



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-210

VAC-2024-0011: Vacation (EAST OF 1074 E. SAIN ST/TRAILS ON THE CREEK, 174): Submitted by BLEW AND ASSOCIATES for property located EAST OF 1074 E. SAIN STREET in WARD 3. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.60 acres. The request is to vacate 0.66 acres of utility easement.

AN ORDINANCE TO APPROVE VAC-24-11 FOR PROPERTY LOCATED EAST OF 1074 EAST SAIN STREET IN WARD 3 TO VACATE A 0.66 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 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 following conditions:

1. Any damage to or relocation of any existing facilities will be at the owner/developer's expense.
2. Any conflicting water or sewer lines must be relocated and accepted by the City of Fayetteville.



MEETING OF JULY 2, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **VAC-2024-0011: Vacation (EAST OF 1074 E. SAIN ST/TRAILS ON THE CREEK, 174): Submitted by BLEW AND ASSOCIATES for property located EAST OF 1074 E. SAIN STREET in WARD 3. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.60 acres. The request is to vacate 0.66 acres of utility easement.**

RECOMMENDATION:

Staff recommends approval of **VAC-2024-0011** 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. Any and all conflicting water or sewer lines must be relocated and accepted by the City of Fayetteville.

BACKGROUND:

The subject property is in north Fayetteville, south of Mud Creek, and west of Butterfield Trail Village. The eastern and southern portions of the main site are characterized by steep slopes down to Mud Creek and its floodplain to the north, and up to Brookhaven Estates and Christian Life Cathedral to the south. The property received its current RPZD, Residential Planned Zoning District zoning designation on November 5, 2020 with the passage of Ordinance 6377. An associated large-scale development for multi-family housing was approved by the Planning Commission on November 28, 2022 and is currently under permit review. Previous easement and right-of-way vacation requests were heard and approved by City Council on February 21, 2023 (Ordinance 6645 and 6646, respectively). An additional drainage easement was vacated by City Council on May 21, 2024 (Ordinance 6752).

Request: The applicant proposes to vacate a utility easement on the property that was dedicated in 1989. The easement is in three apparent segments, totaling 0.66 acres. Vacating these easements is necessary to continue moving forward with the aforementioned multi-family large-scale development.

DISCUSSION:

City of Fayetteville staff recommend in favor of the requested easement vacation. The applicant submitted all the necessary approvals without objections, but with the conditions as outlined above. Any new easements necessary for the construction of the proposed multi-family development will be dedicated through an associated easement plat, which is currently under review.

BUDGET/STAFF IMPACT:

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

N/A

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

BLEW

Surveying | Engineering
Environmental

May 14, 2024

City of Fayetteville City Council
125 W. Mountain Street
Fayetteville, AR 72701

SUBJECT: Utility Easement Vacation for Trails on the Creek

Dear Council Members:

We are requesting to vacate the Utility Easement just north and south of the right-of-way of Sain Street. This utility easement followed the previous obsolete right-of-way and is no longer needed. The property is under development. A new utility easement has been dedicated by Easement Plat. Please see the attached exhibit.

Sincerely,



Cody Sexton
Blew & Associates, PA



479-443-4506



blewinc.com



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