

**City of Fayetteville Staff Review Form**

**2021-1031**

**Legistar File ID**

**1/4/2022**

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

Matt Casey

12/16/2021

ENGINEERING (621)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Staff recommends dedication of a 25' wide utility easement for utility relocations associated with the Midtown Corridor Project along Porter Road and Deane Street at the Police Headquarters and Fire Station site.

**Budget Impact:**

<u>4602.860.7218-5809.00</u>	<u>4602 - Street Projects 2019 Bonds</u>
Account Number	Fund
<u>46020.7218.1000</u>	<u>Streets Projects - Midtown Corridor</u>
Project Number	Project Title
<b>Budgeted Item?</b> <u>Yes</u>	Current Budget \$ 632,172.00
	Funds Obligated \$ 592,128.46
	<u>Current Balance</u> <b>\$ 40,043.54</b>
<b>Does item have a cost?</b> <u>No</u>	Item Cost \$ -
<b>Budget Adjustment Attached?</b> <u>No</u>	<u>Budget Adjustment</u>
	<u>Remaining Budget</u> <b>\$ 40,043.54</b>

V20210527

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



**MEETING OF JANUARY 4, 2022**

**TO:** Mayor and City Council

**THRU:** Susan Norton, Chief of Staff  
Chris Brown, Public Works Director

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

**DATE:** December 15, 2021

**SUBJECT:** Dedication of a Utility Easement for Utility Relocations for the Midtown Corridor project at Porter and Deane

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**RECOMMENDATION:**

Staff recommends dedication of a 25' wide utility easement for utility relocations associated with the Midtown Corridor Project along Porter Road and Deane Street at the Police Headquarters and Fire Station site.

**BACKGROUND:**

The Midtown Corridor is a project in the 2019 Bond Program and includes several different components. Along Porter Road and Deane Street from the interstate to Garland Avenue the project includes street improvements with a new roundabout at the intersection of Porter Road and Deane Street, drainage improvements and separated pedestrian and bicycle facilities. The street, drainage pedestrian, and bicycle improvements will continue along Sycamore Street from Garland Avenue to the Razorback Greenway. From the Greenway to Woodland Jr. High, the project will include multi-use trail construction along the Poplar Street alignment. Finally, a connection to the south from Poplar Street to Gregory Park will be designed as part of this contract. The City Council approved a design contract with Olsson Associates, Inc. in November of 2019.

**DISCUSSION:**

The portion of the project along the frontage of the Police Headquarters and new Fire Station (Porter and Deane) will be constructed as the first phase of this project. During the development of the construction plans, Black Hills Energy identified portions of their natural gas system outside of the city right of way that will need to be relocated in order to construct this project. The City needs to provide a 25' wide utility easement to accommodate this relocation across the PD and Fire Station site.

**BUDGET/STAFF IMPACT:**

The dedication of this easement has not impact to the project budget.

**Attachments:**

Utility Easement

## GENERAL UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **Black Hills Energy Arkansas, Inc., an Arkansas corporation**, hereinafter called GRANTEE, with its address at 655 E. Millsap Rd., Suite 104, Fayetteville, AR 72703, as well as other public utilities authorized to operate within the below-described property, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement for the purpose of construction, maintenance, repair and/or replacement, enlargement and operations of general utilities including water and/or sanitary sewer pipe line or lines, manholes, natural gas, electrical power, telephone, fiber optic cable(s) and television communication line or lines, traffic signal poles and equipment, and appurtenances thereto, **but said easement shall not be used for above-ground micro-wireless facilities, small wireless facilities (including associated poles or support structures), or any other similar wireless communications facilities**, on over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Warranty Deed: 2020-1794)

Part of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Five (5), Township Sixteen North (T16N), Range Thirty West (R30W), 5th Principal Meridian, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southwest corner of said Forty-acre tract, thence North 02°53'34" East 482.76 feet to a point, thence South 87°06'26" East 25.52 feet to a set iron rebar with cap C.O.F. #1514 and being the point of beginning; thence North 02°55'49" East 492.01 feet to a set iron rebar with cap C.O.F. #1514; thence North 02°03'18" East 119.01 feet to a set iron rebar with cap C.O.F. #1514; thence South 88°27'16" East 693.03 feet to a set iron rebar with cap C.O.F. #1514, thence South 02°42'30" West 728.21 feet a set iron rebar with cap C.O.F. #1514; thence North 89°45'23" West 528.27 feet to a set iron rebar with Cap C.O.F. #1514 and the beginning of a curve to the right, said curve having a radius of 225.15 feet and a central angle of 29°26'14"; thence along the curve an arc distance of 115.68 feet to a point, said point having a chord bearing and distance from the beginning of the curve of North 73°08'41" West 114.41 feet, said point also being the beginning of a compound curve to the right, said compound curve having a radius of 104.84 feet and a central angle of 64°40'28", thence along the compound curve an arc distance of 118.34 feet to the point of beginning bearing a chord bearing and distance from the point of compound North 26°29'40" West 112.61 feet, containing 11.600 acres, more or less, and all the adjoining portions of existing roadway in and along Porter Road and Deane Street to become right-of-way to the City of Fayetteville.

EXCEPT

All of the New Right-of-Way described in the plat entitled, "New Right of Way and General Utility Easement Plat", as prepared by Olsson, Inc.; duly recorded in the Washington County Circuit Clerk's Office in Book 24, at Page 345, and being more particularly described as follows: A NEW RIGHT OF WAY ACROSS THE WESTERLY AND SOUTHERLY SIDES OF PARCEL NO. 765-13553-001, LOCATED IN THE SOUTHWEST QUARTER(SW1/4) OF THE SOUTHWEST QUARTER(SW1/4) OF SECTION 5, TOWNSHIP 16 NORTH, RANGE 30 WEST IN WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS FOLLOWS: COMMENCE AT THE FOUND 5/8" REBAR AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT AND RUN THENCE NORTH 02°53'34" EAST ALONG THE WEST LINE OF SAID 40 ACRE TRACT A DISTANCE OF 482.76 FEET; THENCE LEAVING SAID WEST LINE SOUTH 87°06'26" EAST A DISTANCE OF 25.52 FEET TO A FOUND 5/8" REBAR ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF PORTER ROAD, SAID EASTERLY RIGHT OF WAY LINE BEING THE WEST LINE OF SAID PARCEL NO. 765-13553-001, FOR THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE NORTH 02°55'49" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 492.01 FEET TO A FOUND 5/8" REBAR; THENCE NORTH 02°03'18" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 119.01 FEET TO A FOUND 5/8" REBAR AT THE NORTHWEST CORNER OF SAID PARCEL; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE SOUTH 88°27'16" EAST, ALONG THE NORTH LINE OF SAID PARCEL A DISTANCE OF 28.65 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 03°43'18" WEST A DISTANCE OF 130.00 FEET; THENCE SOUTH 02°37'15" WEST A DISTANCE OF 283.40 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 214 FEET, A CHORD BEARING OF SOUTH 15°56'22" EAST, A CHORD DISTANCE OF 160.00 FEET, THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 163.99 FEET; THENCE LEAVING SAID CURVE SOUTH 38°19'48" EAST A DISTANCE OF 169.42 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 54', A CHORD BEARING OF SOUTH 63°19'18" EAST, A CHORD DISTANCE OF 45.63 FEET, THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 47.11 FEET; THENCE LEAVING SAID CURVE SOUTH 89°13'05" EAST A DISTANCE OF 209.32 FEET; THENCE SOUTH 77°10'59" EAST A DISTANCE OF 37.74 FEET; THENCE SOUTH 89°20'43" EAST A DISTANCE OF 215.81 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH

02°42'30" WEST ALONG SAID EAST LINE A DISTANCE OF 11.58 FEET TO A FOUND 5/8" REBAR ON THE NORTH RIGHT OF WAY OF DEANE STREET AT THE SOUTHEAST CORNER OF SAID PARCEL; THENCE LEAVING SAID EAST LINE NORTH 89°45'23" WEST ALONG SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 528.27 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 225', A CHORD BEARING OF NORTH 73°08'41" WEST, A CHORD DISTANCE OF 114.41 FEET, THENCE ALONG SAID RIGHT OF WAY LINE AND THE ARC OF SAID CURVE A DISTANCE OF 115.68 FEET TO THE BEGINNING OF ANOTHER CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 105 FEET, A CHORD BEARING OF NORTH 26°29'40" WEST, A CHORD DISTANCE OF 112.16 FEET, THENCE LEAVING THE PREVIOUS CURVE, ALONG SAID RIGHT OF WAY LINE AND ARC OF SAID CURVE A DISTANCE OF 118.34 FEET TO THE POINT OF BEGINNING, CONTAINING 47,925 SQUARE FEET OR 1.10 ACRES, MORE OR LESS.

PERMANENT EASEMENT DESCRIPTION:

A permanent utility easement being the West 25.00 feet and the South 25.00 feet of Grantor's above described property, being more particularly described as follows: BEGINNING at the intersection of the East Right-of-Way line of N. Porter Road, as now established by the plat duly recorded in the Washington County Circuit Clerk's Office in Book 24, at Page 345, and the North line of said Grantor's property; thence departing said East Right-of-Way line S88°27'18"E along the North line of said Grantor's property a distance of 25.02 feet; thence departing said North line S03°43'18"W a distance of 130.70 feet; thence S02°37'15"W, a distance of 283.93 feet to a beginning of a curve to the left; said curve having a Radius of 188.82 feet, a Chord Bearing of S15°49'00"E, a Chord Distance of 141.88 feet, thence along the arc of said curve a distance of 145.45 feet; thence departing said curve S38°19'48"E, a distance of 169.32 feet to the beginning of a curve to the left; said curve having a Radius of 29.00 feet, a Chord Bearing of S63°09'23"E, a Chord Distance of 24.35 feet, thence along the arc of said curve a distance of 25.13 feet; thence departing said curve S89°13'14"E, a distance of 211.73 feet; thence S77°10'59"E, a distance of 37.72 feet; thence S89°20'43"E, a distance of 214.05 feet to the East line of said Grantor's property; thence S02°44'03"W along said East line, a distance of 25.02 feet to the Southeast corner of said Grantor's property, said point being in the North Right-of-Way line of W. Deane Street, as now established by the plat duly recorded in the Washington County Circuit Clerk's Office in Book 24, at Page 345; thence departing said East line, along said North Right-of-Way line the following four (4) courses: N89°20'43"W, a distance of 215.81 feet; thence N77°10'59"W, a distance of 37.74 feet; thence N89°13'14"W, a distance of 209.32 feet to a beginning of a curve to the right; said curve having a Radius of 54.00 feet, a Chord Bearing of N63°19'18"W, a Chord Distance of 45.63 feet, thence along the arc of said curve a distance of 47.11 feet to a point in the said East Right-of-Way line of N. Porter Road; thence departing said curve, along said East Right-of-Way line the following four (4) courses: N38°19'48"W, a distance of 169.42 feet to a beginning of a curve to the right; said curve having a Radius of 213.82 feet, a Chord Bearing of N15°56'22"W, a Chord Distance of 160.00 feet, thence along the arc of said curve a distance of 163.99 feet; thence departing said curve N02°37'15"E, a distance of 283.40 feet; thence N03°43'18"E, a distance of 129.99 feet to the POINT OF BEGINNING.

Containing 30,395 square feet or 0.710 acres, more or less, and subject to any rights-of-way, easements, and restrictions of record.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement is relinquished, abandoned or vacated and so long as such pipe line or lines, electrical power, telephone and/or television lines or cables, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all lines and/or cables, to a sufficient depth so as not to interfere with cultivation of soil.

The Grantor agrees not to erect any buildings or structures in said permanent easement except those for the baseball complex. This easement cannot be used for above-ground micro-wireless facilities, small wireless facilities (including associated poles or support structures), or any other similar wireless communications facilities.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document on behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF FAYETTEVILLE, ARKANSAS,  
A municipal corporation**

ATTEST:

By: \_\_\_\_\_  
Lioneld Jordan, Mayor

\_\_\_\_\_  
Kara Paxton, City Clerk Treasurer

[Seal]

**ACKNOWLEDGMENT**

STATE OF ARKANSAS                    )  
  )  
COUNTY OF WASHINGTON            )        ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan** and **Kara Paxton**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk Treasurer** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

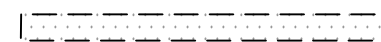

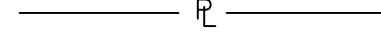
WITNESS my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

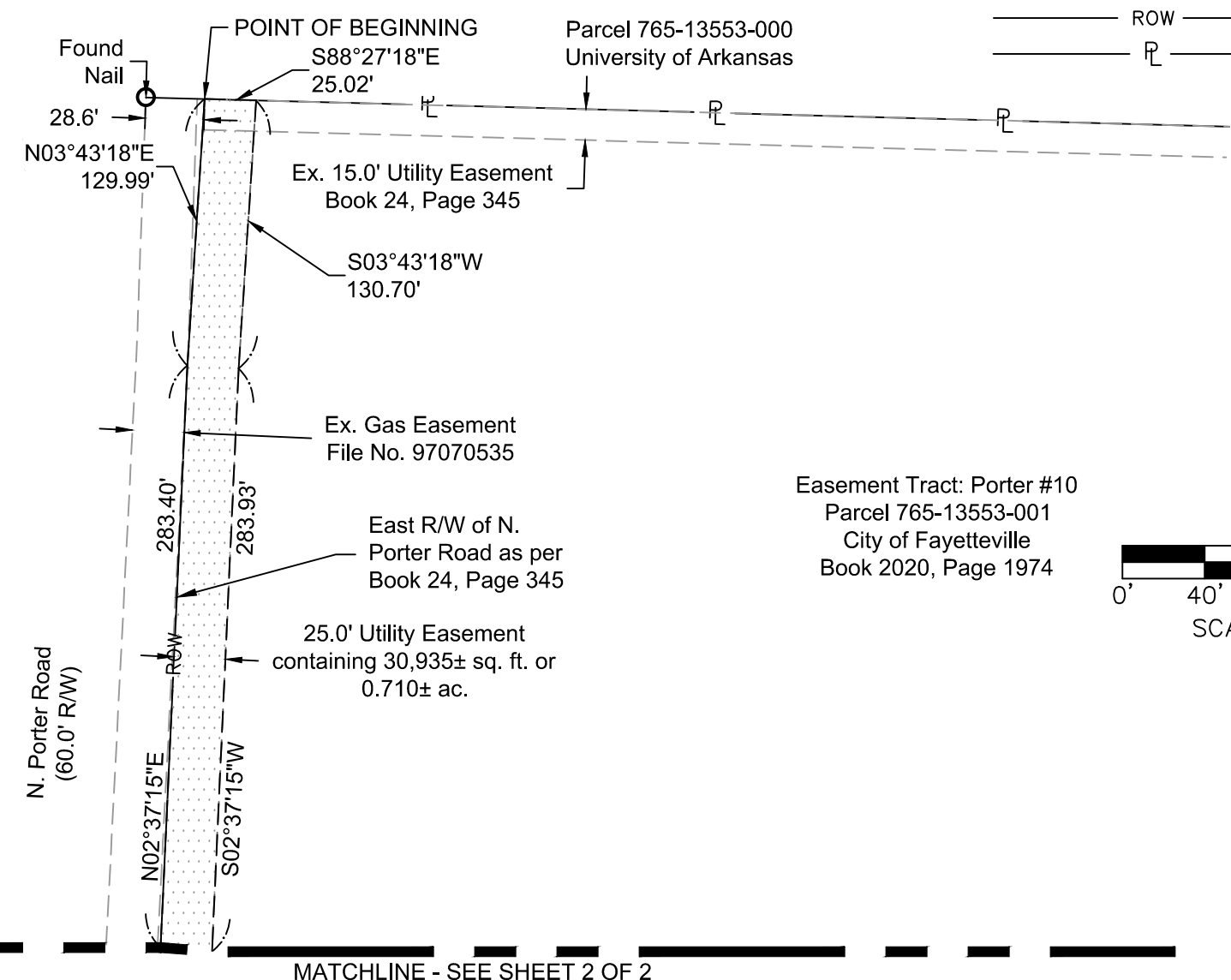
MY COMMISSION EXPIRES:

\_\_\_\_\_  
Notary Public

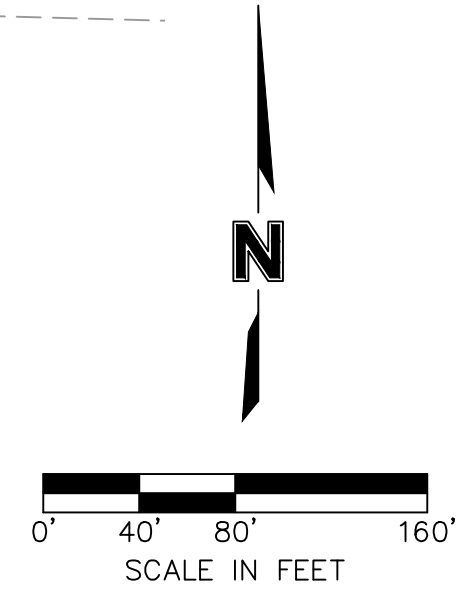
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**LEGEND**

-  Utility Easement
-  ROW Existing Right-of-Way line
-  Existing Property Line



Easement Tract: Porter #10  
 Parcel 765-13553-001  
 City of Fayetteville  
 Book 2020, Page 1974

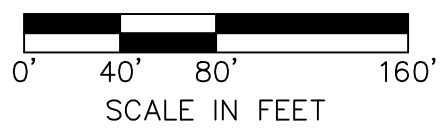


MATCHLINE - SEE SHEET 2 OF 2

This sketch is not a boundary survey. It is intended to show the configuration of a proposed utility easement. It should not be used to locate property lines and does not meet the Standards for Property Boundary Surveys.

Project no: 019-3988	EASEMENT DRAWING - STREET IMPROVEMENT - PORTER ROAD PARCEL NO. 765-13553-001 CITY OF FAYETTEVILLE	<b>olsson</b>	302 East Millsap Road Fayetteville, AR 72703 TEL 479.443.3404	EXHIBIT
Drawn by: DRC				
Date: 12.009.2021				

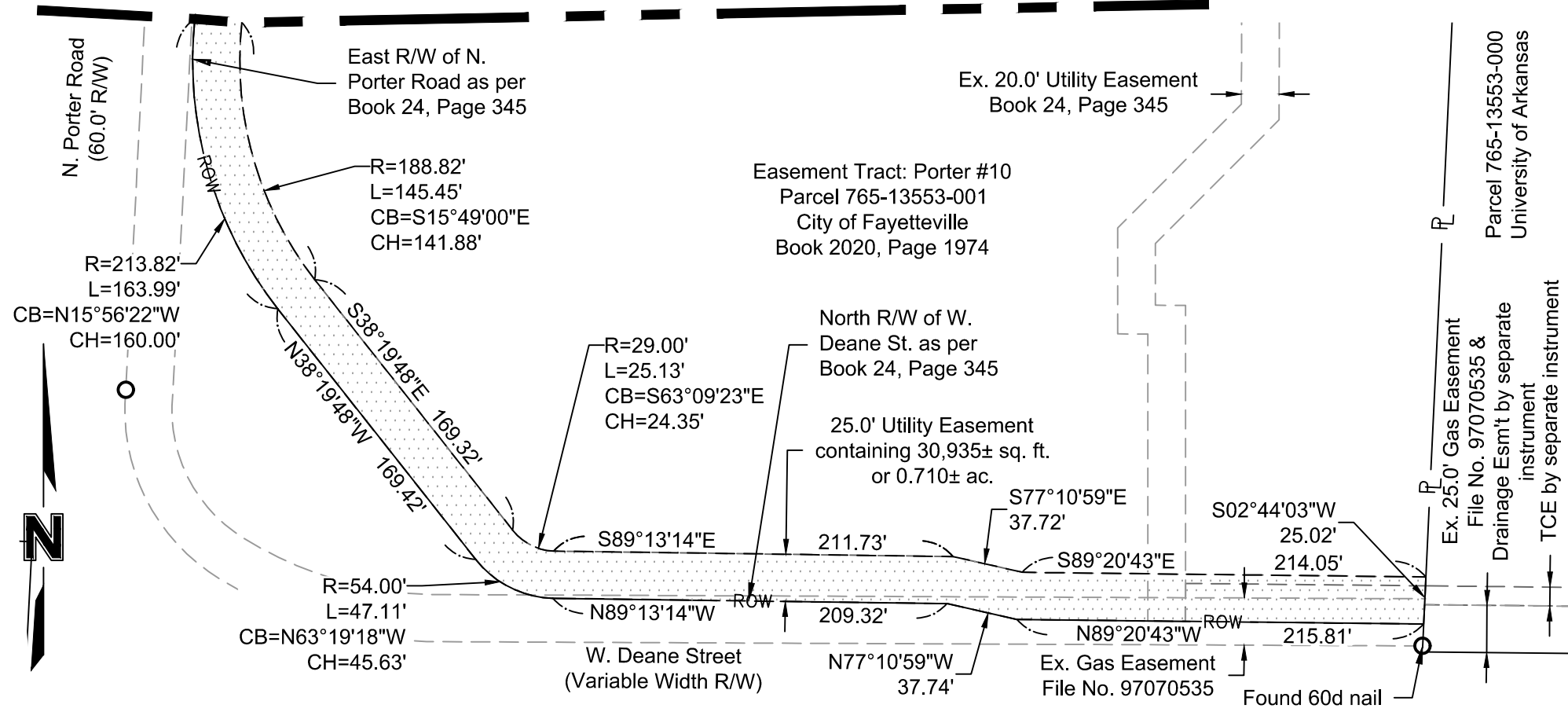
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 DATE: Dec 09, 2021 9:57am XREFS: V\_XBNDY 0193988 PORTER DEANE V\_PESMT 0193988 PORTER DEANE



**LEGEND**

- Utility Easement
- ROW Existing Right-of-Way line
- Existing Property Line

MATCHLINE - SEE SHEET 1 OF 2



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Drawn by: DRC				
Date: 12.09.21				