSEN, P.E.

December 17th, 2014

City of Fayetteville
113 W. Mountain St
Fayetteville, AR 72701

Attn: Planning Department
Re: Parkhill @ Mountain Ranch Vacation

To Whom It May Concern:

Please find the following Easement Vacation request for the Parkhill @ Mountain Ranch development. This vacation is necessary to allow the R-PZD that has been approved to proceed.

Please review this application and contact us with any questions that you may have.

Sincerely;

Blake E. Jorgensen

PETITION TO VACATE EASEMENTS LOCATED IN THE CITY OF FAYETTEVILLE, ARKANSAS

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

On behalf of the owners of the real estate found on the attached Easement Vacation, we are requesting that the existing easements as called on the aforementioned plat, be abandoned and vacated; lying in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said Easements which are shown on the attached Easement Vacation Plat.

The petitioners kindly ask that the City of Fayetteville, Arkansas, abandon and vacate the described real estate as called out on the Easement Vacation Plat, subject, however, to the existing utility easements as required, and that the described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further ask that the described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the described real estate, subject to said utility 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 16 day of DECEMBER, 2014


Printed Name


Signature

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

DATE: 12-8-2014

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch

(***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 utility easements to remain until lines are relocated into the new easement at the owners expense.

Greg McGee
Signature of Utility Company Representative

Lead Staking Tech
Title

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

DATE: 12/8/14

UTILITY COMPANY: AEP-SWEPSCO

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch

- (*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

Dist. Engineer
Title

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

DATE: 12/8/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch

(*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
MGR OSP Plng & Engrg Design

Title

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

DATE: 12/11/2014

UTILITY COMPANY: Source Gas

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch

- (*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:
Developer will be responsible for all cost incurred for relocation
of existing gas line in easment to be vacated.



Signature of Utility Company Representative

Fayetteville Division Manager

Title

UTILITY APPROVAL FORM

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

DATE: 1/16/2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch


(*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:

All relocation of our existing facilities will be at the owners/developers expense. Will take a minimum of 90 days to relocate once new easement is filed and developer has paid relocate costs. Old easement will need to remain until we have relocated.



Signature of Utility Company Representative

CONSTRUCTION MANAGER

Title

UTILITY APPROVAL FORM

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

DATE: 12/8

UTILITY COMPANY: City of Fayetteville - Solid Waste

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch

(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

UTILITY APPROVAL FORM

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

DATE: 11 Dec 2014

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch

(*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:
KEEP AWARE OF THE SEWER CROSSINGS



Signature of Utility Company Representative

WATER & SEWER OPERATIONS MGR

Title

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

DATE: 12-9-14
UTILITY COMPANY: City of Fayetteville
APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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 Parkhill @ Mountain Ranch

(*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:

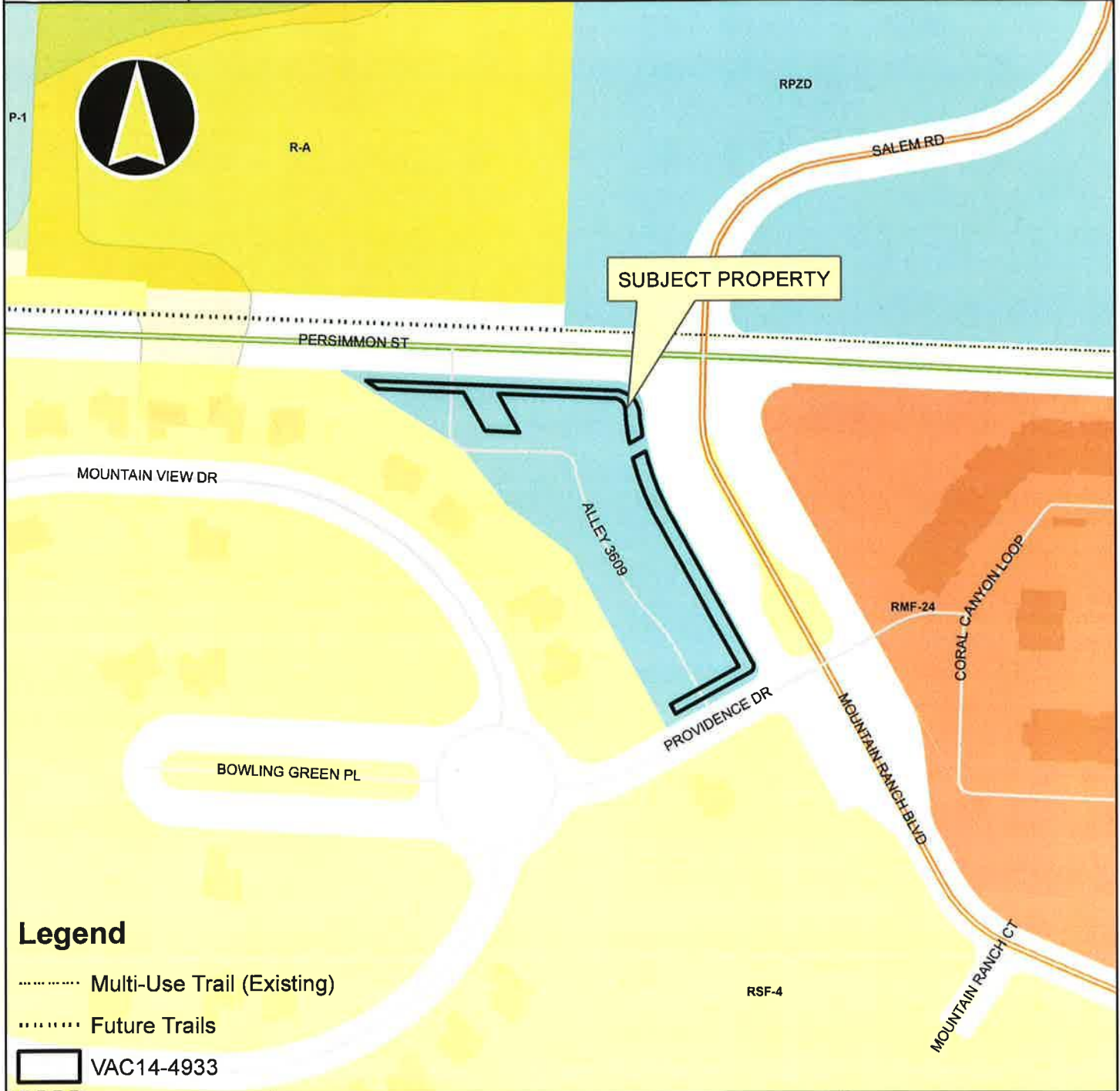
Joy Smith
Signature of Utility Company Representative

Ass. Transportation Manager
Title

VAC14-4933

PARKHILL AT MTN. RANCH

Close Up View



Legend

..... Multi-Use Trail (Existing)

..... Future Trails

VAC14-4933

Fayetteville City Limits

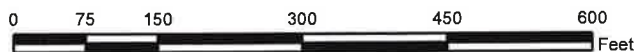
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

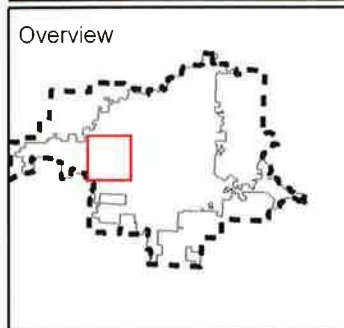
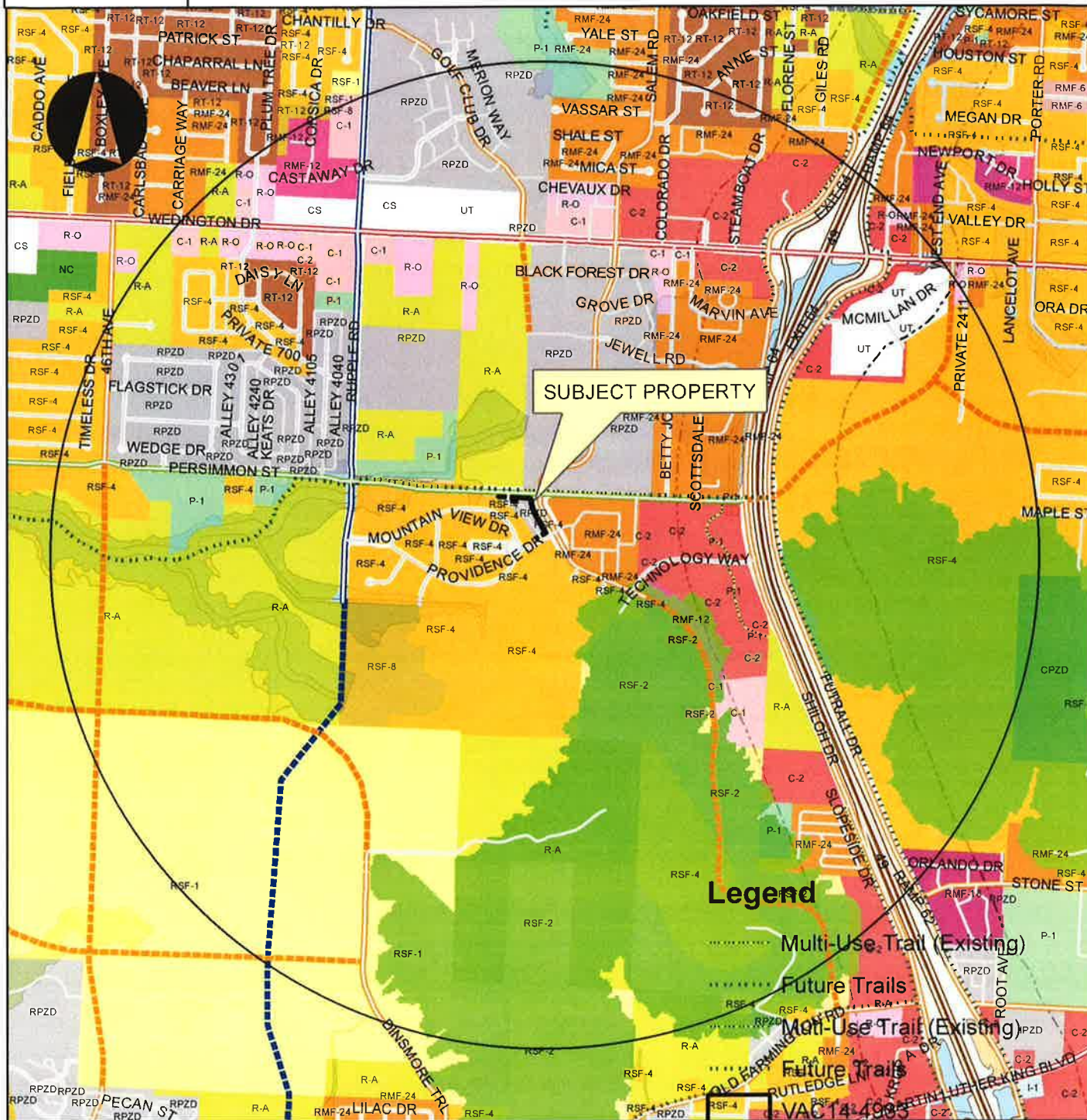
Planning Area



