


City of Fayetteville Staff Review Form

2015-0210

Legistar File ID

5/5/2015

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

Jeremy Pate 

4/17/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-5001: Vacation (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING, 135): Submitted by BATES & ASSOCIATES for properties located at 4301/4331 N. WATERSIDE CT. The properties are zoned R-O, RESIDENTIAL-OFFICE and contain approximately 0.95 acres. The request is to vacate an existing 24-foot access easement contained within said properties.

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 MAY 5, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, Director of Planning

DATE: April 17, 2015

SUBJECT: **VAC 15-5001: Vacation (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING, 135):** Submitted by BATES & ASSOCIATES for properties located at 4301/4331 N. WATERSIDE CT. The properties are zoned R-O, RESIDENTIAL-OFFICE and contain approximately 0.95 acres. The request is to vacate a portion of an existing 24-foot access easement contained within said properties.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate a private access easement.

BACKGROUND:

This property consists of lots 17 and 18 in the Timberlake Office Park subdivision which is zoned R-O, Residential Office and contains approximately 0.95 acres. The lots are undeveloped and contain a 24-foot access easement along the shared side property line. The applicant requests to vacate the shared access easement along the side property line as they intend to combine both lots in order to construct a building across the two parcels. The existing easement is unnecessary. The applicant owns both parcels affected by the access easement. Outside approvals to vacate this easement are not required.

DISCUSSION:

On April 13, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0 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: April 13, 2015 *Updated with Planning Commission results*

SUBJECT: **VAC 15-5001: Vacation (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING, 135):** Submitted by BATES & ASSOCIATES for properties located at 4301/4331 N. WATERSIDE CT. The properties are zoned R-O, RESIDENTIAL-OFFICE and contain approximately 0.95 acres. The request is to vacate a portion of an existing 24-foot access easement contained within said properties.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-5001** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: This property consists of lots 17 and 18 in the Timberlake Office Park subdivision which is zoned R-O, Residential Office and contains approximately 0.95 acres. The lots are undeveloped and contain a 24-foot access easement along the shared side property line. The surrounding zoning and land use is listed in *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Undeveloped	R-O
South	Office	R-A; C-2
East	Office	R-O
West	Lowe's retail store	C-2

Proposal: The applicant requests to vacate the shared access easement along the side property line as they intend to combine both lots in order to construct a building across the two parcels. The existing easement is unnecessary.

DISCUSSION:

Vacation Approval: The applicant owns both parcels affected by the access easement. Outside approvals to vacate this easement are not required.

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 15-5001** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION

Forwarded Denied Tabled

Date: April 13, 2015

Motion: Cook

Second: Selby

Vote: 9-0-0

Notes:

On consent agenda

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant's letter
- Petition to Vacate
- Easement Vacation Exhibit
- Proposed development (SIP 15-4971)
- One Mile Map
- Close Up Map

Bates & Associates, Inc.

Civil Engineering & Surveying

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

March 3, 2015

To: City of Fayetteville Planning Commission and City Council

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

This letter is to state the intent to vacate an existing Access Easement between the shared lots line of Lots 17 & 18 of Timberlake Office Park. The existing 24-foot easement lies across the South boundary of Lot 17 and the North boundary of Lot 18. The lots are owned by Building Equity Inc, and the proposed developer is the same. Mr. Greg Sims is the acting entity for this corporation, which owns both lots and intends to combine lots 17 & 18 in order to construct a building across the two parcels, rendering the existing easement unnecessary.

Sincerely,

Evan Niehues
Bates & Associates, Inc.



Bates & Associates, Inc.

Civil Engineering & Surveying

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

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

www.nwabatesinc.com

**PETITION TO VACATE A UTILITY EASEMENT LOCATED IN LOTS 17 & 18 OF
TIMBERLAKE OFFICE PARK, CITY OF FAYETTEVILLE, ARKANSAS**

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

We, the undersigned, being all the owners of the real estate abutting the utility easement hereinafter sought to be abandoned and vacated, lying in lots 17 & 18 of Timberlake Office Park, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a utility easement which is described as follows:

ACCESS EASEMENT TO BE VACATED:

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHEAST CORNER OF SAID LOT 18, AND RUNNING N04°42'31"W 12.01', THENCE N87°30'41"W 40.03', THENCE N04°42'31"E 24.02', THENCE S87°30'41"E 40.03', THENCE S04°42'31"W 12.01' TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the access easement are Lots 17 & 18 of Timberlake Office Park, City of Fayetteville used by the property owners for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described utility easement.

