

City of Fayetteville Staff Review Form

2021-0355

Legistar File ID

5/18/2021

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

Jonathan Curth

4/30/2021

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2021-000018: Vacation (1000 W. BULLDOG BLVD./FHS PROPERTIES, 522): Submitted by MCCLELLAND ENGINEERING, INC. for property located at 1000 W. BULLDOG BLVD. The property is zoned P-1, INSTITUTIONAL and area to be vacated contains approximately 0.51 acres. The request is to vacate a portion of a general utility easement.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</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 MAY 18, 2021

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessie Masters, Development Review Manager

DATE: April 30, 2021

SUBJECT: **VAC-2021-000018: Vacation (1000 W. BULLDOG BLVD./FHS PROPERTIES, 522):** Submitted by MCCLELLAND ENGINEERING, INC. for property located at 1000 W. BULLDDOG BLVD. The property is zoned P-1, INSTITUTIONAL and area to be vacated contains approximately 0.51 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:

Staff recommends approval of VAC-2021-000018 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 includes an existing utility easement located to the west of the Alan Farring Activity Center at Fayetteville Public High School. The High School intends to redevelop their athletic center and associated parking, which will require vacating the existing 20-foot wide easement, relocating, and re-platting a new 25-foot wide general utility easement.

Request: The applicant proposes a vacation of the 20-foot wide general utility easement as indicated in the attached exhibits, totaling approximately 0.51 acres. Approval of the vacation will allow for the relocation of an existing sewer main to avoid conflicts with future construction.

DISCUSSION:

In mid-2020, the City Council amended the Unified Development Code to allow vacations of utility easements to proceed directly to Council without first being heard by the Planning Commission. With submittal of the required vacation forms and utility approval, staff recommends approval.

BUDGET/STAFF IMPACT:

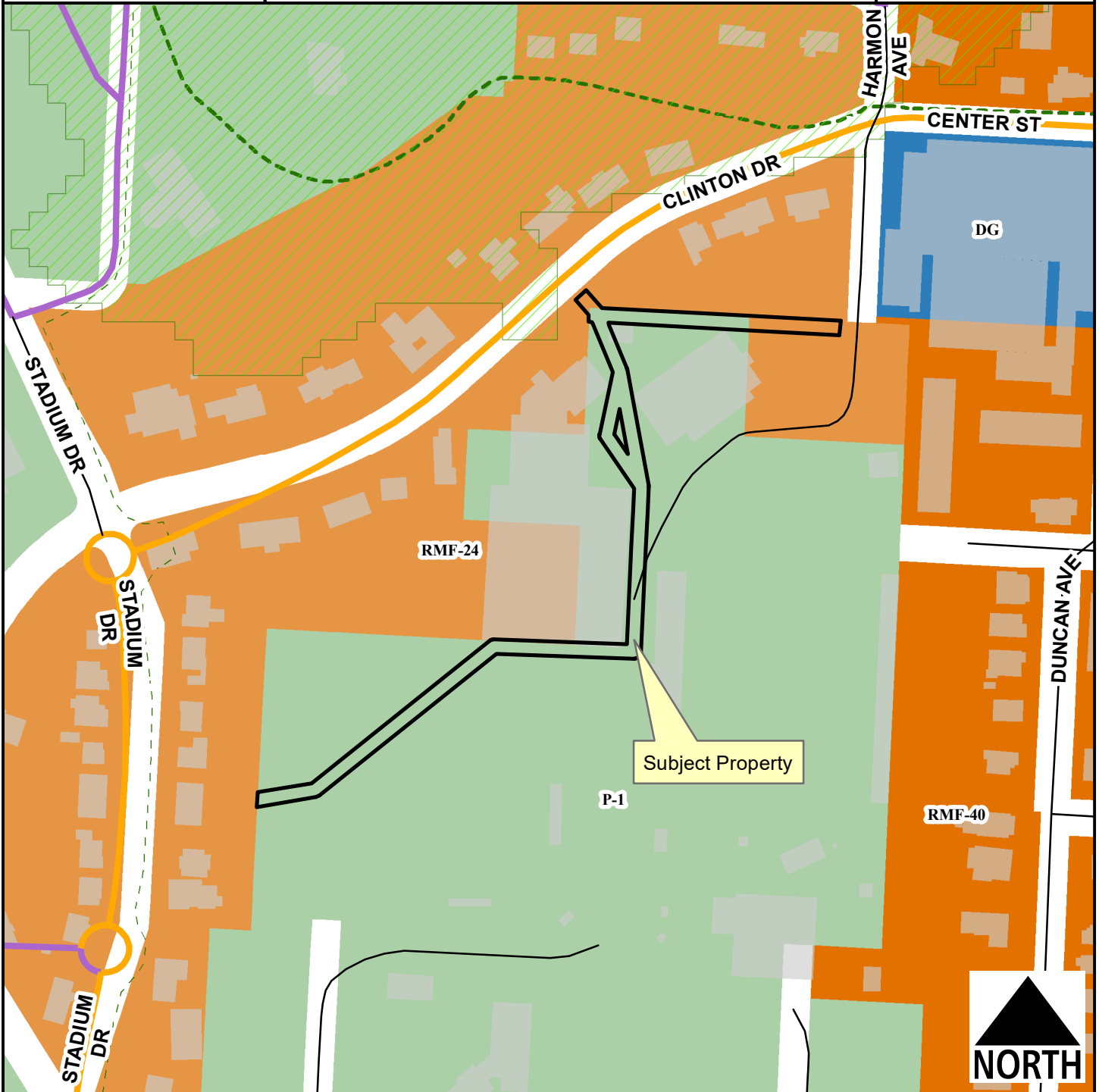
N/A

Attachments:

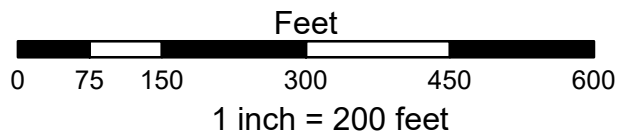
- Exhibit A
- Exhibit B

- Request Letter
- Petition to Vacate

Close Up View



- Neighborhood Link
- Institutional Master Plan
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



- RMF-24
- RMF-40
- Downtown General
- P-1

“EXHIBIT B” Legal Description

EXISTING 20 FOOT UTILITY EASEMENT TO BE VACATED

A 20 FOOT WIDE UTILITY EASEMENT ACROSS A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4), AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, IN THE CITY OF FAYETTEVILLE, IN WASHINGTON COUNTY, ARKANSAS, AND PART OF THE REVISED OAK PARK PLACE SUBDIVISION AS DEPICTED IN WASHINGTON COUNTY PLAT BOOK 5, PAGE 64, AND PART OF THE I W DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE AS DEPICTED IN PLAT BOOK 4, PAGE 192, IT'S IN A LOT OF PARTS; SAID EASEMENT BEING ACROSS PART OF THE FAYETTEVILLE SCHOOL DISTRICT #1 TRACT, THE PARENT TRACT, WITH THE PARENT TRACT AND EASEMENT BEING DEPICTED ON WASHINGTON COUNTY SURVEY 024A-00000019; AND THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS 10.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A SMOOTH 3/4" ROD MARKING THE SOUTHWEST CORNER OF THE SAID NW/4 SW/4 OF SECTION 16; THENCE, ALONG THE SOUTH LINE OF THE NW/4 SW/4, S87°06'56"E 349.18 FEET; THENCE LEAVING THE SOUTH LINE N03°07'01"E 39.99 FEET TO A SET 1/2" REBAR WITH PLASTIC CAP AT THE SOUTHWEST CORNER OF THE PARENT TRACT; THENCE ALONG THE WEST LINES OF THE PARENT TRACT FOR THE FOLLOWING COURSES: N03°07'01"E 422.64 FEET TO A SET 1/2" REBAR WITH PLASTIC CAP; THENCE N86°53'03"W 40.00 FEET TO A SET 1/2" REBAR WITH PLASTIC CAP; THENCE S03°07'01"W 20.00 FEET TO A SET 1/2" REBAR WITH PLASTIC CAP AT THE NORTHEAST CORNER OF THE UNIVERSITY OF ARKANSAS (UA) PROPERTY AS DESCRIBED IN WASHINGTON COUNTY DOCUMENT 2000-087242; THENCE ALONG THE NORTH LINE OF THE SAID UA PROPERTY N86°53'03"W 88.79 FEET TO A SET 1/2" REBAR WITH PLASTIC CAP; THENCE, ALONG THE EXTENDED EAST LINE OF THE SAID REVISED OAK PARK PLACE, N02°57'40"E 182.98 FEET TO THE EASEMENT CENTERLINE POINT OF BEGINNING OVER AN EXISTING SANITARY SEWER LINE; THENCE LEAVING THE WEST LINE OF THE PARENT TRACT AND FOLLOWING THE SAID SANITARY SEWER LINE FOR THE FOLLOWING COURSES: N80°27'37"E 78.58 FEET; THENCE N51°18'08"E 315.63 FEET TO AN EXISTING SEWER MANHOLE; THENCE S87°51'29"E 192.29 FEET TO AN EXISTING SEWER MANHOLE; THENCE N02°38'17"E 227.16 FEET TO AN EXISTING SEWER MANHOLE; THENCE N34°16'53"W 84.94 FEET TO AN EXISTING SEWER MANHOLE; THENCE N11°51'06"E 90.37 FEET TO AN EXISTING SEWER MANHOLE; THENCE N22°13'46"W 88.30 FEET TO AN EXISTING SEWER MANHOLE; THENCE N41°48'14"W 30.85 FEET TO THE CENTERLINE POINT OF TERMINATION ALONG THE NORTH LINE OF THE PARENT TRACT AND THE SOUTH LINE OF CLINTON DRIVE; THE SIDE LINES OF SAID EASEMENT EXTENDING TO AND TERMINATING AT THE WEST AND NORTH LINES OF THE PARENT TRACT, AND THE EASEMENT ENCLOSING 22,162 SQUARE FEET, OR 0.509 ACRES.

April 28, 2021

Planning Commission
City of Fayetteville
125 West Mountain Street
Fayetteville, AR. 72701

Re: General Utility Easement Vacation / Alan Fahring Activity Center / 61 S. Harmon Ave.

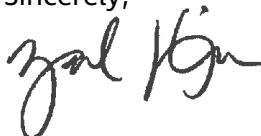
Dear Planning Commission Members,

This letter is in regards to the utility easement vacation request concerning a 182 l.f. section of 20' wide general utility easement just to the west of the Alan Fahring Activity Center located at 61 S. Harmon Avenue in Fayetteville, AR. The Fayetteville Public Schools plan on expanding the Bulldog Academic & Athletic Center to the east and the proposed facilities expansion will conflict with the existing utility easement and associated sewer main. The existing parking lot will be renovated with the future BARC Center expansion.

This vacation request is associated with a separate Utility Main Extension permit that proposes to relocate the existing sewer main to avoid conflicts with future construction. A new 25' general utility easement will be rededicated over the relocated sewer main.

It is the belief of the applicant that the vacation of the above-mentioned general utility easement will not adversely impact public interest and welfare. We appreciate your time and consideration of this endeavor.

Sincerely,



Zach Hixson
Project Manager
zhixson@mce.us.com

UTILITY EASEMENT VACATION PETITION

PETITION TO VACATE A UTILITY EASEMENT LOCATED ADJACENT TO THE NORTH LINE OF BLOCKS 7 AND 8 IN THE I.W. DUNCAN'S ADDITION TO 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 parts of the I.W. Duncan's Addition and Oak Park Place S/D abutting the 20' wide general utility easement hereinafter sought to be abandoned and vacated, lying in Fayetteville, Arkansas, a municipal corporation, petition to vacate said right-of-way which is described as follows:

A 20 FOOT WIDE UTILITY EASEMENT ACROSS A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4), AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, IN THE CITY OF FAYETTEVILLE, IN WASHINGTON COUNTY, ARKANSAS, AND PART OF THE REVISED OAK PARK PLACE SUBDIVISION AS DEPICTED IN WASHINGTON COUNTY PLAT BOOK 5, PAGE 64, AND PART OF THE I W DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE AS DEPICTED IN PLAT BOOK 4, PAGE 192, IT'S IN A LOT OF PARTS; SAID EASEMENT BEING ACROSS PART OF THE FAYETTEVILLE SCHOOL DISTRICT #1 TRACT, THE PARENT TRACT, WITH THE PARENT TRACT AND EASEMENT BEING DEPICTED ON WASHINGTON COUNTY SURVEY 024A-00000019; AND THE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS 10.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

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That the abutting real estate affected by said abandonment of the easement is Parcel 765-04827-000 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 easement.

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

UTILITY EASEMENT VACATION PETITION


The petitioners further request that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, 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 the easements of the public.

Dated this 28 day of April, 2021.

Zach Hixson, Representative of Applicant

Printed Name


Signature