

City of Fayetteville Staff Review Form

2021-0677

Legistar File ID

9/21/2021

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

Byron Humphry

8/25/2021

PARKS & RECREATION (520)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the dedication of approximately 2,500 square feet of permanent utility easement from the City of Fayetteville to Ozarks Electric & Ozarks GO at the western side of Centennial Park for placement of electrical and data service.

Budget Impact:

Account Number	Fund									
Project Number	Project Title									
Budgeted Item? <u> No </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Current Budget</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td>Funds Obligated</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td style="border-top: 1px solid black;">Current Balance</td> <td style="border-top: 1px solid black; color: orange;">\$</td> <td style="border-top: 1px solid black; text-align: right; background-color: #f0f0f0;">-</td> </tr> </table>	Current Budget	\$	-	Funds Obligated	\$	-	Current Balance	\$	-
Current Budget	\$	-								
Funds Obligated	\$	-								
Current Balance	\$	-								
Does item have a cost? <u> No </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Item Cost</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td style="border-top: 1px solid black;">Budget Adjustment</td> <td style="border-top: 1px solid black;">\$</td> <td style="border-top: 1px solid black; text-align: right;">-</td> </tr> <tr> <td style="border-top: 1px solid black;">Remaining Budget</td> <td style="border-top: 1px solid black; color: orange;">\$</td> <td style="border-top: 1px solid black; text-align: right; background-color: #f0f0f0;">-</td> </tr> </table>	Item Cost	\$	-	Budget Adjustment	\$	-	Remaining Budget	\$	-
Item Cost	\$	-								
Budget Adjustment	\$	-								
Remaining Budget	\$	-								

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF SEPTEMBER 21, 2021

TO: Mayor and City Council

THRU: Chris Brown, Public Works Director
Terry Gulley, Assistant Public Works Director

FROM: Byron Humphry, Park Maintenance Superintendent

DATE: August 25, 2021

SUBJECT: Dedication of Permanent Utility Easement for Ozark Electric & Ozarks GO

RECOMMENDATION:

Staff recommends approval of the dedication of approximately 2,500 square feet of permanent utility easement from the City of Fayetteville to Ozarks Electric & Ozarks GO at the western side of Centennial Park for placement of electrical and data service.

BACKGROUND:

In connection with the development of Centennial Park, Ozarks Electric & Ozarks GO has agreed to install a data pedestal to supply data and internet connectivity for special events, including the Cyclocross World Cup in October 2021 and the Cyclocross World Championship in January 2022. Therefore, Ozarks Electric & Ozarks GO are requesting a permanent utility easement from the west side of Centennial Park to the data pedestal to be located near the start/finish line of the course.

DISCUSSION:

Ozarks Electric & Ozarks GO would like to start work on these improvements as soon as possible to accommodate the cyclocross events.

BUDGET/STAFF IMPACT:

No impact.

Attachments:

Permanent Easement and accompanying Exhibit

GENERAL UNDERGROUND UTILITY 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, does hereby GRANT, SELL and CONVEY **Ozarks Electric Cooperative Corporation, an Arkansas Cooperative, and OzarksGo, LLC, an Arkansas Limited Liability Company**, hereinafter called GRANTEES, and unto Grantees' successors and assigns, a permanent easement for the purpose of burying, constructing, maintaining, operating, protecting, repairing, relocating, upgrading, replacing and removing, electrical power, telephone, fiber optic cable(s) and television communication line or lines, and appurtenances thereto, under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Special Warranty Deed: 2018-008775-1st Description)

A part of the NW 1/4, a part of the NE1/4 of the SW 1/4, all of the SE 1/4 of the SW 1/4 and a pail of the SW 1/4 of the SE 1/4, all in Section 18, Township 16 North, Range 30 West, and being a part of the NW 1/4 of the NE 1/4 in Section 19, Township 16 North, Range 30 West, in Washington County, Arkansas, and being described as follows; Beginning at the SE Comer of the SE 1/4 of the NW 1/4 of said Section 18, said point being the POINT OF BEGINNING, thence South 02 degrees 46 minutes 52 seconds West 1,321.02 feet, thence South 86 degrees 56 minutes 47 seconds East 876.47 feet, thence South 17 degrees 15 minutes 41 seconds East 351.25 feet, thence South 00 degrees 04 minutes 42 seconds East 744.83 feet, thence South 00 degrees 37 minutes 34 seconds West 241.10 feet, thence South 03 degrees 55 minutes 06 seconds West 88.87 feet, thence South 82 degrees 12 minutes 35 seconds West 176.00 feet, thence South 72 degrees 23 minutes 42 seconds West 128.62 feet, thence South 62 degrees 07 minutes 59 seconds West 77.45 feet; thence North 02 degrees 43 minutes 46 seconds East 203.62 feet, thence North 87 degrees 24 minutes 50 seconds West 681.74 feet, thence North 87 degrees 11 minutes 22 seconds West 1,257.55 feet, thence North 87 degrees 17 minutes 08 seconds West 65.41 feet, thence North 02 degrees 43 minutes 42 seconds East 1,342.93 feet, thence South 87 degrees 37 minutes 08 seconds East 37.26 feet, thence North 02 degrees 26 minutes 56 seconds East 1,322.47 feet, thence North 87 degrees 56 minutes 51 seconds West 328.51 feet, thence North 02 degrees 03 minutes 09 seconds East 902.75 feet, thence North 36 degrees 46 minutes 06 seconds East 416.81 feet, thence North 51 degrees 14 minutes 45 seconds West 19.39 feet, thence North 23 degrees 36 minutes 22 seconds East 313.74 feet, thence North 66 degrees 23 minutes 38 seconds West 80.09 feet, thence along a curve to the right 64.16 feet, said curve having a radius of 40.00 feet and a chord bearing and distance of North 20 degrees 26 minutes 45 seconds West 57.50 feet, thence along a curve to the right 116.37 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of North 32 degrees 31 minutes 14 seconds East 116.08 feet, thence South 66 degrees 23 minutes 38 seconds East 124.55 feet, thence along a curve to the right 1,347.16 feet, said curve having a radius of 1,275.00 feet and a chord bearing and distance of South 36 degrees 07 minutes 29 seconds East 1,285.36 feet, thence North 84 degrees 08 minutes 41 seconds East 430.06 feet, thence South 02 degrees 57 minutes 19 seconds West 772.96 feet, to the POINT OF BEGINNING, containing 155.93 acres, more or less; subject to easements and rights of way of record

PERMANENT EASEMENT DESCRIPTION:

A part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4), of the Fractional Section Eighteen (18), Township Sixteen (16) North, Range Thirty (30) West, Fifth (5th) Principle Meridian, Washington County, Arkansas, being more particularly described as a centerline of a ten (10) foot strip, 5 feet each side of the line whose sidelines are lengthened or shortened at the termini of said line: Commencing at a found iron pin representing the Southwest corner of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4); thence South 88°03'32" East 30.16 feet to a found iron pin; thence South 02°23'36" West 741.22 feet to a Power Pole OCEE #002305 and the Point of Beginning; thence North 51°25'39" East 249.43 feet to the easterly terminus of said 10 foot strip, containing 2,494 square feet , 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 successors and assigns, until the use of said permanent easement is relinquished, abandoned or vacated and so long as such underground line or lines, electrical power, telephone and/or television lines or cables, and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantees, which hereby agree to bury all lines and/or cables to a sufficient depth so as not to interfere with cultivation of soil.

The Grantor agrees not to erect any buildings or structures in said permanent easement. This easement cannot be used for above-ground micro-wireless facilities, small wireless facilities (including associated poles or support structures), or any other similar wireless communications facilities.

The Grantees shall have the right to construct or place additional underground lines, electric power lines, telephone and/or television lines or cables within the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor 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**

By: _____
Lioneld Jordan, Mayor

ATTEST:

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:

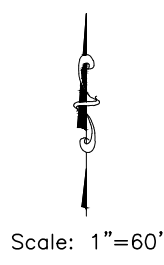
Notary Public

P.O.C.
Southwest Corner
SE 1/4, NW 1/4
Frac. Section 18,
T-16-N, R-30-W

FOUND
5/8" REBAR

FOUND
5/8" REBAR

S 88°03'32" E
30.16'



40-Acre Line

741.22'

765-14611-000
CITY OF FAYETTEVILLE

765-14639-000
VANGUARD WIRELESS LLC

S 02°23'36" W

N 51°25'39" E
249.43'

POWER POLE OECC
#002305

P.O.B.



10' WIDE
UTILITY EASEMENT
-2,494 Sq. Ft.

EXHIBIT
AUG. 2021

THIS EXHIBIT IS A SKETCH DESCRIPTIVE ONLY OF THE SIZE, SHAPE AND LOCATION OF THE PROPOSED BOUNDARIES AND DOES NOT CONSTITUTE A PLAT OR SURVEY OF THE GRANTOR'S PROPERTY.

UTILITY EASEMENT
FOR
OZARK ELECTRIC COOPERATIVE CORP.