



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-215

VAC-2024-0004: Vacation (4861 N. MAPLE GROVE DR./MONTGOMERY, 061): Submitted by BRUCE MONTGOMERY. for property located at 4861 N. MAPLE GROVE DR. in WARD 3. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to vacate 0.01 acres of a general utility easement.

AN ORDINANCE TO APPROVE VAC-24-04 FOR PROPERTY LOCATED AT 4861 NORTH MAPLE GROVE DRIVE IN WARD 3 TO VACATE A 312 SQUARE FOOT 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 general 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 condition that any damage to or relocation of any existing facilities will be at the applicant's expense.



MEETING OF JULY 2, 2024

TO: Mayor Jordan and City Council

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

FROM: Donna Wonsower, Planner

SUBJECT: **VAC-2024-0004: Vacation (4861 N. MAPLE GROVE DR./MONTGOMERY, 061): Submitted by BRUCE MONTGOMERY. for property located at 4861 N. MAPLE GROVE DR. in WARD 3. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to vacate 0.01 acres of a general utility easement.**

RECOMMENDATION:

Staff recommends approval of **VAC-2024-0004** 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 0.30-acre subject property is in north Fayetteville at the southwest corner of the N. Maple Grove Dr. and E. Blue Stone Dr. intersection. A 2,884 square foot single family dwelling was constructed in 2010 per the Washington County Assessor. No overlay districts or natural features apply to the subject property.

Request: The applicant proposes to vacate a 4'x77.88' portion of an existing general utility easement parallel to the western property line for the construction of an in-ground pool. The vacation totals approximately 312 square feet or 0.01 acres. An existing gas main is located in the 6-foot portion of the easement adjacent to the western property line and is designated to remain; Black Hills had no comments nor objections to the proposed vacation.

DISCUSSION:

The applicant submitted the required approvals with no 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.

BUDGET/STAFF IMPACT:

NA

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

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

To: City of Fayetteville, Arkansas

Resident: Bruce Montgomery

Address: 4861 Maple Grove Dr. Fayetteville, AR 72764

Plot: Copper Creek Subdivision – Lot #112

Subject: General Utility Partial Easement VACATION

My request for a partial utility easement vacation to accommodate the installation of an in-ground swimming pool in our backyard. This request is asking for a vacation of only four (4) feet of the established ten (10) feet of the current easement.

The installed swimming pool will be 18'X32' rectangle shaped pool. The pool water edge will be he required six (6) feet from the rear of our house, extending 18' wide. The rectangle shape is selected due to the short width of our backyard and without the approved four feet vacation the easement of would leave our pool at a narrow 14 feet wide that we feel would be too narrow.

After the utilities have done their survey, we have discovered that only AT&T has a wire in place, and we have made the request that this be moved, which will cost \$1500.00. The existing Gas line from the extends to our house will need to be moved by our pool contactor (Countryside Pools) who has already taken this cost into consideration. No other utilities are in our easement. (See attached letters from utilities)

It is our hope that our request to vacate 4' of our easement be approved.

Respectfully Submitted

Bruce Montgomery

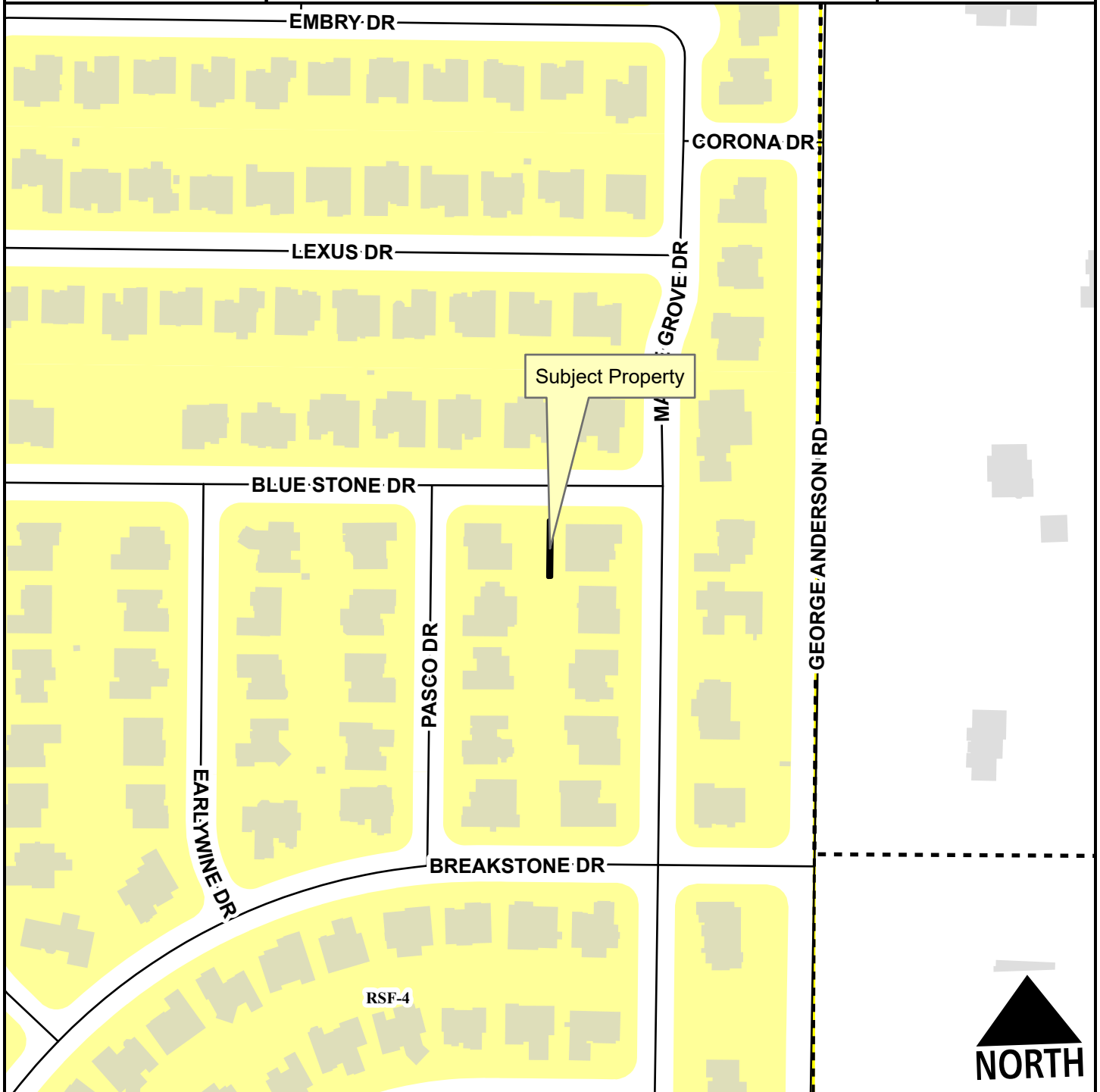
Resident Owner: 4861 Maple Grove Dr. Fayetteville, AR 72764

VAC-2024-0004

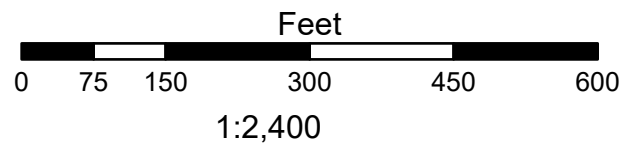
4861 N. MAPLE GROVE DR

VAC-2024-0004
Exhibit 'A'

Close Up View



- Unclassified
- Residential Link
- - - Planning Area
- ▭ Fayetteville City Limits



▭ RSF-4