

City of Fayetteville Staff Review Form

2018-0051

Legistar File ID

2/6/2018

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

Garner Stoll

1/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 17-5977: Vacation (357 S. WEST AVE./LOT 3-FERGUSON'S ADDITION, 523): Submitted by ROY BLAIR for property at 357 S. WEST AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.07 acres. The request is to vacate a portion of a undeveloped street right-of-way and a portion of an alley right-of-way.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 6, 2018

TO: Mayor and City Council

THRU: Andrew Garner, Planning Director

FROM: Harry Davis, Current Planner

DATE: January 19, 2017

SUBJECT: **VAC 17-5977: Vacation (357 S. WEST AVE./LOT 3-FERGUSON'S ADDITION, 523):** Submitted by ROY BLAIR for property at 357 S. WEST AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.07 acres. The request is to vacate a portion of a undeveloped street right-of-way and a portion of an alley right-of-way.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of **VAC 17-5977** with the following condition of approval:

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

BACKGROUND:

The subject property is undeveloped right-of-way at 357 S. West Avenue. West Avenue has excessive right-of-way adjacent to this property and there is undeveloped alley right-of-way on the western portion of the property. These rights-of-way total approximately 0.07 acres. The Master Street Plan classifies this portion of West Avenue as a Residential section which is intended to include two driving lanes, sidewalks, and trees within a 43-foot right-of-way. This section of West Avenue has not been full improved. The unbuilt right-of-way to the rear of the property was once part of a larger section of right-of-way that has been mostly vacated and is unused.

Proposal: The applicant proposes to vacate a section of the excess right-of-way along West Avenue and the unbuilt, 30-foot wide right-of-way at the rear of the property, as shown in the attached Exhibits A and B.

DISCUSSION:

On November 13, 2017, the Planning Commission forwarded this item to the City Council with a recommendation for approval as part of the consent agenda with a vote of 9-0-0. This agenda request was delayed until the applicant submitted adequate legal descriptions, which have been provided.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

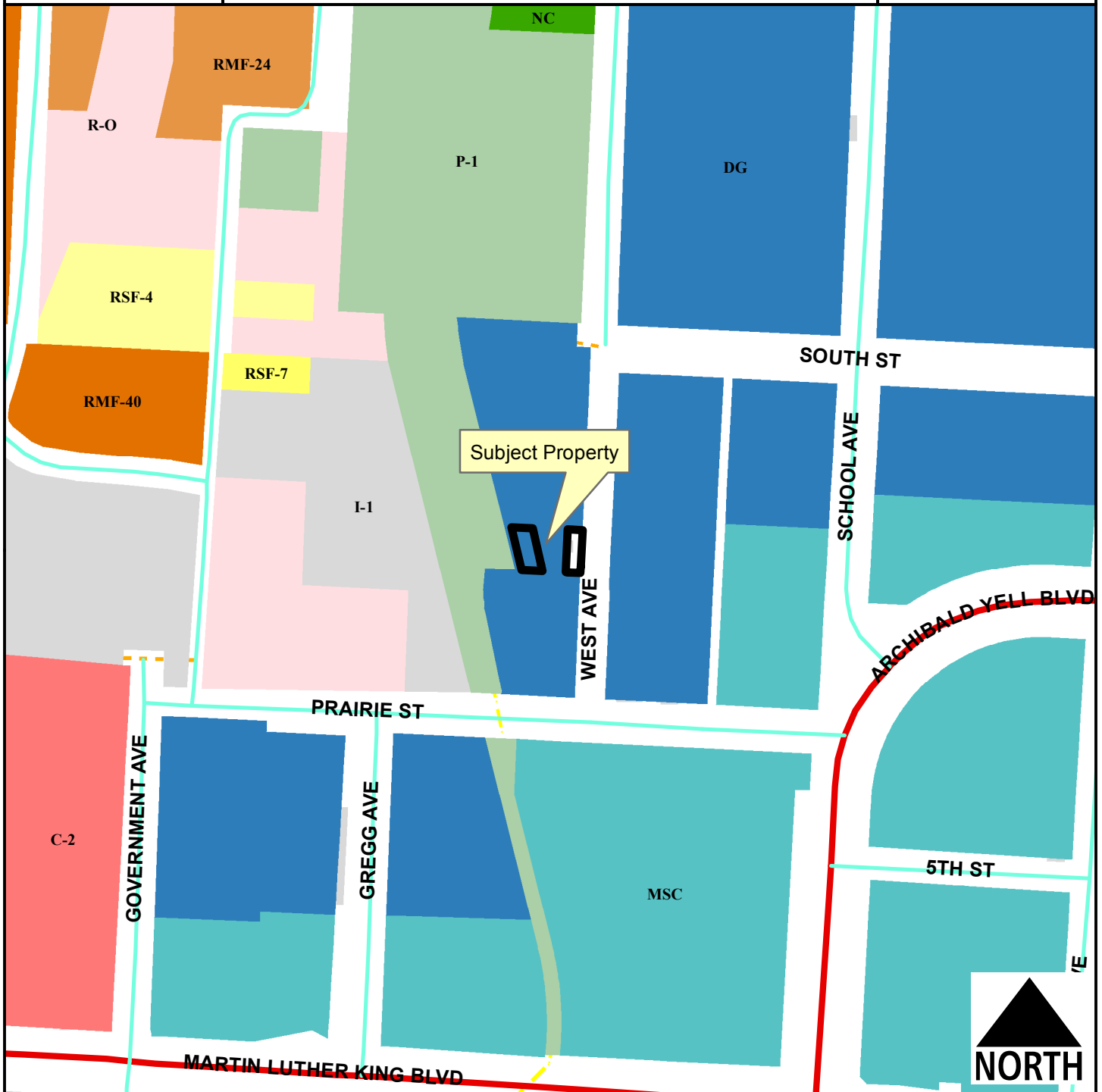
VAC 17-5977

LOT 3 - FERGUSON'S ADDITION

17-5977

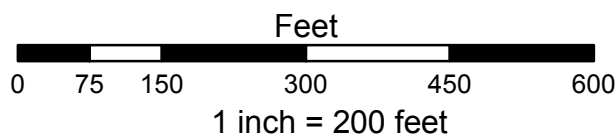
Close Up View

EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-2
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

17-5977
EXHIBIT 'B'

SURVEY DESCRIPTION:

A PART OF LOT NUMBERED THREE (3), IN BLOCK NUMBER TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF SOUTH WEST AVENUE WHICH IS S02°48'03"W 119.11' FROM THE NORTHEAST CORNER OF SAID LOT 3 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S02°48'03"W 58.74', THENCE LEAVING SAID RIGHT-OF-WAY N87°12'54"W 32.12', THENCE N12°59'08"W 60.57', THENCE S87°44'50"E 48.60', TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PORTION OF SOUTH WEST AVE. TO BE VACATED:

A PART OF SOUTH WEST AVENUE PLATTED STREET RIGHT-OF-WAY IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF SAID SOUTH WEST AVENUE WHICH IS S02°48'03"W 119.11' FROM THE NORTHEAST CORNER OF LOT 3, OF SAID BLOCK TWENTY-TWO (22) AND RUNNING THENCE S87°44'50"E 20.52' TO AN EXISTING REBAR ON THE WEST MASTER STREET PLAN RIGHT-OF-WAY OF SOUTH WEST AVENUE, THENCE ALONG SAID RIGHT-OF-WAY S03°17'53"W 58.93', THENCE LEAVING SAID RIGHT-OF-WAY N87°12'54"W 20.01', THENCE N2°48'03"E 58.74' TO THE POINT OF BEGINNING, CONTAINING 0.03 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PORTION OF PLATTED 30' ALLEY TO BE VACATED:

A PART OF A PLATTED 30' ALLEY IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°48'03"W 119.11' AND N87°44'50"W 48.60' FROM THE NORTHEAST CORNER OF LOT 3, OF SAID BLOCK TWENTY-TWO (22) AND RUNNING THENCE S12°59'08"E 60.57', THENCE N87°12'54"W 28.90' TO AN EXISTING REBAR, THENCE N13°23'14"W 60.41' TO AN EXISTING REBAR, THENCE S87°44'50"E 29.26' TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Project Number:

Public Hearing Date:

FEE: \$200.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: ☒ Applicant ☐ Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: Roy Blair

Name: _____

Address: 412 S. West Ave
Fayetteville, AR 72701

Address: _____

Phone: (210) 867-0744

Phone: () _____

Email: royblair@me.com

Email: _____

Fax: () _____

Fax: () _____

Site Address / Location: 357 West Ave.
Fayetteville, AR 72701

Legal description of area to be vacated (attach separate sheet if necessary):

See Attachment 1.

Current Zoning District: DC

Assessors Parcel Number(s) for subject property: Parcel #765-05530-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

Next Adventure Enterprises

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Roy Blair Date: 8/14/17
Signature: Roy Blair

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): <u>Roy Blair</u>	Address: <u>412 S. West Ave</u>
Signature: <u>Roy Blair</u>	<u>Fayetteville, AR 72701</u>
Date: <u>8/14/17</u>	Phone: <u>(210) 867-0744</u>

Name (printed): _____	Address: _____
Signature: _____	_____
Date: _____	Phone: () _____

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$200.00 application fee
\$5.00 public notification sign fee
- ✓ (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- ✓ (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- ✓ (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- ✓ (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- ✓ (7) Documentation stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated.
- ✓ (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.
- (9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).

- (10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example form is attached).
- (11) Comments from all utility companies concerning the street right-of-way, alley, or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken (an example comment form is attached) is required at application submittal.
- (12) The applicant is responsible for meeting the public notification requirements for a Vacation listed on the Notification Requirements pages in this application.

Utility Representatives for a Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-1967	jh5430@att.com
Chad Hodge	Cox Communications	871-0339	Chad.Hodge@cox.com
John Le	AEP/SWEPCO	973-2426	ttle@aep.com
Scott Stokes	Black Hills Corp.	435-0229	Scott.Stokes@blackhillscorp.com
Wes Mahaffey Or Mike Phipps	Ozarks Electric	684-4649 684-4696	wmahaffey@ozarksecc.com mphipps@ozarksecc.com

City Divisions:

Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Maury Nelson	Solid Waste	575-8397	mnelson@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

***Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: November 13, 2017 **UPDATED W PC RESULTS**

SUBJECT: **VAC 17-5977: Vacation (357 S. WEST AVE./LOT 3-FERGUSON'S ADDITION, 523):** Submitted by ROY BLAIR for property at 357 S. WEST AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.07 acres. The request is to vacate a portion of a street right-of-way and a portion of an alley right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC 17-5977** to City Council with a recommendation for approval with conditions.

BACKGROUND:

The subject property is undeveloped right-of-way at 357 S. West Avenue. West Avenue has excessive right-of-way adjacent to this property and there is undeveloped alley right-of-way on the eastern portion of the property. These rights-of-way total approximately 0.07 acres. The Master Street Plan classifies this portion of West Avenue as a Residential section which is intended to include two driving lanes, sidewalks, and trees within a 43-foot right-of-way. This section of West Avenue has not been fully improved. The unbuilt right-of-way to the rear of the property was once part of a larger section of right-of-way that has been mostly vacated and is unused. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Single-family Residential	DG, Downtown General
South	Future Single-family Residential	DG, Downtown General
East	Single-family Residential	DG, Downtown General
West	Trails, Parkland	P-1, Institutional

Proposal: The applicant proposes to vacate a section of the excess right-of-way along West Avenue and the unbuilt, 30-foot wide right-of-way at the rear of the property.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the adjoining property owners, City utility departments, and applicable franchise utilities, with the following responses:

Utility

Cox Communications

Response

No objections, provided that any damage to or relocation of existing facilities will be at the owner/developer's expense.

AEP/SWEPCO

No objections or comments.

Black Hills Energy AR

No objections or comments.

AT&T

No objections, provided that any damage to or relocation of existing facilities will be at the owner/developer's expense.

Ozarks Electric

No objections or comments.

City of FayettevilleResponse

Water/Sewer

No objections or comments.

Solid Waste & Recycling

No objections or comments.

Transportation

No objections or comments.

Public Comment: No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 17-5977** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;
2. Prior to this item being submitted to City Council, the applicant shall provide a revised "Petition to Vacate", which includes accurate legal descriptions for both vacation areas;
3. Prior to this item being submitted to City Council, the applicant shall provide revised legal descriptions for both vacation areas per comments from the GIS Division.

Planning Commission Action:☒ **Forwarded**☐ **Tabled**☐ **Denied****Meeting Date:** November 13, 2017**Motion:** Brown

Motion to forward to City Council with conditions as part of consent agenda

Second: Scroggin**Vote:** 7-0-0

Motion passes

BUDGET/STAFF IMPACT:

None.

Attachments:

- GIS Comments
- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

REVIEWED

By Mike Morisette at 10:03 am, Nov 09, 2017



**Bates &
Associates, Inc.**
Civil Engineering - Land Surveying - Landscape Architecture

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

Call is missing bearing
(assumed to be north)

PORTION OF SOUTH WEST AVE. TO BE VACATED:

A PART OF SOUTH WEST AVENUE PLATTED STREET RIGHT-OF-WAY IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF SAID SOUTH WEST AVENUE WHICH IS S02°48'03"W 119.11' FROM THE NORTHEAST CORNER OF LOT 3, OF SAID BLOCK TWENTY-TWO (22) AND RUNNING THENCE S87°44'50"E 20.52' TO AN EXISTING REBAR ON THE WEST MASTER STREET PLAN RIGHT-OF-WAY OF SOUTH WEST AVENUE, THENCE ALONG SAID RIGHT-OF-WAY S03°17'53"W 58.93', THENCE LEAVING SAID RIGHT-OF-WAY N87°12'54"W 20.01', **THENCE 02°48'03"E 58.74'** TO THE POINT OF BEGINNING, CONTAINING 0.03 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PORTION OF PLATTED 30' ALLEY TO BE VACATED:

A PART OF A PLATTED 30' ALLEY IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°48'03"W 119.11' AND N87°44'50"W 48.60' FROM THE NORTHEAST CORNER OF LOT 3, OF SAID BLOCK TWENTY-TWO (22) AND RUNNING THENCE S12°59'08"E 60.57', THENCE N87°12'54"W 28.90' TO AN EXISTING REBAR, THENCE N13°23'14"W 60.41' TO AN EXISTING REBAR, THENCE S87°44'50"E 29.26' TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

October 3, 2017

Scope and Intent of 357 South West Avenue Project

Next Adventure Enterprises is developing the 357 West Project. It will replace a dilapidated structure that is currently the neighborhood blight, with 1-2 custom single family modern homes that will complement the neighborhood in design as well as provide a beautiful greenway space between the homes and the Frisco Trail. The goal is to integrate and enhance the appearance and ambience from the trail as well as West Avenue.

Economic Impact: The project will be:

- designed by local architects and designers and scheduled to be
- built by a local builder, most likely Baumann and Crosno using local craftsman
- marketed by a local realtor
- have a total retail value of between \$800,000- \$1,000,000
- Positive economic multiplier effect on local economy in excess of \$10,000,000

Design: The home(s) will be:

- Modern style to integrate with the neighborhood
- 2-3 stories in height
- 2 car garages with circular drive for easy access onto West Avenue.
- 1600 – 2200 square feet
- optional rooftop terraces to capitalize on the view
- modern discreet solar rooftop panels

- prewired for electric car chargers in garage

Timeline Schedule:

- Demolition of existing structure – October, 2017
- Design completion by December 2017
- Construction commencing 1st Quarter, 2018

PETITION TO VACATE A(N) Right-of-Way LOCATED IN Lot 3 of block 22 in THE Ferguson's Addition of the City of Fayetteville in Washington County, Arkansas.

To: Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned , being all the owners of the real estate abutting the Right-of-Way hereinafter sought to be abandoned and vacated,lying in, City Of fayetteville, Arlkansas, a municiple corporation, petition to vacate a Right-of-Way which is described as follows:

A part of Lot numbered Three (3) in block number 22 (22), of Ferguson's addition to the city of Fayetteville, Arkansas. Being more particularly described as follows, to Wit: Beginning at an existing rebar on the West right of way of South West Avenue which is 502.48.'03"W 119.11' fronting the northeast corner of said lot 3 and running along said right of way S02.48'03"W 58.74', Thence leaving said right-of-way N87.12'54"W 32.12', thence N12.58'08"W 60.57', thence S87.44'50"E 48.60', to the point of beginning 0.05 acres, mmore or less, subject to all easements and right-of- way of record.

That the abutting real estate affected by said abandonment of the alley are City Of Fayetteville used by the public for a period of many years,and that the public interest and welfare would not be adversely affected by the abandoment of the portion of the above described Right-Of-Way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the exsiting utility easements and sewer easements as required, and that the above described real estate be used for thier respective benefit and purposed as now approvewd by law.

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

WHEREFORE , the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements , 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 easments of the public for use of said alley.

Dated this 3rd day of October, 2017.

Roy Blum - Next Adventure Enterprises
Printed name

Roy Blum
Signature

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: December 27th , 2016

UTILITY COMPANY: Cox

APPLICANT NAME: Jill Butler APPLICANT PHONE: 479-601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 357 South West Ave , Fayetteville , Arkansas 72701

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
Any damage to or relocation of existing facilities will be at the owners/developers expense.



Signature of Utility Company Representative

Construction & Planning Manager

Title

UTILITY APPROVAL FORM

**FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: December 27th , 2016

UTILITY COMPANY: AEP SWEPCO

APPLICANT NAME: Jill Butler APPLICANT PHONE: 479-601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

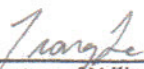
General location / Address 357 South West Ave , Fayetteville , Arkansas 72701

☒ (**ATTACH legal description and graphic representation of what is being vacated-SURVEY**)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

DISTRIBUTION ENGINEER 1-10-17
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: December 27th, 2016

UTILITY COMPANY: Black Hills Energy

APPLICANT NAME: Jill Butler APPLICANT PHONE: 479-601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 357 South West Ave, Fayetteville, Arkansas 72701

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Mike Pinto

Signature of Utility Company Representative

Supervisor Gas Operations

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: December 27th, 2016

UTILITY COMPANY: AT&T

APPLICANT NAME: Jill Butler APPLICANT PHONE: (479) 601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 357 South West Ave, Fayetteville, AR 72701

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:
If any AT&T facilities are required to be relocated or are damaged will be the responsibility of the property owner/ developer.

JEFF HAMILTON Digitally signed by JEFF HAMILTON
DN: cn=JEFF HAMILTON, o=AT&T, ou=CONSTRUCTION/
ENGINEERING, email=jh5430@att.com, c=US
Date: 2017.01.03 14:38:35 -06'00'

Signature of Utility Company Representative

MGR OSP PIng & Design Engineer

Title

UTILITY APPROVAL FORM
FOR RIGHT-OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: December 27th , 2016

UTILITY COMPANY: _____

APPLICANT NAME: Jill Butler APPLICANT PHONE: 479-601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right-of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 357 South West Ave , Fayetteville , Arkansas 72701

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Wesley Butler
Signature of Utility Company Representative

Staking tech. III
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: December 27th , 2016

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Jill Butler APPLICANT PHONE: 479-601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address 357 South West Ave , Fayetteville , Arkansas 72701

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

WES OPERATIONS MANAGER
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: December 27th , 2016

UTILITY COMPANY: CoF- Recycling & Trash Collections

APPLICANT NAME: Jill Butler APPLICANT PHONE: 479-601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:



Signature of Utility Company Representative

Comm. Sales Rep

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: December 27th , 2016

UTILITY COMPANY: _____

APPLICANT NAME: Jill Butler APPLICANT PHONE: 479-601-7289

REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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- ☒ No objections to the vacation(s) described above, and no comments.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Joey Smith
Signature of Utility Company Representative

Asst. Transportation Manager
Title

PLAT OF SURVEY

FIELD WORK:
DECEMBER 3, 2016

BASIS OF BEARING:
FINAL PLAT OF FERGUSON'S ADDITION TO
THE CITY OF FAYETTEVILLE FILED IN BOOK 4 AT PAGE 4

REFERENCE DOCUMENTS:
1) FINAL PLAT OF FERGUSON'S ADDITION TO
THE CITY OF FAYETTEVILLE FILED IN BOOK 4 AT PAGE 4
2) RIGHT-OF-WAY VACATION
FILED IN BOOK 2016 AT PAGE 4222
3) WARRANTY DEED FILED IN
BOOK 1381 AT PAGE 543

PROPERTY ZONED:
DG

BUILDING SETBACKS:
FRONT 25' BUILT-TO-ZONE
SIDE 0'0"
REAR 0'0"
REAR 12' (FROM CENTER LINE OF AN ALLEY)

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED
WITHIN FLOOD ZONE "A" OR "AE" AS
DETERMINED BY THE NATIONAL FLOOD
INSURANCE PROGRAM FLOOD INSURANCE RATE
MAP FOR WASHINGTON COUNTY, ARKANSAS,
(FIRM PANEL #05143C0220E, DATED 05/16/08)

NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON
ARE FROM OBSERVED EVIDENCE OF ABOVE
GROUND APPURTENANCES. ALL UTILITY LINES
APPEARING ON THIS PLAT, AS WELL AS THOSE
THAT MAY EXIST UNDERGROUND NEED TO BE
VERIFIED PRIOR TO DOING ANY TYPE OF
EXCAVATION OR DESIGN. SOME UTILITY LINES
MAY ALSO EXIST THAT WERE NOT SHOWN ON
THIS PLAT.

SURVEY DESCRIPTION:
A PART OF LOT NUMBERED THREE (3), IN BLOCK NUMBER TWENTY-TWO (22),
OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN
EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF SOUTH WEST AVENUE
WHICH IS S82°48'03"W 119.11' FROM THE NORTHEAST CORNER OF SAID LOT 3
AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S82°48'03"W 58.74', THENCE
LEAVING SAID RIGHT-OF-WAY N87°12'54"W 32.12', THENCE N12°59'08"W 60.57',
THENCE S87°44'50"E 48.60', TO THE POINT OF BEGINNING, CONTAINING 0.05
ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF
RECORD.

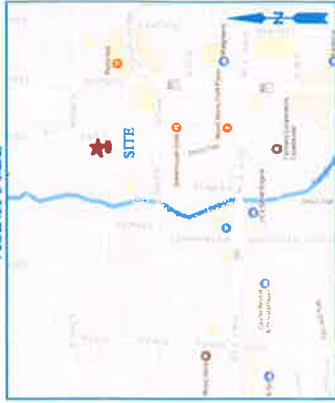


I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 5TH DAY OF DECEMBER, 2016.



IF THE SIGNATURE ON THIS SEAL IS
NOT THAT OF THE SURVEYOR, IT IS NOT AN
OFFICIAL SEAL. IT SHOULD BE ASSUMED THAT THIS PLAT MAY
HAVE BEEN ALTERED. THE ABOVE CERTIFICATION
SHALL NOT APPLY TO ANY COPY THAT DOES NOT
BEAR AN ORIGINAL SEAL AND SIGNATURE.

VICINITY MAP



VICINITY MAP NOT TO SCALE

LEGEND:

- FOUND LOT BOUNDARY
- COMPUTED POINT
- BOUNDARY LINE (M.S.P.)
- RIGHT-OF-WAY
- CENTRAL LINE OF ROAD
- RIGHT-OF-WAY
- SEWER LINE
- WATER LINE
- MASTER STREET PLAN RIGHT-OF-WAY
- OVERLAP POWER LINES

FOR USE AND HEIGHT OF:

CITY TITLE

567 S. WEST AVENUE,
FAYETTEVILLE, ARKANSAS 72703

DATE: 12/12/16
BLOCK 22
P.1. OF LOT 3

REVIEWED: DT
DRAFTED: AH

SCALE: 1"=20'

COA #1335

Bates & Associates, Inc.

Engineers - Surveyors - Landscapes Architects

7200 N. Pleasant Ridge Dr. - Fayetteville, Arkansas 72704 - 479.447.0000 - Fax: 479.231.1000

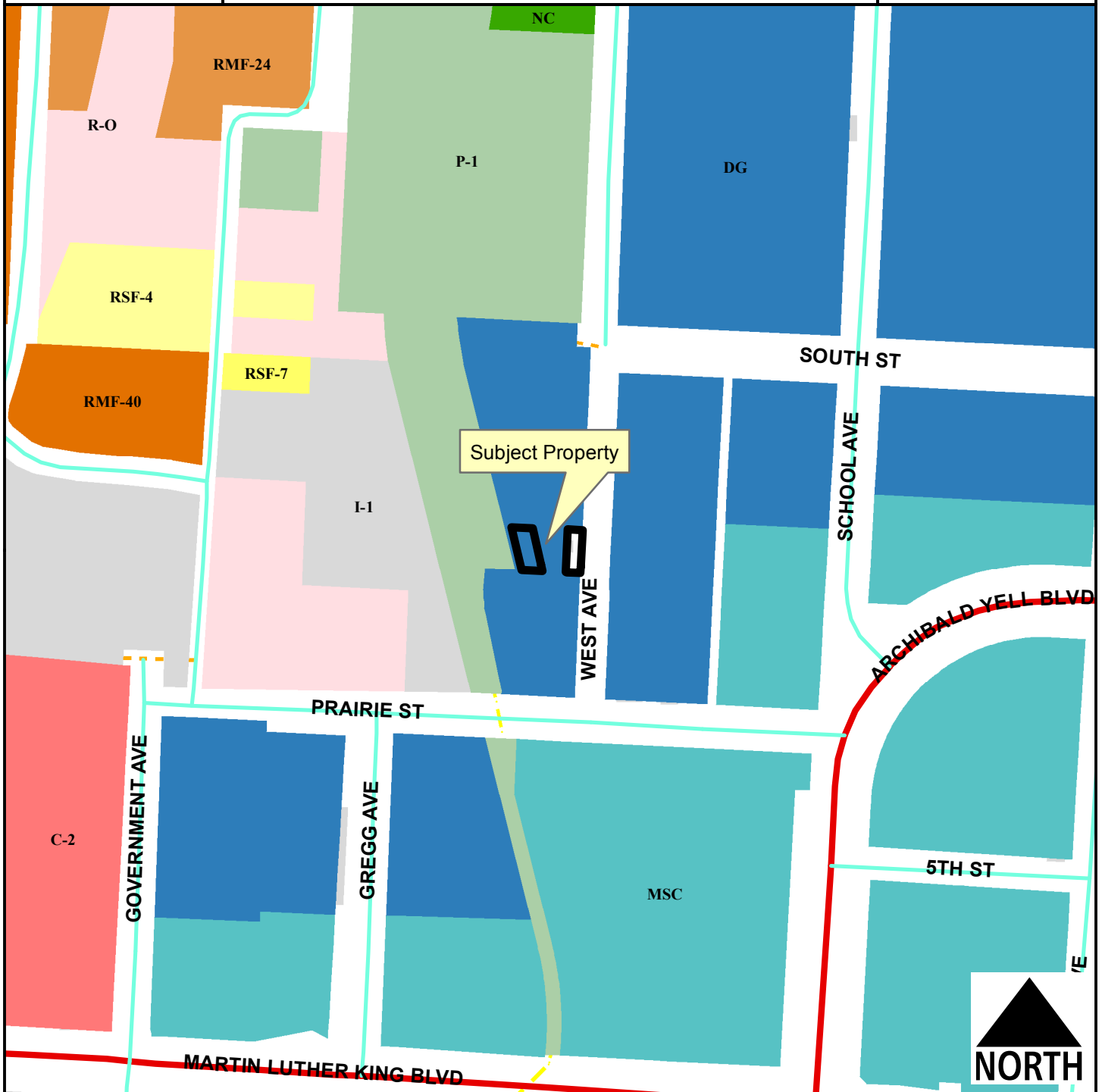
NOTES:

1. This survey was conducted for the purpose of providing a plat of the portion of the property shown on the plat. It is not intended to be a final plat of the property shown on the plat. It is not intended to be a final plat of the property shown on the plat. It is not intended to be a final plat of the property shown on the plat.

VAC 17-5977

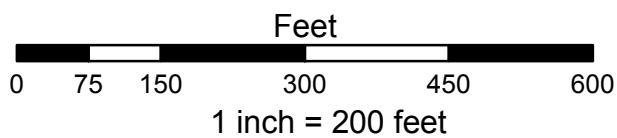
LOT 3 - FERGUSON'S ADDITION

Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

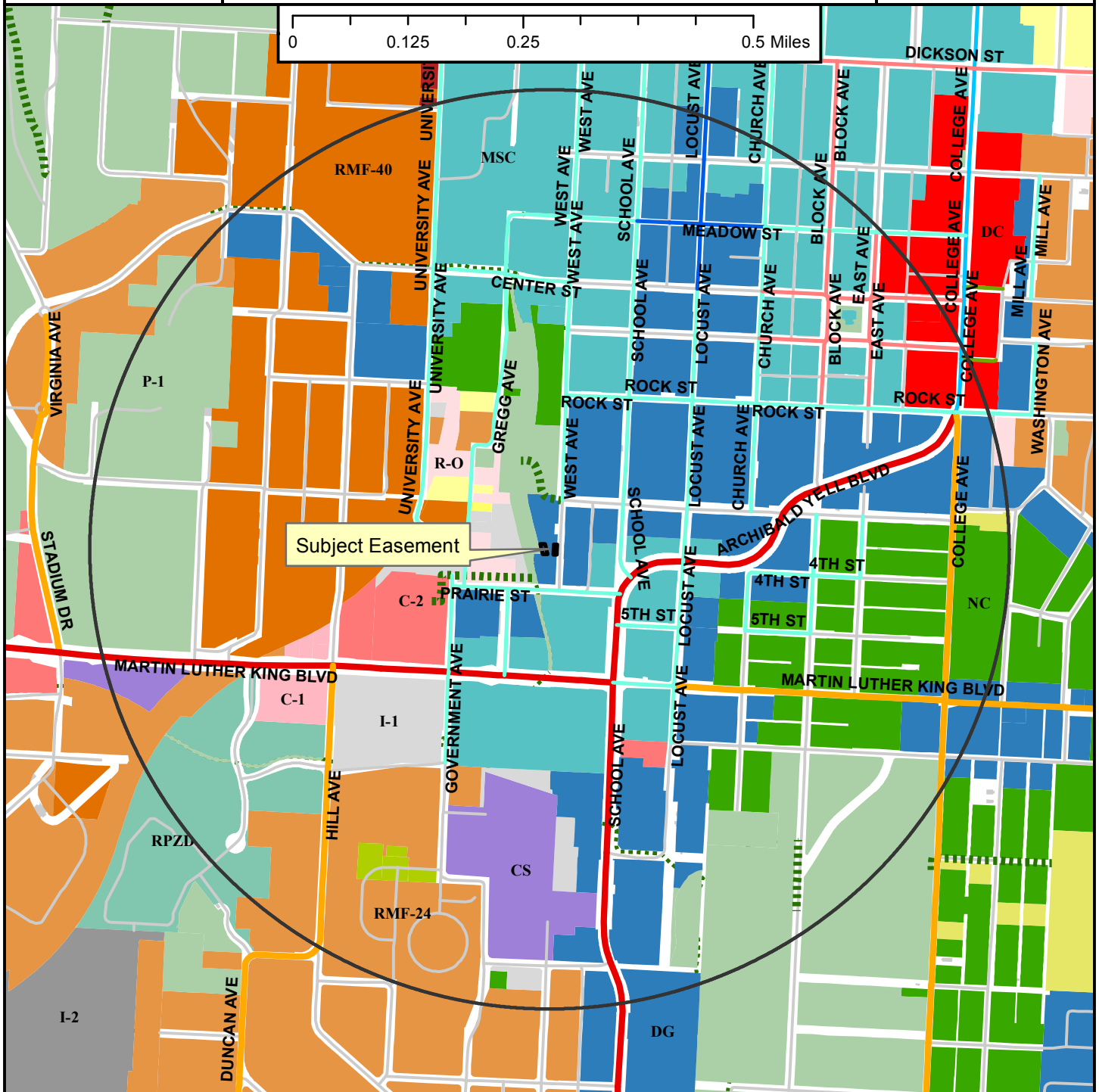
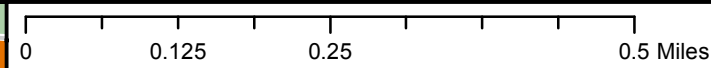


- RSF-4
- RSF-7
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-2
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

VAC 17-5977

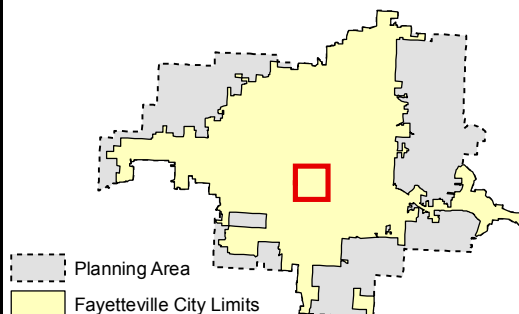
One Mile View

LOT 3 - FERGUSON'S ADDITION



Legend

- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Building Footprint

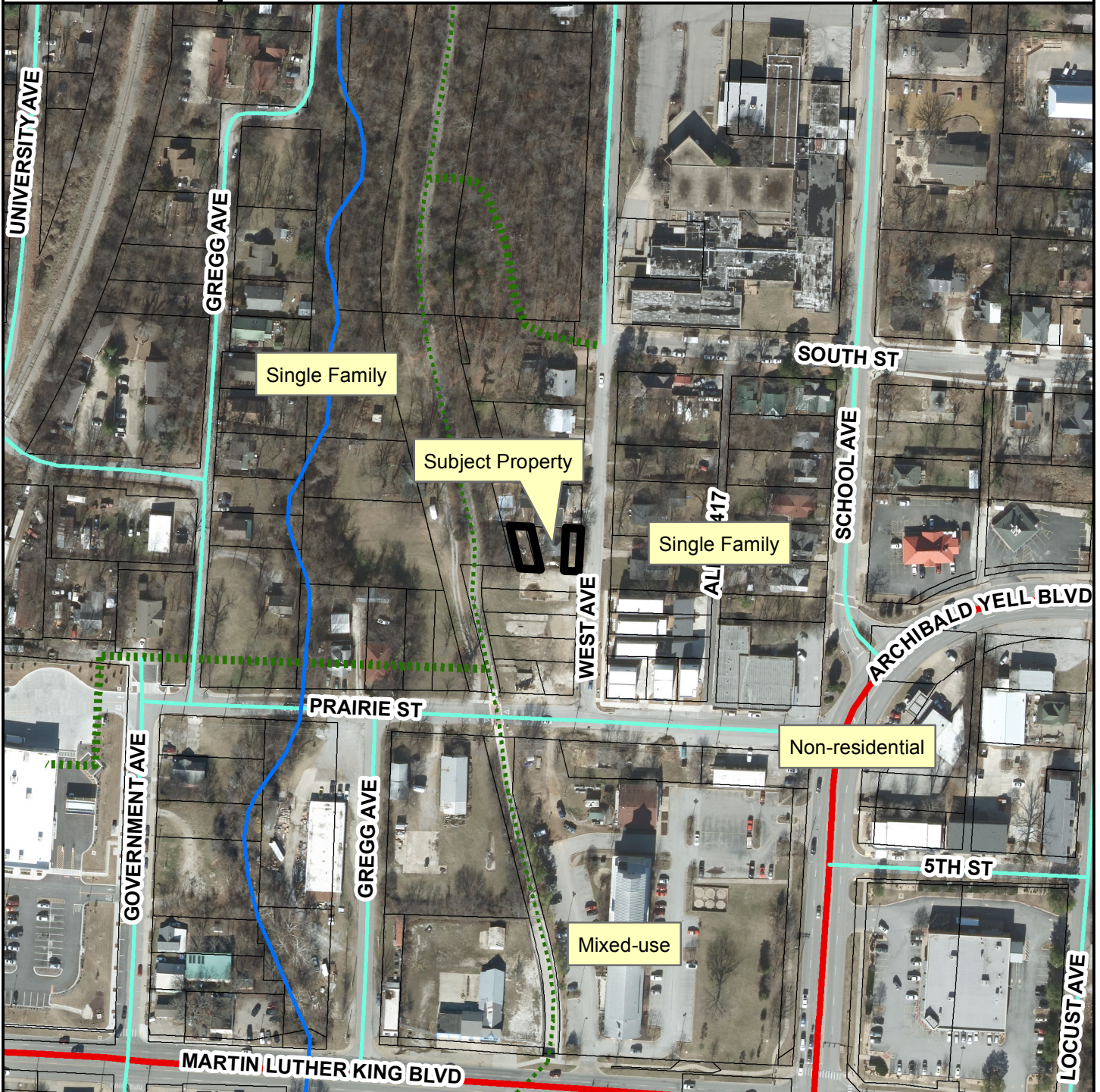


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light 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

VAC 17-5977

Current Land Use

LOT 3 - FERGUSON'S ADDITION



Streets Existing MSP Class

- PRINCIPAL ARTERIAL
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Feet
0 75 150 300 450 600
1 inch = 200 feet