

**City of Fayetteville Staff Review Form**

**2019-0054**

**Legistar File ID**

**2/5/2019**

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

Garner Stoll

1/18/2019

CITY PLANNING (630)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

VAC 18-6475: Vacation (3024 N. OAK BAILEY RD./ACREY, 254): Submitted by BLEW & ASSOCIATES, INC. for property located at 3024 N. OAK BAILEY RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to vacate a portion of the general utility easement.

**Budget Impact:**

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

V20180321

**Purchase Order Number:** \_\_\_\_\_

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

**Change Order Number:** \_\_\_\_\_

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

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

**Comments:**



**MEETING OF FEBRUARY 5, 2019**

**TO:** Mayor and City Council

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

**FROM:** Jonathan Curth, Senior Planner

**DATE:** January 18, 2019

**SUBJECT:** **VAC 18-6475: Vacation (3024 N. OAK BAILEY RD./ACREY, 254):**  
Submitted by BLEW & ASSOCIATES, INC. for property located at 3024 N. OAK BAILEY RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to vacate a portion of the general utility easement.

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**RECOMMENDATION:**

Staff and Planning Commission recommend approval of **VAC 18-6475** as shown in the attached Exhibits 'A' and 'B' and with the following condition of approval:

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

**BACKGROUND:**

The subject property is located on the east side of North Oak Bailey Drive, about 500 feet north of its intersection with Old Wire Road. The property was platted with the Huntingdon Subdivision in 1979 and is currently developed with a single-family home built in 1985. As part of the Huntingdon final plat, utility easements were dedicated along every boundary of the property, ranging from 10 to 20 feet in depth.

*Proposal:* The applicant proposes to vacate a portion of the existing 20-foot utility easement that parallels the property's southern boundary, totaling approximately 339.6 square feet (see attached exhibit).

**DISCUSSION:**

At the January 13, 2019 Planning Commission, this item was forwarded as part of the consent agenda to City Council with a recommendation for approval, with all conditions as recommended by staff.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

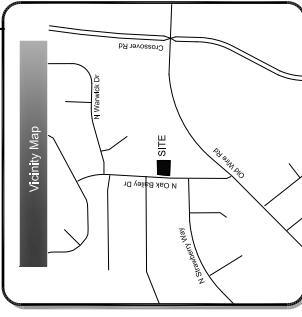
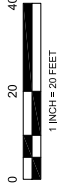
- Exhibit A
- Exhibit B
- Planning Commission packet

# EASEMENT REDUCTION SURVEY

**18-6475  
EXHIBIT 'A'**

### Legend of Symbols & Abbreviations

- BOUNDARY LINE
- CENTERLINE OF ROAD (CL)
- DRIVEWAY (DW)
- FENCE
- UTILITY EASEMENT (U.E.)
- OVERHEAD POWER LINE
- REER OPTIC
- WATER LINE
- SEWER LINE
- UNDERGROUND ELECTRIC
- FOUND MONUMENT (AS NOTED)
- ELECTRICAL METER BOX
- TELEPHONE PEDESTAL VAULT
- WATER MAIN
- SANITARY SEWER
- P.O.B. POINT OF BEGINNING
- (M) MEASURED
- (P) PLOTTED



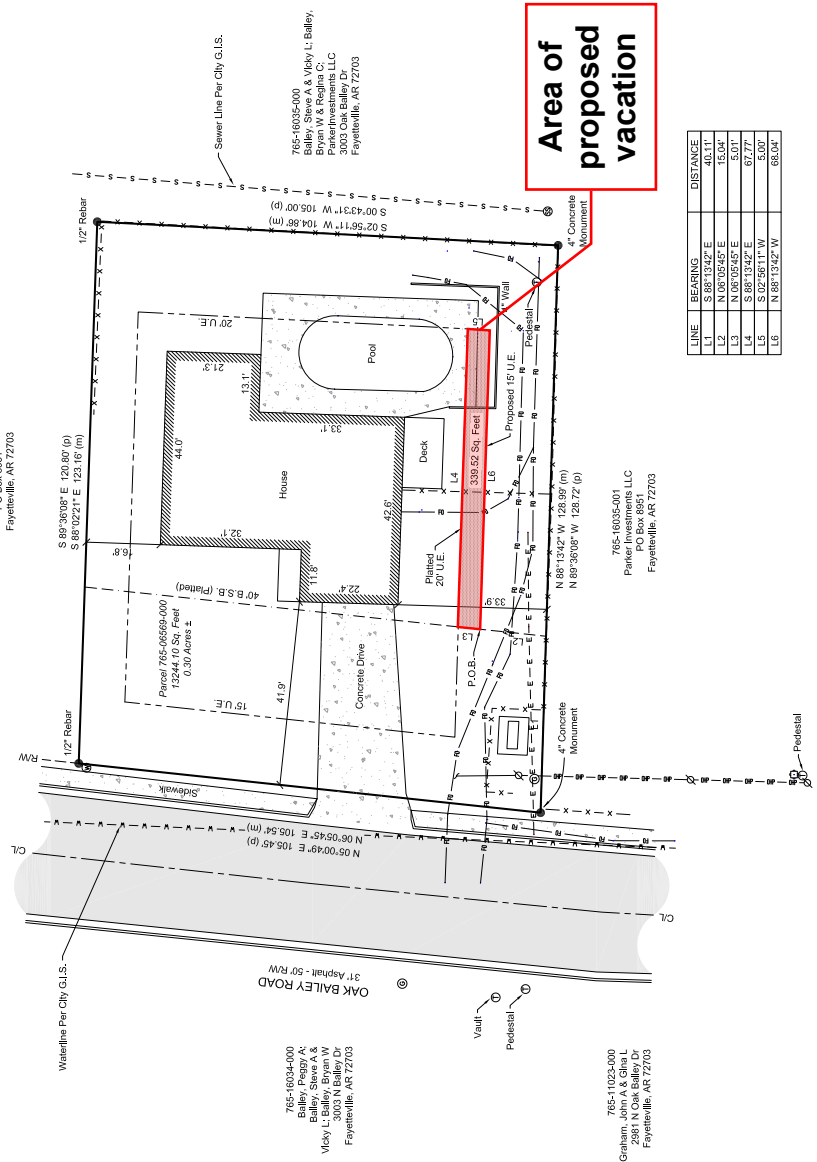
**Utility Notes**  
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES AND ARE NOT TO BE CONSIDERED AS PROVIDED BY ARKANSAS ONE CALL UNLESS OTHERWISE NOTED. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND UTILITY INFORMATION. THE LOCATION OF ANY SUBTERRANEAN USE, BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" FOR FIELD LOCATIONS (REQUESTS FOR INFORMATION) OF UNDERGROUND UTILITY LINES.

### Survey Description

PROPOSED EASEMENT VACATION: A PART OF LOT NUMBERED ELEVEN (11), IN BLOCK NUMBERED SIX (6), IN HUNTINGDON SUBDIVISION A PART OF LOT NUMBERED ELEVEN (11), IN BLOCK NUMBERED SIX (6), IN HUNTINGDON SUBDIVISION A PART OF LOT NUMBERED ELEVEN (11), IN BLOCK NUMBERED SIX (6), IN HUNTINGDON SUBDIVISION FILED IN THE OFFICE OF THE CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO-WIT-BEGINNING AT A POINT WHICH IS S88°13'42"E 40.11' AND N09°05'45"E 16.04' FROM THE SOUTHWEST CORNER OF SAID BLOCK NUMBERED SIX (6), IN BLOCK NUMBERED SIX (6), IN HUNTINGDON SUBDIVISION, THENCE S88°13'42"W 68.24' TO THE POINT OF BEGINNING, CONTAINING 68.24' FEET, MORE OR LESS.

### Miscellaneous Notes

STATE RECORDING NUMBERS:  
3004-1743-30W-42-28-110-72-1532  
3004-1743-30W-42-28-110-72-1532  
COMPLETED FIELD WORKS:  
OCTOBER 26, 2018  
BASIS OF BEARINGS:  
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83  
REFERENCE DOCUMENTS:  
1. SUBDIVISION DEED FILED IN DEED BOOK 2015 AT PAGE 33926.  
2. SUBDIVISION PLAN FILED IN PLAN BOOK 61 AT PAGE 63.  
SOME FEATURES SHOWN ON THIS PLAN MAY BE SHOWN OUT OF SCALE FOR CLARITY DIMENSIONS ON THIS PLAN ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.



LINE	BEARING	DISTANCE
L1	S 88°13'42" E	40.11'
L2	N 09°05'45" E	16.04'
L3	N 09°05'45" E	5.01'
L4	S 88°13'42" E	67.77'
L5	S 88°13'42" W	68.24'
L6	N 09°05'45" W	68.24'

### Survey Description

765-16034-000  
Bailey, Peggy A.  
L. Bailey, Bryan W.  
Vicky L. Bailey, Bryan W.  
3003 N Bailey Dr  
Fayetteville, AR 72703

### Miscellaneous Notes

765-11023-000  
Graham, John A. & Ghia L.  
2881 N Oak Bailey Dr  
Fayetteville, AR 72703

### Miscellaneous Notes

765-6026-001  
Parker Investments LLC  
PO Box 8851  
Fayetteville, AR 72703

### Miscellaneous Notes

765-6026-000  
Bailey, Steve A. & Vicky L. Bailey,  
Bryan W. & Regina C.  
Parker Investments LLC  
Fayetteville, AR 72703

**Area of proposed vacation**



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THE 26TH DAY OF OCTOBER, 2018.

**BLEW & ASSOCIATES, PA**  
CIVIL ENGINEERS & LAND SURVEYORS  
524 W. SYCAMORE ST., SUITE 4  
FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479.443.4806  
FAX: 479.582.1883  
www.BLEWINC.com  
Certificate of Authorization No. 1534

COUNTY & STATE: W.L. 10-30-18 B.D.B. E.Z.  
INVESTED BY: 18-3971  
COUNTY & STATE: WASHINGTON COUNTY, ARKANSAS  
BLOCK: LOT 11, BLOCK 6, HUNTINGDON SUBDIVISION  
PROPERTY: CASH ACREY

### Zoning & Setback Information

ZONED: RS-4  
RESIDENTIAL SINGLE FAMILY - FOUR UNITS PER ACRE  
BUILDING SETBACKS:  
FRONT - 15' SIDE - 5' REAR - 15'

### Owner/Developer

ACREY, JAMES C.  
3024 N OAK BAILEY DR  
FAYETTEVILLE, AR 72703

**18-6475**  
**EXHIBIT 'B'**

PROPOSED EASEMENT VACATION:

A PART OF LOT NUMBERED ELEVEN (11), IN BLOCK NUMBERED SIX (6), IN HUNTINGDON SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN UPON THE RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S88°13'42"E 15.04' AND N06°05'45"E 15.04' FROM THE SOUTHWEST CORNER OF SAID LOT 6, THENCE CONTINUING N06°05'45"E 5.01', THENCE S88°13'42"E 92.84', THENCE S02°56'11"W 5.00', THENCE N88°13'42"W 93.11' TO THE POINT OF BEGINNING. CONTAINING 13244.10 SQ., MORE OR LESS.



**TO:** Fayetteville Planning Commission

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

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** January 14, 2019 (Updated with Planning Commission Results)

**SUBJECT:** **VAC 18-6475: Vacation (3024 N OAK BAILEY RD./ACREY, 254):** Submitted by BLEW & ASSOCIATES, INC. for property located at 3024 N. OAK BAILEY RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to vacate a portion of a general utility easement.

**RECOMMENDATION:**

Staff recommends forwarding **VAC 18-6475** to City Council with a recommendation of approval and conditions based on the findings contained in this report.

**RECOMMENDED MOTION:**

"I move to forward **VAC 18-6475** to City Council with a recommendation for approval with the conditions as recommended by staff."

**BACKGROUND:**

The subject property is located on the east side of North Oak Bailey Drive, about 500 feet north of its intersection with Old Wire Road. The property was platted with the Huntingdon Subdivision in 1979 and is currently developed with a single-family home built in 1985. As part of the Huntingdon final plat, utility easements were dedicated along every boundary of the property, ranging from 10 to 20 feet in depth. Surrounding land uses and zoning are depicted in *Table 1*.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Single-family Residential	RSF-4, Residential Single-family 4 Units per Acre
South	Undeveloped	RSF-4, Residential Single-family 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family 4 Units per Acre

*Proposal:* The applicant proposes to vacate a portion of the existing 20-foot utility easement that parallels the property's southern boundary, totaling approximately 339.6 square feet (see attached exhibit).

**DISCUSSION:**

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

Utility

Response

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 and no comment.

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.

City of Fayetteville

Response

Water/Sewer

No objections and no comment.

Solid Waste & Recycling

Not applicable.

Transportation

Not applicable.

**Public Comment:**

No public comment has been received.

**RECOMMENDATION:** Staff recommends forwarding **VAC 18-6475** 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;

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>			
Date: <u>January 14, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> Belden, on the consent agenda with all conditions as recommended by staff.			
<b>Second:</b> Autry			
<b>Vote:</b> 8-0-0			

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

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





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

Civil Engineers

Professional Land Surveyors

VAC 18-6475  
**Request  
Letter**

3825 N Shiloh Dr.  
Fayetteville, Arkansas 72703  
479-443-4506  
Fax 582-1883

City of Fayetteville Planning Department

October 31, 2018

Re:

Easement Vacation

3024 N Oak Bailey Dr  
Fayetteville, AR  
Parcel 765-06569-000

To Whom It May Concern,

Our Client, Cash Acrey is requesting a vacation of the north five (5) feet of an existing twenty (20) foot utility easement along the southern boundary of his land located at 3024 N Oak Bailey Dr., Fayetteville AR (Lot 6, Block 11, Huntingdon Subdivision). If you have any additional questions or comments feel free to contact our office.

Sincerely,

Wes Luker  
Project Manager  
Blew & Associates, P.A.

VAC 18-6475  
**Petition to Vacate**

PETITION TO VACATE A (portion of an existing utility easement) LOCATED IN (lot 11, block 6, Huntingdon 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 utility easement hereinafter sought to be abandoned and vacated, lying in (lot 11, block 6, Huntingdon subdivision), City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of an existing utility easement which is described as follows:

A PART OF LOT NUMBERED ELEVEN (11), IN BLOCK NUMBERED SIX (6), IN HUNTINGDON SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN UPON THE RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S88°13'42"E 40.11' AND N06°05'45"E 15.04' FROM THE SOUTHWEST CORNER OF SAID LOT 6, THENCE CONTINUING N06°05'45"E 5.04', THENCE S88°13'42"E 67.77', THENCE S02°56'11"W 5.00', THENCE N88°13'42"W 68.04' TO THE POINT OF BEGINNING. CONTAINING 339.52 SQ. FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the above described utility easement are (parcels 765-16035-001 & 765-16035-000) 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, 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, 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 .

Dated this 7 day of JANUARY, 2019.

Printed Name JAMES CASH ACREY

Signature 

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

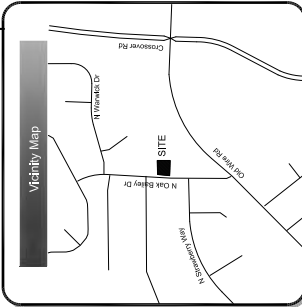
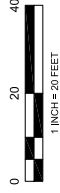
Signature \_\_\_\_\_

# EASEMENT REDUCTION SURVEY

VAC 18-6475  
**Vacation  
 Exhibit**

### Legend of Symbols & Abbreviations

- BOUNDARY LINE
- CENTERLINE OF ROAD (CL)
- DRIVEWAY (DW)
- FENCE
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- (M) MEASURED
- (P) PAINTED



**Utility Notes**

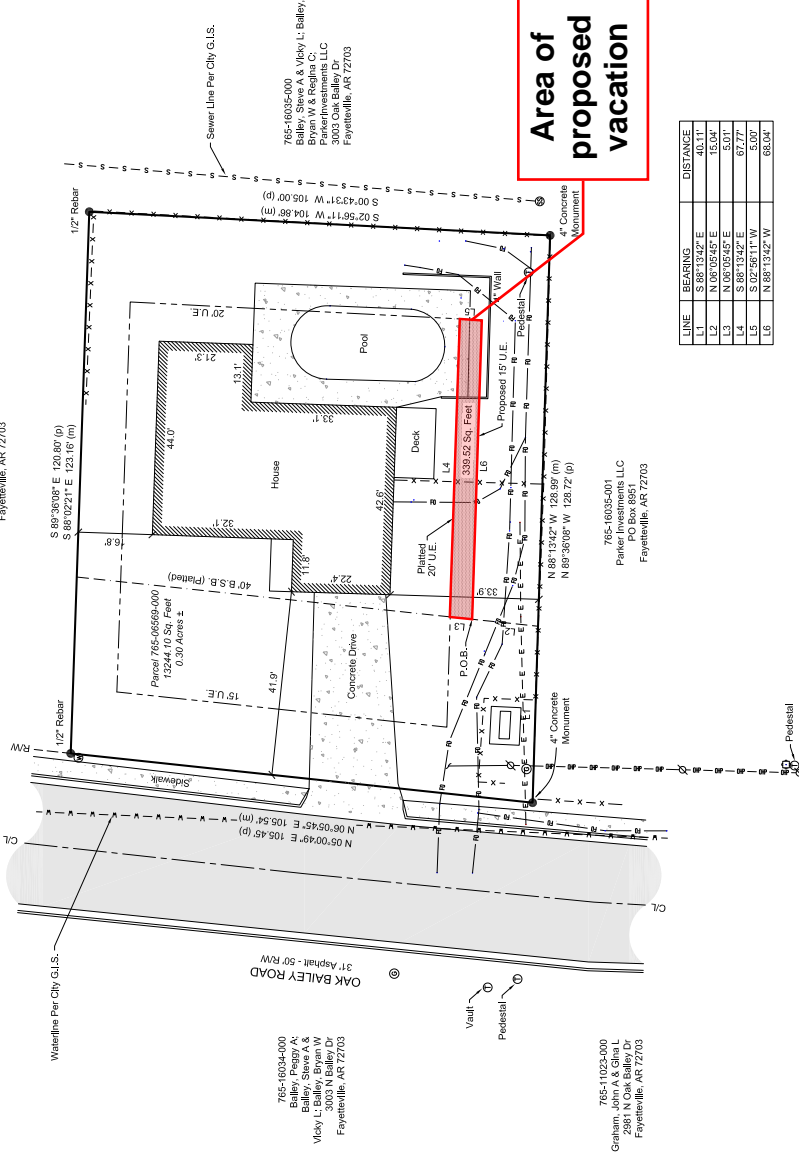
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BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" FOR FIELD LOCATIONS (REQUIRES CALLING 811) AND/OR LOCATIONS OF UNDERGROUND UTILITY LINES.

### Survey Description

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**Area of proposed vacation**



LINE	BEARING	DISTANCE
L1	S 88°13'42" E	40.11'
L2	N 00°05'45" E	16.04'
L3	N 00°05'45" E	5.01'
L4	S 88°13'42" E	67.77'
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765-16034-000  
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 Bryan W & Regina C  
 Park Investments LLC  
 3003 N Bailey Dr  
 Fayetteville, AR 72703

765-11023-000  
 Graham, John A. & Ghia L  
 2881 N Oak Bailey Dr  
 Fayetteville, AR 72703

765-6026-001  
 Parker Investments LLC  
 PO Box 8851  
 Fayetteville, AR 72703

765-0656-000  
 Remington Place Inc  
 PO Box 8851  
 Fayetteville, AR 72703

765-6026-000  
 Bailey, Steve A & Vicky L Bailey,  
 Bryan W & Regina C,  
 Park Investments LLC  
 Fayetteville, AR 72703

### Miscellaneous Notes

STATE RECORDING NUMBERS:  
 500-174-300-45-28-110-72-1532  
 500-174-300-45-28-110-72-1532  
 COMPLETED FIELD WORKS:  
 OCTOBER 26, 2018

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

REFERENCE DOCUMENTS:  
 1. SUBDIVISION DEED FILED IN DEED BOOK 2015 AT PAGE 33926.  
 2. SUBDIVISION PLAN FILED IN PLAN BOOK 61 AT PAGE 53.

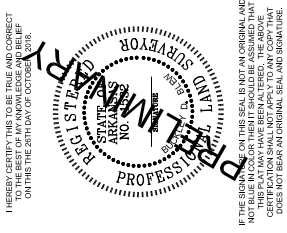
SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY. DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

### Zoning & Setback Information

ZONED: RSF-4  
 (RESIDENTIAL SINGLE FAMILY - FOUR UNITS PER ACRE)  
 BUILDING SETBACKS:  
 FRONT - 15' SIDE - 5' REAR - 15'

### Owner/Developer

ACREY, JAMES C.  
 3024 N OAK BAILEY DR  
 FAYETTEVILLE, AR 72703



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 26TH DAY OF OCTOBER, 2018.

**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

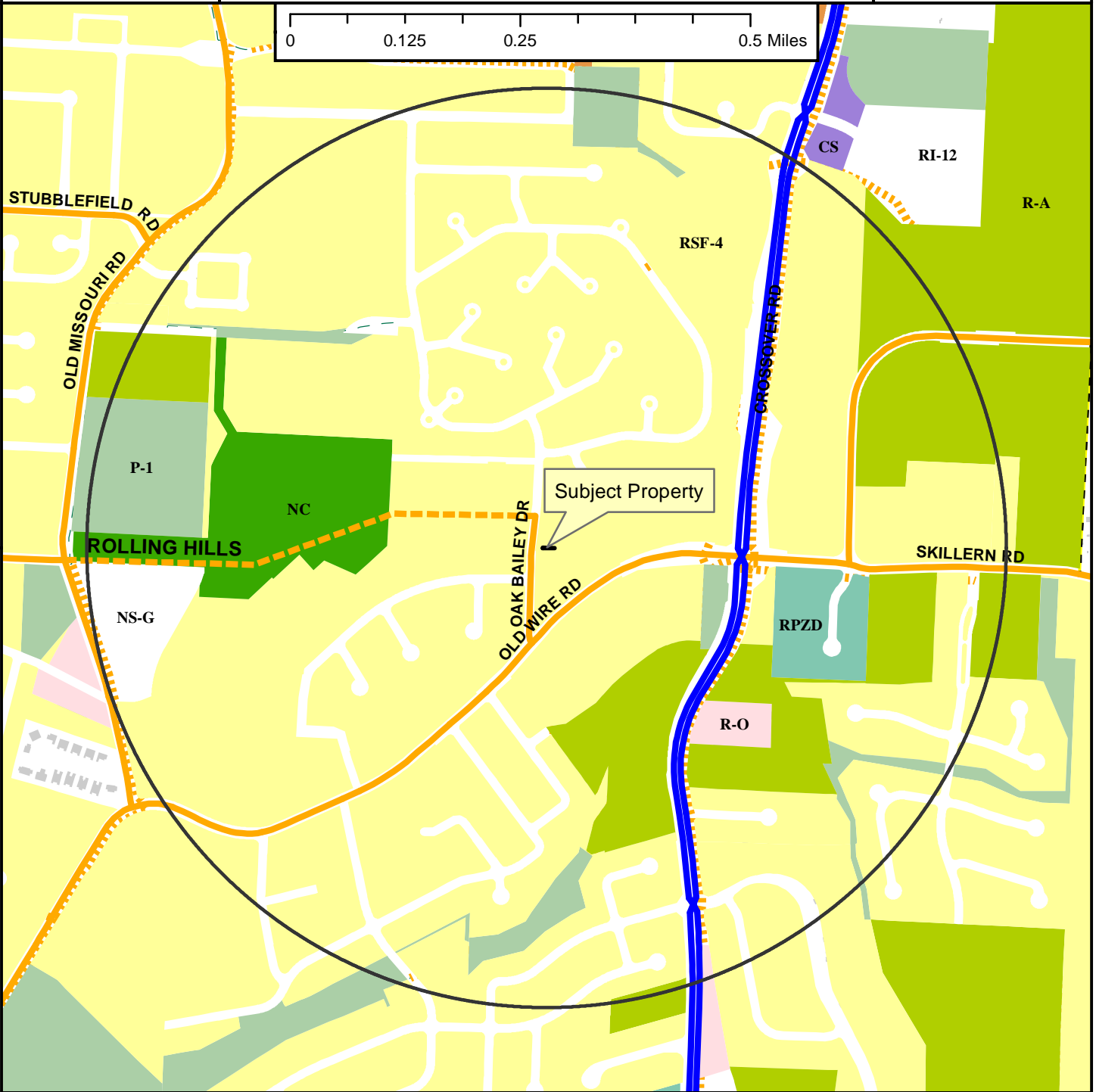
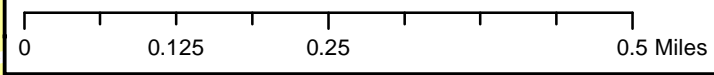
COUNTY	W.L.	10-30-18	DATE	18-3971
COUNTY & STATE	AS SURVEYED BY	B.D.B.	DATE	
WARRANTY COUNTY, ARKANSAS	DATE			
SECTION	LOT 11, BLOCK 6, HUNTINGDON SUBDIVISION			
NAME OF THE SURVEYOR				

**CASH ACREY**

VAC18-6475

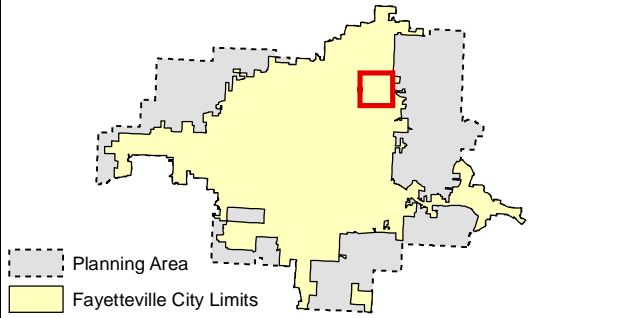
# ACREY

One Mile View



## Legend

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

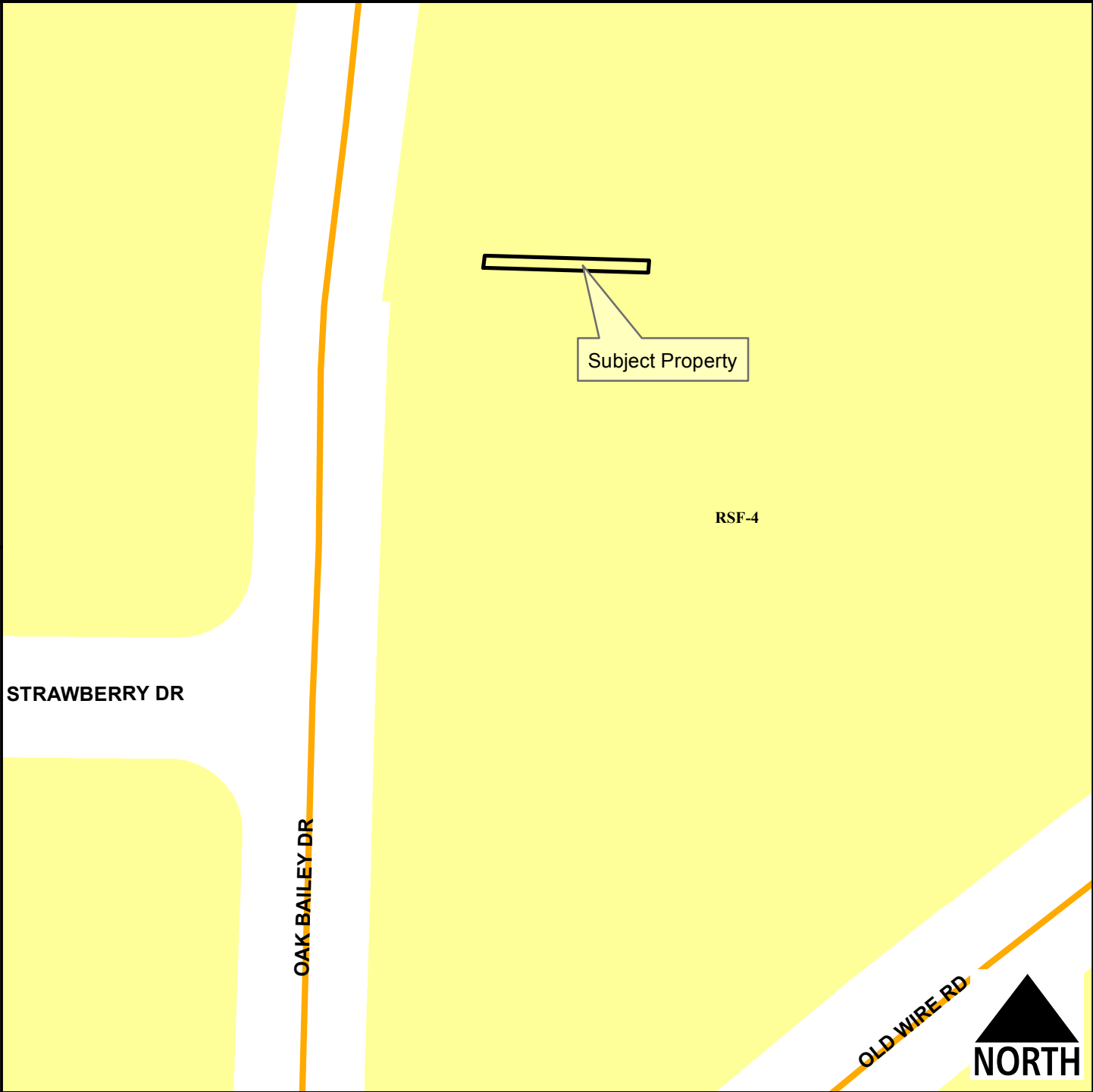


- |   |   |
|---|---|
| <p><b>Zoning</b></p> <p><b>RESIDENTIAL SINGLE-FAMILY</b></p> <ul style="list-style-type: none"> <li> Residential-Agricultural</li> <li> RSF-5</li> <li> RSF-1</li> <li> RSF-2</li> <li> RSF-4</li> <li> RSF-7</li> <li> RSF-8</li> <li> RSF-18</li> </ul> <p><b>RESIDENTIAL MULTI-FAMILY</b></p> <ul style="list-style-type: none"> <li> RT-12 Residential Two and Three-family</li> <li> RMF-6</li> <li> RMF-12</li> <li> RMF-18</li> <li> RMF-24</li> <li> RMF-40</li> </ul> <p><b>INDUSTRIAL</b></p> <ul style="list-style-type: none"> <li> I-1 Heavy Commercial and Light Industrial</li> <li> I-2 General Industrial</li> </ul> | <p><b>EXTRACTION</b></p> <ul style="list-style-type: none"> <li> E-1</li> </ul> <p><b>COMMERCIAL</b></p> <ul style="list-style-type: none"> <li> Residential-Office</li> <li> C-1</li> <li> C-2</li> <li> C-3</li> </ul> <p><b>FORM BASED DISTRICTS</b></p> <ul style="list-style-type: none"> <li> Downtown Core</li> <li> Urban Thoroughfare</li> <li> Main Street Center</li> <li> Downtown General</li> <li> Community Services</li> <li> Neighborhood Conservation</li> <li> Neighborhood Services</li> </ul> <p><b>PLANNED ZONING DISTRICTS</b></p> <ul style="list-style-type: none"> <li> Commercial, Industrial, Residential</li> </ul> <p><b>INSTITUTIONAL</b></p> <ul style="list-style-type: none"> <li> P-1</li> </ul> |
|---|---|

VAC18-6475

# ACREY

Close Up View






RSF-4

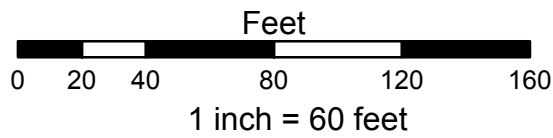
STRAWBERRY DR

OAK BAILEY DR

OLD WIRE RD  
NORTH

## Legend

-  Planning Area
-  Fayetteville City Limits
-  Building Footprint



 RSF-4

VAC18-6475

# ACREY



Current Land Use



### Streets Planned MSP Class

--- COLLECTOR

### Streets Existing MSP Class

— COLLECTOR

- - - Planning Area

- - - Fayetteville City Limits

### FEMA Flood Hazard Data

100-Year Floodplain

Floodway

