

City of Fayetteville Staff Review Form

2015-0064

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 14-4935: Vacation (N. RAVEN LN./COBBLESTONE SUBDIVISION, PH. 4, 207): Submitted by JORGENSEN & ASSOCIATES for property located at NORTHERN END OF RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.09 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

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: January 30, 2015

SUBJECT: **VAC 14-4935: Vacation (N. RAVEN LN./COBBLESTONE SUBDIVISION, PH. 4, 207):** Submitted by JORGENSEN & ASSOCIATES for property located at NORTHERN END OF RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.09 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 subject property is a part of the proposed Cobblestone Phase IV subdivision (PPL 14-4778). During a previous phase, City sewer was extended to the property line along a future extension of Raven Lane. The Raven Lane extension was re-aligned during the Cobblestone IV design phase (ADM 14-4840), and the existing sewer main and easement are no longer needed in this location.

DISCUSSION:

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.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~January 26, 2015~~ **UPDATED JANUARY 30, 2015**

SUBJECT: **VAC 14-4935: Vacation (N. RAVEN LN./COBBLESTONE SUBDIVISION, PH. 4, 207):** Submitted by JORGENSEN & ASSOCIATES for property located at NORTHERN END OF RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.09 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4935** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject property is a part of the proposed Cobblestone Phase IV subdivision (PPL 14-4778). During a previous phase, City sewer was extended to the property line along a future extension of Raven Lane. The Raven Lane extension was re-aligned during the Cobblestone IV design phase (ADM 14-4840), and the existing sewer main and easement are no longer needed in this location. Surrounding zoning and land use is depicted in Table 1.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Agricultural/undeveloped	R-A, Residential Agricultural
South	Single Family Residential	RSF-4, Single Family Residential, 4 Units/acre
East	Agricultural/undeveloped	RSF-4, Single Family Residential, 4 Units/acre
West	Residential/Agricultural	Unincorporated Washington County

Proposal: The applicant requests vacation of a portion of 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 Objections, any damage or relocations of existing facilities will be at owner/developer expense.

AEP/SWEPCO

No Objections

Source Gas

No Objections

AT&T

No Objections

Ozarks Electric

No Objections

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 14-4935** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION: Required		
Date: <u>January 26, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded
Motion: <u>COOK</u>	Second: <u>CHESSER</u>	Vote: <u>8-0-0</u>
CITY COUNCIL ACTION: Required		ON CONSENT AGENDA
Date: <u>February 17, 2015</u>	<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



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

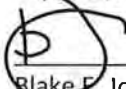
Attn: Planning Department
Re: Cobblestone Subdivision Phase 4

To Whom It May Concern:

As part of the Cobblestone Phase 4 Subdivision, an existing easement that was platted for a sewer main, will be abandoned. The existing sewer line followed the old planned street extension, the alignment has changed and therefore, the sewer line will be moved to the new alignment.

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.

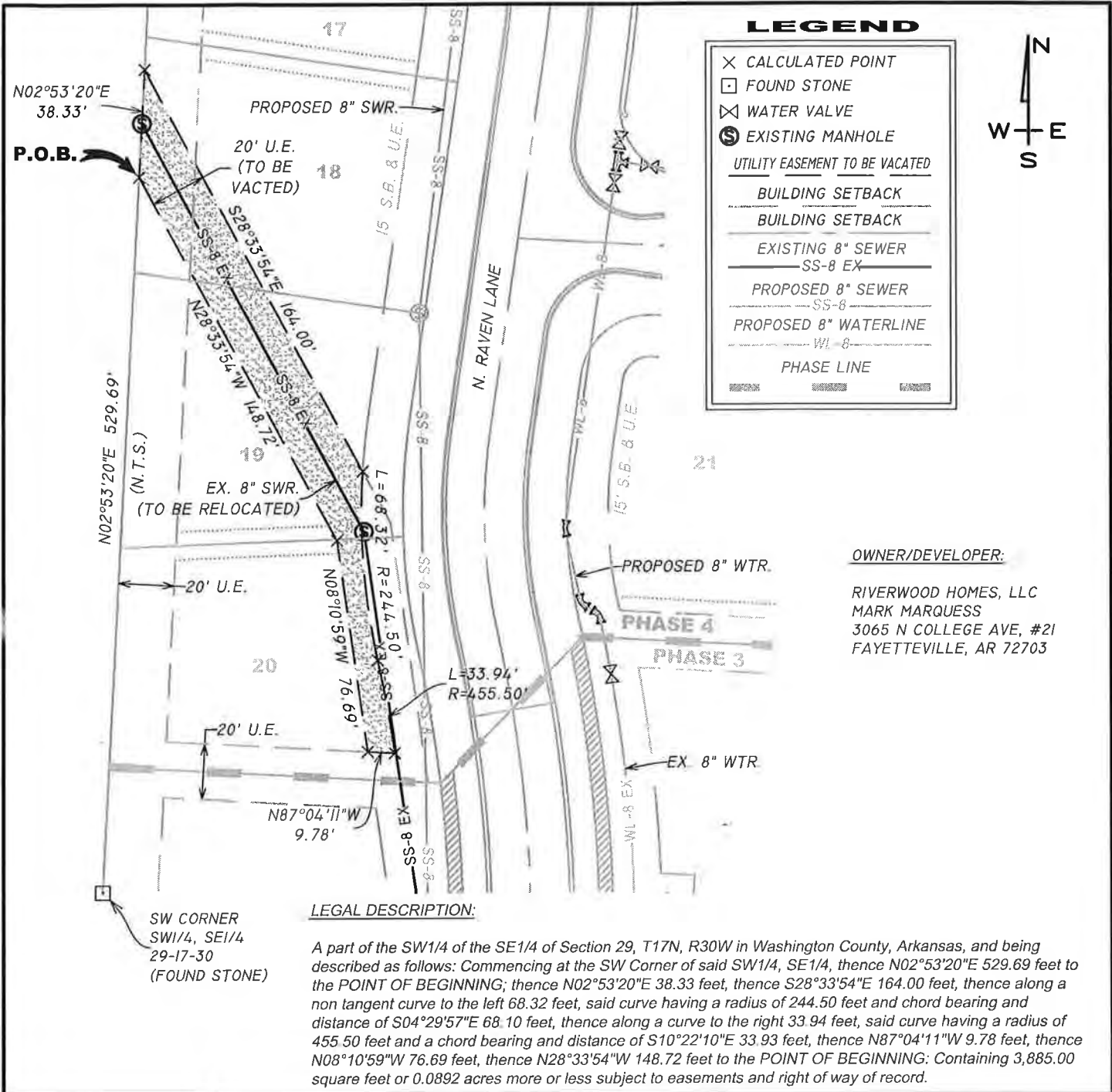
The petitioners further ask that the described real estate be vested in the abutting property owners as provided by law.

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 _____ day of _____, 2014

MARK MARQUESS
Printed Name


Signature



LEGEND

- × CALCULATED POINT
- FOUND STONE
- ⊗ WATER VALVE
- Ⓢ EXISTING MANHOLE
- UTILITY EASEMENT TO BE VACATED
- BUILDING SETBACK
- BUILDING SETBACK
- EXISTING 8" SEWER
SS-8 EX
- PROPOSED 8" SEWER
SS-8
- PROPOSED 8" WATERLINE
WL-8
- PHASE LINE



OWNER/DEVELOPER:
 RIVERWOOD HOMES, LLC
 MARK MARQUESS
 3065 N COLLEGE AVE, #21
 FAYETTEVILLE, AR 72703

LEGAL DESCRIPTION:

A part of the SW1/4 of the SE1/4 of Section 29, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, SE1/4, then N02°53'20"E 529.69 feet to the POINT OF BEGINNING; then N02°53'20"E 38.33 feet, then S28°33'54"E 164.00 feet, then along a non tangent curve to the left 68.32 feet, said curve having a radius of 244.50 feet and chord bearing and distance of S04°29'57"E 68.10 feet, then along a curve to the right 33.94 feet, said curve having a radius of 455.50 feet and a chord bearing and distance of S10°22'10"E 33.93 feet, then N87°04'11"W 9.78 feet, then N08°10'59"W 76.69 feet, then N28°33'54"W 148.72 feet to the POINT OF BEGINNING: Containing 3,885.00 square feet or 0.0892 acres more or less subject to easements and right of way of record.



JORGENSEN & ASSOCIATES
 CIVIL ENGINEERS • SURVEYORS

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

SCALE: 1"=50'	DATE REVISED	CHECKED BY: DLJ	DRAWN BY: BJR
DATE: 20NOV14			Z:\SUBD\2014.046\UEVACATE

**COBBLESTONE SUBDIVISION PHASE 4
 UTILITY EASEMENT VACATION**

UTILITY APPROVAL FORM

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

DATE: _____

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 Cobblestone Subdivision Phase 4

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

UTILITY COMPANY COMMENTS:

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

No objections provided the following conditions are met:

Brian A. Dampert
Signature of Utility Company Representative

SUPERVISOR - FAYETTEVILLE Division
Title

UTILITY APPROVAL FORM

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

DATE: 12/2/14

UTILITY COMPANY: AEP

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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 Cobblestone Phase 4

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

UTILITY COMPANY COMMENTS:

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

No objections provided the following conditions are met:

John Bayne
Signature of Utility Company Representative

Dist. Engr.
Title

UTILITY APPROVAL FORM

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

DATE: 12/15/2014

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:

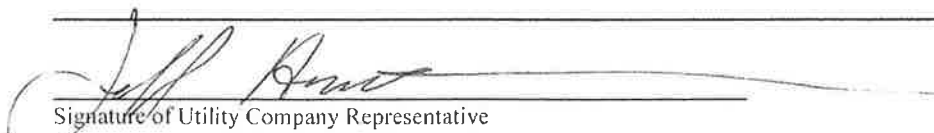
General location / Address Cobblestone Subdivision Phase 4

(*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: 12/15/2014

UTILITY COMPANY: City of Fayetteville Recycling & Trash

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:

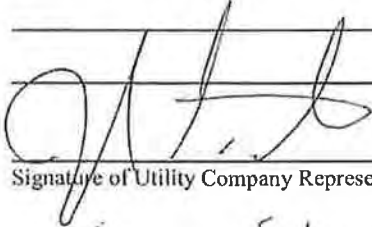
General location / Address Cobblestone Subdivision Phase 4

(*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

Comm. Sales Rep

Title

UTILITY APPROVAL FORM

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

DATE: 12-3-14

UTILITY COMPANY: City Of Fayetteville Transportation

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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.)

No objections provided the following conditions are met:

Joey Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

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

DATE: 12/15/2014

UTILITY COMPANY: Cox Communication

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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.)

No objections provided the following conditions are met:
Any damage to or relocations of existing facilities will be at the owners/developers expense.

Kimberly G. Rexell
Signature of Utility Company Representative

V.P. Arkansas
Title

UTILITY APPROVAL FORM

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

DATE: 12-15-2014

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 Cobblestone Subdivision Phase 4

(**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: 22 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:

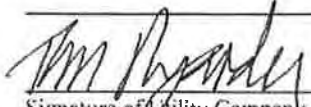
General location / Address Cobblestone Subdivision Phase 4

(*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 UTILITY DIRECTOR
Title

VAC14-4935

COBBLESTONE S/D PHASE 4

Close Up View



SUBJECT PROPERTY

R-A

RSF-4

MARBLE DR

RAVEN LN

Legend

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

..... Future Trails

□ VAC14-4935

Overview Fayetteville City Limits

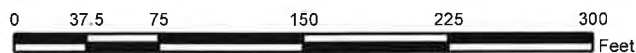
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

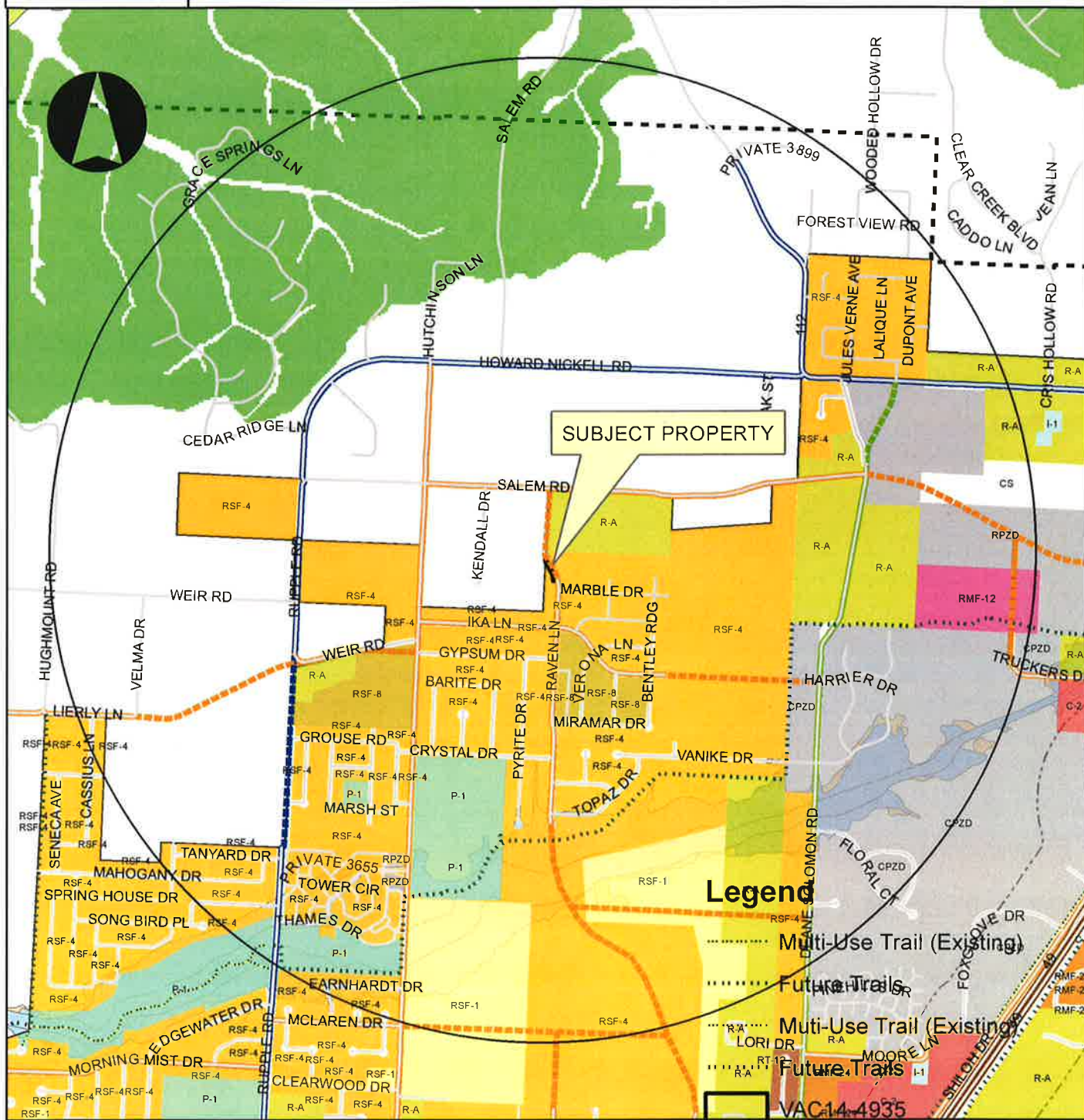
Planning Area



VAC14-4935

COBBLESTONE PHASE 4

One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4935

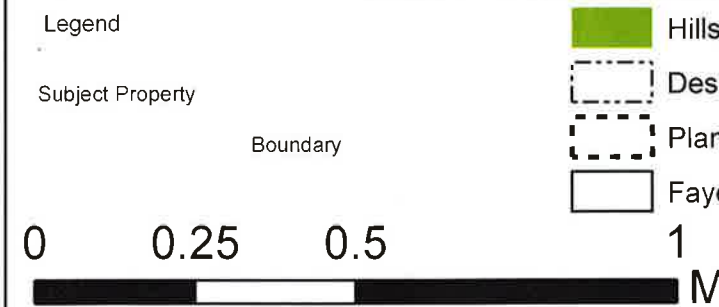
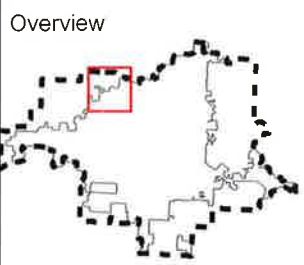
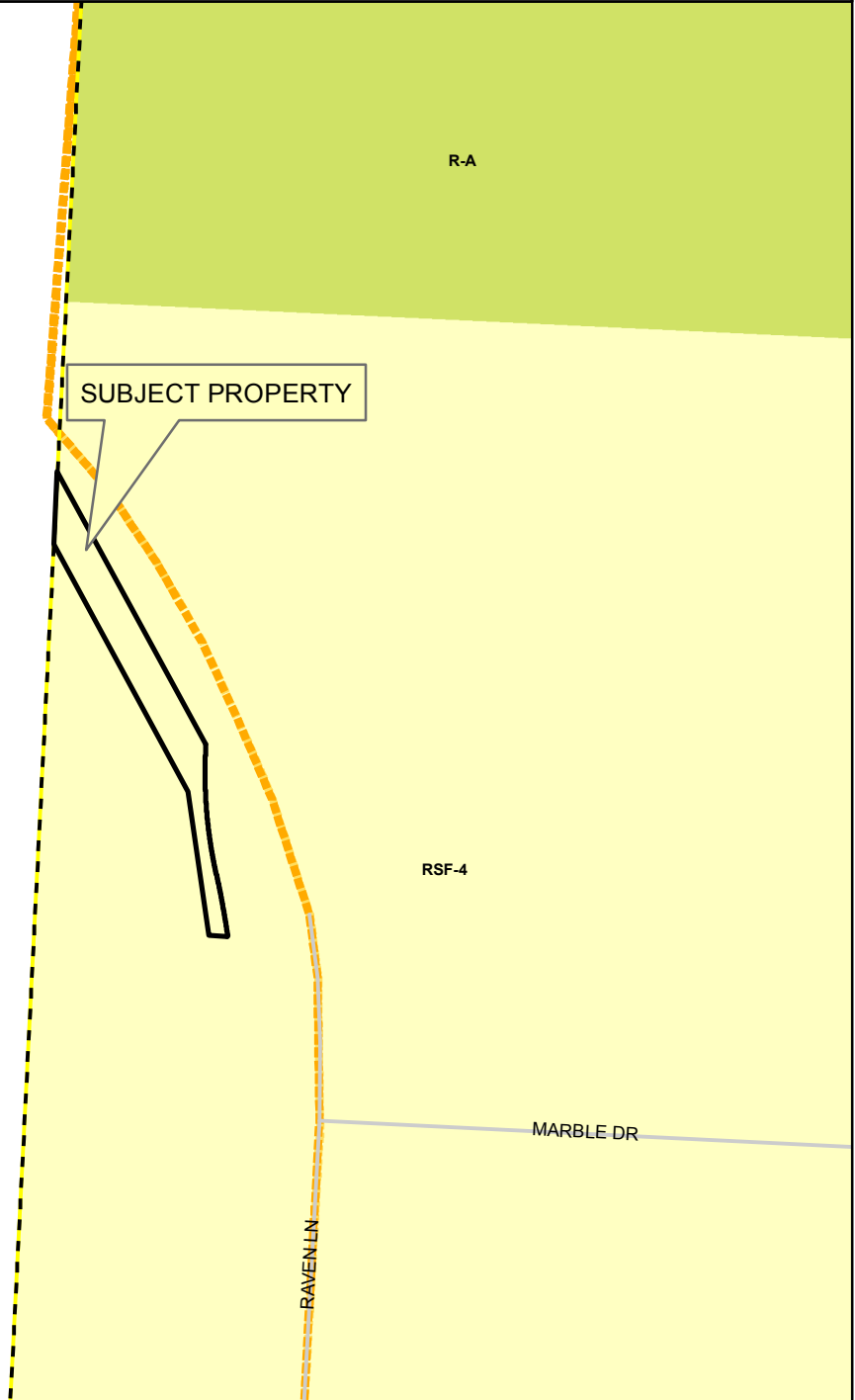


EXHIBIT 'A'
14-4935

VAC14-4935

COBBLESTONE S/D PHASE 4

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4935

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

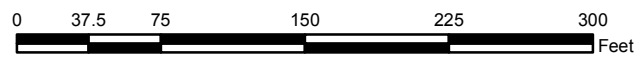


EXHIBIT 'B'

14-4935

LEGAL DESCRIPTION:

A part of the SW1/4 of the SE1/4 of Section 29, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, SE1/4, thence N02°53'20"E 529.69 feet to the POINT OF BEGINNING; thence N02°53'20"E 38.33 feet, thence S28°33'54"E 164.00 feet, thence along a non tangent curve to the left 68.32 feet, said curve having a radius of 244.50 feet and chord bearing and distance of S04°29'57"E 68.10 feet, thence along a curve to the right 33.94 feet, said curve having a radius of 455.50 feet and a chord bearing and distance of S10°22'10"E 33.93 feet, thence N87°04'11"W 9.78 feet, thence N08°10'59"W 76.69 feet, thence N28°33'54"W 148.72 feet to the POINT OF BEGINNING: Containing 3,885.00 square feet or 0.0892 acres more or less subject to easements and right of way of record.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4935 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTH END OF RAVEN LANE 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 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 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 condition of approval:

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

PASSED and **APPROVED** this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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