

City of Fayetteville Staff Review Form

2020-0294

Legistar File ID

5/5/2020

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

Matt Casey

4/9/2020

ENGINEERING (621)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the dedication of approximately 1,434 square feet of right of way to the Arkansas Department of Transportation for use on the Highway 16 Interchange project.

Budget Impact:

Account Number

password

Project Number

Project Title

Budgeted Item? NA

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? NA

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 MAY 5, 2020**

**TO:** Mayor and City Council

**THRU:** Susan Norton, Chief of Staff  
Chris Brown, City Engineer

**FROM:** Matt Casey, Engineering Design Manager

**DATE:** April 9, 2020

**SUBJECT: Dedication of Right of Way on Highway 16 to ArDOT for Highway 16 Interchange project.**

---

**RECOMMENDATION:**

Staff recommends City Council approval of the dedication of approximately 1,434 square feet of right of way to the Arkansas Department of Transportation for use on the Highway 16 Interchange project and authorize the Mayor to sign all documents related to the dedication of this right of way.

**BACKGROUND:**

ArDOT is planning a project for the improvements to the I-49 interchange at Highway 16 (Wedington Dr.) The design is complete and utility relocations are currently underway ahead of the construction. The City of Fayetteville owns a small parcel of land dedicated as right of way from the development of the Shiloh Apartments. This right of way has been requested by ArDOT to construct the roadway improvements along this parcel.

**DISCUSSION:**

ArDOT is currently in the right of way acquisition phase of the project and has presented the City with an offer for right of way along Shiloh Drive as follows:

- 1) Tract 8, located on the west side of Shiloh Drive between Persimmon Street and Jewel Road consists of approximately 1,434 square feet of right of way (ROW). ArDOT has offered \$5,175.00 for the ROW.

Many times, in the past, the City has dedicated ROW and easements to ArDOT for highway widening projects. This parcel of land was dedicated with the development for the specific purpose of road right of way. Therefore, staff recommends that the City dedicate this temporary construction easement at no cost to ArDOT.

**BUDGET/STAFF IMPACT:**

No impact.

**Attachments:**

Tract 8 Offer  
Tract 8 ROW Document

**ARKANSAS DEPARTMENT OF TRANSPORTATION  
COMPENSATION ESTIMATE**

**Arkansas Job Number:** BB0411    **County:** Washington    **Tract:** 8  
**Location:** Hwy. 16 / 112 Spur Intching. Impvts. (S)

**Fee Owner:** City of Fayetteville

**Address:**

**Telephone:**

---

Area Of The Whole:	20,044± sf.	Permanent Easement(s):
Area Of Remainder:	18,610± sf.	Temporary Easement(s):
Area Of Acquisition:	1,434± sf.	

---

**ACQUISITION COMPENSATION:**

Fee Title:	1,434± sf. @ \$3.60/sf.	\$	5,175.00
Temporary Easement(S):		\$	
Permanent Easement(S):		\$	
Improvements Acquired:		\$	
		Subtotal:	\$ 5,175.00
Cost To Cure Items:		\$	
		\$	
SIGNS:		\$	

**Estimate of Total Compensation    \$            5,175.00**

  
PREPARED BY: Kenneth L. Redus

  
ADMINISTRATIVE APPROVAL

Date: 7/29/19

Date: 8-1-19

QC: MTB

**COMMENTS:** Assemblage. The tract was inspected on 7/16/2019. Sales 2, 5 and 6 were used to estimate compensation.

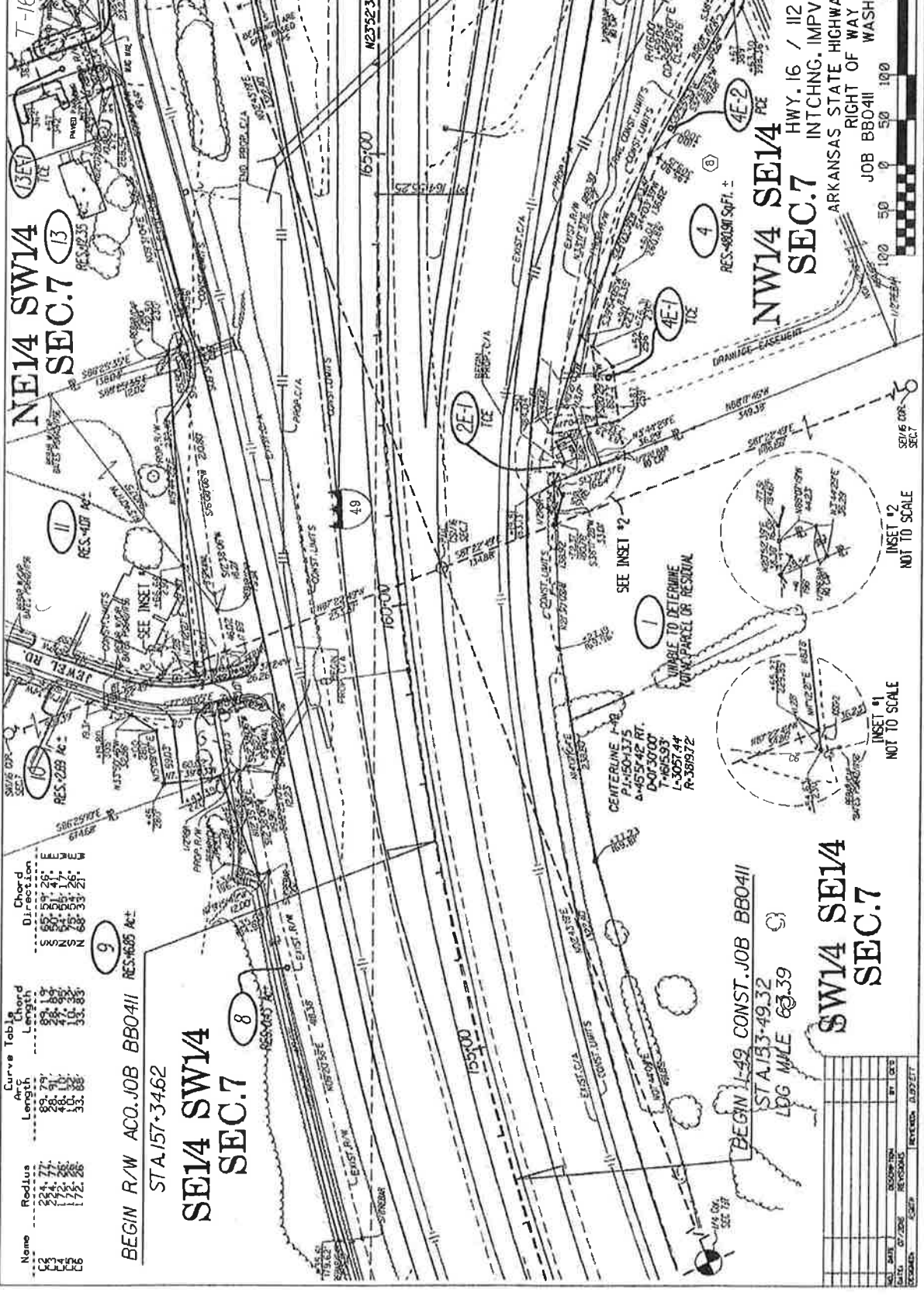
**PHOTOS**



**DESCRIPTION: Acquisition**  
**DIRECTION: Southwest**

**INITIALS: KLR**  
**DATE: 7/10/2019**

T-16-N; R-30-W



Name	Radius	Curve Table	Chord
C1	254.77	Level	100.00
C2	172.26	Level	100.00
C3	172.26	Level	100.00
C4	172.26	Level	100.00
C5	172.26	Level	100.00
C6	172.26	Level	100.00
C7	172.26	Level	100.00
C8	172.26	Level	100.00
C9	172.26	Level	100.00
C10	172.26	Level	100.00

BEGIN R/W ACC. JOB BB0411 RES-4605 A.P.

STA 157+34.62

SE1/4 SW1/4 SEC.7

BEGIN 1-49 CONST. JOB BB0411  
STA 153+49.32  
LOG MILE 63.39

SW1/4 SE1/4 SEC.7

NW1/4 SE1/4 SEC.7

HWY. 16 / I12 SPUR  
INTCHNG. IMPVTS. (S)  
ARKANSAS STATE HIGHWAY COMMISSION  
RIGHT OF WAY MAP  
JOB BB0411 WASHINGTON COUNTY



NO.	DATE	DESCRIPTION	BY	CHKD

INSET #2  
NOT TO SCALE

INSET #1  
NOT TO SCALE

SEE INSET #2

VARIBLE TO DETERMINE  
OWNERS PARCEL OR RESIDUAL

CENTERLINE 1-49  
P-1-6041315  
4-453-42 RT.  
D-073000  
L-305744  
R-388172

1/4 AC. SEC 7B

INSET #3  
NOT TO SCALE

**CONTRACT TO SELL**  
**REAL ESTATE FOR HIGHWAY PURPOSES**  
**(A FULLY CONTROLLED ACCESS FACILITY)**

Grantor: City of Fayetteville  
Address:

Grantee: ARKANSAS DEPARTMENT OF TRANSPORTATION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas Department of Transportation, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except such minerals therein and thereunder, as oil, gas, distillate, condensate, salt water and its component parts, and all other hydrocarbons which do not interfere with the surface use for highway purposes, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Southeast Quarter of the Southwest Quarter of Section 7, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Center South Sixteenth corner of Section 7; thence North 87°22'49" West along the North line of the Southeast Quarter of the Southwest Quarter of Section 7 a distance of 253.37 feet to a point on the West right of way line of U.S. Interstate 49 as established by ArDOT Job 4731; thence South 12°38'06" West along said right of way line a distance of 130.50 feet to a found 8 inch spike with washer for the POINT OF BEGINNING; thence continue South 12°38'06" West along said right of way line a distance of 119.96 feet to a point on the West right of way line of U.S. Interstate 49 as established by ArDOT job BB0411; thence North 79°15'42" West along said right of way line a distance of 12.00 feet to a point; thence North 12°35'38" East a distance of 118.44 feet to a found ½ inch rebar; thence South 86°25'10" East a distance of 12.23 feet to the POINT OF BEGINNING and containing 0.03 acres (1,434 sq. ft.) more or less as shown on ArDOT plans referenced as Job BB0411.

DWB 06/04

- Uncontrolled Access
- Partially Controlled Access – Access break from Station \_\_\_\_\_ to Station \_\_\_\_\_
- Fully Controlled Access
- Fully Controlled Access with a frontage road
- Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By \_\_\_\_\_ Date \_\_\_\_\_

**PAYMENT DUE** ----- \$5,175.00

(Appraised value offered by the Commission for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a General Warranty Deed when presented by the Commission and receive payment of the stated "Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said Commission shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the Arkansas State Highway Commission.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

**The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to \_\_\_\_\_**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

**A C K N O W L E D G M E N T**

STATE OF \_\_\_\_\_ )  
  ) SS  
COUNTY \_\_\_\_\_ )

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared \_\_\_\_\_ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that \_\_\_\_\_ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
MY COMMISSION EXPIRES:

\_\_\_\_\_  
NOTARY PUBLIC



ARKANSAS DEPARTMENT OF TRANSPORTATION

ArDOT.gov | IDriveArkansas.com | Scott E. Bennett, P.E., Director

RIGHT OF WAY DIVISION

10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261  
Phone: 501.569.2311 | Fax: 501.569.2018 | Toll Free: 877.569.0120

---

Date

City of Fayetteville

Job BB0411  
Hwy. 16/112 Spur Intchnng. Impvts. (S)  
Washington County  
Tract 8

Dear Property Owner(s):

An acquisition agent for the Arkansas State Highway Commission has presented to you a Contract to Sell offering to purchase the fee simple title to your property needed for highway purposes. A description of the property needed is attached. The acquisition agent will contact you within 10 business days for your response that should include all issues or concerns you may have regarding the offer. It is anticipated that negotiations should be concluded within 30 calendar days from the date of the initial contact.

The offer of \$5,175.00 is based on the opinion of a qualified real estate appraiser. The offered amount is based on the market value concept and is broken down as follows: \$5,175.00 as just compensation for the realty to be acquired.

Should you elect to accept this offer, the State will determine if you can convey a merchantable title, and if so, a property deed conveying the land to the Arkansas State Highway Commission will be prepared and you will be paid the amount contained in the written offer.


If you make a final rejection of this offer, and if the Arkansas State Highway Commission elects to do so, a condemnation suit will be filed, and the amount that the Arkansas State Highway Commission has determined to be estimated just compensation for your property will be deposited into the Registry of the Circuit Court of Washington County. You may at this time elect to accept the amount deposited as just compensation for your property. If you elect to do so, the Circuit Court will be asked to enter Judgment in the sum of the estimated just compensation, and this amount will be paid to you thereby disposing of the condemnation suit.



If you do not elect to accept the amount deposited as estimated just compensation, then you may withdraw the amount placed on deposit as estimated just compensation without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury by the Circuit Court of Washington County in which your lands are situated to determine just compensation for your lands condemned.

In either event, payment of the estimated just compensation will be made available to you prior to vacating your property.

Yours truly,

A handwritten signature in cursive script that reads "Jennifer R. Williams".

Jennifer R. Williams, P.E.  
Division Head  
Right of Way Division

JRW:tm