



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2023-1285

VAC-2023-0013: Vacation (3034 W. MICA ST./BLAGG AND BRIGGS, 401): Submitted by ALAN REID AND ASSOCIATES for property located at 3034 W. MICA ST. in WARD 4. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to vacate a portion of two general utility easements totaling 153-square feet.

AN ORDINANCE TO APPROVE VAC 23-13 FOR PROPERTY LOCATED AT 3034 WEST MICA STREET IN WARD 4 TO VACATE A 153-SQUARE FOOT PORTION OF UTILITY EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of utility easement is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of utility easement as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following conditions:

1. Any damage to or relocation of any existing facilities will be at the property owner/developer's expense; and
2. Approval of this vacation request does not guarantee approval of any associated building permits.



MEETING OF DECEMBER 5, 2023

TO: Mayor Jordan and City Council

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

FROM: Donna Wonsower, Planner

DATE:

SUBJECT: **VAC-2023-0013: Vacation (3034 W. MICA ST./BLAGG AND BRIGGS, 401): Submitted by ALAN REID AND ASSOCIATES for property located at 3034 W. MICA ST. in WARD 4. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to vacate a portion of two general utility easements totaling 153-square feet.**

RECOMMENDATION:

Staff recommends approval of **VAC-2023-0013** as shown in the attached Exhibits 'A' and 'B' and with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. AT&T has facilities within the remaining easement and shall require the remaining easement to be retained.
3. Approval of this vacation request does not guarantee approval of any associated building permits.

BACKGROUND:

The subject property is located in west Fayetteville approximately 1/3-mile northwest of the intersection of W. Wedington Dr. and I-49 Interstate, and at the east end of Mica St. The property is zoned RMF-24, Residential Multi-Family, Twenty-Four Units per Acre. The final plat of Woodbury Place, recorded in 2012, dedicated a 20-foot general utility easement along the eastern property line of the subject property. An additional 25-foot general utility easement overlaps the area, which was dedicated via a separate document. A two-family dwelling was constructed on this property in 1994.

Of note, there appears to be a potential conflict with the proposed patio and deck with the required 20-foot rear setback. Compliance with setbacks will be confirmed with the building permit and approval of a vacation does not guarantee approval of the associated building permit.

Request: The applicant proposes to vacate a portion of both the 20-foot and 25-foot existing general utility easements as indicated in the attached exhibits totaling approximately 152.7 square feet. These easements are required to be vacated in order to continue with an associated building permit for a deck and patio.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

DISCUSSION:

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

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Applicant Request Letter (#6), Petition to Vacate (#7), Survey (#8)

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Fayetteville, AR 72701

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Alan Reid
& ASSOCIATES

PROFESSIONAL
LAND
SURVEYORS
BOUNDARY
TOPO
GPS

October 24th, 2023

City of Fayetteville
Planning & Engineering
125 W. Mountain Street
Fayetteville, Arkansas

Re: Easement Vacation Request – VAC-2023-0013
Amended Request 10.24.2023 as per City of Fayetteville Planner Instruction
3034 & 3036 W. Mica Street, Fayetteville, AR 72704
Parcel # 765-18586-000 / ARA job 23201 / Lot 4, Woodbury Place

Dear City of Fayetteville Planners/ City Council:

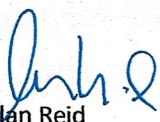
On behalf of my client, James Bradley Blagg, I am submitting for your review a proposed utility easement (u.e.) vacation for property located at address: 3034 & 3036 W. Mica Street, Fayetteville, AR.

Please see the attached drafted survey drawing (ARA job #23201, revision date 10/24/2023) and corresponding survey descriptions which articulates the area which the u.e. vacation is requested for.

Initially, the utility easement vacation request was only for vacation of a portion of a 20' u.e. shown on the final plat of Woodbury Place (file no. 12-99), approved by the City in 1992. Since the time of initial u.e. vacation request submittal (10.02.2023), City of Fayetteville Planning staff and Fayetteville GIS has informed our office that a *previous* 25' utility easement recorded at Book 1157, Page 975 (not shown on the final plat of Woodbury Place), also needs to be shown and included in the u.e. vacation request. Note, this 25' u.e. overlaps the 20' u.e. shown on the final plat of Woodbury Place (file #12-99). Both easements are now shown on the drafted survey. This revised letter of request and revised survey aims to provide updated information requested. All utility providers have been contacted and have no objection to the vacation of the encroachments shown on the survey with either of the above stated easements.

Please contact our office with any questions regarding the project.
479.444.8784

Best regards,



Alan Reid

Professional Land Surveyor

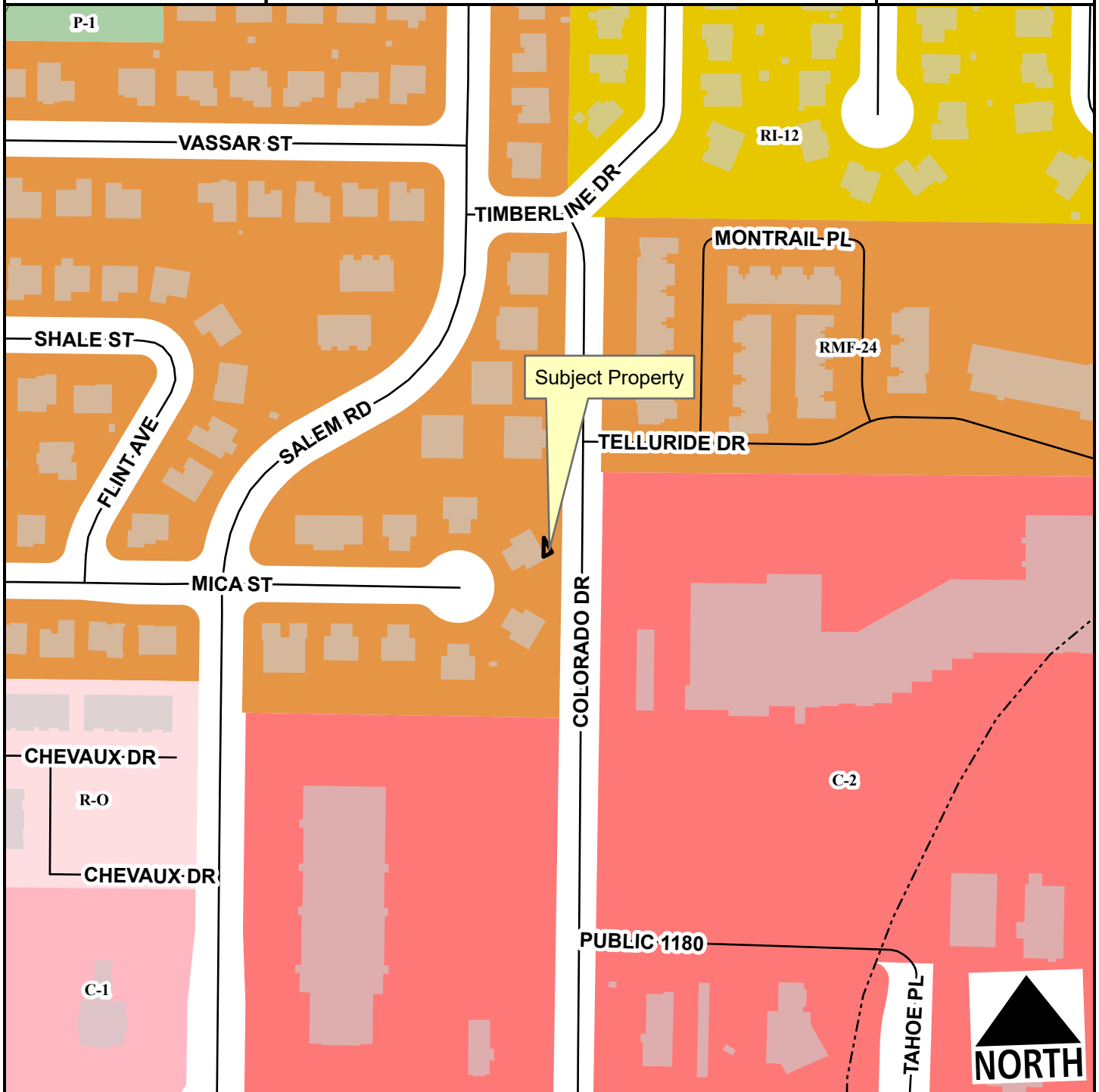
Alan Reid & Associates

VAC-2023-0013

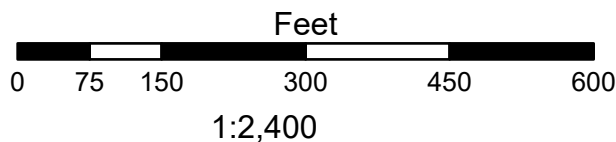
3034 W. MICA ST

EXHIBIT 'A'

Close Up View



- Unclassified
- Residential Link
- - - Planning Area
- ▭ Fayetteville City Limits
- - - Trail (Proposed)
- - - Design Overlay District



- ▭ RI-12
- ▭ RMF-24
- ▭ Residential-Office
- ▭ C-1
- ▭ C-2
- ▭ P-1