



Legislation Text

File #: 2015-0384, Version: 1

VAC 15-5127 (19 N. PALMER AVE./BAKER):

AN ORDINANCE TO APPROVE VAC 15-5127 SUBMITTED BY ALLEN BAKER FOR PROPERTY LOCATED AT 19 N. PALMER AVENUE TO VACATE AN EXISTING BLANKET WATER AND SEWER 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 water and sewer 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 water and sewer easement described in Exhibit "B" attached.

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. The vacation shall not be valid until a 20-foot water and sewer easement has been dedicated to the City of Fayetteville by the property owner.

City of Fayetteville Staff Review Form

2015-0384

Legistar File ID

9/1/2015

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

Jeremy Pate 

8/14/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 15-5127: Vacation (19 N. PALMER AVE./BAKER, 482): Submitted by ALLEN BAKER for property located at 19 N. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.35 acres. The request is to vacate a blanket water and sewer easement.

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 SEPTEMBER 1, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: August 14, 2015

SUBJECT: **VAC 15-5127: Vacation (19 N. PALMER AVE./BAKER, 482):** Submitted by ALLEN BAKER for property located at 19 N. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.35 acres. The request is to vacate a blanket water and sewer easement.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate an existing blanket water and sewer easement.

BACKGROUND:

Background: The subject property is located at 19 N. Palmer Avenue and is developed with a single-family home that was constructed in the 1950's. Near the time of construction, the City of Fayetteville obtained water and sewer easements throughout this neighborhood area. However, the easements were not obtained based on the location of the sewer/water lines, but were rather dedicated using the parcel description, resulting in a "blanket" easement over the entire property. The City of Fayetteville addressed seven similar "blanket" easements in 2012. However, a few of these situations still exist.

Proposal: The applicant is requesting approval to vacate the existing blanket easement shown on the attached maps and replace it with a standard 20-foot easement centered on the existing sewer line.

Notification: Because the subject easement is only for water and sewer use, staff did not contact representatives from other utility providers. All adjacent property owners were notified of the vacation, pursuant to State law and City ordinance.

DISCUSSION:

On August 10, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-0-1 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: ~~August 10, 2015~~ Updated August 11, 2015

SUBJECT: **VAC 15-5127: Vacation (19 N. PALMER AVE./BAKER, 482):** Submitted by ALLEN BAKER for property located at 19 N. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.35 acres. The request is to vacate a "blanket" easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 15-5127** to the City Council with a recommendation for approval.

BACKGROUND:

Background: The subject property is located at 19 N. Palmer Avenue and is developed with a single-family home that was constructed in the 1950's. Near the time of construction, the City of Fayetteville obtained water and sewer easements throughout this neighborhood area. However, the easements were not obtained based on the location of the sewer/water lines, but were rather dedicated using the parcel description, resulting in a "blanket" easement over the entire property. The City of Fayetteville addressed seven similar "blanket" easements in 2012. However, a few of these situations still exist. 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	RSF-4, Residential single-Family, 4 units/acre
West	Single-Family Residential	RSF-4, Residential single-Family, 4 units/acre

Proposal: The applicant is requesting approval to vacate the existing blanket easement shown on the attached maps and replace it with a standard 20-foot easement centered on the existing sewer line.

Notification: Because the subject easement is only for water and sewer use, staff did not contact representatives from other utility providers. All adjacent property owners were notified of the vacation, pursuant to State law and City ordinance.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments with the following responses:

CITY OF FAYETTEVILLE

RESPONSE

Water/Sewer

No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 15-5127** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. A new 20-foot water and sewer easement shall be dedicated to the City of Fayetteville before this approval is valid.

PLANNING COMMISSION ACTION

Forwarded Denied Tabled

Date: August 10, 2015

Motion: Cook

Second: Selby

Vote: 6-0-1 (Hoskins recused)

Notes:

BUDGET/STAFF IMPACT:

None

Attachments:

- Petition to Vacate
- Utility Approval
- Easement Deed

- One Mile Map
- Close Up Map

30 June 2015

PETITION TO VACATE THE UTILITY EASEMENT LOCATED LOT 43, EXTENSION #1, HOTZ SUBDIVISION, TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 1, AT PAGE 234, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS

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

I, the undersigned, being the sole owner of Lot 43, Extension #1, Hotz Subdivision, petition to vacate the utility easement on said property.

Lot 43, Extension #1, is the only remaining lot in Hotz Subdivision with a utility easement. I have been the property owner since 27 February 2012. To put my request in context, the utility easement was lifted on all properties in Hotz Subdivision with the exception of Lot 43. I was made aware of the utility easement while processing a request for a permit to build a privacy fence.

Since mine is the only lot that did not have the utility easement vacated, request consideration to remove the \$200 fee.

Thank you for your consideration.



Allen Sidney Baker
19 N Palmer Ave
Fayetteville, Arkansas 72701
C: 703-598-4731

To Whom It May Concern:

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

DATE: 8/1/15

UTILITY COMPANY: City of Fayetteville

APPLICANT NAME: _____ APPLICANT PHONE: _____

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**)

** 19 N. Palmer

(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.)

DEDICATE A NEW 20 FT EASEMENT CENTERED ON THE EXISTING SEWER LINE

- No objections provided the following conditions are met:

Tom Snyder

Signature of Utility Company Representative

DIRECTOR OF UTILITY SERVICES

Title

George C. Faucette

Jessie L. Faucette

Sewer

Lot 43, Extension 1, Hotz Sub-division

Jessie L. Faucette

George C. Faucette

23rd August

George C. Faucette
Jessie L. Faucette

Administrators

WITNESSES

That we the undersigned, on this day came before the undersigned, a Notary Public, with us, and they acknowledged, duly administered and acting, George C. and Jessie L. Faucette, to us well known as the grantors in the above captioned instrument, that they had executed the same for the purposes and to the effect therein expressed and set forth.

Witness my hand and seal as such Notary Public this 23rd day of August 1956.

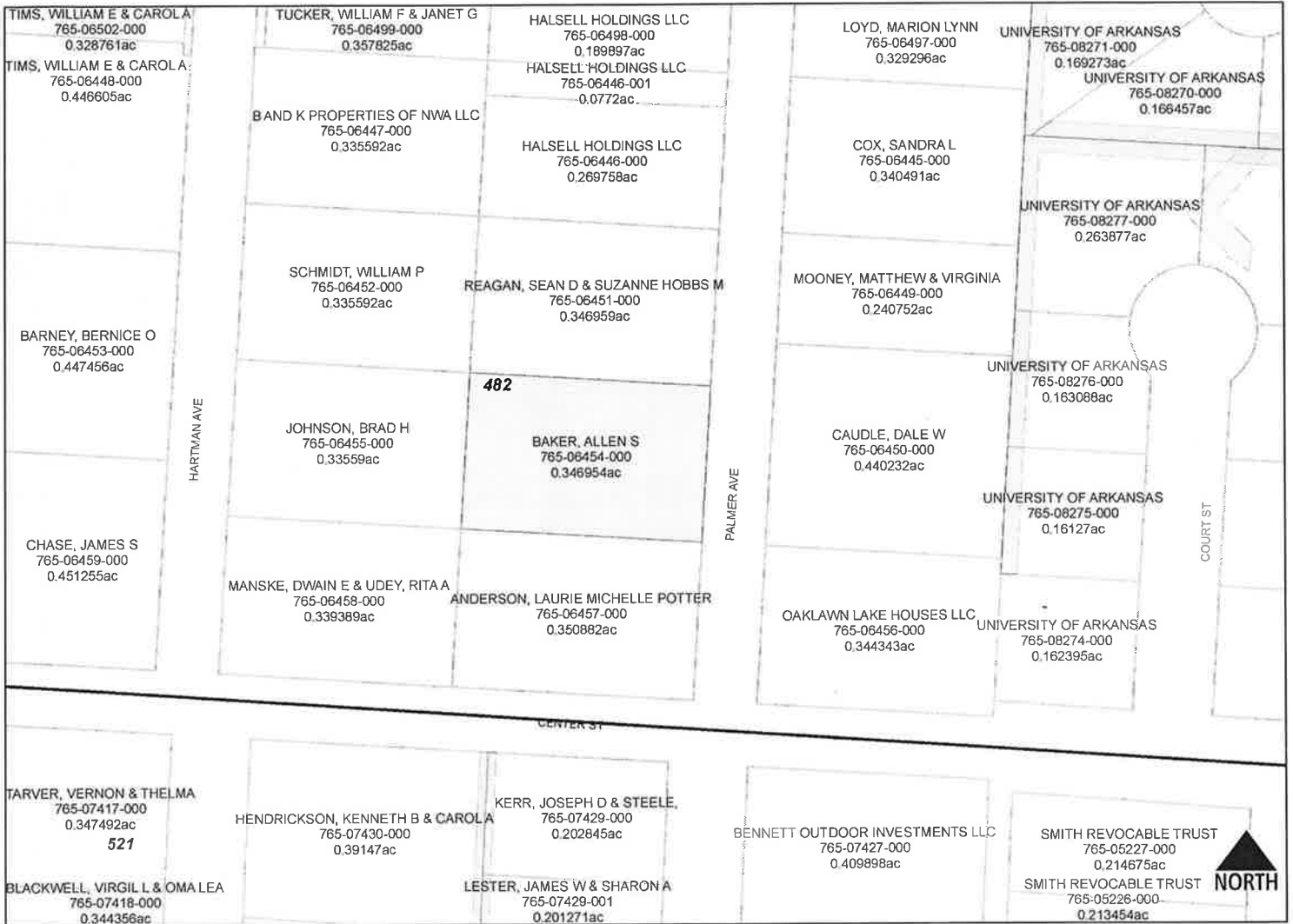
FILED FOR RECORD
WASHINGTON COUNTY ARKANSAS

Albert Jones

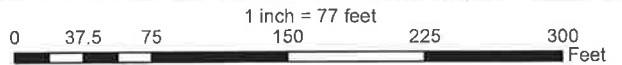
June 26, 1956

SEP 5 1956

AT 4 PM
Lloyd MacConnell
CIRCUIT CLERK



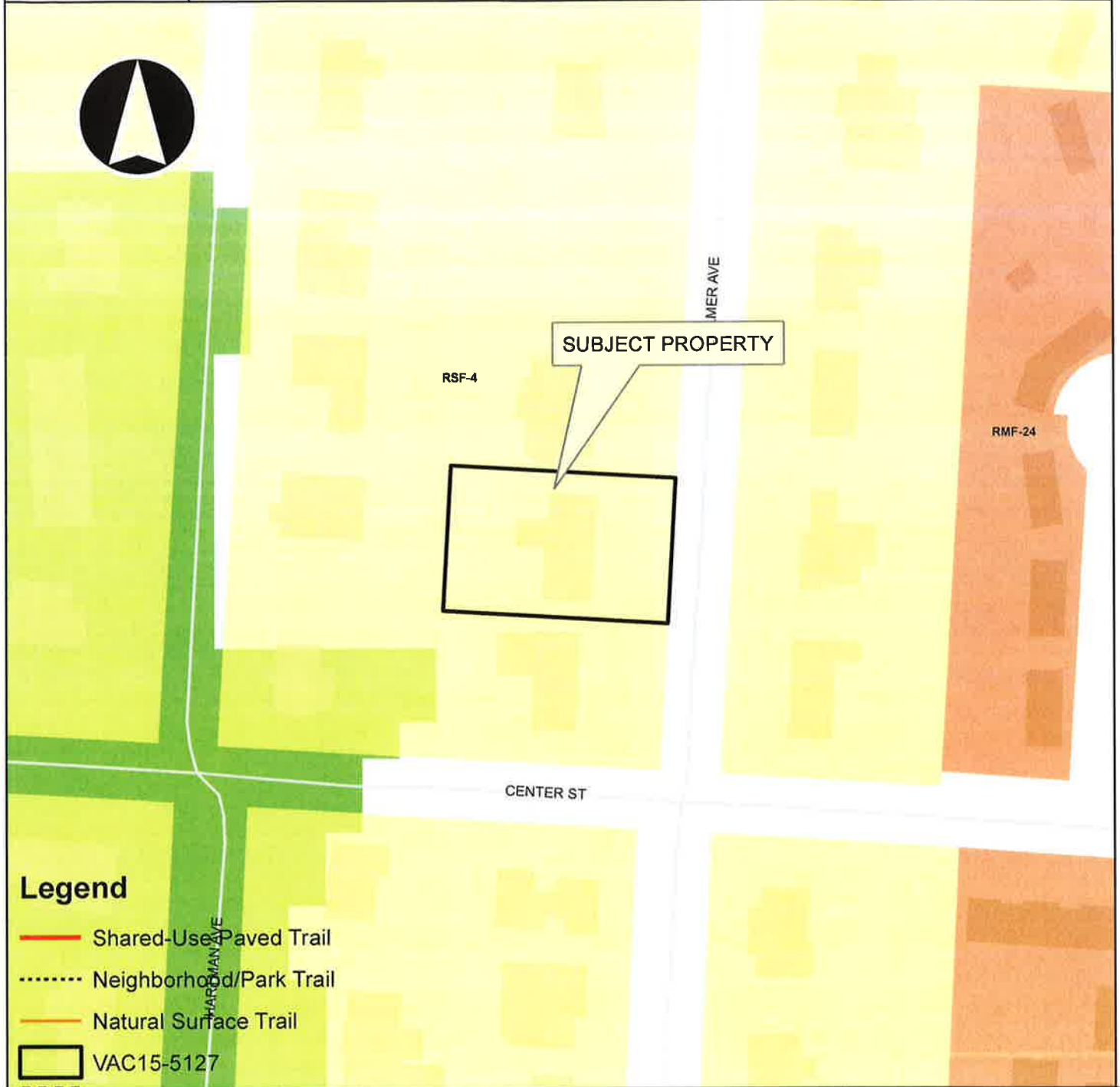
Date: 8/3/2015



VAC15-5127

BAKER

Close Up View



Overview Fayetteville City Limits

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



EXHIBIT "B"

Legal Description:

Lot 43, Extension #1, Hotz Subdivision, to the City of Fayetteville, Arkansas, as shown on plat of record in plat book 1, at page 234, plat records of Washington County, Arkansas.

VAC15-5127

BAKER

One Mile View

