

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

Jeremy Pate

9/18/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

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.

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:

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

Planning Commission Action: Approved Forwarded Denied

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**

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

We, the undersigned, being all the owners of the real estate abutting the alley 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 S89°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 Subdivision*, 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 alley.

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.

X Dated this 13th day of April, 2015.

Fred PATRICK
Printed Name

[Signature]
Signature

W. Bayless Rowe
Printed Name

[Signature]
Signature

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 Rockwood Trail

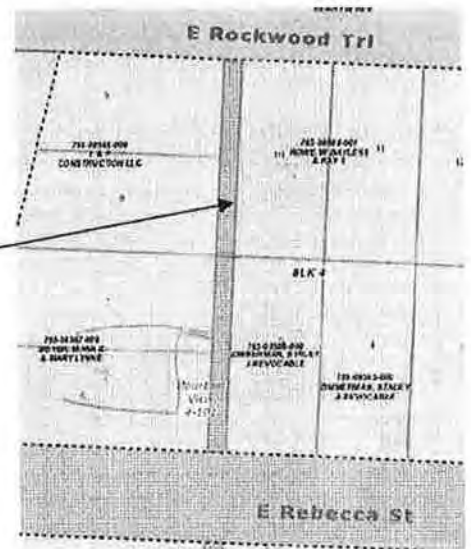
Adjacent property address: 1004 E Rebecca St., Lots 6 & 7 Block 4, Subdivision Mountain View

REQUESTED VACATION:

I have been notified of the petition to vacate the following alley described as follows:

Alleyway between 1005 Rockwood Trail (lots 8 & 9, block 4, Mountain View Subdivision) and 1009 Rockwood Trail (lot 10, block 4, Mountain View Subdivision)

Alleyway



ADJACENT PROPERTY OWNERS COMMENTS:

- I have been notified of the requested vacation and decline to comment.
- I do not object to the vacation described above.
- I do object to the requested vacation because:

Alley Vacation
Project Name

Mark Boyer / Stacy Zimmerman
Name of Adjacent Property Owner (printed)

Stacy Zimmerman
Signature of Adjacent Property Owner

Fred Patrick
Applicant Name

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 Rockwood Trail

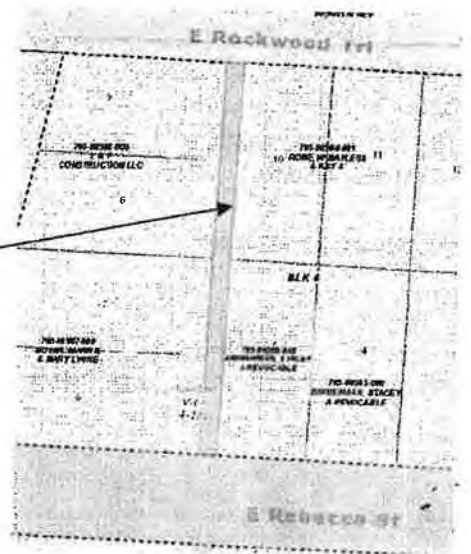
Adjacent property address: 1004 E Rebecca St., Lots 6 & 7 Block 4, Subdivision Mountain View

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Alleyway



ADJACENT PROPERTY OWNERS COMMENTS:

I have been notified of the requested vacation and decline to comment.

I do not object to the vacation described above.

I do object to the requested vacation because:

Alley Vacation
Project Name

~~Mark Boyer~~ / Andrew Tarkenton
Name of Adjacent Property Owner (printed)

[Signature]
Signature of Adjacent Property Owner

Fred Patrick
Applicant Name

UTILITY APPROVAL FORM

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

DATE: 4/24/15

UTILITY COMPANY: AEP/SWEPSCO

APPLICANT NAME: Fred PATRICK APPLICANT PHONE: 479-466-3352

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 1005 Rockwood Trail
Fayetteville AR

(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:

John Bayne
Signature of Utility Company Representative

Distribution Engineer
Title

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

DATE: 4/24/15

UTILITY COMPANY: AT&T

APPLICANT NAME: Fred PATRICK APPLICANT PHONE: 479-466-3352

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:

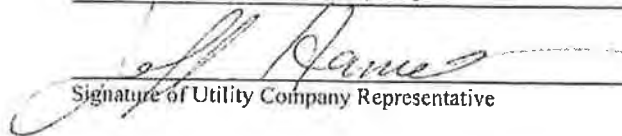
General location / Address 1005 Rockwood Trail
Fayetteville AR

- (*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:
If any AT&T facilities are damaged or require relocation will be the responsibility
of the developer/ property owner.


Signature of Utility Company Representative

MGR OSP Plng & Engrg Design
Title

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



DATE: 5/13/15
 UTILITY COMPANY: COX COMMUNICATIONS
 APPLICANT NAME: Fred Patrick APPLICANT PHONE: 466-

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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I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as:

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 r (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/developer

[Signature]
 Signature of Utility Company Representative

CONSTRUCTION MANAGER
 Title

UTILITY APPROVAL FORM

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

DATE: 4/24/15

UTILITY COMPANY: Source Gas

APPLICANT NAME: Fred PATRICK APPLICANT PHONE: 479-466-3352

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 1005 Rockwood Trail
Fayetteville AR

(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:

Bruce A. Dept
Signature of Utility Company Representative

Supervisor - Division Operations
Title

Compose

- Inbox (10)
- Drafts (26)
- Sent
- Spam (2363)
- Trash (8)
- Smart Views
 - Unread
 - Starred
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 - Social
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 - Finance

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UTILITY APPROVAL FORM

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

DATE: 5/13/15
 UTILITY COMPANY: STARKS ELECTRIC
 APPLICANT NAME: FRED PATRICK APPLICANT PHONE: 46

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-
- Alley
- Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described

General location / Address 1005 ROCK WOOD TR

X (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 ar (State the location, dimensions, and purpose below.)
- No objections provided the following conditions are met:

Greg McJee
Signature of Utility Company Representative

Lead Staking Tech
Title

SEE MORE



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UTILITY APPROVAL FORM

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

DATE: 4/24/15

UTILITY COMPANY: City of Fayetteville / Recycling & Trash

APPLICANT NAME: Fred PATRICK APPLICANT PHONE: 479-466-3352

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:

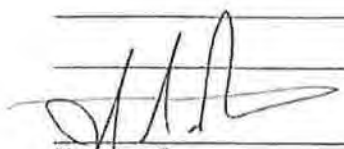
General location / Address 1005 Rockwood Trail
Fayetteville, AR

(*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

Senior Commercial Sales Rep

Title

UTILITY APPROVAL FORM

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

DATE: 5/13/15
UTILITY COMPANY: City of Fayetteville Transportation
APPLICANT NAME: Fred Patrick APPLICANT PHONE: 479-466-3352

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 1005 Rockwood Trail
Fayetteville, AR

(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 D. Gully
Signature of Utility Company Representative

Transportation Director
Title

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 - Unread
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 - Shopping
 - Finance
- Folders
 - 2600 Chat
 - 306 NE J
 - 614 Store
 - AOL Mail
 - Capital Or
 - City Invoice
 - City of Fay
 - David Mix
 - Eastern Pe
 - Gray Rem
 - Haley Hor
 - Hall Remc
 - Henley Re
 - Kellar Hor
 - Lowell Snt
 - Mark Urdl
 - Massanell
 - McNair
 - Notes
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 - Potty House
 - Remodels
 - Renegar
 - Rental Houses
 - Rockwood
 - Saved_on_AOL
 - Storer
 - Synced Messages
 - Tax Receipts
 - Tucker Home
 - Walkley Invoices
 - Workmans Comp I...
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UTILITY APPROVAL FORM

FOR RENTERS-FOX VALLEY AND UTILITY BASINMENT VALLEY AREA

DATE: 5/13/15

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Fred Patrick | PHONE: 466-3352

PROPERTY LOCATION (apartment must check all that apply):

Single Residence

Rental Property (check all that apply)

Rental Property (check all that apply)

Other (specify):

PROPERTY ADDRESS: 1005 Rockwood Trail

I/We have read the utility company's terms and conditions of service and agree to accept them.

UTILITY COMPANY COMMENTS:

No objections to the following conditions are noted.

No objections to the following conditions are noted.

No objections to the following conditions are noted.

[Signature]
Signature of the City Representative

UNITED DISTRICT CITY OF FAYETTEVILLE

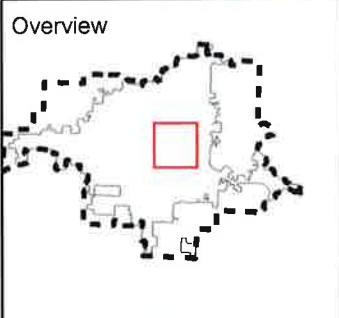
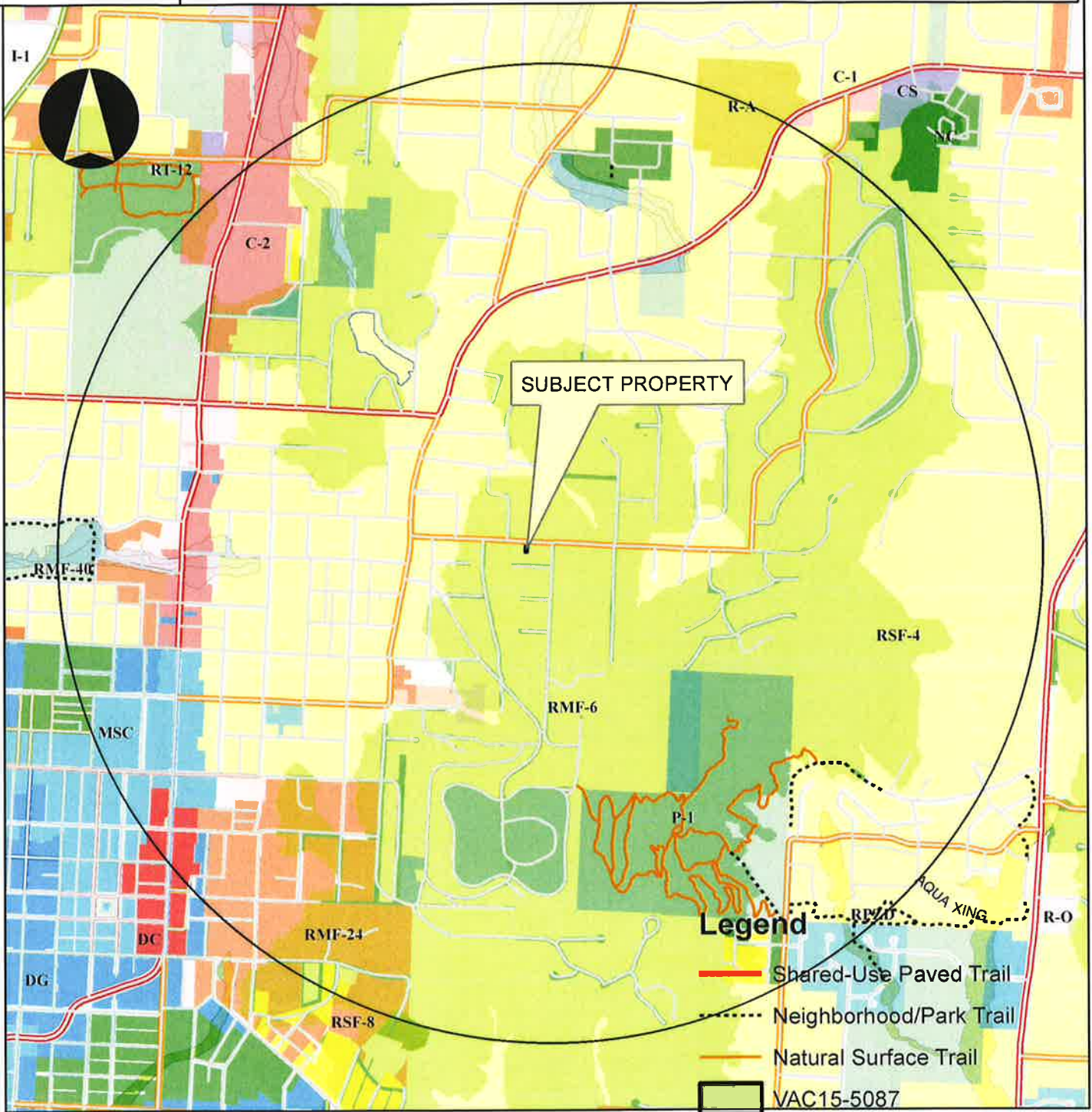
SEE MORE

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VAC15-5087

L & F CONSTRUCTION

One Mile View



| | |
|------------------|-----------------------------------|
| Legend | Hillside-Hilltop Overlay District |
| Subject Property | Design Overlay District |
| Boundary | Planning Area |
| | Fayetteville |

| | | | |
|--------------|------|-----|---|
| 0 | 0.25 | 0.5 | 1 |
| | | | |
| Miles | | | |

VAC15-5087

L & F CONSTRUCTION

Close Up View



JACKSON DR

SUBJECT PROPERTY

ROCKWOOD TRL

RSF-4

SEQUOYAH DR

REBECCA ST

Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail

Natural Surface Trail

VAC15-5087

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Planning Area

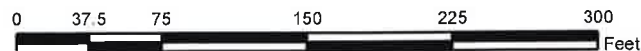


EXHIBIT 'B'
15-5087

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 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 S89°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.