

**City of Fayetteville Staff Review Form**

**2018-0126**

**Legistar File ID**

**3/6/2018**

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

Garner Stoll

2/16/2018

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

VAC 18-6075: Vacation (EAST OF 2000 BLOCK, DEAD HORSE MTN. RD./MEADOWS AT STONEBRIDGE SD, 646): Submitted by CRAFTON TULL, INC. for properties located EAST OF 2000 BLOCK, DEAD HORSE MTN. RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contain approximately 53.15 acres. The request is to vacate a portion of a utility easement

**Budget Impact:**

|                                              |                                                                                             |
|----------------------------------------------|---------------------------------------------------------------------------------------------|
| Account Number                               | Fund                                                                                        |
| Project Number                               | Project Title                                                                               |
| <b>Budgeted Item?</b> <u>NA</u>              | Current Budget            \$            -                                                   |
|                                              | Funds Obligated            \$            -                                                  |
|                                              | Current Balance <span style="border: 1px solid gray; padding: 2px;">\$            -</span>  |
| <b>Does item have a cost?</b> <u>No</u>      | Item Cost                                                                                   |
| <b>Budget Adjustment Attached?</b> <u>NA</u> | Budget Adjustment                                                                           |
|                                              | Remaining Budget <span style="border: 1px solid gray; padding: 2px;">\$            -</span> |

V20140710

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF MARCH 6, 2018

**TO:** Mayor and City Council

**THRU:** Garner Stoll, Development Services Director

**FROM:** Andrew Garner, Planning Director  
Jonathan Curth, Senior Planner

**DATE:** February 16, 2018

**SUBJECT:** **VAC 18-6075: Vacation (EAST OF 2000 BLOCK, DEAD HORSE MTN. RD./MEADOWS AT STONEBRIDGE SD, 646):** Submitted by CRAFTON TULL, INC. for properties located EAST OF 2000 BLOCK, DEAD HORSE MTN. RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contain approximately 53.15 acres. The request is to vacate a portion of a utility easement

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### RECOMMENDATION:

Staff and the Planning Commission recommend approval of **VAC 18-6075** 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; and
2. An easement shall be re-dedicated over the existing 8-inch sanitary sewer main to the satisfaction of the City of Fayetteville's Water and Sewer Department.

### BACKGROUND:

The subject property includes approximately 53 acres east of Dead Horse Mountain Road and the Riverwalk Subdivision. Although generally level, the property includes or abuts several ponds of varying size associated with the golf course to the east and northeast. Below grade, the property is bisected by an 8-inch sanitary sewer line that conveys sewerage through a series of lift stations from the subdivisions to the northeast to a large main across the West Fork of the White River. In late 2017, a development submittal was made for a residential subdivision of 135 single-family lots on this property. It is currently under review.

*Proposal:* The applicant proposes to vacate a portion of a utility easement, as shown in the attached Exhibits 'A' and 'B', in order to prepare the site for development.

### DISCUSSION:

On February 12, 2018, the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-0.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

