



Legislation Text

File #: 2015-0288, Version: 1

VAC 15-5089 (3215 NORTH HILLS BLVD.)

AN ORDINANCE TO APPROVE VAC 15-5089 SUBMITTED BY USI ENGINEERS FOR PROPERTY LOCATED AT 3215 NORTH HILLS 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 utility easements 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. Any damage or relocation of existing facilities and associated new easement dedication shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2015-0288

Legistar File ID

7/7/2015

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

Jeremy Pate

6/12/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-5089: Vacation (3215 NORTH HILLS BLVD., 250): Submitted by USI ENGINEERS for property located at 3215 NORTH HILLS BLVD. The property is zoned P-1, INSTITUTIONAL and contains approximately 20.28 acres. The request is to vacate a portion of a utility easement.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 7, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: June 12, 2015

SUBJECT: **VAC 15-5089: Vacation (3215 NORTH HILLS BLVD., 250):** Submitted by USI ENGINEERS for property located at 3215 NORTH HILLS BLVD. The property is zoned P-1, INSTITUTIONAL and contains approximately 20.28 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate a portion of a 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). On May 17, 2015 the City Council adopted Ordinance No. 5757 to vacate a portion of a utility under the proposed building site. During preparation of construction plans the applicant discovered that an additional portion of the same easement area needs to be vacated under the proposed building area. The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities with no objections to vacating this portion of the easement.

DISCUSSION:

On June 8, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 8-0-0 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: June 8, 2015 *Updated with Planning Commission results*

SUBJECT: **VAC 15-5089: Vacation (3215 NORTH HILLS BLVD., 250):** Submitted by USI ENGINEERS for property located at 3215 NORTH HILLS BLVD. The property is zoned P-1, INSTITUTIONAL and contains approximately 20.28 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-5089** 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). On May 17, 2015 the City Council adopted Ordinance No. 5757 to vacate a portion of a utility under the proposed building site. During preparation of construction plans the applicant discovered that an additional portion of the same easement area needs to be vacated under the proposed building area. 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	Scull Creek Trail; WRMC parking lots on Gregg Ave.	P-1
East	Medical office	R-O

Proposal: The applicant requests vacation a portion of a utility easement, 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

Not applicable

Transportation

Not applicable

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 15-5089** 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

Forwarded Denied Tabled

Date: June 8, 2015

Motion: Cook

Second: Selby

Vote: 8-0-0

Notes: On consent agenda

BUDGET/STAFF IMPACT:

None

Attachments:

- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map

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, S82°02'02.21"W 917.38-FEET TO THE POINT OF BEGINNING, THENCE THE FOLLOWING TRACT:

S10°28'04.40"W 168.46-FEET; THENCE N08°32'02.12"E 153.93-FEET; THENCE N30°02'12.78"E 15.51- FEET TO THE POINT OF BEGINNING, CONTAINING 438 SQUARE FEET OR 0.01 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 30th day of April, 2015.

MARK BEVER

Printed Name



Signature

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

DATE: May 1, 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:

If any AT&T facilities are required to be relocated or are damaged will be the
responsibility of the property owner/ Developer



Signature of Utility Company Representative

MGR OSP PIng \$ Engrg Design

Title

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

DATE: May 1, 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

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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:

ENSURE THAT ALL WATER & SEWER UTILITIES ARE
CONTAINED WITHIN AN EASEMENT



Signature of Utility Company Representative

DIR OF UTILITY SERVICES

Title

UTILITY APPROVAL FORM

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

DATE: May 1, 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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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 damage to or relocation of our existing facilities will be at the owners/developers expense.



Signature of Utility Company Representative

CONSTRUCTION MANAGER

Title

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

DATE: May 1, 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

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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 Phipps
Signature of Utility Company Representative

System Staking Tech
Title

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

DATE: May 1, 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**)

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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. Oupst
Signature of Utility Company Representative

Supervisor - Division Operations
Title

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

DATE: May 1, 2015

UTILITY COMPANY: AEP/SWEPSCO

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.
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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:

Electrical Contractor to install two new 6" PVC conduits in new utility easement to replace old feeds to hospital

John Bay
Signature of Utility Company Representative

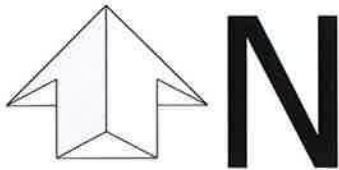
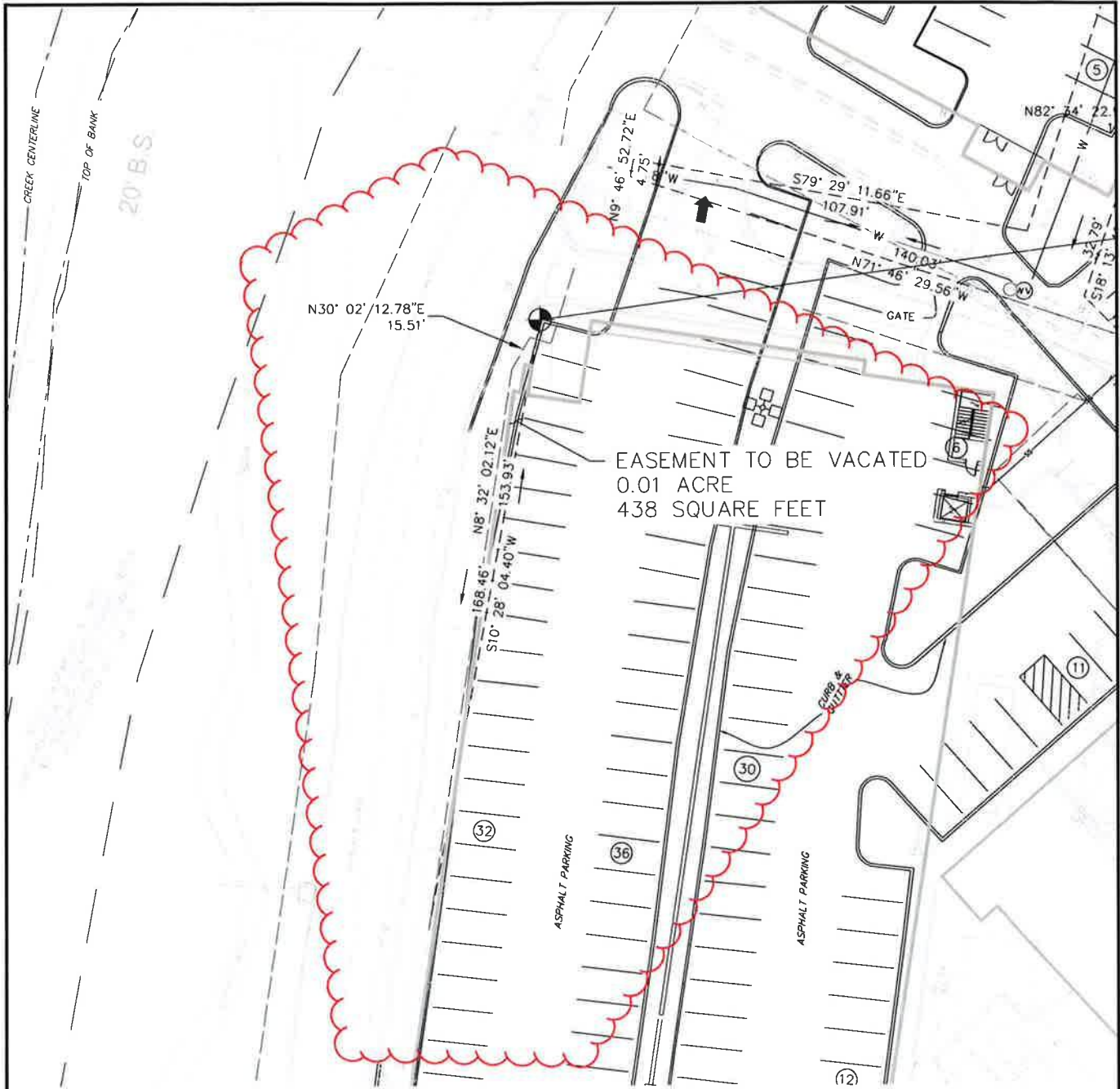
Dist. Engineer
Title

15-5089
EXHIBIT 'B'

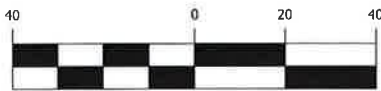
PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 27, AND PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 34 OF TOWNSHIP 17 NORTH, RANGE 30 WEST, CITY OF FAYETIEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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GRAPHIC SCALE



(IN FEET)
1 INCH = 40 FEET

EASEMENT DRAWING ONLY - NOT A SURVEY PLAT

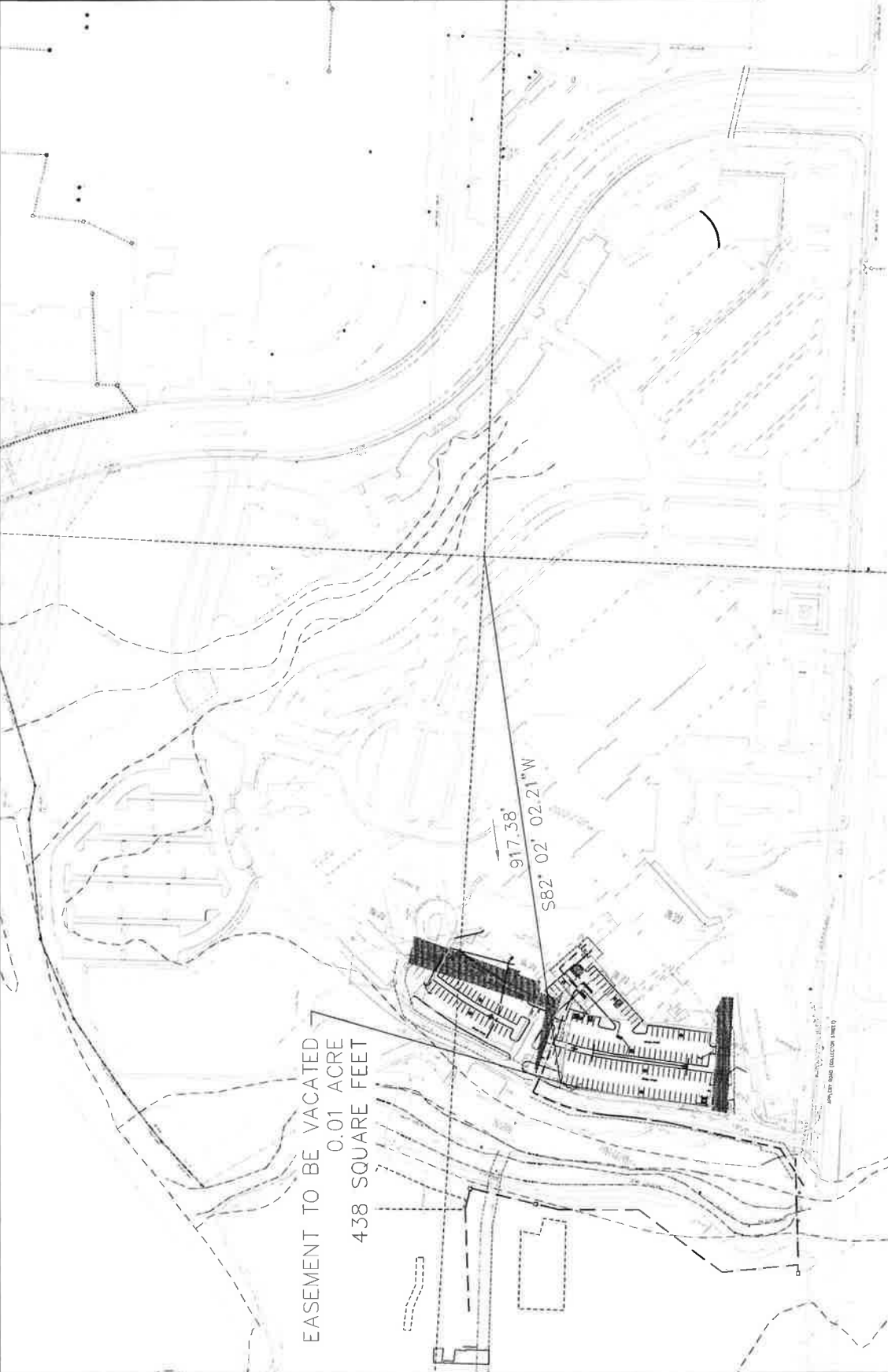
USI Consulting Engineers
Springdale, Arkansas
©2013 USI Consulting Engineers

WASHINGTON REGIONAL MEDICAL CENTER

Washington County Arkansas

PARCEL NUMBER	DRAWN	CKD	SHEET
765-15736-106	FF	CRN	1 / 2

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	765-15736-106
CKD	DRAWN	FF	CRN
SHEET	1		3



EASEMENT TO BE VACATED
0.01 ACRE
438 SQUARE FEET

917.38'
582° 02' 02.21" W

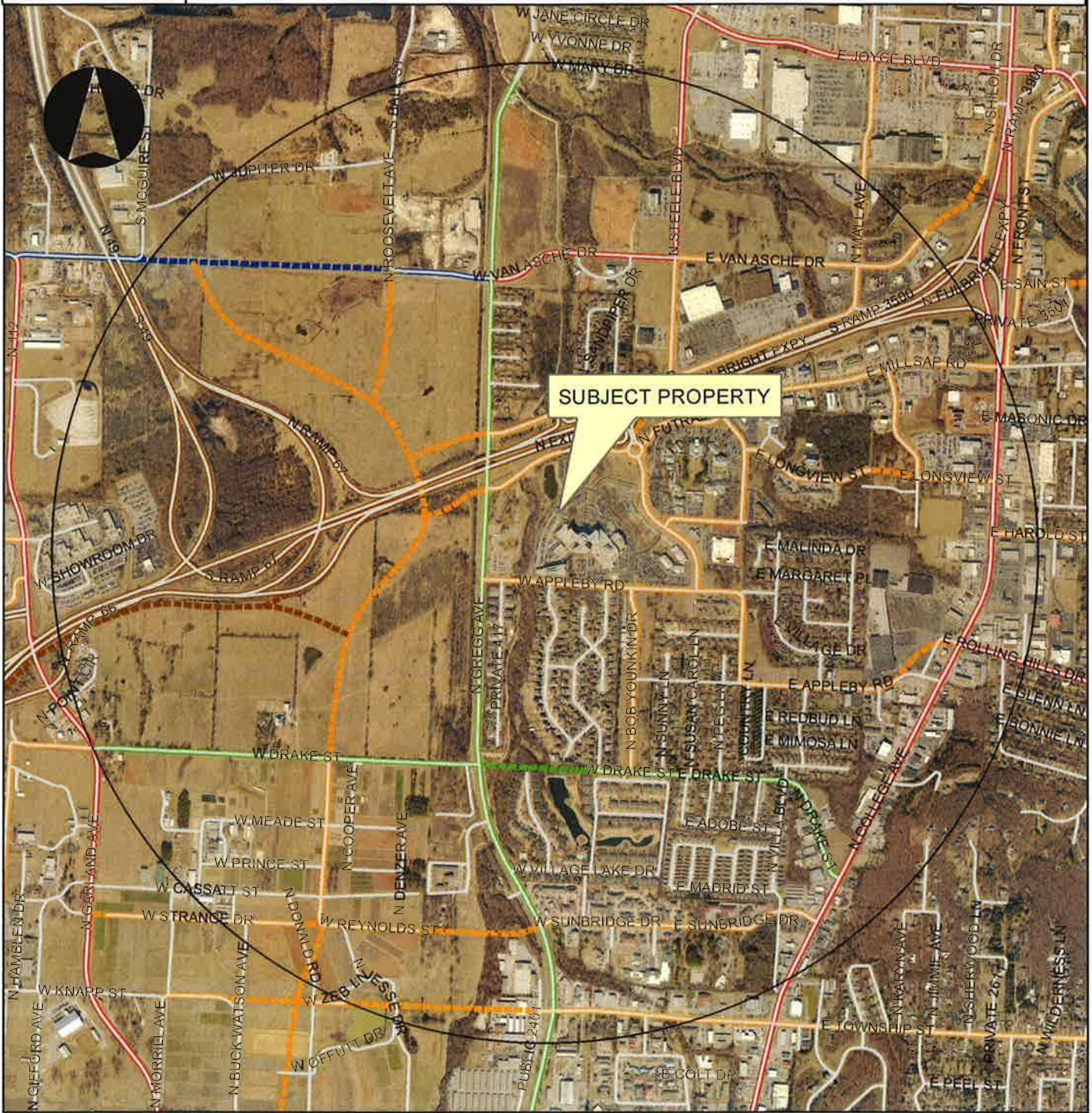
N

GRAPHIC SCALE
(IN FEET)
1 INCH = 250 FEET

VAC15-5089

WRMC WOMEN'S CLINIC

One Mile View



Overview



Legend

Boundary

