City of Fayetteville Staff Review Form

2020-0685

Legistar File ID

9/1/2020

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

Garner Stoll

8/14/2020

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 20-7184: Vacation (2160 N. RUPPLE RD./HAZEN-COF, 361): Submitted by THE CITY OF FAYETTEVILLE for property located at 2160 N. RUPPLE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and CS, COMMUNITY SERVICES and contain approximately 1.19 acres. The request is to vacate a portion of a street right-of-way.

Budget Impact:

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

<table>
<thead>
<tr>
<th>Budgeted Item?</th>
<th>Project Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Does item have a cost?</th>
<th>Item Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Budget Adjustment Attached?</th>
<th>Budget Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

| Remaining Budget |
|------------------|-------------------|
| $                | -                 |

Purchase Order Number: 

Previous Ordinance or Resolution # 

Change Order Number: 

Approval Date: 

Original Contract Number: 

Comments:
MEETING OF SEPTEMBER 1, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director

FROM: Jonathan Curth, Development Review Manager

DATE: August 14, 2020

SUBJECT: VAC 20-7184: Vacation (2160 N. RUPPLE RD./HAZEN-COF, 361): Submitted by THE CITY OF FAYETTEVILLE for property located at 2160 N. RUPPLE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and CS, COMMUNITY SERVICES and contain approximately 1.19 acres. The request is to vacate a portion of a street right-of-way.

RECOMMENDATION:
Staff and Planning Commission recommend approval of VAC 20-7184 as shown in the attached Exhibits ‘A’ and ‘B’ and with the following conditions of approval:

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

2. Dedication of gas easement shall be completed along the western edge of Rupple Road to accommodate gas line relocation as shown in the attached gas easement exhibit;

3. Access easement dedication shall be completed as shown in the attached access easement exhibit; and

4. General utility easement dedication shall replace the location of the proposed right-of-way vacation to serve existing public water and sewer infrastructure.

BACKGROUND:
The subject property includes 1.19 acres along the former alignment of Rupple Road, extending approximately 900 feet south from Mount Comfort near the Mount Comfort Cemetery. As part of the City’s bond program, traffic flow from the subject property was relocated to a realigned Rupple Road that now intersects Mount Comfort at a signalized intersection to the east.

Request: The City of Fayetteville, as representative for the applicants, James and Judith Hazen, proposes to vacate approximately 900 linear feet of public right-of-way, totaling 1.19 acres along Rupple Road’s former alignment and as indicated in the attached exhibits. Staff supports the request given that the previous alignment of Rupple Road is no longer needed or functional. With construction of the new alignment, the property proposed for vacation saw all pavement removed.
from the Hamestring Creek crossing south. As such, it does not provide connectivity. The remaining paved portion will provide access to the adjacent properties.

**DISCUSSION:**
At the August 10, 2020 Planning Commission meeting, this item was forwarded as part of the consent agenda to City Council with a recommendation for approval and the conditions as recommended by staff.

**BUDGET/STAFF IMPACT:**
N/A

**Attachments:**
- Exhibit A
- Exhibit B
- Planning Commission Staff Report
Part of the NE¼ of the SE¼ of Section 1, Township 16 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the SE corner of the NE¼ of the SE¼ of Section 1, Township 16 North, Range 31 West, and running thence N 86°59'04" W 697.70 feet and N 03°00'56" E 174.00 feet to the Point of Beginning; thence N 14°59'45" E 140.16 feet; thence N 01°43’31" E 216.75 feet; thence N 00°44'47" E 265.46 feet; thence N 03°17'02" E 108.46 feet; thence N 01°37’17" W 127.50 feet; thence N 12°30’18”W 53.75 feet; thence N 77°54’28” W 100 feet; thence S 88°49’02" E 306.37 feet; thence S 70°39’34” W 70.76 feet; thence along a curve to the left having a radius of 95.00 feet, an arc length of 103.515 feet, a delta of 60°18’41”, and a chord bearing and distance of S 39°26’39” W 98.47 feet; thence S 08°13’43” W 52.57 feet; thence S 05°56’05” W 123.24 feet; thence S 00°46’04” W 295.85 feet; thence S 01°40’21” W 217.17 feet; thence along a curve to the right having a radius of 475.00 feet, an arc length of 40.96 feet, a delta of 4°56’24”, and a chord bearing and distance of S 04°08’33”W 40.94 feet; thence S 45°48’55”W 18.25 feet; thence along a curve to the left having a radius of 655.50 feet, an arc length of 106.08 feet, a delta of 9°16’20” and a chord bearing and distance of S 41°10’45” W 105.96 feet to the point of beginning, containing 51,869 square feet or 1.19 acres, more or less.
TO: Fayetteville Planning Commission
FROM: Jonathan Curth, Development Review Manager
MEETING DATE: August 10, 2020
SUBJECT: VAC 20-7184: Vacation (2160 N. RUPPLE RD./HAZEN-COF, 361):
Submitted by THE CITY OF FAYETTEVILLE for property located at 2160 N. RUPPLE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and CS, COMMUNITY SERVICES and contains approximately 1.19 acres. The request is to vacate a portion of a street right-of-way.

RECOMMENDATION:
Staff recommends forwarding VAC 20-7184 to City Council recommending approval with the following conditions.

RECOMMENDED MOTION:
“I move to forward VAC 20-7184 to City Council recommending approval with all conditions as recommended by staff.”

BACKGROUND:
The subject property includes 1.19 acres along the former alignment of Rupple Road, extending approximately 900 feet south from Mount Comfort near the Mount Comfort Cemetery. As part of the City’s bond program, traffic flow from the subject property was relocated to a realigned Rupple Road that now intersects Mount Comfort at a signalized intersection to the east. Surrounding land use and zoning is depicted in Table 1.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Church &amp; Cemetery</td>
<td>RSF-1, Residential Single-family, 1 Unit per Acre</td>
</tr>
<tr>
<td>South</td>
<td>Undeveloped</td>
<td>R-A, Residential Agricultural</td>
</tr>
<tr>
<td>West</td>
<td>Warehouse; Undeveloped</td>
<td>CS, Community Services; R-A, Residential Agricultural</td>
</tr>
<tr>
<td>East</td>
<td>Undeveloped</td>
<td>CS, Community Services; R-A, Residential Agricultural</td>
</tr>
</tbody>
</table>

Proposal: The City of Fayetteville, as representative for the applicants, James and Judith Hazen, proposes to vacate approximately 900 linear feet of public right-of-way, totaling 1.19 acres along Rupple Road’s former alignment and as indicated in the attached exhibits.

DISCUSSION:
Staff supports the request given that the previous alignment of Rupple Road is no longer needed or functional. With construction of the new alignment, the property proposed for vacation saw all
pavement removed from the Hamestring Creek crossing south. As such, it no longer serves to provide connectivity. The remaining paved portion will provide access to the adjacent properties.

*Vacation Approval:* The applicant has submitted the required vacation forms to the relevant City departments, adjacent property owners, 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>No objections and no comment.</td>
</tr>
<tr>
<td>AEP/SWEPCO</td>
<td>No objections and no comment.</td>
</tr>
<tr>
<td>BlackHills Energy AR</td>
<td>No objections provided dedication of easement for gas pipeline relocation.</td>
</tr>
<tr>
<td>AT&amp;T</td>
<td>No objections and no comment.</td>
</tr>
<tr>
<td>Ozarks Electric</td>
<td>No objections and no comment.</td>
</tr>
<tr>
<td>City of Fayetteville</td>
<td>Response</td>
</tr>
<tr>
<td>Water/Sewer</td>
<td>No objections provided the entire area is to be retained as a general utility easement to serve the existing water and sewer infrastructure. This includes 10-inch, 12-inch, and 24-inch sanitary sewer mains, and a 6-inch water main.</td>
</tr>
<tr>
<td>Solid Waste &amp; Recycling</td>
<td>No objections and no comment.</td>
</tr>
<tr>
<td>Transportation</td>
<td>No objections and no comment.</td>
</tr>
</tbody>
</table>

*Public Comment:* No public comment has been received.

**RECOMMENDATION:** Staff recommends forwarding **VAC 20-7184** 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.

2. Dedication of gas easement shall be completed along the western edge of Rupple Road to accommodate gas line relocation as shown in the attached gas easement exhibit;

3. Access easement dedication shall be completed as shown in the attached access easement exhibit;

4. General utility easement dedication shall replace the location of the proposed right-of-way vacation to serve existing public water and sewer infrastructure.
<table>
<thead>
<tr>
<th>PLANNING COMMISSION ACTION:</th>
<th>Required</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: August 10, 2020</td>
<td>☐ Tabled</td>
<td>☑ Forwarded</td>
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<tr>
<td>Motion: Belden, on the consent agenda</td>
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<td>Second: Canada</td>
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<td>Vote: 8-0-0</td>
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</table>

**BUDGET/STAFF IMPACT:**
None

**Attachments:**
- Request Letter
- Petition to Vacate
- Exhibits:
  - Vacation
  - Aerial
  - Gas Easement
  - Access Easement
- One Mile Map
- Close-up Map
- Current Land Use Map
July 1, 2020

TO: City of Fayetteville Planning Commission and City Council

RE: R/W Vacation of Ruple Road

The Ruple Road Relocation (Starry Night View to Mt. Comfort Rd.) construction project is one of the City’s Transportation bond projects. This project has relocated a portion of the existing roadway to a new alignment which connects with the existing signalized intersection on Mt. Comfort Road. The old Ruple Road is no longer needed by the City for vehicular traffic. James and Judith Hazen have requested that the City vacate the right-of-way for the old portion of Ruple Road. The Engineering Division does not have any objection to this transfer of land rights. This action will only affect two (2) property owners: one is the applicant and the second owner has been notified and has signed the approval form. An Exhibit showing the area to be vacated has been included in the submittal package.

However, in the Utility Approval Form signed by Black Hills Energy Corporation, they have requested that 2 gas easements be granted to Black Hills by the applicant James & Judy Hazen so that Black Hills may maintain their existing gas line as well as install a new gas line which needs to be relocated due to the construction of Ruple Road. Additionally, James & Judith Hazen are required to sign an easement requested by the City’s Water & Sewer Division and an Access Easement to the adjacent landowner WT Transfer Holding Company, LLC. Therefore, it is recommended that these stipulations be added to the approval to vacate the old Ruple Road right-of-way.

Sincerely,

Paul Libertini, P.E.,
Staff Engineer
Petition to Vacate a portion of Rulppe Road Located in Section 1, Township 16 North, Range 31 West, 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 Rulppe Road hereinafter sought to be abandoned and vacated, lying in Section 1, Township 16 North, Range 31 West, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said right of way described as follows:

Part of the NE4 of the SE4 of Section 1, Township 16 North, Range 31 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the SE corner of the NE4 of the SE4 of Section 1, Township 16 North, Range 31 West, and running thence N 86°59'04" W 697.70 feet and N 03°00'56" E 174.00 feet to the Point of Beginning; thence N 14°59'45" E 140.15 feet; thence N 01°43'31" E 216.75 feet; thence N 00°44'47" E 265.46 feet; thence N 03°17'02" E 307.088 feet; thence S 88°49'02" E 181.907 feet; thence S 70°39'34" W 70.76 feet; thence along a curve to the left having a radius of 95.00 feet, an arc length of 103.515 feet, a delta of 60°18'41", and a chord bearing and distance of S 39°26'39" W 98.469 feet; thence S 08°13'43" W 52.57 feet; thence S 05°56'05" W 123.24 feet; thence S 00°46'04" W 295.85 feet; thence S 01°40'21" W 217.17 feet; thence along a curve to the right having a radius of 475.00 feet, an arc length of 40.955 feet, a delta of 4°56'24", and a chord bearing and distance of S 04°08'33" 40.942 feet; thence S 45°48'55" W 18.246 feet; thence along a curve to the left having a radius of 655.50 feet, an arc length of 106.08 feet, a delta of 9°16'20" and a chord bearing and distance of S 41°10'45" W 105.964 feet to the point of beginning, containing 48,799 square feet or 1.12 acres, more or less.

That the abutting real estate affected by said abandonment of the above right of way has been improved with the construction and re-alignment of Rulppe Road and that public interest and welfare would not be adversely affected by the abandonment of the above-described road right of way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to existing easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

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 existing easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law.

Dated this __13___ day of __AUGUST___, 2019.

Printed Name

[Signature]

Printed Name

[Signature]
2020: Post Ruple Road realignment completion and removal of former former Ruple Road south of Hamestring Creek

2019: Ruple Road realignment under construction. Former Ruple Road still active

August 2020: On-site photo looking south over Hamestring Creek