

City of Fayetteville Staff Review Form

2022-0029

Legistar File ID

2/1/2022

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

Jonathan Curth

1/14/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2021-000031: Vacation (2480 W. TREAT ST./TREAT STREET RIGHT-OF-WAY 638): Submitted by DCI for right of way located along TREAT ST. The right of way contains approximately 0.53 acres. The request is to vacate the existing street right-of-way.

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 1, 2022

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessie Masters, Development Review Manager

DATE: January 14, 2022

SUBJECT: **VAC-2021-000031: Vacation (2480 W. TREAT ST./TREAT STREET RIGHT-OF-WAY 638):** Submitted by DCI for right of way located along TREAT ST. The right of way contains approximately 0.53 acres. The request is to vacate the existing street right-of-way.

RECOMMENDATION:

Staff recommends approval of VAC-2021-000031 as shown in the attached Exhibits 'A' and 'B', and with the following conditions of approval:

1. An easement must be maintained along the former Treat Street for existing Cox facilities;
2. An existing 30-foot utility easement must be kept along the existing Ozark overhead lines;
3. A 20-foot water line easement is to be retained;
4. Any damage or relocation of existing facilities will be at the property owner/developer's expense.

BACKGROUND:

The subject property is located in South Fayetteville, just north of the interchange with the S. Fulbright Expressway, S. Razorback Road, and I-49. The area includes approximately 0.53 acres of City of Fayetteville right-of-way (W. Treat Street) which is fully encompassed by University of Arkansas-held property.

Request: The applicant proposes to vacate 0.53 acres of right-of-way (W. Treat Street), which is currently bisecting University of Arkansas property. The right-of-way is used for the purpose of access to two University-held single-family dwellings, which are planned for demolition. The University intends to redevelop the property as part of the implementation of the Fayetteville Traverse mountain bike trail and undertake a native habitat restoration on a portion of the property.

DISCUSSION:

At the January 10, 2022 Planning Commission meeting, this item was forwarded to City Council with a vote of 8-0-0, with a recommendation of approval and the conditions outlined at the beginning of this memo. The item was forwarded and voted on with the consent agenda. No public comment was received on the item.

BUDGET/STAFF IMPACT:

N/A

Attachments:

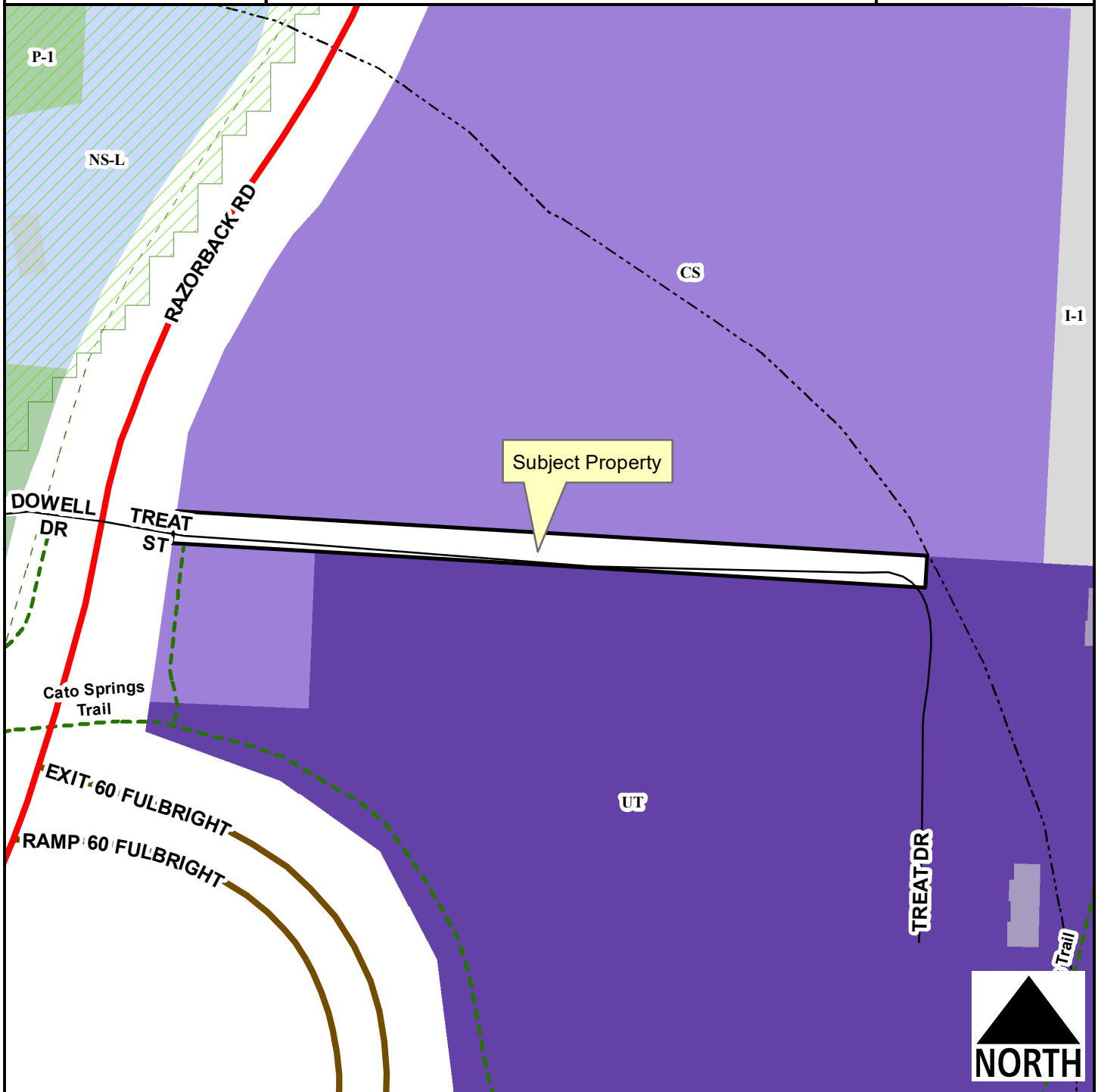
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

VAC-2021-000031

Treat St. ROW

VAC-2021-000031
EXHIBIT 'A'

Close Up View



- Regional Link
- Freeway/Expressway
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District

Feet

0 55 110 220 330 440

1 inch = 150 feet

- I-1 Heavy Commercial and Light Industrial
- Urban Thoroughfare
- Community Services
- Neighborhood Services - Ltd.
- P-1

VAC-2021-000031
EXHIBIT 'B'

Treat Street ROW Vacation Legal Description:

A 30.00 feet wide strip of land located south of Cato Springs Road and north of the Fulbright Expressway, in the NE¼ of Section 29, T-16-N, R-30-W, in the City of Fayetteville, AR, extending approximately 768 feet easterly from the easterly Right-of-Way line of Razorback Rd (Hwy 265), the centerline of which is more particularly described as follows: Beginning at a point on the easterly right-of-way line of Razorback Rd (Hwy 265) that is located 10 feet south and 114 feet east of the northwest corner of the SW¼ NE¼ of said Section 29; Thence easterly for 768 feet, more or less, to the point of termination on the easterly terminus of the Right-of-Way of Treat Street, containing 0.53 acres more or less.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: January 10, 2021 **Updated with PC hearing results from 1/10/2022**

SUBJECT: **VAC-2021-000031: Vacation (2480 W. TREAT ST./TREAT STREET RIGHT-OF-WAY 638):** Submitted by DCI for right of way located along TREAT ST. The right of way contains approximately 0.53 acres. The request is to vacate a portion of the street right of way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2021-000031** to City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:

"I move to forward **VAC-2021-000031** to City Council with a recommendation of approval, with conditions."

BACKGROUND:

The subject property is located in South Fayetteville, just north of the interchange with the S. Fulbright Expressway, S. Razorback Road, and I-49. The area includes approximately 0.53 acres of City of Fayetteville right-of-way (W. Treat Street) which is fully encompassed by University of Arkansas-held property. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped (University of Arkansas)	CS, Community Services
South	Undeveloped (University of Arkansas/ Cato Springs Trail)	CS, Community Services; UT, Urban Thoroughfare
East	Single-family Residential (University of Arkansas)	UT, Urban Thoroughfare
West	Undeveloped (S. Razorback Road)	NS-L, Neighborhood Services, Limited

Proposal: The applicant proposes to vacate 0.53 acres of right-of-way (W. Treat Street), which is currently bisecting University of Arkansas property. The right-of-way is used for the purpose of access to two University-held single-family dwellings, which are planned for demolition. The University intends to redevelop the property as part of the implementation of the Fayetteville Traverse mountain bike trail and undertake a native habitat restoration on a portion of the property.

DISCUSSION:

City of Fayetteville staff recommends in favor of the proposed right-of-way vacation. The right-of-way is no longer serving a purpose towards the creation of a compact, complete, and connected

neighborhood; being wholly encompassed by University of Arkansas property, the area is unlikely to be redeveloped into a full-service neighborhood, even given the surrounding zoning entitlements of CS, Community Services, and UT, Urban Thoroughfare.

Vacation Approval: The applicant has submitted the required vacation forms to the relevant City departments and franchise utility companies with the following responses. As the petitioner and sole landowner adjacent to the subject right-of-way, adjacent property owner consent is not an applicable standard.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided an easement is maintained along the former Treat Street for existing Cox facilities, and that any damage or relocation of any existing Cox facilities will be at the applicant's expense.
AEP/SWEPCO	No objections and no comment.
Black Hills Energy AR	After multiple attempts, the applicant was unable to obtain a response from Black Hills Energy.
AT&T	No objections and no comment.
Ozarks Electric	No objections provided that an existing 30-foot utility easement is kept along the existing Ozark overhead lines in the area.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections, provided 20-foot water line easement is to be retained.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

Public Comment: Staff has not received any public comment regarding the request.

RECOMMENDATION: Staff recommends forwarding **VAC-2021-000031** with the following conditions:

Conditions of Approval:

1. An easement must be maintained along the former Treat Street for existing Cox facilities.
2. A 30-foot utility easement must be kept along the existing Ozark overhead lines
3. A 20-foot water line easement is to be retained.
4. Any damage or relocation of existing facilities will be at the property owner/developer's expense.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>January 10, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied		
Motion: Belden		on consent agenda			
Second: Sharp					
Vote: 8-0-0					

BUDGET/STAFF IMPACT:

None

Attachments:

- Applicant Request Letter
- Applicant Petition to Vacate
- Site Exhibit – ROW to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map

**Written request and narrative to accompany Treat Street Right-of-Way Vacation
University of Arkansas, City of Fayetteville, Arkansas.**

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

On behalf of the landowners, I am petitioning the Fayetteville City Planning Commission and the Fayetteville City Council to vacate the entirety of the Treat Street Right-of-Way, as described below:

A 30.00 feet wide strip of land located south of Cato Springs Road and north of the Fulbright Expressway, in the NE¼ of Section 29, T-16-N, R-30-W, in the City of Fayetteville, AR, extending approximately 768 feet easterly from the easterly Right-of-Way line of Razorback Rd (Hwy 265).

The University of Arkansas is the only abutting landowner to the said right-of-way sought to be vacated. By granting this vacation request, the current owners would benefit, and no other landowner would be adversely affected.

A Utilities Easement will be retained for existing utilities that will need to remain within the said right-of-way.

The public interest and welfare would not be adversely affected by granting this vacation request.

The vacation of the said Treat Street right-of-way will remove a right-of-way that bisects a group of otherwise contiguous UA parcels. Treat Street begins at Razorback Road, is otherwise wholly surrounded by UA property, and terminates within UA property. The recent purpose of the right-of-way has been for vehicular access to old UA owned rent houses. However, UA plans to demolish the structures as part of the implementation of the Fayetteville Traverse mountain bike trail—a regionally-significant project funded by a private donor. Additionally, a native habitat restoration is underway on a portion of the UA property. Therefore, removing the right-of-way will not impact the public and will allow for the reduction of inadvertent vehicular traffic in proximity to the habitat.

The vacation of the right-of-way described above would benefit the City of Fayetteville by removing this street from required city maintenance, repair, or replacement, thus saving the taxpayers and allowing money allocated for this purpose to be used where needed elsewhere.

Included in the Petition Packet is:

- 1 Application and Payment of applicable fees for processing the application \$205.00.
- 2 Legal description of areas to be vacated
- 3 Exhibit Maps
- 4 This Letter
- 5 Owner's consent
- 6 Authorization Letter
- 7 County Parcel Map Copies
- 8 Petition to Vacate ROW
- 9 Utility Company Comments


Allen Jay Young, Development Consultants, Inc.

**PETITION TO VACATE THE TREAT STREET RIGHT-OF-WAY LOCATED IN THE
NE¼ OF SECTION 29, T-16-N, R-30-W, 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 street rights of way hereinafter sought to be abandoned/vacated, lying in the NE¼ of section 29, T-16-N, R-30-W, in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate the street right-of-way which is described as follows:

A 30.00 feet wide strip of land located south of Cato Springs Road and north of the Fulbright Expressway, in the NE¼ of Section 29, T-16-N, R-30-W, in the City of Fayetteville, AR, extending approximately 768 feet easterly from the easterly Right-of-Way line of Razorback Rd (Hwy 265).

That the abutting real estate affected by said abandonment/vacation/reduction of the street rights of way are various tracts of land owned by the University of Arkansas in the City of Fayetteville, the rights of way are only being abandoned to the extents noted in the description above thus reducing the street rights of way and not eliminating them, that the affected streets will continue to have unaffected vehicular traffic, and that the public interest and welfare would not be adversely affected by the abandonment/vacation/reduction of portions of the above described street rights of way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to a utilities easement for the existing utilities that will need to remain, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

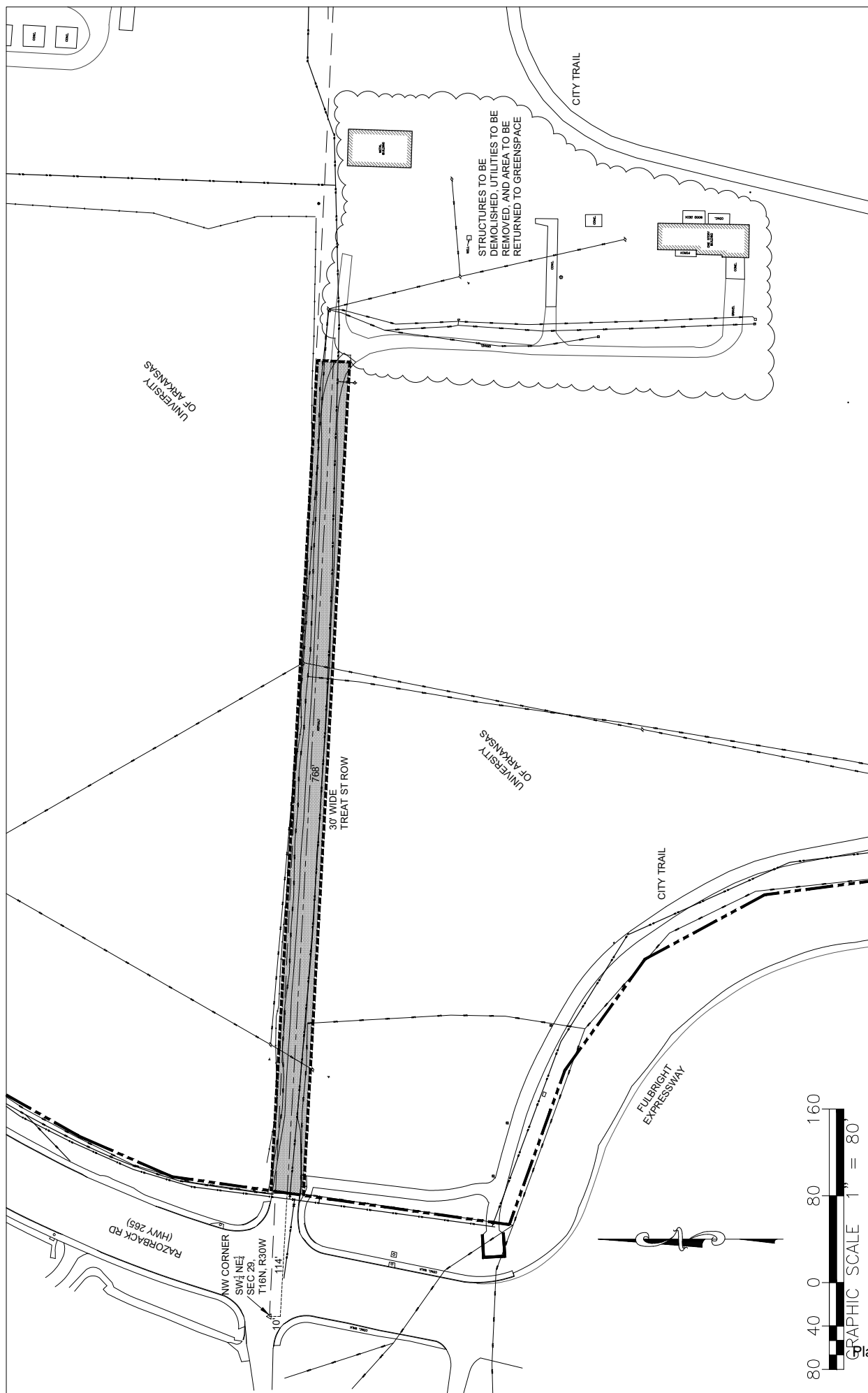
The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject to a utilities easement for the existing utilities that will need to remain, 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 street right of way.

Dated this 1 day of December, 20 21.

Allen Jay Young
Printed Name

[Signature]
Signature



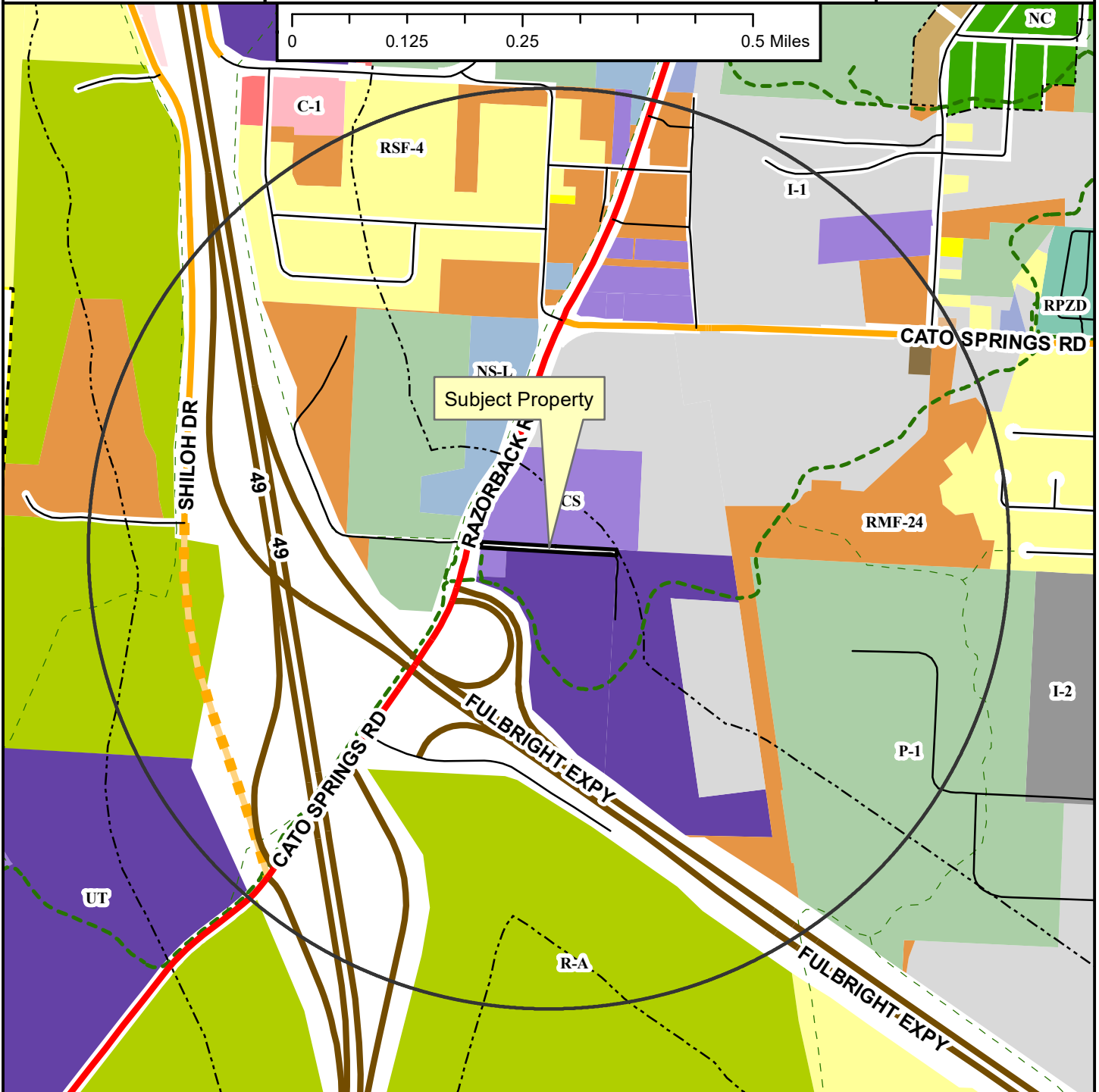
VAC-2021-000031

Treat St. ROW

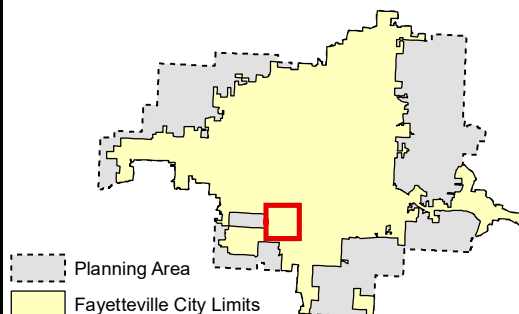
One Mile View



0 0.125 0.25 0.5 Miles

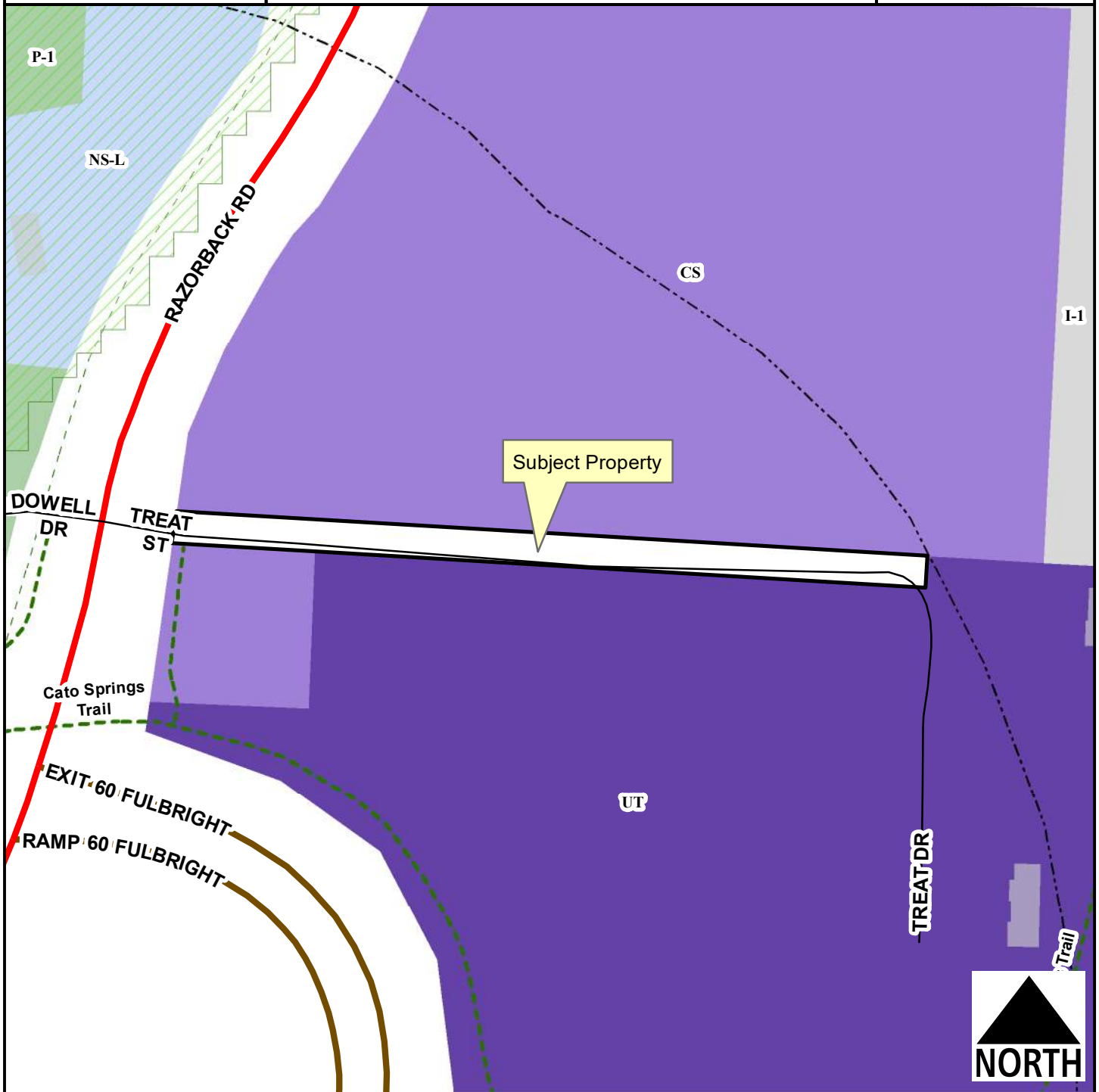


- Regional Link
- Neighborhood Link
- Freeway/Expressway
- - - Planned Neighborhood Link
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

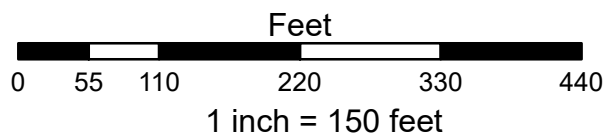


- | | |
|---|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> NS-G RI-U RI-12 NS-L Residential-Agricultural RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial | <ul style="list-style-type: none"> I-2 General Industrial <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> C-1 Residential-Office C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
|---|---|

Planning Commission
January 10, 2022



- Regional Link
- Freeway/Expressway
- ▨ Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Design Overlay District

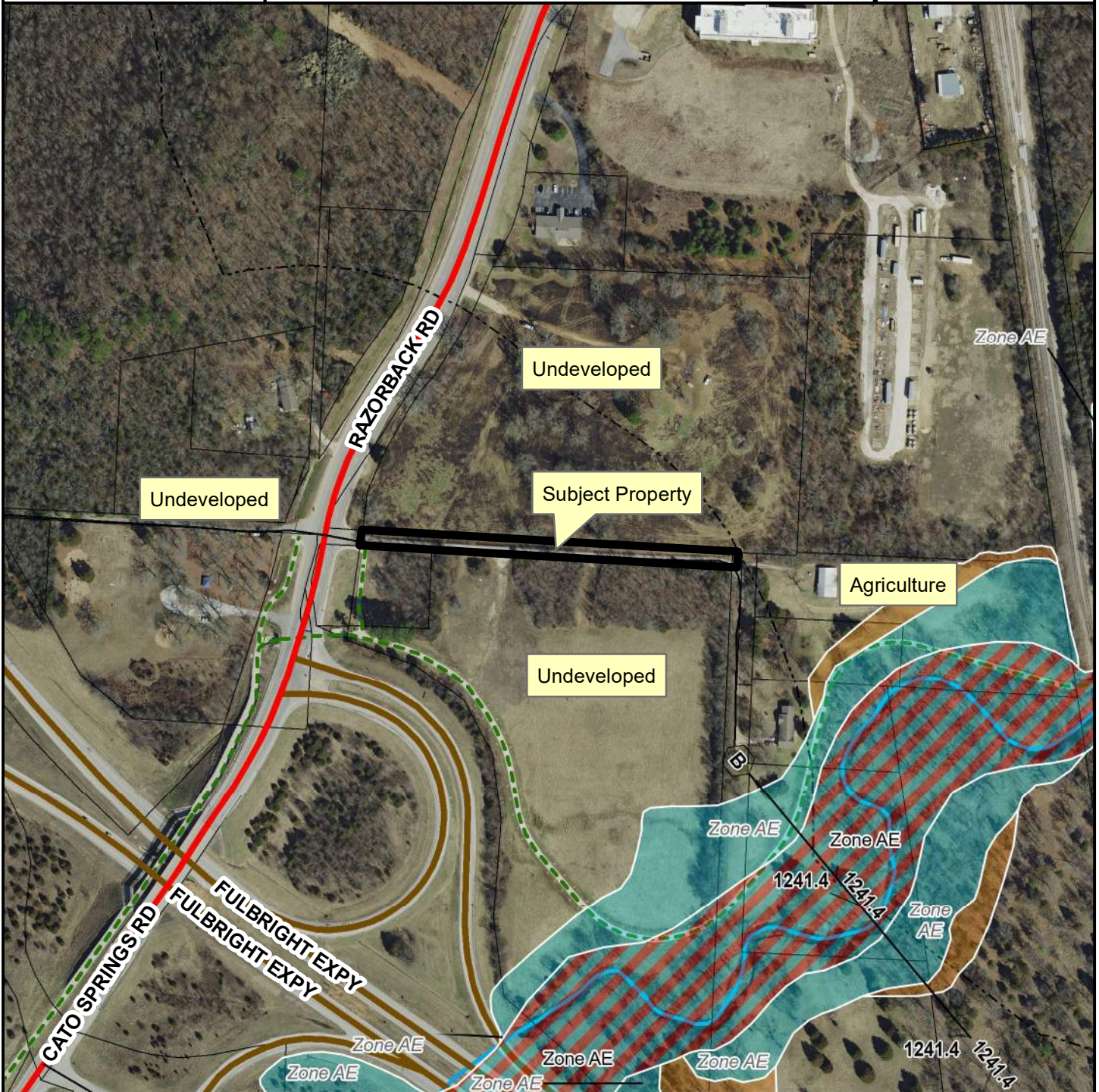


- I-1 Heavy Commercial and Light Industrial
- Urban Thoroughfare
- Community Services
- Neighborhood Services - Ltd.
- P-1

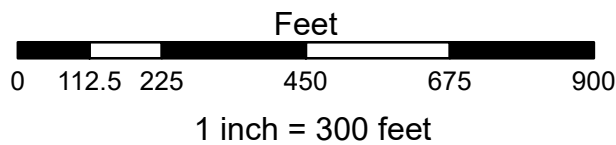
VAC-2021-000031

Treat St. ROW

Current Land Use



- Regional Link
- Freeway/Expressway
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway