

City of Fayetteville Staff Review Form

2019-0345

Legistar File ID

6/18/2019

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

Garner Stoll

5/30/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 19-6664: Vacation (485 North Vinson Ave./Gocio, 447-448): Submitted by BATES & ASSOCIATES, INC. for property located at 485 N. VINSON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a portion of a general utility easement.

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

\$ -

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 18, 2019

TO: Mayor; Fayetteville City Council

THRU: Don Marr, Chief of Staff
Garner Stoll, Development Services Director

FROM: Andrew Garner, City Planning Director

DATE: May 30, 2019

SUBJECT: **VAC 19-6664: Vacation (485 North Vinson Ave./Gocio, 447-448):** Submitted by BATES & ASSOCIATES, INC. for property located at 485 N. VINSON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 19-6664** 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 at 485 N. Vinson Avenue and is developed with a single-family dwelling. The request is to vacate a portion of the 30-foot general utility easement along the property's northern boundary (see attached vacation exhibit). The platted easement does not contain any utilities and is located over the existing single-family dwelling and carport. Neither staff nor the applicant is aware of how the conflict between house and easement came into existence.

DISCUSSION:

At the May 28, 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:

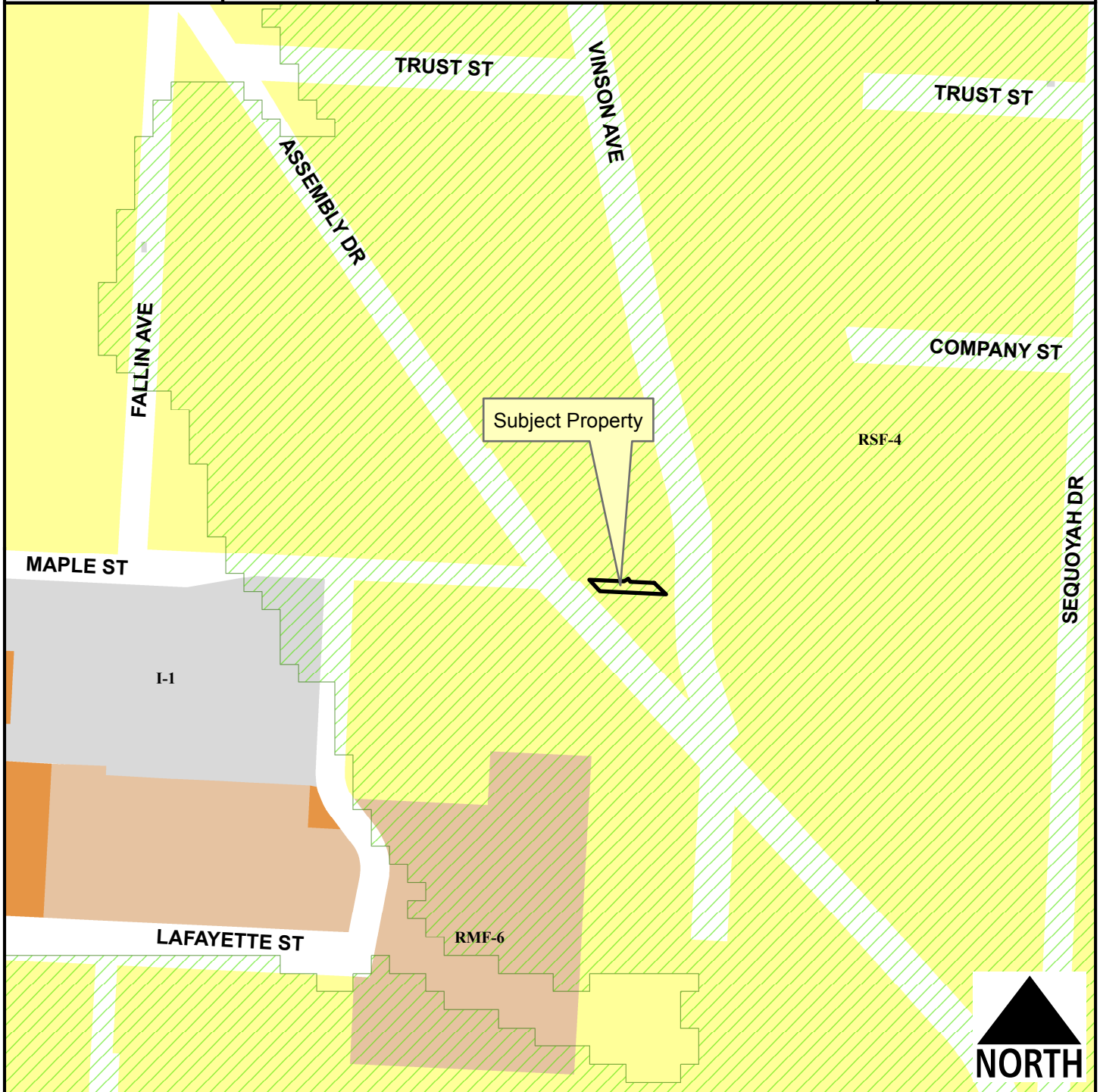
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

