

City of Fayetteville Staff Review Form

2022-0459

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-2022-0011: Vacation (1148 & 1156 N. THOREAU LN./HASH, 408): Submitted by MILHOLLAND ENGINEERING for properties located at 1148 & 1156 N. THOREAU LN. in WARD 3. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contain approximately 0.80 acres. The request is to vacate a 0.11-acre portion of a utility 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: Gretchen Harrison, Planner

DATE: May 20, 2022

SUBJECT: **VAC-2022-0011: Vacation (1148 & 1156 N. THOREAU LN./HASH, 408):**
Submitted by MILHOLLAND ENGINEERING for properties located at 1148 & 1156 N. THOREAU LN. in WARD 3. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contain approximately 0.80 acres. The request is to vacate a 0.11-acre portion of a utility easement.

RECOMMENDATION:

Staff recommends approval of VAC-2022-0011 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 in east Fayetteville roughly one-tenth of a mile east of the intersection of Mission Boulevard and Emerson Lane. The property is in the Mission Hills Subdivision and encompasses two undeveloped parcels totaling approximately 0.80 acres.

Request: The applicant proposes to vacate a portion of an existing access and utility easement as indicated in the attached exhibits and totaling approximately 0.11 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:

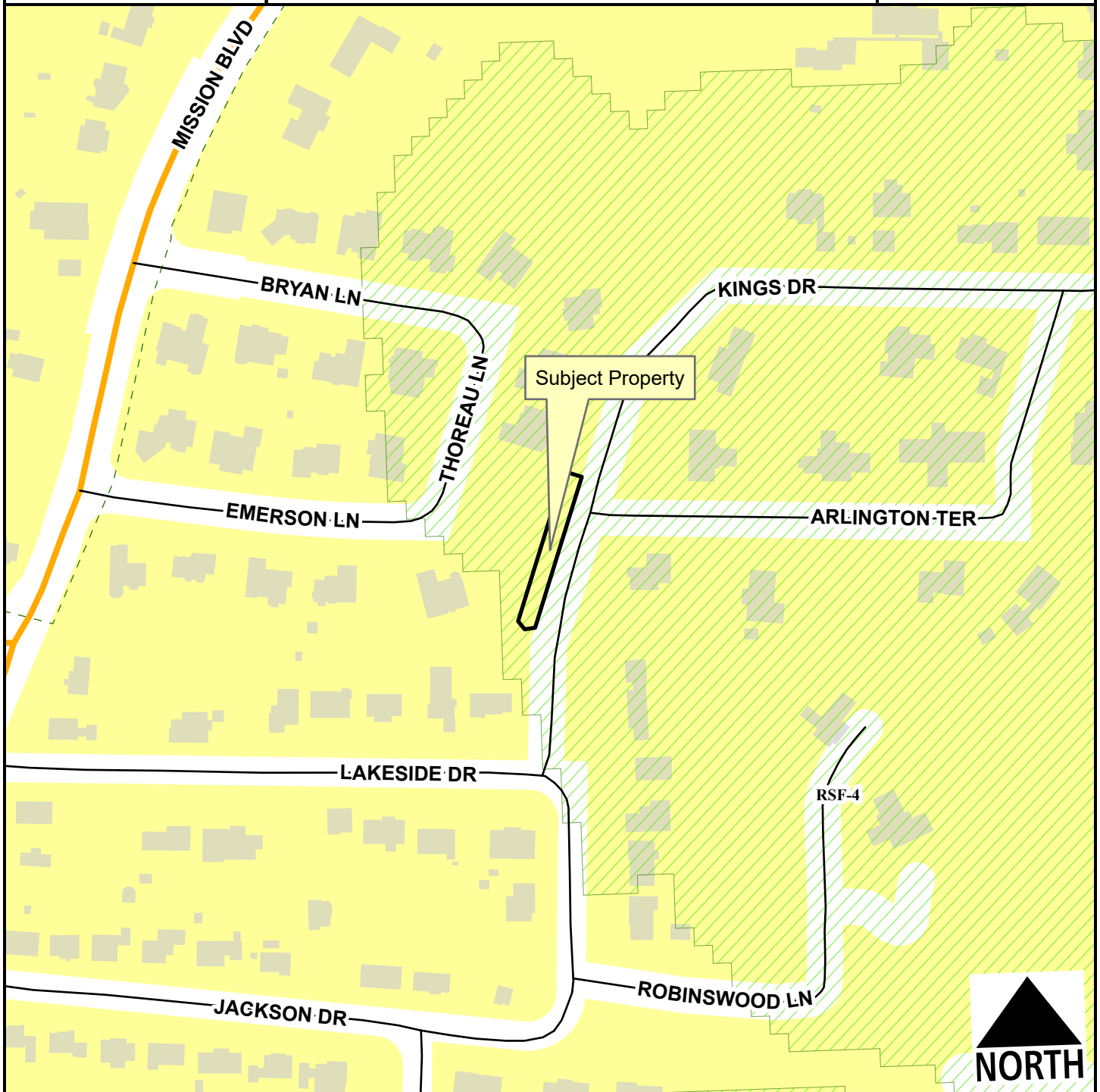
- Exhibit A
- Exhibit B
- Request Letter
- Petition to Vacate
- Survey

VAC-2022-0011

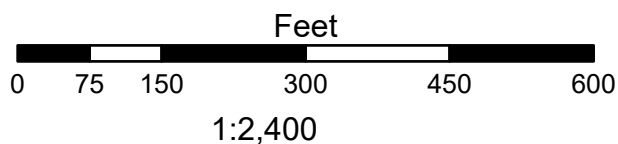
1148 N THOREAU LN

EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



RSF-4

EXHIBIT 'B'
VAC-2022-0011

MISSION HILLS, LOT 6: EASEMENT VACATION DESCRIPTION:

Deed: BOOK 2017 PAGE 22569; Parcel #765-18498-000:

A PART OF LOT 6 OF MISSION HILLS SUBDIVISION AS FILED IN WASHINGTON COUNTY LAND RECORDS PLAT BOOK 12 AT PAGE 90, BEING A PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 10, T-16-N, R-30-W, FAYETTEVILLE, ARKANSAS, DESCRIBED AS BEGINNING AT THE COMMON EAST CORNER OF SAID LOT 6 AND LOT 7, SAID POINT BEING AN IRON PIN; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 6, S 18°43'32"W 131.82 FEET, TO A POINT APPROXIMATELY 10 FEET FROM AN EXISTING GAS MAIN; ON SAID EAST BOUNDARY OF A 25.00 FOOT "BUILDING SET BACK AND UTILITY EASEMENT"; THENCE CROSSING SAID BUILDING SET BACK AND UTILITY EASEMENT PARALLEL TO SAID GAS MAIN AS FOLLOWS S 83°10'43" W 14.68 FEET AND N 38°01'38" W 14.05 FEET TO A POINT ON THE WESTERN BOUNDARY OF SAID 25.00 "BUILDING SET BACK AND UTILITY EASEMENT" TO A POINT APPROXIMATELY 10 FEET FROM AN EXISTING GAS MAIN; THENCE N 18°43'32" E 130.47 FEET ALONG THE WESTERN BOUNDARY OF SAID "BUILDING SET BACK AND UTILITY EASEMENT" TO A POINT ON THE NORTHERN BOUNDARY OF SAID LOT 6; THENCE S 71°12'44" E 25.00 FEET ALONG SAID NORTHERN BOUNDARY OF LOT 6 TO THE POINT-OF-BEGINNING; CONTAINING 3,367.0 S.F. MORE OR LESS.

SUBJECT TO: Surveyor's Closure Ratio: 1:45,147

MISSION HILLS, LOT 7: EASEMENT VACATION DESCRIPTION:

Deed: BOOK 2020 PAGE 34478; Parcel #765-18499-000:

A PART OF LOT 7 OF MISSION HILLS SUBDIVISION AS FILED IN WASHINGTON COUNTY LAND RECORDS PLAT BOOK 12 AT PAGE 90, BEING A PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 10, T-16-N, R-30-W, FAYETTEVILLE, ARKANSAS, DESCRIBED AS BEGINNING AT THE COMMON EAST CORNER OF SAID LOT 6 AND 7, SAID POINT BEING AN IRON PIN; CONTINUING THENCE ALONG THE SOUTHERN BOUNDARY OF SAID LOT 7, N 71°12'44" W 25.00 FEET, TO A POINT ON THE WEST BOUNDARY OF A 25.00 FOOT "BUILDING SET BACK AND UTILITY EASEMENT"; THENCE N 18°43'32" E 85.08 FEET ALONG THE WEST BOUNDARY OF SAID 25.00 FOOT "BUILDING SET BACK AND UTILITY EASEMENT" TO A POINT ON THE COMMON BOUNDARY OF SAID LOT 7 AND LOT 8 OF SAID SUBDIVISION; THENCE ALONG SAID COMMON BOUNDARY S 71°14'51" E 25.00 FEET TO A POINT ON THE EASTERN BOUNDARY OF SAID LOT 7; THENCE S 18°43'32" W 85.09 FEET ALONG SAID EASTERN BOUNDARY OF LOT 7 TO THE POINT-OF-BEGINNING; CONTAINING 2127.2 S.F. MORE OR LESS.

SUBJECT TO: Surveyor's Closure Ratio: 1:44,035

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

REGISTRATIONS:
ARKANSAS: PE & PLS

The Fayetteville City Planning Commission &
The Fayetteville City Council
113 West Mountain Street
Fayetteville, AR 72701

MCO E-947
April 14, 2022

PROJECT: "UTILITY EASEMENT VACATION REQUEST"

PROPERTY:..... "Lot 6 & Lot 7, Mission Hills Subdivision":

ADDRESS:..... "Lot 6 @ 1148 North Thoreau Ln, Lot 7 @ 1156 North Thoreau Ln;":

RECORDATION DATA: "Oct 7, 1993", Plat Book #12 @ Page #90:

LOCATION:..... "Adjacent to West ROW of North Kings Drive":

ZONING:..... "RSF-4"

SUBJECT: "SCOPE", "NATURE" & "INTENT":

SCOPE: The land owners of Record of said Lots desire to utilize the property to construct "SINGLE FAMILY RESIDENTIAL" homes there-on. Said two Lots are the residual lots that are undeveloped within said 23 lot subdivision.

The subdivision lays between Mission Boulevard and North Kings Drive.

Each of the 21 developed lots have nice quality structures, with most structures greater than a single floor.

The square-foot area of existing structures in said subdivision ranges between 2,500 SF to 4,000 SF.

The present Lot Owners are requesting this "Easement Vacation" to construct new Single Family

Residential structures *compatible to the existing residential homes*.

NATURE: The proposed development sites lay on a western sloped hill side, facing the potential sunsets, and the bordering Collector (Neighborhood Link) Street of "Mission Boulevard" "connecting Traffic" from the eastern side of Fayetteville with the Western and Southern Areas. The Terrain of the Subdivision has a slope from the "East to the West" for a nice single family neighborhood, with dual access onto said Mission Boulevard.

Said eastern boundaries of said two lots are adjacent to Kings Drive ROW, and lays on a fairly steep slope from Kings Drive Westerly across two 25' platted easements which have not been used for public utilities since the surrounding subdivisions in this area have been developed.

In this area of 'said 25' easement vacation request', there are some fairly large trees, and other hill side canopies, making the requested vacated easement locations 'desirable' for preservation of the natural beauty in the area.

INTENT: The purpose of the Request to Vacate the 25' Utility Easement adjacent to the easterly Boundary of said Lots 6 & 7, and abutting the Western ROW of Kings Drive, are as follows;

- [1] The areas are located within the "HILLSIDE OVERLAY DISTRICT" as defined by the City of Fayetteville Regulations.
- [2] The Utility Easement areas have not been used by any of the public utilities since said "MISSION HILLS SUBDIVISION" Development;
- [3] The bulk of the area requested to be vacated is within the "Canopy" area of some various size trees and other small Hillside Growth that will support and help stabilize top soil with grass growth during storm water run offs;
- [4] The surveyed areas of said easements requested to vacated, are too steep for construct of homes or utilities;
- [5] The objective is to "Preserve" the integrity of the "Natural Hillside Tree Canopy" beauty of the neighborhood along the western ROW of Kings Lane.
- [6] The City's Urban Forester , John Scott, was consulted as to his opinion relative to the City of Fayetteville's best interest regarding this UE Vacation, and he supports the request.

Respectfully Submitted!

Melvin Miltholland, P.E., P.L.S.

205 West Center Street; Fayetteville, Arkansas 72701-5905; Phone: (479) 443-4724; Fax: (479) 443-4707; Mel Mobile: (479) 601-5087

Web: www.MCOengr.com; E-mail: Office: MCOengr@swbell.net; Melvin: Melvin.Miltholland@swbell.net; Samuel: SHampton@swbell.net;

PETITION - TO- VACATE UTILITY EASEMENT

PETITION TO VACATE a 25' Utility Easement **LOCATED IN** Lots 6 & 7, of the MISSION HILLS Subdivision, **CITY OF FAYETTEVILLE, ARKANSAS;**

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

We, the undersigned, being all (TWO) owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 6 & 7 of Mission Hills Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a 25' Utility Easement platted within said subdivision on said Lots 6 & 7, which is described as follows:

SEE ATTACHED DESCRIPTIONS: Proposed Vacate of Easement Description on each said Lot 6 & 7, is depicted on attached Survey Plat.

That the abutting real estate affected by said abandonment of the 25' Utility Easements are Lots 6 & 7 of Mission Hills Subdivision, City of Fayetteville **"NEVER"** used by the public for a period of many years since platting of said subdivision, 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, since ALL Public Utility and Governmental "Entities" have reviewed said Petition and acknowledged that each entity has **"no objection"** to this requested VACATION & ABANDONMENT. The petitioners further pray that the above described "Vacated Easement" real estate title, **remain vested** within Lot 6 & 7 Boundaries, as depict on the Recorded Subdivision.

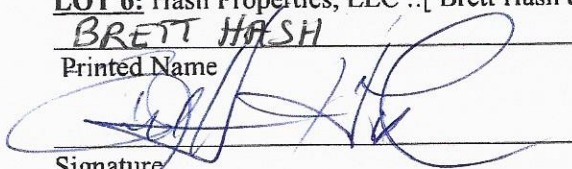
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, **abandon and vacate** the above described real estate, **ARE NOT subject to ANY PUBLIC utility easements**, and that title to said real estate sought to be **abandoned and vacated**, remain vested in the abutting property owners of said Lots 6 & 7 of Mission Hills Subdivision, 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 easement.

Dated this 19 day of APRIL, 2022

LOT 6: Hash Properties, LLC ::[Brett Hash & Melissa Hash]

BRETT HASH

Printed Name


Signature

LOT 7: Brian Hash & Marsha Hash , a married couple.

BRIAN HASH

Printed Name


Signature

PARTIAL VIEW		ARROWS	
DATE: 03-23-2022		SCALE: 1"=40'	
REVISIONS:		DRAWING NO. 408	
DATE: 03-23-2022 DRAWN BY: J. HUGHES PROJECT: STAGE 408 EMAIL: jhughes@stg.com		PLAT BOOK NO. DRAWN BY: DGC CHECKED BY: J. HUGHES DRAWING NO. E-947	
C:\G:\P\01 & 12\17\29 AREA LOT 6 & 29.4A 1SR C:\G\01 & 12\17\29 AREA LOT 6 & 29.4A 1SR		E-947 E-947 E-947 E-947	
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