

City of Fayetteville Staff Review Form

2015-0436

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 15-5161: Vacation (2055 E. SIGNAL HILL DEPOT/BUTTERFIELD TRAIL VILLAGE, 175/214): Submitted by JOE PERME for property located at 2055 E. SIGNAL HILL DEPOT. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 2.37 acres. The request is to vacate a portion of a utility 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 OCTOBER 6, 2015

TO: Fayetteville City Council

FROM: Jesse Fulcher, Senior Planner

THRU: Andrew Garner, City Planning Director

DATE: September 15, 2015

SUBJECT: **VAC 15-5161: Vacation (2055 E. SIGNAL HILL DEPOT./BUTTERFIELD TRAIL VILLAGE, 175/214):** Submitted by JOE PERME for property located at 2055 E. SIGNAL HILL DEPOT. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 2.37 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to vacate a portion of an existing utility easement subject to the following condition:

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

BACKGROUND:

Butterfield Trail Village Retirement Community is located at the southwest corner of Old Missouri Road and Joyce Boulevard and is zoned RMF-24. The community is comprised of approximately 350 residential units and many amenities, including a dining hall, general store, pool, flower gardens, and art studio for the community residents.

The applicant proposes to vacate a portion of an existing utility easement to allow for future development in the area. There are existing electrical lines within the easement that must be relocated and a new easement will need to be dedicated. AEP/SWEPCO has agreed to the relocation, provided the owner provides a new 20-foot utility easement and pays to relocate the line.

DISCUSSION:

On September 14, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-1 (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~~ Updated September 16, 2015

SUBJECT: **VAC 15-5161: Vacation (2055 E. SIGNAL HILL DEPOT./BUTTERFIELD TRAIL VILLAGE, 175/214):** Submitted by JOE PERME for property located at 2055 E. SIGNAL HILL DEPOT. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 2.37 acres. The request is to vacate a portion of a utility easement.

RECOMMENDATION:
Staff recommends forwarding **VAC 15-5161** with conditions of approval.

BACKGROUND:
Butterfield Trail Village Retirement Community is located at the southwest corner of Old Missouri Road and Joyce Boulevard and is zoned RMF-24. The community is comprised of approximately 350 residential units and many amenities, including a dining hall, general store, pool, flower gardens, and art studio for the community residents. Surrounding land use is listed in Table 1.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Office	R-O
South	Mud Creek/Residential	RSF-4
East	Office/Golf Course	R-O/R-A
West	Commercial	C-1

Proposal: The applicant proposes to vacate a portion of an existing utility easement to allow for future development in the area. There are existing electrical lines within the easement that must be relocated and a new easement will need to be dedicated. AEP/SWEPCO has agreed to the relocation, provided the owner provides a new 20-foot utility easement and pays to relocate the line.

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

Cox Communications

RESPONSE

No objections with conditions

AEP/SWEPCO	Dedicate and new 20-foot easement and pay for relocation.
Source Gas	No objections
AT&T	No objections
Ozarks Electric	No objections
<u>CITY OF FAYETTEVILLE</u>	<u>RESPONSE</u>
Water/Sewer	No objections
Transportation	No objections
Solid Waste	No objections

RECOMMENDATION: Staff recommends forwarding VAC 15-5161 with 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.

<p>Planning Commission Action: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied</p> <p>Meeting Date: <u>September 14, 2015</u></p> <p>Motion: Chesser</p> <p>Second: Cook</p> <p>Vote: 7-0-1 (Hoskins recused)</p>

BUDGET/STAFF IMPACT:

None.

Attachments:

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



7/28/2015

Planning Commission and City Council

Butterfield Trail Village wants to vacate and relocate the easement as shown on the attachment. By relocating the easement as shown we can position the future Village Homes facing Overland Loop and utilize out remaining building sites efficiently. This would allow us to build 4 more Village Homes with aesthetically pleasing placement and landscaping.

It will involve relocating the existing electric primary line into the new easement. We have already discussed this with SWEPCO and will begin as soon as the easement is approved. No other utilities will have to be moved. Any future utilities would go in the relocated easement. We have visited with each utility that might need access to the easement and they all have approved of the relocation.

Thank you for considering this request.

A handwritten signature in black ink, appearing to read "Joe Perme".

Joe Perme
Director of Facility Service/Capital Projects

Microsoft

PETITION TO VACATE AN EASEMENT LOCATED IN LOT 19 BUTTERFIELD TRAIL VILLAGE, 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 easement hereinafter sought to be abandoned and vacated, lying in lot 19, Butterfield Trail Village, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an which is described as follows:

1
easement

LEGAL DESCRIPTION – PORTION OF EASEMENT TO BE VACATED (PLAT RECORD 17-46):

PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 25; THENCE S2°35'49"W 1531.34 FEET;
THENCE N87°24'11"W 101.99 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHEASTERLY LINE OF A 20 FOOT UTILITY EASEMENT AS SHOWN IN PLAT RECORD 17-46;
THENCE LEAVING SAID SOUTHEASTERLY LINE N58°32'09"W 20.00 FEET TO THE SOUTHWESTERLY LINE OF SAID 20 FOOT UTILITY EASEMENT;
THENCE ALONG SAID SOUTHWESTERLY LINE N31°27'51"E 83.88 FEET TO THE NORTHWESTERLY LINE OF SAID 20 FOOT UTILITY EASEMENT;
THENCE ALONG SAID NORTHWESTERLY LINE N58°32'10"W 129.5715 FEET TO THE EAST LINE OF A PRIVATE STREET AND UTILITY EASEMENT KNOWN AS CUMBERLAND WAY AS SHOWN IN PLAT RECORD 17-46;
THENCE ALONG SAID PRIVATE STREET AND UTILITY EASEMENT N22°14'21"E 20.26 FEET TO THE NORTHEASTERLY LINE OF A 20 FOOT UTILITY EASEMENT AS SHOWN IN PLAT RECORD 17-46;
THENCE ALONG SAID NORTHEASTERLY LINE S58°32'10"E 152.82 FEET TO THE SOUTHEASTERLY LINE OF SAID 20 FOOT UTILITY EASEMENT;
THENCE ALONG SAID SOUTHEASTERLY LINE S31°27'51"W 103.88 FEET TO THE POINT OF BEGINNING, CONTAINING 0.11 ACRES MORE OR LESS.

That the abutting real estate affected by said abandonment of the alley are lots 19 and 20, Butterfield Trail Village, 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 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 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.

Dated this 19 day of JUNE, 2015.

Printed Name *BUTTERFIELD TRAIL VILLAGE*

Signature *by D. J. W. H. Tammell, CEO*

Signature *[Handwritten Signature]*

Printed Name

Signature

UTILITY APPROVAL FORM

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

DATE: 7/13/15

UTILITY COMPANY: AEP-SWEPCO

APPLICANT NAME: Joe Penne/Butterfield APPLICANT PHONE: 479-695-8038

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 Cumberland Way

- (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:

Butterfield to dedicate new 20' U.G. to relocate primary in existing easement. Butterfield to pay AEP to relocate cable.

[Signature]
Signature of Utility Company Representative

Distribution Engineer
Title

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

DATE: **July 31, 2015**

UTILITY COMPANY: **Ozark Electric Cooperative**

APPLICANT NAME: **Butterfield Trail** APPLICANT PHONE: **479-409-1101**

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 **2055 E. Signal Hill Depot**

(*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
Signature of Utility Company Representative

Lead Staking Tech
Title

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

DATE: 05/18/2015

UTILITY COMPANY: AT&T

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:

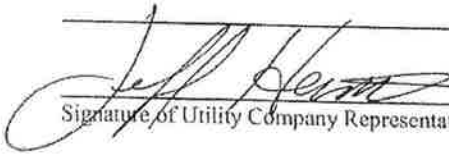
General location / Address _____

(*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

MGR OSp PIng & Engrg Design
Title

UTILITY APPROVAL FORM

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

DATE: 5/18/2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Butterfield Trail Village Joe Perme APPLICANT PHONE: 479-695-8038

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 20' UE along Signal Hill Depot shown on plat. To be relocate as shown.

(*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: 05/18/2015

UTILITY COMPANY: SourceGas

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 _____

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

UTILITY COMPANY COMMENTS:

X 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 A. Darnat

Signature of Utility Company Representative

Supervisor - Division Operations

Title

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

DATE: 5/18

UTILITY COMPANY: City of Fayetteville Solid Waste

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 Butterfield Trail Village

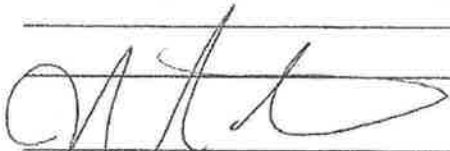
(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

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: 5-21-15

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: Joe Perme APPLICANT PHONE: 479-695-4032

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 1923 E Joyce Blvd

(*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:

Joe Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

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

DATE: 13 JULY 2015

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: JOE PERME APPLICANT PHONE: (479) 695-8038

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 BUTTERFIELD TRAIL VILLAGE - JOYCE BLVD

(*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

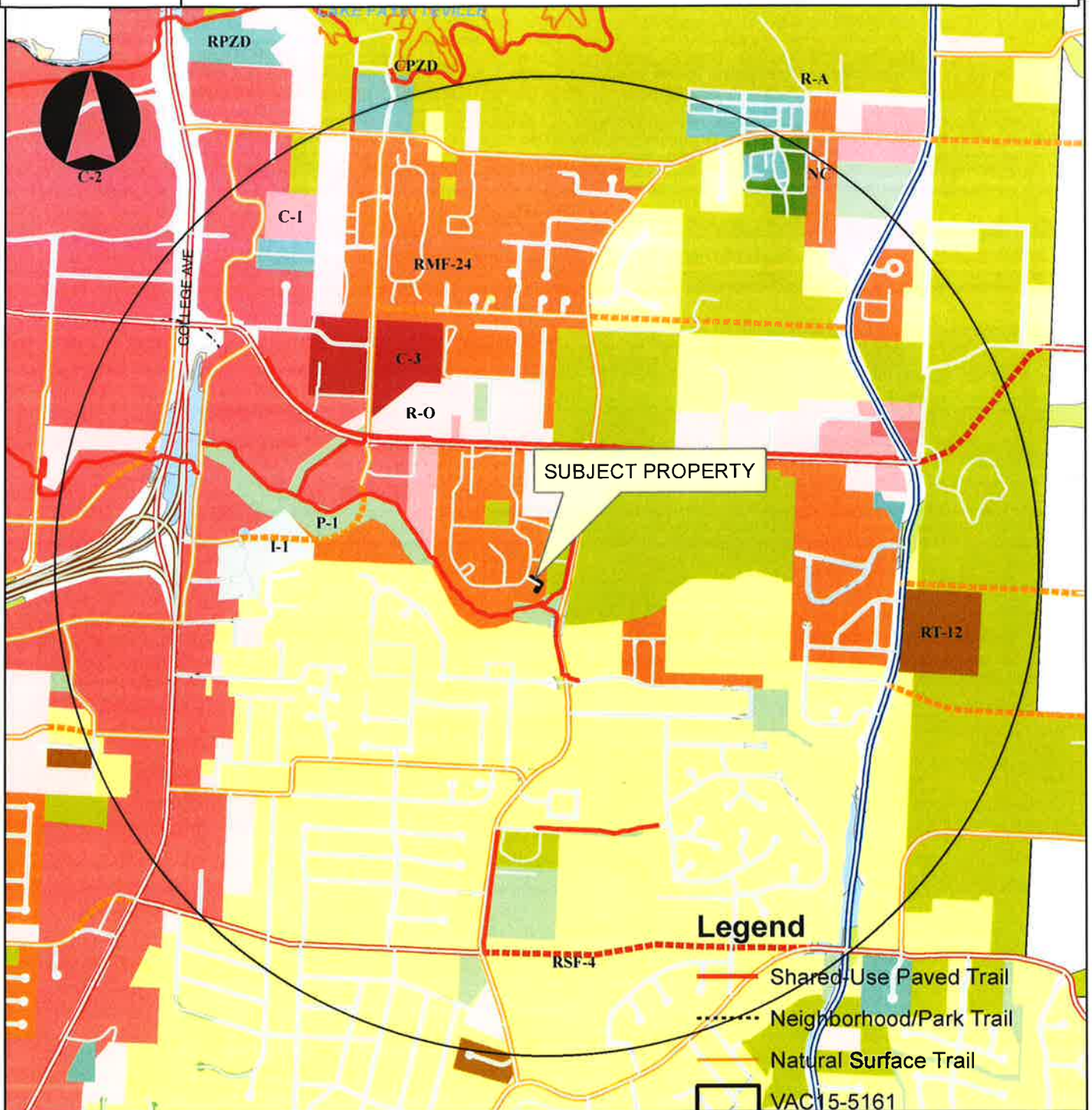
TIM NYANDER - DIR OF UTILITIES

Title

VAC15-5161

BUTTERFIELD TRAIL VILLAGE

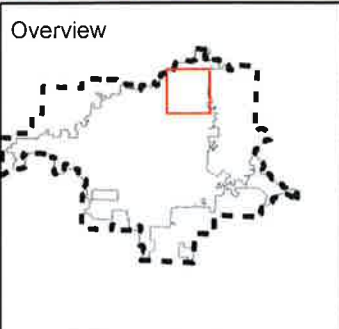
One Mile View



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail

VAC15-5161



Legend

Subject Property

Boundary

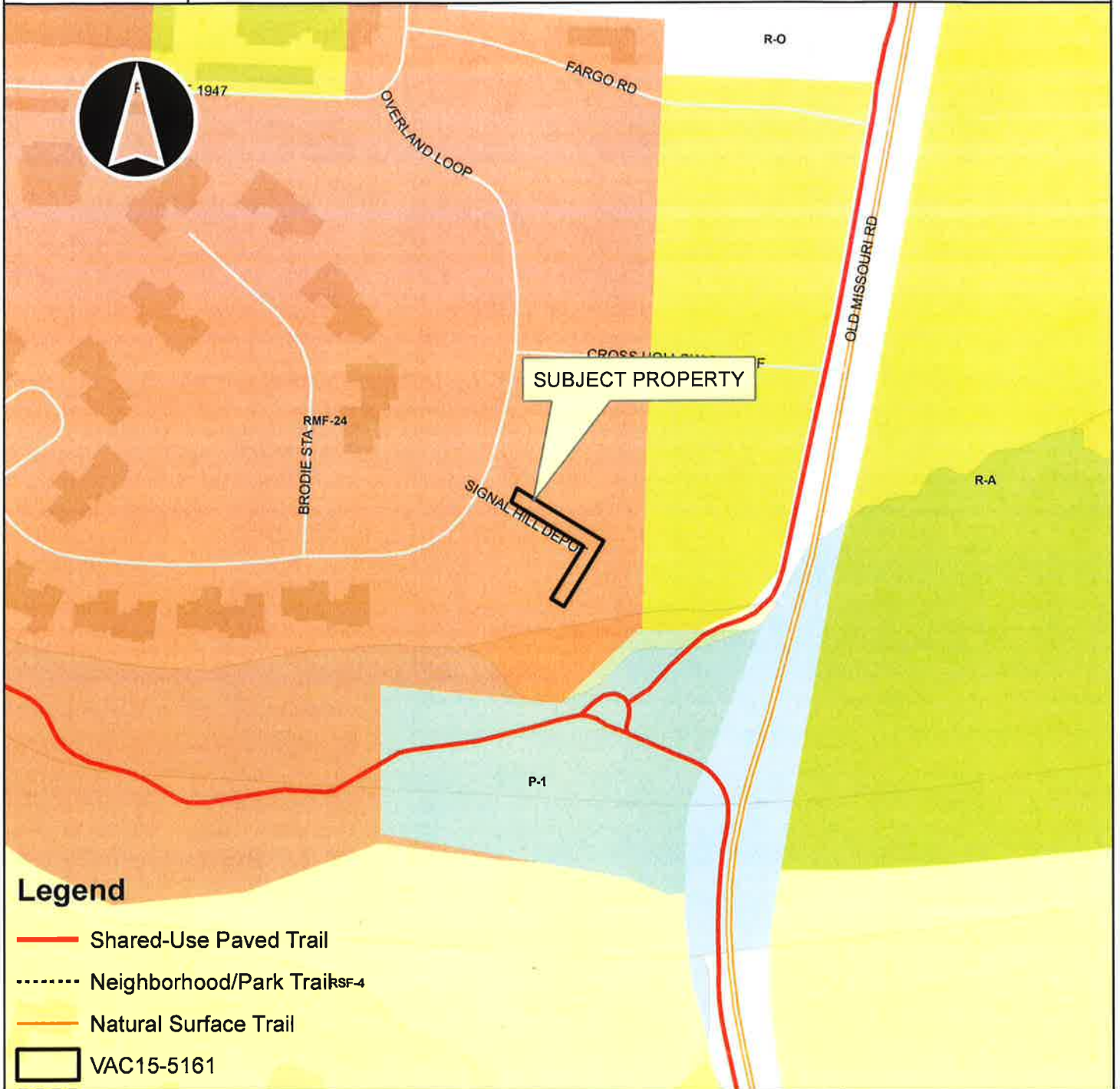
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville



VAC15-5161

BUTTERFIELD TRAIL VILLAGE

Close Up View



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trails^{RF-4}
- Natural Surface Trail
- ▭ VAC15-5161

Overview Fayetteville City Limits

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



EXHIBIT 'B'
15-5161

LEGAL DESCRIPTION – PORTION OF EASEMENT TO BE VACATED (PLAT RECORD 17-46):

PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SE 1/4 OF THE NW 1/4 OF SAID SECTION 25;
THENCE S2°35'49"W 1531.34 FEET;
THENCE N87°24'11"W 101.99 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHEASTERLY LINE OF A 20 FOOT UTILITY EASEMENT AS SHOWN IN PLAT RECORD 17-46;
THENCE LEAVING SAID SOUTHEASTERLY LINE N58°32'09"W 20.00 FEET TO THE SOUTHWESTERLY LINE OF SAID 20 FOOT UTILITY EASEMENT;
THENCE ALONG SAID SOUTHWESTERLY LINE N31°27'51"E 83.88 FEET TO THE NORTHWESTERLY LINE OF SAID 20 FOOT UTILITY EASEMENT;
THENCE ALONG SAID NORTHWESTERLY LINE N58°32'10"W 114.46 FEET;
THENCE LEAVING SAID NORTHWESTERLY LINE N22°14'21"E 20.26 FEET TO THE NORTHEASTERLY LINE OF A 20 FOOT UTILITY EASEMENT AS SHOWN IN PLAT RECORD 17-46;
THENCE ALONG SAID NORTHEASTERLY LINE S58°32'10"E 137.71 FEET TO THE SOUTHEASTERLY LINE OF SAID 20 FOOT UTILITY EASEMENT;
THENCE ALONG SAID SOUTHEASTERLY LINE S31°27'51"W 103.88 FEET TO THE POINT OF BEGINNING, CONTAINING 0.10 ACRES MORE OR LESS.