



## Legislation Text

---

**File #: 2018-0188, Version: 1**

---

### **VACATION OF A TREE PRESERVATION EASEMENT:**

A RESOLUTION TO APPROVE THE VACATION AND ABOLISHMENT OF THE .67 ACRE TREE PRESERVATION EASEMENT DEDICATED AS PART OF THE LARGE SCALE DEVELOPMENT FOR THE CONSTRUCTION OF THE JD CHINA RESTAURANT ON MARTIN LUTHER KING BOULEVARD IN 2001

**WHEREAS**, the owner and developer of the JD China restaurant on a 1.76 acre parcel dedicated .67 acre tree preservation easement on the northern part of his parcel in 2001; and

**WHEREAS**, upon the closing of JD China, the owner desired to sell his 1.09 acre developed portion of his property to Raising Canes which did not want to accept ownership of the .67 acre tree preservation easement and property upon which the easement was located; and

**WHEREAS**, despite some concerns about creating future problems by splitting off this two-thirds of an acre parcel with substantial street frontage, but with no development rights into a separate lot, a lot split was granted in 2016; and

**WHEREAS**, the land owner now requests that the tree preservation easement covering this .67 acre lot be vacated and abolished to permit sale and development of this lot.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines that the owner of the .67 lot covered by a dedicated tree preservation easement has proven to the City Council's satisfaction that such vacation and abolishment of the tree preservation easement is in the best interest of the City of Fayetteville and therefore grants the land owner's request to vacate and abolish the existing tree preservation easement on this .67 parcel.

# City of Fayetteville Staff Review Form

**2018-0188**

**Legistar File ID**

**4/3/2018**

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

John J. Scott- Urban Forester

3/16/2018

PARKS & RECREATION (520)

**Submitted By**

**Submitted Date**

**Division / Department**

## Action Recommendation:

Vacation of a Tree Preservation Easement: Parcel number 765-07564-000 along West Mitchell Street, to the north and adjacent to Raising Cane's Chicken Fingers on 1788 Martin Luther King Jr. Boulevard. The owner would like to vacate/abolish the tree preservation easement that encompasses the entire site. UDC 167.04 L.2

## Budget Impact:

Account Number

Fund

Project Number

Project Title

**Budgeted Item?** No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

**Does item have a cost?** No

Item Cost

**Budget Adjustment Attached?** No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



## City Council Agenda Memo

**TO:** Mayor and City Council

**THRU:** Connie Edmonston, Parks and Recreation  
Ted Jack, Parks Planning Superintendent

**FROM:** John Scott, Urban Forester

**MEETING DATE:** March 15, 2018

**SUBJECT:** **Vacation of a Tree Preservation Easement:** Parcel number 765-07564-000 along West Mitchell Street, to the north and adjacent to Raising Cane's Chicken Fingers on 1788 Martin Luther King Jr. Boulevard. The owner would like to vacate/abolish the tree preservation easement that encompasses the entire site. UDC 167.04 L.2

---

**Background:** The tree preservation easement on parcel number 765-07564-000 was dedicated as part of the development of JD China restaurant, LSD 00-36 when it was built in 2001(Exhibit A). The trees were placed in a tree preservation easement to meet the development requirements on the 1.76-acre lot to build the restaurant.

The restaurant closed and Raising Cane's proposed to purchase and split.

In 2016, a lot split LSP 16-5311 (Exhibit B) was submitted and approved. The lot split created an isolated tree preservation lot of .67 acres. The remaining 1.09 acres was sold to Raising Cane's to develop a new restaurant.. The resulting split created a lot that was almost entirely covered in a tree preservation area to meet the requirements of their previous project, LSD 00-36, JD China.

The applicant wishes to vacate the tree preservation easement to facilitate selling the property. According to UDC code, 167.04 L.2. "The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest in the City of Fayetteville."

Planning and Urban Forestry staff have received several inquiries about this property from perspective buyers and informed the perspective buyers of the tree preservation easement.

**Discussion:** Urban Forestry staff does not have an official review of Lot Splits; however, we did express our concerns over this situation at the time LSP 16-5311 was being reviewed. The property owner was aware of the resulting situation created from the lot split, LSP 16-5311. It is a typical practice for the City to allow unbuildable lots to be created for uses such as tree preservation area, property owner's association landscape areas, detention ponds, or sewer lift stations. This practice includes clearly labeling the unbuildable lot for its use. The subject property was clearly labeled on JD China lot split plat as a Tree Preservation Easement to make it clear that this is not a buildable lot.

**Recommendation:** Staff recommends against vacating the tree preservation easement on Parcel 765-07564-000. This would set a precedent that would allow property owners to utilize lot splits to thwart tree preservation requirements and then vacate the tree preservation easement allowing sale of the parcel. Essentially, this would create a loophole for developers to avoid having long term tree preservation easements. Abolishing the tree preservation easement would negate the responsibility of the property owners to preserve trees. This would not be in the best interest of the City of Fayetteville.

**Budget Impact:** There is not a budget impact for this request.

**Attachments:**

Exhibit- A LSD 00-36, the original JD China tree preservation agreement.

Exhibit- B LSP 16-5311 Lot Split creating a lot composed of tree preservation easement

Exhibit – C Application from the owner the vacate the existing tree preservation easement.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

## DEPARTMENTAL CORRESPONDENCE

---

TO: Planning Commissioners

FROM: Kim J. Hesse, Landscape Administrator

DATE: March 23, 2001

SUBJECT: LSD 00-36 / J.D. China

---

I recommend approval of the tree protection plan for J.D. China Restaurant, to be located west of Burger King on Sixth St.

