

City of Fayetteville Staff Review Form

2020-0549

Legistar File ID

7/21/2020

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

Tim Nyander

7/2/2020

WATER SEWER (720)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff is recommending conclusion of the paperwork associated with a land swap proposal that began in 2015, concerning the City's request to obtain an easement from Dan and Anita Spencer to install a force/gravity main to carry water from Lake Sequoyah to Fayetteville's public sewer system.

Budget Impact:

N/A	N/A
Account Number	Fund
N/A	N/A
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>NA</u>	Item Cost \$ -
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment \$ -
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF JULY 21, 2020

TO: Mayor and City Council
THRU: Susan Norton, Chief of Staff
FROM: Tim Nyander, Utilities Director
DATE: June 30, 2020
SUBJECT: **Lake Sequoyah Land Swap**

RECOMMENDATION:

The staff is recommending conclusion of the paperwork associated with a land swap proposal that began in 2015, concerning the City's request to obtain an easement from Dan and Anita Spencer to install a force/gravity main to carry water from Lake Sequoyah to Fayetteville's public sewer system.

BACKGROUND:

In 2015, an employee of CH2M, working as a contractor for the City of Fayetteville, approached Mr. & Mrs. Spencer, and indicated that the City needed an easement of one-fourth mile on the north side of Highway 16 to install a force main from Lake Sequoyah to a City manhole on Lewis Woods Lane.

In lieu of payment, Mr. and Mrs. Spencer wanted to trade a like amount of land to enhance their driveway. The land swap was measured to have an equal land swap. The easements were acquired and a lot split and plat filed, but there were no deeds filed.

The easements have been acquired, and the pipeline was installed in 2017. The deed to Mr. & Mrs Spencer needs to be signed to finalize the land swap.

BUDGET/STAFF IMPACT:

There is no impact to the Budget.

Attachments:

Warranty Deeds



CITY OF
FAYETTEVILLE
ARKANSAS

October 14, 2019

Dan Spencer
835 Lewis Woods Lane
Fayetteville, AR 72701

RE: Property Line Adjustment and Land Swap
Lake Sequoyah-Lewis Woods Lane

Dear Mr. Spencer:

I have received a copy of a letter dated September 2, 2019 from you to our City Attorney's office regarding a property swap discussion with representatives of CH2MHILL and yourself. While all this appears to have been discussed, some easements were obtained through my office, but I was unaware that a Property Line Adjustment (PLA) had been completed. After your letter brought this back to the forefront, research was done, and questions were asked of the parties involved, and a copy of the recorded PLA was provided to us.

I think I have interpreted the intent based on the PLA and your letter and I have enclosed the deeds for your approval. These will still have to go to City Council for approval as well, but that should be on consent and just be a formality to approve the Mayor's signature; therefore, there should be no issues with approval.

Please review the documents I have enclosed and if they meet your approval, we will move forward with presenting to Council for approval as well.

If you have questions about anything I have enclosed, please don't hesitate to contact me at 479-444-3414 or you may call Corey Granderson, Utilities Technical Design Team Leader at 479-575-8386 or you may also contact our City Attorney's office at 479-575-8313. Copies of this letter and documents have also been sent to them.