EXHIBIT 'A'

GOCIO

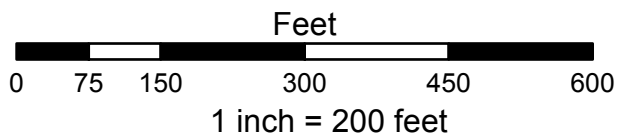
VAC19-6664

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



- RSF-4
- RMF-6
- RMF-24
- I-1 Heavy Commercial and Light Industrial

EXHIBIT 'B'
VAC 19-6664



**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

LEGAL DESCRIPTION OF AREA OF UTILITY EASEMENT VACATION:

A PORTION OF AN EXISTING 30 FOOT UTILITY EASEMENT TO BE VACATED WHICH IS LOCATED IN A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°15'01"W 551.78', THENCE N00°35'49"E 15.08' TO AN EXISTING REBAR, THENCE N87°15'02"W 24.36' TO THE TRUE POINT BEGINNING AND RUNNING THENCE S46°07'40"E 22.81', THENCE N87°15'02"W 91.10', THENCE N42°50'22"W 21.43', THENCE S87°15'02"E 47.70', THENCE N56°52'31"E 7.08', THENCE S32°43'25"E 5.10', THENCE S87°15'02"E 32.83', TO THE POINT OF BEGINNING, CONTAINING 0.03 ACRES, MORE OR LESS.



TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: May 28, 2019 *(Updated with Planning Commission results)*

SUBJECT: VAC 19-6664: Vacation (485 North Vinson Ave./Gocio, 447-448): Submitted by BATES & ASSOCIATES, INC. for property located at 485 N. VINSON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to vacate a portion of a general utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 19-6664** 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 19-6664** to City Council with a recommendation for approval with the conditions as recommended by staff."

BACKGROUND:

The subject property is located at 485 N. Vinson Avenue and is developed with a single-family dwelling. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

| Direction | Land Use | Zoning |
|-----------|-------------|--|
| North | Residential | RSF-4, Residential Single Family, 4 Units Per Acre |
| South | Residential | RSF-4, Residential Single Family, 4 Units Per Acre |
| East | Residential | RSF-4, Residential Single Family, 4 Units Per Acre |
| West | Residential | RSF-4, Residential Single Family, 4 Units Per Acre |

Proposal: The request is to vacate a portion of the 30-foot general utility easement along the property's northern boundary (see attached vacation exhibit). The platted easement does not contain any utilities and is located over the existing single-family dwelling and carport.

DISCUSSION:

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

City of Fayetteville

Response

Water/Sewer

No objections and no comment.

Solid Waste & Recycling

Not applicable.

| | |
|----------------|-------------------------------|
| Transportation | Not applicable. |
| AT&T | No objections and no comment. |
| Black Hills | No objections and no comment. |
| Cox | No objections. |
| Ozark Electric | No objections and no comment. |
| SWEPCO | No objections and no comment. |

Public Comment: No public comment has been received at the time of writing this report.

RECOMMENDATION: Staff recommends forwarding **VAC 19-6664** 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;

| | | | |
|--|---------------------------------|---|---------------------------------|
| PLANNING COMMISSION ACTION: Required <u>YES</u> | | | |
| Date: <u>May 28, 2019</u> | <input type="checkbox"/> Tabled | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion: <u>Belden</u> | Note: On consent agenda. | | |
| Second: <u>Brown</u> | | | |
| Vote: <u>8-0-0</u> | | | |

BUDGET/STAFF IMPACT:

None

Attachments:

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

April 16, 2019

To the City of Fayetteville Planning Commission & City Council:

Our client Mary Gucio is proposing to vacate a portion of an existing utility easement running through the north side of her property located at 485 N. Vinson Avenue.

The purpose of this request is to get her existing house and carport out of the existing easement. A portion of the easement is to remain for an existing sewer line and gas line running through said easement.

If you have any questions, comments, or concerns please do not hesitate to give me a call.

Thank you,

Andy Hooper
Bates & Associates

PETITION

**PETITION TO VACATE AN EASEMENT LOCATED AT 485 NORTH VINSON AVENUE,
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 easements hereinafter sought to be abandoned and vacated, lying at 485 N. Vinson Avenue, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A PORTION OF AN EXISTING 30 FOOT UTILITY EASEMENT TO BE VACATED WHICH IS LOCATED IN A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°15'01"W 551.78', THENCE N00°35'49"E 15.08' TO AN EXISTING REBAR, THENCE N87°15'02"W 24.36' TO THE TRUE POINT BEGINNING AND RUNNING THENCE S46°07'40"E 22.81', THENCE N87°15'02"W 91.10', THENCE N42°50'22"W 21.43', THENCE S87°15'02"E 47.70', THENCE N56°52'31"E 7.08', THENCE S32°43'25"E 5.10', THENCE S87°15'02"E 32.83', TO THE POINT OF BEGINNING, CONTAINING 0.03 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of easement located in the 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 above described 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 approve 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 of said real estate sought to abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dates this 16th day of April, 2019.

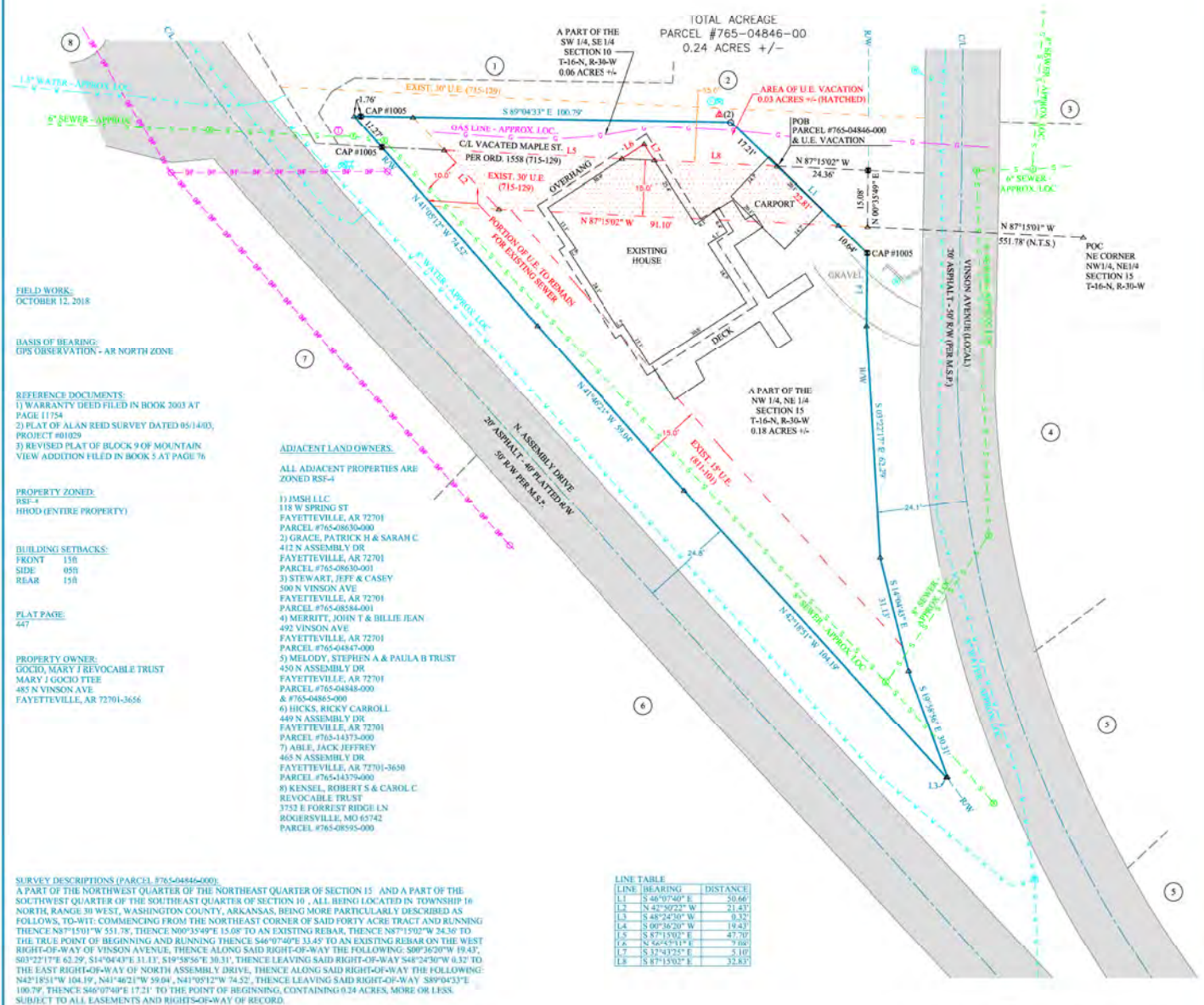
Mary Gocio

Print Name

Mary Gocio

Signature

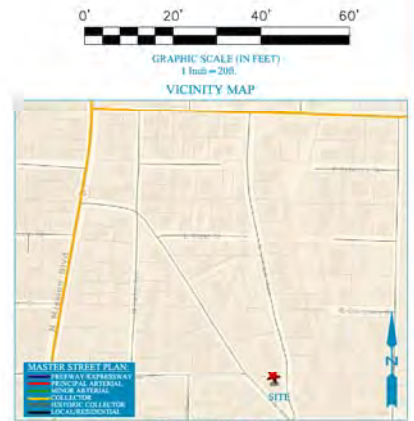
UTILITY EASEMENT VACATION EXHIBIT






AREA OF U.E. VACATION. A PORTION OF AN EXISTING 30' FOOT UTILITY EASEMENT TO BE VACATED WHICH IS LOCATED IN A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE NORTHEAST CORNER OF SAID FOOT ORAC TRACT AND RUNNING THENCE S87°15'02" E 21.43', THENCE S87°15'02" E 15.08' TO AN EXISTING EASEMENT, THENCE S87°15'02" E 24.36' TO THE TRUE POINT BEGINNING AND RUNNING THENCE S64°07'40" E 22.81', THENCE N01°15'02" W 91.19', THENCE N42°59'22" W 21.43', THENCE S87°15'02" E 47.70', THENCE N05°32'51" E 7.08', THENCE S32°43'22" E 5.10', THENCE S87°15'02" E 32.83', TO THE POINT OF BEGINNING, CONTAINING 0.65 ACRES, MORE OR LESS.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS
DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD
INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0210F, DATED 05/16/2008)

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.

[illegible]

LEGEND:
THESE STANDARD SYMBOLS ARE FOUND IN THE DRAWING

| | |
|---|--------------------|
|  | FOUND 1/2" REBAR |
|  | SET 5/8" REBAR CAP |
|  | COMPUTED POINT |
|  | WATER METER |
|  | FIRE HYDRANT |
|  | GAS METER |
|  | TELEPHONE PEDESTAL |
|  | YARD HYDRANT |

| | |
|----------------------|---------|
| BOUNDARY LINE (MILE) | — |
| PARCEL LINE | --- |
| FOURTY LINE THE LINE | ---- |
| CENTERLINE OF ROAD | ===== |
| RIGHT-OF-WAY | ===== |
| WATER LINE | ~~~~~ |
| OVERHEAD POWER LINE | —o—o—o— |
| SEWER LINE | —S—S—S— |
| BUILDING SETBACK | —B—B—B— |
| UTILITY EASEMENT | —U—U—U— |
| VALENT CENTERLINE | —V—V—V— |
| EASING | —E—E—E— |

OF NOW

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RECORDING NUMBER/DATE

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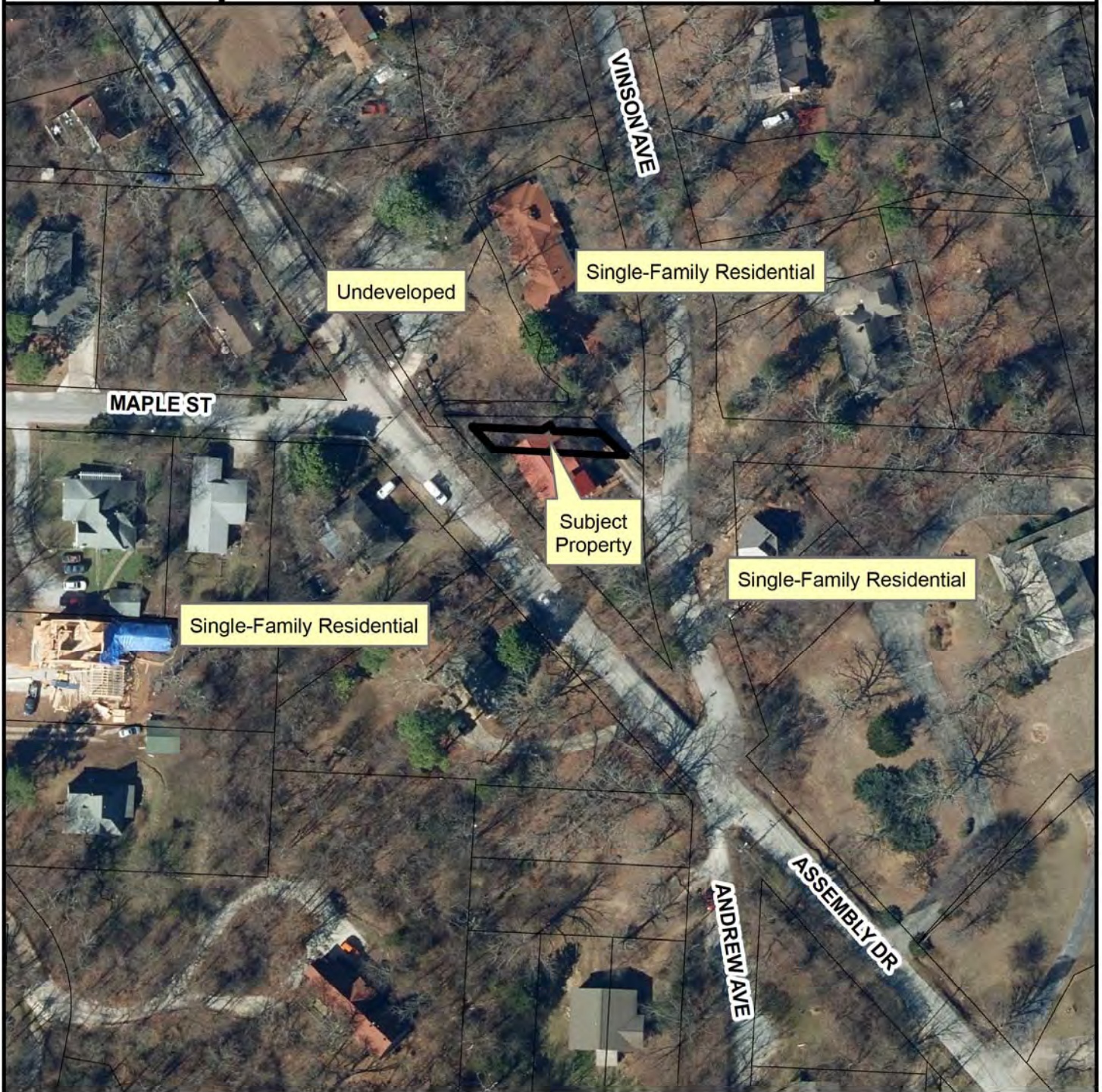
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Planning Commission
May 28, 2019
Agenda Item 5
19-6664 Gocio
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VAC19-6664

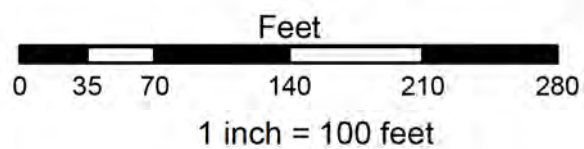
Current Land Use

GOCIO





Planning Area

Fayetteville City Limits



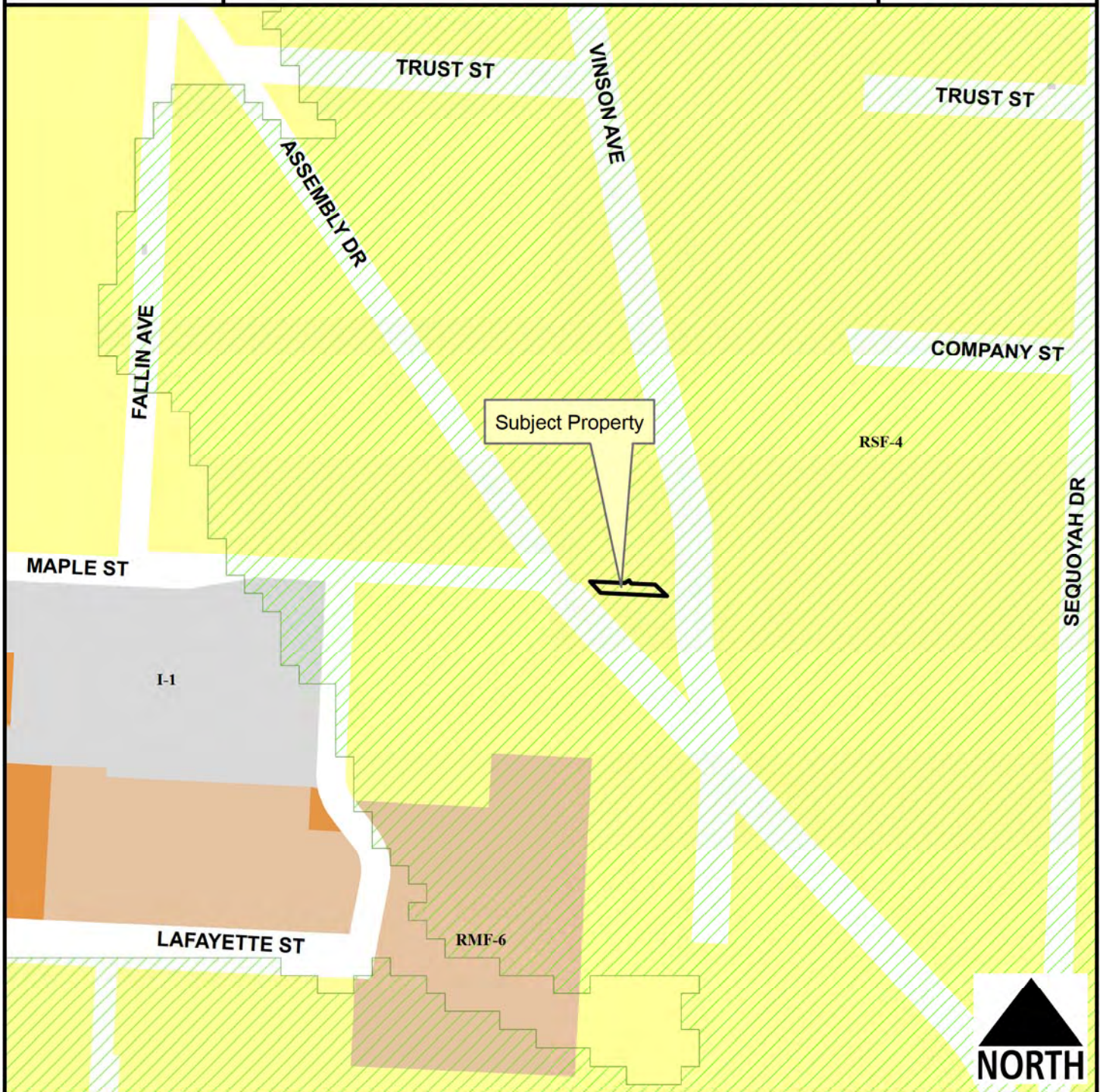
FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