VAC14-4933

PARKHILL AT MTN. RANCH

One Mile View



Legend

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

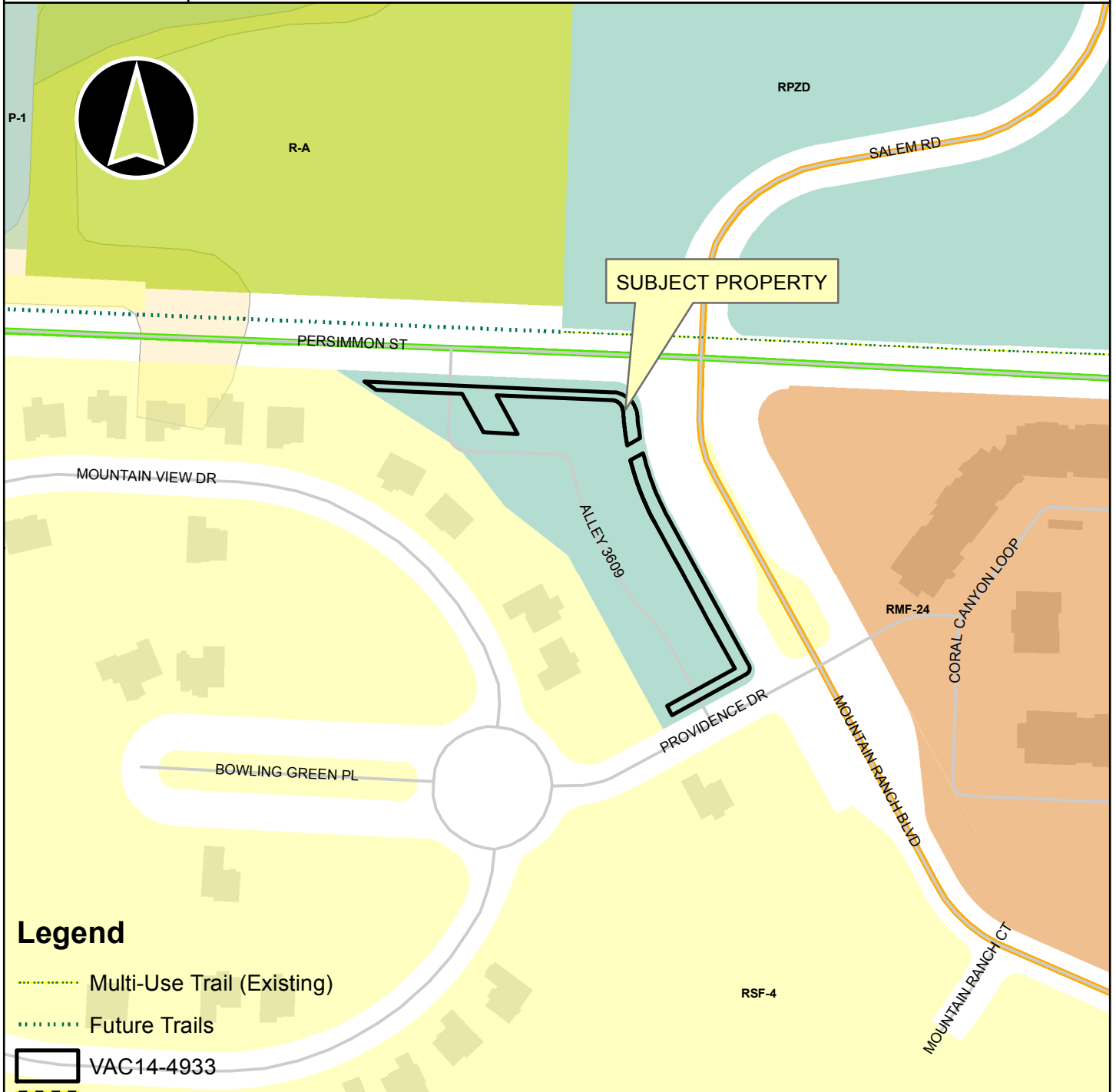
0 0.25 0.5 1 Miles

EXHIBIT 'A'
14-4933

VAC14-4933

PARKHILL AT MTN. RANCH

Close Up View

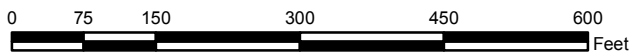


Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4933

Overview Fayetteville City Limits

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



ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4933 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD TO VACATE A PORTION OF AN 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 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 as shown on Exhibit "A" 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 and shall not be in effect until the conditions are met:

1. Any damage or relocation of existing utilities shall be at the owner/developer's expense.
2. Existing easements to remain until utilities are relocated into new easement at the owner's expense.

PASSED and APPROVED this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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