



Legislation Text

---

**File #: 2015-0303, Version: 1**

---

**VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION)**

AN ORDINANCE TO APPROVE VAC 15-5080 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT WEIR & SALEM ROADS TO VACATE WEIR ROAD RIGHT-OF-WAY AND PORTIONS OF EXISTING UTILITY EASEMENTS WITHIN THE HOLCOMB HEIGHTS SUBDIVISION

**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 street right-of-way and portions of utility easements are 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 and 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.

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.
2. The applicant shall receive approval from Washington County for portions of Weir Road right-of-way that are within Washington County jurisdiction.

**City of Fayetteville Staff Review Form**

**2015-0303**

**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 15-5080: Vacation (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION 245): Submitted by RIVERWOOD HOMES for properties located at the intersection of WEIR & SALEM RDS. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contain approximately 0.61 acres. The request is to vacate Weir Road right-of-way and portions of existing utility easements within the Holcomb Heights Subdivision.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>NA</u>	Current Budget            \$            -
	Funds Obligated            \$            -
	Current Balance <span style="border: 1px solid gray; padding: 2px;">\$            -</span>
<b>Does item have a cost?</b> <u>No</u>	Item Cost
<b>Budget Adjustment Attached?</b> <u>NA</u>	Budget Adjustment
	Remaining Budget <span style="border: 1px solid gray; padding: 2px;">\$            -</span>

V20140710

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

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

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

Comments:

**MEETING OF JULY 21, 2015**

**TO:** Fayetteville City Council

**THRU:** Andrew Garner, City Planning Director

**FROM:** Jesse Fulcher, Senior Planner

**DATE:** June 26, 2015

**SUBJECT:** **VAC 15-5080: Vacation (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION 245):** Submitted by RIVERWOOD HOMES for properties located at the intersection of WEIR & SALEM RDS. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contain approximately 0.61 acres. The request is to vacate a street right-of-way within the subdivision and portions of utility easements.

---

**RECOMMENDATION:**

Staff and the Planning Commission recommend approval of an ordinance to vacate a street right-of-way and portions of existing utility easements.

**BACKGROUND:**

The subject property is located at the southwest corner of Salem Road and Weir Road. The property is being developed for the Holcomb Heights Subdivision, which was filed of record in March, 2015. A condition of the development approval required that Weir Road be relocated on the west side of Salem Road to align with Gypsum Drive on the east side of Salem Road. Relocation of the street was completed in 2014 and right-of-way was dedicated for the route.

**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:**

- CC Ordinance
- Exhibit A
- Exhibit B
- Planning Commission Staff Report



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**FROM:** Jesse Fulcher, Senior Planner

**THRU:** Andrew Garner, City Planning Director

**MEETING DATE:** ~~June 22, 2015~~ Updated June 23, 2015

**SUBJECT:** **VAC 15-5080: Vacation (WEIR & SALEM RDS./HOLCOMB HEIGHTS SUBDIVISION 245):** Submitted by RIVERWOOD HOMES for properties located at the intersection of WEIR & SALEM RDS. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contain approximately 0.61 acres. The request is to vacate a street right-of-way within the subdivision and portions of utility easements.

**RECOMMENDATION:**

Staff recommends forwarding **VAC 15-5080** to the City Council with a recommendation for approval.

**BACKGROUND:**

*Background:* The subject property is located at the southwest corner of Salem Road and Weir Road. The property is being developed for the Holcomb Heights Subdivision, which was filed of record in March, 2015. A condition of the development approval required that Weir Road be relocated on the west side of Salem Road to align with Gypsum Drive on the east side of Salem Road. Relocation of the street was completed in 2014 and right-of-way was dedicated for the route. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential single-Family, 4 units/acre
South	Single-Family Residential	RSF-4, Residential single-Family, 4 units/acre
East	Single-Family Residential	R-A, Residential Agricultural
West	Single-Family Residential	RSF-4, Residential single-Family, 4 units/acre

*Proposal:* The applicant is requesting approval to vacate the old right-of-way for Weir Road, which is no longer needed for public use. Access easements to the homes to the north have been provided and their driveways have been extended to the new Weir Road location. In addition to the street right-of-way vacation, the applicant is requesting approval to vacate portions of existing utility easements within the Holcomb Heights subdivision.

**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**

**RESPONSE**

Cox Communications

No objections with conditions

AEP/SWEPCO

No objections

Source Gas

No objections

AT&T

No objections

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 15-5080** 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.
2. The applicant shall receive approval from Washington County for portions of Weir Road right-of-way that are within County jurisdiction.

---

**PLANNING COMMISSION ACTION**

Forwarded     Denied     Tabled

**Date: June 22, 2015**

Motion: Chessser  
Second: Cook  
Vote: 9-0-0

Notes:

---

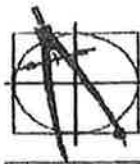
---

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Request Letter
- Petition to Vacate
- Utility Approvals
- Right-of-way Vacation Exhibit
- Easement Vacation Exhibit
- Legal Descriptions
- Aerial Exhibit
- One Mile Map
- Close Up Map



**JORGENSEN & ASSOCIATES**  
**CIVIL ENGINEERS • SURVEYORS**

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.  
JUSTIN L. JORGENSEN, P.E.  
BLAKE E. JORGENSEN, P.E.

City of Fayetteville  
113 W. Mountain  
Fayetteville, AR. 72701

4/27/15

Att: Planning  
Re: Easement/ROW Vacation

Attached please find information pertaining to easement and ROW vacation for Riverwood Homes.  
This is at Holcomb Subdivision.

Please review and contact us concerning any questions you may have.

Thank you.

Sincerely;

  
David L. Jorgensen, P.E.

• PUBLIC WORKS • LAND DEVELOPMENT • WATER SYSTEMS • WASTEWATER SYSTEMS • LAND SURVEYING •

# **Riverwood Homes, LLC**

Residential Contractor & Developer  
1533 W. Enterprise Drive  
Fayetteville, Arkansas 72704

Mark Marquess 479-435-2088

Charles Sloan 479-530-4506

markm@riverwoodhomesnwa.com

charlies@riverwoodhomesnwa.com

## **PETITION TO VACATE EASEMENTS and RIGHT A WAY LOCATED ALONG WEIR ROAD AND SALEM ROAD, HOLCOMB HEIGHTS SUBDIVISION, PHASE III, CITY OF FAYETTEVILLE, ARKANSAS**

**TO:** The Fayetteville City Planning Commission

The Fayetteville City Council

I, the undersigned, being all owners of the real estate abutting the easement and Right a Way hereinafter sought to be abandoned and vacated, lying along Weir Road and Salem Road in Holcomb Heights Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate and easement which is described in the attached legal description.

That the abutting real estate affected by said abandonment of the easement are shown on the attached plats used by the public for a period of many years, and that 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 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 the particular land the owners be free from the easements of the public for the use of said easement.

Dated this 6<sup>th</sup> day of May, 2015.

Mark Marquess – Riverwood Homes, LLC





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

DATE: May 2015

UTILITY COMPANY: Lox Communications

APPLICANT NAME: Riverview Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_

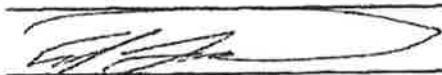
- (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

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 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 2015

UTILITY COMPANY: AEP/CAWPERCO

APPLICANT NAME: Riverview Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_

(*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]* 5-28-15  
Signature of Utility Company Representative

DISTRIBUTION Engineer  
Title

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

DATE: May 2015

UTILITY COMPANY: Source CTS

APPLICANT NAME: Riversound Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_

(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:

\_\_\_\_\_

Brian Dupont  
Signature of Utility Company Representative

Supervisor - Division Operations  
Title

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

DATE: May 2015  
UTILITY COMPANY: AT&T  
APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_

- (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:

\_\_\_\_\_  
\_\_\_\_\_

Jeff Davis  
Signature of Utility Company Representative  
**MGR OSP PLNG & ENGRG DESIGN**

Title

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

DATE: May 2015

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_

(*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:

\_\_\_\_\_  
\_\_\_\_\_

Greg McGee 4-28-2015  
Signature of Utility Company Representative

Lead Staking Tech  
Title

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

DATE: May 2015  
UTILITY COMPANY: Fayetteville Water & Sewer  
APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_


(*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:  
\_\_\_\_\_  
\_\_\_\_\_

 19 MAY 2015  
Signature of Utility Company Representative  
DIRECTOR OF UTILITIES  
Title  
CITY OF FAYETTEVILLE, AR

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

DATE: May 2015

UTILITY COMPANY: Fayetteville Solid Waste

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_

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

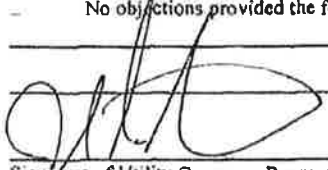
UTILITY COMPANY COMMENTS:

- 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

Commercial Sales Rep  
\_\_\_\_\_  
Title

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

DATE: May 2015  
UTILITY COMPANY: Fayetteville Transportation  
APPLICANT NAME: Riversound Homes APPLICANT PHONE: 530-4506

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 \_\_\_\_\_  
\_\_\_\_\_

- (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.)

\_\_\_\_\_  
\_\_\_\_\_

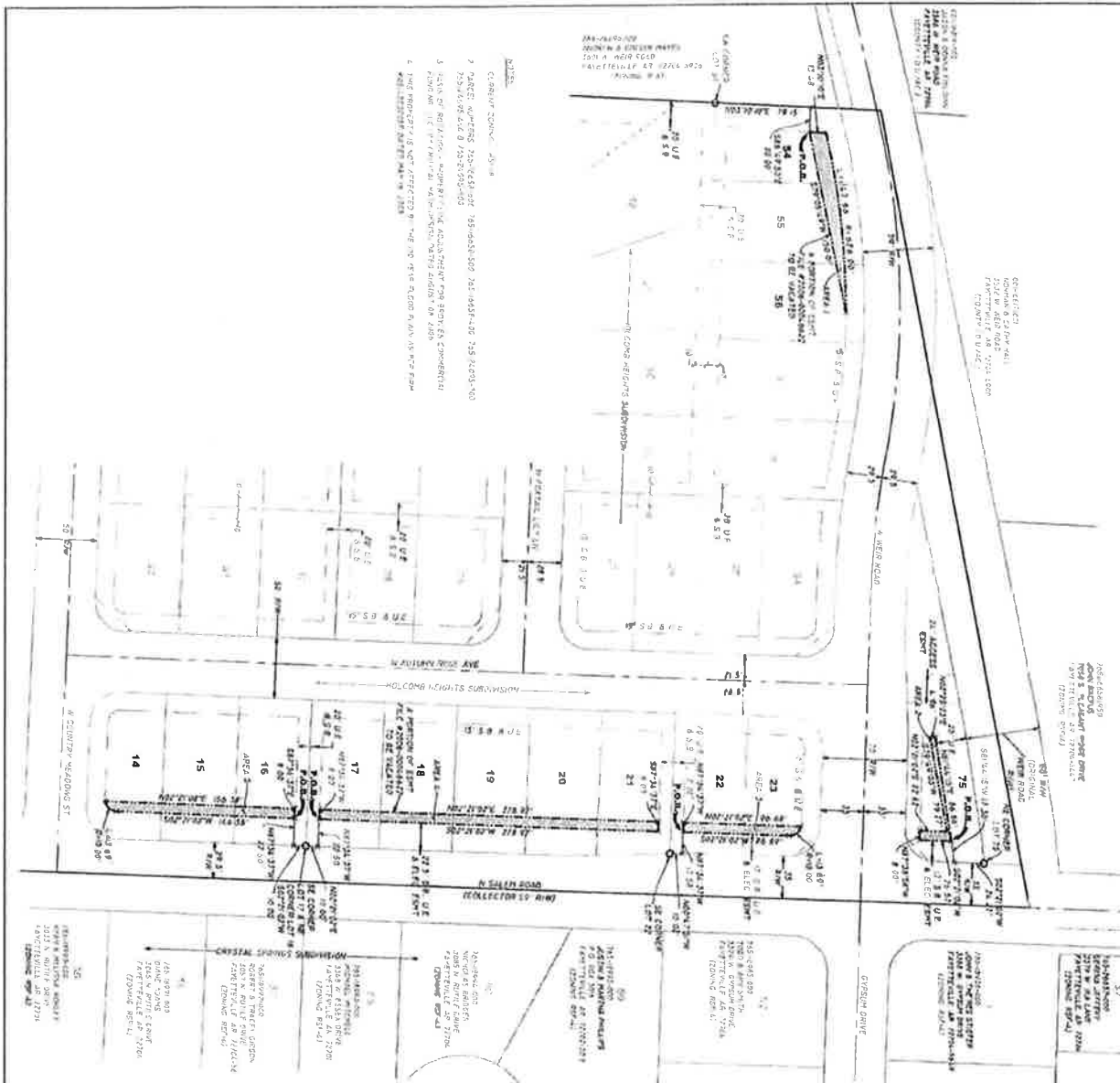
- No objections provided the following conditions are met:
- \_\_\_\_\_  
\_\_\_\_\_

Terry J. Hull  
Signature of Utility Company Representative  
Transportation Director  
Title

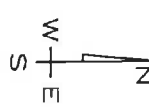
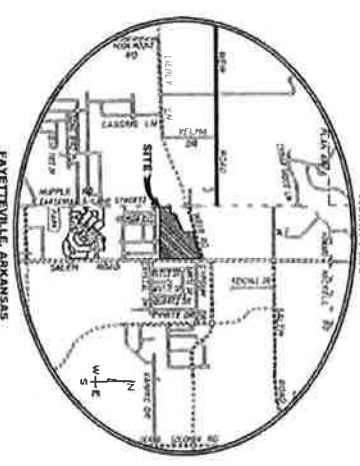




GRAPHIC SCALE



1. THE PROPERTY IS NOT AFFECTED BY THE 10' SETBACK RULES FOR FRONT YARDS.
2. THE PROPERTY IS NOT AFFECTED BY THE 10' SETBACK RULES FOR SIDE YARDS.
3. THE PROPERTY IS NOT AFFECTED BY THE 10' SETBACK RULES FOR REAR YARDS.
4. THE PROPERTY IS NOT AFFECTED BY THE 10' SETBACK RULES FOR CORNERS.



**LOCAL DESCRIPTION (LMD-1)**  
 A portion of the 1.25-acre subject property, bounded by N Silver Road to the north, N Holcomb Avenue to the east, N Dorsett Walking Street to the south, and N Silver Road to the west, is being vacated for public use. The subject property is currently zoned R-1 (Residential Single-Family) and is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development.

**LOCAL DESCRIPTION (LMD-2)**  
 A portion of the 1.25-acre subject property, bounded by N Silver Road to the north, N Holcomb Avenue to the east, N Dorsett Walking Street to the south, and N Silver Road to the west, is being vacated for public use. The subject property is currently zoned R-1 (Residential Single-Family) and is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development.

**LOCAL DESCRIPTION (LMD-3)**  
 A portion of the 1.25-acre subject property, bounded by N Silver Road to the north, N Holcomb Avenue to the east, N Dorsett Walking Street to the south, and N Silver Road to the west, is being vacated for public use. The subject property is currently zoned R-1 (Residential Single-Family) and is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development.

**LOCAL DESCRIPTION (LMD-4)**  
 A portion of the 1.25-acre subject property, bounded by N Silver Road to the north, N Holcomb Avenue to the east, N Dorsett Walking Street to the south, and N Silver Road to the west, is being vacated for public use. The subject property is currently zoned R-1 (Residential Single-Family) and is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development. The subject property is being vacated for public use to provide access to the adjacent residential development.

<p>PREPARED BY  <b>JORDENSHEN &amp; ASSOCIATES</b>                  CIVIL ENGINEERING                  1211 N. GUYTON ST.                  FAYETTEVILLE, AR 72701                  PHONE: (501) 771-1111                  FAX: (501) 771-1112                  WWW: JORDENSHEN.COM</p>		<p>PROJECT TITLE:  <b>HOLCOMB HEIGHTS                  EASEMENT VACATION</b></p>	
<p>DATE: 06/14/2016                  DRAWN BY: JBA                  PROJECT NO: 201601                  SHEET NO: 18 OF 24                  SCALE: 1"=50'</p>		<p>PROJECT LOCATION: FAYETTEVILLE, AR</p>	
<p>PROJECT TITLE:  <b>EASEMENT                  VACATION</b></p>		<p>SHEET NUMBER:  <b>1</b></p>	

## **Right-of-Way Vacation**

### **LEGAL DESCRIPTION: (AREA 1)**

A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 368.31 feet to the POINT OF BEGINNING; thence S79°49'03"W 69.59 feet, thence along a non-tangent curve to the left 223.75 feet, said curve having a radius of 700.00 feet and chord bearing and distance of S86°41'51"W 222.80 feet, thence N03°01'39"E 0.52 feet, thence N77°26'23"E 22.09 feet, thence N78°59'10"E 276.23 feet, thence S03°07'55"W 33.01 feet to the POINT OF BEGINNING: Containing 4,531.09 square feet or 0.1040 acres more or less subject to easements of record.

### **LEGAL DESCRIPTION: (AREA 2)**

A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING; thence S79°49'03"W 332.46 feet, thence N03°07'55"E 33.01 feet, thence N78°59'10"E 50.45 feet, thence N79°04'16"E 157.76 feet, thence N81°44'15"E 99.59 feet, thence N86°08'18"E 23.71 feet, thence S02°21'02"W 29.67 feet to the POINT OF BEGINNING: Containing 11,034.51 square feet or 0.2533 acres more or less subject to easements of record.

### **LEGAL DESCRIPTION: (AREA 3)**

A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING, thence S02°21'02"W 30.69 feet, thence S86°08'18"W 14.87 feet, thence S81°44'15"W 95.89 feet, thence S79°04'16"W 204.56 feet, thence along a non-tangent curve to the right 20.89 feet, said curve having a radius of 700.00 feet and chord bearing and distance of N79°45'28"W 20.89 feet, thence along a curve to the left 64.05 feet, said curve having a radius of 700.00 feet and a chord bearing and distance of N81°31'27"W 64.02 feet, thence N79°49'03"E 69.59 feet; thence N79°49'03"E 332.46 feet to the POINT OF BEGINNING: Containing 9,561.47 square feet or 0.2195 acres more or less subject to easements of record.

## Easement Vacation

### LEGAL DESCRIPTION: (AREA 1)

A part of Lot 54, 55 and 56 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SW Corner of said Lot 54, thence N03°10'10"E 79.15 feet, thence S86°49'50"E 20.00 feet to the POINT OF BEGINNING, thence N03°10'10"E 13.48 feet, thence along a non-tangent curve to the right 147.66 feet, said curve having a radius of 626.00 feet and chord bearing and distance of N84°11'17"E 147.32 feet, thence S79°05'49"W 150.01 feet to the POINT OF BEGINNING: Containing 1,407.94 square feet or 0.0323 acres more or less.

### LEGAL DESCRIPTION: (AREA 2)

A part of Lot 75 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 75, thence S02°21'02"W 24.27 feet, thence S81°44'15"W 17.30 feet to the POINT OF BEGINNING, thence S02°21'02"W 26.57 feet, thence N87°38'58"W 8.00 feet, thence N02°21'02"E 22.82 feet, thence S79°49'03"W 79.27 feet, thence N02°25'23"E 4.96 feet, thence N81°44'15"E 86.86 feet to the POINT OF BEGINNING: Containing 485.77 square feet or 0.0112 acres more or less.

### LEGAL DESCRIPTION: (AREA 3)

A part of Lot 22 and 23 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 22, thence N00°47'51"W 10.02 feet, thence N87°34'37"W 17.58 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 96.68 feet, thence along a non-tangent curve to the right 13.69 feet, said curve having a radius of 10.00 feet and chord bearing and distance of S36°52'51"E 12.65 feet, thence S02°21'02"W 86.89 feet to the POINT OF BEGINNING: Containing .753.77 square feet or 0.0173 acres more or less.

### LEGAL DESCRIPTION: (AREA 4)

A part of Lot 17, 18, 19, 20 and 21 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 17, thence N02°21'02"E 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 278.97 feet, thence S87°34'37"E 8.00 feet, thence S02°21'02"W 278.97 feet to the POINT OF BEGINNING: Containing 2,231.76 square feet or 0.0512 acres more or less.

### LEGAL DESCRIPTION: (AREA 5)

A part of Lot 14, 15 and 16 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 16, thence S02°21'02"W 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING, thence S02°21'02"W 146.58 feet, thence along a curve to the right 13.69 feet, said curve having a radius of 10.00 feet and a chord bearing and distance of S41°34'55"W 12.65 feet, thence N02°21'02"E 156.38 feet, thence S87°34'37"E 8.00 feet to the POINT OF BEGINNING: Containing 1,231.29 square feet or 0.0283 acres more or less.

2013



2015

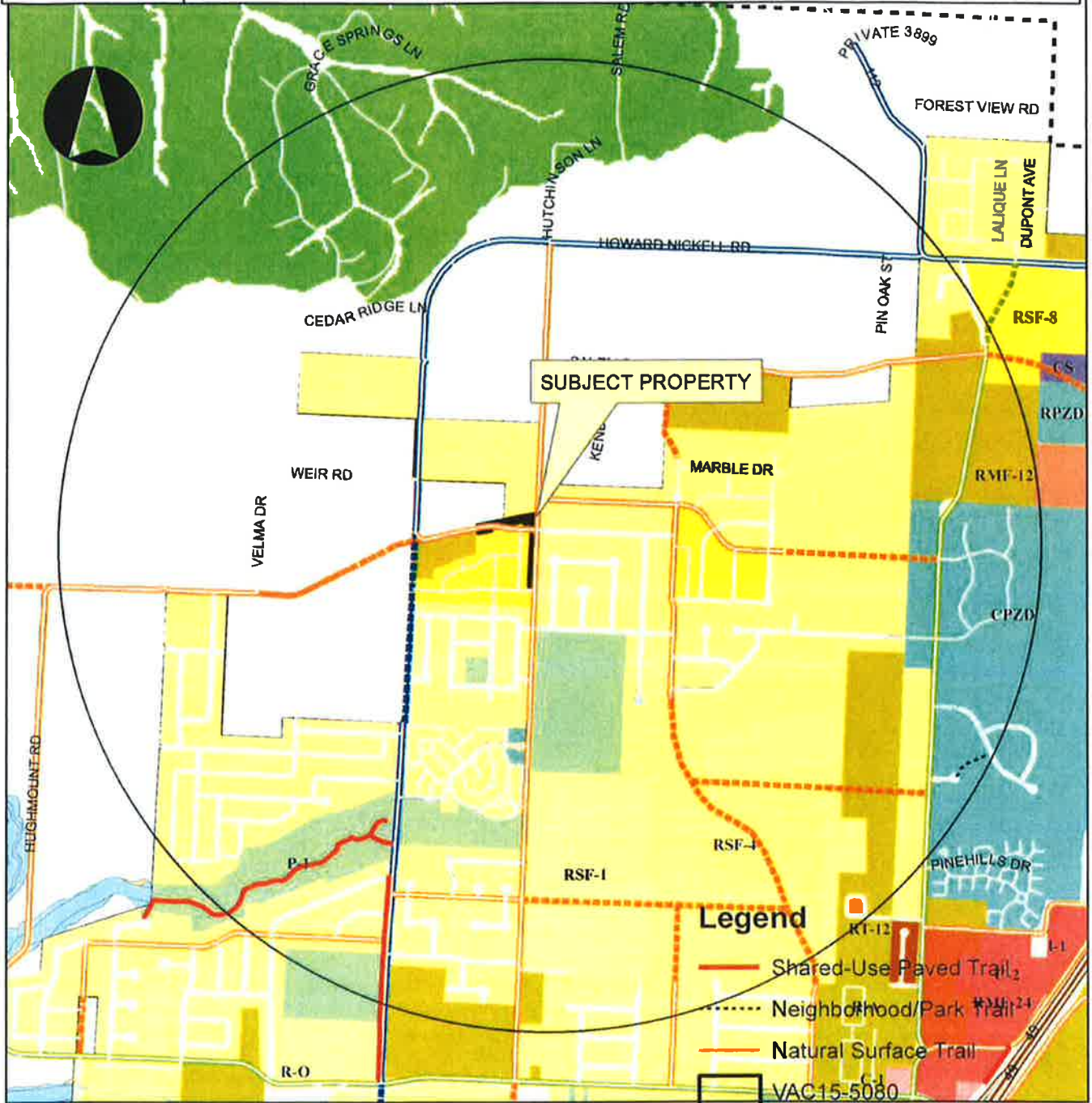




VAC15-5080

# HOLCOMB HEIGHTS S/D

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5 1

Miles

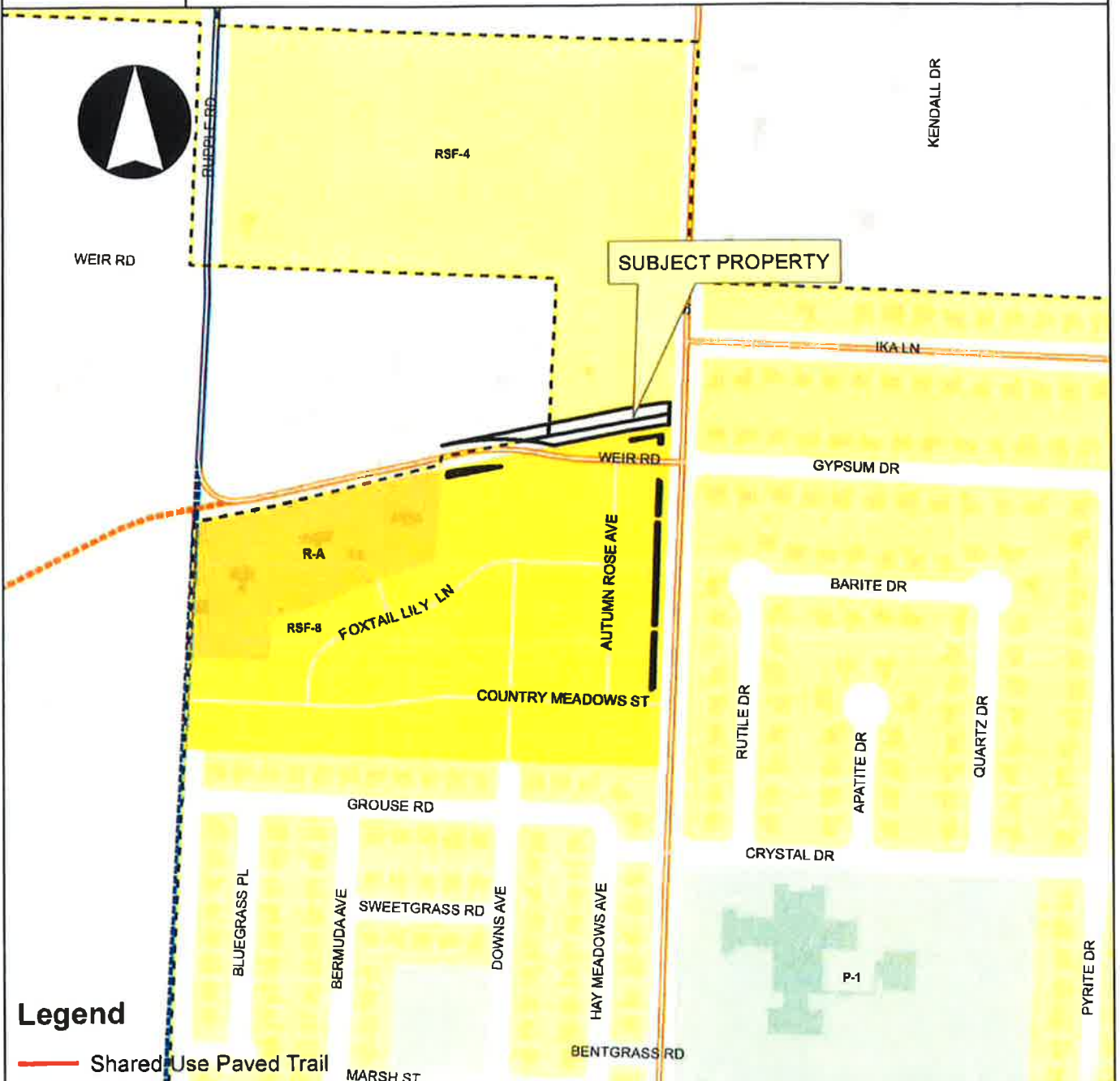
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

Planning Commission  
June 22, 2015

VAC15-5080

# HOLCOMB HEIGHTS S/D

Close Up View



## Legend

— Shared Use Paved Trail

Overview Neighborhood/Park Trail

— Natural Surface Trail

□ VAC15-5080

□ Fayetteville City Limits

■ Footprints 2010

--- Planning Area



Planning Commission  
June 22, 2015

# EXHIBIT "B"

## Right-of-Way Vacation

### LEGAL DESCRIPTION: (AREA 1)

A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 368.31 feet to the POINT OF BEGINNING; thence S79°49'03"W 69.59 feet, thence along a non-tangent curve to the left 223.75 feet, said curve having a radius of 700.00 feet and chord bearing and distance of S86°41'51"W 222.80 feet, thence N03°01'39"E 0.52 feet, thence N77°26'23"E 22.09 feet, thence N78°59'10"E 276.23 feet, thence S03°07'55"W 33.01 feet to the POINT OF BEGINNING: Containing 4,531.09 square feet or 0.1040 acres more or less subject to easements of record.

### LEGAL DESCRIPTION: (AREA 2)

A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING; thence S79°49'03"W 332.46 feet, thence N03°07'55"E 33.01 feet, thence N78°59'10"E 50.45 feet, thence N79°04'16"E 157.76 feet, thence N81°44'15"E 99.59 feet, thence N86°08'18"E 23.71 feet, thence S02°21'02"W 29.67 feet to the POINT OF BEGINNING: Containing 11,034.51 square feet or 0.2533 acres more or less subject to easements of record.

### LEGAL DESCRIPTION: (AREA 3)

A part of the NW1/4 of the NW1/4 of Section 32, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NW1/4, NW1/4, thence S02°21'02"W 353.50 feet, thence S79°49'03"W 35.85 feet to the POINT OF BEGINNING, thence S02°21'02"W 30.69 feet, thence S86°08'18"W 14.87 feet, thence S81°44'15"W 95.89 feet, thence S79°04'16"W 204.56 feet, thence along a non-tangent curve to the right 20.89 feet, said curve having a radius of 700.00 feet and chord bearing and distance of N79°45'28"W 20.89 feet, thence along a curve to the left 64.05 feet, said curve having a radius of 700.00 feet and a chord bearing and distance of N81°31'27"W 64.02 feet, thence N79°49'03"E 69.59 feet; thence N79°49'03"E 332.46 feet to the POINT OF BEGINNING: Containing 9,561.47 square feet or 0.2195 acres more or less subject to easements of record.



# EXHIBIT "B"

## Easement Vacation

### LEGAL DESCRIPTION: (AREA 1)

A part of Lot 54, 55 and 56 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SW Corner of said Lot 54, thence N03°10'10"E 79.15 feet, thence S86°49'50"E 20.00 feet to the POINT OF BEGINNING, thence N03°10'10"E 13.48 feet, thence along a non-tangent curve to the right 147.66 feet, said curve having a radius of 626.00 feet and chord bearing and distance of N84°11'17"E 147.32 feet, thence S79°05'49"W 150.01 feet to the POINT OF BEGINNING: Containing 1,407.94 square feet or 0.0323 acres more or less.

### LEGAL DESCRIPTION: (AREA 2)

A part of Lot 75 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 75, thence S02°21'02"W 24.27 feet, thence S81°44'15"W 17.30 feet to the POINT OF BEGINNING, thence S02°21'02"W 26.57 feet, thence N87°38'58"W 8.00 feet, thence N02°21'02"E 22.82 feet, thence S79°49'03"W 79.27 feet, thence N02°25'23"E 4.96 feet, thence N81°44'15"E 86.86 feet to the POINT OF BEGINNING: Containing 485.77 square feet or 0.0112 acres more or less.

### LEGAL DESCRIPTION: (AREA 3)

A part of Lot 22 and 23 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 22, thence N00°47'51"W 10.02 feet, thence N87°34'37"W 17.58 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 96.68 feet, thence along a non-tangent curve to the right 13.69 feet, said curve having a radius of 10.00 feet and chord bearing and distance of S36°52'51"E 12.65 feet, thence S02°21'02"W 86.89 feet to the POINT OF BEGINNING: Containing 753.77 square feet or 0.0173 acres more or less.

### LEGAL DESCRIPTION: (AREA 4)

A part of Lot 17, 18, 19, 20 and 21 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the SE Corner of said Lot 17, thence N02°21'02"E 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING; thence N87°34'37"W 8.00 feet, thence N02°21'02"E 278.97 feet, thence S87°34'37"E 8.00 feet, thence S02°21'02"W 278.97 feet to the POINT OF BEGINNING: Containing 2,231.76 square feet or 0.0512 acres more or less.

### LEGAL DESCRIPTION: (AREA 5)

A part of Lot 14, 15 and 16 of Holcomb Heights Subdivision in Fayetteville, Arkansas, as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and being described as follows: Commencing at the NE Corner of said Lot 16, thence S02°21'02"W 10.00 feet, thence N87°34'37"W 22.50 feet to the POINT OF BEGINNING, thence S02°21'02"W 146.58 feet, thence along a curve to the right 13.69 feet, said curve having a radius of 10.00 feet and a chord bearing and distance of S41°34'55"W 12.65 feet, thence N02°21'02"E 156.38 feet, thence S87°34'37"E 8.00 feet to the POINT OF BEGINNING: Containing 1,231.29 square feet or 0.0283 acres more or less.