VAC19-6664

GOCIO

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint

Feet
0 75 150 300 450 600
1 inch = 200 feet

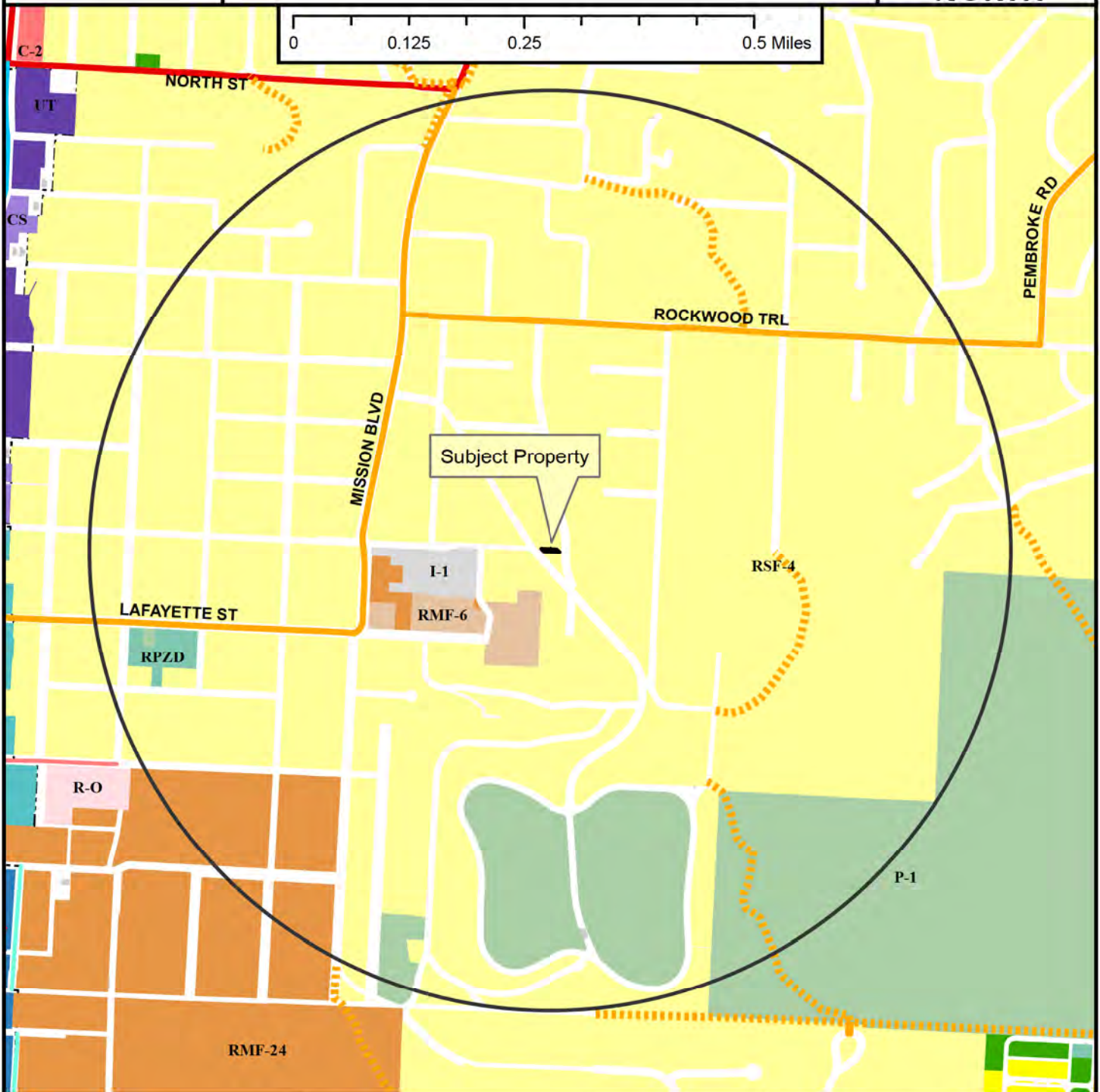
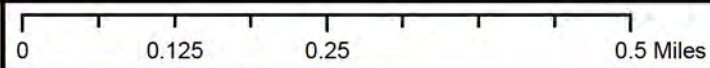
- RSF-4
- RMF-6
- RMF-24
- I-1 Heavy Commercial and Light Industrial

VAC19-6664

GOCIO



One Mile View



Legend

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



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