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

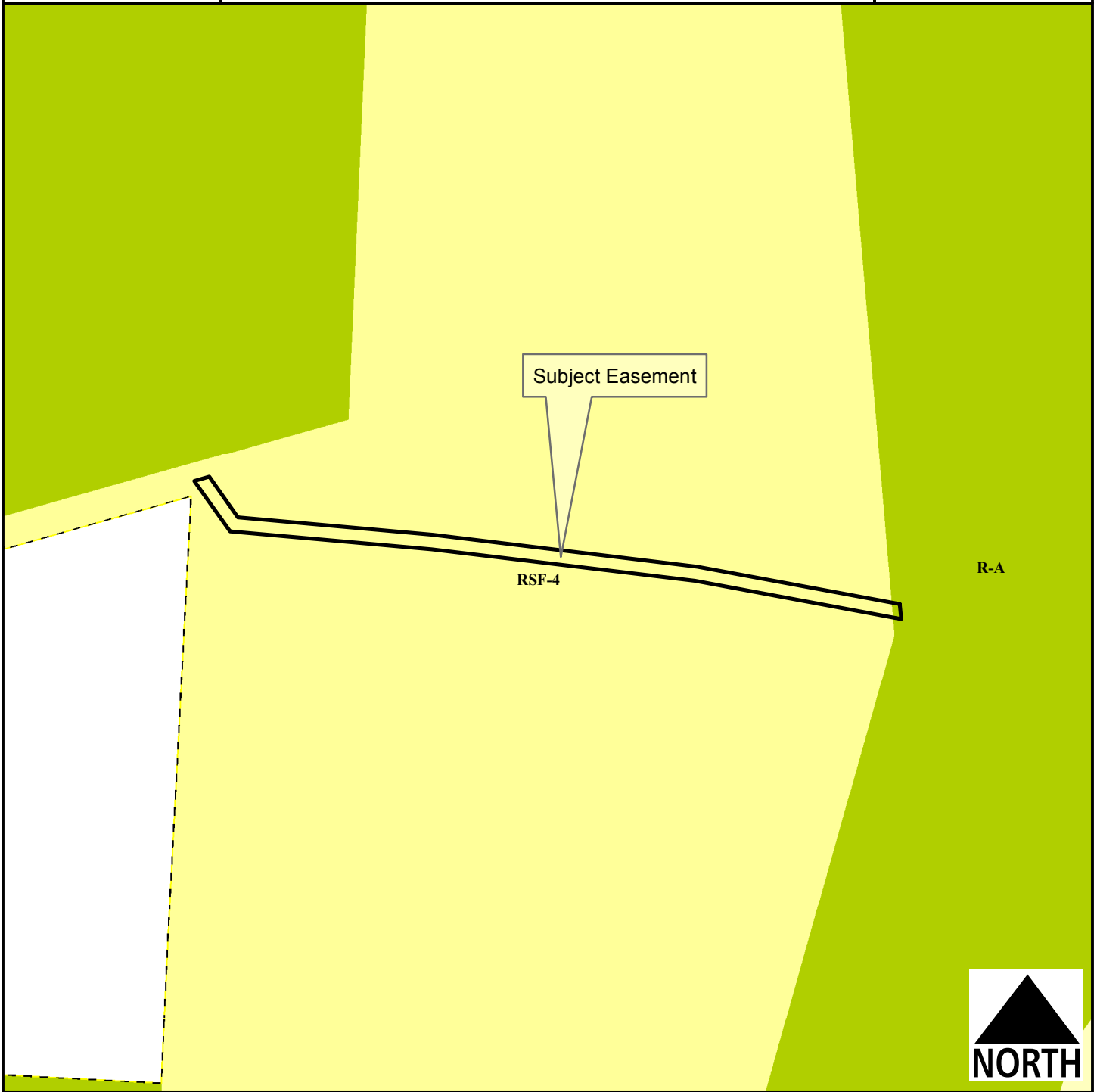
VAC18-6075

# MEADOWS AT STONEBRIDGE

18-6075

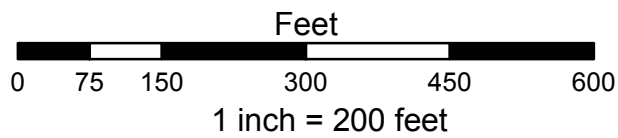
Close Up View

**EXHIBIT 'A'**



## Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4

**18-6075**  
**EXHIBIT 'B'**

**Portion of Easement to be vacated:**

PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 25 TOWNSHIP 16 NORTH RANGE 30 WEST WASHINGTON COUNTY ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25;  
THENCE N90°00'00"W 2001.00 FEET;  
THENCE S00°00'00"W 76.61 FEET TO THE EASTERLY LINE OF A 20 FOOT WATER AND SEWER EASEMENT AS DESCRIBED IN DEED 2006-00040313;  
THENCE ALONG SAID EASTERLY LINE S42°11'39"E 9.87 FEET;  
THENCE ALONG SAID EASTERLY LINE S04°36'52"E 902.02 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING ALONG SAID EASTERLY LINE S04°36'52"E 20.71 FEET TO THE SOUTH LINE OF SAID 20 FOOT WATER AND SEWER EASEMENT;  
THENCE ALONG SAID SOUTH LINE THE FOLLOWING FOUR COURSES:  
THENCE N79°30'38"W 288.57 FEET;  
THENCE N83°10'38"W 365.27 FEET;  
THENCE N84°55'09"W 278.65 FEET;  
THENCE N35°10'38"W 85.04 FEET;  
THENCE LEAVING SAID SOUTH LINE N73°50'46"E 21.15 FEET TO THE NORTH LINE OF SAID 20 FOOT WATER AND SEWER EASEMENT;  
THENCE ALONG SAID NORTH LINE THE FOLLOWING FOUR COURSES:  
THENCE S35°10'38"E 68.87 FEET;  
THENCE S84°55'09"E 269.69 FEET;  
THENCE S83°10'38"E 366.22 FEET;  
THENCE S79°30'38"E 283.80 FEET TO THE POINT OF BEGINNING, CONTAINING 0.46 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

CITY OF FAYETTEVILLE, ARKANSAS

# Right-of-Way, Easement or Alley VACATION

|                             |                         |
|-----------------------------|-------------------------|
| <b>FOR STAFF USE ONLY</b>   | <b>FEE: \$200.00</b>    |
| Date Application Submitted: | <b>Sign Fee: \$5.00</b> |
| Date Accepted as Complete:  | S-T-R:                  |
| Project Number:             | PP#:                    |
| Public Hearing Date:        | 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: ERC Holdings, LLC  
\_\_\_\_\_

Name: Crafton Tull  
Joe Fifer, PE

Address: 5102 S. Pinnacle Hills Pkwy  
Rogers, AR 72758  
\_\_\_\_\_

Address: 1450 E. Zion Road  
Suite 9  
Fayetteville, AR 72703  
\_\_\_\_\_

Phone: (     ) 479-478-5103

Phone: (     ) 479-878-2406 Ofc

Email: nswanson@erc.com

Email: joseph.fifer@craftontull.com

Fax: (     ) \_\_\_\_\_

Fax: (     ) \_\_\_\_\_

Site Address / Location: South Deadhorse Mountain Road  
\_\_\_\_\_

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

Current Zoning District: RSF-4

Assessors Parcel Number(s) for subject property: 765-15268-350,765-15268-451,765-15269-101, 765-15269-950

**FINANCIAL INTERESTS**

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

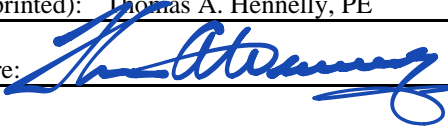
ERC Holdings, LLC  
\_\_\_\_\_  
\_\_\_\_\_

**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): Thomas A. Hennelly, PE

Date: November 28, 2017

Signature:



**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): Rod Coleman

Address: 5102 S. Pinnacle Hills Pkwy

Signature:



Rogers, AR 72758

Date: November 28, 2017

Phone: ( ) 479-478-5103

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.
- na (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (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](http://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.

na - easement located entirely within out property.

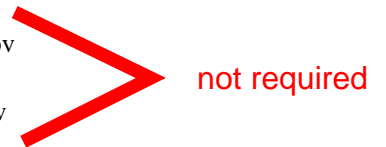
- (9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).
- (10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example 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<br>Or<br>Mike Phipps | Ozarks Electric    | 684-4649<br>684-4696 | wmahaffey@ozarksecc.com<br>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.**



# PETITION TO VACATE UTILITY EASEMENT

## PETITION TO VACATE A(N) (~~alley, easement, right-of-way~~) LOCATED IN (~~lot, block, subdivision~~), 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 (~~alley, easement, right-of-way~~) hereinafter sought to be abandoned and vacated, lying in parcel 765-15269-101, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (~~alley, easement, right-of-way~~) which is described as follows:

S

That the abutting real estate affected by said abandonment of the alley are (~~lot, block, subdivision of each adjoining lot to the area requested to be vacated~~) 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 abandonment of the portion of the above described (~~alley, easement, right-of-way~~).

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

The petitioners further 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 easements of the public for the use of said alley.

Dated this 28<sup>th</sup> day of November, 2017.

ERC Holdings, LLC (Rod Coleman)  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

**\* Note: This is a sample - each applicant is responsible for submitting a petition which accurately reflects their specific request.**

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

DATE: 27 November 2017

UTILITY COMPANY: AT&T

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

(**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

\_\_\_\_\_  
Title

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

DATE: 27 November 2017

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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:

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\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title

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

DATE: 27 November 2017

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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:

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\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title

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

DATE: 27 November 2017

UTILITY COMPANY: Black Hills Corporation

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

(**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

\_\_\_\_\_  
Title

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

DATE: 27 November 2017

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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:

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\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title

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

DATE: 27 November 2017

UTILITY COMPANY: City of Fayetteville Water and Sewer

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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:

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\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title

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

DATE: 27 November 2017

UTILITY COMPANY: City of Fayetteville Solid Waste

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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:

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\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title



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

DATE: 27 November 2017

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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:

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\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title

**ADJACENT PROPERTY OWNER NOTIFICATION/APPROVAL FORM**  
**FOR RIGHT- OF- WAY, ALLEY, AND**  
**EASEMENT VACATION REQUESTS**

Date: \_\_\_\_\_

Address / location of vacation: \_\_\_\_\_

Adjacent property address: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

**REQUESTED VACATION:**

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

*(Include legal description and graphic representation of what is being vacated)*

**ADJACENT PROPERTY OWNERS COMMENTS:**

- I have been notified of the requested vacation and decline to comment.
- I *do not object* to the vacation described above.
- I *do object* to the requested vacation because:

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---

\_\_\_\_\_  
Project Name

\_\_\_\_\_  
Name of Adjacent Property Owner (*printed*)

\_\_\_\_\_  
Signature of Adjacent Property Owner

\_\_\_\_\_  
Applicant Name

## **NOTIFICATION REQUIREMENTS**

### **Written Notification Process:**

- (1) The applicant shall mail a written notice of the hearing by first-class mail to the address of each adjacent landowner as such address is shown in the records of the Washington County Assessor's Office. Adjacent landowners include those across street rights-of-way, excluding interstates.
- (2) By the revision submittal prior to the public hearing, the applicant shall provide the following to the Planning Division (**contact staff planner for submittal deadline**):
  - a. alphabetical list of the landowners receiving notification (County Assessor's Office)
  - b. map showing the landowners' relationship to the site (County Assessor's Office)
  - c. copy of the notice sent to the landowners (example attached)
  - d. certificate of mailing (**example attached**)

### **Sign Posting Process:**

- (1) Signs shall be made available to the applicant by the Planning Division. A \$5 fee per sign shall be remitted by the applicant (**contact staff planner for date to pick up sign**).
  - a. The applicant shall post notice on the land for which the use is requested in a visibly prominent location no more than ten (10) feet from the street, and shall not impede the vision of drivers or pedestrians.
  - b. The staff planner may require an alternate location where the property is not adjacent to a street.
  - c. Additional signs may be required by the staff planner.
- (2) By the revision submittal prior to the hearing, the applicant shall post the sign and submit a certificate of sign posting to the Planning Division. The sign(s) shall be photographed by the applicant and attached to the certificate (**example attached**).
- (3) The Planning Division will be responsible for retrieval of signs after the hearing; if a hearing is postponed, the applicant will be notified when a new sign has been created. The applicant shall then be responsible for posting the new date of the hearing in accordance with the criteria herein.

**CERTIFICATE OF MAILING**

*I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:*

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address* \_\_\_\_\_  
*City, State, Zip* \_\_\_\_\_

\_\_\_\_\_  
*(name of person completing the mailing)*

\_\_\_\_\_  
*(signature of person completing the mailing)*

*City File No./Name:* \_\_\_\_\_

**THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET**

**WRITTEN NOTIFICATION FORM**

**Project Description:**

The applicant Name proposes a Type of Development at Project Address.

**Building/land Use:** \_\_\_\_\_

**Zoning:** \_\_\_\_\_

**Size of Property:** \_\_\_\_\_

**Density/Intensity:** \_\_\_\_\_

Public Hearings:

Planning Commission; 5:30 PM; Month/Date/Year; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

**Property Owner:**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Developer:**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Review Location:

The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

**THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET**

**CERTIFICATE OF SIGN POSTING**



I, \_\_\_\_\_ (print the name of the  
applicant/representative/person posting sign), attest that the above sign was posted on  
\_\_\_\_\_ (month/day/year) adjacent to  
\_\_\_\_\_ (name of street).

\_\_\_\_\_  
(signature of person completing the sign posting)

City File No./Name: \_\_\_\_\_



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** February 12, 2018 **(Updated with Planning Commission Results)**

**SUBJECT:** **VAC 18-6075: Vacation (EAST OF 2000 BLOCK, DEAD HORSE MTN. RD./MEADOWS AT STONEBRIDGE SD, 646):** Submitted by CRAFTON TULL, INC. for properties located EAST OF 2000 BLOCK, DEAD HORSE MTN. RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 53.15 acres. The request is to vacate a portion of a utility easement.

**RECOMMENDATION:**

Staff recommends forwarding **VAC 18-6075** to City Council with a recommendation for approval with conditions.

**BACKGROUND:**

The subject property includes approximately 53 acres east of Dead Horse Mountain Road and the Riverwalk Subdivision. The property was annexed in to the City in February 1997 along with almost 800 acres of additional land south of the West Fork of the White River. Prior to this, historical aerial imagery indicates that a portion of the property was utilized as a horse track before being replaced by the existing Stonebridge Meadows golf course. Today the golf course is adjacent to the subject property to the east and northeast. Although generally level, the property includes or abuts several ponds of varying size. Below grade, the property is bisected by an 8-inch sanitary sewer line that conveys sewerage through a series of lift stations from the subdivisions to the northeast to a large main across the West Fork of the White River. In late 2017, a development submittal was made for a residential subdivision of 135 single-family lots on this property. It is currently under review. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1**  
**Surrounding Zoning and Land Use**

| Direction | Land Use                                       | Zoning                                                           |
|-----------|------------------------------------------------|------------------------------------------------------------------|
| North     | Undeveloped/Agricultural/Large Lot Residential | R-A, Residential Agricultural                                    |
| South     | Undeveloped/Agricultural/Large Lot Residential | R-A, Residential Agricultural                                    |
| East      | Stonebridge Meadows Golf Course                | R-A, Residential Agricultural                                    |
| West      | Undeveloped/Agricultural/Large Lot Residential | R-A, Residential Agricultural;<br>Washington County, AG.SF Res 1 |

*Proposal:* The applicant proposes to vacate an existing water and sewer easement. Portions of the associated sanitary sewer main fall outside the easement, which the applicant proposes to correct through re-dedication as a part of an associated development.

**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:

| <u>Utility</u>              | <u>Response</u>                                                                                                           |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Cox Communications          | No objections, provided that any damage to or relocation of existing facilities will be at the owner/developer's expense. |
| AEP/SWEPCO                  | No objections                                                                                                             |
| Black Hills Energy AR       | No objections                                                                                                             |
| AT&T                        | No objections                                                                                                             |
| Ozarks Electric             | No objections                                                                                                             |
| <u>City of Fayetteville</u> | <u>Response</u>                                                                                                           |
| Water/Sewer                 | No objections                                                                                                             |
| Solid Waste & Recycling     | Not applicable                                                                                                            |
| Transportation              | Not applicable                                                                                                            |

**Public Comment:**

No public comment has been received.

**RECOMMENDATION:** Staff recommends forwarding **VAC 18-6075** 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. An easement shall be re-dedicated over the existing 8-inch sanitary sewer main to the satisfaction of the City of Fayetteville's Water and Sewer Department;



|                                                               |                                   |                                               |                                 |
|---------------------------------------------------------------|-----------------------------------|-----------------------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION: Required</b> <u><b>YES</b></u> |                                   |                                               |                                 |
| Date: <u>February 12, 2018</u>                                | <input type="checkbox"/> Tabled   | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion: Hoffman                                               |                                   |                                               |                                 |
| Second: Johnson                                               |                                   |                                               |                                 |
| Vote: 6-0-1, Quinlan Abstained                                |                                   |                                               |                                 |
| <b>CITY COUNCIL ACTION:</b>                                   |                                   | Required                                      | <u><b>YES</b></u>               |
| Date: <u>March 6, 2018 (planned)</u>                          | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied               |                                 |

**BUDGET/STAFF IMPACT:**

None.

**Attachments:**

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



November 27, 2017

City of Fayetteville  
Attn: Planning Department  
113 West Mountain St  
Fayetteville, AR 72701

VAC 18-6075  
**Request  
Letter**

Re: Meadows at Stonebridge Easement Vacation

To whom it may concern,

The purpose of this correspondence is to describe the scope, nature and intent of the above referenced project.

A portion of an existing sanitary sewer was installed outside of the prescribed easement. As part of the proposed Meadows at Stonebridge project, we are requesting to abandon the existing easement and rededicate an easement so that the existing sanitary sewer is encompassed completely within it.

Sincerely,

Thomas A. Hennelly, PE  
Vice President  
Crafton Tull

# PETITION TO VACATE UTILITY EASEMENT

**PETITION TO VACATE A(N) (~~alley, easement, right-of-way~~) LOCATED IN (~~lot, block, subdivision~~), 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 (~~alley, easement, right-of-way~~) hereinafter sought to be abandoned and vacated, lying in parcel 765-15269-101, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a(n) (~~alley, easement, right-of-way~~) which is described as follows:

SEE ATTACHED DESCRIPTION

That the abutting real estate affected by said abandonment of the alley are (~~lot, block, subdivision of each adjoining lot to the area requested to be vacated~~) 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 abandonment of the portion of the above described (~~alley, easement, right-of-way~~).

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

The petitioners further 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 easements of the public for the use of said alley.

Dated this 28<sup>th</sup> day of November, 2017.

ERC Holdings, LLC (Rod Coleman)

Printed Name



Signature

Printed Name

Signature

**\* Note: This is a sample - each applicant is responsible for submitting a petition which accurately reflects their specific request.**



VAC 18-6075  
**Utility Approvals**

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

DATE: January 8th, 2018

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

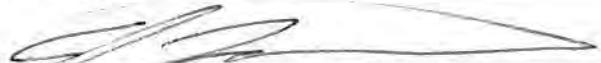
(**ATTACH legal description and graphic representation of what is being vacated-SURVEY**)

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 our existing facilities will be at the owners/developers expense.

  
\_\_\_\_\_  
Signature of Utility Company Representative

Construction and Planning Manager  
\_\_\_\_\_  
Title



## Portion of Easement to be vacated:

PART OF THE NE 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 25 TOWNSHIP 16 NORTH RANGE 30 WEST WASHINGTON COUNTY ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25;  
THENCE N90°00'00"W 2001.00 FEET;  
THENCE S00°00'00"W 76.61 FEET TO THE EASTERLY LINE OF A 20 FOOT WATER AND SEWER EASEMENT AS DESCRIBED IN DEED 2006-00040313;  
THENCE ALONG SAID EASTERLY LINE S42°11'39"E 9.87 FEET;  
THENCE ALONG SAID EASTERLY LINE S04°36'52"E 902.02 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING ALONG SAID EASTERLY LINE S04°36'52"E 20.71 FEET TO THE SOUTH LINE OF SAID 20 FOOT WATER AND SEWER EASEMENT;  
THENCE ALONG SAID SOUTH LINE THE FOLLOWING FOUR COURSES:  
THENCE N79°30'38"W 288.57 FEET;  
THENCE N83°10'38"W 365.27 FEET;  
THENCE N84°55'09"W 278.65 FEET;  
THENCE N35°10'38"W 85.04 FEET;  
THENCE LEAVING SAID SOUTH LINE N73°50'46"E 21.15 FEET TO THE NORTH LINE OF SAID 20 FOOT WATER AND SEWER EASEMENT;  
THENCE ALONG SAID NORTH LINE THE FOLLOWING FOUR COURSES:  
THENCE S35°10'38"E 68.87 FEET;  
THENCE S84°55'09"E 269.69 FEET;  
THENCE S83°10'38"E 366.22 FEET;  
THENCE S79°30'38"E 283.80 FEET TO THE POINT OF BEGINNING, CONTAINING 0.46 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR FACT.

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

DATE: January 8th, 2018

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

- (*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

  
Title



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

DATE: January 8th, 2018

UTILITY COMPANY: Black Hills Corporation

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

(**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:

\_\_\_\_\_

Bruce A. Danbert  
Signature of Utility Company Representative

Supervisor - Gas Operations  
Title

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

DATE: January 8th, 2018

UTILITY COMPANY: AT&T

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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

MGR OSP Plng & Design Engineering

\_\_\_\_\_  
Title

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

DATE: January 8th, 2018

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

---

(**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:

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---

Mike Phipps  
Signature of Utility Company Representative

SYSTEM STAKING TECH  
Title

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

DATE: January 8th, 2018

UTILITY COMPANY: City of Fayetteville Water and Sewer

APPLICANT NAME: Crafton Tull (Joe Fifer) APPLICANT PHONE: 479-878-2406

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** City of Fayetteville, East of Dead Horse Mountain Road, West of Stonebridge Meadows Golf Course

(**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:

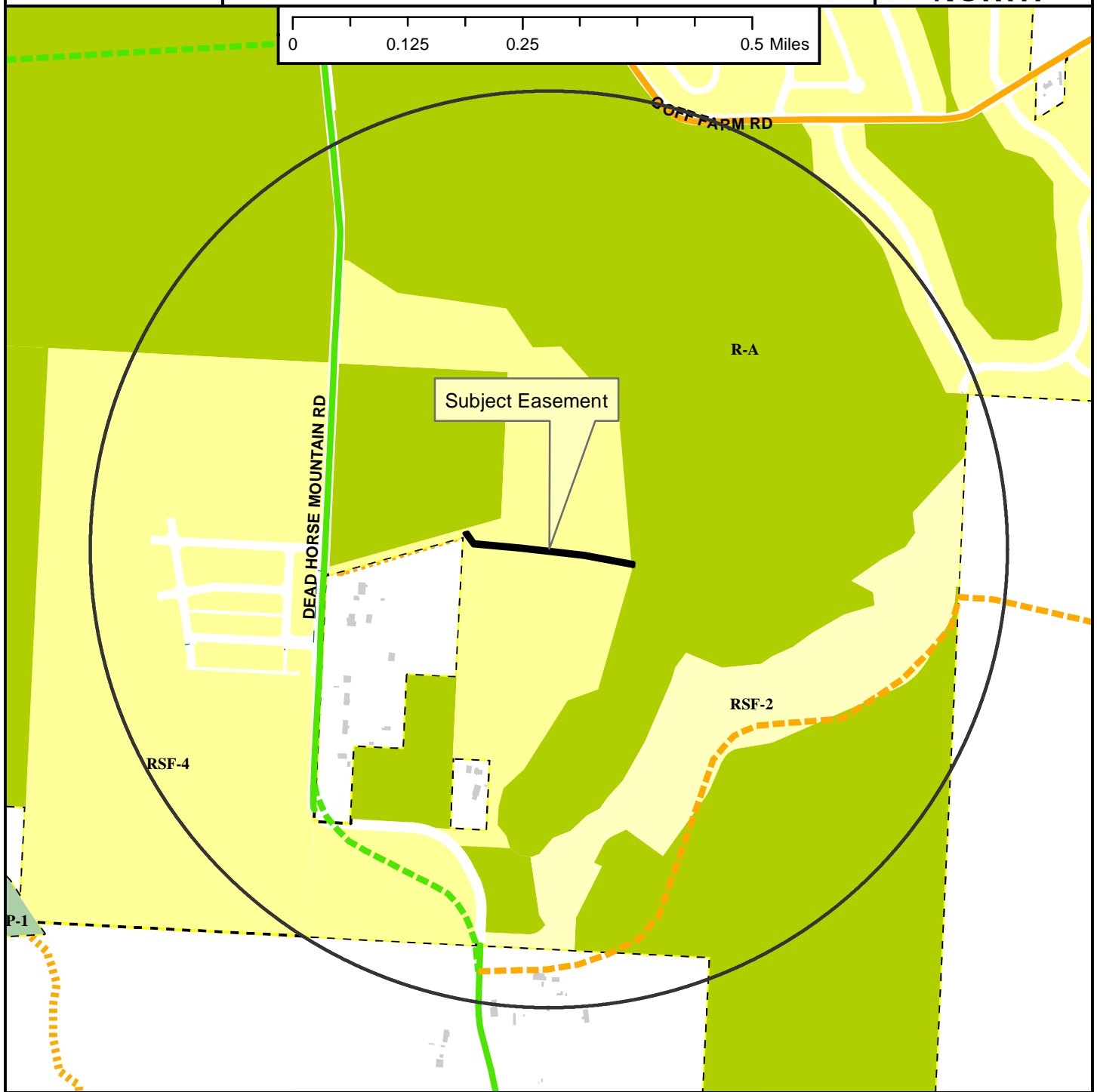
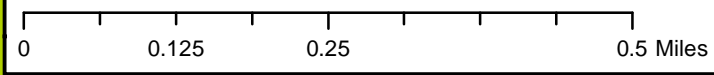
  
Signature of Utility Company Representative

1/10/2018 WATER & SEWER OPERATIONS MANAGER  
Title

VAC18-6075

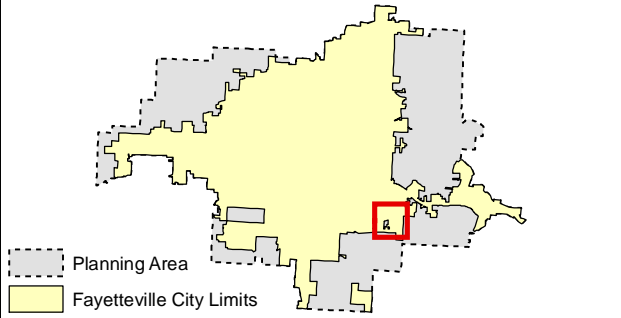
# MEADOWS AT STONEBRIDGE

One Mile View

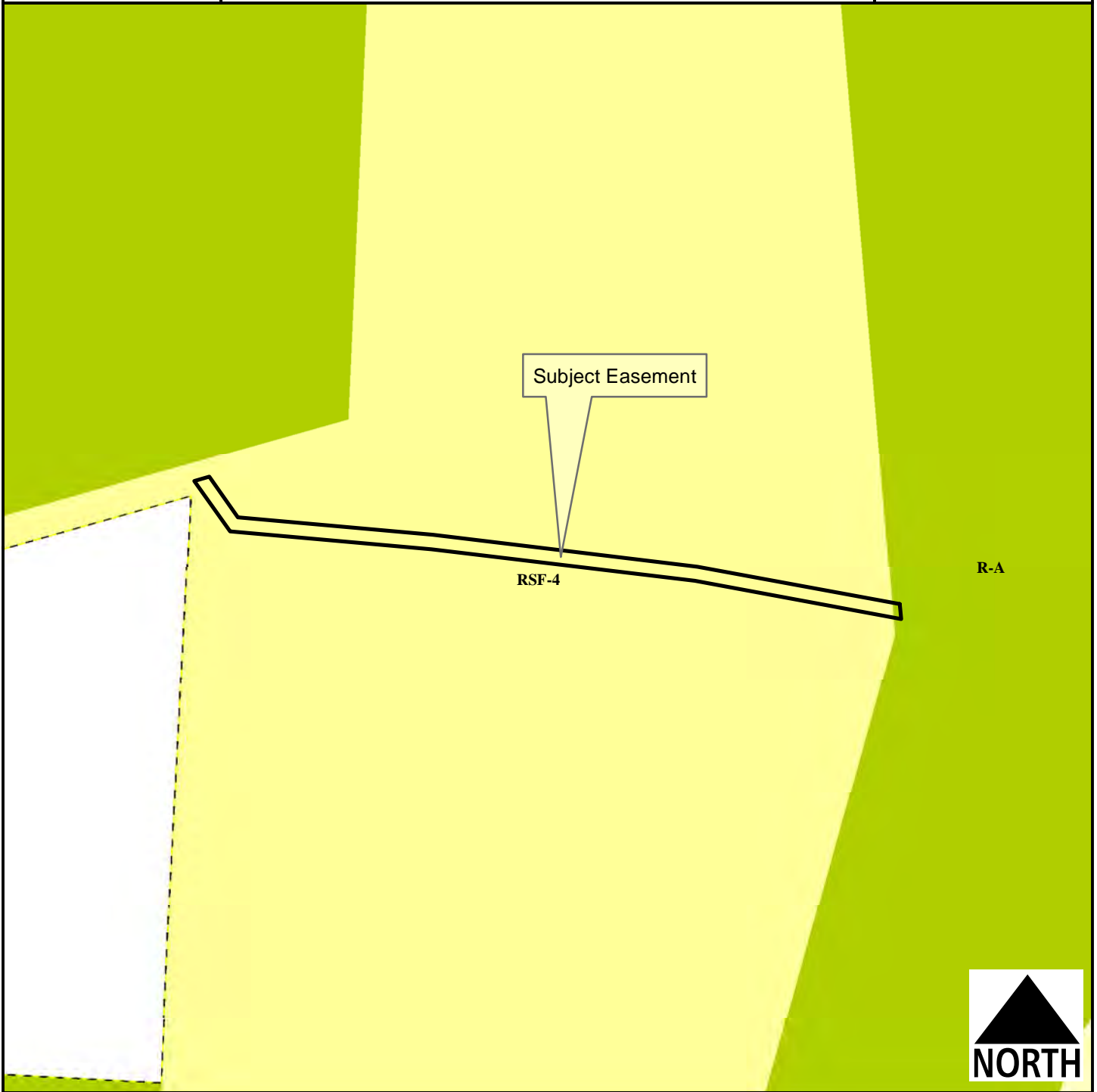


## Legend

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

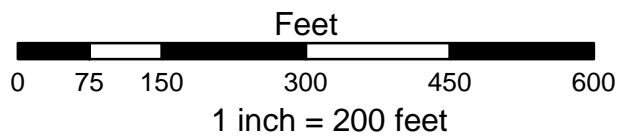


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RT-12 Residential Two and Three-family
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial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



### Legend

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



- Residential-Agricultural
- RSF-2
- RSF-4

VAC18-6075

# MEADOWS AT STONEBRIDGE

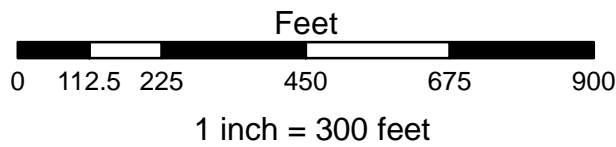


Current Land Use





### Streets Planned MSP Class

-  COLLECTOR
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



### FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway