

City of Fayetteville Staff Review Form

2022-0387

Legistar File ID

7/5/2022

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

Jonathan Curth

6/17/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC-2022-0007: Vacation (2978 N. OLD MISSOURI RD./OLD MISSOURI LAND DEVELOPMENT LLC, 253): Submitted by JORGENSEN & ASSOC. for property located at 2978 N. OLD MISSOURI RD. The property is zoned NS-G, NEIGHBORHOOD SERVICES-GENERAL and contains approx. 16.48 acres. The request is to vacate a 0.38-acre portion of a utility easement abutting N Old Missouri Rd.

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 JULY 5, 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: June 17, 2022

SUBJECT: **VAC-2022-0007: Vacation (2978 N. OLD MISSOURI RD./OLD MISSOURI LAND DEVELOPMENT LLC, 253):** Submitted by JORGENSEN & ASSOC. for property located at 2978 N. OLD MISSOURI RD. The property is zoned NS-G, NEIGHBORHOOD SERVICES-GENERAL and contains approx. 16.48 acres. The request is to vacate a 0.38-acre portion of a utility easement abutting N Old Missouri Rd.

RECOMMENDATION:

Staff recommends approval of VAC-2022-0007 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 located in north Fayetteville, roughly ¼ mile north of the intersection of N. Old Wire Road and N. Old Missouri Road. It is immediately north of the Keenan Towerhouse. The property totals approximately 16.48 acres and split-zoned NC, Neighborhood Conservation and NS-G, Neighborhood Services-General. The site is the location of a couple recent development applications. At the Planning Commission meeting on April 11, 2021 a conditional use permit (CUP-2022-0004) was approved to allow multi-family on the portion of the property zoned NS-G, Neighborhood Services-General. A large scale development (LSD-2022-0012) is currently under review for a development composed of a mixed-use structure, townhomes, and 10 single-family residential lots. The site is almost entirely undeveloped and covered with tree canopy. An approximately 9.5% grade is present across the property sloping from the southeast corner, down towards the northwest where the property abuts Butterfield Trail Elementary.

Request: The applicant proposes to vacate a 0.18-acre utility easement as indicated in the attached exhibits.

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. In their request letter the applicant states the intent of the request is to allow a proposed building to fall within the build-to zone. The applicant adds that additional easements behind the proposed structures are proposed to accommodate future utilities. With submittal of the required vacation and consent forms, staff recommends approval.

BUDGET/STAFF IMPACT:

N/A

Attachments:

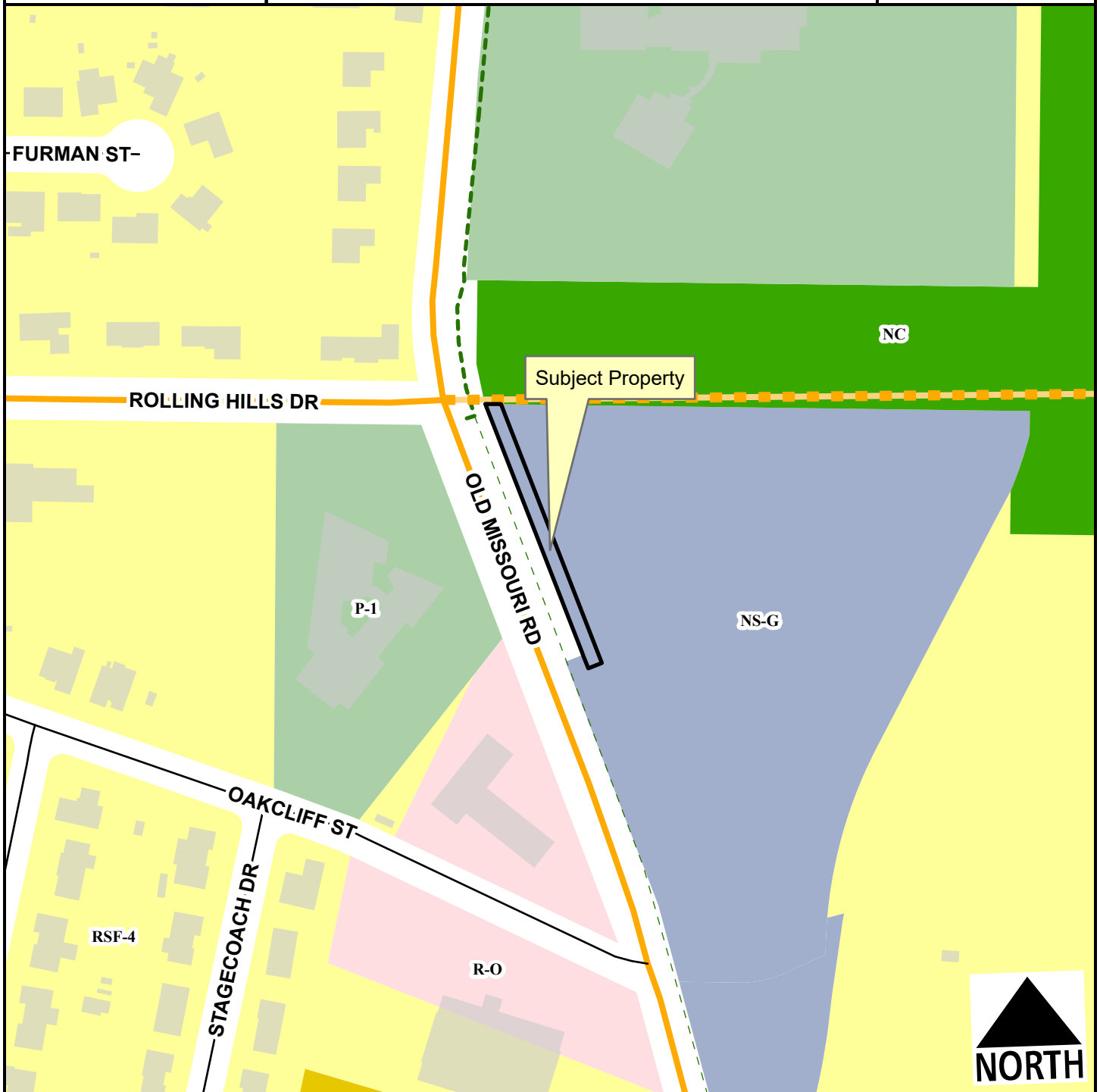
- Exhibit A
- Exhibit B
- Request Letter
- Petition to Vacate
- Survey

VAC-2022-0007

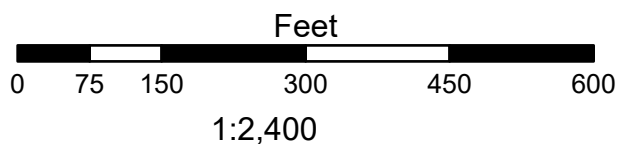
Close Up View

VAC request for Old Missouri Land Development LLC

VAC-2022-0007
EXHIBIT 'A'



- Neighborhood Link
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



- RSF-4
- RI-12
- Residential-Office
- Neighborhood Services - Gen.
- Neighborhood Conservation
- P-1



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

VAC-2022-0007
EXHIBIT 'B'

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

TWENTY-FOOT-WIDE UTILITY EASEMENT TO BE VACATED:

A TWENTY-FOOT-WIDE UTILITY EASEMENT BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING N87°09'07"W 1026.45 FEET; N87°11'51"W 770.82 FEET; S02°47'04"W 115.12 FEET; S09°45'53"E 52.11 FEET AND S19°07'21"E 4.42 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE EASTERN RIGHT OF WAY OF OLD MISSOURI ROAD, AND RUNNING THENCE S87°14'50"E 21.55 FEET; THENCE S19°07'21"E 381.97 FEET; THENCE S70°52'39"W 20.00 FEET; THENCE N19°07'20"W 20.00 FEET TO THE EASTERN RIGHT OF WAY OF OLD MISSOURI ROAD, AND RUNNING ALONG SAID RIGHT OF WAY N19°07'21"W 370.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.38 ACRES OR 7,719 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

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

The purpose and intent of this Utility Easement vacation is to vacate an unnecessary easement along Old Missouri to allow a proposed building to fall within the Build-to-zone. Additional easements behind these structures are being proposed to accommodate all future utilities.

The owners and developers of Parcels #765-16065-017 & #765-16065-018 are as follows: Old Missouri Land Development, LLC.

Thanks for your consideration.

Sincerely;



Blake Jorgensen, PE



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PETITION TO VACATE GENERAL UTILITY EASEMENT LOCATED ON PARCEL #765-16065-018, 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 on parcel #765-16065-018, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

TWENTY-FOOT-WIDE UTILITY EASEMENT TO BE VACATED:

A TWENTY-FOOT-WIDE UTILITY EASEMENT BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING N87°09'07"W 1026.45 FEET; N87°11'51"W 770.82 FEET; S02°47'04"W 115.12 FEET; S09°45'53"E 52.11 FEET AND S19°07'21"E 4.42 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE EASTERN RIGHT OF WAY OF OLD MISSOURI ROAD, AND RUNNING THENCE S87°14'50"E 21.55 FEET; THENCE S19°07'21"E 381.97 FEET; THENCE S70°52'39"W 20.00 FEET; THENCE N19°07'20"W 20.00 FEET TO THE EASTERN RIGHT OF WAY OF OLD MISSOURI ROAD, AND RUNNING ALONG SAID RIGHT OF WAY N19°07'21"W 370.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.18 ACRES OR 7,719 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

That the abutting real estate affected by said abandonment of the easement is only on parcel #765-160065-018, City of Fayetteville and currently being used, 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 utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved 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 said utility and sewer easements, 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 alley.

Dated this 26 day of May, 2022.

Clay Morton

Printed Name


Signature

