


City of Fayetteville Staff Review Form

2015-0437

Registar 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 15-5157: Vacation (688 N. WHITHAM AVE./1ST WESTERN BANK, 444): Submitted by GENE BUESCHER for properties located at 688 WHITHAM AVE. The properties are zoned RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contain approximately 0.08 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:



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 16, 2015

SUBJECT: **VAC 15-5157: Vacation (688 N. WHITHAM AVE./1ST WESTERN BANK, 444):** Submitted by GENE BUESCHER for properties located at 688 WHITHAM AVE. The properties are zoned RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contain approximately 0.08 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, subject to the following conditions of approval:

1. Any portion of the existing alley that contains utilities shall be dedicated as a utility easement, pursuant to the requirements of AEP/SWEPCO, Source Gas and the City of Fayetteville. The vacation is not in force until an easement is dedicated, or the utilities are relocated.
2. New utility easements for any existing utility lines outside of the subject alley are not required to be dedicated at this time.

BACKGROUND:

The subject alley is located behind several residential lots on Whitham Avenue, between Cleveland Street and Taylor Street. The alley, as well as several public streets, were platted in 1893 in the Archias-Bushnell Addition, but were never constructed. Most of these rights-of-way have already been vacated.

The applicant proposes to vacate the existing alley between Lots 6-12 on the west and Lots 15 and 16 on the east. The alley was never constructed and is not being used to access any adjacent property. The applicant has mailed letters to all property owners directly adjacent to the subject alley. All adjacent owners have agreed to the alley vacation.

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: Jesse Fulcher, Senior Planner

MEETING DATE: ~~September 14, 2015~~ September 16, 2015

SUBJECT: **VAC 15-5157: Vacation (688 N. WHITHAM AVE./1ST WESTERN BANK, 444):** Submitted by GENE BUESCHER for properties located at 688 WHITHAM AVE. The properties are zoned RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.08 acres. The request is to vacate an alley right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC 15-5157** with conditions of approval.

BACKGROUND:
The subject alley is located behind several residential lots on Whitham Avenue, between Cleveland Street and Taylor Street. The alley, as well as several public streets, were platted in 1893 in the Archias-Bushnell Addition, but were never constructed. Most of these rights-of-way have already been vacated. Surrounding land use is listed in Table 1.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Multi-family Residential	RMF-40
South	Single-family Residential	RMF-40
East	Multi-family Residential	RMF-40
West	Multi-family Residential	RMF-40

Proposal: The applicant proposes to vacate the existing alley between Lots 6-12 on the west and Lots 15 and 16 on the east. The alley was never constructed and is not being used to access any adjacent property.

DISCUSSION:

Adjacent Property Owners: The applicant has mailed letters to all property owners directly adjacent to the subject alley. All adjacent owners have agreed to the alley vacation.

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

UTILITIES

Cox Communications

RESPONSE

No objections with conditions

AEP/SWEPCO

Dedicate a new easement over the existing power line.

Source Gas

Dedicate a new easement over the existing gas line.

AT&T

No objections

Ozarks Electric

No objections

CITY OF FAYETTEVILLE

RESPONSE

Water/Sewer

Dedicate a new easement over the existing sewer line.

Transportation

No objections

Solid Waste

No objections

RECOMMENDATION: Staff recommends forwarding VAC 15-5157 with the following conditions:

Conditions of Approval:

1. Any portion of the existing alley that contains utilities shall be dedicated as a utility easement, pursuant to the requirements of AEP/SWEPCO, Source Gas and the City of Fayetteville. The vacation is not in force until an easement is dedicated, or the utilities are relocated.
2. New utility easements for any existing utility lines outside of the subject alley are not required to be dedicated at this time.

Planning Commission Action:

Approved

Forwarded

Denied

Meeting Date: September 14, 2015

Motion: Chesser

Second: Cook

Vote: 7-0-1 (Hoskins recused)

BUDGET/STAFF IMPACT:

None.

Attachments:

- Cover Letter
- Petition to Vacate
- Adjacent Property Owner Approvals
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map

PETITION TO VACATE AN ALLEY LOCATED IN BLOCKS 4 AND 5 OF ARCHIAS-BUSHNELL ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

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

We, the undersigned, being the owners of the real estate abutting the alley hereinafter sought to be abandoned and vacated, lying in Archias-Bushnell Addition to the City of Fayetteville, Arkansas, petition to vacate said alley, which is described as follows:

That alley which lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas as shown in Plat Book 4, Page 10 in the Washington County Circuit Clerk's office.

That the abutting real estate affected by said abandonment of the alley are Lots 6,7,8,9,10,11,12,15 & 16 in Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. Said alley has not been used for traffic for many years and perhaps never used. The public interest and welfare would not be adversely affected by the abandonment of the alley that is described above.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described alley, 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 the above described real estate encompassed by the alley be vested in the abutting property owners as provided by law.

Wherefore, the undersigned petitioners respectfully pray the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate (being the alley described), 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 29th day of May, 2015.

First Western Bank

Printed Name

X Steve Manning, President

Signature

GENE BUESCHER - SURVEYOR FOR 1ST WESTERN BANK

Printed Name

Gene E. Buescher

Signature

Printed Name

Signature

ADJACENT PROPERTY OWNERS NOTIFICATION FORM
FOR ALLEY VACATION REQUESTS

Date: 5/29/15

Address/Location of vacation: The alley that is platted between Taylor and Cleveland streets and 150 feet east of Whitham Avenue in Fayetteville, Arkansas.

Adjacent property address: 638 & 688 N. Whitham Avenue, Fayetteville, AR

South of Lot 15 - Block 4 Archias-Bushnell Addition to Fayetteville

REQUESTED VACATION:

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

That portion of land that lies between Lots 6,7,8,9,10,11 on the west and Lots 15 and 16 on the east, all in Blocks 4 & 5 of the Archias-Bushnell Addition to the City of Fayetteville, Washington County, Arkansas as shown in Plat record book 4, page 10 on file in the Washington County Circuit Clerk's office, being more particularly described as follows: Beginning at the NE corner of said Lot 12, thence S 87°26'58" E 15.00 feet along the south right-of-way of Cleveland Street, thence S 2°46'48" W 496.28 feet along the west lines of said Lots 15 & 16, thence along the north right-of-way of Taylor Street N 89°26'15" W 15.01 feet, thence N 2°46'48" E 496.81 feet along the east line of said Lots 6 thru 12 to the Point of Beginning.

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 described above because:

Project Name: Alley vacation between Taylor and Cleveland Streets

Name of Adjacent Property Owner (printed) First Western Bank

Signature of Adjacent Property Owner X Alvin Brambling, President

Applicant Name: Gene Buescher, Surveyor for 1st Western Bank, gene.survey1@att.net
phone 479-750-1608 Return form to: Survey 1, Inc, 2620 Melody Lane, Springdale, AR 72762

ADJACENT PROPERTY OWNERS NOTIFICATION FORM
FOR ALLEY VACATION REQUESTS

Date: June 15, 2015

Address/Location of vacation: The alley that is platted between Taylor and Cleveland streets and 150 feet east of Whitham Avenue in Fayetteville, Arkansas.

Adjacent property address: 610 & 628 N. Whitham Avenue, Fayetteville, AR

South of Lot 15 - Block 4 Archias-Bushnell Addition to Fayetteville

REQUESTED VACATION:

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

That portion of land that lies between Lots 6,7,8,9,10,11 on the west and Lots 15 and 16 on the east, all in Blocks 4 & 5 of the Archias-Bushnell Addition to the City of Fayetteville, Washington County, Arkansas as shown in Plat record book 4, page 10 on file in the Washington County Circuit Clerk's office, being more particularly described as follows: Beginning at the NE corner of said Lot 12, thence S 87°26'58" E 15.00 feet along the south right-of-way of Cleveland Street, thence S 2°46'48" W 496.28 feet along the west lines of said Lots 15 & 16, thence along the north right-of-way of Taylor Street N 89°26'15" W 15.01 feet, thence N 2°46'48" E 496.81 feet along the east line of said Lots 6 thru 12 to the Point of Beginning.

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. *per email from Jesse Fulcher dated 6/11/15 that 7 1/2 feet of alley will be added to my property*

_____ I do object to the requested vacation described above because:

Project Name: Alley vacation between Taylor and Cleveland Streets

Name of Adjacent Property Owner (printed) SHIRLEY JOHANSON

Signature of Adjacent Property Owner Shirley Johanson

Applicant Name: Gene Buescher, Surveyor for 1st Western Bank, gene.survey1@att.net
phone 479-750-1608 Return form to: Survey 1, Inc, 2620 Melody Lane, Springdale, AR 72762

ADJACENT PROPERTY OWNERS NOTIFICATION FORM

FOR ALLEY VACATION REQUESTS

Date: 6/15

Address/Location of vacation: The alley that is platted between Taylor and Cleveland streets and 150 feet east of Whitham Avenue in Fayetteville, Arkansas.

Adjacent property address: 662 Taylor Street, Fayetteville, AR

Lot 15 - Block 4 Archias-Bushnell Addition to Fayetteville

REQUESTED VACATION:

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

That portion of land that lies between Lots 6,7,8,9,10,11 on the west and Lots 15 and 16 on the east, all in Blocks 4 & 5 of the Archias-Bushnell Addition to the City of Fayetteville, Washington County, Arkansas as shown in Plat record book 4, page 10 on file in the Washington County Circuit Clerk's office, being more particularly described as follows: Beginning at the NE corner of said Lot 12, thence S 87°26'58" E 15.00 feet along the south right-of-way of Cleveland Street, thence S 2°46'48" W 496.28 feet along the west lines of said Lots 15 & 16, thence along the north right-of-way of Taylor Street N 89°26'15" W 15.01 feet, thence N 2°46'48" E 496.81 feet along the east line of said Lots 6 thru 12 to the Point of Beginning.

ADJACENT PROPERTY OWNERS COMMENTS:

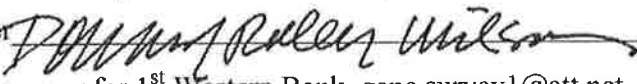
I have been notified of the requested vacation and decline to comment.

I do not object to the vacation described above.

I do object to the requested vacation described above because:

Project Name: Alley vacation between Taylor and Cleveland Streets

Name of Adjacent Property Owner (printed) DONALD ROLLER WILSON

Signature of Adjacent Property Owner 

Applicant Name: Gene Buescher, Surveyor for 1st Western Bank, gene.survey1@att.net
phone 479-750-1608

ADJACENT PROPERTY OWNERS NOTIFICATION FORM
FOR ALLEY VACATION REQUESTS

Date: _____

Address/Location of vacation: The alley that is platted between Taylor and Cleveland streets and 150 feet east of Whitham Avenue in Fayetteville, Arkansas.

Adjacent property address: 614 W. Cleveland St., Fayetteville, AR

South of Lot 15 - Block 4 Archias-Bushnell Addition to Fayetteville

REQUESTED VACATION:

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

That portion of land that lies between Lots 6,7,8,9,10,11 on the west and Lots 15 and 16 on the east, all in Blocks 4 & 5 of the Archias-Bushnell Addition to the City of Fayetteville, Washington County, Arkansas as shown in Plat record book 4, page 10 on file in the Washington County Circuit Clerk's office, being more particularly described as follows: Beginning at the NE corner of said Lot 12, thence S 87°26'58" E 15.00 feet along the south right-of-way of Cleveland Street, thence S 2°46'48" W 496.28 feet along the west lines of said Lots 15 & 16, thence along the north right-of-way of Taylor Street N 89°26'15" W 15.01 feet, thence N 2°46'48" E 496.81 feet along the east line of said Lots 6 thru 12 to the Point of Beginning.

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 described above because:

Project Name: Alley vacation between Taylor and Cleveland Streets

Name of Adjacent Property Owner (printed) Marsha Hinson

Signature of Adjacent Property Owner Marsha Hinson

Applicant Name: Gene Buescher, Surveyor for 1st Western Bank, gene.survey1@att.net
phone 479-750-1608 Return form to: Survey 1, Inc, 2620 Melody Lane, Springdale, AR 72762

ADJACENT PROPERTY OWNERS NOTIFICATION FORM

FOR ALLEY VACATION REQUESTS

Date: 7/22/15

Address/Location of vacation: The alley that is platted between Taylor and Cleveland streets and 150 feet east of Whitham Avenue in Fayetteville, Arkansas.

Adjacent property address: 614 W. Cleveland St., Fayetteville, AR

South of Lot 15 - Block 4 Archias-Bushnell Addition to Fayetteville

REQUESTED VACATION:

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

That portion of land that lies between Lots 6,7,8,9,10,11 on the west and Lots 15 and 16 on the east, all in Blocks 4 & 5 of the Archias-Bushnell Addition to the City of Fayetteville, Washington County, Arkansas as shown in Plat record book 4, page 10 on file in the Washington County Circuit Clerk's office, being more particularly described as follows: Beginning at the NE corner of said Lot 12, thence S 87°26'58" E 15.00 feet along the south right-of-way of Cleveland Street, thence S 2°46'48" W 496.28 feet along the west lines of said Lots 15 & 16, thence along the north right-of-way of Taylor Street N 89°26'15" W 15.01 feet, thence N 2°46'48" E 496.81 feet along the east line of said Lots 6 thru 12 to the Point of Beginning.

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 described above because:

Project Name: Alley vacation between Taylor and Cleveland Streets

Name of Adjacent Property Owner (printed) MARK R PRYOR

Signature of Adjacent Property Owner Mark R Pryor

Applicant Name: Gene Buescher, Surveyor for 1st Western Bank, gene.survey1@att.net
phone 479-750-1608 Return form to: Survey 1, Inc, 2620 Melody Lane, Springdale, AR 72762

ADJACENT PROPERTY OWNERS NOTIFICATION FORM

FOR ALLEY VACATION REQUESTS

Date: Burlingame Investments owners

Address/Location of vacation: The alley that is platted between Taylor and Cleveland streets and 150 feet east of Whitham Avenue in Fayetteville, Arkansas.

Adjacent property address: 614 W. Cleveland St., Fayetteville, AR

South of Lot 15 - Block 4 Archias-Bushnell Addition to Fayetteville

REQUESTED VACATION:

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

That portion of land that lies between Lots 6,7,8,9,10,11 on the west and Lots 15 and 16 on the east, all in Blocks 4 & 5 of the Archias-Bushnell Addition to the City of Fayetteville, Washington County, Arkansas as shown in Plat record book 4, page 10 on file in the Washington County Circuit Clerk's office, being more particularly described as follows: Beginning at the NE corner of said Lot 12, thence S 87°26'58" E 15.00 feet along the south right-of-way of Cleveland Street, thence S 2°46'48" W 496.28 feet along the west lines of said Lots 15 & 16, thence along the north right-of-way of Taylor Street N 89°26'15" W 15.01 feet, thence N 2°46'48" E 496.81 feet along the east line of said Lots 6 thru 12 to the Point of Beginning.

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 described above because:

Project Name: Alley vacation between Taylor and Cleveland Streets

Name of Adjacent Property Owner (printed)

C. Lowry Barnes / Tanya Barnes

Signature of Adjacent Property Owner

C. Lowry Barnes / Tanya Barnes

Applicant Name: Gene Buescher, Surveyor for 1st Western Bank, gene.survey1@att.net

phone 479-750-1608 Return form to: Survey 1, Inc, 2620 Melody Lane, Springdale, AR 72762

*owners of
Burlingame Investments*

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 7-20-15

Utility Company Swepco

Applicant Name - Gene Buescher Applicant Phone - 479-750-1608
Surveyor for First Western Bank

I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

No objection to the vacation described above, and no comments

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

*Obtain utility easement as shown (highlighted section)
on attached survey.*

No objections provided the following conditions are met:

Tracy D
Signature of Company Representative

DISTRIBUTION Engineer
Title

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 29 MAY 2015

Utility Company FAYETTEVILLE WATER & SEWER

Applicant Name - Gene Buescher Applicant Phone - 479-750-1608
Surveyor for First Western Bank

I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

No objection to the vacation described above, and no comments

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

Sewer line easement must be platted and approved to accommodate the existing sewer line. The sewer line
crosses the alley and Block 5 of Archias-Bushnell Addition.
Easement width should be 25 feet in width and centered on the sewer line.

No objections provided the following conditions are met:



Signature of Company Representative

DIR. OF UTILITIES
Title

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 5/28/2015

Utility Company SourceGas

Applicant Name - Gene Buescher Applicant Phone -- 479-750-1608
Surveyor for First Western Bank

I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

No objection to the vacation described above, and no comments

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

No objections provided the following conditions are met:
A 10' wide UE, 5' on each side of existing gas main,
to remain between lots 6,7,8 and 15



Signature of Company Representative

Division Manager
Title

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 5/12/2015

Utility Company Cox Communications

Applicant Name - Gene Buescher Applicant Phone – 479-750-1608
Surveyor for First Western Bank

I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

No objection to the vacation described above, and no comments

No objections to the vacation described above, provided the 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 Company Representative

Construction Planner III
Title

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 5-27-2015

Utility Company AT&T

Applicant Name - Gene Buescher Applicant Phone - 479-750-1608
Surveyor for First Western Bank

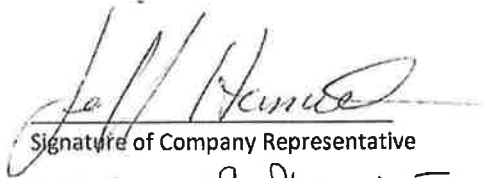
I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

No objection to the vacation described above, and no comments

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

No objections provided the following conditions are met:


Signature of Company Representative

MGR OSP PING + ENGRG DESIGN
Title

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 5-27-15

Utility Company Ozarks Electric

Applicant Name - Gene Buescher Applicant Phone – 479-750-1608
Surveyor for First Western Bank

I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

No objection to the vacation described above, and no comments

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

No objections provided the following conditions are met:

Willie Dick
Signature of Company Representative

Staking Supervisor
Title

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 5/14/15

Utility Company City of Fayetteville Recycling & Trash

Applicant Name - Gene Buescher Applicant Phone - 479-750-1608
Surveyor for First Western Bank

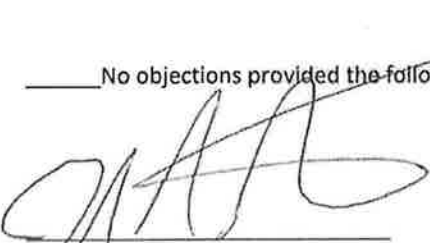
I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

No objection to the vacation described above, and no comments

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

No objections provided the following conditions are met:



Signature of Company Representative

City of Fayetteville Sales Rep
Title

UTILITY APPROVAL

FOR ALLEY VACATION

Date: 5-15-15

Utility Company City of Fayetteville Transportation

Applicant Name - Gene Buescher Applicant Phone - 479-750-1608
Surveyor for First Western Bank

I have been notified of the petition to vacate the following alley described as follows:
The alley that lies between Lots 6,7,8,9,10,11 & 12 on the west and Lots 15 & 16 on the east, all in
Blocks 4 & 5 of Archias-Bushnell Addition to the City of Fayetteville, Arkansas. (Plat is attached)

UTILITY COMPANY COMMENTS:

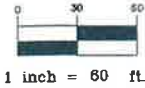
No objection to the vacation described above, and no comments

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

No objections provided the following conditions are met:

Gene Smith
Signature of Company Representative

Ass. Transportation Manager
Title



BASIS OF BEARINGS: ARKANSAS-NORTH STATE PLANE GRID

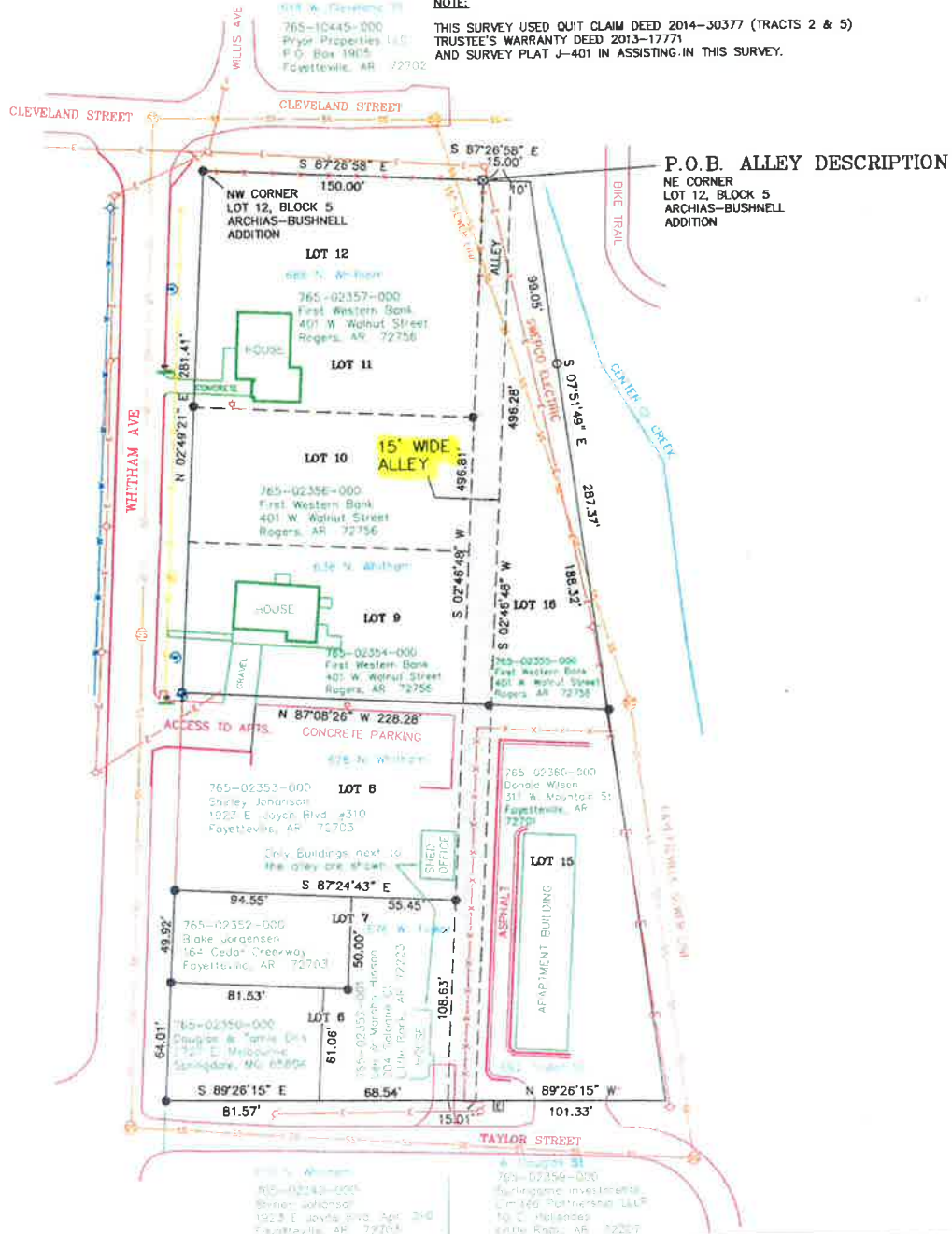


PROPOSED ALLEY VACATION DESCRIPTION

THAT PORTION OF LAND THAT LIES BETWEEN LOTS 6,7,8,9,10,11 & 12 ON THE WEST AND LOTS 15 AND 16 ON THE EAST, ALL IN BLOCKS 4 & 5, ARCHIAS-BUSHNELL ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AS SHOWN IN PLAT BOOK 4, PAGE 10 PER PLAT RECORDS AT THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 12, THENCE S 87°26'58" E 15.00 FEET ALONG THE SOUTH RIGHT-OF-WAY OF CLEVELAND STREET, THENCE S 2°46'48" W 496.28 FEET ALONG THE WEST LINES OF SAID LOTS 15 & 16, THENCE ALONG THE NORTH RIGHT-OF-WAY OF TAYLOR STREET N 89°26'15" W 15.01 FEET, THENCE N 2°46'48" E 496.01 FEET ALONG THE EAST LINES OF SAID LOTS 6 THRU 12 TO THE POINT OF BEGINNING.

NOTE:

THIS SURVEY USED QUIT CLAIM DEED 2014-30377 (TRACTS 2 & 5) TRUSTEE'S WARRANTY DEED 2013-17771 AND SURVEY PLAT J-401 IN ASSISTING IN THIS SURVEY.



THIS SURVEY WAS COMPLETED MAY 5, 2015 AND IS FOR THE SOLE USE OF THE VACATION OF THE ALLEY.



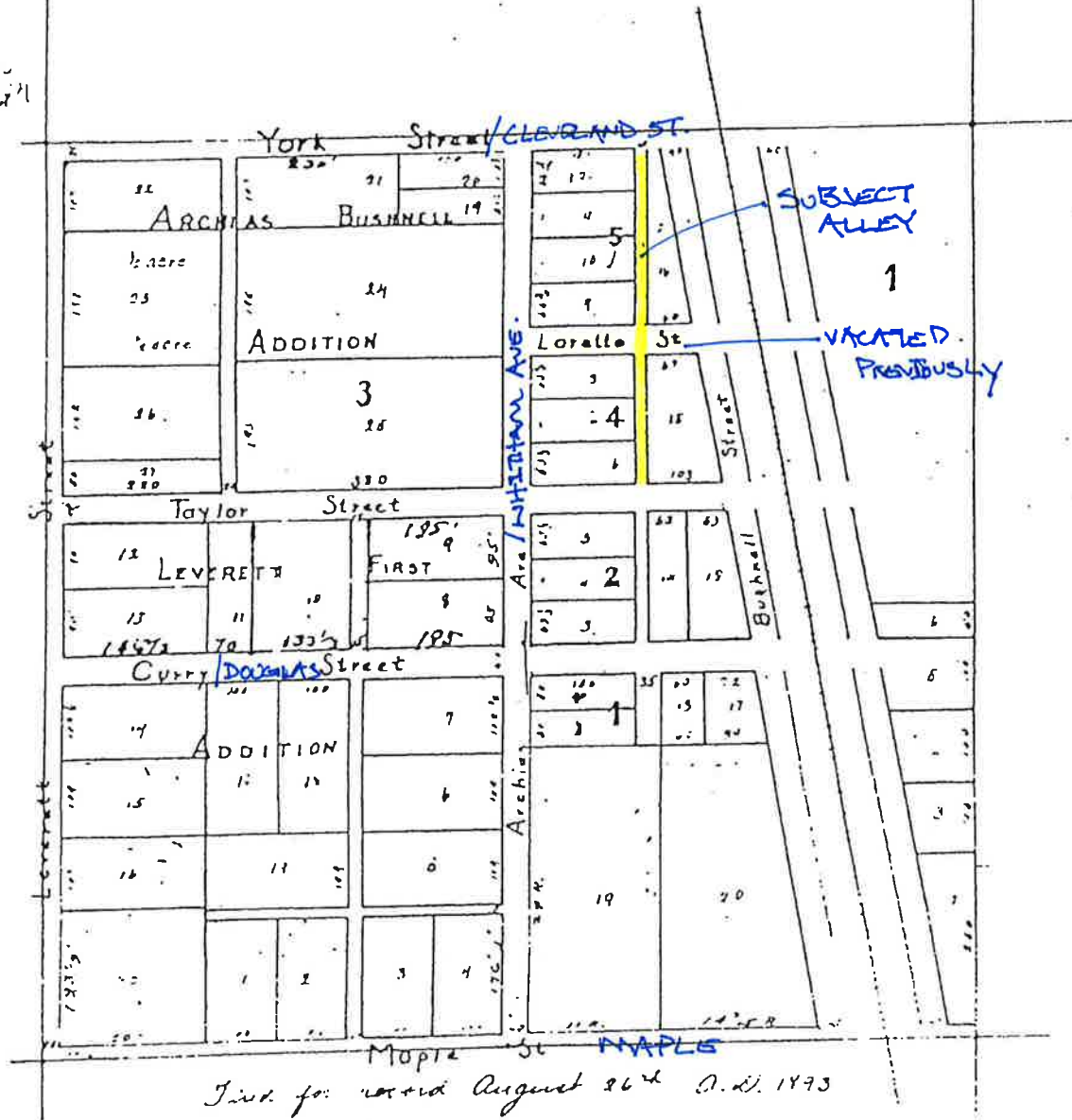
**SURVEY FOR VACATION OF ALLEY
IN BLOCKS 4 AND 5 OF
ARCHIAS-BUSHNELL ADDITION
FAYETTEVILLE, ARKANSAS**

SURVEY 1, INC.

2620 Melody Lane, Springdale, Arkansas 72762
TEL 479-750-1608 FAX 479-750-1608
Gene E. Buescher R.L.S. #1181

W.O. 15078 DRAWN BY: GEB DATE: MAY 5, 2015

SE ¼ of SW ¼ 9-16-N Range -30 W



Trk for record August 26th A.D. 1873

Scale 200 feet - 1 inch

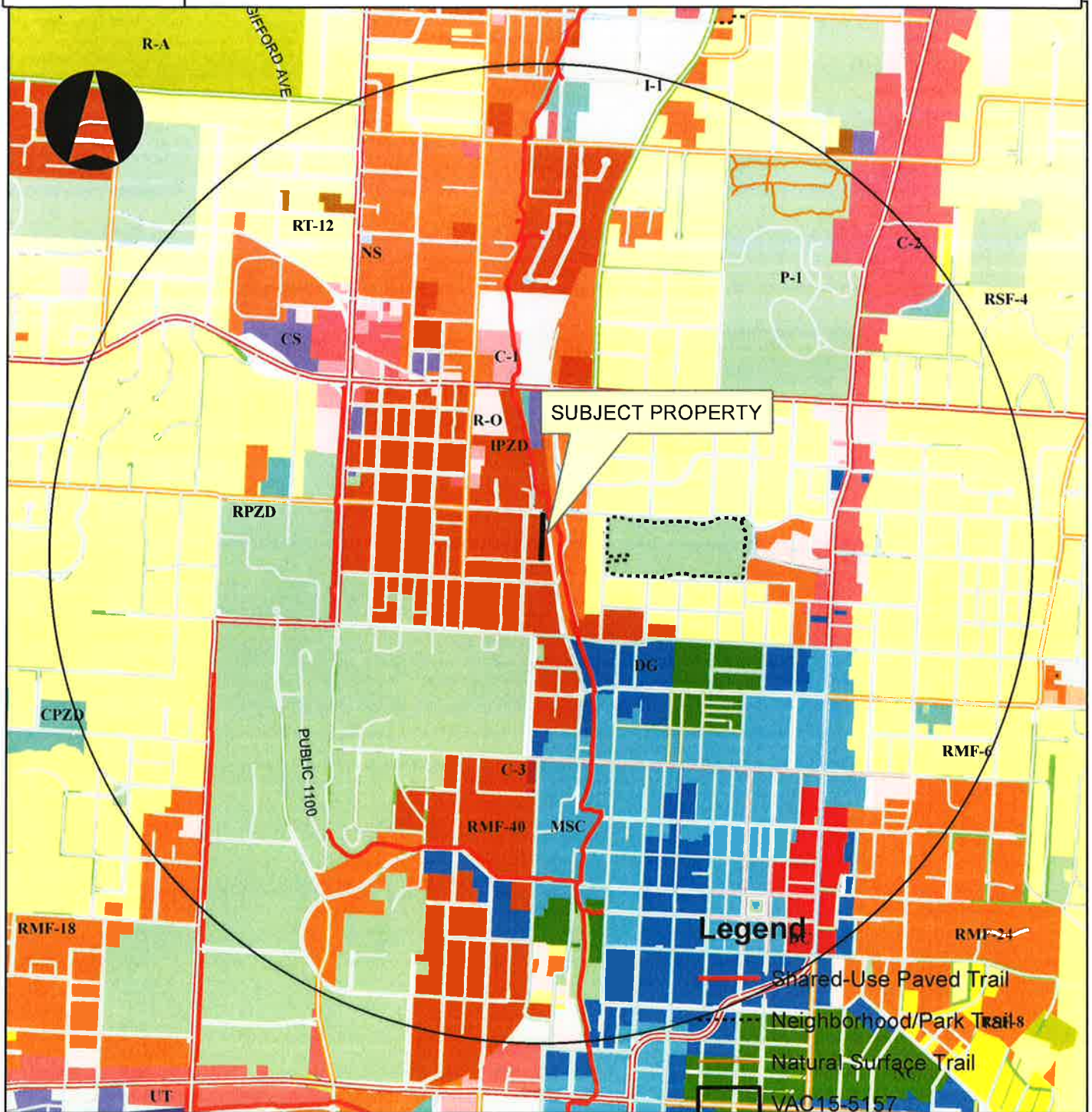
4-10

Archias - Bushnell

VAC15-5157

1ST WESTERN BANK

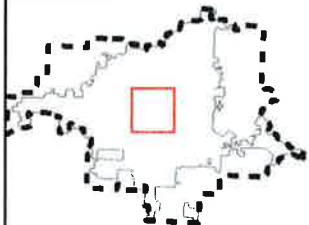
One Mile View



Legend

-  Shared-Use Paved Trail
-  Neighborhood/Park Trails
-  Natural Surface Trail
-  VAC15-5157

Overview



Legend

Subject Property

Boundary

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

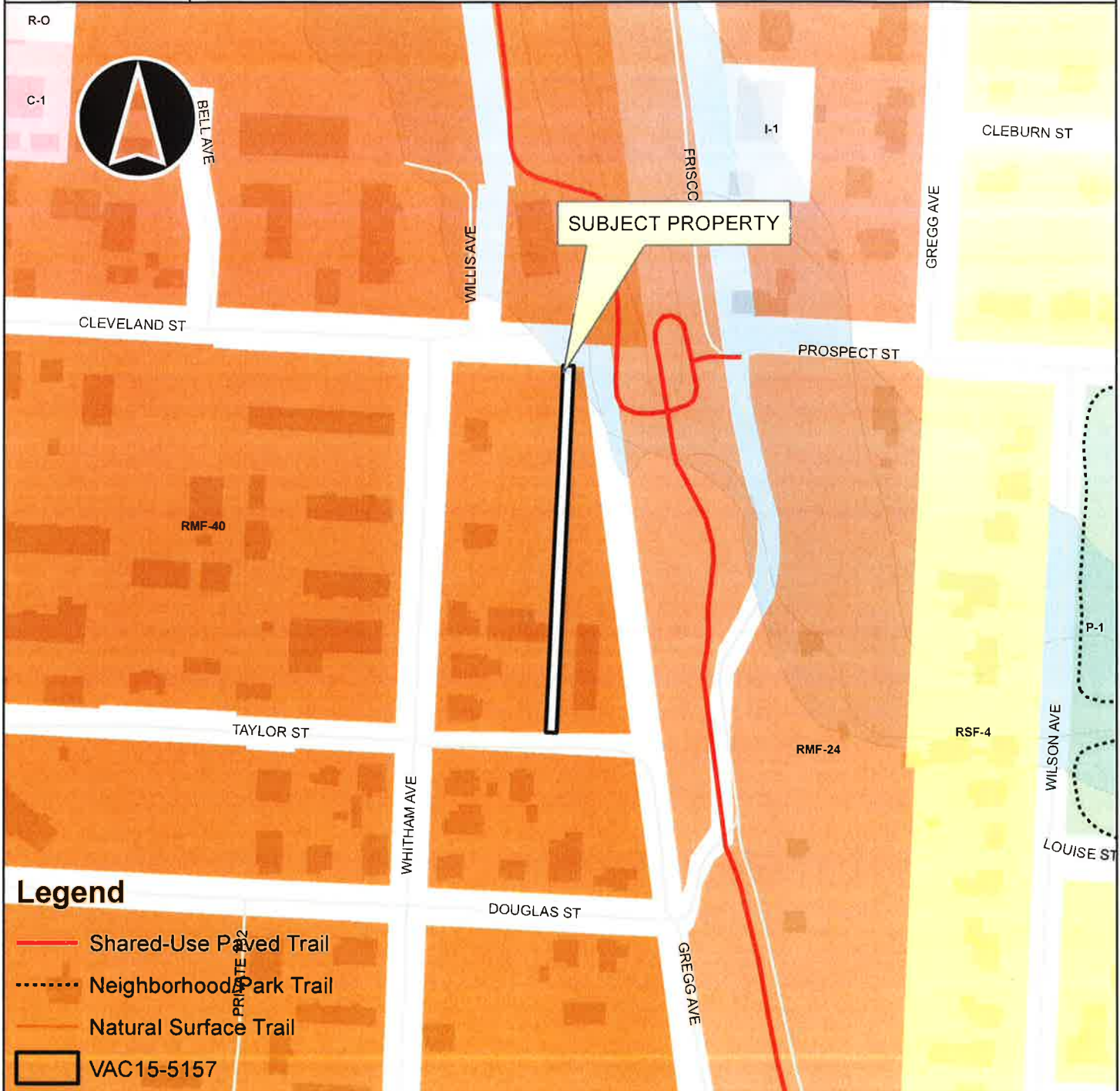
0 0.25 0.5

 Miles

VAC15-5157

1ST WESTERN BANK

Close Up View



Legend

- Shared-Use Paved Trail
- - - - Neighborhood Park Trail
- Natural Surface Trail
- VAC15-5157

Overview Fayetteville City Limits

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



EXHIBIT 'B'
15-5157

LOTS 9, 10, 11, 12, & 16 , BLOCK 5, ARCHAIS-BUSHNELL ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AS SHOWN IN PLAT BOOK 4, PAGE 10 PER PLAT RECORDS AT THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE, ALSO THE CLOSED ALLEY BETWEEN LOTS 16 AND LOTS 9, 10, 11, & 12 AND HALF OF CLOSED LORETTA STREET ABUTTING LOTS 9 & 16 ON THE SOUTH, ALL BEING MORE PARTICULARLY DESCRIBES AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 12, THENCE S 87°25'58"E 175.00 FEET ALONG THE SOUTH RIGHT-OF-WAY OF CLEVELAND STREET, THENCE S 7°51'49"E 287.37 FEET TO A FOUND IRON PIN, THENCE N 87°08'26"W 228.28 FEET COMMON WITH TRESTEE'S WARRANTY DEED 2013, PAGE 17771 TO A SET IRON PIN, THENCE N 2°49'21"E 281.41 FEET ALONG THE EAST RIGHT-OF-WAY OF WHITHAM AVENUE TO THE POINT OF BEGINNING, CONTAINING 1.31 ACRES, AND SUBJECT TO EASEMENTS OF RECORD OR FACT.