



## Legislation Text

---

**File #: 2018-0222, Version: 1**

---

**VAC 18-6088 (525 S. SCHOOL AVE./MILL DISTRICT):**

AN ORDINANCE TO APPROVE VAC 18-6088 FOR PROPERTIES LOCATED AT 525 SOUTH SCHOOL AVENUE AND 423 PRAIRIE STREET TO VACATE AN ACCESS EASEMENT BETWEEN THE TWO PROPERTIES

**WHEREAS**, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

**WHEREAS**, the City Council has determined that the following described access easement is not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates an access easement as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

## City of Fayetteville Staff Review Form

**2018-0222**

**Legistar File ID**

**5/1/2018**

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

Garner Stoll

4/13/2018

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

### Action Recommendation:

VAC 18-6088: Vacation (525 S. SCHOOL AVE./MILL DISTRICT, 523): Submitted by BATES & ASSOCIATES, INC. for properties at 525 S. SCHOOL AVE. The properties are zoned MSC, MAIN STREET CENTER and contain approximately 3.26 acres. The request is to vacate an access easement between the two properties.

### Budget Impact:

Account Number

Fund

Project Number

Project Title

**Budgeted Item?** NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

**Does item have a cost?** No

Item Cost

**Budget Adjustment Attached?** NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF MAY 1, 2018

**TO:** Mayor and City Council

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

**FROM:** Quin Thompson, Planner

**DATE:** April 13, 2018

**SUBJECT:** **VAC 18-6088: Vacation (525 S. SCHOOL AVE./MILL DISTRICT, 523):**  
Submitted by BATES & ASSOCIATES, INC. for properties at 525 S. SCHOOL AVE. The properties are zoned MSC, MAIN STREET CENTER and contain approximately 3.26 acres. The request is to vacate an access easement between the two properties.

---

### RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 18-6088**.

### BACKGROUND:

The property is located at 423 W. Prairie Street. The property is currently zoned as MSC, Main Street Center and contains approximately 9,100 square feet of mixed use buildings. As a part of a previous Large Scale Development in 2007, this access easement was platted to allow cross access from Prairie Street to the Mill District parking lot. The easement was predicated on a redevelopment and reconfiguration of the site. This Large Scale Development was never built, however, the access easement remains and dead-ends directly into the required ADA parking spaces for the Greenhouse Grille building that was built in 1950. The access easement is not functional for the current parking lot and building layout.

*Proposal:* The applicant proposes vacation of an access easement as described above and depicted in an exhibit provided by the applicant (comprising 1,413 square feet), as shown in the attached Exhibits 'A' and 'B'.

### DISCUSSION:

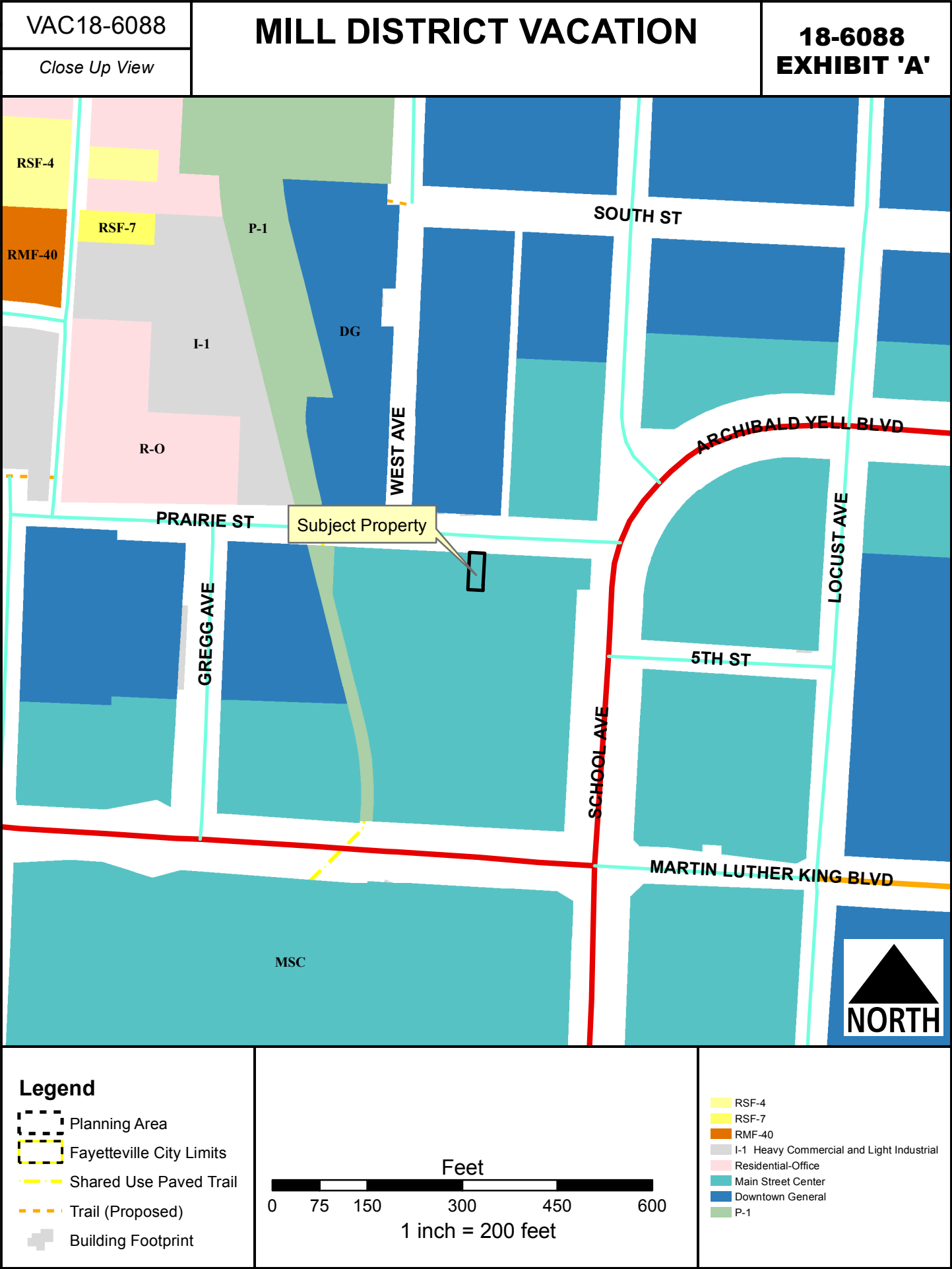
On April 9, 2018, the Planning Commission forwarded VAC 18-6088 to the City Council with a vote of 8-0-1 on the consent agenda, with Commissioner Sharp recusing. City Planning staff received two emails (attached) from residents in the Mill District building expressing concerns because of the difficult access situation at their property, and they did not get to speak because the item was on the consent agenda.

### BUDGET/STAFF IMPACT:

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Public Comment
- Planning Commission Staff Report



**EXHIBIT 'B'**  
**VAC 18-6088**

EXISTING ACCESS EASEMENT DESCRIPTION - TO BE VACATED  
(PLAT 23A - 313):

AN EXISTING 24' WIDE ACCESS EASEMENT LOCATED ON LOTS 21 AND 22, BLOCK 14 OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°18'24"W 18.01' FROM THE NORTHEAST CORNER OF SAID LOT 21 AND RUNNING THENCE S02°49'39"W 8.84', THENCE N87°10'21"W 24.00', THENCE N02°49'39"E 58.76', THENCE S87°16'57"E 24.00', THENCE S02°49'39"W 49.96' TO THE POINT OF BEGINNING.

**Garner, Andrew**

---

**From:** David Condolora <davidcondolora@me.com>  
**Sent:** Monday, April 9, 2018 3:08 PM  
**To:** Garner, Andrew  
**Subject:** Comment on Tonight's Meeting

Mr. Garner,

As I am unable to attend tonight's meeting to make a public comment, I wanted to submit my comments regarding item 1 on the agenda, VAC 18-6088.

I am a resident of the Mill District building at 525 S. School Ave, and oppose this easement vacation. In actuality, the easement in question is sorely needed, and if developed into a proper pass-through alley, would be of great benefit to residents, business owners, and customers of properties located at 481, 525, and 557 S School Ave.

Currently there are only two access points to the above buildings: S School Ave and MLK. Both are heavily trafficked roads, resulting in very difficult and dangerous exits from the parking lot. The easement in question can be used to connect the parking lot to W Prairie St, resulting in safer connections to the northern portion of School Ave and S West St. The safety benefit would be of great comfort to residents and customers, while the easement would also divert traffic from S School Ave and MLK, easing the pressure on those thoroughfares.

As a resident and someone who has had to exit onto S School Ave a plethora of times, I have firsthand faced the difficulty and have had several close calls. The lack of visibility on Archibald Yell as it turns and continues into S School Ave only exacerbates this situation. The easement in question, if developed properly, would be of great benefit.

Thank you for your time and consideration.

Sincerely,

- David Condolora

## Garner, Andrew

---

**From:** Chloe Costello Hiley <chloeacostello@gmail.com>  
**Sent:** Tuesday, April 10, 2018 11:17 AM  
**To:** Garner, Andrew  
**Subject:** Issue 2 at Planning Commission Meeting last night

Hi Andrew Garner,

I live at 525 S School Ave, Apt 430, 72701, and I attended last night's meeting with my husband. We both attended the meeting to give public comment about the issue pertaining to the access easement, but there was no queue to stand up and give public comment for that issue. The vote was conducted very swiftly, and I didn't know if it would be proper for me to interrupt. We attended the whole meeting to see if we might be able to give comments at the end, but no opportunity arose.

I'm wondering, for future reference, how I give public comment on an issue. The document I read online said "no public comment has been received," but I was unsure when any public was given an opportunity to comment. A red sign appeared in front of our property, and that is what made me aware of the meeting last night. Therefore, I thought by attending the meeting that I would be able to give public comment.

We looked up the VAC issue on-line and found out that it was related to vacating the access easement, which I assumed was removing it from public property and making it private property. Therefore, I just wanted to bring up what I see as a need for assessment of the intersection between our lot and School, and our parking situation.

Both my husband and I have trouble pulling in to the parking lot from the School entrance in front of the former Greenhouse Grill. This intersection is quite dangerous around rush hour, and one of our neighbors has even been in an accident there. To be more specific, this is the 5-way compound intersection between Prairie, the School entrance to 525 S. School, School itself, and Archibald Yell. Because people are coming down the hill and there are multiple points for cars to turn out, this is a very difficult and perilous intersection to turn left out of and backs up very far during rush hour. It is also difficult to cross Prairie St. as a pedestrian, since it is not obvious if someone is turning right onto Prairie until the last second.

We wonder if having had an access road from the easement on the Prairie lot may have given us a back entrance to enter into the lot during rush hour. I'm not sure if this is the best solution to the problem, but my neighbors and I have hoped for a while that there would be another access point to our parking lot and have talked about it when we had parties together. We've mused about the possibility that the new Arsaga's property would put in a drive behind their building (the west side of the lot), allowing us to get in and out that way.

When Apple Blossom and the new Arsagas property move into the area, our parking situation may become much more difficult. When Greenhouse Grill was there, it was already difficult, but since they've moved away the issue has dissipated. Since there is not adequate parking for the Apple Blossom building, most customers will likely be parking in our lot. This could be why both property owners wanted the two lots unconnected by the easement. Keeping them separate might decrease traffic through our lot.

I am not sure why the decision and proposal was made, but essentially I just wanted to attend the meeting last night to give a tenant's assessment of what it's like to live at 525 S. School with the access/parking situation. I thought it would be pertinent to the issue.



Thanks so much for your time! Both my husband and I would appreciate knowing how better to give our public feedback in the future, if the time arises.

Sincerely,  
Chloe Hiley



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, Planning Director

**FROM:** Quin Thompson, Planner

**MEETING DATE:** ~~April 9, 2018~~ **UPDATED 4-11-2018**

**SUBJECT:** **VAC 18-6088: Vacation (525 S. SCHOOL AVE./MILL DISTRICT, 523):**  
Submitted by BATES & ASSOCIATES, INC. for properties at 525 S. SCHOOL AVE. The properties are zoned MSC, MAIN STREET CENTER and contain approximately 3.26 acres. The request is to vacate an access easement between the two properties.

---

### RECOMMENDATION:

Staff recommends forwarding VAC 18-6088 with conditions of approval.

### BACKGROUND:

The property is located at 423 W. Prairie Street. The property is currently zoned as MSC, Main Street Center and contains approximately 9,100 square feet of mixed use buildings. As a part of a previous Large Scale Development, access and other easements were platted and are no longer necessary or feasible. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Residential	DG, Downtown General
South	Mill District/Commercial	MSC, Main Street Center
East	Mill District/Commercial	MSC, Main Street Center
West	Mill District/Commercial	MSC, Main Street Center

**Proposal:** The applicant proposes vacation of an access easement as described above and depicted in an exhibit provided by the applicant (comprising 1,413 square feet).

### DISCUSSION:

*Vacation Approval:* The applicant has submitted the required vacation forms to the City utility departments, with the following responses:

#### City of Fayetteville

#### Response

**Recycling and Solid Waste**

**No objections and no comment**

**Public Comment:** No public comment has been received.

**RECOMMENDATION:** Staff recommends forwarding VAC 18-6088 to the full City Council with a recommendation for approval.

**RECOMMENDED MOTION:** "I move to forward VAC 18-6088 to the full City Council with a recommendation for approval."

<b>PLANNING COMMISSION ACTION:</b>		Required	<u>YES</u>
Date: <u>April 9, 2018</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion:	BELDEN		
Second:	AUTRY		
Vote:	8-0-1, WITH COMMISSIONER SHARP RECUSING. ITEM WAS APPROVED ON CONSENT.		

**BUDGET/STAFF IMPACT:**

None.

**Attachments:**

- Request Letter
- Petition to Vacate
- City Department Approval
- Vacation Exhibit
- One Mile Map
- Close Up Map



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

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

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

[www.nwabatesinc.com](http://www.nwabatesinc.com)

January 16, 2018

To the City of Fayetteville Planning Staff,

Our clients, Mill District LLC & Prairiemonkeys LLC are proposing an access easement vacation within the City of Fayetteville.

The subject parcels are #765-05508-000 which is located at 498 W. Prairie Street, and #765-22548-000, which is located at 525 & 557 South School Avenue.

Our client would like to vacate an access easement that was originally dedicated per plat 23A – 313. That access easement is no longer needed by either property owners, and the vacation of the easement would benefit any future development of the properties.

This vacation request does not include any utilities that may fall within the access easement.

If you have any questions please contact us.

Sincerely,

Justin Reid  
Project Manager  
Bates and Associates

# EXHIBIT

PROPERTY OWNERS:  
PARCEL #765-0558-000:  
MILL DISTRICT LLC  
PO BOX 1067  
FAYETTEVILLE, AR 72702  
  
PARCEL #765-0558-000:  
PRAIRIE MONKEYS LLC  
100 W CENTER ST STE 202  
FAYETTEVILLE, AR 72701

## ADJACENT LAND OWNERS

- 1) LEE, VICTOR C & SHARON M  
17400 S HWY 170  
WEST FORK, AR 72774  
PARCEL #765-0552-000  
ZONED: DG
- 2) FAYETTEVILLE LAND COMPANY LLC  
3425 N FUTRALL DR  
FAYETTEVILLE, AR 72703  
PARCEL #765-0553-001 & #765-0553-100  
ZONED: DG
- 3) MILL PROJECT LLC  
3300 MARKET ST SUITE 136  
ROGERS, AR 72758  
PARCEL #765-0548-1001  
ZONED: DG
- 4) PRAIRIE MONKEYS LLC  
100 W CENTER ST STE 202  
FAYETTEVILLE, AR 72701  
PARCEL #765-0558-000  
ZONED: MSC
- 5) MARCO LEASING  
337 S SCHOOL AVE  
FAYETTEVILLE, AR 72701-5970  
PARCEL #765-0548-000  
ZONED: MSC
- 6) FAKHIMI, GHOLAM HOSSEIN  
PO BOX 3482  
FAYETTEVILLE, AR 72702-3482  
PARCEL #765-0545-000 & 765-0545-000  
ZONED: MSC
- 7) SYCAMORE ROWHOMES LLC  
PO BOX 393  
FAYETTEVILLE, AR 72702  
PARCEL #765-2947-000  
ZONED: MSC
- 8) BENCOR SCHOOL LTD PARTNERSHIP  
C/O WALGREEN COMPANY  
300 WILMOT RD  
Deerfield, IL 60015  
PARCEL #765-0548-000  
ZONED: MSC
- 9) LANG, ALICE ANN (COOK)  
REVOCABLE LIVING TRUST  
2408 N BERKELEY  
FAYETTEVILLE, AR 72704  
PARCEL #765-0544-000  
ZONED: MSC
- 10) VAUGHN, VIRGINIA J REVOCABLE TRUST;  
VAUGHN REVOCABLE TRUST  
3176 N WARWICK DR  
FAYETTEVILLE, AR 72703  
PARCEL #765-0551-000  
ZONED: MSC
- 11) FARMERS COOPERATIVE  
PO BOX 1640  
VAN BUREN, AR 72957-1640  
PARCELS #765-0550-000, #765-0550-000,  
#765-0552-000, #765-0552-000  
ZONED: MSC
- 12) FILBECK, KRISTAL  
REVOCABLE TRUST  
PO BOX 9174  
FAYETTEVILLE, AR 72703  
PARCEL #765-0552-1000  
ZONED: MSC
- 13) TRAMMELL, ALAN M  
450 PRAIRIE ST  
FAYETTEVILLE, AR 72701  
PARCEL #765-0548-1000  
ZONED: DG

## FIELD WORK:

DECEMBER 11-14, 2017  
JANUARY 9, 2018

## BASIS OF BEARING:

GPS OBSERVATION - AR NORTH ZONE

## PROPERTY ZONED:

MSC

## BUILDING SETBACKS:

FRONT 25' (BUILD-TO ZONE)  
SIDE 00'  
REAR 05'  
REAR 12' (FROM C/L OF ALLEY)

## NOTE:

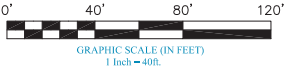
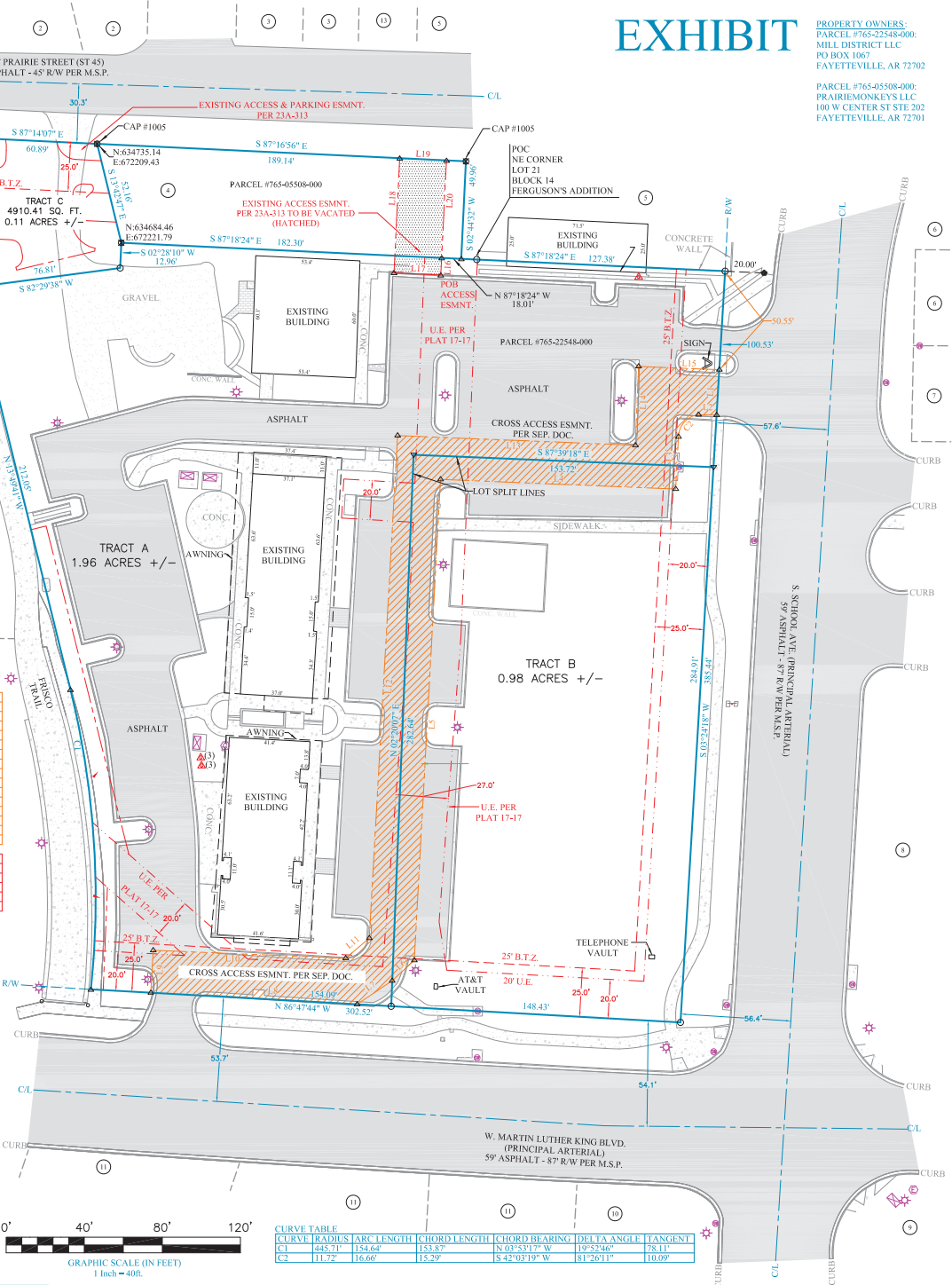
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND, NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT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

## EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°24'18" W	23.27'
L2	N 89°43'48" W	9.31'
L3	S 03°02'23" W	26.76'
L4	N 87°39'46" W	120.55'
L5	S 03°07'23" W	246.71'
L6	S 47°28'01" W	15.34'
L7	S 56°01'26" W	21.71'
L8	N 86°47'44" W	105.83'
L9	N 03°17'40" E	21.72'
L10	S 87°39'46" E	98.68'
L11	N 89°49'51" W	15.83'
L12	N 03°12'22" E	257.87'
L13	S 87°39'46" E	121.00'
L14	N 02°29'01" E	40.43'
L15	S 87°39'06" E	41.41'

## LINE BEARING DISTANCE

L16	S 02°49'39" W	8.84'
L17	N 87°10'21" W	24.00'
L18	N 02°49'39" E	58.76'
L19	S 87°16'57" E	24.00'
L20	S 02°49'39" W	49.96'



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	445.71'	154.64'	153.87'	N 03°51'17" W	19°52'46"	78.11'
C2	11.72'	16.66'	15.49'	S 42°03'19" W	81°26'11"	10.09'



## EXISTING ACCESS EASEMENT DESCRIPTION - TO BE VACATED (PLAT 23A - 313):

AN EXISTING 24' WIDE ACCESS EASEMENT LOCATED ON LOTS 21 AND 22, BLOCK 14 OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°18'24"W 18.01' FROM THE NORTHEAST CORNER OF SAID LOT 21 AND RUNNING THENCE S02°49'39"W 8.84', THENCE N87°10'21"W 24.00', THENCE N02°49'39"E 58.76', THENCE S87°16'57"E 24.00', THENCE S02°49'39"W 49.96' TO THE POINT OF BEGINNING.

## PLAT PAGE:

523

## REFERENCE DOCUMENTS:

- 1) PLAT OF SURVEY FILED IN BOOK 17 AT PAGE 17
- 2) PLAT OF SURVEY FILED IN BOOK 23A AT PAGE 313
- 3) FINAL PLAT OF FERGUSON'S ADDITION FILED BOOK 4 AT PAGE 4
- 4) WARRANTY DEED FILED IN BOOK 99 AT PAGE 37881

## FOR USE AND BENEFIT OF:

ROB SHARP

ADDRESS: 657 N 225 S SCHOOL AVE  
FAYETTEVILLE, AR 72701

DATE: 1/16/18 SCALE: 1"=40'

SECTION: 16 SURVEYED: DRAFTED:

TOWNSHIP: 16 NORTH REVIEWED: DT

RANGE: 30 WEST COA #1335



**Bates & Associates, Inc.**  
Engineers - Surveyors - Landscape Architects  
7220 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.462.8550 • Fax 479.221.8250

## Location Map:

R-30-W

16

16

16

16

16

## LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

● FOUND 1/2" REBAR

○ SET 5/8" REBARCAP

○ FOUND COTTON SPINDLE

○ SET 5/8" FOUND PK NAIL

○ BOLLARD

○ COMPUTED POINT

○ ELECTRICAL METER

○ TELEPHONE PEDISTAL

○ CLEAN OUT

○ FIBER OPTIC PEDISTAL

○ CABLE PEDISTAL

○ ELECTRICAL BOX

○ WATER VALVE

○ STORM SEWER MH

○ SANITARY SEWER MH

○ FIRE HYDRANT

○ POWER POLE

○ GAS METER

○ CLEAN OUT

○ WATER METER

○ LIGHT

○ FDC VALVE

--- SIGN

--- BOUNDARY LINE (MEASURED)

--- FORTY LINE TIE LINE

--- PARCEL LINE

--- CENTERLINE OF ROAD

--- REGULAR-WAY

--- BUILDING SETBACK

--- UTILITY EASEMENT

--- FENCE

--- WATER LINE

--- OVERHEAD POWER LINE

--- SEWER LINE

--- INGRESS & EGRESS EASEMENT

## RECORDING NUMBER/DATE

PETITION TO VACATE AN ACCESS EASEMENT LOCATED ON LOTS 21 AND 22, BLOCK 14, FERGUSON'S ADDITION,  
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 access easement, hereinafter sought to be abandoned and vacated, lying in (LOTS 21 AND 22, BLOCK 14 OF FERGUSON'S ADDITION), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an access easement, which is described as follows:

DESCRIPTION OF AREA OF PROPOSED ACCESS EASEMENT VACATION:

AN EXISTING 24' WIDE ACCESS EASEMENT LOCATED ON LOTS 21 AND 22, BLOCK 14 OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°18'24"W 18.01' FROM THE NORTHEAST CORNER OF SAID LOT 21 AND RUNNING THENCE S02°49'39"W 8.84', THENCE N87°10'21"W 24.00', THENCE N02°49'39"E 58.76', THENCE S87°16'57"E 24.00', THENCE S02°49'39"W 49.96' TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the alley are lots 21 and 22, block 14 of Ferguson's Addition, 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 utility easement.

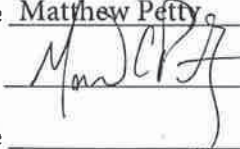
The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved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

Dated January 16, 2018,

Printed Name Matthew Petty \_\_\_\_\_ Prairiemonkeys LLC

Signature  \_\_\_\_\_

Printed Name \_\_\_\_\_ Mill District LLC

Signature \_\_\_\_\_

PETITION TO VACATE AN ACCESS EASEMENT LOCATED ON LOTS 21 AND 22, BLOCK 14, FERGUSON'S ADDITION,  
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 access easement, hereinafter sought to be abandoned and vacated, lying in (LOTS 21 AND 22, BLOCK 14 OF FERGUSON'S ADDITION), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an access easement, which is described as follows:

DESCRIPTION OF AREA OF PROPOSED ACCESS EASEMENT VACATION:

AN EXISTING 24' WIDE ACCESS EASEMENT LOCATED ON LOTS 21 AND 22, BLOCK 14 OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°18'24"W 18.01' FROM THE NORTHEAST CORNER OF SAID LOT 21 AND RUNNING THENCE S02°49'39"W 8.84', THENCE N87°10'21"W 24.00', THENCE N02°49'39"E 58.76', THENCE S87°16'57"E 24.00', THENCE S02°49'39"W 49.96' TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the alley are lots 21 and 22, block 14 of Ferguson's Addition, 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 utility easement.

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 access easement.

Dated January 16, 2018,

Printed Name \_\_\_\_\_ Prairiemonkeys LLC

Signature \_\_\_\_\_

Printed Name ROBERT SHARP MEMBER  
Mill District LLC

Signature R Sharp



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

DATE: 1/8/2018

UTILITY COMPANY: FAYETTEVILLE SOLID WASTE

APPLICANT NAME: BATES AND ASSOCIATES APPLICANT PHONE: 479-442-9350

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

- ☐ Utility Easement **DNA**
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way. **DNA**
- ☐ Alley **DNA**
- ☐ Street right-of-way **DNA** X - EXISTING ACCESS ESMNT.

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

General location / Address 525 S. SCHOOL, PARCEL #765-22548-000  
(ACCESS ESMNT ON PARCELS #765-05508-000 & #765-22548-000)

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

UTILITY COMPANY COMMENTS:

*Solid Waste*

- ☒ 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

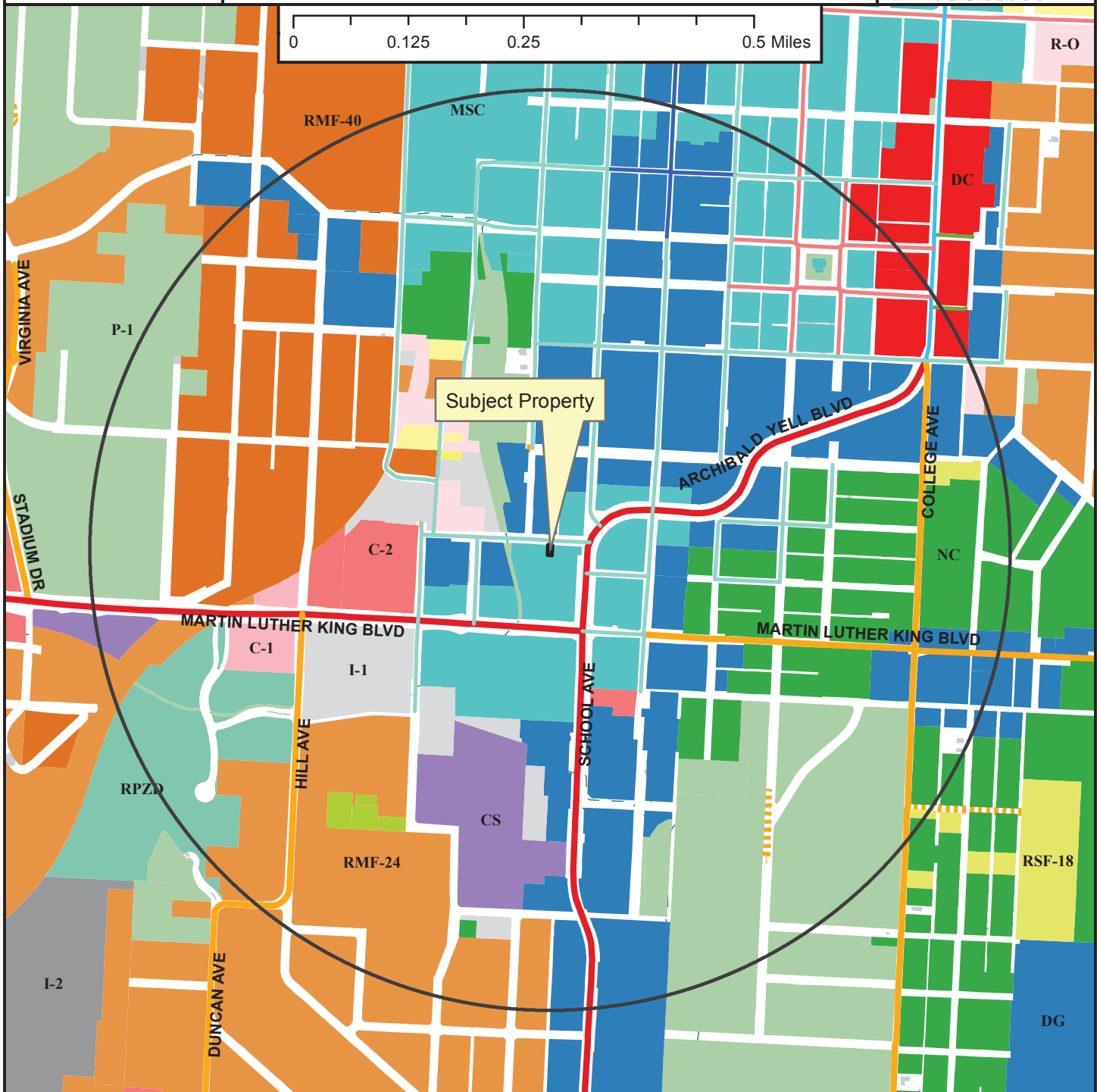
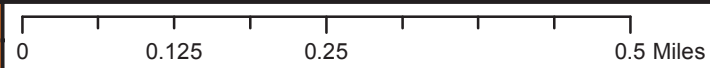
*Comm Sales Rep*



VAC18-6088

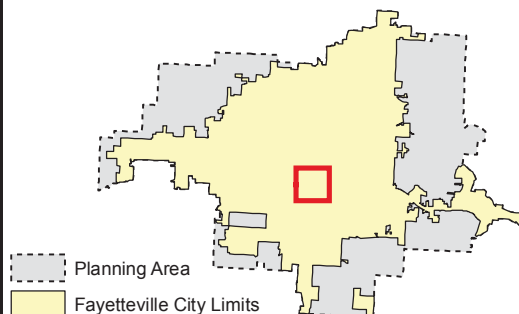
# MILL DISTRICT VACATION

One Mile View



## Legend

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



- |   |  |
|---|--|
| <b>Zoning</b><br><b>RESIDENTIAL SINGLE-FAMILY</b><br>RSF-5<br>RSF-1<br>RSF-2<br>RSF-4<br>RSF-7<br>RSF-8<br>RSF-18<br><b>RESIDENTIAL MULTI-FAMILY</b><br>RT-12 Residential Two and Three-family<br>RMF-6<br>RMF-12<br>RMF-18<br>RMF-24<br>RMF-40<br><b>INDUSTRIAL</b><br>I-1 Heavy Commercial and Light Industrial<br>I-2 General Industrial | <b>EXTRACTION</b><br>E-1<br><b>COMMERCIAL</b><br>Commercial-Office<br>C-1<br>C-2<br>C-3<br><b>FORM BASED DISTRICTS</b><br>Downtown Core<br>Urban Thoroughfare<br>Main Street Center<br>Downtown General<br>Community Services<br>Neighborhood Services<br>Neighborhood Conservation<br><b>PLANNED ZONING DISTRICTS</b><br>Commercial, Industrial, Residential<br><b>INSTITUTIONAL</b><br>P-1 |
|---|--|

VAC18-6088

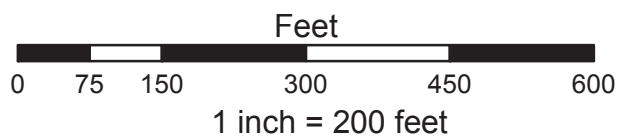
# MILL DISTRICT VACATION

Close Up View



## Legend

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



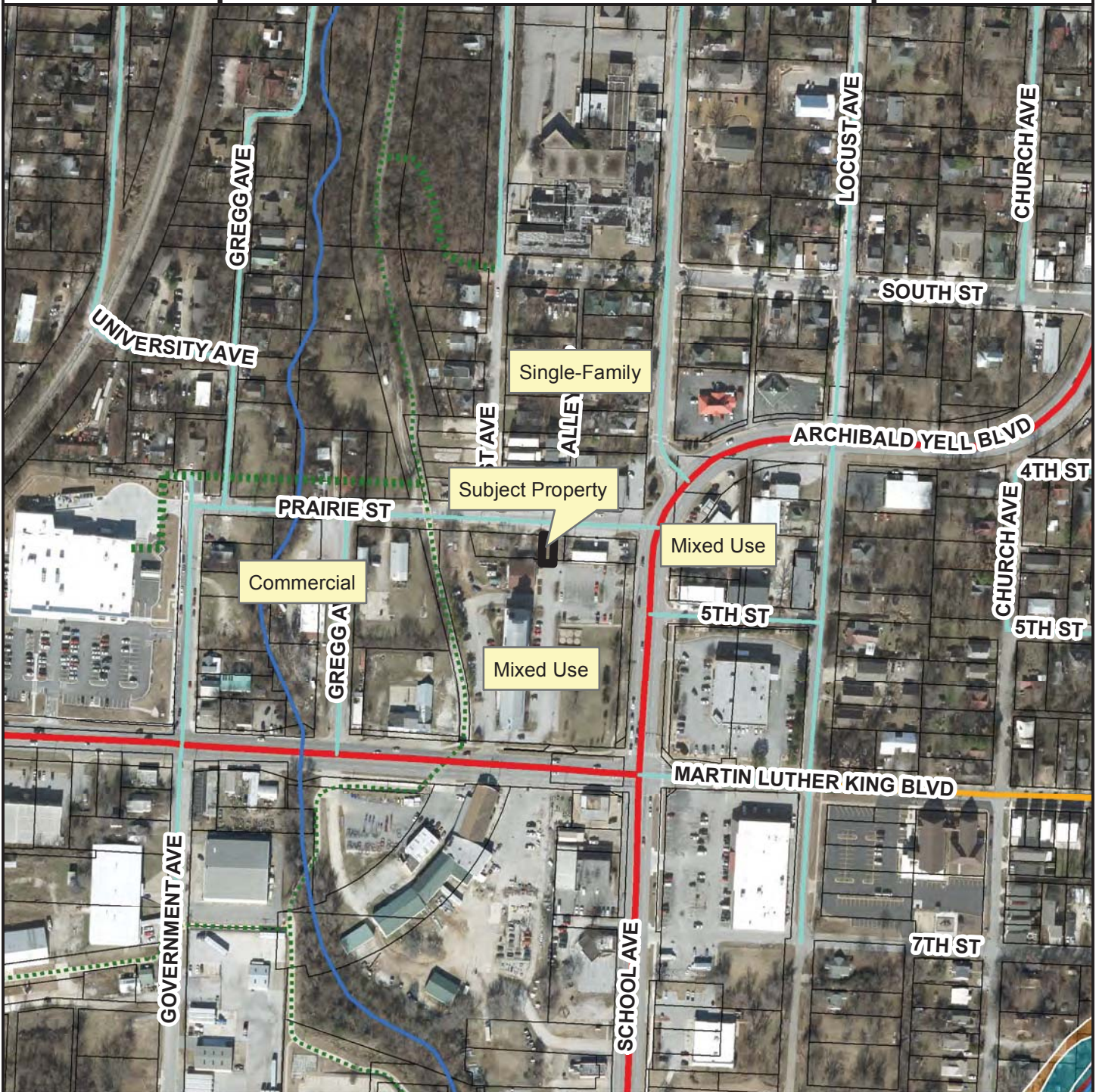
- RSF-4
- RSF-7
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- Main Street Center
- Downtown General
- P-1



VAC18-6088

# MILL DISTRICT VACATION

Current Land Use



## Streets Existing

### MSP Class

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

Feet



1 inch = 300 feet

## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway