

City of Fayetteville Staff Review Form

2018-0302

Legistar File ID

6/19/2018

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

Garner Stoll

6/1/2018

City Planning /  
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 18-6174: Vacation (237 S. LOCUST AVE./GRAY, 523): Submitted by ATLAS SURVEYING, INC. for property located at 237 S. LOCUST AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.02 acres. The request is to vacate a portion of a utility easement and a street right-of-way.

Budget Impact:

Account Number

Fund

Project Number

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 \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF JUNE 19, 2018

**TO:** Mayor and City Council

**THRU:** Garner Stoll, Development Services Director

**FROM:** Harry Davis, Current Planner

**DATE:** June 1, 2018

**SUBJECT:** **VAC 18-6174: Vacation (237 S. LOCUST AVE./GRAY, 523):** Submitted by ATLAS SURVEYING, INC. for property located at 237 S. LOCUST AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.02 acres. The request is to vacate a portion of a utility easement and a street right-of-way.

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### RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 18-6174** with the following conditions of approval:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;
2. A 10-foot wide utility easement shall remain along Locust Avenue and will be extended approximately 8-feet into the proposed area of vacated right-of-way, matching the new southern property line and right-of-way.

### BACKGROUND:

The subject vacation area is at the corner of Locust Avenue and South Street, zoned DG for Downtown General, and contains 0.02 acres of excess right-of-way and utility easement. The larger property is currently occupied with a single-family residence.

*Proposal:* The applicant proposes to vacate a portion of utility easement and right-of-way. Both are needed in order to construct a detached garage in the vacation proposal area.

### DISCUSSION:

At the May 14, 2018 Planning Commission, this item was forwarded as part of the consent agenda to City Council with a recommendation for approval, with all conditions as recommended by staff.

Exhibit 'A' and 'B' attached to this report are the most updated and corrected exhibits. The original legal description at Planning Commission for this item was incorrect, which caused earlier maps to appear as if the applicant wanted to vacate portions of Locust Avenue. This has been corrected and verified by staff.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission packet

VAC 18-6174  
EXHIBIT 'A'

## ADJACENT PROPERTY OWNERS:

1) PERRY, SANDRA MASSENGALE

PARCEL #765-02062-000

258 S LOCUST AVE  
FAYETTEVILLE, AR 72701

ZONING: DG

2) KNIGHT, KRISTEN M. GILL, JASON S

PARCEL #765-08242-000

221 W SOUTH ST  
FAYETTEVILLE, AR 72701-5973

ZONING: DG

3) NEW, ALICIA M

PARCEL #765-05462-000

301 W SOUTH ST  
FAYETTEVILLE, AR 72701

ZONING: DG

4) JAMES, ROBERT

PARCEL #765-05462-001

329 W SOUTH ST  
FAYETTEVILLE, AR 72701-5974

ZONING: DG

5) QUANTZ, JEFFREY WAYNE &amp;

PARCEL #765-02052-001

220 E DICKSON ST  
FAYETTEVILLE, AR 72701

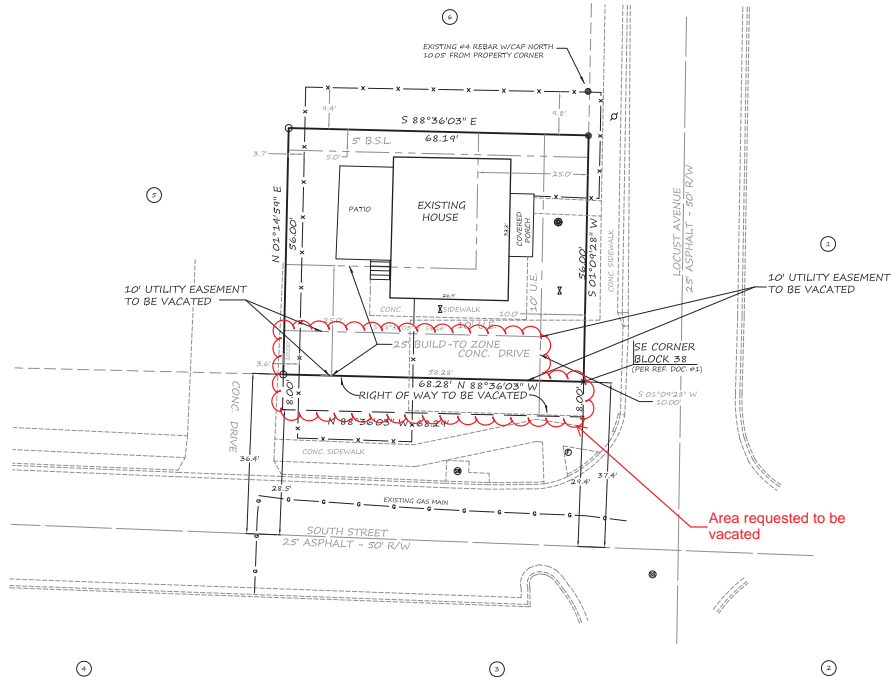
ZONING: DG

6) HELLER, EMILY R

PARCEL #765-02045-000

1255 S WASHINGTON  
FAYETTEVILLE, AR 72701

ZONING: DG

TOTAL ACREAGE  
PARCEL #765-02052-000  
0.09 ACRES +/-

## SURVEYOR'S NOTES:

LAST SITE VISIT:  
. 2017BASIS OF BEARING:  
GPS OBSERVATION - GEODETIC NORTHREFERENCE DOCUMENTS:  
1) PLAT OF SURVEY FILED IN BOOK 2015, AT PAGE 22219  
2) WARRANTY DEED FILED IN BOOK 2011, AT PAGE 20921ZONING: (PER CURRENT ZONING ORDINANCE)  
DGBUILDING SETBACKS: (PER CURRENT ZONING ORDINANCE)  
FRONT 25' BUILD-TO ZONE  
SIDE 0' FT  
REAR 0' FTFLOOD INFORMATION:  
BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS  
LOCATED WITHIN ZONE 'A' OR 'AE' OF THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM  
(NFIP). PER THE FLOOD INSURANCE RATE MAP (FIRM) #05143C0220F  
DATED MAY 16, 2009

## PARCEL DESCRIPTION:

A PART OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY,  
ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN  
CHISELED "X" IN CONCRETE MARKING THE SE CORNER OF SAID BLOCK 38 AND RUNNING  
THENCE ALONG THE SOUTH LINE OF SAID BLOCK 38 N88°36'03"W 68.28 FEET TO A SET #4  
REBAR, THENCE LEAVING SAID SOUTH LINE N01°14'59"E 56.00 FEET TO A SET #4 REBAR,  
THENCE S88°36'03"E 68.19 FEET TO AN EXISTING #4 REBAR ON THE EAST LINE OF SAID BLOCK  
38, THENCE ALONG SAID EAST LINE S01°09'28"W 56.00 FEET TO THE POINT OF BEGINNING,  
CONTAINING 0.09 ACRES, MORE OR LESS, SUBJECT TO ALL RECORD AND NON RECORDED  
EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND  
RIGHTS-OF-WAY, IF ANY.

## STREET RIGHT OF WAY VACATION DESCRIPTION:

BEGINNING AT THE SE CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE,  
WASHINGTON COUNTY, ARKANSAS AND RUNNING THENCE S01°09'28"W 8.00 FEET, THENCE  
N88°36'03"W 68.29 FEET, THENCE N01°14'59"E 8.00 FEET, THENCE S88°36'03"E 68.28 FEET TO  
THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.

## 10' UTILITY EASEMENT VACATION DESCRIPTION:

BEGINNING AT THE SW CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE,  
WASHINGTON COUNTY, ARKANSAS AND RUNNING N01°14'59"E FEET 10.00', THENCE  
S88°36'03"E 58.24 FEET, THENCE S01°09'28"W 10.00 FEET, THENCE N88°36'03"W 58.28 FEET TO  
THE POINT OF BEGINNING.

## RIGHT OF WAY &amp; EASEMENT VACATION

## FOR USE OF:

BROCK POSEY

LOCATION: 237 S. LOCUST AVENUE, FAYETTEVILLE,  
WASHINGTON COUNTY, ARKANSAS  
CITY BLOCK #38CREW CHIEF: JN DRAWN BY: JMT SHEET SIZE: 18X24  
PLAT No. 17-286 DATE: 12/12/2017ATLAS  
PROFESSIONAL LAND SURVEYINGP.O. BOX 1026  
425 N CENTENNIAL AVENUE #2  
WEST FORK, AR 72774  
PH. 479.494.6177PS #1756  
COA #2875

LEGEND	
□ UTILITY POLE	○ SET #4 REBAR
● GAS METER	● EXISTING #4 REBAR
× CHISELED "X" IN CONCRETE	×
● SANITARY SEWER MANHOLE	●
● STORM SEWER MANHOLE	●
— BOUNDARY LINE	—
— CENTERLINE ROAD	—
— EDGE OF ASPHALT/CONCRETE	—
— RIGHT OF WAY	—
— FENCE	—
— BUILDING SETBACK LINE	—
— UTILITY EASEMENT	—
— TIE/FORTY LINE	—

ATLAS PROFESSIONAL LAND SURVEYING, LLC COPYRIGHT 2017  
ALL GOVERNMENTAL MUNICIPALITIES/AGENCIES INCLUDING USE DEPARTMENTS ARE EXEMPT FROM  
COPYRIGHT. THIS PLAT IS COPYRIGHT MATERIAL AND WAS PROVIDED FOR THE USE OF THE PERSON(S)  
NAMED ON THIS PLAT. NO ONE INCLUDING THE PERSON(S) NAMED ON THIS PLAT MAY COPY OR  
REPRODUCE ANY PART OF THIS PLAT FOR FINANCIAL GAIN. ONLY ORIGINAL COPIES OF THIS PLAT MAY BE  
USED. IF THE SEAL ON THIS PLAT IS NOT SET IN COLOR AND SIGNED IN BLUE INK, IT IS NOT AN ORIGINAL  
PLAT AND IS CONSIDERED AN UNAUTHORIZED COPY.LAND USE/LAND RESTRICTIONS:  
EXCEPT AS SPECIFICALLY NOTED OR SHOWN HEREON, THIS SURVEY DOES NOT REFLECT ANY EASEMENTS  
(OTHER THAN APPARENT EASEMENTS OBSERVED IN THE FIELD AT THE TIME OF THE SURVEY) BUILDING  
SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, LAND-USE REGULATIONS,  
OR FACTS IN WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.EXCEPT AS SHOWN HEREON, NO ATTEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO OBTAIN OR  
SHOW DATA CONCERNING EXISTENCE, USE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY  
OR MUNICIPAL/PUBLIC FACILITY. CONTACT ALL UTILITY PROVIDERS FOR THIS INFORMATION.FLOOD INFORMATION:  
ANY INFORMATION (TEXT, LINES, SYMBOLS, HATCHES, ETC.) ON THIS PLAT THAT MAKE REFERENCE TO  
FLOOD ZONES ARE APPROPRIATE AND DERIVED FROM A FLOOD INSURANCE RATE MAP (FIRM) BY  
GRAPHICAL PLOTTING ONLY. THIS PLAT DOES NOT REPRESENT THE SURVEYOR'S OPINION ON THE  
PROBABILITY OF FLOODING.

## VAC 18-6174 – EXHIBIT ‘B’

### STREET RIGHT OF WAY VACATION DESCRIPTION:

BEGINNING AT THE SE CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING THENCE S01°09'28"W 8.00 FEET, THENCE N88°36'03"W 68.29 FEET, THENCE N01°14'59"E 8.00 FEET, THENCE S88°36'03"E 68.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.

### 10' UTILITY EASEMENT VACATION DESCRIPTION:

BEGINNING AT A POINT WHICH IS N88°36'03"W 10.00 FEET FROM THE SE CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING THENCE N88°36'03"W 58.28 FEET, THENCE N01°23'57"E 10.00 FEET, THENCE S88°36'03"E 58.24 FEET, THENCE S01°09'28"W 10.00 FEET TO THE POINT OF BEGINNING



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Harry Davis, Planner

**MEETING DATE:** May 14, 2018 **UPDATED W PC RESULTS**

**SUBJECT:** **VAC 18-6174: Vacation (237 S. LOCUST AVE./GRAY, 523):** Submitted by ATLAS SURVEYING, INC. for property located at 237 S. LOCUST AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.02 acres. The request is to vacate a portion of a utility easement and a street right-of-way.

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### RECOMMENDATION:

Staff recommends forwarding **VAC 18-6174** to City Council with a recommendation for approval with conditions.

### RECOMMENDED MOTION:

"I move to forward **VAC 18-6174** to City Council with a recommendation for approval with all conditions as recommended by staff."

### BACKGROUND:

The subject vacation area is at the corner of Locust Avenue and South Street, zoned DG for Downtown General, and contains 0.02 acres of excess right-of-way and utility easement. The larger property is currently occupied with a single-family residence. Surrounding land uses and zoning districts are in *Table 1*.

**Table 1**  
**Surrounding Zoning and Land Use**

Direction	Land Use	Zoning
North	Single-family Residential	DG, Downtown General
South	Single-family Residential	DG, Downtown General
East	Single-family Residential	DG, Downtown General
West	Single-family Residential	DG, Downtown General

*Proposal:* The applicant proposes to vacate a portion of utility easement and right-of-way. Both are needed in order to construct a detached garage in the vacation proposal area.

### DISCUSSION:

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

UtilityResponse

Cox Communications

No objections, provided that any damage to or relocation of existing facilities will be at the owner/developer's expense.

AEP/SWEPCO

A 10-foot wide utility easement shall remain along Locust Avenue and will be extended approximately 8-feet into the proposed area of vacated right-of-way, matching the new southern property line and right-of-way.

BlackHills Energy AR

No objections and no comment.

AT&T

If AT&T facilities are required to be relocated due to this vacation, all costs to do so will be the responsibility of the owner/developer.

Ozarks Electric

No objections and no comment.

City of FayettevilleResponse

Water/Sewer

No objections and no comment.

Solid Waste & Recycling

No objections and no comment.

Transportation

No objections and no comment.

Staff is in support of the proposal, as the existing right-of-way is approximately 65-feet wide, which is well in excess of the Master Street Plan Local section of 50-feet wide. The resulting right-of-way from road centerline towards the property will be over 28-feet. The utility companies above have accepted the utility easement vacation.

**Public Comment:**

No public comment has been received.

**RECOMMENDATION:** Staff recommends forwarding **VAC 18-6174** to the City Council with a recommendation for approval subject to the following conditions:

**Conditions of Approval:**

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;
2. A 10-foot wide utility easement shall remain along Locust Avenue and will be extended approximately 8-feet into the proposed area of vacated right-of-way, matching the new southern property line and right-of-way;

3. Prior to this item being submitted to City Council in Legistar, the applicant shall provide a revised "Petition to Vacate", which includes accurate legal descriptions for both vacation areas;
4. Prior to this item being submitted to City Council in Legistar, the applicant shall provide revised legal descriptions for both vacation areas per comments from the GIS Division.

