

City of Fayetteville Staff Review Form

2019-0796

Legistar File ID

12/3/2019

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

Garner Stoll

11/15/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 19-6883: Vacation (1523 E. ELMWOOD DR./FAUCETTE, 370): Submitted by REID & ASSOCIATES, INC. for properties located at 1523 E. ELMWOOD DR. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.93 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:



**MEETING OF DECEMBER 3, 2019**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Harry Davis, Planner

**DATE:** November 15, 2019

**SUBJECT:** **VAC 19-6883: Vacation (1523 E. ELMWOOD DR./FAUCETTE, 370):** Submitted by REID & ASSOCIATES, INC. for properties located at 1523 E. ELMWOOD DR. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.93 acres. The request is to vacate a portion of a general utility easement.

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**RECOMMENDATION:**

Staff and Planning Commission recommend approval of VAC 19-6883 as shown in the attached Exhibits 'A' and 'B' and with the following conditions of approval:

1. 1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense.
2. 2. A utility easement by shall be dedicated on the south side of the property as proposed by the applicant in their vacation exhibit.
3. 3. A 10-foot wide utility easement is retained along existing electric facilities.

**BACKGROUND:**

The subject property is located along the south side of Elmwood Drive, approximately 800 feet east of the intersection between Elmwood Drive and Old Wire Road. This lot was platted with the Elmwood subdivision and is currently developed with a single-family home RSF-4, Residential Single-Family, 4 Units per Acre zoning.

**DISCUSSION:**

At the November 12, 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:**

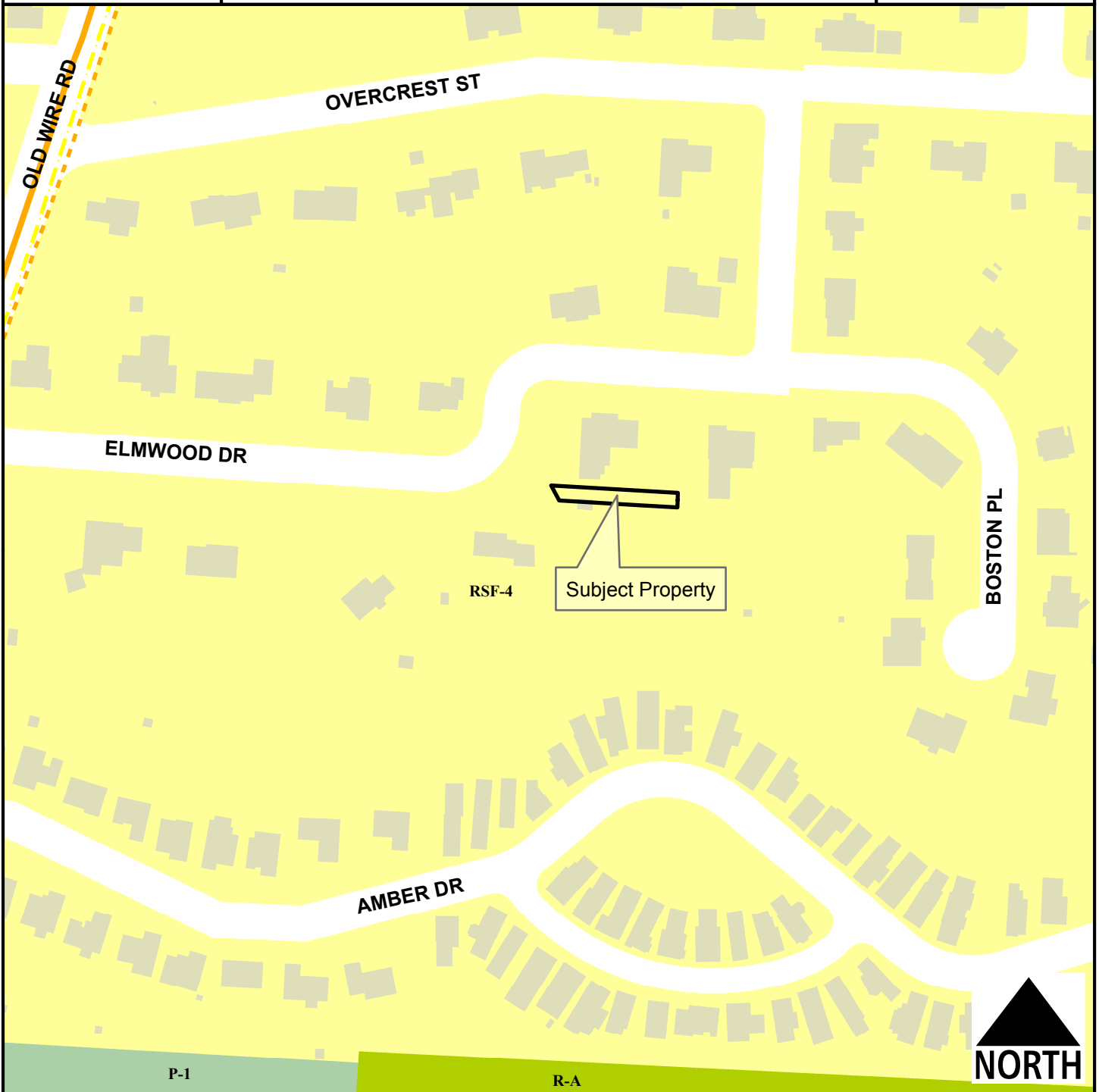
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

VAC19-6883

# FAUCETTE

EXHIBIT 'A'  
19-6883

Close Up View



## Legend

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

Feet

0 75 150 300 450 600

1 inch = 200 feet

- Residential-Agricultural
- RSF-4
- P-1

## EXHIBIT 'B'

19-6883

### DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOTS TWO (2) AND THREE (3) IN BLOCK TWO (2) OF THE REPLAT OF BLOCK TWO (2) AND FOUR (4) IN ELMWOOD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT TWO (2); THENCE S88°38'24"E 43.25 FEET ALONG THE SOUTH LINE OF SAID LOT THREE (3) TO A POINT ON THE EAST BOUNDARY OF LAND PARCEL #765-05072-000; THENCE LEAVING THE SOUTH LINE OF SAID LOT THREE (3), N000°31'00"W 10.00 FEET ALONG THE EAST LINE OF SAID PARCEL #765-05072-000 TO A POINT ON THE NORTH LINE OF AN EXISTING TEN (10) FOOT WIDE GENERAL UTILITY EASEMENT AS SHOWN ON THE RECORDED PLAT OF SAID ADDITION; THENCE N88°38'24"W 168.27 FEET ALONG THE NORTH LINE OF SAID EASEMENT TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID EASEMENT, S29°54'03"E 11.70 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT TWO (2); THENCE S88°38'24"E 119.10 FEET TO THE POINT OF BEGINNING.



**TO:** Fayetteville Planning Commission

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

**FROM:** Harry Davis, Planner

**MEETING DATE:** November 12, 2019 **UPDATED W PC RESULTS**

**SUBJECT:** **VAC 19-6883: Vacation (1523 E. ELMWOOD DR./FAUCETTE, 370):**  
Submitted by REID & ASSOCIATES, INC. for properties located at 1523 E. ELMWOOD DR. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.93 acres. The request is to vacate a portion of a general utility easement.

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**RECOMMENDATION:**

Staff recommends forwarding **VAC 19-6883** 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 19-6883** to City Council with a recommendation for approval with the conditions as recommended by staff."

**BACKGROUND:**

The subject property is located along the south side of Elmwood Drive, approximately 800 feet east of the intersection between Elmwood Drive and Old Wire Road. This lot was platted with the Elmwood subdivision and is currently developed with a single-family home RSF-4, Residential Single-Family, 4 Units per Acre zoning. Surrounding land use and zoning is 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	Charleston Place HOA	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

*Proposal:* The applicant proposes to vacate a portion of an existing utility easement.

**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 any damage to or relocation of existing utilities/facilities are at

the applicant's expense. A utility easement by shall be dedicated on the south side of the property as proposed by the applicant in their vacation exhibit.

AEP/SWEPCO

No objections, provided a 10-foot wide utility easement is retained along existing facilities.

BlackHills Energy AR

No objections and no comment.

AT&T

No objections and no comment.

Ozarks Electric

No objections and no comment.

City of Fayetteville

Response

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 as of writing this report.

**RECOMMENDATION:** Staff recommends forwarding **VAC 19-6883** 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. A utility easement by shall be dedicated on the south side of the property as proposed by the applicant in their vacation exhibit; and
2. A 10-foot wide utility easement is retained along existing electric facilities.

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>			
Date: <u>November 12, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <b>Winston</b>	Motion to forward to CC recommending approval as part of consent agenda		
Second: <b>Belden</b>			
Vote: <b>6-0-0</b>	Motion passes		

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

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



PETITION TO VACATE A PORTION OF A TEN (10) FOOT WIDE UTILITY EASEMENT ALONG THE SOUTH BOUNDARY OF LOT 2 & A PART OF LOT 3, BLOCK 2, ELMWOOD ADDITION TO 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 utility easement hereinafter sought to be abandoned and vacated, lying in Lot 2 & a part of Lot 3, Elmwood Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of said easement which is described as follows:

DESCRIPTION OF EASEMENT ENCROACHMENT

A PART OF LOTS TWO (2) AND THREE (3) IN BLOCK TWO (2) OF THE REPLAT OF BLOCK TWO (2) AND FOUR (4) IN ELMWOOD ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT TWO (2); THENCE S88°38'24"E 43.25 FEET ALONG THE SOUTH LINE OF SAID LOT THREE (3) TO A POINT ON THE EAST BOUNDARY OF LAND PARCEL #765-05072-000; THENCE LEAVING THE SOUTH LINE OF SAID LOT THREE (3), N000°31'00"W 10.00 FEET ALONG THE EAST LINE OF SAID PARCEL #765-05072-000 TO A POINT ON THE NORTH LINE OF AN EXISTING TEN (10) FOOT WIDE GENERAL UTILITY EASEMENT AS SHOWN ON THE RECORDED PLAT OF SAID ADDITION; THENCE N88°38'24"W 168.27 FEET ALONG THE NORTH LINE OF SAID EASEMENT TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID EASEMENT, S29°54'03"E 11.70 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT TWO (2); THENCE S88°38'24"E 119.10 FEET TO THE POINT OF BEGINNING.

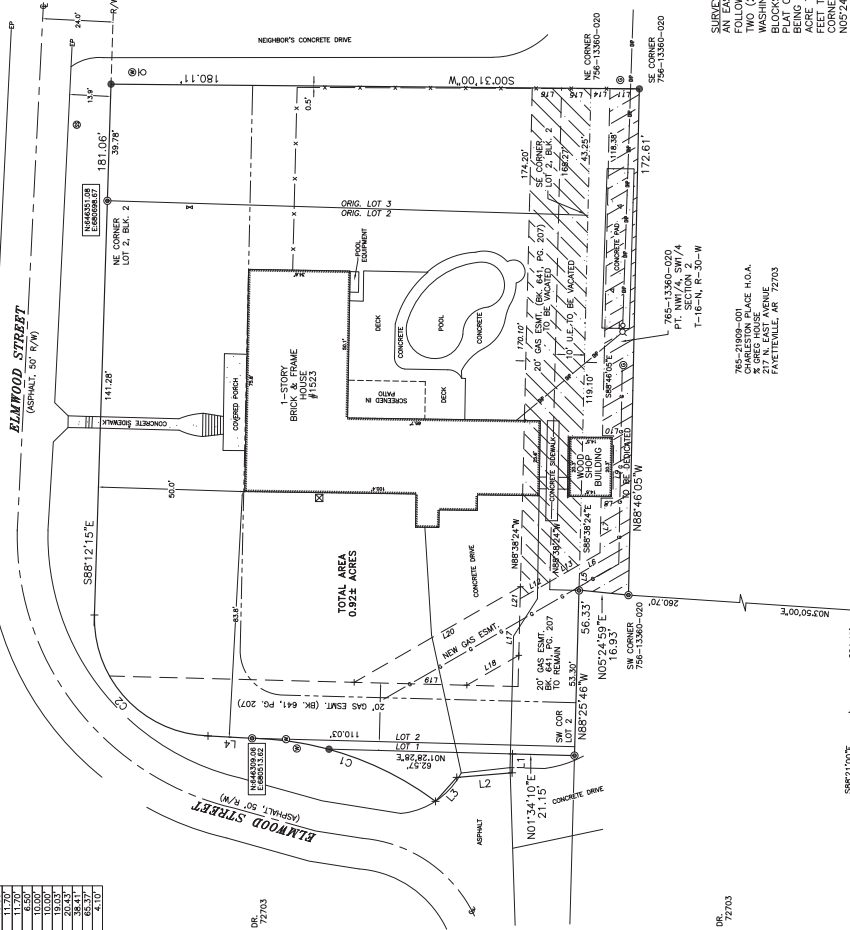
That no other abutting real estate is affected by said abandonment of the general utility easement and that the public interest and welfare would not be adversely affected by the abandonment of the above described portion of the utility easement.

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 as to that particular land the owners be free from the easements of the public for the use of said utility easement.

Dated this 4th day of February, 2019

GEORGE FAUCETTE  
Printed name  
Signature  
ROSEMARY FAUCETTE  
Printed name  
Signature

LINE	BEARING	DISTANCE
L1	N89°46'02" W	6.45
L2	N44°34'39" W	18.94
L3	N02°41'00" W	10.91
L4	N03°03'20" E	15.08
L5	S86°30'24" E	8.82
L6	S27°54'03" E	8.02
L7	S27°54'03" E	8.02
L8	S00°13'28" E	1.97
L9	S89°13'08" E	21.26
L10	N02°13'28" E	3.80
L11	S00°31'00" W	10.00
L12	S27°54'03" E	11.70
L13	S29°54'03" E	11.70
L14	N03°31'00" E	6.50
L15	N03°31'00" E	10.00
L16	N03°31'00" E	10.00
L17	N03°31'00" E	10.00
L18	N29°54'03" E	20.43
L19	N01°28'28" E	38.41
L20	S29°54'03" E	65.37
L21	S29°54'03" E	4.10



AT NOTES:  
AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT CONSTITUTE A GUARANTEE OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:  
1. THE SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".  
2. THIS DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

SURVEY DESCRIPTION - PARCEL #765-05072-000

5-05080-000  
NINETH HIXSON  
66 E. ELMWOOD DR.  
YETTEVILLE, AR 72703

765-05081-000  
KIM SMITH  
1534 E. ELMWOOD DR.  
FAYETTEVILLE, AR 72701

[illegible]

SURVEY DESCRIPTION — DESCRIPTION OF EASEMENT TO BE GRANTED BY DEED CO.  
A PART OF LOTS TWO AND THREE (2) IN BLOCK TWO (2) OF THE REPLAT OF BLOCK TWO (2) AND FOUR  
(4), SUBDIVISION NO. 10, CITY OF WASHINGTON, COUNTY OF CLAYTON, STATE OF MISSISSIPPI,  
FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT TWO (2); THENCE S88°38'24"E, 43.25 FEET  
ALONG THE SOUTH LINE OF SAID LOT TWO (2) TO A POINT ON THE EAST BOUNDARY LINE OF LAND PARCEL  
ALONG THE EAST LINE OF SAID LOT TWO (2) TO A POINT ON THE NORTH LINE OF AN EXISTING  
ROAD; THENCE S79°05'07"E-000 TO A POINT ON THE NORTH LINE OF AN EXISTING  
ROAD; THENCE N68°38'24"W, 174.20 FEET ALONG THE NORTH  
LINE OF SAID LOT TWO (2) TO A POINT ON THE WEST LINE OF SAID LOT TWO (2); THENCE S88°38'24"E, 191.10 FEET TO  
THE POINT OF BEGINNING.

[illegible]

SURVEY DESCRIPTION — DESCRIPTION OF NEW EASEMENT TO BLOCK HILLS CORPORATION  
AN EASEMENT FOR THE PURPOSE OF A GAS TRANSMISSION LINE, SAID EASEMENT BEING DESCRIBED AS  
FOLLOWS: A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION  
14, T12N, R10E, S12E, (SW 1/4 NW 1/4 SEC 14), LINGUEE TOWNSHIP, LINCOLN COUNTY, ARKANSAS, AND A  
PART OF THE SOUTHWEST QUARTER (SW 1/4) OF BLOCK TWO (2) OF THE RE-PLAT OF  
WASHINGTON COUNTY, ARKANSAS, AND A PART OF LOT TWO (2) IN BLOCK TWO (2) OF THE RE-PLAT OF  
BLOCKS TWO (2) AND FOUR (4) IN ELWOOD ADDITION TO THE CITY OF FATTLEVIEW, ARKANSAS, AS PER  
DEED BOOK 641 AT PAGE 207, THENCE N89°50'00" E, 222.40 FEET; THENCE S03°50'00" E, 280.70  
FEET; THENCE N01°00'00" E, 222.40 FEET; THENCE S88°21'00" E, 224.40 FEET; THENCE S03°50'00" E, 280.70  
FEET; THENCE N01°00'00" E, 222.40 FEET; THENCE S88°21'00" E, 224.40 FEET; THENCE S03°50'00" E, 280.70  
FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING AN EXISTING RAIL PILE AT THE SOUTHWEST  
CORNER OF SAID LOT TWO (2) IN BLOCK TWO (2) OF THE RE-PLAT OF WASHINGTON COUNTY, ARKANSAS,  
N05°24'59" E, 6.83 FEET TO AN EXISTING RAIL PILE AT THE NORTHWEST CORNER OF SAID LOT (2) OF THE  
RE-PLAT OF WASHINGTON COUNTY, ARKANSAS, N13°36'00" E, 280.70 FEET; THENCE S88°21'00" E, 224.40  
FEET; THENCE S03°50'00" E, 280.70 FEET; THENCE N01°00'00" E, 222.40 FEET; THENCE S88°21'00" E,  
AS PER THE RE-PLAT OF WASHINGTON COUNTY, ARKANSAS, N13°36'00" E, 280.70 FEET; THENCE S88°21'00" E,  
AS PER THE RE-PLAT OF WASHINGTON COUNTY, ARKANSAS, N13°36'00" E, 280.70 FEET; THENCE S88°21'00" E,  
N29°53'00" E, 23.40 FEET TO A POINT ON THE NORTH LINE OF AN EXISTING GAS LINE EASEMENT RECORDED IN  
DEED BOOK 641 AT PAGE 207, THENCE N29°53'00" E, 23.40 FEET TO A POINT ON THE NORTH LINE OF SAID EXISTING  
N88°38'24" E, 19.30 FEET ALONG THE NORTH LINE OF SAID EASEMENT TO A POINT; THENCE LEAVING THE  
NORTH SIDE OF SAID EASEMENT, N29°54'00" E, 20.43 FEET TO A POINT ON THE NORTH SIDE OF SAID EXISTING  
GAS LINE EASEMENT RECORDED IN DEED BOOK 641 AT PAGE 207, THENCE N01°28'21" E, 38.41 FEET ALONG  
THE NORTH SIDE OF SAID EXISTING GAS LINE EASEMENT TO A POINT; THENCE N01°28'21" E, 38.41 FEET  
N29°54'00" E, 63.37 FEET TO A POINT ON THE NORTH LINE OF SAID EXISTING GAS LINE EASEMENT RECORDED  
IN DEED BOOK 641 AT PAGE 207, THENCE N88°38'24" E, 4.10 FEET ALONG THE NORTH SIDE OF SAID  
EXISTING GAS LINE EASEMENT TO A POINT; THENCE N03°03'00" E, 23.40 FEET TO A POINT ON THE NORTH SIDE OF SAID EXISTING  
EASEMENT TO A POINT; THENCE N03°03'00" E, 23.40 FEET TO A POINT ON THE NORTH SIDE OF SAID EXISTING  
EASEMENT TO A POINT; THENCE S88°46'05" E, 18.65 FEET TO A POINT; THENCE S001°52'58" E, 3.97 FEET; THENCE  
S88°13'08" E, 21.26 FEET TO A POINT; THENCE N01°32'58" E, 3.80 FEET; THENCE S88°46'05" E, 118.38 FEET TO A POINT ON  
THE EAST BOUNDARY OF THE SOUTHWEST CORNER OF SAID BLOCK TWO (2) OF THE RE-PLAT OF  
WASHINGTON COUNTY, ARKANSAS, N01°32'58" E, 3.80 FEET; THENCE S88°46'05" E, 118.38 FEET TO A POINT ON  
THE EAST BOUNDARY OF THE SOUTHWEST CORNER OF SAID BLOCK TWO (2) OF THE RE-PLAT OF  
WASHINGTON COUNTY, ARKANSAS, N01°32'58" E, 3.80 FEET; THENCE S88°46'05" E, 118.38 FEET TO A POINT  
72.61 FEET ALONG THE SOUTH LINE OF SAID PARCEL #765-13350-020 TO THE POINT OF BEGINNING, CONTAINING  
2574 SQUARE FEET, MORE OR LESS.

765-21909-001  
CHARLESTON PLACE H.O.A.,  
% GREG HOUSE  
217 N. EAST AVENUE  
FAYETTEVILLE, AR 72703

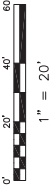
PAULA MARTUCCI  
1511 E. ELMWOOD DR.  
FAYETTEVILLE, AR 72703

These standard symbols will be found in the drawing.

<input checked="" type="checkbox"/>	AIR CONDITIONER
	IRRIGATION VALVE
	POWER POLE
	WATER SPIGOT
	GAS METER
	WATER METER
	FOUND IRON REBAR
	FOUND IRON PIPE
	SET 1/2" IRON
	CENTER LINE ROAD
	RIGHT-OF-WAY LINE
	WROUGHT-IRON FENCE
	OVERHEAD ELECTRIC LINE
	BUILDING SETBACK LINE
	PROPERTY LINE

These standard symbols will be found in the drawing.

## LEGEND

 $1'' = 20'$ 

UE  
S 72701

Alan Reid  
& ASSOCIATES  
PROFESSIONAL  
LAND SURVEYORS  
BOUNDARY  
TOPO  
GPS

GEORGE FAUCETT  
1523 ELMWOOD STREET  
FAYETTEVILLE, ARKANSAS

GEORGE FAUCETT  
1523 ELMWOOD STREET

DRAFTSMAN	JC
DATE	03/14/17
CHECKED	—
SCALE	1" = 20'
SHEET SIZE	24" x 36"

JOB NO. 17053  
SHEET 1 OF 1

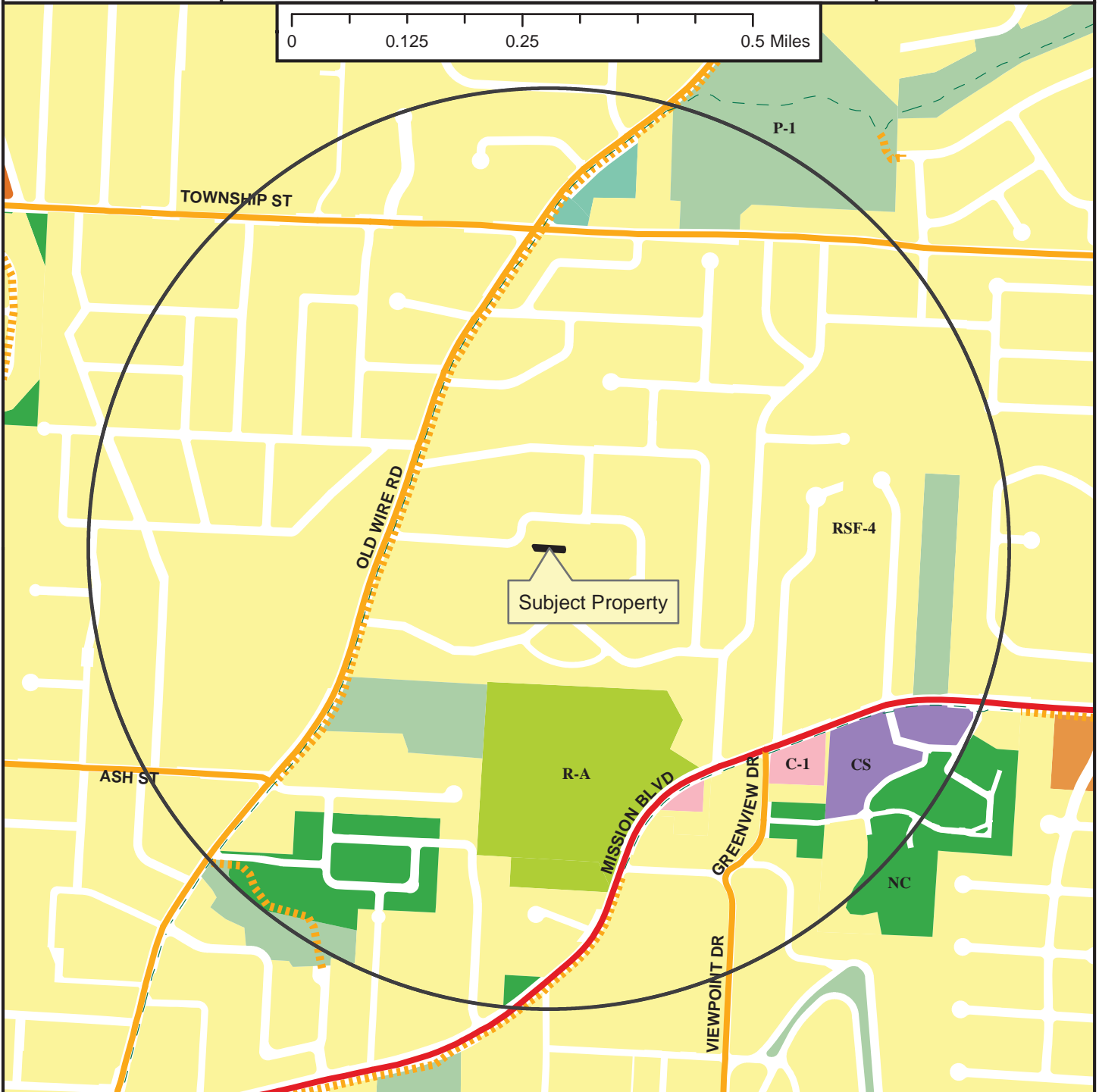
VAC19-6883

One Mile View

# FAUCETTE

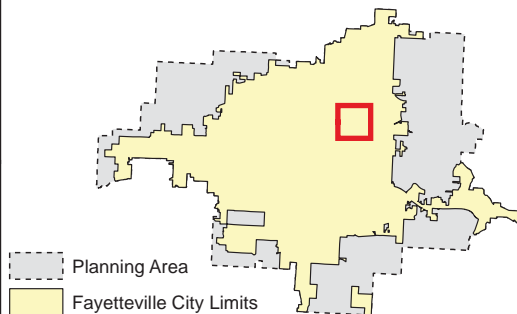


0 0.125 0.25 0.5 Miles



## Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RH-U
  - RH-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial and Light Industrial
- EXTRACTION**
  - E-1
- COMMERCIAL**
  - Residential-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

VAC19-6883

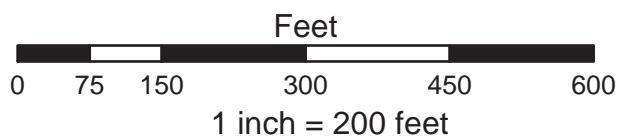
# FAUCETTE

Close Up View



## Legend

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



- Residential-Agricultural
- RSF-4
- P-1



VAC19-6883

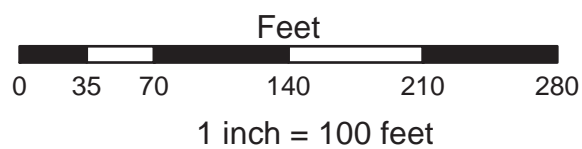
Current Land Use

# FAUCETTE



Planning Area

Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway