



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1781

VAC-2023-0014: Vacation (490 W. WILLOUGHBY RD/TERMINELLA, 718): Submitted by FRANK TERMINELLA for property located at 490 W. WILLOUGHBY RD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.14 acres. The request is to vacate 0.08 acres of a general utility easement.

AN ORDINANCE TO APPROVE VAC-2023-14 FOR PROPERTY LOCATED AT 490 WEST WILLOUGHBY ROAD IN WARD 1 TO VACATE A 0.08 ACRE PORTION OF GENERAL 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 general 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. Any private utilities within the vacated easement are not the responsibility of the City of Fayetteville.



MEETING OF MARCH 19, 2024

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

SUBJECT: **VAC-2023-0014: Vacation (490 W. WILLOUGHBY RD/TERMINELLA, 718): Submitted by FRANK TERMINELLA for property located at 490 W. WILLOUGHBY RD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.14 acres. The request is to vacate 0.08 acres of a general utility easement.**

RECOMMENDATION:

Staff recommends approval of **VAC-2023-0014** as shown in the attached Exhibits 'A' and 'B', and with the following conditions of approval:

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

BACKGROUND:

The subject property is located in south Fayetteville on W. Willoughby Rd., approximately ½ mile north of Drake Field. The property contains approximately 1.14 acres and is currently zoned RSF-4, Residential Single-Family, Four Units per Acre. The property has already been developed with a 2,470 square foot single-family residence and a 925 square foot garage. Conditional use approval was granted for the subject property to allow an accessory structure to be erected exceeding 50% the size of the principal structure in October 2023. During the conditional use permit review, staff discovered a roughly 625 square foot carport that appears to have been added to the west side of the existing home between 2021-2022 based on aerial imagery; however, a building permit was not received for this work prior to construction and it encroaches into a general utility easement. A building permit was submitted in late 2023 to bring the carport into compliance.

Request: The applicant proposes to vacate a roughly 15' x 240' portion of an existing general utility easement generally aligning with the western parcel boundary. These easements are required to be vacated in order to bring the existing garage and carport expansion constructed within these easements into compliance.

DISCUSSION:

The applicant submitted the required approvals with no franchise utility objections, though with added conditions from franchise utility providers as listed above. With submittal of the required vacation forms and utility consent, staff recommends approval.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

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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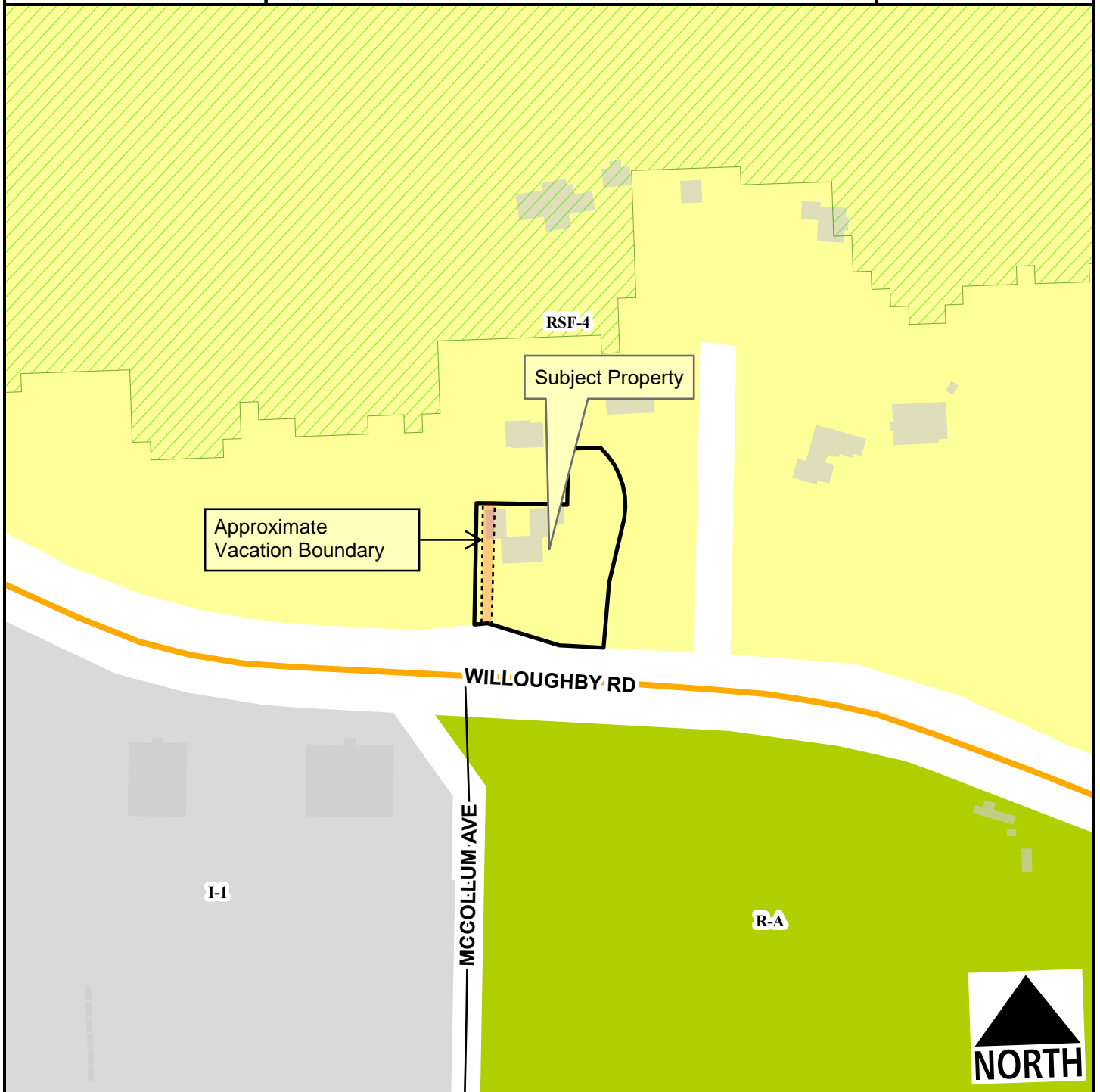
www.fayetteville-ar.gov

VAC-2023-0014

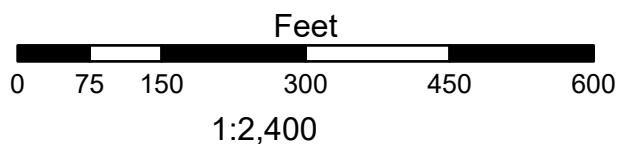
490 W WILLOUGHBY RD




VAC-2023-0014
EXHIBIT 'A'

Close Up View



-  Neighborhood Link
-  Unclassified
-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits



-  Residential-Agricultural
-  RSF-4
-  I-1 Heavy Commercial and Light Industrial