City of Fayetteville Staff Review Form

2019-0066 Legistar File ID

2/5/2019

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

		N/A for Non-Agenda Item	
Garner Stoll		1/18/2019	DEVELOPMENT SERVICES (620)
Submitted By		Submitted Date	Division / Department
	Act	ion Recommendation:	
C. for property located NE OF 650	N. VINS	ON AVE. The right of way is bou	: Submitted by BATES & ASSOCIATES, nded by properties zoned RSF-4, y 0.24 acres. The request is to vacate a
		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	\$ -
chase Order Number:		Previous Ordinanc	V20180321 e or Resolution #
inge Order Number:		Approval Date:	

Comments:

Original Contract Number:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 5, 2019

TO: Mayor and City Council

THRU: Garner Stoll, Development Services Director

Andrew Garner, Planning Director

FROM: Harry Davis, Current Planner

DATE: January 18, 2019

SUBJECT: VAC 18-6470: Vacation (NE OF 650 N. VINSON AVE./REBECCA ST.

ROW, 447): Submitted by BATES & ASSOCIATES, INC. for property located NE OF 650 N. VINSON AVE. The right of way is bounded by properties zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a

portion of the street right-of-way.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 18-6470** with the following conditions of approval:

- **1.** Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;
- **2.** The following easements be retained:
 - o 2018-00035003:
 - o 2018-00035002:
 - o 2018-00034944.

BACKGROUND:

The subject right-of-way is at the built end of Rebecca Street between Vinson Avenue and Sequoyah Drive. The unbuilt right-of-way contains approximately 0.24 acres. The unbuilt right-of-way area contains slopes of up to 30% and is not feasible for a street. Further, the City Trails Coordinator has evaluated the area and it is not feasible or desireable for a multi-use trail or sidewalk connection.

Proposal: The applicant proposes to vacate an unbuilt public right-of-way as described in Exhibits 'A' and 'B'. They intend to place a shed in the vacated easement area.

DISCUSSION:

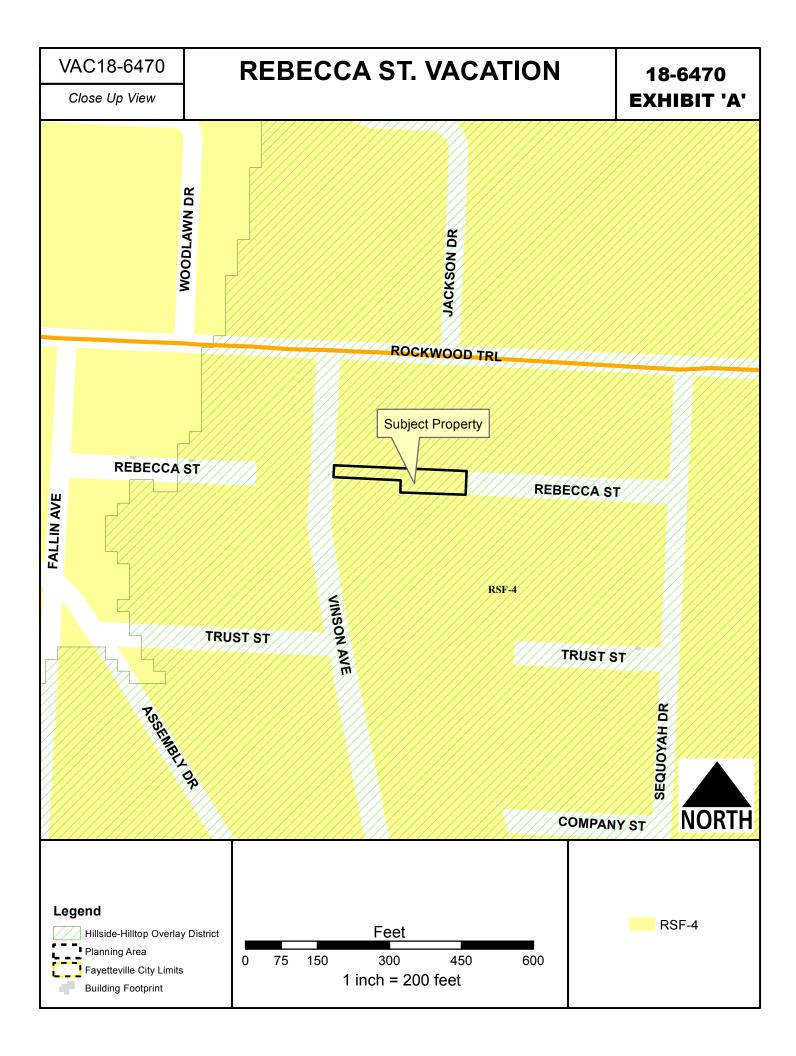
At the January 14, 2019 Planning Commission, this item was forwarded to City Council with a recommendation for approval, with all conditions as recommended by staff.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission packet



18-6470 EXHIBIT 'B'

A PORTION OF THE PLATTED RIGHT-OF-WAY OF EAST REBECCA STREET LOCATED ADJACENT TO THE SOUTH LINE OF BŁOCK S, ADJACENT TO THE NORTH LINE OF THE REVISED BŁOCK 3, AND ALSO ADJACENT TO THAT PORTION OF THE THE VACATED SOUTH HALF OF EAST REBECCA STREET VACATED PER ORDINANCE 4578, AŁŁ BEING LOCATED IN MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AŁŁ BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID BLOCK S AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF S88°44'04"E 276.04', THENCE LEAVING SAID SOUTH LINE OF BLOCK S S00°43'53"W 49.58' TO THE NORTH LINE OF SAID BLOCK 3, THENCE ALONG SAID NORTH LINE N89°16'07"W 136.03' TO THE EAST LINE OF THE NOW VACATED RIGHT-OF-WAY OF EAST REBECCA STREET, THENCE ALONG EAST LINE N00°43'53"E 25.50' TO THE NORTH LINE OF SAID NOW VACATED RIGHT-OF-WAY, THENCE ALONG SAID NORTH LINE N88°38'23"W 140.22' TO THE EAST RIGHT-OF-WAY OF NORTH VINSON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N01°13'31"E 25.12' TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: January 14, 2019 UPDATED W/ PC RESULTS

SUBJECT: VAC 18-6470: Vacation (NE OF 650 N. VINSON AVE./REBECCA ST.

ROW, 447): Submitted by BATES & ASSOCIATES, INC. for property located NE OF 650 N. VINSON AVE. The right of way is bounded by properties zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a

portion of the street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC 18-6470** to City Council, with conditions as recommended by staff.

RECOMMENDED MOTION:

"I move to forward VAC 18-6470 to City Council with a recommendation for approval, with all conditions as recommended by staff."

BACKGROUND:

The subject right-of-way is at the built end of Rebecca Street between Vinson Avenue and Sequoyah Drive. The unbuilt right-of-way contains approximately 0.24 acres. Surrounding land uses and zoning districts are in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Single-family homes	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family homes	RSF-4, Residential Single-family, 4 Units per Acre
East	Rebecca Street	RSF-4, Residential Single-family, 4 Units per Acre
West	Vinson Avenue/Single-family homes	ROW; RSF-4, Residential Single-family, 4 Units per Acre

Proposal: The applicant proposes to vacate an unbuilt public right-of-way.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments, 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 and no comment.

BlackHills Energy AR No objections, provided the following

easements are retained: 2018-00035003,

2018-00035002, and 2018-00034944.

AT&T No objections, provided that any damage to

or relocation of existing facilities will be at the

owner/developer's expense.

Ozarks Electric No objections and no comment.

<u>City of Fayetteville</u> <u>Response</u>

Water/Sewer No objections and no comment.

Solid Waste & Recycling No objections and no comment.

Transportation No objections and no comment.

Public Comment: No public comment has been received as of writing this report.

Staff does support the proposal to vacate the public right-of-way at this time, as some sections of the right-of-way are at an approximate 30% slope and therefore difficult to be turned into a navigable street for passenger or emergency vehicles. Additionally, part of the street right-of-way near Vinson Avenue has been previously vacated, leaving little room to build a street within right-of-way. No platted lots will be made unbuildable by this proposal.

RECOMMENDATION: Staff recommends forwarding **VAC 18-6470** the request to the City Council with a recommendation for approval, including 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.** The following easements be retained:
 - o 2018-00035003;
 - o 2018-00035002:
 - o 2018-00034944.

Planning Commission Action:

✓ Forwarded

☐ Tabled

☐ Denied

Meeting Date: January 14, 2018

Motion to forward to CC with recommendation of approval

approval

Second: Johnson

Vote: 8-0-0 Motion passes

BUDGET/STAFF IMPACT:

None.

Attachments:

- Petition to Vacate
- · Request letter
- Vacation Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

PETITION TO VACATE A RIGHT-OF-WAY LOCATED NORTH OF LOT 3 OF REVISED BLOCK 3, IN MOUNTAIN VIEW ADDITION IN THE 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 right-of-Way, hereinafter sought to be abandoned and vacated, LOCATED NORTH OF LOT 3 OF REVISED BLOCK 3, IN MOUNTAIN VIEW ADDITION, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

A PORTION OF THE PLATTED RIGHT-OF-WAY OF EAST REBECCA STREET LOCATED ADJACENT TO THE SOUTH LINE OF BLOCK S, ADJACENT TO THE NORTH LINE OF THE REVISED BLOCK 3, AND ALSO ADJACENT TO THAT PORTION OF THE THE VACATED SOUTH HALF OF EAST REBECCA STREET VACATED PER ORDINANCE 4578, ALL BEING LOCATED IN MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID BLOCK S AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF S88°44'04"E 276.04', THENCE LEAVING SAID SOUTH LINE OF BLOCK S S00°43'53"W 49.58' TO THE NORTH LINE OF SAID BLOCK 3, THENCE ALONG SAID NORTH LINE N89°16'07"W 136.03' TO THE EAST LINE OF THE NOW VACATED RIGHT-OF-WAY OF EAST REBECCA STREET, THENCE ALONG EAST LINE N00°43'53"E 25.50' TO THE NORTH LINE OF SAID NOW VACATED RIGHT-OF-WAY, THENCE ALONG SAID NORTH LINE N88°38'23"W 140.22' TO THE EAST RIGHT-OF-WAY OF NORTH VINSON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N01°13'31"E 25.12' TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the right-of-way LOCATED SOUTH OF LOT 4 IN BLOCK 5, IN MOUNTAIN VIEW 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 right-of-way NORTH OF LOT 3 OF REVISED BLOCK 3, IN MOUNTAIN VIEW ADDITION.

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.

Dated this 19th day of August, 2018.

Name (printed): JANICE PHILLIPS MARTIN

Date 19-18

PETITION TO VACATE A RIGHT-OF-WAY LOCATED SOUTH OF LOT 3 AND PART OF LOT 2 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION IN THE 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 right-of-Way, hereinafter sought to be abandoned and vacated, LOCATED SOUTH OF LOT 3 AND PART OF LOT 2 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

A PORTION OF THE PLATTED RIGHT-OF-WAY OF EAST REBECCA STREET LOCATED ADJACENT TO THE SOUTH LINE OF BLOCK 5, ADJACENT TO THE NORTH LINE OF THE REVISED BLOCK 3, AND ALSO ADJACENT TO THAT PORTION OF THE THE VACATED SOUTH HALF OF EAST REBECCA STREET VACATED PER ORDINANCE 4578, ALL BEING LOCATED IN MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID BLOCK 5 AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF S88°44'04"E 276.04', THENCE LEAVING SAID SOUTH LINE OF BLOCK 5 S00°43'53"W 49.58' TO THE NORTH LINE OF SAID BLOCK 3, THENCE ALONG SAID NORTH LINE N89°16'07"W 136.03' TO THE EAST LINE OF THE NOW VACATED RIGHT-OF-WAY OF EAST REBECCA STREET, THENCE ALONG EAST LINE N00°43'53"E 25.50' TO THE NORTH LINE OF SAID NOW VACATED RIGHT-OF-WAY, THENCE ALONG SAID NORTH LINE N88°38'23"W 140.22' TO THE EAST RIGHT-OF-WAY OF NORTH VINSON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N01°13'31"E 25.12' TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the right-of-way LOCATED SOUTH OF LOT 3 AND PART OF LOT 2 IN BLOCK 5, IN MOUNTAIN VIEW 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 right-of-way LOCATED SOUTH OF LOT 3 AND PART OF LOT 2 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION.

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.

Dated this 21st day of November, 2018.

Name (printed): HENRY RENEGAR

11

Name (printed):

Signature:

Date:

PETITION TO VACATE A RIGHT-OF-WAY LOCATED SOUTH OF PART OF LOTS 1 AND 2 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION IN THE 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 right-of-Way, hereinafter sought to be abandoned and vacated, LOCATED SOUTH OF PART OF LOTS 1 AND 2 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

A PORTION OF THE PLATTED RIGHT-OF-WAY OF EAST REBECCA STREET LOCATED ADJACENT TO THE SOUTH LINE OF BLOCK 5, ADJACENT TO THE NORTH LINE OF THE REVISED BLOCK 3, AND ALSO ADJACENT TO THAT PORTION OF THE THE VACATED SOUTH HALF OF EAST REBECCA STREET VACATED PER ORDINANCE 4578, ALL BEING LOCATED IN MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID BLOCK 5 AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF S88°44'04"E 276.04', THENCE LEAVING SAID SOUTH LINE OF BLOCK 5 S00°43'53"W 49.58' TO THE NORTH LINE OF SAID BLOCK 3, THENCE ALONG SAID NORTH LINE N89°16'07"W 136.03' TO THE EAST LINE OF THE NOW VACATED RIGHT-OF-WAY OF EAST REBECCA STREET, THENCE ALONG EAST LINE N00°43'53"E 25.50' TO THE NORTH LINE OF SAID NOW VACATED RIGHT-OF-WAY, THENCE ALONG SAID NORTH LINE N88°38'23"W 140.22' TO THE EAST RIGHT-OF-WAY OF NORTH VINSON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N01°13'31"E 25.12' TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the right-of-way LOCATED SOUTH OF PART OF LOTS 1 AND 2 IN BLOCK 5, IN MOUNTAIN VIEW 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 right-of-way LOCATED SOUTH OF PART OF LOTS 1 AND 2 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION.

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.

Dated this 29th day of November, 2018.

Name (printed):

Jigariare, 0 O

PETITION TO VACATE A RIGHT-OF-WAY LOCATED SOUTH OF LOT 4 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION IN THE 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 right-of-Way, hereinafter sought to be abandoned and vacated, LOCATED SOUTH OF LOT 4 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

A PORTION OF THE PLATTED RIGHT-OF-WAY OF EAST REBECCA STREET LOCATED ADJACENT TO THE SOUTH LINE OF BLOCK 5, ADJACENT TO THE NORTH LINE OF THE REVISED BLOCK 3, AND ALSO ADJACENT TO THAT PORTION OF THE THE VACATED SOUTH HALF OF EAST REBECCA STREET VACATED PER ORDINANCE 4578, ALL BEING LOCATED IN MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID BLOCK 5 AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF S88°44'04"E 276.04', THENCE LEAVING SAID SOUTH LINE OF BLOCK 5 S00°43'53"W 49.58' TO THE NORTH LINE OF SAID BLOCK 3, THENCE ALONG SAID NORTH LINE N89°16'07"W 136.03' TO THE EAST LINE OF THE NOW VACATED RIGHT-OF-WAY OF EAST REBECCA STREET, THENCE ALONG EAST LINE N00°43'53"E 25.50' TO THE NORTH LINE OF SAID NOW VACATED RIGHT-OF-WAY, THENCE ALONG SAID NORTH LINE N88°38'23"W 140.22' TO THE EAST RIGHT-OF-WAY OF NORTH VINSON AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N01°13'31"E 25.12' TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the right-of-way LOCATED SOUTH OF LOT 4 IN BLOCK 5, IN MOUNTAIN VIEW 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 right-of-way SOUTH OF LOT 4 IN BLOCK 5, IN MOUNTAIN VIEW ADDITION.

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.

Dated this 29th day of November, 2018

Name (printed): [

Signature:

Date:



7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704 PH: 479-442-9350 * FAX: 479-521-9350 www.nwabatesinc.com

November 30, 2018

To the City of Fayetteville City Council and Planning Commission,

On behalf of Walter Jackson Williams, Janice Martin, Henry and Jefferie Renegar, and Jon Thompson, we would like to request the vacation of a part of the East Rebecca Street right-of-way, lying west of North Sequoyah Drive, and East of North Vinson Avenue. There is no existing street, or plans for future streets, along the requested vacation area. The slope of the terrain is too steep for a city street.

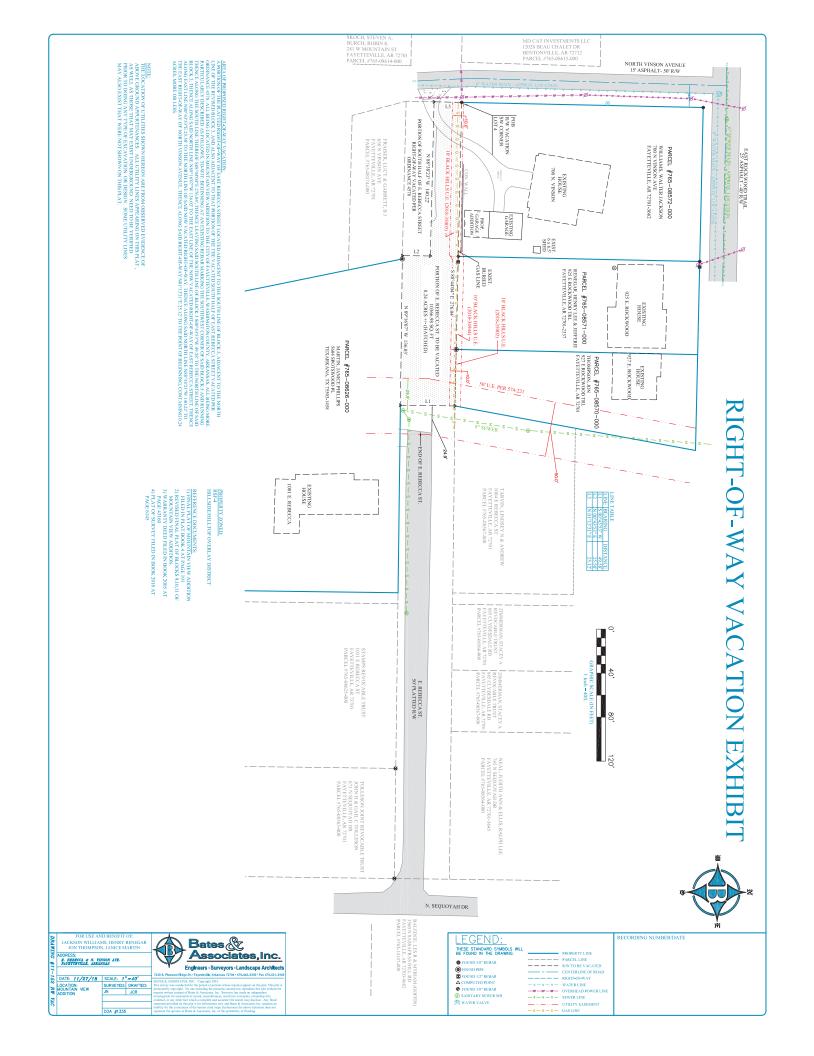
A portion of the south half of this right-of-way, adjacent to North Vinson, was vacated per ordinance 4578.

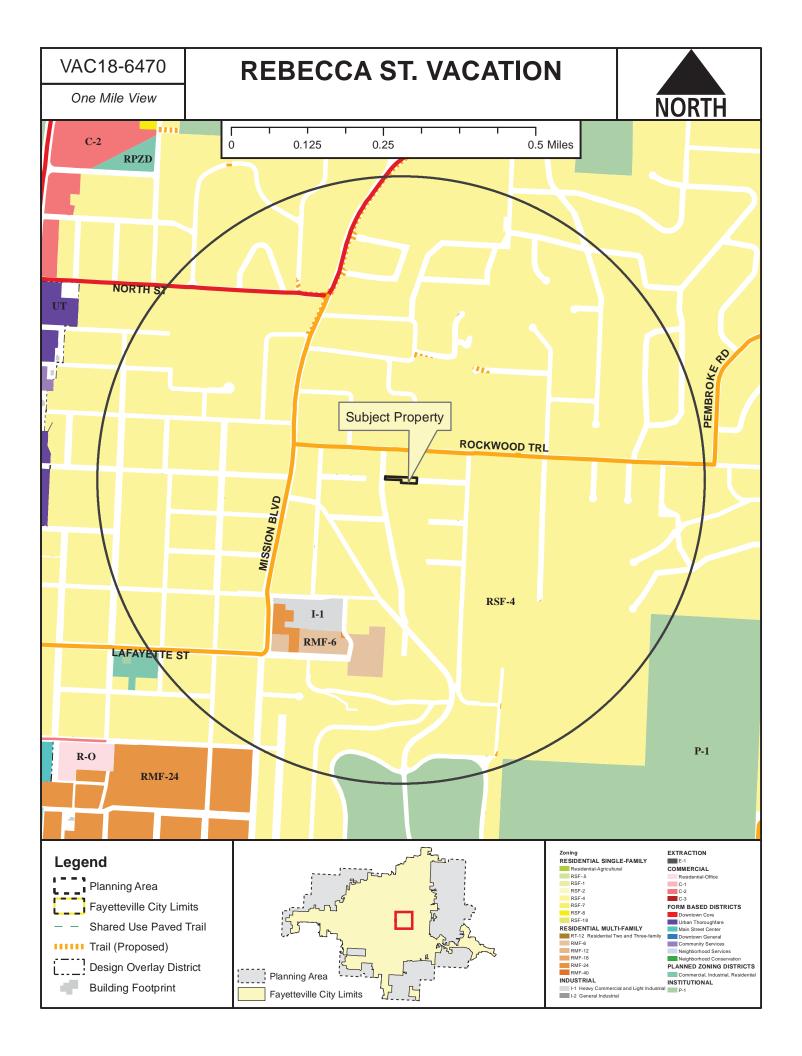
Please see the enclosed maps and survey for the location of this request.

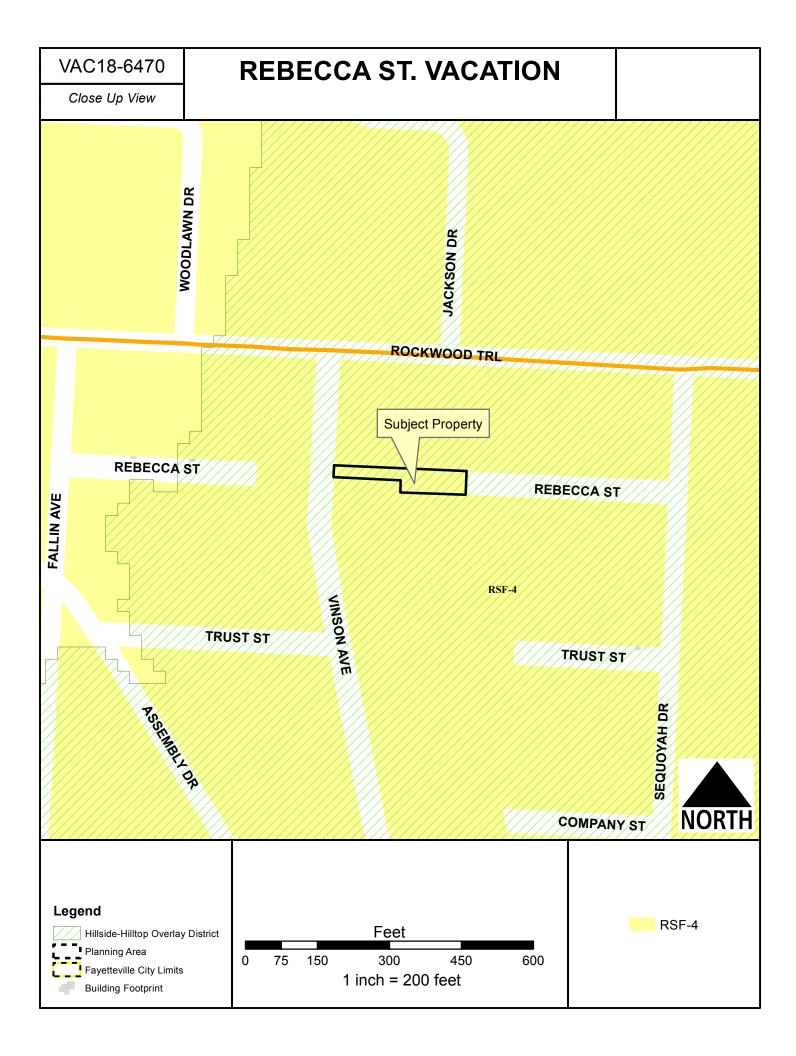
Please contact us with any questions.

Thank You,

Justin Reid – Project Manager





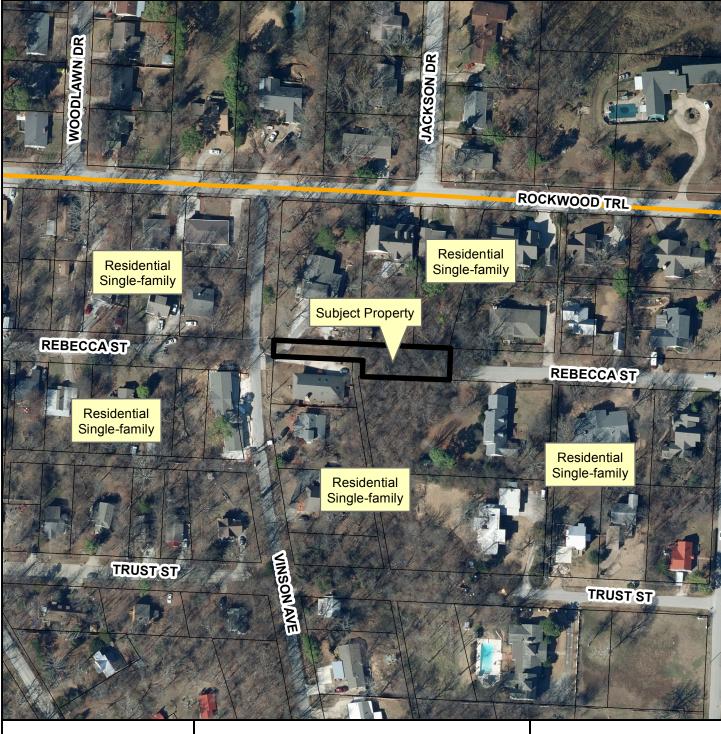


VAC18-6470

Current Land Use

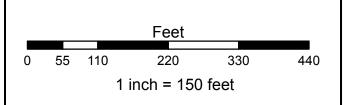
REBECCA ST. VACATION





Streets Existing MSP Class





FEMA Flood Hazard Data

