

City of Fayetteville Staff Review Form

2021-0321

Legistar File ID

5/18/2021

City Council Meeting
N/A for Non-Agenda Item

Wade Abernathy

Agenda Item Only 4/20/2021

FACILITIES MANAGEMENT (140)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval and execution of the permanent access easement for Fire Station 9 project, parcel 756-15334-000 located on South School Avenue.

Budget Impact:

4610.860.7109-5860.02

4610-Fire Projects 2019 Bonds

Account Number

Fund

46100.7109.8315

Fire Staion 9

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance **\$ -**

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget **\$ -**

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF MAY 18, 2021

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Paul Becker, Chief Financial Officer
Brad Hardin, Fire Chief

FROM: Wade Abernathy, Director Bond and Construction Projects

DATE: April 22, 2021

SUBJECT: Approval and Execution of Permanent Public Access Easement for Fire Station 9.

RECOMMENDATION:

Staff recommends approval and execution of the access easement for Fire Station 9 project, parcel 765-15334-000 located on South School.

BACKGROUND:

In March of 2021, Council approved resolution 84-21 for a construction contract with Flintco, LLC for the Fire Station #9.

DISCUSSION:

This Access easement dedication was proposed in response to the access management variance requested for back-to-back curb cuts. The Planning Commission approved the variance with the easement as a condition of approval. It will allow access to any future developments to the North property. Once the easement is executed, it will allow for the grading and building permits to be issued.

BUDGET/STAFF IMPACT:

N/A

Attachments:

**Permanent Public Cross-Access Easement
Drawing**

PERMANENT PUBLIC CROSS-ACCESS EASEMENT

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, SELL and CONVEY unto **Robert E. Parker and Vickie Rae Parker, husband and wife, and the City of Fayetteville, Arkansas, a municipal corporation,** hereinafter called GRANTEES, and unto Grantees' heirs, successors and assigns, a permanent easement for ingress, egress and access for public purposes in, on, over, and across the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed 2019-35552)

Part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty-Eight (28), Township Sixteen (16) North, Range Thirty (30) West, 5th Principal Meridian, Washington County, Arkansas, being more particularly described as follows: Beginning at a point which is North 87°21'45" West 528.86 feet and North 02°29'22" East 465.20 feet from a found crimp pipe representing the Southeast corner of said forty (40) acre tract, the Point of Beginning being a found iron 5/8" rebar; thence North 67°15'49" West 193.15 feet to a found 5/8" rebar; thence North 22°44'18" East 139.30 feet to a found 5/8" rebar; thence North 77°50'33" West 288.49 feet to the Easterly Right of Way of School Avenue said point being in a curve concave Northwesterly and having a radial bearing of North 68°33'35" West; thence along the said right of way and curve an arc distance of 143.56 feet through a central angle of 5°35'11" and having a radius of 1472.39 feet to a point, said point being a chord bearing and distance of North 18°27'18" East 143.50 and a radial bearing of North 74°07'47" West; thence leaving said right of way and curve South 67°28'28" East 472.76 feet to a found 5/8" rebar; thence South 19°06'01" west 231.65 feet to the Point of Beginning and containing 1.761 acres, more or less. This description being the same as that filed on Survey recorded as File No. 2019-00028213 and filed for record 9/18/2019 of the records of the Circuit Clerk of Washington County, Arkansas.

PERMANENT PUBLIC CROSS-ACCESS EASEMENT DESCRIPTION:

A permanent public cross-access easement adjacent to the North line of Grantor's above described property described as follows: BEGIN at the found rebar pin at the intersection of Grantor's North property line and the East right of way line of South School Street, and run thence South 67° 28' 28" East along Grantor's North property line a distance of 71.50 feet; thence leaving said North property line South 22° 31' 32" West a distance of 25.00 feet; thence North 67° 28' 28" West a distance of 68.96 feet to said East right of way line of South School Street; thence North 16° 43' 27" East along said East right of way line a distance of 25.13 feet to the Point of Beginning, containing 1,756 square feet or 0.04 acres, more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantees, their heirs, successors, and assigns, as well as the general public for the uses and purposes hereinabove set forth.

The Grantor agrees not to erect any permanent buildings or structures in said access easement area.

The consideration first above recited as being paid to Grantors by Grantees is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document on behalf of the Grantees is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2021.

**City of Fayetteville, Arkansas,
A municipal corporation**

ATTEST:

By: _____
Lioneld Jordan, Mayor

Kara Paxton, City Clerk Treasurer

[Seal]

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 _____, 2021.

MY COMMISSION EXPIRES:

Notary Public

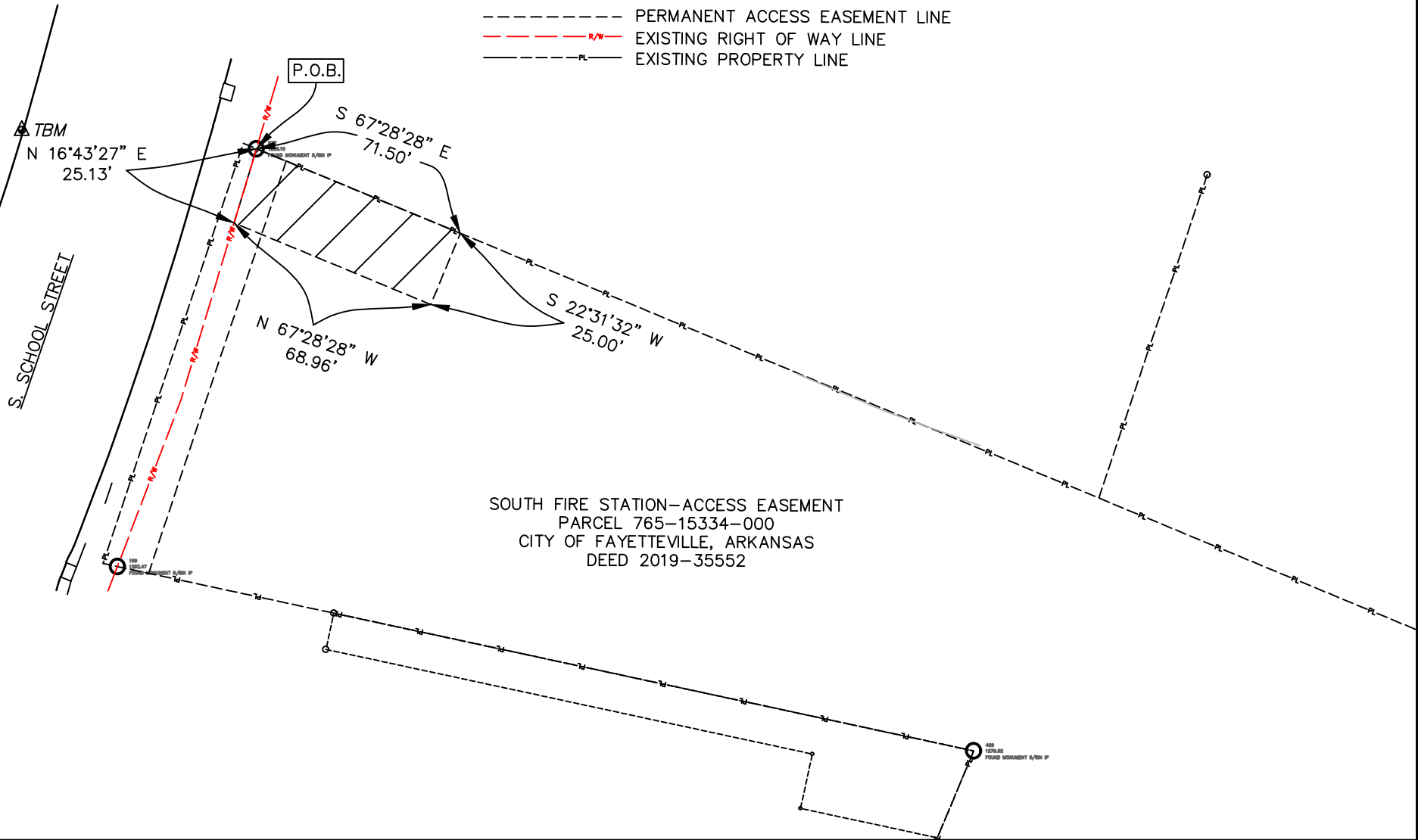
DWG: F:\2019\3501-4000\019-3662\40-Design\Survey\SRV\Xref\V_XESMT_0193662.dwg
 DATE: Jan 09, 2021 2:49pm
 USER: gdzenzer
 XREFS:



N.T.S.

LEGEND

- PERMANENT ACCESS EASEMENT
- PERMANENT ACCESS EASEMENT LINE
- EXISTING RIGHT OF WAY LINE
- EXISTING PROPERTY LINE



PROJECT NO:	019-3662
DRAWN BY:	GLD
DATE:	01/09/21

SOUTH FIRE STATION - ACCESS EASEMENT
 PARCEL 765-15334-000
 CITY OF FAYETTEVILLE, ARKANSAS

olsson
 302 East Millsap Road
 Fayetteville, AR 72703
 TEL 479.443.3404

EXHIBIT
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