

City of Fayetteville Staff Review Form

2022-0074

Legistar File ID

2/15/2022

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

Jonathan Curth

1/28/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2022-000001: Vacation (2875 W. MARTIN LUTHER KING JR. BLVD./WALMART #144, 558): Submitted by CEI, INC. for property located at 2875 W. MARTIN LUTHER KING JR. BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 23.71 acres. The request is to vacate an approximately 0.08 acre portion of a water/sewer easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

\$ -

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



**MEETING OF FEBRUARY 15, 2022**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth, Development Services Director  
Jessie Masters, Development Review Manager

**FROM:** Ryan Umberger, Senior Planner

**DATE:** January 28, 2022

**SUBJECT:** **VAC-2022-000001: Vacation (2875 W. MARTIN LUTHER KING JR. BLVD./WALMART #144, 558):** Submitted by CEI, INC. for property located at 2875 W. MARTIN LUTHER KING JR. BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 23.71 acres. The request is to vacate an approximately 0.08 acre portion of a water/sewer easement.

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**RECOMMENDATION:**

Staff recommends approval of VAC-2022-000001 as shown in the attached Exhibits 'A' and 'B', and with the following condition of approval:

1. Prior to easement vacation, new waterline must be reviewed and approved by City Engineering, the new waterline shall be constructed, accepted, and new easement dedicated. At that time existing waterline can be abandoned and this easement vacated.
2. Any damage or relocation of existing facilities will be at the applicant's expense.

**BACKGROUND:**

The subject property is in south Fayetteville, on the south side of W. Martin Luther King Jr. Boulevard and between its intersections with W. Farmers Drive and S. Finger Road. Wal-Mart, its accessory structure, and parking lot occupy the subject property.

*Request:* The applicant proposes to vacate and relocate a portion of an existing water/sewer easement as indicated in the attached exhibits and totaling approximately 3,270-square feet. A building permit is under review for a proposed building addition which conflicts with the current location of the easement. An 8-inch PVC water main is present in the easement and is proposed to be re-routed.

**DISCUSSION:**

The applicant submitted the required approvals from the public and private utility and service providers with no objections. Additionally, rededication of the water/sewer easement and reconfiguration of the line will maintain contiguity with existing easements and mains to the north

and south. With submittal of the required vacation forms and utility consent, staff recommends approval.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

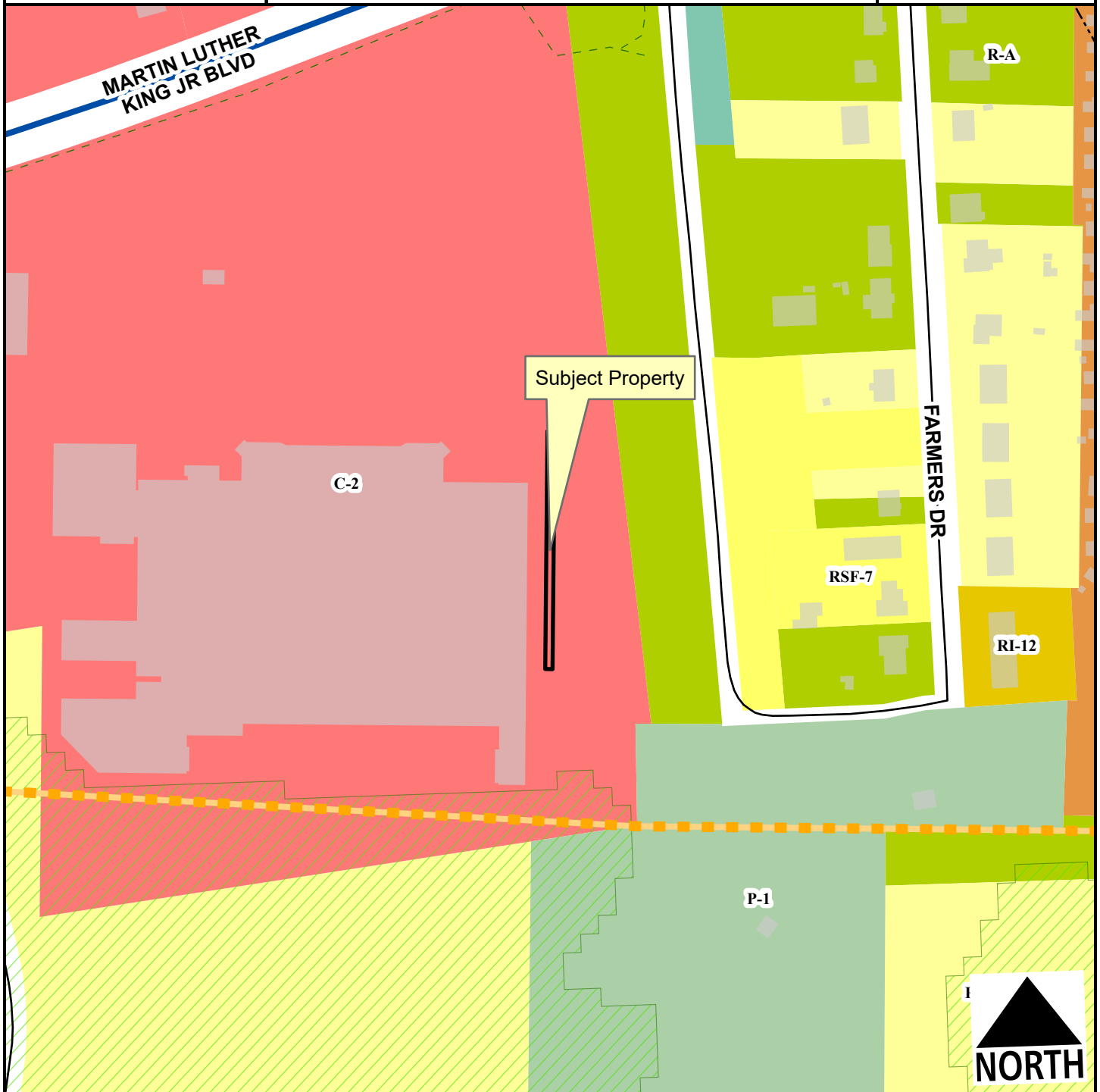
- Exhibit A
- Exhibit B
- Request Letter
- Petition to Vacate
- Survey

VAC-2022-000001

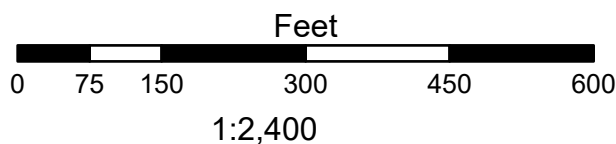
# Walmart #144

VAC-2022-000001  
EXHIBIT 'A'

Close Up View



- Regional Link - High Activity
- Residential Link
- Planned Neighborhood Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



- Residential-Agricultural
- RSF-4
- RSF-7
- RI-12
- RMF-24
- C-2
- Commercial, Industrial, Residential
- P-1

## Easement Vacation Legal Description

A portion of a 10-foot Water Easement within the boundary of Tract 1 of a Lot Split both being recorded in File 2007-00038002 of the public records of Washington County, Arkansas, also being a part of the SW1/4 of the NE1/4 and part of the NW1/4 of the SE1/4 of Section 19, Township 16, North, Range 30 West, City of Fayetteville, Washington County, Arkansas, being more particularly described by metes and bounds as follow:

**COMMENCING** at the most southern southeast corner of aforementioned Tract 1;  
**THENCE** with the east line of said Tract 1, North 01°04'00" East, 139.41 feet to a corner of said Tract 1;  
**THENCE** leaving said east line, North 54°41'32" West, 136.47 feet to a point on the east line of aforementioned existing water easement, also being the **POINT OF BEGINNING**;  
**THENCE** North 87°27'00 West, 10.00 feet to said water easement's west line;  
**THENCE** along said west line North 02°30'54" East, 327.00 feet;  
**THENCE** leaving said west line South 87°27'00" East, 10.00 feet to said water easement's east line;  
**THENCE** along said east line South 02°30'54" West, 327.00 feet to the **POINT OF BEGINNING** and containing 3,270 square feet or 0.08 acres more or less.



Civil Engineering, Landscape Architecture  
Survey, Planning & Program Management

**VAC-2022-000001  
REQUEST  
LETTER**

3108 SW Regency Parkway  
Bentonville, AR 72712  
Office: 479.273.9472  
Toll-free: 1.800.433.4173  
ceieng.com

January 14, 2022

City of Fayetteville  
Planning Department  
125 W Mountain Street  
Fayetteville, AR 72701

To Whom It May Concern:

Regarding the Water Line Easement Vacation located at 2875 W Martin Luther King Boulevard in Fayetteville, Arkansas:

It is the applicant's intent to vacate the water line and re-route the water line.

Please see attached exhibit.

Please let me know if anything else is needed from us.

Respectfully submitted,  
CEI Engineering Associates, Inc.  
Zach Fletcher, Project Manager



3108 SW Regency Parkway  
Bentonville, AR 72712  
Office: 479.273.9472  
Toll-free: 1.800.433.4173  
ceieng.com

01-28-2022

**PETITION TO VACATE A PORTION OF GENERAL WATER & SEWER EASEMENT  
LOCATED AT 2875 W MLK BLVD IN 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 easement hereinafter sought to be abandoned and vacated, lying in Section 19 Township 16 North, Range 30 West, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A portion of a 10-foot Water Easement within the boundary of Tract 1 of a Lot Split both being recorded in File 2007-00038002 of the public records of Washington County, Arkansas, also being a part of the SW1/4 of the NE1/4 and part of the NW1/4 of the SE1/4 of Section 19, Township 16, North, Range 30 West, City of Fayetteville, Washington County, Arkansas, being more particularly described by metes and bounds as follow:

**COMMENCING** at the most southern southeast corner of aforementioned Tract 1;  
**THENCE** with the east line of said Tract 1, North 01°04'00" East, 139.41 feet to a corner of said Tract 1;  
**THENCE** leaving said east line, North 54°41'32" West, 136.47 feet to a point on the east line of aforementioned existing water easement, also being the **POINT OF BEGINNING**;  
**THENCE** North 87°27'00 West, 10.00 feet to said water easement's west line;  
**THENCE** along said west line North 02°30'54" East, 327.00 feet;  
**THENCE** leaving said west line South 87°27'00" East, 10.00 feet to said water easement's east line;  
**THENCE** along said east line South 02°30'54" West, 327.00 feet to the **POINT OF BEGINNING** and containing 3,270 square feet or 0.08 acres more or less.

That the real estate affected by said abandonment of the easement used will not affect public interest and welfare adversely.


The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said water and sewer easements, and that title to said real estate sought to be abandoned be vested and as to that land the owners be free from the abandoned portion of the easement.

Dated this 28 day of January, 2022.

\_\_\_\_\_Mark Asplund\_\_\_\_\_

Printed Name

  
Signature

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Printed Name \_\_\_\_\_

Signature \_\_\_\_\_



# WAL-MART #144

PARCEL #765-14654-000  
WAL-MART REAL ESTATE  
BUSINESS TRUST  
DEED BK. 93, PG. 22836

TRACT 1  
FILE 2007-00038002

VAC-2022-000001  
Survey

MATCHLINE "NORTH"  
MATCHLINE "SOUTH"

20' WATER LINE ESMT  
PER SEPARATE DOCUMENT

10' WATER EASEMENT  
BY FILE 2007-00038002  
3,270 SQ. FT.±  
OR 0.08 AC.±  
(TO BE VACATED  
BY THIS DOCUMENT)

P.O.B.

EL1

N54°41'32"W  
136.47'

N87°40'23"W  
119.01'

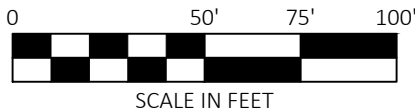
S03°07'30"E  
1,087.49'

N01°04'00"E  
139.41'

P.O.C.

Easement Line Table

LINE	BEARING	DISTANCE
EL1	N87°27'00"W	10.00'
EL2	S87°27'00"E	10.00'



## NOTE:

It is to be understood that this sketch is descriptive only of the size, shape and location of the easement and does not constitute a plat or survey of the Grantors' property.



CEI ENGINEERING ASSOCIATES, INC.  
3108 SW REGENCY PKWY  
BENTONVILLE, AR 72712  
PHONE: (479) 273-5472  
FAX: (479) 273-5473  
CORPORATE TBP#5 FIRM#10031500

3030 LB FREEWAY, SUITE 100  
DALLAS, TX 75234  
PHONE: (972) 498-6737  
FAX: (972) 498-6737  
BRANCH TBP#5 FIRM#10194234

Wal-Mart Stores, Inc.  
Vacated Water Line Easement Exhibit  
2875 W. Martin Luther King Blvd. (W. 6th St.)  
City of Fayetteville, Washington County, Arkansas

Exhibit "B"

## SHEET TITLE

PROFESSIONAL OF RECORD JKB  
DESIGNER TLP  
FIELD WORK N/Z  
CEI PROJECT NUMBER 32512  
DATE 1/26/2022  
REVISION REV-0

SHEET NUMBER

1 OF 2

10' WATER EASEMENT  
BY FILE 2007-00038002

10' WATER EASEMENT  
BY FILE 2007-00038002  
3,270 SQ. FT.±  
OR 0.08 AC.±  
(TO BE VACATED  
BY THIS DOCUMENT)

# WAL-MART #144

PARCEL #765-14654-000  
WAL-MART REAL ESTATE  
BUSINESS TRUST  
DEED BK. 93, PG. 22836

TRACT 1  
FILE 2007-00038002

327.00'  
327.00'  
327.00'  
327.00'  
327.00'  
327.00'  
327.00'  
327.00'  
327.00'  
327.00'

MATCHLINE "NORTH"  
MATCHLINE "SOUTH"

20' WATER LINE ESMT  
PER SEPARATE DOCUMENT

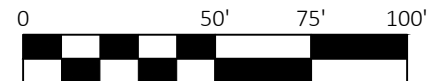
S03°07'30"E  
1,087.49'

## Legend

- Boundary Line
- Water Line Easement
- Existing Water Line Easement
- Vacated Water Line Easement
- Bearing & Distance Change

Easement Line Table

LINE	BEARING	DISTANCE
EL1	N87°27'00"W	10.00'
EL2	S87°27'00"E	10.00'



SCALE IN FEET

### NOTE:

It is to be understood that this sketch is descriptive only of the size, shape and location of the easement and does not constitute a plat or survey of the Grantors' property.



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FAX: (479) 273-5473  
CORPORATE TBP#5 FIRM #10031500  
3030 LB FREEWAY, SUITE 100  
DALLAS, TX 75234  
PHONE: (214) 343-6937  
FAX: (214) 343-6937  
BRANCH TBP#5 FIRM #10194234

Wal-Mart Stores, Inc.  
Vacated Water Line Easement Exhibit  
2875 W. Martin Luther King Blvd. (W. 6th St.)  
City of Fayetteville, Washington County, Arkansas

### Exhibit "B"

#### SHEET TITLE

PROFESSIONAL OF RECORD	JKB	SHEET NUMBER
DESIGNER	TLP	
FIELD WORK	N/Z	
CEI PROJECT NUMBER	32512	
DATE	1/26/2022	
REVISION	REV-0	

2 OF 2