I look forward to hearing from you soon,

Respectfully yours,

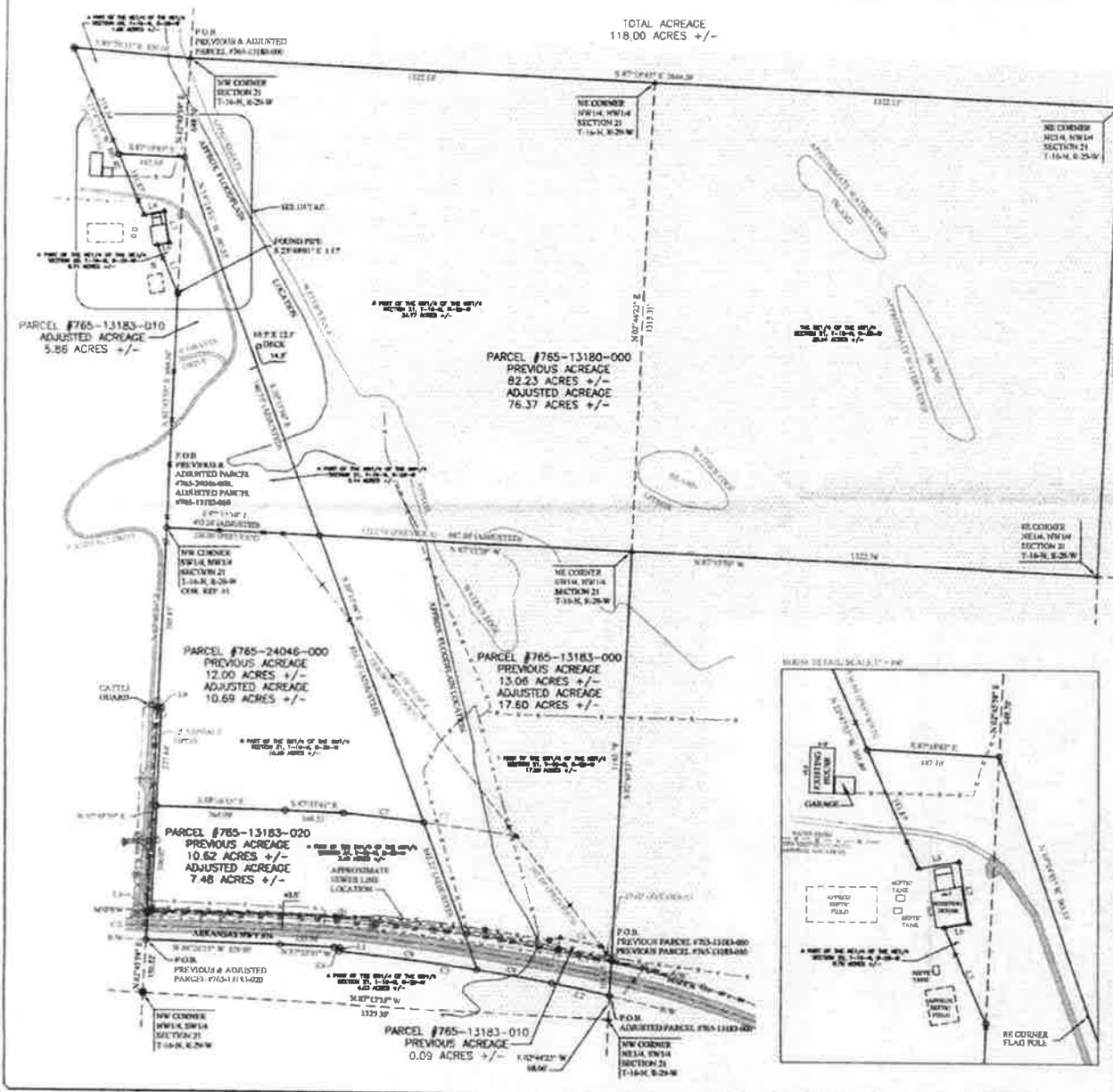
Holly Jones,
Land Agent
City of Fayetteville

/hj

Enc.

PROPERTY LINE ADJUSTMENT

TOTAL ACRES
118.00 ACRES +/-



PREVIOUS			
SECTION	TOWNSHIP	RANGE	ACRES
21	16-N	25-W	118.00

ADJUSTED			
SECTION	TOWNSHIP	RANGE	ACRES
21	16-N	25-W	118.00



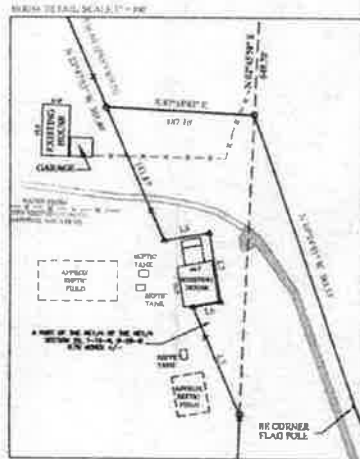
STATE RECORDING NUMBER
508-1619-20W (1-20-11) 66-72-1942
508-1619-20W (4-21-11) 499-72-1942

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS 8TH DAY OF JUNE, 2014.



IF ANY SIGNATURE ON THIS PLAN IS NOT AN ORIGINAL AND WHY BLUE OR COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAN HAS BEEN ALTERED. THE ABOVE CERTIFICATION DOES NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

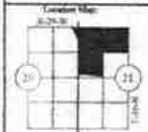
VICINITY MAP



MARKING INSTRUMENT

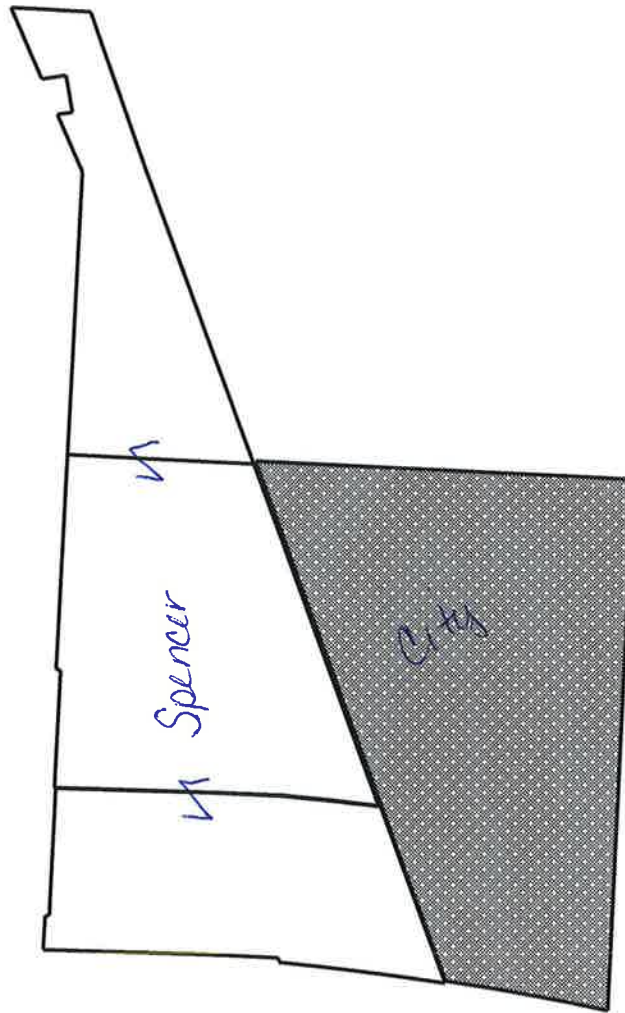


LEGEND:
 [Symbol] EXISTING BOUNDARY
 [Symbol] ADJUSTED BOUNDARY
 [Symbol] NEW CORNER
 [Symbol] APPROXIMATE CORNER LOCATION
 [Symbol] WATER TOWER
 [Symbol] WATER POND
 [Symbol] GARAGE
 [Symbol] FENCE
 [Symbol] ROAD
 [Symbol] RAILROAD
 [Symbol] POWER LINE
 [Symbol] TELEPHONE LINE
 [Symbol] CREEK
 [Symbol] RIVER
 [Symbol] UNDEVELOPED LAND
 [Symbol] DEVELOPED LAND
 [Symbol] CITIES AND TOWNS



Bates & Associates, Inc.
 10400 Highway 107, Fayetteville, Arkansas 72717
 Phone: (479) 778-7271
 Fax: (479) 778-7272
 Website: www.batesandassociates.com

CH2M HILL
Fayetteville
 10400 Highway 107, Fayetteville, Arkansas 72717
 Phone: (479) 778-7271
 Fax: (479) 778-7272
 Website: www.ch2mhill.com



10/7/2019

Scale: 1 inch= 450 feet

File: City-Spencer-Overall.ndp

Tract 1: 10.6855 Acres, Closure: n57.3545w 0.02 ft. (1/169773), Perimeter=2846 ft.

Tract 2: 7.4825 Acres (325936 Sq. Feet), Closure: s49.5451e 0.01 ft. (1/277150), Perimeter=2548 ft.

Tract 3: 5.8517 Acres (254901 Sq. Feet), Closure: s46.0347w 0.01 ft. (1/210316), Perimeter=2922 ft.

Tract 4: 17.6007 Acres, Closure: n50.0100w 0.01 ft. (1/463427), Perimeter=3817 ft.

- | | |
|--|--|
| 01 s87.1558e 435.24 | 25 n23.4756w 146.22 |
| 02 s20.1546e 856.75 | 26 n80.2354e 35.66 |
| 03 Lt, r=7307.63, chord=n83.5315w 229.37 | 27 n09.3555w 87.51 |
| 04 n87.3341w 166.51 | 28 s80.2405w 57.8 |
| 05 n88.2615w 364.98 | 29 n23.4755w 181.87 |
| 06 n02.4559e 277.64 | 30 s87.1843e 187.1 |
| 07 n87.1401w 10 | 31 s19.2401e 385.53 |
| 08 n02.4559e 505.81 | 32 s20.1546e 740.75 |
| 09 @6 | 33 n87.1558w 435.24 |
| 10 e-52.81 n-1161.15 | 34 @2 city of fayetteville new |
| 11 n02.4559e 80.02 | 35 e1265.99 n-1302.63 |
| 12 s88.2615e 10 | 36 Lt, r=4567.42, chord=n78.2600w 167.77 |
| 13 n02.4559e 300.07 | 37 Lt, r=6907.16, chord=n80.2417w 215.66 |
| 14 s88.2615e 364.99 | 38 n20.1546w 1298.95 |
| 15 s87.3341e 166.51 | 39 s87.1558e 887.5 |
| 16 Rt, r=7307.63, chord=s83.5315e 229.37 | 40 s02.4423w 1247.25 |
| 17 s20.1546e 442.21 | |
| 18 Lt, r=6907.36, chord=n82.5611w 394.64 | |
| 19 n05.2536e 10 | |
| 20 Lt, r=6917.21, chord=n84.3830w 16.48 | |
| 21 n87.3341w 153.96 | |
| 22 n88.2615w 379.99 | |
| 23 @1 | |
| 24 n02.4559e 664.56 | |

WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT **Dan A. Spencer and Anita Z. Spencer, husband and wife**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

A part of the Southwest Quarter of the Southwest Quarter of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas, being more particularly described as follows, to-wit: Beginning at a point on the South right of way of State Highway #16 which is N02°44'23"E 68.06 feet from the Southeast corner of said forty acre tract and running thence along said right of way along a curve to the left having a radius of 4567.42 feet for a chord bearing and distance of N78°26'00"W 167.77 feet; thence continuing along said right of way along a curve to the left having a radius of 6907.16 for a chord bearing and distance of N80°24'17"W 215.66 feet; thence leaving said right of way N20°15'46"W 1298.95 feet to the North line of said forty acre tract; thence along said North line S87°15'58"E 887.50 feet to the Northeast corner of said forty acre tract; thence along the East line thereof S02°44'23"W 1247.25 feet to the point of beginning, containing 17.60 acres, more or less. Subject to all easements and rights of way of record.

Pursuant to Property Line Adjustment as recorded on January 12, 2015 and filed as Document No. 2015-00000966.

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantors, hereby covenant that they are lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantors will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this Thurs. day of Dec 5th, 2019.

[Signature]
Dan A. Spencer

[Signature]
Anita Z. Spencer

REVENUE STAMPS AFFIDAVIT

The foregoing deed has the correct amount of Revenue Stamps affixed to it or is exempt from such stamps.

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 5th day of Dec, 2019.

MY COMMISSION EXPIRES:



[Signature]
Notary Public

WARRANTY DEED

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Dan A. Spencer and Anita Z. Spencer, husband and wife**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

A part of the Southwest Quarter of the Northwest Quarter of Section 21, Township 16 North, Range 29 West, Washington County, being more particularly described as follows, to-wit: Beginning at the NW corner of said forty acre tract and running thence along the North line thereof S87°15'58"E 435.24 feet; thence leaving said North line S20°15'46"E 856.75 feet; thence along a curve to the left having a radius of 7307.63 feet for a chord bearing and distance of N83°53'15"W 229.37 feet; thence N87°33'41"W 166.51 feet; thence N88°26'15"W 364.98 feet; thence N02°45'59"E 277.64 feet; thence N87°14'01"W 10.00 feet to the West line of said Section 21, thence long said West line N02°45'59"E 505.81 feet to the point of beginning, containing 10.69 acres, more or less, subject to all easements and rights of way of record.

AND A part of the Southwest Quarter of the Northwest Quarter of Section 21, Township 16 North, Range 29 West, Washington County, being more particularly described as follows, to-wit: Beginning at a point on the South right of way of State Highway #16 which is N02°45'59"E 150.52 feet from the SW corner of said forty acre tract and running thence along the West line of said forty acre tract N02°45'59"E 80.02 feet to the North right of way of State Highway #16; thence along said North right of way S88°26'15"E 10.00 feet to the East right of way of Lewis Woods Land, thence along said East right of way N02°45'59"E 300.07 feet; thence leaving said East right of way S88°26'15"E 364.99 feet; thence S87°33'41" 166.51 feet; thence along a curve to the right having a radius of 7307.63 for a chord bearing and distance of S83°53'15"E 229.37 feet; thence S20°15'46"E 442.21 feet to the South right of way of State Highway #16; thence along said right of way the following; along a curve to the left having a radius of 6907.36 for a chord bearing and distance of N82°56'11"W 394.64 feet, N05°25'36"E 10.00 feet, along a curve to the left having a radius of 6917.21 for a chord bearing and distance of N84°38'30"W 16.48 feet, N87°33'41"W 153.96 feet, N88°26'15"W 379.99 feet to the point of beginning, containing 7.48 acres. Subject to all easements and rights of way of record.

AND A part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 16 North, Range 29 West, Washington County, being more particularly described as follows, to-wit: Beginning at the SW corner of the Northwest Quarter of the Northwest Quarter of said Section 21 and running thence along the west line there N02°45'59"E 664.56 feet; thence leaving said West line N23°47'56"W 146.22 feet ; thence N80°23'54"E 35.66 feet; thence N09°35'55"W 87.51 feet; thence S80°24'05"W 57.80 feet; thence N23°47'55"W 181.87 feet; thence S87°18'43"E 187.10 feet to the West line of said Section 21; thence S19°24'01"E 385.53 feet to the SE corner of the base of a flag pole; thence S20°15'46"E 740.75 feet to the South line of said forty acre tract; thence along said south line N87°15'58"W 435.24 feet to the point of beginning, containing 5.48 acres, more or less. Subject to all easements and rights of way of record.

Pursuant to Property Line Adjustment as recorded on January 12, 2015 and filed as Document No. 2015-00000966.

TO HAVE AND TO HOLD the said lands and appurtenances hereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantors, hereby covenant that they are lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantors will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS the execution hereof on this the _____ day of _____, 2020.

CITY OF FAYETTEVILLE, ARKANSAS
A Municipal Corporation

By:

Lionel Jordan, Mayor

ATTEST:

[SEAL]

Kara Paxton, City Clerk Treasurer

REVENUE STAMPS AFFIDAVIT

The foregoing deed has the correct amount of Revenue Stamps affixed to it or is **exempt** from such stamps.

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan** and **Kara Paxton**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk Treasurer** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2020.

MY COMMISSION EXPIRES:

Notary Public