City of Fayetteville Staff Review Form

2020-0605

Legistar File ID

8/4/2020

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

Garner Stoll 7/17/2020 CITY PLANNING (630)

Submitted By Submitted Date Division / Department

Action Recommendation:

VAC 20-7137: Vacation (1468 S. COOPERS COVE/THARP-CAVANAUGH, 607): Submitted by BATES & ASSOCIATES, INC. for property located at 1468 S. COOPERS COVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.01 acres. The request is to vacate a portion of a general utility easement.

Budget Impact:

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Budgeted Item?</th>
<th>NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does item have a cost?</td>
<td>No</td>
</tr>
<tr>
<td>Budget Adjustment Attached?</td>
<td>NA</td>
</tr>
</tbody>
</table>

| Current Budget | $ | - |
| Funds Obligated | $ | - |
| Current Balance | $ | - |
| Item Cost |      |
| Budget Adjustment |      |
| Remaining Budget | $ | - |

Purchase Order Number: Previous Ordinance or Resolution #

Change Order Number: Approval Date:

Original Contract Number:

Comments:
MEETING OF AUGUST 4, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director
Jonathan Curth, Development Review Manager

FROM: Harry Davis, Planner

DATE: July 17, 2020

SUBJECT: VAC 20-7137: Vacation (1468 S. COOPERS COVE/THARP-CAVANAUGH, 607): Submitted by BATES & ASSOCIATES, INC. for property located at 1468 S. COOPERS COVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.01 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:
Staff and Planning Commission recommend approval of VAC 20-7137 as shown in the attached Exhibits 'A' and 'B' and with the following condition of approval:

1. Any damage or relocation of existing facilities will be at the applicant’s expense.

BACKGROUND:
The subject property is undeveloped and located at the north end of Coopers Cove within the Crescent Lake Subdivision, which was platted in late 2005. The property is zoned RSF-4, Residential Single-family, 4 Units per Acre, contains approximately 0.01 acres, and is part of a larger 0.38 acre residential lot. The lot is encumbered by a few features, including setbacks, utility easements, floodplain, and the Streamside Protection Zone ordinance adopted in 2011. The applicant proposes to vacate a portion of the utility easement overlaying the subject property. This vacation is in preparation for a future single-family home on the property.

DISCUSSION:
At the July 13, 2020 Planning Commission meeting, this item was forwarded as part of the consent agenda to City Council with a recommendation for approval and the condition as recommended by staff.
BUDGET/STAFF IMPACT:
N/A

Attachments:
- Exhibit A
- Exhibit B
- Planning Commission Staff Report
May 15, 2020

RE: Legal description of a portion of a 25’ utility easement to be vacated at 1468 S. Coopers Cove:

A PORTION OF AN EXISTING 25' UTILITY EASEMENT TO BE VACATED, BEING A PART OF LOT 13, CRESCENT LAKE SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT RECORD 23 AT PAGE 189, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S72°43'14"E 25.90' AND S17°16'46"W 10.00' FROM AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 13 AND RUNNING THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 85.00' FOR A CHORD BEARING AND DISTANCE OF S37°20'45"W 59.00', THENCE N37°20'01"W 10.04', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 75.00' FOR A CHORD BEARING AND DISTANCE OF N37°39'48"E 52.91', THENCE S72°43'14"E 10.00' TO THE POINT OF BEGINNING, CONTAINING 571.63 SQUARE FEET.
TO: Fayetteville Planning Commission
THRU: Jonathan Curth, Development Review Manager
FROM: Harry Davis, Planner
MEETING DATE: July 13, 2020
SUBJECT: VAC 20-7137: Vacation (1468 S. COOPERS COVE/THARP-CAVANAUGH, 607): Submitted by BATES & ASSOCIATES, INC. for property located at 1468 S. COOPERS COVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.38 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:
Staff recommends forwarding VAC 20-7137 to City Council recommending approval with the following conditions.

RECOMMENDED MOTION:
“I move to forward VAC 20-7137 to City Council recommending approval with all conditions as recommended by staff.”

BACKGROUND:
The subject property is located at 1468 Coopers Cove at the end of Coopers Cove within the Crescent Lake Subdivision, which was platted in late 2005. The property is zoned RSF-4, Residential Single-family, 4 Units per Acre, contains approximately 0.38 acres, and is currently undeveloped. The lot is encumbered by a few features, including setbacks, utility easements, floodplain, and the Streamside Protection Zone ordinance adopted in 2011. Surrounding zoning and land uses are listed in Table 1.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single-family Residential, Undeveloped</td>
<td>RSF-4, Residential Single-family, 4 Units per Acre</td>
</tr>
<tr>
<td>South</td>
<td>Single-family Residential</td>
<td>RSF-4, Residential Single-family, 4 Units per Acre</td>
</tr>
<tr>
<td>East</td>
<td>Single-family Residential</td>
<td>RSF-4, Residential Single-family, 4 Units per Acre</td>
</tr>
<tr>
<td>West</td>
<td>Single-family Residential, Undeveloped</td>
<td>RSF-4, Residential Single-family, 4 Units per Acre</td>
</tr>
</tbody>
</table>

Proposal: The applicant proposes to vacate a portion of an existing general utility easement. The portion is about 570 square feet near the front of the property along Coopers Cove. This vacation is in preparation for a future single-family home on the property.

DISCUSSION:
Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses:
<table>
<thead>
<tr>
<th>Utility</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cox Communications</td>
<td>Any damage or relocation of existing facilities will be at the applicant’s expense.</td>
</tr>
<tr>
<td>AEP/SWEPCO</td>
<td>No comment and no objections.</td>
</tr>
<tr>
<td>BlackHills Energy AR</td>
<td>No comment and no objections.</td>
</tr>
<tr>
<td>AT&amp;T</td>
<td>No comment and no objections.</td>
</tr>
<tr>
<td>Ozarks Electric</td>
<td>No comment and no objections.</td>
</tr>
<tr>
<td>City of Fayetteville</td>
<td>Response</td>
</tr>
<tr>
<td>Water/Sewer</td>
<td>No comment and no objections.</td>
</tr>
<tr>
<td>Solid Waste &amp; Recycling</td>
<td>No comment.</td>
</tr>
<tr>
<td>Transportation</td>
<td>No comment.</td>
</tr>
</tbody>
</table>

Public Comment: No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 20-7137 to City Council recommending approval with the following conditions.

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the applicant’s expense.

PLANNING COMMISSION ACTION: Required    YES

**Date:** July 13, 2020  
☐ Tabled  ☑ Forwarded  ☐ Denied

**Motion:** Winston  
Motion to forward to CC recommending approval, as a part of consent agenda

**Second:** Belden  
Motion passed

**Vote:** 8-0-0
BUDGET/STAFF IMPACT:
None

Attachments:
- Petition to Vacate
- Vacation Exhibit
- Legal Description
- One Mile Map
- Close-up Map
- Current Land Use Map
PETITION TO VACATE A PORTION OF A 25’ UTILITY EASEMENT LOCATED ON A PART OF LOT 13 OF CRESCENT LAKE SUBDIVISION IN THE 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 UTILITY EASEMENT, hereinafter sought to be abandoned and vacated, ON A PART OF LOT 13 OF CRESCENT LAKE SUBDIVISION, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of a 25’ UTILITY EASEMENT which is described as follows:

A PORTION OF AN EXISTING 25’ UTILITY EASEMENT TO BE VACATED, BEING A PART OF LOT 13, CRESCENT LAKE SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT RECORD 23 AT PAGE 189, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S72°43'14"E 25.90' AND S17°16'46"W 10.00' FROM AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 13 AND RUNNING THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 85.00' FOR A CHORD BEARING AND DISTANCE OF S37°20'45"W 59.00', THENCE N37°20'01"W 10.04', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 75.00' FOR A CHORD BEARING AND DISTANCE OF N37°39'48"E 52.91', THENCE S72°43'14"E 10.00' TO THE POINT OF BEGINNING, CONTAINING 511.63 SQUARE FEET.

That the abutting real estate affected by said abandonment of the PORTION OF THE 25’ UTILITY EASEMENT LOCATED ON A PART OF LOT 13 OF CRESCENT LAKE SUBDIVISION IN THE CITY OF FAYETTEVILLE, ARKANSAS, 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 PORTION OF THE 25’ UTILITY EASEMENT LOCATED ON A PART OF LOT 13 OF CRESCENT LAKE SUBDIVISION IN THE CITY OF FAYETTEVILLE, ARKANSAS.

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 UTILITY EASEMENT.

Dated this 14th day of May, 2020.

Printed Name Stephen B. Tharp
Signature

Printed Name Patricia A. Cavanaugh
Signature
May 15, 2020

RE: Legal description of a portion of a 25’ utility easement to be vacated at 1468 S. Coopers Cove:

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