Action Recommendation:

VAC 20-7178: Vacation (4322 & 4334 W. BARHEM DR./LOTS 52 & 53-SLOANBROOKE SD, PH. V, 516): Submitted by JORGENSEN & ASSOCIATES, INC. for property located at 4322 & 4334 W. BARHEM DR. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.17 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>
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<tbody>
<tr>
<td></td>
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</table>

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

<table>
<thead>
<tr>
<th>Budgeted Item?</th>
<th>NA</th>
<th>Current Budget</th>
<th>$</th>
<th>-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funds Obligated</td>
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<td>-</td>
<td></td>
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</table>

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

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

Purchase Order Number: __________________________
Change Order Number: __________________________
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
Jonathan Curth, Development Review Manager

FROM: Jessie Masters, Senior Planner

DATE: August 14, 2020

SUBJECT: VAC 20-7178: Vacation (4322 & 4334 W. BARHEM DR./LOTS 52 & 53-
SLOANBROOKE SD, PH. V, 516): Submitted by JORGENSEN & ASSOCIATES,
INC. for property located at 4322 & 4334 W. BARHEM DR. The properties are
zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.17
acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:
Staff and Planning Commission recommend approval of VAC 20-7178 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.

BACKGROUND:
The subject property is located in west Fayetteville west of N. Rupple Road and south of W.
Persimmon Street. The property is surrounded by The Villages of Sloanbrooke Subdivision,
Phase V, the final plat of which was approved by Planning Commission on May 11, 2020.

Request: The applicant proposes to vacate an existing 15-foot utility easement that runs through
platted lots 51-54, 59, and 62. The utility easement is currently preventing development for single-
family homes on lots 52 and 53.

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, with the condition as
recommended by staff.
BUDGET/STAFF IMPACT:
N/A

Attachments:
- Exhibit A
- Exhibit B
- Planning Commission Staff Report
LEGAL DESCRIPTION: (UTILITY EASEMENT TO BE VACATED)

A part of the NE1/4 of the SW1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4 thence S02°23'43"W 392.30 feet to the centerline of a 15' utility easement, said point being the Point of Beginning; thence along said centerline N72°51'47"W 130.40 feet, thence N35°32'17"W 400.30 feet, thence N15°12'17"W 17.20 feet to the end of said 15' utility easement.
TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

FROM: Jessie Masters, Senior Planner

MEETING DATE: August 10, 2020

SUBJECT: VAC 20-7178: Vacation (4322 & 4334 W. BARHEM DR./LOTS 52 & 53- SLOANBROOKE SD, PH. V, 516): Submitted by JORGENSEN & ASSOCIATES, INC. for property located at 4322 & 4334 W. BARHEM DR. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.17 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:
Staff recommends forwarding VAC 20-7178 to City Council recommending approval with the following conditions.

RECOMMENDED MOTION:
“I move to forward VAC 20-7178 to City Council recommending approval with all conditions as recommended by staff.”

BACKGROUND:
The subject property is located in west Fayetteville west of N. Ruple Road and south of W. Persimmon Street. The property is surrounded by The Villages of Sloanbrooke Subdivision, Phase V, the final plat of which was approved on May 11, 2020. 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>Undeveloped/Residential</td>
<td>NC, Neighborhood Conservation</td>
</tr>
<tr>
<td>South</td>
<td>Undeveloped/Residential</td>
<td>NC, Neighborhood Conservation</td>
</tr>
<tr>
<td>West</td>
<td>Undeveloped/Residential</td>
<td>NC, Neighborhood Conservation</td>
</tr>
<tr>
<td>East</td>
<td>Undeveloped/Residential</td>
<td>NC, Neighborhood Conservation; CS Community Services</td>
</tr>
</tbody>
</table>

Proposal: The applicant proposes to vacate an existing 15-foot utility easement that runs through platted lots 51-54, 59, and 62. The utility easement is currently preventing development for single-family homes on lots 52 and 53.
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 objections and no comment.</td>
</tr>
<tr>
<td>BlackHills Energy AR</td>
<td>No objections and no comment.</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 and no comment.</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 20-7178 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: August 10, 2020

Motion: Belden

Second: Canada

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
Easement Vacate

PETITION TO VACATE PART OF AN EASEMENT LOCATED IN THE CITY OF FAYETTEVILLE, ARKANSAS.

TO: The City of Fayetteville Planning Commission and
    The City of Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the said easement hereinafter sought to be vacated, lying in City of Fayetteville, Arkansas, petition to vacate part of an easement which is described as follows:

A part of the NE1/4 of the SW1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4 thence S02°23'43"W 392.30 feet to the centerline of a 15' utility easement, said point being the Point of Beginning; thence along said centerline N72°51'47"W 130.40 feet, thence N35°32'17"W 400.30 feet, thence N15°12'17"W 17.20 feet to the end of said 15' utility easement.

That the abutting real estate affected by said vacation would not be adversely affected by the vacation of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility 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 easements.

Dated this 14th day of July, 2020.

Mark Marquess

Printed Name

Signature
LEGAL DESCRIPTION: (UTILITY EASEMENT TO BE VACATED)

A part of the NE1/4 of the SW1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4 thence S92°23'43"W 392.30 feet to the centerline of a 15' utility easement, said point being the Point of Beginning; thence along said centerline N72°51'47"W 130.40 feet, thence N35°32'17"W 400.30 feet, thence N15°12'17"W 17.20 feet to the end of said 15' utility easement.

UTILITY EASEMENT TO BE VACATED

EXHIBIT "A"
LEGAL DESCRIPTION: (UTILITY EASEMENT TO BE VACATED)

A part of the NE1/4 of the SW1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4 thence S02°23'43"W 392.30 feet to the centerline of a 15' utility easement, said point being the Point of Beginning; thence along said centerline N72°51'47"W 130.40 feet, thence N35°32'17"W 400.30 feet, thence N15°12'17"W 17.20 feet to the end of said 15' utility easement.
Subject Property

Single-Family Residential (Under Construction)

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

1 inch = 150 feet