

AGENDA REQUEST FORM

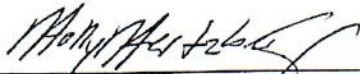
FOR: Council Meeting of March 16, 2021

FROM: Council Member Holly Hertzberg

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY FOR
PROPERTY LOCATED EAST OF 662 WEST TAYLOR STREET


APPROVED FOR AGENDA:



Council Member Holly Hertzberg

3/2/21

Date



Asst. City Attorney Blake Pennington
Approved as to form

3/2/21

Date

ORDINANCE NO. _____

AN ORDINANCE TO VACATE A PORTION OF PUBLIC RIGHT-OF-WAY FOR PROPERTY LOCATED EAST OF 662 WEST TAYLOR STREET

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of public right-of-way is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of street right-of-way as described in Exhibit B attached to this ordinance.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached hereto as Exhibit A shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following conditions:

1. Any relocation of or damage to existing utilities or existing facilities shall be at the owner/developer's expense;
2. A general utility easement shall be dedicated in place of the right of way.
3. A portion of the right of way to be vacated shall be dedicated as a public access easement the length of the property as depicted in the survey attached as Exhibit C.

PASSED and **APPROVED** this 16th day of March, 2021.

APPROVED:

ATTEST:

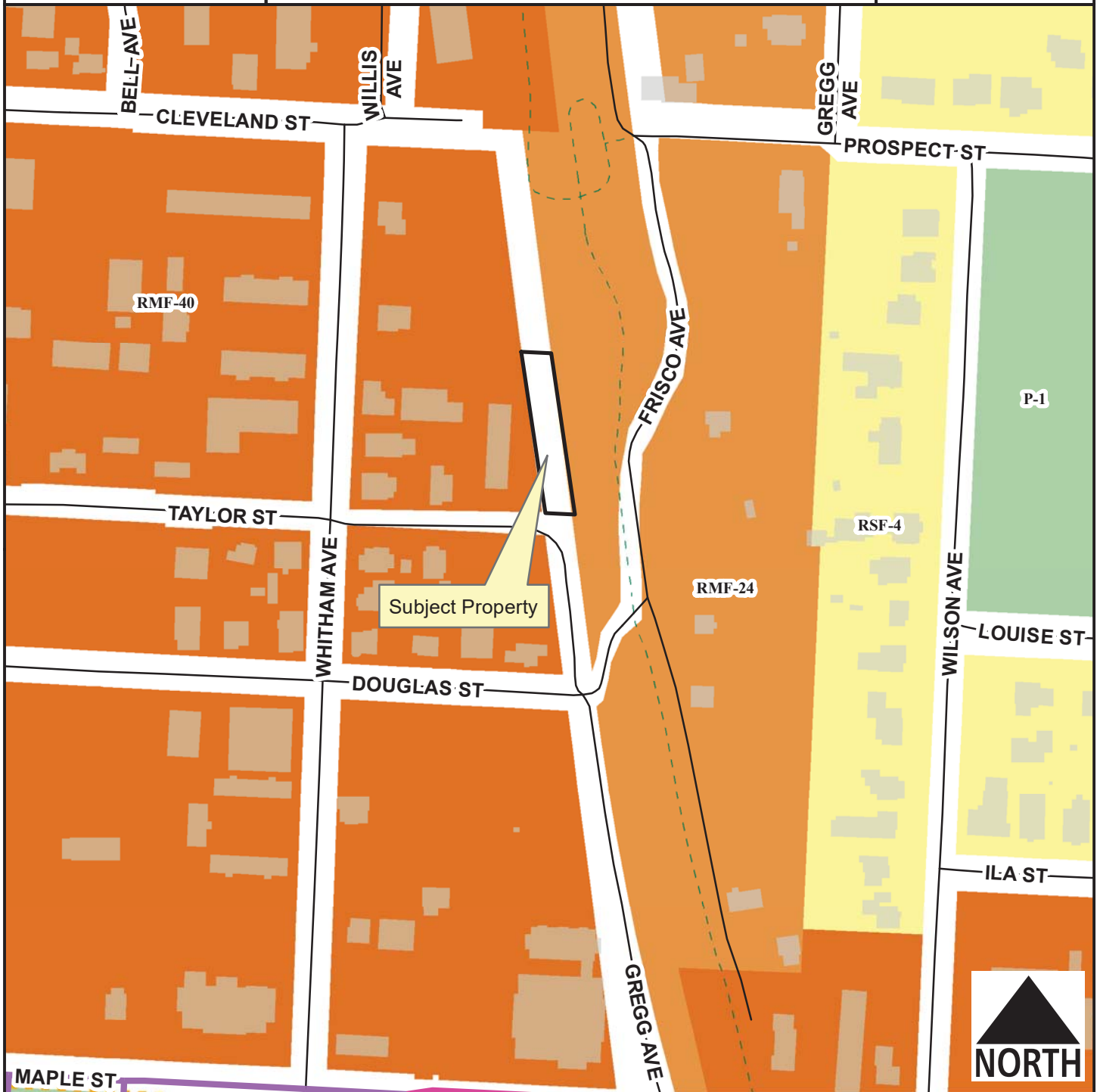
By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

N. Gregg Ave. R-O-W

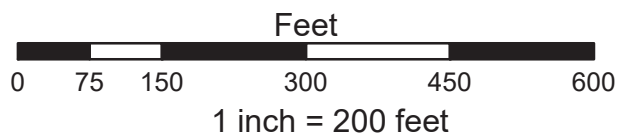
EXHIBIT 'A'

Close Up View



Legend

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



- RSF-4
- RMF-24
- RMF-40
- P-1

EXHIBIT 'B'

LEGAL DESCRIPTION:

A portion of land to be vacated laying east of Lot 15 in Block 4 of Archias-Bushnell Subdivision in Fayetteville, Arkansas, as per plat on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Beginning at the NE Corner of said Lot 15 in Block 4, said point being the POINT OF BEGINNING, thence S87°13'41"E 40.79 feet, thence S08°30'43"E 225.02 feet, thence N87°13'41"W 40.79 feet, thence N08°30'43"W 225.02 feet to the POINT OF BEGINNING: Containing 9,000.78 square feet or 0.2066 acres more or less.



EXISTING CONDITIONS

DESIGN NARRATIVE:

THE EXISTING CONDITIONS ARE SUCH THAT THERE IS A PLATTED RIGHT-OF-WAY, WHICH WAS PLATTED WITH THE ARCHIAS-BUSHNELL SUBDIVISION IN 1893. OVER THE LAST 128 YEARS, IT HAS BEEN FOUND THAT THIS RIGHT-OF-WAY CAN NOT BE FEASIBLY DEVELOPED TO CONSTRUCT A ROADWAY.

SEVERAL LIMITING FACTORS ARE CONTROLLING THIS: SCULL CREEK IS A FEDERALLY CONTROLLED STREAM WITH A FLOOD PLAIN AND FLOODWAY. FAYETTEVILLE'S ADOPTION OF THE STREAM SIDE PROTECTION ZONE ALSO PRESENTS ANOTHER CHALLENGE TO THIS EXTENSION.

THE CURRENT REQUEST HAS BEEN VETTED AND APPROVED BY ALL UTILITY COMPANIES, ALL DIVISIONS OF THE CITY OF FAYETTEVILLE, AND ALL ADJACENT PROPERTY OWNERS.

THE CITY COUNCIL HAS DENIED THIS REQUEST, AND WE ARE NOW HOPING TO RESUBMIT THIS REQUEST WITH A MODIFICATION:

IF THE CITY COUNCIL GRANTS THIS VACATION, THE APPLICANT WOULD CONSTRUCT A PRIVATE ROADWAY TO THE NORTH PROPERTY LINE AND PLAT AN ACCESS EASEMENT ALLOWING FOR A FUTURE CONNECTION. WHETHER IT BE FOR TRANSIT OF VEHICLES OR SIMPLY A PEDESTRIAN CONNECTION. THIS CONNECTION COULD BE MORE FEASIBLE TO EXTEND TO THE NORTH BY UTILIZING THE EXISTING UTILITY EASEMENTS AND ROUTING THE CONNECTION TO AVOID THE STREAM, THUS AVOIDING THE MAIN SCULL CREEK AREA AND THE EXISTING STREAMSIDE AND TREES.


THIS VACATION WOULD ACCOMPLISH GOAL NUMBER 1 OF THE CITY 2040 PLAN:

"WE WILL MAKE APPROPRIATE INFILL AND REVITALIZATION OUR HIGHEST PRIORITIES: ENCOURAGING THE DEVELOPMENT OR REDEVELOPMENT OF VACANT, MOSTLY VACANT, AND UNDERDEVELOPED PROPERTY"

THIS VACATION WOULD ALLOW THE PROPERTY TO BE RE-DEVELOPED IN A FASHION THAT WOULD MEET GOAL NUMBER 1 AND LEAVE CONNECTIVITY TO THE NORTH.

THE CITY COUNCIL HAS PREVIOUSLY APPROVED VACATIONS IN THIS BLOCK. THE 15' ALLEY THAT RUNS NORTH AND SOUTH WAS VACATED AS SHOWN ON THIS PLAT (VAC ORD #5809 & VAC ORD # 4574). AS PER THIS REQUEST, ALL UTILITY COMPANIES, ALL CITY OF FAYETTEVILLE DIVISIONS, AND ADJACENT OWNERS SIGNED OFF ON THIS REQUEST.

WE HOPE THAT HAVING A VISUAL OF THE POTENTIAL TO PROVIDE MUCH NEEDED INFILL, WHILE MAINTAINING AN ACCESS EASEMENT TO THE NORTH IS ENOUGH OF A REVISION TO HAVE THE CITY COUNCIL REVISIT THIS REQUEST.

SINCERELY,

 BLAKE JORGENSEN



PROPOSED CONDITIONS

Exhibit C

124 W. Sunbridge Drive, Suite 5
 Fayetteville, AR 72705
 Office: 479.442.9127
 www.jorgensenassoc.com
 Civil Engineering - Land Surveying - Established 1985

JORGENSEN + ASSOCIATES



LEGEND

- ✕ CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- ⊕ POWER POLE
- △ CENTERLINE MARKER
- ⊙ SEWER MANHOLE
- ⊕ FIRE HYDRANT
- ⊙ STREET LIGHT
- EXISTING 8" SEWER LINE
- PROPOSED 8" SEWER LINE
- EXISTING WATERLINE
- PROPOSED 8" WATER LINE
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- NEW 5' SIDEWALK
- UTILITY CROSSING
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

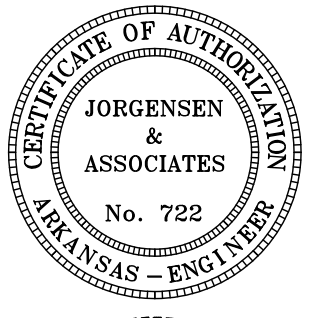
PROJECT TITLE:
 GREGG STREET VACATION

PROJECT LOCATION:
 FAYETTEVILLE, AR

REVISIONS

NO.	DATE	DESCRIPTION

DATE: 2-18-21
 DRAWN BY: BUR/BEJ
 PROJECT # 2019078
 FILE PATH: Z:\SD\2019078\AE
 SHEET SIZE: 22" x 34"
 SCALE: 1" = 30'



SHEET TITLE
 GREGG STREET VACATION

SHEET NUMBER
 1