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

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

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting

property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 4th day of March, 2015.

Greg Sims
Printed Name

[Signature]
Signature

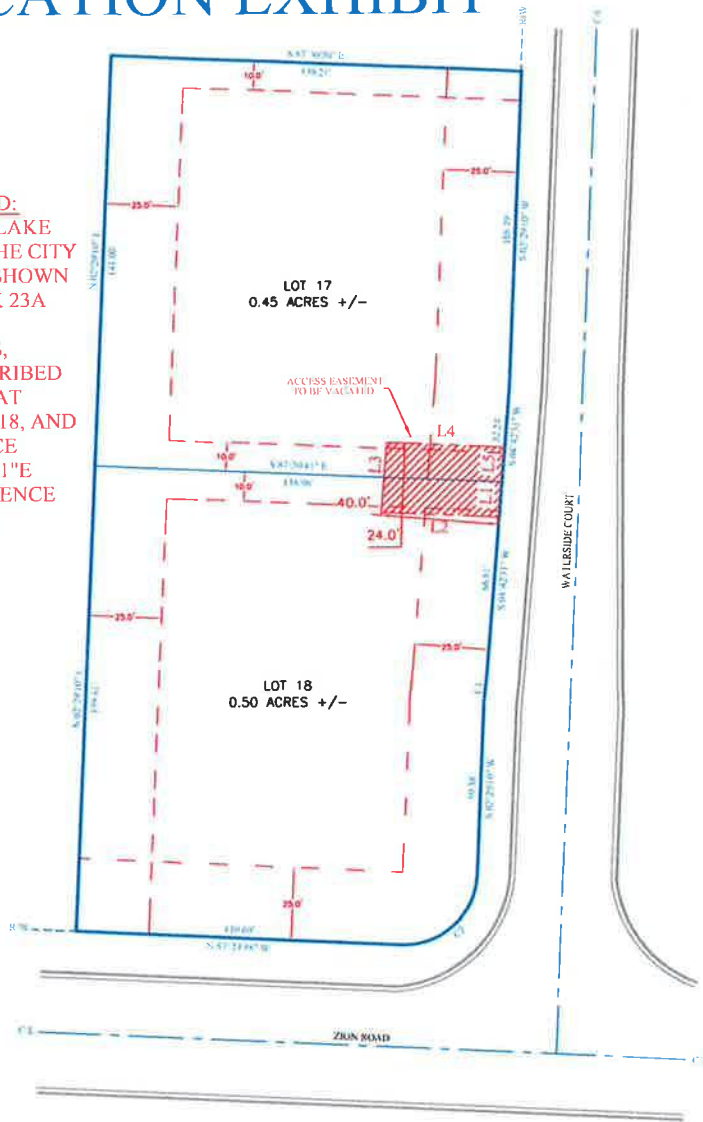
Printed Name

Signature

ACCESS EASEMENT VACATION EXHIBIT

ACCESS EASEMENT TO BE VACATED:
 A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHEAST CORNER OF SAID LOT 18, AND RUNNING N04°42'31"W 12.01', THENCE N87°30'41"W 40.03', THENCE N04°42'31"E 24.02', THENCE S87°30'41"E 40.03', THENCE S04°42'31"W 12.01' TO THE POINT OF BEGINNING.

LINE	BEARING	DISTANCE
L1	N 04°42'31" E	12.01'
L2	N 87°30'41" W	40.03'
L3	N 04°42'31" E	24.02'
L4	S 87°30'41" E	40.03'
L5	S 04°42'31" W	12.01'



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD DEBARINA	DELTA ANGLE
C1	211.50'	8.99'	8.99'	S 89°40'07" W	2°14'01"
C2	23.00'	18.31'	18.31'	S 41°32'31" W	10°03'34"



LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING

- BOUNDARY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- INGRESS & EGRESS EASEMENT
- BUILDING SETBACK
- UTILITY EASEMENT

DRAWING# 14-238

FOR USE AND BENEFIT OF:
GREG SIMS

ADDRESS:
**CITY OF FAYETTEVILLE
 WASHINGTON COUNTY, ARKANSAS**

DATE: 3/3/15 SCALE: 1" = 50'

LOCATION:
**LOTS 17 & 18
 TIMBERLAKE**

SURVEYED: XX DRAFTED: JY

REVIEWED: DT

Bates & Associates, Inc.
 Civil Engineering-Land Surveying-Landscape Architecture

91 W. Coll Square Dr., Fayetteville, Arkansas 72703 479.442.9350 Fax 479.521.9350

BATES & ASSOCIATES, INC. Copyright 2014
 This survey was conducted for the person or persons whose names appear on this plat. It is to be protected by copyright. No one including the person named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyors have made no independent investigation for easements or record, encroachments, restrictive covenants, adverse title evidence, or any other fact which a complete and accurate title search may disclose. Any flood information provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the information and any determination the above statement does not represent the opinion of Bates & Associates, Inc. or the probability of flooding.

1. CONSTRUCTION SHALL BE IN ACCORD WITH THE CITY OF SIMS OFFICE BUILDING SITE IMPROVEMENT PLAN.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.

EXISTING AND PROPOSED

EXISTING IMPROVEMENTS	15 FT
PROPOSED IMPROVEMENTS	15 FT
TOTAL IMPROVEMENTS	30 FT

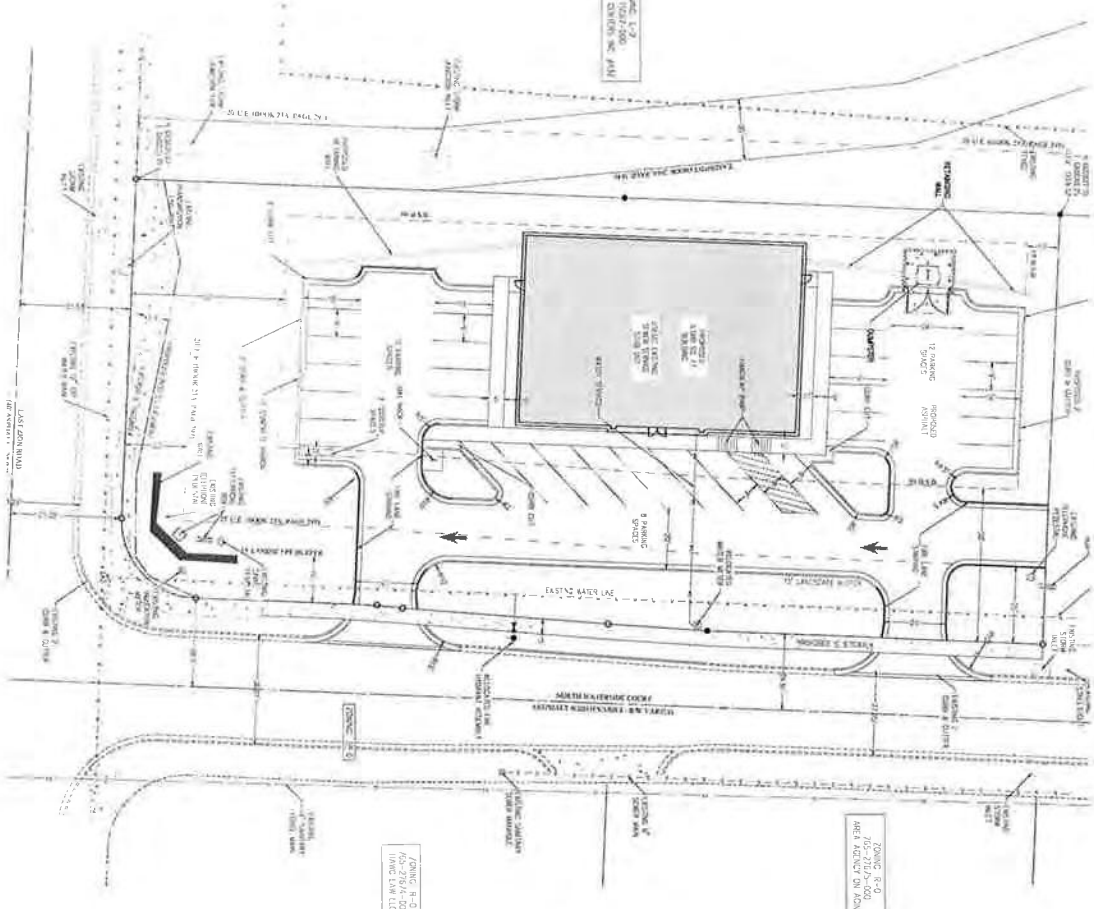
EXISTING AND PROPOSED

EXISTING IMPROVEMENTS	15 FT
PROPOSED IMPROVEMENTS	15 FT
TOTAL IMPROVEMENTS	30 FT

EXISTING AND PROPOSED

EXISTING IMPROVEMENTS	15 FT
PROPOSED IMPROVEMENTS	15 FT
TOTAL IMPROVEMENTS	30 FT

EXISTING AND PROPOSED IMPROVEMENTS



NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	10/15/10	J. B. [Name]
2	FINAL PLAN	10/15/10	J. B. [Name]
3	REVISIONS	10/15/10	J. B. [Name]

1. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SIMS.

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	10/15/10	J. B. [Name]
2	FINAL PLAN	10/15/10	J. B. [Name]
3	REVISIONS	10/15/10	J. B. [Name]



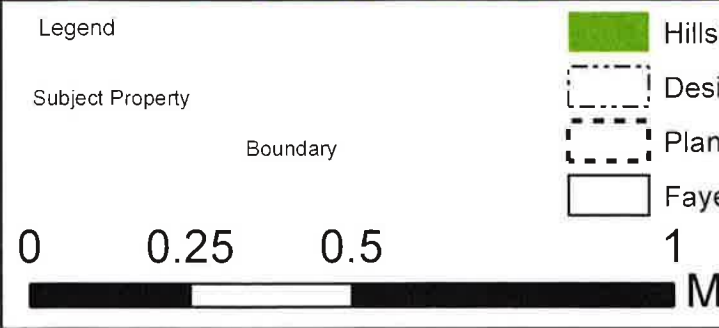
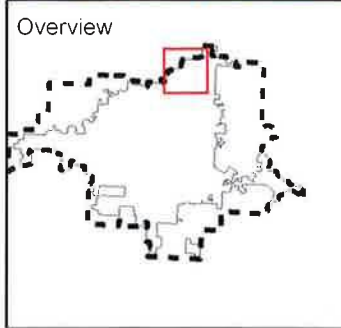
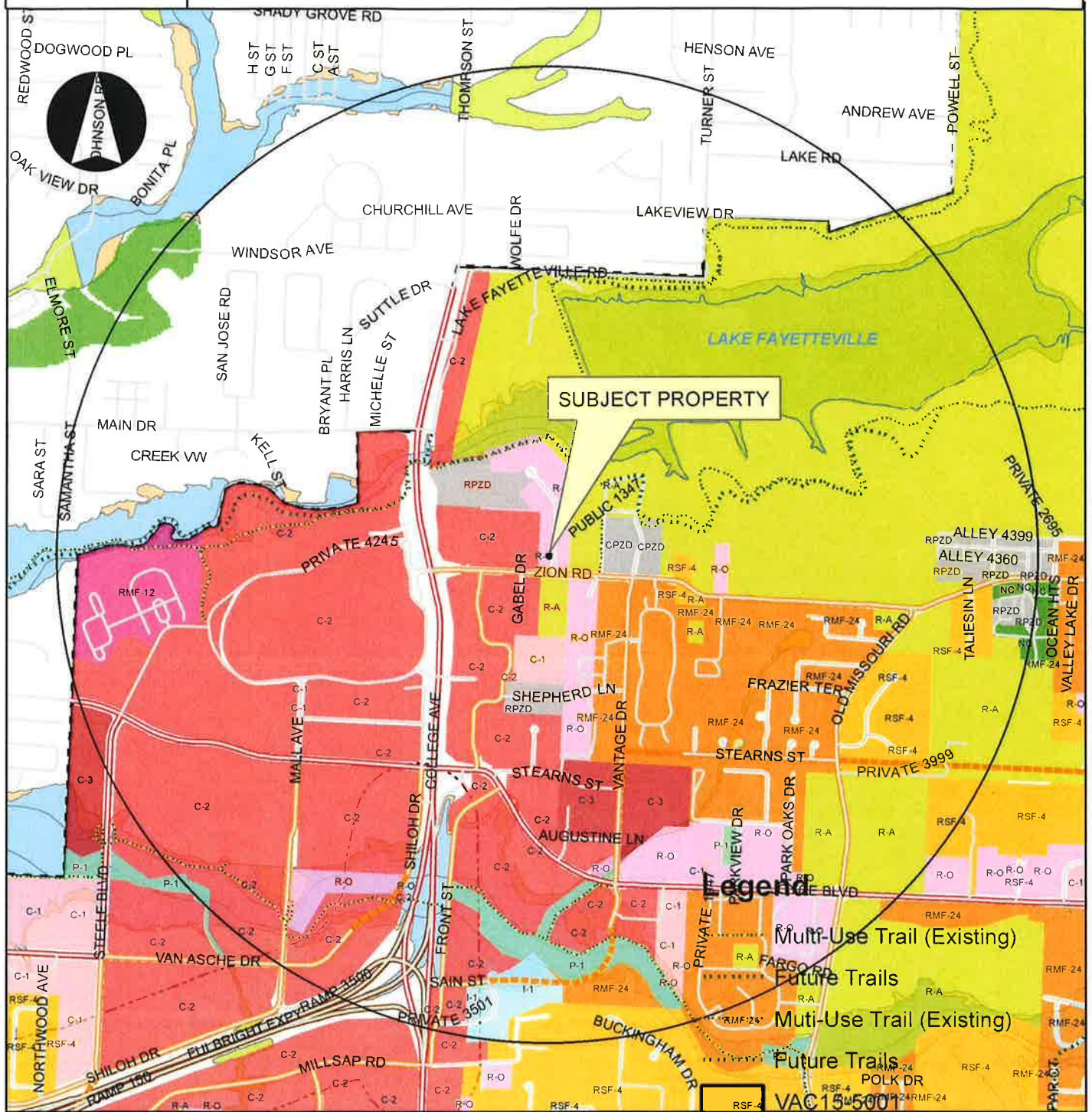
SIMS OFFICE BUILDING SITE IMPROVEMENT PLANS

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	10/15/10	J. B. [Name]
2	FINAL PLAN	10/15/10	J. B. [Name]
3	REVISIONS	10/15/10	J. B. [Name]

VAC15-5001

SIMS-RENNER OFFICE BLDG.

One Mile View



VAC 15-5001

Multi-Use Trail (Existing)

Future Trails

Multi-Use Trail (Existing)

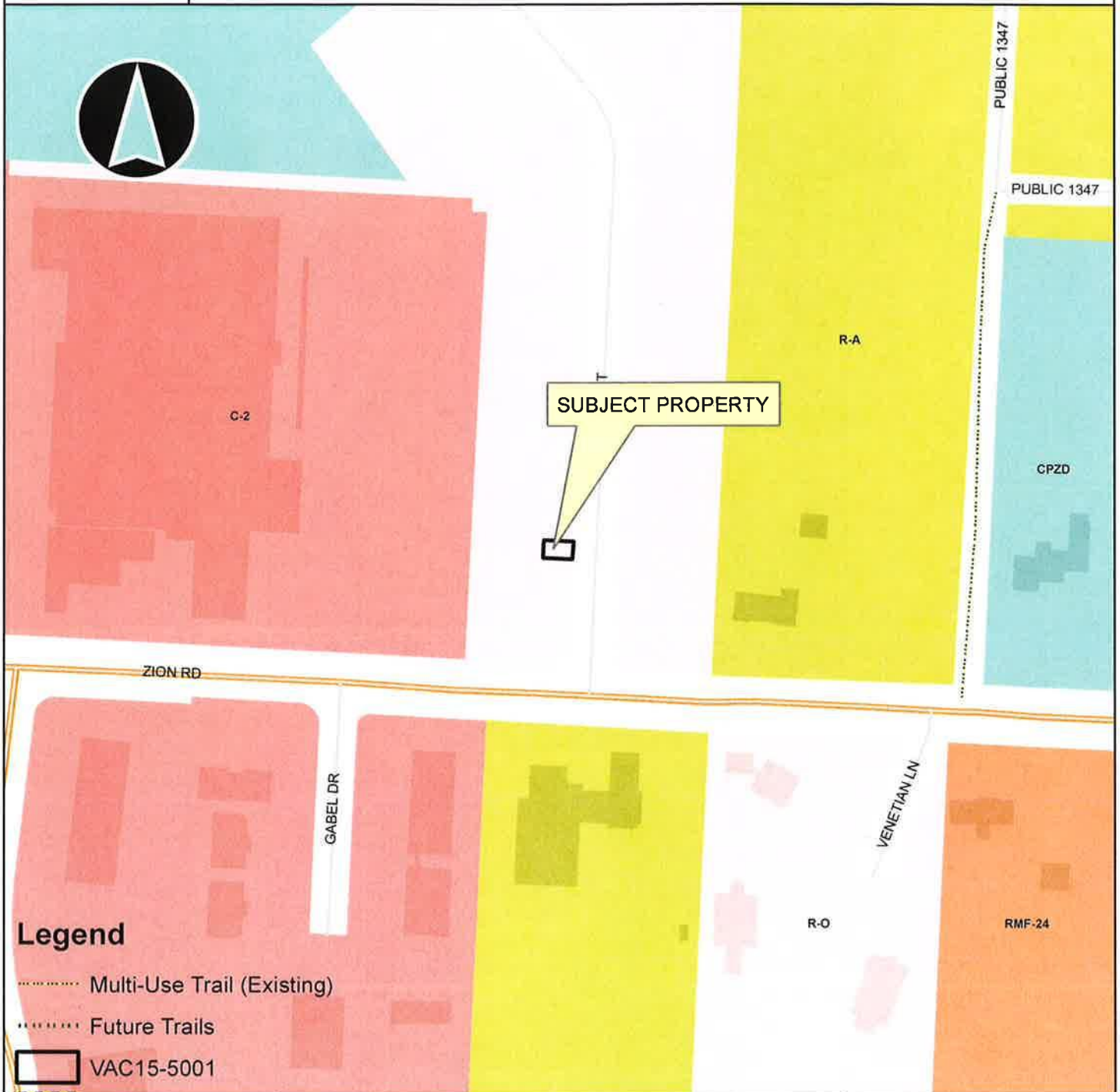
Future Trails

VAC 15-5001

VAC15-5001

SIMS-RENNER OFFICE BLDG.

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC15-5001

Overview Fayetteville City Limits

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



15-5001
EXHIBIT 'B'

Access Easement Description

ACCESS EASEMENT TO BE VACATED:

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHEAST CORNER OF SAID LOT 18, AND RUNNING N04°42'31"W 12.01', THENCE N87°30'41"W 40.03', THENCE N04°42'31"E 24.02', THENCE S87°30'41"E 40.03', THENCE S04°42'31"W 12.01' TO THE POINT OF BEGINNING.



Legislation Text

File #: 2015-0210, Version: 1

VAC 15-5001 (4301/4331 N. WATERSIDE CT./SIMS-RENNER OFFICE BUILDING)

AN ORDINANCE APPROVING VAC 15-5001 SUBMITTED BY BATES & ASSOCIATES FOR PROPERTY LOCATED AT 4301/4331 N. WATERSIDE COURT TO VACATE AN ACCESS 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 access 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 access 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.