**Planning Commission Action:**    ☒ Forwarded            ☐ Tabled            ☐ Denied

**Meeting Date:** May 14, 2018

**Motion:** Brown                      Motion as part of consent agenda

**Second:** Scroggin                      Motion passes

**Vote:** 6-0-2

**BUDGET/STAFF IMPACT:**

None.

**Attachments:**

- GIS Division comments
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

## **REVIEWED**

*By Gun Coaty at 4:31 pm, May 09, 2018*

### STREET RIGHT OF WAY VACATION DESCRIPTION:

BEGINNING AT THE SE CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING THENCE S01°09'28"W 8.00 FEET, THENCE N88°36'03"W 68.29 FEET, THENCE N01°14'59"E 8.00 FEET, THENCE S88°36'03"E 68.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES MORE OR LESS.

directionals on 10' util easement are incorrect, surveyor is VAC the street RoW

### 10' UTILITY EASEMENT VACATION DESCRIPTION:

BEGINNING AT THE SW CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING N01°14'59"E FEET 10.00', THENCE S88°36'03"E 58.24 FEET, THENCE S01°09'28"W 10.00 FEET, THENCE N88°36'03"W 58.28 FEET TO THE POINT OF BEGINNING.

PETITION TO VACATE A UTILITY EASEMENT AND STREET RIGHT OF  
WAY LOCATED IN AND SOUTH OF LOT 38, THE ORIGINAL TOWN PLAT  
OF FAYETTEVILLE, 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 and right-of-way hereinafter sought to be abandoned and vacated, lying in lot 38, in the Original Town of Fayetteville, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a utility easement and street right-of-way which is described as follows:

STREET RIGHT OF WAY VACATION DESCRIPTION:

BEGINNING AT THE SE CORNER OF LOT 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING THENCE S01°09'28"W 8.00 FEET, THENCE N88°36'03"W 68.29 FEET, THENCE N01°14'59"E 8.00 FEET, THENCE S88°36'03"E 68.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.

10' UTILITY EASEMENT VACATION DESCRIPTION:

BEGINNING AT THE SW CORNER OF LOT 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING N01°14'59"E FEET 10.00', THENCE S88°36'03"E 58.24 FEET, THENCE S01°09'28"W 10.00 FEET, THENCE N88°36'03"W 58.28 FEET TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the alley is lot 38, in the Original Town of Fayetteville 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 utility easement and street right-of-way.

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.

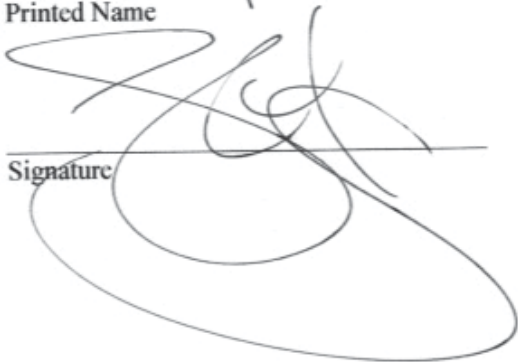
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real

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 6<sup>th</sup> day of April, 2018.

SHAWN GRAY  
Printed Name

Signature

A large, stylized handwritten signature in black ink, consisting of a large loop and a trailing flourish, written over a horizontal line.

UTILITY APPROVAL FORM

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

DATE: 1-19-18

UTILITY COMPANY: Black Hills Corp.

APPLICANT NAME: Atlas PLS

APPLICANT PHONE: 479-294-6177

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 237 S. Locust Ave, 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

Supervisor  
Title

## UTILITY APPROVAL FORM

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

DATE: 11/19/18

UTILITY COMPANY: AT&T

APPLICANT NAME: ATLAS PLS APPLICANT PHONE: 479-294-6177

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 237 S. Locust Ave, 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 AT&T facilities are required to be relocated due to this vacate, all cost to do so  
will be the responsibility of the owner/ developer.

**Jeff Hamilton**

Digitally signed by Jeff Hamilton  
DN: cn=Jeff Hamilton, o=AT&T, ou=Engineering,  
email=jh5430@att.com, c=US  
Date: 2018.02.26 12:54:22 -06'00'

Signature of Utility Company Representative

MGR OSP PLNG& ENGRG DESIGN

Title

## UTILITY APPROVAL FORM

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

DATE: 1-19-18

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Atlas PLS APPLICANT PHONE: 479-294-6177

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 237 S. Locust Ave, 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:  
10' U.E. ALONG LOCUST TO REMAIN AS WELL AS THE 8'X10'  
CORNER OF THE VACATED ROW TO BE U.E. AS WELL.

[Signature]  
Signature of Utility Company Representative

DISTRIBUTION Engineer  
Title

UTILITY APPROVAL FORM

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

DATE: 1-19-18

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Atlas PLS APPLICANT PHONE: 479-294-6177

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 237 S. Locust Ave, Fayetteville AR

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

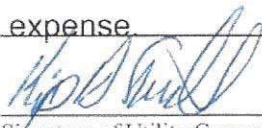
UTILITY COMPANY COMMENTS:

☐ 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:

Any damage to or relocation of existing facilities will be at the owners/developers expense

  
\_\_\_\_\_  
Signature of Utility Company Representative

Construction & Planning Manager  
\_\_\_\_\_  
Title

## UTILITY APPROVAL FORM

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

DATE: 1-19-18

UTILITY COMPANY: OZarks Electric

APPLICANT NAME: Atlas PLS APPLICANT PHONE: 479-294-6177

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 237 S, Locust Ave, 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:

Wesley Mahaffey

Signature of Utility Company Representative

Staking Tech. III

Title

UTILITY APPROVAL FORM

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

DATE: 2/2/18

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: ARAS PLS

APPLICANT PHONE: 479-2946177

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 237 S. Coast Ave., 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:

Joey Smith  
Signature of Utility Company Representative

Assistant Transportation Manager  
Title

# UTILITY APPROVAL FORM

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

DATE: 2/2/18

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: ATLAS PCS APPLICANT PHONE: 479-294-6177

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 237 S. Locust Ave, 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

Title

Com Sales Rep

## UTILITY APPROVAL FORM

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

DATE: 1-19-18

UTILITY COMPANY: Fayetteville Water and Sewer

APPLICANT NAME: Atlas PLS APPLICANT PHONE: 479-294-6177

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 237 S. Locust Ave, 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]  
Signature of Utility Company Representative

WFS OPERATIONS MANAGER  
Title

COUNTY RECORDING INFORMATION:

ADJACENT PROPERTY OWNERS:

1) PERRY, SANDRA MASSENGALE

PARCEL #765-02062-000

258 S LOCUST AVE

FAYETTEVILLE, AR 72701

ZONING: DG

2) KNIGHT, KRISTEN M. GILL, JASON S

PARCEL #765-08242-000

221 W SOUTH ST

FAYETTEVILLE, AR 72701-5973

ZONING: DG

3) NEW, ALICIA M

PARCEL #765-05462-000

301 W SOUTH ST

FAYETTEVILLE, AR 72701

ZONING: DG

4) JAMES, ROBERT

PARCEL #765-05462-001

329 W SOUTH ST

FAYETTEVILLE, AR 72701-5974

ZONING: DG

5) QUANTZ, JEFFREY WAYNE &

PARCEL #765-02052-001

220 E DICKSON ST

FAYETTEVILLE, AR 72701

ZONING: DG

6) HELLER, EMILY R

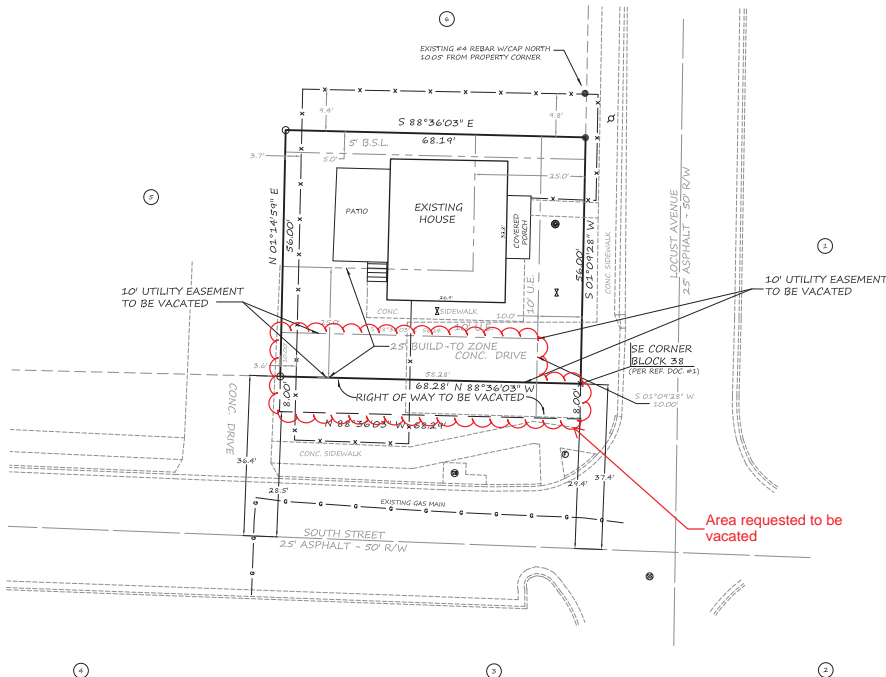
PARCEL #765-02045-000

1255 S WASHINGTON

FAYETTEVILLE, AR 72701

ZONING: DG

TOTAL ACREAGE  
PARCEL #765-02052-000  
0.09 ACRES +/-



SURVEYOR'S NOTES:

LAST SITE VISIT:

, 2017

BASIS OF BEARING:

GPS OBSERVATION - GEODETIC NORTH

REFERENCE DOCUMENTS:

1) PLAT OF SURVEY FILED IN BOOK 2015, AT PAGE 22219

2) WARRANTY DEED FILED IN BOOK 2011, AT PAGE 20921

ZONING: (PER CURRENT ZONING ORDINANCE)

DG

BUILDING SETBACKS: (PER CURRENT ZONING ORDINANCE)

FRONT 25' BUILD-TO ZONE

SIDE 0' FT

REAR 0' FT

FLOOD INFORMATION:

BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS LOCATED WITHIN ZONE "A" OR "AE" OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM (NFIP). PER THE FLOOD INSURANCE RATE MAP (FIRM) #05143C0220F DATED MAY 16, 2009

PARCEL DESCRIPTION:

A PART OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN CHISELED "X" IN CONCRETE MARKING THE SE CORNER OF SAID BLOCK 38 AND RUNNING THENCE ALONG THE SOUTH LINE OF SAID BLOCK 38 N88°36'03"W 68.28 FEET TO A SET #4 REBAR, THENCE LEAVING SAID SOUTH LINE N01°14'59"E 56.00 FEET TO A SET #4 REBAR, THENCE S88°36'03"E 68.19 FEET TO AN EXISTING #4 REBAR ON THE EAST LINE OF SAID BLOCK 38, THENCE ALONG SAID EAST LINE S01°09'28"W 56.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES, MORE OR LESS, SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

STREET RIGHT OF WAY VACATION DESCRIPTION:

BEGINNING AT THE SE CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING THENCE S01°09'28"W 8.00 FEET, THENCE N88°36'03"W 68.29 FEET, THENCE N01°14'59"E 8.00 FEET, THENCE S88°36'03"E 68.28 FEET TO THE POINT OF BEGINNING, CONTAINING 0.01 ACRES, MORE OR LESS.

10' UTILITY EASEMENT VACATION DESCRIPTION:

BEGINNING AT THE SW CORNER OF BLOCK 38 IN THE ORIGINAL TOWN OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND RUNNING N01°14'59"E FEET 10.00', THENCE S88°36'03"E 58.24 FEET, THENCE S01°09'28"W 10.00 FEET, THENCE N88°36'03"W 58.28 FEET TO THE POINT OF BEGINNING.



RIGHT OF WAY & EASEMENT VACATION

FOR USE OF:

BROCK POSEY

LOCATION: 237 S. LOCUST AVENUE, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS CITY BLOCK #38

CREW CHIEF: JN DRAWN BY: JMT SHEET SIZE: 18X24

PLAT No. 17-286 DATE: 12/12/2017



**ATLAS**  
PROFESSIONAL LAND SURVEYING

P.O. BOX 1026  
425 N CENTENNIAL AVENUE #2  
WEST POK, AR. 72774  
PH. 479.294.6177

PS #1756  
COA #2875

LEGEND

- UTILITY POLE
- GAS METER
- YARD HYDRANT
- WATER VALVE
- BOUNDARY LINE
- CENTERLINE ROAD
- EDGE OF ASPHALT/CONCRETE
- RIGHT OF WAY
- FENCE
- BUILDING SETBACK LINE
- UTILITY EASEMENT
- TIE/FORTY LINE

- SET #4 REBAR
- EXISTING #4 REBAR
- CHISELED "X" IN CONCRETE
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE

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NOTES:  
LAND USE/LAND RESTRICTIONS:  
EXCEPT AS SPECIFICALLY NOTED OR SHOWN HEREON, THIS SURVEY DOES NOT REFLECT ANY EASEMENTS (OTHER THAN APPARENT EASEMENTS) OBSERVED IN THE FIELD AT THE TIME OF THE SURVEY. BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, LAND-USE REGULATIONS, OR FACTS IN WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.  
EXCEPT AS SHOWN HEREON, NO ATTEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EASEMENTS, USE, RIGHTS, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC FACILITY. CONTACT ALL UTILITY PROVIDERS FOR THIS INFORMATION.  
FLOOD INFORMATION:  
ANY INFORMATION (TEXT, LINES, SYMBOLS, HATCHES, ETC.) ON THIS PLAT THAT MAKE REFERENCE TO FLOOD ZONES ARE APPROPRIATE AND DERIVED FROM A FLOOD INSURANCE RATE MAP (FIRM) BY GRAPHICAL PLOTTING ONLY. THIS PLAT DOES NOT REPRESENT THE SURVEYOR'S OPINION ON THE PROBABILITY OF FLOODING.

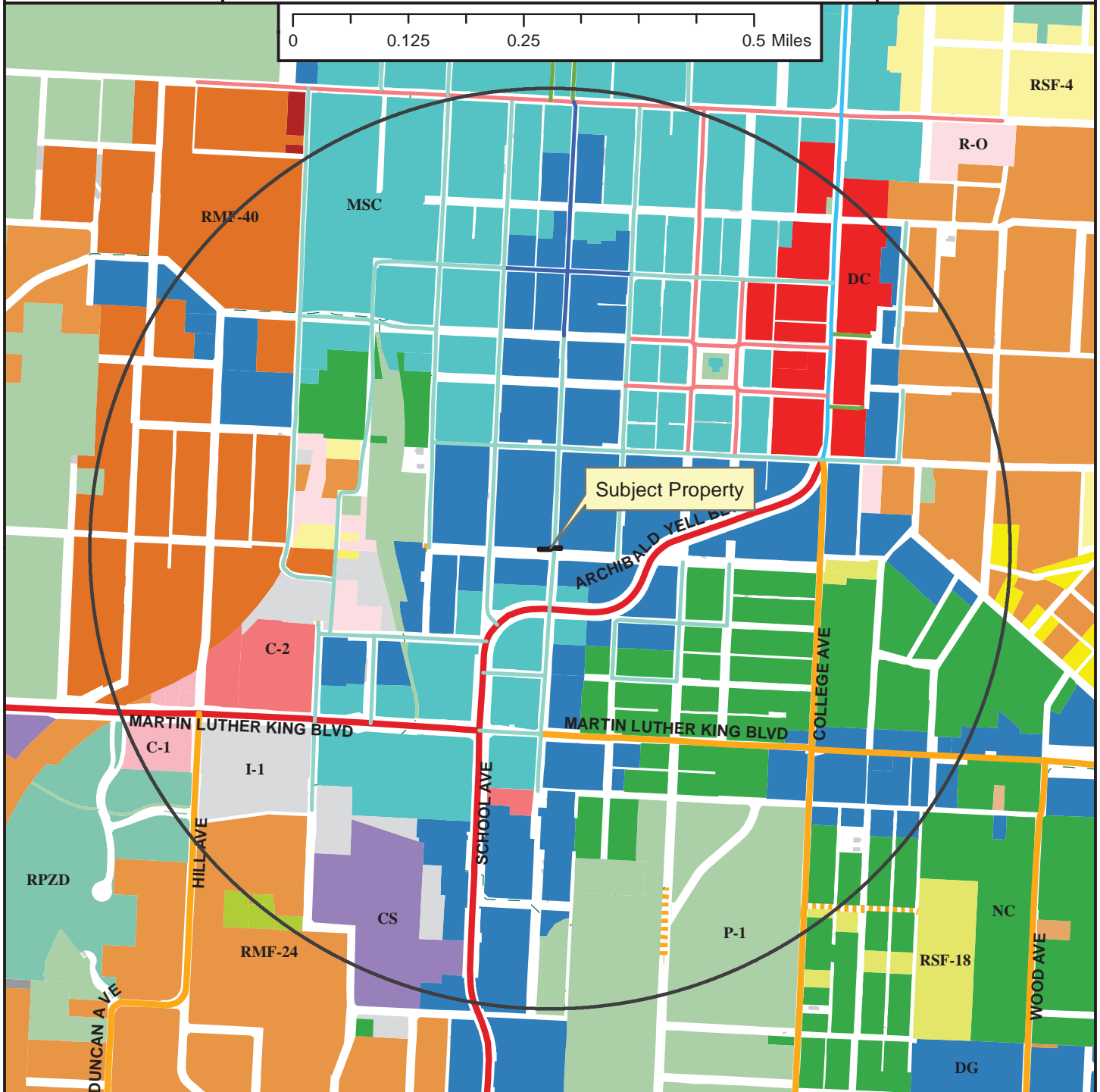
VAC18-6174

# SHAWN GRAY

One Mile View

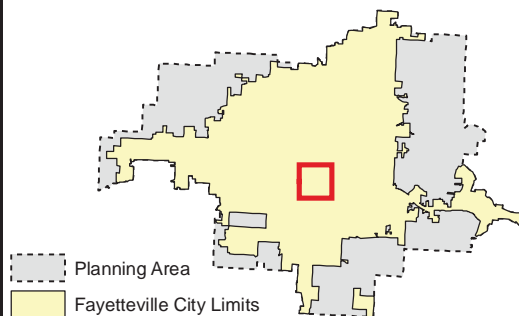


0 0.125 0.25 0.5 Miles



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- |   |  |
|---|--|
| <b>Zoning</b><br><b>RESIDENTIAL SINGLE-FAMILY</b><br>RSF-5<br>RSF-1<br>RSF-2<br>RSF-4<br>RSF-7<br>RSF-8<br>RSF-18<br><b>RESIDENTIAL MULTI-FAMILY</b><br>RT-12 Residential Two and Three-family<br>RMF-6<br>RMF-12<br>RMF-18<br>RMF-24<br>RMF-40<br><b>INDUSTRIAL</b><br>I-1 Heavy Commercial and Light Industrial<br>I-2 General Industrial | <b>EXTRACTION</b><br>E-1<br><b>COMMERCIAL</b><br>Commercial-Office<br>C-1<br>C-2<br>C-3<br><b>FORM BASED DISTRICTS</b><br>Downtown Core<br>Urban Thoroughfare<br>Main Street Center<br>Downtown General<br>Community Services<br>Neighborhood Services<br>Neighborhood Conservation<br><b>PLANNED ZONING DISTRICTS</b><br>Commercial, Industrial, Residential<br><b>INSTITUTIONAL</b><br>I-1 |
|---|--|

VAC18-6174

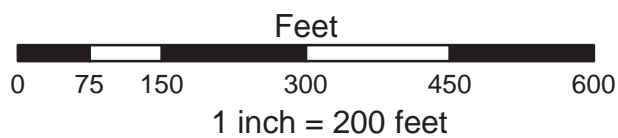
# SHAWN GRAY

Close Up View



## Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint

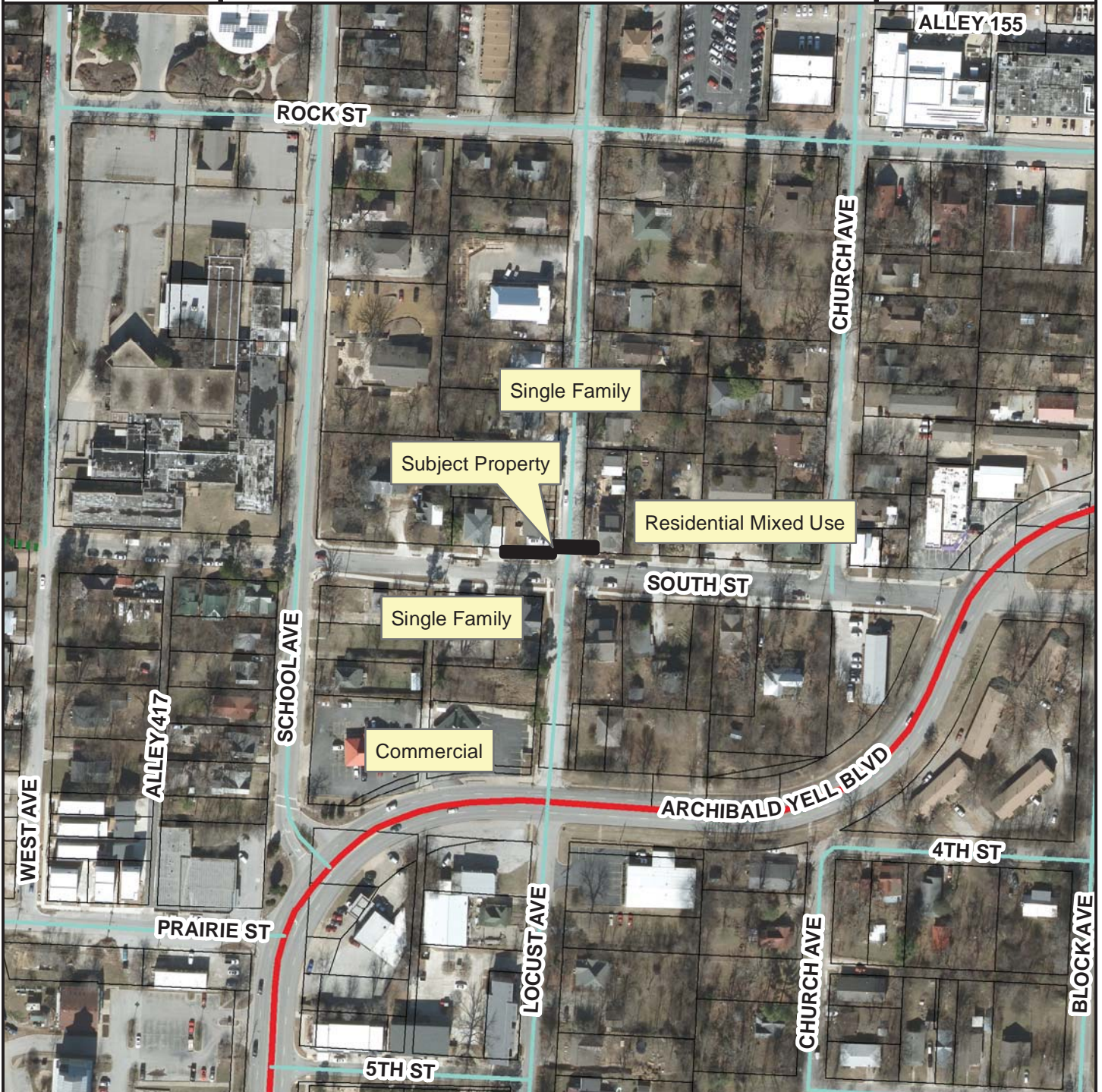


- RI-U
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

VAC18-6174

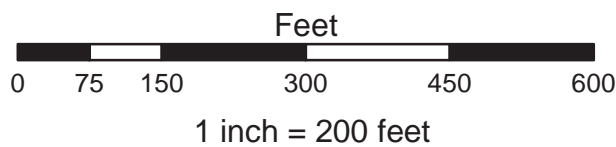
Current Land Use

# SHAWN GRAY



## Streets Existing MSP Class

- PRINCIPAL ARTERIAL
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway