

City of Fayetteville Staff Review Form

2019-0344

Legistar File ID

6/18/2019

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

Garner Stoll

5/31/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 19-6667: Vacation (417 W. MLK BLVD./FARMERS COOPERATIVE, 523-562): Submitted by SPECIALIZED REAL ESTATE, INC. for properties located at 417 W. MLK BLVD. The properties are zoned MSC, MAIN STREET CENTER, I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL, and DG, DOWNTOWN GENERAL and contain approximately 2.13 acres. The request is to vacate portions of general utility easements and rights-of-way.

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:



MEETING OF JUNE 18, 2019

TO: Mayor and City Council

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

FROM: Jonathan Curth, Senior Planner

DATE: May 31, 2019

SUBJECT: **VAC 19-6667: Vacation (417 W. MLK BLVD./FARMERS COOPERATIVE, 523-562):** Submitted by SPECIALIZED REAL ESTATE, INC. for properties located at 417 W. MLK BLVD. The properties are zoned MSC, MAIN STREET CENTER, I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL, and DG, DOWNTOWN GENERAL and contain approximately 7.35 acres. The request is to vacate portions of general utility easements and rights-of-way.

RECOMMENDATION:

Staff and Planning Commission recommend approval of **VAC 19-6667** as shown in the attached Exhibits 'A' and 'B' and with the following conditions of approval:

1. A 15-foot electric utility easement shall be dedicated along the eastern boundary of the property for the existing overhead facilities along School Avenue;
2. Easements shall be dedicated for existing or proposed public infrastructure as required by the City's Water and Sewer Department; and
3. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense.

BACKGROUND:

The subject property is on the southwest corner of South School Avenue/Highway 71B and Martin Luther King Jr. Boulevard/Highway 180. Rezoned to DG, Downtown General, and MSC, Main Street/Center in accordance with the Downtown Master Plan in 2006, portions of the property are also zoned I-1, Heavy Commercial and Light Industrial. The property is currently developed with the Farmers' Co-operative, including several non-residential buildings serving a mixture of retail and storage purposes.

Proposal: The property is encumbered by large areas of easement and un-improved right-of-way, as well as several significant public water and sanitary sewer mains. As part of site preparation

for development, the applicant requests vacation of many of these easements and rights-of-way (see attached Exhibit A).

DISCUSSION:

At the May 28, 2019 Planning Commission meeting, this item was forwarded as part of the consent agenda to the City Council with a recommendation of approval, with all conditions as recommended by staff.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission packet

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

BEGINNING at the SW corner of said SW 1/4, SE 1/4; thence North 02°54'08" East a distance of 10.31 feet to a set half-inch (1/2") pipe; thence 72.66 feet along a non-tangent curve to the right, said curve having a radius of 402.57 feet and being subtended by a chord bearing and distance of North 77°51'57" East a distance of 72.56 feet to a set half-inch (1/2") pipe. thence North 02°28'40" East a distance of 20.83 feet. thence South 87°03'40" East a distance of 49.83 feet; thence South 02°56'20" West a distance of 50.00 feet; thence North 87°03'40" West a distance of 119.72 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet to the POINT OF BEGINNING; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 228.01 feet; thence South 02°19'48" West a distance of 50.00 feet; thence North 87°03'40" West a distance of 228.54 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 188.26 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 16.00 feet; thence South 02°19'48" West a distance of 300.00 feet; thence North 87°40'12" West a distance of 16.00 feet; thence North 02°19'48" East a distance of 300.17 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16, North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 116.01 feet to the POINT OF BEGINNING; thence North 02°19'48" East a distance of 260.01 feet; thence South 87°03'40" East a distance of 12.00 feet; thence South 02°19'48" West a distance of 260.01 feet; thence North 87°03'40" West a distance of 12.00 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

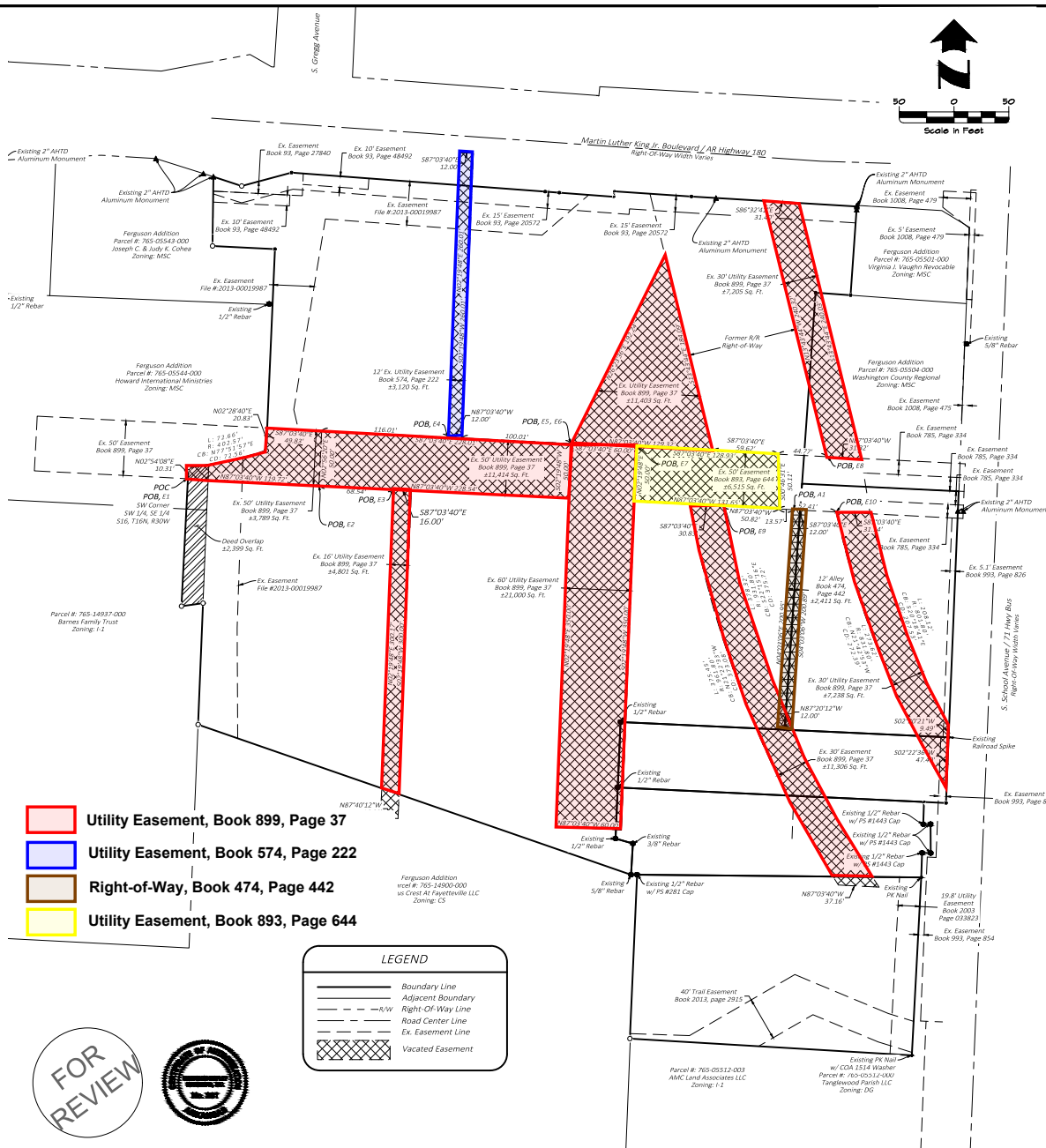
COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 228.01 feet to the POINT OF BEGINNING; thence North 26°23'36" East a distance of 129.24 feet; thence South 13°43'44" East a distance of 184.09 feet; thence North 87°03'40" West a distance of 129.32 feet back to the POINT OF BEGINNING

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 228.01 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 60.00 feet; thence South 02°19'48" West a distance of 350.00 feet; thence North 87°03'40" West a distance of 60.00 feet; thence North 02°19'48" East a distance of 350.00 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 288.01 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 128.93 feet; thence South 00°46'31" East a distance of 50.11 feet; thence North 87°03'40" West a distance of 131.65 feet; thence North 02°19'48" East a distance of 50.00 feet back to the POINT OF BEGINNING.



Utility Easement, Book 899, Page 37
Utility Easement, Book 574, Page 222
Right-of-Way, Book 474, Page 442
Utility Easement, Book 893, Page 644

LEGEND

	Boundary Line
	Adjacent Boundary
	Right-Of-Way Line
	Road Center Line
	Ex. Easement Line
	Vacated Easement

FOR
REVIEW



EASEMENT DESCRIPTION of E8:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 461.71 feet to the POINT OF BEGINNING; thence North 13°43'44" West a distance of 240.32 feet; thence South 86°32'41" East a distance of 31.40 feet; thence South 13°43'44" East a distance of 240.03 feet; thence North 87°03'40" West a distance of 31.32 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; hence South 87°03'40" East a distance of 119.72 feet; then North 02°56'20" East a distance of 50.00 feet; then South 87°03'40" East a distance of 416.94 feet; then South 00°46'31" East a distance of 50.11 feet; then North 87°03'40" West a distance of 50.82 feet to the POINT OF BEGINNING; Thence 378.32 feet along a non-tangent curve to the left, said curve having a radius of 931.80 feet and being subtended by a chord bearing and distance of South 22°15'16" East a distance of 375.72 feet; then North 87°03'40" West a distance of 30.83 feet to the POINT OF BEGINNING; then along a non-tangent curve to the right, said curve having a radius of 961.80 feet and being subtended by a chord bearing and distance of North 22°23'38" West a distance of 373.08 feet; then South 87°03'40" East a distance of 30.83 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4, (thence South 87°03'40" East a distance of 119.72 feet; thence North 2°56'24" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 416.94 feet; thence South 20°46'31" East a distance of 50.11 feet; thence South 87°03'40" East a distance of 52.41 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 31.14 feet; thence 208.12 feet along a non-tangent curve to the right, having a radius of 831.80 feet and being subtended by a chord bearing and distance of South 20°18'41" East a distance of 207.53 feet; thence South 20°21'21" West a distance of 0.49 feet; thence South 02°22'36" West a distance of 47.40 feet; thence 273.62 feet along a non-tangent curve to the right, said curve having a radius of 831.80 feet and being subtended by a chord bearing and distance of North 21°42'53" West a distance of 272.39 feet back to the POINT OF BEGINNING.

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including, part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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*Specialized Real Estate Group
Fayetteville, Washington County, Arkansas*

Drawn By JDS

Sheet 1 of 1

MORRISON SHIPLEY

2467 SE Cottonwood Street • British Columbia, AR 73712 • 409-573-3500 • matthew@nashville.com

EASEMENT DESCRIPTION of E1:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

BEGINNING at the SW Corner of said SW 1/4 , SE 1/4; thence North 02°54'08" East a distance of 10.31 feet to a set half-inch (1/2") pipe; Thence 72.66 feet along a non-tangent curve to the right, said curve having a radius of 402.57 feet and being subtended by a chord bearing and distance of North 77°51'57" East a distance of 72.56 feet to a set half-inch (1/2") pipe. thence North 02°28'40" East a distance of 20.83 feet. thence South 87°03'40" East a distance of 49.83 feet; thence South 02°56'20" West a distance of 50.00 feet; thence North 87°03'40" West a distance of 119.72 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION of E2:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E3:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E4:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E5:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E6:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E7:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E8:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E9:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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EASEMENT DESCRIPTION of E10:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

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thence South 87°03'40" East a distance of 52.41 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 31.14 feet; Thence 208.12 feet along a non-tangent curve to the right, said curve having a radius of 801.80 feet and being subtended by a chord bearing and distance of South 20°18'41" East a distance of 207.53 feet; thence South 02°20'21" West a distance of 9.49 feet; thence South 02°22'36" West a distance of 47.40 feet; Thence 273.62 feet along a non-tangent curve to the right, said curve having a radius of 831.80 feet and being subtended by a chord bearing and distance of North 21°42'53" West a distance of 272.39 feet back to the POINT OF BEGINNING

ALLEY DESCRIPTION of A1:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way; and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4 , SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 416.94 feet; thence South 00°46'31" East a distance of 50.11 feet; thence South 87°03'40" East a distance of 13.57 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 12.00 feet; thence South 04°03'06" West a distance of 200.89 feet; thence North 87°20'12" West a distance of 12.00 feet; thence North 04°03'06" East a distance of 200.95 feet back to the POINT OF BEGINNING



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

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

SUBJECT: **VAC 19-6667: Vacation (417 W. MLK BLVD./FARMERS COOPERATIVE, 523-562):** Submitted by SPECIALIZED REAL ESTATE, INC. for properties located at 417 W. MLK BLVD. The properties are zoned MSC, MAIN STREET CENTER, I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL, and DG, DOWNTOWN GENERAL and contain approximately 7.35 acres. The request is to vacate portions of general utility easements and rights-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC 19-6667** 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 19-6667** to City Council with a recommendation for approval with the conditions as recommended by staff."

BACKGROUND:

The subject property on the southwest corner of South School Avenue/Highway 71B and Martin Luther King Jr. Boulevard/Highway 180. Rezoned to DG, Downtown General, and MSC, Main Street/Center in accordance with the Downtown Master Plan in 2006, the property is currently developed with the Farmers' Co-operative, including several non-residential buildings serving a mixture of retail and storage purposes. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-use Residential/Commercial	MSC, Main Street/Center
South	Multi-family Residential; Restaurant	CS, Community Services DG, Downtown General
West	Commercial; Church; Trucking Establishment	MSC, Main Street/Center; I-1, Heavy Commercial and Light Industrial;
East	Commercial	MSC, Main Street/Center; C-2, Commercial Thoroughfare; DG, Downtown General

Proposal: The property is encumbered by large areas of easement and un-improved right-of-way, as well as several significant public water and sanitary sewer mains. As part of site preparation

for development, the applicant requests vacation of many of these easements and rights-of-way (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:

<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, provided that a 15-foot utility easement be dedicated along the eastern boundary of the property for existing overhead facilities.
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.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections, provided new easements will be dedicated with the forthcoming large scale development.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding **VAC 19-6667** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. A 15-foot electric utility easement shall be dedicated along the eastern boundary of the property for the existing overhead facilities along School Avenue;
2. Easements shall be dedicated for existing or proposed public infrastructure as required by the City's Water and Sewer Department; and
3. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;

PLANNING COMMISSION ACTION: Required YES

Date: May 28, 2019

☐ Tabled

☒ Forwarded

☐ Denied

Motion: Belden, on the consent agenda

Second: Brown

Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

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

April 16, 2019

Mayor and City Council
113 W Mountain
Fayetteville, AR 72701

VAC 19-6667

Request Letter

To the Fayetteville Mayor and City Council,

Specialized Real Estate Group (SREG), as the authorized agent of the relevant parcels, hereby submits an application that includes a request to abandon and vacate numerous existing easements and an alley on the Farmer's Cooperative property described in the plat documents included with the application (the "Property"). Concurrently, SREG will also submit an LSD Application to the Fayetteville Planning Commission, which will include a request to create utility and other easements. SREG submits this cover letter to supplement our vacation application and ask that the Mayor and City Council approve this request, conditional upon the approval of the LSD Application.

In the past, numerous alleys and roads crisscrossed the Property, but were abandoned with easements being retained by the city. This has created a pattern of easements that dominate the Property, leaving sanitary systems without easements, easements that run underneath buildings and easements without any utility systems at all. In its applications, SREG is requesting that the existing easements and alley be vacated and abandoned and replaced with utility and other easements to serve the public purpose for which they are designed. Further, the existing alley within the Property has never been utilized as for general public access and the city transportation department has provided no objections to its abandonment.

The numerous easements on the Property do not serve any public purpose and create a hardship. Utilizing the Property without the proposed easements in place also creates a substantial hardship, such as the placement of utility systems without public easements. SREG requests that Mayor and City Council approve the abandonment and vacation application as requested, conditional on the approval of the LSD Application by the Planning Commission. This will allow SREG to create new utility easements where needed by the forthcoming large-scale development plan.

Please feel free to contact me with any questions.

Best Regards,



Lawrence Finn,
(404) 931-8426
lawrence@specializedreg.com

April 17, 2019

Planning Commission and City Council
113 W Mountain
Fayetteville, AR 72701

VAC 19-6667
**Petition
to Vacate**

To the Fayetteville Planning Commission and City Council,

We, the undersigned, being the authorized agents of the owners of the real estate abutting the easements and alleys hereinafter sought to be abandoned and vacated, lying in parcels 765-05523-001, 765-05523-000, 765-05522-000, 765-05509-000, 765-05507-000, 765-05510-000, 765-05511-000, and 765-05512-002 of the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley and several easements described in the attached legal descriptions exhibit:

That the abutting real estate affected by said abandonment of the alley are parcels 765-14937-000, 765-1490-000, 765-05517-000, 765-05513-000, 765-05542-000, 765-05543-000, 765-05512-001, 765-05544-000, 765-05502-000, 765-05501-000, and 765-05504-000, 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 alley and easements.

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 alley.

Dated this day of April 17, 2019

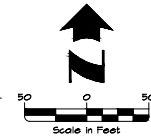
Lawrence Finn

Printed Name



Signature

VAC 19-6667
**Vacation
Exhibit**



EASEMENT DESCRIPTION OF E1:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

BEGINNING at the SW Corner of said SW 1/4, SE 1/4; thence North 02°54'08" East a distance of 10.31 feet to a set half-inch (1/2") pipe; thence 72.66 feet along a non-tangent curve to the right, said curve having a radius of 402.57 feet and being subtended by a chord bearing and distance of North 77°51'57" East a distance of 72.56 feet to a set half-inch (1/2") pipe; thence North 02°28'40" East a distance of 20.83 feet; thence South 87°03'40" East a distance of 49.83 feet; thence South 02°56'20" West a distance of 50.00 feet; thence North 87°03'40" West a distance of 119.72 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E2:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet to the POINT OF BEGINNING; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 228.01 feet; thence South 02°19'48" West a distance of 50.00 feet; thence North 87°03'40" West a distance of 228.54 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E3:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 188.26 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 16.00 feet; thence South 02°19'48" West a distance of 300.00 feet; thence North 87°40'12" West a distance of 16.00 feet; thence North 02°19'48" East a distance of 300.17 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E4:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 116.01 feet to the POINT OF BEGINNING; thence North 02°19'48" East a distance of 260.01 feet; thence South 87°03'40" East a distance of 12.00 feet; thence South 02°19'48" West a distance of 260.01 feet; thence North 87°03'40" West a distance of 12.00 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E5:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 228.01 feet to the POINT OF BEGINNING; thence North 26°23'36" East a distance of 192.24 feet; thence South 13°43'44" East a distance of 184.09 feet; thence North 87°03'40" West a distance of 129.32 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E6:

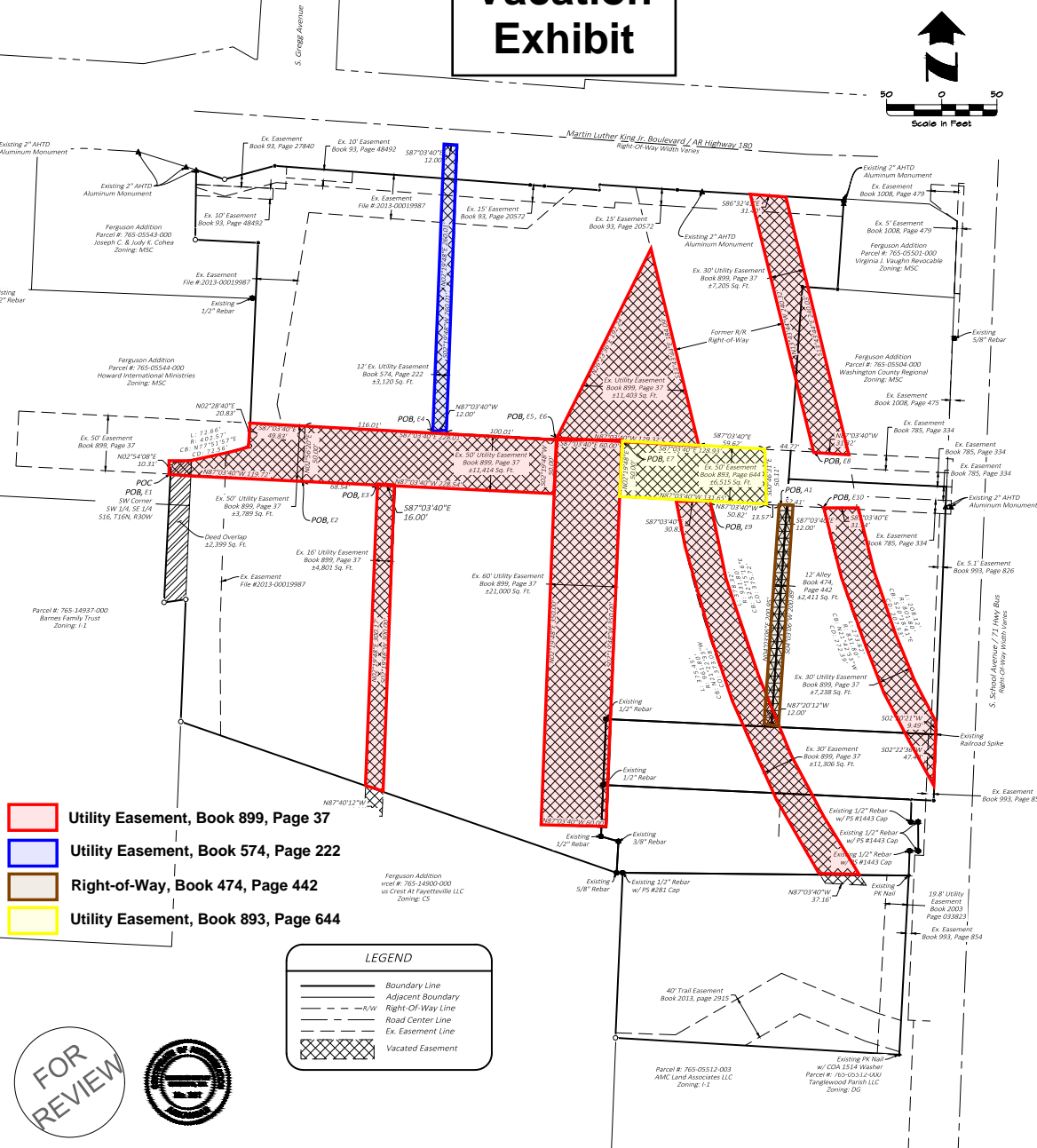
Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 228.01 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 60.00 feet; thence South 02°19'48" West a distance of 350.00 feet; thence North 87°03'40" West a distance of 60.00 feet; thence North 02°19'48" East a distance of 350.00 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E7:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 288.01 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 128.03 feet; thence South 00°46'31" East a distance of 50.11 feet; thence North 87°03'40" West a distance of 131.65 feet; thence North 02°19'48" East a distance of 50.00 feet back to the POINT OF BEGINNING.



EASEMENT DESCRIPTION OF E8:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 461.74 feet to the POINT OF BEGINNING; thence North 13°43'44" West a distance of 240.32 feet; thence South 86°3'24" East a distance of 31.40 feet; thence South 13°43'44" East a distance of 240.03 feet; thence North 87°03'40" West a distance of 31.32 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E9:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 416.94 feet; thence South 00°46'31" East a distance of 50.11 feet; thence North 87°03'40" West a distance of 50.82 feet to the POINT OF BEGINNING; thence South 378.32 feet along a non-tangent curve to the left, said curve having a radius of 931.80 feet and being subtended by a chord bearing and distance of South 22°15'16" East a distance of 375.72 feet; thence North 87°03'40" West a distance of 37.16 feet; thence South 375.45 feet along a non-tangent curve to the right, said curve having a radius of 961.80 feet and being subtended by a chord bearing and distance of North 21°22'31" West a distance of 373.08 feet; thence South 87°03'40" East a distance of 30.83 feet back to the POINT OF BEGINNING.

EASEMENT DESCRIPTION OF E10:

Part of the SW/4 of the SE/4 of Section 16 and a part of the NW/4 of the NE/4 of Section 21, Township 16 North, Range 30 West, Washington County, Arkansas (including part of Blocks 14, 15, 20, 21 and 23, in Ferguson Addition to the City of Fayetteville, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas; part of the former Arkansas and Missouri Railroad right-of-way, and part of the former P & GE Railroad right-of-way), all together being more particularly described as follows:

COMMENCING at the SW Corner of said SW 1/4, SE 1/4; thence South 87°03'40" East a distance of 119.72 feet; thence North 02°56'20" East a distance of 50.00 feet; thence South 87°03'40" East a distance of 416.94 feet; thence South 00°46'31" East a distance of 50.11 feet; thence South 87°03'40" East a distance of 52.41 feet to the POINT OF BEGINNING; thence South 87°03'40" East a distance of 31.14 feet; thence South 08.12 feet along a non-tangent curve to the right, said curve having a radius of 801.80 feet and being subtended by a chord bearing and distance of South 20°18'41" East a distance of 207.53 feet; thence South 02°02'12" West a distance of 3.49 feet; thence South 02°22'36" West a distance of 47.40 feet; thence South 272.62 feet along a non-tangent curve to the right, said curve having a radius of 831.80 feet and being subtended by a chord bearing and distance of North 21°42'53" West a distance of 272.39 feet back to the POINT OF BEGINNING.

ALLEY DESCRIPTION OF A1:

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EASEMENT VACATION EXHIBIT

Specialized Real Estate Group
Fayetteville, Washington County, Arkansas

Project No. SRE-11

Drawn By JDS

Date: 05.15.19

Checked by BWF

Sheet 1 of 1

MORRISON SHIPLEY
ENGINEERS & SURVEYORS

3047 E. Oakwood Street • Bentonville, AR 72716 • 479.273.3330 • msh@shipley.com

FOR REVIEW



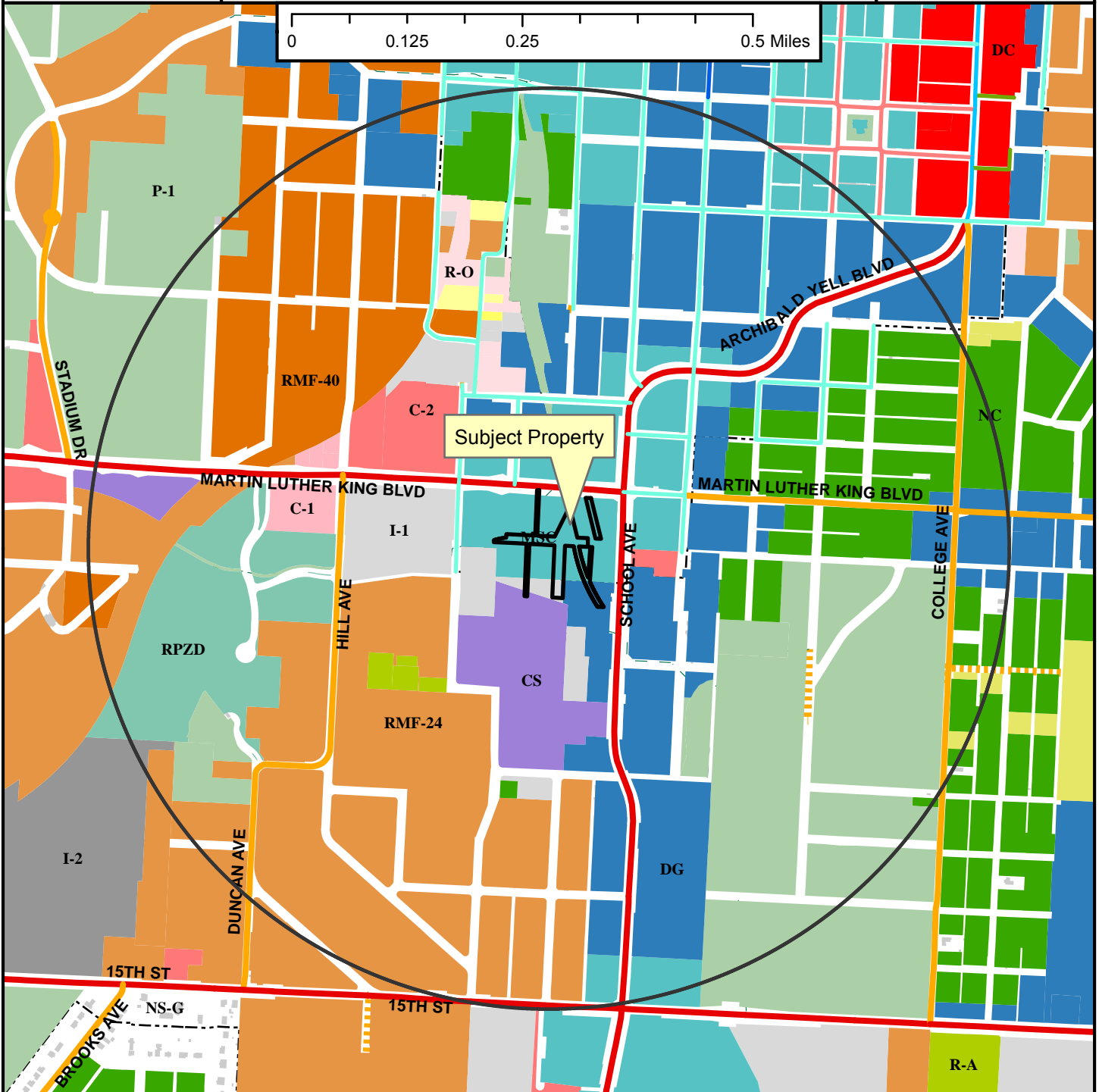
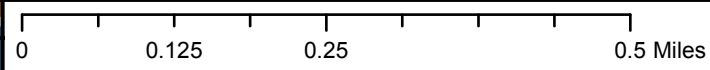
LEGEND

- Boundary Line
- Adjacent Boundary
- Right-Of-Way Line
- Road Center Line
- Ex. Easement Line
- Vacated Easement

VAC19-6667

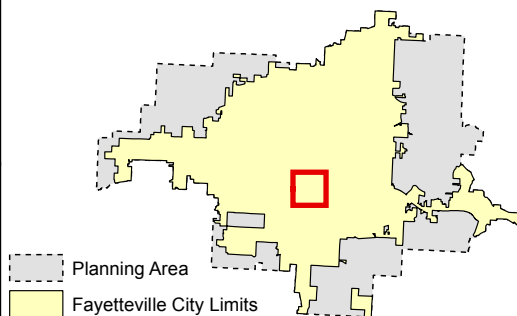
FARMERS COOPERATIVE

One Mile View



Legend

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

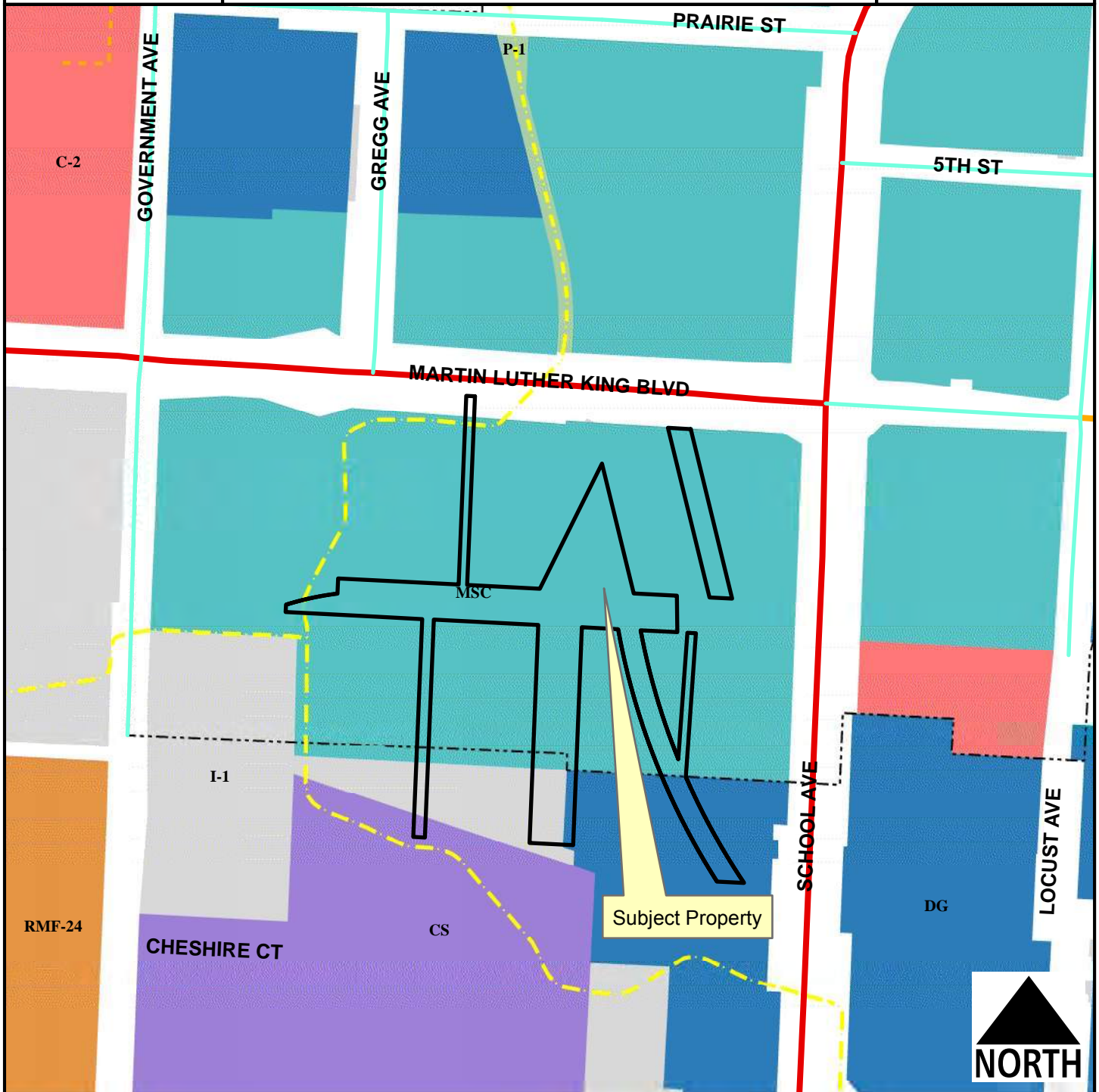


- | | |
|---|--|
| Zoning
RESIDENTIAL SINGLE-FAMILY
RSF-5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18
RESIDENTIAL MULTI-FAMILY
RT-12 Residential Two and Three-family
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40
INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial | EXTRACTION
E-1
COMMERCIAL
Commercial-Office
C-1
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 |
|---|--|

VAC19-6667

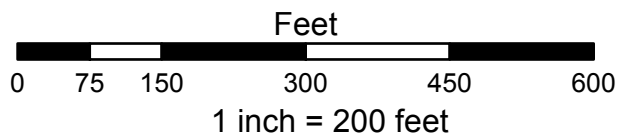
FARMERS COOPERATIVE

Close Up View



Legend

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



- RMF-24
- I-1 Heavy Commercial and Light Industrial
- C-2
- Main Street Center
- Downtown General
- Community Services
- P-1

VAC19-6667

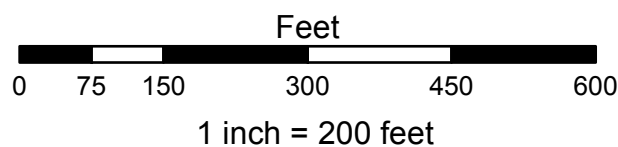
Current Land Use

FARMERS COOPERATIVE



Streets Existing MSP Class

- PRINCIPAL ARTERIAL
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway