

City of Fayetteville Staff Review Form

2022-0470

Legistar File ID

6/7/2022

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

Jonathan Curth

5/20/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2022-0013: Vacation (4180 N. COLLEGE AVE./CHICK-FIL-A, 135): Submitted by BURGER ENGINEERING for properties located at 4180 N. COLLEGE AVE. in WARD 3. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.03 acres. The request is to vacate a 0.02-acre portion of a water and 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 JUNE 7, 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: May 20, 2022

SUBJECT: **VAC-2022-0013: Vacation (4180 N. COLLEGE AVE./CHICK-FIL-A, 135):**
Submitted by BURGER ENGINEERING for properties located at 4180 N. COLLEGE AVE. in WARD 3. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.03 acres. The request is to vacate a 0.02-acre portion of a water and sewer easement.

RECOMMENDATION:

Staff recommends approval of VAC-2022-0013 as shown in the attached Exhibits 'A' and 'B' and with the following condition of approval:

1. Any damage or relocation of existing facilities will be at the applicant's expense.

BACKGROUND:

The subject property is the site of Chick-fil-A in north Fayetteville, on the east side of N. College Avenue and roughly one-tenth of a mile south of the street's intersection with E. Zion Road. The property is zoned C-2, Thoroughfare Commercial and totals approximately 1.03 acres. The site is in the Northwest Village Shopping Center, the location of Barnes and Noble, Petco, and Natural Grocers, among other businesses.

Request: The applicant proposes to vacate a portion of an existing access and utility easement as indicated in the attached exhibits and totaling approximately 0.02 acres.

DISCUSSION:

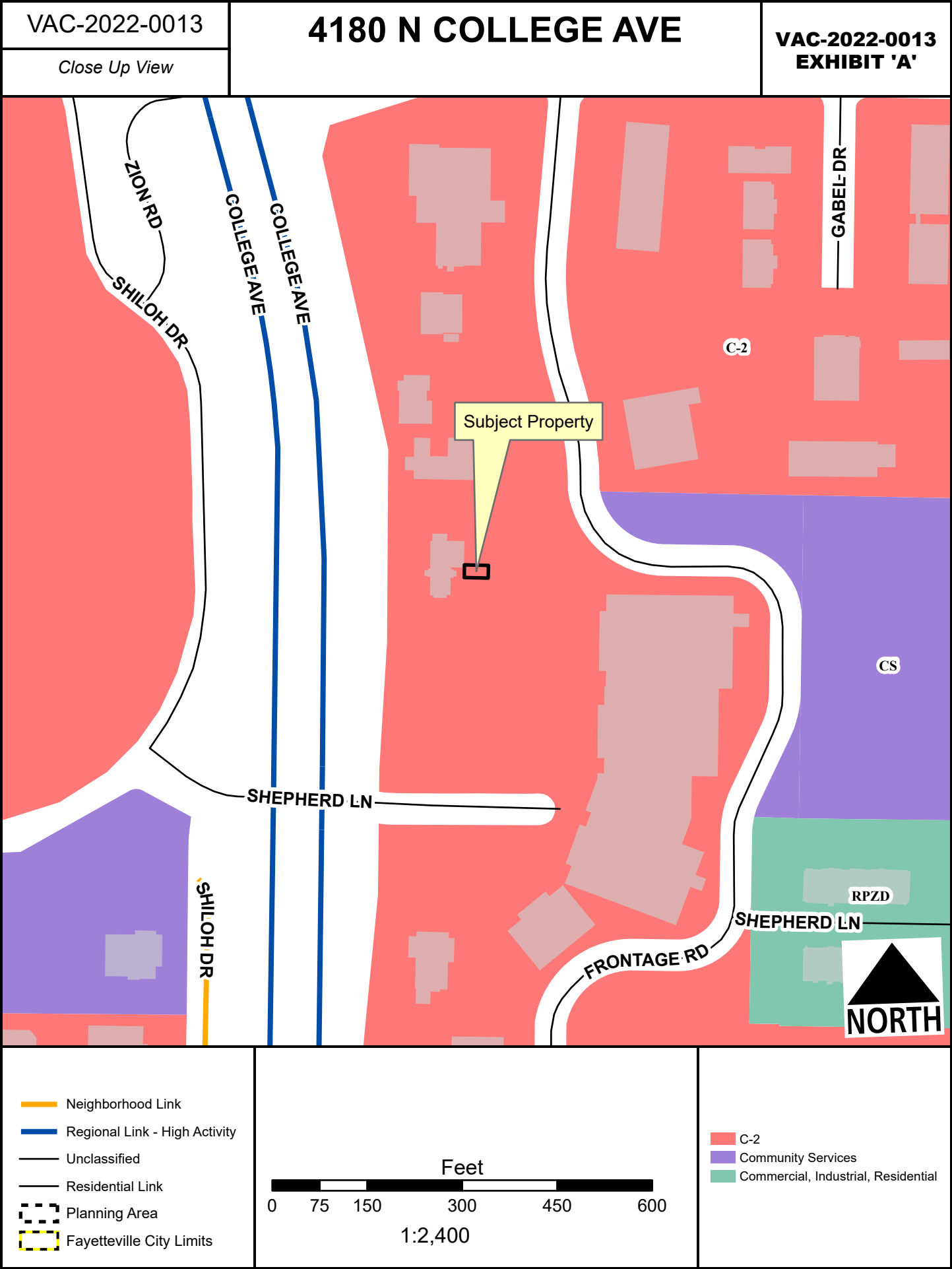
The applicant submitted the required approvals from the public and private utility and service providers with no objections. With submittal of the required vacation forms and utility consent, staff recommends approval.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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



LOT 1 WATER/SEWER EASEMENT TO VACATE

A strip of land being a part of that certain water/sewer easement established in WATER/SEWER EASEMENT recorded as Document No. 96009258 lying in Lot 1 of Northwest Village Addition to the City of Fayetteville, Arkansas, as per plat of said addition recorded in Plat Book 14 at Page 70 in the Office of the Circuit Clerk and the Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows:

COMMENCING at the northeast corner of said Lot 1;

THENCE South 02°46'40" West, along the east line of said Lot 1, a distance of 119.97 feet to a point on the north line of said water/sewer easement;

THENCE North 86°54'32" West, along the north line of said water/sewer easement, a distance of 14.85 feet to the POINT OF BEGINNING;

THENCE South 03°05'28" West a distance of 20.00 feet to a point on the south line of said water/sewer easement;

THENCE North 86°54'32" West, along the south line of said water/sewer easement, a distance of 38.00 feet;

THENCE North 03°05'28" East a distance of 20.00 feet to the north line of said water/sewer easement;

THENCE South 86°54'32" East, along the north line of said water/sewer easement, a distance of 38.00 feet to the POINT OF BEGINNING.

Said described strip of land contains an area of 760 square feet or 0.0174 acres, more or less.

The Arkansas State Plane Coordinate system (NAD-83, North zone) using a bearing of South 02°46'40" West along the east line of the subject property was used as the basis of bearing for this description.

Prepared by: Randall A. Mansfield, Professional Land Surveyor No. 1540

Dodson-Thompson-Mansfield PLLC
20 N.E. 38th Street - OKC, OK 73105
March 25, 2022



DODSON - THOMPSON - MANSFIELD, PLLC

20 NE 38th Street Phone: 405-601-7402 email: randym@dtm-ok.com
Oklahoma City, OK 73105 Fax: 405-601-7421

Surveying - Engineering - Earthwork

CERTIFICATE OF AUTHORIZATION NO: 2470 EXPIRES DECEMBER 31, 2020

B | BURGER ENGINEERING

Civil Consultants

April 25, 2022

City of Fayetteville
City Council
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Chick-fil-A Letter of Intent
4801 North College Avenue
Lot 1 – Northwest Village Addition
Fayetteville, Arkansas 72701
B.E. No. 013-332

Dear City Council,

Chick-fil-A is proposing to demolish their existing restaurant at the above referenced location and redevelop the site with a new drive-through only restaurant. The 20' water/sewer easement abandonment would allow Chick-fil-A to install a meal order canopy at this location. The redeveloped restaurant will provide the following improvements:

- The site will be 1.03 acres or 44,869 S.F.
- A \pm 2,945 S.F. drive-through only restaurant.
- A dual lane drive-through providing 29 stacking spaces compared to 18 stacking spaces currently.
- Meal order and delivery canopies to protect team members from the elements (i.e. rain, wind, sun).
- 36 parking spaces with required access isles.
- Increase in pervious surface area from 9,976 S.F. to 14,076 S.F. therefore reducing runoff and increasing landscape planning areas.

Please contact our office if you have any questions or comments.

Sincerely,



Bryan M. Burger, P.E.

BRYAN M. BURGER, P.E.

17103 Preston Road, Suite 180N | Dallas, Texas 75248 | Office: 972.630.3360 | Fax: 972.630.3380



PETITION TO VACATE A water & sewer EASEMENT LOCATED IN *Lots 1 & 2, Northwest Village Addition*, 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 *Lot 1, Northwest Village Addition*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

Being a portion of a Water/ Sewer Easement recorded in Document Number 96009258 and located within Lot 1, Northwest Village Addition.

That the abutting real estate affected by said abandonment of the water/ sewer easement are *Lot 1, Northwest Village Addition* located in the City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing water and sewer easement as required, 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 water/sewer easement and as to that particular land the owners be free from the easements of the public for the use of said land.

Dated this 22 day of April, 2022.

S. Tammy Pearson

Printed Name

DocuSigned by:



D26B13FA5FEC482...
Signature

Printed Name

Signature

*** Note: This is a sample - each applicant is responsible for submitting a petition which accurately reflects their specific request.**

