

City of Fayetteville Staff Review Form


2015-0121

Legistar File ID

3/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

2/27/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-4948: Vacation (3215 N. NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC, 250): Submitted by USI CONSULTING ENGINEERS for property located at 3251 N. NORTH HILLS DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.27 acres. The request is to vacate portions of existing utility easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 15-4948 SUBMITTED BY USI CONSULTING ENGINEERS FOR PROPERTY LOCATED AT 3215 NORTH HILLS DRIVE TO VACATE PORTIONS OF 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 utility easement described in Exhibit “B” attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit “A” shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Existing water and sewer lines to be relocated by the applicant as approved by the City Water and Sewer Department.
2. Any damage or relocation of existing facilities and associated new easement dedication 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



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 17, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, Director of Planning

DATE: February 27, 2015

SUBJECT: **VAC 15-4948: Vacation (3215 N. NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC, 250):** Submitted by USI CONSULTING ENGINEERS for property located at 3251 N. NORTH HILLS DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.27 acres. The request is to vacate portions of existing utility easement.

RECOMMENDATION:

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

BACKGROUND:

This site is located in the southwest portion of the Washington Regional Medical Clinic (WRMC) campus which contains 61.45 acres and is zoned P-1, Institutional. On January 29, 2015 the Fayetteville Subdivision Committee approved a large scale development on this portion of the site for a 104,895 square foot women's medical clinic and parking garage (LSD 14-4893). There are existing easements and utilities located under the proposed building site.

The applicant requests vacation of portions of utility easements, as shown on the attached plans in order to develop the proposed women's clinic addition to the hospital. The City utility departments and applicable franchise utilities have approved the requested vacation.

DISCUSSION:

On February 23, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: February 23, 2015 *Updated with Planning Commission results*

SUBJECT: **VAC 15-4948: Vacation (3215 N. NORTH HILLS DRIVE/WRMC WOMEN'S CLINIC, 250):** Submitted by USI CONSULTING ENGINEERS for property located at 3251 N. NORTH HILLS DR. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.27 acres. The request is to vacate portions of existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-4948** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: This site is located in the southwest portion of the Washington Regional Medical Clinic (WRMC) campus which contains 61.45 acres and is zoned P-1, Institutional. On January 29, 2015 the Fayetteville Subdivision Committee approved a large scale development on this portion of the site for a 104,895 square foot women's medical clinic and parking garage (LSD 14-4893). There are existing easements and utilities located under the proposed building site. The surrounding zoning and land use is listed in *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Fulbright Expressway	Not applicable
South	Single family dwellings; office	RSF-4; RT-12; R-O
West	Scul Creek Trail; WRMC parking lots on Gregg Ave.	P-1
East	Medical office	R-O

Proposal: The applicant requests vacation of portions of utility easements, as shown on the attached plans in order to develop the proposed women's clinic addition to the hospital.

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

AEP/SWEPCO

No objections

Source Gas

No objections

AT&T

No objections

Ozarks Electric

To be provided

CITY OF FAYETTEVILLE

RESPONSE

Water/Sewer

No objections

Trash & Recycling

No objections

Transportation

Not applicable

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 15-4948** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Prior to the City Council agenda request being submitted for this item the applicant shall provide the City Planning Division with the utility permission form from Ozarks Electric.
2. Existing water and sewer lines to be relocated by the applicant as approved by the City Water and Sewer Department.
3. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION

Forwarded Denied Tabled

Date: February 23, 2015

Motion: Cook

Second: Selby

Vote: 7-0-0

Notes:

On consent agenda

BUDGET/STAFF IMPACT:

None

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map

January 8, 2015

Ferdinand Fourie, P.E.
Project Manager
4847 Kaylee Avenue-Suite B
Springdale, Arkansas 72762
479.872.7115 Telephone
479.872.7118 Facsimile
www.usi-ce.com
ffourie@usi-ce.com

Andrew Garner
Planning Director
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
Phone : (479) 575-8262

**Re: Easement Vacation Request
Washington Regional Medical Center
Women's Clinic and Parking Garage Addition**

Dear Mr. Garner:

Please find enclosed submittal items as a request to vacate existing Utility Easement on the Washington County Regional Medical Center property along North Hills Drive.

A Large Scale Development has been submitted and is being considered in the current planning review cycle. The request is for the vacationing of easement within the proposed building and overhang footprint. The waterline within the Easement Area 1 will be rerouted along the driveway and new easement recorded under a separate document. The sewer line will become private for the portion under the proposed expansion.

The waterline at Easement Area 2 is not within the current easement area. Therefore the current easement is being vacated and a new 20-foot wide easement will be recorded under a separate plat with this project.

Please let me know if you have any questions.

Sincerely,



Ferdi Fourie, P.E.
Project Manager

PETITION TO VACATE AN EASEMENT LOCATED AT 3215 NORTH HILLS DRIVE, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in 3215 North Hills Drive, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

VARIABLE WIDTH UTILITY EASEMENT : FILE NO 0023-00000250

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST CORNER OF SECTION 27, N79°26'51.11"W 665.73-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

S20°31'01.84"W 170.26-FEET; THENCE S71°46'13.02"E 5.79-FEET; THENCE S18°13'46.98"W 20.00-FEET; THENCE N71°46'13.02"W 6.59-FEET; THENCE S20°31'01.83"W 25.91-FEET; THENCE S7°25'37.06"W 12.08- FEET; THENCE N82°34'22.94"W 19.82-FEET; THENCE S18°13'46.89"W 32.79-FEET; THENCE S44°25'15.91"E 15.35- FEET; THENCE N71°46'29.56"W 140.03- FEET; THENCE N9°46'52.72"E 4.75- FEET; THENCE S79°29'11.66"E 107.91- FEET; THENCE N18°13'46.98"E 247.12- FEET; THENCE S78°08'27.03"E 46.28- FEET TO THE POINT OF BEGINNING, CONTAINING 11,703 SQUARE FEET OR 0.27 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

25- FEET WIDE UTILITY EASEMENT : FILE NO 0023-00000250

PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST CORNER OF SECTION 34, S60°58'38.08"W 871.64- FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

N86°29'07.13"W 199.10- FEET; THENCE N10°28'04.40"E 25.19- FEET; THENCE S86°29'07.13"E 171.05- FEET; THENCE N03°30'48.34"E 4.68- FEET; THENCE S60°45'59.44"E 27.75- FEET; THENCE S03°30'48.34"W 17.64- FEET TO THE POINT OF BEGINNING, CONTAINING 4906 SQUARE FEET OR 0.11 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

That the abutting real estate affected by said abandonment of the alley are at 3215 North Hills Drive, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

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

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 7 day of January, 2015.

Mark Bever

Printed Name

Mina Bunn

Signature

UTILITY APPROVAL FORM

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

DATE: January 8, 2015

UTILITY COMPANY: City of Fayetteville - Water and Sewer

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

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 (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- 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 EXISTING WATER OR SEWER LINES MUST BE
RELOCATED PRIOR TO EASEMENT VACATION.



Signature of Utility Company Representative

UTILITIES DIRECTOR- CITY OF FAYETTEVILLE

Title

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

DATE: January 8, 2015

UTILITY COMPANY: City of Fayetteville - Solid Waste

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

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

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

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- 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

Transportation Assistant Manager
Title

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

DATE: January 8, 2015

UTILITY COMPANY: Source Gas

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

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 (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

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

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

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. Dapert
Signature of Utility Company Representative

Supervisor - Division Operations
Title

UTILITY APPROVAL FORM

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

DATE: January 8, 2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

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

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

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** 3512 North Hills Drive, Fayetteville, AR 72703

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


UTILITY COMPANY COMMENTS:

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

- No objections provided the following conditions are met:

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

Can take up to 90 days to relocate once relocations costs have been paid.



Signature of Utility Company Representative

CONSTRUCTION MANAGER

Title

UTILITY APPROVAL FORM

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

DATE: January 8, 2015

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

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 (referring to attached document- must be completed**)

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- 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:

We will need to specify new easements for the new lines and equipment on the easement plat ✓

Joshua Bayn
Signature of Utility Company Representative

Distribution Engineer
Title

UTILITY APPROVAL FORM

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

DATE: January 17, 2015

UTILITY COMPANY: Ozark Electric

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115

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 (referring to attached document- must be completed**)

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

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- 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:

Mike Phillips
Signature of Utility Company Representative

System Staking Tech
Title

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

DATE: January 8, 2015

UTILITY COMPANY: AT&T

APPLICANT NAME: USI Consulting Engineers, Inc. APPLICANT PHONE: 479-872-7115
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 (referring to attached document- must be completed**)

** 3512 North Hills Drive, Fayetteville, AR 72703

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


UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above.

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

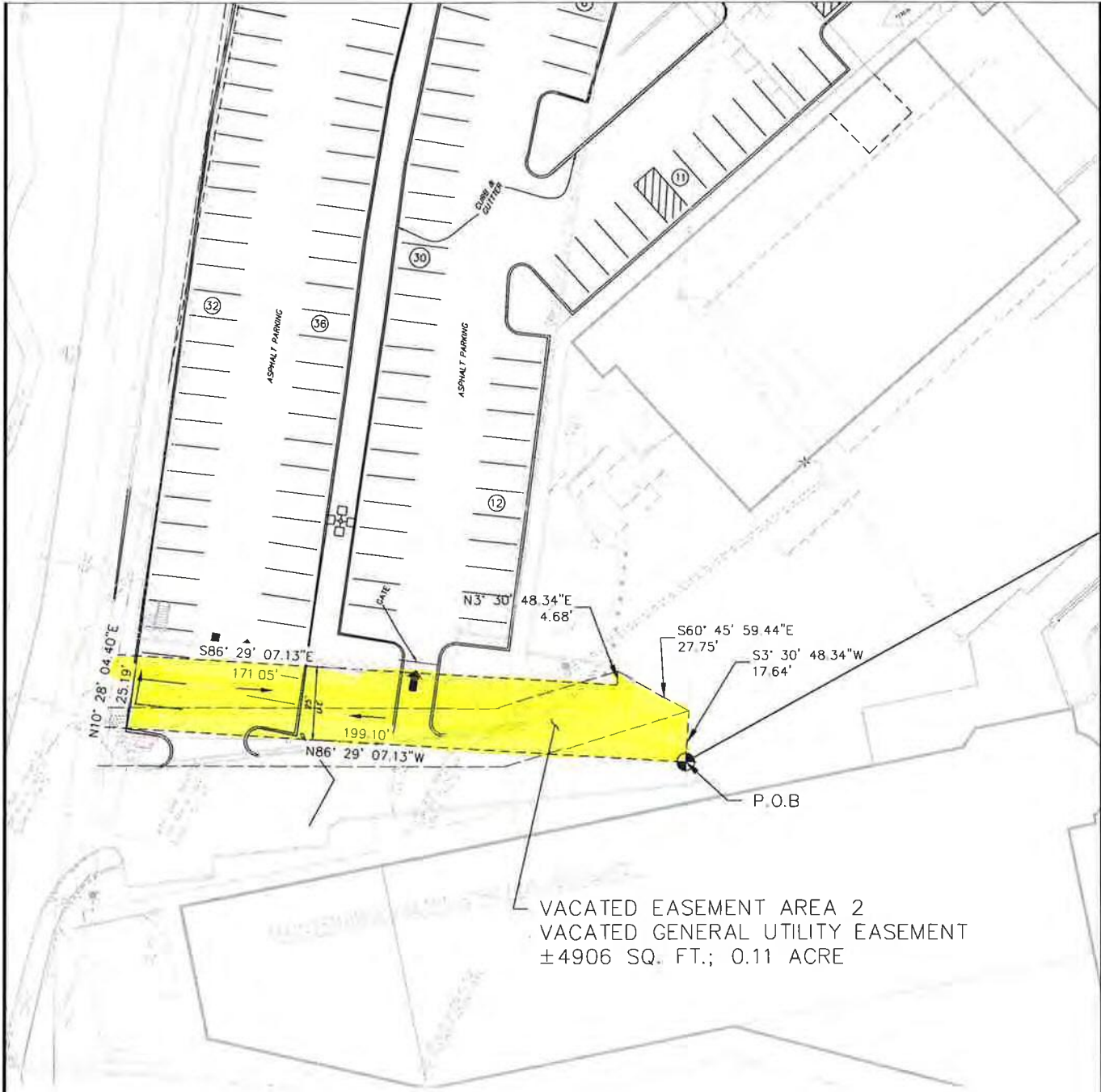
No objections provided the following conditions are met:

Any AT&T facilities that require relocation or are damaged will be the responsibility of the Developer.

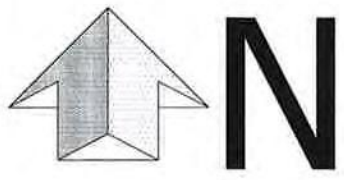

Signature of Utility Company Representative

MGR OSP PIng & Engrg Design

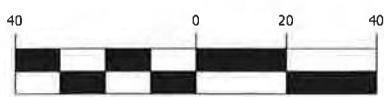
Title



VACATED EASEMENT AREA 2
 VACATED GENERAL UTILITY EASEMENT
 ±4906 SQ. FT.; 0.11 ACRE



GRAPHIC SCALE

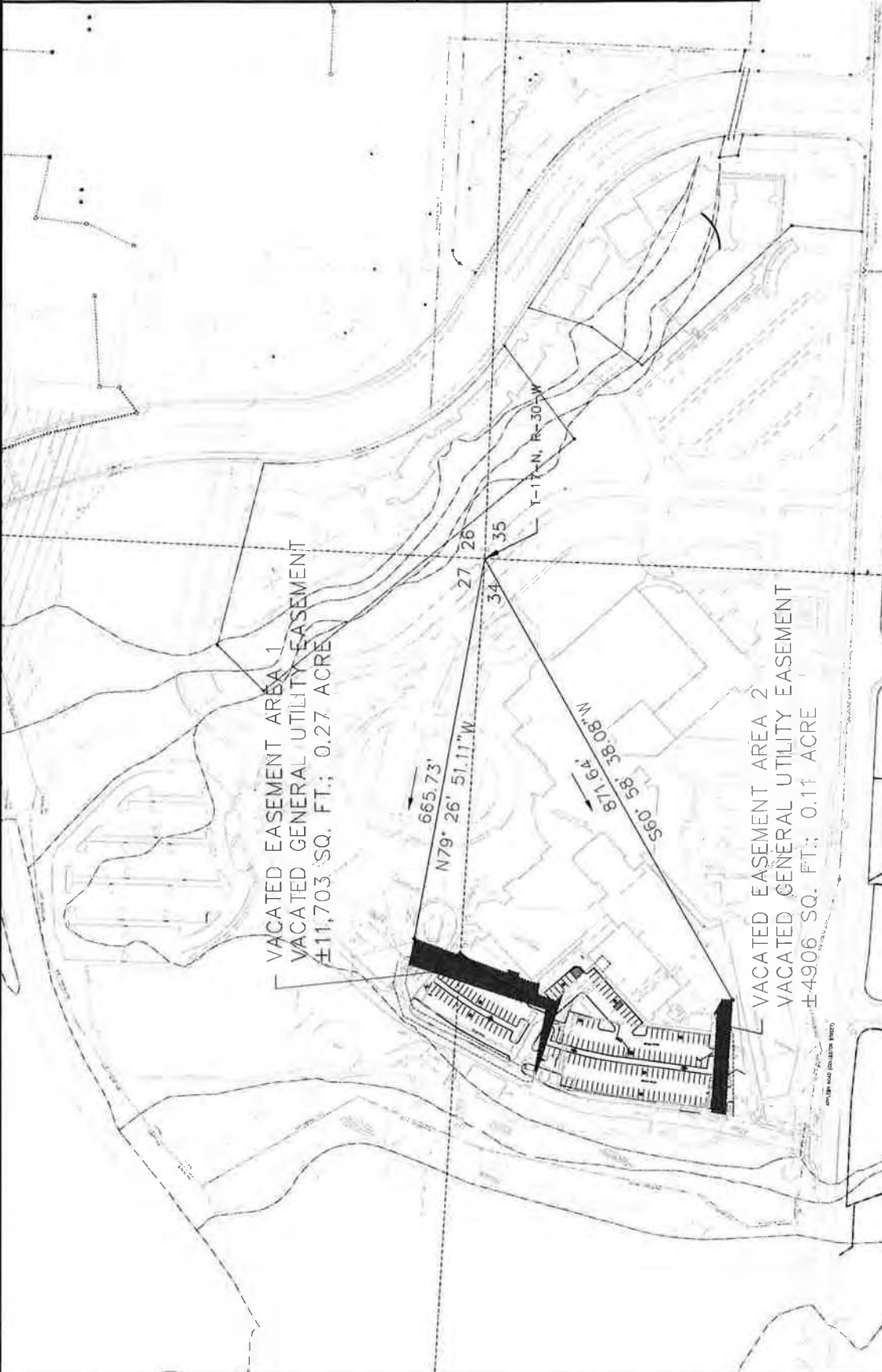


(IN FEET)
 1 INCH = 40 FEET

EASEMENT DRAWING ONLY - NOT A SURVEY PLAT		WASHINGTON REGIONAL MEDICAL CENTER		
		Washington County	Arkansas	
	PARCEL NUMBER	DRAWN	CKD	SHEET
	765-15736-106	FF	CRN	3 / 3

USI Consulting Engineers
 Springdale, Arkansas
 ©2013 USI Consulting Engineers

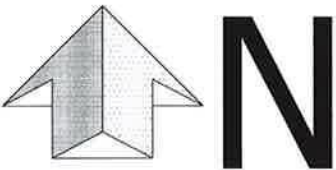
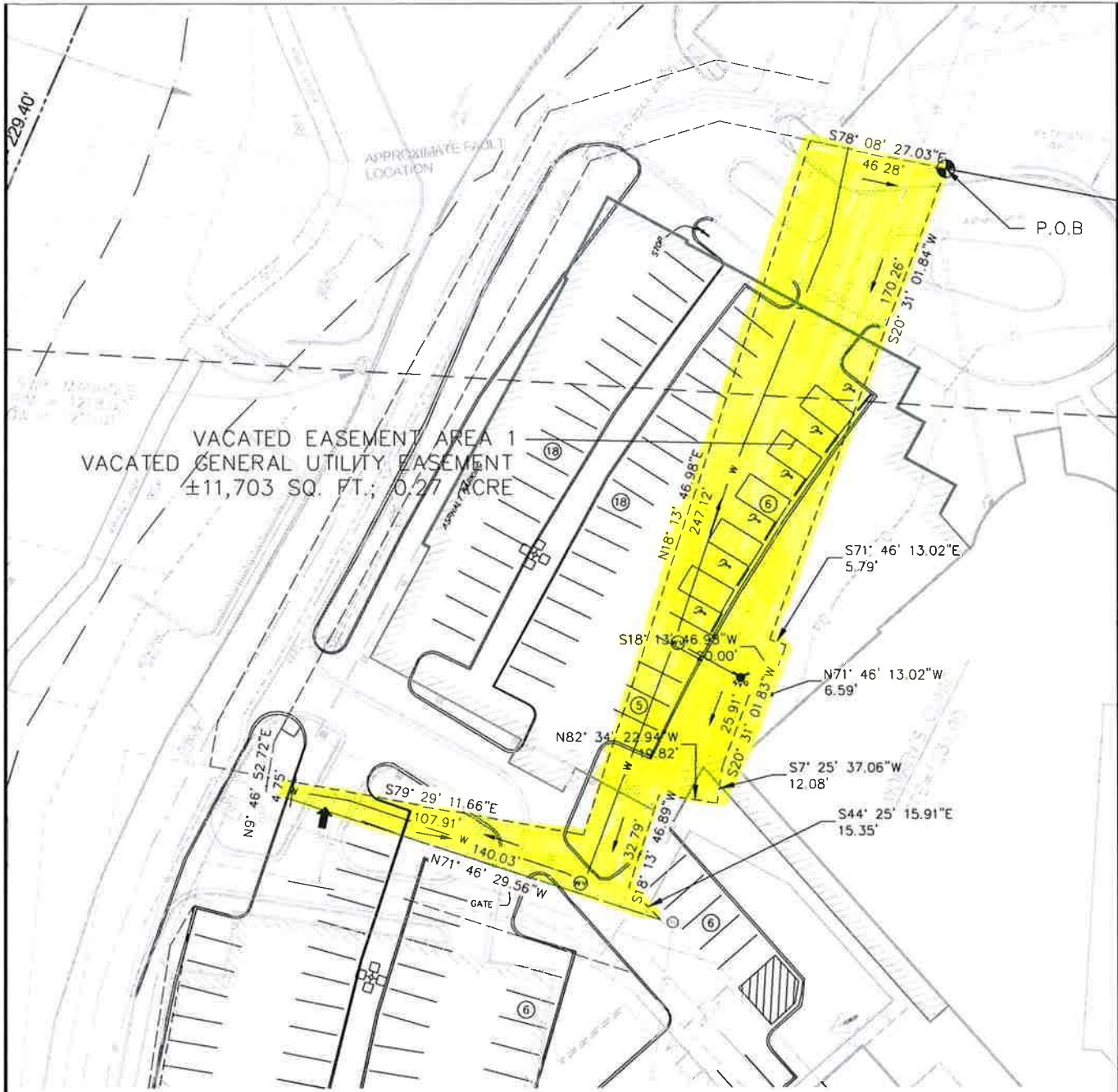
WASHINGTON REGIONAL MEDICAL CENTER		WASHINGTON COUNTY		ARIZONA	
PARCEL NUMBER	DRAWN	KCD	SHEET		
765-15736-106	FF	CRN	1		
EASEMENT DRAWING ONLY - NOT A SURVEY PLAT			USI Engineers Springdale, Arkansas © 2013 USI Consulting Engineers		



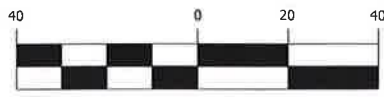
GRAPHIC SCALE

(IN FEET)
1 INCH = 250 FEET

N



GRAPHIC SCALE



(IN FEET)
 1 INCH = 40 FEET

EASEMENT DRAWING ONLY - NOT A SURVEY PLAT

USI Consulting Engineers Springdale, Arkansas
 ©2013 USI Consulting Engineers

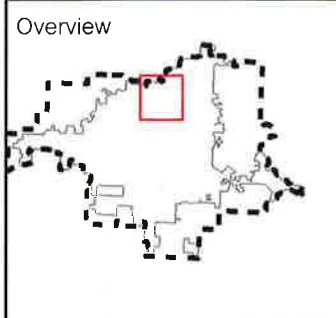
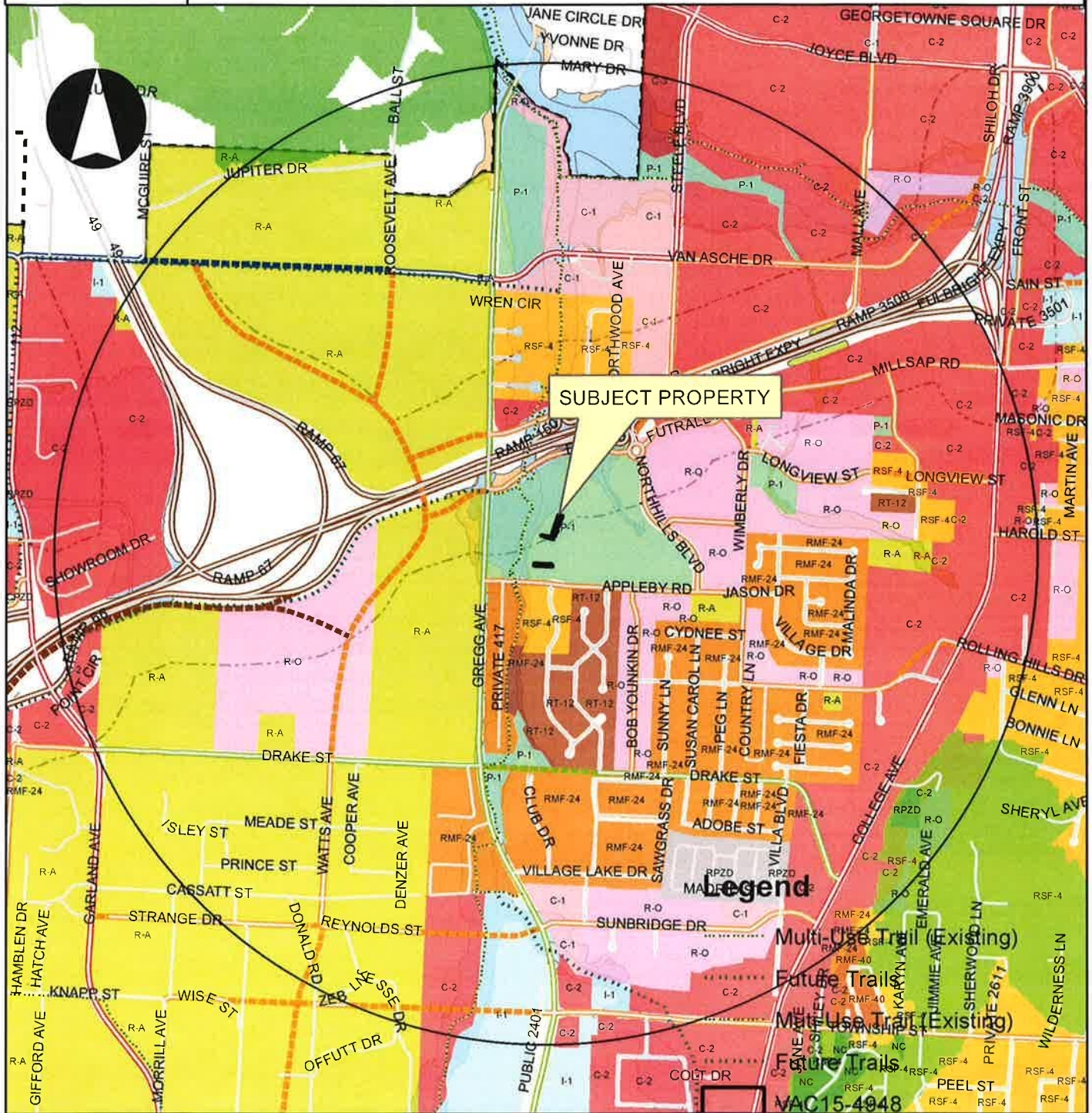
WASHINGTON REGIONAL MEDICAL CENTER

Washington County		Arkansas	
PARCEL NUMBER	DRAWN	CKD	SHEET
765-15736-106	FF	CRN	2 / 3

VAC15-4948

WRMC WOMEN'S CLINIC

One Mile View



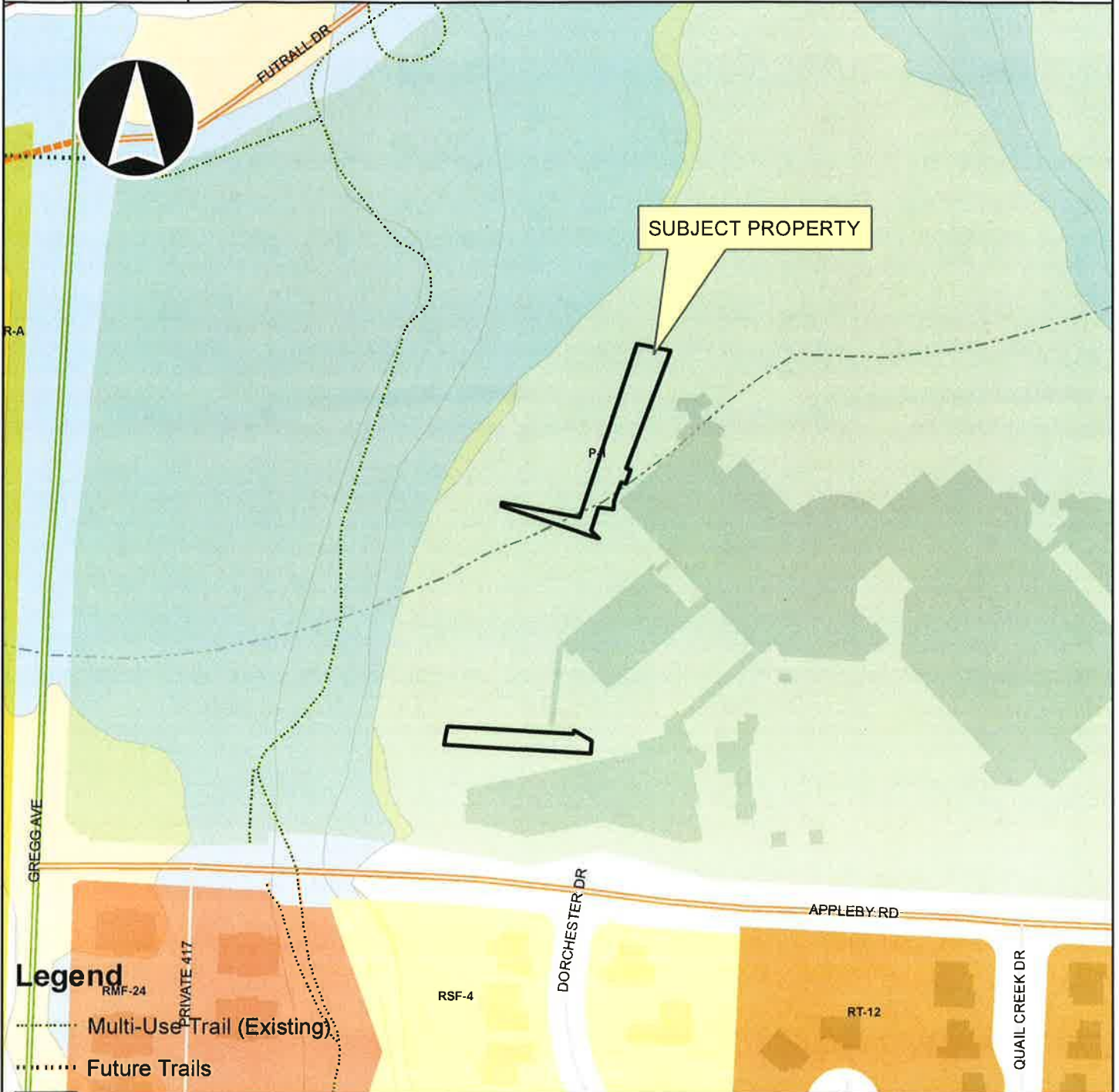
Legend		Hillside-Hilltop Overlay District
Subject Property		Design Overlay District
Boundary		Planning Area
		Fayetteville

0 0.25 0.5 1 Miles

VAC15-4948

WRMC WOMEN'S CLINIC

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview

VAC15-4948

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



EXHIBIT 'B'
15-4948

LEGAL DESCRIPTION (VACATED EASEMENT AREA 1)

PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, AND PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST CORNER OF SECTION 27, N79°26'51.11"W 665.73-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

S20°31'01.84"W 170.26-FEET; THENCE S71°46'13.02"E 5.79-FEET; THENCE S18°13'46.98"W 20.00-FEET; THENCE N71°46'13.02"W 6.59-FEET; THENCE S20°31'01.83"W 25.91-FEET; THENCE S7°25'37.06"W 12.08-FEET; THENCE N82°34'22.94"W 19.82-FEET; THENCE S18°13'46.89"W 32.79-FEET; THENCE S44°25'15.91"E 15.35-FEET; THENCE N71°46'29.56"W 140.03-FEET; THENCE N9°46'52.72"E 4.75-FEET; THENCE S79°29'11.66"E 107.91-FEET; THENCE N18°13'46.98"E 247.12-FEET; THENCE S78°08'27.03"E 46.28-FEET TO THE POINT OF BEGINNING, CONTAINING 11,703 SQUARE FEET OR 0.27 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LEGAL DESCRIPTION (VACATED EASEMENT AREA 2)

PART OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST CORNER OF SECTION 34, S60°58'38.08"W 871.64-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

N86°29'07.13"W 199.10-FEET; THENCE N10°28'04.40"E 25.19-FEET; THENCE S86°29'07.13"E 171.05-FEET; THENCE N03°30'48.34"E 4.68-FEET; THENCE S60°45'59.44"E 27.75-FEET; THENCE S03°30'48.34"W 17.64-FEET TO THE POINT OF BEGINNING, CONTAINING 4906 SQUARE FEET OR 0.11 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.