



Legislation Text

File #: 2015-0305, Version: 1

VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION)

AN ORDINANCE TO APPROVE VAC 15-5078 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED EAST OF 4148 W. MARTIN LUTHER KING BOULEVARD TO VACATE UNDEVELOPED STREET RIGHT-OF-WAY

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 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 street right-of-way 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.

City of Fayetteville Staff Review Form

2015-0305

Legistar File ID

7/21/2015

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

Jeremy Pate

6/26/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-5078: Vacation (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION 595): Submitted by CITY STAFF for property located EAST OF 4148 W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 0.50 acres. The request is to vacate undeveloped street right-of-way.

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 JULY 21, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: June 26, 2015

SUBJECT: **VAC 15-5078: Vacation (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION 595):** Submitted by CITY STAFF for property located EAST OF 4148 W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 0.50 acres. The request is to vacate undeveloped street right-of-way.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate unnamed and undeveloped street right of way.

BACKGROUND:

The subject property is located at the southern terminus of the City's new South Ruppel Road extension project, just north of Martin Luther King Jr. Boulevard. There is an existing unnamed and undeveloped right-of-way for the Holland's Subdivision in this vicinity. There are no utilities in the right-of-way. The City is developing the new Ruppel Road corridor and is requesting to vacate this existing undeveloped right-of-way as the new road corridor will provide a north-south street and utility connection through this area. The City Engineering Division is processing this right-of-way vacation for property owners that are being directly affected by the Ruppel Road project. The request is for approval to vacate the unnamed and undeveloped right-of-way which has never been utilized and is not needed for public use because of the future extension of Ruppel Road that will provide access to all of the affected properties.

The City has submitted the vacation forms to the utility departments and applicable franchise utilities with all parties agreeing to vacate the right-of-way. However, AEP/SWEPCO has requested to retain a utility easement in the area of the old right-of-way, even though they have no utilities in the requested easement area. The City has an agreement with the franchise utilities for them to be able to utilize right-of-way for extension of utilities. The subject area to be vacated does not currently have any utilities and is not being utilized or maintained for utilities. A new right-of-way approximately 100 feet wide will be dedicated in the immediate vicinity for the construction of Ruppel Road. As development occurs in the area new easements as required by the utility providers will be dedicated by the developer.

DISCUSSION:

On June 22, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 9-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- 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 22, 2015 Updated with Planning Commission results

SUBJECT: **VAC 15-5078: Vacation (EAST OF 4148 W. MLK BLVD./HOLLANDS SUBDIVISION 595):** Submitted by CITY STAFF for property located EAST OF 4148 W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 0.50 acres. The request is to vacate undeveloped street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-5078** to the City Council with a recommendation for approval.

BACKGROUND:

Background: The subject property is located at the southern terminus of the City’s new South Ruppel Road extension project, just north of Martin Luther King Jr. Boulevard. There is an existing unnamed and undeveloped right-of-way for the Holland’s Subdivision in this vicinity. There are no utilities in the right-of-way. The City is developing the new Ruppel Road corridor and is requesting to vacate this existing undeveloped right-of-way as the new road corridor will provide a north-south street and utility connection through this area. The City is processing this right-of-way vacation for property owners that are being directly affected by the Ruppel Road project. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Rural; agricultural	UT, Urban Thoroughfare
South	Ozark Mountain Smoke House; undeveloped	R-A, Residential Agricultural
East	Wooded; undeveloped	UT, Urban Thoroughfare
West	Wooded; undeveloped	UT, Urban Thoroughfare

Proposal: The applicant is requesting approval to vacate the unnamed and undeveloped right-of-way which has never been utilized and is not needed for public use because of the future extension of Ruppel Road that will provide access to all of the affected properties.

DISCUSSION:

Vacation Approval: pa

UTILITIES

RESPONSE

Cox Communications

No objections

AEP/SWEPCO

No objections with conditions

Ozarks Electric

No objections

Source Gas

No objections

Prairie Grove Telephone Company

No objections

AT&T

Not applicable (not their service area)

Ozarks Electric

No objections

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 15-5078** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION

Forwarded Denied Tabled

Date: June 22, 2015

Motion: Chesser

Second: Cook

Vote: 9-0-0

Notes:

BUDGET/STAFF IMPACT:

None

Attachments:

- Request letter
- Petition to vacate
- Survey of area to be vacated
- Utility company comments
- Right-of-way Vacation Exhibit
- One Mile Map
- Close Up Map



May 6, 2015

Development Services
City of Fayetteville
113 W. Mountain Street
72704

RE: Unnamed Street in Holland's Subdivision

Dear Sir(s),

We are requesting for the vacation of an unnamed street in Holland's Subdivision. The need for the right-of-way will be unnecessary because the future extension of Ruppel Road.

Sincerely,

A handwritten signature in blue ink that reads "Daryl V. Doyal".

Daryl V. Doyal, P.S.
Professional Surveyor
City of Fayetteville, Arkansas
479.444.3418
ddoyal@fayetteville-ar.gov



PETITION

PETITION TO VACATE A PORTION OF JAMES STREET RIGHT-OF-WAY LOCATED IN 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 unnamed, undeveloped right-of-way hereinafter sought to be abandoned and vacated, lying in City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

DESCRIPTION OF 40' WIDE UNNAMED & UNDEVELOPED STREET R/W TO BE VACATED:
A FORTY FOOT (40') WIDE UNNAMED AND UNDEVELOPED STREET RIGHT-OF-WAY PER HOLLANDS SUBDIVISION PLAT TO THE CITY OF FAYETTEVILLE, FILED AS PLAT BK. 1, PG. 230 WITH THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT SIX (6), SAID HOLLANDS SUBDIVISION; THENCE ALONG THE NORTHERLY LINE OF SAID SUBDIVISION SOUTH 87°36'55" EAST 40.00 FEET TO THE NORTHWEST CORNER OF LOT SEVEN (7), SAID HOLLANDS SUBDIVISION; THENCE SOUTH 02°23'05" WEST 543.69 FEET TO THE NORTHERLY RIGHT-OF-WAY OF U.S. HWY. SIXTY-TWO (62); THENCE ALONG SAID RIGHT-OF-WAY SOUTH 76°05'45" WEST 41.67 FEET TO THE EASTERLY LINE OF LOT THREE (3), SAID HOLLANDS SUBDIVISION; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY NORTH 02°23'05" EAST 555.38 FEET TO THE POINT OF BEGINNING, CONTAINING 21,981 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the unnamed, undeveloped street right of way of the unnamed street are parcel number 765-29594-000 which are owned by the applicant Dudeck Land Company LLC.

The petitioner(s) 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 6th day of May, 2015.

Daryl V. Doyal
Printed Name


Signature

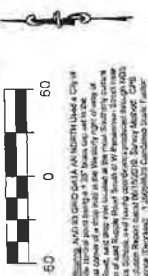
SURVEY OF HOLLANDS SUBDIVISION

ENGINEERING DIVISION
113 W MOUNTAIN STREET
FAYETTEVILLE, MISSISSIPPI 39301

Fayetteville

DATE: May 6, 2015
SHEET: 1
PROJECT: HOLLAND SUBDIVISION

DATE	05/06/15
BY	W. S. STEVENSON
FILE NAME	HOLLANDS SUBDIVISION



THE FOLLOWING IS A SUMMARY OF THE SURVEY DATA FOR THE HOLLANDS SUBDIVISION. THE SURVEY WAS CONDUCTED ON MAY 6, 2015, AND THE RESULTS ARE AS FOLLOWS:

1. THE TOTAL AREA OF THE SUBDIVISION IS 1.14 ACRES.

2. THE SUBDIVISION IS BOUND BY THE NORTHWEST CORNER OF SECTION 14, T4N, R10W, AND THE SOUTHWEST CORNER OF SECTION 15, T4N, R10W.

3. THE SUBDIVISION IS BOUND BY THE WEST LINE OF HIGHWAY NO. 52, WHICH IS 10 FEET WIDE.

4. THE SUBDIVISION IS BOUND BY THE EAST LINE OF HIGHWAY NO. 52, WHICH IS 10 FEET WIDE.

5. THE SUBDIVISION IS BOUND BY THE SOUTH LINE OF HIGHWAY NO. 52, WHICH IS 10 FEET WIDE.

6. THE SUBDIVISION IS BOUND BY THE NORTH LINE OF HIGHWAY NO. 52, WHICH IS 10 FEET WIDE.

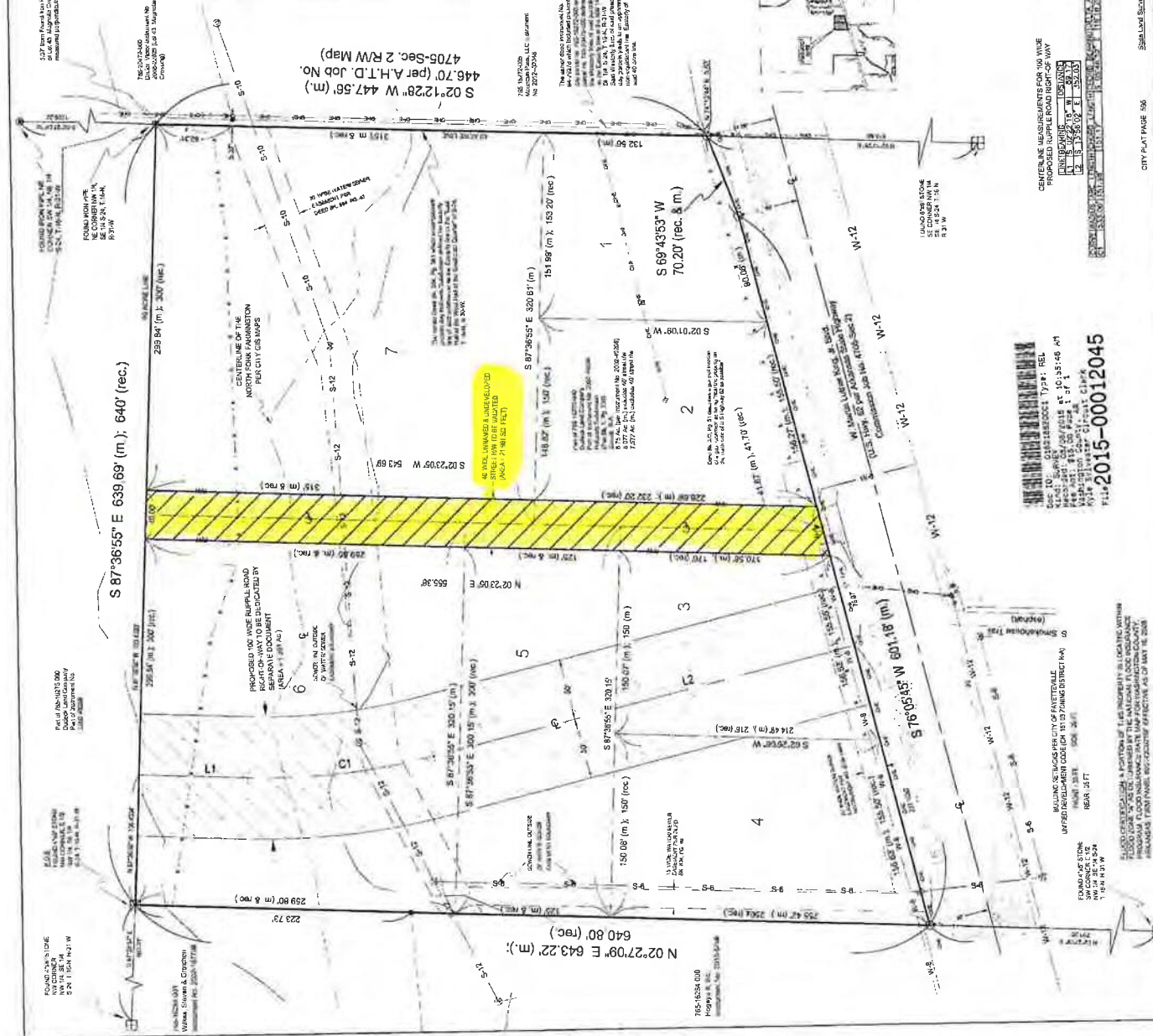
THE SURVEY WAS CONDUCTED BY W. S. STEVENSON, A PROFESSIONAL SURVEYOR IN THE STATE OF MISSISSIPPI. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MISSISSIPPI SURVEYING ACT OF 1968.

THE SURVEY WAS CONDUCTED USING A TOTAL STATION AND A GPS RECEIVER. THE SURVEY WAS CONDUCTED AT THE FOLLOWING POINTS:

- POINT 1: THE NORTHWEST CORNER OF SECTION 14, T4N, R10W.
- POINT 2: THE SOUTHWEST CORNER OF SECTION 14, T4N, R10W.
- POINT 3: THE SOUTHWEST CORNER OF SECTION 15, T4N, R10W.
- POINT 4: THE NORTHWEST CORNER OF SECTION 15, T4N, R10W.

THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MISSISSIPPI SURVEYING ACT OF 1968. THE SURVEY WAS CONDUCTED USING A TOTAL STATION AND A GPS RECEIVER. THE SURVEY WAS CONDUCTED AT THE FOLLOWING POINTS:

- POINT 1: THE NORTHWEST CORNER OF SECTION 14, T4N, R10W.
- POINT 2: THE SOUTHWEST CORNER OF SECTION 14, T4N, R10W.
- POINT 3: THE SOUTHWEST CORNER OF SECTION 15, T4N, R10W.
- POINT 4: THE NORTHWEST CORNER OF SECTION 15, T4N, R10W.



CENTRELINE MEASUREMENTS FOR 50' WIDE PROPOSED HIGHWAY FROM THE CENTERLINE TO THE RIGHT OF WAY:

1. FROM THE CENTERLINE TO THE RIGHT OF WAY: 10.34546 FT

2. FROM THE CENTERLINE TO THE RIGHT OF WAY: 10.34546 FT

3. FROM THE CENTERLINE TO THE RIGHT OF WAY: 10.34546 FT

4. FROM THE CENTERLINE TO THE RIGHT OF WAY: 10.34546 FT

FILE: 2015-00012045

DATE: 05/06/15

TIME: 10:34:46 AM

PROJECT: HOLLANDS SUBDIVISION

CLIENT: CITY OF FAJETTEVILLE

PROJECT NO: 2015-00012045

DATE: 05/06/15

TIME: 10:34:46 AM

WILLIAM S. STEVENSON, SURVEYOR

OFFICE: 113 W MOUNTAIN STREET, FAJETTEVILLE, MISSISSIPPI 39301

PHONE: (601) 795-1133

CELL: (601) 795-1133

EMAIL: WSTEVENSON@FAJETTEVILLE.MISSISSIPPI.GOV

WILLIAM S. STEVENSON, SURVEYOR

OFFICE: 113 W MOUNTAIN STREET, FAJETTEVILLE, MISSISSIPPI 39301

PHONE: (601) 795-1133

CELL: (601) 795-1133

EMAIL: WSTEVENSON@FAJETTEVILLE.MISSISSIPPI.GOV

UTILITY APPROVAL FORM

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

DATE May 6, 2015

UTILITY COMPANY: AEP/SWEPSCO

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

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 Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W
lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

(*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.

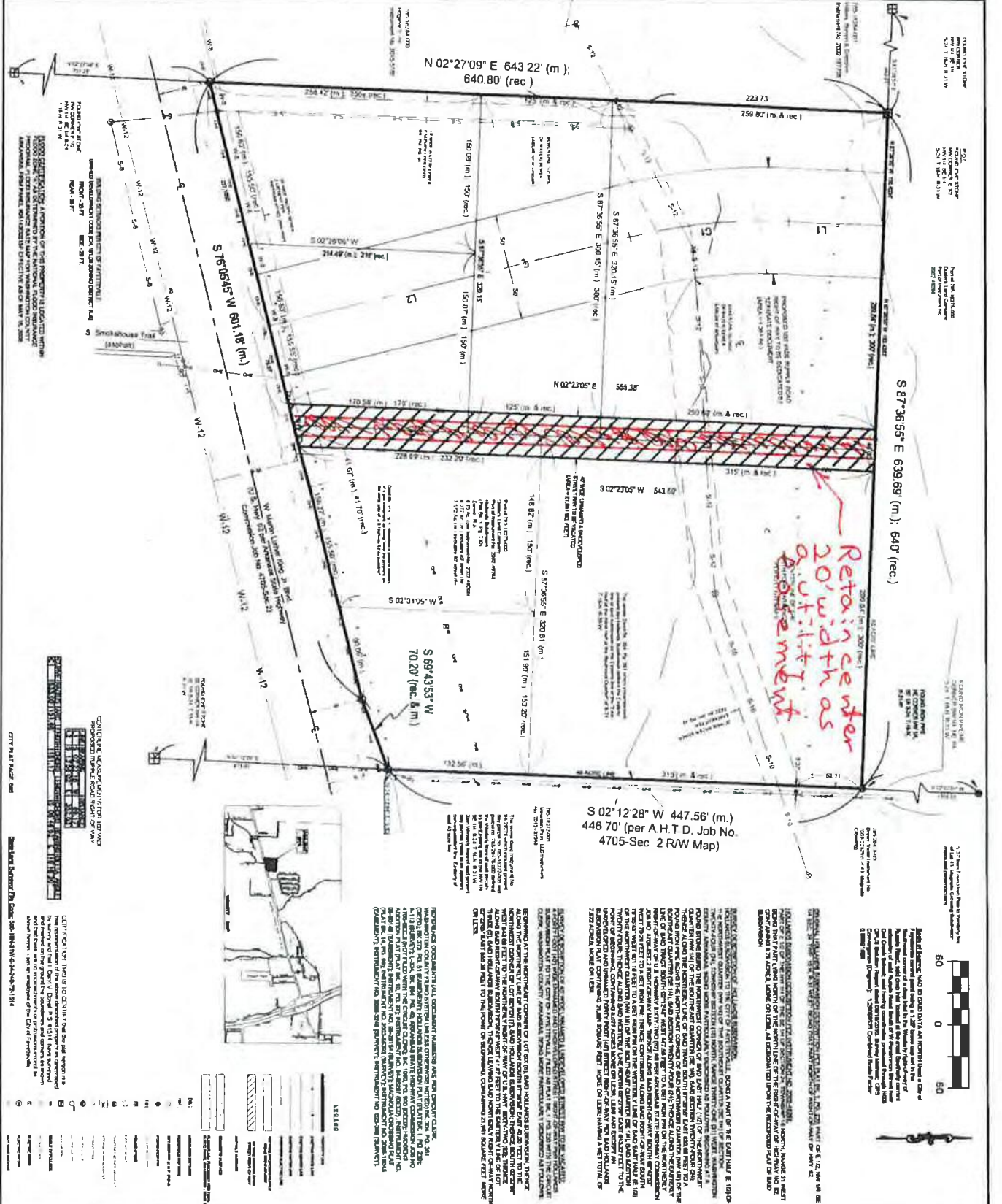
No objections to the vacation(s) described above, provided following described easements are retained
(State the location, dimensions, and purpose below)

Retain a 20' wide Utility Easement centered on
the centerline of the Street Right of Way
(see attached)

No objections provided the following conditions are met

Jack E. Regal
Signature of Utility Company Representative

engineering technician
Title



SURVEY OF HOLLANDS SUBDIVISION

ENGINEERING DIVISION
113 W. MOUNTAIN STREET

Fayetteville ARKANSAS

1

May 6, 2015

HOLLANDS SUBDIVISION

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

DATE: May 6, 2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

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 Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W
lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

(*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 our existing facilities will be at the owners/developers exepnse.



Signature of Utility Company Representative

CONSTRUCTION MANAGER
Title

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

DATE: May 6, 2015

UTILITY COMPANY: AT&T

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

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 Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W
lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

(*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

FILE

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

DATE: May 6, 2015

UTILITY COMPANY: Water and Sewer

APPLICANT NAME: Daryl Doyal APPLICANT PHONE: 479-444-3418

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 Hollands Subdivision part of the E 1/2 NW 1/4 SE 1/4 S 24, T 16 N, R 30 W
lying north of HWY 62 (MLK Jr. BLVD) opposite Smoke House Trail

(*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.)

WATER & SEWER LINES REMAIN IN THEIR OWN
DEDICATED EASEMENTS

No objections provided the following conditions are met:



Signature of Utility Company Representative

DIR OF UTILITIES

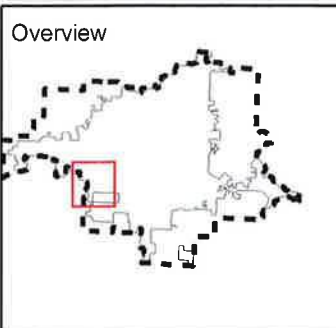
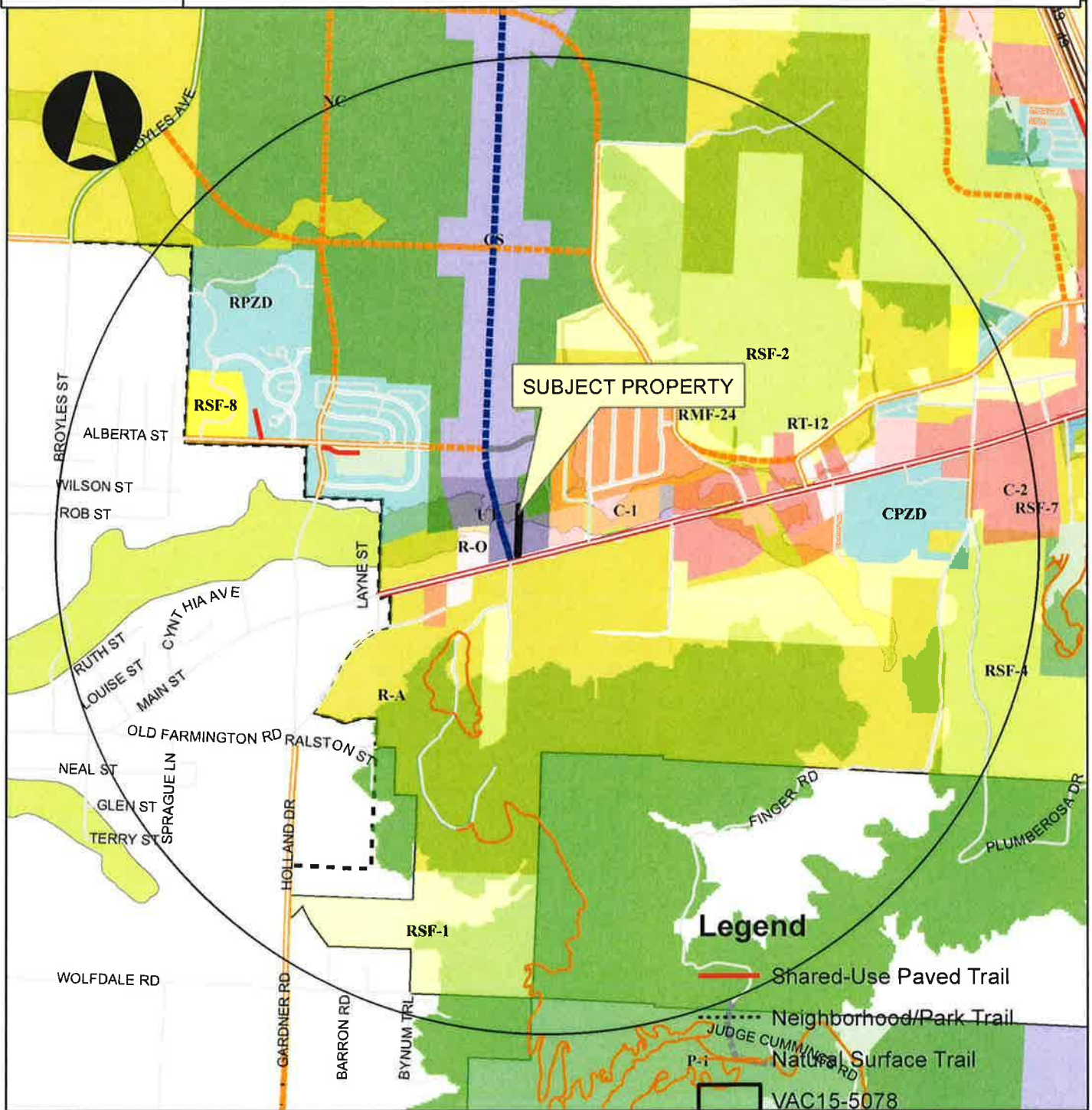
29 MAY 2015

Title

VAC15-5078

HOLLANDS S/D

One Mile View



Legend

Subject Property

Boundary

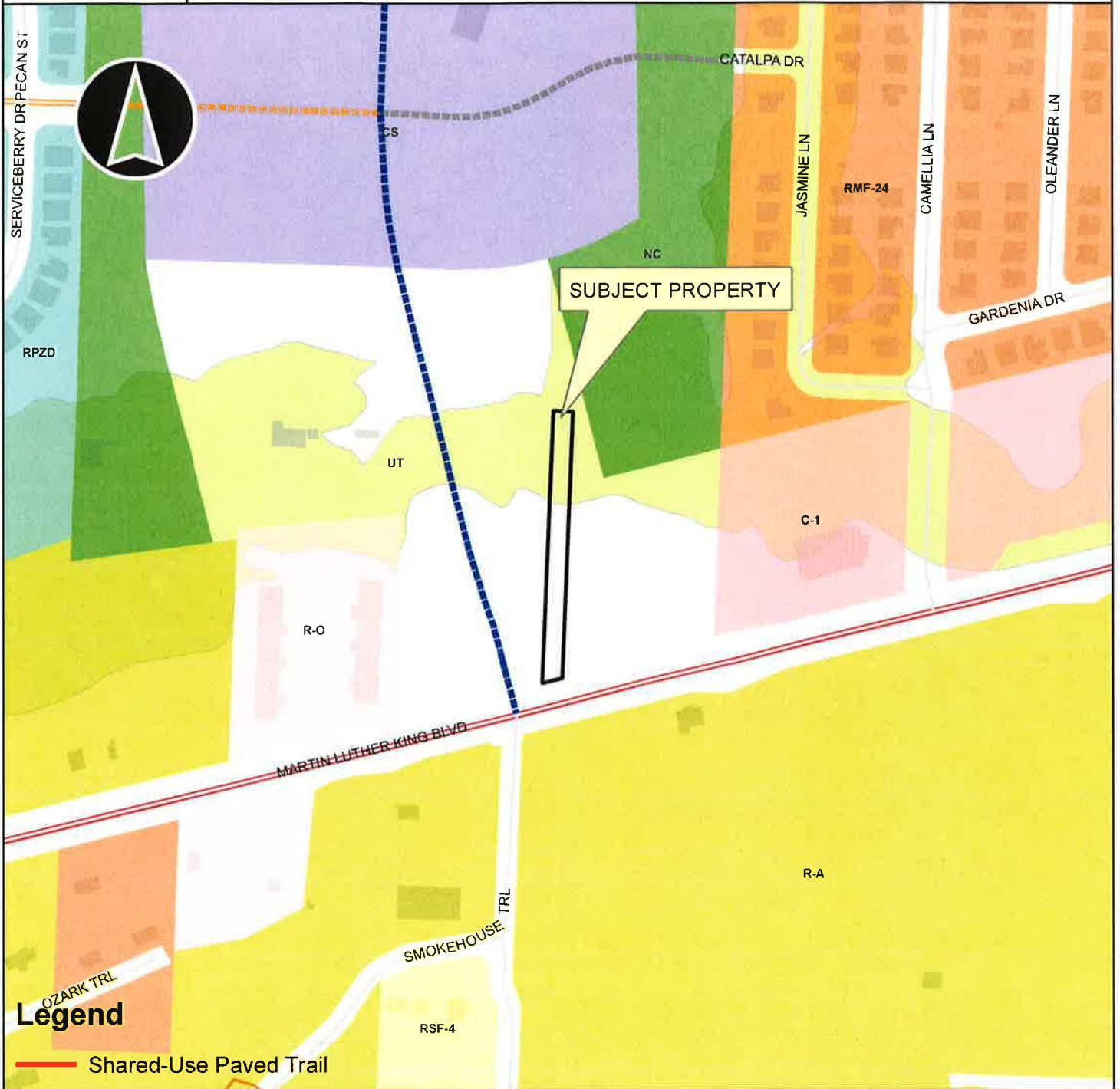
0 0.25 0.5 1 Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

VAC15-5078

HOLLANDS S/D

Close Up View



Legend

Shared-Use Paved Trail

Neighborhood/Park Trail

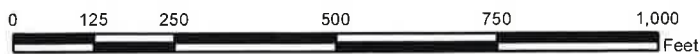
Natural Surface Trail

VAC15-5078

Fayetteville City Limits

Footprints 2010

Planning Area



**15-5078
EXHIBIT 'B'**

DESCRIPTION OF 40' WIDE UNNAMED & UNDEVELOPED STREET R/W TO BE VACATED:
A FORTY FOOT (40') WIDE UNNAMED AND UNDEVELOPED STREET RIGHT-OF-WAY PER HOLLANDS SUBDIVISION PLAT TO THE CITY OF FAYETTEVILLE, FILED AS PLAT BK. 1, PG. 230 WITH THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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