CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2023-405

MEETING OF FEBRUARY 21, 2023

TO: Mayor Jordan and City Council

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

FROM: Jessica Masters, Development Review Manager

DATE:

SUBJECT: **VAC-2022-0028: Vacation (EAST SAIN STREET./TRAILS AT THE CREEK, 174): Submitted by BLEW AND ASSOCIATES for property located at 1074 E. SAIN ST. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.55 acres. The request is to vacate a 0.11-acre portion of a utility easement and a 0.57-acre grading easement.**

RECOMMENDATION:
City staff recommend approval of VAC-2022-0028 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 developer's expense.
2. Any new utility easements to serve LSD-2022-000006 must be coordinated when the Master Street Plan right-of-way is established.
3. A 20-foot wide easement must be retained for any existing sanitary sewer.
4. Utility vacation subject to approval and issuance of grading permit in association with LSD-2022-000006.
5. The City of Fayetteville will be reimbursed $127,500.00 for the original cost paid for the grading easements requested to be vacated.
6. The reimbursement must be paid prior to the grading easements being vacated.

BACKGROUND:
The subject property is in north Fayetteville, south of Mud Creek, and west of Butterfield Trail Village. The eastern and southern portions of the main site are characterized by steep slopes down to Mud Creek and its floodplain to the north, and up to Brookhaven Estates and Christian Life Cathedral to the south. A relatively level area is found between these two grades and across the remainder of the property. Despite the terrain, no portion of the property falls within the Hillside-Hilltop Overlay district. The property received its current zoning designation of RPZD on November 5, 2020 with the passage of Ordinance 6377 by City Council. An associated large-scale development of multi-family housing was approved by the Planning Commission on November 28, 2022 (LSD-2022-000006).

Request: The applicant proposes to vacate a 0.11-acre portion of a utility easement and a 0.57-acre grading easement.

Public Comment: No public comment was offered on this item.

DISCUSSION:
The easement vacation request is associated with an approved large-scale development for multi-family housing that was approved by Planning Commission on November 28, 2022. The vacation request comes on the heels of the completion of the Sain Street connection, and it has been determined that the easements are no longer needed to serve the public interest or the street's associated construction. All franchise utility companies have consented to this vacation, and all associated conditions of approval have been incorporated above.

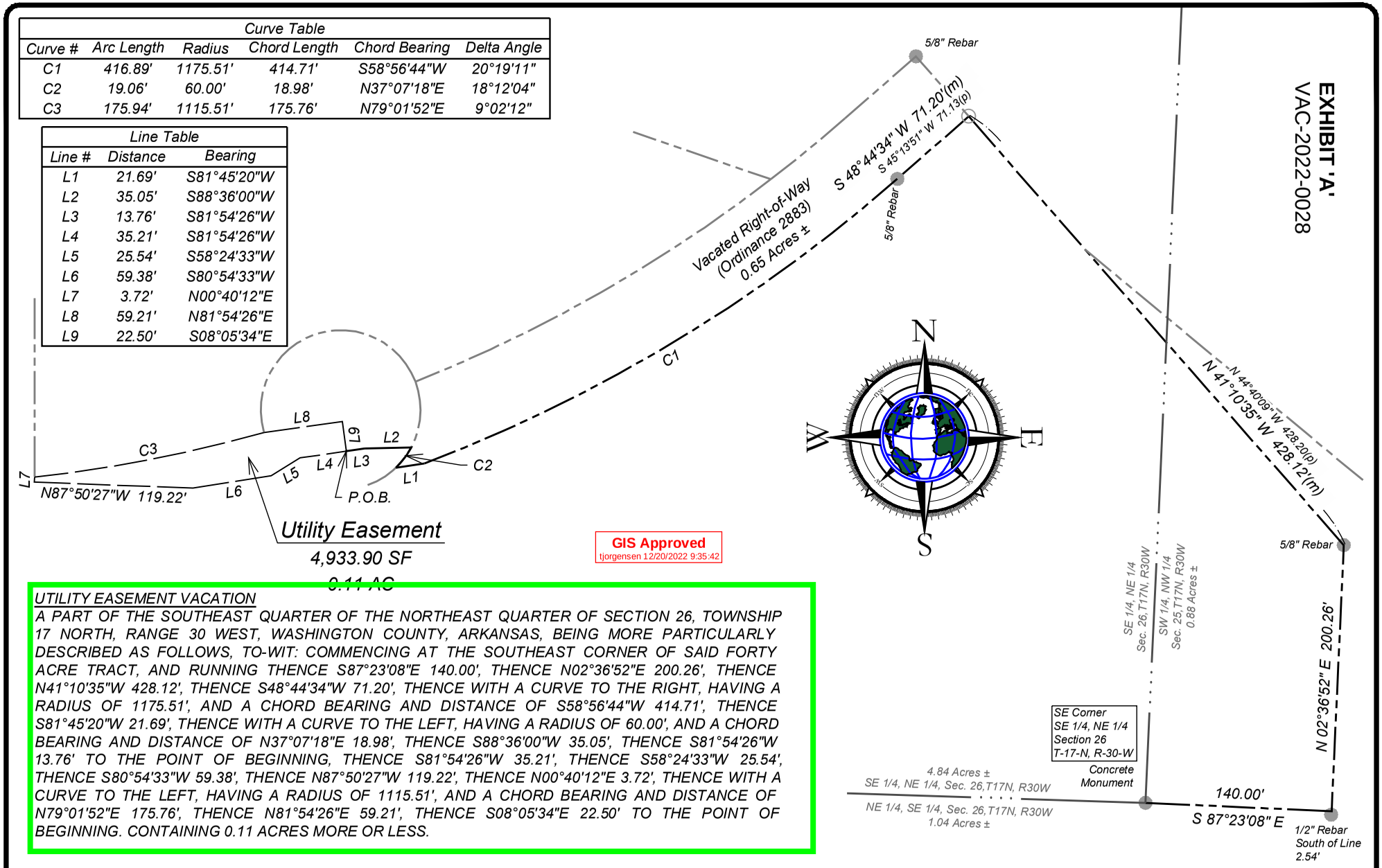
BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF, EXHIBIT A, EXHIBIT B, ENGINEERING MEMO, LETTER OF INTENT, UTILITY EASEMENT PETITION TO VACATE, GRADING EASEMENT PETITION TO VACATE, UTILITY EASEMENT SURVEY, GRADING EASEMENT SURVEY

EXHIBIT 'A'
VAC-2022-0028

Curve Table					
Curve #	Arc Length	Radius	Chord Length	Chord Bearing	Delta Angle
C1	416.89'	1175.51'	414.71'	S58°56'44"W	20°19'11"
C2	19.06'	60.00'	18.98'	N37°07'18"E	18°12'04"
C3	175.94'	1115.51'	175.76'	N79°01'52"E	9°02'12"

Line Table		
Line #	Distance	Bearing
L1	21.69'	S81°45'20"W
L2	35.05'	S88°36'00"W
L3	13.76'	S81°54'26"W
L4	35.21'	S81°54'26"W
L5	25.54'	S58°24'33"W
L6	59.38'	S80°54'33"W
L7	3.72'	N00°40'12"E
L8	59.21'	N81°54'26"E
L9	22.50'	S08°05'34"E



GIS Approved
tjorgensen 12/20/2022 9:35:42

UTILITY EASEMENT VACATION

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE S87°23'08"E 140.00', THENCE N02°36'52"E 200.26', THENCE N41°10'35"W 428.12', THENCE S48°44'34"W 71.20', THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 1175.51', AND A CHORD BEARING AND DISTANCE OF S58°56'44"W 414.71', THENCE S81°45'20"W 21.69', THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 60.00', AND A CHORD BEARING AND DISTANCE OF N37°07'18"E 18.98', THENCE S88°36'00"W 35.05', THENCE S81°54'26"W 13.76' TO THE POINT OF BEGINNING, THENCE S81°54'26"W 35.21', THENCE S58°24'33"W 25.54', THENCE S80°54'33"W 59.38', THENCE N87°50'27"W 119.22', THENCE N00°40'12"E 3.72', THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 1115.51', AND A CHORD BEARING AND DISTANCE OF N79°01'52"E 175.76', THENCE N81°54'26"E 59.21', THENCE S08°05'34"E 22.50' TO THE POINT OF BEGINNING. CONTAINING 0.11 ACRES MORE OR LESS.

Utility Easement Vacation

5102 S. Pinnacle Hills Pkwy.
Rogers, Arkansas 72758
BLEW & ASSOCIATES, P.A.
Office: 479.443.4506
www.BLEWINC.com
Surveying
Engineering
Mapping

100' 0 50' 100' 200'

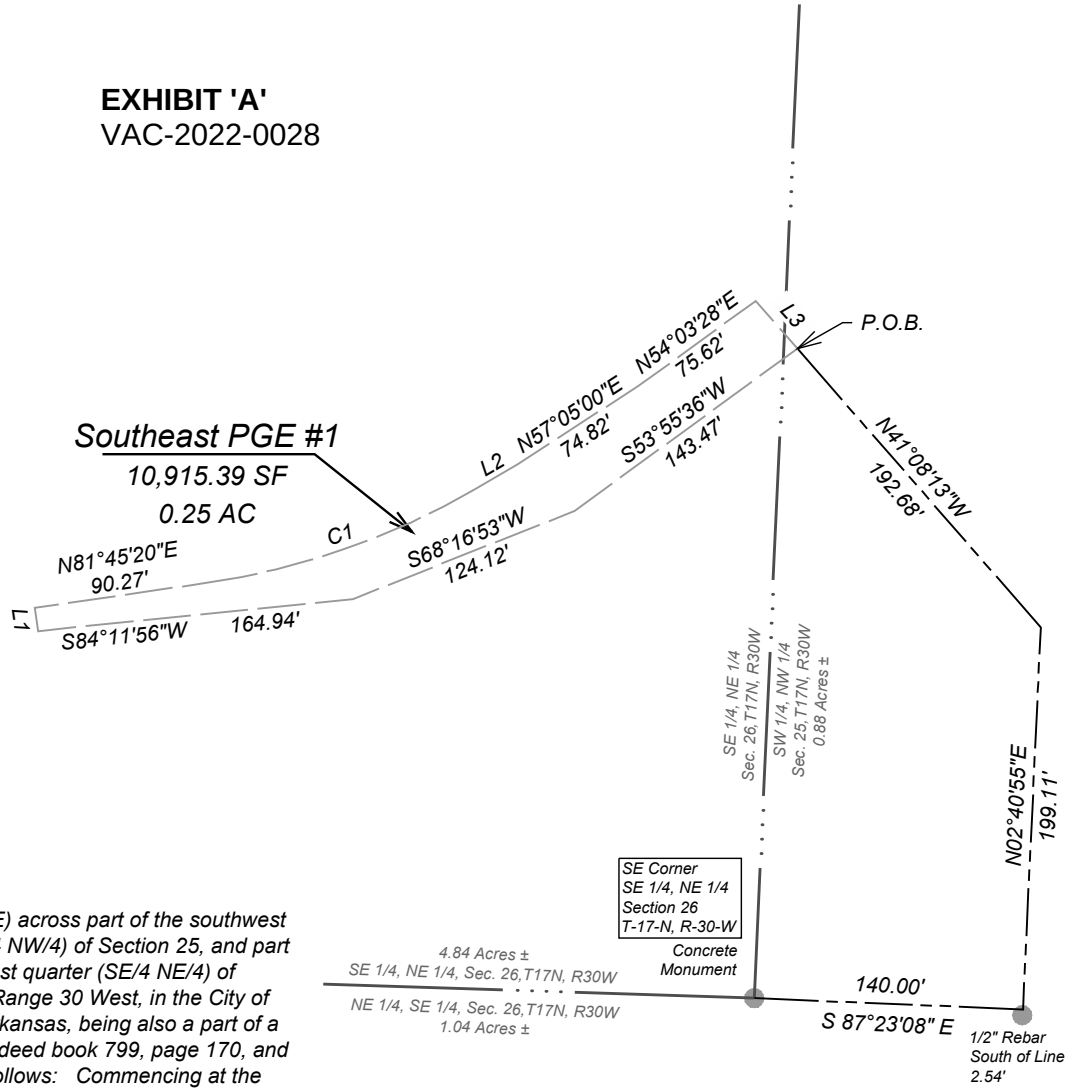
1 inch = 100 ft

Project Number: 20-4434 Trails on the Creek

Certificate of Authorization № 1534

Date: 09/30/2022

EXHIBIT 'A'
VAC-2022-0028



SOUTHEAST PGE #1 VACATION

A Permanent Grading Easement (PGE) across part of the southwest quarter of the northwest quarter (SW/4 NW/4) of Section 25, and part of the southeast quarter of the northeast quarter (SE/4 NE/4) of Section 26, all in Township 17 North, Range 30 West, in the City of Fayetteville, in Washington County, Arkansas, being also a part of a tract described in Washington County deed book 799, page 170, and being more particularly described as follows: Commencing at the southwest corner of the said SW/4 NW/4 of Section 25; thence, along the south line of the SW/4 NW/4, S87°37'28"E 140.00 feet; thence leaving the south line N02°40'55"E 199.11 feet; thence N41°08'13"W 192.68 feet to the PGE Point of Beginning; thence S53°55'36"W 143.47 feet; thence S68°16'53"W 124.12 feet; thence S84°11'56"W 164.94 feet; thence N08°18'32"W 12.25 feet to the new south line of Sain Street; thence along the new south line of Sain Street for the following courses: N81°45'20"E 90.27 feet to the point of curvature of a curve to the left with a radius of 388.00 feet; thence 149.16 feet along the curve for a chord of N70°44'31"E 148.25 feet to the point of tangency; thence N59°43'42"E 25.61 feet; thence N57°05'00"E 74.82 feet; thence N54°03'28"E 75.62 feet; thence leaving the new south line of Sain Street S41°08'13"E 32.99 feet to the PGE Point of Beginning, enclosing 10,918 square feet, or 0.251 acres.

Line Table		
Line #	Distance	Bearing
L1	12.25'	N08°18'32"W
L2	25.61'	N59°43'42"E
L3	32.99'	S41°08'13"E

Curve Table				
Curve #	Arc Length	Radius	Chord Length	Chord Bearing
C1	149.16'	388.00'	148.25'	N70°44'31"E

Southeast PGE #1 Easement Exhibit

100 0 50 100

(in feet) 1 inch = 100 ft.

BLEW & ASSOCIATES, P.A. Surveying Engineering Mapping

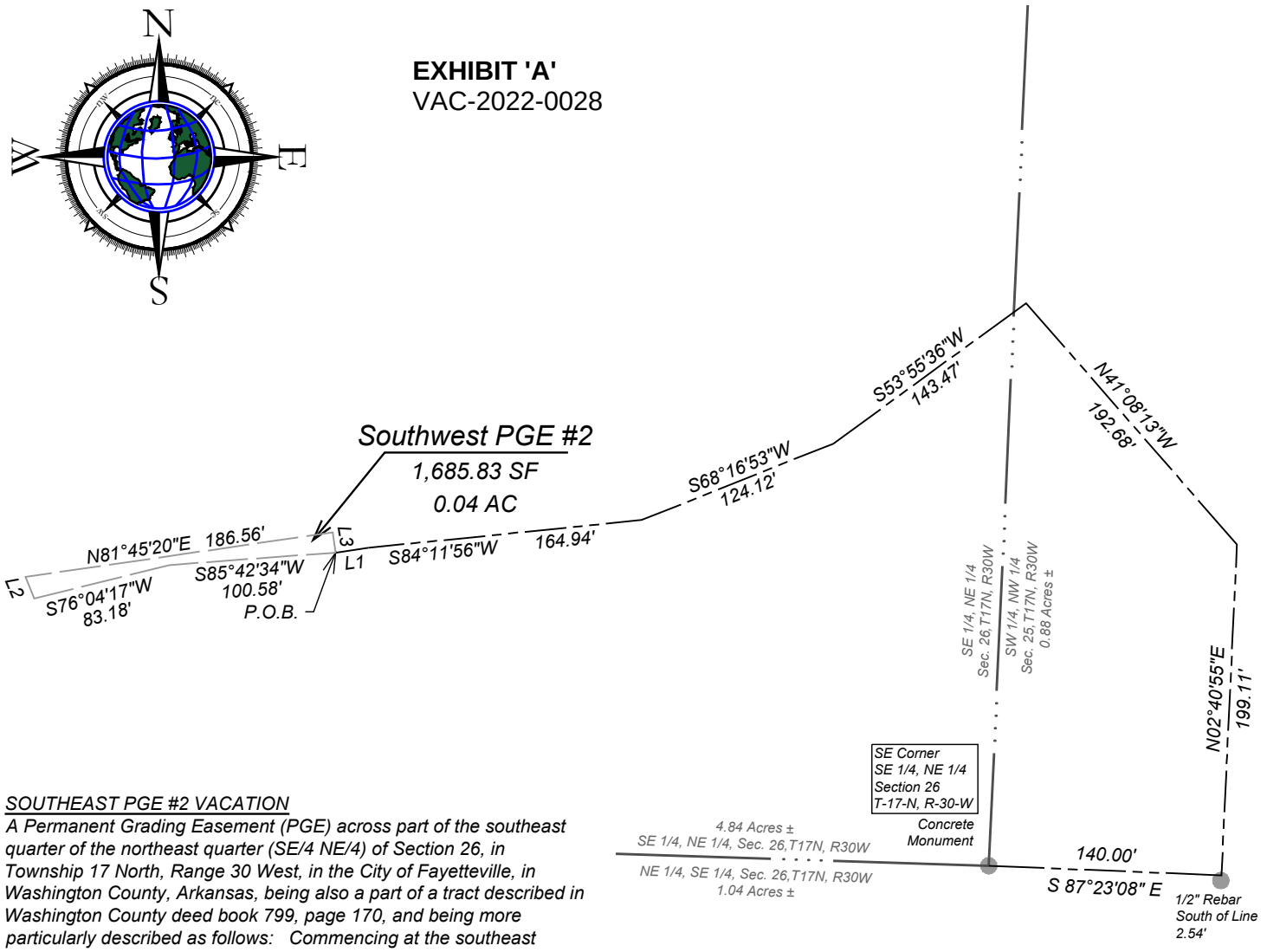
Project Number:
20-4434 Trails on the Creek

Certificate of Authorization № 1534

Date: 02/02/2023

5104 S. Pinnacle Hills Pkwy ♦ Rogers, Arkansas 72758 ♦ 479.443.4506 Office ♦ 479.582.1883 Fax

EXHIBIT 'A'
VAC-2022-0028



SOUTHEAST PGE #2 VACATION

A Permanent Grading Easement (PGE) across part of the southeast quarter of the northeast quarter (SE/4 NE/4) of Section 26, in Township 17 North, Range 30 West, in the City of Fayetteville, in Washington County, Arkansas, being also a part of a tract described in Washington County deed book 799, page 170, and being more particularly described as follows: Commencing at the southeast corner of the said SE/4 NE/4 of Section 26; thence, along the south line of the adjacent southwest quarter of the northwest quarter of Section 25, S87°37'28"E 140.00 feet; thence leaving the south line N02°40'55" 199.11 feet; thence N41°08'13"W 192.68 feet; thence S53°55'36"W 143.47 feet; thence S68°16'53"W 124.12 feet; thence S84°11'56"W 164.94 feet; thence S81°45'20"W 20.00 feet to the PGE Point of Beginning; thence S85°42'34"W 100.58 feet; thence S76°04'17"W 83.18 feet; thence N22°34'00"W 13.99 feet to the new south line of Sain Street; thence along the new south line of Sain Street N81°45'20"E 186.56 feet; thence leaving the new south line of Sain Street S08°18'32"E 12.25 feet to the PGE Point of Beginning, enclosing 1,686 square feet, or 0.039 acres.

Line Table		
Line #	Distance	Bearing
L1	20.00'	S81°45'20"W
L2	13.99'	N22°34'00"W
L3	12.25'	S08°18'32"E

Southwest PGE #2 Easement Exhibit

BLEW & ASSOCIATES, P.A. — Surveying, Engineering, Mapping

100 0 50 100

(in feet) 1 inch = 100 ft.

Project Number:
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Certificate of Authorization № 1534

Date: 02/02/2023

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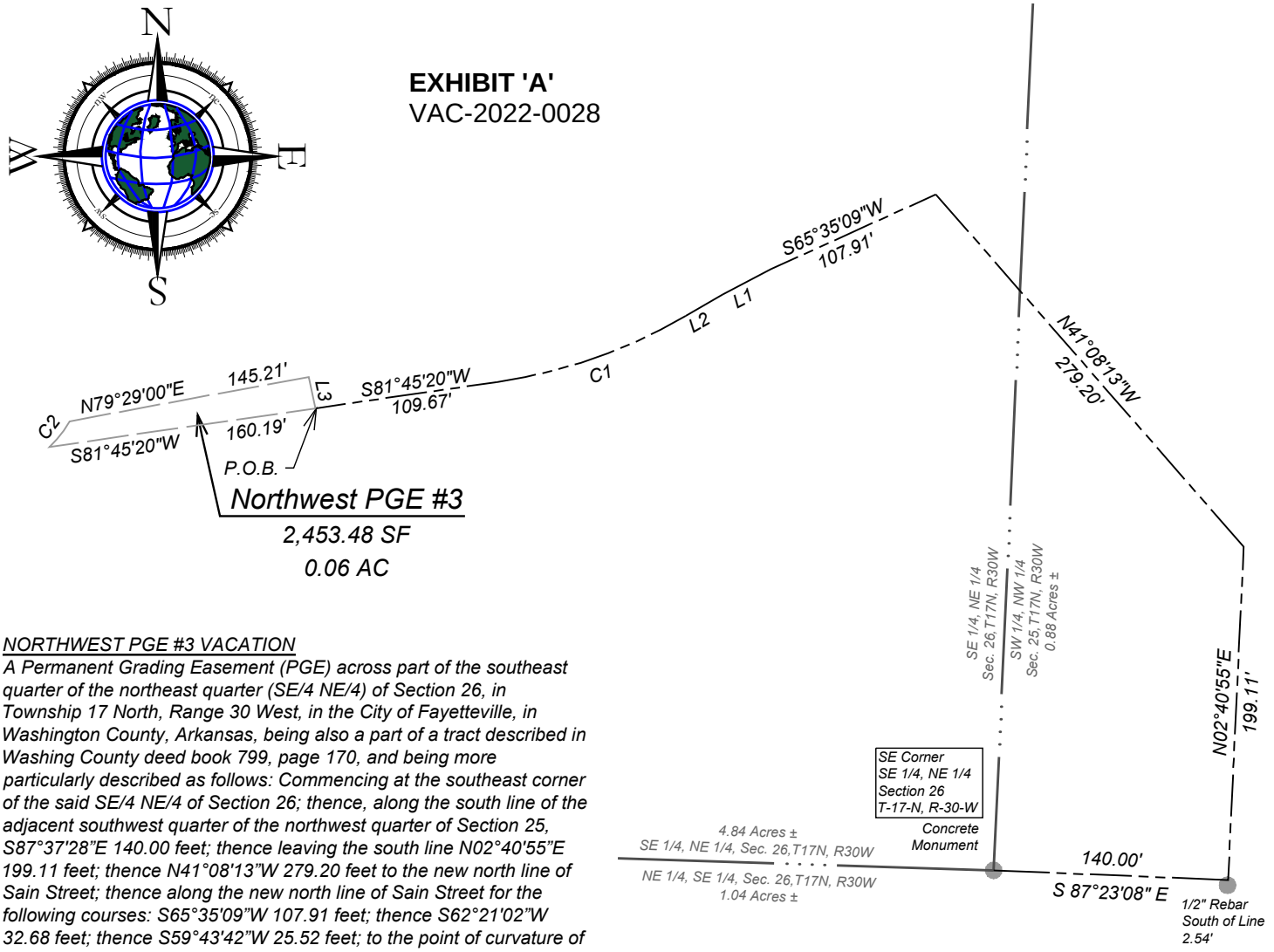
EXHIBIT 'A'
VAC-2022-0028



NORTHWEST PGE #3 VACATION

A Permanent Grading Easement (PGE) across part of the southeast quarter of the northeast quarter (SE/4 NE/4) of Section 26, in Township 17 North, Range 30 West, in the City of Fayetteville, in Washington County, Arkansas, being also a part of a tract described in Washing County deed book 799, page 170, and being more particularly described as follows: Commencing at the southeast corner of the said SE/4 NE/4 of Section 26; thence, along the south line of the adjacent southwest quarter of the northwest quarter of Section 25, S87°37'28"E 140.00 feet; thence leaving the south line N02°40'55"E 199.11 feet; thence N41°08'13"W 279.20 feet to the new north line of Sain Street; thence along the new north line of Sain Street for the following courses: S65°35'09"W 107.91 feet; thence S62°21'02"W 32.68 feet; thence S59°43'42"W 25.52 feet; to the point of curvature of a curve to the right with a radius of 312.00 feet; thence 119.95 feet along the curve for a chord of S70°44'31"W 119.21 feet to the point of tangency; thence S81°45'20"W 109.67 feet to the PGE Point of Beginning; thence continuing S81°45'20"W 160.19 feet to the existing south line of Sain Street; thence leaving the new north line of Sain Street, along the existing south line of Sain Street, along a non-tangent curve to the northeast, concave to the northwest, with a radius of 60.00 feet and arc length of 19.39 feet, for a chord of N37°51'50"E 19.30 feet; thence leaving the curve and the existing south line of Sain Street N79°29'00"E 145.21 feet; thence along a non-tangent curve to the south, concave to the east, with a radius of 167.00 feet and arc length of 19.19 feet, for a chord of S11°47'26"E 19.17 feet to the PGE Point of Beginning, enclosing 2,450 square feet, or 0.056 acres.

Line Table		
Line #	Distance	Bearing
L1	32.68'	S62°21'02"W
L2	25.52'	S59°43'42"W
L3	19.17'	S11°47'26"E

Curve Table				
Curve #	Arc Length	Radius	Chord Length	Chord Bearing
C1	119.95'	312.00'	119.21'	S70°44'31"W
C2	19.39'	60.00'	19.30'	N37°51'50"E

Northwest PGE #3 Easement Exhibit

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

100 0 50 100

(in feet) 1 inch = 100 ft.

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Date: 02/02/2023

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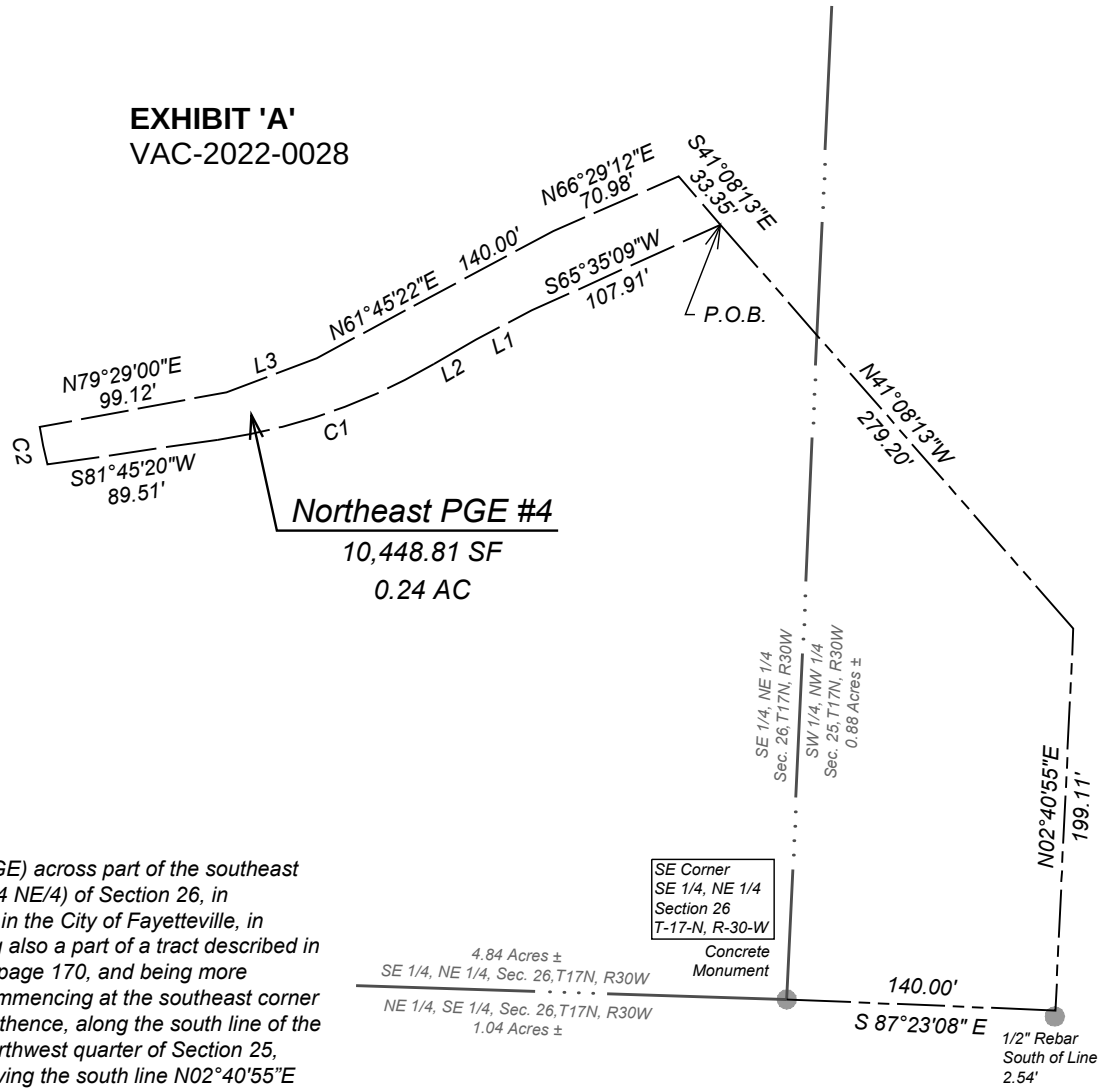

NORTHEAST PGE #4 VACATION

A Permanent Grading Easement (PGE) across part of the southeast quarter of the northeast quarter (SE/4 NE/4) of Section 26, in Township 17 North, Range 30 West, in the City of Fayetteville, in Washington County, Arkansas, being also a part of a tract described in Washington County deed book 799, page 170, and being more particularly described as follows: Commencing at the southeast corner of the said SE/4 NE/4 of Section 26; thence, along the south line of the adjacent southwest quarter of the northwest quarter of Section 25, S87°37'28"E 140.00 feet; thence leaving the south line N02°40'55"E 199.11 feet; thence N41°08'13"W 279.20 feet to the PGE Point of Beginning at the new north line of Sain Street; thence along the new north line of Sain Street to the following courses: S65°35'09"W 107.91 feet; thence S62°21'02"W 32.68 feet; thence S59°43'42"W 25.52 feet to the point of curvature of a curve to the right with a radius of 312.00 feet; thence 119.95 feet along the curve for a chord of S70°44'31"W 119.21 feet to the point of tangency; thence S81°45'20"W 89.51 feet; thence leaving the new north line of Sain Street, along a non-tangent curve to the north, concave to the east, with a radius of 147.00 feet and arc length of 19.99 feet, for a chord of N12°07'16"W 19.98 feet; thence leaving the curve N79°29'00"E 99.12 feet; thence N69°15'34"E 50.00 feet; thence N61°45'22"E 140.00 feet; thence N66°29'12"E 70.98 feet; thence S41°08'13"E 33.35 feet to the PGE Point of Beginning, enclosing 10,448 square feet, or 0.240 acres.

Line Table		
Line #	Distance	Bearing
L1	32.68'	S62°21'02"W
L2	25.52'	S59°43'42"W
L3	50.00'	N69°15'34"E

Curve Table				
Curve #	Arc Length	Radius	Chord Length	Chord Bearing
C1	119.95'	312.00'	119.21'	S70°44'31"W
C2	19.99'	147.00'	19.98'	N12°07'16"W

Northeast PGE #4 Easement Exhibit

100 0 50 100

(in feet) 1 inch = 100 ft.

BLEW & ASSOCIATES, P.A. Surveying Engineering Mapping

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