

Legistar ID No.: 2018-0684

AGENDA REQUEST FORM

FOR: Council Meeting of December 4, 2018

FROM: City Council Member Mark Kinion

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

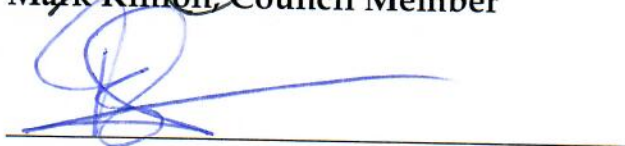
AN ORDINANCE TO VACATE A PORTIONS OF A UTILITY EASEMENT IN PHASE II
OF THE OAKBROOKE SUBDIVISION

APPROVED FOR AGENDA:



Mark Kinion, Council Member

Nov. 27, 2018
Date



Asst. City Attorney Blake Pennington
Approved as to form

11/27/18
Date

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF A UTILITY EASEMENT IN PHASE II OF THE OAKBROOKE SUBDIVISION

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, a portion of a house located at 3995 West Starry Night View, which is scheduled for an imminent closing, has been constructed within an easement and, unless the easement is vacated, clear and marketable title to the property cannot be conveyed; and

WHEREAS, pursuant to Section 171.06(E) of the Fayetteville Unified Development Code a request to vacate a public easement need not be presented to the Planning Commission before being submitted to the City Council as long as the City Council makes certain findings by a vote of at least two-third of its membership and the Mayor.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby finds, pursuant to § 171.06(E)(1) of the Fayetteville Unified Development Code, that the public utility easement shown in the map attached as Exhibit A and described in Exhibit B does not contain any utilities within the area to be vacated.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby finds, pursuant to § 171.06(E)(2) of the Fayetteville Unified Development Code, that because of the imminent closing scheduled for the subject property special circumstances exist which require prompt consideration of the vacation request and justify bypassing the Planning Commission.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of a utility easement as described and shown in Exhibits A and B attached to this Ordinance.

Section 4: A copy of this Ordinance duly certified by the City Clerk, along with the map and legal description attached as Exhibits A and B, shall be filed in the office of the Washington County Circuit Clerk.

PASSED and **APPROVED** this 4th day of December, 2018.

APPROVED:

ATTEST:

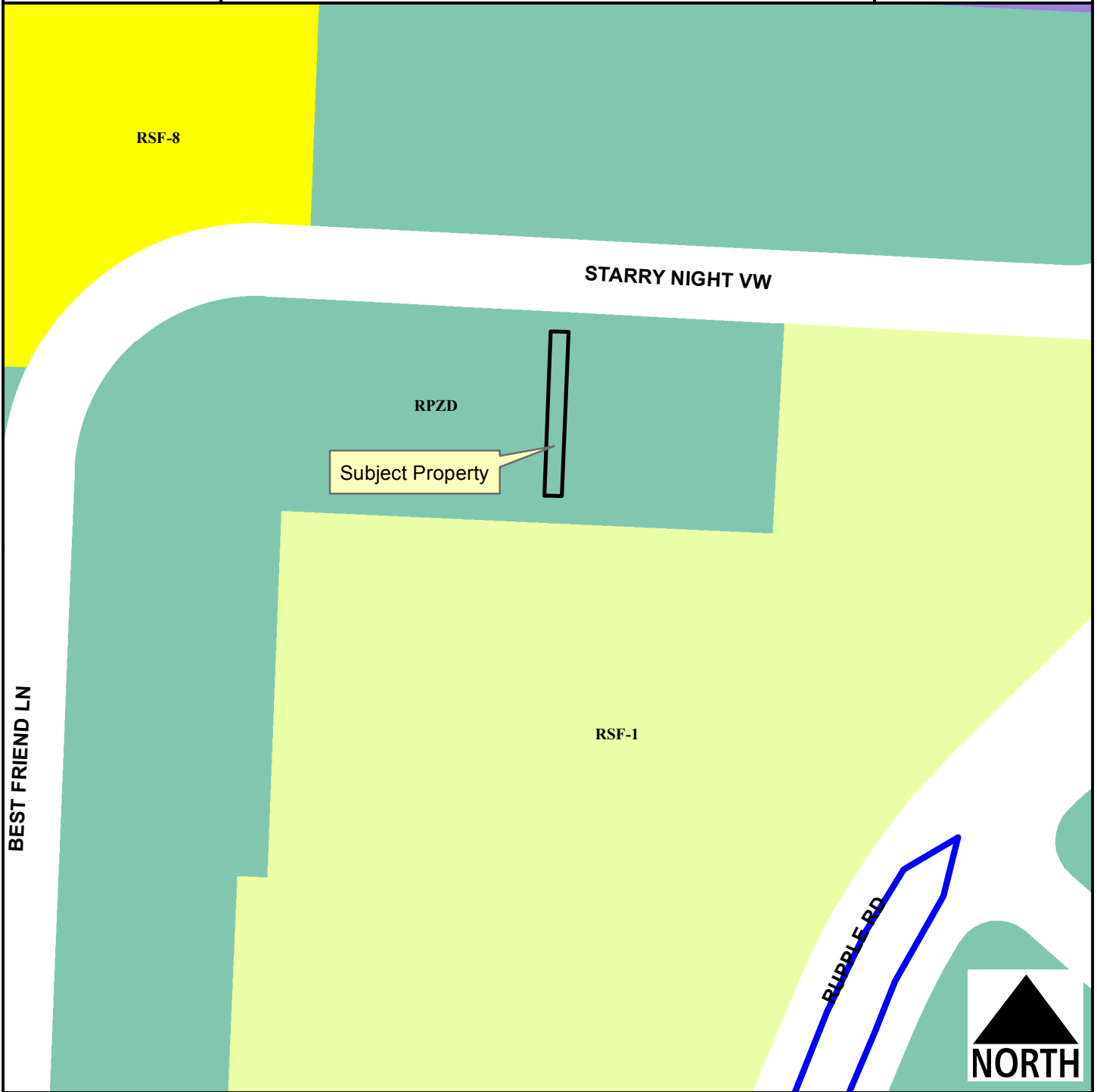
By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer





VAC

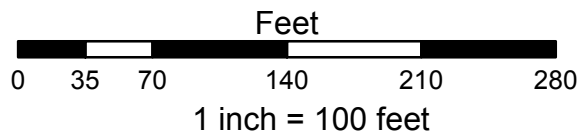
3995 W. STARRY NIGHT VW.

Close Up View



Legend

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







-  RSF-1
-  RSF-8
-  Community Services
-  Commercial, Industrial, Residential

Exhibit B

LEGAL DESCRIPTION

A portion of a utility easement located on Lot 39b Oakbrooke Subdivision Phase II, Parcel # 765-28196-001



STARRY NIGHT VW

BEST FRIEND LN

ALBATROSS LOOP

RUPPLE RD

Subject Property

**3995 W.
STARRY
NIGHT VW.**

**Request to vacate a
portion of a general
utility easement.**

Legend



Fayetteville City Limits



Feet

150



NORTH