

City of Fayetteville Staff Review Form

2021-0854

Legistar File ID

11/16/2021

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

Jonathan Curth

10/29/2021

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2021-000026: Vacation (NW OF E. 5TH ST & E. SEQUOYAH CT./COODY, 525): Submitted by REID & ASSOCIATES, INC. for property located NW OF E. 5TH ST. & E. SEQUOYAH DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. The request is to vacate a portion of a general utility easement and a portion of a street right of way totaling approximately 5,830 and 7,560 square feet, respectively.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	\$ -
Budget Adjustment Attached?	No	Budget Adjustment	\$ -
		Remaining Budget	\$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF NOVEMBER 16, 2021

TO: Mayor; Fayetteville City Council

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

FROM: Ryan Umberger, Senior Planner

DATE: October 29, 2021

SUBJECT: **VAC-2021-000026: Vacation (NW OF E. 5TH ST & E. SEQUOYAH CT./COODY, 525):** Submitted by REID & ASSOCIATES, INC. for property located NW OF E. 5TH ST. & E. SEQUOYAH DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. The request is to vacate a portion of a general utility easement and a portion of a street right of way totaling approximately 5,830 and 7,560 square feet, respectively.

RECOMMENDATION:

Staff recommends approval of VAC-2021-000026 as shown in the attached Exhibits 'A' and 'B' and with the following conditions of approval:

1. A 30-foot-wide utility easement shall be platted along the southern property line.
2. Access to any active AT&T lines are maintained and must be identified in the field by surveying, hand digging and potholing.
3. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense.

BACKGROUND:

The subject property is located southeast of downtown Fayetteville, roughly 700 feet northwest of the intersection of E. Huntsville Road and S. Sherman Avenue and at the west end of E. 5th Street. The easement and right-of-way in question are located on a property which totals approximately 6.81 acres and is an undeveloped greenfield site. Nearly the entire property falls within the Hillside Hilltop Overlay District. There is over 100 feet of declining elevation difference from the north property line to the south at a relatively steady grade of about 20%. A depression runs along much of the west property line. Further limiting the potential connectivity of the roadway is a City Council resolution approved in February of 1996 which established a policy to not extend streets over Mt. Sequoyah finding that it was not in the best interest of the City to create narrow, winding, and congested streets.

Request: The applicant proposes to vacate approximately 7,560 square feet of Overland Trail cul-de-sac right-of-way and 5,830 square feet of un-utilized general utility easement.

Public Comment: On October 20th staff received written comment from the property owner to the south who did not sign the adjacent property owner approval form. The abutting owner indicated they would support the right-of-way vacation request on the condition that stormwater would be diverted away from their property towards 5th Street or the low point to west. According to the applicant, the property owner was contacted to sign-off on the form and did not act over the course of multiple months. A memo prepared by the City attorney suggests if legal access is impractical, unfeasible, or unusable the City is not at legal risk by vacating public right-of-way adjacent to a property owner without their consent. This is included in the attached staff report.

DISCUSSION:

At the October 25, 2021 Planning Commission meeting, this item was forwarded to City Council with a vote of 7-0-0, with a recommendation of approval and the conditions as outlined at the beginning of this report. Commissioner Sparkman made the motion and Commissioner Wiederkehr seconded. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

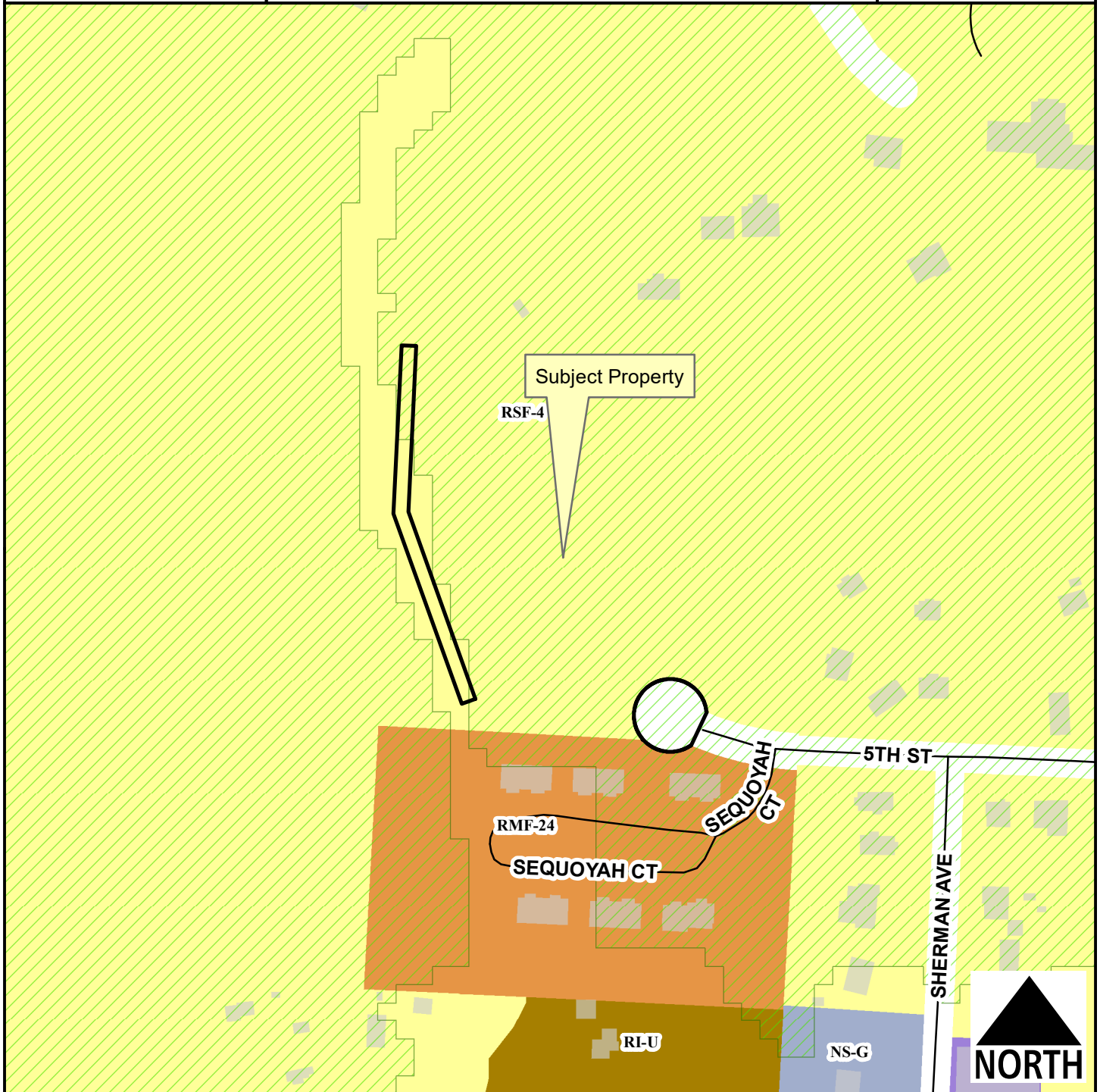
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

VAC-2021-000026

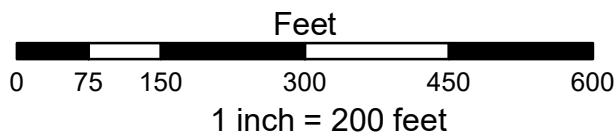
Vacation request for Coody

VAC-2021-000026
EXHIBIT 'A'

Close Up View



- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits



- RSF-4
- RI-U
- RMF-24
- Community Services
- Neighborhood Services - Gen.

SURVEY DESCRIPTION - STREET CUL-DE-SAC VACATION

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION FIFTEEN (15), SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE S00°07'29"E 1549.00 FEET ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) TO AN EXISTING IRON REBAR; THENCE S00°07'29"E 256.66 FEET ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) TO AN EXISTING IRON REBAR ON THE NORTH LINE OF LAND PARCEL 765-14336-001 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS; THENCE S89°45'24"W 3.16 FEET TO THE NORTHWEST CORNER OF SAID LAND PARCEL 765-14336-001; THENCE S00°07'48"W 244.76 FEET ALONG THE WEST LINE OF SAID PARCEL 765-14336-001 AND THE WEST LINE OF LOT ONE (1) OF GREEN HILLS SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, TO AN EXISTING IRON REBAR ON THE NORTH RIGHT-OF-WAY LINE OF OVERLAND TRAIL, SAID POINT BEING ON A 390.69 FOOT RADIUS CURVE CONCAVE TO THE NORTH; THENCE WESTERLY 130.30 FEET ALONG SAID CURVE AND RIGHT-OF-WAY LINE, THE CHORD FOR WHICH BEING N80°30'29"W 129.70 FEET, TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AN EXISTING IRON REBAR AT THE BEGINNING OF A FIFTY (50) FOOT RADIUS CURVE CUL-DE-SAC, THE CENTER OF SAID CUL-DE-SAC BEARING S82°10'26"W 50.00 FEET; THENCE 261.80 FEET ALONG SAID CURVE AND RIGHT-OF-WAY LINE, THE CHORD FOR WHICH BEING S22°10'26"W 50.00 FEET, TO AN EXISTING IRON REBAR; THENCE N22°10'26"E 50.00 FEET TO THE POINT OF BEGINNING.

SURVEY DESCRIPTION - VACATING TWENTY (20) FOOT WIDE UTILITY EASEMENT

A TWENTY (20) FOOT WIDE UTILITY (SEWER) EASEMENT (NOT CONSTRUCTED) BEING TEN (10) FEET OF EQUAL AND UNIFORM WIDTH EACH SIDE OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE: A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION FIFTEEN (15), SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE S00°07'29"E 1549.00 FEET ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) TO AN EXISTING IRON REBAR; THENCE N89°45'34"W 576.11 FEET TO AN EXISTING IRON REBAR; THENCE S89°45'34"E 10.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTERLINE; THENCE S00°10'48"E 230.00 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S22°37'00"E 275.60 FEET ALONG SAID CENTERLINE TO THE TERMINAL POINT OF SAID EASEMENT CENTERLINE.



TO: City of Fayetteville Planning Commission

THRU: Jonathan Curth, Development Services Director

FROM: Ryan Umberger, Senior Planner

MEETING DATE: October 25, 2021 **Updated with Planning Commission Results**

SUBJECT: **VAC-2021-000026: Vacation (NW OF E. 5TH ST & E. SEQUOYAH CT./COODY, 525):** Submitted by REID & ASSOCIATES, INC. for property located NW OF E. 5TH ST. & E. SEQUOYAH DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. The request is to vacate a portion of a general utility easement and a portion of a street right of way totaling approximately 5,830 and 7,560 square feet, respectively.

RECOMMENDATION:

Staff recommends forwarding **VAC-2021-000026** to City Council, with conditions.

RECOMMENDED MOTION:

"I move to forward **VAC-2021-000026** to City Council, recommending approval and with conditions as recommended by staff."

BACKGROUND:

The subject property is located southeast of downtown Fayetteville, roughly 700 feet northwest of the intersection of E. Huntsville Road and S. Sherman Avenue and at the west end of E. 5th Street. The easement and right-of-way in question are located on a property which totals approximately 6.81 acres and is an undeveloped greenfield site. Nearly the entire property falls within the Hillside Hilltop Overlay District. There is over 100 feet of declining elevation difference from the north property line to the south at a relatively steady grade of about 20%. A depression runs along much of the west property line. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Proposal: The applicant proposes to vacate approximately 7,560 square feet of Overland Trail cul-de-sac right-of-way and 5,830 square feet of un-utilized general utility easement.

DISCUSSION:

Staff supports the request primarily due to the lack of opportunity for the right-of-way to provide future connectivity. Overland Trail represents the unbuilt dead-end culmination of a segment of

E. 5th Street at the subject location. Without further right-of-way dedication, and with due consideration for the surrounding terrain, the street has limited potential to tie into another existing roadway. Further limiting the potential connectivity of the roadway is a resolution (Res. 19-96; attached) approved in February of 1996 which established a policy to not extend streets over Mt. Sequoyah finding that it was not in the best interest of the City to create narrow, winding, and congested streets.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses. An abutting property owner was contacted to sign-off approving of the vacation of right-of-way on their property and did not respond to the request. According to a memo offered by the City attorney (attached), if legal access is impractical, unfeasible, or unusable the City is not at risk by not obtaining the property owners' consent.

City of Fayetteville

Response

Water/Sewer

No objections and no comment.

Solid Waste

No objections and no comment.

Transportation

No objections and no comment.

Utilities

Response

AT&T

No objections provided that access to any active AT&T lines are maintained. Lines must be identified in the field by surveying, hand digging and potholing.

Cox

No objections provided the following conditions are met: Any damage or relocation of existing facilities will be at the applicant's expense.

AEP/SWEPCO

No objections provided that a 30-foot utility easement is maintained along the south property line.

Blackhills Energy

No objections and no comment.

Ozarks Electric

No objections and no comment.

Public Comment: No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC-2021-000026** to City Council recommending approval with the following conditions:

Conditions of Approval:

1. A 30-foot-wide utility easement shall be platted along the southern property line.
2. Access to any active AT&T lines are maintained and must be identified in the field by surveying, hand digging and potholing.

3. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense.
-

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 25, 2021</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Sparkman			
Second: Wiederkehr			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- City Attorney Memo
- Resolution 19-96
- Request Letter
- Petition to Vacate
- Vacation Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: Planning Commission

CC: Jonathan Curth, Development Services Director

FROM: Kit Williams, City Attorney

THRU: Blake Pennington, Asst. City Attorney

DATE: October 11, 2021

RE: Vacation of Street Right-of-Way

We use A.C.A. §14-54-104(2) as our primary authority to vacate street right-of-way because it does not have A.C.A. §14-301-302's absolute requirement for the consent of all owners whose land abuts the right-of-way to support such vacation. In virtually all cases, a property owner abutting a street right of way has a property interest in such right of way which cannot be taken away without the possibility that a constitutional taking has occurred. Therefore, I have asked our Planning Department to require an applicant to obtain all abutting owners' signatures of consent to such vacation.

However, in a rare situation, a property owner's abutment to street right-of-way may not really provide the owner a realistic access. For example, if a land owner only had an unusable access to a street right-of-way, that street or alley could be vacated without the owner's consent. Such an unusual situation appears to be before the Planning Commission tonight. One owner's property is slightly encroached by an unbuilt turnaround of a street right-of-way up a steep hill from the owner's property.

The steepness of the slope and the existing retaining walls separating the owner's land from this unbuilt turnaround as well as the lay out of the existing townhouse development on its own street would make any further access to the unbuilt turnaround impractical, unfeasible, and almost unbuildable. This is one

time that I believe the City of Fayetteville can safely vacate this unbuilt right-of-way without the written consent of the downhill owner.

This strange situation proves that no development regulation or rule can always be uniformly applied for every development. Our beautiful mountains can sometimes present slope and location issues that call for an exception to even one of our most normally applicable rules. I believe this is one such exception.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Jonathan Curth**, Development Services Director

CC: **Blake Pennington**, Asst. City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **October 11, 2021**

RE: **City may use §14-54-104 to vacate street right-of-way**

The State of Arkansas has two statutes providing authority to municipalities to vacate street right-of-way. We consistently use A.C.A. §14-54-104 because it is the easiest to prove and provides the City Council with the greater discretion. A.C.A. §14-301-301 et seq is possibly more specific than §14-54-104, but the Arkansas Supreme Court has expressly held that the passage of "§14-301-303 did not repeal a city's power under §14-54-104 to close a street." *Riley v. Town of Higginson*, 2009 Ark. App. 294, page 4 {citing *Brooksher v. Jones*, 238 Ark. 1005 (1965)}.

"The supreme court has held that a city's power under §14-54-104 is unaffected by §§14-301-301 and 14-301-303." *Id.* at page 5

Therefore, as long as the City Council can reasonably determine the proposed to be vacated street right-of-way is "not required for corporate purposes," it may vacate such right-of-way. If the abutting properties' owners have not consented, the City could be faced with a takings claim based upon the landowners' right of ingress and egress over the abandoned road. That is why the consent of owners of abutting land is usually necessary to protect the City. However, if any such legal access is so impractical, unfeasible, or unusable as to be virtually worthless, then the City would not be running any substantial risk by vacating the right-of-way.

10/20/2021

Right of way vacation request (Parcel #765-14396-13)
Charles Daniel Coody & Deborah M. Coody

Adjacent Property owners response.
Angela G. Colly & Michael P. Colly

Our property borders the south property line of the subject property. For 20 years we have experienced stormwater runoff from the subject property. This has caused thousands of dollars of damage to our 24 Townhomes.. The major runoff is from the property bordering the north of the subject property and owned by the Coody's.

Before agreeing to vacate we would need the following.

1. All stormwater runoff, on and above the subject property, to be corrected to run east to 5th street and west to the city creek which was the natural runoff prior to a dirt road being cut in. The road runs east to west and then north up the mountain.
2. Any road to be established for ingress & egress to subject property to provide permanent runoff east to 5th street and west to the city creek.
3. Any utilities hooked up at or below subject property to be filled properly as to prohibit collection of stormwater runoff and subsurface drainage to the downhill property.

The above to be in effect before, during and after construction on subject property.

Respectfully,

Angela & Michael Colly



Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS

August 31, 2021

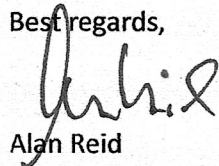
City of Fayetteville
Planning & Engineering
125 W. Mountain Street
Fayetteville, Arkansas

Re: Cul-de-sac right-of-way vacation and U.E. vacation (Overland Trail / Parcel 765-14396-013)

Dear Planners,

On behalf of my clients, Dan and Deborah Coody, I am submitting for your review a vacation of a utility easement located on parcel 765-14396-013 and also a request to vacate the cul-de-sac right-of-way of Overland Trail adjacent to parcel no. 765-14396-013 (please see attached survey depicting easements requested to be vacated.) The street cul-de-sac right-of way requested to be vacated was never developed. Overland Trail ends before entering the cul-de-sac. The vacated right-of-way of the cul-de-sac will revert to the adjacent property owners. The twenty (20) foot wide utility easement requested to be vacated was originally established for a sewer line but was never utilized. A sewer line easement does exist which enters parcel 765-14396-013 on the West boundary and exists on the South boundary. That easement contains the sewer line and manholes. The public interest and welfare would not be adversely affected by the abandonment of the above described street right-of-way and utility easement. Please contact my office with any questions or comments.

Best regards,



Alan Reid

Professional Land Surveyor

PETITION TO VACATE A UTILITY EASEMENT LOCATED ON PARCEL 765-14396-013 AND ALSO TO VACATE THE CUL-DE-SAC RIGHT-OF WAY OF OVERLAND TRAIL ADJACENT TO PARCEL NO. 765-14396-013 PART OF SE ¼ OF SE 1/4 OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, CITY OF FAYETTEVILLE, ARKANSAS (SEE ATTACHED SURVEY FOR FURTHER DETAILS

To: The Fayetteville City Council & Planning Commission

We, the undersigned, being the owners of real estate abutting the utility easement and cul-de-sac right-of-way hereinafter sought to be abandoned and vacated, located within on parcel no. 765-14396-013. Part of SE1/4 of SE ¼ of Section 15, Township 16 North, Range 30 West of the Fifth Principal Meridian, Washington County Arkansas, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows (please see attached drafted survey for a visual):

SURVEY DESCRIPTION – VACATING TWENTY (20) FOOT WIDE UTILITY EASEMENT

A TWENTY (20) FOOT WIDE UTILITY (SEWER) EASEMENT (NOT CONSTRUCTED) BEING TEN (10) FEET OF EQUAL AND UNIFORM WIDTH EACH SIDE OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE: A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION FIFTEEN (15), SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE S00°07'29"E 1549.00 FEET ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) TO AN EXISTING IRON REBAR; THENCE N89°45'34"W 576.11 FEET TO AN EXISTING IRON REBAR; THENCE S89°45'34"E 10.00 FEET TO THE TRUE POINT OF BEGINNING OF SAID CENTERLINE; THENCE S00°10'48"E 230.00 FEET ALONG SAID CENTERLINE TO A POINT; THENCE S22°37'00"E 275.60 FEET ALONG SAID CENTERLINE TO THE TERMINAL POINT OF SAID EASEMENT CENTERLINE.

SURVEY DESCRIPTION - STREET CUL-DE-SAC VACATION (OVERLAND TRAIL)

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION FIFTEEN (15), SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE S00°07'29"E 1549.00 FEET ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) TO AN EXISTING IRON REBAR; THENCE S00°07'29"E 256.66 FEET ALONG THE EAST LINE OF SAID SECTION FIFTEEN (15) TO AN EXISTING IRON REBAR ON THE NORTH LINE OF LAND PARCEL 765-14336-001 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS; THENCE S89°45'24"W 3.16 FEET TO THE NORTHWEST CORNER OF SAID LAND PARCEL 765-14336-001; THENCE S00°07'48"W 244.76 FEET ALONG THE WEST LINE OF SAID PARCEL 765-14336-001 AND THE WEST LINE OF LOT ONE (1) OF GREEN HILLS SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, TO AN EXISTING IRON REBAR ON THE NORTH RIGHT-OF-WAY LINE OF OVERLAND TRAIL, SAID POINT BEING ON A 390.69 FOOT RADIUS CURVE CONCAVE TO THE NORTH; THENCE WESTERLY 130.30 FEET ALONG SAID CURVE AND RIGHT-OF-WAY LINE, THE CHORD FOR WHICH BEING N80°30'29"W 129.70 FEET, TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AN EXISTING IRON REBAR AT THE BEGINNING OF A FIFTY (50) FOOT RADIUS CURVE CUL-DE-SAC, THE CENTER OF SAID CUL-DE-SAC BEARING S82°10'26"W 50.00 FEET; THENCE 261.80 FEET ALONG SAID CURVE AND RIGHT-OF-WAY LINE, THE CHORD FOR WHICH BEING S22°10'26"W 50.00 FEET, TO AN EXISTING IRON REBAR; THENCE N22°10'26"E 50.00 FEET TO THE POINT OF BEGINNING.

The street cul-de-sac right-of way requested to be vacated was never developed. Overland Trail ends before entering the cul-de-sac. The vacated right-of-way of the cul-de-sac will revert to the adjacent property owners. The twenty (20) foot wide utility easement requested to be vacated was originally established for a sewer line but was never utilized. A sewer line easement does exist which enters parcel 765-14396-013 on the West boundary and exists on the South boundary. That easement

contains the sewer line and manholes. The public interest and welfare would not be adversely affected by the abandonment of the above described street right-of-way and utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas abandon and vacate the above described real estate, and as to that particular land the owners be free from the easements of the public for the use of said utility easement and cul-de-sac right-of way.

Dated this 30 day of August 2021.

Charles Daniel Coody & Deborah M. Coody

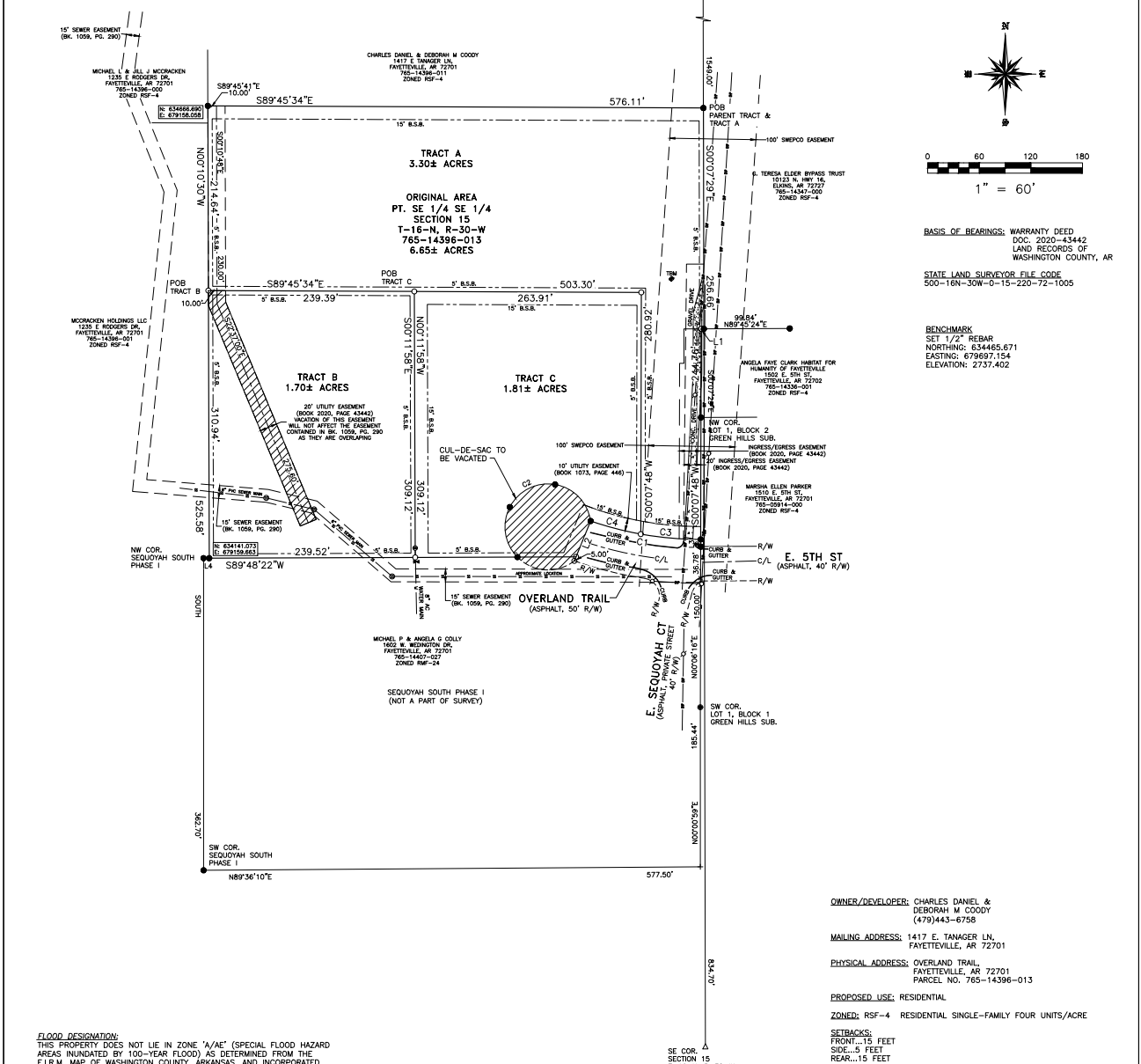
Printed Name

Signature

Signature

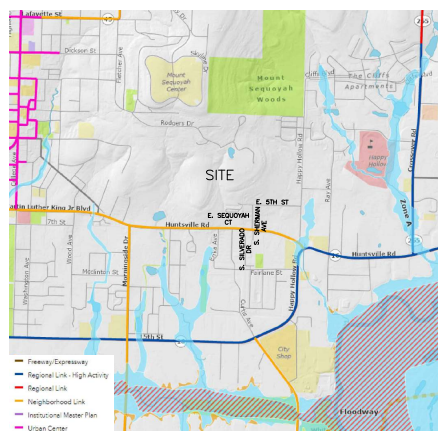
LINE	BEARING	DISTANCE
L1	S89°45'24"W	3.16'
L2	S22°10'56"W	45.00'
L3	N00°19'22"E	8.20'
L4	N89°53'00"W	6.57'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	390.69'	130.30'	128.70'	N80°30'29"W	019°06'32"
C2	50.00'	188.16'	84.90'	S63°47'32"W	218°45'49"
C3	390.69'	70.00'	69.80'	N84°52'47"W	010°15'55"
C4	390.69'	60.30'	60.24'	N79°22'31"W	008°50'37"



FLOOD DESIGNATION:
THIS PROPERTY DOES NOT LIE IN ZONE 'A/AE' (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD) AS DETERMINED FROM THE F.I.R.M. MAP OF WASHINGTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBER 05143C0220 F, EFFECTIVE DATE MAY 16, 2008.

WETLAND NOTE:
THIS PROPERTY DOES NOT APPEAR TO CONTAIN WETLAND AREAS AS INDICATED ON THE U.S. FISCH & WILDFIRE SERVICE NATIONAL WETLANDS INVENTORY MAP FOUND AT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html)



LEGEND

AC UNIT	FIBER OPTICS SIGN	SANITARY SEWER MANHOLE
BACKFLOW VALVE	FIRE HYDRANT	SATELLITE DISH
BOLLARD POST	FIRE SPRINKLER	SEPTIC TANK LID
BUGGY AXLE	FLAG POLE	SET ALUMINUM MONUMENT
CABLE BOX	GAS LINE SIGN	SET COTTON SPINDLE
CABLE TV PEDESTAL	GAS METER	SET STAKE ON LINE
CHISLED 'X'	GAS STUB	SET 1/2" IRON REBAR
COMPUTED POINT	GAS REGULATOR	STATE MONUMENT
CONC. MONUMENT	GENERATOR	STONE MONUMENT
C.O.E. MONUMENT	GROUND LIGHT	STORM DRAIN MANHOLE
DOWN GUY	IRRG. CONTROL VALVE	STREET SIGN
DRAIN GRATE	JUNCTION BOX	T-POST
ELECTRIC BOX	LAMP POST	TELEPHONE BOX
ELECTRIC METER	MAIL BOX	TELEPHONE PEDESTAL
ELECTRIC PEDESTAL	PARKING SIGN	TEMPORARY BENCHMARK
EXIST. ALUM. CAPPED MON.	PAY PHONE	TRAFFIC SIGNAL BOX
EXIST. COTTON SPINDLE	POWER POLE	TRANSFORMER BOX
EXISTING IRON PIPE	PROPANE TANK	TREE
EXISTING IRON REBAR	RAILROAD SPIKE	WATER LINE SIGN
EXISTING NAIL	READING	WATER METER
FENCE POST	RIGHT OF WAY MONUMENT	WATER SPOUT
EXIST. IRON IN CONCRETE	SANITARY SEWER CLEANOUT	WATER VALVE
CENTERLINE ROAD	EASEMENT LINE	
RIGHT-OF-WAY LINE	BUILDING SETBACK LINE	
BARBED-WIRE FENCE	OVERHEAD ELECTRIC LINE	
CHAIN-LINKED FENCE	UNDERGROUND ELECTRIC LINE	
PRIVACY FENCE	GAS LINE	
WIRE FENCE	SANITARY SEWER LINE	
MAJOR CONTOUR INTERVAL	STORM SEWER LINE	
MINOR CONTOUR INTERVAL	TELEPHONE LINE	
FIBER-OPTICS LINE	WATER LINE	
DITCH/WATER LINE	PROPERTY LINE	

REVISIONS			DATE	DESCRIPTION	BY
NO.	DATE	DESCRIPTION			
1					
2					

ARA 115 S. COLLETT AVENUE FAYETTEVILLE, AR 72701 479.484.2254 1.888.548.8796 charles@aradigital.com	Alan Reid PROFESSIONAL LAND SURVEYOR BOUNDARY 1100	DRAFTSMAN DF DATE 08/16/2021 CHECKED SCALE 1" = 60' SHEET SIZE 24" x 36"
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CHARLES DANIEL & DEBORAH M COODY
 OVERLAND TRAIL
 FAYETTEVILLE, AR 72701
 PARCEL NO. 765-14396-013

R/W VAC. & U.E. VAC. - FAYETTEVILLE, ARKANSAS

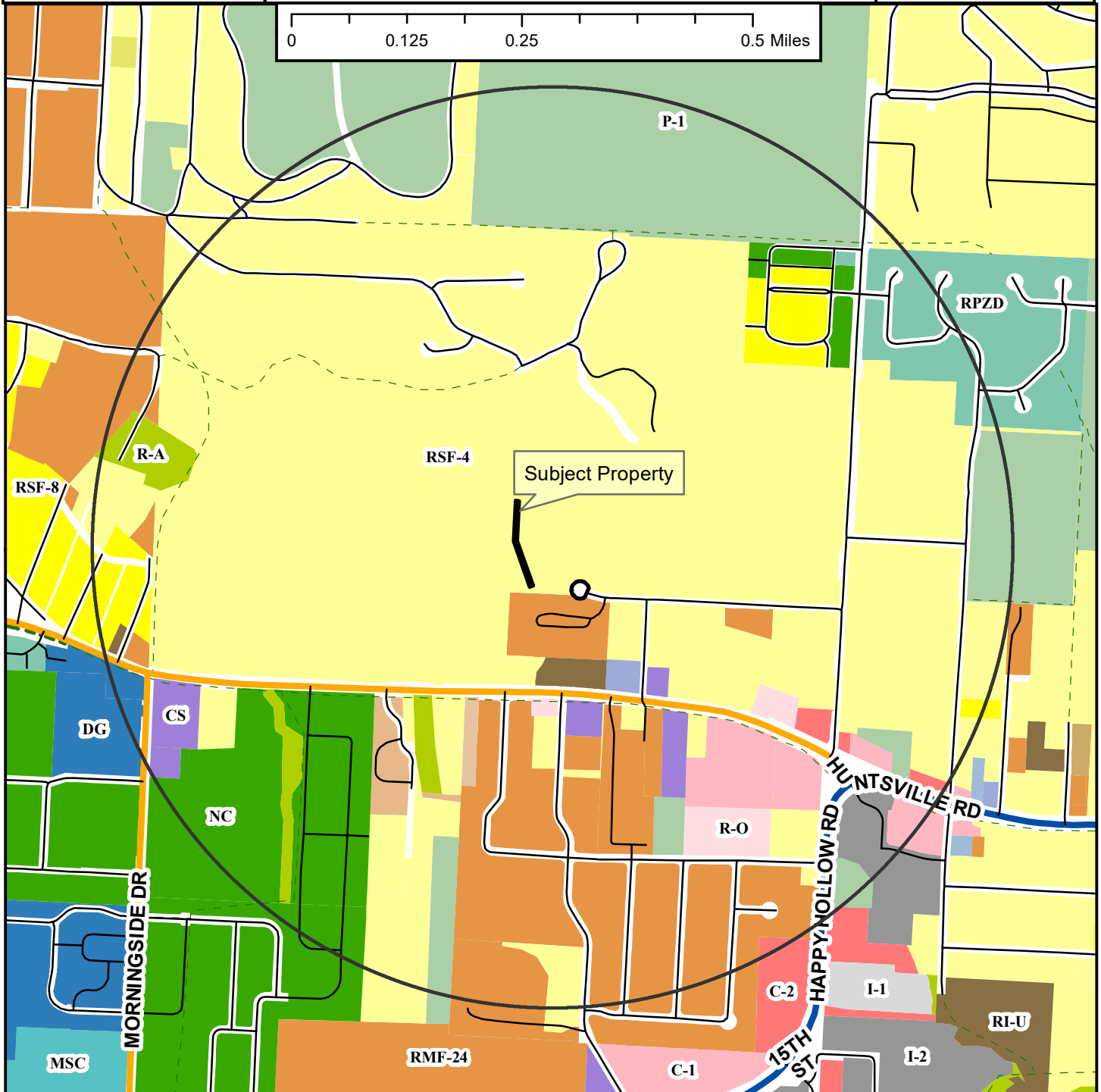
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One Mile View

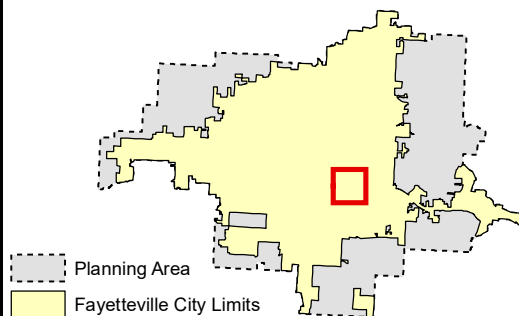
Coody



0 0.125 0.25 0.5 Miles



- Neighborhood Link
- Regional Link - High Activity
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

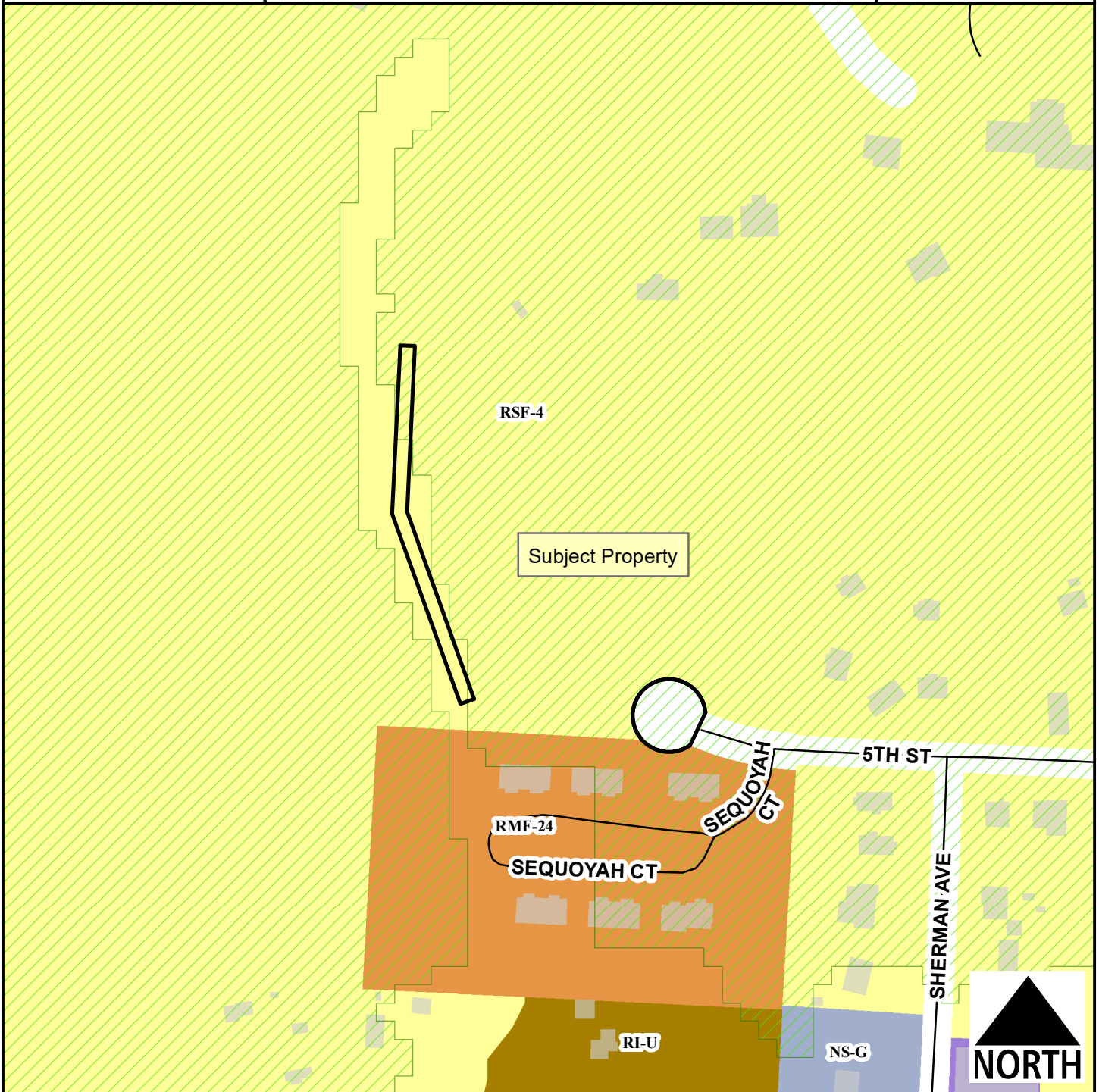





- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
 - INSTITUTIONAL
 - P-1

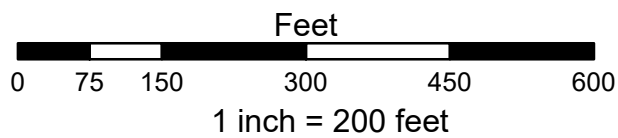
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Coody

Close Up View



-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits



-  RSF-4
-  RI-U
-  RMF-24
-  Community Services
-  Neighborhood Services - Gen.

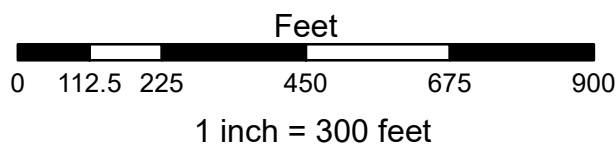
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Current Land Use



- Neighborhood Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway