City of Fayetteville Staff Review Form

2015-0440 Legistar File ID 10/6/2015

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

Submitted B	Submitted Date	Development Services Department Division / Department
Jeremy Pate	9/18/2015	City Planning /

Action Recommendation:

VAC 15-5087: Vacation (1005 E. ROCKWOOD TRAIL/L & F CONSTRUCTION, 447): Submitted by FRED PATRICK for property located at 1005 ROCKWOOD TRAIL. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.02 acres. The request is to vacate an alley right-of-way.

Account Numbe	r		Fund	_
Project Number	-	F	Project Title	
Budgeted Item?	NA	Current Budget	\$	-
-		Funds Obligated	\$	-
		Current Balance	\$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
-		Remaining Budget	\$	-
evious Ordinance or Resolution #				V20140710

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF OCTOBER 6, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: September 18, 2015

SUBJECT: VAC 15-5087: Vacation (1005 E. ROCKWOOD TRAIL/L & F

CONSTRUCTION, 447): Submitted by FRED PATRICK for property located at 1005 ROCKWOOD TRAIL. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.02 acres. The request is to vacate an alley right-of-way.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate an existing alley right-of-way with the following condition:

 Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

BACKGROUND:

The property is located south of Rockwood Trail and contains a portion of alley platted between residential lots and apparently never used or built.

Proposal: The applicant proposes vacation of an unused portion of platted alleyway containing approximately 1,100 square feet.

DISCUSSION:

On September 14, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 7-0-1 on the consent agenda (Commissioner Hoskins recused).

BUDGET/STAFF IMPACT:

N/A

Attachments:

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



PLANNING COMMISSION MEMO

TO:

City of Fayetteville Planning Commission

THRU:

Andrew Garner, Planning Director

FROM:

Quin Thompson, Current Planner

MEETING DATE:

September 14, 2015 UPDATED 9-16-2015

SUBJECT:

VAC 15-5087: Vacation (1005 ROCKWOOD TRAIL/L & F CONSTRUCTION, 447): Submitted by FRED PATRICK for property located at 1005 ROCKWOOD TRAIL. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.33 acres. The request is to vacate an alley right-of-way.

RECOMMENDATION:

Staff recommends forwarding VAC 15-5087 with conditions of approval.

BACKGROUND:

The property is located south of Rockwood Trail and contains a portion of alley platted between residential lots and apparently never used or built.

The surrounding zoning and land uses are depicted in Table 1.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single-family Residential	RSF-4
South	Single-family Residential	RSF-4
East	Single-family Residential	RSF-4
West	Single-family Residential	RSF-4

Proposal: The applicant proposes vacation of an unused portion of platted alleyway containing approximately 1,100 square feet.

DISCUSSION:

Vacation Approval: The applicant has provided approvals of adjoining property owners and submitted the required vacation approvals from all applicable City utility departments, and 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 with conditions

Ozarks Electric No objections

CITY OF FAYETTEVILLE RESPONSE

Water/Sewer No objections

Trash & Recycling No objections

Transportation No objections

Property Owners on Alley

1009 E. Rockwood Trl (Rowe) No objections

1004 E. Rockwood Trl (Tarvin) No objections

1026 E. Rebecca St. (Zimmerman) No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 15-5087 with the following conditions:

Conditions of Approval:

Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense

Meeting Date: September 14, 2015

Motion: CHESSER

Second: COOK

vote: 7-0-1, HOSKINS RECUSED; ITEM PASSED ON CONSENT AGENDA

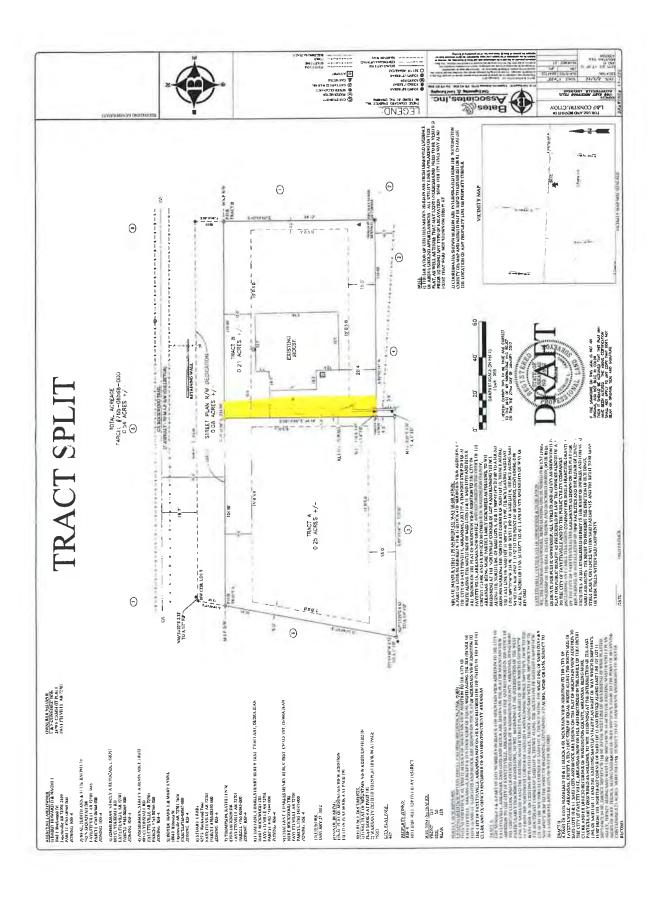
BUDGET/STAFF IMPACT:

None.

Attachments:

- Petition to Vacate
- Adjacent landowners approval Utility Approvals Easement Vacation Exhibit

- One Mile Map
- Close Up Map



PETITION TO VACATE AN ALLEY LOCATED IN LOTS 8,9,10, BLOCK 4, MOUNTAIN VIEW S/D, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the allcy hereinafter sought to be abandoned and vacated, lying in lots 8, 9, 10, block 4, Mountain View Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley which is described as follows:

A 10' WIDE ALLEY TO BE VACATED LOCATED IN BLOCK 4 OF MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH MASTER STREET PLAN RIGHT-OF-WAY OF ROCKWOOD TRAIL WHICH IS S10°48'47"W 15.52' AND N89°55'56"E 104.98' FROM THE NORTHWEST CORNER OF LOT 9, BLOCK 4 OF SAID SUBDIVISION AND RUNNING THENCE ALONG SAID SOUTH RIGHT-OF-WAY N89°55'56"E 10.00', THENCE S00°14'46"E 84.41', THENCE 589°45'14"W 10,00', THENCE N00°14'46"W 84.44' TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

That the abutting real estate affected by said abandonment of the alley are lots 8, 9, 10, block 4, Mountain View Sur Suision. City of Fayetteville used by the public for a period of many years, and that the public interest and while would not be adversely affected by the abandonment of the portion of the above described alley.

The per-tioners 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.

WHIRITORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, A ke 1805, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title a 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,

Υ.

July 2009 Page 4

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date:		
Address / location of vacation: Alley between 1005 and 1009 E Rocky	wood Trail	
Adjacent property address: 1004 E Rebecca St., Lots 6 & 7 Block 4, S	ubdivision Mountain Vi	ew
REQUESTED VACATION:		
I have been notified of the petition to vacate the following alley described as follows:	E Rockw	ood Tri
Alleyway between 1005 Rockwood Trail (lots 8 & 9, block 4, Mountain View Subdivision) and 1009 Rockwood Trail (lot 10, block 4, Mountain View Subdivision)	711 19164 600 CONSTRUCTION CLC	ons addressed to
Alleyway —		etx -
ADJACENT PROPERTY OWNERS COMMENTS:	Proceedings of the Control of the Co	TRANSAME IN COMPANIES OTHER PROPERTY SERVICE AND T
comment. ☐ I do not object to the vacation described above. ☐ I do object to the requested vacation because:	E P	tebecca St
Project Name Mark Boyer STacey Z. im me Name of Adjacent Property Owner (printed) Signature of Adjacent Property Owner Fred Patrick Applicant Name	en men	

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT- OF- WAY, ALLEY, AND EASEMENT VACATION REQUESTS

Date: 6-5-15	
Address / location of vacation: Alley between 1005 and 1009 E Roc	kwood Trail
Adjacent property address: 1004 E Rebecca St., Lots 6 & 7 Block 4,	, Subdivision Mountain View
REQUESTED VACATION:	
I have been notified of the petition to vacate the following alley described as follows:	E Rackwood Fri
Alleyway between 1005 Rockwood Trail (lots 8 & 9, block 4, Mountain View Subdivision) and 1009 Rockwood Trail (lot 10, block 4, Mountain View Subdivision)	CONSTRUCTOR (LC) 10 CONSTRUCTOR (LC) 10 CONSTRUCTOR (LC) 10 CONSTRUCTOR (LC) 11 CONSTRUCTOR (LC)
Alleyway —	
ADJACENT PROPERTY OWNERS COMMENTS: ☐ I have been notified of the requested vacation and decline to comment. ☐ T do not object to the vacation described above. ☐ I do object to the requested vacation because:	Shart true EMPT Lyng To support the anglor that angl
Project Name Project Name Signature of Adjacent Property Owner Fred Palacett Applicant Name	ANINE .

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

DATE	: 4/24/15 ·	
UTIL	TTY COMPANY: AEPISWEPCO	
APPL	ICANT NAME: FRED PATA: K APPLICANT PHONE: 479-466	3350
REQU	JESTED VACATION (applicant must check all that apply):	
D	Utility Easement	
U	Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.	
X	Alley	
0	Street right-of-way	
	been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:	
Gener	ral location / Address 1005 Rockwood TRA!	
F	ayottaville AR	_
	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)	
UTIL	ITY COMPANY COMMENTS:	2
\times	No objections to the vacation(s) described above, and no comments.	4
	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:	
1-		
_	2 2	-
,	John Barr	
Signa	tue of Utility Company Representative	
	17 -1 1 d a C - 1 2 2 2 2	
Title	Warriounan Engineer	

December 2014 Page 5

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

DA'	TE: 4/24/15	
UŢĮ	ILITY COMPANY: AT&T	
APF	PLICANT NAME: FRED PATA: 4 APPLICA	ANT PHONE: 479-466-335
REC	QUESTED VACATION (applicant must check all that apply):	
D	Utility Easement	-
O	Right-of-way for alley or streets and all utility easements located w	rithin the vacated right- of- way.
X	Alley	4
	Street right-of-way	*
l hav	ve been notified of the petition to vacate the following (alley, easement,	right-of-way), described as follows:
	Fayettoville AR	/ - 1
	(ATTACH legal description and graphic representation of what is	s being vacated-SURVEY)
UTII	LITY COMPANY COMMENTS:	•0
D	No objections to the vacation(s) described above, and no comments	s.
Ö	No objections to the vacation(s) described above, provided followin (State the location, dimensions, and purpose below.)	ng described easements are retained.
X	No objections provided the following conditions are met: If any AT&T facilities are damaged or require relocations.	otion will be the removalibility.
of	f the developer/ property owner.	anon will be the responsibility
-	Al Hames	
igna	nture of Utility Company Representative	
N	MGR OSP Plng & Engrg Design	141
Citla	5 541811	

December 2014 Page 5

(19 unread) - fredflyman@sbcglobal.net - att.net Mail

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Shopping	APPLICANT NAME: FREL PATILISK APPLICANT PHONE: 466-	
Finance		1
olders	REQUESTED VACATION (applicant must check all that apply):	100
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614 Storer	Right-of-way for alley or streets and all utility easements located within the vacated right- of- v	MEN'S
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Gray Rem Haley Hor Hall Remc Henley Re	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)	
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Gray Rem Halley Hor Hall Remc Henley Re Kellar Hor Lowell Sox	(ATTACH legal description and graphic representation of what is being vacated-SURVEY) UTILITY COMPANY COMMENTS:	
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Gray Rem Halley Hor Hall Remc Henley Re Kellar Hor Lowell Sox Marx Uric Massanell	(ATTACH legal description and graphic representation of what is being vacated-SURVEY) UTILITY COMPANY COMMENTS:	
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5/14/2015

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

DA	TE: 4/24/15		
UT	ILITY COMPANY: Source Gas	100	
API	PLICANT NAME: FRED PATA : CK APPLICAN	T PHONE: 479-466-3	352
REC	QUESTED VACATION (applicant must check all that apply):		
日	Utility Easement	5-35	
	Right-of-way for alley or streets and all utility easements located within	n the vacated right- of- way.	
X	Alley		
۵	Street right-of-way		
Ihav	ve been notified of the petition to vacate the following (alley, easement, rigo	ht-of-way), described as follows:	
	eral location / Address 1005 Rock wood	TEA!	
F	avottiville AR	7:-7:-	
	Signature 183		
	(ATTACH legal description and graphic representation of what is be	ing vacated-SURVEY)	
UTI	LITY COMPANY COMMENTS:	2 7	
	No objections to the vacation(s) described above, and no comments.		•
	No objections to the vacation(s) described above, provided following d	inceribud agramatic ora vession d	
_	(State the location, dimensions, and purpose below.)	estinon essements are relanied.	
	\$ Towns		
G.	No objections provided the following conditions are met:	4- 6.77	
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Signat	ture of Utility Company Representative		
(2 1)		
Title	Upervisor VIVISION COENTIONS		
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(10 unread) - fredflyman@sbcglobal.net - att.net Mail

Page 1 of 1

Rockwood Trail-si	gned.pdf Owwnfoot Search Wab	d 🖒
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Travel		7
Shopping	APPLICANT NAME: FREC PATASC APPLICANT PHONE: 46	
Finance		
Folders	REQUESTED VACATION (applicant must check all that apply):	
2600 Char	[] Utility Easement	
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614 Stores	Right-of-way for alley or streets and all utility easements located within the vacated right- of	Olar
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kiM biveO	I have been notified of the petition to vacate the following (alley, easement, right-of-way), described	
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Mark Uriçl	UTILITY COMPANY COMMENTS:	
Massanell		
McNair	No objections to the vacation(s) described above, and no comments.	
Notes -	No objections to the vacation(s) described above, provided following described easements ar	
Phillips Ho	(State the location, dimensions, and purpose below.)	
Potty Hou		
Remodels		
Renegar		
Rental Ho	· · · · · · · · · · · · · · · · · · ·	
Rockwood	No objections provided the following conditions are met:	
Saved_on,		
Storer		
Synced M		
Tax Receig		
Tucker Ho	anoa Ma aoo	
Welkley Ir	Great Mc Gos. Signature of Utility Company Representative	
Workman	V V · · ·	
Recent	Lead Staking Tech	
	Title	

Page 12 of 17

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

DAT	TE: 4/24/15	
UTI	LITY COMPANY: City of Fayottiville / Recycling & Trash	
APP	LICANT NAME: FRED PATA : CK APPLICANT PHONE: 474-466-	335a
REQ	UESTED VACATION (applicant must check <u>all</u> that apply):	
D	Utility Easement	
0	Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.	
X	Alley	
٥	Street right-of-way	
I hav	e been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:	
Gene	ral location / Address 1005 Rockwood Tra:	
	Fayetteville, AR	_
נו	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)	
UTIL	ITY COMPANY COMMENTS:	e.e
Ø	No objections to the vacation(s) described above, and no comments.	, a
0	No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)	5
		- " II
	No objections provided the following conditions are met:) 5
Signat	ure of Utility Company Representative	
66	Lace Commercial Sales Rep	



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

DATE	5/13/15
	TY COMPANY: City of FAYETTE VILLE TRANSPORTATION
	ICANT NAME: FRED PATA SEL APPLICANT PHONE: 478-46-335
REQU	TESTED VACATION (applicant must check all that apply):
	Utility Easement
<u>'_</u>]	Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
W.	Alley
Ō	Street right-of-way
I have	been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:
Gener	FAYEHEVILE, ANK
	(ATTACH legal description and graphic representation of what is being vacated-SURVEY)
UTILI	TY COMPANY COMMENTS:
2	No objections to the vacation(s) described above, and no comments.
100	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:
Signat	very 2. Helly
Title	TRANSPORTATION DIREctor

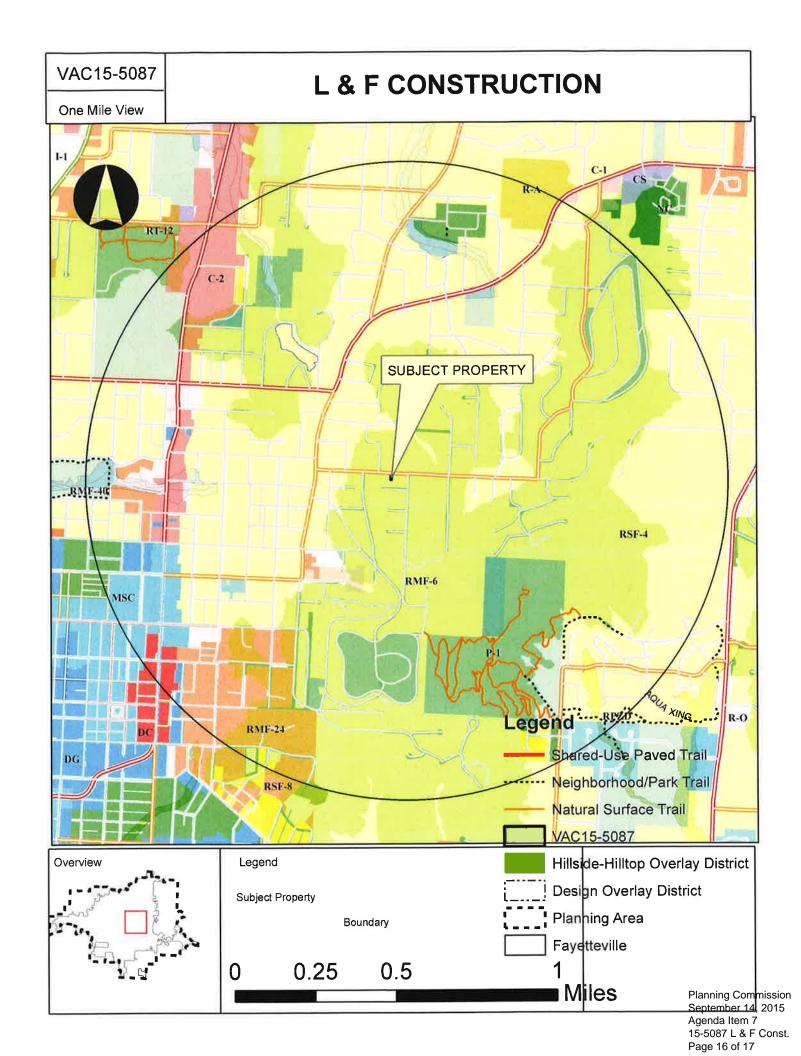
December 2014 Page 5

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✓ Smart Views	AUTOMORY. FAVEHEN TIC WATER + SEWER			
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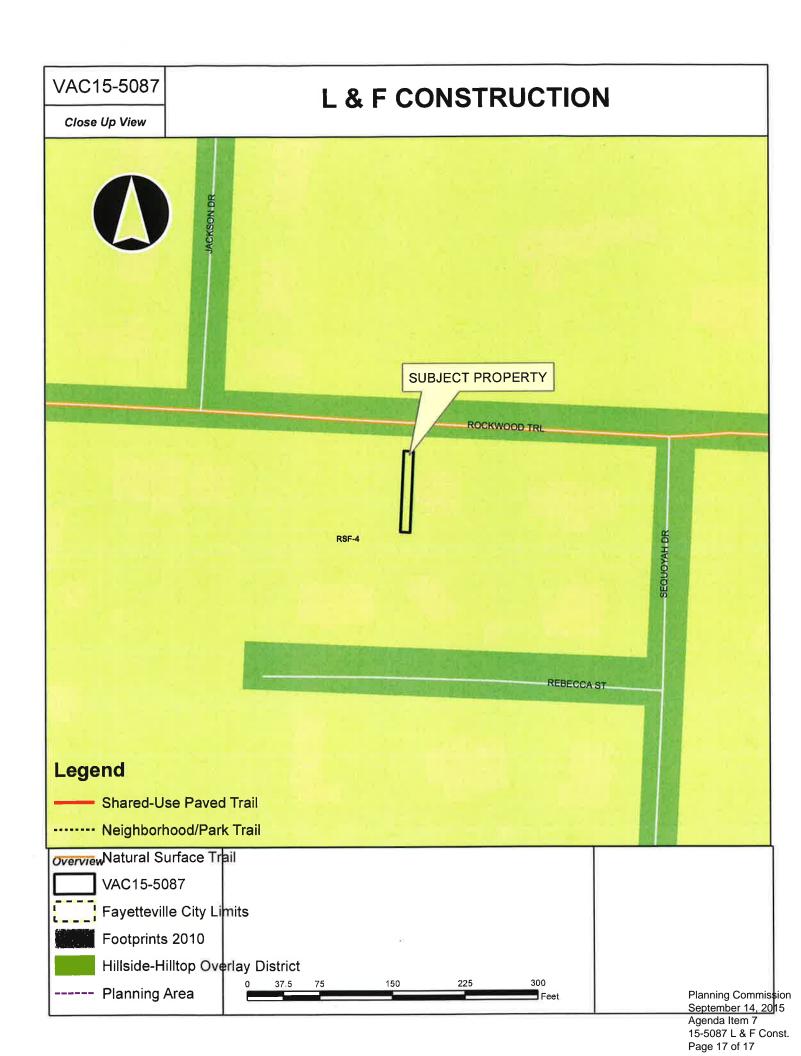


EXHIBIT 'B' 15-5087

A 10' WIDE ALLEY TO BE VACATED LOCATED IN BLOCK 4 OF MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE P ARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH MASTER STREET PLAN RIGHT-OF-WAY OF ROCKWOOD TRAIL WHICH IS \$10°48'47"W 15.52' AND \$N89°55'56"E 104.98' FROM THE NORTHWEST CORNER OF LOT 9, BLOCK 4 OF SAID SUBDIVISION AND RUNNING THENCE ALONG SAID SOUTH RIGHT-OF-WAY \$N89°55'56"E 10.00', THENCE \$00° 14'46"E \$4.41', THENCE \$89°45'14"W 10.00', THENCE \$N00° 14'46"W \$4.44' TO THE POINT OF BEGINNING, CONTAINING 0.02 ACRES MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.