The front portion of the property is zoned C-2, commercial use. The site is a narrow, deep tract of land that is primarily tree covered with an average slope of 10%. It is this portion of the site, fronting on 6<sup>th</sup> street, that is zoned commercial and where the restaurant and associated parking is proposed. There are several existing Red and White Oak trees ranging from 15 to 24" D.B.H in this area. Four of these trees meet the city's definition of a rare tree. Toward the rear of the property, the portion zoned residential, the site begins to level off and is heavily forested in oak, hickory and pine.

I have worked with the engineering representative for this project since summer of last year to develop a tree friendly design. Originally, the developer of the property had planned to purchase only the commercial zoned portion of the site. After several attempts to locate the building and parking around the larger trees, it became apparent that due to the width of the site and the slope of the existing topography, little could be done to preserve existing trees if it were to be developed. In order for pedestrians, including handicapped individuals, to drive onto the site, park and walk to the building, extensive grading is required. It was my opinion that the only way to save the required canopy, or any canopy at all, was to limit the size of the development. It was at this point that the developer decided to purchase additional adjoining property in order to preserve the minimum percent canopy required for this zone. As a result, the proposal before you includes .37 acres in forested land that meets the required percentage of preserved canopy for the entire development.

It is true that the largest of the existing trees are to be removed. The ordinance does state that it is my discretion as to whether I believe the site can be reasonably developed and maintained and the trees saved. If I do not believe it can, I can approve removal of rare trees. This is a commercially zoned piece of property. The land is surely priced accordingly. It is not my discretion as to what is developed on a site or if a site can be utilized for it's zoned use. I can intervene only if the proposed use can be developed in a such a way as to save trees. I **was not** able to find a way to reasonably grade this site for this use and save trees. Since additional land was purchased with the intent to save the minimum percent canopy, I feel an obligation to approve the tree preservation plan. The canopy that is being preserved is heavily forested and will sustain value for buffering adjacent residential zoning, wildlife habitat, pollution remediation and several other benefits.



March 1, 2016

Bill Gagner  
Blew and Associates, PA  
524 W. Sycamore  
Fayetteville, AR 72703

VIA EMAIL: [bill@blewinc.com](mailto:bill@blewinc.com)

**Re: Lot Split Approval: LSP 16-5311 (JD China/Raising Cane's)**

Dear Mr. Gagner,

This letter documents that City Staff has completed the review of and administratively approved the subject lot split for JD China (LSP 16-5311). The official administrative approval date will be February 29, 2016. The plat can be stamped for recordation when all conditions of approval provided at the January 13, 2016 Technical Plat review meeting have been met, including:

1. The tree preservation area shall be clearly delineated and noted as unbuildable.

If you have any questions, please feel free to contact me at (479) 575-8308.

Sincerely,

A handwritten signature in blue ink, appearing to read "JFulcher", is written over a light blue circular stamp.

Jesse Fulcher  
Senior Planner



#### CERTIFICATE OF OWNERSHIP & DEDICATION

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

LEE FAMILY TRUST, MAY 11, 1995

3-7-16

3-7-16

03-07-16

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

# TRACT SPLIT

The Tree Preservation Areas as indicated on this easement plat constitute a covenant running with the title of the subject property and are denoted for the property owners and their future successors, assignees or transferees to preserve, protect and maintain existing tree canopy. No tree removal or land disturbance as defined within the City of Fayetteville Unified Development Ordinance may occur within the Tree Preservation Area unless approved by the City of Fayetteville. Persons seeking removal of such Tree Preservation Area, or requesting to modify the property in such a way as to affect the canopy within, must seek approval from the City Council through a request made by the Urban Forester of the City of Fayetteville.

APPROVED FOR RECORDATION  
FAYETTEVILLE PLANNING  
ADMINISTRATION

By: Ang Date: 03-08-14

SE CORNER  
SE 1/4, SW 1/4  
SECTION 17  
T-10-N, R-30-W  
P.O.C.

#### Vicinity Map



#### Utility Notes

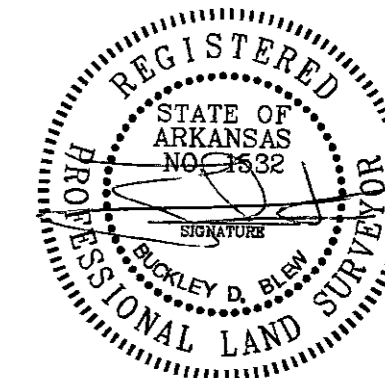
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

0 40 80 120

1 INCH = 40 FEET

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



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN 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.

71334

**BLEW & ASSOCIATES, PA**  
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4  
FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479.443.4506  
FAX: 479.582.1883  
www.BLEWINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE	REVIEWED BY	SURVEYED BY
M.B. 1/12/2016	B.G.	T.C.
COUNTY & STATE	JOB NUMBER	
WASHINGTON COUNTY, ARKANSAS	16-025	

LOCATION  
SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST

FOR THE USE AND BENEFIT OF:

ED  
SNODGRASS

WEST MITCHELL STREET  
(27' ASPHALT - R/W VARIES)

Parcel: 765-07571-001  
WARD WILLIAM L REVOCABLE  
TRUST  
915 N PARK AVE, FAYETTEVILLE  
72701  
Washington, AR  
Zoned RMF-24

Parcel: 765-07571-000  
CKM ENTERPRISES  
1509 WESLEY  
AVE, SPRINGDALE 72764-0901  
Washington, AR  
Zoned C-2

