

City of Fayetteville Staff Review Form

2019-0795

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 19-6888: Vacation (3825 N. SHILOH DR./BLEW & ASSOCIATES, 174): Submitted by BLEW & ASSOCIATES, INC. for property located at 3825 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.62 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 19-6888: Vacation (3825 N. SHILOH DR./BLEW & ASSOCIATES, 174):**  
Submitted by BLEW & ASSOCIATES, INC. for property located at 3825 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.62 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 19-6888 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 10-foot by 20-foot utility easement shall be dedicated and centered on the existing transformer on-site.
3. 3. The applicant shall show on the easement vacation exhibit the 4-inch gas distribution main line along Shiloh Drive.

**BACKGROUND:**

The subject property is located along Shiloh Drive south of Joyce Boulevard, near the interchange of College Avenue and the Fulbright Expressway. This lot was platted with the Spring Park subdivision and is currently developed with an office building under C-2, Commercial Thoroughfare 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:**

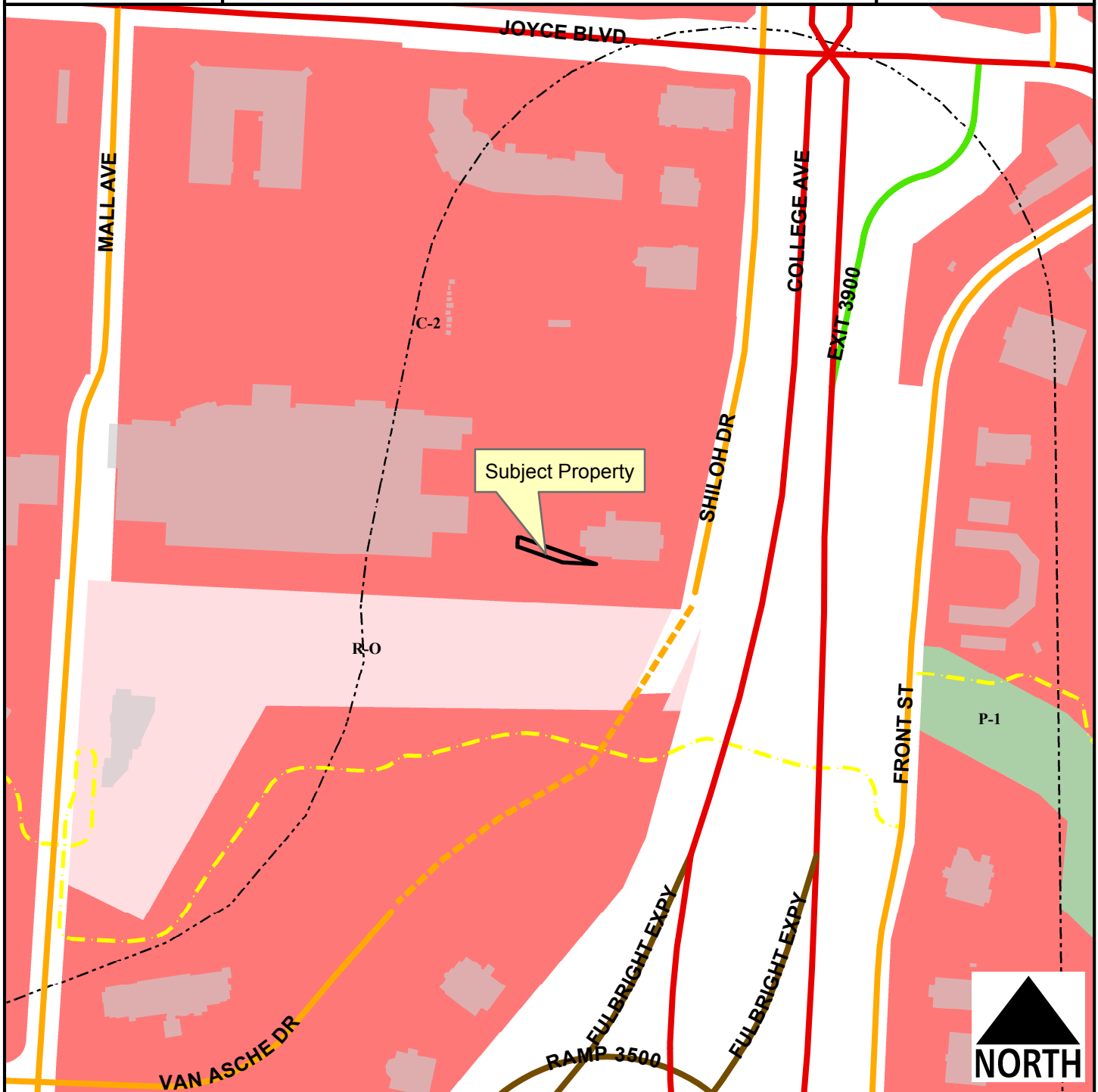
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

VAC19-6888

# BLEW & ASSOCIATES

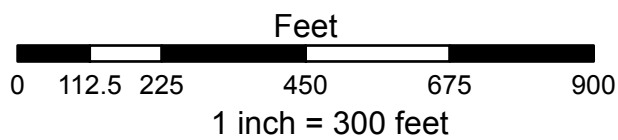
EXHIBIT 'A'  
19-6888

Close Up View



## Legend

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



- Residential-Office
- C-2
- P-1

**EXHIBIT 'B'**  
**19-6888**

**AS-SURVEYED DESCRIPTION**

20' EASEMENT VACATION

A PORTION OF A 20' UTILITY EASEMENT TO BE VACATED, BEING A PART OF LOT 2, SPRING PARK SUBDIVISION, PHASE II, CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT RECORD BOOK 12A, PAGE 49, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF LOT 2 OF SAID SPRING PARK SUBDIVISION, PHASE II, THENCE S87°11'01"E 20.00' TO THE TRUE POINT OF BEGINNING. THENCE N02°47'23"E A DISTANCE OF 20.00'; THENCE S87°11'01"E A DISTANCE OF 7.14';

THENCE S70°29'24"E A DISTANCE OF 164.14'; THENCE N87°11'28"W A DISTANCE OF 69.59'; THENCE N70°29'24"W A DISTANCE OF 94.55';

THENCE N87°11'01"W A DISTANCE OF 4.19' TO THE POINT OF BEGINNING;  
CONTAINING 0.062 ACRES MORE OR LESS.



**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 19-6888: Vacation (3825 N. SHILOH DR./BLEW & ASSOCIATES, 174):** Submitted by BLEW & ASSOCIATES, INC. for property located at 3825 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.62 acres. The request is to vacate a portion of a general utility easement.

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**RECOMMENDATION:**

Staff recommends forwarding **VAC 19-6888** 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 19-6888** to City Council with a recommendation for approval with the conditions as recommended by staff."

**BACKGROUND:**

The subject property is located along Shiloh Drive south of Joyce Boulevard, near the interchange of College Avenue and the Fulbright Expressway. This lot was platted with the Spring Park subdivision and is currently developed with an office building under C-2, Commercial Thoroughfare 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	Commercial	C-2, Commercial Thoroughfare
South	Undeveloped	C-2, Commercial Thoroughfare; R-O, Residential Office
West	Commercial	C-2, Commercial Thoroughfare
East	College Avenue	AHTD ROW

*Proposal:* The applicant proposes to vacate a portion of an existing utility easement to make way for a future building expansion.

**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.

AEP/SWEPCO

No objections, provided a 10-foot by 20-foot utility easement is dedicated and centered-on the existing transformer on-site.

BlackHills Energy AR

No objections, provided the applicant locates in the field and shows on the easement vacation exhibit the 4-inch distribution main line along Shiloh Drive.

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 19-6888** 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; and
  2. A 10-foot by 20-foot utility easement shall be dedicated and centered-on the existing transformer on-site.
  3. The applicant shall show on the easement vacation exhibit the 4-inch gas distribution main line along Shiloh Drive.
-

**PLANNING COMMISSION ACTION:** Required YES

**Date:** November 12, 2019

☐ Tabled

☒ Forwarded

☐ Denied

**Motion:** Winston

Motion to forward to CC recommending approval as part of consent agenda

**Second:** Belden

Motion passes

**Vote:** 6-0-0

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**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 an existing utility easement) LOCATED IN 3825 N. Shiloh Dr.), 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 3825 N. Shiloh Dr., City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of an existing utility easement which is described as follows:

A PORTION OF A 20' UTILITY EASEMENT TO BE VACATED, BEING A PART OF LOT 2, SPRING PARK SUBDIVISION, PHASE II, CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT RECORD BOOK 12A, PAGE 49, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FROM THE SOUTHWEST CORNER OF LOT 2 OF SAID SPRING PARK SUBDIVISION, PHASE II, THENCE S87°11'01"E 20.00' TO THE TRUE POINT OF BEGINNING. THENCE N02°47'23"E A DISTANCE OF 20.00'; THENCE S87°11'01"E A DISTANCE OF 7.14'; THENCE S70°29'24"E A DISTANCE OF 164.14'; THENCE N87°11'28"W A DISTANCE OF 69.59'; THENCE N70°29'24"W A DISTANCE OF 94.55'; THENCE N87°11'01"W A DISTANCE OF 4.19' TO THE POINT OF BEGINNING; CONTAINING 0.062 ACRES MORE OR LESS

That the abutting real estate affected by said abandonment of the above described utility easement are (parcel 765-18023-000) 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 23rd day of Oct, 2019.

Printed Name Buckley Blew

Signature [Signature]

# EASEMENT VACATION PLAT

Miscellaneous Notes  
COMPLETED FIELD WORKS  
FEBRUARY 27, 2017

ARKANSAS STATE PLANE, NORTH ZONE, NAD 83  
VERTICAL DATUM BASED ON NAVD 88  
1. WARRANTY DEED FILED IN DEED BOOK 2007 AT PAGE 1867.  
2. SURVEY PLAT FILED IN PLAT BOOK 12 AT PAGE 49-A.  
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  
WHERE INDICATED  
BY GRABING LOTTING, ONLY, A PORTION OF THIS  
PROPERTY IS IN ZONE "A" OF THE FLOOD  
INSURANCE RATE MAP, COMMUNITY PANEL NO.  
051402046, WHICH PERSISTS AN EFFECTIVE DATE OF  
5/16/2006 AND IS IN A SPECIAL FLOOD HAZARD AREA.

## Survey Description

LOT 2, SPRING PARK SUBDIVISION, PHASE II, CITY OF  
FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT RECORD BOOK  
12A, PAGE 49, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK  
AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY,  
COUNTY, BEING DESCRIBED BY METES AND BOUNDS  
COMMENCING FROM THE SOUTHWEST CORNER OF LOT 2 OF  
SAID SPRING PARK SUBDIVISION, PHASE II, THENCE S87°10'01"E  
20.00' TO THE TRUE POINT OF BEGINNING, THENCE N62°47'23"E  
THENCE S79°29'24"E A DISTANCE OF 164.14', THENCE S87°11'28"W  
A DISTANCE OF 66.59', THENCE N79°29'24"W A DISTANCE OF 94.95',  
THENCE N71°00'W A DISTANCE OF 4.19' TO THE POINT OF  
BEGINNING, CONTAINING 6.02 ACRES MORE OR LESS.

## Miscellaneous Notes

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.  
BEARINGS ARE REFERRED TO AS ANGLE MEASUREMENTS AND  
BEARINGS ARE NOTED AS ANGLE MEASUREMENTS IN DEGREES  
FOUND AT POINTS WHERE INDICATED.

AT THE TIME OF THIS SURVEY THERE WAS NO  
OBSERVABLE EVIDENCE OF EARTH WORK, BUILDING  
CONSTRUCTION, OR BUILDING ADDITIONS WITHIN RECENT  
MONTHS.

AT THE TIME OF THIS SURVEY THERE WAS NO  
CHANGES IN STREET RIGHT-OF-WAY LINES EITHER  
COMPLETED OR PROPOSED, AND AVAILABLE FROM THE  
RECORD BOOKS OF THE CITY OF FAYETTEVILLE, ARKANSAS.  
RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS.

AT THE TIME OF THIS SURVEY THERE WAS NO  
OBSERVABLE EVIDENCE OF SETBACKS, A SOLID WASTE  
DUMP, SUMP, OR SANITARY LANDFILL.  
AT THE TIME OF THIS SURVEY THERE WAS NO  
OBSERVABLE EVIDENCE OF SETBACKS AS A CEMETERY.

TOTAL NUMBER OF PARKING SPACES IS 194, WHICH INCLUDES  
6 DESIGNATED HANDICAPPED SPACES.  
THERE IS NO EVIDENCE OF ENCROACHMENTS.  
COMPLETED FIELD WORKS WERE FEBRUARY 27, 2017.

## Legend of Symbols & Abbreviations

- PROPERTY LINE
- RIGHT-OF-WAY
- BUILDING SETBACK
- UTILITY EASEMENT
- ACCESS EASEMENT
- GAS LINE
- SANITARY SEWER LINE
- WATER LINE
- FOUND MONUMENT (AS NOTED)
- COMPUTED POINT
- VAULT
- AC UNIT
- WATER METER
- DRAIN MANHOLE
- WATER VALVE
- FIRE HYDRANT
- ELECTRIC METER
- GREASE TRAP
- SEWER CLEAN OUT
- ELECTRIC BOX
- TV PLEDESTAL
- HANDICAPPED PARKING

UTILITY COMPANY CERTIFICATE OF VACATION:  
WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS SHOWN TO BE VACATED IN  
THIS DEVELOPMENT ARE SHOWN AS REQUESTED AND WERE APPROVED BY THE  
UNDERSIGNED UTILITIES OF THE CITY OF FAYETTEVILLE, ARKANSAS

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

COX COMMUNICATIONS	AT&T	SWERCO	BLACKHILLS	FAYETTEVILLE WATER UTILITIES
_____	_____	_____	_____	_____

LINE	BEARINGS	DISTANCE
(1)(M)	N 87°10'01" W	24.50'
(1)(M)	S 89°21'04" W	24.50'
(1)(M)	N 02°47'23" E	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'

LINE	BEARINGS	DISTANCE
(1)(M)	N 87°10'01" W	24.50'
(1)(M)	S 89°21'04" W	24.50'
(1)(M)	N 02°47'23" E	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'
(2)(M)	N 02°35'35" W	13.55'
(2)(M)	S 89°21'04" W	13.55'

Owner/Developer  
CAJAKO HOLDINGS INC  
3825 N. SHILOH DRIVE  
FAYETTEVILLE, AR 72703  
PARCEL #7651-18251-000

Zoning & Subdivision Information  
ZONING PER CITY OF FAYETTEVILLE GIS  
ZONED: C-2

SETBACKS:  
PER SUBDIVISION PLAT PLAT RECORD  
BOOK 12A, PAGE 49-A  
FRONT: 20'  
REAR: 20'  
SIDE: 0'

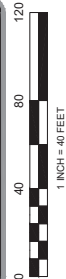
## Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE  
FROM OBSERVED EVIDENCE OF ABOVE GROUND  
UTILITIES ONLY. THE SURVEYOR WAS NOT  
RESPONSIBLE FOR THE LOCATION OF ANY  
UNDERGROUND UTILITIES.

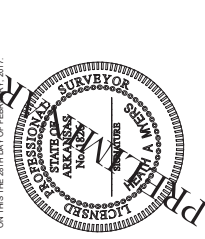
BEFORE DIGGING IN THIS AREA, CALL  
"ONE CALL" 811 FOR FIELD LOCATIONS  
OF ALL UTILITIES. THE SURVEYOR WAS NOT  
RESPONSIBLE FOR THE LOCATION OF ANY  
UNDERGROUND UTILITIES.



Call before you dig.



HEREBY CERTIFY THAT THIS PLAT IS THE BEST COPY OF THE ORIGINAL  
ON THIS 28TH DAY OF FEBRUARY 2017.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND  
NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT  
CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT  
DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

BLEW & ASSOCIATES, PA  
CIVIL ENGINEERS & LAND SURVEYORS  
3825 N. SHILOH DRIVE  
FAYETTEVILLE, ARKANSAS 72703  
OFFICE: 479-443-4506  
FAX: 479-582-1883  
WWW.BLEWING.COM  
Certificate of Authorization No. 1534

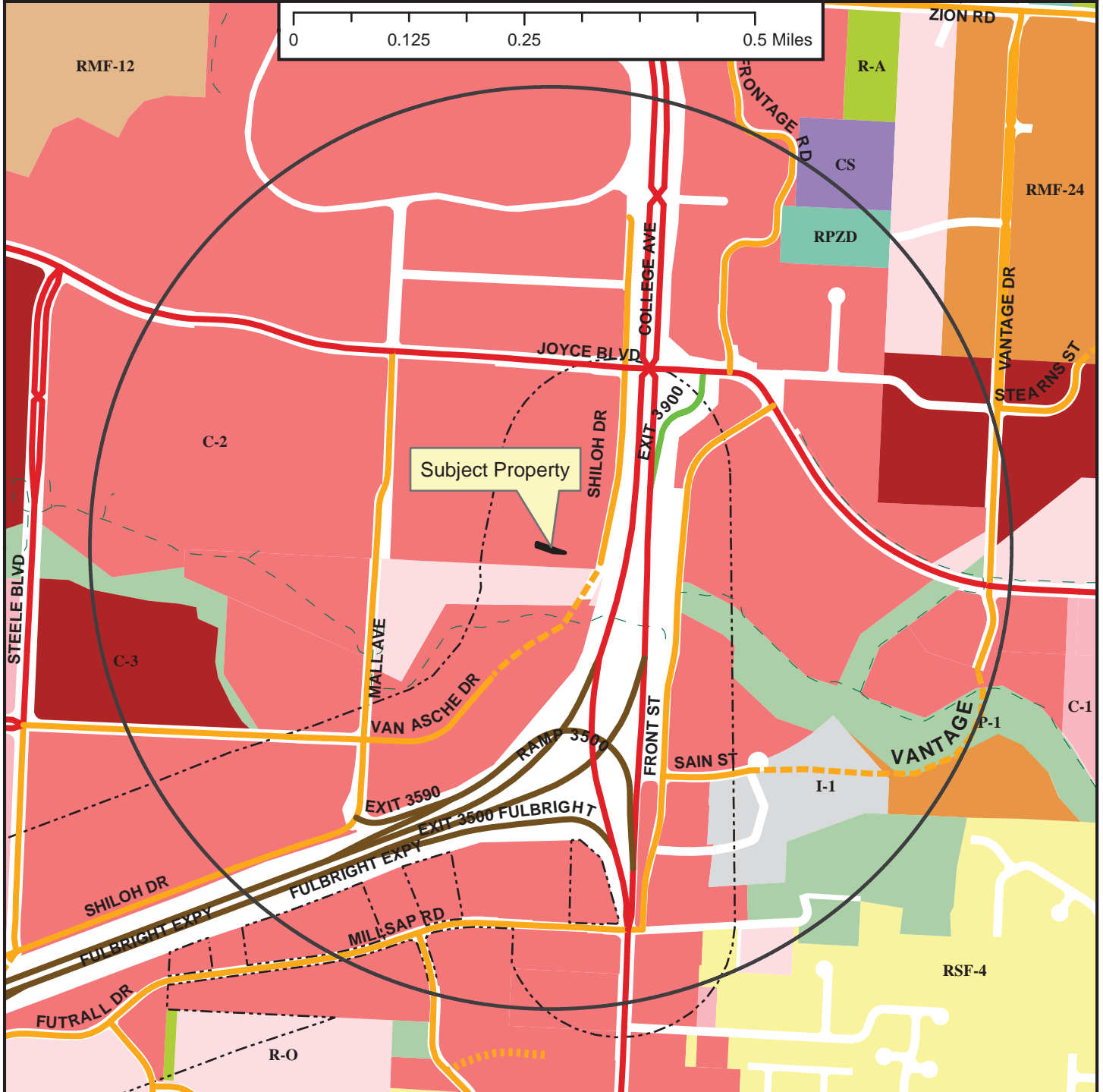
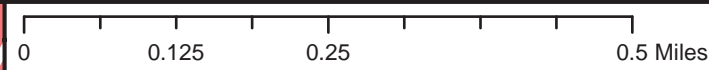
ARKANSAS ADDRESS: TS: 10/01/19  
COUNTY & CITY: WASHINGTON COUNTY, AR  
FAYETTEVILLE, AR  
FOR THE USE AND BENEFIT OF:

CAJAKO HOLDINGS, INC.  
3825 N. SHILOH DRIVE, FAYETTEVILLE, AR  
72703

VAC19-6888

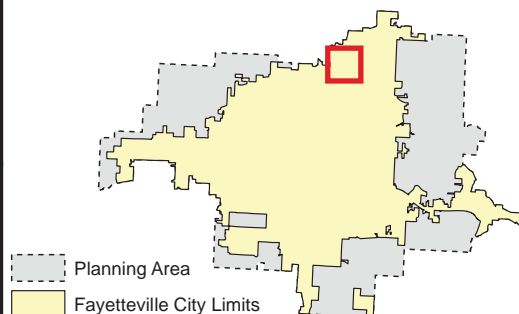
# BLEW & ASSOCIATES

One Mile View



## Legend

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

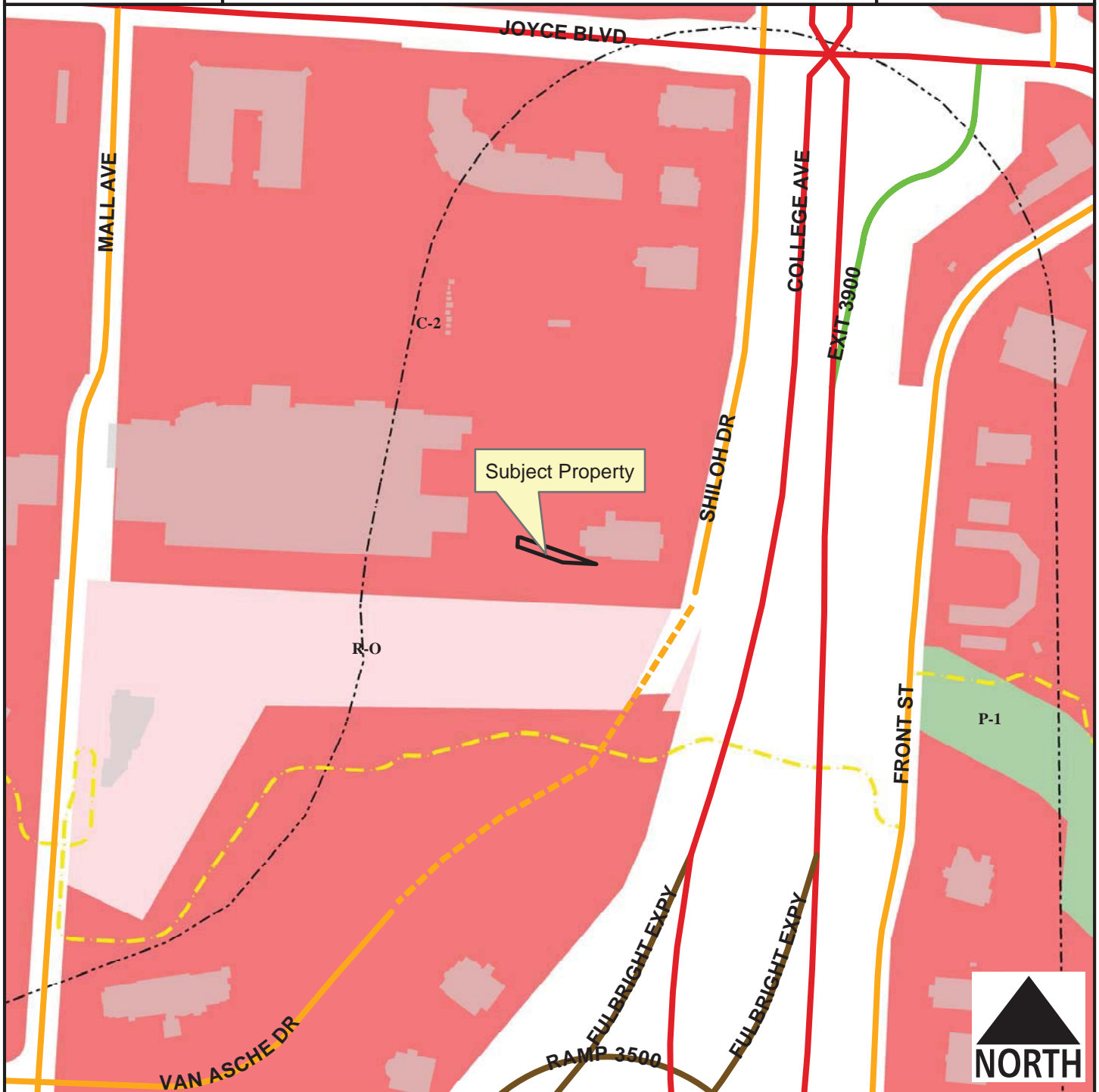


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RI-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial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

VAC19-6888

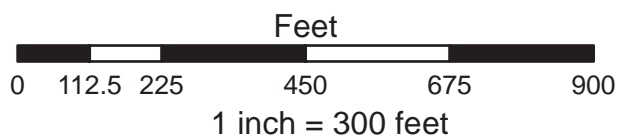
# BLEW & ASSOCIATES

Close Up View



## Legend

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



- Residential-Office
- C-2
- P-1



VAC19-6888

Current Land Use

# BLEW & ASSOCIATES



## Streets Planned

### MSP Class

COLLECTOR

## Streets Existing

### MSP Class

COLLECTOR

Planning Area

Fayetteville City Limits

Design Overlay District

Feet



1 inch = 100 feet

## FEMA Flood Hazard Data

100-Year Floodplain

Floodway