

**City of Fayetteville Staff Review Form**

**2015-0250**

**Legistar File ID**

**6/2/2015**

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

Chris Brown

5/15/2015

Engineering /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Jerome Lopez and Elizabeth Young, and the Randall J. Wright Trust necessary for the Hwy 45. and Old Wire Rd. Intersection Improvements Project.

**Budget Impact:**

4520.9555.5805.00	Transportation Bond Street Improvements																																			
Account Number	Fund																																			
06035.2600	Old Wire Road (Mission to 265)																																			
Project Number	Project Title																																			
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;"><b>Budgeted Item?</b></td> <td style="width: 15%;"><u>Yes</u></td> <td style="width: 30%;">Current Budget</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">20,029,672.00</td> </tr> <tr> <td></td> <td></td> <td>Funds Obligated</td> <td>\$</td> <td style="text-align: right;">5,174,121.50</td> </tr> <tr> <td></td> <td></td> <td>Current Balance</td> <td><b>\$</b></td> <td style="text-align: right;"><b>14,855,550.50</b></td> </tr> </table>	<b>Budgeted Item?</b>	<u>Yes</u>	Current Budget	\$	20,029,672.00			Funds Obligated	\$	5,174,121.50			Current Balance	<b>\$</b>	<b>14,855,550.50</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 30%;">Item Cost</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">26,426.00</td> </tr> <tr> <td><b>Does item have a cost?</b></td> <td><u>Yes</u></td> <td>Budget Adjustment</td> <td></td> <td></td> </tr> <tr> <td><b>Budget Adjustment Attached?</b></td> <td><u>No</u></td> <td>Remaining Budget</td> <td><b>\$</b></td> <td style="text-align: right;"><b>14,829,124.50</b></td> </tr> <tr> <td><b>#</b></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Item Cost	\$	26,426.00	<b>Does item have a cost?</b>	<u>Yes</u>	Budget Adjustment			<b>Budget Adjustment Attached?</b>	<u>No</u>	Remaining Budget	<b>\$</b>	<b>14,829,124.50</b>	<b>#</b>				
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V20140710

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

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

Approval Date: \_\_\_\_\_

Comments:

**MEETING OF JUNE 2, 2015**

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director  
Chris Brown, City Engineer

**FROM:** Matt Casey, Engineering Design Manager

**DATE:** May 15, 2015

**SUBJECT:** **Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Jerome Lopez and Elizabeth Young, and the Randall J. Wright Trust necessary for the Hwy 45. and Old Wire Rd. Intersection Improvements Project.**

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**RECOMMENDATION:**

Staff recommends approval of a Resolution authorizing the City Attorney to seek possession by condemnation of portions of properties along Hwy. 45 and Old Wire Road.

**BACKGROUND:**

The Arkansas Highway and Transportation Department will be bidding the construction of the Hwy 45 and Old Wire Road Intersection project in the fall of 2015. This project includes improvements to the lane configuration to allow for the installation of a traffic signal. Sidewalk installation and storm sewer are also included in the work proposed by the AHTD. AHTD is responsible for the engineering, advertising and awarding the construction contract, and construction inspection of the project. The City is responsible for relocation of the public water and sewer mains as well as acquisition of the rights-of-way and utility easements to accommodate this project. The project was approved for Federal (80%) and State (10%) funding with the City responsible for the remaining 10%. The total amount of Federal Funds available is \$1,200,000.

**DISCUSSION:**

The owners of the attached properties have expressed various concerns and have refused to sign right-of-way and/or easement documents based on their concerns. These properties represent 5 of the total 18 properties to be acquired. Staff will continue to negotiate with these property owners to avoid condemnation whenever possible. However, it is imperative that the right-of-way and easements be acquired in a timely manner so as not to delay the construction of the project.

**BUDGET/STAFF IMPACT:**

The payment for land acquisition will be made from the project budget allocated for the Old Wire Road Project (Mission to 265), which is funded by the Transportation Bond Fund. The agenda item staff review form indicates \$26,426 as the cost of this request. It should be noted that this is an estimate, based on the appraised values of the properties, and that the final cost is subject to negotiation with the property owners or by court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for each property.

**Attachments:**

Easement Exhibits





LOPEZ/YOUNG  
PROPERTY

MISSION BLVD

OLD WIRE ROAD



Not to Scale

CITY OF  
**Fayetteville**  
ARKANSAS

ENGINEERING DIVISION  
113. W. MOUNTAIN STREET  
FAYETTEVILLE, AR 72701

PHONE NO: (479) 575-8206

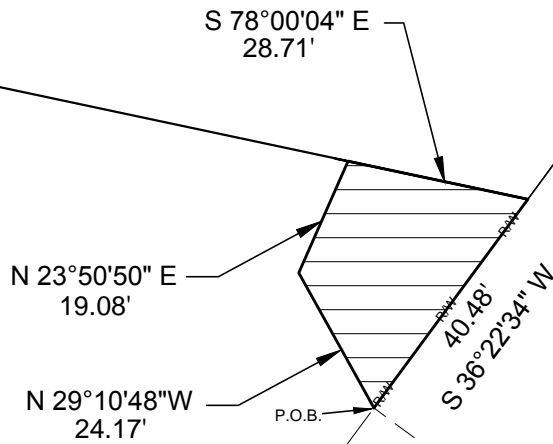
FAX NO: (479) 575-8202

LOPEZ/YOUNG PROPERTY

765-02223-000  
James C. Marlatt II  
Lot 2, Amrita Acres

Scale: 1" = 30'

765-14081-000  
Lopez, Jerome;  
Young, Elizabeth



MISSION BLVD.


 PROP. TEMPORARY CONSTRUCTION  
EASEMENT - 714 Sq. Ft.

EXHIBIT  
MAR. 2015

TEMPORARY  
CONSTRUCTION EASEMENT  
FOR  
JEROME LOPEZ AND  
ELIZABETH YOUNG



S 87°05'51" E 582.12'

40 Acre Line

P.O.C.  
NW Corner,  
SW 1/4, NE 1/4  
S-10, T-16N, R-30W

765-02223-000  
James C. Mariatt II  
Lot 2, Amrita Acres

765-14097-000  
Heather & Adam  
Frankenberger

765-14081-000  
Lopez, Jerome;  
Young, Elizabeth

MISSION BLVD.  
Construction Centerline

S 78°00'04" E 16.42'  
P.O.B.  
S 36°22'34" W 62.24'  
S 36°22'34" W 46.93'

N 36°20'06" E 89.21'  
S 54°00'20" E 9.99'  
N 77°34'32" W 27.81'  
S 36°22'34" W 46.93'

C1

C2

C3

C4

C5

C6

C7

L = 158.61' R = 500.00' Δ = 18°10'33" CHORD: S 28°14'15" W 157.95'	L = 39.57" R = 500.00' Δ = 4°32'03" CHORD: S 21°47'59" W 39.56'	L = 72.20" R = 500.00' Δ = 8°16'19" CHORD: S 28°12'13" W 72.13'	L = 42.46' R = 1081.74' Δ = 4°52'00" CHORD: S 39°42'47" W 42.45'	L = 41.77" R = 1081.74' Δ = 2°12'44" CHORD: S 37°28'57" W 41.77'	L = 13.61" R = 2123.48' Δ = 0°22'02" CHORD: S 36°11'33" W 13.61'	L = 34.23" R = 2113.48' Δ = 0°55'41" CHORD: S 35°32'42" W 34.23'
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 PROP. UTILITY EASEMENT  
- 1,859 Sq. Ft.

EXHIBIT  
MAR. 2015

UTILITY EASEMENT  
FOR  
JEROME LOPEZ AND  
ELIZABETH YOUNG





WRIGHT  
PROPERTY

OLD WIRE ROAD

MISSION BLVD



Not to Scale

CITY OF  
**Fayetteville**  
ARKANSAS

ENGINEERING DIVISION  
113 W. MOUNTAIN STREET  
FAYETTEVILLE, AR 72701

PHONE NO: (479) 575-8206

FAX NO: (479) 575-8202

WRIGHT PROPERTY



765-08436-000  
 Baird, Howard & Naomi  
 Instrument No. 2012-19763  
 Part of Lots 18, 19, & 23  
 Meadowview Addition

765-08437-000  
 Randell J. Wright Trust  
 Warranty Deed 2012-28339  
 Part of Lots 19, 20, & 23  
 Meadowview Addition

765-08438-000  
 Kelley, Mark E.  
 Part of Lots 20 & 21  
 Meadowview Addition

765-08440-000  
 Fraley, John R.  
 Parts of Lots 20, 21, 22, & 23  
 Meadowview Addition

OLD WIRE ROAD

-  PROP. R/W  
- 523 Sq. Ft.
-  PROP. TEMPORARY  
CONSTRUCTION EASEMENT  
- 308 Sq. Ft.

P.O.C.  
 SW Corner,  
 NW 1/4, NE 1/4  
 S-10, T-16N, R-30W

S 87°05'51" E  
 637.67'

N 86°33'05" W  
 10.27'

N 16°09'27" E  
 271.92'

N 16°09'27" E  
 100.49'

N 16°09'27" E 100.49'

78.40'

S 10°19'54" W

34.55'

S 86°46'22" E  
 1.92'

S 15°36'55" W 20.67'

S 55°19'09" E  
 12.34'

S 12°08'35" W  
 22.16'

S 65°34'45" W  
 12.83'

52+00

STA. 52+25.00

EXHIBIT  
 FEB. 2015

LAND ACQUISITION AND  
 TEMPORARY CONSTRUCTION  
 EASEMENT FOR  
 RANDALL J. WRIGHT TRUST

CONSTRUCTION CENTERLINE

51+00

3+00

294.92'

R/W

R/W

R/W

R/W

R/W

R/W

R/W

R/W

R/W

R/W

EXT. R/W

PROP. R/W

P.O.B. R/W

P.O.B.-T.C.E.