Parent Tract  
Parcel #765-07564-000  
1.76 Acres ±

Tract 1  
1.09 Acres ±

Parcel: 765-07561-000  
MID-CITY CENTER LLC  
MR STEVE RAPIER,  
NEW ORLEANS 70161  
Zoned C-2

Parcel: 765-07561-001  
PANETTONE PROPERTIES LLC  
5304 PLEASANT LN, ROGERS 72758  
Washington, AR  
Zoned RMF-24

#### Miscellaneous Notes

STATE RECORDING NUMBER:  
500-16N-30W-0-17-320-72-1532  
COMPLETED FIELD WORK:  
JANUARY 3, 2016

BASIS OF BEARING:  
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS:  
1. WARRANTY DEED FILED IN DEED BOOK 2005 AT PAGE 48065.  
2. PREVIOUS ALTA SURVEY BY BLEW & ASSOCIATES JOB # 15-1172  
SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0220F, WHICH BEARS AN EFFECTIVE DATE OF 05/16/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

#### Zoning & Setback Information

ZONED: THOROUGHFARE COMMERCIAL (C-2)

REQUIREMENTS:

FRONT BUILDING SETBACK: 15'  
FRONT BUILDING SETBACK:  
50' IF PARKING IS ALLOWED BETWEEN THE RIGHT-OF-WAY AND BUILDING

SIDE BUILDING SETBACK: NONE  
SIDE BUILDING SETBACK: 15',  
WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT

REAR BUILDING SETBACK: 20'  
CORNER SETBACK: NONE

#### Owner/Developer

PARCEL: 765-07564-000  
LEE FAMILY TRUST; CHANG, YUTA  
1850 ROCKWOOD LN  
FAYETTEVILLE, AR 72701

#### Survey Description

##### PARENT TRACT:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 225.42' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'28"W 153.70' TO A SET IRON PIN, THENCE N03°01'05"E 505.52' TO A FOUND IRON PIN, THENCE S87°02'38"E 153.10' TO A FOUND IRON PIN, THENCE S02°59'09"W 495.65' TO THE POINT OF BEGINNING, CONTAINING 1.76 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

##### TRACT 1:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 225.42' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'25"W 153.70' TO A SET IRON PIN, THENCE N03°01'05"E 310.66' TO A SET IRON PIN, THENCE N89°16'25"E 153.53' TO A SET IRON PIN, THENCE S02°59'09"W 310.65' TO THE POINT OF BEGINNING, CONTAINING 1.09 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

##### TRACT 2:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 536.07' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'25"W 153.53' TO A SET IRON PIN, THENCE N03°01'05"E 194.86' TO A FOUND IRON PIN, THENCE S87°02'38"E 153.10' TO A FOUND IRON PIN, THENCE S02°59'09"W 185.00' TO THE POINT OF BEGINNING, CONTAINING 0.67 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

#### Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FOURTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- BUILDING SET BACK (B.S.B.)
- UTILITY EASEMENT (U.E.)
- OVERHEAD POWER LINE
- SEWER LINE
- FOUND MONUMENT (AS NOTED)
- SET 1/2" REBAR & CAP
- POWER POLE
- STORM WATER
- GAS METER
- LIGHT
- TELEPHONE PEDESTAL
- WATER METER
- ELECTRICAL BOX
- SANITARY SEWER
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- N.T.S. NOT TO SCALE
- M.S.P. MASTER STREET PLAN



Doc ID: 016763730001 Type: REL  
Kind: SURVEY  
Recorded: 03/09/2016 at 08:38:54 AM  
Fee Amt: \$15.00 Page 1 of 1  
Washington County, AR  
Kyle Sylvester Circuit Clerk  
File 2016-00006131



**Blew & Associates, P.A.**

Civil Engineers

Professional Land Surveyors

524 W. Sycamore Street Suite #4 Fayetteville, AR 72703

PH: 479-443-4506 \* FAX: 479-582-1883

<http://www.blewinc.com>

City of Fayetteville Planning Department

January 12, 2016

Re: 1470 W. Martin Luther King Blvd.  
Fayetteville, AR 72701

To whom it may concern:

Our client, Ed Snodgrass, is requesting to split a parcel located at 1740 West Martin Luther King Blvd. The existing property is a 1.76 acre parcel of land. The result of this split will be two separate tracts of land consisting of a 0.67 acre and a 1.09 acre parcel. The property is currently zoned C-2. If you have any questions, please give us a call.

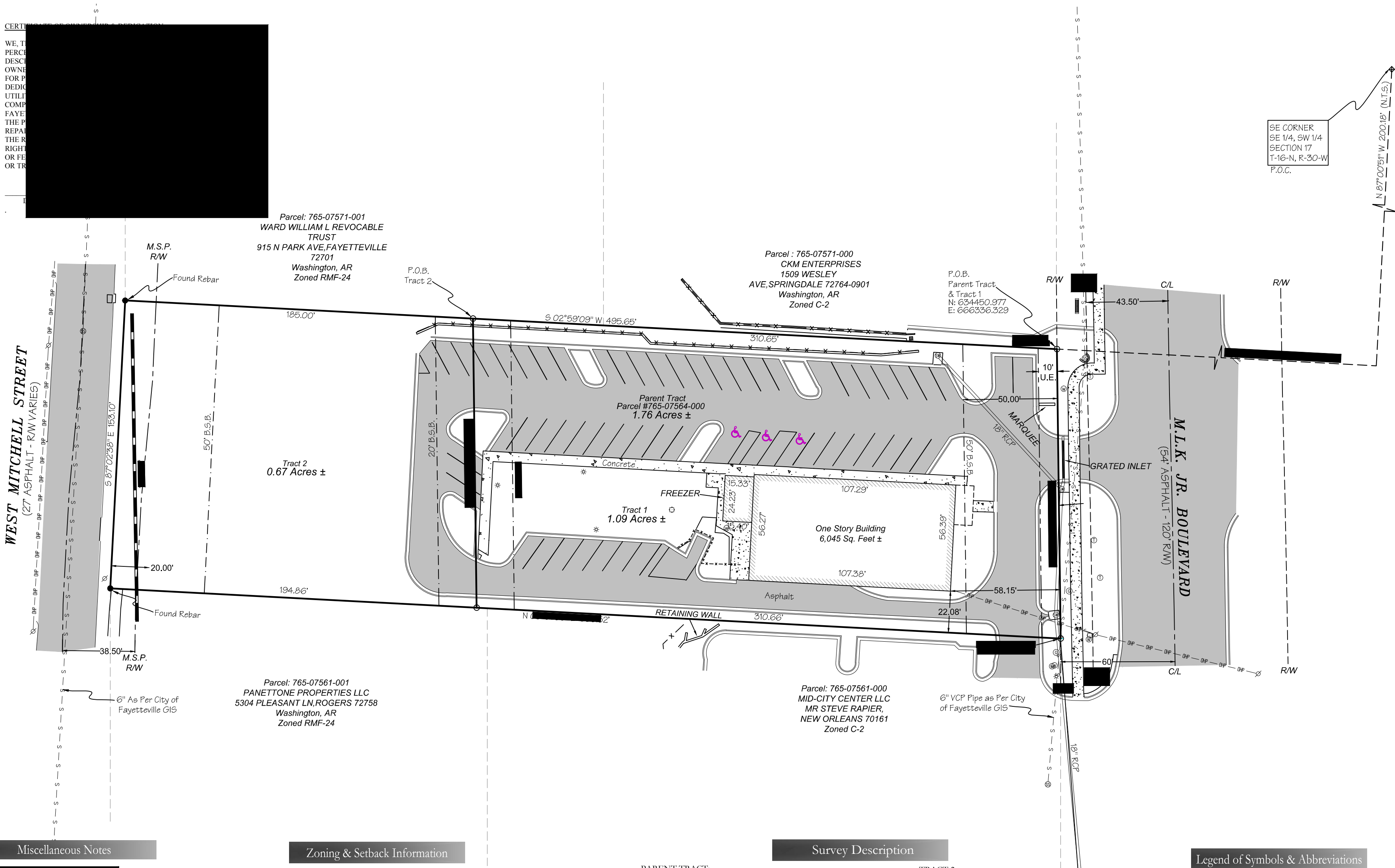
Sincerely,

William Gagner, PLS  
Project Manager  
Blew & Associates, P.A.



# TRACT SPLIT

CERTIFICATE OF SURVEY  
WE, THE SURVEYOR,  
PERCEIVE AND  
DESCRIBE THE  
OWNERS' INTEREST  
FOR THE  
DEDICATED  
UTILITY  
COMPASS  
FAYETTEVILLE  
THE PLAT  
REPAIRS  
THE RIGHT  
OR FEEL  
OR TR



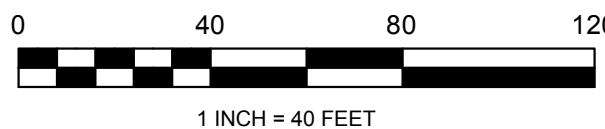
Vicinity Map



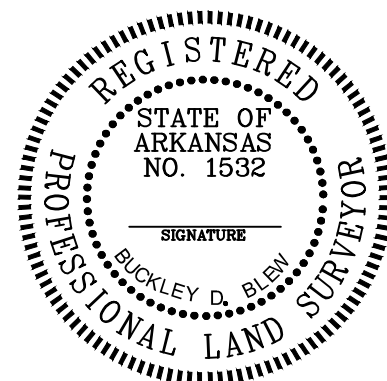
Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES



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



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN 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.

**BLEW & ASSOCIATES, PA**  
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4  
FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479.443.4506  
FAX: 479.582.1883  
www.BLEWINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
M.B. 1/12/2016	B.G.	T.C.
COUNTY & STATE:	JOB NUMBER:	
WASHINGTON COUNTY, ARKANSAS	16-025	
LOCATION:	SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST	

FOR THE USE AND BENEFIT OF:

ED  
SNODGRASS

Miscellaneous Notes



REFERENCE DOCUMENTS:  
1. WARRANTY DEED FILED IN DEED BOOK 2005 AT PAGE 48065.  
2. PREVIOUS ALTA SURVEY BY BLEW & ASSOCIATES JOB # 15-1172  
SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0220F, WHICH BEARS AN EFFECTIVE DATE OF 05/16/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Zoning & Setback Information

ZONED: THOROUGHFARE COMMERCIAL (C-2)

REQUIREMENTS:

FRONT BUILDING SETBACK: 15'  
FRONT BUILDING SETBACK: 50' IF PARKING IS ALLOWED BETWEEN THE RIGHT-OF-WAY AND BUILDING

SIDE BUILDING SETBACK: NONE  
SIDE BUILDING SETBACK: 15', WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT

REAR BUILDING SETBACK: 20'  
CORNER SETBACK: NONE

Owner/Developer

PARCEL: 765-07564-000  
LEE FAMILY TRUST; CHANG, YUTA  
1850 ROCKWOOD LN  
FAYETTEVILLE, AR 72701

Survey Description

**PARENT TRACT:**  
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 225.42' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'28"W 153.70' TO A SET IRON PIN, THENCE N03°01'05"E 310.66' TO A FOUND IRON PIN, THENCE S87°02'38"E 153.10' TO A FOUND IRON PIN, THENCE S02°59'09"W 495.63' TO THE POINT OF BEGINNING. CONTAINING 1.76 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

**TRACT 1:**  
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 225.42' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'25"W 153.70' TO A SET IRON PIN, THENCE N03°01'05"E 310.66' TO A SET IRON PIN, THENCE N89°16'25"E 153.53' TO A SET IRON PIN, THENCE S02°59'09"W 310.65' TO THE POINT OF BEGINNING. CONTAINING 1.09 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

**TRACT 2:**  
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 536.07' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'25"W 153.53' TO A SET IRON PIN, THENCE N03°01'05"E 194.86' TO A FOUND IRON PIN, THENCE S87°02'38"E 153.10' TO A FOUND IRON PIN, THENCE S02°59'09"W 185.00' TO THE POINT OF BEGINNING. CONTAINING 0.67 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FORTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- BUILDING SET BACK (B.S.B.)
- UTILITY EASEMENT (U.E.)
- OVERHEAD POWER LINE
- SEWER LINE
- FOUND MONUMENT (AS NOTED)
- SET 1/2" REBAR & CAP
- POWER POLE
- STORM WATER
- GAS METER
- LIGHT
- TELEPHONE PEDESTAL
- WATER METER
- ELECTRICAL BOX
- SANITARY SEWER
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- N.T.S. NOT TO SCALE
- M.S.P. MASTER STREET PLAN

## CITY OF FAYETTEVILLE, ARKANSAS

## LOT SPLIT

<b>FOR STAFF USE ONLY</b>	<b>LSP FEE:</b>	<b>\$200.00</b>
	<b>Tabled Tech Plat Resubmittal FEE:</b>	<b>\$200.00/resubmittal</b>
Date Application Submitted:		S-T-R:
Date Accepted as Complete:		PP#:
Project Number:		Zone:
Public Hearing Date:		

Please fill out this form completely, supplying all necessary information and documentation to support your request.  
 Your application will not be processed 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: Ed Spodgrass

Name: William G. GAGNER

E-mail: els@benchmark-engineers.com

E-mail: bill@blewinc.com

Address: \_\_\_\_\_

Address: 524 W. Sycamore St.

Suite 4

Fayetteville, AR 72703

Phone: 903-534-5353

Phone: 479-443-4506

Fax: 903-534-5352

Fax: 479-582-1883

Site Address / Location: 1740 W MARTIN Luther King Blvd.

	Zoning District	Assessor's Parcel Numbers for the Properties	Size of Parent Tract (acres)	Size of Resulting Tracts (acres)		
Tract A	C-2	765-07564-000	1.76	0.67	1.09	
Tract B						
Tract C						
Tract D						

Previous division of parent tract since 1985 (dates and brief description):

### FINANCIAL INTERESTS

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

LEE Family TRUST; CHARLIE, YUTA  
RAISING CANES  
BENCHMARK DESIGN GROUP

**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 approvals. I understand that the City might not approve what I am applying for, or might set conditions of approval.

NAME (PRINTED): William G. GAGNER Date: 1/12/2016

Signature: William G. Gagner

**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 her/his behalf.)

Name (printed): LAWRENCE MCCORMACK Address: 6900 Bishop Flann TX 75024

Signature: LAWRENCE MCCORMACK

Date: 1/14/16 Phone: 972.769.3304

Name (printed): YUTA CHANG Address: 2790 E. MUCKERLYT XING

Signature: YUTA CHANG FAYETTEVILLE AR 72703

Date: 01-15-16 Phone: \_\_\_\_\_

### Application Checklist

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application (\$200.00 lot split fee). Any resubmittal required due to project being tabled at Tech Plat will require a \$200.00 fee per resubmittal.
- (2) Correspondence in the form of a written letter to Planning Staff describing the scope, nature and intent of the proposal.
- (3) One (1) hard copy and one (1) CD containing a digital copy in PDF format of the signed application, correspondence letter and the survey of the property showing all required information for a Lot Split listed on the Plat Requirements checklist in Section 166.02 of the Fayetteville Unified Development Code. These requirements are listed on the Plat Requirements page in this application. Clearly label all original and proposed property lines.
- (4) If this lot split results in a tract(s) of less than 1.6 acres, approval from the Arkansas Department of Health is required allowing for an individual sewage disposal system prior to the property line adjustment application.
- (5) If located within the City's Planning Area and this lot split results in a tract(s) of less than 1.0 acre, approval from the Washington County Planning Department is required prior to the City accepting this application.

#### Note:

In order for the Washington County Assessor's Office to officially recognize this lot split on the deed for the property, a Correction Deed or Quitclaim Deed must be filed along with the Lot Split survey. Please submit this deed with the final, revised copy of the Lot Split survey plat for City of Fayetteville "Approval for Recording".

<b>PLAT REQUIREMENTS FOR A LOT SPLIT</b> <b>(From Section 166.03 of Fayetteville Unified Development Code)</b>
Name, address, zoning and property lines of all property owners adjacent to the exterior boundaries of the project.
Name, address, telephone numbers of owner(s), developer(s) and project representatives
North arrow, scale (graphic and written), date of preparation, zoning classification, and proposed use.
Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date and revisions.
Provide a complete and accurate legend.
A vicinity map of the project with a radius of 1.5 miles from the project. This map shall include any Master Street Plan streets as well as the 100 year flood plain boundary.
Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by the AHTD and Master Street Plan. Future R.O.W. as well as existing R.O.W. and center lines should be shown and dimensioned.
The location of all existing structures.
Written legal descriptions including area in square feet or acres that read clockwise for the original and resulting tracts (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.)
Boundary survey of the property shown on the plat. The surveyor shall seal, sign and date the survey. The survey shall be tied to state plane coordinates.
Provide a benchmark, clearly defined with an accuracy of 1/100'. This benchmark must be tied to USC and GS Datum. Benchmarks include but are not limited to the following: fire hydrant, man hole, etc.
Point-of-beginning from a permanent well-defined reference point. This P.O.B. shall be clearly labeled on the drawing.
Each plat shall have 2 points described in State Planes Coordinates, Arkansas, North, North American Datum, 1983 (NAD 83)
Show 100-yr. floodplain and/or floodway and based flood elevations. Reference the FIRM panel number and effective date.
Show on the drawing all known on-site and off-site existing utilities and easements (dimensioned) and provide the structure's locations, types, and condition and note them as "existing" on the plat.
Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.
Sanitary sewer systems:
a. Provide pipe locations, sizes, and types; and service location.
b. Manhole locations of rim and invert elevations
Water systems, on or near the site:
a. Provide pipe locations, types, and sizes; and service location.
b. Note the static pressure and flow of the nearest hydrant if requested.
c. Show location of proposed fire hydrants and meters.
State the width, location, and purpose of all proposed easements or rights of way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.
The location, widths, grades, and names of all existing and proposed streets (avoid using first names of people for new streets), alleys, paths, and other rights-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Private streets shall be clearly indicated and named. Names of streets should be approved by the 911 Coordinator.
The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.
The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased)
The location and size of existing and proposed signs, if any.
Draft of covenants, conditions, and restrictions, if any.
Show required building setbacks. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.
Any other data or reports as deemed necessary for project review by the Zoning and Development Administrator, City Engineer or Planning Commission.
Signature block certifying ownership, title and dedication.

**BLEW & ASSOCIATES, PA**  
**CIVIL ENGINEERS & LAND SURVEYORS**

---

March 14, 2018

City of Fayetteville  
Development Services  
125 W. Mountain Street  
Fayetteville, AR 72701

SUBJECT:       Tree Preservation Area Vacation  
                  Blew Project #18-662

To Whom It May Concern:

On behalf of our client, Yuta Chang, we are submitting a vacation application for review. The property is basically unusable with the tree dedication easement that exists. My client would like to remove said easement to make the property usable.

Sincerely,

Terek Sigmon  
Blew & Associates, PA

THE LOCATIONS OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

Legend

- BOUNDARY LINE
- FORTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- SET/FOUND 1/2" REBAR

STATE RECORDING NUMBER:  
500-16N-30W-0-17-320-72-1532

COMPLETED FIELD WORK:  
MARCH 09, 2018

BASIS OF BEARING:  
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS:  
1. WARRANTY DEED FILED IN DEED BOOK 2016 AT PAGE 9399.  
2. SURVEY PLAT FILED IN PLAT BOOK 2016 AT PAGE 6131.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

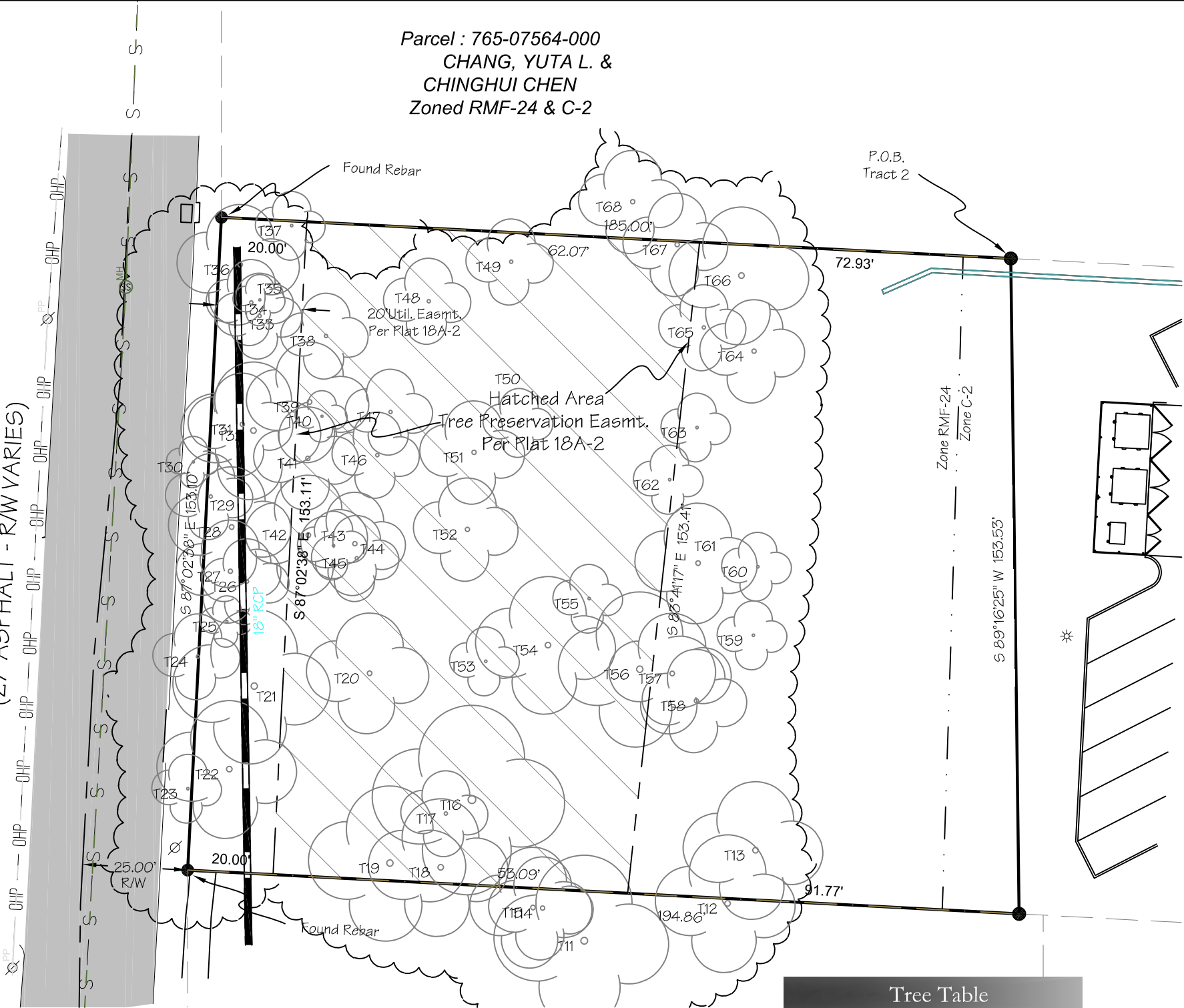
BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0220F, WHICH BEARS AN EFFECTIVE DATE OF 05/16/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Survey Description

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 536.07' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'25"W 153.53' TO A SET IRON PIN, THENCE N03°01'05"E 194.86' TO A FOUND IRON PIN, THENCE S87°02'38"E 153.10' TO A FOUND IRON PIN, THENCE S02°59'09"W 185.00' TO THE POINT OF BEGINNING. CONTAINING 0.67 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

Parcel : 765-07564-000  
CHANG, YUTA L. &  
CHINGHUI CHEN  
Zoned RMF-24 & C-2

WEST MITCHELL STREET  
(27' ASPHALT - RW VARIES)



Tree Table

Tag	Trunk	Comment	T18	16"	POST OAK	T36	14"	POST OAK	T54	16"	POST OAK
T1	8"	MAPLE	T19	18"	POST OAK	T37	8"	POST OAK	T55	8"	MAPLE
T2	8"	MAPLE	T20	14"	POST OAK	T38	10"	POST OAK	T56	18"	POST OAK
T3	10"	MAPLE	T21	18"	POST OAK	T39	14"	POST OAK	T57	14"	POST OAK
T4	10"	MAPLE	T22	16"	POST OAK	T40	6"	ELM	T58	12"	POST OAK
T5	10"	MAPLE	T23	8"	ELM	T41	12"	POST OAK	T59	8"	ELM
T6	10"	MAPLE	T24	10"	POST OAK	T42	14"	POST OAK	T60	8"	RED OAK
T7	6"	BRADFORD	T25	6"	POST OAK	T43	8"	ELM	T61	14"	POST OAK
T8	6"	BRADFORD	T26	10"	POST OAK	T44	12"	POST OAK	T62	8"	IRONWOOD
T9	6"	BRADFORD	T27	12"	POST OAK	T45	10"	CHERRY	T63	8"	IRONWOOD
T10	12"	MAPLE	T28	14"	POST OAK	T46	10"	HICKORY	T64	12"	ELM
T11	20"	POST OAK	T29	10"	POST OAK	T47	10"	POST OAK	T65	10"	IRONWOOD
T12	16"	POST OAK	T30	6"	HICKORY	T48	10"	POST OAK	T66	16"	POST OAK
T13	16"	POST OAK	T31	12"	POST OAK	T49	10"	POST OAK	T67	12"	POST OAK
T14	12"	POST OAK	T32	16"	POST OAK	T50	8"	RED OAK	T68	12"	POST OAK
T15	14"	POST OAK	T33	10"	ELM	T51	12"	POST OAK			
T16	22"	POST OAK	T34	10"	POST OAK	T52	12"	HICKORY			
T17	10"	POST OAK	T35	6"	POST OAK	T53	8"	ELM			

FIRM:  
**BLEW & ASSOCIATES, PA**  
CIVIL ENGINEERS & LAND SURVEYORS

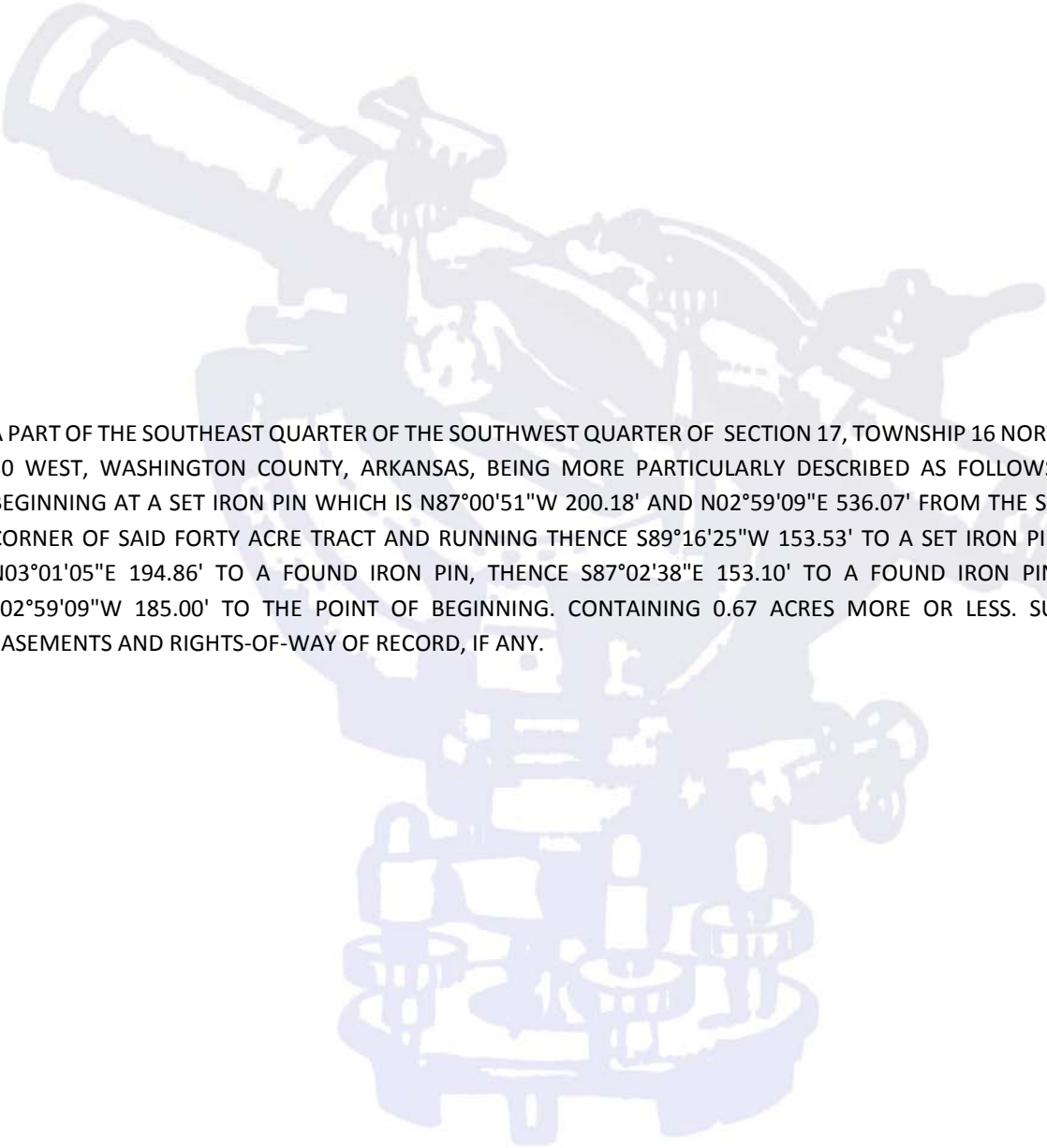
524 W. SYCAMORE ST, SUITE 4  
FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479.443.4506  
FAX: 479.582.1883  
www.BLEWINC.com

Certificate of Authorization № 1534

DRAWN BY & DATE: TKS 03-14-18	REVIEWED BY: TS	SURVEYED BY: RS
COUNTY & STATE: WASHINGTON COUNTY, ARKANSAS	JOB NUMBER: 18-662	

LOCATION: PART OF SE 1/4 SW 1/4,  
SEC 17, T-16-N, R-30-W

FOR THE USE AND BENEFIT OF:  
  
VACATION PLAT FOR THE USE  
AND BENEFIT OF YUTA CHANG



A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS N87°00'51"W 200.18' AND N02°59'09"E 536.07' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°16'25"W 153.53' TO A SET IRON PIN, THENCE N03°01'05"E 194.86' TO A FOUND IRON PIN, THENCE S87°02'38"E 153.10' TO A FOUND IRON PIN, THENCE S02°59'09"W 185.00' TO THE POINT OF BEGINNING. CONTAINING 0.67 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

**BLEW & ASSOCIATES, PA**  
**CIVIL ENGINEERS & LAND SURVEYORS**

---

Adjacent Parcel Owners

Parcel # 765-07568-000  
Steelehog LLC  
20 E Spring St, Ste 201 Fayetteville, AR 72701  
RMF-24

Parcel # 765-07571-001  
William L Ward Revocable Trust  
915 N Park Ave Fayetteville, AR 72701  
RMF-24 & C-2

Parcel # 765-07564-002  
Kasada LLC  
910 S Acadian Baton Rouge, LA 70806  
C-2

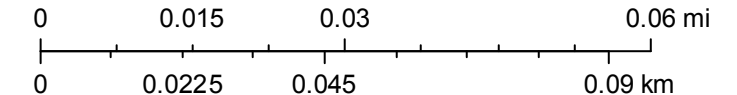
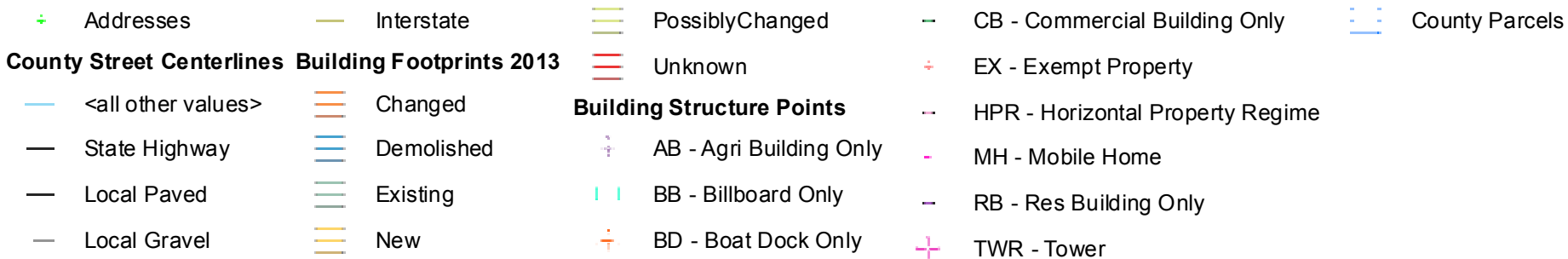
Parcel # 765-07561-001  
Panettone Properties LLC  
5304 Pleasant Ln Rogers, AR 72758  
RMF-24

# Washington County Public Map System



March 14, 2018

1:1,194



WASHINGTON COUNTY, AR  
Washington County, AR